

8 February 2021

Committee	Planning
Date	Tuesday, 16 February 2021
Time of Meeting	10:00 am

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.

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.

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 19 January 2021.



Item	Page(s)
5. DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL	
(a) 20/00758/FUL - Land Between The Meteor And Anson Business Parks, Staverton	13 - 47
<p>PROPOSAL: Hybrid planning application for a new business park development, including: 1. Full permission for the provision of a new site access off the B4063, internal estate roads and associated infrastructure; and 2. Outline permission for a mixed use development comprising of Class B1, B2 and B8 employment use on 5.9 hectares of land.</p> <p>OFFICER RECOMMENDATION: Delegated Minded to Permit.</p>	
(b) 19/01084/OUT - Land To The North Fleet Lane, Twyning	48 - 73
<p>PROPOSAL: Outline application for residential development for up to 52 units and associated works with all matters reserved for future consideration except for access.</p> <p>OFFICER RECOMMENDATION: Delegated Permit.</p>	
(c) 20/00294/FUL - Brookfield, Ashchurch Road, Tewkesbury	74 - 91
<p>PROPOSAL: Erection of 3 no. dwelling houses.</p> <p>OFFICER RECOMMENDATION: Permit.</p>	
(d) 20/00364/FUL - 1 Notcliffe Cottages, Walton Hill, Deerhurst	92 - 116
<p>PROPOSAL: Demolition of 2 no. existing cottages and erection of 2 no. replacement detached dwellings and associated garages. Change of use of agricultural land to associated residential use.</p> <p>OFFICER RECOMMENDATION: Permit.</p>	
(e) 20/00844/FUL - Longford Lodge, 68 Tewkesbury Road, Longford	117 - 125
<p>PROPOSAL: Change of use from a dwellinghouse (C3) to a House of Multiple Occupancy (HMO) for 10 persons (Sui Generis).</p> <p>OFFICER RECOMMENDATION: Permit.</p>	
(f) 20/01163/LBC - 9 Church Street, Tewkesbury	126 - 133
<p>PROPOSAL: Installation of non-illuminated shop sign.</p> <p>OFFICER RECOMMENDATION: Consent.</p>	

Item	Page(s)
<p>(g) 20/01043/FUL - Dog Lane, Witcombe</p> <p>PROPOSAL: Demolition of existing barn, byre and pig pens and replacement with single dwelling (revised application following withdrawal of 20/00540/FUL / following Approved 18/00568/FUL in terms of siting and design).</p> <p>OFFICER RECOMMENDATION: Refuse.</p>	134 - 159
<p>(h) 20/00608/FUL - Land North of Perrybrook, Shurdington Road, Brockworth</p> <p>PROPOSAL: The erection of 47 dwellings and associated vehicular access, public open space, landscaping and other associated infrastructure.</p> <p>OFFICER RECOMMENDATION: Delegated Permit.</p>	160 - 203
<p>6. ANNUAL REVIEW OF PLANNING COMMITTEE DECISION-MAKING 2019/20</p> <p>To consider the contents of the report.</p>	
<p>7. CURRENT APPEALS AND APPEAL DECISIONS UPDATE</p> <p>To consider current planning and enforcement appeals and Ministry of Housing, Communities and Local Government (MHCLG) appeal decisions.</p>	204 - 208

DATE OF NEXT MEETING
TUESDAY, 16 MARCH 2021
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, M L Jordan, E J MacTiernan, J R Mason, P W Ockelton, A S Reece, P E Smith, R J G Smith, P D Surman, R J E Vines, M J Williams and P N Workman

Substitution Arrangements

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

Recording of Meetings

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

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held remotely on
Tuesday, 19 January 2021 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

PL.48 ANNOUNCEMENTS

- 48.1 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.
- 48.2 The Chair outlined the procedure for the meeting, including public speaking.

PL.49 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 49.1 There were no apologies for absence.

PL.50 DECLARATIONS OF INTEREST

- 50.1 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.
- 50.2 As there had been a tendency at recent meetings for Members to declare that they were the Ward Member for a particular application the Chair reminded Members that ward membership was not in itself an interest that needed to be declared. It was only interests that arose under the Code of Members' Conduct or the Protocol for Councillors and Officers Involved in the Planning Process, that should be declared.

50.3 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
G F Blackwell	Agenda Item 5(a) 20/00446/FUL- 51 Sandycroft Road, Churchdown. Agenda Item 5(b) 20/00993/FUL – 26 Winston Road, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
M L Jordan	Agenda Item 5(a) 20/00446/FUL - 51 Sandycroft Road, Churchdown. Agenda Item 5(b) 20/00993/FUL – 26 Winston Road, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
R J G Smith	Agenda Item 5(a) 20/00446/FUL – 51 Sandycroft Road, Churchdown. Agenda Item 5(b) 20/00993/FUL – 26 Winston Road, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
P D Surman	Agenda Item 5(e) 20/00107/FUL – Buckland Manor Farm, Buckland.	Had received a number of telephone calls from local residents but had not expressed an opinion.	Would speak and vote.

50.4 There were no further declarations made on this occasion.

PL.51 MINUTES

51.1 The Minutes of the meeting held on 15 December 2020, copies of which had been circulated, were approved as a correct record.

PL.52 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

- 52.1 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.

20/00446/FUL - 51 Sandycroft Road, Churchdown

- 52.2 This application was for the erection of a single storey side and rear extensions.
- 52.3 In presenting the application the Planning Officer explained that a Committee decision was required as the Parish Council had objected on the grounds of overdevelopment and the detrimental effect on the visual amenity of the area and existing neighbours. The Planning Officer had noted the Parish Council's concerns however, in terms of overdevelopment, it was explained that there would be adequate garden area which was free from extensions and additions and there had been no previous extensions other than a rear conservatory which had been constructed under permitted development. With regards to visual amenity, the proposed extensions would be of a suitable size and design and constructed from matching materials. In addition, there were other similar sized extensions on the estate. In relation to the impact on immediate neighbours, given that the rear extensions would be single storey with a flat roof, it was not considered there would be an adverse impact. Overall, the proposal was considered to be of a suitable size and design and would be in keeping with the area and, as such, the recommendation was to permit.
- 52.4 The Chair indicated that there were no public speakers for this item and the Officer recommendation was to permit the application.
- 52.5 It was proposed and seconded and, upon being put to the vote, it was
- RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

20/00993/FUL - 26 Winston Road, Churchdown

- 52.6 This application was for the erection of a two-storey side extension.
- 52.7 The Planning Officer explained that this was a householder application to add a two storey side extension to the property where there was currently a single attached garage. The current property, which was semi-detached, was located on a cul-de-sac where there were dwellings of a similar style and a Committee decision was required as the Parish Council had objected on the grounds that the development would be large in size and out of keeping with the area. The Planning Officer had noted the Parish Council's concerns however, it was her view that the development would be of an appropriate scale and would not appear out of keeping with the area, particularly as many of the dwellings in the vicinity had similar extensions, including the adjoining property. In addition, the site was large enough to accommodate the extension, it would not cause any amenity issues and it was therefore recommended that the application be permitted.
- 52.8 The Chair indicated that there were no public speakers for this item and the Officer recommendation was to permit the application.
- 52.9 It was proposed and seconded and, upon being put to the vote, it was
- RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

20/00732/FUL - 3 Hertford Road, Bishops Cleeve

- 52.10 This application was for the erection of single storey side/rear extensions and front/rear dormer extensions.
- 52.11 The Planning Officer explained that a Committee decision was required on this application as the Parish Council had objected on the grounds that the proposed extensions would significantly increase the property's footprint and, with the dormers, would represent overdevelopment of the site. The Planning Officer had noted the Parish Council's concerns however, she felt the proposed side extension would be modest in size and would be set well back from the frontage with a lower roof height. The proposed dormer windows would be set back from the eaves and the windows on the proposed front dormer would sit over the ground floor windows meaning they would appear well balanced and proportionate in scale. The proposed rear extension would be flat roofed and not visible from the road and there would be an acceptable amount of garden space left which was free from extensions/additions; it was also noted that the property had not previously been extended. The Planning Officer showed the Committee a number of photographs highlighting other similar extensions along this road one of which was two doors away. Overall, she was of the view that, the proposal was of a suitable size and design and would be in-keeping with the area and, as such, her recommendation was to permit.
- 52.12 The Chair indicated that there were no public speakers for this item and the Officer recommendation was to permit the application.
- 52.13 In proposing the Officer recommendation, one of the local Member's expressed his support for the application as it was a similar size to other properties and gardens. The proposal was seconded and, upon being put to the vote, it was
- RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

20/01006/FUL - 34 Rosefield Crescent, Newtown

- 52.14 This application was for the erection of a single storey rear extension.
- 52.15 The Planning Officer explained that this was a householder application in respect of a semi-detached property located on an estate in Newtown, Tewkesbury. The application was for the demolition of an existing conservatory and the addition of a single storey, brick built, rear extension in its place. The proposed extension would cover the same floor area as the existing conservatory and extend further into the garden. A Committee decision was required as the Town Council had objected on the grounds that the adjoining property would lose useful morning sunlight. The Planning Officer had noted the Town Council's concerns however, it was her view that any loss of morning sunlight over and above the existing situation would be less than harmful considering the orientation of the properties, both having south facing gardens, and the presence of an existing extension on the adjoining property. It was therefore her recommendation that the application be permitted.
- 52.16 The Chair indicated that there were no public speakers for this item and the Officer recommendation was to permit the application.
- 52.17 It was proposed and seconded and, upon being put to the vote, it was
- RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

20/00107/FUL - Buckland Manor Farm, Buckland

- 52.18 This was an application for the demolition of an existing agricultural workers dwelling, the erection of an open market replacement dwelling of exceptional quality design and the erection of a barn incorporating a bat roost.
- 52.19 The Planning Officer advised that due to the visual nature of this proposal, the Area of Outstanding Natural Beauty (AONB) context and the fact that it was not possible at the current time to conduct site visits, her presentation would be longer and more detailed to provide Members with a full appreciation of the site and the proposed development. The application related to an isolated farmstead in the open countryside of the Cotswolds Area of Outstanding Natural Beauty, it was located outside the village of Buckland and was accessed via a long driveway. The site was at the head of a localised valley and benefited from a good degree of visual containment due to local topography and vegetation. The dwelling dated from the 1970s and was subject to an agricultural tie. The Cotswold Way passed to the north and east of the site and the Winchcombe way to the south. The site and immediate residential curtilage comprised a farmhouse, converted ancillary accommodation, a swimming pool and a tennis court. Outside the residential curtilage, the landholding encompassed extensive formal and informal landscaped areas and fields beyond and included two large agricultural buildings. The application sought the demolition of the tied farmhouse and ancillary buildings and the erection of an open market replacement dwelling of exceptional quality and design; the existing agricultural barns would be retained and a new barn constructed adjacent which would incorporate a replacement bat roost. Integral to the scheme was an extensive landscape master plan which proposed landscape and biodiversity enhancements to integrate the site within the AONB setting. The applicant was proposing the new dwelling on the grounds that special circumstances existed to warrant the granting of planning permission under Paragraph 79(e) of the National Planning Policy Framework (NPPF) which allowed for the development of isolated homes in the countryside. That policy required homes to be of exceptional quality in that they were truly outstanding or innovative, reflecting the highest standards of architecture and would help raise the standards of design more generally in rural areas and would significantly enhance the immediate setting and be sensitive to the defining characteristics of the area. The key material issues for consideration were the principle of the development, including the removal of the agricultural tie and erection of a replacement dwelling of exceptional quality and truly outstanding or innovative design, and the impact on the landscape of the Cotswolds Area of Outstanding Natural Beauty. The Planning Officer indicated that, in formulating a recommendation, the opinions of the Gloucestershire Design Review Panel and the Cotswolds Conservation Board had been sought and, on balance, Officers considered the proposed development was of exceptional quality and complied with the tests set out in Paragraph 79(e) of the National Planning Policy Framework in that it was truly outstanding, reflected the highest standards in architecture and would help raise the standards of design more generally in rural areas. It was also concluded that the proposal would not unduly impact the landscape character of the Area of Outstanding Natural Beauty and that the proposed landscape enhancement measures would significantly enhance the immediate setting of the site and be sensitive to the defining characteristics of the local area. It was also concluded that it was not necessary to reimpose an agricultural tie on the dwelling as it would serve no agricultural purpose now or in the future. The late representations sheet referred to the receipt of a revised Ecological Appraisal Report which had been reviewed by the Council's Ecological Adviser who had confirmed no objection subject to conditions. As a consequence, Conditions 2 and 8 in the Officer report needed to be updated with details of the revised Ecological Appraisal report. On this basis the Officer recommendation in the report of delegated permit subject to the receipt of an updated Ecological report and any consequential updating of conditions had been

amended to permit subject to conditions.

52.20 The Chair invited the applicant to address the Committee. The applicant advised that he was delighted with the Officer's report which he felt was both comprehensive and very concise. The applicant had lived at the site for 26 years and, prior to that, his parents had lived there for 14 years meaning the family had a long association with the site and the village. He intended that the development would be his final home and, once completed, he would live there with his wife, with family members visiting on a regular basis. It had always been his ambition to develop a beautiful and sustainable house at the location and he considered himself both lucky and privileged to be living in one of the most stunning locations in Britain. He believed that the proposal before the Committee was a befitting and deserving development of the site which brought with it landscape enhancements and what he considered to be an incredible design. He was of the view that, not only would the house slip seamlessly onto the site, but it would help reduce his carbon footprint and allow a shift away from fossil fuels. The applicant indicated that he had been on an exciting journey with the application and had used a professional team which had guided him through every step but, to provide additional help, he had taken the design to the Gloucestershire Design Panel on two occasions to refine the proposal and get endorsement that it was a proposal of outstanding and innovative design that reflected the highest standards in architecture and would help raise the standards of design more generally in rural areas. The applicant advised that the team had been assembled for the construction stage and he was excited about the development and delivery of the new house which it was anticipated would be completed in about 18 months.

52.21 One of the local Ward Member's indicated that she would like the Committee to address the concerns raised by local residents and the Parish Council in relation to heavy construction traffic. From the proposal it looked like the construction traffic would access the site along the Winchcombe Way rather than the existing driveway to the property. She could see no reason why construction traffic could not use the existing driveway rather than use a route that would provide added danger to the public. The proposed route was used extensively by the public on a regular basis and she was of the view that construction traffic would pose a significant danger to the public and was unnecessary when there was a perfectly adequate driveway that could be used as an alternative route for construction vehicles. She referred to Condition No.13, on Page 76 of the Officer Report, and proposed that it be amended to ensure that the construction traffic route should be along the existing driveway, she was very keen for this to happen also to avoid a new temporary access being created. In addition, she asked that times for delivery and construction be stated in the condition to ensure that large lorries would not be coming through very small villages with single lanes at all hours of the day and during weekends; there were lots of public visiting the beautiful Cotswold villages in this area and it was important to ensure their protection. The local Member proposed that the application be permitted in accordance with the Officer recommendation subject to the amendment of Condition 13 to include reference to hours of construction and delivery of construction materials and the use of the existing driveway for construction traffic, the precise wording of which to be specified by the Officers. This motion was seconded. Another Member spoke in support of the motion advising that the area was rife with walkers not only accessing the Winchcombe Way but also the Cotswold Way which included a bridle path which was used by horse riders and off road cycle riders; he was of the view that there was the need for a sound transport plan in order to protect residents and visitors to the area. He maintained that Buckland was a beautiful village that was one of the gems of the Cotswold Escarpment and he did not wish to see heavy construction traffic ripping up verges and destroying the tranquillity of the village; it was essential that controls were put in place and checks carried out if this proposal was permitted. The Member referred also to the fact that the proposal was subject to a substantial objection from the

Cotswold Conservation Board and he questioned how the Officer recommendation to permit this application outweighed these concerns. Another Member questioned the reference in the papers to an “open market” replacement dwelling when the applicant had indicated that he intended to live in the property; this was not her understanding of an open market dwelling, she also questioned what the current property on the site would be used for. Another Member asked how the agricultural tie could be removed when previously a High Court Judge had indicated that it should remain; he queried whether this was simply overcome by demolishing the agricultural workers dwelling. This view was supported by another Member of the Committee who spoke about how difficult it was to get agricultural dwellings built for farmers children and in this instance it was being lost in favour of a very expensive new build. It was also queried as to what would happen to the bats during the 18 month construction period which had been mentioned by the applicant in his presentation.

- 52.22 The Planning Officer indicated that the AONB Board had raised objections which included the large scale of the proposed development, impact on the AONB, local distinctiveness and tranquillity, the latter relating to things like glint and glare from materials and light spill during the evening. These had been carefully considered by the applicant who had produced a robust note addressing the issues raised. In addition, the Council's Landscape Advisor had been asked to review the landscape and visual impact assessment from which it was very clear that the dwelling was self-contained and there were very few views of it in the local landscape. Notwithstanding this the dwelling itself had been designed to a very high standard; it was a contemporary design and the AONB Board would much prefer to see something more traditional with traditional architectural features incorporated into it. This was not a requirement of the NPPF which in fact suggested that Planning Authorities should be looking for very good, high quality, innovative designs that take account of local setting and characteristics. Accordingly, the architectural practice that designed this dwelling did a very robust analysis of all the local characteristics of the AONB in terms of the form of the landscape the colours and the pallets of the landscape and local materials and whilst they had produced a contemporary design they felt the proposal before Members responded in a very localised way to the application site to the extent that it would not be a dwelling which could be built anywhere else in the Cotswolds. It had been designed specifically for this site taking into account and responding to the landscape characteristics. Officers considered very carefully the Applicant's response to the concerns raised by the AONB Board and on balance it was felt that the quality of the design did respond to the landscape as required under Paragraph 79(e) of the NPPF and was of such high quality to override the concerns of the AONB Board in this instance. Members would be aware of other contemporary designs in the AONB and other protected landscapes with particular reference being made in the Officer Report to the Leaf House which the Committee had previously approved therefore contemporary designs in such locations were not unusual but clearly needed to be of a very high quality and respond to the landscape context in which they were set which the Planning Officer felt was the case in this instance. The Development Manager responded to some of the other questions that had been raised indicating that the existing property on the site would be demolished as part of the proposal and that the reference to “open market” was simply to demonstrate that the property would not be subject to an agricultural tie and whilst it was clearly the Applicant's intention to live in the property there would be nothing to stop him selling it on the open market. In terms of the agricultural tie, the court case was about five or six years ago and followed the refusal of a Certificate of Lawfulness Application in 2013 as referenced in Section 2 on Page 59 of the Officer Report. Application 12/00915/CLE for the continued residential use of the dwelling without complying with an agricultural occupancy condition was refused and dismissed on appeal, the applicants had challenged the appeal decision based on a specific argument as to whether they met the terms of this condition. The applicants claimed that they had

lived in the property for more than 10 years without meeting the condition but the Council and the Planning Inspector took the view that the condition had been met as one of the residents was a farmer; the Judge ruled that this specific argument did not hold legal sway and the applicants had lost the case. In respect of this application, the agricultural tie was being considered in the context of planning policy and in the general round of the proposal rather than that specific legal argument. A pragmatic view had been taken as to whether the property, as it currently stood, would be available to an agricultural worker on an agricultural wage and it was the opinion of the Planning Officer that an agricultural worker would not be able to afford to live in the property or to purchase it; on this basis the requirements of the Council's Policy had been met. There was an argument to insist that the Applicant should go through the process of applying to remove the condition and proving that he had unsuccessfully marketed the property but Officers had taken the view that the outcome would be no different that no one who met the condition would be in a position to purchase the property and meet the requirements. The Development Manager then referred to the motion and amendments to Condition 13, he indicated that an addition could be made to point 6 to include a requirement to specify the intended hours of construction and deliveries. A new bullet point could be added to Condition 13 requiring construction vehicles to use the access that the local Member had mentioned but it would be necessary to consider carefully the wording and may require the addition of a plan to the Decision Notice to clarify exactly the route to be taken. However, he did think Members should be aware that this matter had been discussed with County Highways and Officers did not necessarily agree that this condition would be necessary or meet the required tests for planning conditions. Nevertheless, from the discussion that had taken place so far it was clear that Members thought it was necessary taking on board their local knowledge and the views of the residents who had commented on the application. At the end of the day it was a matter of judgement taking account of the fact that such a condition was not supported by County Highways as the Council's specialist advisor in this area. The Planning Officer went on to address the question concerning the bats; she indicated that there were bats in the main house and other buildings on the site and this matter had been carefully considered by the Ecological Appraisal Report and the Council's Ecological Adviser. The main issue related to the demolition of the main house and the proposal was for mitigation and compensation to overcome this. The proposal would be carried out under a licence from Natural England which would provide another level of protection over the process and involved the construction of a new bat barn adjacent to the existing barns on the site with a bat roost in the void above it; the timing of the construction of that roost, together with the timing of the demolition of the main house, was key and would be undertaken to ensure that there was no adverse impact on the bats.

- 52.23 A discussion ensued on the agricultural tie, the Council's policy in this respect, the lack of reference to the impact on the Cotswold Vernacular, the size of the proposal and it being out of keeping with the area and future precedent. The local Member who had proposed the motion under discussion indicated that she was happy with the suggested amendments to Condition 13 by the Development Manager, she was sure that the Applicant would be happy to accept these taking into account the views of local residents and being a resident of the area himself for over 10 years. She felt that the additions were really important to avoid a conflict with the local residents, visitors, walkers and riders making use of the beautiful area surrounding the site of this application. In relation to the concerns expressed about precedent and size, the Development Manager stressed that each application must be considered on its own merits and in respect of the Cotswold vernacular he indicated that from a design point of view reflecting did not necessarily mean mimicking and sometimes the quality of design, the use of materials, the way it fitted into the landscape, as was the case with this proposal, reflected the vernacular rather than

necessarily mimicking it.

52.24 Upon the motion being put to the vote, it was

RESOLVED That the application be **PERMITTED** with an addition to the conditions requiring construction traffic to use the existing driveway, the condition on specifying construction times being amended to include deliveries and the revision of Conditions 2 and 8 to reflect receipt and details of the revised Ecological Appraisal Report.

20/00240/FUL - Copper Close, Bushcombe Lane, Woodmancote

52.25 This was a Section 73 application for the variation of conditions 3,4,5,7 and 8 of planning permission 12/01190/FUL to allow changes to the boundary treatments and to the design and footprint of plot 1.

52.26 The Planning Officer explained that the site was on the corner of Bushcombe Lane and Aesop's Orchard in Woodmancote and currently had planning permission for two dwellings, one of which had already been constructed; plot 2. The current application was for the variation of approved plans for amendments to the design of plot 1 – not yet commenced – and amendments to the approved boundary treatments for the site. The design alteration to plot 1 was for a slight increase to the footprint of the dwelling and proposed an additional gable to the rear elevation, nearest to the boundary with plot 2, which would add a further bedroom and result in a five bedroomed dwelling. Alterations to the approved boundary treatment were retrospective in part as the approved Cotswold Stone wall with a boundary fence was difficult to implement due to the difference in ground levels so, to provide privacy and security for plot 2, Portuguese Laurels had been planted between the Cotswold Stone wall and the footpath of Aesop's Orchard. The stone wall was more visible on the corner of Aesop's Orchard and Bushcombe Lane. A solid brick wall was proposed between plots 1 and 2 instead of a wooden fence and the brick wall had been implemented in part. The rear boundary between plot 1 and the property at the rear was a post and rail fence and Portuguese Laurels had been planted. A block and section plan had been submitted to clarify the exact location of the proposed and implemented boundary treatment. It was considered that the amended design and boundary treatment would not result in substantial or demonstrable harm to the streetscene and character and appearance of the wider area. The proposal provided adequate access and parking arrangement which would not unduly affect the residential amenity of neighbouring properties or the setting of nearby listed buildings and on this basis the recommendation was to permit subject to conditions.

52.27 The Chair indicated that there were no public speakers for this item and the Officer recommendation was to permit the application.

52.28 In proposing that the application be permitted, a Member indicated that thanks to the Planning Officer the concerns of the Parish Council in relation to the wall and Portuguese Laurel hedge had been overcome. The motion to permit was seconded and, upon being put to the vote, it was

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

PL.53 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

- 53.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No.95-99. Members were asked to consider the current planning and enforcement appeals received and the Ministry of Housing, Communities and Local Government appeal decisions issued.
- 53.2 A Member referred to the enforcement case at Severnside Farm, Walham, shown at the top of Page 99, and asked that his thanks be recorded to the Case Officer who had, in his view, gone above and beyond in dealing with this matter.
- 53.3 After consideration it was

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

The meeting closed at 11:30 am

**Agenda 5
Planning Committee**

ADDITIONAL REPRESENTATIONS SHEET

Date: 19th January 2021

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.

Item No	
5e	<p>20/00107/FUL</p> <p>Buckland Manor Farm, Buckland, Broadway, Worcestershire, WR12 7LY</p> <p>Officer Update</p> <p>Ecology</p> <p>Since writing the Committee report the applicant has submitted a revised Ecological Appraisal Report (dated January 2021) in response to the Ecological Adviser's comments that details of supervision of the demolition of one of the buildings should be incorporated into the report. The Ecological Adviser has reviewed the revised report and confirms no objection, subject to conditions, which are set out on the Agenda.</p> <p>Condition Update</p> <p>As a consequence of the submission of the revised report Conditions 2 and 8 on the Agenda need to be updated with the details of the revised Ecological Appraisal report.</p> <p>Recommendation Update</p> <p>The recommendation on the Agenda is for a Delegated Permit subject to the receipt of an updated Ecological Report and any consequential updating of conditions. As this has now been resolved (as set out above) it is suggested that the Recommendation be amended to Permit, subject to conditions.</p>
5f	<p>20/00240/FUL</p> <p>Copper Close, Bushcombe Lane, Woodmancote, Cheltenham, Gloucestershire, GL52 9QJ</p> <p>An additional plan was submitted on the 6th January 2021 to show the location of the Cotswold stone wall as built and the Portuguese Laurel hedge planted adjacent to footpath of Aesops Orchard. Condition 2 to be amended to include the additional plan.</p> <p>Amendment to the Officer's Report</p> <p>Point 1.2 to be amended to the following:</p> <p>Planning permission 12/01190/FUL was granted for 2 two storey dwellings on the site, plot 2 has been constructed.</p>

	<p>Additional comments received from the Parish Council on 18th January 2021.</p> <p>Thank you for the opportunity to make further representations from Woodmancote Parish Council.</p> <p>The Planning Officer has stated the position of Woodmancote Parish Council very well. We also recognise the reasoning for the officer's recommendation to permit although it is important for the committee to appreciate that this applicant originally applied for a dwelling of this size in 2012 and this was refused because it was too big and the adverse impact on the street scene and neighbouring listed buildings. After amending the plans to reduce the size, the revised 2012 proposal was permitted. Therefore, the proposal in front of the committee now is a request to grant permission for a dwelling that is very similar in size to the one refused in 2012 ie oversized and too close to neighbouring properties and inappropriate for its location. We trust the planning committee to consider this history before voting on the matter.</p> <p>The Tree officer recommended that a strategically placed tree between the 2 properties at the front would mitigate the harm to the street scene by breaking up the pattern. If the committee are minded to permit - we agree to this suggested planning condition which should be added to Condition 9 of the officers recommendation. In fact, if the Committee are so minded, we would like to see another small tree located behind the front wall closer to Half Acre for similar reasons.</p>
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TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	16 February 2021
Site Location:	Land Between The Meteor And Anson Business Parks Staverton Cheltenham Gloucestershire GL51 6SR
Application No:	20/00758/FUL
Ward:	Churchdown St John's
Parish:	Churchdown
Proposal:	Hybrid planning application for a new business park development, including: 1. Full permission for the provision of a new site access off the B4063, internal estate roads and associated infrastructure; and 2. Outline permission for a mixed use development comprising of Class B1, B2 and B8 employment use on 5.9 hectares of land.
Report by:	Paul Instone
Appendices:	Proposed Allocations at Gloucestershire Airport. Illustrative Masterplan.
Recommendation:	Delegated Minded to Permit

1.0 SITE DESCRIPTION AND PROPOSAL

Application Site

- 1.1. The application site comprises of a 5.9 hectare parcel of land which falls within Gloucestershire Airport in Staverton and the land presently forms part of the northern side of the airfield associated with the Airport. The site lies to the west of Anson Business Park and is bounded by the B4063 to the north. To the west and south, the site is bounded by the airfield. The site would be accessed from the B4063.
- 1.2. The site is relatively flat and contains part of the existing north-south runway (Runway 18-36) and part of the internal circulation road of the airfield. The remainder of the site is laid to grass besides a group of trees in the north east corner of the site adjacent to the B4063 and to the west of Anson Business Park.
- 1.3. The site is located within the designated Green Belt and is located with the 'Essential Operational Area' of the Airport as defined in the Joint Core Strategy (JCS) Proposals Map.

- 1.4. However, part of the eastern section of the application site situated to the south of Anson Business Park is a Proposed New Major Employment Site (Policy EMP1) in the Emerging TBP and is also proposed to be removed from the Green Belt. This part of the site is also proposed to be removed from the Essential Operational Area of the airport in the Emerging TBP. The proposed allocation extends to 4.2ha and 3.8ha of the application site is located within the proposed allocation (a map is provided in the Committee presentation).
- 1.5. The remainder of the site subject to this planning application (2.1ha), comprising the western part of the application site, is not included in the land proposed to be allocated or removed from the Green Belt in the Emerging TBP but lies directly adjacent. It is also not proposed to be removed from the Essential Operational Area. Therefore, in the Emerging TBP this part of the application site is proposed as being within the Green Belt and the Essential Operational Area.
- 1.6. It is noted that the applicant is promoting the allocation of an additional 8.5 hectares of land for employment purposes at the airport, and its removal from the Green Belt. This proposed additional allocation includes the remainder of the application site not already subject of the proposed allocation in the emerging TBP. The Borough Council has sought to work positively with the applicant to explore the inclusion of this additional land through the examination process and the Local Plan Inspector will be asked to consider this as part of the Examination process. This does not however change the application site's designated Green Belt status.
- 1.7. The site is not subject to any landscape designations and is located in Flood Zone 1.

Current Application

- 1.8. The application has been revised during the planning application process and the size of the application site has been reduced from 8.5 hectares to 5.9 hectares further to objections received from existing businesses operating at the Airport.
- 1.9. The amended application is submitted as a hybrid application and seeks:
 1. Full permission for the provision of a new site access off the B4063, internal estate roads and associated infrastructure; and
 2. Outline permission with all matters reserved besides access for a mixed-use development comprising of Class B1(c), B2 and B8 employment uses on 5.9 hectares of land.
- 1.10. The full application includes a new site access off the B4063 together with an internal road network which forms two primary routes leading to individual plots. The two access roads contain footpaths running parallel with associated space for services, landscaping and drainage (including swales). All secondary and tertiary routes would form part of a future reserved matters application for each individual plot.
- 1.11. The outline application seeks permission for a mixed-use development comprising of Class B1(c), B2 and B8 employment uses on 5.9 hectares of land. The application seeks to determine access and the internal estate road at this stage as part of the full application; however, appearance, landscaping, layout and scale are reserved for future consideration.
- 1.12. Whilst the above matters are reserved, the applicant has provided details including Illustrative Masterplan documents and a Design and Access Statement which set out the design and layout principles. The Design and Access Statement confirms that the total gross internal floor area generated through the development would be up to 30,000 sqm.

2.0 RELEVANT PLANNING HISTORY

2.1 There is a significant planning history to the airport, the most recent of which is as follows:

Application Number	Proposal	Decision	Decision Date
01/00115/CLP	Certificate of lawfulness relating to erection of an airport fire station.	CLPCER	28.03.2001
02/01236/FUL	Construction of two storey offices (Class B1) and associated parking and road alignment.	PER	16.12.2002
89/91001/OUT	Outline application for the erection of 3 warehouses for air freight storage.	REF	17.01.1990
97/01057/FUL	New airport terminal building comprising hangar and multi-user facility (public concourse, departures/arrivals lounge, cafe/viewing gallery).	PER	06.01.1998
98/00549/FUL	New terminal building comprising hangarage and multi-user facility (public concourse, departures/arrivals lounge cafe/viewing gallery and office space (revised scheme).	PER	21.07.1998
98/00687/FUL	Erection of a building containing aircraft hangar, workshops, stores, flying club accommodation and office accommodation exclusively for aviation purposes.	PER	18.08.1998
98/00737/OUT	Outline application for erection of a building for propeller production.	REF	15.09.1998
98/00738/FUL	Construction of car park.	PER	15.09.1998
98/00925/FUL	Erection of a building to contain fire rescue emergency unit, hangar and associated office space.	PER	10.11.1998
98/01163/FUL	Erection of an aircraft hangar.	PER	11.12.1998
98/01353/FUL	Removal of Condition 7 of planning permission 98/7133/0738/FUL dated 15.9.98 (removal of hard surfaced area).	PER	02.02.1999
99/00121/FUL	Erection of aircraft hangar with offices (revised scheme).	PER	16.06.1999
99/00519/FUL	Removal of condition 10 of planning permission reference 98/7133/0549/FUL dated 21.7.98 (demolition of existing buildings).	PER	20.07.1999
99/01355/FUL	Variation of condition 7 of planning permission ref:99/7133/0497/FUL to permit the use of the premises/land for the manufacture of aircraft components and the conducting of light industrial operations.	PER	09.02.2000

03/00941/FUL	Construction of temporary car park.	REF	14.11.2003
06/01668/FUL	Change of use of agricultural land to airport operational land, grading of land to create a Runway End Safety Area, construction of paved area at the end of main runway, culverting of brook, erection of security fence and footbridge.	PER	18.08.2009
06/01669/FUL	Construction of a new access road to Gloucestershire Airport including new junction with Bamfurlong Lane.	PER	21.09.2009
83/00457/FUL	Construction of a runway extension.	PER	04.10.1983
11/00965/CLP	Proposed extension to existing airport car park.	CLPCER	17.10.2011
11/01231/FUL	Erection of extensions to existing hanger and creation of new internal access road.	PER	06.01.2012
12/00049/FUL	Variation of condition 6 attached to permission Ref: - 06/01669/FUL to retain the surface finish of the existing access road.	REF	09.03.2012
15/00498/CLP	Erection of a new general aviation hangar.	CLPCER	24.06.2015
15/00549/CLP	Erection of a new general aviation hangar with associated concrete apron, car parking area and extended access road.	CLPCER	17.07.2015
16/00780/CLP	Erection of general aviation hangar.	CLPCER	02.09.2016
17/00958/FUL	Small patio sized area with a memorial stone erected on a circular plinth edged by shrubs connected to the road by a footpath.	PER	30.11.2017
18/00313/CLP	Proposed use of Hangar SE51 and associated apron and car parking area as a flight training academy.	CLPCER	11.04.2018
18/00741/FUL	Erection of a student accommodation block for use strictly in association with the Skyborne flight training academy, including site access, parking and landscaping.	CALLIN	
20/00071/FUL	Full planning application for the proposed use of land for the storage of commercial vehicles for a temporary period of five years and then as a car park in association with the Airport. Associated development includes hardstanding, fencing and lighting.		
20/00819/CLP	Rehabilitation and repair of existing runways at Gloucestershire Airport.		

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), National Planning Practice Guidance (NPPG) and Aviation Policy Framework (2013).

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

- 3.3. Policies: Joint Core Strategy (JCS) 2017 – SP1, SP2, SD1, SD3, SD4, SD5, SD6, SD9, SD14, INF1, INF2, INF6, INF7.

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

- 3.4. Saved Policies: TPT3, TPT5, TPT6, TPT9.

Churchdown and Innsworth Neighbourhood Plan 2018 – 2031 (Made June 2020)

- 3.5. Policies: CHIN9, CHIN10, CHIN11, CHIN12, CHIN13, CHIN14, CHIN16.

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

- 3.6. Policies: EMP1, EMP4, EMP5, GRB1, GRB2, NAT1, ENV2, HEA1, TRAC1, TRAC2, TRAC3, TRAC9.

Tewkesbury Borough Plan Addendum: Schedule of Changes to the Pre-Submission Plan' document

Employment land and economic development strategy review (November 2016)

Pre-submission Tewkesbury Borough Plan employment sites background paper (October 2019)

Flood and Water Management Supplementary Planning Document (March 2018)

Economic Development and Tourism Strategy (2017-21)

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

The First Protocol, Article 1 (Protection of Property)

Constraints

Adjacent to a classified highway.

Adjacent to public transport corridor.

Green Belt.

4.0 CONSULTATIONS

- 4.1. **Churchdown Parish Council – Objection** to the 8.5 ha application as submitted: The proposed development represents over development on Green Belt land. **No objection** to revised 5.9 hectare proposal.
- 4.2. **Civil Aviation Authority** – No comments received.
- 4.3. **Highways England** – No objection to revised proposal subject to conditions.
- 4.4. **County Highways Authority** - Advised that the application should be deferred and additional information is submitted. (Note: The applicant has submitted additional information and a formal response following re-consultation is awaited).
- 4.5. **Local Lead Flood Authority** – Following submission of further information relating to surface water discharge rates and pollution control measures, no objection subject to conditions.
- 4.6. **Environmental Health (Noise)** – No objection, subject to conditions to restrict noise levels from fixed plants to protect the amenity of residential receptors. Environmental Health advise that access to the estate from Bamfurlong Lane should be avoided/prohibited to protect the amenity of existing residents from an increase in noise levels associated with HGV movements.
- 4.7. **Environmental Health (Air Quality)** – No objection subject to conditions.
- 4.8. **Environmental Health (Contamination)** – No objection subject to conditions.
- 4.9. **County Archaeologist** – No objection, no further archaeological investigation or recording need be undertaken in connection with this scheme further to the results of trial trenching were negative. No significant archaeology was encountered within the current application area.
- 4.10. **County Minerals and Waste** – No objection subject to conditions.
- 4.11. **Severn Trent** – No object subject to conditions.
- 4.12. **Urban Design Officer** – No objection - The proposal relates well to the existing employment uses surrounding and responds well to this character and identity. The built form as shown in the illustrative masterplan is appropriate for this context, albeit this is in outline. There is a good amount of green infrastructure and well-connected pedestrian movement network around the site. The access road should include segregated cycle paths from the entrance of the site. It is positive that the intention is for the buildings to be constructed with sustainable building techniques and materials.
- 4.13. **Natural England** – No comments to make.
- 4.14. **Tree Officer** – No objection subject to conditions.
- 4.15. **Landscape Officer** – No objection subject to conditions.
- 4.16. **Planning Policy** - Gloucestershire Airport is a key strategic economic asset and employment location within the Borough and the Council is broadly supportive of the economic development potential of the airport in line with GFirst LEP SEP, the Tewkesbury Council Plan, the Tewkesbury Economic Development and Tourism Strategy and the adopted JCS.

- 4.17. The adopted JCS reflects this, and its status as a developed site within the Green Belt, and provides policy guidance around development that may be acceptable within the designated Essential and Non-Essential Operational Areas. The application site is currently located within the Essential Operational Area where Policy SD5 states that new structures, buildings or extensions to buildings will only be permitted if they are essential to the operation of the airport and require an airport location.
- 4.18. The emerging Tewkesbury Borough Plan seeks to continue to examine the growth of the airport and support its economic development potential as well as and the businesses around it. To support this, the Pre-Submission TBP proposes the allocation of extensions to the existing Meteor Business Park and Bamfurlong Industrial Park (Anson Business Park) under Policy EMP1 and their removal from the Green Belt through policy GRB1. The proposed allocations do not include all of the land subject to this current application.
- 4.19. However, through the latest Regulation 19 consultation on the Pre-Submission TBP, GAL submitted representations promoting the allocation of additional land at the airport that would include the land subject to this application. As the TBP is supportive of employment development at this strategically important location it has been working positively with GAL to explore the inclusion of this additional land through the examination process. This has resulted in the additional land being proposed through the 'Tewkesbury Borough Plan Addendum: Schedule of Changes to the Pre Submission Plan' document and is being put forward to the Inspector to consider the additional land as main modification to the plan.
- 4.20. At the current time, the land subject to this application is contrary to JCS policy SD5 and the proposed modifications presented through the examination can have no weight at this stage.
- 4.21. However, through the Borough Plan the Council is already seeking to allocate employment land at the airport (at land adjacent to the application site) in the Pre-Submission TBP and it has been established that exceptional circumstances may be demonstrated to justify the release of Green Belt land in this strategically important employment location. The Council is working positively with GAL, through the examination process, on the potential for application site to also be allocated and removed from the Green Belt in addition to the proposals already in the Pre-Submission TBP.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1. The application has been publicised through the posting of a site notice for a period of 28 days and the publication of a press advertisement.
- 5.2. **Original Proposal (8.5 ha Proposal)**
- 5.3. 14 objections, one of which was signed by 6 operators at the airport, were received from local residents and businesses to the 8.5ha proposal which was subsequently amended. The comments raised are summarised below. One of these objections has formally been withdrawn and is not summarised.
- The significant reduction in the grass area to the North of the main 27-09 Runway (the runway that is used most frequently) would seriously affect the ability of businesses to operate due to their being in adequate distance between buildings on the airfield. Losing this facility will severely curtail, if not completely frustrate, all helicopter operations. This entry/exit route passes over the least-densely populated area in the immediate neighbourhood, thereby restricting noise disruption in the surrounding communities. The option of moving helicopter operations to the South side of the airfield would impinge on the more densely populated areas of both Churchdown and the western outskirts of

Cheltenham. A compromise could be found that allowed some development to take place whilst not affecting the main function of the airport to provide flights and flight training.

- What appears to have been overlooked is a regulatory requirement from the Standardised European Rules of the Air which states that a helicopter manoeuvring on an aerodrome must not be operated closer than 60 metres to any persons, vessels, vehicles or structures located outside the aerodrome or site. The fencing of the development is significantly less than 60m from the FATO (it is approximately 45m) so the plans do not work.
- It is understood that the appropriate physical, operational and technical safeguarding processes, which GAL is required to submit to the Civil Aviation Authority (CAA) prior to any development on, or in the vicinity of the Aerodrome, have not been completed.
- The airport should be recognised in its own right as a critical infrastructure component in and not just an area of land for development.
- The airport supports national Air Ambulance and Police helicopter communities and this should not be lost or compromised.
- The loss of helicopter flights may compromise the long-term financial viability of the entire airport.
- Closing the north/south (36/18) runway entirely, as this proposal requires, will severely affect fixed wing training operations. This would result in loss of income not only for those businesses but the airport too, in terms of fuel sales, landing fees and other revenue generated by visiting aircraft.
- The site is designated both Green Belt and an Essential Operational Area and the proposals in the application are not consistent with these designations.
- The proposed development is inappropriate development and conflict with the purposes of the Green Belt and harm openness. It would constitute urban sprawl and it would comprise a further push towards Cheltenham and Gloucester merging into each other.
- The proposals are located in the Essential Operational Area of the Airport and conflict with the Emerging TBP.
- Operators were not consulted on the Emerging TBP SoCG which proposes the inclusion and the site in to the Emerging TBP. This proposed revision has not been subject to any statutory consultation exercise. The inclusion of the larger site can be considered by the Inspector during the examination process but will not be treated as part of the submitted plan. The weight attached to SoCG should reflect this.
- The NPPF and PPG states that planning policies should recognise the importance of airfields. The development proposals are not consistent with this guidance.
- The LEP funding deadline must be weighed against the financial implications to the airport of potentially causing irreparable damage to the future viability of many of the flying schools, which are a core part of the airport itself as well as its current position in the national context and the network of airfields.
- The proposal will make the B4063 less safe for cyclists due to construction of second refuge island.

- There are alternative development opportunities at the Airport and on surrounding sites/industrial estates that could be developed and it is not necessary for the airfield to be developed.
- The development will increase noise pollution.
- The development will increase air pollution along Cheltenham Road East.
- The development will increase traffic congestion and the submitted Transport Assessment is not correct. This could compromise the commercial success of existing businesses at nearby industrial estates.
- The development will increase surface water run-off and flooding.

Revised Proposal (5.9ha Proposal)

5.4. One objection has been received signed by five operators at the Airport:

- There has been no report on air safety submitted with the application, despite this being a material planning consideration in determining the application.
- Safety margins that only provide for the minimum distances in relevant guidance are not suitable at this airport, where student and inexperienced pilots may require more manoeuvring space because the chance of error is so much greater than for an experienced pilot. Furthermore, the specialist training and recurrent checking of the pilots of larger, commercially operated helicopters, such as Police and Air Ambulance, also frequently simulate systems failures aboard the aircraft, which require larger safety margins.
- Making changes to the physical space in the airport layout will result in greater potential conflicts between the different types of aircraft and operations.
- An operational trial, based on new helicopter circuit tracks and procedures, has been proposed and there are concerned that the parameters for this trial are inadequate. However, this operational trial has been postponed indefinitely and clearly cannot realistically now take place before a committee date in February.
- Committee members may be asked to make a decision without all of the relevant material considerations in front of them. In the absence of an air safety report based upon a trial with suitable parameters, the planning considerations raised by this application cannot properly be weighed in the planning balance.
- Some operators have signed a Statement of Common Ground subject to the trial taking place and the trial demonstrating a satisfactory level of air safety.
- In the absence of a published report on the air safety implications of the proposed development from an independent consultant and based upon a trial with suitable parameters, the local planning authority has inadequate evidence on which to determine the application.
- The proposed operational trial, which is to be based on new helicopter circuit tracks and procedures, so there will clearly be changes to the noise environment as a result of the proposed development. These changes need to be evidenced and assessed to establish whether there will be any harm by way of noise. The applicants have not provided a noise report addressing these points and the environmental health officer at the Council has therefore not taken these points into consideration when making their response. In the

absence of a proper assessment of the noise implications of the proposed development, the local planning authority has inadequate evidence on which to determine the application.

- If the application has not been properly assessed before determination, resulting in later problems that require restrictions to be placed onto existing businesses in order to correct the problems created, these restrictions will harm the existing businesses.
- If an effective stakeholder consultation process had been carried out in early 2020 before the application was submitted, it is likely that these concerns could have been resolved at that time.
- There is an absence of evidence to demonstrate that there will not be harm to the economic future of the flying schools in the Essential Operating Area of the airport, which local and national policies seek to protect.
- The application is inappropriate development in the Green Belt which would harm its openness.

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 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

Town and Country Planning (Environmental Impact Assessment) Regulations 2017

- 7.1. The proposal is for development that falls within Column 1, Paragraph 10 (a) of Schedule 2 of The Town and Country Planning (Environment Impact Assessment) (England and Wales) Regulations 2017 (EIA Regulations) and exceeds the threshold in column 2 of the table in Schedule 2.

- 7.2. The proposal, which at the time was for a 8.5 hectare development, has been screened under the EIA Regulations. In the opinion of the Local Planning Authority, having taken into account the criteria in Schedule 3 of the Regulations, the development would not be likely to have significant effects on the environment, in the context of the EIA Regulations, by virtue of factors such as its nature, size and location. These conclusions remain valid for the current application which reduces the size of the proposal. Therefore, it has been determined that an Environmental Statement is not required.

Principle of Development

- 7.3. Policy SD1 of the JCS provides support for employment related development in the wider countryside where it is located adjacent to an existing settlement or employment area and where it allows the growth of existing business, especially those in key growth sectors. Policy SD5 (Green Belt) provides that only those buildings which are essential to the operation of the airport and require an airport location will be permitted in the 'Essential Operational Area' of the airport, where this application site is located.
- 7.4. Paragraph 104 of the NPPF states planning policies should recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government's General Aviation Strategy.
- 7.5. Planning Practice Guidance states that aviation makes a significant contribution to economic growth across the country, including in relation to small and medium sized airports. Local planning authorities should have regard to the extent to which an aerodrome contributes to connectivity outside the authority's own boundaries, working together with other authorities and Local Enterprise Partnerships as required by the NPPF. As well as the NPPF, local planning authorities should have regard to the Aviation Policy Framework (2013), which sets out government policy to allow aviation to continue making a significant contribution to economic growth as set out in paragraph 80 of the NPPF.
- 7.6. The Aviation Policy Framework sets out the government's policy to allow the aviation sector to continue to make a significant contribution to economic growth across the country. It sets out government's objectives on the issues which will challenge and support the development of aviation across the UK.
- 7.7. Paragraph 191 of the Aviation Policy Framework states that where a planning application is made that is likely to have an impact on an existing aerodrome's (small and medium airports) operations, the economic benefit of the aerodrome and its value to the overall aerodrome network as well the economic benefits of the development will be considered as part of the application process. However, these benefits will be balanced against all other considerations.
- 7.8. Paragraph 80 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. Paragraph 82 of the NPPF states that planning decisions should recognise and address the specific locational requirements of different sectors.

- 7.9. Policy SP1 of the JCS states that during the plan period 2011-2031 provision will be made for a minimum of 192 hectares of B-Class employment land to support approximately 39,500 jobs. Policy SP2 sets out the distribution of development and states that at least 84 hectares of the 192 hectares provision will be delivered at Strategic Allocation sites and any further capacity will be identified in District Plans. The explanation to Policy SP2 states that this will include further exploration of growth opportunities in the wider M5 Growth Corridor.
- 7.10. The supporting text to Policy SP1 also identifies that the evidence on land availability at the time indicated that approximately 40 hectares of additional employment land may be available in Tewkesbury Borough. The Emerging TBP proposes the allocation of employment land totalling just over 46 hectares. However, the proposed allocation at Malvern View Business Park has subsequently been granted planning permission for a residential-led scheme with a smaller element of employment land, Therefore, the proposed allocation of the additional 8.5 hectares of land at Gloucestershire Airport, which forms part of the application site alongside the existing allocations within the Emerging TBP would also have the benefit of rebalancing the employment land supply closer to the level originally proposed in the Emerging TBP. The Council is therefore working positively with GAL, through the examination process, on the potential for the application site, which forms part of the 8.5 hectare site, to also be allocated and removed from the Green Belt in addition to the proposals already in the Emerging TBP.
- 7.11. The Councils Economic Development and Tourism Strategy (2017-21) includes employment land planning as one of its strategic priorities. It seeks the allocation of employment sites through the JCS and the Emerging TBP as well as identifying growth opportunities at Gloucestershire Airport. To support the above, the Emerging TBP proposes the allocation of extensions to the existing Meteor Business Park and Bamfurlong Industrial Park (Anson Business Park) under Policy EMP1, land which is currently within GAL's operational area. Part of the application site comprises of land within Emerging Allocation EMP1.
- 7.12. The Explanation for Policy SD5 of the JCS states that the JCS supports the LEP's Strategic Economic Plan for Gloucestershire to optimise the contribution and benefit that Gloucestershire Airport and the land around it makes to local communities and the economy.
- 7.13. Therefore, whilst there is broad support generally for employment led development in this area, and the site is being promoted through the TBP, the proposals must be considered in the context of the site's green belt location and the conflict with Policy SD5 of the JCS which restricts development in the Essential Operational Area of the airport. Green Belt matters are considered in detail below.

Green Belt

- 7.14. Although part of the application site is proposed to be removed from the Green Belt in the Emerging TBP, at the time of determination of the current application the entire site remains within the Green Belt and the application must be determined on this basis.
- 7.15. Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development except in specific exceptions as set out in NPPF. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 7.16. 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.

- 7.17. The exceptions to inappropriate development set out in paragraph 145 include, with this relevance to this application include:
- 7.18. (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development.
- 7.19. Setting aside whether the application site is previously developed land, the application would have a greater impact on the openness of the Green Belt than the existing development. The proposed development therefore meets none of the exceptions of paragraph 145 of the NPPF.
- 7.20. In regard to development plan policy, Policy SD5 of the JCS states that within the Essential Operational Area of the Airport in which the application site is located, new buildings will only be permitted if they are essential to the operation of the airport and require an airport location. The proposed development is not essential to operation of the airport and does not require an airport location. The proposal therefore does not meet the exceptions for development at the Airport set out in Policy SD5 of the JCS.
- 7.21. Whilst part of the application site is proposed to be removed from the Green Belt in the Emerging TBP, this does not alter its Green Belt status for the determination of the application.
- 7.22. The current proposals therefore represent inappropriate development in the Green Belt which is harmful by definition. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in the very special circumstances.

Purposes and Essential Characteristics of Green Belt

- 7.23. Before considering whether very special circumstances exist it is appropriate to consider the essential characteristics and purposes of the Green Belt and the harm arising from the proposal.
- 7.24. Paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The application proposes buildings of up to 15 metres on the site which would permanently harm the openness of the Green Belt on the application site.
- 7.25. Paragraph 144 of the NPPF states the Green Belt serves five purposes: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.26. The characteristics of the application site and the potential degree of harm that may occur should land be considered for removal from the Green Belt is considered in Emerging TBP Evidence Base Document, Tewkesbury Part 2 (Partial) Green Belt Review Final Report prepared by LUC dated July 2017 (GBR).

- 7.27. In the GBR, the application site forms part of parcel P07, which also includes the remainder of the airfield to the south. In the appraisal of the site in respect to its contribution to Green Belt purposes the GBR recognised that this parcel forms a large part of the settlement gap between Churchdown and Cheltenham. It is also a principal element in the gap between Churchdown and Meteor Business Park, Bamfurlong Industrial Estate, and Staverton Technology Park. The large size of the parcel (of which this site is part) provides a strong physical separating feature between Churchdown and these areas of industrial development. The release of parcel P01 from the Green Belt would lead to an almost continuous area of development between Churchdown and the M5 which would significantly reduce the critical settlement gap between Gloucester and Cheltenham. The parcel also plays an important role in preserving the perceptual gap between Churchdown and Cheltenham while travelling along the A40.
- 7.28. Whilst the site is considered to be open countryside for planning purposes the GBR concluded that there is a strong distinction between this parcel and the wider area of open countryside to the north and releasing this parcel from the Green Belt and any subsequent development would therefore unlikely to constitute significant encroachment into the open countryside.
- 7.29. Having regard to this analysis the GBR concludes that the harm arising from entire parcel of land P07 being removed from the Green Belt, which includes the application site and the airfield to the south, would be high, principally due to reducing the of the gap between Churchdown and the various industrial estates to the east, and leading to an increased perception of a continuous area of development from Churchdown to the M5. However, the GBR notes that the extent of Gloucestershire Airport and airfield has reduced the countryside character of this gap but does not diminish the fact that it remains largely open and serves a critical role as Green Belt.
- 7.30. Notably, the application site only includes the northern part of parcel P07 and would therefore not reduce the gap between Churchdown and Cheltenham when viewed from the A40. However, it is the case, that the development of the application site would result in an increased perception of a continuous area of development from Churchdown to the M5 and Cheltenham when viewed from the B4063, albeit the existing airfield has reduced the countryside character of this gap.
- 7.31. It is therefore considered that the harm arising from the proposed development would be moderate having regard to the purposes of the Green Belt, however a sense of openness across the extent of the airport would be retained by the Airport and surrounding Green Belt.
- 7.32. Inappropriate development is also, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances.

Alternative Site Assessment

- 7.33. Given the Green Belt location of the site it is necessary to consider whether there are alternative sites available which could accommodate the development, either outside the Green Belt, or sites within the Green Belt which would have lesser harm.
- 7.34. The economic benefits of supporting key growth sectors through locating employment uses in proximity to the Airport, and other inter-related business, is a consideration when assessing alternative sites. To deliver the economic benefits of these key growth sectors, it is considered that businesses benefit from being located in proximity to the airport. Besides the built-up area of Churchdown and the adjacent business parks, the majority of the surrounding area is located within the Green Belt. There are no opportunities for the scale of development proposed within the adjacent business parks outside the Green Belt. It is also

considered by virtue of the presence of existing built form in the vicinity of the application site, which reduces the impact of the proposal on the Green Belt, that there are no other sites within the Green Belt in proximity of the Airport which would have a lesser harm. It is therefore concluded that there are no other sites which could deliver the same economic benefits either outside the Green Belt, or sites within the Green Belt which would have lesser harm.

Are there Very Special Circumstances?

7.35. The applicant has put forward the following case in support of the application which they consider would amount to the very special circumstances to justify the development in green belt terms.

1. The development will provide substantial economic growth benefits that will assist in meeting the employment land and job creation aspirations of the JCS and Emerging TBP. This development amounts to 15% of the total employment land allocation proposed within the Emerging TBP and the total allocations at Gloucestershire Airport amount to 35% of its overall employment land requirement.

2. The granting of planning permission now will release an initial £1.885m of grant funding from the GFirst LEP through the 'Local Growth Deal 3', which will facilitate the essential infrastructure enabling works necessary to deliver this employment location. This will then leverage a further £46.0m through private sector investment over a 10-year period and £45.5m in GVA per annum. The updated terms of the LEP funding agreement requires planning permission to be granted by 19th March 2021 and enabling infrastructure works to be completed by the end of June 2021 or the funding will be lost. Therefore, this development must be progressed now and in advance of the adoption of the Emerging TBP.

3. The development is forecasted to create around 1,520 new FTE jobs for local people, including skilled and semi-skilled workers. According to the GFirst LEP, this level of job creation and associated economic growth has the potential to significantly assist in the county's economic recovery from the Covid-19 pandemic.

4. The proposal will attract high profile businesses to Tewkesbury Borough which require an airport location and will allow for the retention and expansion of existing businesses that are already based at Staverton but have outgrown their current premises. There are at least three long-standing businesses based at Staverton which are, subject to planning, intent on signing terms for new commercial premises on the site. This will secure their long-term future in Tewkesbury Borough.

5. The development is likely to accommodate businesses that support the aviation, cyber technology and engineering industries, which are defined by the Strategic Economic Plan and JCS policy SD1 as three of their "key growth sectors".

6. The main east-west runway at Gloucestershire Airport is in need of repair in order for the airport to remain operational. The cost of repair, together with associated borrowing costs, are such that this can only be serviced through the income generated from the delivery of this development. The refurbishment of the runway is critical to the longevity and sustainability of the Airport as a going concern.

7. The site forms part of the employment land allocations in the emerging TBP under Policy EMP1 and has been found suitable for Green Belt release. The land is therefore expected to be developed for employment purposes in the very near future. Withholding permission until the Emerging TBP's inevitable adoption would serve no good purpose and would only delay much needed growth and jobs and would jeopardise the release of LEP funding which is critical to its delivery.

- 7.36. What constitutes a very special circumstance is a matter, depending on the weight of each of the factors put forward and the degree of weight to be accorded to each, is a matter for the decision-maker. The first step is to determine whether any individual factor taken by itself outweighs the harm and the second is to determine whether some or all of the factors in combination outweigh the harm.
- 7.37. Officers consider the key benefits of the proposal relate to the economic benefits arising from the proposal. The proposed development would contribute to economic growth generally and also attract businesses which require an airport location and will allow for the retention and expansion of existing businesses that have outgrown their current premises, although it is recognised that the identity of end users cannot be secured through the planning process. In addition to the benefits to the national economy the retention of and creation of new local jobs is a clear benefit arising from the proposal. There would be economic benefits during construction as well as knock on benefits to local suppliers and the service industry.
- 7.38. Whilst the application is not for directly related development, it is clear that the proposals would support the continued operation of the airport. The general aviation industry is one which is recognised as requiring support and it is by no means unusual that local airports often require the support of ancillary features, such as business parks, to facilitate their business. Paragraph 104(f) of the NPPF in particular recognises the importance of maintaining a national network of general aviation airfields and their need to adapt and change over time -taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government's General Aviation Strategy. It is also noted that there is an all-party Parliamentary Group on General Aviation which, as part of its mission statement believes that a network of General Aviation airfields must be protected and enhanced by the government. In this context it is clear that the Airport is a unique and important asset in the wider area. The contribution of this proposal to ensuring the longevity of this asset is a matter which weighs in favour of development.
- 7.39. In this instance, officers appreciate that planning permission is sought ahead of the adoption of Emerging TBP to secure grant funding from the GFirst LEP through the 'Local Growth Deal 3' and prior the adoption of Emerging TBP and therefore the reasoning for the timing of the application is understood however it is not considered that this factor would outweigh the harm to the Green belt on its own or in combination with other factors.
- 7.40. Similarly the weight to be given to the consideration of the wider site in the emerging Plan can be given very limited weight at best as the wider site, within which part of this application site sits, was not included within the Pre-submission version of the Plan and has not been subject to public consultation.
- 7.41. Substantial weight must be given to the identified harm to Green Belt. However, officers have carefully considered the individual and in-combination benefits put forward by the applicant and it is considered that the significant economic benefits arising from the development in meeting the employment land and job creation aspirations of the JCS, and the general support of the Airport which is a unique and important asset in the wider area, are capable of amounting to the very special circumstances required to outweigh the harm to the Green Belt by reason of inappropriateness and the other harms to the Green Belt including its openness, permanence and purposes.

Conclusions in respect of Green Belt policy

- 7.42. It is concluded that the proposed development is inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances.
- 7.43. The application proposes buildings of up to 15 metres on the application which would permanently harm the openness of the Green Belt on the application site. It is also concluded that the harm arising from the proposed development would be moderate in regard to the purposes of the Green Belt.
- 7.44. Substantial weight must be given to the identified harm to Green Belt. However, officers have carefully considered the individual and in-combination benefits of the scheme put forward by the applicant. As set out above, in this instance officers consider that there are benefits in this case which are capable of amounting to the very special circumstances required to clearly outweigh the harm to the Green Belt by reason of inappropriateness, and the other harms to the Green Belt, including its openness, permanence and purposes.
- 7.45. The overall conclusion in respect to Green Belt harm is dependent on the identification of any other harm which may arise following analysis of all material planning considerations which are discussed in the following sections of this Report.

Operational Impact on Airport and Essential Operational Area

- 7.46. The application site is located in the 'Essential Operational Area' of the Airport as defined in Inset Map 1 of the JCS. The purpose of this definition of 'Essential Operation Area' is to define the functional area of the airport for the JCS Green Belt policy SD5 where only essential airport operational structures are to be located in order to retain the openness of the Green Belt.
- 7.47. The Emerging TBP proposes to reduce the functional area of the Airport and remove part of the application site and surrounding land from the 'Essential Operational Area' of the Airport and the Green Belt.
- 7.48. Paragraph 4.5.12 of the JCS states that Gloucestershire Airport is a general aviation airport that handles 90,000 aircraft movements every year, many for business purposes. The JCS supports the Strategic Economic Plan for Gloucestershire which states: "the Local Enterprise Partnership aims to optimise the contribution and benefit that Gloucester Airport and the land around it can make to local communities and the economy".
- 7.49. One of the key issues arising from the application has been concerns raised by several existing aviation related tenants, who operate from Gloucestershire Airport. These concerns relate to the proximity of the proposed southern boundary of the application site, in the vicinity of where helicopter operations presently take place.
- 7.50. During the determination period of the application GAL have confirmed that they remain committed to its operators who provide helicopter training facilities and other aviation related operations and wish to see those parties continue to operate at the Airport. As such, a series of meetings and discussions took place throughout September– November 2020 with a view to addressing those concerns.
- 7.51. As a result, GAL revised the current planning application and moved the proposed southern boundary of the development further north to enable the proposed southern boundary to be repositioned away from the existing helicopter training area. This resulted in a reduction in the site area from 8.5 hectares to 5.9 hectares.

- 7.52. Further to these amendments, a number of the operators who previously objected have signed a Statement of Common Ground stating they would be prepared to withdraw their objections, subject to the reduction in the site area, which has been done. Signatories are Babcock, Special Aviation Services, Heliflight UK and RGV Aviation. However, not all operators have removed their objections and some continue to object on the basis of operational safety and potential restrictions to activities.
- 7.53. As part of the Statement of Common Ground, an illustration showing space for helicopter operations has been provided, which it is advised is subject to an agreed written operating procedures manual. A copy of this plan is included in the Committee Presentation.
- 7.54. A Safety Case for an Operational Trial has also been provided, albeit the trial itself has been delayed due to the COVID-19 pandemic. The Safety Case advises that:
- With this development there will be limited space available for helicopters to continue to operate in the way that they currently do.
 - What is currently in this area is not documented in any regulatory documentation and there is also no guidance or regulatory documentation on helicopter training areas, aiming spots etc.
 - There are no current procedures associated with operations at Heli North. Therefore the Safety Case presents the safety assessment to the change, or implementation, in operational procedures ready for an operational trial. It is intended that the Safety Assessment and associated changes for the operational trial will demonstrate that the operation will remain safe following the development.
 - The general consensus is that the area could do with procedures as it is but the need for more robust procedures following the proposed reduction in size is now essential.
 - The final design of the operational area to be developed has been done with continued liaison with operators. It has been decided that now the procedures are finalised an operational trial can be undertaken where any issues will be highlighted and tweaks can be made where necessary.
 - The procedures have been developed to increase safety assurance in this area whilst at the same time keeping the procedures very clean and unambiguous. If done correctly then the increase in workload will be minimal and helicopter operators will not be affected adversely in terms of safety or heavy restrictions being implemented having an impact on the businesses.
- 7.55. Due to the COVID-19 pandemic the operational trials have not gone ahead. It has been advised that due to the current national lockdown the level of air traffic is significantly reduced around the Airport at present. This means that carrying out the trials at this time would not be in any way representative of normal air travel levels. GAL have however advised that they are committed to and remain hopeful of the success of the trials. However, should the proposed procedures prove unworkable or unsuccessful for any reason, GAL will work with tenants on an alternative that meets the relevant regulations and it is advised that there are potentially several alternative options.

- 7.56. Officers note the concerns of operators and it is evident that would be changes arising to helicopter movements as a result of the development. However, the applicant has made amendments to the proposal to alleviate some of these concerns which has resulted in the removal of objections from some operators. Whilst the operational trial has not been undertaken, it was the purpose of the trial to demonstrate that the operation will remain safe following the development.
- 7.57. It is the case that air safety issues is a matter for the Airport and it is not the role of the planning authority to regulate these matters. However, in terms of the economic impact which is a matter for the planning authority, it is evident that there may be potential impacts on existing operators as a result of the development which could result in economic impacts, which is a matter which weighs against the proposal. However, officers consider that the revised site boundary, together with the revised operating procedures for helicopter flying, have alleviated some of these concerns and therefore it is considered that the potential economic impact on operations is acceptable.

Landscape and Visual Impact

- 7.58. Paragraph 170 of the NPPF states that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan. Policy SD6 of the JCS echoes these requirements and 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. The policy goes on to state that all applications for development will consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect.
- 7.59. The application site is not located within a designated valued landscape area within the development plan.
- 7.60. The application is supported by a Landscape Appraisal which considers the character of the site and the relationship to its surroundings. The site currently comprises a section of paved runway and associated taxiway with areas of mown grass. The Appraisal identifies that the application site is positioned between two existing commercial developments and whilst this gap allows views of the airport's open character, the extension of development along the road replicates and continues the commercial character of the existing buildings. The appraisal considered that the landscape resource present within the site is minimal, reflecting its active usage as part of the airfield.
- 7.61. The Appraisal assesses the visual impact of the proposed development from nearby and distant viewpoints. The Appraisal identifies that owing to the flat open nature of the site views are enabled from along the B4063. These views extend across the airfield's runway to Churchdown Hill and the Cotswold escarpment beyond. There are also clear views of the application site from Bamfurlong Lane to the east, and from national cycle network route 41, a well used route runs to the south of the site along the Airport boundary with the A40. There are also distant views of the application site from Churchdown footpath 22 to the south where the site can be identified within the landscape with its hard-surfaced runways and expanses of open grassland. A map of these viewpoints is provided in the Committee Presentation.

- 7.62. The Appraisal concludes that given the application site is on an airfield surrounded by existing commercial buildings the development could be suitably designed to redefine views along the B4063 and the setting back of built form and planting along the frontage will enhance the commercial street scene where currently there is a razored fence. In addition, the height and positioning of the built form can be arranged to help assimilate the development within the surrounding landscape. In addition, careful use of planting both along the runway edge and within the development's linear corridors could filter views from the south. On this basis, the Appraisal considers that the development could therefore be accommodated without having a detrimental effect on the existing visual environment. The findings of the Appraisal show that the study area would be capable of accommodating further commercial development and any potential negative effects can be mitigated through consideration of the height and positioning of built form, and the integration of a suitable hard landscape and planting strategy that will enhance the quality of the local landscape.
- 7.63. The Council's Landscape Advisor has been consulted on the application and advises that the Landscape Appraisal, appears to have been set out broadly in line with GLVIA3 (Guidance for Landscape and Visual Impact Assessment, Third Edition, Landscape Institute, 2013). The Landscape Advisor is also satisfied that the photographic record set out in the Viewpoints are a fair representation of the view from the naked eye.
- 7.64. The Advisor concludes she is content that the Landscape Appraisal is an objective and accurate statement of fact in relation to the proposed business park infill development. Whilst there will clearly be a loss of open views into and across the airfield, the impact on the wider landscape character would not be significant and the visual effects could be mitigated through a well-designed landscape strategy for the development.
- 7.65. Officers have carefully considered the visual impact of the proposed development having regard to the submitted information. The amended application site boundary and illustrative layout is such that proposal would be viewed as a continuation of the built form of Anson Business Park and thus the proposal would be viewed as a continuation of the existing commercial street scene, particularly from the most prominent view point on the B4063. Whilst landscaping, layout, scale and appearance are reserved matters, it is considered that the illustrative masterplan demonstrates that the application proposals would not appear as an incongruous intrusion in the landscape and are capable of being assimilated into the existing built form.
- 7.66. There would clearly be a visual impact on the area which would result in a degree of harm to the character and appearance of the area resulting in the loss of the open aspect of the existing gap when viewing the site from Cheltenham Road East in particular. Nevertheless, the design approach as demonstrated via the indicative layout and Design and Access Statement, including the positioning of built form and the inclusion of boundary landscaping, would serve to minimise the impact of the proposal. Overall, it is considered that the landscape impact arising from the proposal would be outweighed by the benefits in this case, notwithstanding the proposals impact on the openness of the Green Belt as discussed above.

Design

- 7.67. The NPPF highlights that the creation of high quality buildings and places is fundamental to what planning and development process should achieve. Paragraph 127 states, amongst other things, that planning decisions should ensure that development will function well and add to the overall quality of the area; will be visually attractive as a result of good architecture, layout and appropriate and effective landscaping and will be sympathetic to local character and history, including the surrounding built environment and landscape setting.

- 7.68. 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.
- 7.69. All matters relating to design and layout are reserved for future consideration. However, the application has been supported with a Design and Access statement and an illustrative masterplan and anticipated plot boundary plan which provides an indication as to how the site could be developed. The application is also supported by a parameters plan which shows proposed maximum building heights. These parameters would be used to inform the submission of any subsequent reserved matters applications.
- 7.70. The application site is located immediately to the west of the Anson Business Park and the proposal would be viewed as a continuation of the existing commercial streetscene. The part of the application submitted in full proposes a new access off the B4063. The main circulatory route runs from the north to the south, parallel to the existing taxiway and along the north east boundary. The orientation of these main access routes provides good access to all parts of the site and allows for future flexibility as well as the efficient use of the site. The layout as shown in the indicative masterplan shows that the development would address the streetscene providing a continuation of built form assimilating with the wider commercial context of the site, but also providing an opportunity for planting along the north of the site which would screen the development and enhance the street scene. There is also potential for a new pedestrian link to improve the site connectivity.
- 7.71. In terms of scale, the parameters plan shows the proposed development heights range from 12 metres by the B4063 road to 15 metres at the centre of the site and reduces down towards the south east corner to 8 metres. It is considered that these maximum building heights which it is recommended are controlled by condition, are appropriate in the context of the wider commercial built environment.
- 7.72. The Council's Urban Design Officer has been consulted on the application and advises that the proposal relates well to the existing employment uses surrounding and responds well to this character and identity. The built form as shown in the illustrative masterplan is appropriate for this context, albeit this is in outline. There is a good amount of green infrastructure and well connected pedestrian movement network around the site. It is positive that the intention is for the buildings to be constructed with sustainable building techniques and materials.
- 7.73. In conclusion, in terms of design it is considered that the proposed illustrative masterplan, anticipated plot boundary plan, parameters plan and design and access statement are acceptable and demonstrate that the new development would integrate with and complement its surroundings in an appropriate manner. The detailed layout, scale, appearance and landscaping would be addressed through any subsequent reserved matters application; however, the submitted details show up to 30,000 sqm of B1c, B2 and B8 uses could be accommodated on the site in an acceptable manner.

Residential Amenity

- 7.74. The NPPF states at paragraph 180 that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to the impacts that could arise from the development. Policy SD14 of the JCS states that development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants.

- 7.75. The application site is located within the operational area of an existing airport and wider context of the site is characterised by industrial estates. The nearest residential properties to the application site are at Cotswold Court Park approximately 300 metres to the north east beyond the B4063. There are also dwellings on Bamfurlong Lane located approximately 400 metres to the east.
- 7.76. The application is accompanied by an Environmental Noise Survey which advises that noise associated with the development shall be controlled to 46Db during day time and 40Db at night when assessed in accordance the British Standard Method for rating and assessing commercial industrial sound at the nearest sensitive receptor. The Survey advises that these limits have been set to be equal to the background noise level which should ensure 'low impact'.
- 7.77. The Environmental Health Officer (EHO) has been consulted on the application and advises the location of further commercial/industrial units between the existing Anson and Meteor business park appears logical, reducing the potential for noise/nuisance impacts by separating noise generating activities from residential receptors. The EHO notes that there are existing residential receptors located along Bamfurlong Lane. The development is likely to lead to more HGV movements in the vicinity and if well managed should not be an issue. The EHO therefore advises that access to the proposed development via Bamfurlong Lane should be avoided/prohibited to protect the amenity of existing residents from an increase in noise levels associated with HGV movements. In this regard, the planning application seeks full permission for access and no access is proposed from Bamfurlong Lane in accordance with the recommendations of the EHO.
- 7.78. The Environmental Health Officer advises that the submitted noise assessment appears to have been carried out in line with relevant guidance and standards. The proposed noise rating levels appear suitable and should be sufficient to ensure that nearby residential receptors are protected from fixed plant noise. The Officer advises that the maximum noise rating levels be controlled by condition to protect residential amenity of nearby sensitive receptors.
- 7.79. Officers note that objectors have stated that operations at the airport may change as a result of this application which may give rise to variations in existing noise levels. Should this occur, this a separate matter which would be considered under Environmental Protection Act 1990, and other relevant legislation.
- 7.80. In terms of air quality, the application is supported by an air quality assessment. The main purpose of the assessment is to determine what impact future increases in vehicle movements associated with the development might have on existing sensitive receptors. The EHO has reviewed the assessment and advises the report is considered to represent a suitable air quality assessment and includes detailed modelling utilising the dispersion model ADMS-Urban. The study includes modelling at various 2019 and 2024 scenarios, with and without development, and includes a sensitivity test accounting for real-world emissions factors not reducing as predicted within the road traffic emissions projections. Suitable model verification is provided utilising monitored locations.
- 7.81. Air quality impacts have been modelled at various relevant receptor points including residential properties. The outcome of the model has predicted negligible increases from the operational phase of development and no exceedances of the air quality objective as a result of the proposal.

- 7.82. The EHO advises that whilst the air quality assessment predicts only negligible impacts as a result of the development it is still advisable to incorporate air quality mitigation measures (ie. EV charging and cycle parking) as standard practice for a development of this size to help alleviate pollution creep in the area and encourage the uptake of low emission modes of transport. These conditions are likely to also be recommended to be imposed by the Highways Authority.
- 7.83. The impact of any industrial activities during the operational phase of the development would be controlled through The Pollution Prevention and Control (England and Wales) Regulations.
- 7.84. Having regard to all of the above, and subject to appropriate conditions, it is considered that the proposed development would result in acceptable levels of amenity being maintained for nearby residents in accordance with the NPPF and JCS policies.

Access and Highway Issues

- 7.85. Paragraph 109 of the NPPF requires that safe and suitable access be achieved but states that development should only be refused on transport grounds where the cumulative impact is severe. This advice is echoed in Policy INF1 of the JCS.
- 7.86. The application is supported by a Transport Statement which is undertaken on the basis that the proposed development will be limited to B1c, B2 and B8 use classes and models the traffic impacts arising.
- 7.87. The revised proposals comprise up to 30,000sq.m GIA of mixed-use B1, B2 and B8 commercial floor space. The Transport Statement indicates that a development comprising up to 30,000sq.m GIA of industrial estate use could be expected to attract 205 two-way vehicle trips during the weekday AM peak hour and 201 two-way vehicle trips during the weekday PM peak hour. Across the day the application site is forecast to attract 2,236 two-way vehicle trips.
- 7.88. The Transport Assessment considered the impact of these vehicle movements on the surrounding highways network, taking account of existing commitments. Highways England have been consulted on the application and have considered the level of trips in their role as statutory consultee, highway authority, traffic authority and street authority for the Strategic Road Network.
- 7.89. Highways England have advised that the development impact at the junctions (except M5 J10) is considered to be significant for which a capacity assessment should normally be undertaken, but on the basis that a number of planned improvement schemes have recently been delivered/are in construction, Highways England are satisfied that the development impacts would not be significant.
- 7.90. In regard to construction traffic, Highways England have advised that a full Construction Environmental Management Plan (CEMP) should be secured via planning condition to manage the impacts of the construction process on the highway network.
- 7.91. Having regard to the comments from Highways England, it is considered that subject to the imposition of conditions that the proposal would be not have a severe impact on the Strategic Road Network.

- 7.92. In respect of the Local Road Network, the Local Highway Authority originally advised that they were unable to support the application and requested further information in relation to existing traffic flows, trip generation, trip distribution, area of impact, junction modelling, site access and internal street design. Following the submission of further information, and the reduction in scale of the proposal, the County Council have further considered the proposals and have outstanding concerns in respect of the internal street design and the design of the proposed access. The LHA also advise that further traffic modelling is required.
- 7.93. The LHA have also advised that a travel plan would need to be secured to make the development acceptable in planning terms. Officers consider that this is necessary and would meet the tests for planning obligations set out in the CIL Regulations.
- 7.94. It is understood that discussions are ongoing between the applicant and the LHA and **an update will be provided at Committee.**

Ecology

- 7.95. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, inter alia:
- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan) report.
 - minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
 - preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.
- 7.96. Policy SD9 of the JCS seeks to protect and enhance biodiversity in considering development proposals.
- 7.97. The application is supported by an Ecological Appraisal. The Appraisal identifies that the airport consists of surfaced runways and associated roads with buildings and extensive areas of grassland. The application site itself lies towards the northern end of the airfield and is bounded in the north by the B4063 road. Most of the survey area is occupied by grassland, but there is a small area of plantation and some scrub and suckering tree growth in the northern part. In the north east corner of the application site is a small planted area of young sycamore with some ash and field maple over a dense understorey of snowberry and bramble.
- 7.98. The Appraisal concludes that none of the survey area is subject to any designations on account of its biodiversity value. The young plantation in the north east corner of application site is small and species-poor, with significant cover of non-native species, particularly snowberry. The Appraisal advises that none these features is of significant ecological interest and the trees which are located adjacent to street lamps are too young to have significant bat roost potential. The Appraisal also advises that the area of grassland is species poor and of no significant ecological interest.

- 7.99. The presence of nesting birds has been confirmed on the application site and the presence of house sparrow and skylark have been confirmed on site. The Appraisal makes recommendations for the development to include measures to promote their conservation such as sparrow terraces in new buildings and alterations to grassland management. It is recommended that the removal of the vegetation is undertaken outside of the bird nesting season. It is recommended that a condition is imposed on the outline permission to secure the measures recommended in the Ecological Appraisal.
- 7.100. Natural England have been consulted on the application and have no comments to make. The Council's landscape advisor also advises that ecological improvements to achieve biodiversity net gain should be incorporated into the development.
- 7.101. In light of the above, and subject to the imposition of conditions, there is no evidence to suggest that there are any overriding ecological constraints to the development of the site for employment purposes and the application accords with the NPPF and policy SD9 of the JCS.

Arboricultural implications

- 7.102. Policy INF3 of the JCS states that existing green infrastructure will be protected in a manner that reflects its contribution to ecosystem services and the connectivity of the green infrastructure network. Development proposals that will have an impact on woodlands, hedges and trees will need to include justification for why this impact cannot be avoided and should incorporate measures acceptable to the planning authority to mitigate the loss. Mitigation should be provided on-site, or where this is possible, in the immediate environs of the site.
- 7.103. The application is supported by an Arboricultural Survey, Impact Assessment and Method Statement including Tree Retention/removal and Protection Plan. The main areas of trees and groups of trees are situated in the north of the site, including some outside the site within Anson Business Park. Out of the 30 species/groups that were assessed, it is estimated that 10 trees and 2 partial groups would be removed to facilitate the development. The trees are mainly early mature.
- 7.104. The Council's Tree Officer has reviewed the assessment and raises no objection to these removals providing a good planting scheme mitigates for these losses. The Officer also recommends that a condition is imposed to ensure works are carried out in accordance with the protection measures within the Arboricultural Reports to protect those trees that are to be retained within and adjacent to the site. The Tree Officer also recommends that a condition is imposed on the outline planning permission requiring full details of proposed tree planting and landscaping scheme.
- 7.105. In light of the above and subject to the imposition of conditions it is considered that the proposal is acceptable with regard to trees.

Drainage and flood risk

- 7.106. The site boundary comprises an area of approximately 5.6 hectares and is located within Environment Agency Flood Zone 1. Flood Zone 1 is defined by the Environment Agency as being land having a low probability of flooding of less than 1 in 1,000 annual probability of river or sea flooding.

- 7.107. The NPPF states that a site-specific flood risk assessment is required for proposals of 1 hectare or greater in Flood Zone 1 and when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Policy INF3 of the JCS requires new development to, where possible, contribute to a reduction in existing flood risk and proposals must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment either on the site or elsewhere.
- 7.108. The Local Lead Flood Authority initially raised concerns raised concerns to the drainage strategy due to surface water discharge rates and pollution control measures. The applicant has submitted additional information including a drainage strategy which would result in the discharge rate from entire site being equivalent to the greenfield rates. How that is balanced between the plots and highway is a matter that can be managed by the site owner and the drainage strategy indicates that this will be achievable. Some clarity will be required over the detailed design and what SuDS features will be used where to achieve acceptable management of pollutant runoff from the site. The LLFA therefore have no objection subject to conditions requiring a detailed SuDS scheme. On that basis the proposal accords with JCS policy INF3.

Archaeology

- 7.109. The NPPF states that 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.
- 7.110. The County Archaeologist has been consulted on the application and initially advised that there was potential for significant archaeological deposits to be present within the application site and that ground works and intrusions for the proposed development may have an adverse impact on significant archaeological remains.
- 7.111. In response to these concerns, the applicant undertook trial trenching and the County Archaeologist was reconsulted on the application and confirmed that the results of the trial trenching were negative and no significant archaeology was encountered within the current application area. Therefore, it is recommended that no further archaeological investigation or recording need be undertaken in connection with this scheme.
- 7.112. In light of the above, it is considered that the proposal does not have the potential to impact on heritage assets with archaeological interest and is acceptable in this regard.

Contaminated Land

- 7.113. The NPPF states at paragraph 180 that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to the impacts that could arise from the development.
- 7.114. The applicant has submitted a Ground Investigation Report and a Desk Study Report in support of the application and potential contamination risks that have been identified from previous site investigation work. The report indicates that there is very likely contamination associated with the old runway and taxi areas.

7.115. The Council's contaminated land consultant advises that there is a lack of contamination information for parts of the proposed development area and there is a need to prevent inadvertent mobilisation of potential contamination from construction activity. It is therefore recommended that a condition is imposed requiring a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which would need to be approved before work starts on the development.

Timescale for Implementation of Permission

7.116. The provisions of Section 92 of the Town and Country Planning Act 1990 allows for the planning authority to extend the date for applications for approval of reserved beyond the expiration of three years beginning with the date of the grant of outline planning permission.

7.117. Officers have liaised with the applicant and acknowledge that this will be a phased development over a number of years. It is therefore recommended that a condition is imposed requiring the submission of reserved matters within 7 years of the grant of outline planning permission. Should permission be granted, this would ensure submission of all reserved matters by 2028 and commencement of development on all phases by 2030 meaning that the development would be implemented within 2011-2031 plan period.

8.0 CONCLUSION AND RECOMMENDATION

Green Belt

- 8.1. The proposed development is inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. The application would permanently harm the openness of the Green Belt on the application site. It is also concluded that the harm arising from the proposed development would be moderate in regard to the purposes of the Green Belt. Substantial weight must be given to the identified harm to Green Belt. The proposal would thus conflict with the development in so far as Green Belt policy is concerned, including the restrictions on the type of development allowed within the Airport's essential operational area.
- 8.2. Whilst part of the site is included within the proposed employment allocations in the emerging Borough plan and the remainder of the site is being promoted through the Examination with the support of the Council, the entirety of this proposed allocation has not been subject to consultation and on that basis only very limited weight can be attributed to this factor.

Beneficial Effects

- 8.3. The key benefits of the proposal relate to the economic benefits and job creation arising from the proposal. This would include benefits arising during construction and knock on effects on the local economy, for example, to the supply chain and service industry. The proposed development would contribute to economic growth generally and attract businesses which require an airport location and will allow for the retention and expansion of existing businesses that have outgrown their current premises. Significant weight should be placed on the need to support economic growth and productivity. This benefit is tempered by the potential impact on existing operators at the airport due to the potential impact on helicopters. There is also a benefit in delivering part of the employment land requirements of the JCS. Furthermore, whilst the proposal is not directly airport related, the proposals would provide general support for the Airport which is a unique and important asset in the wider area.

Neutral Effects

- 8.4. The proposed development would have an acceptable impact on drainage, contaminated land, ecology and trees, archaeology and residential amenity subject to imposition of condition. Whilst the application for the buildings is in outline, the application has demonstrated that, subject to approval of reserved matters, the design and layout would also be acceptable.

Other Harms

- 8.5. There would be harm due to the loss of open views into and across the airfield. There would also be impact on the wider landscape character. However the design approach, including the positioning of built form and the inclusion of boundary landscaping would mitigate the impact of the proposal and it is considered that the landscape impact arising from the proposal is acceptable, notwithstanding the proposals impact on the openness of the Green Belt as discussed above.
- 8.6. There may be potential impacts on existing operators as a result of the development which could result in economic impacts, which is a matter which weighs against the proposal. However, officers consider that the revised site boundary, together with the revised operating procedures for helicopter flying, have alleviated some of these concerns.

Overall Balance and Recommendation

- 8.7. On the one hand is the harm to the Green Belt which must carry substantial weight. This harm must be weighed against the benefits outlined above. What constitutes very special circumstances to justify inappropriate development in the Green belt is a matter for the decision-maker. When taken as a whole, it is considered that the benefits of the proposed development identified above clearly outweigh the harm to the Green Belt by reason of inappropriateness and other harms. As such it is considered that very special circumstances exist in this which clearly outweigh the harm to the Green Belt and other identified harms.
- 8.8. Due to the scale and nature of the proposals and the sites location in the Green Belt, should the Planning Committee be minded to permit it would be necessary to refer the application to the Secretary of State to consider whether to 'call-in' the application. It is therefore recommended that the **permission be delegated to the Development Manager, subject to resolution of highways matters and referral of the application to the Secretary of State.**

CONDITIONS:

1. The development hereby grants full permission for the provision of a new site access, internal estate roads and associated infrastructure. These works as shown on
 - GAL-HYD-00-ZZ-DR-C-7105 Rev 02
 - GAL-HYD-00-ZZ-DR-C-7106 Rev 02
 - GAL-HYD-00-ZZ-DR-C-7108 Rev 02

shall be begun before the expiration of five years from the date of this permission.

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

2. The development hereby granted full planning permission shall be carried out fully in accordance with the following approved plans, unless otherwise agreed in writing by the local planning authority.
 - GAL-HYD-00-ZZ-DR-C-7105 Rev 02
 - GAL-HYD-00-ZZ-DR-C-7106 Rev 02
 - GAL-HYD-00-ZZ-DR-C-7108 Rev 02

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

3. In respect of that part of the application where outline planning permission is granted (Illustrative Masterplan GAM-AHR-B-ZZ-DR-A-92-000 Rev P03 Issue D5), no development shall commence before detailed plans showing the layout, scale and external appearance of the proposed buildings, the proposed access to the highway for the proposed buildings, and the landscaping of the site (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.

4. Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of seven years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to allow greater flexibility for the delivery of the scheme.

5. The development hereby granted outline permission shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

6. No more than 30,000 sq m gross internal area of floorspace shall be constructed on the site pursuant to the outline planning permission.

Reason – In the interests of proper planning and to allow an assessment of the impacts of additional floorspace.

7. The development shall be used for Class B1c, B2 and B8 purposes only as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) and shall not be used for any other purpose (including any other use within Classes B1a and B1b to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of proper planning, to maintain a supply of employment land and to maintain the very special circumstances

8. No part of the development (not including offices ancillary to employment uses) shall be developed for use class E(a), E(b), E(c), E(d), E(e), E(f) or E(g)(i) as defined in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Amendment with or without modification, and no part of the buildings shall not be used for

these use classes notwithstanding the provisions of Class E of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Amendment with or without modification.

Reason: in the interest of the safe and efficient operation of the strategic road network, i.e. A40 and M5, in the interests of proper planning, to maintain a supply of employment land and to maintain the very special circumstances

9. Prior to the commencement of any phase of the development hereby permitted a construction traffic management plan for that phase shall be submitted to and approved in writing by the local planning authority (in consultation with Highways England). The plan shall include as a minimum: construction vehicle movements; construction operation hours; a routing and signing strategy for construction vehicles to and from site; details of routing beyond the B4063 to show the predicted impact on the strategic road network; restrictions on deliveries during peak hours; mitigation measures to reduce vibration, dust and dirt, and; plans for notifying residents and local businesses of any expected particularly busy delivery periods and intense periods of construction activity.

Reason: in the interest of the safe and efficient operation of the strategic road network, i.e. A40 and M5.

10. The development hereby permitted shall not be brought into use unless and until a comprehensive Travel Plan has been submitted to and approved in writing by the local planning authority (in consultation with Highways England). The Travel Plan shall be prepared in line with prevailing policy and best practice and shall include as a minimum:
 - the identification of targets for trip reduction and modal shift;
 - the measures to be implemented to meet these targets including an accessibility strategy to specifically address the needs of residents with limited mobility requirements;
 - the timetable/ phasing of the implementation of the Travel Plan measures and its operation thereafter;
 - the mechanisms for monitoring and review;
 - the mechanisms for reporting;
 - the remedial measures to be applied in the event that targets are not met;
 - mechanisms to secure variations to the Travel Plan following monitoring and reviews.

Reason: in the interest of the safe and efficient operation of the SRN, i.e. A40 and M5

11. Applications for the approval of the reserved matters shall be generally in accordance with the principles and parameters described in Illustrative Masterplan, GAM-AHR-B-ZZ-DR-A-92-000-Rev P03 Rev D5, Parameters Plan GAM-AHR-B-ZZ-DR-A-92-000-Rev P03 Rev D5 and Design and Access Addendum December 2020

Reason: To ensure the development is carried out in accordance with the agreed principles and Parameters.

12. The reserved matters submitted pursuant to condition 4 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 visual amenity

13. The details submitted for the approval of reserved matters pursuant to condition 4 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: In the interests of visual amenity

14. The reserved matters submitted pursuant to condition 4 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: In the interests of visual amenity

15. The full and outline planning permission shall be implemented fully in accordance with the Arboricultural Survey, Impact Assessment and Method Statement prepared by ACAC dated 15th October 2020

Reason: To protect retained trees

16. No development shall take place on any building of the development until there has been submitted to and approved by the Local Planning Authority in writing, a comprehensive scheme of landscaping along the planting strip adjacent to the B4063 as shown on the Illustrative Masterplan GAM-AHR-B-ZZ-DR-A-92-000-Rev P03 Rev D5. All planting, seeding or turfing in the approved details of landscaping on the planting strip shall be carried out in the first planting and seeding season following the occupation of any building hereby permitted 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 and biodiversity

17. All planting, seeding or turfing in the approved details of landscaping submitted pursuant to conditions 4 and 16 shall be carried out in the first planting and seeding season following the occupation of the building to which they relate, 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 and biodiversity.

18. There shall be no outside storage on the site whatsoever, unless otherwise agreed in writing by the local planning authority and through the approval of reserved matters pursuant to condition 4.

Reason: In the interest of visual amenity

19. Prior to the installation of any external lighting for the development hereby permitted details of the lighting including the intensity of illumination and predicted lighting contours have been submitted to and agreed in writing by the Local Planning Authority. The development hereby permitted shall not be carried out otherwise than in accordance with the approved lighting details and the approved lighting details shall thereafter be retained for the lifetime of the development.

Reason: In the interest of visual amenity

20. The reserved matters submitted pursuant to condition 4 shall include details of how the development shall be carried out in accordance with the Discussions and Conclusions of the Ecological Appraisal prepared by Richard Tofts Ecology dated August 2020

Reason: In the interests of biodiversity

21. The use shall operate in strict accordance with the noise limits set out in Section 6 of the Environmental Noise Survey prepared by Hydrock dated 3rd July 2020 unless otherwise agreed in writing by the local planning authority

Reason: In the interest of residential amenity

22. No development involving the construction of new buildings shall commence within an individual plot until a detailed Site Waste Management Plan has been submitted to and approved in writing by the local planning authority for each individual plot. Each detailed Site Waste Management Plan must include information on: - the type and amount of waste likely to be generated at the site preparation and construction phases; the details of the practical arrangements for managing waste during the site preparation and construction phases; and the measures for ensuring the delivery of waste minimisation during the site preparation and construction phases in line with the principles of waste hierarchy. Waste minimisation measures incorporated into each detailed Site Waste Management Plan must facilitate the re-use and recycling of waste materials generated during the site preparation and construction phase and the use of construction materials that have a recycled content.

Reason: To ensure the effective implementation of waste minimisation in accordance with adopted Gloucester, Cheltenham, Tewkesbury Joint Core Strategy Policy SD3 – Sustainable Design and Construction; adopted Gloucestershire Waste Core Strategy: Core Policy WCS2 – Waste Reduction; adopted Minerals Local Plan for Gloucestershire Policy SR01 and paragraph 8 of the National Planning Policy for Waste (NPPW).

23. No development involving the construction of new buildings shall commence within an individual plot 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 non-recyclable and recyclable waste materials that will not prejudice the delivery of a sustainable waste management system in line with the waste hierarchy. The approved 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 adopted Gloucester, Cheltenham, Tewkesbury Joint Core Strategy Policy SD3 – Sustainable Design and Construction; adopted Gloucestershire Waste Core Strategy: Core Policy WCS2 – Waste Reduction; and paragraph 8 of the National Planning Policy for Waste (NPPW).

24. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the

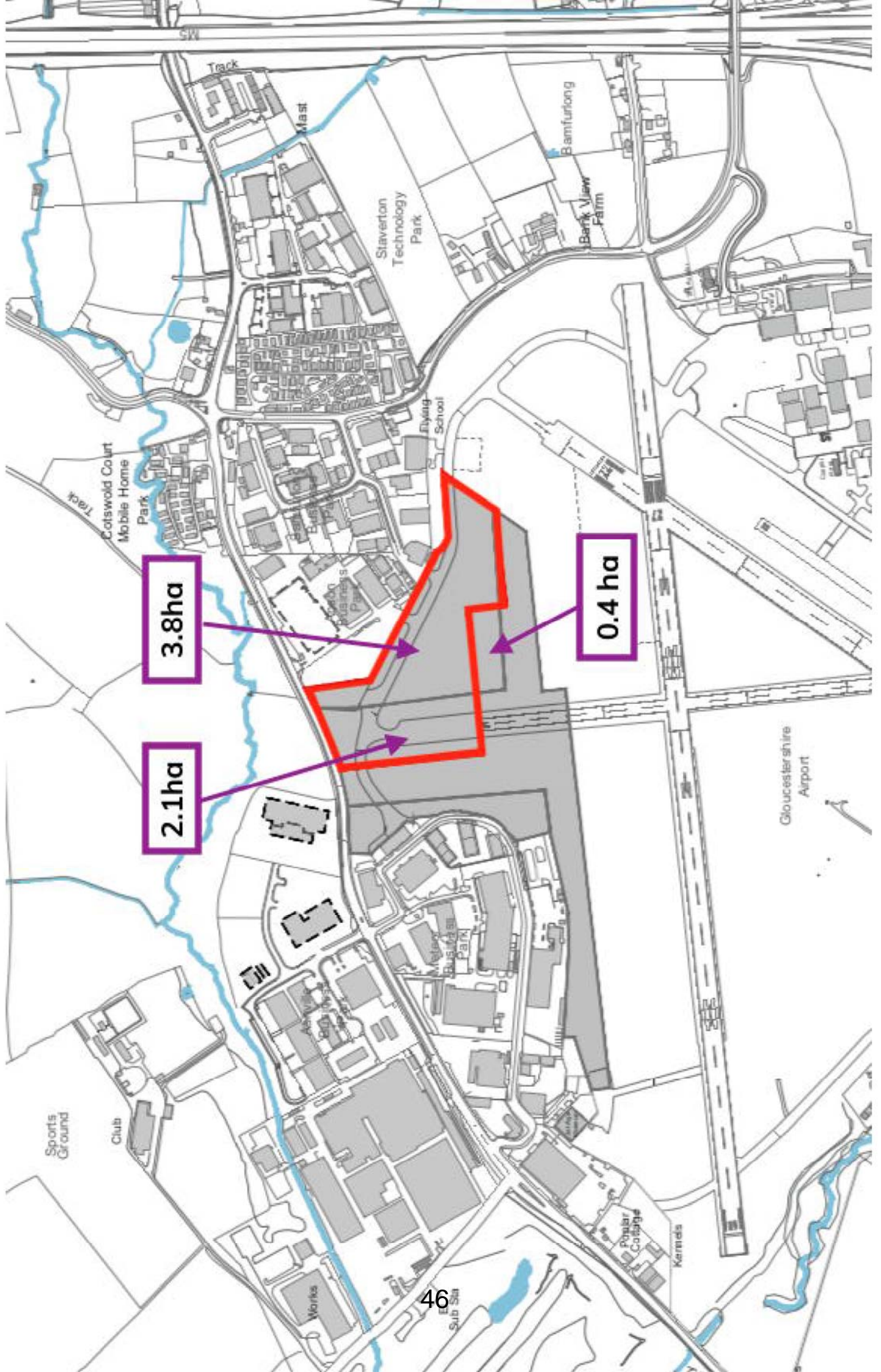
site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

Key

Site Boundary



Rev	Description	Date	Dr by	App by
01	Application Boundary Updated	08.12.2020	MDLN	MDLN
02	Landscape Masterplan Updated	13.08.2020	SW	MDLN
03	Final Issue	12.08.2020	SW	MDLN

approved by
date created
12.08.2020
MDLN

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project
Vitruvius
Land Between Meteor and Anson Business Park

drawing
Illustrative Site Masterplan

Project Number	Scale
2018_01003_000	1:1000 @ A1
Drawing Number	Issue Status
GAM-AHR-B-ZZ-DR-A-92-000	PI3 DS

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TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	16 February 2021
Site Location:	Land To The North Fleet Lane Twyning Tewkesbury Gloucestershire
Application No:	19/01084/OUT
Ward:	Tewkesbury North And Twyning
Parish:	Twyning
Proposal:	Outline application for residential development for up to 52 units and associated works with all matters reserved for future consideration except for access.
Report by:	Lisa Dixon
Appendices:	Site location plan. Illustrative layout plan.
Recommendation:	Delegated Permit.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application site is a 2.59 hectare parcel of land on Downfield Lane to the east of the Village Green. The site is bound by hedgerows and fencing and comprises semi-improved grassland used for the grazing of horses. The site contains some trees and a small pond. To the north is agricultural land with small collections of buildings along the length of Downfield Lane. To the east are open agricultural fields. To the west are the rear gardens of established dwellings on Goodiers Lane whilst to the south is further residential properties, including the recently constructed Newlands Home development of 22 houses, permitted in 2015 (13/01205/FUL). The site is located in the Landscape Protection Zone identified in the adopted and emerging local plans.
- 1.2. The proposal is for up to 52 dwellings. The application is made in outline form with all matters reserved except for access. The application supported by an indicative planning layout plan which shows a single point of vehicular access onto Downfield Lane at the southern end of the site, opposite the dwelling known as Tater-du. The indicative plan also shows, amongst other things, an area of open space to the south west corner of the site to act as a buffer between existing and proposed dwellings; a SuDS feature in further green space, with an 'active footpath' in the south-east corner of the site; and an orchard and allotments in the north-west corner.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
T.6181	Outline application for residential development. New vehicular access.	REFUSE	18.04.1973

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, INF5, INF6, INF7.

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

- 3.4. Policies: Policies: RCN1, TPT3, TPT6.

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

- 3.5. Policies: ES2, RES3, RES4, RES5, RES12, RES13, DES1, HER4, LAN4, NAT1, NAT3, ENV2, RCN1, COM2, COM4, TRAC1, TRAC2, TRAC3, TRAC9.

Twyning Neighbourhood Development Plan 2011- 2031.

- 3.6. Policies: GD1, GD3, GD4, GD5, GD6, GD7, GD8, GD9, H2, H3, LF1, E3, TP1, TPT2, ENV2, ENV3.

- 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. **Twyning Parish Council** – objecting to this application in that the proposed site is not an appropriate location due to the adverse impact of traffic movements versus safe access to the primary school. We do not believe this hazardous situation could be mitigated in any way and that is perhaps why no infrastructure offer is included within the application.

The proposed development conflicts with Policies SP2 and SP10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and Policy GD1 of the Twyning Neighbourhood Development Plan (17 April 2018) 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.

Policy RES1 of the pre-submission version of the Tewkesbury Local Plan has not identified any further sites for development in Twyning Parish. RES4 would indicate that 52 houses is not an appropriate or proportional development strategy.

There are NO regular bus services in Twyning - just one on a Monday.

We consider that 52 houses in this location without adequate means of discharging water from the site, would create a flood risk to adjacent land and roadways.

The proposal is an outline application which, if allowed, may give rise to buildings which are out of character or harmful to the amenity of Twyning.

The Parish Council consider that there are 3 issues which remain unresolved on this site. The site is outside the development boundary. There is an issue with the large water main and 15 metre easement. There is no workable solution on access and road safety. The Parish Council have not been included in any consultations with the highways authority.

In addition:

- a) We agree with the comments in the Road Safety Audit submitted by the Applicants that the area has no footpath or lighting which will be detrimental to future road safety particularly after dark and inclement weather.
- b) To ensure public safety a footpath would be required all the way between the site and the Village School.
- c) The Village Green option referred to in the Road Safety Audit is not possible because the Village Green, and the verges, are registered as a Village Green and are also subject to grazing rights.
- d) While Fleet Lane currently has a good safety record there is a great increase in traffic caused by the new Newland Homes development and the large Park Home complex. There is already a large increase in trade vehicles servicing these areas.
- e) The Applicants response to the Road Safety Audit does mention the footpath situation.
- f) It is not acceptable to expect, or permit, Residents to have to walk in the middle of the road to reach the Village Shop or the School.

Strategic Housing and Enabling Officer – Proposed 40% affordable housing meets policy requirement. Proposes a slightly altered mix to that put forward by the applicant.

Tree Officer – No objection subject to conditions.

Environmental Health Adviser – No objection to the application in terms of road traffic noise adversely impacting future residents. In order to minimise any nuisance during the construction phase from noise, vibration and dust emissions the applicant should refer to the WRS Demolition & Construction Guidance (attached) and ensure its recommendations are complied with. No objections in respect of air quality subject to conditions.

County Archaeologist - there is a low risk that the proposed development will have any adverse impacts on archaeological remains; no further archaeological investigation or recording required.

Gloucestershire Highways Development Management – No objection subject to conditions.

Gloucestershire County Council Strategic Infrastructure – The following contributions are requested to make the development acceptable in planning terms:

Pre-school - £235,419.60.

Primary - £321,740.12.

Secondary (11-18) - £334,324.64.

Libraries - £10,192.

Lead Local Flood Authority – No objection subject to conditions.

Highways England – No objection.

Natural England – No objection subject to a condition to secure mitigation to safeguard the interest features of the Upham Meadow and Summer Leasow Site of Special Scientific Interest.

CPRE – Object. The site is not included in the NDP or Tewkesbury Borough Plan. Whilst Twyning is a service village this should not lead to indiscriminate building. The site is too large to be considered under policy RES4 of the emerging borough plan. RES4 also says there should not be a cumulative adverse impact: Twyning has already had a substantial amount of new housing and should not be expected to take more until there has been satisfactory cohesion between the existing village and new developments.

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. 53 letters of objection have been received raising the following issues:
 - The site is not allocated for new housing and the village does not need more new housing; the indicative requirement for dwellings (75) up to 2031 set out in the NDP has already been met.
 - Twyning has already suffered a substantial amount of new housing in the last 3 years.
 - The roads are not suitable for accommodating the extra traffic.
 - Additional traffic would increase noise pollution.
 - The area floods.
 - The area has no footpath or lighting therefore there would be road safety concerns particularly in the dark and inclement weather.
 - A footpath is needed to ensure safe access to the school.
 - The village amenities already cannot cope with the amount of people requiring them, especially the village school where children who currently live within the village are not guaranteed a place.
 - There are no regular bus services to and from Twyning.

- Between the proposed site and the village centre residents need to pass by the village school and village shop. This is a serious bottle neck during school term time and subject to indiscriminate parking.
- The site is outside the Development Boundary, as agreed by the residents of Twyning Parish through the Twyning NDP and is also contrary to the JCS.
- The site is not included in the draft Borough Plan.
- Drainage at the bottom end of the village is currently very bad. Natural topography in the area drains to the bottom corner of the site. The proposed balancing pond would easily flood with nowhere for excess to go. Road run off is poor, with drains not coping causing flooding at the corner of Fleet Lane and Downfield Lane. Additionally, the drains pop open and overflow at Goodiers Lane in times of heavy rainfall. This situation has worsened severely recently and can be expected to worsen again with an additional 52 houses.
- The site is visible from a number of vantages including Bredon Village and Bredon Hill; the village aesthetic would be damaged.
- The site is ridge and furrow land.
- A mains sewer and 14m easement run through the site which makes the development unviable.
- The application fails to provide good quality permeable routes to local services and pedestrian and disabled movement is not prioritised. This scheme will certainly not contribute towards creating and enhancing pedestrian routes.
- The proposal would have an unacceptable impact on the property known as Surtees on Goodiers Lane due to loss of privacy and outlook/view.
- There is limited employment within the area forcing residents to commute to work.
- Approval of the application would not align with the Council declaring a climate change emergency.
- There is often congestion around the village access off the M50 slip road; further development will only add to this.
- The existing Newlands Homes site still has some plots left unsold.
- Downfield Lane is a great example of a natural habitat, with rural hedgerows and grazing fields for animals and wildlife. This should not be destroyed under any circumstances.
- There are far better sites to be considered where traffic would not be required to travel through the village.
- The village and community requires a period of less extensive development to ensure our new families settle in and the community retains its friendly nature.
- The proposal threatens the nearby SSSI.
- There will be a decrease in air quality and increase in light pollution.

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, 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 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 GD1 of the Twyning Neighbourhood Development Plan (TNDP) states that proposals for new housing outside the development boundary, and not on sites designated for residential development, in the open countryside will be supported if they meet one or more of the following criteria and comply with all other policies in the development plan:
 - a) Replacement dwellings;

b) Rural exception housing to meet an identified Parish need in accordance with Tewkesbury Borough Council policy;

c) Agricultural and forestry dwellings;

d) Where proposals would involve the re-use or conversion of an existing building and accords with the relevant development principles set out at Policy GD3; or

e) The future Local Plan for Tewkesbury identifies an additional need for further housing in Twynning as a service village beyond the sites designated for residential development in this plan and the defined development boundary.

- 7.3. The application site is Greenfield land that lies outside of the defined settlement boundary for Twynning as defined in the Twynning Neighbourhood Development 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 policy SD10 of the JCS and policy GD1 of the TNDP.

The Council's 5 Year Housing Land Supply and the implications of the NPPF

- 7.4. Whilst the proposal is contrary to Policy SD10 of the JCS and Policy GD1 of the TNDP, 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 4.35 years supply of housing can be demonstrated (as set out in the latest Five Year Housing Land Supply Statement published in December 2020). In this scenario, paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date (including policies for the provision of housing where a five year supply cannot be demonstrated), 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. Members will be aware of the recent appeal decision at Ashmead Drive in which the Inspector concluded that the Council can demonstrate a 1.82 year supply of deliverable housing sites. This is principally because the Council includes advanced delivery (or 'oversupply') against annual housing requirements in its five-year supply calculations. Appeal decisions are not binding precedents however. Officers consider that, on the context of the plan-led system, it is wrong not to take into account houses that have already been delivered during the plan period, essentially ahead of schedule, and which meet the needs being planned for in the area. Officers' advice is therefore that a 4.35 year supply can be demonstrated at this time.

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 four of the stated criteria apply. One of those criteria is that any NDP was 'made within the last two years. However the TNDP is more than two years old as it was adopted as part of the development plan on the 17th April 2018.

Status of the Twyning Neighbourhood Development Plan

- 7.6. 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:
- i. the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
 - ii the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
 - iii 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
 - iv the local planning authority's housing delivery was at least 45% of that required over the previous three years.
- 7.7. The TNDP was adopted as part of the development plan on the 17th April 2018 and is therefore older than two years. Consequently, it no longer benefits from the protection that would have been afforded by paragraph 14 of the Framework. However, the TNDP remains an integral component of the adopted development plan and decision makers should continue to have full regard to it in determining planning applications.

Conclusions on Principle of Development

- 7.8. It is noted that objections have been raised on the grounds that Twyning has met, if not exceeded, the numbers referred to in the NDP which arose from the Housing Background Paper supporting the JCS/Borough Plan. Nevertheless these numbers were indicative only and whilst the conflict with the development plan weighs against the proposal, it's policies in relation to the provision of housing are out of date for the reasons set out in paragraph 7.4 above and the presumption is that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPFs policies as a whole.

Access and highway safety

- 7.9. 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 TRAC9 of the emerging TBP state that proposals need to make provision for appropriate parking and access arrangements. Policy TP1 of the TNDP echoes this and states that development will only be permitted where it will not cause a severe adverse traffic impact and increase in the volume of traffic within Twyning Parish that cannot be acceptably mitigated, particularly where the road network is narrow and pedestrian facilities inadequate.
- 7.10. A number of concerns have been raised by the local community in respect of traffic and transport, including the suitability of the local road network to take additional traffic, accessibility and road safety, particularly the lack of a footway between the site and the rest of the village.

- 7.11. The applicants engaged in detailed pre-application discussions with the Local Highway Authority. The application is supported by a technical note on transport and a Stage 1 Road Safety Audit which has been amended and commented on during the application process.
- 7.12. The application advises that the vehicular access to the application site would be accessed by a simple priority junction, which is to be served from Fleet Lane. The access is proposed to be located approximately 25m west from the south east corner of the site on the southern boundary, in the vicinity of the existing field gate. The existing field gate at the north east corner of the site, on to Downfield Lane, would be blocked off as part of this scheme.
- 7.13. Given the proximity of the site to Junction 1 of the M50, Highways England were consulted and they offered no objection.
- 7.14. In respect of the local highway network, Gloucestershire County Council as Local Highway Authority (LHA) were involved in detailed pre-application discussions with the applicant and a copy of the pre-application response from the LHA was provided as part of the application.
- 7.15. The LHA confirm that application contains details of the junction with Fleet Lane, trip rates and indicative site layout. In respect of the junction with Fleet lane, the LHA confirm that the visibility splays and design are considered suitable and no objection is raised subject to conditions. The LHA are also satisfied that the trip generation rates provided by the applicant are suitable for the scale and location of the proposed development.
- 7.16. Whilst the application is made in outline, the LHA have assessed the illustrative layout provided with the application and consider that the internal roads and parking appear to be broadly acceptable however full details, including vehicle and cycle parking, swept path analyses for all types of vehicles, traffic calming measures and pedestrian/cycle routes would need to be fully assessed at reserved matters stage. Similarly, in general terms, numbers of vehicle/cycle parking spaces meets minimum standards but again, would be fully considered at reserved matters stage.
- 7.17. With regard to accessibility, it is noted that Twyning is identified as a service village and has suitable levels of services and facilities to support limited growth. These facilities include a primary school, church, village store and public houses. The LHA has recommended a condition which would require each dwelling to include an additional habitable room to facilitate working from home. Whilst the reason for this is understood (particularly at this current time) it is not considered that such a condition would be reasonable, necessary or enforceable and as such would not meet the statutory tests for conditions.
- 7.18. Discussions have taken place throughout the process as to whether a footway connection linking the site to the rest of the village should be required. The Parish Council is of the view that, to make the development safe, a footway should be provided all the way from the site to the village school.
- 7.19. The LHA does not consider that a footway is necessary. The TN submitted with the application provides a survey of existing traffic flows recorded at the junction at the corner of the Green closest to the application site were very low (37 in the AM peak hour and 38 in the PM peak hour). The number of pedestrian movements that would arise from the proposed development are estimated to be around 11 or 12 pedestrian movements during the AM peak hour (one every 5 minutes on average) and around 5 or 6 (one every 10 minutes on average) during the PM peak hour. In combination with relatively low speeds it is considered that this would result in low potential for conflict over and above the existing situation. The TNB concluded that given the general lack of footways throughout the village, providing one over a short length of lane on the village outskirts would be of limited benefit in any case.

- 7.20. Nevertheless, the Road Safety Audit accompanying the application has been updated to take into account a scenario where a footpath is required and provided recommendations that the footpath would need to be 1.8m wide. This would require the road to be narrowed which would mean it would be only suitable for single lane traffic, and a system of traffic control would need to be introduced to manage traffic flows through the reduced section of carriageway width created by the proposed new footway.
- 7.21. Notwithstanding the above, as set out above the LHA is clear that, based on traffic flows, anticipated pedestrian flows and the available road space, a footway along Fleet Lane is not required. A condition to secure this has therefore not been included in the recommendation.
- 7.22. Overall, whilst it is clear that some journeys would rely on the private car, given the service village status of Twyning, and the recommendation by the LHA that a Travel Plan be secured as part of any approval, the proposal is considered acceptable in this regard. There is no objection from the highways authorities subject to conditions and therefore the application is considered to accord with the above development plan policies.

Landscape impact

- 7.23. The NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. 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. Policy GD4 of the TNDP requires development to respect the local landscape quality and ensure that important public views are maintained wherever possible. Development shall be of a height, massing and appearance that does not adversely affect important public views.
- 7.24. The site is located in the Landscape Protection Zone (LPZ). Saved Policy LND3 of the Tewkesbury Borough Local Plan to 2011 provides, inter alia, that development will not be permitted which has a detrimental visual or ecological effect on the character of the river banks or associated landscape setting of the Severn Vale. This is reflected in Policy LAN2 of the emerging Borough Plan which further requires a balance to be struck between any harm to the LPZ and the need for and benefits arising from development proposals.
- 7.25. The application is accompanied by a 'Landscape and Visual Matters' document (LVMD) which sets out that The site, plus two fields immediately north of the site, were included in the Tewkesbury Borough Council Landscape and Visual Sensitivity Study by Toby Jones Associates. The site, referred to as TWY-03 is judged as having medium visual sensitivity and medium landscape sensitivity. In context with other sites assessed around the village this is the lowest category and the site is one of 4 (out of 13) sites in this lower sensitivity category. 1 of the 4 sites is a recreation ground, the other 3 are all within the Landscape Protection Zone.

- 7.26. The site falls between two character types; Twyning Hills and Twyning Meadows. Given its topography, the site is predominantly in the Twyning Hills area along with most of the existing village. The LVMD identifies the following key visual receptors:
- Residents of some houses along Fleet and Goodiers Lane.
 - Cyclists using National Cycle Route 45 along Fleet and Downfield Lane.
 - Walkers using the Shakespeare's Avon Way along Downfield Lane.
 - Users of eastern sides of the Village Green.
- 7.27. The LVMD summarises that the extent of views is generally restricted to a small geographical area east of the site due to low lying landform and layering effect of hedges and riverside vegetation. The M5 motorway provides a visual barrier particularly where it is raised crossing the river. Key views are very local to the site and there is limited intervisibility between the site and river due to layers of intervening vegetation.
- 7.28. The LVMD concludes that the study site provides good opportunities to accommodate small scale residential development with minimal detrimental effects. There are good opportunities to incorporate local architectural styles and materials and landscape enhancements through native hedge, tree, orchard, meadow planting and pond enhancements. In context with other sites, the LVMD states that around the village, the study site makes a logical growth to the village without significant landscape or visual impacts.
- 7.29. It is agreed that views of the site are limited due to topography, the well-established field boundaries and external features including the M5. There could be long distance views of the site, for example from the new development at Mitton and from Bredon Village and Bredon Hill, however these views would be filtered by existing structural landscaping and would be seen against the backdrop of the existing village.
- 7.30. The Council's Landscape Adviser (LA) has reviewed the application and whilst he questioned the approach to landscape assessment, broadly agrees with the conclusion in the LMVD. In his view the site is capable of accommodating residential development without causing significant adverse landscape and visual impacts, and in particular, without harming the visual amenity of the River Severn. Nevertheless, the LA did however raise some concerns regarding the quantum of development proposed and in particular whether there would be sufficient flexibility within the scheme to avoid harm to important views from the village green and to the rural character of Downfield Lane.
- 7.31. In response to the LAs concerns the applicant submitted further landscape analysis work including an Addendum to the LVMD and 'verified visualisations' which address, in particular, the concerns raised regarding views from the Village Green. A revised illustrative layout plan has also been provide which indicates the potential for one and a half storey dwellings facing Downfield Lane, an improved buffer along Downfield Lane behind the existing field boundary hedge and an improved design with parking and driveways relocated.

- 7.32. The applicants landscape consultant states that whilst the development is visible in views at close proximity from north eastern edges of the village green, the more typical views of development from the central and south western areas of the green. The overall visual context is balanced with the strong character of existing residential settlement set around the village green with glimpses of Bredon Hill above and between houses. It is agreed that, following the additional information submitted, the overall visual amenity experienced from the village green would not be significantly harmed by the proposals. Whilst there are some remaining concerns with the proposed illustrative layout (see below), it is considered that the application as amended demonstrates that 52 dwellings could be delivered on this site without significant and demonstrable harm to the landscape.
- 7.33. The Council's Tree Officer has been consulted and notes that all hedgerows, except a small section required to be removed to provide the access, are proposed to be retained. The proposed orchard is seen as a positive aspect to the development provided that it is stocked with local fruit trees – this can be controlled by condition. Similarly, the proposed development offers a good opportunity to plant native trees both within the site, and within the boundary hedgerows which would enhance biodiversity as well as adding to the structural landscaping. Again, these can be secured by condition, as can protective measures for the existing trees/hedgerows proposed to be retained.
- 7.34. In light of the above, there would be some landscape harm arising from the proposals, given the encroachment into the countryside. Nevertheless, the site's location adjacent to the existing settlement, the existing structural landscaping in the area and the potential to further minimise harm through sensitive design at reserved matters stage, it is not considered that this harm would be significant.

Design and layout

- 7.35. The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Policy SD4 of the JCS advises that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. At a local level, Policy GD3 of the TNDP states that new development should reflect the historical growth that has shaped the distinctive character of Twyning Parish respecting the pattern of development, its grain, density and materials within the immediate area.
- 7.36. Whilst all matters except access are reserved the application is accompanied by an illustrative layout which indicates how the proposed quantum of development could be achieved on the site. The layout shows an orchard/allotment area to the north-west of the site where it abuts properties on Goodiers Lane. There is also a landscape buffer along the site boundaries with Downfield Lane and Fleet Lane, and in the south-west corner of the site where the site abuts existing residential properties. Whilst there is no buffer shown in the mid-section of the western boundary, this is at a point where the adjoining properties have very long back gardens.

- 7.37. The proposal can be seen as a logical extension to the village in terms of morphology, sitting adjacent to the existing settlement edge and opposite the recent Newland Homes development on Fleet Lane. The development would continue the theme of housing development that took place in the latter half of the 20th century around Hill End Road, Hill View Lane, Goodier's Lane, Nut Orchard Lane and Paxhill Lane. The extended buffer to the southern and eastern boundaries help to provide a transition between the proposed built form and the landscape. There are some concerns with the proposed layout, particularly at its northern end, and how this reflects the existing pattern of development. Nevertheless, these matters of detail can be addressed at reserved matters stage and officers are satisfied that the proposed layout indicates that 52 dwellings can be achieved on the site in an environmentally acceptable way.

Drainage and flood risk

- 7.38. 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 PSTBP policy ENV2. Similarly, Policy GD7 of the TNDP states that for developments in areas with known surface water flooding issues, appropriate mitigation and construction methods will be required. New development in areas with known ground and surface water flooding issues will seek to provide betterment in flood storage and to remove obstructions to flood flow routes where appropriate.
- 7.39. The application is supported by a Flood Risk Assessment and Drainage Strategy (FRADS) site which confirms that the site is located in Flood Zone 1 and at low risk of river flooding. The FRADS advises that ground investigation carried out in relation to the recent development on the opposite side of Fleet Lane suggests that suitable percolation is available in the area to allow for the development to be served by soakaways, infiltration trenches, and an infiltration basin.
- 7.40. The FRADS concludes that subject to the proposed mitigation measures, the development could proceed without being subject to significant flood risk. The development would be at low risk from pluvial, fluvial and groundwater sources of flooding and the impact on the wider area would be addressed by limiting run-off to the same rate as the existing greenfield run off. The foul sewerage is proposed to discharge to an existing network within the site and the surface water will connect into an existing culvert in Fleet Lane.
- 7.41. Issues have been raised during the consultation process regarding the existing sewerage system serving the village.
- 7.42. The Lead Local Flood Authority (LLFA) note the low risk from all sources of flooding and that whilst in the southern east corner of the site there is a greater risk of flooding from groundwater, no buildings are being proposed in that area. The LLFA were originally concerned about the lack of detail, particularly the lack of certainty over the alternative potential strategy of discharging into a watercourse to the south of Fleet Lane as this falls outside the red line boundary of the site however it has since been clarified that this watercourse falls wholly within the highway boundary and the site therefore has a suitable discharge strategy, should infiltration not be viable.

- 7.43. The LLFA is satisfied that surface water will be directed into and stored in an infiltration basin or attenuation basin and the applicant has demonstrated there is sufficient space on site to store the required volume for a 1 in 100 year plus 40% for climate change. They advise that the applicant has demonstrated that there is a viable discharge strategy for the site and that the development will not increase the risk of flooding elsewhere. The proposals also include appropriate measures to manage water quality and have correctly accounted for climate change.
- 7.44. Officers are aware that there have been issues with foul sewage in the village; this is an issue which has arisen during previous applications. Severn Trent Water (STW) have been consulted as the relevant statutory undertaker for foul sewerage in the area.

Affordable housing and Housing mix

- 7.45. 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. Policy H3 of the TNDP requires affordable housing to be in accordance with the Council's adopted development plan policies.
- 7.46. The application is accompanied by an affordable housing statement which proposes that 40% of the proposed housing would be affordable, four of which would be 1-bed, nine which would be 2-bed and eight would be 3-bed.
- 7.47. The Strategic Housing and Enabling Officer (SHEO) has been consulted and has welcomed the provision of 40% affordable housing, suggested a 70/30 split in favour of rented accommodation. The SHEO proposes a slightly different mix however as there is an identified need for a 4-bed unit in the area; this would replace one of the 3-bed units proposed by the applicant.
- 7.48. The applicant is also proposing to offer 2 dwellings, which equates to 5% of the total number of units, as self-build/custom-build serviced plots. This is welcomed and is a minor benefit in favour of development, contributing towards the Council's duty to provide custom/self-build plots.
- 7.49. JCS Policy SD11 requires an appropriate mix of dwelling sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. In accordance with the most up to date Strategic Housing Market Assessment (SHMA). This is further reflected in Policy H2 of the TNDP and Policy RES13 of the emerging Borough Plan, which both require a mix of housing in terms of dwelling size, type and tenure.
- 7.50. The application proposes the following mix of open-market housing
- 4 x 2 bed bungalow
 - 3 x 3 bed bungalow
 - 12 x 3 bed house
 - 12 x 4 bed house

- 7.51. The proposal does not meet the mix as set out in the Gloucestershire Local Housing Needs Assessment 2019 – Final Report and Summary (September 2020) which provides the most up to date evidence based to inform the housing mix on residential applications. In Tewkesbury Borough, 3% of new market dwellings should be one-bedroom properties, with 13% having two bedrooms, 54% containing three bedrooms and 29% having four bedrooms or more. Nevertheless, there is not a significant divergence and some benefits in the provision of bungalows; in any event this is a matter which can be secured by condition.
- 7.52. Overall the proposals in respect of affordable housing and market housing mix are broadly acceptable subject to final details being agreed by way of planning obligations/condition respectively.

Biodiversity

- 7.53. 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.
- 7.54. The application is accompanied by an Ecological Appraisal (EA), the key findings of which were that the site consists of a field of poor semi-improved grassland enclosed by species-poor hedges and fences. The boundary hedgerows are used by low numbers of foraging bats but no significant commuting routes were identified although it was noted that the current proposals would use the existing access and retain the remaining boundary hedges. There is low potential for small Dormice. The presence of reptiles is unlikely but cannot be entirely ruled out. Great Crested Newts were found to be likely to be absent. The EA recommended various measures to be incorporated into the scheme which can be secured by an appropriately worded planning condition.
- 7.55. Notwithstanding the above, Natural England have commented on the proposals and raised concern regarding the potential for the interest features for which the Upham Meadow and Summer Leasow Site of Special Scientific Interest, which lies within 1km of the application site, has been notified to be affected by the proposed development. The SSSI is open access but with restrictions between March and July to allow the ground nesting wild birds to breed. The site is of significant importance for breeding curlew. Consequently Natural England recommend a condition to be imposed which would secure a suitable Homeowner Information Pack including information about alternative local recreation resources to offer new homeowners a choice of places to go; and 'Countryside Code' type information explaining for example the need to keep dogs on leads when walking on or near sensitive sites like the SSSI.
- 7.56. Therefore subject to conditions to secure on site mitigation and a homeowner pack to protect the special interest of the SSSI, the proposal is considered to be acceptable in respect of ecological impacts.

Open space and play facilities

- 7.57. (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.
- 7.58. Assuming that the 52 dwellings would have an average 2.32 persons per dwelling, the population increase would be 121 persons. As such, based on policy RCN1, there would be a resulting requirement for the provision of approximately 0.3 hectares, half of which should be playing pitches. The indicative layout shows sufficient space for the provision of the necessary on-site open space which would be required to include a Locally Equipped Area for Play' can be secured by an appropriate planning obligation. Given the number of dwellings proposed, the provision of a playing pitch could not be justified. Subject therefore to an obligation to secure appropriate levels of on site, usable open space, the proposals are acceptable in this regard.

Education/Library provision

- 7.59. JCS Policy requires delivery of appropriate on/off-site infrastructure and services generated by development. 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. Policy INF4 of the JCS requires appropriate social and community infrastructure to be delivered where development creates a need for it. 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.
- 7.60. Gloucestershire County Council as Local Education Authority (LEA) has been consulted and requested contributions towards education provision in line with its cost multipliers and pupil yields. In respect of Early Years (pre-school) provision the LEA advises that this is very much concentrated in Tewkesbury and Northway; there is very limited provision in Twyning itself. In view of this the LEA advises that a full contribution is appropriate, in order to extend the Early Years offer in the area to address shortfalls and meet parental requirements and GCC's statutory duty.
- 7.61. In respect of Primary provision it is advised that Twyning Primary School is forecast to be over capacity across all 4 years of the new 2020 forecasts. The most recent census shows only one year group (Y6 who will move to secondary Sept 2020) with capacity. The LEA advise that this small school is already feeling the effects of existing development, without taking into account the yield from other anticipated development. Therefore a full primary contribution is justified.
- 7.62. The LEA advise that there is some forecast spare capacity in Secondary provision in the area, however the cumulative yield from previously proposed developments much closer to Tewkesbury School more than uses up this surplus. On that basis a full secondary contribution.

- 7.63. Consequently, the LEA has requested the following contributions which are required to make the development acceptable in planning terms.

Pre-school - £235,419.60

Primary - £321,740.12

Secondary (11-18) - £334,324.64

- 7.64. In respect of libraries, GCC advise that a contribution of £10,192 (£196 per dwelling) is required to meet demand generated by the development for library facilities.
- 7.65. The above contributions are considered to be justified in the context of the CIL regulations and subject to s106 obligations to deliver these contributions, the proposed development would be acceptable in this regard.

Other Matters

- 7.66. There are no protected heritage assets in close proximity to the site, the setting of which would be affected by the proposed development. The County Archaeologist has been consulted and the site is considered to have low archaeological potential and no further work is required in this respect.

Community Infrastructure Levy/Section 106 obligations

- 7.67. 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 obligations 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.
- 7.68. 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.
- 7.69. In October 2018 the Council adopted CIL and implemented the levy on the 1st January 2019. Nevertheless, 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 as set out in the relevant sections above. Officers consider that these obligations are justified in the context of CIL regulation 122 and should be taken into account in making the decision.
- 7.70. The s106 requests set out in this report are considered to meet the relevant tests and would therefore be lawful.

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. In respect of housing policy, the proposed development conflicts with the development plan in so far as it is not in an area allocated for housing development and does not meet any of the exceptions set out in JCS Policy SD10. There is also conflict with the Twynning NDP as the site is outside the development boundary and again, does not meet any of the criteria for new housing in such areas.
- 8.3. Nevertheless, as set out above the Council cannot demonstrate a five year supply of deliverable housing sites. In such circumstances, in accordance with paragraph 11 (and footnote 7) of the NPPF, the above policies relating to the provision of housing are considered to be out of date and the presumption is that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPFs policies as a whole.

Benefits

- 8.4. The benefits of the proposal are clear in that the proposal would deliver up to 52 dwellings which would contribute towards ongoing supply, particularly in the context of the five year supply shortfall. Of the proposed dwellings, 40% (21 units) would be affordable and, subject to an agreed planning obligation, would meet the identified needs of the area. These benefits attract significant weight in the overall planning balance. The proposal would similarly result in economic benefits, both during and post-development, including increased spend in the local economy. These economic benefits attract moderate weight in the overall planning balance.

Harms

- 8.5. In addition to the harm by reason of conflict with the development plan (which must assume lesser weight in the context of the five-year supply position), there would be some harm to the landscape by reason of encroachment into the countryside. Nevertheless, as set out above, given the site's location adjacent to the existing settlement, the existing structural landscaping in the area and the potential to further minimise harm through sensitive design at reserved matters stage, it is not considered that this harm would be significant.

Neutral

- 8.6. Having regard to the policies of the development plan and the responses of technical consultees, subject to the imposition of suitable planning conditions and agreed planning obligations, there are no objections in respect of design, traffic and transport, drainage, biodiversity, infrastructure and heritage.

Conclusion

- 8.7. As set out above, the Council cannot demonstrate a five-year supply of deliverable housing sites, The conflict with the development plan, including the NDP is a serious matter however the policies for the provision of housing are out of date in the context of paragraph 11 of the NPPF and must necessarily attract less weight.

- 8.8. Whilst there would be some harm arising from encroachment into the landscape, this harm would not be significant.
- 8.9. It is therefore concluded that there would be no significant and demonstrable harms arising from the proposed development which would outweigh the benefits when read against the NPPF as a whole. It is therefore recommended that the **grant of planning permission, subject to the conditions below, is delegated to the Development Manager subject to the addition/amendment of planning conditions as appropriate, and the completion of an agreement to secure the following heads of terms**

Affordable housing – 40%

On-site open space/play equipment

Travel Plan

Pre-school - £235,419.60

Primary - £321,740.12

Secondary (11-18) - £334,324.64

Libraries - £196/dwelling

CONDITIONS:

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

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

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

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

3. The development hereby permitted shall be begun either before:

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

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

4. All applications for the reserved matter of external appearance shall include details of all materials to be used in the construction of the external surfaces of the proposed buildings and hard surfaces. The development shall then be carried out in strict accordance with the approved details.

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

5. The first reserved matters application submitted pursuant to condition 1 shall include the submission of a Housing Mix Statement to the Local Planning Authority for its written approval setting out how an appropriate mix of dwelling sizes, types and tenures will be provided in order to contribute to a mixed and balanced housing market to address the needs of the local area, including the needs of older people, as set out in the local housing evidence base, including the most up-to-date Strategic Housing Market Assessment for the area at the time of the submission of the relevant reserved matters. The development shall be implemented in accordance with the approved Housing Mix Statement.

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

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

Reason: In the interests of amenity.

7. The details submitted for the approval of reserved matters shall include a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatments shall be completed in accordance with the approved details before the buildings are occupied.

Reason: To ensure a satisfactory appearance to the development.

8. The 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.

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

Reason: In the interests of visual amenity.

10. The proposed development shall be carried out in accordance with the Waste Management Plan: Construction Control and Minimisation document by Newland Homes submitted to the Local Planning Authority on 6 January 2020.

Reason: To ensure the effective implementation of waste minimisation.

11. 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.

12. Prior to occupation of the development hereby permitted until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority, setting out;
- i. objectives and targets for promoting sustainable travel,
 - ii. appointment and funding of a travel plan coordinator,
 - iii. details of an annual monitoring and review process,
 - iv. means of funding of the travel plan, and;
 - v. an implementation timetable including the responsible body for each action.

The approved Travel Plan shall be implemented in accordance with the details and timetable therein.

Reason: The development will generate a significant amount of movement and to ensure that the appropriate opportunities to promote sustainable transport modes are taken up in accordance with paragraphs 108 and 111 of the National Planning Policy Framework.

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 in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

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

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

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 in accordance with paragraph 108 and 110 the National Planning Policy Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 127 of the Framework.

16. Prior to the access hereby permitted being brought into use the existing hedge to the left and right of the access shall be cut back to provide the required visibility splays shown on approved plan no 2019-F-009-008.

Reason: To ensure that safe and suitable access to the site can be achieved for all users in accordance with paragraph 108 of the National Planning Policy Framework.

17. The proposed development shall be carried out in accordance with the Worcestershire Regulatory Services Demolition & Construction Guidance.

Reason: To minimise any nuisance during the construction phase from noise, vibration and dust emissions

18. Applications for reserved matters for all proposed buildings shall include details of secure cycle parking facilities.

Reason: To help to reduce congestion and emissions and improve air quality and public health.

19. No development shall commence on site until a detailed Sustainable Drainage System (SuDS) Strategy document has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall be in accordance with the proposal set out in the applicant's submission (Flood Risk Assessment and Drainage Strategy, 25 October 2019, Ref.: 792-ER-01). The SuDS Strategy must include a detailed design. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The approved scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

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.

20. 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.

21. No dwelling hereby approved shall be occupied until the need for foul sewerage improvements have been investigated and the resulting foul sewerage improvements have been fully implemented and completed and confirmed as such by Severn Trent Water Limited in writing to the Local Planning Authority.

Reason: To ensure suitable foul drainage is provided to serve the proposed development.

22. Prior to the first occupation of any dwelling, a Homeowner Information Pack (HIP) setting out the location and sensitivities of the Upham Meadow and Summer Leasow Site of Special Scientific Interest shall be submitted to and approved in writing by the Local Planning Authority. The HIP shall include information on local recreation including both destinations for visits in the area, the sensitivities of local and designated sites and steps homeowners can take to conserve the SSSI and its wildlife for future generations while enjoying it themselves. Two copies of the HIP shall be provided to all future residents prior to the occupation of each dwelling.

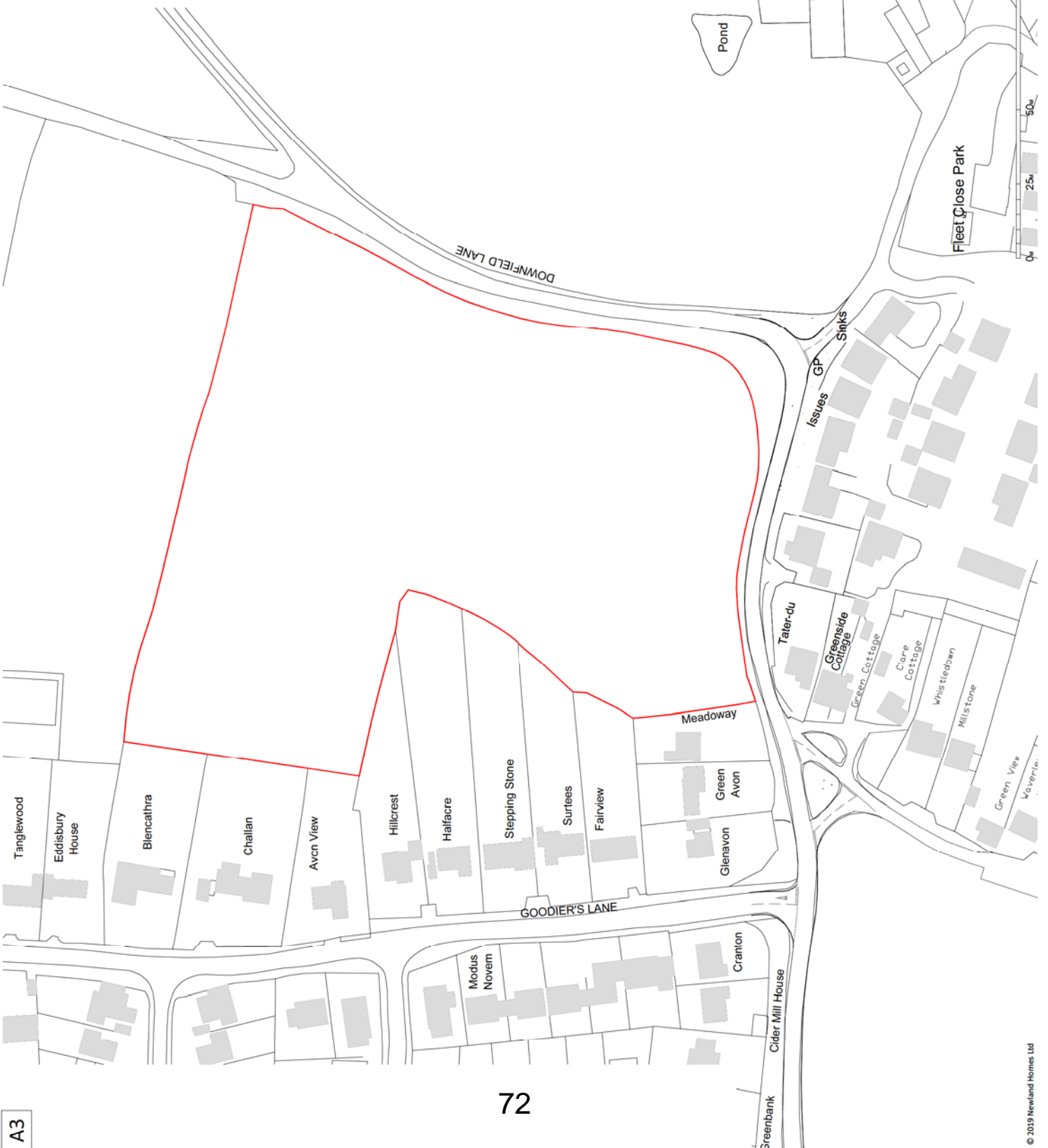
Reason: To protect the interest features for which Upham Meadow and Summer Leasow Site of Special Scientific Interest has been notified.

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. Section 278. The upgrade works to the access on Fleet Lane and new access to the development, as shown in diagram 2019-F-009-008, require alteration to the existing highway network and must be undertaken by the Highway Authority or its appointed agents. An Agreement under Section 278 of the Highways Act 1980 will be required. The Local Highway Area office will need to be contacted prior to commencement of work on the access. The applicant is also advised that it is an offence under section 161 of the Highway Act 1980 to deposit anything on a highway the consequence of which a user of the highway is injured or endangered. It is strongly recommended that during any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided and used within the site, to prevent contamination and damage to the adjacent roads.

3. The Developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the Developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.
4. The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency.
5. Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

DO NOT SCALE FROM THIS DRAWING
 All dimensions to be checked on site prior to manufacture of prefabricated items. Any discrepancy or query to be reported and clarified before associated work proceeds. All construction to be in accordance with relevant Trade and Professional Standards and Guidelines, Statutory requirements and product manufacturers' specifications. Read in conjunction with Finishing specification, Workmanship specification, all other associated drawings issued and details which may be issued from time to time.



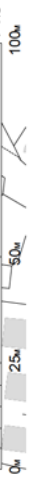
A3

Rev	Description	Date	Initial	Checked



Downfield Lane, Twynning
Phase 2
 Location Plan

CC
 Drawn
 15.10.2019
 Initial Date
 1:1250@A3
 Scale
792-01
 Drawing No.
 Revision



DO NOT SCALE FROM THIS DRAWING
 All dimensions are based on the site plan. Any dimensions shown on this drawing are for information only and should not be used for construction purposes. The site plan is a conceptual drawing and should not be used for construction purposes. The site plan is a conceptual drawing and should not be used for construction purposes. The site plan is a conceptual drawing and should not be used for construction purposes.



A1

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Rev	Description	Date	By	Checkd
A	Submission of site plan to Planning Department	20/07/2018	SR	SR



Downfield Lane, Twynning
Phase 2
 Planning Layout

1:50@A1
 July 2018
 792-06
 © 2018 Newland Homes Ltd

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	16 February 2021
Site Location:	Brookfield Ashchurch Road Tewkesbury Gloucestershire GL20 8JY
Application No:	20/00294/FUL
Ward:	Isbourne
Parish:	Ashchurch Rural
Proposal:	Erection of 3 no. dwelling houses.
Report by:	Bob Ristic
Appendices:	Site location plan. Site layout plan. Elevations.
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application site comprises the rearmost part of an extensive garden to 'Brookfield' a detached dwelling set on the Southern side of the A46 Ashchurch Road and to the West of the Village Hall.
- 1.2. The site extends across the width of Brookfield and the garden to the adjoining property at Deerhurst House, is presently laid to lawn with a number of trees and shrubs and the land and slopes gently down to the south.
- 1.3. The application originally proposed 4 dwellings (two pairs of 2½ storey semi's). The scheme was amended following discussions with officers and the proposal now seeks planning permission for 3 dwellings comprising one detached 2½ storey unit and a pair of 2½ storey semi's. The site would be accessed from the south through a recently permitted housing development (which is yet to be completed) and would in effect be an extension to the street scene of that development with the properties arranged to front onto an extended access road the development would flank towards the rear elevations of Brookfield and Deerhurst House. **(See site layout and plans).**
- 1.4. The site lies outside of any defined settlement and is not subject to any landscape designations.

2.0 RELEVANT PLANNING HISTORY

2.1 The recent planning history at the application site is set out below:

Application Number	Proposal	Decision	Decision Date
89T/1719/01/02	Change of use from agricultural to domestic garden land. (Retention)	PER	28.02.1990
03/01055/FUL	Garage, porch, bedroom and ensuite extension.	PER	21.08.2003
07/00137/FUL	Two storey front and rear extensions providing sitting room, lounge, study, bedroom and ensuite extensions	PER	10.04.2007

2.2 The planning history for the development (Land Behind Newton Cottages) from which the application site would be accessed is set out below:

Application Number	Proposal	Decision	Decision Date
14/00343/OUT	Outline application for the erection of up to 45 dwellings to include open space and new vehicular access (appearance, landscaping, layout and scale to be reserved for future consideration)	PER	18.10.2017
18/00794/APP	Application for the approval of reserved matters pursuant to outline planning permission 14/00343/OUT (appearance, landscaping, layout and scale) for 44 dwellings and open space (Access previously approved).	APPROV	26.09.2019

3.0 RELEVANT POLICY

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

National guidance

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

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

3.3. Policies: SP1, SP2, SD3, SD4, SD6, SD10, SD11, SD14, INF1.

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

3.4. None.

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

3.5. Policies: RES1, RES2, RES3, RES4, RES5, RES13, TRAC1, TRAC9.

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

4.0 CONSULTATIONS

4.1. The following representations have been received in response to the originally submitted scheme:

4.2. **Ashchurch Rural Parish Council** – Object.

- Potential noise from village hall carpark.
- Previous approvals problematic for hall management and residents.
- Trees along boundary screen noise from hall and playground.
- Trees should be retained for privacy and wildlife.
- Water flowed through gardens in 2007 floods.
- Tirl Brook submerges school field.
- Possible restrictive covenant.

4.3. **Ashchurch Village Hall Committee**

- Potential noise from village hall carpark used daily.
- Public amenity cannot be guaranteed.
- Problems from hall to residents.
- Existing trees screen noise.
- Trees should be retained.

4.4 **Highway Authority** – No objections subject to conditions.

4.5 **Urban Design Officer** – (Comments in respect of *originally* submitted development) -

- Piecemeal and cramped form of development.
- Gardens of proposed properties are very small.
- The dwellings are close to the rear of the existing properties.
- May have an overbearing impact.
- Located at end of long cul-de-sac.

4.6 The following representations have been received in response to the revised scheme:

4.7 **Ashchurch Rural Parish Council** – Object.

- Would remove mature trees and hedging that provide screening into neighbouring properties to the west.
- Plot 1 is 3 storeys.
- Would be the highest building within the village.
- Levels are allegedly shown to be the same as Brookfield.
- Views into neighbouring properties is intrusive.
- Landscape will be harmed by removal of trees height of the houses.
- Concur with Urban Design Officer comments.
- Would have an overbearing impact on existing properties.

- Development is piecemeal and cramped and out of keeping.
- Would be located at the end of a very long cul-de-sac.
- Would be poorly connected and integrated.
- The development is opportunistic.
- Would be contrary to policies.
- Not convinced by the drainage and the risk of flooding that this development will create.
- Drainage Officer comments should be sought.

4.8 **Borough Tree Officer** – Some nice trees will be lost however the replacement planting is considered acceptable.

4.9 **Environmental Health Officer** – No objections.

Records show no recent complaints relating to noise in the area.

4.10 **Borough Drainage Adviser** – No objections subject to conditions

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.

5.2. Two letters of representation have been received. The comments raised are summarised as follows:

- Development directly behind house.
- No objection to housing in garden.
- Concerns with design and scale overshadowing and privacy.
- Concerns how it will fit with existing homes in Ashchurch.
- Nearest property would be 18metres away with a 9.5 metre height.
- Existing house 7.1 metres high.
- Lower detached house may be more appropriate.
- Bathroom window should be obscure glazed and fixed.
- 3 storeys is out of character.
- Direct overlooking of school.
- Would remove mature trees.

5.3 A further site notice was posted upon receipt of amended plans. No further representations have been received from members of the public.

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 The application site lies to the south of the A46 at Ashchurch, which is characterised by commercial and residential development along its length. The proposed development would be set to the rear of existing residential development and to the north of a recently permitted housing development (Land Behind Newton Cottages), in proximity to Ashchurch Primary School and Village Hall as well as employment and public transport provision - both bus and rail. The application site is not therefore considered isolated however it is acknowledged that other services such shops and leisure are limited.
- 7.2 JCS Policy SP2 sets out that development outside of Tewkesbury Town and Service Villages and within the remainder of the rural area will be subject to Policy SD10.
- 7.3 JCS Policy SD10 sets out the Council's approach to housing development and states that residential development will be permitted at sites allocated for housing through the development plan. Proposals on un-allocated sites will only be permitted under certain circumstances which includes at paragraph 4.ii '... infilling within the existing built up areas of ...Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District Plans'
- 7.4 The application site is located within the built-up area of Ashchurch, to the rear of a row of existing dwellings, to the north of a recently permitted housing development and to the west of the village hall and associated carpark. The proposed three dwellings would be located on the rear part of an extensive garden area, would infill a gap between existing and pending residential development and would therefore be set in the context of existing built development. The principle of the proposal is therefore to be considered acceptable subject to compliance with other local plan policies and material considerations.
- 7.5 In terms of the emerging Development Plan, this comprises 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).
- 7.6 Policy RES4 supports small scale development of a scale proportionate to the size and function of the settlement, maintains sustainable patterns of development and is well related to existing buildings. It should however be noted that there are a significant number of unresolved objections in respect of this policy which can only be afforded limited weight at this time.

Five Year Housing Land Supply

- 7.7 As set out in the latest Tewkesbury Borough Five Year Housing Land Supply Statement published in December 2020, the Council can demonstrate a 4.35 year supply of deliverable housing sites. On the basis therefore that the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the provision of housing should not be considered up-to-date in accordance with footnote 7 of the NPPF and in accordance with paragraph 11 of the NPPF the presumption in favour of sustainable development (the 'tilted balance') applies. The presumption is therefore that permission should be granted unless policies for protecting assets of particular importance provides a clear reason for refusing the development or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This will be assessed below.
- 7.8 Members will be aware of the recent appeal decision at Ashmead Drive in which the Inspector concluded that the Council can demonstrate a 1.82 year supply. This is principally because the Council includes advanced delivery (or 'oversupply') against annual housing requirements in its five-year supply calculations. Appeal decisions are not binding precedents however. Officers consider that, on the context of the plan-led system, it is wrong not to take into account houses that have already been delivered during the plan period, essentially ahead of schedule, and which meet the needs being planned for in the area. Officer's advice is therefore that a 4.35 year supply can be demonstrated at this time.
- 7.9 Nevertheless, as set out above, as the Council cannot demonstrate a five year supply of deliverable housing sites, the presumption in favour of sustainable development is engaged in this case.

Accessibility and Highway Safety

- 7.10 Paragraph 103 of the NPPF sets out that opportunities to maximise sustainable transport solutions which will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Furthermore, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.
- 7.11 The application site would be accessed through a recently proposed housing development at land behind Newton Cottages and a continuation northward of the previously permitted estate road serving that development. The proposal would provide 8 off street parking spaces as well as 3 additional garage spaces and the formation of a turning head.
- 7.12 The proposed access manoeuvring and parking provisions have been assessed by the Local Highway Authority and no objections have been raised subject to conditions which include the provision of electric vehicle charging points and covered and secure cycle storage.
- 7.13 Accordingly and subject to compliance with conditions set out below it is considered that safe and suitable access can be provided to the site.

Design, Layout and Amenity

- 7.14 The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Policy SD4 of the JCS advises that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. Furthermore, 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.
- 7.15 The proposed development would, in effect, be a continuation of the existing residential development at land behind Newton Cottages and the design and scale of the current proposal would be in keeping with that scheme resulting in acceptable integration with that development (**See attached Street Scene Plan**).
- 7.16 Concerns have been raised with regards to continuing the existing cul-de-sac, layout and relationship with existing dwellings to the North of the site and overlooking of gardens.
- 7.17 The application has been revised since it was originally submitted, reducing the number of proposed dwellings from four to three. This has allowed for a more spacious layout to the development, with increased garden sizes and an improved relationship with existing development to the north.
- 7.18 While the proposed dwellings would be 2½ storeys in height, they would be sited at a lower level than the existing frontage properties due to the fall in the site towards the south and overall height of the dwellings. Furthermore Plot 1 would be set over 21 metres from the rear elevations of Brookfield and Deerhurst, significantly exceeding the typically accepted 'back-to side' relationship of 11 metres. As a result there would be no adverse impacts to this property in terms of loss of light or any overbearing effect.
- 7.19 The proposed development would have a westerly outlook, fronting towards the access drive and gardens to properties beyond. While concerns have been raised with regards to overlooking it should be noted that the development would be located towards the rearmost part of these extensive gardens to adjoining properties which are used informally and a significant distance from the principal amenity areas set to the northeast of the site and around the rear elevations to adjoining properties. Accordingly, there would be no demonstrable harm from overlooking this area.
- 7.20 While the proposal would extend the previously permitted cul-de-sac by approximately 34 metres to service the proposed 3 dwellings this would not result in any demonstrable harm to the character of the area or the living conditions of future occupiers.
- 7.21 Accordingly it is considered that the proposed development would be of an acceptable design layout and scale which would not adversely impact the character of the area or the living conditions of adjoining occupiers.

Drainage and Flood Risk

- 7.22 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.

7.23 The application site is located in Flood Zone 1 and is a location that would be least at risk from flooding. The application has been accompanied by a drainage strategy which demonstrates how the proposed development would connect to the surface and foul drainage provision of the adjacent development. The Council's drainage adviser has confirmed that this arrangement would be acceptable, however development would be reliant on this infrastructure being in place prior to the occupation of the dwellings. It is considered that this can be controlled by an appropriately worded condition to ensure satisfactory drainage arrangements are provided.

Other Matters

7.24 While the proposed development would result in the loss of Leylandii and ornamental trees at the site to accommodate the development which is regrettable, the submitted details however propose the provision of a new 3 metre beech/hornbeam screen to the eastern boundary of the site as well as tree and shrub planting to the front gardens of the plots, which would result in an acceptable appearance and compensatory planting to the development.

7.25 The Village Hall Committee have raised concerns regarding noise impact upon future occupiers given the proximity of the hall to the site. In response the applicant has proposed a 2-metre acoustic fence to the eastern boundary of the site which will serve to minimise impacts of noise. Furthermore, the Council's Environmental Health Officer has raised no objections to the proposal.

8.0 Overall Balancing Exercise and Conclusion

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 that the Council cannot at this time demonstrate a five year supply of deliverable housing sites, the Council's policies for the supply of housing are out of date. In accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas of assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, 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 proposal would deliver three new dwellings in a sustainable and accessible location with good links to Tewkesbury, local employment and services which are a social benefit arising from the proposal.

8.5 There would be economic benefit during the construction phase and further economic benefits would arise from the additional population which would benefit local services though these would be limited given the small scale of the proposal.

Harms

- 8.6 While the proposal would result in existing trees which are not worth of protection, the impacts would be mitigated to a reasonable degree through the provision of compensatory tree planting and landscaping to the development

Neutral

- 8.7 The proposal would be of an acceptable design and scale which would not adversely impact the living conditions of neighbouring occupiers and subject to compliance with conditions would not adversely impact highway safety or increase the risk of flooding within the site or elsewhere.

Conclusion & Recommendation

- 8.8 The proposal would provide three additional dwellings in a sustainable location with good connections to Tewkesbury Town and associated services. There are no significant adverse material issues that would result from the proposal and the scheme would have an acceptable impact on the character and appearance of the area, highway safety and residential amenity. The application is therefore considered to accord with relevant Government Guidance and Development Plan Policies relating to new residential development and it is therefore recommended that the application should 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:

- Drawing no.102_A and 103 received by the Local Planning Authority on 25th March 2020
- Drawing no.104 and 106 received by the Local Planning Authority on 26th August 2020
- Drawing no.6534/21 and Micro Drainage Calculations – ‘File 6534’ received by the Local Planning Authority on 22nd October 2020
- Drawing no.100_E received by the Local Planning Authority on 17th December 2020.

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

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

3. The development hereby permitted shall be carried out in accordance with the materials scheduled on drawing no. 100_E received by the Local planning Authority on 17 December 2020

Reason: To ensure an acceptable appearance to the development.

4. No above ground development shall take place until the foul and surface water drainage provisions have been implemented in accordance with the details set out on drawing no. 6534/21, Micro drainage calculations – ‘File 6534’ received by the Local Planning Authority on 22nd October 2020.

Reason: To ensure acceptable drainage provision and to minimise the risk of flooding.

5. The hard and soft landscaping scheme as set out on drawing no.100_E shall be implemented concurrently with the development and shall be completed in accordance with the approved details no later than the first planting season following the completion of the development.

Reason: To ensure an acceptable appearance to the development.

6. Prior to commencement of built development the development hereby permitted details of a construction management plan or construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- 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: 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.

7. No building or use hereby permitted shall be occupied or use commenced until the means of access for vehicles, pedestrians and/or cyclists have been constructed and completed in accordance with the approved plans.

Reason: In the interest of highway safety.

8. No building or use hereby permitted shall be occupied or use commenced until the car/vehicle parking area (and turning space) shown on the approved plan 100 Rev C has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development.

Reason: To ensure that there are adequate parking facilities to serve the development constructed to an acceptable standard.

9. The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use within secure covered cycle sheds accommodating a minimum of 1 adult bicycle within rear gardens access via direct 1m minimum width pathways.

Reason: To ensure the provision and availability of adequate cycle parking.

10. The development hereby permitted shall not be first occupied until the proposed dwellings have been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities.

11. The development hereby permitted shall be carried out in accordance with the levels set out on drawing no.106.

Reason: To ensure an acceptable relationship with adjoining development.

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. The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.
3. It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy;

and

- Working to create a positive and enduring impression, and promoting the Code.

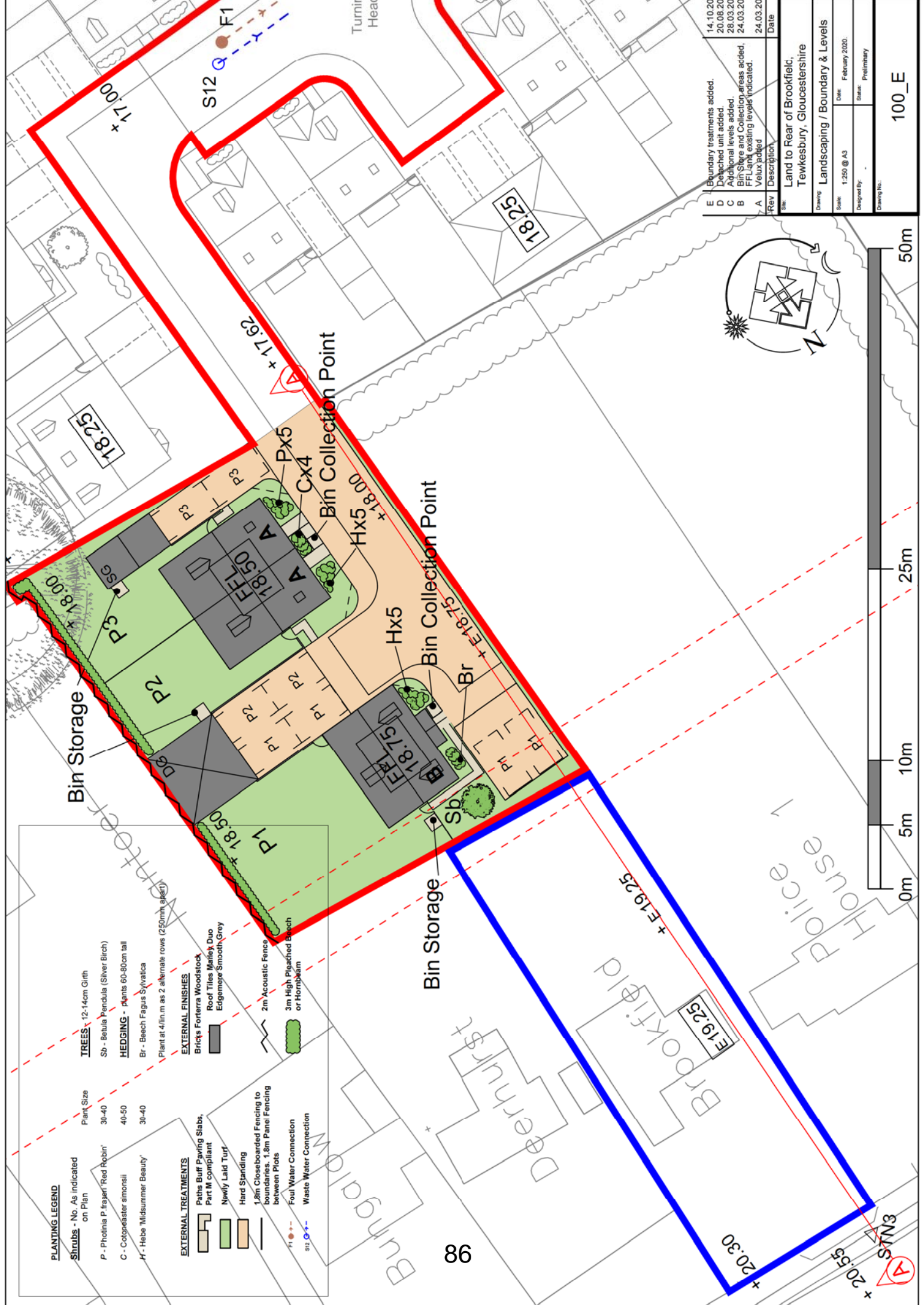
The CEMP should clearly identify how the principle contractor will engage with the local community; this should be tailored to local circumstances.

Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

CEMP can include but is not limited to:

- A construction programme including phasing of works;
 - 24 hour emergency contact number;
 - Hours of operation;
 - Expected number and type of vehicles accessing the site;
 - Deliveries, waste, cranes, equipment, plant, works, visitors;
 - Size of construction vehicles;
 - The use of a consolidation operation or scheme for the delivery of materials and goods;
 - Phasing of works;
- Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):
- Programming;
 - Waste management;
 - Construction methodology;
 - Shared deliveries;
 - Car sharing;
 - Travel planning;
 - Local workforce;
 - Parking facilities for staff and visitors;
 - On-site facilities;
 - A scheme to encourage the use of public transport and cycling;
 - Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
 - Location for storage of plant/waste/construction materials;
 - Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
 - Arrangements to receive abnormal loads or unusually large vehicles;
 - Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
 - Any necessary temporary traffic management measures;
 - Measures to protect vulnerable road users (cyclists and pedestrians);
 - Arrangements for temporary facilities for any bus stops or routes;
 - Highway Condition survey;
 - Method of preventing mud being carried onto the highway; and methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.



PLANTING LEGEND
 Shrubs - No. As Indicated on Plan

P - Photinia P. Fraser 'Red Robin'
 C - Cotoneaster simonsii
 F - Hebe 'Midsummer Beauty'

EXTERNAL TREATMENTS
 Paths Buff Paving Slabs, Part M compliant
 Newly Laid Turf
 Hard Standing
 1.8m Closeboarded Fencing to boundaries. 1.8m Pane Fencing between Plots
 Four Water Connection
 Waste Water Connection

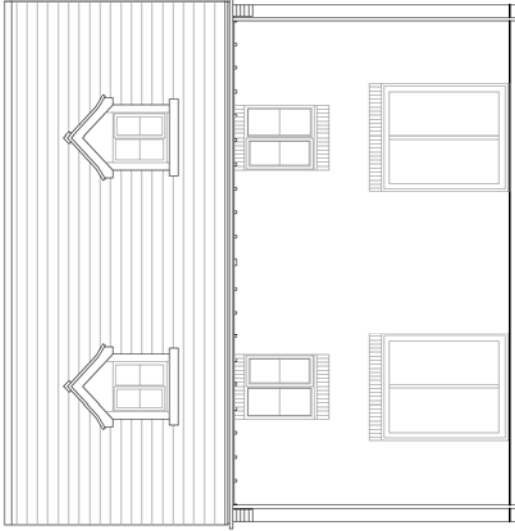
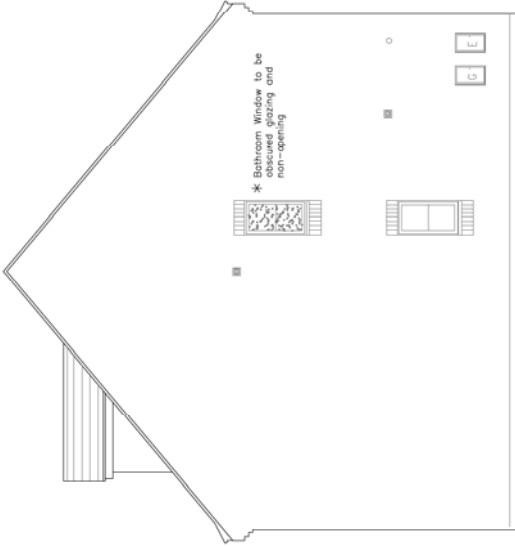
TREES - 12-14cm Girth
 Sb - Betula Pendula (Silver Birch)
HEDGING - Plants 60-80cm tall
 Br - Beech Fagus Sylvatica
 Plant at 4/1m.m as 2 alternate rows (250mm girth)

EXTERNAL FINISHES
 Bricks Forerra Woodstock
 Roof Tiles Marley Duo
 Edgemere Smooth Grey
 2m Acoustic Fence
 3m High Pleached Beech or Hornbeam

Rev	Description	Date
E	Boundary treatments added.	14.10.20
D	Detached unit added.	20.08.20
C	Additional levels added.	28.03.20
B	Bin Store and Collection areas added, FFL and existing levels indicated.	24.03.20
A	Velux added	24.03.20

Site		Land to Rear of Brookfield, Tewkesbury, Gloucestershire
Drawing		Landscaping / Boundary & Levels
Scale:	1:250 @ A3	Date: February 2020.
Designed By:		Status: Preliminary
Drawing No.:		100_E



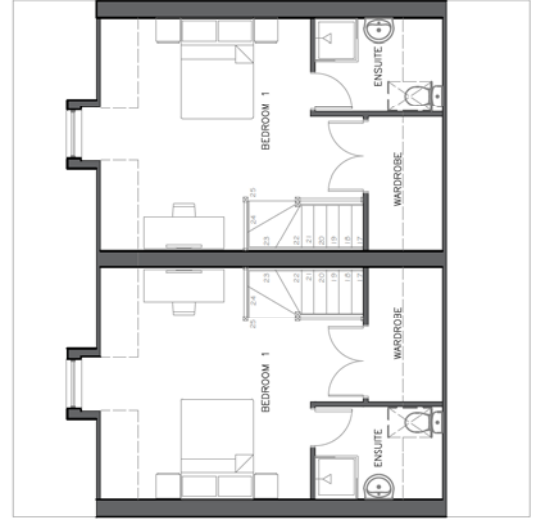
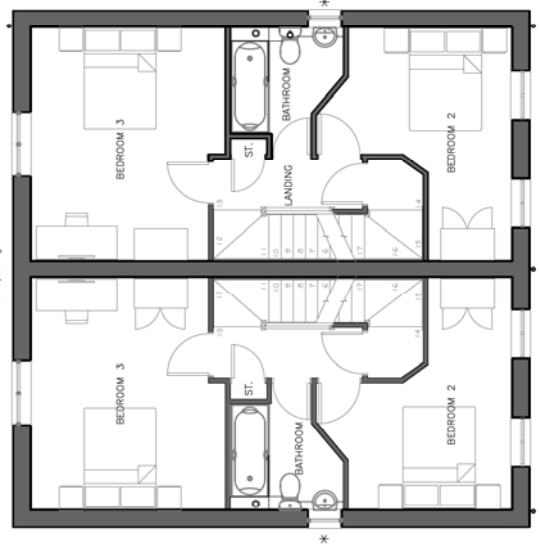
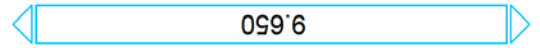
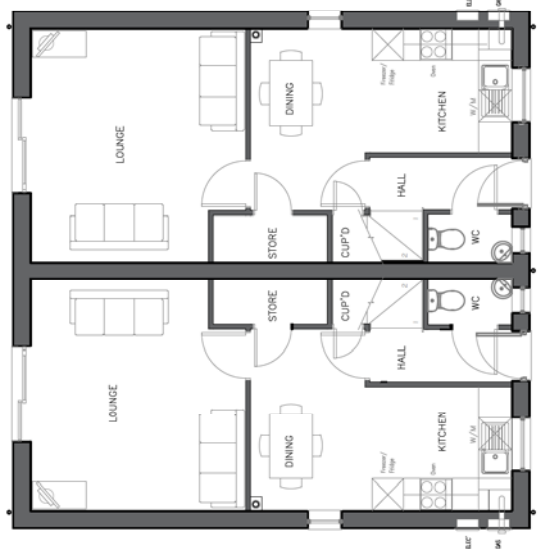


FRONT ELEVATION

SIDE ELEVATION

REAR ELEVATION

87



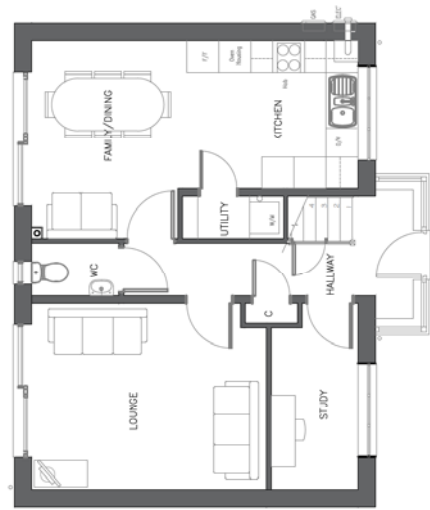
A	Dormers revised	24.03.20
Rev	Description	Date
Site: Land to Rear of Brookfield, Tewkesbury, Gloucestershire		
Drawing: A Type - 3 Bed		
Scale:	1:100 @ A3	Date: February 2020.
Designed By:		Status: Preliminary
Drawing No.: 102_A		



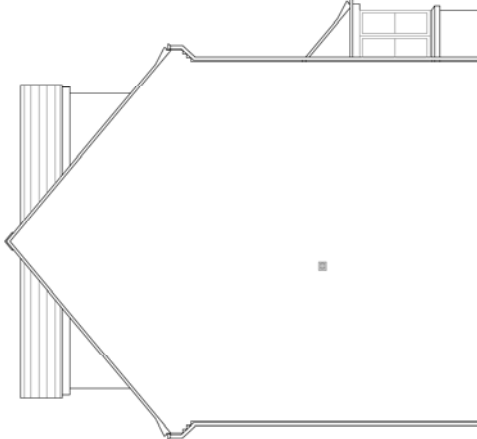
FRONT ELEVATION

88

9.050

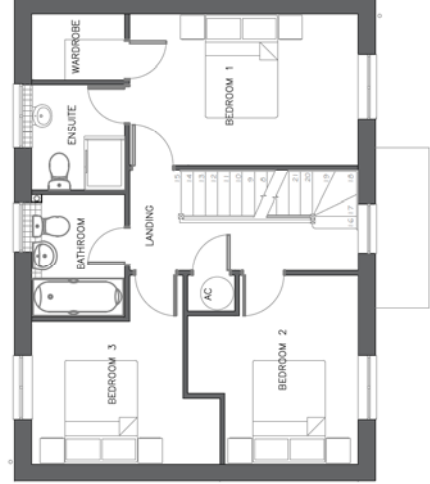


GROUND FLOOR PLAN

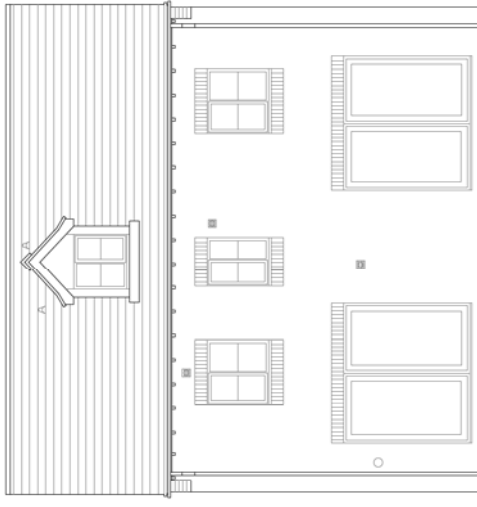


SIDE ELEVATION

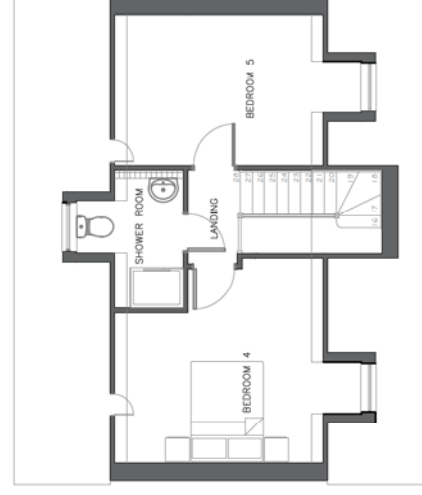
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FIRST FLOOR PLAN



REAR ELEVATION



SECOND FLOOR PLAN

Rev	Description	Date
-	-	-

Site: _____

Land to Rear of Brookfield,
Tewkesbury, Gloucestershire

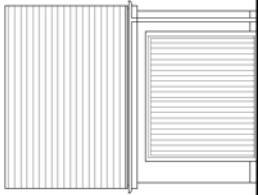
Drawing: B House Type - Sheet 1 of 2

Scale: 1:100 @ A3 Date: August 2020

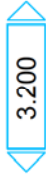
Designed By: _____ Status: Preliminary

Drawing No.: _____

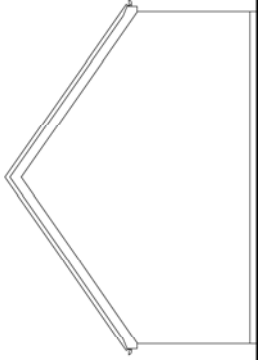
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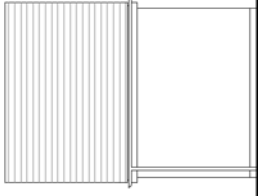
FRONT ELEVATION



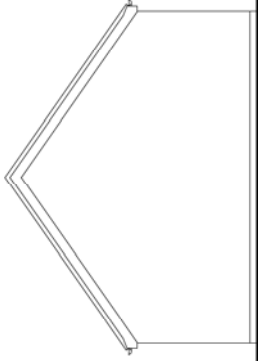
PLAN



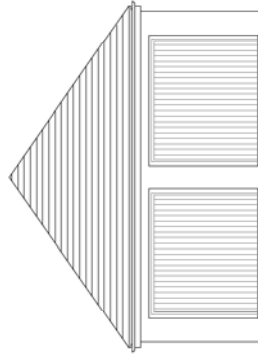
SIDE ELEVATION



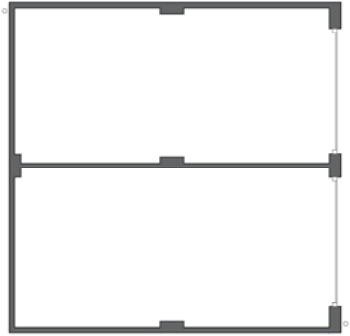
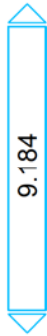
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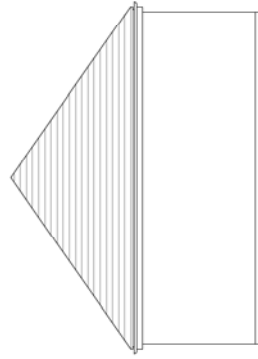
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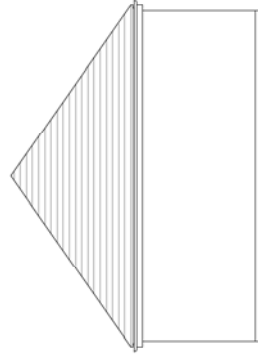
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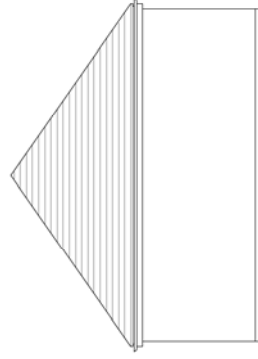
PLAN



SIDE ELEVATION

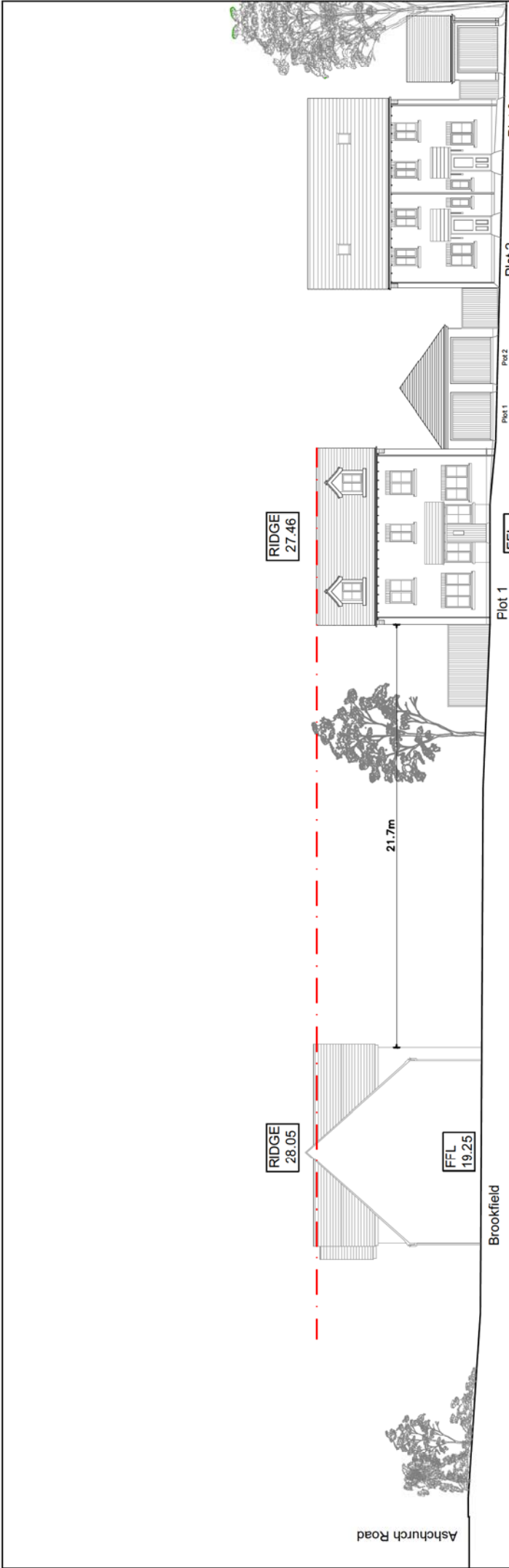


REAR ELEVATION



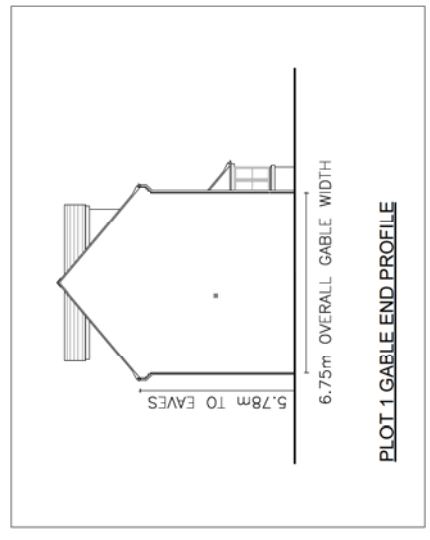
SIDE ELEVATION

Rev	Description	Date
Site: Land to Rear of Brookfield, Tewkesbury, Gloucestershire		
Drawing: Single and Double Garage		
Scale:	1:100 @ A3	Date: February 2020
Designed By:	-	Status: Preliminary
Drawing No.: 103		



90

SITE SECTION A-A



Rev	Description	Date
-	-	-

Site: Land to Rear of Brookfield, Tewkesbury, Gloucestershire

Drawing: Site Section A-A

Scale: 1:200 @ A3 Date: August 2020

Designed By: Status: Preliminary

Drawing No.: 106

RIDGE
28.05

91

Brookfield



21.7m

RIDGE
27.46

Plot 1

FFL
18.75



Plot 2

Plot 2

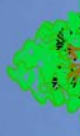
FFL
18.50



Plot 3

Plot 3

FFL
18.25



Plot 11 New Dawn Home Development

FFL
18.00



Plot 12 New Dawn Home Development

FFL
18.00



Rev	Description	Date
-	-	-

Site:		Land to Rear of Brookfield, Tewkesbury, Gloucestershire	
Drawing:		STREET SCENE	
Scale:	1:250 @ A3	Date:	SEPT 2020
Designed By:	-	Status:	Preliminary
Drawing No.:		107	



TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	16 February 2021
Site Location:	1 Notcliffe Cottages Walton Hill Deerhurst Gloucester Gloucestershire GL19 4BT
Application No:	20/00364/FUL
Ward:	Severn Vale North
Parish:	Deerhurst
Proposal:	Demolition of 2 no. existing cottages and erection of 2 no. replacement detached dwellings and associated garages. Change of use of agricultural land to associated residential use.
Report by:	James Lloyd
Appendices:	Location Plan. Site Plan as Existing. Existing Cottages Survey. Change of Use Plan. Site Plan, Street Elevation, Landscape. Plot 1 House Type. Plot 1 Garage and Bin Store. Plot 2 House Type. Plot 2 Garage and Bin Store.
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application relates to Nos. 1 & 2 Notcliffe Cottages which are located along the eastern side of an unnamed road in Deerhurst Walton (**see attached location plan**). The application also relates to a small area of land situated to the north of the residential curtilage associated with No.1 Notcliffe Cottage. This land currently forms part of a larger parcel that surrounds the application site, in the absence of any planning history it is assumed that this land is currently agricultural.
- 1.2 The application site is rectangular in shape and measures approximately 0.2 hectares.
- 1.3 The site comprises a pair of semi-detached two storey dwellings which are rendered with a pitched roof. The site is bound by residential properties to the south/south east and open countryside to the north, east and west.

- 1.4 The application site is bounded by established trees/hedgerows and is located within the Landscape Protection Zone (LPZ). There is an existing access and parking area to the north, and there is an existing Public Right of Way (PROW), Deerhurst Footpath ADE90, passing through the site.
- 1.5 The application is submitted in full and seeks the demolition of Nos. 1 & 2 Notcliffe Cottages and the erection of two dwellings with associated works, including access, parking and landscaping.
- 1.6 The proposed units would comprise:
- Plot 1 - A two-storey three bedroom pitched roof dwelling with a recessed single storey to the side, located centrally in the garden of No.1 Notcliffe Cottage (to the north of the site).
 - Plot 2 – A two-storey four bedroom pitched roof dwelling located centrally in the garden of No.2 Notcliffe Cottage (to the south of the site).
- 1.7 Both dwellings would be served by a private external amenity area.
- 1.8 Access and egress for Plot 1 would be gained from the existing access point to the north of the site, a new access would be created further to the south for Plot 2. Both dwellings would benefit from detached garages and off-road parking spaces along with turning heads to allow vehicles to move out of site in a forward facing gear.
- 1.9 The application also proposes the change of use of a small area of land from agricultural into residential use. This change would facilitate the parking and garage area for Plot No.1 (**see attached change of use plan**).

2.0 RELEVANT PLANNING HISTORY

- 2.1 None.

3.0 RELEVANT POLICY

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

National guidance

National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and National Design Guide (NDG).

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

Policies SD3, SD4, SD6, SD10, SD14, INF1, INF2.

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

Policies: HOU7, HOU10, LND3.

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

Policies RES3, RES5, RES9, NAT1 DES1, ENV2, LAN2, TRAC9.

Neighbourhood Development Plan

Deerhurst Parish Council is in the process of drafting a Neighbourhood Development Plan, however, given the stage that the plan is currently at no weight can be given at this time.

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

Deerhurst Parish Council – Object for the following reasons:

- The size of both properties in comparison to those that they are replacing is of concern. Each plot is a similar size to the previous two cottages put together. The plot has not been allocated for housing in the JCS.
- Plot 2 is a mock Tudor pastiche which is not in keeping with the hamlet. A revised, simplified design for this plot, which is more like Plot 1 would be more in keeping with surrounding houses.
- A reduction in the height of the buildings, building closer to the level of the road and careful shielding (with hedges on all sides including the rear of the properties) would ensure that long distance views are respected.
- The outbuildings are of considerable size and will dominate the street scene.
- Housing Need the Housing Needs Assessment recommends that the Parish requires more high quality property that older people can retire to. Plot 1 fulfils this requirement.
- There are two new additional access points both on to an existing small lane which is used by many walkers, cyclists, horse riders and farm traffic. This potential danger is exacerbated by the driveways being on a steep gradient to the elevated position of the houses (particularly Plot 2).
- Plot 1 is more in keeping with the design of the existing cottages.
- Plot 2 is a mock Tudor pastiche which is not in keeping with the hamlet and does not meet the recommendations in the design code.
- The properties are situated at the top of Walton Hill, on a ridge which can be seen from the A38, the B4213 and from Apperley. The plots adjoin a listed building. Until recent clearing around them, the current cottages were well shielded from all aspects by dense hedging and trees.
- The building line should be defined more by neighbouring houses than by the existing cottages. Access to both plots would be safer by reducing the gradient.
- The outbuildings are of considerable size and will also dominate the street scene. The garage of plot one would benefit from being set back behind the building line. The garage for plot two would benefit from having a reduced roof height.
- There are 3 bat roosts on site, but the bat survey suggests remedial actions which are included in the plan.

Building Control Officer - The application will require Building Regulations approval.

Urban Design Officer – Initial objection to the design of Plot 2. No objections now to the revised design submitted.

Gloucestershire County Highways – No objection subject to conditions.

County Archaeologist - No archaeological investigation or recording should be required in connection with this scheme.

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

Gloucestershire County PROW Officer – A diversion is required to the footpath, an application to GCC PROW is required.

Environmental Health Officer – No adverse comments to make – please follow the WRS's best practice for demolition.

Ecologist – No objection subject to mitigation being conditioned.

Drainage Officer – No objection.

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

Two separate responses objecting to the application have been received and one letter of support. The comments are summarised as follows:

Objections

- No.1 and No.2 Notcliffe Cottages form part of the history of Walton Hill and therefore should remain as they are.
- Proposed demolition of last 2 affordable homes on Walton Hill. These 2 cottages for many generations have been good usable homes for farm workers and their families.
- These 2 cottages have been systematically neglected and gardens now trashed with the sole purpose of development for financial gain.
- With some imagination and money these 2 cottages can easily be updated so the next generation of young families can enjoy the country living.
- The proposed new development will over power the plot size as most of the rear land is green belt and not got permission as a garden.
- I urge the committee to refuse this huge development and retain some of the village character which is being lost to sad new red brick monstrosities which will become the next eyesores.

Support

- Walton Hill is a mix of architecture, from very old to very new, period and '60's, the proposed development of these cottages would not look out of place, the enhancement of the new builds and the greater accommodation will benefit the long term survival of our village, rather than building on green space and vacant land this would blend in to the built environment very rapidly.
- A village has to thrive and grow to survive, and frankly we need more sympathetic building and growth in the village, not stagnation.

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 Other material policy considerations include the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance.
- 5.5 The relevant policies are set out in the appropriate sections of this report.

6.0 ANALYSIS

Principle of development

- 6.1 JCS Policy SD10 sets out that housing development will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. The Policy sets out the circumstances where housing development would be permitted on sites which are not allocated for housing development, which includes at Criterion 3, housing development on previously developed and Criterion 4 ii, infilling within the existing built up areas of Tewkesbury Borough's except where otherwise restricted by policies within District Plans.
- 6.2 Saved policy HOU7 off the 2011 Tewkesbury Borough Local Plan supports the rebuilding and replacement of existing dwellings where these are of a similar size and scale to the existing dwellings, and that the replacement dwelling respects the scale and character of existing properties in the area and has no adverse impact on the landscape and subject to normal development standards in terms of design and environment. Emerging policies RES3 and RES9 adopt a similar approach.

- 6.3 The application site comprises of a pair of semi-detached dwellings and associated residential curtilages. The scheme proposes to replace these dwellings with two detached dwellings. The proposed new dwellings would be substantially larger than those that they are replacing and would include detached garages on each plot. As such, it is recognised that the size and scale of the proposed new dwellings could not be truly considered to be of a similar size, scale and character as the semi-detached houses they seek to replace. In this regard, the current scheme may be considered to be not wholly in accordance with Local Plan policy HOU7.
- 6.4 Pertinent to the current application is a recently allowed appeal at Vine Tree Farm, The Wharf, Coombe Hill (planning application ref: 15/01007/FUL; appeal ref: PP-04486411). The Inspector noted that in 'seeking to protect the countryside', Policy HOU7 is broadly consistent with the aims of the Framework (NPPF) in that it seeks to protect valued landscapes. However, the requirement of Policy HOU7 for replacement dwellings to not be significantly larger than the dwelling it would replace is, in this instance, inconsistent'. The Inspector considered that the proposal would not result in any adverse impacts, and secondly, there are no specific policies in the Framework to indicate that development of this nature should be restricted. As such, the Inspector concluded that 'the conflict with Policy HOU7 would therefore be outweighed by the overarching conformity of the proposal with the Framework which supports the enhancement and improvement of the places in which people live their lives, whilst conserving the natural environment'.
- 6.5 It is accepted that the proposed new dwellings are larger than the semi-detached dwellings they seek to replace, however, the size and scale elements of Policy HOU7 considered inconsistent with the NPPF which focuses on landscape impact of the proposal and local context (which is discussed later in this report).
- 6.6 Furthermore, Policy RES9 of the emerging borough plan sets out that replacement dwellings will be permitted subject to 6 criteria which include respect for the size of the plot and scale and character of property in the area and would have no unacceptable adverse impact on the landscape (again, this is discussed later within this report).
- 6.7 As such, it is considered that the principle of the proposal is consistent with the thrust of the NPPF which supports the enhancement and improvement of the places in which people live their lives, whilst conserving the natural environment and the landscape protection emphasis of Policy HOU7 of the Local Plan and Policy RES9 of the emerging borough plan.
- 6.8 Whilst the principle of replacement dwellings in this location may be acceptable there are other material planning considerations to be taken into account as set out below.

Change of use of land

- 6.9 The application also proposes the change of use of a small area of land that is located to the north of Plot 1. This land currently forms part of a larger parcel that surrounds the application site, in the absence of any planning history it is assumed that this land is currently agricultural.
- 6.10 Policy HOU10 sets out that the change of use of agricultural land will be resisted unless there is no adverse environmental or visual impact, no significant encroachment onto the surrounding countryside.
- 6.11 The area proposed to be changed is currently contained within a larger parcel of land that is already visually separate from the wider agricultural fields. A defined boundary of hedges and mature trees separates this land and the agricultural fields. The area would be used to facilitate the turning head, driveway and detached garage associated with Plot 1.

- 6.12 This change of use would inevitably domesticate the appearance of this area of land by enlarging the existing residential curtilage. Notwithstanding this, from a visual perspective, the area of land already appears to be contained within the residential site rather than forming open countryside. Given that the land relates more to this site than the neighbouring agricultural fields it is considered that the change of use would not result in an unacceptable level of encroachment into the surrounding countryside. There are no identified environmental impacts that would result in harm to the site and therefore on balance the change of use would accord with saved Policy HOU10 of the Borough Plan.

Design and layout

- 6.13 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.
- 6.14 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.
- 6.15 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.
- 6.16 Policy RES5 of the Pre-submission Tewkesbury Borough Plan (2019) states proposals for new housing 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.
- 6.17 The application has been amended further to comments from officers and the Urban Design officer as to the design of Plot 2. The original proposal sought a mock Tudor style home which was considered incongruous with the wider context of the area. A reduction in height of the building was also provided, along with the re-siting of the garage associated with Plot 1 behind the main dwelling.
- 6.18 Deerhurst Walton is a small hamlet of properties which are generally located in a linear fashion along the main road. There are a mixture of size, styles and ages of property and those located to the east of the main road are elevated and generally set back with spacious front gardens. The properties located to the west of the road are situated parallel to the road with large wide plots. The application site contains existing semi-detached cottages of a simple architectural appearance. The existing dwellings are set in large open plots surrounding by established hedgerows and trees.
- 6.19 The proposed dwellings are simple in architectural form, both dwellings would appear as 1.5 storey houses with dormers at eaves levels, expressed chimneys and timber framed porches. Plot 1 would benefit from 3 bedrooms and would have an internal floor area of 195sqm. Plot 2 would measure slightly larger at 197sqm and would be served by 4 bedrooms. Both properties would benefit from detached garages and off-road parking.

- 6.20 In terms of layout, both properties would replicate the relationship of the existing street scene providing dwellings fronting onto the main road. However, given that the proposed dwellings are detached they would be sited in a central position within their separate plots, rather than the existing semi-detached units which are in the centre of the site as a whole. Whilst this would alter the immediate appearance from one residential unit to two separate units when viewed from the street scene and on balance when taking account of the existing street pattern in the locality the layout of the development is considered acceptable.
- 6.21 In regard to scale, the dwellings would be pitched roof and the ridge height of Plot 1 would be approximately 7.5 metres and the ridge height of Plot 2 would be 8.5 metres. The existing buildings measure a roof height of approximately 6.1 metres, therefore there is a considerable increase in height over and above the existing semi-detached units. However, whilst this is a departure from current scale of dwellings the proposed units are of a different form that sit on larger footprints, it is therefore expected that the heights would be larger than the existing buildings. It is also relevant that the new buildings would be set further into the plot away from the road which would lesson the impact of the units when viewed from this position. In terms of the surrounding context, there is a mixture of dwelling sizes and forms within Deerhurst Walton. Whilst the scale would be larger than the existing units, it is considered that the scale of the dwellings would be appropriate to the site and its setting and respect the wider street scene which is characterised by various single storey and two storey dwellings.
- 6.22 The garages and houses would be founded on a multi- russet brickwork plinth. Above the plinth line would be a mixture of materials, that is, timber horizontal cladding and smooth through colour of white render. The roofs would have plain clay Rosemary tiles Medium Mixed Brindle colour. Whilst the existing dwellings are finished using a simple render and tile roof combination, given the context of the site and the wider variation of materials within the area the proposed materials pallet is considered appropriate. The precise details can be secured by condition.
- 6.23 The Council's Urban Design Officer has been consulted upon the scheme and raises no objections to the design and layout of the proposals as revised.
- 6.24 As such, subject to the imposition of conditions to control external materials to ensure the proposal respects the character of the surroundings the design and layout of the proposal is considered acceptable.

Landscape Impact

- 6.25 Section 15 of the NPPF relates to "Conserving and Enhancing the Natural Environment" and, at paragraph 170, specifies that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside. JCS Policy SD6 specifies that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social wellbeing.
- 6.26 In this case the application site is located within the LPZ. Saved Policy LND3 of the TBLP specifies that special protection is given to the ecology and visual amenity of the river environment within the LPZ, and that development will not be permitted which: (a) has detrimental visual or ecological effect on the character of the river banks or associated landscape setting of the Severn Vale; and/or (b) has an adverse impact on the water environment. Emerging Policy LAN2 of the PSTBP is similar in this regard.

- 6.27 Emerging Policy LAN2 of the PSTBP goes on to state that, where a proposal would result in harm to the LPZ having regard to the above criteria, this harm should be weighed against the need for, and benefits from, the proposed development. It specifies that proposals causing harm to the LPZ will only be permitted where the benefits from the development would clearly and demonstrably outweigh the identified harm.
- 6.28 The site is located to the north of Deerhurst Walton and forms the defining edge where rural open fields stop and residential development starts. The site itself is confined within a larger plot of land which is separated from the abutting open fields but hedge boundaries. This is not specific to this site and many of the residential dwellings to the south have either extended gardens or additional areas of land projecting to the east / north east. This land surrounding the application site acts almost as a buffer between the open countryside and the residential gardens associated with the existing dwellings.
- 6.29 Deerhurst Walton is also located on a hill, which raises the residential dwellings along the main road along its ridgeline. These dwellings are visible from the nearby A38 to the east and are prominent feature when look west from this vantage point. Given that the existing site effectively book ends the residential element of the hamlet and that the site is raised along the hill, the site is in a particularly prominent location when viewed from long range.
- 6.30 At present the existing dwellings appear as one unit (given the semi-detached appearance), the proposal would result in two larger detached properties located on the same plots, with Plot 1 being located further to the north. This would extend the built form further towards the open fields. As previously discussed, the application also seeks to change the use of a small area of agricultural land into residential, this would be located to the north and would aid the extension of built form.
- 6.31 As discussed in the previous design section, the dwellings are considered appropriate in term of scale, layout, and architectural design. Whilst the context would change, the site would remain in residential use, with the addition of a small piece of extra land. The site would be prominent from long range views; however, it would be read in context with the existing built form that follows the ridgeline of the hill. Given this it is not considered that the replacement of a pair of semi-detached units with two detached houses would result in any significant harm to the wider landscape.
- 6.32 The site is also surrounded by mature vegetation which positively contributes to its rural setting and softens views of the site from the adjacent public highway. A public footpath runs through the application site (its diversion is proposed through a separate application which is discussed later in this report), Notwithstanding this it is considered that the design of the proposed dwellings is acceptable and that any short range views from footpaths would not be impinged by the resulting built development.
- 6.33 Subject to an appropriate landscaping scheme being provided by way off an appropriate condition, to incorporate into the development any natural features on the site that are worthy of protection and to incorporate a sympathetic scheme of proposed landscaping, it is considered that the proposed replacement residential units sited adjacent to the built up area of this other rural settlement would protect the visual amenity of the LPZ.

Residential Amenity

- 6.34 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.
- 6.35 The site layout has been carefully considered to ensure that the development can achieve acceptable levels of amenity for the proposed new dwellings. In terms of the arrangement of windows, the orientation and layout is such that there would be no unacceptable overlooking between the proposed dwellings. Whilst there is a window in Plot 2 in the north west elevation facing towards Plot 1, there are no windows in the south east elevation of Plot 1.
- 6.36 In terms of the impact upon the nearest residential property, this would be Top Cottage located to the south east of the site. Top Cottage is positioned approximately 20 metres away from the south eastern side elevation of Plot 2. There would be one window on this elevation at first floor level. This window would serve an en-suite and therefore it is recommended that a condition is imposed requiring the installation in perpetuity of obscure glazing within this en-suite window to protect residential amenity.
- 6.37 In terms of external amenity space, each dwelling would be provided with adequate garden amenity area.
- 6.38 The Environmental Health Officer also raises no objection to the application in terms of any noise /nuisance issues.
- 6.39 Overall, subject to the imposition of conditions, it is considered that the proposed development would result in acceptable levels of amenity for existing and future residents in accordance with JCS policies.

Highways Safety

- 6.40 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe. Policy INF1 'Transport Network' of the JCS states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.
- 6.41 The application proposes the re-use of an existing highways access into the site and the creation of a new access into Plot 2. The Highways Authority have been consulted on the application and have undertaken a full assessment of this planning application. The Highways Authority advise that the proposal is considered to be acceptable give its location and the limited additional trips. The replacement dwellings generate a minimal increase in traffic movements and sufficient space is available to accommodate the parking requirements. The dwellings would provide car parking and cycle parking in accordance with the Manual for Gloucestershire Streets. The only missing item is the provision of electric vehicle charging infrastructure, and this can be addressed with a suitably worded condition.
- 6.42 As such, the Highways Authority raise no object subject to the imposition of a conditions and it is considered that that proposal is acceptable in regard to highway matters.

Flood Risk and Drainage

- 6.43 Policy INF2 of the JCS 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, the local community, or the wider environment wither on site or elsewhere. The NPPF echoes these requirements.
- 6.44 The development proposes soakaway to manage surface water from the development and foul is being treated in package treatment plants with space identified for drainage fields.
- 6.45 The Council's Flood Risk Officer has been consulted on the application and advises that the submitted flood risk assessment and drainage strategy is acceptable.
- 6.46 As such it is considered that the proposal is acceptable in regard to drainage.

Ecology

- 6.47 Policy SD9 of the JCS states that biodiversity of the JCS area will be protected and enhanced including by safeguarding protected species in accordance with the law. The application is supported by a Dusk Emergence and Pre-dawn re-entry Survey for bats and an addendum. During the initial surveys two common pipistrelle and one myotis day roosts were recorded, the demolition would be able to proceed with a licence. The addendum confirmed that an updated survey confirmed two common pipistrelles were found re-entering the property giving similar results to the previous surveys.
- 6.48 The Council's Ecologist has assessed the submitted reports and advises that the three 'favourable' tests which are run by Natural England can be met and given the low conservation status of the roosts, the mitigation and roost provisions set out in the reports are sufficient.
- 6.49 As such it is considered that the demolition of the two existing dwellings is acceptable in regard to ecology and protecting protected species, subject to the imposition of conditions that tie in the recommended mitigation.

Other Matters

Public Footpath

- 6.50 The application requires the diversion of a public footpath which currently runs across the site and would prohibit the construction of Plot 1.
- 6.51 The applicant has submitted a separate public footpath diversion order which will be determined by the Council at a later date.
- 6.52 The applicant is aware that should this be refused then it would impact the current scheme.

7.0 CONCLUSION AND RECOMMENDATION

- 7.1 In light of the above, it is considered that the proposed development is deemed to be acceptable in principle in accordance with JCS Policy SD10, Saved Local Plan Policy HOU7 and emerging policies RES3 and RES9. The proposed dwellings would be considerably larger than the existing cottages on site; however, it is recognised that the replacement builds have sought to respond to the site's topography and are of a traditional design which incorporates features that reflect the local character. Furthermore, the proposal is considered to be commensurate to the size of the spacious plots and, would not appear out-of-character with neighbouring properties located along this part of Deerhurst Walton.

7.2 The proposals would appear prominent when viewed from its immediate setting but it is accepted, on balance, that there would not be any undue harm to the wider LPZ landscape given the amount of established vegetation in and around the site which helps to screen the proposal. The proposed change of use of the area of land is also considered acceptable, given its limited impact upon the wider area. In view of this, it is therefore recommended that planning permission is **PERMITTED** subject to the conditions set out below:

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. Unless where required or allowed by other conditions attached to this permission/consent, the development hereby approved shall be carried out in accordance with the information provided on the application form and the following plans/drawings/documents:

20.20.01 rev C	Location Plan
20.20.02 rev F	Site Plan, Street Elevation, Landscape
20.20.03 rev C	Drainage Layout
20.20.04	Plot 1 House Type
20.20.05	Plot 1 Garage and Bin Store
20.20.06 rev A	Plot 2 House Type
20.20.07 rev A	Plot 2 Garage and Bin Store
20.20.08	Existing Cottages Survey
20.20.09 rev A	Change of Use Plan
20.20.11	Site Plan as Existing
P-0230-T	Topographical survey

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

3. No works above DPC level shall take place until samples of the external materials proposed to be used (including but not limited to; windows doors, porches and rainwater goods) have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure a satisfactory appearance to the development.

4. Prior to the first occupation of Plot 2 hereby permitted the window located on the south-east side elevation at first floor level shall be fitted with obscure glass (at a minimum of Pilkington Level 4 or equivalent). The window shall thereafter be retained as such and not altered without the prior consent of the Local Planning Authority.

Reason: To protect the amenities of adjoining/nearby properties from unacceptable overlooking.

5. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 43m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 0.6m 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.

6. Each plot hereby permitted shall not be occupied until the cycle storage facilities for that plot has been made available for use in accordance with submitted plans and those facilities shall be maintained for the duration of the development.

Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

7. Each plot hereby permitted shall not be occupied until the vehicular parking and turning facilities for that plot have been provided in accordance with the submitted plans, and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.

8. Each plot hereby permitted shall not be first occupied until the proposed dwelling(s) [has/have] been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities.

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

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

10. Before the first occupation of the dwellings hereby permitted a plan indicating the positions, design, materials and type of boundary treatment to be erected (or to be retained) shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before the first occupation of the development hereby permitted.

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

11. Notwithstanding the submitted details, before either dwelling hereby permitted is first occupied a scheme of soft and hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:

- (i) a schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants.
- (ii) a written specification outlining cultivation and other operations associated with plant and grass establishment.
- (iii) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.
- (iv) details of a precise specification of the proposed materials for the hard landscaping of the site (including roads, paths, parking areas and other hard surfaces);
- (v) Details of any new boundary treatments.

Reason: In the interest of visual amenity.

12. 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 occupation of the dwelling hereby permitted. 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. The hard landscaping of the site shall be completed before the occupation of the dwelling hereby permitted or in accordance with a timetable which has first been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

13. The development hereby permitted shall be carried out in strict accordance with the mitigation detailed within the Bat Survey Report (All Ecology, September 2019) and the addendum (Countryside Consultants, August 2020) and the EPS licence.

Reason: In the interests of biodiversity and protected species.

14. A lighting scheme and plan for the development will need to be submitted and approved by the local planning authority prior to first occupation. It is recommended that this lighting plan is devised following consultation with the project ecologists.

Reason: In the interests of biodiversity and protected species.

15. Evidence of installation of ecological enhancements detailed within the Bat Survey Report (All Ecology, September 2019) are to be submitted to the local authority prior to occupation, this includes but not limited to bird and bat boxes.

Reason: In the interests of biodiversity and protected species.

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

Reason: Any further development at the site will require consideration in the interest of the character and appearance of the area.

17. Before the first occupation of the dwellings hereby permitted the drainage shall be implemented in accordance with the approved scheme as shown on drawing no. 20.20.03 rev C and the 'Foul Drainage Assessment Form received by the Council on 30/04/2020, drainage facilities shall be maintained and made available for those purposes thereafter.

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 flooding problems and to minimise the risk of pollution.

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. There may be a public sewer located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the proposed dwelling.
3. It is advised that the applicant/contractors to review the Worcestershire Regulatory Services 'Code of Best Practice for Demolition and Constructions Sites' to minimise any impacts during demolition.
4. The proposal requires a diversion of the route of the existing public right of way under S257 Town and Country Planning Act 1990. Please note the route of the existing footpath must be protected and remain fully available for public use at all times. If however the footpath need to be temporarily closed to allow ground works to take place or to safeguard the public during construction works then an application should be made to GCC PROW giving 12 weeks notice for this. The footpath must not be permanently obstructed until such time as a diversion order is made under the TCPA.
5. This planning permission does not give any authority to the Applicant to carry out any hedge cutting works on the public highway referred to in Condition 5. The hedge cutting must be carried out by either the owner of the hedge or the Local Highway Authority under sc 154 of The Highway Act 1980. Sc154 requires the Local Highway Authority to serve Notice on the owner of the hedge and the owner has the right to appeal the Notice to the Magistrates Court.

6. The proposed development will require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.
7. The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 licence. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway.

GENERAL NOTES:
 1. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO ANY PREFABRICATION OR BUILDING WORK COMMENCING.
 2. DO NOT SCALE THIS DRAWING USE FIGURED DIMENSIONS ONLY.
 3. THIS DRAWING TO BE READ IN CONJUNCTION WITH ANY STRUCTURAL ENGINEER DESIGN DETAILS & CALCULATIONS AND SPECIFICATION NOTES.

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Client

Job Title

**Plot 1 & 2
 Notcliffe Cottages
 Walton Hill
 Deerhurst
 Gloucester
 GL19 4BT**

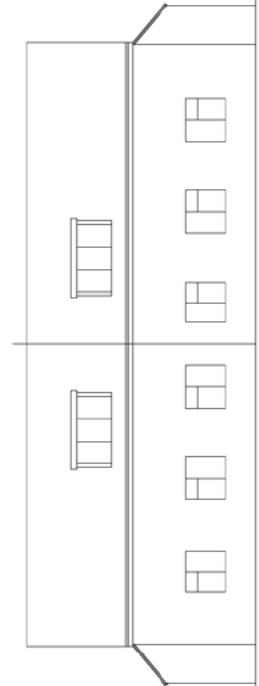
Drawing Title

site plan as existing

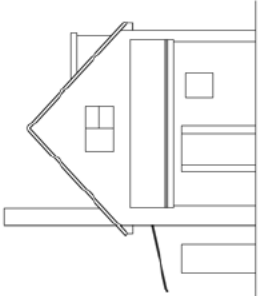
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as shown @A2	20.04.2020	psm

20	20	11
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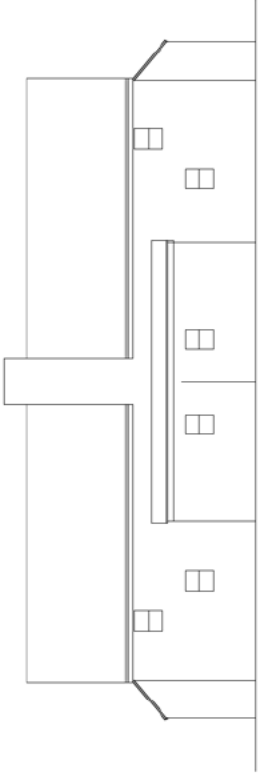




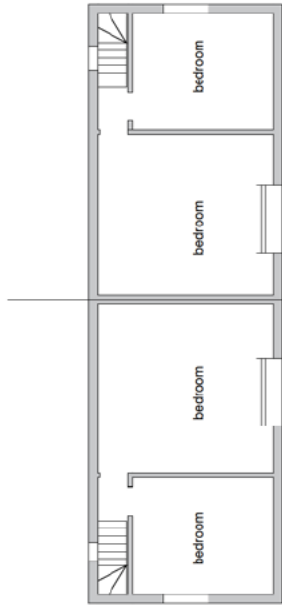
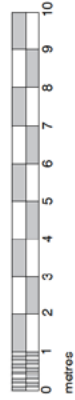
1
2
Front (south-west) Elevation



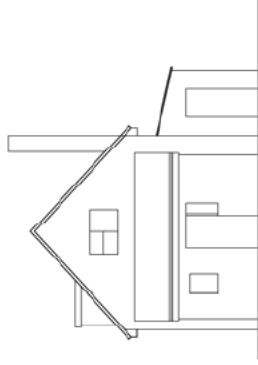
Side (north-west) Elevation



Rear (north-east) Elevation



First Floor Plan



Side (south-east) Elevation



Ground Floor Plan

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Client

Job Title

Plot 1
Notcliffe Cottages
Walton Hill
Deerhurst
Gloucester
GL19 4BT

Drawing Title

1 & 2 Notcliffe Cottages
House Type
planning proposals

Scale	Date	Drawn
1:100 @A2	30.03.2020	psm

20 20 08

Revision A, proposed change of use extruded to turning head, 06/01/21

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Client



Job Title

Plot 1 & 2
Notcliffe Cottages
Walton Hill
Deerhurst
Gloucester
GL19 4BT

Drawing Title

area requiring change of use
permission

Scale	Date	Drawn
as shown @A2	20.04.2020	psm

20	20	09A
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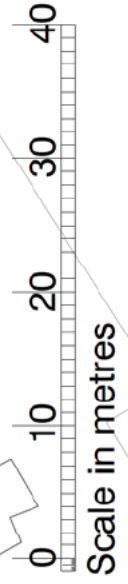
Re-aligned footpath to be laid to grass. Boundary hedging and grass to be maintained at all times by the owner of Plot 1

Side and Rear Boundary Hedging: Consisting of 47% 450 - 600mm high bare root plants to be installed at 300mm staggered centres.

Front Boundary Hedging: Consisting of 100% laurel 450 - 600mm high bare root plants to be spaced at 300mm staggered centres.

Front Street Elevation

Rear Field Elevation
Elevations scale 1:200



North Arrow
Site Plan
scale 1:200

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Client: [Redacted]

Job Title: Plot 1 & 2
 Nettlecote Cottages
 Walton Hill
 Deerhurst
 Gloucester
 GL19 4BT

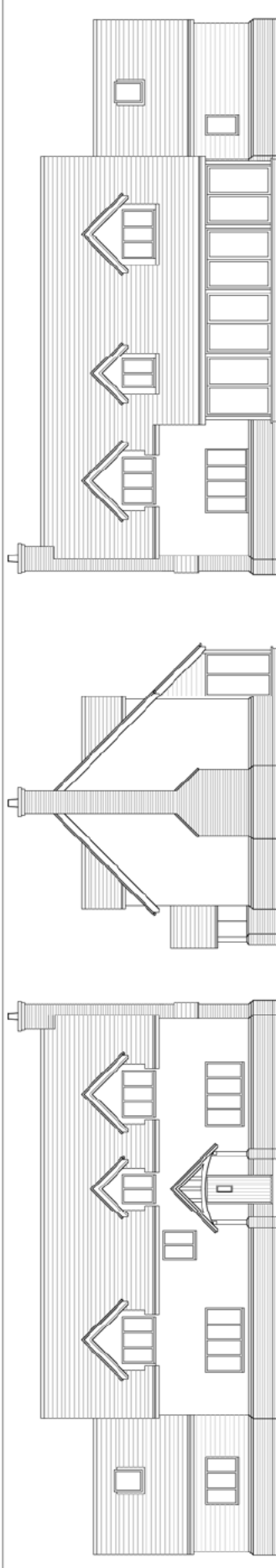
Drawing Title: proposed site plan
 street elevations
 landscape

Scale	Date	Drawn
as shown @ A1	30/03/2020	paam

20	20	02F
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AT Drawing Sheet

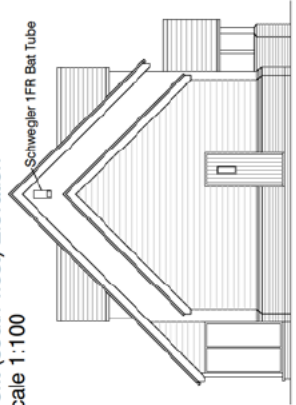
- Revision F: Final/issue loaded. 25/01/2021
- Revision E: Mean line of residential curtilage shown, include with the proposed site. 15/01/2020
- Revision D: Boundary line of residential curtilage added. 27/11/2020
- Revision C: Houses and garages floor levels lowered by 300mm. 27/06/2020
- Revision B: Plot 1 garage re-located behind house as shown on plan. 27/06/2020
- Revision A: Additional site levels shown, bin curtilage shown, plot 1 design relocated. 04/05/2020



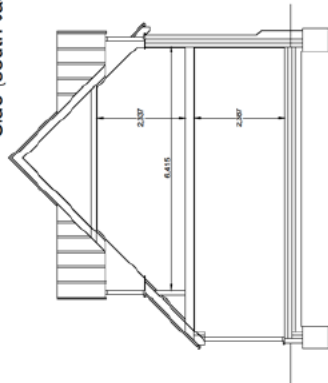
Front (south-west) Elevation
scale 1:100

Side (south-east) Elevation

Rear (north-east) Elevation



Side (north-west) Elevation
113



Section

Materials
 Roof: Rosemary plain clay tiles Medium Mixed Brindle
 Walls: To plinth, multi russet facing bricks and red semi-engineering pinnth bricks.
 Smooth through-colour off white render, timber horizontal cladding.
 Windows: Powder coated (beige) aluminium windows and doors.

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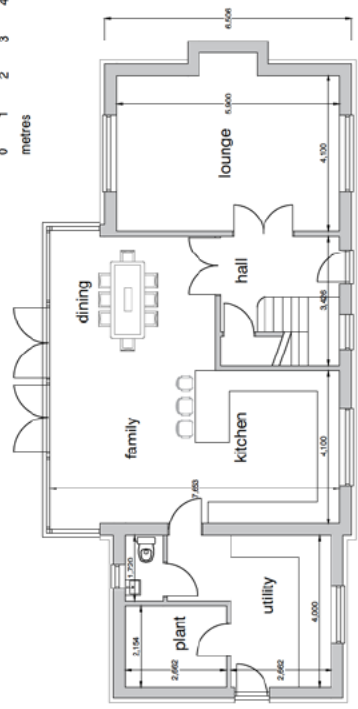
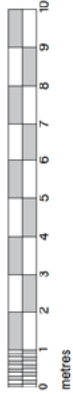
Client [Redacted]

Job Title
 Plot 1
 Notcliffe Cottages
 Walton Hill
 Deerhurst
 Gloucester
 GL19 4BT

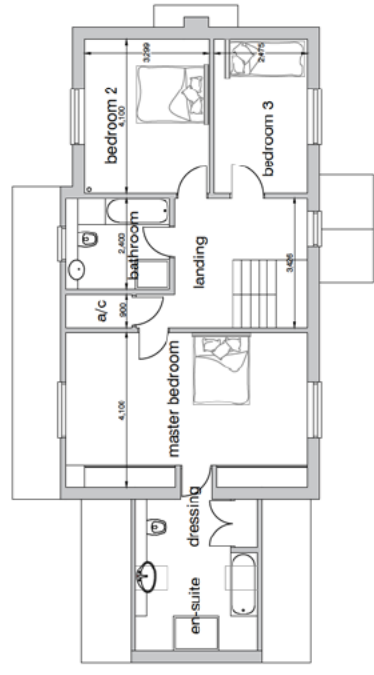
Drawing Title		
Plot 1 House Type planning proposals		
Scale as shown @A2	Date 30.03.2020	Drawn pam

20	20	04
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A2 drawing sheet



Ground Floor Plan
Plans - scale 1:100



First Floor Plan

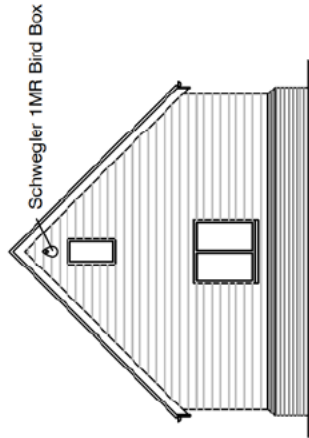
internal floor area 195 sq.m 2102 sq.ft

Materials

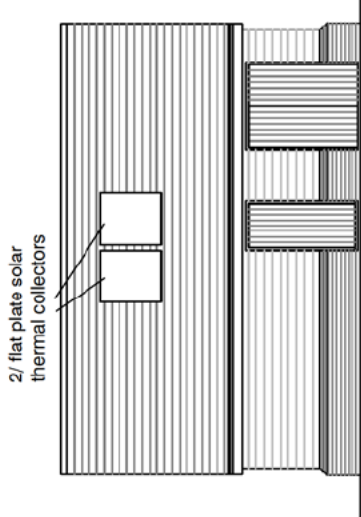
Roof: Rosemary plain clay tiles Medium Mixed Brindle

Walls: To plinth, multi russet facing bricks and red semi-engineering plinth bricks, Timber horizontal boarding.

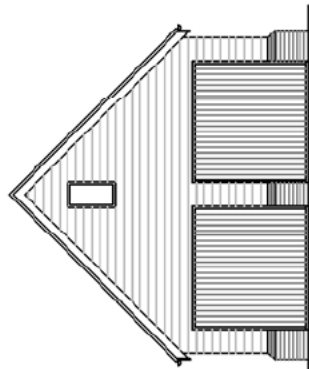
Windows: Powder coated (beige) aluminium windows and doors.



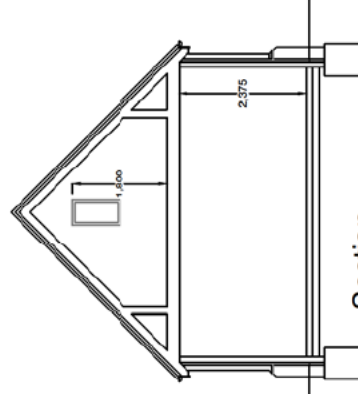
Rear Elevation



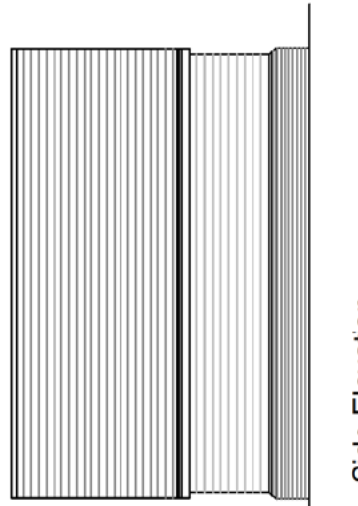
Side Elevation



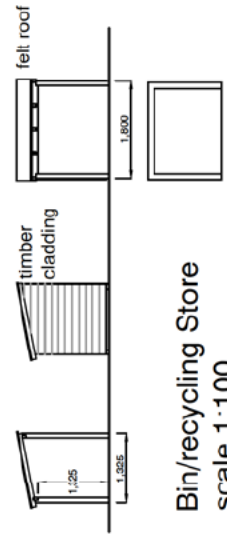
Front Elevation



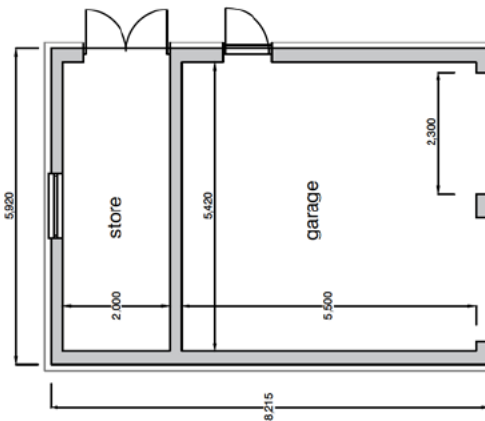
Section



Side Elevation



Bin/recycling Store
scale 1:100



Plan

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Client



Job Title

Development at
Notcliffe Cottages
Walton Hill
Deerhurst
Gloucester

Drawing Title

plot 1
detached garage
bin store

Scale
1:100 @ A3

Date
30.03.2020

Drawn

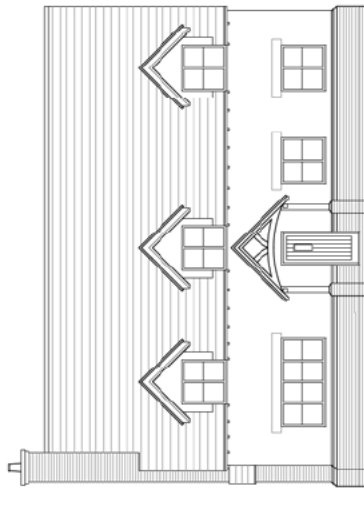
pam

20

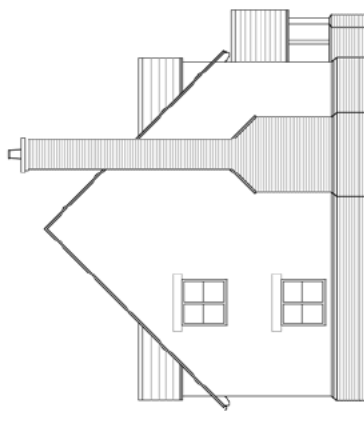
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05

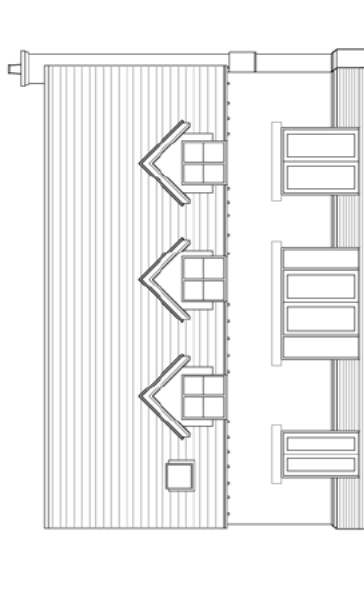
A3 drawing sheet



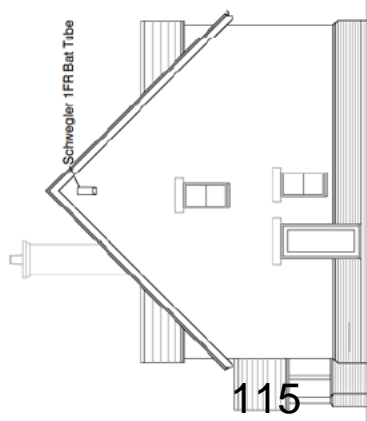
Front (south-west) Elevation



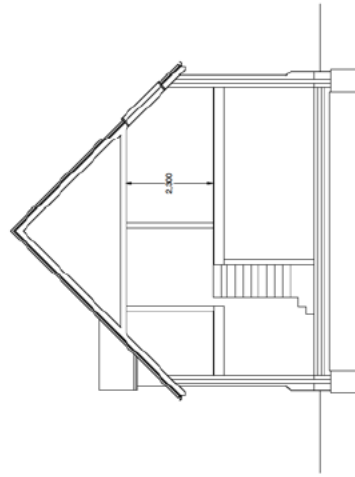
Side(north-west) Elevation



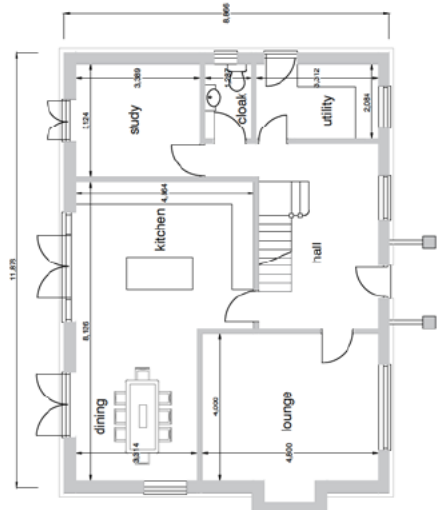
Rear (north-east) Elevation



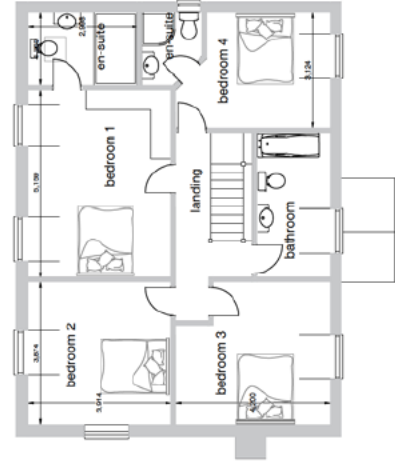
Side (south-east) Elevation



Typical Section



Ground Floor Plan
Plans - scale 1:100



First Floor Plan

floor area 187 sq.m 2017 sq.ft

Revision A Front gable removed and elevation simplified. Plans amended accordingly.
01.07.20

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Client

Job Title

Plot 2
Notcliffe Cottages
Walton Hill
Deerhurst
Gloucester
GL19 4BT

Drawing Title

Plot 2
House Type
planning proposals revised

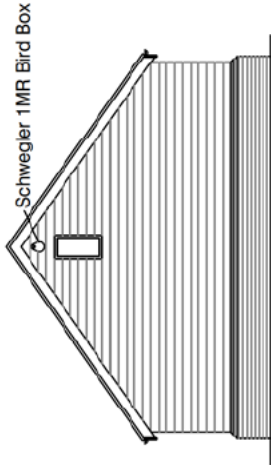
Scale	Date	Drawn
as shown @ A2	30.03.2020	pam

20 20 06A

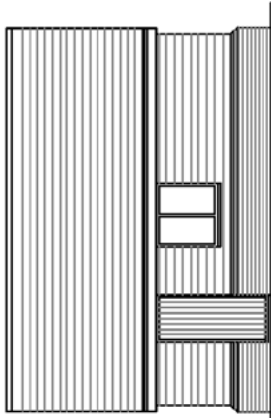
A2 drawing sheet

Materials

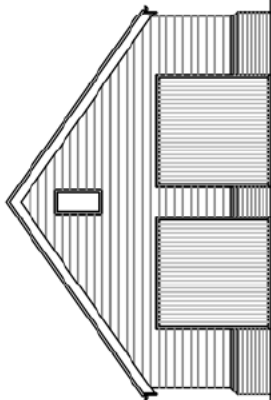
Roof: Rosemary plain clay tiles Medium Mixed Bindle
 Walls: To plinth, multi russet facing bricks and red semi-engineering plinth bricks, Timber horizontal boarding.
 Windows: Powder coated (beige) aluminium windows and doors.



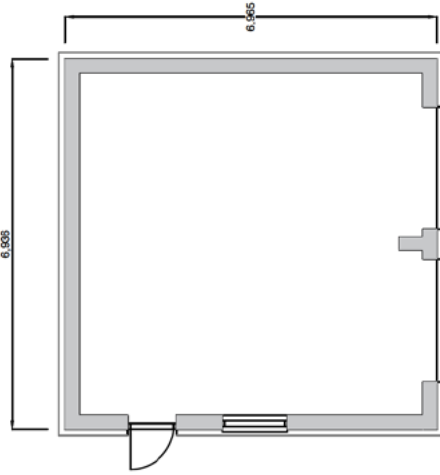
Rear Elevation



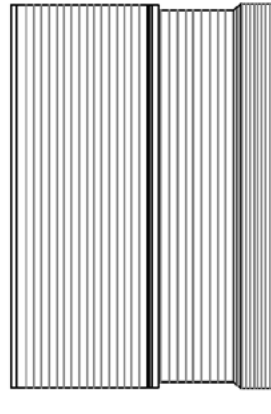
Side Elevation



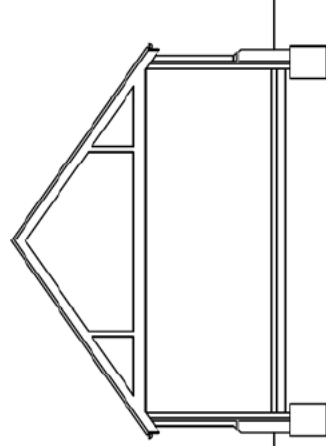
Front Elevation
scale 1:100



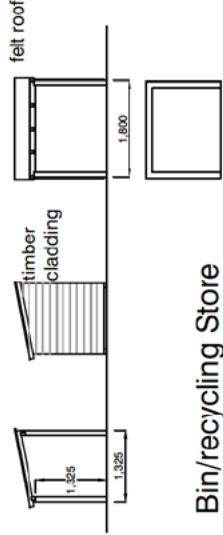
Plan
scale 1:100



Side Elevation



Section
scale 1:100



Bin/recycling Store
scale 1:100

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Client



Job Title

Development at
Notcliffe Cottages
Walton Hill
Deerhurst
Gloucester

Drawing Title

plot 2
detached garage
bin store

Scale
as shown @ A3

Date
30.03.2020

Drawn
pam

20

20

07A

Revision A garage roof reducec in height
01.07.20

A3 drawing sheet

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	16 February 2021
Site Location:	Longford Lodge 68 Tewkesbury Road Longford Gloucester Gloucestershire GL2 9EH
Application No:	20/00844/FUL
Ward:	Innsworth
Parish:	Longford
Proposal:	Change of use from a dwellinghouse (C3) to a House of Multiple Occupancy (HMO) for 10 persons (Sui Generis).
Report by:	Victoria Stone
Appendices:	Site Location Plan & Block Plan. Floor Plan. Parking Plan.
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. This application relates to Longford Lodge, a large detached two storey red brick property, which is located along the A38 Tewkesbury Road in Longford (**see attached Site Location Plan**).
- 1.2. The property occupies a corner plot on the junction of Victoria Road and Tewkesbury Road. There is a detached flat roofed garage to the rear of the site with direct access onto Victoria Road. The site is bound by residential properties to the north and east.
- 1.3. The property has parking to the frontage with access to the rear, which is also laid to hardstanding to provide additional parking.
- 1.4. The property is currently occupied as a dwellinghouse after a grant of planning permission, reference 15/00316/FUL, for a change of use from bed and breakfast accommodation (C1) to a dwellinghouse (C3).
- 1.5. The site is not subject to any landscape designations but is located in Flood Zone 2 and 3.

- 1.6. The application is submitted in full and seeks permission for the change of use of the dwellinghouse to a house in multiple occupancy (HMO) which is classified as a Sui Generis use in the Town and Country Planning (Use Classes) Order 1987 (as amended). A HMO is defined in law as a house or flat in which three or more unrelated persons forming two or more households share an amenity such as a bathroom, toilet or cooking facilities. HMOs having 5 or more occupants in two or more households require to be licensed by the Council and all HMOs are subject to The Management of Houses in Multiple Occupation (England) Regulations 2006.
- 1.7. The property would accommodate up to ten people, who are not from a single household, with private bathroom facilities and shared kitchen facilities. No physical changes to the building are proposed.
- 1.8. The existing vehicular access and parking arrangements would be utilised.
- 1.9. Since the application was first submitted the original applicant, Complete Utilities, have decided not to pursue the development however the owner of the site has decided to continue with the application. The details have been updated.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
90/94856/FUL	Continued use of dwelling as a guest house.	PERMITTED	18.12.1990
15/00316/FUL	Change of use C1 guest house to C3 dwelling house.	PERMITTED	01.05.2015

3.0 RELEVANT POLICY

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

National guidance

- 3.2. National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the National Design Guide (NDG).

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

- 3.3. Policies: SP2, SD4, SD10, SD11, SD14, INF1, INF2.

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

- 3.4. Policies: RES2, DES1, ENV2, 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. Longford Parish Council – Object for the following reasons:

- In order to make full use of the hard standing in front of the property for parking, vehicles would have to manoeuvre across the pavement.
- Appears to be limited parking at the rear, even combined with that at the front there would probably be insufficient parking for the anticipated number of occupants.
- There is insufficient parking along Victoria Road, any 'overflow' parking from the property would only exacerbate the situation.
- Victoria Road, where the property is situated, is narrower than the rest of its length therefore this could lead to parking in part on the pavement which could then make access into Victoria Road difficult for emergency vehicles.

4.2. County Highway Authority – No objection subject to condition securing cycle facilities.

4.3. Sustainable Drainage Engineer – No objection on flood risk grounds.

4.4. Environmental Health Officer – No objection.

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. Four responses objecting to the application have been received. The comments are summarised as follows:

- Longford does not have sufficient infrastructure in place.
- Compromise highway safety.
- Victoria Road does not have space for any further cars to park.
- Access onto Victoria Road is unsuitable.
- Parking spaces onto the A38 not suitable, causes delays in traffic whilst parking.
- Victoria Road is narrow and parking along it could restrict access for emergency services and waste collection vehicles.
- Area of road is known to flood, concerned development could cause flooding issues.
- Additional people living at the property would increase foul water – sewer system was not designed to take the additional human waste and rubbish produced.
- Question the level of living space available.
- Longford already has a large bedsit, do not need another.

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. The application site is located within the existing built-up area of Longford and has been used for residential purposes, both as a dwellinghouse and a Guest House. As such there is no objection in principle to residential use of the building. The proposal is specifically for a house of multiple occupancy (HMO), where the building would accommodate up to ten people. There is no objection in planning terms to that use, subject to the scheme being acceptable in all respects.

Design and Visual Impact

- 7.2. 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. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. This is echoed in JCS policy SD4 and emerging policy RES5 of the Pre-submission Tewkesbury Borough Plan (2019).
- 7.3. Longford Lodge has previously been used as a Guest House therefore all ten bedrooms already have a toilet, basin and shower. Minimal internal works and no external changes to the fabric of the building are proposed. In light of this, the change of use of the building would not cause any harm in respect of design nor upon the visual amenity of the locality.

Residential amenity

- 7.4. 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.
- 7.5. As mentioned above the development would not require any changes to the external fabric of the building and therefore given the existing residential use of the building the change of use to a HMO would not cause any harm upon neighbouring residential amenity.
- 7.6. In terms of the amenity for the occupiers of the accommodation, the Housing Act 2004 and associated regulations set out the minimum size standards in HMOs. In accordance with the legal requirements a room with a usable floor area between 6.51m and 10.21 metres squared may only be occupied as sleeping accommodation by one person. Only a room with a usable floor area of 10.22 metres squared or over may be occupied as sleeping accommodation by two persons. The Council's Environmental Health Officer has confirmed that the room sizes and layout will be sufficient to meet the standards for licensing as a 10-bed HMO. Given this, in terms of amenity for the future occupiers of the HMO no objections are raised.

Drainage and flood risk

- 7.7. The NPPF states at paragraph 155 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Areas at little or no risk of flooding from any source should be developed in preference to areas at higher risk. 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.
- 7.8. The site is located in Flood Zone 2 and 3, an area identified by the Environment Agency as having a medium and high probability of flooding. The Flood Risk Vulnerability Classification for the use of the building would remain the same as the existing use.
- 7.9. The NPPF makes clear that applications for changes of use should not be subject to the Sequential or Exception Test but still meet the requirements for site-specific flood risk assessments (FRA). The submitted FRA confirms that there would be no physical modifications to the building, including the building's floor levels. As such, the change of use of the building should not increase the risk of flooding or the level of risk to the safety of occupiers of the site. The Council's Sustainable Drainage Engineer has raised no objection to this application.
- 7.10. In terms of flood risk mitigation, the FRA sets out that prior to the occupation of the building, a flood evacuation plan should be prepared and provided to all residents occupying the building. A condition securing this information is recommended.
- 7.11. In respect to surface water and foul water drainage, both are currently disposed of via an existing mains sewer. The FRA sets out that no drainage changes are proposed as part of the development. Given the change of use would not result in any additional bedrooms or result in any changes to the existing bedroom facilities at the property the development should not result in an increase in surface/foul water being disposed from the site.

Access and highway safety

- 7.12. Section 9 of the NPPF relates to the promotion of sustainable transport and specifies that in assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Policy INF1 of the JCS reiterates this advice. Policy TRAC9 of the emerging TBP states that proposals need to make provision for appropriate parking and access arrangements and not result in the loss or reduction of existing parking areas to the detriment of highway safety.
- 7.13. The existing access off the A38 Tewkesbury Road would be utilised and a plan has been submitted which demonstrates the site could provide in excess of 10 off-road parking spaces. Gloucestershire County Council (GCC) have been consulted as the Local Highway Authority and have raised no objections to the development subject to the recommendation of a condition securing covered cycle storage facilities at the site.
- 7.14. The Parish Council and a number of local residents have raised concerns with the access arrangements off the A38 and the level of parking provision at the site. Having reviewed the information submitted, the Highway Authority have confirmed they consider sufficient levels of parking would be provided. This is based on the sustainability of the location with good links to other transport options; because it can't be assumed that all occupiers would own a private vehicle and because Victoria Road has no parking restrictions, i.e. no double yellow lines, meaning vehicles could park on-street if necessary. Given this, the Highway Authority consider the use of the building as a HMO could be accommodated at the site without compromising highway safety and there would be no justifiable grounds on which an objection could be maintained.

CONCLUSION AND RECOMMENDATION

- 7.15. Overall, whilst the concerns from the Parish Council and local residents are noted, it is considered, following consultation with the Highway Authority, that the proposed change of use would not compromise highway safety. No other harm, in respect to design, visual impact, residential amenity and flooding has been identified. In view of this, it is therefore recommended that permission is 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. Unless where required or allowed by other conditions attached to this permission/consent, the development hereby approved shall be carried out in accordance with the information provided on the application form and the following plans/drawings/documents:

- Location and Block Plan
- Floorplan
- Parking Plan

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

3. Before the first occupation of the House of Multiple Occupancy hereby permitted a Flood Risk Evacuation Management Plan should be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be fully adhered to in time of flooding.

Reason: To ensure satisfactory evacuation measures are in place, should it ever be necessary.

4. The development hereby permitted shall not be occupied until secure and covered cycle storage facilities for a minimum of 10 bicycles has been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be used for the parking of cycles only.

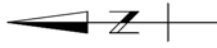
Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up.

INFORMATIVES:

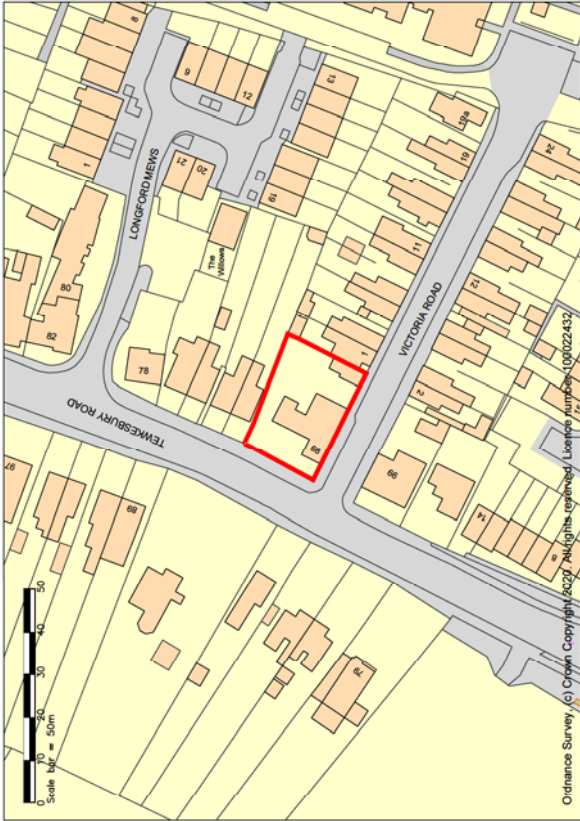
1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received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

© Alan Wade Site Engineering Ltd.
 Notes:
 1. This drawing should only be used for its intended purpose.
 2. Dimensions in metres unless otherwise stated.
 3. Details provided by Land and Mineral Management.

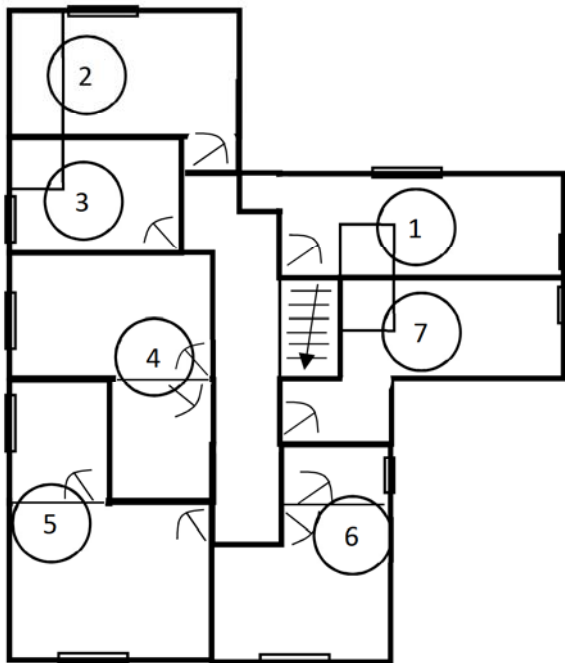
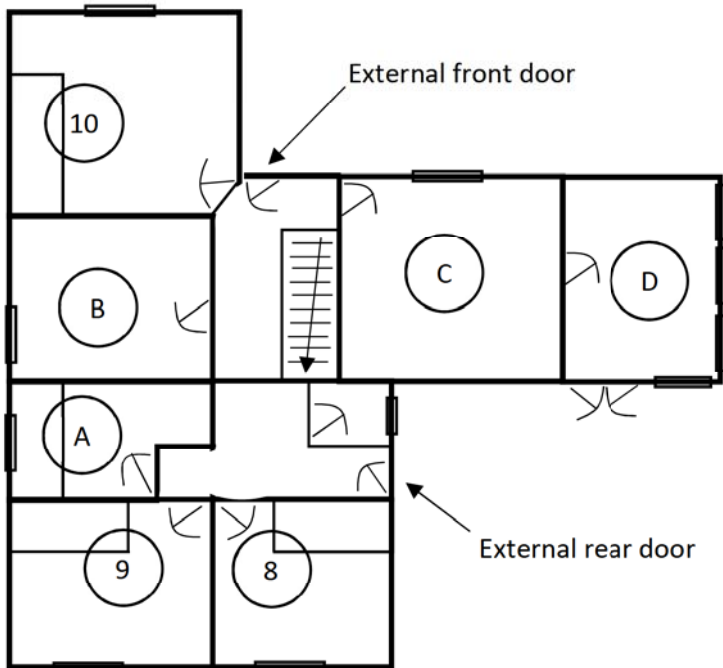
Application boundary



Revision	Comment	Date
ALAN WADE SITE ENGINEERING LIMITED <small>LAND SURVEY AND QUANTITIES CALCULATIONS FOR LANDMINERAL OPERATIONS</small> <small>SURVEYS@SWSEI.CO.UK</small> <small>UNITED KINGDOM REG. NO. 10461580. REGISTERED OFFICE: 14, NEW, CHURCH, 14, NEW, CHURCH, BRISTOL, AVON, BS1 6RT, UK</small>		
Project CHANGE OF USE 68 TEMKESBURY ROAD LONGFORD, GLOUCESTER		
Client COMPLETE UTILITIES		
Drawing Title LOCATION PLAN AND BLOCK PLAN		
Drawn Date	Surveyed Date	
05/10/20	-	
Scale		
1:1250 & 1:500		(AT A3)
Drawing Number		
LMM/045/01		



69 Tewkesbury Road, Gloucester. GL2 9EH: Floorplan.



Ground floor:

- A: Office + WC (2.4m x 4.2m)
- B: Kitchen (3.5m x 4.2m)
- C: Dining Room (4.3m x 4.5m)
- D: Living Room (4.5m x 3.1m)
- 8: Bedroom + WC* (2.5m x 3.5)
- 9: Bedroom + WC* (3.5m x 4.2)
- 10: Bedroom + WC* (4.3m x 4.4m)

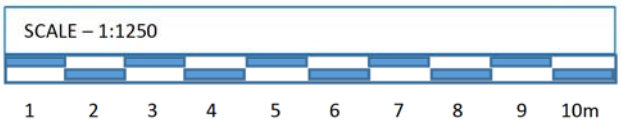
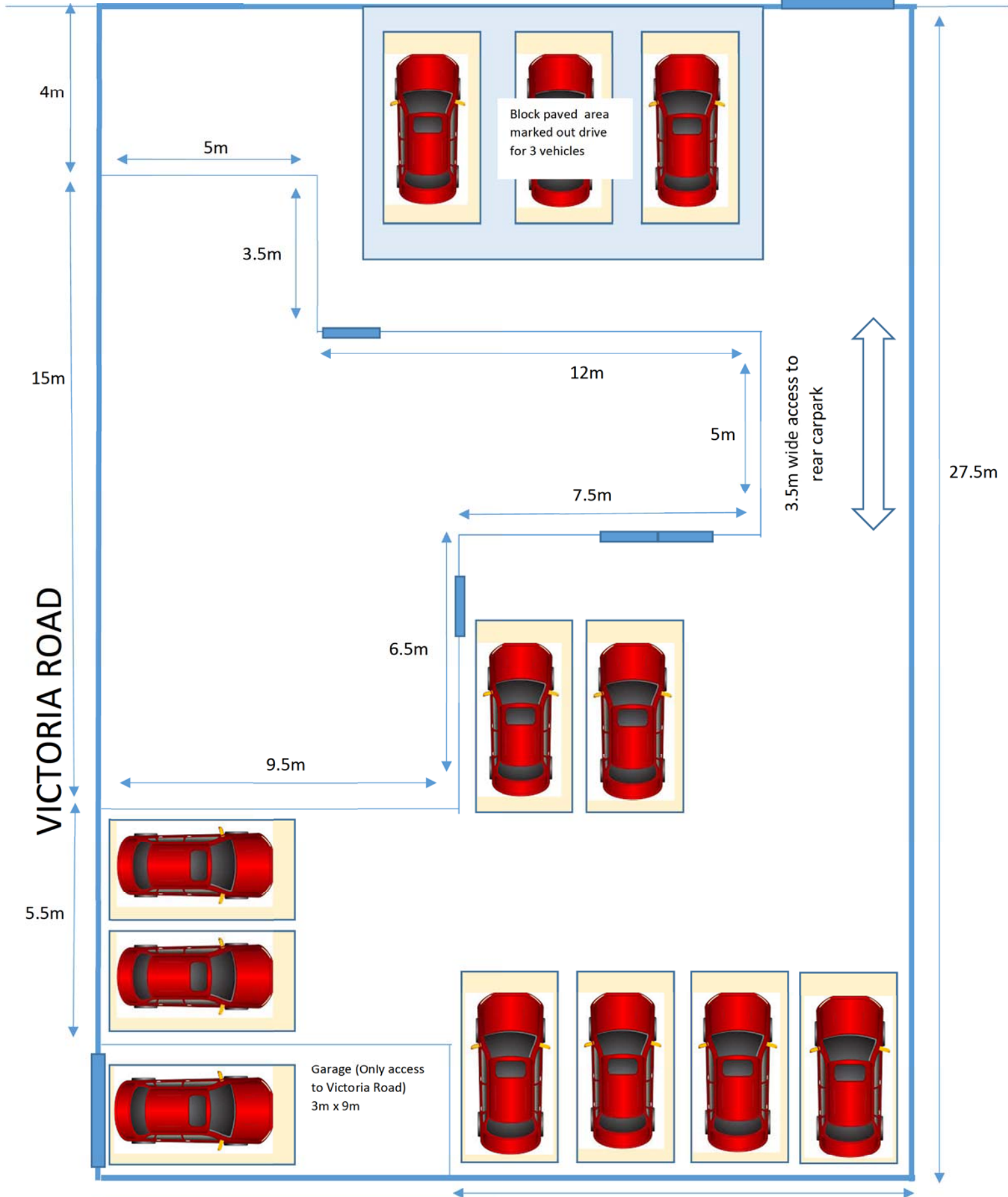
First floor:

- 1: Bedroom + WC* (2.2m x 5m)
- 2: Bedroom + WC* (3.1m x 2.8m)
- 3: Bedroom + WC* (2.4m x 4.2m)
- 4: Bedroom + WC* (3.6m x 4.5m)
- 5: Bedroom + WC* (3m x 4m)
- 6: Bedroom + WC* (3m x 3.65m)
- 7: Bedroom + WC* (2.3m x 4.2m)

*Note: All ten bedrooms include toilet, basin & shower with extraction fan. Ground floor office with only toilet, basin & extractor but no shower.

TEWKESBURY ROAD

Drop-kerb



TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	16 February 2021
Site Location:	9 Church Street Tewkesbury Gloucestershire GL20 5PA
Application No:	20/01163/LBC
Ward:	Tewkesbury Town South
Parish:	Tewkesbury
Proposal:	Installation of a non-illuminated shop sign.
Report by:	Emily Pugh
Appendices:	Site location plan. Block plan. Elevations.
Recommendation:	Consent

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. This application relates to 9 Church Street, a Grade 2* listed building which dates back to the 14th century as a townhouse, with a 19th Century shop front.
- 1.2. The site is located in the historic core of Tewkesbury Conservation Area, and is in close proximity to The Cross War Memorial, as well as several listed buildings.
- 1.3. The site is subject to the restriction of permitted development rights by way of an Article 4 Direction and is located within Flood Zone 2 as identified by the Environment Agency.
- 1.4. The application has been brought to planning committee under the scheme of delegation because the applicant is a relative of a Council employee.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
03/01195/LBC	New sign board and redecoration of external shop front wood work (Grade II* Listed Building ref 859-1/6/86).	CONSEN	11.11.2003
11/00194/LBC	Proposed repainting of shop front and sign. (Grade II STAR Listed Building ref: 30/86)	CONSEN	02.11.2011

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 SD8 (Historic Environment).

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

- 3.5. Policy HEN2 (Conservation Areas).
3.6. Policy HEN6 (Shopfronts in Conservation Areas).
3.7. Policy HEN17 (Advertisements on Listed Buildings).
3.8. Policy GNL13 (Advertisements).

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

- 3.9. Policy DES3 (Advertisements, Signs and Notice Boards).
3.10. Policy DES4 (Shopfronts).
3.11. Policy HER1 (Conservation Areas).
3.12. Policy HER2 (Listed Buildings).
3.13. Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life).
3.14. The First Protocol, Article 1 (Protection of Property).

4.0 CONSULTATIONS

- 4.1. Tewkesbury Town Council – No Objection.
4.2. Conservation Officer – No Objection.
4.3. **Historic England - No Comments to be made.**

5.0 PUBLICITY AND REPRESENTATIONS

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

6.0 POLICY CONTEXT

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2. The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 6.3. The Pre-Submission Tewkesbury Borough Plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.4. The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

- 7.1 Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possess.
- 7.2 Chapter 16 of the National Planning Policy Framework sets out the importance of protecting and enhancing the historic environment, and conserving heritage assets in a manner appropriate to their significance. In particular, paragraph 192 states that in determining planning applications, local authorities should take account of 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.
- 7.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise. Although this legal requirement does not apply to the consideration of listed building consent applications, the planning objectives set out in JCS Policy SD8 are clearly relevant to the consideration of this application for listed building consent.
- 7.4 Saved Policy GNL13 sets out that advertisements will only be permitted where they are well sited, in scale and character with, and design appropriate to the building and locality. Signs should be kept to a minimum, should not contain extraneous information and shall not conflict with visual amenity or public safety.

- 7.5 In this regard, saved Policy HEN17 sets out that the display of advertisements on listed buildings will only be permitted where it is appropriate in terms of scale, design and materials and will not detract from the character and appearance of the building. Advertisements should not be internally illuminated.
- 7.6 Policy SD8 of the JCS and Policy HEN2 of the TBLP reflects the general duty of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to S66 (1) and S72 of the Act, amongst other matters, to have special regard to the setting of Conservation Areas. Any decisions relating to Conservation Areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as satisfying the relevant policies within the Framework and Local Plan.
- 7.7 The existing shop façade is comprised of an attractive shopfront; two glazed display windows are located either side of a central bay entrance door which is set back from the shopfront. The existing signage is located directly above the entrance door and is comprised of vinyl printed lettering applied to an earlier timber signboard.
- 7.8 The proposal would see the removal of the vinyl lettering, and the new sign would comprise of hand painted black and gold lettering on the existing timber board.
- 7.9 The proposed signage is considered to constitute an enhancement which would be better reflective of the buildings historic charm. It would blend harmoniously into its historic setting, and would likewise promote the longevity of the use of the listed building as the new signage would serve to attract new customers to the shop.
- 7.10 For the reasons outlined above, it is considered that the proposal would not harm the significance of the listed building and neither would it result in the loss of historic fabric. Fixings are already in place and as such works would be non-invasive. The proposal is therefore acceptable in terms of the impact upon the listed building and is in accordance with relevant policy.

Conclusion

It is considered that the proposal would preserve the listed building and therefore accords with Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and JCS Policy SD8. Consequently, it is recommended that listed building consent be granted subject to conditions.

CONDITIONS & REASONS

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

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following documents:
 - Proposed elevations: received 23rd November 2020;unless otherwise approved in writing by the local planning authority.

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

Informative

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.



Block Plan No 9 Church Street (1:500)



Existing elevation



Proposed elevation

Drawing 1. No 9 Church Street, Tewkesbury (Plantagenet House) new signage: existing and proposed front elevations



Description: Non illuminated hand signwritten timber board (gold letters on black background)

Drawing 2. No 9 Church Street, Tewkesbury (Plantagenet House) new signage detail

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	16 February 2021
Site Location:	Dog Lane Witcombe Cheltenham Gloucestershire
Application No:	20/01043/FUL
Ward:	Badgeworth
Parish:	Badgeworth
Proposal:	Demolition of existing barn, byre and pig pens and replacement with single dwelling (revised application following withdrawal of 20/00540/FUL / following Approved 18/00568/FUL in terms of siting and design).
Report by:	Dawn Lloyd
Appendices:	Site location plan. Site layout plan. Proposed Elevations. Proposed Ground and First Floor Plans. Proposed Site Sections. Appeal decision. Appeal decision plans.
Recommendation:	Refuse

Councillor Vines has called the application in for determination by the Planning Committee in order to assess the suitability of the proposed revised application following Approved 18/00568/FUL in terms of siting and design in this Green Belt and AONB location.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application relates to the site of agricultural buildings at Oakland Farm, Dog Lane, Witcombe. The buildings are situated to the north west of the existing farm house. The buildings to be demolished are in a poor state of repair and comprise of a corrugated iron clad agricultural barn, a single storey outbuilding and row of former pig pens. Access to the site is gained from Dog Lane via a track which sweeps down to the buildings sited on a level area of ground excavated into the side of the hill
- 1.2 The site is located in the open countryside in a remote, sparsely populated location of the steeply sloping west facing side of the Cotswold Escarpment. The site is situated in the Cotswolds Area of Outstanding Natural Beauty (AONB) and the Green Belt.
- 1.3 The application is for the demolition of the existing agricultural buildings on the site and the erection of a two storey dwelling with a carport and workshop building.

2.0 RELEVANT PLANNING HISTORY

- 2.1 Application 06/00486/FUL for a two storey dwelling on the site was refused and dismissed at appeal APP/G1630/A/072045382 on 17 September 2007.
- 2.2 Application 18/00568/FUL for a single storey dwelling with a smaller footprint was approved by the Council at the Planning Committee Meeting on 25th September 2018.
- 2.3 Application 20/00540/FUL was submitted for a two storey dwelling with an associated carport and workshop building on the site situated forward of the approved location for the single storey dwelling 18/00568/FUL. The application was withdrawn on 28th September 2020.

3.0 RELEVANT POLICY

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

National guidance.

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

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

Policies SD4, SD5, SD7, SD14, SD9, SD10, INF 1, INF2.

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

HOU10.

No relevant saved local plan policies:

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

Policies RES 3, RES4, RES5, RE11 and DES1.

Cotswold Area of Outstanding Natural Beauty Management Plan 2018-2023.

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 **Badgeworth Parish Council** - No objection (in summary)

- On the grounds of the decision in September 2018, the Parish Council supports the erection of a dwelling on this site. The sustainable development issues in September 2018 will not, in the opinion of the Parish Council, have changed through the redesign and repositioning of the proposed dwelling.

- No objection by neighbours to its erection.

- Need to minimise any adverse effect on the Green Belt and AONB in terms of its openness, landscape and surrounding character.

- Appropriate landscaping and tree planting required

- To ensure the new build blend with the surrounding countryside the ridge height should be reduced if possible, materials to be Cotswold mixed building stone, naturally grained wooden windows/doors. Grey Cotswold tiling, avoiding white upvc facias, guttering and down pipes.

4.2 **Environmental Health Officer** (in summary)– No objection recommend conditions for a site investigation of agreed methodology is undertaken with regard to contaminated land and any remediation measures agreed with the local planning authority.

4.3 **Land Drainage Officer**- No comments to make on the proposal.

4.4 **County Highway Authority**- Recommend Refusal.

Since approval of application 18/00568/FUL there has been new local guidance introduced Manual for Gloucestershire Streets July 2020. The development site is located in a rural environment with limited amenities and no schools within walking or cycling distances, (The Institution of Highways & Transportation providing for journeys on foot maximum walking distances of 2km), therefore due to narrow highway width, limited verge and no footway a parent and child have little opportunity to avoid conflict with traffic. No convenience store is within walking distance. No cycling routes are located within the vicinity of the site and employment or secondary education facilities are not within cycling distances. The location for a permanent residential use would not be considered to be suitable in terms of sustainability due to the lack of public transport facilities or footways linking to bus stops, shops, schools, employment and other amenities, therefore resulting in the proposed development being solely reliant on the use of a private vehicle (Car).

The Highway Authority consider the proposed development would be located in an unsustainable location and occupiers would be reliant on the private car for their daily needs for employment, schools, health and recreation and shopping, which is at variance with paragraphs 108 and 110 of the NPPF2019.

4.5 **Ecological Advisor** – (in summary) Our Ecologist reviewed the submitted Ecological Appraisal which indicated building 3 (the disused cattle byre) has high potential for roosting bats but that the building is not to be demolished immediately. Bat emergence surveys of the building will be required prior to determination of the planning application to determine whether the building is used for roosting, what species and number of bats present. Bat surveys cannot be conditioned and more information is required when building 3 is to be demolished. Mitigation is recommended for great crested newts (GCN) and reptiles.

Habitats Regulations Assessment submitted as required by Natural England and with appropriate assessment and measures to be set out to safeguard The Cotswolds Beechwoods Special Area of Conservation through education and awareness for the new homeowners.

All ecological pathways were reviewed including habitat loss, air pollution, noise, light, water quality and quantity and recreational pressure. All were deemed to not have significant effect on the SAC alone or in-combination. The demographic effects from a single dwelling in a rural parish outside a growth area is considered negligible and there are other alternative footpaths and recreational activities that are close to the site. Natural England publication state that the average walking route length was 2.51km – 2.63km with 75% covering up to 3.8km, the report states that the site is too distant for regular circular walks, however at

1.8km from the SAC this cannot be ruled out, although one family will be highly unlikely create a significant impact.

Mitigation has been proposed which includes an information letter including alternative informal recreational spaces, information about the SAC and nearby SSSIs along with the recommendations to minimise disruption to wildlife and habitats when visiting these sites.

It has been concluded that there will be no significant impacts on the SAC alone or in combination and the assessment does not require to progress to stage three of the HRA process providing all mitigation recommendations are met.

4.6 Natural England – Previous comments as for 20/00540/FUL apply.

A Habitats Regulations Assessment (HRA - Stage 2 Appropriate Assessment) was required and a Shadow Habitats Regulations Assessment dated September 2020 by FPCR Environment and Design Ltd was submitted. The comments of Natural England were received after notification of withdraw of application 20/00540/FUL. However, Natural England considered the above Shadow Habitat Regulations Assessment which has been submitted with the current application and considered without appropriate mitigation the application would:

- have an adverse effect on the integrity of the Cotswold Beechwoods Special Area of Conservation (SAC)
- damage or destroy the interest features for which the 'Cotswolds Commons & Beechwoods' and 'Crickley Hill & Barrow Wake' Sites of Special Scientific Interest have been notified.
- In order to mitigate these adverse effects and make the development acceptable, the mitigation options described in the submitted shadow Habitats Regulations Assessment and appropriate assessment report dated September 2020 by FPCR Environment and Design Ltd should be secured be condition.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 The application has been publicised through the posting of a site notice for a period of 21 days and nine letters of support have been received (in summary):

- Replaces dilapidated agricultural buildings, proposal would visually enhance the area.
- The proposed dwelling would be in keeping with the environment and character of the area.
- Applicant already lives in the lane there will be no impact from increased traffic.
- Due to distance from other neighbours there will be no impact with regard to noise or disturbance.
- Being one of the few properties with direct line of site to this development the proposal seems to offer along with proposed new and existing trees and shrubbery an improvement on what is currently visible.

6.0 POLICY CONTEXT

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

The Development Plan 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.

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).

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

7.0 ANALYSIS

Principle of the development

- 7.1 The site proposed development is contrary to JCS Policy SD10. However, planning permission was granted by the Council for a single storey dwelling on the site on 25th September 2018 therefore, the principle of a dwelling on this site is established, the proposal would replace the previous permission and therefore would not add to the supply.
- 7.2 Therefore, the main considerations are the revised siting and design of the dwelling with regard to the Green Belt, landscape setting and Cotswold Area of Outstanding Natural Beauty, design and character of the area, biodiversity and highway safety.

Green Belt

- 7.3 The application site is located in the Green Belt. The NPPF makes it clear that local planning authorities should regard the construction of new buildings as inappropriate development except in specific circumstances as set out in paragraphs 145 and 146 of the NPPF. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. JCS Policy SD5 (Green Belt) is consistent with the advice contained in the NPPF.

Is the proposal inappropriate development?

- 7.4 The proposed dwelling does not form part of the exceptions under para 145 of the NPPF and is therefore defined as inappropriate. Engineering operations are not considered inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purpose of including land within it.

- 7.5 Para 144 of the NPPF 2019 considers that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.
- 7.6 The submitted supporting documents indicate that the application site and adjacent land to the southeast is in part of made ground and there is evidence of slope movement and landslip. Engineering operations would therefore be required to stabilise the land to enable a dwelling to be constructed on the site. Point 7.2 of the applicant's Ground Report states that the slope shows clear signs of instability and construction is required in the form of a retaining wall to support the failed section between the yard and midlevel which could be a contiguous pile wall or gabion wall.
- 7.7 The lowest cost option for engineering operations would be a gabion wall along the eastern side of the development site. The Report states that the gabion wall would need to be combined with drainage measures and the removal of soil from the crest of the slope (to the east) to improve the upslope stability. A maintenance corridor at the base of the slope would be required and the dwelling sited more central within the yard, a raft foundation for the dwelling is recommended.
- 7.8 Therefore, the engineering operations need to be considered whether they preserve the openness of the Green Belt and do not conflict with the purposes within it. The dwelling is inappropriate development and therefore, very special circumstances need to be demonstrated.

Engineering operations and impact on openness.

- 7.9 Openness, as highlighted in the NPPF, is an essential characteristic of the Green Belt to which the Government attaches great importance and is a separate issue from the character and appearance of an area. It is a matter of physical presence rather than its visual qualities and although there is no formal definition of 'openness', it is generally accepted to be the absence of built form or otherwise urbanising development. In *R (Lee Valley Regional Park Authority) v Epping Forest DC* [2016] EWCA Civ 404 Lindblom LJ said " *The concept of "openness" here means the state of being free from built development, the absence of buildings - as distinct from the absence of visual impact*". Further, in the Hampstead Heath case, Sullivan LJ (as he was then) said " *While it may not be possible to demonstrate harm by reason of visual intrusion as a result of an individual - possibly very modest - proposal, the cumulative effect of a number of such proposals, each very modest in itself, could be very damaging to the essential quality of openness of the Green Belt ..*" - it is here that the "death of a thousand cuts" analogy was introduced.
- 7.10 The site is in an elevated position on a ground which has been cut into the hillside. The site is visible from views from the north and west. The disused cattle byre and livestock shed are situated towards the western boundary with the storage building closest to the bank to the east. The existing agricultural buildings would be demolished and material excavated from the site reducing grounds slightly. The gabion wall would be to the eastern slope to the rear of the proposed dwelling. The structural engineers report indicates a wall of double stacked gabions which would be visually obscured by the dwelling and carport the engineering operations would introduce additional built form into the landscape and therefore impact openness.

Proposed Dwelling and impact on openness

- 7.11 The dwelling is inappropriate development in the Green Belt and therefore very special circumstances need to be considered. The site has extant permission for residential use and the erection of a single storey dwelling sited towards the south eastern boundary and this would be considered as a fall-back position. The extant permission would require substantive and costly engineering operations. However, the cost of the engineering operations would not be considered as very special circumstances as the cost is relative to the individual, not to the resolution of the scheme.
- 7.12 The application is for a lower cost engineering solution of a gabion wall and which requires the dwelling to be sited further from the south eastern boundary with a more rectangular footprint for the raft foundation. However, the engineering operations do not justify the increase in scale of the dwelling. The proposed dwelling would be two stories, 8.5m to the ridge and floor area 198sqm. The application also includes a building for a carport and workshop situated towards site entrance to the north which would have a ridge height 5.4 m and footprint of 28.5sqm. It is material that a two storey dwelling of similar height on the site was dismissed at Appeal (ref: 2045382) with the Inspector concluding the siting and height of the dwelling would make it more prominent than the existing buildings when viewed from the north and higher ground within the farm group (see attached appeal decision and plans).
- 7.13 The Applicant considers that the development would not impact openness due to the floor area of the dwelling being less than that of existing agricultural buildings. There is no dispute that the overall footprint of the buildings on site would be reduced. However, the Inspector in the above appeal decision considered the increase in height and prominence of the proposed two storey dwelling would not outweigh the benefit of reducing the footprint of existing buildings on the site.
- 7.14 It is the case that the proposed dwelling would be greater in terms of height, scale and mass than the dwelling of application 18/00568/FUL which was 5.3m, similar in height to the storage barn and footprint less than that of the existing agricultural buildings. The proposed dwelling would result in a taller and more prominent building at 8.5m. The application includes widening the access drive and significant lengths of stone walls and fencing along the boundaries of the site. The introduction of formal hard boundary treatments, the additional width of the access track and increase in scale of the dwelling would materially affect the openness of the Green Belt compared existing agricultural use and the consented single storey dwelling. There are also some clear parallels with the dismissed appeal proposal (2045382).

Very Special Circumstances

- 7.15 Very special circumstances have been presented for works to stabilise the site. As considered above the engineering operations would impact openness by virtue of their built form and therefore inappropriate. The proposed dwelling would be inappropriate development, the more central location of the dwelling within the site and the raft foundation has been put forward as very special circumstances for the alteration in the design. However, the foundations do not justify the increase in scale of the proposed dwelling and additional built form on the site which would impact openness of the Green Belt.

Conclusion on Green Belt

- 7.16 The proposed development would be inappropriate development in the Green Belt which is harmful by definition. The very special circumstances presented do not justify the increase in scale of the proposed dwelling and additional built form on the site compared to the extant permission, which impacts openness of the Green Belt.
- 7.17 In addition, the proposal would fail to safeguard the countryside from encroachment. These are matters that carry substantial weight against the proposal. Whilst there would be a reduction in the overall footprint of buildings on the site, the benefits on openness would be limited and offset by the creation of residential curtilage and accumulation of associated paraphernalia. The development would therefore conflict with the purposes of designating land as Green Belt.
- 7.18 The overall conclusion in respect of Green Belt harm is dependent on the identification of any other harm which may arise following analysis of all material planning considerations which are discussed in the following sections of this report.

8.0 Impact on the Cotswold AONB and Landscape character

- 8.1 The application site is located within the Cotswolds AONB an area of high scenic quality that has statutory protection in order to conserve and enhance the natural beauty of its landscape. The National Planning Policy Framework (NPPF) makes clear that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty Para 172.
- 8.2 Policy SD7 of the JCS requires all development proposals within the setting of the Cotswolds AONB to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals are also required to be consistent with the policies set out in the Cotswolds AONB Management Plan 2018-2023. Policies CE1, CE3, CE4 and CE5 are considered most relevant in this particular case and require development to, amongst other things, be compatible with the distinctive character of the location, be designed to respect local building styles and materials, having regard to tranquillity, have regard to dark skies by seeking to avoid and minimise light pollution.
- 8.3 The application has been accompanied by a Landscape and Visual Impact Assessment (LVIA) which considers the existing buildings to be of low value and a visual detractor in the AONB landscape. It is subsequently concluded that the proposed development would offer an opportunity to improve the site and its surroundings by delivering an enhanced landscape character without harm to local visual amenity. Furthermore, it is commented that the views of the site from the east and north are screened by the landform of the escarpment and woodland, with greater potential for views from lower areas in the south-west and north-east but these are somewhat limited due to the presence of foreground vegetation. In any case, the LVIA makes reference to potential landscape mitigation, including new native hedging along the north and western boundaries orchard planting and hedging in the adjoining field to the west and trees planting to the south and east of the site (also in the applicant's ownership), to screen the proposed development and enhance the landscape and visual qualities of the Cotswolds AONB. The site layout plan indicates planting of some additional planting of native or fruit trees on the western boundary and northern side of the widened access drive. No formal details have been submitted although it is acknowledged that some of the proposed mitigation could be controlled by way of condition.

- 8.4 The proposal would have a greater built volume and be more prominent than the approved single storey dwelling and would be similar in scale to the previously refused scheme which was dismissed at appeal. In application 18/00568/FUL the dwelling was sited towards the bank to the south east and the existing cow byre building was to be retained. The cow byre in part screened the single storey dwelling from views from the west assisting the development in retaining in part its agricultural appearance and context. The current application proposes to demolish all the existing agricultural buildings on the site although not all at once. The residential curtilage would be enclosed with hard boundary treatment including drystone walls and a stone face to the existing concrete walls, topped with metal estate style fencing, the latter boundary treatment would not be well related to the agricultural character of the wider area. The visual landscape assessment proposes mitigation through planting outside the application site to provide screening for the development. Policy CE3 of the Cotswold AONB Management Plan (CMP) gives consideration to the local distinctiveness of Cotswolds AONB in terms of design and landscaping of proposals. It is considered that the proposal would erode the rural landscape character by introducing a prominent residential dwelling with its associated curtilage that requires substantive mitigation works outside the application site to screen the development in an area afforded one of the highest levels of protection. Thus, for these reasons, the proposal is considered contrary to JCS Policy SD7.

9.0 Five Year Housing Land Supply

As set out in the latest Tewkesbury Borough Five Year Housing Land Supply Statement published in December 2020, the Council can demonstrate a 4.35 year supply of deliverable housing sites. On the basis therefore that the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the provision of housing should not be considered up-to-date in accordance with footnote 7 of the NPPF and in accordance with paragraph 11 of the NPPF the presumption in favour of sustainable development (the 'tilted balance') applies. The presumption is therefore that permission should be granted unless policies for protecting assets of particular importance provides a clear reason for refusing the development or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This will be assessed below.

- 9.1 Members will be aware of the recent appeal decision at Ashmead Drive in which the Inspector concluded that the Council can demonstrate a 1.82 year supply. This is principally because the Council includes advanced delivery (or 'oversupply') against annual housing requirements in its five-year supply calculations. Appeal decisions are not binding precedents however. Officers consider that, on the context of the plan-led system, it is wrong not to take into account houses that have already been delivered during the plan period, essentially ahead of schedule, and which meet the needs being planned for in the area. Officer's advice is therefore that a 4.35 year supply can be demonstrated at this time.
- 9.2 However, the presumption in favour of sustainable development set out in the NPPF does not apply in this case given that the proposal represents inappropriate development in the green belt and would not conserve or enhance the natural beauty of the AONB, nor its character or special qualities. These are matters that provide clear reasons for refusal and in accordance with paragraph 11 d(i) of the framework, the presumption is not engaged in this case.

Design and layout

- 10.0 Policy SD4 of the JCS states 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.
- 10.1 The proposed dwelling would be a detached two storey dwelling constructed from natural Cotswold stone with clay small plain tiles. The design is considered that of a modern standard house the scale, width and detailing of the house and garage/workshop would not be considered of the Cotswold vernacular although the design does make reference to it. However, there are two storey detached properties of similar scale in the wider vicinity of the site and therefore the design would be considered appropriate to the character of the area.

Local Amenity

- 11.0 JCS Policy SD14 requires new development to cause no unacceptable harm to local amenity, including the amenity of neighbouring occupants. In this case, the site's isolated location means there would no resultant harm to the residential amenity of neighbouring occupants from the proposed dwelling in terms of overbearing impact, loss of light or privacy. Similarly, the proposed dwelling is deemed to afford future occupants with sufficient private amenity space and would not conflict with neighbouring land uses. The proposal is therefore considered to accord with the requirements of JCS Policy SD14 in this regard.

Nature Conservation

- 12.0 The application has been accompanied by an Ecology Report to determine the current ecological value of the site and the presence of any protected species and/or habitat.
- 12.1 The Ecology Report considers the impact of the proposal on protected species Bats, Birds and Great Crested Newts.
- 12.2 The agricultural buildings has been assessed the main agricultural building ('Barn B1) and the former pig pens (Barn B2) had negligible potential to support bat roosts. The slightly older cattle byre (Barn B3) has been identified as having high potential for roosting bats, having a number of suitable roosting features present. The report confirms evidence of bat activity in this building although it is noted that no bats were observed at the time of the survey being undertaken. All the existing buildings on the site identified to be demolished although it is indicated the building B3 which has evidence of bats would be demolished at a later date. The Council's Ecologist states that further bat emergence surveys of the building are required prior to determination of the application to determine whether the building is used for roosting, the species, number of bats are present and mitigation works required. Circular 06/05: biodiversity and geological conservation) states: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. As additional surveys are required insufficient information has been submitted to determine the impact of the development on a European Protected Species.

- 12.3 The council has a statutory duty under regulation 3(4) of the Conservation (Natural Habitats) Regulations to have regard to the requirements of the Habitats Directive in the exercise of its functions. In R (Woolley) v Cheshire East BC and Millenium Estates Ltd 2009 judicial review of the council's decision to grant permission for the demolition of a house hosting a small roost for pipistrelle bats and its replacement with a larger one was sought. In its ruling on the case, the court held that a local authority could not discharge its duty under the Habitat Directives simply by making the obtaining of a licence from Natural England a condition of the grant of permission.
- 12.4 The Applicant has identified that additional surveys have been provisionally booked for 3rd May 2021, 17th May 2021, 31st May 2021 and their Ecologist has identified how the roost would be protected during construction work. However, the size of the roost, and the species has not been identified therefore additional information is required for the council to fully assess the ecological impacts of the application under its statutory duty under the Conservation of (Natural Habitat) Regulations 2017.
- 12.5 A Habitats Regulations Assessment Stage 2 Appropriate Assessment was submitted as the development could have potential significant effects on The Cotswolds Beechwoods Special Area of Conservation (SAC), the 'Cotswolds Commons & Beechwoods' and 'Crickley Hill & Barrow Wake' Sites of Special Scientific Interest.
- 12.6 Natural England have confirmed the details the mitigation options described in the submitted shadow Habitats Regulations Assessment and appropriate assessment report are acceptable in this regard and are secured by condition.
- 12.7 In conclusion, insufficient information has been provided to assess the impact on bats resulting from the demolition of the former cattle byre building,
- Highways
- 13.0 The Highway Authority consider that the development would be located in an unsustainable location and occupiers would be reliant on the private car for their daily needs for employment, schools, health and recreation and shopping contrary to paragraphs 108 and 110 of the NPPF2019. However the principal of a dwelling on the site has been established with the approval of application 18/00568/FUL.
- Drainage
- 14.0 JCS Policy INF2 requires new development to incorporate Sustainable Drainage Systems where appropriate to manage surface water drainage. In addition, the proposal would require drainage works to stabilise the site and drainage details have been submitted in tis regard.

15.0 OVERALL BALANCE AND CONCLUSION

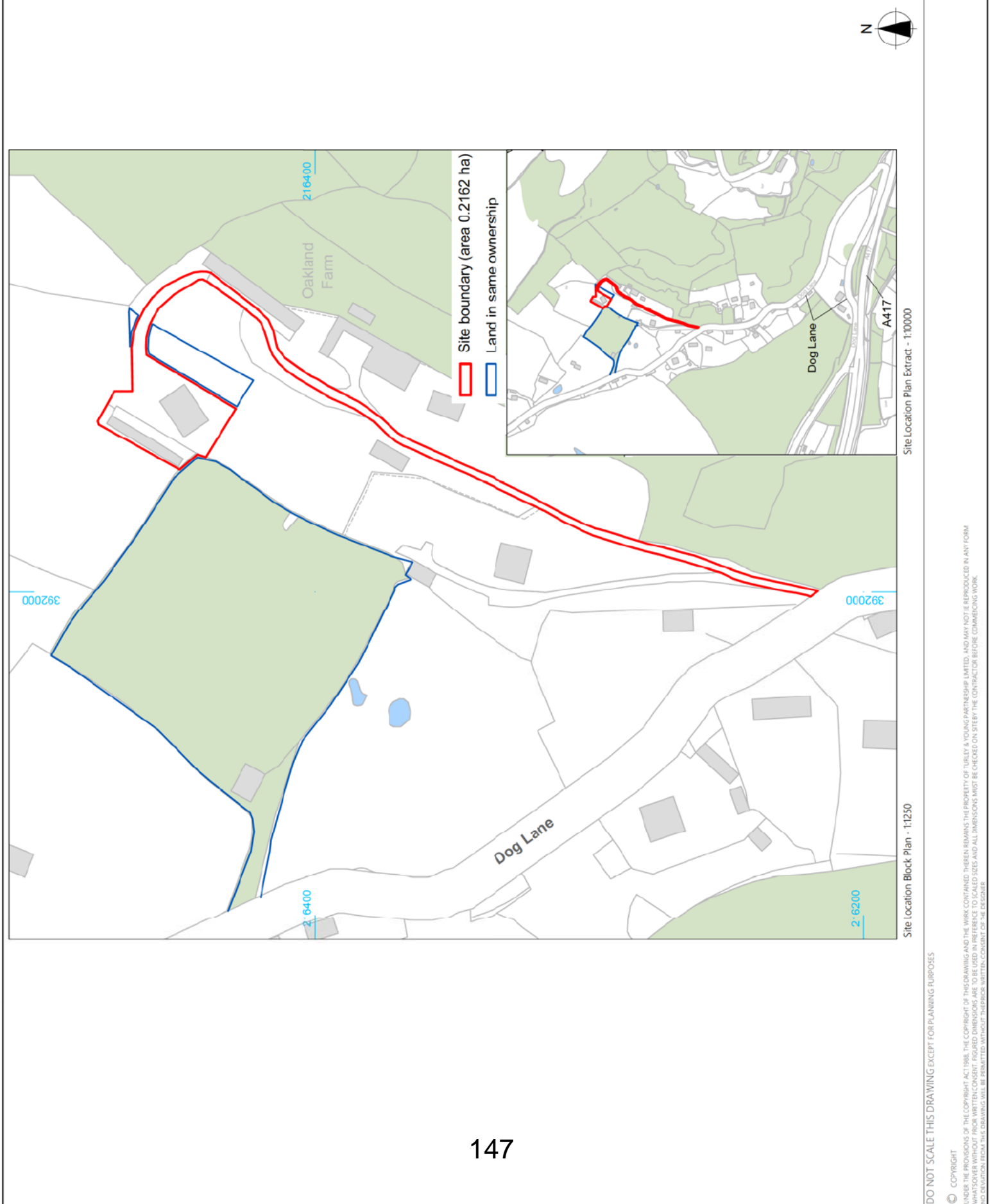
- 15.1 The proposal would not add to the housing supply as it would replace a previously approved dwelling on the site.

- 15.2 As required by paragraph 144 of the NPPF substantial weight must be given to all the harms caused to the Green Belt. As set out in this report, the proposed dwelling is inappropriate development in the Green Belt and is harmful by definition. By virtue of its siting, scale and height, the proposed dwelling would have a materially greater impact on the openness of the Green Belt than the existing buildings, and the permitted dwelling (18/00568/FUL). Similarly, the proposal would introduce a formalised access and formal boundaries which would be more prominent than the previously approved development.. The proposal would therefore comprise inappropriate in the Green Belt that would harm openness and conflict with its purposes. This weighs heavily against the proposal in the planning balance.
- 15.3 In terms of other harms, there would be a degree of harm to the Cotswold AONB given the residential development would be more prominent than the previous consent and would require substantive mitigation works outside the application site to screen the development in an area afforded one of the highest levels of protection.
- 15.4 In terms of the applicant's Very Special Circumstance the development of the dwelling would be inappropriate development, and very special circumstance need to be demonstrated. The more central location of the dwelling within the site and the raft foundation is put forward as very special circumstances for the alteration in the design. However, the foundations and siting of dwelling do not justify the increase in scale and formalisation of boundaries.
- 15.5 The application proposes that the existing agricultural buildings would be demolished: one of which has been identified as having high potential for roosting bats. However, the required additional surveys have not been undertaken and the Council is therefore unable to fulfil its statutory duty in terms of the Habitats Regulations.
- 15.6 In terms of other matters relevant to the application, whilst the County Highways object to the unsustainable location of the development, the principle of a dwelling on this site has been established by pervious permission (18/00568/FUL). The site would not be unacceptable in terms of neighbour amenity, nor at an unacceptable risk of flooding.
- 15.7 In balancing these considerations it is not considered that the factors in favour of granting permission advanced by the applicant, individually or cumulatively, clearly outweigh the clear and identified harm to the Green Belt. It is therefore not considered that very special circumstances exist in this case to justify inappropriate development in the Green Belt, and it is therefore recommended the application is **Refused**.

Reasons:

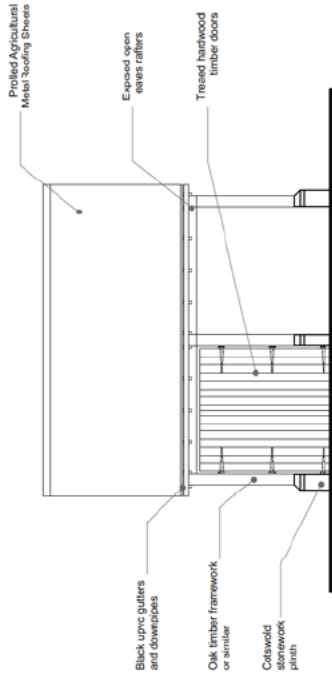
1. The proposal would represent inappropriate development in the Green Belt which compromises its open character and purpose. The applicant has not demonstrated very special circumstances which clearly outweigh the harm to the Green Belt caused by the inappropriateness of the development and other harm. The development would therefore conflict with Policy SD5 of the Joint Core Strategy (December 2017) and the provisions of the National Planning Policy Framework (2019).

2. The proposed development would result in an unwarranted intrusion into the Cotswold Area of Outstanding Natural Beauty and would therefore cause significant and demonstrable harm to the qualities and intrinsic beauty of the Cotswold Area of Outstanding Natural Beauty. Accordingly, the proposed development would conflict with guidance in the NPPF, policies set out in the Cotswolds AONB Management Plan 2013-2018, and Policy SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017).
3. Insufficient information has been provided that demonstrates the proposal would not have a harmful effect on bats or that any harm caused could be appropriately mitigated. Consequently, the development would be contrary to Policy SD9 of Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017), Policy NAT1 of the Tewkesbury Borough Local Plan 2011 - 2031 - Pre-Submission version 2019, and the NPPF.

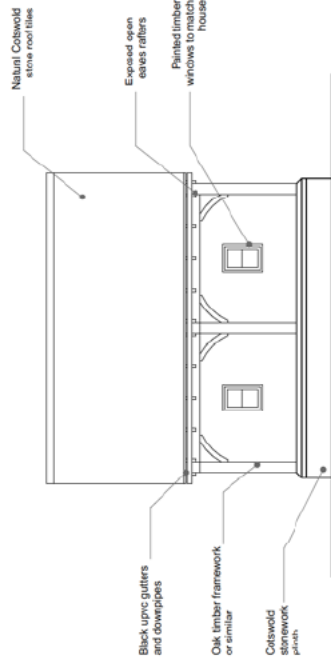


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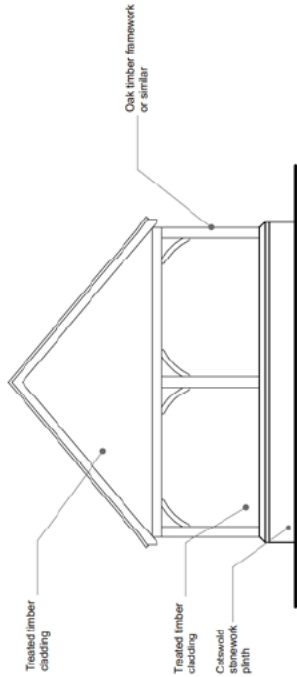
Site Location Block Plan - 1:1250



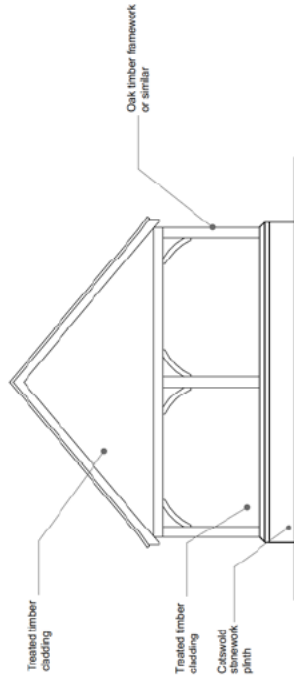
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Scale 1:100



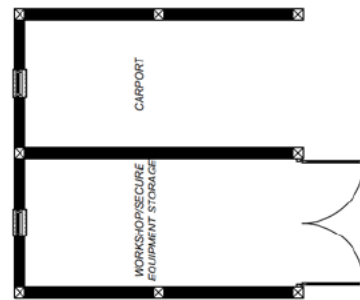
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Scale 1:100



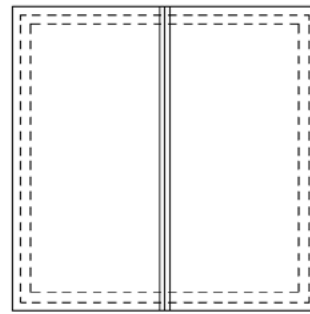
Proposed Side Elevation
Scale 1:100



Proposed Side Elevation
Scale 1:100



Proposed Ground Floor Plan
Scale 1:100



Proposed Roof Plan
Scale 1:100



Rev	Description	Drn	Chk
Revisions			
Project			

Proposed New Dwelling
Land At Oakland Farm
Bentham, Glas

Client



Title

New Build Dwelling
Proposed Carport &
Workshop Details

Drawing No.

1927 - 07

Date

June 2020

Scale @ J3

Drawn

1:100

AY

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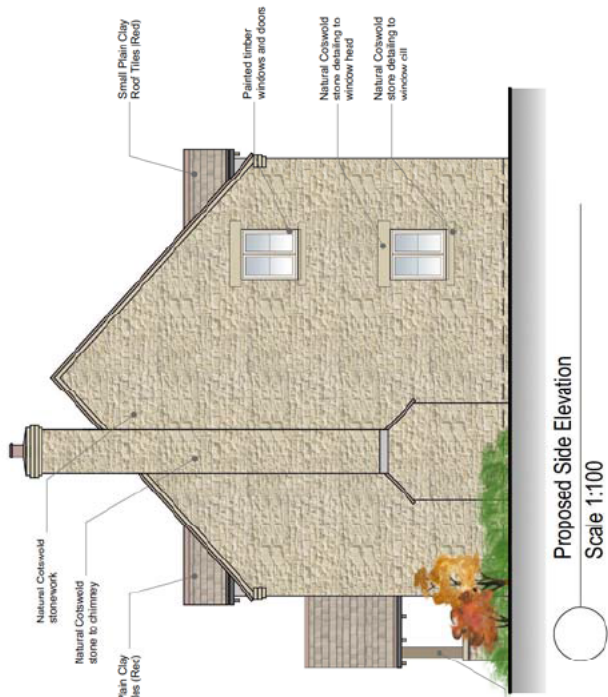
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Proposed Front Elevation
Scale 1:100



Proposed Rear Elevation
Scale 1:100



Proposed Side Elevation
Scale 1:100

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P2 23.0.20 - Ridge height covered in accordance with Parish Council recommendations. AY
 Rev Description Dm Ck
 Revisions
 Project

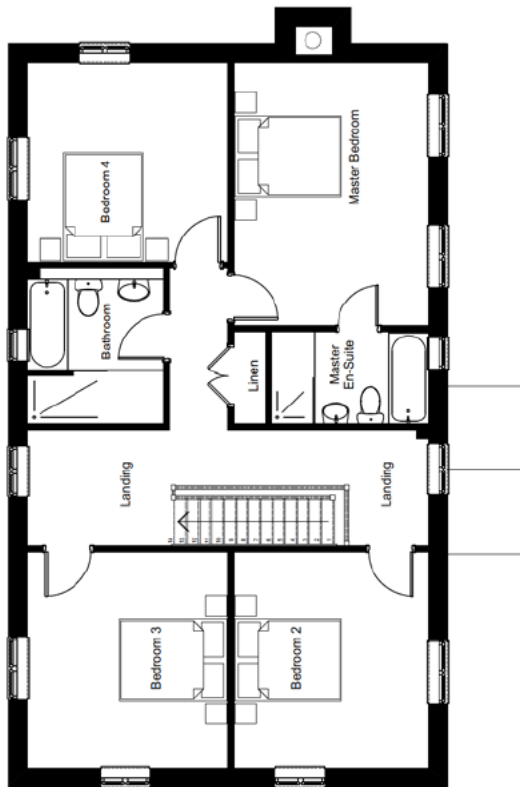
Proposed New Dwelling
 Land At Oakland Farm
 Bentham, Glos
 Client

Title

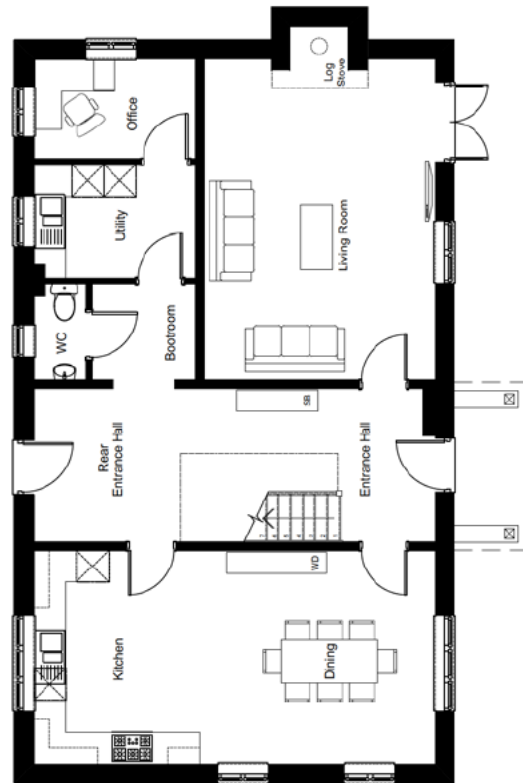
New Build Dwelling
 Proposed Elevations

Drawing No. 1927 - 16 Date June 2020
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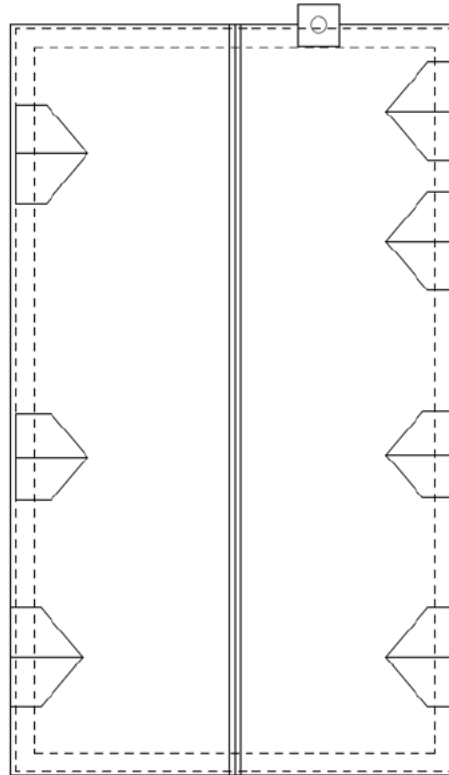
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Proposed First Floor Plan
Scale 1:100



Proposed Ground Floor Plan
Scale 1:100



Proposed Roof Plan
Scale 1:100



Rev Description Dm Chk

Revisions

Project

Proposed New Dwelling
Land At Oakland Farm
Bentham, Glas

Client



Title

New Build Dwelling
Proposed Floor Plans

Drawing No.

1927 - 05

Date

June 2020

Scale @ 1/3

Drawn

1:100

AY



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Officer:-

Scanned:-

Rec'd 19 SEP 2007

Ack'd

Ans'd

File



Appeal Decision

Site visit made on 28 August 2007

by **R J Yuille** Msc Dip TP MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Date: 17 September
2007

Appeal Ref: APP/G1630/A/07/2045382

Oaklands Farm Barns, Dog Lane, Witcombe, GL3 4UG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by [REDACTED] against the decision of Tewkesbury Borough Council.
- The application Ref: 06/00486/FUL, dated 03/04/06, was refused by notice dated 14/11/06.
- The development proposed is a new dwelling to replace an existing redundant barn.

Decision

1. I dismiss the appeal.

Background

2. There are three buildings on the appeal site. It is proposed to demolish the largest of these, a block built barn clad in corrugated iron and replace it with a four bedroom house. In order to get more sunlight and to achieve a practical form of construction the proposed house would be located in a different, but overlapping, position to the existing building. A row of pig pens of rendered block construction with a corrugated iron roof would be altered to form a 5 bay car port. A single storey cattle byre built of Cotswold stone and brick with a clay tile roof would be retained.

Main Issues

3. The appeal site is in the Green Belt and the Cotswolds Area of Outstanding Natural Beauty (AONB). That being so I consider the main issue in this appeal to be whether the appeal scheme would be inappropriate development in the Green Belt and, if it would, whether there are any very special circumstances which would outweigh the harm that this would cause to the Green Belt and any other harm it would cause to the AONB, to highway safety and to the aim of avoiding development that would be unduly reliant on the private car.

Reasons

Green Belt

4. Policy GB.1 of the *Gloucestershire Structure Plan Second Review* (the Structure Plan) and Planning Policy Guidance 2; *Green Belts* set out a general presumption against inappropriate development in the Green Belt. Policy GRB1 of the *Tewkesbury Local Plan to 2011* (the Local Plan) makes clear that new

buildings will only be permitted where they are for a number of specified purposes. The proposed dwelling, which would be for general purpose housing, does not fall into any of these categories and would, therefore, be inappropriate development in the Green Belt.

5. Inappropriate development is by definition harmful to the Green Belt. Very special circumstances to justify such development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
6. In essence the very special circumstances advanced by the appellant are that a dilapidated barn would be removed and replaced with a less imposing house and this would cause less harm to the Green Belt than the building it would replace. The first point to make in connection with this approach is that dilapidated farm buildings in the countryside are commonplace and that any argument based on the removal of such buildings is not, therefore, very special in the sense that it is unusual or uncommon.
7. Moreover, I am not satisfied that the proposed building would be beneficial to the openness of the Green Belt. The existing buildings on the site are substantial structures but the main building is cut into a steep slope which reduces its visual impact as does the green colour of its corrugated sheeting. All the buildings on the site are seen in the context of the nearby farm group and while they are in a dilapidated condition they are of a type of construction commonly to be found in the countryside. These factors mean that the buildings have only a limited effect on the openness of the Green Belt.
8. According to the appellant's unchallenged calculation the appeal scheme would lead to a 40% or so reduction in the developed area of the site and the majority of the existing hardstanding on the site would be removed. These are factors that weigh in favour of the appeal scheme. The improvement of the track serving the site, if done in appropriate materials, need amount to no more than the reinstatement of the stone track that is already in place; this, therefore, is a neutral point in the equation.
9. On the other hand the proposed house would be considerably taller than the barn that it would replace (8.5 metres as compared to 5 metres) and, while the extent of the curtilage of the proposed house has not been defined I, like the Council, consider that any house on the site would bring with it an inevitable accumulation of domestic paraphernalia. These factors, together with the proposal to site the house marginally further from the shelter of the bank than the existing barn, would make the building more prominent than the existing buildings when seen from fields to the north and from the higher ground within the existing farm group.
10. I accept that neither the existing nor the proposed buildings would be easily seen from nearby public viewpoints but this on its own would not be a reason to grant planning permission for the appeal scheme. Such an argument could be made too often and if successful would, cumulatively, undermine the purposes of including land in the Green Belt.
11. On balance I consider that the increased height and prominence of the proposed house would outweigh the benefit of reducing the footprint of

buildings on the site. I do not, therefore, consider that the appeal scheme would lead to an increase in the openness of the Green Belt.

12. In coming to this view I have taken account of the appellant's willingness to exclude the car ports from the appeal scheme and or to remove the pig pens on which they would be based. However, this would have only a limited impact on the appeal scheme as a whole and would not alleviate my principal concerns about the scheme which relate to the proposed house on the site.
13. I do not, therefore, consider that points put forward by the appellant amount to very special circumstances that clearly outweigh the harm that the proposed development would cause to the Green Belt by reason of its inappropriateness and its effect on openness. It would, therefore, conflict with the aims of Structure Plan Policy GB.1 and Local Plan Policy GRB1.

AONB

14. Structure Plan Policy NHE.4 and Local Plan Policy LND1 give priority to the conservation and enhancement of the natural beauty of the landscape in the AONB. For the reasons set out above when considering Green Belt matters I do not consider that the appeal scheme, which would lead to the construction of a taller more prominent building on the site, would meet this end.

Highway Safety


15. The junction between the appeal site and the lane that serves it, Dog Lane, is poorly surfaced, steep and acutely angled. Dog Lane itself is in places narrow, steep and twisting. Forward visibility is limited on some sections of the lane and for considerable stretches it is not possible for oncoming vehicles to pass; there are, moreover, no proper passing bays. Dog Lane leads to Bentham Lane and thence to the junction with the A46 where traffic emerging from Bentham Lane has restricted visibility. The proposal to locate an additional house on a site with such severe limitations on its access would, I consider, be contrary to the aims of Local Plan Policy TPT1 which seeks to ensure that development does not adversely affect the safety or satisfactory operation of the highway network.

Car Usage

16. The aim of reducing the need to travel, especially by car, is set out in, amongst other places, Structure Plan Policy T.1. The appeal site is in the open countryside well away from any settlement as defined in the Local Plan. Although the appellant disputes this, I, like the Council, regard the site as being in a remote location in that it is not within easy walking distance (normally taken to be some 600m or so) of shops schools or other facilities.
17. The site is, moreover, almost 2 kilometres (1.2 miles) from the nearest bus stop and although this may have been used by the appellant and his family in the past I consider the distances involved and the narrow, unlit nature of the intervening lanes with their lack of footways or useful verges would deter most walkers while their steepness would be a powerful disincentive to cyclists.
18. I am satisfied, therefore, that the appeal scheme would run counter to the aims of Structure Plan Policy T.1 in that it would not minimise the length or number of car journeys or encourage the use of public transport, walking and cycling.

Conclusions

19. I acknowledge that this is an opportunity for the appellant to build a house at a price he can afford. However, the term affordable housing, when used in a planning context, assumes that mechanisms will be put in place to ensure that such affordability is passed on to subsequent occupiers. No such mechanism has been put forward in this instance. Nonetheless, I recognise that the appeal scheme would be an opportunity for the appellant to live in an area in which he has close local links and where his proposals have received support from local people.
20. However, the appeal site is in the Green Belt where there is a strong presumption against inappropriate development such as that proposed. I am not satisfied that the arguments in support of the appeal scheme are in themselves very special nor do I consider that the appeal scheme would be beneficial in that it would improve the openness of the Green Belt. Furthermore, it would not conserve or enhance the natural beauty of the landscape in the AONB, it would have an adverse effect on highway safety and it would run counter to the aim of reducing reliance on the private car. The proposed development would, therefore conflict with the aims of the development plan policies set out above.
21. For these reasons and having regard to all other matters raised, including the Council's reference to the fact that the site is in the open countryside – a matter that I deal with when considering Green Belt - I conclude that the appeal should be dismissed.


Inspector

Notes

This drawing is based on plans supplied by the property owner

DO NOT SCALE OFF THIS DRAWING

All dimensions to be checked on site by the contractor prior to commencement

Revisions

- A. Revised in accordance with client's comments 19.12.05
- B. Revised in accordance with client's comments 04.01.06
- C. Revised in accordance with client's comments 03.02.06

06/00486

PLANNING AND DEVELOPMENT SERVICES
 Officer:
 Scanned:
 Rec'd 10 APR 2006
 Ack'd
 Ans'd
 File

S. J. Nisbett Architect

PROPOSED NEW DWELLING AT OAKLAND FARMS BARN

Client: [Redacted]

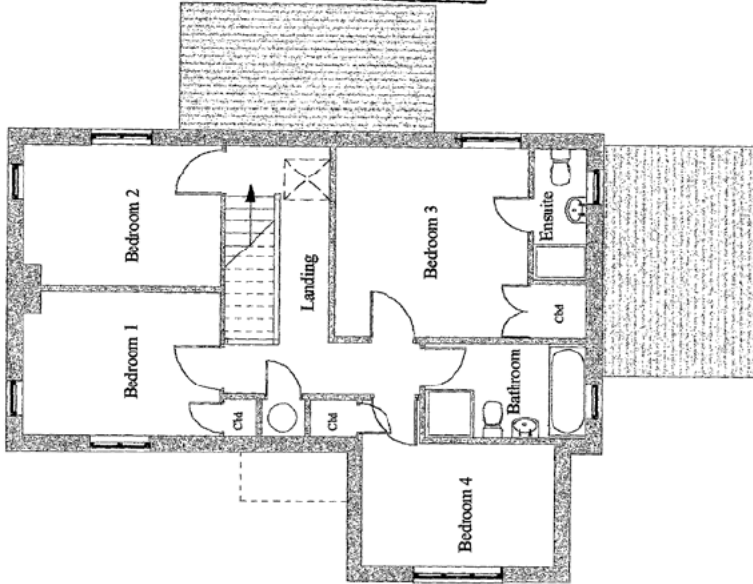
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Date DECEMBER 2005

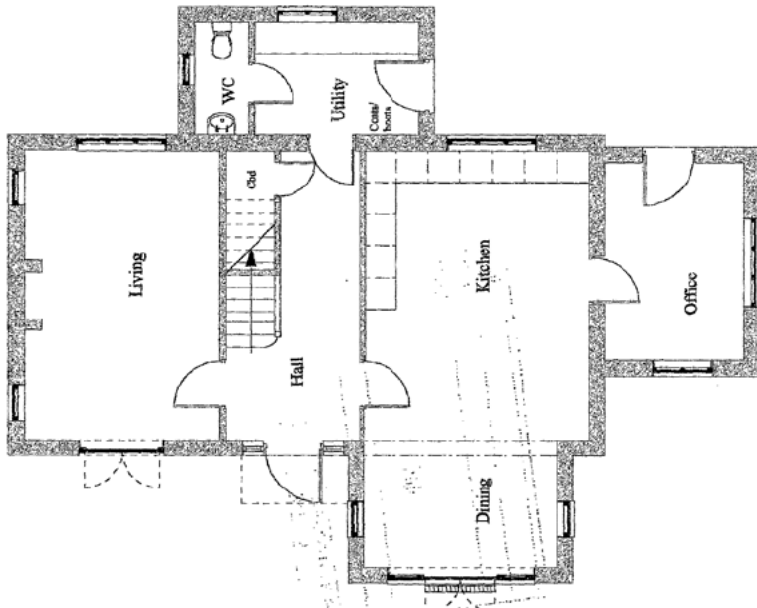
Title PROPOSED FLOOR PLANS

Dwg No 109/06C

The Old Brickyard
 Brilles
 Banbury
 Oxfordshire
 OX15 5AF
 01608 666336
 s.j.nisbett@ukoln.net



First Floor Plan



Ground Floor Plan



This drawing is based on plans supplied by the property owner

DO NOT SCALE OFF THIS DRAWING

All dimensions to be checked on site by the contractor prior to commencement

Revisions

- A. Amended in accordance with client's comments 26.11.05
- B. Amended in accordance with client's comments 16.01.06
- C. Amended in accordance with client's comments 03.02.06
- D. Amended in accordance with client's comments 16.02.06
- E. Amended in accordance with client's comments 06.03.06

06/00486

DEVELOPING AND DEVELOPMENT SERVICES
 Officer:
 Scanned:
 Rec'd 10 APR 2006
 Ack'd
 Ans'd
 File



PROPOSED NEW DWELLING AT
 CAKLAND FARMS BARN

Client: [Redacted]

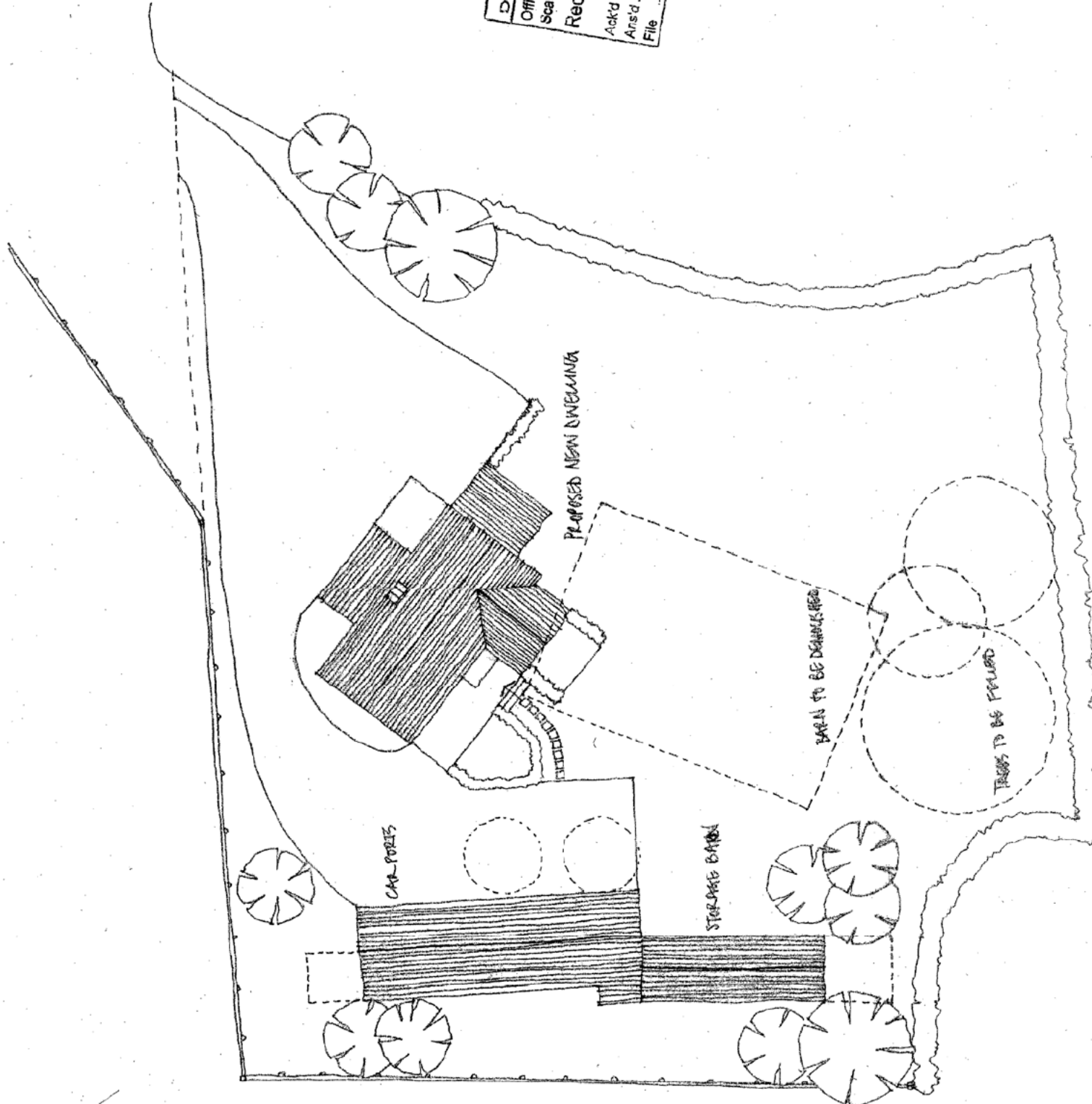
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Date OCTOBER 2005

Title PROPOSED SITE PLAN

Dwg No 109/02E

The Old Brickyard Architects
 10000 Oldfield Road
 Oldfield, Warrington, Cheshire WA1 4JF
 Tel: 01928 541111
 Fax: 01928 541112
 Email: info@oldbrickyard.co.uk
 Website: www.oldbrickyard.co.uk



Notes

This drawing is based on plans supplied by the property owner

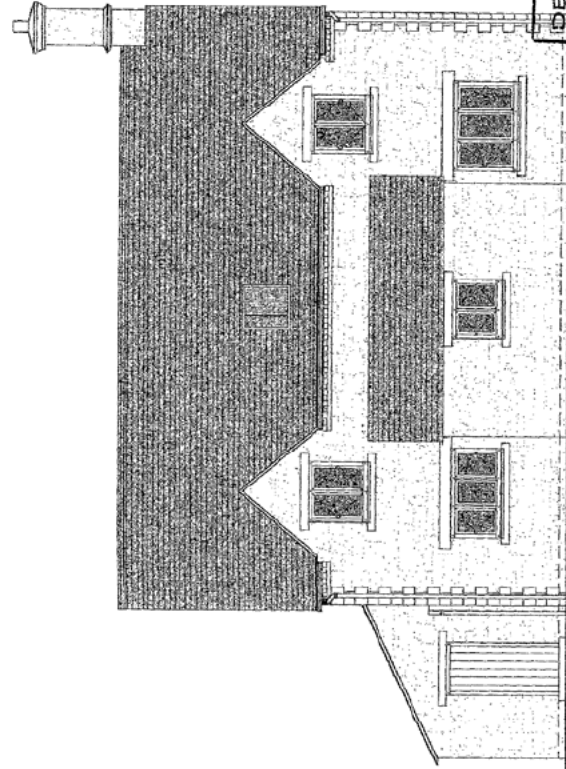
DO NOT SCALE OFF THIS DRAWING

All dimensions to be checked on site by the contractor prior to commencement

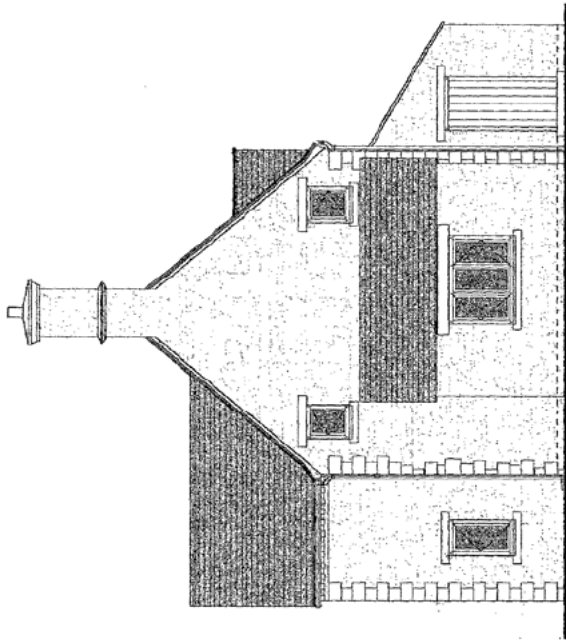
Revisions

A. Revised in accordance with client's comments 03.02.06

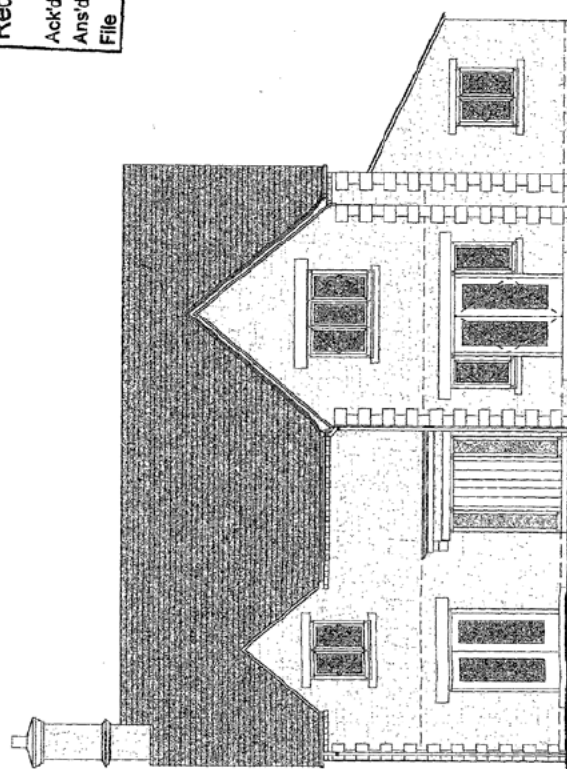
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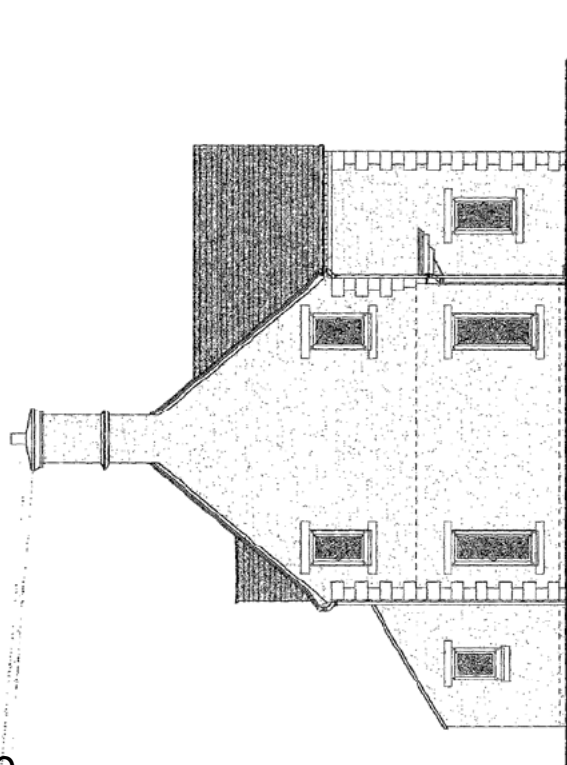
East Elevation



South Elevation



West Elevation



North Elevation

PLANNING AND DEVELOPMENT SERVICES

Office:

Scanned:

Rec'd 10 APR 2006

Ack'd

Ans'd

File



PROPOSED NEW EXPELLING AT OAKLAND FARMS BARN

Client

Scale 1:100 @ A3

Date JANUARY 2006

Title PROPOSED ELEVATIONS

Dwg No 109/07A

The Old Brickyard 01609 586236
 Barbury
 Oxfordshire
 OX1 5BT sjrusson@uknet111.co.uk

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	16 February 2021
Site Location:	Land North Of Perrybrook Shurdington Road Brockworth Gloucester Gloucestershire
Application No:	20/00608/FUL
Ward:	Brockworth East
Parish:	Brockworth
Proposal:	The erection of 47 dwellings and associated vehicular access, public open space, landscaping and other associated infrastructure.
Report by:	Victoria Stone
Appendices:	Site Location Plan. Site Layout Plan. Street Scene Plan. Elevations & Floor Plans – Bibury & Cowley House Types. Elevations & Floor Plans – Chester & Bibury House Types. Elevations & Floor Plans – Beckford & Cantlow House Types. Elevations & Floor Plans – Beckford & Chedworth House Types. Elevations & Floor Plans – Ashton & Barrow Apartments. Elevations & Floor Plans – Cranham House Type. Elevations & Floor Plans – Dereham House Type. Elevations & Floor Plans – Derwent House Type. Elevations & Floor Plans – Dursley House Type. Elevations & Floor Plans – Proposed Garages. Perrybrook Masterplan Context and Green Infrastructure Plan. Strategic Allocation North Brockworth Indicative Site Layout Plan. Perrybrook Conceptual Masterplan.
Recommendation:	Delegated Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. This application relates to a parcel of land located along the A46 Shurdington Road in Brockworth (**see attached location plan**).
- 1.2. The site comprises an area of arable farmland covering approximately 2.3 hectares. The site generally falls in an easterly direction from a high point located in the west of the site. Levels range from 76.06m AOD at the high point in the west to 71.27m AOD in the northeast of the site. The site is bound by existing vegetation on all sides, although there are some gaps within the hedgerow that defines the boundary with the A46 road corridor which allows some views into and out of the site.

- 1.3. The site borders Green Lane and an existing residential property, Oak Tree Cottage, to the west, beyond this lies the existing Perrybrook development. The A417 runs along the eastern and northern boundary and the A46 along the southern boundary.
- 1.4. The site is not subject to any landscape designations though the Cotswolds Area of Outstanding Natural Beauty is situated on the opposite side of the A46.
- 1.5. The application site forms part of the Strategic Allocation A3 'North Brockworth' as allocated in the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and is shown to be 'Green Infrastructure and other supporting infrastructure' in the Indicative Site Layout Proposal Map.
- 1.6. An existing outline consent for 1500 homes and subsequent reserved matters approval for some parcels of land have already been granted permission, planning reference 12/01256/OUT (known as the Perrybrook development) and provides an overarching masterplan for the development of the vast majority of the allocation site. However this consent did not cover the current application site.
- 1.7. This application is submitted in full and seeks permission for the construction of 47 dwellings, and associated vehicular access, public open space, landscaping and other associated works.
- 1.8. The proposed development would deliver a mix of open market and affordable tenures, overall 36% of the dwellings proposed would be 'affordable'. This equates to 17 of the 47 dwellings being affordable. The dwellings would include a mix of dwelling sizes from one bedroom to four bedroom house.
- 1.9. The proposed dwellings would be two storey in height and of traditional proportions but with a contemporary architectural design. A palette of materials is proposed to include red brick, render and timber. The density would be approximately 21 dwellings per hectare, which is lower than the adjacent Perrybrook development.
- 1.10. A single point vehicular access to the development would be created off the A46 Shurdington Road. Each dwelling would be served by at least two car parking spaces, with additional visitor parking across the site. A pedestrian access point is proposed along the western boundary to Green Lane and along the south-western boundary through the proposed Community Orchard, again this would open out onto Green Lane. In addition, the development would include the provision of a staggered toucan crossing facility over the A46 and two new bus shelters along A46.
- 1.11. The submitted plans incorporate areas of green space and additional landscaping across the site, with an attenuation pond and foul water pumping station to the east of the site. A Local Area for Play (LAP) is proposed as well as a Community Orchard.
- 1.12. Since the first application was first submitted, the proposal has been subject to revisions which include a reduction in the number of dwellings proposed to address concerns raised by officers on several design and technical matters. A new notification and consultation period has been carried out.

2.0 RELEVANT PLANNING HISTORY

There is no planning history pertaining to the site itself however there is extensive planning history associated with the wider strategic allocation at North Brockworth. The following history is of particular relevance:

Application Number	Proposal	Decision	Decision Date
12/01256/OUT	Outline application for a mixed-use development of up to 1,500 dwelling, including extra care housing, community facilities including A1, A2, A3, A4 and A5 local retail shops (totalling 2,500m ²), B1/B8 employment uses (totalling 22,000m ²), D1 health facilities and formal and informal public open space (including means of access).	PERMITTED	31.03.16
18/00410/APP	Approval of landscaping, layout, scale and external appearance of the formal sports area (excluding the Changing Room Facilities and associated car parking).	APPROVAL	07.09.18
18/00109/APP	Approval of Reserved Matters (appearance, layout, landscaping and scale) comprising Phase 3 of Outline planning permission 12/01256/OUT for the erection of 225 no. dwellings with public open space, play area, and associated infrastructure, and including the discharge of Outline Conditions (as amended) 2 (reserved matters time limit), 5 (design compliance), 8 (surface water drainage strategy - all phases), 9 (floor levels - flood risk), 10 (sewage disposal - phase 3), 12 (trees), 24 (noise assessment - phase 3) and 28 (waste minimisation).	APPROVAL	23.05.19
18/00864/APP	Approval of Reserved Matters (appearance, landscaping, layout and scale) comprising Phase 5 and Phase 2 (in part) of Outline planning permission 12/01256/OUT for the erection of 240 no. dwellings with public open space, play area, and associated infrastructure.	APPROVAL	16.08.19
19/00537/APP	Approval of Reserved Matters (Appearance, Landscape, Layout and Scale) for Phase 1 of outline planning permission 12/01256/OUT for the erection of 135 dwellings with associated public open space and infrastructure.	APPROVAL	03.01.20

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), 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, SD7, SD9, SD10, SD11, SD12, SD14, INF1, INF2, INF3, INF4, INF6, INF7, SA1, A3.

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: RES3, RES5, RES12, RES13, DES1, NAT1, NAT3, NAT5, ENV2, HEA1, RCN1, RCN2, RCN3, COM2, TRAC1, TRAC2, TRAC3, TRAC9.
- 3.6. Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life).
- 3.7. The First Protocol, Article 1 (Protection of Property).

4.0 CONSULTATIONS

- 4.1. **Brockworth Parish Council** – Object in the strongest possible terms against the application for the following reasons:

- Development site is outside the agreed Perrybrook masterplan and proposed to be allocated for strategic green infrastructure as part of the strategic site approval.
- The approved level, distribution and provision of strategic green infrastructure was deemed necessary to mitigate the harm caused by the development, provide wildlife corridors and improve the amenity of local residents.
- The green infrastructure requirement is still absolutely necessary and should be protected.
- Calculations used to quantify the green infrastructure through the Perrybrook is incorrect.
- Connectivity from the site to neighbouring development is poor resulting in the development acting as a bolt on and afterthought without properly integrated design, site layout and access.
- Overall site layout and design does not reflect any local character or needs.
- Affordable housing is concentrated in a small area and is not pepper-potted and evenly distributed throughout the site.
- Development does not include any improvements to the local walking and cycling infrastructure, encouraging car use which would result in increasing congestion issues in the area.
- Inadequate parking provision.
- Proposed access is extremely dangerous.

- Noise and air pollution from the adjacent A46 and A417 is likely to cause significant noise nuisance and harm through poor air quality to any residents living on the proposed development.
- Concerned about the amount of public open space.
- Proposed natural play space in the orchard area is totally inadequate for the intended purpose.
- Concerned regarding drainage, flood risk, surface water accumulation, outfall and attenuation that may impact onto the adjoining A417 or cause flooding locally.
- Development offers nothing to the community to mitigate the additional pressures caused by the increasing population and will exacerbate existing infrastructure issues in the area including pressures on local schools and doctors surgeries.
- Development provides no onsite employment opportunities or long term economic benefits to the area that would mitigate for the harm caused.
- Significant disruption and nuisance will be caused by construction activities to local residents.
- Brockworth has already seen a significant amount of housing approved without the necessary infrastructure and community facilities.
- Further housing in the area is not needed.

4.2. **Hucclecote Parish Council** – Object to the application for the following reasons:

- Development would put on the already over-stretched local infrastructure – in particular the current severe lack of GP provision across Brockworth and Hucclecote.
- Concerned with the additional traffic which would be generated from the development.

4.3. **Highways England** – Recommend conditions should be attached to any planning permission that may be granted.

4.4. **Natural England** – No objection subject to appropriate mitigation being secured.

4.5. **Severn Trent** – No objection.

4.6. **County Archaeologist** – Low risk that significant archaeological remains will be adversely affected by the development proposal.

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

4.8. **County Highway Authority** – No objection subject to conditions and securing financial obligation towards associated infrastructure.

4.9. **County Public Right of Way Officer** – Development does not appear to affect any public right of way.

- 4.10. **County Economic Growth and Strategic Planning** – A full contribution towards Early Years and Primary School Education is required and a contribution towards library provision. No contribution is required towards Secondary 11-18 Education.
- 4.11. Urban Design Officer – No objection.
- 4.12. **Tree Officer** – No objection.
- 4.13. Environmental Health Officer (Noise/Nuisance) – No objection.
- 4.14. **Environmental Health Officer (Air Quality)** – Recommend mitigation measures are incorporated into the development.
- 4.15. **Environmental Health Officer (Contaminated Land)** – Recommends a condition requiring a watching brief during the course of the development in case any unexpected contamination is identified during site works.
- 4.16. **Ecologist** – No objection – sufficient mitigation and enhancements have been recommended.
- 4.17. Landscape Consultant – No objection.
- 4.18. Housing Enabling Officer – No objection.
- 4.19. **Project Officer (TBC Asset Management)** – The principal of the proposed LAP is acceptable however the design and detail needs revising.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1. The application has been publicised through the posting of a site notice for a period of 21 days and a neighbour notification was sent to the properties within close proximity of the site.
- 5.2. A total of 22 objections have been received. The comments are summarised as follows:
 - Development would create traffic congestion – the existing road networks would not be able to cope with additional traffic generated.
 - Vehicular access off the A46 would be dangerous and compromise highway safety.
 - Increased danger to pedestrians due to the increase in traffic.
 - No further houses are required – constant development of Brockworth unsustainable.
 - Insufficient local infrastructure and facilities to meet the demands of the development.
 - Land was identified as green space in the Perrybrook development.
 - Surveys are inaccurate.
 - New development should be on brownfield sites not greenfield.
 - Loss of agricultural land.
 - Site should be protected for wildlife.

- Trees should be protected.
- Open countryside would be lost forever to the detriment of the present generation and future generations.
- Air quality and noise pollution for future occupiers would be poor.
- Development would lead to more flooding.
- Development would have a visual impact and effect on the character of the neighbourhood.
- Development would be 'ugly' and overbearing.
- Affordable housing is not affordable to locals.

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. Other material policy considerations include the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance (PPG) 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. The identification and delivery of seven Strategic Allocations (SA) on the edges of existing urban areas is an important part of the delivery of the JCS as a whole.
- 7.2. Policy SA1 (Strategic Allocations Policy) formally designates the seven SA's and focuses on the need to deliver comprehensive development in each of these areas.

- 7.3. The application site forms part of the wider Strategic Allocation A3 at North Brockworth. JCS Policy SD10 states that “housing development will be permitted at sites allocated for housing through the development plan, including strategic allocations.” Therefore housing development in this location is broadly acceptable in principle.
- 7.4. Policy A3 of the JCS sets out what the development of the SA at North Brockworth is expected to deliver and states that approximately 1,500 new homes are to be provided. The existing outline consent for the development of the wider site already proposes up to 1,500 homes. However, this figure is not an upper limit and the policy wording does state that it is *approximate*. Further, the wording of Policy SP2 of the JCS states, inter alia, that *‘at least 13,287 dwellings will be provided within the Gloucester City administrative boundary, including the Winnycroft Strategic Allocation, and urban extensions at Innsworth, Twigworth, South Churchdown and North Brockworth within Tewkesbury Borough defined in Policy SA1.’* Again the wording is such that this figure should not be seen as an upper limit. Therefore if it can be demonstrated that additional development is sustainable over and above what has already been consented, then it can be considered acceptable.
- 7.5. Alongside housing and employment requirements, Policy A3 of the JCS also requires levels of community, education, commercial and transport infrastructure to support new development. It is recognised that much of this infrastructure provision will have been established and provided through the development already approved on the larger proportion of the allocation. However, the additional impact from this development on that infrastructure needs to be considered to ensure that this additional growth would be sustainable.
- 7.6. Of particular relevance is the Green Infrastructure (GI) provision on the allocation. Policy A3 requires the provision of GI of approximately 27 hectares. The JCS also provided an indicative site layout which identifies the application site as an area for ‘Green Infrastructure and other supporting infrastructure’. However, these are *indicative* layouts and Policy SA1 (criterion 5) recognises that there may be differing approaches to achieving a comprehensive development on site.
- 7.7. As such, the key issue is whether sufficient GI is provided through the wider allocation in accordance with Policy SA1 and A3 of the JCS.
- 7.8. Green infrastructure is defined in the NPPF as a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities. It includes parks, open spaces, playing fields, woodlands – and also street trees, allotments, private gardens, green roofs and walls, sustainable drainage systems and soils. It also includes rivers, streams, canal and other water bodies.
- 7.9. A Masterplan Context and Green Infrastructure Plan accompanies the application, a copy has been provided in the Appendices. It is important to note that the approved outline consent at Perrybrook did not cover the full strategic allocation. As well as the current application site, there are also other areas of GI within the strategic allocation that did not form part of the Perrybrook development.
- 7.10. Brockworth Parish Council have raised concerns about the quantum of GI however the information submitted by the applicant demonstrates that even with this site being developed for housing, there would still be 39.9 hectares of GI at this SA. This exceeds the requirement for GI (27ha) within Policy A3 significantly and thus the development of this site for housing would not conflict with the aims of the allocation in respect of the quantum of GI.

Five Year Housing Land Supply

- 7.11. As set out in the latest Tewkesbury Borough Five Year Housing Land Supply Statement published in December 2020, the Council can demonstrate a 4.35 year supply of deliverable housing sites. On the basis therefore that the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the provision of housing should not be considered up-to-date in accordance with footnote 7 of the NPPF and in accordance with paragraph 11 of the NPPF the presumption in favour of sustainable development (the 'tilted balance') applies. The presumption is therefore that permission should be granted unless policies for protecting assets of particular importance provides a clear reason for refusing the development or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This will be assessed below.
- 7.12. Members will be aware of the recent appeal decision at Ashmead Drive in which the Inspector concluded that the Council can demonstrate a 1.82 year supply. This is principally because the Council includes advanced delivery (or 'oversupply') against annual housing requirements in its five-year supply calculations. Appeal decisions are not binding precedents however. Officers consider that, on the context of the plan-led system, it is wrong not to take into account houses that have already been delivered during the plan period, essentially ahead of schedule, and which meet the needs being planned for in the area. Officer's advice is therefore that a 4.35 year supply can be demonstrated at this time.
- 7.13. Nevertheless, as set out above, as the Council cannot demonstrate a five year supply of deliverable housing sites, the presumption in favour of sustainable development is engaged in this case.

Design and Visual Amenity

- 7.14. 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.
- 7.15. 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.
- 7.16. 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.

- 7.17. 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.
- 7.18. The submitted Design and Access Statement (DAS) sets out that the design proposals have been developed in accordance with criteria identified by the site analysis and design principles and that the layout has been informed by the nature of the site and its situation.
- 7.19. The proposed housing would have a simple shape and form and be two storeys in height. There would be a mix of detached, semi-detached and terraced properties, as well as a block of four apartments. The two storey elements would be interspersed with single storey garages and carports which would vary the roof line. The apartments are proposed to be located at the focal point close to the entrance of the site and having open areas on both sides which would help create a spacious feeling and long vistas into the development where the access road divides.
- 7.20. The dwellings would demonstrate a contemporary design with feature brick panels and detail, box bays and clad porches, cemented verge detail and boxed eaves. The scheme proposes a palette of materials to include a red and yellow buff brick and cladding; details of which could be secured via condition.
- 7.21. Access arrangements have been designed to create vehicular and pedestrian routes to enable safe navigation and movement through the site. The internal road would principally provide a loop, allowing vehicles to circulate and exit without having to turn within the highway. Sections of the roads within the site would be formed with a change in character and feature tabled level surfaces and changes in material that would visually reinforce the residential nature of the setting. A circular shared foot and cycle path around the perimeter of the site is proposed.
- 7.22. In light of the above the scale, form and appearance of the proposed development is considered to be acceptable.
- 7.23. However, achieving well-designed places isn't just about the layout and appearance of development, the National Design Guide (NDG) states that whilst buildings are an important components of places, a place is more complex and multi-faceted than a building and good design involves careful attention to other important components of places. The NDG outlines and illustrates the Government's priorities for well-designed places in the form of ten characteristics; one of which is movement. Successful development depends upon a movement network that makes connections to destinations, places and communities, both within the site and beyond its boundaries.
- 7.24. Further to the guidance in the NDG, criterion 1(vii) of Policy SD4 states that new development should be designed to integrate, where appropriate, with existing development, and prioritise movement by sustainable transport modes. It should, amongst other criterion, be well integrated with the movement network within and beyond the development itself; provide safe and legible connections to the existing walking, cycling and public transport networks and ensure accessibility to local services for pedestrians and cyclists and those using public transport.

- 7.25. In terms of promoting healthy communities, paragraph 91 of the NPPF states that planning decisions should promote social interaction, to include opportunities for meetings between people who might not otherwise come into contact with each other – for example through street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods. Paragraph 92 of the NPPF states that planning decisions should, amongst other things ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- 7.26. Despite the sites location within the SA, the site is inherently poorly connected to the Perrybrook development. The interface with the adjacent housing development to the west is separated by Green Lane. In terms of pedestrian access the plans demonstrate two points that would be provided to the edge of the land within the ownership of the applicant, one extending off the western boundary to Green Lane; the other from the far south-west corner through the proposed Community Orchard, again onto Green Lane. The applicant has indicated they would be willing to construct/provide a financial contribution towards a footpath link to the Perrybrook development however no evidence has been submitted to demonstrate the agreement of the owners of the adjoining land to create and retain new footpath links. This poor degree of connectivity in its current form with the adjoining Perrybrook development limits the scope by which the proposal could integrate with the wider Strategic Allocation to the west.
- 7.27. Further to the above, Policy SA1 of the JCS requires proposals in SA's to be accompanied by a comprehensive masterplan to demonstrate how new development *would 'integrate with and complement its surroundings in an appropriate manner'*, in accordance with JCS Policy SD4. In addition, Policy A3 of the JCS sets out that the SA at North Brockworth will be expected to deliver, amongst other things, *'high quality connections within and adjacent to the site'*. A Masterplan Context and Green Infrastructure Plan has been submitted which shows the current proposal in relation to the wider site allocation. This shows a pedestrian connection to the wider strategic allocation to the west of the site however as established above, whilst the applicant is willing to provide a pedestrian connection, it has not been possible to secure one with the neighbouring landowner. As such this demonstrates that the proposed development would very much be seen as a separate envelope of development.
- 7.28. In light of the above, the proposed layout and appearance of the proposed development would be appropriate to the site and its setting however due to the lack of ease of movement through its boundaries the proposal would do little to integrate itself with the existing Perrybrook development, which is a requirement of Policy SA1, A3 and SD4 of the JCS. This would be a failing of the scheme which must be weighed in the overall planning balance. However, it is also noted (see the Access and Highway Safety section below) that the Local Highway Authority raises no objection to the development on sustainable transport grounds.

Residential Amenity

- 7.29. 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.
- 7.30. Based on the satisfactory separation distance between the proposed dwellings and the neighbouring property to the south west of the site, Oak Tree Cottage, the development would be able to be accommodated on the site without undue detriment to neighbouring amenity.

- 7.31. In respect to the amenity of future occupiers, the design of the layout and the internal layout configuration has been carefully considered to ensure the development would not cause any undue adverse impact upon the residential amenity of the future occupiers.
- 7.32. All dwellings would benefit from sufficient private garden space.
- 7.33. 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. Whilst this is not currently an adopted policy all the proposed dwellings would meet or exceed the national space standards.
- 7.34. The site borders the A417 slip road to the north-east and the A46 Shurdington Road to the south. The NPPF states at Paragraph 180 that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Policy SD14 of the JCS seeks to protect health and environmental quality and provides that development should not create or exacerbate conditions that could impact on human health.
- 7.35. A Noise Assessment accompanies the application. During the course of the application an addendum to the Noise Assessment and a technical note was also submitted. The technical note provided a detailed plan of mitigation. These measures include the installation of acoustically sound garden fencing at garden boundaries with a direct line of sight to the A417 and a selection of glazing, acoustically attenuated ventilation and building fabric. Following review of the information, the Council's Environmental Health Officer has confirmed that the mitigation proposed would ensure suitable amenity standards for future residents. A condition securing the measures is recommended.
- 7.36. In terms of air quality, an Air Quality Assessment supports the application. The assessment indicates that annual mean air quality objectives are met at the most exposed receptor locations and therefore it can be concluded that the air quality over the site is acceptable for residential development. The Council's Environmental Health Officer has reviewed the assessment and has confirmed that there is unlikely to be any relevant concerns in terms of air quality for the future occupiers of the development.
- 7.37. On this basis, it is considered the proposed development would result in acceptable levels of amenity being maintained for the existing neighbouring residents and secured for future residents of the development.

Housing Mix

- 7.38. Policy SD11 of the JCS requires all new housing development to provide an appropriate mix of dwellings 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 and should be based on the most up to date Strategic Housing Market Assessment.
- 7.39. The Gloucestershire Local Housing Needs Assessment 2019 – Final Report and Summary (September 2020) (LHNA) provides the most up to date evidence based to inform the housing mix on residential applications. This report states that in Tewkesbury 3% of new market dwellings should be one bedroom properties, with 13% having two bedrooms, 54% containing three bedrooms and 29% having four bedrooms or more.

7.40. The development proposes the following market housing mix:

3 x 2 bed = 10% of total number of market housing

15 x 3 bed = 50% of total number of market housing

12 x 4 bed = 40% of total number of market housing

The proposed schedule of accommodation is considered to be broadly in line with the provisions of the LNHA. It is noted that the development would result in a larger number of four bedroom properties at the site than the LHNA evidence suggests is required and it would fail to provide any one bedroom properties for the open market. In respect to the under-provision of one bedroom properties it should be noted that 3% of the total number of market housing proposed would equate to the requirement for only 1 x one bedroom property at the site. Equally, in terms of the oversupply of the four bedroom properties at the site, this equates to an additional three units of this size. As such this imposition is not considered to be a significant deviation.

Landscape impact

- 7.41. The NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Policy SD6 of the JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being.
- 7.42. The application site is located outside but adjacent to the Cotswolds Area of Outstanding Natural Beauty (AONB). An AONB is an area of high scenic quality that has statutory protection in order to conserve and enhance the natural beauty of its landscape. The NPPF makes it clear that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty.
- 7.43. Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty) of the JCS specifies that all development proposals 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 (2018-2023) which is prepared by the Cotswolds Conservation Board and is the statutory plan which sets out the Boards' policies for the management of the Cotswolds AONB and for the carrying out of its functions in relation to it. Further to this, Policy INF3 of the JCS sets out that development proposals should consider and contribute positively towards green infrastructure, including the wider landscape context and strategic corridors between major assets and populations.
- 7.44. The application is supported by a Landscape and Visual Impact Assessment (LVIA). The LVIA concluded the site would appear imperceptible, obscured by topography and vegetation structure within the wider landscape. While it is noted that some glimpsed views of the development would appear visible within the immediate setting of the site from the A46 road corridor, through the proposed access and above the boundary vegetation, residential built form already represents a key characteristic within the landscape at this point. It is therefore considered that the site would not appear incongruous within the context, seen as an extension to the existing sub-urban edge of Brockworth.

- 7.45. Natural England, following liaison with the Cotswold Conservation Board, have raised no objection to the development with regard to the impact of the development upon the Cotswolds AONB provided recommended mitigation measures (suitable landscaping and management of the eastern and northern boundaries) are incorporated into the design. The additional landscaping to soften views from the AONB has been incorporated into the design. In light of this it is considered the proposals would be acceptable on landscape and visual grounds.
- 7.46. In terms of proposed landscaping on site, the NPPF sets out that to achieve well-designed 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. The submitted Design and Access Statement (DAS) sets out that the landscape proposals have been developed in accordance with the findings of the numerous survey reports, including the LVIA, Tree Survey and Arboricultural Impact Assessment and the Ecological Summary Report.
- 7.47. A full hard and soft landscaping design has been provided. The site layout ensures the existing trees and boundary planting, save for those required for the access, would be retained. Additional tree planting is proposed throughout the development, on the site boundaries and within the street scape to define spaces and soften areas of hard surfacing where frontage parking is proposed. A community orchard is also proposed in the far south-west corner to reflect that on the adjacent land in the Perrybrook development. During the course of the application the landscape proposal has been revised following discussions with the Council's Landscape Advisor (LA) and the Council's Tree Officer (TO). The LA's latest comments recommend minor changes to the planting schedule which can be secured by condition.
- 7.48. During the course of the application details of the design of the proposed LAP have been submitted. The details have been reviewed by the LA and the Council's Project Officer for Asset Management and both have requested a couple of minor changes. A condition requiring revised details is recommended.
- 7.49. An Arboricultural Impact Assessment accompanies the application. The development would require the removal of one group, one hedgerow and one tree. It would also require the partial loss of two groups and one hedgerow. Replacement planting is proposed to help mitigate the removal of the trees. The TO has reviewed the scheme and following receipt of a revised tree planting scheme she raise no objection to the proposed development.
- 7.50. On the basis the outstanding landscape and LAP details can be resolved, it is considered the proposed landscaping and public open spaces within the development would provide a suitable scheme, one which would contribute positively towards the wider landscape context.

Access and Highway Safety

- 7.51. 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 TRAC9 of the emerging TBP state that proposals need to make provision for appropriate parking and access arrangements.

- 7.52. The application is supported by a Transport Assessment (TA) and a Stage 1 Road Safety Audit and Mobility Audit. The TA establishes the suitability of the proposed vehicular access to the site, including the visibility, which would be provided via a proposed T-junction onto the A46 Shurdington Road, incorporating a right-turn lane facility. The assessment also considers the suitability of the existing highway network to accommodate the additional traffic generated by the development, with modelling of the traffic impact at peak hours of the site. The TA sets out that the application site is in a location that affords the opportunity to travel to a range of destinations by a choice of non-car travel modes, in accordance with sustainable transport policies.
- 7.53. Gloucestershire County Council have been consulted as the Local Highway Authority and Highways England. Extensive discussions have taken place with the Highway Officer and the applicant's Transport Consultant during the course of the application and further measures to improve access to the public transport network have been secured, which include the provision of two new bus shelters and a new toucan crossing over the A46. These measures would also assist the wider community.
- 7.54. In light of these discussions the Highway Authority conclude that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion and therefore there are no justifiable grounds on which an objection could be maintained. County Highways have raised no objections to the development subject to the recommendation of a number of conditions and a legal agreement to secure the highway infrastructure works and a Travel Plan. Highways England have also assessed the proposed development and raise no objections in respect of the site access or the implications of the additional traffic on the strategic road network.

Drainage and Flood Risk

- 7.55. 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.
- 7.56. The site is located within Flood Zone 1, an area identified by the Environment Agency at a low risk of flooding from rivers and the sea. However as the site is over 1 hectare, in accordance with the requirements of the NPPF, the application is supported by a Flood Risk Assessment (FRA). The FRA concluded that the site, including the access and egress routes, is not considered to be at significant risk of flooding.
- 7.57. In addition, a proposed Drainage Strategy to manage surface water can be found embedded in the FRA. Following an assessment of the SuDS hierarchy, surface water runoff from the development would be drained by a pipe network and released from an attenuation basin at the existing greenfield QBAR runoff rate via a new piped connection and outfall to the nearest watercourse. This watercourse is a Highways England ditch located approximately 10m to the northeast of the site, which currently receives runoff from the site and is culverted under the A417 and discharges via the Highways England drainage network. During exceedance events water would flow over the road network and discharge to the basin. An integrated overflow would be included in the control chamber to safely pass exceedance flows.

- 7.58. The connection into the Highways England drainage network would require the consent from Highways England. During the course of the application Highways England requested further information and modelling work to demonstrate that their adjacent drainage network has adequate capacity to cater for the development. In acknowledgement of this, the Local Lead Flood Authority (LLFA) raised a holding objection until such time approval is given by Highways England. An updated FRA and Drainage Strategy, which demonstrate the additional information sought from Highways England, was provided. Having reviewed the updated drainage strategy both Highways England and the LLFA have confirmed that the drainage proposals are acceptable in principle. A condition requiring the detailed drainage design and a maintenance schedule is recommended.
- 7.59. In terms of foul water disposal, it is proposed to construct a network of foul sewers to gather foul water from the residential dwellings and discharge to the Manhole on the opposite side of the A46. Due to the site's topography it is likely that a foul water pumping station would be required therefore an allowance for a pumping station has been made in the site layout, allowing a 15m offset from the wet wall to the nearest dwelling. These details appear satisfactory however a condition requiring specific details is recommended.

Ecology

- 7.60. 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.
- 7.61. An Updated Extended Phase 1 Habitat Survey and an Ecology Summary (ES) Report, which provides a non-technical summary of the ecological surveys undertaken in regard to the proposed development of the site accompanies the application. The ES report concludes that the mitigation measures proposed within the various survey reports seek to reduce the impacts of the proposed development. If implemented in combination with the compensation and enhancement measures then the overall effect of the development is considered to be minor-adverse. Given the habitat types are limited in the area, are well represented locally and are not of local, regional and national value, their loss is not considered to be significant. The Council's Ecologist has reviewed the reports submitted and raises no objections subject to a number of conditions requiring detailed ecological mitigation measures.
- 7.62. 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. Natural England consider as submitted, the application could have potential significant effects on the Cotswolds Beechwoods Special Area of Conservation (SAC) which is a European designated site. As such, they requested further information in order to determine the significance of these impacts and the scope for mitigation and for the Council to undertake a Habitats Regulation Assessment (HRA). An Appropriate Assessment was carried out on behalf of the applicant and reviewed by the Council's Ecologist, who concluded that with consideration of the proposed measures intended to avoid or reduce effects the proposed development is not expected to have a significant adverse effect on the integrity of the SAC, either alone or in combination with other plans or projects. A planning condition would be required to secure the proposed mitigation measures.

Agricultural Land Classification

- 7.63. The NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by, inter alia, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land. This aims to protect the best and most versatile (BMV) agricultural land and soils in England from significant, inappropriate and unsustainable development proposals.
- 7.64. The Agricultural Land Classification assesses the quality of farmland to enable informed choices to be made about its future use within the planning system. There are five grades of agricultural land, with Grade 3 subdivided into 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a.
- 7.65. The land, subject to this application, is classified as Grade 3b agricultural land, which is of moderate quality agricultural land and therefore does not constitute ‘best and most versatile land’.

Archaeology

- 7.66. The application is accompanied by an Archaeological Desk-based Assessment and a Geophysical Survey Report and Gloucestershire Archaeological Evaluation Report was submitted during the course of the application. These reports were reviewed by the County Archaeologist and concluded there is a low risk that significant archaeological remains will be adversely affected by this development proposal therefore no further archaeological investigation or recording needs to be undertaken in connection with the scheme.

Open Space, Outdoor Recreation and Sports Facilities

- 7.67. 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. Assuming that the 47 dwellings would have an average 2.32 persons per dwelling, the population increase would be 109 persons. As such, there would be a resulting requirement for the provision of 0.26 hectares.
- 7.68. The proposed site layout incorporates approximately 0.29 hectares of appropriate public outdoor space. This would be delivered in the form of areas of formal and informal open space and would include a Community Orchard and a Local Area for Play (LAP). This exceeds the requirements of saved Local Plan Policy RCN1 and as such it is reasonable to conclude that the required amount of public outdoor space could be adequately met within the site, in accordance with JCS Policy INF4 and saved Policy RCN1 of the Local Plan.
- 7.69. In terms of formal sports provision this cannot be met on-site. The Council’s Community and Place Development Officer has requested a financial contribution of **£49,256** towards off-site sports provision at a local sports club and/or Henley Bank High School. At the time of writing the report ongoing discussions are taking place in respect to whether the requested contribution would meet the prescribed tests set out in paragraph 56 of the NPPF and Regulation 122(2) of the Community Infrastructure Levy Regulations. **Members will be provided with an update at Committee.**

Community Infrastructure Levy/Section 106 obligations

- 7.70. The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. Whilst the Council does have a CIL in place, infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 legal agreement. The CIL regulations stipulate that, where planning obligations are sought, they must comply with the tests set out in the CIL regulations. Where planning obligations do not meet the tests, it is 'unlawful' for those obligations to be taken into account when determining an application.
- 7.71. 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.
- 7.72. 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, 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. Policy INF4 of the JCS requires appropriate social and community infrastructure to be delivered where development creates a need for it. 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

- 7.73. The NPPF sets out that Local Planning Authorities should set policies for meeting affordable housing need on development sites. Policy SD12 of the JCS requires a minimum of 35% affordable housing on Strategic Allocations; where possible affordable housing should be provided on-site.
- 7.74. The proposed development would provide 17 affordable units, this equates to 36% of the total number of houses provided and therefore would be policy compliant. It is proposed that the tenure of affordable units be split evenly 50:50 between affordable rented and intermediate housing. The mix would include 1, 2 and 3 bedroom affordable units. The Council's Housing Enabling Officer has confirmed the level of affordable housing, mix and the distribution would be acceptable. This benefit should be afforded significant weight.
- 7.75. There is currently no signed agreement to secure the affordable housing provision. Nevertheless, this matter could be resolved by the signing of appropriate planning obligation, of which this is currently being drafted.

Other developer contributions

- 7.76. Following consultation with Gloucestershire County Council it has been advised that the proposed development would give rise to additional pupil yields and therefore would require the following contributions towards education provision in order to mitigate the impact:

Pre-school = **£212,783**

Primary = **£290,804**

- 7.77. In terms of libraries, Gloucestershire County Council have advised that the scheme would generate a need for library resources in the Brockworth Area and a contribution of **£9,212** is therefore required to make the application acceptable in planning terms.
- 7.78. A contribution of **£73** per dwelling, which equates to **£3,431** based on 47 dwellings, towards recycling and waste bin facilities is required.
- 7.79. With regards to highway infrastructure improvements, Gloucestershire County Council, consider the provision of two bus stops, a toucan crossing and a contribution of **£18,959** in total towards a Travel Plan, which includes the Bond and Monitoring Fee are considered to be necessary to make the development acceptable in planning terms. At the time of writing the report ongoing discussions are taking place with regard to the aforementioned contribution towards the Travel Plan. **An update on this matter will be provided at committee.**

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 forms part of the wider Strategic Allocation in the JCS at North Brockworth. JCS Policy SD10 states that “housing development will be permitted at sites allocated for housing through the development plan, including strategic allocations.” Therefore housing development in this location is broadly acceptable in principle.
- 8.3. 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. There are no clear reasons for refusal arising from NPPF policies for the protection of areas or assets of particular importance 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, both market and affordable housing 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.

- 8.6. Another benefit is that development would provide local infrastructure improvements through the provision of two additional bus stops and a toucan crossing across the A46 Shurdington and through other developer financial contributions set out above.

Harms

- 8.7. Harm arises from the poor degree of connectivity with the adjoining development which limits the scope by which the proposal could integrate with the existing built development. Accordingly the proposed development would be contrary to certain policy requirements with regard to design as set out in the NPPF, NDG and Policy SD4, SA1 and A3 of the JCS. This would be a failing of the scheme.

Neutral

- 8.8. It has been established through the submission documents that, subject to the imposition of appropriate planning conditions and planning obligations, the development would not give rise to unacceptable impacts in relation to landscape, flood risk and drainage, ecology, highway safety, community infrastructure, heritage assets or any noise or odour pollution arising from the neighbouring road network or upon the living conditions of existing residents and future residents.

Conclusion

- 8.9. The harm identified is not underestimated. However, significant weight should be given to the provision of housing, both market and affordable, in a location where the principle of residential development would be acceptable, and given the Council cannot currently demonstrate a five year supply of deliverable housing sites.
- 8.10. Taking account of all the material considerations and the weight to be attributed to each one, it is considered, the identified harm would not significantly and demonstrably outweigh the benefits in the overall planning balance.
- 8.11. It is therefore considered that the proposed development would constitute sustainable development in the context of the NPPF as a whole and it is therefore recommended that the grant of planning permission be **DELEGATED to the Development Manager subject to the addition to/amendment of planning conditions as appropriate, if necessary, and the completion of an agreement to secure the following heads of terms:**
- £503,587 towards education provision;
 - £9,212 towards library resources;
 - £18,959 towards a Travel Plan (TBC);
 - Provision of two bus shelters and a toucan crossing;
 - 17 on-site affordable housing units;
 - £49,256 towards sports facilities (TBC);
 - Waste and recycling contributions (£73 per dwelling);
 - Provision of on-site LAP

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. Unless where required or allowed by other conditions attached to this permission/consent, the development hereby permitted shall be carried out in accordance with the information provided on the application form and plans/drawings/documents detailed in the Drawing Schedule, dated 2nd February 2021.

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

3. Prior to its/their installation as part of the development hereby approved, a specification of the materials and finish for the external walls, doors, windows and roofing proposed to be used in the construction of the new dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - To ensure the new materials are in keeping with the surroundings and represent quality design.

4. The construction work on the dwellings hereby permitted shall not commence until details of existing and proposed ground levels across the site relative to the adjoining land, together with the finished floor levels of the new dwellings relative to the Ordnance Datum Newlyn have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - To ensure the proposed development does not have an adverse effect on the character and appearance of the area or upon residential amenity.

5. Notwithstanding the information submitted, prior to the occupation of any dwelling hereby permitted a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:-

- (i) a plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any proposed changes in ground level, or other works to be carried out, within the canopy spread.
- (ii) a plan(s) showing the layout of proposed tree, hedge and shrub planting and grass areas.
- (iii) a schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants.
- (iv) a written specification outlining cultivation and other operations associated with plant and grass establishment.
- (v) a schedule of landscape maintenance for a minimum period of five years from first planting, which should include details of the arrangements for its implementation, long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (excluding domestic gardens).

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 occupation of any dwelling hereby permitted.

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 and upon the Cotswolds Area of Outstanding Natural Beauty.

6. Prior to the commencement of the development hereby approved (including all preparatory work), temporary fencing for the protection of all retained trees/hedges on site and trees outside the site whose Root Protection Areas fall within the site shall be erected in accordance with BS 5837:2012.

The protective fencing shall remain in place until the completion of the development or unless otherwise agreed in writing with the Local Planning Authority. Nothing should be stored or placed (including soil), nor shall any ground levels altered, within the fenced area. There shall be no burning of any material within 10 metres of the extent of the canopy of any retained tree/hedge.

Reason – To safeguard the existing trees/hedgerows during the construction phases and to ensure no storage of materials is in proximity of the trees.

7. No development shall commence on site until a detailed Sustainable Drainage System (SuDS) strategy document has been submitted to and approved in writing by the Local Planning Authority and an agreement pursuant to Section 278 of the Highways Act 1980 is entered into with Highways England for the detailed drainage works.

The SuDS strategy should be in accordance with the proposal set out in the approved submission (Flood Risk Assessment; 12 November 2020; BR-511-0006-04) and must include a detailed design and demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. It should also include appropriate erosion measures to mitigate the reduced discharge area and details of spill containment features within the development to protect the Highways England drainage asset from undesirable pollution circumstances.

The approved scheme for the surface water drainage shall be implemented in accordance with the approved details before the development is first occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage, thereby preventing the risk of flooding and to ensure the safe and efficient operation of the Strategic Road Network. 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.

8. Prior to the first occupation of any dwelling hereby permitted, 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, shall be 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 to ensure the safe and efficient operation of the Strategic Road Network.

9. No development shall commence until a detailed drainage plan for the disposal of foul water flows for the site has been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the foul water drainage works have been implemented in accordance with the approved details.

To ensure the development is provided with a satisfactory means of foul water drainage and thereby ensuring the development would not result in an unacceptable risk of pollution or harm to the environment.

10. The following species must not be planted within 10 metres of the Highways England estate:

Blackthorn (*Prunus spinosa*)
Goat Willow (*Salix caprea*)
Crack Willow (*Salix fragilis*)
Dogwood (*Comus sanguinea*)
Italian alder (*Alnus cordata*)
Bird Cherry (*Prunus avium*)
Quaking Aspen (*Populus tremulans*)

The following species must not be planted within 25 metres of the Highways England estate:

English Oak (*Quercus robur*)

The following trees must not be planted in a position where at maturity they would be within falling distance of the carriageway, or any Highways England asset:

Silver Birch (*Betula pendula*)
Austrian Pine (*Pinus nigra*)
Italian Alder (*Alnus cordata*)
Bird Cherry (*Prunus avium*)
Quaking Aspen (*Populus tremulans*)

Reason – To protect the Highways England estate, protect public safety and ensure the safe and efficient operation of the Strategic Road Network.

11. Prior to the first occupation of any dwelling hereby permitted a Construction Ecological Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the recommendations contained within the Updated Extended Phase 1 Habitat Survey and the Ecology Summary Report, prepared by Lockhart Garratt. The CEMP shall include an implementation timetable, a bat sensitive lighting plan to show types of lighting proposed and lux levels map.

The works shall thereafter be carried out in accordance with the approved CEMP and timetable.

Reason – To ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area.

12. Prior to the first occupation of any dwelling hereby permitted a Landscape Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP needs to be designed in accordance with the enhancement measures set out in the Construction Ecological Management Plan (CEMP) with sufficient native species planting, creation of natural habitats and natural habitat retention and enhancement/creation to allow for positive Biodiversity Net Gain.

The LEMP should be applicable for a minimum period of 10 years and include monitoring regime to ensure plants and habitats establish well and animal shelters remain in good state.

The works shall thereafter be carried out in accordance with the approved LEMP.

Reason: To ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area.

13. Prior to the first occupation of any dwelling, a Homeowner Information Pack (HIP) setting out the location and sensitivities of the Cotswolds Beechwoods Special Area of Conservation (SAC) shall be submitted to and approved in writing by the Local Planning Authority. The HIP shall include reference to the sensitivities of the site, messages to help the new occupiers and their families enjoy informal recreation at the SAC and how to avoid negatively affecting it, alternative locations for recreational activities and off road cycling and recommendations to dog owners for times of the year dogs should be kept on the lead when using the SAC. Two copies of the HIP shall be provided to all future residents prior to the occupation of each dwelling.

Reason – To ensure that residents are made aware of the nearby recreational opportunities as well as emphasising the sensitivities of the Cotswolds Beechwoods Special Area of Conservation.

14. Prior to the first occupation of any dwelling hereby permitted details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
- i) A drawing showing sensitive areas and/or dark corridor safeguarding areas.
 - ii) Description, design or specification of external lighting to be installed.
 - 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 (e.g. timer operation, passive infrared sensor)

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 the proposed development does not have an adverse effect on the character and appearance of the area and does not harm biodiversity within the site and the wider area.

15. Noise mitigation measures shall be carried out in strict accordance with the details in the 'Technical Note: Noise Addendum – Mitigation', ref: 24234-04-TN-02, prepared by Mewies Engineering Consultants Ltd and submitted with this application.

The mitigation measures approved shall be completed prior to any dwellings in which they relate being first occupied.

Reason – To ensure the proposal preserves residential amenity and to prevent unacceptable noise pollution to the detriment of human health.

16. No development shall commence on site until details of the Toucan crossing and access into the site and 2 No. bus shelters have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the approved works have been completed and are open to the public.

Reason – In the interests of highway safety and to ensure that all road works and crossing facilities associated with the proposed development are planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.

17. Prior to commencement of the development hereby permitted details of a construction management plan or construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- 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 – 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.

18. No dwelling hereby permitted shall be occupied or use commenced until the means of access for vehicles, pedestrians and cyclists have been constructed and completed in accordance with the approved plans.

Reason – In the interest of highway safety.

19. No dwelling hereby permitted shall be occupied until the loading, unloading, circulation and manoeuvring facilities for servicing vehicles have been completed in accordance with the approved plans. Thereafter, these areas shall be retained for the lifetime of the development.

Reason – To ensure that there are adequate servicing facilities within the site in the interests of highway safety.

20. No dwelling hereby permitted shall be occupied until the car parking areas and turning spaces shown on the approved plans have been completed and thereafter the areas shall be kept free of obstruction and available for the parking of vehicles associated with the development.

Reason - To ensure that there are adequate parking facilities to serve the development constructed to an acceptable standard.

21. The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted and approved plans and those facilities shall be maintained for the duration of the development.

Reason - To ensure the provision and availability of adequate cycle parking.

22. No dwelling hereby permitted shall be occupied or use commenced until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets to the satisfaction of the council.

Reason – In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking & cycling.

23. The development hereby permitted shall not be first occupied until the proposed dwellings have been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 [and Manual for Gloucestershire Streets]. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

Reason – To promote sustainable travel and healthy communities.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the garage/car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property and ancillary domestic storage without the grant of further specific planning permission from the Local Planning Authority.

Reason – To retain the garage/car space for parking purposes.

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. The drainage works associated with this consent involves works within the public highway, which is land over which the applicant has no control. Highways England will therefore require the developer to enter into a suitable legal agreement to cover the detailed design and construction of the works. Please contact ThirdpartyworksSWarea@highwaysengland.co.uk at an early stage to discuss the details of the highways agreement.
3. You should be aware that an early approach to Highways England is advisable to agree the detailed arrangements for financing the design and construction of the scheme.
4. Please be advised that Highways England may charge Commuted Sums for maintenance of schemes delivered by third parties. These will be calculated in line with HM Treasury Green Book rules and will be based on a 60 year infrastructure design life period.

5. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

- i. Drafting the Agreement
- ii. A Monitoring Fee
- iii. Approving the highway details
- iv. Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

6. You are advised that a Traffic Regulation Order (TRO) is required. You must submit a plan to scale of an indicative scheme for a TRO, along with timescales for commencement and completion of the development. Please be aware that the statutory TRO process is not straightforward; involving advertisement and consultation of the proposal(s).

You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process.

We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.

The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

7. The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

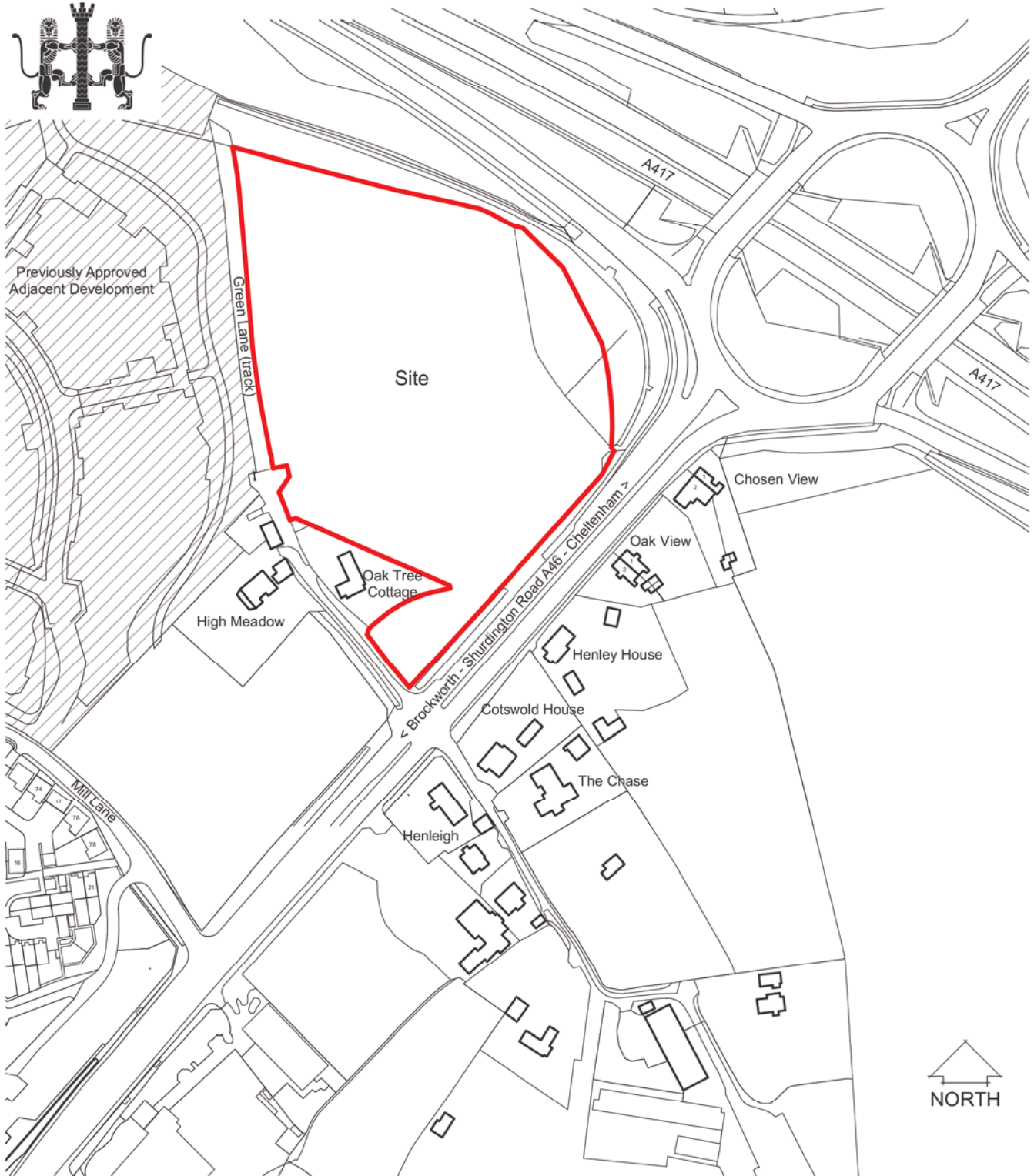
Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk. You will be required to pay fees to cover the Councils cost's in undertaking the following actions:

- I. Drafting the Agreement
- II. Set up costs
- III. Approving the highway details
- IV. Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

8. The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.



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Drawing title: Site Location Plan

Client: Charterhouse Strategic Land Ltd.

Drawn by: AH Checked: JE

Project No: 19.20.026

Project: Land to the north of
 Perrybrook, Shurdington
 Road, Brockworth

Scale: 1:2500 @ A4

Date: March 2020

Project / Drawing No: 19.20.026 PL001



Accommodation Schedule					
House Type	Bedrooms	Bedspaces	Spins	Number Of	Total spin
Accommodation (Total spin on plan #)					
Ashton (flat)	1	2	50.0	2	100.0
Barnes (flat)	2	4	70.0	6	140.0
Beckford	2	3	70.0	6	140.0
Carlton	3	4	85.2	3	255.6
Chadwell	3	5	90.0	4	360.0
Market					
Stuary	2	3	70.0	3	210.0
Chester	3	4	85.2	2	170.4
Cowley	3	5	90.0	4	360.0
Claydon	3	5	90.0	8	360.0
Donkham	4	6	119.3	4	477.2
Dunley	4	7	127.9	3	383.7
Denest	4	8	134.8	5	674.0
				47	4775sqft



- Revisions
- A 08/03/20 AH Revised to LPA comment
 - B 08/03/20 AH Revised to client comment
 - C 08/03/20 AH Revised to client comment
 - D 10/03/20 AH Revised to LPA and client comment
 - E 11/03/20 AH Turning head adjacent parking station revised to suit 1m service margin
 - F 11/03/20 AH Alternative basin revised to Engineer's detail
 - G 12/03/20 AH Acoustic fencing indicated to near amenity space of grade 45 and 47 to conform with Acoustic Engineer's recommendations



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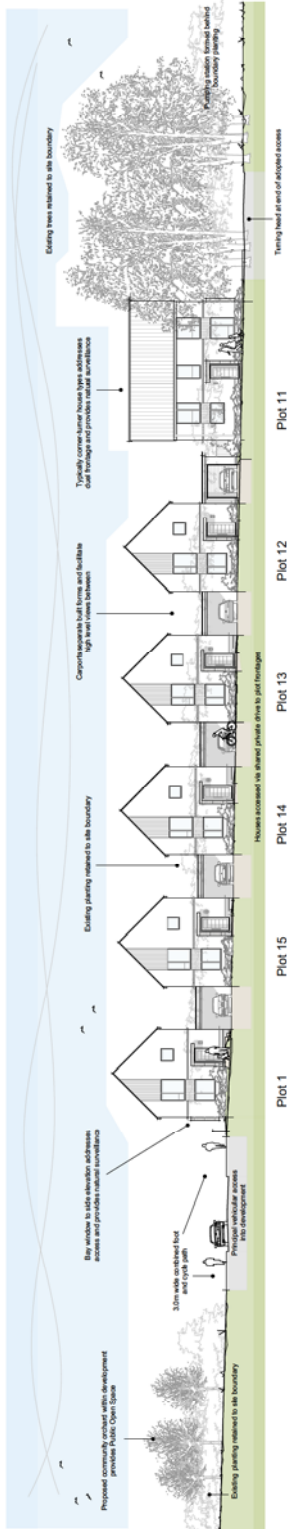
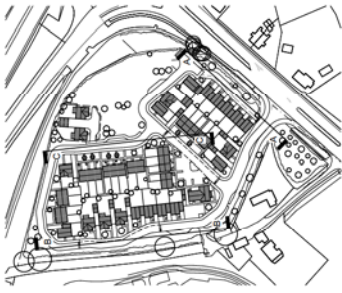
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- Feasibility
- Planning
- Building Regulations
- Tender
- Construction Issue
- As Built



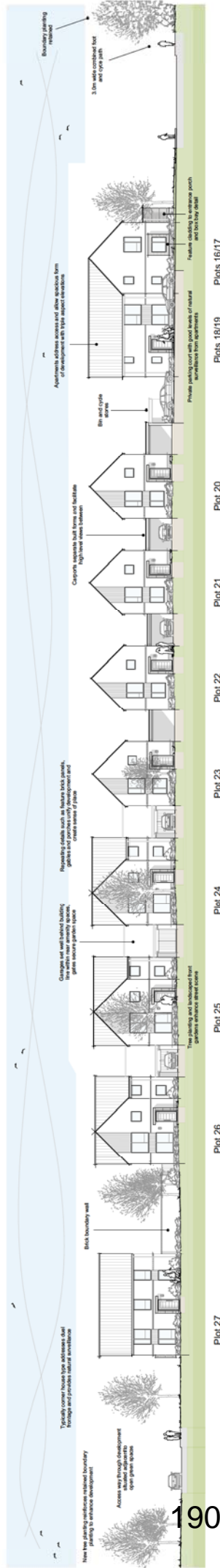
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4. Engineering information is indicative only and should be taken from structural engineering drawings.

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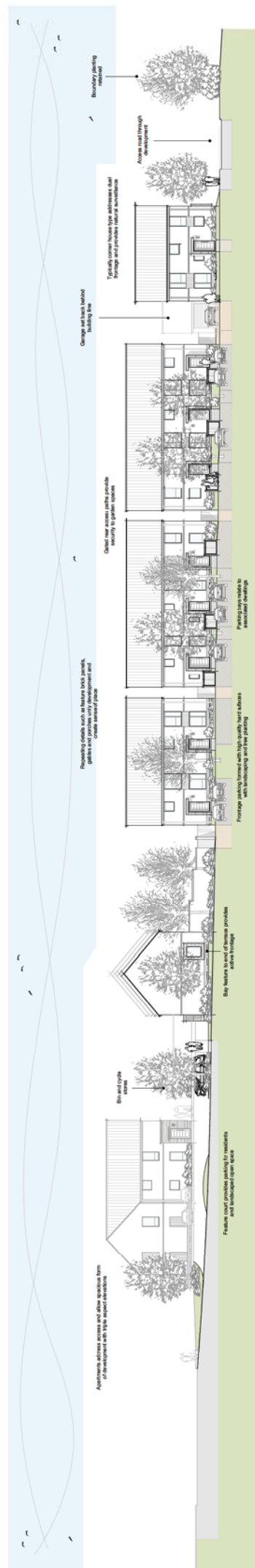
Drawing title: Proposed Site Layout	Project: Land to the north of Perrybrook, Shurdington Road, Brockworth
Client: Charterhouse Strategic Land Ltd.	Scale: 1:500 @ A1
Drawn by: AH Checked: JE	Date: March 2020
Project No: 19.20.026	Project / Drawing No: 19.20.026 PL005 G



Proposed Street Scene A-A - View to frontage along A46



Proposed Street Scene B-B - View fronting western site boundary



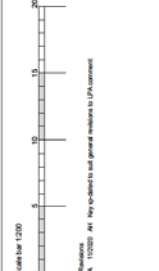
Proposed Street Scene C-C - View along internal section of development

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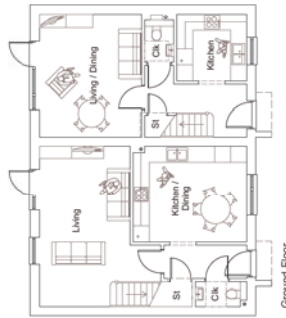
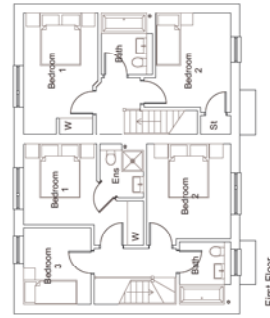
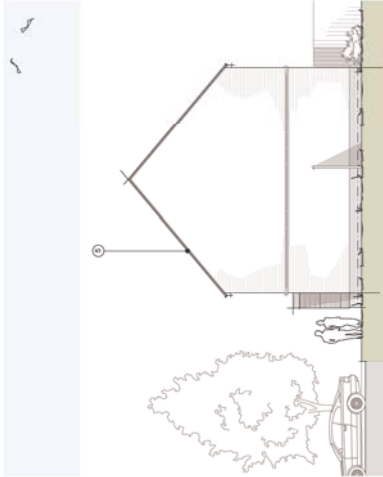
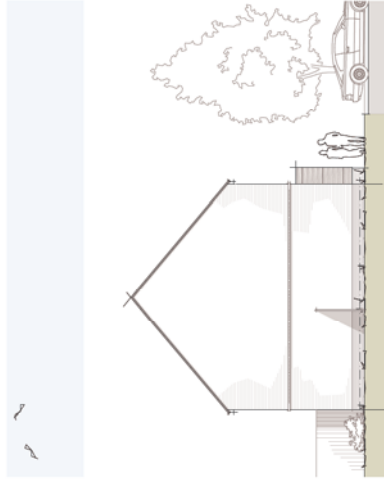
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Client:	Charterhouse Strategic Land Ltd.
Drawn by:	AH
Checked:	JE
Project No.:	19.20.026

Drawing title: Proposed Street Scenes
 Project: Land to the north of Ferrybrook, Shurdington Road, Brockworth
 Scale: 1:200 @ A1
 Date: April 2020
 Project / Drawing No: 19.20.026 PL.012 A

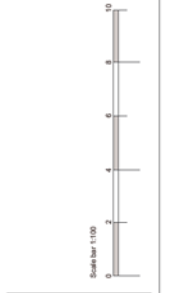
- Finishes Key**
- ① External cladding with vertical aluminium fins R.009
 - ② Black metal / handrail covers to match main block
 - ③ Concrete slab to LPA approval
 - ④ Chalk paint / hot bar / entrance
 - ⑤ Black metal / handrail covers to match main block
 - ⑥ Cemented verge detail
 - ⑦ Board frame and black UPVC rainwater goods
 - ⑧ Grey UPVC double glazed window frame
 - ⑨ Cold painted glass fibre roof system
 - ⑩ Prefabricated metal sheet screen and doors
 - ⑪ Chased canopy porch
 - ⑫ Grey UPVC / double glazed conservatory



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- Tender
- Construction issue
- As Built



Project: Land to the north of Pearlybrook, Shurdington Road, Brockworth	Drawing title: Bibury & Cowley House Types Pits 28 & 29
Scale: 1:100 @ A1	Client: Chantehouse Strategic Land Ltd.
Date: March 2020	Drawn by: JB, AH Checked: JE
Project / Drawing No: 19.20.026 HT 28 & 29	Project No: 19.20.026



Rear Elevation



Side Elevation

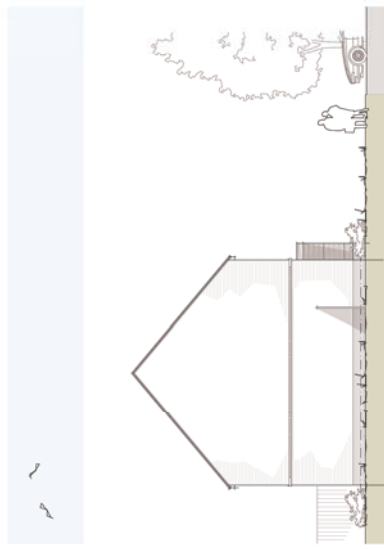


Front Elevation

Chester Plot 33

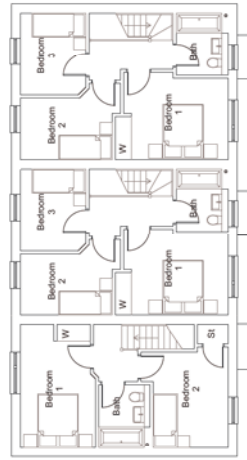
Chester Plot 34

Bibury Plot 35

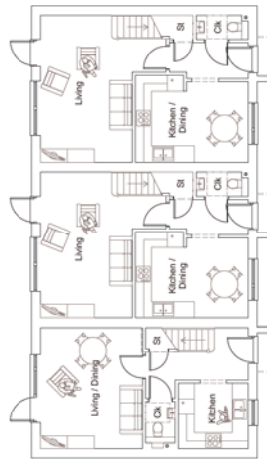


Side Elevation

- Finishes Key**
- For use in conjunction with materials schedule plan P1009
- 1 Brick elevations to LPA approval, with contrast paint as indicated
 - 2 Concrete tile to LPA approval
 - 3 Blue point / Rock type / entrance
 - 4 Blue point / Rock type / entrance
 - 5 Concrete ramp / deck
 - 6 Block stone and black UPVC window goods
 - 7 Grey UPVC double glazed window goods
 - 8 Cold formed glass fibre roof system
 - 9 Prefabricated metal sheet soffit and doors
 - 10 Clazed canopy porch
 - 11 Grey UPVC double glazed conservatory



First Floor



Ground Floor

Chester Plot 33

Chester Plot 34

Bibury Plot 35

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Drawing title: Chester & Bibury House Types
 P105 33, 34 & 35

Client: Chantehouse Strategic Land Ltd.

Drawn by: JB, AH
Checked: JE

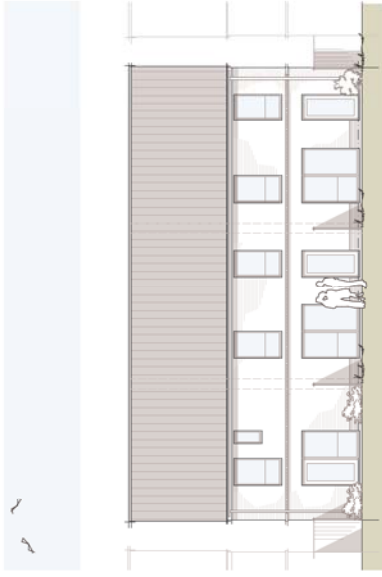
Project No: 19.20.026

Project: Land to the north of Perrybrook,
 Shurdington Road, Brockworth

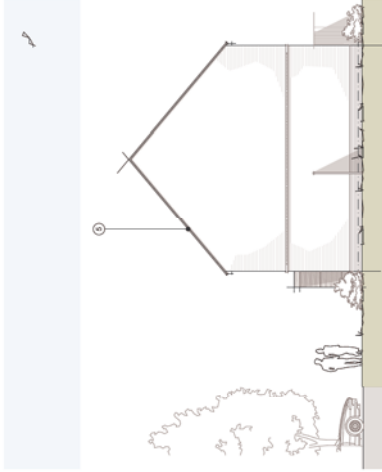
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Date: March 2020

Project / Drawing No: 19.20.026 HT 33, 34 & 35



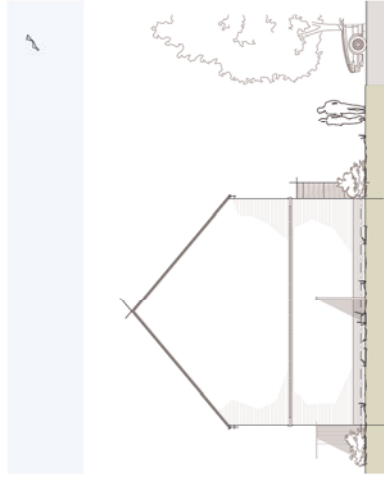
Rear Elevation



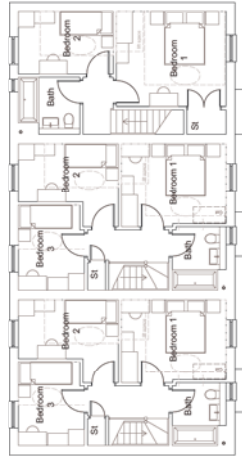
Side Elevation



Front Elevation

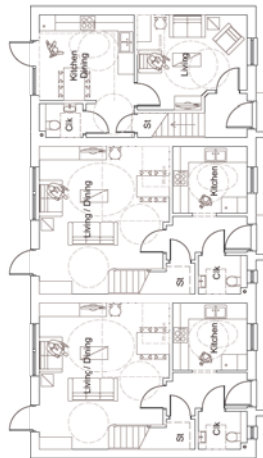


Side Elevation



First Floor

- Finishes Key**
 To be read in conjunction with materials distribution plan PL009
- 1 Brick external walls in UP approval, with contrast path as indicated
 - 2 Concrete to 1/2% approval
 - 3 Chair room floor layer services
 - 4 Brick external paving corners to match main look
 - 5 Concrete to 1/2% approval
 - 6 Black stone and black UPVC shower goods
 - 7 Grey UPVC double glazed window system
 - 8 Cold framed glass front roof system
 - 9 Prefabricated metal sheet screen and doors
 - 10 Glazed canopy porch
 - 11 Grey UPVC / double glazed conservatory



Ground Floor

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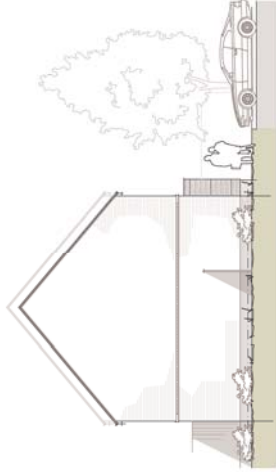
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 Construction issue
 As Built

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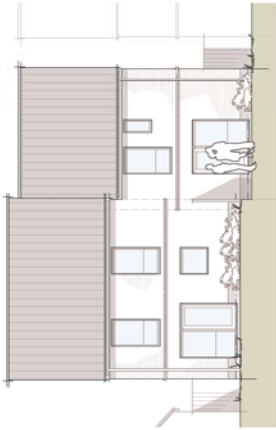
Drawing title: Beckford & Cantlow House Types Plots 36, 37 & 38
Client: Charthouse Strategic Land Ltd.
Drawn by: JB, AH
Checked: JE
Project No: 19.20.026

Project: Land to the north of Perrybrook, Shurdington Road, Brockworth
Scale: 1:100 @ A1
Date: March 2020
Project / Drawing No: 19.20.026 HT 36, 37 & 38

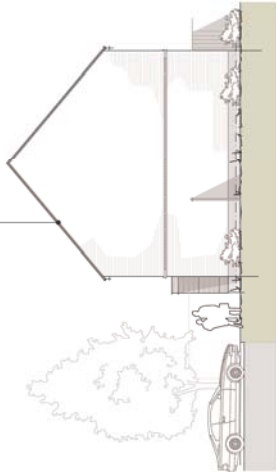
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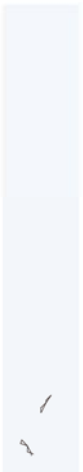
Side Elevation



Rear Elevation



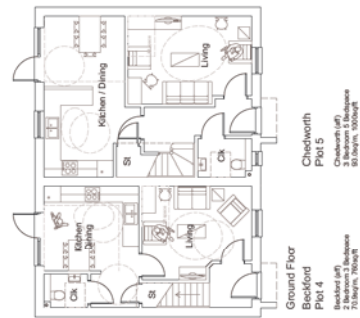
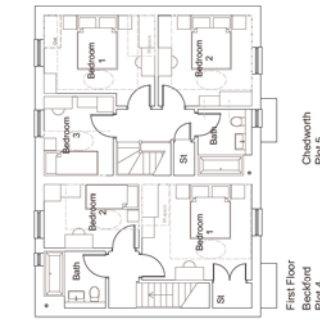
Side Elevation



Front Elevation

Finish Key

- 1 To be read in conjunction with materials specification plan F1.009
- 2 Brick Antracite to LPA approval, with contrast glaze as indicated
- 3 Concrete like to LPA approval
- 4 Clay path / floor key / entrance
- 5 Brick slip / landing concrete to match main brick
- 6 Concrete verge skid
- 7 Stone sills and thick UPVC window goods
- 8 Only UPVC double glazed window frames
- 9 UPVC door and roof system
- 10 Packaged metal sheet for rain and flash
- 11 Great energy path
- 12 Only UPVC / double glazed conservatory



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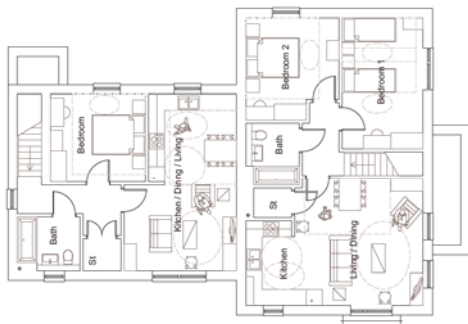
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Drawing title: Beckford & Chedworth House
 Types Plots 4 & 5
 Client: Chertnhouse Strategic Land Ltd.
 Drawn by: JB, AH Checked: JE
 Project No: 19.20.026

Project: Land to the north of Perrybrook,
 Sturminster Road, Brockworth
 Scale: 1:100 @ A1
 Date: March 2020
 Project / Drawing No: 19.20.026 HT 4 & 5 Pre A

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Ashton
Plot 19



Barrow
Plot 17

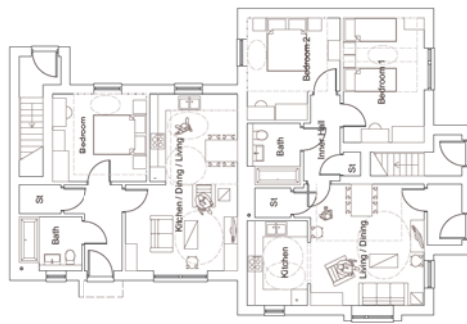


Front Elevation / South



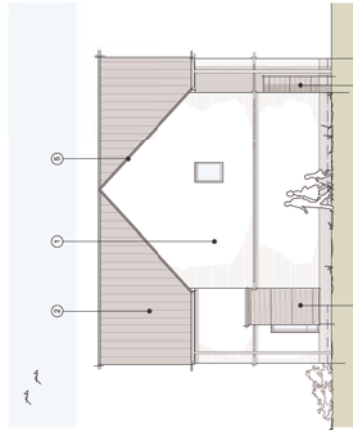
Front Elevation / West

Ashton
Plot 18

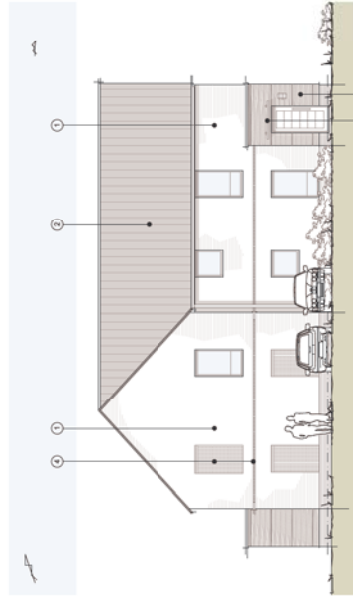


Ground Floor
1 Bedroom
2 Bedrooms
Bath, Kitchen
Living, Dining
2 Bedrooms
Bath, Kitchen
Living, Dining

Barrow
Plot 16



Rear Elevation / North



Side Elevation / East

Finishes Key

To be read in conjunction with materials distribution plan (R.009)

- 1. Brick external to LPA approval, with contrast path as indicated
- 2. Concrete lifts to LPA approval
- 3. Oak porch / facia bay / entrance
- 4. Brick detail landing cornice to match main brick
- 5. Concrete verge detail
- 6. Solid stone and black UPVC window goods
- 7. Only UPVC double glazed entrance system
- 8. Only UPVC double glazed window system
- 9. Polished metal door / window frame finish
- 10. Glazed energy porch
- 11. Only UPVC / double glazed secondary

Scale bar 1:100



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

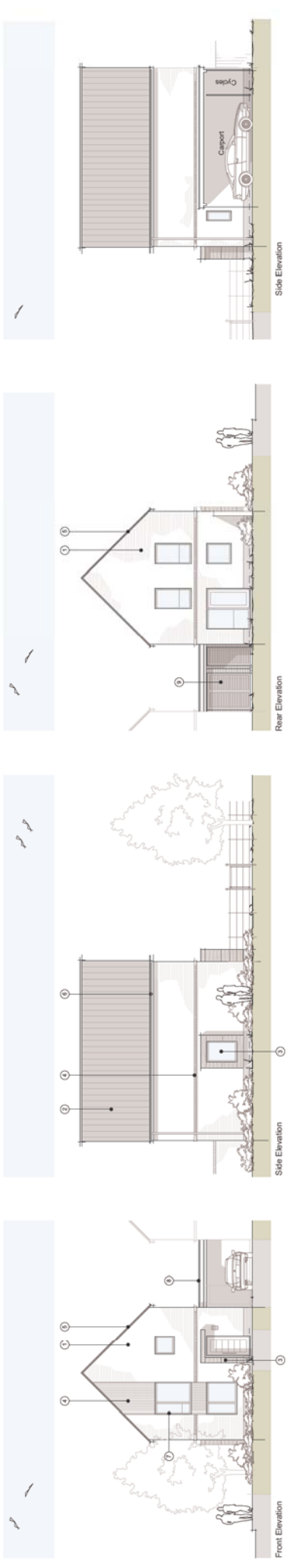
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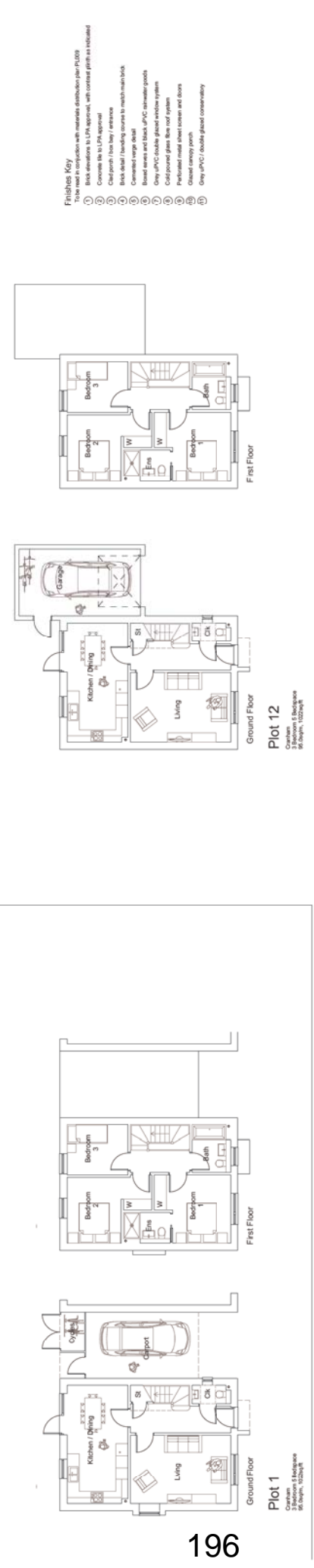
Drawing title: Ashton & Barrow Apartments
PIDs 16-19
Client: Charthouse Strategic Land Ltd.
Drawn by: JB, AH Checked: JE
Project No: 19.20.026

Project: Land to the north of Perrybrook,
Sturminster Road, Bockworth
Scale: 1:100 @ A1
Date: March 2020
Project / Drawing No: 19.20.026 HT An & Bw

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Plot 1



Plot 12

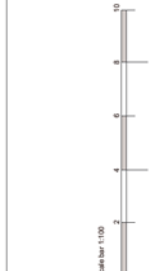
- Finishes Key**
 To be read in conjunction with materials specification (see P101)
- 1 Brick elevation to LPA approval, with contrast pinstripes recessed
 - 2 Concrete tile to LPA approval
 - 3 Clay porch tiles heavy / entrance
 - 4 Black leather / leather-look stone to match main block
 - 5 Natural stone energy efficient Black UPVC window pods
 - 6 Grey UPVC double glazed window pods
 - 7 Coloured glass Black roof system
 - 8 Polished metal sheet louvre and doors
 - 9 Clad canopy porch
 - 10 Grey UPVC / double glazed conservatory

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RIBA
 Chartered Architect



Drawing title: Cranham House Type - P101 1 & 12-15
 Project: Land to the north of Perrybrook, Shurdington Road, Brockworth
 Client: Charthouse Strategic Land Ltd.
 Scale: 1:100 @ A1
 Drawn by: JB, AH Checked: JE
 Date: March 2020
 Project No: 19.20.026
 Project / Drawing No: 19.20.026 HT Cr 01

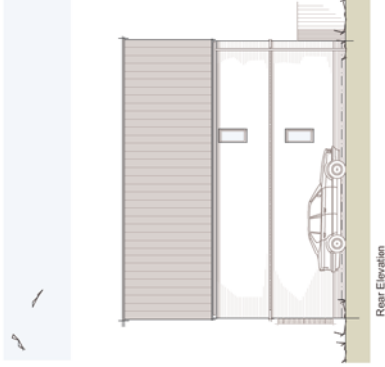


Front Elevation

Plot 3



Front End Elevation



Rear Elevation



Side Elevation



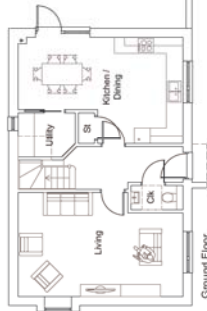
Ground Floor

Plot 3

Dereham House Type Plots 3 & 9
19.20.026 HT Dm 01

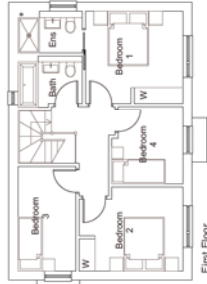


First Floor

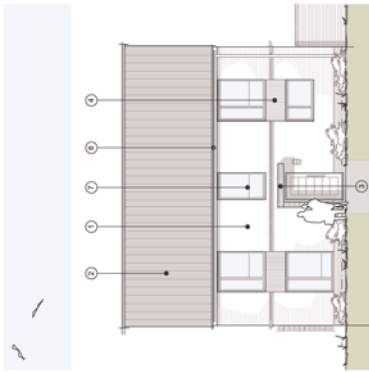


Ground Floor

Plot 9



First Floor

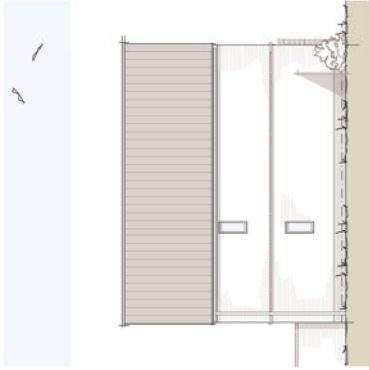


Front Elevation

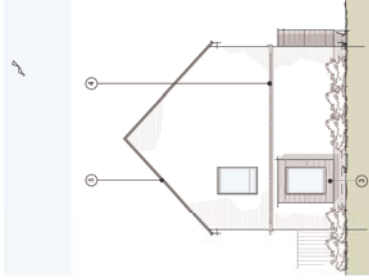
Plot 9



Side Elevation



Rear Elevation



Front End Elevation

- Finishes Key**
To be read in conjunction with materials distribution plan F1.009
- 1 Brick elevation to LPA approval, with contrast path as indicated
 - 2 Concrete tile to LPA approval
 - 3 Clad porch / front bay / entrance
 - 4 Brick detail / landing course to match main block
 - 5 Concrete range detail
 - 6 Stone screen and black uPVC entrance porch
 - 7 Grey uPVC double glazed entrance system
 - 8 Grey uPVC double glazed front door and doors
 - 9 Clad canopy porch
 - 10 Grey uPVC double glazed conservatory

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Drawing title: Dereham House Type Plots 3 & 9

Client: Charthouse Strategic Land Ltd.

Drawn by: JB, AH **Checked:** JE

Project No: 19.20.026

Project: Land to the north of Plympton, Sturminster Road, Brockworth

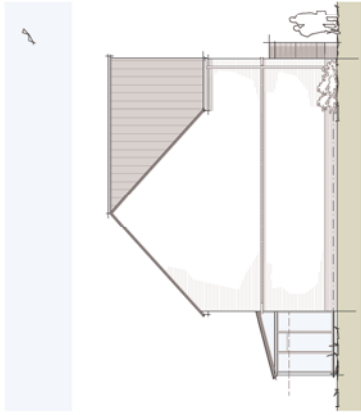
Scale: 1:100 @ A1

Date: March 2020

Project / Drawing No: 19.20.026 HT Dm 01



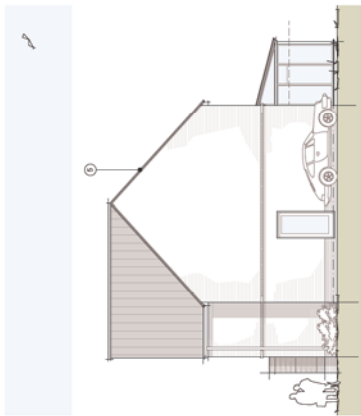
Side Elevation Plot 26



Side Elevation Plots 24 & 25



Rear Elevation

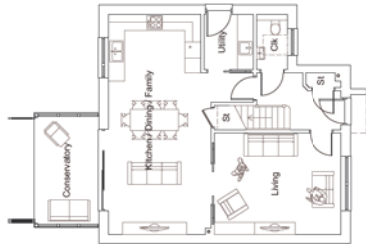


Side Elevation



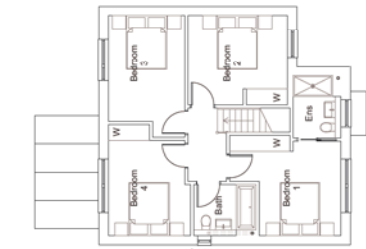
Front Elevation

Plots 24, 25 & 26



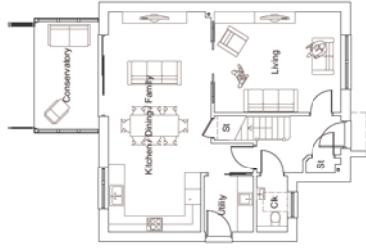
Ground Floor

Plots 24, 25 & 26
Overall 4 Bedrooms & Bathroom
134.5sqm, 1450sqft



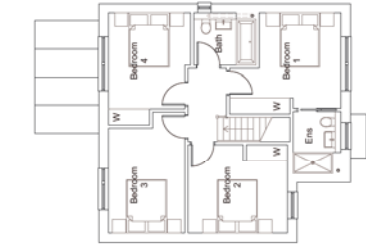
First Floor

- Finish's Key**
- 1 To be used in conjunction with materials distribution plan PL009
 - 2 Brick elevations to UP Approval, with concrete paths as indicated
 - 3 Concrete tile to UP Approval
 - 4 Clay porch / box bay / entrance
 - 5 Blockwork / banding courses to match main brick
 - 6 Concrete verge detail
 - 7 Boarded areas and base of UP/C entrance goods
 - 8 Grey UP/C double glazed window system
 - 9 UP/C front glass door and system
 - 10 UP/C front door and system
 - 11 UP/C front door and system
 - 12 UP/C front door and system
 - 13 UP/C front door and system
 - 14 UP/C front door and system
 - 15 UP/C front door and system
 - 16 UP/C front door and system

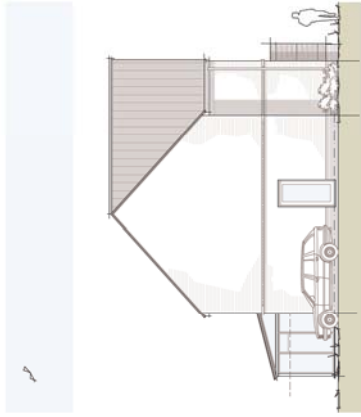


Ground Floor

Plots 46, 47, 48 & 49
Overall 4 Bedrooms & Bathroom
134.5sqm, 1450sqft



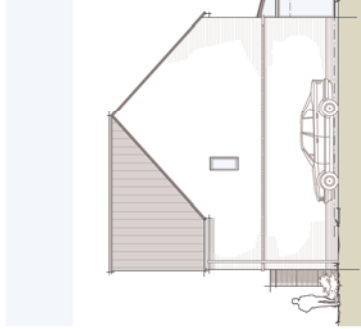
First Floor



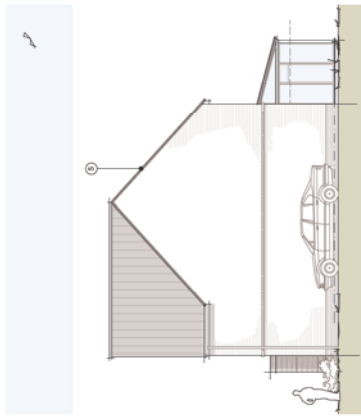
Side Elevation



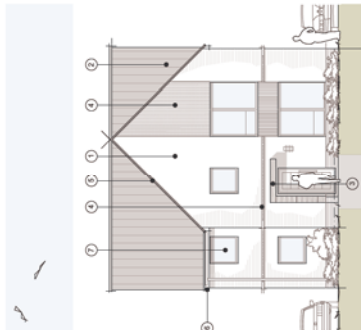
Rear Elevation



Side Elevation Plots 46, 47 & 48



Side Elevation Plots 46, 47 & 48



Front Elevation

Plots 46, 47, 48 & 49

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

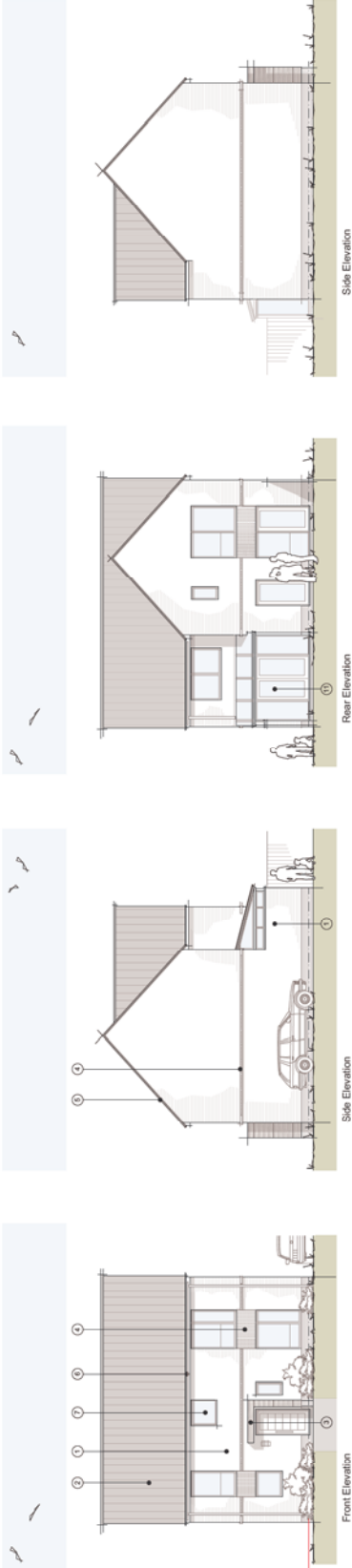
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Project: Denwent House Type Plots 24, 25, 26, 46, 47, 48 & 49
Client: Charthouse Strategic Land Ltd.
Drawn by: JB, AH
Checked: JE
Project No: 19.20.026

Project: Land to the north of Perrybrook, Shurdington Road, Brockworth
Scale: 1:100 @ A1
Date: March 2020
Project / Drawing No: 19.20.026 HT D1

- Finishes Key**
- 1 To be read in conjunction with materials specification plan F1009
 - 2 Brick elevations to LPA approval, with contrast girths as indicated
 - 3 Concrete like to LPA approval
 - 4 Clay porch / box bay / entrance
 - 5 Brick kerol / landing cornice to match main brick
 - 6 Cement verge detail
 - 7 Base eaves and black UPVC rainwater goods
 - 8 Grey UPVC double glazed window system
 - 9 Cold poured glass fibre roof system
 - 10 Prefinished metal screen door and doors
 - 11 Gravel driveway path
 - 12 Grey UPVC double glazed conservatory

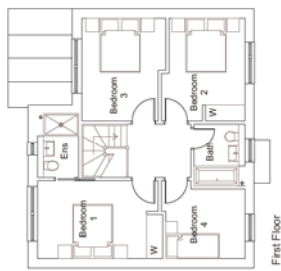


Plot 2



Ground Floor

Plot 2
Density: 1.27026
15.02m x 1.27026m

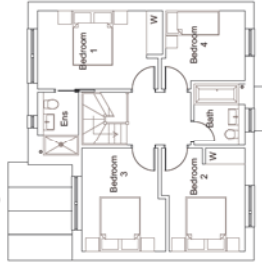


First Floor

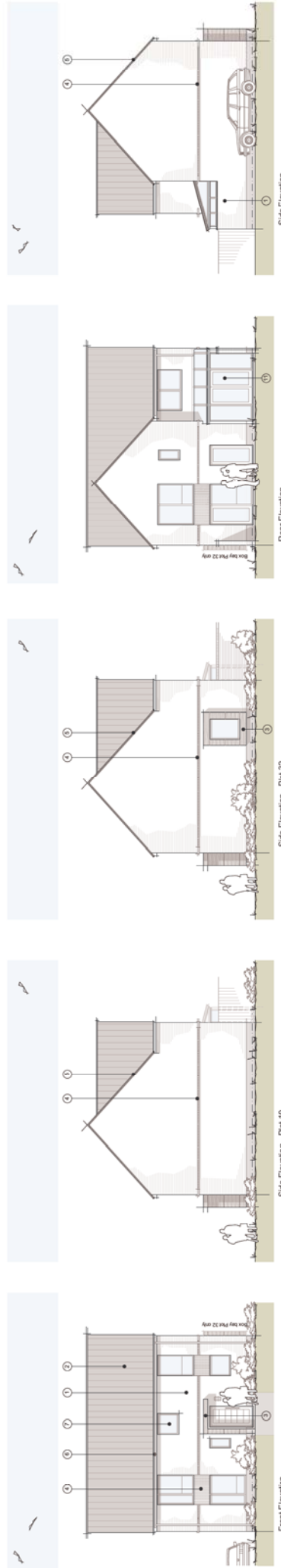


Ground Floor

Plots 10 & 32
Density: 1.27026
15.02m x 1.27026m



First Floor



Plots 10 & 32

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Drawing title: Dunsley House Type Pios 2.10 & 32

Client: Charthouse Strategic Land Ltd.

Drawn by: JB, AH Checked: JE

Project No: 19.20.026

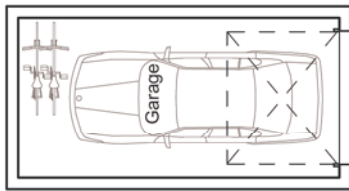
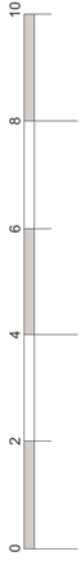
Project: Land to the north of Perrybrook, Shurdington Road, Brockworth

Scale: 1:100 @ A1

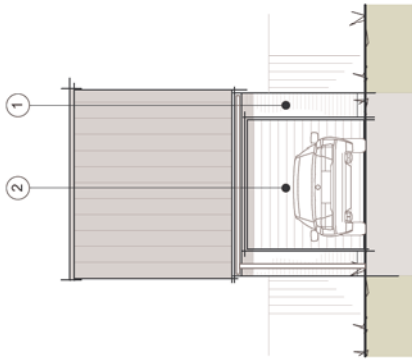
Date: March 2020

Project / Drawing No: 19.20.026 HT Dy

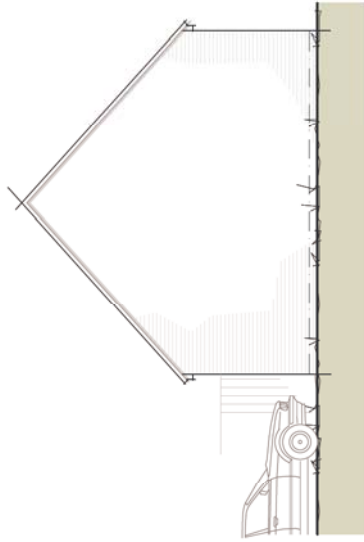
Scale bar 1:100



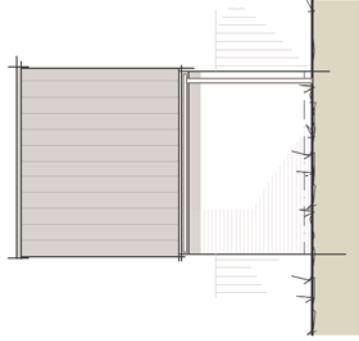
Plan
Single Garage



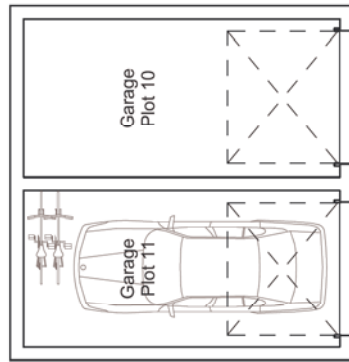
Front Elevation



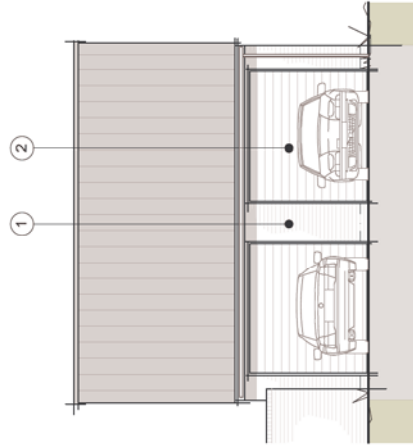
Side Elevation



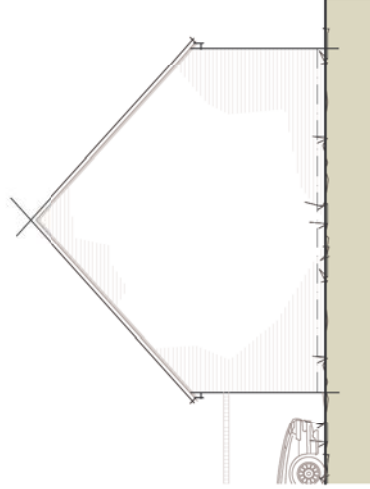
Rear Elevation



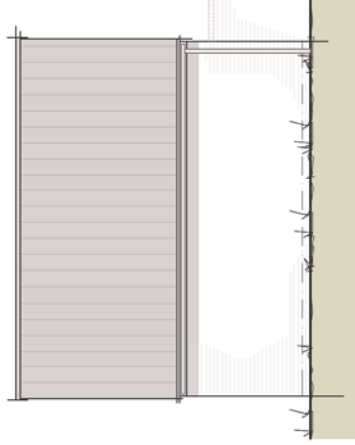
Plan
Pair Garages



Front Elevation



Side Elevation



Rear Elevation

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4. Engineering information is indicative only and should be taken from structural engineers design.

Drawing title: Proposed Garages

Project:

Land to the north of Perrybrook,
Shurdington Road, Brockworth

Client: Charterhouse Strategic Land Ltd.

Scale: 1:100 @ A3

Drawn by: AH JB Checked: JE

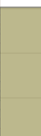
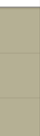
Date: March 2020

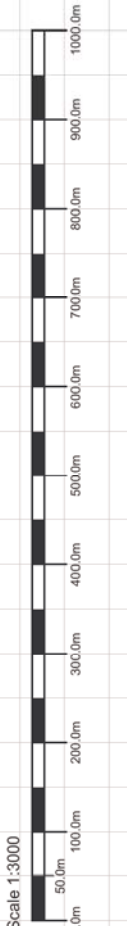
Project No: 19.20.026

Project / Drawing No: 19.20.026 GT

coombes : everitt architects

Plan based on OS data with phasing referenced from 'Conceptual Master Plan' and 'Phasing Plan' for Development from Outline Approval 12/01256/0/UT
As indicated, Phases I, II, III and VI reference Full Approval details, Phases IV, V, VI and VII details from Master Plan and subject to Full Applications by others

-  Areas of proposed development within approved Perry Brook masterplan (North Brockworth Strategic Allocation) = 24.7 hectares of Green Infrastructure
-  Public Open Space and green infrastructure as part of proposed development phases
-  Open space - sports facilities and potential primary school
-  Proposed community facilities and employment space
-  Retained Green Infrastructure identified within approved Perry Brook masterplan = 15.2 hectares of Green Infrastructure
-  Total retained area of Green Infrastructure within the North Brockworth Urban Extension = 39.9 hectares of Green Infrastructure



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Project: Masterplan Context and Green Infrastructure Plan
Client: Charterhouse Strategic Land Ltd.
Scale: 1:3000 @ A1
Date: June 2020
Checked: JE
Project / Drawing No: 19.20.026
19.20.026 PL.013 C

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Revisions:

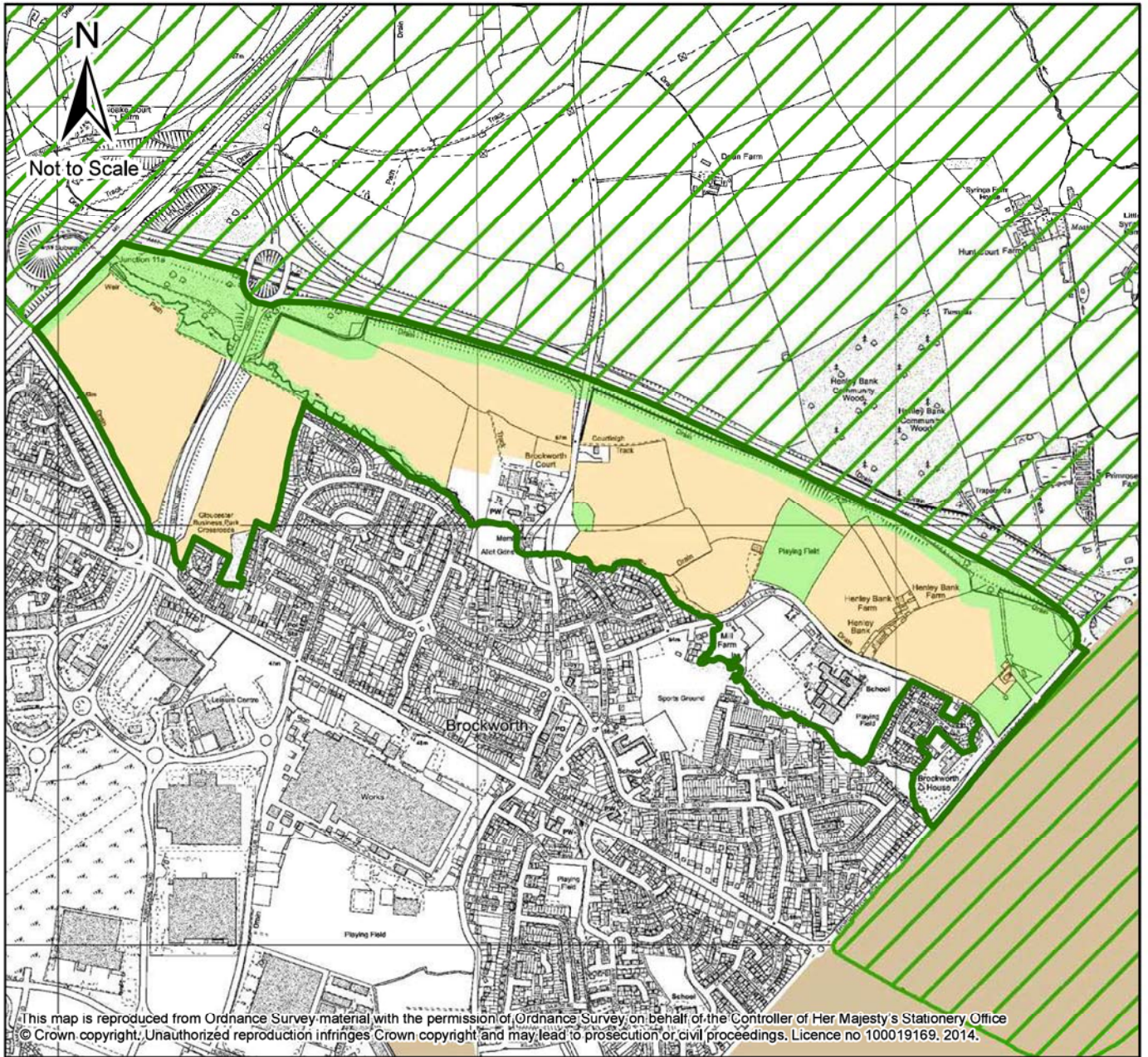
A	Rev 2020	AH	Address information added
B	Rev 2020	AH	Address information added
C	Rev 2020	AH	Site layout revised

Legend:

<input type="checkbox"/>	Preliminary
<input type="checkbox"/>	Feasibility
<input type="checkbox"/>	Planning
<input checked="" type="checkbox"/>	Building Regulations
<input type="checkbox"/>	Tender
<input type="checkbox"/>	Construction issue
<input type="checkbox"/>	As Built

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Indicative Site Layout A3 - North Brockworth



Key

- Housing and related infrastructure
- Green Infrastructure and other supporting infrastructure
- Areas removed from Green Belt
- The Cotswolds Area of Outstanding Natural Beauty
- Green Belt (revised)

- 1 Employment B1 (office and light industry) and B8 (storage and distribution) uses for 3.3% of land, including surface water attenuation
- 2 Extensive 2ha of flood reserved for future primary school. If required
- 3 Community facilities 3.4% of health care and 0.25% of retail uses of retail buildings and provide high quality built environment
- 4 Sports halls and associated for sports facilities such as sports pitches, multi-use games are parking and changing facilities
- 5 Existing residential dwellings to remain undisturbed (Court Lodge), Healey Bank tennis and high houses.

- 6 Village street residential character area: the character of these areas would consist of most houses, terraces and cottage style buildings set around street courtyards and courtyards but also some large terraced houses, terraces, road or open space and some large detached houses. Buildings would have traditional features such as gabled roofs, bay windows, chimneys and traditional materials. The street layout would be a mix of narrow streets and wider streets with a mix of footpaths and street parking with small frontages into high quality public realm. The street layout would be a mix of narrow streets and wider streets with a mix of footpaths and street parking with small frontages into high quality public realm.
- 7 Village street residential character area: the character of these areas would consist of most houses, terraces and cottage style buildings set around street courtyards and courtyards but also some large terraced houses, terraces, road or open space and some large detached houses. Buildings would have traditional features such as gabled roofs, bay windows, chimneys and traditional materials. The street layout would be a mix of narrow streets and wider streets with a mix of footpaths and street parking with small frontages into high quality public realm. The street layout would be a mix of narrow streets and wider streets with a mix of footpaths and street parking with small frontages into high quality public realm.
- 8 Rural Edge residential character area: the character of these areas would consist of most houses, terraces and cottage style buildings set around street courtyards and courtyards but also some large terraced houses, terraces, road or open space and some large detached houses. Buildings would have traditional features such as gabled roofs, bay windows, chimneys and traditional materials. The street layout would be a mix of narrow streets and wider streets with a mix of footpaths and street parking with small frontages into high quality public realm. The street layout would be a mix of narrow streets and wider streets with a mix of footpaths and street parking with small frontages into high quality public realm.

- Primary streets: these streets would be characterised by some or all of the following elements:
 - Minimum 6.5m wide footways for trees and cars
 - Minimum of 5m 2.0m wide footways
 - On street parking areas appropriate to the street type
 - Sealing or paving to demonstrate quality along primary roads
 - Street lighting to demonstrate quality along primary roads
 - Street furniture to demonstrate quality along primary roads
 - Street trees to demonstrate quality along primary roads
 - Street landscaping to demonstrate quality along primary roads
 - Street lighting to demonstrate quality along primary roads
 - Street furniture to demonstrate quality along primary roads
 - Street trees to demonstrate quality along primary roads
 - Street landscaping to demonstrate quality along primary roads
- Secondary streets: these streets would be characterised by some or all of the following elements:
 - Minimum 5.5m wide footways for trees and cars
 - Minimum of 4.5m 2.0m wide footways
 - On street parking areas appropriate to the street type
 - Sealing or paving to demonstrate quality along secondary roads
 - Street lighting to demonstrate quality along secondary roads
 - Street furniture to demonstrate quality along secondary roads
 - Street trees to demonstrate quality along secondary roads
 - Street landscaping to demonstrate quality along secondary roads
- Tertiary streets: these streets would be characterised by some or all of the following elements:
 - Minimum 4.5m wide footways for trees and cars
 - Minimum of 3.5m 2.0m wide footways
 - On street parking areas appropriate to the street type
 - Sealing or paving to demonstrate quality along tertiary roads
 - Street lighting to demonstrate quality along tertiary roads
 - Street furniture to demonstrate quality along tertiary roads
 - Street trees to demonstrate quality along tertiary roads
 - Street landscaping to demonstrate quality along tertiary roads



Perrybrook, Brockworth

Conceptual Masterplan

To be read in conjunction with Illustrative Masterplan and Design and Access Statement

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	16 February 2021
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Development Manager
Corporate Lead:	Head of Development Services
Lead Member:	Lead Member for Built Environment
Number of Appendices:	One

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

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

(A) Appeal Decisions	
Application No	19/00367/FUL
Location	Walnut Farm Tewkesbury Road Norton Gloucester Gloucestershire GL2 9LG
Proposal	The erection of 7 dwellings comprising of 2, 3, 4 and 5 bedroom accommodation (including 4 market and 3 affordable discounted market sale dwellings) and associated vehicular access
Officer recommendation	Refuse
Decision type	Delegated Decision
PINS reference	APP/G1630/W/20/3257279
PINS decision	Appeal Allowed
Reason	<p>The Inspector considered there were 2 main issues relevant to the Appeal.</p> <p><i>Whether the proposal is in a suitable location for housing relative to the settlement strategy for the area.</i></p> <p>Here the Inspector noted that there is no requirement in JCS Policy SD10 that development must be within the settlement boundary to be considered within a built-up area.</p> <p>The Inspector noted that there was a precedent for ribbon style development along the A38 in the vicinity of the site which had <i>“seemingly changed the character of this particular stretch of the A38, creating ribbon development that appears to form a built up arterial route linking Norton in the north and Twigworth in the south.”</i></p> <p>He therefore concluded that in the context of this ribbon development and the site’s close relationship with, and position between development, it would seem reasonable that the proposal should be regarded as being within a built-up area, even if it was outside of the defined settlement boundary of Norton. Altogether, the proposal would comply with infill policy requirements under Part ii of Policy SD10 of the JCS.</p> <p><i>The effect on the character and appearance of the area.</i></p>

	<p>The Inspector considered the existing hedgerow to the front of the site prevented views to open countryside and that the field did not present itself as a gap in this context. The infilling of the field between existing development with houses of a similar size and scale would be characteristic of the existing pattern of ribbon development would not change the suburbanised character or appearance of the area. Neither would it undermine the policy position of the NDP, which would continue to protect other areas of a rural character and appearance from ribbon development.</p> <p>Planning obligations.</p> <p>The Inspector considered the financial (Section 106) contributions towards recycling / refuse and bus stop infrastructure, and the requirement for 40% affordable housing were justified.</p> <p>Conclusion</p> <p>The Inspector concluded that the proposal accorded with the development plan as a whole and (in view of the Councils inability to demonstrate a five year supply of housing) benefited from a presumption in favour of sustainable development in accordance with Paragraph 11 d) ii of the Framework. The appeal was therefore allowed.</p>
Date of appeal decision	07.12.2020

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.

Background Papers: None.

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

Appendices: 1 - List of Appeals received.

List of Appeals Received						
Reference	Address	Description	Start Date	Appeal Procedure	Appeal Officer	Statement Due
20/00046/DECISI	Part Parcel 9070 Toddington	Permission in Principle for the erection of up to 8 dwellings and associated vehicular accesses.	08.01.2021	W	EMB	
20/00047/DECISI	The Wynyards Butts Lane	Erection of a modular annexe	18.01.2021	FAS	SNB	

Process Type

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