

**TO EACH MEMBER OF THE  
PLANNING COMMITTEE**

10 June 2019

Dear Councillor

**PLANNING COMMITTEE- TUESDAY 18 JUNE 2019**

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 - 247</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

**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 18 June 2019

	<b>(NORTH)</b>	<b>(SOUTH)</b>
General Development Applications Applications for Permission/Consent	(1 - 94)	(95 - 153)

**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 Technical Planning Manager stated recommendations.
2. Background papers referred to in compiling this report are the Standard Conditions Booklet, the planning application documents, any third party representations and any responses from the consultees listed under each application number. The Schedule of third party representations received after the Report was printed, and any reported orally at the Meeting, will also constitute background papers and be open for inspection.

**CONTAINING PAGE NOS. (1 to 153)**

### **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) 18th June 2019

Parish and Reference	Address	Recommendation	Item/page number
Ashleworth 19/00244/FUL <a href="#">Click Here To View</a>	Casablen The Green Ashleworth Gloucester	Permit	7/67
Badgeworth 19/00444/FUL <a href="#">Click Here To View</a>	Wenallt Badgeworth Lane Badgeworth Cheltenham	Refuse	9/95
Bishops Cleeve 18/00882/FUL <a href="#">Click Here To View</a>	2 Berwick Road Bishops Cleeve Cheltenham Gloucestershire	Permit	10/99
Bishops Cleeve 18/01094/APP <a href="#">Click Here To View</a>	Land At Hayfield Way Bishops Cleeve Cheltenham GL52 8LR	Approve	14/114
Bishops Cleeve 19/00281/FUL <a href="#">Click Here To View</a>	7 Kingswood Close Bishops Cleeve Cheltenham Gloucestershire	Permit	13/111
Innsworth 18/01284/APP <a href="#">Click Here To View</a>	Land North Of Innsworth Lane Innsworth	Delegated Approve	16/124
Innsworth 18/01285/APP <a href="#">Click Here To View</a>	Land North Of Innsworth Lane Innsworth	Delegated Approve	17/137
Leigh 17/01337/OUT <a href="#">Click Here To View</a>	Land Off A38 Part Parcel 0120 Tewkesbury Road Coombe Hill	Delegated Permit	8/78
Leigh 18/00173/FUL <a href="#">Click Here To View</a>	Land Adjacent To The Swan Tewkesbury Road Coombe Hill Gloucester	Permit	3/18
Maisemore 18/01129/FUL <a href="#">Click Here To View</a>	6 Persh Way Maisemore Gloucester Gloucestershire	Permit	12/108
Maisemore 18/01162/FUL <a href="#">Click Here To View</a>	Land East Of The A417 Main Road Overton Maisemore	Permit	4/33

Minsterworth 18/01085/FUL <a href="#">Click Here To View</a>	Part Parcel 1228 Main Road Minsterworth Gloucestershire	Permit	11/102
Minsterworth 19/00345/FUL <a href="#">Click Here To View</a>	Parcel 0020 Between Merville And Enderley Main Road Minsterworth Gloucestershire	Approve	15/119
Stanton 19/00174/FUL <a href="#">Click Here To View</a>	The Old Post House High Street Stanton Broadway	Permit	6/63
Stanway 19/00192/FUL <a href="#">Click Here To View</a>	Land On The East Side Of Broadway Road Stanway Cheltenham	Refuse	2/10
Teddington 18/01256/FUL <a href="#">Click Here To View</a>	Land To East Of Aldebaran Road Alstone	Permit	5/56
Winchcombe 18/01272/FUL <a href="#">Click Here To View</a>	Lower Langley Farm Langley Road Winchcombe Cheltenham	Refuse	1/1

Valid 28.03.2019

Change of use of land from agricultural to residential for the siting of a static home to provide carer's accommodation in association with Lower Langley Farmhouse and associated garden area, and provision of fencing (retrospective application).

Grid Ref 400987 228107  
Parish Winchcombe  
Ward Winchcombe Alderton Gretton  
Hawling Prescott

## RECOMMENDATION Refuse

### Policies and Constraints

National Planning Policy Framework; 2019 (NPPF)  
Planning Practice Guidance  
The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy; 2017 (JCS)  
Tewkesbury Borough Local Plan to 2011; March 2006 (TBLP)  
Winchcombe And Sudeley Neighbourhood Development Plan, 2011 - 2031; 2017 (NDP)  
Flood and Water Management Supplementary Planning Document  
Cotswolds AONB Management Plan  
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
The First Protocol, Article 1 (Protection of Property)  
Area of Outstanding Natural Beauty

### Consultations and Representations

Winchcombe Town Council raises no objection.

The Cotswolds Conservation Board advises that it has no comments to make.

The Local Highway Authority advises that, under their Standing Advice criteria, they do not need to be consulted on this application, and that this can be dealt with by the Local Planning Authority with the aid of their guidance.

The Environmental Health Officer raises no objection in terms of noise/odour/nuisance given the distance to and use of the adjacent agricultural buildings at Lower Langley Farm.

The application as originally submitted was publicised through the posting of a site notice and 1 letter of objection was received in the 21 day statutory consultation period or since. The main points raised relate to:

- The large static home is two bedroomed, one with en-suite, has separate power, water and waste water services, access drive and gate to the farmhouse. Surely carer's accommodation, if actually required to be distinctly separate from the farmhouse, in the form of an adjacently sited ordinary caravan would suffice. There are variably between about two and four caravans within the whole site area, as some go and more arrive. Caravans, of the type that can be towed behind a car, have very comprehensive facilities these days. A caravan would also be visually far less intrusive than a large static home.
- The need for separate accommodation for the applicant and partner should be questioned.
- The carer's accommodation is described as temporary. This is questioned in view of all connected services, distance and complete separation from the farmhouse and within its own very generous fenced plot, fenced on three sides with the fourth side open to give countryside views. Rather extravagant for temporary accommodation for a carer
- The static home is intrusive and does not blend in with the local landscape or surroundings. It stands above the top of the 6 foot fence by about 5 feet. It sticks out horribly.
- Discharge from the waste water treatment plant and soakaway of the static home is close to a drainage ditch sited on the southern side of the road outside. The ditch often floods onto the road, so any more water will cause greater flooding onto the road.
- The static home site was grassed land before the static home appeared, there weren't bales on it.

- The burglary wasn't from the farmhouse
- The farm hasn't had its own livestock, cattle or sheep for years. Horses from the long standing riding school on the farm site eat the grass in the fields and are looked after by the riding school.
- The applicant uses the road many times a day by large car with trailer attached and with logs or fencing materials for hard landscaping for one of his businesses run from the farm site. Moving to a new home on the farm site would make little difference to his vehicular use of the road.
- Approving this retrospective application would set a terrible, terrible precedent for any farmer or land owner to put static homes on their land for occupation by family or others.

The application has been re-publicised via site notices following the submission of amended plans to show the associated vehicular and pedestrian accesses to the site from the public highway as well as the associated provision of vehicular parking outlined in red on the Location Plan, and then again following the submission of further amended plans to show the parcel of land closely associated with the static home and enclosed by fencing outlined in red on the Location Plan. No letters of representation were received in these 14 day statutory consultation periods or since.

**The application is presented to the Planning Committee at the request of Councillor Mason in order to assess the impact on the landscape and possibly special circumstances**

**Planning Officers Comments:** Emma Dee

### **1.0 Application Site**

1.1 The application site is located on the southern side of Langley Road, some 11 metres to the east of agricultural buildings associated with Lower Langley Farm and some 93 metres to the east of Lower Langley Farmhouse (**See Location Plan**).

1.2 The application site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB), and it is in Flood Zone 1 ("Low probability") as defined by the most up-to-date Environment Agency flood risk maps.

### **2.0 Relevant Planning History**

2.1 A planning application proposing the erection of replacement wooden stables at Lower Langley Farm was permitted subject to conditions on 2nd October 1998 (reference 98/0035/0807/FUL)

2.2 A planning application proposing the erection of a portable building at Lower Langley Farm for ancillary classroom/teaching use was permitted subject to conditions on 24th September 2004 (reference 04/0035/0730/FUL). One such condition attached to this approval of planning permission was for the development to not be used other than for purposes ancillary to the equestrian business at Lower Langley Farm, in order to ensure that no independent training centre would be established on the site in the interests of highway safety and sustainability.

### **3.0 Current Application**

3.1 The application seeks retrospective planning permission for the continued use of land for the siting of a static home to provide carer's accommodation in association with Lower Langley Farmhouse (**See Elevations and Floor Plan**). The submitted floor plan shows that the gross internal floor area of the static home is approximately 41 square metres, and that it comprises a sitting room, kitchen, utility, shower-room and 2 no. bedrooms, one of which has an en-suite bathroom. The application makes the case that this provides temporary and ancillary accommodation for the applicant and their partner, who provide care support for a family member at Lower Langley Farmhouse. As noted above, this static home is located approximately 93 metres to the east of Lower Langley Farmhouse, on the opposite side of existing agricultural buildings associated with Lower Langley Farm (**See Site Plan annotated with use of adjacent buildings**). The application site is outside of the residential garden area associated with Lower Langley Farmhouse.

3.2 A timber fence (measuring approximately 1.67m in height) encloses the site and forms the boundary of the garden area associated with the static home. The Agent has confirmed in writing that the applicant intends to stain it either dark green or dark brown and then provide planting to all sides to screen it. The plans submitted with the application also includes the associated access from the public highway and vehicular parking area within the red line.

3.3 It was clear from the site visit that some ground works had been undertaken within the area of land enclosed by this fencing, and it appeared as if some drainage works had been undertaken in association with it. The Agent has confirmed that an area of impermeable membrane and scalplings had been laid directly under the footprint of the caravan, and that, in terms of services, an Alkathene water pipe had been connected to the farm water supply.

#### 4.0 Policy Context

4.1 The adopted Development Plan for Tewkesbury Borough comprises the Joint Core Strategy 2011 to 2031 (JCS) and the saved policies of the Tewkesbury Borough Local Plan to 2011 (TBLP). In the case of this application, the Adopted Winchcombe and Sudeley Neighbourhood Development Plan 2011 - 2031 (NDP) also forms part of the Development Plan. The Council is also in the process of carrying out a review of the Local Plan. The Tewkesbury Borough Plan (2011-2031) Preferred Options (TBPPO) was published for consultation between 10th October 2018 and 30th November 2018. Other material policy considerations include the Cotswolds AONB Management Plan and National Planning Guidance contained within the National Planning Policy Framework; 2019 (NPPF).

4.2 The relevant policies of the adopted and emerging development plan are set out in the appropriate sections of this report.

#### 5.0 Analysis

##### Principle of Development:

5.1 The application sets out that the static home provides temporary and ancillary accommodation for the applicant and their partner, who provides care support for a family member.

5.2 However, by virtue of the location of the static home, well distanced from the existing dwelling at Lower Langley Farmhouse and its associated residential garden area, and the rooms which this comprises (a sitting room, kitchen, utility, shower-room and 2 no. bedrooms, one of which has an en-suite bathroom), the static home cannot be considered to be ancillary to the existing dwelling and must therefore be considered as a new independent residential dwelling. Further, the Agent has confirmed that, in terms of services, an Alkathene water pipe has been connected to the farm water supply, which suggests a sufficient degree of permanence. As such, the development must be assessed against the relevant development plan policies in this regard.

5.3 Policy SP2 of the JCS sets out the strategy for the distribution of new development across the JCS area, and JCS Policy SD10 ('Residential Development') specifies that, within the JCS area, new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. It sets out that housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. Policy SA1 of the JCS formally designates seven Strategic Allocations on the edges of existing urban areas and focuses on the need to deliver comprehensive development in each of these areas. The application site is not located within any of these Strategic Allocations.

5.4 JCS Policy SD10 specifies that, on sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within district plans. Housing development on other sites will only be permitted where it constitutes affordable housing; constitutes infilling within a town or village, is brought forward via a Community Right to Build Order; or is allowed for in district or neighbourhood plans. This strategy is consistent with the NPPF which (paragraph 79 refers) seeks to avoid isolated new homes in the countryside.

5.5 Policy 3.1 of the Adopted Winchcombe and Sudeley NDP specifies that residential development on infill and redevelopment sites will be supported, provided that they are within the built up areas. The application site is not located within the existing built-up area of Winchcombe. None of the other exceptions in policy SD10 apply. As a result the development is incompatible with the locational strategy of the development plan, as set out within policies SP2 and SD10 of the JCS and Policy 3.1 of the Winchcombe and Sudeley NDP.



5.6 It is further noteworthy that the Council's approach for the distribution of new development is currently under review as part of the Tewkesbury Borough Plan Preferred Options (TBPPO). Whilst this is still at a relatively early stage of preparation, Policy RES3 of the TBPPO, proposes to allow for very small scale residential development "within and adjacent to the built up area of other rural settlements" and, as set out above, this is not the case here. Having regard to paragraph 48 of the NPPF, however, only limited weight can be afforded to these emerging policies on the basis that the TBPPO is still at a relatively early stage of preparation.

5.7 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development. For decision making this means:

*(c) approving development proposals that accord with an up-to-date development plan without delay; or  
(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

5.8 The NPPF clarifies (footnote 7) that planning policies for housing will be judged out of date, inter alia, where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. The latest published evidence (the Tewkesbury Borough Five Year Housing Land Supply Statement - March 2019 Update) concludes that the Council can demonstrate a 5.22 year supply in respect of the 31 March 2018 base date data. A recent appeal decision relating to a land at Oakridge, Highnam, concluded that the Council could not demonstrate a five year supply of deliverable housing sites, with it being concluded in the decision that it was inappropriate for the Council to include past advanced delivery of housing within the plan period. The Council considers that this is a legally flawed interpretation of national policy and so not part of the decision to be followed.

5.9 Nevertheless, work is progressing on the annual Authority Monitoring Report, which provides the evidence for the Five Year Land Supply Statement. Whilst this work is not yet complete it is now clear that, in respect of the 31 March 2019 base date data, the Council is not able to show a five year supply of deliverable housing sites and as a result can no longer demonstrate a five year supply of deliverable housing sites. The latest available information indicates that the Council can demonstrate a 4.33 year supply of deliverable housing sites, amounting to a shortfall of approximately 223 dwellings.

5.10 Therefore, notwithstanding the conflict with the Development Plan, the Council's policies for the supply of housing are considered to be out-of-date having regard to paragraph 11 of the NPPF. In these circumstances, as set out above, the NPPF advises that the presumption should be that planning permission is granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or there are adverse impacts of doing so which would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

5.11 Therefore, notwithstanding the conflict with the Development Plan, the provisions of paragraph 11 of the NPPF and the presumption in favour of sustainable development is a material consideration which must be considered in the overall planning balance; however it should be noted that the proposal itself conflicts with the NPPF policy which seeks to avoid isolated new homes in the countryside.

#### Design and Landscape Impact:

5.13 Section 12 of the NPPF relates to "Achieving well-designed places" and, at paragraph 124, sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 specifies that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. It further sets out that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

5.14 In this regard Policy SD4 (Design Requirements) of the JCS is relevant, which specifies that new development should respond positively to, and respect the character of, the site and its surroundings and enhancing local distinctiveness, and that it should be of a scale, type, density and materials appropriate to the site and its setting. Further, Policy 5.1 of the Winchcombe and Sudeley NDP, which relates to the "Design of new development" specifies that new development should reflect the character of its surroundings and that the design of new development will be expected to complement and enhance, where appropriate, the prevailing size, height, scale, materials, layout, density and access of any surrounding development.

5.15 In terms of landscape impact, Section 15 of the NPPF relates to "Conserving and Enhancing the Natural Environment" and, at paragraph 170, specifies that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside. In this regard, Policy SD6 (Landscape) of the JCS is relevant.

5.16 As noted above, the application site is located within the Cotswolds AONB. Policy SD7 of the JCS requires all development proposals within the setting of the Cotswolds AONB to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. It further sets out that proposals will be required to be consistent with the policies set out in the Cotswolds AONB management plan. Paragraph 11 of the NPPF, as referred to above, requires decisions to apply a presumption in favour of sustainable development which means, where the policies which are most important for determining an application are out-of-date (including instances where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites), granting permission unless, inter alia, the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 6 clarifies that these areas or assets of particular importance include AONBs. Paragraph 172 of the NPPF sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which, along with National Parks and the Broads, have the highest status of protection in relation to these issues. Further, Policy 1.1 of the Winchcombe and Sudeley NDP, which relates to "Protecting the Distinctive Character of the Area" specifies that development should respect local character and, where relevant, must protect and enhance the Cotswolds AONB.

5.17 Further, Policy CE1 (Landscape) of the Cotswolds AONB Management Plan specifies that proposals that are likely to impact on, or create change in, the landscape of the Cotswolds AONB, should have regard to, be compatible with and reinforce the landscape character of the location, and that they should have regard to the scenic quality of the location and its setting and ensure that views (including those into and out of the AONB) and visual amenity are conserved and enhanced.

5.18 The existing fencing provides a hard boundary to the parcel of land surrounding the static home, which is not sympathetic in its appearance to the rural character of the area nor the landscape and scenic beauty of the AONB. It is, however, acknowledged that this existing fencing is lower than 2 metres in height. As this fencing is not adjacent to a highway used by vehicular traffic, it is permitted development. Irrespective of this, the Agent has confirmed in writing that the applicant intends to stain the fencing either dark green or dark brown and then provide planting to all sides to screen it. Any approval of planning permission would need to be subject to condition for details of the colour paint for the fencing and a landscaping scheme to be submitted to and approved in writing by the Local Planning Authority.

5.19 Whilst this would assist in softening the appearance of the boundary treatment, it is considered that it would not mitigate the landscape impact of the static home which exceeds the height of this fencing. The development extends beyond the cluster of existing agricultural style buildings at Lower Langley Farm and is well distanced from the residential garden area associated with Lower Langley Farmhouse. The development is not of a rural design and encroaches into what was formerly open countryside. By virtue of the scale and form of the static home and its rural setting, it is considered that this fails to respond positively to, nor respect the character of, the site and its surroundings, and fails to conserve the landscape and scenic beauty of the Cotswolds AONB. It is further judged that the domestication of the surrounding land forming the residential garden area associated with the static home, combined with associated domestic paraphernalia, has a cumulative impact on the rural setting of the application site and the landscape and scenic beauty of the Cotswolds AONB. As such, the development is contrary to policies SD4, SD6 and SD7 of the JCS, policies 1.1 and 5.1 of the Winchcombe and Sudeley NDP, Policy CE1 (Landscape) of the Cotswolds AONB Management Plan and paragraphs 127 and 172 of the NPPF.

### Impact on Residential Amenity:

5.20 Paragraph 127 of the NPPF specifies that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

5.21 In terms of 'Amenity and Space', Policy SD4 of the JCS sets out 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. Policy SD14 of the JCS, which relates to 'Health and Environmental Quality', specifies that new development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants, and that it must incorporate, as appropriate, the investigation and remediation of any land contamination within the site.

5.22 The application confirms that the adjacent agricultural building (shown in blue on the submitted site plan) is used for the storage of agricultural machinery and ancillary items, and that the building circa 40m to the west and on the other side of the 'blue' building (shown in purple on the submitted site plan) is used for livestock.

5.23 By virtue of the scale and form of the development and its proximity to the nearest residential property, it is considered that this does not unreasonably affect the amenity of adjoining occupiers in terms of overshadowing, overbearing impact or loss of privacy.

5.24 Further, the Environmental Health Officer has been consulted and raises no objection in terms of noise/odour/nuisance, given the distance to and use of the adjacent agricultural buildings at Lower Langley Farm. It is therefore considered that the residential amenity of existing and future occupiers would be protected.

### Highways Considerations:

5.25 Section 9 of the NPPF relates to "Promoting sustainable transport" and, at paragraph 108, specifies that, in assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 109 specifies that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this regard, Policy INF1 (Transport Network) of the JCS is also relevant.

5.26 The submitted Location Plan shows that vehicles associated with the static home utilise an existing vehicular access to the site, and that vehicular parking is currently provided on an existing area of hardstanding to the north of the agricultural buildings at Lower Langley Farm. As the development utilises an existing vehicular access, it is considered that the development would not result in an unacceptable impact on highway safety. Further, it is not considered that the residual cumulative impacts on the road network would be severe.

5.27 In terms of accessibility considerations, paragraph 78 of the NPPF specifies that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Whilst the development potentially contributes towards supporting the vitality of the services and facilities in Winchcombe, this is limited by the scale of the development. Further, in making use of any services and facilities in nearby settlements, occupants of the static home would be doing so using unsustainable transport means. It is considered that the site is not a sustainable location for new residential development, as it is relatively remote from the nearest amenities and facilities. Further, the route from the application site to the 'built up area' of Winchcombe and Sudeley is not attractive to walkers given the nature of the road network and unlit nature of the route. The development therefore places a high reliance on the use of the car for travel to work, shopping, leisure, community facilities and other usual travel destinations. It is considered that the location of the application site and the corresponding need to travel by car would not accord with the environmental dimension of sustainability.

5.28 Paragraph 79 of the NPPF specifies that planning decisions should avoid the development of isolated homes in the countryside unless one or more of 5 defined circumstances apply. The application does not comply with any of these exceptions and therefore does not accord with the environmental dimension of sustainability as set out in the NPPF.

### Personal Circumstances:

5.29 The Agent for this application was advised during the application process that it was likely to be recommended for refusal given the conflict with housing and AONB protection policies.

5.30 The Agent was further advised that, given the personal circumstances set out within the application regarding the applicant's care requirements, the Local Planning Authority may consider a building within the residential area associated with the existing dwelling more favourably, subject to this being of a scale and form and being of a use that is ancillary and incidental to the principal dwelling, and subject to its design respecting the landscape and scenic beauty of the AONB.

5.31 However, the Agent responded by re-emphasising the principal reason for the location of the caravan away from the main dwelling. The Agent advised that the caravan is to function as accommodation for a family member to provide care for a family member with particular care needs. The application makes the case that situating the caravan immediately next to the main dwelling would lead to confusion and distress on the part of the family member. The submitted Planning Statement advises that a previous domestic arrangement where family members moved into the existing dwelling with the family member requiring care became distressing at times for that family member.

5.32 Whilst the application provides details of the requirements of the static home, such personal circumstances are not material planning considerations which outweigh the planning policy conflicts outlined above.

5.33 The Government's Planning Practice Guidance states that a condition used to grant planning permission solely on grounds of an individual's personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building.

### **6.0 Overall balancing exercise and conclusions**

6.1 A balancing exercise has been performed to weigh the benefits of the development against the disadvantages.

#### Benefits:

6.2 The benefits which would be derived from the development would be a contribution, albeit in a very small way, towards providing housing in the Borough. Similarly the economic benefits which would be derived from the development and the potential contribution towards supporting the vitality of the services and facilities in Winchcombe would be limited by the scale of the development. The personal circumstances put forward in support of the application are noted however these do not constitute public benefits which would outweigh conflict with the development plan in this case.

#### Harms:

6.3 Given its location outside the Winchcombe built up area, the development conflicts with Policy SD10 of the JCS. Moreover, the Adopted Winchcombe and Sudeley NDP (Policy 3.1) is not supportive of new housing development in this location and, for this reason, the principle of the development is not considered to be acceptable. Furthermore, there is conflict with the NPPF which seeks to avoid isolated new homes in the countryside.

6.4 As set out above, the Council cannot currently demonstrate a five year supply of deliverable housing sites and therefore planning permission should be granted unless there are clear reasons to do so having regard to protected assets, or if this must be weighed in the overall planning balance.

6.5 Notwithstanding the above, the development does not accord with the environmental dimension of sustainability as set out in the NPPF, which seeks to resist homes in the countryside unless there are special circumstances (as defined under paragraph 79 of the NPPF) and to manage patterns of growth to make the fullest possible use of sustainable modes of travel and local services. The site is not in an accessible location for new residential development, as it is relatively remote from the nearest amenities and facilities. Further, the route from the application site to the services and facilities of Winchcombe is not attractive to walkers or cyclists given the nature of the road network and unlit nature of the route. The development would therefore place a high reliance on the use of the car for travel to work, shopping, leisure, community facilities and other usual travel destinations. This would not accord with the environmental dimension of sustainability and is contrary to the spatial strategy of the JCS. Similarly, the NPPF itself presumes against isolated dwellings in the countryside.

6.6 In addition, it is considered that the static home, by virtue of its scale and form and its rural setting, as well as the domestication of the surrounding land forming the residential garden area associated with the static home, combined with any associated domestic paraphernalia, has a cumulative negative impact on the rural setting of the application site and the landscape and scenic beauty of the Cotswolds AONB. Paragraph 172 of the NPPF sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs.

#### Neutral Impacts:

6.7 The development would have an acceptable impact on highway safety and the living conditions of nearby residential uses. There are no other planning objections to the scheme.

#### Overall balancing exercise and Conclusion:

6.8 Whilst the Council cannot demonstrate a five year supply of deliverable housing sites, the development as carried out conflicts with the JCS and Neighbourhood Plan strategy for the location of housing. This, and the locational disadvantages of the site and the reliance on unsustainable modes of transport, allied to the harm to the Cotswolds AONB, significantly and demonstrably outweigh the limited benefits to the scheme, including the personal circumstances put forward by the applicant.

6.9 Therefore, for the reasons given above, it is recommended that planning permission is **refused**.

#### **RECOMMENDATION Refuse**

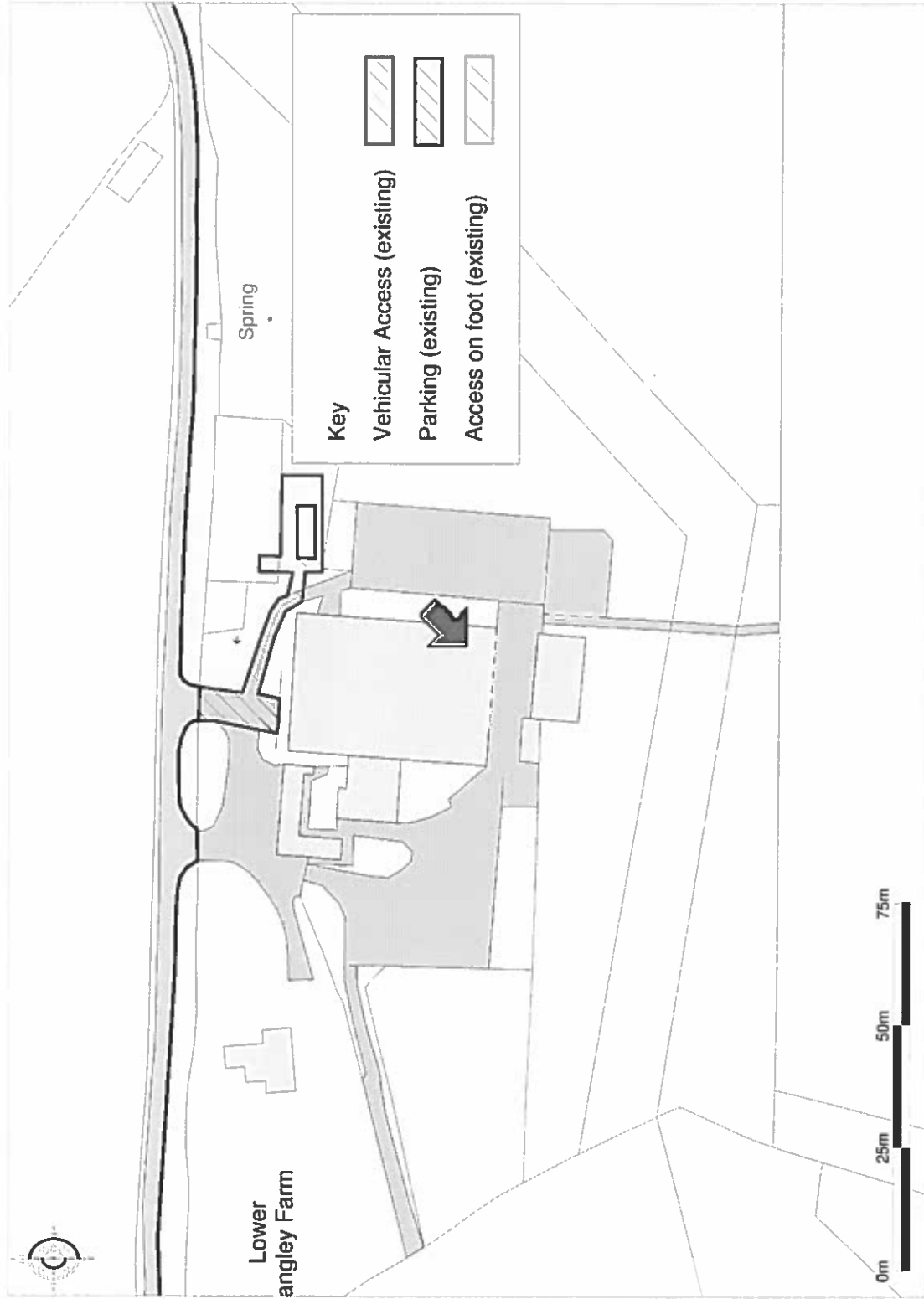
##### Reasons:

- 1 The development does not accord with the environmental dimension of sustainability as set out in the National Planning Policy Framework, which seeks to resist homes in the countryside unless there are special circumstances (as defined under paragraph 79 of the National Planning Policy Framework) and to manage patterns of growth to make the fullest possible use of sustainable modes of travel and local services. The application site is not in a sustainable location for residential development, and the development therefore places a high reliance on the use of the car for travel to work, shopping, leisure, community facilities and other usual travel destinations. As such, the development is contrary to the overall objectives of Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and the National Planning Policy Framework (2019) in seeking development to be balanced in favour of sustainable transport modes.
- 2 The static home, by virtue of its scale, form and location, as well as the domestication of the surrounding land forming the residential garden area associated with the static home, combined with any associated domestic paraphernalia, has a cumulative negative impact on its rural setting and fails to conserve the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty. As such, the development is contrary to policies SD4, SD6 and SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), policies 1.1 and 5.1 of the Winchcombe and Sudeley Neighbourhood Development Plan 2011 - 2031 (2017), Policy CE1 of the Cotswolds Area of Outstanding Natural Beauty Management Plan and paragraphs 127 and 172 of the National Planning Policy Framework (2019).

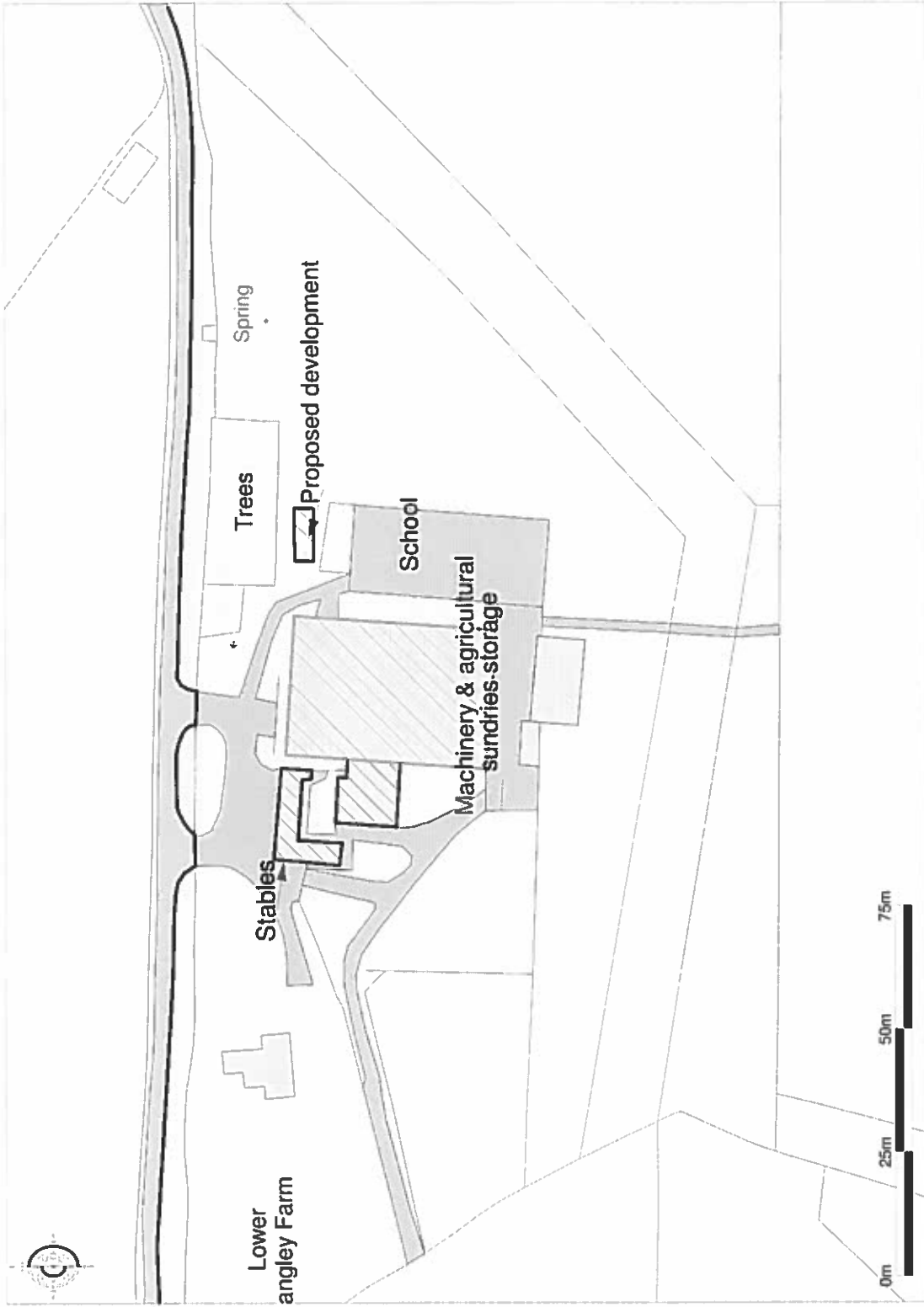
Note:

1 Statement of Positive and Proactive Engagement

In accordance with the requirements of the National Planning Policy Framework (2019), the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to seek solutions to overcome the planning objections and the conflict with Development Plan Policy by seeking to negotiate with the applicant to address identified issues of concern and providing on the council's website details of consultation responses and representations received. However, negotiations have failed to achieve sustainable development that would improve the economic, social and environmental conditions of the area.



9/A  
14

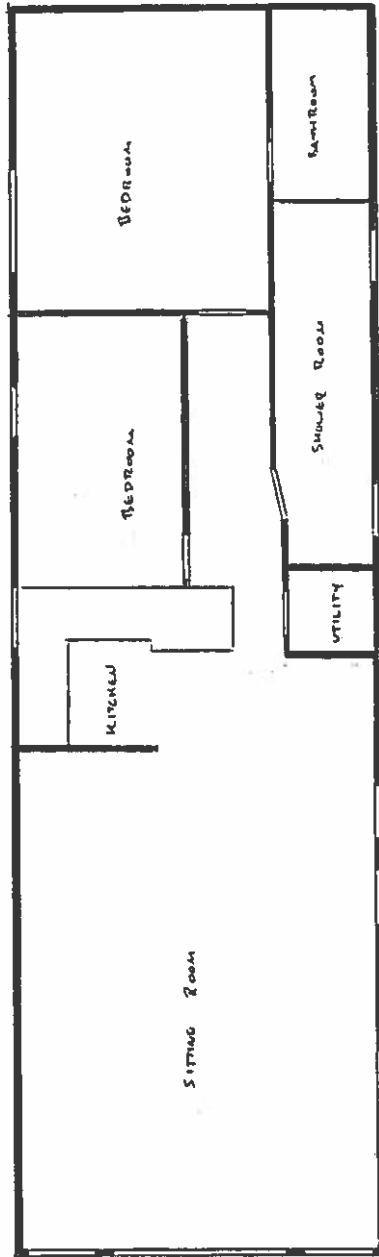


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**Promap**  
 A HIGHWAYS CONSULTATION GROUP

9/13

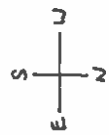


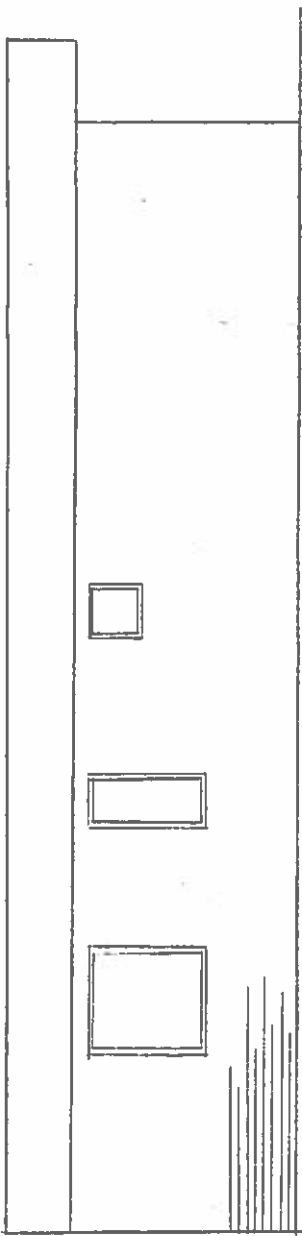


ANGLIAN CARES' ACCOMMODATION AT LOWER LAUNCEY

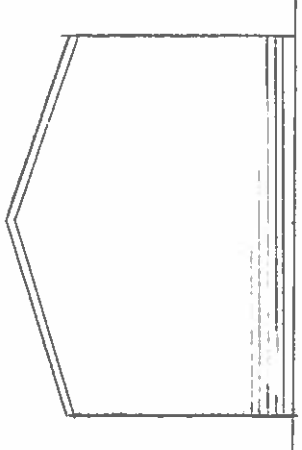
1:50 @ A3 FLOORPLAN

31st JANUARY 2014



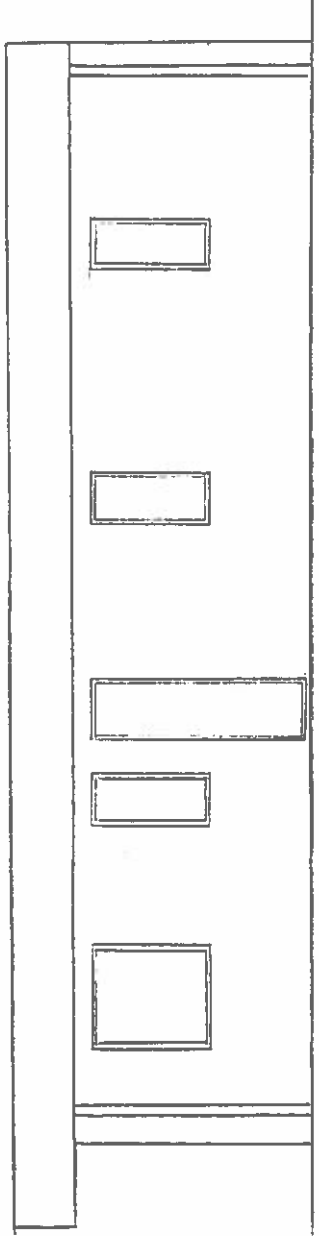


SOUTHERN ELEVATION

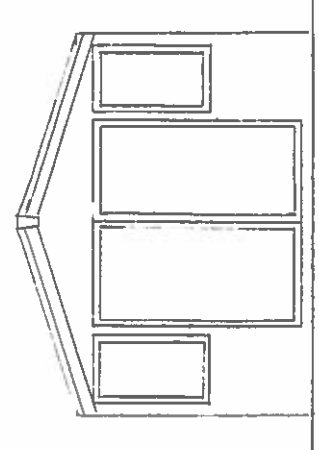


WESTERN ELEVATION

PROPOSED STATIC HOME AT  
LOWER LANGLEY FARM  
AS AT DECEMBER 2018  
1:50 @ A3



NORTHERN ELEVATION



EASTERN ELEVATION

19/D

Valid 23.02.2019

Retention of an agricultural barn and associated works  
(Revised scheme Ref: 18/00449/FUL)

Grid Ref 404879 232972

Parish Stanway

Ward

WinchcombeAldertonGrettonHawlingPrescott

**RECOMMENDATION Refuse****Policies and Constraints**

National Planning Policy Framework; 2019 (NPPF)

Planning Practice Guidance

The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy; 2017 (JCS)

Tewkesbury Borough Local Plan to 2011; March 2006 (TBLP)

Cotswolds Area of Outstanding Natural Beauty Management Plan 2018-2023

Flood and Water Management Supplementary Planning Document

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

The First Protocol, Article 1 (Protection of Property)

Cotswolds Area of Outstanding Natural Beauty (AONB)

Classified Highway - B4632

**Consultations and Representations****Stanway Parish Council** strongly opposes the application on the following grounds:

- Planning consent was not approved for the hideous fencing surrounding the building. The development is within the AONB and the fence can be seen for miles, a complete blot on the landscape.
- The 'hay storage barn' that has been built does not seem fit for purpose. We understood from the original plans that the building was to be open ended. The finished barn is closed in which would mean that there is no airflow. If the hay to be stored in it were to be damp when put in, it could get hot and would then be a potential fire hazard.
- If, as consented, the building is to be used for agricultural purposes, the surrounding fence does not allow for access to the agricultural land behind it. The only access being straight on to the B4632. Although approved by Highways, it is a busy road and large machinery would take considerable time to get in and out, thus causing a build-up of traffic.

**Toddington Parish Council** objects to this application, in line with the comments made by Stanway Parish Council.The **Cotswolds Conservation Board** has not provided comments to date.

The **Landscape Adviser** considers that the cumulative effect of the changed details are not, as stated in the planning statement, 'minor changes', and that the cumulative effect is a substantial change to the development originally agreed under 18/00449/FUL. In terms of the effect on the landscape and AONB setting - both physically and visually - the Landscape Adviser considers that there is definitely a negative impact, which would be contrary to Policies SD6 and SD7 of the JCS.

The **Tree Officer** advises that, as the development has already been completed, the question must be what harm may have been caused to existing trees by the construction of the barn and associated works. Therefore the Tree Officer recommends that any approval of planning permission is subject to condition requiring any trees or plants which, within a period of 5 years from the decision date, die, are removed or become seriously damaged or diseased, to 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. The condition would require any plants which fail more than once to continue to be replaced on an annual basis until the end of the 5 year defects period.

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

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

Building Control Services advises that the application will require Building Regulations approval.

The application has been publicised through the posting of 2 site notices and 4 letters of objection have been received within the 21 day statutory consultation period or since. The main points raised relate to:

- The submitted Planning Statement states that "In approving this application [reference 18/00049/FUL], the Council concluded there was a need for a barn in this location in connection with the surrounding agricultural land", but clearly the applicant has not built the 4 bay steel framed open sided hay storage barn the Council approved, so how can this be used as justification for retention? The applicant has taken it upon himself to totally disregard the planning permission that was granted and change/add so many different elements to this building. It no longer resembles the 4 bay steel framed agricultural barn that planning permission was granted for.
- As the location for the retention of the agricultural building is the same as the previous application, all the same issues remain but now with the added issue that the applicant has also used industrial cladding on the building and has installed industrial roller shutter doors, a number of large industrial lights and industrial fencing around the building, all of which will have an impact on wildlife
- The industrial fencing around the site will also have a detrimental effect on the plants
- Application reference 18/00449/FUL, for the hay storage barn, was supported as there was an animal welfare requirement - the animal welfare requirement must have gone away as what has been built is an industrial unit in the AONB. This must be the only hay barn in the country that requires steel roller shutter doors. If it were a hay barn as per the original application then the hideous metal fencing and a phone line would not be required.
- As the location of the agricultural building is in an Area of Outstanding Natural Beauty, significant weight should be given to this application (see NPPF paragraph 172). The retention of the agricultural barn and associated work would have an adverse impact on the landscape and the wildlife
- A number of large plastic rapped bailies have been put just inside the gate, which is a cynical way of making a building that was built as an industrial unit look like a agricultural building, which it is not
- Tewkesbury Borough Council needs to stand up to this type of deliberate ignoring of the planning rules and if possible have the land returned to the way it was before work started

The application is presented to the Planning Committee at the request of Councillor Mason in order to assess the impact on the Area of Outstanding Natural Beauty.

Planning Officers Comments: Emma Dee

## 1.0 Application Site

1.1 The application site comprises a parcel of land (covering an area of approximately 0.14 hectares) towards the north-western corner of a larger cultivated, open agricultural field, located on the eastern side of Broadway Road (the B4632) (See Site Location Plan). Immediately to the north of the site is another agricultural field. The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) as defined by the Tewkesbury Borough Local Plan (TBLP) Proposals Map.

## 2.0 Relevant Planning History

2.1 A planning application proposing the erection of a 4 bay steel framed agricultural barn on land on the east side of Broadway Road, Stanway, was refused on 15th September 2017 (reference 17/00758/FUL). The building as proposed under that application would have been 24.4 metres wide and 12.2 metres deep, and would have been designed with a dual-pitched roof measuring 4.6 metres in height to eaves and 5.5 metres in height to ridge (See 'Proposed Block Plan' and 'Proposed Barn Plan and Elevations' as refused under application reference 17/00758/FUL). The reason for refusal was as follows:

1. The proposed development, by reason of its size, scale and prominent location, would have a harmful impact on the visual amenity of the locality, and would fail to conserve the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty. As such the proposed development is contrary to Policy AGR5 of the Tewkesbury Borough Local Plan to 2011 (March 2006), Policies SD7 and SD8 of The Proposed Main Modifications version of the Joint Core Strategy (2017) and the principles of the National Planning Policy Framework (2012).

2.2 A planning application proposing the erection of 6 no. dwellings with associated vehicular access on land off Broadway Road (Part Parcel 9070) was granted in April 2018 (reference 17/01078/FUL). That application was by the same applicant and the development resulted in the loss of an existing building on the applicant's land.

2.3 A planning application proposing the erection of an agricultural building for the keeping of livestock (sheep) and for the associated storage of hay, feed and farming equipment at Wellington Meadows, Toddington, was granted in May 2018 (reference 16/01025/FUL). That site is approximately 1.5 miles to the west of the current application site, and the application was by the same applicant. The proposal was a three bay open-fronted building with a footprint of 60 square metres (10 metres by 6 metres).

2.4 Further to the above refusal, a revised planning application proposing the erection of a 4 bay steel framed hay storage barn, open on one side, was permitted at the planning committee on 31st July 2018 (reference 18/00449/FUL) - **See Proposed Elevations and Proposed Block Plan as approved under reference 18/00449/FUL**. The permitted barn and access as proposed under reference 18/00449/FU were shown to be in the same location as previously proposed under refused planning application reference 17/00758/FUL, with the building set back approximately 10 metres from the adjacent highway. It was shown as utilising an existing agricultural access immediately to the north of the proposed building, and it proposed the provision of an associated concrete vehicular access track and concrete apron to the northern and eastern sides of the proposed barn. The main amendment to this scheme when compared with the previous refusal was a reduction in the width of the proposed barn (from 24.4 metres to 18.5 metres), and the submitted Planning Statement advised that new additional hedgerow planting would be provided along the full extent of the barn to aid with screening, which would comprise of double staggered rows of native species. The permission was subject to a number of pre-commencement conditions regarding the samples of the walling and roofing materials proposed to be used, a tree/hedge survey and soft landscaping scheme, and details of existing and proposed levels. Whilst an application for the approval of details reserved by these conditions was received in December 2018 (reference 18/00173/CONDIS), this was withdrawn as the applicant was alternatively looking to submit a full application to show the development as built on site (the current application) which would include the details/plans required by these conditions. Consequently, to date, none of these conditions have been discharged.

### 3.0 Current Application

3.1 The application seeks planning permission for the retention of an agricultural barn and associated works on the eastern side of Broadway Road, Stanway, towards the north-western corner of an agricultural field (See 'Proposed Block Plan', 'Proposed Site Plan' and 'Proposed Barn Plan & Elevations'). As noted above, planning permission was granted on 31st August 2018 for the erection of a 4 bay steel framed hay storage barn, open on one side, on this parcel of land (reference 18/00449/FUL). A building and associated works have been constructed on the site. However, this has not been carried out in accordance with application reference 18/00449/FUL, and the amendments to the approved application are material in nature. The current application seeks retrospective planning permission for the building 'as built'. The differences between the permitted scheme and the building now 'in situ' are as follows:

- Increase in size of barn, to 24.15 metres wide by 12.15 metres deep (the barn approved under application reference 18/00449/FUL was 18.5 metres wide and 12.2 metres deep);
- Change in design of the barn, to include the addition of 3 no. steel roller shutter doors, concrete wall panels and trapezoidal metal sheet cladding (green) on the eastern elevation (the barn approved under application reference 18/00449/FUL was open-fronted on its eastern elevation). Further on the remaining elevations, trapezoidal metal sheet cladding (green) has been used in place of the formerly approved Tanalised treated Yorkshire boarding vertical cladding. In addition, trapezoidal metal roof sheet covering, in green, has been used on the barn (the barn approved under application reference 18/00449/FUL had a profile 6 natural green fibre cement sheet roof covering);
- Repositioning of the barn within this site to move this further into the field, for this to be set back approximately 17 metres from the adjacent highway (the barn approved under application reference 18/00449/FUL was set back approximately 10 metres from the adjacent highway). The submitted covering letter explains that, further to the approval of application reference 18/00449/FUL, the applicant was notified of a water mains line that runs through the site (as annotated on the submitted Proposed Site Plan and the Proposed Landscape Plan). The application therefore sets out that the building was set back into the site to avoid any potential impact on this infrastructure;
- Changes in land levels, lowered by 2.5 metres towards the southern side of the building and associated concrete apron (as shown on the submitted 'Proposed Barn Plan & Elevations' and the 'Proposed Site Plan');

- Erection of a retaining wall, approximately 12 metres long and 3 metres high, immediately to the east of the agricultural building and towards the southern side of the associated hardstanding area, given the change in land levels on site;
- An increase in the extent of associated hardstanding, which now surrounds the agricultural barn on all sides (the development approved under application reference 18/00449/FUL showed the provision of an associated concrete vehicular access track and concrete apron to the northern and eastern sides of the barn only). The submitted covering letter makes the case that, during construction, it became clear that additional hardstanding around the barn was required for operational purposes;
- The erection of palisade fencing and gates, approximately 2.1 metres high, to surround the application site (no fencing, gates, walls or other means of enclosure were proposed under approved application reference 18/00449/FUL). The submitted covering letter explains that the applicant erected this for security reasons, given the secluded nature of the barn and due to previous incidents of theft. It further advises that gates have been provided to the southern and eastern boundaries in order to allow direct access to the surrounding parcel of agricultural land. The submitted covering letter confirms that this, in places, exceeds the permitted development height of 2 metres, due to the sloping nature of the site. When measured at the site visit, this fencing was approximately 2.1 metres high; and
- External lighting has been provided on the agricultural building (3 lights on the eastern elevation, 2 lights on the western elevation, and 1 light on the southern and northern elevations).

3.2 The submitted **Proposed Landscape Plan** includes some details on existing trees adjacent to the western boundary, located between the application site and the adjacent highway. It is also annotated to show a new "native hedgerow" adjacent to and outside of part of the site's eastern boundary, with a majority of 30% beech hedging. No tree planting has been proposed; just hedgerow planting. The Proposed Landscape Plan is also annotated to indicate some planting adjacent to other site boundaries, although a planting specification (to include numbers, density, size, species and positions of all new trees and shrubs) has not been provided for this.

#### 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 adopted Development Plan for Tewkesbury Borough comprises the Joint Core Strategy 2011 to 2031 (JCS) and the saved policies of the Tewkesbury Borough Local Plan to 2011 (TBLP). Other material policy considerations include the Cotswolds AONB Management Plan 2018-2023 and National Planning Guidance contained within the National Planning Policy Framework; 2019 (NPPF).

4.3 Section 6 of the NPPF seeks to support a prosperous rural economy and, at paragraph 83, sets out that planning policies and decisions should enable, inter alia, the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

4.4 Section 12 of the NPPF relates to "Achieving well-designed places" and, at paragraph 124, sets out that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 specifies that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. In this regard, Policy SD4 (Design Requirements) of the JCS sets out that new development should respond positively to, and respect the character of, the site and its surroundings.

4.5 Section 15 of the NPPF relates to "Conserving and enhancing the natural environment" and, at paragraph 170, specifies that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and protecting and enhancing valued landscapes. Policy SD6 of the JCS specifies that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. It also states that all applications for development will consider the landscape and visual

sensitivity of the area in which they are to be located or which they may affect.

4.6 Paragraph 172 of the NPPF specifies that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which, along with National Parks and the Broads, have the highest status of protection in relation to these issues. Policy SD7 of the JCS specifies that all development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities.

4.7 Policy CE1 (Landscape) of the Cotswolds AONB Management Plan specifies that proposals that are likely to impact on, or create change in, the landscape of the Cotswolds AONB, should have regard to, be compatible with and reinforce the landscape character of the location, and that they should have regard to the scenic quality of the location and its setting and ensure that views (including those into and out of the AONB) and visual amenity are conserved and enhanced.

4.8 Saved Policy AGR5 of the TBLP specifies that proposals for the erection of agricultural buildings will be permitted provided that:-

1. The proposed development is well sited in relation to existing buildings, ancillary structures and works and landscape features in order to minimise adverse impact on the visual amenity of the locality paying particular regard to areas of outstanding natural beauty, special landscape areas and the landscape protection zone.
2. The proposed development is sympathetically designed in terms of height, mass materials, colour and landscaping where appropriate.
3. Adequate operational access is available for vehicles, machinery and stock.
4. Where appropriate suitable provision is made for the disposal of all waste products without risk of water pollution.

## 5.0 Analysis

### Impact on Character and Appearance of Area

5.1 Given the substantial change to the development approved under application reference 18/00449/FUL, as listed above under paragraph 3.1, clarification was sought regarding the use of the agricultural building, as well as the reasoning for this to be larger than the approved agricultural building and for it to be enclosed on all elevations. In terms of its use, the Agent has confirmed that the barn can be used for a variety of agricultural uses and is not required to be solely used for the purpose of hay storage. Notwithstanding this, the Agent advises that, in the event of such a use, the barn has been constructed with a ventilation system within the roof to enable the barn to be used efficiently in all conditions. In addition, the Agent advises that the roller shutter doors can be opened to add ventilation further.

5.2 Policy CE12 (Development Priorities and Evidence of Need) of the Cotswolds AONB Management Plan specifies that development in the Cotswolds AONB should be based on robust evidence of local need arising from within the AONB. Whilst the Agent recognises that the barn has increased in size and that it is now enclosed, they have advised that they do not consider it necessary to provide justification for the use of the building, given the recent extant permission. However, although it is acknowledged that there is an extant permission relating to a 4 bay steel framed hay storage barn on this site, the development proposed under the current application is significantly different to this for the reasons listed above, and no justification has been provided as to why additional storage is required over and above the building permitted under application reference 18/00449/FUL, or why the design has changed so significantly.

5.3 Whilst it is recognised that the development is not well sited in relation to existing buildings, ancillary structures and works and landscape features, as required by TBLP Policy AGR5, it is acknowledged that there is an extant permission for an agricultural building at this site. However, relative to the development approved under reference 18/00449/FUL, the increase in the size of the building and its relocation further into the field makes it more prominent within the landscape, and increases its visibility and its visual impact within this sensitive rural setting. By virtue of its size and location, and notwithstanding the previous permission, it is considered that the building adversely affects the landscape character of the area, and fails to conserve the landscape and scenic beauty of the AONB.

5.4 Similarly, the amendments to the design of the building compared to that approved under reference 18/00449/FUL, including the provision of steel cladding around the upper parts of the elevations (in place of the formerly approved Tanalised treated Yorkshire boarding vertical cladding) and the enclosure of the formerly approved open fronted eastern elevation of the 'agricultural hay barn' with full height steel roller shutter doors, increases the visual impact of the development within this sensitive rural landscape setting and the AONB. It is judged that that the building is not sympathetically designed in terms of its mass and materials and that this and the associated works, including the provision of hard surfacing to a much larger area, fails to respond positively to, nor respect the character of, the site and its surroundings. For these reasons, it is considered that the development fails to protect the landscape character of the area and adversely affects the landscape and scenic beauty of the AONB.

5.5 Further, by virtue of the remote location of the site in this rural setting within the AONB and the external industrial-style lighting that has been installed, it is considered that the proposed development would have an unacceptable impact on environmental quality and would result in an adverse impact from artificial light on an intrinsically dark landscape, contrary to JCS Policy SD14 and the Cotswolds AONB Management Plan, which acknowledges that darkness at night is one of the key characteristics of rural areas and that it represents a major difference between what is rural and what is urban. Policy CE5 (Dark Skies) of the Cotswolds AONB Management Plan addresses light pollution and specifies that proposals that are likely to impact on the dark skies of the Cotswolds AONB should have regard to these dark skies, by seeking to (i) avoid and (ii) minimise light pollution.

5.6 The application further provides no justification or explanation for the lowering of ground levels. Given the considerable change in land levels (lowered by up to 2.5 metres) there is a potential impact on the water mains easement, which the application itself explains is the reason for re-locating the barn further into the site, but also a likely resultant impact on the adjacent existing planting. Whilst a condition was attached to application reference 18/00449/FUL requiring a tree/hedge survey and soft landscaping scheme to be submitted prior to the commencement of development, this condition has not been discharged, and the details have also not been received with the current application. The Landscape Officer acknowledges that the significant alterations to ground levels around the existing mature trees along the boundary to the west (adjacent to the road), and the large area of hardstanding which has also been provided here, shows a lack of consideration for the existing landscape features and the likely impact of the development, including a detrimental impact on mature trees which may not show up for a number of years.

5.7 The supporting statement submitted with application reference 18/00449/FUL explained that the proposed barn would be in the lowest point in the north-western portion of this field, on the part of the field which would be least visually prominent from wider viewpoints. The approval of application reference 18/00449/FUL was subject to condition for details of existing and proposed levels, to include details of finished floor levels (which, to date, has not been discharged). It is considered that the land level works which have been undertaken on site are so extensive and significant in scale, and exceed works that could reasonably be regarded as incidental to the provision of the agricultural building, that they amount to engineering works which would require planning permission in their own right. No reasoning has been provided with the current application to justify the considerable lowering of land levels.

5.8 Whilst the submitted application makes the case that the palisade fencing which has been erected marginally exceeds 2 metres in places and that therefore any assessment of the visual impact of the fencing needs to be considered in the context of this material fallback position, the fencing which has been erected does not fall within the limits of permitted development and therefore it needs to be considered against the relevant policies of the development plan.

5.9 The use of galvanised steel palisade fencing around the entire site boundary is considered to be a wholly insensitive and inappropriate choice when considering the location of the site within the AONB and in an undeveloped setting, with few other formalised structures in this area. In sectioning off this site, there is a harmful effect on the openness of this parcel of land. It is considered that the palisade fencing appears incongruous and adversely accentuates and draws attention to the building and associated works within this largely undeveloped area, adversely affecting the landscape character of the area and the landscape and scenic beauty of the AONB.



5.10 The details submitted with this application make the case that the low-lying position of the site, alongside existing and proposed boundary planting, will soften any visual impact of the fencing from immediate and long-distance views. However, this palisade fencing is clearly visible from public vantage points. For example, there is only low level vegetation along the eastern boundary of the B4632 to the south of the site, and the building and palisade fencing are therefore clearly visible from these public vantage points when travelling north along the B4632 from the roundabout to the south, particularly in the winter months. Whilst the application proposes the planting of a hedgerow mix along the eastern site boundary, this is the only planting proposed and the Landscape Adviser considers that this would fail to provide landscape structure or sufficient screening of the building and fencing, acknowledging that no tree planting is indicated on the planting plan. The Landscape Adviser also considers that the proposed hedgerow mix (with a majority of 30% beech hedging) is too formal and not suitable for this location. Further, whilst a condition could be attached to any approval of planning permission requiring any trees or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, to be replaced in the next planting season with others of similar size and species, this planting could be removed at a later date resulting in the palisade fencing becoming again clearly visible from public vantage points.

5.11 Irrespective of this, it is considered that to rely solely on landscape treatments to mitigate the landscape impact of the development is likely to come across as a tokenistic effort and that the provision of planting around the perimeter of the site would, in itself, appear incongruous and would adversely accentuate and draw attention to the proposed building and associated development.

5.12 The Planning Statement submitted with application reference 18/00449/FUL advised that new additional hedgerow planting would be provided along the full extent of the barn to aid with screening, which would comprise of double staggered rows of native species. The approval of application reference 18/00449/FUL was subject to a condition requiring a planting specification to be submitted, to include numbers, density, size, species and positions of all new trees and shrubs. As noted above, this condition was never discharged. The current application does not provide full or precise details of a new native species hedgerow along the full extent of the bar. It is acknowledged that very little space has been left for hedge or tree planting along the inside of the fence adjacent to the B4362 as this area has been mainly laid to tarmac.

5.13 The Landscape Adviser further acknowledges that there is already some planting evident on site which does not seem to accord with the submitted planting proposals. There appears to be an area of planting towards the south-eastern corner of the site, which is of conifer trees (probably leylandii). The Landscape Officer considers that this is not appropriate for the rural, natural setting, and that this again shows a complete lack of sensitivity to the impact of the development.

5.14 The Landscape Officer considers that the cumulative effect of the changes to the development approved under reference 18/00449/FUL are not, as stated within the submitted Planning Statement, 'minor changes'. The cumulative effect is a substantial change to the development originally approved and it is considered that the development as built, by virtue of its massing, form, proportions, facing materials and overall appearance, is a significant built presence that appears overly prominent, intrusive and out-of-keeping with the character and appearance of the area. This is considered to have an adverse impact on the landscape character of the area, and fails to conserve the landscape and scenic beauty of the AONB, contrary to Policy AGR5 of the TBLP, Policies SD4, SD6, SD7 and SD14 of the JCS, Policies CE1 and CE5 of the Cotswolds AONB Management Plan and paragraphs 127, 170 and 172 of the NPPF. This is given great weight in the consideration of this application.

#### Other Matters

5.15 By virtue of the scale and form of the building and its proximity to the nearest residential premises, it is considered that there would be no significant adverse impact on occupiers of nearby premises in terms of overshadowing, overbearing impact or loss of privacy, nor in terms of noise or odour levels, light nuisance, or general disturbances. The Environmental Health Officer raises no objection.

5.16 The building is served by an existing field access and there are also two gated accesses from the application site directly into the surrounding agricultural field. The Local Highway Authority raises no objection subject to conditions, and it is not considered that the development would have a material impact on highway safety.

5.17 The site is located within Flood Zone 1 (low risk) as defined by the Environment Agency's most up-to-

date flood risk maps. The development is therefore unlikely to be at risk of flooding or cause significant risk of flooding to third party property.

5.18 The Agent advises that the Council has recently recommended permit at the March Planning Committee for the retention of a barn at Cuckoo Farm, Southam (ref: 19/00029/FUL). It is not understood why this is considered to be relevant. Members are aware that each application must be dealt with on its own merits. The grant of permission elsewhere in the Borough for a different development, on a different landholding and subject to different constraints, is not material to the current application.

## **6.0 Overall balancing exercise and conclusions**

6.1 The application would appear to support the needs of an agricultural enterprise, which weighs in favour of the proposal.

6.2 However it is considered that the entirety of the harm that has been identified, in terms of the adverse visual impact on the landscape and on the visual attractiveness and scenic beauty of the AONB, is not clearly outweighed by the benefits of the development. Great weight should be attached to conserving AONBs in the decision making process. The footprint of the agricultural building subject to the current application is similar to the agricultural building which was refused planning permission under application reference 17/00758/FUL and, in addition, the current application also includes the provision of steel cladding around the upper parts of the elevations (in place of the formerly approved Tanalised treated Yorkshire boarding vertical cladding), the enclosure of the formerly approved open fronted eastern elevation of the 'agricultural hay barn' with full height steel roller shutter doors, and the provision of external industrial-style lighting, as well as the provision of a greater extent of hardstanding, palisade fencing and gates, retaining walls and land level changes. For these reasons the development as built is contrary to saved policy AGR5 of the TBLP, policies SD4, SD6, SD7 and SD14 of the JCS, policies CE1 and CE5 of the Cotswolds AONB Management Plan 2018-2023 and paragraphs 127, 170 and 172 of the NPPF. The application is therefore **recommended for refusal**.

## **RECOMMENDATION Refuse**

Reasons:

- 1 The development has an adverse impact on the visual amenity of the locality, and fails to conserve the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty. As such the development is contrary to Policy AGR5 of the Tewkesbury Borough Local Plan to 2011 (March 2006), Policies SD4, SD6, SD7 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), Policies CE1 and CE5 of the Cotswolds Area of Outstanding Natural Beauty Management Plan 2018-2023 and paragraphs 127, 170 and 172 of the National Planning Policy Framework (2019).

Note:

- 1 Statement of Positive and Proactive Engagement

In accordance with the requirements of the National Planning Policy Framework (2019) the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding. However, as a consequence of the clear conflict with relevant Development Plan Policies no direct negotiation during the consideration of the application has taken place.



26 17/1A

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	<b>Drawing title</b> Site Location Plan & Block Plan	<b>Client</b> Cheltenham Town Council	<b>Drawn by</b> J.B.	<b>Checked by</b> J.C.	<b>Job number:</b> 16 30 001


Broadway Road Stables,  
toddington



Proposed Block Plan 1:1000 @ A1

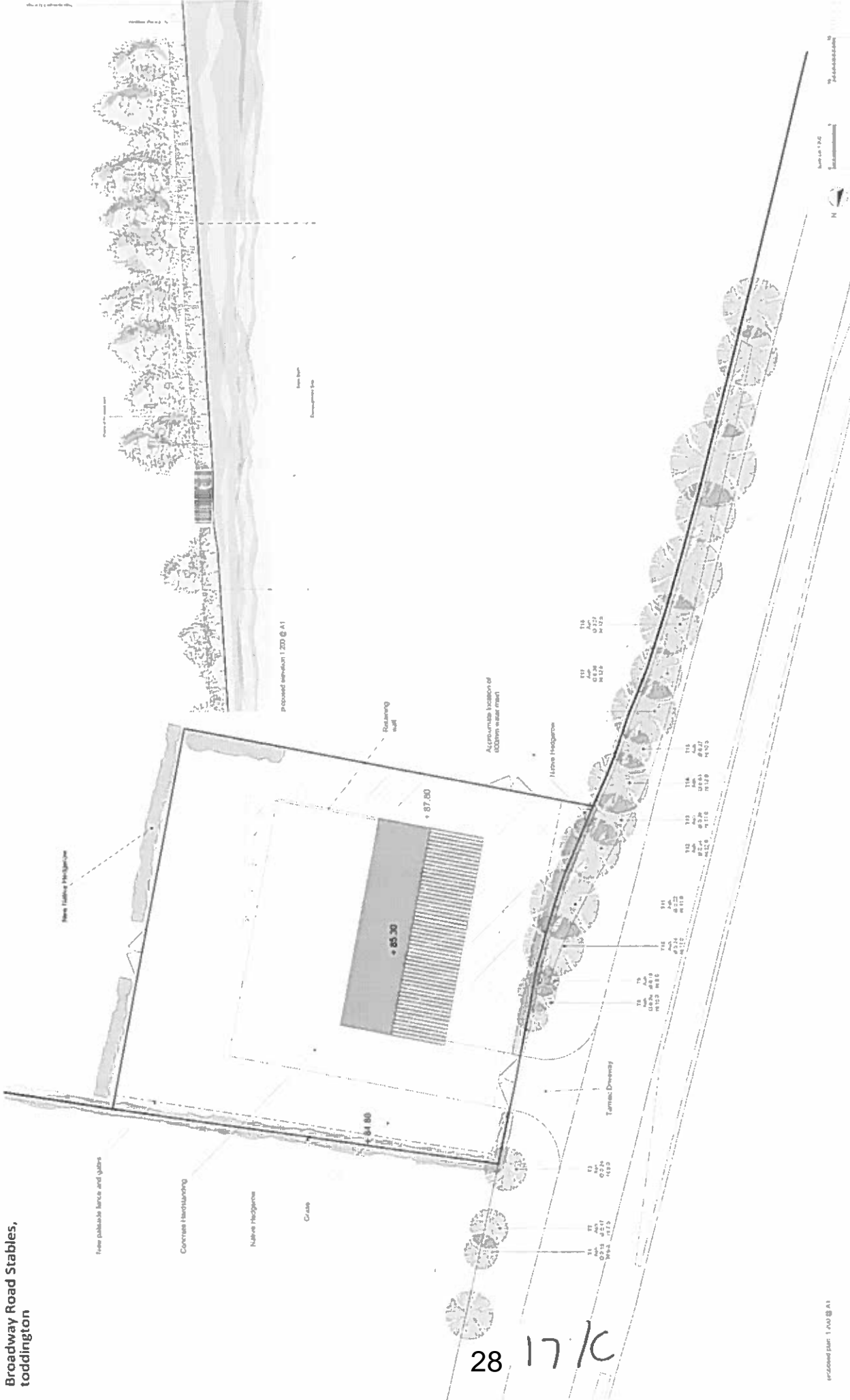


27 17/B

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**Broadway Road Stables,  
toddington**



28 17/K

proposed plan 1:200 @ A1

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Drawing title: Proposed Site Plan

Project: Broadway Road Stables, Toddington

Scale: 1:200 @ A1

Date: January 2019

Draw no: PL502 A

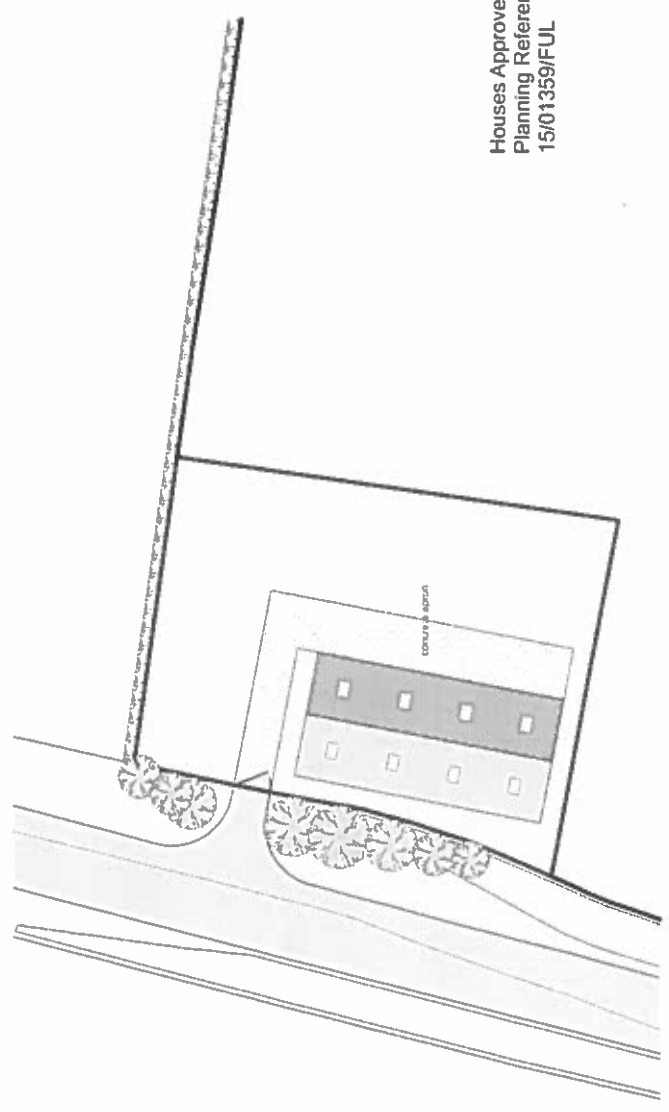
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Checked: IC

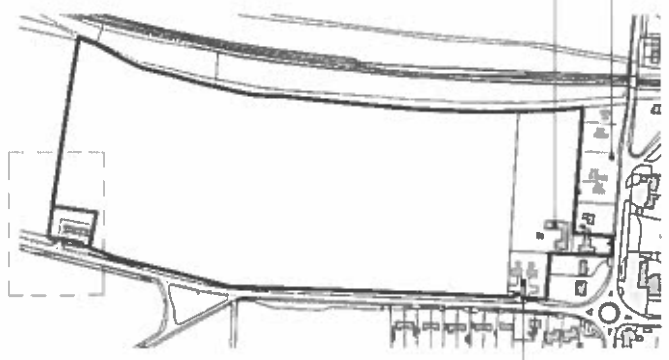
Drawn by: JB

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29 17.10



Houses Approved Under  
Planning Reference:  
15/01359/FUL



existing barns  
and outbuildings

4 Houses Approved Under  
Planning Reference:  
16/01422/FUL

PROPOSED SITE PLAN @ 1:5000

PROPOSED BLOCK PLAN @ 1:500



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REV A - 15.08.2017  
 concrete apron and detail added

Drawing title: Proposed Block Plan  
 Client: \_\_\_\_\_  
 Drawn by: JR Checked: TC  
 Job number: 16.30.003

Project: Broadway Road Stables, Toddington  
 Scale: 1:500, 1:5000 @ A3  
 Date: July 2017  
 Draw no: PL003 A

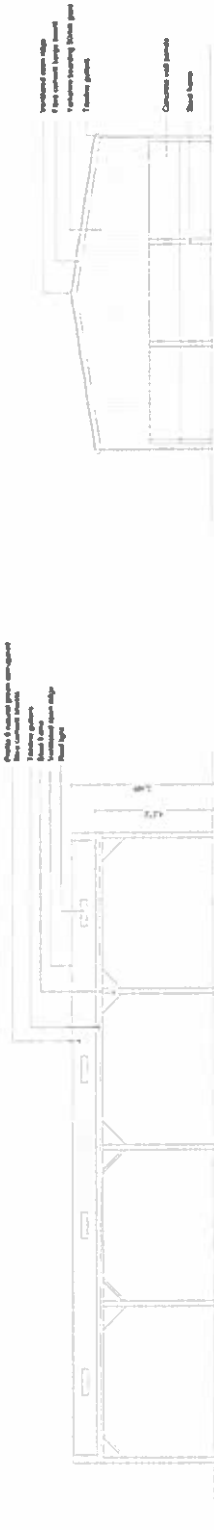
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Broadway Road Stables,  
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**Notes:**  
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 2. All dimensions are to the centre of the line unless otherwise stated.  
 3. All dimensions are to the face of the wall unless otherwise stated.  
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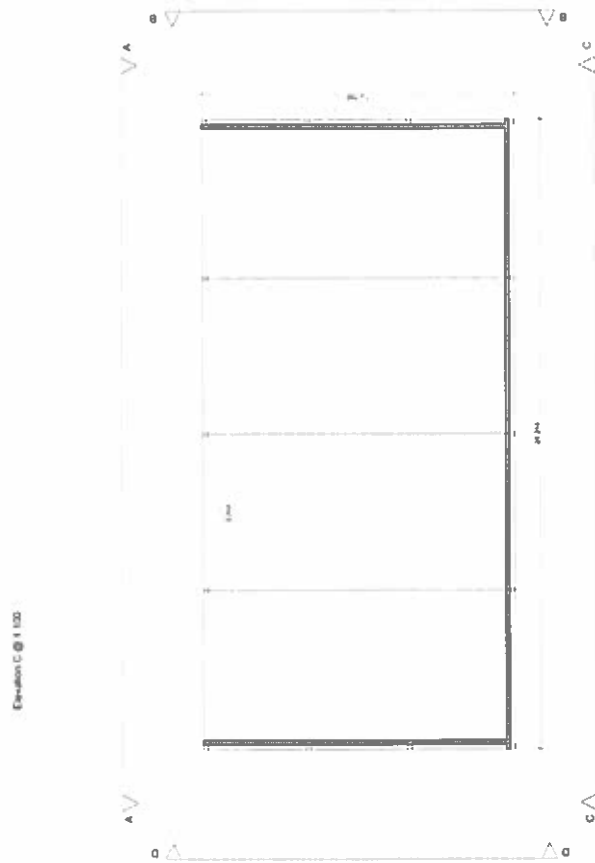
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<p><b>Client:</b> [Redacted]</p>		<p><b>Scale:</b> 1:200 @ A1</p>		<p><b>Checked by:</b> [Redacted]</p>	
<p><b>Drawn by:</b> [Redacted]</p>		<p><b>Date:</b> January 2019</p>		<p><b>Job number:</b> 18 30 003</p>	
<p><b>Drawn:</b> [Redacted]</p>		<p><b>Drawn:</b> [Redacted]</p>		<p><b>Drawn:</b> [Redacted]</p>	



Elevation A @ 1:100



Elevation B @ 1:100



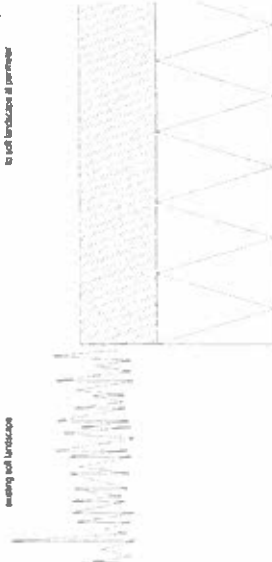
Elevation C @ 1:100

**Specification**

- Steel frame: Designed to BS 5502 class 2 specification
- Roof: Profile 6 natural green fibre cement sheet open ridge, barge boards to eave end
- Vertical cladding: 1 finished timber Yorkshire Boarding 50mm gaps
- Walls: 150mm thick pre-cast concrete facade all panels 2400mm high
- Floor: 150mm thick C35 concrete, terrazzo finish
- Rain water: 2 trays of 200mm 1 x timber finished gutters with 150mm dia PVC downpipes

existing tall landscape

new concrete apron on horizon base grading to soft landscape at perimeter



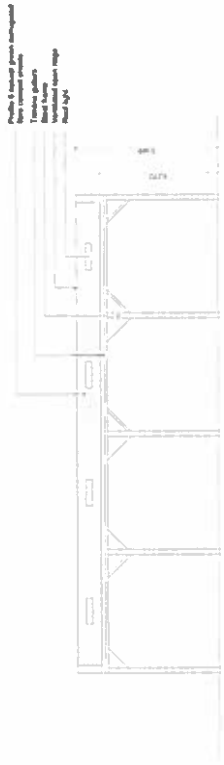
Typical section detail @ 1:1



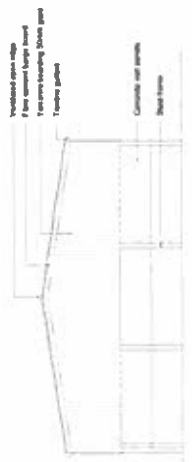
3117.F

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<p>Project: Broadway Road Stables, Toddington</p>		<p>Drawing title: Proposed Barn Plan &amp; Elevations</p>		<p>Scale: 1:100 @ A1</p>	
<p>Client: [ ]</p>		<p>Checked: TC</p>		<p>Date: July 2017</p>	
<p>Drawn By: JR</p>		<p>Job number: 18_30_003</p>		<p>Drawn For: PL004 A</p>	





Elevation A @ 1:100



Elevation B @ 1:100



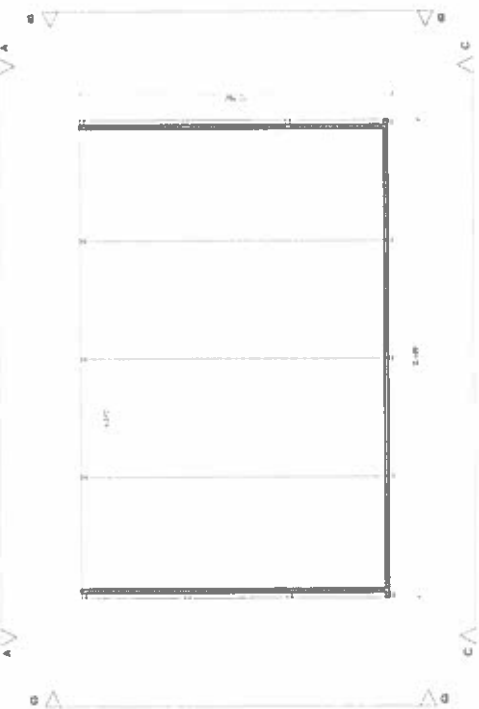
Elevation C @ 1:100



Elevation D @ 1:100

**Specifications**

- Roof: Profile 6 natural green fibre cement sheet open ridge, barge boards to eave and ridge
- Vertical cladding: 150mm thick pre-cast concrete slabs at panels 2400mm high
- Walls: 150mm thick pre-cast concrete slabs at panels 2400mm high
- Floor: 150mm thick pre-cast concrete slabs at panels 2400mm high
- Rain water: 2 lines of 200mm Terrame Plastic gutters with 150mm dia PVC downpipes



Perimeter walls on base slabs @ 1:5

Scale bar 1:100

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REV A to 23.08.2017  
 Complete floor plan and elevations  
 Length of form indicated following planning officers comments

Project	Broadway Road Stables, Toddington
Drawing title	Proposed Barn Plan & Elevations
Client	JR
Drawn by	JR
Checked by	EC
Scale	1:100 @ A1
Date	July 2017
Job number	16.30.003
Draw no	PL004 B

32 17./G



Proposed Greening 200 @ 1:1

Proposed Pavement 200 @ 1:1

33

17/14

Proposed path 1:200 @ 1:1

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Primarily  
 Freestanding  
 Planning  
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 Tender  
 Construction stage  
 At Build

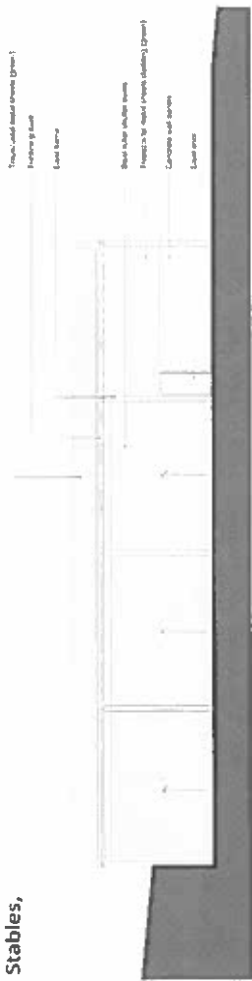
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1:100 @ 1:1  
 1:200 @ 1:1  
 1:500 @ 1:1  
 1:1000 @ 1:1  
 1:2000 @ 1:1  
 1:5000 @ 1:1  
 1:10000 @ 1:1

Client:	Project:
Drawn by: JR	Scale: 1:200 @ A1
Checked: JE	Date: July 2016
Job number: 16.30.003	Drawn to: PL003 C
	Project: Brockley Road Station, Totton, Southampton

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**Broadway Road Stables,  
toddington**



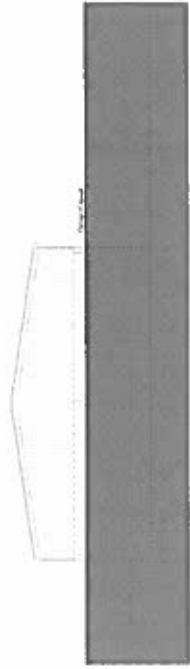
East Elevation @ 1:100



West Elevation @ 1:100



North Elevation @ 1:100



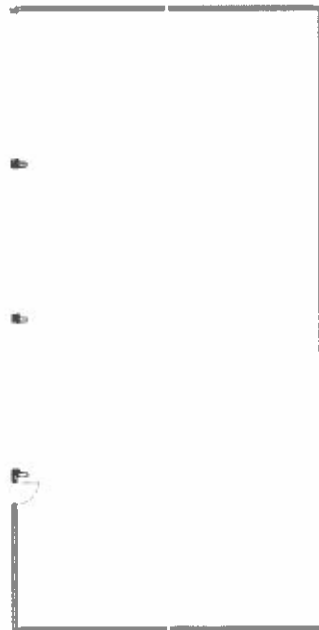
South Elevation @ 1:100

**Specification**

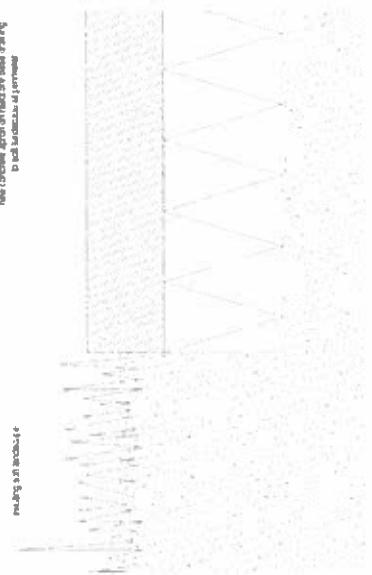
- Steel frame: Designed to BS 552 class 2 specification
- Roof: Transpired metal roof sheet (green)
- Vertical cladding: Transpired metal roof sheet (green)
- Walls: 150mm brick one-cast concrete block with depth 2400mm high
- Floor: 150mm thick C25 concrete ramp level
- Rain water: 2 levels of 200mm Terracotta Rainwater gutters with 150mm dia PVC downpipes

making a 20 inch cut

new concrete apron on back are base of apron to last 100mm of ground



Proposed Floor Plan @ 1:100



Typical Apron Detail @ 1:5

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Client	AS	Checked	TC
Drawn by	AS	Checked	TC
Job number	16 30 001		

Project	Broadway Road Stables Toddington
Scale	1:100 @ A1
Date:	January 2019
Draw no:	PL501A

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34  
17/I

18/00173/FUL

Land Adjacent To The Swan , Tewkesbury Road, Coombe Hill

3

Valid 31.05.2018

Residential development comprising 25 no. dwellings, with new vehicular/pedestrian access onto A38, relocation of bus stop, sustainable drainage and Foul Treatment Works and associated landscaping, access and parking.

Grid Ref 388828 227191

Parish Leigh

Ward Coombe Hill

## **RECOMMENDATION Permit**

### **Policies and Constraints**

National Planning Policy Framework (2012)

Planning Practice Guidance

Joint Core Strategy (JCS) 2017 - SP1, SP2, SD4, SD6, SD9, SD10, SD11, SD12, SD14, INF1 and INF2.

Tewkesbury Borough Local Plan to 2011 (March 2006) - LND3, TPT9

Preferred Options Consultation, Tewkesbury Borough Plan 2011-2031 (2018) - RES1 (Coombe Hill

Preferred sites - Site A)

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

Landscape Protection Zone

Adjacent to a classified highway

Sites of Special Scientific Interest Consultation Buffer

### **Consultations and Representations**

**Leigh Parish Council** - Strongly objects to the proposal for the following reasons:

- JCS recommends Coomb Hill provides 18 extra dwellings
- 18/20 dwellings are recommended by Neighbourhood Plan
- Proposed 61% increase in houses will affect integration, utilities and flooding
- Layout does not address concerns of residents
- Plots 24 & 25 look towards existing dwellings
- Houses would be visible from Apperley
- Boundaries not accurate
- Increased flood risk, no mains sewage, water harvesting should be used
- Would add to congestion and accidents
- Would be car dependant
- Schools are oversubscribed
- Busses don't run in right direction
- No street lighting

**Elmstone Hardwicke Parish** - Object to the proposal for the following reasons:

- No sewage facilities
- Schools at capacity
- Cumulative impact with adjoining site - increased traffic and congestion
- Out of keeping with the area

**Strategic Housing and Enabling Officer** - No objections

**Gloucestershire County Archaeologist** - No objections - Development has low potential to have any adverse impact on archaeological remains.

**Public Right of Way Officer** - No objections - development would not affect PRoW ALH6.

**Urban Design Officer** - No objections

**Gloucestershire Wildlife** - Close to Coombe Hill Nature Reserve/SSSI and Key Wildlife site

- Need to ensure no impact on biodiversity
- Concerns about residents and dog walkers who will use sensitive sites
- Insufficient open space on site
- Cumulative impact with application no. 17/01337/OUT
- Should create joint amenity space to east of A38
- Existing infrastructure is insufficient
- -Should contribute to visitor infrastructure

**Land Drainage Officer** - Further clarification required

- Concerns with capacity and condition of pipes
- Further assessment required of impact on flooding situation around the Bellow is required

**Sport England** - No objections however, additional housing will generate additional demand for sport.

**Local Residents** - Nine representations have been received from members of the public in response to the consultation process. The comments raised are summarised below:

- Disproportionate addition and out of keeping with area
- Houses will be above vegetation and at brow of hill
- A38 is a busy road at peak times, would increase congestion
- No mains sewage
- Increased flooding and runoff
- Concerns with loss of hedgerow
- Unsustainable location, no benefit to community
- Housing needs survey identified need for 4 smaller rented properties
- Repositioned bus stop would impact drive at Chapelmead
- Increase noise, light and pollution
- Impact on wildlife, canal habitat, Severn fringe and SSSI
- Loss of privacy, Plots 24 & 25 would overlook adjoining properties

**Planning Officers Comments:** Bob Ristic

**1.0 Application Site**

1.1 The application site is located on the western side of the A38 and approximately 100 metres to the north of the junction with the A4019. The site comprises a former vineyard located to the north of the carpark to the Swan Inn and to the south of a dwelling at Chapelmead, which is set back from the A38 behind the former chapel. On the opposite side of the road, to the east is a petrol filling station (PFS) and convenience store. (See attached location plan)

1.2 The site measures 1.3 hectares in area and slopes gently to the north and west and away from the A38. The site is presently covered by vines and is enclosed to the north east and west by hedgerow while the southern boundary with the carpark to the Swan Inn is open.

1.3 The site is located on the eastern edge of, and within the Landscape Protection Zone (LPZ) and the A38 and A4019 are designated 'public transport corridors' as identified on the proposals map to the Tewkesbury Borough Local Plan to 2011 (March 2006). The application site is also located within Flood Zone 1 as identified on the Gov.uk Flood Maps for Planning website.

1.4 A public footpath ALH6 - Leigh footpath 6 runs along the western boundary of the site.

**2.0 Relevant Planning History**

2.1 There is no relevant history at the application site.

2.2 Land on opposite (eastern) side of A38:

Application no. 17/01337/OUT - Outline application for up to 40 dwellings, associated infrastructure, ancillary facilities, open space and landscaping with vehicular and pedestrian access from A38. All matters (Access, Appearance, Landscaping, Layout and Scale) reserved for future consideration - Pending consideration. This application also appears on the schedule.

### **3.0 Current Application**

3.1 The application seeks full planning permission for residential development of 25 dwellings. The development would be laid out with a row of 6 detached dwellings set back from the A38 and fronting onto private drives. To the rear of these properties would be a further 19 dwellings which would be sited around a new estate road. **(See attached Site Layout Plan)**

3.2 The site would be accessed from the A38 via a new junction which would be formed to the central part of the eastern boundary and the new estate road would have a 'T' shaped layout around which the western properties would be located. The existing bus stop would be relocated to the north of the proposed access.

3.3 The proposal would provide a mix of detached and semi-detached dwellings comprising:

4 x 1 bed maisonettes  
10 x 2 bed dwellings  
3 x 3 bed dwellings and  
8 x 4 bed dwellings

3.4 The properties would range from small pairs of semi's with half-eaves dormer features and an eaves height of 4.4 metres and an overall height of 8 metres, to larger bay fronted detached properties which would be 5.2 metres high to the eaves and would have an overall height of 8.9 metres. **(See attached plans)**

3.5 The proposal would provide 10 affordable dwellings (40% of the total development) of which 8 would be social rented and two would be shared ownership.

3.6 A small area of public open space would be provided to the south-eastern corner of the site. This area would also include a balancing pond and below ground, foul water treatment plant.

### **4.0 Planning 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.

#### **Cheltenham, Gloucester and Tewkesbury Joint Core Strategy**

4.2 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.

4.3 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.

4.4 Policy SP1 sets out that 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. The Rural Service Centres are to accommodate in the order of 1,860 new homes and the Service Villages in the order of 880 new homes.

4.5 Policy SP2 also provides that in the remainder of the rural area, Policy SD10 will apply to proposals for residential development. 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. On other sites, housing development will only be permitted subject to certain criteria, none of which are applicable in this case.

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

### **National Planning Policy Framework and Planning Practice Guidance**

4.7 The NPPF aims to promote sustainable development and the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The 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.

4.8 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. However, where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

### **5.0 Community Infrastructure Levy Regulations**

5.1 The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. 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.

5.2 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.

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

5.4 From 6 April 2015 new rules have been introduced regarding the pooling of contributions secured by S106 agreements. The Planning Practice Guidance sets out that from that date, no more contributions may be collected in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy.

5.5 In October 2018 the Council adopted a CIL and implemented the levy on 1 January 2019. For CIL purposes the application site falls within a 'Generic Site' and is subject to the levy for residential development at £200 per square metre on all the market elements of the proposed development.

5.6 Infrastructure requirements specifically related to the impact of the development will be secured via a S106 legal agreement, which may include the provision of commuted sums. CIL would be collected in addition to any site specific S106 requirements.

### **6.0 Analysis**

#### Principle of Development

6.1 With the exception of a cluster of dwellings at The Wharf, Coombe Hill is a dispersed linear settlement along the A38 and broadly centred on the Junction with the A4019, where there is a public house, PFS with convenience store and farm shop. The area also includes bus stops which link Tewkesbury with Cheltenham and Gloucester. The application site would be located amongst this cluster of development and is not therefore be considered isolated.

6.2 JCS Policy SP2 sets out that development at rural service centres and service villages will be allocated through the Tewkesbury Borough Plan and Neighbourhood Plans, proportional to their size and function, and also reflecting their proximity and accessibility to Cheltenham and Gloucester and considering the environmental, economic and social impacts including existing levels of growth over the plan period.

6.3 JCS Policy SD10 sets out the Council's approach to housing development and states that residential development will be permitted at sites allocated for housing through the development plan. Proposals on un-allocated sites will only be permitted under certain circumstances, none of which apply to the proposed development. Notwithstanding the Council's intention to allocate sites for housing within the Tewkesbury Borough Plan the current application is in conflict with this policy.

6.4 Coombe Hill is a Service Village and in this respect, new housing in this location would be broadly consistent with the JCS spatial strategy, although most of the JCS allocation for the Service Villages (880 dwellings) has already been committed. Furthermore the emerging Borough plan seeks to residential development at two sites within Coombe Hill, and this site forms part of one of these identified sites.

6.5 In terms of the emerging Development Plan, this comprises the Preferred Options Tewkesbury Borough Plan (POTBP) (2018). The consultation period on this draft version ended on 30th November 2018. Furthermore, the Parish of The Leigh is a designated Neighbourhood Area and the Parish Council are in the process of preparing a Neighbourhood Development Plan. However the NDP policies are yet to be published and have not been out to consultation, accordingly no weight can be afforded to the plan at this time.

6.6 POTBP Policy RES1 proposes to allocate two sites for housing development at Coombe Hill, Site A, a large field parcel on the eastern side of the A38, (part of which is subject to planning application no.17/01337/OUT) and indicated as having a capacity of 50 dwellings. The second location, 'Site B' (to which this application relates), is identified as having a capacity of 26 dwellings. While the POTBP has been out to consultation (preferred options), the plan is in the early stages of adoption and can only be afforded very limited weight.

6.7 The Tewkesbury Borough Plan Housing Background Paper (HBP) (September 2018) Provides an 'indicative' housing requirement for the Rural Service Centres and Service Villages by disaggregating the SP2 allocation (880 dwellings) according to the SP2 criteria (size, function, proximity/accessibility to Cheltenham/Gloucester). Coombe Hill is given an indicative requirement of 22 dwellings (including dwellings which have already been committed in the village).

6.8 The Parish Council have objected to the number of dwellings proposed by this application as well that on the opposite side of the A38 (which is also a proposed allocation in the POTB) and the effect on the settlement. The Preferred Options TBP Housing Background Paper (Sept 2018) acknowledges that the level of housing proposed would exceed the disaggregated indicative housing requirement however the report advises that in terms of functionality, Coombe Hill is well connected to nearby towns and associated employment and services. Furthermore Coombe Hill is identified as having a dispersed character and limited facilities. Accordingly it is considered that the impact of additional residential development would not harm community cohesion and the additional development is identified as an opportunity to create a village core and a more cohesive community.

6.9 The site located at a defined Service Village which, in accordance with Policy SP2 of the JCS, is expected to accommodate some new development proportional to its size and function and also reflecting their proximity and accessibility to Tewkesbury, Cheltenham and Gloucester and considering the environmental, economic and social impacts including existing levels of growth over the plan period. In this respect it is considered that the development could sustainably be accommodated at the settlement and this is a material consideration that weighs in favour of the proposal, along with other benefits of the proposal including economic benefits arising both during and post construction and the social benefits associated with the delivery of market and affordable housing. These matters must be considered in the overall planning balance.

6.10 Nevertheless, in this instance the application is in conflict with JCS Policy SD10 and this weighs against the proposal.



6.11 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development. For decision making this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or*
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
  - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

6.12 The NPPF clarifies (footnote 7) that planning policies for housing will be judged out of date, inter alia, where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. The latest published evidence (the Tewkesbury Borough Five Year Housing Land Supply Statement - March 2019 Update) concludes that the Council can demonstrate a 5.22 year supply in respect of the 31 March 2018 base date data. A recent appeal decision relating to a land at Oakridge, Highnam, concluded that the Council could not demonstrate a five year supply of deliverable housing sites, with it being concluded in the decision that it was inappropriate for the Council to include past advanced delivery of housing within the plan period. The Council considers that this is a legally flawed interpretation of national policy and so not part of the decision to be followed.

6.13 The latest published evidence (the Tewkesbury Borough Five Year Housing Land Supply Statement - March 2018 Update) concludes that the Council can demonstrate a 5.22 year supply. A recent appeal decision relating to a land at Oakridge, Highnam, concluded that the Council could not demonstrate a five year supply of deliverable housing sites. The key reason for this was that the Council includes advanced delivery against annual housing requirements in its five year supply calculations. The Council's approach in this respect is considered appropriate and, as members are aware, the Council is judicially reviewing the Secretary of State's conclusions in this regard.

6.14 Nevertheless, work is progressing on the annual Authority Monitoring Report, which provides the evidence for the Five Year Land Supply Statement. Whilst this work is not yet complete it is now clear that in respect of the 31 March 2019 base date data, the Council is not able to show a five year supply of deliverable housing sites and as a result can no longer demonstrate a five year supply of deliverable housing sites. The latest available information indicates that the Council can demonstrate a 4.33 year supply of deliverable housing sites, amounting to a shortfall of approximately 223 dwellings.

6.15 In conclusion on this point, on the basis that the Council cannot at this time demonstrate a five year supply of deliverable housing sites, the Council's policies for the supply of housing are out of date. In accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas of assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits.

#### Accessibility and Highway Safety

6.16 Paragraph 103 of the NPPF sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Furthermore, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.

6.17 The level of service provision in the immediate area is relatively basic (it has a general store, petrol station, a public house, farm shop and a mobile library), with some existing employment opportunities within walking distance at Knightsbridge Business Park. The application site is however located approximately 5 miles from the centre of Cheltenham and 3 miles from the services and employment opportunities at the north-western edge of the town. Gloucester City Centre is located approximately 6.5 miles from the site and Tewkesbury town centre is 4 miles away. All of these destinations are accessible by public transport with bus services operating during peak hours and are within cycling distance which contributes to the sustainability of the site.

6.18 As a result of this proximity and accessibility to Tewkesbury, Cheltenham, Gloucester and associated employment opportunities, it is considered that the suggested level of development resulting from the identified site options in the POTBP would be consistent with the requirement of Paragraph 103 of the NPPF for significant development to be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

6.19 The application proposes a new propriety junction from the A38 to serve the development. Paragraph 109 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.20 The County Council Highways Officer (HO) has confirmed that the two-way trips generated by the proposed 25 dwellings would not result in a significant impact on the existing capacity of the highway network. While it is acknowledged that the traffic lights at the junction with the A38 and A4019 result in some queuing at peak times, the proposal (even when considered with additional vehicles from the application site on the opposite side of the A38) would not significantly impact the existing situation and would not result in an unacceptable cumulative impact on the road network and the impact of the development is therefore considered acceptable.

6.21 The submitted details demonstrate that visibility splays of 2.4metres x 120 metres based on the speed limit of the road can be achieved in both directions. The HO advised that safe and suitable access could be achieved. The HO has confirmed that the proposed access is of an acceptable width to allow vehicles to pass and would also include a 2 metre footway either side of the access and into the site for pedestrians. However the HO has requested the provision of further 1.2 metre wide footways along the private drives serving the frontage properties (Plots 1-7) to avoid conflict between vehicles and pedestrians. The applicant has agreed to this being secured by condition.

6.22 With the exception of the 1 bed maisonettes, each of which would have one off street parking space, all the remaining dwellings would have a minimum of two off street parking spaces, with the larger units also benefiting from further garage parking. In addition to this the scheme would provide 5 visitor parking spaces. The level of parking proposed is considered appropriate to meet the reasonable requirements of future occupiers.

6.23 The proposal would include a new crossing point over the A38 which would comprise a dropped kerb with tactile paving on either side of the road to improve accessibility for pedestrians. This provision is considered to be commensurate with the scale of the development and associated pedestrian movements and would accord with paragraph 108(b) of the NPPF which seeks to ensure safe and suitable access for all users and this could be secured by a suitably worded condition.

6.24 The proposal would entail the relocation of the existing bus stop to the north of the proposed access. The HO has raised no objections to this subject to the relocated bus stop being secured by condition.

### **Drainage and Flood Risk**

6.25 JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change.

6.26 The application site is located within Flood Zone 1 and is in a location that would be least at risk from flooding. The application is supported with a Flood Risk assessment and a further Technical Design Note. The submitted details advise that given the elevated position of the site it is not at risk of fluvial flooding. In terms of drainage it has been identified that the site does not benefit from any existing drainage infrastructure with surface water draining in to the soil. Furthermore, there is no Severn Trent drainage infrastructure in the area.

6.27 The application proposes a SuDS pond within the south-eastern corner of the site along with a below ground foul treatment plant to deal with surface and foul drainage which will subsequently discharge at a controlled rate into the highway drain and subsequently into the Leigh Brook to the southeast of the site. The use of the highway drain has been accepted in principle by the County Council subject to improvement and repair works being undertaken.

6.28 The LLFA have advised that the drainage strategy is acceptable in principle subject to the final drainage design which also specifies the improvements to the pipe network. On this basis, the LLFA are satisfied that the proposed requirements can be secured by condition. Further information has also been received in response to concerns raised by the Council's Land Drainage Officer. This is being reviewed by officers to ensure that the proposal does not increase the risk of flooding at The Bellows.

### **Landscape and Biodiversity**

6.29 Policy SD6 of the JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect 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 area. Policy SD9 seeks the protection and enhancement of biodiversity and geological resources of the JCS area. Furthermore, TBLP Policy LND3 gives protection to the ecology and visual amenity of the river environment.

6.30 The Tewkesbury Borough Landscape and Visual Sensitivity Study for Rural Service Villages (2014) advises that Coombe Hill is sensitive to conspicuous development on the exposed side slopes of the ridge that would be visible in long distant views and would be at odds with the established settlement pattern (which is loosely cruciform). The application site comprises the southwestern pocket of the larger assessed Land Parcel Coo-05 which is identified as having a medium landscape sensitivity and medium visual sensitivity and concluded as having a medium landscape character sensitivity.

6.31 The character summary advises that the assessment parcel (Coo-05) which is the application site occupies a prominent ridge location, however the site is exposed to the A38 and petrol filling station and is exposed to high levels of detracting activity in terms of movement and noise. Similarly the Swan car park is identified as a negative influence upon the character of the land parcel. These negative elements are set against the sites prominent location which is open to distant views.

6.32 The application has been accompanied by a Landscape and Visual Appraisal. The LVA advises that the development would have a moderate impact upon the landscape character and that the magnitude would reduce over time through mitigation. The report advises that existing boundary hedging should be retained and that this should be enhanced with additional tree planting to the site boundaries which would reflect the wooded character of the area.

6.33 The introduction of built development upon an existing agricultural field would result in landscape harm however the scale of the development would be restrained and it would be located adjacent to existing built development to the north and south as well as the A38 which exerts a significant urbanising impact along the eastern edge of the site. Furthermore, the presence of existing hedgerow screening to the boundaries and additional proposed tree planting, would allow for filtering of distant views from the east and west. The protection of existing boundary vegetation during the construction phase and further planting and landscaping could be secured by condition.

6.34 The application site is set at the eastern edge of the LPZ. While the development would occupy an elevated position it would be set a significant distance away from the river and existing hedgerows and trees would filter views from the west.

6.35 In terms of ecology, the site presently comprises a vineyard with hedgerow to the site boundaries. The submitted ecological report advises that the site is of limited ecological value due to the managed nature of the existing vineyard and no evidence of protected species was recorded, however the report does acknowledge the value of the hedgerow for foraging bats. The report also recommends a series of measures to protect and enhance biodiversity during the construction phase and post development and this could be controlled by condition. Furthermore, the drainage strategy has been designed to ensure that water does not discharge to the west and thereby protecting the river ecology.

6.36 It is noted that Natural England have raised no objections in principle to the development and the Councils Ecology adviser is presently undertaking a habitats regulations assessment to ensure that the development provides appropriate safeguards to European and Ramsar sites and recommendations to mitigate recreational pressures in the Coombe Hill SSSI. Discussions with regards to recreational impacts and ecological network enhancements are ongoing and it is considered that appropriate measures could be secured by condition.

6.37 Concerns have been raised with regards to the impacts of light pollution upon amenity and the natural environment. It is clear that development in this location would result in change with lighting from proposed dwellings, however such domestic lighting would not result in undue harm. In terms of the impact of street lighting a condition is recommended to restrict the installation of street lighting within the development in order to protect the dark rural character of the area.

#### Design, Layout and Amenity

6.38 The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Policy SD4 of the JCS advises that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. Policy SD14 sets out that development should protect and seek to improve environmental quality and should not cause unacceptable harm to local amenity including the amenity of neighbouring occupants.

6.39 The submitted design and access statement identifies a mix of dwelling sizes, and styles. The proposed design of the dwellings would draw upon traditional features found on existing properties in the area, such as half eaves dormers, stone lintels, and cills, stone banding detail, bays and gable ends.

6.40 The proposed dwellings would be faced in red brick and would have slate roofs. Furthermore, the more traditional elements of the design would be offset in the design by more contemporary grey coloured window casements, doors and rainwater goods giving the development its own character. It is considered that the design approach and pallet of materials would result in a high quality appearance to the development. Furthermore each of the properties would be provided with ample private garden areas which would benefit future occupiers as well as maintaining a spacious character to the development.

6.41 The application has been accompanied by a noise assessment which appraises the existing noise environment and sets out mitigation measures to safeguard the living conditions of the future occupiers of the development and this can be secured by condition.

6.42 The proposed layout with larger properties arranged informally and fronting towards the A38, would reflect the existing organic character of the area while the introduction of dwellings on this site and in proximity to existing services would contribute to a sense of place and the establishment of a focus to the otherwise dispersed settlement.

6.43 Particular concerns have been raised by the occupiers of the dwellings to the north of the site with regards to overlooking from plots 24 and 25. Plot 24 would be set over 22 metres from the nearest part of Chapelmead and is skewed to the north. Similarly plot 25 would be set over 26 metres away. Considering this separation and layout the proposal would not result in demonstrable harm to the living conditions of these occupiers.

#### Affordable housing

6.44 JCS Policy SD12 sets out that on sites outside of strategic allocations, a minimum of 40% affordable housing will be sought, should be provided on site and should be seamlessly integrated and distributed throughout the development scheme.

6.45 The proposed development would provide 10 affordable houses which represents a 40% proportion of the 25 dwellings proposed at the site. The proposal would provide 4 one bed maisonettes and 6 two bed three person properties of which 8 would be social rented and two would be shared ownership.

6.46 The Council's Strategic Housing Enabling Officer (SHEO) is satisfied with the proposed mix and tenure and advises that the proposed mix reflects the need highlighted by the 2016 Housing Needs Survey and would contribute towards the affordable housing need in the borough. This provision would need to be secured by way of a S.106 agreement.

## Other matters

6.47 The Council adopted a CIL in October 2018 and implemented the levy on 1 January 2019 and is applicable to all open market houses. Infrastructure requirements specifically related to the impact of the development will continue to be secured via a S106 legal agreement. This application would require a s.106 agreement to secure the following contributions:

- Affordable Housing - 40%
- Recycling & waste bins - £73 per dwelling

6.48 It is noted that the County Council's S.106 Officer has requested contributions towards provision of facilities at local schools however, this would not meet the prescribed tests and cannot be delivered through S.106. Nevertheless, this would be an infrastructure project capable of being delivered through CIL.

## **7.0 Overall Balancing Exercise and Conclusion**

7.1 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.

7.2 On the basis that the Council cannot at this time demonstrate a five year supply of deliverable housing sites, the Council's policies for the supply of housing are out of date. In accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas of assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits

### **Benefits**

7.3 The delivery of market and social housing in a sustainable and accessible location with good links to Tewkesbury, Cheltenham, Gloucester and associated employment and services is a social benefit arising from the proposal. Given the scale of the proposal, these benefits are given moderate weight.

7.4 While services at Coombe Hill are limited, there would be an economic benefit during the construction phase as well as from the additional population which would be generated by the development which would contribute to the sustainability of the PFS, convenience store, pub and Farm shop with resultant economic benefit to existing businesses. These economic benefits, along with the economic benefits arising from the construction phase, are given some weight.

7.5 Furthermore, these services and existing and future residents would benefit from the increased connectivity as a result of the proposed pedestrian crossing over the A38. The provision of public open space would be a social benefit which would serve the existing community as well as new residents although these benefits are limited.

### **Harms**

7.6 Harm arises from the conflict with the development plan and in particular policies SP2 and SD10. While the proposal would be consistent with Policy RES1 of the POTBP, this is still at the early stages of adoption and can be afforded little weight at this time. Notwithstanding the conflict with the development plan, the Council cannot demonstrate a five year supply of deliverable housing sites and this must be weighed in the overall planning balance.

7.7 Further, landscape harm will arise from the loss of part of an existing field at a prominent and exposed crossroads location. The proposal would have an urbanising effect upon the area through the development of 25 dwellings and associated infrastructure, however it is considered that this visual harm can be mitigated through appropriate design and landscaping as part of any reserved matters application.

## Neutral

7.8 It is considered that the proposal would result in a neutral impact on ecology and geodiversity and that subject to compliance with conditions the development with regards to drainage, the proposal would not increase the risk of flooding or impact the operation of the highway. Furthermore, the proposal would not impact the significance of the listed barn at Grange Farm.

## Conclusion

7.9 On the basis that the Council cannot demonstrate a five year supply of deliverable housing sites, the planning balance must be struck having regard to the presumption in favour of sustainable development at paragraph 11 of the NPPF. Whilst there is conflict with the development plan housing policies, these policies are considered out of date. There would also be harm to the landscape.

7.10 However in the absence of policies in the NPPF which would provide a clear reason for refusal, it is not considered that these harms would significantly and demonstrably outweigh the benefits set out above and it is therefore recommended that **permission is DELEGATED to the Technical Planning Manager to resolving concerns with surface water drainage, ecological mitigation measures, any additional/amended planning conditions; and the completion of a section 106 legal agreement to secure the following:**

- **Affordable Housing - 40%**
- **Recycling & waste bins - £73 per dwelling**

## RECOMMENDATION Permit

### Conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with drawing nos. P16-0306\_03 Sheets: 01 Rev.A, 04 Rev.A, 05 Rev.A, 07 Rev.A, 08 Rev.A 10, Rev.A, 11 Rev.A, 12 and 13 received by the Local Planning Authority on 29th May 2018 and drawing no.p.16-0306\_01 Rev.N received by the Local Planning Authority on 5th March 2018 and any other conditions attached to this permission.

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

3. Prior to the commencement of development (including site preparation and clearance), tree protection measures shall be erected on site in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The protective fencing shall be retained in accordance with the approved details for the duration of the construction phase.

Reason: To provide protection to retained trees in the interest of the visual amenity of the area.

4. Prior to the commencement of development (including site preparation and clearance), the ecological mitigation and protection measures set out within the AA Environmental Limited - Ecological Assessment ref:173426/JDT shall be implemented on site and maintained for the duration of the construction Phase.

Reason: To conserve the natural environment.

5. No works above ground level shall take place until existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels and ridge heights of the dwelling hereby permitted have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the proposed development does not have an adverse effect on the character and appearance of the area.

6. No development above DPC level shall take place until a landscaping scheme for the development has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include scaled drawings and a written specification clearly describing the species, sizes, densities and planting numbers. The drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment

7. The landscaping scheme to be approved under Condition 6 shall be implemented no later than the first planting season following the completion of the development. The planting shall thereafter be maintained for a period of 5 years. If during this time any trees, shrubs or other plants are removed, die, or are seriously diseased, these shall be replaced during the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment

8. No works above DPC level shall take place until samples of the external materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure a satisfactory appearance to the development.

9. No works above DPC level shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected, along with a timetable for their installation. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to ensure that dwellings have satisfactory privacy.

10. No development above DPC level shall take place until a scheme (which shall include precise details of the foul water treatment plant) to treat and dispose of surface and foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be completed prior to the first occupation of the development and the treatment plant shall thereafter be operated and maintained in accordance with the manufacturer's specification for the duration of the use of the site.

Reason: To ensure that surface and foul water is properly managed.

11. No development above DPC level shall take place until an exceedance flow routing plan for flows above the 1 in 100 +40% climate change event has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall identify exceedance flow routes through the development based on proposed topography with flows being directed to highways and areas of public open space. Flow routes through gardens and other areas in private ownership will not be permitted. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.

Reason: To ensure satisfactory drainage of the site and avoid flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

12. No part of the development shall be occupied until a SuDS management and maintenance plan for the lifetime of the development (which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime), has been submitted to and approved in writing by the Local Planning Authority. The plan shall fully detail the access that is required to reach surface water management component for maintenance purposes and include details of safe and sustainable removal and disposal of waste periodically arising from drainage system, including the materials to be used and standard of work required. The plan shall include a maintenance schedule for all the surface water drainage and SuDS elements. The approved SuDS maintenance plan shall be implemented in full in accordance with the details.

Reason:

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

13. The development hereby permitted shall be carried out in accordance with the recommendations set out in the LF Acoustics Noise assessment dated May 2018.

Reason: To ensure satisfactory living conditions for future occupiers.

14. Throughout the construction phase of the development, provision shall be made available within the site that is sufficient to accommodate the likely demand generated for the following:
- i. parking of vehicles of site operatives and visitors;
  - ii. loading and unloading of plant and materials;
  - iii. storage of plant and materials used in constructing the development;
  - iv. wheel washing facilities

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

15. Prior to the first occupation of the development hereby permitted the first 15 metres of the proposed access road, including the junction with the existing public road and associated visibility splays, shall be completed to at least binder course level.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people.

16. Prior to the first occupation of any dwelling hereby permitted details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.

17. No part of the development hereby permitted shall be occupied until the drop kerb pedestrian crossing over the A38 is provided as illustrated on plan reference p.16-0306\_01 Rev.N with visibility splays of 120 metres north and south of the crossing points (to the nearside carriageway vehicle track edge from the back edge of the footway crossing points. The splays shall thereafter be maintained clear of obstruction vertically between 0.6 metres and 2 metres above carriageway level at the back edge of crossings points and between 0.26 metres and 2 metres above carriageway level at splay extents.

Reason: To avoid an unacceptable impact on highway safety by ensuring that adequate pedestrian visibility is provided and maintained and to ensure that a safe, suitable means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.



18. No works shall commence on site until details of the relocation of the north bound bus stop, associated footways, and pedestrian crossing (as indicatively shown on plan reference p.16-0306\_01 Rev.N) and any other obstructions to visibility, have been submitted to and agreed by the Local Planning Authority. The approved works shall be completed in all respects in accordance with a timetable to be agreed in writing by the Local Planning Authority and shall be maintained as such thereafter, unless and until adopted as highway maintainable at public expense.

Reason: To ensure that the appropriate opportunities to promote sustainable transport modes can be taken up and that the development is designed to give priority first to pedestrian movements and provide access to high quality public transport and facilities that encourage public transport use.

19. Notwithstanding the submitted details and prior to the first occupation of plots 1-3 and 4-7, the associated cul-de-sac access road entrances from the main estate road shall provide adequate width for two-way simultaneous passing of two large estate cars with 1.2 metres minimum width footways to dwelling front entrances from main estate road and 2 metres clear of vertical boundary treatment behind the footway between the cul-de-sac entrances and the A38 junction.

Reason: To ensure that conflict between road users including vehicles, cyclists and pedestrians is minimised and safe and suitable access with visibility is provided.

20. No vertical features between 0.6m and 2m in height above carriageway level (except those with widths of less than 500mm) shall be provided in the area fronting plot 8 to the rear and side of the visitor spaces up to the footway alongside plot 3, fronting plot 25 and the verge alongside plot 18 and this area shall be maintained clear of obstructions to visibility thereafter.

Reason: To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.

21. No vertical features between 0.6 metres and 2 metres in height above carriageway level (except those with widths of less than 500mm) shall be provided in the frontage areas between buildings and the carriageway edge of plots 1-5, 12, 13 18-23 and this area shall be maintained as such thereafter.

Reason: To ensure that adequate vehicle and pedestrian visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians

22. Prior to the first occupation of plots 8 and 9, a visibility splay extending from 2 metre back away from the carriageway edge along the northern edge of the plot 8 parking space extending 18 metres north to the nearside vehicle carriageway edge is provided clear of vertical features between 0.6 metres and 2 above carriageway level except under 500mm in width with visibility maintained as such thereafter.

Reason: To ensure that adequate vehicle and pedestrian visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.

23. Notwithstanding the permitted plans, prior to the first occupation of plots 23 to 25 a pathway no less than 1.2 metres in width shall be provided from the southern edge of the visitor parking space fronting Plot 25 to the footway south of plot 3.

Reason: To ensure safe and suitable access for all user to pedestrian routes around the site

24. No dwelling hereby permitted shall be occupied until the car parking associated with that plot (including garages and car ports where proposed) has been provided in accordance with the submitted plan P.16-0306\_01 Rev:N and each car parking space so provided shall include provision to enable the charging of plug-in and other ultra-low emission vehicles. These facilities shall be maintained available for that purpose thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians and encourage the take up of low emission vehicles.

25. No dwelling shall be occupied until provision has been made for the treatment, routing and disposal of foul water (including pollution control and monitoring measures) in accordance with details which shall be first submitted do and approved in writing by the Local Planning Authority. The approved treatment equipment shall thereafter be maintained and operated in accordance with the manufacturer's specifications.

Reason: To ensure that adequate drainage is provided and to reduce the risk of flooding and pollution.

26. No street lighting shall be installed on any part of the development site.

Reason: To protect the rural character of the area.

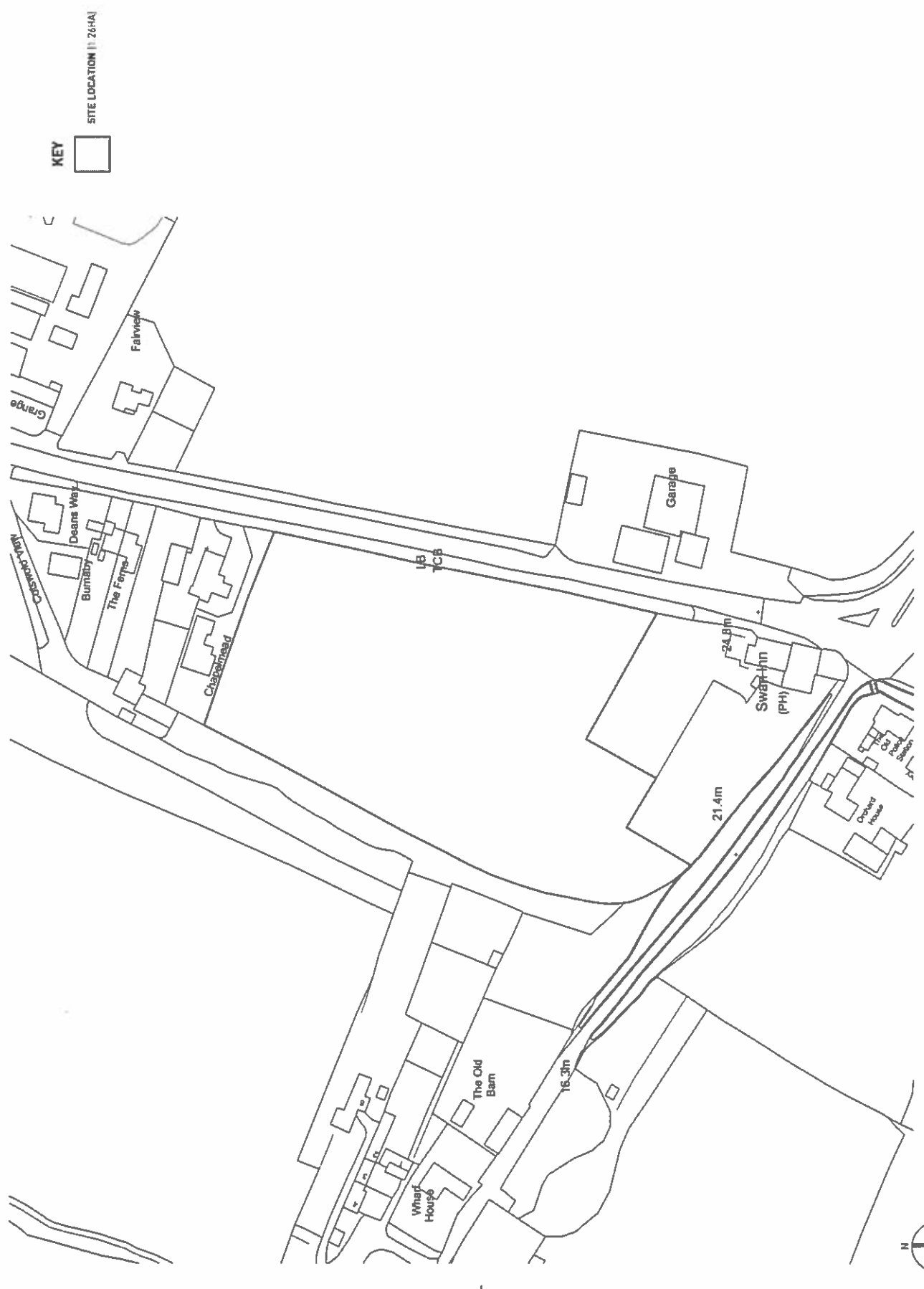
#### Notes

1. Statement of Positive and Proactive Engagement

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













2. The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.
3. The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.
4. The applicant is advised that to discharge the management and maintenance condition that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.
5. The LLFA does has standing advice, Flood Risk Assessment Guidance and SuDS Design and Maintenance Guidance document which can still be applicable in principle for this development. They can be accessed on the following website:  
<http://www.gloucestershire.gov.uk/extra/sudsplanning>
6. The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency
7. Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.
8. Any revised documentation will only be considered by the LLFA when resubmitted through [suds@gloucestershire.gov.uk](mailto:suds@gloucestershire.gov.uk) e-mail address. Please quote the planning application number in the subject field.

32/A



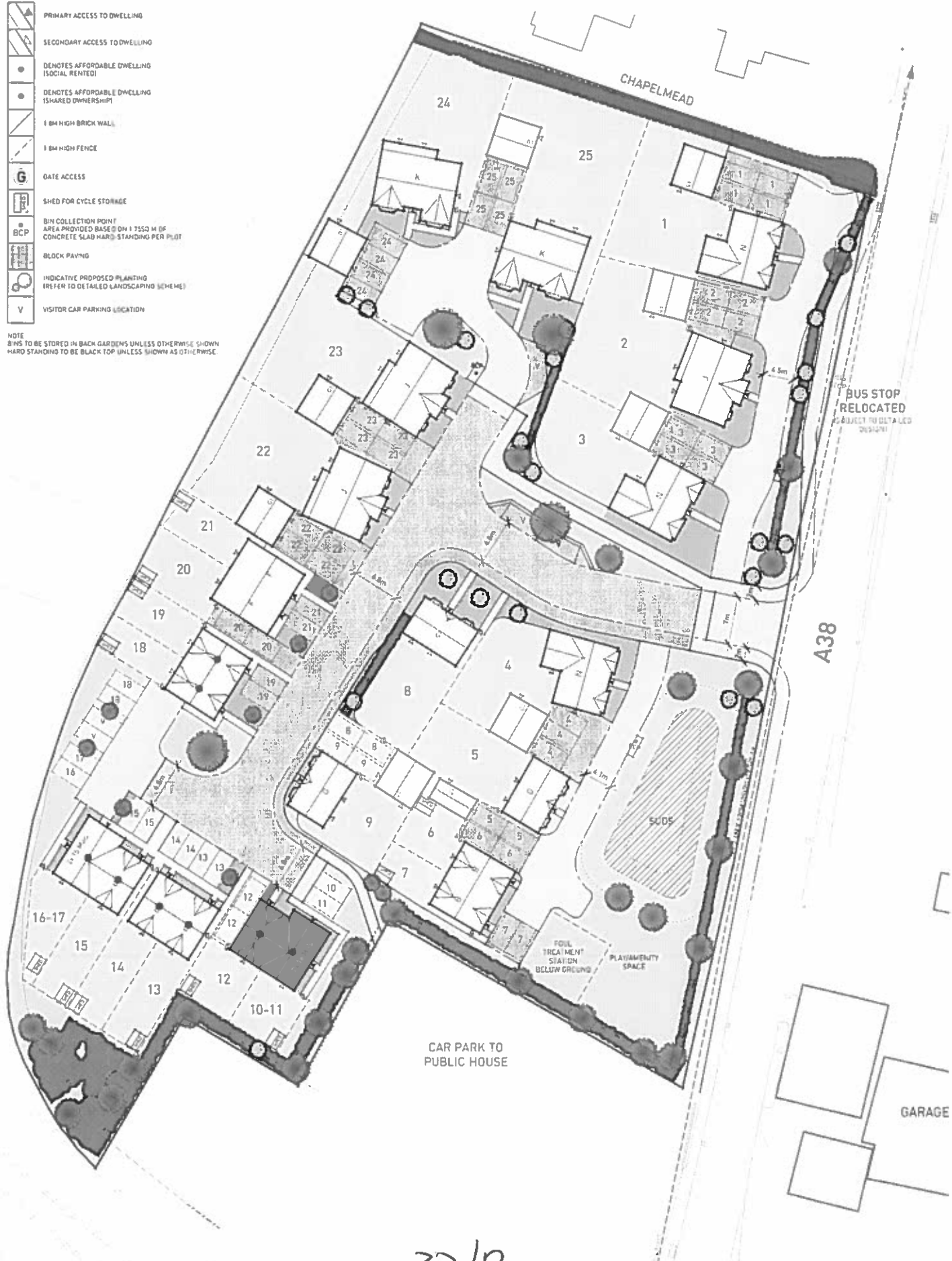
COOMBE HILL, LEIGH - SITE LOCATION PLAN



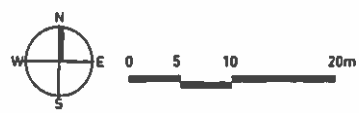
-  PRIMARY ACCESS TO DWELLING
-  SECONDARY ACCESS TO DWELLING
-  DENOTES AFFORDABLE DWELLING (SOCIAL RENTED)
-  DENOTES AFFORDABLE DWELLING (SHARED OWNERSHIP)
-  1.8M HIGH BRICK WALL
-  1.8M HIGH FENCE
-  GATE ACCESS
-  SHED FOR CYCLE STORAGE
-  BIN COLLECTION POINT AREA PROVIDED BASE 6.0M x 7.550 M OF CONCRETE SLAB HARD STANDING PER PLOT
-  BLOCK PAVING
-  INDICATIVE PROPOSED PLANTING (REFER TO DETAILED LANDSCAPING SCHEME)
-  VISITOR CAR PARKING LOCATION

NOTE  
BINS TO BE STORED IN BACK GARDENS UNLESS OTHERWISE SHOWN  
HARD STANDING TO BE BLACK TOP UNLESS SHOWN AS OTHERWISE.

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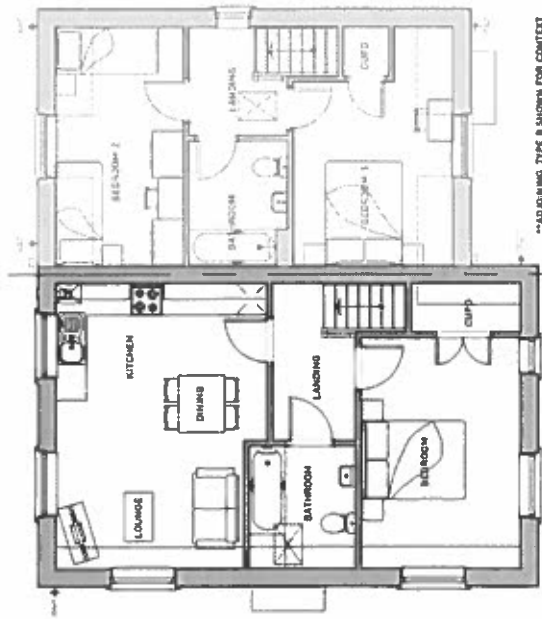


32/B



LAND OFF THE A38, COOMBE HILL - SITE LAYOUT





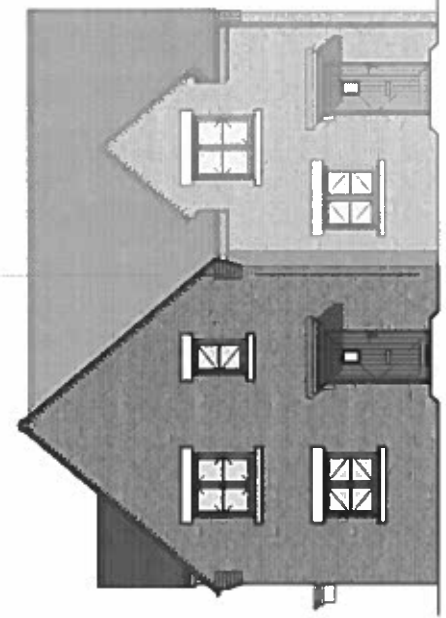
1ST FLOOR PLAN

\*\*ADJOINING TYPE B SHOWN FOR CONTEXT



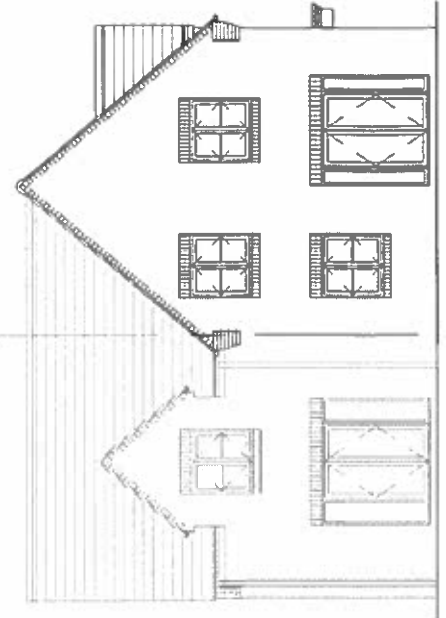
GROUND FLOOR PLAN

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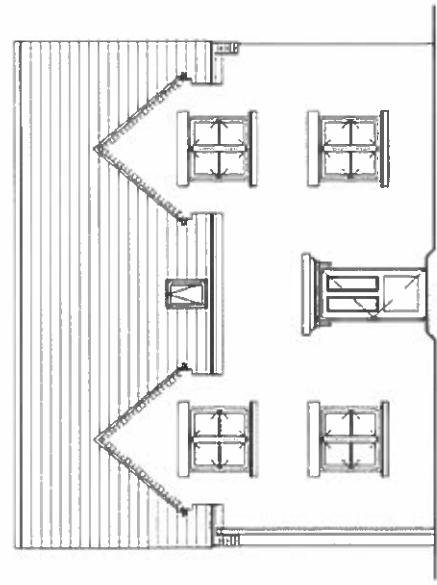
FRONT ELEVATION

\*\*ADJOINING TYPE B SHOWN FOR CONTEXT

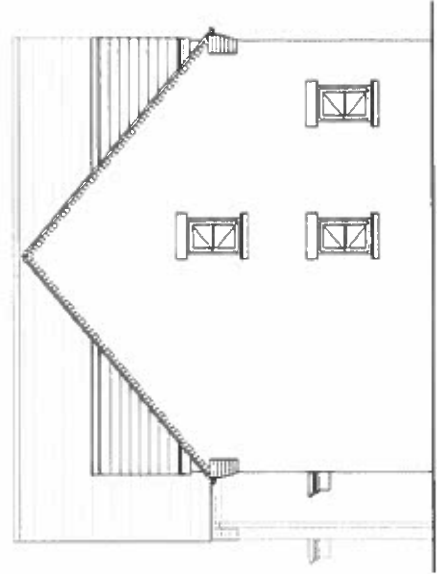


REAR ELEVATION

\*\*ADJOINING TYPE B SHOWN FOR CONTEXT



SIDE ELEVATION



SIDE ELEVATION

SCALE BAR 1:100



# COOMBE HILL, CHELTENHAM - MAISONNETTE FLOOR PLANS & ELEVATIONS



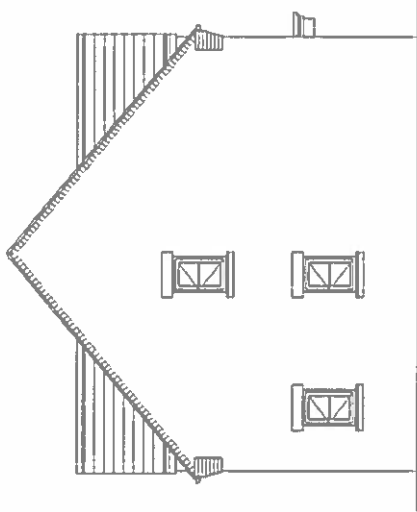
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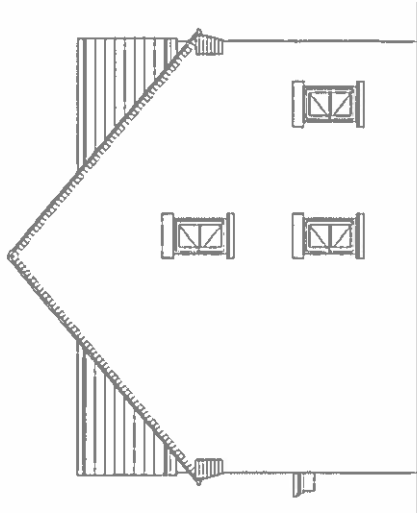
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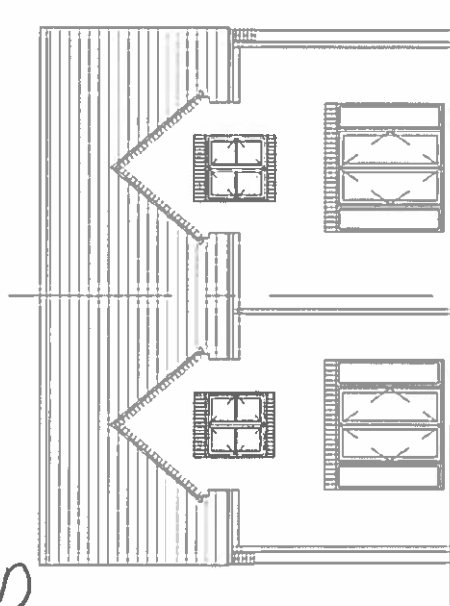
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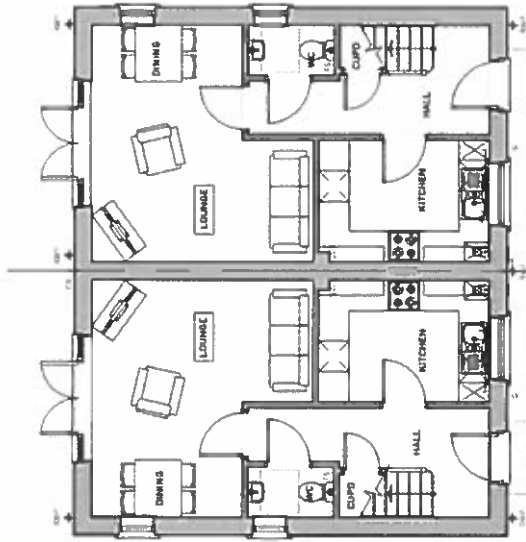
SIDE ELEVATION



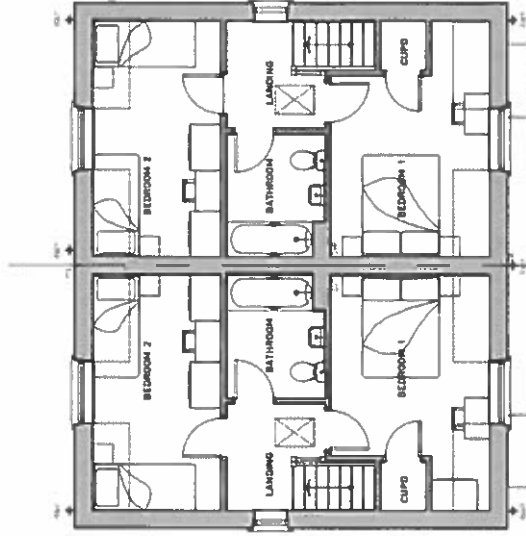
SIDE ELEVATION



REAR ELEVATION



GROUND FLOOR PLAN



1ST FLOOR PLAN

SCALE BAR 1:100



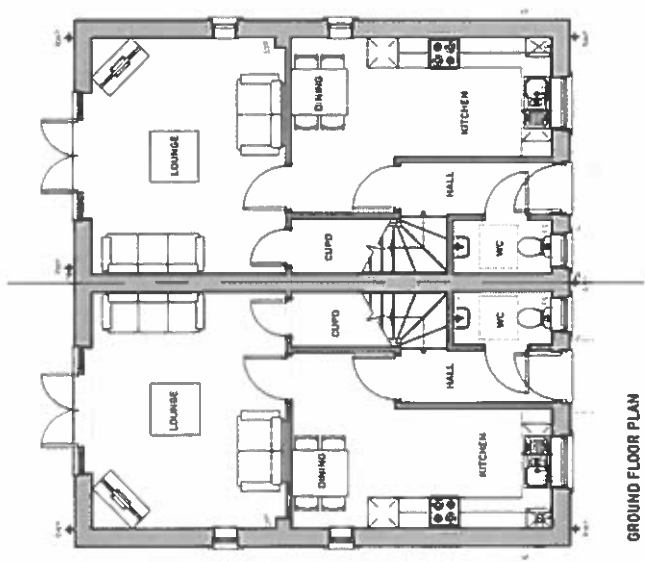
COOMBE HILL, CHELTENHAM - TYPE B FLOOR PLANS & ELEVATIONS

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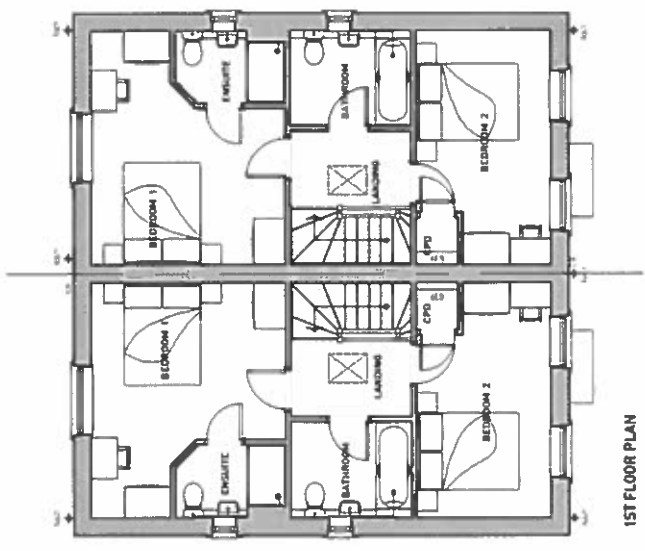
32/10  
59

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54



GROUND FLOOR PLAN



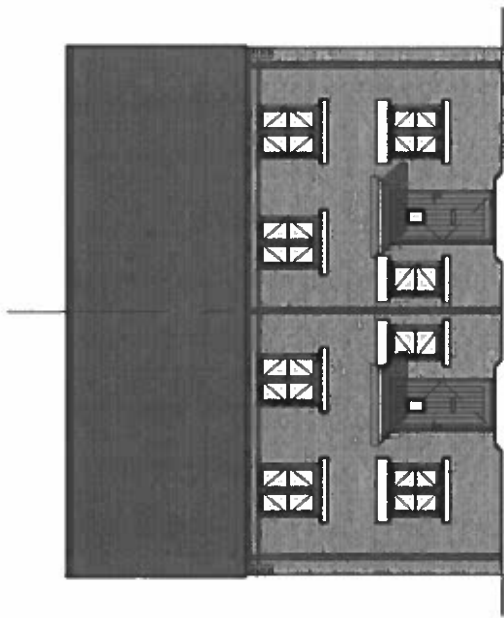
1ST FLOOR PLAN

SCALE BAR 1:100

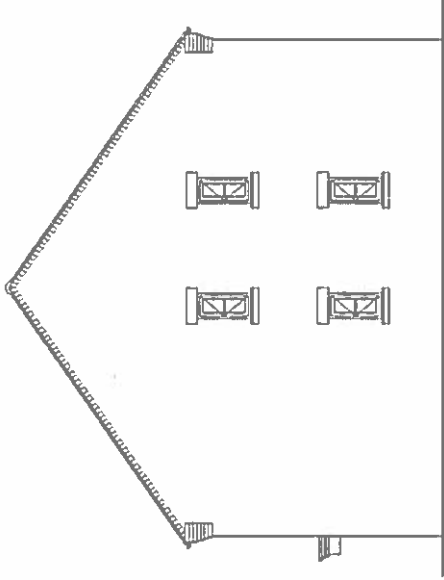


# COOMBE HILL, CHELTENHAM - TYPE F FLOOR PLANS

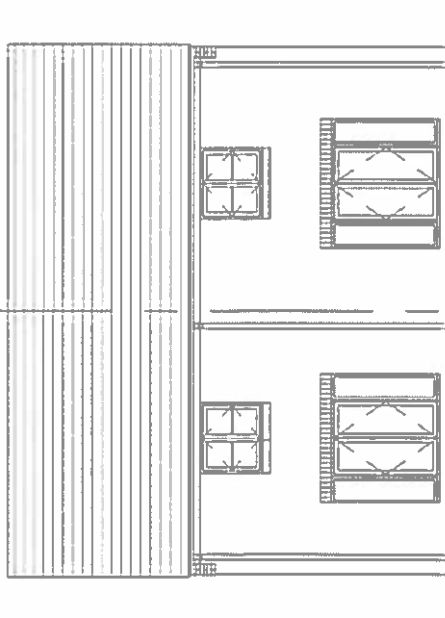
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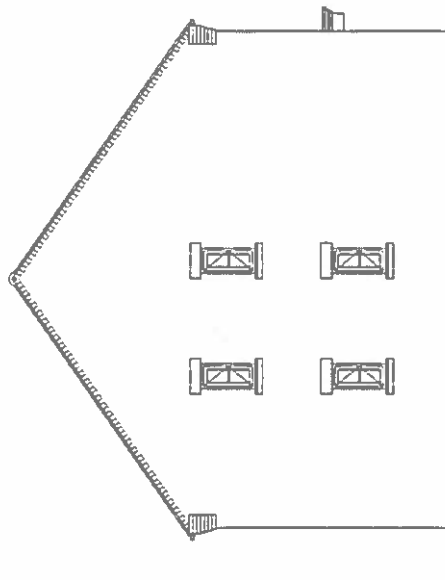
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

32/F

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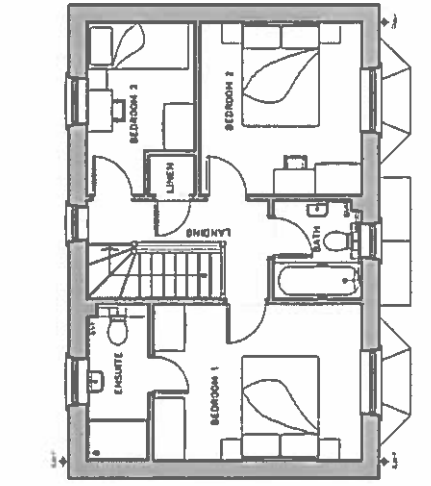
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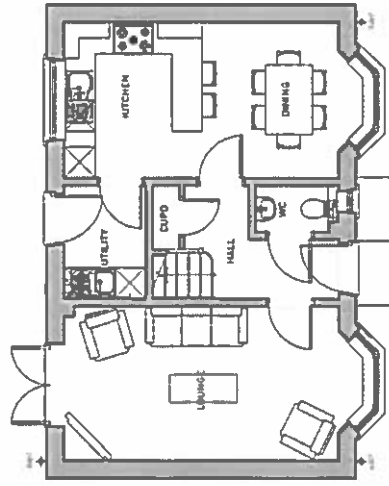
### COOMBE HILL, CHELTENHAM - TYPE F ELEVATIONS

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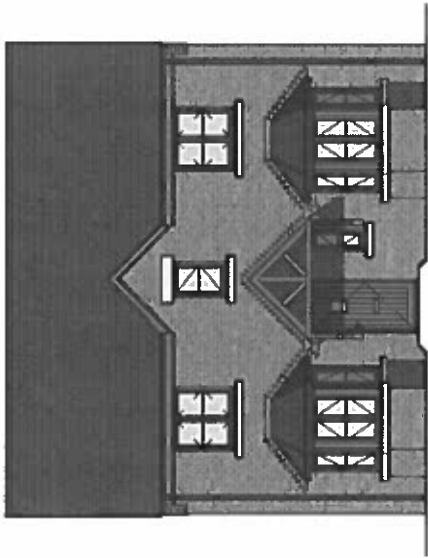




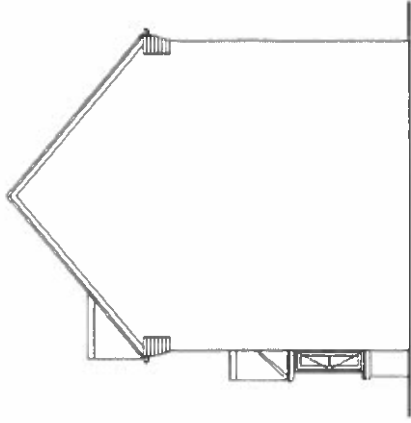
FIRST FLOOR PLAN



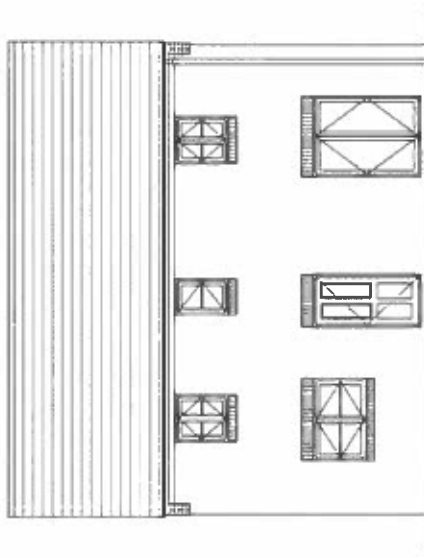
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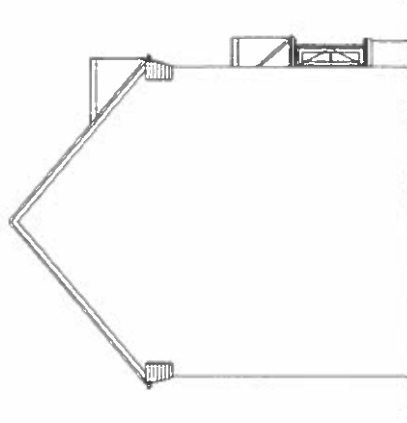
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SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

SCALE BAR 1:100

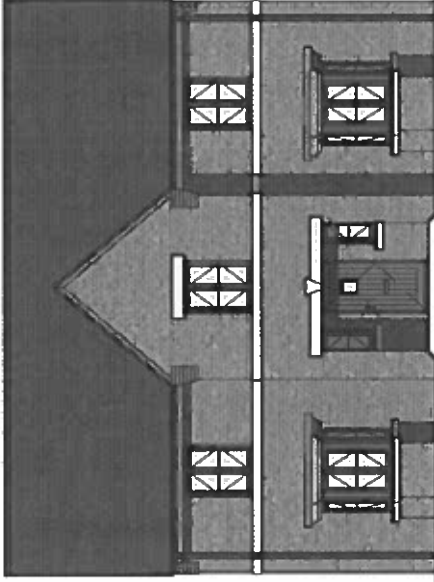


COOMBE HILL, CHELTENHAM - TYPE G FLOOR PLANS & ELEVATIONS

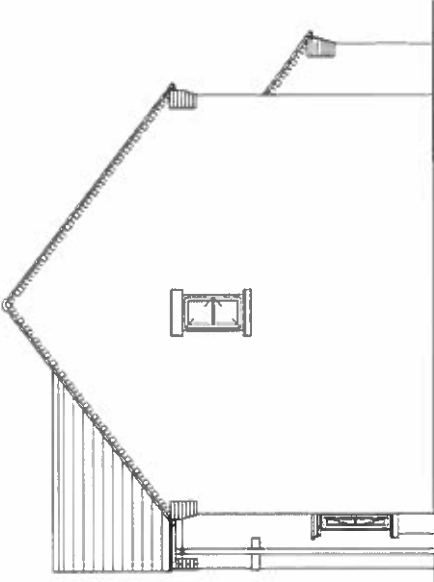
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56

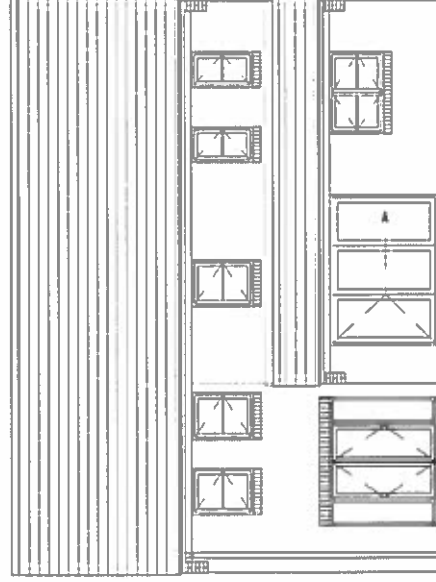
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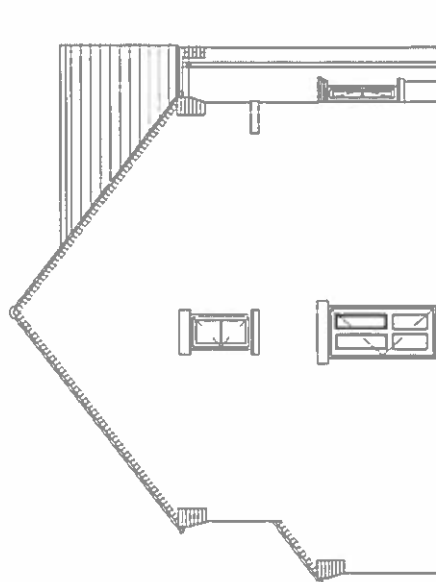
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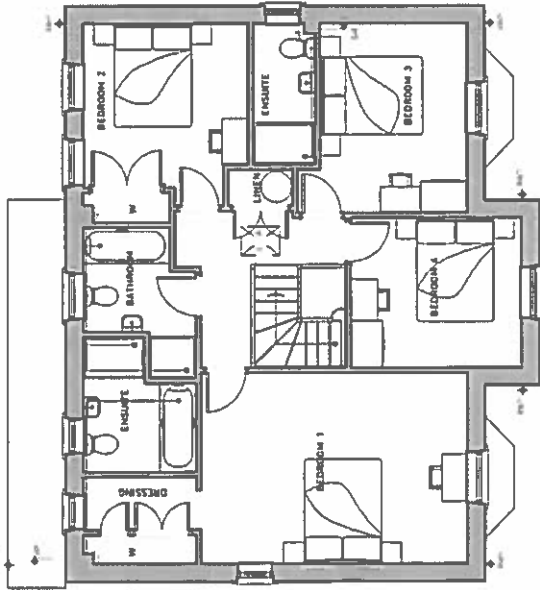
SIDE ELEVATION



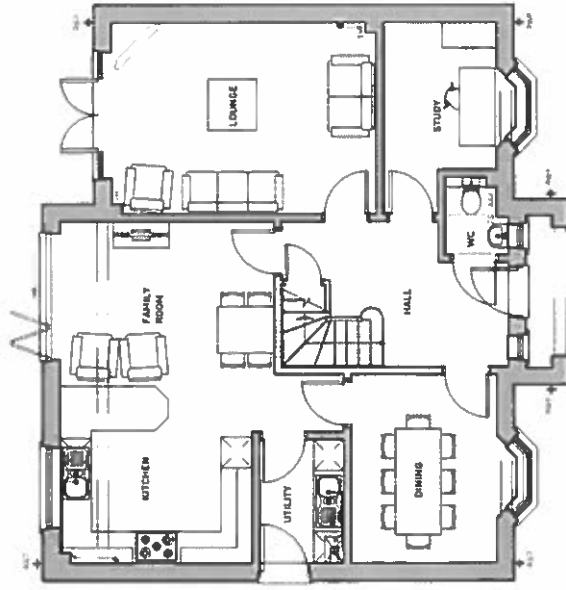
REAR ELEVATION



SIDE ELEVATION



1ST FLOOR PLAN



GROUND FLOOR PLAN

SCALE BAR 1:100

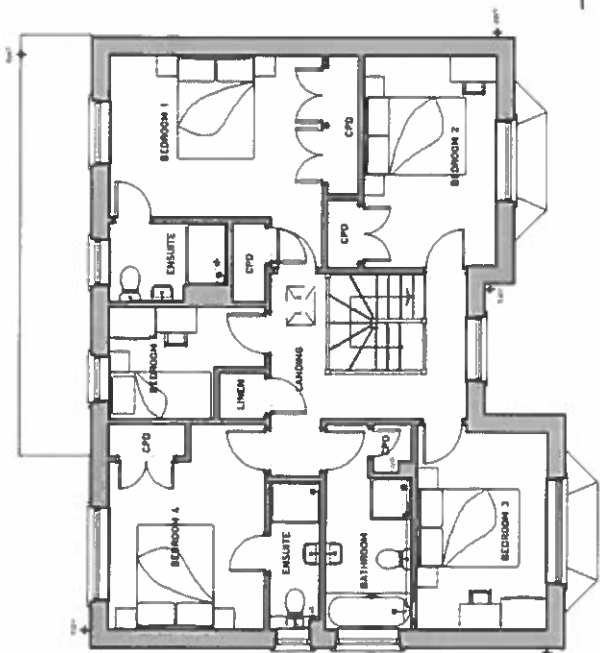


COOMBE HILL, CHELTENHAM - TYPE J FLOOR PLANS & ELEVATIONS

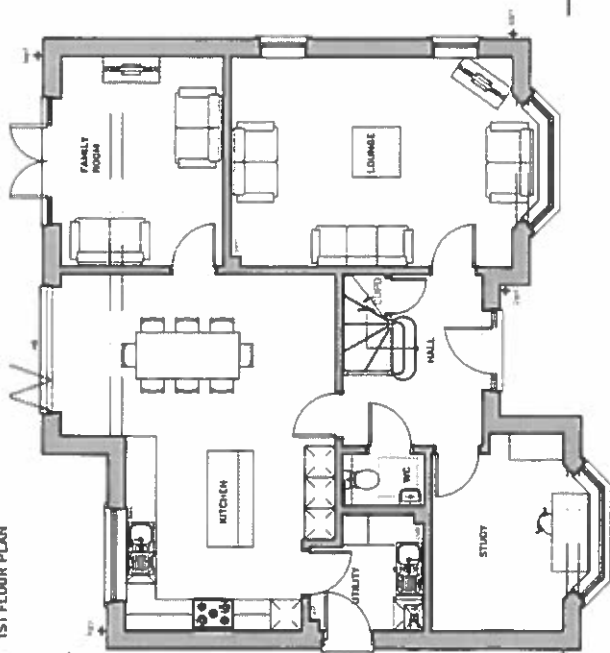
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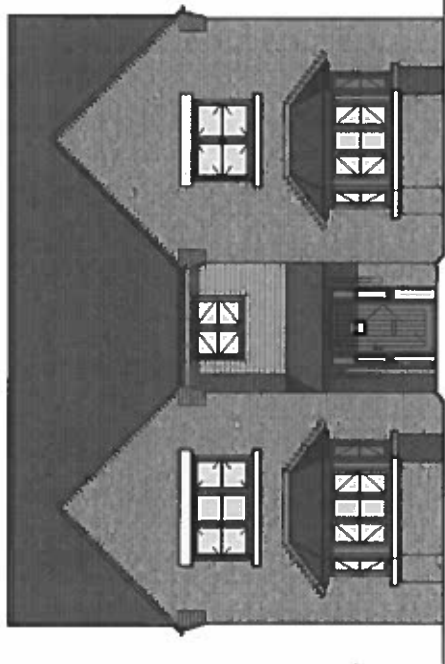
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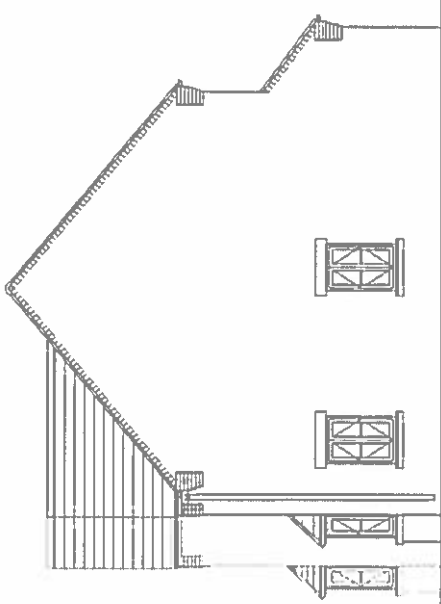
1ST FLOOR PLAN



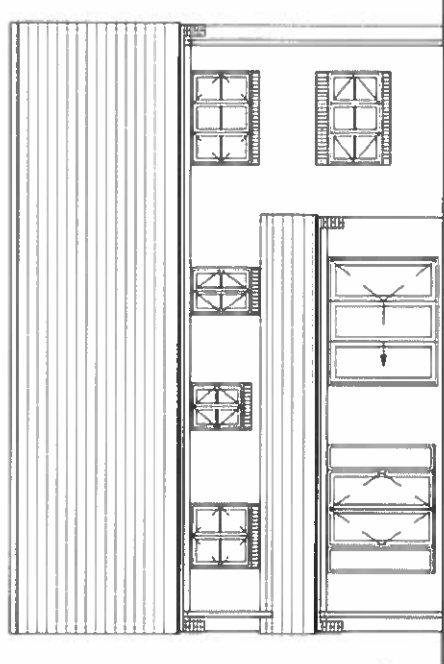
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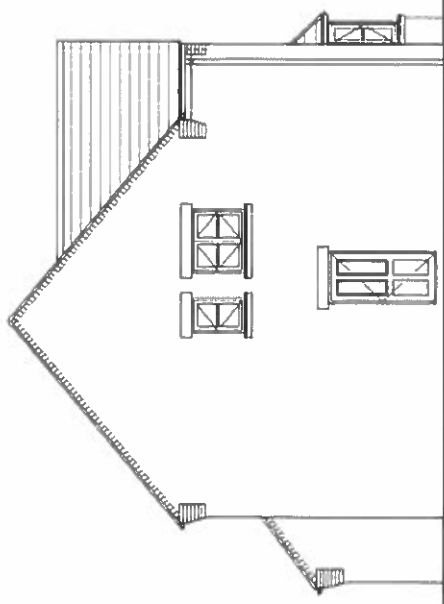
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



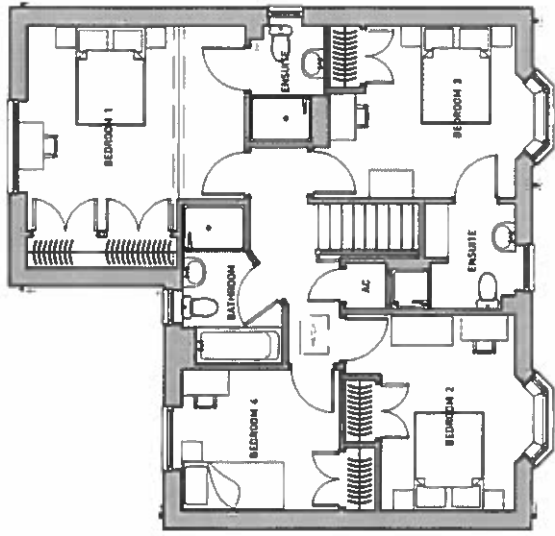
SIDE ELEVATION

COOMBE HILL, CHELTENHAM - TYPE K FLOOR PLANS & ELEVATIONS

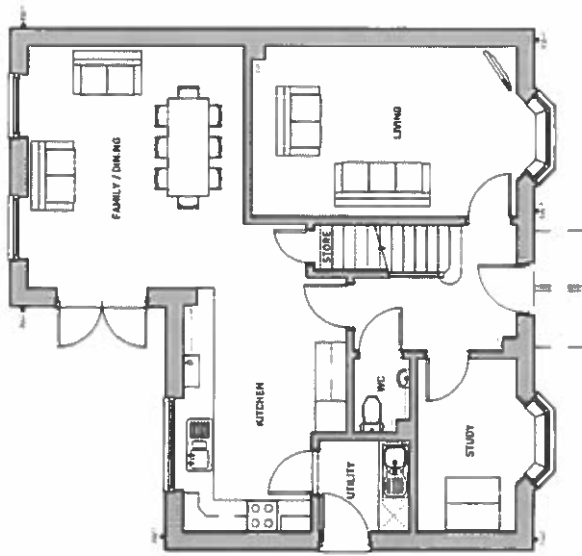


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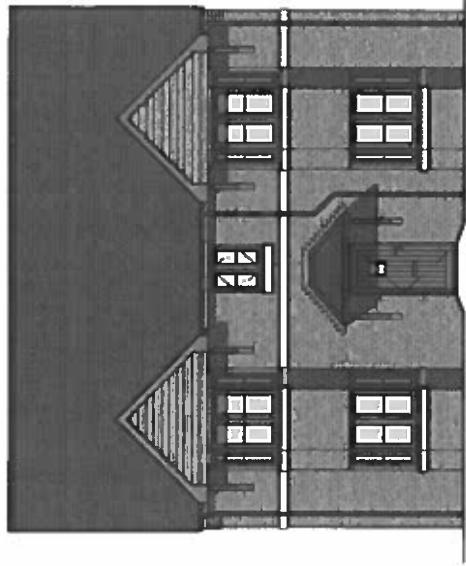
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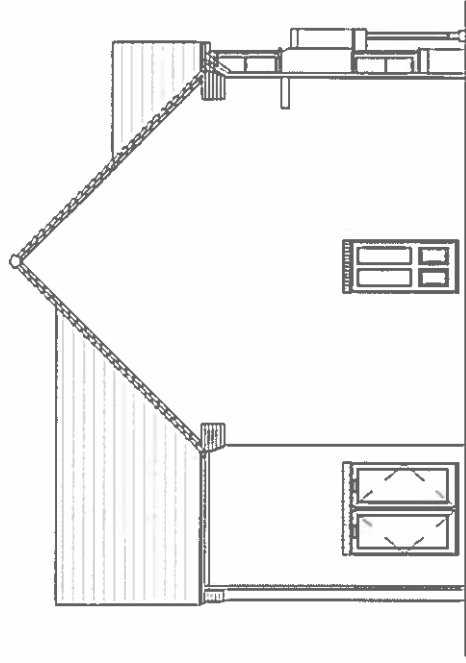
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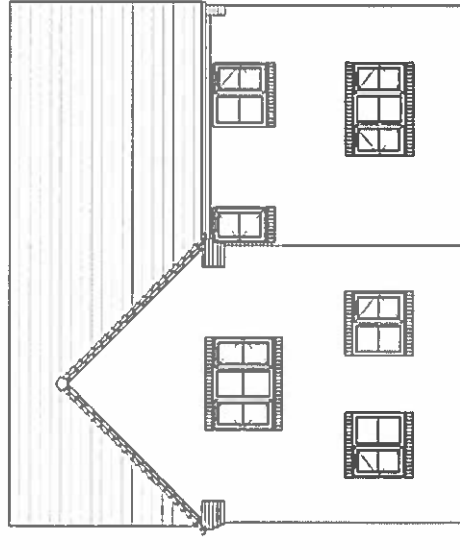
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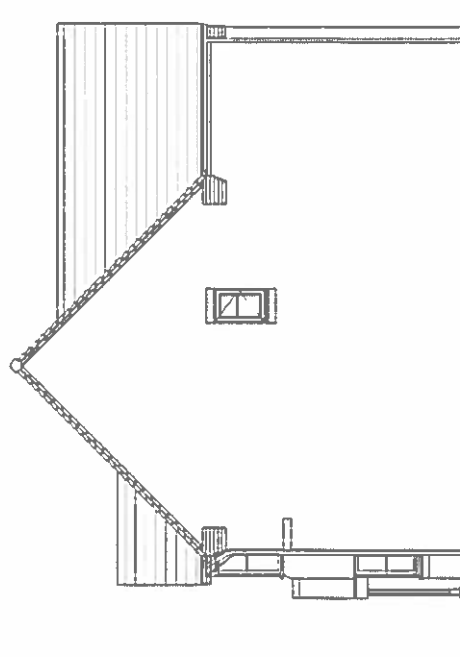
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

SCALE BAR 1:100



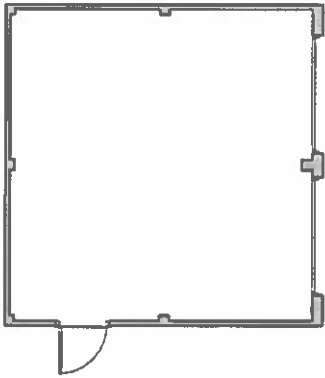
COOMBE HILL, CHELTENHAM - TYPE N FLOOR PLANS & ELEVATIONS

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS | WWW.PEGASUSPG.CO.UK | TEAM/DRAWN BY OW/EJT | APPROVED BY P.M. EJT | DATE: 23/01/18 | SCALE: 1/50 B.A3 | CRGK: P14-0204\_03 SHEET NO. 10 REV. A | CLIENT: CENTAUR HOMES

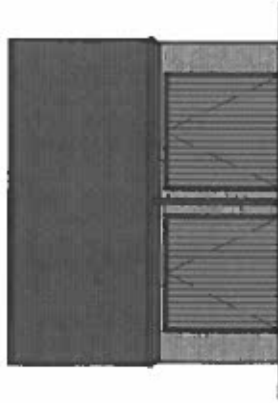
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GARAGE TYPE 1



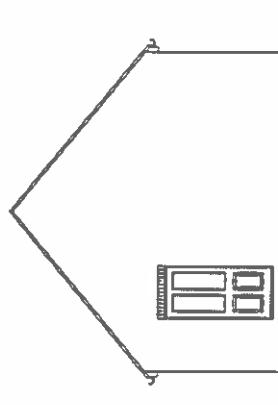
FLOOR PLAN



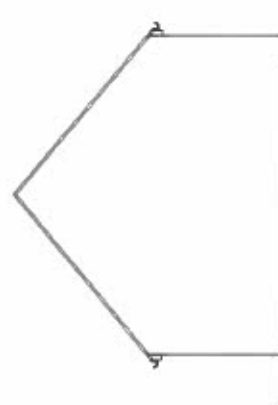
FRONT ELEVATION



REAR ELEVATION

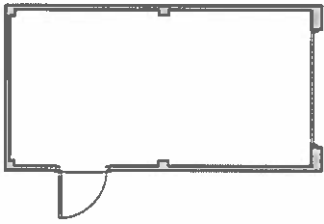


SIDE ELEVATION

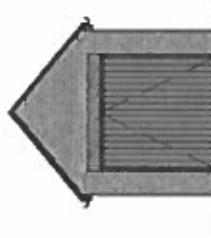


SIDE ELEVATION

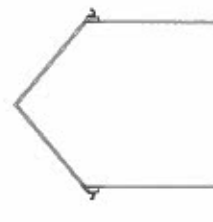
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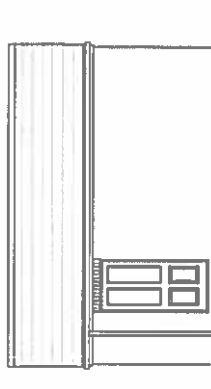
FLOOR PLAN



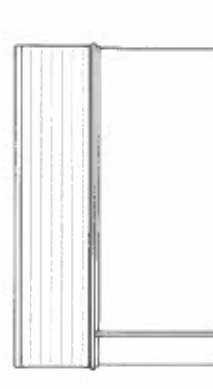
FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION



SIDE ELEVATION

SCALE BAR 1:100



32/K  
60

Valid 14.12.2018

Erection of 2 No. agricultural buildings for poultry rearing with associated infrastructure and new highway access.

Grid Ref 380713 222209  
 Parish Maisemore  
 Ward Highnam With Haw  
 Bridge

## RECOMMENDATION Permit

### Policies and Constraints

National Planning Policy Framework (NPPF)  
 National Planning Policy Guidance (NPPG)  
 Joint Core Strategy 2017 (JCS) SD1, SD6, SD8, SD9, SD14, INF1, INF2, INF3  
 Tewkesbury Borough Local Plan to 2011- March 2006 - AGR 5  
 Planning (Listed Buildings and Conservation Areas) Act 1990  
 Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
 The First Protocol, Article 1 (Protection of Property)  
 The Conservation of Habitats and Species Regulations 2017  
 Classified Highway - A417  
 Public Right of Way

### Consultations and Representations

#### Maisemore Parish Council - Object

- Maisemore is a rural village and the surrounding area supports mixed farming. An intensive poultry unit is alien to that. In effect it produces a chicken meat factory on the doorstep of the village, which is entirely unnecessary and out of character.
- It does not show any respect for place and, in the Council's view, would be an unsustainable development.

#### *Loss of amenity*

The proposal is adjacent to a Public Right of Way which forms part of the Maisemore Circular Walk. This was established some years ago by the co-operation of landowners in the area and is a valued amenity both to residents and visitors. The proposed poultry unit would blight that. The establishment of what is, essentially, a factory unit would be detrimental to the local amenity and environment.

The visual impact would be significant. With feed bins rising to 9.2m, the site would be clearly visible from the A417 and from most of the houses along Old Road. This issue is considered in more detail in submissions from residents, and the Parish Council agrees with the concerns set out.

The Council also agrees that the visual impact assessment included with the application does not fully represent the damage from the development, since the viewpoints are restricted. The types of building proposed are not typical of any in the area, and there are no farm buildings near the site at present.

#### *Pollution*

Four types of potential pollution are of concern to the Parish Council: Air, Water, Light and Noise.

#### *Air pollution*

Evidence from comparable units shows that air pollution would be significant, despite the use of the latest ventilation equipment. 100,000 chickens produce a great deal of dust, ammonia and bio-debris. This means that such units should be much further away from residential settlements. Carcasses stored on site will also add to the smell.

It is naive to suggest that hedges and trees in the area will absorb the dust. Maisemore is subject to quite strong winds, and there is no doubt that these will be more common as climate change progresses. The Parish Council believes that these pollutants will reach local homes, having a serious effect on residents' comfort and well-being. It will be particularly damaging for people with a tendency to asthma and other breathing problems.

The air pollution from such units at the end of each cycle, when the chickens are caught and the sheds are cleaned has been well established. There will be a stench from the unit at these times and the air will be heavy with ammonia. This is highly undesirable near a village and there is no reason why Maisemore residents should be subjected to it.

The suggestion that a member of staff will check smell emissions by sniffing the air each morning is no guarantee that smell will not be a significant burden on residents.

#### *Water pollution*

This is a major concern of the Parish Council and seems to have been largely ignored by the Environment Agency. The proposal site lies adjacent to a spring-fed stream that runs into Maisemore Lake - which is used for fishing - and then into the River Severn, which is an Environment Agency waterway.

Significant quantities of dust will be deposited on the roofs of these large buildings and this will contaminate the run off rainwater entering the stream. During rainfall, this water will also absorb the ammonia being extracted from the buildings. Together these pollutants pose a significant threat to the biodiversity of the stream and lake as they will greatly increase the biological oxygen demand in the short term and overfertilise aquatic growth in the longer term.

It is not clear how dead carcasses will be stored on site, but it is estimated that there will be around 3,500 of these per cycle. Their residues pose a serious further risk of pollution from bacteria and from antibiotics entering the water - which is extracted further downstream for drinking water. There is also a probability that stored carcasses will attract rats and other vermin, also posing a risk of water pollution.

The end of each cycle and cleaning out the sheds poses an additional threat. The chances of this being done during rainfall are high and it is inevitable that some waste and pollutants will reach the stream. The proposal does not guarantee that this will not - or cannot - happen and the Parish Council has no doubt that water pollution will result from this development, if it is permitted.

#### *Light pollution*

Maisemore is essentially a 'dark' village, with no street lighting, so any lighting on an industrial unit such as this close to the village will be a significant change to the village's character and amenity. This will be worse at the end of each cycle, when there will be extra lights to aid the manoeuvring and loading of lorries, plus the lights from the vehicles themselves.

#### *Noise pollution*

While the noise from the normal operation may be muted by well-designed and maintained ventilation, it will be audible from parts of the village. The noise will be greater when feed is delivered and even worse at the end of each cycle, with reversing lorries and fork lift trucks all using reversing beepers. Noise from the unit will be channelled along the valley to the village, causing significant loss of amenity.

#### *Bio-security*

There is a significant bio-security risk posed by the large number of units such as the proposed one already operating within the County. Diseases such as bird flu and fowl pest have devastating consequences and can seriously affect food supplies if the outbreaks are in an area where there are many intensive poultry units, as there already are in Gloucestershire. These diseases result in the slaughter of birds in affected units and, in many cases, those in nearby units in order to provide a 'cordon sanitaire' to prevent further spread. The risk is increased as a result of the high pheasant population around Maisemore, which arises from established commercial shoots. The introduction of a further intensive poultry unit in the area is, therefore, a bio-security risk.

### *Highway safety*

The Parish Council is concerned that the access road will join the A417 at the crest of a hill. This is not good for road safety and this section of the A417 is identified as an accident blackspot.

The traffic survey that accompanies the planning application was carried out over 1 week during major roadworks at Over roundabout.. It does not give a true picture of the traffic flow on the A417 under normal circumstances. Nor does it take account of the high flood risk between Maisemore and the Over roundabout, which causes the closure of the road and diversions through narrow country lanes.

### *Absence of continuous supervision*

Because this proposal is for a new enterprise completely separate from an existing farm, there will not be anyone on site continuously and, therefore, no-one to deal with an emergency, such as a fire. The owners live at least 4 miles away - further if the A417 is flooded - and there is no indication of how they might be aware of such a problem arising when the unit is unmanned. The Council sees this as both an animal welfare and health & safety issue.

### *Economic impact*

The application does not include a business plan to justify a completely new enterprise in the area. The Council believes that its establishment will conflict with and be a detriment to established rural businesses and activities. The proposal is essentially a low manpower chicken meat factory and offers no employment opportunities to local people.

### *Application flaws*

A number of the independent submissions have already pointed out technical and factual flaws in the application. These should all be corrected before the application is considered.

### **Environment Agency**

The proposed development will accommodate up to 100,000 birds, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2016. The Environment Agency issued an EP for the poultry operation on 2 November 2017 (reference EPR/UP3330RL). This allows up to 100,000 birds.

The Environmental Permit (EP) controls day to day general management, including operations, maintenance and pollution incidents.

The Environmental Permit (EP) will include the following key areas:

- Management - including general management, accident management, energy efficiency, efficient use of raw materials and waste recovery.
- Operations - including permitted activities and Best Available Techniques (BAT).
- Emissions - to water, air and land including to groundwater and diffuse emissions, odour, noise and vibration, monitoring.
- Information - records, reporting and notifications.

The Environment Agency has advised that whilst cross referencing the Plans submitted for permitting and planning, there appears to be infrastructure proposed outside the permitted area. The Environment Agency has advised that a variation to the permit will be required (Officer Note: The applicant has confirmed that they are seeking a variation in the Permit)

The Environment Agency has confirmed that as part of the permit determination, they do not normally require the applicant to carry out odour, noise modelling. Instead the Environment Agency require a 'risk assessment' be carried out and if there are sensitive receptors (such as residential properties or businesses) within 400 metres of the proposed installation boundary then odour and noise management plans are required to reduce emissions from the site.

The Environment Agency confirm that they do not regulate all sources of odour and noise associated with a site and only to certain levels. For example, they cannot control noise and emissions from feed lorries/vehicles and they do not directly control any issues arising from activities outside of the permit installation boundary.



They also confirm that as part of the permit determination, we do not usually require the applicant to carry out dust or bio-aerosol emission modelling. Instead they require a 'risk assessment' to be carried out and if there are relevant sensitive receptors within 100 metres of the installation boundary.

In respect to manure, the Environment Agency confirm that under the Permit the applicant will be required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, in cases where this is done within the applicants land ownership. It is used to reduce the risk of the manure leaching or washing into groundwater or surface water.

#### **Environmental Health Officer - No objection**

##### *Odour*

The submitted odour assessment appears satisfactory and indicates that odour levels from the proposed development should not adversely impact the nearest sensitive receptor(s) with the maximum odour concentration level of 1.44ouE/m<sup>3</sup> at Upper Hyde which is under half of the recommended limit value of 3.00ouE/m<sup>3</sup>. Therefore I have no objection to the application in terms of odour.

##### *Noise*

The submitted noise assessment appears satisfactory and indicates that noise from the operation of the chicken shed extract fans and HGV loading / unloading should not adversely impact the nearest sensitive receptor(s). I assume that the generator, which is not included in the noise assessment, would only be used infrequently.

Therefore I have no objection to the application in terms of noise

##### *Additional Response*

The Council has commissioned an independent noise assessment. Further to this and the response by Matrix Acoustic Design Consultants and discussions with the Council's noise consultant regarding potential low frequency tonal noise issues from ridge mounted ventilation fans serving poultry sheds the following additional comments were provided

- The response from Matrix has now assessed noise from feed deliveries, shed cleaning, manure collection and the biomass boiler. Although the assessment predicts an adverse impact at the nearest noise sensitive receptor from feed deliveries, shed cleaning and manure collection these activities are not continuous are infrequent and would occur during the day time. Therefore I do not consider the impact of these noise sources would justify objecting to the application on noise nuisance grounds nor require any additional noise mitigation measures.
- In terms of the Council's consultant's statement that the original noise assessment has potentially underestimated noise from the extract fans by up to 5dB. The response from Matrix on this point states: 'The resultant calculated values have shown good correlation to the measured values. Our calculations however do include a 3dB 'other' noise character correction, i.e. a safety factor, in determining the Rating Level.' I therefore consider that the noise levels used in the original assessment are acceptable.
- Relating to the potential of tonal low frequency noise from the ridge mounted extract fans. While I would agree with the Council's consultant that there is the potential for this to occur I would also agree that it would be difficult to monitor and therefore enforce the suggested 1/3rd octave band noise limit condition. If the application is approved and implemented and noise complaint(s) are subsequently made to the Environment Agency (the regulator of the site) or Tewkesbury Environmental Health then they would be investigated and if the complaint(s) were substantiated enforcement action could be taken in order to remedy the situation. Therefore I do not consider that this suggested planning condition should be imposed.
- Relating to hours of activities: I am in agreement with both parties that the proposed condition should be imposed: "Except for the purpose of bird collection, no lorry movements to or from the site are permitted outside the period 07.00 to 19.00 on Mondays to Saturdays and no movements on Sundays."
- Relating to the redesign of the access road junction with the service yard: The Matrix response concludes that 'this would will result in no meaningful reduction in noise emissions'. I am in agreement with this statement and its justification and therefore do not consider this to be required of the applicant.

**Public Health England** - Public Health England (PHE) would not normally comment on this type of planning application. PHE has already been consulted on the Environmental Permit which was determined and issued by the Environment Agency on 2nd November 2017. Impacts on public health from local air quality, noise and contaminated land fall under the remit of the local authority and it their responsibility to decide whether or not to comment on these aspects of the planning application.

**Natural England** - No Objection subject to appropriate mitigation measures being secured comprising suitable landscaping/tree planting measures to filter and/or screen emissions from the proposed poultry houses. Natural England also advise that a Habitats Regulations Assessment (HRA) record to be created and the Council should record an HRA screening in respect of Walmore Common Special Protection Area (SPA).

**Highway England** - No comments to make

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

**Local Lead Flood Authority** - No objection to condition to secure detailed Sustainable Drainage System (SuDS) Strategy

**Building Control** - No comments to be made.

**County Archaeologist** - No Objection

**Public Rights of Way Officer** - Raised concerns about impact on public footpath

Footpath EMA/25 is directly affected by the proposed poultry units and the proposals would significantly reduce the public's enjoyment of this path both in terms of introducing large industrial-type buildings close to it and from the point of view of the odours associated with the rearing of poultry, as well as other health related reasons. A footpath diversion would be a one way of reducing the adverse effects of this proposed development.

**Conservation Officer** - No objection

**Severn Trent** - No objections to the proposals and do not require a drainage condition to be applied.

**CPRE** - Object due to air pollution, noise, light, traffic, landscape, flooding, water pollution and ethical concerns.

**Gloucestershire Group of the Ramblers**

Serious concerns about smell and stream contamination

**Local Residents**

1 comment has been received in support of the application (summarised)

- The proposal will involve significant investment
- The modern units would be highly efficient
- Compliance with all statutory legislation and regulation is a pre-requisite for modern broiler sites
- The proposal would utilise a renewable heating system, lower environmental emissions and reduce the carbon footprint of the farm and the supply chain.
- Demand for white meat/chicken meat is growing

37 objections have been received (summarised)

- The proposal conflicts with policy AGR5 of the Local Plan as it is not well sited in relation to existing buildings and landscape features
- The size, scale and appearance of units is inappropriate for open countryside and there are no existing structures/tracks on the site
- The proposal is dominant and intrusive and antipathetic to the intrinsic beauty, distinctiveness and historic character of the landscape.

- The development would adversely affect the approach to Maisemore
- The proposal is located outside the built up area of Maisemore in the open countryside
- The applicant's visual assessment is derived from footpath viewpoints and has not assessed impact from residential properties
- The visual impact from the adjacent footpath would be very high and of major significance
- Photomontages should be provided of the proposed development
- Precise clarification should be provided of level changes.
- The existing sporadic hedges would not screen the development
- Poultry manure stored on site may pollute the watercourse during heavy rain
- Traces of medicine would affect local livestock
- The stream adjacent to the site feeds the lake in the centre of the village and any pollution would be harmful to this publically accessible area
- The pond is less than 50 metres from the site attracts migratory birds and other wildlife and the proposal would wreck its character and result in pollution
- The site is at risk of flooding during heavy periods of rain and flooding may result in wider pollution
- The proposal would result in light pollution which would impact on amenity and wildlife
- The proposal would increase the risk of disease including for pheasant shoots and backyard hen keepers
- The A417 is prone to flooding
- If large vehicles use alternative routes at times of flood this would create accident risk and impact on amenity on country lanes
- The A417 is a very busy road
- The traffic report accompanying the application is misleading as the traffic survey was undertaken over a short time period when works were being undertaken at Overton Roundabout. Figures on traffic movements should be disregarded.
- Additional large vehicle movement would create road safety risk
- There are residential properties to the east of the site and the prevailing wind is westerly. These dwellings would be effected by noise and odour
- The cumulative impact of smell, dust and noise, vibrations, bio-aerosols, vehicle movements from on site and off site activities would cause unacceptable harm and distress to local residents
- The biomass boiler would result in additional dust and smoke and the fuel would need to be brought into site
- Emissions including dust, ammonia and faeces would affect health of residents, users of the footpath, all people in the vicinity and the wider village environment
- The topography of the site and building in a valley would exacerbate the impact of emissions
- The applicant's claim that they would not clean the site in the summer months to reduce odours is worrying
- The spreading of manure on the applicant's wider landholding would cause a nuisance
- The proposal will impact on residential amenity of future residents which would move into new housing just over 400 metres from the boundary
- There are over 180 homes within a 0.8km radius which would be affected
- The project creates minimal employment
- HGV vehicle movements at night will impact on the amenity of nearby residents in respect to noise.
- HGV reversing beepers, engines and forklift trucks would impact on amenity
- Headlights from HGV's would shine into properties due to unobstructed lines of site
- The owner/operators live 5 miles away which would impeded the ability to operate the site safely
- The building would be unmanned and be a security risk
- The proposed development adjoins the Maisemore village circular walk which is popular and heavily use by dog walkers. The development would spoil the enjoyment of the footpath and the valley
- The site is within 200 metres of a national cycle route
- No business plan has been submitted with the application
- The market for broiler chickens is in decline and the business may fail which would leave a blight on the landscape
- The proposal would impact on Bugs Boarding an outdoor recreation business as well as other local businesses located within the vicinity of the site
- There are errors and emissions in the submission and inconsistencies between the Environmental Permit and the planning application, including stated distances to residential receptors
- The applicant's odour and dust assessment is not robust or accurate and evidence from other installations demonstrates that there would be impacts which are not shown
- The approach to the storage and removal of dead carcasses is haphazard

- A local housing proposal was recently refused due to proximity of chicken houses this should surely be case vice versa
- There is a local saturation and oversupply of chickens in the area which increasing risk of disease and companies are pulling back from buying chickens
- The proposal would impact on tourism
- The proposal is unethical and harmful to the chickens
- The proposal would result in loss of habitat for wild birds and fauna in the area
- An application for a dwelling is likely to be forthcoming which would result in additional harm

**Notwithstanding other reasons, Committee determination is required as the applicant is a close relative of a serving Member of the Council.**

**Planning Officers Comments:** Paul Instone

## **1.0 Application Site**

1.1 The application site is located to the east of the A417 approximately 700 metres north west of the Residential Development Boundary of Maisemore and 300 metres south east of Overton Farm. The site comprises a roughly rectangular parcel of land within the north of field which is currently used for arable purposes and extends to approximately 5.5 hectares. The site is bounded to the west by the A417, to the east by a watercourse and to the north by a hedged field boundary, with arable farmland beyond. The southern limit of the application site is unbound but is defined by an east west public footpath. A public footpath also runs north south to the east of the watercourse. The application site slopes downward eastwards towards the watercourse being at 47m Above Ordnance Datum (AOD) at the A417, 40 metres AOD in the north east, and 35 metres AOD in the south east.

1.2 There are some residences and commercial properties in the area surrounding the site of the proposed poultry units. In terms of distances from the poultry units, the closest residences are at: Upper Hyde, approximately 310 m to the north-north-east; Overton Cottage approximately 320 m to the west; Overton Farm, approximately 390 metres to the west-north-west; Woodcroft Cottage, approximately 460 m to the north west; Hill View, approximately 300 m to the south east; Parva Dene, approximately 340 m to the south east; Dorothy Cottage, approximately 300 m to the south east; Haze Field, approximately 410 m to the south-east and School House and School Cottage which are approximately 490 m to the south-east.

1.3 The application site forms part of three land parcels owned by the applicant being land adjoining Astmans Farm, Lassington, land to the west of Two Mile Lane, Highnam, and land at Overton, Maisemore. In respect to the Overton land parcel the application site forms the central part of a wider parcel of land owned by the application which extends to the north and south. The public footpath which runs north south to the east of the watercourse is not on land with the applicant's ownership.

1.4 The application site is located in Flood Zone 1.

## **2.0 Planning History**

2.1 No planning history on the site

## **3.0 Current Application**

3.1 This is a full planning application and proposes the erection of 2 no. broiler rearing units. Each unit extends to 110 metres by 20.3 metres, with an eaves height of 2.923 metres and a ridge height of 5.654 metres. Each poultry house has an attached control room and catching canopy on the south elevation extending to 12.15 metres by 4 metres. In addition a feed blending room would be located between the poultry houses extending to 3 metres by 4 metres with an eaves height of 2.4 metres and a ridge height of 2.95 metres.

3.2 A total of 5 no. circular feed bins, extending to 3.5 metre diameter and 7.53 metres in height would be located to the south east of the broiler rearing units

3.3 A concrete apron would be located to the south of the broiler rearing units, extending to 1,263 square metres. Vehicular access to the development would be provided by a crushed stone access road linking the development to the A417.

3.4 To the south of the concrete apron, a boiler house which would extend to 18 metres by 10 metres within an eaves height of 4.233 metres and a ridge height of 5.572 metres is proposed to accommodate a biomass boiler to provide the primary heat source for the poultry units. Two circular pellet bins, extending to 3.35 metres diameter and 7.5 metres in height would be located immediately to the south of the boiler house. The height of the pellet bins has reduced following comments from officers.

3.5 Other associated buildings and structures include a plant room, water tank, gate house and 5 gas tanks (which would provide a fuel source for a gas back up to the heating system).

3.6 The following associated development is also proposed:

- Attenuation pond to provide to drainage for surface water
- Dirty water underground tank
- 3 car parking spaces
- A turning area surfaced in road planning's
- Back-up generator to be used as an emergency power supply in the event of a power cut
- Fencing
- Landscaping scheme including planting of new trees, shrubs and hedgerows

3.7 The proposed landscaping scheme has been amended further to comments from officers with increased planting is proposed in the vicinity of the buildings and the introduction of planting specifically suited to filtering/screening of emissions from the poultry houses.

3.8 Once operational, the proposed buildings would house approximately 50,000 broilers each, giving a total on-site capacity for approximately 100,000 broiler chickens. The applicant states that the proposed houses would operate on a 48 day growing cycle including 10 days at the end of each cycle for cleanout and preparation of the buildings for the incoming flock. The unit would operate with 7.5 flocks per annum.

3.9 Chicks would be brought to the site as day olds and reared within the building for 38 days, following which they would be manually caught and transported live to the processors. The development would operate on all in all out basis, with both buildings stocked and de stocked at the same time.

3.10 At the end of each flock cycle, the buildings are cleaned out with mechanical loaders and the manure removed from the site in sheeted trailers for disposal as an agricultural fertiliser. Following manure removal, the buildings would be washed out with high pressure hoses and prepared for the incoming flock. The inside of the poultry buildings are drained to a sealed dirty water tank which would be emptied following each cleanout of the building with a vacuum tanker.

3.11 An Environmental Permit for the proposal was issued by the Environment Agency on 2nd November 2017.

3.12 Due to the size of the enterprise, the development falls under Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 which requires that all proposals for units in excess of 85,000 broilers must be the subject of an Environmental Impact Assessment (EIA). The application as submitted was accompanied by an Environmental Statement which includes sections covering the following areas:

- Description of Development
- Alternative Sites
- Landscape and Visual Impacts
- Highway Impacts
- Noise, Odour and Dust Impacts
- Ecological Issues
- Flood Risk and Drainage

#### **4.0 Policy Context**

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals are 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 plans for the area and Government policy in respect of new housing development.

4.2 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 (TBLP) to 2011 which had hitherto been saved by the Secretary of State.

4.3 The Preferred Options Consultation draft of the Tewkesbury Borough Plan is at an early stage of development and can be given only limited weight in the decision making process.

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

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

## **5.0 Analysis**

5.1 The principal determining issues are the principle of the development, need, effect on the character of the area including landscape and visual impact, transportation and highways, impact on residential amenity including bio-aerosols, odour, noise, vibrations, traffic movements and drainage issues, flooding, ecological and environmental issues, impact on heritage assets and archaeology. The proposals, in accordance with regulations, are considered on their own merit and in terms of the accumulation with other development.

### **Principle of Development**

5.2 The definition of agriculture, provided by section 336 of the 1990 Town and Country Planning Act, includes 'breeding and keeping of livestock (including any creature kept for the production of food)'. The application does not include the processing of meat at the site and therefore it is considered that the proposal falls under the definition of an agricultural activity and should be assessed against agricultural policies in the development plan.

5.3 Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. In respect to the rural economy paragraph 83 of the NPPF states that planning decisions should, inter alia, enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses

5.4 Policy SD1 of the JCS sets out that employment related development will be supported where it is located within or adjacent to a settlement or existing employment area and is of an appropriate scale and character; and farm diversification projects which are of an appropriate scale and use. Policy AGR5 of the Tewkesbury Borough local Plan to 2011 - March 2006 supports proposals for the erection of agricultural buildings subject to certain criteria which are discussed in the relevant sections below. Similarly emerging policy AGR1 and AGR2 of the emerging Borough Plan support agricultural development subject to acceptable impacts on the area.

5.5 The broad principle of the proposals is therefore considered to be acceptable subject to the overall planning balance taking into account the material planning considerations.

### **Need**

5.6 The applicants have chosen poultry production for diversification of their business due to growing demand for UK produced chicken. Demand for chicken meat is rising steadily at a rate of around 2% per annum.

5.7 The UK is not self-sufficient in chicken meat production and UK production amounts to around 80% of the total demand, with import making up the balance. The UK broiler industry currently produces approximately 21,000,000 birds per week with imports representing the equivalent 5,000,000 birds per week.

5.8 A number of processors in the UK have expressed a commitment to cease reliance on imported chicken, and move to a majority of British, which is further fuelling demand for UK produced chicken.

## Alternatives

5.9 The Environmental Impact Assessment Regulations require the assessment of main alternatives considered by applicants and the main reasons for the chosen proposal taking into account environmental effects. The applicant's Environmental Statement confirms that the applicant has landholdings at Astmans Farm, Lassington, land to the west of Two Mile Lane, Highnam and land at Overton, Maisemore.

5.10 Land at Astman's Farm, Lassington is accessed by Lassington Lane from the B4215, and the applicant ruled out the entire landholding due to the adequacy of the site highway infrastructure.

5.11 Land to the west of Two Mile Lane was discounted due to the access which is a narrow track from Two Mile Lane with inadequate visibility splays, and the applicant does not own any land to facilitate improvements to this access.

5.12 Against this context, the Environmental Statement confirms that the proposed location was selected for the following reasons:

- The site has direct access to the main road network (A417)
- The site is remote for neighbouring residential properties and settlements
- The site is located on low lying land to mitigate visual impacts

5.13 The applicant's conclusions in this regard are noted.

## 6.0 Landscape Impact

6.1 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, inter alia:

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

6.2 The application site is not identified as a 'valued' landscape in the development plan.

6.3 Policy SD6 of the JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect 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 area.

6.4 Policy AGR5 of the Local Plan requires that proposals for the erection of agricultural buildings should be well sited in relation to existing buildings, ancillary structures and works and landscape features in order to minimise adverse impact on the visual amenity of the locality. Furthermore, that the proposed development should be sympathetically designed in terms of height, mass materials, colour and landscaping where appropriate.

6.5 The application site is a sloping field in agricultural use, set within an undulating landscape which is defined by hedgerow field boundaries. The A417 permeates the surrounding landscape. The site falls within Landscape Character Type 'Vale Hillocks' within the Gloucestershire Landscape Character Assessment (2006) and is further subdivided to 'Woolridge Hill' which is characterised by an elevated ridge of land rising from the adjacent flat low lying landscape. Within the Joint Core Strategy Landscape Characterisation Assessment and Sensitivity Analysis (2011), the site falls within area G2: Maisemore Ridge which is identified as having a medium-low sensitivity.

6.6 The proposed buildings are purpose built poultry units and a boiler house. Each poultry house would be 110 metres by 20.3 metres with a ridge height of 5.65 metres, of steel frame construction with the walls being pre-formed concrete to 450mm with polyester coated profile sheeting above for the walls and roof in Olive Green. The boiler house would extend to 18 metres by 10 metres with a ridge height of 5.57 metres and would similarly be constructed of polyester sheeting in Olive Green.

6.7 A total of five feed bins and two pellet bins are also proposed which would be 7.5 metres in height. These would be constructed of Olive Green Plastic.

6.8 Other buildings/structures on the site include a plant room, feed blending room, water tank, gate house and gas tanks. An access road, concrete hardstanding, turning area, attenuation pond and post and wire fencing are also proposed and the site would be re-profiled.

6.9 The proposed landscaping scheme has been amended further to comments from officers and comprises a native hedgerow to the west and south of the buildings and ancillary structures which continues to run along the north and west of the access track. A native tree belt with a 'backstop' conifer mix is also proposed to the east of the buildings. Additional planting is also proposed in the existing hedgerows to the north of the site and within the hedgerow adjacent to the A417.

6.10 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA), which in turn informs the Environmental Statement. The submitted LVIA has been prepared using appropriate guidance from the Landscape Institute and has been reviewed and issued by a suitably qualified person.

6.11 The LVIA assess the landscape impact of the proposal from 6 different viewpoints from adjacent footpaths and along the A417. The viewpoints are at varying distances and topography from the site and have been selected to represent potential views seen by the most sensitive receptors around the site. The viewpoints includes Over Old Road to the east of the site where there are a number of residential properties.

6.12 The significance of the visual effects range from 'minor' to 'major/moderate' from the viewpoints, with the 'major/moderate' impact being identified on the PRoW in the vicinity of the application, where existing visual barriers created by vegetation are minimal.

6.13 However, once allowing for mitigation measures including additional planting and buildings materials the LVIA concludes that the development would have a moderate visual impact.

6.14 The LVIA has been reviewed by the Council's landscape consultant (LC) acting for the Council, and it is advised that the submitted LVIA has been prepared using appropriate guidance from the Landscape Institute and has been reviewed and issued by a suitably qualified person. The assessment recognises that views from public highways can have an elevated (medium) sensitivity to change. It is considered that the range of receptors considered, including viewpoints is appropriate and that the level of detail presented in the LVIA is also appropriate.

6.15 In terms of the predicted landscape and visual impacts of this development, the LC agrees with the conclusions of the submitted LVIA and advises that the area around Maisemore is a very pleasant undulating rural landscape. It is however a working rural landscape and there is precedent for agricultural buildings of the scale proposed. Whilst it is accepted that the development would introduce new agricultural buildings where there are none now, the undulating topography, the existing tree belt along the drainage ditch, existing hedges and proposed planting as well as the proposed cladding would be effective in mitigating those views to a large extent. In addition, due to its low-lying position within a distinct valley, the development would not break the skyline.

6.16 It is accepted that from certain parts of the footpath immediately adjacent to the proposed buildings, the development will be particularly conspicuous, although this would be mitigated to some extent by intervening vegetation and affects only a short section of the footpath network.

6.17 The development site is particularly visible from the A417 heading south as the road starts to descend to Maisemore at Overton Farm. However the LC advises that due to the low-lying nature of the site and the proposed planting and establishment of a 2.5m hedge it would provide effective mitigation. The sheds and supporting silos will be visible and would represent built development where there is none at present, however, the intervening hedgerow would filter views and it would appear somewhat muted against the backdrop of the tree belt in the valley bottom.

6.18 Notwithstanding this position, the LC identified some concerns including that there is a risk that without a clear boundary treatment between the new built development and the residual field parcel, the remaining open area could degenerate into a quasi-development area with the establishment of rough grassland and scrub and/or the proliferation of storage of ephemera, plant and materials associated with the poultry business. In response to these concerns, the landscaping scheme was revised to establish a new field boundary immediately to the south and west of the built development to clearly demarcate the built area and land to be retained in agricultural use.



6.19 It has been advised that any fencing should be 'agricultural' in nature and that In order to minimise visual clutter on the approach to Maisemore there should be minimal signage at the site entrance. It is also recommended that conditions are imposed to secure maintenance or the replacement of any dead or diseased planting throughout the establishment period.

6.20 Overall, taking account of the advice of the Council's independent landscape advisor it is concluded that there would be harm to the landscape arising from the proposal, given the scale of the buildings and extent of the site. However, it is considered that the impact is primarily to short sections of the PRoW in the vicinity of the application site, there is precedent for large scale agricultural buildings in the vicinity, and it is considered that due to the low-lying nature of the site the proposed planting would provide effective mitigation.

6.21 The harm to the landscape is a factor that weighs against the proposal in the overall planning balance, but the landscape impact is tempered by the design approach, landscape mitigation and by virtue that the application site is not identified as a 'valued' landscape in the development plan.

## **7.0 Pollution Control, Residential Amenity and Local Amenity Considerations**

7.1 The effect of a development upon the vitality and social inclusivity of a local community has been shown to be a material planning consideration that is rooted in planning policy guidance. Paragraph 8 of the NPPF states that the planning system performs a social role; supporting strong, vibrant and healthy communities. More specifically, paragraph 91 states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Further to this, the PPG advises that local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in local and neighbourhood plans and in planning decision making.

7.2 The NPPF states at paragraph 180 that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to the impacts that could arise from the development.

7.3 It also makes clear at paragraph 183 that when determining applications, local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

7.4 Policy SD14 of the JCS states that development must cause no unacceptable harm to local amenity including the amenity of neighbouring residents and result in no unacceptable levels of air, noise, water, light or soil pollution or odour either alone, or cumulatively, with respect to relevant national and EU limit values.

7.5 Article 8 of the Human Rights Act gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the Country in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. The potential for cumulative impacts arising from the proposed development (site operations and vehicular HGV traffic generated by the development) upon the local area, including residents and all users of the highway and public rights of way network, is a key factor.

7.6 In order to operate, the proposed poultry units require an Environmental Permit as regulated by the Environmental Permitting (England and Wales) Regulations (EPR) 2016. The Environment Agency issued an Environmental Permit for the proposed development on 2nd November 2017.

7.7 Key environmental issues that are covered in the Permit include emissions to water, air and land including odour, noise, bio-aerosols and dust and relate to emissions that are generated from within the installation boundary. The Permit does not control any issues arising from outside the installation boundary.

7.8 No odour or noise modelling is submitted as part of the Permit application and Environment Agency policy is that odour and noise modelling is not required as part of the intensive farming Environmental Permitting Regulation (EPR) application. Within the permitting process, where there are sensitive receptors within 400m of the installation boundary, the Environment Agency require Odour and Noise Management Plans to reduce emissions from the site. Under the EPR the applicant is also required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, in cases where this is done within the applicants land ownership.

7.9 Notwithstanding that a Permit has been issued for the proposal it is a requirement to submit an Environmental Impact Assessment in support of the application and the local authority are duty bound to robustly consider the applicant's submission which includes an assessment of odour, noise and dust arising from the proposal. The planning and permitting processes are separate from each other and are properly operated independently of each other. The permitting regime is concerned with the operation of facilities; the planning system looks at whether a proposed facility is acceptable in land use planning terms, including whether there are acceptable impacts, in planning terms, on the living conditions of the local community.

7.10 There have been a number of objections to the proposal including on the grounds of odour, air quality emissions and noise. The application site is in a rural location and there are some residences and commercial properties in the area surrounding the site of the proposed poultry units. The closest residences area at: Upper Hyde, approximately 310 metres to the north-north-east; Overton Cottage, approximately 320 metres to the west; Overton Farm, approximately 390 metres to the west-north-west, Woodcroft Cottage, approximately 460 metres to the north-west, Hill View, approximately 300 metres to the south-east; Parva Dene, approximately 340 metres to the south-east; Dorothy Cottage, approximately 300 metres to the south-east; Haze Field, approximately 410 metres to the south-east and School House and School Cottage which are approximately 490 metres to the south-east. There is also an extant planning permission (17/00538/APP) for 28 houses, to the south with the closest houses being approximately 500 metres from the proposed broiler units.

7.11 As part of the application process the local planning authority employed specialist noise, odour and bio-aerosol consultants to review the applicant's submission in order to assess the impact of the proposal on residential amenity and health. Public Health England, the Environment Agency and Environmental Health have also been consulted on the proposals.

#### *Odour*

7.12 The Environment Agency odour bench mark of 3.0 ouE/m<sup>3</sup> 1-hour average 98%ile is proposed to ensure no reasonable cause for annoyance at neighbouring properties. An odour assessment has been submitted with the application which uses computer modelling to assess the impact of odour emissions. In respect to odour, the Council's review of the assessments raised concerns over the robustness of the methodologies, but identifies that the maximum modelled odour concentration at the nearest sensitive residential receptor is just less than half of the Environment Agency bench mark to ensure no reasonable cause for annoyance at neighbouring properties. This allows a considerable margin in the modelling for unaccounted uncertainty without exceeding the Environment Agency bench mark.

7.13 If the Environment Agency bench mark is exceeded causing unreasonable levels of odour in the neighbourhood, then measures to reduce odour emissions would be required by the Environment Agency through an odour management plan such as reducing the number of birds at the farm.

7.14 There are no details of where litter/manure will be stored prior to spreading on the land, such storage of litter/manure could cause an odour nuisance.

7.15 The Environmental Statement advises ES that it is not possible to provide an assessment which quantifies the impacts of manure spreading on amenity and instead, a number of precautionary measures are listed to minimise the environmental impact of this activity. However, it is noted that much of the applicant's landholdings are not located within the vicinity of the application site and it is also the case that manure would be exported to other farms. Environmental Health have confirmed that any complaints arising from the spreading of chicken litter would be dealt with under the provisions of the Environmental Protection Act 1990, Statutory Nuisance.

7.16 The Council's Environmental Health Officer has been consulted on the application and advises that there is no objection to the application in regard to odour.

## *Dust and Bio-aerosols*

7.17 Modelling of dust and bio-aerosol particulates from the proposed poultry houses was not carried out in the Environmental Statement. The Environment Agency requires a dust and bio aerosol risk assessment for any instances where there is a sensitive receptor within 100m of the installation boundary. Since the nearest sensitive residential receptor is 300m from the application site the Environmental Statement concludes there is no risk to public health.

7.18 Similarly in respect to residential receptors, the Council's advisor has advised that the proposed development would not cause the air quality objectives to be exceeded at the nearest sensitive development in compliance with the NPPF.

7.19 It is noted that there is a Public Right of Way, which at the closest point lies to the east of the site which at the closest point is circa 18 metres from the poultry units, but outside the applicant's ownership. The Council's advisor has recommended that the footpath should be redirected along the north-eastern boundary of the two fields to the north-east of the proposed development. Officers have raised the possibility of diverting the footpath with the applicant, but the applicant considers that it is impractical to redirect the footpath and wholly unnecessary.

7.20 However, it is the case that the duration and frequency of exposure to dust, bio-aerosols as well as other emissions would be infrequent and minimal on the PRoW. The short term air quality objective is 50µg/m<sup>3</sup> as a daily (24-hour average) not to be exceeded for more than 35 times per year. This objective would not be exceeded at this location as members of the public would not be at this location for periods of 24 hours.

## *Noise*

7.21 Sources of noise arising from the proposal would be derived from both on-site and off-site sources, the latter of which would not be controlled through the Permit regime.

7.22 Sources of noise would include noise from ventilation fans, on-site vehicular activity of loading and unloading and additional heavy vehicles. The additional vehicle movements would also be a source of vibration.

7.23 In respect to noise and vibration the applicant has submitted an environmental noise statement as part of the Environmental Statement. This has been reviewed for the Council's specialist noise consultant (NC). The review concludes that the applicant's noise assessment does not identify all the likely effects of noise and vibration and does not correctly quantify those it does identify. Specifically the applicant's assessment:

- does not consider all potential sources of noise
- does not include an estimate of uncertainty in the source noise levels
- does not include an estimate of variability in the source noise levels,
- overestimates noise attenuation due to ventilation exhaust stack directivity effects, and
- does not take account of potential variability in ambient background noise level.

7.24 In addition it is advised that no consideration is given to the frequency spectrum of the fan noise at residential receptors or the possibility that this may be low-frequency noise which cannot be assessed using BS4142.

7.25 However the review concludes that noise from ventilation fans, although possibly audible at times, represents a potentially low noise impact provided the noise is broad-band with no tonal or other characteristics and recommends consideration of a planning condition to limit low-frequency noise in one-third octave bands. It is considered by officers and Environmental Health that such a condition would be difficult to enforce and it is the case that if concerns arise this matter can be regulated through the Permitting Regime.

7.26 The report also includes a recommendation to impose a condition to prevent deliveries of poultry feed and wood pellet fuel during the evening and night-time (this excludes bird catching delivery vehicles which require to enter the site at night).

7.27 It is also recommended that consideration should be given to the redesign of the access road junction with the service yard, to provide a barrier against noise propagating towards the southeast.

7.28 The applicant has reviewed the NCs Review and advises that any uncertainty in the Noise Assessment is within acceptable parameters and will not alter the report. In addition the applicant considers that the re-design of the access and ancillary buildings would provide no overall acoustic benefit given the much of the concrete apron would remain unshielded. The Environmental Health Officer agrees with this assessment. The applicant has confirmed that they would accept a planning condition restricting lorry movements, except for the purposes of bird collection to between the 0700 to 1900 Mondays to Saturdays with no movements on Sundays.

#### *Conclusions Local Amenity Considerations*

7.29 It is evident from the level of objection received in relation to the proposals that there is considerable local concern surrounding the impact of the proposal on amenity and the peace and tranquillity of the area. However, the impact is mitigated by the context of the site and the direct access arrangements from the A417.

7.30 Overall it is considered that there is the potential for loss of amenity at residential receptors as a result of on-site and off-site operations. This is a matter which weighs against the proposal. However, it is considered that this could be mitigated to an acceptable impact through the Environmental Permitting Regime and the imposition of planning conditions.

7.31 There would also be a detrimental impact on peace, tranquillity and amenity including through odour, noise and dust for users of parts of the PRoW network. This is a matter which weighs against the proposal. However, it also considered that the extent of the impact would be minimal within the overall context of the PRoW network in the vicinity of the application site and the environmental impact will be mitigated to an acceptable impact through the Environmental Permitting Regime.

7.32 The NPPF ultimately seeks to deliver social well-being for all, balanced against the economic and environmental gains of a proposed development. Policy SD14 of the JCS states that development must cause no unacceptable harm to local amenity including the amenity of neighbouring residents. The perception from within the community of the impact of the use on local amenity as a consequence of the environmental effects of the development (either alone or in combination) is also a consideration which weighs against the development in the planning balance.

7.33 However, taking into account the context of the site, it is concluded that the cumulative impact of odour, bioaerosols, dust, noise, vehicle movements, and vibrations from on-site and off-site activities would not cause unacceptable harm to the residential amenity enjoyed by nearby residents, the wellbeing of the community, and users of the PRoW network. It is considered that the impact on amenity would be acceptable and the proposed development does not conflict with the NPPF and policies INF1 and SD14 of the JCS.

#### **8.0 Impact on Heritage Assets**

8.1 The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires special consideration to be given to the desirability of protecting and enhancing the setting of listed buildings. The NPPF sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

8.2 There are no designated heritage assets within the site. The application is supported by a Heritage Statement which identifies that the closest designated heritage assets to site all lie to the south in Maisemore and include the Grade II\* St Giles Church and Grade II\* Maisemore Court Farm which lie approximately 750 metres to the south. The tower of the church can be seen from higher parts of the site field, but the proposal would lie on lower ground.

8.3 The Council's Conservation Officer has been consulted on the application and following a site visit has advised that he is satisfied that the development would not impact upon the setting of heritage assets.

8.4 It is therefore considered that the development would not harm the setting of the listed buildings. This is neutral factor in the overall planning balance.

## 9.0 Highway Issues

9.1 Paragraph 109 of the NPPF requires that safe and suitable access be achieved but states that development should only be refused on transport grounds where the cumulative impact is severe. This advice is echoed in Policy INF1 of the JCS.

9.2 The proposed poultry units would be accessed via a new site access onto the A417 with a width of 7.3 metres.

9.3 As the highway fronting the proposed development site is subject to the sign posted 50mph speed limit, requirements deemed to satisfy visibility standards require emerging visibility splays of 160m along the nearside carriageway in both directions (left and right) at a 2.4m setback of the centre line of the access.

9.4 Taking account of the speed surveys, the required Sight Stopping Distances commensurate with the 85th percentile speed would require visibility splays of 152m to the right and 152m to the left with a 2.4m setback along the centre line of the site access. The required visibility can be achieved within land under applicants control, however; the visibility splays would need to be maintained clear of obstruction. This can be achieved by planning condition.

9.5 In respect to vehicle trip generation, on the busiest days of the flock cycle; day 38, the development would generate 22 two way HGV movements (11 in, 11 out). The peak movements on this day only occur once per flock cycle.

9.6 As it is anticipated that there would be 7.6 flock cycles per annum the number of days where the number of HGV movements would be at its peak is approximately 7.6 days in a year. However, during the normal operation of the site commercial traffic movements would be minimal.

9.7 In addition to the HGV's generated there would be 1 full time staff member generating no more than 2 two-way trips every day. There would also be 1 visit per quarter from vets, inspectors and field officers.

9.8 The County Highways Authority has been consulted on the application and consider that the intensification of the site would not result in a detrimental impact on the operation or safety of the existing highway network.

9.9 Highways England have also assessed the application and offer no objection.

9.10 Whilst the concerns of objectors are noted, it is considered that the proposal would not have a 'severe' impact on the safety or satisfactory operation of the highway network, and subject to conditions would accord with the NPPF and policy INF1 of the JCS.

## 10.0 Flood Risk and Drainage

10.1 The site boundary encloses an area of approximately 6 hectares and is located within Environment Agency Flood Zones 1. Flood Zone 1 is defined by the Environment Agency as being land having a low probability of flooding of less than 1 in 1,000 annual probability of river or sea flooding. An ordinary watercourse lies to the east of the proposed units beyond the proposed landscaping scheme.

10.2 The NPPF states that a site-specific flood risk assessment is required for proposals of 1 hectare or greater in Flood Zone 1 and when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere.

10.3 Policy INF3 of the JCS requires new development to, where possible, contribute to a reduction in existing flood risk and 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.

10.4 The application is supported by a Flood Risk Assessment and Surface Water Management Strategy. The applicant is proposing to discharge the site at rates that do not exceed the greenfield runoff rate for the area that is being developed (i.e. 8000m<sup>2</sup>). The surface water management design proposes a sustainable drainage system (SuDS) that would limit the total site runoff from the proposed development to a greenfield runoff rate. Attenuation is proposed in the form of an attenuation pond which would be located to the south of the poultry sheds.

10.5 The Local Lead Flood Authority has been consulted on the application and advise that the applicant has provided a strategy that adequately demonstrates that a drainage scheme can meet statutory requirements of the NPPF and also advise that an attenuation pond is the proposed method of storage, which should be sufficient to cover water quality requirements.

10.6 The Local Lead Flood Authority also advise that whilst the applicant has not specifically supplied exceedance flow paths, given the layout of the site and the general topography of the area, any surface water generated during exceedance events would flow towards the watercourse at the eastern boundary of the site and is not likely to impact buildings on site or elsewhere.

10.7 Whilst the applicant has supplied a strategy that adequately demonstrates that the development can meet the requirements for surface water drainage in the NPPF, the LLFA recommends a detailed design is submitted before any construction is taken place and a more appropriate climate change value should be used in this submission.

10.8 In light of the above, there is no objection to the application on flood risk/drainage grounds and it is considered that the proposal would accord with the NPPF and Policy INF2 of the Joint Core Strategy.

## 11.0 Ecology and Nature Conservation

11.1 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, inter alia:

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); report
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.

11.2 Policy SD9 of the JCS seeks to protect and enhance biodiversity in considering development proposals.

11.3 A Preliminary Ecological Appraisal was undertaken as part of the Environmental Statement which accompanies the application.

11.4 As a whole the survey revealed that the site's habitats which would be affected by the works are common and widespread and of low intrinsic biodiversity value. The report proposes enhancements to wildlife including the placement of hedgehog boxes in the bases of hedgerows and the erection of birds and bat boxes on suitable trees within the site.

11.5 Subject to the imposition of these recommended enhancements, which could be controlled by the imposition of conditions, the Appraisal states that there would be no net loss to biodiversity and no unacceptable adverse impact on ecosystem services.

11.6 Natural England has been consulted on the application and raise no objection to the application subject to appropriate mitigation to be secured and a Habitats Regulations Assessment being created.

11.7 In respect to nationally designated sites, Innsworth Meadow SSSI lies 4 km east of the application site and comprises of a traditional hay meadow supporting two main grassland vegetation communities.

11.8 Natural England advise that the Environment Agency permit details and SCAIL report (Simple Calculation of Atmospheric Impact Limits) provided by the applicant confirm that the critical levels are within the thresholds that the Environment Agency find acceptable to rule out impacts alone. However in-combination impacts need to be considered further and Natural England note from the SCAIL report that background levels especially for nitrogen deposition are high for this SSSI.

11.9 As such, Natural England advise that to mitigate for in- combination impacts from the proposals on this SSSI, a suitably designed tree buffer/belt should be secured by planning condition to influence the dispersal and recapture of ammonia.

11.10 Further to these comments the applicant amended the scheme to provide a native tree belt to the east of the proposed units and this proposed planting has been designed specifically to take account of ammonia emissions and this is welcomed.

11.11 The Council's Ecological Advisors have confirmed that the planting scheme is acceptable, subject to planning conditions to secure the planting in the first planting season and to ensure that failed plants are replaced.

11.12 In respect to internationally protected sites, the application site is within the screening distance for air quality purposes of a European designated site and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The application site is within the 10km screening distance of the Walmore Common Special Protection Area (SPA) which is a European site. The site is also notified at a national level as Walmore Common Site of Special Scientific Interest (SSSI).

11.13 In considering the European site interest, Natural England advises that under the provisions of the Habitats Regulations, Tewkesbury Borough Council as the competent authority, should have regard for any potential impacts that a plan or project may have and that a Habitats Screening Record should be created.

11.14 In response to the comments the Council instructed ecologists to provide a HRA Screening Record which identified that that proposal is unlikely to have any conceivable effect on a European Site during construction or operation.

11.15 Overall, taking account of all of the above and the provision to secure ecological enhancement and with the planting to influence the dispersal and recapture of ammonia it is considered that the proposal accords with the NPPF and Policy SD9 of the Joint Core Strategy.

## **12.0 Archaeology**

12.1 Paragraph 189 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should be consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

12.2 An archaeological Evaluation was submitted in support of the planning application. The methodology of the Evaluation was agreed with the County Archaeologist and comprised the excavation of six trial-trenches, which were placed to investigate ground anomalies detected by a geophysical survey and also to test areas where no geophysical anomalies had been found.

12.3 The County Archaeologist has advised that the result of the archaeological evaluation was negative in that no archaeological remains were observed during the investigation. On that evidence it is the view of the County Archaeologist that the proposed development has low potential to have any impacts on archaeological remains and that no further archaeological investigation or recording should be required in connection with this development proposal.

12.4 It is therefore considered that the application is acceptable in this regard.

## **13.0 Other Matters**

13.1 There are a number of other concerns raised by Parish which have not been specifically addressed within the Report, to which the applicant has provided further clarification.

### *Flooding of A417*

13.2 The applicant has advised that should the A417 be affected by flooding between Maisemore and Over Roundabout, vehicles would be directed following the A417 north to junction 2 of the M50.

#### *Dust deposit on roofs*

13.3 Concerns have been raised that significant quantities of dust may be deposited on the roofs of the large buildings and this will contaminate the run off rainwater entering the stream and impact on biodiversity.

13.4 The applicant has advised that the issue of dust on the roofs occurred with the older systems which had capped fans and that the modern high speed roof fans are uncapped, and dust on the roofs is not a problem with modern units.

#### *Disposal of carcasses*

13.5 Concerns have been raised regarding the process for removal of carcasses which may attract rats and other vermin, also posing a risk of water pollution.

13.6 The applicant has advised that any dead birds are collected daily from within the bird areas. They are stored in sealed plastic bags within sealed and locked carcass bins (similar to a large commercial wheelie bin) and these are required to be collected weekly by a licensed fallen stock operator. This is controlled through the Environmental Permit regime

#### *Clean out process*

13.7 Concerns have been raised that the cleaning out process at the end of each cycle poses an additional threat to pollution of the watercourse especially during high rainfall events.

13.8 The applicant has advised that the issue of contamination during cleanout is controlled through the environmental permit. The concrete apron is fitted with a diverter valve and during periods of cleanout, the apron is drained to the dirty water tank. After cleanout, the apron is power washed and the water diverted back to the clean system. The details of the dirty water containment are required to be approved by the Environment Agency under the Silage Slurry and Agricultural Fuel Oil Regulations, prior to installation.

#### *Bio-security*

13.9 Concerns have been raised that there is a significant bio-security risk posed by the large number of units as others already operate within the area and that diseases such as bird flu and fowl pest may impact on the bird population. Concerns have also been raised that the risk is increased as a result of the high pheasant population around Maisemore, which arises from established commercial shoots.

13.10 The applicant has advised that bio-security on commercial broiler units is a high priority and that the units are bird and vermin proof to avoid any wild birds being able to access the sheds. Protocols on the site involve workers changing boots and overalls before entering the bird areas to avoid any potential to carry infection into the birds.

#### *Presence of workers*

13.11 Concerns have been raised that because this proposal is for a new enterprise completely separate from an existing farm, there will not be anyone on site continuously and, therefore, no-one to deal with an emergency, such as a fire and this may be an animal welfare and health and safety issue.

13.12 The applicant has advised that the unit would operate with alarm systems for high and low temperature, power failure and water failure and then an alarm alerts to responsible personnel through ringing a series of phone numbers until it gets an answer. The unit would also have cctv and intruder alarms. Staff would be immediately alerted should there be a problem with the systems or stock and would be able to attend the site promptly.



## **14.0 Conclusions**

### **Benefits**

14.1 The NPPF is supportive of development which promotes a strong rural economy and encourages policies which support the sustainable growth and expansion of all types of business and enterprise in rural areas, and which promote the development and diversification of agricultural and other land-based rural business. The supporting information submitted with the application sets out the need for a poultry enterprise. Although the proposal would not directly employ a large number of people, it would undoubtedly provide economic benefits to the area and the UK economy. This lends weight in favour of the social and economic dimensions of sustainability as defined in the NPPF.

### **Harms**

14.2 There would be some harm to the landscape arising from the proposal and this is a factor that weighs against the proposal in the overall planning balance, but the landscape impact is tempered by the design approach, landscape mitigation and by virtue that the application site is not identified as a 'valued' landscape in the development plan.

14.3 There is the potential for loss of amenity at residential receptors as a result of on-site and off-site operations. This is a matter which weighs against the proposal. However, it is considered that this could be mitigated to an acceptable impact through the Environmental Permitting Regime and the imposition of planning conditions.

14.4 There would also be a detrimental impact on peace, tranquillity and amenity including through odour, noise and dust for users of parts of the PROW network. This is a matter which weighs against the proposal. However, it is considered that the extent of the impact would be minimal within the overall context of the PROW network in the vicinity of the application site and the environmental impact will be mitigated to an acceptable impact through the Environmental Permitting Regime.

14.5 The perception from within the community of the impact of the use on local amenity as a consequence of the environmental effects of the development (either alone or in combination) is also a consideration which weighs against the development in the planning balance.

### **Neutral**

14.6 There would be no undue impact in terms of the heritage assets, local highway network, ecology, archaeology and flooding.

### **Overall conclusion**

14.7 Overall, it is concluded that the proposed development is generally supported in principle by the NPPF and local plan policies. Whilst the site is not adjacent to a settlement or existing buildings, given the nature of the proposal it is important that such a use is not sited close to residential properties for the reasons explained above. Whilst there would be some impacts on the area as identified above, it is considered that the economic benefits of the proposal outweigh the harm in this case and 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.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Site Plan IP/GMS/02
  - Elevations IP/GMS/03
  - Ancillary Structures IP/GMS/04A
  - Topographic Survey IP/GMS/07
  - Large Scale Location Plan IP/GMS/09
  - Site Sections IP/GMS/10
  - Fencing Locations Plan IP/GMS/11
  - Landscape Proposals IPA22114-11D Sheet 1
  - Landscape Proposals LPA2214-11D Sheet 2
3. Notwithstanding the submitted details no development shall take place above DPC level until samples (to include the proposed colour and finish) of the external materials of all the buildings and structures including, poultry units, boiler house, pellets bins, feed bins and gatehouse have been submitted to and approved by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.
4. Notwithstanding the submitted details no development shall take place above DPC level until samples of all surface materials, including the access road, concrete apron and turning area have been submitted to and approved by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.
5. The finished floor levels and finished ground levels after the completion of the development shall accord with the approved details on drawings no.
  - Topographic Survey IP/GMS/07
  - Site Sections IP/GMS/10
  - Unless otherwise agree in writing by the Local Planning Authority
6. All soft landscaping shall be carried out entirely in accordance with the approved details on drawing no.s
  - Landscape Proposals IPA22114-11D Sheet 1
  - Landscape Proposals LPA2214-11D Sheet 2

The works shall be carried out before any part of the development is operational or in accordance with a programme submitted to and approved by the Local Planning Authority. Any trees, plants or areas of turfing or seeding, which, within a period of 5 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

7. All existing trees and hedges on site unless otherwise indicated on the approved plan to be removed, shall be retained and shall not be felled, topped or lopped or otherwise removed without the previous written consent of the Local Planning Authority. If any retained tree/hedge is removed, uprooted or destroyed or dies, replacement planting shall be carried out in the first available planting season of such species, sizes and numbers and in positions on site which have first been approved in writing by the Local Planning Authority.
8. The development hereby approved shall be carried out in accordance with the mitigation recommended in the Preliminary Ecological Appraisal prepared by Craig Emms and Dr Linda Barnett dated September 2018.
9. No fencing shall be erected on site other than in accordance with the approved details on drawing no.
  - Fencing Locations Plan IP/GMS/11
  - Unless otherwise agree in writing by the Local Planning Authority
10. Prior to occupation of the proposed development hereby permitted the vehicular access shall be laid out and constructed in accordance with the submitted plan drawing no's. 20400-01 within the Transport Statement SJT/KM 20400-01A with the first 20m of the proposed access road, including the junction with the existing public road and associated visibility splays completed to at least binder course level.

11. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 140m to the left and 140m to the right (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.
12. The building(s) hereby permitted shall not be occupied until the vehicular parking, turning and loading/unloading facilities have been provided in accordance with the submitted plan drawing no. IP/GMS/02, and those facilities shall be maintained available for those purposes thereafter.
13. Prior to the occupation of the building(s) hereby permitted, all proposed parking spaces shall be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
14. Notwithstanding the submitted details, the development hereby permitted shall not be occupied until 1 disabled parking bay located close to the main pedestrian entrance(s) has been provided and made available for use and shall be maintained for the duration of the development thereafter.
15. Notwithstanding the submitted details, the development hereby permitted shall not be occupied until a delineated at grade pedestrian corridor with a minimum width of 1.2m from the proposed parking bays linking to the main pedestrian entrance has been provided and made available for use and shall be maintained for the duration of the development thereafter
16. Throughout the construction period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following:
  - i. parking of vehicles of site operatives and visitors;
  - ii. loading and unloading of plant and materials;
  - iii. storage of plant and materials used in constructing the development;
  - iv. wheel washing facilities
17. No development shall commence on site until a detailed Sustainable Drainage System (SuDS) Strategy document has been provided for approval by the Local Planning Authority, this should be in accordance with the proposal set out in the applicant's submission (Flood Risk Assessment and Surface Water Management Plan, 3rd October 2018). The SuDS Strategy must include a detailed design, maintenance schedule, confirmation of the management arrangements and a timetable for implementation. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The approved scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.
18. Except for the purpose of bird collection, no lorry movements to or from the site are permitted outside the period 07.00 to 19.00 on Mondays to Saturdays and no movements on Sundays.
19. No external lighting shall be installed unless it is in accordance with details which have previously been submitted to and agreed in lighting by the Local Planning Authority. Such details shall include location, height, direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details

Reasons:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interest of proper planning
3. In the interests of visual amenity

4. In the interests of visual amenity
5. In the interests of visual amenity.
6. In the interests of visual and residential amenity and to ensure appropriate protection of biodiversity
7. In the interests and to ensure appropriate protection of biodiversity
8. In the interests of biodiversity
9. In the interests of visual amenity.
10. To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.
11. To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.
12. To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.
13. To ensure that the development incorporates facilities for charging plug-in and other ultra-low emission vehicles in accordance with paragraph 110 of the National Planning Policy Framework.
14. To ensure safe and suitable access to the site can be achieved for all users and to address the needs of people with disabilities in accordance with paragraphs 108 and 110 of the National Planning Policy Framework
15. To ensure safe and suitable access to the site can be achieved for all users; to give priority to pedestrians and to address the needs of people with disabilities in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.
16. To reduce the potential impact on the public highway and accommodate the efficient delivery of goods in accordance with paragraph 110 of the National Planning Policy Framework.
17. To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.
18. In the interests of residential amenity
19. In the interest and visual amenity and biodiversity

**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 amendments to the landscaping scheme and the height of the pellet bins

2. There is an ordinary watercourse to the west of the site and work in the channel or on the bank may require consent under the Land Drainage Act. Tewkesbury Borough Council is currently the consenting and enforcement authority in this area and the applicant should seek advice from them as to whether consent for this work is required.

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE SCHEDULE OF WORKS



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CLIENT

JOB TITLE

Proposed Poultry Unit

DWG. TITLE

Location Plan

SCALE 1:5000

DRN IP

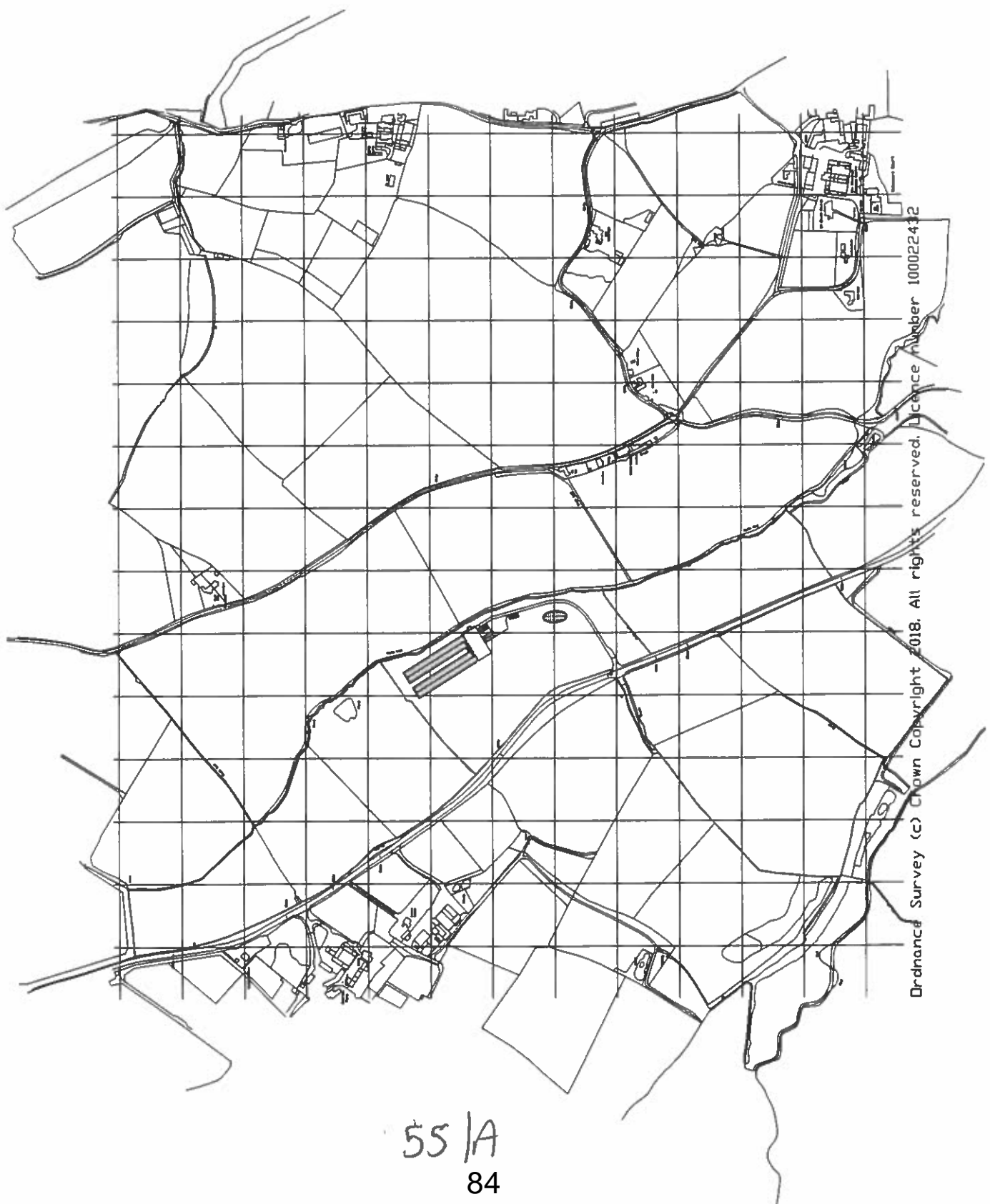
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IPCMS/01

DATE

Dec 18

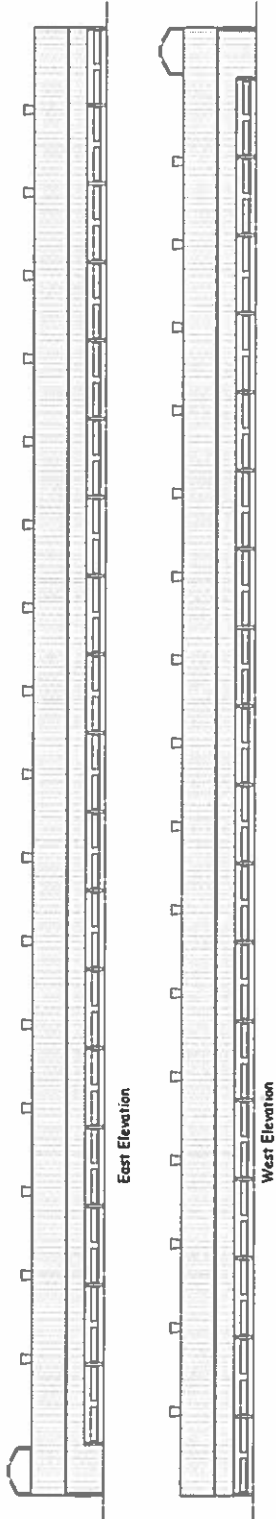
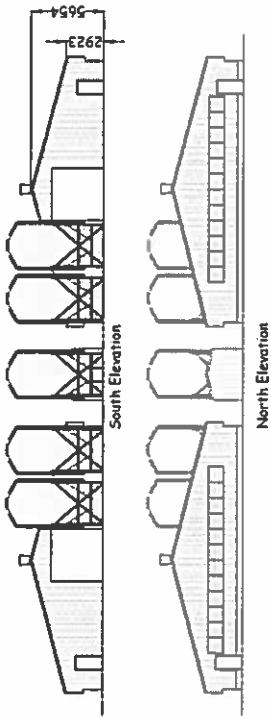
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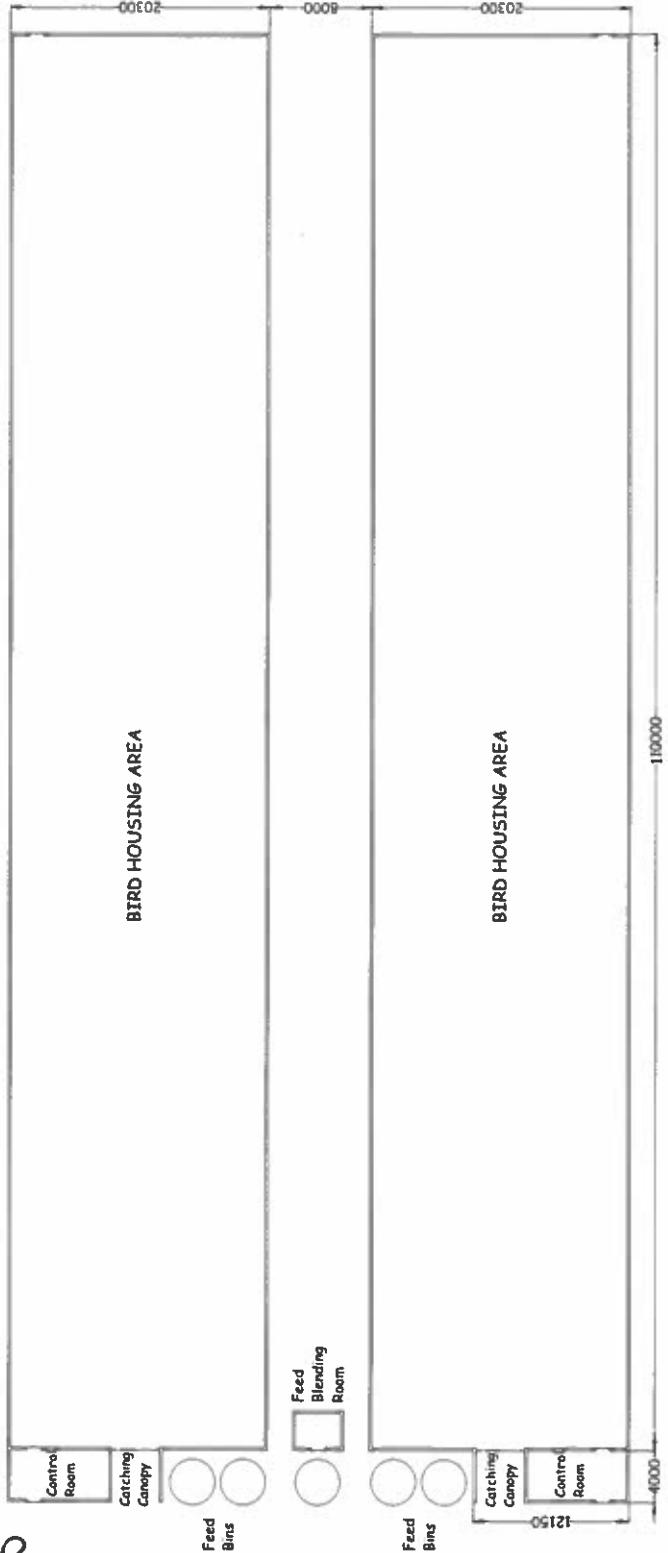
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84

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55/B  
85



Floor Plan



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CLIENT

JOB TITLE

Proposed Poultry Unit

DWG. TITLE

Elevations A1

SCALE 1=200

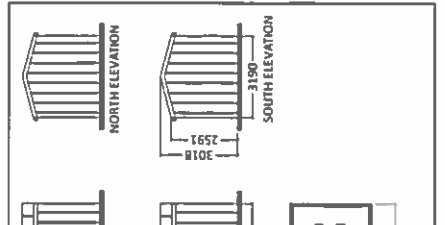
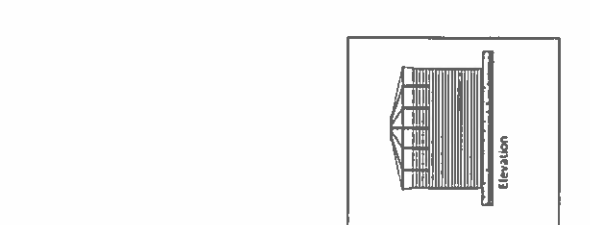
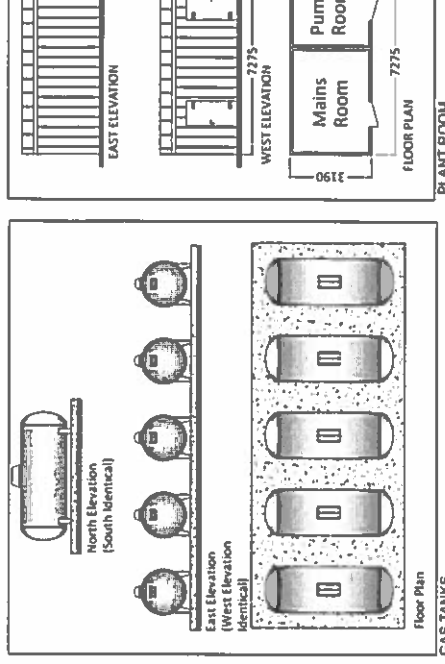
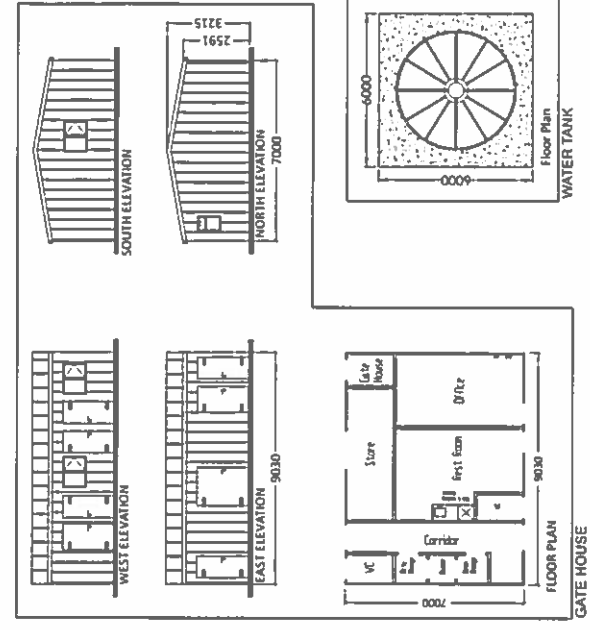
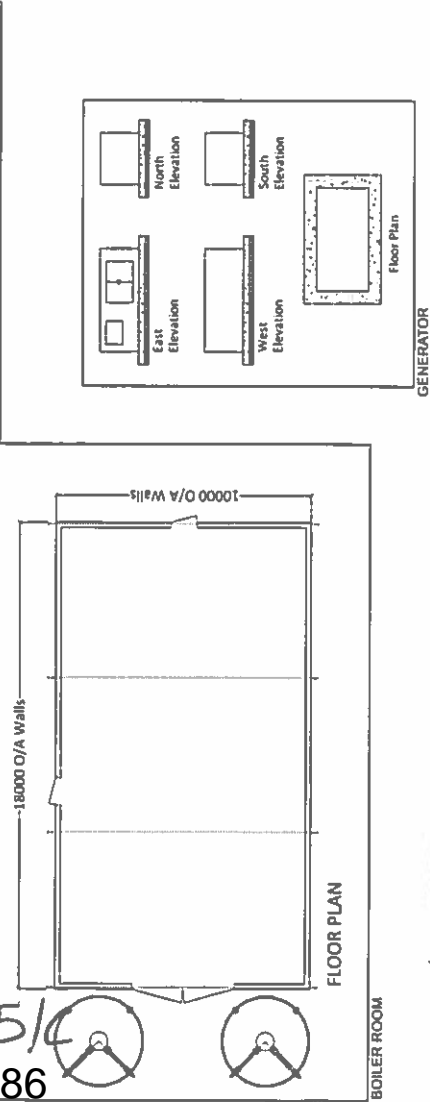
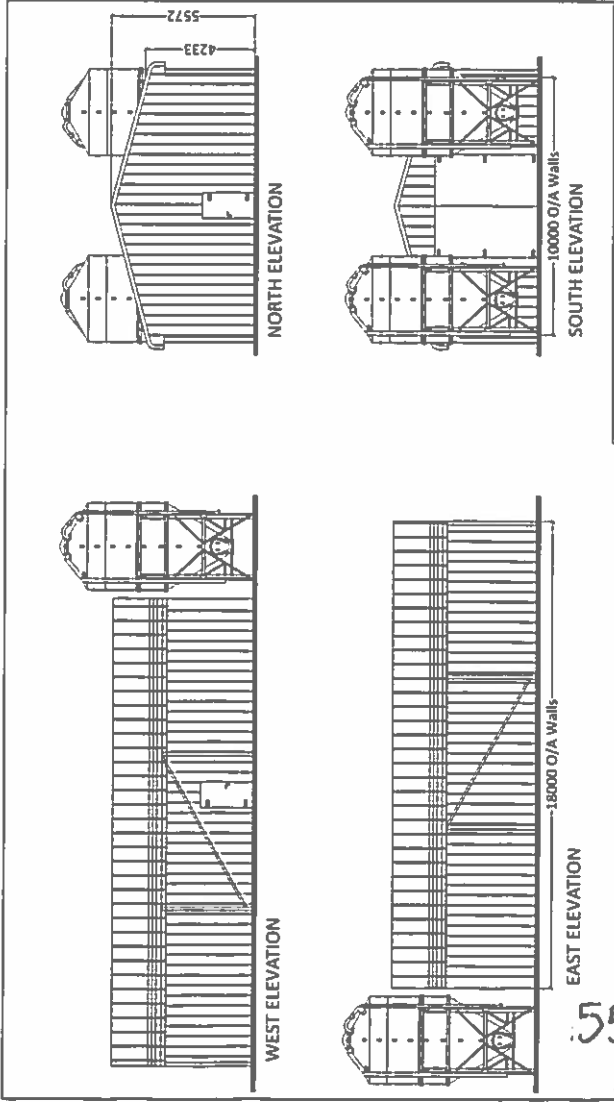
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IPGMS/03

DATE Sept 18

REV



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CLIENT

JOB TITLE: Ancillary Structures

DWG. TITLE: Elevations A1

SCALE: 1=100

DRN: SH

DWG. NUMBER: IP/GMS/04A

DATE: May 19

REV: \_\_\_\_\_

55/1  
 86



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JOB TITLE

Proposed Poultry Unit

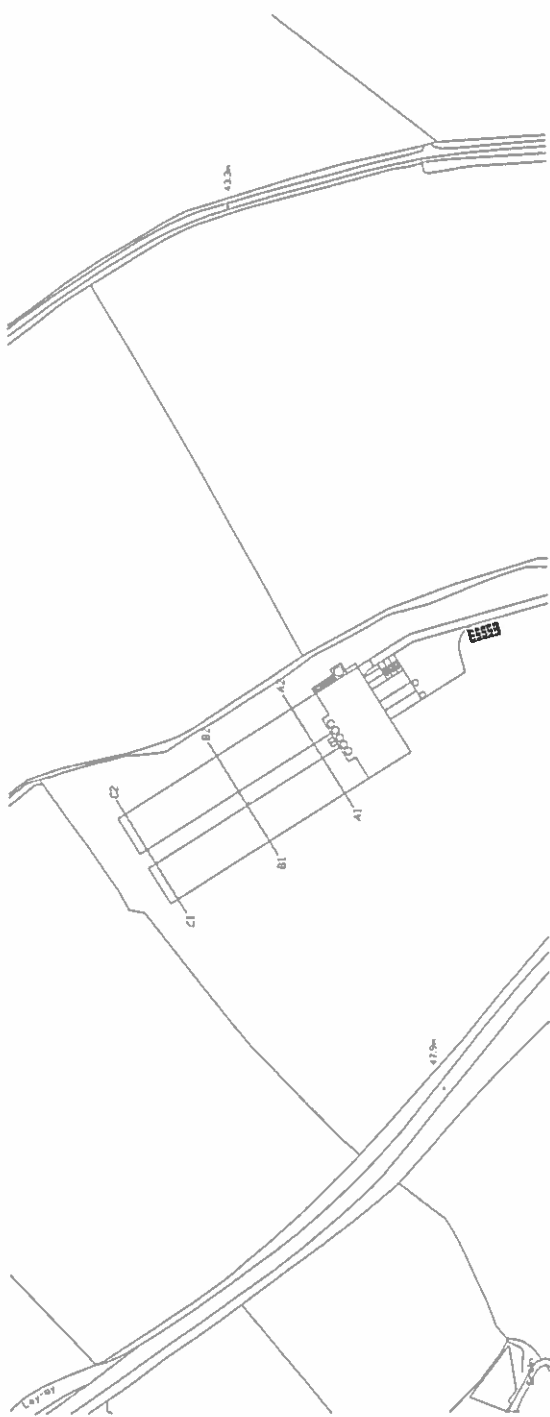
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Site Sections

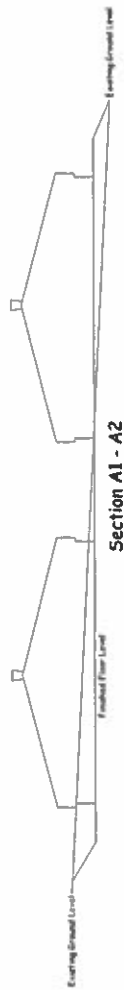
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Annotated  IP

DWG NUMBER  
IPGMS/10

DATE  REV   
Jan 19



Section Locations 1:1250



Section A1 - A2



Section B1 - B2

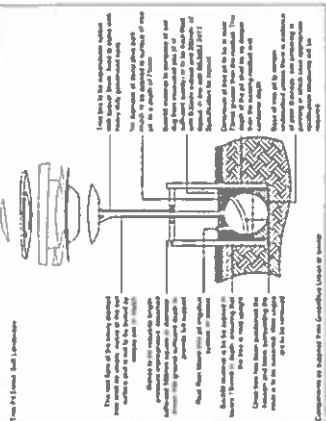


Section C1 - C2

Sections 1:200

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87





Long term tree health is dependent upon the internal structure of the trunk. The diagram shows the heartwood, sapwood and bark. The heartwood is the innermost part of the trunk and is made of dead wood. The sapwood is the outer part of the heartwood and is made of living wood. The bark is the outermost part of the trunk and is made of dead wood. The diagram is labeled with 'Wood Moisture Content' and 'Heartwood'.

Planting trees in the landscape is a complex task that requires careful planning and execution. The following guidelines are intended to help you select and plant trees that will thrive in your landscape for many years to come.

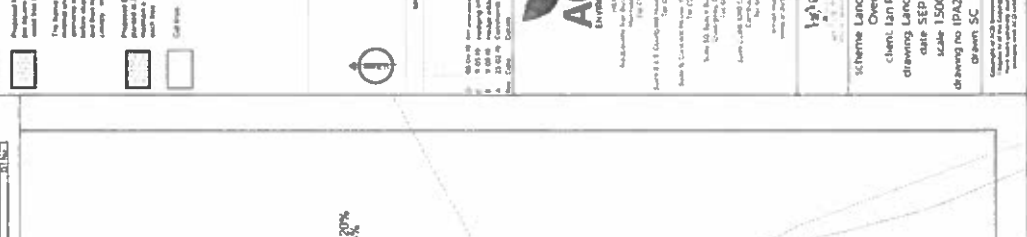
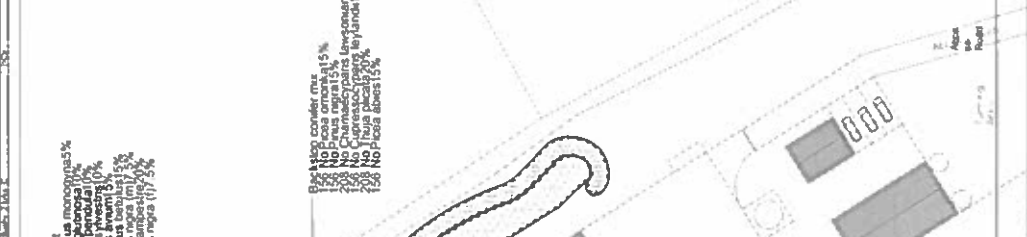
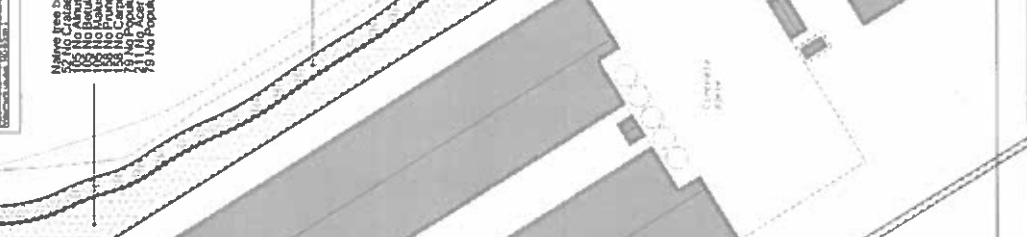
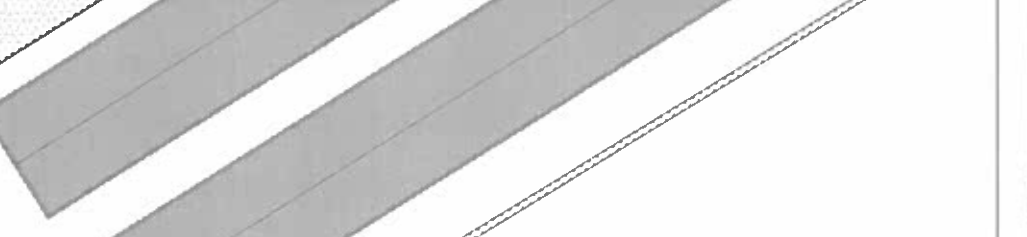
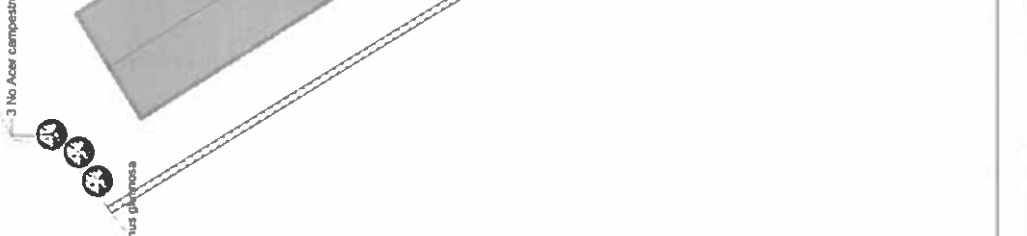
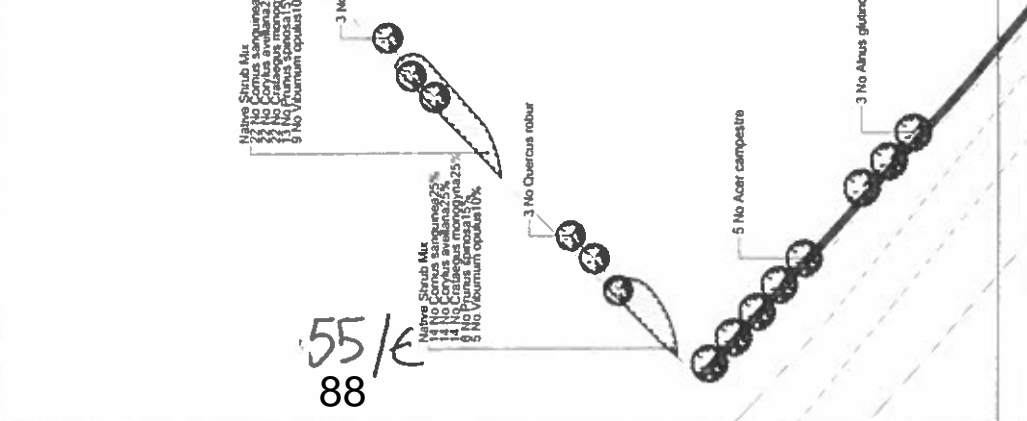
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**ACD Environmental**  
 167, 169, 171, 173, 175, 177, 179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 211, 213, 215, 217, 219, 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 249, 251, 253, 255, 257, 259, 261, 263, 265, 267, 269, 271, 273, 275, 277, 279, 281, 283, 285, 287, 289, 291, 293, 295, 297, 299, 301, 303, 305, 307, 309, 311, 313, 315, 317, 319, 321, 323, 325, 327, 329, 331, 333, 335, 337, 339, 341, 343, 345, 347, 349, 351, 353, 355, 357, 359, 361, 363, 365, 367, 369, 371, 373, 375, 377, 379, 381, 383, 385, 387, 389, 391, 393, 395, 397, 399, 401, 403, 405, 407, 409, 411, 413, 415, 417, 419, 421, 423, 425, 427, 429, 431, 433, 435, 437, 439, 441, 443, 445, 447, 449, 451, 453, 455, 457, 459, 461, 463, 465, 467, 469, 471, 473, 475, 477, 479, 481, 483, 485, 487, 489, 491, 493, 495, 497, 499, 501, 503, 505, 507, 509, 511, 513, 515, 517, 519, 521, 523, 525, 527, 529, 531, 533, 535, 537, 539, 541, 543, 545, 547, 549, 551, 553, 555, 557, 559, 561, 563, 565, 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Valid 17.12.2018  
 Grid Ref 398494 232615  
 Parish Teddington  
 Ward Isbourne

Erection of a permanent pig sty and associated facilities

## **RECOMMENDATION Permit**

### **Policies and Constraints**

National Planning Policy Framework; 2018 (NPPF)  
 Planning Practice Guidance  
 The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy; 2017 (JCS)  
 Tewkesbury Borough Local Plan to 2011; March 2006 (TBLP)  
 Flood and Water Management Supplementary Planning Document  
 Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
 The First Protocol, Article 1 (Protection of Property)

### **Consultations and Representations**

**Teddington Parish Council** - Objection on the following grounds:

- The Planning Statement is misleading and submitted plans are not accurate
- The building is oversized
- There may be problems with smell and vermin
- The land is not agricultural and it is restricted by a covenant preventing a commercial agricultural enterprise
- The manure heap should be relocated

**Local residents** - 10 letters of objection have been received. Concerns include:

- The plans misrepresent the scale
- The building could be converted to a bungalow
- Potential for bad smell
- Flies and vermin
- The site borders a playing field so would be harmful to human activity
- Nothing to prevent further buildings being erected
- The commercial enterprise is out of keeping with the domestic environment
- There is a covenant restricting the use of the land
- There are underground streams which will be contaminated
- The building is out of keeping with the rural area and surrounding AONB
- The building would be harmful to ecology
- Light pollution
- The building could be used for housing other livestock such as poultry
- The building is within close proximity to carers accommodation
- The proposal would include removal of landscaping
- The use of the site has been intensified recently

**Environmental Health** - Initial concerns were raised in relation to potential nuisance arising from odour and vermin. The EH Officer therefore requested that the applicant submit an Odour and Vermin Management Plan in order to set out how those issues would be managed. The applicant did so, and the Plan was reviewed by the EH Officer. The scheme was considered satisfactory and no further concerns were raised and as such the EH Officer raises no objection.

**Gloucestershire County Highways** - No Objection.

**Land Drainage Officer** - Initial concerns were raised relating to the proposed surface runoff because of the lack of information provided. The applicant therefore submitted the requested information for the LD Officer to review. Further concerns were then raised because the scheme had not accounted for increased run-off as a result of climate change which was sufficiently addressed and further information provided. As such, no objection is raised.

**Building Control** - No comment.

**Environment Agency** - The EA raised initial concerns with the scheme relating to muck storage and disposal. A Waste Management Scheme and associated plans were submitted however and the EA are now satisfied. Although residents raised concerns relating to underground watercourses and potential contamination of ground and water, the EA are satisfied that there would be no undue impact and as such no objection is raised.

**Planning Officers Comments:** Emily Pugh

## **1.0 Application Site**

1.1 This application relates to Land to the East of Aldebaran Road in Alstone. The site is an agricultural strip of land comprising some 0.28 hectares in total area and lies within the Special Landscape Area as defined in the 2006 Local Plan see site location plan.

1.2 The site is located on the outskirts of Alstone within the open countryside - the closest residential property being 75m south-west. It is primarily accessed via the main road into the village which is already well established.

1.3 The site currently features a penning area which is separated into three parts in order to keep breeds apart from one another. This has been done using corrugated sheeting and a series of wooden boards on the ground to enable the pigs to exit the mud for short periods.

## **2.0 Relevant Planning History**

2.1 No relevant history pertaining to this application.

## **3.0 Current Application**

3.1 The current application seeks planning permission for the erection of a single storey, three bayed structure which would be used as a pig sty.

3.2 The building would be comprised of grey concrete blockwork with featheredge boarding in a natural finish to the exterior walls, with black corrugated fibre boards and a translucent corrugated roof light to the roof and softwood timber doors in a natural finish see attached plans.

## **4.0 Policy Context**

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

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

4.3 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2018.

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

## 5.0 Analysis

5.1 The main issues to be considered are visual amenity and whether the proposal would have an acceptable impact upon neighbouring resident's amenity.

### Principle of Development

5.2 Policy AGR5 of the TBLP states that proposals for the erection of new agricultural buildings will be permitted provided that it is well sited in relation to existing buildings, works and landscape features in order to minimise adverse impact on visual amenity. Buildings should be sympathetically designed in terms of height, mass, materials, colour and landscaping where appropriate. Adequate operational access should be available for vehicles, machinery and stock.

5.3 Paragraph 83 of the NPPF promotes the support of a prosperous rural economy. Development should support sustainable growth and expansion of rural businesses and farm diversification through conversion of existing buildings and well-designed new buildings.

5.4 The site is in a rural location on the outskirts of the village of Alstone. It is located off a bend in the road and is served by a gated entrance, sufficient to accommodate tractors and other large scale machinery. It is bordered by well-established hedgerows and mature trees and as such visibility into the site is limited.

5.5 The supporting evidence submitted with the application sets out that the existing business was previously operated on an informal basis through word of mouth however the applicants' son has now become involved in the business and as such it has now become a limited company 'Pennyhaven Park Ltd'. It is suggested that the proposal would improve the welfare of the animals and workers which would prevent any negative implications to the livestock, in turn helping to support the successful operation of the rural business.

5.6 The proposal seeks the installation of a dual pitched pig sty. It would be located in the same location as the existing outdoor pens, measuring 2.1m to the eaves, 3.4m in total height and comprising 143 sq m of total floor area. The internal layout would comprise of four separate pens, three for the pigs and one for feed and equipment storage with a corridor for the workers.

5.7 The building is located in close proximity to the road and existing access however is not prominent on approach. It resembles an agricultural building commonly found in rural areas and is not excessive for what it seeks. The principle of development therefore complies with the requirements set out in Policy AGR5 and Paragraph 83.

### Visual Amenity and Landscape Impact

5.8 Policy SD4 and Section 12 state that new development should respond positively to a site and its surroundings, enhancing local distinctiveness and establishing a strong sense of place.

5.9 In this regard, Policy SD6 of the JCS states that development should seek to protect landscape character for its intrinsic beauty and for its benefit to economic, environmental and social well-being.

5.10 Although the site is not located within the Cotswold AONB, it is within close proximity to it (some 20m to the west). Policy SD7 of the JCS is therefore a material consideration which sets out that proposals will be required to conserve and enhance the landscape, scenic beauty, wildlife, cultural heritage and other special qualities of the AONB.

5.11 Policy LND2 states that special attention should be accorded to the protection and enhancement of the landscape character of the special landscape area which are of local significance. Proposals must demonstrate that they do not adversely affect the quality of the natural and built environment, its visual attractiveness, wildlife and ecology or detract from the quiet enjoyment of the countryside.

5.12 The proposal doesn't seek to remove any vegetation and as such the existing screening would remain in place through the duration of the construction works and while the development is in place. The pig sty has been designed in order to facilitate a limited number of pigs and as such its scale is considered to be reasonable. The structure would be finished in feather board cladding which, within the context of mature trees and hedgerows is considered to be an effective use of materials. The doors would match, and the roof would be comprised of intermittent opaque and translucent corrugated sheeting which would allow nature light into the structure. Given that the pig sty would feature a dual-pitched roof at a maximum height of 3.4m, it is not considered that the massing of the structure would be dominant or intrusive on the landscape or its setting.

5.13 Alstone is home to a number of working farms which helps to establish its sense of place as an agricultural rural setting and it is considered that the proposal sympathetically sustains that sense of place and enhances the cultural heritage of the area.

5.14 The sty has double access doors to the eastern and western elevations and three single doors to the northern elevation serving each of the pens. In view of the existing informal arrangements on site which includes corrugated sheeting laid out in a pen format, it is considered that the proposal would improve and enhance the appearance of the area. The structure overall is considered acceptable in terms of design and would not result in visual harm to the special landscape qualities of the area, specifically in terms of the SLA and AONB.

5.15 As such, it is considered that the proposal complies with the requirements set out in Policies SD4, SD6, LND2 and Section 12.

#### Impact on Residential Amenity

5.16 Policy SD14 of the JCS states that development should seek to improve environmental quality and must not exacerbate conditions that could impact on human health or cause health inequality. Developments should cause no harm to local amenity, and should result in no unacceptable levels of air, noise, water, light/soil pollution or odour. Mitigation measures should be incorporated into development, and proposals should recognise that agricultural land is a finite resource.

5.17 Policy SD4 states that proposals should avoid potential disturbances including visual intrusion, noise, smell and pollution and in this regard,

5.18 The impact of the proposal on residential amenity has been carefully considered. It is noteworthy that the applicant resides in the dwelling known as 'Aldebaran' and as such the closest residential property beyond that is some 75m to the south west. Firstly, it is necessary to consider the bulk, size and massing of the structure to neighbouring amenity. In view of existing landscaped boundary treatments, scale of the building and distances to neighbouring properties, it is not considered that it would present an overbearing impact in this regard.

5.19 Further, it is also necessary to consider potential nuisances which amount to odour, vermin and light pollution. An Odour and Vermin Management Scheme was submitted which was subsequently assessed by an Environmental Health Officer. It is considered that the proposed mitigation methods set out in that scheme are sufficient to negate any potentially harmful impacts to neighbouring properties and neighbouring uses such as the adjoining playing fields and ongoing compliance with this document can be secured by way of a planning condition.

5.20 In terms of light pollution, in view of the rural nature of the village and lack of on street lighting, it is considered necessary to impose a condition restricting the imposition of outdoor lighting in order to limit harmful pollution impacts.

5.21 The proposal was amended at the request of the Environment Agency who suggested alterations to the existing manure heap. The proposal therefore also seeks a lightweight open sided structure to cover the manure heap which accords with the guidance suggested by the Environment Agency.

### Highway Impact

5.22 Policy INF1 states that safe and efficient access should be available to all transport modes and permission should only be granted where the impact of development is not considered to be severe. The Gloucestershire County Highway Authority were consulted who raise no objection to the scheme. There is an existing access with sufficient visibility to all modes of transport including heavy farm machinery and as such is considered to comply with the requirements set out in Policy INF1.

### Drainage and Waste Management

5.23 Policy INF2 states that proposals must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment. New developments should incorporate suitable drainage systems as appropriate, minimising any potential risk to flooding where possible. In this regards, Policy AGR5 states that suitable provision should be made for the disposal of waste without risk of water pollution and Policy SD3 and Section 2 set out that proposals should demonstrate sustainability through the minimisation of waste, avoiding pollution to the air and water environment and contamination of land.

5.24 Given that the proposal would include the implementation of some 144 m sq of impermeable floor space and a dual pitched roof which has the capacity to allow surface run-off, it was necessary to seek to improve drainage arrangements on site. In terms of the surface water run-off generated as a result of precipitation, it is proposed that a water butt with associated down pipes is installed on site which is confirmed by the Land Drainage Officer to be acceptable.

5.25 Internal drainage arrangements within the sty would comprise of falls within the pens which would each lead to a surface gully along the internal corridor. The gully is proposed to lead to a cess pit which would accommodate for liquid run off.

5.26 Solid waste is proposed to be deposited on the manure heap which would also have a land drain leading to the cesspit in order to prevent any land contamination. The applicant has submitted a Waste Management Plan which describes the various disposal methods of the cesspit and manure heap which are considered to be acceptable in accordance with the requirements set out in Policies INF2, AGR5, SD3 and Section 2. It is however considered necessary to secure this by planning condition.

5.27 The Environment Agency were consulted who confirm that the proposal would not have an undue impact on any watercourses in the vicinity and likewise they are satisfied with contamination mitigation, and waste disposal methods set out.

### Other Matters

5.28 Various letters expressing objection and concern were received - the majority of which are addressed in the relevant contents of this report. The further concerns are as follows; Firstly, the question is raised as to the viability of the structure and potential scope to use the building for other purposes (specifically for residential or poultry) at a later date. The applicant has not applied for alternative developments and as such the proposal on hand must be considered on its own merits.

5.29 Concerns were also raised relating to restrictive covenants. This is not a material planning consideration however and is a matter which may be addressed under civil law.

5.30 The matter of ecology was raised with particular regard to bats and badgers. There is no evidence that the scheme would pose any risk to bats or badgers however an advisory note will be attached to any decision in order to draw the potential of any implications to the applicant. The onus is strictly with the applicant in this regard.

## **6.0 Conclusion & Recommendation**

6.1 Whilst the Parish Councils comments have been considered, the proposed scheme would be in accordance with the relevant policies, and it is therefore recommended that planning permission is granted subject to conditions.

## RECOMMENDATION Permit

### Conditions:

1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

- Proposed plans and elevations: 14187 1-3 A, received 10th April 2019.
- Proposed block plan: 14187 1-2 B, received 13th May 2019.
- Proposed new manure pile: 14187 1-4, received 13th May 2019.

;except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans

3. Prior to the first use of the pig sty hereby permitted, the surface water arrangements shall be completed in accordance with Proposed plans and elevations: 14187 1-3 A, received 10th April 2019. The water butt shall be comprised of a minimum of 2.5m<sup>3</sup> in order to account for 40% extra rainfall as a result of climate change.

Reason: To ensure that the development is provided with a satisfactory means of drainage, as well as reducing the risk of flooding both on the site itself and the surrounding area, and to minimise the risk of pollution

4. Prior to the first use of the pig sty hereby permitted, the manure heap shall be completed in accordance with the following approved documents:

- Proposed block plan: 14187 1-2 B, received 13th May 2019.
- Proposed new manure pile: 14187 1-4, received 13th May 2019.

Reason: In order to enable the efficient operation of the development hereby permitted.

5. 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 external lighting shall be erected on site without the written express consent of the local planning authority.

Reason: In the interests of visual amenity.

6. The Odour and Vermin Management Plan submitted on 10th April 2019 shall be fully adhered to for the lifetime of the development.

Reason: In order to safeguard neighbouring amenity.

7. The Foul Waste Management Plan submitted on 13th May 2019 shall be fully adhered to for the lifetime of the development.

Reason: In order to safeguard neighbouring amenity.

### Notes:

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



2. This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
3. Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Building Control Team on [Buildingcontrol@cheltenham.gov.uk](mailto:Buildingcontrol@cheltenham.gov.uk).
4. The Wildlife and Countryside Act 1981 (as amended) makes it an offence to kill, injure or take any wild bird, and to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built. It is also an offence to take or destroy any wild bird eggs. In addition the Act states that it is an offence to intentionally or recklessly disturb any wild bird listed in Schedule 1 while it is nest building, or at (or near) a nest containing eggs or young, or disturb the dependent young of such a bird.

If at any time nesting birds are observed on site then certain works which might affect them should cease and advice sought from a suitably qualified ecological consultant or Natural England. This is to comply with the Wildlife & Countryside Act 1981 (as amended) and avoid possible prosecution. You are additionally advised that tree or shrub removal works should not take place between 1st March and 31st August inclusive unless a survey to assess nesting bird activity during this period is undertaken. If it is decided on the basis of such a survey to carry out tree or shrub removal works then they should be supervised and controlled by a suitably qualified ecological consultant.

5. The Wildlife and Countryside Act 1981 (as amended) makes it an offence (subject to exceptions) to intentionally or recklessly kill, injure or take any wild animal listed on Schedule 5, and prohibits interference with places used for shelter or protection, or intentionally disturbing animals occupying such places. The Act also prohibits certain methods of killing, injuring, or taking wild animals. In the event that any animals listed in Schedule 5 are discovered on site, works should only proceed under the supervision and control of a suitably qualified ecological consultant.
6. All effluent stores must be constructed in accordance with the SSAFO guidance and associated CIRA guidance. The applicant must separately notify the Environment Agency with detailed proposals of the new store, including storage and construction calculations and information.

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6. Where steps are to be taken by the planning permission only and confirmation with any housing standards must not be assumed.

Rev.	Date	Description	By
A	2.4.19	Garage/store bldg and cesspit shown	cd/b
B	13.5.19	New manure structure with connection to cess-pit shown	cd/b
C	21.5.19	Manure structure now 3m x 3m	cd/b

Playing Field

Area 2758m<sup>2</sup>

New manure heap

100mm connection

Cesspit

Pigsty

Garage/store/ accommodation bldg.

Aldebaran

Darscot

Rylands

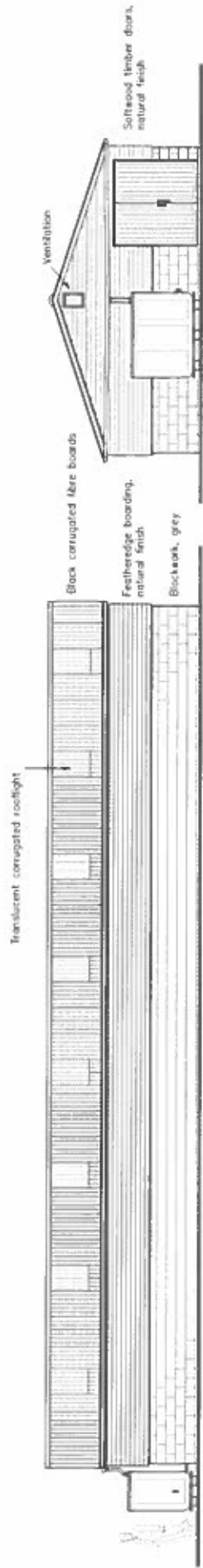


<b>EVANS JONES</b> CHARTERED SURVEYORS PLANNING CONSULTANTS	
Pennyhaven Park Ltd	
"Aldebaran", Alstone, Glos	
Block Plan	
CLIENT	PROJECT
DATE 5.12.18	SCALE 1:500@A3
PROJECT 14187	REV 1-2 C
Evans Jones Ltd 21 Colchester Road Colchester, Essex CL3 9JQ Telephone: 01206 22222 Fax: 01206 22222 E-mail: info@evansjones.co.uk	

- NOTES:**
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  2. Contractor to check all dimensions on site and report any errors before commencing construction.
  3. This drawing to be read in conjunction with all other relevant drawings and specifications.

# Elevations

Rev.	Date	Description	By
A	2.4.19	SIT trap and ceiling sham	ceb



South Elevation

West Elevation

East Elevation



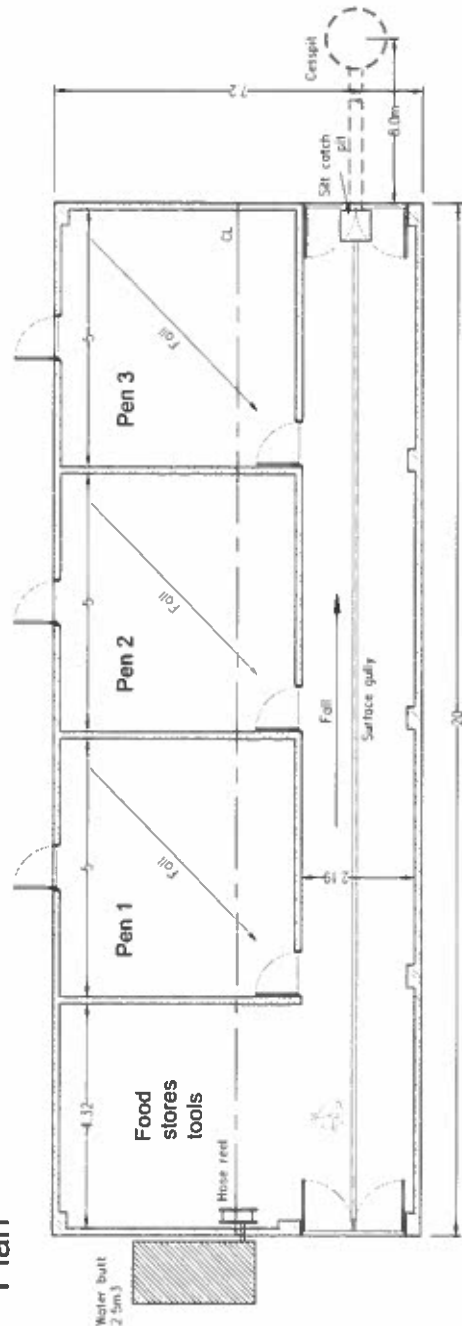
North Elevation

South Elevation

East Elevation

62/B

## Plan



Roof Plan

Scale 1:200



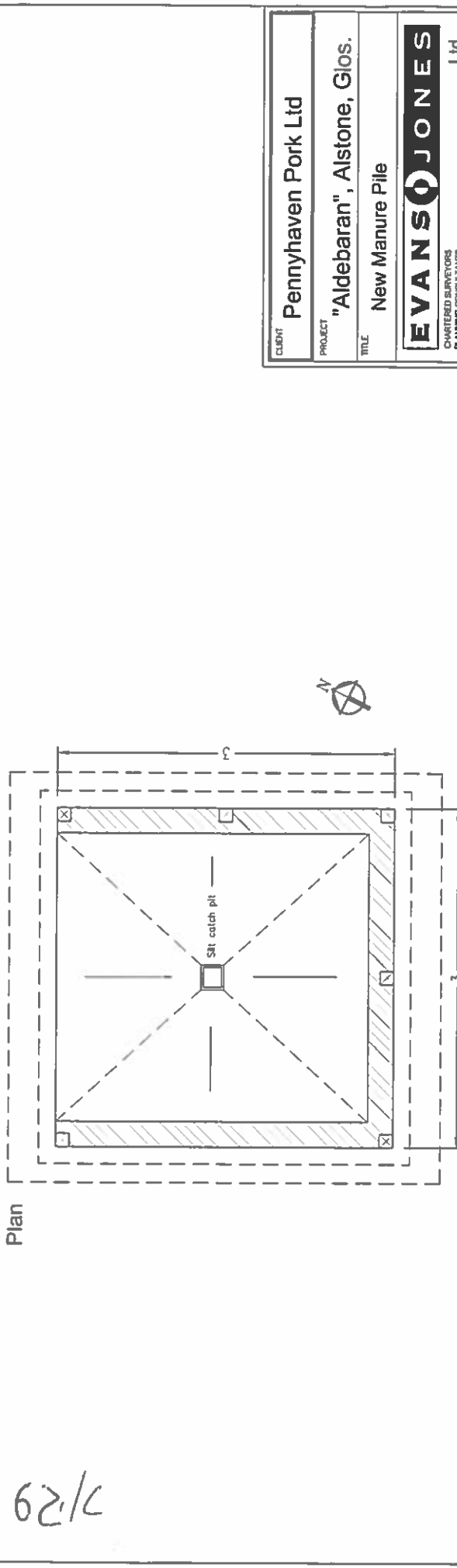
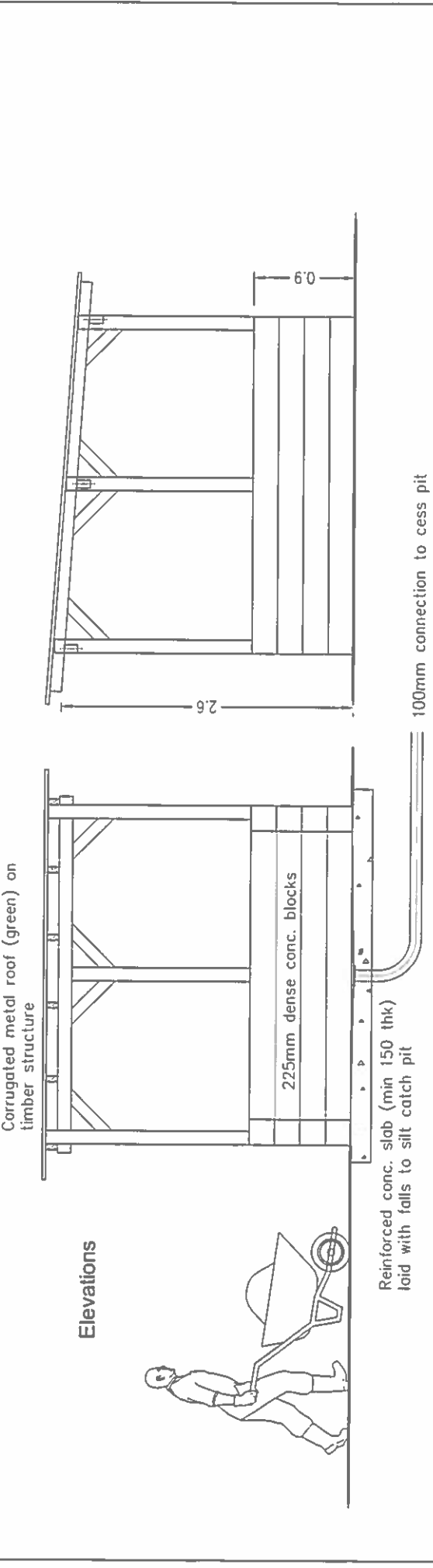
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<b>CLIENT</b>	Pennyhaven Pork Ltd
<b>PROJECT</b>	"Aldebaran", Alstone, Glos.
<b>FILE</b>	Plans and Elevations
<b>DATE</b>	5.12.18
<b>SCALE</b>	1:100/200/300
<b>PROJECT NO.</b>	14187
<b>REV.</b>	1-3
<b>DATE</b>	14.11.18
<b>BY</b>	A

**EVANS JONES**  
 QUANTITY SURVEYORS  
 PULLEDY CROFT, 14173  
 20, CROFTON ROAD  
 CHICHESTER, SUSSEX  
 PO19 1JG  
 Telephone: 01243 822222  
 Fax: 01243 822222

RTPI  
 RICS

Rev.	Date	Description	By
A	21.5.19	Dimensions amended	cdfb



**Elevations**

Corrugated metal roof (green) on timber structure

225mm dense conc. blocks

Reinforced conc. slab (min 150 thk) laid with falls to silt catch pit



100mm connection to cess pit

**Plan**

621/c

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6. These drawings are for planning purposes only and conformation with any housing standards must not be assumed.

<b>CLIENT</b>	<b>Pennyhaven Pork Ltd</b>
<b>PROJECT</b>	<b>"Aidebaran", Alstone, Glos.</b>
<b>TITLE</b>	<b>New Manure Pile</b>
<b>EVANS JONES</b> Ltd	
<small>           CHARTERED SURVEYORS            AND            PLANNING CONSULTANTS            Evans Jones Ltd            St George's Place            Cheltenham, Glos.            GL50 3PQ            Telephone: (01242) 522822            evansjones@evansjones.co.uk            facsimile: (01242) 226008         </small>	
 	
<b>DATE</b> 12 18	<b>SCALE</b> 1:50m/AA
<b>BRN/CHD</b> CB/AC	<b>PROJECT</b> 14187
<b>DRG No.</b> 1-4	<b>REV</b> A

Valid 14.02.2019

Siting of a shepherds hut to the rear of the property to be used as a study.

Grid Ref 407023 234228

Parish Stanton

Ward Isbourne

**RECOMMENDATION Permit****Policies and Constraints**

National Planning Policy Framework; 2018 (NPPF)  
 Planning Practice Guidance  
 The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy; 2017 (JCS)  
 Tewkesbury Borough Local Plan to 2011; March 2006 (TBLP)  
 Planning (Listed Buildings and Conservation Area) Act 1990  
 Flood and Water Management Supplementary Planning Document  
 Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
 The First Protocol, Article 1 (Protection of Property)  
 Stanton Conservation Area Appraisal  
 Grade II Listed Building  
 Stanton Conservation Area  
 Article 4 Direction Boundary  
 Area of Outstanding Natural Beauty

**Consultations and Representations**

**Stanton Parish Council** - Objection. The Parish Councils objections are summarised below:

- The structure is inappropriate within the curtilage of a listed building.
- It would be visible from foot path and surrounding area and would be inconsistent with the adopted Stanton Conservation Character Appraisal.

**Conservation Officer** - Concerns originally raised regarding the design and siting of the Shepherds Hut because of the lack of detail provided. Early reservations were raised given the lack of detail shown to materials and design. Clarification was provided by the Agent and when reconsulted, the Conservation Officer raised no objection.

**Local residents** - The application has been publicised through the posting of a site notice and no letters of representation have been received in the 21 day statutory consultation period or since.

**Planning Officers Comments:** Emily Pugh

**1.0 Application Site**

1.1 This application relates to The Old Post House, a detached grade two listed house located within a prominent location on the Stanton High Street. The site benefits from a generous curtilage and has an ancillary annexe to the north. It is accessed via a track to the side (west) and has a spacious parking area. It is noteworthy that the site is located on a terrace and as such inclines steeply on the rear (northern) boundary.

1.2 The site is located within the setting of several listed buildings, within the Cotswold AONB, Stanton Conservation Area and is affected by the removal of permitted development rights under an Article 4 direction. **see site location plan.**

**2.0 Relevant Planning History**

2.1 Planning permission was granted under reference T.6032/A/4 in 1985 for "Alterations to existing outbuilding to provide a residential annexe".

2.2 No further relevant history pertaining to this application.

### **3.0 Current Application**

3.1 The current application seeks the provision of a moveable shepherds hut within the curtilage of the dwelling. In order to facilitate this, the applicant proposes to remove a section of bank and regrade it with grass turf.

3.2 The shepherds hut is a prefabricated building comprised of grooved timber boarding in dark grey with a matching corrugated roof, timber doors and windows in dark green and a black painted chassis and wheels. **see attached plans for all details.**

### **4.0 Policy Context**

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

4.2 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires Authorities to have special regard to the desirability of preserving any listed building or its setting or any features of architectural or historic interest which it processes.

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

4.4 Other material policy considerations include national planning guidance contained within The National Planning Policy Framework (NPPF) 2019.

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

### **5.0 Analysis**

5.1 The main issues to be considered are design and the impacts on the historic environment and Cotswold AONB.

#### **Design and Impact on AONB**

5.2 Policies HOU8 and SD4 state that development must respect the character, scale and proportion of the existing dwelling and the surrounding development. The detailed design, materials and layout of buildings and structures must be appropriate to their setting and the character of the surrounding area.

5.3 In this regard, Policy SD7 states that developments are required to enhance the landscape, scenic beauty, cultural heritage and other special qualities in an AONB. The Cotswold AONB Management Plan is also a material planning consideration which sets out core values for the protection and future enhancement of the AONB with relevant emphasis placed on the creation of local distinctiveness.

5.4 The proposal seeks to station a moveable shepherds hut within the curtilage of The Old Post House. The site steeply inclines to the North and as such in order to facilitate this, the applicant proposes to remove an area of terracing and level it flat.

5.5 The shepherds hut would be used as a home office for ancillary/incidental purposes in connection with the main dwelling. It would comprise of a timber structure suspended on four wheels with a bowed roof. It would feature two windows to one side and one door to one end with a small set of wooden stairs leading from the ground upwards.

5.6 The shepherds hut itself would measure 3.4m in total height, including the wheels comprising some 15.4m sq in total floor area. It would be constructed predominantly from green painted horizontal timber boarding with a corrugated metal roof with matching green framing to the door and windows.

5.7 The site is located within a particularly rural area and as such examples of rural buildings are notable within close proximity. The design of the shepherds hut does not appear discordant or incongruous within the wider context of the area. It would be located some 24m away from the main dwelling but within 6m of the ancillary annexe and although this distance may read as significant, on the ground and within the topographical and extensive boundary contact of the site the hut would be well related to the host dwelling.

5.8 The proposed materials and paint colour are considered to be appropriate and removal of banking is minor within the wider scale of the site. The scheme therefore complies with the requirements set out in Policies HOU8, SD4 and SD7.

### **Impact on the Historic Environment**

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

5.10 The site is of particular historical significance given its date of construction in the early 20th Century and prominent location within the heart of the Stanton Conservation Area. It is noteworthy that there is currently an appraisal on the Conservation Area underway which is pre-dominantly reassessing the boundaries of the Conservation Area in order to reflect recent development and safeguard the historic and architectural core. The appraisal would not impact on the proposal however.

5.11 The Conservation Officer (CO) has provided comments in relation to the scheme and as a result, no objection is raised in principle. The CO did however request that more detailed information was submitted in relation to the materials given that the initial submission was very basic in this regard. The applicant in response submitted detailed information with which the CO was satisfied. It is therefore considered that the proposal has an acceptable impact on the historic environment and therefore complies with the requirements set out in Policies SD8, HEN2 and Section 16 of the NPPF.

### **Impact on Residential Amenity**

5.12 Policies HOU8 and SD4 also state that development will only be permitted if the proposal does not have an unacceptable impact on adjacent property in terms of bulk, massing, size and overlooking.

5.13 The impact of the proposal on neighbouring amenity has been carefully considered. In view of the topography on site, substantial curtilage size, boundary treatments and existing built environment, it is considered that the only property to be affected by the proposal is the host dwelling.

### **Highways Impact**

5.14 Policy INF1 sets out that permission shall only be granted where the impact of development is not severe. It further states that safe and efficient access to the highway network should be provided for all transport means.

5.15 The shepherds hut would be stationed on a portion of the existing parking area serving the host dwelling and the annexe and as such would result in the loss of potential off road parking amounting to some 15.4 m sq. This aspect has been assessed in relation to The Manual for the Streets and with advice from the County Highway Authority. Guidelines state that the minimum space available to a dwellinghouse should be 5.5m in length and 3.2m in width and of bound material. Those proportions would be available many times over and as such the scheme complies with the requirements set out in Policy INF1.

## **6.0 Conclusion & Recommendation**

6.1 Whilst the Town Councils comments have been considered the proposed scheme would be in accordance with the relevant policies, and it is therefore recommended that planning permission is **Permitted** subject to conditions.

## RECOMMENDATION Permit

### Conditions:

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance the following approved documents:
  - Design photo, received 4th April 2019.
  - Proposed site plan and elevations: 1901-04A, received 14th February 2019.
  - Application Form section 10, received 8th February 2019.;except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. The materials of the shepherds hut hereby permitted shall comprise of grooved timber boarding in dark green to the walls, metal corrugated roof in dark green, timber doors and windows in dark green and a black painted chassis and wheels unless otherwise approved in writing by the local planning authority.

Reason: To ensure that the development is in keeping with the surrounding area.

### Notes:

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
2. Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Building Control Team on [Buildingcontrol@cheltenham.gov.uk](mailto:Buildingcontrol@cheltenham.gov.uk).
3. This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.



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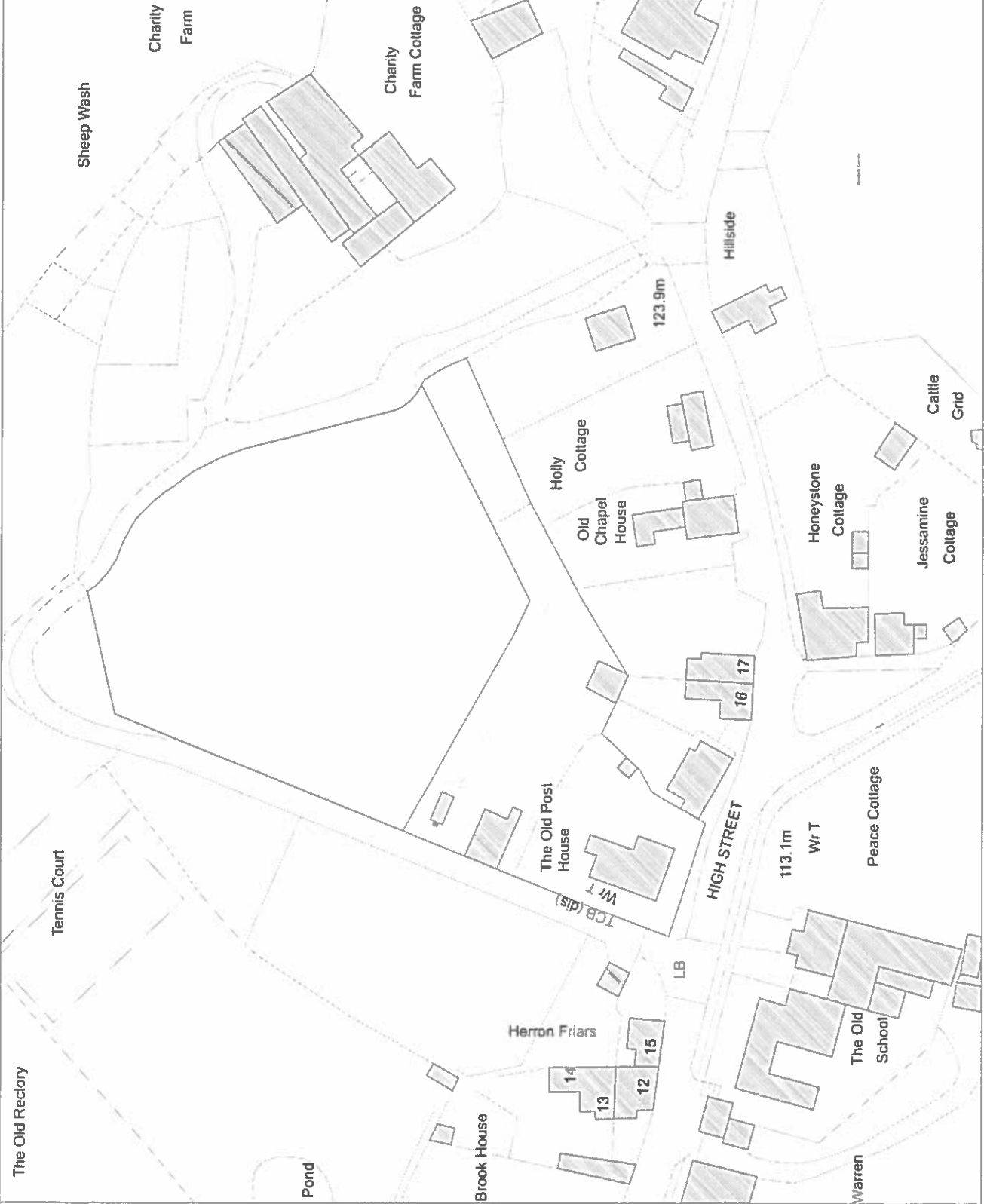
**REVISIONS**

REV A: final line amended on 14.02.2019



**PROJECT/CLIENT:**  
 Proposed shepherd's hut at  
 The Old Post House  
 High Street  
 Stanton  
 Warwick  
 WR12 7NE  
 for: [redacted]  
 block plan

SCALE 1:500@A3 DATE 02 - 2019  
 DWG 1901-02  
 1/4  
 A



N  
 104  
 66'1A

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**REVISIONS**

REV A - levels added on 14.02.2019



**PROJECT/CLIENT:**  
 Proposed shepherd's hut at  
 The Old Post House  
 High Street  
 Stanton  
 Broadway  
 WR12 7NE

for  
**Proposed**  
 Site Plan  
 Elevations

SCALE 1:100@A3 DATE 02 - 2019

DWG 1901-04 1/A



66/B

Valid 05.03.2019

Conversion of existing barn to 1 no. self-build dwelling and associated alterations, alterations to existing vehicular access and associated works, and provision of landscaping. Retention of existing Dutch barn for ancillary use as car port and storage (Revised scheme to reference 18/00184/FUL)

Grid Ref 381090 225330  
Parish Ashleworth  
Ward Highnam With Haw  
Bridge

## RECOMMENDATION Permit

### Policies and Constraints

- National Planning Policy Framework; 2019 (NPPF)
- Planning Practice Guidance
- The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy; 2017 (JCS)
- Tewkesbury Borough Local Plan to 2011; March 2006 (TBLP)
- Flood and Water Management Supplementary Planning Document
- Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
- The First Protocol, Article 1 (Protection of Property)
- Landscape Protection Zone
- Classified Highway

### Consultations and Representations

Ashleworth Parish Council has been consulted but has not provided any consultee comments to date.

The Local Highway Authority raises no objection subject to conditions.

The Environmental Health Officer raises no objection in terms of any nuisance issues.

The Environmental Health Officer also comments on the application regarding contaminated land, and recommends that any approval of planning permission is subject to a condition in this regard.

Natural England has no comments to make on this application, but advises that its lack of comment does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. Natural England advises that it is for the Local Planning Authority to determine whether or not this application is consistent with national and local policies on the natural environment. Further, Natural England advises that it has not assessed this application for impacts on protected species, and that its Standing Advice can be used to assess impacts on protected species.

The Landscape Officer acknowledges that the application is very similar to the previously refused application and, as a result, could still be considered as inappropriate development in policy terms. Notwithstanding this, the Landscape Officer raises no objection to the proposed landscaping subject to condition.

The Tree Officer raises no objection subject to condition.

Building Control Services advise that the application will require Building Regulations approval, and advise the applicant to contact Cheltenham and Tewkesbury Borough Council on 01242 264321 for further information.

The application has been publicised through the posting of 2 site notices and no letters of representation have been received within the 21 day statutory consultation period or since.

The application is presented to the Planning Committee at the request of former Councillor Awford (made whilst a Councillor at the Council), for the purpose of establishing the impact the development would have on the street scene and surrounding area.

Planning Officers Comments: Emma Dee

## 1.0 Application Site

1.1 The application relates to 2 no. existing agricultural buildings set within a parcel of land (covering approximately 0.2 hectares in area) which is located immediately to the south-east of the public highway and immediately to the south-west of the residential amenity area associated with the dwelling known as 'Casa Blen' (See Site Location Plan). Otherwise the application site is surrounded by open fields. Access to the application site is gained from towards the northern corner of the site via the lane which serves the dwelling known as Casa Blen. The largest of the 2 no. existing agricultural buildings is located towards the south-eastern side of the site and is a steel portal framed agricultural barn (18.4 metres wide by 10.25 metres deep) which consists of a metal frame, concrete block-work and fibre cement sheeting and fibre cement sheet roof, which is open-fronted on its north-western elevation (See Existing Elevations and Existing Floor Plan). The ground floor of the building mostly comprises exposed earth. The application also relates to another steel-framed Dutch barn (approximately 22 metres wide by 6 metres deep) located immediately opposite the larger of the 2 no. existing buildings, approximately 6.5 metres to the north-west, which is open-fronted on its south-eastern elevation.

1.2 The site is located to the south of the village of Ashleworth and is located entirely within the Landscape Protection Zone (LPZ), as designated within the Tewkesbury Borough Local Plan. There is a Public Right Of Way (PROW) some 32 metres to the south of the application site (Ashleworth Footpath 46) (See PROW Map Extract).

1.3 The building is currently utilised for the storage of a number of larger items of agricultural machinery such as tractors and fork-lifts.

## 2.0 Relevant Planning History

2.1 An application for the determination as to whether the Local Planning Authority's prior approval was required in relation to the proposed change of use of the agricultural building to a dwellinghouse was refused on 17th September 2015 (reference 15/00133/PDAD). The application was refused on the basis that the proposals did not constitute permitted development as the works required would involve substantial re-building works that would go beyond what could be regarded as 'reasonably necessary' for the conversion of the buildings.

2.2 A planning application proposing the conversion of the existing barn to a self-build dwelling, alterations to the existing vehicular access and associated works and the retention of an existing Dutch barn for ancillary use as a car port and bin store was refused on 6th August 2018 (reference 18/00184/FUL) (See Proposed Elevations as refused under reference 18/00184/FUL). The reason for refusal was as follows:

1. *The building is not capable of conversion without substantial alteration and the site lies in a location where new housing is strictly controlled. As such the proposal does not represent sustainable development. The proposed development conflicts with Policies AGR6 and AGR7 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and Policy SD10 of the Joint Core Strategy (2017).*

## 3.0 Current Application

3.1 The application seeks full planning permission for the change of use of the existing agricultural building to residential use (C3) and associated works necessary for conversion into a dwellinghouse (See Proposed Elevations and Proposed Floor Plan). The adjacent, open-fronted Dutch Barn is to be retained as existing (except for painting), for ancillary use to provide car parking and storage (See Block Plan).

3.2 As with the development proposed under application reference 18/00184/FUL, the development currently proposed is similar in nature to the previously refused prior approval application (reference 15/00133/PDAD), although the site boundary would be larger and would follow the extent of the existing boundary line. The wider area of land was not included as part of the Class Q application due to the curtilage restriction as set out in paragraph X (interpretation) of Part 3, Schedule 2 of the GPDO 2015.

3.3 The current application includes the following amendments to the development refused under application reference 18/00184/FUL:

- The existing roof covering (corrugated fibre cement sheeting) would be retained, with "lightweight insulation" fitted internally (application reference 18/00184/FUL alternatively proposed that the existing roof covering would be replaced by profiled plastic coated steel sheeting);
- 2 no. additional windows on north-western elevation, and reduction in the amount of fenestration on the south-eastern, north-eastern and south-western elevations.
- Retention of existing block walls at the lower level, to be clad over with timber weatherboarding, and with vertical timber boarding applied above to the upper elevations (application reference 18/00184/FUL alternatively proposed the complete replacement of the existing concrete blockwork and fibre cement sheeting to the walls)

3.4 The existing agricultural building is a steel framed Dutch barn. As stated above, the side and rear elevations comprise blockwork at lower levels and fibre cement sheeting at upper levels. The roof is covered with corrugated fibre cement sheeting. The application proposes that the existing steel columns / portal frame would be retained in their entirety and treated / painted and left exposed / displayed on the gable elevations. The application proposes that the walls of the building would be retained, with lightweight insulation applied internally, and with the existing block walls at the lower level clad over with timber weatherboarding, and vertical timber boarding applied above to the upper elevations. The application proposes the construction of a new wall across its existing open-fronted north-western elevation, and the addition of a new, insulated concrete slab. As noted above, the existing roof covering would be retained, with lightweight insulation fitted internally. In addition, new window and door openings would be added to the north-west, south-east and north-east elevations to serve the proposed ground floor accommodation, including full height glazing centrally on the north-western elevation.

3.5 The internal layout would comprise a master bedroom with en-suite, 2 no. bedrooms (1 no. with en-suite), open-plan living room/diner/kitchen, a family bathroom, store room and utility/store.

3.6 The existing vehicular access to the site would be utilised to serve the development, but widened in order to allow two vehicles to pass and increased visibility when accessing/leaving the site. The submitted Block Plan is annotated to advise that sucker overgrowth within the highway verge would be grubbed up, exposing an existing stone frontage wall, which would be lowered to be no higher than 1 metre above the crown of the carriageway where in advance of the visibility splay. It further advises that the existing growth behind this wall and the visibility splays would be managed.

#### **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 adopted Development Plan for Tewkesbury Borough comprises the Joint Core Strategy 2011 to 2031 (JCS) and the saved policies of the Tewkesbury Borough Local Plan to 2011 (TBLP). Other material policy considerations include National Planning Guidance contained within the National Planning Policy Framework; 2019 (NPPF).

#### **5.0 Analysis**

##### Principle of Development

5.1 Policy SP2 of the JCS sets out the strategy for the distribution of new development across the JCS area, and JCS Policy SD10 ('Residential Development') specifies that, within the JCS area, new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. It sets out that housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. Policy SA1 of the JCS formally designates seven Strategic Allocations on the edges of existing urban areas and focuses on the need to deliver comprehensive development in each of these areas. The application site is not located within any of these Strategic Allocations.

5.2 JCS Policy SD10 specifies that, on sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within district plans. Housing development on other sites will only be permitted where it constitutes affordable housing; constitutes infilling within a town or village, is brought forward via a Community Right to Build Order; or is allowed for in district or neighbourhood plans. This strategy is consistent with the NPPF which (paragraph 79 refers) seeks to avoid isolated new homes in the countryside.

5.3 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development. For decision making this means:

*(c) approving development proposals that accord with an up-to-date development plan without delay; or  
(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:  
(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or  
(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

5.4 The NPPF clarifies (footnote 7) that planning policies for housing will be judged out of date, inter alia, where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. The latest published evidence (the Tewkesbury Borough Five Year Housing Land Supply Statement - March 2019 Update) concludes that the Council can demonstrate a 5.22 year supply in respect of the 31 March 2018 base date data. A recent appeal decision relating to a land at Oakridge, Highnam, concluded that the Council could not demonstrate a five year supply of deliverable housing sites, with it being concluded in the decision that it was inappropriate for the Council to include past advanced delivery of housing within the plan period. The Council considers that this is a legally flawed interpretation of national policy and so not part of the decision to be followed.

5.5 The latest published evidence (the Tewkesbury Borough Five Year Housing Land Supply Statement - March 2019 Update) concludes that the Council can demonstrate a 5.22 year supply. A recent appeal decision relating to a land at Oakridge, Highnam, concluded that the Council could not demonstrate a five year supply of deliverable housing sites. The key reason for this was that the Council includes advanced delivery against annual housing requirements in its five year supply calculations. The Council's approach in this respect is considered appropriate and, as members are aware, the Council is judicially reviewing the Secretary of State's conclusions in this regard.

5.6 Nevertheless, work is progressing on the annual Authority Monitoring Report, which provides the evidence for the Five Year Land Supply Statement. Whilst this work is not yet complete, it is now clear that, in respect of the 31 March 2019 base date data, the Council is not able to show a five year supply of deliverable housing sites and, as a result, can no longer demonstrate a five year supply of deliverable housing sites. The latest available information indicates that the Council can demonstrate a 4.33 year supply of deliverable housing sites, amounting to a shortfall of approximately 223 dwellings.

5.7 Therefore, notwithstanding the conflict with the Development Plan, the Council's policies for the supply of housing are considered to be out-of-date having regard to paragraph 11 of the NPPF. In these circumstances, as set out above, the NPPF advises that the presumption should be that planning permission is granted unless there are adverse impacts of doing so which would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

5.8 Therefore, notwithstanding the conflict with the Development Plan, the provisions of paragraph 11 of the NPPF and the presumption in favour of sustainable development is a significant material consideration which must be considered in the overall planning balance.

5.9 The application seeks to review the Settlement Hierarchy within the JCS, and suggests the inclusion of Ashleworth as a Service Village, and provides an indicative plan of a suggested village settlement boundary which includes the application site. It is not part of the application process to reassess the scoring system used in the evidence base for the JCS to rank villages on the basis of the services and facilities within them. Any changes to the identified village hierarchy are considered in the review of the Local Plan, which the Council is currently in the process of carrying out. The Tewkesbury Borough Plan (2011-2031) Preferred Options (TBPPO), which was published for consultation between 10th October 2018 and 30th November 2018, acknowledges that the JCS identifies a settlement hierarchy as the basis for the strategy for delivering growth targets, derived from the objectively assessed need for housing, in the most sustainable manner possible. The TBPPO does, however, also acknowledge that, further to the planned growth at Tewkesbury town, the Rural Service Centre and Service Villages as defined within the JCS, some opportunities for small scale new housing will be necessary in order to support the vitality of communities at other rural settlements across the Borough, but that it is essential that the levels of rural housing growth are manageable and sustainable in order to protect existing communities and the rural landscape and avoid harmful over development.

5.10 The application site is not identified as a Housing Site Allocation within the TBPPO, and is not located within a settlement boundary as defined within the TBPPO Proposals Map. Emerging Policy RES3 of the TBPPO provides a set of 7 criteria in which the principle of new residential development outside of the defined settlement boundaries will be considered acceptable. The only criteria of possible relevance to this application are: (1) the re-use of a redundant or disused permanent building (subject to Policy RES7) [emphasis added]; or (3) very small scale development at rural settlements in accordance with Policy RES4.

5.11 In terms of criterion (1) of TBPPO Policy RES3, for the reasons set out above, the extent of works proposed is judged to be considerably more substantial than the 're-use' of the building.

5.12 Policy RES4 of the TBPPO, as referred to within criterion (3) of TBPPO Policy RES3, provides a set of 5 criteria which applications proposing very small-scale residential development within and adjacent to the built up area of other rural settlements (i.e. those not featured within the settlement hierarchy) need to comply with for the purpose of being acceptable in principle. The application proposes very small-scale residential development and, whilst the TBPPO Proposals Map does not define a settlement boundary for Ashleworth, the application site is considered to be located adjacent to the built up area of this rural settlement as it forms a continuation of existing built development on this side of the public highway, and is judged to comply with the 5 criteria of this policy. Consequently, the proposal is considered to comply with Policy RES4 of the TBPPO. Whilst only limited weight can be afforded to Policy RES4 currently, it is considered that this is compliant with paragraph 78 of the NPPF which requires planning policies to identify opportunities for villages to grow and thrive, especially where this will support local services. It is also acknowledged that very few objections have been received to this emerging policy within the TBPPO consultation period. Therefore, whilst only limited weight can be afforded to emerging Policy RES4 of the TBPPO currently on the basis that it is still at a relatively early stage of preparation having regard to paragraph 48 of the NPPF, it is a material consideration.

#### Self-build considerations:

5.13 The proposal is promoted as a 'self-build' development. Whilst it is acknowledged that the JCS indicates general support for self-building housing, the JCS does not do so in circumstances where the proposed development would conflict with JCS Policy SD10.

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

5.15 The PPG advises that Councils have a duty to have regard to the register in terms of plan making and decision-taking functions and that the registers that relate to their area may be a material consideration in decision-taking.

5.16 The Council currently has 50 entries on Part 1 of its self-build register expressing an interest in self-build or custom housing as of 28th May 2019. Part 1 of the register includes those who meet the local-connection test or were on the register prior to the local connect test being introduced.

5.17 While the council needs to account for this type of housing in its plan making function, the demand is relatively small in relation to the authority's overall housing need of 9,899 dwellings as established in the 'objectively assessed need' (OAN). The legislation however does not mean that LPAs should permit housing in unsuitable locations, in conflict with the development plan. Applications must continue to be considered in light of s38(6) of the 2004 Act.

5.18 It is further acknowledged that the application has not provided evidence that the applicant has registered their interest in a self-build opportunity. As the site would be developed for the applicant's own use, a grant of planning permission would not assist in meeting the demand for self-build plots from people who have added their names to the register. As such, very little weight can be given to this element of the proposal, and this consideration does not justify a grant of planning permission contrary to the provisions of the development plan, notwithstanding the conclusions in respect of the weight to be applied to the Council's housing policies set out above.

5.19 In this regard, reference is made to a recent appeal decision relating to an application proposing the erection of one self-build cottage at Colchesters Farm, Ashleworth (appeal reference APP/G1630/W/17/3181987). Whilst the Inspector acknowledged within this appeal decision that the proposal was promoted as a 'self-build' development and that the JCS indicates general support for self-building housing, he recognised that the JCS does not do so in circumstances where the proposed development would conflict with JCS Policy SD10. The Inspector found no evidence that the Council was failing in its duties under the Self Build and Custom Housebuilding Act 2015 to maintain a register of those wishing to build their own homes or to grant suitable development permissions to meet the identified demand.

#### Design and Re-use of Agricultural Buildings:

5.20 Saved Policy AGR6 of the TBLP relates to the "re-use and adaptation of rural buildings" [emphasis added], and requires buildings to be of a permanent and substantial construction. It further states that buildings in the open countryside, such as this, must be capable of conversion without major or complete re-construction. Saved Policy AGR7 of the TBLP, which similarly relates to the "re-use and adaptation of rural buildings" [emphasis added], likewise specifies that rural buildings should be capable of conversion to the proposed alternative use without substantial alteration or extension to their original structure.

5.21 As stated above, the existing agricultural building is not considered capable of conversion to residential use without substantial alterations to the structure, particularly the construction of a new wall across its existing open-fronted north-western elevation, the insertion of new openings within 3 of 4 elevations of the barn, and the addition of a new, insulated concrete slab. The proposal therefore conflicts with policies AGR6 and AGR7 of the TBLP.

#### Impact on Residential Amenity:

5.22 Paragraph 127 of the NPPF specifies that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

5.23 In terms of 'Amenity and Space' Policy SD4 of the JCS sets out 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. Policy SD14 of the JCS, which relates to 'Health and Environmental Quality', specifies that new development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants, and that it must incorporate, as appropriate, the investigation and remediation of any land contamination within the site.

5.24 The application is for a single storey dwelling and, whilst the proposal does include a number of large openings, particularly on the north-western elevation, by virtue of the position of the building and its relative distance and orientation from the nearest dwelling (Casa Blen itself) and neighbouring residential properties, it is considered that there would be no significant adverse effect on the residential amenity of existing or future occupants. The Environmental Health Officer (EHO) raises no objection in terms of any nuisance issues. The EHO has also recommended a condition in respect of possible contamination given the historic use of the land for agriculture. Nevertheless, there is no evidence of contamination at the site and it is therefore not considered reasonable to impose such a condition in this instance.



### Landscape Impact:

5.25 Policy SD6 of the JCS relates to landscape and requires development proposals to protect landscape character for its own intrinsic beauty and have regard to the local distinctiveness and historic character of the different landscapes within the JCS area. Saved Policy LND3 of the TBLP seeks to protect or enhance the environment of the LPZ.

5.26 The delegated report for application reference 18/00184/FUL acknowledged that the south-eastern elevation of the building would overlook the proposed residential garden and would be heavily glazed. It was considered that the re-design of this elevation would be more visually prominent in the landscape, particularly from the PROW which runs to the south and east of the site, and that the full-height glazed openings would give rise to light pollution.

5.27 The south-eastern and south-western elevations of the building have been revised under the current application, to omit the previously proposed full height windows, as well as the previously proposed upper level window on the north-eastern elevation. Whilst the application proposes the installation of full height windows centrally on the north-western elevation, this elevation faces onto the yard between the two existing agricultural buildings, and this would not be clearly visible from public vantage points or within the wider landscape. The design of the proposed dwelling is considered to be acceptable in terms of its wider landscape impact.

5.28 As with the development proposed under application reference 18/00184/FUL, it is considered that the domestication of the land to allow for the proposed residential garden, combined with associated domestic paraphernalia, would have a cumulative impact on the rural setting of the application site and the character of the LPZ. Saved Policy AGR7 specifies that walls and old outbuildings should be used to screen domestic features such as drying areas, patios, sheds and gardens and that, in general, all domestic elements should be grouped close to the building, and screened from important viewpoints. In this case, the submitted Location Plan shows the proposed residential garden areas extending to the east and south of the barn and therefore the domestication of the land and any associated domestic paraphernalia would be visible from the PROW to the south of the site which, it is considered, would harm the landscape character of the area. However, it is considered that this harm can be mitigated through appropriate landscaping as set out below.

5.29 The Landscape Adviser (LO) has been consulted on the application and acknowledges that the application is very similar to the previously refused application. The LO considered the proposed landscape details as originally submitted to be unacceptable. Following discussions, a revised Planting Specification was submitted to show the provision of a double staggered row of planting comprising Hawthorn (40%), Blackthorn (30%), Hazel (20%) and Dogwood (10%), which the Landscape Officer considers to be acceptable. It is recommended that any approval of planning permission requires planting to be undertaken in accordance with this revised Planting Specification.

5.30 A revised site plan was submitted to show a barrier to restrict any access from construction vehicles between existing Ash and Cherry trees near the entrance to the site, as requested by the Tree Officer. The Tree Officer considers these tree protection measures to be acceptable, and this can be controlled by way of an appropriate planning condition.

### Ecological Impact:

5.31 JCS Policy SD9 requires the biodiversity and geological resources of the area to be protected and enhanced and seeks to ensure that European Protected Species and National Protected Species are safeguarded in accordance with the law.

5.32 An Ecological Survey and Mitigation Strategy (April 2018) has been submitted to accompany the current proposal. The Survey identifies the presence of nesting Starlings within the main barn and also the presence of scattered bat droppings. Evidence of an unoccupied Swallow nest within the building was also evidenced. A further nest was observed within the second Dutch barn.

5.33 The report concludes that the building is more likely to be used by bats as a foraging or occasional feeding roost. The Report concludes that, due to presence of bats and birds within the main barn and birds within the Dutch barn, the scheme would require appropriate mitigation and the obtaining of a Bat Licence from Natural England. Mitigation works would include the installation of bat and bird boxes and the planting of native hedgerow.

5.34 Page 12 and Appendix 5 of the submitted Ecological Survey and Mitigation Strategy indicate that the recommended mitigation and enhancement measures would include the provision of integrated Schwegler Summer and Winter bat boxes (i.e. used all year and therefore needing to be protected from the elements) which would be built into the fabric of the building, behind the cladding. The submitted proposals do not indicate integrated bat boxes on the new dwelling, and there are no further details of the bird or bat boxes indicated on the plan. The Agent has, however, confirmed in writing that the bird/bat boxes would be erected in accordance with the Ecology Report and that, for the avoidance of any doubt, the Ecology Report's recommendations and mitigations can be treated as forming part of the proposals. Therefore the bat boxes that are to be integrated into the building construction would be installed during the construction process. It is recommended that any approval of planning permission is subject to condition for the bird and bat boxes to be located and constructed in full accordance with the mitigation and enhancement measures as detailed on pages 12 and 20-24 of the submitted Ecological Survey and Mitigation Strategy commissioned by Willder Ecology (dated 4th April 2018) and received by the Local Planning Authority on 4th March 2019. Subject to such a condition, it is considered that the application would accord with Policy SD9 of the JCS with regards to ecology and biodiversity.

#### Highways Impact:

5.35 Section 9 of the NPPF relates to "Promoting sustainable transport" and, at paragraph 108, specifies that, in assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 109 specifies that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this regard, Policy INF1 (Transport Network) of the JCS is also relevant.

5.36 Access to the proposed development would be made through The Green, which is a Class 3 highway subject to a sign posted speed limit of 60mph. The Local Highway Authority has been consulted on the application and advises that, further to the submitted traffic assessment, it has been able to derive the access visibility requirements for the acquired 85th percentile speeds on the road to commensurate visibility splay distances subject to 2.4m x 50.3m to the left and 46.7m to the right off the access. The Local Highway Authority acknowledges that the submitted Block Plan shows achievable visibility splays of just 2.4m x 34m to the left and 2.4m x 37m to the right. However, it advises that the splays shown on this plan appear to be based on a 12h average and not the required 85th percentile speeds. Nevertheless, subject to condition requiring specified visibility splays, which are considered to be achievable in this location, the Local Highway Authority raises no objection.

#### Fallback position

5.37 The applicant argues that there is a fall-back position which is a material consideration in the determination of this application. The applicant contends that the building could be developed using permitted development rights - they advise that they have chosen not to rely on those rights in order to secure greater flexibility for the scheme than is allowed for under permitted development.

5.38 Officers have carefully considered this position. As set out above, a previous 'permitted development application' (15/00133/PDAD) was refused on the basis that the development would involve substantial re-building works that would go beyond what could be regarded as 'reasonably necessary' for the conversion of the buildings. There has been no change in material planning circumstances since that time; and more recent case law supports the Council's decision in that case.

5.39 If the applicant wanted to establish a fall-back position then the proper way of doing so would be by making an application for prior approval although, for the reasons set out above, it is considered that such an application would be refused. On this basis, there is no fall-back position in this case.

## 6.0 Overall balancing exercise and conclusions

6.1 As set out above, the proposal is considered to be inconsistent with the spatial strategy of the development plan, as set out within policies SP2 and SD10 of the JCS. However, notwithstanding the conflict with the Development Plan, the Council's policies for the supply of housing are currently considered to be out-of-date having regard to paragraph 11 of the NPPF given the recent findings of the Authority Monitoring Report. In these circumstances, the NPPF advises that the presumption should be that planning permission is granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or there are adverse impacts of doing so which would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

### Benefits

6.2 The benefits which would be derived from the development would be a contribution, albeit in a small way, towards providing housing in the Borough and the similarly limited economic benefits arising both during and post construction. The proposal would also help support facilities and services in Ashleworth.

### Harms

6.3 The proposal conflicts with development plan policies relating to housing and the conversion of agricultural buildings. Nevertheless, the council's policies for housing are out of date as explained above. Further, there would be an adverse impact on the landscape and rural setting of the site brought about through the domestication of the land to allow for the proposed residential garden, combined with associated domestic paraphernalia. This can be mitigated through appropriate landscaping however. The site is not located in a highly accessible location and there would be reliance on the private car. In this respect, whilst only limited weight can be attributed to the emerging Borough Plan, the proposal does comply with the emerging housing policy of that plan.

### Neutral impacts

6.4 The proposal would have an acceptable impact on highway safety and the living conditions of nearby residential uses. The application is promoted as being 'self-build' however as it is intended for the applicant's own use, and the applicant has not registered their interest in a self-build opportunity with the Council via the self-build register, this does not weigh in favour of the proposal. Similarly whilst the Design and Access Statement submitted with the application refers to the flexibility of being able to use a bedroom as a home office along with sustainable construction/heating, these have not been included in the application.

### Conclusion and recommendation

6.5 Given the above, and in light of the 'tilted balance' whilst the benefits of the proposal are somewhat limited, given the site's location adjacent to the built up area of Ashleworth it is considered that the adverse impacts would not significantly or demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. There are no policies in the NPPF relating to the protection of areas or assets of particular importance which indicate permission should be refused. This is finely balanced but, for the reasons given above, it is recommended that **planning permission is granted subject to conditions.**

## **RECOMMENDATION Permit**

### Conditions:

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

2. The development hereby permitted shall be carried out in accordance with the Site Location Plan, approved drawing no. "T1217 Rev B" (Proposed Floor Plan) and details within the application form, the Structural Engineer's Survey, the Planning Statement, the Ecological Survey and Mitigation Strategy, and the Design and Access Statement received by the Local Planning Authority on 4th March 2019, approved drawing nos. "T1217 P2 Rev C" (Proposed North East and South West Elevations), "T1217 P3 Rev D" (Proposed North West and South East Elevations) and "T1217 P4 Rev A" (Block Plan) received by the Local Planning Authority on 17th May 2019, details from the Agent within the email entitled "APPLICATION NO. 19/00244/FUL Casablen The Green Ashleworth Gloucester GL19 4HU" and dated 17th May 2019 confirming that ecology measures (bat and bird boxes) would be carried out wholly in accordance with the Willder Ecology recommendations, the Landscaping & Tree/Hedge Planting Specification (Rev A) received by the Local Planning Authority on 29th May 2019, and any other conditions attached to this permission.
3. Notwithstanding the approved plans, no construction of the external walls of the development shall commence until a sample of the timber weatherboarding and timber boarding (including finish) proposed to be used for the external walls have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the samples so approved.
4. Notwithstanding the approved plans, no fitting of the windows or external doors shall commence until detailed drawings and materials/finish details for the proposed windows and external doors, including elevations and sections, have been submitted to and approved in writing by the Local Planning Authority, and all shall be fitted in accordance with the approved drawings and details. The elevations shall be at a minimum scale of 1:20 and the sections shall be at a minimum scale of 1:5 and shall indicate profiles at full size.
5. Notwithstanding the approved plans, the timber boarding featured on the dwelling hereby permitted shall not be treated in any way and shall be left to weather naturally.
6. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 50.3m to the left and 46.7m to the right (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.
7. A watching brief shall be maintained during the course of development in case any unexpected contamination is identified during site works. Should contamination be identified, then the developer should suspend development on that part of the site affected until such time as additional measures for the remediation of this source of contamination have been submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
8. All approved tree protection measures, as shown on approved drawing no. "T1217 P4 Rev A" (Block Plan) received by the Local Planning Authority on 17th May 2019 and on the approved Landscaping & Tree/Hedge Planting Specification (Rev A) received by the Local Planning Authority on 29th May 2019, shall be erected in accordance with "BS5837:2012 - Trees in relation to design, demolition and construction" and shall be in place prior to the commencement of the development (including demolition and all preparatory work) and shall be retained thereafter until construction has been completed. There shall be no storage of materials, no building materials, or surplus soil placed, tipped or stored within the root protection area.
9. 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.
10. The provision of bird and bat boxes (and in particular their location and construction) shall be carried out in full accordance with the details on page 12 and pages 20-24 of the approved Ecological Survey and Mitigation Strategy (dated 4th April 2018) commissioned by Willder Ecology, received by the Local Planning Authority on 4th March 2019.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development specified within Classes A, B, C, D, E, F and G of Part 1 of Schedule 2 to that Order or Class A of Part 2 of Schedule 2 to that Order shall be carried out without the prior written approval of the Local Planning Authority.

Reasons:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the development is carried out in accordance with the approved plans.
3. In order to protect the character and appearance of the building and the visual amenity of the Landscape Protection Zone.
4. In order to protect the character and appearance of the building and the visual amenity of the Landscape Protection Zone.
5. In order to protect the character and appearance of the building and the visual amenity of the Landscape Protection Zone.
6. To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided.
7. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
8. In order to protect trees, which are considered to make a valuable contribution to the character and appearance area.
9. To ensure a satisfactory and well planned development, to preserve and enhance the quality of the environment, and to protect the visual amenity of the Landscape Protection Zone.
10. In order to ensure biodiversity resources of the area are protected and enhanced.
11. In order to protect the character and appearance of the building and the visual amenity of the Landscape Protection Zone.

Notes:

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

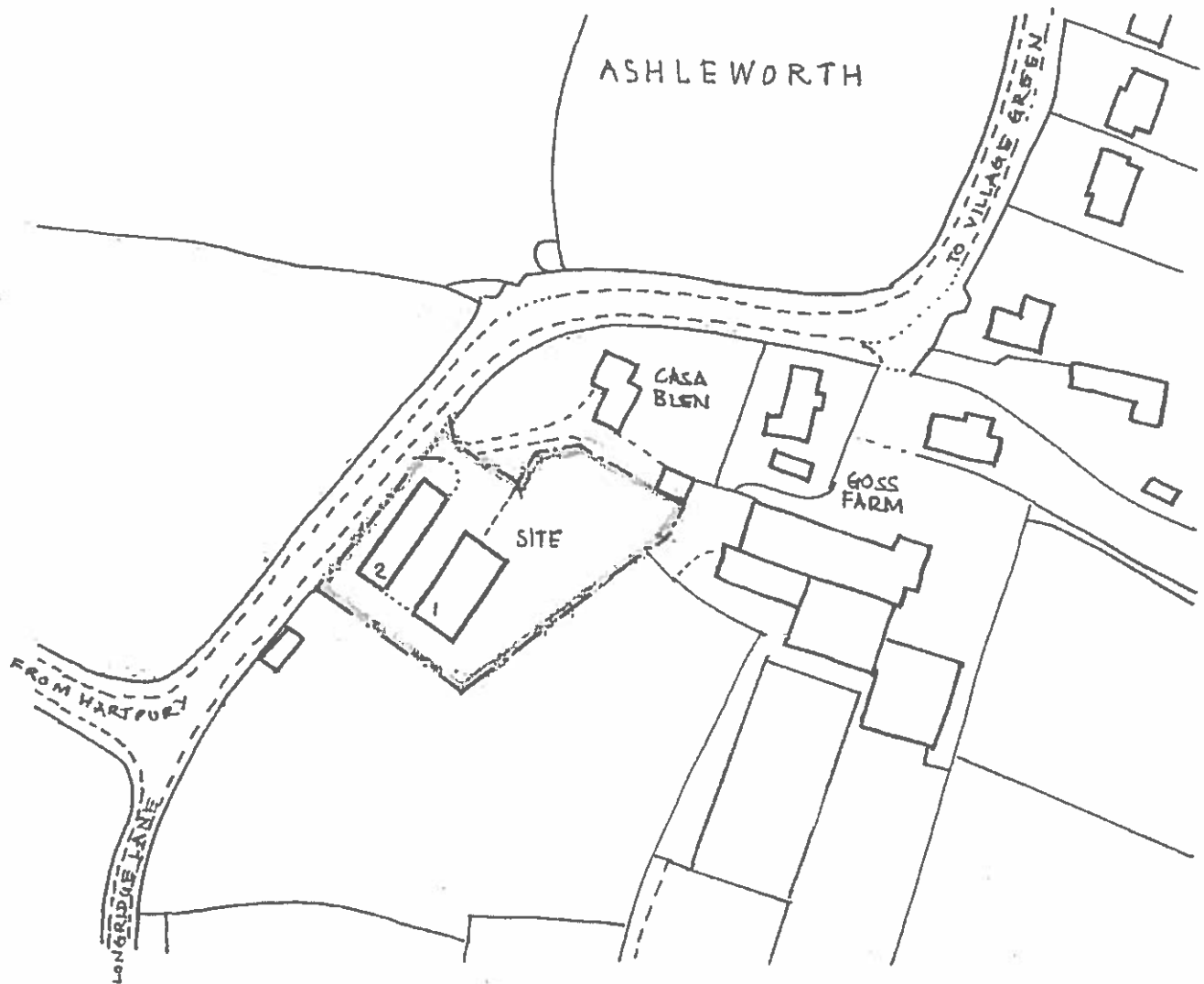
In accordance with the requirements of the National Planning Policy Framework (2019) the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating the landscape proposals to ensure the rural setting and the visual amenity of the Landscape Protection Zone is protected.

2. This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
3. A fee is payable where written confirmation is required that one or more conditions imposed on this permission have been complied with. The fee is currently £116 per request. The fee must be paid when the request is made.

SITE LOCATION PLAN 1:1250 SCALE ©A4



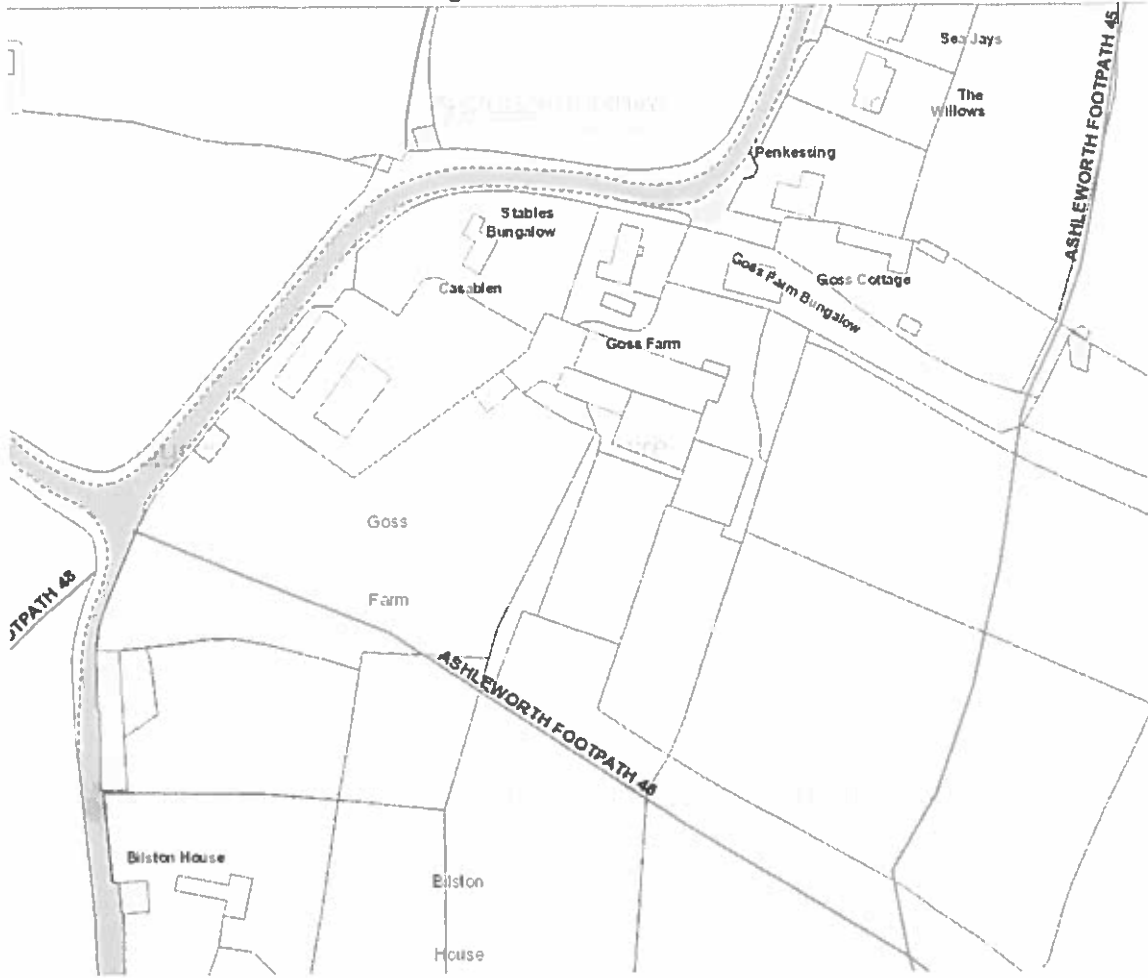
LAND ADJOINING CASA BLEN ASHLEWORTH



1. BARN TO BE CONVERTED TO DWELLING
2. DUTCH BARN TO BE RETAINED & USED ANCILLARY TO DWELLING

27/17A

PROW MAP EXTRACT + GE image with FP Ashleworth 46 & FP Ashleworth 45 marked up

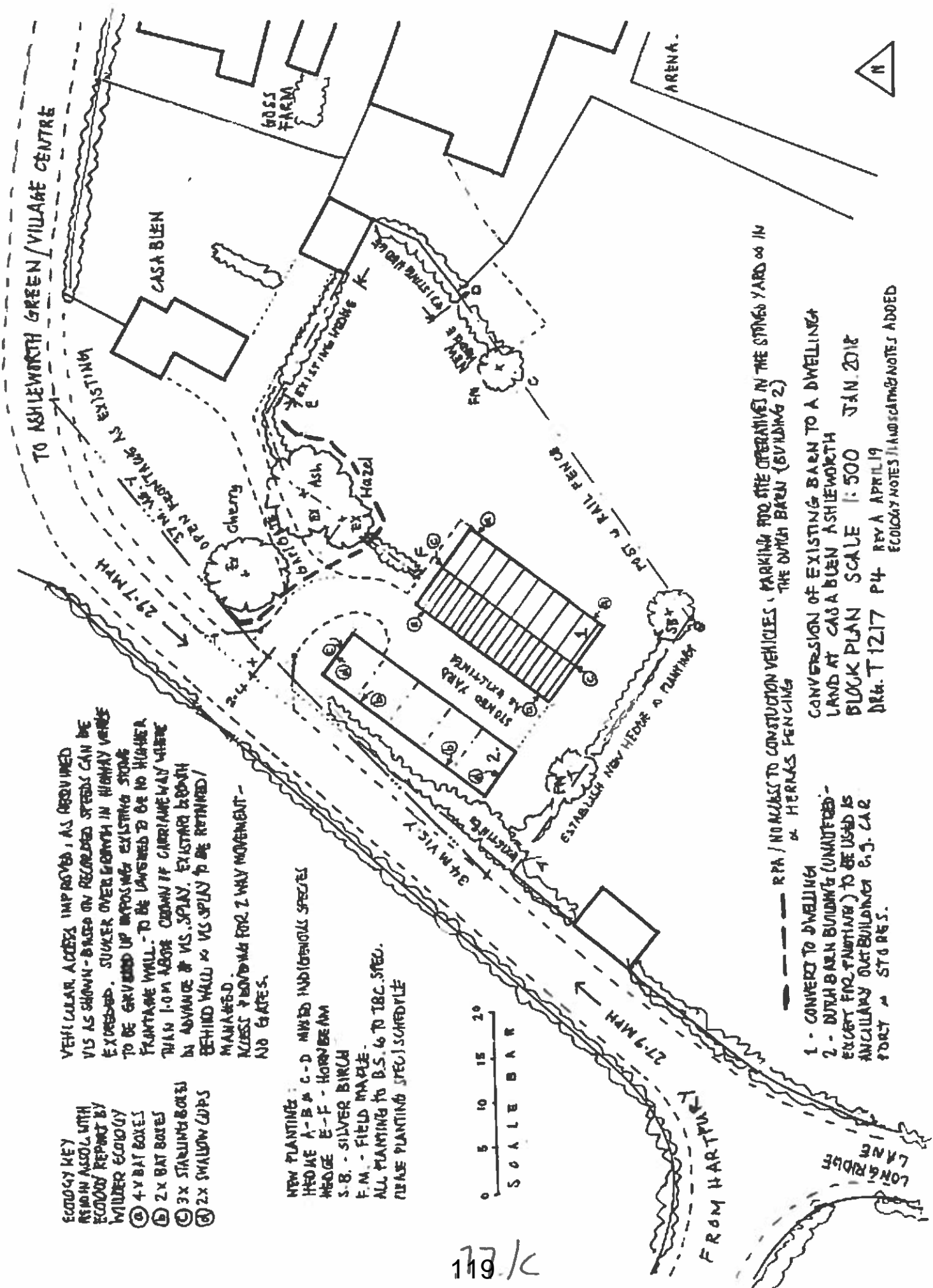


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ECOLOGY KEY  
 REMAIN ALGOL WITH  
 ECOLOGY REPORT BY  
 WILDER ECOLOGY  
 (A) 4-Y BAT BOXES  
 (B) 2 X BAT BOXES  
 (C) 3 X STAKING BOXES  
 (D) 2 X SWALLOW CUPS

VEHICULAR ACCESS IMPROVED, AS ASSUMED  
 VIS AS SHOWN - BASED ON RECORDED SPEEDS CAN BE  
 EXCEEDED. SUGGER OVER GROWTH IN HIGHWAY VERGE  
 TO BE GRUBBED UP IMPROVING EXISTING STONE  
 FRONTAGE WALL. TO BE LANSIED TO OR NO HIGHER  
 THAN 1.0M ABOVE CURBWAY IF CARRIAGEWAY WHERE  
 BY ADVANCE & VS. SPAY. EXISTING BROADTH  
 BEHIND WALL & VS SPAY TO BE RETAINED/  
 MANAGED.  
 ACCESS & MOVING FOR 2 WLY MOVEMENT -  
 NO GATES.

NEW PLANTING:  
 HEDGE A - B & C - D MIXED INDIVIDUAL SPECIES  
 HEDGE E - F - HORNBURAM  
 S.B. - SILVER BIRCH  
 F.M. - FIELD MAPLE  
 ALL PLANTING TO B.S. 6 TO TBC. SPEC.  
 PLEASE PLANTING SPEC. SCHEDULE



CONVERSION OF EXISTING BARN TO A DWELLING  
 LAND AT CASA BIEN ASHLEWORTH  
 BLOCK PLAN SCALE 1:500 JAN. 2018  
 DRG. T1217 P4 REV A APRIL 19  
 ECOLOGY NOTES & LANDSCAPE NOTES ADDED

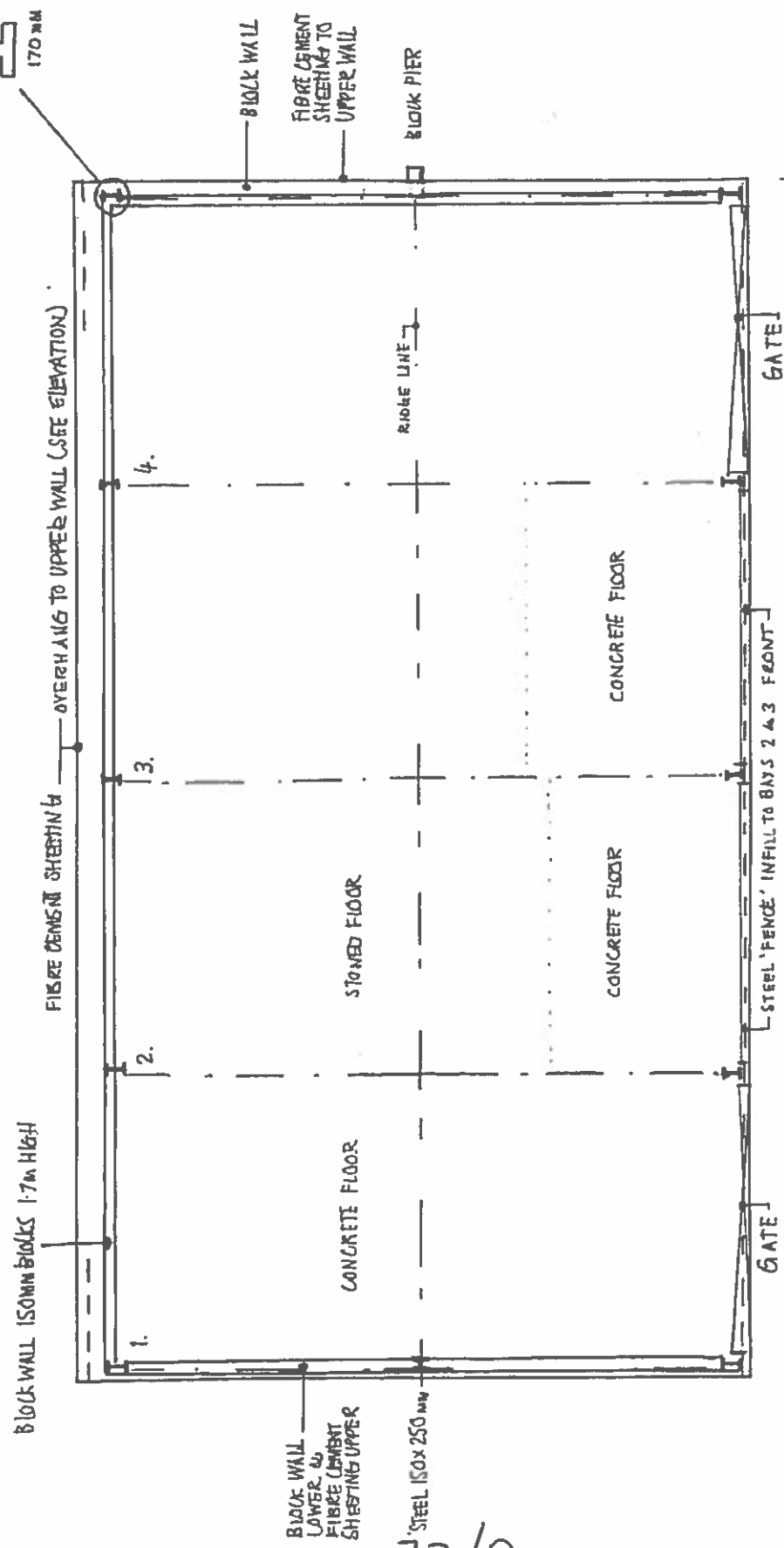
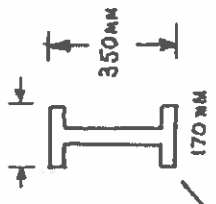
- 1 - CONVERT TO DWELLING
- 2 - DUTCH BARN BUILDING (UNALTERED - EXCEPT FOR PLANTING) TO BE USED AS AN ANNEXARY OUTBUILDING E.G. CAR PORT & STORES.

- RPA / NO ACCESS TO CONSTRUCTION VEHICLES, PARKING FOR SITE OPERATIVES IN THE STAKERS YARD OR IN THE DUTCH BARN (BUILDING 2)
- HERNAS FENCING

119/c



STEEL PORTAL BARN



FRONT - TO YARD.

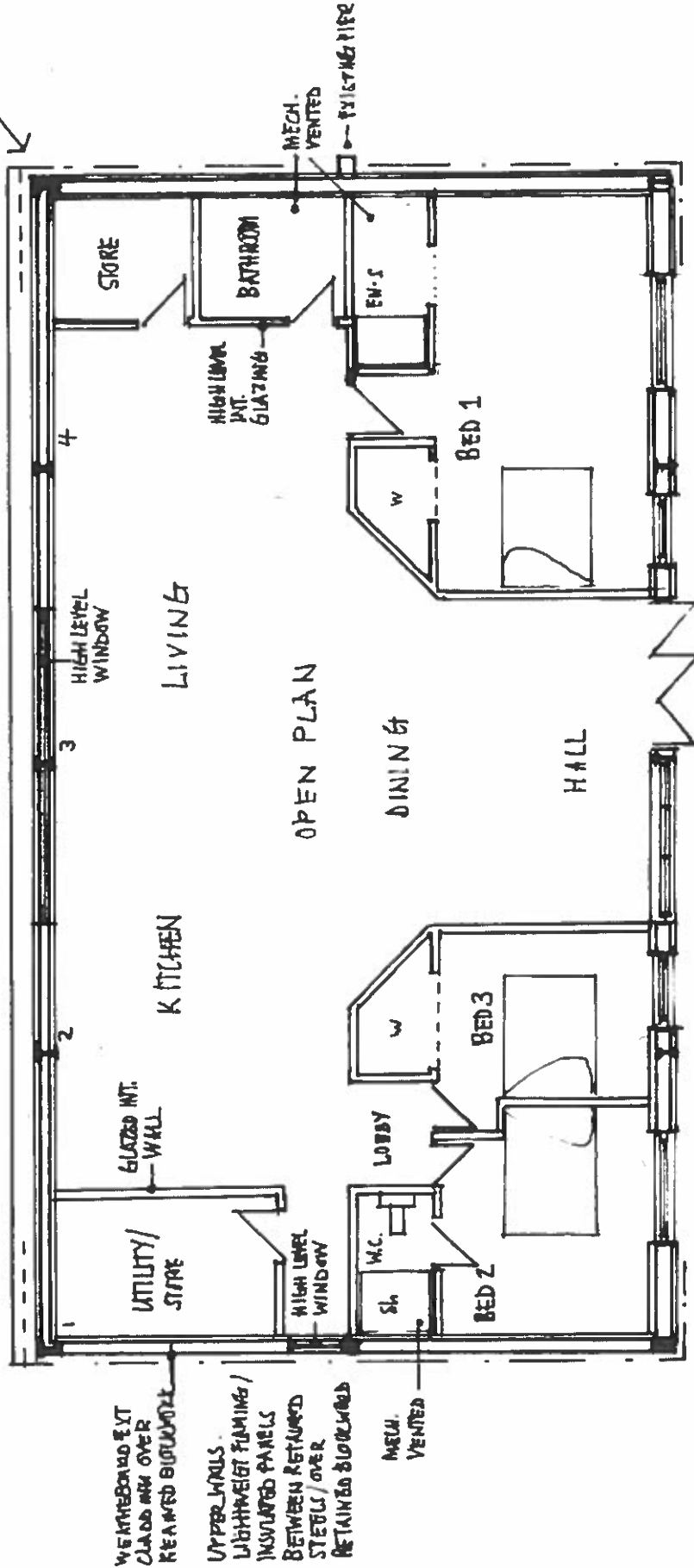
CONVERSION OF EXISTING BARN TO A DWELLING FOR  
 ASHLEWORTH GU9 4HU. SCALE 1:100 @ A1. SEPT 2017 DRG T12.17. S 1  
 LAND ADJOINING CASA BIEN

120/10

CONVERSION OF EXISTING BARN TO A 'SELF BUILD' DWELLING FOR  
 LAND ADJOINING CASA BIEN ASHLEWORTH GL19 4HL  
 SCALE 1:100 @ A4

DRG No T1217REV B JAN 19  
 P1

TYPICAL 'DRESSED'  
 STEEL SECTION  
 170MM X 250MM  
 1:20 SCALE  
 (AS EXISTING)

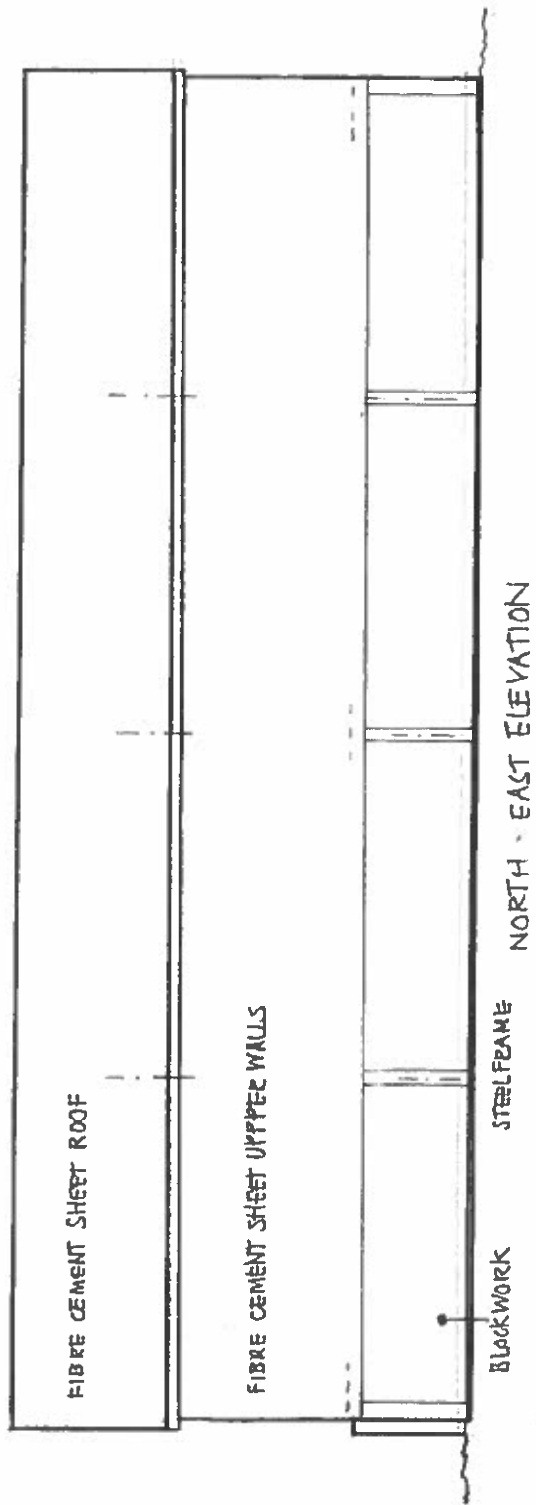


WEATHERBOARD EXT  
 CLAD ON OVER  
 RETAINED BRICKWORK  
 UPPER WALLS  
 LIGHTWEIGHT FRAMING/  
 INSULATED PANELS  
 BETWEEN RETAINED  
 STEELS/OVER  
 RETAINED BRICKWORK  
 MECH.  
 VENTED

STEEL STRUCTURE RETAINED THROUGHOUT  
 SEE STRUCTURAL REPORT



12/17/E

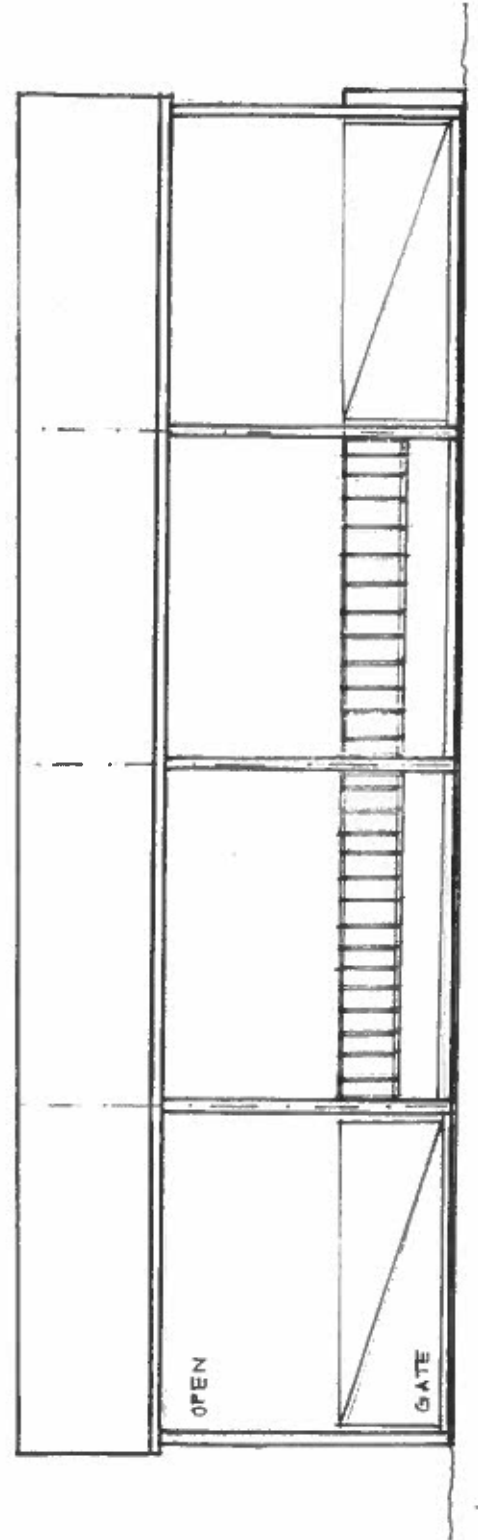


CONVERSION OF EXISTING BARN TO A DWELLING FOR  
 LAND ADJ. CASA DELA BLEN ASHLEWORTH GU19 4HU  
 SCALE 1:120 @ A4 15PT 2017 PRG T1217 S3

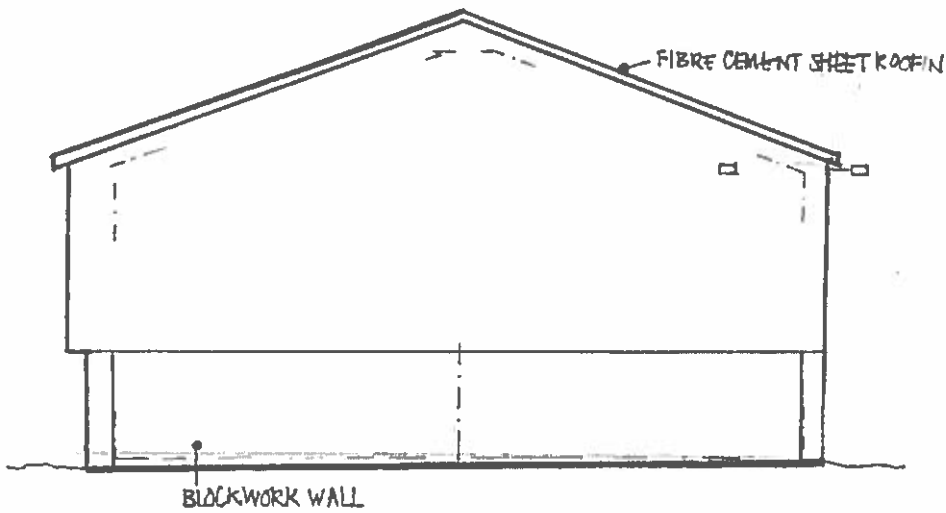
722/F



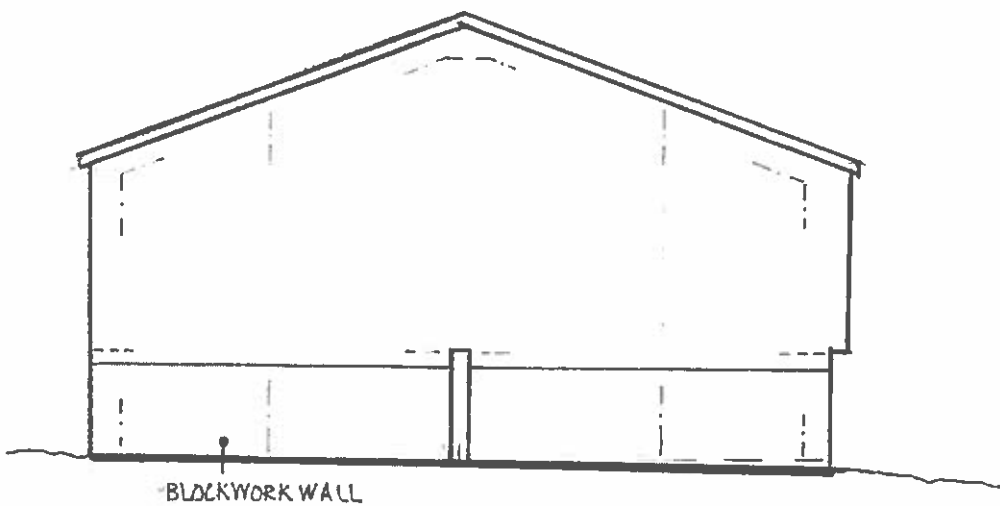
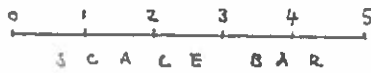
SOUTH - WEST ELEVATION



CONVERSION OF EXISTING BARN TO A DWELLING FOR  
LAND ADJ. CASA BLEN ASHLEWORTH 6L19 4HU  
SCALE 1:100 @ A4 SEPT 2017 DAH T1217. S2



NORTH - WEST ELEVATION



SOUTH - EAST ELEVATION

77/16  
123/16

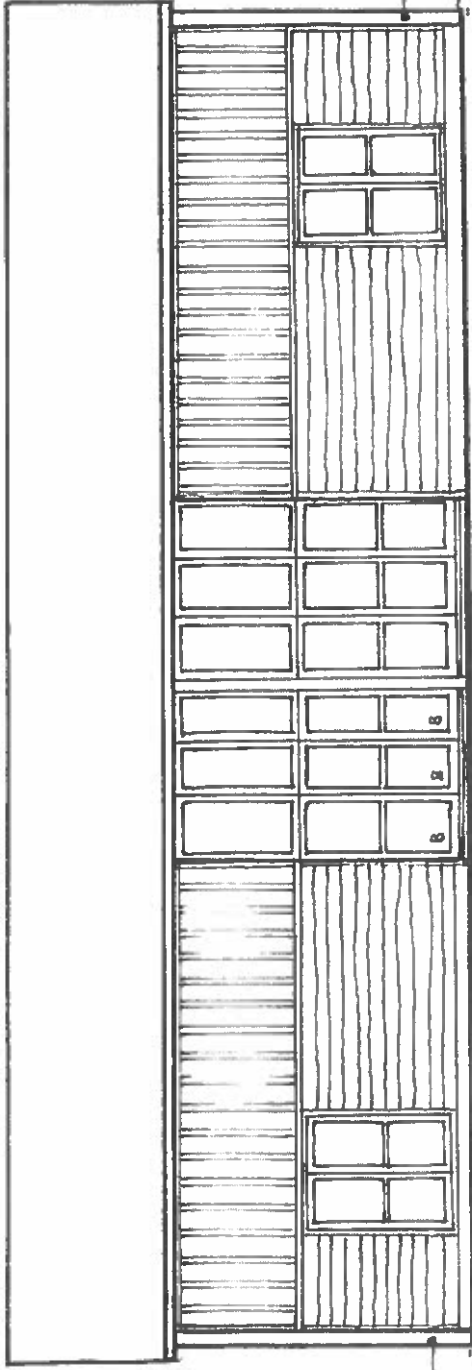
CONVERSION OF EXISTING  
BARR TO A DWELLING FOR

LAND ADJ. CASA BIEN.  
ASHLEWORTH GL19 9HU.

SCALE 1:100 @ A4

SEPT. 2017

DRG T1217.P 3 REV B.

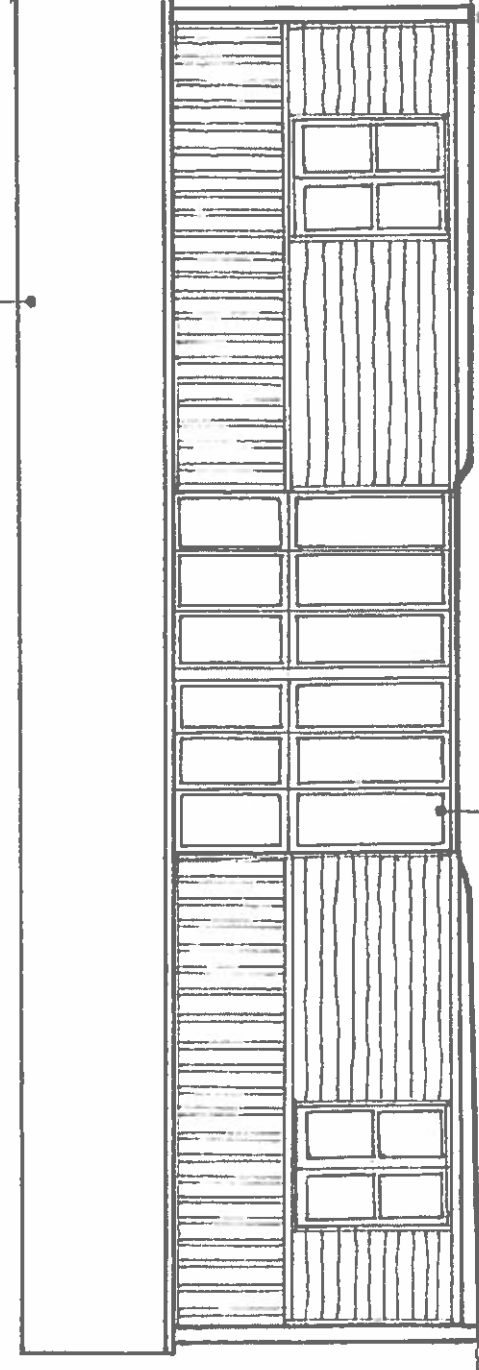


FIVE DOOR  
OPENING  
DOORS

NORTH - EAST ELEVATION

KEY: B - LOW GLAZING PAINTED BLACK INTERNALLY  
(NOTE KITCHEN UNITS BEHIND)

0 1 2 3 4 5  
SCALE BAR



SLIDING / FOLDING DOORS  
WITH FLYED GLAZING TO HIGH LEVEL  
SOUTH - WEST ELEVATION

772/H

CONVERSION OF EXISTING  
BARN TO A DWELLING FOR

LAND ADJ. CASA BIEN -  
ASHLEWORTH GA 30119

SCALE 1/8" = 1'-0" A4

SEPT. 2017

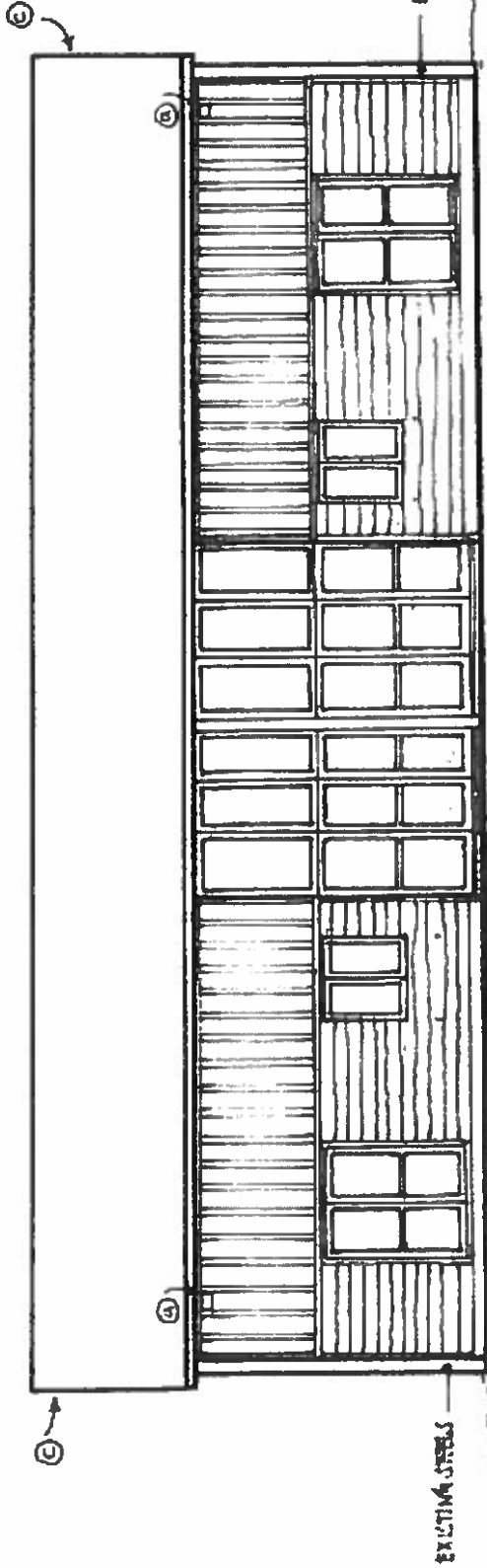
DRG T1217.P3 REV C

JAN 19

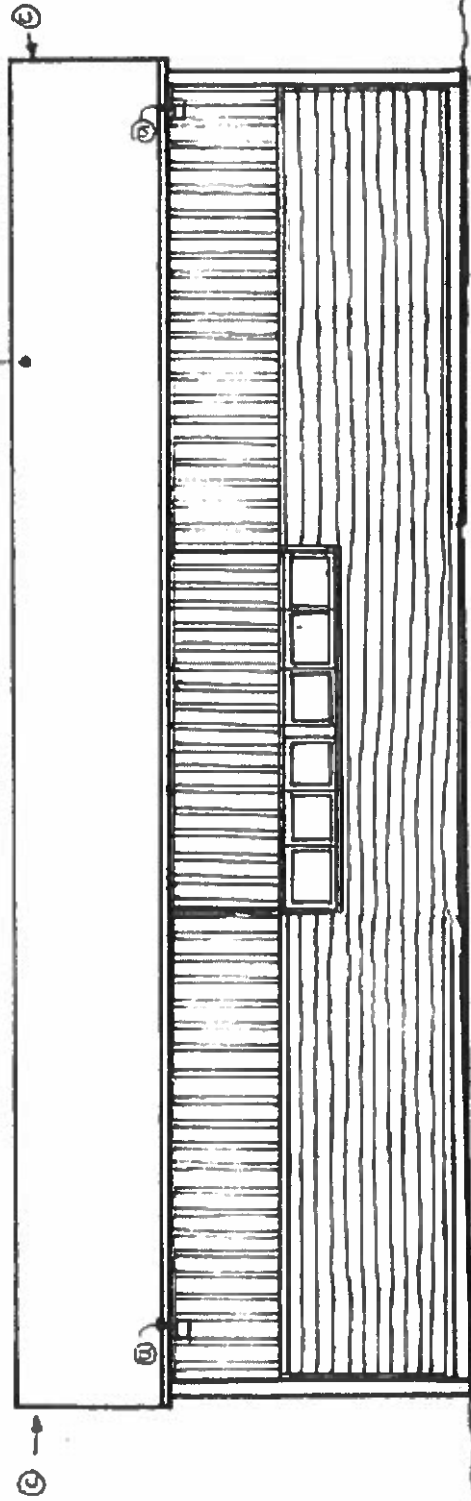
REV D APR 19

ECOLOGY NOTE ADDED

EXISTING STEEL



NORTH - WEST ELEVATION



SOUTH - EAST ELEVATION

LIGHT TO OPEN PLAN INTERIOR PROVIDED BY HIGH LEVEL WINDOWS  
LOWER WALL OVERCLADDING TO EXISTING BLOCK WALL

- ⓐ 2 X STARLING NEST BOXES
- ⓑ 4 X BAT BOXES
- AS PER ECOLOGY REPORT

725/I

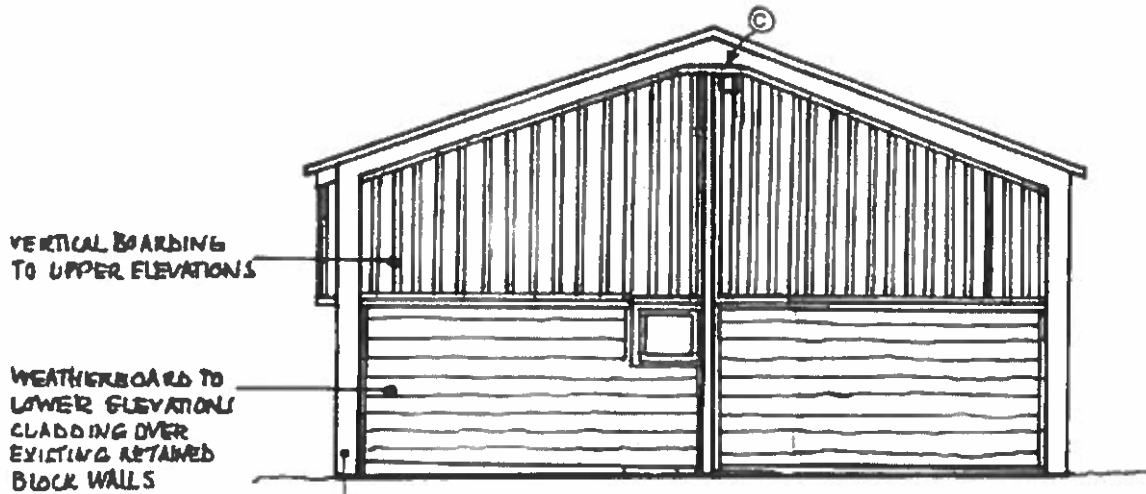
CONVERSION OF EXISTING BARN TO A DWELLING FOR A  
 ADJOINING CASA BLEN ASHCROFTH GU9 4HU  
 SCALE 1:100 @ A4. SEPT. 2017. DRG. T1 217. P. 2.

LAND

REV B  
 JAN. 19

REV C  
 APR 19 DRIBBLES ADDED

© STARLING NEST BOX AS PER ECOLOGY REPORT

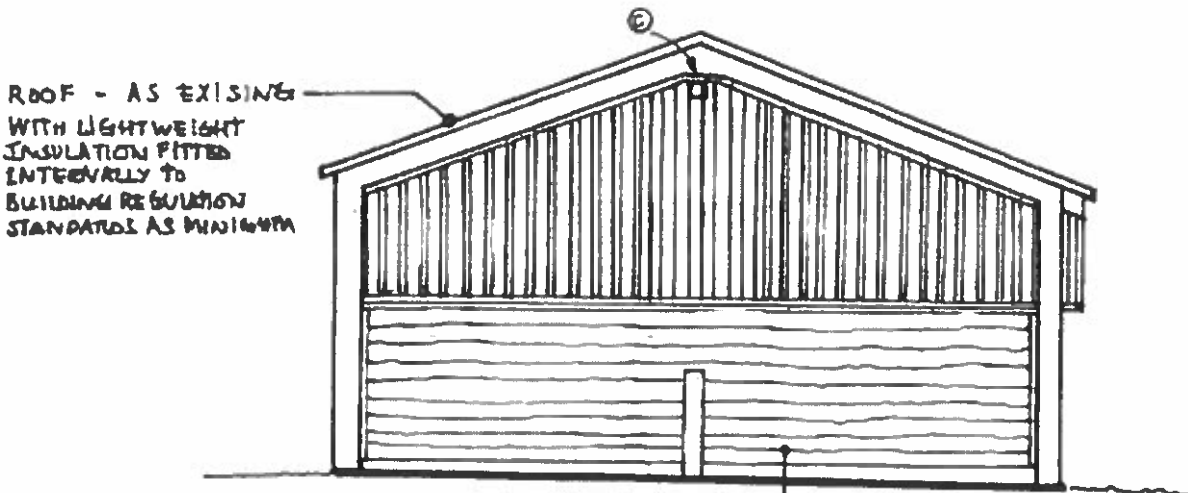
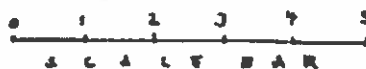


VERTICAL BOARDING  
 TO UPPER ELEVATIONS

WEATHERBOARD TO  
 LOWER ELEVATIONS  
 CLADDING OVER  
 EXISTING RETAINED  
 BLOCK WALLS

EXISTING STEEL COLUMNS/  
 PORTAL FRAME TREATED/PAINTED  
 & LEFT EXPOSED / DISPLAYED ON  
 GABLE ELEVATIONS

NORTH-EAST ELEVATION



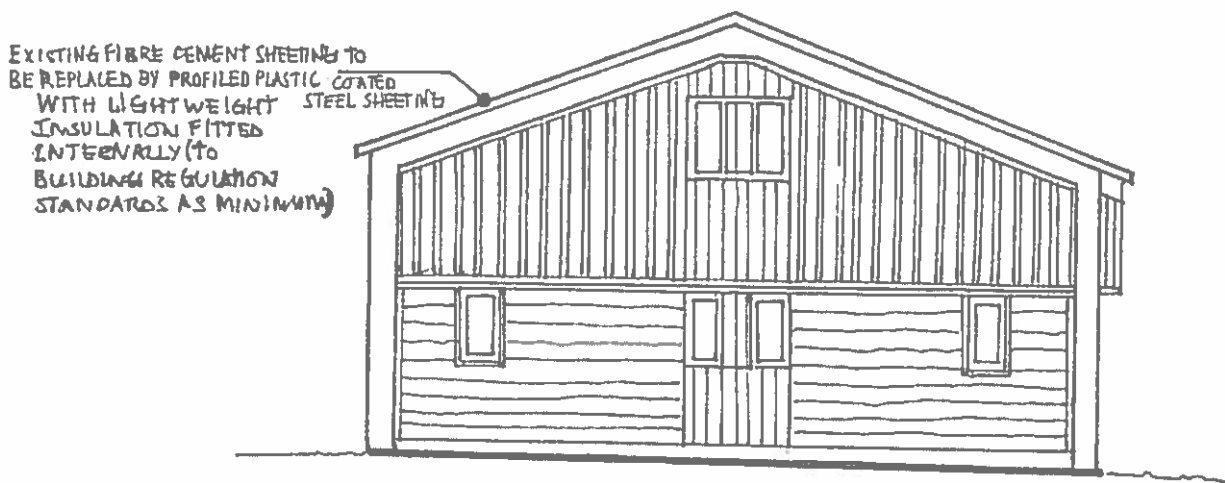
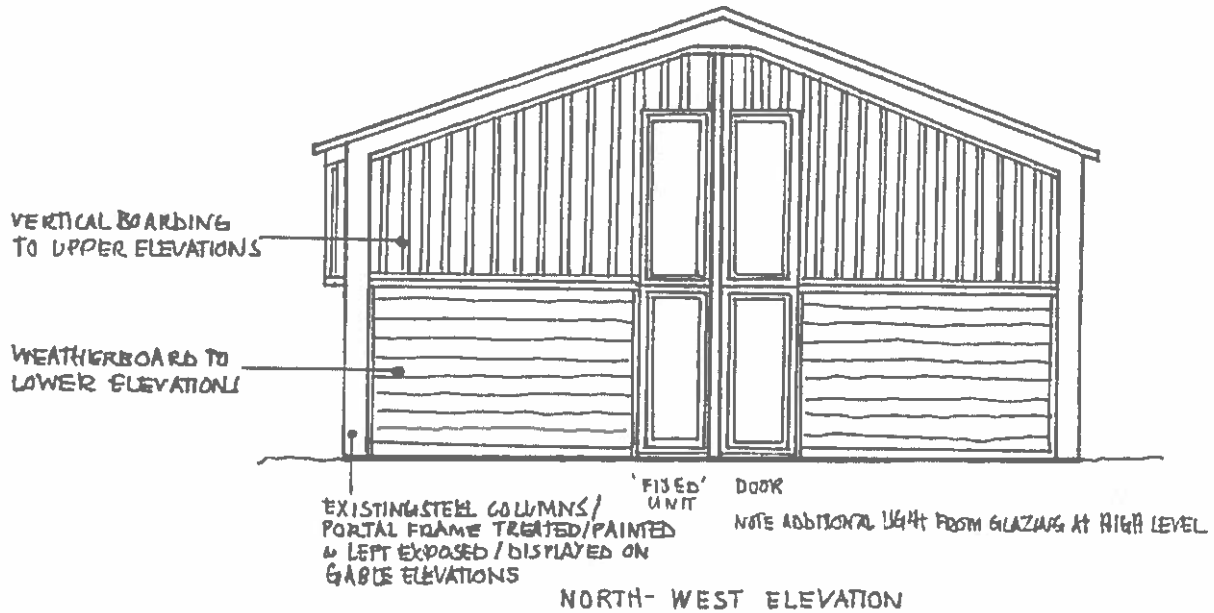
ROOF - AS EXISTING  
 WITH LIGHTWEIGHT  
 INSULATION FITTED  
 INTERNALLY TO  
 BUILDING REGULATIONS  
 STANDARDS AS MINIMUM

TIMBER OVERCLADDING TO  
 EXISTING RETAINED BLOCK WALLS

SOUTH-WEST ELEVATION

CONVERSION OF EXISTING BARN TO A DWELLING FOR  
 ADJOINING CASA BLEN ASHLEWORTH GU9 4HU  
 SCALE 1:100 @ A4. SEPT. 2017. DRG. T1217. P. 2. REV B

J. LAND



127/K



17/01337/OUT

Land Off A38, Part Parcel 0120, Tewkesbury Road Coombe Hill 8

Valid 12.12.2017

Outline application for up to 40 dwellings, associated infrastructure, ancillary facilities, open space and landscaping with vehicular and pedestrian access from A38. All matters (Access, Appearance, Landscaping, Layout and Scale) reserved for future consideration.

Grid Ref 388980 227200

Parish Leigh

Ward Coombe Hill

## **RECOMMENDATION Delegated Permit**

### **Policies and Constraints**

#### **DEFERRED AT 18.04.19 COMMITTEE (ITEM 1 - PAGE NO 707)**

National Planning Policy Framework (2012)

Planning Practice Guidance

Joint Core Strategy (JCS) 2017 - SP1, SP2, SD4, SD6, SD9, SD10, SD11, SD12, SD14, INF1 and INF2.

Tewkesbury Borough Local Plan to 2011 (March 2006) - TPT9

Preferred Options Consultation, Tewkesbury Borough Plan 2011-2031 (2018) - RES1 (Coombe Hill

Preferred sites - Site A)

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

Adjacent to a classified highway

In proximity to a Site of Special Scientific Interest

### **Consultations and Representations**

**Leigh Parish Council** - Object to the proposal for the following reasons:

- Coombe Hill is a service village recommended to take 18 new homes
- Nearly 50% increase to existing settlement of 41 houses
- Neighbourhood Plan is being drafted recommends no more than 20 houses
- Accounting for permitted dwellings since 2011, only 16 are required
- 5 year housing land supply has been met
- Application does not account for size of Coombe Hill
- 40 dwellings crammed onto field are disproportionate and do not integrate with village
- High density development out of keeping with individual houses and linear character
- Concerns with surface water, SUDS pond will not cope, discharge would pollute watercourse
- Wet ditch floods The Bellows. Leigh Brook also floods
- Flooding exacerbated by small culvert
- No water harvesting incorporated in new houses
- Uckington Development will drain to river Chelt and Leigh Brook
- Traffic flow already poor, will increase vehicles
- Local schools are oversubscribed and 2 of 3 schools are not on bus route
- Site will be dependent on car travel, buses are frequent but do not run in right direction

**Elmstone Hardwicke Parish Council** - Object to the proposal for the following reasons:

- Access is close to A38/A4019 Junction
- Splays entering and exiting development are minimal
- Adding a pedestrian crossing will add to congestion
- No mains sewage, concerns with foul and surface water
- Eastern part of site has standing water, which impacts neighbours
- Culvert under A4019 not deep enough to allow water to drain
- Parish council is in process of completing a neighbourhood plan

**Deerhurst Parish Council** - object to the proposal on the grounds that the proposed access will exacerbate an already problematic junction.

**Strategic Housing and Enabling Officer** - Proposed affordable housing mix and total of 16 dwellings is acceptable

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

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

**CPRE - Object**

- Exceeds suggested number of houses required (20 of which 2 already built)
- Figure based on level of services
- Insufficient services to meet sustainability requirements

**Gloucestershire Economic Development and Strategic Planning** - No objections subject to contributions towards local schools.

**Lead Local Flood Authority** - No objections subject to condition.

**Gloucestershire County Archaeologist** - No objections subject to condition.

**Gloucestershire Highways** - No objections subject to conditions

**Highways England** - No objections

**Gloucestershire Public Rights of Way Officer** - No objections

**Natural England** - No objections subject to habitats regulations assessment.

**Urban Design Officer** - No objections

**Sport England** - No objections however, additional housing will generate additional demand for sport.

**Local Residents** - Thirty-nine representations have been received from members of the public in response to the consultation process. The comments raised are summarised below:

- Noise, light and traffic pollution.
- Loss of light and impact on views
- Housing estate would be out of keeping. Existing houses are individual
- Disproportionate addition 40 new homes would double the size of the village
- Neighbourhood development plan is proposing 20 homes in total
- Development not needed. TBC has a 5 year housing land supply
- Field should be protected
- Proposed development will be visible from a wide area
- Additional traffic congestion, pedestrian crossing and site access would be dangerous
- No safe cycle paths
- Does not benefit local community
- No connection to mains sewage and contamination from soakaways
- Land drains to bottom of site, The Bellows has suffered flooding
- Ditch runs wet for 8 months a year and dry periods allow for maintenance
- Concerned with midges from pond
- Bus service is inadequate
- Increased volume of population would affect equestrian developments
- No local services, schools at capacity
- Pub, farm shop and garage are no justification for amount of housing
- Smaller development at the Swan is more appropriate
- Large developments permitted at Uckington and Twigworth

**Planning Officers Comments:** Bob Ristic

## **1.0 Application Site**

1.1 The application site comprises part of a field located to the northeast of the junction of the A4019 and A38 at Coombe Hill. More specifically, the application relates to the north-western and southeaster corners of the field and the site measure 2.41 hectares. **(See attached location plan)**

1.2 To the north of the site is Grange Farm and a dwelling at Fairview, to the south of the site is petrol filling station and convenience store (PFS) and to the east is open countryside and a dwelling at The Bellows, which fronts the A4019. On the opposite side of the A38 to the west, is a former vineyard which adjoins the Swann Inn.

1.3 The site and wider field parcel slope down to the south-eastern corner and are enclosed by hedgerow and tree planting to the northern, eastern and western edges, and a chain-link fence along the southern boundary with the A4019.

1.4 The site is not subject to any landscape designations and the A38 and A4019 are designated Public transport corridors on the proposals map to the Tewkesbury Borough Local Plan to 2011 (March 2006). The application site is also located within Flood Zone 1 as identified on the Gov.uk Flood Maps for Planning.

## **2.0 Relevant Planning History**

2.1 There is no relevant history at the application site.

2.2 Land adjacent to the Swan Inn (opposite the application site)

- 18/00173/FUL - Residential development comprising 25 no. dwellings, with new vehicular/pedestrian access onto A38, relocation of bus stop, sustainable drainage and Foul Treatment Works and associated landscaping, access and parking - Pending consideration

## **3.0 Current Application**

3.1 The current application seeks outline planning permission for up to 40 dwellings, associated infrastructure, ancillary facilities, open space and landscaping with vehicular and pedestrian access from the A38. All matters (Access, Appearance, Landscaping, Layout and Scale) are reserved for future consideration.

3.2 The application site would be accessed via a new junction onto the A38, approximately 65 metres to the north of the Texaco petrol filling station (PFS). The application also proposes a new pedestrian crossing over the A38 to provide a link to the north bund bus stop, Swan Inn and recreational walking at The Wharf.

3.3 The application has been accompanied by a concept master plan which shows how the residential development would be set towards the north-western part of the site, between the PFS to the south and Fairview and Grange Farm to the North. The south-eastern part of the site would include a drainage pond and waste water treatment plant. **(See attached Concept Plan)**

## **4.0 Planning Policy Context**

### **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.

### **Cheltenham, Gloucester and Tewkesbury Joint Core Strategy**

4.2 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.

4.3 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.

4.4 Policy SP1 sets out that 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. The Rural Service Centres are to accommodate in the order of 1,860 new homes and the Service Villages in the order of 880 new homes.

4.5 Policy SP2 also provides that in the remainder of the rural area, Policy SD10 will apply to proposals for residential development. 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. On other sites, housing development will only be permitted subject to certain criteria, none of which are applicable in this case.

4.6 In a recent appeal decision relating to a proposed development at Land at Oakridge, Highnam, the Secretary of State for Housing, Communities and Local Government concluded that the Council could not demonstrate a five year supply of deliverable housing sites. The key reason for this was that the Council includes advanced delivery against annual housing requirements in its five year supply calculations. The Council's approach in this respect is considered appropriate and as members are aware the Council is judicially reviewing the Secretary of State's conclusions in this regard. It is considered that the Council can demonstrate a five year supply of deliverable housing sites. For this reason the Council's policies for housing (including policy SD10) are considered to be up to date and the so-called 'tilted balance' at paragraph 11 of the NPPF is not engaged.

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

#### **National Planning Policy Framework and Planning Practice Guidance**

4.8 The NPPF aims to promote sustainable development and the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The 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.

4.9 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. However, where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

#### **The Emerging Development Plan**

4.10 Paragraph 48 of the NPPF (2019) sets out that-

*Local planning authorities may give weight to relevant policies in emerging plans according to:*

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

4.11 The emerging Development Plan comprises the Preferred Options Tewkesbury Borough Plan (POTBP) (2018). The consultation period on this draft version ended on 30th November 2018. POTBP Policy RES1 proposes to allocate two sites for housing development at Coombe Hill, Site A, the larger field parcel (of which this application forms part) which is indicated as having a capacity of 50 dwellings. The second location, 'Site B', comprises land adjoining the Swan Inn (and subject to separate planning application no.18/00173/FUL) and is identified as having a capacity of 26 dwellings. The POTBP has been subject to consultation and there are objections to the allocation of Site B for housing development, for many of the same reasons that objections have been made to this planning application set out above. Because of the relatively early stage of preparation of the emerging plan and because there are unresolved objections to the allocation of this site, only very limited weight can be afforded to it in accordance with Paragraph 48 of the NPPF (2019).

4.12 Furthermore, the Parish of The Leigh is a designated Neighbourhood Area and the Parish Council are in the process of preparing a Neighbourhood Development Plan. However the NDP policies are yet to be published and have not been out to consultation. Accordingly, no weight can be afforded to that plan at this time.

## 5.0 Analysis

### Principle of Development

5.1 With the exception of a cluster of dwellings at The Wharf, Coombe Hill is a dispersed linear settlement along the A38 and broadly centred on the Junction with the A4019, where there is a public house, PFS with convenience store and farm shop. The area also includes bus stops which link Cheltenham and Gloucester with Tewkesbury. The application site would be located amongst this cluster of development and is not therefore be considered isolated.

5.2 JCS Policy SP2 sets out that development at rural service centres and service villages will be allocated through the Tewkesbury Borough Plan and Neighbourhood Plans, proportional to their size and function, and also reflecting their proximity and accessibility to Cheltenham and Gloucester and considering the environmental, economic and social impacts including existing levels of growth over the plan period.

5.3 JCS Policy SD10 sets out the Council's approach to housing development and states that residential development will be permitted at sites allocated for housing through the development plan. Proposals on un-allocated sites will only be permitted under certain circumstances, none of which apply to the proposed development. Notwithstanding the Council's intention to allocate sites for housing within the Tewkesbury Borough Plan the current application is in conflict with this policy.

5.4 Coombe Hill is a Service Village and in this respect, new housing in this location would be broadly consistent with the JCS spatial strategy. Although most of the JCS allocation for the Service Villages (880 dwellings) has already been committed, the emerging Borough Plan seeks to allocate residential development at two sites within Coombe Hill, and this site forms part of one of these identified sites.

5.5 As set out above the emerging Borough Plan can be afforded very limited weight at this stage of its preparation, due in part to the outstanding objections, in particular to the allocation of the current application site, for housing. The emerging Neighbourhood Development Plan can be afforded no weight.

5.6 The Tewkesbury Borough Plan Housing Background Paper (HBP) (September 2018) Provides an 'indicative' housing requirement for the Rural Service Centres and Service Villages by disaggregating the SP2 allocation (880 dwellings) according to the SP2 criteria (size, function, proximity/accessibility to Cheltenham/Gloucester). Coombe Hill is given an indicative requirement of 22 dwellings (including dwellings which have already been committed in the village).

5.7 However, it is considered that the settlement could reasonably exceed its disaggregated requirement due to suitable, sustainable sites being available and this is to be balanced against the size, function and accessibility of the settlement in order to achieve a sustainable pattern of development.

5.8 In this instance the application is in conflict with JCS Policy SD10 and this weighs against the proposal.

5.9 However, the site located at a defined Service Village which, in accordance with Policy SP2 of the JCS, is expected to accommodate some new development proportional to its size and function and also reflecting their proximity and accessibility to Tewkesbury, Cheltenham and Gloucester and considering the environmental, economic and social impacts including existing levels of growth over the plan period. In this respect it is considered that the development could sustainably be accommodated at the settlement and this is a material consideration that weighs in favour of the proposal, along with other benefits of the proposal including economic benefits arising both during and post construction and the social benefits associated with the delivery of market and affordable housing. These matters must be considered in the overall planning balance.

#### Accessibility and Highway Safety

5.10 Paragraph 103 of the NPPF sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Furthermore, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.

5.11 The level of service provision in the immediate area is relatively basic (it has a general store, petrol station, a public house, farm shop and a mobile library), with some existing employment opportunities within walking distance at Knightsbridge Business Park. The application site is however located approximately 5 miles from the centre of Cheltenham and 3 miles from the services and employment opportunities at the north-western edge of the town. Gloucester City Centre is located approximately 6.5 miles from the site and Tewkesbury town centre is 4 miles away. All of these destinations are accessible by public transport with bus services operating during peak hours and are within cycling distance which contributes to the sustainability of the site.

5.12 As a result of this proximity and accessibility to Tewkesbury, Cheltenham, Gloucester and associated employment opportunities, it is considered that the suggested level of development resulting from the identified site options in the POTBP would be consistent with the requirement of Paragraph 103 of the NPPF for significant development to be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

5.13 Whilst access is a reserved matter, the submitted details show how the site could be served by a new estate road from the A38 as well as the provision of a new pedestrian crossing to link to the western side of the A38. The application has been accompanied by a Transport Statement which advises that the site is well located in respect of larger settlements and employment areas as well as good links to the wider strategic road network. Furthermore, the submitted report advises that the area benefits from good bus provision with stops within 400 metres walking distance of the site. In terms of safety, the report advises that while a five year review of accidents displayed a rate greater than one event per annum, there was no identified correlation between causes or the design of the highway.

5.14 Paragraph 109 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.15 The submitted details have been reviewed by the County Council Highways Officer (HO) who has advised that the new access would need to comply with the requirements for Manual for Gloucestershire Streets. The illustrative 'T' junction into the application site from the A38 has demonstrated that the required visibility splays of 2.4 metres x 120 metres commensurate with the 40mph highway and this is achievable in both directions.

5.16 The submitted details show how a pedestrian refuge island could be provided to improve safety and pedestrian connection across the A38. This would accord with paragraph 108(b) of the NPPF which seeks to ensure safe and suitable access for all users and this could be secured by a suitably worded condition.

5.17 In terms of safety and personal injury, the HO has reviewed the accident records for the area and confirmed that recorded incidents have no relation to the proposed site access. It is therefore considered that subject to compliance with conditions, safe and suitable access can be achieved without detriment to the operation of the highway network or public safety.

## **Drainage and Flood Risk**

5.18 JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change.

5.19 The application site is located within Flood Zone 1 and is in a location that would be least at risk from flooding. The application is supported with a Flood Risk assessment and Drainage Strategy. The LLFA have advised that the drainage strategy presented in the Flood Risk Assessment & Drainage Strategy has been shown to be capable of managing the surface water in accordance with national standards (S2 and S4 of the Non-Statutory Technical Standards for Sustainable Drainage Systems). In doing so the drainage strategy conforms to the NPPF's requirements to not increase flood risk elsewhere. While a pond with ample capacity has been indicated on the submitted drawings, a detailed design of the system would be required to ensure the final design of the site and drainage system is fully compliant. This could be secured by an appropriately worded planning condition.

5.20 Foul drainage from the application site would comprise a gravity fed private network which would connect to an on-site sewage treatment facility adjacent to the pond and this is proposed be maintained by a management company. The treated water is proposed to discharge to the Leigh Brook and this would be subject to a separate approval from the Environment Agency.

5.21 It is considered that suitable foul and surface water drainage can be provided to serve the development and subject to compliance with conditions the proposal would not exacerbate the risk of flooding or pollution.

## **Landscape**

5.22 Policy SD6 of the JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect 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 area. Policy SD9 seeks the protection and enhancement of biodiversity and geological resources of the JCS area.

5.23 The Tewkesbury Borough Landscape and Visual Sensitivity Study for Rural Service Villages (2014) advises that Coombe Hill is sensitive to conspicuous development on the exposed side slopes of the ridge that would be visible in long distant views and would be at odds with the established settlement pattern (which is loosely cruciform). The application site comprises the southwestern pocket of the larger assessed Land Parcel Coo-06 which is identified as having a medium landscape sensitivity and high visual sensitivity and concluded as having a medium landscape character sensitivity.

5.24 The character summary advises that the dominant character of the larger assessment parcel (Coo-06) is open countryside. While the slope is open to wide views it is advised that existing development at the settlement exerts a limited influence at the western and southern edges. It also sets out that new residential development would have a strong influence on the character of the settlement form, however this would be moderated by the presence of existing detracting elements associated with the settlement edge such as the petrol filling station.

5.25 The application has been accompanied by a Landscape and Visual Appraisal and arboricultural survey. The LVA identifies that the site is of medium visual sensitivity, with the presence of detractor elements in the wider area. The report advises that development would not adversely impact the wider character area and that following implementation of landscape and mitigation measures the overall visual impact of the development would be medium to low, with the principle views of the site being from the A38 and B4019.

5.26 The introduction of built development upon an existing agricultural field would result in landscape harm however the scale of the development would be restrained and it would be located adjacent to existing built development to the north and west. Furthermore, the presence of hedgerows and trees to the boundaries of the proposed site and adjoining field parcels would allow of filtering of distant views from the north and east. Further screening and landscaping of the development would be considered as part of any future reserved matters application.

5.27 Whilst the impact of the development could be mitigated as set out above, there would be harm in conflict with JCS policy SD6 and this is a matter which weighs against the proposal.

### **Biodiversity**

5.28 In terms of ecology, an extended habitat survey of the site and wider area has been undertaken, with particular regard to badgers, reptiles, newts and bats. The report confirms that the arable field is of negligible ecological value, with the rough grass and scrub at the site edges is of limited ecological value and hedgerow of greater value with the planting to the southeast of the attenuation pond being species rich. The report identified no evidence of badgers, roosting bats or Great Crested Newts, though grass snakes were recorded outside of the proposed development site.

5.29 The proposals would retain the majority of the planting and hedgerows with the exception of the area around the proposed site access and this loss will be mitigated through new native hedgerow and tree planting.

5.30 It is also noted that Natural England have raised no objections in principle to the development and the Councils Ecology adviser is presently undertaking a habitats regulations assessment to ensure that the development provides appropriate safeguards to European and Ramsar sites and recommendations to mitigate recreational pressures in the Coombe Hill SSSI. Discussions with regards to recreational impacts and ecological network enhancements are ongoing and it is considered that appropriate measures could be secured by condition.

5.31 Concerns have been raised with regards to the impacts of light pollution upon amenity and the natural environment. It is clear that development in this location would inevitably result in change with lighting from proposed dwellings, however such domestic lighting would not result in undue harm. In terms of street lighting details, it is considered that this can be controlled by condition.

### **Housing mix**

5.32 Policy SD11 (Housing Mix and Standards) of the adopted JCS states that housing development will be required to provide an appropriate mix of dwelling sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Development should address the needs of the local area, including the needs of older people as set out in the local housing evidence base, including the most up to date Strategic Housing Market Assessment (SHMA).

5.33 The design and access statement advises that the site would be capable of delivering mix of dwellings ranging from 2 to 5 bed properties, however no precise mix has been put forward as part of this application. A condition would be required in order to secure an appropriate housing mix for any future reserved matters application in order that the development meets the needs of the Borough and as evidenced by the latest SHMA at the time of the reserved matters application.

### **Affordable housing**

5.34 JCS Policy SD12 sets out that on sites outside of strategic allocations, a minimum of 40% affordable housing will be sought, should be provided on site and should be seamlessly integrated and distributed throughout the development scheme.

5.35 The proposed development would provide 16 affordable houses which represents a 40% proportion of the 40 dwellings proposed at the site. The Shared ownership dwellings would provide a mix comprising 2 no. 1 bed apartments and 14 no. 2 and 3 bed dwellings.

5.36 The Councils Strategic Housing Enabling Officer (SHEO) is satisfied with the proposed mix and tenure and it is considered that the proposed dwellings would contribute towards the need for appropriate affordable housing in the borough.

### **Impact on Heritage Assets**

5.37 Policy SD8 of the JCS states that 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.



5.38 Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 require Authorities to have special regard to the desirability of preserving any listed building or its setting or any features of architectural or historic interest. The NPPF recognises the effect of an application on the significance of a heritage asset is a material consideration. Paragraph 193 states that there should be great weight given to the conservation of designated heritage assets; the more important the asset the greater the weight should be.

5.39 The application was accompanied by an archaeological evaluation and the County Council Archaeologist has advised that the development has low potential to have any adverse impact on archaeological remains and no further investigation or recording is required.

5.40 It is noted that there is a Grade II listed barn to the northern part of the yard to Grange Farm. This building is set some distance from the application site and is further separated by Fairview and its curtilage. In view of this relationship and the fact that the application site slopes down towards the southeast, the proposal would preserve the historic significance and setting of the listed building.

### **Design & Layout**

5.41 The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Policy SD4 of the JCS advises that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.

5.42 While the application is in outline and appearance, layout and scale are reserved matters, the application has been accompanied by a design and access statement which identifies key architectural features of Coombe Hill and how the use of materials and detailing could be incorporated into the development. In addition, the application has been accompanied by a Concept Plan which demonstrates how the development including the provision of public open space and a LAP could be laid out in an appropriate manner. Furthermore it is noted that the provision of a public open space (and proposed by this application) for use by the wider community is in accordance with the site specific requirements of Policy RES1 of the POTBP.

5.43 The Borough Urban Design Officer is satisfied with the design principles for the development however the final design and layout would be considered in detail at the reserved matters stage. A condition would be required to tie the details of the reserved matters application to the principles set out within the Design and Access Statement (July 2018) Rev C.

### **Impact on Amenity of Adjoining Occupiers**

5.44 JCS Policy SD14 sets out that development should protect and seek to improve environmental quality and should not cause unacceptable harm to local amenity including the amenity of neighbouring occupants.

5.45 Although the application is in outline it is considered that the development could be laid out so as not to adversely impact the living conditions of the occupiers of nearby dwellings at Fairview, Grange Farm or The Bellows, as a result of the topography and existing boundary treatments. The specific relationships to these adjoining dwellings would be considered at the reserved matters stage.

5.46 The application has been accompanied by a noise assessment which appraises the existing noise environment and sets out the principles to secure a satisfactory living environment for future occupiers. The Council's Environmental Health adviser is satisfied with the proposals but would require specific details of noise mitigation measures to properties and gardens at the reserved matters stage. These details can be secured by condition.

5.47 Concerns have been raised with regards to increased noise and air pollution as a result of the increase in dwellings in the area. However it is considered that the site is located adjacent to a significantly trafficked highway network with associated background noise levels. The addition of 40 dwellings would not in itself result in demonstrable harm in terms of noise or air pollution and no objections have been raised by the Council's Environmental Health adviser in this respect.

5.48 Concerns have been raised with regards to the development and light pollution, a condition is therefore recommended to restrict the installation of street lighting in order to protect the dark rural character of the area.

### **Community Infrastructure Levy/s106 Obligations**

5.49 The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area.

5.50 Following the implementation of CIL across the JCS authorities on 1st January 2019, the Councils' Regulation 123 lists set out the infrastructure projects or types of infrastructure that it is intended will be, or may be, wholly or partly funded by CIL. The intention is to ensure that there is no duplication in the use of both CIL and S106 from the same application for development for the same infrastructure project.

5.51 On-site requirements (whether they are delivered on or off site), and specific infrastructure requirements that can be robustly justified as necessary to make the development acceptable in planning terms (and otherwise the application would be refused without that infrastructure) will still be delivered via s106 obligations. 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.

5.52 This application result in the following infrastructure requirements which can be secured by s106 obligations:

- Affordable Housing - 40%
- On site Public Open Space - TBC
- On site play - TBC
- Ecological mitigation measures - TBC
- Recycling & waste bins - £73 per dwelling
- Dog bins & signs - 1 dog litter bin (£350) and 4 litter signs (one per 10 houses at £50 per sign).

5.53 It is noted that while the County Council's S.106 Officer has requested contributions towards provision of facilities at local schools this would not meet the prescribed tests and cannot be delivered through S.106. However this would be an infrastructure project capable of being delivered through CIL.

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

6.1 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.

### **Benefits**

6.2 The delivery of market and social housing in a sustainable and accessible location with good links to Tewkesbury, Cheltenham, Gloucester and associated employment and services is a social and economic benefit arising from the proposal. Whilst the delivery of housing is tempered by the fact that the council can demonstrate a 5 year housing land supply, it should be recognised that this is a rolling calculation and the Council must ensure that sufficient sites are granted planning permission to meet the ongoing need for housing in the Borough.

6.3 While services at Coombe Hill are limited, there would be an economic benefit during the construction phase as well as from the additional population which would be generated by the development which would contribute to the sustainability of the PFS, convenience store, pub and Farm shop with resultant economic benefit to existing businesses and to the wider economy. Furthermore, these services and existing and future residents would benefit from the increased connectivity as a result of the proposed pedestrian crossing over the A38.

6.4 The provision of public open space would be a social benefit which would serve the existing community as well as new residents although these benefits are limited.

### **Harms**

6.5 Harm arises from the conflict with the development plan and in particular policies SP2 and SD10. While the proposal would be consistent with Policy RES1 of the POTBP, this is still at the early stages of adoption and can be afforded little weight at this time. Further landscape harm will arise from the loss of part of an existing field at a prominent and exposed crossroads location. The proposal would have an urbanising effect upon the area through the development of 40 dwellings and associated infrastructure, however it is considered that this visual harm can be mitigated through appropriate design and landscaping as part of any reserved matters application.

### **Neutral**

6.6 It is considered that the proposal would result in a neutral impact on ecology and geodiversity and that subject to compliance with conditions the development with regards to drainage, the proposal would not increase the risk of flooding or impact the operation of the highway. Furthermore, the proposal would not impact the significance of the listed barn at Grange Farm.

### **Conclusion**

6.7 The consideration of material planning issues on this application is finely balanced. However, it is considered that the benefits set out above, and the location of the site within a Service Village, in proximity to the main JCS towns and services would outweigh the conflict with the development plan in respect of policies SP2 and SD10 and other identified harms. Therefore in accordance with Paragraph 12 of the NPPF, it is considered that, on balance, material considerations exist to justify a departure from policy.

6.8 It is therefore recommended that the decision is **DELEGATED to the Technical Planning Manager** to permit the application subject to resolving the outstanding open space/play contributions; ecological mitigation measures; any additional/amended planning conditions; and the completion of a section 106 legal agreement to secure the following:

- Affordable Housing - 40%
- On site Public Open Space - TBC
- On site play - TBC
- Ecological mitigation measures - TBC
- Recycling & waste bins - £73 per dwelling
- Dog bins & signs - 1 dog litter bin (£350) and 4 litter signs (one per 10 houses at £50 per sign)

### **UPDATE**

This application was deferred by the April Planning Committee for a site visit in order to assess the site layout, in particular the topography and location of the proposed flood alleviation pond; to consider the Flood Risk Assessment and sustainable drainage system proposals; to consult Severn Trent Water regarding the arrangements for foul drainage and the potential for providing a mains sewer system.

The Council's Land Drainage Officer has reviewed the proposal and is in agreement with the Lead Local Flood Authority assessment of the flood risk of the development and the proposed drainage arrangements set out at paragraph 5.20 and conditions set out in the main report.

Discussions relating to the provision of a mains sewage connection in the area is ongoing, however it is noted that Severn Trent Water have raised no objections to this development or that on land adjacent to the Swan Inn which also appears on this schedule. An update will be provided at committee.

### Other Matters

While it is noted that the application is in conflict with JCS Policy SD10, regard needs to be had to Paragraph 11 of the NPPF which sets out that plans and decisions should apply a presumption in favour of sustainable development. For decision making this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or*  
*(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*  
*(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*  
*(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

The NPPF clarifies (footnote 7) that planning policies for housing will be judged out of date, inter alia, where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.

The latest published evidence (the Tewkesbury Borough Five Year Housing Land Supply Statement - March 2019 Update) concludes that the Council can demonstrate a 5.22 year supply in respect of the 31 March 2018 base date data. A recent appeal decision relating to a land at Oakridge, Highnam, concluded that the Council could not demonstrate a five year supply of deliverable housing sites, with it being concluded in the decision that it was inappropriate for the Council to include past advanced delivery of housing within the plan period. The Council considers that this is a legally flawed interpretation of national policy and so not part of the decision to be followed.

Nevertheless, work is progressing on the annual Authority Monitoring Report, which provides the evidence for the Five Year Land Supply Statement. Whilst this work is not yet complete it is now clear that in respect of the 31 March 2019 base date data, the Council is not able to show a five year supply of deliverable housing sites and as a result can no longer demonstrate a five year supply of deliverable housing sites. The latest available information indicates that the Council can demonstrate a 4.33 year supply of deliverable housing sites, amounting to a shortfall of approximately 223 dwellings and this adds further weight in favour of permitting application and in addition to the benefits set out within the main report.

In accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas of assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits.

### Conclusions

In the absence of policies in the NPPF which would provide a clear reason for refusal, it is not considered the harms of the development would significantly and demonstrably outweigh the benefits set out above. It is therefore recommended that the decision is DELEGATED to the Technical Planning Manager to permit the application subject to resolving the outstanding open space/play contributions; ecological mitigation measures; any additional/amended planning conditions; and the completion of a section 106 legal agreement to secure the following:

- Affordable Housing - 40%
- On site Public Open Space - TBC
- On site play - TBC
- Ecological mitigation measures - TBC
- Recycling & waste bins - £73 per dwelling
- Dog bins & signs - 1 dog litter bin (£350) and 4 litter signs (one per 10 houses at £50 per sign)

## RECOMMENDATION Delegated Permit

### Conditions:

1. The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the access, appearance, landscaping, layout and scale (hereinafter referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.

Reasons: The application is in outline only and the reserved matters referred to in the foregoing condition will require further consideration.

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

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The details to be submitted as part of the Reserved Matters application in accordance with Condition 1 shall include existing and proposed levels, including finished floor levels and a datum point outside of the site. All development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

5. The details to be submitted as part of the Reserved Matters application(s) for layout and access pursuant to Condition 1 shall include vehicular parking and turning facilities within the site. The dwellings hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be maintained available for those purposes for the duration of the development.

Reason: In the interest of highway safety.

6. The details to be submitted as part of the Reserved Matters application(s) pursuant to Condition 1 shall include a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatments shall be completed in accordance with the approved details before the buildings are occupied.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenity of the area.

7. The details to be submitted as part of the Reserved Matters application (s) for appearance and layout pursuant to Condition 1 shall include precise details or samples of the external facing and roofing materials, and hard surfacing materials proposed to be used. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenity of the area.

8. The details of landscaping to be submitted as part of the Reserved Matters application in accordance with Condition 1 shall include a landscape scheme for the whole site. The submitted design shall include the proposed new landscaping scheme on scaled drawings accompanied by a written specification clearly describing the species, sizes, densities and planting numbers. The submitted drawings shall also include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and which are to be removed and how those to be retained are to be protected during the course of development. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory and well planned development in the interest of visual amenity.

9. All planting, seeding or turfing in the approval of reserved matters for 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 a satisfactory and well planned development in the interest of visual amenity.

10. The details to be submitted as part of the Reserved Matter(s) application for appearance and layout and appearance pursuant to Condition 1 shall be accompanied by details of secure and covered cycle storage facilities for a minimum of 1 bike per dwelling. The cycle parking facilities shall be provided in accordance with the approved details and prior to the first occupation of each dwelling.

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.

11. The details to be submitted as part of the Reserved Matter(s) application for layout and appearance pursuant to Condition 1 shall be accompanied by an updated noise assessment/model, including details of any mitigation measures to ensure that the development will comply with the recommended internal and external noise limits specified in BS8233:2014 and Worcestershire Regulatory Services Technical Noise Guidance. The development shall be completed in accordance with those approved details.

Reason: To minimise the impact of noise and provide an acceptable living environment for future occupiers.

12. The details to be submitted as part of the Reserved Matter(s) application for layout, appearance and scale, pursuant to Condition 1 shall accord with principles set out within the Design and Access Statement (July 2018) Rev C. and Concept Plan 100.P.3.2 and received by the Local Planning Authority on 26th July 2018.

Reason: To ensure a satisfactory appearance to the development.

13. Prior to any development above ground level, a site investigation of the nature and extent of contamination shall be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the Local Planning Authority before any built development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The site shall be remediated in accordance with the approved measures before development begins

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

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

14. No development above DPC level shall take place on site until a detailed Sustainable Drainage System (SuDS) Strategy, in accordance with the principles set out in the applicant's submission (Flood Risk Assessment & Drainage Strategy (Project Reference 450), has been submitted to and approved in writing by the Local Planning Authority. The SuDS Strategy must include a detailed design and a timetable for implementation. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved SuDS Strategy before the development is first put in to use/occupied.

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

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

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

16. The means of vehicular access to the development hereby permitted shall be from the A38 only.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.

17. The vehicular access shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 120m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.6m and 2.0m at the Y point above the adjacent carriageway level.

Reason: To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.

18. Prior to the first occupation of the proposed development hereby permitted the first 20m of the proposed access road, including the junction with the existing public road and associated visibility splays, shall be completed to at least binder course level.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.

19. Prior to the first occupation of the proposed development hereby permitted details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the scope for conflict between traffic and cyclists and pedestrians and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit.

20. Notwithstanding the submitted details, no above ground works shall commence on site on the development hereby permitted until details of a scheme for a pedestrian refuge crossing point along the A38 including a street lighting scheme has been submitted to and approved in writing by the Local Planning Authority and no buildings on site shall be occupied until the approved works have been completed and are open to the public.

Reason: To ensure that appropriate opportunities to promote sustainable transport modes can be taken up.

21. Throughout the construction period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following:
- i. parking of vehicles of site operatives and visitors;
  - ii. loading and unloading of plant and materials;
  - iii. storage of plant and materials used in constructing the development;
  - iv. wheel washing facilities.

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

22. Prior to the occupation of the building(s) hereby permitted, the proposed car parking spaces shall be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Reason: To ensure that the development incorporates facilitates for charging plug-in and other ultra-low emission vehicles.

23. No dwelling shall be occupied until provision for the treatment, routing and disposal of foul water (including pollution control and monitoring measures) have been implemented in accordance with details which shall be first submitted do and approved in writing by the Local Planning Authority. The treatment equipment shall thereafter be maintained and operated in accordance with the manufacturer's specifications.

Reason: To ensure that adequate drainage is provided and to reduce the risk of flooding and pollution.

24. No street lighting shall be installed on any part of the development site.

Reason: To protect the rural character of the area.

25. The mix of houses submitted as part of the reserve matters shall be broadly in accordance with the latest version of the JCS SHMA unless an alternative local need can be demonstrated.

Reason: To ensure appropriate mix and range of dwellings within the housing market area.

Notes:

1. This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
2. Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, National Grid advises that the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works. As the proposed activity is in close proximity to National Grid's Transmission assets, National Grid advises that, before carrying out any work you must:
  - Ensure that no works are undertaken in the vicinity of their gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.
  - Carefully read these requirements including the guidance documents and maps showing the location of apparatus.
  - Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
  - Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 'Avoiding Danger from Underground Services' and GS6 - Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
  - In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.




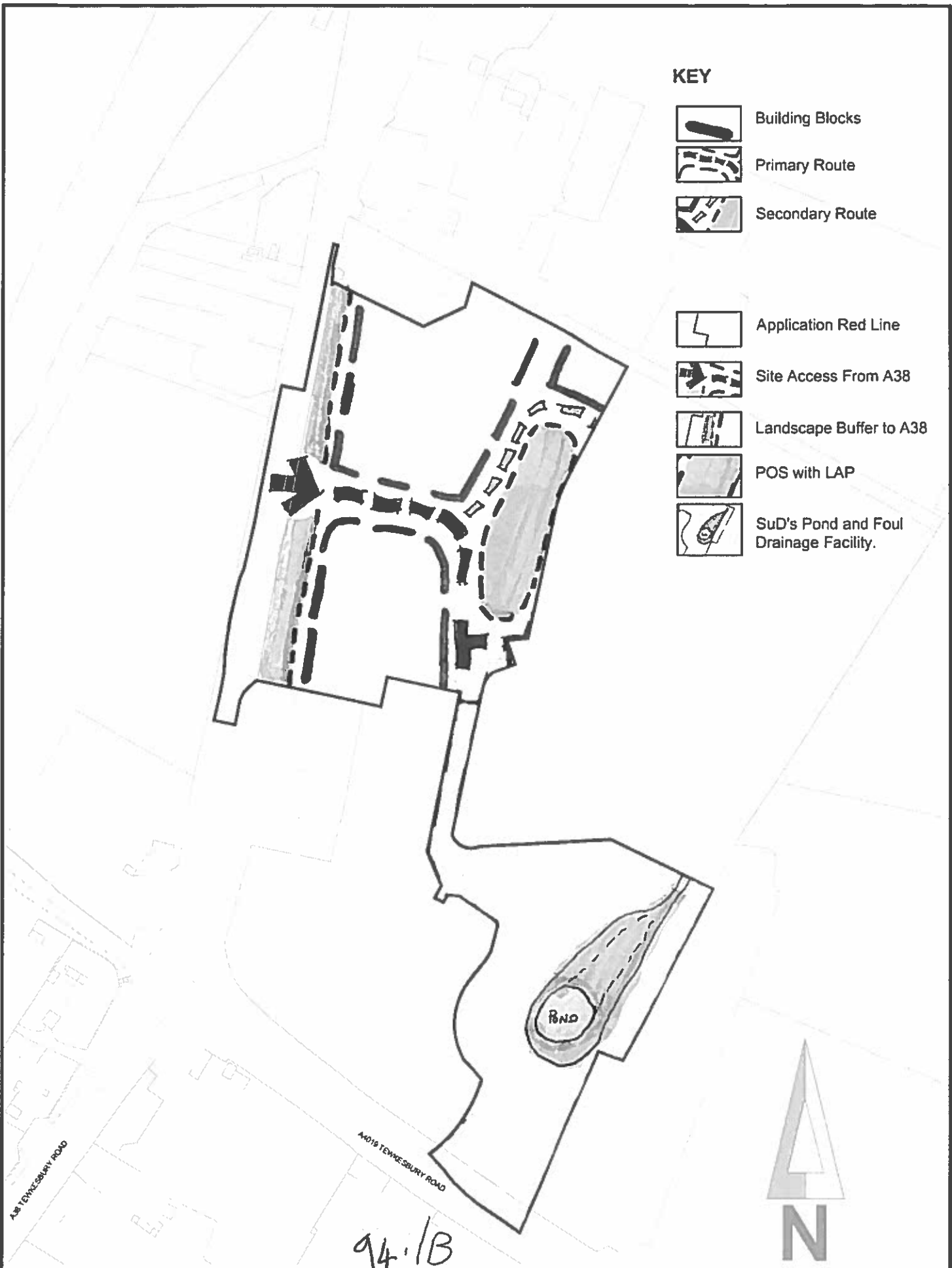
3. Wales and West Utilities advises that it has pipes in the area, and that their apparatus may be affected and at risk during construction works. Wales and West Utilities require the promoter of these works to contact them directly to discuss their requirements in detail before any works commence on site. Should diversion works be required, Wales and West Utilities advise that these will be fully chargeable. Wales and West Utilities state that you must not build over any of their plant or enclose their apparatus.
4. In order to minimise any nuisance during the construction phase, the applicant should refer to the Worcestershire Regulatory Services Demolition & Construction Guidance and ensure its recommendations are complied with.
5. The applicant is advised that to discharge condition #5 the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes, maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the Framework.
6. The proposed development will involve works to be carried out on the public highway and the applicant/developer is required to enter into a legally binding Highway Works Agreement (including appropriate bond) with the county council before commencing works.
7. The proposed development will require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the Amey Gloucestershire (08000 514 514) before commencing any works on the highway.
8. The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.
9. The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.
10. The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency.
11. Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.
12. Statement of Positive and Proactive Engagement

In accordance with the requirements of the National Planning Policy Framework (2018) 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.












94/A

Plot Number <b>Land off Coombe Hill</b>	Planning Number <b>100.P.1.2</b>	Category <b>C</b>	 <b>Robert Hitchins</b> The Complete Development Solution <small>The Manor, Redding Hill, Churchdown, Gloucestershire, GL3 7 9JZ          Tel: 01242 882044          www.robert-hitchins.co.uk</small>
Drawing Title <b>Location Plan</b>	Drawn By <b>145</b>	Date <b>23.08.2017</b>	



**KEY**

-  Building Blocks
-  Primary Route
-  Secondary Route
-  Application Red Line
-  Site Access From A38
-  Landscape Buffer to A38
-  POS with LAP
-  SuD's Pond and Foul Drainage Facility.

Site Name <b>Land off Coombe Hill</b>	Planning Number <b>100.P.3.2</b>		 <b>Robert Hitchins</b> The Complete Development Solution <small>           The Office: 220 Longdon Road, Buntingford, Cambridgeshire, SG11 1QJ            Tel: 01332 488004            www.rhobert-hitchins.co.uk         </small>
Drawing Title <b>Concept Plan</b>	Drawing Number <b>146</b> POK	Date <b>13.06.2018</b>	

Valid 26.04.2019  
Grid Ref 391147 218561  
Parish Badgeworth  
Ward Badgeworth

Proposed front, side and rear extensions.

## **RECOMMENDATION Refuse**

### **Policies and Constraints**

National Planning Policy Framework; 2018 (NPPF)  
Planning Practice Guidance  
The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy; 2017 (JCS)  
Tewkesbury Borough Local Plan to 2011; March 2006 (TBLP)  
Flood and Water Management Supplementary Planning Document  
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
The First Protocol, Article 1 (Protection of Property)

### **Consultations and Representations**

**Badgeworth Parish Council** - No Objection to the scheme in principle however it is suggested that the roof design should have a hipped roof line (similar to the front) to soften the impact of a continuous and solid side elevation stretching along the length of the boundary.

**Local residents** - One letters of support has been received making the following comment:

- We have absolutely no objection for this extension as it will be hidden and away from view. Six houses have already been built opposite on the "green belt" which are in full view.

**Cllr Vines** has requested a **Committee Determination** on this application to assess the suitability of the proposal given it's **Green Belt** location.

**Planning Officers Comments:** Emily Pugh

### **1.0 Application Site**

1.1 This application relates to Wenallt, a white rendered bungalow located within a series of dwellings varying in form and appearance positioned within a landscaped lay-by set back from the road.

1.2 The site is located in the statutory green belt but is not affected by further landscape designations (**see site location plan**).

### **2.0 Relevant Planning History**

2.1 Permission was refused under reference 19/00027/FUL for "Proposed rear and side extensions". The application was Refused for the following reason:

*The proposed extension would result in a disproportionate addition over and above the size of the original dwelling and, by virtue of its location, would affect the openness of the Green Belt. The proposal therefore represents an inappropriate development in the Green Belt in conflict Policy SD5 of the Joint Core Strategy (2017) and advice within the National Planning Policy Framework 2019.*

### 3.0 Current Application

3.1 The current application seeks planning permission the erection of single storey front, rear and side extensions which would be constructed using materials to match the main dwelling (white render, concrete interlocking roof tiles and UPVC doors and windows). The proposal is identical to the previously refused application. **See attached plans for all details.**

### 4.0 Policy Context

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

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

4.3 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2018.

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

### 5.0 Analysis

5.1 The main issues to be considered are design and green belt.

#### Design

5.2 Section 12 of the NPPF relates to "Achieving well-designed places" and, Paragraph 124, sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Likewise, Paragraph 127 specifies that planning policies and decisions should ensure that developments, inter alia: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

5.3 In this regard, Policy SD4 (Design Requirements) of the JCS and likewise Policy HOU8 of the TBCLP sets out that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. It further sets out that design should establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live, and having appropriate regard to the historic environment.

5.4 The host dwelling is currently comprised of a t-shaped single storey bungalow with hipped gables protruding to the front and rear to the western part of the dwelling.

5.5 The proposal firstly seeks the installation of a front gable to the eastern part of the dwelling, which would wrap around the side and follow through to the rear as a further gable. The existing rear gable to the west would be extended further into the garden and finally, the gap which would result from those two features is proposed to be infilled by a single storey flat roofed extension which would protrude beyond the gables and into the rear garden by some 4 metres.

5.6 If implemented, the bungalow would comprise of four matching gables protruding from the main body forming a h-shaped dwelling. Although the extensions are large and would change the appearance of the original dwelling, the resultant building would appear well balanced and sympathetic to the character and appearance of the wider context of the adjacent properties and street scene.

5.7 Although the rear extensions would be of a more contemporary and heavily glazed design than the original dwelling, they would not be visible from any public vantage points.

5.8 The scheme therefore complies with the requirements set out in Policy SD4, HOU8 and Section 12 of the NPPF and is acceptable in terms of design.

#### Impact on Residential Amenity

5.9 The impact of the proposal on residential amenity has been carefully assessed. Given that the development is at ground floor level and that the properties to either side are offset, it is not considered that there would be any negative implications relating to privacy or overlooking.

5.10 The Parishes comments regarding the impact of the roof on neighbours have been considered. However, the proposed roof would be hipped away from the neighbours' boundary and given the intervening distance between the side extension and the neighbouring property, and the relatively low eaves heights, it is not considered that the proposal would have an unacceptable impact on the adjoining neighbours.

5.11 Likewise, although the development would result in the loss of some amenity land and driveway space surrounding the property, the curtilage in which the dwelling is situated is generous and this would not be harmful to the amenity of the host dwelling itself.

5.12 As such, for the reasons outlined above the scheme is acceptable in terms of impact to residential amenity and complies with the requirements set out HOU8 and SD4.

#### Green Belt

5.13 Policy SD5 and Paragraph 145 of the NPPF sets out that the extension or alteration of an existing building will usually be permitted provided that it does not result in disproportionate additions over and above the size of the original building. Inappropriate development by definition is harmful to the green belt and will not be permitted unless it can be demonstrated that very special circumstances exist which clearly outweigh the harms.

5.14 The original dwelling is comprised of some 144m<sup>2</sup> of total floor space (this includes the floor space of the one closest outbuilding to the rear of the property which is accepted to be within 5m of the dwelling and therefore classed as an extension). The addition (some 97m<sup>2</sup>) would therefore represent a 67% increase - which is considered to comprise a disproportionate addition and would therefore be inappropriate development that requires very special circumstances. By virtue of the location of the side extension, it would have the effect of increasing the built form of the existing building, notably increasing the size of the building overall, thereby having an adverse spatial and visual impact upon the openness of the Green Belt. This would result in moderate harm to the openness of the Green Belt.

5.15 Recent appeal decisions have established that where there is a reasonable prospect that accommodation not requiring planning permission (in other words permitted development) could be implemented in the event planning permission was denied for similar extension, that this permitted development 'fall-back' position can amount to very special circumstances. Officers have given consideration to the potential fall-back in this case. However, by virtue of its L-shaped configuration, the amount of extensions that could be built under permitted development would be limited, and would result in awkward and elongated plan form for the dwelling. It is not therefore considered to be a realistic fall-back position in terms of providing a commensurate level of accommodation. In its own right, this fall-back does not amount to very special circumstances.

5.16 The applicant has offered to remove an 'outbuilding' to the rear garden in order to compensate for the additional floor space proposed in the extensions. That 'outbuilding' however is comprised of a low-key single block external wall, open sided and as such its removal would not be considered sufficient to off-set the proposed extensions in Green Belt terms. Furthermore, a similar or larger outbuilding could be erected in the future under permitted development.

5.17 As such, the proposal would represent a disproportionate addition, compromising the openness of the green belt and constituting inappropriate development. Very special circumstances are therefore required which have not been demonstrated and therefore the scheme conflicts with the requirements set out in SD5 and the NPPF.

## 6.0 Conclusion & Recommendation

6.1 The proposed extension would result in a disproportionate addition over and above the size of the original dwelling and, by virtue of its location, would affect the openness of the Green Belt. The proposal therefore represents an inappropriate development in the Green Belt in conflict Policy SD5 of the Joint Core Strategy (2017) and advice within the National Planning Policy Framework 2019. It is therefore recommended that planning permission is **refused**.

### **RECOMMENDATION Refuse**

#### Reasons:

1. The proposed extension would result in a disproportionate addition over and above the size of the original dwelling and, by virtue of its location, would affect the openness of the Green Belt. The proposal therefore represents an inappropriate development in the Green Belt in conflict Policy SD5 of the Joint Core Strategy (2017) and advice within the National Planning Policy Framework 2019.

#### Notes:

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

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



981A

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JOSH STEELE  
DRAWING SERVICES

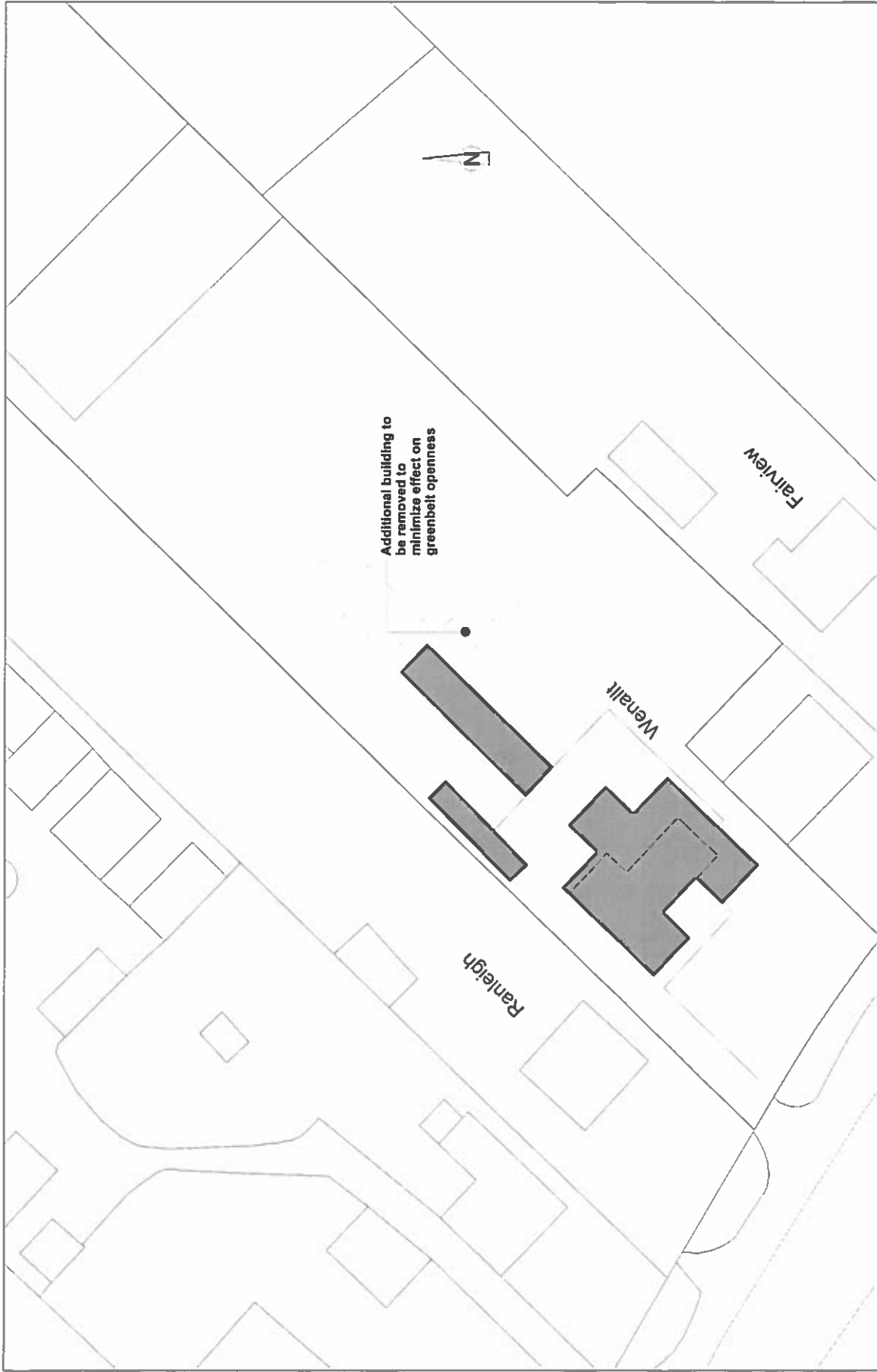
Extension and Alterations to - Wenall, Badgeworth.  
Existing Block Plan

Date: December 18

Scale: 1/200 @ A1

Drawing No: 715 / PL02





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JOSH STEELE  
DRAWING SERVICES

Extension and Alterations to - Wenall, Badgeworth.  
Proposed Block Plan

Date: December 18

Scale: 1/200 @ A1

Drawing No: 715 / PL07D

Author: [unreadable]



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**JOSH STEELE**  
DRAWING SERVICES

**Proposed Ground Floor Plan**

Extension and Alterations to - Wenallt, Badgeworth.

Proposed Floor Plan

Date: December 2018

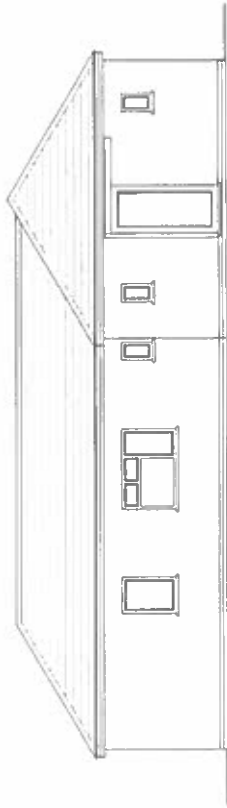
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Planning

Drawing No: 715 / PL04G



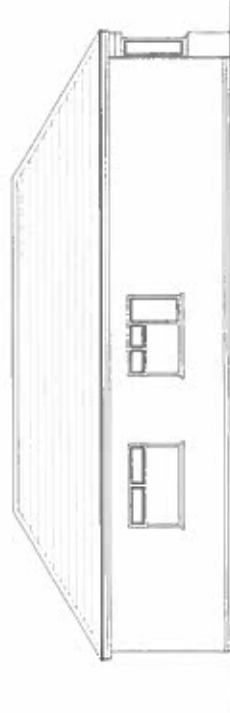
Existing Ground Floor Plan



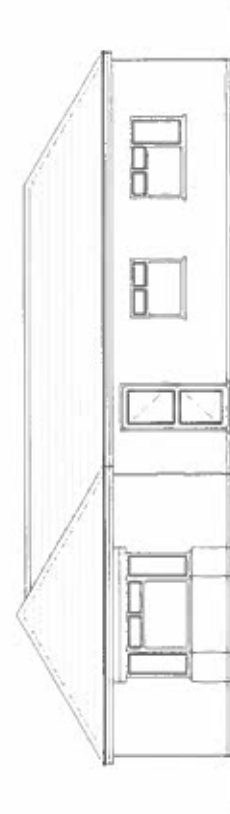
Existing Rear Elevation



Existing Side Elevation



Existing Side Elevation

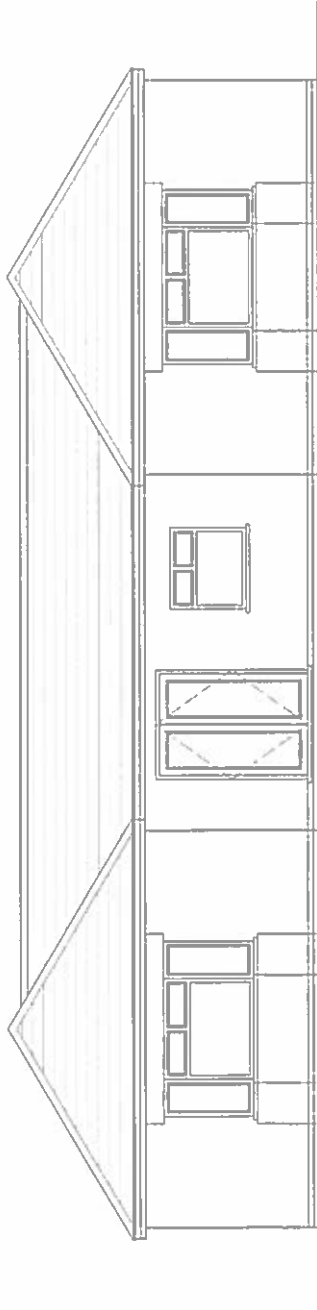


Existing Front Elevation

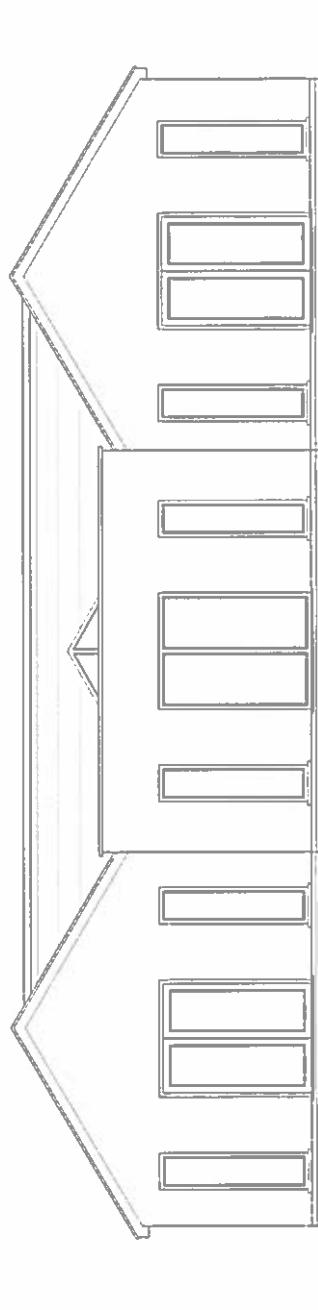
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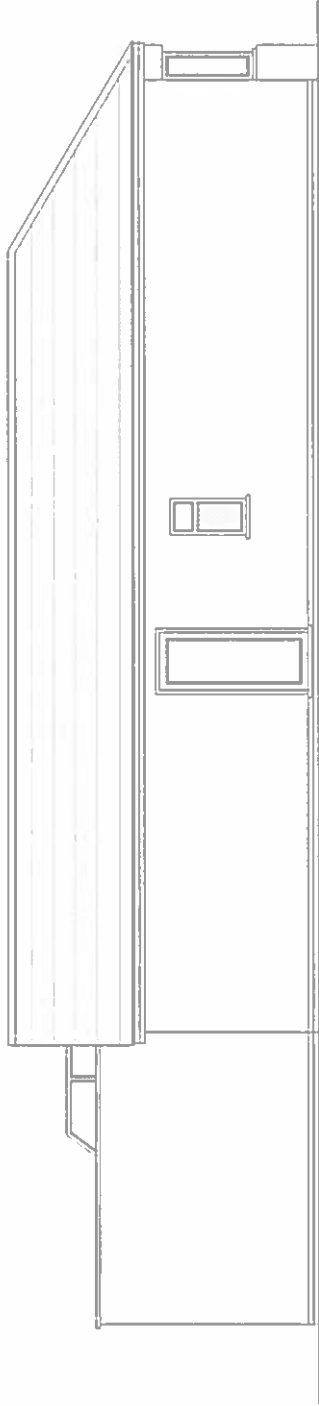
Proposed Front Elevation



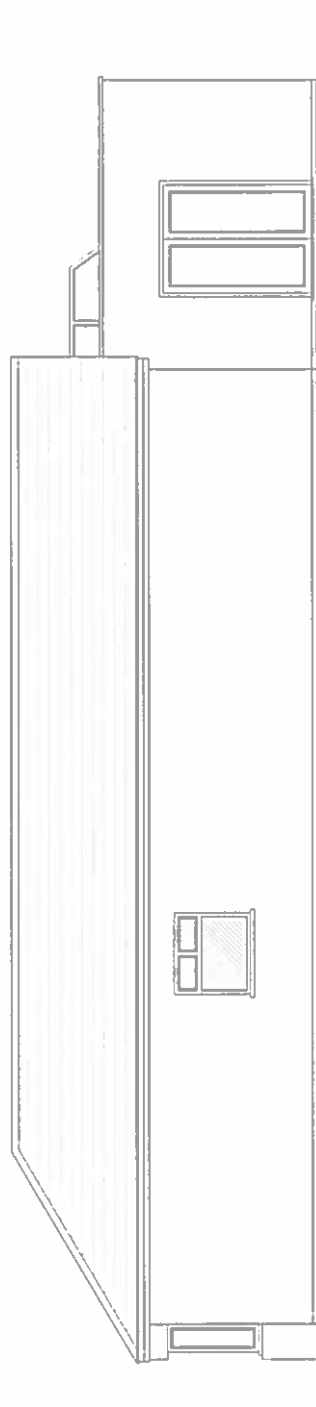
Proposed Rear Elevation



JOSH STEELE  
DRAWING SERVICES



Proposed Side Elevation



Proposed Side Elevation

98/8  
156



Valid 29.08.2018

Erection of single storey side and rear extensions. Installation of dormer window to rear for loft conversion.

Grid Ref 395884 228157  
Parish Bishops Cleeve  
Ward Cleeve St Michaels

## RECOMMENDATION Permit

### Policies and Constraints

Joint Core Strategy (2018) (JCS) - Policy SD4, SD14  
Tewkesbury Borough Local Plan to 2011(TBLP) - March 2006 - Policy HOU8  
National Planning Policy Framework 2018  
Planning Practice Guidance  
Human Rights Act 1998 - Article 8 (right to Respect for Private and Family Life)  
The First Protocol, Article 1 (Protection of Property)

### Consultations and Representations

**Parish Council** - Object. There are concerns about overlooking, from the rear dormer, affecting the property at 24 Nottingham Road.

Revised plans - continues to object on the grounds of overlooking.

**Local residents** - Objections received from the dwellings at the rear (22 and 24 Nottingham Road) on the grounds of overlooking and loss of privacy.

Revised plans - One letter of objection has been received from the neighbour at the rear 22 Nottingham Road. They are still objecting to the rear dormer window due to overlooking / loss of privacy.

Conservation Officer - verbally consulted with regards to the design - no objections.

**Planning Officers Comments:** Mrs Sarah Barnes

### 1.0 Application Site

1.1 This application relates to 2 Berwick Road, a semi-detached bungalow located in Bishops Cleeve (**site location plan attached**). This bungalow occupies a prominent position on the corner of Berwick Road and Wellbrook Road.

### 2.0 Current application

2.1 The current application is for the erection of single storey side and rear extensions along with a rear dormer window to create a loft conversion (**plans attached**). It would create a larger dining room, utility room, study, two ensuites and two of the existing bedrooms would be enlarged at ground floor level. The loft conversion at first floor level would create two new bedrooms and an ensuite.

### 3.0 Recent History

3.1 In 2018 (18/00064/FUL) an application was submitted for a two storey side and single storey rear extension. Installation of dormer window to rear for loft conversion. This application was withdrawn.

### 4.0 Policy Context

4.1 The development plan comprises the Joint Core Strategy (JCS) (2018) and saved policies in 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) 2018.

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

## 5.0 Analysis

### Design and Size

5.1 Section 12 of the NPPF relates to "Achieving well-designed places" and, Paragraph 124, sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Likewise, Paragraph 127 specifies that planning policies and decisions should ensure that developments, inter alia: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

5.2 In this regard, Policy SD4 (Design Requirements) of the JCS and likewise Policy HOU8 of the TBCLP set out that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. It further sets out that design should establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live.

5.3 The proposal comprises two elements: a single storey side extension that would extend the form of the existing bungalow; and a large box dormer in the rear facing roof slope (**see proposed elevations**). The side extension would bring the side of the dwelling in closer proximity to Wellbrook Road making it more prominent in the streetscene. The proposed box dormer would also be visible from Wellbrook Road and, although revised plans have been received which reduce its size, would constitute a large addition. However, the side extension would not extend right up to the pavement (being set back approximately 1.7m) and the gable would be single storey and no higher than the existing ridge and eaves heights. It would not therefore appear dominant or overbearing. The box dormer would also be set back away from Wellbrook Road reducing its prominence. It is also the case that there are numerous examples of dormer windows on existing properties in the surrounding area and so the rear dormer would not be out of keeping with the street scene.

5.4 It is therefore concluded that, on balance, the proposed extensions would respect the character, scale and proportions of the existing dwelling and the character of the area, in accordance with Development Plan policy.

### Residential amenity

5.5 Paragraph 127 of the NPPF specifies that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Likewise, Policies HOU8 and SD4 state that development will only be permitted if the proposal does not have an unacceptable impact on adjacent property in terms of bulk, massing, size and overlooking.

5.6 In relation to the Parish Council's concerns and the neighbour's concerns regarding 'overlooking from the proposed rear dormer', their concerns have been noted. However, it is not considered that the overlooking would be harmful / unacceptable given that the 'window to window' distance between the proposed rear dormer and the nearest neighbouring dwelling at the rear would be over 20 metres.

5.7 The impact of the proposal upon neighbouring properties has carefully been assessed and it is considered that there would not be an undue impact upon their amenity in accordance with Policy HOU8 of the Local Plan and Policy SD14 of the JCS.

## 6.0 Conclusion

6.1 Overall, whilst the Parish Council's concerns are noted, it is considered that the proposal as revised would not be harmful to the appearance of the existing dwelling nor the street scene and it would not result in an unacceptable loss of residential amenity to neighbouring dwellings. The proposal as revised would also be of an acceptable size and design. It would therefore accord with Policy HOU8 of the Local Plan, the Joint Core Strategy and the NPPF 2019. The application is therefore, on balance, 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 application form, drawing numbers EL401 REVF, FP302 REVF, FP303 REVC dated 29th March 2019, EL400 REVC, FP300, FP301 REVF, LP100, SP201 REVC and SP202 REVA dated 29th August 2018 where these may be modified by any other conditions attached to this permission.
3. The materials to be used in the construction of the external surfaces of the proposed development shall match those used in the existing dwelling.

### Reasons:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development is carried out in accordance with the approved plans.
3. To ensure that the proposed development is in keeping with the existing dwelling.

### 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 amendments to the design of the proposal.

2. Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:
  - Work on an existing wall or structure shared with another property.
  - Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property.
  - Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/ site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act 1996. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DCLG publication Preventing and resolving disputes in relation to party walls - explanatory booklet.

3. Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Building Control Team on [Buildingcontrol@cheltenham.gov.uk](mailto:Buildingcontrol@cheltenham.gov.uk).



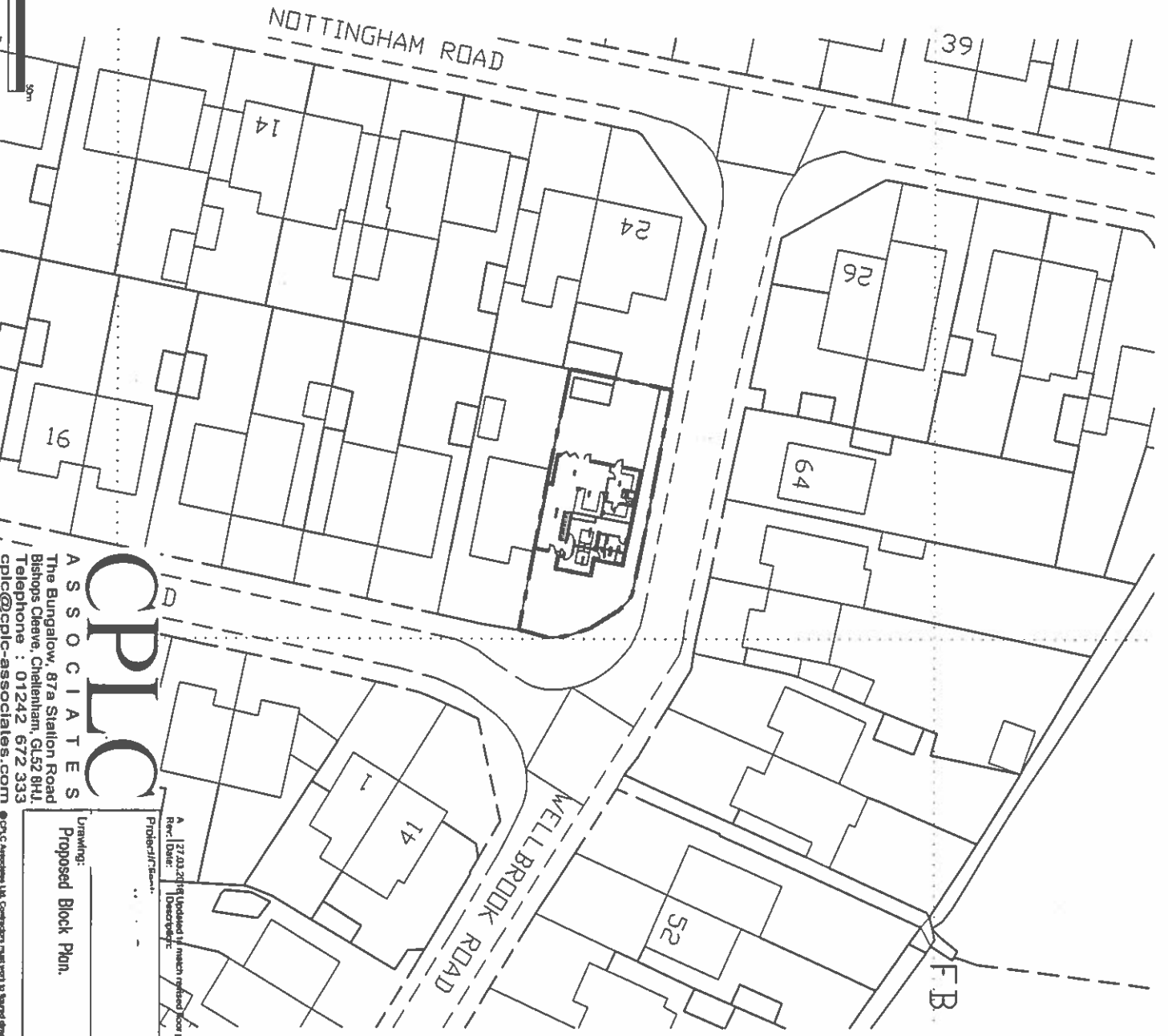


# CPLC

ASSOCIATES  
 The Bungalow, 87a Station Road  
 Bishops Cleeve, Cheltenham, GL52 8HJ.  
 Telephone : 01242 672 333  
 cplc@cplc-associates.com

101/A

Rev:	Date:	Description:	Drawn:	Checked:
Project/Client:			Drawn By:	Date:
[ ]			DMW	28.09.2017
Drawing:			Scale:	Drawing No:
Location Plan.			1:1250@A4	LP
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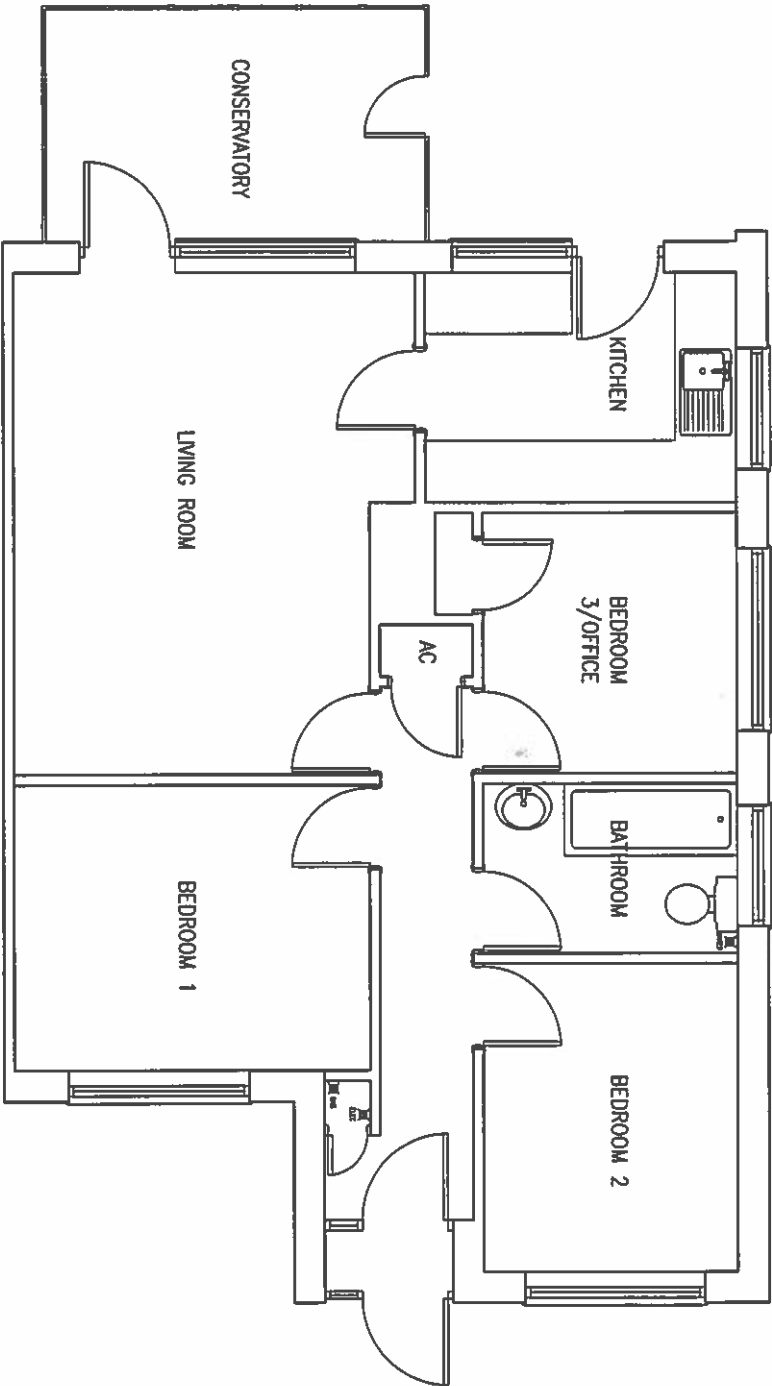


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Drawing: Proposed Block Plan.		Project No: 1835	
Scale: 1:5000AS		Drawing No: SP 202	
Project No: 1835		Revision: A	
Drawn By: V	Date: 24.01.2018	Checked By:	
Description: 27.03.2018 Updated to match revised floor plan.		Checked: [Signature]	
Rev: Date: [Signature]		Drawn: [Signature]	
Description: [Signature]		Checked: [Signature]	

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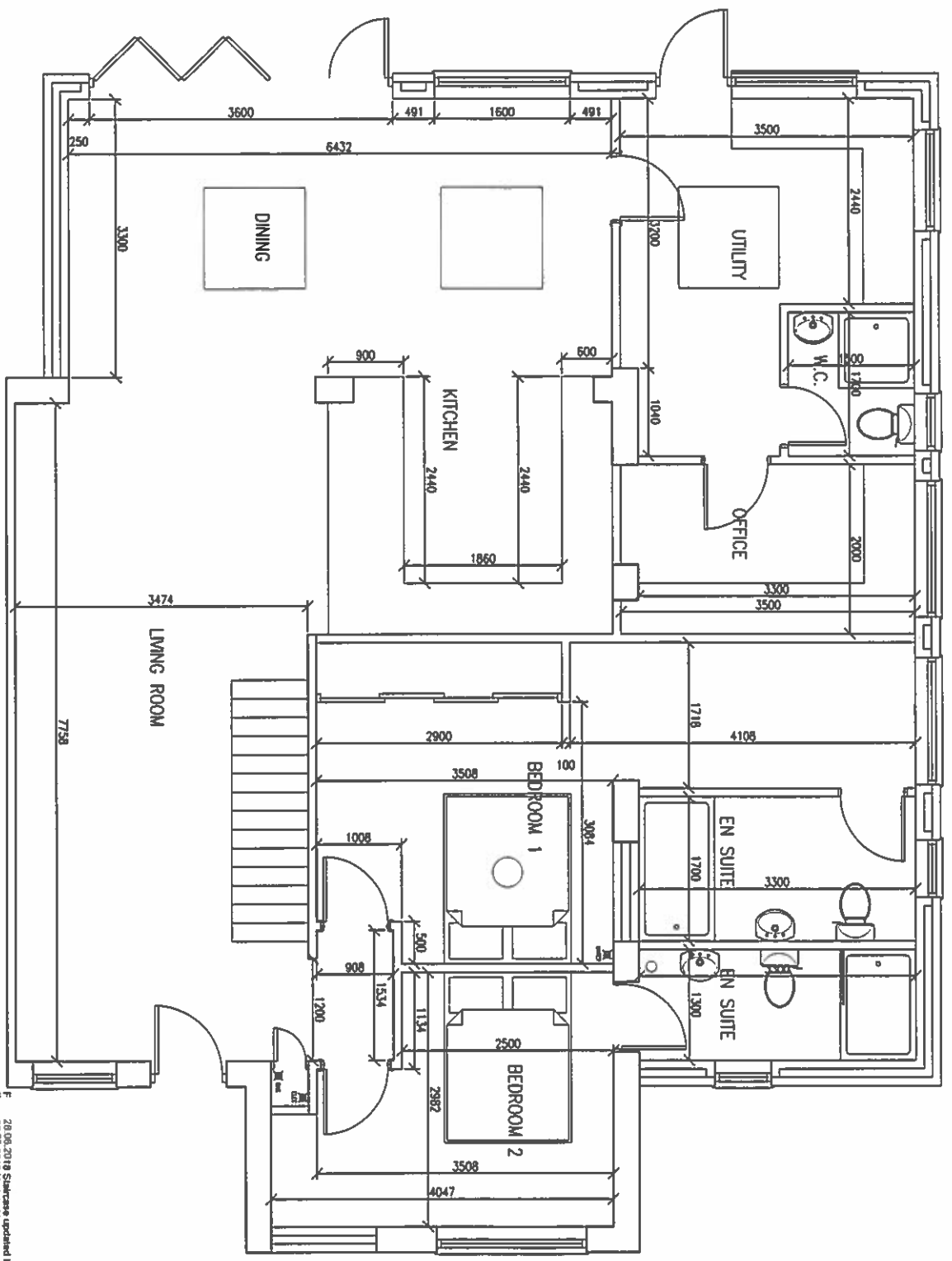
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Rev: Date:	Issue/Issue	Drawn By:	Date:	Checked By:
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		Project No:	1835	300
		Revision:		
Drawing: Existing Floor Plan.				

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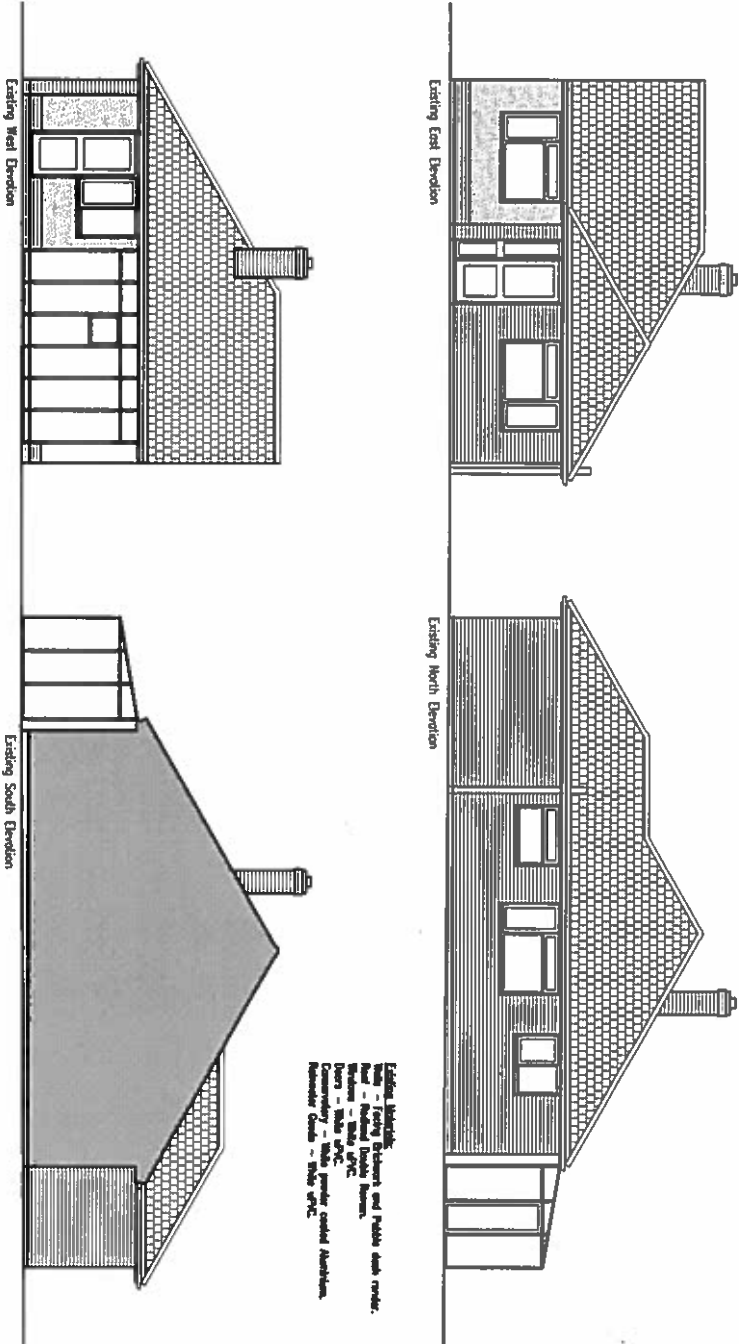
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 Telephone : 01242 672 333  
[cpic@cpic-associates.com](mailto:cpic@cpic-associates.com)

Project/Client:		Drawn By:	DAW	Date:	28.09.2017	Checked By:	
Drawing:	Proposed Ground Floor Plan.	Scale:	1:500AS	Drawing No.:	FP 301	Revision:	F
Project No.:	1835						

- Revisions:
- F 28.09.2018 Staircase updated to match First Floor layout.
  - E 27.03.2018 Updated to comments.
  - D 17.01.2018 Updated to comments.
  - C 14.12.2017 Updated to comments.
  - B 11.10.2017 Updated to comments.
  - A 06.10.2017 Updated to comments.

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Existing Materials:  
 Walls - Existing Redbrick and Pebble dash render.  
 Roof - Existing Gable End Roofs.  
 Windows - White UPVC.  
 Doors - White UPVC.  
 Conservatory - White powder coated Aluminium.  
 Basement Windows - White UPVC.

102/e



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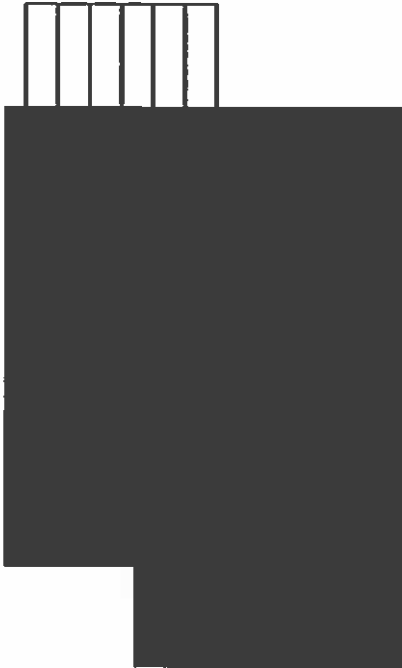
27.03.2018 Updated to show ridge cornice.  
 B 24.01.2018 Existing South Elevation added.  
 A 17.01.2018 Materials added.  
 Rev: Date: Description:

DMW  
 DMW  
 DMW  
 Checked:  
 Checked By:

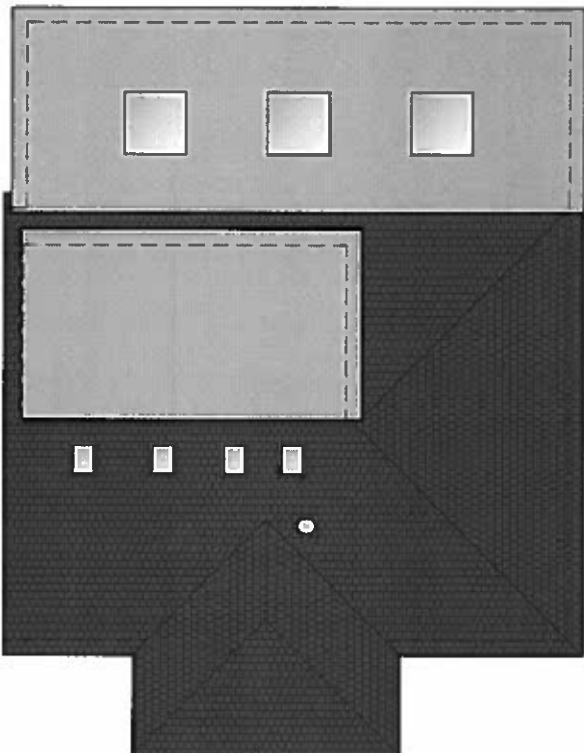
Project/Drawn By:	DMW	Date:	28.09.2017	Checked By:	
Drawing:	Existing Elevations.	Scale:	1:1000AS	Drawing No:	EL 400
Project No:	1835	Revision:		Checked By:	C



*Revised Plans - 29th May 19*



Existing Roof Plan



Proposed Roof Plan

102/G

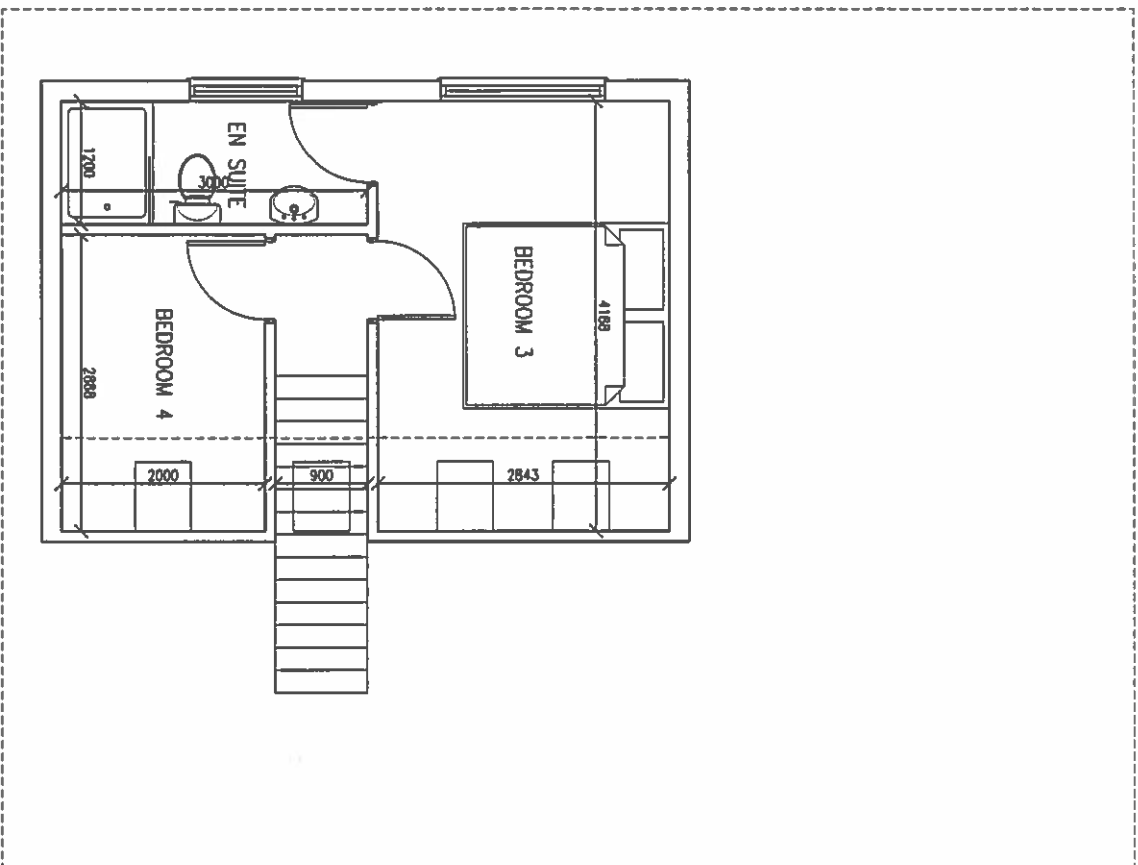


**CPLC**  
 ASSOCIATES  
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C 27.03.2018 Updated to show reduced format size as planning comments. B 20.08.2018 Updated to show hipped side extension roof. A 27.03.2018 Updated to match revised floor plan. Rev: Date: Description:		Drawn By: <b>DAW</b> Date: <b>24.01.2018</b> Checked By:
Project/Client:	Drawing: <b>Existing and Proposed Roof Plans.</b> Scale: <b>1:1000AS</b> Project No: <b>1835</b>	Drawing No: <b>FP 303</b> Revision: <b>C</b>

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*Revised plans - 29th May 19*



*H/L 101*  
167

SCALE BAR



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Project/Client:	Drawn By:	Date:	Checked By:
	DW	08.10.2017	
Scale:	1:500AS	Drawing No:	FP 302
Project No:	1835	Revision:	F

- F 27.03.2019 Updated to show reduced area as per comment.
- E 28.08.2018 Updated to show reduced area due to hippod extension.
- D 11.07.2018 Updated to comments.
- C 11.07.2018 Updated to comments.
- B 15.11.2017 Updated to comments.
- A 11.10.2017 Updated to comments.

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Valid 25.10.2018

Section 73 application to remove condition 14 (no gates to be erected on site access) of planning permission 17/00855/FUL for the erection of 8 dwellings with associated new vehicular access.

Grid Ref 378123 217307  
Parish Minsterworth  
Ward Highnam With Haw  
Bridge

## RECOMMENDATION Permit

### Policies and Constraints

### Consultations and Representations

**Parish** - The Parish Council objects to the revised plan for the following reasons:

- A gated development in a rural community is out of character with the street scene.
- Any vehicle larger than a car, eg delivery vans, waiting for the gates to be opened will stop all eastbound traffic as the island will prevent vehicles moving to the centre of the road to manoeuvre around the vehicle. Stopping on the verge will cause the same danger and difficulties. This is a Highways Safety issue.

**County Highways** - No highway objection subject to imposition of a condition

**Local Residents** - No comments received

### Consultations and Representations

National Planning Policy Framework (2019)  
Planning Practice Guidance  
Joint Core Strategy 2017 - SD10, SD11, SD12, SD14, INF1  
Human Rights Act 1998 - Article 8 (right to Respect for Private and Family Life)  
The First Protocol, Article 1 (Protection of Property)

**Planning Officers Comments:** Paul Instone

### 1.0 Application site

1.1 The application site relates to Part Parcel 1228 and is located to the north of the A48 in Minsterworth. The application site benefits from full planning permission (ref: 17/00855/FUL) for the erection of 8 dwellings with associated new vehicular access. Planning permission 17/00855/FUL is currently under construction.

### 2.0 Relevant Planning History

17/00855/FUL - The erection of 8 dwellings with associated new vehicular access (Revised Scheme to approved development under application reference: 16/00822/OUT). Permitted December 2017  
18/00009/CONDIS - Application for approval of details subject to condition 3 (Details of the proposed ridge heights, finished floor levels, eaves and slab levels.), 4 (External samples of building materials), 5 (Construction Method Statement), 6 (Landscaping scheme), 15 (Details of future management and maintenance of proposed streets) of planning application ref number 17/00855/FUL. Letter provided stating the details provided for conditions 3, 4, 6 and 15 are acceptable  
18/00045/FUL - Variation of condition 11 (site access and right turn lane) of planning permission ref: 17/00855/FUL (Erection of 8 dwellings with associated new vehicular access). Pending Consideration  
18/00045/MINOR - Non material minor amendment (insertion of roof lights) for planning application 17/00855/FUL. Granted October 2018.

## Adjacent Site

16/00823/OUT - Residential development of up to 4 dwellings with associated vehicle access. Permitted September 2016

18/00560/APP - Approval of Reserved Matters (appearance, landscaping, layout and scale) for the erection of 4 no. dwellings and vehicle access, including discharge of conditions required under reserved matters stage further to outline planning permission 16/00823/OUT. Approved August 2018.

Condition 5 of the reserved matters approval states:

*The development hereby approved shall not be occupied until details of the 'entrance gates' and 'brickwork entrance walls' shown on Conditions Plan ARC.1330 05 Rev D have been agreed in writing by the local planning authority. The 'entrance gates' and 'brickwork entrance walls' shall be implemented in accordance with the agreed details.*

*Reason: In the interests of visual amenity*

18/01083/FUL - Section 73 application for the variation of Conditions 13 (scale parameters) and removal of condition 14 (maximum combined gross floorspace) of application 16/00823/OUT for the erection of 4 no. dwellings and vehicular access. Permitted December 2018

18/01084/FUL - Reserved matters application for the erection of 4 no. dwellings and vehicular access pursuant to outline planning permission 18/01083/FUL. Pending Consideration

### 3.0 Current Application

3.1 The application is made under Section 73 of the Town and Country Planning Act 1990 for a minor-material amendment to planning permission to remove condition 14 of planning permission ref: 17/00855/FUL.

3.2 Condition 14 of planning permission ref: 17/00855/FUL states:

*Notwithstanding the submitted plans no gates shall be erected on the site access road.*

*Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians*

3.3 Further to comments from Officer's the applicant has submitted amended plans and the proposed solid wood gates have been replaced with wrought iron gates. The design of the proposed pillars surrounding the proposed gates has also been amended.

3.4 The design of the gates and pillars can be controlled by planning condition.

### 4.0 Policy Context

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

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

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

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

## **5.0 Analysis**

5.1 The principle of eight dwellings with associated new vehicular access on the application site is accepted by virtue of planning permission 17/00855/FUL. The issues to be considered as part of this application are those arising from the removal of condition 14; namely, the impact of the proposed gates on the character and appearance of the area and highway safety.

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

5.2 Section 12 of the NPPF states that the creation of high quality places is what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 of the NPPF states that, inter alia, planning decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping; are sympathetic to local character and history including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place creating attractive, welcoming and distinctive place to live work and visit. Policy SD4 of the JCS echoes these requirements.

5.3 The character of Minsterworth in the vicinity of the application site is that of a semi-rural linear settlement with dwellings set back from the A48. Many of the individual dwellings have gates, walls and fencing as well as hedgerows which front onto the A48. There are also intervening agricultural fields many of which have field gates providing access from the A48 which contribute to the rural character.

5.4 The application as submitted sought permission for substantial wooden gates surrounded by brick walls and pillars. Officer's considered that the originally proposed boundary treatment was not appropriate to the rural context of the site and would appear incongruous.

5.5 At the request of officers the proposed gates have been amended to wrought iron and the height has been reduced from circa 2 metres to 1.7 metres. The design of the adjoining pillars, walls and gates has also been amended.

5.6 A landscaping scheme has been agreed for planning permission 17/00855/FUL and a condition to the secure the landscaping scheme is also recommended to be imposed on the current application. The scheme proposes that the existing hedgerow is to remain along the south boundary of the site adjacent to the A48 and additional tree planting is proposed to the south of the houses and the access road.

5.7 In total, the proposed gates, pillars and wall would extend to a length of approximately 14.5 metres within a wider soft landscaped frontage which extends the length of the site. On this basis, in the context of the landscaping scheme of the site and in the context of the wider development pattern on the A48 which comprises a number of dwellings with gated frontages it is considered that the proposed gates and walls would be sympathetic to the local character of the surrounding built form and landscape setting. As such, it is considered that the proposal is in accordance with Section 12 of the NPPF and policy SD4 of the JCS and is therefore acceptable in terms of the character and appearance of the area.

### **Highway Safety**

5.8 Section 9 of the NPPF relates to the promotion of sustainable transport and specifies that in assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Policy INF1 of the JCS reiterates this advice.

5.9 The County Highways Authority have been consulted on the application and raise no highway objection subject to a condition that the gates are laid out and constructed in accordance with the approved plans, with the gates situated at least 10.76 metres back from the carriageway edge and hung so as not to swing outwards. This condition would ensure that vehicles entering the site would not overhang the public highway.

5.10 As such, subject to the imposition of condition, it is considered that the proposal is in accordance with Section 9 of the NPPF and policy INF1 of the JCS and is therefore acceptable in respect to highway safety.

## Other Matters

5.11 The application is submitted under section 73 of the Town and Country Planning Act 1990. The effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. . To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. It is therefore recommended that conditions are imposed to secure the requirements of planning permission ref:17/00855/FUL, non-material amendment permission ref: 18/00045/MINOR and discharge of condition permission application18/00009/CONDIS on the current application.

5.12 In addition planning permission 17/00855/FUL was subject to a S106 agreement to secure an off-site affordable housing contribution. There is a clause in the S106 agreement that the obligation under the S106 to pay the affordable housing contribution will apply to a permission granted through subsequent S73 application without the need for a Deed of Variation in this case.

5.13 Additionally, there are transitional provisions in the CIL regulations as regards s73 applications that are made subsequent to CIL coming into effect in relation to a permission that was granted when CIL was not in effect. These provide that only the increase in floor space will be subject CIL and there is no increase in floorspace in respect to the current application.

## 6.0 Conclusion and Recommendation

6.1 The proposal is considered to conform with national and local planning policy and it is recommended planning permission is granted.

### RECOMMENDATION Permit

#### Conditions:

1. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:
  - ARC 1329 PL 01 D (site plan) received 13th November 2017
  - ARC 1329 PL 05 C (house type c) received 25th July 2018
  - ARC 1329 PL 08 A (garage) received 13th November 2017
  - ARC 1329 PL 09 A (house type e) received 25th July 2018
  - ARC 1329 PL 10 A (house type f) received 25th July 2018
  - ARC.1329 PL11 Rev A, received by the Council on 19th January 2018.
  - ARC.1329 902 PL4 received 23rd May 2019
  - ARC.1329 550 P1 received 28th May 2019
2. Prior to the occupation of the development hereby permitted the vehicular access shall be laid out and constructed in accordance with the submitted plan drawing no. ARC.1329 902 PL4 received 23rd May 2019 with any gates situated at least 10.76m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of access road within at least 10.76m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.
3. The external walls and roofs of the development shall be in accordance with:
  - Walls - Wieneberger Kassandra in Red Multi
  - Cills, Vents and Corbels - Corrinium stone in Bathstone
  - Roofs - Bradstone Crofter Reconstructed Stone Slates in Weather Buff.
4. The landscaping scheme shall be in accordance with Drawing number ARC.1329 550 P1 received 28th May 2019
5. The works approved under condition 4 shall be carried out prior to the occupation of any dwelling hereby permitted or in accordance with a programme which has first been submitted to and approved in writing by the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of 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.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension or enlargement of the dwelling(s) or other buildings hereby permitted shall be carried out without the prior express permission of the Local Planning Authority.
7. 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 garages or other free standing buildings shall be erected to the side or front of any dwelling hereby permitted, other than those expressly authorised by this permission, without the prior express permission of the Local Planning Authority
8. The proposed development shall be carried out in strict accordance with the Recommended Noise Mitigation Options detailed in the Noise Mitigation Measures Statement by McLoughlin Planning, received by the Council on 1st August 2017.
9. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back as necessary to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 160m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.
10. No dwelling shall be occupied until a 2m footway has been provided from the site access to the eastbound bus stop east of the site on the A48 and a tactile drop kerb crossing with central refuge island has been provided to the footway south of the A48 in accordance with plans, based on the submitted plan SK01 Rev E (submitted as part of the Transport Assessment, received 20th November 2017), which have first been submitted to and approved in writing by the Local Planning Authority.
11. The management and maintenance of the proposed streets shall be implemented in accordance with the Management Statement by RES Homes, received by the Council on 19th January 2018. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.
12. No dwelling hereby permitted shall be occupied until a fire hydrant (served by mains water supply) serving that property has been provided in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reasons:

1. To define the terms and extent of the permission.
2. To reduce potential highway impact by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraph 108 and 110 of the National Planning Policy Framework.
3. In the interests of the appearance of the development and the surrounding area in accordance with the advice contained within the NPPF.
4. To ensure the provision of an appropriate landscape setting to the development.
5. To ensure the provision of an appropriate landscape setting to the development.
6. Any further extensions require detailed consideration by the Local Planning Authority to assess the impact on the rural character of the area
7. The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area
8. To safeguard the amenity of future occupiers of the development in accordance with the advice within the NPPF

9. To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided
10. To ensure that the opportunities for sustainable transport modes have been taken up and provide access to high quality public transport facilities.
11. To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit.
12. To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

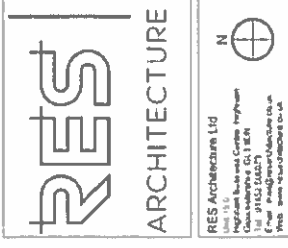
Notes:

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 amendments to the design of the gate and pillars

2. The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works
3. The proposed development will require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.
4. The applicant is advised that to discharge condition 11 that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.
5. The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.
6. This decision is accompanied by a s106 Agreement.





RES Architecture Ltd  
 Unit 15, 6  
 Highnam Road, Centre, Highnam  
 Gloucestershire, GL12 8LN  
 Gloucester, Gloucestershire, GL1 2LN  
 Tel: 01452 516271  
 Fax: 01452 516272  
 Email: info@res-arch.co.uk  
 Website: www.res-arch.co.uk

Rev	Description	Date	By
1	Issue for Planning	10/10/18	HE
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4	Issue for Planning	10/10/18	HE
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100	Issue for Planning	10/10/18	HE

PLANNING

Client  
 RES HOMES LTD  
 UNIT 19 0 HIGHNAM BUSINESS PARK  
 HIGHNAM, GLOUCESTER  
 GL 8DN

Project  
 NEW HOUSING DEVELOPMENT  
 MINTERTWORTH GLOUCESTER

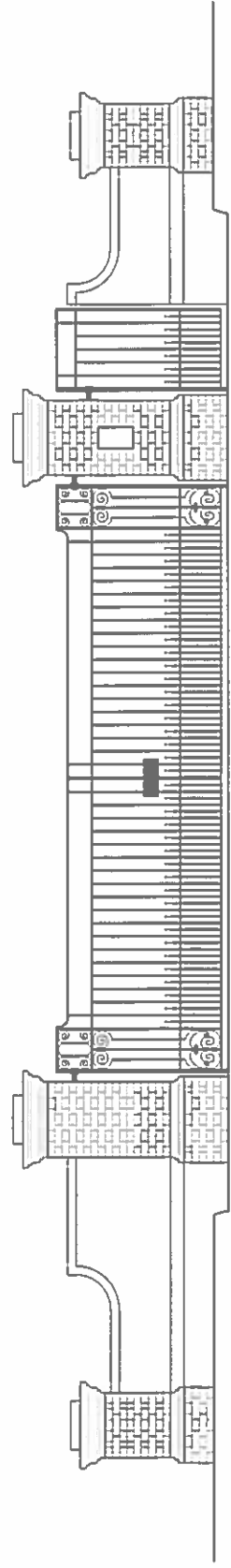
Drawing Description  
 GATE AND ENTRANCE WALL

AS STATED  
 A1  
 OCT 2018

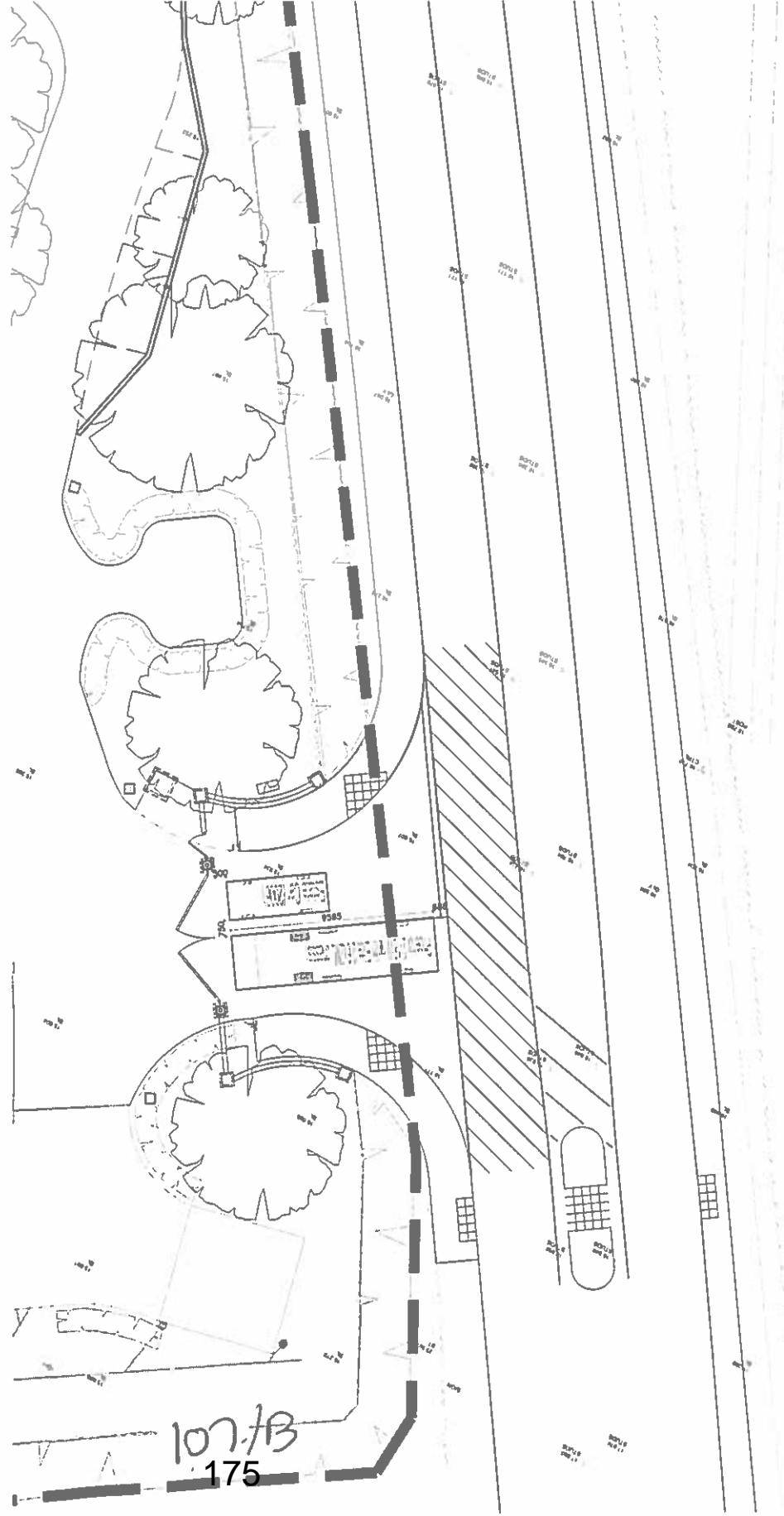
HE  
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ARC.1329  
 902  
 PL4

RES HOMES LTD, 19 Highnam Business Park, Highnam, Gloucester, GL8 8DN. The information on this drawing is the property of RES HOMES LTD and is not to be used for any other purpose without the written consent of RES HOMES LTD. The information on this drawing is not to be used for any other purpose without the written consent of RES HOMES LTD.



ENTRANCE WALL AND GATES ELEVATION - 1:25



ENTRANCE WALL AND GATES PLAN - 1:100



Valid 09.11.2018  
 Grid Ref 381032 221255  
 Parish Maisemore  
 Ward Highnam With Haw  
 Bridge

Erection of a playhouse in rear garden (retrospective).

## RECOMMENDATION Permit

### Policies and Constraints

National Planning Policy Framework; 2018 (NPPF)  
 Planning Practice Guidance  
 The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy; 2017 (JCS)  
 Tewkesbury Borough Local Plan to 2011; March 2006 (TBLP)  
 Flood and Water Management Supplementary Planning Document  
 Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
 The First Protocol, Article 1 (Protection of Property)

### Consultations and Representations

**Maisemore Parish Council** - No comments received.

**Local residents** - Four letters of representation have been received. Two are general comments and two are objections. Concerns include:

- The raised platform would result in overlooking and compromise privacy
- The submitted plans are incorrect
- The structure would block out sunlight

**Planning Officers Comments:** Emily Pugh

### 1.0 Application Site

1.1 This application relates to 6 Persh Way, a mid-terrace property located in a prominent position on a crescent development, comprised of dwellings similar in appearance. The rear garden is elongated, backing on to agricultural fields - however the site is not affected by any restrictive landscape designations (**see site location plan**).

### 2.0 Relevant Planning History

2.1 No relevant history pertaining to this application.

### 3.0 Current Application

3.1 The current application seeks the retention of a timber children's playhouse structure in the rear garden of the application site. The structure comprises a playhouse (resembling a typical garden shed), which is stationed on a raised platform (some 1.6m from ground level), and as such comprises some 4m in total height. The structure also includes a raised platform at one end to which are attached a 2.5m high timber monkey bars with a children's slide under (**see elevations**).

### 4.0 Policy Context

4.1 The development plan comprises the Joint Core Strategy (JCS) (2018) and saved policies in 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) 2018.

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

## 5.0 Analysis

5.1 The main issues to be considered are: the impact on neighbouring amenity; and design.

### Impact on Residential Amenity

5.2 Paragraph 127 of the NPPF specifies that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Likewise, Policies HOU8 and SD4 state that development will only be permitted if the proposal does not have an unacceptable impact on adjacent property in terms of bulk, massing, size and overlooking.

5.3 The play house was originally located centrally within the rear garden (**see original site layout**) and objections were raised from an adjoining neighbour in relation to loss of privacy due to overlooking as a result of children playing on the raised platform and looking out of the windows in the playhouse. The applicant subsequently obscure glazed the windows in the playhouse.

5.4 In order to further mitigate overlooking, it was suggested that consideration be given to move the structure to sit tight with the rear boundary in order that it would be at the furthest possible point away from the neighbours. It was further suggested that screening be erected to the sides of the raised platform and the overall height of the structure reduced.

5.5 The applicant subsequently moved the structure to the rear of the garden in a position that runs parallel to the intervening boundary fence (albeit the playhouse has not yet been placed on the raised platform). Subsequent discussions were held with the applicant about moving the playhouse further away from the fence, providing the privacy screening to the raised platform, lowering the height by 360mm and re-orientating the monkey bars and swings to a 90 degree angle to face away from the neighbours instead of along their boundary, which was agreed to and revised plans were submitted.

5.6 Therefore, in view of the cumulative steps taken to mitigate loss of amenity to neighbour properties, it is now considered that the structure is acceptable and does not pose an overbearing impact. It will be suggested however that a condition is imposed requiring each of those measures to be retained for the lifetime of the development in order to safeguard that amenity in perpetuity. The proposed therefore complies with Policy HOU8 of the Tewkesbury Borough Local Plan and SD4 of the Joint Core Strategy 2017.

### Design and Appearance

5.7 Section 12 of the NPPF relates to "Achieving well-designed places" and, Paragraph 124, sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Likewise, Paragraph 127 specifies that planning policies and decisions should ensure that developments, inter alia: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

5.8 In this regard, Policy SD4 (Design Requirements) of the JCS and likewise Policy HOU8 of the TBCLP set out that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. It further sets out that design should establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live.

5.9 The playhouse supporting structure is constructed from timber beams with timber weatherboarding and slate roofing to the playhouse, which resembles an untreated garden shed. Given its elevated position, the playhouse appears rather prominent and incongruous. The neighbours have raised objections to its appearance (including in its current siting at the rear of the garden). However, the neighbour's benefits from a large rear garden and it is not considered that the playhouse would be overbearing. It is also the case that a larger structure (albeit with lower eaves) could be erected in the rear garden to a height of 4m. Given that the playhouse is unlikely to be retained in the applicant's garden after it is no longer required for the family's children, on balance, the appearance of the playhouse, and its impact on the neighbour is considered acceptable.

## 6.0 Conclusion & Recommendation

6.1 It is concluded that on balance, the proposal has an acceptable impact on neighbouring property. It is therefore recommended that the application be **Permitted**.

### RECOMMENDATION Permit

Conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved documents:
  - Block plan reference 2023-P-02D, received 7th June 2019.;except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans

2. The external materials shall be left to weather naturally unless otherwise stated in writing by the local planning authority.

Reason: To ensure that the proposed development is in keeping with the existing dwelling

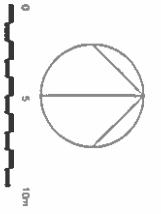
3. All windows hereby permitted in the development shall be fitted with obscure glazing (Minimum Pilkington Level 4 or equivalent) prior to its first. The windows shall thereafter be retained as such and not altered without the prior consent of the Local Planning Authority.

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

Note:

#### 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 amendments to the material and external colour of the proposal.



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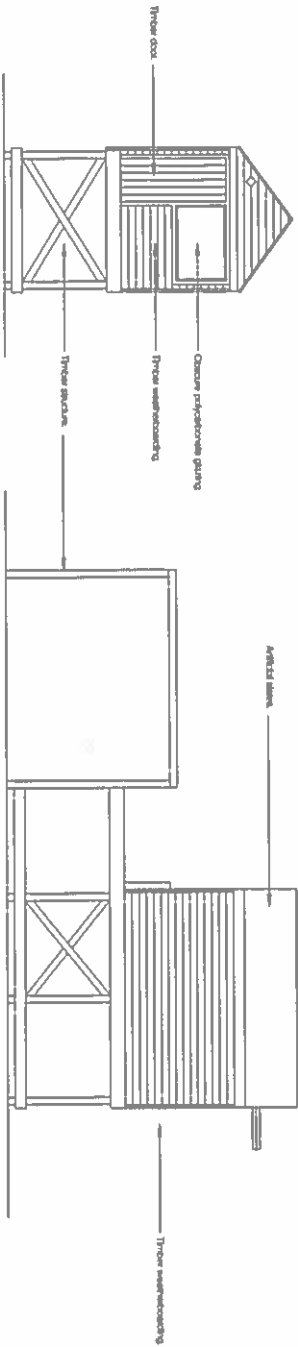
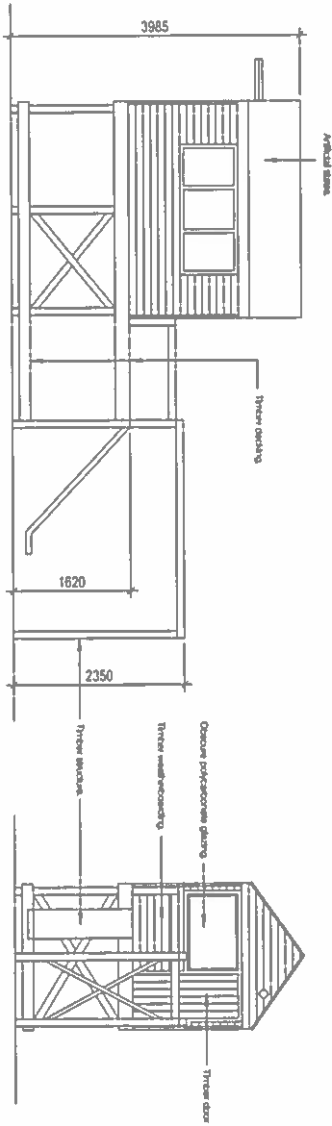
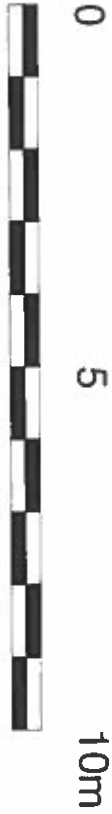
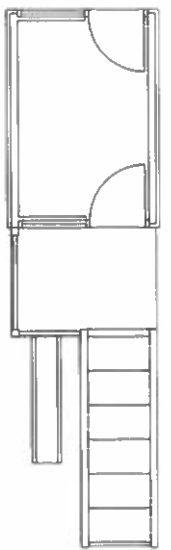
Symbol	Description	Scale	Drawn
C	Building footprint	5:1-18	DPS
B	Building footprint	5:1-18	DPS
A	Building footprint	2:1-18	DPS
Symbol	Description	Scale	Drawn

DesignForLiving  
 BUILDING REGULATIONS

Site & Material Covered  
 146 07 153 20230801 Issue 07/18 20230801 [Planning@designforliving.com](mailto:Planning@designforliving.com)

**SITE PLAN**  
 CHILDREN'S PLAYHOUSE  
 6 PERSH WAY  
 NAUSEMORE

date NOV 2018  
 scale 1:200 @ A2  
 drawn DPS  
 2023-P-02C



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A Building site exhibit  
 revision 1  
 2:11:18  
 Date  
 Drawn

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PROPOSED PLAN AND ELEVATIONS

CHILDRENS PLAYHOUSE  
 6 PERSCH WAY  
 MARSEMORE

date NOV 2018  
 scale 1:50 @ A2  
 drawn DPS  
 2023-P-01A

Valid 19.03.2019  
Grid Ref 395680 227024  
Parish Bishops Cleeve  
Ward Cleeve Grange

Single storey rear/side extension

## **RECOMMENDATION Permit**

### **Policies and Constraints**

Joint Core Strategy (2018) (JCS) - Policy SD4, SD14  
Tewkesbury Borough Local Plan to 2011(TBLP) - March 2006 - Policy HOU8  
National Planning Policy Framework 2018  
Planning Practice Guidance  
Human Rights Act 1998 - Article 8 (right to Respect for Private and Family Life)  
The First Protocol, Article 1 (Protection of Property)

### **Consultations and Representations**

Parish Council - Objects to the proposal which represents overdevelopment of the site. Should works be permitted, the shared access for neighbours and pedestrians, alongside the property, should be safely maintained during construction.  
Local residents - No responses received.

**Planning Officers Comments:** Mrs Sarah Barnes

### **1.0 Application Site**

1.1 This application relates to 7 Kingswood Close, an end of terraced property located in Bishops Cleeve (site location plan attached).

### **2.0 Current application**

2.1 The current application is for a single storey rear / side extension (plans attached). It would create a store and a breakfast room at ground floor level.

### **3.0 Recent History**

3.1 In 2018 permission was granted for a single storey rear extension (18/00416/FUL). This has not been built.

### **4.0 Policy Context**

4.1 The development plan comprises the Joint Core Strategy (JCS) (2018) and saved policies in 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) 2018.

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

## 5.0 Analysis

### Design and Size

5.1 Section 12 of the NPPF relates to "Achieving well-designed places" and, Paragraph 124, sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Likewise, Paragraph 127 specifies that planning policies and decisions should ensure that developments, inter alia: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

5.2 In this regard, Policy SD4 (Design Requirements) of the JCS and likewise Policy HOU8 of the TBLP set out that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. It further sets out that design should establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live.

5.3 The proposed single storey side / rear extension would be a relatively modest size and would be constructed from facing brick to match in with the existing dwelling. It is considered that the proposal would have an acceptable impact on the character of the surrounding area and would comply with the requirements of Policy HOU8 of the Local Plan and Policy SD4 of the JCS.

5.4 In relation to the Parish Council's concerns regarding 'overdevelopment' of the site, their concerns have been noted. However, it is not considered that the proposal would result in 'overdevelopment' given that the dwelling has not been previously extended and there would still be sufficient amount of garden space left free from additions / extensions.

### Residential amenity

5.5 Paragraph 127 of the NPPF specifies that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Likewise, Policies HOU8 and SD4 state that development will only be permitted if the proposal does not have an unacceptable impact on adjacent property in terms of bulk, massing, size and overlooking.

5.6 The impact of the proposal upon neighbouring properties has carefully been assessed and it is considered that there would not be an undue impact upon their amenity in accordance with Policy HOU8 of the Local Plan and Policy SD14 of the JCS.

## 6.0 Conclusion

6.1 Overall, whilst the Parish Council's comments are noted, it is considered that the proposal would not be harmful to the appearance of the existing dwelling nor the street scene and it would not result in an unacceptable loss of residential amenity to neighbouring dwellings. The proposal would also be of an acceptable size and design. It would therefore accord with Policy HOU8 of the Local Plan, the Joint Core Strategy and the NPPF 2019. The application is therefore recommended for permission.

### RECOMMENDATION Permit

#### Conditions:

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

3. The development hereby permitted shall be carried out in accordance with the application form, site plan, block plan and proposed elevations / proposed floor plans dated 13th March 2019 except where these may be modified by any other conditions attached to this permission.

Reasons:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the proposed development is in keeping with the existing dwelling.
3. To ensure that the development is carried out in accordance with the approved plans.

Notes:

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

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

2. Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:
  - Work on an existing wall or structure shared with another property.
  - Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property.
  - Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/ site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act 1996. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DCLG publication Preventing and resolving disputes in relation to party walls - explanatory booklet.

3. Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Building Control Team on [Buildingcontrol@cheltenham.gov.uk](mailto:Buildingcontrol@cheltenham.gov.uk).



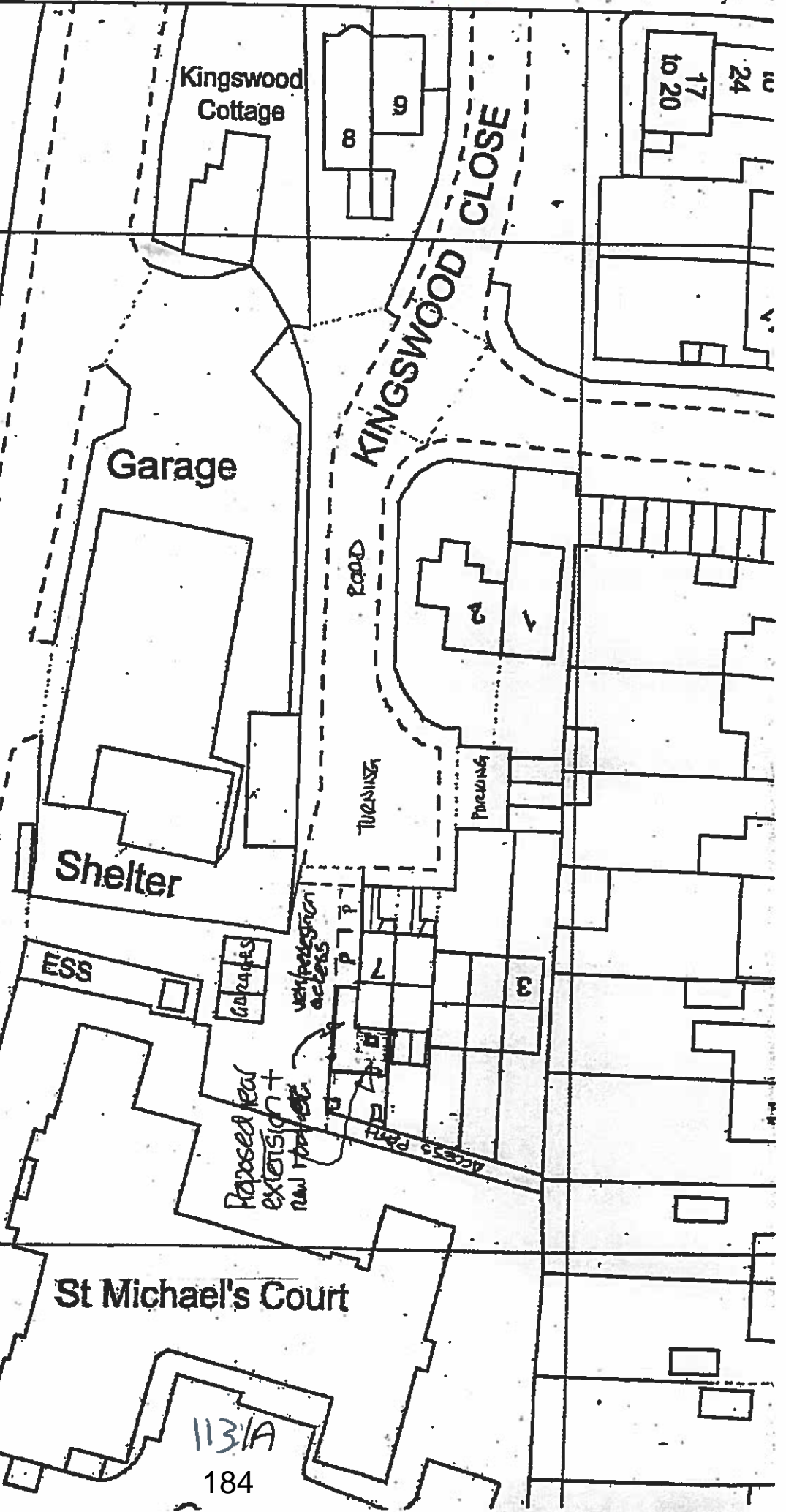
19/00281/Ful

No 7 Kingswood Close. Bishops Cleeve.  
Cheltenham. Glos. GL52 8 9L.  
SITE PLAN AS PROPOSED 1:500  
18: 1840: SPO3. MARCH 2019  
DENNIS L ROBERTSON TEL 01242 620818



56.7m

CHELtenham ROAD



Kingswood Cottage

Garage

Shelter

ESS

St Michael's Court

113/A

184

KINGSWOOD CLOSE

ROAD

MENS

TOILETS

Garages

Proposed rear extension + new balcony

Access path

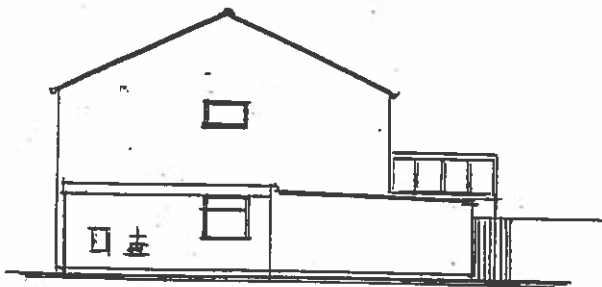
Access path

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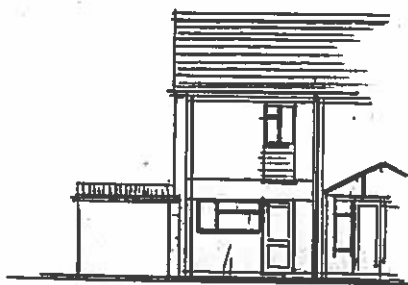
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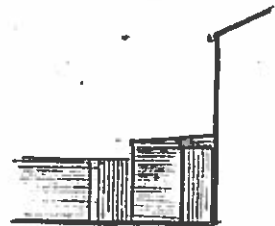
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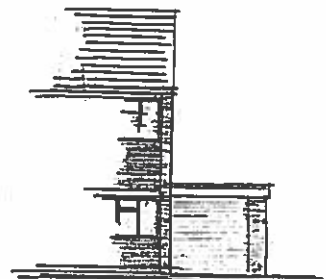
SIDE ELEVATION (WEST)



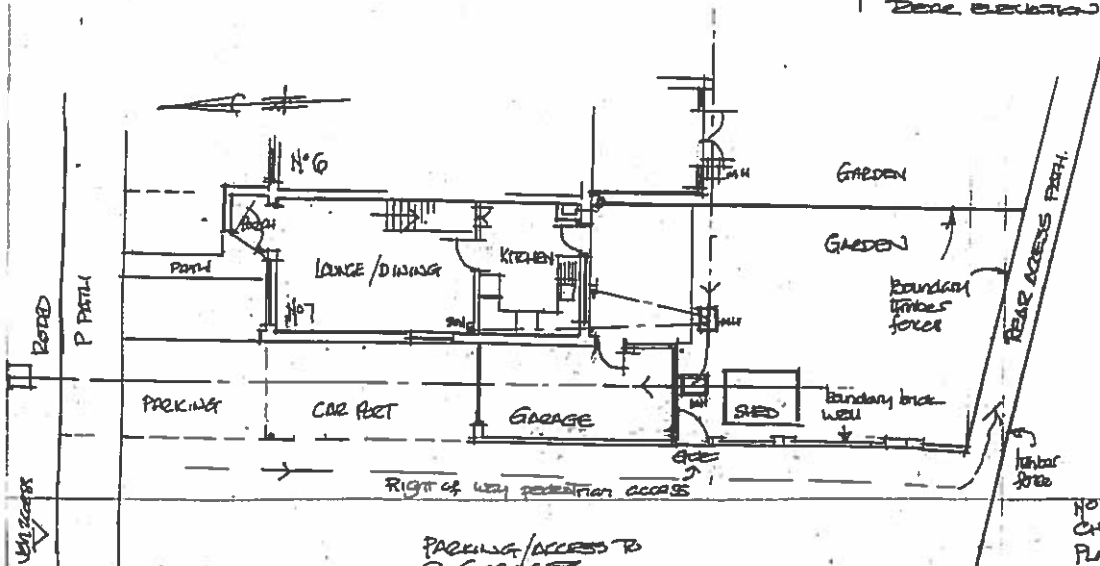
SIDE ELEVATION (SOUTH)



SIDE ELEVATION.



FRONT ELEVATION



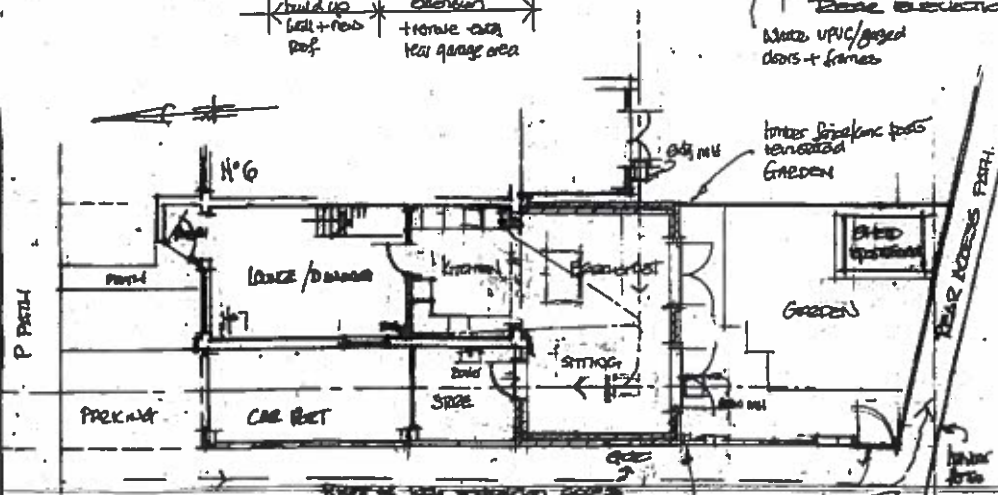
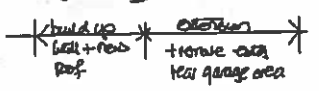
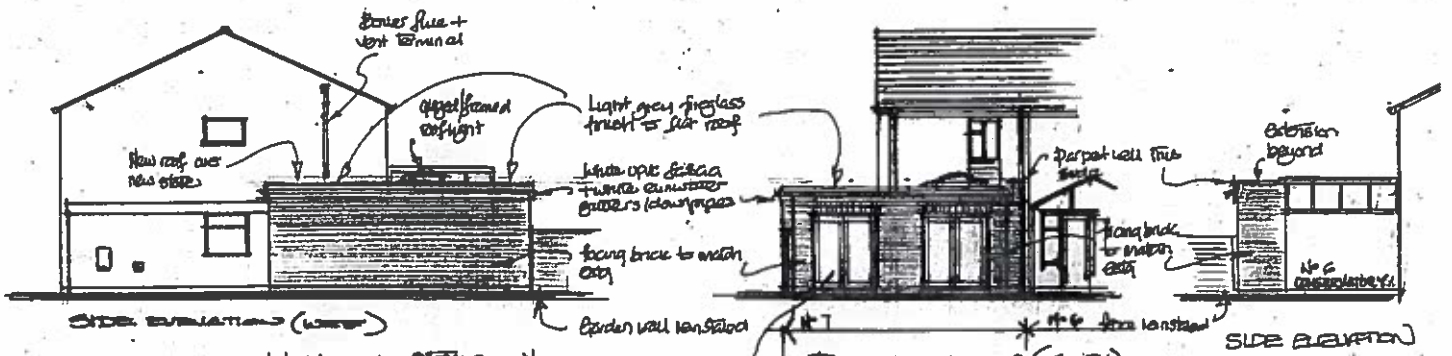
GROUND FLOOR SITE PLAN.

PARKING/ACCESS TO 3 GARAGES

N07 KINGSWOOD CREEK, BISHOP'S CLEEVE  
CHECKED BY: GLOS. 6152 BSL  
PLAN/ELEVATIONS AS EXISTING 1:100  
18:1840:01 APRIL 2018  
DENIS L RECTOR TEL: 01423 620818

113/B

19/0028/1/FUL



GROUND FLOOR SITE PLAN.

NO 7 KINGSWOOD CIRCLE, BISHOP'S CLEEVE, CHESTERHAM, GLOS. GL52 8SL  
 PLAN/ELEVATIONS AS PROPOSED 1:100  
 18:1840:05 MARCH 2019  
 DENIS L RAYTON TEL 01422 620818

113/c.

Valid 07.11.2018

Approval of reserved matters further to planning permission reference 17/00955/OUT (erection of up to five dwellings including infrastructure, ancillary facilities, open space and landscaping).

Grid Ref 394812 228031  
Parish Bishops Cleeve  
Ward Cleeve West

## **RECOMMENDATION Approve**

### **Policies and Constraints**

National Planning Policy Framework (2018)  
Planning Practice Guidance  
Joint Core Strategy (2017) SD6, SD11, SD12, SD14, INF1, INF2

### **Consultations and Representations**

**Parish** - Bishop's Cleeve Parish Council objects to the application. The proposed development is of poor design. It does not improve the character and quality of the area and is not complementary with the neighbourhood.

**Urban Design Officer** - The revised plans are generally in line with the outline application. The close board fence has been amended in line with my previous comments. I have no objection to this application.

**County Highways** - Further to alterations to the layout. No objection.

**Severn Trent** - No comments received

**Land Drainage Officer** - No objection subject to conditions

**Local Residents** - No comments received

**Planning Officers Comments:** Paul Instone

### **1.0 Application Site**

1.1 The application site comprises a relatively flat rectangular parcel of land which is laid to grass located on the northern edge of Bishops Cleeve. The application site is currently fenced off preventing public access. A residential estate lies to the south and east of the site and to the north lies a watercourse and trees. To the north east the site is adjoined by Hayfield Way which provides vehicular access.

1.2 The site is located within the Residential Development Boundary of Bishops Cleeve as defined in the Tewkesbury Borough Local Plan - March 2006. The site is not affected by any landscape designations.

### **2.0 Planning History**

2.1 The application site was included in outline application (87/00026/OUT) for approximately 1000 dwellings though was not covered by the subsequent reserved matters approval for Phases 16 and 17 (95/00064/APP), which is now Ashlea Meadows, Acacia Park and Beechurst Way.

2.2 Outline planning permission (ref: 17/00955/OUT) with all matters reserved was permitted on the site for up to 5 dwellings including infrastructure, ancillary facilities, opens space, landscaping and construction of private drives off Hayfield Way in January 2018.

### **3.0 Current Application**

3.1 The current application seeks approval of reserved matters pursuant to the outline planning permission mentioned above (ref:17/00955/OUT) and seeks approval for access, appearance, landscaping, layout and scale. The application proposes 5 dwellings (open market) with access onto the Hayfield Way.

3.2 The proposed dwellings are three bedroom, two storey with a pitched roof and front facing dormer window arranged in two terraces with an access road to the north.

3.3 The applicant has been amended further to comments from officers to allow maintenance access to the watercourse which runs to the north of the application site.

3.4 The application also seeks to discharge certain conditions as part of the reserved matters application which were imposed on the outline planning permission.

3.5 Condition 13 of the outline permission required that the floorspace of the proposed development did not exceed 1000 square metres, in light of planning policy regarding affordable housing at the time. The current reserved matters scheme comprises a total floorspace of 640 square metres, thus complying with the outline permission.

#### **4.0 Planning Policy**

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals are 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 plans for the area and Government policy in respect of new housing development.

4.2 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 (TBLP) to 2011 which had hitherto been saved by the Secretary of State.

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

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

#### **5.0 Analysis**

5.1 The principle of residential development at the site for 5 houses has been established through the grant of outline planning permission. The key issues in relation to this reserved matters application are considered to be:

- Layout, scale, character, appearance and landscaping
- Existing and future residential amenity
- Access, turning and parking

#### **Layout, scale, character, appearance and landscaping**

5.2 The NPPF states that the creation, of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable in communities. Policy SD4 of the JCS 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.

5.3 The proposed layout of the development is broadly consistent with the indicative layout which was considered to be acceptable in the determination of the outline application. The layout has been redesigned further to comments from officers to allow maintenance access to the watercourse which lies to the east of the site. Each dwelling would sit comfortably within its plot, provide adequate separation and private amenity space and the positioning and orientation of the dwellings would provide a frontage onto Hayfield Way, and the density of the built form is considered appropriate for the urban context of the site.

5.4 In respect to scale, the proposed dwellings are two storey pitched roof structures. The applicant has provided a levels plan and it is considered that the levels, size and massing of the proposed dwellings are appropriate in relation to existing and neighbouring properties. On this basis the proposal is considered to be of an acceptable scale.

5.5 In terms of appearance, the proposed dwellings would have a red buff brick finishing with grey tiled roof, which take architectural cues from surrounding dwellings. Within the communal areas fencing would comprise of post and rail and knee rail fencing which would enable integration of the site with the surrounding built form.

5.6 In regard to landscaping, the application provides tree protection measures showing the retention of the existing tree and hedge belt to the south of the site and the trees to the north west of the site which lie outside of application site. It is recommended that a condition is imposed to secure these tree protection measures. Grassed areas are proposed to the south of the dwellings and at the entrance to the site adjacent to the bin collection point. In addition a mixture of external surfaces are proposed demarking public and private areas and providing legibility to the layout. Overall it is considered that the landscaping approach is acceptable.

### **Residential Amenity**

5.7 Policy SD4 (iii) requires that new development should enhance comfort, convenience and enjoyment through the assessment of the opportunities for light, privacy and external space, and the avoidance of mitigation of potential disturbance, including visual intrusion, noise, smell and pollution. Policy SD14 further requires that new development must cause no harm to local amenity, including the amenity of neighbouring occupiers.

5.8 In respect to existing residents, the dwellings most effected by the proposal would be numbers 11-16 Acacia Park. There would be a separation distance of approximately 15 metres between the front elevation of numbers 11-15 and the nearest side elevation of the proposed dwellings, which do not have any windows. There would be some overlooking of the rear gardens of the proposed dwellings from numbers 11-15, but given the separation distance and the architectural approach it is considered that the proposed would not give any unacceptable overlooking or overdominating impact arising from the proposal.

5.9 Number 11 Acacia Park is located closer to the application site and the separation distance is approximately 2 metres from the single storey side extension of the number 11 to the nearest proposed dwelling. However it is the single storey side elevation of the number 11 which faces towards the application site and it is therefore again considered that there would not be any unacceptable overlooking or overdominating impact arising from the proposal.

5.10 In respect to the amenity of future residents, the layout demonstrates that there is an adequate 24 metre separation distance between the proposed dwellings which would not give rise to unacceptable overlooking and it is considered that the outdoor amenity space is acceptable for the size of the dwellings proposed.

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

### **Flood Risk and Drainage**

5.12 The NPPF states at paragraph 163 of the NPPF states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Policy INF2 of the JCS echoes these requirements.

5.13 The site lies wholly within Flood Zone 1 where there is a low risk of flooding from all sources, however there is a watercourse to the north of the application site. Further to comments from the Council's Flood Risk Management Engineer the layout has been redesigned to allow access to the watercourse for maintenance via communal area.

5.14 Whilst a drainage plan has been submitted with the application this does not meet the requirements of condition 9 of the outline planning permission which requires a detailed drainage strategy to be submitted supported by evidence of ground conditions.

5.15 Notwithstanding this matter, it is considered that the proposed layout is capable of accommodating a drainage scheme which is compliant with the NPPF and Policy INF2 of the JCS.

## **Highway Safety and Access**

5.16 Paragraph 109 of the NPPF requires that safe and suitable access be achieved but states that development should only be refused on transport grounds where the cumulative impact is severe. This advice is echoed in Policy INF1 of the JCS.

5.17 The layout shows that the proposed dwellings are to be accessed off Hayfield Way and that 11 parking spaces would be provided in the site. This level of parking is considered acceptable for 5 no. three bedroom dwellings.

5.18 The County Highway Authority has been consulted on the application and are content with the access, layout and parking provided at reserved matters stage. The submitted vehicle tracking has demonstrated that the layout can accommodate the expected vehicles that will be accessing/egressing the development site enabling vehicles to enter, turn, park and leave in a forward gear without conflict.

5.19 In light of the above, it is considered that the proposal would not have a 'severe' impact on the safety or satisfactory operation of the highway network, and would accord with the NPPF and policy INF1 of the JCS.

## **Other Matters**

5.20 This reserved matters application addresses the conditional requirements of condition 1 (reserved matters), condition 2 (reserved matters), condition 4 (levels), condition 5 (tree retention), condition 7 (materials) and condition 8 (parking and turning).

5.21 The applicant is advised that the following conditions of planning permission 17/00955/OUT Still need to be complied with condition 3 (commencement of development), condition 6 (landscaping implementation), condition 9 (drainage), conditions 10, 11 and 12 (contamination remediation and investigation), condition 13 (maximum floorspace).

## **6.0 Conclusion and Recommendation**

6.1 Taking the above matters into consideration it is recommended that all reserved matters are approved

### **Summary of Reasons for Decision:**

## **RECOMMENDATION Approve**

### **Conditions:**

1. The development shall be carried out in accordance with the following approved plans:
  - PL005 E Proposed Site Plan
  - PL006B Proposed Plans and Elevations 3, 4 and 5
  - PL007 C Proposed Plans and Elevations 1&2
  - PL008 B Proposed Streetscenes
  - PL011 A Tree Protection Plan
  - PL012 B Proposed Landscape Plan
  - Proposed Materials 18.20.015 B
2. The levels of the Proposed Development shall be constructed in accordance with approved plan PL005E
3. All planting, seeding or turfing shown on approved plan PL012 B shall be carried out in the first planting season following the occupation of the buildings, or the completion of the development, whichever is sooner. Any trees, plants or areas of turfing or seeding, which, within a period of 5 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

4. Protective fencing and/or other protective measures shall be erected around each tree and hedge to be retained in accordance with approved plan PL11A and British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction before and site clearance works or development commence, and before and machinery or equipment has been allowed on site. The area surrounding each tree/hedge shall remain undisturbed during the course of the works without the prior written approval of the Local Planning Authority

Reasons:

1. For the avoidance of doubt and in the interests of proper planning
2. To ensure that the proposal is constructed in an acceptable level with regards to the surrounding area
3. On the interests of visual amenity
4. To ensure trees and hedges to be retained are adequately protected from damage during the works hereby permitted and in the interests of amenity

Notes:

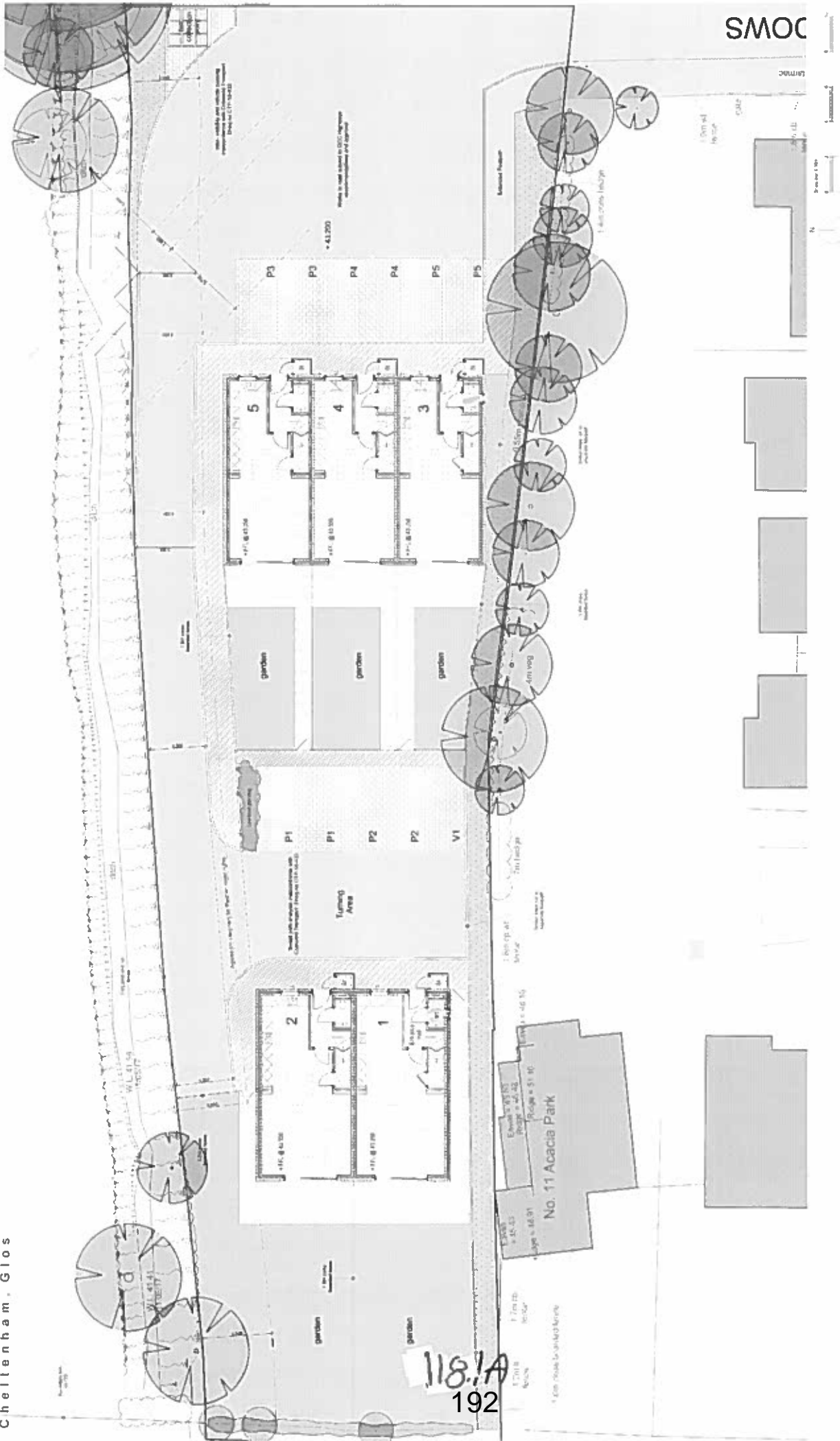
1. **Statement of Positive and Proactive Engagement**

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

2. The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.
3. The applicant is advised that the following conditions of planning permission 17/00955/OUT still need to be complied with condition 3 (commencement of development), condition 6 (landscaping implementation), condition 9 (submission of drainage details), conditions 10, 11 and 12 (contamination remediation and investigation), condition 13 (maximum floorspace)



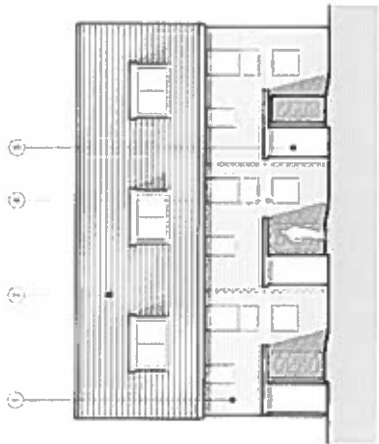
Land at Hayfield Way, Bishops Cleeve, Cheltenham, Glos



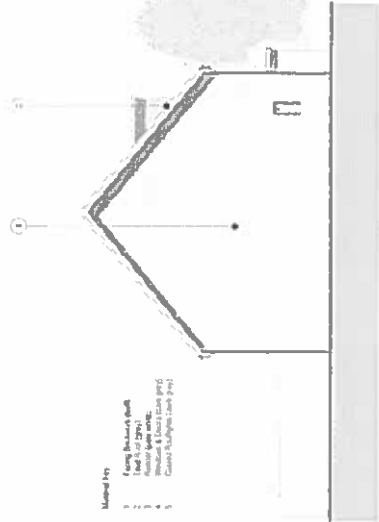
118.1A  
192

<b>combes - event architects limited</b> Unit No. 1, The Old Dairy Rushey Lane Winchcombe Gloucestershire GL54 5UE T: 01452 80772 F: 01452 557583 e: info@combes-architects.co.uk www.combes-architects.co.uk	Preliminary Feasibility Planning Building Regulations Tender Construction phase As Built	REV A - 12.12.2019 REV B - 14.03.2020 REV C - 16.03.2020 REV D - 20.02.2021 REV E - 20.02.2021	1. Approved for construction of all buildings - built as shown or as shown and modified as shown. 2. Do not build anything not shown on this plan without the prior written consent of the architect. 3. All work shall be done in accordance with the Building Regulations and all other relevant laws and regulations. 4. All work shall be done in accordance with the Building Regulations and all other relevant laws and regulations. 5. All work shall be done in accordance with the Building Regulations and all other relevant laws and regulations.	Project: Land at Hayfield Way Drawing Title: Proposed Site Plan Client: Bus Homes Drawn by: DK Checked by: TC Project No: 19.20.015	Project: Land at Hayfield Way Drawing Title: Proposed Site Plan Client: Bus Homes Drawn by: DK Checked by: TC Project No: 19.20.015
	KIBA RIBA AA	Project: Land at Hayfield Way Drawing Title: Proposed Site Plan Client: Bus Homes Drawn by: DK Checked by: TC Project No: 19.20.015	Project: Land at Hayfield Way Drawing Title: Proposed Site Plan Client: Bus Homes Drawn by: DK Checked by: TC Project No: 19.20.015	Project: Land at Hayfield Way Drawing Title: Proposed Site Plan Client: Bus Homes Drawn by: DK Checked by: TC Project No: 19.20.015	Project: Land at Hayfield Way Drawing Title: Proposed Site Plan Client: Bus Homes Drawn by: DK Checked by: TC Project No: 19.20.015

Land at Hayfield Way, Bishops Cleeve,  
Cheltenham, Glos

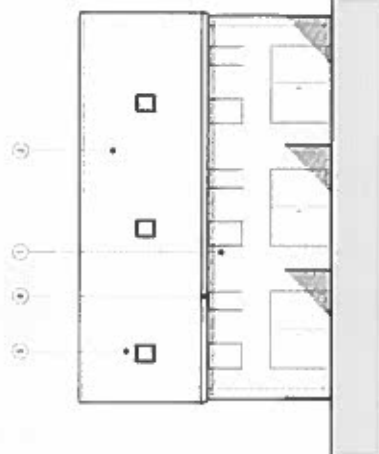


Front Elevation

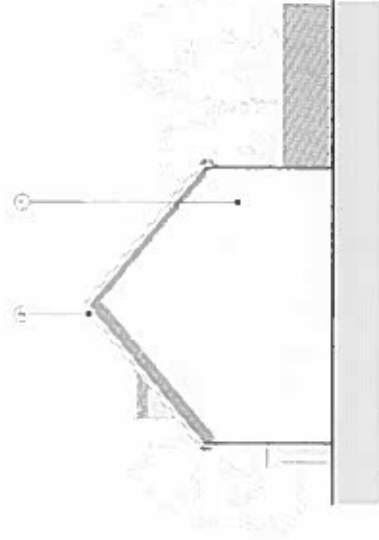


Side Elevation 1

- Material Key
- 1 Long Brickwork South
  - 2 Red Brickwork North
  - 3 Red Brickwork East
  - 4 Red Brickwork West
  - 5 Concrete (Impervious Stone Paving)

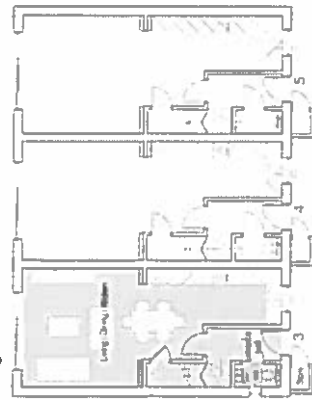


Rear Elevation

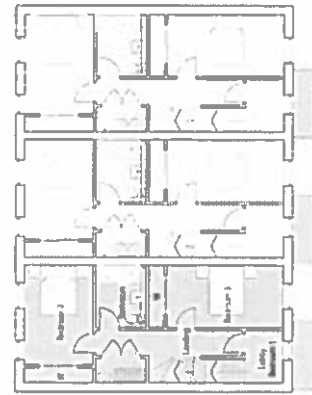


Side Elevation 2

118/B  
193



Ground Floor Plan 1:100



First Floor Plan 1:100



Second Floor Plan 1:50



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www.coombes-architects.co.uk

Preliminary  
Feasibility  
Planning  
Building Regulations  
Tender  
Construction start  
As Built

1. The drawings are subject to the provisions of conditions made in this contract and shall not be used for any other purpose without the written consent of the architect.
2. The drawings are not to be used for any other purpose without the written consent of the architect.
3. The drawings are not to be used for any other purpose without the written consent of the architect.
4. The drawings are not to be used for any other purpose without the written consent of the architect.



REV A - PA - 27 JUL 2018  
Hybrid approval  
The drawings are not to be used for any other purpose without the written consent of the architect.

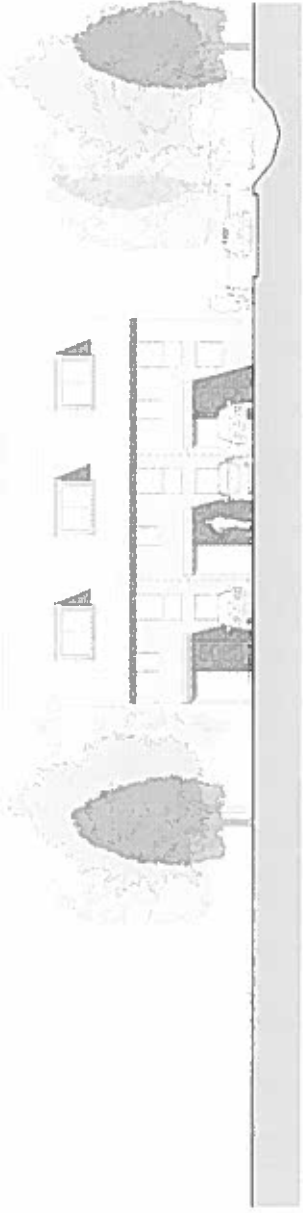
Drawing Title	Proposed Plans and Elevations 3 x 5
Client	Bao Homes
Drawn by	DK Checker TC
Project No	18 20 015

Project	Land at Hayfield Way, Bishop Cleeve, Cheltenham, Glos
Scale	1:100 @ A1
Date	October 2018
Project / Drawing No	PL008 B

coombes - eventit architects



Land at Hayfield Way, Bishops Cleeve, Cheltenham, Glos



Site Section Looking West



Site Section Looking North



Site Section Looking South

1165/5

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 www.co-architects.co.uk

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

RIBA

REV A, 12.11.2019  
 Approved for construction  
 REV B, 18.20.015  
 Myself updated

Drawing title	Proposed Structures
Checked by	Buo Homes
Drawn by	DK
Project No	18 20 015
Checked by	TC

Project	Land at Hayfield Way, Bishops Cleeve, Cheltenham, Glos
Scale	1:100 @ A1
Date	October 2018
Project / Drawing No	PL008 B

Valid 02.04.2019

Application to vary condition 2 (approved drawing numbers). The design includes alteration to the layout at first floor and the addition of two bedrooms and bathroom in the roof space, with roof lights to front and rear elevations.

Grid Ref 377997 217211  
Parish Minsterworth  
Ward Highnam With Haw  
Bridge

## RECOMMENDATION Approve

### Policies and Constraints

National Planning Policy Framework (2018)  
Planning Practice Guidance  
Joint Core Strategy (2017) - SD4, SD14,  
Tewkesbury Borough Local Plan to 2011 (March 2006) - No relevant  
Human Rights Act 1998 - Article 8  
The First Protocol - Article 1

### Consultations and Representations

**Minsterworth Parish Council (summarised) - Objection**  
impact on streetscene.

Revised comments submitted on 20th May 2019.

#### Objection

- roof lights will be detrimental to the streetscene
- rooflights will impact neighbours privacy and be overbearing
- additional bedrooms results in additional family size in turn impacting on exit and egress onto the public highway.
- larger houses for sale produces an imbalance to village, larger houses outnumbering smaller homes.

**Gloucestershire County Highway Authority (summarised - No objection to the proposal.**

**Neighbour comments - Comments with regard to the previous application process.**

#### Objection to the current proposal

- The design of the development does not reflect the character of the area.
- Detrimental impact on Merville and Enderley due to the height and positioning of the dwellings.

### Planning Officers Comments: Dawn Lloyd

#### 1.0 Introduction

1.1 The application site is a broadly rectangular parcel of land, sited to the north of the A48 between the properties on Enderley and Merville.

1.2 The site is not subject to any landscape designations.

1.3 Minsterworth does not have a housing development boundary. There is a linear form of development to the south of the A48 and with residential development to the west of the site and some to the east that is under construction. There is no overriding character of development in this area.

1.4 The site is to the west and in close proximity to approved residential development for 8 dwellings (Ref 17/00855/FUL) Part of parcel 1228 Main Road Minsterworth.

1.5 The site lies within the settlement boundary of Minsterworth as proposed in Tewkesbury Borough Local Plan Preferred Options Consultation October 2018.

## **2.0 Relevant Planning History**

2.1 Application 18/01024/FUL planning permission was granted on 18th December 2018 for two detached dwellings.

2.2 Outline planning permission was granted in April 2017 for up to 6 dwellings and full approval 8 dwellings in December 2017 on the parcel of land to the east of the site adjacent to Sunny Croft.

18/00045/MINOR was granted for granted to include roof lights in the roof space for a playroom and store.

2.3 85/00735/FUL A full application for the erection of a detached dwelling, construction of a new vehicular and pedestrian access was refused on the site 28th June 1985.

## **3.0 Current application**

3.1 The proposal is to vary condition 2 approved drawing numbers of application 18/01024/FUL. The proposal is to alter the design and internal layout of the two detached dwellings. The plans show the first floor to have three bedrooms and bathroom, the master bedroom has a dressing room and ensuite. A further two bedrooms and a bathroom are provided in the roof space. The design includes four roof lights to the front elevation and three to the rear. The roof lights are 0.5 metres x 0.5metres sited 1.7metres above the eaves.

## **4.0 Policy Context**

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

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

4.3 Minsterworth is identified as a service village in the JCS and there is development to the east and west of the site, the site is infill development within the service village. Criterion 4 (ii) of JCS Policy SD10 states new housing development will be permitted where it is infilling within the existing built-up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within district plans. For the purposes of criterion 4(ii), the supporting text defines 'infill development' as "the development of an under-developed plot well related to existing built development.

4.4 The site is bounded by the A48 to the south and is situated on a field between the bungalow and two storey dwelling the proposal is therefore considered to constitute infill development in accordance with JCS Policy SD10. Thus, the principle of the proposed development is considered acceptable subject to compliance with other material planning considerations. Other material policy considerations include national planning guidance contained within the National Planning Policy Framework.

## **5.0 Analysis**

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

5.2 The Parish Council and neighbours have raised objections to the proposal on the grounds that the proposed roof lights would have a detrimental impact on the streetscene and neighbours' privacy. Furthermore, that the resultant dwelling would be larger and result in more cars exit and egress onto the public highway. It is also felt that larger houses produces an imbalance to village, with larger houses outnumbering smaller homes.

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

5.3 The application is for alterations in the internal layout including two bedrooms and a bathroom in the roof space. Application 18/01024/FUL was for two four bedroomed detached dwellings the current application is for two five bedroomed properties.

5.4 The design remains similar to the original scheme and the **ridge and eave height of the roof remains unaltered** from permission 18/01024/FUL. The proposal includes roof lights to the front and rear elevations.

5.5 There is a mix of property types and designs within the Minsterworth. The dwellings would not appear dissimilar to the form, character and plot size of neighbouring residential development under construction in the vicinity of the site some of which have roof lights to the front and rear elevations.

5.6 JCS Policy SD4 of the Joint Core Strategy sets out requirements for high quality design with particular attention should be paid to the character of the area, the layout and efficient use of land, scale proportions and appearance.

5.7 The roof lights are small in scale and do not dominate roof. The design is in keeping with similar developments within the vicinity of the site and therefore complies with policy JCS SD4.

5.8 Following the implementation and occupation of the dwellings under approval 18/01024/FUL the properties would benefit from permitted development rights. Roof lights could be installed to the two dwellings under Part 1 Class C The Town and Country Planning (General Permitted Development) (England) Order 2015 (amended 2018) which would not require planning permission.

### Residential Amenity

5.9 Paragraph 127 of the NPPF specifies that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. This advice is reflected in JCS Policies SD4 and SD14 which require new development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space, and cause no unacceptable harm to local amenity including the amenity of neighbouring occupants.

5.10 The proposed rooflights are to the front and rear elevations. The four roof lights to the front overlook the access drive and parking area of the proposed dwellings. Objection has been raised by the Parish Council and the occupier of Enderley to impact on privacy.

5.11 The dwelling to the west of Enderley has two roof lights to a bedroom on the front elevation. There is a 3.5 metre access between the boundary of Enderley and the side elevation of the adjacent proposed dwelling. The front amenity area of Enderley provides parking and is partially visible from the streetscene. This area is not the main private amenity space of Enderley, which is located to the rear. The roof lights to the rear are sited towards the west and are significantly set back from the side boundary with Enderley. Due to the location, size and orientation of the rooflights it is considered that the impact from overlooking and privacy from the rooflights is not of significant detriment. The development is considered not to have a significant impact on neighbour amenity in accordance with policies SD4 and SD14.

### Highway safety

5.12 The site access on to the A48 is as the existing access with a private drive to front the dwellings. The Parish have objected to the proposal in terms of the additional bedrooms will lead to larger families in the properties that in turn will impacting on exit and egress onto the public highway.

5.13 The Highway Authority have no objection to the proposal in terms of highway safety. The previous vehicle tracking swept path analysis demonstrates that the access arrangement can support two way passing for two cars to enter/turn/park/leave in a forward gear without conflict and also demonstrates that the access arrangement can also accommodate a fire tender vehicle to enter, turn and leave in a forward gear, and therefore not have any significant highway safety issues in regards the service vehicle not entering the site. The proposal is not considered detrimental in terms of highway safety and the previous conditions of access and parking are to be applied.

## 6.0 Conclusion

6.1 The proposed rooflights and amendments to the internal layout of the dwellings approved under application 18/01024/FUL are considered acceptable and no other harm, in respect to amenity and highway safety had been identified. In view of this, it is therefore recommended that Permission is **Permitted**.

### RECOMMENDATION Approve

#### Conditions:

1. The development hereby permitted shall be begun before the expiration of five years from 18th December 2018, the date of permission 18/01024/FUL.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Proposed Floor Plans and Elevations Drawing Number 03 Rev PL4 received on 1st April 2019.
  - The following plans of application 18/01024/FUL submitted 21 November 2019
  - Proposed Streetscene and Sectional Elevations drawing Number 05 Rev PL4 Scale 1:200 @ A1
  - Site Location Plan Drawing Number 06 Rev PL2 Scale 1:1250, 1:500 @ A1
  - Proposed Site Plan Drawing Number 04 Rev PL5 Scale 1:200 @ A1
3. No development shall commence until details of existing and proposed levels, to include details of finished floor levels, relative to Ordnance Datum Newlyn including a datum point outside of the site, have been submitted to and approved by the Local Planning Authority. All development shall be carried out in accordance with the approved details.
4. No construction of the external walls and roof of the development hereby permitted shall commence until samples of the external facing materials proposed to be used for the walls and roof (including ridge tile) have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.
5. Notwithstanding the submitted plans, before the first use/occupation of the dwelling hereby permitted, full details of both hard and soft landscaping, including the position, design, materials and type of boundary treatments to be erected, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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.

6. The first floor bathroom window in the east side elevation of the dwelling adjacent to the property known as Merville; shall be glazed in obscure glass (at a minimum of Pilkington level 4 or equivalent) and fitted with 'DGS Egress Friction Stays with inbuilt child restrictors' to restrict the opening of the windows to a maximum of 150mm. The window shall thereafter be retained as such and not altered without the prior consent of the Local Planning Authority.
7. The development hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no: 04 Rev PL5 , and those facilities shall be maintained available for those purposes thereafter. Any gates shall be situated 5.0m back from the carriageway edge of the public road and not open outwards. The area of access road within 5 m of the carriageway edge of the public road shall be surfaced in bound material and maintained thereafter.
8. Visibility splays extending from a point 2.4M back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 160M distant in both directions (the Y points) shall be maintained for the duration of the use. The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.



9. The development hereby permitted shall not be occupied until full details of all foul and surface water drainage systems to serve the development have been submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be implemented in accordance with the approved details before the first occupation/use of the development hereby permitted and shall be retained thereafter

Reasons:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Reason To define the permission.
3. To ensure that the development integrates harmoniously with its surroundings and does not adversely impact upon the amenity of neighbouring residents.
4. To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
5. To ensure that the new development will be visually attractive and in the interests of residential amenity.
6. To protect the amenity of neighbouring residents.
7. To reduce potential highway impact by ensuring that appropriate access and adequate parking and manoeuvring facilities are available within the site in accordance with the NPPF.
8. To reduce potential highway impact by ensuring a adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided.
9. To ensure development would not result in unacceptable risk of pollution or harm to the environment and to ensure the proposed development does not exacerbate flood risk and deals with surface water run-off from the site in a sustainable manner, in accordance with JCS policy INF 2 and the NPPF.

Note:

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

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

# RES

## ARCHITECTURE

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GL2 2BN  
Tel: 01452 888877  
www.resarchitecture.co.uk



Revision	
1	Issue for Planning
2	Issue for Building Control
3	Issue for Construction
4	Issue for Final Approval
5	Issue for Final Approval
6	Issue for Final Approval
7	Issue for Final Approval
8	Issue for Final Approval
9	Issue for Final Approval
10	Issue for Final Approval

### PLANNING

Client  
**RES HOMES LTD**  
UNIT 19 B HIGHWAY BUSINESS PARK  
HIGHWAY, GLOUCESTER  
GL2 2BN

Project  
**LAND ADJACENT NERVILLE  
MAIN ROAD, LINGERTON**

Planning Description  
**FLOOR PLANS & ELEVATIONS  
SITE LOCATION PLAN**

Drawn By  
A1

Checked By  
A1

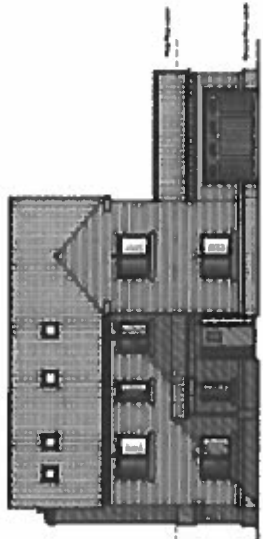
Date  
SEPT 2018

Project No  
ARC.1361

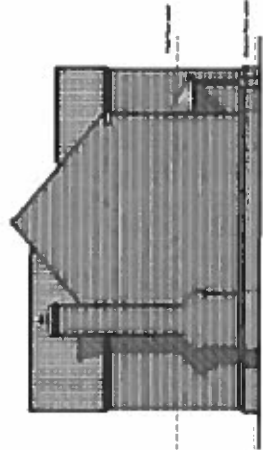
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03

PL4

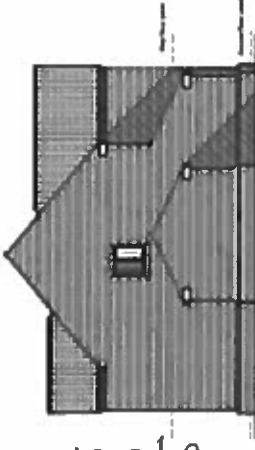
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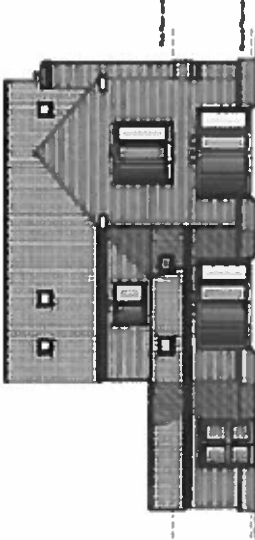
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Clarey



Side Elevation - 1:100  
Clarey



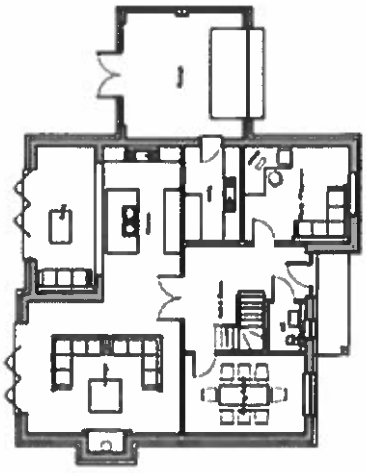
Side Elevation - 1:100  
Clarey



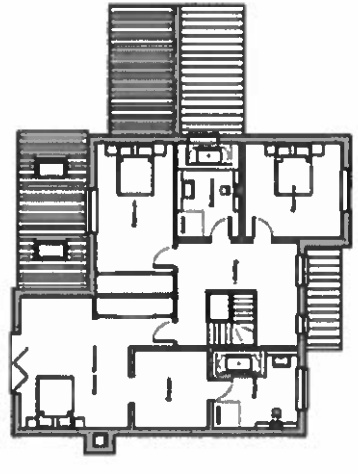
Rear Elevation - 1:100  
Clarey



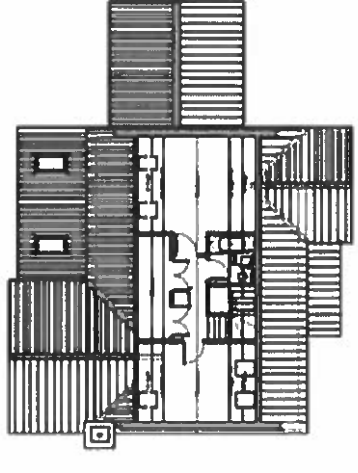
Site Plan - 1:1250



Ground Floor Plan - 1:100



First Floor Plan - 1:100



Second Floor Plan - 1:100

123/201

Valid 31.01.2019

Approval of Reserved Matters pursuant to Outline planning permission ref: 15/00749/OUT, for the provision of site infrastructure including primary road carriageway and attenuation ponds along with associated engineering works.

The outline planning application was the subject of environmental impact assessment and an Environmental Statement was submitted in support of the application.

Grid Ref 385508 221165  
Parish Innsworth  
Ward Innsworth With Down  
Hatherley

## RECOMMENDATION Delegated Approve

### Policies and Constraints

National Planning Policy Framework (2019)  
Planning Practice Guidance  
Joint Core Strategy (2017) - SD3, SD4, SD6, SD9, SD10, SD14, INF1, INF2, INF3, INF6, A1  
Tewkesbury Borough Local Plan to 2011 (March 2006) - TPT3, TPT6  
Flood and Water Management SPD  
Manual for Gloucestershire Streets  
Human Rights Act 1998 - Article 8  
The First Protocol - Article 1  
Flood Zone 1  
Public Rights of Way

### Consultations and Representations

**Churchdown Parish Council - Strong Objection - The Parish concerns are summarised as follows:-**

- The proposed road network, encompassing a junction onto Frogfurlong Lane, would not facilitate traffic flow and will exacerbate congestion and compromise highway safety;
- The flood maps used to delineate the proposed attenuation ponds are out of date and most of the proposed ponds are in Flood Zones 2 & 3;
- The application is ambiguous in relation to Green Infrastructure

**Down Hatherley & Twigworth Parish Councils - Opposition to the application - Concerns raised, summarised as follows;**

- Wish to re-iterate their deep-felt concerns regarding flood risk associated with developing the Innsworth and Twigworth sites;
- Traffic management concerns due to the huge increase in traffic that will flow across the parishes from these areas;
- Significantly increased traffic flows via the narrow rural roads of Frog Furlong Lane and Down Hatherley Lane will be unmanageable, with wider, more complex highways issues along the A38, Longford Roundabout and the Hare & Hounds junction;
- The Parish Council's must have absolute confidence that the flood mitigation proposals will work;
- Half of the SuDS/attenuation ponds are in Flood Zone 2 or 3. Most flood-water storage areas proposed in these plans are actually in the most vulnerable sites, as they are effectively in flood zone 3;
- The application need to be radically revised to correct the flood management proposals and
- minimise the predicted flood risk;
- Concerns regarding the use of SuDS within the particular environment (soil type, gradient etc)

**Innsworth Parish Council** - Comments and concerns which are summarised as follows;

- The Parish supports the comments of the UDO with regard to the position of 'Ditch 1' along the Spine Road;
- Lack of detail regarding the proposed attenuation ponds - will they have standing water all year round or be dry craters?;
- The wishes of the community, as expressed within the Neighbourhood Plan, should be respected with imaginatively designed multi-benefit water features. A pond/lake should be provided, for the benefit of wildlife and residents to enjoy;
- Concern regarding the proposed use of a Management Company in respect of certain infrastructure and the associated costs for residents;
- Concern expressed regarding the current physical condition of Innsworth Lane;
- Concern regarding the highway safety in relation to construction traffic in view of the existing bus stops along Innsworth Lane;
- Query regarding the arrangements for the existing PRoW which is proposed to be routed partly along the new road;
- Crossing points will be required and existing bus stops may need to be re-located in connection with the development;
- The police should provide input in respect of this application and future applications on the site.

**Sandhurst Parish Council** - Objects to the application on the following grounds;

- Traffic - the roads would be overloaded;
- Flooding - the main drainage site to Hatherley Brook would impact on Sandhurst Lane and impact on flooding to the village

**Urban Design Officer (UDO)** - The drainage layout and infrastructure should pay regard to the details of the approved Site Wide Masterplan Document (SWMD). Clarification sought in respect of one of the ditches indicated along the proposed Spine Road - this has been confirmed by the applicant as existing rather than proposed - The UDO therefore, raised no objection.

**Severn Trent** - Surface water is not proposed to discharge into the public sewerage system - therefore, ST has no comment to make.

**Public Rights of Way Officer** - The existing PRoW across the site must not be built over or obstructed in any way. If the paths are likely to be directly affected by building work then the developer should seek a diversion under the planning process, which would be dealt with by Tewkesbury Borough Council. The new path must be in place before the old path is stopped up.

**Lead Local Flood Authority** - No objection - The information provided shows the location of attenuation basins and connecting conveyance channels that correspond with locations agreed with the consent for this site. The positions are as shown in the FRA which included flood extents agreed with the Environment Agency.

**Land Drainage Engineer** - No objections

**Environment Agency** - No objection following the submission of additional information to clearly indicate existing and proposed contour levels. The EA concurs with the proposed compensation proposals/calculations and figures set out in Tables 1 and 2 of the above report that the loss of storage will be negated by the scheme. The EA checks highlight a slight loss still occurring but the methodology used is coarser than that undertaken, and all figures compare proportionately. The EA have recommended that additional wildlife/ecological benefits be incorporated within the proposed SuDS scheme, in discussion with Natural England.

**County Highways Officer** - General observations and request for additional information in respect of Road Safety Audit, planning layout and vehicle tracking. *Updated comments from the CHO are awaited, following the submission of additional information by the applicant.*

**Local Residents** - No local representations have been received.

## Planning Officers Comments: Miss Lisa Dixon

### 1.0 Introduction

1.1 Outline planning permission (reference: 15/00749/OUT) was granted by the Secretary of State for Communities and Local Government (as was) in December 2017 following a non-determination appeal. The description of development was as follows:

*A mixed use development comprising demolition of existing buildings; up to 1,300 dwellings and 8.31 hectares of land for employment generating uses comprising a neighbourhood centre of 4.23 ha (A1, A2, A3, A4, A5, D1, D2, B1), office park of 1.31 ha (B1) and business park of 2.77 ha (B1 and B8 uses); primary school, open space, landscaping, parking and supporting infrastructure and utilities; and the creation of new vehicular accesses from the A40 Gloucester Northern Bypass, Innsworth Lane and Frogfurlong Lane.*

1.2 The permission relates to the land located immediately to the north and west of Innsworth, and, for the purposes of the outline planning application, was referred to as 'Land at Innsworth' (see **location plan attached**). To the west, the wider site adjoins open countryside, including Horsbere Brook, which separates it from the settlement of Longford. Hatherley Brook defines the majority of the northern boundary, beyond which lies the adjoining 32 hectare site which is subject to outline planning permission for mixed use development comprising up to 725 dwellings, local centre, primary school, open space, supporting infrastructure and the creation of a new vehicular access off the A38 (Application ref: 15/01149/OUT). The outline planning application was the subject of environmental impact assessment and an Environmental Statement was submitted in support of the application.

1.3 A network of public rights of way (PRoW's) cross the outline site, including the Gloucestershire Way, which is a long distance footpath along its northern boundary.

1.4 The current Reserved Matters application relates to the provision of site-wide infrastructure to serve the Innsworth development. The application includes the provision of the primary/spine road carriageway which would run roughly east to west through the development, from Innsworth Lane. The proposal also includes the provision/construction of 3nos. secondary roads which would link in with the eastern extent of the primary highway. One of the secondary roads would link with the primary highway and provide access directly to/from Innsworth Lane. A second route would provide connection onto Frogfurlong Lane, with the third highway providing vehicular connection through the centre of the site, running south to north from the spine road. The submitted plans and technical details show the primary road and adjoining footway to be surfaced in asphalt concrete, to County Highways specifications **See displayed plans**.

1.5 A separate application for the first phase of residential development on the Innsworth site has also been submitted alongside the infrastructure scheme (Ref: 18/01284/APP - 253 Nos. dwellings) and this also appears on the current planning schedule. Phase 1 comprises a 5.77 hectare portion of the Outline site and includes a section of the proposed primary street, together with the entirety of the secondary street off Innsworth Lane and substantial sections of the other two secondary streets for which approval is sought within the current infrastructure RM.

1.6 The current RM application also includes details for the proposed construction of the surface water attenuation ponds (SUDs) which would serve the overall development, together with the associated engineering works, including proposed outfall channels, ditches and culverts. Associated landscaping works in respect of both the attenuation ponds and primary and secondary highways, is also included for consideration within the current infrastructure proposal.

1.7 The majority of the current infrastructure RM application, together with the entirety of the residential Phase 1 RM housing scheme (18/01285/APP) is proposed for delivery within Phase 1 of the overall delivery of the Innsworth outline site, as defined in the approved phasing plan required by condition 7 of the outline permission. However, the south-western section of spine road, which would link in with the A40 and its associated new roundabout/highways infrastructure, is proposed for delivery as part of Phase 3 of the overall site, as indicated within the site-wide phasing plan.

1.8 A number of applications for approval of details required by conditions attached to the outline permission have also been submitted, most of which have now been approved.

## *Conditional Requirements*

1.9 The outline permission includes conditions which required submission of information relating to the whole development with the first RMA. Other conditions required further information to be submitted with each phase of reserved matters. These conditions are summarised below:

- Condition 7 - Prior to or as part of the first reserved matters application, a Phasing Plan for the whole site which should include details of the approximate numbers of market and affordable dwellings for each phase, together with general locations and phasing of key infrastructure, including surface water drainage, green infrastructure and informal and formal public open space. This has been approved.
- Condition 8 - A Site Wide Masterplan Document (SWMD) either prior to or as part of the first reserved matters application. This has been approved.
- Condition 9 - A Recycling Strategy for the whole site - this has been approved and the RMA for each phase shall include details of waste storage provision for that phase which shall be in general accordance with the approved Recycling Strategy.
- Condition 10 - The first RMA submitted shall include details of all existing trees within the site, which have a stem diameter exceeding 75mm, details of each retained tree including species and general health and stability.
- Condition 11 - Submission of a tree and landscaping scheme for each phase.
- Condition 12 - No development to take place until a Written Scheme of Archaeological Investigation (WSI) has been submitted and approved in writing by the LPA. All development shall be in accordance with the approved Witten Scheme of Investigation. The WSI has been approved.
- Condition 21 - Details of proposed arrangements for future management and maintenance of the proposed streets for each RM phase.
- Condition 25 - Details of existing and proposed ground levels included with RMA for each phase.
- Condition 26 - Submission of a detailed Surface Water Drainage Strategy for the entire site - The site-wide surface water drainage strategy has been approved under Condition 26 (Application reference: 18/00123/CONDIS). Condition 26 also requires surface water drainage details to be submitted as part of each RM application for each phase or part phase.

1.10 The outline permission was also subject to Section 106 agreements with the Borough Council and Gloucestershire County Council. These matters also need to be taken into account when considering this reserved matters application and are also discussed where relevant in the following sections of this report.

1.11 The following documents have been submitted in support of the application:

- Design & Access/Compliance Statement
- Detailed Planning Layout
- Tree Survey, Tree Work Schedule and Tree Protection Plans
- Proposed Landscape Management and Maintenance Plan
- Soft Landscaping/Planting and hard landscaping Proposals
- Kerbing, surfacing and signage plans, road sections and vehicle tracking plans
- Phasing Plan
- Flood Exceedance Routing & Flood Compensation Plans

## **2.0 Policy Context**

2.1 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.

2.2 The development plan comprises the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) 2011 - 2031 (2017) and saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006.

2.3 The application site is subject to Policy A1 of the JCS which is the site specific policy for the Innsworth and Twigworth Strategic Allocation. Whilst much of the policy relates to the principle of development, of particular note to this reserved matters application are the following requirements:

- ix. A layout and form of development that respects the landscape character as well as the character, significance and setting of heritage assets and the historic landscape.
- x. A layout and form that integrates, where appropriate, important hedgerows within the development.
- xv. High quality public transport facilities and connections within and adjacent to the site.
- xvi. Safe, easy and convenient pedestrian and cycle links within the site and to key centres, providing segregated links where practical.

2.4 Other material policy considerations include the National Planning Policy Framework (NPPF) 2018 and National Planning Practice Guidance.

2.5 Other relevant policies are set out within this report.

### 3.0 Analysis

3.1 The principle of residential development at the site has been established through the grant of outline planning permission and its subsequent allocation for housing in the JCS as part of the wider Innsworth and Twigworth allocation (Policy A1). This application relates to the approval of a substantial element of the highways infrastructure, together with the site-wide drainage infrastructure (including SUDs) and the discharge of a number of conditions as detailed in section 3 of this report.

3.2 The key issues in relation to this reserved matters application are considered to be:

- Access, turning, highway safety implications including satisfactory integration with the existing highway network;
- Surface water drainage/flood risk;
- Trees and landscaping associated with the proposed new infrastructure;
- Ecology and Wildlife

3.3 In assessing these matters it is also important to consider whether they accord with the Outline Consent and its supporting documents which set out the key principles governing the development of the site, namely: the approved Parameter Plans and the approved Site Wide Masterplan Document (SWMD).

#### Access, turning, parking and highway safety

3.4 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. Policy SD4 (vii) also requires development to be well integrated with the movement network within and beyond the development itself, ensuring links by other modes and to green infrastructure.

3.5 In support of the application a suite of technical plans and documents has been submitted, including: Combined Stage 1 & 2 Road Safety Audit; Detailed Planning Layout; Road section drawings; Vehicle tracking plans; Detailed kerbing, surfacing and signage plans, including positioning details for the proposed bus shelters which would serve the primary street and Detailed tree retention, tree planting/landscaping proposals for the new streets

3.6 The County Highway Authority (CHA) has appraised the application from a highways perspective and a technical review has been completed of all the relevant submitted documents to demonstrate compliance with local and national guidance including Manual for Gloucestershire Streets (MfGS). The review is based only on the internal site layout. Access junctions with the public highway are not included as these were agreed through conditions on the outline permission which have been subsequently discharged. Concerns have been raised by neighbouring Parish Councils regarding the proposed access points into the site and the impact of the development on the wider road network. In particular, the proposed vehicular access directly to/from Frogfurlong Lane, which is proposed for delivery as part of Phase 1, has caused particular concern with regard to traffic flow and congestion. It should be noted that these matters have been previously considered in detail and subsequently approved as part of the Outline permission, whereby such matters as 'Access and Movement' were secured via the various agreed Parameter Plans (Plan Reference: H.0355\_29A-3). In light of this, vehicular means of access to the site cannot be reconsidered through the current application or accompanying, Phase 1 residential RM proposal.

3.7 The submitted Compliance Statement sets out how the detailed reserved matters submission complies with the relevant conditions associated with the Outline Planning Permission. The CHO commented that the originally submitted drawings did not make reference to the Construction and Design Management (CDM) Regulations 2015. As the proposed works will be submitted to the Highway Authority for adoption the adherence to CDM 2015 would be expected. Furthermore, the original submission did not include a Stage 1 Road Safety Audit and as such, the CHO notes that a number of comments are made that would likely have been addressed had this been undertaken. A combined Stage 1 & 2 Road Safety Audit was duly submitted to the LPA for review and revised comments are awaited in respect of this **An update will be provided at Committee.**

3.8 The CHO noted that the proposed bus turning area adjacent to the community centre would accommodate movement from both directions yet insufficient evidence had been provided to demonstrate that multiple vehicles would not arrive at the same time for passenger trips. Further, the CHO requested clarity on whether this area would be for buses only and would be subject to any restrictions for other vehicles.

3.9 The proximity of parking bays on side roads in relation to the primary road has also been questioned by the CHO As to whether this would result in vehicles attempting to enter side roads and being unable to do so due to cars undertaking parking movements. In addition, the CHO notes that the submitted 'General Planning Layout Plan' indicates works required outside of the red line boundary and advises that any works on existing highway would require the applicant to enter into a S278 agreement with GCC to undertake these works and this also applies to areas of existing highway within the red line planning boundary.

3.10 Further information was also required by the CHO in respect of the indicated route for the shared cycle facility is questioned. In particular the intention for cyclists to cross between a bus stop/shelter and pedestrian refuge island and also concern in lieu of a Road Safety Audit (subsequently submitted), if motorists can reasonably anticipate the likelihood of a cyclist crossing the carriageway in this location. Further justification was also required by the CHO regarding the intention to disrupt the continuous cycle facility by crossing cyclists to different sides of the Primary Road, as indicated by the proposed route of the cycle path.

3.11 A number of further comments were raised by the CHO, which should be addressed prior to submission for technical highways approval. These comments related to the proposed positioning of speed limit signs in order to enable drivers to have a direct line of sight to signage, road markings.

3.12 With regard to the submitted Vehicle Tracking information, the CHO raised areas to be addressed, including a review of the junction geometry of the Primary Street junction with Innsworth Lane to address vehicle movements crossing centre line and a review of left turn movement from 'Road 1' to Primary Road and placement of pedestrian refuge to be undertaken.

3.13 In summary, in respect of the originally submitted plans and technical information, the CHO required further Information in order to address the above referenced highways concerns. If the issues, as outlined, have been satisfactorily addressed, the CHO advised that they would be minded to accept the reserved matters submission.

3.14 The requested additional information has duly been submitted by the applicant and is currently under review by the CHO. **An update on this issue will be provided at Committee.**

3.15 The approved Site Wide Masterplan Document (SWMD) outlines that the design of the development aims to create a clear Spine Route which would carry traffic, not only to the proposed development but also from the A40 through to the surrounding existing areas of Innsworth and Churchdown. Furthermore, development should be arranged around a permeable grid, in order to encourage ease of use by pedestrians and cyclists. The grid would be based on a permeable network of primary, secondary and tertiary streets, which would form a clear, legible hierarchy, defined by appropriate use of formal and informal character with planting and hard materials. In order to facilitate this, the SWMD includes a 'Street Hierarchy Plan', which identifies the route of the Primary/Spine Road, linked Secondary Streets, Community Streets and Green Lanes, together with proposed pedestrian and cycle routes and existing Public Rights of Way.



3.16 In addition, the SWMD incorporates a set of 'Street Design Principles' which requires that the Spine Road be an adopted highway corridor with public transport provision in accordance with the requirements of the CHO and bus operator, 30mph design speed with applied traffic calming measures and shared cycleway/footway provided on one side of the street.

3.17 As explained, the approved SWMD is based around defined character areas and road types. As shown on the plan, a 'primary street' (Spine Road) runs through the heart of the site and would act as a main bus / transport corridor linking each phase of the wider masterplan. The carriageway would accommodate both buses and cars. A series of nodes are proposed along the primary street where landmark features, including bus stops, feature trees or feature buildings, are incorporated to increase the legibility of the development. 'Secondary' streets ('Core Neighbourhoods') would accommodate car movements, with footways of varying width. 'Community Streets & Green Lanes' ('Rural Edge') incorporate shared surface, narrower carriageways and priority given to pedestrian movement.

3.18 The proposed site layout for the infrastructure reserved matters application has been reviewed to check the level of compliance with the approved SWMD, as well as the extent to which the proposals align with local and national guidance regarding the design of new residential development. Following the CHA requirements for additional information, the applicant has sought to address their concerns which has resulted in the provision of additional/updated information covering the following matters: Combined Stage 1 & 2 Road Safety Audit; Revised general layout and revised kerbing, surfacing and signage details.

#### **Detailed Surface Water Drainage/Attenuation Ponds**

3.19 JCS Policy INF2 (2) (iv) requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. Policy INF6 also requires that the infrastructure requirements generated by a proposal are met, including by adequate on and off site infrastructure.

3.20 The main objectives of SuDS are to minimise the impacts from development on the quantity and quality of runoff and to maximise amenity and biodiversity opportunities. Furthermore, SuDS should aim to replicate as close as possible the natural drainage from the site, reduce runoff rates and volumes to reduce the risk of flooding downstream; reduce pollution concentrates to protect the quality of the receiving waters, contribute to the enhanced amenity and aesthetic value of the development and provide habitats for wildlife and biodiversity opportunities.

3.21 Condition 26 of the outline permission required the submission of a detailed surface water drainage strategy for the entire site to be submitted to and approved in writing by the LPA. The details are required to be based upon the submitted Flood Risk Assessment, dated 29 June 2015, included within the Environmental Statement and the Addendum dated April 2017 (submitted in respect of the permitted Outline application ref: 15/00749/OUT). A Detailed Surface Water Drainage & SuDS Strategy, prepared by Phoenix Design Partnership, was submitted in August 2018 under planning reference: 18/00123/CONDIS and following a request from the LLFA for the submission of Overland Flows and Exceedance Flow information, this was duly submitted by the applicant.

3.22 Condition 28 also required floor levels for all properties to be set a minimum of 750mm above the modelled 1 in 1000 year flood level, (as a proxy to the 1:100 plus 70% climate change event). Levels plans have also been submitted which confirm that Condition 28 has been complied with.

3.23 The Council's Flood Risk Drainage Engineer (FRDE) considered the submitted surface water drainage strategy and raised no objection in principle to the proposed 'Whole Site' drainage scheme, submitted in respect of Condition 26. The FRDE advised that the drainage strategy is in accordance with the approved flood risk assessment in application 15/00749/OUT and that the runoff rates for the higher return events shows significant betterment. It is also noted that the built development, including the balancing ponds, are outside the modelled 1:1000 flood outline (as a proxy for a 70% flow increase allowance for climate change).

3.24 Furthermore, the County Lead Local Flood Authority (LLFA) assessed the submitted information and raised no objection, confirming that the scheme met the requirements of a major application for which the LLFA is a statutory consultee.

3.25 A suite of information has been submitted in respect of the proposed surface water drainage strategy/attenuation ponds and associated drainage infrastructure. The information includes Detailed Planning Layout; Flood Exceedance Routing Plan; Flood Compensation Plans and detailed landscaping plans. The current RM proposal essentially sets out the physical engineering works required in order to deliver part of the SuDS strategy secured by Conditions approval ref: 18/00123/CONDIS (Condition 26). The plans/engineering/technical details have again been prepared by Phoenix Design Partnership, who prepared the detailed site-wide Surface Water Drainage Strategy, submitted in respect of Condition 26. The detailed site layout plan indicates the provision of 3nos. attenuation ponds, located within the north/north-western extent of the site. The pond volume of each is indicated, together with outfall ditches, overflow pipe positioning and associated connecting/supporting infrastructure. The accompanying Flood Route Exceedance Plan indicates the proposed flood routes to both, existing watercourses and new ditch systems. The attenuation ponds have been designed to provide storage and treatment to the surface water run-off from the proposed development prior to final outfall to Hatherley Brook via existing and new drainage ditches.

3.26 The Detailed Surface Water Drainage Strategy (DSWDS) notes that the natural drainage regime (surface water run-off) from the site drains to the existing ditches (ordinary watercourses) running through the site which outfall into the Hatherley Brook. The site is located between the Hatherley Brook which runs along the northern boundary of the site and the Horsbere Brook which is located to the southwest of the site. Both are classified as Main Rivers by the Environment Agency and flow in an east to west direction and outfall to the River Severn located approximately 2km to the west of the site. The Drainage Strategy advises that the onsite flow routes would follow the contours of the site and fall towards the existing drainage ditched within the site, where run-off will be collected and conveyed to Hatherley Brook. Existing ditches would be retained as part of the proposed development and improved where necessary by cleaning out and regrading as well as new ditches provided to ensure that the on and offsite flow routes are maintained.

3.27 Flow routes have been provided for exceedance events or for local failure of the drainage system which would ensure that flood flows are directed safely through the development to the downstream attenuation features or into existing watercourses. The submitted Flood Exceedance Route Plan indicates how off site areas currently flowing towards the site would continue to be collected and conveyed by the existing and proposed new ditches.

3.28 The site wide development would be constructed on phased basis, in accordance with the details submitted to discharge Condition 7 of the Outline consent. The approved site-wide drainage strategy takes into consideration the anticipated phasing of the development in order to ensure that, through the use of sustainable drainage techniques, the surface water run-off would be reduced from pre-development green field rate, for all stages of construction. The site-wide drainage strategy included an indicative site SuDS Phasing Plan that indicates the required attenuation ponds and associated drainage infrastructure for each phase. The attenuation ponds indicated within the current RM application are proposed for delivery within Phase 1 (in conjunction with the Phase 1 residential development for 253nos. dwellings).

#### **Attenuation Pond Design**

3.29 The ponds have been designed to provide storage and treatment to the surface water run-off from the proposed development. To provide treatment to the surface water run-off and remove pollutants prior to discharge to the downstream receiving waters, all ponds would have a permanent pool. Attenuation ponds have been designed with slopes of 1 in 5, below permanent water level for safety purposes, with a shallow zone (aquatic bench) along the edge of the permanent pool to support wetland planting which would act as a biological filter and safety margin. The pond embankments above the permanent water level have been designed with 1 in 5 slopes for safety and maintenance purposes. The exception to this is pond 3, which, due to its shallow depth, has been designed with 1 in 4 slopes. Relevant guidance recommends a maximum of 1 in 3 bank slopes and therefore, the proposed ponds meet current guidance in this respect.

#### **Landscaping**

3.30 The landscaping and aquatic planting for the proposed attenuation ponds would be designed to provide a diversity of plant species to enhance visual interest and provide a variety of wildlife habitats. Officers consider that the imposing of a landscaping condition would ensure that appropriate planting within and around the attenuation ponds is carried out and maintained thereafter.

## **Adoption, Management & Maintenance of Attenuation Ponds**

3.31 The attenuation ponds and entire SuDS would require appropriate management and maintenance over the life time of the development, in order to ensure efficient operation. Vehicle access to the ponds for maintenance and routine inspection purposes would be via the new development roads or from a 2m wide, grassed maintenance strip provided around the pond perimeter.

3.32 A dedicated SuDS Management & Maintenance Document has been produced for the development and included within the approved Site Wide Surface Water Drainage Strategy. It is intended that the SuDS Management & Maintenance Document is provided by the developer to those responsible for SuDS within Innsworth, that being property owner, tenant or management company. The maintenance document is intended to be an active document, based upon guidance document, 'The SuDS Manual', published in 2015. As such, the appointed Management & Maintenance Company would be responsible for reviewing it yearly and updating the document accordingly.

## **Health and Safety Aspects arising from Attenuation Ponds**

3.33 The attenuation ponds are designed as an online hydraulic feature for water quality purposes and are not intended for recreational use. However, the ponds would be located within areas of public open space within the overall development and as such, the health and safety implications must be given careful consideration.

3.34 The UK Flood Hazard for attenuation ponds is based upon 'Defra's Flood Risk to People - Phase 2 Document'. Based upon the Flood Hazard Classification, the attenuation ponds have been specifically designed with slopes of 1 in 5 for safety purposes, with a shallow zone along the edge to support wetland planting, whilst also acting as a barrier and discourage access to the open areas of water. As mentioned above, the proposed ponds meet with the requirements of current guidance in respect of bank slopes and safety of members of the public.

3.35 In addition, the approved surface water drainage strategy notes that safety signage and information boards would be provided around the perimeter of the ponds in order to improve awareness, discourage unauthorised access and inform the public of the potential danger. Furthermore, fencing or guarding would be provided around any structures such as headwalls where there is a vertical drop of 600mm or more. Officers consider that it would be appropriate to secure the submission of a detailed risk assessment, together with details for the proposed location and design of signage and information boards, via the imposing of a planning condition, should Members be minded to approve the current application.

3.36 The Flood Risk Drainage Engineer has subsequently confirmed that the Whole Site surface water drainage strategy is acceptable, in compliance with Condition 26 of the outline permission, and that the current RM scheme is acceptable also, in respect of surface water drainage arrangements.

3.37 The LLFA has also reviewed the current RM scheme and has advised that the information provided shows the location of attenuation basins and connecting conveyance channels that correspond with locations agreed with the consent for this site. The positions are as shown in the FRA which included flood extents agreed with the Environment Agency. As such, the LLFA have no objection to this application.

3.38 The EA has also been consulted in respect of the application and requested additional information relating to flood storage compensation details for the access road. This information was duly provided by the applicant (drawing 272-117 Rev A) to support the Compensatory Flood Storage Report dated November 2018 undertaken by Phoenix Design Partnership Limited

3.39 The EA advised that they have checked the proposed compensation proposals/calculations and concur with the figures set out in within the above referenced report that the loss of storage will be negated by the scheme. Whilst these checks highlight a slight loss still occurring, the EA note that the methodology used is coarser than that undertaken, and all figures compare proportionately.

3.40 The EA have also confirmed that as the new road embankment is the subject of a planning permission that no further permissions in the form of a permit for flood risk activities under the Environmental Permitting Regulations will be required from us in this instance.

3.41 On the basis of the information submitted within the current infrastructure RM application, it can be confirmed that this accords with the approved surface water drainage strategy (Whole Site All future phases of development must comply with this approved strategy).

### **Trees and Landscaping**

3.42 JCS Policy SD6 seeks to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. All applications will consider the landscape and visual sensitivity of the area in which they are to be located and which they may affect. Furthermore, JCS Policy SD4 (iv) requires the design of open space and landscaped areas to be of a high quality design, proving a clear structure and constitute an integral and cohesive element of the design.

3.43 The principle of the development has been established by the outline permission and the allocation of the site for housing in the JCS. Nevertheless, the site must be carefully designed to ensure its successful integration with Innsworth, the surrounding landscape and landscape features.

3.44 The approved Site Wide Masterplan approved through Condition 8 of the Outline permission details a strong network of existing and proposed green infrastructure across the wider site, with the creation of green north south routes which retain existing hedgerows to form corridors connecting the developed areas of the site with the natural landscape to the north and east. The design and route of the primary/spine road has been proposed in order to reflect the meandering nature of the east west flowing Hatherley Brook. Proposed street tree planting would incorporate Sustainable Urban Tree Planting Systems and a well-designed Sustainable Urban Drainage System would provide the natural functions of storing water and would also provide new landscape features and the creation of a wildlife habitat through careful wetland and marginal planting using locally appropriate native species.

3.45 The Streetscape Strategy embedded within the SWMD sets out that the spine road should include formal tree planting in verges, with secondary streets allowing for verges and planting. Street tree planting should be incorporated within the development, not only to soften the built form but provide structure, visual interest, ecological habitats and for their vital role in mitigating local micro-climate and reducing atmospheric pollution.

3.46 Condition 10 of the outline permission requires existing and proposed landscaping details to be submitted as part of the first RM application. The applicant has submitted a suite of information in support of the application to demonstrate compliance with the approved Masterplan and compliance with a number of conditions on the outline permission (Conditions 10 and 11) relating to landscaping. The information includes: soft landscape proposals, hard landscape proposals, Arboricultural survey, tree protection plans; proposed tree pit details; proposed tree work schedule and Landscape Management and Maintenance Plan.

3.47 The purpose of this management plan document is to ensure the appropriate management of the retained and proposed landscape areas on the site following the construction and completion of the development. The landscape areas include existing boundary vegetation along with all new planting (trees, hedges, shrubs and grass) and other hard or soft landscape components outside of private gardens. Furthermore, the management plan also seeks to ensure that management practices are monitored and where necessary reviewed on an annual basis in accordance with changing site circumstances and the views of key stakeholders (Adopting Authority, resident's representatives and LPA).

3.48 The landscape areas subject to this Landscape Management Plan are stated to include the following components:

Existing trees; Existing hedgerows; Existing brooks or ditches; Existing ponds; Proposed tree planting; Proposed native hedgerows; Proposed ornamental hedgerows; Proposed ornamental shrubs; Proposed amenity grass/lawns with bulbs; Proposed swale; Structures, walls, railings, fencing and gates; and Hard landscape areas.

3.49 The overall landscape approach for the current infrastructure RM is considered to accord with the approved Site Wide strategy for strategic planting and green infrastructure. The majority of existing trees are to be retained and protected during construction works. New formal tree planting and verges are proposed along the Spine Road and Secondary Streets, with more naturalistic grassed and wildflower seeded areas adjacent the attenuation ponds.

3.50 The strategic planting has been designed to meet the requirements of the approved strategy for site wide green infrastructure embedded within the SWMD and the landscape design retains existing corridors of vegetation within the layout and where necessary these areas are strengthened. The protection, retention and enhancement of green infrastructure through the site would provide wildlife linkages and opportunities identified in the Green Infrastructure Strategy within the SWMD.

3.51 The Council's Landscape Advisor (LA) and Tree Officer are currently reviewing the submitted scheme to ensure that the proposed planting includes appropriate species and mix **An update will be provided at Committee.**

3.52 Subject to the favourable response of the Landscape Consultant and Tree Officer in respect of tree retention and new tree planting/landscaping, the landscaping proposals for the development are considered to be acceptable and in compliance with Conditions 10 and 11 of the outline permission and the approved Site Wide Masterplan Document.

## **Ecology**

3.53 JCS Policy SD9 (Biodiversity and Geodiversity) seeks to protect and enhance the biodiversity and geological resource of the JCS area by establishing and reinforcing ecological networks that are resilient to current and future pressures. New development should be encouraged to contribute positively to biodiversity whilst linking with wider networks of green infrastructure, for example, by incorporating habitat features to assist in the creation of wildlife corridors.

3.54 Natural England (NE) have been consulted in respect of the current RM application. Their advice is set out in the form of an informative on the design of a suitable site solution with respect to the proposed Sustainable Drainage Systems (SuDS).

3.55 In order to safeguard the Innsworth Meadow SSSI's hydrology (primarily groundwater), NE advise that the final SuDS design needs to support the effective delivery of the Innsworth Landscape and Ecology Management Plan (LEMP), in terms of water supply (i.e. to allow effective management of water levels). The submission of a LEMP is a requirement of Condition 13 of the Outline permission and discussions are currently ongoing with NE on this issue in order to allow subsequent approval/discharge of Condition 13.

3.56 NE notes that the submitted plan 'Overview plan for infrastructures' (James Blake dwg ref 18/295/24) does not show the chain of 3 linked sustainable drainage ponds immediately south of the SSSI as depicted on the Barton Wilmore Concept Masterplan. NE considers these ponds to be an essential part of the mitigation proposals for the maintenance of groundwater levels within the SSSI. As such, NE advises that further information and/or clarification is needed before giving their approval on this matter.

3.57 With regard to those SuDS features that are shown in drawing reference 18/295/24, NE further advises that the proposed attenuation features should form the 'downstream' component in a series of SuDS 'treatment trains' conveying surface water from the proposal site. Further consideration may therefore need to be given to ensure that the submitted design of the water attenuation features the subject of this application, relate satisfactorily to the final 'upstream' SuDS design for the rest of the proposal site. This will help to ensure that the ecological objectives of the Innsworth LEMP are met satisfactorily, in particular with respect to water quality.

3.58 Furthermore, the Environment Agency (EA) have liaised with Natural England regarding the application. The EA have advised that the area subject to the compensation proposals, if being used as open space, would benefit from additional landscaping works such as reducing the level of the left bank of the Innsworth Drain, in order to provide additional connectivity and habitat creation in the form of scrapes and other similar wetland habitat. Such works would also provide additional storage which would help offset the changes in the potential impacts of climate change that have been published since the original scheme was submitted and may occur throughout the lifetime of the development in future.

3.59 Based on the above, the EA advise that there may be opportunity to deliver some environmental improvements to the Hatherley Brook and are keen to pursue this opportunity and seek options for this through these discussions. Whilst no formal objection has been raised by the EA in respect of the application, they have requested that the above comments relating to landscaping of the open space for ecology and flood risk betterment be addressed by the applicant. The applicant is currently seeking to address this matter, together with clarification on the matters raised by NE, and revised/additional information is anticipated to be submitted shortly. **An update will be provided at Committee.**

## 6.0 Conclusions & Recommendations

6.1 It is considered that the proposal would result in an acceptable layout, appearance and landscaping, which would accord with the principles embedded within the approved Site Wide Masterplan Document. Furthermore, the flood/attenuation/SuDS proposals would accord with the Site Wide Drainage Strategy, approved in respect of Condition 26 of the Outline permission.

6.2 It is recommended that authority be delegated to the Technical Planning Manager to **Approve the application subject to resolving any outstanding minor matters concerning highways, a satisfactory response from the Landscape Consultant and Tree Officer, subject to additional ecological and wildlife benefits being incorporated within the SuDS/attenuation ponds and subsequent approval from Natural England and the Environment Agency in this regard and any other revisions or additions to conditions that may be required.**

### RECOMMENDATION Delegated Approve

#### Conditions:

1. Other than where varied by the conditions below the development hereby approved shall be implemented in accordance with the following plans, documents and details;
  - Received on 21st December 2018: Site Location Plan - Drawing No. 475-001; Flood Exceedance Routing Plan - Drawing No. 474-510; Detailed Planning Layout Sheet - Drawing Nos. 475-051-01; 475-051-02; 475-051-03; 475-051-04; 475-051-05; 475-051-06; 475-051-07; 475-051-08; 475-051-09; 475-051-10; Road Long Section Plans - Drawing Nos. 475-055-01; 475-055-02; 475-055-03; Vehicle Tracking Plans - Drawing Nos. 475-405-01; 475-405-02; 475-405-03; Tree Pit Plans - Drawing Nos. JBA 18/295-DT1; JBA 18/295-DT2; JP Associates Tree Survey Schedule (Whole Site), dated December 2018; JP Associates Tree Protection Plan - Drawing No. D4 64 P3 5 of 7;
  - Received on 17th January 2019: JP Associates Tree Protection Plans - Drawing Nos. D6 64 Part 4, Plans - Parts 1 of 7; 2 of 7; 3 of 7; 4 of 7; 6 of 7 and 7 of 7;
  - Received on 28th January 2019: Phasing Plan - Drawing No. 105 Rev. G, dated November 2018
  - Received on 29th January 2019: JP Associates Tree Work Schedule, dated December 2018;
  - Received on 31st January 2019: James Blake Overview Plan for Infrastructures - Drawing No. JBA 18/295-24; James Blake Detailed Hard and Soft Landscaping Proposals - Drawing Nos. JBA 19-295-07 Rev. A; JBA 19-295-08 Rev. A; JBA 19-295-09 Rev. A; JBA 19-295-10 Rev. A; JBA 19-295-11 Rev. A; JBA 19-295-12 Rev. A; JBA 19-295-13 Rev. A; JBA 19-295-14 Rev. A; JBA 19-295-15 Rev. A; JBA 19-295-16 Rev. A; JBA 19-295-17 Rev. A; JBA 19-295-18 Rev. A; JBA 19-295-20 Rev. A; JBA 19-295-21 Rev. A; JBA 19-295-22 Rev. A; JBA 19-295-23 Rev. A; James Blake Associates LTD Landscape Management and Maintenance Plan for Infrastructures Document, dated January 2019;
  - Received on 20th March 2019: A40 Access Flood Compensation Areas Plan - Drawing No. 272-117 Rev. A;
  - Received on 4TH April 2019: General Planning Layout - Drawing No. 474-050 Rev. B; Kerbing, Surfacing & Road Markings Plan - Drawing No. 475-250-02 Rev. A; J Bartlett Consulting Ltd Stage 1 & 2 Combined Road Safety Audit, dated 28th January 2019

Reason: To define the terms of the permission.

2. The SuDS/attenuation ponds hereby permitted shall not be brought into use until a detailed risk assessment for their operation, together with details for the proposed location and design of safety signage, information boards and fencing/guarding in connection with the ponds, have been submitted to and approved in writing by the Local Planning Authority. The SuDS shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

Reason: In order to ensure an acceptable standard of operation of the SuDS is maintained for the lifetime of the development and in order to maintain public safety at all times, in accordance with paragraph 165 of National Planning Policy Framework.

3. The SuDS hereby approved shall be operated and maintained thereafter, wholly in accordance with the Site Wide Surface Water Drainage Strategy (including Dedicated SuDS Management and Maintenance Document), approved in respect of Condition 26 of Outline planning permission reference: 15/00749/OUT.

Reason: In order to ensure an acceptable standard of operation of the SuDS is maintained for the lifetime of the development and in order to maintain public safety at all times, in accordance with paragraph 165 of National Planning Policy Framework.

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 to improve highway layout/design.
2. The decision is to be read in conjunction with planning permission 15/00749/OUT including the associated S106 legal agreements.
3. The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.







18/01284 / APP Flood Exceedance Routing Plan

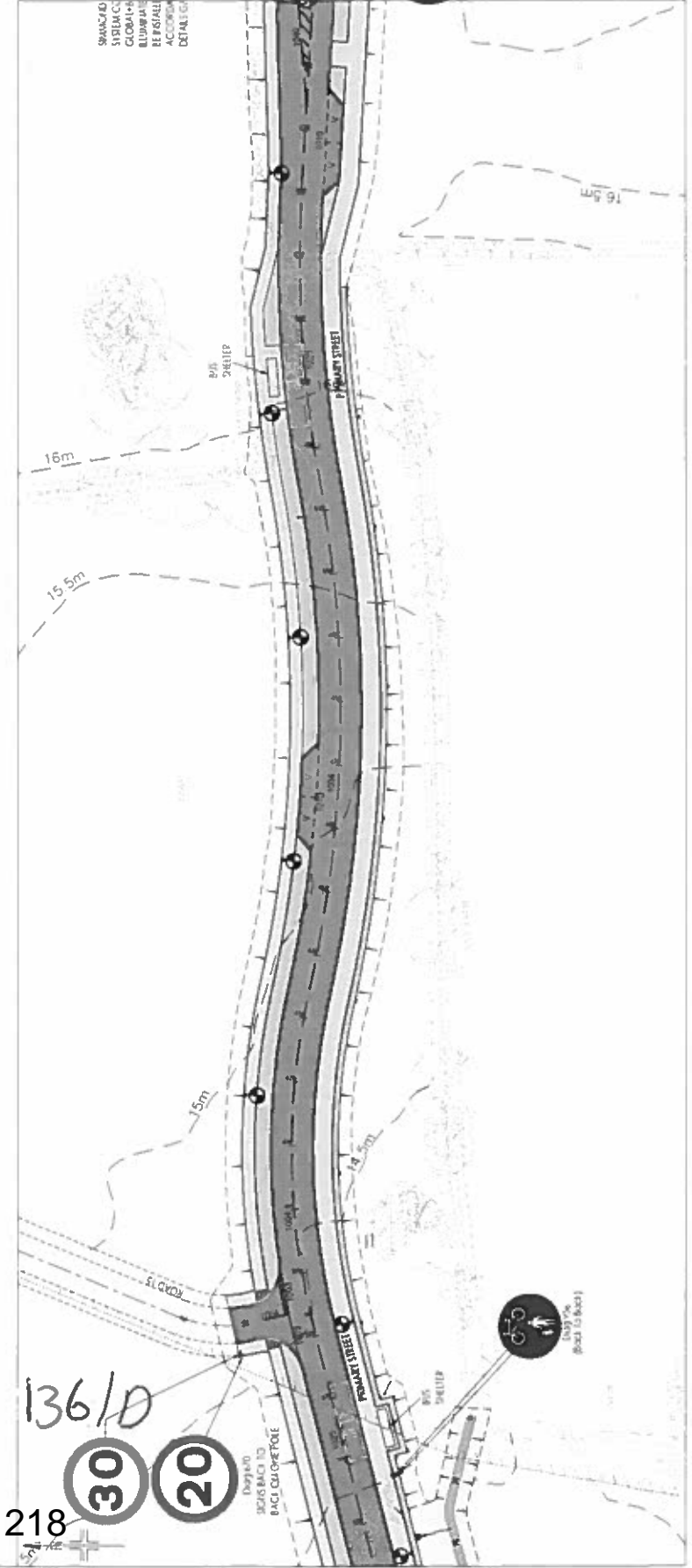
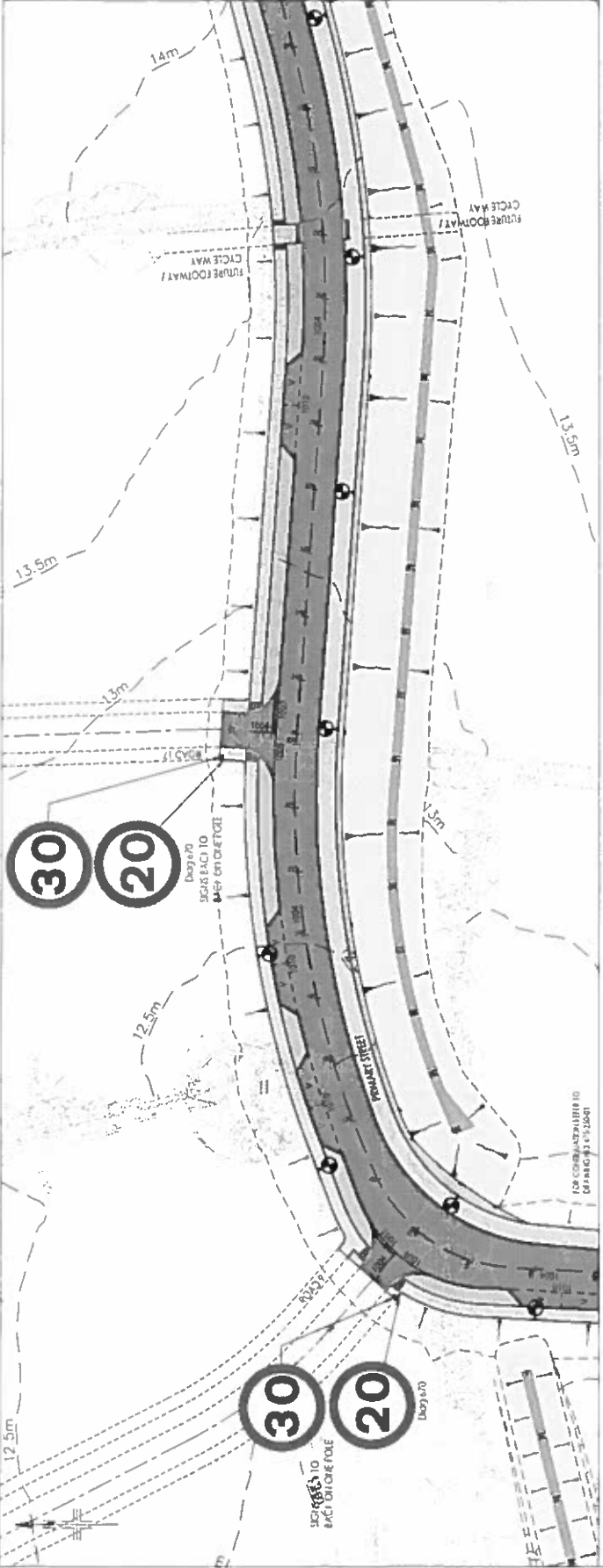


Project No.	18/01284
Client	Waterways Authority
Scale	1:1000
Date	15/01/2018
Drawn by	W. Murphy
Checked by	W. Murphy
Project Name	Flood Exceedance Routing Plan
Sheet No.	1 of 1
Revision	1
Author	W. Murphy
Project Manager	W. Murphy
Project Engineer	W. Murphy
Project Designer	W. Murphy
Project Checker	W. Murphy
Project Approver	W. Murphy
Project Sign-off	W. Murphy

- 100% FLOOD EXCEEDANCE ROUTING PLAN
- 1:1000
- 1:500
- 1:200
- 1:100
- 1:50
- 1:25
- 1:10
- 1:5
- 1:2
- 1:1
- 1:0.5
- 1:0.25
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18/01284/APP



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Signage, Kerbing + Lighting Details

FOR COMMENT/REVISIONS  
DATE: 18/01/2024

FOR APPROVAL

Project: **Wimpy**

Client: **Wimpy**

Project Manager: **Wimpy**

Project No: **WIMPY-001**

Project Location: **Wimpy**

Project Start: **Wimpy**

Project End: **Wimpy**

Project Status: **Wimpy**

Project Description: **Wimpy**

Project Contact: **Wimpy**

Project Phone: **Wimpy**

Project Email: **Wimpy**

Project Website: **Wimpy**

Project Address: **Wimpy**

Project Postcode: **Wimpy**

Project Country: **Wimpy**

Project Currency: **Wimpy**

Project Language: **Wimpy**

Project Units: **Wimpy**

Project Timezone: **Wimpy**

Project Calendar: **Wimpy**

Project Theme: **Wimpy**

Project Font: **Wimpy**

Project Color: **Wimpy**

Project Image: **Wimpy**

Project Video: **Wimpy**

Project Audio: **Wimpy**

Project Animation: **Wimpy**

Project Interactivity: **Wimpy**

Project Accessibility: **Wimpy**

Project Usability: **Wimpy**

Project Performance: **Wimpy**

Project Security: **Wimpy**

Project Privacy: **Wimpy**

Project Compliance: **Wimpy**

Project Standards: **Wimpy**

Project Guidelines: **Wimpy**

Project Best Practices: **Wimpy**

Project Innovation: **Wimpy**

Project Creativity: **Wimpy**

Project Flexibility: **Wimpy**

Project Scalability: **Wimpy**

Project Reliability: **Wimpy**

Project Availability: **Wimpy**

Project Maintainability: **Wimpy**

Project Supportability: **Wimpy**

Project Sustainability: **Wimpy**

Project Social Responsibility: **Wimpy**

Project Environmental Impact: **Wimpy**

Project Economic Impact: **Wimpy**

Project Cultural Impact: **Wimpy**

Project Social Impact: **Wimpy**

Project Environmental Impact: **Wimpy**

Project Economic Impact: **Wimpy**

Project Cultural Impact: **Wimpy**

Project Social Impact: **Wimpy**

Valid 16.01.2019

Approval of Reserved Matters (access, appearance, landscaping, layout and scale) comprising Phase 1 of Outline planning permission ref: 15/00749/OUT for the erection of 253 no. dwellings with associated infrastructure.

Grid Ref 385508 221165  
Parish Innsworth  
Ward Innsworth With Down  
Hatherley

## **RECOMMENDATION Delegated Approve**

### **Policies and Constraints**

#### **DEFERRED AT 18.04.19 COMMITTEE (ITEM 7 - PAGE NO 771)**

National Planning Policy Framework (2019)  
Planning Practice Guidance  
Joint Core Strategy (2017) - SD3, SD4, SD6, SD9, SD10, SD11, SD12, SD14, INF1, INF2, INF3, INF5, A1  
Tewkesbury Borough Local Plan to 2011 (March 2006) - TPT3, TPT6  
Flood and Water Management SPD  
Affordable Housing SPD  
Manual for Gloucestershire Streets  
Human Rights Act 1998 - Article 8  
The First Protocol - Article 1  
Flood Zone 1  
Public Rights of Way

The application was deferred from April 18th 2019 Planning Committee in order for Members to undertake a site visit and to allow Members adequate opportunity to review the submitted revised layout and elevation plans. Deferral was also requested by Members in order to allow officers to gather additional information relating to traffic movement/highways/access and drainage.

### **Consultations and Representations**

#### **Innsworth Parish Council: Comments**

- Orchards, veteran trees and hedgerows must be protected. If hedgerows must be removed, replanting should be carried out in the interests of biodiversity/wildlife net gain.
- Variegated brick should be used for dwelling construction to mimic locally distinctive clay bricks
- The Parish is pleased to see that storage for wheelie bins appears to be adequately provided to the rear of houses
- Capacity of physical infrastructure - concern the development will overload the drainage system and result in problems.

#### **Churchdown Parish Council: Objection**

##### Original Scheme

- Serious concern regarding the proposed access onto Frogfurlong Lane which would increase traffic congestion and compromise highway safety
- Concern regarding development within an area at risk of flooding

##### Revised Plans

- Refer back to original comments;

**Churchdown and Innsworth Parish Council Steering Group:** Joint response setting out a number of concerns and matters for consideration

- The developer should be required by planning condition to establish a 'Liaison Committee' which should meet a minimum of twice a year during construction of the site-wide development;
- Phase 1 omits any discussion of the LEAP, which should be clarified before permission is granted

- Overall, the Phase 1 scheme complies with the emerging NDP, though the status of the LEAP is unclear and inadequate consideration has been given to orchard plant species within the planting scheme
- Any remnant orchard present within the site should be protected if possible or replacement orchard planting incorporated elsewhere
- Closeboard fencing and brick screen walls are not in keeping with the emerging policies of the NDP. Boundary treatments should allow for the movement of wildlife
- The design of the LEAP should be included in Phase 1 of the development, in close consultation with the Parishes

**Sandhurst Parish Council: Objection**

- The site is subject to flooding;
- The lane is too narrow and development would create excess traffic and traffic jams within the area;
- There is currently insufficient infrastructure and is unsafe as there is no footpath for pedestrians

**Urban Design Officer:** No objection following the submission of a revised layout.

The UDO has reviewed the revised layout and materials specification plans, together with the house-type elevations and floor plans received on 10.04.2019 and has raised no objection. However, the UDO considers that some of the walling and roofing materials proposed for the scheme are not acceptable and has suggested suitable alternatives. Officers consider that the imposition of a 'materials schedule' condition, would allow appropriate materials to be secured, in line with the UDO's recommendations.

**Housing Enabling Officer:** No objection.

The affordable housing contribution was agreed at outline stage and the reserved matters application meets with the approved affordable housing scheme, although for completeness, a breakdown of the intermediate and rented units should be provided.

**Landscape consultant:**

ul Original Scheme - No objection.

Native hedgerow is proposed along the frontage to the Public Open Space, which is welcomed and the planting plans are appropriate.

The LC raised a number of points of detail to be addressed: Details should be indicated within the submitted layout plan as to how the public open space (including LEAP) would be accessed from the Phase 1 housing. A planting schedule or specification should be provided to accompany the submitted proposed landscape scheme.

Revised Plans - The LC has advised that there should be no access gates proposed, leading from the private driveways of the new housing, onto the adjoining public open space (POS), as this would allow/encourage the public to exit the POS onto someone's private drive. The gates indicated should therefore be removed from the plan. A revised layout plan has been submitted on 16.04.2019 in order to address this issue. The revised layout shows the previously proposed gateways removed and the accompanying email from the developer indicates that alternative appropriate access points to the POS would be provided. The revised layout is considered acceptable by the LC.

The requested planting schedule to accompany the scheme was duly been submitted on 16.04.2019 and is considered acceptable by the LC.

**Flood Risk Drainage Engineer:**

Original Scheme

No objection and no further observations or comments to make;

Revised Plans

Refer to LLFA comments

**Environmental Health Officer:** No objection. The submitted noise assessment appears satisfactory.

**County Highway Officer:** The CHO raised a number of points of detail to be addressed, in relation to the original scheme. Those issues related to visibility, footpath widths, traffic calming measures, crossing points, car parking and refuse vehicle tracking.

The CHO has advised the following in respect of the revised layout plans received by the LPA on 10.04.2019;

In principle, the revisions are supported and the layouts for the links and cul-de sacs are acceptable. The shared space proposed is acceptable and the raised kerbs can be changed so as to be flush and have the footway at grade. Gateway paving is considered important by the CHO to ensure partially sighted users can identify where the shared space terminates. In-curtilage spaces should be rounded up to the next whole number and visitor spaces should be provided at a rate of 1 space per 5 dwellings.

In addition to the above 'in principle' comments, formal comments from the CHO are awaited.

**County Footpaths Officer (CFO) -**

Original Plans - The public rights of way must not be built over or obstructed in any way, if the paths are to be affected by building works, the developer should seek to divert them under the planning process and the new path should be in place before the old one is stopped up.

Revised Scheme - The development affects two public rights of way ELO3 and ELO6. The CFO has no objections to the development and the fact that the rights of way will be on a mixture of green space and estate road/pavement, and not just on tarmac, is welcomed.

**LLFA:** No objection further to the site wide Flooding and Drainage - Compensatory Flood Storage information submitted in order to discharge Condition 29 of the Outline consent. Whilst the LLFA have acknowledged the submission of the general engineering and drainage proposal to accompany the Phase 1 scheme, they have advised that this is insufficient for them to make an accurate assessment of the drainage strategy and surface water management proposals for this site. The site specific drainage details have been requested by officers and an update will be provided at Committee.

**County Archaeologist:** No observations, archaeological mitigation secured by condition.

**Conservation Officer:** No objection.

**Historic England:** No comments to offer in respect of the proposal.

**Severn Trent Water:** No objection.

**Wales and West Utilities:** No objection

**Highways England:** No objection

**County Minerals and Waste Officer:** No objection.

**Environment Agency** - No further comments following comments given in respect of the Outline consent and subsequent conditions applications.

**Natural England** - No objection - NE considers that the proposed development would not have significant adverse impacts on the designated sites. NE have provided advice in the form of an 'informative' in order to ensure that any approval takes account of delivering a suitable design for the site's sustainable drainage systems (SuDS);

**Local Residents:**

Original Scheme

The application was advertised by means of site notices. 1 letter of objection has been received to date citing the following matters:

- This is flood zone 3 which if housing to any density is built there this will push pluvial and fluvial flooding further into flood zone 2 and 1. The houses will flood - Who will insure them and existing residents;
- Show us SUDS in this terrain that works - it does not exist;
- Frog Furlong Lane will not cope with excessive amounts of traffic. One car per household should be insisted upon in the deeds of each house if it does go ahead;
- Innsworth lane and Frogfurlong are already rat runs and will not cope. Building a new roundabout will encourage other road users to use the new estate and existing roads as a cut through.

Revised Plans - No additional comments received from local residents at time of report writing.

**Planning Officers Comments:** Miss Lisa Dixon

## 1.0 Introduction

1.1 Outline planning permission (reference: 15/00749/OUT) was granted by the Secretary of State for Communities and Local Government (as was) in December 2017 following a non-determination appeal. The description of development was as follows:

*A mixed use development comprising demolition of existing buildings; up to 1,300 dwellings and 8.31 hectares of land for employment generating uses comprising a neighbourhood centre of 4.23 ha (A1, A2, A3, A4, A5, D1, D2, B1), office park of 1.31 ha (B1) and business park of 2.77 ha (B1 and B8 uses); primary school, open space, landscaping, parking and supporting infrastructure and utilities; and the creation of new vehicular accesses from the A40 Gloucester Northern Bypass, Innsworth Lane and Frogfurlong Lane.*

1.2 The permission relates to the land located immediately to the north and west of Innsworth, and, for the purposes of the outline planning application, was referred to as 'Land at Innsworth' (see location plan attached). To the west, the wider site adjoins open countryside, including Horsbere Brook, which separates it from the settlement of Longford. Hatherley Brook defines the majority of the northern boundary, beyond which lies the adjoining 32 hectare site which is subject to outline planning permission for mixed use development comprising up to 725 dwellings, local centre, primary school, open space, supporting infrastructure and the creation of a new vehicular access off the A38 (Application ref: 15/01149/OUT).

1.3 A network of public rights of way (PRoW's) cross the outline site, including the Gloucestershire Way, which is a long distance footpath along its northern boundary.

1.4 The current Reserved Matters application represents residential Phase 1 of the approved outline scheme as defined in the approved phasing plan required by condition 7 of the outline permission. Phase 1 comprises a 5.77 hectare portion of the Outline site, which occupies a relatively central position in relation to the proposed, later phases of residential development. Phase 1 is bounded to the south by Innsworth Lane and partially to the east by Innsworth House Farm. A Public Right of Way bounds the south-eastern extent of the site and continues on through its centre before taking an easterly route through the wider Outline site. The first phase also includes part of the spine road which is the main principal transport route, running roughly west to east through the overall development and provides the context for the built form

1.5 The site would be abutted by Phase 2 (residential development and employment area), Phases 4 and 7 (Residential development) and proposed new primary school site (abutting Phase 1 to the north and west).

1.6 The current application seeks approval for the first phase of residential development (Phase 1) of the Innsworth development in respect of Layout, Scale, Appearance, Landscaping and Access (**plans will be displayed at Committee**). Phase 1 would deliver 253 no. dwellings, with an average density of 37 units per hectare. The scheme would deliver 160 open market and 93 affordable dwellings (social rented and shared ownership), totalling 253 dwellings. This includes 1 bed to 5 bed units for the open market dwellings, delivering a mix of apartments, terraced, semi-detached and detached properties. The affordable dwellings would comprise 1 and 2 bed flats, and 2, 3 and 4 bed houses. The number and tenure of affordable dwellings would reflect the requirements of the S106 agreement and approved Affordable Housing Scheme (whole site). Phase 1 includes a substantial section of the proposed spine road, which would form the main principal transport route running west to east through the overall Outline site.

1.7 A separate application for the site-wide highway and drainage infrastructure, including the principal spine road, has also been submitted alongside the Phase 1 residential scheme (Ref: 18/01284/APP) and this also appears on the current planning schedule. A number of applications for approval of details required by conditions attached to the outline permission have also been submitted, most of which have now been approved.

### *Conditional Requirements*

1.8 The outline permission includes conditions which required submission of information relating to the whole development with the first RMA. Other conditions required further information to be submitted with each phase of reserved matters. These conditions are summarised below:

- Condition 7 - Prior to or as part of the first reserved matters application, a Phasing Plan for the whole site which should include details of the approximate numbers of market and affordable dwellings for each phase, together with general locations and phasing of key infrastructure, including surface water drainage, green infrastructure and informal and formal public open space. This has been approved.

- Condition 8 - A Site Wide Masterplan Document (SWMD) , either prior to or as part of the first reserved matters application. This has been approved.
- Condition 9 - A Recycling Strategy for the whole site - this has been approved and the RMA for each phase shall include details of waste storage provision for that phase which shall be in general accordance with the approved Recycling Strategy.
- Condition 10 - The first RMA submitted shall include details of all existing trees within the site, which have a stem diameter exceeding 75mm, details of each retained tree including species and general health and stability.
- Condition 11 - Submission of a tree and landscaping scheme for each phase.
- Condition 21 - Details of proposed arrangements for future management and maintenance of the proposed streets for each RM phase.
- Condition 25 - Details of existing and proposed ground levels included with RMA for each phase.

1.9 The outline permission was also subject to Section 106 agreements with the Borough Council and Gloucestershire County Council. These matters also need to be taken into account when considering this reserved matters application and are also discussed where relevant in the following sections of this report.

1.10 The following documents have been submitted in support of the application:

- Design Compliance Statement
- Site Wide Phasing Plan
- Proposed Street Adoption Plan and Refuse Vehicle Tracking Plan
- Proposed Drainage Strategy Plan
- Waste Minimisation Statement
- Arboricultural Survey and Tree Protection Plan
- Proposed Landscaping/planting Plans
- Noise Impact Assessment
- Affordable Housing Schedule for Distribution (Whole Site/All Phases) and Phase 1 Affordable Housing Layout plan.

## 2.0 Policy Context

2.1 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.

2.2 The development plan comprises the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) 2011 - 2031 (2017) and saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006.

2.3 The application site is subject to Policy A1 of the JCS which is the site specific policy for the Innsworth and Twigworth Strategic Allocation. Whilst much of the policy relates to the principle of development, of particular note to this reserved matters application are the following requirements:

- ix. A layout and form of development that respects the landscape character as well as the character, significance and setting of heritage assets and the historic landscape.
- x. A layout and form that integrates, where appropriate, important hedgerows within the development.
- xv. High quality public transport facilities and connections within and adjacent to the site.
- xvi. Safe, easy and convenient pedestrian and cycle links within the site and to key centres, providing segregated links where practical.

2.4 Other material policy considerations include the National Planning Policy Framework (NPPF) 2018 and National Planning Practice Guidance.

2.5 Other relevant policies are set out within this report.

## 3.0 Analysis

3.1 The principle of residential development at the site has been established through the grant of outline planning permission and its subsequent allocation for housing in the JCS as part of the wider Innsworth and Twigworth allocation (Policy A1). This application relates to the approval of the Phase 1 Reserved Matters in respect of access, layout, appearance, landscaping and scale of the development, and the discharge of a number of conditions as detailed in section 3 of this report.



3.2 The key issues in relation to this reserved matters application are considered to be:

- Layout, character, scale and density;
- House types;
- Access, turning, parking and sustainable transport;
- Trees, landscaping and open space;
- Existing and future residential amenity;
- Affordable housing.

3.3 In assessing these matters it is also important to consider whether they accord with the Outline Consent and its supporting documents which set out the key principles governing the development of the site, namely: the approved Parameter Plans and the approved Site Wide Masterplan Document.

#### **4.0 Layout, character, scale and density**

4.1 The NPPF states that the creation, of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable in communities. Policy SD4 of the JCS 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. Policy INF3 states that where green infrastructure assets are created, retained or replaced within a scheme they should be properly integrated into the design and contribute to local character and distinctiveness.

4.2 A number of parameter plans were agreed as part of the outline consent (15/00749/OUT). Four Parameter Plans in total were secured as part of the Outline consent, relating to Land Use; Building Heights; Access and Movement and Green Infrastructure. Further, condition 8 of the outline permission required a Site Wide Masterplan Document (SWMD), which has been approved and includes a set of Design Principles, including;

- The principles for determining the design, form, heights and general arrangement of external architectural features of buildings;
- The principles of the hierarchy for roads and public spaces;
- Potential arrangements for car parking;
- The principles for the design of the public realm; and
- The principles for the laying out of the green infrastructure including the access, location and general arrangements of sports pitches and play areas

4.3 As such, the SWMD encapsulates and embeds a number of important principles of good design and appropriate parameters and establishes a 'template' for the various phases of development within the site. All RMAs are required to be in accordance with the approved SWMD.

4.4 The Phase 1 RMA has been supported by a revised Compliance Statement (CS) in order to demonstrate the scheme's compliance with the SWMD. The CS sets out the Design Objectives, Streetscape Strategy, Soft Landscaping and Built Form elements of the Phase 1 proposal and how these align with the overarching parameters secured within the SWMD. Officers have assessed the CS and consider that, overall, it reflects and builds upon the principles and parameters set out in the Parameter Plans agreed at Outline stage and the SWMD. The Compliance Statement has been revised in order to incorporate revisions to the overall layout of the Phase 1 scheme, as a result of ongoing discussions with Planning and Urban Design officers and also to address the initial concerns of the County Highways Officer.

4.5 The development proposes a balance between built form and green corridors, street tree planting and soft landscaping, providing a full range of housing from one to five bedroom dwellings. The location of the greenways and landscape buffers is broadly consistent with the SWMD and the existing PRoW which runs north to south through the application site would be integrated into the development to form a green corridor.

4.6 The layout has been designed to reflect the agreed Access and Movement Parameter Plan and Street Hierarchy principles set out within the SWMD, providing a clear hierarchy of routes and public spaces to enable safe navigation and movement through the site. The layout incorporates a network of Primary Roads, Secondary/Community Streets and Tertiary Roads, which include 'shared surface lanes and 'Private Drives'. The SWMD shows the Primary/Spine road passing through the site via the eastern and western ends with a hierarchy of secondary streets linking off it. Links would be maintained to the existing footpath network and the existing public right of way that crosses the site and provides links to the wider area has been accommodated. New pedestrian linkages have been incorporated into the layout to provide access to and through new informal, landscaped open space, including to the new LEAP children's play area (to be delivered as part of Phase 1), which would adjoin the application site to the north, and the proposed new primary school, which would adjoin the west of the application site.

4.7 The layout has been designed to provide a perimeter block formation, in order to provide secure rear garden amenity space. The orientation of dwellings, together with the use of dual aspect house types has been incorporated into the layout in order to provide active street frontages in addition to natural surveillance of the public realm. The architectural approach responds to the principles set out in the SWMD which requires a clearly defined Street Hierarchy to allow for legible and permeable access in and around the development. As such, the development has been designed with three distinct street characters, reflecting their general architectural approach, scale, size and density.

4.8 The main Primary Street/Spine Road would run centrally east to west through the application site, with a designed 6.75m wide carriageway with a 3m wide shared footway/cycleway on the northern side and 2m wide footway set behind a 2.5m wide verge to the south. Visitor car parking spaces have been added within the verge area where appropriate. There is limited direct vehicular access to dwellings from the spine road proposed; townhouses are designed with predominantly front courtyard parking and apartment blocks served by a single access to rear courtyard parking areas. Dwellings are set back from the highway with regularly spaced street trees placed within the highway verge and dwelling frontages to create a formal avenue. The Primary Street areas would have the highest density of residential development in order to reinforce the formality of the avenue and visual distinctiveness of key buildings. Building heights would be up to three storeys along the primary street. Both the overall building heights and higher density development is reflective of the design characteristics secured within the SWMD for the 'Spine Character Area'.

4.9 The proposed Secondary/Community Streets would provide vehicular and pedestrian connections off Innsworth Lane and within the residential areas and are designed with a 5.5m or 4.8m wide carriageway and 2m wide footways to either side. Staggered 2.5m wide verges have been added, alternating from one side of the carriageway to the other to provide deflection and natural traffic calming. Verges allow for occasional tree planting and visitors car parking spaces. Dwellings provide continuous frontage with a mix of semi-detached and detached dwellings. Direct vehicular access is provided to plots with parking on plot, either to the side or front of dwellings. Where parking is provided to the front the adopted footway has been taken behind car parking spaces to provide a safer pedestrian route. Frontages have been designed to provide sufficient space between private car parking spaces and drives to allow tree and shrub planting. Where the secondary street adjoins the Primary School site suitable vehicular access has been provided to allow safe drop-off.

4.10 A number of shared surface 'mews' type lanes have been designed on the periphery of the residential parcels to provide a more informal and pedestrian friendly environment. These have been designed with a minimum width of 6.8m (incorporating 4.8m wide carriageway and 2m wide continuous service margin to one side). Occasional widening of the adopted carriageway is provided allowing visitors car parking spaces. Tighter tracking and changes in surfacing would provide natural traffic calming features, legibility and character. In addition, 'private drives' would be located on the periphery of parcels where adjoining green spaces and would provide access to a limited number of predominantly detached dwellings. Dwellings here, would have generous frontages to allow for shrub and hedge planting with drives varying in width and size to create an informal rural edge.

4.11 A number of amendments were requested by Planning and Urban Design Officers in respect of the proposal. Consequently, continuous runs of frontage parking have been reduced to a maximum of six spaces, with appropriate soft landscaping proposed in between each run in order to provide visual enhancement. The green corridor which incorporates a section of the existing PRoW has been widened, with key buildings moved away from its edge in order to create a more pleasant pedestrian environment. The Secondary Street off Innsworth Lane has been re-designed in order to create a stronger building line and more definitive character which would more closely align with the agreed design parameters of the SWMD.

4.12 In addition, detailed matters were also identified in relation to pedestrian connectivity within certain areas, the quality of amenity space created for future residents for certain plots, architectural detail within apartment buildings, including the requirement for balconies in order to provide a degree of private amenity space and the requirement for the contemporary design to be incorporated elsewhere within the development, other than the spine road in order to facilitate the transition between character areas.

4.13 Following negotiations a revised and substantially improved layout has been submitted. The widths and layout of the roads and streets has been improved. The street character areas have been enhanced with a clear street hierarchy now apparent. Frontage parking has been reduced and softened with additional landscaping. Tree planting across the site has been enhanced, including street trees. The route of the existing PRow has been enhanced and incorporated more appropriately and legibly within the development as a whole. The extent of the contemporary units has been increased in line with the approved Site Wide Master Plan. This includes all of the southern parcel to the south of the spine road, the spine road and the secondary streets serving plots 127 to 129, 142 to 145, 186,187, 219 to 221, 196 to 198 and 246 to 253. The main revisions incorporated within the current scheme are as follows:-

- Revised contemporary house type designs, together with modifications to the remaining house types to comply with the revised character area strategy;
- Improvement of building rhythm on the secondary streets with the increased use of repetitive house types along the street;
- Reduction in extent of linear on-street parking;
- Primary school access accommodated;
- Consistent cycleway along entire length of spine road;

4.14 It is considered that the revised layout is now in accordance with the approved SWMD and is of an acceptable and appropriate design.

## 5.0 House Types

5.1 The approved SWMD sets out the underlying key design principles that will shape the fundamental structure of urban form, landscape and streetscape. The Compliance Statement submitted in respect of the current RM scheme takes forward the design principles and architectural approach embedded within the SWMD and notes that the application site falls within both the Spine Road and Core Neighbourhood Character Areas. The requirement for a clear street hierarchy and character is set out within the SWMD, and the current RMA seeks to deliver a hierarchy of legible street types, with streets being defined by appropriate use of formal and informal character with planting and hard materials.

5.2 The application proposes a mix of 1 and 2 bed apartments, and 2, 3, 4 and 5 bedroom detached, semi-detached and terraced properties (**House types, elevation and floor plans will be displayed at Committee**). The site would consist of 47 one bedroom units, 37 two bedroom units, 105 three bedroom units, 57 four bedroom units and 7 five bedroom units, providing a broad mix of homes and house types.

### Spine Road Character Area

5.3 Along the spine road areas, higher density development is proposed with a range of 3 storey apartment blocks and two, two and a half and three storey town houses providing a strong continuous frontage. Dwellings are designed with a contemporary theme to be visually distinctive. A simple palette of materials is proposed comprising plain red brick with occasional weatherboarding/cladding. Detailing is limited with occasional narrow recon stone band and boxed window surrounds. Slate effect roof tiles are proposed, with boxed eaves to town houses and parapet walls and low hipped roofs to apartments. Contemporary fenestration pattern is proposed, with all frames in dark grey. All doors would be dark coloured with contemporary flat topped projecting porch canopies. Dormers would be flat topped and fully leaded in appearance. No chimneys are proposed within the Spine Road Character Area.

### Core Neighbourhoods Character Area

5.4 The remainder of the application site falls within the Core Neighbourhoods Character Area and has been designed to act as a transition between the Spine Road and Hatherley Ribbon Park Character Areas. As such, in contrast to the Spine Road, a more informal and lower scale of development is proposed, with dwellings proposed of a more traditional architectural style. In order to provide a sensitive and suitable interface with the varying surrounding land uses, a series of minor sub character areas have been created within the overall Core Neighbourhoods area.

5.5 Secondary/ community streets within the Core area have a more formal traditional appearance, with a mix of semi and detached dwellings, of two and two and a half storeys in height. House designs are varied with mock sash windows, brick dentil courses, canted brick heads, reconstituted stone heads and cills and occasional chimneys. All windows and doors are proposed to be white. Roofs would be eaves or gable fronted in a mix of slate effect, red plain and red profiled tiles. Dormers would be gable fronted and coloured white. Walls are proposed to be a mix of red brick, light coloured renders, reconstituted stone and elements of weatherboarding/cladding.

5.6 Dwellings fronting out onto green spaces would be predominantly detached and have a more relaxed rural feel. Detailing would include simple reconstituted stone corbels, heads and cills with occasional plain brick arches to windows. Window styles would be more limited and less formal in a mix of plain horizontal or cottage bar casement styles. Reconstituted stone would be utilised as the predominant walling material in order to reflect the transition zone between the Spine Road and more rural 'Hatherley Ribbon Park Character Area, which is identified within the SWMD and lies beyond the application site. A range of gable, hipped or eaves fronted door canopies with cottage style front doors in oak effect and chimneys to most plots, are proposed within the rural edges of the Core Neighbourhood Character Area.

5.7 Shared surface roads are designed to provide a mews type feel with a mix of repetitive style semi and terraced dwellings. Dwellings have been designed to provide a cottage style of development with plain reconstituted stone heads and cills, limited cottage style doors and windows styles. Flat canopies to front doors reflect styles within the local area. Dwellings would be a maximum of 2 storeys in height and in a mix of brick and render with slate grey, brown and red roof tiles as proposed across the wider character area to provide a unified and harmonious development. Occasional chimney to provide interest to the roofscape.

5.8 Dwellings have been designed to have their principal entrance at the front. A range of canopies are proposed to front doors in each character area which would reflect the style and design of the house types and define the dwelling entrance. Houses have been designed to have habitable rooms overlooking the public realm and dual fronted buildings have been added at key junctions and corners to provide activity and closure to the street.

5.9 In terms of associated boundary treatments, continuous building frontage lines with variations in enclosures to private space have been designed to provide clear definition between private and public areas. Front garden boundaries would be defined with a mix of railings, brick piers and or new hedging and shrubs to soften and visually improve the overall appearance. Rear gardens would be clearly defined with a mix of timber closeboard and panel fencing. Brick screen walls at 1.8m in height would be provided where rear gardens adjoin the public realm.

5.10 The original submission restricted the elements of contemporary design to the Spine Road Character Area only. In response to the Urban Design Officer's (UDO) comments, the quantum and areas of contemporary housing has been increased within the site, in order to provide a more harmonious integration and flow between the Spine Road and Core Neighbourhood Areas whilst still retaining sufficient differentiation between the two character areas. Revised house types and layout have subsequently been submitted to address the UDO's design concerns.

5.11 It is considered that the architectural treatment of the buildings across the site is appropriate and, in combination with the proposed landscaping and layout, would provide for a coherent and cohesive scheme. In terms of design, it is considered that the additional areas of contemporary design within the Phase 1 development would be visually and architecturally appropriate and reflect the design aesthetic set out within the SWMD and Compliance Statement.

5.12 Subject to conditions requiring the submission of a materials schedule and samples, details of boundary treatments, including proposed railing positioning within the secondary streets and door/ fenestration detailing, the proposal is considered acceptable in this regard.

## **6.0 Access, turning, parking and sustainable transport**

6.1 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. Policy SD4 (vii) also requires development to be well integrated with the movement network within and beyond the development itself, ensuring links by other modes and to green infrastructure.

6.2 In support of the application a suite of technical plans and documents has been submitted, including: Refuse Vehicle Swept Path Analysis, Proposed Adoptable Highways Plan, External works Plan, which includes hard landscaping/surfacing details and detailed engineering plans.

6.3 The main issues for this application are the internal site layout and the proposed new priority T-junction access off Innsworth Lane, located approximately 70m, to the west of Rookery Road, which would serve one of the new secondary streets within Phase 1. 2nos. additional new accesses are proposed off Innsworth Lane, serving 6nos. dwellings and 7nos. dwellings respectively. Other highways infrastructure which would serve the development as a whole is controlled by conditions attached to the outline permission and the reserved matters approval for site-wide highway infrastructure referred to above (18/01284/APP).

6.4 The CS sets out how the detailed reserved matters submission complies with the SWMD. The SWMD outlines that the design of the development aims to create a legible layout, arranged on a walkable grid form to encourage ease of use by pedestrians and cyclists. A clear distinction should be provided between public and private space based on a hierarchy of streets. The grid will be based on a permeable network of primary, secondary and tertiary streets. The key proposed vehicular connections, the primary street/Spine Road and the secondary streets, reflect the meandering nature of the east west flowing Hatherley Brook. Access roads and streets across the site should allow views through to attractive planting and open spaces. Pedestrian and Cycle Movement should be prioritised, with segregated paths and connected streets which would prioritise ease of movement for pedestrians and cyclists to further encourage cycling and walking. Existing Public Rights of Way are to be retained including within sections of proposed streets. Off road segregated cycle/pedestrian routes are to be directed through open spaces and parkland as part of an attractive experience. These should have soft edges and permeable surfaces, where possible. A clear, legible hierarchy of street types should be used across the development, with streets defined by appropriate use of formal and informal character with planting and hard materials. Community Streets, Green Lanes and Squares are to have a more pedestrian focus which is appropriate to residential areas creating a welcoming space which can incorporate multiple social uses.

6.5 As explained, the approved SWMD is based around defined character areas and road types with a 'primary street' running through the heart of the site which would act as a main bus/transport corridor linking each phase of the wider masterplan. The carriageway would accommodate both buses and cars. A series of nodes are proposed along the primary street where landmark features, including bus stops, feature trees or feature buildings, are incorporated to increase the legibility of the development. 'Secondary' streets ('Core Neighbourhood') would accommodate car movements, with footways of varying width. 'Community Streets' and 'Green Lanes' incorporate shared surface, narrower carriageways and priority given to pedestrian movement.

6.6 The proposed site layout for Phase 1 included in the reserved matters application has been reviewed to check the level of compliance with the approved SWMD, as well as the extent to which the proposals align with local and national guidance regarding the design of new residential development. Following the receipt of comments by the County Highways Officer (CHO), the applicant has worked closely with CHO to address the issues raised, which has resulted in revisions to the layout and the provision of additional/updated information. The main highways revisions incorporated in order to address the initial concerns of the CHO are as follows:-

The width of the community streets have been increased to 5.5m with a 2.0m footpath, in order to accommodate a car and refuse lorry passing each other within the confines of the highway;

- Speed control devices on all roads (except the spine road) to be horizontal wherever possible and at approximately 70m spacing;
- 2m x 2m pedestrian visibility to driveways added with new hedging designed to be no higher than 600mm;
- Junction radii has been regularised;
- Additional vehicle tracking provided to demonstrate that fire tenders can get within 45m of all points within each dwelling;
- Parking provided at a minimum rate 1 space per 1 bed unit, 2 spaces per 2 bed and 3 spaces for 3 bed units and above. In addition, visitor spacing has been provided at a rate of 1 space per 5 units.

6.7 In principle, the revisions are supported by the CHO and the layouts for the links and cul-de sacs are acceptable. The shared space proposed is acceptable and the raised kerbs can be changed so as to be flush and have the footway at grade. Gateway paving is considered important by the CHO to ensure partially sighted users can identify where the shared space terminates. In-curtilage spaces should be rounded up to the next whole number and visitor spaces should be provided at a rate of 1 space per 5 dwellings. In addition to the above 'in principle' comments, formal comments from the CHO are awaited and an update will be provided at Committee.

6.8 Concerns have been received by local residents and neighbouring Parish Councils, regarding the potential increase in congestion and impact on highway safety, in particular, in respect of Frogfurlong Lane to the east of the site. Furthermore, Members will also recall raising similar concerns at April Planning Committee. Highways and access issues relating to the site were considered in detail at outline stage. Vehicular access to/from Frogfurlong Lane was secured within the agreed 'Access and Movement Parameters Plan (Drawing No.H.0355\_29A-3) which formed part of the outline permission. The Inspector imposed a condition (Condition 8) requiring the subsequent securing of a Site Wide Masterplan document (SWMD), which should be in conformity with the approved Parameter Plans. As such, the approved SWMD has carried forward the proposed new vehicular access to the site from Frogfurlong Lane. The principle of an access on to the Lane to serve the development has thus been established within outline permission ref: 15/00749/OUT. Furthermore, the SOS (paragraph 21 of the outline appeal decision), agreed with the Inspector in *'that there was insufficient substantive evidence to show that the proposal would cause any significant harm to safety or the flow of traffic'*, within the surrounding highway network.

6.9 The current Phase 1 application does not include point of access onto Frogfurlong Lane, although vehicular and pedestrian access to serve the development is included to/from Innsworth Lane. However, the overarching phasing plan, submitted as part of this RM application (as a requirement of Condition 7 of the Outline permission), indicates that the proposed new access onto Frogfurlong Lane would come forward as part of Phase 1 of the overall site.

6.10 On the basis of the revised plans and information, it is considered that the proposed development would ensure safe and efficient access to the highway network for all transport modes and would be well integrated with the movement network within and beyond the development itself, ensuring links by other modes and to green infrastructure, all in accordance with the relevant development plan policies. It is anticipated that the CHO's formal response will include conditions required in order render the development acceptable in highway safety terms.

6.11 The County Public Rights of Way Officer has been consulted with regard to the potential impact of the proposal upon the existing public footpaths that cross the Phase 1 site. The current proposal would affect two existing public rights of way (EL03 and EL06). The PRow Officer has confirmed that they have no objections in respect of the application and have further commented that the proposed incorporation of the public footpaths within both green/public open space and estate road/pavement, as opposed to solely tarmac, is welcomed.

## **7.0 Trees, landscaping and open space**

7.1 JCS Policy SD6 seeks to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. All applications will consider the landscape and visual sensitivity of the area in which they are to be located and which they may affect. Furthermore, Policy GNDP09 seeks to protect and enhance the local landscape. Criterion (e) requires that the existing settlement pattern is preserved including the strong east-west form of the village, by avoiding encroachment into the open countryside. JCS Policy SD4 (iv) requires the design of open space and landscaped areas to be of a high quality design, proving a clear structure and constitute an integral and cohesive element of the design.

7.2 The Parameter Plans approved through the outline permission and subsequent approval of the SWMD in respect of Condition 8, details a strong network of existing and proposed green infrastructure across the wider site, with the creation of vegetated north south routes which retain existing hedgerows to form corridors connecting the developed areas of the site with the natural landscape to the north and east.

7.3 The Green Infrastructure (GI) Strategy embedded within the SWMD seeks to create a multifunctional network of open spaces and green corridors permeating through the new development and linking existing features such as Hatherley Brook, Hatherley Ribbon Park and surrounding areas of open space and the countryside. The SWMD further provides that GI assets will be incorporated into the development, including, but not limited to, hedgerows, trees, grassland, proposed street trees (using Sustainable Urban Tree Planting Systems), water bodies, balancing/attenuation ponds, sports pitches, natural play areas, community orchards and footpath and cycle ways. The design approach taken within the SWMD seeks to draw the best from the sites assets, landscape character and local context and responds to the issues of ecology, access, landscape and surface water management in an integrated way to create a multi-functional landscape. Key linear habitats and associated features are to be retained to maintain a comprehensive green and blue network across the site.

7.4 Hatherley Brook, existing mature trees, valuable hedgerows and existing ponds are identified for protection within the SWMD, where possible and enhanced to minimise impacts upon protected species. The SWMD GI strategy also identifies the creation of a connected network of open spaces and habitats for local wildlife. A principal green area running along the north of the development broadly stretching east west would create an attractive linkage between the developments of Innsworth and Twigworth. A number of equipped play areas will conform to play safety standards and incorporate natural play features, including grass mounds, boulders, logs, rocks and plants to create innovative and challenging play areas to encourage children and young people's physical development with an appreciation of the natural environment.

7.5 The applicant has submitted a suite of information in support of the application to demonstrate compliance with the SWMD and above referenced conditions 10 and 11 of the Outline consent. The information includes: soft landscape proposals, hard landscape proposals, Tree pit specifications for proposed street tree planting, landscape specification, 5 -year landscape management plan, Arboricultural survey and a Design Compliance Statement.

7.6 The submitted soft landscaping proposals indicate that new hedge and shrub planting would be added to the frontages of dwellings to provide a green edge and visually enhance the character and appearance of the area. New planting has also been designed to create the following:-

- Help strengthen the local green infrastructure networks and mitigate visual impact.
- Form a setting and soften the proposed build form.
- Provide contrasts of scale, colour, texture and form.
- Help define legibility of road, create a sense of place and enhance external spaces.
- Mitigate the visual impact of car parking courts and in front plot car parking.

7.7 Front garden boundaries are proposed to be defined with a mix of hard landscaping (railings, brick piers) and or new hedging and shrubs to soften and visually improve the overall appearance. A fully detailed landscaping scheme has been submitted as part of this Reserved Matters application. A significant number of existing trees and hedges would also be retained, incorporated and enhanced. The proposed landscape approach is as follows:

7.8 The strategic planting has been designed to meet the requirements of the approved strategy for site wide green infrastructure, as set out within the SWMD.

- The landscape design retains existing corridors of vegetation within the layout and where necessary these areas are strengthened (for example, the existing PRoW)
- Landscaping within the streetscape aims to create a sense of place with defined spaces, including the use of hedges and trees. Green Infrastructure would be incorporated into the development, including hedgerows and proposed street trees (utilising Sustainable Urban Tree Planting Systems),
- The protection, retention and enhancement of green infrastructure through the site would provide wildlife linkages and opportunities identified in the Green Infrastructure Strategy and Ecological Management Plan

7.9 The Landscape Adviser (LA) has been consulted in respect of the scheme and considered the proposal to be generally acceptable. However, the LA requested the submission of a planting schedule to accompany the landscaping proposals. Furthermore, whilst the LEAP proposed in Phase 1 of the proposed development does not form part of the current RMA, it would be located adjoining to it. On that basis, the LA requested that the proposed route through to the POS from the adjoining housing development be indicated within the layout plans. Both the requested Planting Schedule Plan and revised layout plan were duly submitted by the applicant, for review. The revised layout indicates that pedestrian access to the adjoining POS would be via the existing public right of way, which follows the route of the 'secondary street' and the traverses the POS itself. Tree and hedgerow planting is proposed along the extent of the southern boundary of the POS in order to restrict pedestrian access from the neighbouring residential private driveways.

7.10 The Landscape Adviser has reviewed the planting schedule and revised layout and considers the scheme to be acceptable, in accordance with Policies SD4 and SD6 of the JCS and in accordance with the overarching landscape principles of the SWMD.

## **8.0 Existing and future residential amenity**

8.1 Policy SD4 (iii) requires that new development should enhance comfort, convenience and enjoyment through the assessment of the opportunities for light, privacy and external space, and the avoidance of mitigation of potential disturbance, including visual intrusion, noise, smell and pollution. Policy SD14 further requires that new development must cause no harm to local amenity, including the amenity of neighbouring occupiers.

8.2 The layout and proximity of the Phase 1 site to the existing community of Innsworth (Innsworth Lane and connecting residential streets) is such that there would be no undue impact on the residential amenity of existing residents. The site is separated from the existing residential area by Innsworth Lane and this provides a defensible buffer between the application site and the existing dwellings to the south. The proposed new dwellings along the frontage of the Phase 1 site, would be set back from Innsworth Lane, behind shared driveways and soft landscaping. This set back, together with the intervening highway of Innsworth Lane, provides a substantial buffer (32m) between the front elevations of the existing properties to the south of the Lane and new properties to the north.

8.3 The amenity of residents to the immediate east of the site at Innsworth House Farm, and the pair of semi-detached properties to the immediate west of the site, have also been carefully considered. Innsworth House Farm would be separated from the development by the existing PRow which runs from Innsworth Lane through the Phase 1 site, in a north-wards direction. The route of the PRow would be retained as part of the development, with additional planting added in order to provide a green corridor through the site. The green corridor would provide a landscaped buffer between the existing dwelling and the new residential properties to its west, which would therefore preserve the residential amenity of both existing and future occupiers. A pair of semi-detached properties adjoin the site to the west, however, given the garden area between the closest proposed new dwelling and the neighbouring existing dwelling there would be no undue impact on the living conditions of that dwelling.

8.4 Condition 33 of the Outline consent requires each reserved matters application which includes dwellings to be accompanied by a noise survey to identify any dwellings that would be likely to be affected by road noise by Innsworth Lane. A Noise Impact Assessment was duly submitted to accompany the current Phase 1 proposal. The Environmental Health Officer (EHO) has considered the submitted Noise Assessment and advised that it is satisfactory and recommends that rooms on the south facades of the closest dwellings to Innsworth Lane should have trickle ventilators fitted that meet the sound reduction performance detailed in Table 6.2 of the noise assessment. In accordance with the submitted details, the EHO has advised that all glazing throughout the development should also meet the sound reduction performance detailed in Table 6.2 of the noise assessment. This element of the proposal can be secured by appropriate planning condition.

8.5 The site layout has been carefully considered to ensure that the development can achieve acceptable levels of amenity for the proposed new dwellings. It is considered that all dwellings would have access to an acceptable garden amenity area. The apartments are the exception as whilst these benefit from landscaped margins they do not have gardens. They instead, would have access to the public open space within the development, which is considered acceptable provision for these units. In addition, following discussions with officers, balconies have been added to apartment units in order to provide a degree of private amenity space for each. Dwellings have also been designed to front out onto the public realm to maximise activity, surveillance and an attractive outlook for residents/occupiers.

8.6 The distances between dwellings has been assessed. The most sensitive rear facing elevations maintain a minimum 20m gap to minimise direct overlooking between dwellings. This distance is reduced where dwellings face onto each other at oblique angles which is acceptable as direct overlooking of rear elevations is reduced. The distance between front elevations across highways and private drives is a minimum of 14m which is acceptable in a frontage situation. Increased distances are maintained between the three-storey apartment buildings and two-storey dwellings, with three storey and two and a half storey buildings being predominantly clustered together along the Spine Core Area.

8.7 The perimeter block layout serves to provide secure and private rear garden amenity space. Rear garden boundaries would be close board fencing to clearly define and enclose the private spaces and where visible from the public realm, would be 1.8m high screen wall. This would serve to further secure an appropriate level of private amenity space for each dwelling.

8.8 Overall, it is considered that the proposed development would result in acceptable levels of amenity being maintained for future residents of the development and the nearby existing residents of Innsworth, in accordance with the relevant JCS policies.



## **9.0 Affordable Housing**

9.1 JCS Policy SD12 seeks 35% affordable housing to be provided, where possible, on site, within Strategic Allocation sites.

9.2 The application is accompanied by an Affordable Housing Scheme for the site. This is required by the S106 Agreement governing the outline permission which sets out the obligations for affordable housing delivery across the development. The approved Affordable Housing Scheme (Whole Site) identifies that 35% of the total number of residential units constructed on the site shall be affordable housing and that no more than 50% of the dwellings and no less than 10% of the dwellings on any phase should be provided as general affordable housing units.

9.3 Condition 7 of the Outline approval requires a Phasing Plan to be submitted for the whole site, either prior to or as part of the first reserved matters application. The submitted Phasing Plan should include details of the approximate number of market and affordable dwellings for each phase of development. A Phasing Plan has been submitted as part of the current Phase 1 RMA, together with a Schedule for Distribution. Furthermore, an Affordable Housing Layout Plan has been submitted which indicates the position and type of affordable housing units proposed within the development. The current Phase 1 scheme proposes a mix of 47nos. one-bedroom apartments, 19nos. two-bedroom apartments (provided at ground, first and second floor levels within the apartment blocks); 6nos. two-bedroom houses, 14nos. three-bedroom houses and 7nos. four-bedroom dwellings, either as affordable rent or affordable intermediate properties. The affordable units would be dispersed throughout the development, although the affordable apartments would be predominantly sited along the spine road area.

9.4 The Housing Enabling Officer (HEO) has been consulted and raises no objections to the proposed provision of affordable housing which is confirmed to be in accordance with the approved whole site affordable housing scheme and submitted Phasing Plan. However, the HEO has requested a complete breakdown of the proposed affordable housing for completeness, so that the breakdown of proposed affordable rent and affordable intermediate units can clearly be identified.

9.5 It is considered that, subject to the additional information requested by the HEO, the scheme provides an appropriate requirement for affordable housing in accordance with the relevant policies of the JCS and the approved outline permission.

## **10.0 Foul and Surface Water Drainage**

10.1 JCS Policy INF2 (2) (iv) requires new development to incorporate Sustainable Urban Drainage Systems (SuDS) where appropriate to manage surface water drainage. Policy INF6 also requires that the infrastructure requirements generated by a proposal are met, including by adequate on and off site infrastructure.

10.2 Concerns have been raised in respect of the potential for flood risk and the ability of drainage infrastructure to cope with the new development. Members will also recall raising such concerns at April 2019 Planning Committee, prior to the application's deferral. The principle of developing the site is of course, already established by the outline permission. An engineering and drainage strategy plan has been submitted as part of the current Phase 1 scheme in order to demonstrate how the site specific drainage infrastructure would accord with the drainage strategy for the entire site. Condition 26 of the Outline consent precluded the commencement of development works on site until a detailed surface water drainage strategy for the entire site has been submitted to and approved in writing by the LPA. Condition 27 also required that no dwellings should be located outside of Flood Zone 1 and Condition 28 required floor levels for all properties to be set a minimum of 750mm above the modelled 1 in 1000 year flood level (as a proxy to the 1:100 plus 70% climate change event). Levels details have been submitted as part of the detailed engineering plans for the current scheme and which accord with the details previously submitted in order to demonstrate compliance with Condition 28. In addition, Condition 26 (Site wide detailed surface water drainage strategy) of the Outline consent has been complied with and subsequently discharged and the detailed engineering and drainage strategy drawing submitted in respect of the current Phase 1 scheme, seeks to demonstrate how the proposal would fully accord with the aforementioned approved SuDS.

10.3 The site-wide flood risk attenuation works/engineering operations to create attenuation ponds, are currently pending consideration as part of Reserved Matters application ref: 18/01284/APP, which appears within the same Committee schedule. The site-wide attenuation and drainage strategy for the current Phase 1 proposal has been prepared in alignment with the detailed surface water drainage strategy approved under Condition 26. The Lead Local Flood Authority (LLFA) notes that the information provided shows the location of attenuation basins and connecting conveyance channels that correspond with locations agreed with the consent for this site. The positions are as shown in the Flood Risk Assessment (FRA) which included flood extents agreed with the Environment Agency. Condition 26 of the outline permission further requires surface water drainage work details in respect of each RM application, to be submitted for approval in writing by the LPA, alongside/as part of that RM submission. The LLFA have been consulted in respect of the current Phase 1 scheme and have re-iterated the requirement for a detailed written drainage strategy and design, incorporating assessment of the hydrological and geological context of the site, consideration of the potential for use of SuDS and evidence that the SuDS hierarchy has been considered. Whilst the LLFA have acknowledged the submission of the general engineering and drainage proposal to accompany the Phase 1 scheme, they have advised that this is insufficient for them to make an accurate assessment of the drainage strategy and surface water management proposals for this site. The site specific drainage details have been requested by officers and **an update will be provided at Committee.**

10.4 The Environment Agency (EA) has responded previously in respect of the Outline scheme and subsequent conditions relating to flood risk matters. As such, the EA has advised that based on the information submitted and in light of their previous correspondence, they have no further comments to make in relation to the current Phase 1 proposal.

10.5 The Council's Flood Risk Drainage Engineer (FRDE) has considered the submitted surface water drainage strategy and raised no objection to the proposed site-wide detailed drainage scheme submitted in order to discharge Condition 26 of the Outline approval. The FRDE has been consulted in respect of the current Phase 1 scheme and has referred to the comments of the LLFA regarding the requirement for additional detail. The LLFA will be re-consulted once the required surface water drainage strategy has been submitted, in order to ensure compliance with the terms of the outline consent and conditions, SWMD and prevailing policy.

10.6 Severn Trent (ST) have considered the proposal and have advised that, as surface water is proposed to discharge to watercourse and not to the public sewerage system they have no specific comments to make and defer to the LLFA/EA for detailed comments. No conditions were imposed by the Inspector/SOS upon the outline permission with regards to foul drainage details and this would be a matter for future assessment by Building Control Officers during development works in order to ensure compliance with relevant Building Regulations. The Environmental Statement (ES), submitted in respect of the outline permission (Section 11), states that the phasing of the foul drainage and connections to existing Severn Trent sewerage infrastructure would be carried out in accordance with the requirements of ST water, including any improvements that are required to accommodate flows from the development. The ES further sets out that the phased provision of the foul drainage would ensure that there would be no adverse effect resulting from foul sewage during construction of the development. Foul drainage is proposed within the ES to discharge either to the existing foul sewer in the northeast or to the Longford Sewage Pumping Station to the southwest. Sewage from the development would be treated at the 'Netheridge Treatment Works' and the treated effluent discharged to the River Severn. Paragraph 11.5.49 of the ES advises that Severn Trent had been consulted on the capacity of their existing foul infrastructure and the predicted flows arising from the development of the site. Any improvements required to infrastructure resulting from the additional flows, would be secured with ST in order to ensure that there would be no adverse effect in drainage terms.

## **11.0 Conclusions & Recommendations**

11.1 Subject to the resolution of the technical matters raised within this report, it is considered that the proposal would result in an acceptable layout, scale, appearance, landscaping and access arrangements, which would be well related to the existing settlement of Innsworth and would integrate successfully into the surrounding landscape of the open countryside and later phases of the development.

11.2 It is recommended that authority be delegated to the Technical Planning Manager to **Approve the application subject to a satisfactory response from the LLFA and the County Highways Officer, the submission of a detailed breakdown of the proposed affordable rent and affordable intermediate units for the affordable housing provision and revised plans which satisfactorily address outstanding minor matters concerning detailed design/boundary treatments/materials being resolved and any other additional/revisions to conditions which may be required.**

## RECOMMENDATION Delegated Approve

### Conditions:

1. Other than where varied by the conditions below the development hereby approved shall be implemented in accordance with the following plans, documents and details;
  - Received on 21st December 2018;  
Kairus Ltd Noise Assessment;  
Affordable Housing Schedule for Distribution, dated 17.12.2018;
  - Received 15th January 2019;  
JP Associates Revised Tree Survey, dated 12.12.2018;  
Waste Minimisation Statement, dated January 2019;  
Phasing Plan - Drawing No. 105 Rev. E, dated November 2018;
  - Received 5th April 2019;  
J Bartlett Consultancy Ltd Stage 1 & 2 Combined Road Safety Audit, dated 28th January 2019;  
Kerbing, Surfacing and Signage plan - Drawing No. 475 - 250 - 02 Rev. A;
  - Received 9th April 2019;  
Revised Apartment House Types;  
Core Contemporary House Types;  
Core Green Corridor House Types;  
Core Traditional House Types;  
Garage Floor Plans & Elevations;  
Spine Road House Types;  
External Works Plan - Drawing No. 18011.PH1.006 B;  
Proposed Adoption Plan - Drawing No.18011.PH1.009 B;  
Affordable Housing Plan - Drawing No. 18011.PH1.010 C;  
Storey Height Plan - Drawing No. 18011.PH1.011 B;  
Cycle Storage Plan - Drawing No. 18011.PH1.012 A;  
Bin Storage & Collection Plan - Drawing No. 18011.PH1.013 B;  
Character Area Plan - Drawing No. 18011.PH1.015;  
Vehicle Tracking Plans - Drawing Nos. 475-P-PH1-010-A; 475-P-PH1-011; 475-P-PH1-012; 475-P-PH1-013 and 475-P-PH1-014;  
General and Detailed Engineering Plans - Drawing Nos. 475-P-PH1-100-B; 475-P-PH1-200-01-B; 475-P-PH1-200-02-B and 475-P-PH1-200-03-B;  
Visibility & Dimensions Plan - Drawing No. 475-P-PH1-425;  
Detailed Soft Landscaping Plans - James Blake Drawing Nos. JBA 18/295-01 Rev. B; JBA 18/295-02 Rev. B; JBA 18/295-03 Rev. B; JBA 18/295-03 Rev. B; JBA 18/295-04 Rev. B; JBA 18/295-05 Rev. B;  
Detailed Soft Landscaping Proposal for Infrastructure Areas - James Blake Drawing Nos. JBA 18/295-07 Rev. B; JBA 18/295-08 Rev. B; JBA 18/295-09 Rev. B; JBA 18/295-11 Rev. B; JBA 18/295-12 Rev. B; JBA 18/295-13 Rev. B; JBA 18/295-14 Rev. B;  
Revised Compliance Statement, dated April 2019, Version 2;  
Enclosure Details - Drawing No. 18011.PH1.008 Rev. A;  
Revised Street Scene Elevations - Drawing Nos. 18011.PH1.201 Rev. C & 18011.PH1.202 Rev. A;
  - Received 17th April 2019;  
Revised Proposed Site Layout Plan - Drawing No. 18011.PH1.002 Rev. E;  
Detailed Soft Landscaping Proposal for Plots/Planting Specification Plan - James Blake Drawing No. JBA 18/295-06 Rev. B;

Reason: To clarify the terms of the approval

2. Notwithstanding the submitted details, no works above the floor plate level of any dwelling shall be commenced until the design and details of the doors and windows (external joinery - including finished colour) have first been submitted to and approved in writing by the Local Planning Authority. The elevations shall be at a minimum scale of 1:20 and the sections shall be at a minimum scale of 1:5 and shall indicate moulding details at full size. The works and fitted joinery shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity

3. Notwithstanding the submitted plans, no works above the floor plate level of any dwelling shall be commenced until the details of the location, elevations and materials of all boundary treatments are first submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved.

Reason: In the interests of visual amenity

4. Prior to the construction of any dwelling above floor plate, full details of the specifications of the proposed window systems shall be first submitted to and approved in writing by the Local Planning Authority. Habitable rooms on the south facades of the closest dwellings to Innsworth Lane should have trickle ventilators fitted, that meet the sound reduction performance detailed in Table 6.2 of the submitted Kairus Ltd noise assessment and all glazing throughout the development should also meet the sound reduction performance detailed in Table 6.2 of the above referenced noise assessment. The development shall be implemented in accordance with the details so approved.

Reason: In the interests of the amenity of the future residents of the development

5. Notwithstanding any indication of materials which have been given in the application, a schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority before any works take place above DPC level. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area in the interests of visual amenity in accordance with the NPPF.

6. Notwithstanding the submitted details, no works above the floor plate level of any dwelling shall be commenced until samples of all external walling, roofing and hard landscaping materials proposed to be used have first been submitted to and approved in writing by the Local Planning Authority. All materials used shall conform to the sample(s) so approved.

Reason: In the interests of visual amenity.

7. The decision is to be read in conjunction with planning permission 15/00749/OUT including the associated S106 legal agreements.

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

18/01285/APP Site Location Plan



NOTES:



Orchard Park  
(Caravan Site)

153/A  
236

REV	DATE	DESCRIPTION	DESIGNED	CHECKED
A	20.11.18	Application boundary updated		

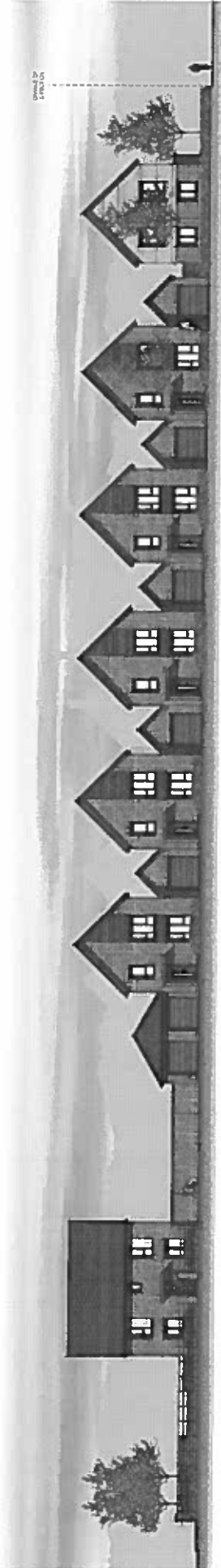
  

PROJECT PHASE 1, INNSWORTH GLOUCESTER					
FILE LOCATION PLAN					
Taylor Wimpey Bristol 100 Park Avenue Bristol, BS1 3QD Tel: 0117 933 2222 Fax: 0117 933 2227 www.taylorwimpey.co.uk					
DATE	SCALE	APP NO	APP SIZE	APP NO	APP SIZE
26.11.18	1:250	18011PH1.003	A	18011PH1.003	A



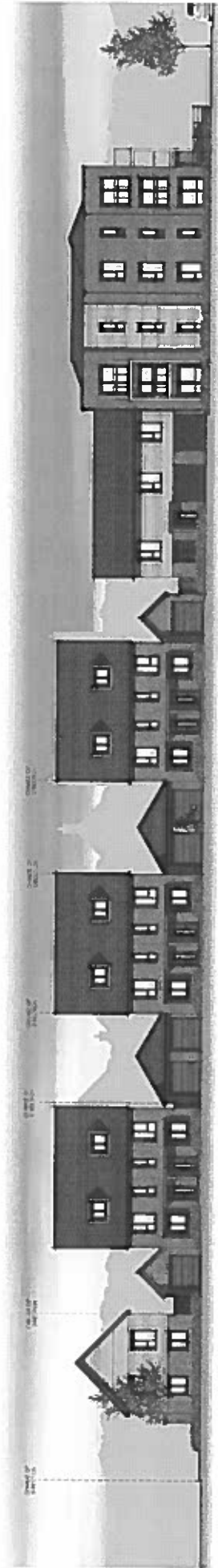
16101285/NRF Proposed Street Scenes

DATE



PLOT 6  
STREET SCENE E.E  
CORE CONTEMPORARY CHARACTER AREA

PLOT 7 PLOT 8 PLOT 9 PLOT 10 PLOT 11 PLOT 12



PLOT 23 PLOTS 24 & 25 PLOTS 26 & 27 PLOTS 28 & 29 PLOT 30 PLOTS 31-39

153288



PLOTS 177 & 178  
STREET SCENE F.F  
CORE TRADITIONAL CHARACTER AREA

PLOTS 152 & 153 PLOTS 154 & 155 PLOTS 150 & 157 PLOTS 135 & 136



PLOT 181  
STREET SCENE F.F  
CORE - GREEN CORRIDOR CHARACTER AREA

PLOT 182 PLOT 183 PLOT 184 PLOT 185



Site Based 1/2000

NO.	DATE	BY	REVISION
1	11/11/11	AW	ISSUED FOR PERMITTING
2	02/14/12	AW	ISSUED FOR PERMITTING
3	02/14/12	AW	ISSUED FOR PERMITTING
4	02/14/12	AW	ISSUED FOR PERMITTING
5	02/14/12	AW	ISSUED FOR PERMITTING
6	02/14/12	AW	ISSUED FOR PERMITTING
7	02/14/12	AW	ISSUED FOR PERMITTING
8	02/14/12	AW	ISSUED FOR PERMITTING
9	02/14/12	AW	ISSUED FOR PERMITTING
10	02/14/12	AW	ISSUED FOR PERMITTING
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BRIDGEMOUTH  
GLOUCESTERSHIRE  
PHASE 1  
STREET SCENES 2  
Taylor Wimpey

10/01285/MRF - Proposed Street Scenes

DATE



STREET SCENE A.A  
SPRUE CHARACTER AREA

PLOTS 222-230

PLOTS 231-233

PLOTS 234-236

PLOTS 237-245



PLOT 3  
STREET SCENE B.B  
CORE CONTEMPORARY CHARACTER AREA - INNSWORTH LANE FRONTAGE

PLOTS 5 & 6

PLOTS 104 & 105

PLOTS 106 & 107

PLOTS 108 & 109

PLOT 116

239  
15310

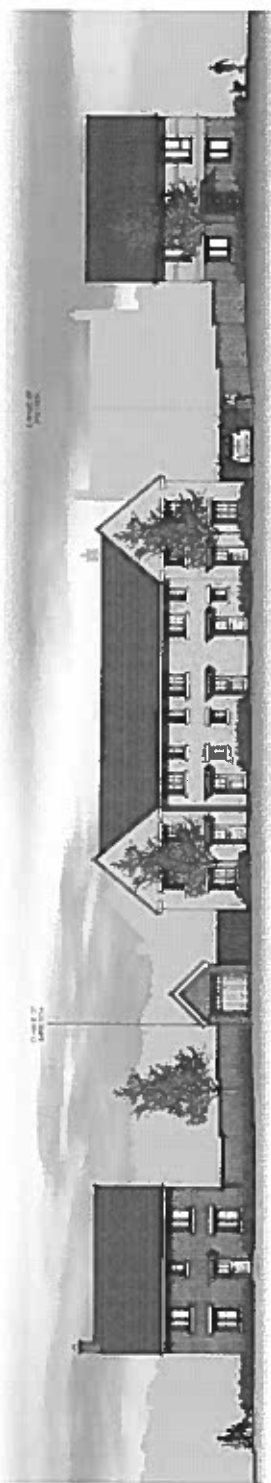


STREET SCENE C.C  
CORE CONTEMPORARY CHARACTER AREA

PLOTS 88-86

PLOTS 82-80

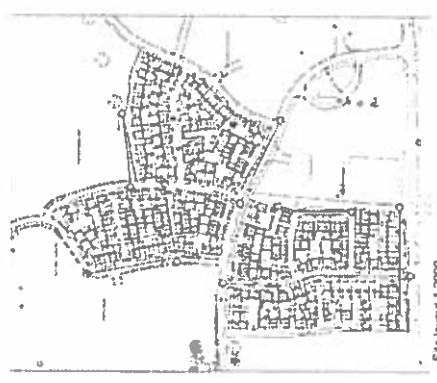
PLOT 77



STREET SCENE D.D  
CORE TRADITIONAL CHARACTER AREA

PLOTS 137-141

PLOT 142



Site layout 1:2000

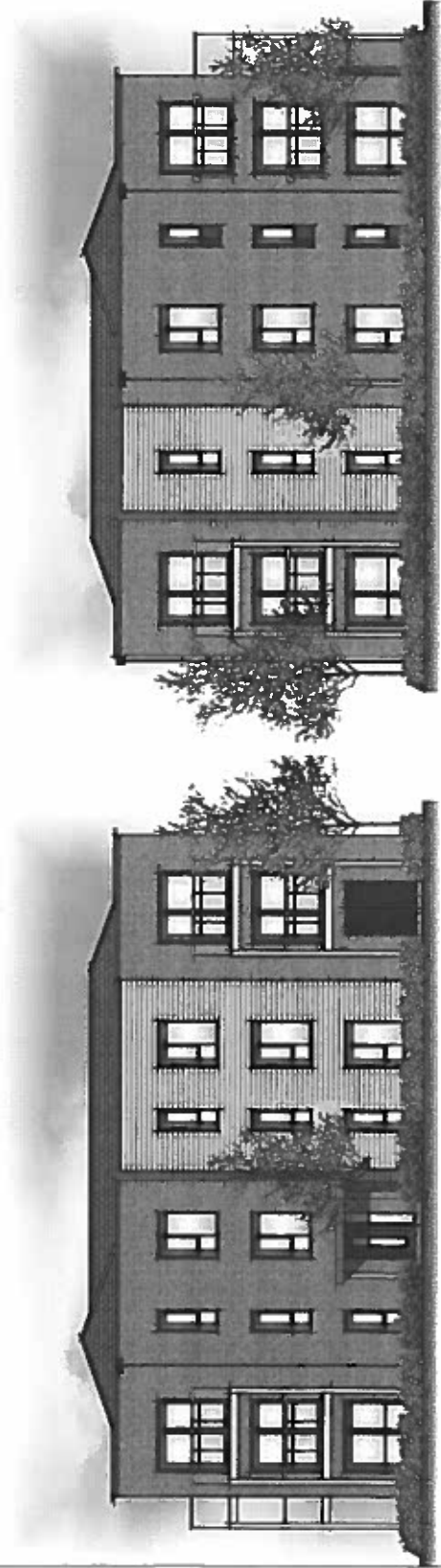
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18/01285/APP Apartment Elevations

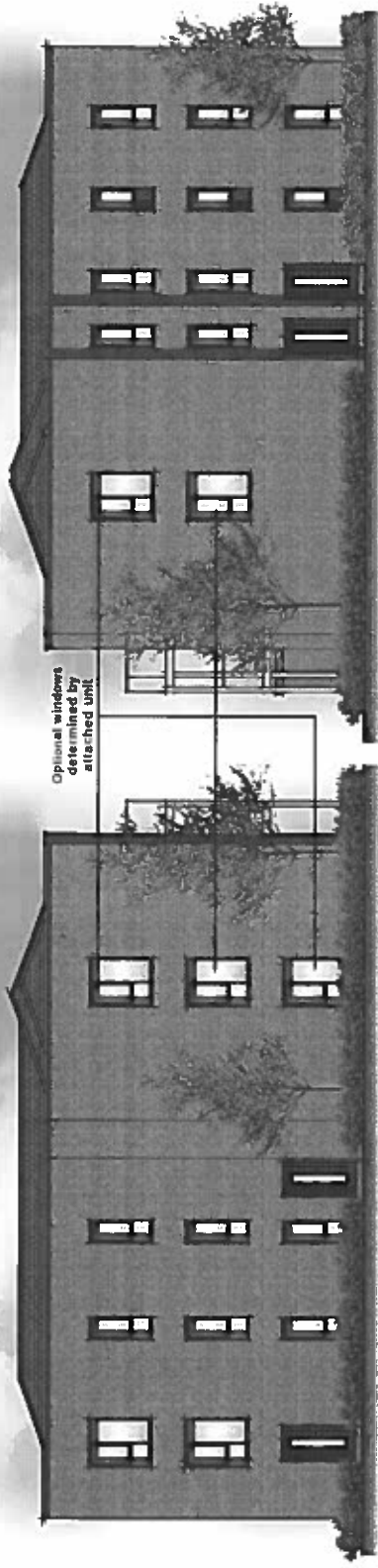
NOTES



FRONT ELEVATION

SIDE ELEVATION

24/53/F



REAR ELEVATION

SIDE ELEVATION

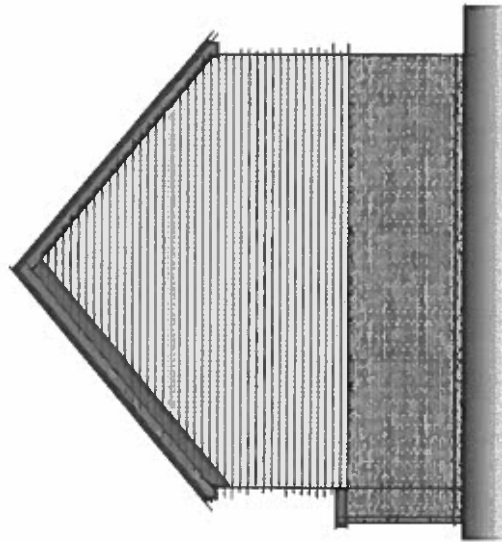
B	10.04.19	Updated to clients comments.	DAM
A	03.04.18	Drawing amended and updated to accord with LA comments and latest site layout.	DAH
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PROJECT PHASE 1			
INNSWORTH, GLOUCESTER			
TITLE APARTMENTS (PLOTS 31-57, 111-119, 164-172, 222-230 & 237-245) ELEVATIONS			
Taylor Wimpey Bristol Ltd. 400 Park Avenue Avonmouth Bristol BS32 4SD T 01454 828400 F 01454 828401 www.taylorwimpey.co.uk MHBC REG No 76483			
DATE	23.11.18	SCALE 1:100 @ A2	REV B
DRN	CDS	SCALE 1:100 @ A2	CRAMING NUMBER 18011.AP1.202

18/01285/APP Example House Type - Core Area.

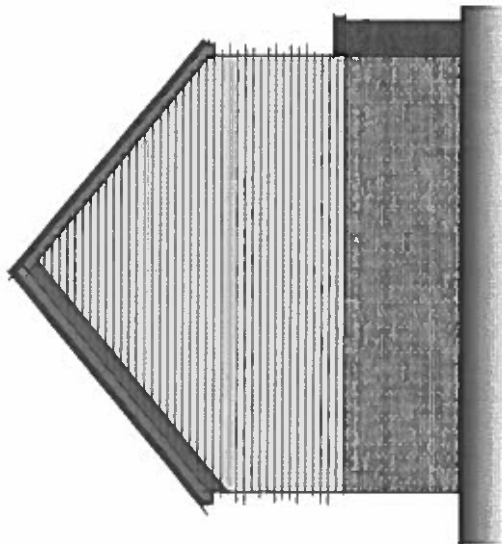
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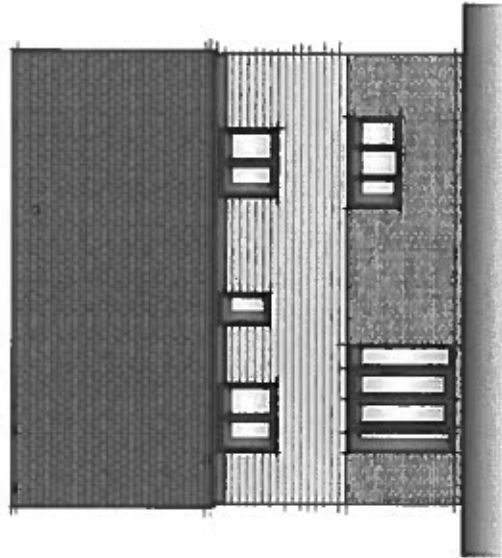
FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION



REAR ELEVATION

REV	DATE	DESCRIPTION	DRAWN
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<b>TITLE</b> D1389 (SUNFORD) VARIATION 2 ELEVATIONS			
Taylor Wimpey Bristol 430 Veterans Drive Almondsbury Bristol BS32 4UE T 01454 629400 F 01454 628401 DX 124894 Almondsbury 3 www.taylorwimpey.com INFO@RED-101983			
DIN	CDS	SCALE	DRAWING NUMBER
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	05.04.19		
			REV

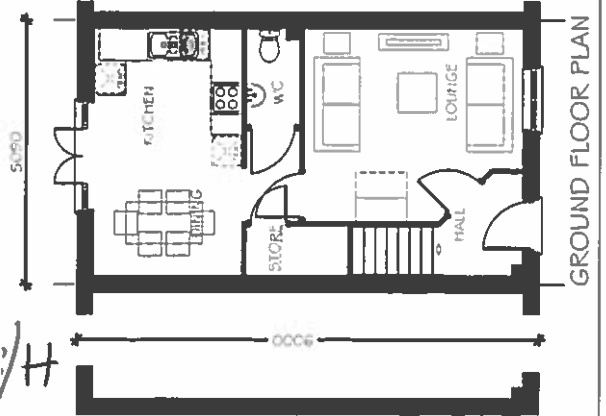
242 153/G

18/01285/APP Example Housing Type 5 - Core Area

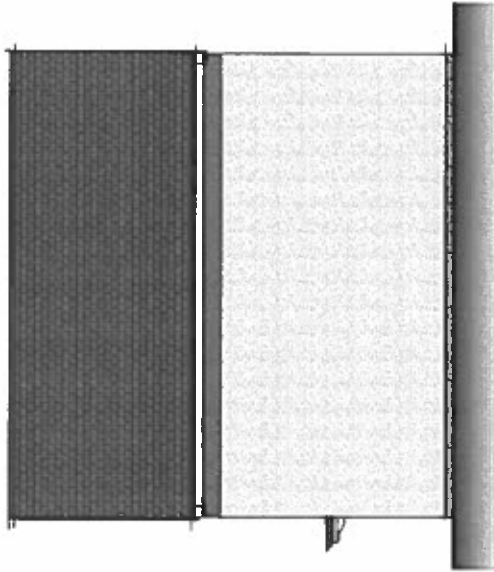
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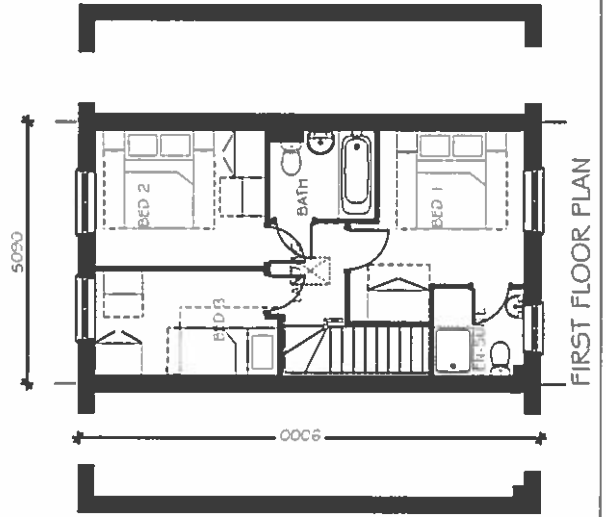
FRONT ELEVATION



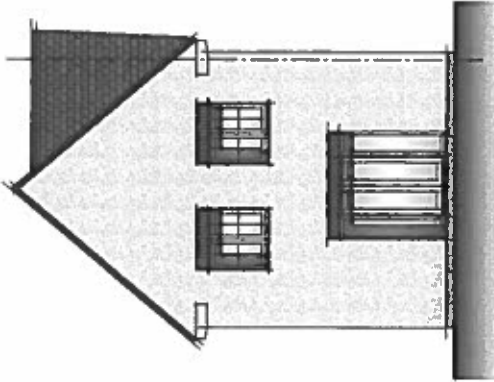
GROUND FLOOR PLAN



SIDE ELEVATION



FIRST FLOOR PLAN



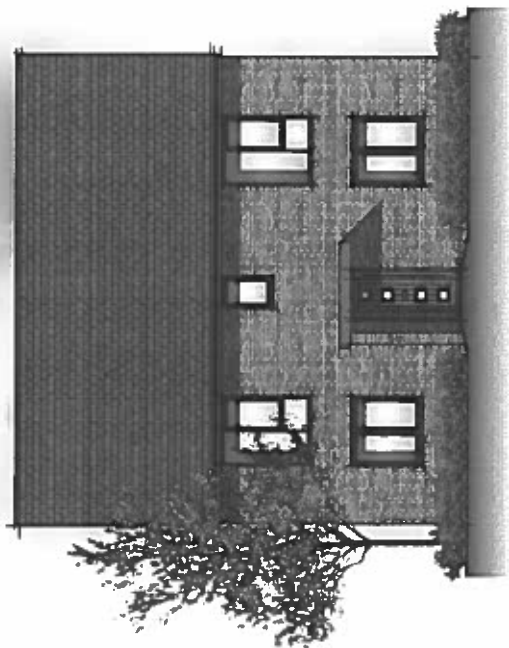
REAR ELEVATION

REV	DATE	DESCRIPTION	DRAWN
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TITLE <b>PA34 (GOSFORD) VARIATION 2 FLOOR PLANS AND ELEVATIONS</b>			
<b>Taylor Wimpey Bristol</b> 730 Waterside Drive Almondsbury Bristol BS32 4UE T 01454 626400 F 01454 626401 Cx 124884 Almondsbury 3 www.taylorwimpey.com NINEC REG No 76463			
DRN	CDS	SCALE	DRAWING NUMBER
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DATE	12.12.18	@ A3	REV

243 153'11"

18/01285/APP Example House Types - Core Area

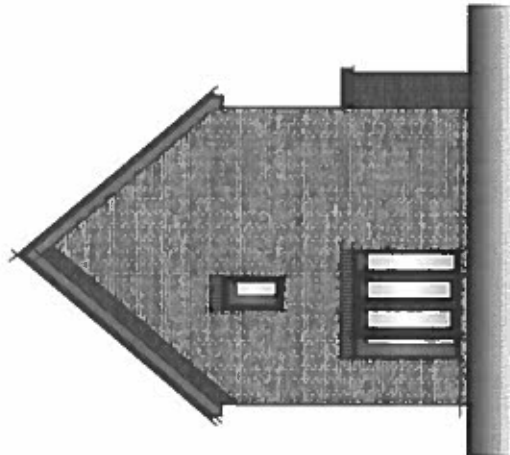
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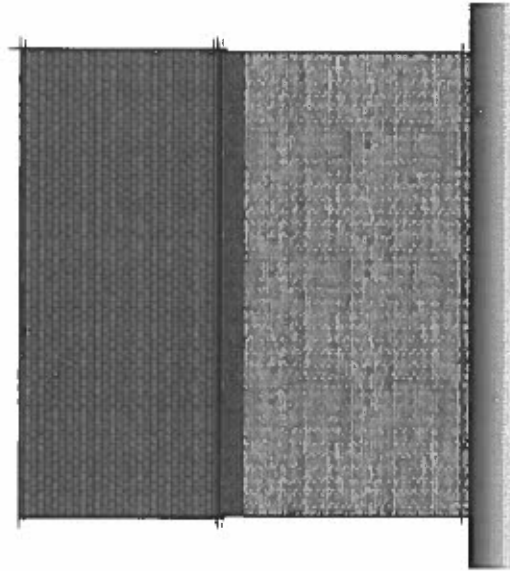
FRONT/SIDE ELEVATION



SIDE/FRONT ELEVATION



REAR/SIDE ELEVATION



SIDE/REAR ELEVATION

244 153/I

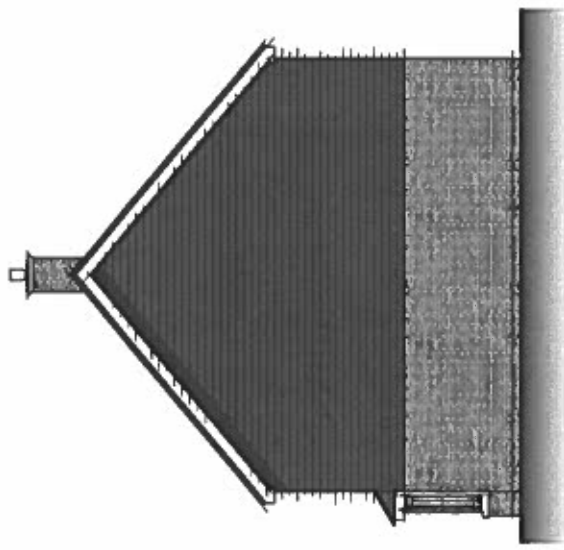
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18/01285/APP Example House Types - Core Area

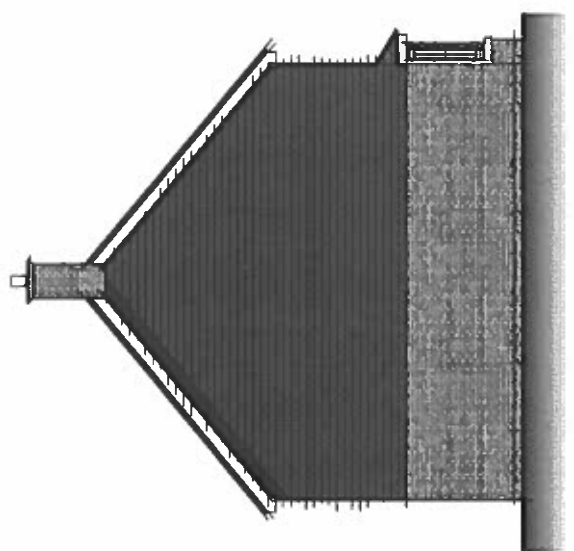
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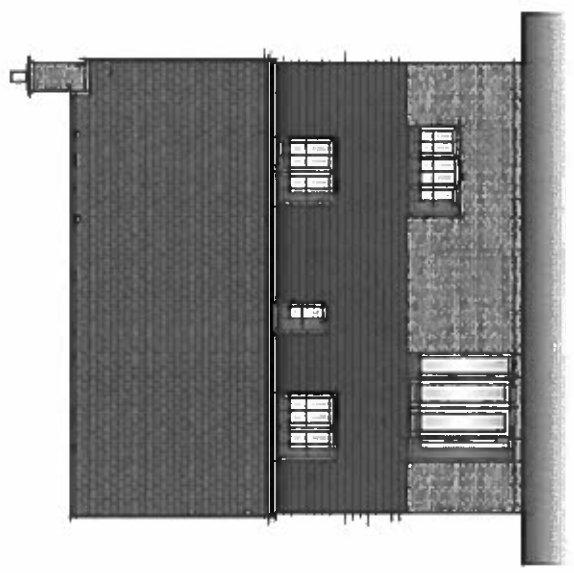
FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION



REAR ELEVATION

245 153/15

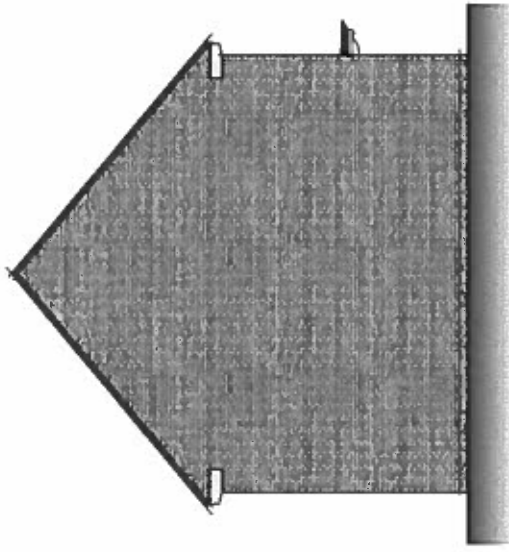
REV	DATE	DESCRIPTION	DRAWN
A	09.04.19	Updated to clients comments.	
PROJECT INNSWORTH CORE - GREEN CORRIDOR			
TITLE NA44 (MANFORD) VARIATION 1 ELEVATIONS			
<b>Taylor Wimpey Bristol</b> 730 Waterside Drive Green Park Almondsbury Bristol BS32 4UE T 01454 628400 F 01454 628403 DX 124894 Almondsbury 3 www.taylorwimpey.com NRBC REG No 76883			
DRN	CDS	SCALE	REV
		1/100	
DATE	05.04.19	@ A3	A
		DRAWING NUMBER	
		18011.NA44.602	

18/01285/APP Example House Types - Affordable Units

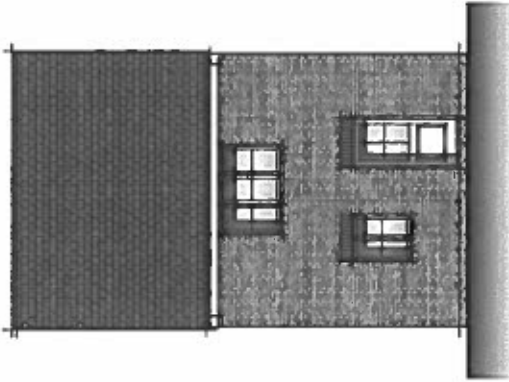
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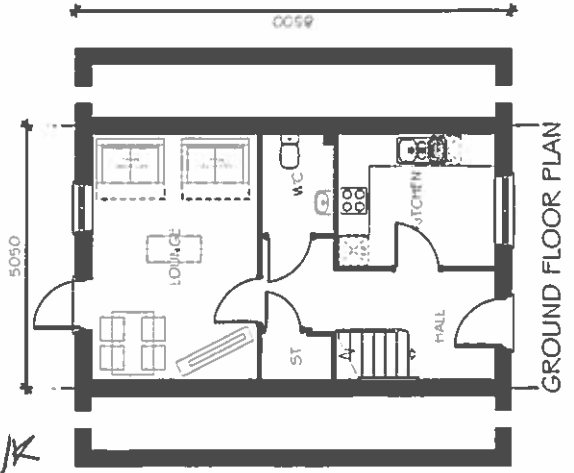
FRONT ELEVATION



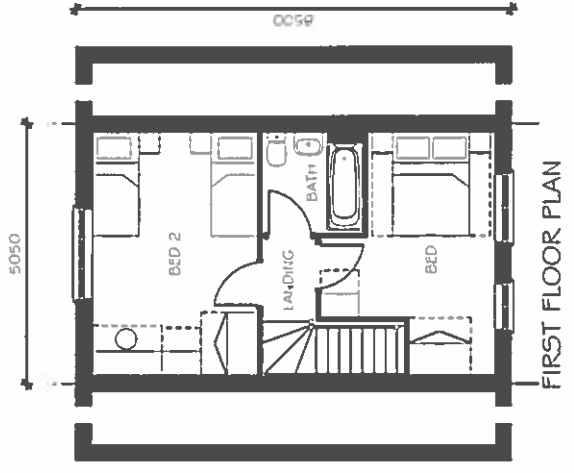
SIDE ELEVATION



REAR ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

REV	DATE	DESCRIPTION	BY

PROJECT	INNSWORTH AFFORDABLE			
TITLE	AA23 VARIATION 1 FLOOR PLANS AND ELEVATIONS			
<p>Taylor Wimpey Bristol                  7-30 Waterside Drive                  Almondsbury                  Bristol BS32 4UE                  T 01454 628400                  F 01454 628401                  DX 124894 Almondsbury 3                  www.taylorwimpey.com                  INFO@TAYLORWIMPEY.COM                  INFO@TAYLORWIMPEY.COM</p>				
DIN	CDS	SCALE	DRAWING NUMBER	REV
		1/100	18011.AA23.201	
		@ A3		

24/53/K

**BOROUGH COUNCILLORS FOR THE RESPECTIVE WARDS 2019-2023**

Ward	Parishes or Wards of	Councillors	Ward	Parishes or Wards of	Councillors
Badgeworth	Badgeworth (incl. Bentham) Great Witcombe Staverton	Robert Vines	Isbourne	Ashchurch Rural (incl. Walton Cardiff) Buckland Dumbleton Oxenton Snowhill Stanton Stanway Teddington Toddington	John Evetts Mel Gore
Brockworth East	Brockworth Parish (East Ward)	Louise Gerrard Sara Stevens			
Brockworth West	Brockworth Parish (West Ward)	Craig Carter Deborah Harwood			
Churchdown Brookfield with Hucclecote	Churchdown Parish (Brookfield Ward) Hucclecote	Gill Blackwell Paul Smith Richard Smith			
Churchdown St John's	Churchdown Parish (St John's Ward)	Mary Jordan Clare Softley Scott Thomson	Northway	Northway	Pauline Godwin Elaine MacTiernan
Cleeve Grange	Cleeve Grange Ward	Helen Munro	Severn Vale North	Deerhurst Elmstone Hardwicke Leigh Stoke Orchard & Tredington	Heather McLain
Cleeve Hill	Gotherington Southam Woodmancote	Mike Dean Anna Hollaway	Severn Vale South	Boddington Down Hatherley Norton Sandhurst Uckington	Mark Williams
Cleeve St Michael's	Cleeve St Michael's Ward	Bob East Andrew Reece			
Cleeve West	Cleeve West Ward	Rob Bird Richard Stanley			
Highnam with Haw Bridge	Ashleworth Chaceley Forthampton Hasfield Highnam Maisemore Minsterworth Tirley	Paul McLain Jill Smith	Shurdington	Shurdington	Philip Surman
			Tewkesbury East	Tewkesbury Town (Newtown Ward) Wheatpieces	Christine Reid Vernon Smith
			Tewkesbury North and Twyning	Tewkesbury Town (North Ward) Twyning	Mike Sztymiak Philip Workman
			Tewkesbury South	Tewkesbury Town (South Ward)	Cate Cody Kevin Cromwell
Innsworth	Innsworth Longford Twigworth	Graham Bocking Paul Ockelton	Winchcombe	Alderton Gretton Hawling Prescott Sudeley Winchcombe	David Gray Jim Mason John Murphy