

11 January 2021

Committee	Planning
Date	Tuesday, 19 January 2021
Time of Meeting	10:00 am
<p>This is a remote meeting in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.</p> <p>Members of the public will be able to view this meeting whilst it is in session by clicking on the link that will be available on the Agenda publication page immediately prior to the commencement of the meeting.</p>	

Agenda

1. ANNOUNCEMENTS

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.

3. DECLARATIONS OF INTEREST

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

4. MINUTES

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To approve the Minutes of the meeting held on 15 December 2020.



	Item	Page(s)
5.	DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL	
	(a) 20/00446/FUL - 51 Sandycroft Road, Churchdown	22 - 31
	PROPOSAL: Erection of a single storey side and rear extensions	
	OFFICER RECOMMENDATION: Permit	
	(b) 20/00993/FUL - 26 Winston Road, Churchdown	32 - 39
	PROPOSAL: Erection of a two storey side extension	
	OFFICER RECOMMENDATION: Permit	
	(c) 20/00732/FUL - 3 Hertford Road, Bishops Cleeve	40 - 46
	PROPOSAL: Erection of a single storey side / rear extensions and front / rear dormer extensions	
	OFFICER RECOMMENDATION: Permit	
	(d) 20/01006/FUL - 34 Rosefield Crescent, Newtown	47 - 55
	PROPOSAL: Erection of a single storey rear extension	
	OFFICER RECOMMENDATION: Permit	
	(e) 20/00107/FUL - Buckland Manor Farm, Buckland	56 - 83
	PROPOSAL: Demolition of an existing agricultural workers dwelling, the erection of an open market replacement dwelling of exceptional quality design and the erection of a barn incorporating a bat roost.	
	OFFICER RECOMMENDATION: Delegated Permit	
	(f) 20/00240/FUL - Copper Close, Bushcombe Lane, Woodmancote	84 - 94
	PROPOSAL: Section 73 application for the variation of conditions 3,4,5,7 and 8 of planning permission 12/01190/FUL to allow changes to the boundary treatments and to the design and footprint of plot 1	
	OFFICER RECOMMENDATION: Permit	
6.	CURRENT APPEALS AND APPEAL DECISIONS UPDATE	95 - 99
	To consider current planning and enforcement appeals and Ministry of Housing, Communities and Local Government (MHCLG) appeal decisions.	

DATE OF NEXT MEETING
TUESDAY, 16 FEBRUARY 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, 15 December 2020 commencing at 10:00 am**

Present:

Chair
Vice Chair

Councillor J H Evetts
Councillor R D East

and Councillors:

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

PL.42 ANNOUNCEMENTS

- 42.1 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.
- 42.2 The Chair outlined the procedure for the meeting, including public speaking.

PL.43 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 43.1 An apology for absence was received from Councillor L A Gerrard. There were no substitutions for the meeting.
- 43.2 The Chair took the opportunity to remember Anna Hollaway who had been a Member of the Planning Committee but had sadly passed away. He indicated that she and her family were very much in the thoughts of the Committee.

PL.44 DECLARATIONS OF INTEREST

- 44.1 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.
- 44.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
G F Blackwell	Agenda Item 5 (b) Tree Preservation Order 404 Land	Is a Member of Churchdown Parish Council but has	Would speak and vote

	adjacent 25 Paynes Pitch	taken no part in this matter	
M L Jordan	Agenda Item 5(b) Tree Preservation Order 404 Land adjacent 25 Paynes Pitch	Is a Member of Churchdown Parish Council but has taken no part in this matter	Would speak and vote
R J G Smith	Agenda Item 5(b) Tree Preservation Order 404 – Land adjacent 25 Paynes Pitch	Is a Member of Churchdown Parish Council but has taken no part in this matter	Would speak and vote

44.3 Councillor M J Williams noted that Agenda Item 5e – 1 Down Hatherley Lane, Down Hatherley was in his Ward (Severn Vale South). There were no further declarations made on this occasion.

PL.45 MINUTES

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

PL.46 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

46.1 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.

20/00028/FUL - Part Parcel 0706, Old Pamington Road, Pamington

46.2 This application was for the formation of a biofertiliser lagoon with fenced enclosure and formation of access road with turning area.

46.3 The Planning Officer explained that the application, which was submitted in full, sought the installation of a lined and covered biofertiliser storage lagoon, bunds, fencing, associated means of access and landscaping including the removal of existing hedgerows on approximately a 0.8 hectare parcel of agricultural land to the east of the B4079. The lagoon would be used for the storage of biofertiliser produced by anaerobic digestion, including from the applicant's anaerobic digestion plant in Toddington. The application advised that the lagoon would be used by local agricultural enterprises to meet growing crops needs and during the open spreading season the fertiliser would be transferred to the adjoining land via an umbilical spreading system. The National Planning Policy Framework stated that planning policies and decisions should help create the conditions in which businesses could invest, expand and adapt and significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. In respect of the rural economy, the National Planning Policy Framework also stated that planning decisions should enable the development and diversification of agricultural and other land-based rural businesses and this lent weight in favour of the economic dimensions of sustainability as defined in the Framework. There would be some harm to the landscape arising from the proposal which was explained in the Committee report and that was a factor that weighed against the proposal in the overall planning balance, but the landscape impact was tempered by the site context, design

approach, landscape mitigation and by virtue that the application site was not identified as a 'valued' landscape in the development plan. Further to consultation with consultees, and subject to the imposition of suitable conditions, Officers considered there would be an acceptable impact relating to residential amenity, highway safety, flood risk and drainage, ecology and loss of hedgerows/vegetation. It was therefore concluded that the proposed development was generally supported in principle by the National Planning Policy Framework. Whilst there would be some impacts on the area, as identified, it was considered that the benefits of the proposal outweighed the harm and the application was therefore recommended for permission.

- 46.4 The Chair invited a representative of the applicant to address the Committee. He indicated that it was his role, as a senior manager in the business, to assist with the management of the company's waste treatment sites and national biofertilizer management operations, the latter of which was particularly relevant to the application before the Committee today. The representative thanked all of the relevant departments, regulators and the local community who had both commented and taken an interest in the proposal and expressed his gratitude to everyone including his company who demonstrated an ongoing commitment to local and national sustainability projects like the one before the Committee today. Whilst he acknowledged that the process to date had been a bit drawn out, he stressed that his company was completely sympathetic to peoples thoughts and concerns, however, it was felt strongly that this site was perfect for the development given the rural location and the direct access to the land where the biofertiliser would be applied. In addition, with only several campaigns operating each year, only minimal disruption would be created. The operation also worked within a closed environment with all mechanised parts and pumps situated on the lorries and not permanently aligned with the site. Over the last year, issues had been noted with fly tipping at the entrance to the site so the applicant offered complete commitment to the safety and security of the site, ensuring that any illegal activity in that regard was quashed. There would be complete commitment to high standards and landscaping and environmental and ecological improvement and diversity was at the core of what the business was all about. The applicant indicated that he could confidently and proudly reiterate that the company shared a common goal of focussing business efforts towards enhancing the environment, strengthening the economy and social wellbeing as a community. The planning application had been collated and submitted to develop a storage facility for liquid biofertiliser produced and certified by a local award-winning anaerobic digestion facility operator. As a company it currently managed approximately 600,000 tonnes of biofertiliser in both liquid and solid form with operations including the transportation, storage and spreading of biofertilisers. The other storage lagoons it had developed and operated mirrored the format and high standard of the one relating to the current application. Biofertilisers had been used in farming for over a hundred years and modern applications offered benefits of enhanced treatment, high levels of readily available nitrogen, trace elements and importantly organic matter. Soil health globally and locally was entering a state of emergency with desertification being a very real problem with over 50% of global topsoil's being depleted over the last 150 years. Restoring soil lost by erosion was an extremely moderate process and it could take 500 years for 2.5cm of soil to shape which, again, reiterated the need for biofertiliser application on our soils.

46.5 One of the local Member's for the application site noted that there had been quite a lot of objections from the local community particularly relating to odour, highway and environmental issues. She indicated that she wished to go through a few points detailed in the Committee report and check that sufficient conditions would be applied to the application should it be permitted. In particular, she wished to be assured of the ongoing commitment to maintaining this site in accordance with the Environment Agency requirements. She indicated that there were major concerns about contamination and runoff which could affect the habitat of the Great Crested Newts which were in the locality and were a protected species; it was feared that any water runoff would go into the local surrounding landscape. She referred to Page No. 33 of the Committee report which detailed the comments of the Environment Agency and particularly highlighted Paragraph 4.12 in relation to the containment lagoons and the development complying fully with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013; Paragraph 4.13 which recommended that a comprehensive Construction Quality Assurance Plan (CQA) be submitted to the authority based on the design considerations presented by a Structural Engineer; Paragraph 4.14 which recommended that the lagoons containing biologically degradable material would require an under drainage layer and sump and Paragraph 4.15 which recommended that consideration be given to provision of effective escape routes in the event a person fell into the lagoon. She questioned whether all these matters had been covered in the application together with the necessary maintenance going forward. In Paragraph 4.16, the Environment Agency was asking for prior notification of any new, reconstructed or enlarged slurry store, silage clamp or fuel stores and the Council's own Landscape Officer had concerns about the visual impact of the bund with a 2.4m fence on top and was suggesting that this should be controlled by planning condition. The Member noted that the application was being recommended for permit, as opposed to a delegated permit, and questioned whether sufficient conditions had been applied to ensure it would have minimal visual impact. She referred to previous instances where fencing had been put up after the event and it had not always looked good, therefore she required assurances that this would be adequately covered in the conditions applied to this application. She sought assurance that properties would not be affected by odour, she could see from the report that Teddington and Oxenton Villages had been considered but there were other isolated settlements along the A435 which included the travelling showmen's site and she wished to check that this development had been included in the assessment as to whether it could potentially be affected by odour from this application site. The Planning Officer indicated that, in terms of the Environment Agency comments, the proposal would be managed and had to be developed in accordance with the SSAFO Regulations 2010 and 2013 therefore the applicant had to comply with those standards. In terms of Paragraph 4.13, this related to earth banked lagoons where the banks were raised above ground level and the embankment slope was steeper than 1 in 2.5 but as the embankment structure in respect of this application would not exceed the 1 in 2.5 depth slope there was no requirement for a CQA; it was the case that the geo membrane light liners proposed were fairly robust and would be regularly inspected by the applicant and the application included, in the design and access statement, a leak detection system that would be put in place. However, ultimately should a leak occur, it would be a matter for the Environment Agency and Environmental Health to deal with and the Environment Agency would oversee the management under the SSAFO Regulations. In terms of odour impact on neighbouring properties, Environmental Health had been consulted on the application and was satisfied that there would not be any unacceptable impact on residents; that was not to say that there would not be some odour particularly when spreading was taking place but as this was an agricultural activity in any event it was not considered that the application would result in an adverse impact on receptors. In terms of the point on

fencing, it was recommended that a condition be imposed to control the details of the fencing. The Development Manager referred to the local Member's reference to a travelling showmen's site and clarified that the development to which she referred was in fact a gypsy site that had recently been granted planning permission and, although not shown on the plans, it was no nearer to the application site than other developments that had been assessed and found to be acceptable in terms of impact from this application. Further assurance was sought that the lagoon would only be used for bio mass waste and the Planning Officer stated that the application was for a biofertilizer lagoon for treated waste and that was the basis on which the application had been considered and would be determined.

- 46.6 It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. In seconding the motion the Member compared the application to how food waste was dealt with as he understood that there was a lagoon at Wingmoor Farm where the bi-product of the gas creation was stored before it was shipped out to various farms. In debating the motion one of the local Member's referred to the lagoon at Wingmoor Farm and the problems with odour, not only for those living in the local area but also for miles around. It was her view that the application site was not the right place for this lagoon as it would impact on local villages and there was also a potential impact on the Garden Town which would be coming forward in the future. She was not convinced that ongoing maintenance would ensure there would not be any contamination from runoff into the surrounding landscape and on that basis she could not support the application. Another Member referred to a similar lagoon in his village and explained that before the content was pumped onto the land, a tractor was used like a whisk to stir it up, this process went on for about 18 hours and created a smell in the village albeit something that the village was used to this would not be the case in the areas affected by this proposal and potential growth areas such as the Garden Town. Another Member referred to gas leakage from the lagoon and queried whether it would be covered to combat odours. The Planning Officer confirmed that there would be a floating cover coloured black to minimise the impact on the landscape. In terms of gas leakage another Member referred to Paragraph 4.14 of the Officer report which contained a comment from the Environment Agency as follows: "All geomembrane liners are susceptible to leakage which may allow biologically degradable material under the lagoon liner. Anaerobic conditions evolve gas which inflates the liner and allows more liquid to leak, generating more gas and further inflation of the liner until failure occurs. Therefore we recommend that lagoons containing biologically degradable material will require an under drainage layer and sump to allow collection of any leaked liquid and a system to vent any small quantities of gas evolved." On this basis she asked whether there was a condition attached that covered this recommendation from the Environment Agency. The Planning Officer indicated that currently there was not a condition specifically requesting those details, although the applicant had indicated that protection systems would be put in place so it would be possible to add a condition asking for the exact details but this would also be part of the role of the Environment Agency. The Chair enquired as to why such a condition had not been included and the Planning Officer indicated that, as the proposal would have to be developed in accordance with the Environment Agency guidelines, it was almost a double regulation but it was a condition that could be imposed to give the authority more certainty. One of the local Member's reiterated that this was her concern with this application as she did not feel that the conditions were robust enough to cover all of the issues that had been raised in the report in particular in relation to ongoing maintenance, and on that basis she could not support the application which she believed would have a fundamental affect on the area which abutted the Area of Outstanding Natural Beauty (AONB). She maintained that the conditions should cover all of the points raised by the Environment Agency on Page No. 33 of the report and also that of the Council's Landscape Officer to ensure that there were sufficient conditions that covered any eventuality of rainwater runoff that could

contaminate the local area and surrounding landscape. The Development Manager indicated that in terms of the issues raised by the Environment Agency set in Paragraphs 4.12 to 4.16 with the absence of the gradient of the bund and also the surface water runoff it was possible to look at the conditions to make sure that the planning permission would address the issues raised. He indicated that the view had been taken that those matters should be addressed through the legislation but he understood Members desire for greater certainty. He indicated that it would be an option for the Committee to delegate authority to him to make sure all those points were addressed by conditions and if he felt that this could not be achieved then the application would be brought back to Committee. The proposer and seconder of the motion to permit indicated that they were prepared to amend their motion to a delegated permit in order to encapsulate the conditions discussed. Further concern was expressed about the risk of pollution and damage to the environment due to inadequate monitoring and the Development Manager indicated that he was sure the local community and Members would be monitoring the situation and any concerns would be raised with the proper authorities to ensure the site was operated in the right way. Upon being put to the vote, it was

RESOLVED That permission be **DELEGATED** to the Development Manager subject to conditions being added to ensure the requirements of the Environment Agency are met as set out in Paragraphs 4.12 to 4.16 of the Officer report with the exception of conditions in relation to the gradient as the embankment slope was proposed to be less than the 1 in 2.5 gradient requiring a CQA Plan and surface water runoff.

20/00270/FUL - Overton Farm, Maisemore

- 46.7 This was a retrospective application for the erection of a cement storage silo at Overton Farm in Maisemore.
- 46.8 The Planning Officer advised that the application was for the retention of a silo. The silo was a cream coloured vertical steel tank 10.6 metres in height and was located in the utilities depot. The supporting statement had set out that the silo was essential to the applicant's trenching works to allow storage of cement at the site and to run a volumetric concrete lorry to supply concrete for the trenching works. A Committee decision was required as the Parish Council had objected on the grounds that there was an unacceptable visual intrusion into the landscape. Due to those concerns, a landscape assessment had been requested and submitted on 13 August. The landscape assessment stated that, although sited on a hill, the silo was located within an active established utilities depot and close to large scale agricultural buildings, where agricultural silos of similar scale and appearance were an accepted part of the farming landscape. The Council's Landscape Officer had been consulted and had concluded that, whilst there were clearly some views of the silo from points in the surrounding countryside, the impact on landscape character was minimal and the visual effect was restricted to glimpsed, filtered or longer distance views and did not significantly detract from the largely rural setting of the site. In terms of residential amenity, the nearest property was Woodcroft Cottage but due to the topography of the site and screening it was not considered that this property would be unduly affected by the application. Environmental Health had been consulted and following a request for further information was satisfied that there would be no undue impact. Overall, it was considered that the benefits the silo would bring to the efficient operation of the utilities depot would outweigh the harm to the landscape in this case and the recommendation was to permit.

46.9 The Chair invited the applicant's agent to address the Committee. She advised that the application was for a small but important item of plant to assist with the operation of the utilities depot at Overton Farm. The applicant had been based at Overton for over a decade and in that time had grown considerably now being a significant employer with over 400 staff members. The company was very conscious, not just of its role as a significant local employer, but also being a good neighbour in the local community and was active in sponsoring and providing assistance to local groups. The applicant took pride in ensuring his site operated to the highest standards and had undertaken extensive landscaping and improved site drainage works around the site. The company continued to grow and develop the business remaining conscious of the need for resilience in what was an essential industry, hence the need for the cement silo. The silo would allow the company greater flexibility in undertaking its streetworks and meant it would be able to use its own volumetric trucks avoiding using third party concrete plants which regularly did not work timewise in terms of getting concrete delivered when it was needed – this would mean the company would be able to undertake quicker and more efficient works thus minimising the duration of any roadworks. The silo was a simple structure comparable to agricultural silos and, although it was 10 metres high, it was a very slim structure with a diameter of only three metres. It sat in the middle of an extensive yard with various buildings and activities all around and was not something you would notice as you drove past the site on a day to day basis. In addition, there were a number of mature trees which were the features in the landscape that drew your eye, and there was a considerable amount of maturing landscape which screened the depot and the silo and this would only grow and hide the depot further.

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

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

20/00182/FUL - 12 Sandown Road, Bishops Cleeve

46.11 This application was for the erection of a single storey rear extension and retention of front porch.

46.12 The Planning Officer explained that a Committee determination was required as the Parish Council had objected on the grounds that the porch was out of keeping with the dwelling itself and with neighbouring properties. The Parish Council's concerns had been noted; however, there were other similar porches along the road and on the housing estate, and a slightly smaller porch would also fall within permitted development. In addition, the applicant could have rendered the dwelling without permission so, overall, the proposal was considered to be of an acceptable size and design with no harm to the existing street scene.

46.13 The Chair indicated that there were no public speakers for this item and the Officer recommendation was to permit the application. In proposing the Officer recommendation one of the local Member's indicated that, whilst the Parish Council had objected, a similar porch had been constructed three doors down from this application site and also, around the corner in Hardy Road, alterations involving the windows being changed and a porch added had been undertaken under permitted development rights. The other local Member for the area seconded the motion and it was

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

19/00594/FUL - 1 Down Hatherley Lane, Down Hatherley

- 46.14 This application was for a variation of condition 2 (approved plan schedule) of application 19/00006/FUL for alterations to elevations and floor plans to allow for provision of a first floor and alterations to fenestration.
- 46.15 The Planning Officer explained that the application related to No. 1 Down Hatherley Lane which was located along the southern side of the lane in Down Hatherley. The site comprised a semi-detached two storey dwelling with a pitched roof and was bound by residential properties to the north, east and south. Currently to the west of the site lay agricultural land; however, this formed part of the strategic allocation A1 Innsworth and Twigworth in the Joint Core Strategy and was shown to be housing and related infrastructure in the Joint Core Strategy indicative site layout proposal map. Planning permission at the site had been granted at the Planning Committee in April 2019 for the erection of a detached dwelling and associated works – planning reference 19/00006/FUL – and whilst that permission had not been implemented it was still extant. The application proposed changes to the design and scale of the dwelling as approved and had been submitted under Section 73 of the Town and Country Planning Act 1990 to vary condition 2 of the original permission so as to amend the list of approved drawing numbers. The principal change from the approved scheme was the introduction of first floor accommodation to provide two bedrooms and a bathroom and, to facilitate the first floor accommodation, the ridge height of the eastern gable would increase by 0.9 metres with the depth increasing by 0.5 metres. In addition, two pitched dormer windows were proposed in replacement of two roof lights on the west facing roof slope. The overall length and eaves height of the dwelling would remain as approved. In terms of siting, the dwelling would not be located any closer to the boundaries. An assessment of the material considerations could be found at Pages No. 80-82 of the Officer's report and, as set out in the report, the principle of the erection of a single dwelling at the site had already been established through the grant of full planning permission. Officers considered the changes to the design and scale of the dwelling as approved were acceptable, and accordingly it was recommended that the planning permission should be granted subject to the suggested conditions set out at Pages No. 83-85 of the Officer's report.
- 46.16 The Chair invited an objector to address the Committee. The objector indicated that he was the owner of the neighbouring property most affected by the application. The Parish Council had also objected and the property was on land outside of the Council's planning strategy; despite all of that the concerns appeared to be overridden in favour of the developer. The objector was of the view that this should be a full application rather than an amendment and it should not have been processed under Section 73 of the Town and Country Planning Act as it must not be used where there was a material change to the application and material included impact on neighbouring property. A change from one to two storeys and removal of the privacy of a neighbouring property were, by definition, material. He explained that he was objecting to the amendment to two storeys because a two storey house alongside his bungalow would remove the privacy in his rear garden and overbear his property by its size and presence. In her submission supporting the original approval, the Planning Officer had used the fact that the property was single storey as a supporting factor in making the impact on the surrounding property acceptable. That reasoning now seemed to have changed with the only consideration being light rather than overlooking. The length of the proposed property was 13 metres but, as the plot on Google Earth was approximately 17.9 metres, there would be a gap to each boundary of around two metres; this would have a massive impact on The Haven as, from the upper storey, the whole of The Haven's garden would be fully visible and the property would have imposed on it a building site a mere two metres away. The objector was of the view that the diagrammatic representation was fanciful as it was a congested

plot with three massive conifers on the east boundary line with trunks in the neighbouring property. It was not apparent whether this was a self-build and this was important as it should be reflected in the planning conditions. By definition, self-builds happened in the evening and weekends which would spoil the leisure of the neighbouring property and could result in an indefinite build period. The objector asked that the application be rejected because of the unacceptable impact on his property, the loss of privacy and the right to enjoy that property.

- 46.17 A Member explained why he could not support this application which were for the same reasons he had been unable to support the original application and had been well documented at that time. It had been his view, and he remained of that opinion, that this was piecemeal development of what was a bigger A1 strategic site which should be considered as a whole. Another Member referred to the concerns raised by the objector in relation to construction times and questioned whether it was possible to add a condition restricting the times during the day and weekends that construction could take place. The Planning Officer indicated that this was something that could be done although it was not general practice in circumstances such as these in terms of a single plot; someone could build a garage in their back garden under permitted development rights with no restriction on construction times and any resulting noise nuisance would be dealt with under different legislation. Equally, given the close proximity of this development to the neighbouring property it was possible to add a condition restricting construction hours. She suggested, and the Member agreed, that the hours 8am – 6pm Monday to Friday and 8am to 1pm on Saturday were in line with the norm and could be added to the conditions should the development be permitted. Another Member referred to the plans for the development and particularly the dormer windows which appeared to him to look out over open fields. He indicated that the objector had been very concerned about overlooking and he queried whether this would be the case. He maintained that if the objector lived at the Haven he could not see from the plans how this property would be overlooked although he acknowledged that the development would have an impact on the Haven. The Planning Officer confirmed the Member's understanding and drew attention to the site layout plan which showed where the windows would be in relation to the neighbouring properties. She confirmed that the objector lived at the Haven and with the aid of the plan she demonstrated that the dormer windows of the development would look out to the west overlooking the garden of the proposed development whilst the Haven was situated to the south of the development. There were two roof lights proposed on the rear elevation to the east and to prevent any overlooking of the property known as Applegarth, a condition was proposed to secure obscure glazing with limited opening. There were no windows on the south elevation that would overlook the Haven although potentially the dormer windows could look over the rear garden of that property but that type of linear positioning was not uncommon for residential development. The Member reminded the Committee that a permission for development on this site already existed and he proposed that the application be permitted in accordance with the Officer recommendation. The proposal was seconded. A discussion took place on the need to ensure that no further openings would be permitted under permitted development rights on the east elevation roof of the development in order to protect the amenity of Applegarth and the Planning Officer confirmed an additional condition to be added which would restrict such permitted development rights beyond the proposed two roof lights on the east elevation only.

46.18 During the discussion which ensued, a Member stated that whilst, she appreciated that a permission had already been granted for development on this plot, she was of the view that the changes to the original plans which were approved were substantial and she had a great deal of sympathy with the objector and the occupants of the surrounding houses. These houses were not at this point in time part of a linear development and neither did they want them to be; the addition of another floor to this development would greatly impact upon their lives and for these reasons she could not support this development. A Member referred to the debate that had taken place earlier concerning the addition of a condition restricting the hours of construction and sought clarification as to whether this was feasible bearing in mind the relaxation of construction hours put in place by the government in response to COVID-19 as he was aware that this had happened in respect of the development taking place at Innsworth. The Development Manager confirmed that there was now an application process in place which developers could go through which allowed for the loosening of construction times imposed by planning conditions. Nevertheless, if the Committee felt that it was necessary to put a condition on this development restricting construction times for the reasons explained earlier he felt that any loosening of such a condition would be resisted. However, he was mindful of the fact that a planning permission already existed on this plot without such a condition and therefore he questioned whether it would be reasonable to impose such a restriction for these revised proposals. In his view it was a moot point as to whether the changes were substantial in their entirety but, in terms of the construction phase, it was probably not substantially different in terms of the amount of time it would take to construct the dwelling so whilst it was possible to add a condition restricting construction times he questioned whether it would be reasonable in the absence of a restriction on the existing planning permission. The Member who had suggested the construction hours restriction indicated that she had been going to check whether the motion that had been proposed and seconded included the restriction on construction; she was of the view that as the original approved proposal was single storey and the application now in front of the Committee was two storey there would be considerable additional construction works resulting from the addition of a first floor and a condition to cover this should be added if at all possible. Another Member referred to the debate on removing permitted development rights for any further openings on the east elevation of the development to protect the amenity rights of Applegarth and queried whether permitted development rights should be removed for any openings on the south side of the development to protect the amenity rights of the Haven. The Development Manager stated that this was a matter for Members judgement should they wish to see a restriction in permitted development rights for the east and south elevations in respect of openings this was certainly something which could be included if Members considered this to be reasonable. The proposer and seconder indicated that they were happy to include within their motion the addition of conditions on restricted construction hours and the removal of permitted development rights for any openings on the south elevation of the dwelling and no further openings on the east elevation.

46.19 Upon being put to the vote, it was

RESOLVED

That, subject to the addition of a condition restricting construction times to 8am to 6pm Monday to Friday and 8am to 1pm on Saturday and the removal of permitted development rights for any openings on the south elevation and any additional openings on the east elevation, the application be **PERMITTED** in accordance with the Officer recommendation.

20/00598/FUL - Land Adjacent Springbank, Old Road, Southam

- 46.20 This application was for the proposed erection of a single dwelling, associated parking and landscaping.
- 46.21 The Planning Officer explained that the application related to a parcel of land adjacent to the property known as Springbank which was located along the eastern side of Old Road in Southam. The site comprised of an area of sloping lawn which currently formed the side garden of the host dwelling. The site was bound by residential properties to the north and south and by Cleeve Hill Road to the east beyond the existing fence and hedge. The site was located within the Green Belt and the Cotswolds Area of Outstanding Natural Beauty. The application had been submitted in full and sought permission for the construction of a detached dwelling and associated parking and landscaping. The proposed dwelling would be located centrally on the plot in alignment with the host dwelling. The dwelling would appear two storey in height from the front elevation, though, due to the sloped nature of the site, the accommodation would be arranged over three floors. Planning permission had been granted in April 2020 for the erection of a single storey front extension and the construction of new dormer windows and roof lights to the host dwelling, Springbank. Those works had not yet commenced but the applicant intended to construct the new dwelling and carry out the approved extensions/alterations to Springbank at the same time therefore the new dwelling had been designed so as to reflect and compliment the scale, appearance and character of the host dwelling through the extensions and alterations. An assessment of the material considerations could be found on Pages 94 - 101 of the Officer's report. As set out in the report, Officers had identified no adverse impact of granting planning permission, therefore, in accordance with Paragraph 11 of the National Planning Policy Framework, the presumption in favour of sustainable development indicated that planning permission be granted. As detailed in the additional representations sheet, since writing the Committee report County Highways had reviewed the revised site layout plan which demonstrated the proposed visibility splays and had confirmed that they had no objections subject to conditions. On this basis the recommendation for delegated permit had been changed to permit with three additional conditions and informative notes as recommended by County Highways. The additional conditions and notes were listed in the additional representations sheet.
- 46.22 The Chair invited an objector to address the Committee. He advised that the photographs in the presentation which accompanied the Officer's report clearly showed the windows of Oaklands overlooking the site and demonstrated the loss of light that his family home would suffer from the proposed new dwelling. The proposal was to cram a new home into one end of the Springbank site, 10 metres from the windows serving Oaklands' primary living spaces – which was only 5-6 metres from the boundary. The section plan which accompanied the application, showed a flat level section but this was in fact not the case. As per the objector's letter of 7 October, the section drawing did not accurately represent the relationship between the dwellings, in particular the 25 degree line, and the impact on the living conditions and amenity afforded by Oaklands. This was due to the sloping nature of the site and the non-uniform ground floor levels of Oaklands. Nor did the plan reflect that site levels on the Oaklands/Dipping Well boundary differed by nearly four metres across the east-west axis which could be clearly seen in the Planning Officer's presentation. The plans for the proposed dwelling therefore did not reflect the overbearing awareness of the proposed building – as viewed from the garden and primary living spaces of Oaklands – which would result in the enjoyment of his home and garden being unacceptably impaired. As could be seen clearly from the plans, the first floor windows of Oaklands would overlook the garden in the proposed dwelling, and the proposed solution of subdividing the garden to provide a 'private amenity space' both acknowledged the issue and was a nonsense as it

would be unreasonable not to expect future occupiers to seek to remove. Again, the distance to the proposed dwelling was only 10 metres and this seemed contrary to the Council's own policy (SWDP21) which required that new developments should provide an adequate level of privacy. In addition, the rear windows of the proposed dwelling would overlook the south-east corner of Oaklands' private garden leading to a loss of privacy in the family's main outdoor space. The proposed development was within designated Green Belt and its right-angle orientation to Oaklands and Dipping Well, and proximity to Oaklands, as well as its cramped relationship to the existing dwellings meant that it was clearly not well-related to its neighbours and nor was it consistent with the spacious appearance of the surrounding area. The Parish Council objection used the term 'overdevelopment' and the objector felt this was an appropriate term in this case. The objector noted that Southam seemed to lack the basic facilities which would meet the definition of a village or service village as per the Joint Core Strategy and therefore it did not seem justifiable that the proposal should be viewed as 'infilling in villages' and the objector requested that the Committee did not grant permission to the proposal.

- 46.23 The Chair invited the applicant's agent to address the Committee. He explained that the Officer's report clearly set out that the principle of development in the location was considered acceptable in planning policy terms as the proposal represented infilling within a village as set out in Policy SD10 of the Joint Core Strategy. There was no doubt that the application was proposed on an underdeveloped plot which was well related to the existing built development. The application site was bound by residential development to the north, south and west and, although it was within the Green Belt, Paragraph 145 of the National Planning Policy Framework supported limited infilling in villages. Southam was definitely a village which even had its own village hall that benefited the community. Neighbouring concerns had been raised in relation to the potential impact on privacy of garden space of the new dwelling with potential overlooking from the Oaklands property so minor revisions had been made to include a fence and gate to the rear garden of the new house to reduce any perceived impact on privacy and to ensure there were no direct views into the private space by the rear patio doors. The objectors had raised further concerns that the occupants of the new house could choose to remove the fence but it was felt that someone wanting to impact on their own privacy in that way was nonsensical. The section drawing disproved the concerns regarding the perceived overbearing impact on Oaklands and demonstrated that the gable wall would only appear the same as that of a single storey dwelling when viewed from Oaklands. Furthermore, the gable wall was some 12 metres away from the rear windows of Oaklands which was very common place in housing developments. Although it was accepted that there would be some minor overshadowing of the extremities of the neighbours gardens at particular times of the day, that harm would not unduly affect the occupiers of the neighbouring properties. Overall, the supporter believed that the scheme proposals were in accordance with both the National Planning Policy Framework and local planning policy and it constituted a sustainable form of development and should therefore be supported and the Officer's recommendation for approval endorsed.
- 46.24 A Member indicated that looking at the plans for the lower ground floor it appeared to show that the only windows were to the lounge and bedroom and she wished to check that this was correct as it meant that there was a plant store utility room, bathroom and main hallway without any natural light coming through. The Planning Officer confirmed that the Member's interpretation of the plans was correct and explained that it was to do with the ground levels and in particular the lower ground level to the rear being dug into the ground so that there was no natural light. The Member then referred to the fact that on the previous application for development on this site permitted development rights had been removed for additional windows and whilst she appreciated this was not relevant to the lower ground level it was relevant to the upper ground floor and first floor particularly as the objector was

concerned about the loss of privacy. She questioned whether it was possible to remove permitted development rights for windows on the north elevation. The Planning Officer stated that although no openings were shown on the revised plans for the north elevation it would be possible to include the removal of permitted development rights for openings on the north elevation should permission for the development be granted. It was proposed that the application be permitted with the addition of the conditions suggested by County Highways and the removal of permitted development rights for openings on the north elevation and, upon being put to the vote, it was

RESOLVED That, subject to the addition of the conditions suggested by County Highways and the removal of permitted development rights for openings on the north elevation, the application be **PERMITTED** in accordance with the Officer report.

Tree Preservation Order 404 - Land Adjacent 25 Paynes Pitch

- 46.25 The Committee was asked to confirm Tree Preservation Order 404 without modification.
- 46.26 The Tree Officer explained that the proposal related to an emergency Tree Preservation Order that was served to protect a row of trees between 25 Paynes Pitch and Dunstan Glen. The emergency Tree Preservation Order was served due to the felling of nearly all the mature trees within 25 Paynes Pitch and subsequent concerns that the row of trees in question may also be under threat of being removed. The trees were clearly visible to the public and had high amenity value that contributed to the street scene. A planning application had since been received which showed a proposed entrance going through the row of protected trees and confirmation of the Order would ensure that the trees were a material consideration throughout the planning application process. For these reasons it was recommended that the Tree Preservation Order 404 be confirmed without modification.
- 46.27 The Chair invited an objector to address the Committee. The objector, who was a Chartered Arboriculturist and a Professional Member of the Arboricultural Association, felt that the decision of whether to confirm the Tree Preservation Order was completely separate from any planning application issues relating to the adjacent land and the key issue at stake was whether each of the trees was really worthy of a Tree Preservation Order. He believed that the trees, in most cases, were not good enough and provided examples that there was an ash tree that had been severely lopped and topped in the past so that it was now misshapen and, in addition, it had been inspected earlier in the year and had shown symptoms of ash-dieback disease which was likely to prove fatal; there was a large leyland cypress tree which was quite clearly outgrowing its available space and was going to get a lot bigger relatively quickly; and there were young self-set sycamore and ash trees which had grown up close to one another and were relatively tall and thin which only had short-term viability. In his professional opinion, there was only one tree that just might merit a Tree Preservation Order and that was a medium sized sycamore that had previously been topped and whose three main limbs were stitched together by an old and taut system of supporting cables. The objector asked that Members be mindful of several considerations: whether a Tree Preservation Order was necessary at all, especially given that the trees were all outside of the curtilage of 25 Paynes Pitch so were not under any immediate threat, and, even though there was a planning application pending determination, the Council could achieve effective tree retention through the normal planning processes either via collaboration or conditions; also, whether it would be reasonable to refuse a future Tree Preservation Order application to fell some of those low quality trees and whether such a decision could be justified to the Planning Inspectorate. He asked Members

to either not confirm the Tree Preservation Order or to give serious consideration to ensuring that it was confirmed with modifications so that it only applied to the trees that were of good enough quality.

- 46.28 The Chair invited a supporter to address the meeting. The supporter began by endorsing the report of the Tree Officer which represented the thoughts of residents in a clear and concise manner. He went on to advise that he was addressing the Committee as a spokesperson for the residents of Dunstan Glen, Churchdown, the wider village community and the two Tree Wardens who all wished to see the retention of the Tree Preservation Order. The area of the Tree Preservation Order formed the boundary of the adjacent property of 25 Paynes Pitch known as Dunstan Lodge. In early July, developers had moved onto the Dunstan Lodge curtilage and felled all the trees which were not in a Conservation Area and were without Tree Preservation Order status. Contact was made with Tewkesbury Borough Council and within a week Tree Preservation Order 404 was placed upon the trees and hedgerow area – it was established because of the perceived risk of the trees being felled and the hedgerow being ‘grubbed out’ by developers. Within another week an objection was placed on the Order by the developers of Dunstan Lodge. In early November, the developers applied for full residential planning permission for Dunstan Lodge. In documents contained within the planning submission, the developers stated that the southern boundary fence between Dunstan Lodge and Dunstan Glen would be totally removed and that the land containing Tree Preservation Order 404 be incorporated within their development plans. In their submissions, the perceived risk had now become reality and it stated that the cypress and ash trees would be felled and 70% of the hedgerow grubbed out. The area of land serving Tree Preservation Order 404 had been managed by the residents of Dunstan Glen since 1985. The objector referred to the Secretary of State’s document ‘Tree Preservation Order Applications’ which stated that “in the Secretary of State’s view, Tree Preservation Orders should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. The trees, or at least part of them, should therefore normally be visible from a public place, such as a road or footpath. The benefit may be present or future; trees may be worthy of preservation for their intrinsic beauty or for their contribution to the landscape or because they served to screen an eyesore or future development. Other factors, such as importance as a wildlife habitat, may be taken into account”. His view was that Tree Preservation Order 404 met all of those criteria and as such the existing Order should be retained until a proper planning application could be debated, voted upon and approved to ensure the long term survival of the vast majority of the existing trees and that the site was ultimately developed responsibly.
- 46.29 In proposing the Officer recommendation, a local Member indicated that, whilst the trees may not look particularly attractive to the outside world, they were very important to the residents of Churchdown, they had been there for a number of years and represented a landscape which the community wished to keep before it was taken away by developers. The Development Manager indicated that it had just been brought to his attention that a minor modification to the Order would be required. He indicated that it was a technical matter required by the legislation in that the Order needed to specify the number of trees of each species when it was a group Tree Preservation Order as was the case in this instance. He therefore suggested a slight change to the recommendation to confirm Tree Preservation Order 404 with modification to allow the Order to be updated to take account of this legislative requirement, but this would not change the overall effect of the recommendation. The proposer of the motion indicated that she was happy to accommodate this change within her proposal and this was seconded. The seconder of the motion went on to refer to instances within his own ward where he believed that hedgerow and trees subject to Tree Preservation Orders had been damaged deliberately by developers so that they could be removed; he questioned

how confident Officers were that this would not happen in this instance. The Development Manager stated that he was as confident as he ever could be in these situations; a Tree Preservation Order was a serious matter and it was an offence to wilfully undertake works to destroy trees that were subject to an Order and he hoped that a developer would do nothing to upset this. In this particular instance the land was not within the control of the developer who had submitted the neighbouring planning application so, again, he hoped that this would provide some assurance to Members. Another Member questioned what the objector had said in relation to one of the trees subject to the Tree Preservation Order being a leylandii tree as he understood that such species could not be the subject of a Tree Preservation Order and if it was he could not understand why the Council would wish to preserve one of these trees. The Tree Officer explained that the emergency Tree Preservation Order had been placed on the whole group of trees because of the visual amenity provided by the group of trees as a whole. Another Member indicated in a similar vein that the objector had referred to the group of trees including Ash Trees and had suggested that they were showing symptoms of Ash-Dieback disease; he had had such trees on his land bordering the A46 and had been asked to remove them for safety reasons. On this basis he was concerned that the Committee was being asked to preserve a group of trees, that included diseased trees amongst them, which were not worthy of retention. The Development Manager indicated that, in terms of the point made about the leylandii, it was his view that as an individual tree and species it would not normally be protected but where it formed part of a group that had value as a group then it would be appropriate to do so. In terms of trees showing symptoms of Ash-Dieback the Development Manager was not aware of any particular trees being at risk at this particular time but should any trees reach the position that they presented a danger the Tree Preservation legislation allowed for works to be carried out to make them safe and should it be necessary to take them down to achieve this then again this was covered by the legislation without prejudice to the owner of the trees. Another Member expressed concern about preserving a group of trees that included leylandii as they were known to grow extremely quickly and to a great height. On this basis it was proposed that this item be deferred to allow the Committee to have a good look at what trees were included in the group as the Committee papers simply referred to a group of trees. The Committee had been told by an expert, who had detailed his qualification, that many of the trees in this group were not worth preserving and he wondered whether the Tree Preservation Order system was being used inappropriately to place barriers in the path of the property developer and manoeuvre the process in an unacceptable manner. The proposal to defer this application was seconded. At the invitation of the Development Manager the Tree Officer explained the implications of deferring the confirmation of the Order in that a Tree Preservation Order once made had to be confirmed within six months and if the Order was not confirmed at today's meeting then it ran out on 17 January 2021 and after that date the trees would no longer be protected. The proposer of the deferral motion expressed concerns about this matter not having been brought before the Committee earlier rather than being left until the eleventh hour and putting pressure on the Committee to make a decision. The Development Manager stressed that it was not the intention to put pressure on the Committee to make a decision but just to set out the facts and advise Members of what the implications of a deferral might be; the Committee was at liberty to make whatever decision it so wished but it needed to do so being aware of all of the facts and implications. The Chair sought to clarify the position in relation to his understanding that the confirmation was merely pending an application when the applicant could apply to remove some of the trees as part of the application and this was simply a mechanism to ensure that the whole group of trees were protected pending consideration of a planning application which he felt was a sensible thing to do. The Tree Officer clarified that a Tree Preservation Order did not prevent planning permission being granted but the local planning authority considered the risk to protected trees when deciding upon planning applications. Once detailed

planning consent was granted felling which was directly required to enable the development to go ahead may then be carried out. The emergency Tree Preservation Order was put in place because some felling had already taken place, confirmation of the Tree Preservation Order would mean that the trees would be a material consideration when the planning application was considered and in the meantime would afford the trees some protection. The proposer of the motion to defer indicated that he was more concerned about abuse of the Tree Preservation Order system by trying to protect trees, which an arboriculturist expert had stated were not worthy of protection, in order to achieve gains in some other direction. The Legal Advisor addressed the point about abuse of the system quoting from government guidance in relation to group trees protection which explicitly provided that “the group category should be used to protect groups of trees where the individual category would not be appropriate and the group’s overall impact and quality merits the protection”. Therefore the fact that there were particular trees that in themselves would not merit an individual Tree Preservation Order meant that this group way of protecting the trees was the legitimate way to deal with this matter. Should the trees be removed because they do not have any protection then they would not be a material consideration in the planning process as they would simply no longer be there. During the debate on the motion for deferral, one of the local Churchdown Member’s felt that it would be useful to give the Committee some insight into the setting of Dunstan Lodge which was a period property that was being demolished; all of the greenery on the site was well established albeit that it incorporated some less worthy trees they were part of the visual amenity as a whole. She stressed that the impact that these trees had on the area was absolutely priceless; Churchdown was a rural environment that was rapidly losing its rural nature and every effort should be made to preserve as much greenery and trees as possible especially in the light of the climate emergency situation. Whilst some people may consider the trees to be worthless to the residents of Churchdown they were a massive asset which should be protected. The proposer of the Motion to defer the confirmation of the Tree Preservation Order indicated that, in light of the advice of the Legal Adviser that this was a legitimate process to protect a group of trees regardless of what they are, he wished to withdraw his motion.

46.30 Accordingly, it was

RESOLVED That Tree Preservation Order 404 be **CONFIRMED** with modification to deal with the technical matters that had been raised by the Development Manager.

PL.47 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

47.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No.109-119. Members were asked to consider the current planning and enforcement appeals received and the Ministry of Housing, Communities and Local Government appeal decisions issued.

47.2 A Member reminded the Committee that he had previously asked to be notified of any appeals taking place online and to be provided with a link in order to observe the proceedings. To date this had not happened and he sought assurance that it would happen in the future. The Development Manager apologised that the request to notify Members of when appeals were taking place had not happened in respect of the recent Gotherington appeal. He assured Members that a process would be in place for the Coombe Hill Appeal due to take place on the 19 January 2021. In response to a further question the Development Manager stated that all of the documentation on the Gotherington appeal was available on the planning public access system.

47.3 After consideration of the appeals report, it was
RESOLVED That the current appeals and appeal decisions update be
NOTED.

The meeting closed at 12:15 pm

**Agenda 5A
Planning Committee**

ADDITIONAL REPRESENTATIONS SHEET

Date: 15th December 2020

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

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

Item No	
5b	<p>TPO 404</p> <p>25 Paynes Pitch, Churchdown</p> <p>Late representation has been submitted by the objector. An addendum to the previously submitted TPO objection which I have responded to each point made as below:</p> <p>1.Many of the representations in support of the TPO that are listed in the Officer Report are not specifically relevant to the key issue being put before the Committee. This is whether or not all the trees in question are good enough in terms of quality and remaining life expectancy to merit protection in the interests of public visual amenity - as a 'group'.</p> <p>Officer response – The majority of the representations received mention the visual amenity the trees have on the area. The council have received nearly 50 representations in support of the TPO which would indicate that the trees have a public amenity value. The trees do not have to be of the highest quality and have scored fair within the Tree Evaluation Method. Their health is satisfactory and there is no reason why they cannot be retained. Being defined as 'fair' does not preclude a Tree Preservation Order being made on a tree(s).</p> <p>2. The Officer Report only responds to some aspects of the Objection Report (attached for further information). It does not fully explain the other aspects of the objection to the Committee. For example, the alternative option of confirming the TPO in a modified form to omit poor quality and unsustainable trees is simply not acknowledged as a possibility.</p> <p>Officer response – A response of the key objection reasons was summarised in the Officers report to committee under Section 3.0 Analysis.</p> <p>The key reasons that were stated in 6.2 Conclusion of the Objectors report (extract copied below) were:</p> <p>6.2.1 In my opinion it is not expedient in the interests of public visual amenity for the TPO to have been served. This is for the following key reasons:</p> <ul style="list-style-type: none"> • The larger, more prominent trees are generally of impaired structural form and appearance • The larger trees can only be retained in the longer term by means of repeated and disproportionately expensive management. • One larger ash tree will progressively decline due to effects of ash dieback disease. • All the trees are located outside 25 Paynes Patch and are therefore not under threat. As such, the TPO is not expedient. <p>With regards to the latter in point 2, to confirm the order with modification will result in removing some of the trees from the Order. If the trees are removed the visual amenity value of this group as a whole will be impacted.</p>

	<p>3. The Officer Report states that the trees have “high visual amenity”. However, it then contradicts itself somewhat by stating that a TEMPO (Tree Evaluation Method for Preservation Orders) assessment only indicates that the TPO might only be ‘defensible’. This clearly indicates that the trees only have ‘low/moderate’ visual amenity value at best.</p> <p>Officer response: Tree Evaluation Method for Preservation Orders (TEMPO) is a recognised method for evaluating trees for a TPO. The assessment resulted in a decision that the TPO was defensible this does not mean that the trees are of low visual amenity value. Particularly as the group of trees consists of large, medium and small trees clearly visible to the public. Therefore, it was expedient to make the TPO.</p> <p>4. Overall, it is not a reasonably proportionate response to protect the trees as a ‘group’ TPO. This is because many of the trees are low quality with short useful life expectancies. On this basis, Members may wish to consider whether any future TPO application to fell individual trees within the group could be reasonably refused by the Council? Could any such decision be robustly and credibly defended as an appeal to the Planning Inspectorate?</p> <p>Officer response: Future applications to fell trees subject to this TPO will be considered on their own merits and reasoning and this has no relevance to the confirming of the TPO.</p> <p>Recommendations to the Committee</p> <p>5. It is respectfully requested that the TPO is not confirmed for the reasons given in the original Objection Report. OR</p> <p>6. If Members are minded to confirm the TPO, please can they ensure that only suitable individual trees are protected? Such trees would have good individual public visual amenity value and a realistic useful life expectancy of at least 20 years (this equates to ‘moderate quality’ in terms of British Standards) are protected? This would mean that the TPO would still be confirmed but subject to modifications.</p> <p>Officer response: To confirm the order with modification will result in removing some of the trees from the Order. If the trees are removed the visual amenity value of this group as a whole will be impacted</p> <p>One further letter of support for the TPO has also been received. The letter mentions that the trees are a natural division and provides a natural wildlife area for birds and hedgehogs and for these environmental reasons the trees should not be removed</p>
<p>5f</p>	<p>20/00598/FUL</p> <p>Land Adjacent Springbank, Old Road, Southam, Cheltenham, Gloucestershire, GL52 3NN</p> <p>Officer Update</p> <p>Access and Highway Safety</p> <p>Since writing the committee report County Highways have reviewed the revised site layout plan, drawing no.101 Rev B, which demonstrates the proposed visibility splays. They have raised no objections to the proposal subject to recommended conditions.</p> <p>In terms of the visibility, to ensure suitable visibility between exiting vehicles from the widened site access, the existing boundary hedge which runs to the north of the site access to the northern boundary with the adjoining property, The Dipping Well, needs to be removed and replanted behind the site boundary, as defined by the red line on the submitted location plan. These works can be secured via condition.</p>

Revised Recommendation

Following receipt of the comments from County Highways as no highway objection has been raised the recommendation for the application is now **PERMIT**.

Ecology

Further to the information set out in paragraphs 7.39 to 7.41 of the committee report (found on page 100 of the agenda), following further discussion with an officer from NatureSpace, whilst noting the application site is located in a 'Red Zone' for Great Crested Newts (GCN) as identified by the NatureSpace Impact Risk Maps, given the site consists of an existing garden, is entirely surrounded by existing houses, gardens and roads and the nearest suitable ponds are more than 250 metres away, officers consider the risk of GCN's being present on the site is low and therefore no further information is required from the applicant in this case. In light of this, the second informative note recommended on page 103 of the agenda, has been revised to reflect this change:

Under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; or deliberately obstruct access to a resting or sheltering place without a licence. Planning consent for a development does not provide a defence against prosecution under these acts. Tewkesbury Borough Council operates a District Licence (DL) scheme for great crested newts (GCN). The DL remains an option should you wish to insure against the risk of finding GCN on site. The application site is located in a 'Red Zone' for GCN as identified by the NatureSpace Impact Risk Maps. Red zones are characterised as highly suitable habitat - the most important areas for GCN. In this case the risk of encountering GCN on site is considered to be low because of the existing habitats and surrounding development. However, if a GCN is found on site, works would have to stop whilst a licence is sought (either by opting into the Council's District Licence or by seeking a standard site-based licence).

Condition Update

Additional conditions

County Highways have recommended the following conditions and informative note:

1. Notwithstanding the visibility splay details as shown on drawing no. 101 Rev B the development shall not begin until the boundary hedge north of the site access has been removed and replanted behind the site boundary, as defined by the red line on the location plan, between the site access and northern site boundary. Nothing shall thereafter be planted, erected and/or allowed to grow/stand 0.6m above the adjacent carriageway level on land 2.4m inside the site access centreline from the nearside carriageway edge north to the nearside carriageway edge adjacent to the northern boundary of the site.

Reason: In the interests of providing and maintaining visibility for highway safety.

2. The dwelling hereby permitted shall not be first occupied until the electric vehicle charging point, cycle parking, car parking and turning space have been provided as shown on drawing no. 101 Rev B. The cycle parking, car parking and turning space shall be maintained for those purposes for the duration of the development thereafter. The charging point shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and shall be retained for the lifetime of the development unless it needs to be replaced in which case the replacement charging point shall be of the same specification or a higher specification in terms of charging performance.

Reason: To ensure the provision and availability of adequate cycle and car parking and suitable electric vehicle charging.

3. Prior to the occupation of the dwelling hereby permitted, the widened vehicular access shall include drainage measures to prevent surface water run-off onto the highway.

Reason: In the interest of highway safety and minimising damage or disruption to the highway and road users.

Informative Note

The Local Highway Authority has no objection to the development subject to the applicant obtaining a section 184 licence. The construction of a altered access appears to require the extension of a verge crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant would therefore be required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway.

The above conditions and informative note are recommended in addition to the conditions/notes detailed on pages 101-103 of the agenda.

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	19 January 2021
Site Location:	51 Sandycroft Road Churchdown Gloucester Gloucestershire GL3 1JQ
Application No:	20/00446/FUL
Ward:	Churchdown St Johns
Parish:	Churchdown
Proposal:	Erection of a single storey side and rear extensions
Report by:	Mrs Sarah Barnes
Appendices:	Site location plan Block plan Elevations Floor plans
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application site relates to 51 Sandycroft Road, a detached bungalow located on a housing estate in Churchdown (site plan attached).
- 1.2. The proposal is for a single storey side and rear extensions. The proposal would create an additional bedroom, utility room, garden room and two ensembles. Revised plans were submitted on 4 November 2020 changing the design of the rear extensions to have flat roofs with lanterns rather than pitched roofs to reduce the impact on the neighbouring dwellings (plans attached).
- 1.3. A Committee determination is required as the Parish Council is objecting to the proposal on the grounds of overdevelopment and the detrimental effect on the visual amenity of this area and existing neighbours.

2.0 RELEVANT PLANNING HISTORY

- 2.1. There is no recent / relevant planning history.

3.0 RELEVANT POLICY

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

National guidance

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

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

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

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

- 3.5. Policy HOU8 (Domestic Extensions).

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

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

4.0 CONSULTATIONS

- 4.1. Parish Council – original plans – objects - the size of the proposed extension is detrimental to the street scene and is out of character to the other properties in this location.
4.2. Parish Council – revised plans – objects on grounds of overdevelopment and the detrimental effect on the visual amenity of this area and existing neighbours.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1. The application has been publicised through the posting of a site notice for a period of 21 days.
5.2. No letters of objection have been received from any local residents.

6.0 POLICY CONTEXT

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
6.2. The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.

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

7.0 ANALYSIS

Design and Visual Amenity

- 7.1. JCS Policy SD4 of the Joint Core Strategy sets out requirements for high quality design while Local Plan Policy HOU8 provides that development must respect the character, scale and proportion of the existing dwelling and the surrounding development.
- 7.2. The Parish Council has raised objections on the grounds of overdevelopment of the site and the detrimental effect on the visual amenity of the area. The Parish Council's concerns are noted, however, in terms of overdevelopment there would be adequate garden area free from extensions / additions and there is no planning history for any previous extensions other than a rear conservatory constructed under permitted development. With regards to visual amenity, the proposed extensions would be of a suitable size / design and constructed from matching materials. There are other similar sized extensions on this estate.

Effect on the Living Conditions of Neighbouring Dwellings

- 7.3. Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Local Plan Policy HOU8 provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity. In this regard, Policy 5.1 states that the amenities of neighbouring residential occupiers should not be unduly affected by overlooking, loss of light, over-dominance or disturbance.
- 7.4. Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2018 and the emerging Tewkesbury Borough Local Plan (Preferred Options Consultation) 2011-2031.
- 7.5. The Parish Council has raised concerns about the impact of the proposal on neighbouring dwellings. The Parish Council's concerns have been considered and the impact of the proposal (as revised) upon neighbouring properties has been carefully assessed. This is a detached bungalow located on the end of a row. There are dwellings to the rear of the site about 11 metres away and one dwelling to the side (no 53), however, given that the rear extensions would be single storey with a flat roof there would not be an adverse impact. Overall, it is considered that there would not be an undue impact upon the neighbour's residential amenity in accordance with Policy HOU8 of the Local Plan and Policy SD14 of the JCS.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1. It is considered that the proposal as revised 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:

- Revised plans dated 4 November 2020 and site plan / block plan dated 25 May 2020 except where these may be modified by any other conditions attached to this permission.

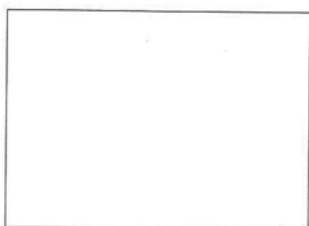
Reason: To ensure that the development is carried out in accordance with the approved plans.

3. The materials to be used in the construction of the external surfaces of the proposed development shall match those used in the existing dwelling.

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

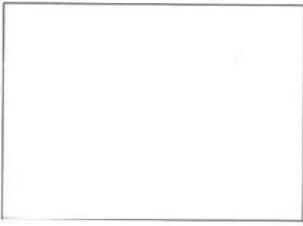
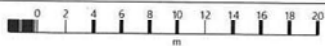
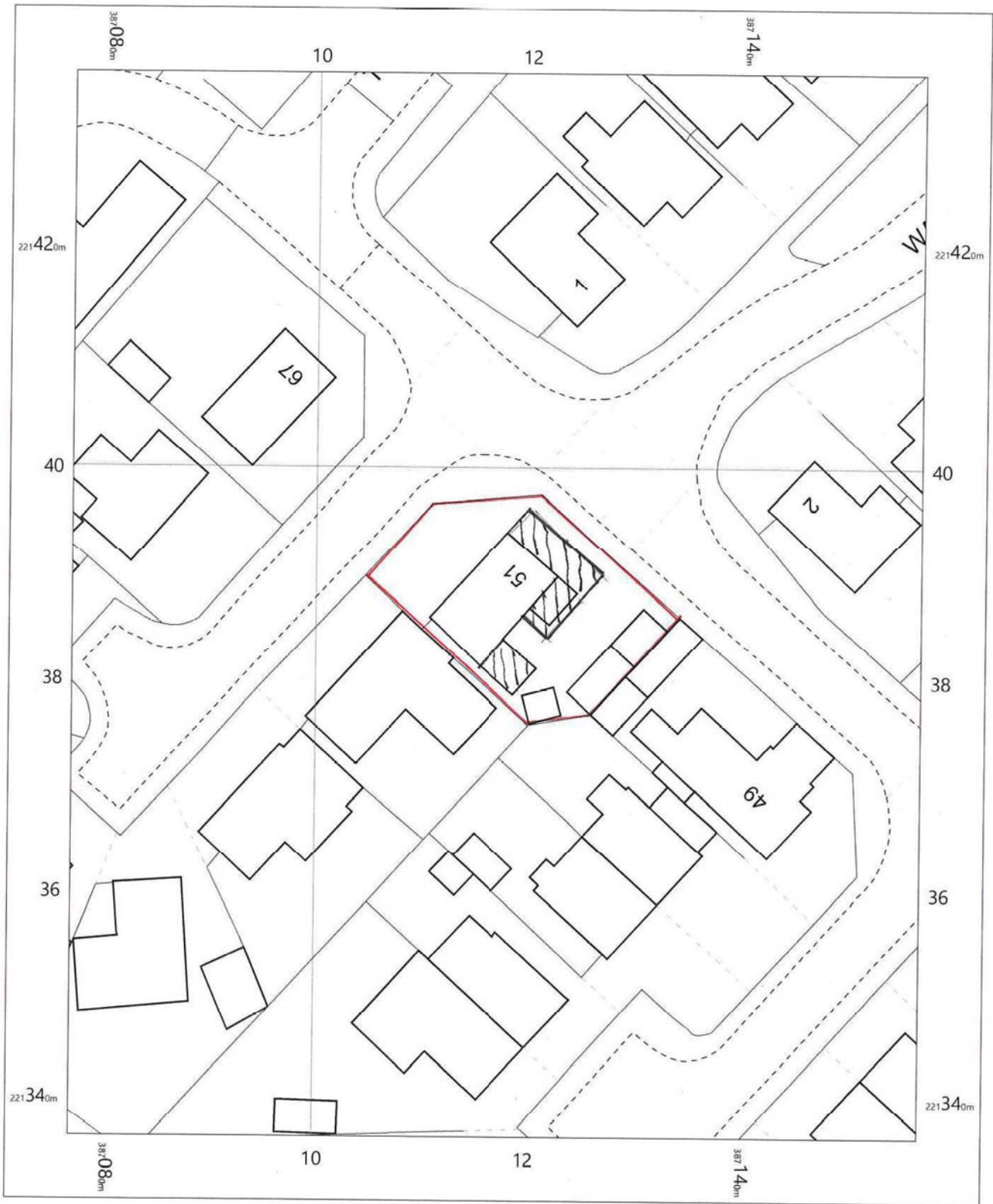
INFORMATIVES:

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.



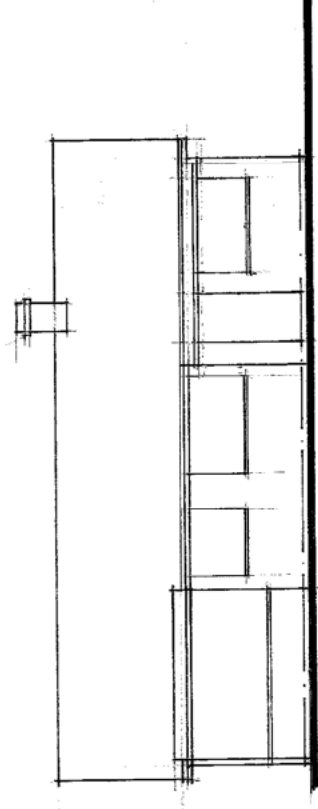
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 www.joanna-james.com
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 ©Crown Copyright Ordnance Survey. Licence no. 100059809



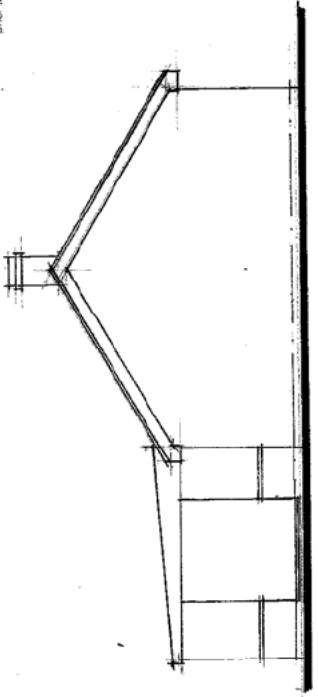


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www.joanna-james.com
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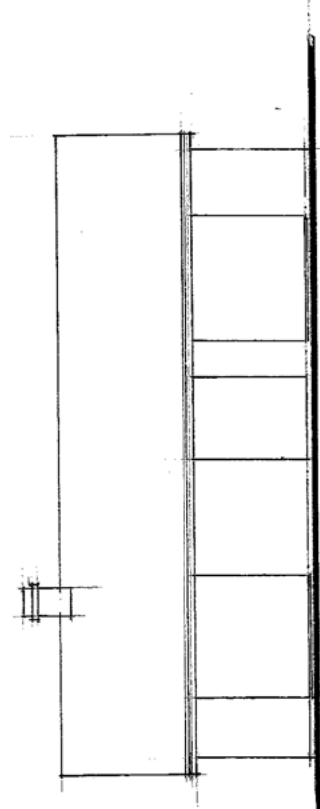




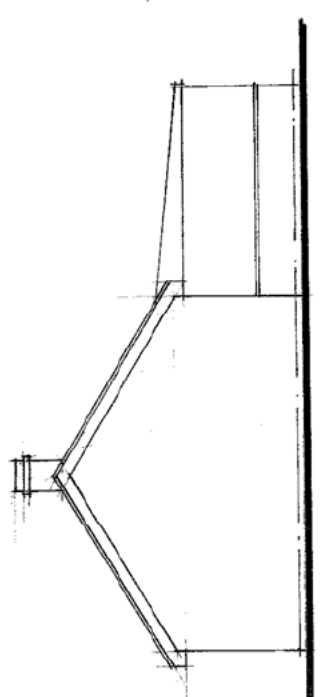
Rear Elevation as Existing



Side Elevation as Existing



Front Elevation as Existing



Side Elevation as Existing



Proposed Extension at
51 Sandy Croft Road
Churchdown
Glos.

Scale 1:100 April 2020

20007

PSK

architect

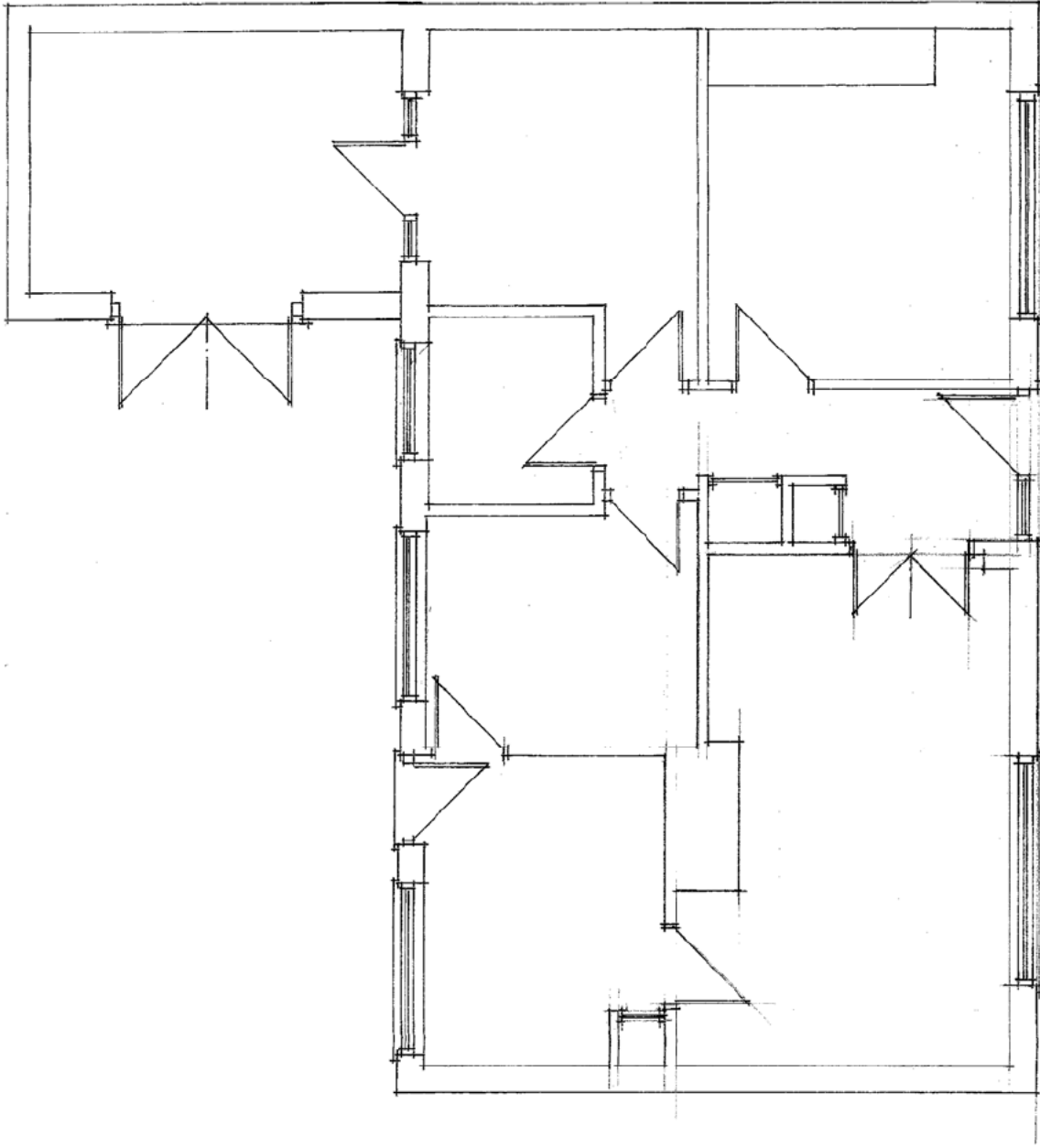
hello@psk-architect.co.uk

www.psk-architect.co.uk

01452 714596



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



Ground Floor Plan as Existing

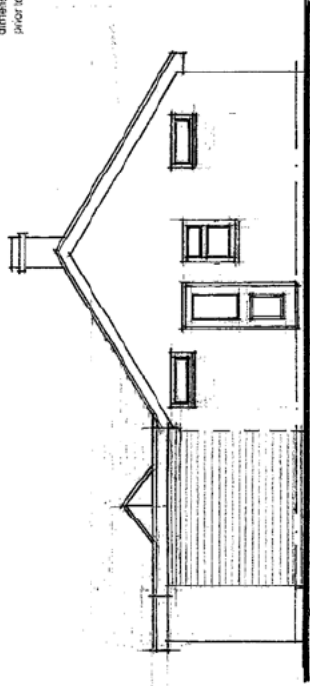
Proposed Extension at
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Churchdown
Glos.

Scale 1:50 April 2020

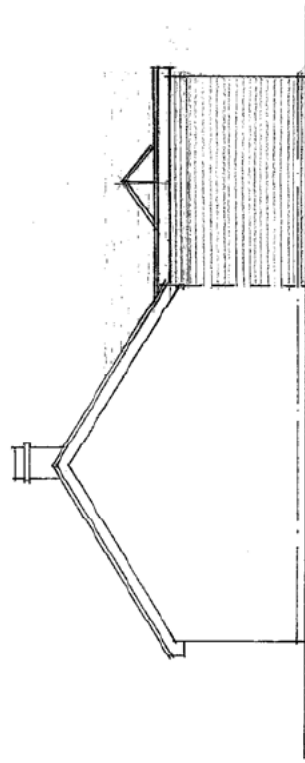
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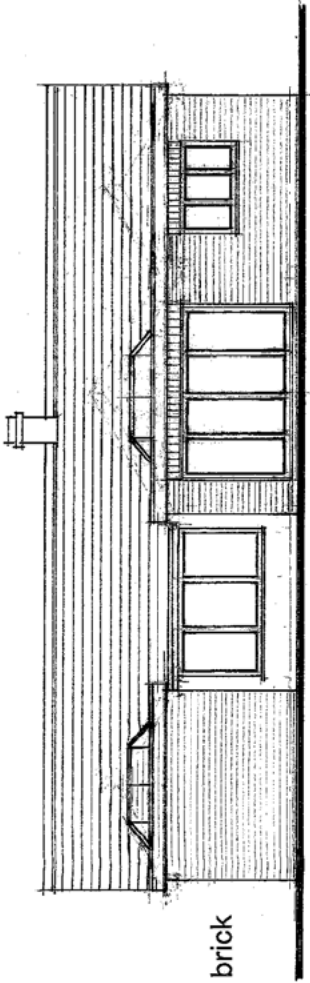
Do Not Scale From This Drawing. All dimensions must be checked on site prior to commencement of any work.



Side Elevation as Proposed

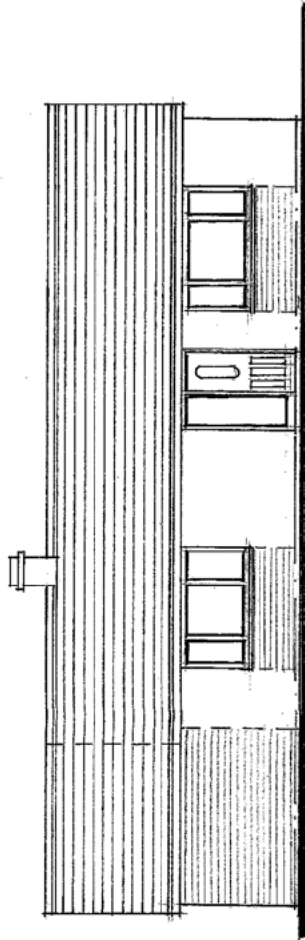


Side Elevation as Proposed



facing brick

Rear Elevation as Proposed



Front Elevation as Proposed



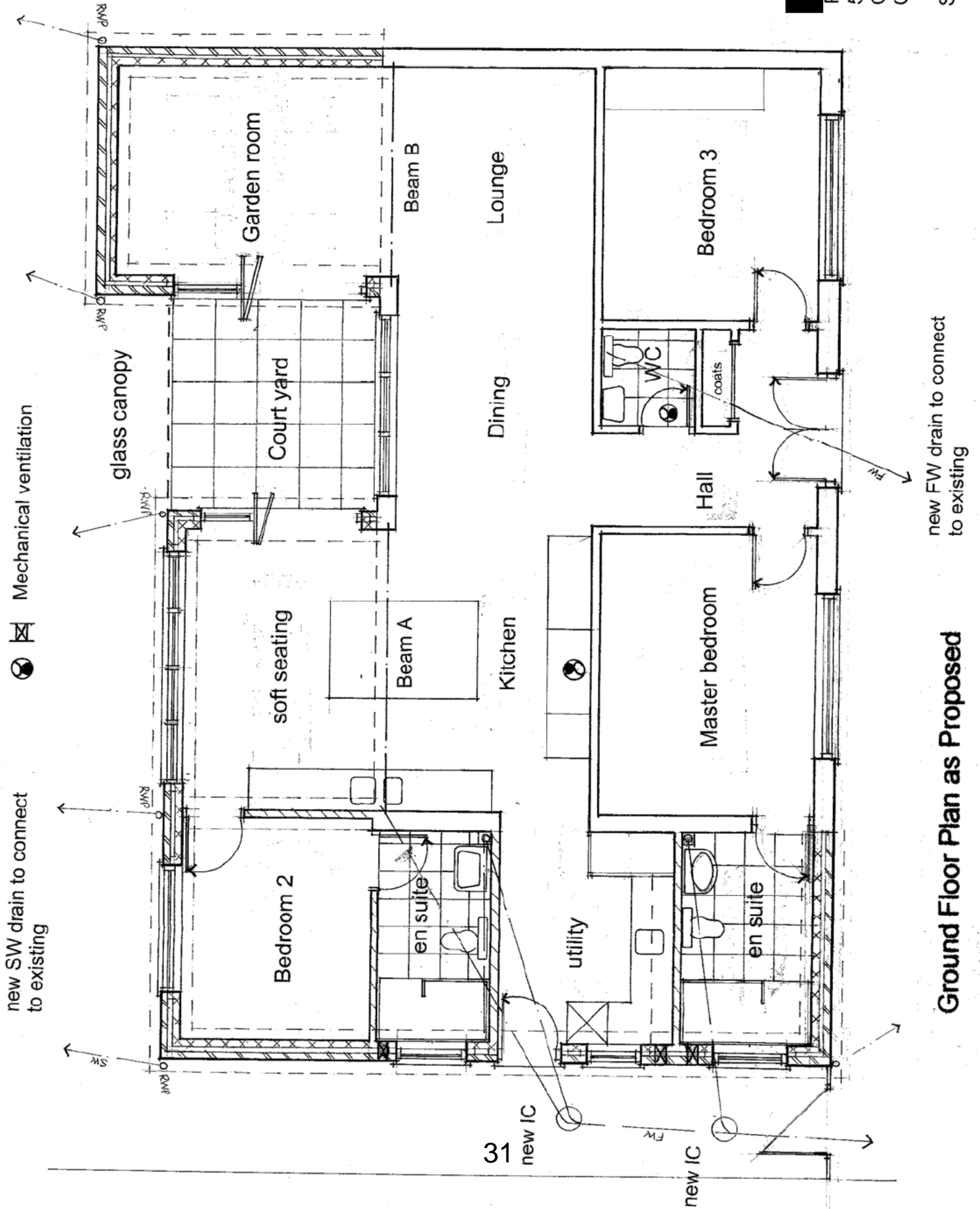
Proposed Extension at
51 Sandy Croft Road
Churchdown
Glos.

Scale 1:100 April 2020

20007



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



Proposed Extension at
 51 Sancycroft road
 Churchdown
 Glos.

Scale 1:50 April 2020

20007

Ground Floor Plan as Proposed

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	19 January 2021
Site Location:	26 Winston Road Churchdown Gloucester Gloucestershire GL3 2RA
Application No:	20/00993/FUL
Ward:	Churchdown Brookfield With Hucclecote
Parish:	Churchdown
Proposal:	Erection of a two-storey side extension
Report by:	Pippa Brown
Appendices:	Block plan Ground floor plan First floor plan Elevations
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application relates to 26 Winston Road, a two storey, brick built, semi-detached dwelling, located on a road with similar dwelling styles, many of which have been altered and extended. The property is located at the end of Winston Road, located three houses away from the entrance to Churchdown School Academy, making this part of Winston Road, a dead end. The site does not sit in any areas of restrictive designation.
- 1.2. The proposal seeks to build a two-storey side extension on the South West elevation of the dwelling, where there is currently a single storey attached garage. The proposal would use matching materials to the existing property and would largely mirror a previous extension on the adjoining property. The extension would lie within the residential curtilage of the property and would retain some of the storage space provided by the existing garage.
- 1.3. A Committee determination is required as the Parish Council is objecting to the proposal on the grounds of the development being large in size and out of keeping with the area.

2.0 RELEVANT PLANNING HISTORY

- 2.1 There is no planning history for 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).
- 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).

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

- 3.7. Policy HOU8 (Domestic Extensions).

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

- 3.8. Policy RES10 (Alteration and Extension of Existing Dwellings).

4.0 CONSULTATIONS

- 4.1. Churchdown Parish Council - Members object on the grounds that the proposed plans are for a large development which is out of character with the street scene.

5.0 PUBLICITY AND REPRESENTATIONS

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

6.0 POLICY CONTEXT

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2. The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.

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

7.0 ANALYSIS

Design and Visual Amenity

- 7.1. JCS Policy SD4 of the Joint Core Strategy sets out requirements for high quality design while Local Plan Policy HOU8 provides that development must respect the character, scale and proportion of the existing dwelling and the surrounding development.
- 7.2. The use of matching materials would be in keeping with the street scene, meaning the visual impact of the proposal would be minimal.
- 7.3. The stepped down nature of the proposed roofline, would appear subservient to the original dwelling, and it would also largely mirror the extension on the adjoining property, creating a sense of symmetry when viewed in the context of the semi-detached pair of dwellings.
- 7.4. Further examples of extensions, similar in terms of scale and design, can be seen on this relatively small section of Winston Road and in the wider area. It is therefore considered that the proposed extension to number 26 would not appear incongruous in the street scene.
- 7.5. For these reasons, the proposed extension would not appear out of keeping with the area and is considered an acceptable addition that would accord with the relevant policies of the Development Plan.

Effect on the Living Conditions of Neighbouring Dwellings

- 7.6. Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Local Plan Policy HOU8 provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity.
- 7.7. Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2018 and the emerging Tewkesbury Borough Local Plan (Preferred Options Consultation) 2011-2031.
- 7.8. The proposed extension would not cause any issues of overlooking that may affect neighbouring amenity due to its orientation in relation to adjacent dwellings and the addition of minimal windows. Similarly, the proposed extension would not appear overbearing or cause any issues of overshadowing, affecting the amenity of neighbouring properties.

Other Matters

- 7.9. Due to the proximity of the property to the entrance to a secondary school and the associated traffic, the impact of the proposal on parking provision in the street has been carefully assessed. The proposed extension is modest, resulting in one additional bedroom, the existing off-street parking on the driveway of the property would not be affected by the proposal, and there are no parking restrictions on Winston Road immediately outside the dwelling. It is considered that there would be no adverse impact on parking provision as a consequence.

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 as it would be of an acceptable scale and design. It would not result in an unacceptable loss of residential amenity to neighbouring dwellings nor parking provision. The proposed development would therefore accord with relevant policies of the adopted Development Plan as outlined above. Therefore, it is recommended the application be permitted.

8.2. 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 0003 – Proposed block plan @A2 (Received 12.10.2020)
- Drawing 9175 – Proposed elevations @A2 (Received 12.10.2020)
- Drawing 9025 – Proposed ground floor plan @A2 (Received 12.10.2020)
- Drawing 9026 – Proposed first floor plan @A2 (Received 12.10.2020)

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

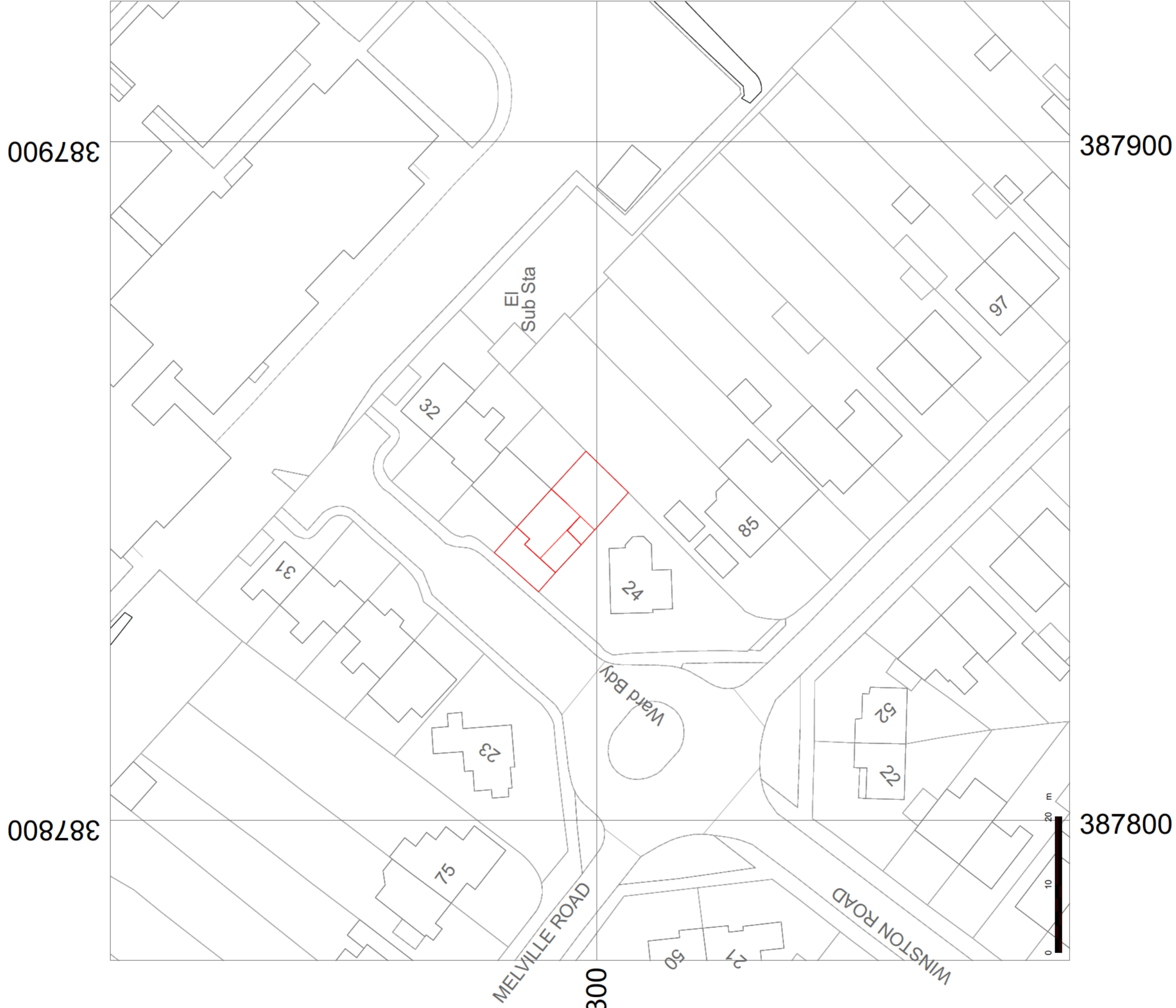
Reason: To ensure that the development is carried out in accordance with the approved plans.

3. The materials to be used in the construction of the external surfaces of the proposed development shall match those used in the existing dwelling.

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

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.



Construction Risks
 In addition to the hazards normally associated with the types of work detailed on this drawing, the contractor shall be responsible for identifying and controlling any risks that may be encountered during construction. Where appropriate, to an appropriate method statement.

Maintenance/Opening Risks
 Demolition/Relocation Risks

Safety, Health and Environmental Information Box
 Notes
 This document and its design content is copyright ©. It shall be read in conjunction with all other associated project information including models, specifications, schedules and related consultant documents. Do not scale from documents. All dimensions to be checked on site. Immediately report any discrepancies, errors or omissions on this document to the Originator. If in doubt, ASK.

Rev. D	Transmittal Set Name	Issue Date	Author	Status	Approved by
1:500	CHELTENHAM				
Scales @ A2					Project No
1:500					1255

Client Approval

A - Approved
 B - Approved with Comments
 C - Do Not Use

Status: **S0 WIP**
 Purpose of issue

Org nator
Hoch-Bau Architecture

Project
26 WINSTON ROAD
 26 Winston Road Churchdown Glos GL3 2RA UK

Layout Title
Site Plan Proposed

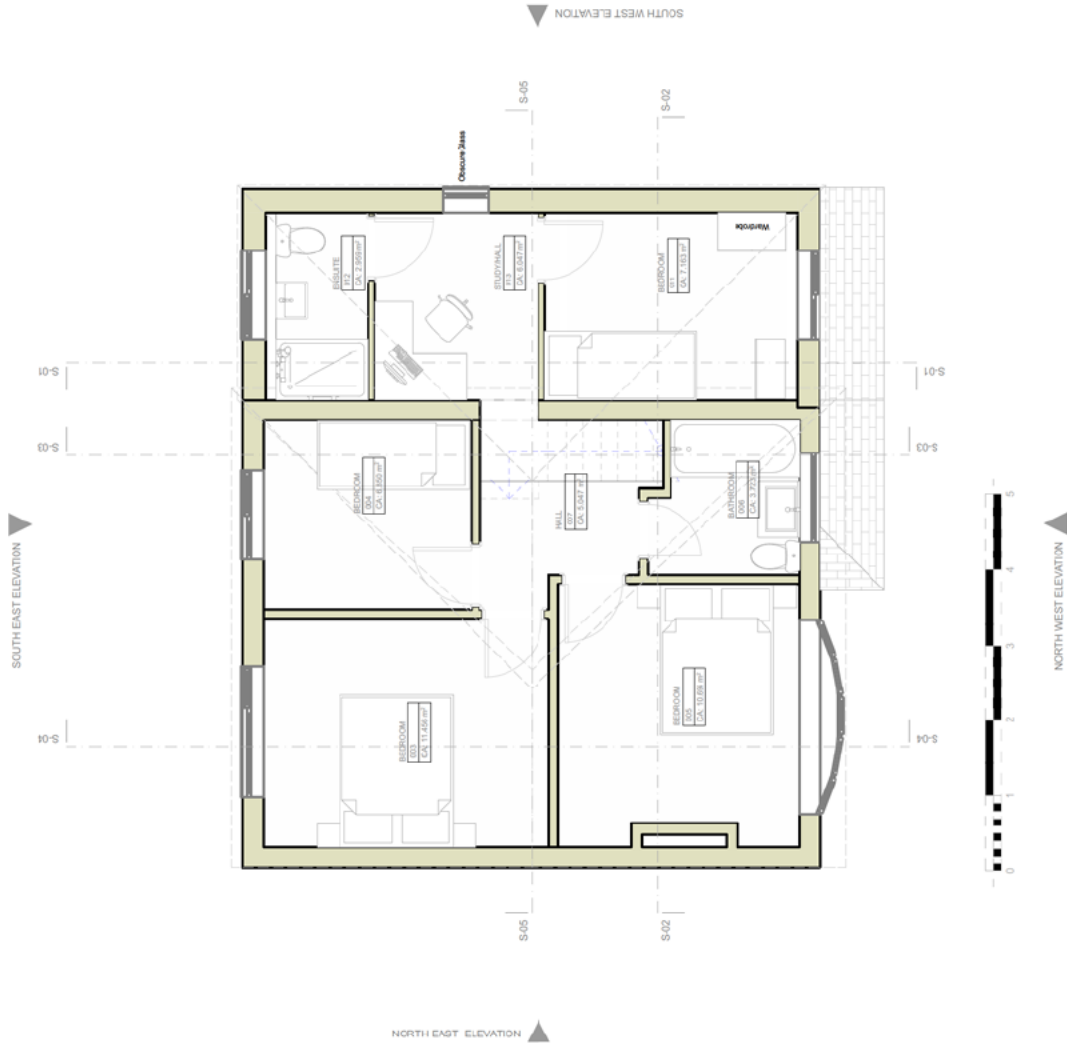
Client

Drawing Number	zone	volume	type	job	number
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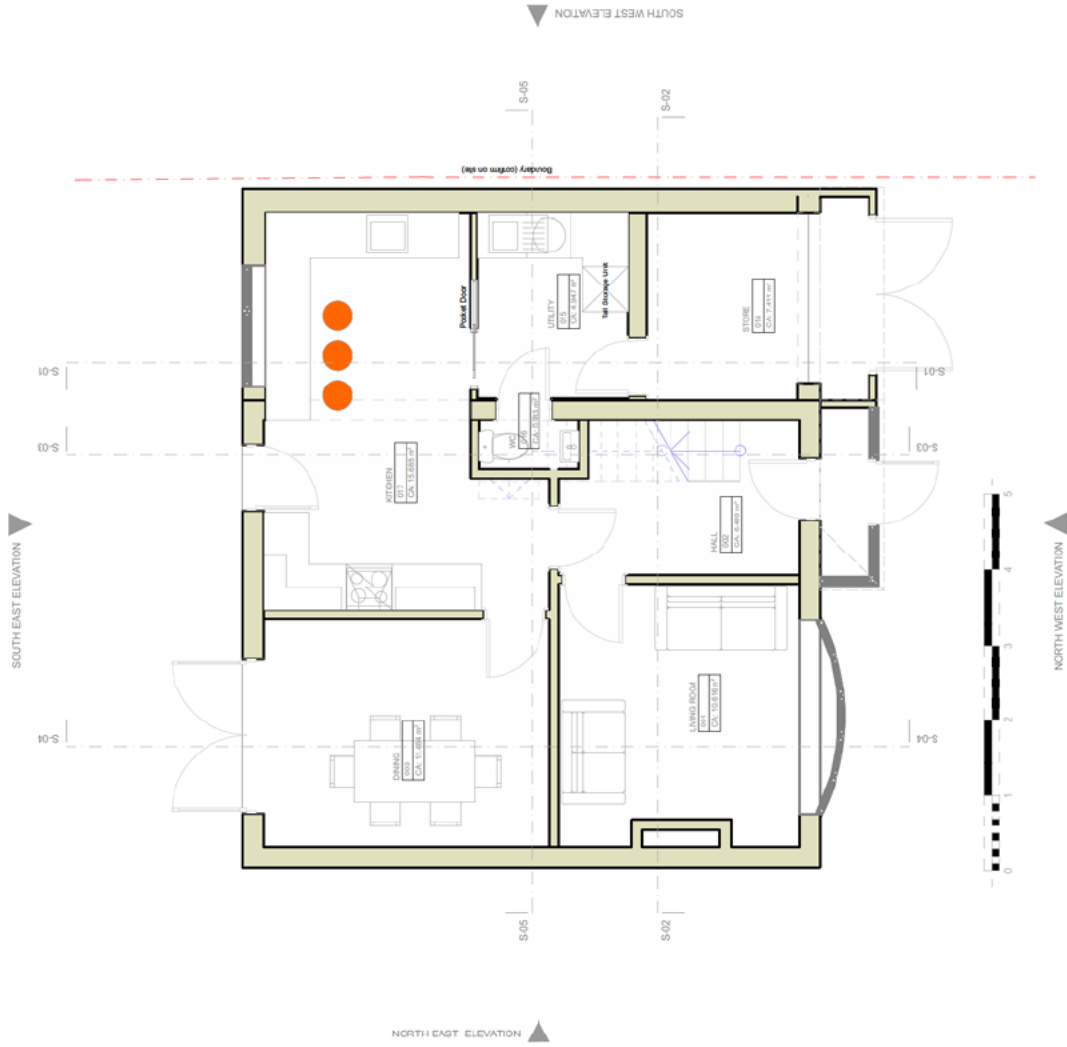
BLOCK PLAN

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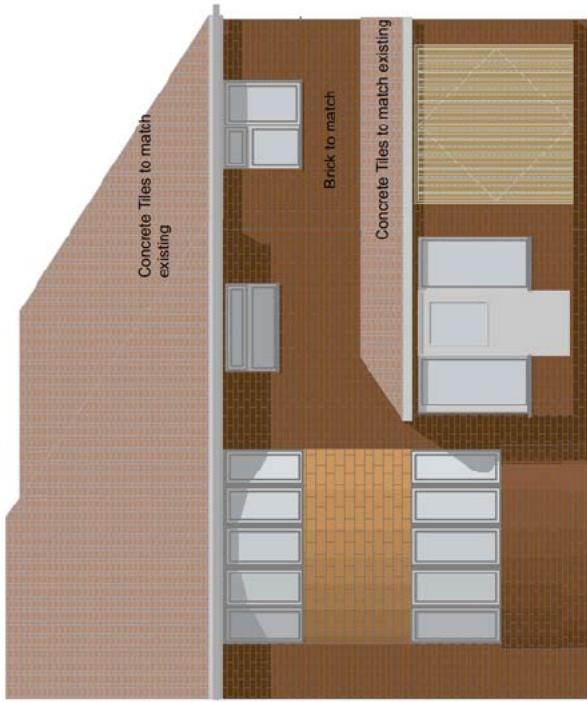
1 01-First Floor 1:50

Purpose of Issue For Review	Status S3	Scale 1:50	Project No. 1255	Originator Hoch-Bau Architecture	Project 18 WINSTON ROAD 20 Winston Road Churchdown, Gloucestershire GL3 2RA UK	Client [REDACTED]	Layout Title 01-First Floor Proposed	Revision Table																																																																																							
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<table border="1"> <thead> <tr> <th>Project</th> <th>Issue No.</th> <th>Issue Date</th> <th>Prepared By</th> <th>Status</th> <th>Approved By</th> </tr> </thead> <tbody> <tr> <td>1255 - HBA - XX - 01 - DR - A</td> <td>9026</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>								Project	Issue No.	Issue Date	Prepared By	Status	Approved By	1255 - HBA - XX - 01 - DR - A	9026																																																																																
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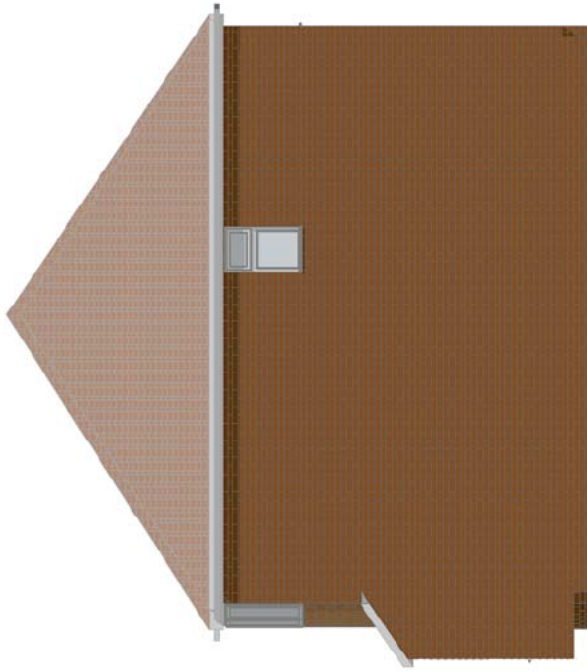


1 GF-Ground Floor 1:50

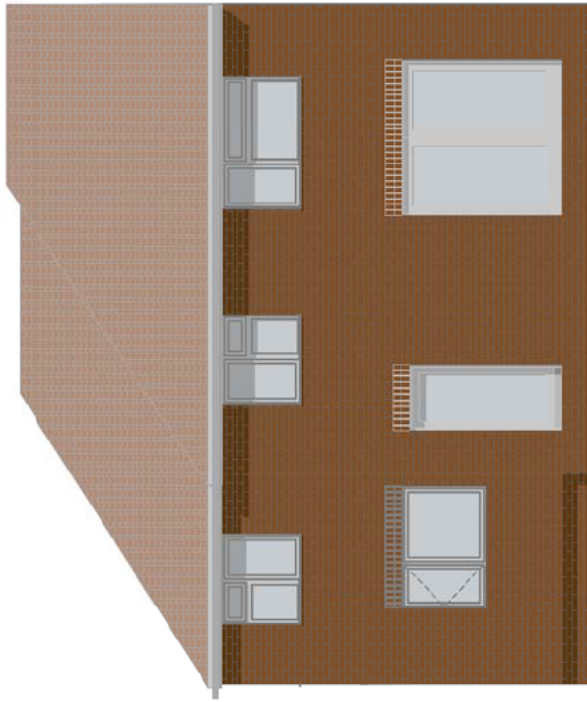
Purpose of Issue	status	Scale @ 1:50	Project No. 1255	Originator	Project	Client	Layout Title	Approved By
For Review	S3	1:50	1255	Hoch-Bau Architecture	18 WINSTON ROAD 20 Winston Road Churchdown Gloucestershire GL3 2RA UK	[REDACTED]	GF-Ground Floor Proposed	rev
								number
								date
								Project Engineer
								Issue Date
								Prepared By
								Status
								9025
								1255 - HBA - XX - GF - DR - A -



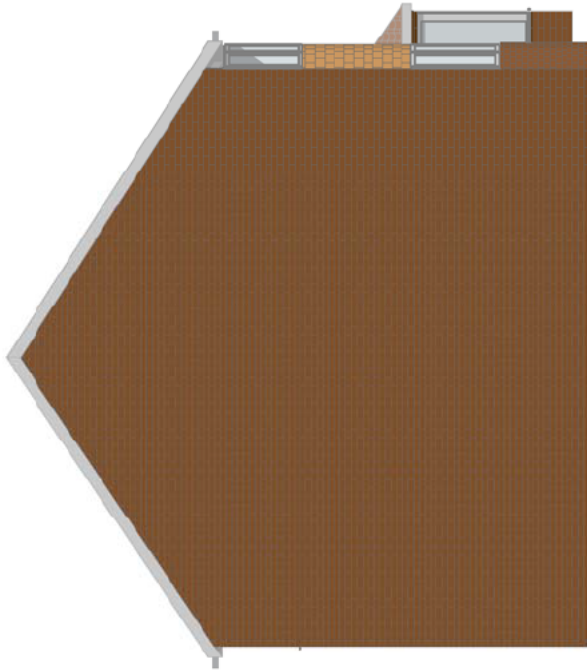
1 NORTH WEST ELEVATION Elevation 1:50



2 SOUTH WEST ELEVATION Elevation 1:50



3 SOUTH EAST ELEVATION Elevation 1:50



4 NORTH EAST ELEVATION Elevation 1:50

Purpose of Issue For Review	status	Scale @ 1:2	Project No.	Originator	Project	Client	<div style="background-color: black; width: 100px; height: 20px; margin-bottom: 5px;"></div> Elevations Proposed	Issue Date Prepared By Checked By Project Engineer 1255 - HBA - XX - ZZ - DR - A -	Status number 9175 rev
	S3	1:50	1255	Hoch-Bau Architecture	18 WINSTON ROAD 20 Winston Road Churchdown Gloucestershire GL3 2RA UK	Layout Title			

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	19 January 2021
Site Location:	3 Hertford Road Bishops Cleeve Cheltenham Gloucestershire GL52 8DA
Application No:	20/00732/FUL
Ward:	Cleeve St Michaels
Parish:	Bishops Cleeve
Proposal:	Erection of single storey side / rear extensions and front / rear dormer extensions
Report by:	Mrs Sarah Barnes
Appendices:	Site location plan Block plan Elevations Floor plans
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application site relates to 3 Hertford Road, a semi-detached bungalow located on a housing estate in Bishops Cleeve (site plan attached).
- 1.2. The proposal is for a single storey side / rear extensions and front / rear dormer windows (plans attached). The proposal would create a living room / utility room at ground floor level and two new bedrooms at first floor level. The existing garage would be demolished.
- 1.3. A Committee determination is required as the Parish Council is objecting to the proposal on the grounds of the proposed extensions would significantly increase the property's footprint and, with the dormers, would represent overdevelopment of the site.

2.0 RELEVANT PLANNING HISTORY

- 2.1. There is no recent / relevant planning history.

3.0 RELEVANT POLICY

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

National guidance

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

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

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

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

- 3.5. Policy HOU8 (Domestic Extensions).

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

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

4.0 CONSULTATIONS

- 4.1. Parish Council – Objects. The proposed extensions would significantly increase the property's footprint and, with the dormers, would represent overdevelopment of the site.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1. The application has been publicised through the posting of a site notice for a period of 21 days.
5.2. No letters of objection have been received from neighbours.

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 Parish Council have objected on the grounds that the proposed extensions would significantly increase the property's footprint and, with the dormers, would represent overdevelopment of the site.
- 7.3. The Parish Council's concerns have been noted, however, the proposed side extension would be modest in size and set well back from the frontage with a lower roof height. It would therefore appear subservient. The proposed dormer windows would be set back from the eaves and windows (on the proposed front dormer) would sit over the ground floor windows. The dormers would therefore appear well balanced and proportionate in scale. There are other similar sized extensions and dormer windows along this road, for example, at no 6 Hertford Road (14/01092/FUL) and at no 7 Hertford Road (16/01013/FUL). The proposed rear extension would be flat roofed and not readily perceptible from the road. There would also be an acceptable amount of garden space left free from extensions / additions. It should also be noted that this property has not been previously extended.
- 7.4. Overall, it is considered that the proposal 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 existing street scene and would comply with the requirements of Policy HOU8 of the Local Plan and Policy SD4 of the JCS.

Effect on the Living Conditions of Neighbouring Dwellings

- 7.5. Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Local Plan Policy HOU8 provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity. In this regard, Policy 5.1 states that the amenities of neighbouring residential occupiers should not be unduly affected by overlooking, loss of light, over-dominance or disturbance.
- 7.6. Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2018 and the emerging Tewkesbury Borough Local Plan (Preferred Options Consultation) 2011-2031.

- 7.7. The impact of the proposal upon neighbouring properties has carefully been assessed and it is considered that there would not be an undue impact upon their amenity in accordance with Policy HOU8 of the Local Plan and Policy SD14 of the JCS. There would not be any issues with overlooking from the rear dormer window given that the 'window to window' distance with the nearest dwelling at the rear would be over 30 metres.

Parking

- 7.8. The proposed side and rear extension will necessitate the removal of the existing rear garage. Adequate off-road parking would remain available however.

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:

- 03 dated 15 September 2020 and block plan / site plan dated 14 December 2020 except where these may be modified by any other conditions attached to this permission.

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

INFORMATIVES:

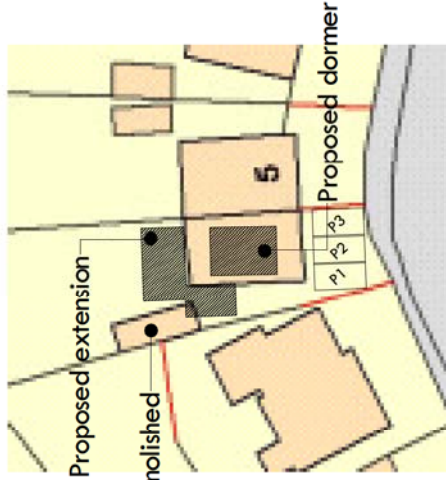
1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received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

Water Management Strategy

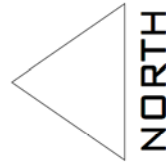
This statement has been prepared in order to accompany the proposed planning application at 3 Hertford Road..

Water butts will be installed under rainwater downpipes. These will collect rainwater which can be used for outdoor washing and watering. All surplus water will be sent to ground via soak-aways.

All hard-standing / hard landscaping will be of a porous nature allowing surface water to discharge to the ground naturally.



Block Plan



Site Location

SCALE BAR	
0.1m @ 1:5	
0.4m @ 1:20	
1m @ 1:50	
2m @ 1:100	
4m @ 1:200	
10m @ 1:500	
25m @ 1:1250	

Original Drawing Size: A3

PLEASE DO NOT SCALE

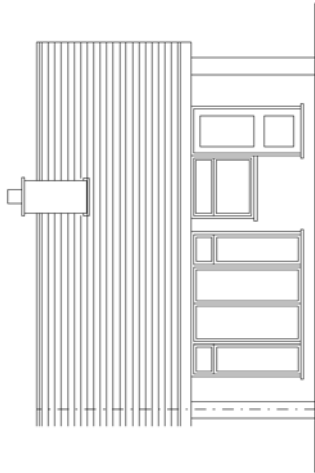
Note: This drawing is for illustrative purposes only in order to obtain Planning Approval. Any subsequent construction work undertaken using this drawing is at the risk of the client. A 'Principal Designer' must be appointed to undertake CDM duties prior to the commencement of any site work.

Revisions-

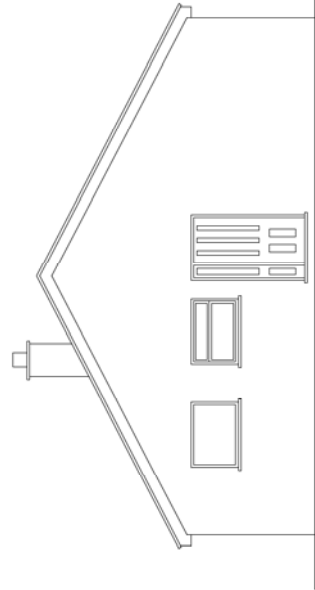
**3 HERTFORD ROAD
BISHOPS CLEEVE**

**EXTENSION & DORMERS
LOCATION & BLOCK**

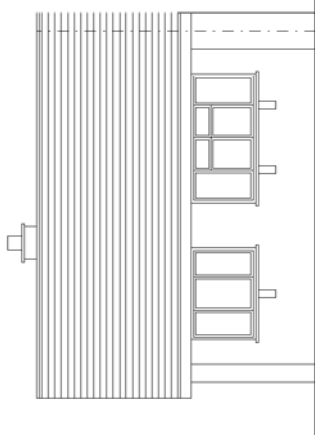
Checked-	Drawn-
Date- JULY 2020	Scale- 1:1250/500



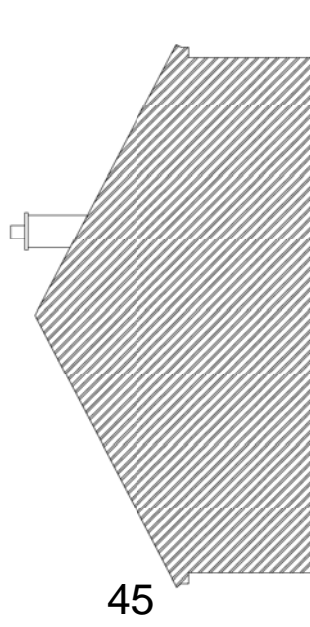
Rear Elevation



Side Elevation

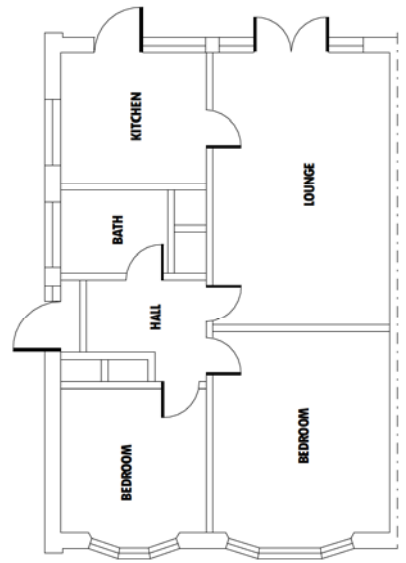


Front Elevation

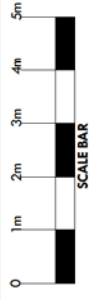


45

Side Elevation



Ground Floor



Address-

**3 HERTFORD ROAD
BISHOPS CLEEVE**

Project-

EXTENSIONS & DORMERS

Title-

AS EXISTING

Revisions-

Original Drawing Size: A3

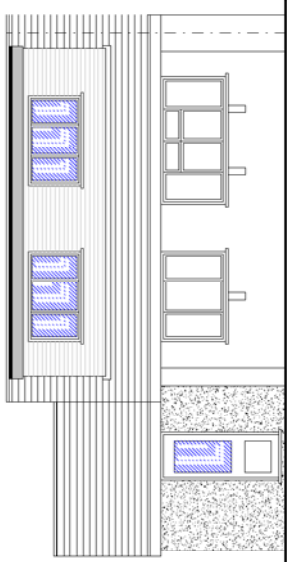
Date-
JUNE 2020

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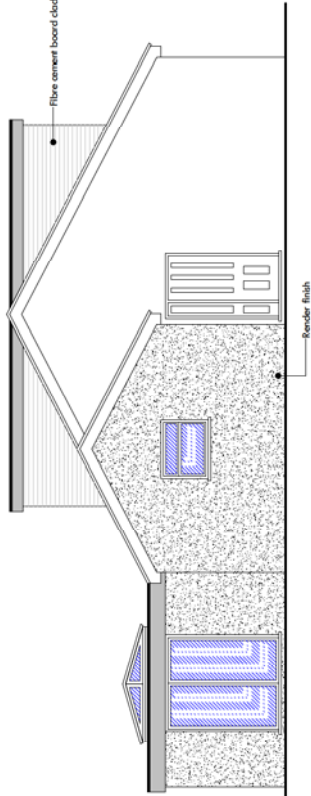
Scale-
1:100

Drawn-
Principal Designer must be appointed to undertake CDM duties prior to the commencement of any site work.

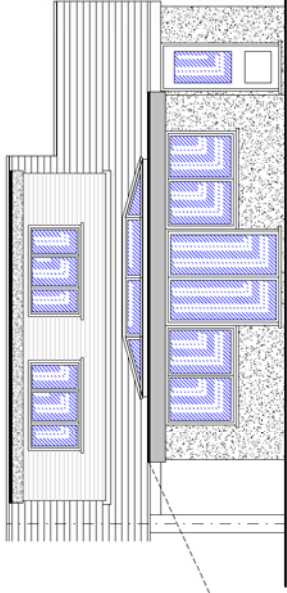
PAGE 2



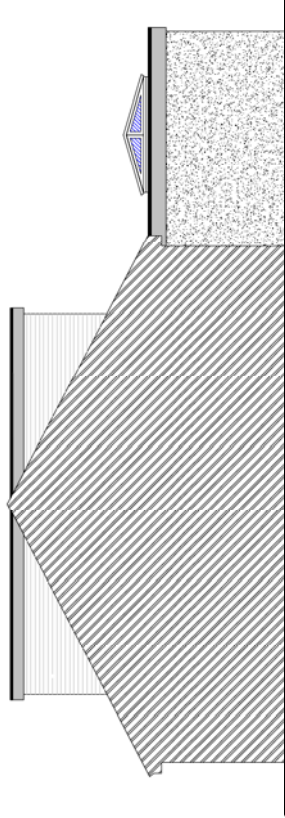
Front Elevation



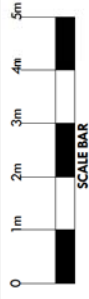
Side Elevation



Rear Elevation



Side Elevation



Address-

**3 HERTFORD ROAD
BISHOPS CLEEVE**

Project-

EXTENSIONS & DORMERS

Title-

AS PROPOSED

Revisions-

Original Drawing Size: A3

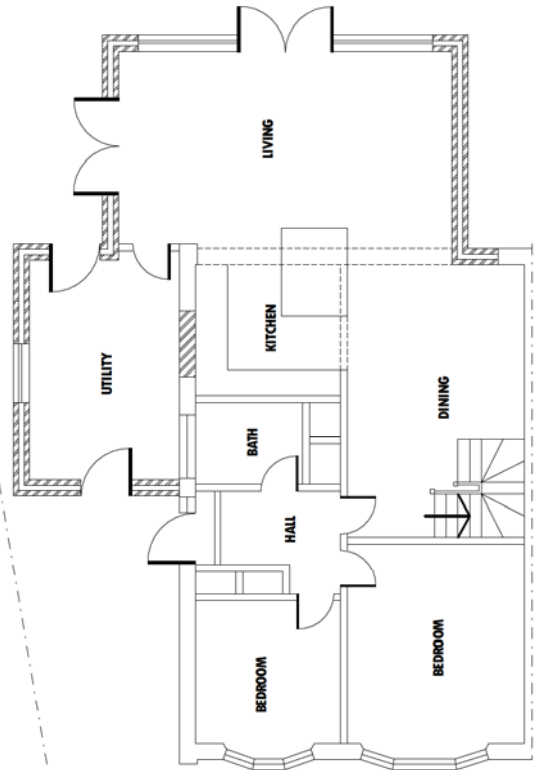
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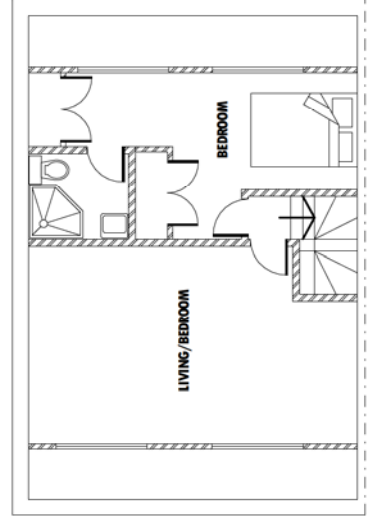
Drawn-

PAGE 3

PLEASE DO NOT SCALE
Note: This drawing is for illustrative purposes only in order to obtain Planning Approval. Any subsequent construction work undertaken using this drawing is at the risk of the client. A 'Principal Designer' must be appointed to undertake CDM duties prior to the commencement of any site work.



Ground Floor



1ST Floor

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	19 January 2021
Site Location:	34 Rosefield Crescent Newtown Tewkesbury Gloucestershire GL20 8EH
Application No:	20/01006/FUL
Ward:	Tewkesbury East
Parish:	Tewkesbury
Proposal:	Erection of a single storey rear extension
Report by:	Pippa Brown
Appendices:	Site location plan Existing elevations Proposed elevations Proposed floor plans
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application relates to 34 Rosefield Crescent, a two storey, brick built, semi-detached dwelling, located on a road with similar dwelling styles, many of which have been altered and extended. The dwelling is accessed by a small road, off the main part of Rosefield Crescent and benefits from a driveway to the front and side. The site is located in Flood Zone 2, but not in any other areas of restrictive designation.
- 1.2. The proposal seeks to demolish an existing conservatory and erect a single storey rear extension in its place, on the south elevation of the dwelling. The proposal would cover the area of the existing conservatory and extend further into the garden, retaining some of the storage area provided by the existing garage. The proposal would use matching materials to the main dwelling and have a roofline, higher than the existing conservatory.
- 1.3. A Committee determination is required as the Parish Council is objecting to the proposal on the grounds that the development would result in the adjoining property losing useful morning sunlight.

2.0 RELEVANT PLANNING HISTORY

- 2.1 There is no relevant planning history for 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).
- 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).

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

- 3.7. Policy HOU8 (Domestic Extensions).

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

- 3.8. Policy RES10 (Alteration and Extension of Existing Dwellings).

4.0 CONSULTATIONS

- 4.1. Tewkesbury Town Council – Objection based on concerns that the adjoining property will lose useful morning sunlight.

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 no letters of representation were received.

6.0 POLICY CONTEXT

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

consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).

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

7.0 ANALYSIS

Design and Visual Amenity

- 7.1. JCS Policy SD4 of the Joint Core Strategy sets out requirements for high quality design while Local Plan Policy HOU8 provides that development must respect the character, scale and proportion of the existing dwelling and the surrounding development.
- 7.2. The proposed single storey extension is a hipped roof design. It would be sited within the rear garden of the property. It would not be visible from the street scene and therefore would have no detrimental impact on the visual appearance or character of the street.
- 7.3. The proposal would involve the demolition of an existing flat-roofed conservatory structure and its replacement with a larger, brick built hipped-roof extension. It would be taller at the ridge than the existing due to the hipped roofline, but the eaves height would be almost identical. Like the existing conservatory it would extend across almost the entire width of the rear elevation of the dwelling but due to it being nearly twice the depth it would have a larger footprint. The extension would use materials to closely match the existing dwelling, which would be in keeping with the visual appearance of the dwelling.
- 7.4. It is considered that the proposal 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

- 7.5. Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Local Plan Policy HOU8 provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity.
- 7.6. Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2018 and the emerging Tewkesbury Borough Local Plan (Preferred Options Consultation) 2011-2031.
- 7.7. The proposal would lie within the rear garden of the property and would be single storey in nature with the only proposed openings facing directly into the applicant's own rear garden. By virtue of this, the fact that the extension is single storey and the site is not bordered to the rear by any other properties, the proposed extension would not cause any issues of overlooking affecting the amenity of neighbouring dwellings.
- 7.8. Whilst the proposal would be larger in terms of its depth and roof, over and above the existing conservatory, it is not considered to have an adverse overbearing impact affecting neighbouring dwellings. The extension would be partially screened from the adjacent property to the east due to the retention of the existing garage structure located on the eastern side of the garden. To the west, the garden is screened by a 1.8m high fence. Whilst part of the flank wall up to the eaves of the proposed extension adjacent to the western boundary would be visible to the neighbour over the boundary fence, the hipped roofline would slope away from the boundary, ensuring that it would not appear overbearing.

- 7.9. Similarly, the Parish Council has raised concerns that the adjoining property may experience a loss of morning sunlight as a result of the proposal. Upon visiting the site and considering the orientation of the dwellings in relation to each other (both of which have south facing rear gardens), and the movement of the sun, it is considered that any loss of morning sunlight over and above the existing situation would not be considered harmful enough to justify the refusal of the application. It is noted that the light received into the effected rear ground floor window of the neighbouring property is already restricted by a large rear extension serving that dwelling.
- 7.10. The impact of the proposal upon neighbouring properties has carefully been assessed and it is considered that there would not be an undue impact upon their amenity in accordance with Policy HOU8 of the Local Plan and Policy SD14 of the JCS.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1. 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.

8.2. 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 SH1 – Site location and block plan @A3 (Received 14.10.2020)
- Drawing SH5 – Proposed ground floor plan @A3 (Received 14.10.2020)
- Drawing SH6 – Proposed elevations @A3 (Received 14.10.2020)

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 used in the existing dwelling.

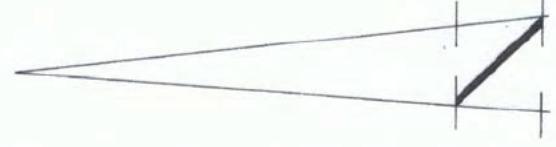
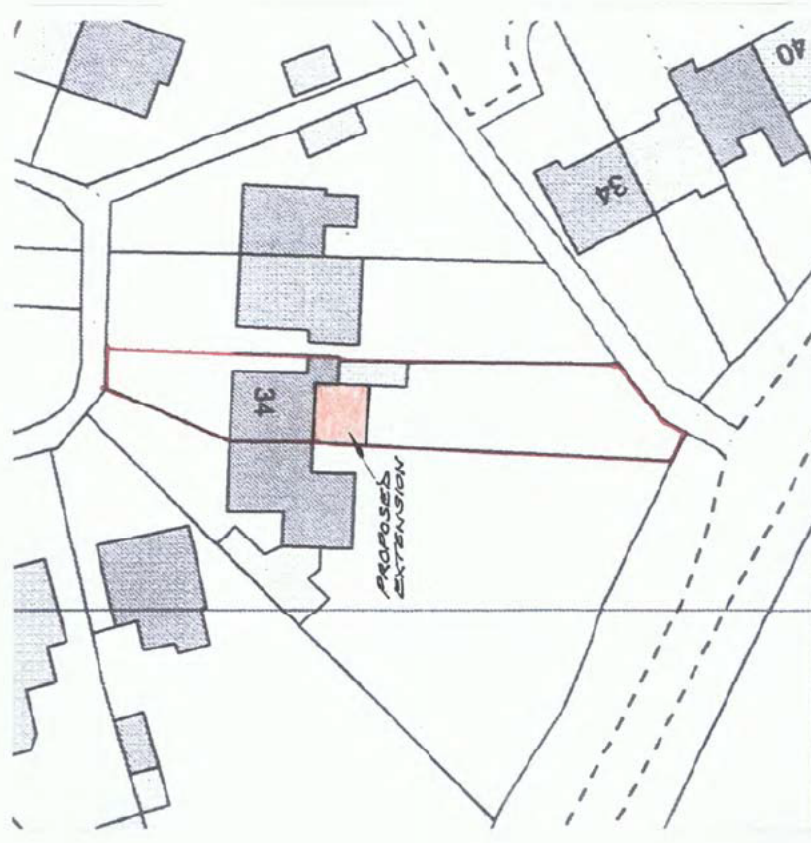
Reason: To ensure that the proposed development is in keeping with the existing dwelling.

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.

PROPOSED EXTENSION

34, ROSEFIELD CRESCENT, TEWKESBURY, GLOS.



OS MasterMap 1:250/2500/70000 scale
 Tuesday, October 6, 2020, 11:09:00
 www.themapshop.co.uk

1:1250 scale print at A4, Centre: 390521 E, 232686 N
 ©Crown Copyright Ordnance Survey, Licence no. 100019311

The Map Shop
 Upton upon Severn
 www.themapshop.co.uk

TEL: 01684 593146
 FAX: 01684 594559
 themapshop@btinternet.com

OS Data

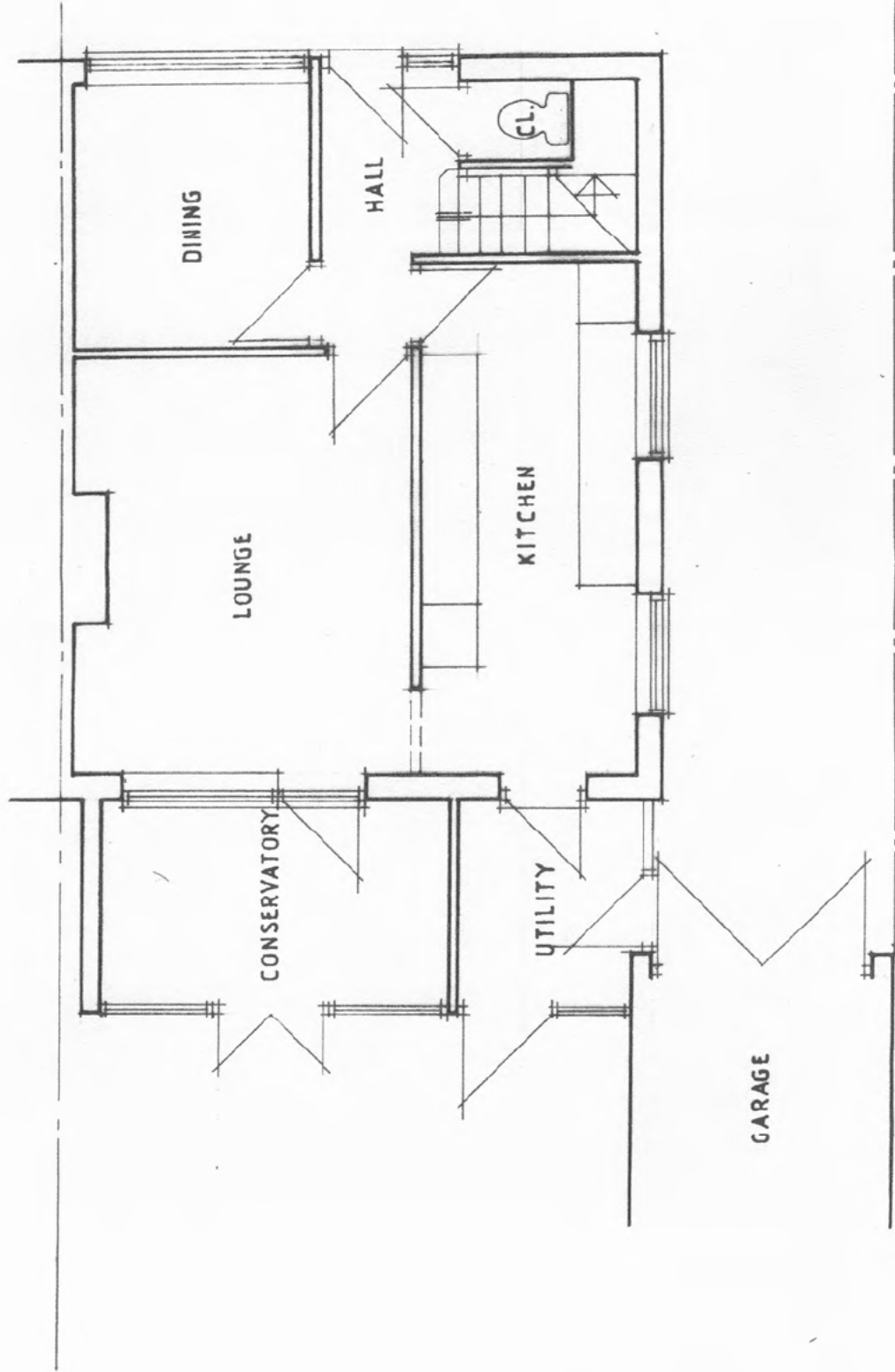
LOCATION PLAN - SCALE 1/1250

BLOCK PLAN - SCALE 1/500

Ten Acre Services
 Lincoln Green Lane
 Tewkesbury
 Glos GL20 7DN
 Tel/Fax 01684 294521

34, ROSEFIELD CRESCENT, TEWKESBURY, GLOS.

PLANS AS EXISTING



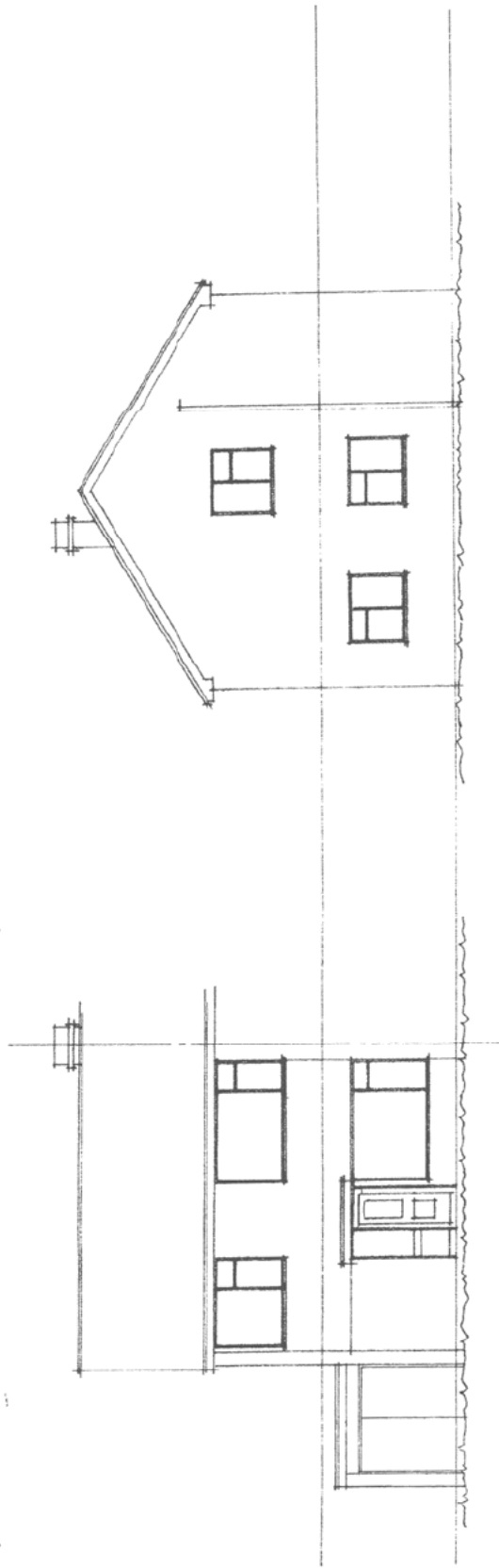
GROUND FLOOR

SCALE 1-50

Ten Acre Services
Lincoln Green Lane
Tewkesbury
Glos GL20 7DN
Tel/Fax 01684 286521

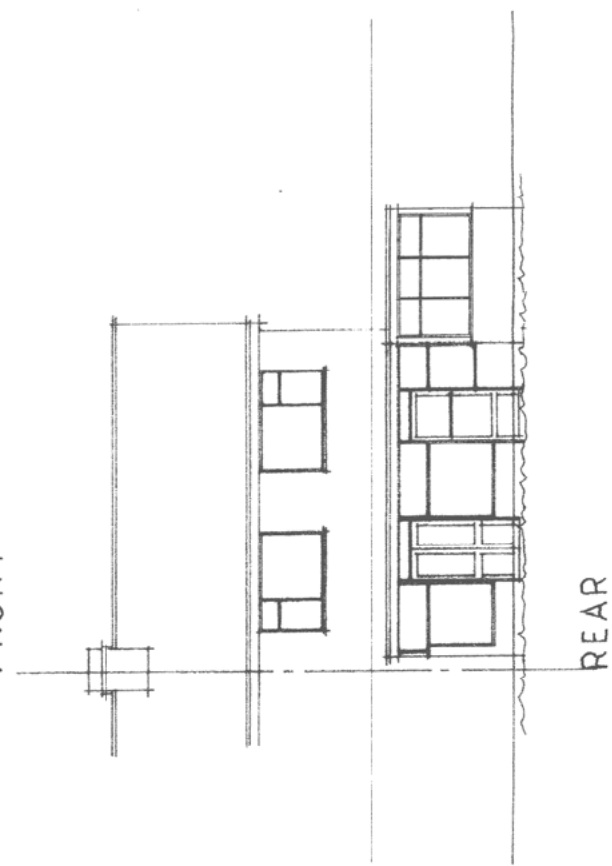
34, ROSEFIELD CRESCENT, TEWKESBURY, GLOS.

ELEVATIONS AS EXISTING



FRONT

SIDE



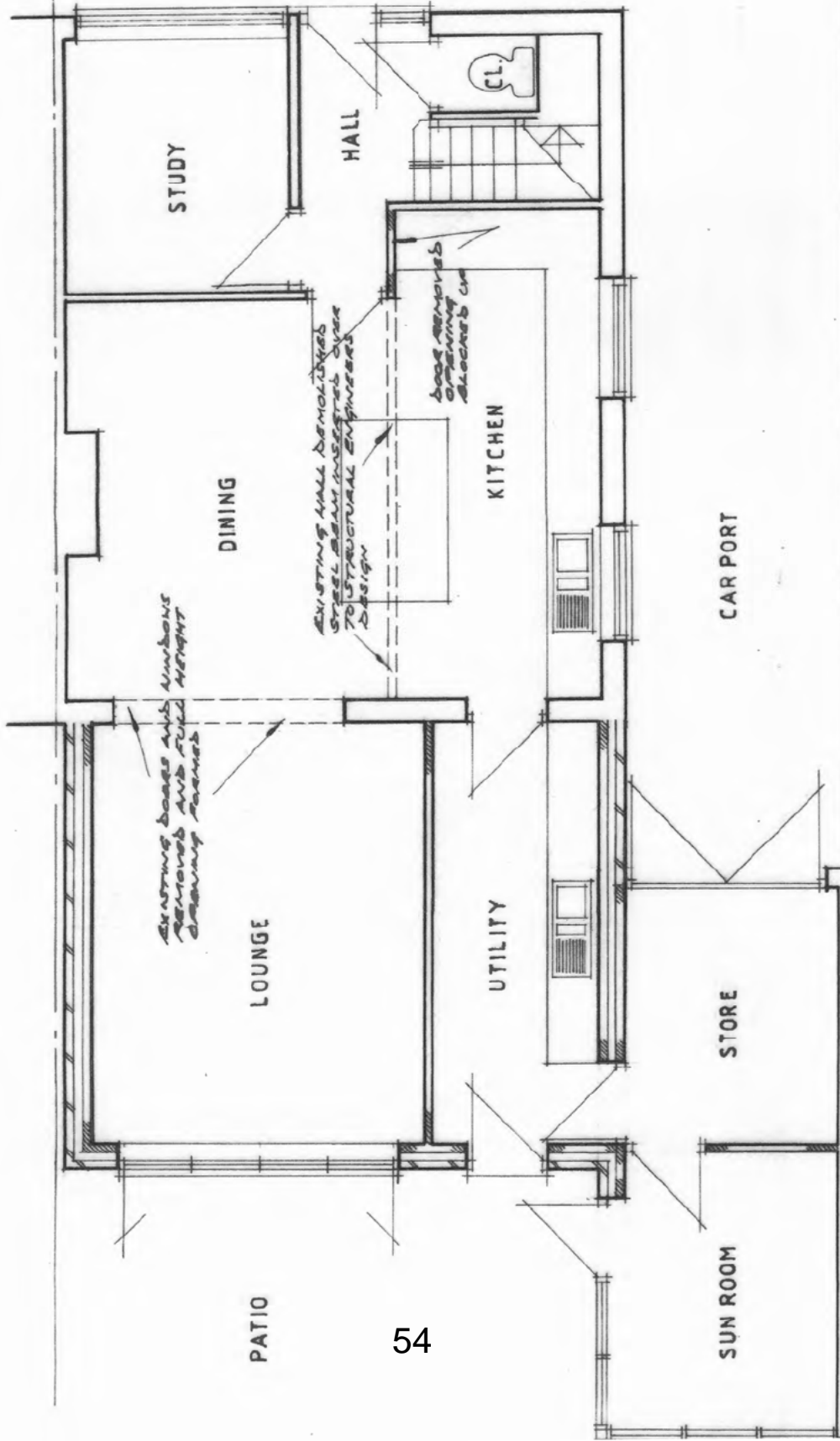
REAR

SCALE 1-100

Ten Acre Services
Lincoln Green Lane
Tewkesbury
Glos GL20 7DN
Tel/Fax 01684 296621

34, ROSEFIELD CRESCENT, TEWKESBURY, GLOS.

PLANS AS PROPOSED



54

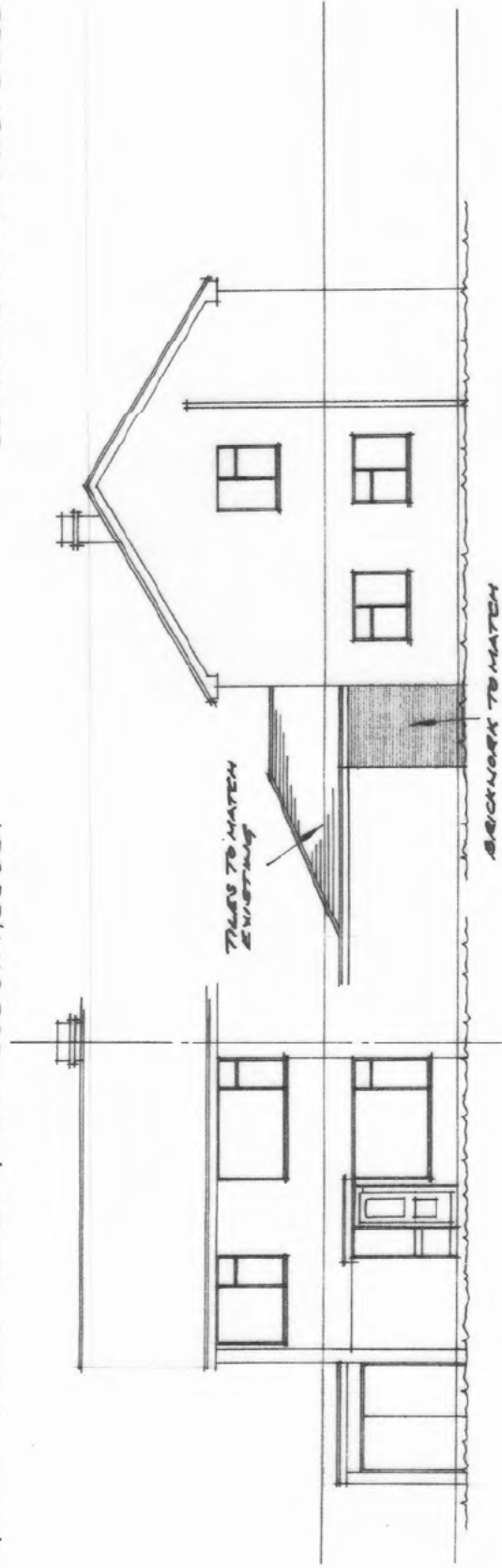
GROUND FLOOR

SCALE 1-50

Ten Acre Services
Lincoln Green Lane
Tewkesbury
Glos GL20 7DN
Tel/Fax 01684 296521

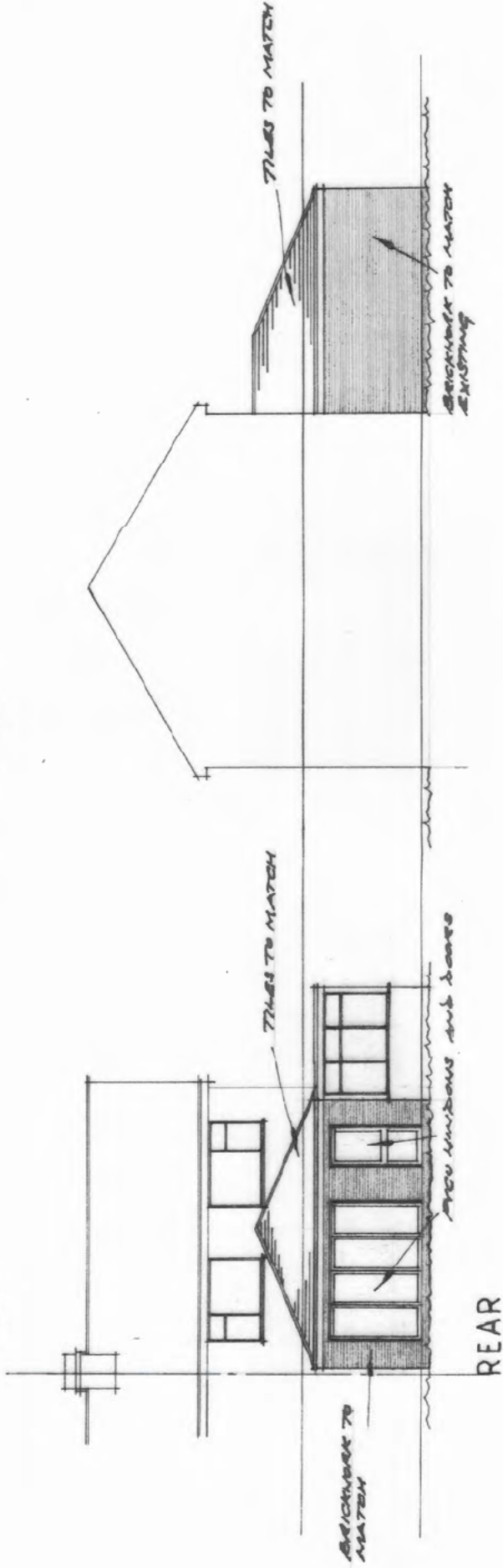
34, ROSEFIELD CRESCENT, TEWKESBURY, GLOS.

ELEVATIONS AS PROPOSED



FRONT

SIDE



REAR

SCALE 1-100

Ten Acre Services
Lincoln Green Lane
Tewkesbury
Glos GL20 7DN
Tel/Fax 01894 296621

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	19 January 2021
Site Location:	Buckland Manor Farm Buckland Broadway Worcestershire WR12 7LY
Application No:	20/00107/FUL
Ward:	Isbourne
Parish:	Buckland
Proposal:	Demolition of an existing agricultural workers dwelling, the erection of an open market replacement dwelling of exceptional quality design and the erection of a barn incorporating a bat roost.
Report by:	Catherine Ashby
Appendices:	Site Location Plan, dated 03/02/2020 Proposed Site Plan, including definition of residential curtilage, 5.2.1.1C, dated 01/12/2020 Proposed Elevation South, 5.2.11.1B, dated 01/09/2020 Proposed Elevation West, 5.2.9.1B, dated 01/09/2020 Proposed Elevation North 5.2.13.1B, dated 01/09/2020 Proposed Elevation East, 5.2.15.1BA, dated 01/09/2020
Recommendation:	Delegated Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application site is an isolated farmstead located near the head of a localised valley to the south-east of the village of Buckland, located within the Cotswolds AONB. Due to the topography of the site it benefits from significant visual containment. The site includes a 3-bedroom farmhouse constructed in the 1970s, swimming pool, patio, stables (converted to guest accommodation and outhouses) and a tennis court, as well as an extensive driveway, parking and hardstanding. This area encompasses the residential curtilage of the property. The site is accessed via a long private driveway that branches off the road that passes through the village (The Lane).
- 1.2. The wider land ownership extending beyond the residential curtilage encompasses a total area of 166 acres (67 hectares). North of the site are two large agricultural buildings and to the east and south of the site are a number of fields bounded by a young tree belt. To the west is the existing access road. The wider site contains several landscape character areas, which can be categorised as woodland, the lower plateau, managed parkland, built form and hardstanding, the valley and the lower scarp.

- 1.3. There are no listed buildings in close proximity to the existing dwelling. The closest is the Grade II Buckland Wood House, located 700m to the east, and the listed buildings in Buckland village some 650m to the northwest. The site lies outside Buckland Conservation Area. Three Public Rights of Way (PROW) are in proximity to the site but there is no public access through the site. The Cotswold Way passes to the north and east and there is a private access to it from the barns. The Winchcombe Way to the south of the site links the Cotswold Way with Buckland. The application site is located in Flood Zone 1, defined as an area with the lowest probability of flooding.
- 1.4. The current proposal is for the demolition of the existing agricultural workers dwelling and ancillary buildings at Buckland Manor Farm and the erection of a substantial detached, seven-bedroom open market dwelling of contemporary, modern design, as well as landscaping and other associated works. The proposed accommodation includes: a boot room, WC/cloak room, gym, office, music room, hobby room, main living/sunrooms, kitchen/utility/pantry, breakfast and dining areas, snug/library, guest bedrooms/bathrooms, an internal lift and balconies. Externally there would be a courtyard, terrace, swimming pool, car port and undercroft car parking. The existing driveway leading up to and around the property would be retained in a similar location, with a drop-off point provided at the front of the property and the main, household entrance to the rear. A new barn would be constructed adjacent to the existing barns on the site to provide a bat roost. An extensive landscape strategy has been drawn up for the application site and extends to the wider setting outside of the application boundary.
- 1.5. A substantial package of supporting information has been submitted with the application: a Planning Statement, detailed Architectural and Landscape Proposals, comprising a Design and Access Statement, a Landscape and Visual Assessment, Ecology Report, Arboricultural Method Statement, and Arboricultural Impact Assessment and Tree Protection Plan. This includes a detailed analysis of the site/wider area and its defining characteristics, surveys of the existing site, details of the design strategies and process, and design proposals (including landscape, buildings, bat mitigation, access strategy and construction and energy methodology).
- 1.6. The applicant recognises that the site lies outside of a settlement boundary and, whilst it is technically a replacement dwelling, the development is being submitted as a dwelling of exceptional quality and innovative design, which they consider would satisfy the tests set out at Paragraph 79e of the NPPF; relating to the creation of isolated homes in the countryside. The removal of the agricultural tie on the existing dwelling is also proposed through the application and a justification provided.
- 1.7. The Planning Statement and Architectural and Landscape Proposals state that the proposal has been led by a meticulous design process that has been informed by identification of the site constraints from the outset, assessment of the applicant's brief, and identification of a number of design rules and parameters. The design has been informed by opportunities to provide mitigation measures and enhancement to the baseline landscape character and visual amenity.

- 1.8. The building would be a large-scale, contemporary design that differs from traditional buildings in the locality. However, the applicant states that the dwelling has been sensitively designed in response to the setting and the site's defining characteristics and seeks to raise the standard of architecture more generally within a rural area. The meandering flowing landforms of the valley setting have inspired the organic, fluid, curved architectural form of the proposed dwelling. It would be two-storey and no higher than the existing dwelling on the site. The mass of the building would be greater as it would broadly occupy the footprint of the existing dwelling, adjacent outbuildings and the spaces in between. It would comprise a central 'atrium' with two 'wings' flowing out from either side. The building elevations would be set back under the deep eaves of the curved, flowing form of the roof. The north-west wing features a soft cantilever that extends out to meet the adjacent landform and a landscape wall which provides a visual anchor. Due to the rising topography of the site the building would nestle into the head of the valley, with the front elevation facing west/southwest down the valley and the rear elevation concealed from public view behind the rising valley landform.
- 1.9. A simple palette of materials is proposed, including a limited colour palette to respond to the tones and colours in the locality. Cotswold stone and timber would be the predominant materials; the stone sourced from local quarries and local timber where appropriate and available. Any contemporary materials would respect the local colour palette. Cotswold stone would be used mainly at ground floor level to ground the building with lighter weight timber and some grey metal cladding at first floor. The central atrium/sunroom would feature expanses of glazing with bronze coloured frames, with large glazed openings also present on both elevations. Lightweight English Chestnut timber fins are proposed to be fitted over the atrium glazing and a number of other openings to manage sustainability objectives and lightspill. The brown roofscape would incorporate a cover of local stone aggregates, with a mat brown bronze metal perimeter to harmonise the building into the landscape setting. Local Cotswold stone and aggregates would also be used in terraced walls and parking areas around the dwelling.
- 1.10. The applicant explains that the design ethos of the building has been informed by the 2030 climate change agenda, which the architectural practice appointed to design the building has been committed to throughout its long involvement with Paragraph (55) 79 schemes. The proposed dwelling is designed according to the principles of Passivhaus, optimising passive solar gains and built with airtight fabric first principles to retain heat during winter months, allowing for significantly less energy to be used than normally required. To this end the proposal includes a bespoke combination of renewable energy technology systems: a roof mounted PV array utilising existing agricultural buildings to power the proposed dwelling and buildings; and biomass: extensive areas of woodland and tree planting on land under the applicant's ownership and stewardship will generate tonnage of wood through sustainable management.
- 1.11. The application includes an extensive landscape masterplan for the wider site beyond the domestic curtilage which is integral to the design proposal. The overarching concept is to re-wild and increase the biodiversity value of the site by removing more formal, non-native landscaping and mown grass areas associated with the existing dwelling. The intention is to have a beneficial impact on the quality and longevity of landscape features and habitats, creating a more naturalised landscape to protect and enhance the existing character of the site and the wider AONB setting. This would include some remodelling of landforms around the new dwelling to produce a softened approach that flows into the natural landscape around it. Beyond this the proposals include: extending woodland areas, creating areas of rough species rich grassland and marshy grassland, hedge planting, filling gaps in existing hedgerows and removal of non-native laurel, enhancing botanical interest along widened stream corridors and the existing pond, reduce mowing of grassland to produce a hay meadow, a SUDS strategy that would include a new pond to collect rainwater run-off from

the dwelling and swales, and overflows into existing streams, sensitive positioning of solar panels on existing barns where they would be screened in views from the public right of way, and a new portion of driveway to allow for a shallower turn into the parking area.

- 1.12. As the above commentary describes the proposals have been through a design process which is thoroughly documented in the application submission and available for Members to view via public access. The plans attached to this report show the final proposed site plan and elevations. A number of 3D colour images have also been produced which assist in the understanding of the final scheme but have not been attached to this report as they do not reproduce effectively. These can also be viewed via public access. **The officer presentation at Planning Committee will include the proposed site plans, elevations, illustrative landscape masterplan and 3D images.**

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
01/00080/FUL	Alterations and extension to existing dwelling	NONDET APPEAL DISMISSED	04.07.2001
07/01001/FUL	Lean-to extension to existing livestock agricultural building.	PER	07.05.2008
82/00359/FUL	Erection of a boundary wall and fence 1.064m. high. Erection of a greenhouse.	PER	28.09.1982
84/00491/FUL	Erection of a 1m high boundary fence.	PER	18.05.1984
10/01009/FUL	Removal of existing flat roofed garden room and replacement with first floor bedroom extension within new pitched roof above.	WDN	08.11.2010
11/00059/FUL	Replacement of existing single storey flat roofed garden room with a proposed two storey side extension.	REF	18.03.2011
12/00915/CLE	Application for the continued residential use of the dwelling without complying with an agricultural occupancy condition.	NONDET APPEAL DISMISSED	24.10.2013
13/00038/PRE	Proposed replacement dwelling	DONE	25.10.2013
14/00483/FUL	Application to remove agricultural occupancy condition (b) of planning application: T.6206/D	WDN	25.11.2015

3.0 RELEVANT POLICY

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

National guidance

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

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

3.3. Policies: SD3, SD4, SD6, SD7, SD8, SD9, SD10, SD14, INF1, INF2, INF3, INF5.

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

3.4. Policies: HOU7, AGR3, AGR5.

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

3.5. Policies: RES3, RES9, AGR4, NAT1, NAT3, ENV2, INF6.

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).

The Cotswolds Area of Outstanding Natural Beauty Management Plan 2018-2023

3.8. Policies: CC3, CC7, CC8, CE1, CE3, CE7, CE10.

4.0 CONSULTATIONS

4.1. **Buckland Parish Council:** No objection but raises the following comments/ concerns:

- No objection to the design or positioning of the replacement dwelling.
- No evidence that the Agricultural Occupancy condition has been lifted. Does this not have a bearing?
- Will the Parish Council benefit from CIL receipts, or some benefits from the disruption caused by this large build?
- Extremely concerned about the damage heavy traffic over a prolonged period will cause to verges, drains and road surfaces. Would hope this can be reviewed through the build.
- Concerns that tight corners/ gradient could create a dangerous conflict between HGVs and walkers/cyclists/horse riders. Could a traffic light system be implemented?
- If the road to Top Farm is used the safety of walkers should be addressed.
- Entry onto the village road from the B4632 needs a wide swing round, perhaps this can be looked at.
- Residents have voiced concerns about potential damage to footings of roadside houses.

4.2. **County Highways** – No objection initially. Later objection received on the grounds of the sustainability of the location for a new dwelling.

4.3. County Public Rights of Way – No objection.

4.4. County Archaeologist – No objection.

4.5. **Natural England** – No comments.

4.6. Cotswolds Conservation Board – Object.

- Acknowledge that the development is of a high-quality design and has the potential to deliver a number of benefits, including naturalising the existing grounds.
- Acknowledge that the visual impacts of local footpaths, including the Cotswold Way, are likely to be limited due to existing, intervening vegetation.
- Considers it does not meet the requirement, under paragraph 79 of the NPPF, for the design to be of exceptional quality. It is not sufficiently sensitive to the defining characteristics of the local area.
- Does not meet the requirement under JCS Policy SD7 for the proposed development to be consistent with the policies in the Cotswolds AONB Management Plan.
- The development is in a highly sensitive location on the Cotswolds escarpment which is one of the ‘special qualities’ of the Cotswolds AONB.
- The proposal would be excessive in scale for the local landscape character.
- It would not adequately respect local distinctiveness and character, including local building styles and materials.
- It would have an adverse impact on the tranquillity and dark skies of the Cotswolds AONB.
- It would have an adverse visual impact for local receptors: Buckland Conservation Area, users of the Winchcombe Way, Buckland Manor Hotel, St Michael’s Church, users of the footpath on Burhill Iron Age Hillfort.
- Summary of key concerns: Scale of the proposed dwelling, local distinctiveness, tranquillity (reflection of sunlight), dark skies (light pollution) and visual impact.
- Whilst the submitted Landscape and Visual Assessment seek to address all these issues to varying degrees, the Board’s concerns are not adequately addressed, in particular with reference to the scale of the building which should be significantly reduced.
- Advise the LPA to thoroughly assess the proposed removal of the agricultural workers’ occupancy condition.
- If planning permission is granted recommend conditions be imposed to minimise reflection of sunlight, light pollution, use of stone from local quarries and incorporation of architectural features that reflect the local, Cotswold vernacular.

4.7. Drainage Adviser – No objection.

4.8. Landscape Adviser – No objection.

4.9. **Ecology Adviser** – No objection subject to updating of the Ecological Report to include details of ecological supervision during the demolition of building B1.

4.10. Environmental Health Officer – No objection

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1. The application has been publicised through the posting of a site notice for a period of 21 days. Following the receipt of amended plans and details a revised plans site notice was posted in December 2020 for a further period of 14 days. Six representations have been received in response to the submitted plans and none to the revised plans. The comments raised are summarised below:

- The proposed house and buildings would blend in well where it is situated; it is virtually impossible to see the existing house from surrounding walks.
- Contemporary design is out of keeping with local Cotswolds architecture and the AONB and should be of a traditional design in Cotswold stone.
- Using hi-tech and modern materials does not equate in this case to exceptional design.
- The size, design, location and disruption to ecology, AONB and village life would be severe with no enhancements or improvements.
- There will be an impact on the village arising from heavy construction traffic, which could take some years – vibration, congestion, damage to verges, dangerous conflict with walkers, horse riders, parked vehicles.
- It would be a consolation if the project were to give something back to the region by providing opportunities for specialist craftspeople living in and around the AONB.
- The proposal will only benefit the applicants with no reciprocal benefits to the village.
- Dwelling should be sited so as not to restrict views of walkers using the Cotswold Way.
- Query removal of non-native species in the landscape strategy; would this apply to laurels planted in existing hedgerows on the periphery?

6.0 POLICY CONTEXT

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

7.0 ANALYSIS

- 7.1. The main issues for consideration within this application are:
 - The principle of the development, including the removal of the agricultural tie and a replacement dwelling of exceptional quality and truly outstanding or innovative design;
 - The design of the development and visual impact on the Cotswolds AONB;

- The impact of the development on biodiversity and protected species;
- The highway safety and accessibility implications of the development;
- The impact upon archaeology and heritage assets;
- The impact on flood risk and drainage; and
- Impact on residential amenity.

Principle of Development

- 7.2. The proposed development lies in an isolated location in the open countryside outside any defined settlement boundary, the proposal is not intended to meet the essential need for a rural worker and nor does it seek to provide affordable housing. The proposal is therefore contrary to policies SD10 and SD12 of the JCS. Whilst technically the proposal is a replacement dwelling it is not considered to fall within the parameters of saved Policy HOU7 of the TBLP by virtue of its scale and design. Nonetheless, emerging TBP Policy RES9 is less restrictive in this respect providing that a proposed design has no unacceptable adverse impact on the landscape. The proposal is however contrary to the adopted Development Plan.
- 7.3. The applicants accept that the proposal is contrary to the Development Plan and are proposing it on the grounds that special circumstances exist to warrant the granting of planning permission allowed under Paragraph 79(e) of the NPPF.

'Exceptional quality' argument

- 7.4. Section 5 of the NPPF 'Delivering a sufficient supply of homes' states, at Paragraph 79, that planning policies and decisions should avoid the development of isolated homes in the countryside except in a limited number of circumstances. One such circumstance is where a development proposes a dwelling of 'exceptional quality', in accordance with the special circumstances identified within Paragraph 79e of the NPPF. The policy requires development of isolated homes in the countryside to be of *exceptional quality* in that it:
- Is truly outstanding or innovative, reflecting the highest standards of architecture, and would help raise standards of design more generally in rural areas; and
 - Would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.
- 7.5. Meeting the requirements of a Paragraph 79 dwelling is a high bar to reach and even more challenging in the sensitive setting of an AONB.
- 7.6. Section 12 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment and the creation of high-quality buildings and places. Decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, that they are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. It goes on to say that great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise standards of design more generally within an area, so long as they fit in with the overall form and layout of their surroundings.

- 7.7. The submitted Architectural and Landscape Proposals comprising the Design and Access Statement (DAS) sets out the detailed site and contextual analysis that has been carried out to inform the eventual design. The site's topography, its landscape character and defining characteristics (including that of the wider area) have been taken into consideration to inform the layout and design of the architectural style of the proposal. The aim being to create a building that responds to and integrates with its sensitive landscape setting. The complementary landscaping scheme for the wider site builds on this ethos by returning it to a more naturalised state befitting of the AONB setting and anchoring the new dwelling in its contextual landscape.
- 7.8. The DAS explains that the central design objectives relate to:
- *Landscape character*: enhancing the arrival experience, strengthening and reinforcing woodland, hedgerows and grassland mosaic, enhancing wooded stream corridors, enhancing views and sunrise/et;
 - *Settlement character*: responding to the dispersed, scattered grain commonly found in the valley character zone, retaining the sense of enclosure and containment provided by the valley;
 - *Creation of a sense of arrival*;
 - *Retaining the sense of containment within the valley setting*: proposed house should not exceed that of the existing ridge, respond to long, medium and short distance views within the valley and retain the sense of enclosure.
 - *Retaining and responding to the sense of the valley*: long and short distance views, the defining characteristics of the rolling, undulating topography to inform the architectural style and allowing the house to seamlessly integrate within the landscape.
 - *Sense of place*: the proposal should use a simple palette of materials, should be a limited colour palette as found within the local area, stone to be used as the primary material found in the valley character area, warm tones to be used on the house.
- 7.9. The DAS suggests that for designs to be considered original, innovative or exceptional they do not necessarily have to be of a form or appearance to that which already exists. They highlight other contemporary Paragraph 79 dwellings that have been permitted elsewhere in AONBs, including in Tewkesbury Borough (the 'Leaf House' at Headlands, Prestbury).
- 7.10. The draft proposal was submitted to the Gloucestershire Design Review Panel (GDRP) at pre-application stage who provided detailed feedback on the scheme, which was then further developed by the applicant prior to submitting the planning application. The GDRP has since undertaken a second review of the submitted application. The panel concluded that the revisions undertaken were very positive, having evolved significantly since the first review. They considered that the scheme presents a strong sense of place and that the building sits comfortably in the landscape. The Panel were relaxed about the proposed scale and overall massing. Taking the scheme in its totality, subject to refinement of some elements, they considered that it had the potential to be a truly outstanding piece of architecture which would help raise the standards of design generally in rural areas. The panel considered that the proposal nestles harmoniously into the topography and is sympathetic to the landscape context, and the proposal is 'sensitive to the defining characteristics of the area.'
- 7.11. The applicant has noted the Review Panel's comments on detailed aspects of the scheme and has made a number of amendments in response to them. These are illustrated as 'Before and After' images by the applicant which will be displayed in the Officer presentation at Planning Committee and are summarised as follows:

- The heavy feel of the timber cladding on the first floor has been replaced with visually lighter timber fins to give the appearance of a more lightweight structure at first floor, which reflects the timber fins on the central sunroom and unifying the design around the building, together with a finer carport structure.
- The eastern elevation has been simplified through reducing a number of elements and a continuous curve has been introduced to bind the elements together. The first floor now displays the use of timber fins which follow through from the front elevation, again producing a more unified design.
- The eaves line has been amended to provide a more constant width, simpler geometry and less undulations in the elevations.
- To reduce the impact of the cantilever and bind it more successfully to the flowing architectural form of the building within its immediate landscape setting a curved landscaped wall has been introduced below the cantilever which visually 'supports' the first floor and assists its integration with the landscaping around the building.
- Amendments to the SUDs strategy have been made and the Council's Drainage Adviser considers that an acceptable detailed drainage strategy for the site can be achieved, which would be secured via condition.
- The applicants desire for a 'drop-off point' visitor entrance at the front, separate from the private entrance to the rear, does not completely overcome the DRPs comments regarding legibility of the main entrance in the overall design. Nevertheless, amendments to the design of the front entrance have been made to simplify its form, with the removal of the majority of formal terracing and its replacement with naturalised, landscaping that blends more successfully with the immediate garden landscape setting of the building. This is considered an improvement which enhances the overall design. The legibility of the front entrance whilst desirable is not considered to be critical.

7.12. On balance it is considered that the further refinements to the design resolves the points raised by the GDRP, producing a more cohesive, sculptural building that integrates the architectural form into an enhanced landscape context, as expressed in the original design objectives.

Sustainability and innovation

- 7.13. The DAS sets out that the architect built his own house of exceptional quality and design ('Crossway Passive House') in the countryside of Kent in 2009 under the policy provision of paragraphs 10 and 11 of PPS7 as it then stood. The Crossway Passive House has incorporated an array of monitoring systems that, in collaboration with Cambridge University, monitor various aspects of building physics, lifestyle and resource consumption. It is suggested that the data obtained over the intervening period, and which continues to be collected, provides the Architect with a unique and valuable evidence base from which they are able to innovate. Indeed, the approach taken at Crossways has been further developed in successive domestic building projects, in different contexts, which themselves are monitored to build the evidence base for the continued development of innovative low carbon strategies. The construction and energy technologies developed are not unique, having been used elsewhere, but represent the highest standards of sustainable design in architecture.
- 7.14. The DAS confirms that underpinning the exceptional quality of the design of the proposed development are a series of innovative low carbon energy strategies that relate specifically to the site characteristics and the opportunities presented therein. The proposed strategy would be as follows.

- 7.15. *Fabric First*. The initial objective is to reduce the amount of energy the building needs in the first instance. This 'fabric first' approach would provide for extremely well insulated walls and triple glazed windows. A proposed minimum of 300mm wall and roof insulation will trap heat within the building. The building will be built with a high airtightness level. A Mechanical Ventilation Heat Recovery system will recover over 90% of heat from stale air. Having made the building envelope as efficient as possible, the sustainable energy strategy moves to the consideration of how the energy needs of the house could be generated on-site, taking account of localised climatic conditions and landscape features. Based on experience at the Crossway Passive House the architect has established that energy production and demand varies from day to night and from summer to winter. The challenge therefore is to maximise efficiency at all times.
- 7.16. *Maximise Opportunities for Solar Gains*: Harnessing solar gains uses less energy. The dwelling has been designed so the majority of glazing faces from east to west to maximise solar gains through the day. On the south elevation high summer sun is controlled by glazing set deep inside the structural opening to prevent overheating. A high thermal mass would provide resilience to outside temperature fluctuations through the year. Due to the open unshaded areas on the site and low visual impact, solar is favoured as the primary renewable energy and would be integrated into the design via solar arrays mounted on the existing agricultural buildings on site. A secondary source of energy would be Biomass, providing the building with heat from a biomass boiler, the feed for which would be locally sourced from the woodland management under the applicant's ownership.
- 7.17. *Integrated Renewable Technology to Provide a Reduced Energy Requirement*: From analysing the site the most appropriate renewable technologies for the proposed dwelling are considered to be solar and biomass due to the large existing agricultural barn roofs and large areas of woodland requiring ongoing management. By implementing the strategy the architect estimates that the heat load of the proposed dwelling can be reduced by 70% compared to a normal new dwelling.
- 7.18. The architect confirms that whilst the scheme is not seeking justification for the dwelling on the basis of technological innovation, the design of the dwelling of exceptional quality is indivisible from meeting the highest standards of sustainable design in architecture. It has been confirmed that the mechanical and electrical design would undergo continual evolution up to the point of 'design fix' and that planning conditions can be framed to ensure that the aims and sustainability objectives are met.
- 7.19. In concluding on design and innovation, Officers consider that the current proposal has responded well to the concerns of the Gloucestershire Design Review Panel in terms of the revisions made. It is acknowledged that the question of outstanding design is a subjective judgement, however on balance, having regard to the requirements set out in Paragraph 79 of the NPPF (see above), it is concluded that the proposed design does represent a form of development which is considered to be truly outstanding, reflecting the highest standards in architecture and would help to raise standards of design more generally in rural areas. The incorporation of the highest standard of sustainable energy technology would contribute to it meeting the highest standards in architecture. The rationale for the design is considered demonstrate how the dwelling would be sensitive to the defining characteristics of the local area and, subject to the proposal in all its aspects being delivered in accordance with the submitted details, could significantly enhance the immediate setting.

Removal of the agricultural tie

- 7.20. Planning permission of the erection of the existing dwelling at Buckland Manor Farm was granted in 1975 (Ref. T.6206/D). Condition (b) attached to the permission stated: *The occupation of the dwelling shall be limited to persons employed or last employed solely or mainly and locally in agriculture as defined by Section 290(1) of the Town and Country Planning Act 1971, or in forestry and the dependants (which shall be taken to include a widow or widower) of such.* The applicant describes the farmstead as ‘not a functional farmstead’ as it is farmed by the applicants as a side-line at an uneconomic level.
- 7.21. Policy AGR3 of the TBLP states that: “Applications for the removal of agricultural workers’ occupancy conditions will only be permitted where it is demonstrated that the dwelling is no longer required to serve the existing or future needs of the agricultural community”. As such dwellings are only permitted exceptionally the LPA will only permit the removal of such conditions in exceptional circumstances. Such circumstances will only apply where the LPA is satisfied that the retention of the restrictive occupancy serves no useful agricultural purpose either now or in the future. Policy AGR4 of the emerging TBP states that the removal of agricultural occupancy conditions will only be permitted where no longer serves a need in connection with the agricultural holding, or nearby holding, and such needs are likely to arise in the foreseeable future. Furthermore, it requires evidence that the dwelling has been marketed for sale or rent with its occupancy restriction, at a realistic price for a reasonable period and no interest has been shown for sale or rent.
- 7.22. The applicant has presented evidence that in this case the size of the estate and its value is likely to rule out any realistic prospect of a qualifying occupier being able to afford to rent or buy the property. Advice from a local estate agent confirms that the dwelling, associated out-buildings used for residential purposes, in approximately 26 acres (10.5 hectares) of land remote from other land holdings, which equates to the area in the immediate vicinity of the dwelling, would be valued at £2 million, based on their knowledge of the market. The agent confirms that they are unaware of any agricultural occupier who could afford the property and meet the agricultural occupancy condition.
- 7.23. This principle has been previously accepted by Tewkesbury Borough in respect of the removal of an agricultural tie at Windrush Hill, Hawling (ref: 15/01366/FUL). In this case the value of the existing property and associated land was likely to rule out any realistic possibility of the agricultural community being about to afford to buy or rent it. The applicant also cites an appeal (ref: Bancroft Hall, Somerset – APP/R3325/A/06/2016472) in support of this approach. The Inspector found that even where policies require marketing or evidence that the property cannot be sold and no marketing or inadequate marketing has been undertaken, there can still be sufficient evidence to establish that there is very limited likelihood that the restricted occupancy dwelling could be sold or let to a qualifying occupier to meet a local agricultural need.
- 7.24. In light of the information presented in relation to the value of the existing property and previous planning decisions, Officers consider that there is very limited likelihood that the agriculturally tied dwelling could be let or sold to a qualifying occupier to meet the existing or future needs of the agricultural community. In that regard the retention of the restrictive occupancy condition would serve no useful agricultural purpose now or in the future. On that basis it is concluded that a reason for refusal could not be substantiated in the event of an appeal. It is therefore not considered necessary to reimpose the agricultural tie on the proposed new dwelling in this particular case.

Impact on the landscape of the Cotswolds AONB

- 7.25. Section 15 of the NPPF seeks to conserve and enhance the natural and local environment by 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), and recognising the intrinsic character and beauty of the countryside. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.
- 7.26. Policy SD7 is clear that all development proposals in the Cotswolds AONB will be required to conserve and, where appropriate, enhance the landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with policies set out in the Cotswolds AONB Management Plan.
- 7.27. The Cotswolds AONB Management Plan is a statutory plan which sets out the vision, outcomes and policies for the management of the Cotswolds AONB for the period 2018-2023. Policies CC7 and CC8 focus on Climate Change mitigation and adaptation. Policy CE1 concerns landscape and states, proposals should have regard to, be compatible with and reinforce landscape character, ... and proposals likely to impact on, or create change in, the landscape of the Cotswolds AONB, should have regard to the scenic quality of the location and its setting to ensure that views – including those into and out of the AONB – and visual amenity are conserved and enhanced. Policy CE3 concerns local distinctiveness and states innovative designs which are informed by local distinctiveness, character and scale should be welcomed.
- 7.28. A Landscape Visual Assessment (LVA) has been submitted with the application which undertakes a visual assessment from 10 representative viewpoints of varying distance within a zone of theoretical visual influence. The Landscape Advisor has assessed the LVA and undertaken a site visit of the perimeter of the site from local footpaths. She confirms that the LVA has been set out broadly in line with the recommendations of the most up to date landscape assessment guidance, that the photographic record set out is a fair representation of the viewpoints that would be experienced from publicly accessible locations, using the naked eye. The photographs were taken in winter, as recommended by the guidance, so the views illustrated would be further filtered or screened by foliage in summer. The Landscape Adviser confirms that the LVA is acceptable and it is available to view via the Public Access website. A number of illustrative viewpoints will be included in the Officer presentation to Planning Committee.
- 7.29. The LVA summarises the likely impacts of the development and confirms that, following the assessment, refinements were made to the design of the proposal to further minimise visual impact, e.g. the metal trim to roof and solar panels to the barn would have a matt finish to prevent glint, the raised terraces around the dwelling would be species-rich grass rather than formal shrubs, and window areas would be reduced areas to reduce the impact of lighting.
- 7.30. The conclusion of the LVA states that the proposals are to, replace the entirely uncharacteristic managed open parkland with a proposal that integrates with the existing features, will result in a naturalising of the existing grounds that will assist with anchoring the new dwelling into its contextual landscape, reinforcing the rural character of the location and will lead to significant enhancements to the immediate setting, as required by Para 79 of the NPPF, as well as protect and enhance the character and visual amenity of the AONB landscape. This has been confirmed by the feedback of the Design Review Panel, detailed above.

- 7.31. The Landscape Advisor is satisfied that the findings of the appraisal illustrate that the site would be capable of accommodating the proposed dwelling with little visual or physical impact on the local or wider Cotswolds landscape and AONB; the site being hardly discernible from nearly all publicly accessible viewpoints. Any potential impacts can be further mitigated through implementing the proposed landscape scheme in accordance with the Landscape Design Principles and Illustrative Masterplan. A fully detailed landscape proposal for the site would be required as a pre-commencement condition to ensure that the landscape principles and illustrative landscape masterplan proposals are implemented. This would include the wider landscape proposals, removal of non-native species, a longer-term landscape management plan and phasing plan.
- 7.32. The Cotswolds Conservation Board (CCB) has commented on the application. Whilst the Board acknowledges that the development is of a high quality design and has the potential to deliver a number of benefits, including naturalising the existing grounds, and that the visual impacts on local footpaths, including the Cotswold Way, are likely to be limited they object to the scheme commenting that it does not meet the requirement, under Paragraph 79 of the NPPF, for the design to be of exceptional quality nor is it sufficiently sensitive to the defining characteristics of the local area. In summary they raise concerns about the scale of the building, local distinctiveness, tranquillity (reflection of sunlight) impact on dark skies (light pollution) and visual impact.
- 7.33. The applicant has responded to the AONB Boards comments in an attempt to address their concerns. Regarding **local distinctiveness**, i.e. that the dwelling does not incorporate enough local materials or local vernacular building styles, the applicant explains that a sense of time depth needs to be applied when considering sense of place. They state that it is appropriate for a new dwelling of exceptional quality to be different to the long-established settlement, but it can still have a very strong sense of place through a rigorous architectural and landscape response. In this regard, the proposed dwelling could only exist in this particular location and it has absolutely been developed in direct response to the site's defining characteristics, including the use of materials. The Board also considers that farmsteads are the predominant settlement type on hillsides of the Escarpment and that the change of use to an individual building (through the removal of the agricultural tie) would not be characteristic. The applicant points out that whilst farmsteads are identified as 'predominant' the Landscape Character Type highlights localised variations including that individual dwellings are also evident. The introduction of a single dwelling would not change the predominance of farmsteads in the landscape and the agricultural buildings associated with the holding would remain.
- 7.34. Regarding, the Board's concerns about the impact of the proposed dwelling on **tranquillity**, the Board acknowledges that whilst the LVA takes a 'positive step' in relation to consideration of glint and glare from proposed materials, it does not address concerns regarding the potential reflection of sunlight from the multiple windows. The applicant states that the LVA demonstrates that the site is barely discernible from representative viewpoints and clarifies that the surrounding mature vegetation combined with deep roof overhangs, would also restrict the potential for glint and glare. The applicant has also subsequently amended the design to incorporate more timber fins (louvres) over some of the glazed openings, which further reduces the potential for glint/glare. Regarding concerns that the multiple windows would cause light pollution which may adversely affect the dark skies of the AONB and visual receptors, the applicant states (as set out above) that the visual receptors are few due to vegetation/topography and the extent of change would be very limited. As described, the design addresses night sky issues: the overhang of the roof and the use of timber fins limits the extent of sky glow, there are no skylights or external lighting proposed. Any external lighting could be controlled through condition.

- 7.35. In relation to **visual impact** the Board raised concerns that receptors in Buckland village, are not included in the representative viewpoints. The applicant confirms that due to tree cover looking up the valley between the village and the site, it would be heavily and effectively screened resulting in no significant visual impact from any private or public receptors in the village. Proposed tree planting within the site as part of the landscape masterplan would increase the level of screening over time. The Board also suggests potential impacts from the Winchcombe Way to the south (viewpoint 3) and Cotswold Way. The Board considers the impact on the Winchcombe Way could be more significant due to the increased scale of the building and its use of glazing. The applicant confirms the height of the building (which is no greater than the existing dwelling) has been tested together with its appearance. The viewpoint photograph, taken in winter, confirms no more of the proposed building would be seen of the new dwelling due to intervening woodland and topography. In terms of the Cotswold Way the Board is concerned that the agricultural barns that screen the site from the route could be taken down following the removal of the agricultural tie. The applicant confirms that intervening woodland planting is proposed to the north of the dwelling which would effectively screen it from view, in addition to the screening offered by natural topography. However, since the barns are a recent addition to the holding, used in connection with the agricultural business, would host the PV panels for electricity generation for the dwelling, and a further adjacent barn will be erected as part of this proposal to provide a bat roost, their removal is an unlikely prospect.
- 7.36. Overall, it is considered that the proposal would not result in a prominent form of development within the landscape, with views of the site being extremely limited from publicly accessible receptors and proposed landscape enhancements providing additional screening. It is evident that the proposed design has been carefully conceived with regard to landscape and visual impact to ensure that the building sits harmoniously within the topography of the site and is sympathetic to the landscape context and characteristics. Given this rigorous approach and the quality of the proposed design it is considered that the impact of the proposal on the AONB would not be harmful but would be sensitive to the areas defining characteristics and enhance the immediate setting of the area.

Biodiversity

- 7.37. Section 15 of the NPPF seeks to, inter alia, protect and enhance, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan), and minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. JCS Policy SD9 states that the biodiversity resource of the area will be protected and enhanced in order to establish and reinforce resilient ecological networks, including the safeguarding of protected species in accordance with the law. This is reiterated in Policy NAT1 of the emerging TBP, which also seeks proposals to deliver a biodiversity net gain.
- 7.38. The application is accompanied by an Ecological Appraisal which sets out the results of a habitat survey. As a result of the proposals it concludes that there are not considered to be any significant adverse effects on any statutory and non-statutory sites of nature conservation interest. The development proposal includes the demolition of buildings on the site which would result in the loss of a Brown Long-eared bat maternity roost, along with the occasional roosts for Common Pipistrelle, Soprano Pipistrelle and Brandt's bats, which are within the main house. Accordingly, a Natural England licence would be necessary before work can commence on demolition. In order to compensate for the loss of the maternity roost and occasional roosts, a new 'bat barn' is proposed to be erected adjacent to existing barns within the site to create replacement roosts for these species. New bat boxes would be erected within the site and new areas of naturalised planting would provide enhanced

foraging and navigational opportunities. No external lighting is proposed and if required can be controlled by condition.

- 7.39. As described, the woodland, hedgerows, scattered scrub, streams and ponds within the site would be retained and enhanced, which would provide opportunities for birds. Birdboxes would be erected within the site and safeguards employed during vegetation clearance.
- 7.40. Two off-site Badger setts were recorded during surveys and would not be impacted, but contractors would be briefed regarding the presence of Badgers and any working requirements highlighted. Ponds on the site are not suitable for Great Crested Newts and it is considered they are not present on site. The rough grassland, hedgerows and woodland offer suitable habitat for reptiles and are to be retained. If any suitable reptile habitat is removed a habitat manipulation exercise is recommended prior to removal.
- 7.41. The Ecological Adviser has considered the ecological assessment report including the proposed mitigation/ compensation/ enhancement measures. The bat mitigation is considered acceptable but the Ecological Assessment needs to be updated, prior to determination of the application, to reflect the new bat barn that is proposed and the inclusion of what supervision would take place during the demolition of the building hosting the existing bat roosts. The applicant is currently arranging an updated report, which it is anticipated will be complete and submitted by the date of Planning Committee. All other measures proposed in the ecological report in relation to other species are considered acceptable. The Ecological Adviser raises no objections subject to conditions.

Access and highway safety

- 7.42. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. JCS Policy INF1 reiterates this objective and is clear that developers should provide safe and accessible connections to the transport network
- 7.43. The development proposal seeks to use the existing access and approach road from the west of the site. The proposed dwelling would not result in an increase in traffic which would significantly impact on the local highway network and the proposed access and parking arrangements are commensurate with a new dwelling.
- 7.44. Having considered the information submitted as part of the application, the Highway Authority in March 2020 recommended no highway objection be raised and no conditions be attached. However, in the intervening period the Highway Authority has taken a different stance to their consideration of remote residential sites based on grounds of sustainability. In January 2021 an objection was therefore received on the grounds that the proposed development would be located in an unsustainable location and occupiers would be reliant on the private car for their daily needs for employment, schools, health and recreation and shopping, which would be at variance with paragraphs 108 and 110 of the NPPF.
- 7.45. The revised position of the Highway Authority is understood but it is considered that, in this case, the sustainability of the location must be balanced against other planning matters. Importantly the principle of the residential use of the site by a single dwelling has been long-established and the replacement of the existing dwelling with a new dwelling does not effect any change to that position. Indeed, adopted and emerging local development plan policy provides for replacement dwellings in certain circumstances (Policies HOU7 and RES9 refer), regardless of the sustainability principles of their location. Furthermore, Paragraph 70 of the NPPF makes provision for the development of isolated homes in the countryside in a number of exceptional circumstances, recognising that this does not satisfy the objectives of sustainable development but does meet other important planning objectives. As set out

above, Officers consider this development meets the tests of a dwelling that is of an exceptional quality design in accordance with Paragraph 79(e). In this instance it is therefore considered that there are overriding planning reasons for permitting the development contrary to the Highway Authority's objection.

- 7.46. The Public Rights of Way Officer also confirms that the development does not appear to affect any public right of way, however if there is any suggestion that it will, whether through a need for a temporary closure or permanent diversion then contact should be made with the PROW team at the earliest opportunity.
- 7.47. Concerns have been raised by the Parish Council and local residents of the impact on the local road network of the construction phase of the development. Issues raised include the impact of heavy goods vehicles travelling through the village, damage to roads and verges, difficulties of large vehicles negotiating the narrow network, and conflict with other road users, notably pedestrians, cyclists and horse riders. Some of these issues could potentially be addressed through a Construction Management Plan (CMP). The Highway Authority was reconsulted on the issues raised by local residents. The Highways Officer confirmed that, whilst they understand the reasoning for a CMP, they do not consider that a condition is necessary to make the development acceptable in planning terms. There are no records near the vicinity of the site that indicate any extant highway safety issues that would be exacerbated by the proposal and the nature of the development is not conducive to a severe cumulative impact on the road network. Nonetheless, the applicant has indicated they would accept a planning condition for a CMP to address the concerns of local residents and a condition is therefore recommended.

Heritage assets

- 7.48. JCS Policy SD8 concerns the historic environment, stating that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.
- 7.49. The County Archaeologist has been consulted and confirms that, having checked the site against the County Historic Environment Record, there is no significant underground archaeology known at the location and it is considered that the development proposal has low potential for any adverse impact on archaeological remains. No further archaeological investigation or recording is therefore recommended.
- 7.50. The remaining heritage assets (listed buildings, Buckland Conservation Area) are located some distance from the site. As described above there would be little inter-visibility between the site and local receptors. On this basis it is considered that there would be no unacceptable adverse impact from the development proposal on local heritage assets in the local vicinity.

Drainage and flood risk

- 7.51. JCS Policy INF2 set out how development proposals must avoid areas at risk of flooding in accordance with a risk-based sequential approach. 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.
- 7.52. The site is located in Flood Zone 1 which is considered the most suitable zone for residential development in terms of flood risk. An indicative SuDs strategy has been submitted which includes concepts such as: blue roofs, swales and attenuation ponds to manage surface water runoff from the site. A Packaged Water Treatment Plant is proposed for foul discharges.

- 7.53. The Drainage Adviser has commented on the proposal and considers that the indicative strategy could assist in controlling flashy run-off from the Combe into Buckland and raises no objections. However, a detailed strategy would need to be submitted prior to the commencement of development and a suitable condition is proposed.

Residential amenity

- 7.54. JCS Policy SD14 concerns health and environmental quality, it sets out how high-quality development should protect and seek to protect environmental quality. Development should not create or exacerbate conditions that could impact on human health or cause health inequality.
- 7.55. The Environmental Health Officer confirms no objection on the grounds of noise impacting on or emanating from the proposed dwelling which is remote from other residential development in the locality. In respect of any potential lighting of the site it is recommended that any lighting should comply with the Institute of Lighting Professionals Guidance. In respect of nuisance arising from noise, vibration and dust emissions during the demolition and construction phases the applicant is recommended to comply with the Worcestershire Regulatory Services Guidance.
- 7.56. Concerns have been raised by local residents concerning noise, disturbance and vibration that could arise from construction traffic passing through Buckland village in connection with the development. As detailed above, a condition for a CMP is recommended. It is further recommended that an informative note be included highlighting the WRS guidance to minimise any nuisance.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1. In light of the above, it is considered that the proposed development represents, on balance, a development of exceptional quality. It is considered that the proposal complies with the tests set out in paragraph 79(e) of the NPPF in that it is truly outstanding, reflecting the highest standards in architecture, and would help raise the standards of design more generally in rural areas. It is also concluded that the proposal would not unduly impact on the landscape character of the AONB and the proposed landscape enhancement measures would significantly enhance the site's immediate setting and be sensitive to the defining characteristics of the local area. For the reasons explained above, it is also not considered necessary to retain an agricultural tie on the site. The proposal is recommended for Delegated Permit, subject to the receipt of an updated Ecological Report and any consequential updating of conditions.

CONDITIONS:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved documents:
 - Site Location Plan, dated 03/02/2020
 - Proposed Site Plan, including definition of residential curtilage, 5.2.1.1C, dated 01/12/2020
 - Proposed Elevation South, 5.2.11.1B, dated 01/09/2020
 - Proposed Elevation West, 5.2.9.1B, dated 01/09/2020

- Proposed Elevation North 5.2.13.1B, dated 01/09/2020
- Proposed Elevation East, 5.2.15.1BA, dated 01/09/2020
- Proposed Roof Plan, 5.2.3.1B, dated 01/09/2020
- Proposed Basement Plan, 5.2.4.1B dated 01/09/2020
- Proposed Ground Floor Plan, 5.2.5.1B, dated 01/09/2020
- Proposed First Floor Plan, 5.2.6.1B, dated 01/09/2020
- Proposed Section through main hall/sunroom, 5.2.19.1B dated 01/09/2020
- Proposed Section through snug and master bed, 5.2.21.1B, dated 01/09/2020
- Proposed Section through swimming pool and basement, 5.2.24.1B, dated 01/09/2020
- Proposed Section through undercroft garage, 5.2.25.1B, dated 01/09/2020
- Proposed Section through terraces, 5.2.26.1B, dated 01/09/2020
- Bat Barn External Specifications Rev A, dated 13/11/2020
- Bat Barn Internal Specifications Rev A, dated 13/11/2020
- Bat Barn Location Plan Rev A, dated 13/11/2020
- Bat Barn Planning Drawings: Proposed Elevations, Floor, Roof and Section Plan, dated 01/12/2020
- Topographical Survey, 3205/2/R1, dated 04/03/2020
- Existing Site Plan, 3.1.1A, dated 02/03/2020
- Arboricultural Impact Assessment & Tree Protection Plan, for trees at Buckland Manor Farm, prepared by Nick Baxter BSc (Hons) TechArborA Arboricultural Consultant, report dated 14th January 2020
- Arboricultural Method Statement, for development works at Buckland Manor Farm, prepared by Nick Baxter BSc (Hons) TechArborA Arboricultural Consultant, report dated 14th January 2020
- Ecological Assessment, Buckland Manor Farm, by Ecology Solutions, dated January 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. Notwithstanding the submitted details, no development shall take place until samples of all external facing and roofing materials have been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved samples.

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

4. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, E, F and G of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development shall take place other than that expressly authorised by this permission.

Reason: In the interests of visual amenity and the character and appearance of the area.

5. Notwithstanding the submitted details, no development shall take place until a fully detailed Landscape Plan for the site has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The landscape plan shall accord with and incorporate the principles of the Illustrative Masterplan proposals set out in the Architectural and Landscape Proposals (Design and Access Statement), Buckland Manor Farm, dated January 2020. The Landscape Plan shall include, inter alia, proposed finished levels or contours; means of enclosure; hard surfacing materials; planting plans, specifications and schedules, the wider landscape proposals (such as the indicated removal of non-native species within the existing tree belt along the nearby PROWs) and details of tree and hedgerow protection for existing planting, to be retained, in accordance with BS5837: Trees in relation to construction. If the Landscape Plan is to be phased over several years a phasing plan shall be

provided as an integral part of the plan, to include proposed planting dates.

All approved tree and hedge protection measures shall be in place prior to the commencement of the development shall be retained thereafter until the development is complete. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity and the character and appearance of the area.

6. A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas that follows the principles set out within document Architectural and Landscape Proposals (Design and Access Statement), Buckland Manor Farm, dated January 2020 and the Landscape Plan approved under Condition 5 of this permission, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwelling. The Landscape Management Plan shall be carried out as approved.

Reason: In the interests of visual amenity and the character and appearance of the area.

7. No external lighting whatsoever shall be erected at the site without the express prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and the character of the area and to ensure proper provision is made to safeguard protected species and their habitats.

8. The development hereby permitted shall strictly adhere to the mitigation detailed within the Ecological Assessment (Ecology Solutions, January 2020), including measures to safeguard badgers that may use the site, the safeguarding of the existing habitats on site, the sensitive timing for the removal of vegetation to be outside of bird nesting season and habitat manipulation for the protection of reptiles.

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

9. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The LEMP shall expand upon the information recommended within the ecology report, setting out the ongoing monitoring and management of the site, and timescales of implementation. A plan detailing all ecological enhancements shall also be included. The LEMP shall be implemented as approved.

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

10. No building works hereby permitted shall be commenced until a surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The information submitted shall be in accordance with the principles set out in the Illustrative SuDs Strategy Plan DLA.1925.L.001.46.S04 and shall be implemented as approved prior the occupation of the dwelling. The submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and

iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

11. The heat and power demands of the dwelling shall be met through the use of technologies as recommended at Section 5.6 of the Architectural and Landscape Proposals Document (Design and Access Statement), dated January 2020, full details of which shall be first submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. All systems so approved shall be fully functional prior to full occupation of the dwelling.

Reason: To ensure that the aims and sustainability objectives of the development are met and implemented as proposed.

12. No development shall take place until details of existing and proposed ground levels and ground floor slab levels of the buildings hereby permitted, relative to Ordnance Datum Newlyn, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and the character and appearance of the area.

13. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. Specify the type and number of vehicles;
- ii. Provide for the parking of vehicles of site operatives and visitors;
- iii. Provide for the loading and unloading of plant and materials;
- iv. Provide for the storage of plant and materials used in constructing the development;
- v. Provide for wheel washing facilities;
- vi. Specify the intended hours of construction operations;
- vii. Specify measures to control the emission of dust and dirt during construction.

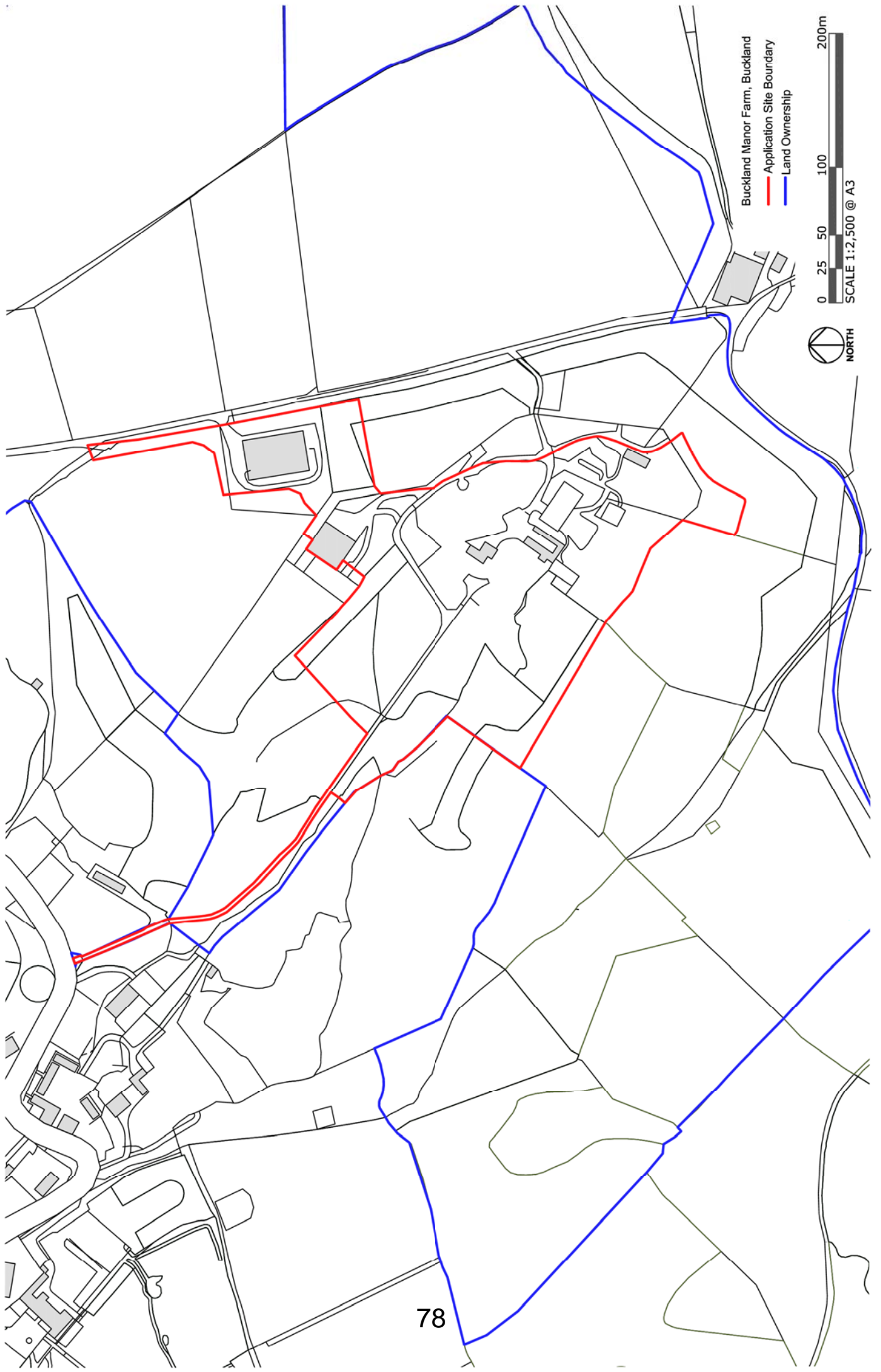
Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies.

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. Objective A of the illustrative SuDS strategy describes modifications to the existing watercourse. The developer is advised that any such works would require consent under the 1991 Land Drainage Act and that such a consent is additional to the planning consent. Details of how to gain such a consent can be found at: <https://www.gloucestershire.gov.uk/planning-and-environment/flood-risk-management/land-drainage-consent/>
3. Should any external lighting be required at a future date, the developer's attention is drawn to the Lighting Professionals Guidance 01/20 Guidance notes for the reduction of obtrusive light.

Any such lighting strategy should also incorporate the following matters, inter alia, to minimise the impact of external lighting on ecology and dark skies: (1) identify those areas/features on site that are particularly sensitive for bats and hedgehogs and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and (2) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places

4. To minimise any nuisance from noise, vibration and dust emissions during the demolition and construction phases the developer's attention is drawn to 'Worcestershire Regulatory Services (WRS) Code of Best Practice for Demolition and Construction Sites, 2nd Edition, September 2020'.
5. Due to the offsite Badger setts identified and recorded and the mobility of Badgers, a pre-commencement site check for evidence of Badgers should be carried out by a suitably qualified person prior to the commencement of development.



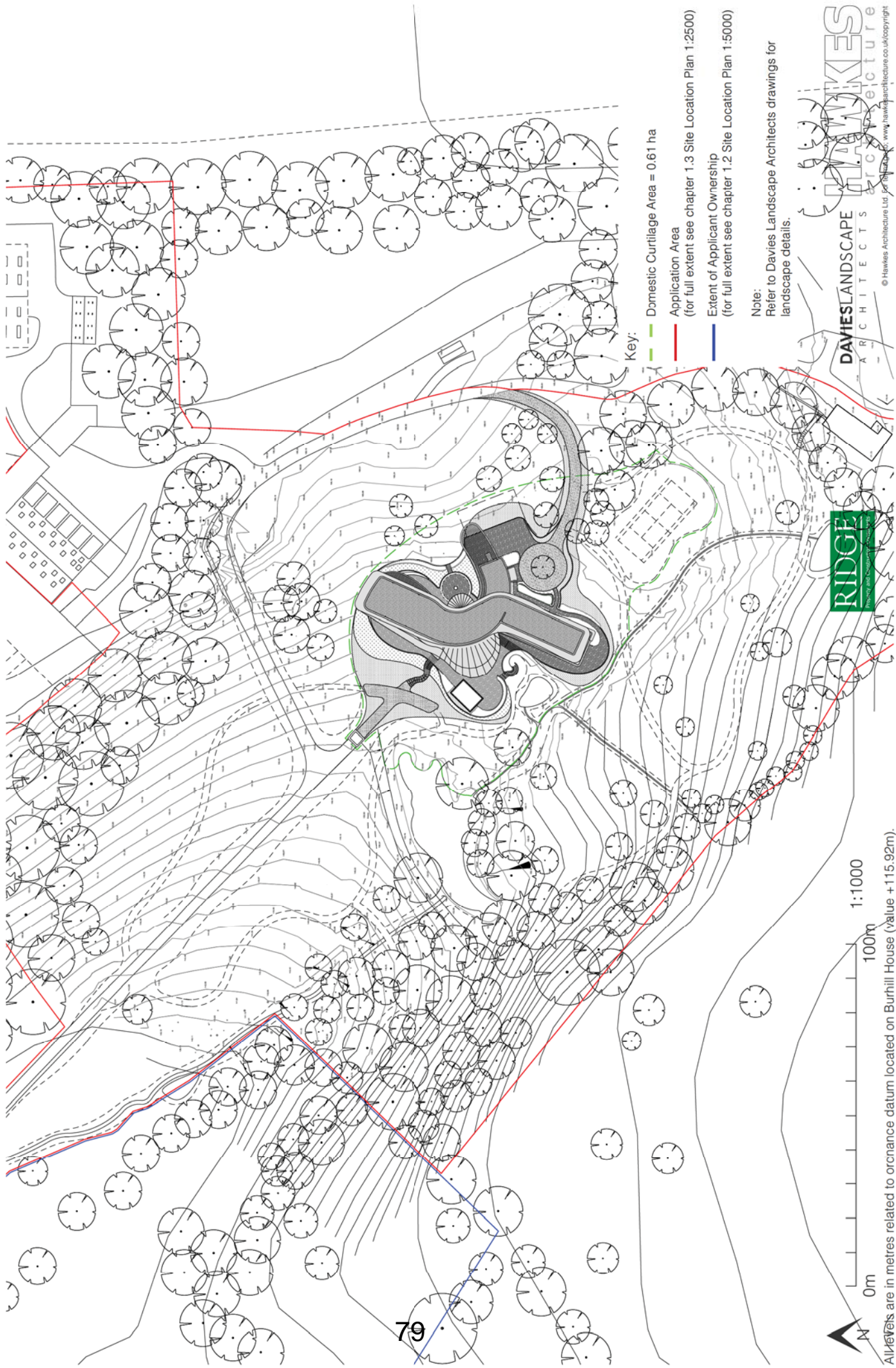
Buckland Manor Farm, Buckland
— Application Site Boundary
— Land Ownership

0 25 50 100 200m
SCALE 1:2,500 @ A3



5.2.1.1C PROPOSED SITE PLAN
 ADDITIONAL INFORMATION
 1:1000 AT A3

BUCKLAND MANOR FARM



Key:

- Domestic Curtilage Area = 0.61 ha
- Application Area (for full extent see chapter 1.3 Site Location Plan 1:25000)
- Extent of Applicant Ownership (for full extent see chapter 1.2 Site Location Plan 1:5000)

Note:
 Refer to Davies Landscape Architects drawings for landscape details.



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All levels are in metres related to orcnance datum located on Burhill House (value +115.92m).

BUCKLAND MANOR FARM

5.2.11.1B PROPOSED SOUTH ELEVATION ADDITIONAL INFORMATION 1:100 AT A1



80

- Materials**
1. Cotswold Stone
 2. Bronze Metal Cladding and Window Frames
 3. Timber Fins from English Chestnut
 4. Grey Metal Cladding
 5. Triple Glazed Doors and Windows

Note
Refer to Davies Landscape Architects drawings for landscape details.
All levels are in metres related to ordnance datum located on Burhill House (value +115.92m).



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BUCKLAND MANOR FARM

5.2.9.1B PROPOSED WEST ELEVATION ADDITIONAL INFORMATION 1:100 AT A1



81

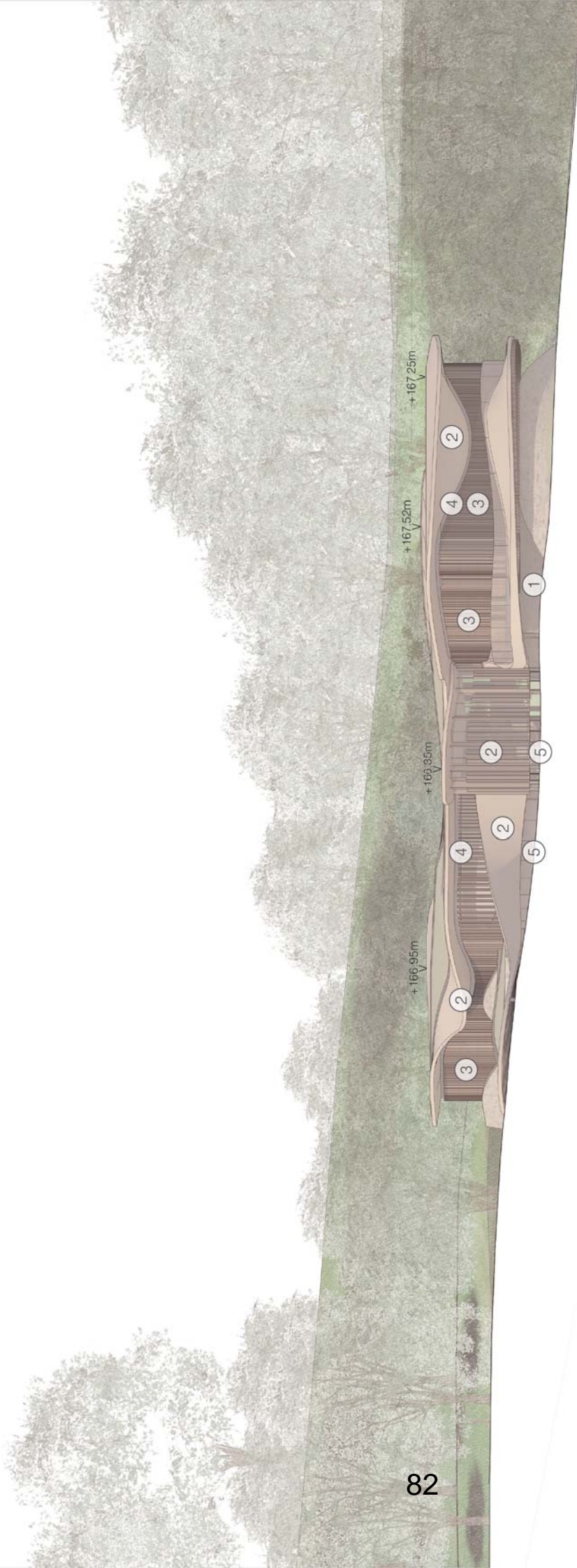
Note:
Refer to Davies Landscape Architects drawings for landscape details.
All levels are in metres related to ordnance datum located on Burhill House (value +115.92m).

- Materials:**
- 1. Cotswold Stone
 - 2. Bronze Metal Cladding and Window Frames
 - 3. Timber Fins from English Chestnut
 - 4. Grey Metal Cladding
 - 5. Triple Glazed Doors and Windows



BUCKLAND MANOR FARM

5.2.13.1B PROPOSED NORTH ELEVATION ADDITIONAL INFORMATION 1:100 AT A1



82

Note:
Refer to Davies Landscape Architects drawings for landscape details.
All levels are in metres related to Ordnance datum located on Burhill House (value +115.95m).

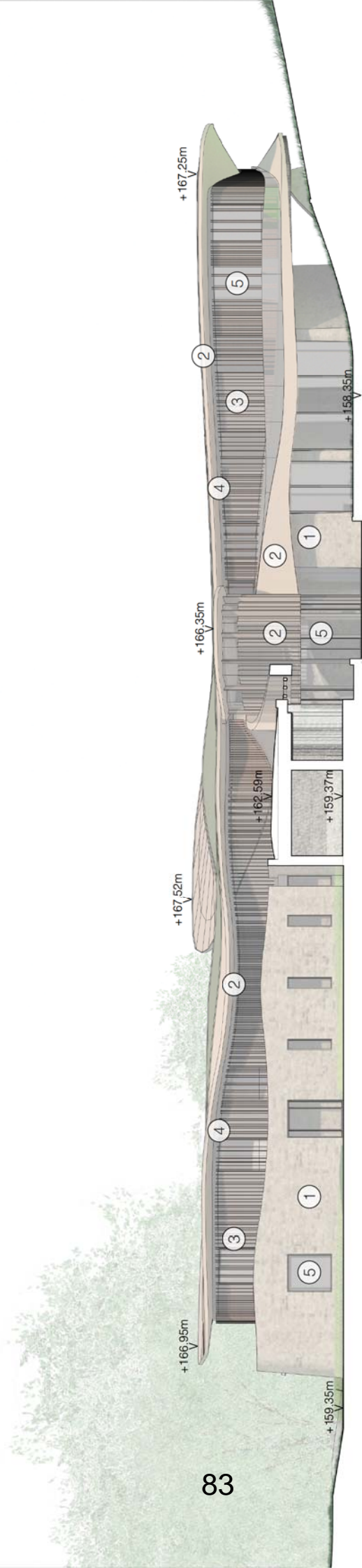
- Materials:**
1. Cotswold Stone
 2. Bronze Metal Cladding and Window Frames
 3. Timber Fins from English Chestnut
 4. Grey Metal Cladding
 5. Triple Glazed Doors and Windows



BUCKLAND MANOR FARM

5.2.15.1B PROPOSED EAST ELEVATION ADDITIONAL INFORMATION 1:100 AT A1

83



- Materials**
1. Cotswold Stone
 2. Bronze Metal Cladding and Window Frames
 3. Timber Fins from English Chestnut
 4. Grey Metal Cladding
 5. Triple Glazed Doors and Windows

Note
Refer to Davies Landscape Architects drawings for landscape details.
All levels are in metres related to Ordnance Datum located on Burhill House (value +115.92m).



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TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	19 January 2021
Site Location:	Copper Close Bushcombe Lane Woodmancote Cheltenham Gloucestershire GL52 9QJ
Application No:	20/00240/FUL
Ward:	Cleeve Hill
Parish:	Woodmancote
Proposal:	Section 73 application for the variation of conditions 3,4,5,7 and 8 of planning permission 12/01190/FUL to allow changes to the boundary treatments and to the design and footprint of plot 1.
Report by:	Dawn Lloyd
Appendices:	Site location plan Proposed Streetscene and Site Plan Proposed Elevations and Floor Plans Plot 1 Proposed Elevations and Floor Plans Plot 2 Section Plan
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is on the corner of Bushcombe Lane and Aesops Orchard, Woodmancote. Aesops Orchard is a cul-de-sac characterised by detached bungalows. The dwellings fronting Bushcombe Lane comprise of a mix of detached dwellings of differing style. Brook Cottage a Grade II Listed Building is opposite to the site on Bushcombe Lane. Bushcombe Lane slopes down from east to west and consequently the application site occupies higher ground than the adjacent property 'Half Acre'. The site is located close but outside the Cotswold AONB.
- 1.2 Planning permission (06/00399/FUL) was granted for three two storey dwellings on the site two of which (plots 2 and 3) have been constructed.
- 1.3 The current application proposes to amend the design of 'plot 1' (not yet commenced). The proposed amendments would be to slightly increase the footprint of the dwelling (resulting in a slightly greater depth and width) and addition of a further rear gable. The amendment would result in an additional (fifth) bedroom. (**See previously approved plans and proposed plans**).

- 1.4 The application also proposes a solid brick wall (previously approved as a wooden fence) for the intervening boundary between plots 1 and 2. This is retrospective in part as the rear boundary for plot 1 and the side boundary for plot 2 has been implemented. Portuguese Laurels have been planted adjacent to the post and rail fence to the rear of plot 1 and in front of the Cotswold stone wall on the side boundary to plot 2. A revised and accurate block plan and section plan to clarify the exact location of the proposed and implemented boundary treatment has been requested (**An up-date will be provided at Committee**).

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
T.2049/A	Outline application for a bungalow.	PERMIT	10.07.1967
T.2049/A/AP	Bungalow and garage.	APPROV	03.10.1967
03/00651/FUL	Erection of a dwelling and construction of a new vehicular access	REF	03.07.2003
03/01142/FUL	Erection of a bungalow and construction of a new vehicular access (revised scheme).	PER	29.09.2003
06/00399/FUL	Erection of 3 detached houses and construction of new access (includes demolition of Copper Close and closure of existing access off Bushcombe Lane).	PER	28.11.2006
12/00336/FUL	Construction of two detached dwellings (Revised scheme to development granted under planning ref: 06/00399/FUL).	REF	08.08.2012
12/01190/FUL	Construction of 2 detached dwellings (Revised Scheme to 12/00336/FUL).	PER	07.02.2013
16/00088/MINOR	Construction of 2 detached dwellings (Revised Scheme to 12/00336/FUL).	GRANT	12.12.2016

3.0 RELEVANT POLICY

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

National guidance

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

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

Policies: SD4, SD6, SD8, SD14.

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

Policies: HOU8.

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

Policies: RES2 Settlement Boundaries, 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

- 4.1 **Woodmancote Parish Council** – Objection. The dwelling is too large and out of keeping with other properties in the location and has a detrimental impact on the grade II listed thatch properties. The proposed rear brick wall should be Cotswold Stone to be in keeping with the character of the area.

Comments on amended plans – Objection due to size and scale and impact on the street scene.

If the application is permitted WPC would like to see the following and make comments accordingly:

-remove permitted development rights and in any other way prevent further extensions/conservatories that will over develop the plot.

- concerned that the extensive hard standing at the front will only increase the impact on the street scene with vehicles parked in front of the listed building. We would like to see this area smaller and with a narrower entrance to deter owners with vans. We would also like to see permeable loose shingle rather than a hard surface for SUDs.

- No patio – Suds compliant hardscapes only in the rear garden.

- The suburban scene could be mitigated out front with a mature native tree strategically placed between plot 1 and 2 to break up the pattern. And perhaps some smaller trees behind the front wall similar to the ones up Apple Tree Close. All with 5 year maintenance plan.

- 4.2 **Highway Authority**- no objection

Amended plans were submitted on 11 November 2020 which indicated the boundary treatments and planting on the site. The side extension to plot 1 has reduced in width and the rear gables have been amended.

- 4.3 **Conservation Officer** - No objection.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 Five neighbour letters of objection received (in summary)

- Footprint too large for the available plot.
- The design has lost its cottage style with the rear gables.

- The enlarged width the dwelling appears squeezed between adjacent properties and detrimental to streetscene due to its height and size.
 - It will be too close to Half Acre Cottage, overshadow it, windows on side elevation impact privacy and impact its setting.
 - Impact the setting of listed Brook Cottage which is opposite, dwelling will overlook the cottage.
 - Five bedroomed house would mean more parked cars, inadequate parking provision
- 5.2 The application has been publicised through the posting of a site notice for a period of 21 days.
- 5.3 The amended plans were advertised for an additional 14 day period. An update will be provided to the committee on additional comments received.

6.0 POLICY CONTEXT

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

7.0 ANALYSIS

- 7.1 The main issues to be considered in this application are: the size and design of the proposal and its impact on the character and appearance of the area and street scene; the impact on the residential amenity of neighbouring properties; on highway safety; and on the setting of nearby listed buildings.

Design and layout

- 7.2 The NPPF attaches great importance to the design of the built environment. Section 12 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Policy SD4 of the JCS (December 2017) also requires high-quality and well-thought-out design. Policy RES5 of the emerging Local Plan similarly requires high quality development for new housing development.

Dwelling

- 7.3 The amended design would increase the floor area and result in a slightly greater depth and width than the previous approval adding an additional bedroom (resulting in a five bedroomed dwelling). The front elevation remains similar in design the eave and ridge height as the previous approval. The rear elevation would have three projecting gables rather than two of the previously approval. There are would be no windows on the side elevation facing Half Acre Cottage. The concerns of the Parish Council are noted, however, there are properties of various ages, types and designs in the vicinity of the site. The slight increase in footprint and the additional rear gable is not considered inappropriate in terms of design or harmful to the character of area.

Boundaries

- 7.4 The rear boundary of plot 1 and its side boundary with plot 2 is not visible from the public realm. However, the boundary with Aesops Orchard is in a prominent corner at the entrance to the road and is opposite the Yew Tree Cottage a non-designated heritage asset and Brook Cottage a Listed Building. The Cotswold stone wall has been implemented due to the difference in ground levels is only visible in part from Aesops Orchard. The stone wall is more visually prominent from Bushcombe Lane. Laurel hedging is evident on the boundary of properties in the vicinity of the site. However, Laurel hedging can grow quite tall and it will require maintenance to restrict the height of the hedge and to prevent it obstructing the public footpath the Applicant has agreed to a condition for a programme of hedge maintenance. Given the constraints of the site it is considered that the boundary treatment would be appropriate to the character of the area in accordance with policy SD6.
- 7.5 Due to difference in ground levels from the footpath on Aesops Orchard and the ground level of plot 2 only a small amount of stone wall is visible from the footpath. There is little room for planting inside the wall on this side boundary and planting is required for privacy and safety.

Residential amenity

- 7.6 The rear elevation of plot 1 would have first floor windows serving two bedrooms and a bathroom. There is over 10 metres to the rear boundary which appropriate separation distance in terms overlooking. There would be oblique views from the bedroom closest to plot 2. The impact in terms of overlooking is considered not to be unacceptable and the proposal as amended complies with Policy SD14 in this regard.

Landscape and setting of the AONB

- 7.7 The site does not lie within the AONB which is immediately to the north of the site but in close proximity. JCS policy SD7 all development proposals in or within the setting of the Cotswold AONB will be required to conserve and where appropriate enhance its landscape, scenic beauty, cultural heritage and other special qualities wildlife and policy SD6 considers that proposal should have regard to local distinctiveness.
- 7.8 The amended design of the dwelling is very similar to the original design, the main difference being the introduction of a third gable to the rear elevation. This would not be prominent or particularly visible from views outside of the rear garden. The reinstated Cotswold stone wall on Bushcombe Lane provides a boundary treatment appropriate to the setting AONB. The Portuguese Laurel hedge would be more prominent from Aesops Orchard which consist of mostly recent development. Laurels are evident on boundaries in the vicinity of the site. Therefore, the proposal is considered acceptable in terms of its impact on the landscape and setting of the AONB.

Heritage assets

- 7.9 The site is opposite the listed Brook Cottage and in close proximity to the non-designated heritage asset of Yew Tree Cottage. Although slightly larger in scale the dimensions of dwelling of plot 1 is not considered to be of significant harm to the setting of heritage assets.

- 7.10 The Conservation Officer was consulted with regard to the impact of the proposed boundary treatment on the historic character of the area and the associated heritage assets - in particular Brook Cottage and Yew tree cottage. The Conservation Officer has no objection to amended plans.

Access and highway safety

- 7.11 JCS policy INF 1 considers development safe and efficient access to the highway network is provided all modes of transport.
- 7.12 A neighbour objection has been raised that the increase in size and number of bedrooms will increase the demand on parking provision. The Highway Authority have commented on the proposal and have no objection in terms of highway safety.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1 It is considered that the amended design and boundary treatment would not result in substantial or demonstrable harm to the streetscene and character and appearance of the wider area. The proposal provides adequate access and parking arrangements and would not unduly affect the residential amenity of neighbouring properties or the setting of nearby listed buildings. It is considered that the proposal would accord with relevant policies as outlined above. Therefore, it is recommended that planning permission be granted subject to the following conditions.

CONDITIONS:

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

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

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

- Site plan and streetscene Drawing Number 21124/02J received 16th December 2020
- Proposed Elevations and Floor plans for Plot 1 Drawing Number 21124/04J received 11th November 2020
- Section Plan received 17th December 2020

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

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

3. The external building materials shall be in accordance with the approved details
Walling - Natural Cotswold stone as per no. 10 Aesops Orchard.
Roofing - Natural slate tile as per no. 10 Aesops Orchard
Windows/doors - black upvc as per 10 Aesops Orchard

The materials of the side boundary wall between plots 1 and 2 to be red brick Wienerburger Reclaimed Sovereign stock.

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.

4. The proposed vehicular access onto Bushcombe Lane shall not be brought into use until the visibility splay lines have been provided in accordance with the submitted details as shown on drawing no. 21124 02 Rev J, with the area in advance of the splay lines maintained permanently clear of obstructions to visibility at a height not exceeding 0.9 metres above the adjacent carriageway level, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the potential highway impact by ensuring that adequate car parking is available within the site in the interests of highway safety.

5. Prior to the occupation of the proposed dwellings the new western vehicular access onto Bushcombe Lane shall be laid out and constructed in accordance with the drawing no. 21124 02 Rev J with any gates hung so as not to open out towards the highway and the area within 5m of the carriageway edge surfaced in bituminous macadam or other approved material and thereafter similarly maintained.

Reason: To ensure a satisfactory means of access is provided and maintained in the interests of highway safety

6. The development shall be carried out in accordance with the approved ground levels and finished floor levels as shown on drawing no. 21124 02 Rev J and Section Plan received 17th December 2020 unless otherwise agreed in writing by the Local Planning Authority.

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

7. The drainage shall be implemented in accordance with the approved scheme as shown on drawing no. 21124 02 Rev E.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating flooding problems and to minimise the risk of pollution, in accordance

8. Notwithstanding the submitted plans and the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) there shall be no first floor windows or roof lights in the west facing elevation of Plot 1 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not adversely impact upon existing residential properties.

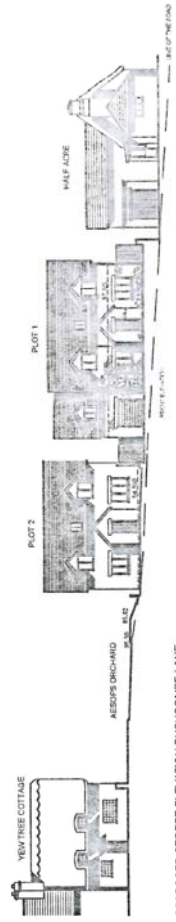
9. A schedule for the maintenance of the Portuguese Laurel hedge shall be submitted to agreed with the local Planning Authority within one year of their planting. The hedge shall be maintained at a height of below 2.5 m on the rear boundary and on the side boundary adjacent to Aesops Orchard not exceed 2 m in height. The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

INFORMATIVES:

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

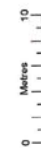
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PROPOSED STREET ELEVATION BUSHCOMBE LANE



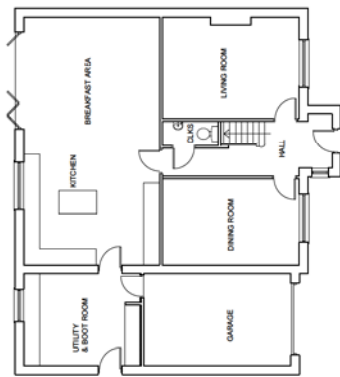
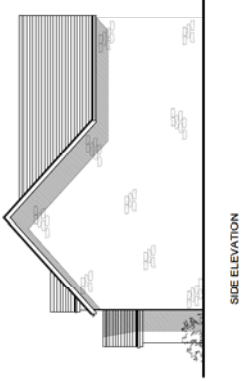
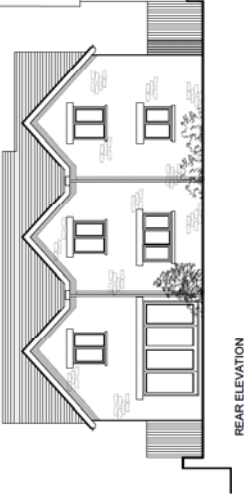
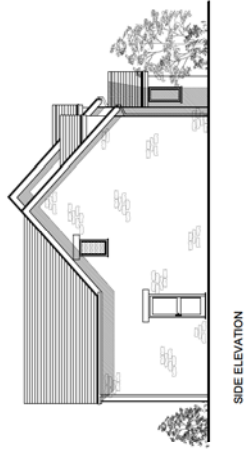
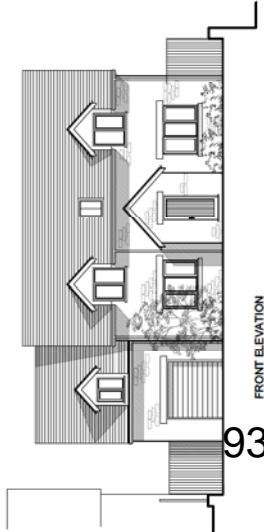
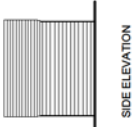
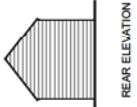
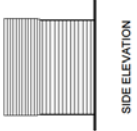
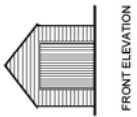
Do Not Scale off the Drawing



Land at Copper Close
Plot 1
Woodmancock
Cheltenham Glos
Site Plan and Street Elevations
As Proposed

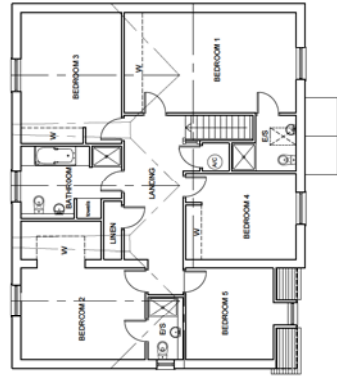
Scale 1:200 @ A1, 1:400 @ A3
Date September 2019
Dwg. No. 21124/1/021

Five Patch Architects
3 Trenchard Mews
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GROUND FLOOR PLAN

PLOT 1



FIRST FLOOR PLAN

Do Not Scale off the Drawing
0 5
Metres

Land at Copper Chase
Aesops Orchard
Woodmancote
Cheltenham Glos

Plans and Elevations (Plot 1)
As Proposed

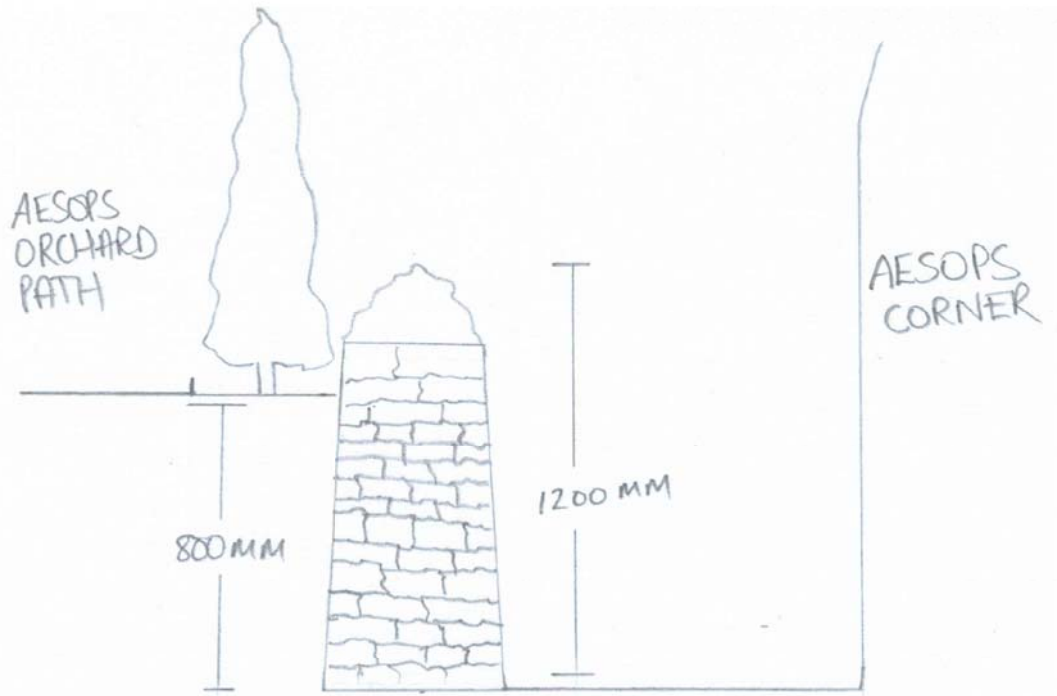
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Dwg. No. 21124/04J



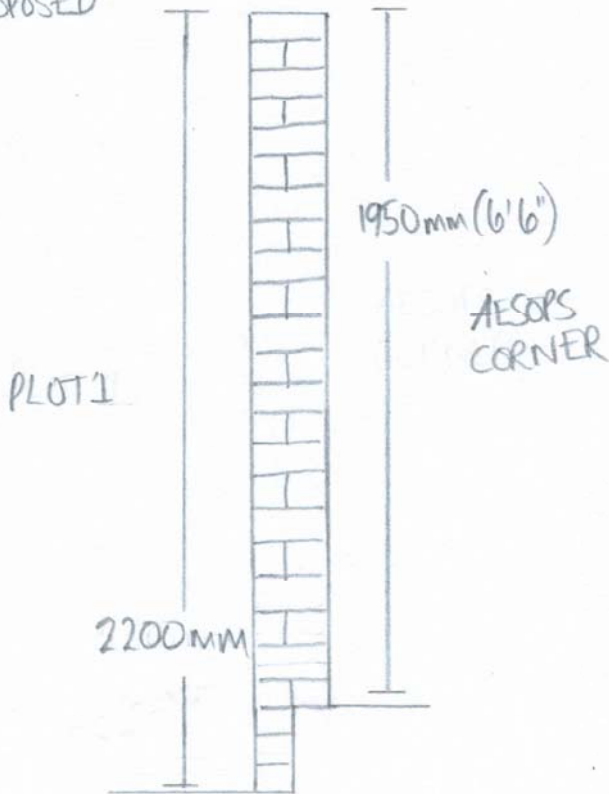
3 Trenchard Mews
Winchcombe Street
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GL52 2NF
t 01242 521608
e admin@clivepetcharchitects.co.uk
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SECTION
PLANS

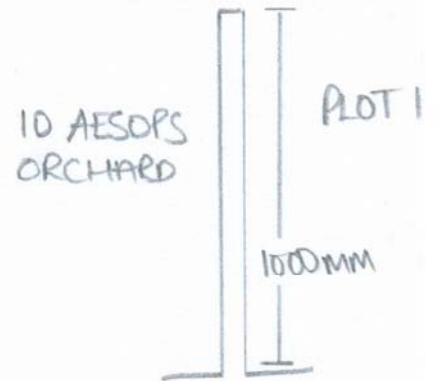
DRY STONE
WALL
-AS BUILT



RED
BRICK WALL
-PROPOSED



POST AND RAIL
FENCE - IN PLACE



TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	19 January 2021
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Development Manager
Corporate Lead:	Head of Development Services
Lead Member:	Lead Member for Built Environment
Number of Appendices:	One

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

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

1.0 INTRODUCTION/BACKGROUND

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

2.0 APPEAL DECISIONS

2.1

(A) Appeal Decisions	
Application No	19/00865/FUL
Location	6 The Square Toddington Cheltenham Gloucestershire GL54 5DJ
Proposal	Construction of 3 no. outbuildings comprising a garden room, double garage and gazebo.
Officer recommendation	Split decision
Decision type	Committee Decision
PINS reference	APP/G1630/W/20/3252374
PINS decision	Split (part allowed & part dismissed)
Reason	<p>Officer to summarise decision</p> <p>The Inspector judged that the garden room would diminish the significance of Toddington House and the associated Historic Park and Garden, resulting in harm to their settings. The Inspector also agreed that the proposal would sit within the root protection zone of TPO'd trees therefore damaging the trees and their contribution to the significance of the park and character and appearance of the AONB.</p> <p>Likewise, the garage would be incongruous and detrimental to the significance of The Square, the Park, the church and the House and would have an adverse effect on their settings.</p> <p>The gazebo however was judged not to result in any harm in accordance with the Council's decision.</p> <p>The Inspector thus agreed with the Council that a split decision, permitting the gazebo, but refusing the garden room and garage.</p>
Date of appeal decision	08.12.2020

(A) Appeal Decisions	
Application No	20/00344/PIP
Location	Land At Pirton Lane Churchdown Gloucester Gloucestershire
Proposal	The residential development of the site comprising the erection of between 1 and 2 dwellings.
Officer recommendation	Refuse
Decision type	Delegated Decision
PINS reference	APP/G1630/W/20/3257211
PINS decision	Appeal Dismissed and Planning Permission Refused
Reason	<p>The scope of permission in principle is limited to location, land use and amounts of development.</p> <p>The appeal site is located in and the Inspector found that although the site is surrounded on three sides by residential development, the appeal site is large and neighbouring plots to the side have extensive gardens, meaning that there is not a limited gap to fill, and the proposal would not constitute built-up development, both of which the Inspector considered to be integral to the definition of infill. In addition, the Inspector acknowledged the proposed houses would be behind the building line associated with the curve in Green Lane and The Green, and this configuration means that the site is both behind and adjacent to the village, rather than 'in' the village. For those reasons the Inspector concluded that the site is not in the village and does not comprise infill therefore the proposal would be inappropriate development in the Green Belt.</p> <p>Further to this, the Inspector considered that the proposal would permanently reduce the essential openness of the Green Belt.</p> <p>In terms of location, the Inspector concluded that the site is not in the village, nor well related to existing built development therefore the appeal site is not a suitable location for residential development.</p> <p>The appeal site is also within a Special Landscape Area (SLA). The Inspector confirmed that by adding between one and two houses and domestic paraphernalia in such a highly prominent location, beyond the existing development would cause significant harm to the SLA, in conflict with Policies SD6 of the JCS and LND2 of the Tewkesbury Borough Local Plan to 2011.</p> <p>The Inspector also considered the proposal would have a negative effect on one of the critical views to and from Chosen Hill, as defined by Policy CHIN13 of the Churchdown and Innsworth Neighbourhood Plan (2018 – 2031).</p>

	In the planning balance, the Inspector concluded that the harm to the Green Belt by way of inappropriateness and the other identified harms would not be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposed development and therefore, having had regard to all other matters raised, the Inspector dismissed the appeal.
Date of appeal decision	14 December 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	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
20/00045/ENFORC	Severnside Farm Walham	Unauthorised change of use to land to residential use of mobile home.	03.12.2020	W	WIC	
20/00042/NONDET	Cotswold House Post Office Lane Cleeve Hill	Erection of a single storey side extension and patio area. Creation of new access and parking area with retaining wall.	03.12.2020	W	SNB	
19/00090/FUL	Land Adjacent To Rosedale Boddington Road Boddington	Construction of three affordable dwellings with landscaping and associated works	09/12/2020	H	PAI	
19/00400/CLE	Court Farm Tewkesbury Road Twigworth	Lawful Development Certificate (Existing) for the use of land for the storage of caravans and motorhomes.	14.12.2020	I	VIS	

Process Type

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