

12 April 2021

Committee	Planning
Date	Tuesday, 20 April 2021
Time of Meeting	9:00 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 16 March 2021.



Item	Page(s)
5. DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL	
(a) 21/00079/APP - Land at Tewkesbury Road, Twigworth	39 - 70
<p>PROPOSAL: Approval of Reserved Matters (Access, Appearance, Landscaping, Layout & Scale) comprising Phase 2 of Outline Planning Permission ref: 15/01149/OUT for the erection of 147 no. dwellings and associated works.</p>	
<p>OFFICER RECOMMENDATION: Approve.</p>	
(b) 20/00464/FUL - Part Parcel 3152, Tewkesbury Road, Deerhurst	71 - 103
<p>PROPOSAL: Hybrid planning application seeking; 1. Full planning permission for the erection of a B2 unit (general industrial) with associated landscaping, access and parking. 2. Outline planning permission (all matters reserved except access) for a mix of B1, B2 and B8 use classes (employment).</p>	
<p>OFFICER RECOMMENDATION: Delegated Permit.</p>	
(c) 20/01119/FUL - Garage Site 4, Bishops Drive, Bishops Cleeve	104 - 120
<p>PROPOSAL: Demolition of existing garages and erection of 11 dwellings, car parking, access road and landscaping.</p>	
<p>OFFICER RECOMMENDATION: Delegated Permit.</p>	
(d) 21/00285/FUL - Land at Wainlode Lane, Norton	121 - 132
<p>PROPOSAL: Change of use of land to play area and the installation of retractable stop ball netting with 8m high posts to the existing Rugby pitch.</p>	
<p>OFFICER RECOMMENDATION: Permit.</p>	
(e) 20/01214/FUL - Unit 4 Redwood House, Orchard Trading Estate, Toddington	133 - 159
<p>PROPOSAL: Retrospective application for outside storage and security fencing.</p>	
<p>OFFICER RECOMMENDATION: Refuse.</p>	
(f) 20/01252/FUL - Farringdon, Stockwell Lane, Woodmancote	160 - 173
<p>PROPOSAL: Pitched roof extension over existing garage, erection of a side and rear extension, rear dormer extension and replacement doors and windows.</p>	
<p>OFFICER RECOMMENDATION: Permit.</p>	

Item	Page(s)
<p>(g) 21/00068/FUL - Manor Farm, Main Street, Wormington</p> <p>PROPOSAL: Conversion of existing agricultural buildings into 1 no. dwelling and associated internal and external alterations, and provision of associated private residential garden area and vehicular driveway, parking and turning areas.</p> <p>OFFICER RECOMMENDATION: Refuse.</p>	174 - 200
<p>(h) 21/00069/LBC - Manor Farm, Main Street, Wormington</p> <p>PROPOSAL: Conversion of existing agricultural buildings into 1 no. dwelling and associated internal and external alterations and provision of parking.</p> <p>OFFICER RECOMMENDATION: Consent.</p>	201 - 208
<p>(i) 20/01074/FUL - Bell House Farm, Old Road, Maisemore</p> <p>PROPOSAL: Variation of condition 2 (drawing schedule) attached to planning permission 14/00965/FUL (residential development comprising of 15 dwellings) to allow for minor alterations to plots 6, 7, 12, 13 & 14 and revised drainage arrangements.</p> <p>OFFICER RECOMMENDATION: Delegated Permit.</p>	209 - 219
<p>(j) 21/00144/PIP - Box Farm, Stockwell Lane, Woodmancote</p> <p>PROPOSAL: Application for Permission in Principle for the Construction of 1 Dwelling.</p> <p>OFFICER RECOMMENDATION: Approve.</p>	220 - 230
<p>(k) 20/01221/FUL - Ashgrove, Toddington</p> <p>PROPOSAL: Demolition of existing dwelling and erection of 2No detached dwellings.</p> <p>OFFICER RECOMMENDATION: Permit.</p>	231 - 268
<p>(l) 19/00465/FUL - Charlton, Main Road, Minsterworth</p> <p>PROPOSAL: Change of use of dwelling and adjacent detached dwelling from C3 (dwelling house) to C2 (Childrens care home). Erection of a replacement single storey rear extension and erection of front and rear dormer extensions.</p> <p>OFFICER RECOMMENDATION: Permit.</p>	269 - 284
<p>(m) 20/01182/FUL - 4 Cranford Close, Woodmancote</p> <p>PROPOSAL: Erection of a single storey rear extension.</p> <p>OFFICER RECOMMENDATION: Permit.</p>	285 - 291

6. CURRENT APPEALS AND APPEAL DECISIONS UPDATE

292 - 301

To consider current planning and enforcement appeals and Ministry of Housing, Communities and Local Government (MHCLG) appeal decisions.

DATE OF NEXT MEETING**TUESDAY, 15 JUNE 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, 16 March 2021 commencing at 10:00 am**

Present:

Chair
Vice Chair

Councillor J H Evetts
Councillor R D East

and Councillors:

R A Bird, L A Gerrard, D J Harwood, M L Jordan, E J MacTiernan, J R Mason, J W Murphy (Substitute for G F Blackwell), P W Ockelton, A S Reece, P E Smith, R J G Smith, J K Smith (Substitute for M A Gore), P D Surman, R J E Vines, M J Williams and P N Workman

PL.60 ANNOUNCEMENTS

- 60.1 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.
- 60.2 The Chair outlined the procedure for the meeting, including public speaking.

PL.61 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 61.1 Apologies for absence were received from Councillors G F Blackwell and M A Gore. Councillors J W Murphy and J K Smith were in attendance as substitutes for the meeting.

PL.62 DECLARATIONS OF INTEREST

- 62.1 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.

62.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
R A Bird	Agenda Item 5(a) – 20/00896/FUL – Land to the North East of Hardwick Bank Road, Northway.	Is a member of the Tewkesbury Garden Town Member Reference Panel but has not, either individually or as a member of the Panel, been directly or closely involved in the detail of the planning application neither had the application been discussed at the Panel.	Would speak and vote.
J H Evetts	Agenda Item 5(a) – 20/00896/FUL – Land to the North East of Hardwick Bank Road, Northway.	Is a member of the Tewkesbury Garden Town Member Reference Panel but has not, either individually or as a member of the Panel, been directly or closely involved in the detail of the planning application and neither had the application been discussed at the Panel.	Would speak and vote.
	Agenda Item 5(g) – 20/00312/FUL – Manor Farm Yard, Stoke Road, Stoke Orchard.	Had been contacted by the applicant but had not expressed any opinion on the application.	Would speak and vote.
L A Gerrard	Agenda Item 5(e) – 20/00955/APP - 18 Westfield Road, Brockworth.	Is a member of Brockworth Parish Council but takes no part in planning matters.	Would speak and vote.

D J Harwood	Agenda Item 5(e) – 20/00955/APP - 18 Westfield Road, Brockworth.	Is a member of Brockworth Parish Council but takes no part in planning matters.	Would speak and vote.
M L Jordan	Agenda Item 5(c) – 20/01265/FUL - 8 Sandfield Road, Churchdown.	Is a member of Churchdown Parish Council but takes no part in planning matters.	Would speak and vote.
E J MacTiernan	Agenda Item 5(a) – 20/00896/FUL – Land to the North East of Hardwick Bank Road, Northway.	Is a member of the Tewkesbury Garden Town Member Reference Panel but has not, either individually or as a member of the Panel, been directly or closely involved in the detail of the planning application neither had the application been discussed at the Panel.	Would speak and vote.
		Is a member of Northway Parish Council but takes no part in planning matters.	Would speak and vote.
J R Mason	Agenda Item 5(a) 20/00896/FUL – Land to the North East of Hardwick Bank Road, Northway.	Is a member of the Tewkesbury Garden Town Member Reference Panel but has not, either individually or as a member of the panel, been directly or closely involved in the detail of the planning application and neither had the application been discussed at the Panel.	Would speak and vote.

	Agenda Item 5(h) – 20/00612/FUL – Whites Hill Cottage, Old Brockhampton Road, Winchcombe.	Is a member of Winchcombe Town Council but takes no part in planning matters.	Would speak and vote.
J W Murphy	Agenda Item 5(h) – 20/00612/FUL – Whites Hill Cottage, Old Brockhampton Road, Winchcombe.	Is a member of Winchcombe Town Council but takes no part in planning matters.	Would speak and vote.
A S Reece	Agenda Item 5(i) – 20/01252/FUL – Farringdon, Stockwell Lane, Woodmancote.	Had spoken to a neighbour but had not expressed an opinion.	Would speak and vote.
R J G Smith	Agenda Item 5(c) – 20/01265/FUL - 8 Sandfield Road, Churchdown.	Is a member of Churchdown Parish Council but takes no part in planning matters.	Would speak and vote.
P D Surman	Agenda Item 5(j) – 20/00950/FUL – Yew Tree Farm, Little Shurdington.	Daughter is the applicant.	Would not speak or vote and would leave the meeting.
R J E Vines	Agenda Item 5(a) – 20/00896/FUL – land to the North East of Hardwick Bank Road, Northway.	Is a member of the Tewkesbury Garden Town member Reference Panel but had not, either individually or as a member of the Panel, been directly or closely involved in the detail of the planning application and neither had the application been discussed at the Panel.	Would speak and vote.
	Agenda Item 5(e) – 20/00955/APP - 18 Westfield Road, Brockworth.	Is the County Councillor for the area.	Would speak and vote.

	Agenda Item 5(j) – 20/00950/FUL - Yew Tree Farm, Little Shurdington.	Is the County Councillor for the area.	Would speak and vote.
P N Workman	Agenda Item 5(a) – 20/00896/FUL – Land to the North East of Hardwick Bank Road, Northway.	Is a Member of the Tewkesbury Garden Town Member Reference Panel but had not, either individually or as a member of the Panel, been directly or closely involved in the detail of the planning application and neither had the application been discussed at the Panel.	Would speak and vote.
	Agenda Item 5(k) – 20/01142/CLE – The Coach House, Woodend Farm, Woodend Lane, Shuthonger.	Is the applicant.	Would not speak or vote and would leave the meeting.

62.3 There were no further declarations made on this occasion.

PL.63 MINUTES

63.1 The Minutes of the meeting held on 16 February 2021, copies of which had been circulated, were approved as a correct record.

PL.64 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

64.1 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.

20/00896/FUL - Land To The North East Of Hardwick Bank Road, Northway

64.2 This was an application for the development of a road bridge over the Bristol to Birmingham mainline railway north of Ashchurch, Tewkesbury (Ashchurch Bridge over Rail - ABoR), including temporary haul roads for construction vehicles, site compounds, security fencing, surface water drainage channels and attenuation ponds.

64.3 The Development Manager apologised for the formatting of the original report and confirmed that the words in the amended report were exactly the same only the formatting had changed with additional paragraph numbers etc. He also confirmed that the site fell within two Parishes; Northway and Ashchurch Rural. He explained that the application site extended to approximately 18 hectares and was located to the north and east of Northway, either side of, and over, the Birmingham to Bristol

railway line about 1km north of Ashchurch railway station. Other than the railway, the site comprised agricultural land. The proposals included the construction of a bridge over the railway line, embankments, temporary haul roads, temporary construction site compounds, attenuation ponds and drainage channels, and security fencing. The bridge deck would not receive a final running surface and would not be formally connected to the highway network at this stage. Protective security fencing was proposed to secure the bridge structure until such time as it was brought into use and, following completion, the haul roads and compounds would be removed and the land reinstated. The Development Manager showed the Committee detailed plans relating to the location and development proposals including layout and explained these in detail to Members. He indicated that the need for the bridge arose from the Tewkesbury Garden Town which was awarded Garden Town status by the government in March 2019; it was fair to say this was an unusual scenario with the bridge proposal coming in advance of the rest of the Garden Town proposals. The bridge was being progressed as the first phase of the proposals as set out in the Tewkesbury Area Draft Concept Masterplan (TADCM). The government had awarded the Council £8.1million of funding through the Housing Infrastructure Fund to deliver a bridge as part of the Northern Access Link Road shown in the draft Masterplan to unlock the delivery of new housing and it was necessary for the funding to be spent by the end of 2022. The delivery of the Garden Town was one of the priorities and objectives set out in the Council Plan – one of the specific objectives was to deliver the first phase of the 'bridge project', in line with the funding requirements. Members were being asked to consider the bridge structure itself and the impacts of the construction of it. Whilst clearly the bridge was intended to serve a particular function in the future, at this stage it was not certain what level of development it would serve, although Phase 1 of the masterplan would deliver over 3,000 homes and 46 hectares of employment land to help meet requirements in the Joint Core Strategy (JCS) in the period to 2031 and beyond. Impacts related to the wider Garden Town proposals would be considered in any future planning applications for that development. A number of concerns had been raised through the process and those were summarised in the report. Firstly, there had been questions about governance, and whether the Council should be dealing with the application, the Development Manager advised that it was entirely appropriate and lawful for the Council to determine the application in accordance with the relevant statutory provisions. As with all applications considered by the Council, decisions must be made in an open and transparent way taking into account all material considerations. Concerns had also been raised regarding the use of public funds - whilst this was not a material planning consideration it was a matter of record that public funds had been awarded specifically for the project. In respect of drainage, Officers had worked with the applicant's advisers to ensure that the scheme included the best possible drainage solution and both the Lead Local Flood Authority and Environment Agency had commented that the proposals were not exemplar from a drainage perspective. The applicant had provided additional information and explained that the drainage scheme would be further developed over time when the next stages of the Garden Town were brought forward. Whilst it was recognised that the current drainage proposals were not considered to be exemplar, the Lead Local Flood Authority was happy that the drainage proposals were acceptable in line with current policies. On that basis, there would be no robust reason to withhold permission. Nevertheless, it was likely that an exemplar scheme was capable of being secured in the future once additional land had become available and condition 31 was recommended which would achieve this. In terms of landscape, objections had been raised principally in relation to impacts on views from nearby residential viewpoints and from the Area of Outstanding Natural Beauty - Bredon Hill in particular. Clearly the bridge and embankments would be visible and this would result in significant harm from certain viewpoints. This harm could be tempered by appropriate landscaping and conditions were suggested to cater for this. Given the distance involved, and that the proposal would be read in the context

of the existing residential and commercial development at Northway, Ashchurch Camp and the permitted development south of the A46, it was considered that any harm to the Area of Outstanding Natural Beauty would be very limited. While issues related to the wider development that the bridge was intended to serve were for another day, objections had been made about the impact on the highway network during construction. Clearly this was a significant proposal which would attract a high number of vehicular, including HGV, movements. Nevertheless, these movements would be split across the highway network to reduce impacts on a single location. Subject to a construction traffic management plan and technical details of the site accesses and passing bays on Hardwick Bank Road, Highways England and Gloucestershire County Council as the Highway Authority had raised no objection. All potential impacts on living conditions at the nearest residential properties had been assessed and the Environmental Health Officer was satisfied that there would be no undue impacts subject to a Construction Management Plan which, again, would be secured by condition. In respect of ecology, Natural England had raised no objection, subject to appropriate mitigation, in respect of potential impacts on the Severn Estuary Special Area of Conservation. Whilst some habitats would be affected through the loss of trees/hedgerows as a result of the proposal, mitigation could be secured through an ecological management plan to offset those losses once again to be secured by condition. There would also be some medium to low level harm though less than substantial harm to listed buildings at Northway Mill and Mill House, however, it was considered that these harms were clearly outweighed by the public benefits of the proposal. In conclusion, the Development Manager advised that there were significant benefits arising from this development in enabling the delivery of the Masterplan and Garden Communities programme and ensuring that the necessary infrastructure was in place to achieve well planned development and that the delivery timescale of the Masterplan was maintained. There were also benefits arising through job creation during the construction process which would provide economic benefits to the area. The objections of the local community were noted and there were harms as set out in the report which were not underestimated, however, overall Officers concluded that the benefits of the proposals, including the benefits of progressing the proposals at the current time, outweighed those identified harms and it was therefore recommended that the application be permitted.

- 64.4 The Chair invited a Planning Officer to read the submission made through the public speaking scheme by Northway Parish Council. Northway Parish Council objected to the application due to lack of information provided to allow for an informed decision, based on insufficient details showing how new road networks would connect to the proposed bridge, except for the temporary construction roads to the works, and the fact that the Community Involvement Statement Section 2.1 stated that 'The proposed bridge location is in the centre of an area earmarked in the Tewkesbury Area Draft Concept Masterplan January 2018 for future housing development to the north of the existing town of Ashchurch', which was now incorrect, due to the Ministry of Defence site no longer being available for housing, possibly meaning that the Garden Town was no longer feasible. The Parish Council was concerned that roads in Northway, already under pressure, would be used more as a rat-run as people accessing the M5 from Bredon and Mitton often used Northway to avoid the A38/A46. It would appear that the last Traffic Assessment was undertaken in 2017 was not an accurate reflection of usage. With the addition of 826 houses north of Ashchurch, plus up to 1,000 at Mitton, The Park to Shannon Way would be used to access the M5 at Junction 9. People from the new houses were not likely to drive to Aston Cross to access the M5 and, with the regular congestion on the A46, the bridge and link roads would encourage more people to bypass the A46. The increased traffic would further increase the risk to local residents wishing to access Joan's Field Conservation Area at Hardwick Bank Road, where there was no footpath allowing safe access. Northway Parish Council regularly raised concerns about the inadequate cycle lane over Northway Lane motorway bridge and, with the

increased traffic flow that the proposed bridge would bring, there would be an increased risk to cyclists. The proposal referred to an off-line link road from a new M5 junction south of Junction 9 and joining the A46 east of Aston Cross. This was now delayed and, with no timeline for it, created more uncertainties with unknown impacts on the future road network. The proposed development site was often waterlogged as well as close to watercourses that, when backed up, would have a knock-on effect resulting in more flooding in Northway and Tewkesbury. There were concerns that the planned works would generate increased pollution as well as impacting on local wildlife such as deer and displacing bats and more particularly affecting the health and wellbeing of residents. Once built, the bridge would be unused for an undefined period resulting in possible deterioration to the structure. Although surrounded by security fencing it may attract anti-social behaviour, possibly putting trains at risk. A last-minute artist impression had appeared providing a limited timescale to allow consideration of the full impact of the bridge to the Parish and surrounding areas as well as residents overlooking it. The public consultation, which was cancelled due to COVID-19, would have allowed the best opportunity for residents to look at plans and speak to experts and the alternative method used had resulted in 436 out of 2,600 people responding to an invitation letter sent out by Tewkesbury Borough Council. The Borough Council's own results showed how strong the opposition was to the proposed bridge and it was hoped the consultation was more than just a 'tick box' exercise as part of the Borough Council's community engagement. Northway Parish Council stood with residents in opposing the development.

- 64.5 The Chair invited the applicant's agent to address the Committee. She explained that the most important point to remember was that the provision of a new bridge over the railway line in Ashchurch had already been approved in the Transport Strategy (DS7) which formed part of the adopted Joint Core Strategy. The approved strategy included capacity improvements to M5 Junction 9 and the A46; the proposed bridge; a new northern link road; and the opportunity to close the Grange Road level crossing which was an important safety objective. Therefore, the proposed bridge formed an integral part of the Transport Strategy and, through government funding, the Council now had the opportunity to deliver on the first part of the strategy, with the construction of the rail bridge. These measures would need to work as a package to improve the capacity of the local road network, improve local connectivity and ease pressure on the A46, which had been a long-term objective of the Council and the local communities of Tewkesbury Borough. The housing shortfall in the Borough was currently estimated at approximately 1,100 homes. The transport interventions and early investment in the associated infrastructure, would enable Tewkesbury Borough to support its future growth more robustly, whether associated with planned or speculative development. This would also enable the early phases of the growth management plan for the area and the emerging Tewkesbury Garden Town initiative, which was due to be promoted through the upcoming Joint Core Strategy Review. It was made clear in the Planning Officer's report that there were substantial benefits in seeking to ensure that necessary infrastructure was in place to achieve well planned development. Tewkesbury Borough Council had achieved a significant milestone in securing government support through the Housing Infrastructure Fund (HIF) for the delivery of the bridge, and this opportunity should not be lost. It was also important to grasp this opportunity to deliver the bridge early in the strategic development programme, to secure the required possessions of the railway line well in advance and, in that regard, it was worth noting that the applicant had established a strong working relationship with Network Rail, to ensure the design and construction programme for the new bridge crossing aligned with its governance procedures. In conclusion, she advised that the Planning Officer's report demonstrated that all technical issues associated with the proposed development, had been addressed and resolved in liaison and agreement with the relevant Officers of the Council and statutory bodies. On behalf of the applicant, she respectively requested that the Committee support

the proposals, to secure a key element of the planned Joint Core Strategy Transport Strategy that was so greatly needed, as well as preparing appropriately for future development by delivering vital infrastructure first, as part of a coherent, forward planned development approach.

- 64.6 A proposal was made and seconded that the application should be permitted on the basis that this was a priority in the Council's Master Plan and Local Plan; the houses in this area needed to be built by 2031 and the Garden Town would go ahead and this bridge was necessary to facilitate planned growth. One of the Local Ward Member's within which part of this development fell, reminded Members that each application had to be taken on its own merits and stressed that this was an application for a bridge and haul roads, it was not for a bridge and Garden Town nor was it for a bridge and finished roads or a bridge which would help with the traffic problems in the Northway and Ashchurch area. Unfortunately the Member then experienced technical difficulties and was unable to continue expressing her views on the application. Another Member questioned whether he was correct in assuming that; little weight could be placed on the Local Plan as it stood at the moment due to the stage that it was at; no weight could be placed on the Tewkesbury Area Draft Concept Masterplan with regard to this application and unfortunately, due to the current stage of the JCS Review, little weight could be given to this document. The Development Manager stated that, as Members would be aware, the Tewkesbury Borough Plan was currently at examination so was at an advanced stage and there was reference to Ashchurch as being a focus for new development within that plan but in terms of the TADCM and the JCS Review little weight could be attributed to those documents in terms of the statutory weight to be applied. However, as Members had previously been advised, with any material consideration or any consideration in determining planning applications the weight was for the decision-maker to decide as well as how much weight to give to any particular factor. Although not a planning document, as mentioned earlier the Council Plan prioritised the bridge, but in terms of statutory weight the Member was correct in his assumption that little weight should be afforded to the Masterplan and JCS Review. A Member indicated that he could not support this application as in his view this bridge was unnecessary, there were other options which would cost a lot less and would provide a more efficient way of handling the traffic from the potential 800+ houses supposedly to be released by the construction of this bridge. He indicated that his main concern was traffic as most vehicle movements would need to get to the A46 and this would be via the residential estate of Northway which would be a disaster in terms of congestion, pollution and safety. The only other route out would be down the Bredon Road to a small already inadequate mini roundabout at the Black Bear in Tewkesbury. There was also concern from some of the Parish Councils in Worcestershire that some traffic would use their villages as a rat run. He maintained that the traffic issues could not be underestimated and would end up causing major problems; 826 houses could mean an additional 1600 cars. He referred to the significant landscape harm as the bridge would be 3 double decker buses high and in his view a blot on the landscape did not even begin to describe the impact. There were concerns about ecology, proximity to listed buildings, drainage and flooding to name just a few; all the Parishes which surrounded this application in Gloucestershire and Worcestershire had voiced their valid objections yet there was a recommendation to permit the application. The Member indicated that it seemed to him this was the latest version of the Emperor's New Clothes and it should be rejected allowing the Council to look very seriously at the alternatives. The Development Manager referenced the Councillor mentioning 826 houses and stressed that it was not clear what amount of development the proposed bridge would serve but in any event the application before the Committee currently was for the construction of a bridge and the impact of that construction. He understood that this was a difficult scenario considering a bridge structure which did not link to any of the surrounding road network but would in the future be enabling developments; this was about getting the infrastructure in early to deal with future development but

that future development and the impacts of it were not relevant currently and could not be considered as part of the application before the Committee today. A Member questioned why finance had been raised when this was not a planning consideration but since it had been raised he asked a number of questions in relation to contributions from the permissions already granted to the south of the A46 and the percentage of the cost of the proposed new link road from the bridge that would be received from phase one of the Garden Town development. The Development Manager indicated that in terms of finance per se this was not a material consideration but it had been mentioned in terms of the opportunity that was afforded by the grant funding to get the infrastructure in place at an early stage which was often a concern and criticism about infrastructure not being provided at an early stage of development. In respect of existing permissions granted there would be no direct contributions from those developments that had been permitted with the relevant S106 obligations which were in place at the time but whether there would be any CIL receipts arising from them would be another issue. In terms of the precise location of the bridge this was the chosen area of the applicant and the County Council but anything beyond the bridge in terms of anything which would connect to it was still open to consultation and would be part of the consultations going forward on the Masterplan and the JCS Review. Currently the need for a bridge over the railway to the north of Northway had been identified in the location as set out in the application but anything beyond that was yet to be determined and would be subject to consultation in the future.

- 64.7 A debate ensued on why the application should be refused and particular reference was made to Paragraph 8.27 of the report which stated that points made by the local community were not material to the application; a Member completely disagreed with this statement as he felt on balance they were very relevant and he highlighted comments from the Bredon Hill Conservation Group in relation to lack of sequencing, negative impacts on the highway network and poor use of public funds and the Pamington Residents Association in relation to the Statement of Community Involvement not reflecting the responses from the community. He made reference to the concerns of the Environment Agency about the extent of information provided and the suitability of the drainage proposals in the context of national guidance and the Council's own Flood Risk Management Supplementary Planning Document (SPD). He indicated that the report stated that without the benefit of detailed hydraulic modelling, which would be undertaken at the detailed design stage, it was not known if the drainage scheme would be viable or whether balancing ponds and Sustainable Urban Drainage (SUDs) would need to be moved. Whilst the land was predominantly flood zone one it also included areas of flood zones two and three, yet Officers considered that a flood risk sequential test was not required which the Member vehemently disagreed with in the light of the Environment Agency's comments. Finally, in relation to the benefits and harms the Member stated that the TADCM was an evidenced based document which bore no weight; the National Planning Policy Framework (NPPF) lent weight but only in the short term, the significant harm to the landscape weighed against the overall planning balance, the detrimental impact on residential amenity weighed against the proposal, the ecological impact weighed against the proposal, harm to heritage assets had been identified and, in the words of the Officer report, considerable importance and weight should be afforded to this harm in the decision-making process; all these matters led the Member to support a refusal of this application. Other Members disagreed with the views of the previous speaker and felt that the Committee should consider whether the design, scale and size of the bridge would fit in with the location; reference was made to the photographs which visualised the bridge onto the existing landscape and, in the view of one Member, demonstrated minimal harmful impact on the surrounding area. Mention was made of the fact that the only other alternative crossing of this railway line was further to the south and that was an unmanned crossing and he felt that the proposed bridge was a significant improvement and should be supported. A Member referred to the statement made

by the Development Manager concerning the fact that the Committee should only consider the application before it for a bridge and not the traffic impact that might arise from the use of the bridge in the future and maintained that he could not support that view as it was essential to consider the implications that would flow from this application; there were two significant other routes which would take traffic out of this area and a bridge was not required. The seconder of the proposal to permit this application explained why he was in support of it; he indicated that Officers had been honest about the planning harms most significantly to the landscape and other matters in relation to heritage, ecology etc. but the fundamental balance was massively in favour of the bridge as a project in its own right. He maintained that many of the objections were about things which may happen later but this application needed to be considered on its own merits and the planning balance was very much in favour of the proposal; the greatest harm identified was landscape but the visualisation pictures showed that this was not unacceptable in terms of the overall area and not that significant to warrant refusal. In addition, the key to this matter was the fact that the bridge was an integral part of an overall Transport Strategy which set out a clear process for dealing with many of the issues raised in particular traffic which was something further down the line when other applications would be received and considered on their own merit.

- 64.8 As the Local Ward Member that had been experiencing technical difficulties was still doing so, and the Committee was keen to hear her views, the Chair adjourned the meeting at 11.10am to allow some time to see if the problems could be resolved.
- 64.9 The meeting reconvened at 11.25 when all Members confirmed as present at the start of the meeting were in attendance.
- 64.10 It was proposed and seconded that this application be deferred until the next meeting as, whilst the Local Ward Member had heard the presentation, speakers and some of the debate it would be necessary to start the debate again to ensure she had heard it all and was able to vote on the application. A Member pointed out that rather than starting again at another meeting, the debate could be started again today instead. Upon being put to the vote, the motion to defer to the next meeting was lost and accordingly the debate on this application was restarted.
- 64.11 Upon the invitation of the Chair, the proposer and seconder of the motion to permit the application confirmed that they wished to proceed with their proposal following which the Local Ward Member was invited to present her views. She reiterated that this application was for a bridge and haul roads in order for the materials to construct the bridge to be transported to the development site; she stressed that this was the only thing being debated at today's meeting and nothing else. It was necessary for each application to be taken on its own merit and she reminded the Committee that the bridge would be three double decker buses high which was not insignificant in the context of the open countryside with views from Northway and Ashchurch. She was also concerned about flooding in the area as, although the bridge itself would be built in flood zone one, the haul road particularly at the entrance from Hardwick Bank Road was in flood zone two, the SUDs relief ponds would be built to the north of the proposed bridge site and the drainage would run into the Carrant Brook also to the north; she reminded the Committee that in 2007 this entire area all the way down to Hardwick Bank Road, to the M5 by the side of it and the housing estate to the south was completely underwater. Having drainage supplies running into the Carrant Brook to the north would not help this situation; the Brook then carried on around to run to the side of Northway Mill which was very close to the motorway and this was where the excess water would run, there was no way that the balancing ponds proposed would help this situation particularly as in the last few weeks that area had been underwater. There had been surveys due to be carried out in this area which could not take place because it had been underwater. The Local Ward Member was also very concerned about the safety of the haul roads particularly the one to the west which adjoined Hardwick Bank Road;

it came out at a junction yet there was no definitive information on how it would join that junction which would be particularly relevant for heavy goods vehicles coming over the motorway bridge from the Bredon Road wanting to turn left onto the haul road, having spoken to the designers she was of the view that there was no way this could actually be done safely, the construction vehicles would need to pull right out into the path of oncoming traffic in order to make a left turn. This particular area of the road had seen multiple accidents including a fatality; traffic coming from the Bredon Road was usually quite speedy 40/50 miles an hour and then there was a bend; right opposite the haul road was Northway's Nature Reserve which was an area very popular with adults, children and dog walkers, it was currently very dangerous as there was no pedestrian access across the road and coming from the park you could not see the traffic coming round the bend which was why there were so many accidents, the addition of construction traffic accessing the haul road would only exacerbate this situation. She maintained that the application was premature and the Planning Committee had a responsibility to ensure the safety of residents and traffic and that there would be no excessive flooding; in respect of the haul road to the west it was indicated in the application that the drainage would be to the sides of the road which, as this whole road went across fields, meant it would exacerbate flooding because the water could not go anywhere other than towards Northway. In conclusion, she stated that this application was only coming forward because Homes England had given the Council money to build a bridge but the County Council did not believe the funding was sufficient and Tewkesbury Borough Council could be liable for any overspend, promises had been made by Homes England on land assembly and buying land in this area but those promises had not been met; there were so many unknowns and uncertainties that could result in this being a bridge to nowhere with incredible harm to the countryside, the environment and the residents of Northway. Other Members repeated their comments made earlier in the debate and the Development Manager also repeated comments he had made in response in order that the Local Ward Member was fully aware of all relevant information before voting on the motion to permit the application. The representative from the Local Lead Flood Authority indicated that the bridge would introduce an impermeable surface with the tarmac and therefore the proposal to take the water away was for it to run into two balancing ponds which in turn would discharge into the Carrant Brook to the north of the site at a restricted rate calculated to the same level as the surface water currently left the site and entered the Brook so there would be no additional impact as a result of putting in an impermeable surface. In relation to the comments about the drainage proposals not being exemplar, the applicant had provided some technical explanation as to why this was the case and as the proposal was typical of many seen around the County the Local Lead Flood Authority was satisfied to recommend no objection subject to a detailed design submission to clarify some of the calculations when more detail was known.

64.12 Following further debate on the benefits and harms of this proposal, a request was made for a recorded vote which was supported by the required number of Members. Upon the motion to permit the application being put the voting was recorded as follows:

For	Against	Abstain
R A Bird	L A Gerrard	R J G Smith
R D East	D J Harwood	
J H Evetts	M L Jordan	
J R Mason	E J MacTiernan	

J W Murphy P W Ockelton

A S Reece P E Smith

J K Smith P N Workman

P D Surman

R J E Vines

M J Williams

64.13 It was

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

19/00771/OUT - Land To The South Of Down Hatherley Lane, Down Hatherley

64.14 This was an application for the erection of up to 32 new homes (including affordable housing), access, drainage and other associated works on land to the south of Down Hatherley Lane, Twigworth. All matters were reserved for future consideration except access.

64.15 The Planning Officer explained that the application related to a parcel of arable land covering approximately 1.17 hectares which was located to the south of Down Hatherley Lane at its junction with the A38. The site was predominantly level and bordered existing residential properties to the east and south-western boundary. Norton Garden Centre, which included a small area of scrubland, bordered the southern boundary. Down Hatherley Lane ran along the northern boundary and the A38 along the western site boundary. The site was not subject to any landscape designations, however, it contained a large, mature oak tree which was subject to a Tree Preservation Order. The application site formed part of the Strategic Allocation A1 'Innsworth and Twigworth' as allocated in the Joint Core Strategy and was shown to be 'Housing and related infrastructure' in the Indicative Site Layout Proposal Map. The application was made in outline with all matters reserved for subsequent approval, with the exception of access. The proposed development sought to provide up to 32 dwellings, a vehicular access route off Down Hatherley Lane, green infrastructure including public open space, a Local Area of Play, landscaping and an attenuation basin. The application documents included an illustrative site layout plan which indicated how the quantum of development could be delivered. A single point vehicular access to the site would be accessed by a simple priority created from Down Hatherley Lane. An assessment of the principle of the development and other material considerations could be found on Pages No. 101-112 of the Agenda. As set out in the report, Officers considered that, when taking account of all the material considerations and the weight to be attributed to each one, the identified harm would not significantly and demonstrably outweigh the benefits in the overall planning balance and therefore it was considered the proposed development would constitute sustainable development in the context of the National Planning Policy Framework as a whole. The Planning Officer clarified that in relation to Condition 6 on the update sheet which referred to cycle parking this should read "no dwelling hereby permitted shall be occupied until the cycle parking..." rather than "not be occupied". In addition, the Highways Authority had confirmed that condition 7 on the update sheet was no longer required and therefore should be deleted. Taking account of these minor amendments it was recommended that permission be delegated to the Development Manager, subject to the addition/amendment of planning conditions as appropriate and the completion of an agreement to secure on-site affordable housing and other developer

contributions directly related to the development and considered necessary to make the development acceptable in planning terms.

- 64.16 The Chair invited the applicant's representative to address the Committee. He explained that the proposal was a small part of the Innsworth and Twigworth Strategic Allocation and was shown as residential land in the Masterplan. As such, the proposal complied with the Development Plan. He indicated that they had met with the Parish Council and undertaken an extensive public consultation exercise and appreciated the concern about the change the area would go through as a result of the Strategic Allocation. In response, they had tried to design a sensitive scheme at a density of 27 dwellings per hectare to reflect the location of the site on the edge of the Strategic Allocation. Moreover, a development of this small size would provide an opportunity for a local or regional house builder and it was believed that these companies built well-designed better quality homes and had a much more local positive economic impact. It was hoped the Committee would agree that the indicative layout showed how 32 dwellings could be accommodated on the site in an attractive layout that celebrated and respected the magnificent Oak tree on the corner. A key issue had been drainage and he knew that flooding was a major issue meaning the drainage strategy must be right. The site had experienced ponding from time to time due to the failure of the Victorian field drains but engineers had worked long and hard with experts from the Lead Local Flood Authority to ensure the drainage strategy worked and would not cause problems elsewhere. This scheme would provide much needed affordable housing and the applicant was happy to contribute his fair share towards education and other benefits. He hoped the Committee was able to agree the Planning Officer's recommendation for approval.
- 64.17 A Member referred to the concerns raised by Sandhurst Parish Council about access into the site as there was queuing along the A38 at certain times of the day and he wondered why the Highways Authority had no objection to the application. The Local Highways Authority representative stated that vehicles entering the site during peak hours when queues may occur were going to be tidal based, so for example the number of right turns in the morning would be relatively few compared to the evening and obviously departures in the evening would be few compared to arrivals. This was a relatively modest scale development of 32 houses and the amount of trips that this would generate was not going to be particularly large recognising the overall context of the highway network and the strategic allocation which this development formed part of. So, in terms of the ability of a vehicle to gain access to the site being obstructed by queuing traffic, the frequency of occurrence in his opinion was relatively small given the number of people entering the site and the queue and of course it was hoped that most drivers would be considerate with a road junction and leave a gap. Therefore the Local Highways Authority representative stated that he did not believe that the access would result in a sufficient capacity or safety reason to merit a refusal. A Member expressed concerns about future development with an access for 174 homes off Down Hatherley Lane when there was already traffic congestion in the area. The Local Highways Authority representative indicated that additional land had been safeguarded to allow for further junction improvements for ghost lanes for right turns should it be deemed necessary and whilst this did not form part of this proposal it was available for the future. Another Member asked about the land to the north of Down Hatherley Lane and whether there were any proposals for development on this site and he pointed out that as the application site was part of the Strategic A1 Allocation then there was the potential for another 4,000 to 5,000 extra traffic movements which was not mentioned in the Officer report which put a whole different aspect on the right turn situation. The Development Manager indicated that he was not aware of any proposals on the land to the north of Down Hatherley Lane which he believed was Green Belt whereas the A1 Strategic Allocation land had been removed from the Green Belt. In terms of the additional traffic arising from the

A1 Strategic Allocation, that would have been taken into account within the traffic assessment for this site. The Local Highways Authority representative confirmed that the wider traffic generation had been accounted for within the plan period for the infrastructure delivery plan and within the overall consent that existed for the wider scheme. Whilst he understood the point being made, for 32 units it was fortunate to have been presented with a transport assessment statement which effectively looked at the wider picture even though the scale of this development fell well below the threshold which would normally provide such an assessment. The level of movements were considered to be relatively modest compared to the overall assessment which had already taken place and effectively had arrangements in place for mitigation. A Member questioned what a ghost lane was and the Local Highways Authority representative explained that it was a technical phrase for a right turn lane where there was a central island in which the vehicle would wait in the middle of the carriageway. The Planning Officer clarified that the "future access" off the Down Hatherley Lane access was indicative only and would be a matter for future consideration; it may be that it was not necessary and may become a cycleway or pedestrian way instead. The Development Manager reminded Members that access for future development would be determined at that time and it was necessary to determine each application on its own merits.

- 64.18 A proposal was put and seconded in accordance with the Officer recommendation and during the debate a Member expressed concerns about this site being taken in isolation, particularly in light of the discussions on the previous application where further trends down the road were taken into account; he felt that it was unfortunate that the Planning Policy Reference Panel had not met as it was due to undertake a review of the Green Belt which was why he had questioned the status of the land to the north of Down Hatherley Lane. Upon the motion being put to the vote it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application subject to the addition/amendment of planning conditions as appropriate and the completion of an agreement to secure on-site affordable housing and other developer contributions directly related to the development and considered necessary to make the development acceptable in planning terms.

20/01265/FUL - 8 Sandfield Road, Churchdown

- 64.19 This was an application for the erection of a two-storey side and rear extension and single storey rear extension.
- 64.20 The Planning Officer explained that a Committee decision was required as the Parish Council had objected on the grounds of overdevelopment. The Parish Council's concerns had been noted, however, the proposed two-storey side extension would be set well back from the front building line and it would also have a lower ridge line so it would read as subservient. There would also be an acceptable amount of garden space left free from extensions / additions. It should also be noted that this property had not been previously extended. There were also other similar sized two-storey side extensions along this road, for example, at no's 22 and 26 Sandfield Road. Overall, the proposal was considered to be of a suitable size and design and would be in-keeping with the existing street scene so, as per the Officer's report, the recommendation was to permit.
- 64.21 The Chair indicated that there were no public speakers and following a proposal to permit the application which was seconded, it was

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

17/01268/FUL - Greenacres, Main Road, Minsterworth

- 64.22 This was an application for the removal of existing barn and stables, change of use from ancillary equestrian to residential use and erection of seven new dwellings.
- 64.23 The Planning Officer indicated that before starting her presentation it was necessary to amend the description of the application to take out the wording “the removal of existing barn and stables” as this was no longer included as part of the application which was now for change of use from ancillary equestrian to residential use and erection of seven new dwellings.
- 64.24 The Planning Officer explained that the application related to a parcel of land to the west of Greenacres which was located along the southern side of the A48 in Minsterworth. The site comprised a paddock and a manege which was used in association with a private equestrian use for the occupiers of Greenacres. A stable, barn and yard lay immediately to the south-east corner of the site although that did not form part of the application site. The land immediately to the south was in the same ownership of the applicant. Beyond that lay a row of terraced properties and greenhouses. Residential properties bordered the east of the site and the former Apple Tree Inn could be found to the west on the opposite side of Watery Lane. To the north of the site was the A48. This application was submitted in full and sought permission for the construction of seven dwellings. The proposed layout would comprise a linear form of properties fronting the A48. The new dwellings were designed as one and a half storey cottage style properties utilising a traditional palette of materials. A new access was proposed onto Watery Lane and a shared internal road would run along the width of the site with a turning head provided at the end point. This application had first appeared at Planning Committee on 20 November 2018 and, at that meeting, the Committee was advised that Gloucestershire County Council, as Local Highways Authority, considered the applicant had failed to demonstrate that the impacts of the development could be effectively mitigated and the development would therefore have an unacceptable impact on highway safety. The concerns were based on the visibility issues at the Watery Lane/A48 junction. Given that situation, the Planning Committee had resolved “that authority be delegated to the (then) Technical Planning Manager to permit the application, subject to completion of a legal agreement to secure on-site affordable housing and suitable information being received from the applicant to overcome the concerns raised by County Highways.” Since that Committee, additional information had been submitted and reviewed by the Local Highways Authority and it had maintained the concerns expressed at the previous Committee. In light of the continued objection from the Local Highway Authority, as set out in the update report, Officers considered the harm to highway safety would significantly and demonstrably outweigh the benefits in the overall planning balance and therefore it was recommended that the application should be refused. The Planning Officer clarified that there were no concerns with the access to the application site from Watery Lane the concerns related to the visibility at Watery Lane with the A48 junction.
- 64.25 The Chair invited a consultant, speaking in support of the application, to address the Committee. He explained that the application was for the erection of seven dwellings. Direct vehicular access to the site from Watery Lane had been approved by Gloucestershire County Council and that matter was not in dispute. The matter that was in dispute was the junction between Watery Lane and the A48, which vehicles would most likely utilise for onward travel in to Gloucester. Gloucestershire County Council had stated that the junction visibility onto the A48 from Watery Lane was substandard and therefore recommended the application was refused. However, the Watery Lane / A48 junction was an existing highway junction, where no collisions had been recorded in the last five years associated with vehicles turning in or out of the junction, this had been confirmed through Police data records

and demonstrated that there was no existing highway issue at the junction. The Apple Tree Inn was also accessed off the A48 / Watery Lane junction and, although this pub had ceased trading it had planning permission for conversion to a residential development. When the pub was in operation, the A48 / Watery Lane junction would have been subject to significant use, much greater than that associated with seven houses. In terms of junction visibility, a speed survey had been commissioned and junction visibility onto the A48 to the right was suitable based on recorded speeds, and forward visibility was suitable to the junction in both directions from the A48. Junction visibility to the left onto the A48 was 113 metres but the County Council had requested visibility of 150 metres. However, national guidance advised that there was no causal link between substandard junction visibility at a junction and collisions. The fact that forward visibility was available to the junction would ensure that drivers travelling along the A48 were able to see a driver exiting Watery Lane and would be able to slow appropriately if required, and therefore no conflict would occur. The visibility to the left was measured to the centre line of the A48 rather than the kerblines as there were overtaking restrictions on the A48, meaning that vehicles travelling towards Gloucester were unlikely to be on the nearside of the road. In summary, given that this was an existing highway junction, which had been subject to significant use in the past, was still subject to a reasonable level of daily use, had no recorded collisions and three out of the four visibility requirements were satisfied, it was considered that the development would not have an unacceptable impact on highway safety and therefore should be permitted. The National Planning Policy Framework advised that developments should only be refused on highway grounds where there would be an unacceptable impact on highway safety or a severe impact on the operation of the local highway network: it was not felt that these high bars had been attained and therefore the development should be permitted.

- 64.26 The Chair asked the Local Highways Authority representative if he wished to respond to any of the points raised by the speaker. He indicated that he would focus his response on highway safety and particularly the visibility splay to the left of the access which was the matter of dispute between the parties. He referred to National Guidance on this particular matter and the drawings that had been presented by Cotswold Transport Planning to support the application. As had been said, the visibility splay to the left as projected on the drawings was approximately 113 metres where the requirement, in the opinion of the Highways Authority, was 150 metres. There were variations within the national standards which needed to be considered carefully as to the projection of visibility splays however, in this instance, the view of the Local Highways Authority was that the visibility splay should not be projected to the centre line of the carriageway. He indicated that this was a matter of professional disagreement between the parties and was something that various Inspectors had considered and had concluded on either side of the argument. Historically, the shortfall of visibility could be considered in certain circumstances however, in this instance, the A48 was clearly a route of strategic economic importance which carried a high degree of flow. The Local Highway Authority considered that the intensification of the site access onto the junction meant that there were no sound reasons to warrant a reduction in visibility splay albeit in the absence of immediate accident data. Therefore the conclusion of the Local Highway Authority was that the visibility splay looking left was actually less than had been suggested and ultimately fell below what was considered to be the required minimum arrangements.
- 64.27 A proposal to refuse the application was seconded and the seconder indicated that she knew the road well and reminded those Members who had attended a site visit to land situated to the north at the top of the brow of the hill that there was a bend on the road which this site sat at the bottom of between two brows so the visibility was very poor and in her view it would be a mistake to allow any more access onto the A48 from Watery Lane. Upon being put to the vote, it was

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

20/00955/APP - 18 Westfield Road, Brockworth

- 64.28 This was an application for proposed four no. dwellings and associated amenity space, vehicle access and parking. 19/00678/OUT.
- 64.29 The Planning Officer advised that, in accordance with information contained within the additional representations sheet, the recommendation had now been revised to approve following the submission of further plans regarding site layout which the Local Highways Authority had been consulted on and had raised no objection. She explained that the site was part of the rear gardens of 16 and 18 Westfield Road. Outline planning permission for a residential development for four dwellings had been granted on 17 December 2019 and access and scale was approved as part of the outline permission with layout, appearance and landscaping reserved. Details to be submitted and considered as part of the reserved matters included ground and finished floor levels, external facing materials, boundary treatments, hard surfaces, parking, turning facilities and maintenance and surface water drainage. The ridge height had been set at outline stage to not exceed seven metres. The dwellings had limited front amenity space and the area provided parking, turning and bin storage. The rear amenity space was considered sufficient for each dwelling and was comparable with other residential development in the vicinity. The design would be for hipped roofed dwellings with projecting front and rear gables and the materials had been amended to be more in keeping with the character of the existing dwellings and the wider area. The room sizes complied with national space standards. The dwellings were set back 10 metres from the rear boundary. Given the design of the dwellings, ground levels on the site and distance to the nearest bungalow the relationship would not be considered to have an unacceptable overbearing or light impact. Obscure glazing would be provided to non-habitable rooms at ground and first floor side windows of plots 1 and 2 and covered by condition. The impact on neighbour amenity had been carefully assessed and it was considered there would not be an undue impact upon their amenity. The proposed landscaping and boundary treatments were considered appropriate and a revised site plan with landscaping was submitted on 12 March 2021 which was considered acceptable to the Local Highways Authority. A Drainage and Maintenance Strategy was submitted with the application and no objection was raised by the Council's Land Drainage Advisor.
- 64.30 The Chair invited the applicant's agent to address the Committee. He advised that this was a reserved matters application following the grant of outline planning permission for proposed four dwellings on this site in 2019. That application considered the principle of development, number of dwellings, their overall scale and access matters. Those aspects were deemed acceptable by Members and permission was granted. The current application simply considered external appearance, drainage, landscaping and layout. Whilst the Parish Council's comments in respect of overdevelopment and overbearing building heights were acknowledged, those matters had been considered thoroughly by Members previously and the quantum and scale of development was considered acceptable. The principle and scale of development had already been established. The proposed scale of the scheme before the Committee was in full accordance with a planning condition imposed on the outline permission requiring the development to be no higher than seven metres from ground level. As noted in the report, the development's external appearance, layout, drainage and landscaping had been thoroughly considered by Officers and the applicant had gone out of their way to accommodate the multiple amendments sought by Officers, which included revisions to the proposed materials and window design, as well as adjustments to the layout and parking provision and the removal of garaging to reduce the amount

of development on site. Those changes had been considered thoroughly and were deemed acceptable by the Officers, the Local Highway Authority and the Drainage Officer. The design and layout reflected the character, scale, density and layout of surrounding development in the area and fully met the design expectations of the Joint Core Strategy. The relationship with neighbouring properties would not result in significant overlooking, loss of light or overbearing impacts and the scale was consistent with the outline permission. This reserved matters application was submitted in October last year and had experienced several delays, yet clearly accorded with the prevailing policies of the Development Plan. The applicant was an active local builder who permanently employed multiple staff and Members were urged to support the recommendation to enable the development to proceed.

- 64.31 One of the Local Ward Members questioned whether there were more cars included as part of this application than the previous application; having visited the site she was concerned about entry onto Westfield Road which led straight to the business park. She maintained that this road was really busy early in the morning and late at night as people coming on and off Ermin Street used this little road as it was one of the ways of getting off the business park and the motorway. She was concerned that there were now more cars associated with the application particularly referring to the drawings which showed 10 cars without including the one that belonged to the house which was already there. The Local Highways Authority representative suggested that Members should not focus on the number of physical cars shown on the site but on the number of dwellings as it was the dwellings which generated the trips and potential activity. There were 10 parking spaces proposed, 3 for the four bedroom units and 2 for the three bedroom units which was in accordance with the Local Highways Authority's adopted parking standards, there was no further intensification of vehicles and the layout was in line with the adopted policy. Another Local Member for the adjoining Ward indicated that it looked to her as if space previously allocated for bins on the original application had been removed and she was concerned that there would be a bin problem without the original set back area for bin storage and residents would have difficulty getting off their drives due to obstruction caused by bins. The Planning Officer indicated that bin storage had been provided in the turning space and the access was in accordance with the original approval. The Member maintained her concerns in relation to the bins and access for the bin lorry for collection which would either have to go down a very narrow lane or the bins would have to be put out on the pavement of Westfield Road with either scenario creating a nightmare in her view. The Planning Officer confirmed that she had not had any adverse comments in terms of facilities on the site and the access, drives and space for parking were all approved at the outline permission.

- 64.32 It was proposed and seconded and, upon being put to the vote

RESOLVED That the reserved matters application be **APPROVED** in accordance with the Officer recommendation.

20/01233/FUL - Beech House, Toddington

- 64.33 This was an application for the erection of 2 No. carports in association with approved application 19/00595/APP (erection of 2 No. dwellings and associated access).
- 64.34 The Planning Officer explained that the application site was located on the southern side of the highway to the east of the roundabout junction within Toddington, and was located within the Special Landscape Area. Land on the northern side of the highway was located within the Cotswolds Area of Outstanding Natural Beauty. Outline planning permission was granted in 2018 for the erection of two dwellings in this location and the reserved matters were later approved in March 2020, as shown on the approved Site Plan. The approved plans included an area of hardstanding

towards the front of the site, for vehicular parking and turning. The current application related to the northern part of the outline and reserved matters sites only, adjacent to the public highway, and proposed the construction of two car ports in association with the two approved dwellings. The application included the submission of section drawings which showed that the land levels within the application site, at the location where the proposed car ports would be constructed, were some 1.4 to 1.7 metres lower than the adjacent public highway. Each proposed car port would be oak framed, and designed with a sedum flat roof measuring 2.2 metres in height. The application was presented to the Planning Committee as Toddington Parish Council had objected to the application on the grounds that the proposed car ports would be forward of the properties and would not be in keeping with other properties in the vicinity. There was an existing detached double garage to the front of the adjacent dwelling to the east and the proposed car ports would in part be constructed in line with this, although would project further northwards to be in closer proximity to the adjacent highway, as shown on the proposed site plan. The parking area within the application site was set down below the main road and was partly screened by trees and hedge planting as well as a dry stone wall along the front boundary. It was considered that the open nature of the proposed car ports, along with the topography of the site and screening from planting, and in the context of the existing detached garage on the adjacent site to the east, would mean that the proposed development would not appear overly prominent within the street scene, and that the visual amenity of the Special Landscape Area and the setting of the Cotswolds Area of Outstanding Natural Beauty would be protected. The Urban Design Officer considered that the proposed materials would be of a good quality and in keeping with the new dwellings and that the green sedum roof would be a positive addition that would assist the structure in blending in with its surroundings, especially from the road. In addition, the Tree Officer raised no objection subject to conditions to safeguard trees during the construction phases and to ensure no storage of materials in proximity of the trees. For the reasons given within the Committee report, it was considered that the proposed car ports would protect the amenity of existing and future occupiers, and that the highways impact would be acceptable. For these reasons, it was recommended that planning permission was granted subject to the conditions listed within the Committee report.

64.35 The Chair indicated that there were no public speakers for this item and the Officer recommendation was to permit the application. A Member questioned whether he was right in thinking that there was a major pipeline that ran close to this site and if so he asked whether it would be unaffected by these proposals as he could not see anything on the plans. The Planning Officer stated that there was a major pipeline running slightly to the east of the site but the Health and Safety Executive had been consulted and raised no objection on safety grounds and the National Grid and Wales and West Utilities were also consulted and did not provide any comments. However an advisory note would be added to the decision notice to advise of the proximity of the pipeline.

64.36 It was proposed and seconded and, upon being put to the vote

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

20/00213/FUL - Manor Farm Yard, Stoke Road, Stoke Orchard

64.37 This was an application for the redevelopment of the site including demolition of existing buildings and erection of 3 No. (B1 and B8) units and associated works.

64.38 The Planning Officer explained that the application site was located to the west of Stoke Orchard, and was accessed via a single point of access on Stoke Road. The site formed part of the former farmyard of Manor Farm, which was a Grade II Listed

building located to the rear. The application confirmed that the listed farmhouse was in separate ownership. The application site was located outside of the Green Belt and was not subject to any landscape designations. The application confirmed that the site currently comprised a number of outbuildings of varying states of condition and quality. The Conservation Officer confirmed that none of the existing buildings dated back further than the 1940s and held no substantive historic merit, and the proposed removal of the buildings was considered to be acceptable. The applicant's agent had confirmed in writing that their client had owned the site for over 20 years and advised that Google Earth imagery demonstrated that it had been used continuously for a mix of light industrial, storage and car repair type uses (B1 and B8) over that time. The Council had no evidence to counter this claim and, on the balance of probability, it was considered that the site had been used continuously for these purposes for over ten years. The application sought planning permission for the demolition of all existing buildings and the redevelopment of the site for employment purposes through the erection of three new units in use classes B1 (office and light industry) and B8 (storage and distribution). The proposal would result in a net loss of 379 square metres of floor space but with an additional five employees. Unit 1 would be constructed adjacent to the front site boundary, to the north of the vehicular access. Units 2 and 3 would be attached to one another and would be constructed adjacent to the rear boundary in a u-shaped arrangement, providing a courtyard style of development and a reconfigured parking and manoeuvring area. The existing vehicular access via Stoke Road would be retained. Further to the receipt of consultee comments from the Conservation Officer, raising concerns regarding the originally proposed walling materials of the proposed buildings - new brick and profiled metal cladding - revised elevations were submitted, alternatively proposing extensive cladding of the proposed buildings with horizontal timber weatherboarding and a Northcott brick. The roofs would be covered in dark green sheet cladding. The Conservation Officer had raised no objection to the revised proposals subject to conditions requiring a sample or details of these walling and roofing materials to be agreed prior to their installation. The site comprised previously developed land and was physically well related to existing adjacent built development immediately to the north and west, as well as the vehicular access leading to Manor Farm to the south of the application site. The proposed height, mass and scale of the units would be similar to the existing buildings, as would the proposed u-shaped arrangement of buildings to reflect the current courtyard style, albeit proposed Unit 1 would be located further eastwards than the existing building and in closer proximity of the adjacent public highway to enable the provision of the proposed reconfigured parking and manoeuvring area within the site. The Parish Council objected to the proposed siting of Unit 1 on the grounds that it would appear as an incongruous addition to the site stuck out at the front and far forward of the village building line. Whilst the proposed development would be in closer proximity of the adjacent public highway than existing built development on the site and would likely be more prominent there was no established building line in this part of Stoke Orchard. The proposed development was judged to be of an appropriate size, scale and character, and it was considered that the use of traditional overlapping horizontal weatherboard, as shown in the revised plans, would assimilate the development into its rural context. In addition, some softening of the frontage, and the boundary to the south and with the listed farmhouse would assist in assimilating the new buildings within the rural setting. It was therefore recommended that any approval of planning permission was subject to conditions requiring the submission of a Tree Protection Plan as well as a landscape scheme for the proposed tree and landscaping planting. The proposed development would not encroach into the adjacent Locally Important Open Space and it was considered that the proposal would protect its open character and appearance. Stoke Orchard and Tredington Parish Council had also objected to the application on highway and access grounds and the objections from the Parish Council had been forwarded to the Local Highways Authority for information and

response. The Local Highways Authority acknowledged that the site currently comprised a number of outbuildings which were occupied by a mix of light industrial, storage and car repair type uses, and that there would be minimal or no differences on the land use and square footage. The Local Highways Authority also advised that the visibility splay requirements on Manual for Streets for an access on a 30mph road could be accommodated. Accordingly, the Local Highways Authority considered that there would not be an unacceptable impact on highway safety or severe impact on highway congestion, and advised that there were no justifiable grounds on which an objection could be maintained, subject to any approval of planning permission being subject to the conditions referred to within the Committee report. Highways England also commented that it did not expect this to result in an unacceptable or severe impact on the safe and efficient operation of the Strategic Road Network and therefore raised no objection. Having regard to the policies of the Development Plan and the responses of technical consultees, subject to the imposition of suitable planning conditions, there were no objections from Officers. However the recommendation of the Planning Officer had been amended to a delegated permit to ensure that the wording of Condition 16 was sufficiently precise in the light of amendments which had been made to the Use Class Order since the application was submitted. In light of the implications of the new Class E it had been suggested that some amendments be made to the wording of Condition 16 to ensure that that the condition could not, for example, allow a change of use to retail which would not be appropriate in this location. The site comprised previously developed land, and it was considered that the proposal would encourage and support the development of small and medium sized enterprises, and would be of an appropriate size, scale and character. For these reasons, the principle of the proposed development was considered to be acceptable. It was therefore recommended that planning permission be delegated to the Development Manager to ensure that the wording of Condition 16 was sufficiently precise.

- 64.39 The Chair invited the applicant's agent to address the Committee. He indicated that the report was both precise and clear but that he wished to reiterate a number of points. The site comprised previously developed land and was physically well related to adjacent built development. The existing buildings were tired and unsightly and comprised a much-altered mix of height and materials and their replacement with appropriately designed, functional and purpose-built employment space was a much more appropriate solution in design and landscape terms, as well as a more effective use of the site. The proposed height, mass, scale and layout was similar to the existing and there would be no significant adverse effect on adjoining occupiers, many of which were employment related, nor harm to the Listed Farmhouse. Moreover, adjustments to the scheme to address the Officer's concerns, including changes to the design and materials, meant no objection from any technical consultees. Bearing in mind the existing uses, there would be no material change in the number of vehicle trips nor an intensification of the access and the Local Highways Authority and Highways England had no concerns in this regard. The proposal accorded with the Development Plan and the National Planning Policy Framework. It represented an excellent opportunity to support the retention and growth of small enterprises in a way that respected the local context, all at an identified service village. In conclusion he indicated that that the recommendation was clear and he asked that the Committee support it.
- 64.40 A delegated permit was proposed and in seconding the motion, the Member stated that this was a vast visual improvement on the current site and he was pleased to see that in these times where the Council was looking to increase employment opportunities this site was going to provide the opportunity for an additional five jobs. Another Member indicated that although he supported the recommendation he was disappointed not to see more information with regards to the employment use policy which he understood came into effect in the middle of last year and the new Class E category which he understood enveloped quite a lot of B Use Classes. The

Development Manager stated that, whilst the changes had come in through the course of last year, there was a sunset clause in the legislation but all of the historic B1 Use Classes were now contained within an E Class which had flexible uses so there were permitted changes to things like shops etc. He felt it would be useful to do a training session for Members on those changes so that Members were familiar with that new terminology and he would arrange a session in the near future. On the motion being put to the vote, it was

RESOLVED That the application be **DELEGATED** to the Development Manager to **PERMIT** subject to ensuring that the wording of Condition 16 was sufficiently precise.

64.41 The meeting adjourned at 1.20pm for lunch.

64.42 The meeting reconvened at 1.50pm with the Vice Chair, Councillor East, in the Chair and Councillors Evetts (Chair), Gerrard and Williams not present. Councillor Bird had indicated that he would be re-joining the meeting shortly.

20/00612/FUL - Whites Hill Cottage, Old Brockhampton Road, Winchcombe

64.43 The application was for a proposed contemporary replacement dwelling and refurbishment of existing pump house building for use as ancillary accommodation (alternative scheme to lawfully implemented development granted under TBC refs: 10/01284/FUL & 14/00192/CLE).

64.44 The Planning Officer explained that the application sought planning permission for a replacement dwelling. The site lay to the south east of Winchcombe, in open countryside and within with the Area of Outstanding Natural Beauty and presently comprised the remains of a cottage with associated structures. The site benefited from planning permission for a replacement dwelling with a traditional 'cottage' style appearance. The current application sought permission for a dwelling with a contemporary appearance which would be set behind the existing ruins which would be retained. While the application site lay outside of the built-up area to Winchcombe, saved Local Plan Policy HOU7 allowed for the construction of new replacement dwellings subject to a number of requirements set out in the Committee report and this supporting principle was also taken forward in Policy RES9 of the emerging Submission Version Plan. On this basis, and as set out in the report, the principle of the development was considered acceptable. While the proposed dwelling would be larger than that previously approved it was nevertheless considered that the proposal would have an acceptable design and layout which would respond to the rural setting and would conserve the landscape and scenic beauty of the Area of Outstanding Natural Beauty. Since the report was written, details of a replacement bat roost had been received and this had been deemed acceptable by the Council's Ecology Adviser. Similarly, the Council's Tree Officer and County Archaeologist had raised no objections to the proposal. The development was considered to be acceptable, and the recommendation was to permit subject to the conditions set out in the Committee report and additional conditions set out in the late representations sheet.

64.45 The Chair invited the applicant's agent to address the Committee. He advised that the application site related to the ruins of what was once a large and vibrant detached cottage that formed part of the Sudeley estate on the edge of Winchcombe. The site benefited from an extant planning permission to reinstate a dwelling on a similar footprint and design, which established the principle of a replacement dwelling. However, the applicant was taking the opportunity to develop an alternative contemporary replacement dwelling on the site, which incorporated the existing ruin in acknowledgement of the site's history. It was believed that a high-quality contemporary concept was a more suitable solution, rather than sticking with the previously approved traditional pastiche approach, which would be highly

unlikely to replicate the character of the original. A contemporary approach was more reflective of the 21st Century and would help raise the design standards of the area. The building materials would be traditional and recessive, which would allow the development to sit more comfortably into its landscape setting. The scheme had been formulated with a modern interpretation of a Roman Villa, given the substantial references to Roman elements around Sudeley and Winchcombe. The scheme incorporated the existing ruin, which retained a historic background of the site and the use of mixed contemporary materials helped to reduce the scale and mass of the scheme and emphasised the original ruin. This would not be achieved if the original cottage was re-built. Finally, the built form had been condensed to set it behind the ruin so as to minimise the impact on the setting. The applicant's agent had worked collaboratively and positively with the Council's Planning and Conservation Officers to bring this scheme forward, right from initial pre-application discussions, to providing amendments to the detailing through the application, through to the positive recommendation before the Committee. It was mutually agreed that the final scheme would be of high-quality design and would represent an enhancement to the Area of Outstanding Natural Beauty. Furthermore, the Conservation Officer was satisfied that the surrounding historic context would be respected. The Town Council's objection was noted, and the fact that some would prefer a more traditional form of design was respected. However, as Members were aware, the government's emphasis was to encourage high quality contemporary design, which provided an opportunity to improve the built environment and mark the 21st century through the architecture of today. This had been successfully achieved throughout the Borough and this application would just be another example of that. Finally, an added benefit of this application was that it would allow a family member to relocate to the new property, thus freeing up part of the existing Castle to visitors as part of the Sudeley Castle tourist attraction. This would improve the Castle's offering as one of the Borough's best and most high-profile tourist attractions. This could only be a further positive for the local economy and the Borough's tourism offering.

- 64.46 In proposing the Officer recommendation, one of the Local Ward Member's indicated that, whilst normally he would prefer a traditional design, he felt that the design proposed in this instance was fantastic; the merging of the ruins in with the modern design was exceptional in his opinion and would only enhance the area. One of the other Local Ward Members queried whether there would be a condition requiring the retention of the ruins and the Planning Officer advised that the ruins were part and parcel of, and integral to, the design therefore as they were a fundamental element of the build a condition was not necessary. On the basis of an assurance that the old and new elements would be attached he seconded the proposal and, upon being put to the vote, it was

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

20/01252/FUL - Farringdon, Stockwell Lane, Woodmancote

- 64.47 This was an application for a pitched roof extension over existing garage, erection of a side and rear extension, rear dormer extension and replacement doors and windows.
- 64.48 The Planning Officer explained that this proposal was to replace doors and windows on the dwelling and increase the living space at ground and first floor level by extending over the existing garage, erecting side and rear extensions and rear dormer extensions, including the addition of two balconies. A Committee determination was required as Woodmancote Parish Council had objected to the proposal on the grounds of concerns that the extension would take the dwelling too close to the boundary, which would be detrimental to the open character of the area.

A site notice had been displayed for a period of 21 days and one letter of representation was received with an additional letter being received after this period, following the submission of amended plans. Both representations raised objections to the proposal based on the potential harm to residential amenity caused by the proposed balconies. The Parish Council's concerns had been considered, however it was the view of Officers that the development would not be too close to the boundary with the neighbouring property, nor would it harm the open character of the area as side access would be maintained to the west. In addition, it was the view of Officers that appropriate measures had been taken to limit the impact of overlooking on the neighbouring properties, to an acceptable level, as shown in the revised scheme, and as such, it was recommended that the application be permitted.

- 64.49 The Chair invited the representative of the objector to address the Committee. He advised that he represented the occupiers of the neighbouring property who objected to the application in the strongest possible terms. He stressed that his clients did not object to Farringdon being altered in principle, indeed, they had also applied for permission to extend their property. It was the nature of the proposal that was of concern which, if allowed, would cause a highly detrimental impact on their living conditions by virtue of overlooking and overbearing impacts from the proposed first floor balconies and bi-fold doors. Those features were proposed to be sited directly adjacent to their boundary and on higher ground. The original overlooking issue was acknowledged by Officers and the plans had been amended to include obscure glazed screens on the balcony and with set-back railings. Whilst the attempt was noted, those features unfortunately did not address the problem and there would still be direct overlooking from what was still a very large balcony area at 8.4 sqm. There could be no real control over the level of obscurity and, in any event, there would be at least a perception of overlooking. He expressed concern at the Officer's assertion at paragraph 7.16 that the proposal would have "no adverse impact on the private amenity space" of the neighbour. To say it would have an acceptable impact was one thing, but to say "no impact" was incredible and he was worried that this had not been properly considered. It was also material to note that his client's property currently had a balcony that sat within the centre of the plot. However, their current planning application proposed to remove that feature and they were doing that because they felt uncomfortable themselves with the overlooking it caused to their neighbours, meaning they did not use the balcony. It was therefore ironic that this application proposed to introduce a feature at even closer proximity, when his clients were going above and beyond to remove that relationship. It was also considered that the proposed balconies and screens failed to respect the character of the residential area. The site fell within the Woodmancote Conservation Area and the balcony and screens were visible from a variety of vantage points, including Stockwell Lane. The introduction of glazed screens at first floor level would appear alien and highly uncharacteristic of this area as they were not features that would typically be associated with the Conservation Area. To quote the Conservation Officer's consultation, "*Balconies are not generally encouraged within Conservation Areas as they are often visible from a distance*" and "*In this case it is likely that the balcony on the West side will be visible from Stockwell Lane and would appear incongruous. The balconies are neither necessary or desirable within the conservation area*". Based on that analysis, it would be reasonable to conclude that there would be harm to the Conservation Area and, in accordance with the National Planning Policy Framework, it followed that permission should be refused as there were no public benefits to outweigh the harm. The objector felt the true impact of the proposal on the living conditions of his client's property could only be properly appreciated on site. The application site was on a higher ground level than his client's property and the close proximity of the balcony to their garden would have a truly detrimental impact on their living conditions to a degree that they could not possibly consider living at the property if this development went ahead. He suggested that, if Members were minded to do

anything other than refuse the application, they should defer it for a site visit - he realised the difficulty of conducting site visits at present, but to grant permission without having seen the impact first hand would be unsound in his view.

- 64.50 A Member referred to the pictures that had been shown to the Committee and expressed the view that, in his opinion, the balcony to the west would have a detrimental effect on the neighbours and he questioned whether the application could be permitted excluding that balcony. The Development Manager indicated that if this was what Members wished to achieve he would advise a delegated permit subject to amended plans which omitted that element. He stated that, whilst on occasions previously a split decision had been suggested, in this instance it was not that straightforward as the balcony was not easily divisible from the rest of the scheme. The Member who had asked the question proposed a delegated permit with revised plans excluding the western balcony; he felt this balcony was quite a lot higher and even with the mitigation of frosted glass the impact of six feet of frosted glass high up in the air was unacceptable. He maintained that if this was a second storey extension the effects of which were similar it probably would not be permitted. A Member questioned where the Committee would stand with the delegated permit if the applicant refused to amend the plans to omit the balcony on the western side and expressed the view that, in the light of the Committee's unhappiness with this balcony and its impact on the neighbouring property, perhaps it would be better to refuse the application allowing the applicant, being aware of the concerns of Members, to submit new plans. The Development Manager indicated that the Committee would only be giving delegation in the event of plans being received removing the balcony but it was a matter for Members to determine how they would wish to take it forward; it was probably a more positive decision to say yes we can grant you this permission but without the balcony to the west and we can move forward positively or the applicant could say no the plans would not be revised in which case the application would come back to the Committee for determination. Concerns were expressed about the possibility of revised plans being approved without the balcony but it then being built with retrospective consent being sought and the view was expressed that it would be better to refuse the application. The Development Manager indicated that this was not about retrospective planning consents but amending the proposals to something which the Committee would be happy with which was what the proposal was aimed at if that was the will of Members. Potentially, if the applicant wished to revisit a balcony to the west in future, a further application could be made but it was not the intention that this would be retrospective as it would be a different proposal at a different time. Another Member suggested a compromise to defer the application to give the applicant the opportunity to submit revised plans without the balcony to the west that way there was no delegated permit or refusal of the application which might allay the concerns expressed by some Members. One Member questioned whether there was any objection to the balcony on the other side and it was explained that this balcony was not as close to the neighbouring property, it was not as high and there was nowhere near the same degree of overlooking. From the debate which ensued it was apparent that a number of Members were more comfortable with a deferral to allow for the submission of revised plans taking account of the Committee's views in respect of the western balcony. As there was no seconder for the proposal for a delegated permit it was proposed and seconded that the application be deferred to allow for the submission of revised plans without the balcony to the west of the property and upon being put to the vote, it was

RESOLVED That the application be **DEFERRED** to allow for the submission of revised plans that did not include the balcony to the western side of the property.

20/00950/FUL - Yew Tree Farm, Little Shurdington

- 64.51 This was an application for the demolition of an existing building and erection of a single dwelling.
- 64.52 The Planning Officer advised that the application site was located at Yew Tree Farm within the settlement of Little Shurdington also situated within the Cotswold Area of Outstanding Natural Beauty and the Green Belt. Yew Tree Farm was a complex which comprised a mix of equestrian, storage and residential uses set around a concrete apron. The application site itself comprised of a building in the south west of the concrete apron and a yard to the south which was enclosed by a fence. The application was submitted in full and proposed to demolish the existing building and erect a two storey four bedroom dwelling with a curved roof. The dwelling would be served by a garden to the south in the location of the existing yard as well as an external amenity area to the west. Vehicular access and egress to the dwelling would be via the existing access off Whitelands Lane. The Planning Officer asked Members to note the information on the late representation sheet in relation to the applicant's agreement to use Cotswold stone in place of the originally proposed painted block work on the ground floor elevations. The application site was located within the settlement of Little Shurdington which was a small rural settlement with no service infrastructure and was not defined in the settlement hierarchy in the Joint Core Strategy. The application site was not allocated and did not meet any of the policy exceptions for the distribution for residential development afforded by policy SD10 of the Joint Core Strategy. The application was therefore contrary to policies SP2 and SD10 of the Joint Core Strategy. However, the application site was located approximately 750 metres to the south of the defined Residential Development Boundary of Shurdington which was defined as a Service Village in the Joint Core Strategy. In addition, policy RES4 of the Emerging Local Plan stated that very small scale residential development within, and adjacent to, the built up area of other rural settlements would be acceptable in principle providing the proposal met a number of exceptions. As set out in the Committee report, it was considered that the application accorded with emerging policy RES4 insofar as the application was for one dwelling within the built up area of Little Shurdington which replaced an existing building on previously developed land. Therefore, whilst the application was contrary to adopted policies SP2 and SD10 of the Joint Core Strategy, it was in accordance with emerging policy RES4 of the Emerging Local Plan. Officers also considered that the application site was not in an isolated location in the countryside, that the proposal was appropriate development in the Green Belt and that it accorded with Green Belt policy in the National Planning Policy Framework and the Joint Core Strategy. Subject to the imposition of conditions it was also considered the application accorded with landscape and Area of Outstanding Natural Beauty policies in the National Planning Policy Framework and the Joint Core Strategy. In light of the above, and having regard to the fact that the Council could not currently demonstrate a five year housing supply, Officers had concluded that there would be no adverse impacts of approving the development proposal which would significantly and demonstrably outweigh the benefits and therefore it was recommended that permission be granted subject to conditions.
- 64.53 The Chair invited the applicant's agent to address the Committee. He advised that he did not intend to take up much of the Committee's time on the application given that there were no Parish or third party objections to the scheme. Although concerns were originally raised by the Local Highways Authority, it was recognised that there were overriding material planning reasons why the application should be permitted, and no objection was raised on highway safety grounds. Despite the site's location within the Green Belt and Cotswolds Area of Outstanding Natural

Beauty, the proposal before the Committee presented a unique opportunity to support a development that would provide betterment to the local environment both in landscape/visual terms, and use through the removal of an unrestricted commercial use. Indeed, in size and scale terms, the proposed dwelling would be 52% smaller than the building that currently existed. The design and layout reflected the character, scale, density and layout of surrounding development in the area and fully met the design expectations of the Joint Core Strategy. It was proposed to use natural Cotswold stone, not painted blockwork as suggested in the Committee report. The development would not constitute inappropriate development in the Green Belt, nor would it result in any harm to the landscape beauty of the Area of Outstanding Natural Beauty. The Officer's report also acknowledged that the development would be in accordance with emerging Borough policy RES4, and the site was not isolated. He suggested that this was an unobtrusive and well-designed home that should be encouraged as it was in accordance with the Council's adopted policies. This home would be occupied by his client who worked in the equestrian industry which linked directly to established uses on site and he asked that permission be granted in accordance with the recommendation in the Committee report.

- 64.54 In seconding a proposal to permit the application, the Member commented that in his view this was a very appropriately designed building that fitted in well with the rural landscape. Another Member indicated that he was struggling with this application and referred to the Officer's report which advised that the site was in an unsuitable location, the occupiers would be relying on private cars, the site was in the Green Belt and Cotswolds Area of Outstanding Natural Beauty to name just a few of the issues associated with this development yet he could see no exceptional circumstances as to why it should be permitted and sought an explanation from Officers. The Development Manager indicated that, in this case, in terms of the Green Belt the assessment was that it was actually appropriate development in the Green Belt and therefore though it was actually very special circumstances in development management terms rather than exceptional circumstances these were not required when looking at appropriate development and Officers had concluded in the report that this was the case in this instance. In terms of the locational aspects and the comments of the County Council, these had been taken into account however the view had been taken that, because the application proposal accorded with other policies when the plan was looked at as a whole, Officers felt able to support the application despite its locational disadvantage. Upon being put to the vote, it was

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

20/01142/CLE - The Coach House, Woodend Farm, Woodend Lane, Shuthonger

- 64.55 This was an application for the use of the Coach House as a separate residential dwelling, garden and ancillary parking.
- 64.56 The Planning Officer explained that the application sought a lawful development certificate in order to demonstrate that the Coach House and its curtilage had been used as a separate and independent dwelling to Woodend Farm for a continuous and uninterrupted period of 10 years. The applicant had provided evidence including a statutory declaration, tenancy agreement, various letters from people with a knowledge of the property itself as well as the applicant's occupation of it; and correspondence between the applicant and Tewkesbury Borough Council. The relevant legal test of the provided evidence was 'on the balance of probability'. The Council had no evidence of its own or from others to contradict or make less probable the applicant's claims and as such there was no reason to refuse the

application.

64.57 The Chair indicated that there were no public speakers for this item and the Officer recommendation was to grant the lawful development certificate.

64.58 Following a proposal to grant the lawful development certificate which was seconded, it was

RESOLVED That the certificate of lawfulness be **GRANTED** in accordance with the Officer recommendation.

PL.65 ANNUAL REVIEW OF PLANNING COMMITTEE DECISION-MAKING 2019/20

65.1 The report of the Development Manager, circulated at Pages No. 268-277, provided a statistical analysis of all decisions taken by the Planning Committee in 2019/20; an analysis of the cases where the Officer recommendations were not accepted; and a summary of the outcomes of the appeals against decisions made by the Planning Committee in 2019/20. Members were asked to consider the contents of the report in accordance with the requirements of the Protocol for Councillors and Officers Involved in the Planning Process.

65.2 The Development Manager highlighted a few points within the report drawing Members' attention to the fact that there were the same number of cases reported to Committee as in the previous year but that there were a lower number of applications where the Committee took a different view; of the eight cases three were refused where Officers had recommended permit, and two of those were in fact in relation to the same site, and five were permitted where Officers had recommended refusal and one of those was a listed building consent allied to a full application. There was only one appeal that related to one of the applications that had been refused by Members where a different view had been taken in terms of landscape harm and that appeal had been allowed; the appellant had made an application for costs but this was not successful. Overall, the Development Manager did not think there were any particular issues that needed to be drawn to Members attention arising from the report and the analysis contained within the appendices.

65.3 A Member questioned whether this report was also going to the Overview and Scrutiny Committee and the Development Manager clarified that, although this matter had originally arisen from Overview and Scrutiny and that Committee had agreed the format of the report and appendices that were required, the content was now only a matter for the Planning Committee to reflect upon. Another Member indicated that the report was quite interesting and highlighted that quite often the recommendations of the Planning Officers and the decisions of the Committee were right and only in very few cases did Members, when undertaking their very important role, take a different view from the recommendations of Officers. He maintained that most of the overturns made by the Committee had little impact as they were not always for additional build or only for one or two additional dwellings; what was of real interest to him was the number of houses that had received permission from the Planning Inspectorate over the last 10 years which he believed would run into thousands. He asked that a report be prepared for the Planning Committee listing the permissions granted by the Planning Inspectorate over the last 10 years. The Development Manager wished to clarify that recommendations and different decisions were not necessarily a case of being right or wrong it was a matter of judgement which came down to planning balance with different weights being placed on different considerations. In terms of a list being provided to Members in respect of the number of houses granted on appeal, the Development Manager indicated that he was happy to provide that information but it would come with a rider that a number of those applications were in the process and were in the Joint Core Strategy which was ultimately approved. It may be a question of timing when proposals were put to the Council before the Joint Core Strategy was

adopted. He stressed that the information could certainly be provided through the Planning Policy team and he would circulate it to Members but it would not be as black and white as expected due to the reasons he had outlined. At the conclusion of the debate it was

RESOLVED That the Annual Report on Planning Committee Decision-Making in 2019/20 be **NOTED**.

PL.66 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

66.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No.278-291. Members were asked to consider the current planning and enforcement appeals received and the Ministry of Housing, Communities and Local Government appeal decisions issued. A Member stated that this month's report was very interesting and it was very heartening to see that the Council did not lose every appeal and the Planning Inspectorate had actually supported the Council's decision in the vast majority of cases; where this had not been the case and applications for costs had been made those applications had been refused. Another Member referred to correspondence he had received in relation to the Council's decision on Ashmead Drive, Gotherington and asked that the Development Manager ensure that an appropriate response was sent.

66.2 Accordingly, it was

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

PL.67 TIMING OF PLANNING COMMITTEE

67.1 It was proposed and seconded that whilst the meetings of the Planning Committee continued on zoom the start time be changed from 10am to 9am. It was recalled that the start time had previously been changed from 9am to 10am to avoid traffic but that was not relevant whilst the meetings were taking place on zoom. One Member objected to the proposed change and felt the meetings should remain at 10am for the purposes of consistency but, upon being put to the vote, it was

RESOLVED That whilst the meetings of the Planning Committee continued to take place on zoom they should commence at 9am.

The meeting closed at 3:00 pm

ADDITIONAL REPRESENTATIONS SHEET

Date: 16th March 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	
5b	<p>19/00771/OUT</p> <p>Land To The South Of Down Hatherley Lane, Down Hatherley Lane, Down Hatherley, Gloucester, Gloucestershire,</p> <p>Further Representations</p> <p>Since writing the committee report one additional representation from a local resident objecting to the application has been received. The comments are summarised as follows:</p> <p>Concerned surface water would be displaced to flood existing properties in Twigworth;</p> <p>Sewage and pumping stations can't currently cope let alone with more houses;</p> <p>Applications should be considered holistically rather than on a case by case basis.</p> <p>Additional Consultation Response</p> <p>Since writing the committee report an updated response from Gloucestershire County Council as Local Highway Authority (LHA) has been received. The response confirmed that the LHA consider that the development would not result in an unacceptable impact on highway safety or a severe impact on congestion and as such there are no justifiable grounds on which an objection could be maintained.</p> <p>Officer Update</p> <p><u>Local Area for Play (LAP)</u></p> <p>The Council's Community and Place Development Officer has requested that the LAP incorporates 'natural play equipment' suitable for a broad range of ages. The specific details of the play equipment would be secured via the legal agreement.</p> <p><u>Developer Contributions</u></p> <p>At the time of writing the committee report there was a couple of outstanding matters in respect to the developer contributions required to be resolved.</p> <p>Since then, Gloucestershire County Council as Local Education Authority (LEA) have reviewed the level of contributions towards education provision and advised that the following contributions towards education provision are required in order to mitigate the impact of the development:</p> <p>Pre-School = £144,873.60</p> <p>Primary = £197,993.93</p> <p>Secondary = £124,736.00</p> <p>Further to the above, a contribution of £73 per dwelling, which equates to £2,336 based on 32 dwellings, towards recycling and waste bin facilities is required.</p>

In terms of formal sports provision the Council's Community and Place Development Officer has confirmed a contribution towards off-site sports provision is not required.

Revised Recommendation

Given the developer contributions have been finalised the recommendation has been revised to the following:

Permission 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:

- £467,603.53 towards education provision;
- £6272 towards library resources;
- £2336 towards waste and recycling facilities;
- 11 on-site affordable housing units;
- Provision of on-site LAP;
- Highway Infrastructure Improvements

Additional Conditions

Since writing the committee report the Local Highway Authority have recommended a number of conditions:

1. No works shall commence on site on the development hereby permitted until details of the provision of bus stop facilities and safe access thereto have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved works have been completed and are open to the public.

Reason: In the interest of highway safety and to ensure that all road works 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.

2. No dwelling hereby permitted shall be occupied 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.

3. The vehicular access hereby permitted shall not be brought into use until all existing vehicular accesses to the site (other than that intended to serve the development) have been permanently closed in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of highway safety.

4. No dwelling shall be occupied until the highway infrastructure serving that unit has been provided in accordance with the approved details submitted as part of the reserved matters, and the relevant roads and footways finished to at least binder course level between the dwelling and the public highway.

Reason: In the interests of highway safety.

5. Parking shall be provided in accordance with approved details as part of the reserved matters application.

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

6. No dwelling hereby permitted shall not be occupied until cycle parking has been made available in accordance with approved details as part of the reserved matters application and maintained for this purpose thereafter.

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

7. Development shall not begin until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 120 metres or to the extremities of the site boundary in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 1 metre from the edge of the carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of the land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

8. 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 points shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities.

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

Reason: In the interests of highway safety.

Additional Informative Notes

Since writing the committee report the Local Highway Authority have recommended a number of informative notes:

1. 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

	<p>iv. Inspecting the highway works</p> <p>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.</p> <p>2. 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.</p> <p>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 Council's costs in undertaking the following actions:</p> <ul style="list-style-type: none"> i. Drafting the Agreement ii. Set up costs iii. Approving the highway details iv. Inspecting the highway works <p>You should enter into discussions with statutory undertakers as soon as possible to coordinate the laying of services under any new highways to be adopted by the Highway Authority.</p> <p>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.</p>
<p>5d</p>	<p>17/01268/FUL</p> <p>Greenacres , Main Road, Minsterworth, Gloucestershire, GL2 8JG</p> <p>Revised Proposal Description</p> <p>The development no longer includes the removal of the existing barn and stables therefore the description of the proposal has been amended to reflect this.</p> <p>Correction</p> <p>The first sentence of paragraph 1.8 of the Update Report should read:</p> <p><i>"Officers acknowledge that an emerging visibility splay could be provided from Watery Lane onto the A48 however this would require control of third-party land."</i></p> <p>Paragraph 2.6 of the Update Report should read:</p> <p><i>"The applicant has failed to demonstrate that a safe and suitable access to the site for all users could be achieved and as such the development would result in an unacceptable impact on highway safety."</i></p>

	<p>Additional Information</p> <p>Since writing the Update Report a Technical Note in response to the issues raised by the Local Highway Authority (LHA) has been submitted. In addition an updated Visibility Splay Plan has been provided. These documents have been reviewed by the LHA who maintain their objections.</p> <p>Officer Update</p> <p>Since writing the Update Report the agent acting on behalf of the applicant has confirmed that the development no longer proposes the provision of affordable housing. At the committee in November 2018, whilst there was no policy requirement for affordable housing, the applicant offered to provide three affordable homes on site as part of the development. The provision of these affordable homes carried positive weight in the consideration of the application.</p> <p>Officers consider the change in position, in respect to affordable housing, does not alter the recommendation.</p>
5e	<p>20/00955/APP</p> <p>18 Westfield Road, Brockworth, Gloucester, Gloucestershire, GL3 4AP</p> <p>An additional neighbour representation was received on 7th March 2021 after the write up of the officer's report. Comments relevant to the proposal were with regard to commencement of works including the access, clearance of hedges and trees, also site drainage and erection of fences. The access was approved under the outline consent 19/00678/OUT. A video of the site has been requested by the local member and will be presented to the planning committee. Details with regard to drainage and hard and soft landscaping have been considered within the officer's report. Other matters raised which are not related to the current planning application have been dealt with separately.</p> <p>A revised site and landscaping plan drawing number 22022/03 (E) was received on 12th March 2021 to address highways concerns.</p> <p>The Highway Authority have confirmed that the revised the drawings demonstrate sufficient car parking, cycle parking and manoeuvring space and that each property has a 7Kw electric vehicle charging unit.</p> <p>Access was determined at the outline stage, therefore the consideration is the internal layout and this has now been satisfactorily addressed.</p> <p>The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained. Recommend the following condition:</p> <p>No dwelling hereby approved shall be occupied until the parking and turning facilities that that individual property to the nearest public highway has been provided as shown on drawing 22022/03(E).</p> <p>Reason: To ensure conformity with submitted details.</p> <p>As highway concerns have been addressed the recommendation is now to APPROVE and drawing number 22022/03 (E) added to the condition 2 and a further condition to be added that prior to occupation the parking and turning facilities are provided in accordance with drawing number 2202/03 (E) .</p>

5f	<p>20/01233/FUL</p> <p>Beech House, Toddington, Tewkesbury, Gloucestershire, GL54 5DT</p> <p>The applicant's agent has acknowledged recommended condition 1 within the committee report, which requires the works to be begun before the expiration of five years from the date of any consent. The applicant's agent suggests that, under Section 51, this condition should alternatively specify a period of three years.</p> <p>Paragraph (1) of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, specifies that, subject to the provisions of this section, every planning permission granted or deemed to be granted shall be granted or, as the case may be, be deemed to be granted, subject to the condition that the development to which it relates must be begun not later than the expiration of—</p> <p>(a) the applicable period, beginning with the date on which the permission is granted or, as the case may be, deemed to be granted; or</p> <p>(b) such other period (whether longer or shorter) beginning with that date as the authority concerned with the terms of planning permission may direct.</p> <p>Paragraph (2) of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, specifies that the period mentioned in subsection (1)(b) shall be a period which the authority consider appropriate having regard to the provisions of the development plan and to any other material considerations.</p> <p>It is considered that the 5 year period referred to in recommended condition 1 is appropriate having regard to the provisions of the development plan and to any other material considerations. Taking account of this, the recommendation remains unchanged.</p>
5g	<p>20/00213/FUL</p> <p>Manor Farm Yard, Stoke Road, Stoke Orchard, Cheltenham, Gloucestershire, GL52 7RY</p> <p>The applicant's agent has confirmed that there has been an oversight in respect of the existing and proposed floor space details referred to within the submitted application form, as detailed within paragraph 1.4 of the committee report. The applicant's agent confirms that the existing floor area is 968 square metres and that the proposed floor area would be 589 square metres (Unit 1 = 152.4sqm + Unit 2/3 = 437.1sqm), resulting in a net loss of 379sqm and therefore no intensification of the site.</p> <p>Taking account of this, the recommendation remains unchanged.</p>
5h	<p>20/00612/FUL</p> <p>Whites Hill Cottage, Old Brockhampton Road, Winchcombe, Cheltenham, Gloucestershire,</p> <p>Further to Paragraph 7.21 in the committee report, the applicant has provided details of a standalone bat house. This has been assessed by the Council's Ecological Adviser who has confirmed that this would be appropriate and that there are no objections subject to a further condition to secure its appropriate installation.</p> <p>The County Archaeologist has confirmed that there is no significant archaeology known at the location and that there is a low risk that archaeological remains will be adversely affected by the development. It is advised that no archaeological investigation or recoding will be required.</p>

	<p>The submitted arboricultural report has been reviewed by the Council's Tree Officer who is satisfied with the details including measures to protect retained trees during the course of construction. The officer has recommended additional conditions which are set out below.</p> <p>The recommendation remains to Permit subject to the conditions set out in the main report and additional condition set out below:</p> <p>15. The development hereby permitted shall be carried out in accordance with the details set out in the MHP Arboricultural Survey, Impact Assessment and Protection Plan No.20100, dated 29/06/20.</p> <p>Reason: To ensure proper provision is made to safeguard retained trees.</p> <p>16. Prior to commencement of works (including site preparation, or clearance) precise details of the location of the standalone bat roost provision shall be submitted to and approved in writing by the Local Planning Authority. The structure shall be installed in accordance with the approved details prior to works starting and shall be retained for the duration of the use.</p> <p>Reason: To ensure proper provision is made to safeguard protected species and their habitats.</p> <p>17. Prior to the approved tree works being carried out, a detailed bat and bird nesting survey shall be undertaken on identified Tree T2 to ensure no protected species are present. Should any evidence of any protected species be found prior to or during the approved tree surgery, all works must stop immediately and an ecological consultant contacted for further advice before works can proceed.</p> <p>Reason: To ensure proper provision is made to safeguard protected species and their habitats.</p> <p>Informative</p> <p>The applicant's attention is drawn to the Wildlife and Countryside Act 1981 and Schedule 2 of the Habitat Regs 2010 protects species from harm, injury and deliberate capture, killing, disturbance, damage and destruction of eggs, breeding sites or resting places.</p>
<p>5j</p>	<p>20/00950/FUL</p> <p>Yew Tree Farm, Little Shurdington, Cheltenham, Gloucestershire, GL51 4TX</p> <p>Further to reviewing the Committee Report, the applicant has advised that the intention is to use natural Cotswold stone for the ground floor element and not 'painted blockwork' as stated in the Report. Officers advise that the details of external materials would be secured by proposed condition 3.</p> <p>The applicant has also advised in respect of the alleged abandonment of the B8 use of the building, that whilst acknowledging that ancillary hay storage in association with the equestrian use has occurred, the building has consistently been used for B8 purposes and that the internal lockup within the building was used for this purpose yet not viewed during the officer site visit. Officers advise that this clarification does not alter the Green Belt conclusions of the Committee Report</p>

There is also a typographic error in paragraph 7.7 of the Committee Report and this should refer to Policy RES4 of the Emerging TBP rather than Policy RES5 and the revised text should state:

7.7. In conclusion, the application is contrary to adopted policies SP2 and SD10 of the JCS. However, the proposal is in accordance with Policy RES4 of the Emerging Local Plan. Officers also consider that the application site is not in an isolated location in the countryside, however it is acknowledged that future occupiers would be reliant on the private car for their daily needs for employment, schools, health and recreation and shopping.

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	20 April 2021
Site Location:	Land At Tewkesbury Road Twigworth
Application No:	21/00079/APP
Ward:	Innsworth
Parish:	Twigworth
Proposal:	Approval of Reserved Matters (Access, Appearance, Landscaping, Layout & Scale) comprising Phase 2 of Outline Planning Permission ref: 15/01149/OUT for the erection of 147 no. dwellings and associated works.
Report by:	Adam White
Appendices:	Site location plan. Site layout plan. Site Wide Masterplan Document (SWMD) extract. Streetscene drawings. Vehicle Swept Path. Various house types.
Recommendation:	Approve

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The current reserved matters application relates to Phase 2, which is located to the north of the Twigworth Strategic Allocation and is centred on a spine road that will run through the wider allocation (**see attached site location plan**). Phase 2 abuts the recently approved local centre adjacent to the A38 and the residential park home site to the north. The phase also partially abuts the village green to be delivered at the heart of the development.
- 1.2. The application site is currently comprised of agricultural fields along with some accompanying hedgerows. The land is relatively level and is not subject to any formal or informal landscape designation.
- 1.3. The current proposal is for 147 dwellings and includes associated engineering operations, drainage infrastructure and landscaping pursuant to outline permission 15/01149/OUT (**see attached plans**). Approval is sought for access, appearance, landscaping, layout and scale. Of the 147 dwellings proposed as part of this application, a total of 52 (35%) would be affordable.
- 1.4. In addition to the supporting plans, the application documents also include a Statement of Compliance; a Design and Access Statement; a Construction Waste and Recycling Strategy; an Affordable Housing Statement; a Noise Impact Assessment; and an Arboricultural Method Statement.

2.0 RELEVANT PLANNING HISTORY

- 2.1. In October 2015 an outline planning application was submitted for 'a mixed use development comprising demolition of existing buildings; up to 725 dwellings and a local centre of 0.33ha (A1, A2, A3, A4, A5, D1, D2 uses); primary school, open space, landscaping, parking and supporting infrastructure and utilities; and the creation of a new vehicular access from the A38 Tewkesbury Road' (Ref: 15/01149/OUT). That application was refused by the Council in January 2016 and an appeal was subsequently submitted to the Planning Inspectorate (PINS Ref: APP/G1630/W/16/3154464).
- 2.2. The appeal was the subject of a Public Inquiry, which also considered an application for a mixed-use development on land at Innsworth Lane, Innsworth (Ref: 15/00749/OUT). On 5 August 2016 the conjoined appeal was recovered for the Secretary of State's determination and both applications were subsequently allowed on 27 December 2017.
- 2.3. Both permissions were carried forward into the adopted Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 as a strategic housing allocation (Policy A1 – Innsworth & Twigworth) and the Green Belt designation has been removed.
- 2.4. Following the grant of permission, a reserved matters application was submitted for the principal access to serve the development (Ref: 18/01199/APP). That application was subsequently approved in May 2019. In addition, a number of condition discharge applications have been submitted in respect of the conditions attached to the decision notice. Of particular relevance to this current application are the conditions relating to a Phasing Plan (condition 6), a Site Wide Masterplan Document (condition 7), a recycling strategy (condition 8), details of street maintenance (condition 17), surface water drainage details (condition 21), and noise (condition 26).
- 2.5. More recently, reserved matters approval was granted for 79 dwellings with associated public open space and drainage infrastructure as part of Phase 1a (Ref: 19/00935/APP). In addition, reserved matters approval for a further 159 dwellings has been granted as part of Phase 1b (Ref: 20/00473/APP & 20/00524/APP). Approval 20/00473/APP also granted minor changes to the previously approved drainage infrastructure.
- 2.6. In December 2020, reserved matters approval was granted for the erection of a local centre (Ref: 20/00833/APP).

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, INF5, INF6, A1.

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

- 3.4. Policies: TPT3, TPT6.

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

- 3.5. Policies: RES5, RES12, DES1, NAT1, NAT3, ENV2, TRAC1, TRAC2, TRAC3, TRAC9.

Down Hatherley, Norton and Twigworth Neighbourhood Development Plan 2011- 2031

- 3.6. Policies: H2, FP1.
- 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

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>

- 4.1. **Twigworth Parish Council** – No consultation response received.
- 4.2. **Down Hatherley Parish Council** - Recent flooding events in Twigworth and Down Hatherley have graphically served to illustrate the validity of the arguments consistently put forward by the local residents and Parish Councils regarding the safety, in flooding terms, of building on this land. More specifically, questions have been asked and evidence put forward to challenge the site drainage practices, and flood management procedures currently adopted during what will be several years of construction. Using historical comparisons, recent rainfall events have not been that extreme. However, greater areas of land, and dwellings that have never flooded previously have been overcome. The only change is the extreme levels of groundwork associated with the development site, and the channelling/pumping of floodwater from the site onto adjoining land and into local watercourses.
- 4.3. **Sandhurst Parish Council** - The Parish Council considers that development should not commence until the severe flooding issues of neighbouring areas caused by current development of the whole site at 'Twigworth Green' have been addressed. Existing properties and land in the parishes of Twigworth, Down Hatherley and Sandhurst are being threatened currently by flood water in new areas which have never been flooded previously. Clearly this flooding is a result of displacement of water by this housing development on the flood plain. Any development should not commence until water is contained on site as per the planning permission.
- 4.4. **Lead Local Flood Authority (LLFA)** – No objections.
- 4.5. **Environmental Health advisor** – No objections in respect of noise.
- 4.6. **Ecology advisor** - The northern boundary of Phase 2 does not detail the retention of tussocky grassland along hedgerows. These are important to provide suitable terrestrial habitat and dispersal corridors for great crested newts. The landscape plan is to be updated to reflect this.

5.0 PUBLICITY AND REPRESENTATIONS

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

5.2. 20 letters of objection have been received. Their comments are summaries as follows:

- We also concerned about younger generations being able to stray onto our properties.
- Building works with dust and cutting and digging makes the buildings dirty and unbearable to keep our property clean and tidy.
- Different coloured doors and buildings as well as different roof tiles etc. will not be good.
- Concerns are raised regarding flooding in the area.
- The plans indicate that the gardens of these homes would be directly behind the hedge at the rear of the properties at Orchard Park, affording the residents of Orchard Park no privacy at all. Indeed, several of the properties have raised decking to the rear which looks over the hedge.
- The Bloor Homes proposed site has been under water now since Christmas for the first time.
- I feel it is inappropriate to place such large buildings directly on the back of my property which is an over 50s residential park.
- The height of the proposed buildings will affect our right to light.
- The placement of rental and part ownership houses backing onto a retirement park is totally inappropriate as they are likely to be inhabited by young families with all of the issues that can be associated with them.
- The planned access to the back of the properties via an alleyway which will also be directly behind our property raises issues of security and privacy.
- The plan for Orchard Park still seems to be outdated and is not a true reflection that is already present and needs to be updated to ensure accuracy and clarity on the plan.
- The block of flats at the mouth of the development are not in keeping with anything else in Twigworth and will be a blot on the landscape. They are no way in keeping with shape, style, size, finish, proportion, or height of anything else in the area.
- After lengthy discussions with Vistry that purchased the land from Robert Hitchins and the Public Right of Way Officer it was agreed that the existing PROW has no further need to leave the development and go straight through the middle of Orchard Retirement Park and the best and obvious solution for this was for it to be permanently diverted to the new roundabout on the A38. There is no reason for the public to be allowed to access the private residential park of Orchard Park as this PROW does not lead anywhere further, only the A38.
- Lack of local services and amenities are a particular concern for our residents and this issue can only become more problematic with the proposed extra houses.
- We, along with other residents are increasingly angry about the scale of the development that is taking place along the boundaries of the park.
- The 3 storey flats are not in keeping with the village look of existing properties within Twigworth and certainly not a true representation of the outline plan submitted initially.

- These buildings will tower over all properties.
- There is a recurring problem with low and variable mains water pressure in the area.

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), and a number of 'made' Neighbourhood Development Plans. Of direct relevance to this application is the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan 2011- 2031.
- 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 and hearing sessions commenced on 16 February 2021. Whilst not currently forming part of the development plan, policies contained in the emerging Borough Plan can be given weight in determining applications. 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 principle of residential development at the site has already been established through the grant of outline consent and its subsequent allocation for housing in the JCS as part of the wider Innsworth and Twigworth Allocation (Policy A1). This application therefore relates solely to the approval of the access, layout, appearance, landscaping, and scale of Phase 2 of the wider development site.
- 7.2. Whilst an indicative masterplan was submitted with the original outline application, a condition attached to the decision notice required a Site Wide Masterplan Document (SWMD) to be submitted to the Council either prior to or alongside the first application for approval of reserved matters (condition 7). The SWMD was required to be in accordance with the Parameter Plans submitted with the outline application and include a set of Design Principles. Those Design Principles included the principles for determining the design, form, heights, and general arrangement of external architectural features of buildings; the principles of the hierarchy for roads and public spaces; potential arrangements for car parking; the principles for the design of the public realm; and the principles for the laying out of the green infrastructure, including the access, location and general arrangements of the sports pitches and play areas. In addition, the SWMD was required to include a two-dimensional layout drawing that shows the broad arrangement of development blocks including indications of active frontages; density ranges; maximum building heights; character areas; the location and general extent of public open space, including Play Areas; existing landscape features to be retained; and proposed structural planting.

- 7.3. Pursuant to condition 7, a SWMD was submitted to the Council and the condition was subsequently discharged (**a copy of the two-dimensional layout drawing approved as part of the SWMD is attached**). Condition 7 requires all reserved matters applications to accord with the approved SWMD, unless otherwise agreed in writing. The reserved matters presented under this current application have therefore been assessed primarily in the context of the approved SWMD. However, consideration has also been given to whether the proposed development accord with the outline consent, the associated S106 Agreements and the details approved under the other planning conditions attached to the outline consent.

Layout, Appearance and Scale

- 7.4. 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 version of the Tewkesbury Borough Plan (2019), which states new development should respond positively to, and respect the character of, the site and its surroundings, enhance local distinctiveness and the grain of the locality.
- 7.5. In terms of the layout of Phase 2, it is considered that the road layout and block sizes generally accord with what is shown in the SWMD. There is a slight deviation to the north west of the site where the SWMD indicates a secondary access road to the local centre off the main spine road. During the recent assessment of the application for the local centre it was established that a secondary access was not required and therefore the deviation is considered to be acceptable.
- 7.6. The SWMD describes four main character areas that have been shaped by land use, green infrastructure, and existing site conditions. Phase 2 falls partly within the 'Gateway Character Area' to the north west of the Strategic Allocation, which is centred around the main access road off the A38. The remainder of Phase 2 falls within the 'Core Neighbourhoods Character Area'. In terms of the Gateway Character Area, the SWDP sets out a medium density of 40-45dph with two principal development blocks based around a central street. It describes a courtyard configuration to accommodate apartments and runs of terracing. The design principles for this character area include key buildings at important gateways; 2-3 storey terraced housing; a green corridor including a key pedestrian/cycle route linking to the village green; and a bus stop.
- 7.7. Approximately a third of Phase 2 falls within the Gateway Character Area (Plots 1 to 47) and is mainly comprised of terraced units, semi-detached units and blocks of apartments fronting onto the main access road with courtyard parking to the rear. The units fronting the main access road are generally set back from the road behind a landscaped strip, which was approved as part of an earlier phase. At either end of the Gateway Street are two identical large blocks of apartments that form gateway features. One sits adjacent to the local centre and one fronts onto the internal roundabout. Phase 2 incorporates only one of the development blocks described in the Gateway Character Area with the other block previously approved as part of Phase 1a on the opposite side of the access road. Concerns were initially raised that the proposal did not accord with the character area and lacked consistency with the previously approved phase. However, following revisions to a number of units, this has now been resolved.
- 7.8. In terms of the Core Neighbourhoods Character Area, the SWMD describes a strongly connected deformed grid with a density of 35-40dph. It states that the majority of this character area will have perimeter development blocks apart from occasional courtyard or mews blocks where an element of rear parking is required. Contained within the Core

Neighbourhoods Character Area are a number of street types, which include Village Streets, Community Streets and Green Lanes. The Village Streets form the main principal routes around the development with dwellings either side incorporating direct accesses. The frontage design principles here include short to medium building setback to provide front gardens with a continuous and regular building line. The Community Streets form the smaller roads within the individual development blocks and incorporate continuous building lines to provide enclosure comprised of runs of terracing, semi-detached and detached units. The building setbacks are varied to reinforce the informality of the street. The Green Lanes are located at the periphery of the parcels and are accessed via community streets. They should serve no more than 5 units and have a more dispersed frontage albeit with a strong building line to help define squares, green spaces, and corridors.

- 7.9. It is considered that the proposed layout and density accord with the Core Neighbourhoods Character Area described in the SWMD along with the associated design principles of the Village and Community Streets and Green Lanes that form part of that character area. There is a slight deviation at the centre of the parcel to the front of plots 61-72 where there is no planted verge on one side of the street. This is due to the constraints on the site and the requirement to achieve sufficient off-set distances from the park home site. However, given that only a short distance is affected, it is considered that this deviation is acceptable.
- 7.10. In terms of the appearance of the proposed dwellings, the Gateway Character Area describes an architectural style that responds to and is sensitive to the local heritage assets, with predominantly redbrick and grey tiles. As previously set out, concerns were initially raised regarding the proposed units fronting the Gateway Street in terms of their appearance and the consistency with the units approved on the opposite side of the road on Phase 1a. It was also considered that the proposed key buildings were not of a sufficient design quality. However, following negotiations with the applicant, revised plans have been submitted that show a more consistent architectural approach with Phase 1a, with a focus on the detailing of the buildings. In addition, a more continuous built frontage is now provided along the Gateway Street, which gives a greater degree of enclosure to this location as well as providing more active frontages. In light of these amendments, the appearance of the units within the Gateway Character Area is considered acceptable.
- 7.11. The style of the Neighbourhoods Character Area is described as a transitional architectural style blending the use of materials between a sensitive to heritage approach through the Gateway and more rural towards Hatherley Brook. It also states that a different architectural treatment will occur for main frontages around Garden Squares, Green Corridors and the Village Green. Materials are described as redbrick, light coloured renders and reconstituted stone, with grey and red/brown tiles. The use of more colour variety is advocated including through brick colours, render and occasional greys.
- 7.12. The architectural approach adopted here is of a traditional form drawing on simple vernacular style detailing. The architectural style is generally consistent across the character area, with the use of more gable fronted units fronting onto the public open space. In terms of materials, a mixed palette is proposed, including red brick, reconstituted stone, render, fibre cement roof slates and red, grey and brown roof tiles. Whilst a number of the proposed materials have been approved on Phase 1, some are not considered to be appropriate. However, it is considered that this can be addressed by way of a planning condition. Subject to agreeing suitable materials, the appearance of the dwellings within the Neighbourhoods Character Area is considered to be acceptable.
- 7.13. With regard to scale, the SWMD stipulates that buildings in the Gateway Character Area should have a maximum ridge height of 12 metres. Elsewhere in the Core Neighbourhoods Character Area, buildings should be 2 storeys with potential 2.5 storeys as corner markers. The proposed buildings presented here are predominantly 2 storey in height. The exception

to this is a pair of 2.5 storey dwellings fronting the Gateway Street, which include accommodation in the roof space, and a number of three storey blocks of apartments; two of which form key buildings fronting the Gateway street. There is a 3 storey block of apartments located in the Core Character Area that doesn't strictly accord with the SWMD. However, this is an isolated occurrence and is considered acceptable given its location and the need to provide a high proportion of one-bedroom affordable apartments within this phase. All of the dwellings within the Gateway Character Area are under 12 metres in height. In light of this, the scale of proposed buildings and are acceptable in this context.

Access

- 7.14. Policy INF1 of the JCS advises that proposals should ensure safe and efficient access to the highway network is provided for all transport modes and that the impact of development does not have a severe impact upon the highway network. Policy SD4 (vii) also requires development to be well integrated with the movement network within and beyond the development itself, ensuring links by other modes and to green infrastructure.
- 7.15. It is considered that the road layout, block sizes and pedestrian links generally accord with what is shown in the SWMD. Furthermore, the proposal accords with the relevant design principles for street design and frontage design described in the different character areas. This allows for direct access to all units for both pedestrians and vehicles. The routes are all well-lit with good levels of natural surveillance. Tactile paving would also be provided at key crossing points to assist the visually impaired.
- 7.16. As previously set out, the scheme has been amended to address a number of concerns, including highway matters. Whilst the plans have been amended following positive discussions with the Highways Authority, the revised plans have not been fully assessed at the time of writing this report. An update will therefore be provided at Committee.
- 7.17. In terms of street maintenance, condition 17 attached to the outline consent requires each reserved matters application to include details of the proposed arrangements for the future management and maintenance of the proposed streets within each phase. Similar to Phase 1, it is proposed that the responsibility for the management and maintenance of the highway assets for the lifetime of the development will be offered for adoption by Gloucestershire County Council. Until the streets are adopted, the applicant will be responsible for the upkeep of the roads and any other areas to be transferred to the Management Company.

Landscaping

- 7.18. Policy SD4 of the JCS requires the design of open space and landscaped areas to be of a high-quality design, providing a clear structure and constitute an integral and cohesive element of the design. Similarly, Policy INF3 of the JCS states that where green infrastructure assets are created, retained, or replaced within a scheme they should be properly integrated into the design and contribute to local character and distinctiveness.
- 7.19. In respect of the landscape strategy for the wider development, the SWMD sets out a number of key design principles. These principles include a multifunctional network of open spaces and green corridors; the integration and protection of existing landscape structure; the creation of a series of open spaces for all abilities; natural play; and the use of flood attenuation to create new wildlife habitats. Within the Core Neighbourhoods Character Area, the SWMD promotes informal tree and shrub planting within the streets and front gardens. Within the Village Green, the SWMD also promotes informal tree and shrub planting along with seating. On a related matter, the approved Landscape and Ecology Management Plan (LEMP) for the Strategic Allocation details the provision of rough grass margins along the

retained hedgerows, which are to provide suitable terrestrial habitat and dispersal corridors for Great Crested Newts.

- 7.20. It is considered that the proposed planting is consistent with what was approved on Phase 1 and is acceptable. Furthermore, it is considered that the general landscaping and green infrastructure accords with the SWMD in this regard. In terms of the street trees, whilst the quantum is acceptable, the submitted details do not specify what species are proposed. Clarification has been sought from the applicant on this. With regard to the requirements of the approved LEMP, whilst the landscape plans show additional hedgerow planting along the boundary with the residential park home site, they do not currently show a rough grass margin. The landscaping plans will therefore need to be amended to address this. The applicant has been requested to address these matters and an **update will be provided at Committee.**
- 7.21. With regard to existing landscape resources, condition 9 (as amended by way of a non-material minor amendment) attached to the outline consent requires details of all trees within the phase proposed to be retained along with any required tree works and tree protection measures. In response to this, the application is supported with an Arboricultural Method Statement (AMS), which details the trees and hedgerows to be retained. The AMS also includes details of works to the retained trees and hedgerows, along with tree protection measures. Subject to adherence with the AMS, it is considered that the proposal would have an acceptable impact on existing landscape resources to be retained.

Residential amenity

- 7.22. In respect of the impact of the development upon residential amenity, paragraph 127 of the NPPF specifies that planning decisions should ensure development creates places with a high standard of amenity for existing and future users. This advice is reflected in JCS policies SD4 and SD14 which require development to enhance comfort, convenience, and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 7.23. A number of objections have been received from residents of the adjacent park home site located to the north of the application site. In particular, residents of the park homes situated immediately on the edge of the site have raised concerns that the proposed development would give rise to a loss of light, outlook, and privacy.
- 7.24. The approved SWMD shows residential development abutting the park home site and, in that respect, the proposal accords with the SWMD. Indeed, the existing views over the application site currently experienced from the parks homes on the edge of the site would inevitably change as a result of the development. However, the scheme as originally submitted detailed a number of proposed dwellings in close proximity to the park homes, which was considered to be unacceptable; principally due to overlooking concerns. Of particular concern were a number of park homes close to the north east site boundary. A further complication is the future provision of new park homes along this edge, which is evident from the slabs that have been constructed.
- 7.25. Following extensive negotiations with the applicant, the scheme has now been revised so that there is now a minimum back-to-back distance in excess of 20 metres between the rear of the affected park homes and the rear elevations of the proposed dwellings that would back onto the park home site. Where the proposed dwellings present their flank elevations to the park homes on the edge of the site, the distance is now in excess of 12 metres. Where there are first floor windows in these flank elevations, these serve either a landing area or bathroom. A condition would ensure that these windows would be obscure glazed. Whilst there are currently vacant plots on the adjacent park home site, the slabs that have been laid

indicate where park homes will be situated in the future. Based on this, the proposed development would achieve the same stand-off distances set out above. In light of this, it is considered that the revised layout would have an acceptable impact on the adjacent park home in terms of light, outlook, and privacy.

- 7.26. In terms of the proposed layout itself, the dwellings would all have acceptable levels of outdoor amenity space that would not be unacceptably overlooked by adjacent units. Furthermore, there would be sufficient back-to-back distances between the proposed units, which would ensure good standards of amenity are achieved and maintained.
- 7.27. The amenity of future residents was also considered as part of the outline consent in respect of noise from the A38. Accordingly, condition 26 of the outline consent requires each Reserved Matters application to be accompanied by a noise survey to identify any dwellings that would be likely affected by road noise from the A38. If any affected dwellings are identified, the condition requires noise mitigation measures to be implemented prior to occupation. In accordance that condition, the application is supported by a Noise Impact Assessment. The assessment also considers the relationship with the local centre that adjoins the site to the west.
- 7.28. The Noise Impact Assessment concludes that there would be no adverse noise impacts on the proposed dwellings subject to mitigation in the form of a whole dwelling ventilation system for plots 1 to 26. That can be controlled by way of a planning condition. Following consultation with the Council's Environmental Health advisor, it is advised that the submitted noise assessment is satisfactory and no objections have been raised. The proposal is therefore considered to be acceptable in this regard.

Surface water drainage

- 7.29. JCS policy INF2 advises that development 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 site or elsewhere. For sites of strategic scale, the cumulative impact of the proposed development on flood risk in relation to existing settlements, communities or allocated sites must be assessed and effectively mitigated. It also requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage.
- 7.30. Condition 21 attached to the outline consent requires no development to commence until a detailed surface water drainage strategy for the entire site has been submitted to and approved in writing by the Local Planning Authority. The condition also stipulates that no building within each phase of the development shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority as part of the reserved matters applications and which accord with the approved site wide drainage strategy for that phase or part of a phase. In accordance with this condition, a detailed surface water drainage and SUDS strategy were submitted to the Council, which were subsequently approved by the Council on 18 October 2019.
- 7.31. The drainage details submitted with this application follows the principles set out in the approved surface water drainage and SUDS strategy. The applicant has also confirmed that the proposed site levels are set at least 750mm above the modelled 1:1,000 flood level as required by Condition 23 attached to the outline consent. Following consultation with the Lead Local Flood Authority, they are satisfied that the proposed surface water drainage details accord with the agreed detailed drainage strategy and are acceptable.

Affordable housing

- 7.32. Policy SD12 of the JCS sets out a minimum requirement of 35% affordable housing within the Strategic Allocation sites. It follows that where possible, affordable housing should be provided on site and be seamlessly integrated and distributed throughout the development. Affordable housing must also have regard to the requirements of Policy SD11 concerning type, mix, size and tenure. The design of affordable housing should also meet required standards and be equal to that of market housing in terms of appearance, build quality and materials.
- The provision of no more than 35% affordable housing for the wider site was secured at outline stage through a S106 Agreement dated 7th July 2017. The S106 sets out the following requirements:
 - At least 60% of the General Affordable Housing Units shall be provided as Affordable Rented Units and the remaining provided as Intermediate Housing Units.
 - No more than 50% and no less than 10% of the dwellings on any phase to be provided as General Affordable Housing Units unless otherwise agreed in writing by the Council.
 - General Affordable Housing Units must not be located in groups of more than 16 where they comprise a mix of housing and flats; and more than 12 where they comprise housing only.
 - Affordable Housing Units to be generally indistinguishable in appearance from the Open Market Units.
 - 5% of the Affordable Housing Units across the site to be constructed to the accessible and adaptable homes standard with the remaining being constructed to mandatory Building Regulations standards.
- 7.33. The application is supported by an Affordable Housing Statement that sets out the following schedule of accommodation:
- 30 x 1-bedroom flat/maisonette (Affordable Rent).
 - 6 x 2-bedroom flat/maisonette (Shared Ownership).
 - 7 x 2-bedroom house (Shared Ownership).
 - 6 x 3-bedroom house (Shared Ownership).
 - 2 x 4-bedroom house (Affordable Rent).
 - 1 x 4-bedroom house (Shared Ownership).
- 7.34. The provision of 52 affordable units in this phase represents 35% of the total dwellings proposed, which is above the 10% minimum and below the 50% maximum limit set out in the S106. It is considered that the proposed affordable units would be tenure blind and would not be readily distinguishable from the open market units.

- 7.35. In terms of clustering, there is a cluster of 19 affordable units in the area close to the local centre, which is contrary to the S106 (the S106 requires groups of no more than 16 in this scenario). However, the S106 does allow for deviations subject to approval from the Council. This phase is required to deliver a large proportion of 1-bedroom affordable units, which are being provided within blocks of apartments here. Given the constraints of the SWMD, it is considered that flatted units are best provided within the Gateway Character Area close to the local centre. Whilst the clustering is marginally over what is stipulated in the S106, the Registered Provider who will be taking on the affordable housing is satisfied with the proposed arrangements. On that basis, the Council's Housing Strategy and Enabling Manager is satisfied that the proposed affordable housing mix and clustering is acceptable.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1. Considering all of the above, subject to the satisfaction of the Highways Authority and subject to amendments to the proposed landscaping, the proposed development would result in an acceptable access, layout, scale, appearance, and landscaping. The scheme advanced would be in accordance with the outline consent and the SWMD approved under that consent. The application is therefore recommended for **Approval**.

CONDITIONS:

1. The development hereby approved shall be implemented in accordance with the plans and documents listed on the Submission Schedule updated on the TBC

Reason: To define the terms of the permission.

2. Notwithstanding the submitted details, no works above the floor plate level of any dwelling shall be commenced until samples and/or details of all external walling and roofing materials proposed to be used have first been submitted to and approved in writing by the Local Planning Authority. All materials used shall conform to the sample(s) and/or details so approved.

Reason: In the interests of visual amenity.

3. Notwithstanding the submitted plans, the first-floor windows in the flank elevations of plots 60, 64, 65, 68, 69 and 75, which face the adjacent residential park home site (known as Orchard Park), shall be fitted with Pilkington Level 4 obscured glazing or equivalent and shall be permanently retained in that condition thereafter.

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

4. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revising, revoking, and re-enacting that Order with or without modification) no internal or external alterations shall take place to the garages hereby permitted which would preclude their use for housing motor vehicles.

Reason: To provide suitable levels of car parking.

5. The development hereby approved shall be constructed strictly in accordance with the details contained in the approved Arboricultural Assessment & Method Statement Rev C (March 2021).

Reason: To protect existing trees and hedgerows to be retained.

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Land off A33
Twigworth
Gloucestershire
Location Plan

DATE: JAN 2021
SCALE: 1:500 @ A0
DRAWN: FM
CHECKED: JA



Twigworth

Land at Twigworth ~ Gloucestershire





Twigworth



BROOK LANE

A38

53

Site Wide Masterplan

Drawing Number: WE110-PD-060B(Street Scenes)
 Drawn: LH
 Scale: 1:200 @ A1



INDICATIVE STREET SCENE PLOTS 93 - 97



INDICATIVE STREET SCENE PLOTS 73 - 80



INDICATIVE STREET SCENE PLOTS 61 - 67



INDICATIVE STREET SCENE PLOTS 1 - 41



INDICATIVE STREET SCENE PLOTS 147 - 120



*Site Layout Not To Scale.

Proposed residential development at
Land at Twigworth - Gloucestershire

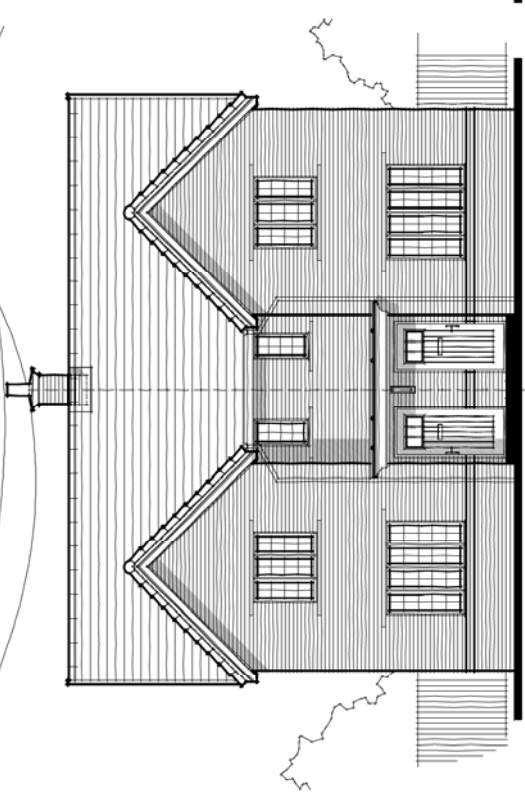
April 2021

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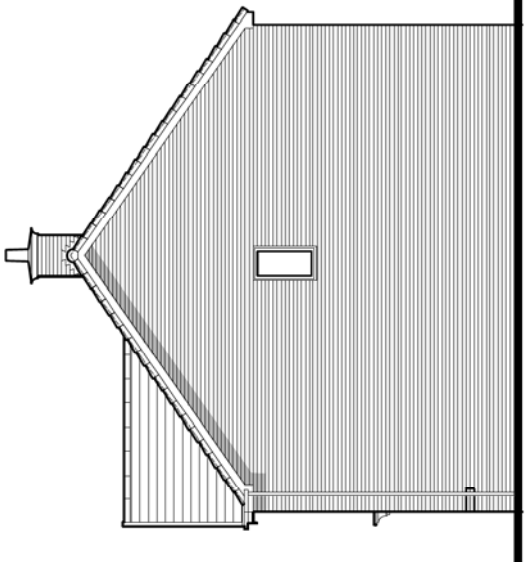




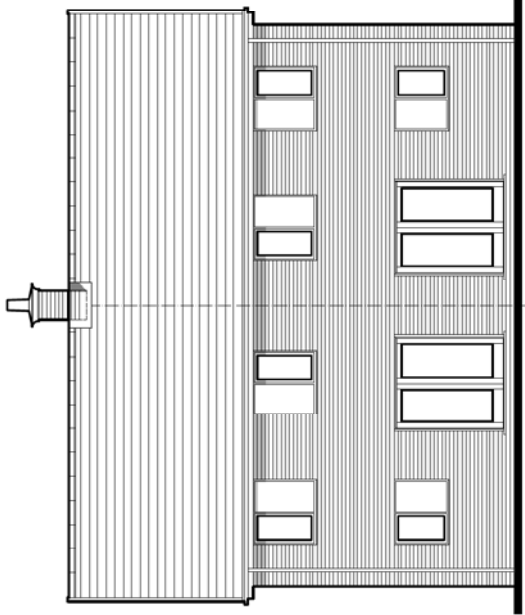
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Issue 4.5



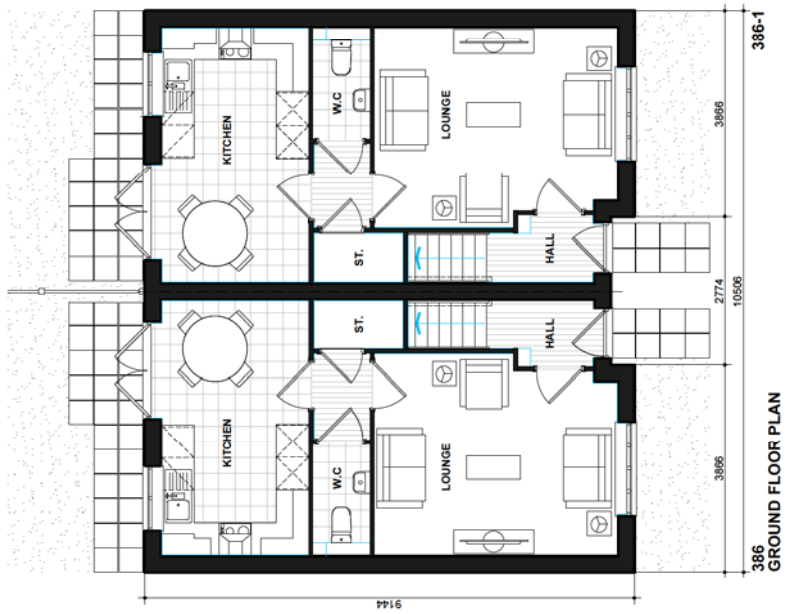
386 FRONT ELEVATION



386-1 SIDE ELEVATION



386-1 REAR ELEVATION



386 GROUND FLOOR PLAN



386 FIRST FLOOR PLAN

Kilburn
 BRICK - CHIMNEY
 386_386-1.PL-01

DATE: JULY 2019
 SCALE: 1:100 @ A3

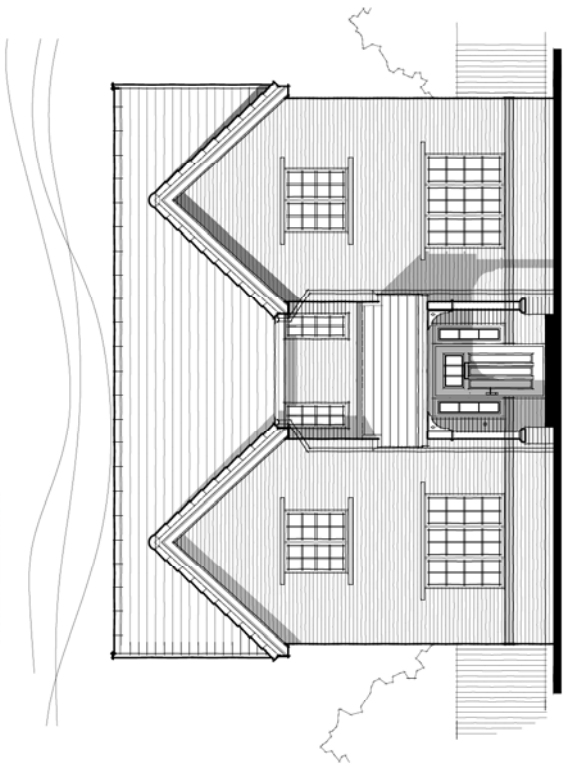
REV:
 DRAWN: MF
 CHECKED: GPM

80.63m²
 866ft²

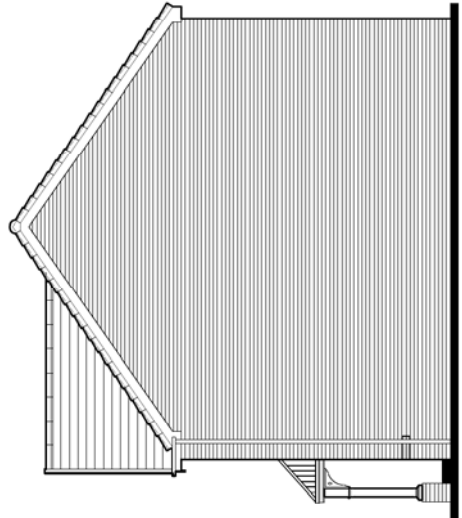
BLOOR HOMES



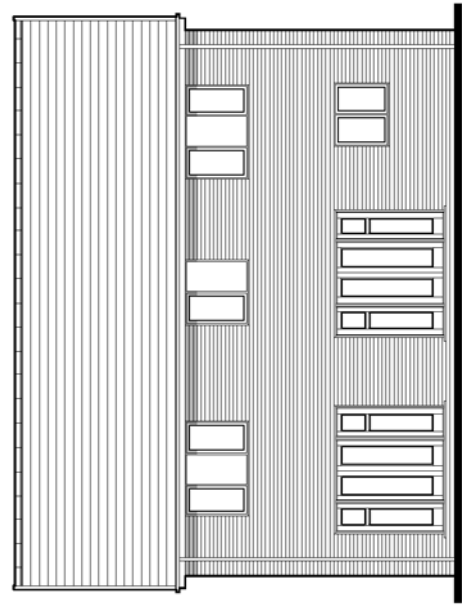
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Issue 4.2



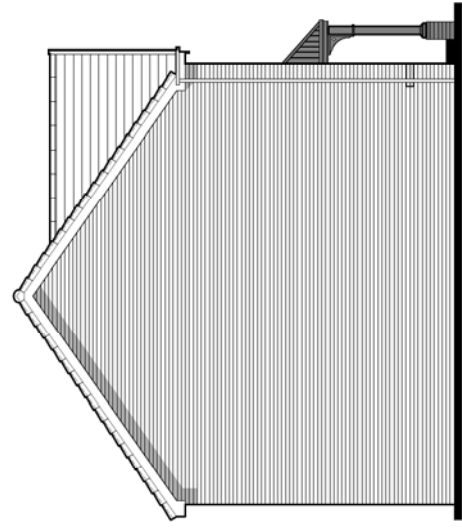
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

Peele
BRICK
482.PL-01

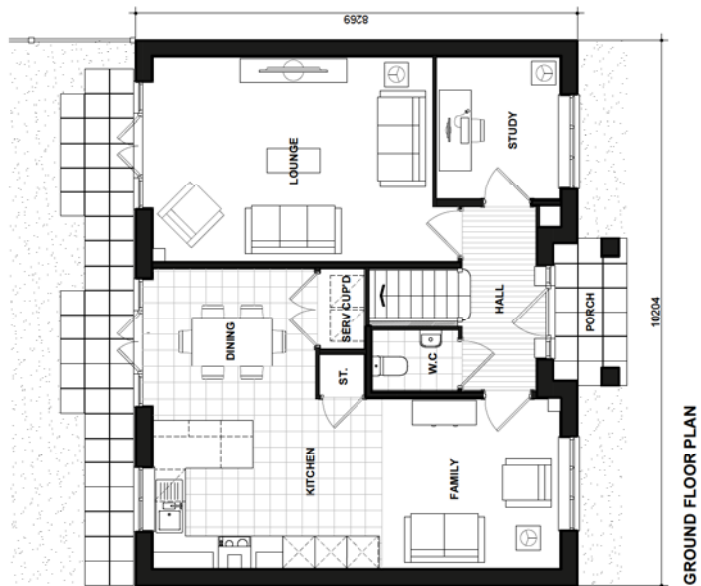
DATE: JULY 2019
SCALE: 1:100 @ A3
DRAWN: CN
CHECKED: GPM

REV:
144.31 m²
1563 ft²





Scale 1:100
Issue 4.2



Peele

482.PL-05

DATE: JULY 2019 REV:

SCALE: 1:100 @ A3

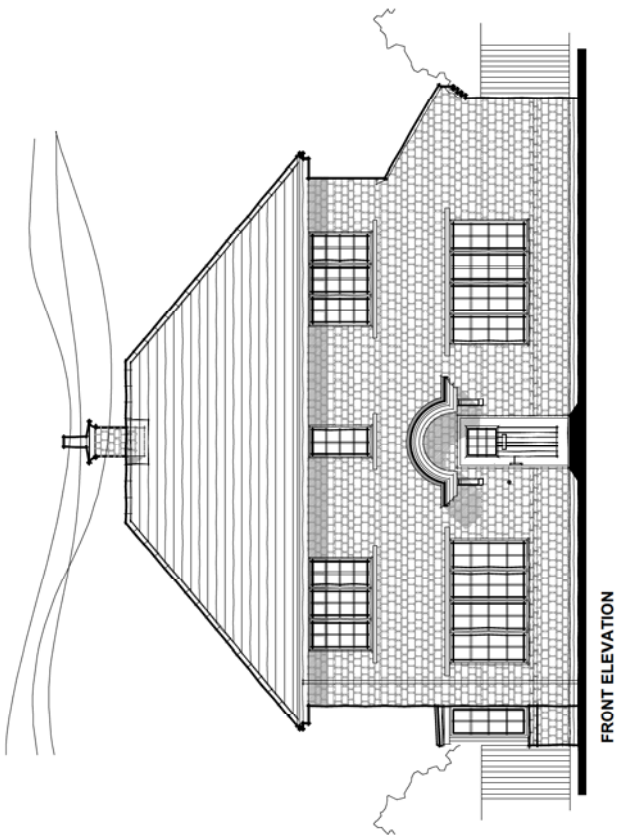
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CHECKED: GPM 1563 ft²

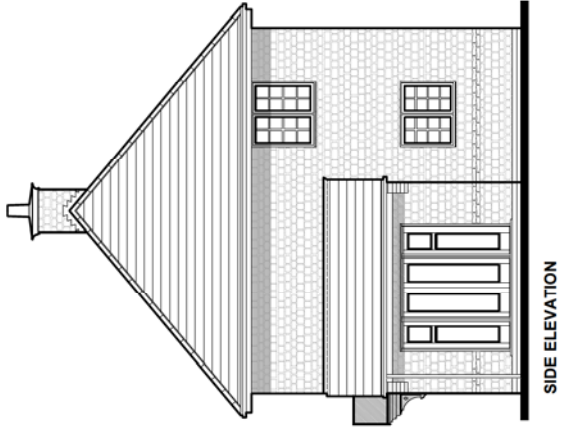




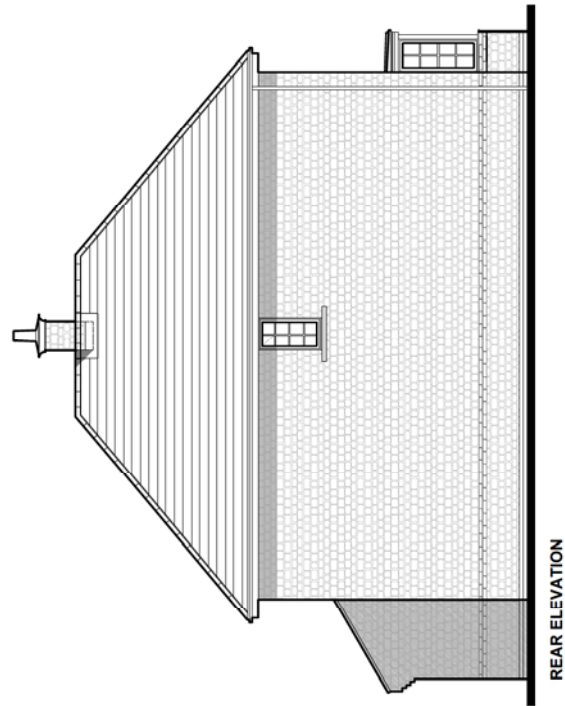
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Issue 4.3



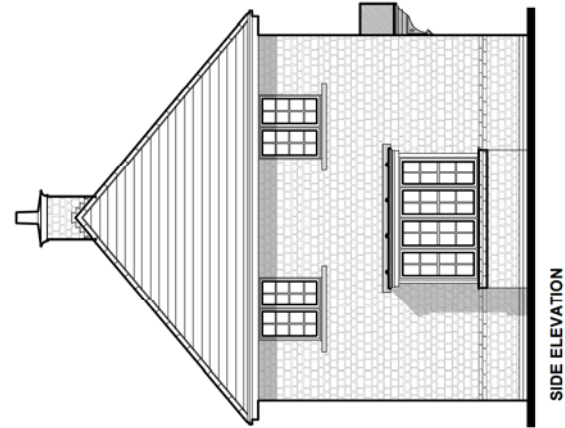
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

Burns

STONE - CHIMNEY
493-1.PL-03

DATE: NOV 2020 REV:
SCALE: 1:100 @ A3

DRAWN: MF 121.67m²
CHECKED: GPM 1310ft²





Scale 1:100
Issue 4.3



Burns

FLOOR PLANS
493-1.PL-05

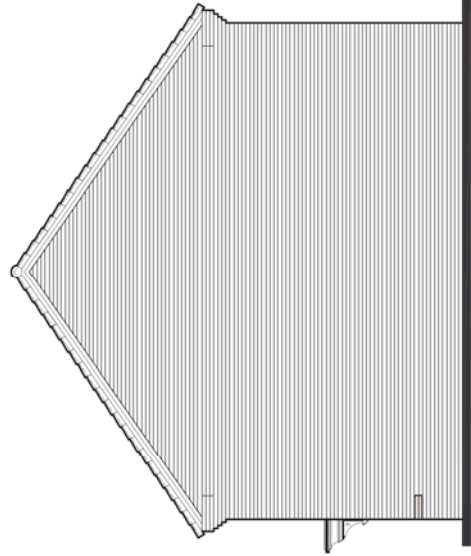
DATE: NOV 2020 REV:
SCALE: 1:100 @ A3

DRAWN: MF 121.67m²
CHECKED: GPM 1310ft²

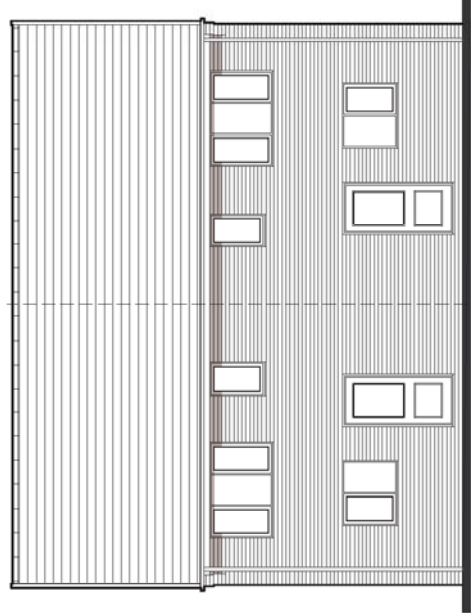




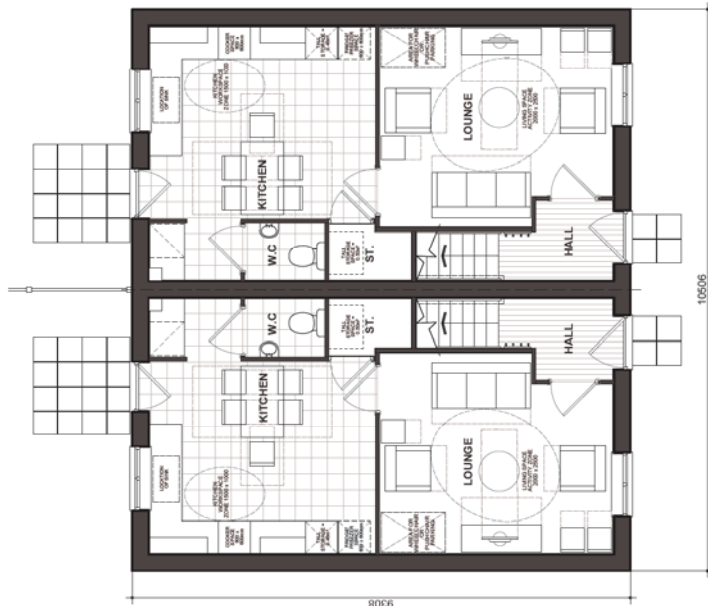
3B5P-1
 FRONT ELEVATION



3B5P-1
 SIDE ELEVATION



3B5P-1
 REAR ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

Sorley
 BRICK
 3B5P.PL-01

DATE: JUNE 2019 REV:
 SCALE: 1:100 @ A3

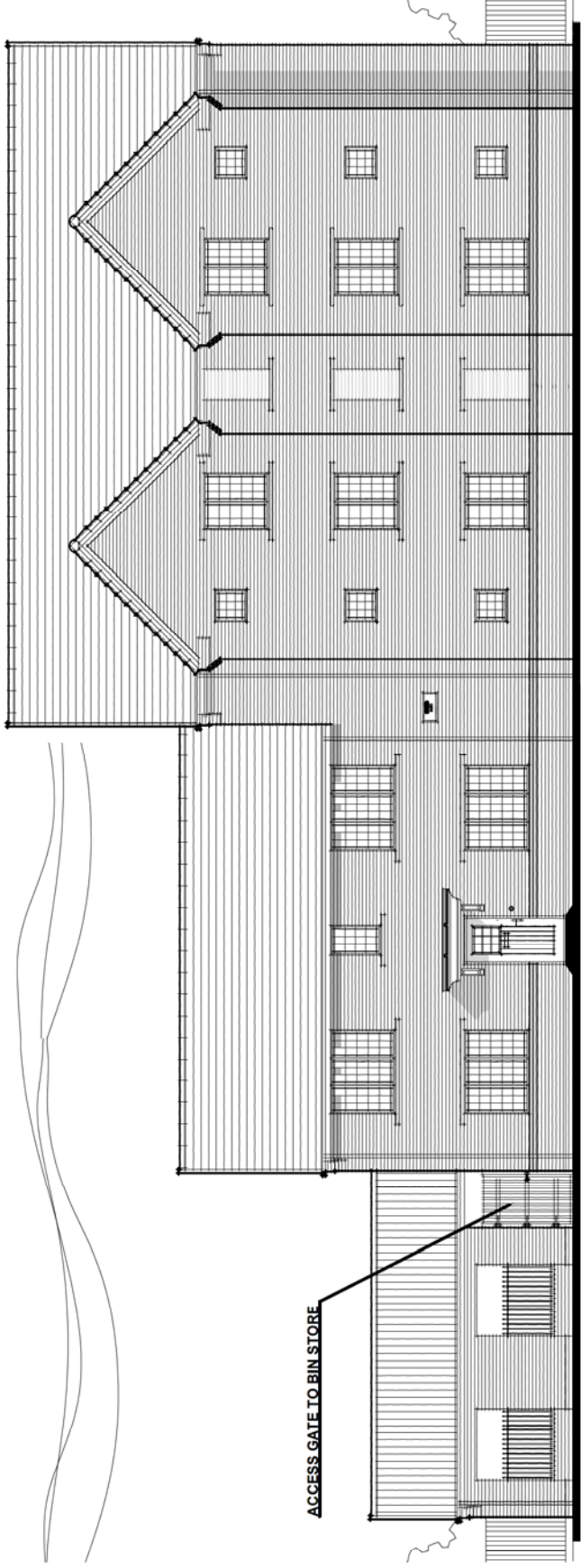
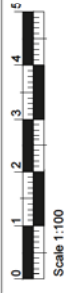
DRAWN: CN
 CHECKED: GPM

82.21m²
 885ft²

BLOOR HOMES

3B5P
 HQI* Unit Type: 75-85sqm.
 HQI 5: 41% HQI 6: 56% HQI 7: 59%

*HQI scores are based on minimum requirements:-
 Unit Size - 41, Unit Layout - 32, Unit Services - 22



BSP650
 FRONT/SIDE ELEVATION

RV702.1BF01-SD1
 FRONT ELEVATION

BSP650
 FRONT ELEVATION

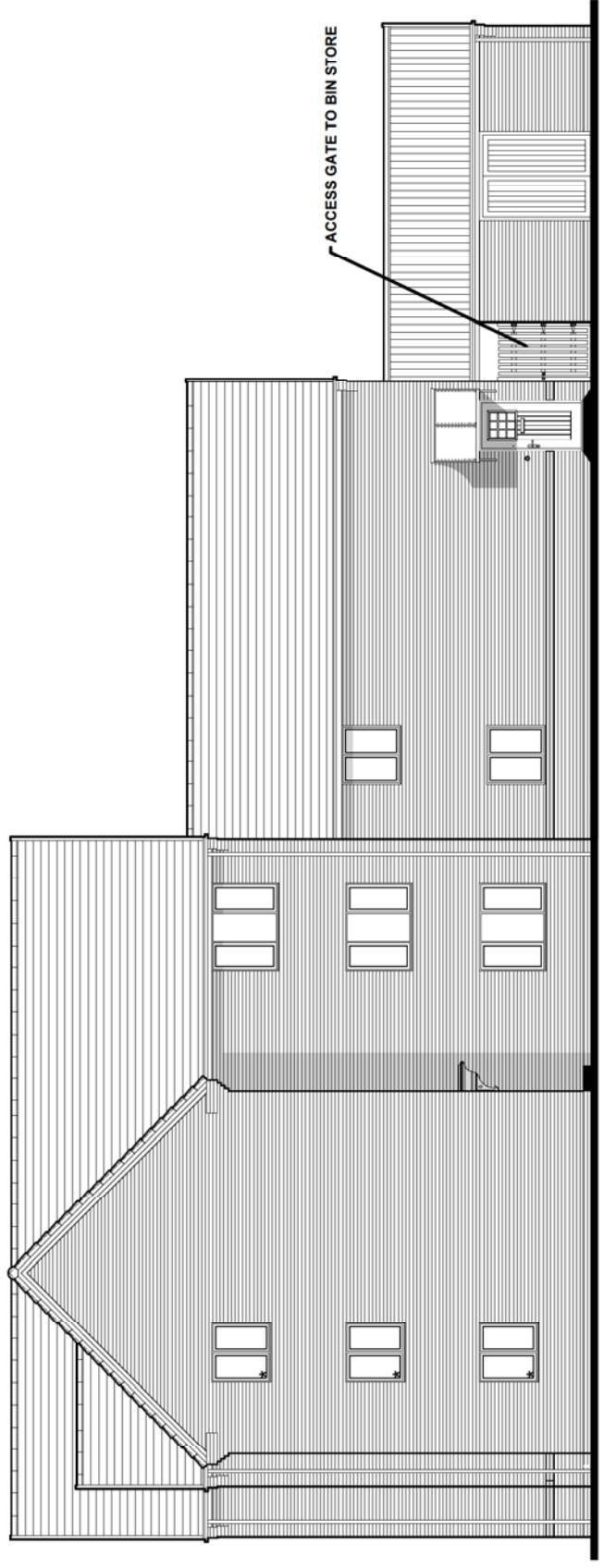
FLOOR AREAS	
SWIFT GF	45.25m ² 487ft ²
SWIFT FF	55.39m ² 598ft ²
OCASTONE	46.11m ² 496ft ²

Swift/Ocastone
 BRICK
 BLO-0228.PL-01

DATE: MARCH 2021 REV:
 SCALE: 1:100 @ A3

DRAWN: FM
 CHECKED: EAH

BLOOR HOMES

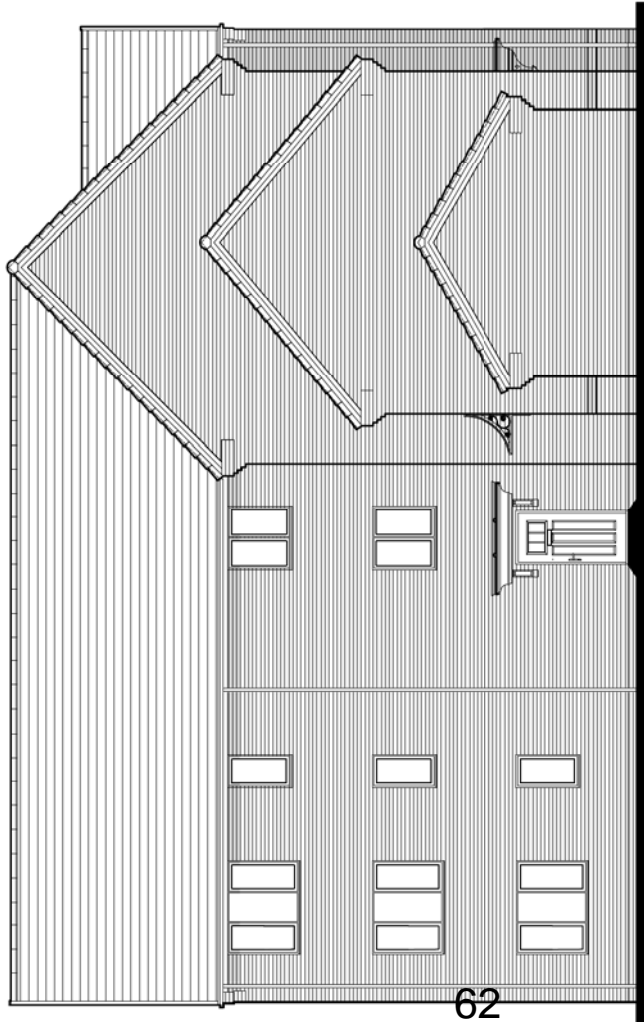
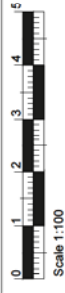


RV702.1BF01-SD1
 REAR ELEVATION

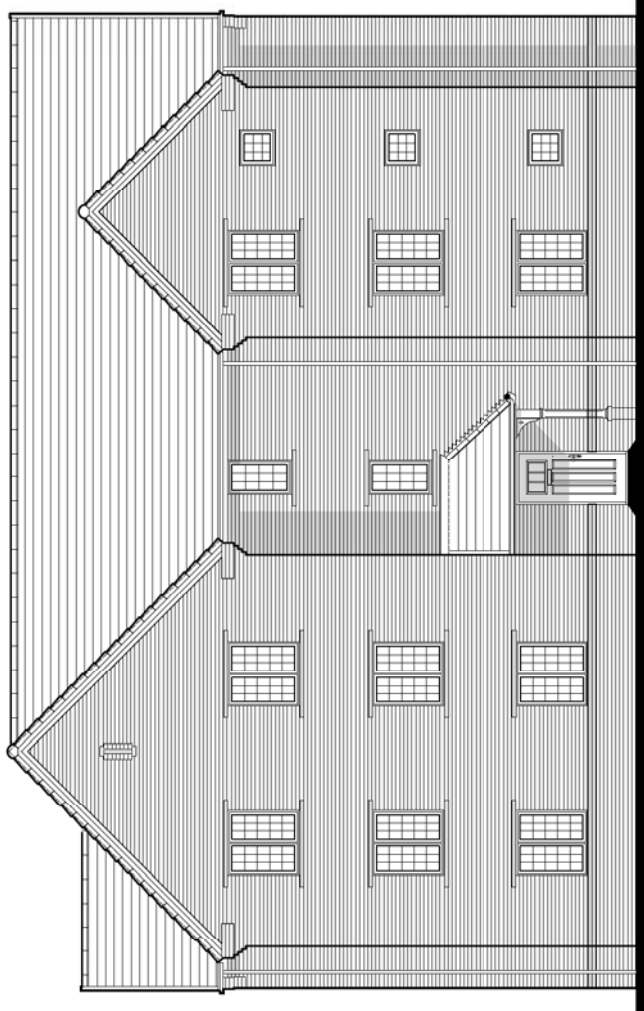
RV711.BBS01
 REAR ELEVATION

BSP650
 SIDE ELEVATION
 *FIXED OBSCURE WINDOW

*HCI scores are based on minimum requirements:-
 Unit Size - 41, Unit Layout - 32, Unit Services - 22



REAR ELEVATION



BSP650
 FRONT/SIDE ELEVATION

RV711.BBS01/RV702.1BF01-SD1
 SIDE ELEVATION

Swift/Ocastone
 BRICK
 BLO-0228.PL-02

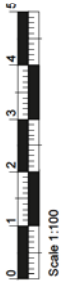
DATE: MARCH 2021 REV:
 SCALE: 1:100 @ A3

DRAWN: FM
 CHECKED: EAH

BLOOR HOMES

FLOOR AREAS	
SWIFT GF	45.25m ² 487ft ²
SWIFT FF	55.39m ² 598ft ²
OC-ASTONE	46.11m ² 496ft ²

*HCI scores are based on minimum requirements:-
Unit Size - 41, Unit Layout - 32, Unit Services - 22



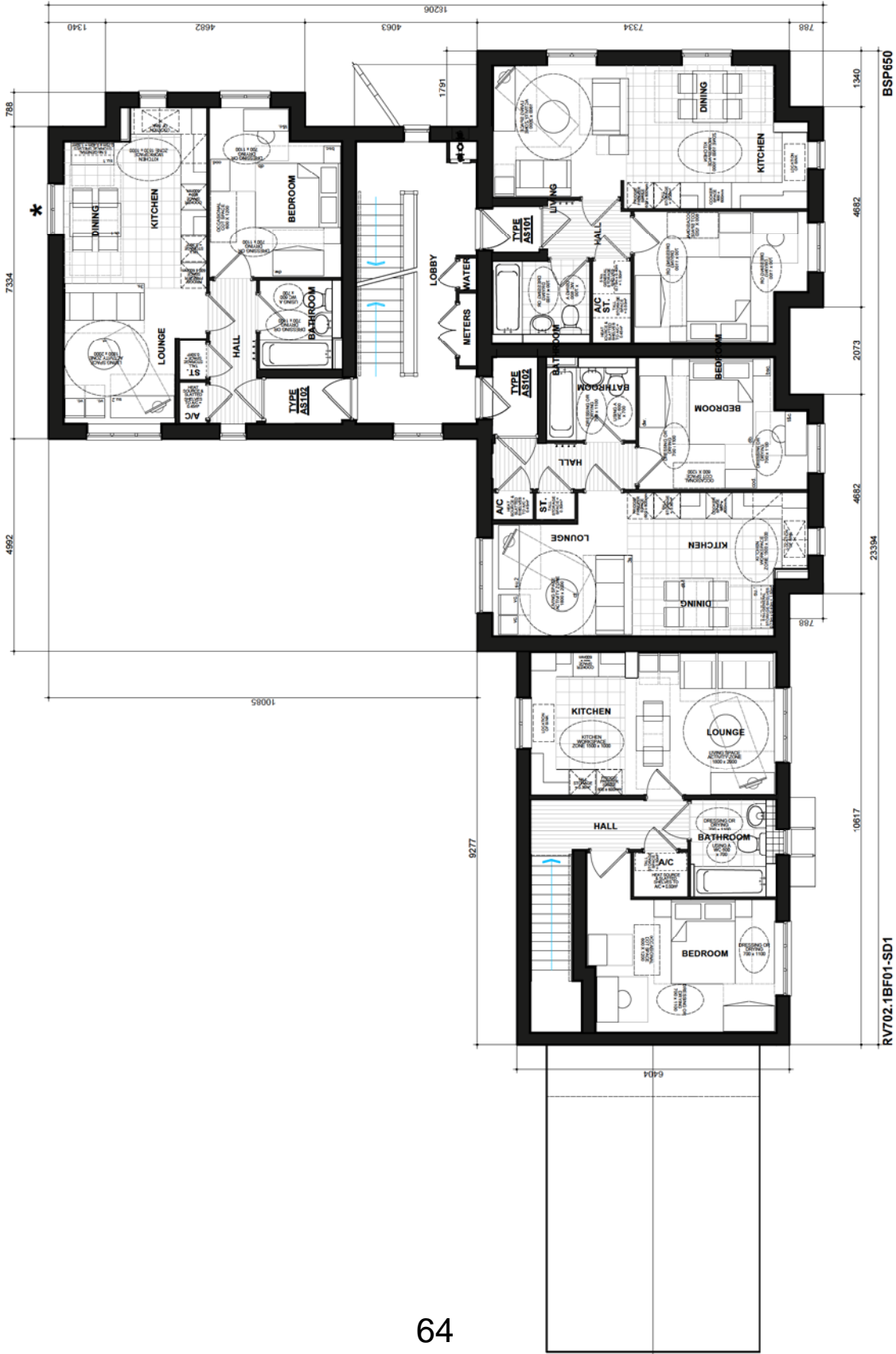
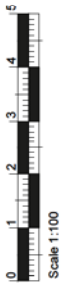
RV702.1BF01-SD1
GROUND FLOOR PLAN
BSP650

FLOOR AREAS	
SWIFT GF	45.25m ² 487ft ²
SWIFT FF	55.39m ² 598ft ²
OC-ASTONE	46.11m ² 496ft ²

Swift/Ocastone
BLO-0228.PL-03
 DATE: MARCH 2021 REV:
 SCALE: 1:100 @ A3
 DRAWN: FM
 CHECKED: EAH

BLOOR HOMES

*HCI scores are based on minimum requirements:-
Unit Size - 41, Unit Layout - 32, Unit Services - 22



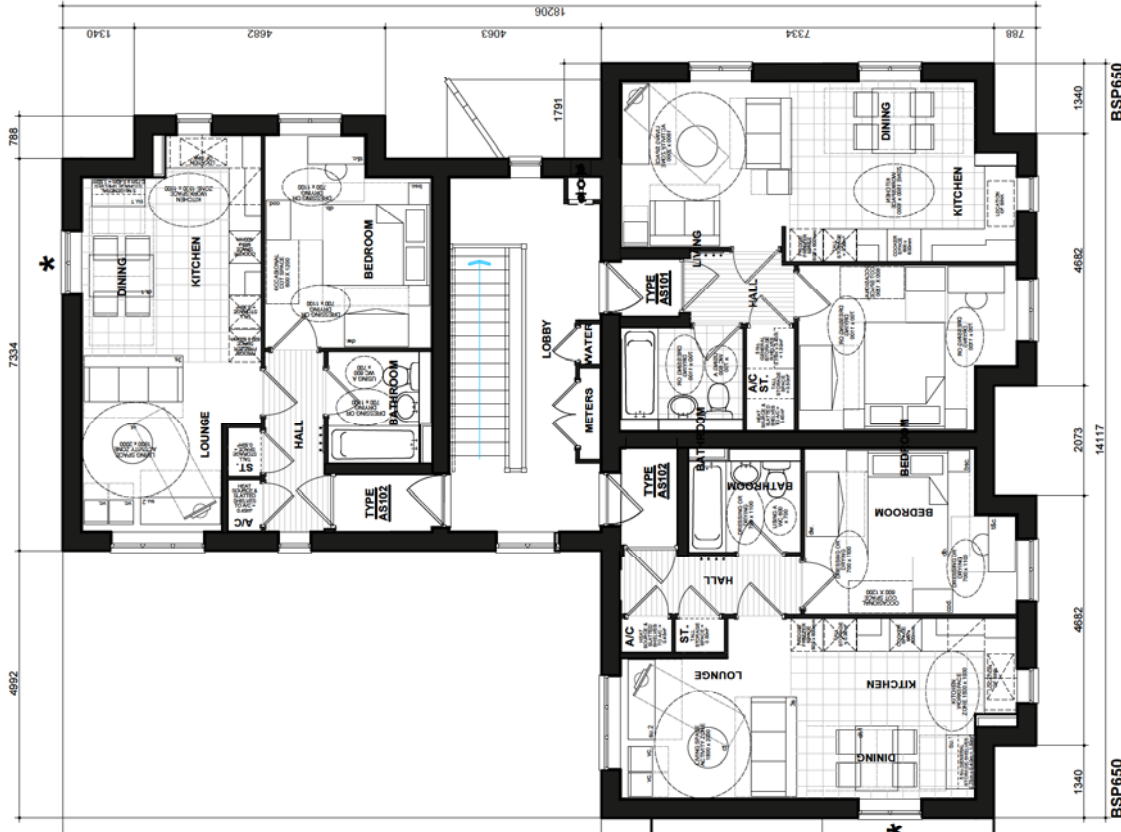
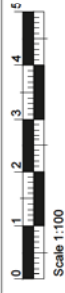
RV702.1BF01-SD1
FIRST FLOOR PLAN

FLOOR AREAS	
SWIFT GF	45.25m ² 487ft ²
SWIFT FF	55.39m ² 598ft ²
OC-ASTONE	46.11m ² 496ft ²

Swift/Ocastone
BLO-0228.PL-04
 DATE: MARCH 2021 REV:
 SCALE: 1:100 @ A3
 DRAWN: FM
 CHECKED: EAH

BLOOR HOMES

*HCI scores are based on minimum requirements:-
 Unit Size - 41, Unit Layout - 32, Unit Services - 22

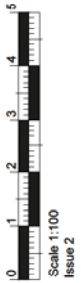


BSP650
 SECOND FLOOR PLAN
 BSP650

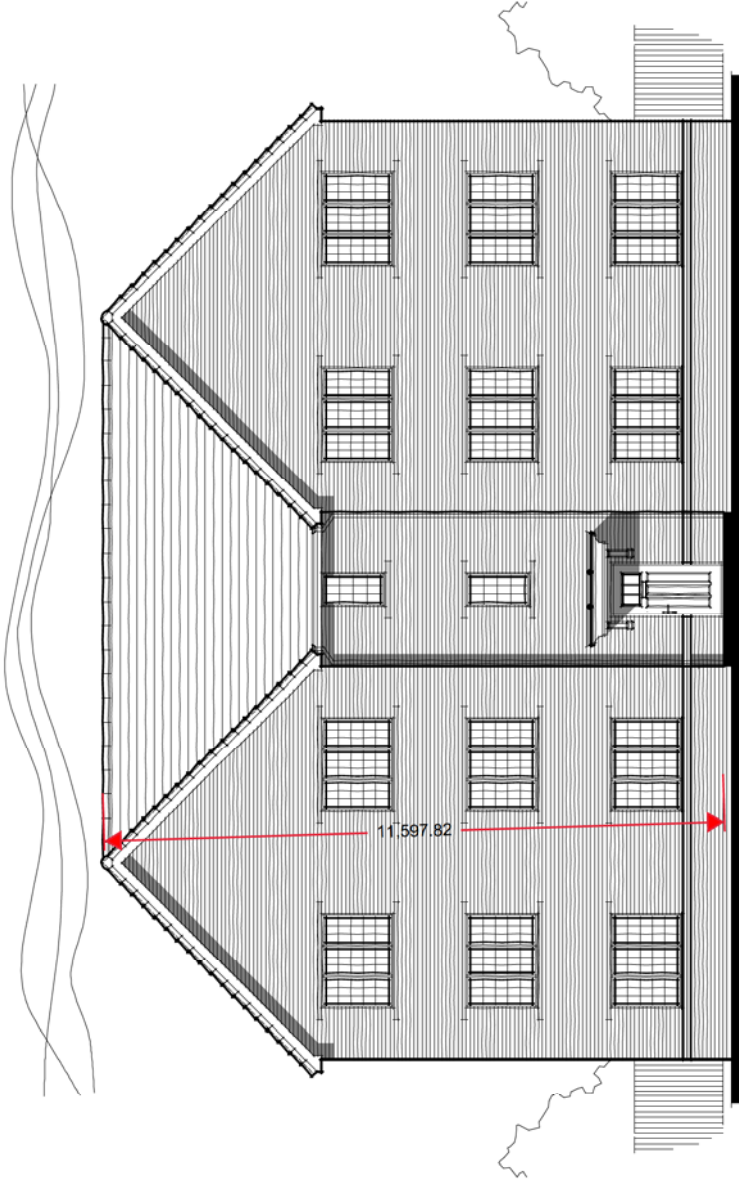
FLOOR AREAS	
SWIFT GF	45.25m ² 487ft ²
SWIFT FF	55.39m ² 598ft ²
OCASTONE	46.11m ² 496ft ²

Swift/Ocastone
BLO-0228.PL-05
 DATE: MARCH 2021 REV:
 SCALE: 1:100 @ A3
 DRAWN: FM
 CHECKED: EAH

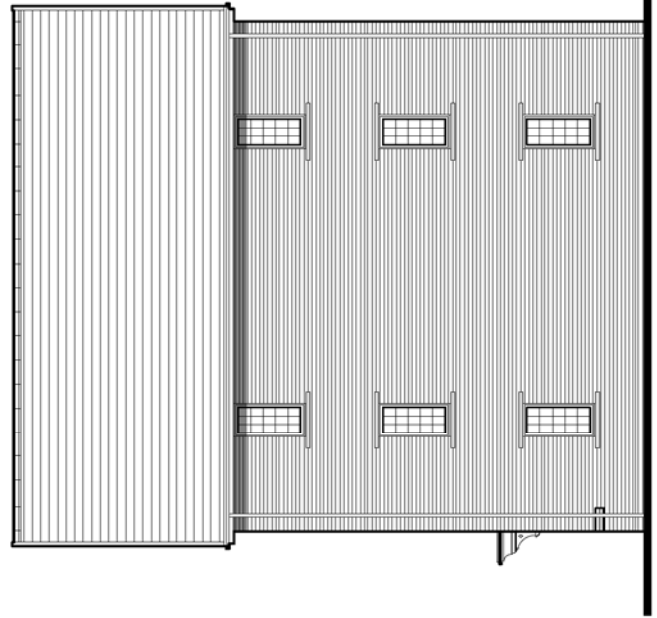
BLOOR HOMES



*HQI scores are based on minimum requirements -
Unit Size - 41, Unit Layout - 32, Unit Services - 22



FRONT ELEVATION



SIDE ELEVATION

Ashbery

RV102.PL-01

DATE: MARCH 2021 REV:

SCALE: 1:100 @ A3

DRAWN: FM

CHECKED: EAH

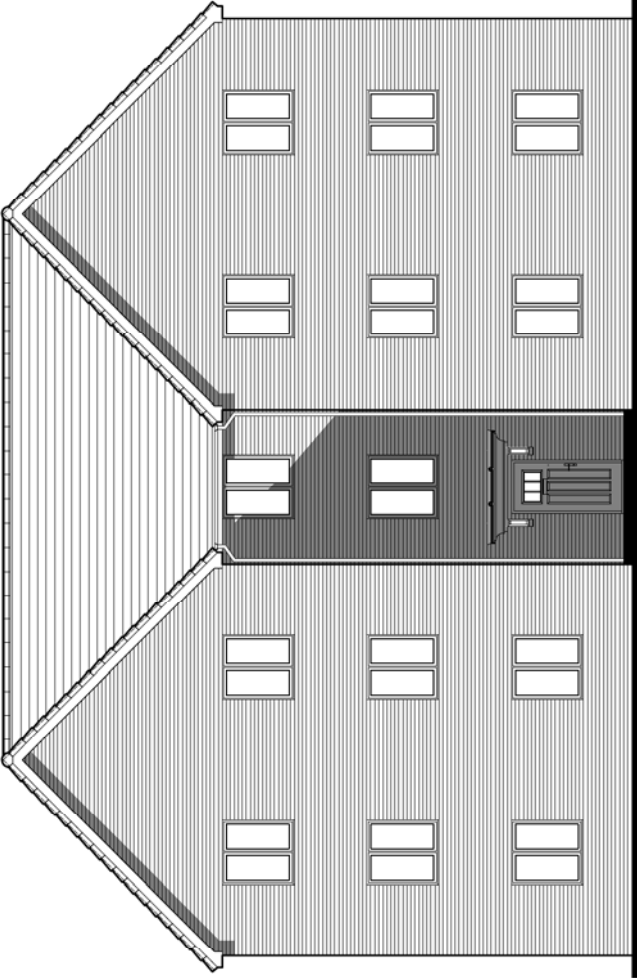
BLOOR HOMES

AS202 - 58.27m²

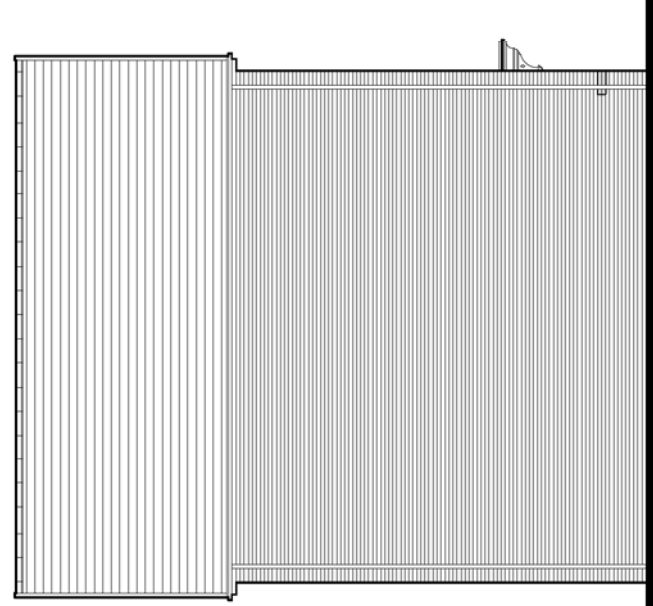
AS202 (2B3P)

HQI* Unit Type: 57-67sqm.

HQI 5: 41% HQI 6: 59% HQI 7: 34%



REAR ELEVATION



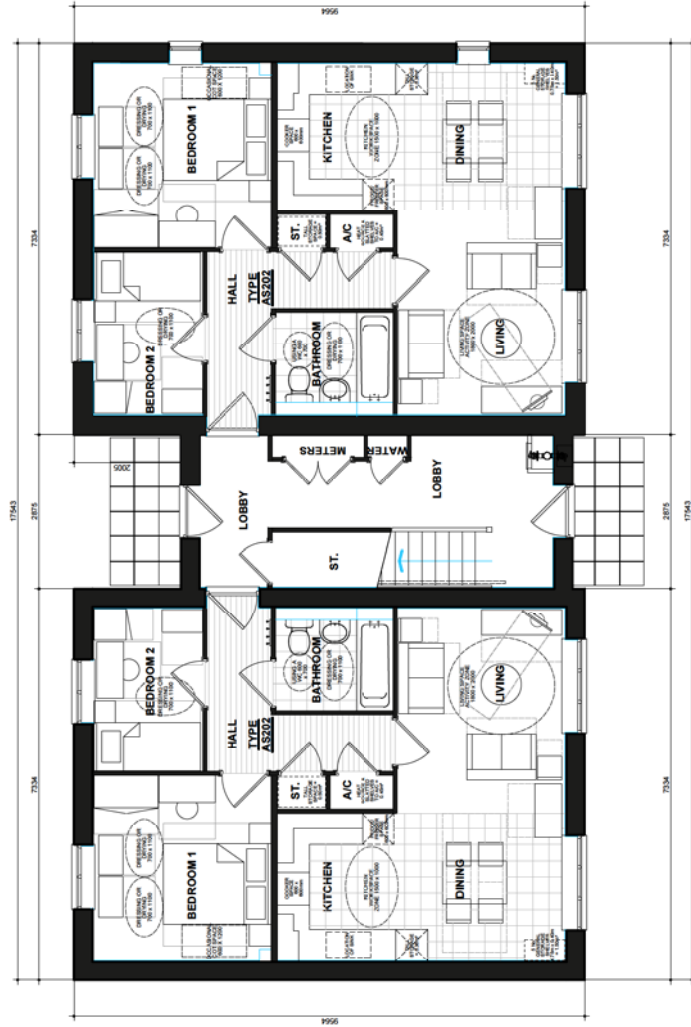
SIDE ELEVATION

Ashbery
RV102.PL-02
DATE: MARCH 2021 REV:
SCALE: 1:100 @ A3
DRAWN: FM
CHECKED: EAH

BLOOR HOMES

AS202 - 58.27m²

AS202 (2B3P)
HQI* Unit Type: 57-67sqm.
HQI 5: 41% HQI 6: 59% HQI 7: 34%



GROUND FLOOR PLAN

Ashbery

RV102.PL-03

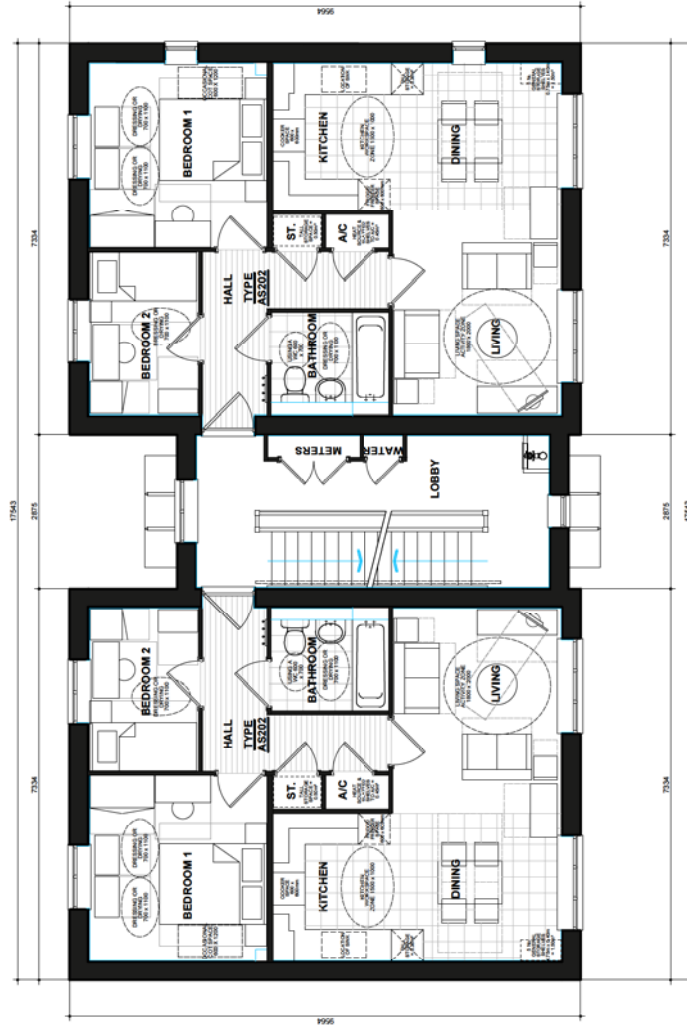
DATE: MARCH 2021 REV:
 SCALE: 1:100 @ A3

DRAWN: FM
 CHECKED: EAH

BLOOR HOMES

AS202 - 58.27m²

AS202 (2B3P)
 HQI* Unit Type: 57-67sqm.
 HQI 5: 41% HQI 6: 59% HQI 7: 34%



FIRST FLOOR PLAN

Ashbery

RV102.PL-04

DATE: MARCH 2021 REV:
 SCALE: 1:100 @ A3

DRAWN: FM
 CHECKED: EAH

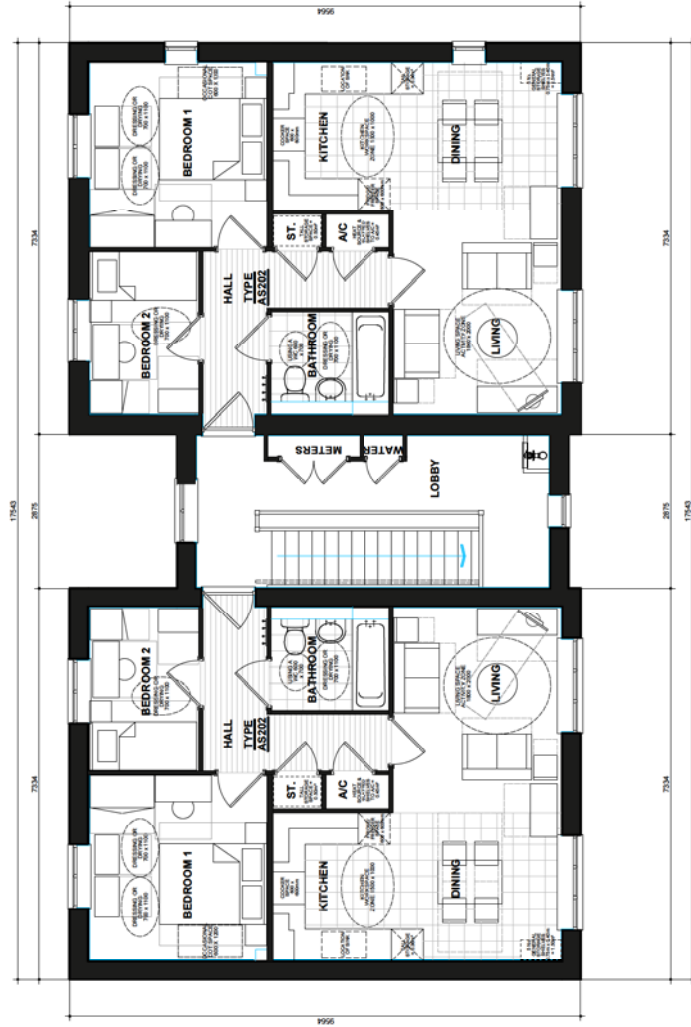


AS202 (2B3P)

HQI* Unit Type: 57-67sqm.

HQI 5: 41% HQI 6: 59% HQI 7: 34%

AS202 - 58.27m²



SECOND FLOOR PLAN

Ashbery

RV102.PL-05

DATE: MARCH 2021 REV:
 SCALE: 1:100 @ A3

DRAWN: FM
 CHECKED: EAH



AS202 - 58.27m²

AS202 (2B3P)
 HQI* Unit Type: 57-67sqm.
 HQI 5: 41% HQI 6: 59% HQI 7: 34%

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	20 April 2021
Site Location:	Part Parcel 3152 Tewkesbury Road Deerhurst Gloucester Gloucestershire
Application No:	20/00464/FUL
Ward:	Severn Vale North
Parish:	Elmstone Hardwicke
Proposal:	Hybrid planning application seeking; 1. Full planning permission for the erection of a B2 unit (general industrial) with associated landscaping, access and parking. 2. Outline planning permission (all matters reserved except access) for a mix of B1, B2 and B8 use classes (employment).
Report by:	James Lloyd
Appendices:	Site Location Plan. Existing Block and Street scene. Proposed Block Plan and Street scene. Landscape Plan. Proposed Elevations. Proposed Floor Plans.
Recommendation:	Delegated Permit

1.0 SITE DESCRIPTION AND PROPOSAL

Application Site

- 1.1. The application site comprises of a 2.89 hectare parcel of land which is currently classified as agricultural land. The site is roughly rectangular in shape and bound to the west, south and east by hedgerows and interspersed trees and wooden fencing. Cursey Lane is located to the south of the site, beyond which are a pair of semi-detached residential properties and a business enterprise known as Charles Russell Transport. To the north of the site is Highfield Business Park.
- 1.2. The application site is situated approximately 4.2km to the south of the centre of Tewkesbury, 8.5km to the north west of Cheltenham and 11.5km to the north of Gloucester.
- 1.3. Vehicular access to the site is via Cursey Lane. Cursey Lane provides access to the A38, a dual carriageway which links Tewkesbury to the north and Gloucester to the South with onward connections to the M5.

- 1.4. Void of any buildings, the site is relatively flat with a gently slope in an easterly direction. A small pond is located towards the middle of the northern half of the site.
- 1.5. The site is not subject to any landscape designations and is located in Flood Zone 1. A public footpath (AEH3) skirts the south eastern boundary of the application site, there is also a public right of way (ADE87) on the opposite side of the A38.

Current Application

- 1.6. The application is submitted as a hybrid application and seeks:
 1. Full planning permission for the erection of a B2 unit (general industrial) with associated landscaping, access, and parking;
 2. Outline planning permission (all matters reserved except access) for a mix of B1, B2 and B8 use classes (employment).
- 1.7. The application site as a whole is approximately 2.91ha. The site area for the outline element is 1.02ha, the site area pertaining to the full element is on the remaining 1.89ha.
- 1.8. The full application comprises a B2 unit, with ancillary office space. The main B2 building itself would have a total footprint of 1,882 square metres and a ridge height of approximately 11.8m. In addition to the B2 building, a new access is proposed off Cursesey Lane. It is proposed that a new pedestrian and cycle lane would be included within the site that joins the existing path along the A38. The new building is intended for the end user, Ferrositi, to replace their existing factory premises in Cheltenham from where they intend to relocate.
- 1.9. The proposed new building would comprise two discrete areas; the main space being the workshop. This would provide an open-plan space which has been designed to ensure that the internal space is adaptable for the needs of Ferrositi and the equipment they use. The internal eaves height of 8.6m is dictated by the crantage systems required for the company's operations.
- 1.10. The remaining area would accommodate ancillary administration and office work areas associated with the main functions of the workshop. This space comprises open plan office space, meeting rooms, a reception area and staff facilities. There are two entrances to the building; a public entrance at the front and a separate staff door to the side.
- 1.11. The outline application seeks permission on the remaining 1.15 hectares of land for a mixed-use development comprising of Class B1, B2 and B8 employment uses. The application seeks to determine access as part of the outline element of the application; however, appearance, landscaping, layout and scale are reserved for future consideration.
- 1.12. Whilst the above matters are reserved; the applicant has provided additional information which sets 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 2,430sq m. the corresponding documents are as follows:
 - Site Location Plan
 - Proposed Section & Site Plan
 - Landscape Strategy Plan
 - Design & Access Statement
 - Planning Statement

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
87/00452/FUL	Change of use (1) Agricultural land to training of racehorses (2) Alterations to stable block to provide a dwelling for stable staff (3) Alterations to agricultural buildings to provide loose boxes and all weather training compound.	Permit	30.09.1987
88/00216/FUL	Alterations and extension to existing stable block to provide a dwelling unit. Construction of new vehicular access.	Permit	18.03.1988
89/91067/FUL	Use of land for the training of race horses.	Permit	25.10.1989

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, SD6, SD9, SD14, INF1, INF2, INF7.

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

- 3.4. Saved Policies: EMP3.

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

- 3.5. Policies: EMP2, EMP4, EMP5, NAT1, ENV2, 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).

4.0 CONSULTATIONS

Full copies of all the consultation responses are available online at

<https://publicaccess.tewkesbury.gov.uk/online-applications/>

- 4.1. **Elmstone Hardwicke Parish Council – Objection** on the basis of the proposed access out onto Cursey Lane and the proximity to the junction with the A38. Access should be taken through the existing Highfield Business Centre to the north.
- 4.2. **Deerhurst Parish Council – Objection** on the basis of the access being onto Cursey Lane. In the interest of road safety using the traffic lights out of the business park is a much safer option.
- 4.3. **Highways England** – No objection subject to conditions.
- 4.4. **County Highways Authority** – No objection subject to conditions and financial obligations.
- 4.5. **Local Lead Flood Authority** – No objection subject to conditions.
- 4.6. **Environmental Health (Noise)** – No objection, subject to conditions to restrict noise levels and operating hours.
- 4.7. **Environmental Health (Air Quality)** – No objection subject to conditions.
- 4.8. **Environmental Health (Contamination)** – No objection, there is a historic landfill within 250m of the site therefore a condition is required to assess any further contamination.
- 4.9. **County Archaeologist** – No objection, no further archaeological investigation or recording need be undertaken in connection with this scheme before determination, additional archaeological evaluation to be secured by way of a condition.
- 4.10. **County Minerals and Waste** – No objection subject to conditions.
- 4.11. **Severn Trent** – No objection.
- 4.12. **Urban Design Officer** – Some amendments could be made to improve the design quality of the proposal.
- 4.13. **Ecological Advisor** – No objection, subject to pre-commencement conditions requiring the submission of Construction Ecological Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP).
- 4.14. **Planning Policy** – Can confirm that there were eight objections to Policy EMP2 within the PSTBP, although none of these relate to Highfield Business Centre specifically. Furthermore, none of the objections raise overarching concerns over the Rural Business Centres in general but relate specifically to other RBCs (excluding Highfield). Having regard to para 48 of the NPPF, I am of the view that EMP2 can be afforded significant weight insofar as proposals at Highfield are concerned.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1. The application has been publicised through the posting of a site notice for a period of 36 days and the publication of a press advertisement.
- 5.2. 3 objections, one of which is from a County Councillor. The comments raised are summarised below.
 - The proposed access is not safe and a safer access could be achieved through the existing business park to the north.
 - Previous planning conditions were not adhered to by way of stopping the existing access onto Cursey Lane.
 - The proposed access would impinge on the existing access at 1 Cursey Cottage. Especially with an increase in traffic volume.
 - Highfield Business Park was originally granted planning permission on the proviso that the existing access onto Cursey Lane was stopped up.
 - The site should remain a business park and not an industrial estate.

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

- 7.1. The site is located in the open countryside outside any settlement boundary. While the existing Highfield Business Park, located to the north, is identified as a rural business centre in the TBLP the application site itself lies outside of this allocation.

Principle of Development

- 7.2. The NPPF makes it clear that the Government places significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. In achieving sustainable development, the NPPF advises that the economic objective should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity.
- 7.3. Section 6 of the NPPF - 'Building a strong, competitive economy', advises that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries and for storage and distribution operations at a variety of scales and in suitably accessible locations.
- 7.4. In terms of the rural economy, the NPPF advises that Planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.
- 7.5. Furthermore, it advises that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings and does not have an unacceptable impact on local roads.
- 7.6. 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 JCS Economic Update Note (Feb 2016) indicates that there is a potential supply of approximately 40ha of suitable and available sites in Tewkesbury Borough that could contribute to meeting the overall JCS requirement and is to be identified in the TBP.
- 7.7. JCS Policy SD1 supports employment related development in certain circumstances, including:
 - ii. At locations allocated for employment use within the Development Plan;
 - vi. In the wider countryside when it is: - located within or adjacent to a settlement or existing employment area and of an appropriate scale and character;
 - vii. Where it allows the growth or expansion of existing business especially in the key growth sectors, subject to all other policies of the plan;
 - vii. Where it would encourage and support the development of small and medium sized enterprises, subject to all other policies of the plan.
- 7.8. Saved Policy EMP3 of the Tewkesbury Borough Local Plan to 2011 (the TBLP) sets out that any proposals for new rural business centres will be assessed in accordance with Policy EMP4 of the TBLP. However, this policy has since been superseded by Policy SD1 of the JCS (see above).

- 7.9. Emerging Policy EMP2 of the emerging TBP identifies the application site as part of an expanded Rural Business Centre designation. Having regard to this emerging policy, the proposals for B-class employment development on the site would be acceptable in principle providing it is of an appropriate scale and design having regard to the character of existing buildings on the site and the rural landscape of the area.
- 7.10. The emerging policy has been informed by the Employment Land Background Paper (September 2019) (ELBP) and the Tewkesbury Borough Employment Land and Economic Development Strategy Review (Bruton Knowles, 2016) (ELED SR) which provide the justification for the site's inclusion as a preferred option within the plan. Appropriate weight should be given to the Emerging TBP given its current position (Examination stage). The Planning Policy Officer advises that there were 8 objections to Policy EMP2 within the PSTBP, although none of these relate to Highfield Business Centre specifically. Furthermore, none of the objections were overarching concerns over the Rural Business Centres in general but relate specifically to other Rural Business Centres (excluding Highfield). With this in mind and having regard to para 48 of the NPPF, it is the view of the Policy Officer that EMP2 can be afforded significant weight insofar as the current site is concerned.
- 7.11. With this in mind the principle of the expansion of the existing rural business centre via the proposed development could be acceptable, however, this is subject to the provisions of SD1 of the JCS, saved policy EMP3 and all other material considerations.

Scale of development

- 7.12. As discussed above JCS Policy SD1 supports employment related development subject to it being of an appropriate scale and character. Saved Policy EMP3 of the Tewkesbury Borough Local Plan to 2011 (the TBLP) sets out that any proposals to expand within these sites must demonstrate that the small-scale nature of units and activity on the site will be retained. Given its inclusion as an allocated employment site in the Emerging TBP the proposal for B-class employment development on the site could be considered acceptable in principle providing it is of an appropriate scale and design having regard to the character of existing buildings on the site and the rural landscape of the area.
- 7.13. However, the NPPF is supportive of the sustainable growth and expansion "of all types of business and enterprise in rural areas" and does not seek a requirement that such schemes have to be small scale. In this regard the principle of larger scale, general employment proposals in those locations can be considered acceptable subject to all other material considerations.
- 7.14. Whilst the application site is located adjacent to the existing Highfield Business Park the proposal is not considered an extension to an existing rural business centre in the traditional sense. The proposed access would be taken from Cursey Lane to the south of the site and not from the existing traffic light controlled access within the existing Highfield Business Park. The submitted indicative site layout plan does not include any links (either pedestrian or vehicular) that would indicate a connection between the two sites, however, space could be provided to interconnect these at a later date. However, notwithstanding the lack of internal site connections, the business uses could appear as one given their proximity, similar unit designs and matching planning uses.
- 7.15. The existing rural business centre currently benefits from approximately 40 units. Previously extended in 2012 the site additions provided an extra 2252.4 square metres of floor space, effectively doubling the size of the original business centre.

- 7.16. Whilst the mixed-use element of the proposal is submitted in outline an indicative site plan has been provided. This plan details approximately 19 units in outline and the one larger unit, which is subject to the full application. The design and access statement sets out that the total gross internal floor area generated through the development would be up to 2,430sq m.
- 7.17. The new purpose-built building that is subject to the full element of the application would be much larger in scale and form than those situated on the existing business park, which is driven by the space needs of the business seeking relocation. This purpose-built building would exceed the size and scale that is usually indicative with these types of rural business centres and the landscape aspects of this will be discussed later in the report.
- 7.18. The proposed smaller units that would be provided through the outline application are very much in the vein of the business centre located to the north. The indicative site plan demonstrates that a layout and scale of building(s) could be provided within this site which is acceptable in terms of the rural business centre policy.
- 7.19. The provision of smaller scale units on this site (as proposed through the outline element of the scheme) is deemed consistent with the approaches outlined in Saved Policy EMP3 and the emerging borough plan. However, the proposed B2 unit (as defined in the full application) is larger than would be expected on a rural business centre site. Therefore, whilst the principle of economic development is supported by the development plan it is evident that the larger B2 unit maybe contrary to the current Policies given its scale and size. While neither the JCS nor Saved Policy EMP3 define 'small-scale employment development', it is considered that the B2 building would propose a substantial increase in floor area over the existing units on the existing Highfield site to the north, which conflicts with this aspect of policies EMP3 and EMP2.
- 7.20. This policy conflict needs to be balanced against the revised NPPF which places significant weight on the need to support economic growth. The support is therefore a matter which is given significant weight in the overall planning balance when considered against all other material planning considerations as discussed below.

Landscape and Visual Impact

- 7.21. 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.
- 7.22. The application site is not located within a designated valued landscape area within the development plan.
- 7.23. The application is supported by a Landscape and Visual Appraisal (LVA) which considers the character of the site and the relationship to its surroundings. The site comprises a small, irregular shaped piece of land, immediately abutting the Highfield Business Park on its northern edge. The A38 abuts the western boundary and Cursey Lane abuts the southern boundary. A hedgerow forms the eastern boundary with arable fields beyond. Large rectangular shaped buildings (chicken sheds) lie beyond these arable fields. The site gently slopes eastwards, away from the A38. In the wider landscape, the topography slopes westwards from the A38, which sits at a ridge in the local landscape.

- 7.24. The site lies in open countryside and comprises agricultural land. Although the proposed development would adjoin the existing business park to the north it would constitute a clear intrusion into open countryside. The proposed development would be partially screened by a mature hedge adjacent to the A38, but the effectiveness of this screen would be limited in the winter months. The main visual impact would be when travelling from the Deerhurst direction on the B4213 and travelling northwards towards Tewkesbury on the A38. There would also be views of the buildings from the traffic light junction on the A38, from Cursey Lane to the South and from a public footpath, which crosses open fields from Cursey Lane to Tredington.
- 7.25. The LVA assesses the visual impact of the proposed development from nearby and distant viewpoints. The LVA identifies the landscape and visual implications of development. The LCA identifies that the site lies adjacent to the Landscape Protection Zone as designated in the local plan and within the Settled Unwooded Vale of Gloucester as defined within the Gloucestershire Landscape Character Assessment. It is typical in its character of a rural, flat agricultural field with hedgerows as boundaries and is part of the strong field patchwork surrounding the larger Vale.
- 7.26. In respect of **landscape** effects, the LVA concludes that the adverse effects are limited to the loss of the field to development and some minor loss of vegetation. The report judges that the proposal is highly localised in respect of the wider landscape. Measures such as tree planting, choice of materials and lighting could assist in assimilating the scheme in the local surroundings. The assessment identifies opportunities to mitigate visual impacts without detrimental impacts on the landscape character. Mitigation measures and a detailed landscaping scheme would improve the impact of the proposal upon the landscape character, these could be secured at reserved matters stage.
- 7.27. The Appraisal concludes that the **visual** effects are localised in nature and are not unacceptable given the local context and surroundings. The retention of existing vegetation (where possible) and provision of development setbacks which provide the opportunity for new tree planting, would filter these views and soften the appearance of the proposed units. Some adverse effects have been identified by the assessment, these effects are localised to the site and its immediate surroundings. The proposed development however would not introduce an element to these views which is 'alien' or discordant with the surroundings and the layout has sought to limit these effects.
- 7.28. The Council's Landscape Consultant has assessed the submitted LVA and advises that the submitted Landscape and Visual Appraisal is an objective and accurate statement of fact in relation to the proposed business park development off Cursey Lane. They go on to add that Whilst there would be a loss of some open views into and across the site, the impact on the wider landscape character would not be significant and the visual effects can be mitigated through a well-designed landscape strategy for the development.
- 7.29. Given the above Officers have carefully considered the visual impact of the proposed development having regard to the submitted information. Whilst the proposed development would introduce a built form into an otherwise open area of land and the visual experience to those outside of the site would change, the illustrative layout is such that proposal would be viewed as a continuation of the built form of Highfield Business Park and thus the proposal would be viewed as a continuation of the existing commercial streetscape, particularly from the most prominent viewpoint on the A38.

- 7.30. In terms of the Full element of the application, a Landscape Strategy has been submitted and demonstrates how planting could be used to mitigate the proposal. The Landscape Consultant has however pointed out that the current suggestion is relatively basic, and a revised Landscape Strategy should be presented. The Landscape Consultant considers that an appropriate scheme can be achieved, it is also expected that the detailed planting could be supplied through an appropriate condition should permission be granted. With this in mind an update will be provided to members prior to committee in regard to the Landscape Strategy for the full element of the proposal.
- 7.31. In terms of the Outline element of the application, the Landscape Consultant considers that a planning condition in respect of provision of a detailed landscape scheme, for future reserved matters applications for the 'outline' part of the proposal is appropriate.
- 7.32. Overall, it is considered that 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 A38 in particular. Nevertheless, the harm could be mitigated through an appropriate Landscape Strategy and conditions as outlined by the Landscape Consultant above.

Design

- 7.33. 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.
- 7.34. 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.

Outline Element – Building Designs

- 7.35. With regards to the part of the application for the 2,430 sqm of a mix of B1, B2 and B8 uses, 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 a Proposed Section & Site Plan which provides an indication as to how the site could be developed. These would be used to inform the submission of any subsequent reserved matters applications.
- 7.36. In terms of scale, the sections plan demonstrates that the proposed units that form part of the **Outline** stage could mirror those on the existing Highfield Business park which have ridge heights of approximately 7 metres and eaves of up to 6 metres. It is considered that these building heights are appropriate in the context of the wider commercial built environment. The existing light industrial buildings to the north at Highfield Business Park are rectilinear in footprint of various sizes, and are arranged in an informal way, around irregularly shaped courtyards, yet with strong angles that repeat throughout the site. The outer buildings are positioned parallel to their site boundaries. It is considered that whilst the outline proposal is indicative this approach would be acceptable.

- 7.37. The Council's Urban Design Officer has been consulted on the application and advises that the proposal is well related to existing commercial operations and so is not out of character with its location. The size and scale of buildings is also considered appropriate for this location. However, they suggest that improvements could be made to the sustainable construction techniques. It is considered that this could be achieved through the final site layout design at reserved matters stage.
- 7.38. This element of the application is therefore considered acceptable, notwithstanding the further details that would be provided at the Reserved Matters stage.

Full Element – Building Designs

- 7.39. The building within the **detailed** element of the application has been broken into 2 sections of differing scales. It is sited parallel with its southern boundary yet set back a little. The 2 sections of the proposed B2 building would provide an office element and the workshop area. The building is orientated on the east west axis. The office element is close to the road and parking area (on the west side), which would afford north light into the whole workshop area from rooflights on the north sloping roof. Narrow south facing windows would overlook the Cursey Lane frontage. The footprint area of the proposed building would be 1882sqm, the total gross internal floor area (GIFA) both storeys would be 2055sqm. The height of the proposed building would be 11.8m to the ridge and 8.6m to the eaves. The building would utilise brickwork and dark metal cladding, with a shallow pitch roof. A yard immediately to the north of the building would be used for large delivery vehicles, providing turning space so that the vehicles can exit the site in a forward gear.
- 7.40. The building within the detailed element of the application is larger than those proposed at outline stage and further north on the existing business site. The proposed B2 building would be more visually prominent and could be more dominant on site. The applicant has advised that they are the end user for this building and require a purpose-built facility that would accommodate the engineering processes. One of these requirements is the ability to achieve a certain height for overhead cranes which is an integral part of their engineering process. This has resulted in a building larger in scale than the proposed smaller scale units proposed through the outline part of the application. Whilst this would conflict with the principles of JCS Policy SD1 and saved Policy EMP3, neither policy defines 'small-scale employment development'. The NPPF is supportive of the sustainable growth and expansion "of all types of business and enterprise in rural areas" and does not seek a requirement that such schemes have to be small scale. In this regard the principle of larger scale, general employment proposals in those locations can be considered acceptable subject to all other material considerations.
- 7.41. It is notable that the building design is similar in nature and scale to other buildings in the immediate surrounding area. The Machinery building at the nearby Walton Hill farm directly south of the application site () has a ridge height of approximately 10m and eaves height of 8m. There are also a range of large poultry units located to the east of the site. These buildings measure approximately 122m x 21.3 m with ridge heights of 7.5m. Whilst they occupy a lower position than the proposed site the buildings remain prominent in the landscape and are indicative of larger units in the immediate vicinity.
- 7.42. Whilst the building would be larger than envisaged on a rural business centre, its orientation in the plot and design, which reflects similar buildings in the area, is considered acceptable in its context and in this specific instance. Material choices can be secured by way of an appropriate condition to ensure it assimilates well with the surrounding buildings.

Site as a Whole

- 7.43. The main internal route runs north with this B2 building to the east of the main access point. The orientation of the access route 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 landscape plan shows that the development would address the street scene providing a continuation of built form along the A38 assimilating with the wider commercial context of the site to the north, but also providing an opportunity for planting along the west, south and east which would screen the development and enhance the street scene. There is also potential for a new pedestrian link to improve the site connectivity out onto the A38.

Conclusion on Design

- 7.44. In conclusion, in terms of design it is considered that the proposed new development would integrate with and complement its surroundings in an appropriate manner. The detailed layout, scale, appearance, and landscaping of the outline element would be addressed through any subsequent reserved matters application; however, the submitted details show up to 4,078 sqm of B1, B2 and B8 uses could be accommodated on the site in an acceptable manner. Whilst the building subject to full approval is of a larger scale than usually expected on rural business centres, the NPPF is supportive a range of business uses in rural locations and the design of the building is considered acceptable in this instance.

Residential Amenity

- 7.45. The NPPF states at paragraph 180 that planning decisions should ensure that new development is appropriate for its location considering 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.
- 7.46. The proposed larger building would be set approximately 85 metres to the northeast of the nearest residential property, 1 Cursey Cottage, the wider site on the indicative plan could be located closer. The illustrative details show how the nearest units would be orientated with gable ends towards the north of this property.
- 7.47. In order to maintain an acceptable relationship, the overall height of the buildings can be controlled by condition and further landscaping and tree planting could be provided to provide further screening to the development.
- 7.48. The Councils' Environmental Health Officers have assessed the proposal and raise no objection to the proposal in terms of noise, air pollution or lighting subject to suitable conditions.
- 7.49. The proposed conditions would relate to a revised noise report for the B2 building (Full element) as well as restrictions relating to the hours of deliveries on site.
- 7.50. In terms of the Outline element, it is proposed that there be no outside storage, a noise assessment be undertaken, lighting restrictions and restrictions relating to the hours of deliveries on site.
- 7.51. Having regard to all of the above, and subject to appropriate conditions, it is therefore 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

- 7.52. 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.
- 7.53. The application site is accessed from Cursey Lane, which leads from the A38. The site is served by an existing gated vehicular access. The application proposes to alter the existing junction, by relocating it slightly to the west from its current position and using road geometry and junction radii suitable for the sizes of vehicles that will visit the site. The junction and new road within the site would serve the whole application site once fully developed. There is a new vehicular access proposed to the east end of the southern boundary. This would serve the foul tank enclosure and allow maintenance vehicles to enter and exit from this area in a forward gear. A new combined 3m wide cycle and pedestrian route would be provided, linking the site to the existing footpath on the eastern side of the A38.
- 7.54. The application is supported by a Transport Statement which is undertaken on the B2 use class which is the subject of the Full part of this application. The Transport Statement indicates that a development could be expected to attract up to 20 vehicle movements two-way during the peak hours.
- 7.55. The Transport Assessment considered the impact of these vehicle movements on the surrounding highways network, taking account of existing commitments. Highways England (HE) 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.
- 7.56. HE state that they do not accept the trip generation outline in the Transport Assessment and advise that due to the unknown mix of exactly what uses would be on site there could be up to 50 two-way trips in each peak hour should the outline element comprise predominately B1(a) use class. Notwithstanding this HE consider that the impact of the proposals on M5 J10, are unlikely to be such that they would sustain an objection to the proposal.
- 7.57. HE further advises that a full Travel Plan should be secured via planning condition for the purposes of promoting and encouraging sustainable travel and managing down vehicle trips generated by the development.
- 7.58. Having regard to the comments from HE, 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.
- 7.59. In respect of the Local Road Network, the Local Highway Authority (LHA) originally advised that they were unable to support the application and requested further information in relation to a scaled site layout plan, existing traffic flows, trip generation, impact upon the junction with the A38, visibility splays, cycle and footways, EV charging points and a Travel Plan. Following the submission of further information, the LHA have further considered the proposals and confirm no objections to the proposal on highways safety grounds or the impact upon congestion, subject to appropriate conditions.
- 7.60. The LHA have also advised that a Travel Plan would need to be secured via a planning condition 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.

- 7.61. It is understood that discussions are ongoing between the applicant and the LHA in respect of a financial contribution towards the monitoring of the Travel Plan and **an update will be provided at Committee.**

Ecology

- 7.62. 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.
- 7.63. Policy SD9 of the JCS seeks to protect and enhance biodiversity in considering development proposals.
- 7.64. The application is supported by an Ecological Appraisal. The Appraisal identifies that the site predominantly comprises a field of poor semi-improved grassland, with a mixture of hedgerows and trees making up the site boundaries. The report sets out a mitigation and enhancement strategy and also seeks to provide a net gain in biodiversity through habitat enhancement and creation measures.
- 7.65. The Council's Ecological Advisor has assessed the supporting information and advises that as the site is not going to be for residential use, the possibility for any significant effect through recreational pressure on the Dixon Wood SAC is considered to be highly unlikely and therefore a Habitats Regulations Assessment is not necessary.
- 7.66. The Ecologist recommends that a Construction Ecological Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP) should be submitted to the Local Planning Authority for approval.
- 7.67. 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.

Drainage and flood risk

- 7.68. The site 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.

- 7.69. 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.
- 7.70. The application has been accompanied by a Flood Risk Assessment (FRA) which demonstrates that that post development runoff would be discharged via the use of attenuation SuDS. The FRA advises that the drainage strategy would result in the discharge rate from entire site being equivalent to the greenfield rates. 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

- 7.71. 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.
- 7.72. The County Archaeologist has been consulted on the application and advises that there may be 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.
- 7.73. In response to these concerns, the applicant submitted a Geophysical Survey Report of Highfield Business Park, Tewkesbury, Gloucestershire (Magnitude Surveys, September 2020) and the County Archaeologist was reconsulted on the application. They advised that the geophysical survey found no evidence for the survival of large archaeological features within the site and that no further archaeological surveys are required before the determination of the planning application. However, a condition to require further archaeological evaluation and, if necessary, mitigation of the impact of the development on archaeological heritage assets would be a proportionate response.
- 7.74. In light of the above, it is considered that the additional survey work can be secured by way of an appropriately worded pre-commencement condition.

Contaminated Land

- 7.75. 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.
- 7.76. The Council's contaminated land consultant advises that there is a historic landfill within 250m of the site. It is therefore recommended that a condition is imposed requiring a site investigation of the nature and extent of contamination, to be carried out in accordance with a methodology which would need to be approved before work starts on the development.

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.

Beneficial Effects

- 8.2. 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 a rural location, small to medium sized units and will allow for the retention and expansion of existing businesses that have outgrown their current premises. There is also a benefit in delivering part of the employment land requirements of the JCS and the emerging Tewkesbury Borough Plan.

Neutral Effects

- 8.3. The proposed development would have an acceptable impact on drainage, contaminated land, ecology, 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. Furthermore, while there would be an increase in vehicular movements this would not impact highway safety or the operation of the highway network.

Other Harms

- 8.4. The proposal conflicts with JCS SD1 and saved Policy EMP3 which requires new employment related development in the wider countryside to be small scale. The proposal would result in built development and the addition of one unit that would be larger than expected on a rural business centre. The proposed development would encroach into the open countryside and would result in the loss of agricultural land which would impact the character of the area. However, this harm could be limited through careful design and landscaping considering the location of the site, limited views, and separation from existing residential development.

Overall Balance and Recommendation

- 8.5. On the basis of the above, it is considered that, on balance, the benefits and limited harm, which could be further mitigated by careful design and landscaping proposals, would outweigh the conflict with the development in respect of the scale of development proposed. As such, the proposal is considered to represent sustainable development and it is therefore recommended that the application is **permission be delegated to the Development Manager, subject to conditions and the preparation of a Legal Agreement to secure a financial contribution in connection with the monitoring of the Travel Plan.**

CONDITIONS:

IMPLEMENTATION

Full

1. The erection of a B2 unit (general industrial) with associated landscaping, access and parking shall be begun before the expiration of three 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.

Outline

2. Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") in respect of the mixed B1, B2 and B8 employment development as shown on the Landscape Strategy Plan (11767/P12) and Proposed Block Plan (19408/17 Rev C), shall be submitted to and approved in writing by the Local Planning Authority before any development within the employment area takes place and the development shall be carried out as approved.

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

3. 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.

4. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

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

DESIGN AND APPEARANCE

Full

5. The residential development hereby permitted shall be carried out in accordance with the following approved plans except where these may be modified by any other conditions attached to this permission:

- 19408/01 rev E – Site Location Plan
- 19408/02 Rev E - Existing Block Plan
- 19408/17 Rev C – Proposed Site Sections
- 19408/20 – Proposed Elevations
- 19408/13 – Proposed Floor Plans
- 19408/12 Rev A – Office First Floor Plan
- 19408/11 Rev A – Office Ground Floor Plan

- 19408/14 – Section Through Workshop
- 19408/22 – Roof Plan
- 11767/P12 – Landscape Strategy Plan

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

6. Notwithstanding the submitted details, no development shall commence until proposed levels, to include details of finished floor levels, have been submitted to and approved by the Local Planning Authority. All development shall be carried out in accordance with the approved details.

Reason: To ensure that the development integrates harmoniously with its surroundings and does not adversely impact upon existing residential properties.

7. Building operations shall not be commenced until samples of the external materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.

Outline

8. Each application for reserved matters pursuant to Condition 2 shall be accompanied by a plan setting out the existing and proposed ground levels and ground floor slab levels of the buildings for each phase of development subject to that reserved matters application. The development within each phase shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory and well planned development and in the interest of visual amenity.

9. Applications for the approval of the reserved matters pursuant to Condition 2 shall be generally in accordance with the principles and parameters described in Site Sections Plan and Design and Access Statement.

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

Parameters

10. The reserved matters submitted pursuant to condition 2 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

Full & Outline

11. No more than 2,051 sqm 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.

LANDSCAPING

Full

12. 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. These details shall include, as appropriate:

Hard landscaping details shall include:

- i. Proposed finished levels or contours;
- ii. Positions, design, materials and type of any boundary treatments to be erected;
- iii. Hard surfacing materials;

Soft landscape details shall include:

- i. Planting plans including the positions of all tree, hedge and shrub planting;
- ii. Written specifications (including cultivation and other operations associated with plant and grass establishment);
- iii. Schedules of plants, noting species, planting sizes and proposed numbers;
- iv. Densities where appropriate; and
- v. Implementation timetables including time of planting.

The development shall be carried out only in accordance with the details so approved.

A landscape management plan shall also be submitted to and approved by the Local Planning Authority in writing, which includes long term design objectives, management responsibilities and maintenance schedules for all landscaped areas. The landscape management plan shall be implemented in accordance with those approved details prior to the first use of the development.

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

Outline

13. 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. These details shall include, as appropriate:

Hard landscaping details shall include:

- i. Proposed finished levels or contours;
- ii. Positions, design, materials and type of any boundary treatments to be erected;
- iii. Hard surfacing materials;

Soft landscape details shall include:

- i. Planting plans including the positions of all tree, hedge and shrub planting;

- ii. Written specifications (including cultivation and other operations associated with plant and grass establishment);
- iii. Schedules of plants, noting species, planting sizes and proposed numbers;
- iv. Densities where appropriate; and
- v. Implementation timetables including time of planting.

The development shall be carried out only in accordance with the details so approved.

A landscape management plan shall also be submitted to and approved by the Local Planning Authority in writing, which includes long term design objectives, management responsibilities and maintenance schedules for all landscaped areas. The landscape management plan shall be implemented in accordance with those approved details prior to the first use of the development.

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

Full & Outline

14. No development including demolition or site clearance shall be commenced on the site or machinery or material brought onto the site for the purpose of development until full details of measures to protect trees and hedgerows have been submitted to and approved in writing by the Local Planning Authority. This shall include:

(a) Protective fencing must be installed around trees and hedgerows to be retained on site. The protective fencing design must be to specifications provided in BS5837:2012 or any subsequent revisions, unless agreed in writing with the Local Planning Authority. A scale plan must be submitted and approved in writing by the Local Planning Authority accurately indicating the position of protective fencing. No development shall be commenced on site or machinery or material brought onto site until the approved protective fencing has been installed in the approved positions and this has been inspected on site and approved in writing by the Local Planning Authority. Such fencing shall be maintained during the course of development,

(b) The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the tree protection zone (TPZ). Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, citing of site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the TPZ. The TPZ shall be maintained during the course of development.

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

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

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

HEALTH AND ENVIRONMENTAL QUALITY

Full

16. Before the development commences a scheme shall be submitted to and agreed in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site. The noise mitigation scheme shall be implemented prior to the use of the site. The scheme should be maintained and shall not be altered without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

17. No development shall commence until a scheme which specifies the provisions to be made for the level of illumination and the control of light pollution has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented and maintained in accordance with the approved details.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

Outline

18. The reserved matters application(s) in respect of the development pursuant to condition 2 shall include a scheme which specifies the provisions to be made for the control of noise emanating from the site. The noise mitigation scheme shall be implemented prior to use of the site. The scheme should be maintained and shall not be altered without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

19. There shall be no outside storage, manufacturing, repair or maintenance processes carried out outside the building(s) on the site, unless otherwise agreed in writing by the local planning authority and through the approval of reserved matters pursuant to condition 2.

Reason: In the interest of visual amenity

20. The reserved matters application(s) in respect of the development pursuant to condition 2 shall include a scheme which specifies the provisions to be made for the level of illumination and the control of light. The scheme shall be implemented and maintained in accordance with the approved details.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

Full & Outline

21. 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.

22. The hours of operation shall be restricted to 08.00 – 18:00 on Monday to Friday and 08:00 – 13:00 on Saturdays. There shall be no such working on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.

Reason: To ensure that the permitted use does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours.

23. No deliveries/collections shall be taken at or dispatched from the site outside the hours of 8.00 and 18:00 nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

24. No external construction works, deliveries, external running of plant and equipment or internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. There shall be no such working Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours.

HIGHWAYS

Full & Outline

25. No works shall commence on site until full engineering details (to prevent vehicles turning left out of the access) of the site access have been submitted to and approved in writing by the Local Planning Authority, the approved access works shall then be completed prior to the commencement of any other works on site and shall similarly retained as such thereafter.

Reason: In the interest of highway and pedestrian safety.

26. Development shall not begin until the visibility splays are provided from a point of 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 60 metres to the west and 120m to the east along the nearside edge of the adjoining. Nothing shall be planted, erected and/or allowed to grow on the triangular area of the land so formed which would obstruct the visibility described above.

Reason: In the interests of highways safety.

27. 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 approved plan/statement shall be adhered to throughout the construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicles 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 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 Traffic Management Plan to staff, visitors and neighbouring residents and businesses.

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

28. Prior to occupation or commencement of use a Travel Plan that promotes sustainable forms of travel to the development site shall be prepared, 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. Evidence that the pre-occupation elements of the approved Travel Plan have been put in place shall be prepared, submitted to, and approved in writing by the Local Planning Authority prior to occupation or commencement of the use(s) hereby permitted.

The approved Travel Plan shall then be implemented, monitored, and reviewed in accordance with the agreed Travel Plan to the satisfaction of the Local Planning Authority unless agreed in writing by the Local Planning Authority.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling in the interest of the safe and efficient operation of the road network.

29. Prior to the occupation or use of any phase of the development hereby permitted 2 electric charging spaces shall be provided with a further 2 spaces installed with cabling to allow for future provision of additional charging points. The number of charging points will be reviewed annually based on future demand in accordance with the details submitted in accordance with the approved Travel Plan and thereafter such spaces and power points shall be kept available and maintained for the use of electric vehicles as approved.

Reason: To encourage sustainable travel and healthy communities.

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

Reason: In the interests of highway safety.

31. No building or use hereby permitted shall be occupied or used commenced until the vehicular crossover has been installed at the carriageway edge and constructed across the verge fronting the site in accordance with the plans hereby approved.

Reason: In the interests of safety and accessibility.

32. No building or use hereby permitted shall be occupied or used commenced until the car/vehicle parking area and turning spaces shown on the approved plans have been completed and thereafter the area shall be kept free of obstruction and available for the parking and turning of vehicles associated with the development.

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

33. No building or use hereby permitted shall be occupied or used commenced until cycle storage facilities have been made available for use in accordance with the submitted Framework Employment Travel plan and those facilities shall be maintained for the duration of the development.

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

34. No building or use hereby permitted shall be occupied or used commenced until secure motorcycle parking spaces have been provided in a location to be agreed in writing by the Local Planning Authority and thereafter shall be kept available for motorcycle parking as approved.

Reason: To provide safe and suitable access for all users.

35. No building or use hereby permitted shall be occupied or used commenced until accessible car parking spaces have been provided in a location to be agreed in writing by the Local Planning Authority and thereafter shall be kept available for disabled users as approved.

Reason: To provide safe and suitable access for all users.

36. No building or use hereby permitted shall be occupied or used commenced until the vehicular parking and turning and loading/unloading facilities have been provided in accordance with the submitted plans and those facilities shall be maintained available for those purposes thereafter.

Reason: In the interest of highway and pedestrian safety.

ARCHAEOLOGY

Full & Outline

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

Reason: It is important to agree and implement a programme of work in advance of the commencement of development, so as to allow the investigation and recording of any archaeological remains in advance of their destruction by construction ground works.

DRAINAGE

Full & Outline

38. No development shall commence on site until a detailed Sustainable Drainage System (SuDS) Strategy document has been provided for approval by the Local Planning Authority, this should be in accordance with the proposal set out in the applicant's submission (Drainage Strategy Plan; W587/06). 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 lifetime of the development. The approved scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

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

ECOLOGY

Full & Outline

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

Reason: To ensure proper provision is made to safeguard protected species and their habitats.

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

- Risk assessment of potentially damaging construction activities including provisions for protected species,
- Identification of 'biodiversity protection zones' including (but not exclusively) hedgerows and mature trees,
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements),
- The locations and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour after sunset),
- The times during construction when ecological or environmental specialists need to be

present on site to oversee works,

- Responsible persons and lines of communication,
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person,
- Use of protective fences, exclusion barriers and warning signs; and
- Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

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

Reason: To ensure proper provision is made to safeguard protected species and their habitats.

WASTE MANAGEMENT

Full & Outline

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

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

The Site Waste Management Plan shall be fully implemented as approved unless the Local Planning Authority gives prior written permission for any variation.

Reason: To ensure the effective implementation of waste minimisation in accordance with Gloucestershire Waste Core Strategy: Core Policy WCS2 Waste Reduction.

MISCELLANEOUS

Full & Outline

43. The development shall be used for Class E(g), Class B2 and Class B8 purposes only as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended). 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 interests of proper planning and to maintain a supply of employment land.

44. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), no extensions or alterations which increase gross floorspace shall be erected or carried out and there shall be no amalgamation of the units.

Reason: To maintain the small-scale nature of the units and activity on the site, in the interest of the visual amenities and character of the area.

45. Details shall be submitted to and approved by the local planning authority prior to the first occupation of the development for the installation of Ultra-Low NO_x boilers with maximum NO_x Emissions less than 40 mg/kWh. The details as approved shall be implemented prior to the first occupation of the development and shall thereafter be permanently retained.

Reason: In the interests of the living conditions of occupiers of nearby properties and future occupiers of the site.

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RED LINE INDICATES APPLICATION BOUNDARY
 BLUE LINE INDICATES OTHER LAND IN CONTROL OF THE APPLICANT

REVISIONS
 88

PLANNING



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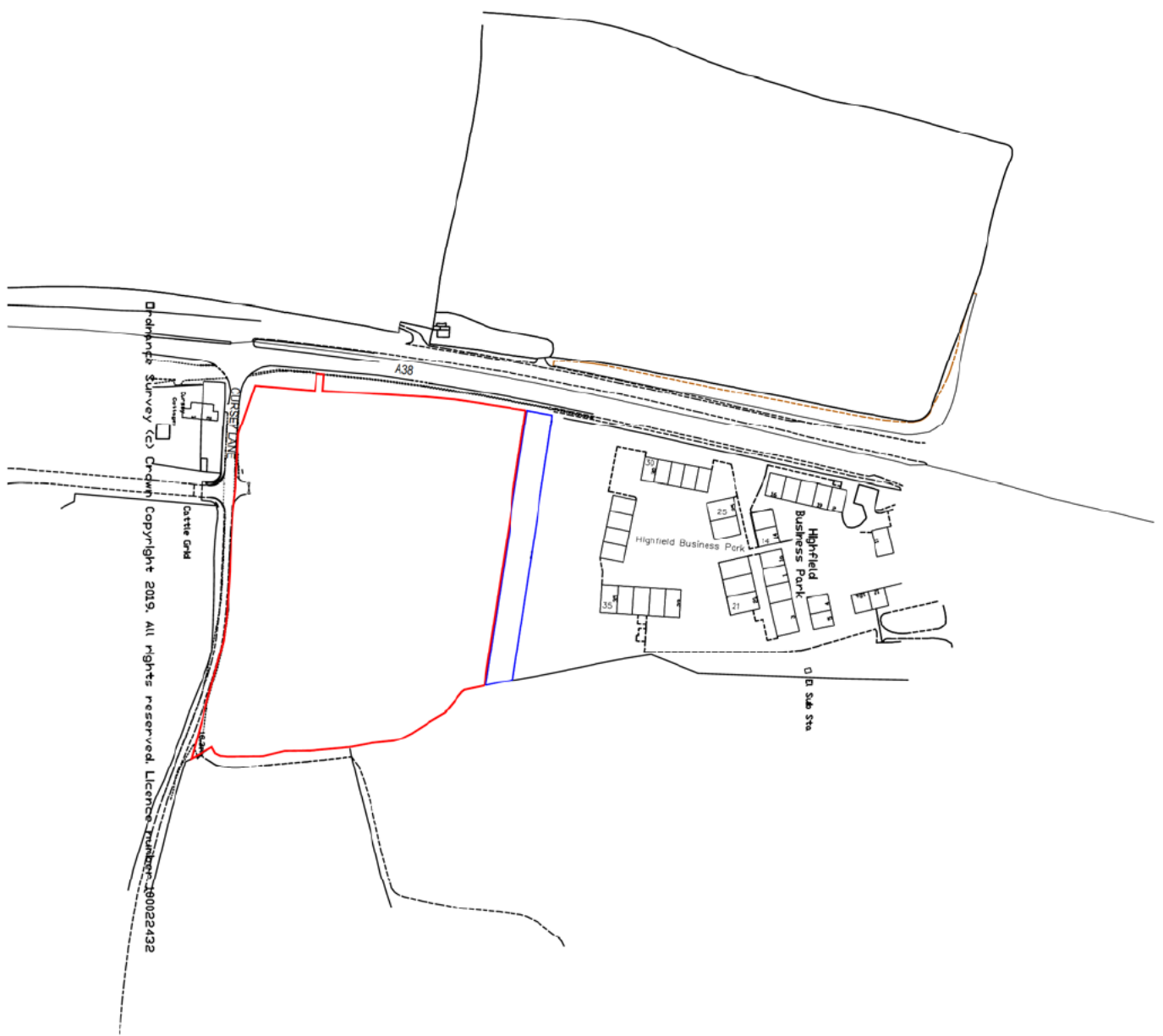


Project
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 Cursey Lane

Title
 Location Plan

Date
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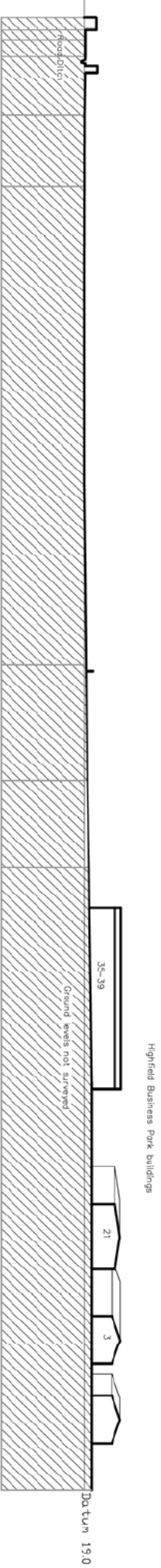
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APPLICATION SITE

HIGHFIELD BUSINESS PARK

SECTION A SCALE 1:1000

REVISIONS

6

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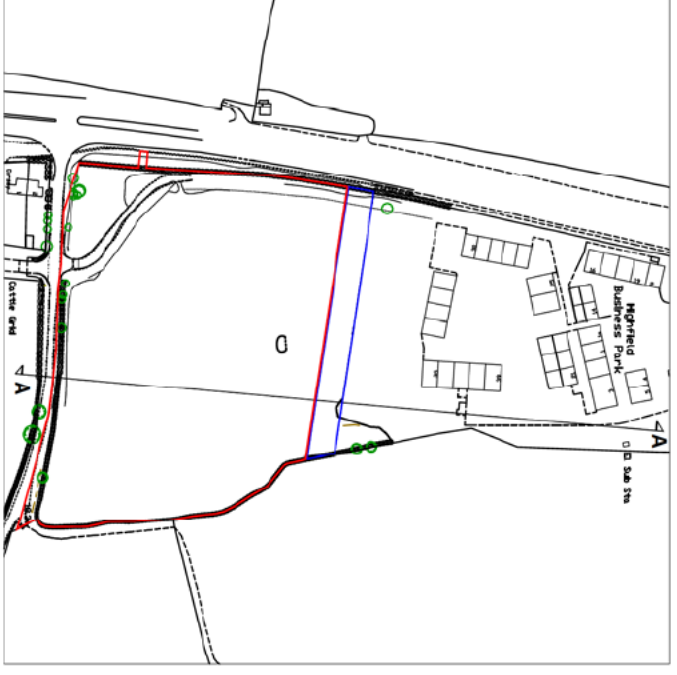
Project
Land adjacent to
Cursey Lane

Title
Site Sections
Existing

Date
27 MAY 2020
Various@A3

Job No. 19408
Date No. 16
Rev. C

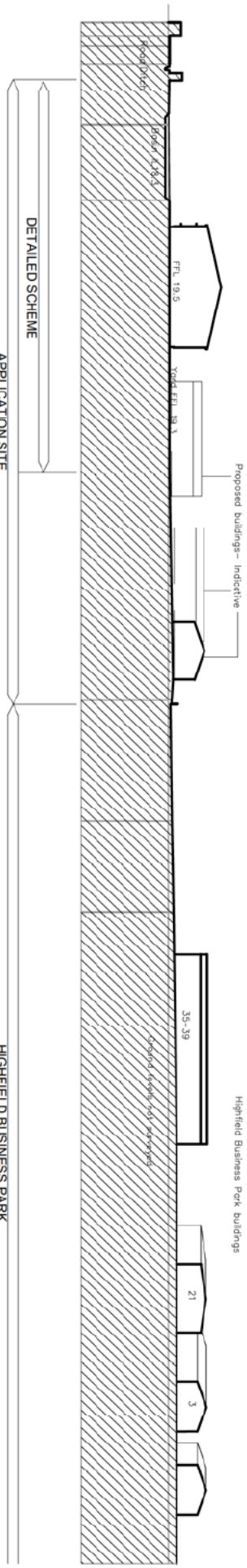
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Project
Land adjacent to
Cursey Lane

Title
Site Sections
Proposed

Date
27 MAY 2020
Various@A3

Job No. 19408
Date No. 17
Rev. C



- Site Boundary
- Existing Buildings within Highfield Business Park
- Proposed Buildings within Highfield Business Park (Application No. 18/00840/FUL)
- Proposed Charles Russell Transport Building (Application No. 16/00984/FUL)
- Existing Chicken Sheds
- Proposed Built Form on Site
- Existing Vegetation on Site
- Existing Vegetation Root Protection Areas
- Existing Blocks of Vegetation off Site
- Provision of New Native Planting Blocks. Native Shrub Understorey with Feathered and Heavy Standard Native Trees.
- Provision of Ornamental / Street Trees. Extra Heavy Trees set within Ornamental shrub Beds.
- Existing Ponds to be Retained.
- Proposed Ponds to be Seeded with an appropriate seed mix. Opportunity to Include Clusters of Shrubs and Aquatic Planting for Ecological Interest.
- Area of Open Space within the Scheme. Opportunity to be utilised as 'Break Out Space' for Employees.
- Existing PROW and Pavement to A38
- Proposed New Connections Between A38 and PROW
- Easement

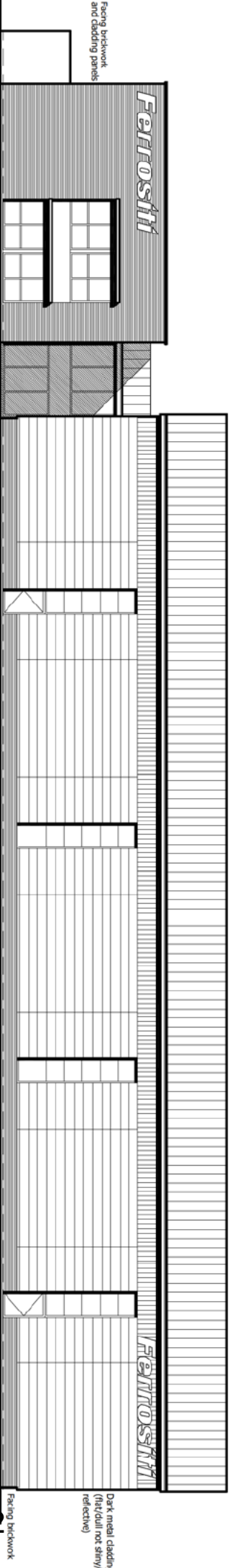
Proposed grassland located closest to the offsite pond to be implemented and managed to offer maximum benefit to amphibians in the form of rough grassland, hibernacula and native scrub. The remaining grassland (located further away from the offsite pond) to be implemented and managed for amenity and 'break-out' space use.

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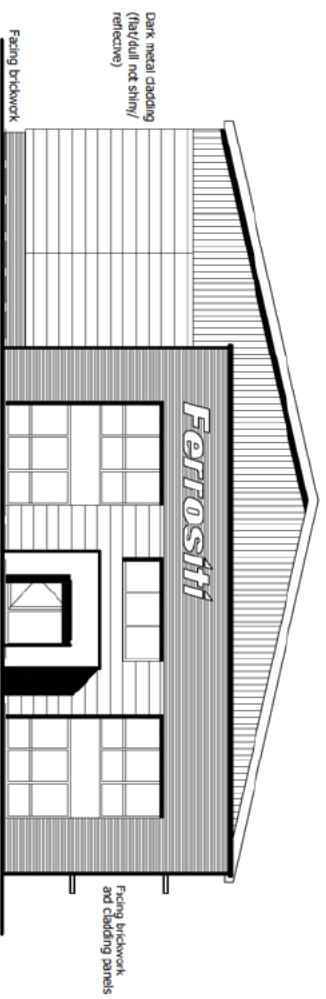


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SIGNAGE IS INDICATIVE - SUBJECT TO
SERVANTE ADVERTISEMENT APPLICATION



SOUTH ELEVATION



WEST ELEVATION

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102

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Project
Land adjacent to
Cursey Lane

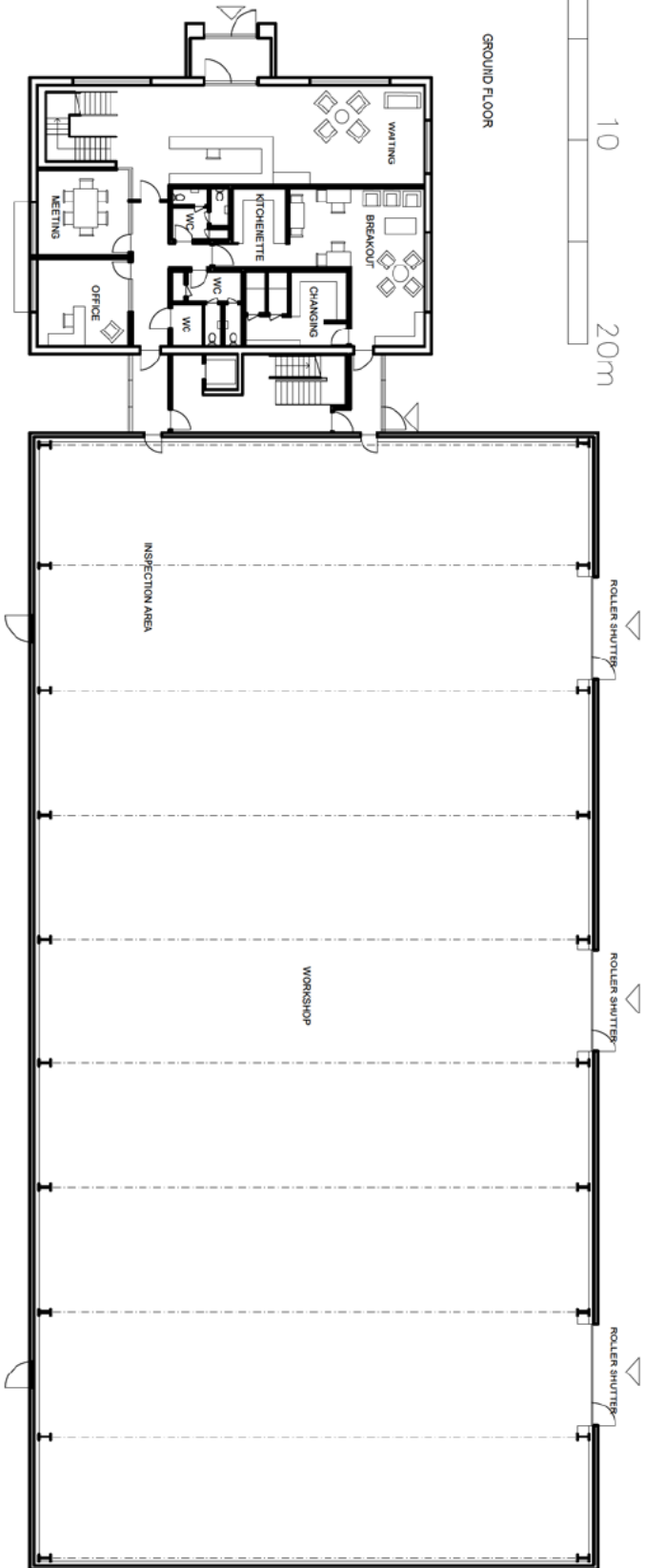
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Sheet 1

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8 April 2020
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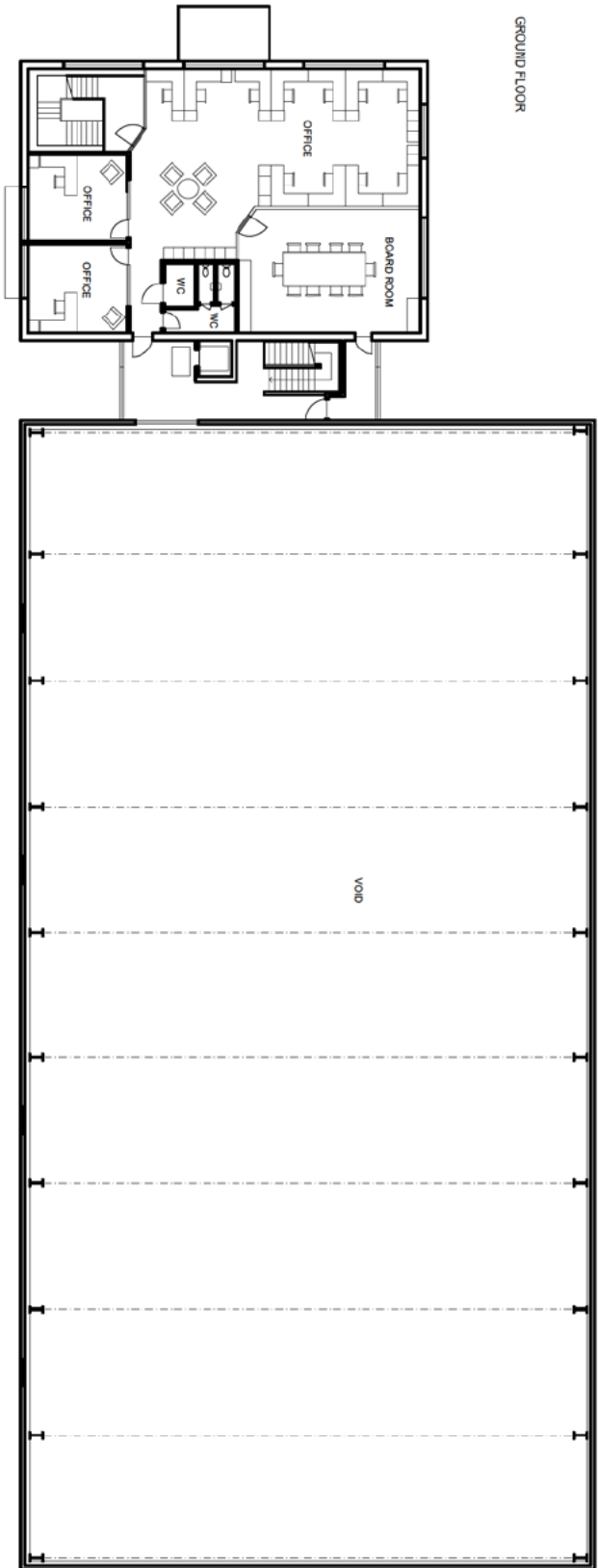
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Date No. 20

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GROUND FLOOR



GROUND FLOOR



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Project
 Land adjacent to
 Cursey Lane

Title
 Floor plans
 ground and first

Date
 8 April 2020
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JOB No. 19408
 Date No. 13
 Rev. -

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	20 April 2021
Site Location:	Garage Site 4 Bishops Drive Bishops Cleeve Cheltenham Gloucestershire
Application No:	20/01119/FUL
Ward:	Cleeve West
Parish:	Bishops Cleeve
Proposal:	Demolition of existing garages and erection of 11 dwellings, car parking, access road and landscaping.
Report by:	Adam White
Appendices:	Site location plan. Site layout plan. Elevation visuals. Site sections.
Recommendation:	Delegated Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application relates to a garage site located to the end of Bishops Drive in Bishops Cleeve (**see attached site location plan**). The site is bounded to the north east by the Bishops Cleeve Primary School playing field and existing residential development on all other sides. The site is located within a recognised settlement boundary and is not subject to any formal or informal landscape designation.
- 1.2. There are currently 5 garage blocks comprised of 92 individual garages. The garages are of a simple block construction painted in white with a shallow sloped asphalt roof. It is stated that the many of the garages are in a poor state and beyond financial repair. Of the 92 garages, only 20 are still rented out. Of these 20, 3 are currently rented to Rooftop tenants who live in Bishops Cleeve. Only one of those tenants lives in Bishops Drive. In total, 10 of the garages are rented to people who live in Bishops Cleeve with the rest rented to people who live in the wider District. It is stated that all of the remaining garages are used for storage rather than the parking of cars. The majority of the site was also fenced off a few years ago to prevent fly tipping and other anti-social behaviour.
- 1.3. The proposal is to demolish the garages and erect 11 dwellings comprised of 7 houses and 4 apartments, with associated parking and landscaping (**see attached plans**). It is proposed that all of the dwellings would be affordable.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
51/00176/FUL	Alternative proposal for development of centre in Bishop's Cleeve housing estate. 19 Shops (detailed building plans) 32 Lock up garages 4 pairs dwellings (siting only) licensed premises	PER	22.06.1951
52/00123/FUL	Erection of 32 garages and construction of connecting roads, housing estate, Two Hedges Road, Bishops Cleeve.	APPROV	20.05.1952
55/00065/FUL	Erection of garages and stores.	PER	19.07.1955
55/00066/FUL	Erection of 95 lock-up garages.	PER	20.09.1955
58/00049/FUL	Change of use of existing garage to provide toilet and wash room for Housing Association staff.	PER	22.08.1958
58/00112/FUL	Change of use of existing garage to provide toilet and wash room for Housing Association staff	PER	22.08.1958
99/00030/FUL	Redevelopment of maintenance depot to provide 4 no. flats (social housing).	PER	02.03.1999

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, SD9, SD10, SD11, SD12, SD14, INF1, INF2, INF3, INF5, INF7.

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

- 3.4. Policies: TPT3, TPT6.

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

- 3.5. Policies: RES2, RES5, RES12, RES13, DES1, NAT1, ENV2, COM2, TRAC1, TRAC2, 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

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>

- 4.1. Bishops Cleeve Parish Council – The Parish is in in general support but would like to see additional information on sustainability, including rainwater harvesting and charging points for electric vehicles. The Parish also request a Construction Method Statement.
- 4.2. Highways Authority – No objections subject to conditions.
- 4.3. Highways England – No objections.
- 4.4. Tree Officer – No objections subject to conditions.
- 4.5. Environmental Health Consultant (Noise) – No objections.
- 4.6. Environmental Health Consultant (Air Quality) – A condition is recommended for electric vehicle charging points and cycle parking.
- 4.7. Environmental Health Consultant (contamination) – A condition is recommended for a site investigation in respect of contamination prior to commencement of development.
- 4.8. Lead Local Flood Authority – Further details are required to demonstrate that the proposed drainage strategy is acceptable.

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. 7 letters of representation have been received. Their comments are summarised as follows:
 - The road leading into the garages is not wide enough for the amount of traffic coming and going as it is with emergency services and delivery vehicles etc. going up onto the curb to pass resident's vehicles as it is.
 - Measures should be put in place to control the construction phase of the project to ensure that construction activities do not adversely impact amenity, traffic or the environment in the surrounding area.
 - Concerns raised regarding the buildability and future maintenance of plots 1 and 7 due to the proximity to the site boundaries and the proposed site levels.
 - The additional dwellings would significantly increase the daily volume of through traffic on what is already a narrow road with parking issues.
 - There is not enough room for 11 properties with parking.
 - We would not like housing overlooking the school playground.
 - The proposal would result in overlooking.

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. However, there are no Neighbourhood Development Plans that are currently relevant to this site.
- 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 and hearing sessions commenced on the 16th February 2021. Whilst not currently forming part of the development plan, policies contained in the emerging Borough Plan can be given weight in determining applications. 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 supports housing development on previously developed land in the existing built up areas of Tewkesbury's rural service centres. The principle of this development is therefore acceptable.

Landscape impact

- 7.2. 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. The site is located in a built-up residential area, which is not subject to any formal or informal landscape designation. Given the context of the surrounding area, there would be no adverse impact in this regard.

Design and layout

- 7.3. 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.

- 7.4. The proposal is for 11 dwellings comprised of 7 houses and a block of 4 apartments. The houses, comprised of 3 pairs of semi-detached units and a single detached unit, would be located to the western part of the site and would face out towards the school playing field with parking opposite. The block of 4 apartments would be located to the eastern part of the site close to the site access with parking to the front and individual private gardens to the rear. The houses and apartment block would all be 2 storey in height. All of the properties would be served off a single access road, which in turn would be served off the existing access from Bishops Drive.
- 7.5. The proposal adopts a contemporary architectural approach that is described as being based on modern industrialism to reflect the former character of the area. The same design language is utilised throughout the scheme, which would provide for a cohesive development. The units would be faced in either red or grey brick to provide a degree of variation. The roofs would be finished with a zinc standing seam metal roof, which would be complimented by grey windows, doors and guttering.
- 7.6. Whilst a contemporary design approach has been adopted, it is considered that the simple unfussy form of the proposed dwellings and limited palette of materials would sit comfortably with the character and appearance of the surrounding area. The scale of the dwellings would also be commensurate with surrounding built form. Furthermore, the back-land nature of the proposed development also lends itself to a more contemporary approach as it would not be readily viewed in the context of any existing streetscenes.
- 7.7. In light of the above, it is considered that the proposal is of an acceptable size, scale and design and would have an acceptable impact on the character and appearance of the surrounding area. The Council's Urban Design Officer is also of the view that the proposals represent good design and positive regeneration for the area.
- 7.8. It should also be noted that the scheme has been amended slightly to take into account concerns regarding the proximity of plots 1 and 7 to the site boundaries. The revised plans now show these plots moved away from the site boundaries, which would allow them to be built and maintained without impacting on third party land.

Residential amenity and environmental quality

- 7.9. 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. The proposed dwellings to the west of the site would back onto the rear gardens of existing property in Woodman's Way. The back-to-back distance between the existing and proposed dwellings in this location would measure between 21 and 23. It is therefore considered that the proposal would not result in any unacceptable overlooking or loss of light or outlook to these properties.
- 7.10. To the north of the site is an existing nursing home where Plot 1 would present its flank elevation. There are no windows in the flank elevation of Plot 1 and the distance to the façade of the nursing home would measure approximately 11.5 metres. It is therefore considered that the relationship with the nursing home would be acceptable in terms of privacy, light and outlook. Plot 7 would present its flank elevation to the rear gardens of existing property in Bishops Drive. However, due to the length of these gardens, the proposal would not have any undue impact on residential amenity. There are also no windows to the flank elevation of Plot 7.

- 7.11. The proposed block of apartments to the east of the site would back onto an existing block of apartments in Tobyfield Road that adjoins the eastern boundary. The back-to-back distance between the existing and proposed apartment blocks would exceed 21 metres and would not lead to any undue loss of privacy, light or outlook. Again, no windows are proposed to the flank elevations of the proposed apartment block and therefore there would be no overlooking of the garden area to the south.
- 7.12. With regard to environmental quality, following consultation with the Environmental Health Officer, it is advised that there is a risk of contamination on site due to the nature of the existing buildings and the historic use of the site. A condition is therefore recommended for a site investigation to be undertaken prior to the commencement of development and to secure any necessary remediation measures if required.

Affordable housing

- 7.13. 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.
- 7.14. The application is made by Rooftop Housing Association who are a Registered Provider of affordable housing. The application proposes 100% of the proposed dwellings would be affordable and would comprise the following tenure mix:
- 1-bed 2-person flat/maisonette (Affordable Rent) x 4
 - 2-bed 4-person house (Shared Ownership) x 4
 - 3-bed 5-person house (Shared Ownership) x 3
- 7.15. It is stated that the housing mix has been set in conjunction with the Housing Team at the Council, who have confirmed housing need on Homeseeker Plus, the Council's housing waiting list. Following consultation with the Council's Housing Strategy and Enabling Officer it is advised that the proposed mix is acceptable. The applicant has also confirmed that they would be willing for all of the affordable houses to be secured through a Section 106 Agreement. The provision of affordable housing is therefore a significant benefit of the scheme in this instance.

Arboricultural implications

- 7.16. The application is supported by a Tree Survey and an Arboricultural Impact Assessment (AIA). A total of 6 trees and 5 groups of trees have been recorded on and immediately adjacent to the site. The most notable trees are two Common Lime trees within the school grounds and a Deodar Cedar in the grounds of the Orchard House care home. These are all Category B trees (trees of moderate quality). The application proposes the removal of two groups of Category C trees (trees of low quality) although no third-party trees are proposed to be removed.
- 7.17. The AIA provides details of tree protection measures during construction works and methods for working within the identified Root Protection Areas. These works mainly involve the removal of the existing buildings and hardstanding and the provision of new hardstanding. Following consultation with the Council's Tree Officer, no objections are raised subject to a condition to ensure that all works are undertaken in accordance with the submitted AIA.

Drainage and flood risk

- 7.18. JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage.
- 7.19. The submitted Water Management Statement states that infiltration would not be an appropriate discharge strategy given the ground conditions. Instead, the applicant proposes to discharge surface water into a surface water sewer located in Bishops Drive. However, the Lead Local Flood Authority (LLFA) advise that this is a private sewer and therefore the applicant will require approval from the owner to carry out any work on this sewer. The LLFA advise that this must be provided to demonstrate that this is a suitable strategy. If this cannot be demonstrated, an alternative strategy would be required.
- 7.20. At this stage, the applicant has not fully established the ownership of the private sewer or whether approval would be granted for connection. Furthermore, an alternative drainage strategy has not been identified. Given the uncertainty as to whether an appropriate drainage strategy can be achieved, it is considered that it would not be appropriate to condition drainage details in this instance. In light of this, if Members are minded to approve this application, delegated authority is sought to secure suitable drainage details prior to issuing a decision notice.

Access and highway safety

- 7.21. JCS Policy INF1 requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.
- 7.22. Existing access to the site is taken off Bishops Drive, which in turn forms a priority junction with Bishops Drive to the south of the site. The existing access arrangements would be retained by the proposed development. The submitted Transport Statement demonstrates that suitable visibility splays can be provided within the publicly maintained highway and the junction is safe and suitable to accommodate the traffic that would be generated as a result of the development.
- 7.23. In terms of the internal layout, the existing footways on either side of Bishops Drive would be extended into the site. These routes would also be suitable for visually impaired or disabled road users. The internal street has been designed to maintain a 10mph design speed and the Transport Statement demonstrates that the internal carriageway is sufficient in width to accommodate two-way car flows. A swept path analysis also demonstrates that refuse vehicles and a fire tender can access and manoeuvre within the site. Bin stores close to the junction with Bishops Drive would also ensure that the refuse vehicle would not need to fully access the site. A total of 19 car parking spaces would be provided along with two motorcycle spaces, which exceeds the County Council's parking standards. Cycle parking would also be provided to the rear of the properties.

- 7.24. Concerns have been raised regarding the narrow nature of Bishops Drive and the existing on-street parking arrangements. The Transport Statement acknowledged this but points out that this is an existing situation and contends that it would not be exacerbated by the proposed development. It also points out that the remaining occupied garages are used for storage only and would not displace parking onto the surrounding local highway network. Following consultation with the Highways Authority, it is stated that based on the analysis of the information submitted, there would not be an unacceptable impact on highway safety or a severe impact on congestion. They go on to state that there are no justifiable grounds on which an objection could be maintained. The proposal is therefore considered to be acceptable in this regard.

Community Infrastructure Levy/Section 106 obligations

- 8.0 For CIL purposes the application site falls within a 'Generic Site' and would be subject to the levy for residential development at £207.46 per square metre. However, the CIL Regulations provide for certain types of development to be exempt from CIL, which includes those parts of a development which are to be used as affordable housing.
- 9.0 Infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 legal agreement. However, no additional infrastructure requirements have been identified in this case.

10.0 CONCLUSION AND RECOMMENDATION

- 10.1. 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.
- 10.2. Policy SD10 of the JCS supports housing development on previously developed land in the existing built up areas of Tewkesbury's rural service centres. The principle of this development is therefore acceptable subject to there being no other overriding harms.

Benefits

- 10.3. The proposal would provide much needed affordable housing, which would provide a considerable social benefit, especially in the context of a housing land supply shortfall. The proposal would also assist in the regeneration of the area through the comprehensive redevelopment of an underused and unsightly brownfield site. The development would also deliver economic benefits throughout the construction stage and following occupation due to increased spending power in the local area.

Harms

- 10.4. No harms have been identified in this case.

Neutral

- 10.5. The proposal would be served by a safe and suitable access and the residual cumulative impact on the highway would not be severe. The proposal would have an acceptable impact on the character and appearance of the surrounding area and would be acceptable in terms of residential amenity. The proposal would also have an acceptable impact on existing trees to be retained.

Conclusion

- 10.6. For the reasons set out in this report, it is considered that the proposal accords with the development and is recommended for **Delegated Permit subject to the completion of a Section 106 Agreement to secure the affordable housing in perpetuity and to secure suitable drainage details.**

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

- Site Plan - 2019-894-55H
- Site Section – 2019-894-70B
- Street Elevations – 2019-894-71C
- House types 2a Elevations – 2019-894-04
- House types 2a Plans – 2019-894-66
- House types – 2019-894-65
- House types 2b Plans – 2019-894-64
- House types 3 Elevations – 2019-894-69
- House types 3 Plans – 2019-894-68
- House types 7b Elevations – 2019-894-63
- House types 7b Plans – 2019-894-62
- House types 7c Elevations – 2019-894-61
- House types 7c Plans – 2019-894-60
- Bin Storage Details – 2019-894-56
- Landscape Masterplan – LP2231-FIR-00-ZZ-DR-L-1002 Rev P02
- Tree Constraints Plan – 1291-D-001
- Tree Removal & Protection Plan – 1291-D-002
- Arboricultural Impact Assessment – TWC-1291-R-001 (November 2020)
- **Drainage Strategy Plan – TBC**

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

3. 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.

4. No development shall take place, including any demolition works, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be adhered to throughout the demolition/construction period. The CMP 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.

5. No building or use hereby permitted shall be occupied or use commenced until details of arrangements for the future management and maintenance of proposed highway not put forward for adoption within the site has been submitted to and approved in writing by the Local Planning Authority. Following occupation of the first dwelling on the site, the streets shall be maintained in accordance with the approved management and maintenance details.

Reason: To ensure that all private streets and landscaped areas are appropriately managed and maintained to ensure the safety of all users.

6. No building or use hereby permitted shall be occupied or use commenced until the car/vehicle/motorcycle parking spaces (and turning space) shown on the approved plans drawing number 2019-894-55H, has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development. Driveways/vehicle parking areas accessed from the adopted highway must be properly consolidated and surfaced, (not loose stone, gravel or grasscrete) and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

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

7. No building or use hereby permitted shall be occupied or use commenced until the means of vehicular access has been constructed and completed in accordance with the approved plans and the said means of vehicular access shall thereafter be retained for access purposes only for the lifetime of the development.

Reason: To ensure that the vehicular access point is safe.

8. The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted plan drawing number 2019-894-55H 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.

9. Notwithstanding that submitted, no dwelling hereby permitted shall be occupied until a Travel Plan containing a target to make available an Electric Vehicle (EV) charging point within 3 months of each request by a resident of the development 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 target to the satisfaction of the council.

The Travel Plan shall include the following:

- Monitoring reviews to be presented annually for up to 10 years to ensure EV bollards are provided in the future for occupiers, where demand dictates.
- Once a Travel Plan Co-ordinator has been appointed/employed to liaise with GCC Thinktravel Team.

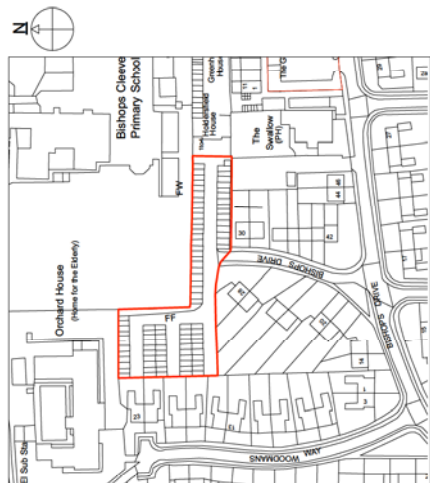
Reason: To ensure that the appropriate opportunities to promote sustainable transport modes are taken up.

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

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

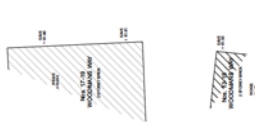
11. The development hereby permitted shall be constructed in accordance with the tree protection measures and recommendations detailed in the approved Arboricultural Impact Assessment (TWC-1291-R-001 dated November 2020) and shown on drawing number 1291-D-002 (Tree Removal & Protection Plan).

Reason: To protect the trees to be retained.



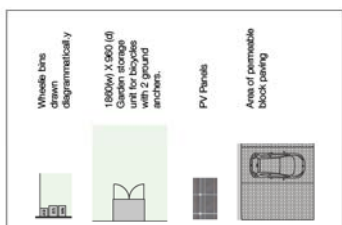
Location Plan
Scale 1:1250

115



UNIT 01	House	7b	2 Bed / 4 persons	85.3 sqm	896 sqft	
UNIT 02	House	7b	2 Bed / 4 persons	85.3 sqm	896 sqft	
UNIT 03	House	7b	2 Bed / 4 persons	85.3 sqm	896 sqft	
UNIT 04	House	7b	2 Bed / 4 persons	85.3 sqm	896 sqft	
UNIT 05	House	2b	3 Bed / 5 persons	96.5 sqm	1,038 sqft	
UNIT 06	House	2b	3 Bed / 5 persons	96.5 sqm	1,038 sqft	
UNIT 07	House	2a	3 Bed / 5 persons	97.1 sqm	1,045 sqft	
UNIT 08	Flat	3	1 Bed / 2 persons	50.7 sqm	545 sqft	
UNIT 09	Flat	3	1 Bed / 2 persons	61.8 sqm	665 sqft	
UNIT 10	Flat	3	1 Bed / 2 persons	61.8 sqm	665 sqft	
UNIT 11	Flat	3	1 Bed / 2 persons	61.8 sqm	665 sqft	
TOTAL				11 units	849.5 sqm	9,131 sqft

PARKING
- 20 PARKING SPACES (1 space is convertible to accessible parking)
- 2 MOTORBIKE SPACES

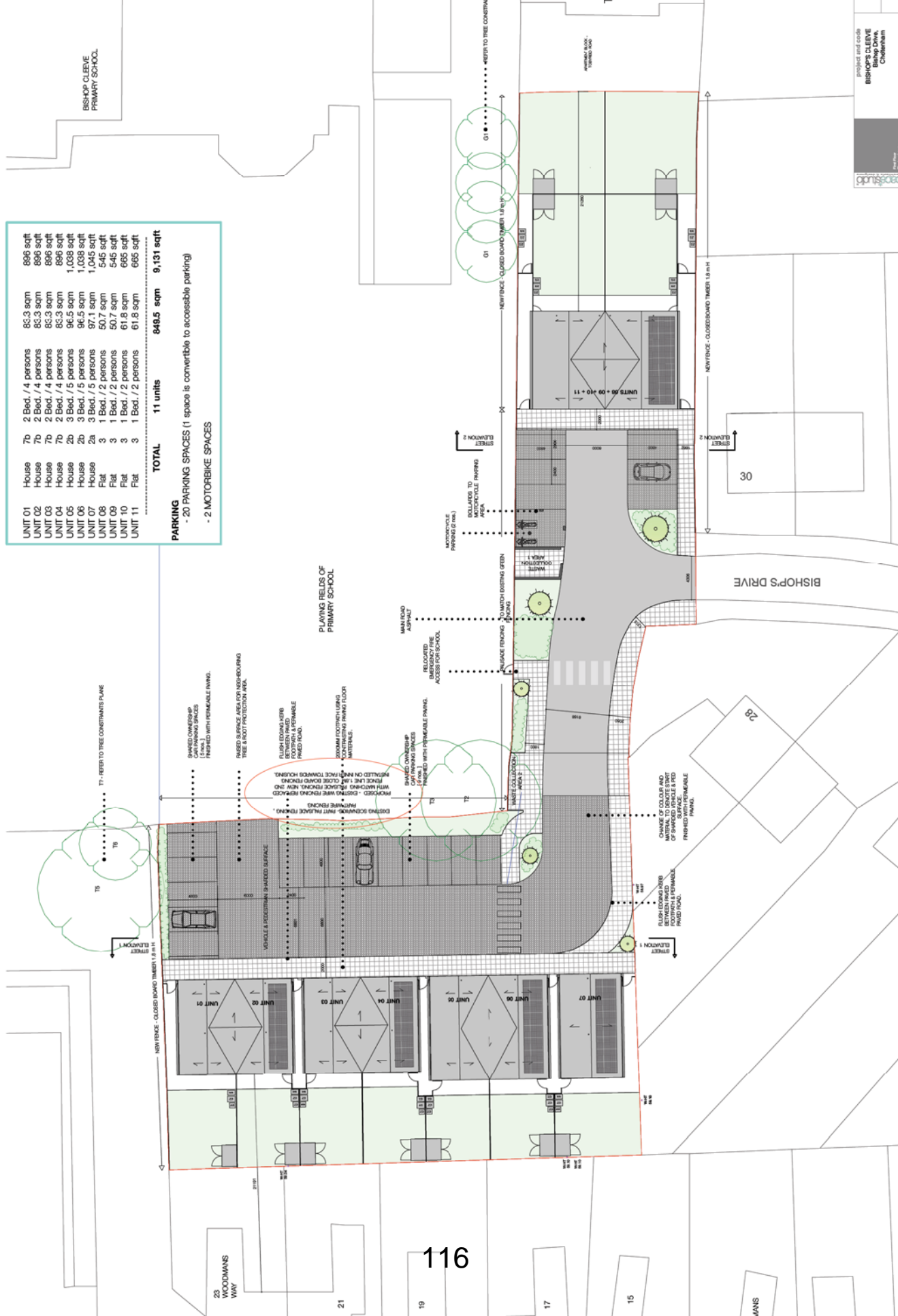


BISHOP CLEEVE PRIMARY SCHOOL

PLAYING FIELDS OF PRIMARY SCHOOL

TOBYFIELD ROAD

BISHOP'S DRIVE



project and code
BISHOP'S CLEEVE
Bishop Drive,
Cheltenham

scale
1:250 @A2

date
09/2020

drawing title
UL / VV
Bishop Drive - Site Plan

drawing number / revision
2019-09-04
201904-05/1

regulations
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drawn / checked
UL / VV

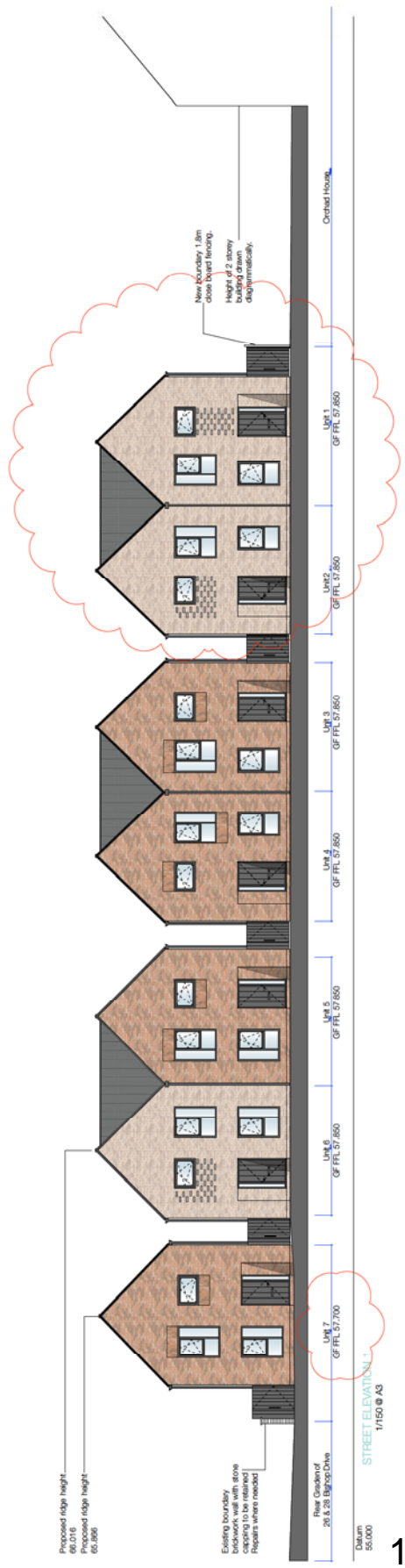
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	# MAT 10 TYPE: BRICKWORK PRODUCT: BRICKWORK COLOUR: BROWN



the space studio
architects & designers

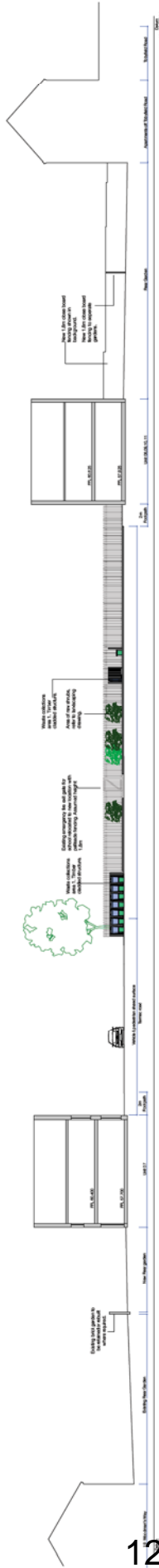
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2018-2019
2018-2019

drawing title:
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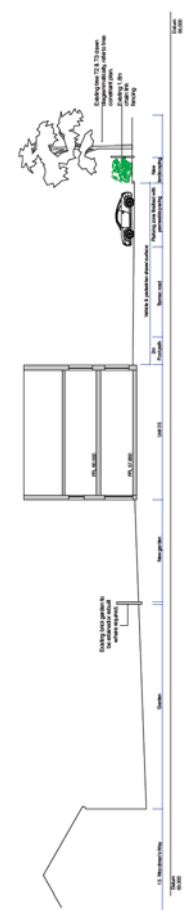
drawing number / revision:
218-004-11C
1/1000A1
DATE:
09/02/20
DRAWN BY:
VJ/KWS
CHECKED BY:
1/1000 A3/03



LOCATION SITE SECTION



SITE SECTION 1
 1/200 @ A1



SITE SECTION 2
 1/200 @ A1

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Project and title
 BISHOP'S CLEEVE
 OFFICE
 OFFICE
 2018-04-18

Drawing title
 Bishop Drive - Site Section

Drawing number / revision
 2018-04-18
 1/200 @ A1

Scale
 0 10 20 30 40 50 60 70 80 90 100
 1:1000 Scale Bar

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	20 April 2021
Site Location:	Land At Wainlode Lane Norton Gloucester Gloucestershire
Application No:	21/00285/FUL
Ward:	Severn Vale South
Parish:	Norton
Proposal:	Change of use of land to play area and the installation of retractable stop ball netting with 8m high posts to the existing Rugby pitch.
Report by:	Dawn Lloyd
Appendices:	Site location plan Site Plan Elevations of netting Post and net details Layout of play area
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is within the village of Norton and lies to the south-west of Wainlode Lane and to the north/north-west of the village hall. The application site comprises of the existing playing field and rugby pitch together and a children's play area which has been installed on an undeveloped part of the neighbouring residential development. The play area is within the settlement boundary of the village as identified by the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan and the Pre-Submission Tewkesbury Borough Local Plan.
- 1.2 The site is not located within any designated landscape areas.
- 1.3 The proposal is submitted by the Parish Council for the change of use of land to a children's play area and for the erection of a stop ball netting to part of the boundary of the rugby pitch. The retractable netting would be a total of 120m in length, 60m to both the north west boundary and north east boundaries of the rugby pitch, adjacent to the boundary hedge separating the playing field from the residential development. The steel posts would be 8 m in height, the height of the netting would measure 6.36m and it would be suspended from the top of the posts. The retractable netting would be black mesh of 20mm squares.

- 1.4 The play area land was secured via the s106 agreement attached to the residential development as possible expansion space for Norton School. The Parish Council has entered into a joint use agreement with the County Council for the land, which means that the play area/equipment will be available at all times to the school. It is understood that this is a reciprocal agreement with the Parish Council making land within the boundary of the village hall available to the school.

2.0 RELEVANT PLANNING HISTORY

- 2.1 To the north of the playing field and rugby pitch lies a residential development of 22 houses which were approved under application 16/01172/FUL.

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

SD6 Landscape.

SD4 Design requirements.

SD14 Health and Environmental Quality.

INF4 Social and Community Infrastructure.

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

RCN2 Provision of Sports Facilities.

Down Hatherley, Norton and Twigworth Neighbourhood Development Plan 2011- 2031 Policies

E2 Landscape protection in open countryside.

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

RCN2 New Sports and Recreational Facilities.

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

Norton Parish Council – No comments received the Parish council is the applicant.

County Highway Authority- No objection.

Full copies of all the consultation responses are available online at

<https://publicaccess.tewkesbury.gov.uk/online-applications/>

5.0 PUBLICITY AND REPRESENTATIONS

5.1 One letter of objection in respect of the proposed play area has been received from a local resident which is summarised as follows:

- Agree the village would benefit from a play area but originally it was planned to be in the large field;
- Parts of the equipment have platforms, causing direct overlooking of residential property;
- The development would cause a noise nuisance and unacceptable interference with personal comfort;
- The development will adversely impact on health issues for a neighbouring resident due to the increase in noise levels causing sensory overload which can be very distressing, increasing levels of anxiety, anger and stress;
- We have a right to enjoy our home peacefully, and siting the play area opposite our property is a breach of Article 8 of the Human Rights Act.

5.2 35 letters of support have been received and no letters of objection.

The main reasons for support are as follows:

- To have a dedicated play space for the children will be wonderful and much needed;
- It will be great for the children and for the local community;
- An excellent resource for children, and especially useful to be able to access it both during school hours and outside of them;
- We are so fortunate to have our own village rugby team which has been running for many years. The team are always courteous of the village and its residents and this is highlighted once again with this addition of a retractable ball net;
- After the year that we have all been through these two aspects of village life are essential for villagers to spend time with others and re-establish connections;
- Really positive addition to the village, we need to encourage young families to the village to help with the long term sustainability of the village;
- The Rugby club is a valuable part of the Norton community, allowing the stop ball netting is an extremely viable option and should be permitted as a resolve.

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

Full copies of all the representation responses are available online at

<https://publicaccess.tewkesbury.gov.uk/online-applications/>

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. The Down Hatherley, Norton and Twigworth Neighbourhood Development Plan 2011- 2031 was 'made' on 28 May 2019 and is part of the statutory Development Plan.
- 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.

ANALYSIS

7.0 Principle of development

- 7.1 Paragraph 96 National Planning Policy Framework 2019 (NPPF) considers access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.
- 7.2 Saved Local Plan policy RCN2 Provision of Sports facilities sets out that any new buildings or structures must be ancillary and must not have any adverse impact on the quality of the environment or result in significantly local traffic problems. Any flood lighting must be demonstrated to be strictly in essential and to have minimal environmental impact. One of the 'Community objectives' of the NDP is *'Encouraging new and/or additional services and facilities which help to meet identified needs of local people and improve their wellbeing'*.
- 7.3 The proposal for stop ball netting safety fence would be ancillary to the existing sporting facilities on the site. The proposal would enable the site to be used safely for rugby matches and coaching by preventing balls from entering adjoining gardens.
- 7.4 The change of use of the land to a children's play area is supported by Policy RCN2 and the NDP.
- 7.5 Therefore, the proposal is acceptable in principle subject to other policies of the development plan and National Planning Policy Framework.

8.0 Design and Landscape character

- 8.1 JCS Policy SD4 of the Joint Core Strategy sets out requirements for high quality design while Local Plan and policy SD6 considers that development will seek to protect the landscape character for its own intrinsic beauty and have regard to the local distinctiveness and historic character of the different landscapes. NDP Policy E2 safeguards certain views, including views westwards from the eastern edge of the application site.
- 8.2 The site lies to the north west of the village hall and school and to the west of Wainlode Lane. The existing playing field and rugby pitch represent a soft transition from the built form of the village to the rural countryside to the west.
- 8.3 There are public rights of way approximately 250 m to the north east of the site and 260 m and south west of the site. The stop ball netting would be visible in part from these distance views but would be read within the context of the existing built form and recreation use. It is considered that the proposal would be less visually prominent in the views of the open countryside and wooden hillside as safeguarded by policy E2 of the NDP.
- 8.4 The retractable stop ball netting and posts are functional in terms of its design and would be erected adjacent to the boundary with residential development. Although not a feature typical of the rural landscape, the netting would be retractable lightweight and fairly transparent, and are not inconsistent with the sporting use of the land. The 8 metre high supporting poles of the wire mesh netting would be more prominent however, they are well spaced at 20 m apart. The majority of the netting would be viewed within the context of residential development and adjacent the existing boundary hedges and trees and therefore is considered of less than substantial harm. The netting would also be only extended between the posts when required.
- 8.5 The children's play is located within the settlement boundary between existing residential development and is screened in part by boundary hedges and trees. The site is considered appropriate within its context.

9.0 Residential amenity

- 9.1 Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. The development should not result in unacceptable levels of air, noise, water, light, soil or odour alone or cumulatively.
- 9.2 An objection has been received from an occupier of one of the neighbouring properties in Bramble Close setting out that the noise from the school can already be heard and that is some distance away. The proposed play area, being much closer would cause noise disturbance and unacceptable interference with personal comfort. The proposed play equipment would enable overlooking of the neighbour's property. One of the neighbour's family members has health issues and there is concern that noisy environments cause sensory overload and can be distressing for that family member and would interfere with their rights under the Human Rights Act to respect for private and family life; enjoyment of your existing home peacefully; and the protection of health. It is also suggested that the proposal would give rise to a statutory noise nuisance.
- 9.3 The neighbour's comments are noted and there is sympathy with the health issues. Nevertheless, in taking into account the context of the site it is not considered that there would be undue impact to neighbour amenity from the play area. The play area borders the front amenity space and access driveway of the objector's property and there is a 2m high close boarded fence on the common boundary. In terms of background noise, the neighbour's garden already has a boundary with the rugby ground which is well used for matches and training purposes as well as for general recreation.

- 9.4 The neighbour has themselves pointed out that there is existing background noise from the school and although this is much further away than the proposed play area, the neighbour's dwelling is already affected to a large degree by noise and disturbance from those nearby land uses. The play area land was identified in the s106 agreement for the neighbouring development (of which the objector's property is part) to be used in connection with the school. It was always likely therefore that there would be some noise and disturbance arising from the use of that land. It is similarly considered that there would be an acceptable impact on the other properties in Bramble Close and the extended garden of Trovemore to the east.
- 9.5 In terms of overlooking, the play area is located opposite the front of the dwelling which is open to public views from Wainlode Lane. It is not considered that the children's play equipment would give rise to unacceptable overlooking in this context.
- 9.6 Whilst the proposed netting would not impact on light to the neighbouring properties, by virtue of its height and close proximity to the boundary it would appear as a prominent feature. However, the netting provides a safety feature to protect these recently constructed properties from sporting activities and the long-established rugby pitch on the site which benefits the local community as is indicated by the letters of support which have been received. One of the immediate neighbours has also commented that they are grateful for the steps taken to protect their property. Whilst there would be some impacts arising from the netting and posts (albeit the netting would be 'drawn back' when not in use), it is considered that the wider public benefit outweighs the limited impact to the amenity of neighbouring residents in this instance.
- 9.7 Overall, whilst the suggested impacts on the neighbouring property, and interference with article 8 rights are noted, those rights are not absolute and interference may be justified in the public interest, but the concept of proportionality is crucial. In this case, the noise impacts are tempered by the existing surrounding land uses. The rugby club and proposed play area are considered widely in the local community to be valuable assets which should be allowed to flourish. Whilst there would be some noise and disturbance arising from the play area, given the wider public benefits, it is not considered that those impacts justify a refusal of planning permission in this case.

10.0 CONCLUSION AND RECOMMENDATION

- 10.1 The proposed netting provides a pragmatic solution to the potential conflict between the rugby pitch and nearby dwellings. It is concluded that the benefits of the proposed play area outweigh the potential impact on neighbouring residential properties and a minor interference with the rights under article 8 of the Human Rights Act is justified in this case. It is therefore recommended that the application be **PERMITTED**.

CONDITIONS:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved documents submitted on 2 March 2021:
 - Location Plan Drawing Number AL1/1
 - Proposed siting of netting and elevations Drawing Number AB1/1
 - Site Plan Drawing Number AB1/2
 - Post and Net Details Drawing Number AB1/1 Rev P3

- Play Area Plan received 9th March 2021

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 retractable netting hereby permitted shall be retracted within 1 hour of the end of the final match on any day and at the end of training on any day.

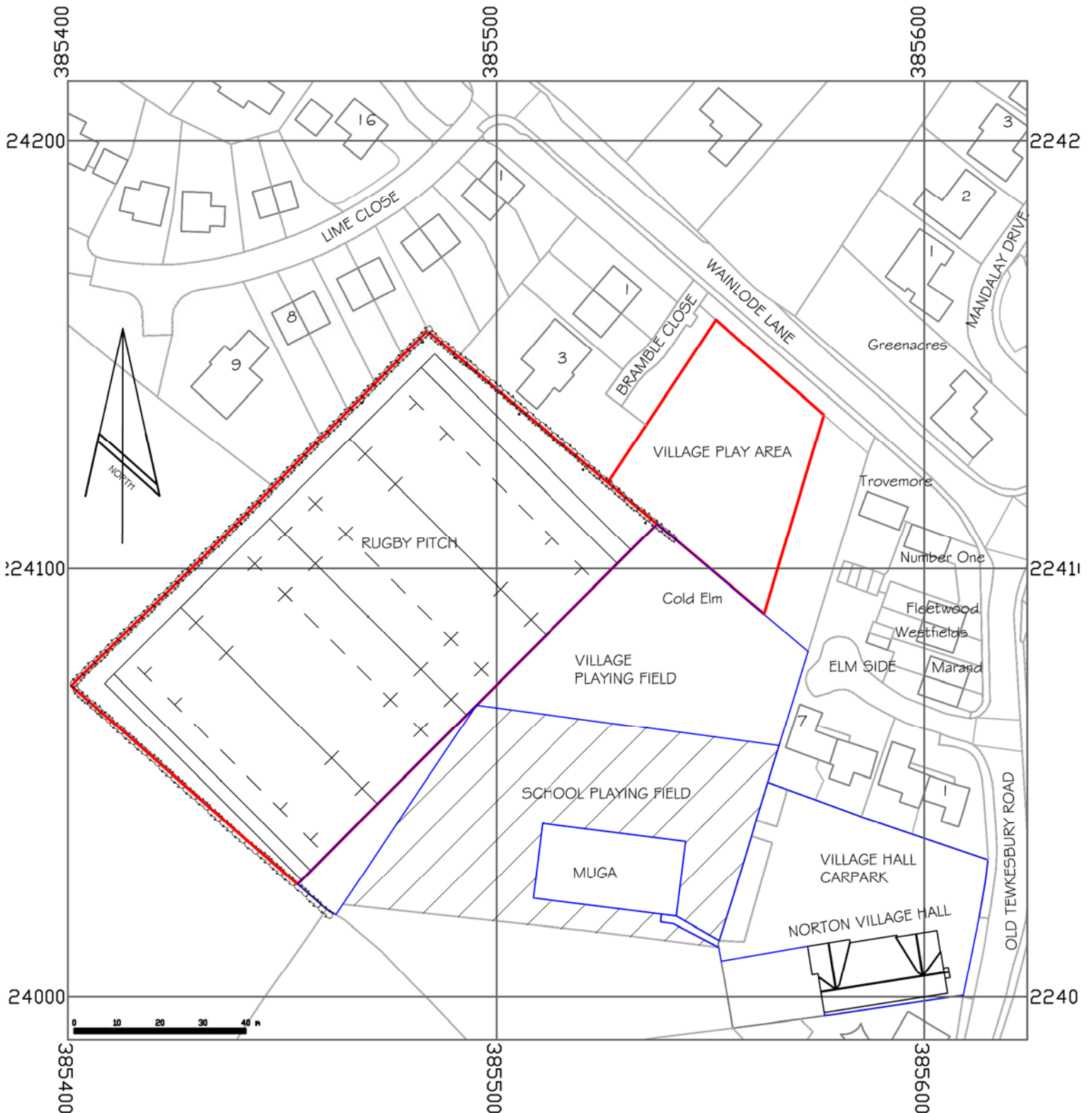
Reason: In the interests of visual and general amenity.

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.

CDM RESIDUAL RISKS

Generally Residual Risks in the design, the work to be undertaken and the materials specified are those that are commonplace in construction and would be easily recognised & dealt with by competent contractors.



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P3 Play Area indicated & re-issued for PLANNING Mar 2021
 P2 Issued for PLANNING Feb 2021
 P1 Issued for COMMENT Feb 2021

Project No. 2239	Rev. P3	Proposed Post & Netting to Rugby Pitch For:- Norton Parish Council	Scale 1/1250 @ A4
Project /Dwg. No. AL1/1		LOCATION PLAN PLANNING 128	Date Feb 21





CDM RESIDUAL RISKS
 Following completion of the design, the work to be undertaken in construction and those that are commencing in construction and would be easily recognised & dealt with by competent contractors.

<p>PLANING</p> <p>Scale: 1/500 @ A2 Date: Feb 21 Drawn: [Signature] Checked: ADJ/1/2</p>	<p>Proj. No: 2239 Date: Feb 21 Rev: P3</p>
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Proposed Post & Nodding to Rugby Pitch
 For:- Norton Parish Council

STPA ARCHITECTS

Marand
 OLD TEWKESBURY ROAD, NORTON, GLOUCEstershire
 GL2 9LR. TEL: 01452 730 907

P3	Play Area, Pitched & re-surfaced for PLANNING	21	Mar
P2	Issued for PLANNING	21	Feb
P1	Issued for COMMENT	21	Feb
Rev	Date		
<p>▲ Mentions</p>			

• The drawing is complete and not to be modified without the written consent of the architect.
 - All written dimensions should be checked on site - 10' not scale from this drawing.

SCALEBAR
 0 5 10

CDM RESIDUAL RISKS

Generally Residual Risks in the design, the work to be undertaken and the materials specified are those that are commonplace in construction and would be easily recognised & dealt with by competent contractors.

Rev	Details	Issued	By	Date
P6	Re-issued for PLANNING	gpb	gpb	Mar 21
P5	Issued for PLANNING	gpb	gpb	Feb 21
P4	Issued for PLANNING & re-issued for COMMENT	gpb	gpb	Feb 21
P3	Amended & re-issued for COMMENT	gpb	gpb	Feb 21
P2	End posts accepted & re-issued for INFORMATION	gpb	gpb	Jan 21
P1	Issued for INFORMATION	gpb	gpb	Jun 20

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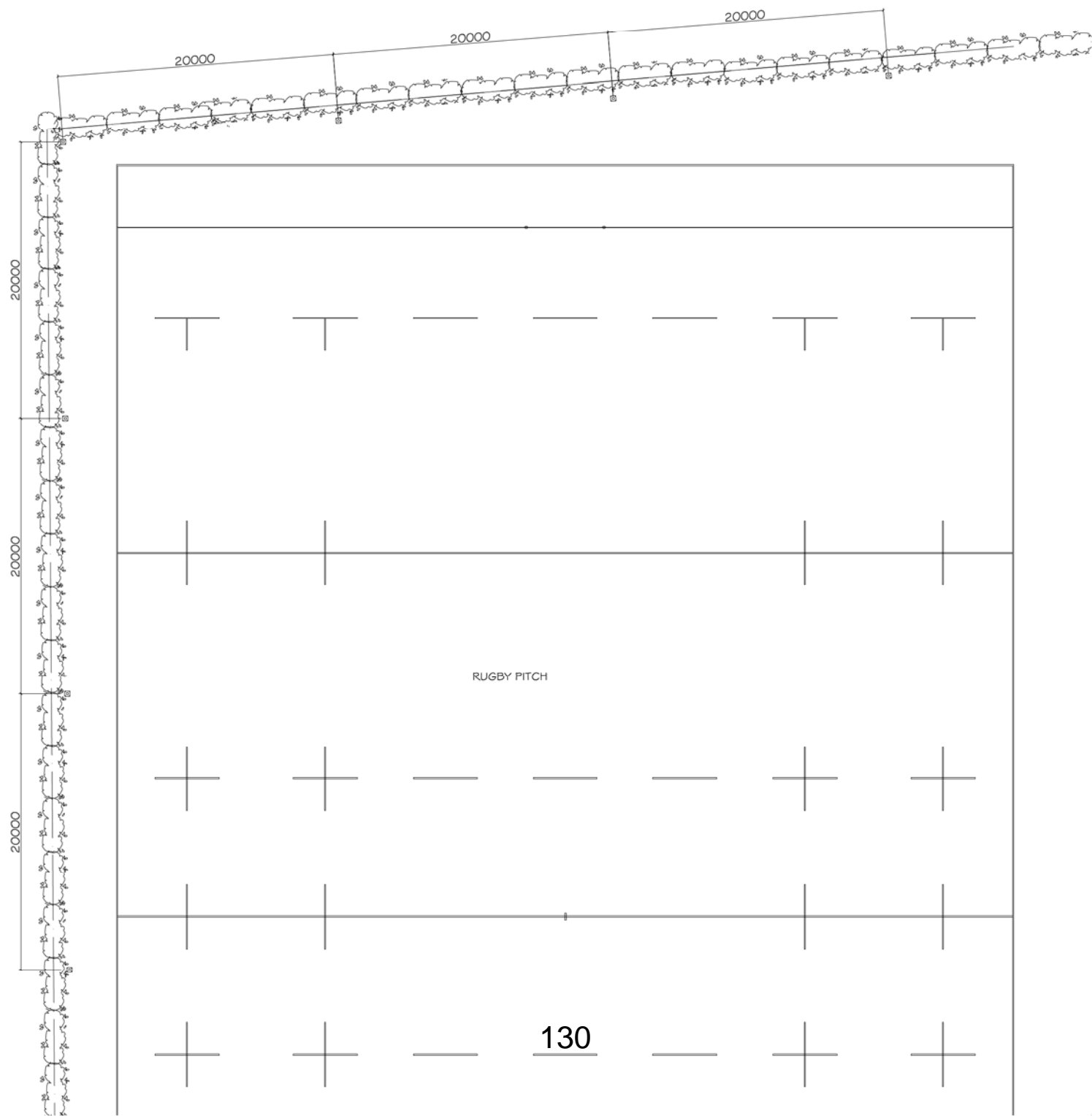
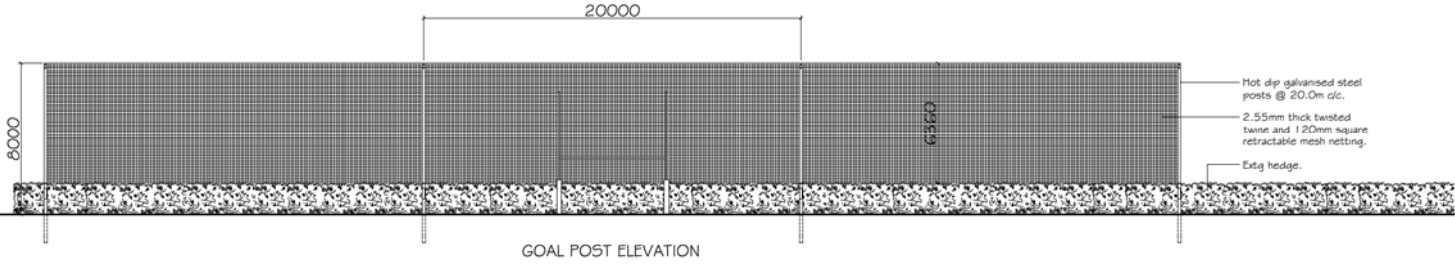
Proposed Post & Netting to Rugby Pitch
 For Norton Parish Council

PROPOSED PLAN & ELEVATION

PLANNING

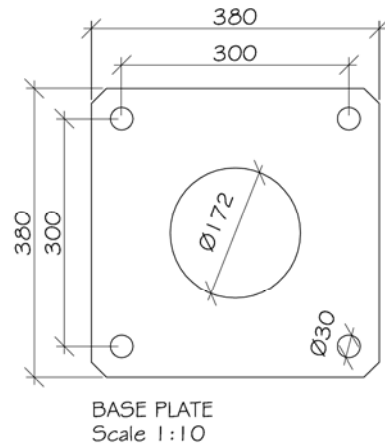
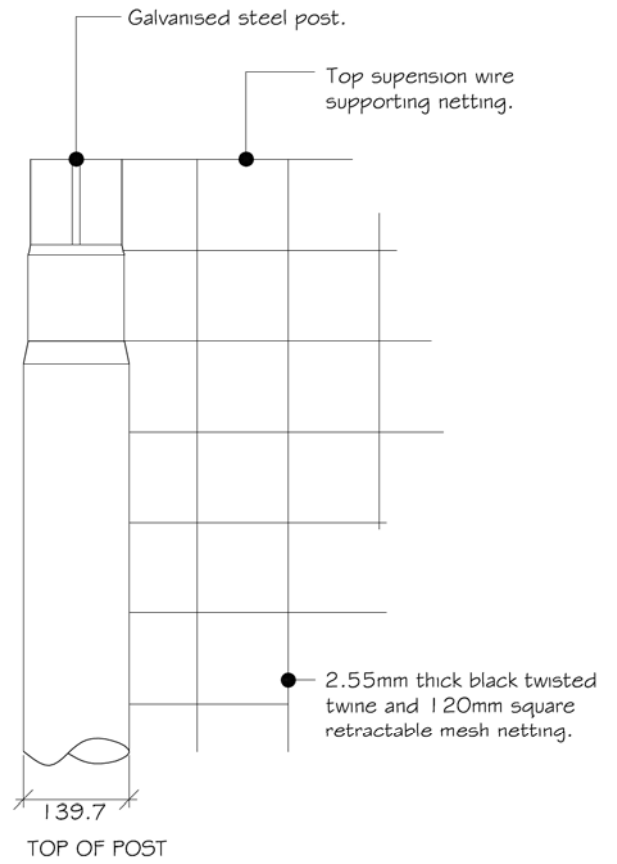
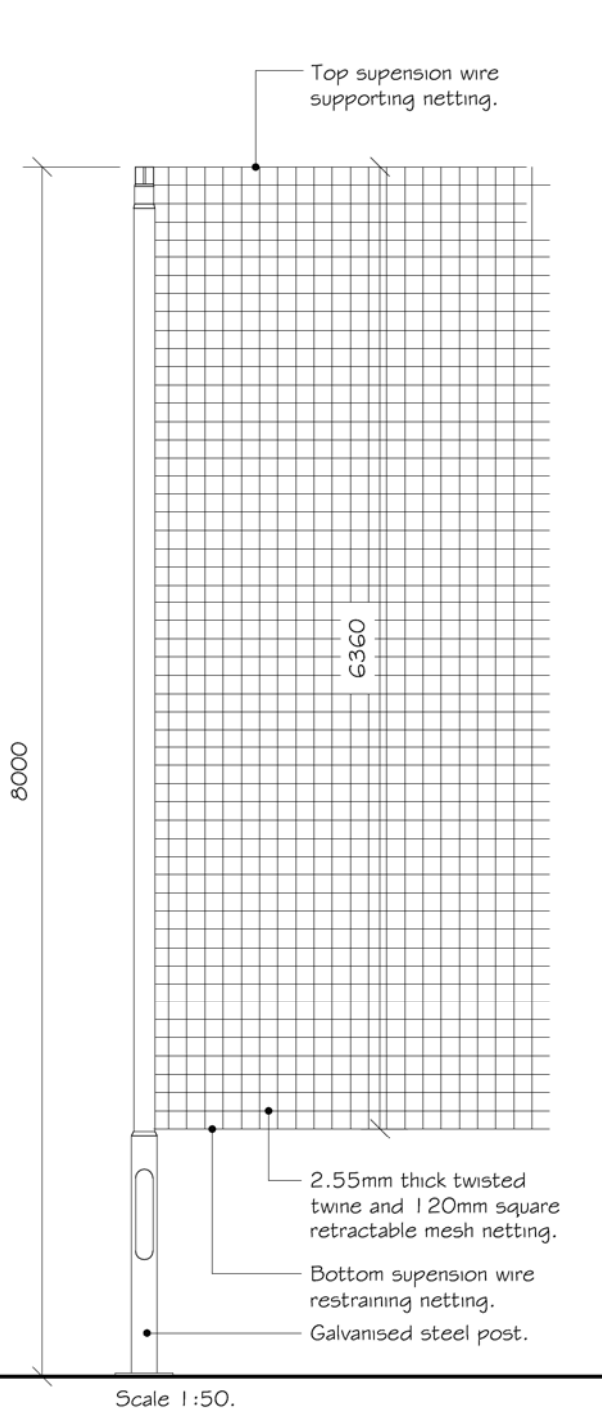
Scale	1:200 @ A2	Proj. No.	2239	Rev.	PG
Date	Jun 20	Dep. No.	AB / 11	Checked	gpb

gpa ARCHITECTS
 Marand
 OLD TEMESWICK ROAD, BORTON, GLOUCESTERSHIRE
 GL5 2BC TEL: 01452 750 267



CDM RESIDUAL RISKS

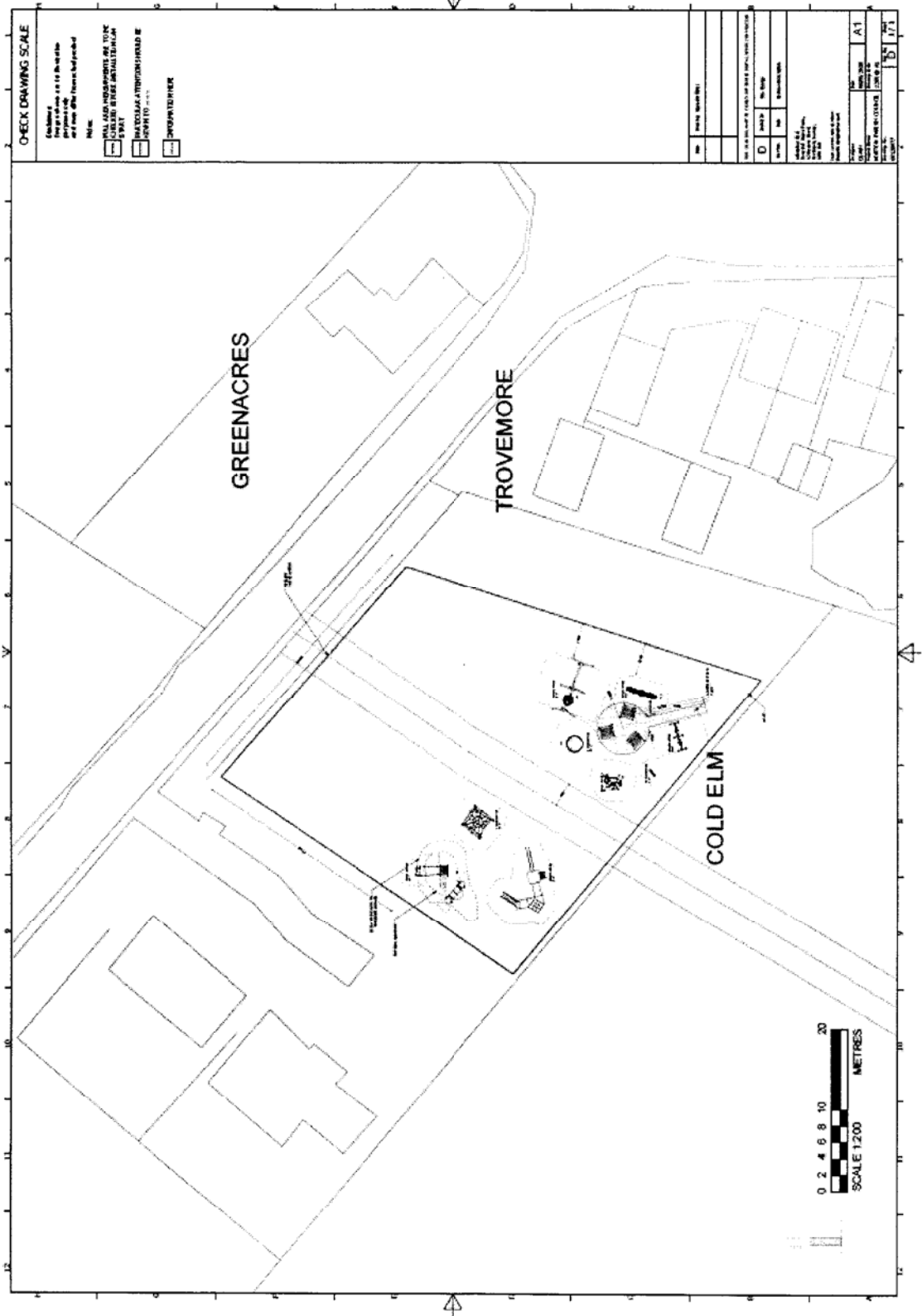
Generally Residual Risks in the design, the work to be undertaken and the materials specified are those that are commonplace in construction and would be easily recognised & dealt with by competent contractors.



P3 Issued for PLANNING Feb 2021
 P2 Netting amended & re-issued for COMMENT Feb 2021
 P1 Issued for COMMENT Feb 2021

Project No. 2239	Rev. P3	Proposed Post & Netting to Rugby Pitch For:- Norton Parish Council	Scale 1/50, 1/10 @ A4
Project /Dwg. No. AD1/1	POST DETAIL PLANNING	131	Date Feb 21





TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	20 April 2021
Site Location:	Unit 4 Redwood House Orchard Trading Estate Toddington Cheltenham Gloucestershire GL54 5EB
Application No:	20/01214/FUL
Ward:	Isbourne
Parish:	Toddington
Proposal:	Retrospective application for outside storage and security fencing.
Report by:	Emma Dee
Appendices:	Location Plan and Former Site/Block Plan Existing Site Plan and North-East Elevation, As Built Temporary Structures and Fencing Elevations and Plans, As Built Examples of Security Fencing and Outdoor Storage Tree Survey Plan Tree Survey Schedule Tree Preservation Order No. 272
Recommendation:	Refuse

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application relates to Unit 4 of Redwood House which is located towards the south-eastern corner of the Orchard Trading Estate in Toddington. The application advises that the building provides almost 980 square metres of secure storage and office space over 2 floors. Orchard Trading Estate covers approximately 6.5 hectares and is located to the north-east of the junction of the B4077 and B4078. It is designated as a Major Employment Site within the Tewkesbury Borough Local Plan to 2011 Proposals Map, and as an Existing Rural Business Centre within the Pre-Submission Version of the Tewkesbury Borough Plan 2011-2031 Proposals Map. There is a Public Right of Way (PROW) known as Toddington Footpath 25 to the north-east of the application site. The B4077 runs parallel to the south of the application site and the application advises that this is elevated approximately 1.4m above the site. The PROW known as Toddington Footpath 35 is located to the south of the B4077.
- 1.2 The application site is located within the Special Landscape Area and its eastern side boundary lies immediately adjacent to the Cotswolds Area of Outstanding Natural Beauty (AONB) as well as the Toddington Manor Registered Park and Garden (Grade II Listed). The application site further includes trees which are protected by Tree Preservation Order (TPO) 272. These trees consist of G1 which are mainly Wellingtonia some oak and pine. There are 6 individual oak trees and a woodland shown as W1 which is primarily oak.

- 1.3 The application explains that Unit 4 of Redwood House is currently occupied by Traveller's Finds; a fair-trade company which employs 5 full-time staff and which specialises in sourcing and importing artwork, sculptures, furniture and ornaments from Africa, Asia and Indonesia. It advises that the company relocated to the Orchard Industrial Estate in 2019 to accommodate its continued expansion and to provide improved security over their previous premises in Hailes. The application advises that an important part of the company's operation is the attendance of trade shows and exhibitions, which requires the company to maintain several large vans and trailers to transport stock. It confirms that the company currently possesses 5 large vans and 4 trailers and that this is likely to increase as the company expands. The application also states that the company works on a high turnover/low margin model, to ensure their suppliers receive the best price for their creations, and therefore the requirement for secure storage is paramount to the successful operation of the business.
- 1.4 The application seeks retrospective planning permission for the retention of the following structures:
- 40ft and 20ft shipping containers to the south of Unit 4 (4 no. shipping containers have been stacked 2 upon 2, and the overall height of this does not exceed the eaves height of Unit 4);
 - Temporary storage structure used as a marquee showroom, located towards the south-eastern corner of the site (measuring 15.3 metres in length by 9.15 metres in width, and 2.2 metres in height to eaves and 4.2 metres in height to ridge) – white in colour;
 - Temporary storage structure used as a storage tent, located towards the south-western corner of the site (measuring 12.2 metres in length by 6.1 metres in width, and 2.6 metres in height to eaves and 3.6 metres in height to ridge) – green in colour; and
 - Temporary storage structure used as a storage tent, located towards the south-western corner of the site (measuring 8.1 metres in length by 4.1 metres in width, and 2 metres in height to eaves and 3.2 metres in height to ridge) – green in colour.
- 1.5 The application advises that the main building is used to store the most valuable and rare stock, but that this is currently full. It confirms that lower value items are stored within the shipping containers, with the lowest value items stored within the 2 temporary storage structures and compound. It further states that an additional temporary structure has been erected to provide a showroom for visiting clients but that due to the reduced trading throughout the COVID-19 pandemic this structure is currently being used for storage. The application advises that the provision of a show room will become more important to the company's survival post-Covid-19 as events and trade shows are likely to be limited for the near future. It advises that, if clients can visit, this would create another income stream to safeguard the company's future and allow it to expand as anticipated.
- 1.6 The application further advises that the site was subject to a break-in in November 2019 which resulted in items of stock being stolen and broken. As a result of this break-in, 2.4m high galvanised palisade fencing was erected parallel with but set back from the northern, eastern and southern boundaries to form a secure compound, with 2 no. sets of palisade gates at the location of previous kerbs and access points to the north. The application therefore also seeks retrospective planning permission for the retention of this 2.4m high galvanised palisade fencing and 2 no. access gates. The previous timber fence along the western side boundary has been retained.

- 1.7 The application advises that the company have been offered a lucrative business opportunity that would allow it to employ another member of staff, but that this opportunity is reliant on the facility to store additional stock. Therefore, it has been unable to commit until suitable permission is obtained. In addition, the application sets out that the company could not afford the rent and business rates for an additional building and therefore, without the facility to utilise the site for outdoor storage, the company would be forced to move away from the area and leave the unit vacant.
- 1.8 The development approved under application reference 88T/0172/03/02 on 3rd August 1988, for the erection of a light industrial unit (2055 sqm), was subject to restrictive conditions pertaining to: (c) the erection or construction on this site of any extensions, gates, fences, walls, other means of enclosure, or structures of any kind; and (d) any outside storage whatsoever on this site. These conditions were required in order to ensure that the development would be visually attractive in the interests of amenity. The development approved under application reference 88T/0172/03/02 was also subject to a restrictive condition pertaining to (r) any industrial activity anywhere on the application site except within the authorised building, in order to ensure that the noise emitted from this industrial use would not be a source of nuisance to occupants on nearby residential properties. The development which has been carried out is in breach of these restrictive conditions.
- 1.9 In relation to mitigation of the potential impact, the applicant's agent has advised that a scheme of planting along the fence line had been commenced prior to the Enforcement Officer's visit but stopped on receipt of his message. This involved the planting of evergreen hedges to screen the fencing all year round. The applicant's agent advises that the planting scheme would be continued upon any approval of the fencing. The applicant's agent has also advised that the applicant has purchased a camouflage net which they propose to put over the white building.
- 1.10 The application is presented to the planning committee at the request of Councillor Mason, in order to assess the impact on the surrounding properties and countryside.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
T.172/S	Erection of warehouse units (A, B, C and D) of 17,750 sq.m layout of road and parking area.	REFUSED Appeal dismissed	29.01.1975
T.172/1/C	Use of land for aluminium smelting including concrete yard, boundary walls and furnaces with 11m high chimney.	REFUSED	16.03.1988
88T/0172/02/01	Outline application for the erection of a general industrial building (Class B2).	WITHDRAWN	04.07.1988
88T/0172/03/02	Erection of a light industrial unit (2055 sqm)	PERMITTED	03.08.1988
02/0172/1725/FUL	Variation of condition (d) of planning reference 88T.0172/03/02 to allow retention of storage skips	PERMITTED	28.06.2004

3.0 RELEVANT POLICY

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: SD1 (Employment – Except Retail Development), SD4 (Design Requirements), SD6 (Landscape), SD7 (The Cotswolds Area of Outstanding Natural Beauty), SD8 (Historic Environment), SD14 (Health and Environmental Quality), INF1 (Transport Network) and INF3 (Green Infrastructure).

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

Policies: EMP1 (Major Employment Sites), LND2 (Special Landscape Area) and LND6 (Historic Parks and Gardens).

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

Emerging Policies: EMP2 (Rural Business Centres), EMP5 (New Employment Development (General)), EMP6 (Safeguarding of Employment Sites), HER3 (Historic Parks and Gardens), LAN1 (Special Landscape Areas), NAT3 (Green Infrastructure: Building with Nature), TRAC9 (Parking Provision).

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

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

4.0 CONSULTATIONS

4.1 Toddington Parish Council – requests that the following comments be taken into consideration:

1. There are several trees on the land, some protected by TPOs. These would need to be protected from any existing or further development. The Tree Officer should be consulted prior to any permissions being granted.
2. The temporary structures are unsightly and do not conform to planning regulations.
3. The area is not designated for development and acts as a green space to soften the appearance of the surrounding industrial estate at its borders. This should be maintained where possible.

- 4.2 **Conservation Officer** – No objections in principle to the proposals, which would not harm the setting of the Registered Park and garden. The Conservation Officer advises that not being able to visit the site and inspect the situation due to Covid19 is a disadvantage in this case but raised concerns regarding the potential harmful visual impact of the fence from the B4077. Following these comments and the subsequent submission of photographs of the current unauthorised situation, the Conservation Officer acknowledged that it is apparent that there is some visual screening due to the existing hedge, but that it is still possible that the fence would have a negative impact. The Conservation Officer suggests that, if this is the case, this could be adequately mitigated by painting the fence in a recessive colour where it faces the B4077 and stocking up any gaps in the screening using native hedge species. The Conservation Officer notes that the planting of evergreen conifers in this regard would not be supported because this would appear alien in an English woodland setting.
- 4.3 **Tree Officer** – Objects to the retrospective application, noting that within the proximity of the outside storage are trees which are protected by TPO 272. The Tree Officer considers that the structures within the site are having a significant negative impact on the trees' visual amenity and advises that the storage of equipment and materials at or around the trees can also cause physical damage to the stem and surface roots, and that these actions all have the potential to bring about dysfunction and eventual decline of the trees. By virtue of the location of the stored items and temporary structures within the root protection areas of the trees, the Tree Officer advises that this will not only cause damage to the understory of the woodland but is also creating compaction, which results in lowering or even depleting oxygen in the soil and the structure then becomes anaerobic. The Tree Officer advises that this can be fatal to the tree roots and to the tree itself and could result in root death and also crown dieback. The Tree Officer further comments that, if the materials are relocated and positioned within the site via machinery (e.g. fork lift), there is a high risk that damage can be inflicted when moving across the site resulting in branches being snapped, the trunks of the trees being damaged etc. For the reasons above the Tree Officer objects to the proposed retrospective application for outside storage and comments that all items and structures should be removed and the woodland managed and restored to maintain its visual amenity value.
- 4.4 **Planning Ecological Advisor** – Has reviewed the Tree Officer's comments and the documents submitted for the application and advises that the continuous disturbance of the trees could disturb and displace nesting birds which are protected under the Wildlife and Countryside Act (as amended). The Ecological Advisor further comments that the trees could also support roosting bats, especially through the summer months, and that vibrations or damage to trees through the relocation of materials could disturb or even result in the death of bats. In addition the Ecological Advisor notes that there is also risk to other species that could be using the area for shelter, including great crested newts and other amphibians as there are waterbodies in close proximity to the site and small mammals. As such, the Ecological Advisor comments that they would want to see the storage of materials within this area removed and the habitat restored.
- 4.5 **County Highways Officer** – No objection
- 4.6 **Health and Safety Executive** – No comments to make, as this application does not fall within the Consultation Distance Zones of either a Major Hazard Site or Major Accident Hazard Pipeline.
- 4.7 **Government Oil Pipeline** – Has been consulted but has not provided comments within the 21 day statutory consultation period or since and has not requested further time for the submission of comments.
- 4.8 **Building Control** – The application may require Building Regulations approval.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 The application has been publicised through the posting of 2 site notices for a period of 21 days. No letters of representation have been received within the statutory publication period or since.

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 National Planning Guidance contained within the National Planning Policy Framework; 2019 (NPPF).
- 6.5 The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

Principle of development

- 7.1 JCS Policy SD1 specifies that employment-related development will be supported, inter alia, at locations allocated for employment use within the Development Plan. As detailed above, the application site is located within the Orchard Trading Estate, which is designated as a Major Employment Site within the TBLP Proposals Map, and as an Existing Rural Business Centre within the PSTBP Proposals Map.
- 7.2 Emerging Policy EMP2 of the PSTBP specifies that, at Rural Business Centres, the Borough Council will support in principle proposals for B-class employment development. It states that new development proposals at Rural Business Centres, including redevelopment, intensification and extensions, will be supported providing that they are of an appropriate scale and design having regard to the character of existing buildings on the site and the rural landscape of the area.

- 7.3 Emerging Policy EMP5 of the PSTBP specifies that proposals for new employment development that are acceptable in principle in accordance with policies EMP1 – EMP4 will be permitted, subject to the application of other plan policies, where the following criteria are satisfied:
1. Any increase in traffic can be accommodated by the existing transport network;
 2. There is provision for safe and convenient access by appropriate transport modes, commensurate with the scale and nature of the proposed development and the location of the site;
 3. Satisfactory vehicular access, parking sufficient to meet demand and manoeuvring space can be provided, including sufficient parking for heavy goods vehicles where necessary;
 4. The proposal would not result in an unacceptable adverse impact on the amenity of neighbouring uses, particularly residential properties;
 5. The scale and design of the proposal is compatible with the character of the existing location and its setting paying particular regard to Areas of Outstanding Natural Beauty, Special Landscape Areas and the Landscape Protection Zone;
 6. The proposal would not result in an unacceptable adverse environmental impact, for example by causing unacceptable levels of noise, air, water, soil or light pollution.
- 7.4 The proposed development will be assessed against the above criteria, and emerging Policy EMP2 of the PSTBP, within the relevant following sub-sections of this report.
- 7.5 Saved Policy EMP1 of the TBLP specifies that, within existing employment sites, the Borough Council will support proposals for business (Class B1), General Industrial (Class B2) or warehousing (Class B8) use. The Policy states that the sequential approach will be applied as appropriate to proposals for alternative uses, and that proposals for retailing will be resisted.
- 7.6 Emerging Policy EMP6 of the PSTBP specifies that employment sites will be safeguarded for B-class employment uses and the loss or change of use of a site to non B-class uses will generally be resisted. It states that the loss of B-class employment land will only be acceptable in principle where it can be demonstrated that:
1. The site is no longer fit for purpose or capable of meeting employment needs and the proposal would not adversely impact on the viability of adjacent employment uses; or
 2. The site is not appropriate for the continuation of its present, or any employment, use due to the detrimental impact on the environment or amenity of the surrounding area; or
 3. The proposal would provide significant benefits to either the local economy, the sustainability of the community and/or the rural environment that would outweigh the loss of employment land.
- 7.7 As detailed above, the application seeks planning permission for the retention of shipping containers, and 2 no. temporary storage structures. However, the application also seeks planning permission for the retention of an additional temporary structure currently being used for storage but proposed to be used as a marquee showroom for visiting clients, in order to create another income stream. The application does not clearly specify whether the marquee showroom would incorporate any retail element, nor has the sequential test been applied.

- 7.8 In light of saved Policy EMP1 of the TBLP and emerging Policy EMP6 of the PSTBP, and the amendments which were made to the use class order in September 2020 and the implications of the new Class E (which encompasses and revokes former Use Classes A1 (retail), A2 (Financial and Professional Services), A3 (Restaurants and cafes) and B1 (Business)), it is recommended that any approval of planning permission be subject to a restrictive condition pertaining to the use of any part of the development for use class E(a), E(b), E(c), E(d), E(e) or E(f) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Uses 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. Such a condition would ensure the structures could not, for example, be used for retail purposes, which would not be considered appropriate in this location.

Impact on Heritage assets

- 7.9 As detailed above, the eastern boundary of the site adjoins Toddington Manor Registered Park and Garden (Grade II Listed). The impact of the proposal upon the character of the registered parkland is a material consideration of this application. In this regard, the proposal will be assessed in relation to Section 16 of the NPPF, JCS Policy SD8, saved Policy LND6 of the TBLP and emerging Policy HER3 of the PSTBP.
- 7.10 JCS Policy SD8 specifies that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. It further states that designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance and for their important contribution to local character, distinctiveness and sense of place.
- 7.11 Saved Policy LND6 of the TBLP and emerging Policy HER3 of the PSTBP both specify that development that would destroy, damage or otherwise adversely affect the character, appearance or setting of historic parks and gardens (including those identified as being of special historic interest), or any of their features will not normally be permitted.
- 7.12 The Conservation Officer acknowledges that two of the buildings are finished in a recessive green colour but advises that the white showroom building may appear intrusive and discordant when viewed from the B4077 due to its colour. However, the Conservation Officer recognises that the building is in an area designated for industrial use with a backdrop of industrial buildings, the building is located within woodland and would be screened, the building will generate public benefit due to the provision of local employment and trade, and the building is temporary. As such the Conservation Officer concludes that there is no reason to consider that the proposed building would have an unacceptable visual impact on the Toddington Manor Registered Park and Garden.
- 7.13 The application also includes the erection of a galvanized palisade fence. The Conservation Officer acknowledges that such fences are common to industrial complexes but are stark and utilitarian in appearance and are visually inappropriate in historically sensitive areas.
- 7.14 In this case the fencing has been constructed along the Eastern boundary with the Registered Park and garden against the remnant estate fencing and replacing a modern timber fence topped with barbed wire. In this case the Conservation Officer considers that the visual impact of the installation of the fence on views from the registered parkland would not be harmful given the current context of the industrial buildings, the existing boundary features and the intervening vegetation.

- 7.15 The fence has also been constructed along the Southern boundary of the site which runs along the B4077. The Conservation Officer considers that in this location the fence could appear visually intrusive from the B4077 and have an adverse impact upon the rural and historic character and appearance of the approach to Toddington. The character prevails despite the presence of the industrial estate. This is largely due to soft landscaping of boundaries and a degree of woodland screening.
- 7.16 The Conservation Officer recommended that the applicant be given the opportunity to demonstrate the visual impact and/or any mitigation employed (such as painting of the fence) prior to the determination of the application. The applicant has been given this opportunity and photographs of this fencing were subsequently submitted, taken from the adjacent B4077. The Conservation Officer acknowledged that it is apparent that the fence is set behind a hedge verge and that there is some visual screening due to existing foliage, but that it is still possible that the fence would have a negative impact. The Conservation Officer suggests that, if this is the case, this could be adequately mitigated by painting the fence in a recessive colour where it faces the B4077 and stocking up any gaps in the screening using native hedge species. It is recommended that any approval of planning permission be subject to condition for the fence which faces the B4077 to be painted within 3 months of any approval date in a recessive colour to firstly be submitted to and approved in writing by the Local Planning Authority.
- 7.17 As detailed above, in relation to mitigation of the potential impact, the applicant's agent has advised that a scheme of planting along the fence line had been commenced prior to the Enforcement Officer's visit, involving the planting of evergreen hedges, which would be continued upon any approval of the fencing. However, the Conservation Officer notes that the planting of evergreen conifers in this regard would not be supported because this would appear alien in an English woodland setting. It is therefore recommended that any approval of planning permission is subject to condition for a proposed landscape scheme to be submitted to and approved in writing by the Local Planning Authority and for this to be implemented in accordance with the approved details within the next planting and seeding season, and for any trees or plants which within a period of five years die, are removed or become seriously damaged or diseased to be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 7.18 Subject to compliance with the above conditions, it is considered that the development protects the character of the Toddington Manor Registered Park and Garden (Grade II Listed), in accordance with Section 16 of the NPPF, JCS Policy SD8, saved Policy LND6 of the TBLP and emerging Policy HER3 of the PSTBP.

Design and Landscape Impact

- 7.19 The NPPF sets out that the Government attaches great importance to the design of the built environment and, at paragraph 127, specifies that planning policies and decisions should ensure that developments, inter alia: will function well and add to the overall quality of the area, not just for the short terms but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). JCS Policy SD4 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.

- 7.20 As detailed above, emerging Policy EMP2 of the PSTBP specifies that new development proposals at Rural Business Centres, including redevelopment, intensification and extensions, will be supported providing that they are of an appropriate scale and design having regard to the character of existing buildings on the site and the rural landscape of the area. In addition, emerging Policy EMP5 of the PSTBP specifies that proposals for new employment development that are acceptable in principle in accordance with policies EMP1 – EMP4 will be permitted providing, inter alia, the scale and design of the proposal is compatible with the character of the existing location and its setting paying particular regard to AONBs, SLAs and the Landscape Protection Zone.
- 7.21 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.
- 7.22 As detailed above, the application site is located within the SLA and its eastern side boundary lies immediately adjacent to the Cotswolds AONB.
- 7.23 Saved Policy LND2 of the TBLP specifies that, in the assessment of proposals for development, special attention will be accorded to the protection and enhancement of the landscape character of the SLA which are of local significance. It states that, within this area, proposals must demonstrate that they do not adversely affect the quality of the natural and built environment, its visual attractiveness, wildlife and ecology, or detract from the quiet enjoyment of the countryside.
- 7.24 Emerging Policy LAN1 of the PSTBP specifies that proposals for new development within SLAs will be permitted providing:
- The proposal would not cause harm to those features of the landscape character which are of significance;
 - The proposal maintains the quality of the natural and built environment and its visual attractiveness;
 - All reasonable opportunities for the enhancement of landscape character and the local environment are sought.
- 7.25 Emerging Policy LAN1 of the PSTBP further states that, where a proposal would result in harm to the SLA having regard to the above criteria, this harm should be weighed against the need for, and benefits from, the proposed development. It states that proposals causing harm to the SLA will only be permitted where the benefits from the development would clearly and demonstrably outweigh the identified harm.
- 7.26 In terms of the location of the application site immediately adjacent to the Cotswolds AONB, paragraph 172 of the NPPF specifies that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which, along with National Parks and the Broads, have the highest status of protection in relation to these issues. JCS Policy SD7 states that all development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities.

- 7.27 It is acknowledged that the application includes the submission of aerial photographs providing examples of security fencing and outdoor storage elsewhere within the Orchard Industrial Estate, as well as examples of security fencing and outdoor storage in other locations (including the Old Saw Mills, Cull Meadow and the Isbourne Industrial Estate) and examples of Marquees at the Beckford Arms, Beckford. Precise details of these examples have not been provided, and it is not clear whether planning permission was required and/or approved for these, nor whether any planning applications for these were considered in different planning policy circumstances. The context, position and relationship with surrounding development of these sites are materially different from the application site. For example, the majority of examples shown on the Orchard Industrial Estate photograph are located centrally within the business centre and not in the immediate setting of the AONB. In any event, the current application has been assessed on its individual merits.
- 7.28 As detailed above, the development approved under application reference 88T/0172/03/02 on 3rd August 1988, for the erection of a light industrial unit (2055 sqm), was subject to restrictive conditions pertaining to: (c) the erection or construction on this site of any extensions, gates, fences, walls, other means of enclosure, or structures of any kind; and (d) any outside storage whatsoever on this site. These conditions were required in order to ensure that the development would be visually attractive in the interests of amenity. The development which has been carried out is in breach of these restrictive conditions.
- 7.29 The site is within an industrial estate. This industrial estate is somewhat incongruous in this rural location but is well established. The shipping containers are located within close proximity of the principal building, towards the northern side of the site, and the visual impact of these is considered to be acceptable.
- 7.30 Notwithstanding the fact that the 3 no. storage structures towards the southern side of the site and the galvanized palisade fencing have been erected within a designated business centre with a backdrop of industrial and warehouse buildings, and are partly screened by woodland, these are not located in the immediate surroundings of the principal building and the submitted photographs demonstrate that these are visible from the adjacent public highway, particularly in winter months when there is less foliage on vegetation. It is considered that the conditions recommended by the Conservation Officer would not sufficiently mitigate their landscape impact. The palisade fencing is stark and utilitarian in appearance irrespective of its colour, particularly in such a prominent location adjacent to the public highway within the SLA and the immediate setting of the AONB. In addition, the 3 no. storage structures which have been erected are large in scale and located adjacent to this southern boundary. The applicant's agent has confirmed that the applicants have suggested covering the white building with camouflage netting. Precise details of this have not been submitted. However, this again is not considered to sufficiently mitigate any landscape impact, and it is considered likely that this netting would itself deteriorate over time and fail to provide the intended screening.
- 7.31 Whilst it is considered that any harm to the landscape and scenic beauty of the AONB would be limited by virtue of the partial screening from the existing woodland, and subject to the conditions recommended by the Conservation Officer (i.e. painting the fence in a recessive colour where it faces the B4077 and stocking up any gaps in the screening using native hedge species), the unauthorised development nevertheless fails to conserve the landscape and scenic beauty of the AONB, and is considered to adversely affect the rural landscape of the area and the visual amenity of the SLA, contrary to paragraph 127 and Section 15 of the NPPF, JCS Policies SD4, SD6 and SD7, saved Policy LND2 of the TBLP, and emerging Policies EMP2, EMP5 and LAN1 of the PSTBP.

Arboricultural Implications

- 7.32 Within the close proximity of the outside storage are trees which are protected by TPO 272. These trees consist of G1 which are mainly Wellingtonia some oak and pine. There are 6 individual oak trees and a woodland shown as W1 which is primarily oak.
- 7.33 JCS Policy INF3 specifies that existing green infrastructure will be protected in a manner that reflects its contribution to ecosystem services (including biodiversity, landscape/townscape quality, the historic environment, public access, recreation and play) and the connectivity of the green infrastructure network. It further states that development proposals which will have an impact on woodlands, hedges and trees will need to include a justification for why this impact cannot be avoided and should incorporate measures acceptable to the Local Planning Authority to mitigate the loss. Mitigation should be provided on-site or, where this is not possible, in the immediate environs of the site. Emerging Policy NAT3 of the PSTBP requires development to contribute, where appropriate to do so and at a scale commensurate to the proposal, towards the provision, protection and enhancement of the wider green infrastructure network.
- 7.34 Further, as detailed above, saved Policy LND2 of the TBLP specifies that, within the SLA, proposals must demonstrate that they do not adversely affect, inter alia, the quality of the natural environment, or its visual attractiveness. Emerging Policy LAN1 of the PSTBP specifies that proposals for new development within SLAs will be permitted providing:
- The proposal would not cause harm to those features of the landscape character which are of significance;
 - The proposal maintains the quality of the natural and built environment and its visual attractiveness;
 - All reasonable opportunities for the enhancement of landscape character and the local environment are sought.
- 7.35 In addition, as detailed above, JCS Policy SD7 states that all development proposals in or within the setting of the Cotswolds AONB will be required to, inter alia, conserve and, where appropriate, enhance its landscape, scenic beauty, and other special qualities.
- 7.36 TPO 272, as referred to above, was made in 2008 after a review of the original TPO175 that was made in 1992. TPO 272 was made to safeguard the trees with amenity value and the reason for the order was:
- The trees provide an important amenity feature for the entrance to Toddington village: Trees 1 to 6 and Woodland 1 line the encroaching road (B4077) from the west into Toddington screening the industrial estate and group 1 conceals the estate from the village.*
- The Woodland consists mainly of Mature Oaks which are in good condition, form a valuable visual amenity to local residents of the village and workers on the industrial estate and is also an important wildlife habitat.*
- 7.37 The tree preservation order is to give the woodland, group and individual trees maximum protection for its amenity value to the local environment and from the site photographs the Tree Officer has seen the structures within the site are having a significant negative impact on the trees' visual amenity.

- 7.38 The application includes the submission of an Arboriculture Survey. This advises that the applicant has put large concrete blocks around the root areas of the trees to give protection to the trees, and that most of the trees inside the fences areas have historical low level stem damage, which appears to have been caused by vehicles from when the area was used as a parking site. The Survey advises that most of the trees surveyed would benefit from a dead wood and a climbing assessment to maintain a safe working environment underneath.
- 7.39 The Tree Officer acknowledges that there are items being stored and temporary structures erected within the root protection area of the trees. The Tree Officer comments that the structures and storage will not only cause damage to the understory of the woodland but is also creating compaction. Soil compaction results in lowering or even depleting oxygen in the soil and the structure then becomes anaerobic. This can be fatal to the tree roots and to the tree itself and could result in root death and also crown dieback.
- 7.40 The Tree Officer notes that it is unknown how the materials are relocated and positioned within the site, but advises that if it is by machinery (e.g. fork lift) there is a high risk that damage can be inflicted when moving across the site resulting in branches being snapped, the trunks of the trees being damaged etc. Storage of equipment and materials at or around the tree can also cause physical damage to the stem and surface roots. These actions all have the potential to bring about dysfunction and eventual decline of the trees.
- 7.41 For the reasons above the Tree Officer objects to the proposed retrospective application for outside storage and comments that all items and structures should be removed and the woodland managed and restored to maintain its visual amenity value.

Impact on Ecology/Biodiversity

- 7.42 As detailed above, the Woodland consists mainly of Mature Oaks, which are in good condition, and are an important wildlife habitat. The NPPF sets out 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. Emerging Policy NAT1 of the PSTBP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted. In addition, as set out above, JCS Policy INF3 specifies that existing green infrastructure will be protected in a manner that reflects its contribution to ecosystem services including, inter alia, biodiversity.
- 7.43 Further, as detailed above, saved Policy LND2 of the TBLP specifies that, within the SLA, proposals must demonstrate that they do not adversely affect, inter alia, the quality of the natural environment, or its wildlife and ecology. In addition, JCS Policy SD7 states that all development proposals in or within the setting of the Cotswolds AONB will be required to, inter alia, conserve and, where appropriate, enhance its wildlife, and other special qualities.
- 7.44 The Council's Ecological Advisor has reviewed the Tree Officer's comments and the documents submitted for the application and advises that the continuous disturbance of the trees could disturb and displace nesting birds which are protected under the Wildlife and Countryside Act (as amended). The Ecological Advisor further comments that the trees could also support roosting bats, especially through the summer months, and that vibrations or damage to trees through the relocation of materials could disturb or even result in the death of bats. In addition the Ecological Advisor notes that there is also risk to other species that could be using the area for shelter, including great crested newts and other amphibians as there are waterbodies in close proximity to the site and small mammals. As such, the

Ecological Advisor comments that they would want to see the storage of materials within this area removed and the habitat restored.

Access and highway safety

- 7.45 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. JCS Policy INF1 states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. Emerging Policy TRAC9 of the PSTBP states that proposals need to make provision for appropriate parking and access arrangements. In addition emerging Policy EMP5 of the PSTBP specifies that proposals for new employment development that are acceptable in principle in accordance with policies EMP1 – EMP4 will be permitted providing, inter alia: (1) any increase in traffic can be accommodated by the existing transport network; (2) there is provision for safe and convenient access by appropriate transport modes commensurate with the scale and nature of the proposed development and the location of the site; and (3) satisfactory vehicular access, parking sufficient to meet demand and manoeuvring space can be provided, including sufficient parking for heavy goods vehicles where necessary.
- 7.46 Gloucestershire County Council as Highway Authority has undertaken a robust assessment of the planning application and advises that the security fencing and storage within the existing commercial site would not create any additional undue highway safety risks.
- 7.47 The Highway Authority acknowledges the showroom marquee on the submitted plans, and raises concern that this may be in retail use and would therefore require separate permission if this is beyond the authorised land use (assumed to be light industrial; Class E). The Highway Authority advises that the location for a retail element to the existing industrial use is not ideal in an out-of-town location. However, if this is linked to the existing industrial use and activity permitted on the site, which could be a condition of permission or confirmed with a temporary timescale, the Highway Authority considers that this would not be significant in highway terms. As detailed above, it is recommended that any approval of planning permission be subject to a restrictive condition pertaining to the use of any part of the development for use class E(a), E(b), E(c), E(d), E(e) or E(f) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Uses 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. Such a condition would ensure the structures could not, for example, be used for retail purposes, which would not be considered appropriate in this location.
- 7.48 The Highway Authority concludes that there would not be an unacceptable impact on highway safety or a severe impact on congestion, and that there are no justifiable grounds on which an objection could be maintained.

Impact on Amenity of Existing and Future Occupiers

- 7.49 JCS policies SD4 and SD14 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. Emerging Policy EMP5 of the PSTBP specifies that proposals for new employment development that are acceptable in principle in accordance with policies EMP1 – EMP4 will be permitted providing, inter alia: (1) the proposal would not result in an unacceptable adverse impact on the amenity of neighbouring uses, particularly residential properties; and (2) the proposal would not result in an unacceptable adverse environmental impact, for example causing unacceptable levels of noise, air, water, soil or light pollution.
- 7.50 The application site is located within the context of the Orchard Trading Estate which is occupied by other industrial and warehouse units. It is apparent that the closest residential premises to the application site is the dwelling known as Five Points, located approximately 125 metres to the east of the application site. By virtue of the scale and form of the development, the use of the structures and land subject to this retrospective application for outside storage, the location of the application site within the Orchard Trading Estate, and its proximity to the nearest residential premises, it is considered that there would be no significant adverse effect on adjoining occupiers in terms of overshadowing, overbearing impact, loss of privacy, noise levels or general disturbances.

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.

Benefits

- 8.2 It is acknowledged that the unauthorised development has been carried out to allow for the expansion of an existing business. Paragraph 80 of the NPPF specifies that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt, and that 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. Paragraph 83 of the NPPF specifies that planning policies and decisions should enable, inter alia, the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.
- 8.3 The application site is located within the Orchard Trading Estate, which is designated as a Major Employment Site within the TBLP Proposals Map, and as an Existing Rural Business Centre within the PSTBP Proposals Map, and therefore the principle of the proposed development is considered to be acceptable subject to compliance with the relevant Development Plan policies. These include emerging policies EMP2 and EMP5 of the PSTBP, which require, inter alia, proposals to be of an appropriate scale and design having regard to the rural landscape of the area and for the scale and design of the proposal to be compatible with the character of the existing location and its setting paying particular regard to AONBs, SLAs and the Landscape Protection Zone.

Harms

- 8.4 The palisade fencing which has been erected is stark and utilitarian in appearance, particularly in such a prominent location adjacent to the public highway within the SLA and the immediate setting of the AONB. In addition, the 3 no. storage structures which have been erected are large in scale and located adjacent to this southern boundary. It is considered that this unauthorised development fails to conserve the landscape and scenic beauty of the AONB, and that it adversely affects the rural landscape of the area and the visual amenity of the SLA, contrary to paragraph 127 and Section 15 of the NPPF, JCS Policies SD4, SD6 and SD7, saved Policy LND2 of the TBLP, and emerging Policies EMP2, EMP5 and LAN1 of the PSTBP.
- 8.5 Furthermore, it is considered that the development causes harm to those features of the landscape character which are of significance, including the woodland and trees which are protected by Tree Preservation Order 272, which provide an important amenity feature for the entrance to Toddington village. The structures within the site have a significant negative impact on the trees' visual amenity and the erection of structures and the storage and relocation of items within their root protection areas will result in the dysfunction and eventual decline of the trees. The development therefore fails to protect existing green infrastructure, the quality of the natural environment and its visual attractiveness, and fails to conserve the landscape character of the Special Landscape Area or the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty. The development therefore conflicts with Section 15 of the NPPF, Policies SD6, SD7 and INF3 of the JCS, saved Policy LND2 of the TBLP, and emerging Policies EMP2, LAN1 and NAT3 of the PSTBP.
- 8.6 In addition, the application fails to demonstrate that biodiversity and wildlife, including protected species, would be conserved, in conflict with Section 15 of the NPPF, Policies SD7, SD9 and INF3 of the JCS, saved Policy LND2 of the TBLP and emerging Policy NAT1 of the PSTBP.

Neutral

- 8.7 Having regard to the policies of the development plan and the responses of technical consultees, subject to the imposition of suitable planning conditions, there are no objections in respect of impact on the Toddington Manor Registered Park and Garden, the impact on the amenity of existing and future occupiers, or highways impact.

Conclusion

- 8.8 For the reasons given above, it is concluded that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. It is therefore recommended that **planning permission be refused.**

Reasons for Refusal

1. The palisade fencing and storage structures fail to conserve the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty, and adversely affect the rural landscape of the area and the visual amenity of the Special Landscape Area, in conflict with Paragraph 127 and Section 15 of the National Planning Policy Framework (2019), Policies SD4, SD6 and SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), saved Policy LND2 of the Tewkesbury Borough Local Plan to 2011 (March 2006), and emerging Policies EMP2, EMP5 and LAN1 of the Pre-Submission Tewkesbury Borough Plan 2011-2031 (2019).

2. The development causes harm to those features of the landscape character which are of significance, including the woodland and trees which are protected by Tree Preservation Order 272, which provide an important amenity feature at the entrance to Toddington village. The structures within the site have a significant negative impact on the trees' visual amenity and the erection of structures and the storage and relocation of items within their root protection areas will result in the dysfunction and eventual decline of the trees. The development therefore fails to protect existing green infrastructure, the quality of the natural environment and its visual attractiveness, and fails to conserve the landscape character of the Special Landscape Area or the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty. The development therefore conflicts with Section 15 of the National Planning Policy Framework (2019), Policies SD6, SD7 and INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), saved Policy LND2 of the Tewkesbury Borough Local Plan to 2011 (March 2006), and emerging Policies EMP2, LAN1 and NAT3 of the Pre-Submission Tewkesbury Borough Plan 2011-2031 (2019).
3. The application fails to demonstrate that biodiversity and wildlife, including protected species, would be conserved, in conflict with Section 15 of the National Planning Policy Framework (2019), Policies SD7, SD9 and INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), saved Policy LND2 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and emerging Policy NAT1 of the Pre-Submission Tewkesbury Borough Plan 2011-2031 (2019).

INFORMATIVES:

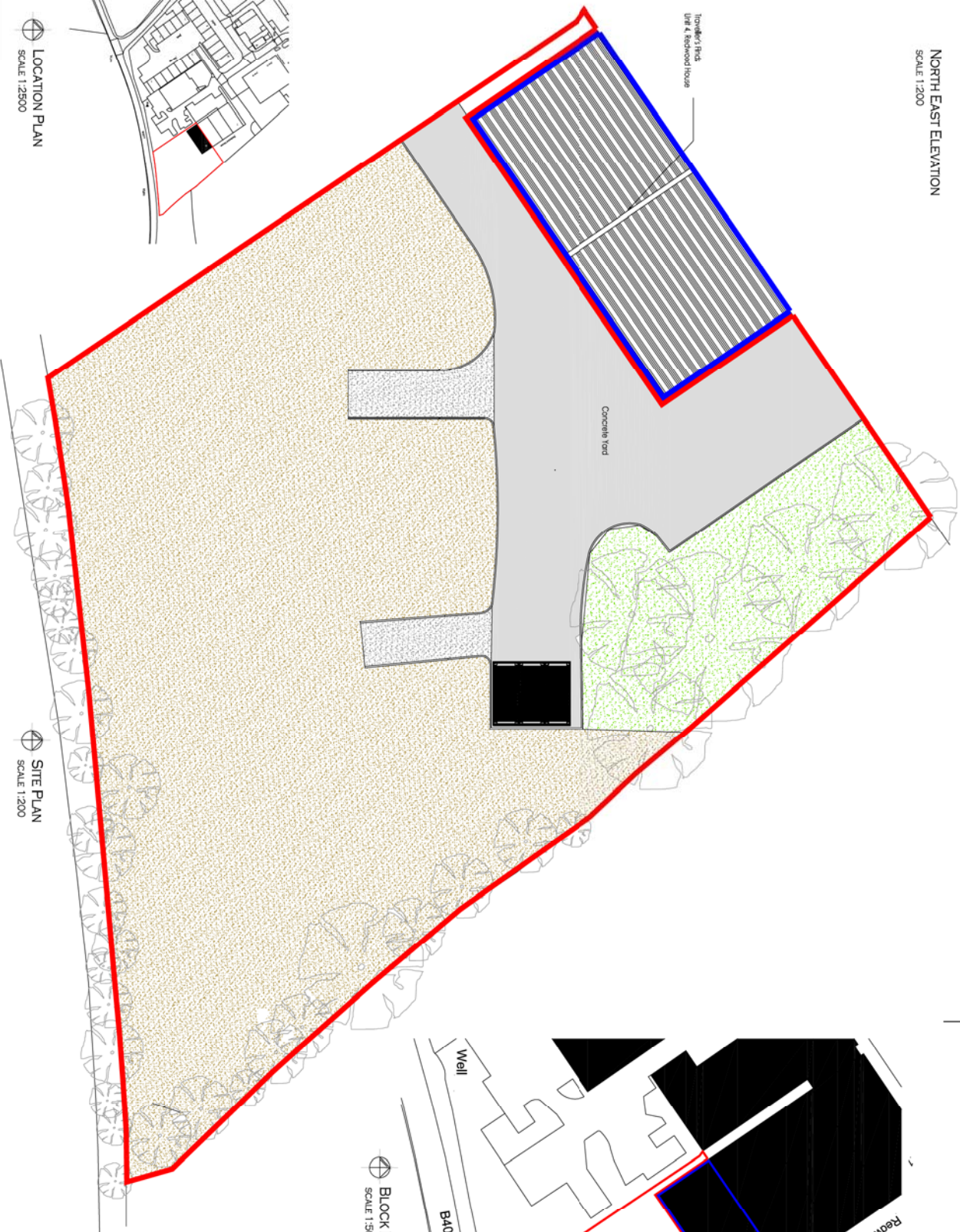
1. In accordance with the requirements of the National Planning Policy Framework (2019) the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's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

4, REDWOOD HOUSE, ORCHARD INDUSTRIAL ESTATE, TODDINGTON, GLOS EXISTING DETAILS



Trowler's Fins
Unit 4, Redwood House

NORTH EAST ELEVATION
SCALE 1:200



BLOCK PLAN
SCALE 1:500

LOCATION PLAN
SCALE 1:2500

SITE PLAN
SCALE 1:200



REVISION	DATE	BY
0	FIRST ISSUE	14.09.2015
REASON	NOTES	
DATE		
CLIENT	Trowler's Fins	
PROJECT	Orchard Industrial Estate, Unit 4, Redwood House, Toddington, Cheltenham GL54 5EB	
DRAWING	Existing Details	

FP
CONSTRUCTION SERVICES

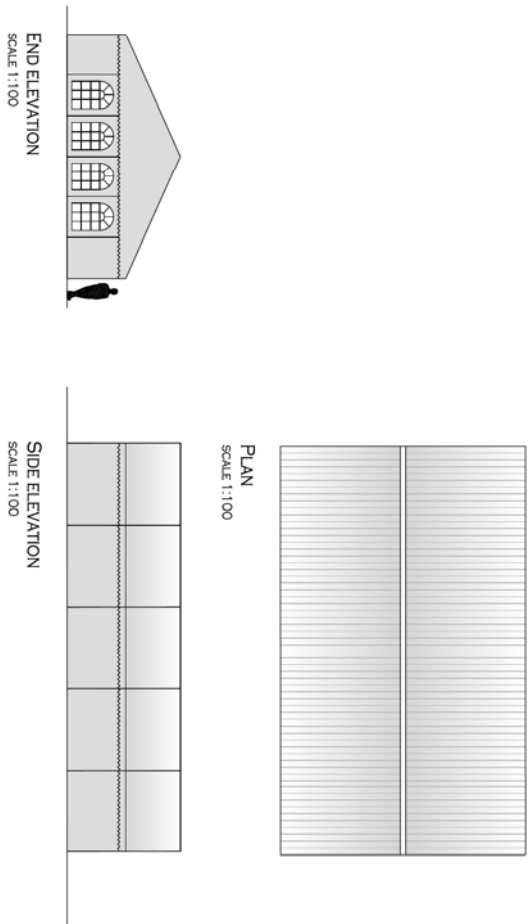
4 RIVERSIDE
CHICHESTER, WEST SUSSEX PO19 1PL
01243 787000 FAX 01243 787001
WWW.FP-CONSTRUCTION.COM

DATE: July 2020
DRAWN BY: LP
CHECKED BY: LP
SCALE: 0

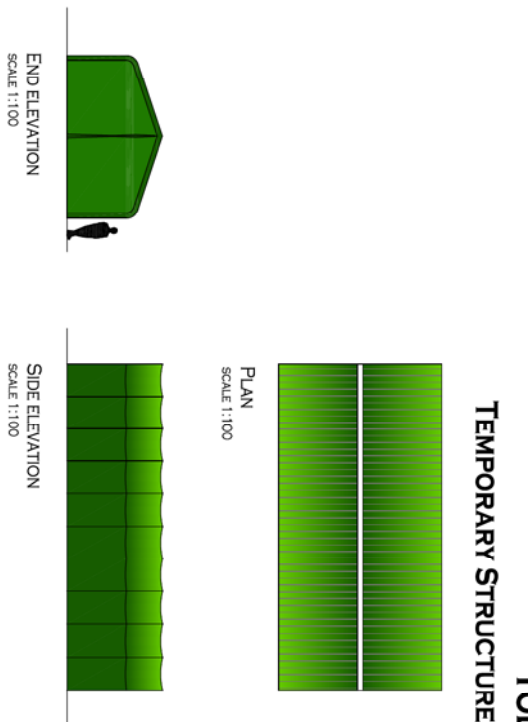
DATE: July 2020
DRAWN BY: LP
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DATE: July 2020
DRAWN BY: LP
CHECKED BY: LP
SCALE: 0

Temporary Storage Structure
Marquee - Showroom

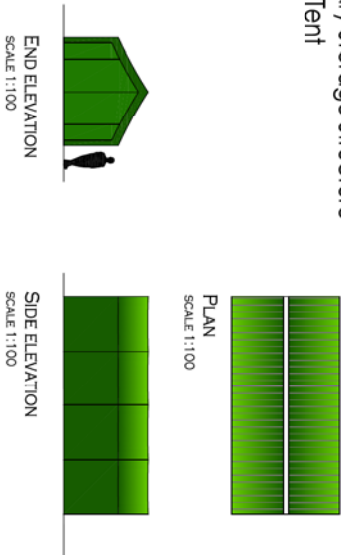


Temporary Storage Structure
Storage Tent

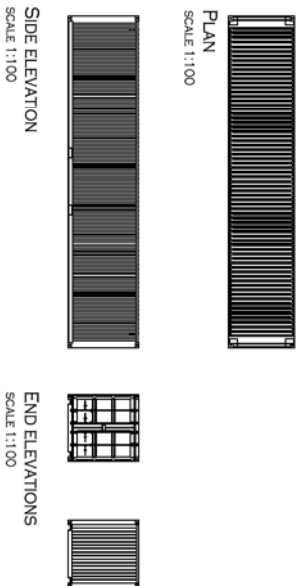


**4, REDWOOD HOUSE,
ORCHARD INDUSTRIAL ESTATE,
TODDINGTON, GLOS**
TEMPORARY STRUCTURE / FENCING DETAILS

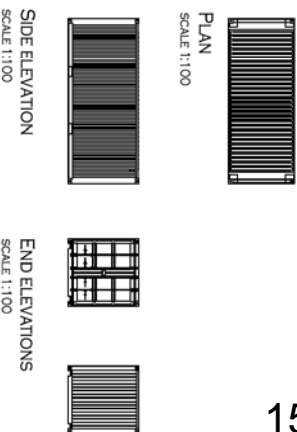
Temporary Storage Structure
Storage Tent



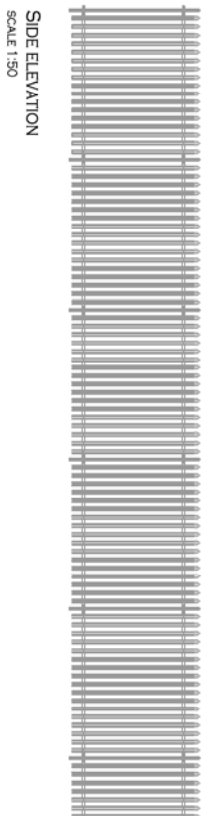
40 foot Shipping Container



20 foot Shipping Container



2.4m High Palisade Fencing



DATE:	Treveller's Finds	
PROJECT:	Orchard Industrial Estate, Unit 4 Redwood House, Toddington, Cheltenham GL54 3EB	
CLIENT:	Temporary structure and fencing details	
REVISION:	NO.	DATE
0	FIRST ISSUE	14.09.2015
<p>CONSTRUCTION SERVICES</p> <p>44 St. Nicholas Way Worcester WR1 1LH +44 (0) 1793 600950 Email: info@construction.com</p>		
ISSUED BY:	DATE:	DATE:
UP	July 2020	July 2020
POSS. STARTED:	U4,01E,PR,02	0

ORCHARD INDUSTRIAL ESTATE, EXAMPLES OF SECURITY FENCING AND OUTDOOR STORAGE



Number of shipping containers stored within undergrowth

Outdoor storage

Outdoor storage

Poliscode security fence

Outdoor storage

Outdoor storage

Poliscode security fence

Poliscode security fence

Travellers Ffids

0	FIRST ISSUE	14.10.2020
PERSON	NAMES	DATE
PROJECT Traveller's Ffids Orchard Industrial Estate, Unit 4 Redwood House, Toddington, Cheltenham GL54 5EB		
DRAWING Examples of Security Fencing and Outdoor storage		
CONSTRUCTION SERVICES A MEMBER OF THE GROUP OF COMPANIES FORMERLY KNOWN AS P +44 (0) 1793 300000 FAX: 01793 300000		
ISSUED BY	DATE	ISSUED BY
LP	Oct 2020	LP
ISSUED BY	DATE	ISSUED BY
U4.01E.X.01	Oct 2020	0

4, REDWOOD HOUSE, ORCHARD INDUSTRIAL ESTATE, TODDINGTON, GLOS AS BUILT DETAILS



⊕ SITE PLAN
SCALE 1:200



⊕ BLOCK PLAN
SCALE 1:500

154

NO	DATE	BY	DESCRIPTION
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ARBORICULTURE SURVEY For Travelers Finds, Unit 4 Redwood House GL545EB.

Conducted by J Atkinson. J Atkinson Tree and Forestry works.

Note.

I have not received any info from the Tree Officer to reference any TPO information.

This survey was visual only as requested by the Client.

Mapping from the council will need to be cross referenced with the mapping made by myself for tree location onsite.

Ref no	Species	Height m	DBH CM S	Stems	Spread m	Age	Physical condition	Structural condition	Life expectancy BS CAT
1	Quercus Oak	25	280	M	N5 E1 S6 W7	M	Good	Good	>40 B 1,2,3
2	Fagus Beech	7	100	S	N3 E3 S2 W2	Y	Poor Fell recommended	Poor	<10 R
3	Fraxinus Ash	20	180	S	N4 E3 S3 W3	SM	Poor Signs of Die back. Basal scaring. FELL	Poor	<10 R
4	Quercus Oak	25	190	S	N5 E4 S3 W3	SM	Good Deadwood recommended	Good	>40 A 1,2,3
5	Quercus Oak	20	170	S	N1 E2 S1 W2	SM	Poor Deadwood recommended	OK	>20 B 1,2,3
6	Quercus Oak	25	220	S	N5 E4 S6 W3	SM	Good Deadwood Recommended	Good	>40 A 1,2,3

7	Quercus Oak	25	205	S	N3 E2 S2 W5	SM	Good Deadwood recommended	Good	>40 A 1,2,3
8	Aesculus Horse Chestnut	10	105	S	N3 E3 S3 W3	Y	Poor Significant Basal rot FELL	Poor	<10 R
9	Quercus Oak	25	225	S	N2 E2 S4 W2	SM	OK. Tips seem to be in decline. Deadwood and reduce by 1/3	Ok	>20 B 1,2,3
10	Quercus Oak	10	200	S	N2 E2 S2 W2	Y	Poor A lot of epicormic growth, dead/dying top. Recommend 3m monolith to promote nature. Coronate cut	Poor	<10 C 1,3 Only to promote habitat
11	Quercus Oak	25	325	Twin	N8 E6 W8 S4	M	Good	Good	>40 A 1,2,3
12	Quercus Oak	15	170	S	N3 E3 S3 W3	SM	OK	Good	>40 B 1,2,3
13	Fraxinus Ash	15	115	S	N0 E0 S3 W0	Y	Poor Fell	Poor	<10 R
14	Aesculus Horse Chestnut	15	155	S	N4 E2 S4 W2	SM	Poor Climbing inspection, possible pollard to remove weight	Poor	>20 C 1,2,3
15	Aesculus Horse Chestnut	10	125	S	N2 E3 S2 W2	Y	Good	Good	>40 B 1,2,3

16	Quercus Oak	25	225	S	N2 E3 S5 W3	SM	OK. Top snap out, reduce 1/3 Deadwood	Poor	>20 B 1,2,3
17	Aesculus Horse Chestnut	10	130	S	N1 E1 S3 W1	Y	Poor, Tip dieback, climbing inspection, Low pollard. if further inspection finds defect FELL	Poor	C/R 3
18	Quercus Oak	25	230	S	N5 E3 S5 W5	SM	Good Deadwood Basel damage	Good	>40 B 1,2,3,
19	Aesculus Horse Chestnut	25	245	S	N6 E3 S2 W1	SM	OK Tip Dieback Low pollard	Ok	>20 B 1,2,3
20	Quercus Oak	25	240	S	N2 E3 S6 W4	M	OK Dead wood Damage to stem	OK	>40 B 1,2,3
21	Aesculus Horse Chestnut	20	270	S	N6 E4 S5 W2	M	Good Dead wood Low branch snap out	Good	>40 A 1,2,3
22	Aesculus Horse Chestnut	13	130	M	N0 E1 S3 W2	Y	OK High Pollard and climbing inspection	OK	>20 B 1,2,3
23	Fraxinus Ash	13	120	S	N0 E5 S3 W0	Y	Poor Signs of dieback Fell	Poor	<10 R
24	Ulmus Glabra Wych Elm	10	75	S	N2 E2 S2 W2	SM	Good	Good	>40 A 1,2,3
25	Quercus Oak	25	260	S	N6 E3 S8 W6	M	Good Dead wood	Good	>40 A 1,2,3

26	Quercus Oak	20	208	S	N2 E2 S2 W2	SM	Poor Dead top Monolith, coronet cut at safe height to promote nature	Poor	<20 C/R 1,2,3
27	Aesculus Horse Chestnut	10	150	S	N3 E4 S2 W5	Y	Poor Low pollard due to condition	Poor	<20 B/C 1,2,3
28	Sequoia Redwood	25	250	S	N4 E4 S4 W4	SM	Good	Good	>40 A 1,2,3
29	Quercus Oak	25	330	S	N6 E4 S2 W4	M	OK Fence within 1m, climb inspect	Good	>40 A 1,2,3
30	Quercus Oak	25	255	M	N6 E6 S6 W3	M	Good, Historical surface root damage Climb inspect	Good	>40 A 1,2,3
31	Fraxinus	15	80	S	N2 E2 S2 W2	Y	Poor Fell	Poor	<10 R
32	Ulmus Glabra Wych Elm	7	80	S	N3 E3 S2 W2	SM	Good	Good	>40 A 1,2,3

The survey only includes the inside of the fenced area that was a historical car park as part of the industrial estate.

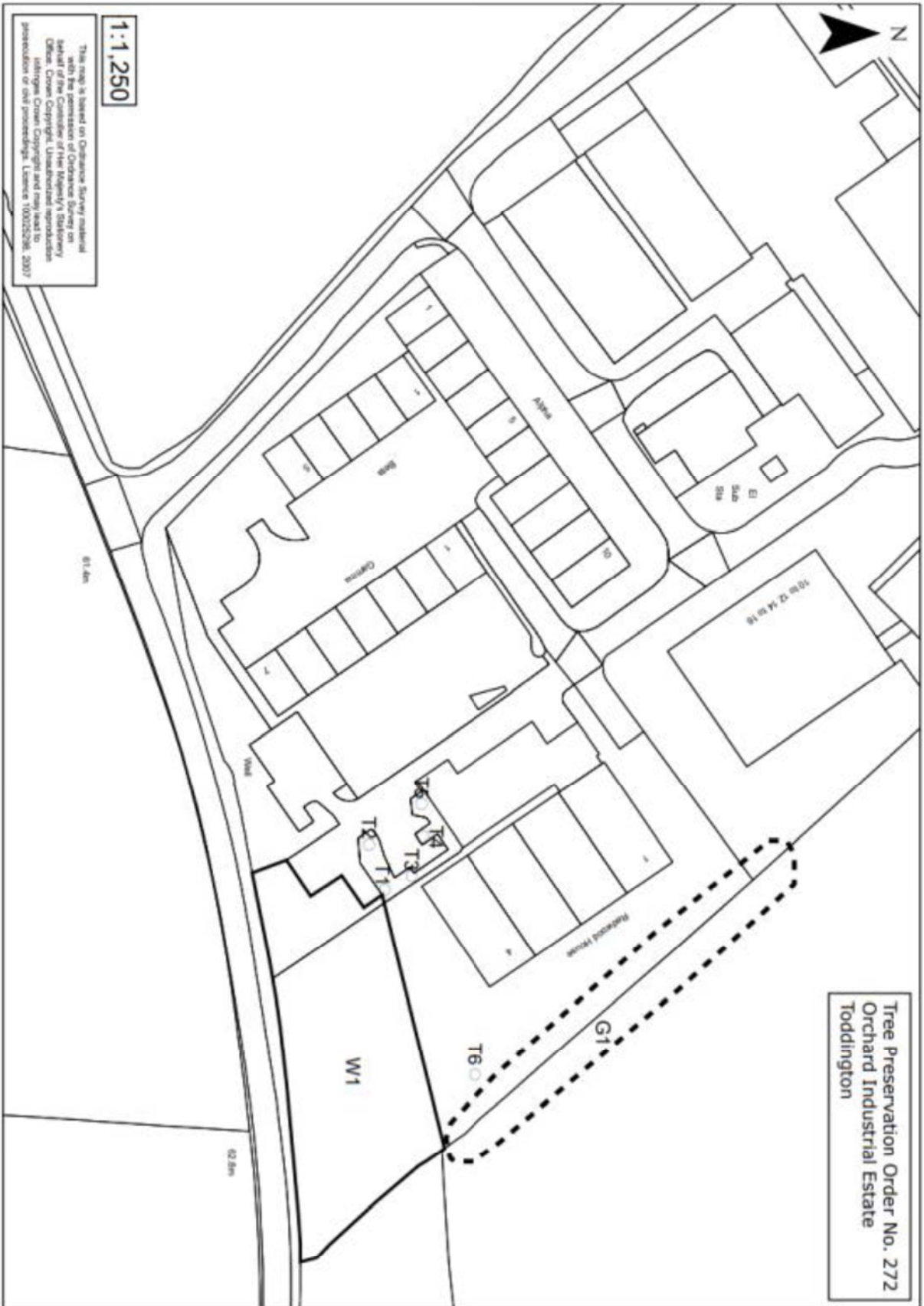
The client has put large concrete blocks around the root areas of the trees to give protection to the trees. Most of the trees inside the fences area have historical low level stem damage, this damage is old, looking like vehicle damage from when the area was used as a parking site.

Most of the trees surveyed would benefit from a dead wood and a climbing assessment to maintain a safe working environment underneath. This should be done sooner rather than later.

The client has expressed a wish to promote biodiversity and to keep the area as natural as possible, also to plant some native trees and a Laurel hedge at the back of the site.

jatkinsontreeandforestryworks@gmail.com

07926839545



TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	20 April 2021
Site Location:	Farringdon Stockwell Lane Woodmancote Cheltenham Gloucestershire GL52 9QB
Application No:	20/01252/FUL
Ward:	Cleeve Hill
Parish:	Woodmancote
Proposal:	Pitched roof extension over existing garage, erection of a side and rear extension, rear dormer extension and replacement doors and windows.
Report by:	Pippa Brown
Appendices:	Existing ground/first floor plan Proposed ground/first floor plan Existing elevations & site location plan Proposed elevations & block plan Design & access statement
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application relates to Farringdon, a one and a half storey 1950s built dwelling, constructed of reconstituted stone, with a part rendered finish. The dwelling is located on a road with a range of dwelling styles in Woodmancote. The site sits within the Woodmancote Conservation Area and within 50m of three listed buildings (Pigeon House, Pear Tree Cottage and King's Farm).
- 1.2. The proposal seeks to extend the property to increase living space both in the roof space, where there are two existing bedrooms, and on the ground floor, including pitched and flat roofed elements and two balconies at the rear. The proposal includes changes to fenestration at the front of the property and the addition of a rendered finish to the whole dwelling.
- 1.3. A Committee determination is required as the Parish Council is objecting to the proposal on the grounds of concerns that the extension would take the dwelling too close to the boundary, which would be detrimental to the open character of the area.
- 1.4. The application was DEFERED at planning committee on 16 March 2021 (see UP-DATE below).

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
20/01247/TCA	Leylandii Tree. Remove/fell a row of 10 tree closest to the house and initially cut the tops out of the 11 in seconds row. With a view to fell the row inside the boundary mid 2021. The trees felled along the boundary will be replaced with a native species such as beech of similar. Remove and replace the Leylandii due to their height and position in the garden, they block out light most of the year. Losing sunlight during later and early months of the year. Hopefully replace the Leylandii will hopefully encourage wildlife to our garden	NOOBJE	22.01.2021

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).

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

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

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

3.5. Policy SD4 (Design Requirements).

3.6. Policy SD8 (Historic Environment).

3.7. Policy SD14 (Health and Environmental Quality).

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

3.8. Policy HOU8 (Domestic Extensions).

3.9. Policy HEN2 (Conservation Area: Setting and Impact).

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

3.10. Policy RES10 (Alteration and Extension of Existing Dwellings).

3.11. Policy HER1 (Conservation Areas).

Neighbourhood Plan

- 3.12. The proposal lies within the designated Woodmancote Neighbourhood Area. The Woodmancote Neighbourhood Development Plan is at an early stage, and as such, does not carry any weight in the decision-making process at this current time.

4.0 CONSULTATIONS

- 4.1. Woodmancote Parish Council – Objection based on the proximity of the proposed extension to the boundary and the potential detrimental impact it would have on the open character of the area. The parish Council also mentioned the recent flood event in December 2020, in relation to the loss of permeable area involved in the proposed development.
- 4.2. Conservation Officer – No objection but raised points over the addition of the balconies to the rear, being an incongruous feature in the Conservation Area.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1. Local Residents - The application has been publicised through the posting of a site notice for a period of 21 days and one letter of representation was received, objecting to the proposal on amenity grounds. The main points of the written objection relate to the original scheme and include:
- The proposed balcony on the west side would be very close to the boundary with the complainant's property and would provide an outlook onto the whole of their garden. This would not be alleviated by the addition of side screens.
 - The proposal seeks to extend around a metre from the rear boundary of Farrington, which is already at a higher level than the complainant's property. The scale of extensions would be over dominant and would further exacerbate the overlooking issues.
 - There would be an overlooking impact on all neighbouring properties – there has been a recent application to remove some trees to the South.
 - The concept of a balcony would be an alien feature in a rural village garden location.
 - The balconies could be used for social and entertaining purposes which could cause issues of noise and artificial light.
 - The proposal would devalue the complainants recently purchased property.
 - The proposal could set a precedent for other balcony extensions.
 - The complainant's property has a balcony, which was part of the original construction of the dwelling in 1957, which they feel has an overlooking impact. They are prepared to remove this as part of their own application.
- 5.2. An additional letter of representation has been received from the agent of the aforementioned adjacent neighbour, providing further analysis of the potential impacts of the proposed development (revised scheme) and raising a strong objection to the proposal, with particular reference to the addition of a balcony on the western side of the dwelling. In addition to the comments outlined above, these include:

- The proposed rear extensions would result in overlooking, the perception of overlooking and have an overbearing impact on the garden of Cleeve Mount. The glazed screens would not adequately protect neighbouring amenity.
 - The proposed balconies and glazed screens would not reflect the character, form and appearance of development of the residential context.
 - The level of obscurity of glazing would be difficult to control in the future and the perceived overlooking would remain an issue regardless.
 - Farringdon is already located higher than Cleeve Mount and the glazed screens will exacerbate the overbearing impact.
 - There will be a loss of outlook towards Cleeve Hill as a result of the proposal.
 - The site lies within the Cotswolds AONB and Woodmancote Conservation Area – These are protected landscapes.
 - Extensions and balconies would be visible from a variety of vantage points, including Stockwell Lane and the garden of Cleeve Mount. – The introduction of glazed screens would appear alien and uncharacteristic of the area. Flat roofed elements are not features that would normally be associated with the Conservation Area.
 - Specific reference made to the Conservation Officer's comments – harm caused would outweigh the public benefit of the development.
- 5.3. These concerns have been given significant consideration in the analysis of the proposal and a site visit conducted on 26.02.2021.
- 5.4. It is important to note that the site does not lie within the Cotswolds AONB.
- 5.5. Plans, as revised (Drawing 4 REV B & Drawing 3 REV B), omit the balconies discussed by the objector.

6.0 POLICY CONTEXT

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

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

7.0 ANALYSIS

Design and Visual Amenity

- 7.1. JCS Policy SD4 of the Joint Core Strategy sets out requirements for high quality design while Local Plan Policy HOU8 provides that development must respect the character, scale and proportion of the existing dwelling and the surrounding development.
- 7.2. The proposed alterations to the front of the dwelling would not appear incongruous or have an adverse impact on the character or appearance of the area. Whilst the changes to the fenestration would appear more modern than some other properties in the area, the dwelling itself is of a 1950s style and presently includes numerous features differing from the adjacent neighbouring properties. Therefore, the changes would be acceptable.
- 7.3. As the dwelling currently has a mix of reconstituted Cotswold Stone and render, and a variety of material finishes can be seen along Stockwell Lane, the proposed use of render for the whole dwelling would not appear out of keeping with the area. A condition requiring details of the finish and colour of the proposed render would ensure an acceptable appearance. Therefore, it would not be considered to have an adverse impact on the character or appearance of the area and would be acceptable.
- 7.4. The proposed extension to the front element of the dwelling, over the existing garage, would include a pitched roof, a feature of the existing dwelling. The use of a pitched roof would be considered to visually enhance the appearance of the dwelling and be sympathetic to its location close to the Cotswolds AONB.
- 7.5. The proposed rear extensions would consist of the addition of a central two storey rear gable over the existing single storey element, with a large single storey flat roofed extension to either side of the gable and wrapping around the eastern side. Box dormers would also be introduced into the rear roof slope either side of the central gable which would open up onto the flat roof extensions (**see proposed elevations**).
- 7.6. Whilst the proposed two storey rear gable would not reflect the single storey nature of the existing building, it would be seen in the context of the overall changes to the rear elevation which includes the rear dormers. The rear gable would not extend above the roofline of the existing dwelling and would not have any adverse impacts on the street scene, making no change to the front elevation of the dwelling. The flat roofed elements, by virtue of their height, would appear subservient additions to the dwelling and would similarly not be visible from the street scene.
- 7.7. As referred to above, the proposal also includes a balcony over the flat roofed rear extension which include 1.8 glazed panels to the side. Despite the fact that the proposed balcony on the West side of the dwelling would be partially visible from the street, between the dwelling and the neighbouring property, it would set well back from the lane at the rear of the dwelling. Views of it would therefore be limited and it would not appear visually prominent in the street scene. Officers concluded therefore that it would not have an unacceptable impact on the character or appearance of the dwelling.

- 7.8. The Parish Council objected to the proposal on the basis that the proposed extensions would be too close to the boundary with the neighbouring property, stating that they would like to see a gap created around the dwelling behind the garage. Whilst this has been taken into account, it is not considered that the extension to the rear of the garage would have a harmful impact on the openness of the area, nor would it be considered too close to the boundary, with access to the garden maintained on the West side of the Dwelling. It was therefore considered that adjusting the proposal to bring it further from the Boundary on the East side would not be necessary, as the harm it would cause would be less than substantial.
- 7.9. The proposed extensions and alterations would be of an appropriate size and design in keeping with the character and appearance of the property. Therefore, the proposal would have an acceptable impact on the character of the surrounding area and complies with the requirements of Policy HOU8 of the Local Plan and Policy SD4 of the JCS.

Effect on the Living Conditions of Neighbouring Dwellings

- 7.10. Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Local Plan Policy HOU8 provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity. A site visit was conducted, in order to gain a better understanding of the potential impacts of the proposal on the amenity of local residents.
- 7.11. Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2019 and the Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019).
- 7.12. The front extension to the garage would not cause any issues of overlooking or overshadowing, due to its location within the site and proximity to the adjacent neighbours.
- 7.13. The proposed two storey rear gable extension would not have a harmful overbearing or overshadowing impact, affecting the amenity of the neighbouring dwellings.
- 7.14. One objection was received from a neighbour, living at the adjacent property to the West (Cleeve Mount), relating to the significant potential impact of overlooking that would be caused by the proposed balcony on the South West corner of the dwelling.
- 7.15. The proximity of this balcony to the boundary with the Cleeve Mount and its slightly elevated position was given significant consideration, with revised plans submitted including the use of 1.8m high obscure glazing on the outer sides of both balconies and obscure glazing to a slightly lower level on the fronts. In addition, the depth of the balconies was reduced by 900mm (around a third of their original proposed size), meaning any use of the raised areas would be limited in terms of number of people and activity. The proposed obscure glazing would extend beyond the front of each balcony, to the edge of the flat roofs, further reducing the potential for overlooking into the private amenity space of both adjacent dwellings and providing a predominant outlook to the South.
- 7.16. It has been considered that these measures would be sufficient in reducing the impacts of overlooking to an acceptable level, not far over and above the existing situation caused by the windows at first floor level on both the East and West elevations. Therefore, the proposal, as revised would not have an adverse impact on the private amenity space of the neighbouring residents.

- 7.17. Whilst the proposal would include three new windows at first floor level, the significant size of the garden and subsequent distance from the neighbouring properties to the South (located on Denham Close) would be over 27 metres. This means that any potential overlooking impacts affecting these dwellings would not be considered harmful.
- 7.18. The impact of the proposal upon neighbouring properties has carefully been assessed and it is considered that there would not be an undue impact upon their amenity in accordance with Policy HOU8 of the Local Plan and Policy SD14 of the JCS.

Impact on Heritage Assets

- 7.19. 'Farringdon' is located within Woodmancote Conservation area and is within the setting of a number of Grade II Listed buildings (Kings Farm to the West and Pear Tree House and Pigeon House to the North). As such when determining planning applications this authority has a duty under Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have regard to the desirability of preserving listed buildings and their settings and to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The proposal will also be assessed against section 16 of the NPPF, Policy SD8 of the JCS and saved policy HEN2 of the Local Plan. The property is also within an Article 4 Direction.
- 7.20. The Council's Conservation Officer (CO) has been consulted with regard to the impact of the proposal on the Conservation area and the setting of listed buildings. With regard to the impact of the design in the Conservation Area, the CO comments that glazed balconies such as those proposed, are not commonly encouraged in conservation areas. The balconies would be located to the rear of the dwelling and there would only be glimpsed views of part of glazed panel on the western elevation from Stockwell Lane. Given that the immediate context of the conservation area either side of 'Farringdon' is that of modern bungalows and that views of the glazed balcony would be very limited, Officers concluded there would be no harm to the conservation area in this case.
- 7.21. Whilst Farringdon is located near to 3 grade II listed buildings, they are not adjacent to the property and as the dwelling is not itself listed, the alterations and extensions would not have a detrimental impact on their character or settings.
- 7.22. The proposal would therefore comply with the requirements of section 16 of the NPPF, Policy SD8 of the JCS and saved policy HEN2 of the Local Plan.

UPDATE

This application was presented to planning committee on the 16th March 2021 and was recommended for Permit. However, following debate Members were concerned about the proposed balcony on the West side of the rear elevation and the potential harm this would cause to residential amenity. The application was therefore DEFERRED to allow the applicant the opportunity to resolve this issue.

In response, the applicant has removed the balconies from the rear elevation on both sides of the gable, introducing windows to the proposed box dormers instead of doors (see revised elevations and floor plans). Box dormers are a feature present in the area, including on the adjacent dwelling to the East (Lapford), meaning they would not appear incongruous in the context.

The proposal, as revised, would address the concerns expressed by Members regarding the potential loss of privacy to the neighbouring property resulting from the balcony. Furthermore, the concerns raised by objectors regarding the harm to the Conservation Area would also be addressed as a result of the omission of the glazed balustrades.

In order to prevent potential use of the flat roof, a condition (4) has been added that would prevent its use for such purposes.

Therefore, the proposal, as revised would not have an adverse impact on the private amenity space of the neighbouring residents.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1. It is considered that the proposal would not be harmful to the appearance of the existing dwelling or conservation area and, subject to conditions, it would not result in an unacceptable loss of residential amenity to neighbouring dwellings. The proposal would also be of an acceptable size and design. It would therefore accord with relevant policies as outlined above. Therefore, it is recommended the application be Permitted.

CONDITIONS:

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

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

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

- Revised drawing 3 REV B – Proposed ground/first floor plan @A3 (Received 22.03.2021)
- Revised drawing 4 REV B – Proposed elevations @A3 (Received 22.03.2021)
- Drawing 002 – Existing elevations & site location plan @A3 (Received 14.12.2020)

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 materials to be used in the construction of the external surfaces of the proposed development shall match those specified in the approved plans. The render to be used shall not be applied to the external surfaces until details of its colour and finish, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out according to the approved details.

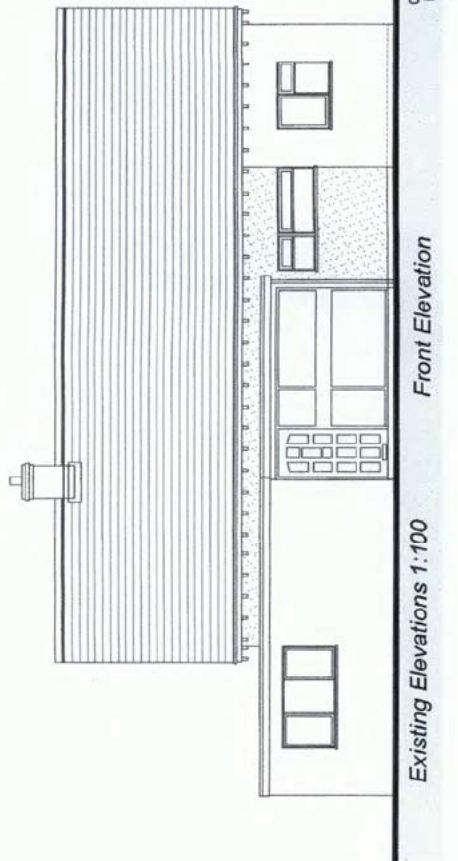
Reason: To ensure that the finished appearance of the development will enhance the character and visual amenities of the area.

4. The flat roofed areas of the extensions hereby permitted shall not be used as a balcony, roof garden or similar amenity area, without the grant of further specific permission from the Local Planning Authority.

Reason: To satisfactorily protect the residential amenities of nearby occupiers.

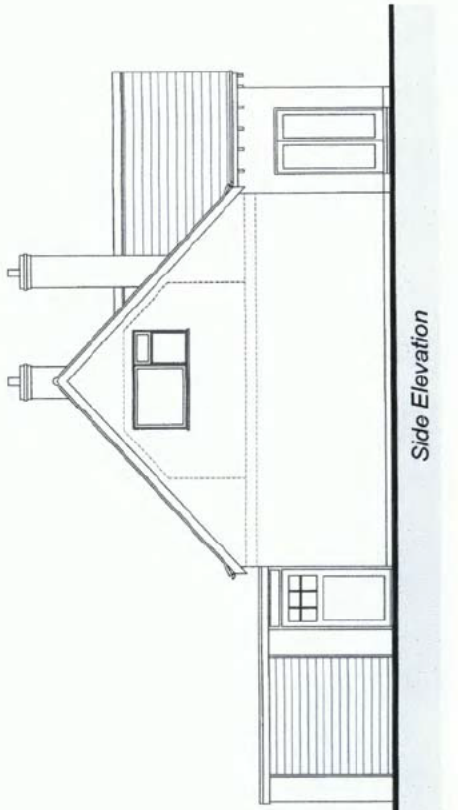
INFORMATIVES:

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

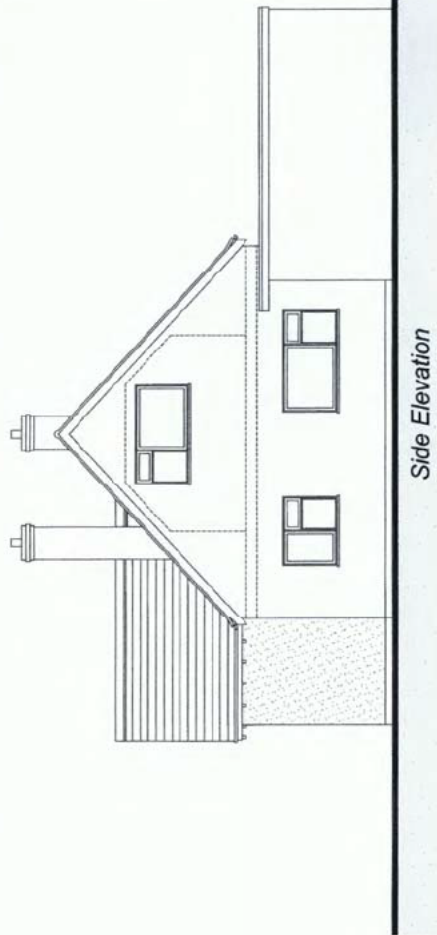


Existing Elevations 1:100

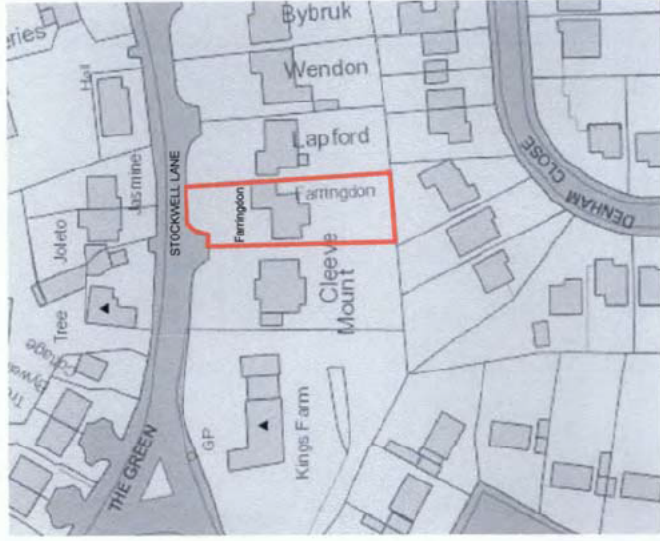
Front Elevation



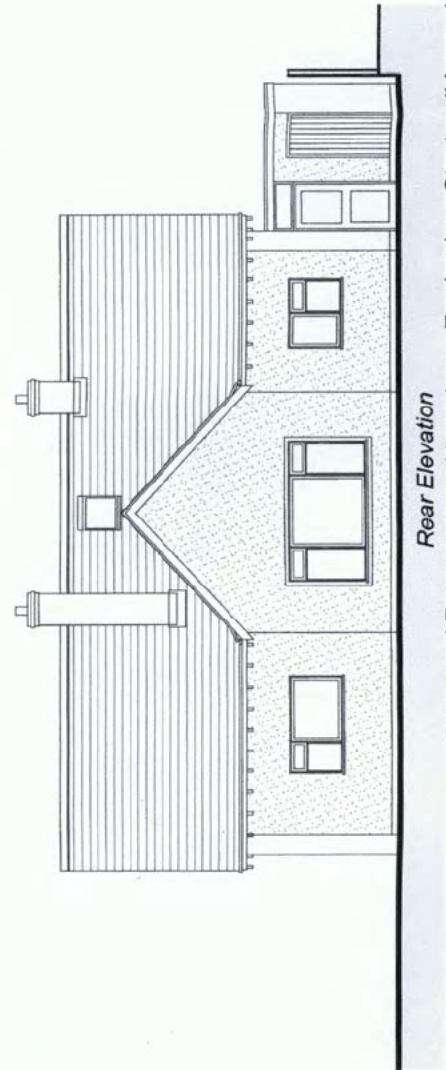
Side Elevation



Side Elevation



Location Plan 1:1250

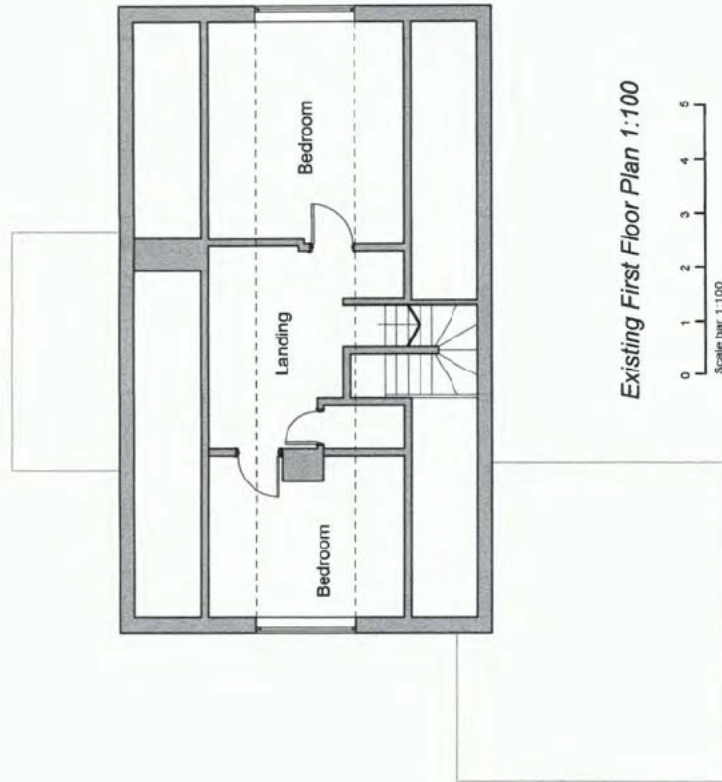
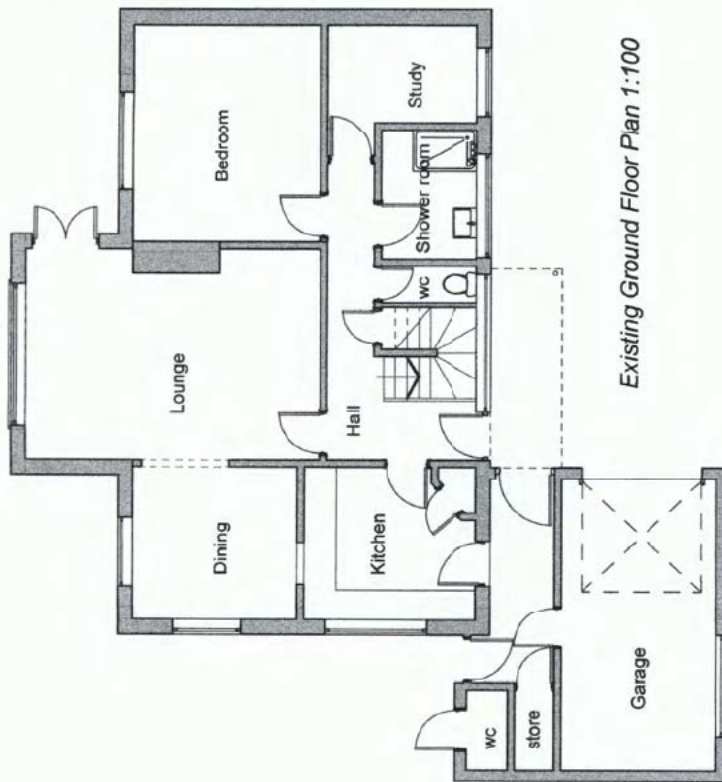


Rear Elevation

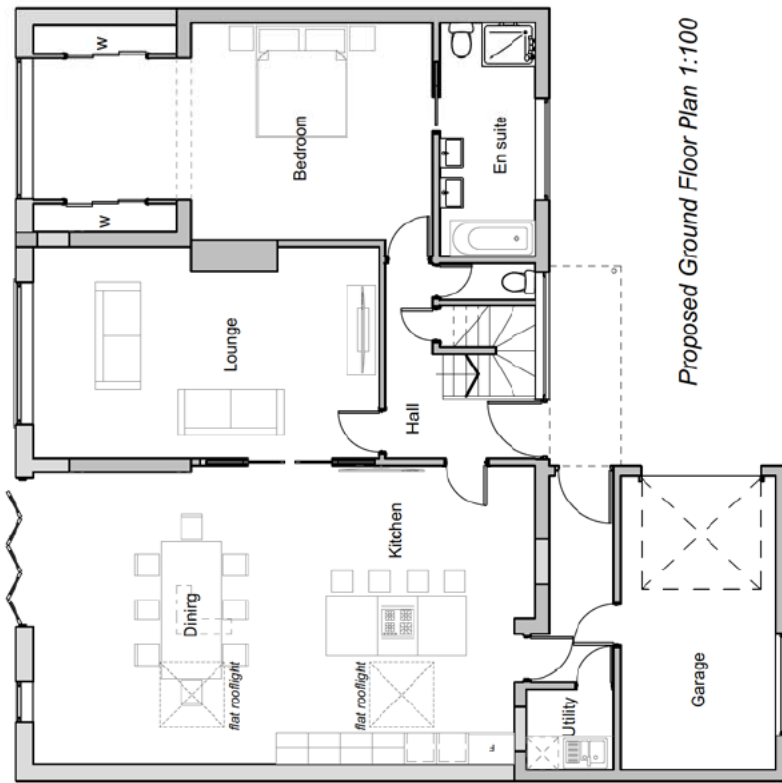
Proposed Extensions + Alterations- Farrington, Stockwell Lane, Woodmancote, GL52 9QB

TEWESBURY BOROUGH C.C. / C.	
Office / Scanned	OPERATIONS
Rec'd	14 DEC 2020
Act'd	
Ans'd	

Survey Elevations-Dwg no 602



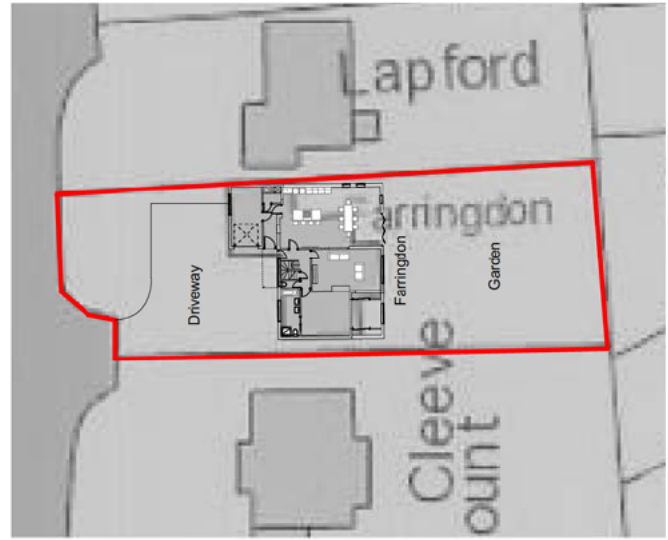
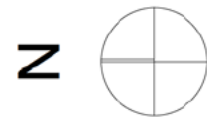
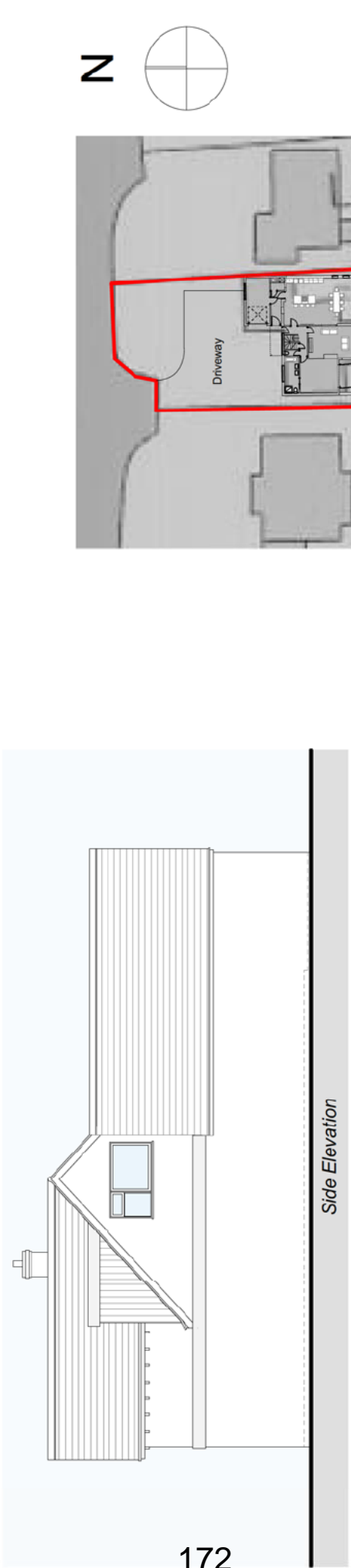
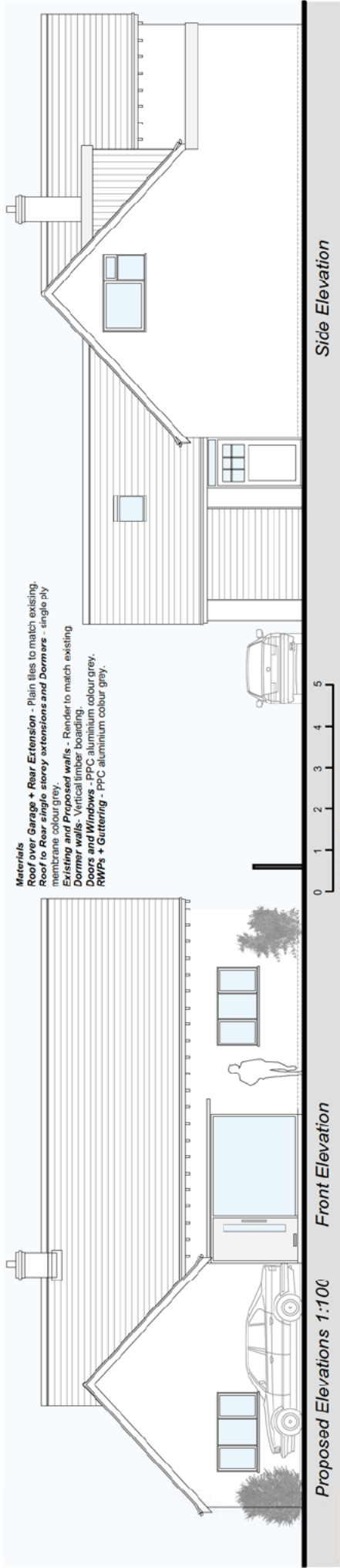
TEWKESBURY BOROUGH COUNCIL OPERATIONS	
Officer	
Scanned	
Rec'd	14 DEC 2020
Ack'd	
Ans'd	
File	



Proposed Ground Floor Plan 1:100



Proposed First Floor Plan 1:100



Block Plan 1:500

DESIGN AND ACCESS STATEMENT – FARRINGDON, STOCKWELL LANE, WOODMANCOTE, GL52 9QB [REDACTED]

Introduction

This Statement has been prepared on behalf of [REDACTED] to support their application for planning permission to make alterations and extend their family home.

The Application Property

The property was purchased in the summer of 2020 and is a 1 and half storey property built approx. in the 1950s. The property currently has living accommodation at ground floor level with 2 No bedrooms within the roof space. The property is constructed of reconstituted stonework and rendered walls with a flat roof garage to the frontage.

The property is within the Woodmancote Conservation Area and has similar looking properties either side of the property. The Conservation Area has a mixture of properties with varying designs and styles.

Proposal

The proposals consist of replacing the existing flat roof to the garage and replacing with a more traditional pitched roof form. To the side and rear of the property it is proposed to provide wrap around flat roof extensions with the existing projecting rear gable taken up to existing ridge line. These proposals will then provide more workable bedrooms incorporating flat roof dormers with a balcony over the flat roof area externally.

Design and Impact

The design has been considered to update the existing poor fenestration to the front and provide accommodation to the rear for modern family living. Consideration has been given to the design and impact to respect the character scale and proportion of the existing dwelling and surrounding Conservation Area.

Similar proposals have been approved in the Conservation Area and currently the neighbouring property (Cleevemount) is applying for similar planning approval.

Access

No changes to the existing front access will be made. This property is an existing private house in single occupation and as such does not have any additional access requirements.

Conclusion

The proposals would preserve the character and appearance of the Conservation Area and would not result in a significant impact upon levels of amenity enjoyed within neighbouring residential properties. The scale and design of the proposed extensions are subservient to the original dwelling.

TEWKESBURY BOROUGH COUNCIL OPERATIONS	
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Rec'd	14 DEC 2020
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TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	20 April 2021
Site Location:	Manor Farm Main Street Wormington Broadway Gloucestershire WR12 7NL
Application No:	21/00068/FUL
Ward:	Isbourne
Parish:	Dumbleton
Proposal:	Conversion of existing agricultural buildings into 1 no. dwelling and associated internal and external alterations, and provision of associated private residential garden area and vehicular driveway, parking and turning areas.
Report by:	Emma Dee
Appendices:	Location Plan, Existing Block/Site Plans and Existing Elevations. Existing Floor Plans and Sections. Proposed Block/Site Plans and Proposed Elevations. Proposed Floor Plans and Sections. Proposed Door Joinery – Elevation, Section and Plan. Proposed Window Joinery 1 of 3 – Elevation, Section and Plan. Proposed Window Joinery 2 of 3 – Elevation, Section and Plan. Proposed Window Joinery 3 of 3 – Elevation, Section and Plan. Proposed Roof Window Details – Section.
Recommendation:	Refuse.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located centrally within Wormington. There is an established pattern of linear frontage development along this part of Main Street, and development is predominantly directly related to and supportive of the street scene. This includes Manor Farmhouse, a Grade II listed building of 17th century origins. There are a number of agricultural buildings located to the south of the farmhouse which form the perimeter of the original yard and a compact historic farmstead. This includes a Grade II listed Granary towards the eastern side of the yard, as well as an extensive range of traditional agricultural buildings, including the application building towards the western side of the yard, which are considered to be curtilage listed. The character of the historic farmstead is charming and vernacular with the farmhouse, and the granary providing a prominent and characterful influence. The neighbouring property to the West is also Grade II Listed (Well House).

- 1.2 The submitted Design and Access Statement sets out that farm operations have been relocated away from the original farmyard leaving a number of buildings redundant, including the existing agricultural building subject to this application. It further advises that, to ensure the sustainability of the farm, larger machinery and storage has become a necessity and that, to facilitate this, the main farm operation is now undertaken on sites to the south and north-west of the farmyard. To the south of the complex is a collection of large modern agricultural buildings which serve the current farming enterprise.
- 1.3 The application site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB).
- 1.4 The application proposes the conversion of one of the existing curtilage listed agricultural buildings within the western range into 1 no. two storey three-bed dwelling and associated internal and external alterations. This is a red brick building with a natural blue slate roof covering. The submitted Design and Access Statement advises that the ground floor area of this building originally housed animals whilst the upper floor area was used to store hay. All existing openings on this building are located on the eastern elevation, facing onto the central yard area. The application includes the submission of a Structural Report (commissioned by Delta Vector Engineering), which confirms that the principle structure is in good condition throughout and would not require any major structural alteration to convert to a dwelling house. It states that the structure has been analysed and is capable of resisting the loads, both vertical and horizontal, expected during the lifespan of the building once converted, and that the existing "foundation" will be suitable for supporting the proposed loads and does not show any signs of historic movement.
- 1.5 The following external alterations are proposed:
1. The creation of 3 no. window openings in the eastern elevation;
 2. The installation of new windows and doors within existing openings; and
 3. The installation of 4 no. Conservation rooflights on the western elevation roofslope at first floor level, positioned 1.7m above the first-floor level, and 1 no. conservation rooflight on the eastern elevation roofslope at ground floor level within single storey element.
- 1.6 All new windows would be flush casement timber units with a painted finish, with thin-section conservation double glazing. The proposed door would also be painted timber with small, glazed panels. The ventilation bricks would be retained, and the external appearance of the bricks would not be altered in any way.
- 1.7 The submitted Design and Access Statement acknowledges that the Conservation Officer previously raised concerns regarding the loss of the historic brick floor as this would be a negative factor and would generate harm to the significance of the historic asset. In response, the submitted Design and Access Statement confirms that the floor slopes approximately 140mm from the west wall towards the entrance door, which was intentional and provided floor drainage for cattle urine. However, it advises that this slope is not suitable for domestic use and would not comply with Building Regulation. In addition, it sets out that the uneven surface of the bricks can create a trip hazard within the proposed dwelling. The Design and Access Statement advises that, to ensure the proposed dwelling would comply with Building Regulations, insulation would be required within the floor structure. However, it advises that, to attempt to re-use the brick floor within the house, the floor would require additional excavation which could potentially affect the structural integrity of the building. The application therefore proposes the careful removal of the brick floor and reinstatement within the proposed covered parking area.

- 1.8 The application also proposes the provision of associated private residential garden area and vehicular driveway, parking and turning areas, utilising the existing vehicular access. The application proposes to provide a driveway and turning area, and to convert part of an adjacent barn to the south to provide covered vehicular parking. Bin storage would also be provided here. The brickwork wall would be removed from the eastern elevation of this barn to form an opening. Timber posts, lintel and gussets would be installed here to replicate detail found on an adjacent barn.
- 1.9 It is also proposed to allocate a substantial area of the yard to amenity space for future occupiers of the proposed residential unit (212 square metres), which is proposed to be bounded by a 1.8m high hedge. The application includes the submission of undated photographs showing a concrete block wall along the northern boundary of this courtyard which, it advises, was removed in the late 1970s/early 1980s. Private amenity space would be retained by Manor Farm to the south/east of this existing dwelling.
- 1.10 The other buildings towards the South and East of the yard would remain unconverted and in agricultural use.
- 1.11 The application is presented to the planning committee at the request of Councillor Gore, in order to assess the impact on the surrounding landscape and properties.**

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
20/00369/AGR	Erection of a steel framed extension to an existing building, to form a covered grain tipping and storage area.	Non-intervention	22.05.2020
20/00286/FUL	Conversion of existing agricultural buildings into 1 no. dwelling and associated external alterations, and provision of associated private residential garden area and vehicular driveway, parking and turning areas	Withdrawn	30.10.2020
20/00450/LBC	Conversion of existing agricultural buildings into 1 no. dwelling and associated internal and external alterations, and provision of associated private residential garden area and vehicular driveway, parking and turning areas	Withdrawn	30.10.2020
21/00069/LBC	Conversion of existing agricultural buildings into 1 no. dwelling and associated external alterations, and provision of associated private residential garden area and vehicular driveway, parking and turning areas	And also appears on this schedule	

- 2.1 In terms of the withdrawn applications referred to above, the applicant's agent was advised that the Conservation Officer objected to the proposals on the basis that in order to have any confidence that other buildings such as the granary would have a viable future a convincing and holistic case must be made. It was also considered that the application failed to demonstrate that the residential amenity of existing and future occupiers would be protected in terms of privacy.

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).

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Policies: SP2 (Distribution of New Development), SD4 (Design Requirements), SD6 (Landscape), SD7 (Cotswolds Area of Outstanding Natural Beauty), SD8 (Historic Environment), SD9 (Biodiversity and Geodiversity), SD10 (Residential Development), SD11 (Housing Mix and Standards), SD14 (Health and Environmental Quality), INF1 (Transport Network) and INF2 (Flood Risk Management).

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

Policies: AGR6 (Re-use and Adaptation of Rural Buildings – General) and AGR7 (Re-use and Adaptation of Rural Buildings – Retention of Character).

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

Emerging Policies: RES3 (New Housing Outside Settlement Boundaries), RES5 (New Housing Development), RES7 (Re-use of Rural Buildings for Residential Use), DES1 (Housing Space Standards), HER2 (Listed Buildings), NAT1 (Biodiversity, Geodiversity and Important Natural Features), ENV2 (Flood Risk and Water Management) and TRAC9 (Parking Provision).

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

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

4.0 CONSULTATIONS

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>

- 4.1 Dumbleton Parish Council** – The Parish Council advises that, in principle, it has no objections to the design details of the application, but advises that it is in agreement with the Conservation Officer's comment regarding the compromising of the future viability of other buildings in the same area, especially the Grade II listed granary. The Parish Council also would like to highlight the need, as identified in an ecological report, for allowance for bat and bird species roosting sites within the new development, alongside the potential impact through death and injury to current roosting species.

The Parish Council would like to see a new application that includes all of the buildings in the farmstead in an overall approach to development and includes the repair and upkeep of the Grade II listed granary and other Grade I and II listed buildings in the farmstead. The Parish Council appreciates that such an application would require development over time but believes it is vital that the current state of disrepair of listed buildings is addressed in a new application.

As such, Dumbleton Parish Council lodges an objection to this application.

- 4.2 **Conservation Officer** – No objections to the principle or the design details of the proposed residential conversion. However, the allocation of a large area of the yard as a garden to this unit will potentially inhibit a viable future reuse of the other historic buildings in the group including the outstanding grade II listed granary which is in poor condition. It has not been demonstrated that this proposal will not cause harm to the other heritage assets in the group. As such although the physical conversion of the building would not be contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the allocation of an area of the yard to this unit would have an adverse impact upon the viability of other vulnerable listed buildings in the group by virtue of the impact upon their setting. This would be contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF, JCS Policy SD8 and Local Plan Policy AGR7. The harm generated to both the setting and the future preservation of the buildings themselves would be less than substantial but is not outweighed by any resultant public benefit.
- 4.3 **County Highways Officer** – Objects to the application on the grounds that the site does not offer genuine sustainable transport choices and any future occupiers of the proposed dwelling would therefore be car reliant, and on the grounds that there would be an unacceptable impact on highway safety and would conflict with providing safe and suitable access for all users contrary to paragraphs 108 and 110 of the NPPF. The Highway Authority therefore recommends refusal of this application.
- 4.4 **Environmental Health Officer** – No objection to the application in terms of any noise / nuisance issues. However, as the proposal is for the conversion of an agricultural building into a dwelling with a garden, the Environmental Health Officer recommends that any approval of planning permission be subject to a contaminated land condition.
- 4.5 **Planning Ecological Advisor** – No objection subject to conditions.
- 4.6 **Sustainable Drainage Engineer** – No comments or objections to make with regard to this application

5.0 PUBLICITY AND REPRESENTATIONS

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

6.0 POLICY CONTEXT

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

- 6.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans. Wormington does not currently have an adopted Neighbourhood Development Plan.
- 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 National Planning Guidance contained within the National Planning Policy Framework; 2019 (NPPF).
- 6.5 The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

Principle of Development

- 7.1 Policy SP2 of the JCS sets out the strategy for the distribution of new development across the JCS area, and JCS Policy SD10 specifies that, within the JCS area, new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. The application site is not allocated for housing through the development plan, and Wormington is not identified within the Settlement Hierarchy (Table SP2c of the JCS) as a Rural Service Centre nor a Service Village. As such, criterion 4 of JCS Policy SD10 applies, which specifies that housing development on such 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 The proposed development is not for affordable housing on a rural exception site in accordance with JCS Policy SD12, is not brought forward through Community Right to Build Orders, and there are no other specific exceptions/circumstances defined in district or neighbourhood plans. As such it does not comply with Criteria 4 (i), (iii) or (iv) of JCS Policy SD10.
- 7.3 In terms of criteria 4 (ii) above, the JCS sets out that infill development means the development of an under-developed plot well related to existing built development. The application site does not comprise an under-developed plot; alternatively, it comprises an existing building proposed for conversion. In this context, it is considered that the proposal cannot reasonably be regarded as constituting infilling within the existing built-up area of the village, in conflict with criteria 4(ii) of JCS Policy SD10.

- 7.4 Notwithstanding the conflict identified above, criteria 5 of JCS Policy SD10 specifies that proposals involving the sensitive, adaptive re-use of vacant or redundant buildings will be encouraged, subject to the requirements of other policies including Policies SD1, INF4 and SD8. The proposed development will be assessed against the relevant development plan policies within the following sub-sections of this report.
- 7.5 In addition, saved policy AGR7 of the TBLP supports the adaptation and re-use of rural buildings, subject to them being capable of conversion without substantial alteration or extension to their original structure, and subject to the essential scale, form and character of the original building and as much of the original structure and essential features (internal and external) as possible being retained. It states that new works should be of a scale, form, type and materials compatible with the character of the original building (particularly where of a traditional construction) and the surrounding area. The submitted structural report confirms that the principle structure is in good condition throughout and would not require any major structural alteration to convert to a dwelling house. It states that the structure has been analysed and is capable of resisting the loads, both vertical and horizontal, expected during the lifespan of the building once converted, and that the existing “foundation” will be suitable for supporting the proposed loads and does not show any signs of historic movement. The application proposes no extensions to the existing building and, other than the proposed installation of new windows and doors within existing openings, the creation of 3 no. window openings in the eastern elevation, the installation of 5 no. Conservation rooflights and the works associated with the proposed conversion of part of the adjacent barn to the south into vehicular parking, no other external alterations are proposed to this building. The proposed development will be assessed against saved Policy AGR7 of the TBLP within the relevant following sub-sections of this report.

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

- 7.6 The Pre-Submission Version of the Tewkesbury Borough Plan 2011-2031 (the PSTBP) was subject to an Examination in Public in February/March 2021. 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).
- 7.7 The application site is not identified as a Housing Site Allocation within the PSTBP, and is not located within a Settlement Boundary. In such locations, emerging Policy RES7 of the PSTBP specifies that the re-use and conversion of redundant buildings for residential use will be permitted provided that:
1. the building is of a substantial construction, is structurally sound and is capable of conversion without the need for significant new building works and/or extension;
 2. where the proposal involves a traditional building, any new works are of a scale, form, type and materials sympathetic to the character and appearance of the original building;
 3. The proposal does not result in the requirement for another building to fulfil the function of the original building to be converted;
 4. The proposal preserves or enhances the landscape setting of the site and respects the rural character of the area.

- 7.8 As such, it is apparent that emerging Policy RES7 supports the principle of conversion subject to the criteria referred to above being satisfied. The application will be analysed against these criteria within the relevant following sub-sections of this report, and other relevant policies of the Development Plan.

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

- 7.9 Notwithstanding the above, 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 NPPF 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.
- 7.10 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. The Council considers that there are robust grounds for a successful challenge of this appeal decision and on that basis proceedings have now been issued in the High Court. Officers' advice is that a 4.35 year supply can be demonstrated at this time.
- 7.11 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. Nevertheless, Footnote 6 of the NPPF provides a list of protected assets which essentially disapply the tilted balance if there is a clear reason for refusal arising from the application of policies relating to those assets; this includes policies relating to listed buildings. This will be assessed below.

Heritage assets

- 7.12 Manor Farmhouse is a Grade II listed building of 17th century origins as is the Granary on the East side of the yard. There is also an extensive range of traditional agricultural buildings which with the listed buildings forms a yard to the south. These buildings (including the affected building) are considered to be curtilage listed, forming a compact historic farmstead. The neighbouring property to the West is also Grade II Listed (Well House).
- 7.13 As such when determining planning applications this authority has a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings, their features of special architectural or historic interest and their settings. The proposal will also be assessed in relation to Section 16 of the NPPF, JCS Policy SD8, saved Policy AGR7 of the TBLP and emerging Policy HER2 of the PSTBP.

- 7.14 Paragraph 184 of the NPPF states that: Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 7.15 Paragraph 193 of the NPPF 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 assets conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.16 Paragraph 194 of the NPPF states that: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 7.17 Policy SD8 of the JCS states that: Development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. The policy also states that: Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.
- 7.18 Emerging Policy HER2 of the PSTBP specifies that alterations, extensions or changes of use to Listed Buildings, or development within their setting, will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings. It further states that any proposals which adversely affect such elements or result in the significant loss of historic fabric will not be permitted, and specifies that any alterations, extensions or repairs to the Listed Buildings should normally be carried out using the traditional materials and building techniques of the existing building.
- 7.19 Saved Policy AGR7 of the TBLP states that: The essential scale, form and character of the original buildings and as much of the original structure and essential features (internal and external) as possible, should be retained. New works should be of a scale, form, type and materials compatible with the character of the original building (particularly where of a traditional construction) and the surrounding area. In the case of conversion to residential use, wherever possible walls and old outbuildings should be used to screen domestic features such as drying areas, patios, sheds and gardens. In general, all domestic elements should be grouped close to the buildings and screened from important viewpoints.
- 7.20 The proposal is to convert one of the buildings within the Western range to residential use and allocating a substantial area of the yard to this one unit. The other buildings towards the South and East of the yard would remain unconverted and in agricultural use. To the south of the complex is a collection of large modern agricultural buildings which serve the current farming enterprise. The character of the historic farmstead is charming and vernacular with the farmhouse, and the granary providing a prominent and characterful influence.
- 7.21 The Conservation Officer raises no objection in principle to the conversion of the buildings to residential use and considers that overall the details of the conversion of the buildings are sympathetic to their character. Part of the adjacent historic shed would also be utilised as garaging and lobby in a manner that would preserve its character.

- 7.22 The main issue with the conversion of these buildings is the allocation of the majority of the yard to this single residential unit. Not only does this subdivision affect the ability to properly read the historic context of the farmyard, but it would also leave the other unconverted buildings compromised in terms of the future viability of investment and conversion due to the limited nature of the remaining amenity/parking space.
- 7.23 It is noted that the Grade II Listed granary (directly east of the conversion) is falling into disrepair and appears now to be in a poor state. This authority has a duty to exercise protection of listed structures in the Borough within the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990. The authority has power to intervene in cases where no progress has been made. The Conservation Officer has concerns regarding the future of this listed building which forms part of this group and would consider it counterproductive to grant an uplift on part of the complex without tying in the repair of this building. The Conservation Officer considers that the complex (which is in the same ownership) should be considered holistically to ensure proper repair of the granary as one of the most important historic buildings in the group.
- 7.24 The Conservation Officer advises that the proposed conversion of these buildings in isolation and the allocation of the majority of the available land to this residential unit would compromise both the setting and the future viability of other buildings in the farmstead, in particular the Grade II Listed Granary.
- 7.25 Once component buildings within a complex are converted for residential use it is almost inevitable that the ownership will become separated in the future. By not taking a holistic approach to the reuse of the farmstead and addressing the sustainability of individual units following separation this proposal will substantially compromise the future viability of the remaining heritage assets. This will potentially have a long-term detrimental impact on those buildings not included in this proposal, in particular the Grade II Listed Granary and potentially the listed Farmhouse itself.
- 7.26 Furthermore the Conservation Officer advises that a holistic approach to the provision of residential use within the historic farmstead would greatly assist in planning the use of the external space.
- 7.27 The Conservation Officer concludes that there are no objections to the principle or the design details of the proposed residential conversion. However, the allocation of a large area of the yard as a garden to this unit would harm the setting of the listed farm complex and potentially inhibit a viable future reuse of the other historic buildings in the group including the outstanding Grade II Listed granary which is in poor condition. It has not been demonstrated that this proposal will not cause harm to the other heritage assets in the group.
- 7.28 As such although the physical conversion of the building would not be contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the allocation of an area of the yard to this unit would have an adverse impact upon the viability of other vulnerable listed buildings in the group by virtue of the impact upon their setting. This would be contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF, JCS Policy SD8, saved Policy AGR7 of the TBLP, and emerging Policy HER2 of the PSTBP.
- 7.29 The Conservation Officer advises that the harm generated to both the setting and the future preservation of the buildings themselves would be less than substantial but that it is not outweighed by any resultant public benefit. For the above reasons, the Conservation Officer recommends that this application be refused. In the context of paragraph 11 of the NPPF and the tilted balance, this constitutes a clear reason for refusal which disapplies the presumption in favour of granting permission.

Design and Impact on Character and Appearance of Area

- 7.30 Section 12 (Achieving well-designed places) of the NPPF specifies that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 of the NPPF specifies that planning decisions should ensure that developments, inter alia, will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 7.31 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. It further states that design should establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live, and having appropriate regard to the historic environment. In addition, criteria 6 of JCS Policy SD10 states that residential development should seek to achieve maximum density compatible with, inter alia, good design, the protection of heritage assets, local amenity and the character and quality of the local environment.
- 7.32 Saved Policy AGR6 of the TBLP states that rural building proposed for conversion must be of a permanent and substantial construction and that in all cases the scale, form and general design of the building(s) must be in keeping with their surroundings. Proposed uses which would adversely affect the quality of the rural environment by reason of the nature of the operation, its scale and impact will not be acceptable. It further states that, in the AONB, particular emphasis will be placed on ensuring that the proposal does not conflict with the overall aims of this designation in terms of protecting its landscape quality.
- 7.33 Saved Policy AGR7 of the TBLP states that: The essential scale, form and character of the original buildings and as much of the original structure and essential features (internal and external) as possible, should be retained. New works should be of a scale, form, type and materials compatible with the character of the original building (particularly where of a traditional construction) and the surrounding area. In the case of conversion to residential use, saved Policy AGR7 specifies that, wherever possible, walls and old outbuildings should be used to screen domestic features such as drying areas, patios, sheds and gardens. In general, all domestic elements should be grouped close to the buildings and screened from important viewpoints.
- 7.34 Emerging Policy RES5 of the PSTBP specifies that 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;
 - 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;

- Where an edge of settlement site is proposed, respect the form of the settlement and its landscape setting, not appear as an unacceptable intrusion into the countryside and retain a sense of transition between the settlement and open countryside;
 - Not cause the unacceptable reduction of any open space (including residential gardens) which is important to the character and amenity of the area;
 - Incorporate into the development any natural or built features on the site that are worthy of retention;
 - Address any other environmental or material planning constraints relating to the site.
- 7.35 Emerging Policy RES7 of the PSTBP states that the re-use and conversion of redundant buildings will be permitted subject to the criteria referred to in the heritage section above.
- 7.36 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.
- 7.37 In terms of the location of the application site within the Cotswolds AONB, paragraph 172 of the NPPF specifies that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which, along with National Parks and the Broads, have the highest status of protection in relation to these issues. JCS Policy SD7 states that all development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities.
- 7.38 As detailed above, the application includes the submission of a structural report, which confirms that the principle structure is in good condition throughout and would not require any major structural alteration to convert to a dwelling house. The application proposes no extensions to the existing building and, other than the proposed installation of new windows and doors within existing openings, the creation of 3 no. window openings in the eastern elevation, the installation of 5 no. Conservation rooflights and the works associated with the proposed conversion of part of the adjacent barn to the south into vehicular parking, no other external alterations are proposed to this building. It is considered that the proposed external alterations would be sympathetic in design to this rural building and would respect the character of the site and its surroundings.
- 7.39 By virtue of the location of the application site within the existing farmstead and in the close context of surrounding buildings, it is considered that the proposed development would preserve the landscape and scenic beauty of the Cotswolds AONB.
- 7.40 However, the proposed provision of a residential unit in isolation within the existing farmyard and the provision of any domestic paraphernalia within its associated 'private amenity space' within the central yard area is considered to be problematic in terms of the impact on the character and amenity of this historic farmyard. Whilst this would not be prominent from public vantage points by virtue of the surrounding buildings, the proposal would nevertheless adversely impact the visual amenity of this central open space which is important to the character and amenity of this historic farmyard. It is considered that the visual impact of an enclosed garden taking up a prominent proportion of the former working yard would appear

alien and uncharacteristic in this particular context. As such, the proposed development is judged to be contrary to Section 12 of the NPPF, JCS Policies SD4 and SD10, saved Policy AGR7 of the TBLP and emerging Policy RES5 of the PSTBP.

Impact on Amenity of Existing and Future Occupiers

- 7.41 Paragraph 127 of the NPPF specifies that planning policies and decisions should ensure that developments, inter alia, create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity of existing and future users. JCS policies SD4 and SD14 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. In addition, emerging Policy RES5 of the PSTBP specifies that proposals for new housing development should, inter alia, provide an acceptable level of amenity for the future occupiers of the proposed dwellings and cause no unacceptable harm to the amenity of existing dwellings.
- 7.42 By virtue of the location of the proposed dwelling within the existing farm yard complex, Environmental Health Officers have been consulted. In response, the Environmental Health Officer advises that they raise no objection to the application in terms of any noise / nuisance issues. They do, however, recommend that any approval of planning permission be subject to condition to deal with any potential contamination.
- 7.43 The proposed dwelling would comprise 3 double bedrooms across two storeys, and the gross internal floor area of the proposed dwelling (excluding the proposed covered parking areas) would be approximately 127 square metres, which exceeds the minimum space standards defined within the Government's Housing Standards Review. It is therefore considered that the gross internal floor area of the proposed dwelling would accord with JCS Policy SD11 and emerging Policy DES1 of the PSTBP.
- 7.44 The application proposes no extensions to the existing building, and it is therefore considered that the residential amenity of adjoining occupiers would not be unreasonably affected in terms of overshadowing or overbearing impact. The 4 no. Conservation rooflights proposed for installation on the western elevation roofslope at first floor level would be positioned 1.7m above the first-floor level, and the remaining fenestration proposed for installation would be on the eastern elevation of the building, directly overlooking the proposed residential amenity area associated with the proposed dwelling. It is therefore considered that the proposed alterations to the existing building would result in no significant detrimental impact on adjoining occupiers in terms of overlooking or loss of privacy.
- 7.45 However, the proposed provision of a residential unit in isolation within the existing farmyard is complex and an associated amenity space within the central yard area is considered to be problematic in terms of the impact on the residential amenity of existing and future occupiers of the existing dwelling at Manor Farm and the proposed dwelling in terms of privacy. Whilst it is proposed to bound the 'private amenity space' by a new hedgerow, there are likely to be direct views into this from adjacent dwellings, such as that at Manor Farm, particularly from first floor level windows. In addition, if this proposed hedgerow was to be subsequently removed, this would further open up views into this amenity space. Furthermore the proposal would retain garaging at the end of the access for use by Manor Farm. This would mean vehicles passing and manoeuvring in very close proximity to the front elevation of the proposed conversion. This would harm the living conditions of future occupiers by reason of unacceptable noise and disturbance, including headlights from vehicles. It is therefore considered that the application fails to demonstrate that the residential amenity of existing and future occupiers would be protected, contrary to paragraph 127 of the NPPF, JCS policies SD4 and SD14 and emerging Policy RES5 of the PSTBP.

Highways Matters

- 7.46 JCS Policy INF1 'Transport Network' states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. In addition, criteria 6 of JCS Policy SD10 states that residential development should seek to achieve maximum density compatible with inter alia, the safety and convenience of the local and strategic road network. Further, emerging Policy RES5 of the PSTBP specifies that proposals for new housing development should, inter alia, 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.
- 7.47 Section 9 of the NPPF relates to "Promoting sustainable transport" and, at paragraph 108, specifies that, in assessing applications for development, it should be ensured that:
- a) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) Safe and suitable access to the site can be achieved for all users; and
 - c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree
- 7.48 NPPF paragraph 109 specifies that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.49 Paragraph 110 of the NPPF states that, within this context, applications for development should:
- a) Give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
 - b) Address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - c) Create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
 - d) Allow for the efficient delivery of goods and access by service and emergency vehicles; and
 - e) Be designed to enable charging of plug-on and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 7.50 The Highway Authority does not consider that the site offers genuine sustainable transport choices and any future occupiers of the proposed dwelling would therefore be car reliant, contrary to NPPF paragraphs 108 and 110. However, the relevant development plan policies support the principle of the conversion of rural buildings as part of the strategy of the delivery of new housing development across Tewkesbury Borough and in this instance, because of this policy context it is not considered that this matter weighs against the proposal in this instance.

- 7.51 In addition to the locational concerns, the Highway Authority advises that the site access between the existing farm buildings for additional vehicles has no emerging visibility splays to pedestrians crossing on the footway and limited visibility from 2.4m back from the nearside edge to oncoming vehicles due to the existing buildings. The Highway Authority recognises that the proposal would only add limited additional vehicle trips, but notes that these would be during peak hours to employment, education and shopping destinations miles outside the village.
- 7.52 The Highway Authority also comments that internally the site layout has not demonstrated dimension annotated space for vehicle parking for the existing and proposed dwelling based on local ward census data of average vehicles for average number of bedroom dwellings in addition to vehicle turning space to prevent reversing manoeuvres onto the highway between existing buildings.
- 7.53 The Highway Authority further comments that parking would require electric vehicle charging as per Manual for Gloucestershire Streets and secure enclosed cycle storage for at least 2 bikes with clear external access accommodated on plan.
- 7.54 In light of the above it is not considered that it has been demonstrated that the proposals would have an acceptable impact on highway safety, and thus would conflict with the requirement to provide safe and suitable access for all users, contrary to paragraphs 108 and 110 of the NPPF. The proposed development would also be contrary to JCS Policies INF1 and SD10 and emerging Policy RES5 of the PSTBP.

Ecological Impact

- 7.55 The NPPF sets out 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. JCS Policy SD9 seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. Emerging Policy NAT1 of the PSTBP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.
- 7.56 An Ecology response has previously been provided in relation to the proposed works under application reference numbers 20/00286/FUL and 20/00450/LBC. The Council's Planning Ecological Advisor has reviewed the available documentation including the Bat Survey Report, and considers that sufficient survey effort has been undertaken. The survey highlighted that the building supported a roost for whiskered bats and brown long eared bats. The Ecological Advisor considers that appropriate bat mitigation has been given considering the small number of bats found.
- 7.57 As such the Planning Ecological Advisor raises no objection, subject to any consent being subject to condition for all works to be undertaken in accordance with the mitigation outlined within the Bat roost assessment and Bat survey report, and for evidence of the installation of the ecological enhancements (including, but not limited to, bat boxes and bird boxes) to be submitted to and approved in writing by the Local Planning Authority prior to first occupation.
- 7.58 In addition, the Ecological Advisor recommends that any consent be subject to condition requiring a lighting scheme and plan for the development (devised following consultation with the project ecologists) to be submitted to and approved in writing by the Local Planning Authority prior to first occupation.

- 7.59 Should more than 12 months' elapse from the date of the bat surveys undertaken in 2020, the Ecological Advisor comments that they would require an updated bat dusk emergence survey to confirm that the bat roost has not changed and to inform a Natural England licence, to be undertaken within the most recent survey season between May – September.
- 7.60 The Ecological Advisor further comments that Natural England's EPS Mitigation licence should be sent to the Local Planning Authority prior to commencement in order to ensure works are proceeding under licence.

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 proposal is supported in principle by existing and emerging planning policies related to the conversion of rural buildings.
- 8.3 Notwithstanding this, the Council's policies for the supply of housing are currently considered to be out-of-date having regard to paragraph 11 of the NPPF. In these circumstances, the NPPF advises that the presumption should be that planning permission is granted unless (i) the application of policies in the NPPF 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. Given that the identified harms to heritage assets referred to above represents a clear reason why planning permission should be refused the tilted balance is not therefore engaged.

Benefits

- 8.4 The benefits which would be derived from the development would be a contribution, albeit in a small way, towards providing housing in the Borough. Furthermore, there would be economic benefits both during and post construction through the creation of new jobs and the support to existing local services and the local economy. The economic benefits which would be derived from the development and the potential contribution towards supporting the vitality of services and facilities in nearby settlements would, however, similarly be limited by the scale of the development proposed.

Harms

- 8.5 The proposed provision of a residential unit in isolation within the existing farmyard and the provision of any domestic paraphernalia within its associated amenity space within the central yard area is considered to be problematic in terms of the impact on the character and amenity of this historic farmyard. Whilst this would not be prominent from public vantage points by virtue of the surrounding buildings, the proposal would nevertheless adversely impact the visual amenity of this central open space which is important to the character and amenity of this historic farmyard. It is considered that the visual impact of an enclosed garden taking up a prominent proportion of the former working yard would appear alien and uncharacteristic in this particular context.

- 8.6 Further, the subdivision of the yard would have an adverse impact upon the viability of other vulnerable listed buildings in the group by virtue of the impact upon their setting. The harm generated to both the setting and the future preservation of the buildings themselves would be less than substantial but would not be outweighed by any resultant public benefit.
- 8.7 In addition, the proposal would have an unacceptable impact on the residential amenity of existing and future occupiers of the existing dwelling at Manor Farm and the proposed dwelling in terms of privacy and noise and disturbance resulting from continued use of the adjoining outbuilding for garaging for Manor Farm itself.
- 8.8 Whilst the proposal would only add limited additional vehicle trips, it has not been demonstrated that the proposal would have an acceptable impact on highway safety.

Neutral

- 8.9 Having regard to the policies of the development plan and the responses of technical consultees, subject to the imposition of suitable planning conditions, there are no objections in respect of impact on drainage or biodiversity.

Conclusion

- 8.10 For the reasons given above, it is concluded that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Development Plan and NPPF. It is therefore recommended that planning permission be **refused**.

Reasons for Refusal:

1. The provision of the amenity space associated with the proposed residential unit, and the provision of any domestic paraphernalia in this location, would harm the character and visual amenity of this central open space which is important to the character and amenity of this historic farmyard. The visual impact of the proposed enclosed garden would appear incongruous and uncharacteristic in this particular context and would not preserve or enhance the setting of the listed complex. Furthermore, the proposed subdivision of the yard would have an adverse impact upon the viability of other vulnerable listed buildings in the group by virtue of the impact upon their setting. The proposed development therefore conflicts with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Sections 12 and 16 of the National Planning Policy Framework (2019), Policies SD4, SD8 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), saved Policy AGR7 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and emerging policies RES5 and HER2 of the Pre-Submission Tewkesbury Borough Plan 2011-2031 (2019).
2. The proposed provision of amenity space associated with the proposed residential unit, would unreasonably affect the living conditions of any future occupiers in terms of loss of privacy and noise and disturbance arising from the continued use of the access to garaging for Manor Farm. The proposed development therefore conflicts with paragraph 127 of the National Planning Policy Framework (2019), Policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), and emerging Policy RES5 of the Pre-Submission Tewkesbury Borough Plan 2011-2031 (2019).
3. It has not been demonstrated that the proposed development would have an acceptable impact on highway safety. The proposed development would therefore conflict with paragraphs 108 and 110 of the National Planning Policy Framework (2019), Policies INF1 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031

(2017) and emerging Policy RES5 of the Pre-Submission Tewkesbury Borough Plan 2011-2031 (2019).

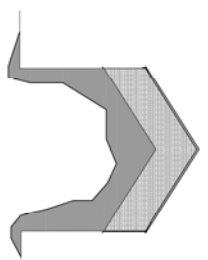
INFORMATIVES:

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

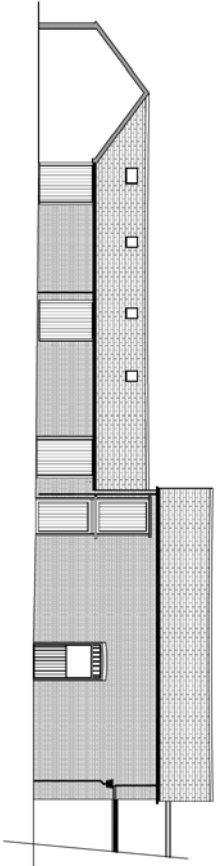
MANOR FARM, WORMINGTON, WORCS

EXISTING DETAILS

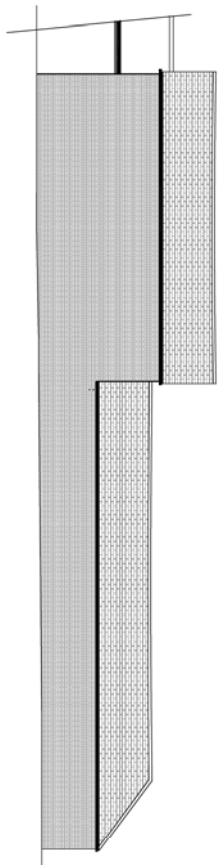
ELEVATIONS & SITE DETAILS



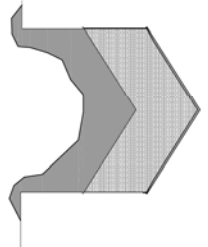
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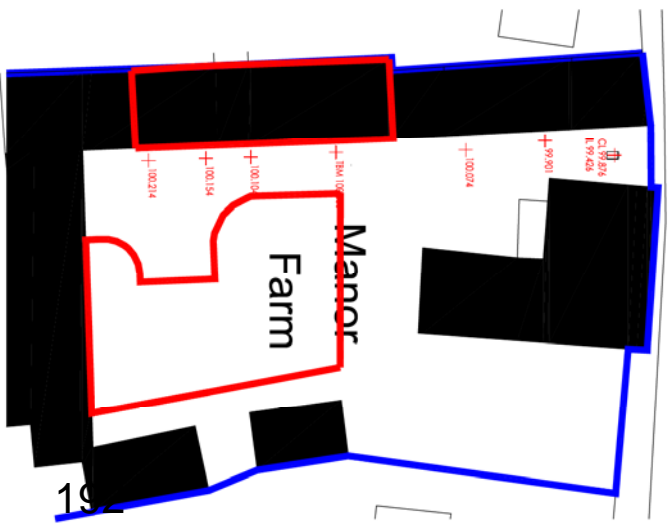
EAST ELEVATION
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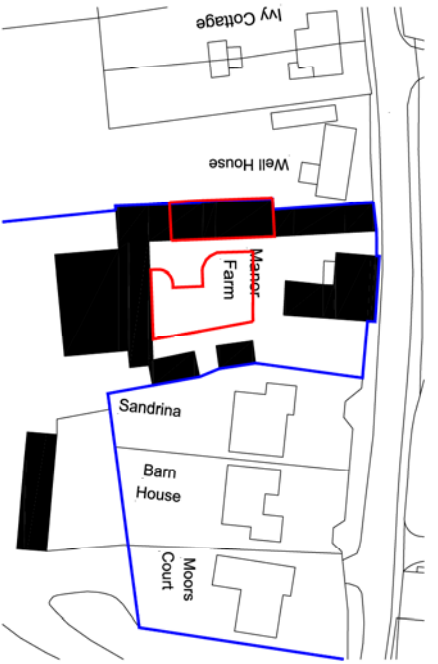
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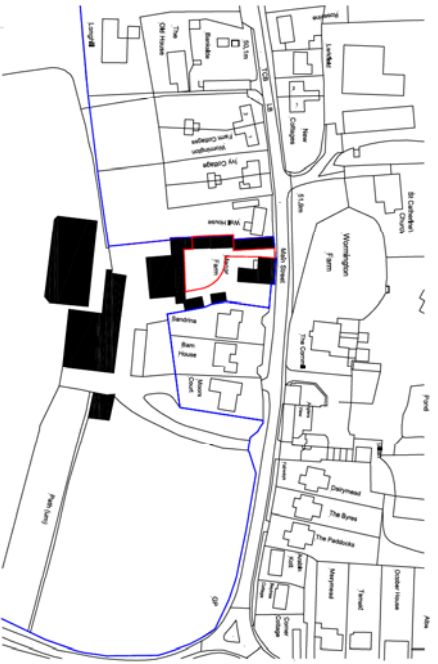
SOUTH ELEVATION
SCALE 1:100



SITE PLAN
SCALE 1:200



BLOCK PLAN
SCALE 1:500



LOCATION PLAN
SCALE 1:1250

DRAWING NOTES

ALL DIMENSIONS TO BE CHECKED ON SITE AND NOT SCALED FROM THIS DRAWING.
 ANY DATA REQUIRED FOR QUOTATIONS OF PRICING OR FOR CONSTRUCTION OF PRINCIPAL ELEMENTS SHOULD REPRESENT ANY SPECIFICATION OR DESIGN VALUES OTHERWISE STATED.

DATE	DESCRIPTION	BY
01.01.2021	Plans issued for submission	C
16.04.2019	Location Plan revised	A
06.04.2019	Location Plan revised	A
05.12.2018	Final EDCS	A
05.12.2018	REVISION NOTES	DMC

PROJECT: Manor Farm, Worthington, Worcestershire, WR12 7NL
 CLIENT: A. Russell and Son
 DRAWING: Existing Details - Elevations and Site Details
 DRAWING NO: MF.W.S.U.02

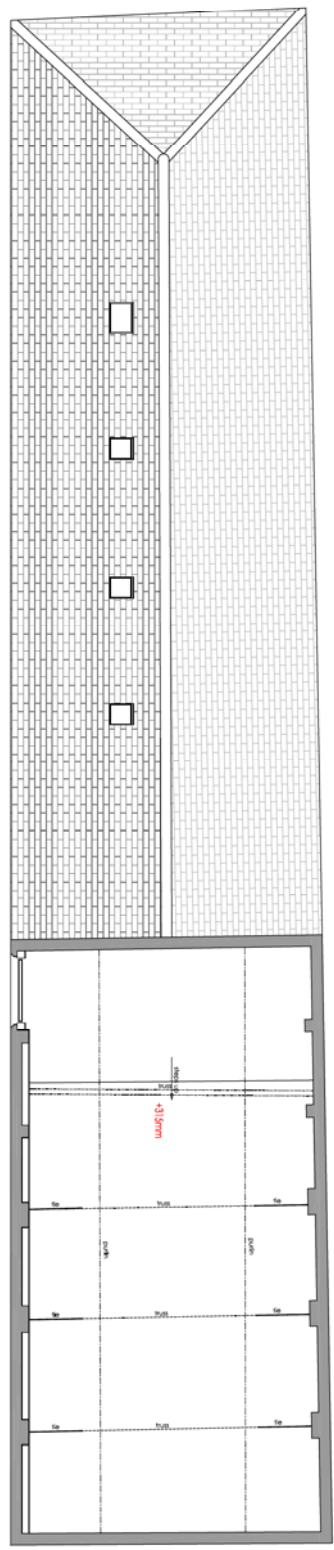
DATE	DESCRIPTION	BY
06.04.2019	Location Plan revised	A
05.12.2018	Final EDCS	A
05.12.2018	REVISION NOTES	DMC

CONSTRUCTION SERVICES
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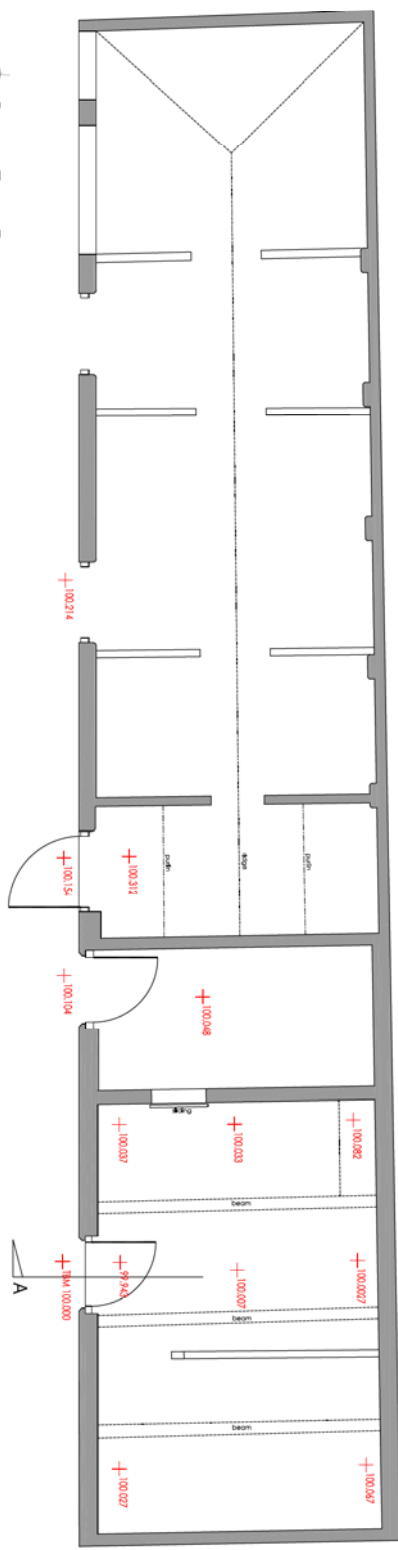
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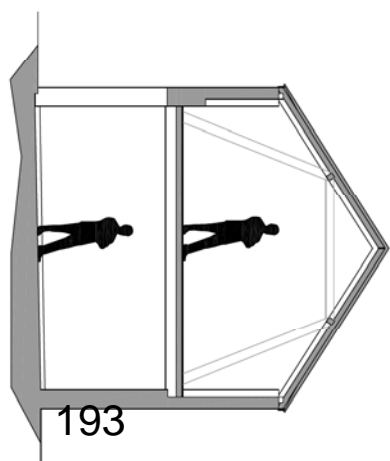
FLOOR PLANS AND SECTIONS



FIRST FLOOR PLAN
SCALE 1:50



GROUND FLOOR PLAN
SCALE 1:50



SECTION A
SCALE 1:50

DRAWING NOTES

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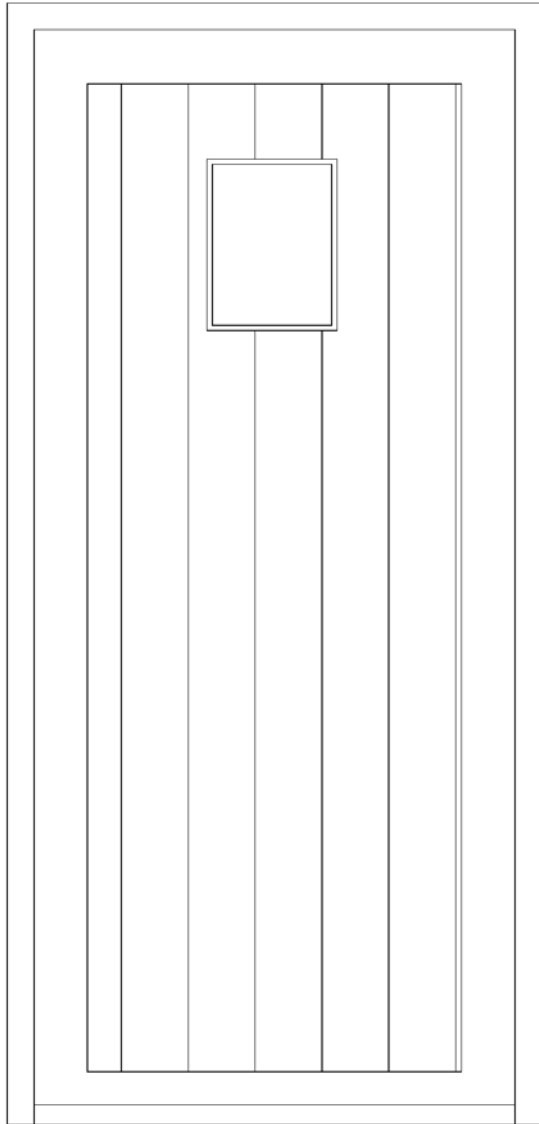
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1	REVISION	DATE
CLIENT: A Russell and Son PROJECT: Manor Farm Worthington Worcestershire WR12 7NL		
DRAWN: Existing Details - Floor Plans and Sections CHECKED:		
CONSTRUCTION SERVICES 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000		
DATE	DATE	DATE
AS STARTED	DATE	DATE
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MANOR FARM, WORMINGTON, WORCS

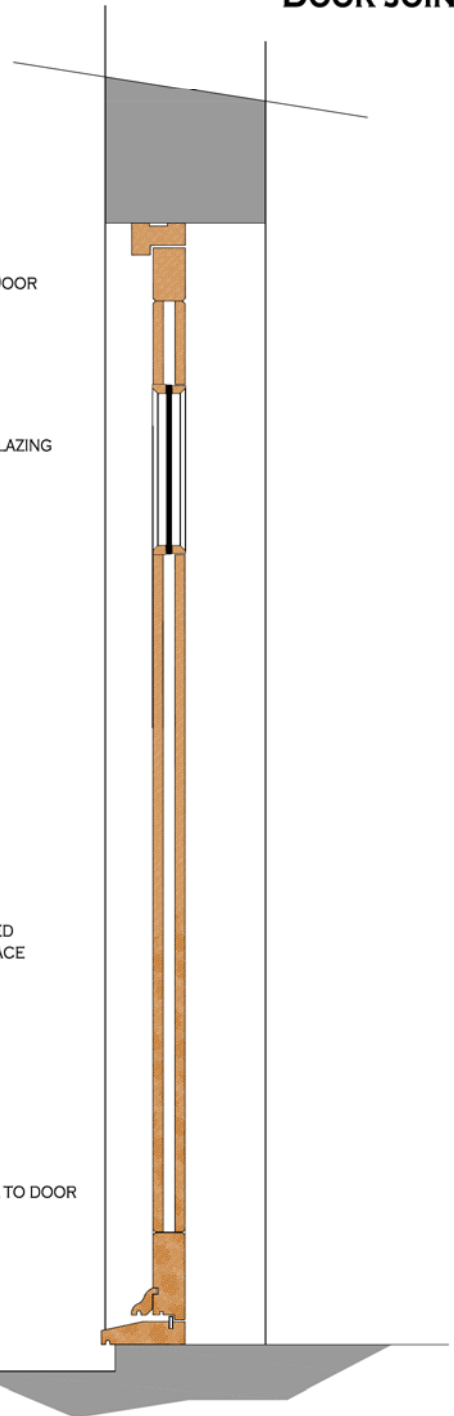
PROPOSED CONVERSION

DOOR JOINERY

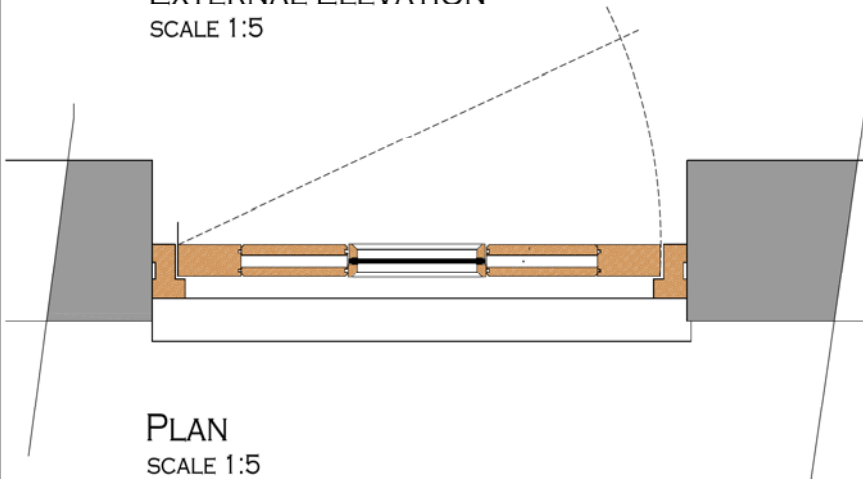


EXTERNAL ELEVATION
SCALE 1:5

- 100 x 60MM FRAME
- 50 x 125MM TOP RAIL TO DOOR
- CONSERVATION DOUBLE GLAZING
- 120 x 20MM T&G V-JOINED BOARDING TO EXTERNAL FACE
- 50 x 150MM BOTTOM RAIL TO DOOR
- WEATHERBOARD
- CILL



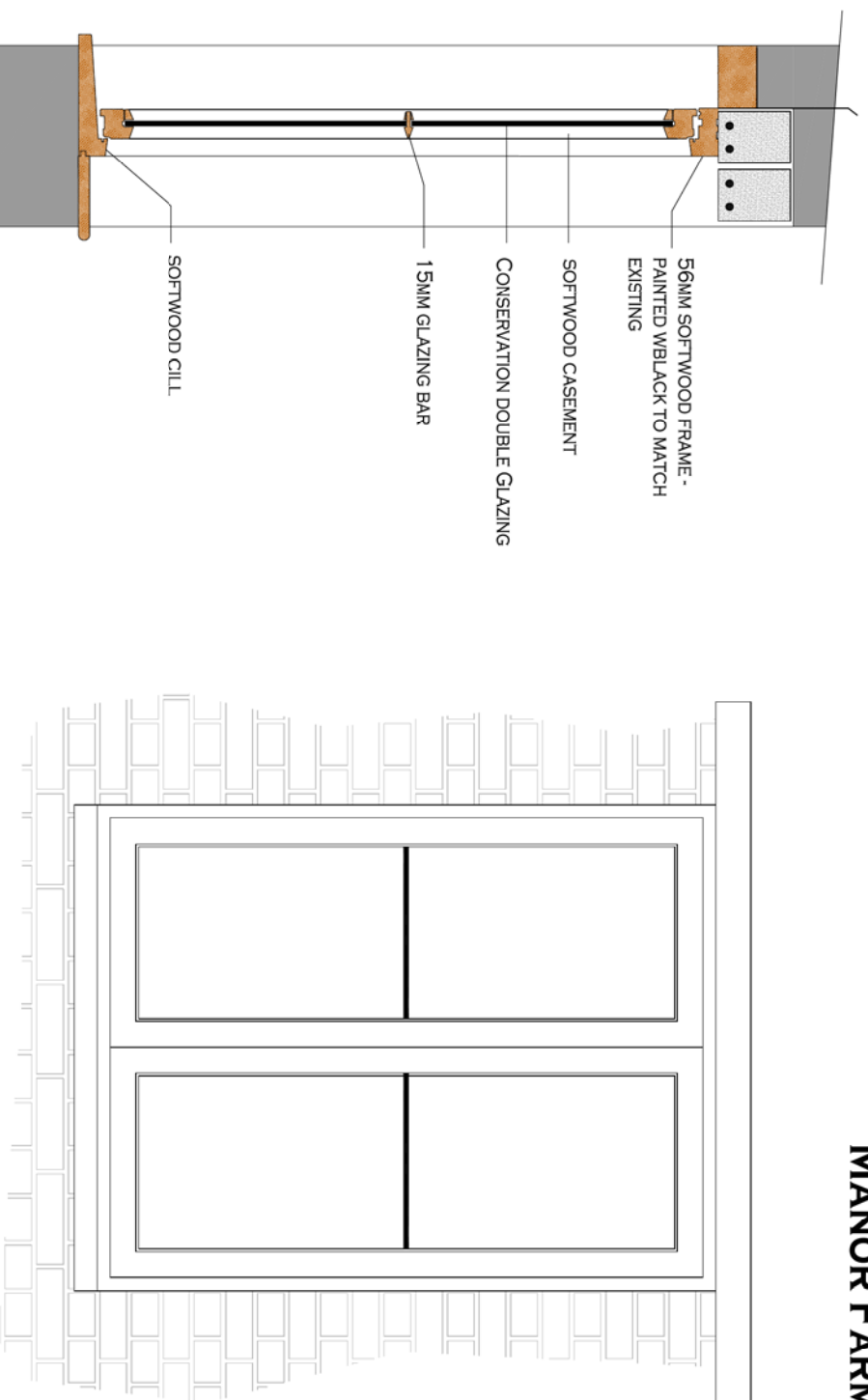
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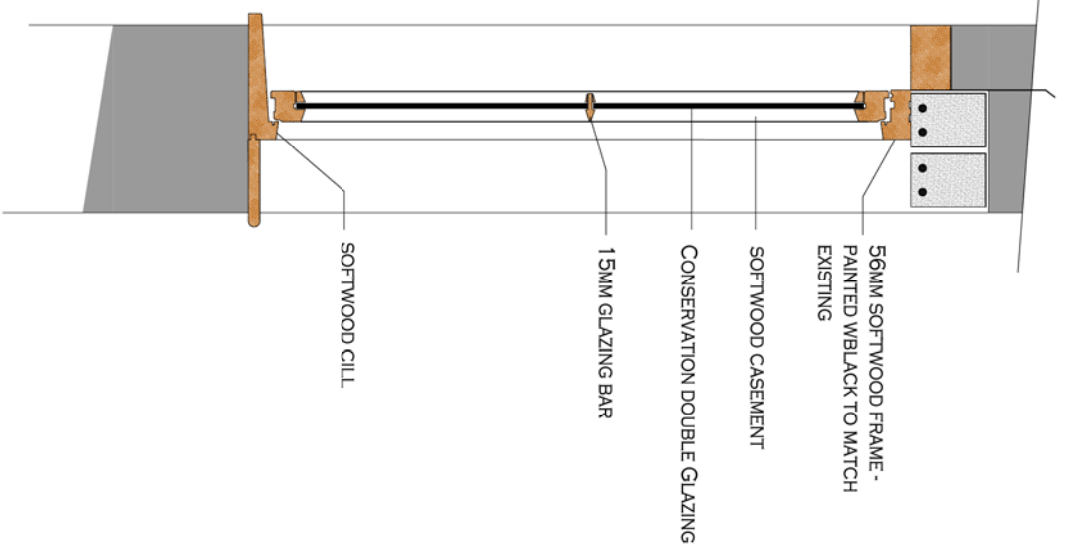
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SCALE 1:5

0	FIRST ISSUE	7.1.2020
REVISION	NOTES	DATE
CLIENT: A Russell and Son		
PROJECT: Manor Farm Wormington Worcestershire WR12 7NL		
DRAWING: Proposed Details - Door Joinery		
 CONSTRUCTION SERVICES <small>4 RIDGEMARSH, BRIDGECOMBE, GLOUCESTERSHIRE, GL2 4JL</small> <small>+44 (0) 1753 200650 Email: info@upconstruct.co.uk</small>		
DRAWN BY: LIP	DATE: Jan 2020	APPROVED BY: LIP
SCALE: AS STATED - A1	PROJECT: MF.W.JN.05	REVISION: 0

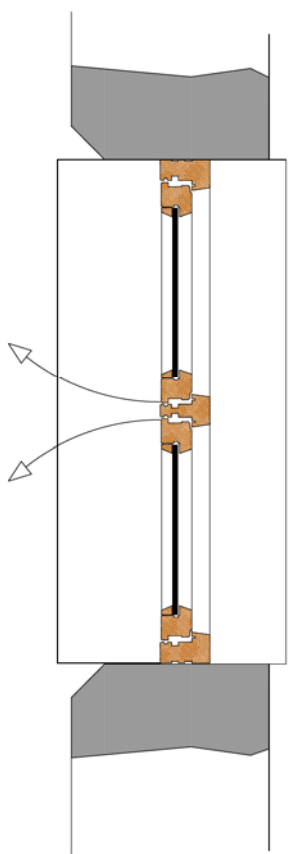
MANOR FARM, WORMINGTON, WORCS
PROPOSED CONVERSION
WINDOW JOINERY 2 OF 3




EXTERNAL ELEVATION
 SCALE 1:5



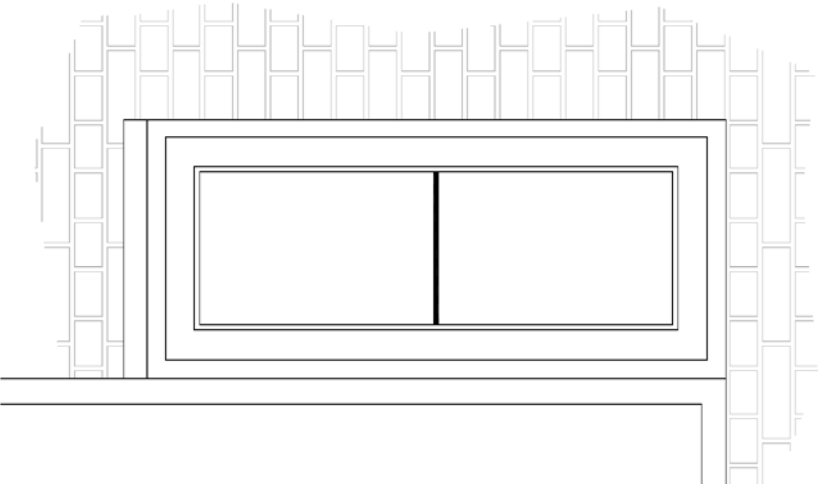
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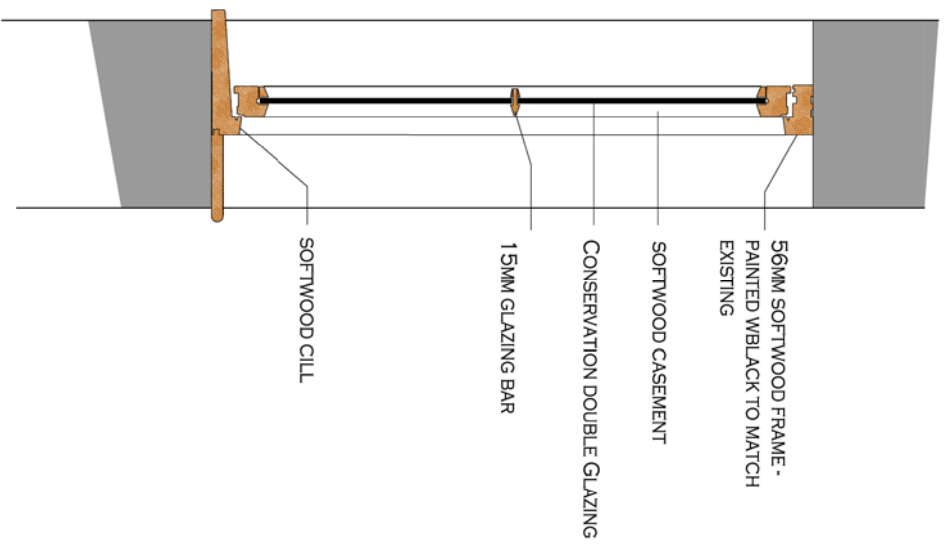
PLAN
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0	REST SIZE	7.1.2020
1	REVISION	NOTES
DRAWN BY A. Russell and Son		
PROJECT Manor Farm Wormington Worcestershire WR12 7NL		
SHEET NO Proposed Details - Window Joinery		
 CONSTRUCTION SERVICES 100, BRIDGE STREET, BRISTOL, AVON, BS1 3YU TEL: 01273 300000 FAX: 01273 300001 * 44153 3030000001 TEL: 01273 300001 FAX: 01273 300001		
DATE	BY	DATE
1st AS STARTED	MF, JN, JN, 02	0

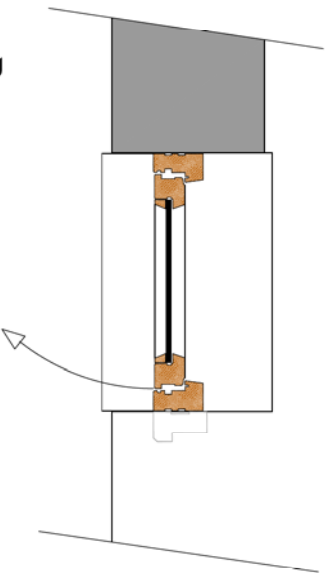
MANOR FARM, WORMINGTON, WORCS
PROPOSED CONVERSION
WINDOW JOINERY 3 OF 3



EXTERNAL ELEVATION
 SCALE 1:5



SECTION
 SCALE 1:5



PLAN
 SCALE 1:5

0	PRINT SIZE	7.1.2020
1	REVISION	NOTES
DRAWN BY A. Russell and Son		
PROJECT Manor Farm Wormington Worcestershire WR12 7NL		
SHEET NO Proposed Detail - Window Joinery		
CONSTRUCTION SERVICES 100, CHURCH LANE STURVEY, WILTSHIRE, BA14 4JH TEL: 01297 441111 FAX: 01297 441112 * 4413 7070 0000 (UK) TEL: 0044 1297 441111		
DATE	BY	DATE
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DATE AS STATED	MF: J. JUN.03	DATE
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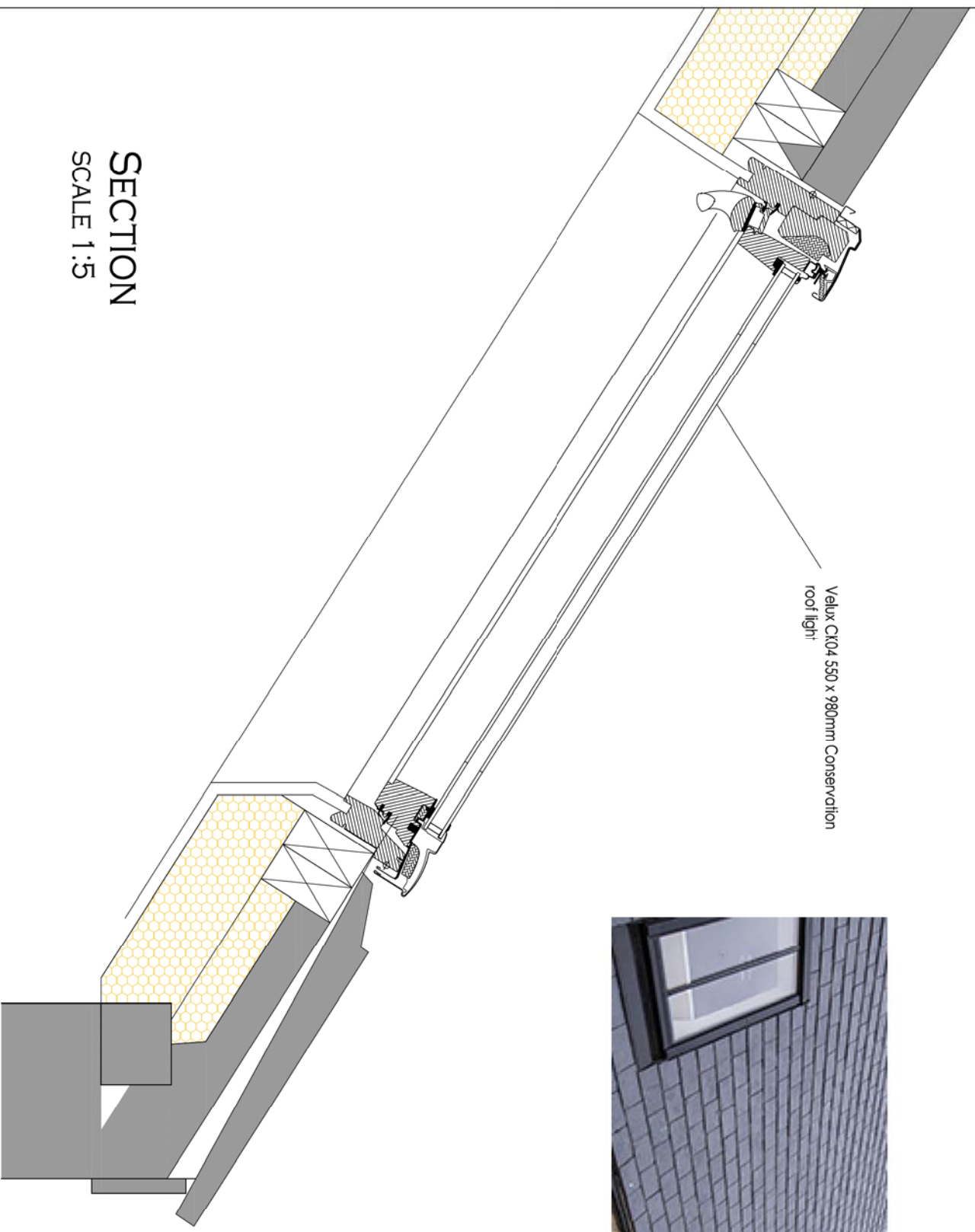
MANOR FARM, WORMINGTON, WORCS

PROPOSED CONVERSION

ROOF WINDOW DETAILS



Velux CK04 550 x 980mm Conservation
roof light



SECTION
SCALE 1:5

200

0	FIRST ISSUE	7.1.2020
REVISION	NOTES	DATE

client: A Russell and Son

PROJECT:
Manor Farm
Wormington
Worcestershire
WR12 7NL

DRAWING:
Proposed Details – Roof window details



CONSTRUCTION SERVICES
4 KENNEL RISE,
WORMINGTON,
GLoucestershire, GL4 4JU
+44 (0) 1793 600650 EMAIL: INFO@CONSTRUCT.CO.UK

DRAWN BY:	DATE:	APPROVED BY:	DATE:
IJP	Jan 2020	IJP	Jan 2020
SCALE:	AS STATED	TITLE:	MF.W.JN.04
	- A3		
			0

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	20 April 2021
Site Location:	Manor Farm Main Street Wormington Broadway Gloucestershire WR12 7NL
Application No:	21/00069/LBC
Ward:	Isbourne
Parish:	Dumbleton
Proposal:	Conversion of existing agricultural buildings into 1 no. dwelling and associated internal and external alterations and provision of parking
Report by:	Emma Dee
Appendices:	None
Recommendation:	CONSENT

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located centrally within Wormington. There is an established pattern of linear frontage development along this part of Main Street, and development is predominantly directly related to and supportive of the street scene. This includes Manor Farmhouse, a Grade II listed building of 17th century origins. There are a number of agricultural buildings located to the south of the farmhouse which form the perimeter of the original yard and a compact historic farmstead. This includes a Grade II listed Granary towards the eastern side of the yard, as well as an extensive range of traditional agricultural buildings, including the application building towards the western side of the yard, which are considered to be curtilage listed. The character of the historic farmstead is charming and vernacular with the farmhouse, and the granary providing a prominent and characterful influence. The neighbouring property to the West is also Grade II Listed (Well House).
- 1.2 The submitted Design and Access Statement sets out that farm operations have been relocated away from the original farmyard leaving a number of buildings redundant, including the existing agricultural building subject to this application. It further advises that, to ensure the sustainability of the farm, larger machinery and storage has become a necessity and that, to facilitate this, the main farm operation is now undertaken on sites to the south and north-west of the farmyard. To the south of the complex is a collection of large modern agricultural buildings which serve the current farming enterprise.
- 1.3 The application site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB).

- 1.4 The application proposes the conversion of one of the existing curtilage listed agricultural buildings within the western range into 1 no. two storey three-bed dwelling and associated internal and external alterations. This is a red brick building with a natural blue slate roof covering. The submitted Design and Access Statement advises that the ground floor area of this building originally housed animals whilst the upper floor area was used to store hay. All existing openings on this building are located on the eastern elevation, facing onto the central yard area. The application includes the submission of a Structural Report (commissioned by Delta Vector Engineering), which confirms that the principle structure is in good condition throughout and would not require any major structural alteration to convert to a dwelling house. It states that the structure has been analysed and is capable of resisting the loads, both vertical and horizontal, expected during the lifespan of the building once converted, and that the existing “foundation” will be suitable for supporting the proposed loads and does not show any signs of historic movement.
- 1.5 The following external alterations are proposed to this existing building:
1. The creation of 3 no. window openings in the eastern elevation;
 2. The installation of new windows and doors within existing openings; and
 3. The installation of 4 no. Conservation rooflights on the western elevation roofslope at first floor level, positioned 1.7m above the first-floor level, and 1 no. conservation rooflight on the eastern elevation roofslope at ground floor level within single storey element.
- 1.6 All new windows would be flush casement timber units with a painted finish, with thin-section conservation double glazing. The proposed door would also be painted timber with small, glazed panels. The ventilation bricks would be retained, and the external appearance of the bricks would not be altered in any way.
- 1.7 The submitted Design and Access Statement acknowledges that the Conservation Officer previously raised concerns regarding the loss of the historic brick floor as this would be a negative factor and would generate harm to the significance of the historic asset. In response, the submitted Design and Access Statement confirms that the floor slopes approximately 140mm from the west wall towards the entrance door, which was intentional and provided floor drainage for cattle urine. However, it advises that this slope is not suitable for domestic use and would not comply with Building Regulation. In addition, it sets out that the uneven surface of the bricks can create a trip hazard within the proposed dwelling. The Design and Access Statement advises that, to ensure the proposed dwelling complies with Building Regulations, insulation would be required within the floor structure. However, it advises that, to attempt to re-use the brick floor within the house, the floor would require additional excavation which could potentially affect the structural integrity of the building. The application therefore proposes the careful removal of the brick floor and reinstatement within the proposed covered parking area.
- 1.8 The full application which also appears on the schedule proposes the provision of associated private residential garden area and vehicular driveway, parking and turning areas, utilising the existing vehicular access. The brickwork wall would be removed from the eastern elevation of this barn to form an opening. Timber posts, lintel and gussets would be installed here to replicate detail found on an adjacent barn.
- 1.9 The other buildings towards the South and East of the yard would remain unconverted and in agricultural use.
- 1.10 The application is presented to the planning committee at the request of Councillor Gore, in order to assess the impact on the surrounding landscape and properties.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
20/00286/FUL	Conversion of existing agricultural buildings into 1 no. dwelling and associated external alterations, and provision of associated private residential garden area and vehicular driveway, parking and turning areas	WDN	30.10.2020
20/00450/LBC	Conversion of existing agricultural buildings into 1 no. dwelling and associated internal and external alterations, and provision of associated private residential garden area and vehicular driveway, parking and turning areas	WDN	30.10.2020
21/00068/FUL	Conversion of existing agricultural buildings into 1 no. dwelling and associated external alterations, and provision of associated private residential garden area and vehicular driveway, parking and turning areas	PCO	

- 2.1 In terms of application references 20/00286/FUL and 20/00450/LBC, as referred to above (which were withdrawn on 30th October 2020), the applicant's agent was contacted further to the receipt of revised plans and prior to determination of these applications and was advised that the Conservation Officer objected to the proposals mainly on grounds relating to the impact on the wider farm complex.

3.0 RELEVANT POLICY

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

3.2 National guidance

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

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Policies: SD8 (Historic Environment).

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

Emerging Policies: HER2 (Listed Buildings).

- 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 **Dumbleton Parish Council** – No objection to the works to the listed building but support the Conservation Officer’s comments in respect of the need for a comprehensive approach to the site.
- 4.2 **Conservation Officer** – No objections to the principle or the design details of the proposed residential conversion.
- 4.3 **Planning Ecological Advisor** – No objection subject to conditions.
- 4.4 **Building Control** – The application will require Building Regulations approval.

5.0 PUBLICITY AND REPRESENTATIONS

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

6.0 POLICY CONTEXT

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans. Wormington does not currently have an adopted Neighbourhood Development Plan.
- 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 National Planning Guidance contained within the National Planning Policy Framework; 2019 (NPPF).
- 6.5 The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

Heritage assets

- 7.1 Manor Farmhouse is a Grade II listed building of 17th century origins as is the Granary on the East side of the yard. There is also an extensive range of traditional agricultural buildings which with the listed buildings forms a yard to the south. These buildings (including the affected building) are considered to be curtilage listed, forming a compact historic farmstead. The neighbouring property to the West is also Grade II Listed (Well House).

- 7.2 As such when determining listed building consent applications this authority has a duty under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings, their features of special architectural or historic interest and their settings. The proposal will also be assessed in relation to Section 16 of the NPPF, JCS Policy SD8, saved Policy AGR7 of the TBLP and emerging Policy HER2 of the PSTBP.
- 7.3 Paragraph 184 of the NPPF states that: Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 7.4 Paragraph 193 of the NPPF 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 assets conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.5 Paragraph 194 of the NPPF states that: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 7.6 Policy SD8 of the JCS states that: Development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. The policy also states that: Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.
- 7.7 Emerging Policy HER2 of the PSTBP specifies that alterations, extensions or changes of use to Listed Buildings, or development within their setting, will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings. It further states that any proposals which adversely affect such elements or result in the significant loss of historic fabric will not be permitted, and specifies that any alterations, extensions or repairs to the Listed Buildings should normally be carried out using the traditional materials and building techniques of the existing building.
- 7.8 The proposal is to convert one of the buildings within the Western range to residential use and allocating a substantial area of the yard to this one unit. The other buildings towards the South and East of the yard would remain unconverted and in agricultural use. To the south of the complex is a collection of large modern agricultural buildings which serve the current farming enterprise. The character of the historic farmstead is charming and vernacular with the farmhouse, and the granary providing a prominent and characterful influence.
- 7.9 The Conservation Officer raises no objection in principle to the conversion of the buildings to residential use and considers that overall the details of the conversion of the buildings are sympathetic to their character. Part of the adjacent historic shed would also be utilised as garaging and lobby in a manner that would preserve its character.
- 7.10 Whilst there are strong objections in relation to the full application which involves the provision of a garden area and driveway etc., this application for listed building consent relates solely to the physical works to the listed building which are considered to be acceptable.

Other Considerations

- 7.11 The NPPF sets out 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. JCS Policy SD9 seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. Emerging Policy NAT1 of the PSTBP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.
- 7.12 An Ecology response has previously been provided in relation to the proposed works under application reference numbers 20/00286/FUL and 20/00450/LBC. The Council's Planning Ecological Advisor has reviewed the available documentation including the Bat Survey Report, and considers that sufficient survey effort has been undertaken. The survey highlighted that the building supported a roost for whiskered bats and brown long eared bats. The Ecological Advisor considers that appropriate bat mitigation has been given considering the small number of bats found.
- 7.13 As such the Planning Ecological Advisor raises no objection, subject to any consent being subject to condition for all works to be undertaken in accordance with the mitigation outlined within the Bat roost assessment and Bat survey report, and for evidence of the installation of the ecological enhancements (including, but not limited to, bat boxes and bird boxes) to be submitted to and approved in writing by the Local Planning Authority prior to first occupation.
- 7.14 In addition, the Ecological Advisor recommends that any consent be subject to condition requiring a lighting scheme and plan for the development (devised following consultation with the project ecologists) to be submitted to and approved in writing by the Local Planning Authority prior to first occupation.
- 7.15 Should more than 12 months' elapse from the date of the bat surveys undertaken in 2020, the Ecological Advisor comments that they would require an updated bat dusk emergence survey to confirm that the bat roost has not changed and to inform a Natural England licence, to be undertaken within the most recent survey season between May – September.
- 7.16 The Ecological Advisor further comments that Natural England's EPS Mitigation licence should be sent to the Local Planning Authority prior to commencement in order to ensure works are proceeding under licence.

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 As detailed above, the Conservation Officer has no objection to the works to the listed building and it is therefore recommended that listed building consent be **granted**.

Conditions:

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 details within the application form, the Dusk Emergence and Pre-dawn Re-entry Surveys for Bats (commissioned by All Ecology and dated June 2020) and the Inspection Survey for Bat Roost Potential and Nesting Birds (commissioned by All Ecology and dated January 2020) and approved drawing nos. MF.W.JN.01 (Proposed Details – Window Joinery), MF.W.JN.02 (Proposed Details – Window Joinery), MF.W.JN.03 (Proposed Details – Window Joinery), MF.W.JN.04 (Proposed Details – Roof Window Details), MF.W.JN.05 (Proposed Details – Door Joinery) and MF.W.PR.01 Revision C (Proposed Details – Floor Plans and Sections), received by the Local Planning Authority on 18th January 2021, and approved drawing no. MF.W.PR.02 Revision F (Proposed Details – Elevations and Site Details) received by the Local Planning Authority on 15th February 2021, 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. All works shall be undertaken in accordance with the mitigation outlined within the Dusk Emergence and Pre-dawn Re-entry Surveys for Bats (commissioned by All Ecology and dated June 2020) and the Inspection Survey for Bat Roost Potential and Nesting Birds (commissioned by All Ecology and dated January 2020) received by the Local Planning Authority on 18th January 2021.

Reason: In the interests of ecology, and to protect biodiversity.

4. Prior to first occupation of the dwelling, evidence of the installation of the ecological enhancements (including, but not limited to, bat boxes and bird boxes) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of ecology, and to protect and enhance biodiversity.

5. No new external lighting shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the approved details.

Reason: In the interests of ecology, and to protect and enhance biodiversity.

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.
2. Any alterations to the submitted and approved plans, brought about by compliance with Building Regulations or any other reason, may require listed building consent.

3. Should more than 12 months' elapse from the date of the bat surveys undertaken in 2020, an updated bat dusk emergence survey is required to confirm that the bat roost has not changed and to inform a Natural England licence, to be undertaken within the most recent survey season between May – September.
4. Natural England's EPS Mitigation licence should be sent to the Local Planning Authority prior to commencement in order to ensure works are proceeding under licence.

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	20 April 2021
Site Location:	Bell House Farm Old Road Maisemore Gloucester Gloucestershire GL2 8HT
Application No:	20/01074/FUL
Ward:	Highnam With Haw Bridge
Parish:	Maisemore
Proposal:	Variation of condition 2 (drawing schedule) attached to planning permission 14/00965/FUL (residential development comprising of 15 dwellings) to allow for minor alterations to plots 6, 7, 12, 13 & 14 and revised drainage arrangements.
Report by:	Adam White
Appendices:	Site layout plan. Elevations and floorplans (plots 13 & 14). Plot 12 garage plans. Revised drainage plans.
Recommendation:	Delegated Permit.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application relates to a site formally known as Bell House Farm, located adjacent to the A417 on the western edge of Maisemore village (**see attached location plan**). Planning permission was granted in 2015 for the demolition of curtilage listed outbuildings and the erection of 15 dwellings (Ref: 14/00965/FUL). Those works have commenced on site and are now well advanced.
- 1.2. The current application seeks to vary condition 2 (drawing schedule) attached to the planning permission to allow for minor alterations to plots 6, 7, 12, 13 & 14 (**see attached plans**). Those changes are summarised as follows:
 - Removal of garages from plot 13 & 14 and replacement with tandem parking spaces.
 - House type G (plot 13) – amendments to internal layout and first floor windows on side elevation.
 - House type H (plot 14) – amendments to internal layout and first floor windows on side elevation removed.
 - Garage design to plot 12 amended.
 - Plots 6 & 7 repositioned closer to plots 8 & 9 due to levels adjacent to the boundary with the neighbouring properties.
- 1.3. The proposal also includes revised drainage arrangements.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
14/00965/FUL	Demolition of existing curtilage listed outbuildings and proposed residential development comprising of 15 dwellings and associated landscaping, parking and garaging (Revised scheme further to Ref: - 14/00089/FUL)	PER	19.10.2015
14/00966/LBC	Demolition of existing curtilage listed outbuildings and proposed residential development comprising of 15 dwellings and associated landscaping, parking and garaging (Revised scheme further to Ref: 14/00090/LBC)	CONSEN	22.04.2015
20/00509/FUL	Proposed erection of a pair of semi-detached dwellings and associated car parking	PCO	

3.0 RELEVANT POLICY

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

National guidance

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

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

3.3. Policies: SD4, SD7, SD8, SD10, SD12, SD14, INF1, INF2, INF7.

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

3.4. Policies: RES5, 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

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>

4.1. Maisemore Parish Council – Object to the revised drainage details.

4.2. Conservation Officer – No objections.

4.3. Lead Local Flood Authority – No objections.

4.4. Drainage Consultant – No objections.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1. The application has been publicised through the posting of a site notice for a period of 21 days. However, no representations have been received at the time of writing this report.

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 and hearing sessions commenced on the 16th February 2021. Whilst not currently forming part of the development plan, policies contained in the emerging Borough Plan can be given weight in determining applications. 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 principle of this development has been established by the previous planning permission that has been implemented on site. The consideration of this application is therefore restricted to the proposed amendments to the scheme.

Proposed amendments

- 7.2. The application proposes the removal of the garages from plots 13 and 14 to be replaced with tandem parking. Due to the loss of the garage to plot 13, a single garage is now proposed to plot 12. These changes would not materially affect the parking arrangements on the site and is considered to be acceptable.
- 7.3. Amendments to the internal layout of plots 13 and 14 are proposed, which would also include an amendment to the first-floor windows on the side elevation of plot 13 and the removal of the first floor windows on the side elevation of plot 14. It is considered that the internal changes are inconsequential and the amended window arrangements do not raise any issues in terms of overlooking. These changes are considered to be acceptable.
- 7.4. It is proposed to reposition plots 6 & 7 closer to plots 8 & 9 due to the levels adjacent to the boundary with the neighbouring properties. This change is minor and would not materially affect the streetscene and would have a negligible impact on neighbouring property. This change is considered to be acceptable.

Drainage

- 7.5. In addition to the changes set out above, the application seeks to amend the drainage details that were approved under the previous application (Ref: 14/00965/FUL). The most significant change is that the foul drainage is now shown connecting directly into the existing sewer network. It is understood that this connection has already been made.
- 7.6. The Parish Council has raised strong objections to the revised drainage details due to the historical problems with the drainage network in the village. It is stated that Severn Trent Water have not undertaken any improvement works to the sewer system since the original application was permitted. The Parish Council and residents originally raised these concerns on the initial application. In response to those concerns, a condition was attached to secure surface water and foul drainage details prior to the commencement of development. The conditions states that foul sewage disposal shall be via a package treatment plan only. Drainage details were subsequently submitted and approved by the Council.
- 7.7. The applicant states that the previously approved drainage scheme was flawed as a sewage treatment plant located under the road would preclude most types of treatment plant, such as a Biodisc for example. In addition, the location of the sewage treatment plant would not comply with Building Regulations and there is no other suitable location within the site.
- 7.8. Whilst the Parish Council's concerns are noted, it is evident that Severn Trent Water have already approved a connection into the existing system. In a letter to the developer, Severn Trent Water confirms that the foul flows from the development should not have an adverse hydraulic impact on the existing network. They note reported incidences of flooding in the area but they state that the proposed development would not exacerbate the situation. Moreover, following consultation with the Lead Local Flood Authority and the Council's drainage consultant, no objections are raised in respect of the revised drainage details. In light of this, it is considered that it would be very difficult to reasonably sustain an objection on this basis.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1. It is considered that the proposed changes to plots 6, 7, 12, 13 & 14 are minor in the context of the previously permitted scheme and are acceptable. In terms of the drainage, whilst the Parish Council's concerns are noted, for the reasons set out in the report, it is considered that the proposed revised drainage details are also acceptable. The application is therefore recommended for **Delegated Permit subject to the completion of a Deed of Variation to ensure that the provisions on the original S106 Agreement are carried forward.**

CONDITIONS:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Layout (AQC20.01-102)
 - Boundary Treatment Plan (AQC20.01-103)
 - Garage - Floor Plans & Elevations (BZL13.08-115)
 - Site Levels (BZL13.08-118)
 - Type A - Floor Plans & Elevations (BZL13.08-104)
 - Type B - Floor Plans & Elevations (BZL13.08-105)
 - Type C - Floor Plans & Elevations (BZL13.08-106 Rev A)
 - Type D - Floor Plans & Elevations (BZL13.08-107)
 - Type E - Floor Plans & Elevations (BZL13.08-108)
 - Type F - Floor Plans & Elevations (BZL13.08-109 Rev A)

- Type G – Floor Plans & Elevations (AQC20.01-104)
- Type H – Floor Plans & Elevations (AQC20.01-105)
- Type J - Floor Plans & Elevations (BZL13.08-112)
- Type K – Floor Plans (BZL13.08-113)
- Type K - Elevations (BZL13.08-114)
- P12 Garage – Floor Plans and Elevations (AQC20.01-106)
- Soft Landscaping Plan – 6425/W/100
- Landscaping Implementation Strategy - dated 26.10.2020
- Planting Schedule Info - 6425-W-3500
- Drainage Layout – C00
- Manhole Schedule – C05 Rev B
- Drainage Design Statement – dated September 2020

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

2. No external construction works, deliveries, external running of plant and equipment or internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. There shall be no such working Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours.

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

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

4. 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 2.4 m 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 80 m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05 m and 2.0 m at the X point and between 0.26 m and 2.0 m at the Y point above the adjacent carriageway level.

Reason: To reduce potential highway impact by ensuring that adequate visibility is provided and maintained.

5. No dwelling on the development shall be occupied until the carriageway (including surface water drainage/disposal, vehicular turning head 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 to surface course level.

Reason: In the interest of highway safety and to ensure safe and suitable access has been provided for all people.

6. The buildings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan AQC20.01-102 (Site Layout) and those facilities shall be maintained available for those purposes for the duration of the development.

Reason: To reduce potential highway impact by ensuring that adequate parking and manoeuvring facilities are available within the site.

7. No external lighting shall be erected on any part of the site without the prior express permission of the approval of the Local Planning Authority.

Reason: To protect the amenities of nearby residential property and in the interests of visual amenity.

8. The development hereby permitted shall be in accordance with the Ecological Working Method Statement previously approved under application reference 14/00965/FUL.

Reason: To ensure proper provision is made to safeguard protected species and their habitats.

9. The development hereby permitted shall be implemented in accordance with the approved drainage details before the development is first brought into use and maintained as such 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 a flooding problem and to minimise the risk of pollution.

10. The development hereby approved shall be constructed in accordance with the details contained in the STROMA Tech SAP Input Report received 10.08.2018 and previously approved under application reference 14/00965/FUL.


Reason: To minimise emissions and to ensure a high level of energy efficiency.

Statement of Positive and Proactive Engagement

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



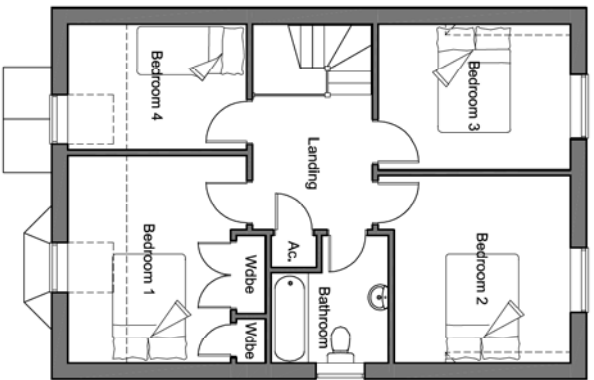
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Client		Gloucester City Homes						
Project		Land at Bell House Farm, Maisemore						
Drawing Title		Site Layout						
Date	Scale	Drawn	Status	Job No.	Dwg No.	Rev.		
June 2020	1:500 @ A4	GMP	PA	AQC20.01	102	-		

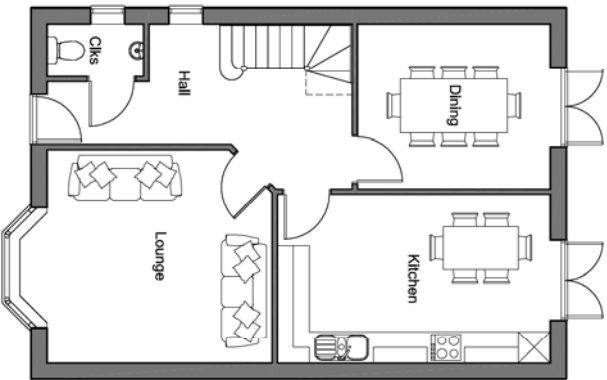
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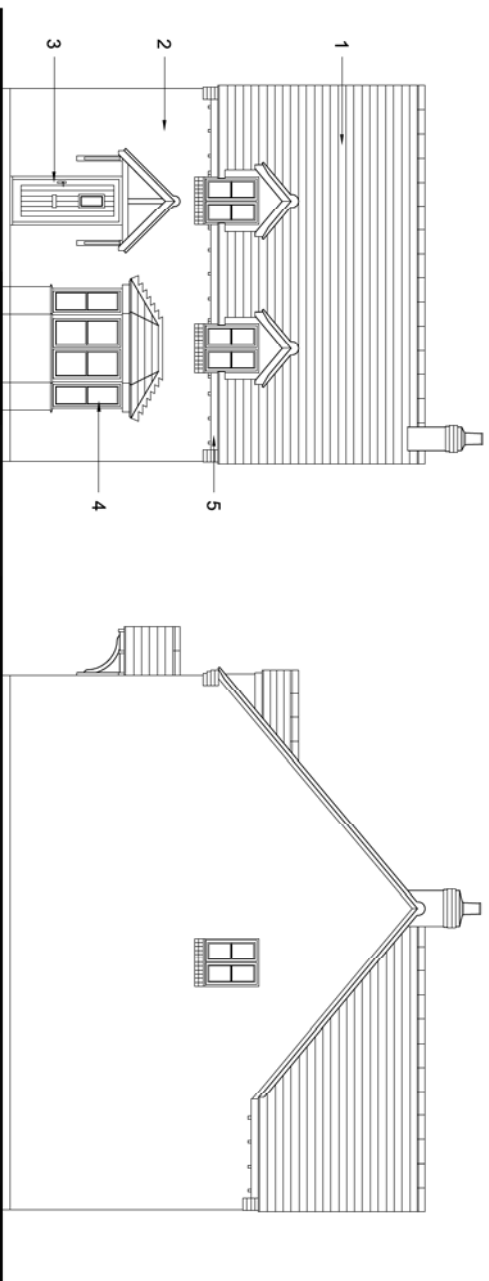
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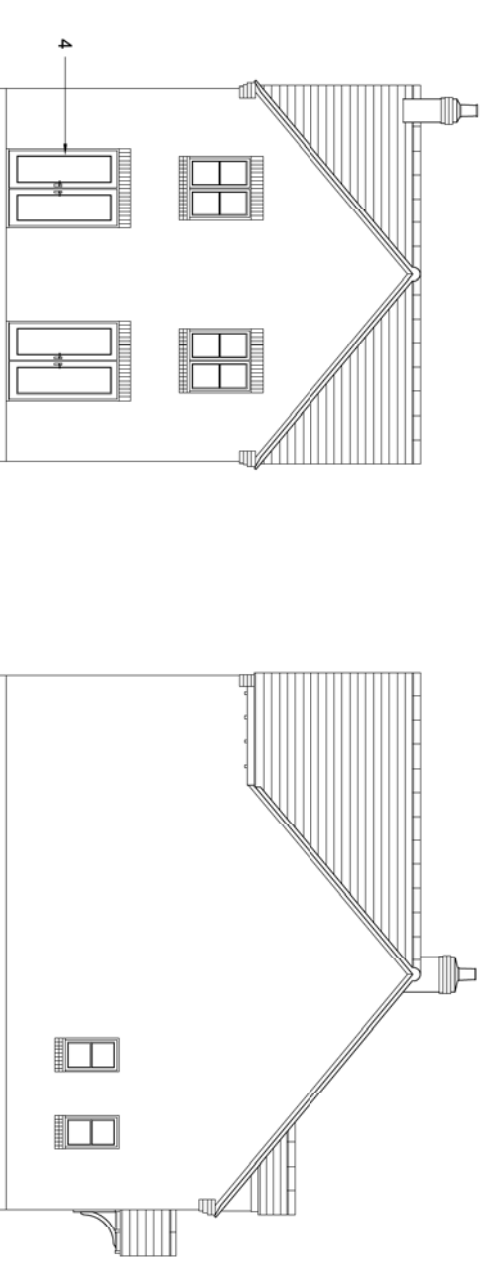
First Floor Plan



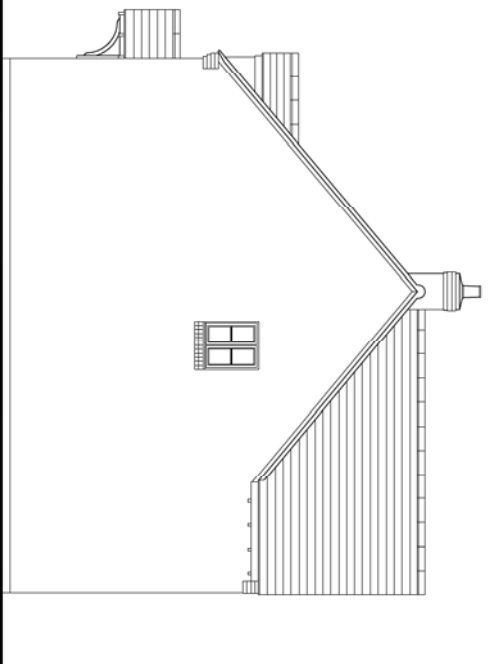
Ground Floor Plan



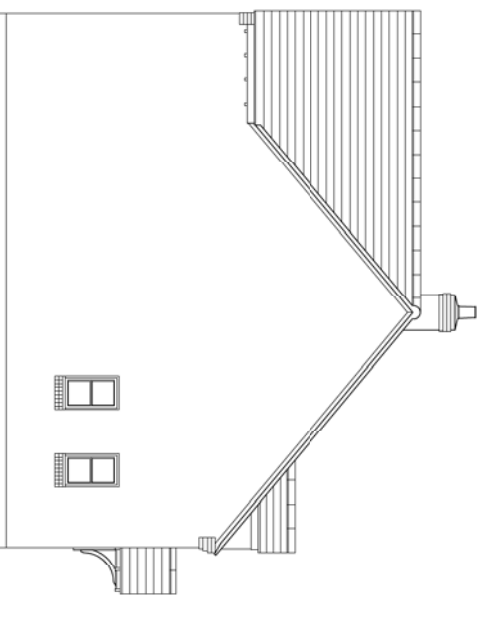
Front Elevation



Rear Elevation



Side Elevation



Side Elevation

Materials

- 1 Marley Ashmore interlocking double plain tile
- 2 Waberberger smoked orange multi glit stock facing bricks
- 3 Composite entrance door
- 4 White PVCu doors and windows
- 5 White PVCu fascia boards

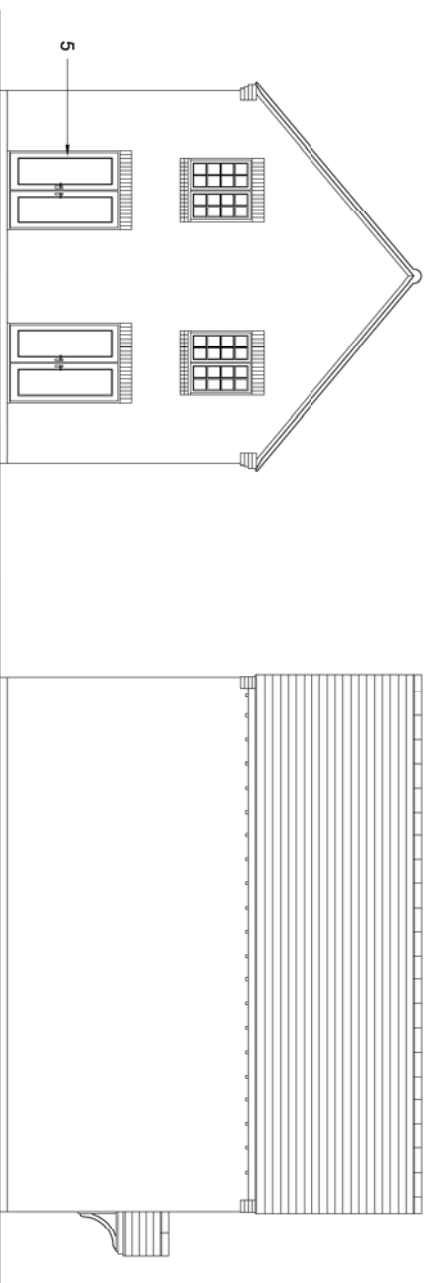
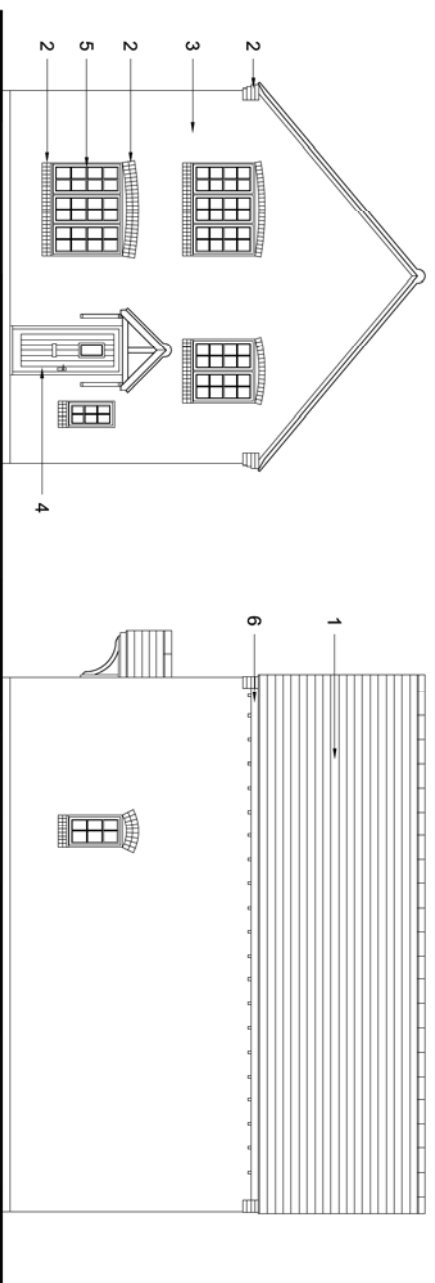
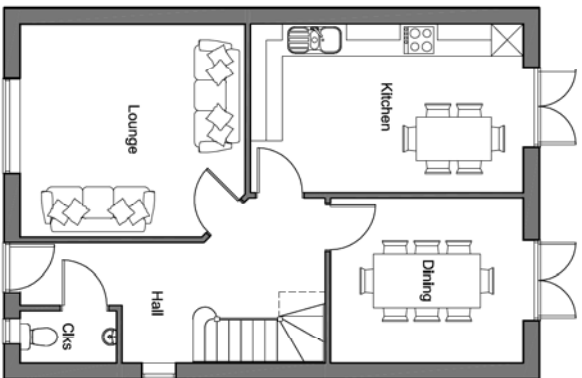
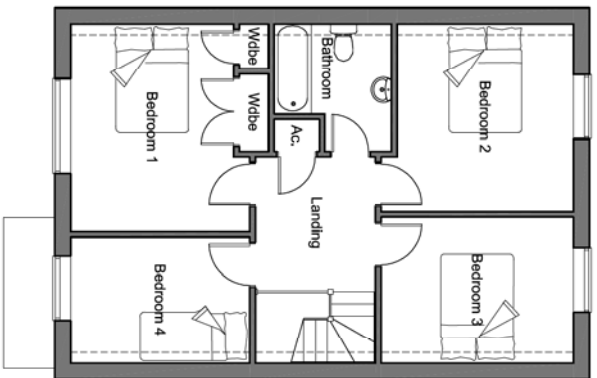
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Client		Gloucester City Homes			Job No.		AOC20.01		Dwg No.		104		Rev.		-	
Project		Land at Bell House Farm, Maisemore			Scale		1:100 @ A3		Status		PA		Date		June 2020	
Drawing Title		Type G - Floor Plans & Elevations			Discipline		GMP		Author		GMP		Date		June 2020	



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Materials

1	Manley Ashmore interlocking double plain tile
2	Weihenberger smoked orange multi glit stock facing bricks
3	Render - Weber Monocouche 'Pral M' Chalk
4	Composite entrance door
5	White PVCu doors and windows
6	White PVCu fascia boards

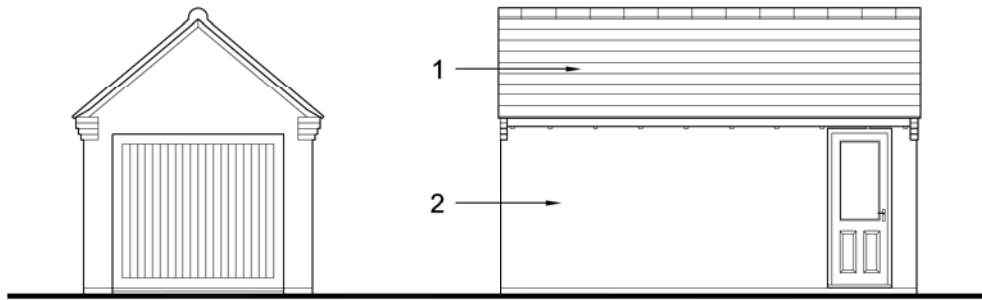
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Client	Gloucester City Homes												
Project	Land at Bell House Farm, Maisemore												
Drawing Title	Type H - Floor Plans & Elevations												
Date	June 2020	Scale	1:100 @ A3	Drawn	GMP	Stage	PA	Job No.	AOC20.01	Draw No.	105	Rev.	-



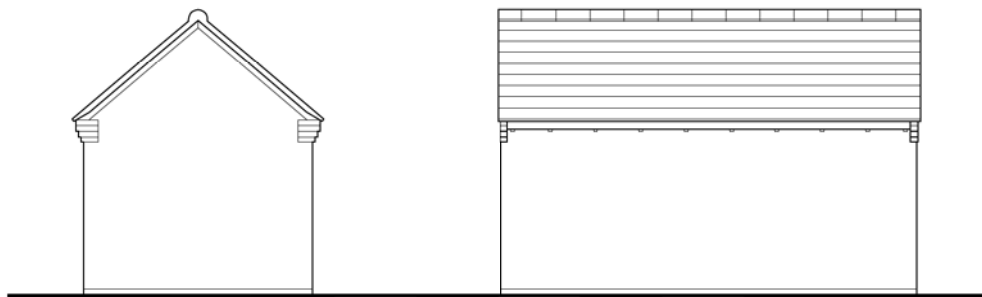
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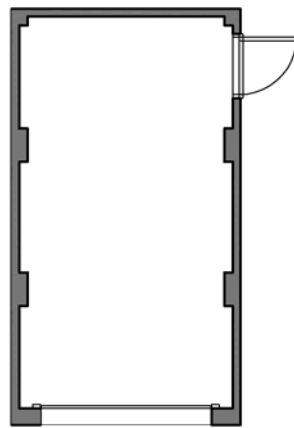
Front Elevation

Side Elevation



Rear Elevation

Side Elevation




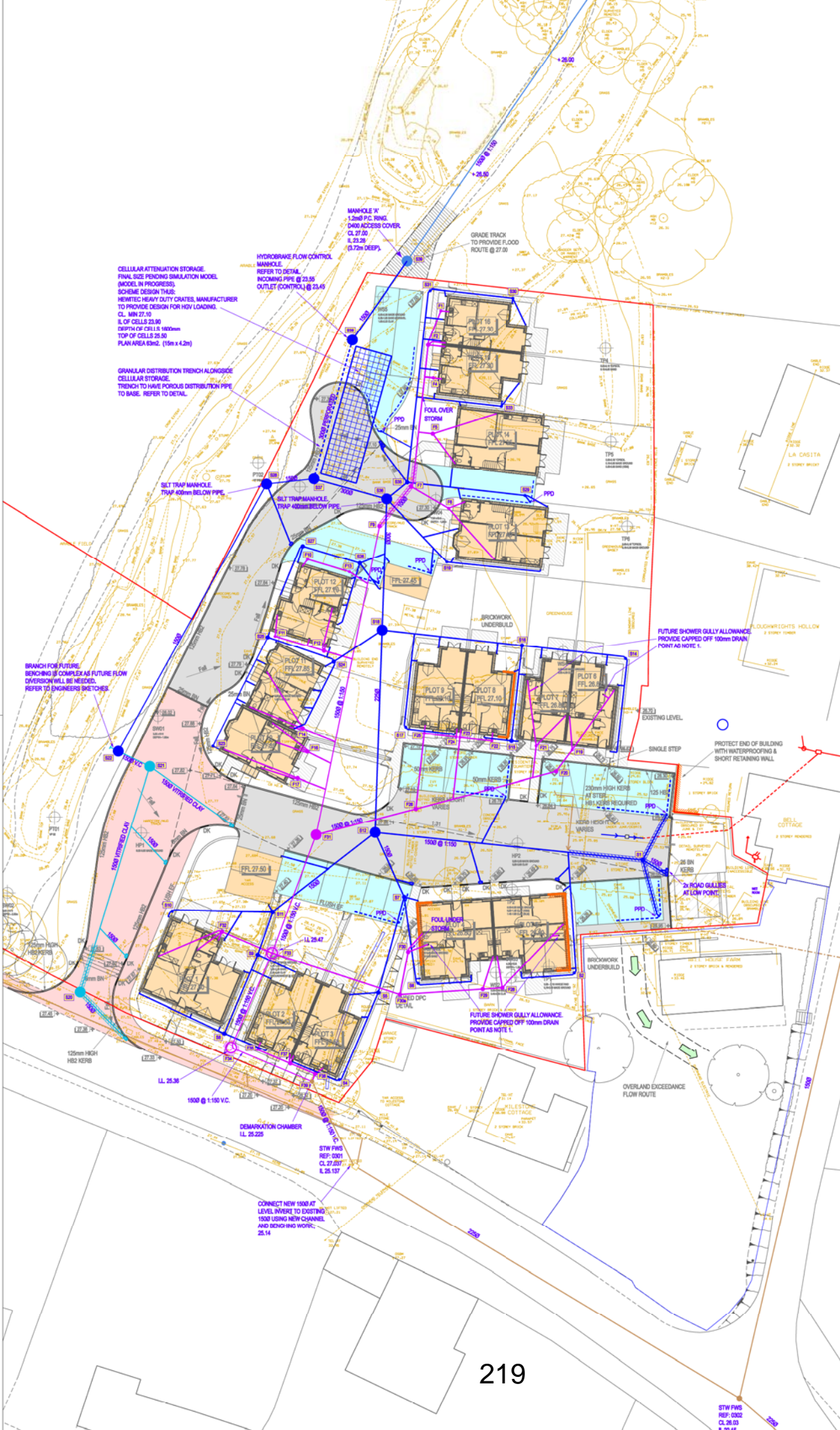
Floor Plan

Materials

1	Marley Ashmore interlocking double plain tile
2	Weinerberger smoked orange multi gilt stock facing bricks

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Client Gloucester City Homes						
Project Land at Bell House Farm, Maisemore						
Drawing Title P12 Garage - Floor Plan & Elevations						
Date June 2020	Scale 1:100 @ A4	Drawn GMP	Status PA	Job No. AQC20.01	Drg No. 106	Rev. -



NOTES

- FUTURE FLOOR GULLY: PROVIDE REST BEND AND SLAB PENETRATION AS TYPICAL DETAIL AND TERMINATE AT PFL WITH WADE SUPERSLAP ACCESS COVER REF K95R1. FUTURE INSTALLATION OF GULLY WILL REQUIRE BREAK OUT OF SCREEN.
- DRAINAGE WITHIN HIGHWAY TO HAVE MINIMUM 800mm COVER, WHERE COVER IS LESS THAN 800mm DRAINAGE IS TO HAVE 100mm CONCRETE COVER SLAB.

FOUL REST BEND LEVELS.	
PLOT	LEVEL
PLOT 1	27.15
PLOT 2	26.88
PLOT 3	26.88
PLOT 4	26.15
PLOT 5	26.15
PLOT 6	26.17
PLOT 7	26.17
PLOT 8	26.45
PLOT 9	26.45
PLOT 10	27.20
PLOT 11	27.20
PLOT 12	27.05
PLOT 13	26.75
PLOT 14	26.70
PLOT 15	26.65
PLOT 16	26.65

STORM REST BEND LEVELS.	
STORM REST BEND LEVELS GENERALLY 300mm BELOW GROUND LEVEL, SO TRANSITION TO RWP IS BELOW GROUND.	

- NOTES**
- EXISTING FOUL DRAINAGE
 - PROPOSED HIGHWAY DRAINAGE TO BE V.C. MAIN DRAIN AND GULLY BRANCHES TO BE 1500.
 - PROPOSED FOUL DRAINAGE - ALL DRAINS 1000 UNLESS NOTED OTHERWISE.
 - PROPOSED STORM DRAINAGE - ALL DRAINS 1000 UNLESS NOTED OTHERWISE.
 - × × × DRAINAGE TO BE ABANDONED BY GROUT FILLING OR AS APPROVED IN R12 SPECIFICATION
 - TPS TO SOFT LANDSCAPE AS PART 14 SECTION 2.8 OF BUILDING REGS
 - PROPOSED IMPERMEABLE ROAD
 - PROPOSED BUILDING
 - TANKED PERMEABLE PAVING
 - CELLULAR ATTENUATION
 - PROPOSED MANHOLE REFERENCE
 - OVERLAND FLOW ROUTE
 - EXISTING LEVEL
 - PROPOSED LEVEL
 - CONCRETE PROTECTION SLAB TO PIPE
 - POROUS PAVING DRAIN COLLECTION: 300mm DIAMETER CHAMBER TO BE PROVIDED AT LOW POINT IN PAVING. 100mm PERFORATED DRAIN (PROB NOT COL) TO BE LAID ON FORMATION OF PAVING AS SHOWN TO DRAIN POROUS AGGREGATE SUB-BASE.

REVISIONS

REV	DATE	BY	AMENDMENT
B	14.08.20	EP	REVISIONS TO SUIT SITE CONSTRAINTS & ATTENUATION DESIGN

DRAWING STATUS
For Construction

Infrastructure Design Studio
CONSULTING ENGINEERS Tel: (+44) 01286 658 006

CLIENT
AQUA Construction

PROJECT
Bell House Farm
Maisemore

DRAWN BY EP
DATE 26.08.20
CHECKED MS
DATE 26.08.20

TITLE
Drainage Layout

SCALE 1:200 @ A1
PROJECT No. 1533
DRAWING No. C03
REV. B

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	20 April 2021
Site Location:	Box Farm Stockwell Lane Woodmancote Cheltenham Gloucestershire GL52 9QG
Application No:	21/00144/PIP
Ward:	Cleeve Hill
Parish:	Woodmancote
Proposal:	Application for Permission in Principle for the Construction of 1 Dwelling
Report by:	Dawn Lloyd
Appendices:	Site location plan
Recommendation:	Approve

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located to the north side of Stockwell Lane, in Woodmancote.
- 1.2 The site measures approximately 0.15 hectares and comprises part of the garden of the farmhouse of Box Farm, which lies to the east. The land within the site rises towards the north. There are residential properties to the west of the site and the Mill and Liberty Farm are located to the south side of Stockwell Lane.
- 1.3 The site has a boundary hedge to the south, and a lower managed hedge towards the west and north boundaries. To the north of the application site and east of Box Farm lies the open countryside.
- 1.4 A Public Right of Way (PROW) runs from Stockwell Lane to the west of the farm to approximately 90m to the north of the site.
- 1.5 The site is located within the Cotswold Area of Outstanding Natural Beauty.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
04/01339/FUL	Erection of 4 bay storage and garage building in place of existing sheds and garaging.	PER	08.03.2005
88/00135/FUL	Alterations to existing barn/garage to provide a dwelling unit.	PER	23.03.1988
08/00262/FUL	Erection of 2 no. loose boxes.	PER	30.04.2008

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

Policy SP1 (Need for New Development) Policy SP2 (Distribution of New Development).

Policy SD6 (Landscape).

Policy SD9 (Biodiversity).

Policy SD7 (AONB).

Policy SD10 (Residential Development).

Policy INF1 (Transport Network).

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

Policy RES2 – Settlement Boundaries

Policy RES5 – New Housing Development

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

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>

4.1 **Woodmancote Parish Council** – Objection (in summary)

- Not represent infilling in the existing built-up area of a town or village therefore does not comply with JCS policy SD10. Therefore the “built up area” has to be part of a village and cannot just be a collection of houses forming a sporadic ribbon development along a road outside the village. The proposed development therefore conflicts with policies SP2 and SD10 of the JCS in that it 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.
- The proposed development would result in an unwarranted intrusion into the Cotswold Area of Outstanding Natural Beauty “AONB” at a transitional point where the Village of Woodmancote ends and gives way to agricultural land and old farm houses Box Farm (which is itself a non-designated historic asset) and views up the escarpment.
- Contrary to contrary to Cotswold AONB Management Plan 2018 whose guidelines require any new development to maintaining the open and sparsely settled character, avoiding extensions to settlements and conserving the rural road network. Conflict with policies SD6 and SD7 of the JCS 2017.
- Outside the settlement boundaries in policies RES2 and RES 4 of the Pre-submission Tewkesbury Borough Local Plan which is at Public Inquiry.
- Not a sustainable location. Additional trips generated, no public footpath, conflicts with pedestrian and cyclists. Therefore an additional access to the street should not be supported on safety grounds.
- The NPPF paragraph 11presumption in favour of development in both plan making and decision making unless it is protected land as defined in footnote 7 which includes the AONB. Therefore there is no presumption in favour of development.
- As a final summary point, it is the objectively assessed housing need that is out of date and does not take proper account of the stalled growth in jobs from 2015-2018, nor the impact of reduced immigration as a result of Brexit not to mention the impact Covid has had on accelerating the changes in the retail landscape to online dominance. It is therefore most misleading to refer to the policies being out of date because of the failure to meet an out of date and planning over inflated housing supply target.

- 4.2 **County Highways Officer** – No Objection to the principle of development as there would not be an unacceptable impact on Highway safety or severe impact on congestion. At stage 2 technical details the Highway authority would require a design compliant vehicular access, parking and turning arrangement, parking provision (car/cycles) proposed for the dwelling including electrical vehicle charging points.
- 4.3 **Conservation Officer**- Due to distance and intervening houses and vegetation it is not considered that the proposal would have a negative impact upon setting of the Conservation area or the listed buildings. A judgement needs to be made as to whether Box Farmhouse is a non-designated heritage asset and what the impact would be on its setting.
- 4.4 **Archaeologist** – No objection.
- 4.5 **Environmental Health Advisor** – No objection, no adverse comments to make in relation to noise/nuisance.

- 4.6 **Flood Risk & Management Officer** –The proposal is for a single residential property. The site has a watercourse running through it, provided no building is within 5m of the watercourse I would have no objection to the PIP.
- 4.7 **Cotswold Conservation Board** - The site lies within the Cotswold National Landscape. The LPA in their decision making have regard to the Cotswold Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023 and associated policy/guidance.
- 4.8 **Natural England** – No comments refer to standing advice.
- 4.9 **Ecological Advisor** – No ecological information has been provided. More detailed plans will assist with ecological constraints, however as there are habitats onsite that could support protected species and therefore be impacted by the proposal a Preliminary ecological Appraisal will be required prior to determination. Any further surveys that are required are also to be carried out prior to determination.

5.0 PUBLICITY AND REPRESENTATIONS

Local Residents – 6 Letters of objection (in summary)

- Previous applications for a new dwelling on the site has been refused and dismissed at appeal.
- The site is agricultural land (green field Land rather than previously development land (brownfield land).
- The site does not lie within a village and nor within the built-up area of the village. The built-up area of Woodmancote starts further west as indicated by the residential development boundary on the TBLP Proposals Map.
- The location and land use are inappropriate as it contravenes the spatial strategy laid out in the JCS.
- The application site lies within the AONB. The open, agricultural, rural nature of the site adds to the rural setting of the villages of Woodmancote and Cleeve Hill and its development will erode this contribution.
- The 'Location Plan' does not accurately represent borders between Box Farm and Beech Cottage.
- Box Farm house is a non-designated heritage asset. Its western elevation, facing the site, is one of its principal elevations and a new dwelling on the application site could have an impact on the setting of the heritage asset.
- Any planning application which will increase traffic on Stockwell Lane. The road is already heavily used by walkers, riders and drivers, whose needs conflict. It is also a
- Rat-run for traffic heading for local schools and the shopping centre in Bishops Cleeve. We do not need more traffic generated by development along the lane.
- An additional property on this plot would result in a cramped form of development that does not respect the local character of the area and will lead to other developments and further destruction of the AONB.

- Para 3.5 in the Planning Statement incorrectly claims that Woodmancote does not have an NDP in draft form whereas, in fact, after as many as five drafts, the NDP is well-advanced with a draft about to be made available under Regulation 14 for public comment before final adoption. An in-fill in this location would spoil the view of the AONB at least briefly for a passer-by and more permanently for nearby residents. It does not enhance or maintain the vitality of a rural community nor conserve or enhance the landscape and scenic beauty in the AONB.

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 for this area currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP).
- 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 Council has approved the designation of a Neighbourhood Plan Area and whilst it is understood that a Plan is being progressed, no Plan has yet been published for consultation.
- 6.5 Other material policy considerations include the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance.

7.0 ANALYSIS

- 7.1 The guidance (paragraph 012 of the Planning Practice Guidance) for permission in principle states that the scope of the pip is limited to:
- location
 - land use
 - amount

Each of these are discussed in below.

LOCATION

- 7.2 Woodmancote is a 'Service Village' as defined by policy SP2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted December 2017)(JCS). The site does not fall within an allocated area in the village and therefore the provision in policy SP2(5) does not apply. However, policies SP2 and SD10 of the JCS together allow for development of housing in the remainder of the area in certain circumstances, including on previously developed land and infilling in a village.

- 7.3 JCS policy SD10 specifies that, on sites that are not allocated, housing development and conversions to dwellings will be permitted on previously developed land in the existing built-up areas of Gloucester City, the principal urban area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within district plans. Housing development on other sites will only be permitted where it constitutes affordable housing; constitutes infilling within a town or village, is brought forward via a community right to build order; or is allowed for in district or neighbourhood plans. This strategy is consistent with the NPPF which (paragraph 79 refers) seeks to avoid isolated new homes in the countryside.
- 7.4 Woodmancote does not have a defined development boundary, so a degree of judgment is necessary regarding whether the site is within the village. The site is part of the garden of Box Farmhouse and is within the residential curtilage. Recent appeal decisions have considered this area as a ribbon of development formed by a collection of detached dwellings set within spacious plots that extend along the lane away from the main body of the village. Given that the view of Inspector's in recent appeal decisions regarding development radiating from Woodmancote along these lanes and that there is existing development to the east, west and south of the site, the development would be viewed within the context of existing built form and would not appear divorced from the settlement. Therefore, notwithstanding the commentary on the emerging Borough Plan's development boundary below, the proposed development site is considered to be within the built-up area of the village and complies with SD10 in this regard.
- 7.5 The Pre-submission Tewkesbury Borough Local Plan (TBLP) proposes a settlement boundary for Woodmancote (policy RES2). Outside of these settlement boundaries the policy RES 3 stipulates that new residential development will only be acceptable if it falls within a specified criteria of development types (for example, it would be a replacement dwelling) or involves development through local initiatives including Community Right to Build Orders and Neighbourhood Development Orders. Outside settlement boundaries RES3 part 4 considers 3 that very small scale development at rural settlements in accordance with Policy RES4.
- 7.6 Whilst not part of the development plan, policies RES3 and RES4 of the emerging Tewkesbury Borough Plan to 2031 are also material considerations. Policy RES3 supports very small-scale development at rural settlements in accordance with Policy RES4. Policy RES4 follows and supports very small-scale residential development within and adjacent to the built up areas of other rural settlements providing:
- a) it is proportionate to the size and function of the settlement and maintains or enhances sustainable patterns of development;
 - b) it does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the plan period; as a general rule no more than 5% growth or 10 dwellings, whichever is lesser, will be allowed;
 - c) it complements the form of the settlement and is well related to existing buildings within the settlement;
 - d) the site of the proposed development is not of significant amenity value or makes a significant contribution to the character and setting of the settlement in its undeveloped state;
 - e) the proposal would not result in the coalescence of settlements;

f) the site is not located in the Green Belt, unless the proposal would involve limited infilling in a village, limited affordable housing for local community needs (in accordance with Policy RES6) or any other exceptions explicitly stated within the National Planning Policy Framework.

- 7.7 For the reasons set out above (para 7.4), it is considered that the proposal would complement the form of the settlement and is reasonably well related to existing buildings. Furthermore, it is considered that the proposal would be proportionate to the size and function of the settlement and would not result in an adverse cumulative impact. The proposal would also not result in the coalescence of settlement. However, it is considered that the weight that can be afforded to this policy is currently reduced due to the level of unresolved objections.
- 7.8 The Parish Council are of the view that this part of Stockwell Lane lies outside the boundary of the village. However, at the present time there is no adopted defined settlement boundary and as set out above, officers have taken previous appeal decisions into account. In terms of 'limited infilling', the Framework does not define what this constitutes and therefore a judgement must be formed based on the individual circumstances of the case.

8.0 COUNCILS 5 YEAR HOUSING LAND SUPPLY

- 8.1 It is the council's current position that a 4.35-year supply of housing can be demonstrated. In this scenario, paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, permission should be granted unless: i.) The application of policies in the framework that protect assets of particular importance provides a clear reason for refusing the development; or ii). Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.
- 8.2 The framework clarifies that planning policies for housing will be judged out of date where, inter alia, the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites. Footnote 6 to paragraph 11 also clarifies which policies in the framework provide a clear reason for refusing. As the site is within the Cotswold AONB, a judgment must be made as to whether the proposal would protect the AONB, and whether any impacts provide a clear justification for refusing permission, before a judgment can be made as to whether the 'tilted balance' applies.

9.0 LAND USE IMPACT ON THE COTSWOLD AONB AND LANDSCAPE CHARACTER

- 9.1 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 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).
- 9.2 Para 116 sets out that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. However, the framework does not place a blanket restriction on all development in the AONB and a single dwelling is not considered major development.

- 9.3 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. The Cotswolds AONB Management Plan (2018-2023) is the statutory plan which sets out the Cotswold Conservation Boards' policies for the management of the Cotswolds AONB and for the carrying out of its functions in relation to it.
- 9.4 Landscape character assessments for the area have been carried out at national, county and AONB level by Natural England; National Character Area, Gloucestershire County Council; Gloucester Landscape Character Assessment, LDA Design, 2006, and the Cotswolds AONB Conservation Board; Cotswolds AONB Landscape Character Assessment, 2006, respectively. In addition, a district level landscape character assessment: Landscape and Visual Sensitivity Study - Rural Service Centres and Service Villages, (LVSS) was published in 2014.
- 9.5 The LVSS puts the proposal within the landscape parcel Cotswolds AONB Landscape Character Area 2E: 'Winchcombe to Dovers hill - (Escarpment)'. The "Escarpment" landscape is characterised as a narrow landscape type, forming a dramatic, prominent and well-known landscape feature as part of the distinctive topography of the area. A key characteristic is "small scale settlement generally confined to lower shallower slopes of the escarpment, in sheltered locations and adjacent to spring lines"
- 9.6 The site is on the north side of Stockwell Lane residential properties of the west and farmhouse to the east. The site forms part of the garden of the farmhouse with a small orchard to the north west. To the south lies the dwelling of Liberty Farm which was allowed at appeal in 2015. The Inspector considered the Council's Landscape and Visual Sensitivity Study (2014) which concluded that the land parcel in which the appeal site is located is of high sensitivity but includes the qualification that:
- "there may be small scale opportunities for sensitive development immediately adjacent to the settlement edge. Whilst it is noted that the fidelity of the study is not sufficient to identify such opportunities, the appeal proposal would be located close to the settlement edge on the lower escarpment slopes, following the general pattern of development along Stockwell Lane and would be constructed from materials respective of the local vernacular. Consequently, the appeal proposal would not appear as a strident addition to this part of the AONB, thereby being in general conformity with the above studies that seek to guide rather than stymie, appropriate development."*
- 9.7 The southern boundary of the site is screened from Stockwell Lane by a boundary hedge and trees. There is a public right of way 90m to the north. The site would be visible from the public realm however, within the context of existing development. The site would be screened from the north in part by the orchard and due to topography of the site views would be directed beyond the site to the open countryside to the south.
- 9.8 The visual impact of the development from distant views would not be considered prominent or substantial due to its relationship with existing development.
- 9.9 It is considered that there would be limited harm to the AONB that would not, in this instance, provide a clear reason for refusal. Therefore, the tilted balance is engaged. Given the Council's current land supply shortfall, and in light of the above, it is considered that there would not be any adverse impacts that would significant or demonstrably outweigh the benefits of the scheme.

9.10 The Parish council consider that Box Farm is a non-designated heritage asset and that the principle a dwelling in this location would impact the setting of a heritage asset. Box Farm is an attractive, unlisted building in the Cotswold vernacular and is understood to have 19th Century origins. Historic maps indicate that the original curtilage of the farmhouse was drawn tightly against the western wall of the house. The application site is shown to have been part of a larger field (orchard) and does not appear to have had an intimate, functional link to the house. Even at the turn of the 20th Century there was wayside development along Stockwell Lane, including those dwellings to the west of the application site. The quality of the farmhouse is considered to come from its architectural attractiveness in the vernacular Cotswold style. Even if the Farmhouse were considered to be a non-designated heritage asset, it is not considered that the proposal would unacceptably harm the setting of that asset as there is sufficient space around it to maintain its presence and integrity as a standalone building.

10.0 LAND-USE

10.1 The guidance sets out that housing led development is an accepted land use for the Permission in Principle application process. The application is for up to one dwelling.

10.2 The application proposes up to one dwelling to be accommodated on site. It is considered that subject to suitable design, a dwelling could be accommodated on the site of 0.15 hectares, along with any associated outdoor amenity space and on-site parking provision. The site would have access onto Stockwell Lane. Following consultation with the Highways Authority, no objections are raised in respect of the principle of this development. The exact access details would be assessed at the technical details stage.

10.3 The site forms part of the garden land associated with the farmhouse of Box Farm and it has a domestic appearance. The site lies within the Cotswold AONB and for the reason cited above a dwelling would not appear out of character in this location and of limited harm to the AONB given the setting. The proposal would therefore have an acceptable impact on the character and appearance of the landscape subject to securing a suitable design.

10.4 Following consultation with the Environmental Health consultant, no objections are raised in respect of noise and nuisance. The County Archaeologist also advises that there are no archaeological constraints that would prevent development on the site.

11.0 AMOUNT

11.1 Subject to achieving a suitable design, it is considered that dwelling could be physically accommodated on the site in an acceptable manner, along with any associated outdoor amenity space and on-site parking provision. It is also considered that the scale of development is proportionate to the size and function of Woodmancote.

12.0 OTHER MATTERS

12.1 Issues have been raised during the consultation process regarding highway safety/access, residential amenity, ecology and drainage. These are all matters which are properly dealt with at 'technical details' stage

13.0 CONCLUSION AND RECOMMENDATION

13.1 The proposal would be considered infill development within the existing built up area of Woodmancote and therefore acceptable in principle. The presumption in favour of development at paragraph 11 of the NPPF states that where policies are out of date planning permission should be granted unless:

i) policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or

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

- 13.2 As the site is within the Cotswold AONB , a judgment must be made as to whether the proposal would protect the AONB , and whether any impacts provide a clear justification for refusing permission, before a judgment can be made as to whether the 'tilted balance' applies.

Benefits

- 13.3 The proposal would deliver a single market dwelling which would contribute towards the shortfall in housing supply albeit limited. There would also be economic benefits during and post construction; these benefits would be similarly tempered by the scale of development.

Harms

- 13.4 The harm to the Cotswolds AONB would be limited due to the setting and existing development nearby. On that basis the impact on the AONB does not provide for a clear reason for refusal; consequently the tilted balance is engaged and the presumption is that permission in principle should be granted unless there are significant and demonstrable harms that indicate otherwise. No other significant harms have been identified in this case.

Neutral

- 13.5 It is considered that the design of the proposal development responds to the site's constraints and the context of the site. There would be no undue impact in terms of design, residential amenity, heritage, archaeology, drainage, the local highway network subject to the approval of technical details.

Overall Conclusion and Recommendation

- 13.6 In the absence of and clear reasons for refusal arising from the matters contained in footnote 6 of the NPPF, the tilted balance is engaged in this case. In light of the above, it is not considered that any harms arise which would significantly and demonstrably outweigh the, albeit limited, benefits of the proposal in this case subject to securing appropriate details at the technical details consent stage. It is therefore recommended that permission in principle is **Granted**.

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.

Location Plan of box farm, Stockwell lane



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0m 20m 40m 60m 80m 100m

Scale: 1:1250, paper size: A4



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Prepared by: Nathan McLoughlin, 29-01-2021

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	20 April 2021
Site Location:	Ashgrove Toddington Cheltenham Gloucestershire GL54 5DT
Application No:	20/01221/FUL
Ward:	Isbourne
Parish:	Stanway
Proposal:	Demolition of existing dwelling and erection of 2 No detached dwellings.
Report by:	Emma Dee
Appendices:	Location and Block Plan (drawing no. 19-5663 100 Rev 04). Existing Site Plan (drawing no. 19-5663 101 Rev 03). Site Survey and Topographical Plan (drawing no. 19-5663 001 Rev 02). Proposed Site Plan (drawing no. 19-5663 102 Rev 06). Site Management Plan (drawing no. 19-5663 103 Rev 02). Proposed Elevations (drawing no. 19-5663 120 Rev 01). Proposed Site Sections (drawing no. 19-5663 130 Rev 01). Proposed Ground Floor Plans (drawing no. 19-5663 110 Rev 01). Proposed First Floor Plans (drawing no. 19-5663 111 Rev 01). Proposed Roof Plans (drawing no. 19-5663 119 Rev 01). Beech House Elevations Houses 1 and 2 (drawing nos. 19-5647 130 Rev 05 and 19-5647 131 Rev 03). Indicative Site Plan as refused under application reference 20/00385/OUT (drawing no. 19-5663 102 Rev 04). Existing Elevations and Floor Plans as submitted under application reference 20/00385/OUT (drawing no. 19-5663 010 Rev 01).
Recommendation:	Permit.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The site is located in the New Town area of Toddington, on the northern side of the B4077. The existing detached dwelling known as Ashgrove is set back approximately 20 metres from the front boundary of the application site providing a generously sized front garden area, and there are mature trees and hedgerows along the northern (rear) and southern (front) boundaries of the site. The submitted Topographical Plan shows that land levels within the application site are generally flat although raise slightly from the lowest point towards the south-western corner towards the highest point towards the north-eastern corner by approximately 2.7 metres. The site is bounded by the detached dwelling known as Harrington House on its western side and the dwelling known as The Willows on its eastern side, with generous spacing between each of these dwellings. Planning permission has been granted for the erection of 6 no. dwellings on the parcel of land immediately to the rear of the

application and, although not currently complete, this remains an extant permission (most recently granted under s73 application reference 19/00752/FUL).

- 1.2. While the Newtown area has a mixture of property styles, it is generally characterised by Arts and Crafts style dwellings and this gives it a distinct and unique character. The existing dwelling on the site, known as Ashgrove, is an attractive and historic cottage in Cotswold stone. Ashgrove is not listed, nor is it within a conservation area. However, the Conservation Officer considers it to be a non-designated heritage asset.
- 1.3. The application site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB).
- 1.4. The application proposes the demolition of the existing dwelling known as Ashgrove and the erection of 2 no. detached four-bed dwellings. The submitted application sets out that the design of the proposed dwellings follows that previously approved under application reference 19/00595/APP on the development site directly opposite, on land adjacent to Beech House (see enclosed drawing nos. "19-5647 130 Rev 05" (Elevations House 1) and "19-5647 131 Rev 03" (Elevations House 2) as approved under application reference 19/00595/APP). Unlike the development approved under application reference 19/00595/APP, however, the current application proposes that each dwelling would include an attached single garage on its side elevation. An area of hardstanding (covered in Marshall's Driveline Piora "Brindled" Permeable Brindle block paving) would be provided towards the front of the site to provide an area for vehicular parking and turning associated with the proposed 2 no. dwellings. Paving around each dwelling would be surfaced in reconstituted buff stone paving.
- 1.5. The proposed dwellings would generally follow the building line established by adjacent built development to the east and west, although each would be located slightly further southwards in closer proximity of the adjacent public highway, set back approximately 10.4 metres from the front site boundary at the closest point. Each dwelling would measure approximately 10.6 metres in width (plus 4.25 metres for the proposed attached garage) and would measure some 4.7 metres in height to eaves and 8.7 metres in height to ridge, although it is proposed to raise the land levels towards the western side of the dwelling at Plot 1 by approximately an additional 0.6 metres to provide a flat surface. Each dwelling would include a two storey projecting gable element on the front elevation and two storey and single storey projecting elements on the rear elevation. At their longest points, the proposed dwellings would measure some 17.4 metres in length.
- 1.6. The proposed dwellings would have stone facing materials (as per the sample panel from Cotswold Hill Quarry, as shown within a photograph submitted with this application) and the roof of each would be covered in slates ("Del Carman First 500mm x 250mm Preholed Spanish Natural Roof Slate"). In addition, there would be Limestone copings, Limestone kneelers, Limestone cills and lintels around windows and Limestone quoins.
- 1.7. The application proposes the retention of existing 1.8m high fence panels along the eastern side boundary adjacent to The Willows, existing 1.8m high concrete post and panel fencing along the northern (rear) site boundary and an existing 1.2m high stone wall along the western side boundary adjacent to Harrington House. The existing wall along the front boundary would be retained, with the exception of the proposed vehicular access point.

- 1.8. As detailed below, this application is submitted further to the refusal of application references 17/00484/FUL (for the proposed erection of 1 no. detached dwelling to the side of the existing dwelling at Ashgrove) and 20/00385/OUT (an outline application for the proposed demolition of the existing dwelling at Ashgrove and the construction of 2 no. dwellings). Further to the refusal of these applications it was determined on 2nd November 2020 under application reference 20/00952/DEM that prior approval was not required for the method of demolition of the dwelling known as Ashgrove nor any proposed restoration of the site. The current application refers to this as a "fallback position" and states that "The applicant is at liberty to demolish Ashgrove at any point in time as Cadent/National Grid have been contacted and have agreed with the demolition methodology."

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
T.5408	Outline application for a house. (On east side of land adj. railway.)	REFUSE	18.09.1968
15/00537/FUL	Erection of 2 No new dwellings.	PER	29.04.2016
16/00866/FUL	New 1 Bed Coach House Dwelling and New access to Ashgrove	WDN	20.09.2016
16/01422/FUL	Residential development on domestic garden land	PER	11.04.2017
17/00484/FUL	Erection of two storey detached dwelling to side of existing dwelling at Ashgrove and provision of associated vehicular access, parking and turning area, boundary treatment and landscaping	REF	29.06.2017
17/00992/FUL	Variation of Condition Number: 2 - On previously approved application 16/01422/FUL Alterations to accesses, the addition of garages - Plot 1 - integral garage, Plot 2 - Garage at rear, Plot 3 - Double garage now attached at side, Plot 4 - Single garage attached at side, minor amendments to fenestration (window / door locations)	PER	10.04.2018
18/00764/FUL	Variation of conditions 2, 3, 6, 8, 9, 10 and 11 of approved planning application reference 17/00992/FUL, to allow for the removal of 1 no. existing tree and the planting of 1 no. replacement tree, alterations to vehicular access, driveways, parking and turning areas, and extension of footpath.	PER	23.10.2018
18/01101/FUL	Variation of Conditions 2, 3, 6, 8, 9, 10 & 13 of application 18/00764/FUL to amend the design of the approved dwellings and to make alterations to driveways, parking and turning areas.	PER	08.02.2019

20/00385/OUT	Outline application for the demolition of existing dwelling and the construction of 2 no. dwellings, with all matters reserved for future consideration except for access	REFCON	02.10.2020
20/00952/DEM	Demolition of the dwellinghouse known as Ashgrove	NONINT	02.11.2020

2.1. Outline application reference 20/00385/OUT, for the proposed demolition of the existing dwelling known as Ashgrove and the construction of 2 no. dwellings, with all matters reserved for future consideration except for access (as referred to above), was refused consent on 1st October 2020 for the following reasons:

1. The existing dwelling known as Ashgrove has a moderate degree of significance due to its heritage interest, and the loss of this building would cause substantial harm to the significance of the non-designated heritage asset. The application has failed to demonstrate that this harm would be outweighed by public benefit derived from the provision of higher density residential development with a net gain of one dwelling unit. As such the proposal fails to comply with Section 16 of the National Planning Policy Framework (2019), Policies SD4, SD8 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017) and emerging Policies RES5 and HER5 of the Tewkesbury Borough Local Plan 2011 - 2031 - Pre-Submission Version (October 2019).
2. The application fails to demonstrate that 2 no. dwellings could be accommodated on the site which would respect the character and appearance of the surrounding area and which would conserve the visual attractiveness and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty. The proposed development would be of a poor design quality which would result in the unsatisfactory erosion of the spacious and open character of the area and a relatively cramped form of development which would be unrelated to, and out of keeping with, the existing street scene and the character of the immediate area, and would therefore cause unacceptable harm to the rural character and appearance of the area and the visual attractiveness and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty. The proposed development is therefore contrary to Sections 11, 12 and 15 of the NPPF, Policies SD4, SD6, SD7 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017), emerging Policy RES5 of the Tewkesbury Borough Local Plan 2011 - 2031 - Pre-Submission Version (October 2019) and the National Design Guide.

2.2. An application to determine if prior approval was required for the demolition of the dwellinghouse known as Ashgrove was subsequently submitted (reference 20/00952/DEM). Before undertaking demolition which is permitted development under Part 11 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015, as amended, the developer must apply to the Local Planning Authority, providing a written description of the proposed demolition. The Local Planning Authority will then determine whether prior approval is required for the method of demolition and any proposed restoration of the site. If it is deemed that prior approval is required, the Local Planning Authority may then grant or refuse the prior approval.

- 2.3. The details submitted with application reference 20/00952/DEM included the submission of a Demolition Method Statement, and it confirmed that the site would be cleared and left flat for any future development. The Environmental Health Officer reviewed the submitted Demolition Method Statement and was satisfied that the measures proposed should be adequate to control noise and dust from demolition activities and considered that the hours of operation appeared suitable. The Gloucestershire County Council Highways Officer had also reviewed the Notification and advised that it did not wish to raise any objections to the demolition of the property. Given the recent planning history of the site the Officer report detailed that it was reasonable to assume that any future development would comprise residential redevelopment and, given the current and adjoining uses, it was judged that residential development would be an acceptable form of development in principle.
- 2.4. The Officer report for application reference 20/00952/DEM acknowledged that, notwithstanding the first reason for refusal of application reference 20/00385/OUT (as referred to above), which was a material consideration in the determination of the outline planning application, Planning Practice Guidance specifies that, as part of the application process to determine if prior approval is required for the proposed demolition of buildings, the Local Planning Authority will determine whether prior approval is required for the method of demolition and any proposed restoration of the site. The Officer report noted that, whilst the dwellinghouse known as Ashgrove is considered to be a non-designated heritage asset, it is not a listed building. As such, notwithstanding the fact that the loss of this building would cause substantial harm to the significance of the non-designated heritage asset, this was not a material consideration in determining whether prior approval was required for the proposed demolition of buildings.
- 2.5. Subject to development being carried out in accordance with the details submitted with the application, as required by paragraph B.2 (viii) (bb) of Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) Order 2015, including the subsequent restoration, it was determined that prior approval was not required for the method of demolition and any proposed restoration of the site.

3.0 RELEVANT POLICY

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

National guidance

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

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

- 3.3. Policies: SD4 (Design Requirements), SD6 (Landscape), SD7 (Cotswolds Area of Outstanding Natural Beauty), SD8 (Historic Environment), SD9 (Biodiversity and Geodiversity), SD10 (Residential Development), SD11 (Housing mix and Standards), SD14 (Health and Environmental Quality), INF1 (Transport Network), INF2 (Flood Risk Management) and INF3 (Green Infrastructure)

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

- 3.4. There are no saved policies within the TBLP which are relevant to this proposal.

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

3.5. Policies: RES2 (Settlement Boundaries), RES5 (New Housing Development), DES1 (Housing Space Standards), HER5 (Locally Important Heritage Assets), NAT1 (Biodiversity, Geodiversity and Important Natural Features), ENV2 (Flood Risk and Water Management) and TRAC1 (Pedestrian Accessibility)

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

Full copies of all the consultation responses are available online at

<https://publicaccess.tewkesbury.gov.uk/online-applications/>

4.1 **Toddington Parish Council** – objects to the application for the following reasons:

- i. There is little if any difference from previous applications submitted for this property and subsequent refusal by Tewkesbury Planning Department and at appeal.
- ii. The site is not sufficient for two properties. Such a dense build would be out of keeping with the surroundings. The proposed build is sited too close to neighbouring properties.
- iii. The proposed build is forward of the existing building line and would look out of keeping with surrounding properties
- iv. There is concern regarding access onto the busy B4077
- v. The proposed development would cause unacceptable harm to the character and appearance of the surrounding area, including the AONB.

4.2 **Stanway Parish Council** – Has been consulted but has not provided comments within the 21 day statutory consultation period or since and has not requested further time for the submission of comments.

4.3 **Conservation Officer** – Acknowledges that they have previously objected to the demolition of this non-designated heritage asset. However, the applicant has demonstrated that they do not require any further permissions to carry out the demolition. There are therefore no further heritage issues to comment on in this case.

4.4 **County Highways** – No objection subject to conditions

4.5 **Environmental Health** – No adverse comments to make

4.6 **Health and Safety Executive** – Does not advise, on safety grounds, against the granting of planning permission.

4.7 **Environment Agency** – Having reviewed the location of the proposed development, available information indicates there is a major accident hazard pipeline within close proximity to the development site. The developer may wish to check further with the pipeline operator where known or the local authority before proceeding.

4.8 **National Grid** – Has been consulted but has not provided comments within the 21 day statutory consultation period or since and has not requested further time for the submission of comments.

4.9 **Wales and West Utilities** – Has been consulted but has not provided comments within the 21 day statutory consultation period or since and has not requested further time for the submission of comments.

- 4.10 **Gas Pipeline** – Has been consulted but has not provided comments within the 21 day statutory consultation period or since and has not requested further time for the submission of comments.
- 4.11 **County Sustainable Drainage Engineer** – No objection and does not feel there is any requirement for any drainage conditions to be applied to any consent granted against this application.
- 4.12 **Severn Trent Water** – As the proposal has minimal impact on the public sewerage system Severn Trent Water has no objections to the proposals and does not require a drainage condition to be applied.
- 4.13 **Tree Officer** – No objection subject to conditions.
- 4.14 **Ecological Advisor** – Has provided their previous responses to application references 20/00385/OUT and 20/00952/DEM, and advises that they raise no objection subject to conditions.
- 4.15 **Building Control** – The application will require Building Regulations approval

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 The application has been publicised through the posting of 2 site notices and 1 letter of representation has been received within the 21 day statutory consultation period or since, objecting to the planning application. The main points raised relate to:
- It is not understood why this planning application has again been submitted – it has recently been turned down and has been refused at least 3 times before that. There is now permission to demolish the property on the plot, but surely that makes no difference to the plans.
 - Adverse impact on amenity of adjoining occupiers at The Willows – Loss of most of the natural light to the back garden, serious overlooking and affecting adjoining occupiers' views. There are already 6 no. dwellings being built to the rear of The Willows, which will impact views from the back of the house and will result in overlooking
 - The plot is best suited for a single house as it is now.

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. Toddington does not currently have an adopted Neighbourhood Development Plan.
- 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 National Planning Guidance contained within the National Planning Policy Framework; 2019 (NPPF).

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

7.0 ANALYSIS

Principle of development

7.1 Whilst the application site is not allocated for housing through the development plan, Toddington is identified as a Service Village within the JCS. JCS Policy SD10 states that, on sites that are not allocated, housing development and conversions to dwellings will be permitted on previously developed land in the existing built-up areas of service villages except where otherwise restricted by policies within district plans.

7.2 It is also acknowledged that the site is located within the Toddington Settlement Boundary as defined by the PSTBP Proposals Map. Emerging Policy RES2 of the PSTBP specifies that, within the defined settlement boundaries of the Tewkesbury Town Area, the Rural Service Centres, the Service Villages and the Urban Fringe Settlements (which are shown on the policies map), the principle of residential development is acceptable subject to the application of all other policies in the Local Plan. Policy RES2 requires development to comply with the relevant criteria set out at Policy RES5 in all cases.

7.3 As the site forms previously developed land and is bordered by residential properties on either side, the development is considered to represent infill and, as such, the principle of new housing in this location is considered to be acceptable.

7.4 However, whilst the principle of residential development in this location may be acceptable the loss of the existing dwelling is a key material planning consideration which must also be taken into account.

7.5 The dwelling known as Ashgrove is not listed, nor is it within a conservation area. However, the Conservation Officer considers it to be a non-designated heritage asset. The NPPF defines a heritage asset as “A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest”. Principles of selection for heritage assets and assessment of significance are set out in Historic England’s publication ‘Conservation Principles, Policies and Guidance’ (2008) and ‘British Standard BS 7913: Guide to the Conservation of Historic Buildings’.

7.6 The National Planning Practice Guidance (NPPG) states that planning authorities may identify non-designated heritage assets as part of the decision-making process on planning applications. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.

7.7 In the consideration of the development proposed under application reference 20/00385/OUT, the Conservation Officer advised that the significance of Ashgrove as a heritage asset included its form and materials. According to cartographic evidence the building was constructed between 1924 and 1955. It appears to date from circa 1930 and is a simple Cotswold vernacular/arts and crafts composition of modest proportions, constructed of local stone with metal windows and Cotswold stone roof slates. The Conservation Officer acknowledged that the building is simple in detail but charming in its composition and is constructed using high quality materials reflecting the Cotswold vernacular. In context, part of the local distinctiveness of this small settlement is the proliferation of 19th Century model estate workers cottages (presumably related to Toddington Manor) causing the area to be called New Town. As part of application reference 20/00385/OUT, The Conservation Officer commented that Ashgrove makes a clear and positive contribution to the character of the area.

- 7.8 Paragraph 135 of the NPPF states that such assets can merit consideration in planning matters, with the authority taking a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.9 Paragraph 184 of the NPPF states that: “Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”
- 7.10 Paragraph 197 of the NPPF states that: “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”
- 7.11 JCS Policy SD8 states that: “Development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. The policy also states that: Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.”
- 7.12 Application reference 20/00385/OUT was an outline application seeking approval for the principle of demolition of the existing building and the erection of two dwellings on this site. No assessment of the building to be demolished had been submitted with this application nor were any details of the buildings to replace it presented. As part of the consideration of application reference 20/00385/OUT, the Conservation Officer considered that Ashgrove had a moderate degree of significance due to its heritage interest, and that the loss of this building would cause substantial harm to the significance of the non-designated heritage asset. The Conservation Officer acknowledged that it had not been demonstrated that the harm would be outweighed by public benefit derived from the provision of higher density residential development with a net gain of one dwelling unit. As such the Conservation Officer considered that the proposal failed to comply with Section 16 of the NPPF and JCS Policy SD8 and recommended refusal of application reference 20/00385/OUT.
- 7.13 However, as detailed above, an application for the demolition of the dwellinghouse known as Ashgrove was subsequently submitted (reference 20/00952/DEM) to determine whether prior approval was required for the method of demolition and any proposed restoration of the site. The details submitted with application reference 20/00952/DEM included the submission of a Demolition Method Statement, and it confirmed that the site would be cleared and left flat for any future development. The Environmental Health Officer reviewed the submitted Demolition Method Statement and was satisfied that the measures proposed should be adequate to control noise and dust from demolition activities and considered that the hours of operation appeared suitable. The Gloucestershire County Council Highways Officer had also reviewed the Notification and advised that it did not wish to raise any objections to the demolition of the property. Given the recent planning history of the site the Officer report detailed that it was reasonable to assume that any future development would comprise residential redevelopment and, given the current and adjoining uses, it was judged that residential development would be an acceptable form of development in principle.

- 7.14 The Officer report for application reference 20/00952/DEM acknowledged that, notwithstanding the first reason for refusal of application reference 20/00385/OUT (as referred to above), which was a material consideration in the determination of the outline planning application, Planning Practice Guidance specifies that, as part of the application process to determine if prior approval is required for the proposed demolition of buildings, the Local Planning Authority will determine whether prior approval is required for the method of demolition and any proposed restoration of the site. The Officer report noted that, whilst the dwellinghouse known as Ashgrove is considered to be a non-designated heritage asset, it is not a listed building. As such, notwithstanding the fact that the loss of this building would cause substantial harm to the significance of the non-designated heritage asset, this was not a material consideration in determining whether prior approval was required for the proposed demolition of buildings.
- 7.15 Subject to development being carried out in accordance with the details submitted with the application, as required by paragraph B.2 (viii) (bb) of Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) Order 2015, including the subsequent restoration, it was determined that prior approval was not required for the method of demolition and any proposed restoration of the site.
- 7.16 The Conservation Officer has again been consulted on the current application and acknowledges that they previously objected to the demolition of this non-designated heritage asset. However, the Conservation Officer further recognises that the applicant has demonstrated that they do not require any further permissions to carry out the demolition. The Conservation Officer advises that there are therefore no further heritage issues to comment on in this case. For these reasons, the principle of the proposed development is judged to be acceptable.

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

- 7.17 Notwithstanding the above, 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 NPPF 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.
- 7.18 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. The Council considers that there are robust grounds for a successful challenge of this appeal decision and on that basis proceedings have now been issued in the High Court. Officers' advice is that a 4.35 year supply can be demonstrated at this time.

Design and Impact on Landscape and the Cotswolds AONB

- 7.19 Section 11 of the NPPF relates to “Making effective use of land” and, at paragraph 122, specifies that “Planning decisions should support development that makes efficient use of land, taking into account: the identified need for different types of housing. The desirability of maintaining an areas prevailing character and setting, or of promoting regeneration and change and the importance of securing well-designed, attractive and healthy places. Section 12 of the NPPF relates to "Achieving well-designed places" and, at paragraph 124, sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 7.20 JCS Policy SD4 sets out that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form, including having appropriate regard to the historic environment. It should be of a scale, type, density and materials appropriate to the site and its setting.
- 7.21 Criterion 6 of JCS Policy SD10 states the residential development should seek to achieve maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.
- 7.22 Further, as set out above, emerging Policy RES2 of the PSTBP requires development to comply with the relevant criteria set out at Policy RES5 in all cases. Emerging Policy RES5 specifies that new housing development proposals 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;
 - 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;
 - Not cause the unacceptable reduction of any open space (including residential gardens) which is important to the character and amenity of the area;
 - Incorporate into the development any natural or built features on the site that are worthy of retention;
 - Address any other environmental or material planning constraints relating to the site.
- 7.23 Section 15 of the NPPF relates to “Conserving and enhancing the natural environment” and, at paragraph 170, specifies that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and protecting and enhancing valued landscapes. 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 well-being. It also states that all applications for development will consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect.
- 7.24 Paragraph 172 of the NPPF specifies that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which, along with National Parks and the Broads, have the highest status of protection in relation to these issues. JCS Policy SD7 specifies that all development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities.

- 7.25 It is acknowledged that the design of the currently proposed 2 no. dwellings at Ashgrove would be similar to those approved on the opposite side of the public highway, adjacent to Beech House (as approved under application references 18/00302/OUT and 19/00595/APP), and that the same walling and roofing materials are proposed. As part of the consideration of application reference 19/00595/APP, the Urban Design Officer considered that the revised plans submitted throughout the consideration process of the application improved the appearance of the dwellings and that the materials would be acceptable. It is considered that the overall scale, form and materials of the proposed 2 no. dwellings would be in keeping with existing dwellings in this part of Toddington. Whilst a large proportion of the front of the site is proposed to be laid to hardstanding, this is not uncharacteristic of other sites in this part of Toddington.
- 7.26 As detailed above, the second reason for refusal for application reference 20/00385/OUT was as follows:
- The application fails to demonstrate that 2 no. dwellings could be accommodated on the site which would respect the character and appearance of the surrounding area and which would conserve the visual attractiveness and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty. The proposed development would be of a poor design quality which would result in the unsatisfactory erosion of the spacious and open character of the area and a relatively cramped form of development which would be unrelated to, and out of keeping with, the existing street scene and the character of the immediate area, and would therefore cause unacceptable harm to the rural character and appearance of the area and the visual attractiveness and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty. The proposed development is therefore contrary to Sections 11, 12 and 15 of the NPPF, Policies SD4, SD6, SD7 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017), emerging Policy RES5 of the Tewkesbury Borough Local Plan 2011 - 2031 - Pre-Submission Version (October 2019) and the National Design Guide.*
- 7.27 It is also acknowledged that the development proposed under application reference 17/00484/FUL, for the proposed erection of a two storey detached dwelling to the eastern side of the existing dwelling at Ashgrove, was refused planning permission partly on the grounds that it would result in an unsatisfactory erosion of the spacious and open character of the area and a cramped form of development which would be unrelated to, and out of keeping with, the existing street scene and the character of the immediate area, and would therefore adversely affect the rural character and appearance of the area and the visual attractiveness and scenic beauty of the AONB. An appeal against this refusal of planning permission was subsequently dismissed on 18 January 2019 (reference APP/G1630/W/17/3181889).
- 7.28 Within this appeal decision, the Inspector acknowledged that the village is characterised by dwellings fronting the highway, set back to varying degrees and generally well-spaced, at least at upper floor level, giving a pleasant sense of spaciousness and openness, a distinctive attribute of this developed part of the AONB. The Inspector acknowledged that those houses to the east of the central village roundabout are well spaced, maintaining that spacious and open character. He noted that those two houses under construction to the east of the site, previously granted planning permission under Ref 16/01422/FUL, were an exception. However, he acknowledged that, as a pair, they are well separated from Ashgrove to the west and the nearest of the other two dwellings of that scheme under construction to the east. The Inspector further recognised that those other two maintain a significant gap at first floor level.

- 7.29 The Inspector considered that the proposed dwelling would cause the development to appear relatively cramped within the width of the plot, as it would occupy a large part of the remaining side garden to Ashgrove at two storey height, and in relatively close proximity to those either side in the context of the existing street scene. The Inspector noted that, importantly, it would also result in an uncharacteristic row of four dwellings in closer proximity to each other than most in the area, particularly at the second storey level. The Inspector concluded that the relatively cramped nature of the development referred to above would therefore be accentuated by such a circumstance and that it would represent a jarring feature of the street scene, despite being broadly aligned with those dwellings either side. For the above reasons, the Inspector concluded that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area, including the AONB.
- 7.30 The currently proposed 2 no. detached dwellings would be located relatively close together by virtue of the proposed attached garages. However, the submitted elevations and section drawings demonstrate that they would be separated generously at first floor level, by a gap of approximately 10.4 metres. There would be a gap of 6.25 metres between the proposed dwelling at Plot 1 and the adjacent dwelling to the west known as Harrington House, and a gap of 3.6m metres between the proposed dwelling at Plot 2 and the adjacent dwelling to the east known as The Willows. By comparison, the dwelling proposed and refused under application reference 17/00484/FUL would have been located 3.6m to the east of the existing dwelling at Ashgrove and a similar distance to the dwelling known as The Willows.
- 7.31 Notwithstanding the above, however, in the context of the existing spacious and open site, the current proposal would result in a relatively cramped form of development. The proposed 2 no. detached dwellings would create a denser appearance than the current character of the site and existing dwelling. By virtue of this, and their location further southwards within the site and in closer proximity of the public highway, it is considered that the proposed dwellings would appear more prominent within the street scene. As such, the proposed redevelopment of the site would fail to conserve the rural character and appearance of the area and the visual attractiveness and scenic beauty of the AONB.

Arboricultural implications

- 7.32 JCS Policy INF3 specifies that existing green infrastructure will be protected in a manner that reflects its contribution to ecosystem services (including biodiversity, landscape/townscape quality, the historic environment, public access, recreation and play) and the connectivity of the green infrastructure network. It further states that development proposals which will have an impact on woodlands, hedges and trees will need to include a justification for why this impact cannot be avoided and should incorporate measures acceptable to the Local Planning Authority to mitigate the loss. Mitigation should be provided on-site or, where this is not possible, in the immediate environs of the site. Emerging Policy NAT3 of the PSTBP requires development to contribute, where appropriate to do so and at a scale commensurate to the proposal, towards the provision, protection and enhancement of the wider green infrastructure network.
- 7.33 The Tree Officer advises that they have no concerns to the proposed scheme which has not changed significantly with regards to the trees since the previous submission. The Tree Officer advises that it is important that the tree protection fencing is installed before any works commence on site to ensure they are protected. The Tree Officer further notes that the proposed tree planting could be improved and the trees to be increased to 8 to 10 cm 250 to 300 overall height from the ground.

7.34 Overall the Tree Officer raises no concerns with the proposed development with regards to any impact on the mature trees at the rear, subject to condition that satisfactory tree protection is put in place, and subject to a condition restricting the removal of any trees/scrub/hedgerows on site between 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority, in order to ensure that the nature conservation interest of the site is protected.

Residential amenity

- 7.35 Paragraph 127 of the NPPF specifies that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. In this regard, JCS Policy SD4 sets out that new development should enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space, and the avoidance or mitigation of potential disturbances, including visual intrusion, noise, smell and pollution. JCS Policy SD14 specifies that new development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants. Further, emerging Policy RES5 specifies that new housing development proposals should, inter alia, provide an acceptable level of amenity for the future occupiers of the proposed dwelling(s) and cause no unacceptable harm to the amenity of existing dwellings.
- 7.36 The rear elevations of the proposed dwellings would be set back some 12.5 metres from the rear site boundary at the closest point, which is considered sufficient in order to protect the residential amenity of future occupiers of the adjoining dwellings to the north (as permitted under application reference 19/00752/FUL). In addition, any fenestration proposed for installation on the front and rear elevations of the dwellings would not directly overlook adjacent sites to the east or west.
- 7.37 The rear elevation of the proposed dwellings would follow the building line established by the rear elevations of existing adjacent dwellings to the east and west, and it is therefore considered that proposed development would not unreasonably affect the amenity of adjoining occupiers in terms of overshadowing or overbearing impact of the adjacent rear garden areas.
- 7.38 The application proposes the installation of a secondary lounge window within the front projecting element of each dwelling at ground floor level, and a secondary bedroom window at first floor level within this part of each dwelling. In the case of the living room and bedroom windows for the dwelling at Plot 1, these would be set back approximately 8.2 metres from the side boundary shared with the adjacent dwelling known as Harrington House, and in the case of the living room and bedroom windows for the dwelling at Plot 2, these would be set back approximately 8.4 metres from the side boundary shared with the adjacent dwelling known as The Willows. By virtue of these distances, the secondary nature of these windows and the extent of boundary treatments, it is considered that these windows would not unreasonably affect the amenity of adjoining occupiers in terms of loss of privacy.
- 7.39 It is also proposed to install 1 no. ground floor level window on the eastern side elevation of the dwelling at Plot 1 and the western side elevation of the dwelling at Plot 2, each to serve the kitchen. There would be a distance of approximately 10.4m between these two windows. However, the proposed Site Plan does not include details of the proposed boundary treatments between the proposed 2 no. dwellings, and it is recommended that any approval of planning permission is subject to condition for details of the proposed boundary treatments, including scaled elevations and materials, to be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the proposed dwellings, in order to protect the residential amenity of adjoining occupiers in terms of privacy and also in the interests of visual

amenity and to conserve the landscape and scenic beauty of the AONB.

- 7.40 Aside from the first floor level bedroom window, the only other fenestration proposed for installation at first floor level would serve bathrooms, and it is recommended that any approval of planning permission is subject to condition that these 3 no. first floor level bathroom windows on each dwelling shall be constructed so that no part of the framework less than 1.7 metres above finished floor level shall be openable, and that any part of the window below that level shall be fitted with, and retained in, obscure glazing (Pilkington Level 4 or equivalent), in order to protect the residential amenity of adjoining occupiers in terms of privacy. In addition, for the same reason, it is recommended that any approval of planning permission is subject to a restrictive condition pertaining to the formation of any windows or openings, other than those shown on the proposed plans, in either side elevation of either proposed dwelling at any time unless a further planning permission has been granted.
- 7.41 By virtue of the scale and location of the proposed dwellings and associated residential garden areas, it is considered that an acceptable living environment would be provided for future occupiers. The Environmental Health Officer has no adverse comments to make in relation to noise/nuisance nor air quality.

Access and highway safety

- 7.42 Section 9 of the NPPF relates to "Promoting sustainable transport" and, at paragraph 108, specifies that, in assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 109 specifies that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this regard, JCS Policy INF1 states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. Further, emerging Policy RES5 of the PSTBP specifies that new housing development proposals should, inter alia, 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.
- 7.43 The application site is located on the northern side of the B4077 between Tewkesbury and Stow-on-the-Wold; a class 2 adopted highway, a short distance from where it intersects the B4632 between Cheltenham and Broadway. There are bus stops served by the 606 bus service to Cheltenham within walking distance of the site providing a daily service around peak times. There are also some local services and amenities within walking distance although partially connected by highway verge.
- 7.44 The Highway Authority advises that the recorded collision data has displayed that there have been no recorded personal injury incidents within the past 5 full years in relation to the proposed site access.
- 7.45 The development proposes to create a new vehicular access which would be accessed from a single point off of the B4077. The submitted plan ref: 102 rev 06 demonstrates a shared vehicular bell-mouth access arrangement with a 45 degree driver/pedestrian visibility splay and turning head facility for the proposed two dwellings.
- 7.46 The Highway Authority advises that the submitted plans demonstrate that there is sufficient space to provide adequate width to accommodate the required access arrangement for all.

- 7.47 As the B4077 is subject to a 40 mph speed limit the requirements deemed to satisfy visibility standards require emerging visibility splays of 120m in both directions with a setback of 2.4m. The Highway Authority notes visibility to the left (West) will be measured to the junction/roundabout at approximately 60m.
- 7.48 The Highway Authority further acknowledges that a speed survey was undertaken between 19/09/2015 - 27/09/2015 for planning application reference 15/00537/FUL, and confirms that the speed survey data is a material consideration and accepted as sound as there are no material changes in the highway alignment or design. The results from that survey revealed the 85th percentile wet weather speed. After inputting the information and applying the correct parameters the Highway Authority advise that the required visibility splays will be westbound (Right) 82m and eastbound (Left) 85m.
- 7.49 From a desk top assessment the Highway Authority advises that the required emerging visibility is achievable commensurate with the 85th percentile speed, but note that the applicant would be required to ensure the visibility splays are maintained clear of obstruction and maintained thereafter.
- 7.50 The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. County Highways advise that there are no justifiable grounds on which an objection could be maintained subject to conditions for secure and covered cycle storage facilities to be made available prior to the occupation of the proposed dwellings, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and for the proposed dwellings to be fitted with an electric vehicle charging point prior to the first occupation of the proposed dwellings and for these to be retained for the lifetime of the development unless they need to be replaced in which case the condition would require the replacement charging point(s) to be of the same specification or a higher specification in terms of charging performance.
- 7.51 The Highway Authority further recommends that any approval of planning permission be subject to condition relating to the provision of suitable visibility splays prior to the proposed vehicular access being brought into use and for the area between those splays and the carriageway to be reduced in level and thereafter maintained so as to provide clear visibility. In addition, the Highway Authority recommends that any approval of planning permission be subject to condition for the vehicular access to be laid out and broadly constructed in accordance with the submitted plan drawing no. 102 rev 06 prior to the occupation of the proposed development, with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and for this to be drained so that no surface water flows onto the adjoining highway.
- 7.52 The Highway Authority also recommends that any approval of planning permission be subject to condition that the development, including any works of demolition, shall only take place whilst running concurrently in accordance with the submitted Construction Method Statement/Site Management Plan ref: 103 rev 02 and shall be adhered to throughout the construction period.

Biodiversity

- 7.53 The NPPF sets out 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. Emerging Policy NAT1 of the emerging PSTBP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.
- 7.54 The Council's Planning Ecological Advisor advises that their previous responses to application references 20/00385/OUT and 20/00952/DEM are relevant to this application, and that they raise no objection subject to conditions.
- 7.55 As part of their consideration of application reference 20/00385/OUT, the Ecological Advisor reviewed the two Bat Survey Reports and the updated bat survey report (CWS) and acknowledged that, from the initial assessment, the property was assessed as being low potential for roosting bats. Two surveys were conducted and found that the building supported common pipistrelle and natterer day roosts. A third bat survey was undertaken and found no further emergences. The Ecological Advisor commented that they were satisfied with the survey effort and mitigation proposed that would satisfy the three 'favourable' tests. The Ecological Advisor further commented that the site had opportunities for enhancement for bats and, due to the activity around the house, recommended that any approval of planning permission be subject to condition requiring evidence of the installation of the ecological enhancements to be submitted to the Local Planning Authority prior to occupation, including but not limited to the installation of an additional bat box on retained trees or on the new buildings (e.g. Schwegler 1FF for houses and 2FN for trees) and bird boxes to be installed on site on a retained tree or the new buildings, preferably a sparrow terrace nest box.
- 7.56 As part of their consideration of application reference 20/00952/DEM, the Ecological Advisor reviewed the updated bat survey report in addition to the previous bat survey reports submitted with application reference 20/00385/OUT and advised that they were satisfied with the survey effort and the mitigation proposed, thus satisfying the three 'favourable' tests applied by Natural England. The Ecological Advisor again raised no objection subject to any approval of planning permission being subject to the same conditions recommended within their comments for application reference 20/00385/OUT.
- 7.57 The Ecological Advisor raises no objection to the current application subject to any approval of planning permission being subject to conditions for (1) all works to strictly adhere to the mitigation detailed within the three ecology reports (CWS) and the bat mitigation strategy which will form part of the bat licence; (2) a lighting scheme and plan for the development to be submitted to approved by the Local Planning Authority prior to occupation; and (3) evidence of the installation of ecological enhancements to be submitted to the Local Planning Authority prior to occupation, including but not limited to, bat boxes and bird boxes.

Drainage and flood risk

- 7.58 Whilst the proposed development is located within Flood Zone 1 as defined by the most up-to-date Environment Agency flood risk maps, the proposed development would have surface water implications and there is a requirement for the application to demonstrate that the proposed development would not lead to an adverse impact on surface water drainage infrastructure, in accordance with JCS Policy INF2, emerging Policy ENV2 of the PSTBP and the Tewkesbury Borough Council Flood and Water Management Supplementary Planning Document (SPD).

- 7.59 The development proposes the management of surface water by soakaway. The County Sustainable Drainage Engineer considers this to be a suitable solution at that location and raises no objection. He does not consider there is any requirement for any drainage conditions to be applied to any consent granted against this application.
- 7.60 Severn Trent Water considers that, as the proposal would have minimal impact on the public sewerage system, it has no objection to the proposal and does not require a drainage condition to be applied.
- 7.61 Severn Trent Water advises that there may be a public sewer located within the application site. Although its statutory sewer records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under the transfer of sewer regulations 2011. 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 building. Severn Trent Water advises that there is no guarantee that the applicant/developer will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that the applicant/developer will be able to undertake those works on a self-lay basis. Severn Trent Water advises that every approach to build near to or divert its assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that the applicant/developer contact Severn Trent Water at the earliest opportunity to discuss the implications of its assets crossing the site. Failure to do so could significantly affect the costs and timescales of the project if it transpires diversionary works need to be carried out by Severn Trent.

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 Toddington is identified as a Service Village within the JCS and the site is located within the Toddington Settlement Boundary as defined by the PSTBP Proposals Map. As the site forms previously developed land and is bordered by residential properties on either side, the development is considered to represent infill. As such, the principle of new housing in this location is considered to be acceptable.
- 8.3 As further detailed above, the applicant has demonstrated that they do not require any further permissions to carry out the demolition of the existing dwelling, and the Conservation Officer advises that there are therefore no further heritage issues to comment on in this case. For these reasons, the principle of the proposed development is judged to be acceptable.
- 8.4 Notwithstanding this, the Council's policies for the supply of housing are currently considered to be out-of-date having regard to paragraph 11 of the NPPF. In these circumstances, the NPPF advises that the presumption should be that planning permission is granted unless (i) the application of policies in the NPPF 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. A balancing exercise has been performed to weigh the benefits of the proposal against any adverse impacts.

Benefits

- 8.5 The benefits which would be derived from the development would be a contribution, albeit in a small way, towards providing housing in the Borough. Furthermore, there would be economic benefits both during and post construction through the creation of new jobs and the support to existing local services and the local economy. The economic benefits which would be derived from the development and the potential contribution towards supporting the vitality of services and facilities in nearby settlements would, however, similarly be limited by the scale of the development proposed.
- 8.6 In addition, subject to compliance with the recommended condition requiring evidence of the installation of ecological enhancements to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the proposed development, the proposal would protect and enhance ecology and biodiversity. Further, subject to compliance with the recommended condition requiring the proposed dwellings to be fitted with electric vehicle charging points prior to their first occupation, and for these to be retained for the lifetime of the development, the proposal would promote sustainable travel and healthy communities. Such benefits would, again, be limited by the scale of the development proposed.

Harms

- 8.7 The proposed 2 no. detached dwellings would be located relatively close together by virtue of the proposed attached garages. However, the submitted elevations and section drawings demonstrate that they would be separated generously at first floor level. They would also be viewed in the context of adjacent built development on all sides. Notwithstanding this, however, in the context of the existing spacious and open site, the current proposal would result in a relatively cramped form of development. The proposed 2 no. detached dwellings would create a denser appearance than the current character of the site and existing dwelling. By virtue of this, and their location further southwards within the site and in closer proximity of the public highway, it is considered that the proposed dwellings would appear more prominent within the street scene. As such, it is judged that the proposed redevelopment of the site would fail to conserve the rural character and appearance of the area and the visual attractiveness and scenic beauty of the Cotswolds AONB.

Neutral

- 8.8 Having regard to the policies of the development plan and the responses of technical consultees, subject to the imposition of suitable planning conditions, there are no objections in respect of impact on residential amenity, traffic and transport, drainage or biodiversity nor arboricultural implications.

Conclusion

- 8.9. In this instance, by virtue of the location of the application site on previously developed land within this service village, in the context of adjacent built development on all sides, and by virtue of the design and materials of the proposed dwellings and the generous spacing between them at first floor level, it is concluded that the impact on the AONB does not result in a clear reason for refusal, subject to any approval of planning permission being subject to a restrictive condition pertaining to the erection or construction on this site of any private car garages, extensions, garden sheds, gates, fences, walls, other means of enclosure or structures of any kind. As such, the tilted balance is applied and engaged in this case.

8.10 Taking into account all of the above, it is considered that any adverse impacts of permitting this application would not significantly or demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. It is therefore recommended that **planning permission be granted, subject to the conditions 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. The development hereby permitted shall be carried out in accordance with the following, except where these may be modified by any other conditions attached to this permission:
 - Details within the Construction Management Statement (commissioned by JWS Cotswold Builders Ltd, dated November 2020, reference 19-5663), the Flood Risk Assessment, the Nocturnal Bat Survey Report (commissioned by Cotswold Wildlife Surveys, dated 4th May, 4th June and 28th July 2020), the Tree Report (commissioned by Cotswold Wildlife Surveys, dated June 2020), approved drawing nos. 19-5663 110 Rev 01 (Proposed Ground Floor Plans), 19-5663 111 Rev 01 (Proposed First Floor Plans), 19-5663 119 Rev 01 (Proposed Roof Plans), 19-5663 120 Rev 01 (Proposed Elevations) and 19-5663 130 Rev 01 (Proposed Site Sections), and the sample photos of the stone walling material, the slate roofing material, the Heritage Paving (colour Yorkstone), the Marshalls Driveline Priora Permeable Block Paving and the Marshalls Fairstone Cropped Granite Setts (colour Silver Grey) received by the Local Planning Authority on 8th December 2020;
 - Approved drawing nos. 19-5663 100 Rev 04 (Location and Block Plan), 19-5663 102 Rev 06 (Proposed Site Plan) and 19-5663 103 Rev 02 (Site Management Plan) received by the Local Planning Authority on 8th January 2021;
 - Details within the application form received by the Local Planning Authority on 25th January 2021; and
 - Details within the Demolition Method Statement, received by the Local Planning Authority on 25th March 2021.

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

3. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details specified in Site Plan - Proposed Drawing No 102 Rev 6 before any development including demolition, site clearance, materials delivery or erection of site buildings, starts on the site. The approved tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within any area fenced, unless agreed in writing with the local planning authority.

Reason: To ensure adequate protection measures for existing trees/hedgerows to be retained, in the interests of visual amenity and the character and appearance of the area.

4. No removal of trees/scrub/hedgerows shall be carried out on site between 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the nature conservation interest of the site is protected

5. All works shall strictly adhere to the mitigation detailed within the Nocturnal Bat Survey Report (commissioned by Cotswold Wildlife Surveys, dated 4th May, 4th June and 28 July 2020), received by the Local Planning Authority on 8th December 2020, and the bat mitigation strategy which will form part of the bat licence.

Reason: In order to protect and enhance ecology and biodiversity.

6. No external lighting shall be installed in connection with the development hereby permitted other than in accordance with details (including specification and location of lighting) that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to minimise light pollution and in order to protect ecology and biodiversity.

7. Prior to the first occupation of the development hereby permitted, evidence of the installation of the ecological enhancements (to include, but not be limited to, the installation of an additional bat box on a retained tree or on the buildings hereby permitted (e.g. Schwegler 1FF for houses and 2FN for trees) and bird boxes to be installed on site on a retained tree or on the buildings hereby permitted (preferably a sparrow terrace nest box)) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect and enhance ecology and biodiversity.

8. All development shall be carried out in accordance with the approved details of proposed levels, including details of finished floor and ground levels, as shown on approved drawing no. 19-5663 110 Rev 01 (Proposed Ground Floor Plans) received by the Local Planning Authority on 8th December 2020 and on approved drawing no. 19-5663 102 Rev 06 (Proposed Site Plan) received by the Local Planning Authority on 8 January 2021.

Reason: In the interests of the character and appearance of the development, wider area and neighbouring amenity.

9. The development hereby permitted shall not be occupied until secure and covered cycle storage facilities for a minimum of 2 no. bicycles per dwelling have been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

10. 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 eastbound (Left) 85m and westbound (Right) 57m to the extent of the achievable visibility to the junction/roundabout (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason:- To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

11. 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.

12. Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and broadly constructed in accordance with the submitted plan drawing no. 102 rev 06 with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and shall be drained so that no surface water flows onto the adjoining highway and shall be maintained thereafter.

Reason: To reduce potential highway safety impact by ensuring that a safe and suitable access is laid out and constructed that minimises the conflict between pedestrians, cyclists and vehicles in accordance with paragraph 108 and 110 of the National Planning Policy Framework.

13. The development, including any works of demolition, shall only take place whilst running concurrently in accordance with the approved Construction Method Statement (commissioned by JWS Cotswold Builders Ltd, dated November 2020, reference 19-5663) received by the Local Planning Authority on 8th December 2020 and approved drawing no. 19-5663 103 Rev 02 (Site Management Plan) received by the Local Planning Authority on 8th January 2021, and shall be adhered to throughout the construction period.

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 110 of the National Planning Policy Framework.

14. Notwithstanding the details shown on the approved plans, prior to the commencement of development details of the proposed boundary treatments, including scaled elevations and materials, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved.

Reason: In order to protect the amenity of adjoining occupiers in terms of privacy, to preserve and enhance the visual amenity of the area, and to conserve the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty.

15. The 3 no. first floor level bathroom windows to be installed in each dwelling hereby permitted shall be constructed so that no part of the framework less than 1.7 metres above finished floor level shall be openable. Any part of the windows below that level shall be fitted with, and retained in, obscure glazing (Pilkington Level 4 or equivalent).

Reason: In order to protect the amenity of adjoining occupiers in terms of privacy.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or openings, other than those shown on the plans hereby approved, shall be formed at upper floor level in either side elevation of either dwelling at any time unless a further planning permission has been granted.

Reason: In order to protect the amenity of adjoining occupiers in terms of privacy.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no private car garages, extensions, garden sheds, gates, fences, walls, other means of enclosure or structures of any kind (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.

Reason: To preserve the visual amenity of the area, and to conserve the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty.

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. Severn Trent Water advises that there may be a public sewer located within the application site. Although its statutory sewer records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under the transfer of sewer regulations 2011. 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 building. Severn Trent Water advises that there is no guarantee that the applicant/developer will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that the applicant/developer will be able to undertake those works on a self-lay basis. Severn Trent Water advises that every approach to build near to or divert its assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that the applicant/developer contact Severn Trent Water at the earliest opportunity to discuss the implications of its assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.
3. The buildings proposed for demolition may be periodically used by bats as roost sites. All species of bats are protected by the Wildlife and Countryside Act 1981. If your building is used by bats you must consult with Natural England before any works, which might affect the roost site, may be carried out. You are advised to have regard to the results and recommendations of the ecological reports submitted with the application; namely the Bat Survey Report (commissioned by Cotswold Wildlife Surveys, and dated 24th October 2019) and the Nocturnal Bat Survey Report (commissioned by Cotswold Wildlife Surveys, and dated 28th July 2020), received by the Local Planning Authority on 7th October 2020.
4. Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works. The applicant/developer is strongly advised to contact its Asset Protection Team for further detailed assessment; assetprotection@nationalgrid.com. The Plant Protection Team requests that you do not commence work or take further action with regards to your proposal until you hear from them.

5. Wales and West Utilities' apparatus is held pursuant to easements and it has other private law rights in relation to the use of the land in the vicinity of its apparatus. Wales & West's private law land rights are not material planning considerations and therefore it makes no comment in relation to those rights and advises that they have no impact on whether or not planning permission should be granted, or whether, if permission is granted, it can lawfully be implemented. Wales & West further notes that its apparatus may be at risk during construction works and, should the planning application be approved, then it requires the promoter of these works to contact Wales and West directly to discuss its requirements in detail. Should diversion works be required, Wales and West advises that these will be fully chargeable. Wales and West further comments that you must not build over any of its plant or enclose its apparatus. The applicant/developer is strongly advised to review the extract from Wales and West Utilities' main records of the area covered by these proposals together with the comprehensive list of 'General Conditions to be observed for the Protection of Apparatus and the Prevention of Disruption to Gas Supplies'. This information is given as a general guide and its accuracy cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc. are not shown but their presence should be anticipated.
6. 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 Council's costs in undertaking the following actions:

- Drafting the Agreement
- A Monitoring Fee
- Approving the highway details
- 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.

7. A fee is payable where written confirmation is required that one or more conditions imposed on this permission have been complied with. The fee is currently £116 per request. The fee must be paid when the request is made.

To check this drawing has been passed to the intended
scale the bar should be 30mm long

- NOTES:**
1. This drawing is copyright of Studio 27 Architects.
 2. Do not scale from this drawing, work to figured dimensions only. Notify any discrepancies to the Architectural Administrator prior to commencing any work.
 3. All levels are in metres above Ordnance datum. All dimensions are in mm (to 100).
 4. The Contractor is responsible for coordinating all aspects of the Works, including Sub-contractors Works.
 5. All proprietary systems to be installed in strict accordance with the manufacturer's recommendations.
 6. For outcrops survey coordinates and setting out refer to setting out drawings.
 7. The Contractor is responsible for the design and detailing of all temporary works.
 8. This drawing is to be read in conjunction with all drawings, models, specifications, schedules and related consultants' documents.

HEALTH & SAFETY INFORMATION:

In addition to the hazards risks normally associated with the types of work detailed on this drawing take account of the following: the Contractor shall ensure that all work on this drawing will be carried out by a competent contractor working, where appropriate, to an appropriate method statement.

Date	Rev	By	Details
09/02/2019	01		Issued for comment.
11/04/2019	02		Second issue to client for comment.
14/05/2019	03		Final issue for Discharge of Obligations.
09/12/2019	04		Principal and remaining elevations amended.
21/02/2020	05		Principal elevations amended.

LOCATION MAP

Discharge Conditions

STUDIO 27 architects.

Bromsgrove (Head Office):
The Studio, 27 Garraiges Drive, Blackwell,
Bromsgrove, Worcestershire, B61 7SD
Tel: 0121 445 1946

Shedden-On-Shaw:
1st Floor, The Mill Street
Shedden-on-Shaw, CV36 4NY
Tel: 0121 445 1946
mail@studio27.org.uk

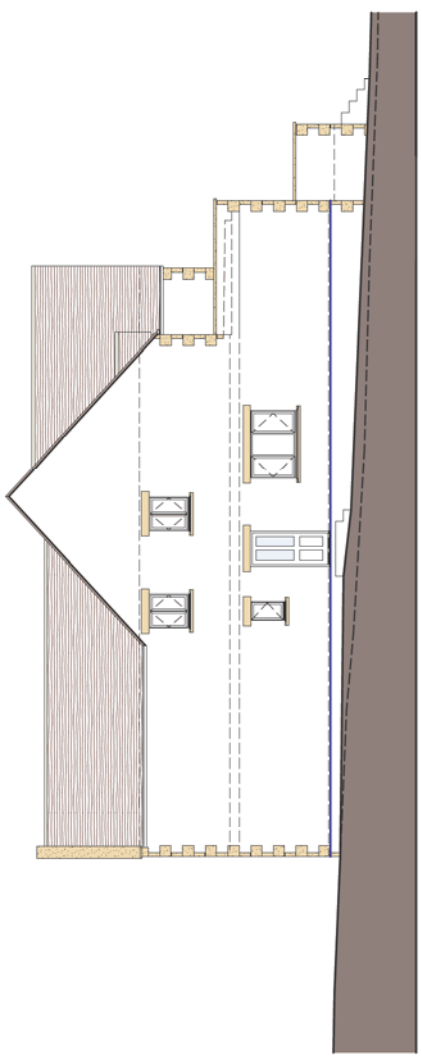
Project
Three Dwellings and Detached Garage
A49 Beach House, Slow Road, Toddington GL54 5TD

Client
JWS Cotswold Builders Ltd

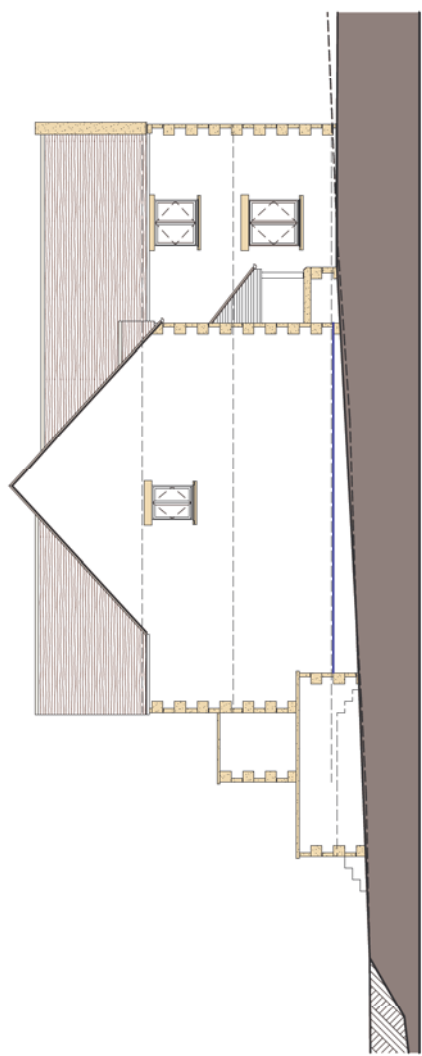
Drawing Title
Elevations House 1

Date	Scale	Checked
24/01/2020	1:100 @A2	DE

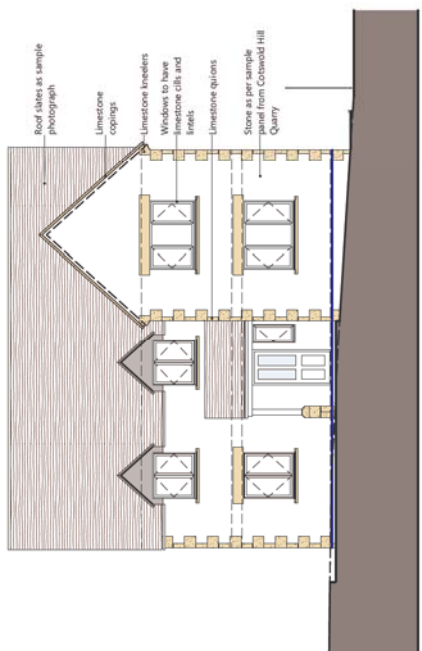
Project Ref.	Drawing No.	Revision
19-0647	130	05



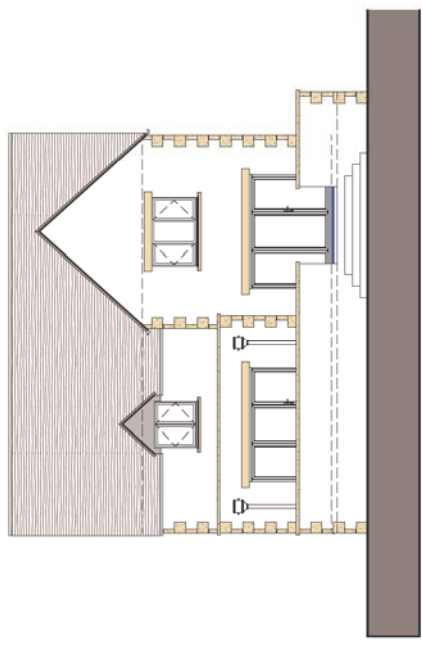
2 - West Elevation - House 1 1:100



4 - East Elevation - House 1 1:100



1 - North Elevation - House 1 1:100



3 - South Elevation - House 1 1:100

NOTES:

1. This drawing is copyright of Studio 27 Architects.
2. Do not scale from this drawing, work to figured dimensions only. Notify any discrepancies to the Administrator prior to commencing any work.
3. All levels are in metres above orthance datum. All dimensions are in mm (U.N.O.).
4. The Contractor is responsible for coordinating all aspects of the Works, including Sub-contractors Works.
5. All proprietary systems to be installed in strict accordance with the manufacturer's recommendations.
6. For concrete survey coord sites and setting out refer to setting out drawings.
7. The Contractor is responsible for the design and detailing of all temporary work.
8. This drawing is to be read in conjunction with all drawings, models, specifications, schedules and related consultants' documents.

HEALTH & SAFETY INFORMATION:

In addition to the hazards risks normally associated with the types of work detailed on this drawing take account of the following: The Contractor shall ensure that all work on this drawing will be carried out by a competent contractor working, where appropriate, to an appropriate method statement.

Date	Rev	By	Detail
14/06/2019	01		
08/03/2019	02		Principal and remaining elevations amended
24/07/2020	03		Principal elevations amended

LOCATION REF



Discharge Conditions

STUDIO 27
architects®

Bromsgrove (Head Office):
The Studio, 27 Garraughes Drive, Blackwell,
Bromsgrove, Worcestershire, B61 7JG
Tel: 0121 445 1946

Shelton-On-Stour:
1st Floor, The Mill, Mill Street,
Shelton-on-Stour, CV36 4NW
Tel: 0121 445 1946
mail@studio27.org.uk

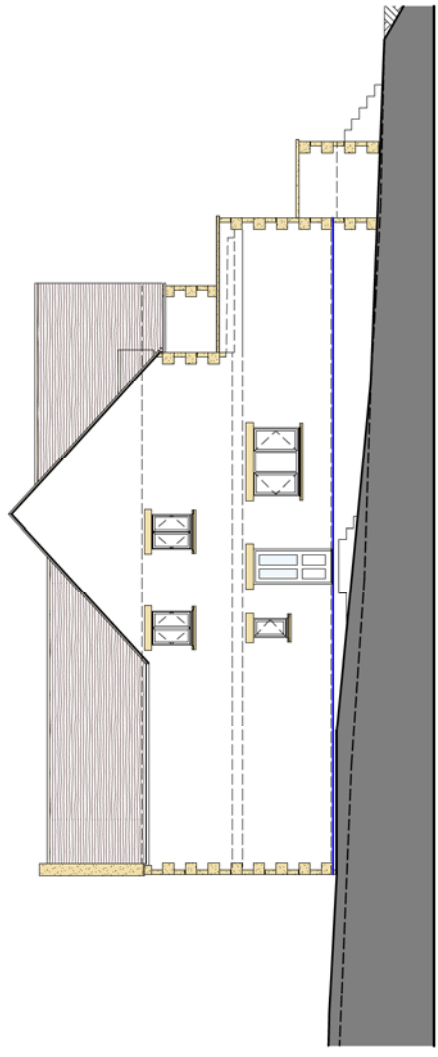
Project
Town Dwellings and Detached Cottage,
A48 Beach House, Show Road, Toddington GL54 5TD

Client
JWS Cotswold Builders Ltd

Drawing Title
Elevations House 2

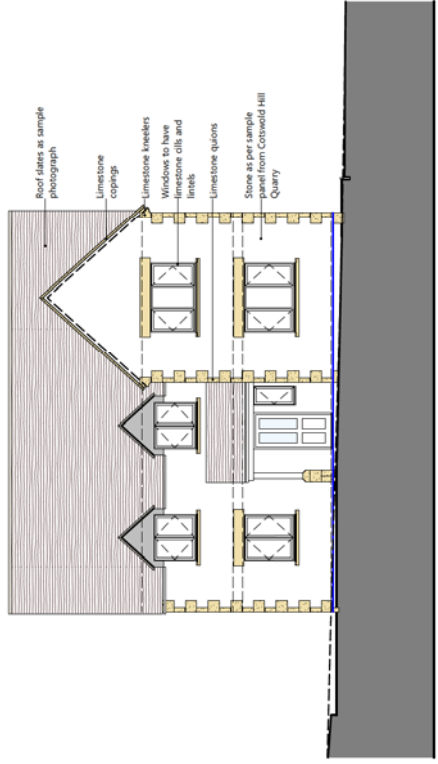
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Project Ref.	Drawing No.	Revision
19-0647	131	03

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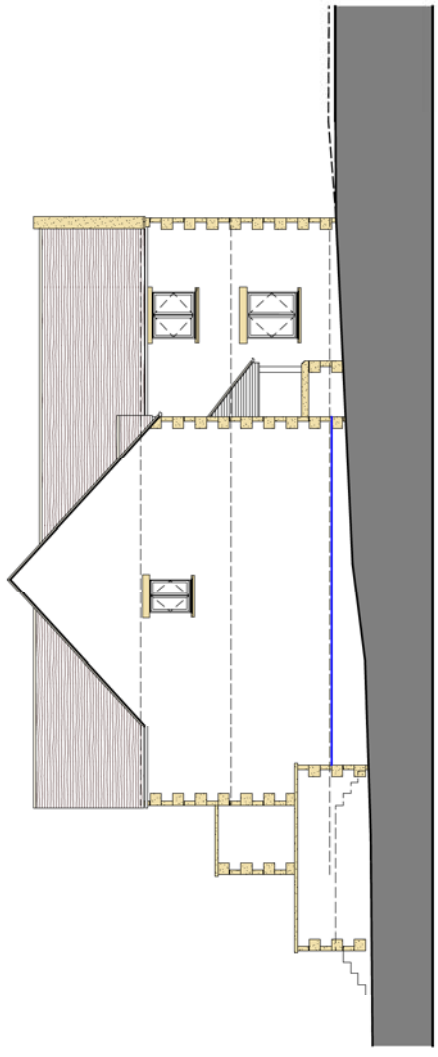
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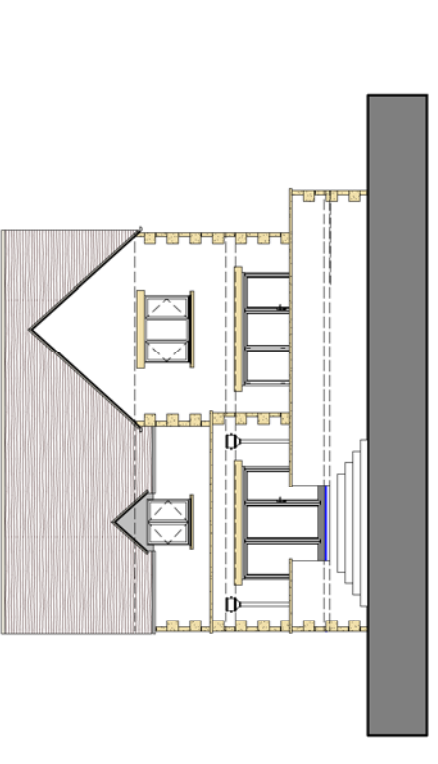
North Elevation - House 2

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East Elevation - House 2

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South Elevation - House 2

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TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	20 April 2021
Site Location:	Charlton Main Road Minsterworth Gloucestershire GL2 8JG
Application No:	19/00465/FUL
Ward:	Highnam With Haw Bridge
Parish:	Minsterworth
Proposal:	Change of use of dwelling and adjacent detached dwelling from C3 (dwelling house) to C2 (Childrens care home). Erection of a replacement single storey rear extension and erection of front and rear dormer extensions. front and rear dormer windows.
Report by:	Dawn Lloyd
Appendices:	Site location plan. Site layout plan. Proposed Elevations and Floor Plans. Parking Plan.
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

The proposal is for two existing dwellings in the settlement of Minsterworth (a service village) to operate as a children's care home. The dwelling are situated on the edge of the village along the A48.

The two properties are adjacent to each other and share the same access on to the highway. The properties are a semi-detached dwelling and the recently constructed detached dwelling to the south.

The semi-detached dwelling Charlton is to have a small front dormer extension and a larger box dormer to the rear. The existing rear extension is to be replaced with a larger flat roofed single storey addition. Five bedrooms would be provided. The recently constructed detached dwelling has 4 bedrooms.

Two separate applications were originally submitted: one for each dwelling. However, as the proposal included shared access and parking arrangements and a joint operation the application was resubmitted as a single application.

2.0 RELEVANT PLANNING HISTORY

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

3.0 RELEVANT POLICY

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:SD11, SD4, SD14,INF1, INF2

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

No relevant policies

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

No relevant policies

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

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

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

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

5.0 PUBLICITY AND REPRESENTATIONS

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

Six neighbour objections have been received (in summary)

- Impact on privacy of rear amenity space
- Parking, lack of disabled parking provision, access onto A48 and additional traffic movements
- Impact of Noise and anti-social behaviour
- Fire risk and nuisance
- Design, character of the area and amenity space
- Lack of services
- Inadequate drainage arrangements, increase in load on the existing septic tank.

Councillor J Smith has requested a Committee determinations determination to assess the suitability of the proposal in terms of: highway safety; suitability of parking for staff vehicles; drainage arrangements; and impact on neighbouring occupiers.

6.0 POLICY CONTEXT

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

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

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

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

7.0 ANALYSIS

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

7.2 There would be one member of staff for each child although numbers of children would vary but each dwelling would have a maximum of two children and two adults. The change over for staff would take place between 14:30 pm and 15:30 pm. The children would be supervised at all times on the premises and would attend school during the day and return with the carer. The social development of the child is important and participation in clubs and activities off site would be encouraged therefore the children would not be present onsite at all times and the facility would

operate similarly to a normal household. The care home will be registered by Ofsted. The people in each property would not be living together as a single household as the children will be looked after by the staff on a rota basis

7.3 On the basis of the above, the proposed use would comprise a change of use of the existing dwellings from Class C3 (Dwellinghouse) to Class C2 (Residential institution).

Principle of development

7.4 Minsterworth is designated as a Service village within the Joint Core Strategy which offers a range of services, or road access to major employment area. Policy SD11 supports residential development which meets the needs of different groups in society and supports balanced communities. Provision for specialist accommodation will be supported where there is evidence for a need for this type of accommodation.

7.5 The application sets out that the children would be referred by Social Services and other partnership organisations and information has been provided to support the demand for proposal within the county form the Youth Support Team Manager and Children & Young People Commissioning |Gloucestershire County Council.

7.8 The proposal would provide specialist accommodation within a service village therefore, principle of the proposal is acceptable subject to other policies of the development plan.

Design and layout

7.9 Policy SD4 supports the creation of high quality buildings which function and add to the overall quality of the area and should be sympathetic to the local character, including the surrounding built environment.

7.8 No external alterations are proposed to the recently constructed detached dwelling and its appearance would remain as a dwelling.

7.9 The application proposes a large flat roofed single storey extension to the rear, a box dormer window in the rear facing roof slope and a small dormer widow in the front facing roof slope to provide a loft conversion of two bedrooms and a bathroom. The external materials of the building are brick and white render. The rear extension would be rendered to match the existing host dwelling. The materials of the dormer extension would be controlled by condition.

7.11 Under the terms of The Town and Country Planning (General Permitted Development) (England) Order 2015 (Amended) a dwelling with permitted development rights could erect a single storey extension of up to 3 m to the rear and of eave height not more than 3m and ridge height of 4m. A rear dormer extension to the roof can be created if it does not exceed 40 cubic metres. Given this fall back position for a dwellinghouse, and that the existing use and appearance is that of a dwellinghouse; the rear extensions and are not considered disproportionate additions to the building that could be achieved to a dwellinghouse under permitted limits. Furthermore, there are no properties to the rear to be overlooked and the rear extensions would only be visible from a public foot path to the rear of the site.

7.12 There are no front dormer extensions within the streetscene however, the properties in the village comprise a mixture of ages, type and design, with no uniformity in character. The front dormer would be small in scale, it would integrate with the existing building and would not cause any harm to the visual quality of the area. Therefore, it is considered that the proposed extensions and alterations to the dwellings to provide additional accommodation complies with policy SD4.

7.13 Objections have been raised regarding the change of use and development would provide an additional fire risk to the adjacent dwelling. The proposed works are appropriate to a residential dwelling and will require building regulation approval, the fire risk is assessed and controlled as part of this process.

Residential amenity

7.14 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.

7.15 Objections have been received regarding the impact on the amenity of neighbouring occupiers in terms of lack of garden space, privacy, overlooking, noise, nuisance and antisocial behaviour.

7.16 The garden area to the rear of the semi-detached property would only be reduced slightly with a significant area remaining for amenity purposes. In addition, there is access to public footpaths in the vicinity of the site. The front amenity area currently provides parking for vehicles. Therefore, the slight reduction to the amenity space would not be considered of substantial harm.

7.18 Properties on either side of the A48 are set back from the highway with significant separation distance which exceeds acceptable limits, to minimise the impact from direct overlooking. In addition, the front amenity spaces are in part visible from the public realm. Therefore, the overlooking from the dormer is considered minimal.

7.19 There would be overlooking of the amenity space of neighbouring properties from the rear box dormer extension. However, this area is already overlooked by existing first floor windows. In addition, views from the box dormer would be more directed to the rear of the site which is land of the detached care home property. There would be oblique views of the less private space of the neighbouring rear garden. Given that there is already overlooking of the area, the proposal is not considered of substantial harm in this regard.

7.20 Objections have been received with regard to the impact of noise on neighbouring dwellings properties. However the proposed C2 use, which is modest in scale, comprises of an utility room, 2 additional bedrooms and an additional bathroom to the level of accommodation in the existing semi-detached dwelling with no alterations to the accommodation provided in the existing detached dwelling. The level of accommodation is not dissimilar to C3 residential use of the properties. As such, it would be unlikely to give rise to unacceptable levels of noise and disturbance or types of activity that would not be uncommon in a residential area. The Council's Environmental Health officers have raised no objection to the proposal in terms of noise generation.

7.21 It is noted that objectors have referred to Human Rights for different reasons including Article 1 and Article 8 of the Human Rights Act 1998. The right to peaceful enjoyment of possessions and right to a private life are qualified rather than absolute rights and the consideration of a proposal will inevitably result in a balance between competing individual rights. Regard has been given to the various parties' rights in assessing the application.

7.22 Additional information has been provided with regard to the staff shift pattern, numbers of staff and numbers of children. A maximum number of children is two per property with two staff members which would be similar to a residential dwelling. The working pattern for staff is a late day shift, sleep at night then an early day shift. The changeover between shifts occurs between 2:30pm and 3:30pm. In addition, the care home would receive the occasional visit from social workers. Although there would be a peak in movements from the site at during the early afternoon, the noise and disturbance is not considered more harmful to neighbouring residents from that of a C3 use.

Drainage and flood risk

7.23 JCS Policy INF2 sets out that development proposals must avoid areas at risk of flooding. Proposals must not increase the level of risk to the safety or occupiers of a site, the local community or the wider environment either on the site or elsewhere.

7.24 The site falls within Flood Zone 1 as shown on the Environment Agency's indicative flood map indicating that it has a low probability of river or sea flooding. The EA's updated Flood Map for Surface Water identifies part of the site as having either a very low or low risk of surface water flooding.

7.25 There is no proposed alteration to the existing on site drainage systems for each property. A private treatment plant has been installed for the new dwelling. Objection has been received regarding the existing on site drainage provisions being inadequate and that the foul drainage from the properties in this vicinity are adversely impacting farm land to the rear. The additional bathrooms are provided however the facilities are similar to that of C3 use not commercial use and it is considered there is not a disproportionate increase in load on the existing drainage system.

Access and highway safety

7.26 The NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy INF1 of the JCS requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.

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

CONCLUSION AND RECOMMENDATION

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

UP-DATE

9.0 The application was presented to planning committee on the 16th June 2020 where Members resolved to defer the application to:

- 1. Receive further information regarding the drainage proposal, including a view from the Council's Flood Risk Management Engineer**
- 2. Clarification as to the number of children and staff who would be resident and their**

relationship to the bedrooms shown on the plan.

3. Further information in respect of traffic movements and a larger scale site plan to be provided to indicate the sharp bend of the road and the site in the wider context.

10.0 Consultations update

Minsterworth Parish Council - Further objections have been received with regard to - that the Parish has had objected to other 3 storey houses in Minsterworth. In addition the Parish Object with regard to the drainage arrangements and no adequate drainage system has been proposed and verified and supports points raised in the report by Simon Jones Parry, Civil Engineers letter/reports dated 3 July and 26 September.

The Parish Council further objected to the proposal as the use had commenced and the noise and disturbance to neighbouring residence and that the police had called to the site.

Highway Authority - Further comments were received regarding to the submitted parking policy. The Highway Authority has conducted TRICS assessment to ascertain the likely number of vehicle movements to and from the site and the use class and number of bedrooms. The assessment was made against assisted living. From the exercise it transpires the no more than two vehicles are to be on site at any given period in a day. It is considered that in the absence of evidence that would suggest otherwise, the number of car parking spaces proposed are suitable to accommodate the likely demand for the site. The applicant has submitted a parking policy setting out how the parking will be managed which is considered acceptable. No Highway Objection.

Land Drainage Officer - Since January 2015 it is illegal to discharge a treatment works to anything other than a drainage field, which means having adequate permeability or to a watercourse that normally has flow throughout the year. Non-domestic sewage discharges needs an Environmental Permit from the Environment Agency. The means of managing the foul and surface waters, to the required standard of protection, needs to be demonstrated that is viable and sustainable.

Further comments: 18 September 2020 - On review of the information, the Plan Elevation and Details drawing, published on the planning portal 9th July, in conjunction with the percolation test results submitted on 29th July indicate that there is suitable accommodation for foul sewage management in the proposed development therefore objections relating to this matter can be removed.

Comments on the additional drainage details submitted - The LDA considered the detailed drainage field design and installation is a matter for building control, but the information submitted with the application indicated that space and soil types are suitable to make this feasible.

Publicity and representations

Additional neighbour objections have been received which raise objections as previously identified with the addition of objections relating to drainage and support of the drainage report by Simon Jones Parry, Civil Engineers (submitted on behalf a neighbour).

11.0 Drainage

11.1 The Planning Committee required further information regarding the drainage proposal, including a view from the Council's Flood Risk Management Engineer. A site inspection of adjacent land was undertaken by council officers on 31st July 2020 with regard to the drainage arrangements and the site was inspected by the Building Control Officer in March 2021.

11.2 Objections have been received regarding the existing on site drainage provisions being inadequate and that the foul drainage from the properties in this vicinity are adversely impacting farm land to the rear. The objections have been supported by independent reports by Simon Jones-Parry Chartered Civil Engineer.

11.3 Additional information was provided and drainage reports by Wye Environmental Products and Services Ltd were submitted together with percolation tests. Subsequently, a revised drainage plan was submitted on the 23 March 2021 which proposed a package treatment plant (PTP) in the rear garden of Christie. This was originally intended to serve both properties. However, in order to avoid the need to discharge the outfall to third party land (i.e. the agricultural land beyond the garden to the east), the PTP now only serves the detached dwelling Christie and the field drain for the outfall is all contained within its garden. Charlton remains connected to the existing septic tank system it shared with the adjacent semi-detached dwelling Horaldene. The private treatment plant and field drainage have been installed.

11.4 A meeting was held with Building Control and the Councils' Land Drainage Advisor on 25th March 2021. The Building Control Officer had recently inspected the drainage arrangements, for the new dwelling Christie and advises that the private treatment plant and soakaway system installed (all within its residential curtilage) is acceptable.

11.5 Charlton has reconnected back to septic tank system it previously shared with Horaldene. The future upgrading of this system will be subject to control outside of planning under separate legislation.

11.6 The drainage arrangements are therefore considered acceptable.

12 .0 Clarification as to the number of children and staff who would be resident and their relationship to the bedrooms shown on the plan.

12.1 Since the application was presented to Committee, amended plans have been submitted for Charlton (drawing number 1237.2 C) which removed the loft conversion and front dormer extension originally proposed, and therefore the property would remain three bedroomed. One bedroom has been identified for children use only, one for staff and one for staff or children use.

12.2 Christie is a four bedroomed dwelling and the plans indicates that two bedrooms would be for staff and two for children.

12.3 The applicant has confirmed that the homes would care for 12 to 16 year olds. Each child needs a staff member (a 1:1 ratio of care). Therefore, two staff are required for each property if there are two children placed. The children are not capable of living unsupervised and cannot be left unattended, and therefore staff will be on site 24 hours a

day seven days a week on a shift pattern (typically 7am-3pm : 3pm-11pm : 11pm till 7am).

12.4 The Applicant has submitted further evidence for the demand of this type of accommodation and the lack of provision nationally.

12.5 The Environmental Health Officer had no objection to the proposal in terms of noise levels. The numbers of people present in the properties would not be disproportionate to that of residential dwellings. The children would be supervised whilst present on the site which would limit any sporadic disturbance.

12.6 Objections have been received that the use has already commenced and with regard to parking, traffic movements, noise and disturbance from the application site. At the time of writing this report Christie is occupied and Charlton is not. The Applicant considers the current use at Christie falls within a residential class C3 use (i.e. not the 'care' C2 use proposed in this application). This is being investigated by the Council's Enforcement Officers.

11.0 Traffic movements

11. 1 A plan was submitted of the onsite parking arrangements and a parking management plan. The Parish council have raised concerns regarding parking of vehicles taking place at the site.

11.2 A location plan Drawing Number 1256.6 showing the site in the wider context and its proximity to the sharp bend on the A48 was submitted on the 22th June 2020 and is attached to this report.

11. 3 The Highway Authority has conducted a TRICS (Trip Rate Information Computer System) assessment to ascertain the number of vehicle movements to and from the site based on the proposed C2 Use Class and number of bedrooms. The Assessment concludes that no more than two vehicles are likely to be on site at any given period in a day. In the absence of evidence that suggests otherwise, the number of parking spaces are considered suitable. The submitted car parking policy for how the parking would be managed is considered acceptable. The Highway Authority therefore have no objection to the proposal subject to conditions for parking to be in accordance with the approved plans and a construction management plan for the building operations.

CONCLUSION AND RECOMMENDATION

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

CONDITIONS:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved documents:
 - Location plan received ref 1256.6 received 22 June 2020
 - Parking plan drawing number 1256.4 received 22 January 2020
 - Proposed plans for Charlton drawing Number 1237.2 C received 17 September 2020
 - Proposed plans for Christie received 12 August 2020
 - Drainage plan drawing number 1256.5 C received 23 March 2020
 - Wye Environmental Products and Services Ltd Reports for Christie received 28th September 2020 Wye Environmental Products and Services Ltd Reports for Charlton received 18th September 2020 and updated 12 October 2020

Children's Home Parking Policy by Streetz Ahead received 9th June 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 materials to be used in the construction of the external walls of the proposed rear extension shall match those used in the existing dwelling

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

4. Prior to occupation as a care home, parking arrangements shall be implemented in accordance with parking layout of drawing number 1256.4 plan and management in accordance with the Children's Home Parking Policy by Streetz Ahead with no parking of vehicles associated with the use granted by this permission on the verges of the A48 at any time.

Reason: In the interests of highway safety.

5. During construction, there shall be no parking of site operatives vehicles or storage of materials within the verge of the A48.

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.

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

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

INFORMATIVES:

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

THE
CHARLETON
MARK ROAD
MINSTERWORTH
GLOUCESTER

LOCATION PLAN

Michael Davis M.C.I.A.T.
Greenfield House, Church Lane, Pains Weston
Gloucester, GL2 9LS

Scale	1:2500 @ A4
Date	JUNE 2009
Drawing Number	1256.6



THE SITE



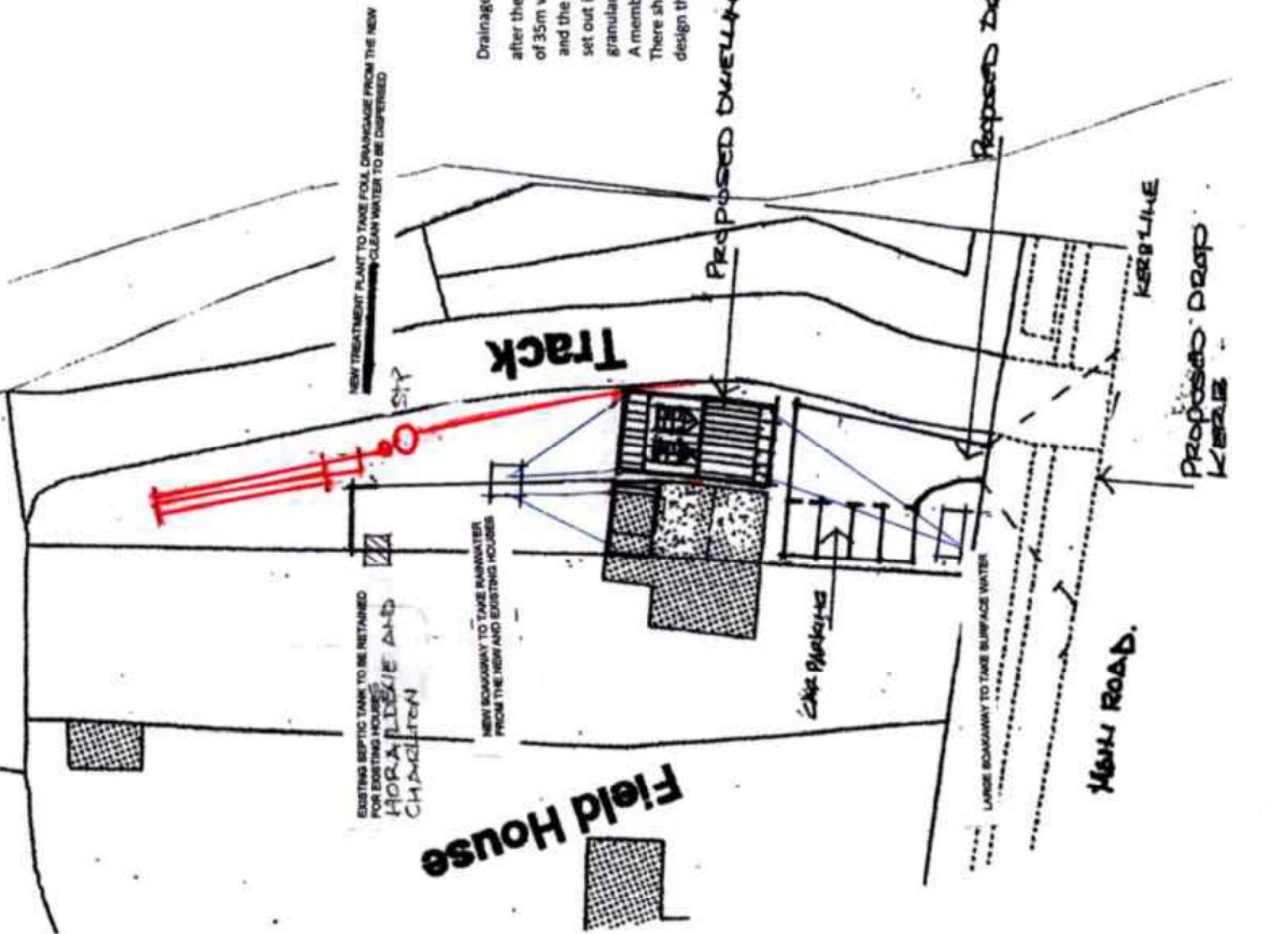
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TREATMENT PLANT TO BE BUILT ON SITE OF EXISTING WPL ON THE EAST SIDE OF THE TRACK TO BE IN LINE WITH THE TRACK

1. The proposed Package Sewage Treatment Plant (WPL) is to be built on the site of the existing WPL on the east side of the track. The proposed WPL is to be built in line with the track and will be used to treat the effluent from the existing WPL. The proposed WPL is to be built in line with the track and will be used to treat the effluent from the existing WPL.

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Drainage field it is proposed to install a 450mm diameter PPIC manhole after the WPL sewage treatment plant which will then run into two legs of 35m with a 3rd leg of 25m to one side. The trench width should be 600mm and the 110mm perforated sewer pipe should be installed as per the guidelines set out in Part H of Building regulations, that is with 300mm of clean 30-50mm granular material below the pipework and 50mm over the top of the pipework. A membrane should then be laid over the stone before being backfilled with soil. There should be a gap of 1m between the 600mm trenches. Based on the area of design the total drainage area will be around 102m²

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

C DESIGN & REVISED
MARCH 2021
B DRAINAGE DESIGN
MARCH 2021
A. DRAINAGE REVISED
DEC 2020

REVISIONS

Michael Davis
DRAWN BY
CHECKED BY
DATE

PROCESSED BY
EXTENSION
CHARLTON
BATH ROAD
KENTONWORTH
GLoucestershire

DATE

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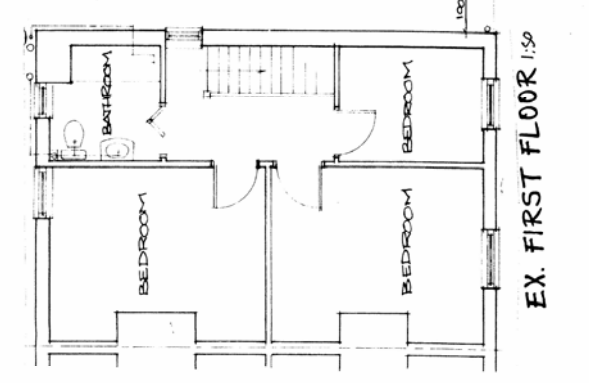
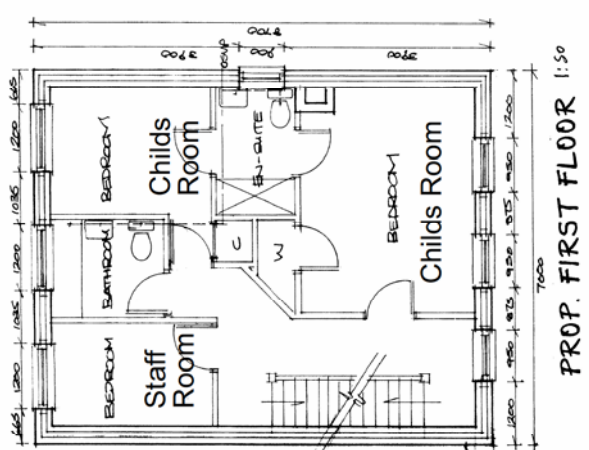
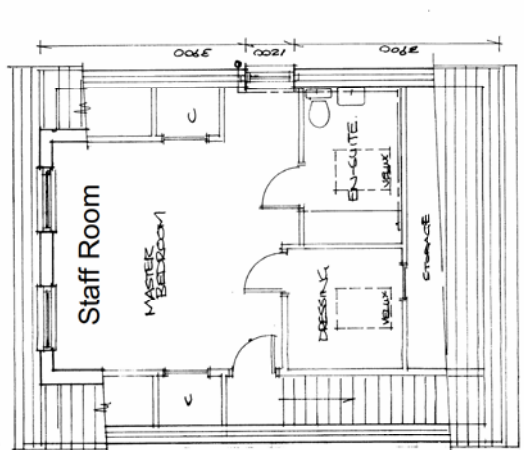
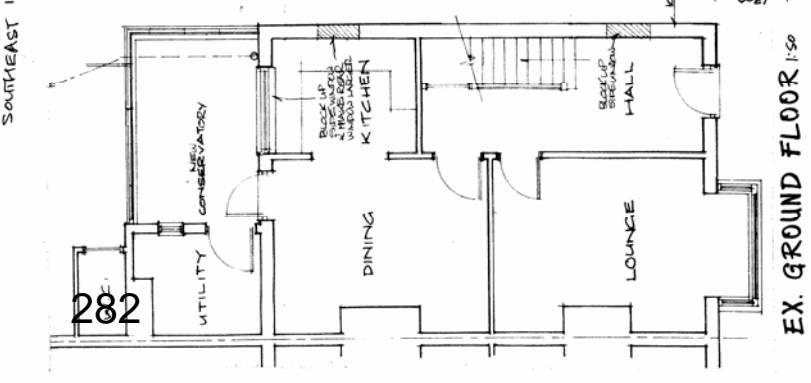
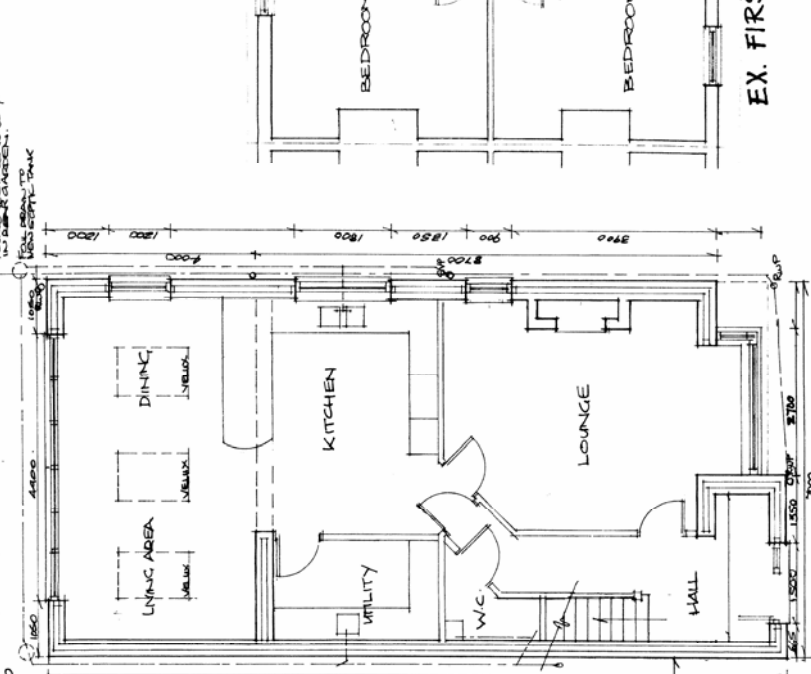
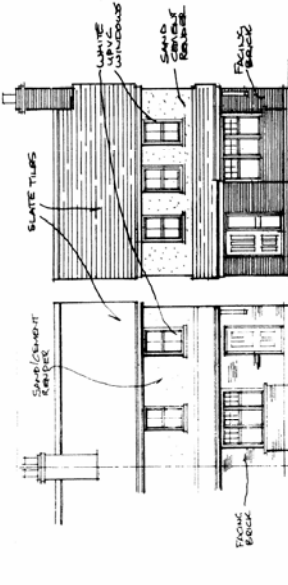
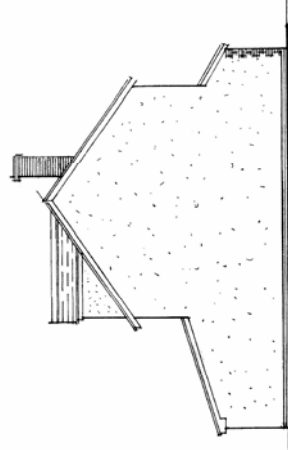
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All dimensions must be checked on site and not scaled from the drawing.

Author	Drawn	Checked	Reviewed

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 DATE: 13 Nov 2018
 DRAWN BY: [Name]
 CHECKED BY: [Name]

Scale	1:50 - 1:100
Date	Drawn by
Eng No.	K181002
Rev	

984 x 841mm A1



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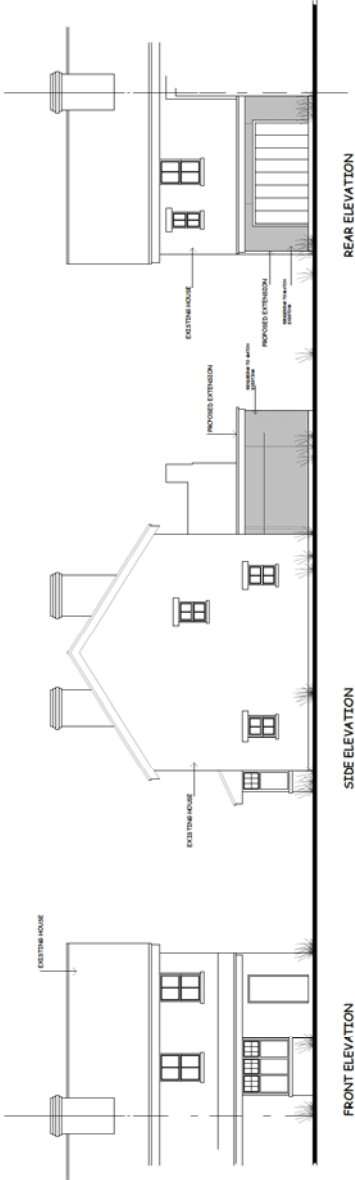
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All dimensions to be checked on site

C. Sept 2020 Layout revised
A. June 2019 Room names revised
A. July 2019 Submission Revised
REVISIONS

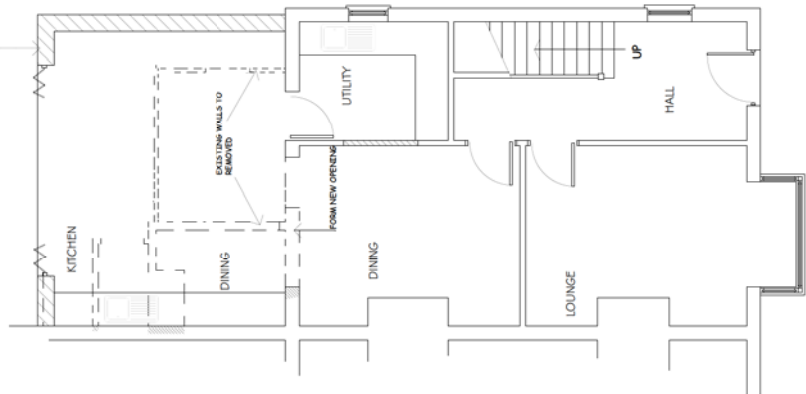
Michael Davis ARCHITECTS
Greatfield House
Church Lane
Minsterworth
Gloucester
GL2 9LS

PROPOSED ALTERATIONS
OF
HARTON
MANSION
MINSTERWORTH
GLOUCESTER

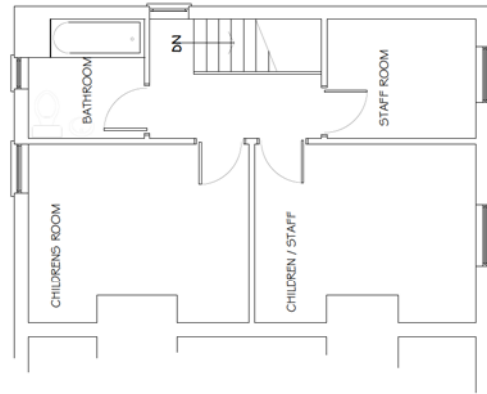
Scale: 1:50 & 1:100 @ A1
Date: June 2019
Drawing No: 1.237.2 C



PROPOSED EXTENSION



GROUND FLOOR PLAN
(1:50)



FIRST FLOOR PLAN

DO NOT SCALE FROM DRAWING

THE
PROPOSED DWELLING
AND EXPANSION
AT

CHARLTON
MAIN ROAD
MINSTER WORTH
GLOS

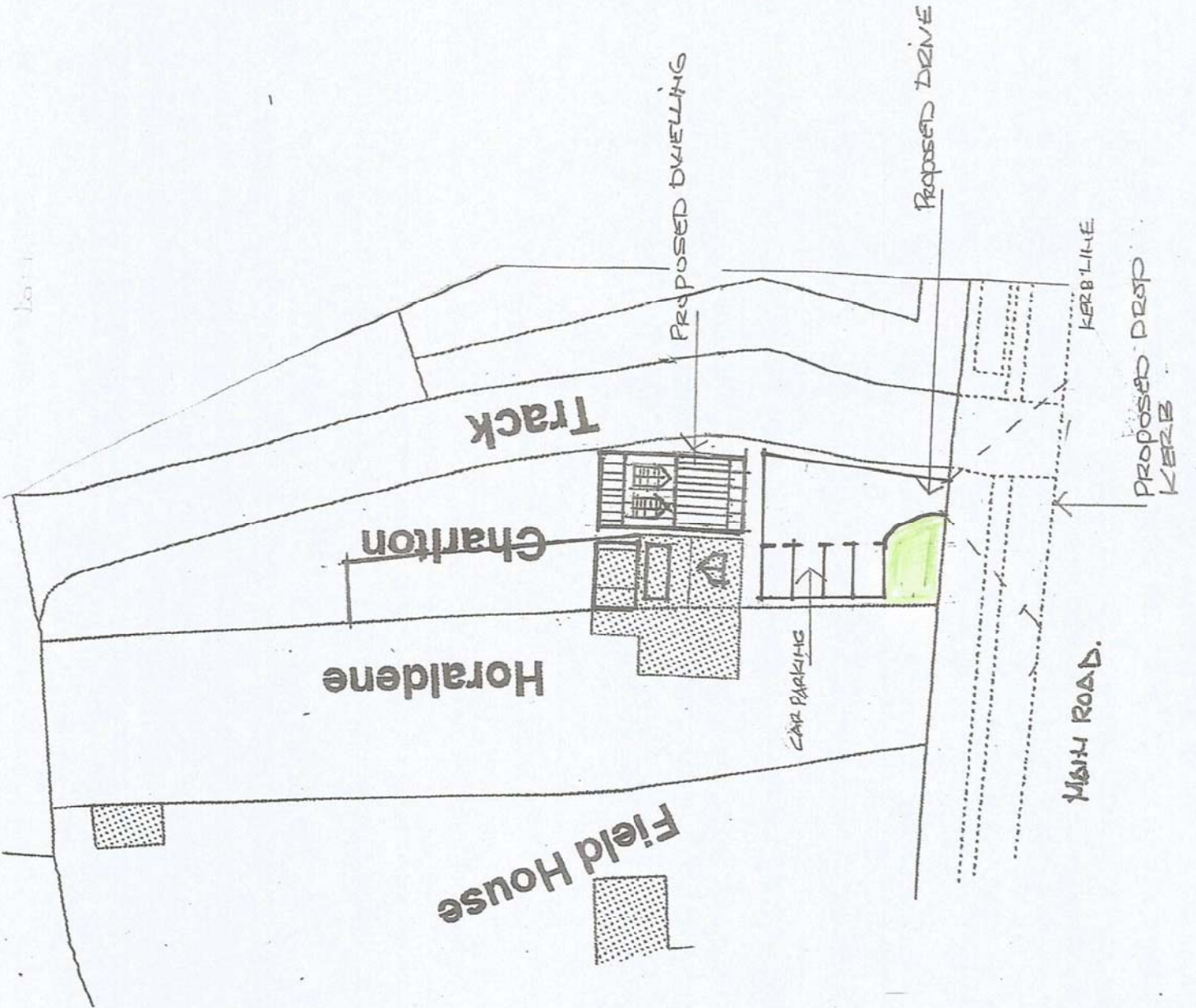
SITE PLAN.

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

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

Scale	1:500 @ A4
Date	DECEMBER 2019
Drawing Number	

1256.4.



TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	20 April 2021
Site Location:	4 Cranford Close Woodmancote Cheltenham Gloucestershire GL52 9QA
Application No:	20/01182/FUL
Ward:	Cleeve Hill
Parish:	Woodmancote
Proposal:	Erection of a single storey rear extension.
Report by:	Pippa Brown
Appendices:	Site location plan. Block plans.
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application relates to 4 Cranford Close, a two storey detached dwelling, located on a cul de sac with similar dwelling styles in Woodmancote. The dwelling and others in the vicinity have been altered and extended previously. The site lies within 50m of a Grade II listed building (Poplar Farm) but is not in any other areas of restrictive designation.
- 1.2. The proposal seeks to add a single storey extension to the rear of the dwelling, to provide additional living space at ground floor level. The proposed extension would have a flat roof and would join the northern elevation of an existing extension, permitted in 2015. It would also be set in slightly from the neighbouring fence line to the North.
- 1.3. A committee determination is required as the Parish Council are objecting to the proposal on the grounds that the proposal would represent overdevelopment of the site, extending too close to the boundary with the neighbouring property which would be detrimental to the open character of the area.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
64/00185/FUL	38 detached dwellings with garages. Vehicular accesses on to estate roads.	APPROV	07.08.1964
15/00916/FUL	Two storey extensions to front and rear of dwelling	PER	09.10.2015
20/01182/FUL	Erection of a single storey rear extension		

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

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

- 3.5. Policy SD4 (Design Requirements)
- 3.6. Policy SD14 (Health and Environmental Quality)
- 3.7. Policy SD8 (Historic Environment)

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

- 3.8. Policy HOU8 (Domestic Extensions)

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

- 3.9. Policy RES10 (Alteration and Extension of Existing Dwellings)

Neighbourhood Plan

- 3.10. The proposal lies within the designated Woodmancote Neighbourhood Area. The Woodmancote Neighbourhood Development Plan is yet to be adopted, and as such, does not carry any weight in the decision-making process at this current time.

4.0 CONSULTATIONS

FULL COPIES OF ALL THE CONSULTATION RESPONSES ARE AVAILABLE ONLINE AT [HTTPS://PUBLICACCESS.TEWKESBURY.GOV.UK/ONLINE-APPLICATIONS/](https://publicaccess.tewkesbury.gov.uk/online-applications/)

- 4.1. Woodmancote Parish Council – Objection based on the proximity of the proposed extension to the boundary with the neighbouring dwelling, reducing the open plan nature of the area.
- 4.2. The parish council were re-consulted on the revised scheme and maintain their objection, adding further comment in relation to the slope of Cranford Close and the elevated position of 4 Cranford Close in relation to the neighbouring dwelling (5 Cranford Close). They also raised concerns over neighbouring amenity.

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 1 letter of representation was received, objecting to the proposal on amenity grounds. The main points of the objection relate to the elevated position of the dwelling and extension, causing potential overshadowing and loss of light to the patio area of 5 Cranford Close.
- 5.2. A revised site notice was posted for a period of 14 days and no additional letters of representation were received. However, an email was received from the original objector, maintaining their objection.

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 and is currently at examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.4. The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

Design and Visual Amenity

- 7.1. JCS Policy SD4 of the Joint Core Strategy sets out requirements for high quality design while Local Plan Policy HOU8 provides that development must respect the character, scale and proportion of the existing dwelling and the surrounding development.
- 7.2. The proposal would be single storey in nature and would be located solely in the rear garden of the dwelling appearing only slightly visible from the street. It would therefore have no adverse impact on the character or appearance of the street scene.
- 7.3. The proposal, as revised, would have a flat roof, appearing as a clear addition to the dwelling and subservient, by virtue of its single storey nature. The overall scale of the revised proposal would be acceptable, due to the reduction in height of the roof, reducing the overall bulk of the structure.
- 7.4. The proposal would use a combination of render and larch cladding on the external walls of the extension. This would not match the materials used in the existing dwelling, however it is not considered that this would cause any adverse harm to the character or appearance of the dwelling and would therefore be acceptable.
- 7.5. The proposal, as revised would be set in from the boundary fence shared with the adjacent property. Whilst the Parish Council have objected to the proposal on the grounds that the extension would be too close to the boundary to the North, it is considered that an adequate gap would remain between the proposed extension and the fence. It is considered that the angle at which the extension would protrude from the dwelling, would not have a harmful impact in terms of openness of the area, as side access to the dwelling would be maintained to the South.
- 7.6. The application site lies within 50m of Grade II listed, Poplar Farm. Despite its relative proximity to the listed building, the dwelling itself is located on a housing estate of 1960s design and is well screened to the rear by established planting, therefore having no impact on the character of the listed building.

- 7.7. It is therefore considered that the proposal would comply with the requirements of Local Plan Policy HOU8.

Effect on the Living Conditions of Neighbouring Dwellings

- 7.8. Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Local Plan Policy HOU8 provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity. A site visit was conducted on 26.02.2021, where both the gardens of numbers 4 and 5 Cranford Close were visited.
- 7.9. Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2019 and the Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019).
- 7.10. The topography of Cranford Close, means that the application site sits at an elevated level, compared to 5 Cranford Close, adjacent to the dwelling to the North. Whilst there would likely be an impact on the garden of 5 Cranford Close, in terms of loss of light to the patio area closest to the boundary, this would not be considered adversely harmful, or much greater than the existing situation.
- 7.11. The proposal, as revised would have a lower overall height than the original scheme. It is the view of officers that this reduction in height would sufficiently reduce the impacts on the amenity of 5 Cranford Close, to an acceptable level.
- 7.12. By virtue of its lower roof height, than the original scheme and location in relation to the neighbouring boundary, the proposed extension would not have a harmful overbearing impact on the neighbouring dwelling.
- 7.13. It is therefore considered that the revised proposal would comply with the requirements of Local Plan Policy HOU8 and JCS Policy SD14.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1. It is considered that the proposal would not be harmful to the appearance of the existing dwelling nor the surrounding area and it would not result in an unacceptable loss of residential amenity to neighbouring dwellings. The proposal would also be of an acceptable size and design. It would therefore accord with relevant policies as outlined above. Therefore it is recommended the application be permitted.

CONDITIONS:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved documents:
 - Drawing 0001 – Site location plan @A4 (Received 30.11.2020)
 - Drawing 003 – Proposed block plan @A2 (Received 25.01.2021)
 - Drawing 1244-HBA-XX-ZZ-A-DR-9175_S3- - WIP – Revised plan – Proposed elevations (Received 09.02.2021)
 - Drawing 1244-HBA-XX-GF-A-DR-9025_S3- - WIP – Revised plan – ground floor plan (Received 09.02.2021)
 - Drawing 1244-HBA-XX-01-A-DR-9026_S3- - WIP – Revised plan – first floor plan (Received 09.02.2021)

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

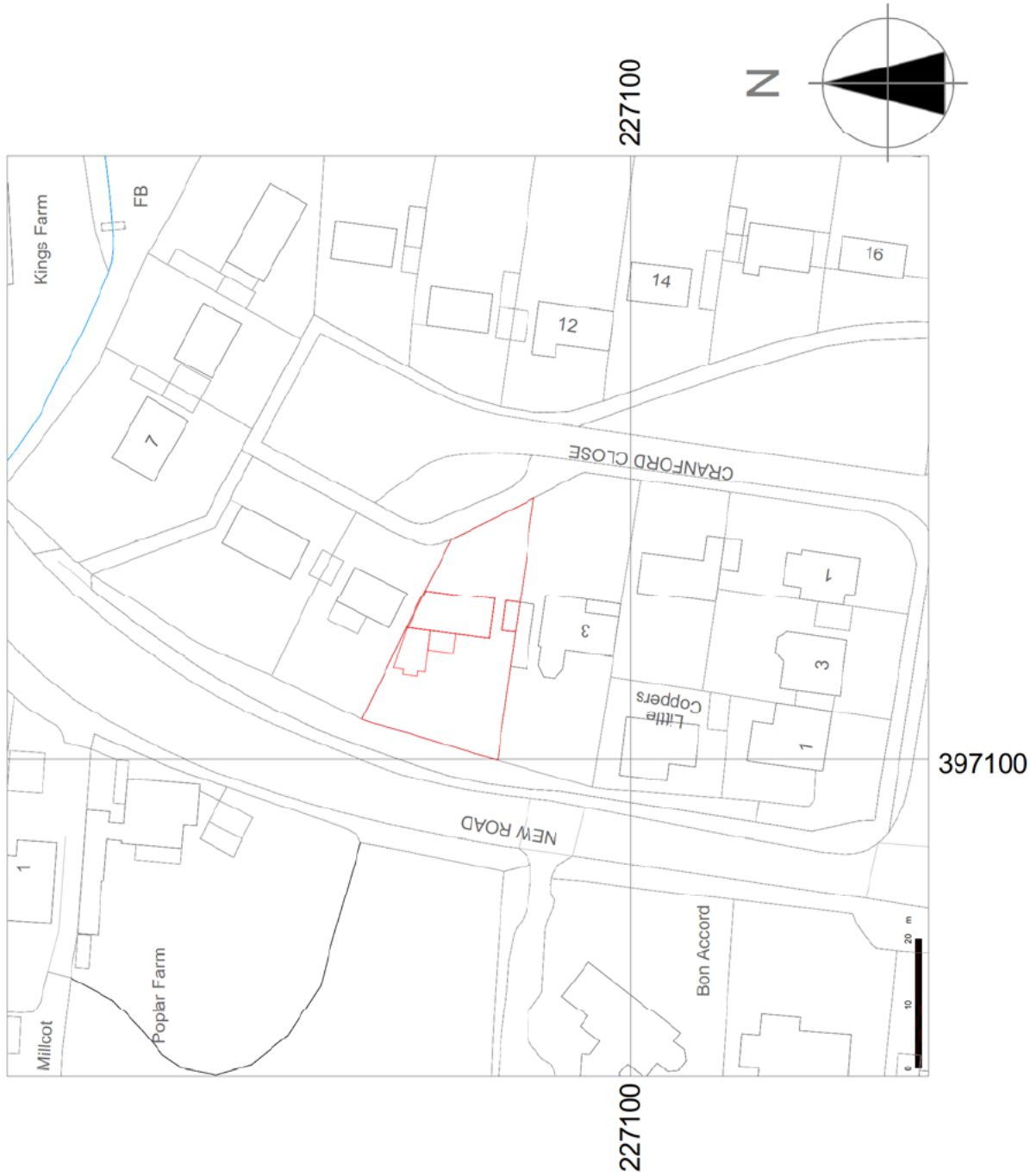
Reason: To ensure that the development is carried out in accordance with the approved plans.

3. Prior to their installation, details of the proposed render (including colour and texture) and timber cladding should be 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 that the finished appearance of the development will enhance the character and visual amenities of the area.

INFORMATIVES:

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



Contributions
 In addition to the fees payable to the Local Authority, the Applicant must also pay for a complete contractor working, where appropriate, to an appropriate standard.

NOTES
 This document and its design content is copyright © It shall be read in conjunction with the specifications, schedules and related consultants documents. Do not scale from documents. All dimensions to be checked on site. Immediately report any discrepancies, errors or omissions on the document to the Originator, if in doubt/ASK.

Item No.	Item Name	Issue Date	Issue No.	Status	Approved By
1	1:500 CHELTENHAM				1244

Client Approval
 A - Approved
 B - Approved with Comments
 C - Do Not Use

Stage | Purpose of Issue
S3 For Review

Originator
Hoch-Bau Architecture

Project
4 CRANFORD CLOSE
 4 Cranford Close Woodmancote
 Gloucestershire GL52 9QA UK

Layout Title
Site Plan Proposed

Client

Drawing Number	Issue	Date	Scale	Sheet	Rev
1244 - HBA - XX - SITE - DR - A -					0003

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	20 April 2021
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Development Manager
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	19/01136/FUL
Location	Former A A Services Centre Cheltenham Road East Churchdown Gloucester Gloucestershire
Proposal	Car sales and mentoring training facility on the site of the former AA Service Centre
Officer recommendation	None-determination
Decision type	N/A
PINS reference	APP/G1630/W/20/3256552
PINS decision	Appeal Dismissed
Reason	<p>The Inspector considered that the main issues were the effect of the proposal on the designated area of Green Infrastructure, whether it would support the adjacent residential and employment uses and its impact on highway safety.</p> <p>The Inspector noted that the site forms part of the Churchdown Strategic Allocation and falls with an area that has been designated as Green Infrastructure. Under JCS Policies INF3 and A2, the role of this Green Infrastructure as part of the Strategic Allocation is, among other things, to deliver a network of linked green corridors across the JCS area, to reinforce the visual link between key landscape areas and to respect the separation between settlements.</p> <p>The Inspector also noted that the site is previously developed land, which was historically used as a roadside service centre. All that is apparent of the former activity on the site are entrances and hard surfacing, which the Inspector considered not to be dominant and concealed by the boundary planting.</p> <p>The proposal would be introducing a significant area of cars on display onto the site as well as 2 mobile cabins, a storage unit akin to a shipping container, and palisade fencing. The Inspector found that these elements mean it would be an intrusive and striking arrangement that would be distinctly at odds with the openness around, eroding the visual links that exist between the various surrounding landscaped areas. Moreover, as the works would be located roughly in the middle of this band of Green Infrastructure when travelling along Cheltenham Road</p>

	<p>East, this would exacerbate their harmful impact still further by increasing their prominence, and by diluting and fragmenting the open area and the separation the Green Infrastructure delivers between Gloucester and Churchdown.</p> <p>Whilst mitigation was proposed in the form of landscaping, this did not allay the Inspector's concerns. He also considered that the site's lawful sui generis planning use as a roadside service centre did not attract significant weight. It was therefore concluded that the proposal would detract unacceptably from the openness and separation this site brings to this area of Green Infrastructure, and so would be contrary to Policies SA1 A2 and INF3 of the JCS.</p> <p>With regard to highway safety, the Inspector found insufficient details to show the junction arrangement is adequate to cope safely with the turning manoeuvres of a car transporter. He also observed that Cheltenham Road East carries a significant traffic flow and the development would cause unacceptable disruption to this if larger car-carrying transporters, being unable to turn around on site, had to load and unload from the kerbside, or reverse onto or off the carriageway. It was therefore concluded that the development would unacceptably affect highway safety.</p> <p>In light of the conflict with the development plan, the appeal was dismissed.</p>
Date of appeal decision	17.02.2021

(A) Appeal Decisions	
Application No	20/00297/FUL
Location	Land Adj. Thrift House Ashleigh Lane Cleeve Hill Cheltenham Gloucestershire GL52 3QF
Proposal	Erection of 2no. dwellings, access improvements and associated works.
Officer recommendation	Refuse
Decision type	Delegated Decision
PINS reference	APP/G1630/W/20/3257703
PINS decision	Appeal Dismissed
Reason	<p>The application was refused on the basis of conflict with the Council's housing policies due to its location and the harm to the landscape within the Cotswold Area of Outstanding Natural Beauty (AONB).</p> <p>In terms of the location of development, the Inspector was satisfied that the proposal was a form of infill</p>

	<p>development as it is a corner plot, which is adjacent to two other dwellings. However, the question remained as to whether the site is in a village for the purposes of policy SD10 of the JCS.</p> <p>The Inspector was satisfied that the settlement of Cleeve Hill is a village but he was of the opinion that the village envelope did not extend a significant distance down the B4632 towards Southam. Indeed, the Inspector noted that the site appeared closer to the village core at Southam although not within its envelope either. It was therefore concluded that the proposal would constitute infilling but would not fall within an existing built-up area of a town or village, contrary to policy SD10. However, due to the lack of a sufficient supply of housing land supply, the Council's housing policies were deemed to be out of date and carried diminished weight.</p> <p>In terms of the impact on the AONB, the Inspector stated that the proposed dwelling would not appear out of character. However, he found that the site is an area of mainly open land that does provide a pleasing gap in the built development along the B4632 between dwellings. The Inspector opined that his section of the B4632 is not continuously built up on all sides, which adds to the rural character of the site surroundings. He found that even with the proposed dwellings design to respond to the topography of the site, there would still be a significant loss of the existing openness this largely undeveloped plot provides.</p> <p>Whilst some mitigation was proposed in the form of the replacement of the front boundary fence and enhanced landscaping, which would have some beneficial effects, it was felt that the loss of openness in this particular location would not be fully outweighed by the eventual matured landscaping proposed. It was therefore concluded that the proposal would not conserve the AONB special qualities, contrary to policies SD6 and SD7 of the JCS.</p> <p>In weighing up the planning balance, the Inspector found that the harm to the AONB provided a clear reason for refusal and therefore the presumption in favour of sustainable development was not engaged. He went on to state that even if the tilted balance was engaged, the harm identified in the inappropriate location for the proposed dwellings and the harm to the AONB would significantly and demonstrably outweigh the benefits. The appeal was therefore dismissed.</p>
Date of appeal decision	11.01.2021

(A) Appeal Decisions	
Application No	20/00417/FUL
Location	The Wynyards Butts Lane Woodmancote Cheltenham Gloucestershire GL52 9QH
Proposal	Erection of a modular annexe
Officer recommendation	Refuse
Decision type	Delegated Decision
PINS reference	APP/G1630/D/20/3266053
PINS decision	Appeal Dismissed
Reason	<p>The main issues with this appeal were as follows:</p> <ul style="list-style-type: none"> • whether the proposal would constitute a new dwelling • the effect of the proposal on the character and appearance of the surrounding area, including the Cotswolds Area of Outstanding Natural Beauty (AONB). <p>The Inspector considered that the use of the building as 'ancillary accommodation' to The Wynyards could be suitably secured via a planning condition so it would not constitute a new dwelling. The option of enforcement action would potentially be available to the Council in the event of any breach of this condition.</p> <p>In relation to the effect of the proposal on the surrounding area, especially the AONB, the Inspector considered that it would be a structure of considerable size, and due to its prominent position it would stand out as a very obtrusive structure in this visually sensitive location. In this regard, the proposal would interrupt views of the chiefly open countryside from several nearby vantage points negatively impacting on the landscape and its scenic beauty. The existing trees and vegetation on site would only offer a limited amount of screening, such that the harm caused to the character and appearance of the area, and the AONB, would remain.</p> <p>The Inspector concluded that whilst the proposal would not constitute a new dwelling, this does not overcome the conflict with the development plan in relation to matters of character and appearance. The appeal was therefore dismissed.</p>
Date of appeal decision	15.03.2021

(A) Appeal Decisions	
Application No	19/00090/FUL
Location	Land Adjacent To Rosedale Boddington Road Boddington Cheltenham Gloucestershire GL51 0TN
Proposal	Construction of three affordable dwellings with landscaping and associated works
Officer recommendation	Refuse
Decision type	Delegated Decision
PINS reference	APP/G1630/W/20/3255200
PINS decision	Appeal Allowed Application for costs refused
Reason	<p>The appeal proposed 3no. affordable dwellings adjacent to the settlement of Staverton on a site located in the Green Belt.</p> <p>Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. An exception to this is limited affordable housing for local community needs under policies set out in the development plan. JCS policy SD12 allows affordable housing on rural exception sites subject to various provisos, including where there is clear evidence of housing need that cannot be met elsewhere.</p> <p>The Inspector found that the Housing Need Survey for Staverton Parish submitted with the planning application identified that there was sufficient evidence of a local affordable housing need that is commensurate to the scale of the proposal.</p> <p>The Inspector also considered it was unclear whether the affordable housing that is proposed to be delivered on the Strategic Allocations at South Churchdown, Innsworth, Twigworth and north west of Cheltenham would address the requirements of identified needs in the Housing Need Survey, particularly for those respondents that want to live in Staverton. Also, the Inspector found that unlike the appeal proposal, there is no indication that the affordable housing on the allocated sites would be prioritised to households with a local connection to Staverton Parish.</p> <p>The Inspector therefore considered it is much more likely that the appeal proposal would address the specific need for local affordable units identified in the Housing Need Survey compared to development on the allocated sites.</p> <p>For these reasons, the Inspector found that the proposal would comply with JCS policy SD12 in respect of rural exception sites, and also concluded the scheme would</p>

	<p>fall within the definition of exceptions to inappropriate development as set out at paragraph 145 f) of the NPPF.</p> <p>In light of this conclusion and taking account that the local planning authority cannot currently demonstrate a 5 year housing supply, the Inspector concluded that the adverse impacts of the development (including landscape impact) would not significantly and demonstrably outweigh its benefits when considered against the NPPF. In these circumstances and in light of the presumption in favour of sustainable development as set out at paragraph 11 of the NPPF, the Inspector concluded that the appeal should be allowed.</p> <p>In dismissing the Appellant's application for costs, the Inspector found that the Council had supported its reasons for refusal with evidence and had not acted unreasonably, despite the fact that he had arrived at a different conclusion on the appeal itself.</p>
Date of appeal decision	19.03.2021

(A) Appeal Decisions	
Application No	20/00029/FUL
Location	Ireley Grounds Broadway Road Winchcombe Cheltenham Gloucestershire GL54 5NY
Proposal	Demolition of outbuildings and removal of tennis courts. Sub-division of main dwellinghouse (Ireley Grounds) into two dwellings. Erection of 4 no. detached dwellings, a terrace of 3 no. cottages and associated landscaping.
Officer recommendation	Minded to Refuse
Decision type	Delegated
PINS reference	APP/G1630/W/20/3260965
PINS decision	Appeal Dismissed

Reason	<p>The Inspector considered that there was no conflict with NPPF policies regarding the proposed location, in that it would not be isolated or remote from other settlements, given its proximity to the village of Greet and Winchcombe town.</p> <p>However, the Inspector concluded that the scheme would be akin to a small housing estate in layout and design and would have a suburbanising effect which would lead to encroachment and harm to the character of the landscape of the SLA. Furthermore, the uncharacteristic development was considered by the Inspector, not to represent a natural extension to an existing pattern of development and would contrast with the openness of the site and semi-rural character of the surroundings, in conflict with Policies SD4 and SD6 of the JCS and Saved Policy LND2 of the Local Plan.</p> <p>With regards to highway safety, the Inspector concluded that, in the absence of a mechanism to clear vegetation from the visibility splays in perpetuity (the land in question does not fall within the control of the appellant), it could not be demonstrated that safe connections to the transport network could be provided and maintained, in conflict with JCS Policy INF1 and paragraph 109 of the Framework. Furthermore, there was a lack of evidence that a pedestrian crossing could be safely provided/achieved across the main highway, which had a traffic speed limit of 60mph. As such, the Inspector concluded that the development would not provide for a choice of transport modes as viable alternatives to the private car.</p>
Date of appeal decision	05.03.2020

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: Appendix 1: List of Appeals received

Appendix 1

List of Appeals Received						
Reference	Address	Description	Start Date	Appeal Procedure	Appeal Officer	Statement Due
21/00003/DECISI	Land To The North Of Tynning House Main Road Shurdington	Permission in Principle for the erection of 1 to 2 No. dwellings.	08.03.2021	W	Victoria Stone	
21/00004/DECISI	Myrtle Cottage Gretton Road Gretton	Proposed dropped kerb for creation of a new access. Erection of a garage following the demolition of the existing shed buildings	19.03.2021	W	James Lloyd	

Process Type

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