

13 July 2020

<b>Committee</b>	Planning
<b>Date</b>	Tuesday, 21 July 2020
<b>Time of Meeting</b>	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

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To approve the Minutes of the meeting held on 16 June 2020.



	Item	Page(s)
5.	<b>DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL</b>	
	<b>(a) 20/00049/FUL - Part Parcel 3000, Stanway Road, Stanton</b>	46 - 57
	<b>PROPOSAL:</b> Variation or removal of condition 1 of planning permission ref: 08/00827/FUL to allow the existing equestrian yard to be used in association with a horse training and stud enterprise.	
	<b>OFFICER RECOMMENDATION:</b> Permit	
	<b>(b) 20/00453/FUL - The Pavilion, Cold Pool Lane, Badgeworth</b>	58 - 70
	<b>PROPOSAL:</b> Erection of ball stop fencing, car park safety fencing and a storage container.	
	<b>OFFICER RECOMMENDATION:</b> Permit	
	<b>(c) 20/00212/OUT - Land West of Persh Lane, Maisemore</b>	71 - 93
	<b>PROPOSAL:</b> Outline planning application for the development of eight dwellings (including affordable housing contribution) together with open space, access, parking, landscaping, drainage and associated works. All matters reserved except for means of access and layout.	
	<b>OFFICER RECOMMENDATION:</b> Permit	
	<b>(d) 19/01098/FUL - Land to the East of Horsbere Drive, Longford</b>	94 - 121
	<b>PROPOSAL:</b> Construction of two apartment blocks comprising 33 dwellings and associated parking and landscaping.	
	<b>OFFICER RECOMMENDATION:</b> Refuse	
	<b>(e) 19/01227/OUT - Land off Rectory Close, Ashleworth</b>	122 - 150
	<b>PROPOSAL:</b> Outline application for up to 42 dwellings including access and associated works (all matters reserved for future consideration).	
	<b>OFFICER RECOMMENDATION:</b> Delegated Permit	
	<b>(f) 16/00904/OUT - Land at Chestnut Tree Farm, Twigworth</b>	151 - 186
	<b>PROPOSAL:</b> Outline planning proposal for up to 100 dwellings together with associated public open space and equipped children's play space, landscaping, access and associated infrastructure. All matters reserved except access.	
	<b>OFFICER RECOMMENDATION:</b> Refuse	
6.	<b>CURRENT APPEALS AND APPEAL DECISIONS UPDATE</b>	187 - 190
	To consider current planning and enforcement appeals and Ministry of Housing, Communities and Local Government (MHCLG) appeal decisions.	

**DATE OF NEXT MEETING**  
**TUESDAY, 18 AUGUST 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, 16 June 2020 commencing at 10:00 am**

**Present:**

Chair  
Vice Chair

Councillor J H Evetts  
Councillor R D East

**and Councillors:**

R A Bird, G F Blackwell, 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

**also present:**

Councillor J K Smith

**PL.6 ANNOUNCEMENTS**

- 6.1 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.
- 6.2 The Chair outlined the procedure for the meeting, including public speaking.

**PL.7 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

- 7.1 Apologies for absence were received from Councillor A Hollaway. There were no substitutions for the meeting.

**PL.8 DECLARATIONS OF INTEREST**

- 8.1 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.

8.2 The following declarations were made:

<b>Councillor</b>	<b>Application No./Agenda Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
R D East	Agenda Item 5b – 19/01071/OUT – Land off Ashmead Drive, Cobblers Close, Gotherington.	Had received telephone calls in relation to the application but had not expressed an opinion.	Would speak and vote.
M A Gore	Agenda Item 5b – 19/01071/OUT – Land off Ashmead Drive, Cobblers Close, Gotherington.	Had attended a remote meeting with Parish Council members in relation to the application but had not expressed an opinion.	Would speak and vote.
M L Jordan	General Declaration.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
P W Ockleton	Agenda Item 5c – 19/00985/FUL – Tesco Supermarket, Church Road, Bishop's Cleeve.	Was a former Tesco employee in receipt of a company pension.	Would not speak or vote and would leave the meeting for consideration of this item.
P W Ockelton	Agenda Item 5e – 19/00465/FUL – Charlton, Main Road, Minsterworth.	Had received a number of emails in relation to the application but had not expressed an opinion.	Would speak and vote.
R J E Vines	Agenda Item 5g – 20/00172/FUL – The Uplands, Dog Lane, Witcombe.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.

8.3 The Chair noted that all Members of the Committee had received correspondence in relation to Agenda Item 5b – 19/01071/OUT – Land off Ashmead Drive, Cobblers Close, Gotherington and the Technical Planning Manager confirmed that Officers had seen copies of that correspondence.

8.4 There were no further declarations made on this occasion.

**PL.9 MINUTES**

- 9.1 The Minutes of the meeting held on 19 May 2020, copies of which had been circulated, were approved as a correct record.

**PL.10 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.

**20/00318/FUL - 1 Starling Walk, Walton Cardiff**

- 10.1 This application was for a change of use from landscaped area/public open space to residential garden area including erection of a new boundary fence.
- 10.2 The Planning Officer advised that the application related to a residential dwelling located on the Wheatpieces estate in Tewkesbury. The dwelling was bordered to the south by a strip of grassland which was the subject of the application. It was proposed to remove the existing southern boundary fencing and re-erect it two metres further south, encapsulating a strip of the grassland totalling 21 square metres. Whilst the land was currently within the ownership of Tewkesbury Borough Council, it had been indicated by the Property Services team that it would be amenable to sell if planning permission was granted. Although an objection had been received from the Parish Council, it was the Officer opinion that the concerns raised were insufficient to warrant a refusal, as such, the Officer recommendation was to permit the application.
- 10.3 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. A Member noted that the land was owned by Tewkesbury Borough Council and questioned whether it was maintained by a management company. In response, the Planning Officer clarified that the land was currently maintained by the Council's Property Services team. Upon being put to the vote, it was

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

**19/01071/OUT - Land off Ashmead Drive, Cobblers Close, Gotherington**

- 10.4 This was an 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.
- 10.5 The Planning Officer advised that the application related to an agricultural field located adjacent to the southern edge of Gotherington; it had a gentle slope and was contained by mature hedgerow and tree planting along its boundaries. The site was located within a Special Landscape Area with the land to the north and east of Gotherington forming part of the Cotswold Area of Outstanding Natural Beauty. The site was outside of, but adjacent to, the settlement boundary as defined in the Gotherington Neighbourhood Development Plan. The application was in outline and

proposed up to 50 dwellings with all matters reserved for future consideration with the exception of the means of access off Ashmead Drive. Whilst the application was in outline form, it was supported with an illustrative site layout plan which showed how the site could be developed. Some Members may recall a previous application on the site which was refused by the Council in 2017 on the basis that it was outside of any defined settlement boundary and would have a harmful impact on the landscape, as well as on the grounds of social cohesion and a number of technical matters relating to the lack of a signed Section 106 Agreement. The application was subsequently dismissed at appeal, although the Inspector did not find any overriding harm in terms of impact on the landscape. The findings of the Inspector were material to the current application which was essentially the same as that which was dismissed on appeal. Notwithstanding this, there had been a material change in circumstances since the appeal decision in 2018; at the time of the appeal, the Council had been able to demonstrate a five year supply of deliverable housing sites, as such, the housing policies contained within the Joint Core Strategy and Neighbourhood Development Plan attracted full weight in decision-taking. In contrast, the Council could not currently demonstrate a five year supply of deliverable housing sites, therefore, the housing policies in the Joint Core Strategy were deemed to be out of date; unfortunately, this also applied to policies contained within the Neighbourhood Development Plan. Furthermore, given the time that had elapsed since the Neighbourhood Development Plan was made in September 2017, it no longer benefitted from the protection afforded by Paragraph 14 of the National Planning Policy Framework which stated that, in situations where the presumption applied to applications involving the provision of housing, the adverse impact of allowing development that conflicted with the Neighbourhood Development Plan was likely to significantly and demonstrably outweigh the benefits. This was subject to certain criteria, one of which specified that the Neighbourhood Development Plan must have become part of the development plan two years or less before the date on which the decision was made. As the Neighbourhood Development Plan was now older than two years, Paragraph 14 of the National Planning Policy Framework no longer applied; however, the Planning Officer stressed that did not mean that the Neighbourhood Development Plan should be disregarded. Similar to the position at the 2018 appeal, Officers were of the view that there were no technical matters that would represent a reason for refusal in this instance. Members would be aware of the recent response from the Cotswolds Conservation Board objecting to the scheme; however, in light of the findings of the appeal Inspector and the Council's landscape consultant, Officers did not concur with the findings of the Board and were of the view that the only harm that had been identified was the impact on social cohesion and social wellbeing as a result of the scale of growth in a relatively short period of time. This harm weighed against the proposals but, in the absence of any other reasons for refusal, and given the application of the tilted balance, that harm was no longer considered to significantly and demonstrably outweigh the benefits of the scheme. It was therefore recommended that authority be delegated to the Technical Planning Manager to permit the application, subject to finalising a Section 106 Agreement. It was noted that, as set out on the Additional Representations Sheet attached at Appendix 1, a further response had been received from the County Highways Officer recommending that the condition requiring highway safety improvements to the Gotherington Cross junction be removed on the basis that those works had already been secured. The Planning Officer proceeded to show a video of the application site serving as a virtual site visit for the Committee.

- 10.6 The Chair invited the representative from Gotherington Parish Council to address the Committee. The Parish Council representative confirmed that the Parish Council wished to object to the proposal. The current application was substantially the same as a previous application which was unanimously refused by the Planning Committee in February 2017 and subsequently on appeal in April 2018. This proposal sought to build the same housing estate, with the same number of houses,

on the same field, accessed via the same cul-de-sac, and had all the same problems as the previous application. He went on to indicate that the site was located between Gotherington and Bishop's Cleeve, within a Special Landscape Area and close to the boundary of the Cotswold Area of Outstanding Natural Beauty. The proposed site was not one of the three selected for development within the Neighbourhood Development Plan or the Tewkesbury Borough Plan and sat outside of the settlement boundary. Development of this site would therefore breach Neighbourhood Development Plan guidelines 4, 5 and 6 which were concerned with the sensitivity of the landscape and protection of Gotherington and its coalescence with Bishop's Cleeve. The development would not meet Tewkesbury Borough Plan Policy LAN1 in relation to Special Landscape Areas nor Joint Core Strategy Policy SD6 in relation to landscape, Policy SD7 regarding the Cotswold Area of Outstanding Natural Beauty or Policy SD14 with regard to health and environmental quality which stated that developments should protect and seek to improve environmental quality and not cause unacceptable harm to local amenity, including that of neighbouring occupants. Paragraph 78 of the National Planning Policy Framework was particularly relevant as it stated that housing should be located where it would enhance or maintain the vitality of rural communities - the Parish Council did not believe this application would enhance or maintain the vitality of Gotherington. Paragraph 94 of the National Planning Policy Framework recognised the importance of a sufficient choice of school places; however, the local school and schools in Bishop's Cleeve were either full, or very nearly full. The Parish Council representative went on to indicate that Paragraph 97 of the National Planning Policy Framework stated that existing open space, sports and recreational buildings and land, including playing fields, should not be built upon and Paragraph 172 set out that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty; this site was within the context and setting of the Cotswold Area of Outstanding Natural Beauty. In conclusion, the application failed to meet policy and guidance set out in the Neighbourhood Development Plan, the Tewkesbury Borough Plan, the Joint Core Strategy and the National Planning Policy Framework. Furthermore, development on this site would have a negative and destabilising impact on residents and local services at a time when the village had already seen huge growth. Therefore, Gotherington Parish Council objected to the application.

- 10.7 The Chair invited a local resident speaking against the application to address the Committee. The local resident reiterated that, despite the applicant's claim, the application was fundamentally unchanged from the one rejected by the Council and at appeal in 2018, other than the inclusion of a Multi-Use Games Area; what had changed was the wider planning framework, most notably that the Council was unable to demonstrate a five year housing supply. Gotherington had embraced the concept of localism and made a robust Neighbourhood Development Plan with allocated sites which were being delivered; however, being just over two years old, the Plan was deemed to hold little weight under the National Planning Policy Framework. Therefore the overriding principal was in favour of sustainable development which, in her view, this was not - the primary school was oversubscribed, the bus service limited, there were no safe cycling routes out of the village and limited employment which would result in residents travelling by car. She pointed out that access to the site was via a quiet cul-de-sac and exiting the village onto the A435 was via a dangerous junction. The National Planning Policy Framework and draft Tewkesbury Borough Plan aimed to protect environments and valued landscapes but this development was criss-crossed by several footpaths which were extensively used by residents, views from local viewpoints would be negatively affected, as would those from Area of Outstanding Natural Beauty spots such as Nottingham Hill and Woolston Hill. This visual amenity would be destroyed if footpaths were hemmed in by houses and would result in creeping coalescence with Bishop's Cleeve, creating an urban sprawl and loss of village identity and character. The local resident went on to point out that the site was not included in



either the Gotherington Neighbourhood Development Plan or the draft Tewkesbury Borough Plan and did not meet the development criteria for either. There was no urgent need for more housing in the village, as demonstrated by the recent Housing Needs Survey, and the strength of feeling against the development could be judged by the large number of objections. There were also significant concerns over social cohesion as the cumulative effect of the 95 dwellings approved since 2011 and these additional 50 houses would represent a 32% increase in the size of the village. New residents were unlikely to fully integrate into village life if their children were educated elsewhere and working residents would not be able to access the shop as its pre-COVID-19 opening hours were 0915 to 1630. Community buildings were already too small to comfortably hold village meetings, numbers for clubs were restricted due to capacity and the amount of football pitches was inadequate with several village teams having to play elsewhere – as noted by the appeal Inspector, there was no scope for these facilities to be expanded. The development risked being an isolated enclave, having an adverse impact on the social cohesion and community spirit much valued by residents. The local resident explained there had been no community consultation prior to the application being submitted and there was no guarantee that the play facilities would be delivered in a final scheme. There were no perceivable benefits from this speculative development which sought to take advantage of the loopholes in the planning system and undermine the principles of localism and it should be refused on those grounds. The local resident also expressed the view that the virtual site visit failed to demonstrate the closeness of Bishop's Cleeve to the site.

- 10.8 The Chair invited the applicant's agent to address the Committee. The applicant's agent confirmed this was a re-submission of a scheme for residential development that was previously refused planning permission in 2018; however, a number of amendments had been made to the proposal in response to that decision and there were further material planning considerations that fully justified approval of the application before Members. He explained that the northern section of the site would be provided as a significant area of public open space which would exceed local standards. Within this area, the scheme would now deliver a Multi-Use Games Area, Locally Equipped Area of Play and multi-purpose community area on site bringing a currently privately-owned area of agricultural land into public use and providing additional community facilities within the village for all to use. The development would therefore provide further facilities and space for residents to socially come together and help integrate the development with the existing community. The applicant's agent pointed out that the Council had now adopted its Community Infrastructure Levy (CIL) Charging Schedule, therefore the Parish Council would receive 25% of the CIL receipts from this development, currently estimated to be £131,000. Further financial contributions would also be secured via Section 106 Agreement towards matters such as education provision. On that basis, with regard to social cohesion and social wellbeing in Gotherington, the applicant's agent considered that the scheme would deliver a number of on-site improvements and facilities, together with financial contributions and CIL receipts for the Parish Council. This would directly mitigate its impact on the existing community of Gotherington, as well as supporting and enhancing residents' health and social wellbeing. The scheme's impact on the landscape and nearby Area of Outstanding Natural Beauty was extensively assessed as part of the previous application and appeal. As part of that, the Inspector had categorically stated that development in this location would not harm the character or appearance of the surrounding area, including the gap between Gotherington and Bishop's Cleeve. This view followed the Council's own evidence base which identified the site as having the joint lowest landscape and visual impact of any parcel of land adjoining Gotherington; Officers did not consider this proposal, or the previous scheme, to cause visual harm to the Area of Outstanding Natural Beauty. Lastly, there was a further material difference to when the previous application and appeal had been determined as the Council now had a five year housing land supply shortfall. The

Officer's report advised this to be at 4.33 years but the applicant's agent considered it to be much lower given the findings of the recent appeal decision at Highnam and it was likely to worsen. As such, this proposal would provide much needed market and affordable housing that would contribute towards meeting the shortfall. As confirmed within the Officer report, the tilted balance was engaged therefore, where the benefits outweighed the harm, planning permission should be granted. Accordingly, the significant benefits of the scheme, which included the delivery of market and affordable housing, the considerable amount of public open space and the provision of a Multi-Use Games Area, Locally Equipped Area of Play and multipurpose community area would outweigh the limited identified harm. The applicant's agent considered the social cohesion concerns raised by the Inspector had been addressed through the amendments to the proposal, as well as the financial contributions that would arise. He therefore respectfully requested that outline planning permission be granted, subject to the suggested conditions and financial contributions.

- 10.9 The Chair indicated that the Officer recommendation was that authority be delegated to the Technical Planning Manager to permit the application, subject to completion of a Section 106 Agreement, and he sought a motion from the floor. It was proposed and seconded that the application be refused on the basis that the development would represent a significant encroachment into the surrounding rural landscape which would have an urbanising effect and result in the erosion of the rural landscape, contributing further to the coalescence of Gotherington and Bishop's Cleeve; it would have a harmful impact on the character and appearance of the landscape within the Special Landscape Area which served to protect the foreground setting of the adjacent Area of Outstanding Natural Beauty; and it would have a disproportionate effect on the village in terms of the cumulative impact of development and on the social wellbeing of the community; therefore, the totality of the harm was not clearly outweighed by the benefits of the development including the supply of new housing, both market and affordable and, in the context of the National Planning Policy Framework taken as a whole, the adverse impacts of the proposed development significantly and demonstrably outweighed the benefits of the scheme and the proposal did not represent sustainable development for which a presumption in favour should apply. The proposer of the motion indicated that, as Members had heard, the Planning Committee had unanimously refused an almost identical application on this site in 2017. At that time the Council was able to demonstrate a five year housing land supply, therefore Policy SD10 was applicable; however, there were a number of other reasons for refusal, namely that the proposed development represented a significant encroachment into the surrounding rural landscaping which would have an urbanising effect and result in the erosion of the rural landscape contributing further to the coalescence of Gotherington and Bishop's Cleeve; and it would have a harmful impact upon the character and appearance of the landscape within a Special Landscape Area which served to protect the foreground setting of the adjacent Area of Outstanding Natural Beauty. The proposer of the motion saw no change to those particular reasons for refusal. She went on to point out that a comprehensive objection had been made by the Cotswolds Conservation Board, details of which were set out in the Additional Representations Sheet, attached at Appendix 1. In response to that objection, Officers had stated that they did not believe that the development would have an unacceptable impact on the Area of Outstanding Natural Beauty; however, she disagreed and believed that the Cotswolds Conservation Board's conclusions within its objection were correct; therefore, despite the fact that the Council could not currently demonstrate a five year housing land supply, the objection in respect of the Area of Outstanding Natural Beauty meant that, under Paragraph 11 of the National Planning Policy Framework, the tilted balance was not engaged for this particular application. She noted that Page No. 30, Paragraph 7.18 of the Officer report referenced the Tewkesbury Borough Plan Strategic Gap Policy LAN3 which was designed specifically to prevent coalescence - this included Bishop's Cleeve

and Gotherington and this particular land was detailed within that policy. As the Plan had recently been submitted to the Inspector, she believed that weight could be afforded to it at this stage of the plan-making process. The Officer conclusion in this regard stated there would be no harm in relation to the erosion of the gap but she disagreed and believed that the development would harm the intrinsic character and beauty of the countryside and considered that the threat of erosion to the gap was a significant issue – something which was echoed by the many representations received from the community who feared coalescence and loss of community identity within Gotherington. Permitting this particular application would decrease the already eroded gap between Bishop's Cleeve and Gotherington, contrary to the National Planning Policy Framework and the Council's own policies. The Member went on to indicate that the original application had also been refused based on the cumulative effect of development within the village which would be of a scale disproportionate to the existing settlement and, again, she saw no change to this reason for refusal. Gotherington had 463 homes at the start of the Joint Core Strategy process and, based on the service village designation, was allocated 86 new homes; since that time, 91 houses had been approved so, should these additional 50 homes be approved today, the total amount of new homes to be built in Gotherington would be 141, an increase of 31% which represented substantial expansion of the village. In her view, this would have a significant detrimental effect on the social wellbeing of the local community, risking the erosion of community cohesion, therefore, the application failed to represent sustainable development within the context of Paragraph 8 of the National Planning Policy Framework. Page No. 29, Paragraph 7.13 of the Officer report made reference to an appeal decision for Alderton which was dismissed by the Inspector based on a cumulative increase of considerably less than 31% again in a period where the Council could not demonstrate a five year housing land supply. In summing up, she believed that the tilted balance was not triggered based on the fact that a sound objection had been received from the Cotswolds Conservation Board in respect of the Area of Outstanding Natural Beauty. Whilst the application did have the benefit of delivering market and affordable housing – although the recent Housing Needs Survey for Gotherington had found that no further affordable housing was required based on the current level of affordable homes already approved – significant and demonstrable harms would arise from the development as she had set out in her motion.

- 10.10 During the debate which ensued, a Member agreed that nothing had changed since the previous application on the site had been refused and he believed that the two fields separating Bishop's Cleeve and Gotherington should be retained as a strategic gap to prevent coalescence. In his view, the Council's inability to demonstrate a five year housing land supply should not be at the expense of the residents of Bishop's Cleeve and Gotherington when there were other sites for housing identified within the draft Tewkesbury Borough Plan and he would be supporting the motion to refuse the application. Another Member was in agreement with the case put forward by the proposer of the motion and was surprised that such little weight had been given to the objection from the Cotswolds Conservation Board considering that the creep between Gotherington and Bishop's Cleeve was very apparent when the area was viewed from Cleeve Hill. The Joint Core Strategy and Tewkesbury Borough Plan were based on a great deal of evidence about how much new development could be accommodated in various parts of the borough in order to be sustainable and he fully supported the motion to refuse this application. A Member shared the view that the proposal would result in significant harm - this was recognised at Page No. 41, Paragraph 8.4 of the Officer report which stated that the cumulative growth in Gotherington in a relatively short period of time would have a negative impact on social cohesion and wellbeing and he believed that significant weight should be attached to that.

- 10.11 A Member sought clarification as to whether the site was within a service village and the Area of Outstanding Natural Beauty and if it could be described as an exception site. The proposer of the motion had alluded to the numerous objections to the proposal but he pointed out that there had been significantly more in relation to another proposal in Twigworth which had been allowed. In his opinion, any development would have an impact on its surroundings. He was very disappointed to find out that, after all the time, effort and money put in by Parish Councils and communities, Neighbourhood Development Plans were effectively defunct after two years meaning it would be necessary for reviews to commence immediately after adoption. He did not feel that the proposer of the motion had put forward a policy justification for refusing the application and raised concern that the Council was likely to lose any subsequent appeal based on its inability to demonstrate a five year housing supply. He went on to question whether the Council had a specific policy regarding density or whether it was intended to introduce one. In response, the Technical Planning Manager confirmed that Gotherington was a service village within the Joint Core Strategy. Whilst the site was not located within the Area of Outstanding Natural Beauty, the National Planning Policy Framework and case law confirmed that the views out of an Area of Outstanding Natural Beauty were material and could be taken into account when deciding whether great weight should be afforded to the harm that would be caused. The Cotswolds Conservation Board had also referred to the views into the Area of Outstanding Natural Beauty but case law indicated that should not be afforded great weight on the basis that the Cotswold Area of Outstanding Natural Beauty could be viewed from virtually anywhere in the borough. He also clarified that the site could not be considered as an exception site on the basis of the application that had been submitted. In terms of the Neighbourhood Development Plan, reference had been made to Paragraph 14 of the National Planning Policy Framework which contained a number of tests including the fact that a Plan should be recently made i.e. within the last two years; once that time had elapsed, the protection afforded by Paragraph 14 disappeared. The Technical Planning Manager felt that the proposer of the motion had set out very clearly the policy reasons to justify a refusal, particularly with regard to the Area of Outstanding Natural Beauty with reference to Policy SD7 of the Joint Core Strategy and Policy SD6 in relation to the wider landscape; the emerging Tewkesbury Borough Plan also contained a policy in respect of Special Landscape Areas. He was comfortable if Members wished to take a different view to Officers and give more weight to the comments of the Cotswolds Conservation Board. In terms of the point about social cohesion, the proposer of the motion had referred to the National Planning Policy Framework and, with regard to the five year housing supply position had mentioned Paragraph 11 in relation to the fact that, if Members took the view that the impact on the Area of Outstanding Natural Beauty was material and sufficient to refuse the application, the tilted balance no longer applied. He explained that a recent High Court judgement had clarified the application of Paragraph 11 which stated that, where policies were out of date and a five year housing supply could not be demonstrated, subject to the tilted balance planning permission should be granted unless the application of policies in the National Planning Policy Framework that protect areas of particular importance provided clear reasons for refusal. Footnote 6 indicated that the Area of Outstanding Natural Beauty was one of those policies, therefore, if it was decided that the view was that there would be such an unacceptable impact, the tilted balance did not apply.
- 10.12 The seconder of the motion felt that the proposer had provided an extremely comprehensive set of policy reasons for refusing this application. There had been changes on both sides since the previous application on the site had been refused; however, there were other examples where the Committee had refused an application, in the context of not being able to demonstrate a five year housing land supply, which had subsequently been dismissed at appeal with the Committee's

decision being upheld for very good reason. He pointed out that housing supply fluctuated, therefore it was feasible the Council may be in a different position should this application be refused and subsequently taken to appeal. He considered the reasons for refusing the previous application in relation to landscape harm and social cohesion remained relevant in this instance.

- 10.13 The Technical Planning Manager advised that, should Members be minded to refuse the application, it would be appropriate to include a reason for refusal based on housing policy which remained relevant despite the lack of a five year housing land supply. The development conflicted with Policies SD10 and SP2 of the Joint Core Strategy and Policies 03 and 11 of the Gotherington Neighbourhood Development Plan – if Members were minded to also give weight to the policies within the emerging Tewkesbury Borough Plan, it would also be relevant to reference Policy RES3. Furthermore, there should be one or more refusal reasons based on the fact that, whilst the applicant had indicated they would be happy to enter into a Section 106 Agreement, there was currently no signed Section 106 Agreement in place. A Member questioned whether Policy LAN3 within the emerging Tewkesbury Borough Plan should also be referenced for completeness and the Technical Planning Manager confirmed that this policy fitted neatly with concerns that had been raised, as did Policy LAN1 of the emerging Tewkesbury Borough Plan as well as saved Policy LND2 of the existing local plan which referenced Special Landscape Areas. Policies 09 and 10 of the Gotherington Neighbourhood Development Plan were also relevant in that regard. In terms of policies within the National Planning Policy Framework, Paragraph 172 related to Area of Outstanding Natural Beauty and Paragraph 170 talked about the landscape position in general. Issues in relation to social cohesion would largely be based on policies within the National Planning Policy Framework which had already been referenced by the proposer of the motions, namely Paragraphs 8 and 11. There would also be technical reasons for refusal such as the absence of infrastructure which was covered by Policies INF4, INF6 and INF7 of the Joint Core Strategy. The Technical Planning Manager hoped this provided Members with a more comprehensive picture of the policies they may wish to refer to should the motion to refuse the application be agreed. The proposer and seconder of the motion felt it was important to be as robust as possible and they would be happy to include these additional refusal reasons. A Member thanked the Technical Planning Manager for his detailed presentation of the policies and indicated that he now felt able to support the motion for refusal. On a separate matter, he asked that Members be informed of the housing trajectory for the next two years as soon as possible and this request was noted by the Technical Planning Manager.

10.14 Upon being taken to the vote, it was

**RESOLVED** That the application be **REFUSED** on the basis that the development would represent a significant encroachment into the surrounding rural landscape which would have an urbanising effect and result in the erosion of the rural landscape, contributing further to the coalescence of Gotherington and Bishop's Cleeve; it would have a harmful impact on the character and appearance of the landscape within the Special Landscape Area which served to protect the foreground setting of the adjacent Area of Outstanding Natural Beauty; and it would have a disproportionate effect on the village in terms of the cumulative impact of development and on the social wellbeing of the community; therefore, the totality of the harm was not clearly outweighed by the benefits of the development including the supply of new housing, both market and affordable and, in the context of the National Planning Policy Framework taken as a whole, the adverse impacts of the proposed development significantly and demonstrably outweighed the benefits of the scheme and the proposal did not represent sustainable development for which a presumption in favour should apply.

#### **19/00985/FUL - Tesco Supermarket, Church Road, Bishop's Cleeve**

10.15 This application was to allow for extended hours of delivery from 0500-2300 hours on Monday to Saturday and 0800-2200 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. It was noted that the description of development had been amended from that within the Officer report as there was no proposal to change the hours of delivery on Sundays which would remain as 0800-2200.

10.16 The Planning Officer explained that the proposal was for an extension to the delivery hours for the Tesco supermarket in Bishop's Cleeve to enable fresh goods to be delivered and processed in the warehouse with shelves stocked before the store opened. The hours were to be brought forward by one hour from the previous consent from 0500-2300 Monday to Friday; she confirmed there was no change to the delivery hours on Sunday which were 0800-2200 hours. Members were informed that a noise assessment had been submitted with the application. The primary consideration was whether the extended operational hours would have a detrimental impact upon the amenities of nearby residents. The Council's Environmental Health Officer had considered the report and recommended additional noise mitigation measures including erection of an acoustic fence between the King's Head Public House and the access road as well as the control of reversing warning beeps from vehicles; the applicant had agreed to these measures. Whilst no public representations had been received, the Parish Council had objected to the proposal and asked for a temporary permission for a 12 month period. From the assessment of the technical evidence provided, and the mitigation measures proposed, Officers had concluded that the proposed hours of delivery would be acceptable, therefore the recommendation was to permit the application, subject to the recommended conditions.

10.17 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 refused. The proposer of the motion indicated that he lived some distance from the Tesco supermarket but could still hear the beepers of lorries on some mornings so the impact on the residents living in the flats above Mill Lane would be significantly worse, as such he did not feel it was acceptable to extend the hours and allow deliveries to begin an hour earlier at 0500 hours. He recognised that the store had experienced difficulties in recent months due to COVID-19 but the situation seemed to be improving and the supermarket did not seem as busy as it had been. The seconder of the motion felt that, as well as disturbance from reversing vehicles, there was already an issue with lorries travelling to and from the supermarket and numerous complaints had been made by residents living along the route into the village so introducing an earlier delivery time may only serve to exacerbate that issue. The Technical Planning Manager indicated that the concerns raised by the proposer and seconder of the motion had not specifically been considered by the Environmental Health Officer and he suggested that it may be appropriate to seek a view from the Environmental Health Officer on the specific issues raised in relation to the flats above Mill Parade and the additional noise and disturbance that could potentially arise from vehicles coming and going. The Chair queried whether the Environmental Health Officer could join the present meeting to give this view and the Technical Planning Manager explained that, even if the Environmental Health Officer was available, they would not be afforded the time to give a considered view, as such, a deferral would be the most pragmatic way forward to ensure Members were fully apprised of the expert consultee comments before making a decision. In response to a query, confirmation was provided that, should Members be minded to defer on that basis, the application would be brought back to the next Planning Committee meeting. The proposer and seconder of the motion to refuse the application indicated they would be happy to withdraw that motion and subsequently proposed and seconded that the application be deferred in order to obtain the Environmental Health Officer's view in relation to the impact of the proposal on the residents of the flats above Mill Parade and the additional noise and disturbance that could potentially arise from vehicles coming and going. Upon being taken to the vote, it was

**RESOLVED** That the application be **DEFERRED** in order to obtain the Environmental Health Officer's view in relation to the impact of the proposal on the residents of the flats above Mill Parade and the additional noise and disturbance that could potentially arise from vehicles coming and going.

10.18 The meeting was adjourned at 11:25am for a comfort break.

10.19 The meeting reconvened at 11:35am with the same Membership present except for Councillor E J MacTiernan.

### **20/00016/FUL - 35 Church Road, Bishops Cleeve**

10.20 This application was for the erection of a first floor extension to 35 Church Road to provide three residential apartments.

10.21 The Planning Officer advised that the building was the former bank in Church Road, Bishop's Cleeve located on the corner of Church Road and Church Approach which led to Grade I listed St Michael and All Angels Church. The site was located opposite the Grade II listed Royal Oak Public House and adjacent to the Conservation Area within the designated retail area of Bishop's Cleeve. Planning permission had been granted under application 19/00688/FUL for external alterations to the ground floor to enable retail use. The principle of the sensitive, adaptive use of vacant or redundant buildings was supported by Policy SD10 of the Joint Core Strategy and saved local plan Policy RET3 supported retail uses at ground floor with residential use at upper floor levels. The principle of the

proposed mixed use was supported, subject to other policy considerations such as design and layout, heritage assets, housing mix, residential amenity, access and highway safety. Members were advised that the building was situated in a retail area where buildings varied in age, type and design. The proposed design had incorporated the recommendations of the Council's Conservation Adviser in terms of retaining a focal corner with the set back of the first floor, pitched roof and use of render with cladding and a lower flat roof toward the side. This approach complemented the design and materials of the existing building and the proposal was considered appropriate to the character of the area with the materials controlled by condition. The Conservation Adviser considered that the proposal would generate a less than substantial harm to heritage assets and their setting and the public benefit of increased provision of commercial premises, low cost residential accommodation and securing the future of a vacant building outweighed any harm. It was noted that there was an identified need for one and two bedroom accommodation and this proposal would provide low cost accommodation that met required space standards in a sustainable location. Objections had been received from residents and the Parish Council regarding impact on the amenity of the properties on Church Approach; however, confirmation was provided that, whilst their front amenity space would be overlooked, that space was already overlooked by the first floor of adjacent properties and, as there was no direct overlooking of windows, the impact was not considered to be substantially harmful. The Planning Officer went on to explain that the proposed development had an existing access onto Church Approach and no on-site parking had been provided as part of the proposal; however, the site was in a sustainable location served by public transport, parking was available within walking distance and on-site cycle storage would also be provided. Therefore, it was considered that the proposal could be accommodated without compromising highway safety and the Officer recommendation was to permit the application, subject to conditions.

- 10.22 The Chair invited the applicant's agent to address the Committee. The applicant's agent explained that, as set out in the Officer report, the proposal was simply for a first floor extension above the existing retail unit to provide three one-bedroom apartments. The existing ground floor unit would remain both in terms of use and appearance and there were many examples of upper floor residential apartments above retail units along Church Road so this would be no different. The site was in a highly sustainable location with immediate access to a full range of public services, facilities and amenities and was within the defined service centre of Bishop's Cleeve which had a big role to play in delivering housing over the plan period. The opportunity to maximise the use of this location was nothing but positive, as was the provision of low cost one bedroom accommodation for which there was a significant identified need within the Council's housing market needs assessment. The applicant had worked closely with the Council's Planning and Conservation Officers through the process and had listened to the feedback from the Parish Council; as a result, the scheme had been reduced from four to three apartments and, in doing so, ensured that it met with the nationally prescribed space standards for such development. The Conservation Officer's requirements had also been met by incorporating a more traditional pitched roof design and by setting the first floor in from the ground floor to retain the architectural integrity of the original ground floor building. Both the Planning Officer and Conservation Officer had now confirmed they were satisfied with the revised proposals and that the development complied fully with the design, amenity and space standard aspirations of the development plan. Given the accessible location of the site, and the one bedroom nature of the accommodation, the applicant's agent explained that there was every likelihood that future occupiers would not be reliant on the private car to undertake their primary movements – there were two supermarkets, a retail parade, major employers, community centres, a library, a Church, two Public Houses and public transport within 100 metres of the site so he could not think of a genuinely more sustainable location. In the event that occupiers did



have cars, there were places to park them within a convenient walking distance; double yellow lines were in place along Church Road and surrounding streets which adequately policed indiscriminate parking. By working with Officers throughout the process, the applicant's agent felt that a scheme had been secured which addressed all points raised as well as the comments made by the Parish Council. The opportunity to meet housing need across the borough with low-cost accommodation, in such a highly sustainable location, was something that should weigh heavily in favour of permission and he hoped Members would be able to support the application.

10.23 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 refused due to the absence of on-site parking which would result in displacement that would have an adverse impact on the surrounding residential areas in terms of the amount of people parking on those streets, and on the basis that the benefits of the proposal as a whole would not outweigh the harm to the Grade I listed building. The proposer of the motion indicated that he was particularly concerned with regard to the lack of on-site parking, especially as planning permission had already been granted for three commercial units beneath these apartments, and proximity to the Grade I listed Church. The seconder of the motion felt it was unrealistic to expect that people who occupied these apartments would not have cars and he pointed out the lack of on-street and overnight parking in the surrounding area. The Technical Planning Manager advised that, given the location of the site in the service centre of Bishop's Cleeve, with its range of facilities and good transport links, it would be difficult to justify a refusal based on the lack of on-site parking – a number of alternative modes of transport could be used by future occupiers. The County Highways representative confirmed that this was a location which could support car free development. The main question to consider was, if no parking was provided on-site and cars were displaced, where would they go – in this instance there were appropriate parking restrictions in the area to protect existing residents and sufficient capacity in accordance with the National Planning Policy Framework.

10.24 A Member shared the concerns regarding parking and pointed out that three apartments could potentially result in six additional vehicles. Furthermore, only one of the three apartments had a balcony meaning that two had no access to any private open space; if the Council was looking to provide quality places to live she felt it was important to consider the health and wellbeing of residents, particularly given the current situation with COVID-19 and the restrictions in place. She was not happy with the proposal and would be supporting the motion to refuse the application. Another Member indicated that, whilst he liked the design of the proposal, he had concerns about the size of the apartments and felt it was difficult to make a proper assessment without any dimensions. He noted that the proposal included cycle storage and queried whether this would be specifically for residents, or whether it could potentially be used by people working in the area, and questioned how secure that storage would be. In response, the Planning Officer reiterated that reducing the number of apartments from four to three meant that the proposal complied with national space standards. The Technical Planning Manager provided assurance that this had been carefully considered as a policy was included within the emerging Tewkesbury Borough Plan to ensure that all developments met the national standards and the design of the apartments had been amended accordingly, as such, it would be difficult to substantiate a refusal reason on the basis of size. In terms of the comments made by the previous Members regarding access to outdoor space, whilst he understood the point being made, it was not possible to introduce a moratorium on flats and there was open space in the area that residents could take advantage of.

10.25 A Member sought clarification regarding the Council's current policies in relation to parking as he shared the views that had already been expressed and felt that, if no

on-site provision was made, the occupants of the apartments would be taking up parking spaces for the post office and other local shops. Another Member indicated there was quite a disparity between theory and reality, the theory being that it was acceptable to provide flats with no parking when the location was sustainable and public transport was available, but the reality was that people decided for themselves whether they wished to own, or use, a private motor vehicle and therefore needed a parking space. Parking was already difficult in the central area of Bishop's Cleeve and there was a problem with displacement; reference had been made to parking being available within walking distance of the site, and there was certainly some on-street parking on residential roads but this was already used by others. As far as he could see, permitting this application in its current form would only add to the burden and cause harm to Bishop's Cleeve. In his view, the authority should be providing accommodation which had the facilities that people needed so that no harm was caused to others and he would be supporting the motion to refuse the application. Another Member completely agreed with the points made about parking and pointed out that Bishop's Cleeve was still without main cycle routes so the bicycle storage included within the proposal was little consolation. The seconder of the motion indicated that there were flats above shops on Mill Parade but they all had car parking spaces at the rear. The Technical Planning Manager explained that the Council had no adopted policies specifically requiring a certain amount of car parking; however, Policy TRAC9 within the emerging Tewkesbury Borough Plan set out that proposals for new development generating a demand for parking provision should be accompanied by appropriate evidence in terms of car parking provision and whether that was sufficient. The issues that should be considered when assessing the appropriate level were: accessibility of the development; type, mix and use of development; availability of, and opportunity for, public transport; local car ownership levels; the overall need to reduce high emission vehicles; and a comparison of the forecasted trip generation and resultant accumulation within the proposed parking provision. Officers had tried to be consistent with this policy context in their assessment of this application and, whilst he understood the comments that had been made by Members in terms of taking a pragmatic, common-sense approach, he also felt that households with two vehicles were unlikely to be attracted to the type of property being proposed. The County Highways representative reiterated that there were no local parking standards to support a refusal and current evidence based on the level of parking in the area was that there would be no adverse impact in terms of safety or capacity. A Member questioned whether moderate weight could be given to Policy TRAC9, given that it was included in the emerging Tewkesbury Borough Plan, and the Technical Planning Manager confirmed that Members could give it weight but he was not convinced that policy would direct them to a refusal in this instance on the basis of the matters that should be taken into account. Notwithstanding this, it was a matter of judgement and Members may feel there was local evidence which suggested that the proposal would be harmful and unacceptable; however, he would exercise caution given the policy context and the expert advice that had been received.

- 10.26 The proposer of the motion to refuse the application noted that one of the issues that should be considered when assessing the appropriate level of parking as part of Policy TRAC9 was the need to reduce high emission vehicles and he pointed out that even electric vehicles still needed places to park. He felt that the main issue was one of displacement and the impact on the surrounding area and neighbours as opposed to one of safety, as referenced by the County Highways representative. In response, the Technical Planning Manager advised that the issues around displacement and the impact on surrounding areas in the local community had been discussed by Officers. Another Member expressed the view that the applicant should be asked to think about how parking could be provided to meet the needs of the occupiers of the proposed development and pointed out that

the seconder of the motion had referenced similar developments in Bishop's Cleeve where parking provision had been secured and was effective. A Member noted that the Officer report mentioned Policy RES13 of the emerging Tewkesbury Borough Plan but Policy TRAC9 was not discussed. The Tewkesbury Borough Plan Working Group had had many discussions about the issue of parking provision and Policy TRAC9 set out what should be considered when applications such as this were submitted so she would be uncomfortable permitting an application without adequate parking provision. She indicated that the centre of Bishop's Cleeve was already extremely busy, mentioning the school, post office and supermarket specifically, so any further on-street parking would only add to the problems experienced.

10.27 With respect to the earlier comments made by the proposer of the motion regarding the impact on the historical Church, the Technical Planning Manager stated that the Council's Conservation Adviser - who had been involved in the design of the scheme before Members - was of the view that the impact would be acceptable as although there would be harm it would be less than substantial and outweighed by the benefits. It was a matter for Members as to whether the benefits of the proposal outweighed the harm to the listed building. The proposer of the motion explained that it was difficult to see from the photographs how close the development was to the entrance of the churchyard. Although there were houses on the other side, they were set back from the driveway whereas this development would look directly over the driveway and into the churchyard which he did not think was appropriate.

10.28 Upon being put to the vote, it was

**RESOLVED** That the application be **REFUSED** due to the absence of on-site parking which would result in displacement that would have an adverse impact on the surrounding residential areas in terms of the amount of people parking on those streets, and on the basis that the benefits of the proposal as a whole would not outweigh the harm to the Grade I listed building.

#### **19/00465/FUL - Charlton, Main Road, Minsterworth**

10.29 This application was for the change of use of a 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.

10.30 The Planning Officer advised that the site was situated in the service village of Minsterworth at the end of a linear form of development with an existing access onto the A48. The proposal was for the change of use of the property known as Charlton, a semi-detached dwelling, and the adjacent new detached dwelling to a care home for children. Extension and alterations to Charlton were proposed in the form of a single storey rear extension, a small front dormer and a larger rear dormer extension to accommodate a loft conversion. The development would provide accommodation for children under the age of 16 to be run by an established organisation which provided supported accommodation for young people. The people in the properties would not be living together as a single household as the children would be looked after by staff on a rota basis; there would be a maximum of two children and two members of staff per dwelling with a changeover of staff between 1430 hours and 1530 hours; and children would attend schools and clubs in a similar way to a household. The application had been called-in for a Committee decision by the local Ward Councillor and objections had been received from the Parish Council and neighbouring residents in terms of design, the proposal not being in keeping with the surrounding area, noise, nuisance, fire risk, anti-social behaviour, impact on neighbouring amenity, parking, access onto the A48 and

drainage. Given the extensions and alterations that could be made to a residential dwelling under permitted development rights, the Planning Officer explained that the proposed extensions and alterations to Charlton were not considered to be disproportionate additions. There was no uniformity in the character of the streetscene and the front dormer was small in scale and was not considered to harm the visual qualities of the area. In terms of fire risk, it was noted that the proposal would be required to conform with building regulations and would be assessed as part of that process. Due to the separation distance between properties, there was no impact in terms of overlooking from the front dormer of the extension, there was already overlooking of the adjacent properties from the first floor windows of Charlton and views from the box dormer would be directed toward the rear of the site. Therefore, it was considered there would be less than substantial harm in terms of overlooking. With regard to children, they would be supervised by staff on a one-to-one ratio. The level of accommodation was not dissimilar to residential use and the Council's Environmental Health Officer had no objection in terms of noise. Whilst there would be peaks in movements in the early afternoon due to the changeover in staff shifts and occasional visits from social workers, this would be no more harmful to neighbouring residents than that of normal C3 use. Members were informed that the proposal used the existing access to the A48 and there was sufficient parking, turning and manoeuvring on site. County Highways had no objection to the application but recommended conditions regarding access, parking and the submission of construction management plans. Further details were required in terms of foul drainage arrangements – a private treatment plant had been installed for the new dwelling as part of the original application, not a septic tank, and details of the capacity of this system and the secondary treatment were now required. The system was subject to building regulation approval; however, as Building Control Officers had been unable to visit the site in the current circumstances, a condition was recommended for details of the foul drainage arrangements to be submitted and agreed prior to commencement of the proposed use.

- 10.31 The Chair invited the representative from Minsterworth Parish Council to address the Committee. The Parish Council representative explained that he intended to focus specifically on drainage, although the Parish Council supported the comments that had been made by others in relation to the inadequate parking and the unsuitability of a semi-detached house as a care home. Soakaway systems had long been a problem for the heavy clay soils of Minsterworth and, because of the specific drainage history of the houses adjacent to the Charlton site, the Parish Council was very concerned about the efficacy of the current proposed drainage system and had objected on that basis, contrary to the Officer report. The Parish Council representative went on to explain that Charlton and its semi-detached house, Horaldene, had originally been built in the 1930s with a septic tank half in Horaldene and half in Charlton and the soakaway for dispersal in Horaldene; Charlton had never had its own soakaway and consequently it was not known how well it would work. In the early 1990s it was clear that the soakaway systems for Horaldene and many other houses along the road were not functioning adequately, leading to areas of boggy and unfarmable land in the adjacent fields. As a consequence, a new piped system was installed that would take any excess effluent from all homes across the field and discharge to a hedgerow on adjacent farmland – this was paid for by the individual houses. The Parish Council representative indicated that he had seen the discharge from the pipe and it was definitely not clean water and was certainly not running into a continuously flowing stream. The building of the new house had started around 2016 but it was not until 10 months ago in August 2019 that its drainage was connected to the soakaway of Charlton, at which point the connection to Horaldene was disconnected. Hence the current effluent from Charlton and the new house was to be discharged by a soakaway – which did not work in Minsterworth – and any excess would not be connected to the pipework, an important fact that had been omitted from Paragraph 7.23 of the

Officer report. Furthermore, the Parish Council understood from Building Control that the new drainage system was yet to be checked and signed-off. The Parish Council very strongly recommended that, as with all other new developments in Minsterworth, there should be a revised drainage report for the premises, carried out by an independent company, and that should be completed before planning permission was granted.

- 10.32 The Chair invited a local resident speaking against the application to address the Committee. The local resident wished to highlight a few key areas of concern regarding the application, starting with highways and road safety given that the A48 was a fast-moving road with an accident record that sadly included several fatalities and serious injury collisions. He noted that County Highways had raised no objection to the proposal; however, there was an issue that had potentially not been considered that had been highlighted by the Parish Council around parking constraints on the site given that staff, visiting social workers, health professionals, service user visitors and delivery vehicles would all have to use the very small parking facilities or the roadside verge. He asked Members to consider the gated access to the agricultural field adjacent the site which was crucial at times of flooding – quite frequent in Minsterworth. This land needed to be available for animal safety at those times and any obstruction would mean pulling up a vehicle and animal trailer in order to attract the owners of any obstructing vehicle on a very busy A road with limited street lighting. A tractor and trailer would take up half the width of the highway meaning passing vehicles would be in conflict with oncoming traffic on the opposite side; in his view, this was unacceptable on the A48 or any A road. Turning to drainage and the issues the change of use would cause in terms of capacity, he noted that the Council's Flood Risk Management Engineer had not commented on the application which was surprising based on the recent changes to legislation and the fact there was no mains sewerage network in Minsterworth. The whole area was subject to the use of septic tanks and he believed the issues of the previous application remained unresolved despite still being in the reserved matters. With many past applications in Minsterworth, those applying for planning permission had to go to considerable lengths and expense in order to comply to stringent treatment of effluent and risks of discharge into local watercourses and ditches. He had considerable concerns regarding the application and respectfully requested that Members refuse the application until they had been fully addressed.
- 10.33 The Chair invited the local Ward Member to address the Committee. The local Ward Member explained that she was speaking in opposition to the application in her capacity as a Ward Councillor and someone with good working knowledge of Minsterworth. Minsterworth was a small village but was not opposed to residential homes of which there were already several for people with learning disabilities, challenging behaviours and mental health issues – she was not opposed to a children's home but not on this site. The two properties were very close together and shared a small parking area just off the main A48. This was a very fast, dangerous road with a history of multiple accidents and was not a suitable forecourt for children with unpredictable behaviour. The area was not adequate to take the amount of staff cars and service vehicles that would be required to run the homes – 23 cars and other vehicles had been recorded locally as having visited the properties in a five week period from the end of April to the end of May which was a significant increase on what would be expected for a residential property, particularly during lockdown. The proposal would turn the semi-detached house, Charlton, into a five bedroom property yet it was suggested only two children should live there so she questioned why it needed to be that size. The property next door had four bedrooms so there would be a total of nine bedrooms which would inevitably put more pressure on the limited parking area. A major concern was noise as loud voices, music and door slamming would all be heard by the neighbouring resident. In her opinion, a semi-detached house did not make an ideal children's home. Traffic turning in and out, parking on the grass verges and

blocking the farm track had already been an issue and it was dangerous for an animal transporter to have to stop on the road, whilst getting a staff member to move their car, before being able to safely drive up the farm track which had happened already. County Highways had recommended that conditions be placed on the access splay and parking but, to her knowledge, they had not yet been completed and needed to be prior to permission being granted. There was local evidence to suggest Christie House was already being used to look after children although this had been denied by the owner when questioned by the Planning Officer. It was believed that Christie House had already been earmarked for a children's home when the original planning permission for a residential property had been submitted, to add to the existing portfolio of 15 houses owned by the applicant. In her opinion, the location was unsuitable for two children's homes and the danger of the A48 would increase the risk of an accident.

- 10.34 The Chair indicated that the Officer recommendation was to permit the application, subject to conditions, and he sought a motion from the floor. A Member indicated that he would like the application to be deferred for a virtual Planning Committee site visit in order to assess the Parish Council concerns regarding drainage and outfalls. The Technical Planning Manager indicated that he was unsure what a virtual site visit would show Members that they could not already see from the photographs that had been submitted and presented. He recognised there were concerns in respect of drainage and suggested that Members may wish to consider a deferral for further information and advice in respect of drainage, including seeking a view from the Council's Flood Risk Management Engineer. The Member explained that he was particularly interested in the pipework across the field which emptied against the hedgerow and he would be satisfied if photographs could be provided in relation to that. He also felt there was insufficient information on traffic movements which he would like to see provided as part of the deferral. The Chair noted that the local Ward Member had made reference to the fact that there were only intended to be two residents but there would be five bedrooms which raised the question of who the additional rooms were for. It was subsequently proposed and seconded that the application be deferred in order to receive further information regarding the drainage proposal, including a view from the Council's Flood Risk Management Engineer and further information in respect of traffic movements as well as clarification as to the number of children and staff who would be resident and their relationship to the bedrooms shown on the plan.
- 10.35 A Member indicated that he would be supporting the motion for a deferral and explained that, as a farmer, he was not permitted to discharge drainage water into a ditch and yet that was what was being proposed here. Furthermore, there had been 25 collisions on the A48 within the past three years with the figures increasing every year so vehicle movements and safety needed to be carefully considered. The seconder of the motion indicated that she would like to see a plan demonstrating the position of the property as it was located at the start of quite a sharp bend. She also pointed out that two sites directly opposite had been the subject of permission in principle applications so it was important to consider the wider context. The proposer of the motion confirmed he was happy for the provision of a larger scale site plan to be included in the reasons for deferral and, upon being put to the vote, it was

**RESOLVED**

That the application be **DEFERRED** in order to receive further information regarding the drainage proposal, including a view from the Council's Flood Risk Management Engineer; further information in respect of traffic movements; clarification as to the number of children and staff who would be resident and their relationship to the bedrooms shown on the plan; and a larger scale site plan.

**20/00239/FUL - 1 Juniper Close, Innsworth**

- 10.36 This application was for the erection of a single storey side and rear extension – revised scheme.
- 10.37 The Planning Officer advised that the proposal was for a single storey side and rear extension at 1 Juniper Close, Innsworth. This was a revised application to the 2019 permission with the difference being that the rear extension would now have a lean-to roof as opposed to a flat roof. A Committee determination was required as the Parish Council had objected on the grounds that the extension would be overdevelopment. Whilst these concerns had been noted, it was not considered that the proposal would result in overdevelopment given that the dwelling had not been previously extended and there would be a sufficient amount of garden space left. The Planning Officer confirmed that the floor area of the proposal would be the same as the 2019 permission. Overall, it was considered to be of an acceptable size and design and would be in-keeping with the character of the area, as such, the Officer recommendation was to permit the application.
- 10.38 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 refused on the basis that the proposal would have a harmful impact on the surrounding area and an unacceptable loss of residential amenity to the neighbouring dwellings. The Technical Planning Manager understood the concerns raised but drew attention to the plans at Pages No. 91 and 92 of the Officer report which enabled Members to make a comparison of what had been permitted and what was being proposed. The only difference was the pitched roof along the rear elevation and Members were asked to consider whether that would have a significant harmful impact over and above what had already been permitted. The Chair expressed the view that replacing the flat roof would result in uncomfortable junctions between the apex of the roof and the three windows on the rear elevation and he queried whether Officers were satisfied this would comply with any design principles in the area. In response, the Technical Planning Manager confirmed that, whilst it was slightly awkward, it was not considered to be so unacceptable as to warrant a refusal. A Member raised concern that Members were making a decision based on the design plans alone and he was of the opinion that it would be beneficial to have a virtual Planning Committee site visit to properly assess the impact of the proposal on the surrounding area. He felt it was important to see the site and appreciate the physical context and he welcomed views from others in this regard. The Chair felt that the plans provided within the Officer report were sufficient to understand what was being proposed and the arguments being made by the Technical Planning Manager. Members needed to be able to make a judgement as to whether the proposal was sufficiently different from that which had been permitted to warrant a refusal and, from his point of view, he was unsure that a virtual site visit would assist with that. The proposer and seconder of the motion to refuse indicated the withdrawal of that motion and subsequently proposed and seconded that the application be deferred for a virtual Planning Committee site visit so that Members could see the site in context. Upon being put to the vote, the motion to defer 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.

**20/00172/FUL - The Uplands, Dog Lane, Witcombe**

10.39 This application was for the erection of a conservatory, decking area and installation of solar panels.

10.40 The Planning Officer advised that a Committee determination was required as the Parish Council had objected on grounds of the harm that would be caused to the Green Belt and surrounding Area of Outstanding Natural Beauty. Whilst these concerns had been noted, it was not considered that the proposal would result in any harm to the openness of the Green Belt as the conservatory would be a proportionate addition and of a suitable size and design. Overall, the proposal was considered to be in keeping with the character of the surrounding Area of Outstanding Natural Beauty and Green Belt and there would be no adverse impact on the residential amenity of neighbouring dwellings. As such, the Officer recommendation was to permit the application.

10.41 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 and, upon being put to the vote, it was

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

**PL.11 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

11.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 108-119. Members were asked to consider the current planning and enforcement appeals received and the Ministry of Housing, Communities and Local Government appeal decisions issued.

11.2 A Member indicated that, when refusing applications, there was often much concern and debate among the Committee regarding the risk of costs being awarded against the Council; as such, he was pleased to note there were examples in this report which showed that was not always the case with costs being dismissed even when appeals were allowed.

11.3 It was

**RESOLVED** That the current appeals and appeal decisions update be **NOTED**.

The meeting closed at 1:17 pm



## Appendix 1

**ADDITIONAL REPRESENTATIONS SHEET**

Date: 16 June 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	
15-21	5a	<p><b>20/00318/FUL</b></p> <p><b>1 Starling Walk, Walton Cardiff, Tewkesbury</b></p> <p>It is set out within the Officer report that Wheatpieces Parish Council object to the proposal however this is NOT the case. Those comments of objection were actually submitted by a local resident, not the Parish Council.</p> <p>Therefore, the sole reason for the application being put before the Committee is because the land is owned by Tewkesbury Borough Council.</p>
22-52	5b	<p><b>19/01071/OUT</b></p> <p><b>Land Off Ashmead Drive, Cobblers Close, Gotherington</b></p> <p><b>Further representations –</b></p> <p><b>Two further letters of objection have been received</b> one of which has also been sent direct to the Planning Committee. <b>The letters are attached in full.</b></p> <p><b>Cotswold Conservation Board –</b></p> <p><b>A letter of objection has been received from the Cotswold Conservation Board.</b> A copy of the <b>letter is attached in full.</b></p> <p>The Board considers that the proposal would have a significant adverse visual effect on receptors on the footpath of the upper, western slopes of Nottingham Hill. The Board states that this would constitute a significant adverse impact on the natural beauty of the Cotswold Area of Outstanding Natural Beauty (AONB), in particular, its scenic beauty. The Board considers that there would be a significant adverse visual effect because the mass of development - which is primarily to the south of the proposed open space and to the south of the linear, east-west form of the settlement of Gotherington - would create a very strong impression that the gap between Gotherington and Bishop's Cleeve has been reduced. The development would also significantly erode the linear character and form of the settlement and disproportionately increase its overall mass and size, making it more visually prominent in views from the AONB. The Board also considers that the visual effects for receptors on Cleeve Common would potentially be moderately adverse for the same reasons, albeit with a smaller scale of change due to the greater distance involved.</p> <p>The Board is also concerned that the visual effects on receptors on the footpaths within and around the boundary of the development site have been underestimated. It states that views to the escarpment (including views from outside the AONB) are one of the special qualities of the AONB. The degradation of such views is identified as an issue in the Cotswolds AONB Landscape Strategy</p>

and Guidelines.

**Officer comments:** In terms of potential impacts on the AONB, as set out in the Committee report, this matter was considered at the previous appeal. Whilst the Inspector went on to dismiss the appeal, he concluded that the proposal would inevitably have a visual impact on the local environment but this would not amount to harm to the character and appearance of the area and would not represent environmental harm.

Whilst the Board's comments are noted, in light of the previous appeal decision and the conclusions of the Council's Landscape Consultant, it is not considered that the impacts on the landscape would unacceptably impact upon the Cotswolds AONB and the officer recommendation is unchanged in this respect.

#### Highways

As set out in the Committee report, a planning condition was recommended to secure details of a highway safety improvement scheme on the Gotherington Cross junction. The requirement for this condition was queried by the applicant as a number of safety improvement works to this junction were secured as part of the Malleson Road scheme (Ref: 16/00965/OUT).

Condition 19 of 16/00965/OUT required details of a highway safety improvement scheme on the Gotherington Cross junction to be submitted to and approved in writing by the Local Planning Authority. The condition stipulates that no more than 15 dwellings shall be occupied until the highway safety scheme has been completed in accordance with the approved plan. Details were subsequently submitted to the Council and the condition was discharged; however, the works have yet to be undertaken.

**Following further consultation with the Highways Officer**, given that highway safety works to the Gotherington Cross junction have already been secured, it is advised that the recommended condition is not required.

#### Education and Libraries

Following further consultation with the County Council, it is confirmed that no objections are raised, subject to securing the requested contributions towards education and library provision. Further evidence has also been provided to justify the contributions sought in the context of the CIL Regulations (Regulation 122). Officers are satisfied that the requested contributions are justified and the applicant has indicated that they are willing to pay the requested contributions, which would be secured through a Section 106 Agreement.

#### Recycling

In respect of Section 106 obligations, it is further recommended that a contribution of £73 per dwelling is secured by way of planning obligation to ensure the appropriate level of social infrastructure is provided for in accordance with policies INF6 and INF7 of the JCS.

71-82	5e	<p><b>19/00465/FUL</b></p> <p><b>Charlton, Main Road, Minsterworth</b></p> <p><b>Further information was submitted on 9 June 2020</b> in response to Highway comments requiring a car park management plan. The Highway Authority has been consulted and no additional comments have been received to date on this matter.</p> <p><b>Additional plans were submitted on 11 June 2020</b> to show the on-site drainage arrangements, and a floor and elevations plan of the new dwelling.</p> <p><b>Condition 2 to be amended</b> to include the floor and elevation plan of new dwelling at Charlton, received on 11 June 2020.</p>
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## Agenda Item 5b – 19/01071/OUT - Land Off Ashmead Drive, Cobblers Close, Gotherington

**19/01071/OUT – ERECTION OF 50 DWELLINGS - LAND OFF ASHMEAD DRIVE, COBBLERS CLOSE, GOTHERINGTON, CHELTENHAM, GLOUCESTERSHIRE**

**COTSWOLDS CONSERVATION BOARD COMMENTS, 12 JUNE 2020**

The interest of the Cotswolds Conservation Board ('the Board') in planning application 19/01701/OUT primarily relates to the potential visual impact of the proposed development on views from and to the Cotswolds Area of Outstanding Natural Beauty (AONB), the boundary of which lies approximately 360m to the north and 740m to the east.

### Summary

The Board considers that the proposed development would have a significant adverse visual effect on receptors on the footpath on the upper, western slopes of Nottingham Hill (Viewpoint 8 in the applicant's landscape and visual impact). This would constitute a significant adverse impact on the natural beauty of the Cotswolds AONB, in particular, its scenic beauty. On this basis, the Board objects to the proposed development.

The Board considers that there would be a significant adverse visual effect because the mass of development - which is primarily to the south of the proposed open space and to the south of the linear, east-west form of the settlement of Gotherington - would create a very strong impression that the gap between Gotherington and Bishops Cleeve has been reduced. The development would also significantly erode the linear character and form of the settlement and disproportionately increase its overall mass and size, making it more visually prominent in views from the AONB.

This loss of character and form, as seen from the AONB, would be contrary to the Cotswolds AONB Landscape Strategy and Guidelines. As such, it would also be contrary to the Cotswolds AONB Management Plan 2018-2023 and the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy.

These effects are even more significant when the cumulative impact of the proposed development and the recent Malleson Road development are taken into consideration.

The Board considers that the visual effects for receptors on Cleeve Common would potentially be moderate adverse, for similar reasons to those given in relation to Viewpoint 8, albeit with a smaller scale of change due to the greater distance involved.

The Board is also concerned that the visual effects on receptors on the footpaths within – and around the boundary – of the development site have been underestimated. Views to the escarpment (including views from outside the AONB) are one of the special qualities of the AONB. The degradation of such views is identified as an issue in the Cotswolds AONB Landscape Strategy and Guidelines. The Board recommends that these visual effects should be re-assessed in this context.

With regards to the presumption in favour of sustainable development, the Board considers that the 'tilted balance' should not be applied (i.e. there should not be a presumption in favour of granting planning permission). This is because, based on relevant case law, we consider that paragraph 11d(i) and footnote 6 of the National Planning Policy Framework (NPPF) apply, which provides an exception to the tilted balance.

### AONB context

The statutory purpose of AONB designation is to conserve and enhance the natural beauty of AONBs. Local planning authorities have a statutory duty to have regard to this purpose when making planning decisions that could affect the AONB. Under paragraph 172 of the NPPF, LPAs are also required to give great weight to conserving and enhancing the landscape and scenic beauty of AONBs, which have the highest status of protection in this regard.

The views from and to the Cotswold escarpment (including escarpment outliers) are one of the 'special qualities' of the AONB. In other words, these views:

- one of the aspects of the AONB's natural beauty which make the area distinctive and which are valuable at a national level;
- one of the key attributes on which the priorities for the AONB's conservation, enhancement and management should be based.

The dramatic panoramic views over the Severn Vale from the escarpment are also one of the key features of the Escarpment and Escarpment Outlier landscape character.<sup>1</sup>

As stated in National Planning Practice Guidance, '*land within the setting of [AONBs] often makes an important contribution to maintaining their natural beauty*'.<sup>2</sup> For example, in this instance, the views, both out of and into the AONB, are a key component of the scenic beauty of the Cotswolds AONB. As outlined above, this scenic beauty must be given great weight in planning decisions.

The Cotswolds AONB Landscape Strategy and Guidelines (LSG) identifies a number of potential landscape implications relating to new development on (and in the setting of) the escarpment, or scarp.<sup>3</sup> These include:

- Erosion of the setting of the AONB.
- Degradation of the view from the scarp / outliers across the adjoining vale and from the vale looking at the scarp / outliers.
- Erosion of distinctive form, scale and character of smaller settlements along the base of the Scarp.
- Erosion of organic growth and linear patterns of settlements bordering roads fringing the lower slopes of individual outliers including their relationship to the landscape.
- Interruption, weakening or loss of the historic character of settlements and the historic context in how they have expanded.
- Loss of characteristic small scale settlements due to settlement growth and coalescence.
- Proliferation of housing estate layout.

The guidelines for addressing these implications include:

- Avoid development that will intrude negatively into the landscape and cannot be successfully mitigated.

<sup>1</sup> [https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/08/3\\_TheCotswoldsLandscape\\_1.pdf](https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/08/3_TheCotswoldsLandscape_1.pdf). Landscape Character Type (LCT) 1 (Escarpment Outlier) and LCT 2 (Escarpment).

<sup>2</sup> <https://www.gov.uk/guidance/natural-environment#landscape>. Paragraph 042.

<sup>3</sup> <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/07/lct-2-escarpment-2016.pdf> (Section 2.1 - New Development – Potential Landscape Implications) and <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/07/lct-1-escarpment-outliers-2016.pdf> (Section 1.1 – New Development – Potential Landscape Implications)

- Ensure new development is proportionate and does not overwhelm the existing settlement.
- Conserve linear pattern of settlements fringing the lower slopes of the hills and the rural road network linking them.
- Conserve the distinctive orientation of linear villages along the base of the outliers.
- Avoid cramming development right up to the boundaries resulting in hard suburban style edge to the settlement.

Permitting development that exacerbated the 'potential landscape implications' and that was contrary to the LSG guidelines would also be contrary to the policies of the Cotswolds AONB Management Plan 2018-2023 (particularly policies CE1 and CE10).<sup>4</sup> Permitting development that is not consistent with the policies of the Cotswolds AONB Management Plan would be contrary to the Gloucestershire, Cheltenham and Tewkesbury Joint Core Strategy (Policy SD7).

### **Visual impact (AONB)**

The applicant's Landscape and Visual Impact Assessment (LVIA) identifies four viewpoints within the Cotswolds AONB (viewpoints 5, 7, 8 and 10) and one on the AONB boundary (viewpoint 6). The Board's Planning & Landscape Officer has visited four of these viewpoints (viewpoints 5, 6, 8 and 10).

Although the Board's Planning and Landscape Officer hasn't visited the site itself, we consider the views from the footpaths on the site to be an important consideration, given that the views to the escarpment are one of the special qualities of the AONB and that degradation of views from the vale towards the escarpment is identified as an issue in the Cotswolds AONB Landscape Strategy and Guidelines. The large number of footpaths that cross the site make this issue particularly significant. Great weight should therefore be given to these on-site views.

Given the proposed layout of the development the views from the footpath that runs from the western edge of the site to the north-eastern of the corner of the site merit particular attention, as this is where views towards the escarpment are most likely to be adversely affected. Similarly the views towards Crane Hill and Oxenton Hill from the footpath running along the southern boundary of the site are also an important consideration. Unfortunately these footpaths were not selected as a viewpoint in the LVIA.

#### Viewpoints 5 and 6

Based on the Board's site visits, the Board agrees that the 'magnitude of change' for receptors at viewpoints 5 and 6 would be low or very low. We also agree that the nature of the visual effect would be neutral.

#### Viewpoint 8 (Nottingham Hill)

The LVIA identifies the overall visual effect for receptors at this viewpoint to be moderate adverse. This is the only LVIA viewpoint where the LVIA identifies the overall visual effect as being adverse.

The Board disagrees with this conclusion. It is the Board's opinion that the visual effects on this viewpoint would, in fact, be major adverse.

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<sup>4</sup> <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2018/12/Management-Plan-2018-23.pdf>

Our main point of disagreement with the LVIA is the LVIA's assertion that the magnitude of change would be low. The LVIA asserts that the magnitude of change would be low because the development would not extend the edge of Gotherington southwards but would, instead, fill the indent in the southern settlement edge. This reflects the opinions expressed by the Borough Council's landscape consultant (Toby Jones), who also concludes that the development would not appear as a conspicuous intrusion into the gap between Gotherington and Bishops Cleeve, but as an in-filling of an embayment in the existing settlement

The Board acknowledges that the proposed development would not physically extend Gotherington beyond its current southern limits. We also acknowledge that the open space that would be provided in the development would help to break up the overall mass of development in Gotherington. However, the development would introduce a significant mass of housing between the current 'fingers' of development on the western and eastern boundaries, to the south of the open space.

On a related point, the development would result in the number of dwellings in Gotherington would increase by a significant 10%<sup>5</sup>, with all of this increase being to the south of the main east-west, linear form of the village. This increase is disproportionate to the existing settlement, especially when one considers the prominence of Gotherington in views from the Cotswolds AONB.

This scale of growth would further add to the perception of Gotherington extending south and the gap between Gotherington and Bishops Cleeve being reduced. It would also adversely affect views from the Cotswold escarpment by significantly altering the settlement's linear character and form and by significantly increasing the overall scale and mass of the built environment of Gotherington, making it more prominent in views from the escarpment.

This increase in scale and mass is even more significant when one considers the cumulative impacts of the proposed development together with the recent Malleson Road development.

The development would also significantly erode the distinctive, linear pattern of settlement at Gotherington, as seen from the AONB, which is an important consideration in the Cotswolds AONB Landscape Strategy and Guidelines.

From this elevated viewpoint, any proposed mitigation is unlikely to reduce the visual effects, over time, to any significant degree

Based on the points outlined above, the Board considers that the magnitude of change (to use the LVIA's terminology) would be at least moderate. When this moderate magnitude of change is combined with the very high sensitivity of the visual receptors at this viewpoint, the overall visual effect would be significant. This would mean that the development would also have a significant adverse effect on the Cotswolds AONB, in particular, its scenic beauty / quality.

Given that the development would have significant adverse effects on the AONB, the Board objects to the proposed development.

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<sup>5</sup> According to the information on [www.nomisweb.co.uk](http://www.nomisweb.co.uk) there were 448 dwellings in the 'built environment' of Gotherington at the time of the 2011 census. The Malleson Road development has increased this by 50 dwellings, bringing the total to approximately 500 dwellings. Therefore, a development of a further 50 dwellings would represent a 10% increase in the number of dwellings.

### Viewpoint 10 (Cleeve Common)

The Board acknowledges that the scale of visual change is likely to be less significant for visual receptors on Cleeve Common than for visual receptors on Nottingham Hill, particularly given the distance separating the development site and Cleeve Common.

However, many of the points made in relation to Viewpoint 8 are still valid for Viewpoint 10, albeit at a smaller scale. For example, the development would still create the impression that the gap between Gotherington and Bishops Cleeve has been reduced and Gotherington itself would be more prominent in views from the escarpment.

In addition, one of the factors that contributes to the size of scale of visual effects is '*the nature of the view of the proposed development, in terms of the relative amount of time over which it will be experienced and whether views will be full, partial or glimpses*'. On Cleeve Common there are multiple footpaths, including the Cotswold Way National Trail and Winchcombe Way, on which the proposed development site can be seen for long periods of time by walkers using the footpaths. The whole of Cleeve Common is access land, where a wide range of recreational users can also see the proposed development site for long periods of time.

With these points in mind, the Board considers that the visual 'magnitude' would be more than 'very low' (as proposed in the LVIA) and the overall visual effect would at least be adverse rather than neutral. A low adverse magnitude combined with a very high 'sensitivity', would result in an overall moderate adverse visual effect.

### **Presumption in Favour of Sustainable Development**

The applicant's Planning Statement asserts that the Borough Council cannot demonstrate a five year supply of housing and that there should therefore be a presumption in favour of granting planning permission (known as the 'tilted balance'), in line with footnote 7 of the National Planning Policy Framework (NPPF).

However, as outlined in paragraph 11d(i) and footnote 6 of the, this presumption does not apply if '*the application of policies in [the NPPF] that protect areas or assets of particular importance provides a clear reason for refusing the development proposed*', including the policies relating to AONBs.

There has been some debate in planning case law as to whether the exception outlined in paragraph 11d(i) and footnote 6 just relates to major development in AONBs (i.e. the second part of paragraph 172 of the NPPF) or whether it applies to all parts of paragraph 172.

Monkhill Ltd v Secretary of State for Housing, Communities And Local Government [2019] EWHC 1993 (Admin) (24 July 2019),<sup>6</sup> clarifies that the exception outlined in paragraph 11d(i) and footnote 6 of the NPPF applies to all parts of paragraph 172 of the NPPF, not just to the second part relating to major development. For example, paragraph 60 of this case law states that:

- '*As a matter of law, none of them [i.e. the first parts of paragraphs 172 and 173 and paragraph 196 of the NPPF] lacks any element necessary to found a freestanding reason for refusal of permission, or to engage paragraph 11(d)(i) of the NPPF.*'

Paragraph 172 of the NPPF applies in relation to the proposed development at Gotherington (i.e. great weight has to be given to conserving and enhancing the natural beauty of the

<sup>6</sup> <https://www.bailii.org/ew/cases/EWHC/Admin/2019/1993.html>



AONB, which has the highest status of protection in this regard). As such, the Board would argue that paragraph 11d(i) and footnote 6 of the NPPF also apply and that the presumption in favour of granting planning permission (i.e. the tilted balance) should not apply.

The fact that the proposed development at Gotherington has been identified, in the LVIA, as having an adverse visual effect on receptors in the Cotswolds AONB (Viewpoint 8) – and that the Board considers this adverse effect to be significant – adds further weight to this argument.

1. VIEW OF GOTHERINGTON FROM FOOTPATH ON NOTTINGHAM HILL IN THE COTSWOLDS AREA OF OUTSTANDING NATURAL BEAUTY (@ GR: S097852872) @ 1.7KM EAST-SOUTH-EAST OF THE PROPOSED DEVELOPMENT (50MM FOCAL LENGTH, SINGLE PHOTOGRAPH) – DEVELOPMENT BOUNDARY SHOWN AS A RED LINE



2. VIEW FROM THE HIGHEST POINT ON CLEEVE HILL / COMMON ON THE COTSWOLD WAY NATIONAL TRAIL (@ GR: S098562639) @ 3.7KM SOUTH EAST OF THE PROPOSED DEVELOPMENT (50MM FOCAL LENGTH, SINGLE PHOTOGRAPH) – DEVELOPMENT BOUNDARY SHOWN AS A RED LINE



11 June 2020

Dear Sirs

**Planning Application 19/01071/OUT: Parcel 1441 Cobblers Close Gotherington****Representations based on the review of the case officer's report for the planning committee meeting 16 June 20**

The village is disappointed to find itself in this situation, contesting again an almost identical application on this parcel of land, (known locally as "The Meadow" that was rejected by both TBC and the appeal inspector in 2018 (16/00901/OUT)).

The village has worked hard in delivering an adopted Neighbourhood Development Plan (GNDP) which allocated sites, a number of which have already been delivered. It embraced the concept of Localism, which promised to give such villages the power to control future developments and determine the most appropriate sites based on consultation with the residents, within the guidelines of the wider planning framework.

There is a sense of being let down by fundamental flaws in the planning system; which deems that our GNDP holds little weight, as it is now just over 2 years old; that developers can take advantage of TBC's perceived lack of a 5-year housing supply; that it has taken such a prolonged time for the JCS and TBC Local Plan to be produced.

We will potentially be penalised due to TBC's failure to deliver on their plan. Even if the 5-year housing supply is falling short, consideration should be given to the wider context, given the recent uncertainty surrounding Brexit, COVID 19 and the economy in general. Developers do not appear to be bringing forward sites allocated in the Local Plan and delays at Ashchurch have had a detrimental effect on the ability to deliver supply and it is allowing speculative applications such as this one.

Under the JCS and Tewkesbury Borough Local Plan (draft), Gotherington is identified as a Service Village and as such is expected to accommodate a proportion of the dwellings allocated to the Service Villages.

While Gotherington has not been allocated an exact number of new dwellings that it is expected to accommodate over the 20 years of the current Local Plan, since 2011 there has already been 26 new dwellings built, 50 currently under construction, at The Grange, and a further 19 approved with an application for 2 dwellings under consideration (taking into account those already built and those with current planning permission and allocated sites in the GNDP). This is an increase of 97, which represents a 23% increase in the size of the village, from 2011.

The 13 service villages were initially allocated 880 houses in the JCS, as of April 2019 793 dwellings had already been granted permission. On reviewing the JCS the inspector stated that any shortfall in houses should not be absorbed by the service villages.

Since being designated as a service village, there have been a number of changes in circumstances:

- The village shop (prior to COVID 19) had limited its opening hours to 9.15 to 4.30, was offering a more limited range of products and no longer delivers newspapers. Any residents working office hours, would not be able to access the shop.
- The village does not have a Church, as mentioned by the planning officer in his report.
- The Village pub has had a very chequered history with historic prolonged periods of closure.
- The petrol station is difficult to access, as there is no footpath to the A435.
- The Village school is at full capacity and unable to expand.
- Changes to the public bus service has resulted in a limited service.

There have been no significant changes in Gotherington housing needs. The December 2019 Housing Needs (HN) survey conducted by GRCC, identified the need for 6 affordable houses in Gotherington, this will be met by the 10 affordable housing units on The Grange. TBC previously recognised that Gotherington is not the most suitable location for affordable housing, as Charles Church “bought out” their obligation on The Grange, resulting in only 10 affordable houses on a development of 50 dwellings. The HN survey identified the need for properties to allow elderly residents to downsize, as the village has an elderly demographic.

Prior to this application Barton Willmore did not consult with the village and have not recognised the requirement for Bungalows, which would allow residents to downsize but remain in the village.

#### ***Comments on the Planning Officer’s report to the Planning Committee***

***In points 7.1 to 7.3***, he acknowledges this site is not an allocated site in either Tewkesbury Borough’s Local Plan or the GNDP. Para 11 of the NPPF is cited as the overriding principle that permission should be granted, as TBC cannot demonstrate a 5-year housing supply. Gotherington is not covered by Para 14 of the framework, as its NDP is more than 2 years old, despite our GNDP clearly allocating sites and having delivered on these. Disregarding the GNDP goes against TBC’s message of engaging Parish Councils and residents and will not encourage other villages to engage in the lengthy, costly and time consuming NDP process.

***Point 11 ii***, is reason alone to reject the application as the “adverse impacts of the development would significantly and demonstrably outweigh the benefits”, especially in the context of Sustainable Development.

The appeal inspector noted that the cumulative effect of permitted dwellings, together with another 50 in this application would increase the size of the village by 31% (now actually 35%) and this level of development would be hard to assimilate and the current facilities would not cope and are not capable of expansion. Hence this application would “harm the vitality and social well-being of Gotherington”

We still concur with this statement.

**The applicant states in Point 0.4 of their planning submission that they have made significant changes since the last application.**

**Point 0.4 i, states these include:** “A MUGA, children’s play space and a multi-purpose community area. Delivery of these facilities will help facilitate cohesion between the proposed development and the existing community”

**Points in 0.4 ii – v** of their planning application refer to changes in:

- Housing Land supply shortfall
- Weight to be attributed to the GNDP
- Timing of other developments in the village
- The CIL

These last 4 points do not represent changes to the application, only to the wider framework.

As an outline application, made by a land agent, it is probable that the additional facilities mentioned would not be delivered in the final scheme. The location of the MUGA has been questioned by the Council's Environmental Health consultant on the grounds of noise pollution.

**Therefore, there are no fundamental changes in the scheme or guaranteed additional benefits to the community since the previous application was refused.**

**Point 7.11** – The case officer acknowledges that the delivery of this site would “represent a considerable amount of growth in the village & this would inevitably have implications for the character of the settlement”.

Para 3.21 of TBC Local plan says the “levels of housing identified for each settlement should be balanced alongside the size, function and accessibility of the settlement, whilst avoiding adverse environmental and social impacts”.

Para 3.29 of TBC Local plan states “careful consideration should be given to the cumulative effects of development over the plan period to avoid levels of development that are disproportionate to the scale and function and accessibility of the settlement”.

Given the existing 97 permissions granted in Gotherington, a further 50 houses would breach these sections of the TBC's Local Plan.

**Point 7.12** – the case officer notes the high number of objections, 159. Many of these refer to the fact the GNDP would be overridden with this development (**Point 7.14**)

#### **Gotherington Neighbourhood Development Plan (GNDP)**

Gotherington has an adopted and robust Neighbourhood Development Plan (GNDP), made in 2017. It identifies three sites in addition to those already built since the start of the plan period. Since the last planning application on “The Meadow” construction has commenced on GNDP 02/02 for the construction of 50 dwellings, planning for 10 dwellings has been approved for site GNDP 02/03 and an application has been approved for 9 houses on site GNDP 02/01 (only 6 properties allocated in the GNDP). There have also been several applications for infill developments.

The “The Meadow” is not an allocated site in the GNDP and was identified by the villager's as important in terms of recreation and access to the countryside, as it is widely used for walking.

It is felt the scale and pace of development in the village is not in line with the GNDP, as all the sites identified and required to provide sufficient housing to 2031 have already been granted permission.

Should Gotherington be required to provide additional housing prior to the end of the plan in 2031, the **GNDP made provision for this under GNDP 02**. This application fails to meet these criteria:

- It does not maintain the villages East – West linear form
- Does not maintain the separation between Gotherington and Bishops Cleeve, as it significantly reduces the green space and visual impact between the settlements.

It also contradicts several points under Para 3.13 “Preservation of the Environment” in GNDP:

- The proposed development does not preserve the aspect of rural character by maintaining the open spaces in Gotherington
- Views out of the village to the surroundings hills and the views to the escarpment are not being protected.
- It does not continue to show the close relationship between the village and the open countryside
- It does not preserve and maintain all the footpaths within the village.

**Under GNDP 3** – Housing outside the defined development boundary is only permitted in exceptional circumstances and none of these criteria are met by this application.

**7.15 -7.26 of the Planning Officers Report - Landscape impact** –The visual impact from the village development boundary towards the south would be significantly impacted if this development were permitted. Crucially it would lead towards coalescence with Bishops Cleeve, especially as the development of Homelands Farm is not yet complete. It would detract from the village feel, there are houses in the Village nearer Bishops Cleeve, but these are along the roads and do not encroach on this view and sense of separation.



*View of Crane Hill from the site*

**Point 7.27 Design and layout** –the indicative design and layout does not respect the character of the site, nor enhances the local environment. While the site does have good connectivity to the rest of the village, it is essentially a housing estate in a rural environment. The planning officer notes in **point 7.30** that the development would provide a substantial new Green infrastructure. We would argue that there would be loss of amenity, as this is currently an open green space, that connects the village to the countryside. If development were permitted the remaining green space would be hemmed in and would lose the rural connectivity.

**On the basis that the application on the Meadow contradicts the criteria for future development within the GNDP, it should be refused.**

### ***Sustainable Development***

**In Point 7.14 the planning officer** states that the planning balance should be considered in favour of the presumption of sustainable development. The development does not meet the criteria of sustainable development on social or environmental grounds, as required in the (NPPF) and Tewkesbury Borough Local Plan (draft):

The proposal will result in an urban style estate that will not integrate with the village, the style of properties would not be consistent with the existing houses in the village. The site of the development will represent a significant departure from the primarily linear structure, along the arterial roads of the village, with cul-de-sacs off the main roads.

The development does not respect the existing form and character of the adjacent area and street scene. It would present a significant increase in density and extends into a Special Landscape Area. It would extend the built area of the village and encroach on the open green space that separates Bishops Cleeve and Gotherington.

The site is currently prime agricultural land and has several public rights of way that are extensively used by village residents and ramblers wishing to enjoy local views. It gives access to this open green space which is the essence of residing in a village and is appreciated by residents. The Meadow should be protected from development as it would deprive a substantial number of residents the access to, and views across, open green space and to the surrounding hills.



*Views to Nottingham Hill from the site*

Views from The Meadow have already been eroded by the encroaching development at Homelands Farm, the houses from this development can already be clearly seen from the site. As the development on Homeland Farm progresses these views will be further compromised.



*Views to Bishops Cleeve from the Southern Boundary of the site*

If building were to be permitted on The Meadow, there would only be one field without a planning application between Gotherington and Bishops Cleeve. This field is also under the same ownership as the Meadow. The village feel of Gotherington would be lost on this Southern Boundary.

NPPF states “the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes”. This development would have a serious impact on the residential amenity to residents and would not enhance or protect the natural environment.



Contrary to para 98 of the NPPF, public rights of way are not being protected or enhanced. Those that are maintained would lose their character as they would be within an urban setting, losing the rural attraction that makes these rights of way so well used.

**Transport:** NPPF para 103 states “decisions should ensure that significant developments are located where the need to travel will be minimised”

**The applicants Travel Plan prepared by Jubb is inaccurate and misleading.**

We have a limited bus service, the frequency of which continues to decline, making it difficult to use public transport for daily commutes. While their Travel Plan encourages cycling and walking, the lack of a cycle or footpath out of the village makes leaving the village dangerous other than by car. This is highlighted by the fact that village children are entitled to free bus passes if they attend Bishops Cleeve Secondary School, despite the village being within the boundary for not receiving free school transport, as it is acknowledged there is no safe way for these children to reach the school, via bicycle or on foot.



*Gotherington Lane illustrating the lack of footpaths and narrowness of the road.*

Access to the development is via Ashmead Drive, which is a quiet residential cul-de-sac, joining Malleson Road near to a bend in the road, resulting in poor visibility.



*Ashmead Drive*

**As noted by the planning officer in Point 7.58**, access from the village onto the A435 is via a dangerous crossroads, where there have been several fatal accidents in recent years. Exiting the village at rush hour is increasingly difficult. Safety at this junction will be further compromised in the future when Ashchurch is developed, increasing the volume of traffic on the A435.

Despite a funding contribution to this junction being a condition of The Grange development, a viable scheme has yet to be implemented, as many hundreds of thousands of pounds are required to provide a roundabout or traffic lights, which are the only long-term sustainable solution for the junction, for which no funding is available.

We would dispute the estimated impact on peak-hour movements cited by the Planning Officer in **Point 7.58**, given the inadequate public transport and lack of local employment.

#### **Schooling**

Families relocating to the village experience long waits for their children to enter Gotherington Primary School, which is at full capacity. This development of an additional 50 houses, over and above the 50 being built at the Grange would doubtless result in an influx of families, whose children would not be able to attend Gotherington Primary School and would be forced to commute to access education services.

**Point 7.67 of the planning officers report** - GCC has objected to this application based on lack of primary education availability, as Gotherington PS is on a small site and could not accommodate further children. This further reduces the sustainability of this development.

#### **Infrastructure**

The infrastructure in Gotherington and Bishops Cleeve is already struggling to cope with the current population.

There are inadequate formal playing fields within the village, several village football teams cannot use Freemans Field as their pitch, as there is not enough capacity. The village hall and the Old Chapel community buildings are not of an adequate size to host large events or hold a village meeting. These issues would be accentuated by further residents.

As a village we are struggling to solve these problems, as there is no suitable land within the village to locate additional football pitches or a new village hall with adequate parking.

Accessing higher level services at Bishops Cleeve is already difficult, whether its problems booking doctors' appointments, or to find a parking space when shopping at Tesco's or Lidl's. Further major development in Gotherington will make accessing these services even more difficult and will force Gotherington residents to travel further afield, which is not sustainable.

There is no certainty that the play and recreational facilities outlined in this application would be delivered as part of a final detailed planning application.

### **Flooding**

Gotherington has an ongoing problem with surface water drainage, the drainage system was not designed for a settlement of this size. When there is prolonged heavy rain the drains are not able to cope and frequently along Malleston and Gretton Roads, the water flows out of the drains along the street, flooding them and making the use of the pavements dangerous. Gotherington Lane, just beyond the village boundary, flooded earlier this year. Further development in the village will again only accentuate these problems.

### **Social Cohesion**

There would be significant problems of absorbing another large development into the village community. While there is good connectivity from the site to the rest of the village, there would be a number of problems of integrating these residents into the community.

Firstly primary school children would not be able to attend the village school, secondly there is already pressure on the groups that run in the village in terms of being able to accommodate new members, such as Brownies, Scouts and Football clubs, due to the limited size of the facilities.

Adults would have to commute by car to work. As an enclosed area, there would be the risk that residents may not socialise outside the estate and not integrate into the village.

### **Residential amenity**

**Point 7.33 of the Planning Officers Report** – his report offers little insight as to whether the development protects and seeks to improve environmental quality or whether it causes unacceptable harm to local amenity including the amenity of neighbouring occupants.

**In Conclusion:** The proposed development seeks to undermine the GNDP and contradicts the principals of "Localism". The scale of the proposed development is not in keeping with the character of the village and would result in an urban landscape within a rural environment. With the existing sites that have already had permission granted, the cumulative effect of an additional 50 dwellings in this application would be disproportionate to the size of the village. It would compromise the existing

infrastructure and be difficult for new residents to integrate into village life, effecting social cohesion. Most importantly it is not a sustainable development, as residents would need to seek primary education outside the village, travel for employment and inadequate transport links mean these journeys will have to be made by car.

**Subject: Planning Application to be heard on 16th June - 19/01071/OUT - Land Off Ashmead Drive Cobblers Close Gotherington**

**CAUTION: EXTERNAL EMAIL**

Dear Councillor's,

I am writing to you in your capacity as members of Tewkesbury Borough Council, Planning Committee.

My specific concern is with the application set out in '19/01071/OUT - Land Off Ashmead Drive Cobblers Close Gotherington Cheltenham' which is due to be heard next week.

**Object**

I appreciate you might need a bit more than my objection to reject an application; so here are a few reasons of common sense and planning law.

**Firstly let's start with, what will be lost ?**

The attached photo taken within the last couple of weeks shows the field where the proposed housing estate would be sited. It also shows you the vista of the surrounding hills of the Cotswold escarpment which will be lost.

**History**

This application may be new to some of you, for others this is Deja vu. This application was first brought before the Planning Committee on 14<sup>th</sup> February 2017 under reference '16/00901/OUT Outline planning application with means of access from Ashmead Drive' having been submitted on 2<sup>nd</sup> August 2016. The application was refused unanimously by the committee and this was confirmed by notice dated 21<sup>st</sup> February 2017. This decision was then appealed against 'Appeal Ref: APP/G1630/W/17/3175559', and after a hearing and site visit a decision to 'Reject' was made on 27<sup>th</sup> April 2018 by the planning inspectorate.

**Local Planning Reasons to Object**

The application is to develop land located to the South of Gotherington, known locally as 'The Meadow'. The site remains unchanged since initial application and remains unsuitable for development.

Here set out are some of the reasons why this site remains unsuitable for development.

- The location is not included within the Gotherington Neighbourhood Development Plan (NDP).
- The location is not included within the Tewkesbury Borough Local Plan.
- The location is outside the settlement boundary.
- The application would breach '*NDP Objective 6 - To protect the identity of Gotherington and prevent its coalescence with Bishop's Cleeve and Gotherington and with Woolstone.*'
- Gotherington's housing allocation for 2011-2031 has already been allocated and development is underway on sites included within the NDP.

**Impact on Local Services**

- The loss of a nature local green space.
- 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 are the schools in neighbouring Bishops Cleeve. This would mean more car journeys to schools further afield leading to additional traffic and pollution.
- The impact of additional traffic at a time when Tewkesbury Borough Council has committed itself to supporting a carbon neutral county.

- The disproportionate and destabilizing effect on the local community of so many houses being built when developments in Shutter Lane and Malleson Road are ongoing.

#### The Elephant in the Room

So why have the applicants reapplied if they know the site is not suitable, having been rejected by both Tewkesbury and The Planning Inspectorate ? The thorny issue of the 5 year land supply. The applicant whilst knowing the site is unsuitable is hoping to get this application through on a technicality.

So if it's all down to the NPPF let's examine that document ...

The NPPF has the presumption of 'Sustainable Development' and this is characterized in terms of Economic, Social and Environmental impact.

In terms of Social Impact, this application would see the knocking through of a quiet Cul de Sac to create an access road to a housing estate. This comes at a time when the residents of Gotherington have already taken in excess of their service village quota. At a time when 59 houses are underway or about to start being built; in a village of 500 houses this is a huge impact in a single hit. Allowing this application would do nothing to improve the social wellbeing and would have a negative impact on existing residents.

In terms of Environmental Impact, there is the loss of farm land in a rural setting. The loss of views both from the site outward towards the surrounding hills of the Cotswold escarpment and the inward views from the nearby ANOB. Then there are the additional car journeys to consider with all the attendant pollution, fumes, noise and light.

Even if this application were to be judged solely against the NPPF, it would fail to meet the description of 'Sustainable Development'. The impact on this rural village would be huge.

In closing I shall leave you with some of the words of the planning inspector from his appeal ruling.

#### Development plan locational policies

*"15. In conclusion, the site is outside the settlement boundary and none of the exceptional circumstance in the JCS or GNDP apply or are argued. For that reason the appeal scheme would conflict with the locational policies in the development plan and is not suitable for development at this time. This weighs heavily against the proposal."*

Beyond the points made which show the site is not within any development plans at any level, there is the impact on the surrounding environment to consider. Development on the site would fail to meet JCS policy SD6: Landscape

*"1. Development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being;"*

The site is very close to the edge of the Cotswolds Area of Outstanding Natural Beauty (AONB) and can be viewed from a number of nearby hills within the ANOB. ANOB's are not just about the area itself, but often (as is the case here) about the views and vistas seen from the ANOB's. This point is highlighted in JCS Policy SD7: The Cotswolds Area of Outstanding Natural Beauty (AONB).

*"All development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan."*

Whilst the site is just outside the ANOB, it is clearly *within the setting* of the ANOB given the views from hills within the ANOB.

#### The vitality and social cohesion of Gotherington

*"37. Overall, the Framework policy is that development should meet the roles of sustainability, including the social role. This is described as supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. In this case, for the reasons set out above the proposal would conflict with this policy and would harm the vitality and social well-being of Gotherington."*

This application fails to meet development guidance, on a local level, on a Borough level or indeed on a national level when measured against the NPPF. It fails to meet the environmental objectives of Tewkesbury Borough Council and fails to meet the social well-being of local residents.

This is a speculative application, the site remains unsuitable for any development as previously found by the Tewkesbury Borough Council and the Planning Inspectorate.

I urge to you object to this application and refuse permission. If you have any doubts in your mind as to what to do, please don't rule until you have visited the site and seen for yourself what will be destroyed.





## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

<b>Committee:</b>	Planning
<b>Date:</b>	21 July 2020
<b>Site Location:</b>	Part Parcel 3000 Stanway Road Stanton Broadway
<b>Application No:</b>	20/00049/FUL
<b>Ward:</b>	Isbourne
<b>Parish:</b>	Stanton
<b>Proposal:</b>	Variation or removal of condition 1 of planning permission ref: 08/00827/FUL to allow the existing equestrian yard to be used in association with a horse training and stud enterprise.
<b>Report by:</b>	Lisa Dixon
<b>Appendices:</b>	Site location plan Visibility splay
<b>Recommendation:</b>	Permit

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site relates to Part Parcel 3000, an existing private equestrian complex, situated off Stanway Road, on the western outskirts of the village of Stanton.
- 1.2 The existing complex includes a building used for stabling, a menage and other areas of paddock. The proposal site covers approximately 2.3 hectares.
- 1.3 The site is screened by existing mature boundary hedges and trees, with the Severn Trent Water Treatment Works situated along its western boundary. The existing gated site access is to the south of the site, fronting Stanway Road. To the west/north-west lies Liberty Farm.
- 1.4 The site is located within the Cotswold Area of Outstanding Natural Beauty (AONB), but outside of the Stanton Conservation Area and Article 4 Boundary. The site is located within Flood Zone 1 (lowest risk) as shown on the Environment Agency's most up-to-date Flood Maps.
- 1.5 A PROW runs to the north of the site, on the opposite side of Stanway Road.
- 1.6 The current proposal seeks to vary or remove Condition 1 of permission reference: 08/00827/FUL, to allow the existing equestrian yard to be used in association with a horse training and stud enterprise. Condition 1 of 08/00827/FUL states 'the equestrian use of the site shall be for private equestrian use unless otherwise approved in writing by the Local Planning Authority'. The accompanying reason states, 'to prevent commercial vehicle usage of the access in the interests of highway safety'.

- 1.7 The applicant currently runs a horse training and stud business from Gretton Grange, which is located approximately 6.5 miles away from this site. However, that site is only leased and the lease is due to come to an end shortly. The applicant is therefore in need of a new equestrian site from which to carry on the business and seeks to vary the above referenced condition in order to re-locate to the site at Stanton.
- 1.8 It should be noted that the applicant and the site owner are not one and the same. As such, the applicant seeks to re-locate their existing business, in its entirety, to the Stanton site and this would effectively replace the private equestrian use of the site, presently enjoyed by the owner. Therefore, permission is not currently sought for the two equestrian uses (business and private) to co-exist within the same site and should the application be permitted and the site subsequently sold to the applicant, its use would be in connection with their horse training and stud enterprise only. The requisite notice in respect of the application, has been formally served upon the current site owner.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
07/01529/FUL	Alteration to part of existing grass paddock to form 60m x 20m menage for exercising horses	PER	07.01.2008
08/00014/FUL	Change of use of barn from agricultural to mixed agriculture and equestrian, including retention of internal stabling. Erection of lean-to structure for associated storage and installation of gates/cladding on the open bays of the barn.	PER	29.04.2008
08/00827/FUL	To amend condition 6 to read "The equestrian use of the site shall be for private purposes only" 08/00014/FUL	PER	29.07.2008
19/01216/FUL	Variation or removal of Condition 1 of planning permission reference: 08/00827/FUL to allow the existing equestrian yard to be used for in association with a horse training and stud enterprise.	WDN	20.12.2019
20/00049/FUL	Variation or removal of Condition 1 of planning permission reference: 08/00827/FUL to allow the existing equestrian yard to be used for in association with a horse training and stud enterprise.		

## 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: SD1 (Employment – except retail development), SD7 (Cotswolds Area of Outstanding Natural Beauty), INF1 (Transport Network)

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

- 3.4 Policies: RCN6 (Horse Riding Facilities), AGR4 (Agricultural Diversification).

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

- 3.5 Policies: EMP4 (Rural Employment Development), Policy RCN4 (Equine Facilities), Policy EVT2 (Flood Risk and Water Management), Policy TRAC9 (Parking Provision).

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

The First Protocol, Article 1 (Protection of Property)

## **4.0 CONSULTATIONS**

- 4.1 Stanton Parish Council - The Parish strongly objects to the removal of the restriction on the equestrian use of the site for private purposes only and considers the site to be unsuitable for commercial equestrian use for the following reasons; The entrance to the site is onto a bend on the unclassified road between Stanton and Stanway and at a point where increased traffic going in and out of the site would present a danger to road users, including walkers and riders who frequently use this road. Furthermore, the Parish state that the applicant's existing commercial equestrian business is much larger than could be accommodated at this site and would, if moved to this site, likely require further planning applications to extend the operational facilities at the site. Stanton Parish also state that commercial use of the site would blight the Cotswolds AONB and would result in heavier commercial traffic going to the site through the Stanway Estate park. Commercial use, the Parish maintain, would also be likely to result in signage on the road, to the further detriment to the Cotswold landscape.
- 4.2 County Highways Officer – The CHO has been consulted in respect of the proposed lifting of the restrictive condition and has raised no objections, subject to the imposition of planning conditions relating to maintenance of adequate visibility at the entrance to the site.
- 4.3 The Environmental Health Officer has been consulted in respect of the proposal and has raised no objections on nuisance grounds.
- 4.4 Conservation Officer – No objections have been raised by the CO since the proposal does not propose any physical changes or involve any heritage assets.

## **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. Furthermore, formal notice has been served upon the current owner of the site, by the applicant.
- 5.2 1 letter of objection has been received from a neighbouring resident in respect of the application.
- 5.3 Toddington Parish Council, in their capacity as the neighbouring parish have raised objection to the proposed removal/variation of the condition, on the grounds that, due to the size of the village, a change of use to a commercial purpose would be inappropriate and potentially dangerous.

## **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**

- 7.1 Policy SD1 – relates to employment development and at criteria (vi) specifically supports employment in the wider countryside when it is:
- “Employment-generating farm diversification projects, which are of an appropriate scale and use, particularly where they involve the re-use of appropriate redundant and non-residential buildings”
- 7.2 Saved Policy RCN6 of the TBLP supports the provision of equestrian development providing that there are no adverse impacts on the landscape (particularly within the AONB), residential amenity and the local highways network. Furthermore, Saved Policy AGR4 supports diversification in supporting the rural economy, including recreational uses such as horsiculture. The policy seeks to encourage the reuse of existing buildings and facilities in order to minimise countryside intrusion.
- 7.3 The National Planning Policy Framework (NPPF) Paragraph 83 provides that planning decisions should, allow for sustainable growth and expansion of all types of business in rural areas and enable the development and diversification of agricultural and other land-based rural businesses.
- 7.4 Paragraph 84 of the NPPF recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements.
- 7.5 The proposed development is to diversify an established, existing rural activity, albeit, in private occupation at the current time. This would allow the site to be utilised for rural business/enterprise, rather than solely private purposes.

- 7.6 The supporting Planning Statement notes that the applicant's stud enterprise has an established reputation in the west Cotswolds and around Cheltenham. The Statement further advises that the Stanton site therefore, represents an appropriate location for the existing client base. The existing equestrian facilities that already exist on site, include covered stabling, storage, outdoor arena and forecourt and there would be no operational development associated with this application and the existing point of access would be retained. As such, the current application seeks the use of the site, as currently set out, but for equestrian business use, via variation/removal the current restrictive condition.
- 7.7 The principle of the lifting of this restriction is considered justified on the basis of the significant change in planning policy that has occurred since the original restriction was imposed. The publication of the National Planning Policy Framework (NPPF), provides much greater flexibility and support for rural based industries (paragraph 83) and re-defines 'sustainable development'.
- 7.8 It is considered that the proposal would support the rural economy and would maximise the use of existing rural buildings and associated facilities within the site. The proposal does not introduce any new built development, utilising all the existing buildings and facilities already onsite. As a result, the use of the existing site as a horse training and stud would enable the diversification of an existing rural activity, without increasing the built development onsite.
- 7.9 In light of the above, it is considered that the principle of removal/variation of the restrictive condition, currently imposed on the site, would be in accordance with the NPPF, Policy SD1 of the JCS and Policy AGR4 of the Local Plan.

#### **Impact upon the AONB and the Registered Historic Park and Garden**

- 7.10 The proposal site is located wholly within the Cotswolds AONB. Paragraph 172 of the NPPF places great weight on the importance of conserving and enhancing landscape and scenic beauty within the AONB. This requirement is echoed within JCS Policy SD8.
- 7.11 Stanton Parish Council have raised objections to the proposal, noting that the site is located on a road which is used by both residents and visitors to this area of the Cotswolds and passes through the Stanway Estate park which is registered under the Historic Buildings and Ancient Monuments Act 1953 by Historic England as Grade 1 on the Register of Historic Parks and Gardens. The Parish consider that commercial use of the site would blight the Cotswolds AONB and would result in heavier commercial traffic going to the site through the Stanway Estate park as a result of the road's connection to the B4077 at Stanway. Commercial use would also be likely to result in signage on the road to the further detriment of this beautiful part of the Cotswold landscape.
- 7.12 As mentioned above, the site lies within the Cotswolds AONB but lies outside of the Stanway Estate Historic Park and Garden, which lies to the south of the site. Nevertheless, the Conservation Officer has been consulted and has advised that since the proposal does not propose any physical changes or involve any heritage assets, no objections are raised with regard to heritage asset impact.
- 7.13 The proposal to allow the existing equestrian yard to be used for horse training and stud purposes would not result in any new operational development to the site, with the scheme utilising the existing equestrian buildings and riding arena. Furthermore, the business enterprise would be self-limited and restricted by the size of the site, which is relatively modest at 2.3 ha. The perimeter of the site is well screened by mature landscaping and this would be retained. Therefore, the commercial use of the site would not result in a material or visual change to the existing landscape and as such, the special landscape qualities of the AONB would be preserved, in accordance with Policy SD8 of the JCS.

## **Access and Highway Safety**

- 7.14 In considering highway safety, JCS Policy INF1 and the provisions of the NPPF, requires a safe and suitable access and the NPPF makes it clear that applications should only be refused on transport grounds where there would be an unacceptable impact on highway safety or where the cumulative impacts of development would be 'Severe' (paragraph 109).
- 7.15 Given the potential intensification of the site access arising from commercial use, it is necessary to consider the site access against current highway visibility and design standards.
- 7.16 Stanton Parish Council has objected to the application, on highway safety grounds. The Parish note that the entrance to the site is onto a bend on the unclassified road between Stanton and Stanway and at a point where increased traffic going in and out of the site would present a danger to road users, including walkers and riders who frequently use this road. The Parish further note that the submitted traffic survey was carried out in November and is not representative of the use of the road or the reduced visibility in summer months from trees and hedgerows. Stanton Parish further advise that the existing restriction to private equestrian use only was imposed at the time of the planning application for good reason, with the support of the Highways Department for reasons of highway safety. The Parish is concerned that a commercial equestrian yard 'would result in much increased use of the site, not just by the applicant and the direct employees, but also by clients and the subcontractors and other services associated with the commercial operation of an equestrian yard.'
- 7.17 The agent has provided additional information in respect of the current nature of the applicant's enterprise. The business is predominantly a horse training enterprise, which normally involves an intensive 8 week training course. The length of course can vary but 8 weeks is the norm. The horses are dropped off at the beginning of the eight week course and collected at the end and it is not overly common for customers to visit their horses during the training period. If visits do occur, this would typically be only once or twice over the eight week period. The main vehicle movements are from staff and the business currently has the equivalent of 2 full-time posts, which comprises of the applicant (1 FTE), part time employee (0.5 FTE) and occasionally the applicant's husband (0.5 FTE). The only other visitors to the site are vets and farriers etc, who will visit as and when necessary. Typically this involves one visit every 10 days on average. The agent further advises that the enterprise is not a vehicle intensive operation and it is unlikely that the site would attract more than 3-4 vehicle movement per day, including staff.
- 7.18 The County Highways Officer (CHO) has been consulted in respect of the application and has raised no objection to the proposed removal of the restrictive condition, subject to the imposition of planning conditions relating to the maintaining of adequate visibility at the site access.
- 7.19 The CHO has advised that the proposed business use of the site would be largely constrained by its size and scale, together with the level of existing buildings and facilities. As such, the CHO considers that the use of the site as a horse training and stud facility, would not result in intensification of the site to such a degree so as to result in detriment to highway safety. The CHO is also satisfied that the proposed condition would serve to ensure that adequate visibility to and from the site, would be satisfactorily maintained throughout the lifetime of the development.

- 7.20 The Stanway Road is subject to the national speed limit (60mph). The applicant commissioned an ATC speed survey, as requested by Toddington Parish Council within their representation in respect of the application. The speed survey demonstrated substantially lower speeds than the permitted 60mph. The accompanying Access Appraisal demonstrates that acceptable visibility splays are achievable at the site access in accordance with 85th percentile speeds. The required visibility splays of 2.4m x 46m and 2.4m x 44m are achievable on land either controlled by the applicant or within GCC Highway control. This has been demonstrated through the submission of the Visibility Splay Plan which accompanies the proposal.
- 7.21 In addition, the submitted site plan shows that there would be sufficient space within the existing yard area of the site, to accommodate a suitable level of parking for vehicle and associated horse boxes, alongside space for turning of vehicles.
- 7.22 Representations have also been received from the existing site owner in respect of stated Parish highways concerns. The owner advises that the site entrance and driveway has been used for over 20 years, on a frequent and regular basis (usually daily), by commercial traffic operated by Severn Trent Water Authority and/or their contractors in order to access the water treatment works which are located immediately to the west of the site. As such, the owner notes that the surrounding roads and site entrance are deemed to be safe and adequate for commercial vehicles, given this ongoing activity, and that the main site entrance was widened by Severn Trent Water Authority in the mid-2000s, in order to facilitate this.
- 7.23 The site owner points out that the proposed stud enterprise would have two employees and that this would equate to no greater number of vehicle movements than the current number of vehicles that enter and leave the site by way of the owner, her husband and their friends and relatives.
- 7.24 The use of the site in connection with the stud/horse training enterprise, would not result in the need for the cutting of back of vegetation as the existing visibility splays, based on the results of the submitted speed survey, are deemed satisfactory, as advised by the CHO.
- 7.25 For the above reasons, it is considered that the use of the site for horse training and stud purposes would have an acceptable impact on the highways network, and would pose no detriment to highway safety, in accordance with the JCS and the provisions of NPPF.

### **Residential amenity**

- 7.26 Saved Policy RCN6 provides that horse riding facilities must propose adequate measures to control, smell and other possible nuisances to other users in the area. Concerns have been raised by the owners of nearby Liberty Farm, which lies over 300m to the north-west of the site. They have raised concerns in respect of lighting and drainage and in respect of the potential requirement for additional development on the site, to serve the enterprise. The existing owner has confirmed that there is an existing EA compliant soakaway for grey water on the site, which has been inspected and approved by the EA and confirmation provided that there is no evidence of contamination of a watercourse. The owner has offered to provide a copy of the EA's confirmation, if required.
- 7.27 As outlined above, the building and facilities (5-stable block, riding arena, hardstanding/parking), within the site, would not change as a result of the application. As such, the number of horses stabled within the site would remain commensurate with the relatively modest scale of the site and the modest number of stables available. The Environmental Health Officer (EHO), has been consulted and has raised no objections with regards to nuisance/noise or odour. It is considered that lighting within the site could be adequately controlled by way of an appropriate planning condition.

- 7.28 In light of the above, it is considered that the proposal would not result in undue impact upon local residential amenity, in accordance with Saved Policy RCN6.

### **Other Matters**

- 7.29 Stanton PC have raised further concerns with regard to the applicant's existing commercial equestrian business and the fact that it is much larger than could be accommodated at this site and would, if moved to this site, likely require further planning applications to extend the operational facilities at the site. The Parish have therefore, requested, that should the application be subsequently permitted, a condition should be imposed to prevent any further development of the site in the future. The agent has provided additional clarification on this issue, with regard to the nature and scale of the existing enterprise at Gretton Grange Stables.
- 7.30 The applicant's business presently rents 6 stables from the Gretton Grange Stables but that tenancy is about to come to an end. As such, the applicant's business uses only a small proportion of the Gretton Grange Facility, the remainder being a separate equestrian business. The 5 stables at Stanway Road are therefore, considered adequate to cater for the present scale of the applicant's business operations.
- 7.31 The current application must be assessed and determined on its own merits and no additional buildings or facilities are proposed as part of the condition removal/variation. Should an application be submitted for additional development relating to the equestrian enterprise in the future, this would be assessed on its own merits, having regard to highways and landscape impact considerations, amongst other planning considerations. In light of the above, it is considered unreasonable to impose such a condition, should Members be minded to permit the current proposal.

## **8.0 Conclusion and Recommendation**

### **Benefits**

- 8.1 The removal/variation of the restrictive condition pertaining to the site, would allow for the sustainable re-location of an existing, successful rural enterprise. The proposal would allow for the sustainable, continued use of the existing buildings and facilities which comprise this equestrian site.

### **Harms**

- 8.2 There are no harms identified in respect of the proposed removal/variation of the condition.

### **Neutral**

- 8.3 The proposal would result in no harm to the special landscape setting of the Cotswolds AONB or to the setting of the nearby Registered Historic Park and Garden of Stanway Estate. In addition, no harm would result to the safe operation of the existing highway network. The proposal would also result in no discernible harm to local residents.

### **Conclusion**

- 8.4 In conclusion, the proposal is considered to accord with paragraphs 83 (Supporting a prosperous rural economy), Section 9 (Promoting sustainable transport) and Section 15 (Conserving and enhancing the natural environment) of the NPPF, Policies SD1, SD7 and INF1 of the JCS and Saved Policies RCN6 and AGR4 of the TBLP. The application is therefore, recommended for permission.



## CONDITIONS:

1. The equestrian use of the site shall be used for private use or in association with a horse training and stud enterprise.

Reason: To define the terms of the permission and the permitted use of the site.

2. The development hereby permitted shall be carried out in accordance with the following approved documents:
  - 1:2500 scale site location plan;
  - 1:500 scale block plan;
  - 1:500 visibility splay plan

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 vehicular access hereby permitted shall not be brought into use by the equestrian enterprise hereby permitted until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 44m to the right and 46m to the left (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason:- To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

4. Prior to the occupation of the site by the equestrian enterprise hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plans but with a minimum entrance width of 6.0m with any gates situated at least 10.0m 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 access road within at least 10.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: - To reduce potential highway impact by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraph 108 and 110 of the National Planning Policy Framework.

5. There shall be no burning of stable waste or other materials on the site.

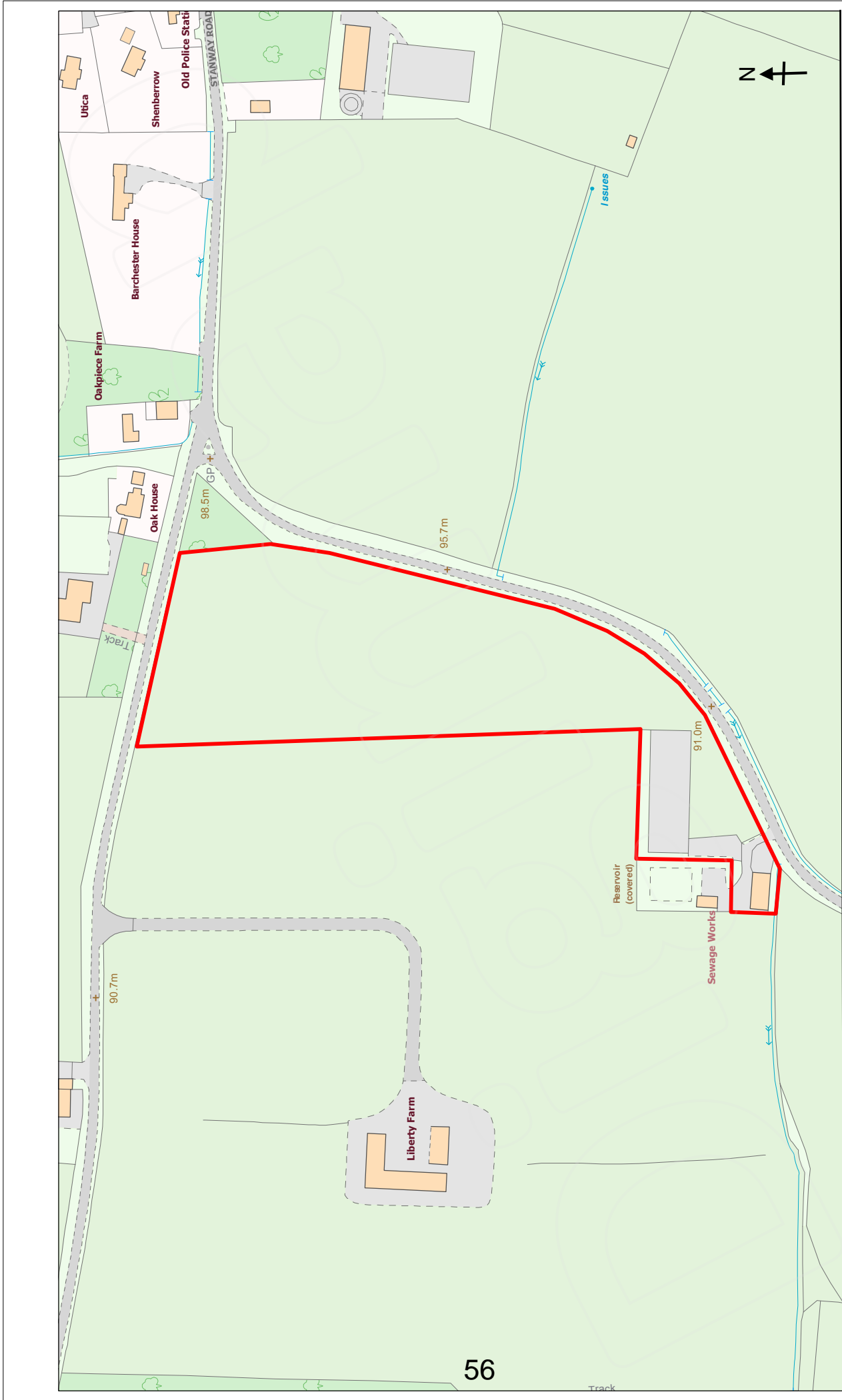
Reason:- To ensure that any concentration of air pollutants in the vicinity is minimised and to prevent as far as is practicable from being caused.

6. Within three months of occupation of the site by the horse training and stud enterprise hereby approved, details of external lighting shall be submitted to the Local Planning Authority, for approval in writing. The lighting shall be installed wholly in accordance with the approved details and thereafter maintained as such unless alternative details are first approved in writing by the Local Planning Authority.

Reason:- To protect the amenities of nearby residential property and to minimise the potential for light pollution within the AONB.

**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 should be read in conjunction with planning permission reference: 08/00014/FUL & 08/00827/FUL. Condition 1 of this decision supersedes Condition 6 of 08/00014/FUL & Condition 1 of 08/00827/FUL.



# Site Location Plan



Sewage Works

2.4m x 44m

2.4m x 46m

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## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

<b>Committee:</b>	Planning
<b>Date:</b>	21 July 2020
<b>Site Location:</b>	The Pavilion Cold Pool Lane Badgeworth Cheltenham Gloucestershire GL51 6LA
<b>Application No:</b>	20/00453/FUL
<b>Ward:</b>	Badgeworth
<b>Parish:</b>	Badgeworth
<b>Proposal:</b>	Erection of ball stop fencing, car park safety fencing and a storage container.
<b>Report by:</b>	Dawn Lloyd
<b>Appendices:</b>	Site location plan Block Plan Post and rail fencing Storage Container Elevations and Landscaping Fence and Netting Elevations Drainage Plan
<b>Recommendation:</b>	Permit

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The site is an existing sports ground/playing field with a pavilion building as a changing facility with access to the north on to Cold Pool Lane. The site lies within the Green Belt.
- 1.2. The application has been brought for planning committee determination as this site is land is owned by Tewkesbury Borough Council.
- 1.3. The proposal is for the siting of a storage container, green in colour measuring 6 metres in length, 2.44 metres in width and 2.59 metres in height for the storage of equipment; a stop ball fence and netting 7 metres high towards the southern boundary and a post and rail fence 1.2 m above ground to the banks of the watercourse adjacent to the carpark area to the north east of the site.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
07/01666/FUL	Change of use of land from equestrian purposes to playing field/sports pitches and outdoor recreational public open space, erection of a replacement changing room/pavilion building and ancillary parking provision.	PER	21.01.2008
10/00676/FUL	Change of use of land from equestrian purpose to playing field/sports pitches and outdoor recreational public open space, erection of a replacement 2001 changing room/pavilion building and ancillary parking provision (Extension of Planning Permission ref: 07/01666/FUL)	PER	23.09.2010

## 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 SD5 (Green Belt)

3.5. Policy SD6 (Landscape)

3.6. Policy SD14 (Health and Environmental Quality)

3.7. Policy IINF 1 (Transport Network)

3.8. Policy INF2 (Flood Risk Management)

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

3.9. Policies: RCN2 Provision of Sports facilities

### **Tewkesbury Borough Plan 2011-2031 – Pre-Submission Version (October 2019) RCN2 New Sports and Recreational Facilities**

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

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

## **4.0 CONSULTATIONS**

- 4.1. **Badgeworth Parish Council** – Supports the application. Recommends the colour of the fence is green rather than black
- 4.2. **Up Hatherley** – Support the application. The original section 106 obligation placed on the developer to provide this site makes clear that its prime purpose is to be used for playing football and cricket. Without the ball stop fence the section 106 obligation cannot be fulfilled.

### **Publicity and representations**

- 4.3. The application has been publicised through the posting of a site notice for a period of 21 days and/or the neighbour notification scheme. The site notice expires on the 9<sup>th</sup> July 2020 and the planning committee will receive an update on any public representations received.

## **5.0 POLICY CONTEXT**

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 5.2. 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.
- 5.3. 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).
- 5.4. The relevant policies are set out in the appropriate sections of this report.

## **6.0 ANALYSIS**

### **Principle of development**

- 6.1 Para 96 National Planning Policy Framework 2019 (NPPF) considers access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.
- 6.2 Save Local Plan policy RCN2 Provision of Sports facilities. Considers that any new buildings or structures must be ancillary and must not have any adverse impact on the quality of the environment or result in significantly local traffic problems. Any flood lighting must be demonstrated to be strictly in essential and to have minimal environmental impact.
- 6.3 The proposal for the storage container, stop ball fence and additional safety fencing is ancillary to the existing sporting facilities on the site. The proposal would be for the site to be used safely for football matches and coaching without detrimental impact on neighbouring occupiers. The proposal is acceptable in principle subject to other policies of the development plan and National Planning policy Framework.

## **Green Belt**

- 6.4 Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 6.5 Paragraph 144 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.6 Paragraph 145 goes on to state that a local planning authority should regard the construction of new buildings as inappropriate. Exceptions to this include, with this relevance to this application:
- Appropriate facilities for outdoor sport/recreation so long as they preserve the openness of the Green Belt and do not conflict with the purpose of the Green Belt. This advice is reflected in the JCS (Policy SD5).
- 6.7 The proposed storage container is required for safe and secure storage of equipment and machinery for the football club. The existing building is a changing facility and does not have the required storage capacity. The storage container would be set behind the existing pavilion building with landscaping to provide screening. It is not large in scale and is well related to the existing building and close to the existing boundary fence and hedge. The ball stop fencing is required in connection with the use of the sporting facility to prevent balls leaving the sports grounds and going onto the neighbouring property.
- 6.8 A post and rail fence is also proposed however, the fence does not require planning permission.
- 6.9 On the basis of the above, it is considered that both the storage container and the ball stop netting are 'appropriate facilities' for the purposes of Green Belt policy. A judgement therefore needs to be made as to whether they preserve the openness of the Green Belt.

### **Impact on Openness**

- 6.10 The proposed storage container would be set behind the existing pavilion building and consequently its impact on the openness of the Green Belt would be limited. The proposed ball stop fencing would be located along part of the southern boundary is in close proximity to neighbouring buildings. The proposed fence and netting would be up to 7 metres in height: comprising 3 metres of metal weldmesh panels with 4 metres of netting above (see proposed fence details).
- 6.11 Whilst the existing hedges, buildings and structures south of the boundary would form a backdrop to the netting when viewed from the north, the fence would be higher in places than those hedges and buildings. The netting itself would likely have a fine mesh that would allow light to penetrate and minimise the visibility of the structure. However, due to the existing boundary treatment of high hedging, trees and the proximity of the adjacent buildings the supporting poles would be more apparent from visible vantage points and would, to a limited degree, impact on the openness of the Green Belt in this location. As such, it would constitute inappropriate development. Paragraph 143 of the Frameworks states, "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances".

### **Very Special Circumstances**

- 6.12 The site formed part of the 106 Agreement for a community sporting facility for public benefit mainly football and cricket. The Applicant promotes grassroots football and has over 30 teams ranging from children to adults of all abilities. In a supporting statement the Applicant has set out a number of reasons why the proposals are required which they consider demonstrate very special circumstances.



- 6.13 In terms of the ball stop fencing the applicant points out that due to the orientation of the playing pitch and goal position as many as 15 -20 balls a game can overshoot the playing fields and land on the neighbouring livery centre. This, it is argued, is unsustainable and limits the use of the facilities. Furthermore, it also presents a safety risk (to riders and horses) and can cause property damage. Consideration has been given to the erection or temporary netting (that could be removed after each game). However, the time required to erect and dismantled make this impractical. The fencing would therefore allow the club to maximise the use of its facilities with minimal impact on neighbouring properties. The supporting statement states that the fence is supported by the local Football Association.
- 6.14 As set out above, the proposed storage container is required for safe and secure storage of equipment and machinery for the football club as the existing building provides changing facilities and does not have the required storage capacity.
- 6.15 The proposed ball stop netting would provide clear and obvious benefits that would enable the sports club to maximise the use of its existing facilities which benefits public health and well-being. Similarly, the storage container would provide safe and secure storage of equipment and machinery necessary to maintain the facilities. It is considered therefore that the justification proposed are capable of comprising very special circumstances to outweigh the limited visual harm to the openness of the Green Belt. It is necessary to consider whether there are any other harms that would result from the proposed development. This is considered below.

#### **Design and landscape character**

- 6.16 JCS Policy SD4 of the Joint Core Strategy sets out requirements for high quality design while Local Plan and policy SD6 considers that development will seek to protect the landscape character for its own intrinsic beauty and have regard to the local distinctiveness and historic character of the different landscapes.
- 6.17 The site lies to the south of urban development to the north of Grovefield Way and sports grounds represent a soft transition from the urban edge of Cheltenham to the rural countryside to the south.
- 6.18 The design of the storage container is appropriate in terms of its colour, siting, height, scale and mass. The stop ball fence and netting is functional in terms of its design the 3 metre section of wire fence is similar to that used on the northern boundary of the site. Although not a feature typical of the rural landscape, the netting would be lightweight and fairly transparent. The 7 metre high supporting poles of the wire mesh netting are more visually prominent. However, the majority of the fence would be viewed within the context of existing buildings and adjacent the existing boundary hedges and trees and therefore is considered of less than substantial harm. The Parish Council have concerns regarding the colour of the fence/netting on the southern boundary and this can be controlled by condition.

#### **Residential amenity**

- 6.19 Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. The development should not result in unacceptable levels of air, noise, water, light, soil or odour alone or cumulatively.
- 6.20 It is considered the container and post and rail fence do not have an adverse impact on neighbour amenity. Whilst the proposed netting would not impact on light to the neighbouring property, by virtue of its height and close proximity to the boundary it would appear as a prominent feature when viewed from the livery. However, the netting provides a safety feature to protect adjacent livery from the sporting activities on the site and enables the site to fulfil its function as a venue for sporting activities for the local community. No neighbour objections have been received and weight has to be attributed to the wider public benefit of the proposal. It is considered the wider public benefit outweighs the minimal impact to the amenity of neighbouring residents.

### **Access and highway safety**

- 6.21 The site has planning permission as a sports field/playing field with existing parking, access, turning and manoeuvring space. In close proximity to the site there is a pedestrian crossing point and pedestrian and cycle route along Cold Pool Lane to the north of the site. Therefore, site has safe and accessible connections to the transport network for all modes of transport and the proposal complies with policy INF1 in this regard.

## **7.0 CONCLUSION AND RECOMMENDATION**

### **Benefits**

- 7.1. The site is underutilised at present and has limited use as a sports field. The proposal would enable the site to be fully utilised as a sports field to the benefit of physical and mental health of local and wider community.
- 7.2. The proposal includes measures to safeguard its users and the adjacent business from the supervised activities on the site.

### **Harms**

- 7.3. There would be a limited impact on openness of the Green Belt from the stop ball net and storage container.

### **Neutral**

- 7.4. The site has safe access and good connectivity to the local transport network from all modes of transport.

### **Conclusion**

- 7.5. It is concluded that the benefits of the proposals identified above clearly outweigh the limited impact on the openness of the Green Belt and other harms and are sufficient to demonstrate very special circumstances. Accordingly, it is recommended that 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 received on 27 May 2020:

- Location plan Drawing Number 1
- Site Plan / Block Plan Drawing Number 2
- Proposed Post and Rail Fence Drawing Number 3
- Proposed Storage Container and Landscaping Drawing Number 6
- Proposed Site of Stop Ball Fence Drawing Number 5
- Drainage Layout Drawing Number S11-408-A001

Received on 1<sup>st</sup> June 2020

- Proposed Stop Ball Fence Elevations Drawing Number 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. Prior to it being erected, details of the colour of the shipping container and stop ball fence/netting shall have first been submitted to and approved in writing by the local planning authority. The fencing shall be maintained as such thereafter.

Reason: To minimise the visual impact of the development.

4. Before the first use of the storage container hereby permitted a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:

- i) a plan(s) showing the layout of proposed tree, hedge and shrub planting and grass areas.
- ii) a schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants.
- iii) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

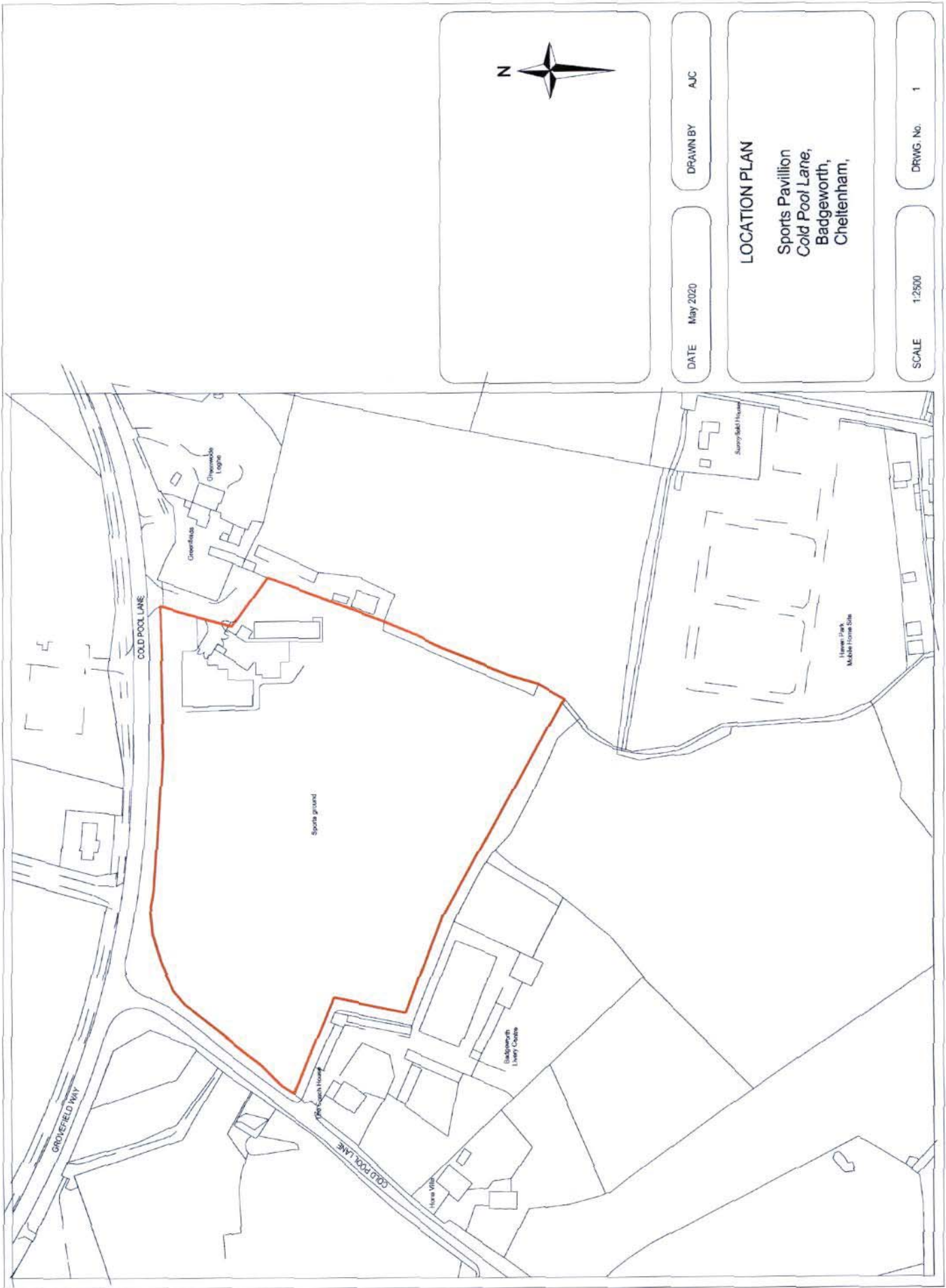
All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the completion or first occupation/use of the development, whichever is the sooner.

The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

#### **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.



Greenfields

Proposed Post and Rail Timber Fence  
(3 rails - Height 1.2m)

sports ground

Proposed Storage Unit  
(Length 6m x Width 2.44m x Height 2.59m)

Proposed Metal Sportsfield Fencing  
(to stop balls entering neighbouring land)

Maximum height 7m - Made up of 3m high weldmesh panels  
and 4m of netting above.

Steel metal posts every 10m centres at full height 7m with 3 posts  
in between at 3m height at 2.5m centres.

Overhead electric pole located on boundary.  
Fencing stepped out to avoid interfering with pole and stays  
as per guidance via Western Power Distribution.

Badgeworth  
Livery Centre

66



DATE May 2020

DRAWN BY AJC

SITE PLAN / BLOCK PLAN

Sports Pavilion  
Cold Pool Lane  
Badgeworth  
Cheltenham

SCALE 1:500

DRWG No. 2

For elevation of fence please refer to dwg No. 4



DATE May 2020

DRAWN BY AJC

**SPORTS FENCE PLAN VIEW**

Sports Pavilion  
Cold Pool Lane,  
Badgeworth,  
Cheltenham,

SCALE 1:500

DRWG. No. 5

Proposed new metal sportsfield fencing  
(to stop balls entering neighbouring land)

Maximum height 7m - made up of 3m high weldmesh  
panels and 4m of netting above.

Steel metal posts every 10m centres at full height 7m  
with 3 posts in between at 3m height at 2.5m  
centres to hold up weld mesh panels.

Length 250m. Colour BLACK.

**sports ground**

grass / football pitches

Timber post and rail boundary fence  
180m length x 1.2m height

1m away from existing boundary line

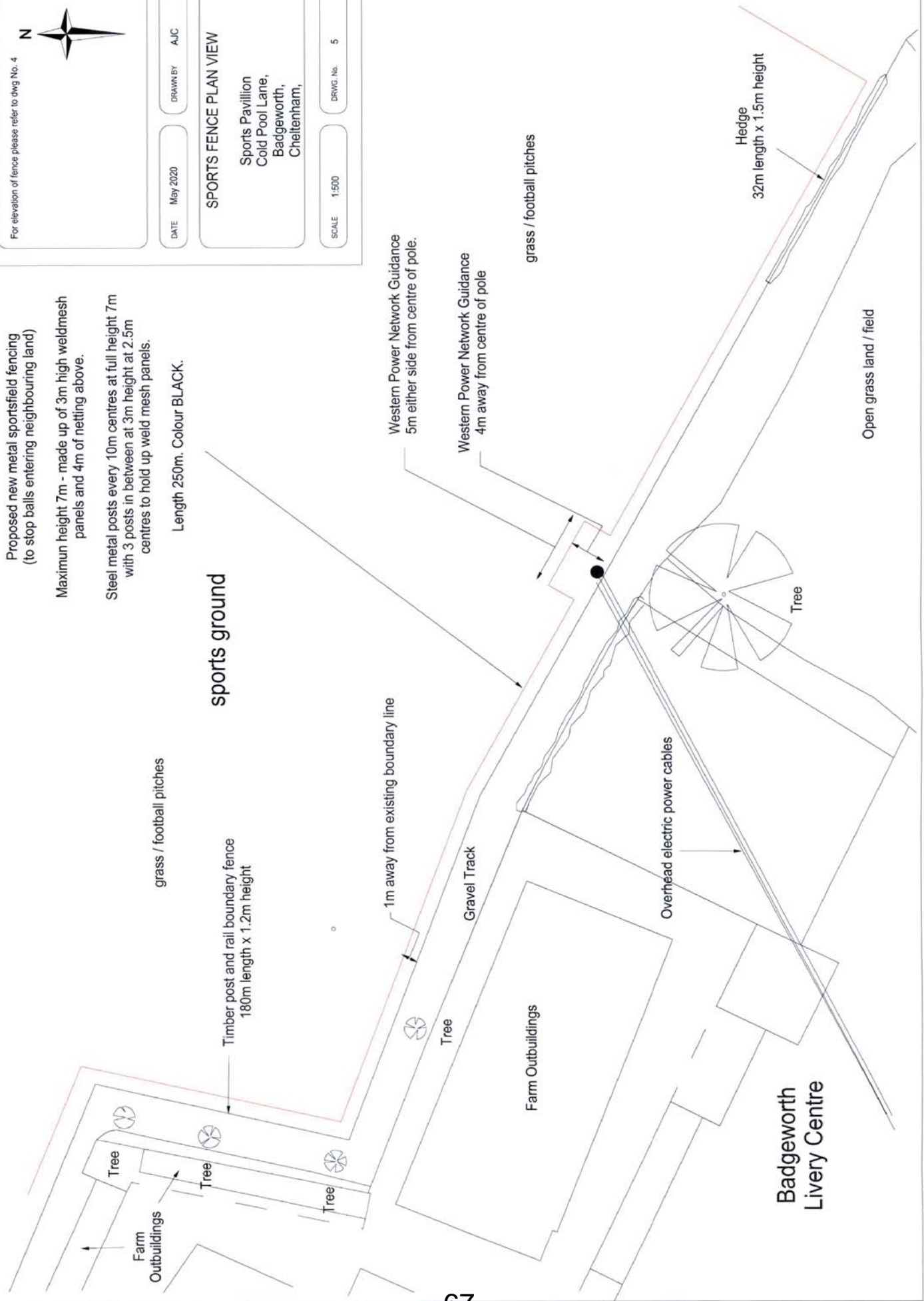
Western Power Network Guidance  
5m either side from centre of pole.

Western Power Network Guidance  
4m away from centre of pole

grass / football pitches

Hedge  
32m length x 1.5m height

Open grass land / field



Proposed landscape planting to screen unit. Plants to be planted minimum 1m away from unit and along the north facing boundary and west facing boundary where the unit could be seen.

Planting to be maintained and cut back once per year as recommended in the autumn season.

2.44m

6m Metal Storage Unit

2.55m

Access Doors

Existing Hedge / tree boundary

Existing metal wire mesh fencing

1.8m

ELEVATION VIEW NORTH FACING

ELEVATION VIEW WEST FACING

ELEVATION VIEW SOUTH FACING

Sports Pavilion

Plants to screen unit

Existing metal wire mesh boundary

Existing Hedge / tree boundary

Storage Unit

6m

2.44m



Landscape planting to create a natural screen to minimise visual impact and be in keeping with surrounding area.

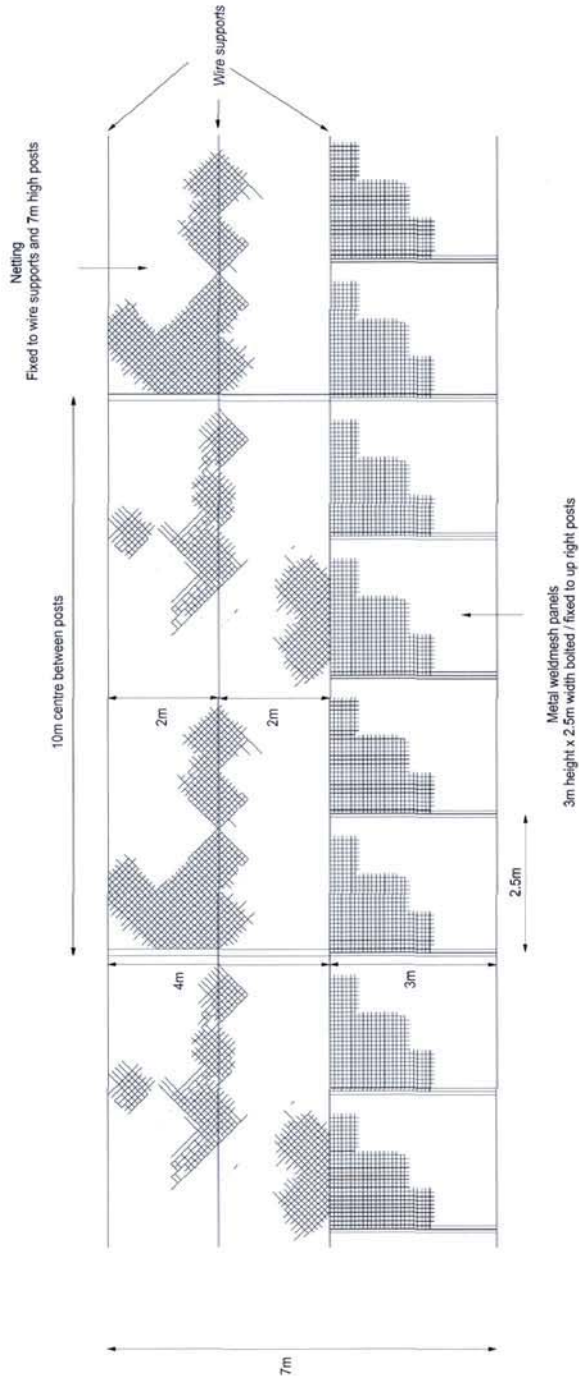
Mixed screen planting with the following bushy plants recommended for screening areas:  
 Bamboo - Fargesia Rufa - max height 1.5 - 2m  
 Bamboo - Fargesia Murielae - max height 2 - 4m  
 Prunus - Cherry Laurel - max height 3m  
 Ceanothus - Concha - max height 1.8 - 2.4m  
 Photinia - Red Robin - max height 3m  
 Japanese Laurel - Crotonifolia - max height 2m

DATE May 2020 DRAWN BY AJC

**PROPOSED STORAGE CONTAINER**  
 Sports Pavilion  
 Cold Pool Lane,  
 Badgeworth,  
 Cheltenham

SCALE 1:100 DRWG No. 6

PLAN VIEW



**ELEVATION OF SPORTS FIELD FENCE**

For location on site please refer to dwg No 5.

Fencing is to run along the boundary to South 1m away from existing post and rail boundary and stepped out to avoid Western Power Networks electricity pole as per their guidance.

DATE May 2020

DRAWN BY AJC

**SPORTS FIELD FENCE ELEVATION**

Sports Pavilion  
Cold Pool Lane,  
Badgeworth,  
Cheltenham

SCALE 1:100

DRWG. No. 4





## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

<b>Committee:</b>	Planning
<b>Date:</b>	21 July 2020
<b>Site Location:</b>	Land West Of Persh Lane Maisemore Gloucester
<b>Application No:</b>	20/00212/OUT
<b>Ward:</b>	Highnam With Haw Bridge
<b>Parish:</b>	Maisemore
<b>Proposal:</b>	Outline planning application for the development of eight dwellings (including affordable housing contribution) together with open space, access, parking, landscaping, drainage and associated works. All matters reserved except for means of access and layout.
<b>Report by:</b>	Mr Adam White
<b>Appendices:</b>	Site location plan Site layout plan Access arrangement Drainage plan
<b>Recommendation:</b>	Permit

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The site forms part of a larger pastoral field located on the south western edge of Maisemore **(see attached site location plan)**. The site is located outside of the settlement boundary for Maisemore, as defined in the emerging Borough Plan. However, the site abuts the settlement boundary to the south east.
- 1.2. The site is generally level and featureless and is enclosed by a combination of fences and intermittent hedgerows. The main part of the site is bound to the north west and south east by existing residential property and to the north east by a small orchard with residential development beyond. The south west boundary is open with views out onto open countryside. The site is not subject to any formal or informal landscape designation.
- 1.3. The site is currently accessed off Persh Lane via a gravelled track although access can also be gained off Blacksmiths Lane. A public bridleway also runs to the north east of the site, which incorporates Blacksmith Lane. The site is mainly located in Flood Zone 1 although the extremity of the site where the drainage is proposed to terminate is located in Flood Zones 2 and 3.
- 1.4. The application proposes the erection of up to 8 dwellings. It is in outline form with access and layout proposed to be determined at outline stage **(see attached site layout plan)**. Appearance, scale and landscaping are proposed to be reserved for future consideration.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1. There is no planning history that is relevant to this current proposal.

## **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 Plan 2011-2031 Pre-submission Version (July 2019)**

- 3.4. Policies: RES1, RES2, RES3, RES4, RES5, RES12, RES13, DES1, HER2, HER4, NAT1, NAT2, NAT3, ENV2, RCN1, TRAC1, TRAC2, TRAC3, TRAC9
- 3.5. Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
- 3.6. The First Protocol, Article 1 (Protection of Property)

## **4.0 CONSULTATIONS**

- 4.1. Maisemore Parish Council object for the following reasons:

- The proposal is an inappropriate overdevelopment for Maisemore, which is a small village with less than 230 homes in the main part. Planning permission has already been granted for an additional 47 houses in the village.
- Maisemore consists mainly of individual or small groups of houses generally constructed as small cul-de-sacs off the main road. Whilst this is a relatively small development, it is remote from the main village circulation in open countryside.
- The proposed layout shows that most gardens are provided at a much larger size than is generally the case for new housing developments nowadays. Even the plots for the two large 4-bed houses at the west end are generous, but the others are unrealistically large considering the small sizes of the houses presently proposed. This suggested that a revised scheme could come forward for more houses on the site if permission is granted.
- The speed limit would need to be reduced along Persh Lane.
- The visibility splay would result in the removal of a considerable length of existing mature hedgerow.
- The development does not provide a pedestrian route into the village on the most direct route along Persh Lane.
- The nearest bus stop is located on the A417 at the end of Persh Lane.
- There is no capacity in the existing sewer system and there should be no further connections in the village.

- There is a lack of services in the village with poor public transport and limited employment opportunities. There are no schools in Maisemore, and it appears that the local catchment schools are already full with waiting lists. There are also no healthcare facilities.
- The village hall, the Children's playground and the MUGA should not be noted as being public village facilities as they are administered by a private charitable trust and run by volunteers.

4.2. County Archaeologist – No objections.

4.3. County Public Rights of Way – No objections.

4.4. County Highways – No objections.

4.5. Lead Local Flood Authority – No objections.

4.6. Badger Trust – No objections.

## **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. The application has also been publicised in the press.

5.2. 16 letters of objection have been received. Their comments are summarised as follows:

- The site is outside of the settlement boundary for Maisemore.
- The gardens appear to be overly large, which suggests that more houses will be proposed if permission is granted
- The visibility down Persh Lane is not sufficient for increased traffic and there is no possibility of improving the access.
- Maisemore is already in excess of its JCS allocation.
- The bus service in Maisemore is insufficient to cater for people commuting to work.
- There are limited services in Maisemore.
- Access to the village is limited during flood events.
- There are not enough school places.
- The site and surrounding areas suffers from surface water flooding and the development would increase the risk of flooding to neighbouring property
- The proposal would result in a loss of light and privacy.
- The development would increase highway safety risks along Persh Lane.
- There is no demand for new housing in the village.

## **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), the saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans. However, there are no made Neighbourhood Development Plans that are relevant to Maisemore.

- 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. Other material policy considerations include the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance.
- 6.5. 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. Policy RES2 of the emerging Borough Plan defines settlement boundaries for the Service Villages, which includes Maisemore. Within the defined settlement boundaries, the principle of residential development is acceptable. Policy RES3 relates to new housing outside of the defined settlement boundaries and supports development where it consists of:
  - 1. The reuse of a redundant or disused permanent building.
  - 2. The sub-division of an existing dwelling into two or more self-contained residential units.
  - 3. Very small-scale development at rural settlements in accordance with Policy RES4.
  - 4. A replacement dwelling.
  - 5. A rural exception site for affordable housing.
  - 6. Dwellings essential for rural workers to live permanently at or near their place of work in the countryside.
  - 7. A site that has been allocated through the Development Plan or involves development through local initiatives including Community Right to Build Orders and Neighbourhood Development Orders.

- 7.3. The application site is Greenfield land that lies outside of the defined settlement boundary for Maisemore as defined in the emerging Borough Plan 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 Policy RES3 of the emerging Borough Plan.

#### **Council's 5 Year Housing Land Supply**

- 7.4. Whilst the proposal is contrary to Policies SP2 and SD10 of the JCS and Policy RES3 of the emerging Borough Plan, 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. There are no such policies in the Framework that provide a clear reason for refusal in this case and therefore the presumption in favour of granting permission is engaged as per paragraph 11d of the Framework. This is also known as the 'tilted balance'.

#### **Scale of development and social impacts**

- 7.6. Maisemore is a relatively tightly clustered settlement, which is a named service village in the JCS. The JCS recognises that the retention of services within the service villages is intrinsically linked to the size and distribution of the resident population and it is important that these services remain viable. In response to this, Policy SP2 of the JCS sets out that rural service centres and service villages will accommodate lower levels of development to be allocated through the Tewkesbury Borough Plan and Neighbourhood Plans, proportional to their size and function, and also reflecting their proximity and accessibility to Cheltenham and Gloucester and taking into account the environmental, economic and social impacts, including existing levels of growth over the plan period.
- 7.7. The Council's approach to the disaggregation of the residual housing requirement to the rural service centres and service villages is explained in the housing background paper (HBP) (October 2019), which forms part of the evidence base for the emerging Borough Plan to 2031. The HBP stresses that the disaggregation process is only the starting point for considering an appropriate level of development for each rural settlement. It follows that in addition to the 'top down' approach of the disaggregation process, there should also be a 'bottom up' element whereby the availability of sustainable sites at each settlement will also be a factor in determining the most appropriate distribution of development. For example, there may be situations where a settlement is unable to achieve its disaggregated requirement due to a lack of suitable, sustainable sites or due to constraints such as the Green Belt and AONB. Conversely, there may also be situations where a settlement can exceed its disaggregated requirement due to suitable, sustainable sites being available at the settlement. This will however need to be balanced alongside the size, function and accessibility of the settlement in order to achieve a sustainable pattern of development and avoid issues associated with social cohesion.

- 7.8. The HBP goes on to state that there will also be positive and negative social impacts from new development. Positive effects include meeting people's housing needs, supporting village services and shops and improving physical and mental health through creating a high quality built environment. Negative social impacts can however result where the number of dwellings in a settlement is substantially increased without proportionate increases in infrastructure, employment opportunities and other local services. This risks eroding community cohesion and is a material planning consideration.
- 7.9. The HBP sets out that the disaggregated indicative housing requirement for Maisemore is 41 dwellings, although 52 dwellings have already been committed in the village over the plan period. The dwellings already committed in the village represent a percentage increase of approximately 25% (based on a figure of 210 dwellings prior to these commitments). The cumulative impact of a further 8 dwellings would increase this growth to approximately 28%. It is also important to note that the indicative housing requirement does not place an 'upper limit' on development.
- 7.10. Whilst it is accepted that this increase is not insignificant for a rural village, it is considered that the cumulative housing number would not be disproportional to the role of Maisemore as a service village. The Parish Council's comments are noted in respect of the impact on local services and facilities. However, no evidence has been presented to suggest that these would be unable to cope with the modest number of dwellings proposed here. It is also the case that Maisemore is located in reasonably close proximity to Gloucester City. In light of this, it is considered that the cumulative scale of development in Maisemore would be acceptable and would not give rise to any unacceptable social impacts that would warrant a refusal in this instance. This is a neutral factor in the planning balance.

#### **Landscape impact**

- 7.11. 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.
- 7.12. The site is not subject to any formal or informal landscape designation although it is a Greenfield site on the edge of Maisemore where built form transitions into open countryside. In light of this, the application is supported by a Landscape and Visual Impact Assessment (LVIA) that considers the impact of the proposal in that context.
- 7.13. At a District level, the Gloucestershire Landscape Character Assessment shows that the site lies within the Woolridge Hill Landscape Character Area (LCA), which is part of the Vale Hillocks Landscape Character Type (LCT), with the Elmore Back and Minsterworth Ham LCA (within the Floodplain Farmland LCT) covering the floodplain to the south and Leadon Valley to the west. At a local level, the Joint Core Strategy Landscape Characterisation Assessment and Sensitivity Analysis shows that the site falls within the Maisemore Hillocks LCA. The sensitivity study assessed the area where the site is located as being of medium landscape and visual sensitivity. The landscape character of the area is summarised as being, inter alia, a small-scale pastoral landscape heavily influenced by the existing settlement edge and equestrian activity. In visual terms, the area is summarised as being well screened from local vantage points in the village by settlement and by mature and robust hedges. It is visible only from Persh Lane and adjoining properties. The area is overlooked from higher ground on Lassington Hill to the south west and views are available from the Wysis Way as it crosses Lassington Hill. It follows that the area does retain some visual tolerance to new development

if it were to respect the existing settlement form without appearing prominent, nor to intrude into open countryside.

- 7.14. In terms of landscape effects, the LVIA sets out that the proposal would result in the loss of approximately 1.25ha of grazing pasture, approximately 33m section of category C species poor hedgerow to accommodate the site access, and approximately 14m of category C hedgerow to accommodate the access road and swale. However, in mitigation, the proposal would create approximately 890m of new and restored field boundary hedges; approximately 1,280m<sup>2</sup> of new native tree and shrub planting within the open space; approximately 580m<sup>2</sup> of wildflower/species rich grassland; and a new pond and drainage swale, which would be designed to maximise biodiversity value. The development would change the character of the site, although the restoration and creation of new hedgerow would help to strengthen the existing field pattern on the edge of the settlement.
- 7.15. In visual terms, the LVIA states that due to the limited number of locations from which views toward the site may be obtained, the more significant visual effects would be limited to the immediate area and rights of way on Lassington Hill. The most significant adverse visual effect would be limited to views experienced by non-vehicle users of Persh Lane due to the construction of the new access, which would open up views along the access into the site. A significant adverse effect would also likely be experienced by the occupiers of Peartree Cottage, although this would be mitigated to a degree by the proposed planting, which would eventually screen views into the site. With regard to views experienced by users of the rights of way on the western part of Lassington Hill, the development would be visible. However, it would be viewed in the context of the existing settlement.
- 7.16. In summary, the LVIA concludes that any significant landscape and visual effects that would arise from the proposal would be limited and generally localised. Given the findings of the Joint Core Strategy Landscape Characterisation Assessment and Sensitivity Analysis, officers concur with the findings of the applicant's LVIA. Officers also agree that the landscape and visual effects that would occur would reduce over time with the mitigation measures outlined above. However, there would be an inevitable degree of harm as a result of building on a Greenfield site on the edge of the settlement, which would result in a degree of encroachment into the open countryside. That harm, albeit limited, needs to be weighed in the planning balance.

### **Design and layout**

- 7.17. 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.
- 7.18. 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. Policy RES5 of the emerging Borough Plan echoes this advice and also states that proposals on the edge of settlements should respect the form of the settlement and its landscape setting, not appear as an unacceptable intrusion into the countryside and retain a sense of transition between the settlement and open countryside.



- 7.19. Whilst the application is in outline form, access and layout are proposed to be determined at outline stage (**see attached layout plan**). In terms of layout, the developable part of the site has been arranged as an informal mix of different house types fronting onto a single access road with an undulating building line. Beyond the access road, the plans detail a substantial area of informal open space, which would incorporate new native tree and shrub planting along with new hedgerow planting along the site boundary. The access road would be taken off Persh Lane and is proposed to be a shared surface akin to a rural country lane. A further area of open space is proposed between Persh Lane and the access road, which would incorporate an attenuation pond.
- 7.20. Landscaping is proposed to be reserved for future consideration and is only illustrative at this stage. The Design and Access Statement states that that individual plots would be delineated through the use of post and rail fencing and hedgerows to provide privacy. Lower hedgerows are proposed to the front to provide a more open character whilst distinguishing between public and private space. The access road from Persh Lane is proposed to be screened by native hedging and hedgerow trees. In addition, it is proposed to include structural landscaping along the south western boundary of the development site to screen and filter views from the south west. A secondary landscape buffer is also proposed along the boundary of the adjoining field where the existing field boundary is to be restored.
- 7.21. Scale and appearance are also proposed to be reserved for future consideration. However, it is proposed that the individual dwellings would increase in scale from 1 storey, through to 1.5 and 2 storeys in height. This would provide a transition between the larger existing properties in Blacksmiths Lane and the smaller 1.5 storey properties to the south east of the site. Limited information is provided on appearance although it is anticipated that the dwellings would be primarily brick with plain clay or slate roof tiles.
- 7.22. It is considered that the proposed development would be reasonably well related to the existing settlement pattern given that it is effectively enclosed on 3 sides by residential development, save for the intervening orchard. The proposed layout is considered to be logical and the informal and undulating building line, along with the substantial area of informal open space, would provide an appropriate settlement edge, providing a good transition to the open countryside beyond. Whilst appearance, scale and landscaping are proposed to be reserved for future consideration, there is nothing to suggest that appropriate details could not be secured at the detailed design stage.
- 7.23. Concerns have been raised that the private gardens are unusually large and if permission was granted, a denser scheme could come forward on the site. Whilst that is a possibility, it is not the scheme being considered here. Moreover, any revised scheme would need to be assessed on its own merits. Whilst the scheme presented here is of a low density, it is considered appropriate for this edge of settlement location. The proposal is therefore considered to be acceptable in design terms, which is a neutral factor in the planning balance.

#### **Residential amenity**

- 7.24. 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.

- 7.25. An objection has been raised by a local resident on the grounds that the proposal would result in a loss of light and privacy to properties in Persh Way. Whilst matters relating to scale and appearance are proposed to be reserved for future consideration, the layout is proposed to be determined at outline stage. The layout shows that there would be good separation distances between the proposed dwellings and the existing properties in Persh Way. Moreover, the submitted plans suggest that the dwellings to the south east of the site would be single storey. It is therefore considered that the layout would not lead to any undue loss of light or privacy subject to ensuring that the scale and appearance of the dwellings is acceptable at the reserved matters stage.

### **Housing mix**

- 7.26. 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 RES13 of the emerging Borough Plan.
- 7.27. Although the matter of scale is proposed to be reserved for future consideration, the application indicates that the scheme would provide a mix of 2, 3 and 4 bedroom properties. 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 RES13 of the emerging Borough Plan.

### **Affordable housing**

- 7.28. 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. This is also reflected in Policy RES12 of the emerging Borough Plan.
- 7.29. The application as originally submitted proposed an off-site contribution towards affordable housing. However, following consultation with the Council's Strategic Housing and Enabling Officer, it was advised that an off-site contribution should not be sought on this site as there is a need for rural affordable housing across the Borough and people shouldn't be expected to move to areas where social housing is present or delivered on larger sites. Furthermore, in many cases, there would not be any other local sites that would deliver affordable housing. It is also a policy requirement to be delivered on site.
- 7.30. In light of this, the Council's Strategic Housing and Enabling Officer has advised that the following affordable housing mix should be provided on site:
- 1 x 2-bedroom house – Social rent
  - 1 x 2-bedroom house – Shared ownership
  - 1 x 3-bedroom house – Social rent

- 7.31. In addition, a part off-site financial contribution equivalent to 0.2 of a house would be required to meet the minimum 40% affordable housing requirement. This would equate to £24,640.
- 7.32. The applicant has indicated that they are willing to provide the requested affordable housing on site and pay the off-site financial contribution. This would be secured through a Section 106 Agreement.

### **Biodiversity**

- 7.33. 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.
- 7.34. The application is supported by an Extended Phase I Ecological Assessment, which provides an ecological assessment of the habitats on the site. It consists of a desk study of ecological data in relation to the site and an ecological assessment of the land within the application site. The assessment notes that hedgerows are present around the boundaries of the site, which qualify as UKBAP habitat, and an orchard is situated to the north of the site. A badger sett was identified along the southern boundary of the site, which is outside of the proposed works area. The site provides limited foraging opportunities for bats with most of the site comprising grazed pastureland. A pond is located to the south the site within 250m and has been assessed as having excellent suitability to support Great Crested Newts and may support breeding populations, which are then likely to be present on the site. The grassland on the site is currently grazed by sheep and maintained at a uniform sward height which lacks the structural diversity required by species of reptiles.
- 7.35. In terms of the potential impacts of the proposed development on habitats, the data search revealed one national statutory designated site within 2km and eight non-statutory designated sites with 2km. Due to the scope of the development and the distance to these sites, the assessment concludes that there would be no adverse impacts as a result of this proposal. There would be a loss of some hedgerow, primarily to accommodate the new access. The hedgerow to be lost has been assessed as being species poor, however, it is proposed to mitigate the loss through the planting of new hedgerow within the site, in excess of the volume that is proposed to be removed.
- 7.36. Regarding protected species, the Badger setts that has been identified are located outside of the proposed works area and would not be directly impacted by the development. It is stated that a 20m buffer will be established around the setts and informed by an update survey by an ecologist. No heavy plant, excavations or fires would be permitted within this buffer area, which would be marked out with fencing. During the works any trenches will either be backfilled nightly or a ramp would be provided to ensure that no badgers become trapped in any excavations. Badger proof fencing would also be used to ensure that there are no conflicts between residential gardens and badgers where appropriate. In respect of bats, the scheme is relatively low density and provides scope to maintain and enhance boundary features to benefit the local bat populations. The development would include an ecological buffer of between three and five metres, which would provide a dark corridor around the boundary of the site. It is also recommended that integral bat boxes should be fitted into the buildings to provide additional roosting opportunities.
- 7.37. As set out above, the site provides potential habitat for Great Crested Newts. There are also suitable ponds within the area and therefore Great Crested Newts may be present on the site, which may be impacted by the proposed development. To address this, the applicant has applied to register under the District Licencing Scheme held by the Council and run in partnership with NatureSpace. This assumes the presence of Great Crested Newts on site and provides a mechanism whereby a financial payment is made to cover the cost of

compensation measures. NatureSpace has confirmed that the proposal can be dealt with under the District Licence if permission is granted. To secure this, NatureSpace require a number of planning conditions to be imposed. The first condition requires the development to take place in accordance with the terms and conditions of the Council's organisational license. The second condition restricts development until a certificate from NatureSpace, confirming that all necessary measures in regard to Great Crested Newt compensation has been appropriately dealt with, has been submitted to the Council for approval (this will also require a financial contribution towards the delivery of strategic Great Crested Newt conservation). The third condition imposes some working restrictions and on-site mitigation measures. Subject to adhering to these conditions, the proposal would have an acceptable impact on Great Crested Newts.

- 7.38. Following consultation with the Council's ecology consultants, planning conditions are also recommended to secure a lighting details for the development, along with a Landscape and Ecological Management Plan (LEMP). The Badger Trust also raise no objections to the proposal subject to adhering to the proposed mitigation outlined in the submitted ecological assessment. These mitigation measures should be carried forward in any LEMP. Subject to confirming that appropriate mitigation can be secured for Great Crested Newts, the proposal is acceptable in terms of biodiversity. This is a neutral factor in the planning balance.

#### **Arboricultural implications**

- 7.39. The application is supported by a Tree Survey and Arboricultural Impact Assessment (AIA), which considers the existing trees on and adjoining the site. Of the trees and groups of trees that were surveyed, 6 were classed as Category B (moderate quality), 13 were classified as Category C (low quality) and 1 classified as Category U (not suitable for retention). A number of trees are proposed for removal as they cannot be effectively retained as part of the development proposal. One tree is also deemed to be in an unsafe condition. Of the trees proposed to be removed, all are Category C and U trees and are relatively insignificant. Their removal would therefore not significantly impact on the local or wider landscape. The AIA demonstrates that the principal arboricultural features within the site can be retained and adequately protected during the construction period. Whilst some hedgerow removal is required to create the new access, significant new tree and hedgerow planting within the site would mitigate this loss. This is a neutral factor in the planning balance.

#### **Drainage and flood risk**

- 7.40. 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.
- 7.41. 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.

- 7.42. Regarding drainage, Severn Trent sewer records indicate no surface water sewers located in or in the vicinity of the site. The submitted Flood Risk Assessment (FRA) sets out that the drainage strategy for the northern part of the site would rely on infiltration drainage techniques with run-off from buildings discharging into garden soakaways. The access road in this location would also drain by infiltration to ground, either directly or via pervious surfacing. To the southern part of the site where the soils are impermeable and groundwater is present, it is proposed to discharge into the watercourse to the west of the site, which in turn eventually flows into the River Leadon. To achieve this, a swale is incorporated into the layout that would feed into an off-line attenuation basin to the south east of the site prior to discharging into the watercourse at a restricted rate (**see attached drainage strategy**).
- 7.43. Foul water is proposed to be discharged into an existing public foul sewer to the north east of the site under the A417 via a gravity sewer along Persh Lane. The objections regarding the capacity of the sewer network in Maisemore is noted. However, Severn Trent have confirmed that a connection to their system is acceptable in principle and the foul flows from the development would not have an adverse hydraulic impact on the existing sewer network in the A417.
- 7.44. Following consultation with the Lead Local Flood Authority (LLFA) no objections are raised on the basis of a planning condition to secure surface water drainage details prior to the commencement of development. Subject to this condition, the proposal is considered to be acceptable in this respect. This is a neutral factor in the planning balance.

#### **Access and highway safety**

- 7.45. 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.
- 7.46. Regarding accessibility, Maisemore contains a reasonably good level of primary and secondary services, which include a public house, village hall, church, play and sports facilities and limited local employment opportunities. Maisemore also has some public transport provision with links to the surrounding areas and with bus stops located within reasonable walking distance of the site. Indeed, Maisemore 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.
- 7.47. In terms of access, this is proposed to be dealt with at outline stage. The proposed development would be served via a junction arrangement directly off Persh Lane, which itself is a rural lane accessed off the A417 (**see attached access arrangements**). The access would also incorporate a new passing place on Persh Lane, adjacent to the new access. A speed survey undertaken along Persh Lane recorded 85<sup>th</sup> percentile speeds of 25.2mph northbound and 22.8mph southbound. Based on these speeds, the visibility splays required are 32m to the north and 37m to the south. The submitted plans show that these can be achieved and would be secured by way of a planning condition. In terms of the layout, the Highways Officer advises that whilst the spine road is physically constrained in terms of width, sufficient levels of forward visibility and number of passing places are proposed to allow for vehicles to safely access and egress the site.

- 7.48. Regarding the suitability of Persh Lane to accommodate the proposed development, highway safety concerns have been raised due to the nature of the road. Objectors point out that Persh Lane is narrow and has limited footways. Presently, the nearest footway provision is located approximately 130m north of the proposed access. In response to this, the Automatic Traffic Count (ATC) report that measured the volume of the traffic vehicle types and speed, indicates that the average traffic volumes on Persh Lane is currently very low with only 10 two-way trips in the AM and PM peak hours (07:00 to 08:00 & 17:00 to 18:00 respectively). Furthermore, the proposal is only forecast to generate an additional 4 vehicular trips in each peak hour, which equates to a single two-way trip every 15 minutes. Based on this, the Highways Officer advises that given the overall scale of the proposals and the anticipated volume of pedestrian movements from the site, the inclusion of a footway would not only erode the rural character of Persh Lane, it would also be perceived as an excessive level of mitigation. It should also be noted that a separate pedestrian access is proposed to the north west of the site, which would connect to the existing Public Right of Way running along Blacksmiths Lane. The Highways Officer is therefore of the view that a safe and suitable access can be achieved and the residual cumulative impact on the highway network would not be severe. This is a neutral factor in the planning balance.

### **Heritage assets**

- 7.49. Paragraph 189 of the NPPF states that 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.
- 7.50. The County Archaeologist advises that there is no significant archaeology known at this location or in the immediate vicinity. He is therefore of the view that there is a low risk that archaeological remains would be affected by this proposal and no archaeological investigation or recording is required.

### **Community Infrastructure Levy/Section 106 obligations**

- 7.51. 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.
- 7.52. 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.
- 7.53. 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.
- 7.54. Infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 legal agreement. In this case, this would only apply to the provision of affordable housing and the related off-site financial contribution as set out previously.

## **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 settlement boundary for Maisemore as defined in the emerging Borough Plan 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 Policy RES3 of the emerging Borough Plan. 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 an important 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, although it is accepted that the Council's housing policies are currently out of date and full weight cannot yet be afforded to Policy RES3 of the emerging Borough Plan. There would also be an inevitable degree of harm to the landscape given that it is proposed to develop a Greenfield site on the edge of the settlement.

### **Neutral**

- 8.5. Whilst the application is in outline with scale, appearance and landscaping reserved for future consideration, the site layout demonstrates that the proposed quantum of development can be accommodated on the site in an acceptable manner. Furthermore, the layout does not raise any residential amenity issues. 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. Subject to confirming that appropriate mitigation can be secured for Great Crested Newts, the proposal is also acceptable in terms of biodiversity.

## **Conclusion**

- 8.6. Harm would arise though conflict with the Council's development plan policies in respect of the distribution of housing. However, whilst the site is outside of the built-up area of Maisemore, it is located on the edge of the settlement and would have access to the services and facilities available in this location. In any event, the Council's housing policies are currently out of date and the weight that can be afforded to them is reduced. There would be a degree of harm to the landscape, however, the level of harm is considered to be limited and can be mitigated with appropriate landscaping that would be secured at the reserved matters stage. Given the application of the tilted balance, it is considered that the harms identified do not significantly and demonstrably outweigh the benefits in this case. The application is therefore recommended for delegated consent subject to securing the appropriate mitigation for Great Crested Newts and subject to the completion of a Section 106 Agreement to secure the affordable housing.

## **CONDITIONS:**

1. The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the scale and external appearance of the buildings, 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. 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.



5. 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.

6. 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.

7. 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.

8. 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**

9. 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.

10. 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

11. Development shall not begin until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly), for a distance of 32 metres north and 37 metres south 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.

12. 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 include but not 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);
  - Routes for construction traffic;
  - Any temporary access to the site;
  - 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: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies.

13. 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.

## **Drainage**

14. No development shall take place until comprehensive evidence based surface water and foul drainage details, including a SuDS/drainage management plan, have been submitted 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. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, 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

In addition, unless foul water is to be treated via a package treatment plant, the sewerage authority must first take any steps necessary to ensure that the public sewer will be able to cope with the increased load and there being in place adequate and appropriate sewerage facilities to cater for the requirements of the development without increase of flood risk or ecological damage. The scheme shall be implemented in accordance with the approved details before the development is finished and put into use, and subsequently maintained to the required standard.

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.

## **Ecology**

15. The development hereby permitted shall take place strictly in accordance with the terms and conditions of the Council's organisational licence (WML-OR43-2019-1) and with the proposals detailed on plan 'Maisemore 2 Impact Map 25th June 2020'.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence WML-OR43-2019-1.

16. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR43-2019-1), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the local authority has provided authorisation for the development to proceed under the district newt licence. The Delivery Partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts.

17. The development hereby permitted shall take place strictly in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence WML-OR43-2019-1 and in compliance with the following:
- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
  - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).

Reason: In order to adequately mitigate impacts on great crested newts.

18. 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.

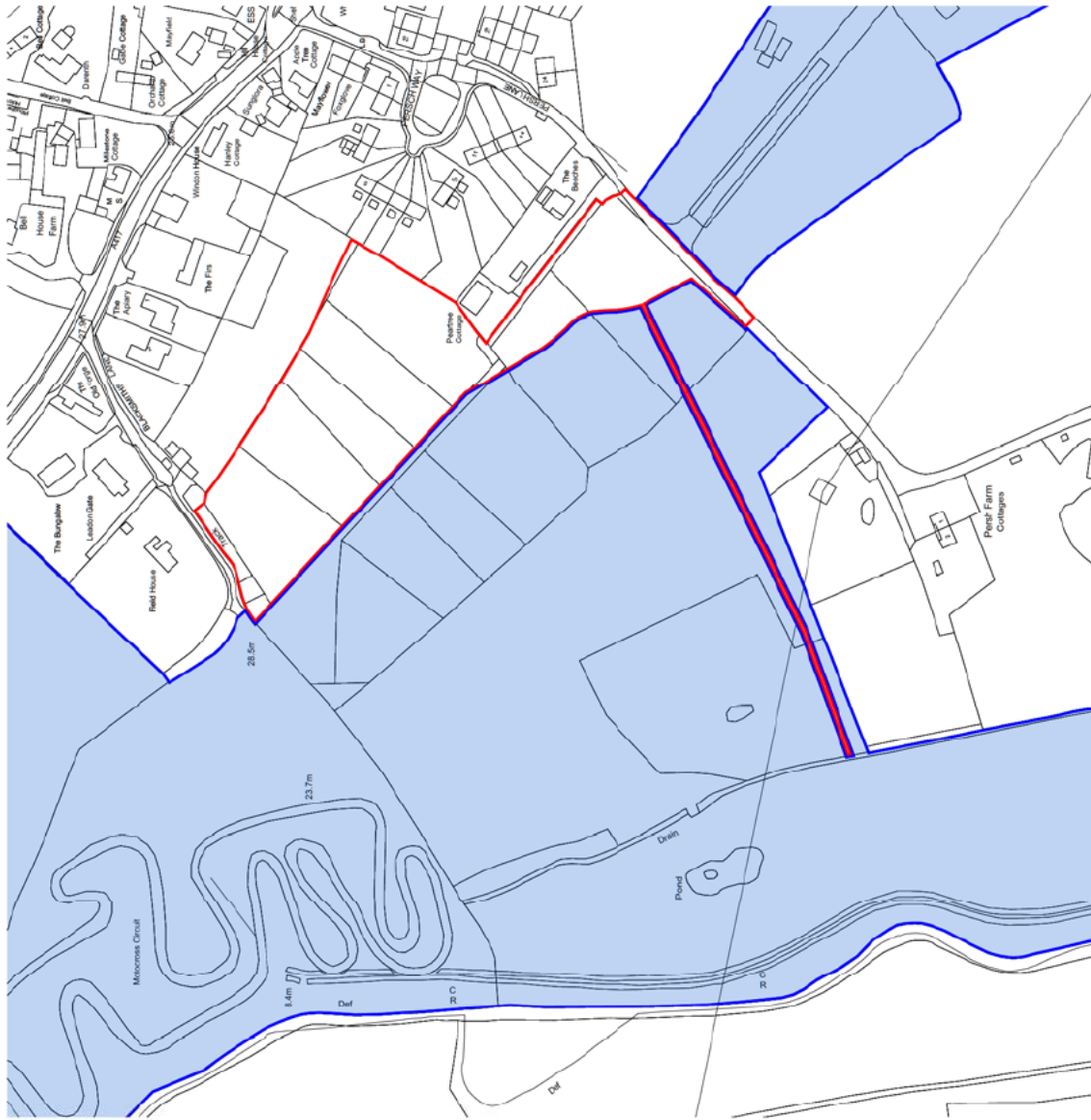
Reason: To ensure proper provision is made to safeguard protected species and their habitats, in accordance with the guidance set out in the NPPF.

19. 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 and in the interests of amenity 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.



Site Application Boundary  
 Other Land Owned by Applicants

DRAWING: **Site Location Plan**  
 SCALE: 1:2500  
 SIZE: A3  
 JOB NO: 50491  
 DWG NO: P0-01  
 DATE: Nov 2019  
 REV: A








PROJECT:  
**Land West of Persh Lane,  
 Malsmore**

REV.	DATE	AMENDMENTS	DRAWN	CHECKED
A	13.02.20	Amended red and blue lines	RW	KS



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**Legend**

-  Existing trees / hedgerows retained
-  Native tree planting to extant copse
-  Proposed trees
-  Proposed native shrubs
-  Proposed native hedge
-  Species rich grassland
-  Filtered views



**Housing development**  
Housing development to be broken up with hedges on garden boundaries, occasional trees, and ornamental planting to house frontages. Rear garden boundaries to be defined by fencing and mixed native hedge incorporating occasional fruit trees.

**Open space**  
New boundary formed with adjoining field by stock proof fence and wide native hedgerow (to be managed at height of 2.5-3m), with areas of native shrubs on north eastern (open space side) to contribute to assimilation and partial screening of development. In views from south west. Planting fringed by species-rich wildflower grassland within open space with areas of mown grass extending up to the road, incorporating native parkland trees/tree groups. Drainage swale seeded with native moisture-tolerant grass, herb and wildflower species.

**Native tree and shrub planting**  
Area of tree and shrub planting to define and enhance threshold into development and contribute to screening between site/access road and Peartree Cottage.

**Attenuation pond**  
Pond to receive surface water from site located within small field and designed to maximise biodiversity. Final design to be developed as part of Reserved Matters.

**PLAN 4**

Rev: \_\_\_\_\_ Date: \_\_\_\_\_  
 Rev: \_\_\_\_\_ Date: \_\_\_\_\_

**Enderby Associates**  
 LANDSCAPE ARCHITECTS  
 ENVIRONMENTAL PLANNING CONSULTANTS  
 150, The Parkway  
 Walsingham, Norfolk, NR23 7JN  
 Tel: 01493 781818

**Project:** Land west of Persh Lane, Maisemore  
**Drawing title:** Landscape Strategy  
**Scale:** As shown  
**Date:** Jan 20  
**Drawing no.:** 480/04  
**Rev:** \_\_\_\_\_

**Footpath connection**  
Informal footpath connection between site and existing right of way (bridleway 10) on Blacksmiths Lane.

**New mixed native hedgerow**  
New mixed native hedgerow with occasional trees along line of existing field boundary fence.

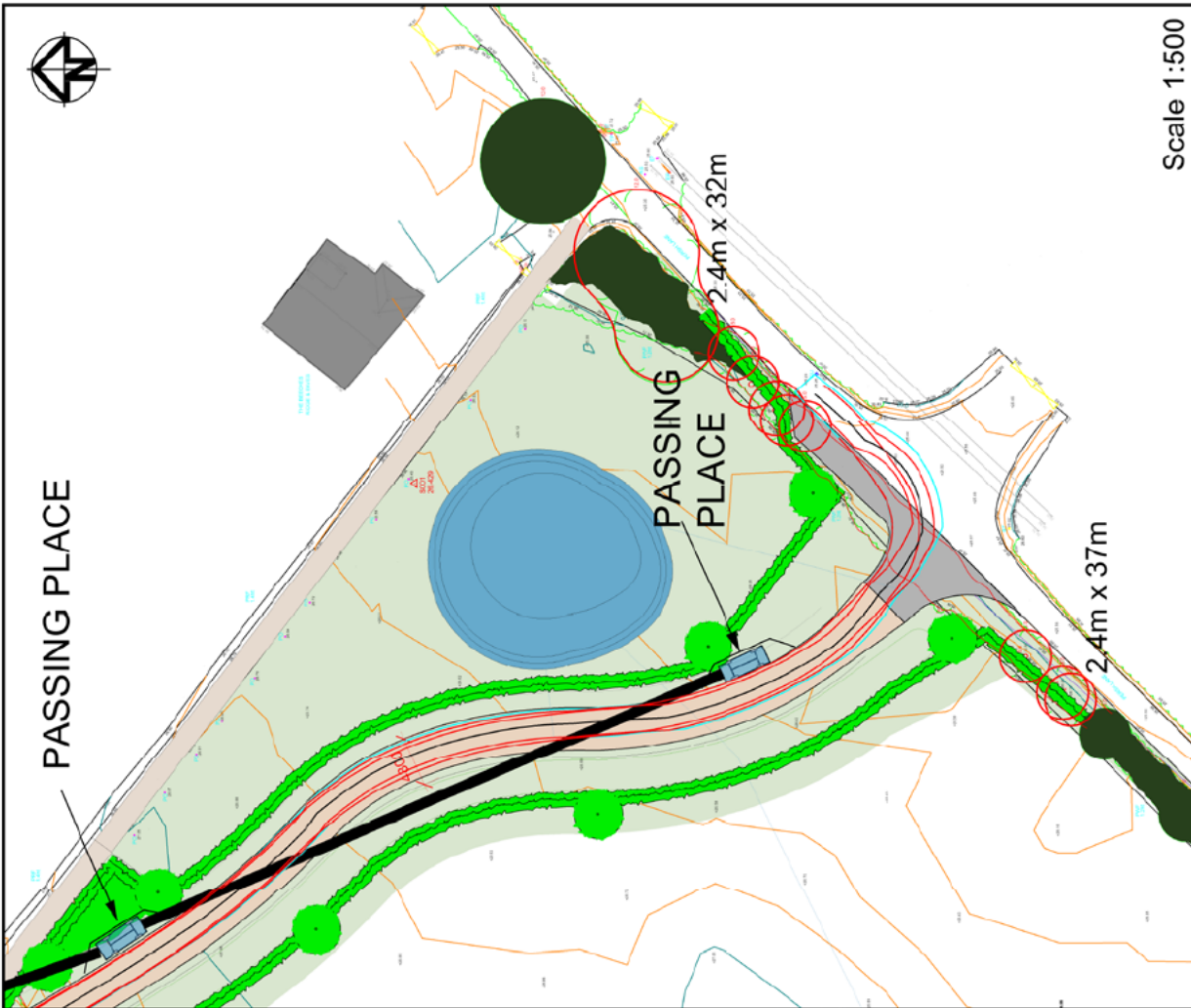
**Copse**  
Existing tree clump extended to create larger copse with additional native tree planting, with field boundary defined by stock proof fence and native hedge.

**Existing field boundaries**  
Existing field boundaries to be restored to contribute to assimilation and partial screening of development in views from south west. Mixed native hedgerows, incorporating occasional native trees, to be protected by stock proof fencing. Hedgerows to be managed at height of 2.5-3m.

**Field boundary hedgerows**  
Native hedgerows, with occasional native trees, to be planted in front of stock proof fences located to rear of access road verge and swale (on south west side). Hedgerows to be maintained at min. 2m high to provide screening of vehicles.

**Persh Lane hedgerow**  
Section of lane-side hedgerow removed/cut back to be replaced/reinforced to rear of sightlines.





Scale 1:500



carl TONKS consulting  
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 www.tontis-consulting.co.uk

3-Axle RCV Swept Path Analysis.

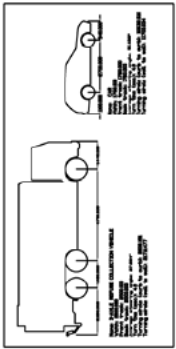
SCALE: as shown@A3 REV -  
 2019-F-010-010



Persh Lane, Maisemore.



Scale 1:1000



Rev	Date	Description	EP	CT	CT
-	2005.20	ORIGINAL ISSUE			
			Dim	Chk	Appd

100022432





## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

<b>Committee:</b>	Planning
<b>Date:</b>	21 July 2020
<b>Site Location:</b>	Land To The East of Horsbere Drive Longford GL2 9BY
<b>Application No:</b>	19/01098/FUL
<b>Ward:</b>	Innsworth
<b>Parish:</b>	Innsworth
<b>Proposal:</b>	Construction of two apartment blocks comprising 33 dwellings and associated parking and landscaping.
<b>Report by:</b>	Victoria Stone
<b>Appendices:</b>	Site Location Plan Site Layout Plan Proposed Elevations – Block A Proposed Elevations – Block B Indicative Street Scene Plan Proposed Bike and Bin Stores – Block A Proposed Bike and Bin Stores – Block B
<b>Recommendation:</b>	Refuse

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application relates to a vacant parcel of land to the north of Longford Lane and to the east of Horsbere Drive in Longford (**see attached location plan**). The site is situated within the new residential development at Longford.
- 1.2. The Secretary of State granted outline planning permission in July 2008, following a Public Inquiry, for residential development comprising up to 570 dwellings, community uses, a local centre comprising a mix of retail uses and associated physical infrastructure and open space, ref: 05/00883/OUT. An extension of time for submission of reserved matters was subsequently granted in May 2013, ref: 11/00385/FUL. The application site was identified in the approved Longford Masterplan as part of a local centre to provide services and facilities for new residents.
- 1.3. The site itself is rectangular in shape, consists of an area of rough grassland and covers approximately 0.31 hectares.
- 1.4. Residential properties border the site to the south-east; to the north-east is the new primary school, Longford Park Primary Academy, and to the north-west across Horsbere Drive are four recently constructed retail units. The site is bound to the south by Longford Lane.

- 1.5. This application is submitted in full and seeks permission for the construction of two apartment buildings comprising a total of 33 dwellings. The apartment blocks would be three storey in height and would have elevations facing onto Longford Lane, Horsbere Drive and Clock Tower Road. The Design and Access Statement sets out the appearance of the proposed apartment buildings is to provide ‘a traditional residential form while expressing a contemporary design notion.’
- 1.6. The development proposed is to be delivered as a 100% affordable housing scheme. The mix would consist of 6 x one bedroom units and 27 x two bedroom units.
- 1.7. Vehicular access to the development would be via Whitefield Crescent. A pedestrian link is proposed to run through the site which would connect to Horsbere Drive. A total number of 33 car parking spaces are proposed, set within a courtyard arrangement. New planting is also proposed to be incorporated into the development.
- 1.8. Since the application was first submitted, the proposal has been subject to revisions which have primarily sought to reduce the overall massing and scale of the two apartment buildings in response to officer concerns. A new notification and consultation period has been carried out.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
05/00883/OUT	Outline planning application for residential development (C3), Community Uses (D1), Local Centre comprising A1, A2, A3, A4 and A5 and associated physical infrastructure and open space.	ALLOWED AT APPEAL	03.05.2007
11/00385/FUL	Residential development (C3), Community Uses (D1), Local Centre comprising A1, A2, A3, A4 and A5 and associated physical infrastructure and open space (Extension of time of planning ref: 05/1145/0883/OUT).	PERMITTED	17.05.2013
13/01231/APP	Reserved matters submission for part of Phase 1 for the development of 291 dwellings and associated landscaping and infrastructure in respect of application 11/00385/FUL.	APPROVAL	01.07.2014
15/00814/APP	Reserved matters approval for part of Phase 2 for the residential development of 107 units at Longford Lane, Gloucester, with associated landscape and infrastructure (Outline planning permission 11/00385/FUL).	APPROVAL	18.04.2016

16/00474/APP	Reserved matters for the development of part of the Local Centre pursuant to permission ref: 11/00385/FUL.	APPROVAL	13.06.2018
16/00853/FUL	Erection of 197 dwellings with associated works.	PERMITTED	14.08.2017
18/00133/PRE	Residential development – Two possible proposals (11 and 30 dwellings).	N/A	21.02.2019
19/00097/PRE	Erection of apartment block (affordable housing).	N/A	21.08.2019

### 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) and National Design Guide (NDG)

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

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

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

3.4. Policies RCN1, RCN2

#### **Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019)**

3.5. Policies RES2, RES5, RES12, RES13, DES1, NAT1, ENV2, RCN1, RCN2, COM2, TRAC1, TRAC9.

#### **Churchdown and Innsworth Neighbourhood Plan 2018 - 2031**

3.6. Policies CHIN1, CHIN2, CHIN3, CHIN8, CHIN9, CHIN11, CHIN12, CHIN14

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

#### **Original Scheme Advanced**

4.1. **Innsworth Parish Council** – Oppose any development other than that originally agreed. Agree with Longford Parish Council's comments but also refer to conflict with the Neighbourhood Development Plan and in particular policies CHIN1-3.

- 4.2. **Longford Parish Council** - Object for the following reasons:
- Land was allocated as a local centre providing services and facilities to the new development as per the approved permission (11/00385/FUL). The change of its use to residential will be detrimental to the residents in the area with the loss of local retail, office and community use leading to more car journeys to distance services and hence more pollution;
  - Loss of employment opportunities in the area;
  - Highway safety concerns;
  - Design reasons of the masterplan are still very much relevant;
  - Open aspect of into the development creates a welcoming vista, the introduction of two towering apartment blocks would create an imbalance in the framed entry to the development and be out of keeping with the rest of the development;
  - Inadequate car parking planned – contrary to policy CHIN1 of the NDP;
  - Overdevelopment of the site will create an impact to surface water drainage.
  - Amended scheme does not address original concerns.
- 4.3. **County Highways** – No objection subject to recommended planning conditions.
- 4.4. **Highways England** – Offer no objection.
- 4.5. **Lead Local Flood Authority** – No objection subject to a recommended planning condition.
- 4.6. **County Minerals and Waste Officer** – No objection subject to a recommended condition to secure details of the provision for facilitating the recycling of waste generated during the occupation phase.
- 4.7. **Strategic Housing & Enabling Officer** – This proposal is supported.
- 4.8. **Urban Design Officer** – Objects for the following reasons:
- Its loss as retail, employment or community use would be disappointing and would have a negative effect on the overall quality of the new place that has been created at Longford. Long term this area will see significant residential growth and without the facilities to serve them we risk creating very unsustainable developments where people have to drive to access facilities;
  - Bin and bike store by Block B are incongruous in the street scene.
- 4.9. **Ecologist** – With consideration of the proposed measures intended to avoid or reduce effects, it can be determined that the proposed development is not expected to have a significant adverse effect on the integrity of the Cotswolds Beechwood SAC, Severn Estuary SPA/SAC/Ramsar and the Walmore Common SPA/Ramsar site, either alone or in combination with other plans or projects.
- 4.10. **Natural England** – No objection, subject to appropriate mitigation being secured.

- 4.11. **Severn Trent** – No objections subject to a planning condition to secure foul and surface water drainage details.
- 4.12. **Environmental Health Officer (Noise/Light)** – No objections.
- 4.13. **Environmental Health Officer (Air Quality)** – No objections subject to the incorporation of mitigation measures.
- 4.14. **County Archaeologist** – No archaeological investigation or recording needs to be undertaken in connection with the development.
- 4.15. **County Economic Growth and Strategic Planning** – A full contribution towards Early Year provision in the Longlevens Primary Planning Area and a full contribution towards Secondary education in the Gloucester Secondary Planning Area is required.

## **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.
- 5.2. A total of 175 objections to the original and revised schemes have been received. The comments are summarised as follows:
  - Lack of parking would inevitably lead to displacement onto local highway leading to pedestrian safety concerns, particularly given the close proximity of the local school;
  - Exacerbate existing inconvenient parking on the estate;
  - Adversely increase traffic generation - already congested on local roads;
  - Vehicular access off Whitefield Crescent will severely impact on the residents' amenity along Whitefield Crescent – the access was proposed to be off Horsbere Drive;
  - The buildings would be oppressive and will harm the experience when entering the new estate;
  - Harmful impact upon neighbouring amenity – overbearing, overshadowing and overlooking;
  - Design and scale of the proposal is not appropriate for this location;
  - Adverse impact upon visual quality of the locality;
  - Architectural elements of the design and scale will have a negative impact on the character of the neighbourhood;
  - Overdevelopment of the site;
  - Insufficient local infrastructure to serve the occupiers (Doctors Surgeries, Schools and Hospitals);
  - Design looks hideous and would be an eye sore on the corner of this land;
  - Cramped development;

- Flats opposite a shop would cause anti-social behaviour;
- Density not appropriate in this location;
- Contravene regulations to outside recreation space required on the estate;
- Design resembles warehouses at Gloucester docks, not appropriate for the site context;
- Land should be used for a community use as approved;
- Increase air and noise pollution;
- Development involves the loss of a green, open space;
- Development would cause the local school to become oversubscribed;
- Transport Assessment is inadequate because it uses wrong data set (Kingsholm);
- Method for establishing parking provision is inaccurate;
- Marketing of land for commercial use too highly priced for local businesses;
- Location on the 'gateway' of the development is not suited to this size of building;
- Proposed buildings would dwarf the buildings in close proximity;
- Creation of such a high density and overbearing addition in this gateway location would ruin the sense of place, permeability and damage the reasonable design the wider site benefits from as it stands;
- No attempt to create a net biodiversity gain;
- Block of social housing goes against the aims of interspersing affordable housing amongst the community;
- Concern development would exacerbate flooding;
- No communal garden areas proposed;
- Development would create more opportunity for crime;
- Bin stores close to current properties would cause an odour nuisance.
- Amendments does not reduce the impact the development would have on the local area;
- Reducing the number of proposed flats is still an unacceptable use for the land.

5.3. One comment in support of the **original scheme advanced** has been received. The comment is summarised as follows:

- Variety in the properties designed in this space;
- Utilises the topography well;
- Important to offer affordable homes;
- Area is perfect for affordable market;
- Additional homes will make best use of the local bus service.

## **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. Of direct relevance to this application is the Churchdown and Innsworth Neighbourhood Plan 2018-2031 which is formally part of the Development Plan having been 'made' at the full meeting of Tewkesbury Borough Council on 30<sup>th</sup> June 2020.

6.3. A further material consideration is the Pre-Submission Tewkesbury Borough Plan to 2031, which 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. Other material policy considerations include the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance and the National Design Guidance (NDG).

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

## **7.0 ANALYSIS**

### **Principle of Development**

7.1. In order to further sustainability objectives and in the interests of protecting the countryside, the housing policies of the JCS set out a development strategy for the Borough. Strategic Policies SP1 and SP2 of the JCS set out the scale and distribution of development to be delivered across the JCS area in the period to 2031.

- 7.2. As set out above, outline planning permission was granted for the land, as part of a major housing development at Longford in 2008. An extension of time was subsequently granted in May 2013, ref: 11/00385/FUL. The Masterplan, Phasing and Design Code approved as part of the outline consent identified the site, alongside a parcel of land to the west of Horsbere Drive, as land which would provide a local centre to serve the Longford development as well as the wider community; however the planning permission contained a condition which required reserved matters applications to be submitted on or before 17 May 2016. No reserved matters application was advanced on this particular parcel of land therefore planning permission no longer exists on the site and it effectively reverts back to agricultural use.
- 7.3. The application site forms part of an identified 'Existing Housing Commitment' in the JCS Proposals Map. In addition, whilst accepting the policies of the emerging TLP can only be afforded moderate weight, depending on the extent to which there are unresolved objections, the application site also fall within the defined settlement boundary for Longford as shown on the Housing Maps of the emerging TBP.
- 7.4. 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. Although the site doesn't form part of a Strategic Allocation, the JCS acknowledges it forms part of an existing housing commitment.
- 7.5. The applicant has submitted evidence to demonstrate that the site has been actively marketed since March 2017 for a commercial use. A letter from EJ Hales Chartered Surveyors, dated 3<sup>rd</sup> June 2019, provides a summary of the marketing. The letter sets out the land was fully marketed to local, regional and national agents together with targeting potential retail occupiers. Similarly the land was marketed to local, regional and national development companies. An on-site marketing board was installed. The general feedback suggested that the existing local centre on the opposite side of Horsbere Drive, which contains a convenience store as well as three additional units, was sufficient provision for the general marketplace in the area. Furthermore, the size of the plot was considered too small when taking account the size of many of the leading food retail companies and the site was not considered to be suitable for many smaller food retailers due to reasons including insufficient catchment or passing traffic.
- 7.6. Notwithstanding this, and some concerns raised by the local community there is no change of use proposed and the current application for housing must therefore be considered on planning policy merits in relation to what is being applied for; that is the erection of two apartment blocks for 33 dwellings. As mentioned above, the application site forms part of an identified 'Existing Housing Commitment' in the JCS Proposals Map and is located in the defined settlement boundary for Longford in the emerging TBP thus would accord with Policy RES2 of the emerging TBP. As such, the principle of housing at this site is considered acceptable.
- 7.7. Whilst as set out above the proposal is in accordance with policy SD10, it remains the case that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. Furthermore, whilst the Churchdown and Innsworth NDP was recently adopted, the provisions of paragraph 14 of the NPPF which provides that in some circumstances there is only a requirement to demonstrate a three year supply of deliverable housing sites do not apply as the NDP does not contain policies and allocations to meet identified housing needs.



- 7.8. For this reason, the tilted balance at paragraph 11 of the NPPF is engaged and the presumption is that planning permission should be granted unless there are any adverse impacts of doing so that would significantly and demonstrably outweigh the benefits, when assessed against the policies set out in the NPPF as a whole.

### **Design and Visual Amenity**

- 7.9. Section 12 of the NPPF sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It continues by stating that good design is a key aspect of sustainable development, creating better places in which to live and work and helps make development acceptable to communities. Planning decisions should, amongst other things, ensure that developments will function well and add to the overall quality of the area and should be sympathetic to the local character, including the surrounding built environment. Paragraph 130 of the NPPF makes it clear that planning permission should be refused for development of poor design that fails to take the opportunity for improving the character and quality of an area and the way it functions.
- 7.10. The National Design Guide (NDG) addresses the question of how we recognise well-designed places, by outlining and illustrating the government priorities for well-design places in the form of ten characteristics; one of which is the context. The NDG provides that well-designed development should respond positively to the features of the site itself and the surrounding context beyond the site boundary and that well-designed new development needs to be integrated into its wider surroundings, physically, socially and visually.
- 7.11. This advice is echoed in JCS policy SD4 which states 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.
- 7.12. Policy RES5 of the Pre-submission Tewkesbury Borough Plan (2019) states proposals for new housing development should, inter alia, be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it and be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity, unless otherwise directed by policies within the Development Plan.
- 7.13. Further, Policy CHIN2 of the adopted Churchdown and Innsworth Neighbourhood Plan states that proposals for new development should contribute towards the local distinctiveness of Churchdown and Innsworth. They should demonstrate high quality, sustainable and inclusive design and architecture that respects and responds positively to the best examples of the Neighbourhood Area's character.
- 7.14. The application proposes two apartment buildings, each three storey in height, with a maximum ridge height of 12 metres. Both buildings would incorporate gable projections with differing ridge and eaves height in an attempt to reduce the overall mass and bulk of the buildings. Further some window openings would be set in the eaves. Due to the layout and positioning of the buildings, the elevations would front onto Longford Lane, Horsbere Drive and Clock Tower Road. The Design and Access Statement sets out *"The proposed design can be said to use a traditional residential form while expressing a contemporary design notion through the use of modern window and door fittings, brick detailing to accentuate areas and create a variation to the surface. A secondary material of cement-based board would be introduced to highlight communal areas."* The applicant contends in the submitted 'Character Assessment', that it is *"not the intention to copy the appearance of the local surroundings, but to borrow from it and enhance the positive aspects. Therefore, it is the*

*intention to produce a crisp, clean design elevationally whilst reacting sensitively to the design cues of the buildings in and around the site.”*

- 7.15. National Design Guidance sets out, amongst other things, well-designed places should integrate into their surroundings so they relate well to them and are influenced by and influence their context positively. As such it is essential to consider the site context. The application site is bordered by two storey residential dwellings to the south-east; to the east lies the new primary school, Longford Park Primary Academy. The school building is a contemporary modern style, predominantly single storey with a double-height hall; two wings of the building have double curved roofs and the walls are finished with a palette of materials. On the opposite side of Horsbere Drive there are four recently constructed retail units. These are also single storey, with two different roof forms and finished in timber and render. This building provides a modern design approach which is considered to complement the primary school to the north of the site contributing to a sense of place. Further afield, the properties on the opposite side of Longford Lane and to the north-west consist of mainly two storey brick built properties.
- 7.16. Given the site context, the development proposed, by virtue of the overall scale and the resulting bulk and massing would fail to integrate and relate well to the surroundings. The buildings due to the sheer size would not be of a scale and density appropriate to the site and thus it would fail to respect the character of the site and its surroundings and would fail to contribute positively to the sense of place envisaged for this part of the wider Longford development. Further, the buildings would be overbearing upon the street scene when considered in relation to the scale and type of the surrounding built form and therefore would become a dominant feature to the detriment of the locality failing to provide an adequate sense of arrival.
- 7.17. Whilst it is recognised of course that the original permission for the wider Longford development has elapsed, the original design strategy for this parcel of land never intended to have such dense form of development. Moreover, the intensity of the proposed development, due to the significant footprint and mass of the two buildings on a relatively small parcel of land would result in the development appearing ‘cramped’. In addition, the architectural detailing of the elevations, in particular the two elevations which would face Whitefield Crescent, and would be highly visible from the surrounding highway network, would be lacking in any visual interest and poor architectural quality. These two expansive elevations have been designed in that manner to prevent any overlooking issues to the neighbouring properties along Whitefield Crescent however this has resulted in a bland utilitarian appearance of those two elevations. It is noted there are three storey properties within the wider development site however these are smaller in scale, have a different design style and most importantly are set within the development, not in such a prominent location.
- 7.18. Given the above, the development would not be an appropriate scale, type and density to the site and its setting and therefore would fail to respond positively to, and respect the character, appearance and visual amenity of the site and the surrounding area. It therefore follows the development would fail to represent high good design. This weighs heavily against the proposal in the overall planning balance.

### **Landscaping**

- 7.19. The NPPF sets out that to achieve well-design places, planning decisions should ensure that developments, inter alia, have appropriate and effective landscaping. Policy SD4 reiterates this advice by setting out that new development should ensure that the design of landscaped areas, open space and public realm are of high quality, provide a clear structure and constitute an integral and cohesive element within the design.

- 7.20. The Design and Access Statement states “All landscaping is intended to provide an attractive and sustainable public realm. New tree and hedges will be planted to further strengthen the different boundaries within the site. New planting will be incorporated into the site to further integrate the units with the surrounding environment. Soft landscaping, plants and low hedgerows have been used to break up areas of hard standing, as well as offer privacy for the accommodation proposed on the ground floor.”
- 7.21. The Masterplan, Phasing and Design Code for the Longford development sets out that “the main entrance to the site will be lined with hedges and formal tree planting to frame a vista to a focal point at the heart of the community hub.” Based on the information submitted the development would include some planting along the roadside boundary of Horsbere Drive, Clock Tower Road and Whitefield Crescent however the proposal only includes one tree to be planted along Horsbere Drive. Comments have been sought from the Council’s Landscape Officer and Tree Officer on the acceptability of the proposed landscaping of the site and an **update will be provided at Planning Committee.**

### **Residential Amenity**

- 7.22. 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.
- 7.23. The building shown as ‘A’ on the submitted proposed site plan would be located to the north-west of the nearest property along Whitefield Crescent, No 10. The proposed building would sit in a linear position with the existing properties, albeit the width of the proposed building would extend beyond the width of the neighbouring property. A distance of metres approximately 10.8 metres would be maintained from the boundary with the neighbouring property. The height of the nearest part of the building would be approximately 10.2 metres. All the windows above ground floor proposed on this facing elevation are shown to be obscure glazed to prevent any direct overlooking issues to the rear private space of the immediate neighbouring property. Given the linear relationship, the favourable orientation, the satisfactory separation distance between the proposed building and the existing property along Whitefield Crescent and the mitigation measures incorporated (obscure glazed and lower ridge height), on balance it is considered **Building A** should be able to be accommodated on the site without undue detriment to neighbouring amenity.
- 7.24. The proposed development would introduce a bike store and bin store adjacent to the boundary with No.10 Whitefield Crescent. This building would be single storey therefore would not cause any harm in respect to overbearing or overlooking. Concerns have been raised over potential odour issues from the bin store upon neighbouring amenity. Whilst the Environment Health Officer has raised no objections in relation to air quality the comment makes no reference to the bin stores therefore further comments have been requested on this particular matter. The same applies for the relationship between the bin store and the neighbouring amenity for **Building B. Members will be updated at Committee.**

- 7.25. The building shown as 'B' on the submitted proposed site plan would be located to the north of the existing properties, No.2-8 Whitefield Crescent. These properties are apartment blocks and have very little, if any, private garden space. At its' closest point (north-east end) **Building B** would be approximately 13.7 metres from the boundary with the neighbouring properties, though the main part of the building would be approximately 17 metres from the boundary. The ridge height of the main section of the building would be approximately 11.6 metres. All windows above ground floor proposed on the elevation facing the existing properties are again shown to be obscure glazed; these are either secondary windows or would serve a bathroom. The existing properties have windows facing onto the site, though these appear to be bathroom windows. Given the separation distance between '**Building B**' and the nearest properties along Whitefield Crescent it is considered that the building could be accommodated on the site without adverse harm to neighbouring amenity.
- 7.26. Turning to the amenity of the future occupiers of the flats the relationship between the two buildings need to be considered. At its closest point a distance of approximately 16 metres would be maintained between the two buildings; at its furthest point this would be increased to 34 metres. Whilst the windows aren't shown to be obscure glazed on the two facing elevations which would only be 16 metres apart, the design of the internal layout configuration would allow for a number of the windows to be obscure glazed to prevent any direct overlooking. The main part of the two buildings, being 34 metres apart is considered a satisfactory separation distance to ensure no adverse impact from overlooking would be created. In light of this assessment it is considered the development as proposed could be accommodated without compromising the amenity of the future occupiers of the units.
- 7.27. The development does not propose any communal areas however the development would incorporate small pockets of grassed areas, and bins stores and bikes stores would be provided outside of the buildings. Given the location of the site close to the open space and sports facilities secured as part of the wider Longford development and the surrounding countryside in this instance the limited outdoor space within the application site is considered acceptable.
- 7.28. Policy SD11 of the JCS states that new housing should meet and where possible exceed appropriate minimum space standards. Emerging Policy DES1 (Housing Space Standards) of the pre-submission TBP requires all new residential development to meet the Government's nationally described space standards as a minimum, to ensure that high quality homes are delivered that provide a sufficient amount of internal space appropriate for occupancy of the dwelling. The development proposes 6 x one bed two person units and 27 x two bed three person units. In accordance with the guidance in the National Described Space Standards all of the one bed units would meet the minimum space standards. As set out in the space standards a two bed, three person unit should have a minimum gross internal floor area and storage of 61 square metres. Based on the information submitted twelve of the 27 two bed units would fail to meet the minimum standards, though only marginally (range from 2.3 sqm to 0.1 sqm). Given the marginal shortfalls in respect of the space standards, it is not considered that this matter on its own would justify refusal.

## **Access and Highway Safety**

- 7.29. The NPPF sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Further, 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. Policies RES9 and TRAC9 of the emerging TBP state that proposals need to make provision for appropriate parking and access arrangements. Policy CHIN1 of the Churchdown and Innsworth Neighbourhood Plan sets out parking standards for the provision of off-road parking for new residential development, where possible; 1-bed dwellings should provide 1 off-road car parking space; 2-bed dwellings should provide 2 off-road car parking spaces. It also encourages the provision of off plot visitor parking at a ratio of 0.25 per dwelling.
- 7.30. The application is supported by a Transport Statement (TS), prepared by Cotswolds Transport Planning. The TS concludes that the proposed development, in highway and transportation terms is acceptable. A new vehicular access would be via an extension of Whitefield Crescent, which is a 5.1m wide residential, single carriageway access street, and is subject to a 30mph speed limit. The application site proposes five pedestrian/cycle accesses; alongside the vehicular access off Whitefield Crescent; two off Horsbere Drive and two off Clock Tower Road. A total of 33 unallocated parking spaces would be provided on-site. To confirm the level of car parking provision would be suitable to accommodate the likely car ownership levels and overall parking demand, an analysis of car ownership levels in the local area was undertaken.
- 7.31. Gloucestershire County Council (GCC) have been consulted as the Local Highway Authority and assessed the proposed development in terms of public transport facilities, access, trips and parking. The Highway Authority have raised no objections to the development subject to the recommendation of a number of conditions. The Highway Authority conclude that the traffic movements resulting from this development would not be expected to have a severe impact on the safety or operation of the local highway network, the principle of access as a continuation of Whitefield Crescent would be acceptable and that a safe and suitable access could be achieved.
- 7.32. Concerns have been raised by the local residents and both Longford and Innsworth Parish Council about the proposed parking provision and the method used for calculating the requirement. The total number of parking spaces that would be required for a development of this nature, having regard to Policy CHIN1 would be 68 (including 8 visitor spaces). The current proposal includes less than half of that number (33).
- 7.33. The Highway Authority commented before the NDP was made and confirmed they have no objection to the assessment conducted to ascertain the number of parking spaces needed and those proposed. Nevertheless, it is noted that the applicant used Kingsholm Ward in the City of Gloucester as a proxy to establish expected levels of car ownership. Officers have significant doubts that this is an appropriate comparator, in particular given that, whilst the Ward boundary does abut the Tewkesbury Borough boundary at its northern extremity, large areas of the ward lie in close proximity to Gloucester City Centre and the City's rail and bus stations.

- 7.34. The emergence of Policy CHIN1 as a development plan policy late in the application process is unfortunate timing. However, given the real concerns of the local community which have led to the policy in the first place, and the number of objections to the current application on parking grounds, it is not considered that the proposed development would be served by sufficient levels of car parking. It is therefore not considered that the applicant has demonstrated that there would be sufficient parking to serve the development. This could lead to displacement of vehicles onto surrounding roads which would mean that the development would not function well and would be harmful to the character of the wider area, causing disruption on local roads, especially given the proximity of the site to the primary school. This would be contrary to paragraphs 102 and 127 of the NPPF 2019 and Policy TRAC9 of the Pre-submission Tewkesbury Borough Plan (October 2019) and weighs against the proposal in the overall planning balance.

### **Drainage and Flood Risk**

- 7.35. The NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Policy INF2 of the JCS seeks to prevent development that would be at risk of flooding. 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 emerging TBP policy ENV2. Policy CHIN12 of the Churchdown and Innsworth Neighbourhood Plan states that due to the levels of flood risk in Churchdown and Innsworth, development proposals are expected to demonstrate that they will not worsen the existing risks to the drainage network through the use of effective modern solutions.
- 7.36. 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 & Drainage Statement. This report concluded that site infiltration tests have been carried out and these indicate that infiltration would be a viable means of stormwater management for part of the site. This would be provided in a partial infiltration system and partial discharge directly to the existing stormwater sewerage infrastructure which was approved as part of the wider development site, planning reference 16/00853/FUL. Gloucestershire County Council Lead Local Flood Authority (LLFA) were consulted on the application and have raised no objection to the proposed development.
- 7.37. In terms of foul drainage, this would be provided in a new system which would connect to the existing private foul system in Clock Tower Road. Severn Trent have confirmed they have no objections to the proposals subject to securing drainage plans for the disposal of surface and foul flows.

### **Ecology**

- 7.38. The NPPF sets out, inter alia, that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, especially where this can secure measurable gains for biodiversity. Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. Policy NAT1 of the emerging NAT1 states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.

- 7.39. As part of the application a Preliminary Ecological Appraisal (PEA), prepared by Focus Ecology Ltd was submitted. The application site is identified as being within a zone of influence around the Cotswolds Beechwood Special Area of Conservation (SAC) and the Alney Island LNR, land functionally linked to the Severn Estuary Special Protection Area (SPA), both of which are European sites. As submitted the development could, in combination with other residential development in the Borough, have potential significant effects on the SAC and mobile species outside the SPA boundary European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). A Habitats Regulations Assessment (HRA) assesses the impacts from planning application specifically upon European designated sites. Both the Council's Ecologist and Natural England requested an Appropriate Assessment was carried out, under the provisions of the Habitats Regulations.
- 7.40. Policy NAT1 of the emerging TBP states that proposals that are likely to have a significant effect on an internationally designated habitats site (either alone or in combination with other plans or projects) will not be permitted unless a Habitats Regulations Assessment has concluded that the proposal will not adversely affect the integrity of the habitats site. An Appropriate Assessment was carried out on behalf of the applicant and reviewed by the Council's Ecologist and Natural England. Both consultees concluded that with consideration of the proposed measures intended to avoid or reduce effects, it can be determined that the proposed development is not expected to have a significant adverse effect on the integrity of the SAC and SPA, either alone or in combination with other plans or projects. A planning condition would be required to secure the proposed mitigation measures. The Council's Ecologist also recommended conditions, should permission be granted, to secure a satisfactory lighting plan following consultation with the project ecologists and an Ecological Enhancement Plan.

#### **Open space and play facilities**

- 7.41. The NPPF sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. JCS Policy INF4 provides 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.
- 7.42. The outline consent for the wider Longford development included 3.2ha together with an associated car park on a further 0.2ha of formal public open space and 12.5ha of Farmland Meadow for informal recreation. The formal open space approved includes a combination of equipped areas such as a LAP, LEAP, MUGA and Skate Park, together with one senior sports pitch and two junior pitches. Given the occupiers of the proposed new units would have access to these facilities within close proximity of the site, in this instance, it seems reasonable to not require any further contributions towards open space and play facilities.

### **Community Infrastructure Levy/Section 106 obligations**

- 7.43. The Community Infrastructure Levy (CIL) Regulations allow local authority 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 Regulation 122 of 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.
- 7.44. As a result of the regulation, Local Authorities and Applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly' related to the development'. As such, the regulations restrict Local Authorities ability to use Section 106 Agreements to fund generic infrastructure projects unless the above tests are met. Where planning obligations do not meet the above tests, it is 'unlawful' for those obligations to be taken into account when determining an application.
- 7.45. The NPPF sets out that LPAs should set policies for meeting affordable housing need on development sites. Policy SD12 of the JCS sets out that on sites outside of strategic allocations, a minimum of 40% affordable will be sought, should be provided on site and should be seamlessly integrated and distributed throughout the development scheme.
- 7.46. 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 the cumulative impacts, 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.

### **Affordable Housing**

- 7.47. Policy SD12 of the JCS requires a minimum of 40% affordable housing on sites of this nature. Paragraph 10 of the policy provides that the viability of a site may enable additional levels of affordable housing to be delivered above the 40% requirement, and that the JCS Authorities will negotiate with developers to find an appropriate balance to deliver affordable housing and infrastructure needs.
- 7.48. As mentioned previously the applicant states that the development is proposed to be delivered as a 100% affordable housing. The Council's Housing Enabling Officer supports the proposal and confirmed that there are currently 1801 people in the Borough on the housing register of which 110 have expressed a preference for Longford. The proposed scheme would help meet some of this need. This benefit should be afforded significant weight.



- 7.49. The applicant has agreed to enter into a Section 106 agreement to secure the 100% affordable housing but only if the Local Planning Authority views this as a more beneficial material consideration and with an appropriate reason to do so relative to the tests in the NPPF. Whether the provision of affordable housing outweighs the harms identified elsewhere in the report is of course a matter for the decision-maker however the provision of 100% affordable housing has implications in respect of viability, in particular respect of education contributions, which is discussed below.

### **Education/Libraries**

- 7.50. Following consultation with Gloucestershire County Council (GCC), 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: 8.10 = **£122,237.10**

Secondary: 5.40 = **£105,246.00**

- 7.51. GCC have advised that a full contribution to expand/extend/improve suitable Early Years day-care provision in the Longlevens Primary Planning Area is required. Current forecasts suggest there is adequate space capacity at the closest primary school to absorb the numbers arising from the development therefore it is difficult to justify a primary contribution at this time, but it is noted that the school will not be able to accommodate children arising from this development in all year groups. There is no catchment secondary school, Barnwood Park School is the closest non-selective school, forecasts show it will be at capacity; and given the multiple developments currently under construction within the Gloucester Secondary Planning Area, GCC have asked for a full secondary contribution to address the need for places arising from the development naming Barnwood Park and/or Gloucester Secondary Planning Area.
- 7.52. In terms of libraries, GCC have advised that the scheme would generate a need for library resources at Longlevens Library and a contribution of £6468 is therefore required to make the application acceptable in planning terms.
- 7.53. The applicant has raised concerns about the appropriateness of the proposed obligations and whether they can be required through s106 given that the Council has adopted CIL (even though a 100% affordable scheme as proposed would not be liable to pay CIL).
- 7.54. CIL Amendment Regulations which came into force on 1 September 2019 made a number of important changes to the operation of CIL and s106 obligations. Amongst other matters, Regulation 123 of the CIL regulations has been removed in its entirety which removes the restriction on pooling funds for a single infrastructure from more than five s106 obligations. It also allows both CIL and s106 contributions to be secured for the same infrastructure project although the aforesaid tests (Regulation 122) continue to apply.
- 7.55. Specific intentions or committed expenditure of CIL (arising from whichever developments), may be relevant in considering whether mitigation of a specific development by way of s106 obligations will be required from a specific site when considering the tests set out in the CIL regulations. The Council's regulation list published in respect of regulation 123 still remains the Council's infrastructure list (that is the list of infrastructure projects or types of infrastructure which it intends will be or may be wholly or partly funded by CIL), until it is replaced by an annual infrastructure funding statement.

- 7.56. The current list provides the infrastructure projects or type that may be wholly or partly secured through CIL, which includes education, will be those which are not directly related to directly related to an individual development and that infrastructure that meets the CIL Regulation 122 tests
- 7.57. In this particular case, officers consider that the infrastructure required by the county council is directly related to the needs arising from the development proposed. Therefore, officers consider that the requested education and library contributions are justified in the context of the tests set out in the CIL Regulations and the obligations would be lawful.

### **Viability**

- 7.58. Policy INF7 of the JCS sets out that where there is a concern about viability in relation to the provision of on/off site infrastructure, an independent viability assessment will be required. Guidance in the Planning Practice Guidance (PPG) states that where up-to-date policies have set out the contributions expected from the development, planning applications that fully comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case.
- 7.59. Notwithstanding, and without prejudice to the applicants position regarding the principle of whether planning obligations can be secured in addition to CIL, following the request from GCC for a financial contribution towards education and library provision the applicant engaged Alder King to undertake a Financial Viability Assessment (FVA) to assess the viability of being able to provide the contributions being sought from GCC. In accordance with national guidance the Council instructed RCA Regeneration Ltd (RCA) to carry out an independent viability assessment and review of the submitted FVA.
- 7.60. The FVA report from Alder King contained three appraisals; a policy compliant scheme with 40% affordable housing; a 100% open market scheme with S106 and CIL costs; and a 100% open market without S106 but with CIL. On the basis of the assessment by Alder King all three appraisals showed the schemes would not be viable RCA agree with this conclusion.
- 7.61. However, as set out above the applicant seeks to deliver a 100% affordable scheme and has asked the Council to give this additional weight in the planning balance. Therefore, RCA undertook an assessment of the proposed scheme for 100% affordable housing. Based on this assessment, it was concluded that the 100% affordable scheme could afford to pay the education and library contributions and remain viable. This is because the applicant would receive grant funding from Homes England to deliver the scheme as affordable housing, and because as a wholly affordable housing scheme, the scheme would be exempt from CIL. This would also reduce disposal fees and the developer's expected return.
- 7.62. In this case the developer is proposing 100% affordable housing and invites the Council to give that proposal significant weight in the determination of the application. The applicant considers an appraisal of the scheme proposed to be delivered (100% affordable) should not be taken into account because the planning permission being sought is for a policy compliant scheme (40%affordable housing) and that *"the delivery of the affordable housing is just the end result. Therefore, the viability should be assessed as such"*. However, policy SD12 of the JCS is flexible and aims to provide the most sustainable form of development on a site, to find an appropriate balance to deliver affordable housing and infrastructure needs. In this case, the applicant's proposal to deliver 100% affordable housing would allow for the required education/library contributions. The absence of agreement to secure 100% affordable housing and the education and library contributions therefore weighs against the

proposal in the overall planning balance and would be contrary to guidance in the NPPF, and Policies INF4, INF6 and INF7 of the JCS.

## **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. On the basis the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the supply of housing are out of date. In accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas of assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.
- 8.3. There are no NPPF policies for the protection of areas or assets of particular importance which apply in this case and therefore, it is clear that the decision-making process for the determination of this application is to assess whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

### **Benefits**

- 8.4. The development would contribute towards the supply of housing, and affordable housing in particular, to help meet the objectively assessed need for housing in the Borough in an area where the principle of housing development is considered acceptable. This is of particular relevance given the fact that the Council cannot currently demonstrate a deliverable supply of housing and therefore weighs significantly in favour of the application.
- 8.5. Moderate weight is given to the economic benefits that would arise from the proposal both during and post construction, including the economic benefits arising from additional residents supporting local businesses.

### **Harms**

- 8.6. Given the context of the site and its surroundings, the development as proposed, by virtue of the overall scale and the resulting bulk and massing, would not be of an appropriate scale, type and density and therefore would fail to respond positively to, and respect the character, appearance and visual amenity of the site and the surrounding area. It therefore follows the development would fail to represent high good design and this weighs heavily against the proposal.
- 8.7. Furthermore, the applicant has failed to demonstrate that there would be sufficient parking to meet the demand for car parking space arising from the proposed development. This weighs against the proposal.
- 8.8. The applicant is unwilling to enter into a legal agreement to secure a contribution towards education and library provision to mitigate the impact of the proposed development. This weighs against the proposal.

- 8.9. Twelve of the proposed units would fail to meet the minimum technical housing standards as required in the national described space standards and required by Policy DES1 of the emerging TBP. This is required to ensure that high quality homes are delivered that provide a sufficient amount of internal space appropriate for occupancy of the dwelling. This is a matter which weighs against the development though it would not justify refusal on its own.

**Neutral**

- 8.10. The proposal should, subject to satisfactory details and the imposition of appropriate planning conditions, be acceptable with regard to highway safety, residential amenity, drainage and ecological impact.

**Overall Conclusion**

- 8.11. The benefits set out above are not underestimated. However for the reasons set out above, and in particular the concerns raised in respect of the poor design quality, the absence of sufficient car parking provision and lack of developer contributions to mitigate the impact of the development it is considered that the identified harms would significantly and demonstrably outweigh the benefits in the overall planning balance.
- 8.12. It is therefore considered that the proposed development would not constitute sustainable development in the context of the NPPF as a whole and the application should be refused.

**REASONS:**

1. Given the context of the site and its surroundings, the development as proposed, by virtue of the overall scale and the resulting bulk and massing, would not be of an appropriate scale, type and density and therefore would fail to respond positively to, and respect the character, appearance and visual amenity of the site and the surrounding area. It therefore follows the development would fail to represent high good design. Accordingly the proposed development would be contrary to guidance in Section 12 of the National Planning Policy Framework, guidance in the National Design Guide, Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017), Policy CHIN2 of the adopted Churchdown and Innsworth Neighbourhood Plan 2018-2031 and Policy RES5 of the Pre-submission Tewkesbury Borough Plan (2019).
2. In the absence of dedicated parking provision, the proposal would be likely to displace/direct parking to residential roads in the wider area. The absence of sufficient parking to serve the development would mean that the development would not function well and would be harmful to the character of the wider area contrary to Policy CHIN1 of the made version of the Churchdown and Innsworth Neighbourhood Plan 2018 – 2031, Policy TRAC9 of the Pre-submission Tewkesbury Borough Plan (October 2019) and paragraphs 102 and 127 of the NPPF 2019.
3. In the absence of an appropriate planning obligation, the proposed development does not make provision for the delivery of education and library infrastructure and therefore the proposed development would be contrary to Policies IN4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031.
4. In the absence of an appropriate planning obligation, the application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017).

**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

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REVISIONS

REV DATE: DRAWN - CHECKED: NOTES  
- 28.10.19 - LM - BH:  
- 08.11.19 - LM - BH:  
- 08.11.19 - BH - RJF:  
Red boundary line amended.

DRAWING TITLE

Site Location Plan

PROJECT

Horsbere Drive, Longford

CLIENT

Aqua Construction

SCALE

1:1250@A3

DATE

Oct 2019



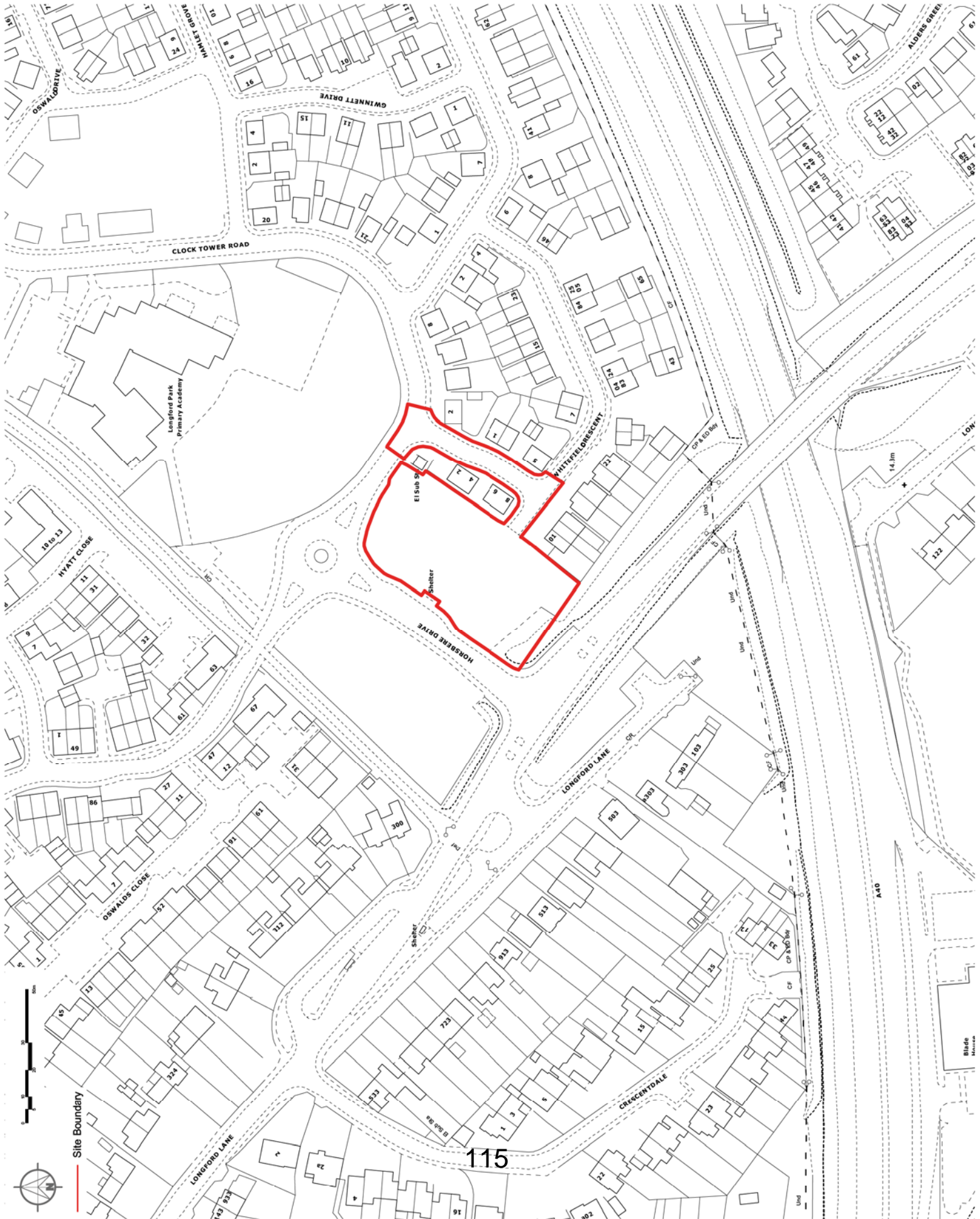
DRAWING NO.

6169-P-001

REV

A

Mitthews Warehouse - High Overcast Street  
Gloucester Quays, GL2 2DY E (01452) 424234



Site Boundary

115

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**REVISIONS**

- REV DATE: DRAWN: CHECKED: NOTES
- 18.10.19 - BH - RJF: Approved.
  - A:31.10.19 - BH - RJF: Parking numbering removed and tree removals as requested by AQUA.
  - C:08.11.19 - BH - RJF: Red line boundary amended.
  - Key updated: BH - RJF.
  - Planning amended following comments from the client.
  - E:08.11.19 - BH - RJF: Planning amended following comments from the client.
  - F:17.12.19 - SS: Bin and bike store amended.
  - Rear plans amended. Accommodation schedule amended. Block A and B bin and bike store locations amended. Parking amended.
  - H21.01.20 - LM - BH: Block A roof plan amended. Block A bin and bike store location amended. Landscaping amended.
  - J:19.02.20 - BH - RJF: Parking court area revised.
  - Rear Plan amended. Accommodation schedule amended.
  - K:29.02.20 - BH - RJF: Parking space added, schedule updated following conversations with client.



- Site Boundary
- Existing trees to be removed
- Proposed Trees
- Proposed Planting
- Entrances to Apartment Blocks
- Pedestrian Link Through
- Road - Tarmac
- Footpath - Tarmac
- Footpath - Paving
- Parking
- Grass



116

Accommodation Schedule									
Area (Sqft)	Area (Sqm)	House Type	Storey	Total no.	Total Area (Sqft)	Total Area (Sqm)	Tenure Mix (%)	Total Tenure Mix (%)	
561.9	52.2	1B2PF	1	3	1685.6	156.6	9.1		
564.0	52.4	1B2PF	1	3	1692.1	157.2	9.1		
631.8	58.7	2B3PF	1	3	1895.5	176.1	9.1		
642.6	59.7	2B3PF	1	3	1927.8	179.1	9.1		
652.3	60.6	2B3PF	1	3	1956.9	181.8	9.1	100	
655.5	60.9	2B3PF	1	3	1966.6	182.7	9.1		
663.1	61.6	2B3PF	1	6	3978.4	369.6	18.2		
667.4	62	2B3PF	1	3	2002.1	186	9.1		
674.9	62.7	2B3PF	1	3	2024.7	188.1	9.1		
699.7	65	2B3PF	1	3	2099.0	195	9.1		
<b>Total</b>				<b>33</b>	<b>21228.8</b>	<b>1972.2</b>			
<b>Total Car Parking Spaces</b>					<b>33.0</b>				

Site Area Summary	
Total no. Units	33
Gross Site Area (Acres)	0.77
Density (Units / Acre)	42.8
Net Coverage (ft / Acre)	27569.8

**DRAWING TITLE**  
Site Layout

**PROJECT**  
Horsbere Drive,  
Longford

**CLIENT**  
Aqua Construction

**SCALE**  
1:500@A3

**DATE**  
Oct 2019

**Quattro designarchitects**

**DRAWING NO.**  
6169-P-101

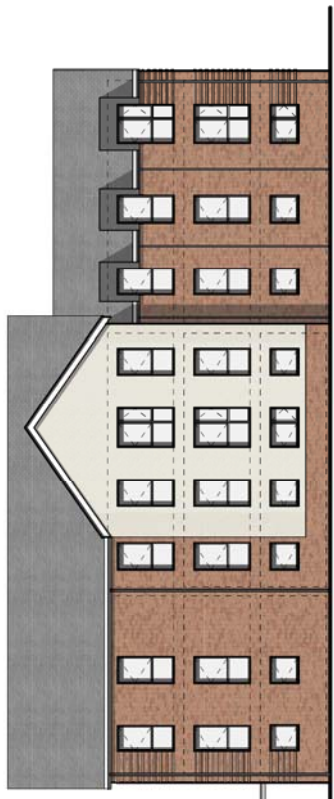
**REV**  
K

Matthew Warehouse, High Overland Street  
Gloucester Quays, GL2 5DY E: (01452) 454234

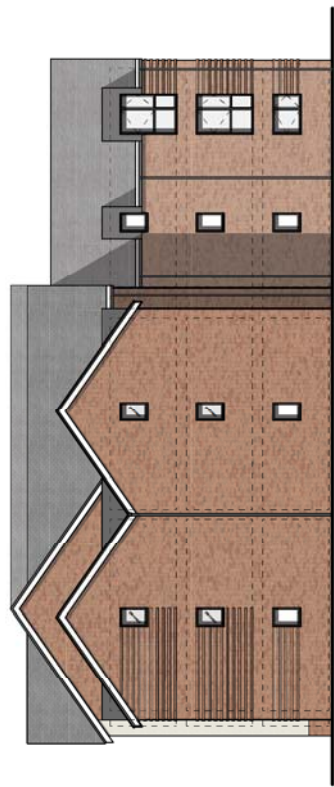
- Red Brick (Exact Product TBC)
- Concrete roof tile (Exact Product TBC)
- Render(Exact Product TBC)



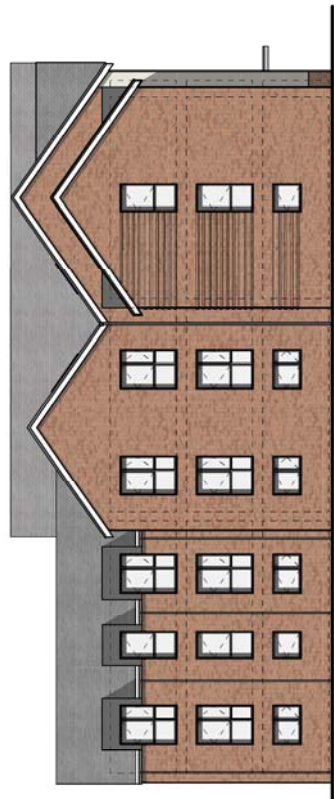
Elevation - Horsbere Drive  
Block A



Elevation - Longford Lane  
Block A



Elevation - Whitefield Crescent  
Block A



Elevation - Courtyard  
Block A

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**REVISIONS** - CHECKED: NOTES  
 <23.10.19 - BH - R.J.F. Drawing created.  
 A: 14.01.20 - LM - RS: According to floor plate amendments. Third floor removed. Roof amended accordingly. Brick detailing removed between windows. Render added. Key amended. Staircases/windows amended. Windows removed from flats 6, 7, 16.  
 B: 21.01.20 - LM - BH: AOV in staircase indicated. Render amended. Key amended.  
 C: 20.02.20 - BH - R.J.F. Revised following meeting with the client after consultation with case officer.  
 D: 26.02.20 - BH - R.J.F. Revised in line with floor plans.

**PROJECT**  
 Horsbere Drive, Longford  
**SCALE** 1:200@A3

**CLIENT**  
 Aqua Construction  
**DATE** Oct: 2019

**DRAWING TITLE**  
 Proposed Elevations  
 Block A

**DRAWING NO.** 6169-F-70  
**REV** D  
 Matthews Warehouse, High Overland Street  
 Gloucester Quays, GL2 5DY. E: 01452 424234





- Red Brick (Exact Product TBC)
- Concrete roof tile (Exact Product TBC)
- Render (Exact Product TBC)



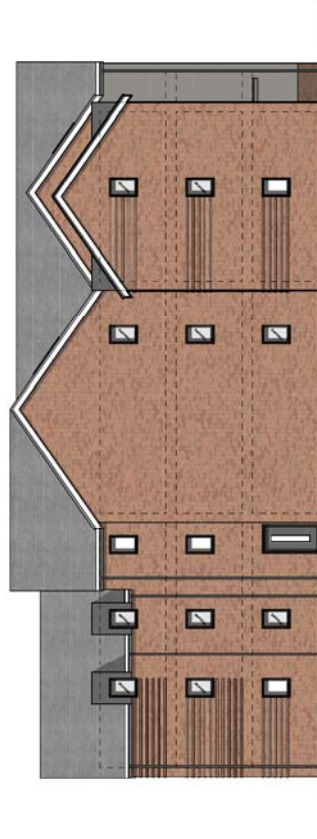
Elevation - Clock Tower Road  
Block B



Elevation - Hrsbere Drive  
Block B



Elevation - Courtyard  
Block B



Elevation - Whitefield Crescent  
Block B

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**REVISIONS**  
 REV DATE DRAWN BY CHECKED BY NOTES  
 C: 20.02.20 - BH - R-J-F: Revised following meeting with the client after consultation with case officer.  
 B: 21.01.20 - LM - BH: sizes amended.  
 A: 10.01.20 - LM - BH: sizes amended.

**PROJECT**  
 Horsbere Drive, Longford

**CLIENT**  
 Aqua Construction

**DATE**  
 Oct 2019

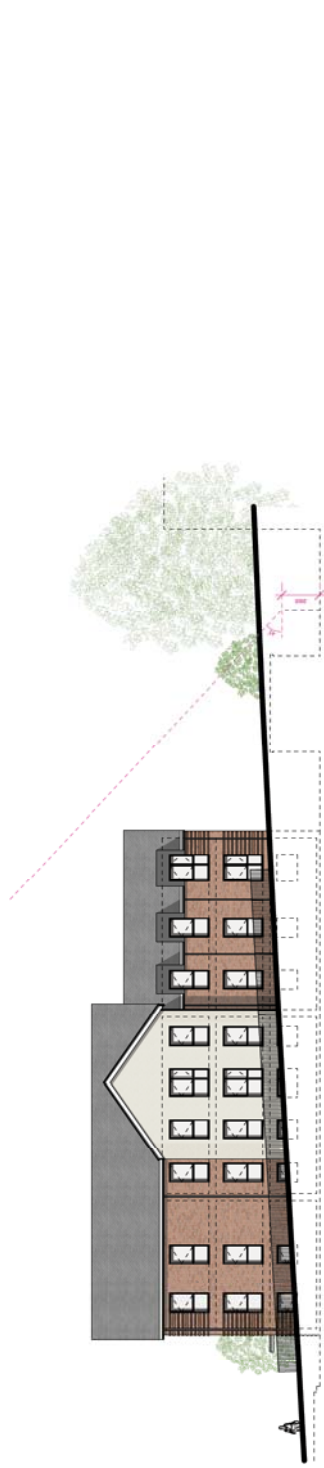
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**DRAWING TITLE**  
 Proposed Elevations  
 Block B

**DRAWING NO.**  
 6169-P-71

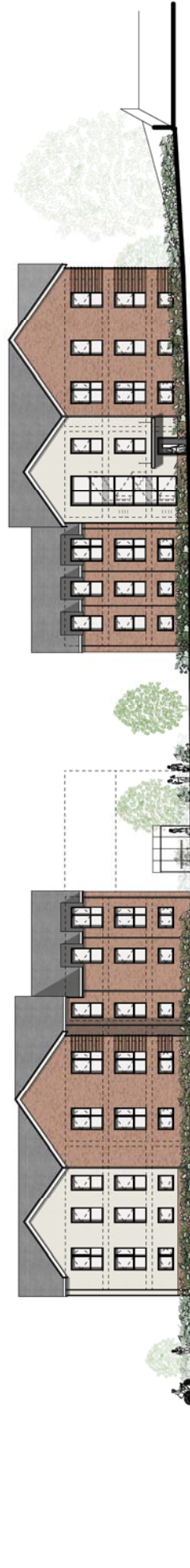
**REV**  
 C

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Horsbere Drive

View along Longford Lane



Longford Lane

View along Horsbere Drive

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**REVISIONS**  
 REV DATE DRAWN CHECKED NOTES  
 C: 23.01.20 - LM - BH - FUF  
 A: 18.01.20 - LM - RS  
 B: 27.01.20 - LM - BH  
 Elevations amended. Tree added according to updated site Block A and V indicated in plan.  
 Elevations amended. Planting amended.  
 Block A and V indicated in plan.

**PROJECT**  
 Horsbere Drive, Longford

**CLIENT**  
 Aqua Construction

**DATE**  
 Nov 2019

**SCALE**  
 1:200@A2

**DRAWING NO.**  
 6169-P-80

**DRAWING TITLE**  
 Indicative Street Scene

**REV**  
 D

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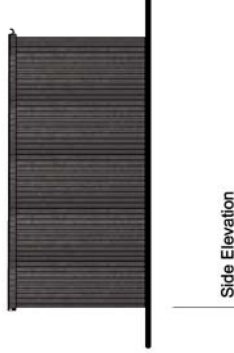
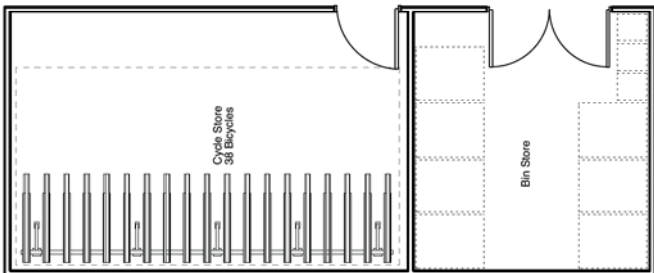
**REVISIONS**

REV DATE DRAWN CHECKED NOTES

- 25.10.19 - LM - BH

14.10.20 - LM - RS

Floor plan and elevation amended according to site plan amendments. Bin numbers amended.



**DRAWING TITLE**

Block A Cycle and Bin Store  
Plans and Elevations

**PROJECT**

Horsbere Drive, Longford

**CLIENT**

Aqua Construction

SCALE 1:100@A3

DATE Oct 2019



DRAWING NO. REV

6169-P-200 A

Matthews Warehouse, High Orchard Street  
Gloucester Quays, GL2 5DY T: (01452) 624234

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**REVISIONS**

REV. NO. | DATE | CHECKED | NOTES

- 26.10.19 - LM - BH

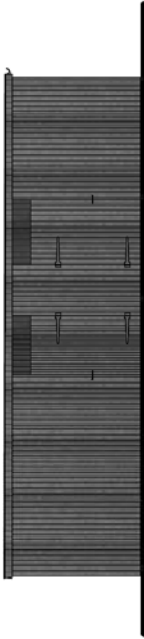
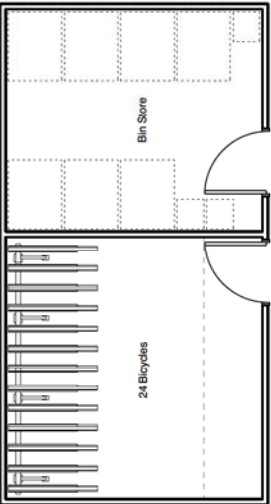
Drawing created.

A: 17.12.19 - SS:

Bin and Cycle store revised to be next to each other.

B: 17.01.20 - LM - RS:

Plans and elevations amended due to bin store amendments.



Front Elevation



Side Elevation



Rear Elevation



Side Elevation

**DRAWING TITLE**

Block B Bin and Cycle Store  
Plans and Elevations

**PROJECT**

Horsbere Drive, Longford

**CLIENT**

Aqua Construction

SCALE 1:100@A3

DATE Oct 2019



DRAWING NO. REV

6169-P-201 B

Matthews Warehouse, High Orchard Street,  
Gloucester Quays, GL2 5DY T: 01452 421234

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

<b>Committee:</b>	Planning
<b>Date:</b>	21 July 2020
<b>Site Location:</b>	Land Off Rectory Close Ashleworth Gloucester GL19 4JJ
<b>Application No:</b>	19/01227/OUT
<b>Ward:</b>	Highnam With Haw Bridge
<b>Parish:</b>	Ashleworth
<b>Proposal:</b>	Outline application for up to 42 dwellings including access and associated works (all matters reserved for future consideration)
<b>Report by:</b>	Mr Adam White
<b>Appendices:</b>	Site location plan Site survey Proposed access x2 Illustrative layout plan
<b>Recommendation:</b>	Delegated permit

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application site measures approximately 1.9ha and is located immediately adjacent to the recent housing development completed off Nup End/Lawn Road to the north west of Ashleworth (**see attached site location plan**). The site comprises part of a single agricultural field and is currently accessed off an existing farm track located on the north western boundary.
- 1.2. There is a public right of way running along the eastern boundary of the site, beyond which there are a number of existing dwellings and a sheet metal fabrication business. The site boundaries are generally formed by mature hedgerows and trees with open countryside beyond to the south and west. The site is also located within a Landscape Protection Zone as designed by the Tewkesbury Borough Local Plan to 2011.
- 1.3. The application is in outline form and proposes the erection of up to 42 dwellings, including 40% affordable housing and associated infrastructure. As originally submitted, the application proposed access to be determined at outline stage. However, for the reasons set out elsewhere in this report, access is now proposed to be dealt with at the reserved matters stage, along with matters relating to layout, appearance, scale and landscaping.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1. In December 2015, the Council refused outline planning permission for up to 35 dwellings on the adjacent side immediately to the north east (Ref: 15/00965/OUT). The application was primarily refused on the basis of its location and landscape impact. The application was also refused for a number of technical reasons, which related to the lack of a signed Section 106 Agreement. The application was subsequently allowed on appeal in September 2016 (Ref: APP/G1630/W/16/3150236). In November 2017, a reserved matters application for 35 dwellings pursuant to the outline permission (Ref: 17/00783/APP) was approved by the Council and the development has since been built out.

## **3.0 RELEVANT POLICY**

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

### **National guidance**

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

### **National guidance**

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

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

- 3.4. 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)**

- 3.5. Policy LND3

### **Tewkesbury Borough Plan 2011-2031 Pre-submission Version (July 2019)**

- 3.6. Policies: RES1, RES2, RES3, RES4, RES5, RES12, RES13, DES1, HER2, HER4, LAN2, NAT1, NAT3, ENV2, RCN1, RCN2, TRAC1, TRAC2, TRAC3, TRAC9

- 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. **Ashleworth Parish Council** object for the following reasons:

- There has been no engagement whatsoever with the Parish Council or other local organisations regarding this application.
- The proposed plan does not protect or enhance our natural environment and it does not improve biodiversity.
- The rate of development is not sustainable in terms of the village infrastructure and facilities.
- The affordable housing will not be affordable and any local need that may exist will not be met by the proposed development.
- There are insufficient school places.
- The village sewer network is unable to cope with existing demand.

- The road infrastructure in Ashleworth cannot cope with traffic as it currently stands,
- There would be a harmful impact on ecology.
- Elements of the ecological appraisal are inaccurate with regard to low value feeding and foraging habitats.
- No ecology surveys have been carried out.
- The development would increase the risk of flooding in the village.
- The Landscape and Visual Appraisal Report is misleading.

4.2. **County Archaeologist** – No objections.

4.3. **Highways Authority** – No objection subject to recommended planning conditions.

4.4. **Gloucester Ramblers** – No objections.

4.5. **Severn Trent Water** – No objections subject to drainage conditions.

4.6. **Minerals and Waster** – No objections subject to a condition to secure details of the provisions for the recycling of waste.

4.7. **Environmental Health** – No objections subject to a condition to secure noise mitigation measures.

4.8. **Landscape Consultant** – the visual effects associated with the proposed development would be localised and would not materially affect the local road network or other publicly accessible vantages. The small to medium scale landscape is able to accommodate this scale of development within a robust framework of hedgerows without material harm to the wider landscape character. The development would not conflict with Policy LND3 since it would not affect the distinctive river environment.

4.9. **CPRE** – Object as Ashleworth is not a Service Village and the site is not allocated for development.

4.10. **Strategic Housing and Enabling Officer** – No objections subject to the scheme being in accordance with the recommended housing mix.

4.11. **Lead Local Flood Authority (LLFA)** – No objections.

4.12. **Gloucestershire County Council (Education and Libraries)** – No objections subject to securing contributions towards education and libraries.

## 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. 47 letters of objection have been received. The objections are summarised as follows:

- The current development in Nup End has numerous houses which remain vacant.
- Concern that the root protection zone shown around the Willow tree close to the access is not accurate.
- There are concerns regarding the capacity of the sewerage system in Ashleworth.
- The narrow country roads are not suitable for large volumes of traffic.
- The field is a wildlife haven.
- The development is grossly out of proportion to the size of the village and amenities that support it.

- The nearby schools will not be able to support the additional housing.
- This proposal will detrimentally change the essentially rural character of the village.
- A large influx of new residents without local ties and connections may well upset the balance in what is a very cohesive and friendly community.
- The proposal runs the risk of producing more flooding in the lower part of the village due to surface water runoff.
- Ashleworth is not a sustainable location for a major housing development due to its poor accessibility to employment opportunities.
- The FRA completely fails to identify the existing ditch network.
- There are insufficient services in Ashleworth.
- There is very little employment within the area, most people must travel to work.
- No facilities for children have been provided by the first phase of building, either within the building site or locally.
- Ashleworth is not identified as a service village in the JCS and is not an area identified for development.
- Surveys for protected species have not been carried out. Surveys should be undertaken before planning permission is granted.
- A 36% - 43% population growth in such a short period of time will undoubtedly have a negative impact on this precious commodity of 'community'. Existing residents, particularly the elderly who rely on a smaller community for safety, their own confidence and familiarity with their surroundings, will feel the impact of this.
- The proposed houses are not sensitive to the local vernacular.
- The local bus infrastructure is inadequate.
- The proposal would alter the character of the Conservation Area.
- There are no pavements on the majority of the lanes leading in and out of Ashleworth.
- There has been a noticeable increase in vehicle pollution and noise.
- The bird surveys should be carried out in each of the four seasons, or at least the breeding season and winter months to gain accurate data
- The development would destroy this important breeding and feeding habitat for birds and would drive away birds from adjacent fields.
- There is little or no local housing need.
- There is no soft transition nor regard to current housing and the countryside.
- There is no provision for on-site or off-site playing pitches with changing facilities and sports facilities to meet the needs of the proposed community.
- The site is not well-contained and will not be sufficiently screened from public rights of way.
- The Landscape Strategy, in places, is inaccurate and misleading.
- The existing development dominates the landscape, even from 3 miles away as seen from Wainlodes Hill.

## **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. Section 72(1) of the Act provides that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.



- 6.3. 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. However, there are no Neighbourhood Development Plans that are currently relevant to this application.
- 6.4. 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).
- 6.5. 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. Whilst Ashleworth previously had a defined settlement boundary, as defined by the Tewkesbury Borough Local Plan to 2011; that has not been carried forward following the adoption of the JCS. Policy RES3 relates to new housing outside of the defined settlement boundaries and supports development where it consists of:
1. The reuse of a redundant or disused permanent building.
  2. The sub-division of an existing dwelling into two or more self-contained residential units.
  3. Very small-scale development at rural settlements in accordance with Policy RES4.
  4. A replacement dwelling.
  5. A rural exception site for affordable housing.
  6. Dwellings essential for rural workers to live permanently at or near their place of work in the countryside.
  7. A site that has been allocated through the Development Plan or involves development through local initiatives including Community Right to Build Orders and Neighbourhood Development Orders.
- 7.3. The application site is Greenfield land that lies outside of any defined settlement boundary 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 Policy RES3 of the emerging Borough Plan.

#### **Council's 5 Year Housing Land Supply**

- 7.4. Whilst the proposal is contrary to Policies SP2 and SD10 of the JCS and Policy RES3 of the emerging Borough Plan, 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. There are no such policies in the Framework that provide a clear reason for refusal in this case and therefore the presumption in favour of granting permission is engaged as per paragraph 11d of the Framework. This is also known as the 'tilted balance'.

## **Landscape impact**

- 7.6. 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. Saved Policy LND3 of the Local Plan to 2011 states that within the Landscape Protection Zone, special protection is given to the ecology and visual amenity of the river environment. This is further reflected in Policy LAN2 of the emerging Borough Plan.
- 7.7. The site is located within land, which forms part of a Landscape Protection Zone as designated by the Local Plan to 2011. In terms of landscape character, according to the National Character Area Profiles, the site falls within the Severn and Avon Vales (Character Area 106). At a district level, the Gloucestershire Landscape Character Assessment (2006) includes the site within the Severn Vale Character Area. Within this, the site falls within the 'Unwooded Vale' Landscape Character Typology and more specifically, within the Ashleworth, Tirley and Forthampton Vale Landscape Character Area (SV 5B).
- 7.8. The submitted Landscape and Visual Impact Assessment (LVIA) states that the landform of the site is relatively flat and sits in contrast to the rolling landform to the west. The site is surrounded by small scale fields with mature hedgerows and hedgerow trees. Whilst there is a strong network of roads and public rights of way in the area, visibility of the site is greatly limited by the topographic concealment and vegetated containment. The clearest views into the site occur only at a very close range and from a very limited number of visual receptors. The LVIA therefore concludes that despite some predicted minor adverse effects on landscape and visual amenity during construction, the scheme would have very little visual impact on views in close proximity to the site and no perceivable impact in mid-range or long-distance views in the wider context. In terms of landscape character and visual amenity, the LVIA concludes that the proposed development would be appropriate in the landscape context.
- 7.9. Following consultation with the Council's landscape consultant, it is confirmed that the visual effects associated with the proposed development are likely to be well contained and exert a local influence only. The development would be clearly visible from the public right of way, which crosses the site, although the overall effect upon the local footpath network would be slight. Furthermore, the site exerts very little influence on the local road network and does not exert any visual influence upon the river environment to the south and west of the village. The landscape consultant noted potential wintertime views from Wagons Way, which is a well-used ancient track way. The LVIA does not directly address views from here, however, whilst the proposed development would bring the settled edge closer to the track, there would remain two intervening robust hedgerows. The landscape consultant therefore does not consider that the resulting visual effects to be material and would be negligible during the summer months. The landscape consultant concludes that the development can be accommodated without material harm to the wider landscape character. There would also be no harm to the distinctive river environment within a Landscape Protection Zone.
- 7.10. There would be some inevitable harm that would arise from developing a Greenfield site in open countryside and the proposed development would further urbanise this area of the village. This harm, albeit limited, therefore needs to be weighed in the planning balance.

## **Design and layout**

- 7.11. 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.
- 7.12. 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. Policy RES5 of the emerging Borough Plan echoes this advice and also states that proposals on the edge of settlements should respect the form of the settlement and its landscape setting, not appear as an unacceptable intrusion into the countryside and retain a sense of transition between the settlement and open countryside.
- 7.13. Whilst matters relating to layout, appearance, scale and landscaping are reserved for future consideration, the application is supported with a Design and Access Statement (DAS) and illustrative site layout, which shows how the site could be developed. The DAS explains that the illustrative site layout has taken its principles from the adjoining site and would reflect the same architectural approach. Dwellings would be located either on the main access road or on private drives served from the access road. It explains that a new pond would be provided along with a small tract of land to the south east in order to provide access for the existing public right of way. Building heights are proposed to be 2 storeys with varying roof pitches. It is proposed that the existing mature trees and hedging on the site boundaries would be retained and enhanced.
- 7.14. Following consultation with the Council's Urban Design Officer, it is advised that the proposal is a logical extension to the existing settlement and connects well with the recently completed scheme. It is suggested that it might be more positive if the development could present a softer edge to the countryside to the south by fronting this boundary. However, given that the existing hedgerows to the site boundaries are proposed to be retained, there may not be any significant benefits of doing this; especially given that there are no long distant views to this edge of the site. It is also questioned why the access road cannot connect through to the adjoining development rather than creating a dead end. This would appear to be feasible and could be addressed at the reserved matters stage.
- 7.15. Objectors have raised concerns that the proposed development would fail to respect the character of the existing settlement and highlight the stark appearance of the recently developed site. As set out above, appearance is proposed to be reserved for future consideration, however, given that the adjoining scheme has been found acceptable in architectural terms, it would be difficult to object to a similar approach here. It should also be borne in mind that the recent development will eventually settle into its surroundings as the facing materials start to weather and the landscaping matures.
- 7.16. In conclusion it is considered that the submitted DAS and illustrative site layout demonstrates that the quantum of development proposed could be accommodated on the site in an acceptable manner. This is a neutral factor in the planning balance.

### **Residential amenity**

- 7.17. 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.
- 7.18. The site adjoins the existing residential development to the north east, where any potential impact on residential amenity would be more apparent. Whilst matters relating to layout and scale are reserved for future consideration, the illustrative site layout shows how the development could be designed. It demonstrates that the quantum of development could be accommodated on the site whilst having an acceptable impact on existing residential property in terms of privacy, light and outlook.
- 7.19. Regarding noise and disturbance, there is an existing light industrial business operating close to the north east corner of the site. This was previously identified as a constraint to the adjacent development and mitigation was provided in the form of an acoustic fence along the eastern boundary to the site. The submitted noise assessment points out that proposed development would be located further away than the adjacent development and therefore any noise impacts would likely be lower. However, it is proposed to mitigate any potential noise impacts from this source by extending the acoustic fence along the eastern boundary slightly. The Council's Environmental Health consultant is satisfied that the fence would be acceptable and advises that the details should be secured by way of a planning condition.
- 7.20. A number of objections have been received in respect of noise and disturbance during the construction phase. Whilst there would inevitably be a degree of noise and disturbance, this would be temporary and could be mitigated to an extent by securing a Construction Environmental Management Plan prior to a development commencing. This could be secured by way of a planning condition.

### **Housing mix**

- 7.21. 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 RES13 of the emerging Borough Plan.
- 7.22. Although the matter of scale is proposed to be reserved for future consideration, the application indicates that the scheme would provide a mix of 1, 2, 3, 4 and 5 bedroom properties. 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 RES13 of the emerging Borough Plan.

### **Affordable housing**

- 7.23. 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. This is also reflected in Policy RES12 of the emerging Borough Plan.

7.24. The application as submitted proposed that 40% of the dwellings would be offered as affordable. Whilst a housing mix was provided by the applicant, the Council's Strategic Housing and Enabling Officer, has recommended an alternative mix as follows:

- 4 x 1-bedroom apartments/maisonettes – Social rent
- 1 x 2-bedroom bungalow – Social rent
- 3 x 2-bedroom houses – Social rent
- 3 x 2-bedroom houses – Shared ownership
- 3 x 3-bedroom houses – Social rent
- 2 x 3-bedroom houses – Shared ownership
- 1 x 4-bedroom house – Social rent

7.25. 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 significant benefit in the planning balance.

### **Biodiversity**

7.26. 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.

7.27. The application is supported by an Ecological Appraisal, which comprised a Phase 1 habitat survey that included recording features of interest for protected species and a desk study to identify protected or notable sites, habitats or species, that could potentially be affected by the development. The appraisal notes that the site is an unmanaged, rough grassland field with hedgerow and fenced boundaries. The hedgerows vary between species-poor and species rich although most are relatively unmanaged and outgrown, giving even the species poor hedgerows some ecological value. The field itself comprises tussocky grassland with scrub and tall ruderal vegetation. There are four statutory sites designated for notable habitats and wildlife within 5km of the site, which are categorised as Sites of Special Scientific Interest (SSSI). There are several non-statutory designed sites within 2km of the site, which are categorised as either Local Wildlife Sites (LWS) or Gloucestershire Wildlife Trust Nature Reserves (GWT). The appraisal states that the habitats within the site have some site level value for specific protected species, predominantly reptiles and common amphibians. The boundary features may provide some foraging habitats and places of shelter for wildlife, although their value is suggested to be limited due to the adjacent development.

7.28. Regarding protected species, the appraisal states that the habitats within the interior of the site provide low value foraging habitat for bats. However, a mature willow at the south west corner of the site has broken limbs that may provide potential roosting features for bats. In terms of dormice, there are two thick species-rich hedgerows at the south and west boundaries of the site that provide sub-optimum habitat for dormice, as neither of these contain hazel or any climbers utilised by this species when building nests. There is a mature hazel at the northeast corner of the site, although this is at the corner of one boundary feature that has no vegetation and another that is species poor. The habitats within the site and its boundaries provide good nesting habitat for breeding birds at thick and unmanaged species-rich hedgerows. The tussocky, rough nature of the grassland also provides habitat of limited potential for ground nesting birds. In respect of mammals, the grassland present at the site is good habitat for foraging badgers and the presence of high quantities of bramble also provides a good food source in the way of blackberries. The site is accessible to badgers from the wider landscape to the south, which comprises open fields. Turning to great

crested newts, the assessment states whilst the site provides terrestrial habitat with potential for use by great crested newts, surveys of the nearest waterbodies have confirmed likely absence of this species within 250m of the site. There is also good quality habitat for reptiles and common amphibians within the site due to the rough, tussocky nature of the grassland habitat present.

- 7.29. Following initial consultation with the Council's ecology consultant, it was pointed out that the ecology appraisal recommended that further surveys should be carried out in respect of bats, reptiles, great crested newts and badgers. Further information was also requested in respect of the potential effect on European Protected Sites within the wider area. In response to this, the applicant undertook further survey work. The bat survey recorded both lesser and greater horseshoe bats at both the south and west boundary hedgerows. No dormice were recorded on the site and no ground-nesting birds were recorded during numerous site visits. No badger setts were recorded within the site or 50m from the site boundaries and no notable bird species were recorded nesting at, foraging in, or commuting through the site during the numerous site visits. With regard to great crested newts, the accessible waterbodies within 500m of the site were assessed and ranged between 'Good' and 'Poor'. The only 'Good' pond was recorded at the opposite end of Ashleworth, with Lane Road/Nup End and residential areas between it and the site.
- 7.30. In terms of mitigation, the ecological assessment sets out that this can be achieved through sensitive and considerate design, ensuring the retention and protection of existing ecological features and the creation of new green and blue infrastructure. It is further set out that additional mitigation and protection can be secured through a Construction Ecological Management Plan (CEMP) and long-term enhancements can be secured through a Landscape and Ecological Management Plan (LEMP). Both of these can be secured by way of a planning condition. Following further consultation with the Council's ecology consultant, it is considered that the proposed development would not adversely impact on any European site within the area and subject to securing appropriate mitigation, there would be an acceptable impact on protected species and their habitats. The proposal is therefore considered to be acceptable in this context, which is a neutral factor in the planning balance.

#### **Arboricultural implications**

- 7.31. The application is supported by an Arboricultural Report, which considers the existing trees on and adjoining the site. It points out that the surveyed trees are predominantly growing along the site boundaries or within neighbouring land adjacent to the site. The inspection found that all of the Ash trees on and around the site are infected with Ash dieback disease and therefore their useful life expectancy is very short. The report states that eighteen trees, two groups of trees, and four hedgerows were surveyed. Of the trees surveyed, one tree was classified as Category A (high quality), two hedgerows were classified as Category B (moderate quality) and six trees were classed as Category U (not suitable for retention). The remaining trees, groups and hedgerows were classed as Category C (low quality).
- 7.32. Whilst layout and landscaping are proposed to be reserved for future consideration, the submitted plans demonstrate that the quantum of development can be accommodated on the site without requiring the loss of any trees of value. The plans show that some vegetation clearance would likely be required to the western boundary, but the hedgerows surrounding the site would be largely retained and can be enhanced if necessary. This would be addressed at the detailed design stage. The proposal is therefore considered to be acceptable in this regard. This is a neutral factor in the planning balance.

### **Drainage and flood risk**

- 7.33. 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.
- 7.34. 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.
- 7.35. Regarding surface water drainage, the FRA sets out that infiltration is unlikely to be suitable and there are no suitable watercourses that can be discharged into. It is therefore proposed to discharge into the existing drainage system via the adjacent development at a restricted rate. Should the capacity of the of the sewers on the adjacent development or the highway drain not be sufficient for the proposed flows, the FRA suggests that the discharge rate may need to be restricted further, with attenuation increased to suit, or the downstream pipes increased to suit additional capacity. Attenuation would be provided by a pond or retention basin on site and it is proposed that the surface water sewers would be adopted by Severn Trent.
- 7.36. In terms of foul drainage, the FRA points out that there is a foul sewer within the adjacent development that discharges into the Severn Trent sewer in Sawyers Rise. It is proposed that foul flows would drain via a new gravity sewer to the sewers in the adjacent development. Again, it is proposed that the sewers would be adopted by Severn Trent. The concerns regarding the capacity of the sewers is noted, however, Severn Trent do not object to the proposals subject to a condition to securing drainage plans.
- 7.37. The Lead Local Flood Authority (LLFA) have reviewed the FRA and are of the view that the applicant has demonstrated that the site has a strategy for discharging surface water and have identified what work may be required in order to discharge surface water at a rate that will not increase flood risk elsewhere. The LLFA therefore do not object to the proposal subject to a condition to secure drainage details at the detailed design stage. In light of this, it is considered that the site would be acceptable in terms of flood risk and drainage. This is a neutral factor in the planning balance.

### **Highway safety and Accessibility**

- 7.38. 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.



- 7.39. Regarding accessibility, a number of objections have been received on the basis that there are limited services and facilities within Ashleworth and poor public transport links. In fact, the adjacent development was previously refused by the Council partly on the basis of the site's location and the reliance on the private motor vehicle to access day-to-day facilities. Ashleworth Parish Council has also objected on the grounds that the rate of development at Ashleworth is not sustainable in terms of the village's infrastructure and facilities.
- 7.40. Whilst Ashleworth is not designated as a rural service village in the JCS, it does benefit from a reasonable level of services and facilities, relative to its size and function. Indeed, in considering the appeal on the adjacent site, the Inspector noted that Ashleworth was not categorised as a service village although it is a settlement of reasonable size with some primary and secondary service provision. These include a post office, village shop, village hall/community centre, primary school, public house, sports pitches, children's play area and a place of worship. The Inspector found that the main reason for not being designated as a service village was due to what was described in the Rural Settlement Audit as the village's poor accessibility for public transport. Although not providing many higher order facilities, the Inspector noted that the facilities available in the village would be within walking distance of the proposed dwellings. The Inspector cited paragraph 55 of the previous 2012 version of the Framework that indicated that in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. The Inspector reasoned that any additional population occasioned by the proposal would assist in maintaining the existing local facilities. In addition, the Inspector also noted the close proximity of Tewkesbury and Gloucester City, which have higher order facilities and employment opportunities.
- 7.41. Whilst the concerns of the Parish Council and local community are noted, no evidence has been presented to alter the findings of the previous appeal Inspector that suggest that the existing services and facilities would be unable to cope with the additional dwellings proposed here. Indeed, as before, the additional dwellings could assist in maintaining the existing local facilities.
- 7.42. Regarding the matter of whether there were adequate public transport facilities and whether there was poor accessibility to employment facilities, the Inspector noted that the bus service at Ashleworth was limited to a two-hourly service during the day with no services in the evenings. It was also noted that whilst the service was subsidised by the County Council, the service continued to operate and there would be a further benefit from a financial contribution offered by the applicant towards the provision of bus and/or other vehicles to serve the development. It was therefore found that there were alternatives to the private car, even if limited. The Inspector also pointed out that Ashleworth is approximately 4.1 miles from Gloucester City and 6.6 miles from Tewkesbury, which have higher order facilities and employment opportunities.
- 7.43. In light of the above, the Inspector concluded that whilst Ashleworth was not a service village, the proposal, through the use of the existing facilities in the village, the relative proximity of higher order facilities and employment facilities, and the financial contribution to public transport, the location of the proposed development was acceptable. Similar to the adjacent development, this proposal would also be highly reliant on the use of the private motor vehicle to access day-to-day facilities. Given the findings of the Inspector on the adjacent development, it is considered that it would be difficult to sustain a refusal reason on that basis. Nonetheless, the reliance on the private motor vehicle weighs against the proposal in the planning balance. However, it should also be noted that mitigation is proposed by the applicant in the form of a financial contribution towards the provision of bus and/or other vehicles to serve the development. This has also been requested by the Highways Officer. The exact sum has not been finalised at this stage although it is expected to be similar to that secured on the adjacent development (pro rata) (approximately £140,000).

- 7.44. In terms of access, this was originally proposed to be dealt with at outline stage. However, as tracking has not been provided for the access, the Highways Officer has not been able to make a final determination on its design. Consequently, access is now proposed to be reserved for future consideration. Notwithstanding this, as submitted, the application proposed access to be taken from Rectory Close from within the adjacent development (**see attached plans**). The submitted Transport Statement (TS) sets out that the proposed development would generate 23 two-way trips in the AM peak (08:00-09:00) and 22 two-way trips in the PM peak (17:00-18:00). The cumulative impact of both developments would be 42 two-way trips in the AM peak and 41 two-way trips in the PM peak. Based on these figures, the Highways Officer advises that the Rectory Close/Nup End junction is satisfactory for these traffic levels and the impact on the surrounding highway network would also be acceptable. Whilst tracking has not been provided for the access, the Highways Officer is of the view that the proposed access is acceptable in principle. On that basis, the Highways Officer raised no objections to the proposal.
- 7.45. Subject to a financial contribution towards the provision of bus and/or other vehicles to serve the development, which would be secured through a Section 106 Agreement, it is considered that the proposal could be served by a safe and suitable access and the residual cumulative impact on the highway network would not be severe. However, the development would still be heavily reliant on the use of the private motor vehicle, which needs to be weighed in the planning balance.

#### **Heritage assets**

- 7.46. 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.
- 7.47. 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.
- 7.48. The nearest designated heritage asset to the site is Kozicot House, a Grade II listed house and Post Office, which is located approximately 130m to the east. Maily House, a Grade II listed timber framed building, is located approximately 168m east of the site. The Grade II listed St Micheals, Nupend House and Lychgate Cottage, which previously formed a rectory, is situated approximately 150m to the north of the site. The Ashleworth Green Conservation Area is situated approximately 220m to the south east of the site.
- 7.49. There would be no intervisibility between the site between Kozicot House and Maily House and no discernible historical associations. Similarly, there would be no intervisibility between the site and the Ashleworth Green Conservation Area and the site makes no contribution to its setting or significance. There would be some visibility between the site and St Micheals, Nupend House and Lychgate Cottage. However, these views are considered to be incidental and make a neutral contribution to the significance of the building. Following consultation with the Council's Conservation Officer, it is advised that the proposed development would not harm the setting of these designated heritage assets. The proposal is therefore considered to be acceptable in this regard.

- 7.50. Regarding archaeology, the application was supported by a Heritage Desk-Based Assessment, which identified low potential for archaeological remains to be present within the application site. However, the County Archaeologist disagreed with that conclusion. He pointed out that the wider locality is known to contain extensive archaeological remains relating to prehistoric and Roman activity and settlement and given the large size of the proposed development area, there was a high potential for significant archaeological remains to be present at this location. The County Archaeologist therefore recommended that the results of an archaeological field evaluation should be provided prior to the determination of the application.
- 7.51. The applicant has since undertaken an archaeological evaluation of the site, which included excavating seven trenches. The evaluation has identified only limited archaeological remains within the site. In light of this, the County Archaeologist advises that no further archaeological investigation or recording need be undertaken in connection with this scheme.

### **Open space and play facilities**

- 7.52. 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.
- 7.53. As the application is outline form with all matters reserved for future consideration, the layout is not fixed at this stage. However, the illustrative layout shows that a sufficient level of informal open space and natural open space could be provided on site. In terms of children's outdoor play facilities, a development of this scale would generate a requirement for a Local Equipped Area for Play (LEAP). The illustrative layout does not provide for a LEAP and the constraints of the site may preclude this in any event given the size of the site and the number of dwellings proposed. If a LEAP cannot be provided on site, an equivalent off-site contribution would be required. This could be used to maintain and/or upgrade the existing play facilities at Woodpeckers play area in Ashleworth. Based on a current figure of £854 per dwelling, an off-site contribution would be £35,868, which would be secured through a Section 106 Agreement.
- 7.54. Subject to the completion of a Section 106 Agreement to secure a LEAP on-site or an equivalent off-site contribution, the proposal is considered to be acceptable in terms of open space and play/recreational facilities. This is a neutral factor in the planning balance.

### **Education and libraries**

- 7.55. 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.

- 7.56. 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: 12.60 = £190,146.00
  - Primary: 17.22 = £150,457.27
- 7.57. In terms of pre-school provision, the County Council advises that this is a relatively rural area with very limited existing provision and therefore a full contribution to extend or expand pre-school provision in the area is required. In respect of primary school provision, it is advised that Ashleworth Church of England Primary School has some spare capacity. However, a contribution is required towards the shortfall of places. The County Council cannot advise whether the school can be expanded/extended to accommodate the additional children as it is on a very restricted site. If expansion/extension is not possible, the contribution would be used at the closest school within the Primary Planning Area. It is considered that the contributions sought are justified in the context of the CIL regulations (Regulation 122) and would be secured through a Section 106 Agreement. The applicant has also confirmed acceptance of the contribution request.
- 7.58. In terms of libraries, the County Council have advised that the scheme would generate a need for library resources and a contribution of £8,232 has been sought. It is considered that the County Council has provided sufficient evidence to justify the contribution requested in the context of the CIL regulations (Regulation 122).

#### **Community Infrastructure Levy/Section 106 obligations**

- 7.59. 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.
- 7.60. 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.
- 7.61. 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.

7.62. 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
- Financial contribution towards the provision of public transport (TBC)
- On-site LEAP or equivalent off-site financial contribution (TBC)
- Pre-school education = £190,146.00
- Primary school education = £150,457.27
- Libraries = £8,232

7.63. Subject to the confirmation of the public transport and LEAP contributions, it is considered that the above contributions are all justified and meet the statutory tests set out in the CIL regulations.

## **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 a defined settlement boundary 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 Policy RES3 of the emerging Borough Plan.

8.3. 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 and permission should be granted unless there are any adverse impacts of doing so that would significantly and demonstrably outweigh the benefits when assessed against the policies set out in the NPPF as a whole.

### **Benefits**

8.4. The delivery of market and affordable housing would provide a significant 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

- 8.5. Harm arises from the conflict with development plan policies relating to housing, particularly JCS Policy SD10 and Policy RES3 of the emerging Borough Plan. Nevertheless, in the context of the current five year supply position, the Council's housing policies are out of date and full weight cannot currently be afforded to Policy RES3 of the emerging Borough Plan. The development would also be heavily reliant on the use of the private motor vehicle. However, this would be mitigated to a degree by the proposed financial contribution towards the provision of bus and/or other vehicles to serve the development. The judgment of the Inspector in determining the appeal on the neighbouring site is an important material consideration on this point.

## Neutral

- 8.6. Whilst the application is in outline with all matters reserved for future consideration, 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 plans demonstrate that the proposal could 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 localised and not unduly harmful. The proposal would also be acceptable in terms of its impact on biodiversity.

## Conclusion

- 8.7. Harm would arise though conflict with the Council's development plan policies in respect of the distribution of housing. However, whilst the site is outside of the built-up area of Ashleworth, it is located on the edge of the settlement and would have access to the services and facilities available in this location as well as the available services and facilities at the higher order settlements of Gloucester City and Tewkesbury. In any event, the Council's housing policies are currently out of date and the weight that can be afforded to them is reduced. There would be a degree of harm to the landscape, however, the level of harm is considered to be localised and limited. The development would also be highly reliant in the use of the private motor vehicle although this would be mitigated to a degree by the financial contribution towards public transport. Given the application of the tilted balance, it is considered that the harms identified do not significantly and demonstrably outweigh the benefits in this case. It is therefore recommended that **permission is delegated to the Development Manager subject to the conditions outlined below and the completion of a Section 106 Agreement to secure the following planning obligations:**

- **40% Affordable housing**
- **Financial contribution towards the provision of public transport (TBC)**
- **On-site LEAP or equivalent off-site financial contribution (TBC)**
- **Pre-school education = £190,146.00**
- **Primary school education = £150,457.27**
- **Libraries = £8,232**

## **CONDITIONS:**

1. The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the access, 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. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. Any application seeking approval of the reserved matters submitted pursuant to condition 1 shall be accompanied by a Noise Assessment examining the potential noise impact resulting from night-time operation at the adjacent industrial site. This application shall include detailed noise mitigation measures within the design, layout and landscaping of the development. The approved scheme shall be fully completed before any dwelling so affected is first occupied.

Reason: In the interests of amenity.

### **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 development shall take place, including any demolition works, until a construction management plan or construction method statement has been 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 provide for:
- 24 hour emergency contact number;
  - Hours of operation;
  - 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);
  - Routes for construction traffic;
  - Locations for loading/unloading and storage of plant, waste and construction materials;
  - Method of preventing mud being carried onto the highway;
  - Measures to protect vulnerable road users (cyclists and pedestrians)
  - Any necessary temporary traffic management measures;
  - Arrangements for turning vehicles;
  - Arrangements to receive abnormal loads or unusually large vehicles;
  - 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.

13. 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 scope for conflict between traffic and cyclists and pedestrians.

14. The details to be submitted for the approval of reserved matters shall include vehicular parking [and turning] [and loading/unloading] facilities within the site, and the building(s) 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 scope for conflict between traffic and cyclists and pedestrians.

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

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the scope for conflict between traffic and cyclists and pedestrians and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit.

16. 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.

### **Drainage**

17. No development shall commence on site until a detailed Sustainable Drainage System (SuDS) Strategy document has been provided for approval by the Local Planning Authority. This should be in accordance with the proposal set out in the applicant's submission (Flood Risk Assessment & Drainage Strategy, November 2019). The SuDS Strategy must include a detailed design and must also demonstrate the technical feasibility/viability of the drainage system using SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the lifetime of the development. The approved scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

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

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

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

19. No building works hereby permitted shall be commenced until detailed plans for foul water drainage works have been submitted to and approved in writing by the local planning authority.

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.

## **Waste**

20. No development shall commence until details of the provision made for facilitating the recycling of waste generated during the occupation phase have been submitted to and approved in writing by the local planning authority. Provision must include appropriate and adequate space to allow for the separate storage of recyclable waste materials and will not prejudice the delivery of the local authority's waste management targets. All details 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 in accordance with Gloucestershire Waste Core Strategy.

## **Ecology**

21. 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.

22. 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.

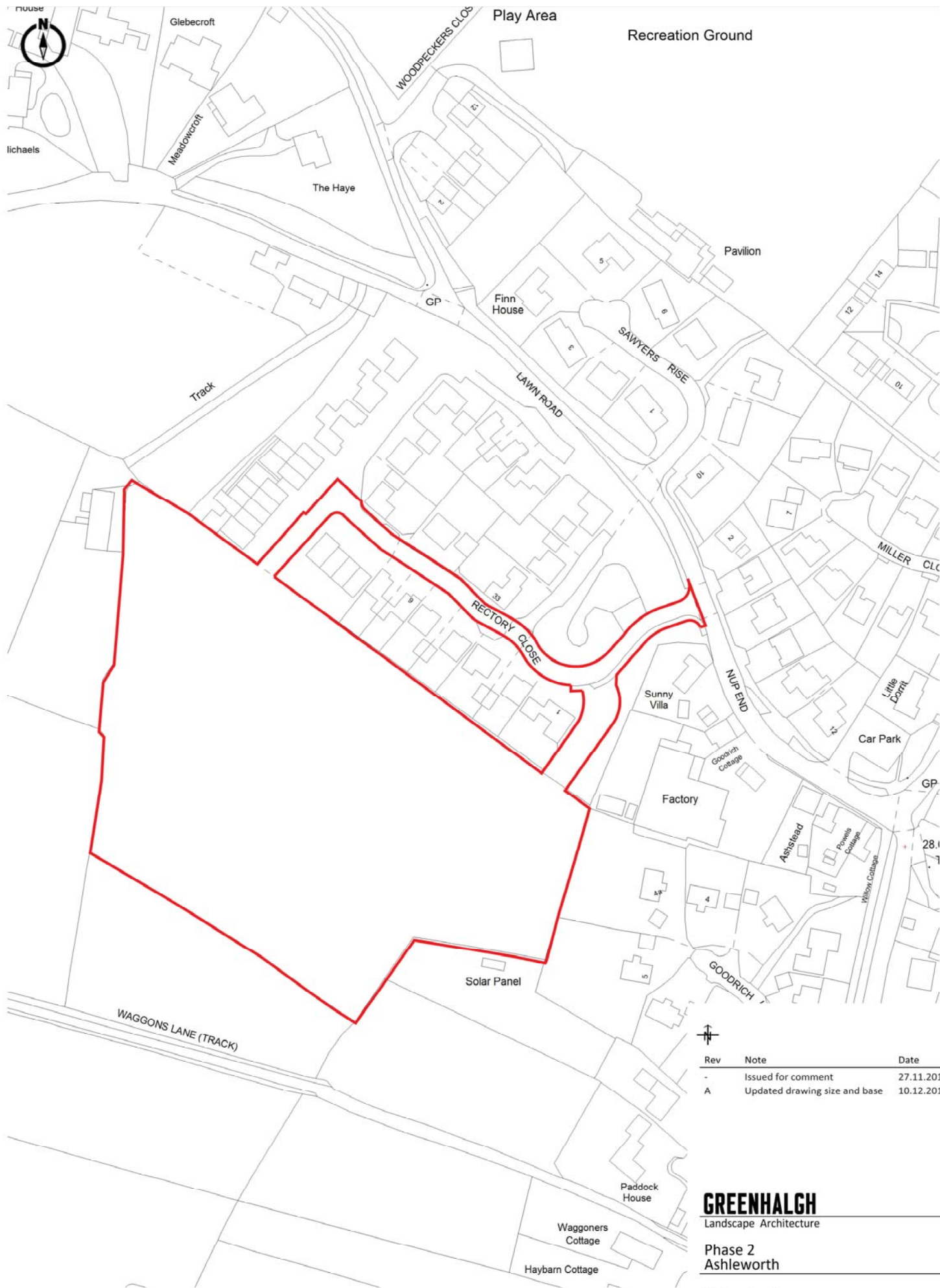
Reason: To ensure proper provision is made to safeguard protected species and their habitats, in accordance with the guidance set out in the NPPF.

23. 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.



Rev	Note	Date
-	Issued for comment	27.11.2019
A	Updated drawing size and base	10.12.2019

**GREENHALGH**  
Landscape Architecture

Phase 2  
Ashleworth

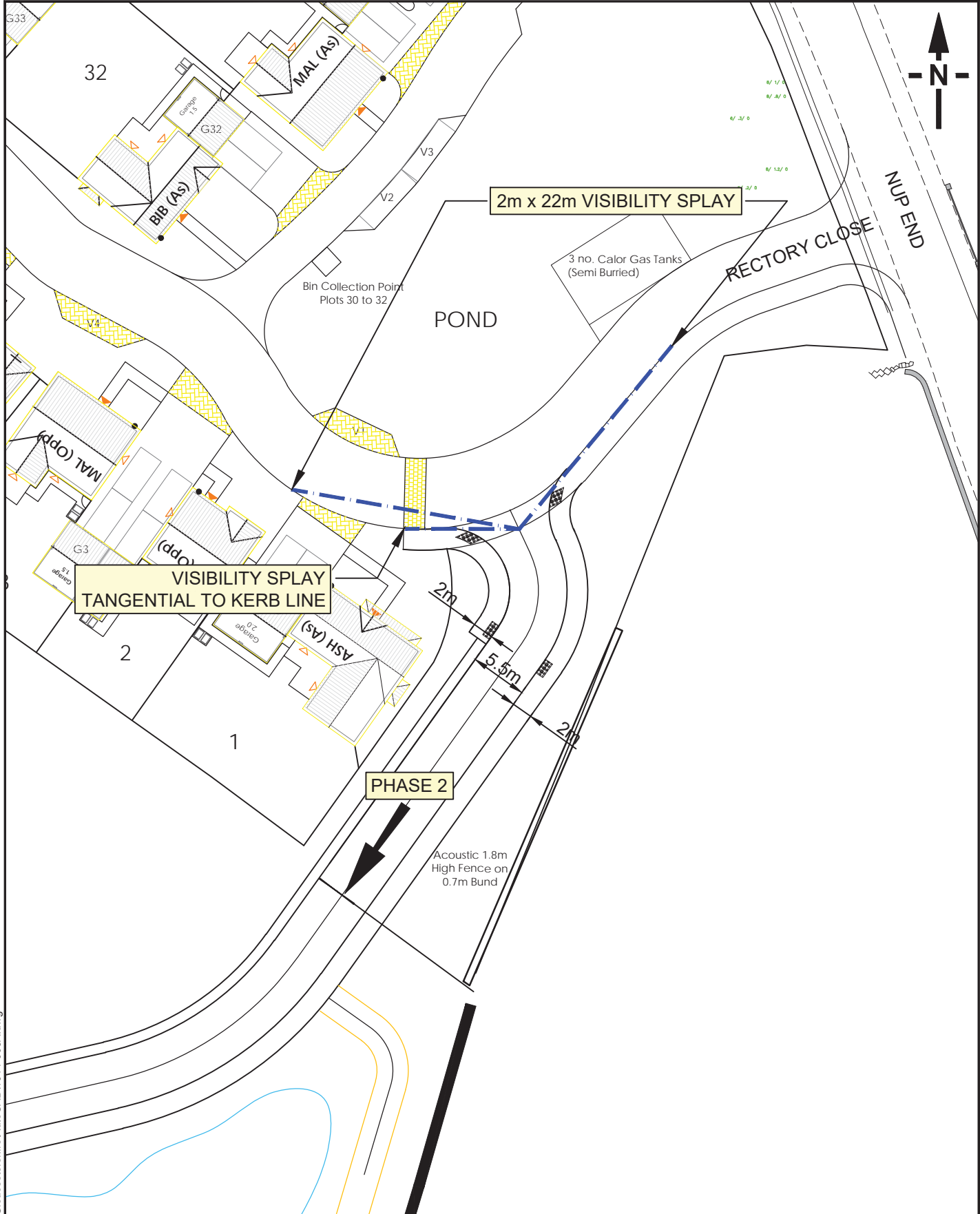
Site Location Plan  
132-005\_A



Date	2711.2019	Drawn by	GJ
Scale	1:1,250@A3	Checked by	IG



NOTE THE PROPERTY OF THIS DRAWING AND DESIGN IS VESTED IN KEY TRANSPORT CONSULTANTS LIMITED AND MUST NOT BE COPIED OR REPRODUCED IN ANY WAY WITHOUT THEIR WRITTEN CONSENT  
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**ASHLEWORTH, GLOUCESTERSHIRE** **REDCLIFFE HOMES**

**PHASE 2**  
**PROPOSED ACCESS OFF RECTORY CLOSE**

KEY TRANSPORT CONSULTANTS LTD  
 26 BERKELEY SQUARE  
 BRISTOL  
 BS8 1HP  
 Tel : 0117 920 9430  
 E-mail : info@key-transport.com

DRAWN BY	CHECKED BY	PASSED BY	DATE	SCALES @ A4 SIZE	ISSUE STATUS	DRAWING NUMBER	REV.
BE	PJM	PJM	NOV 19	1:500	148 PRELIM	1014-003	A







- ① Retained hedgerow with ecological enhancements
- ② Attenuation basin with biodiversity planting
- ③ Realigned Public Right of Way
- ④ Tree and hedge planting to provide a habitat connection
- ⑤ Permissive access retained



Rev	Note	Date
-	Draft	03.12.2019
A	Minor amendments	04.12.2019

**GREENHALGH**  
 Landscape Architecture  
**Phase 2**  
 Ashleworth  
 Illustrative Landscape Plan  
 132-006\_A  
 Drawn GJ  
 Scale 1:500@A1

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

<b>Committee:</b>	Planning
<b>Date:</b>	21 July 2020
<b>Site Location:</b>	Land at Chestnut Tree Farm Twigworth GL2 9PN
<b>Application No:</b>	16/00904/OUT
<b>Ward:</b>	Innsworth
<b>Parish:</b>	Twigworth
<b>Proposal:</b>	Outline planning proposal for up to 100 dwellings together with associated public open space and equipped children's play space, landscaping, access and associated infrastructure. All matters reserved except for access.
<b>Report by:</b>	Lisa Dixon
<b>Appendices:</b>	Site location plan Indicative Masterplan
<b>Recommendation:</b>	Refuse

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises a field, of approximately 5.3 hectares, located on the northern side the A38, Tewkesbury Road, Twigworth. Existing residential properties on Tewkesbury Road border the site along its southern/south-eastern boundaries. Sandhurst Lane bounds the site to the east and to the west, the site is bounded by the tree-lined, private access lane which leads to the 'Nature in Art' Gallery and Museum. Beyond the northern boundary lies open field/farmland. The site is noted within the supporting Design and Access Statement, to be currently in use as agricultural land.
- 1.2 The site does not fall within any national or local landscape designation. The south-western corner of the site and the adjoining land beyond to the west and the north lie within Flood Zone 2. Adjoining fields to the north and west also lie within Flood Zone 3. The village Settlement Boundary, as defined by the Adopted Neighbourhood Development Plan (NDP), runs along the southern and eastern boundaries of the site. As such, the site itself, with the exception of a small portion which lies in between existing built development fronting the A38, falls outside of the identified Settlement Boundary.
- 1.3 A public right of way runs parallel and just beyond, the northern boundary of the site, continuing across Sandhurst Lane in an easterly/south-easterly direction until it reaches the A38.
- 1.4 The Twigworth Strategic Allocation site, which has outline planning permission for 725 dwellings (planning reference: 15/01149/OUT), lies in close proximity to the south, on the opposite side of the A38.

- 1.5 A number of heritage assets lie in relatively close proximity to the site, among them, Twigworth Court which lies to the western side of the Nature in Art access and The Manor House, located towards the entrance to Sandhurst Lane on its eastern side.
- 1.6 Furthermore, a number of existing utilities either cross the site or are located in close proximity to it. A public sewer runs along the eastern site edge at the rear of the existing housing and a water main and low voltage cable run along the southern boundary to the 'Nature in Art' access/lane. In addition, existing electricity and BT services run along the Sandhurst Lane frontage.
- 1.7 The current application seeks outline planning permission for the erection of up to 100 dwellings, together with associated infrastructure, access and landscaping, including public open space and equipped children's play space. All matters except for means of access (Appearance, Landscaping, Layout and Scale) are reserved for future consideration **(See attached plans)**.
- 1.8 An indicative masterplan has been submitted to accompany the application which proposes a single point of vehicular access off Sandhurst Lane. The accompanying DAS notes the presence of a remnant orchard within the south-eastern and eastern parts of the site adjoining the A38, containing a pond and mature trees. These areas are proposed for retention within the indicative masterplan as part of new 'wildlife areas' to serve the development. A new pedestrian link is proposed through to the site from the A38, together with a new footpath link to the north of the site to connect with the existing PROW. The indicative masterplan proposes a children's play area towards the centre of the site and informal area of public open space (POS) along the western boundary abutting the adjoining Nature in Art access.
- 1.9 A single point of vehicular access, including adjoining pedestrian footway, is proposed off Sandhurst Lane. The accompanying DAS notes that the residential parcels have been arranged around a loose grid of perimeter blocks in order to maximise permeability for pedestrians and cyclists. Proposed housing is predominantly designed around cul-de-sacs, although the accompanying DAS notes that whilst the roads do not physically connect, 'there is a visual alignment with the route to 'Nature in Art'.
- 1.10 The DAS advises that the current scheme would provide a number of benefits, the main ones being; provision of accessible public open space including new children's play area, which can be used by existing and new residents alike; creation of a considerate development which responds to existing neighbours; delivery of new houses, providing for a broad community mix with a variety of house sizes and tenures; fostering of a sense of place with well-connected public realm footpaths and links to existing PROW; improved access to public transport and protection of biodiversity and habitat through the retention of existing ponds, orchards, hedgerows and trees.

## 2.0 RELEVANT PLANNING HISTORY

Whilst there is no planning history directly relating to the site itself, the following allowed appeal, at the Strategic Allocation site to the south/south-east of the site, is considered relevant.

Application Number	Proposal	Decision	Decision Date
15/01149/OUT  Appeal ref: APP/G1630/W/16 /3154464	Mixed use development comprising demolition of existing buildings; up to 725 dwellings and a local centre of 0.33 ha (A1, A2, A3, A4, A5, D1, D2 uses); primary school,	Appeal Allowed	21.12.2017

## 3.0 RELEVANT POLICY

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

### National guidance

3.2 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 SP2 (Distribution of New Development); SD3 (Sustainable Design and Construction); SD4 (Design Requirements); SD6 (Landscape); SD8 (Historic Environment); SD9 (Biodiversity and Geodiversity); SD10 (Residential Development); SD11 (Housing Mix and Standards); SD12 (Affordable Housing); SD14 (Health and Environmental Quality); INF1 (Transport Network); INF2 (Flood Risk Management); INF3 (Green Infrastructure); INF4 (Social and Community Infrastructure); INF6 (Infrastructure Delivery); INF7 (Developer Contributions).

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

3.4 Policies: TPT6 (Cycle Parking); RCN1 (Outdoor Playing Space)

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

3.5 Policies: RES3 (New Housing Outside Settlement Boundaries); RES4 (New Housing at other Rural Settlements) RES5 (New Housing Development), RES12 (Affordable Housing), RES13 (Housing Mix), DES1, HER3, NAT1, NAT3, ENV2, HEA1, RCN1, RCN2, TRAC1, TRAC2, TRAC3, TRAC4

### Down Hatherley, Norton and Twigworth Neighbourhood Development Plan – 2011 – 2031

3.6 Policies: E2, E3, H2, FP1

3.7 Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life); The First Protocol, Article 1 (Protection of Property)

## 4.0 CONSULTATIONS

- 4.1 **Twigworth Parish Council** - The Parish Council strongly objects to the current proposal on the following grounds; As set out within the provisions of the adopted Neighbourhood Development Plan (NDP), the site is not a suitable area for suburban expansion – the policies of the NDP should be adhered to; there are compelling physical and environmental reasons for retaining Twigworth's open, semi-rural character, namely the continued threat of pluvial flooding and serious traffic issues; virtually every rush hour brings tail-backs from the Longford roundabout to Orchard Park or beyond – the development would inevitably add to existing traffic congestion in this location; the rural lanes would become increasingly dangerous rat-runs – Sandhurst Lane would be unsurpassable and a safety hazard due to increased traffic, farm traffic and other users (cyclists, pedestrians and horse-riders etc); together with the Strategic Allocation, the development would comprise the start of the suburbanisation of Twigworth and the extinction of its attractive, open nature; the site lies within Flood Zones 2 and 3 – many of the existing properties on this side of the A38 have suffered significantly from pluvial and fluvial flooding; the infrastructure of the settlement cannot cope with the additional residential development proposed – the water pressure during the summer months is already extremely poor.
- 4.2 **Norton Parish Council** – Objection - Norton Parish raise objections to the proposal, citing highway safety concerns and traffic build-up resulting from vehicles to/from the development entering/emerging from the narrow Sandhurst Lane, to from the A38. The Parish raises additional concerns regarding the inability of existing infrastructure along this stretch of the A38 to cope with additional residential development. Concerns have also been expressed regarding impact on quality of life of existing residents.
- 4.3 **Sandhurst Parish Council** – Objection – Sandhurst Parish object to the scheme on the following grounds: The development would exacerbate pluvial and fluvial flooding; the Sandhurst Lane/A38 junction is inadequate to cater for the additional approximate 200 vehicles; Sandhurst Lane is a single lane with limited visibility and is already utilised as a rat run for traffic; Sandhurst Lane regularly floods during winter and is in exceptionally poor condition and unsuitable for the additional vehicles that would be generated by the development; there have been lots of unreported vehicular accidents in the immediate area and the development would increase highway safety concerns.
- 4.4 **Down Hatherley Parish Council** – Objection – Down Hatherley Parish Council raise concerns on the following grounds: the scale of the scheme fails to comply with criteria for new housing development, as set out within the adopted Neighbourhood Development Plan – Policy H2 clearly excludes development of this magnitude; Twigworth is already over-developed with the Strategic Allocation and Yew Tree Farm sites and has reached saturation point. As such, the proposal is totally unsustainable; there would be direct and cumulative traffic impacts – there is already severe traffic queues and rat-running along the lanes here; there is acknowledged pluvial and pluvial flooding in the locality and a further large development would add to the complexity of flood risk already present.
- 4.5 **County Highways Officer (CHO)** – The CHO requested additional information in order to fully assess the impacts of the development upon the highway network, including the cumulative impacts of existing developments/commitments. Following the submission of Junction capacity assessments in respect of the Sandhurst/A38 junction and Longford roundabout, the CHO has raised no objection on highways grounds, subject to appropriate planning conditions.

- 4.6 **County Council Lead Local Flood Authority (LLFA)** - Considers that the Flood Risk Addendum document adequately addresses the concerns relating to the location of infrastructure in flood zones 2 and 3 and advises that there would need to be legally binding agreement for access to the drainage structure for the lifetime of the development to enable the maintenance requirements. Legal documentation showing that the existence and access for maintenance of the ditch is required to be included in any submission for discharge of detailed drainage conditions related to this site. The LLFA raises no objection to the proposal provided the proposed works to the culvert are secured as part of any planning approval. Conditions are also required relating to surface water drainage details including a timetable for implementation and management and a maintenance plan.
- 4.7 **County Archaeologist (CA)** – The CA has no objection subject to conditions requiring the undertaking of an appropriate programme of work to excavate and record any significant archaeological remains, prior to the development, in order to mitigate the ground impacts of this scheme.
- 4.8 **Natural England (NE)** - Satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Innsworth Meadows SSSI has been notified.
- 4.9 **Severn Trent Water (STW)** – With regards to surface water disposal, STW have raised no objections to the proposed pumped solution for discharge to the ditch course to the north of the site which subsequently connects to Cox's Brook. STW also raise no concerns in respect of the proposed means of foul sewage discharge but require the submission of a plan illustrating the final proposals, to allow final approval.
- 4.10 **County Development Contribution Investment Officer (County Education)** – Advised that the scheme would generate the following pupil yields and required s106 contributions:- Preschool places – 31 (£452,730.00) towards Churchdown/Innsworth Primary Planning Area; Primary places – 41 (£618,731.00) towards Norton C of E Primary School; Secondary places – 31 (£642,932.00) towards Churchdown School Academy. The scheme would also generate additional need for library resources, requiring a contribution of £19,600, based on a formula of £196.00 per dwelling.
- 4.11 **CPRE** – No response received.
- 4.12 **Crime Prevention Design Advisor (CPDA)** – The CPDA requires the development to incorporate Secured by Design standards/principles, including the requirement for a lighting plan, designed to allow for seasonal variations, thereby removing areas of deep shadow.
- 4.13 **NHS England Estates Advisor** – No response received.
- 4.14 **Urban Design Officer (UDO)** - The site is located to the rear of existing properties with very limited frontage or connections to the existing street hierarchy. Due to the scale of this development the UDO considers that it would have a negative impact on the rural character of Twigworth settlement.
- 4.15 **Conservation Officer (CO)** – The CO considers the development's heritage impact upon the setting of nearby heritage assets to be largely neutral, and that the layout and landscaping design would enable any potential conflicts that might occur to be addressed.

- 4.16 **Strategic Housing and Enabling Officer (SHEO)** - The SHEO advises that requirement on this major development under JCS Policy SD12 is for a 40% Affordable Housing contribution (the scheme originally proposed 35% AH provision), as the site is not within a Strategic Allocation area. A tenure split of 70/30 social rented to shared ownership tenures would be sought. The SHEO provide an indicative scheme of Affordable Housing units based on a total 100 dwellings but noted that this would be open to further negotiation.
- 4.17 **Landscape Officer (LO)** - In landscape terms, the LO considers that the site has potential for some housing development, subject detailed to design, with a comprehensive scheme that should take account of a number of landscape issues, including appropriate balance between the proportion of green space, housing density and layout and housing design layout that takes a landscape led approach
- 4.18 **Tree Officer (TO)** – The TO has expressed concerns with regards to the lack of proposed street trees to be planted especially from the proposed new entrance from Sandhurst Lane into the site and the street that runs through north to south. The TO has also noted the opportunity to incorporate further planting within the gardens. Conditions have been recommended by the TO, relating to the submission of a planting specification, planting methods and tree protection measures. Details of how the orchard and wildlife area will be managed would also be required and the existing trees must be retained as they are important for biodiversity. The TO has also recommended the inclusion of an accessible walking route around the whole of the application site part of which could be a woodland walk with native trees to encourage a positive health/wellbeing.
- 4.19 **Ecology Consultant (EC)** – The EC advises that the submitted Ecological report provides a comprehensive review of ecological features within the site and the impact of development upon these features. The EC raises no objection to the scheme, subject to appropriate planning conditions relating to the application of a European Protected Species Mitigation Licence from NE in respect of great crested newts, lighting scheme details, Ecological Management Plan for a minimum duration of five years and securing of the mitigation and enhancement measures outlined within the Ecological Report.
- 4.20 **Environmental Health (EHO)** – No adverse comment in respect of air quality. The EHO advises that the site potentially contains contaminated land from metal forging and requires the imposition of a suitable planning condition relating to a contamination site investigation.
- 4.21 **Environment Agency (EA)** – The EA advised that the current proposal represented a lower risk planning consultation which, therefore, did not fall within their criteria for formal consultation.
- 4.22 **Highways England (HE)** – HE undertook a review of the submitted Transport Assessment (TA) and requested additional capacity assessment to be carried out for the A40 Longford Roundabout to determine whether it would provide sufficient capacity to accommodate the JCS Strategic Allocation and Local Plan allocations in addition to the proposed current development. HE initially issued a Holding Response to enable this capacity work to be carried out. Following a review of the capacity assessment, HE accepts that the proposal would have only limited impact on the operation of the A40 Longford roundabout, once the agreed/scheduled improvement scheme has been carried out. As such, HE raises no objection, subject to the imposition of a similar condition to that imposed on the Twigworth SA site (Condition 16 of 15/01149/OUT), relating to implementation of improvement works at the Longford roundabout.

## 5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 The application has been publicised through the posting of site notices for a period of 21 days and/or the neighbour notification scheme. 32 public representations have been received and all raise objections to the proposal.

5.2 The expressed concerns are summarised as follows:

Highways impacts – the narrow, inadequate Sandhurst Lane is a single track with limited passing points and completely unsuitable to cope with the additional traffic; the Sandhurst Lane/A38 junction is an accidents black-spot and the cumulative traffic impact of this development, together with the committed developments on the SA site and Yew Tree Farm, would only add to highways dangers; Sandhurst Lane is frequently used by large farm vehicles, cyclists, horse-riders and pedestrians and the additional traffic would potentially increase accidents; the proposed pedestrian crossing on the A38 would be located where the line of site is poor, thereby resulting in potential accidents;

Flood Risk and Drainage – the A38/Sandhurst Lane junction often floods; there would be an increased burden of surface water resulting from the loss of this greenfield site; increased flood risk could have a detrimental impact upon the six, grade II Listed Buildings within the immediate area; the existing ponds on or close to the site are 150 years old and the clay sub-soil is impervious to water; current sewage capacity is already at its limit within the area; the drainage strategy should be right at the heart of whether an application should be approved in the first place and not left for late approval via condition;

Ecological Impacts – the site is home to various protected species included newts, bats and adders – the development would have a detrimental impact upon these species;

Other Matters – it is illogical to allow development on the western side of Twigworth when all of the infrastructure investment is occurring on the eastern side; the open character of the locality would be spoilt, exacerbating the rapidly diminishing open spaces; the proposal conflicts with the NDP and is at odds with the detailed work of the local community regarding preparation/adoption of the NDP; a larger community would require church facilities and the existing building is in considerable need of repair/restoration; the development would result in light and noise pollution.

## 6.0 POLICY CONTEXT

- 6.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of The Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority 'shall have regard to the provisions of the Development Plan, so far as material to the application and to any other materials considerations.'
- 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 comprises the Joint Core Strategy (JCS) (2017), the saved policies in the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), The TBC Flood and Water Management SPD - March 2018 and a number of 'made' Neighbourhood Development Plans. In the case of the application site, the relevant NDP is the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan 2011 – 2031.



- 6.4 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).
- 6.5 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework.
- 6.6 The relevant policies and guidance are set out in the appropriate sections of this report.

## **7.0 ANALYSIS**

- 7.1 The key issues for consideration in relation to this application are considered to be; the principle of development; landscape and visual impact; scale and layout, affordable housing provision; highway and parking issues; residential amenity; flood risk and drainage; ecology; public open space and infrastructure requirements.

### **Principle of Development**

- 7.2 In this case, JCS Policy SD10 is the relevant starting point in considering the principle of development. 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.
- 7.3 The application site is greenfield land that lies outside of the defined settlement boundary for Twigworth as defined in the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan (DHNTNDP) 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 Twigworth has not been established through the development plan. The proposal therefore conflicts with Policies SP2 and SD10 of the JCS.

## **Neighbourhood Development Plan**

- 7.4 The Down Hatherley, Norton and Twigworth NDP was 'made' on 28th May 2019 and, as such, comprises part of the Development Plan. Paragraph 47 of the NDP advises that the settlement boundary has been defined around the area of highest density with the intention of focusing future growth proposals to this part of Twigworth. The application site lies outside the settlement boundary although does abut it at the southern and eastern extent of the site. Paragraph 47 further provides that, whilst some development can be accommodated within it, it is likely that some growth will be required alongside these boundaries.
- 7.5 However, paragraph 50 of the NDP makes clear, the aspirations of the parish community over the plan period, in requiring steady delivery of new development 'through a series of modest developments and not on a single large site delivered in a short space of time'. The NDP sets out clearly, that what is proposed is an organic, piece by piece approach to sustainable growth in Twigworth, in line with available infrastructure. Further, the Community Action Point (Design Statement) on page 21 of the NDP provides further evidence that the NDP only envisages small scale developments by saying "Developments of multiple dwellings should generally adopt a farmstead cluster form".
- 7.6 Based upon the above, NDP Policy H2 sets out a number of criteria for guiding new housing development within the village, including the requirement for development to be located within or immediately adjacent to the settlement boundary, forming a logical extension to settlement form without undue harmful encroachment into the countryside (criterion 1). Policy H2 also requires development to achieve a standard of design and appearance of an appropriate density, scale and layout, which is respectful of its surroundings, village vernacular and materials, topography and heritage assets.
- 7.7 In view of the Parish's stated aspirations for moderate growth over the plan period, through a series of modest developments, it is considered that the proposed development of 100nos. dwellings, delivered within a single, large site, would be contrary to the Policy H2 of the NDP.
- 7.8 The proposal is therefore, considered to be in conflict with JCS Policy SD10 of the JCS and Policy H2 of the NDP.

## **The Emerging Development Plan**

- 7.9 The site falls outside of the defined settlement boundaries proposed within the emerging Tewkesbury Borough Plan 2011 – 2031 Submission Version (May 2020). Policy RES3 (criterion 3) of the TBPSV states that outside of the defined settlement boundaries, the principle of new residential development would be considered acceptable where development being proposed consists of 'very small scale development at rural settlements in accordance with Policy RES4. The accompanying reasoned justification advises that within the rural areas (i.e. those parts of the Borough located outside of defined settlement boundaries) a restrictive approach is required to new residential development consistent with the advice at paragraph 79 of the NPPF and Policy SD10 of the JCS, and so to not undermine the JCS spatial strategy and its distribution of development.

- 7.10 Policy RES4 (New Housing at other Rural Settlements) of the emerging plan seeks to support the vitality of rural communities and the continued availability of services and facilities in the rural areas by supporting the principle of very small-scale residential development within and adjacent to the built up area of other rural settlements (i.e. those not featured within the settlement hierarchy) providing, amongst other things:
- a) it is of a scale that is proportionate to the size and function of the settlement and maintains or enhances sustainable patterns of development;
  - b) it does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the plan period;
  - c) it complements the form of the settlement and is well related to existing buildings within the settlement;
  - d) the site of the proposed development is not of significant amenity value or makes a significant contribution to the character and setting of the settlement in its undeveloped state;
- In all cases development must comply with the relevant criteria set out at Policy RES5. Particular attention will be given to the effect of the development on the form, character and landscape setting of the settlement.
- 7.11 In light of the above, the proposed development is therefore considered contrary to TBPSV Policies RES3 and RES4.

### **Council's 5 Year Housing Land Supply**

- 7.12 Whilst the proposal is contrary to Policies SP2 and SD10 of the JCS and Policy H2 of the of the NDP, 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.
- 7.13 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'.

- 7.14 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:
- the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
  - the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
  - 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
  - the local planning authority's housing delivery was at least 45% of that required over the previous three years.
- 7.15 The DHNTNDP was adopted as part of the development plan on the 28th May 2019, and as such, is less than two years old. However, the plan does not contain policies and allocations to meet its identified housing requirement. As such, paragraph 14 of the Framework is not engaged.
- 7.16 In light of the fact that the Council cannot demonstrate a 5 year supply of deliverable housing sites at the current time, Policy SD10 of the JCS and NDP policy H2 are considered to be out-of-date, having regard to paragraph 11 of the NPPF. In these circumstances, the presumption should be that planning permission is granted unless there are adverse impacts of doing so, which would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

### **Landscape and Visual Impact**

- 7.17 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 should 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.
- 7.18 Similarly, Policy E2 of the NDP provides that development in the open countryside, outside settlements, should be in accordance with strategic development plan policies within the JCS relating to the protection of the visual amenities of the landscape. Furthermore, a number of vistas and landscape features have been identified for protection within the policy, from intrusive development, including the enclosed tree-lined drive to Wallsworth Hall, openness of sections of the A38 corridor and open green spaces between the built component of dispersed settlement pattern which help retain a sense of undeveloped and rural character.
- 7.19 The site forms a large flat arable field to the rear of existing residential properties and within close proximity to the A38. The site and the surrounding landscape setting are not covered by any landscape designations although the character of the landscape is attractive with strong field boundaries and hedgerow trees.

- 7.20 Although, all matters except for access have been reserved for future consideration, the application has been supported by a suite of supporting information relating to landscape, which includes an indicative site layout, Design Statement, Design Statement Addendum and Landscape and Visual Impact Assessment (LVIA). The Addendum notes that the site, as a single field, has a natural boundary defined by hedgerows and tree planting and that there are no hedgerows within the land parcel which could otherwise form a natural edge. The Addendum further notes that there are no hedgerows proposed for removal to accommodate 100 homes except from at required points of access. The scheme also proposes to set aside and retain the remnant orchard and an existing pond area as wildlife habitats which could be enhanced with managed accessibility for the wider community. The Design Addendum concludes that the delivery of 100 homes here would not change the rural settlement character of Twigworth due to its location behind existing homes, the retained orchard and proposed open spaces. Along Sandhurst Lane and the route to the Nature in Art Museum, the visibility of the proposal would be contained and would allow only part of the development to be perceived in a single view.
- 7.21 The submitted LVIA notes that the site is generally well contained by a mature vegetation structure. Mature woodland belts can be found along the site's south west boundary extending down to the site's south corner where it meets the A38. An established network of field hedgerows and hedgerow trees that characterises the wider landscape setting exerts its influence over the site's north and north-western boundary, offering a high level of visual containment from these aspects. The LVIA concludes that, in visual terms, the proposal would have limited effect on both the immediate and wider settings. Furthermore, the longer distance views from the rising landscape of the Cotswolds AONB within the wider landscape setting, would not be adversely affected, and the special character and qualities of the designation would not be compromised.
- 7.22 In landscape terms, the LVIA notes that the proposals would introduce new built form into the currently open field which represents a noticeable change. However, the proposed layout had been informed by the existing urban grain and the established vegetation structure to ensure that the development could be accommodated within the less sensitive urban fringe landscape. The established vegetation within the wider setting and the existing built form found along the A38 road corridor, would ensure that the proposals are not readily perceived on approaches to the village from this busy transport route and can therefore be integrated without compromising the character of the settlement. Consequently, the LVIA advises that the proposals would have a moderate to moderate/minor significance of effect upon the localised and wider landscape character. Within the site itself, it is noted that there would initially be significance of effect of major/moderate to moderate on immediate landscape character. However, this would reduce to moderate following completion of the scheme and the successful establishment of the proposed landscaping, which is not considered significant in landscape terms. Overall, the LVIA concludes that the proposal would not result in significant harm to the landscape character of visual environment and could be integrated in this location and is supportable from a landscape and visual perspective.
- 7.23 The Tewkesbury Borough Landscape and Visual Sensitivity Study – November 2014 – Final Report, was undertaken by the Council as part of the Borough Plan site allocation work for the Rural Service Centres and Service Villages. Although Twigworth was not taken forward as an allocated Service Village within the adopted Joint Core Strategy (December 2017), the proposal site was initially assessed as part of wider parcel of land (Parcel Reference: Twig – 01), as part of the over-arching Rural Service Centre and Service Village landscape work.

- 7.24 The Landscape and Visual Sensitivity Study (LVSS), noted that Twigworth is a small wayside settlement and is heavily influenced to the south, by the existing caravan/mobile home residential park. The study further notes that there are opportunities to enhance the landscape surrounding the settlement. The landscape character summary for the wider parcel states that the land is clearly part of the wider vale that spreads out to the north and west. Typically, there are high hedges along lanes surrounding medium to large scale arable fields. This land assessment parcel is influenced by the existing settlement edge, although that influence diminishes rapidly out into the vale.
- 7.25 Parcel Twig-01 is noted to have Medium Landscape Character Sensitivity and Low Visual Sensitivity. The parcel is noted not to be prominent and also, well contained and screened from the local road network by vegetation and existing settlement. In addition, the study concludes that the parcel is not conspicuous in long distance views. The visual summary for Parcel Twig-01 concludes that it is locally well-contained by robust hedges and settlement and although visible from the A38, Sandhurst Lane and local footpaths, it is not prominent. Coalescing vegetation limits views of the site from the north and west and the parcel is inconspicuous from elevated ground at Sandhurst Lane. There are also noted to be a number of visual detractors, including the caravan park and equestrian activity. The visual sensitivity of this land assessment parcel, to new residential development, increases with distance from the settlement edge out onto the vale. It is also noted to be sensitive to the perception of sprawl, encroachment and to changes to the predominantly linear settlement form.
- 7.26 In landscape terms, the Landscape Officer assessed the current proposal and considered that the site had some potential to accommodate housing development, subject to detailed design and a comprehensive scheme that should take account of the following landscape issues:
- ‘Appropriate balance between the proportion of green space, housing density and layout; A housing design layout that takes a landscape led approach; Developing public access links through the development and into the surrounding countryside; Developing landscape and ecological corridors; Promoting green infrastructure opportunities; Conserving and enhancing boundary trees and hedges; Conserving and enhancing wildlife habitats and Creating an identity and sense of place within the development.’*
- 7.27 The Council's Tree Officer (TO) has been consulted in respect of the application. The TO notes that the site mainly consists of boundary trees and an orchard, as shown within the accompanying arboricultural impact assessment (AIA). The proposed new native tree planting and submitted tree retention/protection measures, are considered acceptable by the TO. Should Members be minded to permit the application, it is considered that the retention of the existing hedgerow could be secured via planning condition.
- 7.28 Twigworth Parish Council have raised strong objections to the proposal on a number of grounds, including landscape harm. Their concerns on this matter relate to the suburbanisation of the village and resulting loss of its attractive, open nature. Down Hatherley Parish Council have raised similar concerns in respect of the potential loss of valued landscape character of this part of the vale.

7.29 As set out above, JCS Policy SD6 requires development to seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Furthermore, Policy E2 (Landscape Protection in the Open Countryside) of the NDP notes the importance of retaining identified important vistas and landscape features. These include the Wallsworth Hall tree-lined drive which adjoins the south/south-west of the site and the built component of dispersed settlement pattern, which helps to retain a sense of the undeveloped and rural character of the area. As also referenced above, the Tewkesbury Borough Landscape and Visual Sensitivity Study assessed the site as part of wider land parcel 'Twig – 01' and considered that there was potential to accommodate a level of residential development, should Twigworth have subsequently been taken forward as a Service Village within the JCS. However, the LVSS also advised that the visual sensitivity of this land assessment parcel, to new residential development, increases with distance from the settlement edge out onto the vale. Furthermore, the study noted the land parcel to be sensitive to the perception of sprawl, encroachment and to changes to the predominantly linear settlement form. It is considered that the overall quantum of residential development proposed within the current scheme, could not be satisfactorily integrated within the site without discernible visual encroachment into the rural landscape to the north. Furthermore, the quantum of units proposed would result in visual detriment to the existing dispersed settlement pattern of Twigworth village. The proposal is therefore, considered contrary to the landscape protection aims and objectives of Policy SD6 of the JCS and Policy E2 of the NDP and this identified harm is considered to weigh against the proposal in the overall planning balance.

#### **Best and Most Versatile Land (BMV)**

7.30 Paragraph 170 of the NPPF recognises the economic and other benefits of Best and Most Versatile Land (BMV) and advises that when considering development proposals, LPA's should seek to use poorer quality land in Grades 3b, 4 and 5, in preference to higher quality land. The site itself falls within Grade 2, 3a and 3b agricultural land and as such, the development of this field parcel would result in the loss of higher quality land, as set out within the NPPF. This weighs against the proposal in the overall planning balance.

#### **Design and Layout**

7.31 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.

7.32 Policy SD4 of the JCS advises that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. Policy H2 of the NDP requires new development for housing within Twigworth settlement to achieve a standard of design and appearance of an appropriate density, scale and layout, which is respectful of its surroundings, the village vernacular and materials, local topography and any heritage assets.

- 7.33 The application has been submitted in outline form, with all matters (except for means of access) including layout, scale and appearance - reserved for future consideration. A detailed Design and Access Statement has been submitted in support of the application, together with an additional Design and Access Addendum. The DAS advises on the design process/architectural approach informing the scheme. The DAS notes that the site is unconstrained and could accommodate development of up to 100 homes, at a density of 33 dwellings per hectare and still have room for sufficient public open space and landscaping to make an attractive development with appropriate boundary treatments for surrounding land uses. The DAS further notes that to limit the housing numbers at less than 100 would be to create an edge to development which is artificially set and not informed by the assessment of the site's characteristics. This would not make best efficient use of the land, as the remainder land could not be effectively farmed, but would be lost from productivity for no gain of delivering much needed housing.
- 7.34 The DAS further notes that the scheme would also provide sufficient room to place the play area/POS within a location which would be readily accessible to the residents of the wider village as well as the new occupants. The scheme also proposes to set aside the remnant orchard and an existing pond area as wildlife habitats which can be enhanced with managed accessibility for the wider community. Surface water attenuation measures would also be integrated into informal landscaping areas, although the DAS notes that this would not impact upon usable public open space.
- 7.35 Direct pedestrian links to the A38 and local Public Right of Way are also proposed within the indicative masterplan and the DAS advises that this would enable an identified crossing point on the A38 to be built near existing bus stops. The DAS asserts that the position of the site behind existing properties avoids visually extending the village along the A38 towards Gloucester or Norton, thus preventing coalescence or suburbanisation. As such, the proposal for 100 homes would be as equally contained within the site as a smaller proposal and would not alter the perception of Twigworth as a linear settlement, when viewed from the A38.
- 7.36 No maximum and minimum scale parameters have been submitted as part of the outline proposal. However, the DAS notes a development of up to 100 homes would be sufficient in size to be able to offer a breadth of housing typologies, sizes and affordability for occupation, which would complement the existing older properties and the over 50's park home.
- 7.37 The DAS further notes that the new homes would cater for a range of household sizes, to allow a varied social community to develop - the scale of development within the site would allow for single person occupancy, young couples and families, older teenage families and retired occupants. The scope for this diversity is greater across 100 homes where there is room to build the different scale of properties without impacting on the amenity of the different occupants in a smaller site.
- 7.38 The Urban Design Officer (UDO) has been consulted on the current scheme and considers that quantum of development proposed for this site would result in loss of the feel and character of the existing rural settlement. Furthermore, the UDO considers that the site's location to the rear of existing properties would result in very limited frontage development or connections to the existing street hierarchy. There would be an awkward relationship between the rear of existing properties and the proposed development and due to the scale of the development, the UDO considers that there would be a negative impact on the character of Twigworth.



- 7.39 The allowed appeal site to the south-east is also of importance here. The development of 725 new homes, together with its associated facilities and infrastructure, will undoubtedly alter the settlement character on the eastern side of the A38. The parish aspirations in seeking to protect the remaining form and settlement pattern by seeking a series of organic, modest developments throughout the course of the plan period are expressed within Policy H2 of the NDP are therefore, clearly understood and enshrined within NDP Policy H2.
- 7.40 Paragraph 50 of the NDP sets out the following;
- 'A matter of profound importance to Twigworth is that, whatever growth level is ultimately determined, it should be delivered steadily over the plan's period through a series of modest developments and not on a large site delivered in a short space of time. The NDP proposes an organic, piece by piece, approach to support sustainable growth in Twigworth in line with the available infrastructure.'*
- 7.41 Members will be aware of the Oakridge, Higham appeal decision which is of importance with regard to the relevant weight to be attributed the Neighbourhood Development Plan in the light of the five-year supply shortfall. At paragraphs 29 and 30 of his decision letter the Secretary of State remarked:
- 29. 'Paragraph 12 of the Framework states that where a planning application conflicts with a Neighbourhood Plan that has been brought into force, planning permission should not normally be granted. Although the Neighbourhood Plan does not allocate sites, meaning that paragraph 14 of the Framework is not engaged, or set a settlement boundary, it represents an expression of how the community wishes to shape its local environment, and is relevant to the assessment whether the appeal proposal is acceptable or not.'*
- 30. The Secretary of State considers that there are no protective policies which provide a clear reason for refusing the development proposed. However, taking into account the material considerations set out above, including that there is conflict with a recently made Neighbourhood Plan, he considers that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. He considers that there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.'*
- 7.42 Following on from this overarching requirement, Policy H2 of the NDP advises that development should form a logical extension to the settlement form, without appearing as an unduly harmful encroachment into the countryside and achieves a standard of design and appearance of an appropriate density, scale and layout, which is respectful of its surroundings, the Twigworth village vernacular and materials.
- 7.43 The aspirations of Twigworth Parish to see steady, modest growth throughout the plan period, are clearly set out within their NDP. Furthermore, the Oakridge decision makes clear, that despite there being no protective policies which provided a clear reason for refusal within the Oakridge case, the wishes of the community on how they wished to shape their community, can be an important consideration in planning decisions. The weight to be applied to any material consideration is a matter for the decision maker.
- 7.44 In conclusion on this matter the proposal considered contrary to JCS Policy SD4 and Policy H2 of the Down Hatherley, Norton and Twigworth NDP with regard to design/layout and scale/quantum. This matter weighs heavily against the proposal in the overall planning balance.

## **Housing Mix**

- 7.45 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).
- 7.46 No precise housing mix has been put forward as part of this application, although the DAS advises that a development of up to 100 homes is sufficient in size to be able to offer a breadth of housing typologies, sizes and affordability for occupation, which would complement the existing older properties and the over 50's park homes. The DAS advises that a range of household sizes would be provided, to allow a varied social community to develop - catering for single person occupancy, young couples and families, older teenage families and retired occupants.
- 7.47 Should Members be minded to permit the application, a condition would be required to secure an appropriate housing mix for any future reserved matters application in order that the development meets the needs of the Borough and as evidenced by the latest SHMA at the time of the reserved matters application.

## **Residential amenity including impact on amenity of existing adjoining Occupiers**

- 7.48 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.
- 7.49 Although the application has been submitted in outline form, with all matters relating to layout and design reserved for future consideration, an indicative layout has been submitted in support of the proposal. The indicative layout illustrates that the development would largely sit behind the existing linear run of properties which front onto the A38. The indicative Masterplan demonstrates that a distance of 11 metres would be maintained between the closest existing dwelling to the site and new dwellings. This is considered acceptable in view of the oblique angle and orientation of the two buildings, relative to one another, as indicated by the indicative scheme. Back to back distances of 20 metres or more, would be maintained between the new dwellings and all other existing properties. Furthermore, a landscaped buffer would be provided between existing and new properties which would serve to further protect the residential amenity of both existing and proposed houses from overlooking, overbearing or loss of light.
- 7.50 The specific relationships to these existing, adjoining dwellings and the relationships of new properties within the development itself, would be considered at the reserved matters stage, should the outline application be approved. However, it is considered that the indicative masterplan illustrates that a level of residential development could be accommodated within the site, without detriment to the residential amenity of existing adjoining occupiers within the village.

- 7.51 In addition, the application has been supported by an Air Quality Assessment. The development has the potential to cause air quality impacts and an Air Quality Assessment was therefore required to determine baseline conditions, consider location suitability for residential use and provide consideration of potential effects as a result of the proposals. Air quality impacts may include dust emissions from construction works and road vehicle exhaust emissions associated with traffic generated by the site during the operational phase. Additionally, the development has the potential to expose future users to any existing air quality issues. Assuming good practice dust control measures are implemented, the residual significance of potential air quality impacts from dust generated by earthworks and construction activities was predicted to be negligible, within the report. The requirement for submission and subsequent approval of a Construction Method Statement (CMS) via planning condition would secure good practice in this regard.
- 7.52 During the operational phase of the development there is potential for air quality impacts as a result of vehicle exhaust emissions from traffic. These were assessed within the submitted report and the overall significance of potential impacts was determined not to be significant, in accordance with required guidance. As such, it is considered that air quality would not represent a constraint to development on the site and the Environmental Health Officer has raised no adverse comment in this regard.

### **Biodiversity**

- 7.53 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.
- 7.54 The application has been supported by an Ecological Appraisal which is based upon standard Phase 1 methodology. The Appraisal also includes an appraisal of faunal species and recording of the potential presence of any rare, or notable species, with specific surveys undertaken in respect of bats, Badger, Great Crested Newt and reptiles.
- 7.55 The site itself is not subject to any statutory or non-statutory ecological designations. The closest designation to the site is Innsworth Meadow SSSI, located approximately 0.75km south of the site.
- 7.56 The submitted appraisal notes that the site comprises an arable field, along with boundary hedgerows, tree lines, scrub, semi-improved grassland, an orchard, a pond and a small area of hardstanding. The habitats within the site are noted within the appraisal to be largely considered to be of low ecological value at the local level, with the hedgerows, tree lines, trees and orchard considered to be of elevated value in the context of the site. These habitats are largely retained and enhanced under the proposals. With regards to protected species, the Report concludes that no statutory or non-statutory nature conservation designations are present within the site, whilst no significant adverse effects on any designations within the site surrounds are anticipated.
- 7.57 The Phase 1 habitat survey concluded that the site is dominated by habitats of negligible to low ecological value and noted that the proposals have sought to retain the features of elevated value. Where it has not been practicable to avoid loss of habitats, new habitat creation has been proposed to compensate losses, in conjunction with the landscape proposals.

- 7.58 The habitats within the site have been recorded to support a range of fauna, including Badger, a modest assemblage of bats, birds and single/small numbers of Grass Snake, whilst a number of trees have been assessed to be of potential for roosting bats (albeit no evidence for the presence of roosting bats was recorded). In addition, a single onsite pond and two offsite ponds were recorded to support a metapopulation (population of spatially separated populations of the same species which interact at some level) of Great Crested Newt.
- 7.59 In light of these findings, the report proposes a number of mitigation measures in order to minimise the risk of harm to these and any other notable species that could be present or colonise from the local area. The report further concludes that the development would incorporate significant enhancements in the form of native tree and wildflower planting, creation of SuDS and swales and the provision of specific faunal enhancements, including bat, bird and insect boxes, hedgehog domes and hibernaculum/log piles for amphibians and reptiles. The report concludes that it is considered unlikely that the proposed development would result in significant harm to biodiversity and that the opportunity actually exists to provide a number of net gains for biodiversity as part of the proposals.
- 7.60 Natural England has been consulted in respect of the current proposal and is satisfied that, subject to the development being carried out in strict accordance with the details of the application submitted, there would be no damage or destruction to the interest features for which the Innsworth SSSI has been notified. As such, NE confirm that the SSSI does not represent a constraint in determining this application.
- 7.61 The Council's Ecological Consultant (EC) has also been consulted in respect of the scheme and has raised no objections, subject to strict adherence to the mitigation and enhancement measures included within the submitted Ecological Appraisal. The EC has also advised that a License would be required from Natural England in light of the identified presence of great crested newts. Should the application be approved, conditions would be required in respect of proposed lighting details and the submission of an appropriate Ecological Management Plan of a minimum five-year duration. With regard to habitats, the EC has advised that all hedgerows, tree lines and trees to be retained within the proposed development should be protected during construction in line with standard arboricultural best practice (BS5837:2012). Furthermore, updated survey work should be carried out in respect of trees with the potential to support roosting bats, in order to confirm their continued absence. The EC has also recommended appropriate planning conditions relating to the proposed ecological enhancements, including suitable tree planting species within the new wildlife areas and orchard areas, maintenance of the semi-improved grassland, the erection of wildlife information boards to aid new residents appropriate creation and management of the new SuDS and swales in order to maximise their wildlife benefits.
- 7.62 Having regard to the above, subject to the imposition of the identified planning conditions, it is considered that the proposal would accord with paragraph 175 of the NPPF and Policy SD9 of the JCS.

### **Drainage and Flood Risk**

- 7.63 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 advice is reflected within the Council's Flood Risk and Water Management SPD.

- 7.64 The application has been supported by a Flood Risk Assessment (FRA) which advises that the closest surface water feature (with exception of the adjacent ponds) is an unnamed stream /drainage channel which is present approximately 135m north of the Site. This appears to be culverted to a degree and flows north-west / west towards the Cox's Brook located approximately 315m north-west of the Site. The Cox's Brook is understood to flow in a south to south-westerly direction towards the River Severn. Hatherley Brook which is classified as a main river runs in a westerly direction 700m south of the site and joins the River Severn 2.7km south-west of the site.
- 7.65 The FRA also notes that the site is located is predominantly within Flood Zone 1 which is therefore, at least at risk from flooding and is land assessed as having a less than 1 in 1000 annual probability of river or sea flooding (<0.1%). The report further provides that historical flood mapping provided by Gloucestershire County Council, showed that there were no records of flooding within the site boundary. The FRA advises that there are numerous anecdotal reports of flooding for the area, many of which are from periods of intense rainfall and associated flooding in the wider Severn catchment area. These historic local reports also include reports of flooding affecting roads in the vicinity of the site.
- 7.66 A small section on the south end of the site adjacent to the driveway leading to Wallsworth Court, is shown on the EA Flood Map for Planning to be located in Flood Zone 2. This is land assessed as having between a 1 in 1000 and 1 in 100 annual probability of river or sea flooding (between 0.1 and 1%). Correspondence from the Environment Agency, dated 13/04/2016, confirms this information and has been included with the accompanying appendices of the FRA. Based on the above, the FRA notes the risk of fluvial flooding to the site to be low. It should be noted that none of the land in flood zone 2 is proposed to house built form and would be part of the proposed landscape buffer.

#### Surface Water Flooding

- 7.67 With regard to surface water flooding, The Environment Agency's online Risk of Flooding from Surface Water mapping shows the majority of the site to be at very low risk of flooding from surface water, meaning an annual probability of surface water flooding of less than 1 in 1000 (<0.1%). As indicated in the Environment Agency's online Risk of Flooding from Surface Water map, there are small isolated depressions within the site that are shown to have a high risk of flooding from surface water, meaning an annual probability of flooding greater than 1 in 30 (>3.3%). This is confirmed by the LLFA within correspondence included within the FRA. The FRA advises that these isolated depressions are not believed to be of significant importance and any local pooling would be appropriately managed by the drainage system post-development. Based on the above, the risk of surface water flooding to the site is considered to be low.

#### Groundwater Flooding

- 7.68 The FRA advises that further ground investigation works would be required to progress detailed design including specific foundation advice and earthwork. These works should include a detailed assessment of the hydrogeological regime and potential impact and mitigation of shallow groundwater on the proposed development. However, based upon the carrying out of a Preliminary Infiltration Assessment Report, no groundwater was encountered during the excavation and the risk of groundwater flooding to the site is considered to be low - moderate.

### Outline Surface Water Drainage Strategy

- 7.69 The FRA recommends that an outline surface water drainage strategy should be undertaken which should demonstrate that the drainage network at the site will not flood at least during a 1 in 30 year event. It must also accommodate run-off during all events up to the 100 year plus climate change (as above) event to allow for increases in rainfall intensity due to climate change for the expected 100 year lifespan of the development. Building thresholds should be at least 150mm above the surrounding ground level to allow water to flow away from the buildings. Furthermore, if the surface water drainage system was to fail and surface water flooding was to occur on the site the layout of the buildings should be such that water is diverted away from them towards the local drainage network to eliminate the chance of a surface water pathway pooling against a building. The sustainable management of surface water runoff would be established during the detailed design of any development and is assumed to follow the principles discussed in this FRA and be adherent to any planning conditions attached to any permission.

### Surface Water Drainage Strategy

- 7.70 The site drainage, as proposed within the submitted FRA, would incorporate measures to slow, treat and store surface water. Where possible permeable surface structure such as block pavers and other porous surfaces would be installed. Attenuation storage in the form of sub-surface storage including gravel filled detention areas, storage at the pump location and a large detention basin on the west area of the site are also considered to be required. Attenuation storage would combine traditional hard engineered structures such as pipes and tanked storage (required for pumping station) with the preferable SuDS structures as the infiltration rates on site do not support a SuDS dominated strategy. Open surface conveyance and storage would be provided in onsite swales, as shown by soakaway testing the site is unsuitable for infiltration solutions and no assumption on infiltration from swales has been included within the drainage strategy. A detention basin would also form part of the design suitable to store and control large return period events. The discharge receptor for surface water discharge, is proposed to be the culverted watercourse located in the wider land holding (also within the applicant's ownership), to the north of the site, via a pumping station. As part of the surface water drainage strategy, it was proposed that surface water is pumped at greenfield rates, as estimated by the drainage consultants (24.2 l/s).
- 7.71 The Parish Council have raised strong concerns regarding the drainage strategy put forward in respect of the proposal and refer to the extent of the 2007 flooding and the resulting impact upon numerous homes within the village. The Parish remain unconvinced regarding the adequacy of the current data in respect of pluvial flooding. The Parish also refer to the site as being within Flood Zones 2 and 3 and note that water creeps along the fields from the River Severn through Sandhurst and into these fields, having a significant effect on the new and existing properties (which are already affected) as the water will have nowhere to flow. If surface water is channelled from this area further afield, the Parish advise that this would have a significant impact and devastating effects on already saturated land and other developmental areas that are already being planned which have not taken this application into consideration. Sandhurst Parish Council have similarly raised concerns with regard to recent flooding encroaching within the site itself and seasonal flooding experienced within the village. Down Hatherley Parish Council raises similar concerns in respect of the application and cite the inadequacy of flood risk modelling, particularly in relation to existing large-scale housing commitments within the village.

- 7.72 Both the Lead Local Flood Authority (LLFA) and the Council's Flood Risk Management Engineer (FRME), have been consulted in respect of the current proposal. The LLFA noted that the applicant's surface water drainage solution involves pumping water to a topographically higher location and into a watercourse which currently does not receive those flows. It would then enter a culvert outside the applicant's control, the condition and capacity of which are unknown. The LLFA's preferred option for this site, was to fully explore discharging the surface water west to the Cox's Brook which avoids the requirement to pump and is the surface water's more natural flow route. Here, there is a network of drainage ditches to the west of the site that appear to convey westwards towards Cox's Brook (further to the west) and the LLFA were originally of the view that whilst accepting other options may work, the westward route is the most sustainable solution and that to date it has not been demonstrated to be unviable. However, the applicant advised that the delivery of this strategy would involve crossing a private track and within land the applicant does not control. Discharge to an existing sewer would represent the last option in sustainable drainage terms.
- 7.73 Following queries raised by the LLFA and the Council's FRME, a Flood Risk Addendum was prepared which noted the watercourse to be culverted in short sections, which were in relatively poor condition. The drainage strategy proposes to improve the channel and restore sections to an open watercourse. The Addendum document was considered by the LLFA to adequately address their previous concerns relating to the location of supporting drainage infrastructure within flood zones 2 and 3. Subject to the imposition of appropriate conditions relating to securing an ongoing management regime for the surface water drainage scheme, including the opened culvert. The works to the culvert were considered by the LLFA to be critical to the success of the development. The applicant has provided subsequent reassurance that the culvert does in fact fall within their land ownership and as such, these works can be secured via planning condition.
- 7.74 Likewise, the FRME considered the 'FRA Addendum II' to satisfactorily address the concern of infrastructure being located in Flood Zones 2 and 3. The assurance to undertake the daylighting of culverts was also welcomed but the FRME also required reassurance that ongoing maintenance could also be practically secured in planning terms. Again, assurance that the watercourse falls within the applicant's ownership and therefore, maintenance can be secured via condition, has resulted in the FRME offering no objection to the application.
- 7.75 This surface water drainage strategy would be utilised in preparing the final detailed drainage design subject to the conditions of the Outline Application consent and adherent to the principle above.

#### Foul Water Drainage Strategy

- 7.76 The FRA notes that there is an existing foul water sewer network running to the east and west of the site and foul sewage arising from the development is proposed to discharge to this local foul water sewer system. The discharge would be on the eastern side of the site within the red line boundary. The northern section of the site would drain via gravity to the discharge point wherever possible. It is assumed due to the gradient of the site and location of the existing sewer infrastructure that a portion of the southern section of the site will require pumping to the discharge location to the existing network.
- 7.77 Severn Trent Water (STW) have been consulted in respect of the current scheme and have raised no objections. Having viewed the submitted FRA and FRA Addendum, STW have confirmed that they have no current concerns with the foul sewage proposals but advise that the discharge rate would need to be discussed/agreed with the LLFA and appropriate details submitted as part of the subsequent RM application.

- 7.78 In summary, the surface water strategy relies on greenfield discharges for surface water pumped from site with attenuation storage in the form of gravel filled detention areas, storage at the pump location and a large detention basin on the west area of the site. The foul water system would discharge to the local system through a combination of gravity fed and pumped discharge, related to the existing site levels with regard to the existing sewer infrastructure.
- 7.79 In accordance with the NPPF and PPG; flooding from all sources must be addressed and it should be ensured that flood risk is not increased elsewhere. Whilst the expressed concerns of the local communities are recognised and understood, following the submission of the Flood Risk Addendum and confirmation of ownership of the watercourse proposed to accommodate discharge of surface water arising from the development, both the LLFA and FRME are satisfied the scheme has demonstrated how flood risk would be satisfactorily managed over the lifetime of the development, in accordance with Section 14 of the Framework and Policy INF2 of the JCS.

### **Accessibility and Highway Safety**

- 7.80 Paragraph 103 of the NPPF sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Furthermore, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe (paragraph 109). JCS Policy INF1 requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.
- 7.81 Whilst the application is in outline form, means of access has been included for consideration as part of the current scheme. The application proposes a single point of access to serve the development off Sandhurst Lane, within the eastern boundary of the site. This access would utilise the existing agricultural access point which currently serves the site. The application has been supported by a Transport Assessment (TA) which identifies the proposed access as the most suitable location to serve the development. The A38 is a class 1 principle highway with footways of varying widths and street lighting. The A38 is subject to a 40mph speed restriction and provides a link between Gloucester (approx. 3km to the south) and Tewkesbury (approx 12km to the north). Sandhurst Lane is a class 3 highway with no street lighting or footways.

### Accessibility

- 7.82 The vehicular access would be sited approximately 50m to the north of the existing A38 Tewkesbury Road/ Sandhurst Lane priority junction and would take the form of a simple priority junction. The Planning Statement advises that the principle of the proposed access has been agreed with Gloucestershire County Council's (GCC) Highways Officer, through scoping. In order to improve access to the site, the Planning Statement advises that it is also proposed to widen Sandhurst Lane to 6m between its junction with the A38 Tewkesbury Road and the proposed site access. The access has been designed in accordance with GCC's Manual for Gloucestershire Streets document to include 2m footways along both sides, up to Sandhurst Lane, and a 5.5m carriageway width.
- 7.83 The proposals also include a new pedestrian access point from the southern boundary of the site. The development proposals extend the existing pedestrian footway along the northern side of the A38 by approximately 10m to link with a new pedestrian access point. Provision for cycle access is also incorporated, via the proposed vehicular access point off Sandhurst Lane and/ or via the proposed pedestrian access point from the A38. Cycle parking would be agreed at the Reserved Matters stage in order to ensure that cycling is encouraged.



- 7.84 The TA advises that the proposal would not result in severe impacts on surrounding road networks and concludes that there are no highways or transportation reasons that would preclude the proposed development of up to 100 dwellings at this location. The application has also been supported by a Travel Plan which provides detail on how development at this location would help to encourage significant changes in the way people travel.
- 7.85 Local residents, Twigworth Parish Council and adjoining parish councils have raised highways concerns in respect of the proposal. Concerns relate to the potential for Sandhurst village to become an increased rat run as new residents seek to avoid the A38, highway safety concerns and cumulative traffic impacts relating to volume of vehicles utilising the single point of access from Sandhurst Lane onto the A38.
- 7.86 The County Highways Officer (CHO) has been consulted in respect of the current outline proposal and has noted that the development would provide access to the existing pedestrian footway facilities along the A38 and would also be accessible to local employment areas to the south (Twigworth Court Business Centre). The CHO further notes that the site would be in reasonable walking distance of north and south bound bus stops and that there are peak time bus services to Gloucester and Tewkesbury from Monday – Friday and Saturday, via the 71 service. The CHO concludes therefore, that the development would be within close proximity to a means of sustainable transport that is a viable alternative to the private motorcar.

#### Highway Safety

- 7.87 To the south, the A38 adjoins the A40 at the Longford Roundabout which allows access to the Strategic Road Network (SRN). The A38 has a variable speed limit between 40mph and 50mph, the posted speed limit at the Sandhurst Lane / A38 junction is 40mph. Footways are present on the southern side of the A38 with an intermittent footway of varying width present on the northern side. The carriageway is between 6.5m and 7m in width with double white centre lines which denote no overtaking at any time.
- 7.88 The CHO notes that the site's vehicle access is off the class 3 Sandhurst Lane which adjoins the A38 at a simple priority T-junction. Sandhurst lane does not feature footways or street lighting and has a varying width between 4m-5m. The CHO advises that there is scope to improve the section of Sandhurst Lane between the site access and the junction with the A38.
- 7.89 With regard to personal injury collision records, the CHO has advised that 7 personal injury collisions were recorded within the site study area on the stretch of A38 in proximity to the proposed development. Of those 7 incidents 4 were slight injury, 2 were serious injury and 1 was a fatality. Only 1 slight personal injury collision was recorded at the junction of Sandhurst Lane and the A38. This was as a result of a driver skidding on oil and causing a collision. This was considered to be an isolated incident for which no blame was attributed to highway layout.
- 7.90 The CHO advises that the proposed means of access via simple priority T-junction, would be an appropriate means of access for a site of this size, based on the annual average daily flow on the minor (site access road) and major highway (Sandhurst Lane). The site access would contain 8m radii's leading to a 5.5m carriageway with 2.0m footways extending into the site from Sandhurst Lane. A 5.5m carriageway can support two-way working on the straight alignment and complies with the local design guidance.
- 7.91 With regards to pedestrian access, the CHO has advised that the submitted drawings demonstrate appropriate off-site improvements to pedestrian facilities on the A38 to ensure access to and from the site to the northbound and southbound bus stops.

- 7.92 With regards to visibility, a speed survey has been undertaken on Sandhurst Lane and the required emerging visibility to the right has been demonstrated to be 35.8m and 36m to the left. Whilst no visibility splay has been demonstrated to the right on plan, the CHO considers that the required splay would be achievable within highway land or under applicant controlled land.
- 7.93 A total person trips TRICS analysis has been undertaken and submitted within the supporting Transport Assessment. With the mode split applied, the proposed development would generate 66 AM peak hour vehicle trips consisting of 13 arrivals and 53 departures onto the local highway network. The PM peak would see an additional 64 vehicle movements consisting of 42 arrivals and 22 departures onto the highway network. The percentage increase in vehicle movements along Sandhurst Lane and at the Sandhurst Lane/A38 junction, is noted by the CHO, to be high. However, the CHO concludes that the percentage increase appears substantial primarily as a result of the existing low traffic volumes recorded entering and egressing from Sandhurst Lane.
- 7.94 The Longford roundabout located south of the development site and is the main connection between the A40, A38 and routes towards Gloucester City Centre. In the AM peak, the junction is shown to exceed capacity for a '2021 base and committed development' scenario. However, the results have been assessed by the CHO, based on the A40 Longford Roundabout improvement scheme being in place by 2021 and providing additional capacity, especially during the more sensitive AM peak period. It is therefore accepted by the CHO, that that the proposals only have a limited impact on the operation of the junction.
- 7.95 The planned delivery of the A40 Longford Roundabout improvement, as required by condition in respect of the outline permission for the nearby Twigworth Strategic Allocation site, is currently progressing through the S278 Legal Process with Highways England and is supported by funding secured through Growth Deal 3 by the GFirst Local Enterprise Partnership (LEP).
- 7.96 It is also proposed by the applicant to improve Sandhurst Lane between its junction with the A38 and site access junction. It is proposed that the carriageway is widened to 6m in order to allow for two-way working and to support the access and egress of a refuse vehicle into the site.
- 7.97 The development would also make provision for improved pedestrian facilities on the A38 with a new uncontrolled dropped kerb tactile crossing located to the west and across the Orchard Park access in order to facility accessibility to the north and southbound bus stops. The CHO has advised that the required visibility for the pedestrian crossing could be satisfactorily achieved.
- 7.98 Furthermore, the CHO has advised that the proposal would constitute betterment over the existing footway facilities and would allow access to public transportation which accords with the principles set out in Section 9 of the NPPF. The Gloucestershire Road Safety Partnership were also consulted by the CHO as part of their overall highways assessment and raised no concerns in respect of the proposals. A Road Safety Audit has been undertaken and includes the footway improvements. The Road Safety Audit is noted by the CHO to be compliant with the local GCC Guidance note for the provision of Safety Audit. No comments/concerns were raised for the improvements to pedestrian facilities.
- 7.99 In light of the above, the CHO recommends that no highway objection be raised, subject to the imposition of appropriate conditions, which includes access, visibility, street lighting, pedestrian crossing facilities, parking and turning, electric charging points, cycle storage, estate roads. The CHO has also advised that the submitted Travel Plan would require updating as a result of the proposed changes to pedestrian facilities and these details could be secured by way of a planning condition, should Members be minded to approve the application.

- 7.100 Highways England (HE) has also been consulted in respect of the proposal, in order to assess potential highways impacts of the development upon the A40 Longford roundabout, which forms part of the strategic road network. HE has offered no objection to the proposal, subject to the imposition of planning conditions. HE advises that the capacity of the A40 Longford Roundabout must be tested, in light of the current proposal in order to determine if this scheme remains suitable for accommodating the traffic from its development in addition to the JCS and Local Plan allocations. If not, further mitigation, over and above that previously identified may be required. Consequently, HE undertook a review of the Transport Assessment (TA) dated July 2016, as prepared on behalf of the applicant by WSP. Following the review, WSP were requested to provide justification on the methodology used to identify proposed trip distribution and its assignment, considering the volume of development trips anticipated to travel through the A40 Longford Roundabout.
- 7.101 Following earlier concerns raised by HE the applicant provided the required capacity assessments for the A40 Longford Roundabout improvement scheme, which included predicted trip generation and distribution data, traffic flow and junction modelling. On the basis of the results of this modelling, HE accepts that the proposals would only have a limited impact on the operation of the improved junction and does not consider the traffic impacts would be significant or would result in unacceptable impact upon road safety, as defined by the NPPF. These results are based on the A40 roundabout improvement scheme being in place by 2021, providing additional capacity, especially during the more sensitive AM peak period.
- 7.102 HE recommends a planning condition, similar to that imposed on the Twigworth/Innsworth permissions, limiting occupation of the dwellings until such time as the A40 Longford improvement scheme is in place. This is required to safeguard the operation of the A40 Longford Roundabout from the cumulative impact of developments and the delivery of plan lead development, until the identified improvement scheme has been implemented.
- 7.103 Whilst the concerns of the local community and Parish Councils have been carefully noted, the advice from specialist consultees indicates that, subject to the imposition of appropriate planning conditions, as recommended by the CHO and HE, the scheme would be acceptable in highways terms, in accordance with paragraph 109 of the NPPF and JCS Policy INF1.

#### **Access to Local Services and Facilities**

- 7.104 The site lies on the northern side of the A38, in close proximity to the highway itself. The number 71 bus route provides regular direct transport links, from the existing village, towards Gloucester city centre in one direction and Tewkesbury town centre in the other. As such, the site benefits from direct access to the city's and town's wide range of services, facilities and schools, by alternative means to the private motor vehicle. The nearest primary school is Norton C of E Primary, which is located within Norton village itself, approximately 1.2 miles north of the application site. The nearest secondary schools are further afield at Churchdown and Innsworth. The settlement currently benefits from some limited facilities, including a small shop/post office, petrol station and rural business centre. Paragraph 103 of the NPPF advises that significant development should be focused at locations which are or can be made more sustainable, through limiting the need to travel and offering genuine choice of transport modes. In terms of considering the current proposal, it is therefore, necessary to assess whether the proposed housing development would be balanced alongside the size, function and accessibility of the settlement. It is acknowledged that the limited range of facilities at Twigworth would inevitably require new residents to travel in order to access a wider range of services. However, it must also be acknowledged that the settlement is well connected to both Gloucester city and Tewkesbury town, which can be readily accessed by public transport. In addition, it is also of note that Twigworth Strategic Allocation, located in close proximity to the site, on the eastern side of the

A38, will bring with it, a level of additional facilities which could be readily utilised by new residents of the development.

### **Impact upon Heritage Assets including Archaeology**

- 7.105 When determining planning applications, the local authority should pay particular attention to the Planning (Listed Buildings and Conservation Areas) Act 1990, section 66 (1) in which "the local authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
- 7.106 Paragraph 189 of the NPPF advises that, in determining planning applications, local planning authorities should require applicants 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. This advice is reflected within Policy SD8 (Historic Environment) of the JCS, which requires both designated and undesignated heritage assets and their settings to be conserved and enhanced, as appropriate to their significance.
- 7.107 The site lies in relatively close proximity to a number of Grade II and one Grade II\* listed buildings, including; Wallsworth Hall (Country House) (Grade II\*), the main access for which is the private road along the southern site boundary and the following Grade II properties; 'The Manor House'; Yew Tree Cottage; Twigworth Lawn; Twigworth Court and its associated stable block.
- 7.108 The applicant has submitted a Heritage Statement (HS) in support of the scheme, together with an Archaeological Desk Based Assessment. In addition, a programme of archaeological field evaluation has been undertaken by the applicant on this site, and that the work has revealed archaeological remains relating to a Roman settlement (including associated Roman burials). The HS assesses the significance of built heritage assets within a 1km radius of the site boundary. The site itself contains no heritage assets but the Heritage Statement notes that there are eleven listed buildings within the wider study area. Both designated and non-designated heritage assets have been assessed in detail within the Statement, including their heritage significance and respective settings, with a further evaluation of any potential effects of development as shown on the accompanying Masterplan.
- 7.109 The HS concludes that the proposals to introduce a residential scheme at the Site would not have any direct effects upon the significance of any heritage assets. The principal consideration is whether the proposals cause harm to the significance of any heritage assets through harm to their respective settings.
- 7.110 The HS concludes that the Site does not contribute to the settings of the following listed buildings, nor would proposals have any effects on their heritage significance: Milestone (Grade II), Court Farm (Grade II), Barn immediately north east of Court Farm (Grade II) and Twigworth Lodge Hotel (Grade II).
- 7.111 The Conservation Officer (CO) has been consulted in respect of the proposal and advises that C18 Wallsworth Hall and early C19 Twigworth Court are higher status polite buildings, whose settings were self-consciously designed to contribute to their significance. By contrast, the other listed buildings in the vicinity of the site are mainly farmhouses or villas within the settlement of Twigworth and their settings are not extensive and their relationship with the wider landscape was a largely incidental one.

- 7.112 The CO further advises that given the separation distances involved and the screening effect of intervening development and/or vegetation, the presence of the proposed development is unlikely to have anything more than a neutral impact on the significance of any of the heritage assets cited above. Based on the above, the CO raises no objection to the scheme and concludes that the development's heritage impact is likely to be largely neutral, and that the layout and landscaping design would be able to satisfactorily address any potential conflicts that might occur.
- 7.113 Historic England has also been consulted in view of the site's proximity to the Grade II Star Wallsworth Hall. Historic England note that the relationship between Wallsworth Hall and the wider settlement of Twigworth is still legible, in the form of the two main drives, associated lodge, and Twigworth Court Farm and Farmhouse (Grade II) immediately adjacent to the southern entrance.
- 7.114 Historic England advises that, whilst the importance of preserving key views from Wallsworth Hall towards Gloucester and the significance that this open countryside affords the hall is highlighted, they consider this proposal unlikely to impact its historic setting. Whilst the topography and distance is such that visibility of development may be minimal from this asset, it will nevertheless affect the appreciation of the principal approach from the A38. Map regression indicates that this southerly drive is likely to be the original principal entrance: the survival of the entrance lodge (whilst a later building, nevertheless evidenced on historic maps), the distance from the main house (in order to emphasise the extent of land), and the approach leading directly to the small formal entrance court. Whilst Historic England do not object to this proposal, they stress the necessity to screen development along this drive to preserve this experience and recommend a scheme that pushes built form away from this western boundary in the form of a green buffer. The indicative Masterplan illustrates that an appropriate landscaped buffer could be incorporated within the scheme, along the extent of the western boundary.
- 7.115 With regard to the presence of archaeology within the site, the County Archaeologist (CA) has been consulted and has confirmed that the results of the field evaluation were positive and the northern part of the application site was found to contain numerous archaeological features indicative of the presence of a Roman settlement. However, the CA advises that the archaeology is not considered to be of the first order of preservation, since it has undergone erosion from later ploughing with the result that all surfaces formerly associated with the remains have been removed. For that reason it is the CA's view that the archaeology present on this site is not of the highest archaeological significance, so meriting preservation in situ. On that basis, the CA has confirmed that no objection is raised in respect of the development of this site, with the proviso that an appropriate programme of work to excavate and record any significant archaeological remains should be undertaken prior to the development in order to mitigate the ground impacts of this scheme. This could be secured via planning condition, should Members be minded to approve the application.
- 7.116 In light of the above, the scheme is considered to accord with Paragraph 189 of the NPPF and JCS Policy SD8 with regards to the requirement not to cause harm to the significance of any heritage assets through harm to their respective settings.

### **Affordable Housing**

- 7.117 JCS Policy SD12 sets out that on sites outside of strategic allocations, a minimum of 40% affordable housing will be sought, should be provided on site and should be seamlessly integrated and distributed throughout the development scheme. Paragraph 53 of the NDP reflects this requirement for new residential development to provide an appropriate quantum of affordable housing to meet objectively identified need.

7.118 The accompanying Planning Statement notes that the development proposes up to 100 homes comprising a mix of 2-5 bedroom homes with 35% of the total provision to be affordable housing.

7.119 The Housing and Enabling Officer (HEO) has re-iterated the requirement for 40%, rather than the originally proposed 35%. A tenure split of 70/30 social rented to shared ownership tenures would be sought. An indicative scheme of Affordable Housing units based on a total 100 dwellings has been provided by the HEO. However, the exact tenure could be open to further discussion at Reserved Matters stage, should Members be minded to approve the outline application.

	<b>Social rent</b>	<b>Shared ownership</b>	<b>Total</b>
1 bed apt/mais	8	0	8
1 bed bungalow	2	1	3
2 bed house	8	6	14
3 bed house	7	5	12
4 bed house	2	0	2
5 bed house	1	0	1
	28	12	40

7.120 However, following recent discussions with the agent, it has been confirmed that the applicant has given their agreement to provide 40% of the total housing provision as affordable housing. The affordable housing provision would be secured by way of a section 106 agreement.

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

7.121 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. Assuming that the 100 dwellings would have an average of 2.4 occupants per dwelling, this would generate an additional population of 240 persons. As such, there would be a resulting requirement for provision of 0.3 ha.

7.122 As the application is outline form with all matters except for access, reserved for future consideration, the layout is not fixed at this stage. However, the indicative Masterplan illustrates that an area of informal public open space (POS) would be provided within the southern corner of the site and along the western boundary which also incorporates the proposed SuDS basin and landscaping buffer. A children's play area would be centrally located within the development and the existing pond and remnant orchard which adjoins the A38, would provide additional POS in the form of an enhanced wildlife area. The accompanying DAS advises that proposed open space would total 1.25 ha, the existing retained orchard wildlife area would provide 0.63 ha of space and the proposed children's area of play would provide 0.05 ha of space.

- 7.123 The DAS advises that the existing pond and surrounding vegetation would be designated as a wildlife area, through which would cross the footpath linking the site to the A38 pavement. The central landscape connection would link from the pond wildlife area through the western hedgerow boundary. This connection would provide a central public open space, enclosed by dwellings, incorporating a new children's play area. The open space along the southern boundary would be informal in character, with provision made for a SUDs attenuation basin. The DAS notes that this space could also include natural and informal seating and play opportunities (such as logs/rocks) to encourage natural play, relaxation and socialising.
- 7.124 Based upon the indicative Masterplan, it is considered that the required amount of public open space could be adequately and appropriately met within the site, in accordance with JSC Policy INF4 and Saved Policy RCN1 of the Local Plan.

### **Community Infrastructure**

- 7.125 The Community Infrastructure Levy (CIL) regulations allow local authorities to raise funds from developers undertaking new building projects in their area.
- 7.126 On-site requirements (whether they are delivered on or off site), and specific infrastructure requirements that can be robustly justified as necessary to make the development acceptable in planning terms (and otherwise the application would be refused without that infrastructure) will still be delivered via s106 obligations. The regulations stipulate that, where planning applications are capable of being charged the levy, they must comply with the tests set out in the CIL regulations. These tests are as follows:
- a) necessary to make the development acceptable in planning terms
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
- 7.127 The CIL Amendment Regulations 2019 came into force on 1 September 2019 and made a number of important changes to the operation of CIL and s106 obligations. Amongst other matters, Regulation 123 of the CIL regulations has been removed in its entirety which removes the restriction on pooling funds for a single infrastructure from more than five s106 obligations. It also allows both CIL and s106 contributions to be secured for the same infrastructure project although the aforesaid tests (Regulation 122) continue to apply.
- 7.128 The NPPF sets out that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of planning conditions or obligations. It makes clear that obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 7.129 JCS policies INF6 and INF7 combine to require infrastructure to be delivered to meet the infrastructure and services required as a consequence of development. Education and libraries. 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.

- 7.130 Following consultation with the County Council, it has been advised that the proposed development would give rise to additional pupil yields and would require the following contributions to mitigate the impact. Section 106 contributions are required to be secured towards pre-school, primary and secondary education as well as library provision. The request towards education provision has been assessed as directly related to the development and is needed in order to mitigate the education needs arising from the proposal. Officers consider the requested contributions to meet the statutory tests and support the position taken by GCC. The agent has confirmed the developer is willing to enter into the s106 agreement in respect of education and library contributions.
- 7.131 In respect of library provision, GCC has confirmed that the scheme would generate additional need for library resources and a contribution of £19,600 (based on the formula of £196 per dwelling) is therefore required to make this application acceptable in planning terms.
- 7.132 Taking account of consultation responses, this application would result in the following infrastructure requirements to be secured by s106 obligations:
- Affordable Housing - 40%
  - LEAP
  - Education - Pre-school Pupil Yield – 30; £452,730.00 (Provision in the Churchdown/Innsworth Primary Planning Area);
  - Primary Pupil Yield – 41; £618,731.00 (Norton C of E Primary School);
  - Secondary Pupil Yield – 31; £642,932.00 (Churchdown School Academy).
  - Library contributions - A contribution of £19,600 (based on the formula of £196 per (dwelling)
  - Recycling & waste bins - £73 per dwelling
- 7.133 There is no signed agreement to provide the required community and education facilities contrary to the requirements of the NPPF, policies SD12, INF4, INF6 and INF7 of the emerging JCS. This weighs against the proposal. Nevertheless, these are matters which could be resolved by the signing of appropriate planning obligations.

## **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 settlement boundary for Twigworth, as defined within Proposal Map M3 of the Down Hatherley, Norton and Twigworth NDP 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 Policy H2 of the NDP.



- 8.3 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. On that basis the presumption is that permission should be granted unless there are adverse impacts of doing so which would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.

### **Benefits**

- 8.4 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.
- 8.5 The provision of public open space would be a social benefit which would serve the needs of the existing community as well as new residents. This is recognised as a limited benefit in support of development as this element may be required in any event, in order to mitigate the impacts of the development itself.

### **Harms**

- 8.6 Harm arises from the conflict with development plan policies relating to housing, particularly JCS Policy SD10 and Policy H2 of the DHNTNDP, although it is accepted that the Council's housing policies are currently out of date.
- 8.7 Harm would also arise to the landscape by virtue of the loss of a green field and the encroachment of built form within the open countryside. The quantum of development proposed would also result in harm to the existing form and settlement pattern, evidenced within the western side of Twigworth and the resulting loss of its open, rural character.
- 8.8 The loss of higher quality agricultural land, falling within Grades 2, 3a and 3b, as a result of the development, would also represent harm.
- 8.9 The absence of a signed section 106 agreement in respect of securing affordable housing and contributions for recycling/waste, pre-school, primary and secondary education, library and outdoor play area/equipment weighs against the proposal at this stage. However, it is recognised that these matters could be resolved through the completion of appropriate section 106 obligations.

### **Neutral**

- 8.10 Whilst the application is in outline with all matters reserved for future consideration, save for access, the supporting DAS and illustrative site 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. The proposal would also be acceptable in terms of its impact on biodiversity. Therefore, subject to compliance with conditions, the proposal would result in neutral impact on residential amenity, flood risk and drainage, heritage assets, highways and ecology.

## Overall Conclusion

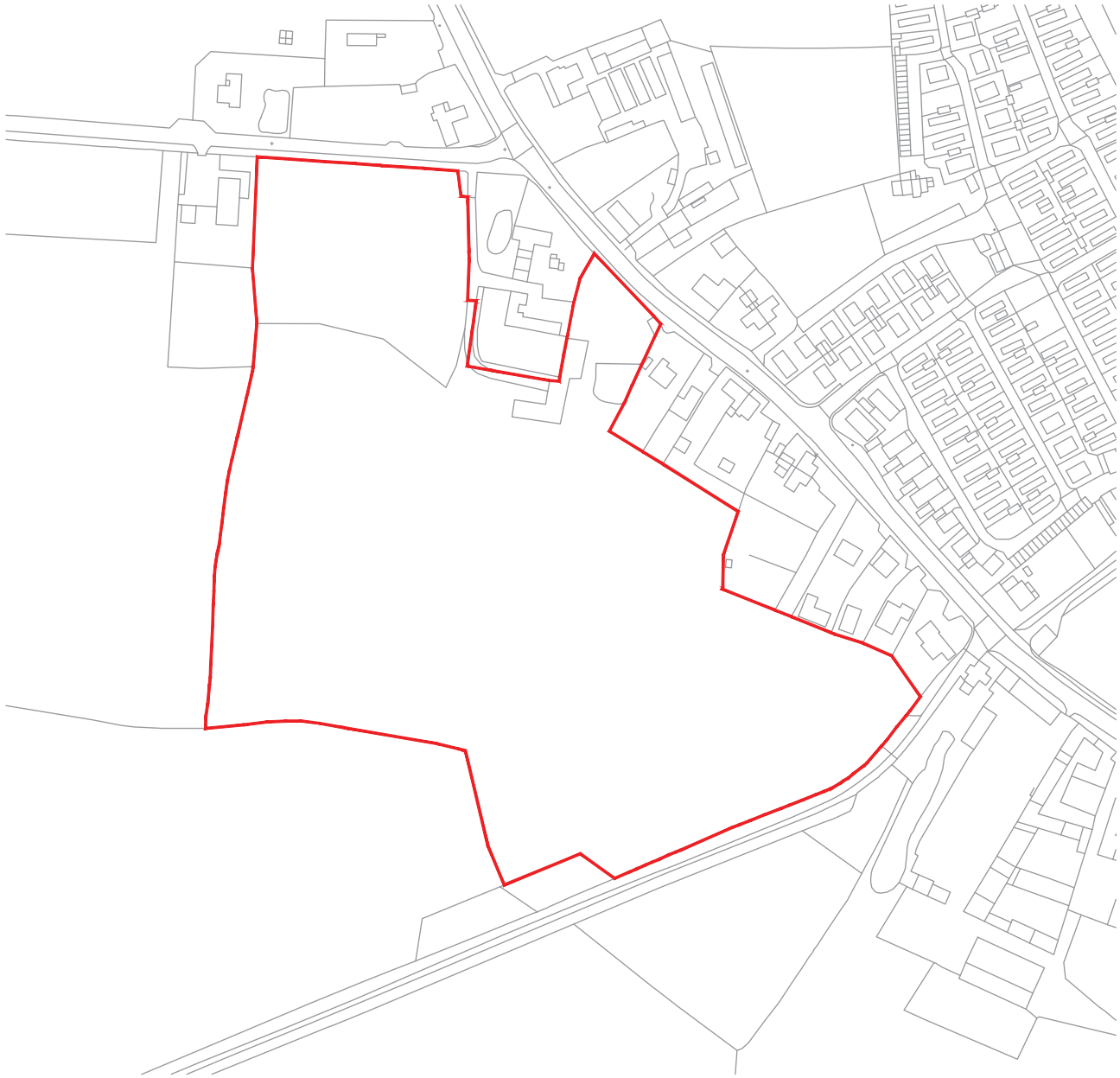
- 8.11 The Council cannot currently demonstrate a five year supply of deliverable housing sites and as such, the housing policies in the JCS are deemed to be out-of-date as per footnote 7 to paragraph 11 of the Framework. This also applies to the housing policies contained in the DHNTNDP. The weight that can be afforded to the relevant housing policies is therefore reduced.
- 8.12 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. This is the case in respect of the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan 2011-2031, which was 'made' on 28<sup>th</sup> May 2019, and as such is less than two years old.
- 8.13 Paragraph 50 of the DHNTNDP sets out the following;
- 'A matter of profound importance to Twigworth is that, whatever growth level is ultimately determined, it should be delivered steadily over the plan's period through a series of modest developments and not on a large site delivered in a short space of time. The NDP proposes an organic, piece by piece, approach to support sustainable growth in Twigworth in line with the available infrastructure.'*
- 8.14 As evidenced within the Oakridge, Highnam appeal decision, the Neighbourhood Plan '*represents an expression of how the community wishes to shape its local environment, and is relevant to the assessment whether the appeal proposal is acceptable or not.*' In this regard, it is clear that the current proposal runs completely contrary to the stated expression of how the Parish and its community wish to shape their future. This is also abundantly clear within the objections raised by the Parish in respect of the current proposal.
- 8.15 The Oakridge appeal decision further states;
- 'The Secretary of State considers that there are no protective policies which provide a clear reason for refusing the development proposed. However, taking into account the material considerations set out above, including that there is conflict with a recently made Neighbourhood Plan, he considers that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. He considers that there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.'*
- 8.16 The aspirations of Twigworth Parish to see steady, modest growth throughout the plan period, are clearly set out within their NDP. Furthermore, the Oakridge decision makes clear, that despite there being no protective policies which provided a clear reason for refusal within the Oakridge case, the wishes of the community regarding how they wished to shape their community, were of fundamental importance in the assessment of the case. The current planning proposal should be regarded no differently.
- 8.17 The potential benefits arising from the proposal are substantial. However, the identified harms above, and in particular, the overriding conflict with the Neighbourhood Development Plan, is considered to significantly and demonstrably outweigh the benefits in this case. For these reasons, it is recommended that the application is **Refused**.

## REASONS:

1. The proposed development conflicts with Policies SP2 and SP10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017) in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development of the scale proposed. Furthermore, the proposed development conflicts with Policy H2 of the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan, which seeks to ensure that sustainable growth should be delivered steadily over the Plan period, through a series of modest developments and not on a single, large site delivered in a short space of time.
2. The overall quantum of development and its resulting layout, as indicated by the proposed indicative Masterplan, would result in an unduly harmful encroachment into the landscape and contribute to the loss of the defining linear settlement pattern and open, semi-rural nature, which is characteristic of this part of Twigworth village. The proposed development therefore, fails to accord with Policy H2 of the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan – 2011-2031 and Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS)(December 2017).
3. The proposed development would result in the loss of Best and Most Versatile agricultural land and the loss of this valuable resource is not outweighed by economic or other benefits, contrary to paragraph 170 of the National Planning Policy Framework. (2019).
4. In the absence of an appropriate planning obligation, the application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with Policy SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS)(December 2017).
5. In the absence of an appropriate planning obligation, the application does not make provision for the delivery of recycling/waste bins, education contributions for pre-school, primary and secondary education provision and library provision. The proposed development is therefore, contrary to Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS)(December 2017).

## INFORMATIVES:

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



proj: 15-041    dng: 200    date: 28/07/2016    rev: D

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**CHESTNUT TREE FARM, TWIGWORTH**  
**Redline Boundary**  
TAYLOR WIMPEY

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W:\PLANNING\15-028 Chestnut Tree Farm, Twigworth\Urban Design\3 Drawings & Images\2 Drawings in Progress\CAD\200D\_Redline boundary.dwg



	Proposed Development Site Boundary		Existing Pond & Trees retained in a Wildlife Area		Existing Trees and Hedgerows retained		New road & footway access from Sandhurst Lane		Existing Public Rights of Way locally
	Indicative residential areas, houses and roads		New accessible Park & Children's Play Area		New trees and hedgerows planted to replace stretches removed for access		New footpath to A38 crossing point		Existing bus stops
	Existing Orchard retained as Wildlife Areas, with new or replacement trees for missing / dead trees		New informal public open space for exercise and relaxation		New footpaths through site could link to Public Right of Way to the north				

proj: 15-028 dpg: 500 date: 28/07/2016 rev: E

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1:625 @ A1 / 1:1250 @ A3

# Chestnut Tree Farm, Twigworth

## 186 Masterplan

Taylor Wimpey

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## TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Planning Committee
<b>Date of Meeting:</b>	21 July 2020
<b>Subject:</b>	Current Appeals and Appeal Decisions Update
<b>Report of:</b>	Technical Planning Manager
<b>Corporate Lead:</b>	Deputy Chief Executive
<b>Lead Member:</b>	Lead Member for Built Environment
<b>Number of Appendices:</b>	1

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

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

<b>Application No</b>	19/00647/FUL
<b>Location</b>	121 Moorfield Road Brockworth Gloucester Gloucestershire GL3 4JQ
<b>Development</b>	Erection of single storey rear and two storey side and rear extensions including conversion of existing garage.
<b>Officer recommendation</b>	Refuse
<b>Decision Type</b>	Written Reps
<b>DCLG Decision</b>	<b>Appeal Dismissed</b>
<b>Reason</b>	<p>The Inspector considered that the proposed dormer structure would cover most of the length of the extended front roof space. In doing so any existing balance with the paired dwelling would be lost. It would be an unsympathetic addition which would adversely affect the appearance of the host and paired dwelling. Whilst the harm would be localised, the proposal would materially erode the pleasant appearance of this part of Moorfield Road. The proposed use of matching materials would not mitigate this harm.</p> <p>The Inspector identified that, although the rear extension would not be prominent in the street scene, its scale and design with different forms, materials and levels would overwhelm this aspect of the dwelling. This part of the proposal would not reflect that of the host property or its attached neighbour. The extension would engulf the host property and would significantly alter its appearance eroding its design and that of its attached neighbour.</p> <p>The Inspector concluded that the proposal would be harmful to the character and appearance of the existing dwelling and the surrounding area, contrary to Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 (2006), Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 and emerging Policy RES10 of the Pre-submission Borough Plan which, collectively, require that new development responds positively to, and respects the character of the site and its surroundings, enhancing local distinctiveness. There would also be conflict with the design aims of the Framework. <b>The Inspector therefore dismissed the appeal.</b></p>
<b>Date</b>	19.06.2020

## 3.0 ENFORCEMENT APPEAL DECISIONS

- 3.1 None
- 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

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**Background Papers:** None

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

**Appendices:** Appendix 1: List of Appeals received



*None*

**Process Type**

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