

8 June 2020

Committee	Planning
Date	Tuesday, 16 June 2020
Time of Meeting	10:00 am
<p>This is a remote meeting in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.</p> <p>Members of the public will be able to view this meeting whilst it is in session by clicking on the link that will be available on the Agenda publication page immediately prior to the commencement of the meeting.</p>	

Agenda

1. ANNOUNCEMENTS

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.

3. DECLARATIONS OF INTEREST

Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.

4. MINUTES

1 - 14

To approve the Minutes of the meeting held on 19 May 2020.



Item	Page(s)
5. DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL	
(a) 20/00318/FUL - 1 Starling Walk, Walton Cardiff	15 - 21
PROPOSAL: Change of use from landscaped area/public open space to residential garden area including erection of a new boundary fence.	
OFFICER RECOMMENDATION: Permit	
(b) 19/01071/OUT - Land off Ashmead Drive, Cobblers Close, Gotherington	22 - 52
PROPOSAL: Outline planning application with means of access from Ashmead Drive to be determined (all other matters reserved for subsequent approval) for the erection of up to 50 dwellings (Class C3); earthworks; drainage works; structural landscaping; formal and informal open space; car parking; site remediation; and all other ancillary and enabling works.	
OFFICER RECOMMENDATION: Delegated Consent	
(c) 19/00985/FUL - Tesco Supermarket, Church Road, Bishop's Cleeve	53 - 59
PROPOSAL: To allow for extended hours of delivery 0500-2300 hours Monday-Saturday and 0700-2200 hours on Sundays; variation of condition 5 of planning permission ref: 01/0041/0125/FUL (as modified by planning permission ref: 08/01358/FUL and 14/00552/FUL); and variation of condition 2 of planning permission ref: 14/00552/FUL to amend report of noise mitigation measures.	
OFFICER RECOMMENDATION: Permit	
(d) 20/00016/FUL - 35 Church Road, Bishops Cleeve	60 - 70
PROPOSAL: Erection of first floor extension to 35 Church Road to provide three residential apartments.	
OFFICER RECOMMENDATION: Permit	
(e) 19/00465/FUL - Charlton, Main Road, Minsterworth	71 - 82
PROPOSAL: Change of use of dwelling and adjacent detached dwelling from C3 (dwelling house) to C2 (children's care home). Erection of a replacement single storey rear extension and erection of front and rear dormer extensions; front and rear dormer windows.	
OFFICER RECOMMENDATION: Permit	
(f) 20/00239/FUL - 1 Juniper Close, Innsworth	83 - 92
PROPOSAL: Erection of single storey side and rear extension (revised scheme).	
OFFICER RECOMMENDATION: Permit	

Item	Page(s)
(g) 20/00172/FUL - The Uplands, Dog Lane, Witcombe	93 - 107
PROPOSAL: Erection of a conservatory, decking area and installation of solar panels.	
OFFICER RECOMMENDATION: Permit	
6. CURRENT APPEALS AND APPEAL DECISIONS UPDATE	108 - 119
To consider current planning and enforcement appeals and Ministry of Housing, Communities and Local Government (MHCLG) appeal decisions.	

DATE OF NEXT MEETING
TUESDAY, 21 JULY 2020
COUNCILLORS CONSTITUTING COMMITTEE

Councillors: R A Bird, G F Blackwell, R D East (Vice-Chair), J H Evetts (Chair), L A Gerrard, M A Gore, D J Harwood, A Hollaway, M L Jordan, E J MacTiernan, J R Mason, P W Ockelton, A S Reece, P E Smith, R J G Smith, P D Surman, R J E Vines, M J Williams and P N Workman

Substitution Arrangements

The Council has a substitution procedure and any substitutions will be announced at the beginning of the meeting.

Recording of Meetings

In accordance with the Openness of Local Government Bodies Regulations 2014, please be aware that the proceedings of this meeting may be recorded.

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held remotely on
Tuesday, 19 May 2020 commencing at 10:00 am**

Present:

Chair
Vice Chair

Councillor J H Evetts
Councillor R D East

and Councillors:

R A Bird, L A Gerrard, M A Gore, D J Harwood, M L Jordan, E J MacTiernan, J R Mason,
P W Ockelton, A S Reece, P E Smith, R J G Smith, P D Surman, R J E Vines, M J Williams
and P N Workman

PL.1 ANNOUNCEMENTS

- 1.1 The Chair advised that the meeting was being held under the emergency provisions of the Coronavirus Act 2020 and, specifically, The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. The meeting was being broadcast live via the internet, it was not being recorded by the Council but, under the usual transparency rules, it may be being recorded by others.
- 1.2 The Chair outlined the procedure for the meeting, including public speaking.

PL.2 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 2.1 Apologies for absence were received from Councillors G F Blackwell and A Hollaway. There were no substitutions for the meeting.

PL.3 DECLARATIONS OF INTEREST

- 3.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

3.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
J R Mason	Agenda Item 5b – 20/00175/FUL – Tretower, 28 Langley Road, Winchcombe.	Is a Member of Winchcombe Town Council but does not participate in planning matters. Had been requested by a neighbour to view the application site from their garden and listen to their concerns but had not expressed an opinion.	Would speak and vote.
P E Smith	Agenda Item 5c - 20/00233/PIP – Land at the Bungalow, Down Hatherley Lane, Down Hatherley	The applicant is a relation of his partner.	Would not speak or vote and would leave the meeting for consideration of this item.
R J G Smith	Agenda Item 5a – 19/01225/FUL – The Traffic Group Limited, White Lion House, Gloucester Road.	Believes his neighbours are directors of the company applying for planning permission but he had not entered into any discussions regarding the proposal.	Would speak and vote.

3.3 There were no further declarations made on this occasion.

PL.4 MINUTES

4.1 The Minutes of the meeting held on 17 March 2020, copies of which had been circulated, were approved as a correct record.

PL.5 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

The objections to, support for, and observations upon the various applications as referred to in Appendix 1 attached to these Minutes were presented to the Committee and duly taken into consideration by Members prior to decisions being made on those applications.

19/01225/FUL - The Traffic Group Limited, White Lion House, Gloucester Road

- 5.1 This application was for a two storey extension to existing production building (use class B1 (c)) and reconfiguration to, and extension of, existing car park.
- 5.2 The Technical Planning Manager explained that the proposal sought to extend the existing light industrial premises to provide a larger production area and increase the level of car parking on the site. The premises was located on an existing major employment site, as allocated in the adopted local plan and the principle of development was therefore acceptable. The main issues arising from the application were the impact on the local highway network and the potential impact on nearby residential properties. In terms of highways, the proposal would result in a relatively low increase in vehicular movements; the County Highways Officer had been consulted and raised no objection, subject to the inclusion of planning conditions as set out in the Officer report. As the site backed onto the rear of commercial units, it was the potential impact on the houses and mobile home site on the opposite side of the B4063 that had raised most concern from those making representations. The use was classified as B1 which meant it could be carried out in a residential area without harm to amenity, particularly in terms of noise, vibration, dust and smell; however, the concerns were focused mainly on potential overlooking from the new building to the properties opposite. As could be seen on the proposed site location plan, the two properties to the immediate west of the mobile home park entrance were already directly opposite the proposed building and had a substantial evergreen hedge which would avoid any overlooking from the proposed extension. A relatively new property, known as Bay Tree House, had been constructed in the former garden of Brookside and the extension would inevitably bring the building closer to that property; however, views from the front and gable end windows would be oblique and at a distance that would not give rise to undue overlooking. The distance from the proposed windows to the nearest boundary of the closest residential properties was approximately 20 metres with the dwellings themselves set back at least 30 metres. The proposed fire escape was set a further three metres back. The building would be clearly visible from the neighbouring properties and the outlook from Bay Tree House in particular would change, but not to such a harmful extent as to warrant refusal. For these reasons, Officers felt there would be an acceptable relationship between the existing dwellings and the proposed extension. The Technical Planning Manager advised that there had been some concern about the accuracy of the plans; however, the applicant's agent had confirmed that the site and block plans were based on a professional survey of the site which must be preferred over the Ordnance Survey mapping. In terms of design, the extension would be a continuation of the existing building in terms of form and style and would have an acceptable impact on the character and appearance of the area whilst also serving to screen some of the lower quality industrial buildings behind. It was regrettable that some of the trees at the western end of the site had been removed; however, those trees were not protected and a condition was suggested to secure an appropriate landscaping scheme including tree planting along the site boundary. For all of the reasons outlined, the Officer recommendation was to permit the application.
- 5.3 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. The local Member for the area indicated that he had concerns about overlooking from the extension to the dwellings opposite, as had been explained by the Technical Planning Manager, and he asked whether a condition could be included to require the top floor windows to be obscure glazed in order to give additional privacy to those properties and demonstrate to the residents that their concerns had been taken seriously. The Technical Planning Manager reiterated that Officers felt the distances involved were

acceptable but it was within Members' gift if they saw fit to include a condition requiring obscure glazing as suggested. Another Member questioned whether the height of the residential properties opposite the site had been taken into consideration in relation to the proposed development. She indicated that she regularly drove along the B4063 and felt that the visual impact since the trees had been felled was terrible. She recognised that replacement trees were being planted but, in her view, this proposal was a step too far; the original building was a public house which had been sympathetically extended but the proposed extension would have a detrimental impact on the streetscene and would negatively affect the properties opposite. The Technical Planning Manager explained that there was insufficient scope to achieve any further landscaping within the site to address the concerns raised by the Member as there was not a huge amount of room between the front of the building and the site boundary. Whilst the proposed planting would provide some privacy, this would be limited, particularly during winter months; however, this was not considered to be an issue given the distances involved. The impact on the streetscene was a matter of judgement - Officers felt it was acceptable and, whilst Members may take a different view, that particular issue could not be solved by any additional planting on site. The Member recognised there would be an attempt to undertake some planting and, given the circumstances, she felt that was probably the best that could be hoped for, nevertheless, her main concern was the levels of the existing residential properties in relation to the proposed development as it had been stated they were somewhat lower. The Technical Planning Manager confirmed that Officers were aware of the difference in levels, they had been taken into account in their assessment of the proposal and were not so significantly different to alter the recommendation in terms of loss of outlook and overlooking.

- 5.4 The proposer and seconder of the motion to permit the application indicated that they would be happy to include a condition to obscure glaze the first floor windows, as requested by the local Member, and the Chair sought clarification from the Technical Planning Manager as to whether that was achievable. The Technical Planning Manager confirmed that there was a standard condition which could be used and would require the windows to be Pilkington Level 4, or equivalent standard, and obscure glazed; however, he asked Members to clarify exactly which windows they required to be obscure glazed. The local Member indicated that this should apply to the five first floor windows facing toward the B4063. In response to a query as to whether there would be one sheet of glass on the upper and lower glazing, the Technical Planning Manager indicated that he did not have those details to hand but he provided assurance that the obscure glazing on the road-facing elevation would resolve the issues that the local Member had referred to. The Legal Adviser indicated that the plans seemed to show there were eight first floor windows in total facing the B4063 and she sought clarification as to whether it was the five windows in the main part of the extension which Members wished to condition. Having reconsulted the plan at Page No. 85 of the Officer report, the Technical Planning Manager confirmed that there were eight first floor windows in the front elevation of the proposed extension across the two different elements of the extension. The local Member confirmed that he would like all eight to be obscure glazed and the proposer and seconder of the motion indicated they would be happy with that.

- 5.5 Upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** in accordance with the Officer recommendation, subject to the inclusion of a condition to obscure glaze the eight first floor windows of the proposed extension facing the B4063.

20/00175/FUL - Tretower, 28 Langley Road, Winchcombe

- 5.6 This application was for the erection of a first floor rear extension.
- 5.7 The Planning Officer advised that the application related to Tretower, a semi-detached dwelling located in a semi-rural residential area on the outskirts of Winchcombe. The proposal sought the erection of a first storey extension to the side and rear of the dwelling which would be constructed on top of a single storey flat-roofed extension which had been permitted in 2015. The main issue to be considered was the impact that the extension would have upon neighbouring amenity, specifically loss of light and overbearing impact on the adjacent property, Winds Point, and the adjoining semi-detached property, Lynwood. The Officer report set out that permission had recently been granted for a range of extensions at Winds Point to be constructed on the boundary with the application site; whilst these had not yet been constructed, it was a material consideration, therefore, two assessments had been made based on the impact of the proposal as the sites were currently and the impact should the neighbouring extensions be constructed. The Planning Officer confirmed that both assessments concluded there would be no unacceptable impacts to that property. Likewise, the adjoining semi-detached property Lynwood would not suffer any discernible impacts because the extension would be located on the western part of the host dwelling leaving a large gap between the properties. This gap would mean there would be no overshadowing, loss of light, or overbearing impact to that property. The scheme complied with planning policy and the Officer recommendation was therefore to permit. The Planning Officer proceeded to show two videos provided by the applicant showing the site from the front and rear.
- 5.8 The Chair invited the applicant to address the Committee. The applicant explained that the type of extension they were hoping to add was very common on 1930's semi-detached properties with the surrounding area being made up of similar properties, a number of which had two storey side extensions that had been given planning permission by the local planning authority. The design for the proposed extension was based on the already approved design for Green Hyde, a left-hand side semi-detached property which was identical to theirs and located two houses down. The applicant's architect had tried to stay true to the character and features of the existing house with regard to materials, finishing and roof pitch/design, and had spent a long time looking at the roof height to reduce the eaves as much as possible in order to ensure the extension was subservient to the existing house and surrounding buildings. The proposed extension would be constructed over an existing single storey part of the building and would not require an increase in footprint with the additional floor area only equating to 13.7 square metres. The principal elevation of the extension would be set back over 6.7 metres from the principal elevation of the existing house in order to remain sympathetic to the streetscene. The applicant went on to explain that the extension would be approximately 3.5 metres from Lynwood, the adjoining property, and, when referencing the 45 degree or privacy rule, would have no detrimental effect on the neighbours "right to light" on either side as no additional shade would be created based on the position of the proposed extension and the path the sun moved over the property. The proposed extension would be approximately one metre further from the boundary of the adjoining neighbour to the east compared with the approved extension at Green Hyde - the applicant pointed out that the neighbours to the west at Winds Point had not raised any objection to the proposal, despite the fact that it would be constructed closer to their boundary; on the contrary, planning permission had recently been granted for a ground floor extension to that property and it was intended to plan simultaneous builds in order to minimise any disruption to surrounding neighbours.

- 5.9 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be deferred for a Planning Committee Site Visit to assess the impact of the proposal on the neighbouring properties. The proposer of the motion indicated that there had already been quite substantial extension of the property and his concern was for the neighbours at Lynwood. The properties were very small and the extension would be between the two upper floor windows which, when viewed from the garden of Lynwood, would have an overbearing impact and potential loss of light to the property. He appreciated that photographs and videos had been provided to assist the Committee in its determination of the application but, in his opinion, this was no substitute for visiting the site and viewing the property from the garden, and that of the neighbouring property Lynwood. The seconder of the motion agreed that it was very difficult to appreciate the issue of overlooking and loss of light without being on site, particularly as the buildings were very close together. He did not feel the videos that had been shown were adequate in terms of Members making a fair assessment of the proposal and was of the view that the only way to properly assess the impact was by physically visiting the site, as such, he was happy to support the proposal. The Chair pointed out that the only way to view the property from the rear garden was to go through the house and, given the current social distancing rules, it should be borne in mind that it may be a considerable time before it was possible for the Committee to conduct a site visit. The proposer of the motion indicated that the property could be easily viewed from the garden of the neighbouring property without going through that property. Whilst he recognised the practicalities of carrying out a site visit would be challenging, in his opinion it was the only way to make a proper assessment of the impact of the proposal and he pointed out that the Town Council had raised concern regarding the application.
- 5.10 A Member noted that the applicant had mentioned a property close by which had been granted planning permission for a very similar extension and he sought clarification as to where the local planning authority would stand if this application was refused. The Technical Planning Manager reminded Members that each application must be determined on its own merits; notwithstanding this, the merits did somewhat depend on other applications which had been determined within the area. It was also necessary to consider decisions that had been taken, both by Officers under delegated powers and by the Planning Committee, on similar types of development i.e. other two storey extensions to semi-detached properties. In the Officers' opinion, it would be very difficult to substantiate a reason for refusal based on overbearing impact and loss of light in this particular instance given that the extension would be set well away from the boundary and would not be breaking the 45 degree rule. Nevertheless, it was ultimately a matter of judgement for Members. A Member indicated that he could not support the proposal for a Planning Committee Site Visit; whilst he sympathised with the proposer of the motion, he did not feel a site visit would add anything further to the material that had been presented today and it could be months before it was possible to physically visit the site which could result in the applicant lodging an appeal for non-determination which he felt would be difficult for the local planning authority to defend based on the Officer advice. The Technical Planning Manager stressed that Members should not feel they could not request a Planning Committee Site Visit purely because of the current circumstances if they felt strongly that they needed to conduct a visit before making a decision. Notwithstanding this, it should be borne in mind that a number of planning appeals were taking place without site visits with the Inspector making a judgement based on the facts and any photographs and videos that had been submitted.

- 5.11 Upon being taken to the vote, the motion to defer the application for a Planning Committee Site Visit was lost. It was subsequently proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** in accordance with the Officer recommendation.

20/00233/PIP - Land at the Bungalow, Down Hatherley Lane, Down Hatherley

- 5.12 This was a permission in principle application for the erection of one infill dwelling.
- 5.13 The Planning Officer explained that the application was for permission in principle which was a form of planning consent which established that a site was suitable for a specified amount of housing-led development in principle. If permission in principle was granted, the site must then have the technical details approved before development could proceed. The current application was the first stage of the process and sought solely to establish whether the site was suitable in principle for a new dwelling. The government's guidance set out that the scope of the first stage of permission in principle was limited to location, land use and the amount of development; any other technical matters would be considered at the technical details stage. He went on to advise that the site itself was currently associated with a property known as The Bungalow which was located on the east side of Ash Lane. The site was currently accessed from a main driveway off Down Hatherley Lane with a secondary access off Ash Lane, which was a private road - it was proposed that this access would serve the new property. The site was not located within any recognised settlement boundary and was not subject to any site allocation or formal landscape designation but it was located within an area of safeguarded land. Given the context of the site, Officers considered that, whilst the site did not front onto Ash Lane, any dwelling on the site would still relate reasonably well to existing built form in this location and would therefore represent infilling in the context of Policy SD10 of the Joint Core Strategy. It was also considered that there would be an acceptable impact on the landscape and it was feasible that an appropriate access could be provided. In terms of the safeguarded land, the proposal would not strictly accord with Policy SD5 of the Joint Core Strategy; however, given the scale of the development proposed, the proximity of the site to existing properties and the intervening land to the east – which was in multiple ownership – it was considered that the proposal would not prejudice the purpose of the safeguarded land. In light of the Council's housing land supply position, it was not felt there would be any adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme, subject to securing appropriate details at the technical details stage, as such, the application was recommended for approval. The Planning Officer proceeded to show two videos showing the approach to the application site from Ash Lane along Down Hatherley Lane and panning around the site.
- 5.14 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. A Member questioned whether it was correct that the safeguarded land could not be approved without specific support of a Joint Core Strategy review as stated by the Parish Council and, if that was the case, he sought clarification as to the current position in terms of the review. He queried whether the application would have been refused if it were still in the Green Belt and drew attention to Page No. 95, Paragraph 6.3 of the Officer report which set out that, on the basis of the stage of preparation of the Tewkesbury Borough Plan, the emerging policies of the plan could be afforded limited to moderate weight; however, this was contrary to the Inspector's analysis and findings in respect of both the Fiddington and Stoke Road appeals where limited or no weight could be given to the emerging Tewkesbury

Borough Plan - as the plan had only been submitted the previous day, he assumed that its status remained the same. In response, the Technical Planning Manager explained that it was a matter of judgement as to whether safeguarded land weighed against any particular proposal. The purpose of safeguarded land in this case was to provide a future major development opportunity to meet the needs of the borough going forward; on that basis, the judgement was that a small piece of land that was already part of a garden did not impact on the ability of the wider allocation to come forward. This had been taken into account bearing in mind that the tilted balance was in play as per Paragraph 11 of the National Planning Policy Framework. Whilst he understood the concern regarding the impact on the Joint Core Strategy review, Officers did not feel that allowing this development on this site would impact materially on its progress. In terms of the Green Belt, the Technical Planning Manager pointed out that two houses had been permitted next to the application site when still in the Green Belt. In terms of the Fiddington and Stoke Road appeals referenced by the Member, the Inspector and Secretary of State had given particular weight to the emerging Tewkesbury Borough Plan; however, Officers felt this should be given greater weight. Also, Members should be mindful that the tilted balance was in play with this application. The Legal Adviser clarified that the Fiddington appeal had been heard in May 2019 and the Pre-Submission version of the Tewkesbury Borough Plan had been approved for consultation, and so moved on, since that time.

- 5.15 A Member drew attention to the plan at Page No. 100 of the Officer report which showed the existing layout to be linear in form whereas the proposed development would be moving away from that and he sought an Officer comment in that regard. The Technical Planning Manager felt this was a good point and explained that the proposal had been considered in the context of the wider area to the west and the bungalow on the site which was itself set back from the road. This was not an unusual occurrence in the area and Officers felt that the proposal would be relatively well related to the surrounding area which was the reason for the recommendation for approval.
- 5.16 Initially the local Member expressed the view that there may be some benefit in visiting the site; however, another Member indicated that he knew the area very well and did not share this view. He noted that safeguarded land was addressed at Policy SD5 of the Joint Core Strategy which set out, at Paragraph 7(iv), that safeguarded areas were not allocated for development at the present time. Planning permission for the permanent development of safeguarded land – except for uses that would not be deemed inappropriate within the Green Belt – would only be granted if a future review of the Joint Core Strategy deemed the release of this land necessary and appropriate. The crucial role of safeguarded land was to ensure that land identified for possible future growth to meet development needs in a development plan was not fettered by piecemeal development. This application could not by any definition be regarded as anything other than piecemeal development, it would not be acceptable within the Green Belt and public transport was non-existent other than on the A38, as such he proposed that the application be refused. The local Member seconded the proposal and confirmed that he no longer wished to propose a Planning Committee Site Visit. He indicated that there were already six new houses on the left hand side and he understood that another six were proposed behind that so the lane was getting very busy and, as nobody had been identified as owning the lane, he was concerned as to who would take responsibility when something went wrong. The Technical Planning Manager explained that the access road was very much a matter for residents who he understood all had collective responsibility for the upkeep of the road and presumably the residents of any new residential properties would also have a responsibility in that respect. In terms of the comments made regarding piecemeal development and safeguarded land, he reiterated that this was a matter of judgement in this case. Given the particularities of the site, and its location in

relation to the strategic allocation, as well as the fact that it was within the garden of the bungalow, Officers did not feel the proposal would in any way prejudice the adjoining safeguarded land coming forward in future. Although there was a judgement to be made, the Technical Planning Manager reiterated that the tilted balance did apply and, should Members be minded to refuse the application, there must be significant and demonstrable harm to outweigh the - albeit limited - strengths of the proposal. In response to a query, the Planning Officer confirmed that planning permission had been granted for two additional houses in the gap following onto Ash Lane.

- 5.17 A Member indicated that she could not support the motion to refuse the application given that the Officers had presented an excellent case stating that allowing the property to be built on the safeguarded land did not prejudice its purpose. Another Member felt it should be borne in mind that planning permission had been granted for two houses on the plot of land immediately to the south of the driveway four years earlier when the land had been in a designated Green Belt area. The proposer of the motion to refuse the application reiterated that the site was not a strategic allocation, nor was it a service village and he did not feel that the piecemeal approach was justified as safeguarded land should be for bigger developments, therefore he stood by his proposal. The Chair sought clarification as to the reasons for refusal and the proposer of the motion indicated that the site was not strategically allocated and was not within a service village, there were no public amenities serving the site with the nearest being located on the A38, it would be piecemeal development and a decision would need to be taken via a Joint Core Strategy review to make it permissible. The Technical Planning Manager understood the reasons; however, with regard to the suggestion that the proposal was premature to the Joint Core Strategy review, he explained that the government guidance was very clear that an argument of prematurity was unlikely to be successful unless the proposal would prejudice the purpose of the safeguarded land. In terms of services, there was an excellent bus service along the A38 which was considered to be within reasonable walking distance of the site. In addition, there would be new services and facilities coming forward as part of the strategic allocation and the nearby Twigworth development which had a small local centre associated with it. In his view it would be difficult to substantiate a reason for refusal, particularly in the context of the tilted balance and the presumption in favour of sustainable development in the National Planning Policy Framework. A Member felt there was a need to re-evaluate how public transport was addressed within the development plans in light of the situation with COVID-19 and the latest government advice about its usage. The Legal Adviser indicated that Paragraph 50 of the National Planning Policy Framework stated that refusal of planning permission on the grounds of prematurity would seldom be justified where a draft plan had yet to be submitted for examination and, where planning permission was refused on the grounds of prematurity, the local planning authority would need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process. The Technical Planning Manager clarified that the Tewkesbury Borough Plan had been submitted for examination but the Joint Core Strategy review, to which the proposer of the motion was referring, had not. The proposer of the motion confirmed that his refusal reason was not on the basis of prematurity but on the grounds of piecemeal development which was likely to increase if this application was allowed.

- 5.18 Upon being taken to the vote, the motion to refuse the application was lost. It was subsequently proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** in accordance with the Officer recommendation.

The meeting closed at 11:37 am

Appendix 1**ADDITIONAL REPRESENTATIONS SHEET**

Date: 19 May 2020

The following is a list of the additional representations received since the Planning Committee Agenda was published and includes background papers received up to and including the Monday before the meeting.

A general indication of the content is given but it may be necessary to elaborate at the meeting.

Page No	Item No	
73-85	5a	<p>19/01225/FUL</p> <p>The Traffic Group Limited, White Lion House , Gloucester Road</p> <p>Late representations have been submitted by resident – please see attached letter</p>
86-92	5b	<p>20/00175/FUL</p> <p>Tretower, 28 Langley Road, Winchcombe</p> <p>Late representations have been submitted by the applicant setting out that their proposed extension has been designed to replicate a nearby neighbouring scheme, 'Green Hyde', which was granted permission earlier this year. The permitted plans (reference 19/00864/FUL) have been submitted for comparison purposes.</p>

Item 5a – 19/01225/FUL – The Traffic Group Limited, White Lion House, Gloucester Road - letter of representation

FOR THE ATTENTION OF TBC PLANNING COMMITTEE
MEETING 19 MAY 2020

RE: PLANNING APPLICATION 19/01225/FUL
THE TRAFFIC GROUP STAVERTON

As the occupier [REDACTED], directly opposite the planned development, I have already submitted my objections to the above application, together with photographs and OS plans of the site.

On being directed this morning to the Report submitted to the Committee by the Planning Officer, [REDACTED], there are just a few points I would like to clarify:

1. Site Plan:

I provided a site plan consistent with Ordinance Survey data. Superimposing the architect's plan on top of this information, clearly shows that the location of the current and proposed structures are incorrect in the architect's plans, despite [REDACTED] assurances to the contrary. This information can be verified by any competent GIS Officer/ GIS Professional working at the Council within a matter of minutes.

However, drawing the plans the way the architect has could have been done to ensure that the proposed development appears to be greater than 20m distance from the property boundary of Bay Tree House and Silver Fern. When it is drawn accurately, it is quite clear that the development will be less than 20m from both property boundaries.

2. Overlooking 7.10

[REDACTED] stresses that officers 'have visited the site and carefully considered the impact on amenity that would arise from the proposed application'.

I invited [REDACTED], in an email, a telephone conversation and in my letter of objection to visit my property to see the impact it would have on my property. His assessment was made without coming onto my land, which lies on a much lower level than the proposed extension, and without seeing the impact views of my house and garden from the new second floor and side elevation windows of the new development. The photographs I enclosed do not do true justice to this impact. There will be no privacy from these new windows, simply uninterrupted views of my private space. Any views the present building have will be significantly greater if the building is extended. Had [REDACTED] come here he would have seen that.

3. Highway Safety:

In all of the listed objections to the development from people who have lived in

the area for many years, one major concern [REDACTED] has sky junction. In this Report it is stated that GCC Highways had made no objection to the application except that a secure cycle path/plan should be implemented, and there were no objections re highway safety. However, there is no evidence/documentation of their response in the documents re this application on the Planning Portal.

4. Screening of the site:

As mentioned in some of the objections, the cutting-down of many well-established poplar trees at the bottom of the site in order to increase car parking spaces, has now resulted in an open uninterrupted view from the roadside of the somewhat untidy industrial site behind and increasing noise from that site. The few proposed trees and a small hedge to match the existing hedge on the front boundary will unfortunately not hide this view.

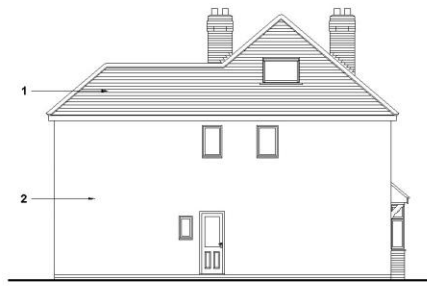
[REDACTED] from the Planning has assured me that this letter will be included in the documents set before you at re this application at the Committee Meeting on 19 May 2020.

[REDACTED]

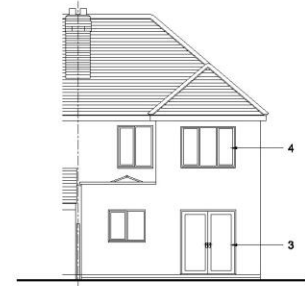
Item 5b – 20/00175/FUL – Tretower, 28 Langley Road, Winchcombe - Appendix A, B and C



Front Elevation



Side Elevation



Rear Elevation



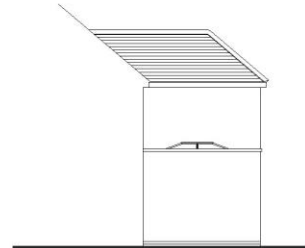
Ground Floor



First Floor

Materials

1	Plain tiles to match existing
2	Render to match existing
3	White PVCu doors
4	White PVCu windows



Side Elevation

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Client		[Redacted]		URBAN ASPECTS LAND PLANNING DESIGN	
Project		Green Hyde, Langley Road, Winchcombe			
Drawing Title: Proposed Floor Plans & Elevations					
Date	Scale	Drawn	Status	Job No.	Drawn
Aug 2019	1:100 @ A3	GMP	PA	WGG19.01	08

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A 17.09.19 Refuse storage/collection added.

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Key

1	Existing vehicular access to be widened
2	New tarmac crossover
3	New tarmac driveways
4	Concrete paving slabs
5	1.8m high close boarded timber fence
6	1.8m high close boarded timber gates
7	Existing boundary treatments to be retained
8	Areas of soft landscaping
9	Refuse storage area
10	Refuse collection point

Client		[REDACTED]	
Project		Green Hyde, Langley Road, Winchcombe	
Drawing Title Proposed Site Layout			
Date	Scale	Drawn	Status
Aug 2019	1:200 @ A3	GMP	PA
Job No.	Dwg No.	Rev.	
WGG19.01	03	A	



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TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	16 June 2020
Site Location:	1 Starling Walk Walton Cardiff Tewkesbury Gloucestershire GL20 7TB
Application No:	20/00318/FUL
Ward:	Wheatpieces
Parish:	Tewkesbury
Proposal:	Change of use from landscaped area/public open space to residential garden area including erection of a new boundary fence.
Report by:	Emily Pugh
Appendices:	Site layout plan
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. This application relates to 1 Starling Walk, a detached brick built property located on an estate comprised of dwellings similar in form and appearances- many of which have been extended or altered. The dwelling has a small garden to the rear (east) and is bordered by a public right of way to the south which is lined on either side by grass verges. The site is not affected by any restrictive constraints or designations.
- 1.2. The current application seeks to change to use of a small strip of land south of the curtilage which currently belongs to Tewkesbury Borough Council.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
14/00433/FUL	Proposed two storey rear extension.	PER	14.07.2014

3.0 RELEVANT POLICY

- 3.1. The following planning guidance and policies are relevant to the consideration of this application:

National guidance

- 3.2. National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017

- 3.3. Policy SD4 (Design Requirements)
3.4. Policy SD14 (Health and Environmental Quality)

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

- 3.5. Policy HOU8 (Domestic Extensions)

Tewkesbury Borough Plan 2011-2031 Submission Version (May 2020)

- 3.6. Policy RES10 (Alteration and Extension of Existing Dwellings)
3.7. Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
3.8. The First Protocol, Article 1 (Protection of Property)

4.0 CONSULTATIONS

- 4.1 Wheatpieces Parish Council –Objection. Concerns include:
- Work has already started by the applicant putting down weed killer
- There are trees and a hedgerow on site important to the local character of the area
- A tree survey should be undertaken
- There are important habitat and biodiversity features on site
- The area should remain as public open space

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1. The application has been publicised through the posting of a site notice for a period of 21 days and no letters of representation have been received.

6.0 POLICY CONTEXT

- 6.1. 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.
- 6.2. The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.

- 6.3. The Pre-Submission Tewkesbury Borough plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.4. The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

Design and Visual Amenity

- 7.1. JCS Policy SD4 of the Joint Core Strategy sets out requirements for high quality design while Local Plan Policy HOU8 provides that development must respect the character, scale and proportion of the existing dwelling and the surrounding development.
- 7.2. The current application seeks to remove the existing southern boundary fence and reinstate it a further 2m south. This would encapsulate a strip of land some 21m² in area which is currently within the ownership of Tewkesbury Borough Council.
- 7.3. The proposed layout of the new residential curtilage would be linear and well related to the host dwelling and surrounding area. The proposed boundary fencing would comprise of a close boarded style with concrete posts and timber panels to a height of 1.8m, replicating what is already in situ.
- 7.4. A hedgerow and a number of small trees which are located outside of the red line boundary would remain intact and be unaffected as a result of the proposal. As such, the fence would benefit from some screening against the adjacent public right of way.
- 7.5. The design and layout of the proposal is considered to be minimal and in keeping with the characteristics of the area. It would not undermine the public open space to an unacceptable degree because a strip would still remain between the curtilage and footpath.
- 7.6. In view of the above, the proposal is considered to comply with the requirements set out in the relevant design Policies.

Effect on the Living Conditions of Neighbouring Dwellings

- 7.7. Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Local Plan Policy HOU8 provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity. In this regard, Policy 5.1 states that the amenities of neighbouring residential occupiers should not be unduly affected by overlooking, loss of light, over-dominance or disturbance.
- 7.8. Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2018 and the emerging Tewkesbury Borough Local Plan (Preferred Options Consultation) 2011-2031.
- 7.9. The fence would prolong the eastern boundary of the site which faces onto the driveway of Number 4 Starling Walk. However, this would not result in any discernible impacts to that, or any other nearby property.

Other matters

- 7.10. Whilst the comments of objection relating to trees and biodiversity are duly noted, they do not give sufficient cause to warrant a refusal. The trees and hedgerow are located to the south of the application site outside of the red line boundary as well as outside of the applicant's ownership. The Council sees no reason why the hedgerow and trees should not remain intact and in this regard, no statement has been made setting out that they would be removed. The landscape character and appearance of the estate would therefore be retained in accordance with the original permission.
- 7.11. It should be noted that if any further development into public open space on the estate would need to be carefully considered on its own merits in order to prevent overdevelopment or unacceptable levels of encroachment.
- 7.12. The land is not currently in the ownership of the applicant and as such, notice has been served on the owners (Tewkesbury Borough Council) under Certificate B. The Property Services Team raise no objection to the scheme and advise that it would be amenable to selling the land if planning permission were granted.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1. It is considered that the proposal would be of an acceptable layout and design and would not be harmful to the appearance of the existing site nor the surrounding area. Neither would it result in an unacceptable loss of residential amenity to neighbouring dwellings. It would therefore accord with relevant policies as outlined above. It is therefore recommended the application be permitted.

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 with the following approved documents:
- Proposed block plan: WOA14.01 11, received 6th April 2020
; except where these may be modified by any other conditions attached to this permission.

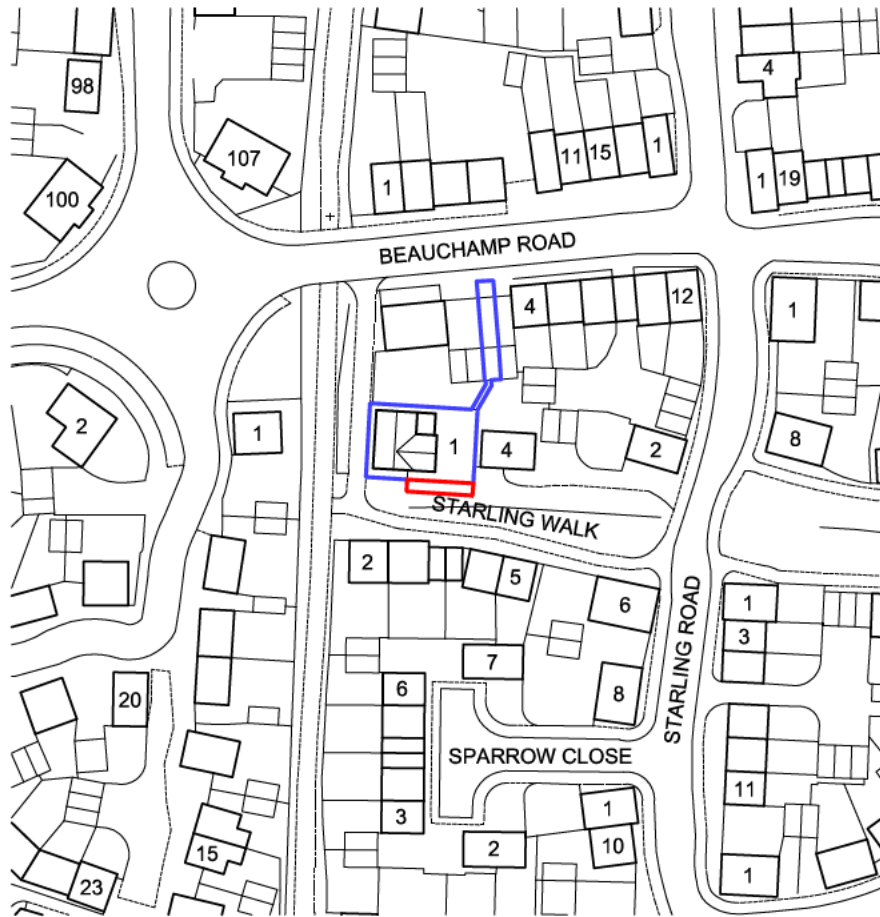
Reason: To ensure that the development is carried out in accordance with the approved plans.

INFORMATIVES:


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 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 lie 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.



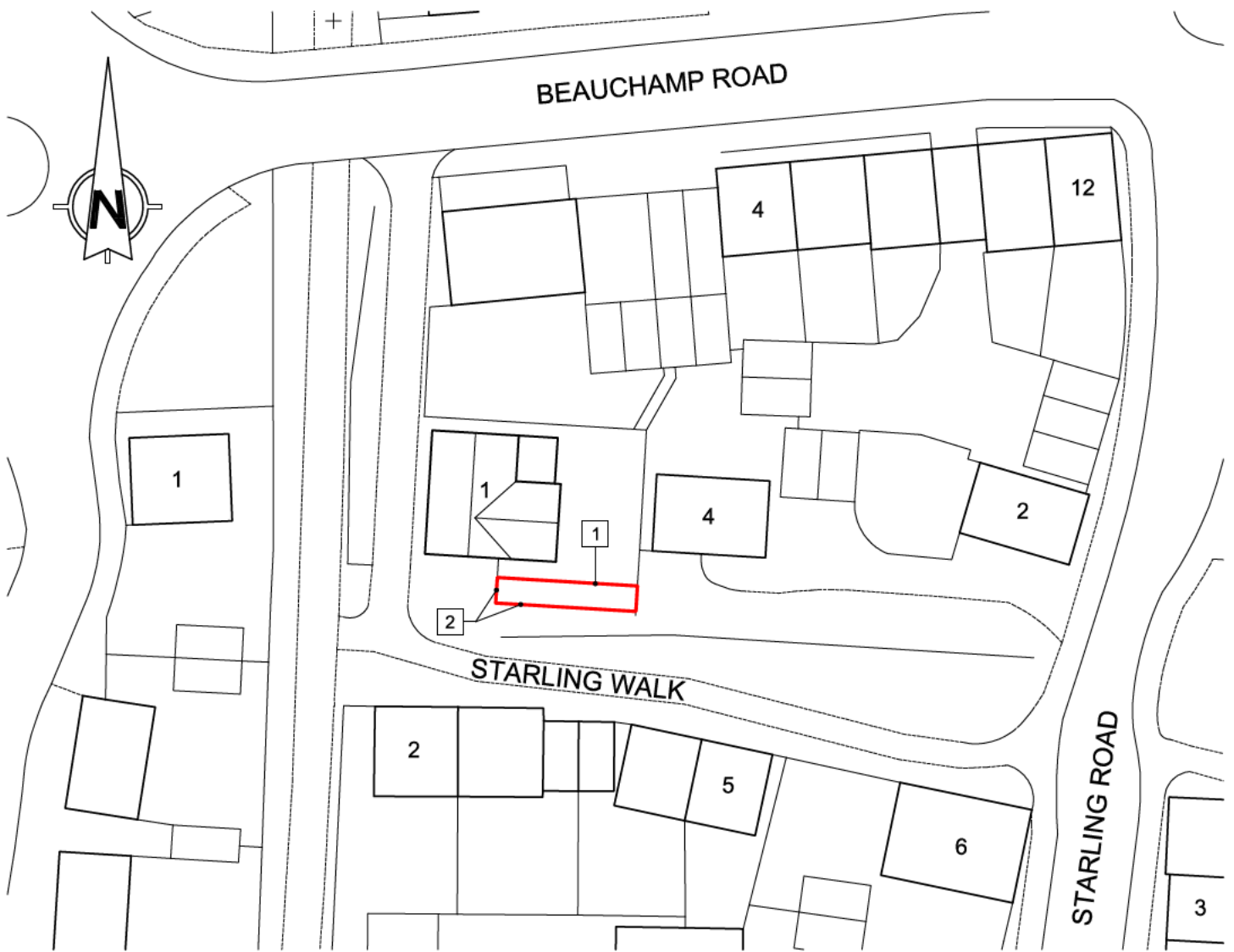
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Client [REDACTED]				 URBAN ASPECTS <small>LAND · PLANNING · DESIGN</small>		
Project 1 Starling Walk, Walton Cardiff						
Drawing Title Location Plan						
Date Mar 2020	Scale 1:1250 @ A4	Drawn GMP	Status PA	Job No. WOA14.01	Drg No. 10	Rev. -

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1.8m high concrete post and timber fence

1	Existing 1.8m high concrete post and timber fence
2	New 1.8m high concrete post and timber fence

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Client						
Project						
Drawing Title						
Date	Scale	Drawn	Status	Job No.	Drg No.	Rev.
Mar 2020	1:500 @ A4	GMP	PA	WOA14.01	11	-

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	16 June 2020
Site Location:	Land Off Ashmead Drive Cobblers Close Gotherington Cheltenham Gloucestershire
Application No:	19/01071/OUT
Ward:	Cleeve Hill
Parish:	Gotherington
Proposal:	Outline planning application with means of access from Ashmead Drive to be determined (all other matters reserved for subsequent approval), for the erection of up to 50 dwellings (Class C3); earthworks; drainage works; structural landscaping; formal and informal open space; car parking; site remediation; and all other ancillary and enabling works.
Report by:	Mr Adam White
Appendices:	Site location plan Illustrative site layout Land use plan Site access plan
Recommendation:	Delegated consent

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application relates to an agricultural field measuring around 6.3 hectares, which is located adjacent to the southern edge of Gotherington. It has a gentle slope and is contained by mature hedgerow and tree planting along its boundaries (**see attached site location plan**). The site is located within a Special Landscape Area (SLA), with the land to the north and east of Gotherington forming part of the Cotswold Areas of Outstanding Natural Beauty (AONB). The site sits outside of, but adjacent to the settlement boundary as defined in the Gotherington Neighbourhood Plan.
- 1.2. Gotherington itself is a broadly linear settlement running along an east to west axis along the road, with a limb extending southwards towards Bishops Cleeve. The settlement is generally horseshoe shaped and encloses the site on three sides, with agricultural land to the south. There are a number of public rights of way running across the site, which lead to the west and south.

- 1.3. The application proposes the erection of up to 50 dwellings, including associated drainage works; structural landscaping; formal and informal open space; car parking; site remediation; and other ancillary enabling works. The application is in outline with all matters reserved for future consideration with the exception of the means of access from Ashmead Drive. Whilst the application is in outline form, it is supported with an illustrative site layout plan (**see attached**) along with a Design and Access Statement, which explains how the site could be developed.

2.0 RELEVANT PLANNING HISTORY

- 2.1. In 1973, two outline applications for residential development on the land were refused (Ref: 73/00179/OUT & 73/00180/OUT).
- 2.2. More recently in 2017, an outline application for up to 50 dwellings was refused by the Council (Ref: 16/00901/OUT). That application was subsequently the subject of a planning appeal, which was dismissed on the 27th April 2018. Whilst that appeal was dismissed, the Inspector's findings on a number of matters are of material significance to this current application. This is discussed further in this report.

3.0 RELEVANT POLICY

- 3.1. The following planning guidance and policies are relevant to the consideration of this application:

National guidance

- 3.2. National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017

- 3.3. Policies: SP1, SP2, SD3, SD4, SD6, SD8, SD9, SD10, SD11, SD12, SD14, INF1, INF2, INF3, INF4, INF6, INF7,

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

- 3.4. Policy LND2 (Special Landscape Areas)

Tewkesbury Borough Plan 2011-2031 Submission Version (May 2020)

- 3.5. Policies: RES1, RES2, RES3, RES4, RES5, RES12, RES13, DES1, HER2, HER4, LAN1, LAN3, NAT1, NAT3, ENV2, RCN1, RCN2, TRAC1, TRAC2, TRAC3, TRAC9

Gotherington Neighbourhood Development Plan 2011- 2031 (GNDP)

- 3.6. Policies: GNDP01, GNDP02, GNDP03, GNDP04, GNDP05, GNDP07, GNDP08, GNDP09, GNDP10, GNDP11, GNDP12

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

- 3.8. The First Protocol, Article 1 (Protection of Property)

4.0 CONSULTATIONS

- 4.1. Gotherington Parish Council – The objections to the proposal are summarised as follows:
- The application is substantially the same as what was previously refused by the Council and subsequently dismissed at appeal. The site remains unchanged since the initial application and remains unsuitable for development.
 - The site is outside of the settlement boundary and is not included in the Neighbourhood Plan or the Tewkesbury Borough Local Plan.
 - The development would breach NDP Objective 6, which seeks to protect the identity of Gotherington and prevent its coalescence with Bishops Cleeve and Woolstone.
 - Gotherington's housing allocation for 2011-2031 has already been allocated and development is underway on sites included in the NDP.
 - Based upon Gloucestershire Highways figures there would be a rise in traffic along Ashmead Drive and at the junction of Ashmead Drive and Malleson road in excess of 300%.
 - The local school is heavily oversubscribed as is Bishops Cleeve, meaning more car journeys to schools further afield leading to additional traffic and pollution.
 - The disproportionate and destabilising effect on the local community of so many houses being built when developments in Shutter Lane and Malleson Road are ongoing.
 - The social well-being of existing residents will not be protected if views from the houses, gardens and local footpaths are destroyed by the development of a housing estate.
 - The parish council find that this application fails to meet development guidance, fails to meet environmental guidance and fails to meet the social well-being of local residents.
- 4.2. County Archaeologist – No objection subject to a planning condition to secure a programme of archaeological works.
- 4.3. Gloucestershire County Council (Education and Libraries) – Object until a new primary school becomes available in the Bishops Cleeve Primary Planning Area. However, when a site becomes available, contributions have been sought in respect of pre-school, primary and secondary education. A contribution towards libraries has also been requested.
- 4.4. Highways Authority – No objection subject to recommended planning conditions.
- 4.5. Minerals and Waste Planning Authority – No objections subject to conditions to secure a detailed Site Waste Management Plan and to facilitate the recycling of waste generated during the occupation phase.
- 4.6. Severn Trent – No objections subject to a planning condition to secure foul and surface water drainage details.
- 4.7. Environmental Health (WRS: Noise) – No objections but comments are made in respect of the proximity of the MUGA to residential properties.
- 4.8. Environmental Health (WRS: Air Quality) – A condition is recommended to secure an Air Quality Assessment.
- 4.9. Strategic Housing and Enabling Officer – No objections subject to the scheme being in accordance with the recommended housing mix.
- 4.10. Lead Local Flood Authority (LLFA) – No objections to the revised drainage information.

5.0 PUBLICITY AND REPRESENTATIONS

5.1. The application has been publicised through the posting of site notices for a period of at least 21 days and through a press advertisement.

5.2. 159 letters of objection have been received. The objections are summarised as follows:

- The proposal is not in accordance with the Neighbourhood Development Plan.
- This development has already been refused and dismissed at appeal.
- 50 houses would far exceed the number required for Gotherington in the Neighbourhood Development Plan.
- The development would lead to traffic congestion on Ashmead Drive, which is a small residential street.
- The junction with Malleson Road would be dangerous and overcrowded.
- The site is an important green space in the village and a regular walk way for children going to and from the primary school.
- The quick growth of the village is affecting the community and it no longer feels like a village.
- It will narrow the gap between the village and Bishops Cleeve.
- Cleeve has had substantial growth and infrastructure can't cope.
- Gotherington Lane gets very congested on rush hour and school runs and the Evesham Road junction is dangerous now.
- The junction of Malleson Road and the Evesham Road is a death trap.
- There is an increased risk of flooding.
- The current developments aren't selling so do we need more houses?
- Local schools can't cope.
- The NDP has identified sites that will keep the village as a linear village.
- The bus service is very poor.
- There are 4 parking bays at the end of the road that will vanish.
- There are mature trees at the end of the Ashmead Drive, which will have to be destroyed.
- The local school is already full.
- Allowing the development would mean a further loss of green space.
- The visual impact to those close to the meadow would be affected along with the character of the village.
- It will overstretch demand for the bus service used by secondary school pupils.
- There is no justification for a further area of open country to be dedicated to sporting use or used as a children's playground.
- The site is within a Special Landscape Area.
- If we do not prevent this development the land in between will become infill and we will slowly lose our village and become just a suburb of Bishops Cleeve.
- The recent developments in Gotherington have already increased the population of the village by 20%
- The Neighbourhood Development Plan should give us protection against over-development for years to come. If this development is permitted, it would send a very negative message to any other villages which intend to produce their own NDP.
- The large developments in Bishops Cleeve has put the local doctor's surgeries under pressure and waiting times have already increased. The supermarkets in Bishops Cleeve also do not have adequate parking.
- The layout is similar to the larger developments in Bishops Cleeve, which is not appropriate for a rural setting such as Gotherington.
- The development would obstruct views across the field and to the hills for existing properties and the many residents who use the footpath through the meadow.
- The development would adversely impact on the existing properties to the east.

- The development would be out of scale with the village.
- The development would affect the setting of a The Holt, which is a listed building to the south east of the site.
- There appears to be little attempt to achieve net environmental or biodiversity gain as part of the proposals.
- The site is highly visible from the AONB and the quality of views from Cleeve Hill and Nottingham Hill would be impaired.
- The recent Gladman appeal for 215 that was allowed in Bishops Cleeve is not included in the Council's 5-year supply calculation. If the supply were assessed today the shortfall would be covered by the 215 houses from the Gladman appeal.
- There is no new local plan or spatial development strategy either adopted or emerging that would supersede the policies within the NDP.
- The number of houses suggested would add 10% to the size of the village, which has limited facilities serving the present number of houses.
- The increase in traffic will cause a significant increase in pollution levels.
- The access from Ashmead Drive would create a tight bend into the new development.
- The bus service is no longer viable and has been reduced again to only a two hourly service during the day.
- The crime rate in the area is soaring.
- There is already an argument about when and where a new school will be sited in Bishops Cleeve and no new residential developments should be considered until this issue is finalised.
- It is estimated that this development would add about 10-15% to the size of the village and there is no doubt it would alter the village character and identity for ever.
- These developments result in the destruction of communities.

6.0 POLICY CONTEXT

- 6.1. 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.
- 6.2. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the Council to have special regard to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest which they possess.
- 6.3. The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), the saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans. Of direct relevant to this application is the Gotherington Neighbourhood Development Plan.
- 6.4. A further material consideration is the Pre-Submission version of the Tewkesbury Borough Plan to 2031, which was approved for publication and submission at the Council meeting held on 30th July 2019. On the basis of the stage of preparation the plan has reached, and the consistency of its policies with the NPPF, the emerging policies of the plan can be afforded at limited to moderate weight, subject to the extent to which there are unresolved objections to each individual policy (the less significant the unresolved objections, the greater the weight that may be given).
- 6.5. Other material policy considerations include the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance.

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

7.0 ANALYSIS

Principle of development

7.1. Policy SD10 of the JCS states 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. Housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. 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. Policy SD10 follows that housing development on other sites will only be permitted where:

- i. It is for affordable housing on a rural exception site in accordance with Policy SD12, or;
- ii. 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, or;
- iii. It is brought forward through Community Right to Build Orders, or;
- iv. There are other specific exceptions / circumstances defined in district or neighbourhood plans.

7.2. At a local level, Policy GNDP01 of the GNDP supports small infill housing development within existing built-up frontages when it is consistent with the scale and proposition of existing houses and gardens in the adjacent area. Outside of the defined settlement boundary, Policies GNDP03 and GNDP11 of the GNDP only permits, inter alia, replacement dwelling; rural exception housing to meet an identified local need; agricultural and forestry dwellings; and additional housing where evidenced need has been established through the development plan and cannot be met within the defined settlement boundary for Gotherington.

7.3. The application site is Greenfield land that lies outside of the defined settlement boundary for Gotherington as defined in the GNDP and is not allocated for housing development. The site does not represent previously developed land within the built up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing Tewkesbury Borough Local Plan to 2011 which allow for the type of development proposed here. Moreover, additional housing need for Gotherington has not been established through the development plan. The proposal therefore conflicts with Policies SP2 and SD10 of the JCS and Policies GNDP01, GNDP03 and GNDP11 of the GNDP.

Council's 5 Year Housing Land Supply

7.4. Whilst the proposal is contrary to Policies SP2 and SD10 of the JCS and Policies GNDP01, GNDP03 and GNDP11 of the GNDP, it is also currently the case that the Council cannot demonstrate a 5-year supply of deliverable housing sites. It is the Council's current position that a 4.33 years supply of housing can be demonstrated. In this scenario, paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, permission should be granted unless: i. the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 7.5. The Framework clarifies that planning policies for housing will be judged out of date where, inter alia, the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. Footnote 6 to paragraph 11 also clarifies which policies in the Framework provide a clear reason for refusing development and includes policies relating to heritage assets. As set out further in this report, it is considered that the proposed development would not harm the setting of any designated heritage assets and therefore that the presumption in favour of granting permission is engaged as per paragraph 11d of the Framework. This is also known as the 'tilted balance'.

Gotherington Neighbourhood Development Plan

- 7.6. Whilst the tilted balance is triggered in this instance, paragraph 14 of the Framework states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:
- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
 - c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
 - d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.
- 7.7. The GNDP was adopted as part of the development plan on the 19th September 2017. Whilst the GNDP does contain policies and allocations to meet its identified housing requirement, the Plan is now over two years old. As such, paragraph 14 of the Framework is not engaged.

Scale of development and social impacts

- 7.8. In refusing the previous scheme, the Council considered that the proposal would fail to maintain or enhance the vitality of Gotherington and would have a harmful impact on the social well-being of the local community, risking the erosion of social cohesion. The effect on the vitality and social well-being of Gotherington was a key consideration at appeal.
- 7.9. At appeal, all the main parties agreed that that the site was well located in relation to the settlement and that, in turn, there was a reasonable access to other settlements, which include higher order facilities. The Inspector noted that the issues between the parties, which was reflected in the wide range of representations made at the time, was whether the proposal development of up to 50 dwellings taken in conjunction with those already permitted in the area, and those proposed or allocated in the GNDP would sustain the cohesion of the local community. The Inspector noted that the 50 dwellings, on their own, would represent around an 11% increase in the size of Gotherington and, when considered in conjunction with allocated sites and permitted scheme, this would increase to about 31%. Accepting that Gotherington is identified as a Service Village in the JCS, and is the fourth largest such village, the Inspector reasoned that Gotherington would be expected to take a reasonable amount of new development over the JCS plan period. However, given the extent of approved and potential development around the settlement, he shared the concern of the Council and residents that the substantial number of new dwellings proposed would be hard to assimilate. Moreover, he had not been provided with persuasive evidence that current facilities would be

capable of expansion. He went on to note that whilst the GNDP envisages the expansion of the settlement, this would occur in a controlled and plan-led manner and the recently adopted plan at the time clearly envisaged a more limited expansion than what was proposed. In conclusion the Inspector was of the view that the proposal would harm the vitality and social well-being of Gotherington.

- 7.10. As pointed out by a number of objectors, this current scheme is essentially the same as what was previously dismissed at appeal. Other than the fact that a number of the larger GNDP allocations are nearly built out, the circumstances in Gotherington are more or less the same as when the previous appeal was dismissed, with the exception of the Council's current housing land supply position. The proposal along with other recent developments in Gotherington would still represent around a 31% increase in the size of Gotherington and local community infrastructure has not materially changed. The findings of the Inspector are therefore still highly relevant and material to the consideration of this current application.
- 7.11. The applicant sets out that at the time of determining the previous appeal scheme, the Council had recently approved the application for 50 dwellings at Malleson Road (Ref: 17/00922/APP). As such, if the appeal scheme had been approved, it would have delivered over the same time period as the scheme on Malleson Road. It is essentially argued that because the other housing schemes in Gotherington would be completed by time this site would start to deliver, there would have been an intervening period of a few years, which would allow time for the other households to be assimilated into the community. Whilst the percentage increase in Gotherington would be the same, the delivery would now be delivered over a nine year period. Whilst there is some merit in this argument, when taken together, this would still represent a considerable amount of growth in a relatively short period of time, especially when considered in the context of the historic growth rate of Gotherington over many years, this would inevitably have implications for the character of the settlement. It should however be noted that the indicative figures in the JCS for the distribution of housing to the various Service Villages is not an upper limit. Equally, the housing requirement set out in the GNDP is not an upper limit.
- 7.12. Whilst there has been a considerable level of local objection to this application, there have only been a handful of objections that make direct reference to matters of social cohesion. However, many respondents raise concerns over the level of facilities and services available in Gotherington, and to some extent Bishops Cleeve, and their ability to accommodate the increased population that would arise from this development. Indeed, as set out above, the Inspector previously stated that he had not been provided with persuasive evidence that current facilities would be capable of expansion. The applicant has sought to address some of these concerns with the provision of sport and recreation facilities on site, which would meet the needs of existing and future residents. There are clearly capacity issues with the primary schools in the area, although the applicant has agreed to a financial contribution to mitigate this impact (the matter of education is addressed in detail further in this report). It would also be the case that the Parish Council would benefit from 25% of the total CIL receipts that could also be spent on infrastructure within the Parish.
- 7.13. Whilst the impact on existing infrastructure would be mitigated to a degree, community cohesion goes beyond this in a relatively small rural settlement. Similarly, in considering an appeal at St Margaret's Drive in Alderton (Ref: APP/G1630/A/14/2222147), the Inspector felt that the rapid increase in growth would harm social cohesion despite there being no evidence to suggest that the local services and facilities could not cope with the increase. A further negative impact on social cohesion could also result from the local resentment arising from the perception that their recently adopted GNDP has been ignored.
- 7.14. In light of the above, it is considered that there would be a harmful impact on the social well-being and social cohesion within Gotherington. This matter weighs against the proposal

and must be considered in the overall planning balance in the context of the presumption in favour of sustainable development.

Landscape impact

- 7.15. JCS Policy SD6 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.
- 7.16. Saved Policy LND2 of the Local Plan requires special attention to be paid to the protection and enhancement of the special landscape character of the Special Landscape Area (SLA), which is of local significance. This is further reflected in Policy LAN1 of the emerging Borough Plan, which also sets out that where a proposal would result in harm to the Special Landscape Area, this harm should be weighed against the need for, and benefits from, the proposed development.
- 7.17. Similarly, Policy GNDP09 of the GNDP states that to protect and enhance the landscape of the Gotherington neighbourhood development plan area, where appropriate, development proposals will have to demonstrate, inter alia, that they would not have a detrimental impact on the views to and from surrounding hills (e.g. Crane Hill, Nottingham Hill, Prescott Hill and Cleeve Hill), or the Area of Outstanding Natural Beauty, and views of the Vale of Gloucester. The sense of enclosure found in Gotherington village should also be maintained along with the strong separation of Gotherington village from Bishop's Cleeve, Woolstone and the A435. It also states that existing settlement patterns should be preserved, including the strong east-west form of Gotherington, particularly by avoiding encroachment into open countryside, ridgeline development, or development that intrudes in to the foreground of surrounding features such as hills, and the Area of Outstanding Natural Beauty. Policy GNDP10 of the GNDP follows and sets out a number of significant views that will be given special consideration when assessing planning applications. Of particular relevant to this application are the views from Lawrence's Meadow.
- 7.18. Also of relevance to this application is Policy LAND3 of the emerging Borough Plan that seeks to protect the strategic gaps identified on the Policies Map to help retain the separate identity, character and/or landscape setting of settlements and prevent their coalescent. This proposal would affect the proposed strategic gap between Bishops Cleeve and Gotherington. The policy states that development within strategic gaps will only be permitted where the open or undeveloped character of the gap would not be significantly adversely affected; the separate identity and character of the settlements would not be harmed; and the landscape setting of the settlements would not be harmed.
- 7.19. The effect on the character and appearance of the landscape was a key consideration in the previous appeal and the findings of the Inspector in this regard is a significant material consideration. The Inspector noted that Gotherington is a broadly linear settlement running east to west along the road, with a limb extending southwards towards Bishops Cleeve. The settlement is generally horseshoe shaped and encloses the site on three side, with agricultural land to the south. At the time, all parties agreed that the site did not contain and landscape features of particular merit. The Inspector noted that the illustrative site layout showed that around 46% of the total site area would be developed. A proposed open space would include a range of uses, such as a play area, amenity open space, landscape buffers, SUDs and a range of pedestrian/cyclist links. A landscape buffer was also shown along the southern boundary.
- 7.20. In assessing the effect of the proposal on the character and appearance of the area, and in particular the surrounding landscape, the Inspector took careful note of the Landscape and

Visual Sensitivity Study undertaken by the Council in 2014. The report identified the site and the surrounding area as being of low landscape and visual sensitivity and referred to the site as receding into the existing settlement pattern. The Inspector agreed with that assessment. He also noted the appellants LVIA, which found generally minor effects in most respects with a moderate effect on the 'Perceptual and Sensory' dimension. He stated that any proposal to extend built form into the open countryside would have this effect, but this cannot preclude development in principle as this would prevent any expansion of existing settlements.

- 7.21. The Inspector went on to reason that the site is heavily influenced by the surrounding settlement and is not prominent in views from any surrounding vantage points. He found the most notable view of the site from a distance is obtained from Nottingham Hill to the southeast, from which the settlement can be seen as generally horseshoe shaped with the site enclosed by existing buildings on three sides. Although the proposal would not entirely accord with the generally linear shape of the settlement, it would read as an infill development largely surrounded by existing buildings. Whilst recognising that the land was locally appreciated, the Inspector did not consider that the site was a valued landscape in the context of the Framework. He also found that the scheme would not cause direct visual harm to the AONB as when viewed from a distance, the development would recede into the form of the existing settlement.
- 7.22. In terms of the gap between Gotherington and Bishops Cleeve, the Inspector noted that the proposal would obviously extend part of the southern edge of Gotherington towards Bishops Cleeve and he agreed that the effect on the separation of the village is an important matter. However, given the way in which the existing built form wraps around much of the site and includes buildings that are closer to Bishops Cleeve than the southernmost parts of the site, he concluded that the overall effect would be that the separation would not be diminished.
- 7.23. With regard to local views, the Inspector also took account of the experience of receptors crossing the site on rights of way or viewing it from nearby. Whilst development on the land would substantially and irreversibly change the appearance of the site and local view, the Inspector reasoned that would be an inevitable consequence of any change from open countryside to built development. He went on to state that it cannot be regarded as a persuasive objection in principle to a scheme in a location with low landscape and visual sensitivity. The Inspector went on to conclude that the proposal would not cause significant harm to the intrinsic character of the countryside, and would not harm the character and appearance of the surrounding area within the SLA, including the gap between Gotherington and Bishops Cleeve.
- 7.24. As per the original scheme, this current application is also supported by a Landscape and Visual Appraisal (LVA), which assesses the impact of the proposals on the character and appearance of the landscape. The LVA concludes that the proposed development would result in a very limited number of material landscape or visual effects and it would not result in any policy contraventions. The effects of the proposed development stated as being generally minor or negligible upon the landscape resource (except for changes to the visual connectivity out towards the AONB) and minor and neutral on the SLA and the setting of the Cotswold AONB. The effects are also stated as being moderate/minor or below on visual amenity except for the effect on a view from Nottingham Hill within the AONB.
- 7.25. Following consultation with the Council's Landscape Consultant, it is advised that the gap between Gotherington and Bishops Cleeve has reduced substantially with the northwards extension of Bishops Cleeve and it is important to retain a sense of separation between the two settlements. The 'Gotherington Gap' is generally characterised by gently undulating open fields either side of Dean Brook and the Homelands development has gradually encroached

into this open landscape. Notwithstanding the encroachment of Homelands, the Landscape Consultant concludes that the proposed development would not appear as a conspicuous intrusion into the remaining gap, but an infilling of an embayment in the existing settlement. He also concludes that the generous landscape belt proposed to the south of the development would provide an opportunity to create a very robust and defensible green settlement boundary. This boundary and the retained open countryside between it, Dean Brook and Homelands Farm would preserve the separate identity of Gotherington and its separation from Bishops Cleeve. The Landscape Consultant goes on to advise that the development would be visible from some elevated vantages, however he does not believe it would cause material harm to the special qualities nor the enjoyment of the AONB. Furthermore, the development would exert very little visual influence on the A435 or Cleeve Road.

- 7.26. In light of the previous findings of the Inspector and the views of the Council's Landscape Consultant, it is considered that whilst there would be an impact on the character and appearance of the landscape, that impact would be limited. In terms of the strategic gap, the proposal would conflict with Policy LAN3 of the emerging Borough Plan. However, whilst the Borough Plan has been submitted for examination, it has not yet been examined and there are unresolved objections to this policy. Therefore, the weight that can currently be afforded to Policy LAN3 is limited. Again, given the findings of the Inspector and the views of the Council's Landscape Consultant, it is considered that the proposal would not adversely affect the gap between Gotherington and Bishops Cleeve.

Design and layout

- 7.27. 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. This is now reflected in the National Design Guide, which provides planning practice guidance for beautiful, enduring and successful places.
- 7.28. JCS Policy SD4 provides 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. Criterion 6 of Policy SD10 of the JCS states that residential development should seek to achieve maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.
- 7.29. Policy GNPD07 of the GNPD sets out a number of design principles for development within Gotherington, which include:
- a) Preservation of the setting and separate identity of the village;
 - b) New boundary treatments should be appropriate to their immediate surroundings;
 - c) Existing routes including roads, lanes and footpaths should be retained and new links provided where appropriate and reasonable;
 - d) New buildings, by way of design, materials, height and layout should seek to enhance the distinctive village character of Gotherington;
 - e) Use of features to minimise light pollution and maintain the area's dark skies; and
 - f) All new development, where appropriate, should provide off-road car parking.

- 7.30. Whilst the application is in outline with all matters reserved for future consideration, the application is supported with a Design and Access Statement (DAS), which explains how the site could be developed. The DAS provides an overview of the site and its context and presents a design concept, which includes an illustrative site layout. The DAS explains that the movement structure is based on a central main loop that starts at the site access off Ashmead Drive. A number of side streets would then radiate from the main loop to the development edges. The existing PROW network would be fully integrated into the scheme with various access points along the site boundary enhanced to provide good pedestrian and cycle connectivity. The development would provide a substantial new Green Infrastructure framework to the northern and southern edges of the site, which would also accommodate amenity and play areas along with ecological and hydrological functions.
- 7.31. Following consultation with the Council's Urban Design Officer, it is advised that the site area is well related to the form of the existing settlement, being surrounded by existing built form on three sides. There are multiple opportunities for pedestrian and cycle access, so connectivity is good. There will be a good choice of pedestrian connections through the site, ensuring that this scheme would be well integrated into the existing settlement. It is further advised that the details in the design and access statement are sufficient for this outline stage and the illustrative layout demonstrates that this number of units can be accommodated while achieving the principles of good design. On that basis, the Urban Design Officer supports the proposals.
- 7.32. It is of note that the Council did not raise any objections to the previous scheme on the grounds of design and whilst the appeal was dismissed, the Inspector also found no harm in this respect. It is therefore considered that a suitable scheme could be provided at the detailed design stage, subject to being in general accordance with the principles and parameters described in the supporting Design and Access Statement and shown on the illustrative site layout. This could be secured by way of a planning condition.

Residential amenity

- 7.33. 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.
- 7.34. The site is bound to the north, east and west by existing residential properties. Whilst matters relating to layout and scale are reserved for future consideration, the illustrative site layout indicates large areas of public open space to the northern and western parts of the site, which would provide a substantial buffer area. The only area where the proposed housing is shown backing onto existing properties is where the site adjoins the properties in The Cobblers Close to the east. Given the context of the surrounding area, it is considered that the illustrative site layout demonstrates that a suitable layout could be achieved that has an acceptable impact on neighbouring property in terms of light, outlook and privacy.
- 7.35. Following consultation with the Council's Environmental Health consultant, it is advised that noise from MUGA's can be a cause of nuisance due to noise generated from their use. It was pointed out that the illustrative site layout indicated that the MUGA would be within 40m of existing residential property, which is contrary to guidance from Sport England. In response to these concerns, a revised illustrative site layout has been submitted that shows how a 40m standoff from residential property could be achieved. In light of this, it is considered that the MUGA would have an acceptable impact in terms of noise and disturbance.

Housing mix

- 7.36. JCS Policy SD11 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). This is further reflected in Policy GNDP04 of the GNDP, which states that on sites of 5 or more dwellings a range of tenures, house types and sizes of dwellings will be required, including where the viability of development allows, a proportion of affordable housing.
- 7.37. No precise housing mix has been put forward as part of this application, although the planning statement suggests that a wide range of dwelling types would be provided. It is also evident from the illustrative site layout that the site would be capable of providing an appropriate mix of dwellings. It is considered that matters relating to the housing mix should be addressed at outline stage. Therefore, if Members are minded to grant planning permission, a planning condition is recommended to ensure that any housing mix proposed at the reserved matters stage is in accordance with the local housing evidence, including the most up-to-date Strategic Housing Market Assessment for the area at the time of submission. Subject to this condition, the proposal would accord with Policy SD11 of the JCS and Policy GNDP04 of the GNDP.

Affordable housing

- 7.38. JCS Policy SD12 sets out that on sites outside of strategic allocations, a minimum of 40% affordable housing will be sought. It follows that they should be provided on site and should be seamlessly integrated and distributed throughout the development scheme. Similarly, Policy GNDP04 of the GNDP requires a proportion of affordable housing where the viability of development allows.
- 7.39. The application as submitted proposed that 40% of the dwellings would be offered as affordable but no housing mix was provided. Following consultation with the Council's Strategic Housing and Enabling Officer, the following mix was recommended:
- 2 x 1 bedroom apartments/maisonettes – Social rent
 - 1 x 1 bedroom bungalow – Social rent
 - 1 x 2 bedroom bungalow – Social rent
 - 1 x 2 bedroom bungalow – Shared ownership
 - 5 x 2 bedroom houses – Social rent
 - 3 x 2 bedroom houses – Shared ownership
 - 4 x 3 bedroom houses – Social rent
 - 2 x 3 bedroom houses – Shared ownership
 - 1 x 4 bedroom house – Social rent
- 7.40. The applicant has indicated that the mix recommended by the Strategic Housing and Enabling Officer is acceptable, which would be secured through a S106 Agreement. In light of the Council's housing land supply position, the provision of affordable housing should be seen as a considerable benefit in the planning balance.

Biodiversity

- 7.41. JCS Policy SD9 seeks the protection and enhancement of biodiversity and geological resources of the JCS area in order to establish and reinforce ecological networks that are resilient to current and future pressures. Improved community access will be encouraged so far as is compatible with the conservation of special features and interest. In a similar vein, Policy GNDP12 of the GNDP states that development that is likely to have either a direct or indirect adverse impact upon areas of local biodiversity should be avoided. Where this is not possible adequate mitigation should be proposed or, as a last resort, compensation should be provided at a suitable location within the Parish. The protection and enhancement of

biodiversity by enhancing or creating new wildlife corridors and stepping stones, including hedgerows, ditches, strips of tree planting, green open spaces with trees and grass verges to roads, both within and adjacent to the borders of Gotherington parish will be supported.

- 7.42. The application is supported by an Ecological Appraisal that considers the impact of the proposed development in terms of biodiversity. The appraisal sets out that the site consists primarily of a larger arable field and a smaller area of semi-improved grassland. The baseline ecological investigations undertaken in September and October 2015 as part of the appraisal included a desk study, extended phase 1 survey and detailed Phase 2 surveys relating to bats and reptiles. Updated bat surveys were then undertaken in May 2016. Further update surveys were undertaken during September 2019, including an updated desk study, extended phase 1 survey and bat activity surveys.
- 7.43. The appraisal sets out that there are no statutory or non-statutory designated sites of nature conservation importance located within or immediately adjacent to the site that are likely to be negatively affected by development. In terms of protected species, the submitted surveys have identified a small number of habitat features and protected species that would need to be respected and embedded into any future reserved matters applications. Specific proposals for the avoidance, mitigation and compensation of any predicted impacts are considered and include:
- Retention and buffering of boundary hedgerow and tree habitat.
 - Briefing of site personnel and supervision of certain construction/enabling works by a suitably experienced ecologist;
 - Protection of retained habitats within EPZs where construction personnel, vehicles and materials are excluded;
 - Pre-commencement survey for badger setts and appropriate exclusion measures if required;
 - Sensitive timing and methods of vegetation clearance with particular regard to nesting birds, amphibians and reptiles;
 - New native tree/shrub/hedgerow planting to strengthen existing green corridor (notably along the southern boundary hedgerow) and enhance/create grassland habitats within public open space in the north of the site;
 - New permanent water features within SuDS provision;
 - Clear demarcation of public rights of way to minimise recreational impacts within newly created and retained habitats, including new wildflower grassland and ponds;
 - Bird boxes erected on suitable mature trees;
 - Bat roosting features incorporated into selected new dwellings and/or erected on boundary trees;
 - Wildlife-sensitive lighting scheme with particular regard to bats along the southern boundary;
 - Mowing and weed control in seeded grassland areas within first year around boundaries and public open space post-development to aid establishment;
 - Trimming of hedgerows, with selected hedgerows in informal open spaces cut on a 3-year rotation (with no more than one third cut any one year) to increase value to wildlife; and
 - Long-term annual hay-cut of the new wildflower grassland to promote botanical diversity.
- 7.44. Following initial consultation with the Council's Ecology Consultant, it was noted that the site had the potential to impact on the Dixon Wood Special Area of Conservation (SAC) and

Bredon Hill SAC, which are within 10km, due to increased recreational pressure. In response to this, additional information was submitted that sets out that both SACs are situated more than 200m from main roads likely to be used by residents of the proposed development and the predicted population increase associated with the development would only increase air quality impacts by a negligible amount. Consequently, it concluded that the proposal would be unlikely to give rise to any significant effects on either the Bredon Hill or Dixton Wood SACs, either in isolation or in combination with other allocated plans or projects. Additional information was also provided that quantified the biodiversity net gains that would arise from the development.

- 7.45. Based on the additional information, the Council's Ecology Consultant is satisfied that the development would not have a significant impact on either the Bredon Hill SAC or the Dixton Wood SAC. It is also confirmed that through a sympathetic planting scheme a +17.11% net gain for habitat areas and +83.38% net gain for linear features could be achieved. This would thereby satisfy the requirement for a positive net gain. The Council's Ecology Consultant therefore raises no objections to the scheme subject to conditions to secure a Construction Ecological Management Plan (CEMP) and a Landscape and Ecology Management Plan (LEMP), which would incorporate the migration measures set out above. Further conditions are also recommended to secure details of external lighting and the provision of a homeowners information pack. Subject to these condition, the proposal is considered to be acceptable in this context.

Arboricultural implications

- 7.46. Policy GNDP09 of the GNDP sets out that to protect and enhance the landscape, where appropriate, development proposal will have to demonstrate, inter alia, that they preserve and enhance areas of woodland, hedgerows, mature trees, and the differing types of field patterns found across the area.
- 7.47. The application is supported by an Arboricultural Baseline Assessment, incorporating Arboricultural Impact Assessment and Tree Protection. The assessment sets out that the main body of the site contains very few trees, with the exception of one category U tree. The trees that are present are generally located along the perimeter of the site and do not adversely constrain the development proposals. It is stated that the masterplanning of the development has sought to retain all trees where possible although it is evident that a small group of low quality trees (Category C) would be removed to facilitate access to the development.
- 7.48. Whilst matters relating to layout are proposed to be reserved for future consideration, it is considered that the illustrative site layout demonstrates that the trees present on site do not pose an overriding constraint to development provided that the recommended tree protection measures are adhered to.

Drainage and flood risk

- 7.49. 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. It also requires new development to incorporate Sustainable Urban Drainage Systems (SuDS) where appropriate to manage surface water drainage. This is reflected in Policy ENV2 of the emerging Borough Plan.
- 7.50. The site is located within Flood Zone 1 and is therefore at a low risk from flooding. However, due to the size of the site, the application is supported by a Flood Risk Assessment (FRA). The FRA demonstrates that flooding is unlikely to affect the site from fluvial and/or tidal sources and

is at a low risk from pluvial flooding. The site is not identified as being at risk of groundwater flooding or reservoir flooding or flooding from any other sources. In light of this, it is considered that the site is not at an unacceptable risk of flooding and is acceptable in this regard.

- 7.51. In terms of foul drainage, it is proposed that a new network would collect and convey foul water from the development to a connection point on the existing Severn Trent network. Severn Trent have confirmed that the new foul network can connect into the existing 150mm diameter foul network location within the north east corner of the site. Due to the topography of the site, it may be necessary to pump foul flows via a pump station to the connection points. It is stated that Severn Trent have previously confirmed that the existing sewerage network in the vicinity has sufficient capacity to accommodate the additional flows from the new development. Following consultation with Severn Trent, no objections are raised subject to a condition to secure detailed drainage information.
- 7.52. With regard to surface water drainage, the Lead Local Flood Authority (LLFA) initially raised concerns in respect of the proposal to discharge via the Severn Trent surface water sewer that runs along Malleson Road, which discharges into the Tirlle Brook. Given the fall of the land to the south west, the LLFA felt that it would make more sense to discharge the surface water into the Dean Brook rather than potentially increasing flows to the Tirlle Brook. In response to this, a revised drainage has been submitted, which proposes to collect and convey flows from the proposed development to the south west corner of the site. Flows would then be attenuated onsite via a basin before being discharged at a restricted Greenfield rate into the Dean Brook. The land to the south of the application site is within the same ownership as the application site and the application red line has been amended to incorporate the proposed connection into the Dean Brook. The LLFA have confirmed that the revised drainage strategy is acceptable and no objections are raised subject to a condition to secure detailed drainage information.

Access and highway safety

- 7.53. The Framework 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. JCS Policy INF1 requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.
- 7.54. With regard to accessibility, Gotherington is considered to have reasonably good access to both primary and secondary services, including a shop, a village hall, a primary school, a church and recreational facilities. Furthermore, Gotherington has some public transport provision with links to the surrounding areas and with bus stops located within reasonable walking distance of the site. Indeed, Gotherington is identified as a 'Service Village' in the JCS on the basis of its availability of services. It is therefore considered that the proposed development would have reasonably good access to local services and facilities proportional to its rural location. The proposal is therefore considered to be consistent with the accessibility related provisions of the relevant transport policies.
- 7.55. With regard to traffic and highway safety impacts, it is important to note that whilst the previous application was dismissed at appeal, no objection was raised by the Local Highway Authority and the scheme was found to be acceptable in this context. Notwithstanding this, the application is supported by a Transport Assessment (TA) and a Travel Plan (TP). The TA describes the road network within the proximity of the site as a mixture of residential access and local distributor roads. The site would be accessed by a single point of vehicular access that would be taken directly off Ashmead Drive, which is currently a cul-de-sac serving approximately 16 dwellings (**see attached site access plan**). It states that Ashmead Drive

has reasonable forward visibility and is subject to a 30mph speed limit. Non-vehicular accesses would also be provided off Aggs Lane and Aggs Close and suitable connections to the existing network of public rights of way that cross the site would also be facilitated to maximise the site permeability.

- 7.56. In terms of trip generation, the TA states that the development would generate an additional 44 vehicle trips in the AM peak hour and an additional 35 vehicle trips in the PM peak hour. Based on the junction capacity modelling that was undertaken, the TA concludes that the junctions would continue to operate within capacity in both the AM and PM peak hours. As such, the additional traffic generated by the proposed development is not anticipated to result in a severe residual cumulative impact.
- 7.57. Following consultation with the Highways Officer, it is advised that the proposed access has been subject to vehicle tracking, which demonstrates that the access can suitably accommodate a range of vehicles. The existing public rights of way would allow convenient access to the surrounding area although a condition is recommended to upgrade footpath AGO19 within the site to a minimum of 2m width with suitable bound surfacing. In terms of the traffic impact, the Highways Officer concurs with the findings of the transport modelling within the TA and is satisfied that there would be no capacity issues with the operation of the Ashmead Drive and Malleson Road junction and therefore the residual cumulative impact would not be severe.
- 7.58. In terms of the Malleson Road arm of the Gotherington Cross junction, whilst the flow volume would be low, the Highways Officer points out that there are safety concerns with this junction. In the AM peak hour the development would generate an additional 28 movements through the Malleson Road arm; a 25.2% increase. Likewise, in the PM peak hour the development would generate an additional 9 movements through the Malleson Road arm resulting in a 10.1% increase. It is stated that the percentage increases are significant and therefore the development would be required to mitigate this impact. A condition is therefore recommended to secure details of a highway safety improvement scheme on the Gotherington Cross junction. On that basis, the Highways Officer does not object to the proposal. The applicant has queried the need for this condition as a number of safety improvement works to this junction were secured as part of the Malleson Road scheme (Ref: 16/00965/OUT). **Clarification has been sought from the Highways Officer and an update will be provided at Committee.** Subject to clarification on that matter and subject to appropriate planning conditions, it is considered that the site would be served by a safe and suitable access and the residential cumulative impact on the highway network would not be severe.

Heritage assets

- 7.59. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the Council to have special regard to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest which they possess.
- 7.60. 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. 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.
- 7.61. There are a number of listed buildings in the vicinity of the application site; the closest being The Holt (18 Cleeve Road), which is a Grade II listed building that adjoins the south east corner

of the site. The impact on the setting of these listed buildings was considered at the previous appeal and it was determined that the proposed development would have no harmful impact on their setting. Following consultation with the Council's Conservation Officer, given that the circumstances of the site have not materially changed since the appeal, it is advised that it is still the case. Furthermore, given that there would be no harm to the setting of any designated heritage assets, the tilted balance would still apply.

- 7.62. In terms of archaeology, following consultation with the County Archaeologist, it is advised that whilst archaeology is present on the site, it is not of the highest significance and does not merit preservation in situ. Nonetheless, the archaeological deposits on the site have the potential to make an important contribution to our understanding of the archaeology of the locality and the wider region. On that basis, no objections are raised subject to a condition to secure the implementation of a programme of archaeological work.

Open space and play facilities

- 7.63. The Framework sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. JCS Policy INF4 provides that where new residential development will create or add to, a need for community facilities, it will be fully met as on-site provision and/or as a contribution to facilities or services off-site. JCS Policies INF6 and INF7 support this requirement. Saved Local Plan Policy RCN1 requires the provision of easily accessible outdoor playing space at a standard of 2.43ha per 1000 population on sites of 10 dwellings or more.
- 7.64. As the application is outline form with all matters reserved for future consideration, the layout is not fixed at this stage. However, the illustrative site layout details a considerable amount of open space provision that includes a large multi-use parkland, incorporating a Multi-Use Games Area (MUGA) and a formal play area. The open space also includes substantial landscape buffers and a wetland park. In total, that proposed quantum of open space amounts to 2.88 hectares, which is well in excess of the requirements set out in Policy RCN1 of the Local Plan to 2011. Subject to the scheme being in general accordance with the principles and parameters set out in the Design and Access Statement and subject to securing the MUGA and play facilities through a Section 106 Agreement, the proposal is considered to be acceptable in terms of open space and play/recreational facilities.

Education and libraries

- 7.65. JCS Policy INF6 relates directly to infrastructure delivery and states that any infrastructure requirements generated as a result of individual site proposals and/or having regard to cumulative impact, new development should be served and supported by adequate and appropriate on/off-site infrastructure and services. The Local Planning Authority will seek to secure appropriate infrastructure which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. JCS Policy INF7 states the arrangements for direct implementation or financial contributions towards the provision of infrastructure and services should be negotiated with developers before the grant of planning permission. Financial contributions will be sought through s106 and CIL mechanisms as appropriate.
- 7.66. Following consultation with the County Council, it has been advised that the proposed development would give rise to the following pupil yields and would require the following contributions to mitigate the impact:

- Pre-school: 15.00 = **£226,365.00**
- Primary: 20.5 = **£309365.50**

- Secondary: 15.50 = **£321,466.00**

- 7.67. The County Council previously stated that Gotherington is the closest primary school to this development. It is on a small site and not able to accommodate more children. Consequently, an objection was raised until a school site becomes available in the Bishops Cleeve Primary Planning Area. This matter has previously been raised on a number of other applications for housing in the Bishops Cleeve Primary Planning Area; notably at Homelands Farm on Gotherington Lane, which was considered by Members at the March Committee (Ref: 19/00758/OUT). In that case, following Counsel Opinion obtained by the applicant, it was determined that the absence of capacity to meet the needs of primary school children arising from the development was no longer recognised as an identified harm on the basis that the issue is resolvable by securing the requested monetary sum through a S106 agreement.
- 7.68. On that basis, whilst the concerns of the local residents are noted in respect of the capacity of Gotherington Primary school, the applicant has indicated that they are willing to pay the requested contributions to mitigate the impact of the development in this regard. The current lack of primary school provision within the Bishops Cleeve Primary Planning Area would therefore not constitute a reason for refusal in this instance, subject to securing the requisite contributions through a Section 106 Agreement. However, notwithstanding this, the County Council has not at this stage provided sufficient evidence to justify the contributions requested in the context of the CIL regulations (Regulation 122). **An update will therefore be provided at Committee.**
- 7.69. In terms of libraries, the County Council have advised that the scheme would generate a need for library resources and a contribution of £9,800 has been sought. Again, the County Council has not at this stage provided sufficient evidence to justify the contribution requested in the context of the CIL regulations (Regulation 122). **An update will therefore be provided at Committee.**

Community Infrastructure Levy/Section 106 obligations

- 7.70. 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.
- 7.71. As a result of these Regulations, local authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly related to the development.' As such, the Regulations restrict local authorities' ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above tests are met. Where planning obligations do not meet the above tests and restrictions, it is 'unlawful' for those obligations to be taken into account when determining an application.
- 7.72. In October 2018 the Council adopted CIL and implemented the levy on the 1st January 2019. For CIL purposes the application site falls within a 'Generic Site' and is subject to the levy for residential development currently at £207.46 per square metre on all the market elements of the proposed development.
- 7.73. Infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 legal agreement. Requests have been made by consultees to secure the following contributions:

- Affordable housing
- MUGA and LEAP
- Pre-school education = £226,365.00
- Primary school education = £309,365.50
- Secondary school education = £321,466.00
- Libraries = £9,800.00

8.0 CONCLUSION AND RECOMMENDATION

8.1. 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.

8.2. The application site lies outside of the defined settlement boundary for Gotherington and is not allocated for housing development. The site does not represent previously developed land within the built up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing Tewkesbury Borough Local Plan to 2011 which allow for the type of development proposed here. The proposal therefore conflicts with Policies SP2 and SD10 of the JCS and Policies GNDP01, GNDP03 and GNDP11 of the GNDP. However, the Council cannot currently demonstrate a five year supply of deliverable housing sites and therefore the Council's policies for the supply of housing are out of date, in accordance with paragraph 11 of the Framework. There are also no policies in the Framework that protect assets of particular importance which provide a clear reason for refusing the development in this instance and the 'tilted balance' applies.

Benefits

8.3. The delivery of market and affordable housing would provide a considerable social benefit; especially in the context of a housing supply shortfall. Furthermore, there would be economic benefits both during and post construction through the creation of new jobs and the support to existing local services and the local economy. Overall, given the scale of development, these benefits would attract substantial weight in favour of granting permission in light of the Council's housing land supply position.

Harms

8.4. Harm arises from the conflict with development plan policies relating to housing, particularly JCS Policy SD10 and Policies GNDP01, GNDP03 and GNDP11 of the GNDP, although it is accepted that the Council's housing policies are currently out of date. Harm would also arise from the cumulative growth in Gotherington in such a relatively short period of time, which would have a negative impact on social cohesion and social well-being.

Neutral

8.5. Whilst the application is in outline with all matters reserved for future consideration, save for access, the supporting DAS and illustrative site layout demonstrates that the proposed quantum of development can be accommodated on the site in an acceptable manner. Furthermore, the illustrative layout does not raise any residential amenity issues in terms of a loss of light, outlook and privacy. The development would not be at an acceptable risk of flooding and appropriate drainage infrastructure can be provided. The proposal would not harm the setting of any designated heritage assets and there would be an acceptable impact in

terms of archaeology. The proposal would be served by a safe and suitable access and the residual cumulative impact on the highway network would not be severe. There would be an inevitable impact on the landscape by virtue of building on a Greenfield site. However, the impact is not considered to be unduly harmful, particularly having regard to the previous appeal decision on the site. The proposal would also be acceptable in terms of its impact on biodiversity.

Conclusion

- 8.6. As pointed out by the Parish and a number of local residents, this proposal is essentially the same as what was previously dismissed at appeal in 2018. Whilst the scheme is more or less the same, there has since been a material change in circumstances.
- 8.7. At the previous appeal, the Inspector ultimately concluded that the benefits of the proposal were significantly and demonstrably outweighed by the adverse impacts of the proposal – particularly the conflict with the then recently adopted development plan locational policies and the conflict with the social role of sustainable development. At the time of the appeal, the Council was also able to demonstrate a 5-year supply of deliverable housing sites and as such, the housing policies contained within the JCS and GNDP attracted full weight in decision-taking. In contrast to the situation in 2018, as set out above, the Council cannot currently demonstrate a five year supply of deliverable housing sites and as such, the housing policies in the JCS are deemed to be out-of-date as per footnote 7 to paragraph 11 of the Framework. This also applies to the housing policies contained in the GNDP. The weight that can be afforded to the relevant housing policies is therefore reduced.
- 8.8. It is also the case that given the time that has elapsed since the GNDP was made (19th September 2017), it no longer benefits from the ‘protection’ afforded by paragraph 14 of the Framework. As previously set out, paragraph 14 of the Framework states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. This is subject to certain criteria; one of which specifies that the neighbourhood plan must have become part of the development plan two years or less before the date on which the decision is made. As the GNDP is now older than two years, paragraph 14 of the Framework does not apply.
- 8.9. Similar to the position at the 2018 appeal, there are no technical matters that would represent a reason for refusal in this instance and the only harm that has been identified is the impact on social cohesion and social well-being as a result of the scale of growth in a relatively short period of time. This harm weighs against the proposals but in the absence of any other reasons for refusal and given the application of the ‘tilted balance’, that harm is no longer considered to significantly and demonstrably outweigh the benefits of the scheme. The application is therefore recommended for **delegated consent** subject to finalising a Section 106 Agreement to secure the required affordable housing, MUGA, LEAP, education and libraries contributions (where justified).

CONDITIONS:

1. The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the layout, scale and external appearance of the building(s), and landscaping (hereinafter referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.

Reason: The application is in outline only and the reserved matters referred to in the foregoing condition will require further consideration.

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

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 either before:
 - (i) the expiration of five years from the date of this permission, or
 - (ii) before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

Design and layout

4. Applications for the approval of the reserved matters shall be generally in accordance with the principles and parameters described in the approved Design and Access Statement dated October 2019 and the Illustrative Site Layout BM-M-01 Rev A.

Reason: In order to define the permission.

5. The first reserved matters application submitted pursuant to condition 1 shall include the submission of a Housing Mix Statement to the Local Planning Authority for its written approval setting out how an appropriate mix of dwelling sizes, types and tenures will be provided in order to contribute to a mixed and balanced housing market to 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 for the area at the time of the submission of the relevant reserved matters. The development shall be implemented in accordance with the approved Housing Mix Statement.

Reason: To ensure that an appropriate housing mix is delivered to contribute to the creation of mixed and balanced communities.

6. The reserved matters submitted pursuant to condition 1 above shall include details of existing and proposed ground levels and finished floor levels of the buildings relative to Ordnance Datum Newlyn. The development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity.

7. The details submitted for the approval of reserved matters 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.

8. The reserved matters submitted pursuant to condition 1 shall include samples/details of the materials proposed to be used on the external surfaces of the development. The development shall be carried out using the approved materials unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development.

9. The reserved matters submitted pursuant to condition 1 shall include details of the materials proposed to be used on the surfaces of the roads, footpaths & driveways. The development shall be carried out using the approved materials unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development.

Landscaping

10. The details of landscaping required to be submitted to and approved by the Local Planning Authority in accordance with condition 1 above shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

Reason: In the interests of visual amenity.

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

Reason: In the interests of visual amenity.

Highways

12. No works shall commence on site until the site access has been provided broadly in accordance with the submitted plan W15183_SK_006, with the first 20m of the access road from Ashmead Drive surfaced in a bound material and the access shall be retained and maintained in that form until and unless adopted as highway maintainable at public expense.

Reason: To ensure that there is safe access to the site for construction works and thereafter and to ensure that the access is maintained in that form.

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

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

14. No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public Highway to that dwelling have been completed to at least binder course

level and the footway(s) to surface course level.

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.

15. The details to be submitted for the approval of reserved matters shall include vehicular parking and turning facilities within the site, and the buildings 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: 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.

16. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: 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

17. No works shall commence on site until details of a highway safety improvement scheme on the Gotherington Cross junction (A435/Malleson Road) has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the highway safety scheme has been completed in accordance with the approved plan.

Reason: To reduce potential highway impact by ensuring cost effective improvements are provided.

18. Prior to works commencing on site details of upgraded bus stop facilities on Malleson Road to the west of Ashmead Drive shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be completed prior to occupation of any dwelling on the development.

Reason: To ensure that the opportunities for sustainable transport modes have been taken up and access to high quality public transport facilities is provided.

19. Prior to works commencing on site, details of an uncontrolled pedestrian tactile crossing point on Malleson Road and improvements to the existing pedestrian crossing facilities at Ashmead Drive and Aggs Lane to facilitate pedestrian access to the bus stops west of Ashmead Drive shall be submitted to and approved in writing by the Local Highway Authority and the crossing points shall be constructed in accordance with the approved details prior to first occupation.

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

20. The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter unless otherwise agreed in writing by the Local Planning Authority with the exception that the Travel Plan monitoring period shall be a minimum of 10 years.

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

21. Prior to first occupation, each dwelling hereby permitted shall be provided with an outside electrical socket to enable ease of installation of an electric vehicle charging point. All sockets shall comply with BS1363 (or other document which may replace or modify it), and shall be provided with a lockable weatherproof cover if located externally to the building.

Reason: To provide adequate provision for charging plug-in and other ultra-low emission vehicles.

22. Prior to first occupation the footpaths on the site shall be provided to a minimum of 2m wide with bound surfacing and the footpath connecting to Aggs Close and Ashmead Drive.

Reason: To ensure that the opportunities for sustainable transport modes are taken up with safe and suitable access.

Archaeology

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

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 199 of the National Planning Policy Framework.

Drainage

24. No building works hereby permitted shall be commenced until detailed plans for surface water and foul water drainage works have been submitted to and approved in writing by the local planning authority. The information submitted shall be in accordance with the principles set out in the approved drainage strategy. The submitted details shall:
- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for the lifetime of the development.

25. Prior to the occupation of any building surface water drainage works shall have been implemented in accordance with details that have been approved in writing by the local planning authority. Implementation will include the provision of a 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.

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

Waste

26. No above ground development shall commence until a detailed Site Waste Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall identify the main waste materials expected to be generated by the development during the construction phase and set out measures for dealing with such materials so as to minimise overall waste and to maximise re-use, recycling and recovery in line with the waste hierarchy. The detailed Site Waste Management Plan must include:

- i) Information on the type and amount of waste likely to be generated during the construction phase;
- ii) Details of the site-specific practical arrangements for managing waste generated during the construction phase in accordance with the principles of waste minimisation; and
- iii) Details of the measures for ensuring the delivery of waste minimisation during the construction phase.

The Site Waste Management Plan shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

Reason: To ensure the effective implementation of waste minimisation.

Ecology

27. No development shall take place until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not limited to the following:

- a) Risk assessment of potentially damaging construction activities including provisions for protected species;
- b) Identification of 'biodiversity protection zones' including (but not exclusively) hedgerows and mature trees;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The locations and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour after sunset);
- e) The times during construction when ecological or environmental specialists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person;
- h) Use of protective fences, exclusion barriers and warning signs;
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works;

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure proper provision is made to safeguard protected species and their habitats, in accordance with the guidance set out in the NPPF.

28. No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall cover the first ten years of management following the commencement of construction and enabling works. Enhancement measures should be included for existing natural habitats and created habitats, as well as those for protected species. All Ecological enhancements outlined in the LEMP will be implemented as recommended in the LEMP and the number and location of ecological features to be installed should be specified.

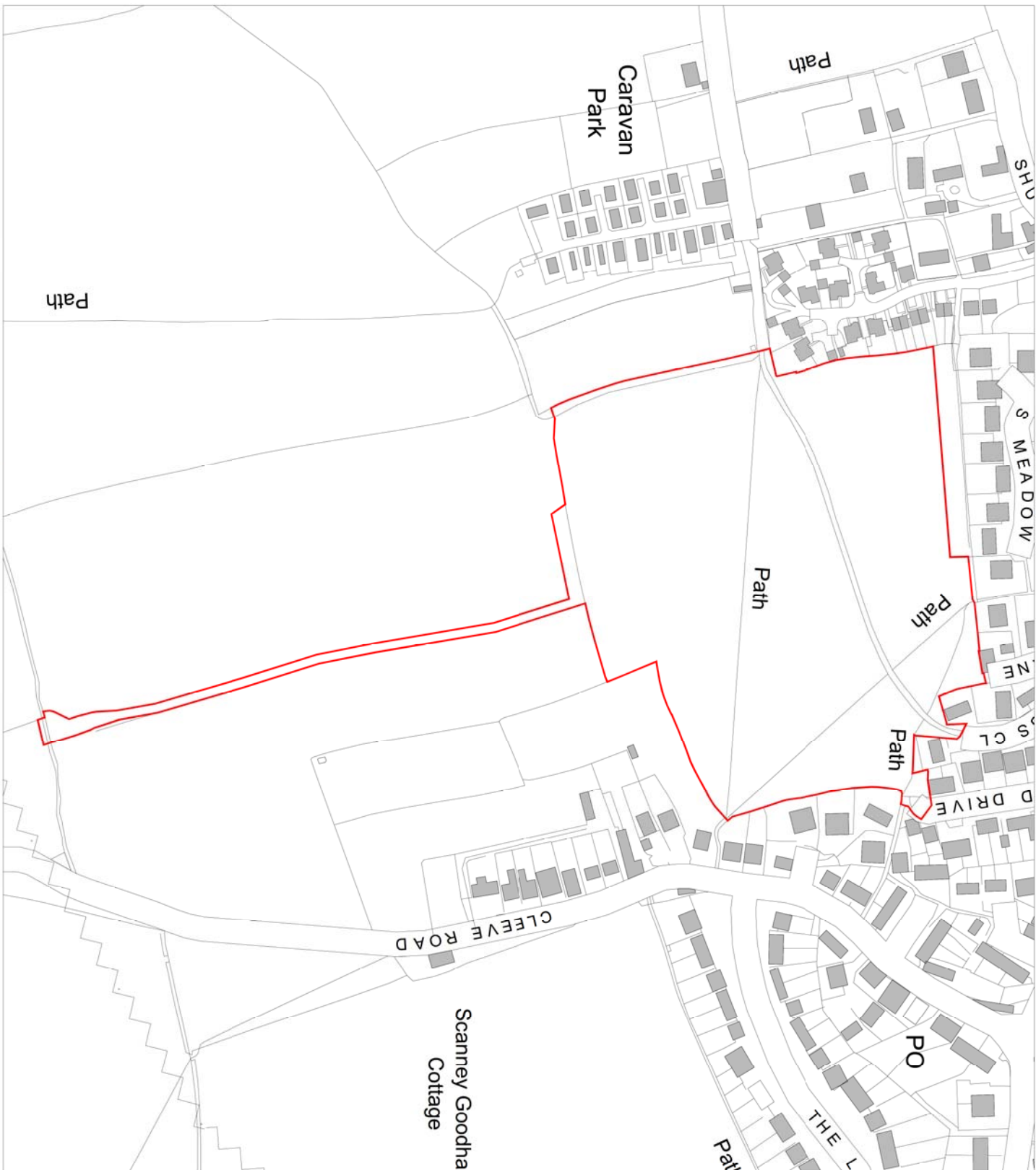
Reason: To ensure proper provision is made to safeguard protected species and their habitats, in accordance with the guidance set out in the NPPF.

29. Prior to first occupation, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites. The details shall include, but not be limited to, the following:
- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas.
 - ii. Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate.
 - iii. A description of the luminosity of lights and their light colour including a lux contour map
 - iv. A drawing(s) showing the location and where appropriate the elevation of the light fixings.
 - v. Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)).
- All external lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details.

Reason: To ensure proper provision is made to safeguard protected species and their habitats, in accordance with the guidance set out in the NPPF.

INFORMATIVES:

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.



The scaling of this drawing cannot be assured

Revision	Date	Drn	Ckd
A	22.05.20	SM	LH
B	22.05.20	SM	LH

— Site boundary updated to include easement
— Site boundary updated

Project: **Gotherington**

Drawing Title: **Site Location Plan**

Date	19.09.19	Scale	1:2,500@A3	Drawn by	MS	Check by	LH
Project No	25212	Drawing No	BM-M-04	Revision	B		



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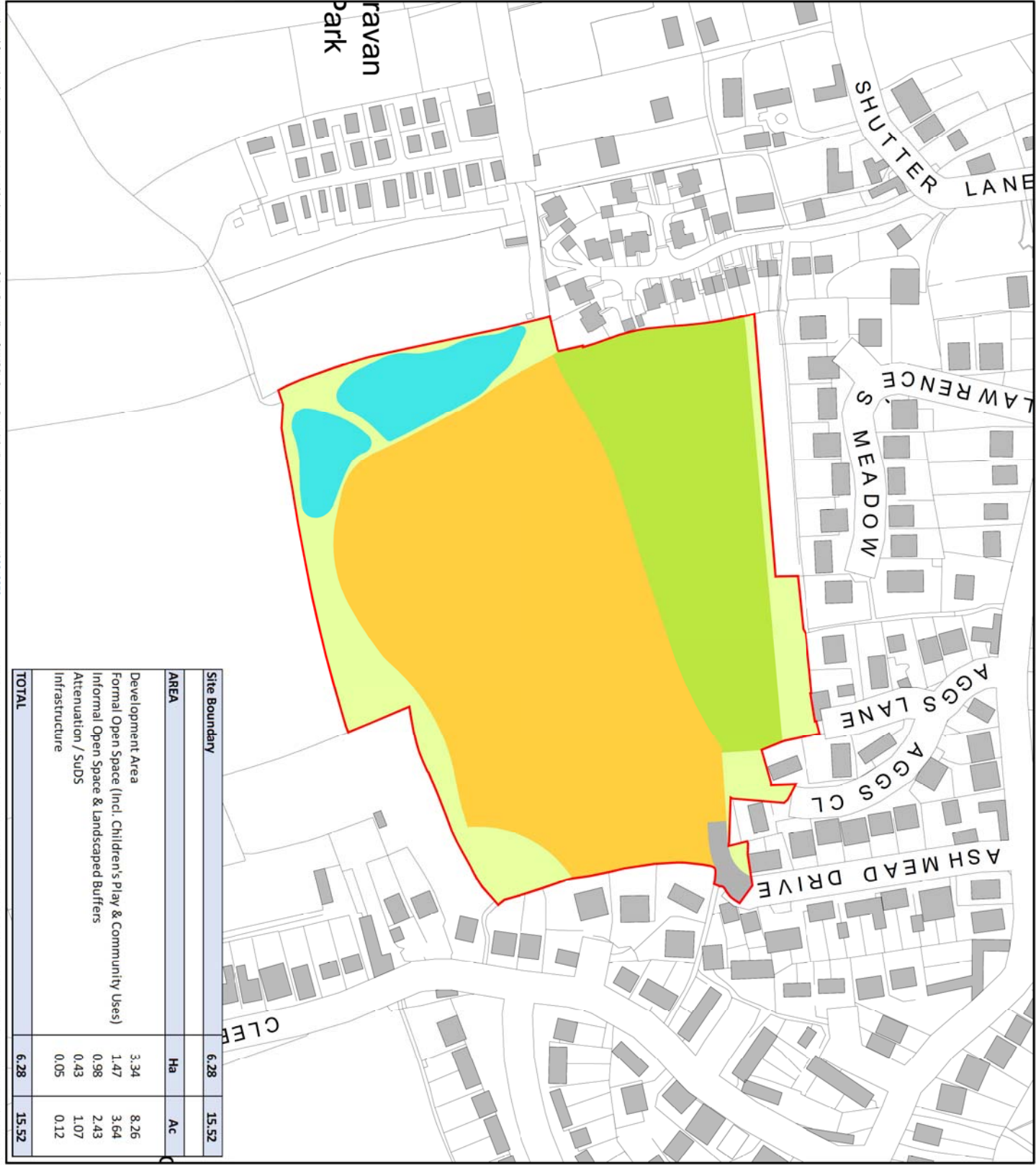
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 Design Units: London, Newcastle, Manchester, Reading, Southampton

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Revision _____ Date _____ Dwn Ckd _____

- Legend**
-  Site boundary
- 6.28Ha / 15.52Ac
 -  Development Area
 -  Formal Open Space
(Incl. Children's Play & Community Uses)
 -  Informal Open Space & Landscaped Buffers
 -  Attenuation / SUDS
 -  Infrastructure



Site Boundary		6.28	15.52
AREA		Ha	Ac
Development Area		3.34	8.26
Formal Open Space (incl. Children's Play & Community Uses)		1.47	3.64
Informal Open Space & Landscaped Buffers		0.98	2.43
Attenuation / SUDS		0.43	1.07
Infrastructure		0.05	0.12
TOTAL		6.28	15.52

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Project: **Gotherington**

Drawing Title: **Land Use Plan**

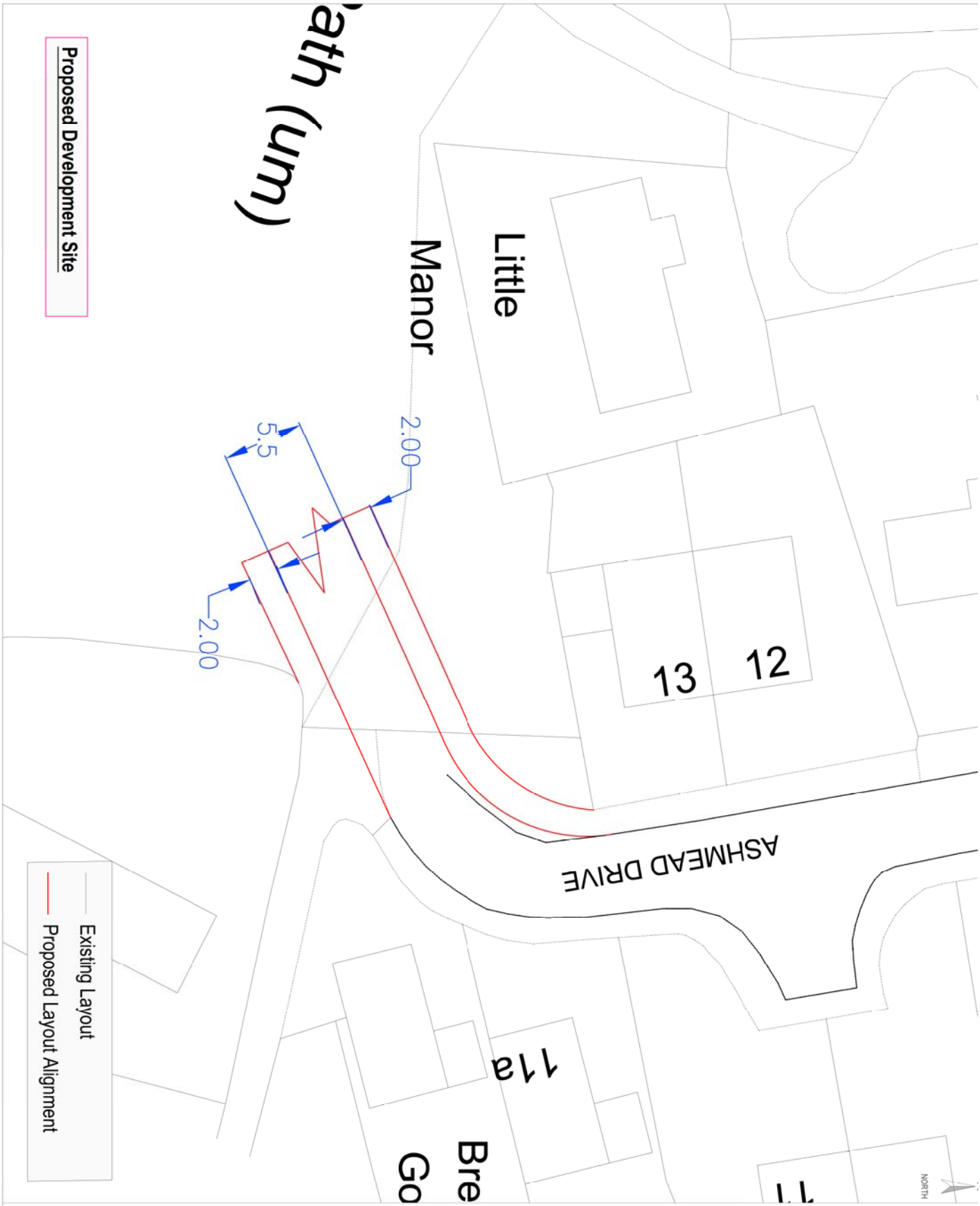
Date: 19.09.19
 Scale: 1:2000@A3
 Project No: 25212
 Drawing No: BM-M-02



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Proposed Development Site

Existing Layout
Proposed Layout Alignment

Rev	Date	Description	By	Apvd
P1	20.09.19	Preliminary Issue	CS	JG

PROJECT:
GOTHERINGTON
52

TITLE:
SITE ACCESS

CLIENT:
L&Q ESTATES

SCALE@A3:
1:250

PROJECT REF:
W15136
DRAWING No:
SK_002
REV:
P1

Revision Referencing
P = Preliminary A = Approval T = Tender C = Construction



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TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	16 June 2020
Site Location:	Tesco Supermarket Church Road Bishops Cleeve Cheltenham Gloucestershire GL52 4LR
Application No:	19/00985/FUL
Ward:	Cleeve West
Parish:	Bishops Cleeve
Proposal:	To allow for extended hours of delivery 0500-2300 hours Monday-Saturday and 0700-2200 hours on Sundays; variation of condition 5 of planning permission ref: 01/0041/0125/FUL (as modified by permission ref: 08/01358/FUL and 14/00552/FUL); and variation of condition 2 of planning permission ref: 14/00552/FUL to amend report of noise mitigation measures.
Report by:	Dawn Lloyd
Appendices:	Site location plan
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application relates to the Tesco Superstore at Church Road, Bishops Cleeve. The site is located within the defined retail area of Bishops Cleeve, south of the town's Conservation Area. There is a large parking area to the front of the site and it is readily accessible via established cycle and pedestrian links. The superstore is surrounded by a variety of land uses, including housing to the south-west and south-east; a retail area to the north; and a public house directly to the west.
- 1.2 Planning permission is sought to allow for extended hours of delivery to 05:00 to 23:00 hours Monday-Saturday with the Sunday hours to remain unaltered 08:00 to 22:00. The application for the variation of condition 5 of planning permission ref: 01/0041/0125/FUL, (as modified by permission ref: 08/01358/FUL and 14/00552/FUL) and for the variation of condition 2 of application 14/00552/FUL to amend report of noise mitigation measures.
- 1.3 The proposal seeks to bring the hours of delivery forward by one hour from the previous permission on Monday to Saturday. There are currently operational difficulties that arise from the current delivery start time at this store (of 06:00 hours).

- 1.4 Condition 1 of 14/00552/FUL states, "Hours of deliveries/collections and loading/unloading activities, within/to/from the site shall be limited to between 06:00 and 23:00 hours Monday-Saturday and 8:00 to 22:00 hours on Sundays only". The reason for the imposition of this condition was to safeguard the amenities of local residents in accordance with Policy P1 of the Tewkesbury Borough Local Plan to 2011 - March 2006
- 1.5 This application has been accompanied by a Noise Assessment prepared by a Sharps Redmore a professional Noise Consultancy dated 16th August 2019. The report concludes that the commencement of deliveries at 5:00 am Monday to Saturday could proceed without harming the residential amenity of local residents.
- 1.6 The planning statement suggests there are currently operational difficulties that arise from the current delivery start time at this store (of 06:00 hours). A variation to the condition is required to enable fresh goods to be delivered, processed in the warehouse and shelves stocked before the store opens.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
01/00666/FUL	Variation of condition No. 15 attached to planning permission reference 97/0041/0772/OUT to permit deliveries - temporarily (6 month period) - between 06.00 and 23.00.	PER	19.06.2001
01/01205/FUL	Extension to foodstore, additional car parking and ancillary enabling works.	PER	20.10.2003
02/00708/FUL	Erection of single storey covered marshalling area in service yard	WDN	03.07.2002
97/00772/OUT	Outline application for the erection of a retail food store, ancillary facilities & landscaped open space area; car parking & servicing to Mill Parade shops; including siting, means of access, design and external appearance.	PER	10.07.1998
98/00186/APP	Approval of reserved matters - landscaping	APPROV	07.09.1998
98/00281/LBC	Demolition of part boundary walls (Grade II Listed Building Ref: 16/101).	CONSEN	18.08.1998
04/01442/FUL	Proposed erection of acoustic grade timber boarded fence to service yard enclosure further to application no. 04/00041/0326/FUL	PER	25.11.2004
08/01358/FUL	Variation of condition 5 following the grant of permission 01/0041/01205/FUL to allow extended hours of deliveries.	PER	23.12.2008

10/01220/FUL	Variation of condition 1 of planning permission 08/01358/FUL to allow extended hours of deliveries between the hours of 04:00 to 01:00 from Monday to Friday.	WDN	05.01.2011
14/00552/FUL	Variation of Condition 5 of planning permission ref: 01/0041/0125/FUL (as modified by permission ref: 08/01358/FUL) to allow deliveries to commence at 7am on Sundays.	PER	17.09.2014

3.0 RELEVANT POLICY

3.1 The following planning guidance and policies are relevant to the consideration of this application:

National guidance

3.2 National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017

3.3 Policies: SD14 Health and Environmental Quality, SD2 Retail and Town Centres

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

3.4 Policies: RET3 Retail Areas

Tewkesbury Borough Plan 2011-2031 Submission Version (May 2020)

3.5 Policies: RET3 Retail Centres

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

3.7 The First Protocol, Article 1 (Protection of Property)

4.0 CONSULTATIONS

4.1 Bishops Cleeve Parish Council - The Parish confirmed that they objected to non-temporary permission however they would support a temporary planning permission for 12 months with a review to assess the impact on residents.

4.2 Environmental Health- No objection subject to conditions requiring implementation of the noise mitigation measures identified in the Noise Report, and erection of an acoustic bund.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 The application has been publicised through the posting of a site notice for a period of 21 days and/or the neighbour notification scheme. No public representations received.

6.0 POLICY CONTEXT

- 6.1 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.
- 6.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 6.3 The Pre-Submission Tewkesbury Borough plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.4 The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

- 7.1 National planning policy framework 2019 (NPPF) - paragraph 85 seeks, decision's should support town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
- 7.2 NPPF - Paragraph 170 states, planning decisions should contribute to and enhance the natural and local environment by:
- 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.
- 7.3 Paragraph 180 considers that planning policies and decisions should also 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 impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 7.4 Policy SD14 of Joint Core Strategy is in accordance with the NPPF, it considers that development should protect and seek to improve environmental quality. Development should not create or exacerbate conditions that could impact on human health or cause health inequality. New development must 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 limits.
- 7.5 In assessing the acceptability of the proposal the primary consideration is whether the extended operational hours on Monday to Saturday would have a detrimental impact upon the amenities of nearby residential dwellings.

- 7.6 The NPPF whilst seeking to support the economy and employment uses in town centre also recognises the need to avoid noise giving rise to significant adverse impacts on health and quality of life. Policy SD14 seeks to protect existing noise sensitive uses from development that would noise would cause harm.
- 7.7 An environmental noise assessment has been submitted in support of the application. A noise survey was conducted on Tuesday 22nd July 2019. The closest properties to the Tesco service yard are 23 Cheltenham Road and The Kings Arms pub. 23 Cheltenham Road is approximately 50 metres from unloading activity and The Kings Arms pub is approximately 55 metres from a vehicle upon arrival and departure. The report indicates that there is a slight exceedance of peak noise levels at the Kings Arms pub as the delivery vehicle uses the access road passed this property. The report also states that the existing noise climate needs to be considered in the context of vehicles on Church Road which also exceeds the WHO night time peak noise guideline value. The report considers that in this context, noise from the use of the access road would be of low impact. The report concludes that the predicted noise levels from the service yard delivery activity would comply with both the daytime and night time noise values and as such the proposed variation would be acceptable with the mitigation measures proposed.
- 7.8 The Council's Environmental Health Officer has considered the report and raised concerns with regard to the noise impact on The Kings Head. Additional noise mitigation measures are therefore recommended. It is recommended that an acoustic fence is erected in between the access road and the rear of the main public house building. Furthermore that white noise reversing beeps are used between the hours of 22:00 – 07:00 on any day. The Applicant has confirmed agreement to an acoustic fence, and recommended noise mitigation measures.
- 7.9 Whilst concerns have been raised by the Parish Council, the technical evidence and assessment conclude the proposed hours of operation would be acceptable subject to the additional noise mitigation measure proposed. The Applicant has agreed to the recommended. Therefore, it is considered that the proposal accords with the national guidance set out in the NPPF and policy SD14.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1 It has been demonstrated that the proposed extended hours of deliveries to the store would not result in inherent noise and disturbance to the occupiers of nearby residential properties. As such, it is considered that the proposal would have an acceptable impact on the residential amenity of nearby properties and is in accordance with JCS policy SD14 and that proposal be granted subject to conditions.

CONDITIONS:

1. Hours of deliveries/collections and loading/unloading activities, within/to/from the site shall be limited to between 05:00 and 23:00 hours Monday-Saturday and 08:00 to 22:00 hours on Sundays only.

Reason: To safeguard the amenities of local residents and neighbouring occupiers.

2. Prior to the commencement of the beneficial operating hours, the noise mitigation measures shall be implemented in accordance with the Environmental Noise Assessment Tesco, Church Road, Bishops Cleeve by Sharps Redmore Acoustic Consultants dated 16th August 2019. Between the hours of 22:00 – 07:00 reversing vehicles shall only use white noise reversing beeps. These noise mitigation measures shall be maintained as such thereafter.

Reason: To safeguard the amenities of local residents and neighbouring occupiers.

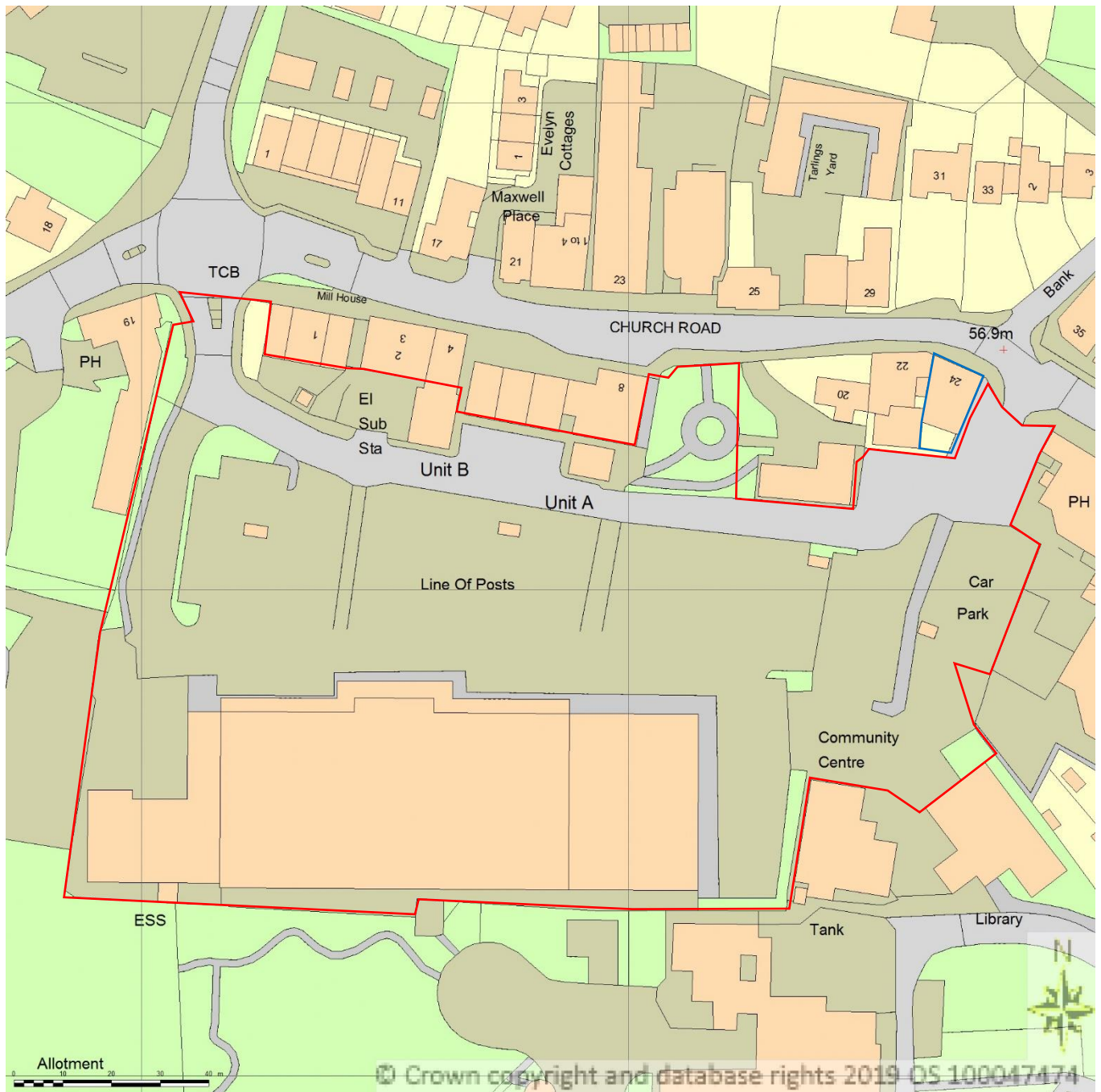
3. The deliveries times hereby approved shall not commence until the siting and details of an acoustic fence have been submitted, agreed in writing by the Local Planning Authority and implemented in accordance with the approved details and maintained as such thereafter.

Reason: To safeguard the amenities of local residents and neighbouring occupiers.

INFORMATIVES:

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.

SITE LOCATION PLAN
AREA 5 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 395884, 227608



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TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	21.04.2020
Site Location:	35 Church Road Bishops Cleeve Cheltenham Gloucestershire GL52 4LP
Application No:	20/00016/FUL
Ward:	Cleeve West
Parish:	Bishops Cleeve
Proposal:	Erection of first floor extension to 35 Church Road to provide 3 residential apartments.
Report by:	Dawn Lloyd
Appendices:	Site location plan Revised Proposed Ground and First Floor Plans Proposed Elevations Parking proximity plan
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. This application relates to 35 Church Road, Bishops Cleeve a building that was a former bank. Planning consent 19/00688/FUL enables the change of use from A2 to A1 under Class E part 3 and A2 under Class G.
- 1.2. The site is situated on a corner plot of Church Road and Church Approach in the service centre of the village. The building is a single storey former bank and of individual design. It is constructed of coursed random rubble natural Cotswold stone with ashlar quoins and a hipped blue slate roof behind a stone parapet. The building sits in a prominent corner position within the village core with a dominant and impressive corner door.
- 1.3. The proposal is provide a first floor extension to the building to provide one bedroomed residential apartments. The number of apartments have been reduced from four to three.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
02/01381/ADV	Display of signs as submitted schedule.	CONSEN	14.01.2003
96/01068/FUL	Installation of a service till.	PER	11.12.1996
04/00870/FUL	Regrade pavers and install external lighting	PER	10.08.2004
05/00699/FUL	Regrade existing pavers to achieve level access in accordance with the DDA Act. Install 2 no. external lights to illuminate ATM and nightsafe.	PER	26.07.2005
80/00035/FUL	Alterations and extension to existing bank to provide storage/boiler room.	PER	04.11.1980
72/00037/FUL	Extensions at rear of existing bank to provide staff room, sales room and toilet facilities.	PER	17.05.1972
69/00012/FUL	Alterations and extension to existing bank to provide strong room, machine room, staff room and additional toilet facilities.	PER	26.03.1969
60/00021/FUL	Erection of a bank.	APPROV	20.09.1960
19/00327/FUL	Installation of new shopfront windows and doors to side of building. Installation of new shopfront windows to front of building. Installation of new doors to rear of building.	REF	24.06.2019
19/00688/FUL	Proposed alteration of existing windows to create four display windows of the same height, lowering the bottom of 3 windows to main front section of building by 300mm and raising of cill to one window by 275mm to remove ATM slot. New windows and doors to side and rear.	PER	17.09.2019

3.0 RELEVANT POLICY

3.1. The following planning guidance and policies are relevant to the consideration of this application:

National guidance

3.2. National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017

- 3.3. Policies: SD4, SD8,SD10, SD11, SD14,INF1

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

- 3.4. Policies: HEN2

Tewkesbury Borough Plan 2011-2031 Submission Version (May 2020)

- 3.5. Policies: RES13

Neighbourhood Plan- No relevant Neighbourhood Plan

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

- 3.7. The First Protocol, Article 1 (Protection of Property)

4.0 CONSULTATIONS

- 4.1. Bishops Cleeve Parish Council – Objection to original proposal in terms of design particularly the flat roof not in keeping with the neighbourhood and sited immediately adjacent to the conservation area, the opinion of the Conservation Officer to be sought. The apartments appear to fall below required space standards. The Parish also have concerns regarding overlooking, lack of parking and no outdoor amenity space. If the authority are minded to permit a materials condition is required. The Parish maintains their objection to the revised plans in terms of design particularly the flat and parking.

- 4.2. Highway Authority – Commented on the original proposal that more information was required from the applicant on parking provision and servicing for refuse collection. No comments have been received from the Highway Authority on the amended plans to date.

- 4.3. Historic England – views of the conservation and archaeological advisors as relevant should be sought.

- 4.4. Conservation Officer- No objection to the amended design. Conditions required for samples of external finishes (render) and roof materials (blue slate) to be agreed prior to installation. Details of new windows and doors (including scaled cross sections) to be agreed prior to installation. New windows and doors to be recessed by a minimum of 75mm.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1. The application has been publicised through the posting of a site notice for a period of 21 days and/or the neighbour notification scheme.

- 5.2. Two letters of objection received- A general objection and notice of wanting to speak at the planning committee. Objection in terms of overlooking, privacy and access to 2 Church Approach.

6.0 POLICY CONTEXT

- 6.1. 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.

- 6.2. The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 6.3. The Pre-Submission Tewkesbury Borough plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.4. The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

Principle of development

JCS Policy SD10 - Residential Development sets out that on sites not allocated for housing, such development will be permitted on previously developed land in the existing built up area of Tewkesbury town, rural service centres and service villages except where otherwise restricted by policy. Furthermore, Criterion 5 of Policy SD10 does allow for the sensitive, adaptive re-use of vacant or redundant buildings, subject to the requirements of other policies, including SD1, INF4 and SD8.

The application site is located within Bishops Cleeve - a rural service centre and comprises of a former bank. The proposal does not involve the loss of a community facility.

Retail Area

- 7.1. The site lies within the retail area of Bishops Cleeve. Saved Local plan policy RET3 considers proposals for retail (A1), financial and professional services (A2) and food and drink establishments (A3) at ground levels and residential use at upper floor level will be permitted. Proposals for new development to be consistent with the scale and function of the centre.
- 7.2. The current proposal only involves accommodation at first floor level, the ground floor being retained. Therefore the principal a mixed use development on this site is supported.

Design and Layout

- 7.3. After discussion with officers the design of the building was amended. The number of apartments have been reduced and their size increased in accordance with national space standards. The revised plans are consistent with the recommendations of our Conservation Officer with a slate pitched roof to the front and off white rendered first floor elevations set back on the prominent front corner. The rear and sides have a flat grey GRP roof and have grey cedar cladding. The first floor extension respects the character, scale and proportions of the existing building. The design complements the design and materials of the existing building.
- 7.4. There is a mixture of buildings of different age, type and design within the vicinity of the site, including single storey, two and three storey buildings. The proposal responds positively to and respects the character of its surroundings. The proposal accords with policy SD4 in terms of design and context.

Housing mix

- 7.5. Strategic Housing Market Assessment (SHMA) identifies an unmet need for 1 and 2 bedroom accommodation, which is best met in highly accessible locations that are dependent on more sustainable modes of travel. The proposal is for three, one bedroomed apartments that meet the required space standards and provide low cost accommodation with good access to local services. The proposal therefore complies with JCS Policy DS11 in this regard.

Residential Amenity

- 7.6. Policy SD14 requires development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 7.7. Neighbour objections have been received regarding overlooking of properties on Church Approach. The proposal has small windows to habitable rooms on the side elevation facing Church Approach, the front apartment has a balcony and the eastern elevation faces onto the service area for the adjacent shops. Due to the separation distance and orientation of the building there would be no direct overlooking of windows on Church Approach. There would be overlooking of the front amenity and parking areas of these dwellings. However there is already overlooking of this space from the first floor front window of adjacent properties. Furthermore, this is not their main private amenity space. Therefore, the proposal is not considered of substantial harm in terms of overlooking, privacy or overbearing in nature, and complies with SD14 in this regard.

Access and highway safety

- 7.8. The apartments would have no on-site parking provision, however the building is a sustainable location in the main service centre of Bishops Cleeve and is located on a main bus route. A parking proximity plan was provided which demonstrates parking availability within walking distance of the application site. Given access to services is within walking distance and the close proximity of public transport routes the proposal has minimal a reliance on use of the private car and therefore on-site parking provision is not warranted in this instance. Cycle storage has been provided with one space per apartment. Church Approach has an existing access to the service area for the former bank building and neighbouring shops therefore the site has existing provision for refuse vehicles. Therefore, it is considered the development could be accommodated at the site without compromising highway safety.

Heritage assets

- 7.9. Policy SD8 states that developments are required to preserve or enhance the character or appearance of the conservation area in terms of scale, form, materials and quality. Saved policy HEN2 of the Tewkesbury Local Plan states that in proposals for development within or in close proximity to a conservation area particular attention should be paid to the developments impact on the conservation area and its setting including any existing trees.
- 7.10. The Conservation Officer considers that due to the location, design, details and materials the existing building provides a positive and prominent visual presence within the streetscene and within the setting of the listed buildings both within and outside the conservation area and important views into the conservation area from Church Road. Royal Oak Public House Grade II listed building is opposite and St Michael and All Angels Church to the north is Grade I listed. As such, despite being a 20th Century building it is considered to have a degree of local heritage significance and holds communal value within the streetscene.

- 7.11. Historic England had no comment with regard to the impact of the proposal on the setting of St Michael of All Angels Church and have deferred comment to the Conservation Officer. The design as amended is in accordance with the recommendations of the Conservation Officer. A condition requiring proposed materials and design details is recommended.
- 7.12. Paragraph 197 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 7.13. In addition the degree of harm, in considering an application which affects the setting of a heritage asset Sections 66 and 72 of the Listed Building and Conservation Act apply. The Authority shall have regard to the desirability of preserving feature of special architectural or historic interest and pay special attention to the desirability to preserving or enhancing the character or appearance of that area.
- 7.14. The erection of the first floor extension would generate a degree of less than substantial harm to heritage assets and their setting. It is concluded on this matter that the public benefit of the increased provision of commercial premises, the provision of low cost residential accommodation and the securing the future of the vacant building, outweigh the harm to heritage assets.

Community Infrastructure Levy/Section 106 obligations

- 7.15. 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.
- 7.16. As a result of these Regulations, local authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly related to the development.' As such, the Regulations restrict local authorities' ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above tests are met. Where planning obligations do not meet the above tests and restrictions, it is 'unlawful' for those obligations to be taken into account when determining an application.
- 7.17. In October 2018 the Council adopted CIL and implemented the levy on the 1st January 2019. For CIL purposes the application site falls within a 'Generic Site' and is subject to the levy for residential development currently at £104 per square metre on all the market elements of the proposed development.

8.0 CONCLUSION AND RECOMMENDATION

Taking into account all of the above, the proposal is considered to be acceptable and in accordance with the relevant policies of the adopted development plan. It is therefore recommended that planning permission be PERMITTED subject to conditions.

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 with the following approved documents:
 - Site Location Plan Drawing Number LP10 received 3rd January
 - Site Plan Drawing Number SP 200 received 3rd January 2020
 - Proposed Elevations Drawing Number EL401 REV C received 16 March 2020
 - Proposed Ground and First Floor Plan Drawing Number FP303 Rev A 16 March 2020

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 installation full details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The details to be submitted shall include:-
 - type, colour, texture, size and design of roofing materials;
 - sample and a precise specification of the proposed external render
 - details of the balustrade,
 - details of new windows and doors (including scaled cross sections at a minimum scale of 1:2)
 - New windows and doors to be recessed by a minimum of 75mm.

The development shall be carried out using the materials as approved.

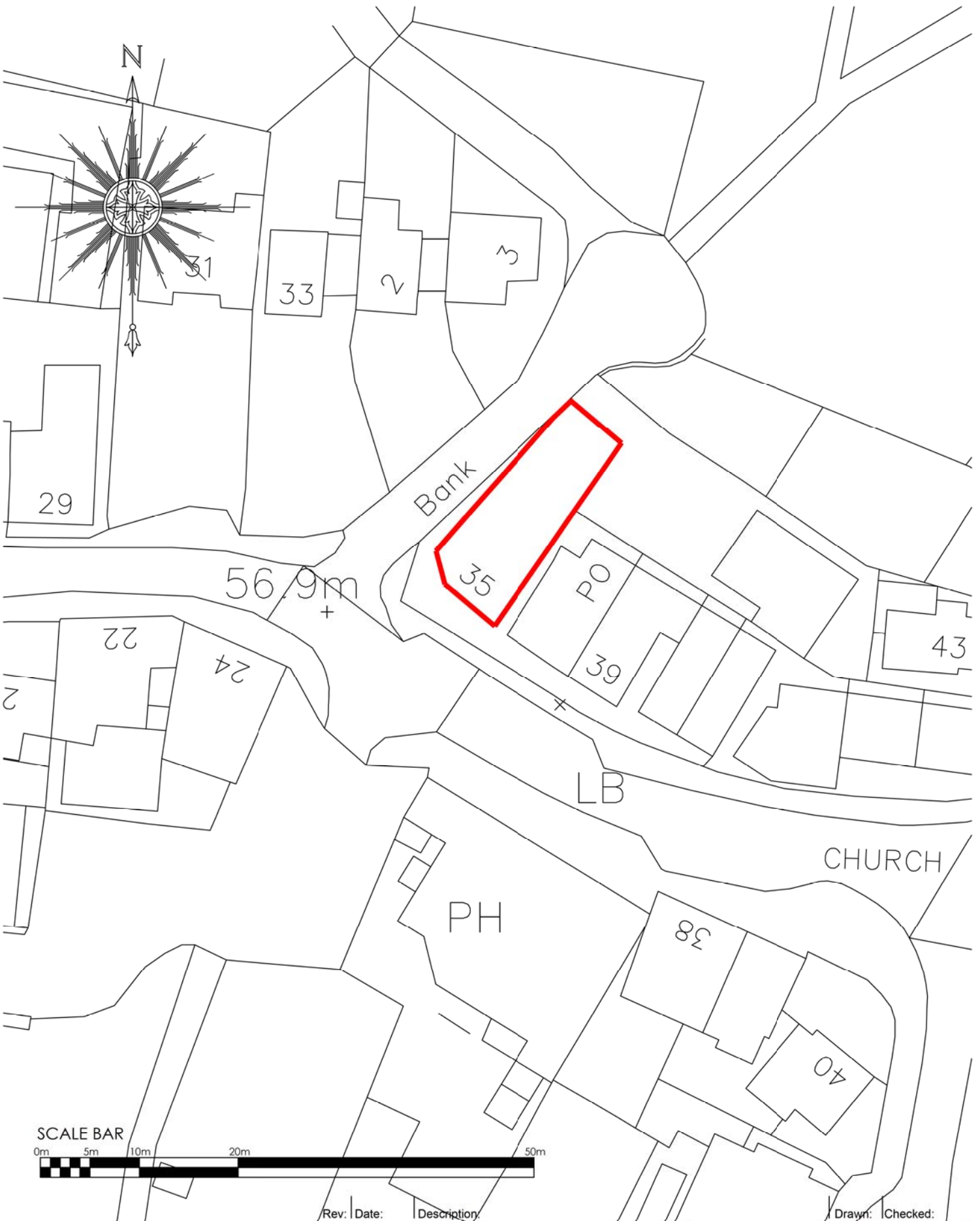
Reason: To protect, conserve and enhance the significance of heritage assets and to ensure that the new materials are in keeping with the existing building and its surroundings.

4. The proposed bin and secure cycle storage shall be provided in accordance with the approved plans before the development hereby permitted is brought into use and thereafter maintained as such for the lifetime of the development.

Reason: To prevent adverse visual impact on the Conservation Area and streetscene.

INFORMATIVES:

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.



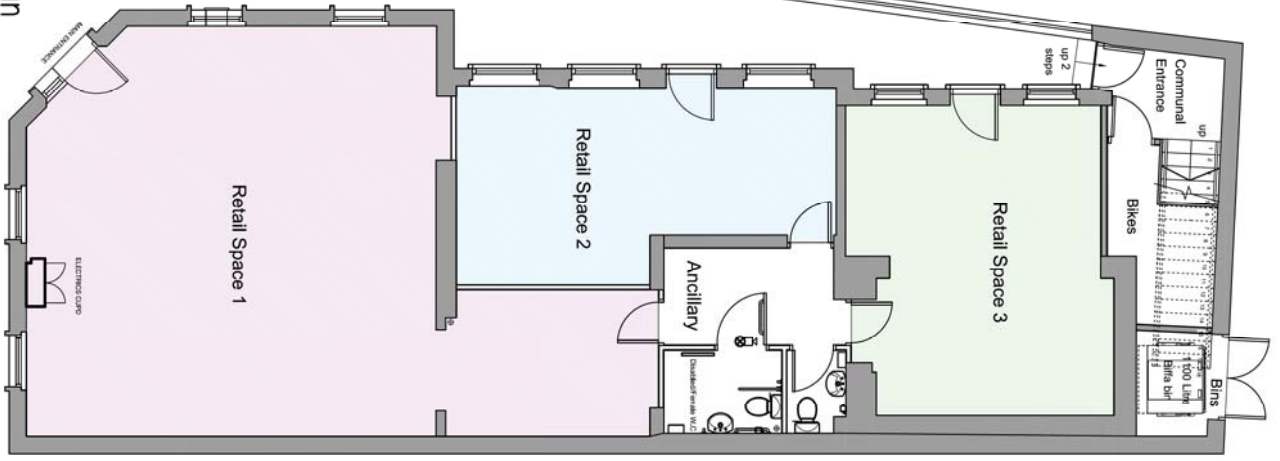
Rev: | Date: | Description: | Drawn: | Checked:

Project/Client: 35 Church Road, Bishops Cleeve GL52 8NE		Drawn By: MAC	Date: 21.02.2019	Checked By:
Drawing: Location Plan		Scale: 1:500@A4	Drawing No: LP 100	Revision:
67		Project No: 1859		

CPLC
ASSOCIATES
The Bungalow, 87a Station Road
Bishops Cleeve, Cheltenham, GL52 8HJ.
Telephone : 01242 672 333
cplc@cplc-associates.com

SCALE BAR
0m 2.5m 5m

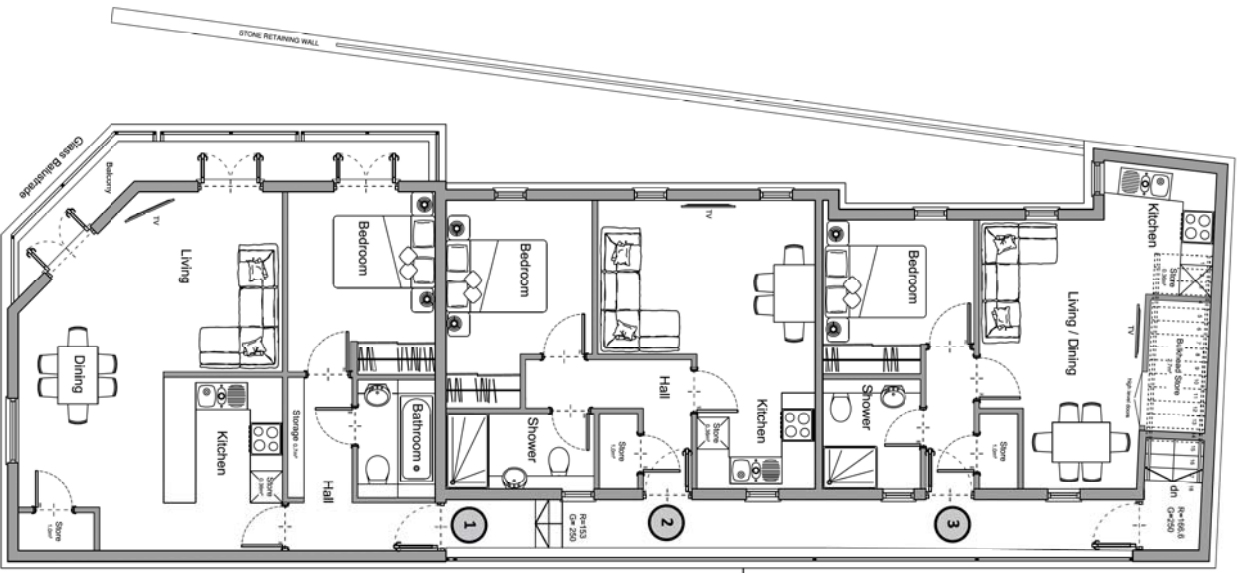
Ground Floor Plan



RETAIL GROSS INTERNAL AREAS

Retail Space 1	= 68.4m ² / 736 sq.ft.
Retail Space 2	= 23.4m ² / 252 sq.ft.
Retail Space 3	= 27.3m ² / 294 sq.ft.
Ancillary	= 11.7m ² / 126 sq.ft.

First Floor Plan

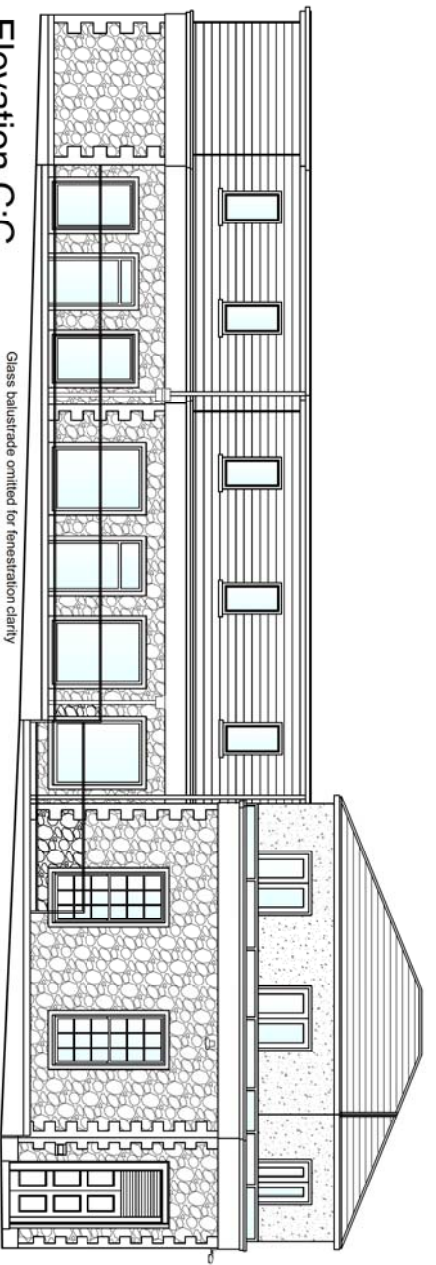


RESIDENTIAL GROSS INTERNAL AREAS

182P Apartment 1	= 50.0m ² / 538 sq.ft. Storage 2.0m ²
181P Apartment 2	= 37.3m ² / 401 sq.ft. Storage 1.0m ²
181P Apartment 3	= 37.3m ² / 401 sq.ft. Storage 1.8m ² (+ 2.7m ² Bulkyhead Store)

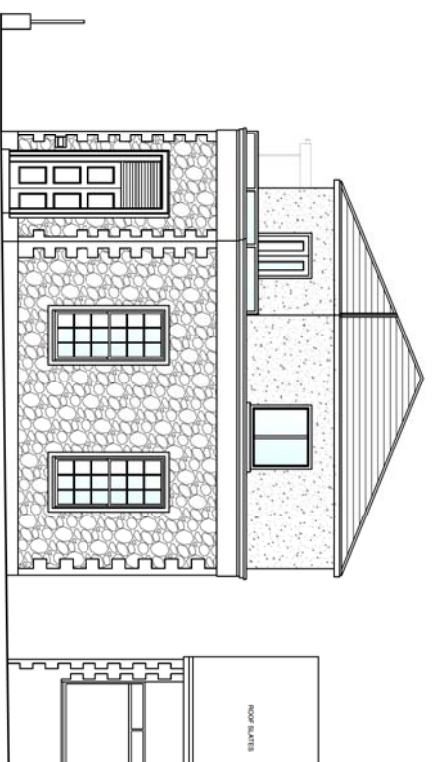
CPIC ASSOCIATES
The Bungalow, 87a Station Road
Bishops Cleeve, Cheltenham, GL52 8HL
Telephone : 01242 672 333
cpic@cpic-associates.com

Project/Client: 35 Church Road, Bishops Cleeve GL52 8NE		Date: 24.10.2018	
Drawing: Proposed Ground & First Floor Plans		Checked By: MMC	
Scale: 1:100@A3	Drawing No: FP303	Project No: 1859	Revision: A

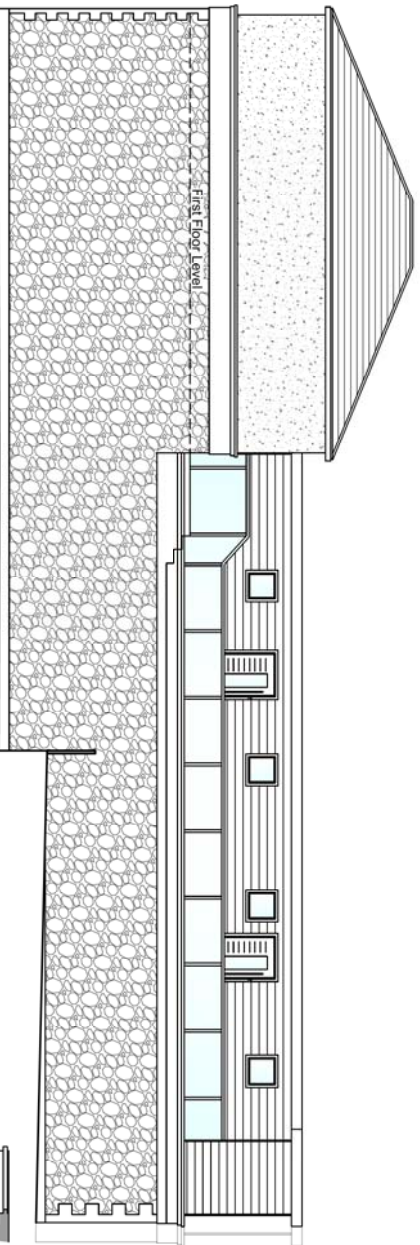


Elevation C:C

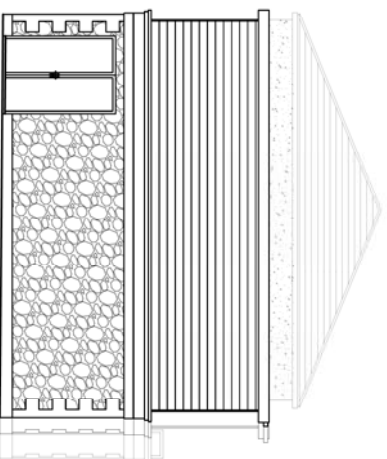
Glass balustrade omitted for fenestration clarity



Elevation D:D

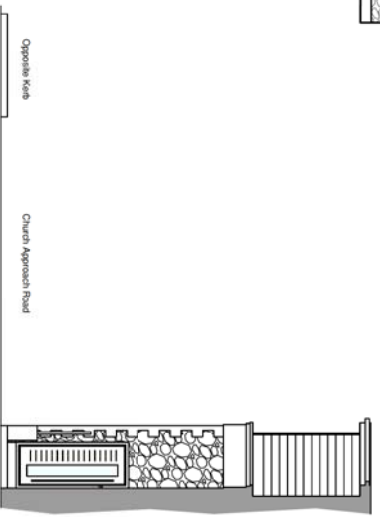
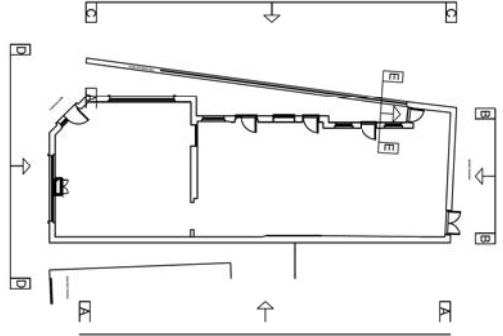


Elevation A:A



Elevation B:B

PROPOSED MATERIALS
 Aluminium/UPVC Windows & Doors
 Grey colour coated Rainwater Goods
 Glass Balustrade on Stainless Steel Posts
 Off White Through-Coloured Render
 Grey GRP Roof
 Grey Cedar cladding
 22.5° Interlocking Roofing Slates



Elevation E:E

CPIC ASSOCIATES
 The Bungalow, 87a Station Road
 Bishops Cleeve, Cheltenham, GL52 8HL
 Telephone : 01242 672 333
 cpic@cpic-associates.com

C 06.02.20 Updated to match revised plans. Pitch roof added.
 B 11.12.16 materials added. Cladding removed from FF corner.
 A 06.11.19 Proposal updated to current scheme.
 Rev. Date: Description:

SJW
 SJW
 SJW
 Drawn: Checked:

Project/Client: 35 Church Road, Bishops Cleeve GL52 8NE		Drawn By: MAC		Date: 24.10.2018		Checked By:	
Drawing: Proposed Elevations		Scale: 1:100@A3		Drawing No: EL401		Revision: C	
		Project No: 1859					

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	16 June 2020
Site Location:	Charlton Main Road Minsterworth Gloucestershire GL2 8JG
Application No:	19/00465/FUL
Ward:	Highnam With Haw Bridge
Parish:	Minsterworth
Proposal:	Change of use of dwelling and adjacent detached dwelling from C3 (dwelling house) to C2 (children's care home). Erection of a replacement single storey rear extension and erection of front and rear dormer extensions; front and rear dormer windows.
Report by:	Dawn Lloyd
Appendices:	Site location plan Site layout plan Proposed Elevations and Floor Plans Parking Plan
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The proposal is for two existing dwellings in the settlement of Minsterworth (a service village) to operate as a children's care home. The dwellings are situated on the edge of the village along the A48.
- 1.2 The two properties are adjacent to each other and share the same access on to the highway. The properties are a semi-detached dwelling and the recently constructed detached dwelling to the south.
- 1.3 The semi-detached dwelling Charlton is to have a small front dormer extension and a larger box dormer to the rear. The existing rear extension is to be replaced with a larger flat roofed single storey addition. Five bedrooms would be provided. The recently constructed detached dwelling has 4 bedrooms.
- 1.4 Two separate applications were originally submitted: one for each dwelling. However, as the proposal included shared access and parking arrangements and a joint operation the application was resubmitted as a single application.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
14/00225/FUL	Erection of a 4 bedroom detached house	PER	22.08.2014
19/00466/FUL	Change of use from C3 (dwelling house) to C2 (Children's care home)	NOTPRO	28.02.2020

3.0 RELEVANT POLICY

3.1 The following planning guidance and policies are relevant to the consideration of this application:

National guidance

3.2 National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017

3.3 Policies:SD11, SD4, SD14,INF1, INF2

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

3.4 No relevant policies

Tewkesbury Borough Plan 2011-2031 Submission Version (May 2020)

3.5 No relevant policies

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

3.7 The First Protocol, Article 1 (Protection of Property)

4.0 CONSULTATIONS

4.1 **Minsterworth Parish Council** – Objections to the application on the grounds that a semi-detached house might not afford adequate sound proofing for the adjacent dwelling, size of the garden not adequate for children, parking not adequate for additional numbers of staff required, front dormer windows not in character with the street scene.

4.2 **The Highway Authority** – Have no objection to the proposal subject to conditions regarding the site access, provision of cycle storage, a car park management plan and a construction management plan all details to be submitted and agreed.

4.3 **Environmental Health** – have no objection to the proposed change of use in terms of noise and nuisance.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 The application has been publicised through the posting of a site notice for a period of 21 days and/or the neighbour notification scheme.
- 5.2 Six neighbour objections have been received (in summary)
- Impact on privacy of rear amenity space
 - Parking, lack of disabled parking provision, access onto A48 and additional traffic movements
 - Impact of Noise and anti-social behaviour
 - Fire risk and nuisance
 - Design, character of the area and amenity space
 - Lack of services
 - Inadequate drainage arrangements, increase in load on the existing septic tank.
- 5.3 **Councillor J Smith** has requested a Committee determinations determination to assess the suitability of the proposal in terms of: highway safety; suitability of parking for staff vehicles; drainage arrangements; and impact on neighbouring occupiers.

6.0 POLICY CONTEXT

- 6.1 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.
- 6.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 6.3 The Pre-Submission Tewkesbury Borough Plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.4 The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

- 7.1 The lawful use of the existing dwellings fall within Use Class C3 of the Town and Country Planning (Use Classes) Order 1987. The application proposes that each of the buildings would be used as a children's care home run by an established organisation which provides supported accommodation for young people. The proposal is to provide accommodation for children in the under 16 age group with the aim of keeping siblings together.

- 7.2 There would be one member of staff for each child although numbers of children would vary but each dwelling would have a maximum of two children and two adults. The change over for staff would take place between 14:30 pm and 15:30 pm. The children would be supervised at all times on the premises and would attend school during the day and return with the carer. The social development of the child is important and participation in clubs and activities off site would be encouraged therefore the children would not be present onsite at all times and the facility would operate similarly to a normal household. The care home will be registered by Ofsted. The people in each property would not be living together as a single household as the children will be looked after by the staff on a rota basis
- 7.3 On the basis of the above, the proposed use would comprise a change of use of the existing dwellings from Class C3 (Dwellinghouse) to Class C2 (Residential institution).

Principle of development

- 7.4 Minsterworth is designated as a Service village within the Joint Core Strategy which offers a range of services, or road access to major employment area. Policy SD11 supports residential development which meets the needs of different groups in society and supports balanced communities. Provision for specialist accommodation will be supported where there is evidence for a need for this type of accommodation.
- 7.5 The application sets out that the children would be referred by Social Services and other partnership organisations and information has been provided to support the demand for proposal within the county from the Youth Support Team Manager and Children & Young People Commissioning |Gloucestershire County Council.
- 7.6 The proposal would provide specialist accommodation within a service village therefore, principle of the proposal is acceptable subject to other policies of the development plan.

Design and layout

- 7.7 Policy SD4 supports the creation of high quality buildings which function and add to the overall quality of the area and should be sympathetic to the local character, including the surrounding built environment.
- 7.8 No external alterations are proposed to the recently constructed detached dwelling and its appearance would remain as a dwelling.
- 7.9 The application proposes a large flat roofed single storey extension to the rear, a box dormer window in the rear facing roof slope and a small dormer window in the front facing roof slope to provide a loft conversion of two bedrooms and a bathroom. The external materials of the building are brick and white render. The rear extension would be rendered to match the existing host dwelling. The materials of the dormer extension would be controlled by condition.
- 7.10 Under the terms of The Town and Country Planning (General Permitted Development) (England) Order 2015 (Amended) a dwelling with permitted development rights could erect a single storey extension of up to 3 m to the rear and of eave height not more than 3m and ridge height of 4m. A rear dormer extension to the roof can be created if it does not exceed 40 cubic metres. Given this fall back position for a dwellinghouse, and that the existing use and appearance is that of a dwellinghouse; the rear extensions and are not considered disproportionate additions to the building that could be achieved to a dwellinghouse under permitted limits. Furthermore, there are no properties to the rear to be overlooked and the rear extensions would only be visible from a public foot path to the rear of the site.

- 7.11 There are no front dormer extensions within the streetscene however, the properties in the village comprise a mixture of ages, type and design, with no uniformity in character. The front dormer would be small in scale, it would integrate with the existing building and would not cause any harm to the visual quality of the area. Therefore, it is considered that the proposed extensions and alterations to the dwellings to provide additional accommodation complies with policy SD4.
- 7.12 Objections have been raised regarding the change of use and development would provide an additional fire risk to the adjacent dwelling. The proposed works are appropriate to a residential dwelling and will require building regulation approval, the fire risk is assessed and controlled as part of this process.

Residential amenity

- 7.13 In respect of the impact of the development upon residential amenity, paragraph 127 of the NPPF specifies that planning decisions should ensure development creates places with a high standard of amenity for existing and future users. This advice is reflected in JCS policies SD4 and SD14 which require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 7.14 Objections have been received regarding the impact on the amenity of neighbouring occupiers in terms of lack of garden space, privacy, overlooking, noise, nuisance and antisocial behaviour.
- 7.15 The garden area to the rear of the semi-detached property would only be reduced slightly with a significant area remaining for amenity purposes. In addition, there is access to public footpaths in the vicinity of the site. The front amenity area currently provides parking for vehicles. Therefore, the slight reduction to the amenity space would not be considered of substantial harm.
- 7.16 Properties on either side of the A48 are set back from the highway with significant separation distance which exceeds acceptable limits, to minimise the impact from direct overlooking. In addition, the front amenity spaces are in part visible from the public realm. Therefore, the overlooking from the dormer is considered minimal.
- 7.17 There would be overlooking of the amenity space of neighbouring properties from the rear box dormer extension. However, this area is already overlooked by existing first floor windows. In addition, views from the box dormer would be more directed to the rear of the site which is land of the detached care home property. There would be oblique views of the less private space of the neighbouring rear garden. Given that there is already overlooking of the area, the proposal is not considered of substantial harm in this regard.
- 7.18 Objections have been received with regard to the impact of noise on neighbouring dwellings properties. However the proposed C2 use, which is modest in scale, comprises of an utility room, 2 additional bedrooms and an additional bathroom to the level of accommodation in the existing semi-detached dwelling with no alterations to the accommodation provided in the existing detached dwelling. The level of accommodation is not dissimilar to C3 residential use of the properties. As such, it would be unlikely to give rise to unacceptable levels of noise and disturbance or types of activity that would not be uncommon in a residential area. The Council's Environmental Health officers have raised no objection to the proposal in terms of noise generation.

- 7.19 It is noted that objectors have referred to Human Rights for different reasons including Article 1 and Article 8 of the Human Rights Act 1998. The right to peaceful enjoyment of possessions and right to a private life are qualified rather than absolute rights and the consideration of a proposal will inevitably result in a balance between competing individual rights. Regard has been given to the various parties' rights in assessing the application.
- 7.20 Additional information has been provided with regard to the staff shift pattern, numbers of staff and numbers of children. A maximum number of children is two per property with two staff members which would be similar to a residential dwelling. The working pattern for staff is a late day shift, sleep at night then an early day shift. The changeover between shifts occurs between 2:30pm and 3:30pm. In addition, the care home would receive the occasional visit from social workers. Although there would be a peak in movements from the site at during the early afternoon, the noise and disturbance is not considered more harmful to neighbouring residents from that of a C3 use.

Drainage and flood risk

- 7.21 JCS Policy INF2 sets out that development proposals must avoid areas at risk of flooding. Proposals must not increase the level of risk to the safety or occupiers of a site, the local community or the wider environment either on the site or elsewhere.
- 7.22 The site falls within Flood Zone 1 as shown on the Environment Agency's indicative flood map indicating that it has a low probability of river or sea flooding. The EA's updated Flood Map for Surface Water identifies part of the site as having either a very low or low risk of surface water flooding.
- 7.23 There is no proposed alteration to the existing on site drainage systems for each property. A private treatment plant has been installed for the new dwelling. Objection has been received regarding the existing on site drainage provisions being inadequate and that the foul drainage from the properties in this vicinity are adversely impacting farm land to the rear. The additional bathrooms are provided however the facilities are similar to that of C3 use not commercial use and it is considered there is not a disproportionate increase in load on the existing drainage system.

Access and highway safety

- 7.24 The NPPF states 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. 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.
- 7.25 The proposal would use the existing access to the A48, there is sufficient parking provision and manoeuvrability on the site, the highway authority have no objection in principle to the proposal. Conditions are required for a parking and construction management plan to be agreed.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1 The proposal is appropriate to its context in accordance with policies SD4 and fulfils a need for extra care type housing in accordance with SD11. The application integrates effectively with its surroundings and is not detrimental to the character of the area. The intensification of movements to and from the site is during normal day time hours and is not dissimilar to that of a residential use. The proposal is considered not of substantial harm in terms of amenity, drainage or highway safety.

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 with the following approved documents:

- Location plan Drawing number Drawing Number 1237.3 B
- Site Plan Drawing Number 1237.4 A
- Proposed Floor Plans and Elevations Drawing Number 1237. A
- Parking Plan Drawing Number 1256.4

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 to be used in the construction of the external walls of the proposed rear extension shall match those used in the existing dwelling. The details of the roof dormers shall be submitted to and agreed with the local planning authority prior to occupation.

Reason: To ensure that the proposed development is in keeping with the existing dwelling

4. Prior to occupation as a care home visibility splays shall be provided point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 160 metres in each direction measured along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of the land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety

5. No building shall be occupied for the permitted use as a care home until a car park management plan setting out how the car park will be managed has been submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved car park management plan for the lifetime of the development.

Reason: To ensure the safe operation of approved car park(s).

6. Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plans with any gates situated at least 5.0m 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 driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: In the interest of highway and pedestrian safety, and to ensure vehicles are able to pull clear of the adopted highway and avoid becoming an obstruction to oncoming traffic.

7. Prior to erection of external walls above damp course level details of a construction management plan or construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - Locations for loading/unloading and storage of plant, waste and construction materials;
 - Method of preventing mud and dust being carried onto the highway;
 - Arrangements for turning vehicles;
 - Arrangements to receive abnormal loads or unusually large vehicles; and
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

8. The two dwellings shall be used for solely for the purpose as a care home for children and no other use within class C2.

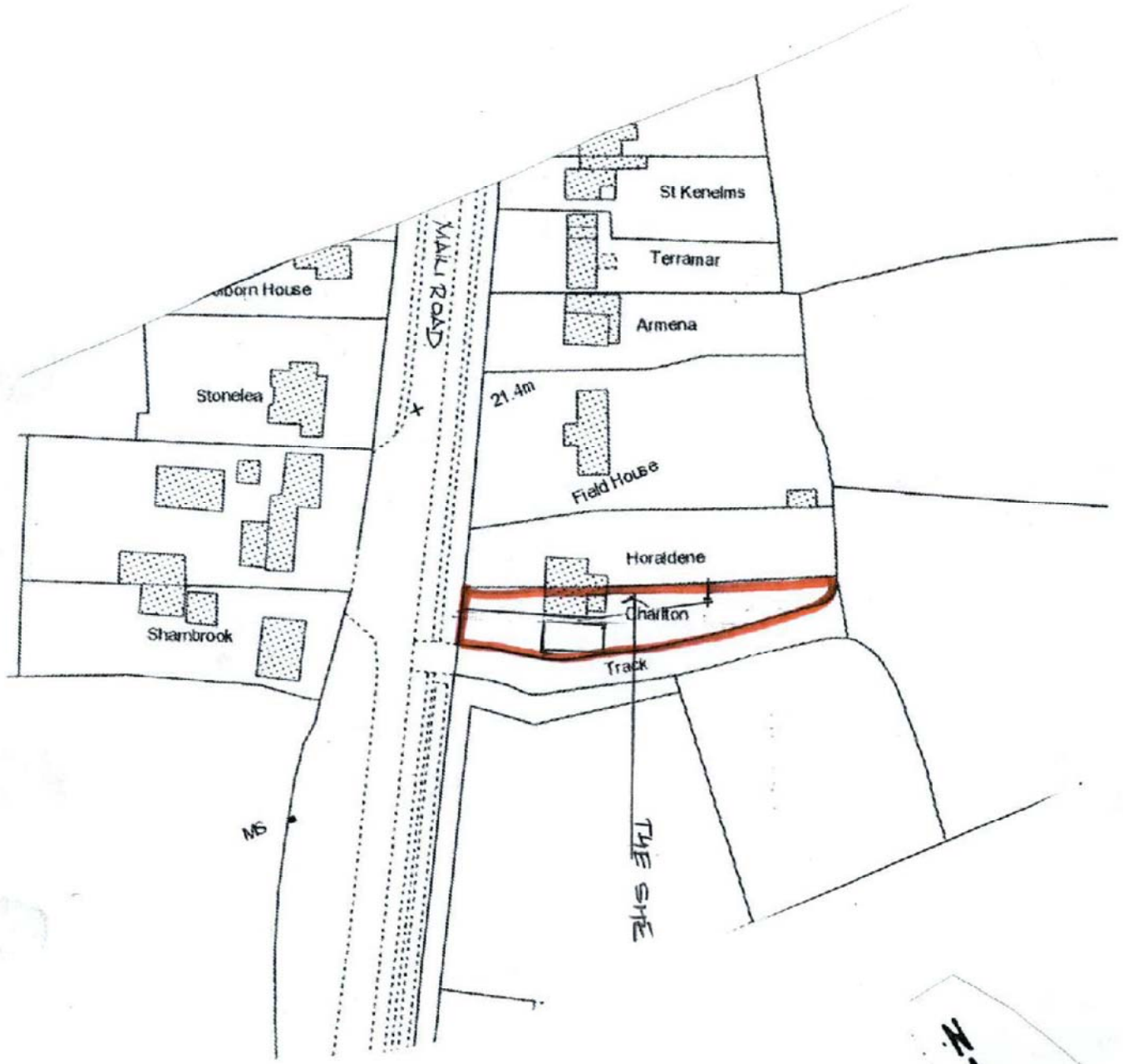
Reason: Any other use will require further consideration of the impact on the amenities of local residents and on highway safety.

9. Prior to the beneficial use as a children's care home details of the foul drainage arrangements shall be submitted to and agreed with the local planning authority. The development shall be carried out, and the drainage maintained/managed, in accordance with the approved details.

Reason: In order to ensure that satisfactory drainage arrangements are provided.

INFORMATIVES:

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.



B. SPT 2019 REVISION
 A. SPT 2019 RED
 LITE REVISED
 REVISION

THE
PROPOSED EXTENSION
 AT
CHARLTON
MAIN ROAD
MINSTERWORTH
GLUCESTERSHIRE

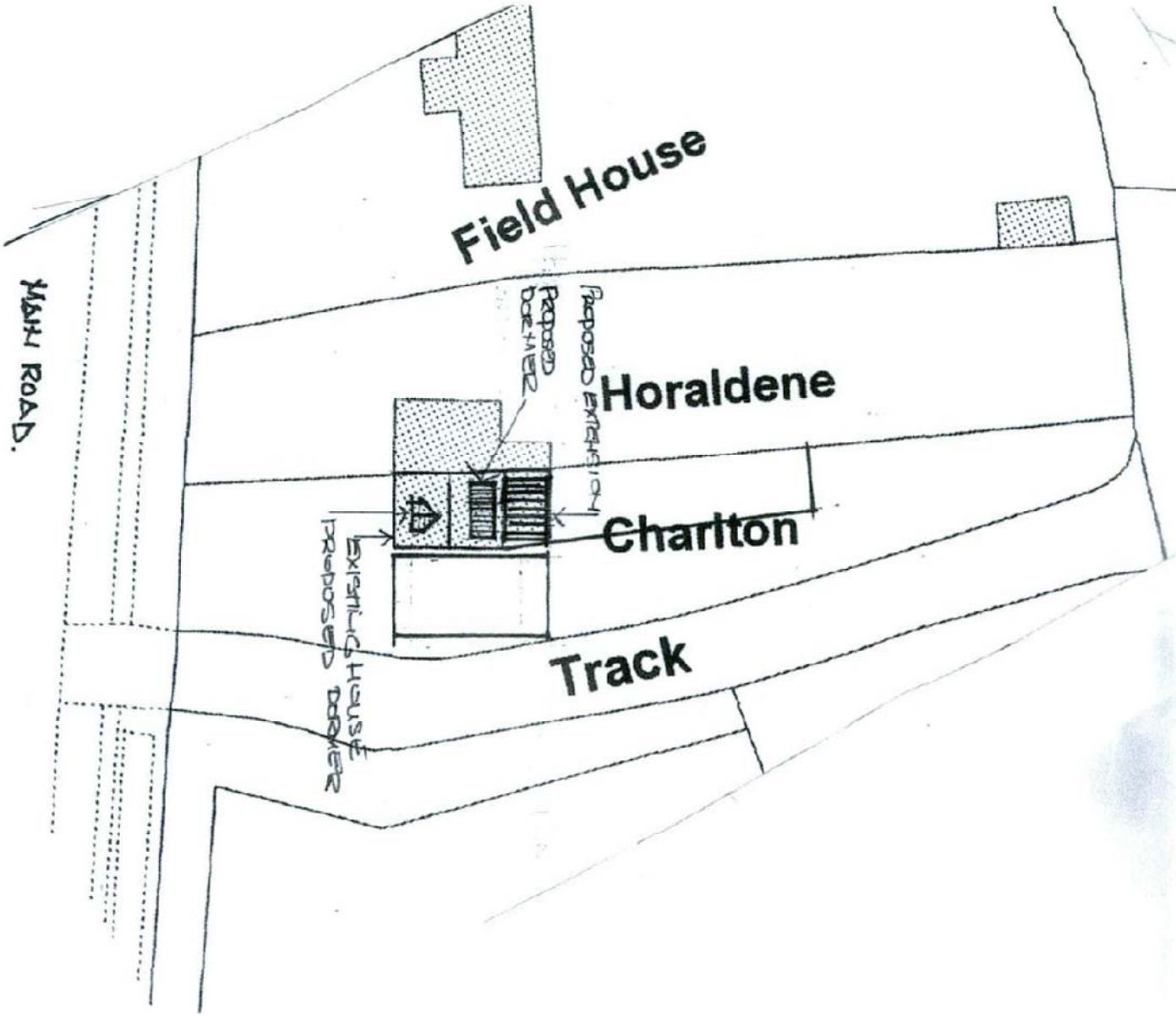
LOCATION PLAN.

Michael Davis M.C.I.A.T. C.I.O.B.

General House, Church Lane, Poles Norton
 Gloucester, GL2 8LS

Scale	1:1250 @ A4
Date	AUGUST 2019
Drawing Number	

1237.3.B



A Sept 2019 Propensity
 XEROXED

Reviews

THE
 PROPOSED EXTENSION
 AT
 CHARLTON
 MAIN ROAD
 MINSTER WORTH
 GLOUCESTER

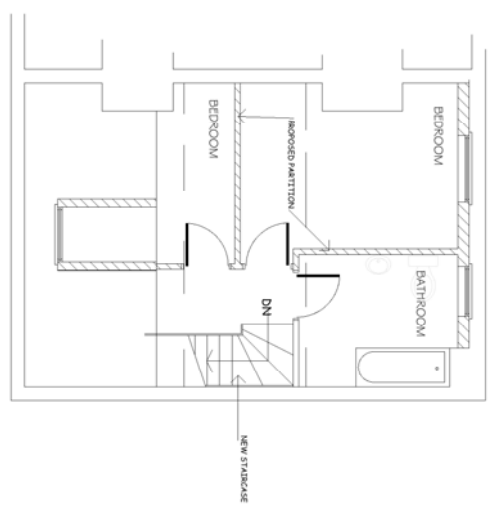
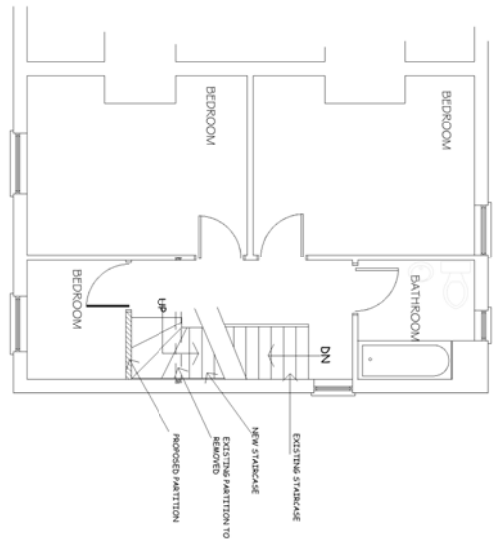
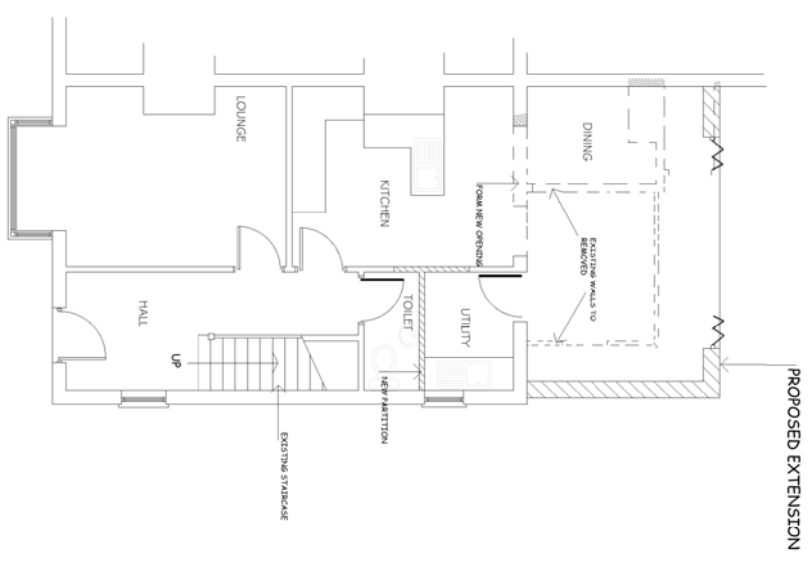
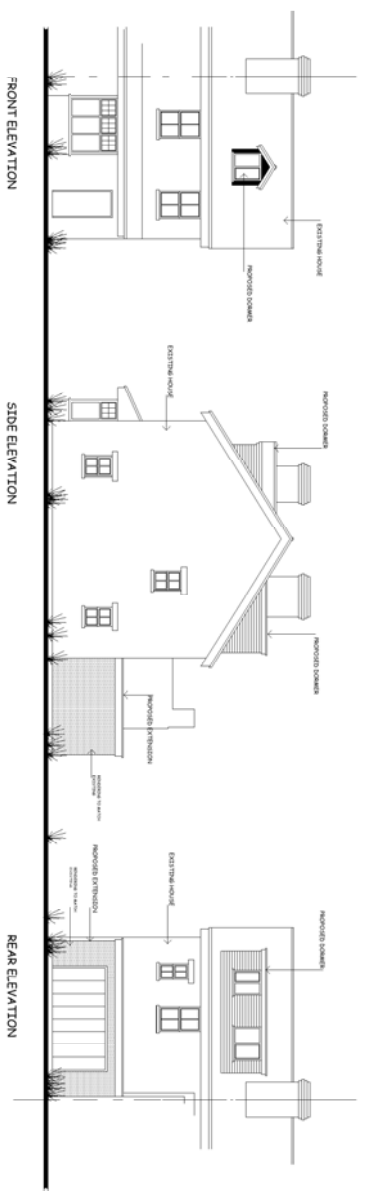
80

SITE PLAN

Michael Davis M.O.U.A.T. C108
 Greenfield House, Church Lane, Pines Nook
 Gloucester, GL2 9LS

Scale	1:1250 @ A4
Set	August 2019
Drawing Number	1
1237-4A	

Do not scale from drawing
All dimensions to be checked on site



GROUND FLOOR PLAN
(1:50)

FIRST FLOOR PLAN

SECOND FLOOR PLAN
(PROPOSED)

A 19th 20th Extension Revised
REVISED

Michael Davis ARCHITECTS
Generalist House
Church Lane
Dover Devon
PL9 7LS
01323 810000

PROPOSED ALTERATIONS
OF
CHARLTON
MANSION
MILNERSWOOD
GLOUCESTER

Scale: 1:50 & 1:100 © 21
Date: 2 June 2019
Drawing No: 1237 2 A

DO NOT SCALE FROM DRAWING

THE
PROPOSED DWELLING
AND EXTENSION
AT

CHARLTON
MAIN ROAD
MINSTER WORTH
GLOS

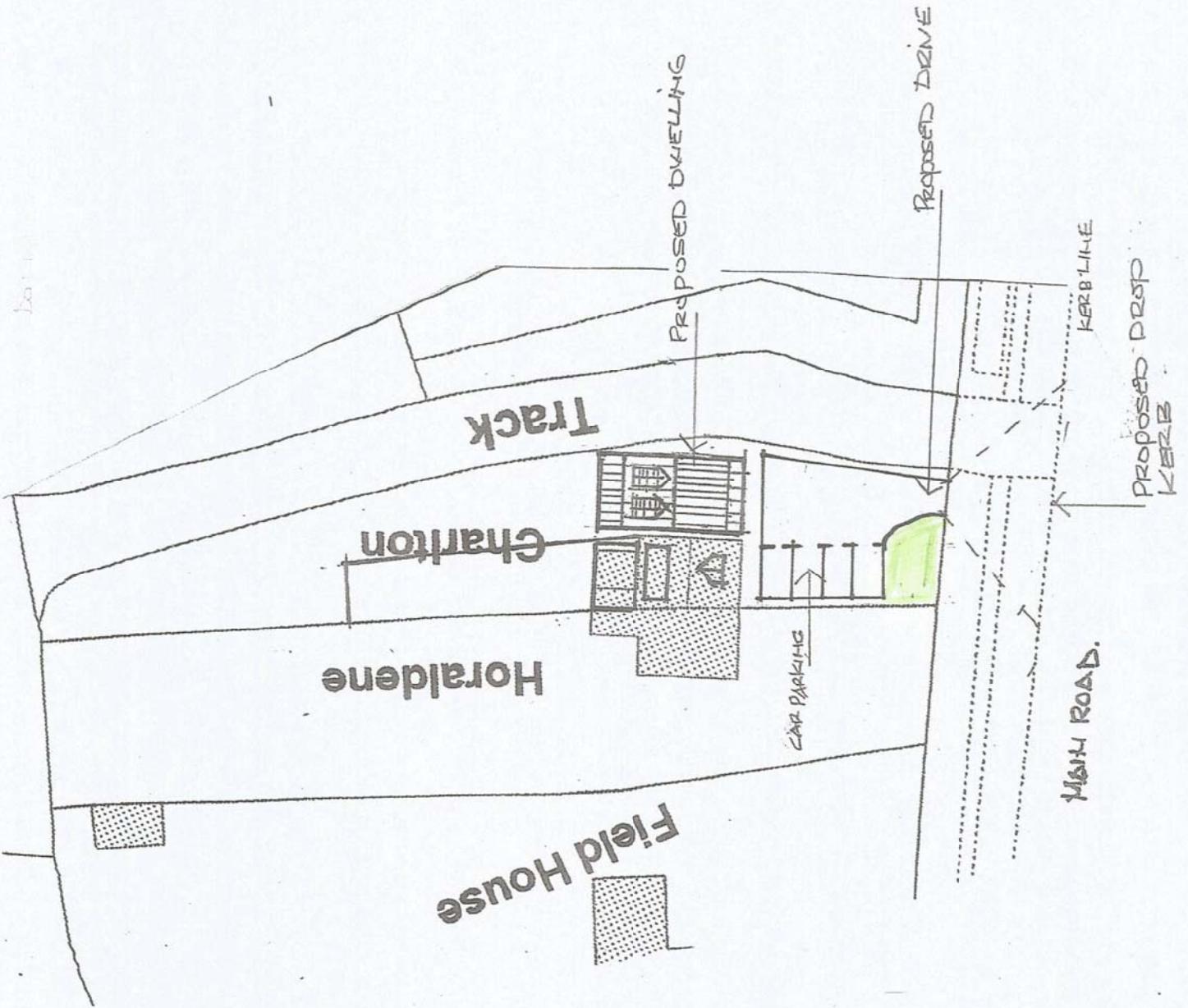
SITE PLAN.

Michael Davis M.C.I.A.T. C.I.O.B

Greenfield House, Church Lane, Priors Norton
Gloucester, GL2 9LS

Scale	1:500 @ A4
Date	DECEMBER 2019
Drawing Number	

1256.4



TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	16 June 2020
Site Location:	1 Juniper Close Innsworth Gloucester Gloucestershire GL3 1FB
Application No:	20/00239/FUL
Ward:	Innsworth
Parish:	Innsworth
Proposal:	Erection of single storey side and rear extension - revised scheme
Report by:	Mrs Sarah Barnes
Appendices:	Site location plan Block plan Existing & Proposed Elevations Existing & Proposed Floor plans.
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. This application relates to 1 Juniper Close, a detached dwelling located in Innsworth (site location plan attached).
- 1.2. The current application is for a single storey side and rear extension (plans attached). This is a revised scheme to the 2019 (19/00586/FUL) application which was permitted on the 19th September 2019 (plans attached). The difference is that the proposal would now have a lean-to roof rather than a flat roof. The floor area would be the same as approved in 2019.
- 1.3. The application has been brought to the planning committee because of an objection raised by the Parish Council.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
08/00364/FUL	Demolition of 2 No. garage blocks, redevelopment to comprise 2 pairs of 3 bed semi-detached houses, parking and accessway.	REF	02.05.2008
08/01040/FUL	Demolition of 2 no. garage blocks, redevelopment to comprise 2 pairs of 3 bed semi-detached dwellings, parking and new access way.	PER	09.09.2008
11/00521/FUL	Demolition of 2 no. garage blocks, redevelopment to comprise 2 pairs of 3 bed semi-detached dwellings, parking and new access way. (Extension of time limit for implementation of planning permission 08/01040/FUL)	PER	07.07.2011
11/01146/OUT	Outline application for the erection of five dwellings to include access, appearance, layout and scale (landscaping to be reserved for future consideration) (Revised scheme Ref: - 11/00800/OUT)	PER	21.12.2011
19/00586/FUL	Erection of a single storey side and rear extension.	PER	19.09.2019

3.0 RELEVANT POLICY

3.1. The following planning guidance and policies are relevant to the consideration of this application:

National guidance

3.2. National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017

3.3. Policy SD4 (Design Requirements)

3.4. Policy SD14 (Health and Environmental Quality)

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

3.5. Policy HOU8 (Domestic Extensions)

Tewkesbury Borough Plan 2011-2031 Submission Version (May 2020)

- 3.6. Policy RES10 (Alteration and Extension of Existing Dwellings)
- 3.7. Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
- 3.8. The First Protocol, Article 1 (Protection of Property)

4.0 CONSULTATIONS

- 4.1. Parish Council – objection. These are new builds that have been thoughtfully constructed to match their surroundings. The proposed build would be out of proportion to this site and could dominate this area. As such, it would seem the proposed build would be built directly on a boundary and may also set a precedent for other houses in this new build street to extend.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1. The application has been publicised through the posting of a site notice for a period of 21 days and the relevant neighbours notified.
- 5.2. There have been no letters of objection from local residents.

6.0 POLICY CONTEXT

- 6.1. 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.
- 6.2. The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 6.3. The Pre-Submission Tewkesbury Borough plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.4. The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

Design and Visual Amenity

- 7.1. JCS Policy SD4 of the Joint Core Strategy sets out requirements for high quality design while Local Plan Policy HOU8 provides that development must respect the character, scale and proportion of the existing dwelling and the surrounding development.

- 7.2. In relation to the Parish Council's comments regarding the size of the proposed extension, their concerns have been noted. Whilst the floor area of the proposal would be the same as the 2019 permission, the inclusion of a lean-to style roof at the rear, rather than a flat roof would add to the overall bulk of the dwelling. The overall ridge height of the extension would also be higher than previously approved (4 metres rather than 3.2 metres) but given the height of the existing dwelling (7.2 metres) it would not appear out of proportion and would read as subservient. Also, the property has not been previously extended, the extension would only be single storey and there would be adequate garden area left free from extensions / additions. Overall, it is considered that the proposal would be of an acceptable size and design in keeping with the character and appearance of the property. Therefore, the proposal would have an acceptable impact on the character of the surrounding area and complies with the requirements of Policy HOU8 of the Local Plan and Policy SD4 of the JCS.

Effect on the Living Conditions of Neighbouring Dwellings

- 7.3. Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Local Plan Policy HOU8 provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity. In this regard, Policy 5.1 states that the amenities of neighbouring residential occupiers should not be unduly affected by overlooking, loss of light, over-dominance or disturbance.
- 7.4. Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2018 and the emerging Tewkesbury Borough Local Plan (Preferred Options Consultation) 2011-2031.
- 7.5. This is a detached dwelling with the nearest neighbours about 12 metres to the north of the site and 13 metres to the east. The proposed lean-to roof would have a ridge height of about 4 metres rather than the previously approved flat roof (3.2 metres). However, given the distance between the dwellings, it is considered that there would not be a detrimental loss of light nor outlook. As the proposal is solely for single storey extensions, there would also not be any overlooking issues. Overall, 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.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1. Whilst the Parish Council's concerns are noted, it is considered that the proposal would not be harmful to the appearance of the existing dwelling nor the surrounding area 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 relevant policies as outlined above. Therefore, it is recommended the application be permitted.

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.

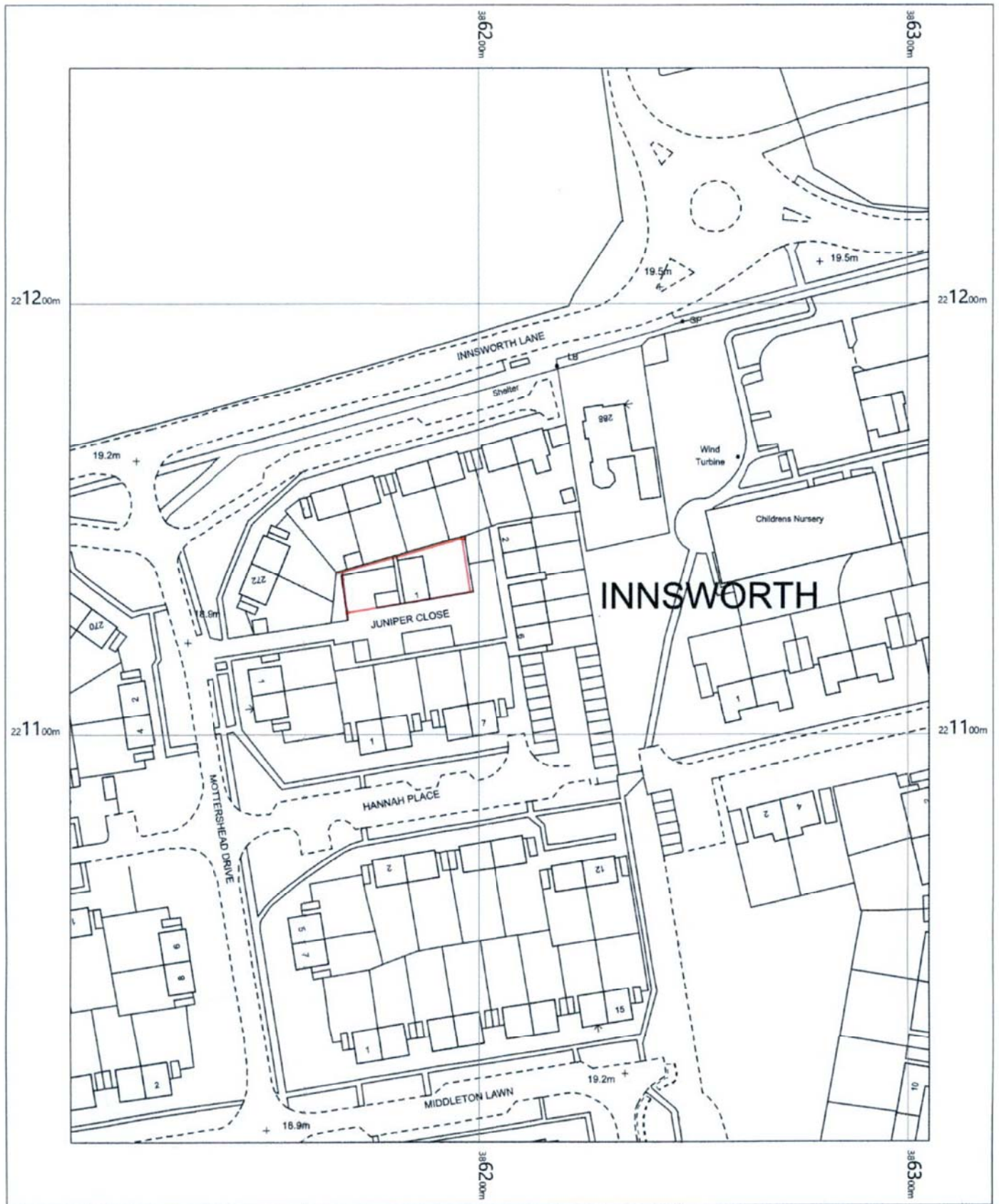
2. The development hereby permitted shall be carried out in accordance with the following approved documents:

- Site plan, block plan and 198302 dated 9th March 2020 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.

INFORMATIVES:

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.



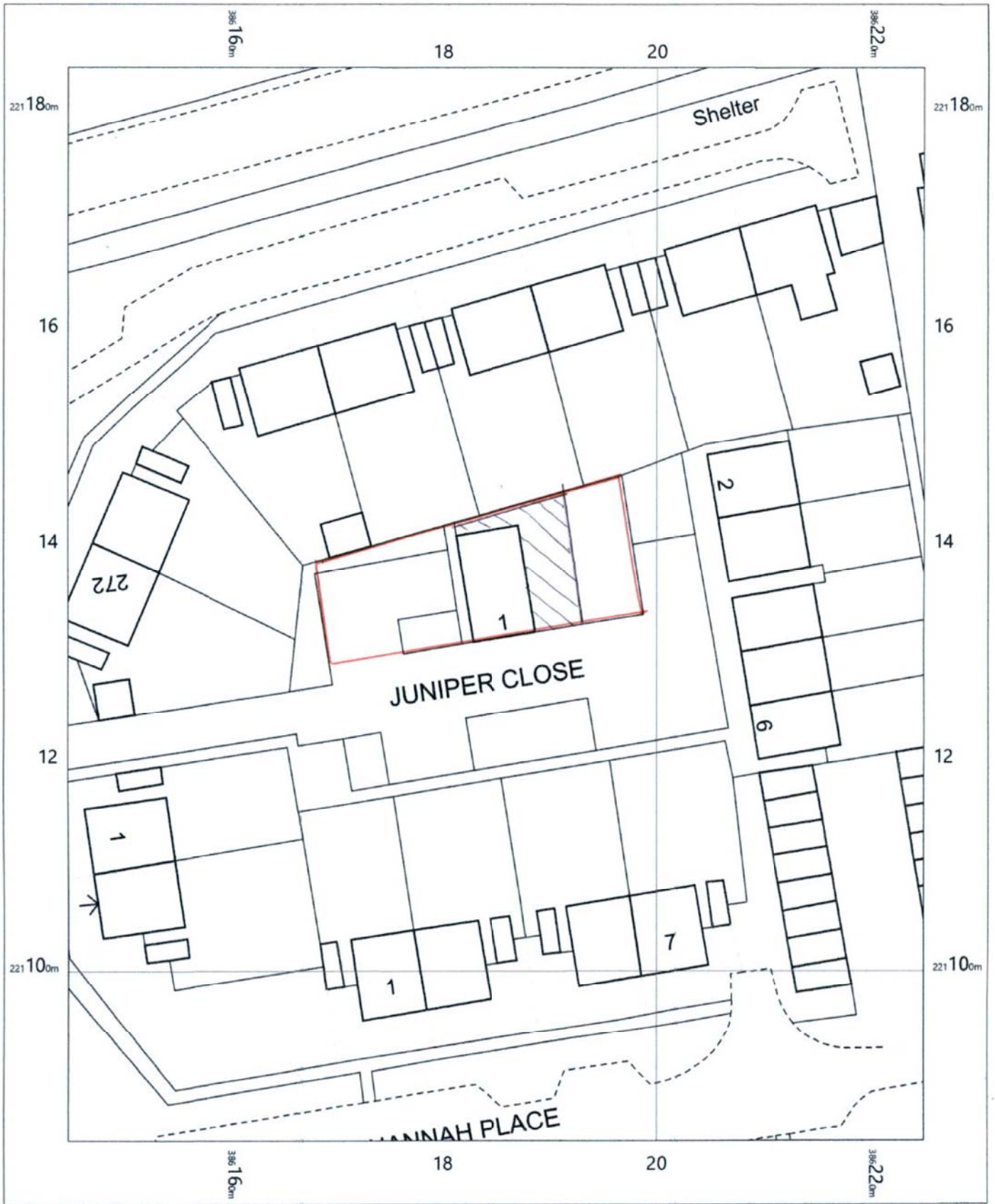
OS MasterMap 1250/2500/10000 scale
 Thursday, June 6, 2019, ID: JJ-00804950
 www.joanna-james.com

1:1250 scale print at A4, Centre: 386205 E, 221130 N

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JOANNA JAMES

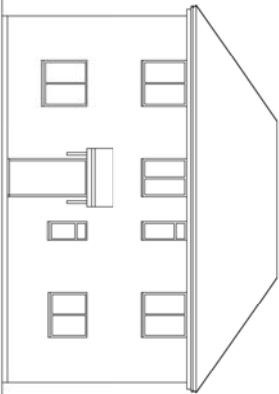


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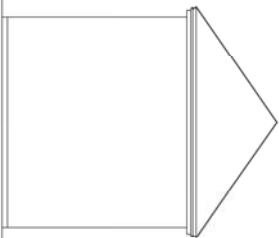
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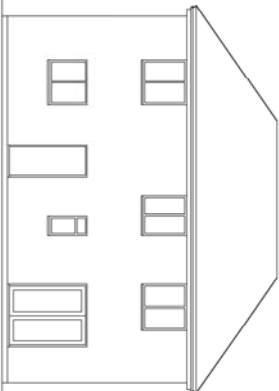




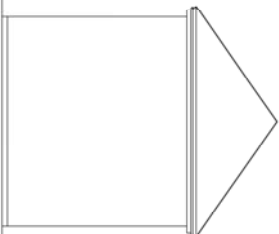
Front Elevation
Elevations - scale 1:100



Side Elevation

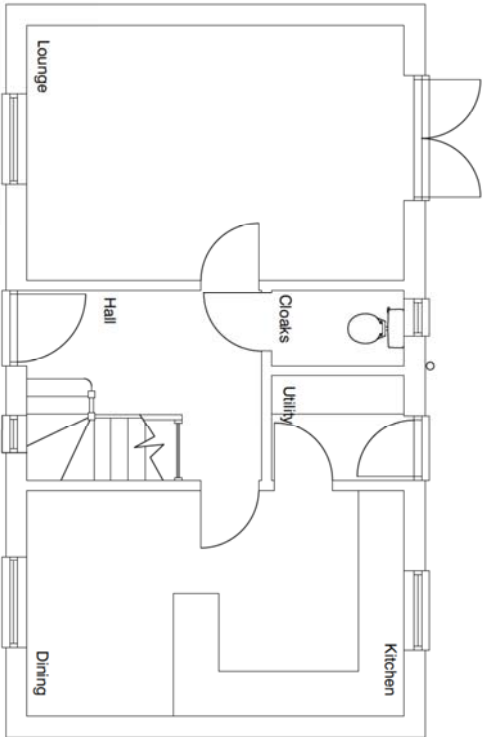


Rear Elevation



Side Elevation

Rear Garden



Ground Floor Plan - scale 1:50

GENERAL NOTES

1. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO ANY PREFABRICATION OR BUILDING WORK COMMENCING.
2. DO NOT SCALE THIS DRAWING USE FIGURED DIMENSIONS ONLY.
3. THIS DRAWING TO BE READ IN CONJUNCTION WITH ANY STRUCTURAL ENGINEERS DESIGN DETAILS & CALCULATIONS AND SPECIFICATION NOTES.
4. INFORMATION FOR THIS DRAWING TAKEN FROM FSK ARCHITECT DRAWING - 19031

**Peter A Marshall
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Email: info@peteramarshall.co.uk



Client



Job Title

- 1 Juniper Close
- Innsworth
- Gloucester
- Gloucestershire
- GL3 1FB

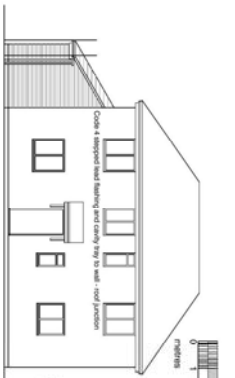
Drawing Title

Survey drawing

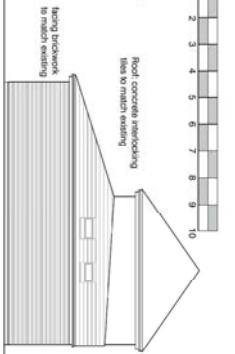
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As shown @ A2	19.12.2019	ph

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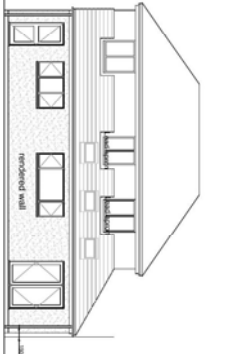
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Elevations - scale 1:100



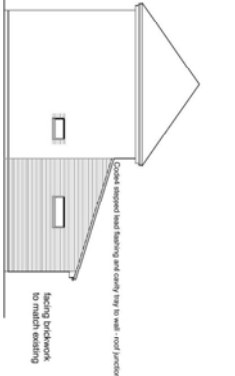
Side Elevation



Rear Elevation

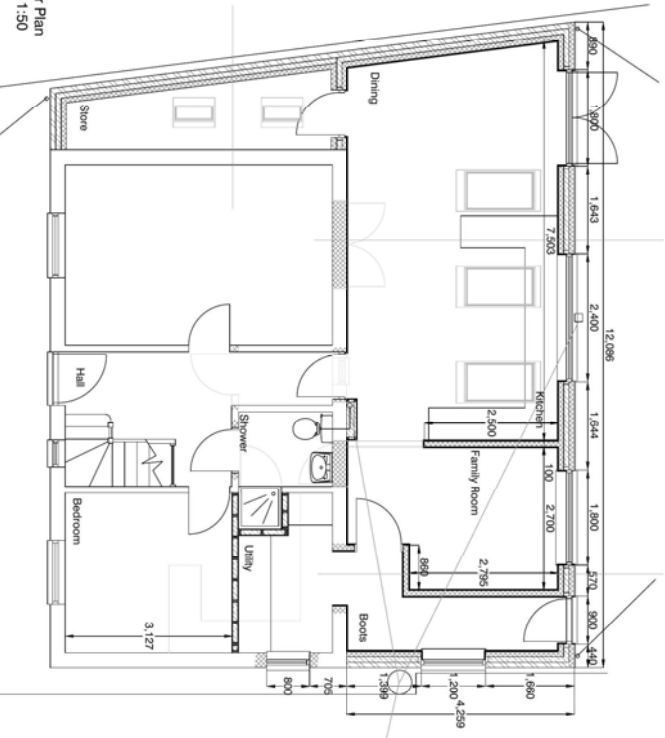


Side Elevation

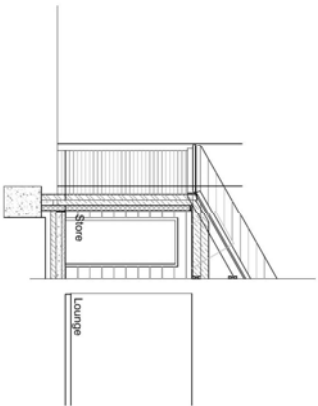


GENERAL NOTES.
1. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO ANY PREFABRICATION OR BUILDING WORK COMMENCING.
2. DIMENSIONS TO BE CHECKED AND USE FIGURED DIMENSIONS ONLY.
3. THIS DRAWING TO BE READ IN CONJUNCTION WITH ANY STRUCTURAL CALCULATIONS AND SPECIFICATION NOTES.

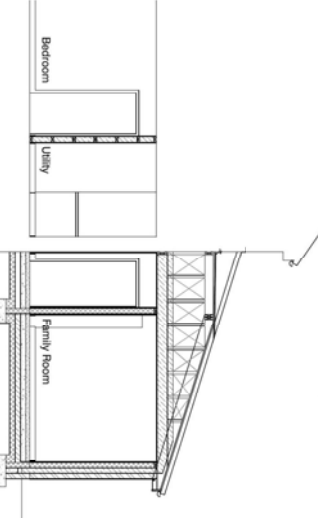
Ground Floor Plan
Plans - scale 1:50



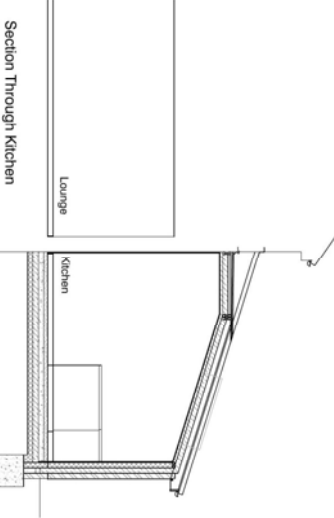
Section Through Store



Section Through Family Room



Section Through Kitchen



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Job Title
1 Juniper Close
Innsworth
Gloucester
Gloucestershire
GL3 1FB

Drawing Title
Proposed Extension
Building Regulation Drawing

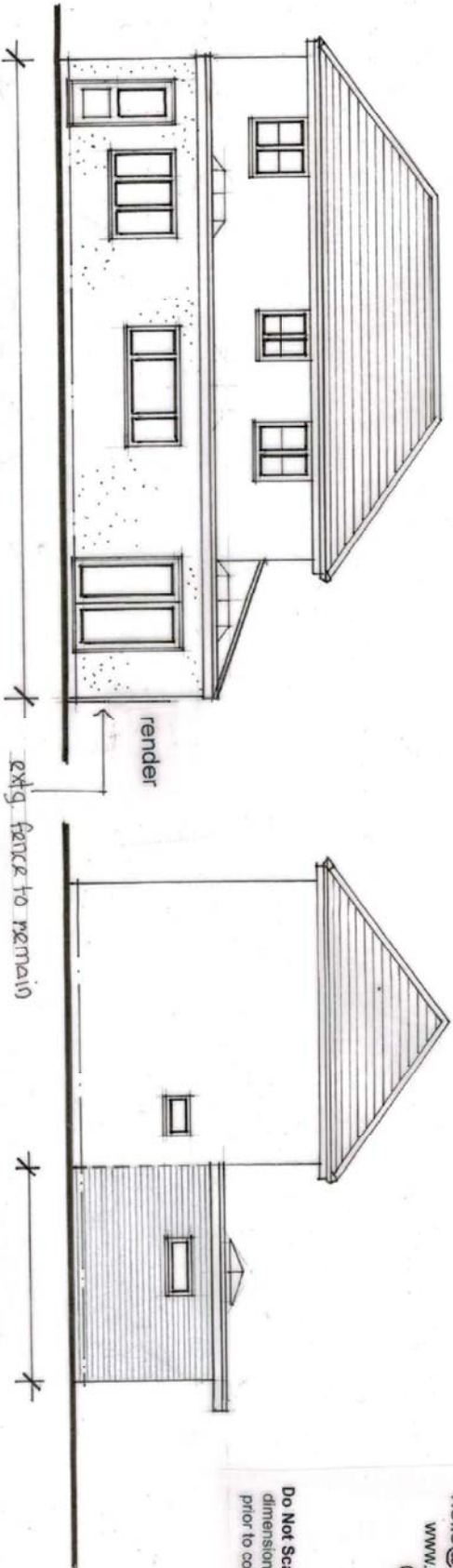
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As shown @ A2	14.02.2020	PH

19	83	02
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A2 drawing sheet



Do Not Scale From This Drawing. All dimensions must be checked on site prior to commencement of any work



Rear Elevation as Proposed

Side Elevation as Proposed

no part of the proposed extension will overhang the boundary

conc. tiles
Trough gutter
facing brick

Proposed Extension at

1 Juniper Close

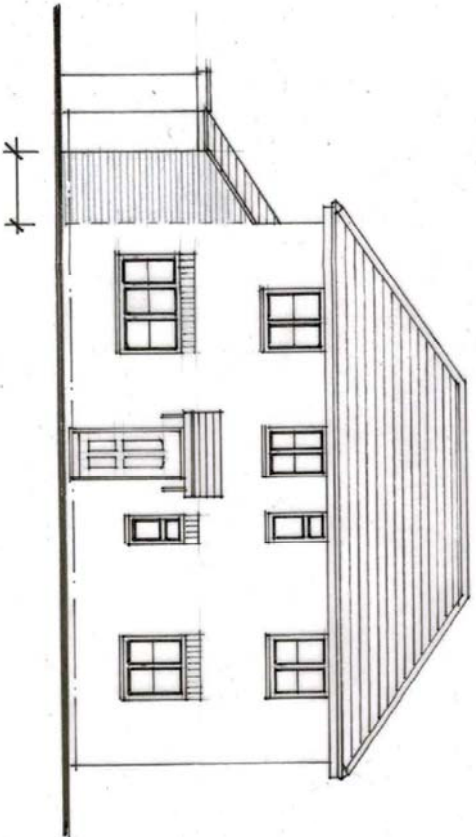
Innsworth

Glos.

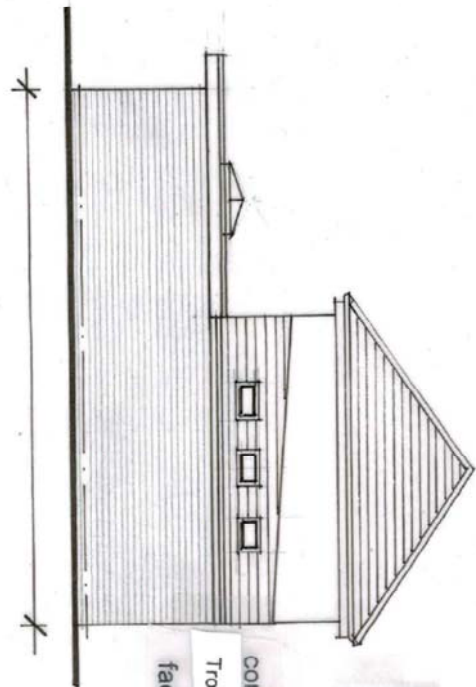
Scale 1:100 may 2019 PK

19031

Front Elevation as Proposed



Side Elevation as Proposed



TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	16 June 2020
Site Location:	The Uplands Dog Lane Witcombe Cheltenham Gloucestershire GL3 4UG
Application No:	20/00172/FUL
Ward:	Badgeworth
Parish:	Badgeworth
Proposal:	Erection of a conservatory, decking area and installation of solar panels
Report by:	Mrs Sarah Barnes
Appendices:	Site location plan Block plan Existing & proposed elevations Existing and proposed floor plans
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This site relates to The Uplands, a detached replacement dwelling located along Dog Lane in Witcombe (site location plan attached). The site falls within the Green Belt and AONB. The application is for a new conservatory, decking area and solar panels.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
T.3771/A	Alterations and extensions to existing house to provide enlarged living room and utility room with enlarged bedroom and additional bedroom on first floor.	PER	16.09.1970
T.2259/C	Erection of a private double garage to replace sub-standard garage adjoining The Upland. Change of use of access for domestic use.	PER	22.08.1958
06/00623/FUL	Demolition of dwelling. Erection of dwelling and garage and chalet for hot tub	REF	28.07.2006
08/00335/FUL	Replacement dwelling	REF	17.06.2008
08/01285/FUL	Replacement Dwelling - Revised Scheme (original 08/00335/FUL)	WDN	28.11.2008
08/01618/FUL	Demolish existing garage and house. Replace with new dwelling including integral garage.	REF	03.03.2009
10/00693/FUL	Erection of replacement dwelling with integral garage	PER	21.02.2011
13/00105/FUL	Erection of replacement dwelling with integral garage (revised scheme Ref: - 10/00693/FUL to incorporate minor changes to the siting)	PER	27.03.2013
15/00907/FUL	Replacement of two existing dilapidated sheds & barn with a single skin low level workshop (for private use)	PER	30.10.2015

3.0 RELEVANT POLICY

3.1. The following planning guidance and policies are relevant to the consideration of this application:

National guidance

3.2. National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017

3.3. Policies SD4 (design requirements), SD5 (Green Belt), SD7(AONB) and SD14 (health and environmental quality)

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

- 3.4. Policy HOU8 (domestic extensions)

Tewkesbury Borough Plan 2011-2031 Submission Version (May 2020)

- 3.5. Policy RES10 (alteration and extension of existing dwellings)
- 3.6. Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
- 3.7. The First Protocol, Article 1 (Protection of Property)

4.0 CONSULTATIONS

- 4.1. Local residents – 3 letters of support have been received from local residents. The reasons for support are summarised as follows: - The proposed conservatory won't be visible from the road. It would be in-keeping with the rest of the house and it won't be detrimental to the Green Belt nor surrounding AONB.
- 4.2. Parish Council – object – there is considerable planning history. Following a number of previous refusals for planning permission approval was eventually given for a building which regrettably exceeded the footprint of the original dwelling. The proposed conservatory will extend still further the size of The Uplands and bearing in mind the historical discussions and decisions regarding the size of this building in the Green Belt / AONB, the parish council objects to the current proposal on the grounds that the development will impact adversely the surrounding Green Belt and be incongruous in the AONB.
- 4.3. **Cllr Vines** has requested a Committee determination to assess the suitability of this proposal given its Green Belt location.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1. The application has been publicised through the posting of a site notice for a period of 21 days.

6.0 POLICY CONTEXT

- 6.1. 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.
- 6.2. The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 6.3. The Pre-Submission Tewkesbury Borough plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).

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

7.0 ANALYSIS

Design and Visual amenity

- 7.1. JCS Policy SD4 of the Joint Core Strategy sets out requirements for high quality design while Local Plan Policy HOU8 provides that development must respect the character, scale and proportion of the existing dwelling and the surrounding development.
- 7.2. Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2018 and the emerging Tewkesbury Borough Local Plan 2011-2031.
- 7.3. The proposal is considered to be of an appropriate size and design in keeping with the character and appearance of the property. Therefore, the proposal would have an acceptable impact on the character of the surrounding area and complies with the requirements of Policy HOU8 of the Local Plan and Policy SD4 of the JCS.

Green Belt / AONB

- 7.4. The existing property is a replacement dwelling that was permitted under planning reference 10/00693/FUL. It was materially larger than the original dwelling it replaced representing a 48% increase in floor area over and above the existing dwelling. Members determined to permit the application however, reasoning that very special circumstances existed insofar as the replacement dwelling would be of an improved design to that of the existing dwelling and therefore would have a more acceptable impact upon the Area of Outstanding Natural Beauty. It was a condition of that permission (and the subsequent 2013 revision) that the dwelling and a number of outbuildings (including the original garage) and areas of hardstanding were to be removed. A further condition removed permitted development rights for any further extensions to the property. The reason for this was to ensure that the new development would be visually attractive in the interests of amenity and to protect the openness of the Green Belt.

Does the current proposal amount to 'appropriate development' in the Green Belt?

- 7.5. Paragraph 145 of the NPPF sets out that the construction of new buildings is inappropriate in Green Belt. However, there are exceptions including criterion (c) which allows for:
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
- 7.6. This is reflected in Policy SD5 of the Joint Core Strategy 2017.
- 7.7. In this case, the replacement dwelling 'as built' (detailed above) is taken to constitute the 'original building'. This accords with the definition provided in Annex 2 of the NPPF which states the 'original building' as "a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally." This is also consistent with the Council's approach as detailed in the reasoned justification for emerging Policy RES10 of the Tewkesbury Borough Local Plan Pre-submission version (2019).

- 7.8. The current proposal therefore seeks an extension to the replacement dwelling 'as built' which has a floor area of approximately 259 square metres. There have been no previous extensions to the replacement dwelling. A detached workshop building was permitted in 2015 but this is located more than 5 metres from the dwelling so it isn't classed as an extension. The proposed conservatory would create an increase of approximately 24 square metres which would equate to a 9% increase over and above the size of the existing dwelling. The decking would be raised over a brick support that would add 11 square meters floorspace. This is deemed to be a proportionate addition and it is therefore considered that the proposal would amount to appropriate development in the Green Belt and would comply with JCS Policy SD5 and the NPPF in this regard.

Effect of the proposal on the openness of the Green Belt

- 7.9. It is material that in allowing the replacement dwelling Members considered it necessary to remove permitted development rights for any further extensions to the property, one of the reasons for this being to protect the openness of the Green Belt. An assessment of the proposal on openness is therefore necessary.
- 7.10. The existing dwelling is located in an elevated position above Dog Lane but set back from it by approximately 30 metres. The proposed conservatory and raise decking would be located to the rear and side of the dwelling and would be visible from Dog Lane (see proposed site plan). However, both structures would be modest in size and their impact on the openness of the Green Belt in this location would be limited, therefore. It is not considered that the proposed development would conflict with the purposes of Green Belt.

Impact on the Cotswolds Area of Outstanding Natural Beauty

- 7.11. The NPPF states at paragraph 172 that great weight should be given to conserving landscape and scenic beauty in AONBs. Additionally, it points out that AONBs have the highest status of protection in relation to landscape and scenic beauty. This is reflected in Policy SD7 of the JCS. Policy CE1 of the Cotswolds AONB Management Plan provides further guidance setting out, amongst other things, that proposals that are likely to impact on, or create change in, the landscape of the Cotswolds AONB 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.
- 7.12. As set out above, the proposed extension and raised decking would be located in a position that would be visible from Dog Lane. However, both structures would be modest in size and subservient to the dwelling which is itself located in a generous plot. It is not therefore considered the proposed development would have negative impact on the AONB.

Residential Amenity

- 7.13. Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Local Plan Policy HOU8 provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity.
- 7.14. 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.

Other Matters

- 7.15. Whilst the description of development includes the installation of solar panels, these fall within permitted development and do not therefore requiring planning permission. No assessment of the impact of these panels is therefore necessary.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1. Overall, whilst the Parish Council's concerns are noted, it is considered that the proposal would not be harmful to the appearance of the existing dwelling nor the surrounding Green Belt / AONB 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, Policies SD4, SD5, SD7 and SD14 of the Joint Core Strategy and the NPPF 2019. The application is therefore recommended for permission.

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 with the following approved documents: 478/6 and 478/7 dated 9th March 2020, 478/2, 478/3 REVA, 478/3 REVA, 478/4 REVA and 478/1 REVA dated 18th March 2020 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.

INFORMATIVES:

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.

Notes

Revisions

A. 17/03/20 - Rescaled for A3 presentation

Project

The Uplands, Dog Lane
Witcombe, Nr. Cheltenham
Proposed Conservatory &
Solar Panels

Title

Location Plan

Drawn by: P. Barnes
Date: 1st March 2020
Scale: 1/1250 @ A3

pB

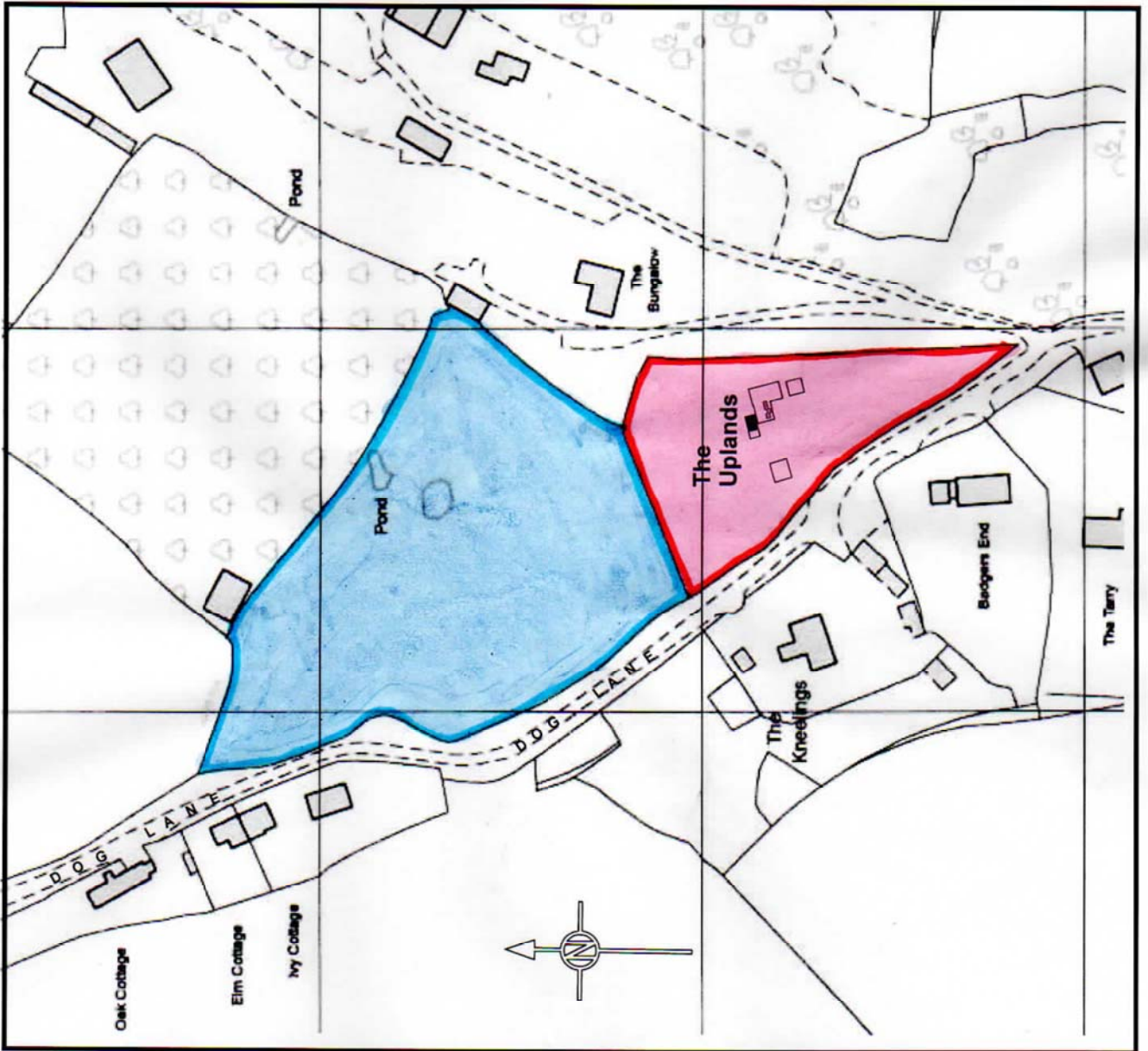
P. Barnes
Architectural Services
2 Springfield Close, The Reddings,
Cheltenham, Glos. GL51 6SE
Tel: 01452 714299

Drawing No.

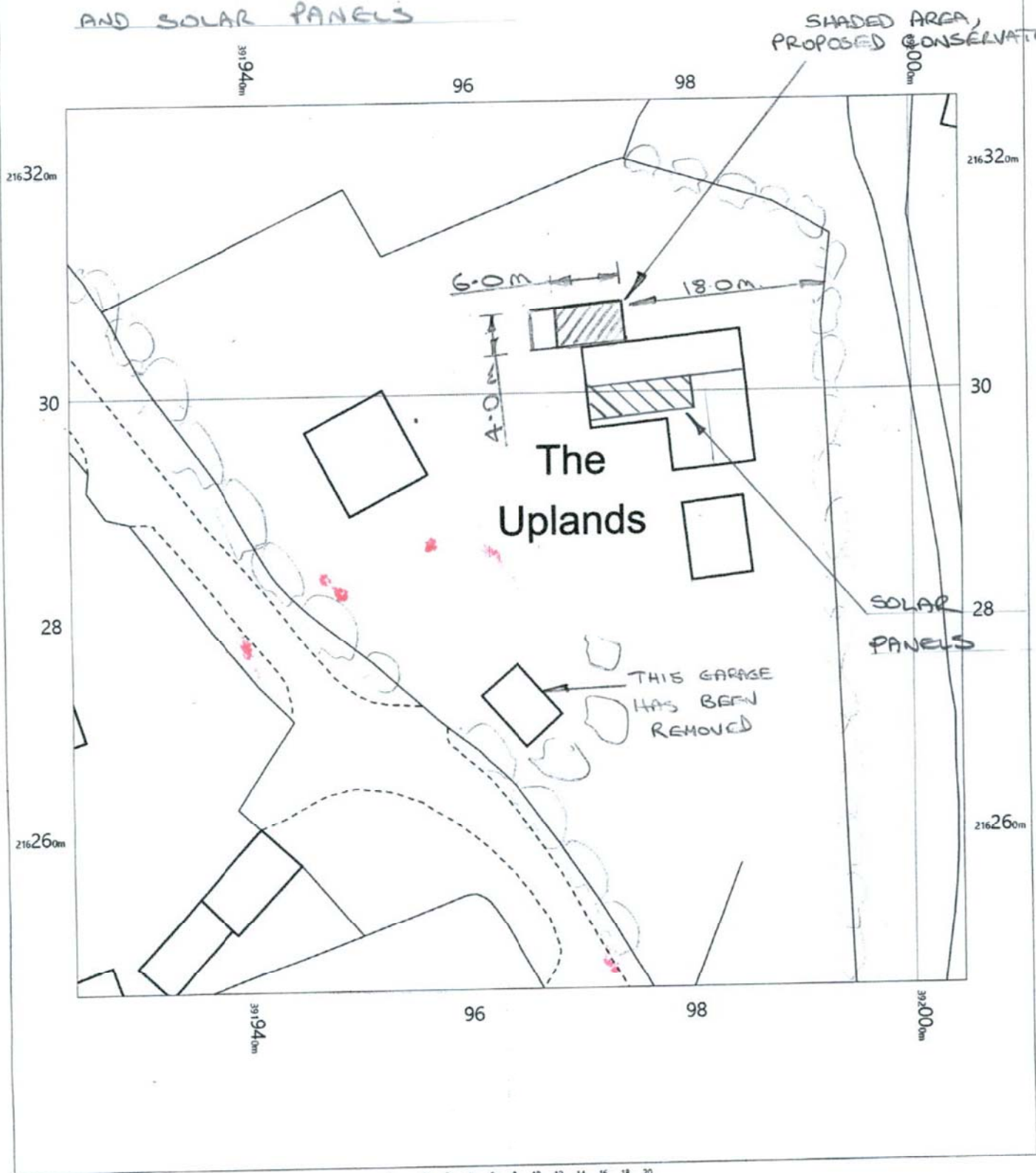
478/1

Revision

A



BLOCK PLAN THE UPLANDS PROPOSED CONSERVATORY
AND SOLAR PANELS



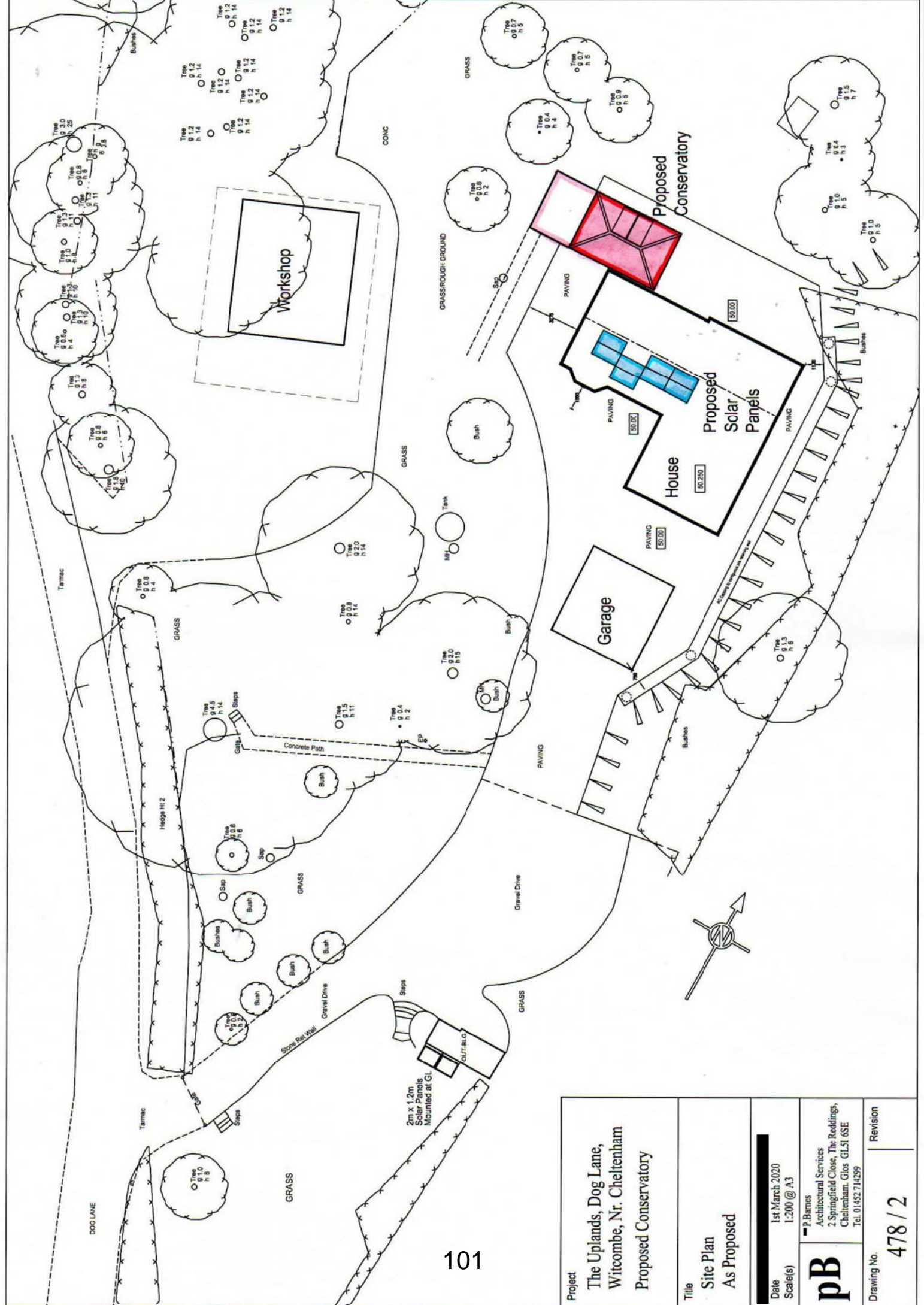
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 www.themapcentre.com

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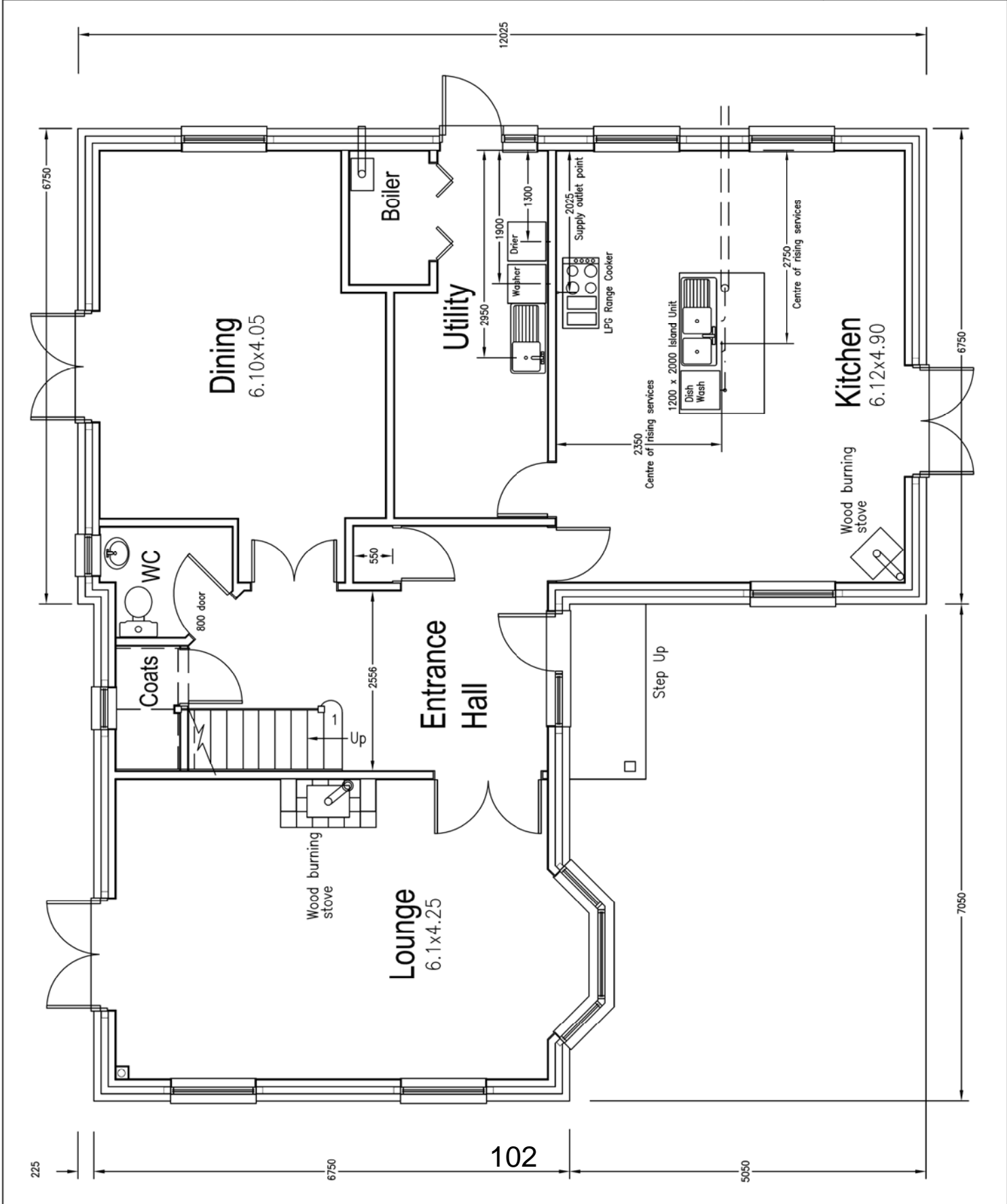
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Project The Uplands, Dog Lane, Witcombe, Nr. Cheltenham Proposed Conservatory	
Title Site Plan As Proposed	
Date 1st March 2020	Scale(s) 1:200 @ A3
pB P. Barnes Architectural Services 2 Springfield Close, The Reddings, Cheltenham, Glos GL51 6SE Tel: 01452 714299	
Drawing No. 478 / 2	Revision

Notes	Revisions	Ref.: PP-02428136	Project The Uplands, Dog Lane, Witcombe, Nr. Cheltenham Proposed New Dwelling Revised Scheme	Title Ground Floor Plan As Proposed	Drawn by P.Barnes Date 28th January 2013 Scale(s) 1:50	<p>pB P.Barnes Architectural Services 2 Springfield Close, The Reddings, Cheltenham, Glos GL51 6SE Tel. 01452 714299</p>	Drawing No. 277R / 1 / 20 Revision
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Notes

Revisions

A. 17/03/20 - Garage ref. removed

Project

The Uplands, Dog Lane,
Witcombe, Nr. Cheltenham
Proposed Conservatory

Title

Ground Floor Plan
As Proposed

Drawn by

P. Barnes

Date

1st March 2020

Scale(s)

1:100 @ A3

pB

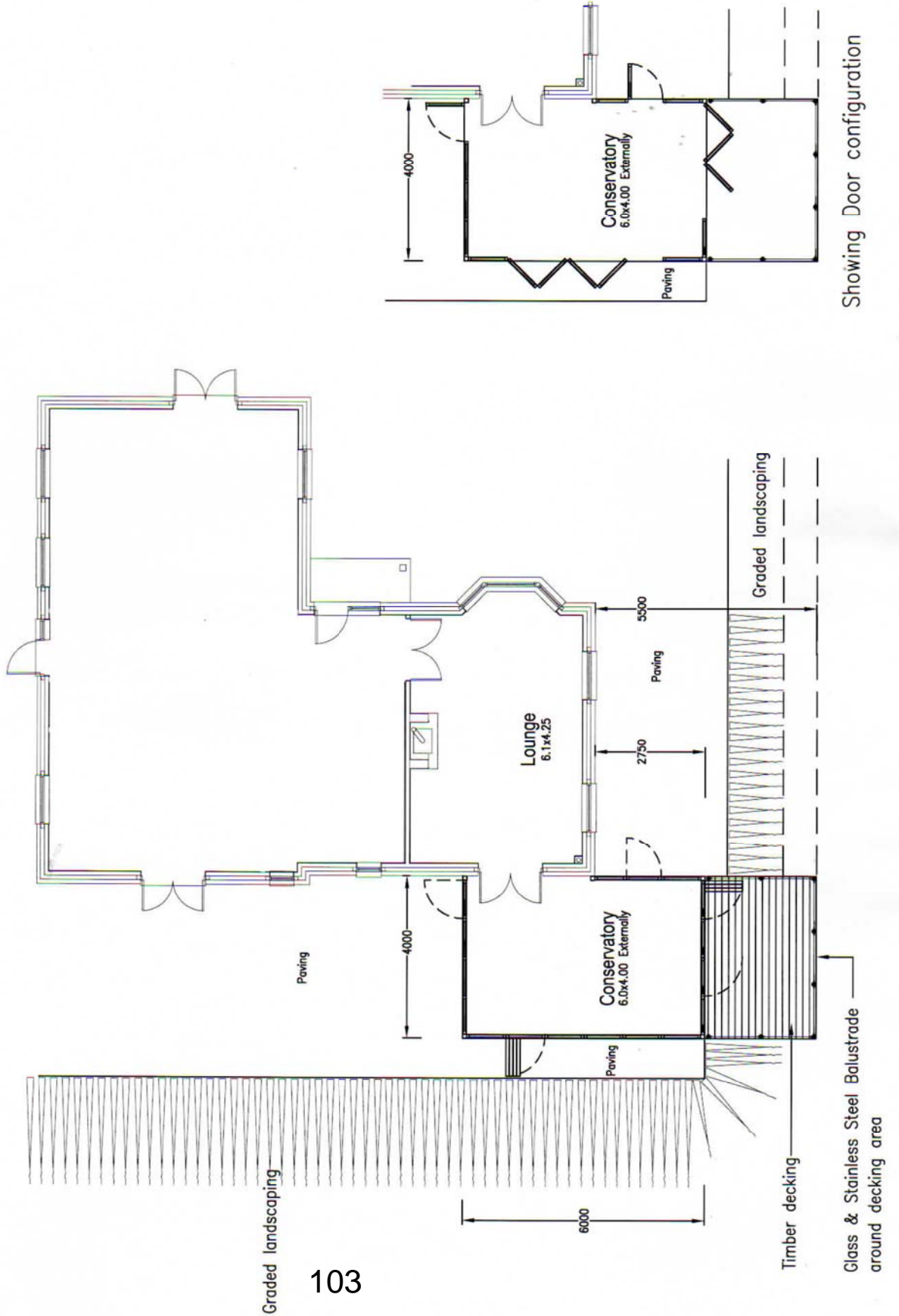
P. Barnes
Architectural Services
2 Springfield Close, The Reddings,
Cheltenham, Glos. GL51 6SE
Tel. 01452 714299

Drawing No.

478 / 3

Revision

A



Showing Door configuration

Notes

- 1. Roof tiles: Fired Sienna
- 2. Bricks: Ibsstock Otterburn Antique
- 3. Lintols, Cills, Corbels: Forticrete Bath Stone

Revisions

A. 25/03/20

Garage removed for direct comparison Ref.
Application No. 20/00172/FUL dated 24/02/2020

Ref.: PP-02428136

Project

The Uplands, Dog Lane,
Witcombe, Nr. Cheltenham
Proposed New Dwelling
Revised Scheme

Title

North & South Elevations
As Proposed

Drawn by P. Barnes
Date 28th January 2013
Scale(s) 1:100

pB

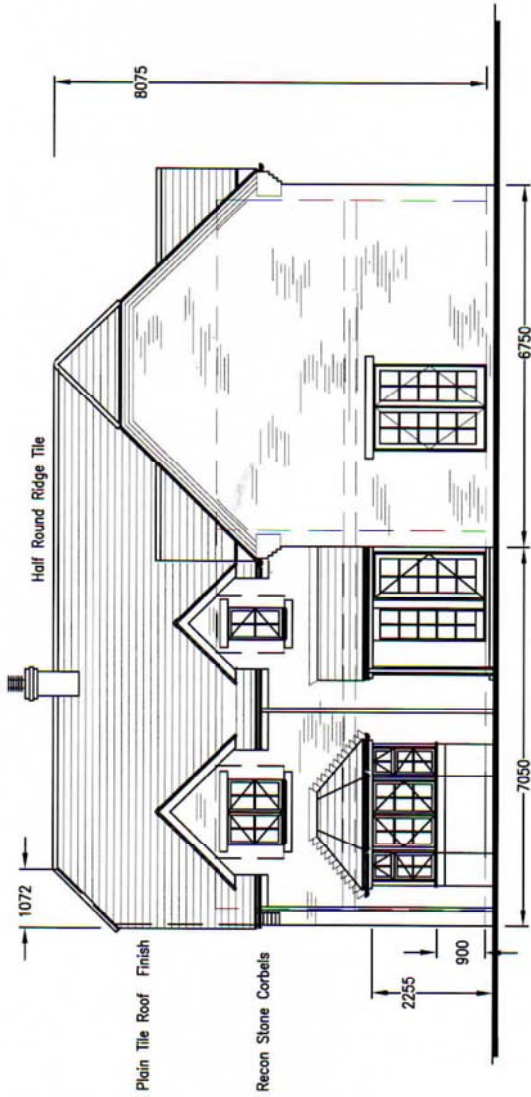
P. Barnes
Architectural Services
2 Springfield Close, The Reddings,
Cheltenham, Glos. GL51 6SE
Tel. 01452 714299

Drawing No.

277R / 1 / 5

Revision

A



South Elevation - House

104



North Elevation

Notes

- 1. Roof tiles: Fired Sienna
- 2. Bricks: Ibstock Otterburn Antique
- 3. Lintols, Cills, Corbels: Forticrete Bath Stone

Revisions

A. 25/03/20
 Garage removed for direct comparison Ref.
 Application No. 20/00172/FUL dated 24/02/2020

Ref.: PP-02428136

Project

The Uplands, Dog Lane,
 Witcombe, Nr. Cheltenham
 Proposed New Dwelling
 Revised Scheme

Title

East & West Elevations
 As Proposed

Drawn by P. Barnes
 Date 28th January 2013
 Scale(s) 1:100

pb

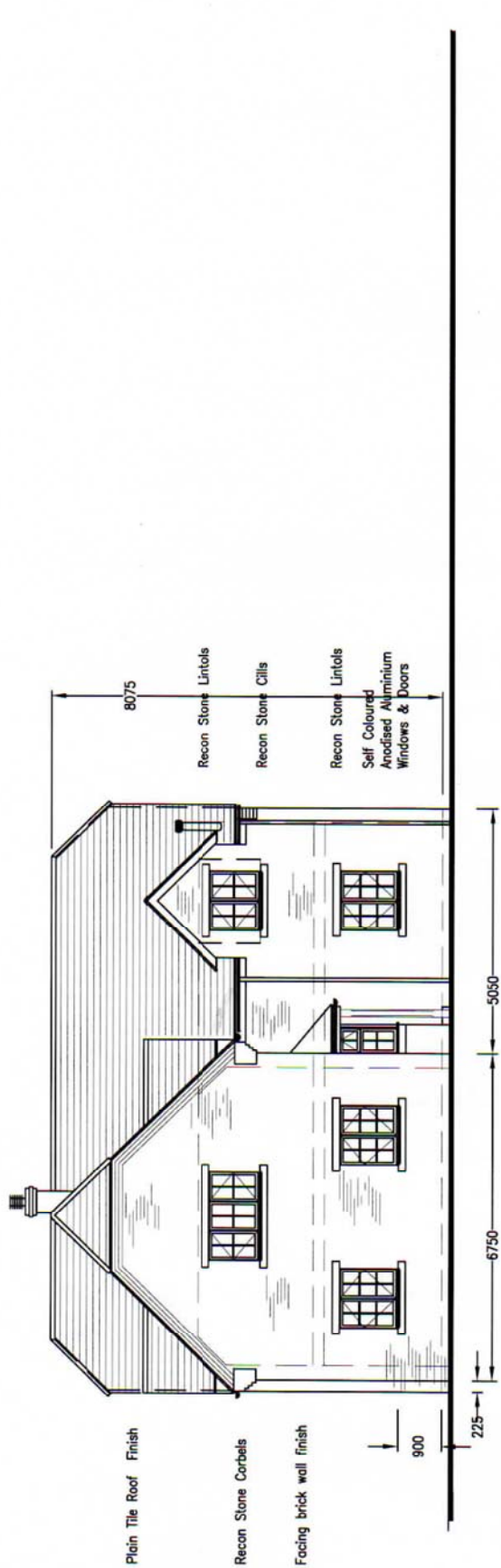
P. Barnes
 Architectural Services
 2 Springfield Close, The Reddings,
 Cheltenham, Glos GL51 6SE
 Tel. 01452 714299

Drawing No.

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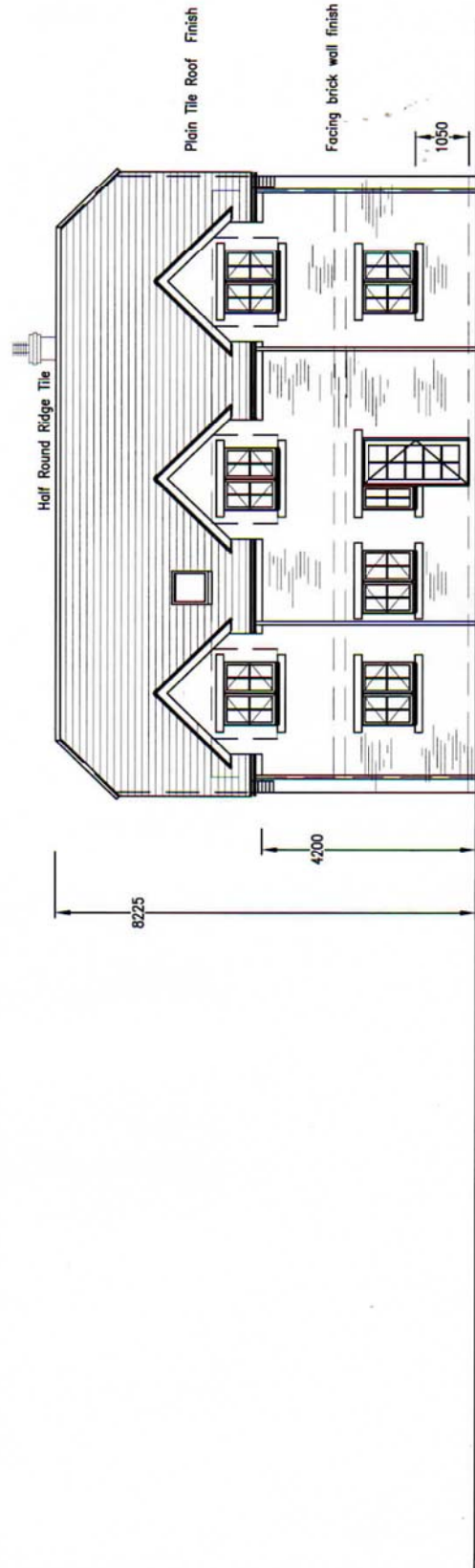
Revision

A



West Elevation

105



East Elevation

Notes

- 1. Roof tiles: Fired Sienna
- 2. Bricks: Ibstock Otterburn Antique
- 3. Lintols, Cills, Corbels: Forticrete Bath Stone

Revisions

Ref.: PP-02428136

Project

The Uplands, Dog Lane,
Witcombe, Nr. Cheltenham
Proposed Conservatory
& Solar Panels

Title

South & East Elevations
As Proposed

Drawn by P. Barnes

Date 1st March 2020

Scale(s) 1:100 @ A3

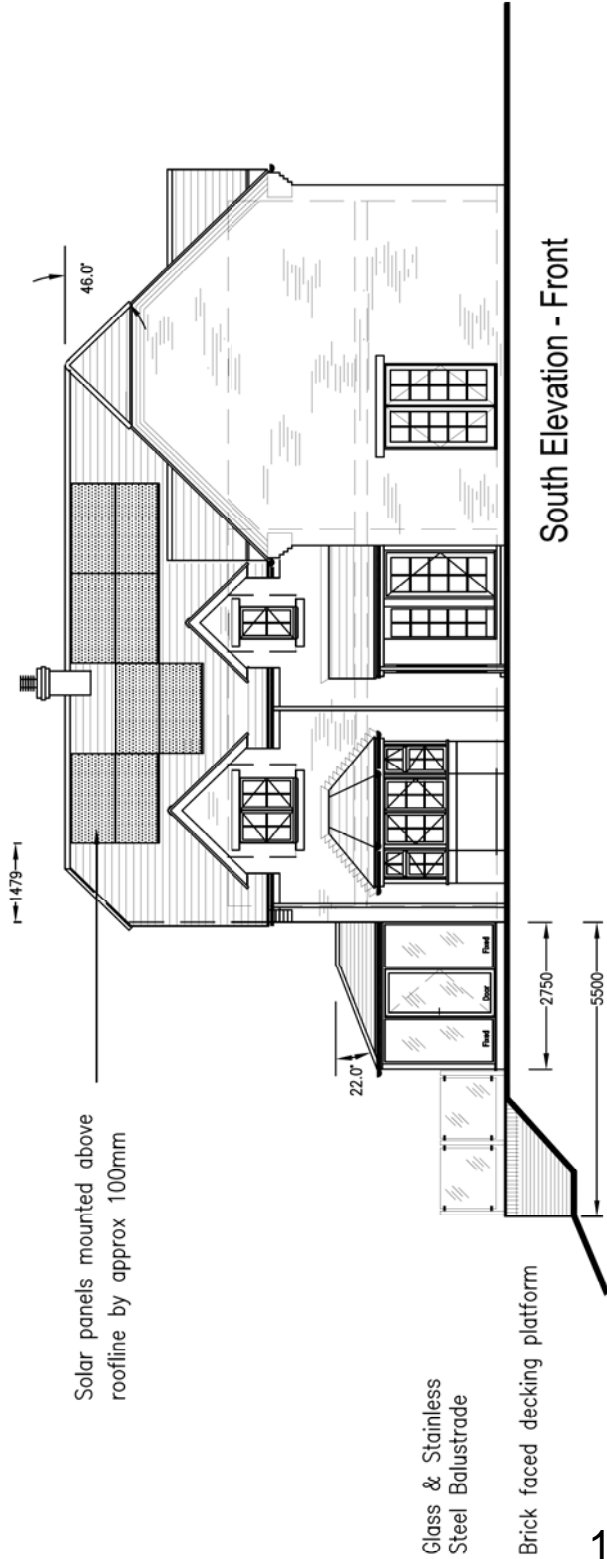
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P. Barnes
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Cheltenham, Glos GL51 6SE
Tel. 01452 714299

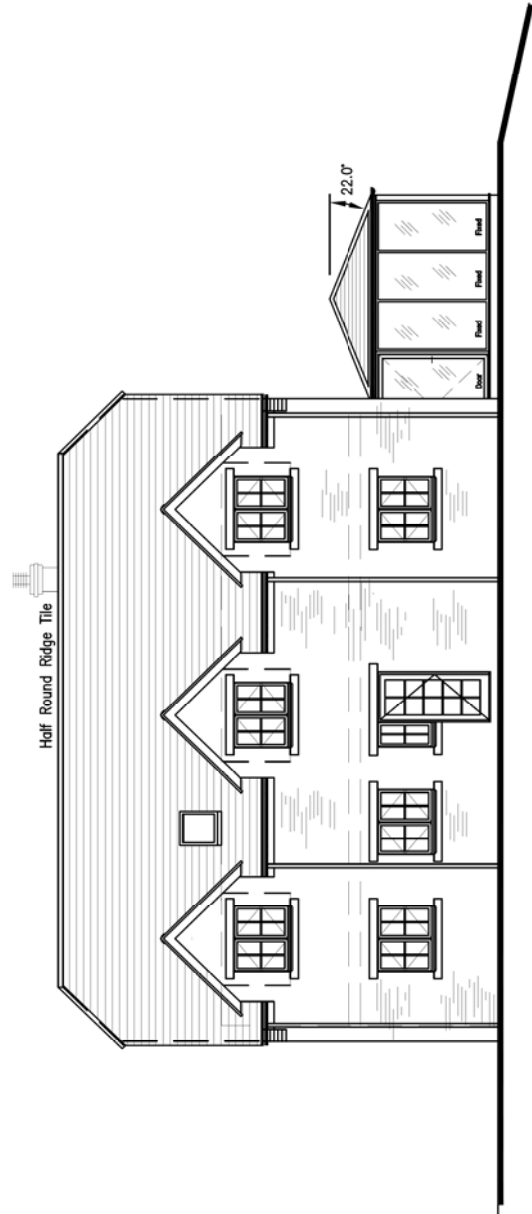
Drawing No.

478 / 6

Revision



South Elevation - Front



East Elevation

Notes

- 1. Roof tiles: Fired Sienna
- 2. Bricks: Ibstock Otterburn Antique
- 3. Lintols, Cills, Corbels: Forticrete Bath Stone

Revisions

Project

The Uplands, Dog Lane,
Witcombe, Nr. Cheltenham
Proposed Conservatory

Title

North & West Elevations
As Proposed

Drawn by
Date
Scale(s)

P. Barnes
1st March 2020
1:100 @ A3

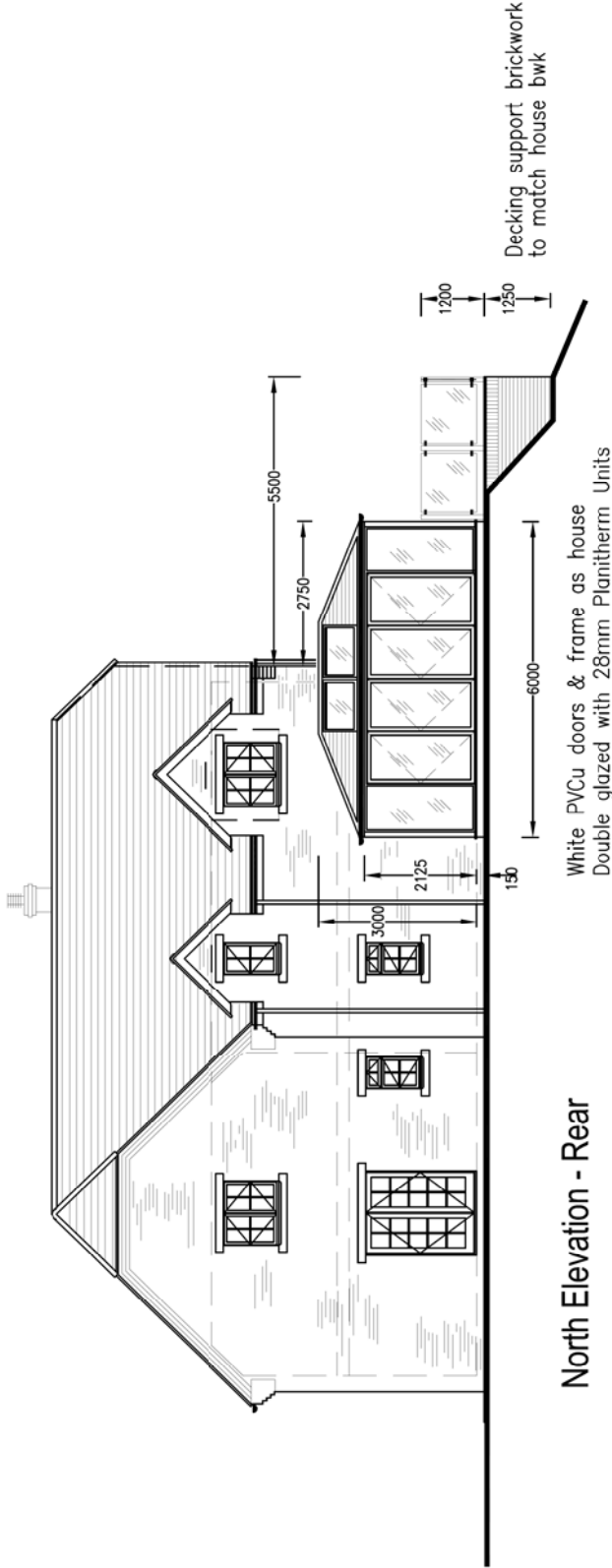
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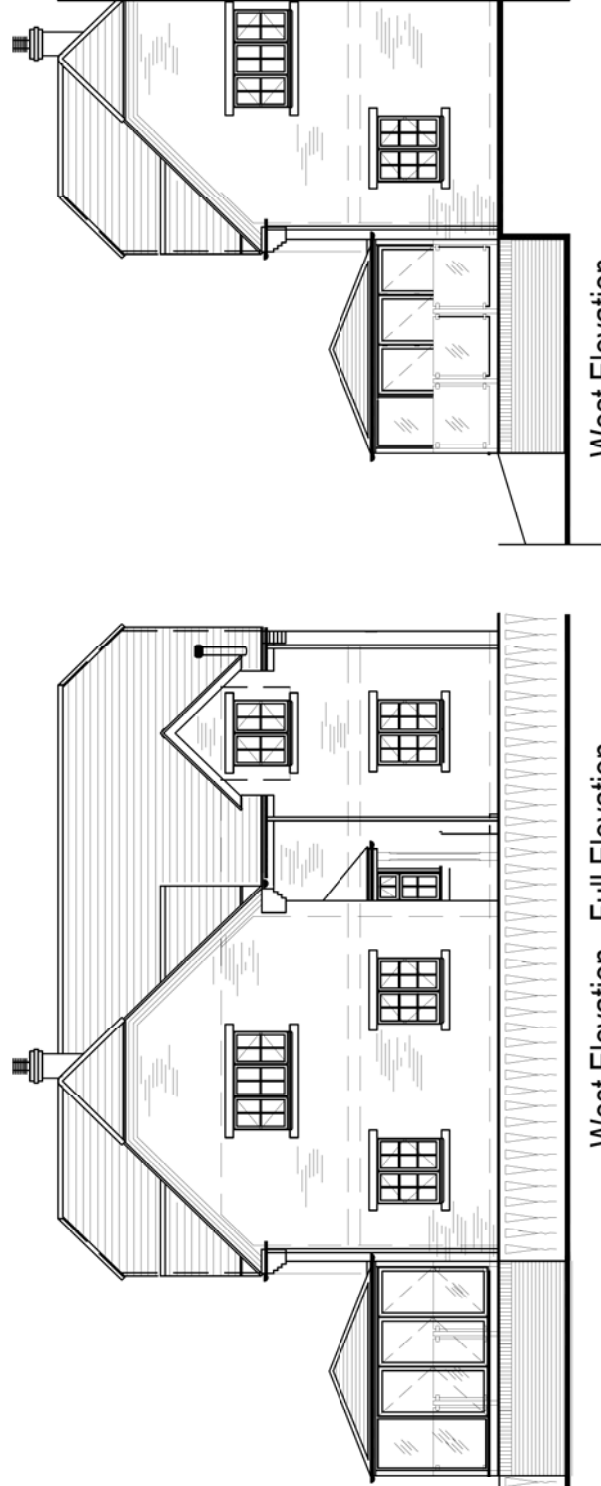
Drawing No.

478 / 7

Revision



North Elevation - Rear



West Elevation - Full Elevation

West Elevation -
Balustrade configuration

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	16 June 2020
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Technical Planning Manager
Corporate Lead:	Deputy Chief Executive
Lead Member:	Lead Member for Built Environment
Number of Appendices:	1

<p>Executive Summary:</p> <p>To inform Members of current planning and enforcement appeals and Ministry of Housing, Communities and Local Government (MHCLG) appeal decisions issued.</p>
<p>Recommendation:</p> <p>To CONSIDER the report.</p>
<p>Reasons for Recommendation:</p> <p>To inform Members of recent appeal decisions.</p>

<p>Resource Implications:</p> <p>None</p>
<p>Legal Implications:</p> <p>None</p>
<p>Risk Management Implications:</p> <p>None</p>
<p>Performance Management Follow-up:</p> <p>None</p>
<p>Environmental Implications:</p> <p>None</p>

1.0 INTRODUCTION/BACKGROUND

1.1 At each Planning Committee meeting, Members are informed of current planning and enforcement appeals and Ministry of Housing, Communities and Local Government (MHCLG) appeal decisions that have recently been issued.

2.0 APPEAL DECISIONS

2.1 The following decisions have been issued by the MHCLG:

Application No	18/01294/FUL
Location	The Old Chapel Sandfield Road Churchdown GL3 2HD
Development	Conversion of existing workshop/offices into 2 no. residential dwellings
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Dismiss
Reason	<p>The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the host building and the surrounding area.</p> <p>It was noted that the former Methodist chapel (dated 1877) was largely unchanged from its original form and made a positive contribution to the historic interest of the area and was recognised as a non-designated heritage asset.</p> <p>The Inspector found the proposed external alterations and introduction of windows and doors to accommodate the subdivision into two dwellings were unsympathetic; there being a lack of regard for the character, symmetry and form of prevailing architecture, contrary to Policies SD4 (Design) and SD8 (Historic Environment).</p> <p>This harm was considered to outweigh the limited benefit of providing two dwellings (in the context of the 'tilted balance').</p>
Date	12.03.2020

Application No	18/01287/FUL
Location	Sandycroft Cottage Dancey Road Churchdown GL3 1HP
Development	Erection of two self-build dwellings with associated parking and other works.
Officer recommendation	Non-determination
Decision Type	Written Reps
DCLG Decision	Dismiss
Costs Decision	Refuse
Reason	<p>Although the proposal was deemed to comply with JCS Policy SD10 insofar as it constituting 'infill' development; the Council set out in its Statement of Case that it would have refused the application for reasons relating to (1) the effect of the proposal on the character and appearance of the area; (2) the impact on the residential amenity of neighbouring property; and (3) the risk of flooding.</p> <p>The Inspector concurred with the Council's stance in respect of reason 1. It was commented that the siting of the proposed dwellings in this location would be at odds with the prevailing character of development in the area and would appear as an incongruous addition, not well-related to the established grain of development. The design of the proposed dwellings was not considered unduly harmful but the Inspector reasoned the proposal would conflict with JCS Policy SD4, PSTBP Policy RES5 and the design aims of the NPPF.</p> <p>In terms of residential amenity (reason 2), the Inspector concluded the scale and proximity of the proposed dwelling to the boundary would result in occupants of No.1 Dancey Road experiencing an overbearing impact that would diminish the enjoyment of their garden area to an unacceptable degree. Further, the Inspector considered the position of the proposed access and driveway would result in an unacceptable degree of disturbance for the occupiers of Sandycroft Cottage by reason of the effects of vehicle headlights shining directly at the property at close quarters. Consequently, the Inspector concluded that the proposal would conflict with JCS Policies SD4 and SD14.</p> <p>On the issue of flood risk, the Inspector acknowledged the concerns raised by the Council but was satisfied from the available evidence presented by both parties that the site is not subject to an unacceptable risk of flooding. It was concluded that further details of surface water drainage could be reasonably secured by condition to ensure compliance with JCS Policy INF2.</p> <p>Overall, the Inspector was mindful of the Council's five year housing land supply position and the proposal's provision of 2no. self-build units. While the Inspector recognised these as bringing economic and social benefits, the Inspector found the harm resulting from the proposal would significantly and demonstrably outweigh the benefits of providing the additional housing. The appeal was therefore dismissed.</p>

	The appellant's application for an award of costs was also refused. Above all, the Inspector was not convinced that a timely decision or further communication from the Council would have avoided the appeal. As such, the Inspector concluded that unreasonable behaviour resulting in unnecessary expense during the appeal process had not been demonstrated and an award for costs was not justified.
Date	30.03.2020

Application No	19/00377/FUL
Location	Orchard Lea Corndean Lane Winchcombe GL54 5NL
Development	Erection of a detached garage (alterations to that permitted under reference 14/01090/FUL) to form new first floor office/study.
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Dismiss
Reason	<p>The Inspector identified that the main issue was the effect of the proposal upon the character and appearance of the area, which lies within the Cotswolds AONB, with particular regard to the design and materials of the proposed garage.</p> <p>The inspector concluded that, whilst the principle of an ancillary garage in this location was not disputed, the size and bulk of the current proposal would not be subservient to the host dwelling and would form a dominant feature within the street scene resulting in poor design and harm to the surrounding AONB.</p>
Date	02.04.2020

Application No	19/00020/FUL
Location	Land at Kayte Lane Kayte Lane Southam GL52 3PD
Development	Retrospective application for temporary retention of stable building until 17th December 2020.
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Dismiss
Reason	<p>The Inspector considered there were 3 main issues relevant to the Appeal.</p> <p><i>Whether inappropriate development in the Green Belt including its effect on openness and the purposes of including land within it.</i></p> <p>Here the Inspector noted that the stable building was ancillary to the temporary residential use on site and used for transport, hobby and heritage purposes. As such, the development would not qualify as an exception under Paragraph 145 and therefore represents inappropriate development in the Green Belt. Furthermore, he considered that the stable building was prominently sited within the surrounding landscape detrimentally expanding the built form of the site. Consequently, the development failed to preserve the openness of the site both spatially and visually and contravened the purpose of including this land within the Green Belt, namely, to restrict urban sprawl and protect the countryside from encroachment.</p> <p>He therefore concluded the development was inappropriate development in the Green Belt.</p> <p><i>The effect of the development on the character and appearance of the area.</i></p> <p>The Inspector considered that the stable building appears in contrast to the open landscape characteristics of the surrounding area and unduly expands the built form of the site to form a prominent feature visible from the public realm. This was felt to harm the character and appearance of the surrounding area.</p> <p><i>Whether there were any very special circumstances to justify the development.</i></p> <p>The appellant argued that the temporary design of the development (with no foundation), the time limit on how long the development can remain on the site, and the potential for more harmful means of storing horses on site (such as a horsebox lorry) would justify allowing the stable building to be retained within the Green Belt.</p> <p>However, the Inspector did not consider that this provided reasonable justification for allowing the development temporarily in view of the clear harm caused to the Green Belt and the harm by reason of inappropriateness, and the other identified harm, was not clearly outweighed by other considerations so as to amount to the very special</p>

	circumstances necessary to justify the development.
Date	03.04.2020

Application No	18/01141/PIP
Location	Field Adjacent to Hawthorn House Minsterworth Gloucester GL2 8JH
Development	Permission in principle for residential dwellings estimates between 3-5 in number
Officer recommendation	Refuse
Decision Type	Delegated
DCLG Decision	Allowed
Costs Decision	Dismissed
Reason	<p>The Inspector considered there were two main issues relevant to the Appeal:</p> <p><i>Whether the proposed development would be a suitable location for housing</i></p> <p>The Inspector opined that the appeal site did not comprise previously developed land and neither did it represent in-filling within the existing built up areas of Minsterworth. He concluded the proposal would therefore conflict with Policies SP2 and SD10 of the JCS.</p> <p>He also noted that the site was outside the proposed settlement boundary in the emerging Borough Plan and was therefore also contrary to Policy RES3.</p> <p><i>The effect of the proposal on the potential presence of archaeological heritage assets.</i></p> <p>The Inspector noted the County Council Archaeologist's concerns about the site's archaeological sensitivity (as highlighted by previous investigation in the vicinity) but commented that as the proposal was for a permission in principle, only matters relating to: location; amount of development; and use can be taken into consideration - and that the site will not benefit from planning permission until such time as the Technical Details Consent (TDC) has been granted. He commented further that in the event that archaeological assets were to be found at TDC stage and were of such significance that their loss could not be mitigated against, the Council has the power to refuse TDC consent.</p> <p>Planning Balance and Conclusions</p> <p>In the overall balance and in the context of a 5-year supply of housing shortfall the Inspector concluded that the adverse impacts of the proposal (i.e. the conflict with JCS Policies SP2 and SD10 and emerging Borough Plan Policies RES2 and RES3) would not significantly and demonstrably outweigh the benefits identified. The proposal thus represented sustainable development.</p>

	<p>Costs</p> <p>Whilst in respect of archaeology the Inspector found that this matter could be dealt with at technical details consent stage, it was not unreasonable for the Council to have taken a different view and evidence was provided to support its position.</p> <p>Whilst the Appellant was unhappy that the application was not determined within the statutory time scale, there was no evidence before the Inspector that the Council had acted unreasonably.</p> <p>Overall, the Inspector found that the Council provided clear reasons and recommendations the application should be refused and taken a balanced approach in considering these to inform the reasons for recommending refusal. On that basis the Council had not acted unreasonably and an award of costs was refused.</p>
Date	13.05.32020

3.0 ENFORCEMENT APPEAL DECISIONS

3.1

Application No	19/00021/ECOU
Location	Oaklands Gloucester Road Staverton GL51 0TF
Enforcement Notice Served On	07.02.2019
Unauthorised Development	Planning permission 16/01066/FUL for a proposed agricultural building not implemented; change of use of land to to use as commercial depot for Pave Drive Limited
DCLG Decision	Dismissed and Notice upheld subject to variation
Reason	<p>In respect of each ground of appeal the Inspector found as follows:</p> <p>(a) The development causes significant harm to the Green Belt. Its retention would be contrary to the Joint Core Strategy and the NPPF.</p> <p>(b) The unauthorised use alleged in the notice has occurred on the balance of probabilities.</p> <p>(c) The boundary walling/fencing/piers is not permitted development.</p> <p>(f) The Enforcement Notice requirements are entirely appropriate to achieve the Enforcement Notice's Objectives. No lesser steps could be taken to achieve those objectives.</p> <p>(g) There is no evidence that the Enforcement Notice could not be complied with in the 6 month time frame.</p>
Date	17.04.2020

Application No	19/00020/BOCON
Location	Oaklands Gloucester Road Staverton GL51 0TF
Enforcement Notice Served On	07.02.2019
Unauthorised Development	Development not built in accordance with 16/00763/FUL – breach of conditions 4 (no external lighting) and 7 (removal of permitted development rights for, amongst other things, means of enclosure)
DCLG Decision	Dismissed and Notice upheld
Reason	<p>In respect of each ground of appeal:</p> <p>(a) In deciding whether or not planning permission ought to be granted for the unauthorised development the Inspector concluded that the means of enclosure that had been erected contrary to condition 7 of the planning permission cause substantial harm to the openness of the Green Belt and the character and appearance of the surrounding area. He also considered that the external lighting provided contrary to condition 4 has a visually harmful effect on the surrounding area.</p> <p>(c) The appellant claimed that planning permission was not required as the means of enclosure were erected prior to the implementation of the 2016 Planning Permission. Despite a sworn statement from the Appellant the Inspector found that clear photographic evidence showed that this was not the case and therefore the Means of Enclosure are in breach of Condition 7.</p> <p>(f) The appellant suggested that the reduction in the height of the Means of Enclosure could be reduced to permitted development levels; however, the Inspector concluded that this would not make the development carried out at the Appeal Site comply with Condition 7 because it would not have the benefit of an express grant of planning permission from the Council. In respect of the lighting, the appellant suggested removal of all of it would be unnecessary. The Inspector however did not have evidence before him which suggested what an appropriate lighting scheme would be and that it was the appellant to agree an appropriate scheme with the Council.</p> <p>(g) The Appellants argued that the period of six months in which to comply with the Enforcement Notice was too short and that this should be changed to one year. The Inspector disagreed with the appellant but did opine that it may well be that some of the existing Means of Enclosure could be retained or altered if they were to submit a scheme for new boundary treatment to the Council for express consent. He noted that some flexibility may be required due to the current COVID-19 pandemic.</p> <p>On this basis, the Inspector upheld the Council's enforcement notice, subject to minor variations, and dismissed the appeal.</p>

Date	17.04.2020
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4.0 OTHER OPTIONS CONSIDERED

4.1 None

5.0 CONSULTATION

5.1 None

6.0 RELEVANT COUNCIL POLICIES/STRATEGIES

6.1 None

7.0 RELEVANT GOVERNMENT POLICIES

7.1 None

8.0 RESOURCE IMPLICATIONS (Human/Property)

8.1 None

9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

9.1 None

10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

10.1 None

11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

11.1 None

Background Papers: None

Contact Officer: Appeals Administrator
01684 272062 AppealsAdmin@tewkesbury.gov.uk

Appendices: Appendix 1: List of Appeals received

List of Appeals Received						
Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
19/00682/FUL	Land At Cleeve Hill Southam Cheltenham Gloucestershire	Erection of 3no. infill dwellings, new vehicular access and landscaping	02/03/2020	W	ALW	06/04/2020
19/00800/FUL	Noreen Ashleigh Lane Cleeve Hill Cheltenham Gloucestershire GL52 3QF	Erection of an agricultural storage building	04/03/2020	W	DLL	08/04/2020
19/00908/FUL	9 Church Road Bishops Cleeve Cheltenham Gloucestershire GL52 8LR	Change of use of existing ground floor of number 9 Church Road from class A3 cafe to A4 licenced cafe and bar.	09/03/2020	W	DLL	13/04/2020
19/00849/FUL	Land To The Rear Of Barnfield Cottage Wainlode Lane Norton Gloucester Gloucestershire GL2 9LN	Erection of single storey dwelling for occupation by disabled person	20/03/2020	W	PAI	24/04/2020
19/00647/FUL	121 Moorfield Road Brockworth Gloucester Gloucestershire GL3 4JQ	Erection of single storey rear and two storey side and rear extensions including conversion of existing garage.	25/03/2020	W	SNB	
19/00977/PIP	Land To The Rear Of The Hoot Twigworth Fields Twigworth Gloucester Gloucestershire GL2 9NH	Erection of 5 no infill dwellings	27/03/2020	W	DLL	01/05/2020

List of Appeals Received

Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
18/01202/OUT	Part Parcel 3538 Church Road Maisemore Gloucester Gloucestershire	Outline application for up to 25 dwellings (consisting of 15 self-build and 10 discounted market houses) together with access and associated works such as footpath links to village hall and play area (all matters reserved).	17/04/2020	I	HMS	22/05/2020
17/00010/ENFC	26 Sallis Close Northway Tewkesbury Gloucestershire GL20 8TA	Appeal against Enforcement Notice	30/04/2020	W	JOE	11/06/2020
19/00097/CONDIS	Land South Of B4077 Newtown Toddington Cheltenham Gloucestershire	Application for approval of details subject to condition 10 (External Lighting) of the planning application ref number 15/00394/OUT	04/05/2020	W	LJD	08/06/2020
19/00689/FUL	Tree Tops Church End Lane Twyning Tewkesbury Gloucestershire GL20 6DA	Erection of 2 no. self-build two storey dwellings and associated detached garages, and provision of associated vehicular access and landscaping (Revised scheme to reference 18/00934/FUL)	05/05/2020	W	EMB	09/06/2020
19/00787/APP	Land To The South Of Brockhampton Lane Brockhampton Lane Brockhampton Cheltenham Gloucestershire	Erection of an agricultural hay and implement storage barn, with concrete apron and access track.	07/05/2020	W	DLL	11/06/2020

List of Appeals Received						
Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
PP-08451692	41 Swallow Crescent Innsworth Gloucester Gloucestershire GL3 1BW	Construction of a detached 2-bed dwelling. (Revised scheme following refusal of application 19/00506/FUL)	26/05/2020	W	SNB	30/06/2020

Process Type

- **FAS** indicates FastTrack Household Appeal Service
- **HH** indicates Householder Appeal
- **W** indicates Written Reps
- **H** indicates Informal Hearing
- **I** indicates Public Inquiry