

11 October 2021

Committee	Planning
Date	Tuesday, 19 October 2021
Time of Meeting	10:00 am
Venue	Tewkesbury Borough Council Offices, Severn Room

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND

Agenda

1. ANNOUNCEMENTS

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (during office hours staff should proceed to their usual assembly point; outside of office hours proceed to the visitors' car park). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

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.



	Item	Page(s)
4.	MINUTES	1 - 33
	To approve the Minutes of the meeting held on 21 September 2021.	
5.	DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL	
	(a) 21/00277/FUL - Tresco, Langley Road, Winchcombe	34 - 45
	PROPOSAL: Erection of a single storey rear extension, first floor extension and dormer windows.	
	OFFICER RECOMMENDATION: Permit.	
	(b) 21/000247/FUL - Beech Cottage, Stockwell Lane, Woodmancote	46 - 57
	PROPOSAL: Erection of a two storey side extension, front porch, demolition of existing garage and rebuild and alterations to existing dwelling.	
	OFFICER RECOMMENDATION: Permit.	
	(c) 21/01008/FUL - 8 Keriston Avenue, Churchdown	58 - 66
	PROPOSAL: Erection of a two storey side extension.	
	OFFICER RECOMMENDATION: Permit.	
	(d) 21/00702/FUL - Framfield, Two Hedges Road, Woodmancote	67 - 80
	PROPOSAL: Erection of a single storey side extension (resubmission).	
	OFFICER RECOMMENDATION: Permit.	
	(e) 21/00657/FUL - 25 Tudor Close, Churchdown	81 - 91
	PROPOSAL: Erection of a two storey rear extension and garage conversion.	
	OFFICER RECOMMENDATION: Permit.	
	(f) 20/01024/FUL - 15 Swallow Crescent, Innsworth	92 - 103
	PROPOSAL: New attached two bedroom dwelling to the side of 15 Swallow Crescent.	
	OFFICER RECOMMENDATION: Permit.	
	(g) 21/00494/FUL - Brock Farm, Church Lane, Staverton	104 - 119
	PROPOSAL: Change of use of land for the temporary siting of mobile home (farm worker accommodation).	
	OFFICER RECOMMENDATION: Permit.	

Item	Page(s)
(h) 20/01179/FUL - Land Adjacent to the Bungalow, Down Hatherley Lane, Down Hatherley	120 - 143
PROPOSAL: Erection of two single storey dwellings.	
OFFICER RECOMMENDATION: Permit	
(i) 21/00601/FUL - Croft Amber, Green Street, Brockworth	144 - 156
PROPOSAL: Change of use from granny annex to separate dwelling.	
OFFICER RECOMMENDATION: Permit.	
(j) 21/00347/FUL - Land Attached to April Cottage, 39 Newtown, Toddington	157 - 178
PROPOSAL: Use of land for the stationing of two shepherd huts for holiday let purposes and provision of associated vehicular parking area.	
OFFICER RECOMMENDATION: Permit.	
(k) 21/00559/OUT - The Newtons, School Road, Apperley	179 - 202
PROPOSAL: Outline application for the erection of one dwelling with all matters reserved for future consideration except for access.	
OFFICER RECOMMENDATION: Permit.	
6. CURRENT APPEALS AND APPEAL DECISIONS UPDATE	203 - 205
To consider current planning and enforcement appeals and Department for Levelling Up, Housing and Communities appeal decisions.	

DATE OF NEXT MEETING
TUESDAY, 16 NOVEMBER 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, J K Smith, 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 and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Chair will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 21 September 2021
commencing at 10:00 am**

Present:

Chair
Vice Chair

Councillor J H Evetts
Councillor R D East

and Councillors:

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

also present:

Councillor V D Smith

PL.22 ANNOUNCEMENTS

- 22.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 22.2 The Chair gave a brief outline of the procedure for Planning Committee meetings, including public speaking.

PL.23 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 23.1 Apologies for absence were received from Councillor R J G Smith. Councillor C Softley would be acting as a substitute for the meeting.

PL.24 DECLARATIONS OF INTEREST

- 24.1 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.

24.2 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 5c – 21/00594/FUL – Unit 1412, Charlton Court, Gloucester Business Park, Brockworth. Agenda Item 5d – 21/00595/FUL – Unit 1414, Charlton Court, Gloucester Business Park, Brockworth.	Is a Member of Hucclecote Parish Council but does not participate in planning matters.	Would speak and vote.
G F Blackwell	Agenda Item 5j – 20/00956/FUL - 25 Paynes Pitch, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
M A Gore	Agenda Item 5a – 21/00398/FUL – Land South of Wheatpieces, Walton Cardiff, Tewkesbury.	Had been in discussions with local residents in relation to the application but had not expressed an opinion.	Would speak and vote.
D J Harwood	Agenda Item 5c – 21/00594/FUL – Unit 1412, Charlton Court, Gloucester Business Park, Brockworth. Agenda Item 5d – 21/00595/FUL – Unit 1414, Charlton Court, Gloucester Business Park, Brockworth.	Is a Member of Brockworth Parish Council but does not participate in planning matters.	Would speak and vote.
M L Jordan	Agenda Item 5j – 20/00956/FUL - 25 Paynes Pitch, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.

J R Mason	Agenda Item 5h – 21/00277/FUL – Tresco, Langley Road, Winchcombe.	Is a Member of Winchcombe Town Council but does not participate in planning matters.	Would speak and vote.
R J E Vines	Agenda Item 5c – 21/00594/FUL – Unit 1412, Charlton Court, Gloucester Business Park, Brockworth. Agenda Item 5d – 21/00595/FUL – Unit 1414, Charlton Court, Gloucester Business Park, Brockworth.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.

24.3 There were no further declarations made on this occasion.

PL.25 MINUTES

25.1 The Minutes of the meeting held on 17 August 2021, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.26 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

26.1 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.

21/00398/FUL - Land South of Wheatpieces, Walton Cardiff, Tewkesbury

26.2 This application was for the erection of a two-storey office development (Class E use). The application had been deferred at the Planning Committee meeting on 17 August 2021 for a Planning Committee Site Visit in order to assess the proposal in the context of the objections raised by local residents. The Committee had visited the application site on Friday 17 September 2021.

26.3 The Planning Officer advised that the application site comprised an undeveloped parcel of land adjacent to Rudgeway Lane and to the east of the Bloor Homes development at Tewkesbury Meadows. To the north of the site was a recreation ground with housing at Nightingale Way and open fields to the south and east. The application sought planning permission for a two-storey office building to provide a new regional office for Bloor Homes. The building would be set to the western part of the site and would flank towards Bluebell Road. The proposal included 66 car parking spaces to the southern and eastern part of the site along with additional landscaping to the site boundaries. Policy SD1 of the Joint Core Strategy set out that employment-related development would be supported within the principal urban area of Tewkesbury town and in the wider countryside when it was located within, or adjacent to, a settlement - as in this instance – and when the development was of an appropriate scale and character. This proposal accorded with the policy and therefore was considered acceptable in principle. Members were advised that the proposed two-storey building would have a simple linear form and a low pitched roof

which had been designed to be reflective of an agricultural barn. The proposed materials palette of red brick, metal cladding and roof slates would secure a satisfactory appearance and would reflect materials used in the adjoining housing development. Whilst the building would be substantial in terms of its width, it would be set away from nearby dwellings and would not adversely impact the living conditions of those occupiers, or the character and appearance of the wider area. It was noted that the proposed development would result in some landscape harm; however, it was considered this would be limited given the relationship of the site with adjoining built development. A considerable number of objections had been received with the main concern relating to highway safety. The Planning Officer advised that the proposal would result in an increase in vehicles using Bluebell Road and the scheme had been accompanied by a transport assessment. The details had been reviewed by the County Highways Officer who had concluded that the proposal would not result in an unacceptable impact on highway safety or a severe impact on congestion in terms of the wider road network. The Council's Ecologist was satisfied that the development would not adversely impact newts and reasonable avoidance measures had been secured. He clarified that the Additional Representations Sheet, attached at Appendix 1, included amended conditions to replace conditions 4, 6, 7 and 11 as set out in the Committee report – these were not additional conditions. On balance, the proposal was considered to be acceptable and it was recommended that it be permitted, subject to the completion of a legal agreement to secure a travel plan bond and monitoring fee, and conditions set out in the Committee report, as amended by the Additional Representations Sheet.

- 26.4 The Chair invited the applicant's representative to address the Committee. The applicant's agent noted that the Committee had visited the application site the previous week and he hoped that had been helpful, although Members would make their own minds up as to whether the car parking arrangements they had experienced on Bluebell Road were 'normal'. He did not intend to repeat the commentary in the Committee report except to highlight that the principle of the proposed office development on the application site was accepted by Officers and that there were no objections on matters of planning policy, highways, design and visual amenity, landscape impact, flood risk, heritage or biodiversity – in fact, there were no technical objections at all. That said, he wished to address comments from within the local community which primarily related to matters of highway safety and the impact of the additional car journeys on the local highway network. Those concerns were appreciated and the applicant's representative assured Members that the nature of the operations - with staff and visitors entering and leaving the offices throughout the day, as well as flexible working hours – meant that traffic would be spread out; people did not all arrive and leave at the same time. Notably, the Transport Assessment's analysis of potential arrival and departure trips was based on a robust 'worst case' scenario and, even then, the generation of 41 two-way vehicle movements during the busiest peak hour only equated to a movement every 90 seconds. Needless to say, this scenario had been carefully considered by County Highways and its conclusion was clear and unequivocal. Given the standard of Bluebell Road, with its 6.75 metre carriageway width, there would be no highway safety or capacity implications as a result of the proposal and there were no justifiable grounds on which an objection could be maintained. Some Councillors may be aware that the current offices on Furrowfield Park were located at the end of a residential cul-de-sac, with a narrower five metre carriageway width, and were sited alongside a popular walking and cycling route to Tewkesbury School. To his knowledge, there had never been any planning enforcement or community safety complaints to, or action by, Tewkesbury Borough Council in respect of Bloor's business operations. There were internal procedures in place with regard to the conduct of staff when entering and leaving the premises, including a 20mph speed limit, and the applicant's representative provided assurance those procedures would be carried across to the new office. He wanted to reassure Members that the last

thing they intended to do was compromise highway safety on Bluebell Road for local residents of homes they were proud to have built. Finally, he could not really comment on a petition that he had heard about, but never seen, except to say that it should carry no weight in the Committee decision and he would be more than happy to talk to Tewkesbury Town Colts about their sports pavilion requirements in the context of Bloor's wider land interests in the area. He hoped that Members would be able to support the Officer recommendation and enable the £5m investment in Tewkesbury to proceed.

- 26.5 The Chair invited a local Ward Member to address the Committee. The local Ward Member indicated that there were numerous planning reasons for the Committee to refuse the application and he pointed out that the MP for Tewkesbury had submitted a detailed response to the proposal along with many other written objections from members of the public and a petition containing 420 signatories who were against commercial development in a residential area. It was not about NIMBY-ism but about appropriate development in appropriate locations and he believed the land in question should be used for the benefit of the community, for instance, providing a community hub or changing facilities for local teams. He asked Members to reject the application and show developers and Officers that they were in charge and were listening to their communities.
- 26.6 The Chair indicated that the Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to the completion of a legal agreement to secure a travel plan bond and monitoring fee, and conditions set out in the Committee report as amended by the Additional Representations Sheet, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation. A Member indicated that he had attended the Planning Committee site visit and had requested clarification on the number of sports pitches in the locality and the designation of the land in the masterplan. In terms of the petition, he noted that many of the signatories had addresses which were not within the borough, let alone in the immediate area impacted by the proposal. In response, the Planning Officer advised that there was an acknowledged need for new sports pitches in the Tewkesbury Borough area as there was a lot of demand from up and coming teams. The applicant had been required to provide Section 106 contributions towards playing pitch provision as part of the Wheatpieces development and he understood there was a parcel of land in the Wheatpieces area which could potentially be used for that purpose but there was resistance from the Parish Council to make that available for sports pitch use. In terms of the designation, the land fell outside of the original application for the area and was a piece of land which the applicant had since acquired. A Member sought clarification as to whether his understanding was correct in that there would be a lot of land left over which could potentially be used for sports pitches after this development was built but the land had not been designated as such. The Planning Officer confirmed that was correct and indicated that the land beyond was open countryside.
- 26.7 In terms of traffic, a Member noted that the proposal included 66 car parking spaces with overspill provision for 20 more which was a total of 86 spaces; however, Page No. 65, Paragraph 7.8 of the Committee report, stated that the Transport Assessment had predicted that the proposal would generate 40 trips in the morning peak and 41 trips in the evening peak. Whilst she appreciated there was provision for visitors, she felt that the amount of spaces being provided indicated that further traffic would be created. In response, the Planning Officer drew attention to Page No. 66, Paragraph 7.12 of the Committee report, which stated that car parking standards were set out within the Manual for Gloucestershire Streets and, for non-residential uses such as this, there was no defined parking standard so it was expected that commercial operators were best placed to understand the needs of the business. In this case, a total of 86 car parking spaces had been proposed; as

working offices there would be a number of staff based in the building and there would occasionally be training events when people from other areas attended, which was the purpose of the overspill area, so a greater number of spaces were being provided than the immediate need. The Member expressed the view that 40 trips in the morning and 41 trips in the afternoon was far from accurate. The Development Manager indicated that the applicant had planned for the worst case scenario on the basis that it was better to contain parking within the site than to overspill into the residential areas. The representative from County Highways clarified that the trips identified in the Transport Assessment and referenced by the Member were single peak trips for the morning and afternoon – there would be traffic both before and after the peak hours. He explained that 40 car parking spaces did not necessarily equate to 40 vehicles as not everyone arrived at the same time. County Highways considered the parking arrangements to be adequate and there were no concerns about the projected traffic. The Development Manager reminded Members that the applicant's representative had spoken about flexible working and people arriving at different times during the day.

26.8 A Member indicated that he had sympathy with the local Ward Member and residents. He recognised that some of the signatories on the petition were not from the local area but the majority were from the Wheatpieces estate or Walton Cardiff. The proposal was a great disappointment for residents who had been told there would be a different use for the land and had bought houses with that in mind. This did not sit comfortably with him and he felt the applicant could have found a more appropriate location for its commercial offices so he was not able to support the application.

26.9 Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to the completion of a legal agreement to secure a travel plan bond and monitoring fee, and conditions set out in the Committee report as amended by the Additional Representations Sheet.

21/00391/FUL - 39 Yew Tree Way, Churchdown

26.10 This application was for erection of a single storey front extension.

26.11 The Development Manager advised that a Committee determination was required as the Parish Council had objected to the proposal on the grounds that the extension would have an unacceptable impact on the streetscene and would create a precedent. Whilst those concerns were noted, there were other examples of this type of development in the local area in close proximity to the site. Overall, the proposal was considered to be of a suitable size and design and would be in-keeping with the area with no undue impact on neighbouring residents, therefore, the Officer recommendation was to permit.

26.12 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being put to the vote, it was

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

21/00594/FUL - Unit 1412, Charlton Court, Gloucester Business Park, Brockworth

- 26.13 This application was for proposed alterations to include the provision of external condenser units, additional louvres and CCTV cameras to the external elevations of the building.
- 26.14 The Development Manager advised that the wrong plans had been included with the Committee report for this item and he apologised for this error; the correct plans were included within the Additional Representations Sheet, attached at Appendix 1. He explained that a Committee determination was required as Brockworth Parish Council had objected to the proposal due to concerns in relation to noise, air pollutants and odours coming from business premises in the area and the impact on local residents; although the site was within Hucclecote, Brockworth Parish Council was concerned about the potential environmental impacts. Whilst those concerns were noted, the nearest residential dwellings were over 100 metres from the site. The submitted noise report concluded there would be no adverse impact on the nearest residents and the Council's Environmental Health Officer had raised no objections in terms of noise nuisance or air quality. Overall, the proposal would be of an appropriate size and design and the external appearance would be in keeping with the character and appearance of existing businesses on the business park. Therefore, the Officer recommendation was to permit the application.
- 26.15 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. The proposer of the motion expressed the view that more of these type of applications should be expected as technology moved forward and she suspected it would become less noisy as it advanced; nevertheless, in this instance a noise assessment had been undertaken and had shown there would be no adverse impact. The seconder of the motion felt that, on the basis of the Environmental Health Officer's report, he did not think there was any option other than to permit. Upon being put to the vote, it was

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

21/00595/FUL - Unit 1414, Charlton Court, Gloucester Business Park, Brockworth

- 26.16 This application was for proposed alterations to include the provision of external air handling units and condenser units and additional louvres to the external elevations of the building.
- 26.17 The Development Manager indicated that there was very little to add that had not been said under the previous Agenda item. This building was actually further away from residential properties to the north and was screened behind the building which was the subject of the previous Agenda item.
- 26.18 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being put to the vote, it was

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

21/00411/FUL - Land West of Manor Cottage, Walton Hill, Deerhurst

- 26.19 This application was for the erection of a single residential dwelling (C3) and associated operational development (Plot 1).
- 26.20 The Development Manager advised that the application site was between the dwellings known as Laurel Cottage to the west and Manor Cottage to the east. Two separate applications – this application and application ref: 21/00412/FUL which was Agenda Item 5f – had been submitted for this site which had been granted permission in principle last year for two dwellings; therefore, the principle of development was acceptable. The site was bounded by established trees/hedgerows and was located within the Landscape Development Zone. There was an existing Public Right of Way passing through the site which was proposed to be diverted, subject to a current footpath diversion order which would need to be resolved before any works could take place. There was an existing agricultural access along the southern (front) boundary of the site which would be improved to serve the proposed dwelling. County Highways had considered the proposals and raised no objections, subject to conditions. Members were informed that the maximum height of the proposed dwelling would be approximately 7.8 metres with eaves catsliding down the front elevation to reduce the apparent bulk of the building. The design incorporated a number of traditional features such as eaves detailing, a timber canopy and chimneys. The proposal also comprised a two-bay detached garage sited to the west of the house. The scale and design of the proposed development overall was considered acceptable and, in the Officers' opinion, there would be an acceptable impact on the character and appearance of the area. The dwellings would have a permeable driveway discharging stormwater directly to ground, as per the existing greenfield site, and the stormwater drainage system would flow to the north-east of the proposed dwelling boundary to a new crate soakaway. Soakaway testing and infiltration rates had been provided and the Lead Local Flood Authority was satisfied with the information. Whilst some trees and hedgerows were proposed to be removed, these had been assessed by the Tree Officer who was satisfied that those to be lost were unremarkable specimens so this was acceptable, subject to a high-quality landscaping scheme being secured by condition. The Development Manager drew attention to the Additional Representations Sheet, attached at Appendix 1, which set out that condition 7 in relation to ecological enhancements had been reworded at the request of the agent. Further to that, the agent had suggested alternative wording for condition 10 to make it more specific and less onerous – this seemed reasonable on first reading; however, it was necessary to consult the Council's Ecological Adviser to ensure they were satisfied. On that basis, the Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to the amendment of condition 10 provided that the Ecological Adviser was satisfied with the proposed rewording.
- 26.21 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that, as set out in the Committee report, the Council had granted permission in principle on this site for two infill dwellings within the last 12 months. That application was approved on the basis of housing comprising sustainable development in the context of the National Planning Policy Framework's tilted balance and given the relative accessibility of the site with its location in close proximity to the A38 corridor. That application had been supported by Deerhurst Parish Council; hence permission was granted under delegated authority. The two applications before Members today for housing on this land were entirely consistent with the permission in principle application. As such, although these proposals had come forward as separate full applications, he suggested that Members ought to be limiting their consideration to matters of design, layout and access with the principle having been firmly established. As concluded by Officers, the proposal fitted with the broadly linear pattern of development on the northern side of the lane and would

sit between other housing in the village on a spacious plot. The size and design of the dwelling would largely reflect characteristics of other properties in the area, both in terms of its footprint and height. The applicant and agent had worked closely with Officers to ensure the majority of mature boundary treatments would be retained and they had agreed there would be no adverse environmental impacts. The scheme had been amended in line with Officers' comments to ensure that the development was as well-designed as possible. The application was accompanied by a range of assessments which demonstrated that safe and convenient access could be achieved off the lane with visibility splays in accordance with local transport standards. There was also adequate space for turning and manoeuvring of vehicles within the site. The arboricultural assessment demonstrated that mature boundary trees could be retained on site, with only light cutting back along the frontage to achieve the required visibility splays, and the drainage strategy complied fully with the Council's Flood and Water Management Supplementary Planning Document (SPD). The Parish Council had now objected to the development which the applicant's agent found confusing given its support for the earlier permission in principle application - it seemed the Parish Council had simply changed its mind but, unfortunately, a permission existed for development on the site. Overall, the proposal clearly complied with the expectations of the development plan and should be supported. Officers had recommended a number of conditions which would further ensure that a high-quality development was achieved and he hoped Members would be able to permit the application which would contribute positively towards the borough's housing supply and support the vitality of rural communities.

- 26.22 The Chair indicated that the Officer recommendation was for authority to be delegated to the Development Manager to permit the application, subject to the amendment of condition 10 provided that the Ecological Adviser was satisfied with the proposed rewording, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation. A Member indicated that it was his understanding that each application must be determined on its own merits and he did not feel that this proposal should be permitted simply because permission in principle had already been granted for two dwellings on the site. He was not happy to support the proposed change of wording to condition 7 as he would rather the plan detailing the location and specification of the ecological enhancements be approved prior to, as opposed to within three months of, commencement of development – if that was amended he would be happy to support the proposal. The Development Manager indicated that this was within Members' gift; however, the Council's Ecological Adviser was happy with the rewording of the condition. The Legal Adviser explained that, as this was a full planning application, a pre-commencement condition required the agreement of the developer; as the applicant's agent had asked for the rewording, she assumed this had not been agreed in respect of that condition, in which case the only option would be to refuse if Members were not happy with the suggested rewording to require the plan to be submitted within three months of commencement of development. She reiterated that Members had been advised that the reworded condition was acceptable. In response to a query regarding the Newt Officer, the Development Manager explained that the Council had access to the Officer due to its involvement in a partnership project across various counties in the region looking at creating new habitats for newts.

- 26.23 Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to the amendment of condition 10 provided that the Ecological Adviser was satisfied with the proposed rewording.

21/00412/FUL - Land West of Manor Cottage, Walton Hill, Deerhurst

- 26.24 This application was for the erection of a single residential dwelling (C3) and associated operational development (Plot 2).
- 26.25 The Development Manager explained that this was the second of two full applications on the site which had permission in principle. This was slightly different in that the proposed access snaked around the back of Manor Cottage and served both Manor Cottage and the building at the back as well as the proposed application site. As with the previous application, the principle of development had already been established. In this case, a single garage accompanied the dwelling and the County Highways Officer had considered the proposal and raised no objection subject to the conditions set out in the Committee report. A number of traditional features had been incorporated into the design and both the scale and design would have an acceptable impact on the character and appearance of the area. The drainage would be dealt with in a similar way to the previous application and the Lead Local Flood Authority was happy with that proposal. As set out in the Additional Representations Sheet, attached at Appendix 1, condition 7 in relation to ecological enhancements had been reworded at the request of the applicant's agent. Further to that, the applicant's agent had suggested alternative wording for condition 8, as per condition 10 of the previous application and, whilst Officers were happy with the suggestion, it was necessary to consult the Council's Ecological Adviser to ensure they were satisfied.
- 26.26 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that, given the similarities between this and the previous application, he did not intend to repeat himself in detail. As Members were aware, permission in principle existed for residential development on this land and the proposal before the Committee reflected the scale, character, design and proportions of the development at Plot 1 and entirely met with the design expectations of the development plan. The development would be served by an existing point of access which both met the prescribed visibility standards and enabled adequate space for turning and manoeuvring within the site. The siting, scale and design of the dwelling would complement that at Plot 1 and other existing neighbouring properties in the area, particularly considering its spacious setting. As per Plot 1, mature boundary treatments would be retained and all appropriate development management standards would be met through the application. The applicant's agent hoped that Members would permit the application in light of its clear compliance with the development management policies and the boost it would provide to housing supply.
- 26.27 The Chair indicated that the Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to the amendment of condition 8 provided that the Ecological Adviser was satisfied with the proposed rewording, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation. A Member sought clarification as to why two separate applications had been submitted when the permission in principle had been granted for two dwellings on the site. In response, the Development Manager explained that it had not been necessary for two applications to be submitted; however, in this instance he understood that two separate applications had been made as the plots were in the process of being sold to two different parties.

26.28 Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to the amendment of condition 8 provided that the Ecological Adviser was satisfied with the proposed rewording.

21/00729/FUL - 41 Battle Road, Tewkesbury

26.29 This application was for the erection of single storey side and rear extension and retention of a 1.8 metre fence along the north-west boundary.

26.30 The Planning Officer advised that the application related to a detached property located on an estate in Tewkesbury. The proposal was to add a single storey side and rear extension onto the dwelling and to retain a 1.8 metre close boarded timber fence along the north-west boundary. A Committee determination was required as Tewkesbury Town Council had objected to the proposal on the grounds that the fence was out of character with the surrounding boundary treatments; whilst these concerns had been noted, the Officers' view was that the proposal was in keeping with the surrounding development as outlined in the Committee report.

26.31 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed that the application be permitted in accordance with the Officer recommendation. The proposer of the motion indicated there were many examples of such fences in the vicinity which was the only reason for the Town Council's objection. A Member noted there was no condition requiring the hedge removal to take place outside of bird nesting season and the Development Manager confirmed the hedge had already been removed. The Member subsequently seconded the proposal and, upon being put to the vote, it was

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

21/00277/FUL - Tresco, Langley Road, Winchcombe

26.32 This application was for the erection of a single storey rear extension, first floor extension and dormer windows.

26.33 The Planning Officer advised that the proposal was to erect a single storey rear and first floor extension including a raise in the ridge height and the addition of dormer windows in the front and back of the dwelling known as Tresco located on Langley Road, Winchcombe. A Committee determination was required as Winchcombe Town Council had objected to the proposal based on the scale of the extensions and the proposal's lack of conformity with the requirements of Policy 3.3 of the Winchcombe and Sudeley Neighbourhood Development Plan relating to bungalow development. Three letters of objection had been received in relation to the application on amenity grounds - one of which related specifically to the revised scheme - and concerns raised included potential overlooking, overbearing impact and loss of light to the adjacent dwelling to the east. These concerns had been taken into account in determining the application but it was not considered that the proposal would have a significant adverse impact on the amenity of the neighbouring properties. The Town Council's concerns had been considered and it was recognised that the proposal would not fulfil the requirements of the bungalow development policy; however, it was Officers' view that the proposal would be reasonable in the context, considering the scale and location of the development and the orientation of the dwellings in the locale. In addition, planning permission had been granted on the site for a one and half storey replacement dwelling and detached garage in 2020 and the property benefited from permitted development

rights, allowing for extension into the roof space without the need for planning permission – these represented realistic fallback positions. It was therefore considered that the proposed extensions would be acceptable in the context and would not have an adverse impact on residential amenity, as such, the Officer recommendation was to permit the application.

26.34 The Chair invited the applicant's agent to address the Committee. The applicant's agent explained that planning permission was being sought for extensions to the existing bungalow to provide more appropriate living space. The application had come to the Committee for determination purely on the basis of the objection from the Town Council that the proposal conflicted with Policy 3.3 of the Winchcombe and Sudeley Neighbourhood Development Plan in relation to the retention of bungalows. As the Committee report thoroughly explained, planning permission had been granted in 2020 for a replacement dwelling at the site and that scheme was for a new property similar in scale to the one before Members today which resulted in the loss of all ground floor bedrooms. The Town Council had raised no objection to the replacement dwelling, nor had it objected to the recent application at Giles Piece, also on Langley Road, which proposed enlarging the roof space to relocate all bedrooms to first floor level and had been granted planning permission in April 2021. Policy 3.3. of the Winchcombe and Sudeley Neighbourhood Development Plan did not appear to be applied rigidly or consistently by the Town Council and, with reference to this and other sites, the applicant's agent could not see why it had objected to this scheme. That aside, the current application retained two bedrooms on the ground floor and so enabled the single storey living that Policy 3.3 sought to secure. The aim of the policy was being met, even though it was not in other applications the Town Council had not opposed. The Town Council had also raised concerns about perceived overdevelopment of the site; however, the Committee report carefully assessed the proposal, including the streetscene and neighbouring amenity, and found it to be acceptable in all respects. The proposals showed a good design approach with no adverse effects and the resulting development allowed a local family to stay in their home for the long term, in a way which complied with the Winchcombe and Sudeley Neighbourhood Development Plan. The applicant's agent fully endorsed the Officers' thorough analysis of the application and asked that Members grant planning permission in line with the recommendation.

26.35 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be deferred for a Planning Committee Site Visit to assess the proposal in the context of the streetscene and neighbouring properties. Upon being put to the vote, it was

RESOLVED That the application be **DEFERRED** for a Planning Committee Site Visit in order to assess the proposal in the context of the streetscene and neighbouring properties.

20/00089/FUL - Phase 1B, East Site, Homelands, Gotherington Lane, Bishop's Cleeve

26.36 This application was for the removal/variation of conditions 2 (plans as set out), 4 (landscaping compliance) and 11 (noise assessment) of planning application reference: 17/01131/FUL.

26.37 The Planning Officer advised that the application site related to the commercial centre of the Homelands development and planning permission was being sought to regularise the landscape work that had been undertaken and to discharge a condition requiring the submission of an additional noise impact assessment. It was noted that the hedge adjacent to Gotherington Lane had not been removed but had been cut back and was slightly shorter in length to facilitate the cycle path and

streetlighting in the area. Whilst the concerns of the Parish Council were noted, it was considered that the character of the area had become less rural with the permission for the residential development and commercial centre. The existing hedge and areas of grass provided a soft landscaping buffer to the commercial centre and the proposal was considered acceptable in terms of landscape character. The noise impact assessment had previously been discharged in part of building A (the Co-op) and a noise impact assessment was required for the two other buildings before the installation of extraction ventilation equipment. The noise assessment had stated that noise levels would be limited to a rating no higher than existing background levels and hours of operation would be restricted to between 0700 and 2100 hours. The Environmental Health Officer considered the noise assessment to be acceptable and that there would be no undue impact to neighbouring properties, subject to the noise level and hours of operation being controlled by condition. The Planning Officer explained there were some minor discrepancies in terms of the plans submitted - the plans in question showed the location of the cycle storage area and some of the landscaping which did not correspond - Officers had sought these revisions prior to the Committee but, as they had not yet been received, the Officer recommendation had been changed to delegated permit.

- 26.38 The Chair indicated that there were no public speakers for this item. The Officer recommendation was that authority be delegated to the Development Manager to permit the application, subject to conditions and revised plans to address the minor discrepancies relating to the location of the cycle storage area and landscaping, and he sought a motion from the floor. A Member indicated that she knew the area well as she drove past the site several times each day, it was used a lot by local residents and she had some safety concerns in relation to that. She explained that the site was at the front of the fish and chip shop at the bottom of the building fronting onto Gotherington Lane and children sat on the grassy bank outside where there was no kerb. As there was no speed limit on the road, cars came quickly around the roundabout and she had grave concerns that one would plough across the bank where people were sitting, especially as the lights were not currently working. She would like to see bollards introduced, similar to those in front of the fish and chip shop in Bishop's Cleeve, particularly now the hedgerow would potentially be removed, in order to create a separation between cars and residents waiting for their supper. In response, the Planning Officer clarified that the hedgerow would not be removed and would remain in situ. The verge was quite narrow approaching the fish and chip shop and it may be possible to negotiate with the applicant in terms of the provision of a hard boundary. The County Highways representative indicated that this was a new request so had not been assessed by County Highways and he was unsure whether it was highway land. Whilst the hedgerow would provide an element of safety, he would need to defer to the Planning Officer as to whether bollards could be requested as part of this application or if a new planning application would be required. It was subsequently proposed and seconded that the application be deferred in order to investigate the installation of bollards to address highway safety concerns. The seconder of the proposal expressed the view that the photographs did not show the extent to which the grass bank slanted down into the carriageway – people sitting on the bank risked falling into the carriageway if they were to bend backwards. The Development Manager explained that bollards may not necessarily be the right approach so that was something which would need to be explored with County Highways and the applicant's agent, should Members be minded to defer the application.

- 26.39 A Member indicated that she did not understand the technicalities of the noise assessments which made it very difficult to vote with an informed mind; the Committee report stated that the Parish Council claimed the noise report was out of date as it had been carried out in 2020 and she questioned whether a more up-to-date assessment was needed. She also queried whether the earlier reference by the proposer of the motion had been to streetlighting and the proposer confirmed there was no streetlighting. A Member indicated that he was concerned about requests to remove or vary conditions and, in this instance, condition 4 had required trees to be planted and referenced the upkeep of trees for a five year period which would ensure that any which died would be replanted so he did not wish to see that removed. In response, the Development Manager advised that the purpose of securing revised landscaping plans was because the trees previously shown were not shown on the current plan and it was hoped that amended plans would be received through the deferral. In terms of the noise assessment, should Members be minded to defer the application, he would speak to the Environmental Health Officer and, if necessary, invite them to attend the next Committee meeting to explain in more detail the response to the Parish Council's concerns. The proposer and seconder of the motion indicated that they were happy to include this within the deferral and, upon being put to the vote, it was

RESOLVED That the application be **DEFERRED** in order to investigate installation of bollards or other measures to address highway safety concerns; to allow revised plans to be submitted to address the minor discrepancies in relation to the location of the cycle storage area and landscaping; and to enable the Environmental Health Officer to explain in more detail the response to the Parish Council's concerns regarding the noise assessment report being outdated.

20/00956/FUL - 25 Paynes Pitch, Churchdown

- 26.40 This application was for demolition of an existing dwelling and erection of five dwellings and associated access. The application was deferred at the Planning Committee meeting on 17 August 2021 in order to allow further conversations to take place in relation to access and design and to allow Officers to establish the proximity of Flood Zone 2 to the site.
- 26.41 The Development Manager explained that a number of additional objections had been received, as set out in the updated Committee report and the Additional Representations Sheet, attached at Appendix 1. It was noted that the matters raised within the objections were addressed in the report. There had been concerns about the construction access; however, as advised last month, recommended condition 18 required that work must be carried out in accordance with the submitted Demolition and Construction Method Statement. With any development there would be a degree of noise and disturbance but controls could be put in place to mitigate against that and it was the Officer view that, in this case, that would not warrant refusal. In respect of design, the agent had suggested three options with an alternative materials palette for the proposed dwellings and these and the location of Flood Zone 2 were shown on the presentation for Members' information. Officers agreed with the agent's view that the materials originally proposed were acceptable given the contemporary design of the dwellings and the variety of design in the area, therefore, the recommendation was to permit the application.
- 26.42 The Chair invited a local resident speaking in objection to the application to address the Committee. The local resident indicated that he was speaking on behalf of the residents of Dunstan Glen and the wider village community and he pointed out there had been 151 letters of objection to the proposal. In terms of construction site access, this was the second choice and should be refused on the grounds of

multiple safety issues. A freedom of information request had confirmed that County Highways had not undertaken a pedestrian survey, or any other form of site survey, and strategies such as “banksmen” and site notices would not mitigate the risks or meet the duty of care required by the stakeholders to protect the public to acceptable levels. An independent pedestrian survey had concluded that 18,078 persons would pass the entrance over the build period, yet there were no footpaths in Dunstan Glen so pedestrians could not be segregated and protected from site traffic, raising a high risk of personal injury. He pointed out that gardens were open plan and children played both in the gardens and on the roads. Both roads would have densely parked vehicles 24 hours per day, seven days per week and the local school also used the roads which included a sharp, blind bend that made it entirely unsuitable for Heavy Goods Vehicles (HGVs). This was all contrary to Paragraph 7.19 of the Churchdown and Innsworth Neighbourhood Development Plan, construction logistics and community safety standards and the National Planning Policy Framework in relation to highway safety. In terms of design and overdevelopment, the local resident indicated that the cramped development was neither sympathetic to the local character, nor did it create a high standard of amenity. It failed to address the urban structure and grain of the locality in terms of street pattern, layout, mass and form and it failed to address the scale, type, density and materials appropriate to the site and its setting. The colour palette of black and grey bricks with dark blue roofs and split gable design did not integrate with the immediate vicinity in his view. Furthermore, five properties were being shoehorned onto the plot – two had no garages, due to lack of space, and faced four properties in Dunstan Glen. The proposal therefore failed to comply with Paragraphs 11 and 12 of the National Planning Policy Framework, Policy SD4 of the Joint Core Strategy and Policy CHIN2 of the Churchdown and Innsworth Neighbourhood Development Plan. The local resident pointed out that the site had a gradient of three metres and No.’s 21 and 23 Paynes Pitch had flooded in the past; the planned 1,250 square metres of impermeable ground would only exacerbate this and the site would flood if the surface water retention tank failed. This was contrary to Paragraph 14 of the National Planning Policy Framework and INF2 Flood Risk Management. The local resident also raised concern that 65% of the hedgerow was to be grubbed out, along with fencing not within the applicant’s ownership, which could result in the culling of hedgehogs. In terms of land ownership, he explained that Bovis Homes had granted him the sole ownership and its title deeds for services to the community over the last 36 years. He indicated that this failed to comply with Paragraph 15 of the National Planning Policy Framework, Section 4 of the Joint Core Strategy and Policies CHIN3 and CHIN9 of the Churchdown and Innsworth Neighbourhood Development Plan. On that basis, he respectfully requested that the Committee refuse the application.

- 26.43 The Chair invited the applicant’s agent to address the Committee. The applicant’s agent confirmed that he wholly endorsed the Officer recommendation to permit the application, subject to conditions. Members would be aware that the site was not in open countryside, it was within an existing settlement and contained a sizeable building in a poor state of repair. The proposal would provide much needed family homes in a very sustainable location, at a time when Tewkesbury Borough Council was unable to meet its housing supply targets. The applicant had worked very hard with Officers over the last 11 months to address initial concerns raised which had resulted in a reduction in the scale of development from six to five homes, as well as changes to the proposed levels, increased distances to neighbouring properties and enhancements to the proposed landscape scheme. The applicant’s agent was mindful that some concerns had been raised during last month’s meeting in respect of design; whilst the development adopted a modern approach, external materials could be controlled by planning condition. The applicant’s agent was of the view that the originally proposed materials would be wholly appropriate, given the mix of styles and materials found within the local area; however, he had provided some illustrative elevations showing both a buff brick and red brick option that would be

consistent with those immediate properties, should Members consider that approach to be more appropriate. Concerns had also been raised in respect of site access but it was important to understand that the existing access from Paynes Pitch was currently deemed unsafe and sub-standard – this would be permanently stopped up as a result of the proposal. Whilst the new access had been designed to meet highway safety standards, it also included provision for a new footway to take pedestrians off Dunstan Glen. No objections had been raised by County Highways and the access would be a significant improvement when assessed against the existing arrangement. The applicant's agent reminded Members that matters relating to ownership were strictly civil and should have no bearing on the decision today; however, for information, he clarified that the applicant did have access rights over the land and that had been confirmed by their legal team. He went on to advise that an updated Demolition and Construction Method Statement had been supplied which could reduce the impact of the construction stage on neighbouring residents by controlling a range of factors such as hours of working, vehicle parking, wheel washing and noise emissions. In summary, the development would not give rise to unacceptable impacts. The application had been submitted in October 2020 and had consistently experienced significant delays yet it clearly accorded with prevailing policies and would help the authority meet its housing supply needs in a sustainable location. The homes were modern and well-designed, set within an existing residential area and would allow a site in desperate need of regeneration to be improved.

- 26.44 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed that the application be refused on the basis that it conflicted with Paragraphs 12, 14 and 125 of the National Planning Policy Framework, Policy SD4 of the Joint Core Strategy and Policies CHIN2, CHIN3 and CHIN9 of the Churchdown and Innsworth Neighbourhood Development Plan. The Development Manager asked the proposer of the motion to elaborate on the reasons why he felt planning permission should be refused in order for Members to decide whether they could second or support the proposal. In response, the proposer of the motion indicated that he would first like to ask some questions of the Officers in order to inform his response. He noted that Planning Officers continued to emphasis at Page No. 7, Paragraph 7.6 of the report, circulated separately, that Tewkesbury Borough Council had a 4.35 year housing land supply and he asked whether that was correct; he indicated that Members had been told that the borough's annual housing supply had been more than met over the last three years and he asked whether that was correct; and he queried what the housing need was for this application and what evidence was available to support that. In response, the Development Manager confirmed that the 4.35 year housing land supply was the current position and he clarified that it was the annual housing requirement that had more than been met over the past three years as opposed to the housing land supply, although he did not have the figures to hand. In terms of evidence for housing need in this area, that was not particularly relevant to the current application which was in an area where the principle of development was acceptable in accordance with the Council's policies and the tilted balance was in play which meant that, as the Council could not demonstrate a five year housing land supply, planning permission should be granted unless there were significant and demonstrable reasons otherwise. The proposer of the motion went on to clarify that he felt the application should be refused as Paragraph 12 of the National Planning Policy Framework which related to the presumption in favour of sustainable development stated that, where a planning application conflicted with an up-to-date development plan, permission should not usually be granted. Paragraph 14 set out that, in situations where the presumption applied to applications involving the provision of housing, the adverse impact of allowing development that conflicted with the Neighbourhood Development Plan was likely to significantly and demonstrably outweigh the benefits provided that: the neighbourhood plan became part of the development plan two years or less before the date on which the

decision was made, the neighbourhood plan contained policies and allocations to meet its identified housing requirement, the local planning authority had at least a three year supply of deliverable housing sites against its five year housing supply requirement and the local planning authority's housing delivery was at least 45% of that required over the previous three years – the latter two points had been confirmed by the Development Manager. Paragraph 125 b) stated that the use of minimum density standards should also be considered for other parts of the plan area and it may be appropriate to set out a range of densities that reflected the accessibility and potential of different areas, rather than one broad density range. In terms of the Joint Core Strategy, he felt the proposal conflicted with Policy SD4 in relation to design requirements set out at 1.i) that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form; it should be of a scale, type and density, and use materials appropriate to the site and its setting; design should establish a strong sense of place using streetscapes and building to create attractive and comfortable places to live, and have appropriate regard to the historic environment. Policy SD4 iv) set out that new development should ensure that the design of landscaped areas, open space and public realm were of high quality, provided a clear structure and constituted an integral and cohesive element within the design; however, he considered that the new dwellings would be incohesive with the existing development. Turning to the Churchdown and Innsworth Neighbourhood Development Plan, Policy CHIN2 stated that proposals for new development should contribute towards the local distinctiveness of Churchdown and Innsworth and should integrate positively received local design features, avoiding negatively received design features; Policy CHIN3 set out that new residential development proposals should demonstrate how they retained, and where possible enhanced, the environmental setting of Churchdown and Innsworth, in particular, the provision of green spaces, verges, trees and hedgerows; and Policy CHIN9 set out that proposals that incorporated design features which encouraged local wildlife to thrive would be strongly supported. The proposer of the motion felt that the development conflicted with all these policies as a considerable number of trees and hedgerows would be lost to the development. The proposal to refuse the application was subsequently seconded and the seconder of the motion indicated that, in her view, many of the issues presented by the local resident who had spoken in objection to the proposal were not insurmountable but she could not support the application as it currently stood. If it were to be permitted then she would wish to see conditions added.

- 26.45 A Member indicated that she did not actively support a refusal; however, she had objected to the design at the previous meeting of the Committee on the basis of the proposed colour palette. In her view grey was very much an 'on trend' colour which was being used a lot currently but fashions clearly changed over time and she did not think it was the most appropriate colour to use considering the existing properties. She felt that the alternatives put forward by the applicant were preferable and would fit in better with the colour palette of surrounding properties. The Chair suggested that if the motion to refuse was lost, a proposal to permit could be made and voted upon and, if carried, there could then be proposals as regards the conditions. The Legal Adviser stated that any motion to permit would need to include what was to be included by way of conditions prior to the vote being taken.
- 26.46 The Development Manager recognised that the proposer of the motion to refuse had given a comprehensive list of policies which was helpful; however, the Legal Adviser having confirmed also that the reasons for refusal needed to be clear prior to Members voting on that motion, for further clarification, from the discussion that had taken place, he surmised that the proposer and seconder of the motion considered that, by reason of its design, layout and overdevelopment the proposal would not respect the character of the area and sense of place; it would not result in

a high quality and cohesive development nor would it enhance the existing settlement contrary to the policies outlined. The proposer and seconder of the motion confirmed they were happy with the suggested wording and, upon being put to the vote, the proposal to refuse the application was lost.

- 26.47 A brief debate ensued regarding the preferred colour palette for the proposed dwellings and the Chair suggested that option 3 – a mix of buff and red brick - would be most suitable as the two tone palette would reduce the bulk and massing of the buildings. It was subsequently proposed that authority be delegated to the Development Manager to permit the application, subject to amendments to change the colour palette to buff and red brick in accordance with option 3 of the proposed alternatives put forward by the applicant. A Member indicated that she had concerns regarding condition 14 which had been put forward by County Highways and required secure and covered cycle storage facilities for a minimum of two bicycles per dwelling. She had raised this concern with such conditions at previous Committee meetings as she felt the condition was unnecessary. She believed people buying bicycles for themselves and their children would provide their own storage and she pointed out that, in this instance, three of the five dwellings would have garages so she would like the condition to be removed. The Development Manager advised that there was a good policy rationale for the inclusion of the condition and the dwellings were in a location where sustainable forms of transport should be promoted. He appreciated that the Member had raised this before but indicated that was in the context of developments in areas such as Wormington where cycling may not be an appropriate choice of transport generally. Whilst Officers felt there was merit in including the condition based on the location of the dwellings, the Development Manager noted that most of the houses would have garages which would probably satisfy the requirement of the condition and it was in Members' gift should they wish to remove it. The proposer of the motion to permit the application understood that the condition often required cycle storage provision over and above garages and he made reference to an application in Toddington where both properties had garages but cycle storage had to be provided in addition to that. He confirmed he was happy to amend his proposal to include the removal of condition 14 and the proposal was duly seconded. A Member indicated that she did not agree with removing the condition and also had concerns about the removal of the hedge and southern boundary and some of the points raised within the ecological survey. The proposer of the motion indicated that he was not willing to amend his proposal further and, upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to amendments to change the colour palette to buff and red brick in accordance with option 3 of the proposed alternatives put forward by the applicant and the removal of recommended condition 14 in relation to cycle storage provision.

PL.27 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

- 27.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 199-203. Members were asked to consider the current planning and enforcement appeals received and the Ministry of Housing, Communities and Local Government appeal decisions issued.
- 27.2 Accordingly, it was

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

The meeting closed at 11:56 am

Appendix 1

ADDITIONAL REPRESENTATIONS SHEET

Date: 21 September 2021

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

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

Item No	
5a	<p>21/00398/FUL</p> <p>Land South Of Wheatpieces, Walton Cardiff</p> <p>Three further letters of representation have been received and are summarised below and reiterate observations raised by other residents which are set out in the Committee report:</p> <ul style="list-style-type: none"> - Out of keeping with the estate - Should be on a business park - No other commercial buildings - Influx of vehicles would conflict with resident's vehicles and pedestrians - Road cannot cope - Extra noise <p>The outstanding ecological matters have been resolved and the Council's Ecological Adviser is satisfied with the proposal subject to the conditions set out below.</p> <p>The recommendation remains to permit, subject to the completion of a legal agreement, the conditions set out in the Committee report and additional conditions set out below:</p> <p>19. Prior to undertaking any site clearance a Landscape and Ecological Management Plan (LEMP) shall be submitted to the Local Planning Authority. The LEMP should expand on the Ecology report recommendations for site wide ecological enhancements which shall also include details of timescales for implementation, persons responsible for managing and monitoring the site. These works shall be completed in accordance with the approved details prior to the first use of the development.</p> <p>Reason: To ensure adequate wildlife protection</p> <p>20. Prior to undertaking any site clearance a pre-commencement check for signs of badger activity shall be undertaken by a suitably qualified ecologist. If a sett is present and disturbance is likely, appropriate mitigation details will need to be submitted to and approved in writing by the Local planning Authority. Any necessary works shall be undertaken in accordance with the approved details.</p> <p>Reason: To ensure adequate wildlife protection.</p>

	<p>21. No part of the development shall be occupied until an external lighting scheme has been submitted to and approved by the Local Planning Authority detailing location and specification of the lighting supported by contouring plans demonstrating any light spill into adjacent habitats. The external lighting shall be installed and thereafter maintained in accordance with the approved details.</p> <p>Reason: To reduce light pollution and ensure adequate wildlife protection.</p> <p>22. The development shall be carried out in accordance with the ecological mitigation measures detailed within Ecological Assessment (Ecology Solutions, February 2021), eDNA survey (Ecology Solutions, May 2021) and Reasonable Avoidance Measures (Ecology Solutions, September 2021).</p> <p>Reason: To ensure adequate wildlife protection.</p>
5c	<p>21/00594/FUL</p> <p>Unit 1412, Charlton Court, Gloucester Business Park, Brockworth</p> <p>The plans in the Committee report are incorrect. They should be as attached.</p>
5e	<p>21/00411/FUL</p> <p>Land West Of Manor Cottage, Walton Hill, Deerhurst</p> <p>The rewording of the condition relating to ecological enhancements proposed at the request of the Agent from correspondence received via email dated 15 September 2021 to the Planning Case Officer.</p> <p>Condition 7 as proposed:</p> <p>"Prior to the commencement of the development, a plan detailing the location and specification of the ecological enhancements including but not limited to hedgerow enhancements, new native planting, bat and bird boxes recommended in the Ecological Impact Assessment (Swift Ecology, January 2021) and Updated survey (Swift Ecology, June 2021) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.</p> <p>Reason: To provide adequate biodiversity enhancements and ensure the protection of habitats."</p> <p>At the request of the Agent, the following re-wording is sought:</p> <p>"Within 3 months of the commencement of development, a plan detailing the location and specification of the ecological enhancements including but not limited to hedgerow enhancements, new native planting, bat and bird boxes recommended in the Ecological Impact Assessment (Swift Ecology, January 2021) and Updated survey (Swift Ecology, June 2021) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.</p> <p>Reason: To provide adequate biodiversity enhancements and ensure the protection of habitats."</p> <p>All other mitigation and compensation measures from table 5.1 of the Ecological Impact Assessment, Swift Ecology dated January 2021 are covered by the detailing within Condition 5.</p>

5f	<p>21/00412/FUL</p> <p>Land West Of Manor Cottage, Walton Hill</p> <p>The rewording of the condition relating to ecological enhancements proposed at the request of the Agent from correspondence received via email dated 15 September 2021 to the Planning Case Officer.</p> <p>Condition 7 as proposed:</p> <p>"Prior to the commencement of the development, a plan detailing the location and specification of the ecological enhancements including but not limited to hedgerow enhancements, new native planting, bat and bird boxes recommended in the Ecological Impact Assessment (Swift Ecology, January 2021) and Updated survey (Swift Ecology, June 2021) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.</p> <p>Reason: To provide adequate biodiversity enhancements and ensure the protection of habitats."</p> <p>At the request of the Agent, the following re-wording is sought:</p> <p>"Within 3 months of the commencement of development, a plan detailing the location and specification of the ecological enhancements including but not limited to hedgerow enhancements, new native planting, bat and bird boxes recommended in the Ecological Impact Assessment (Swift Ecology, January 2021) and Updated survey (Swift Ecology, June 2021) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.</p> <p>Reason: To provide adequate biodiversity enhancements and ensure the protection of habitats."</p> <p>All other mitigation and compensation measures from table 5.1 of the Ecological Impact Assessment, Swift Ecology dated January 2021 are covered by the detailing within Condition 5.</p>
5h	<p>21/00277/FUL</p> <p>Tresco, Langley Road, Winchcombe</p> <p>Additional representation from a neighbour. See attached below.</p>
5i	<p>20/00089/FUL</p> <p>Phase 1B, East Site, Homelands, Gotherington Lane, Bishops Cleeve</p> <p>The Agent has informed the Case Officer on 15.09.2021 that they are unable to provide the revised plans to address the minor discrepancies prior to the Committee date. Therefore, the Officer recommendation has changed to DELEGATED PERMIT.</p>

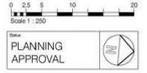
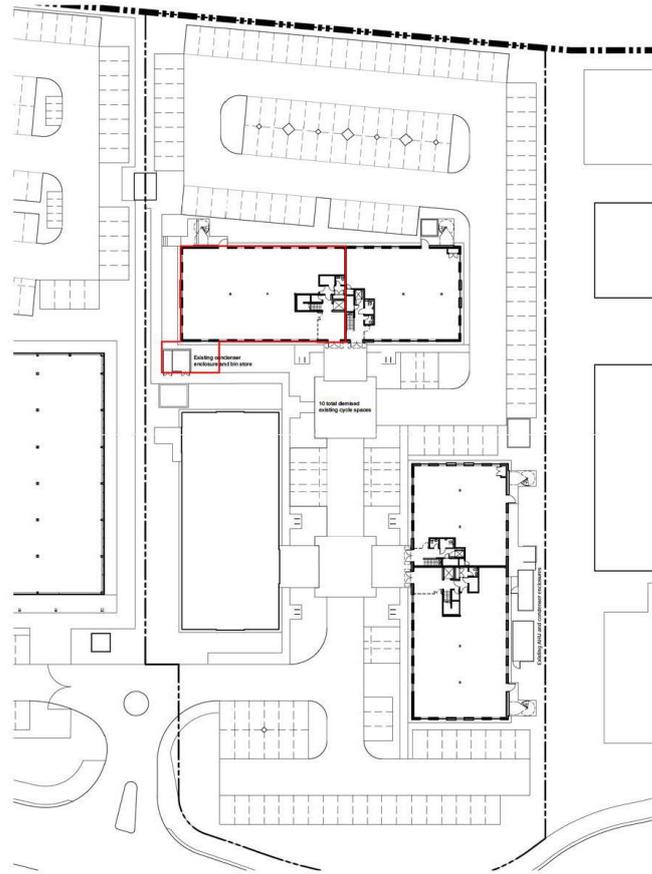
5j

20/00956/FUL**25 Paynes Pitch, Churchdown**

Since the Planning Committee on 17 August 2021 a further 14 objections have been received (summarised):

- The access route to the site presents unacceptable dangers to local residents and passing pedestrians and Oldbury Orchard and Dunstan Glen are narrow roads which are suitable for light residential traffic.
- The limited on-road parking opportunities already create informal, blind chicanes that present hazards to pedestrians and cyclists from the passage of moderate size vehicles, let alone lorries used for demolition/delivery/construction purposes.
- There is no room for turning large lorries so they will have to be reversed back out of the surrounding roads.
- If lorries park up behind each other it will prevent emergency vehicles having access, especially fire service.
- The drives of the existing houses are also very close to each other so any lorry parking will block normal access for the residents in at least ten houses.
- Dunstan Glen is a narrow cul-de-sac with no pavement and the site access/egress is well used by pedestrians and the construction access arrangement would pose a health and safety risk for pedestrians and cyclists including children and elderly residents.
- The Construction Management Plan is inadequate and may not be complied with.
- The construction vehicles will give rise to congestion.
- No amount of signage, traffic management or banksmen could make the use of the roads by HGV's, of a sufficiently low risk to meet Tewkesbury Borough Council's public duty of care.
- Vehicle access from Dunstan Glen will impact on the retained TPO trees and ecology including hedgehogs.
- The site would sacrifice an excessive area of permeable ground and render adjacent properties in Paynes Pitch vulnerable to flooding.
- The road surface in Paynes Pitch already becomes a fast flowing river during heavy rain with storm drains completely overwhelmed. The proposal will exacerbate this issue.
- The over-development of site consequentially means that that there is inadequate space for green infrastructure and drainage control mechanisms to mitigate the risk of flooding.
- The design is an over-development of the site and properties would have an appearance at total variance in appearance and quality with adjacent properties in Dunstan Glen, Paynes Pitch, and Oldbury Orchard.
- The primary use of monotone materials conflicts with the traditional red-brick or Cotswold stone appearance of the immediate area.
- The proposed parking provisions are inadequate in size and quantity for properties of this nature, exacerbated by the absence of adjacent on-street parking.

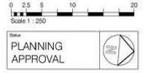
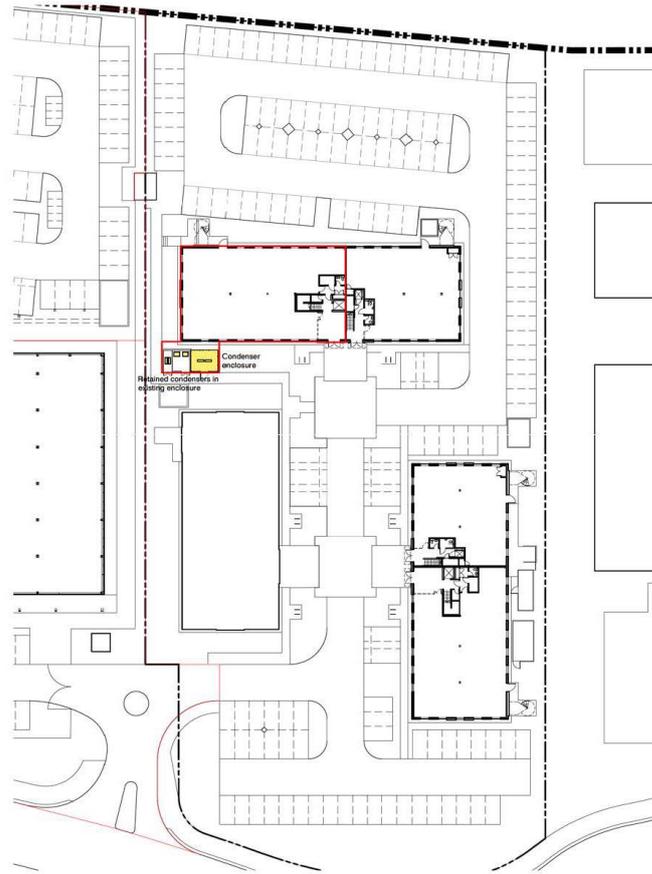
- | | |
|--|---|
| | <ul style="list-style-type: none">• The property frontage presents no meaningful landscaping to soften the view and is dominated by car parking• The proposal extends beyond its legal boundaries.• Concerns about what procedures will be in place for the safe removal and disposal of buried asbestos and gas tanks. |
|--|---|



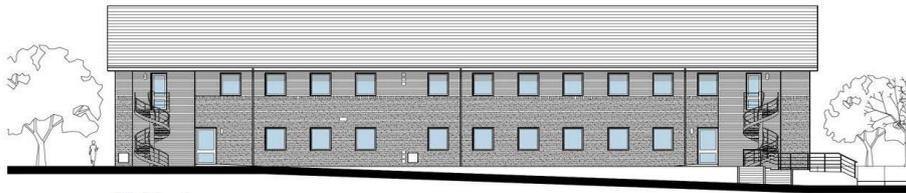
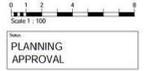
PLANNING APPROVAL

Proj. No.	102142-000000	10/2011	CAF
Proj. Name	BUILDING 1412	10/2011	CAF
Client	GLoucester Business Park		
Scale	1:250		
Sheet	23/02/21		
Drawn by	20037		
Checked by	20037-FSA-03-KX-DR-A-0211		

Arlington
FRANK
SHAW
ASSOCIATES
LIMITED
ARCHITECTS



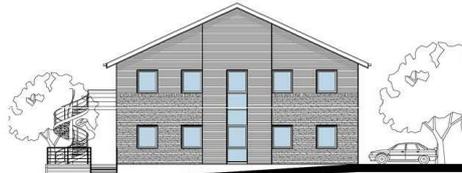
PL 10/03/2007 CONDENSER ENCLOSURE 10/03/2007 CAP
No. Revision Date File
20
BUILDING 1412
GLOUCESTER BUSINESS PARK
Date: 10/03/2007
Drawing:
PROPOSED SITE PLAN
Scale:
Arlington
FRANK
SHAW
ASSOCIATES
LIMITED
ARCHITECTS
No. Project Name Version Description Date File
1 1412-01-01 1 CAP 10/03/2007
2007 10/03/2007
Drawing:
2007-FSA-03-KX-DR-A-0212 P01



West Elevation



North Elevation



South Elevation



East Elevation

NO.	REVISED DRAWING NUMBER	DATE	BY	CHK
1	BUILDING 1412			
	GLUCKSTEIN BUSINESS PARK			
EXISTING ELEVATIONS				
FRANK				
SHAW				
ASSOCIATES				
LIMITED				
ARCHITECTS				
NO.	REVISION	DATE	BY	CHK
1	1008-A1	CAP		
2007		2/3/02/21		
2007-FSA-03-EL-DR-A-2210				P01

Item No. 5h - 21/00277/FUL - Tresco, Langley Road, Winchcombe

Dear Councillor and Planning Committee Member

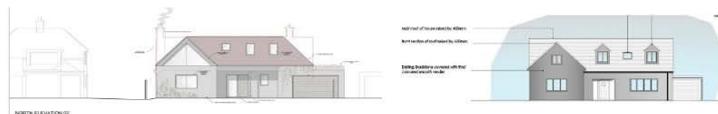
REF: 21/00277 – Tresco, Langley Road, Winchcombe – Proposed erection of a single storey rear extension, first floor extension and dormer windows.

I write with respect to the above application which you will consider at you meeting of 21st September 2021.

██████████ recognise and accept that many properties are purchased for their development potential. Tresco was purchased by the applicants in May 2018 and plans were first drawn up to alter the dwelling in February 2019. In September 2020 planning permission was granted under reference 20/00095/FUL for a replacement dwelling. Whilst we were not keen on the plans we were grateful to the planning case officer for seeking amendments to the scheme to reduce the impact on The Birches.

Points made by the Planning Case Officer, in his delegated report relating to the replacement dwelling, are noted below followed by our comments on the current application below (our emphasis in **bold**) and plans to illustrate the points where appropriate:

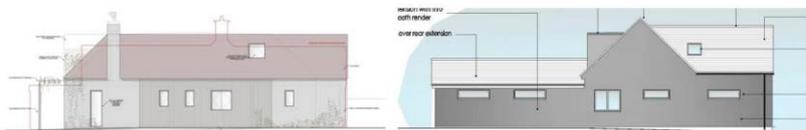
- REPLACEMENT DWELLING - 'The building would have a similar form from the front elevation and **whilst it is higher the hip roof approach would lessen the mass of the roof** and help it to recede more into the plot'
CURRENT APPLICATION – The scheme includes increasing the height of the building and the **gable elevation** within 1m of The Birches. **The proposed extension does not see the building hipped thereby increasing the impact on The Birches.**



We are grateful that the scheme has been revised to include the two pitched gable elements on the rear in place of a large flat roofed element with high eaves but the proposed extension still has a much greater impact on The Birches than the approved scheme.

- REPLACEMENT DWELLING - '**The proposed hipped roof of the replacement dwelling would slope away from the Birches.** The potential impact that would occur would arise from the additional height of the eaves (approximately 0.4m) over and above the existing building, which is not considered excessive in its context. The roof slope rises away from this elevation and notwithstanding the increase in overall height it is considered that the light received to the first-floor windows (*The Birches*) would be minimally impacted by the development'

CURRENT APPLICATION – The impact is from the increase in the eaves height **and the increased ridge height and enlargement of the gable facing The Birches thus impacting more significantly on light received by the first floor windows in The Birches.**



- **REPLACEMENT DWELLING** - ‘The proposed building would be deeper than that of the building it is replacing, this would result in long side elevations that project towards the rear garden. Concerns were raised that these elevations may appear (when viewed from the side) as large areas of rendered mass. **The applicant has sought to address this by including areas of timber cladding to break this massing up.** This approach is considered acceptable’

CURRENT APPLICATION – The scheme would see a huge extent of wall within 1m of the boundary of The Birches with no relief.

The delegated report into the replacement dwelling also noted that the replacement dwelling would be some 17m in depth, 8 metres further from the rear conservatory of the Birches (11.5 from the rear elevation). The current application is 2m longer at 19m ie. 10m beyond the rear conservatory of The Birches (13.5m from the rear elevation). The proposed 19m depth of the building is nothing short of monstrous and completely at odds with anything in the surrounding area. The site plan below shows the scheme compared with surrounding dwellings. We struggle to see how this is acceptable under current local plan policies.



It is noted that Winchcombe Town Council did not raise objection to the replacement dwelling but have objected to the current scheme in both its original and revised forms as below:

22 March 2021

Winchcombe Town Council objects to this application, because it proposes an excessively large flat roofed extension creating a negative impact on the residents of neighbouring properties. Policies in the Winchcombe Neighbourhood Plan are designed to limit the upward extension of modest homes, to help ensure a supply of homes suitable for older and retired people. The extension proposed in this case, albeit mainly on the ground floor, would also have a similar effect in reducing the pool of relatively modest properties in the town.

6 August 2021

Objection still stands, it is still to greater an extension and not compatible with the Winchcombe and Sudeley Neighbourhood Plan. Policy 3.3 Bungalow development.

The revised NPPF states at paragraph 30 that ‘Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.’

Policy 3.3 Bungalow Development of the Winchcombe and Sudeley Neighbourhood Plan seeks to resist the upward extension of dwellings. This policy should therefore take precedence over non-strategic plans in the local plan.

The planning case officer for the current application relies on the existing permission for a replacement dwelling and permitted development rights to justify the setting aside of Policy 3.3 of the Winchcombe and Sudeley Neighbourhood Plan and recommending approval of the current proposals. However, it is clear that in order to extend into the roof space in a meaningful way, the ridge height of the property needs to be increased. This would not be permissible under Permitted Development and would require permission in itself. Further, as has been demonstrated, the fall-back position i.e. the approved replacement dwelling is preferable in terms of the impact on The Birches. The replacement dwelling includes a hipped roof which sees the gable on the boundary with The Birches removed and is 2m less in length, again reducing the impact on The Birches.

In conclusion, we do not agree that the current proposal would have a lesser visual impact in terms of scale and design than the replacement dwelling granted permission in 2020. We consider that there would be significantly greater harm caused to The Birches. Winchcombe Town Council did not object to the replacement dwelling but have objected to the current scheme of extension. The resulting dwelling some 19m in depth goes wholly against development plan policies that seek to ensure that extensions are in keeping with and not out of proportion with the host dwelling.

We would be grateful if you would consider our comments and refuse the application as it stands. We are not against an extension provided it is respectful of Tresco and amenities currently enjoyed [REDACTED]

Yours sincerely

[REDACTED]

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	19 October 2021
Site Location:	Tresco Langley Road Winchcombe
Application No:	21/00277/FUL
Ward:	Winchcombe
Parish:	Winchcombe
Proposal:	Erection of a single storey rear extension, first floor extension and dormer windows.
Report by:	Pippa Brown
Appendices:	Site location plan/existing ground floor plan Site plan/block plan Proposed floor plans Existing elevations Proposed elevations
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application relates to Tresco, a detached bungalow constructed in the 1950s, located on the southern site of Langley Road in Winchcombe. The site lies within the Cotswolds Area of Outstanding Natural Beauty (AONB) and within the Winchcombe and Sudeley Neighbourhood Development Plan area.
- 1.2 Permission was granted on the site in 2020 for the demolition of the existing dwelling and erection of a one and a half storey replacement dwelling and detached garage (20/00095/FUL).
- 1.3 **A committee determination is required as Winchcombe Town Council have objected to the proposal, as revised, on the basis of the scale of the extensions in relation to the site and the fact that it would not conform with the requirements of policy 3.3 of the Winchcombe and Sudeley NDP.**
- 1.4 **This application has been deferred from the committee meeting on 21 September 2021, for the purpose of a Planning Committee site visit, at the request of Members.**

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
95/00282/FUL	Alterations and extension to provide kitchen	PER	30.05.1995
82/00006/FUL	Alterations and extension to existing dwelling to provide a conservatory.	PER	21.10.1982
81/00005/FUL	Alterations and extension to existing bungalow to provide an enlarged bedroom.	PER	14.04.1981
20/00095/FUL	Erection of a replacement dwelling and garage	PER	25.09.2020

3.0 RELEVANT POLICY

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

3.1 National guidance

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

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

- Policy SD4 (Design Requirements)
- Policy SD7 (The Cotswolds AONB)
- Policy SD14 (Health and Environment Quality)

3.3 Tewkesbury Borough Local Plan to 2011 – March 2006 (TBPL)

- Policy HOU8 (Domestic Extensions)

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

- Policy RES10 (Alteration and Extension of Existing Dwellings)

3.5 Neighbourhood Plan

Winchcombe and Sudeley Neighbourhood Development Plan – 2011-2031

- Policy 1.1 (Protecting the Distinctive Character of the Area)
- Policy 3.3 (Bungalow Development)
- Policy 5.1 (Design of New Development)

3.6 Other relevant policy

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

4.0 CONSULTATIONS

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

- 4.1** Winchcombe Town Council – Objects to the proposal on the basis that the proposed extension is too great for the site and is not compatible with policy 3.3 of the Winchcombe and Sudeley NDP (Bungalow Development).

5.0 PUBLICITY AND REPRESENTATIONS

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

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

- 5.2** 3 letters of representation were received, 2 objecting to the original proposal and 1 objecting specifically to the proposal as revised. Issues raised include:

- Loss of light to adjacent dwelling (The Birches).
- Overlooking from proposed Velux window.
- Potential overbearing impact on adjacent dwelling (The Birches).

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 Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Examination in Public was held in February/March 2021 and the Inspector's post hearings Main Modifications letter was received on 16 June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'. Those policies in the Pre-submission version of the TBP which are not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which do in the Inspector's view require main modifications attracting less weight depending on the extent of the changes required. The TBP remains an emerging plan and the weight that may be attributed to individual policies will still 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 the 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.
- 6.5** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2019 and the Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019).

7.0 ANALYSIS

Design and Visual Amenity

- 7.1** JCS Policy SD4 of the Joint Core Strategy sets out requirements for high quality design while Local Plan Policy HOU8 provides that development must respect the character, scale and proportion of the existing dwelling and the surrounding development.
- 7.2** The proposal would involve raising the ridge height of the existing dwelling, resulting in a one and a half storey dwelling. Whilst this would be a clear change from the existing dwelling and would increase the bulk of the dwelling, this would not appear out of keeping with the area as there are a range of dwelling styles with varying ridge heights on this part of Langley Road.
- 7.3** The adjacent dwelling, known as 'The Birches', comprises two storeys and therefore the additional height proposed to Tresco would not appear visually prominent or incongruous in the context.
- 7.4** The dwelling as existing, is set back from the highway by around 9 metres (measured from the front building line of the gable). This set back would remain unaltered as a result of the proposal, meaning the alterations to the front of the dwelling would not appear visually prominent in the street scene.
- 7.5** In addition, the use of render for the external surfaces of the dwelling would be appropriate in the context, as there are a number of rendered properties within the street scene, meaning the proposed would not appear wholly incongruous.

- 7.6** The proposed single storey rear extension would be significant in scale, covering a floor area of around 100 square metres, and representing an increase in floor area of around 69 square metres, when the existing single storey elements are taken into account. It would be located in the rear garden of the dwelling, meaning it would have a minimal impact on the character or appearance of the street scene, only being partly visible from the sides of the dwelling.
- 7.7** By virtue of the roof design, with two pitched gable elements, the proposed rear extension, as amended, would appear an acceptable addition to the dwelling, as it would avoid the addition of a large flat roofed element. The inclusion of the dual pitched roof shapes would be similar to the gable feature at the front of the property and would therefore appear in keeping with the style of the dwelling.
- 7.8** Whilst it is recognised that the proposed extensions do not wholly conform with Policies HOU8 or RES10, by virtue of their scale, relative to the existing dwelling, on balance, the proposal as revised would be considered acceptable in the context. It is considered that the current proposal would have a lesser visual impact in terms of scale and design than the replacement dwelling granted permission in 2020, with the alterations therefore appearing appropriate in the location.

Effect on the Living Conditions of Neighbouring Dwellings

- 7.9** 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.
- 7.10** The proposed alterations to the existing dwelling would include the raising of the ridge height of the main part of the dwelling by 450mm and the front gable by 650mm. Whilst this may have some impact on the amenity of the adjacent property (The Birches) in terms of overshadowing, this would be minimal due to the orientation of the properties and therefore would not be considered to cause any adverse harm.
- 7.11** Notwithstanding the points noted by the neighbouring residents, any impact of overbearing or overshadowing caused by the proposed rear extension would be less than substantial due to its single storey nature. In addition, the proposal, as revised would include two dual pitched roofs, sloping away from the East and West boundaries shared with adjacent properties, reducing the potential overbearing impact on the adjacent neighbouring properties.
- 7.12** In addition, the proposed extensions would lie solely within the residential curtilage of the host dwelling, with a gap of around 1 metre between the proposed rear extension and the shared boundary to the East. There would also be a gap of around 7 metres between the dwelling itself and the adjacent dwelling to the East (The Birches). This distance would not be altered from the existing situation and is considered to not have a detrimental impact on the residential amenity of the occupants of the neighbouring property.
- 7.13** The proposed additional skylight on the eastern roof slope at first floor level would serve a dressing area (not a habitable area) and would be a secondary window in the room set a minimum of 1.7m above floor level. Whilst there may be some potential of overlooking as a result, the harm this would cause would be less than substantial due to its location and likely use.

- 7.14** By virtue of their locations and the orientation of the dwelling and those nearby, there would not be any adverse impacts of overlooking resulting from the other proposed additional windows, over and above the existing situation. Therefore, it is not considered appropriate or necessary to apply a condition, requiring windows to be obscure glazed.

*Policy 3.3 of the Winchcombe and Sudeley Neighbourhood Development Plan
(Bungalow Development)*

- 7.15** Winchcombe Town Council have objected to the proposal, as revised, on the basis of the scale of the proposed extensions and consider that the proposal would not conform with the requirements of Policy 3.3 of the Winchcombe and Sudeley NDP (Bungalow Development).
- 7.16** Policy 3.3 of the Winchcombe and Sudeley NDP outlines how proposals to extend existing dwellings into their roof space should be resisted in order to maintain single storey dwellings to suit the needs of people looking to live in single storey dwellings and the older population looking to live independently.
- 7.17** Officers acknowledge the fact that the current proposal would result in the loss of a bungalow, by adding additional habitable accommodation to the dwelling at first floor level, which would be contrary to Policy 3.3, outlined above.
- 7.18** Guidance set out in the GPDO allows for extensions into the roof space such as that proposed, to create habitable living space, subject to the fulfilment of other criteria. The application site benefits from Permitted Development rights and therefore it would be possible for some extension into the roof space, without the need for planning permission.
- 7.19** In addition, the site benefits from extant permission for the demolition of the existing bungalow and construction of a one and a half storey replacement dwelling (20/00095/FUL). Through this, the principle of a one and a half storey dwelling in the proposed location has been established.
- 7.20** Notwithstanding the fact that the scheme would not comply with the requirements of Policy 3.3 of the Winchcombe and Sudeley NDP, It is considered that, given the extant permission and permitted development rights which the property benefits from, the current proposal would be acceptable in the context.

Landscape Impacts (Cotswolds AONB)

- 7.21** JCS Policy SD7 outlines how development proposals within the Cotswolds AONB should conserve and where appropriate, enhance its landscape, scenic beauty and other qualities. Similarly, Policy 1.1 of the NDP outlines how development should respect local character and where relevant, protect and enhance the Cotswolds AONB.
- 7.22** Tresco lies within the Cotswolds AONB on the edge of an existing, built up area. The proposal would increase the overall scale of the dwelling, and would alter the street scene. However, the changes would not appear incongruous in the context, due to the range of dwelling styles in the area and would not have a harmful impact on the Character of the AONB.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1 It is considered that the proposal would not be unduly 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 documents:

- Drawing T.W.PR. 02 REV B – Proposed elevations @A1 (received 14.07.2021)
- Drawing T.W.PR .01 REV B – Proposed floor plans @A1 (received 14.07.2021)
- Drawing T.W.PR.04 REV A – Proposed block & site plan @A1 (received 02.09.2021)

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

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

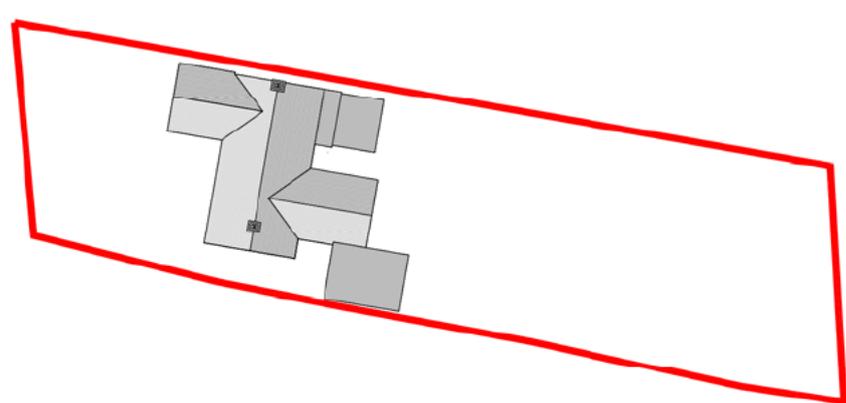
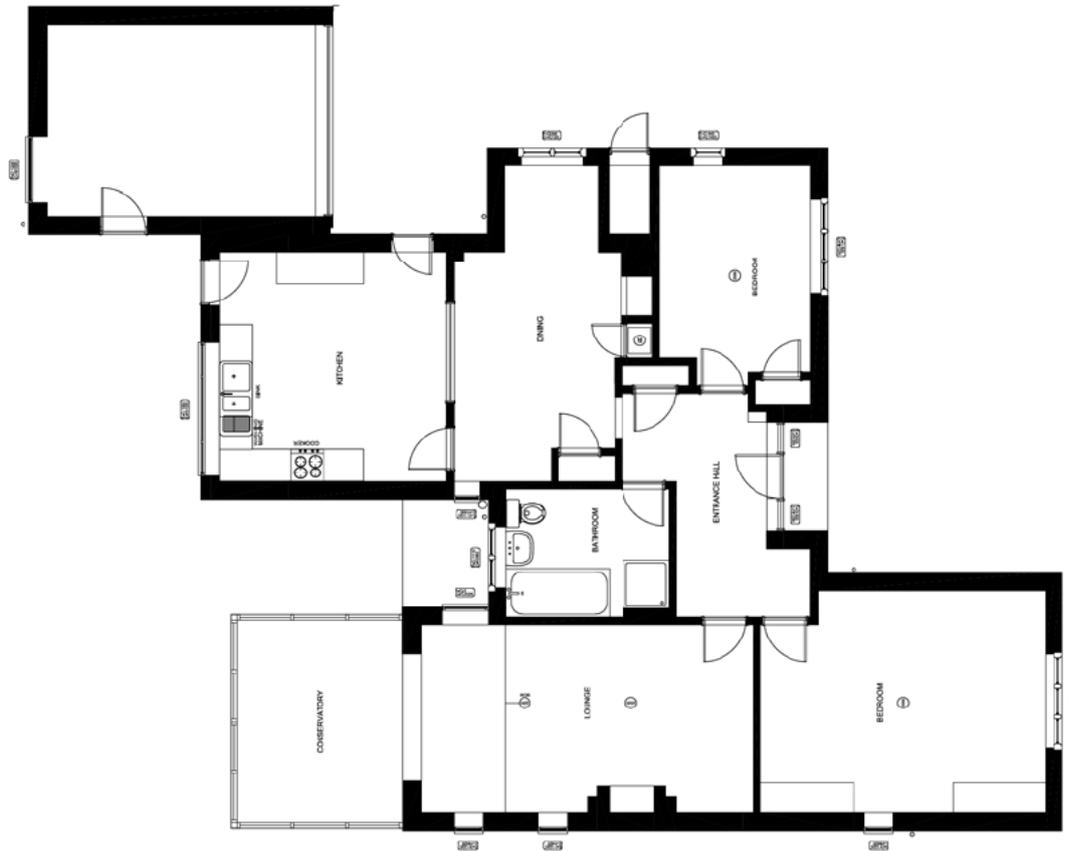
3. The materials to be used in the construction of the external surfaces of the proposed development shall match those specified in the approved plans.

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 the 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.

TRESCO, WINCHCOMBE, GLOS EXISTING DETAILS - PLANS

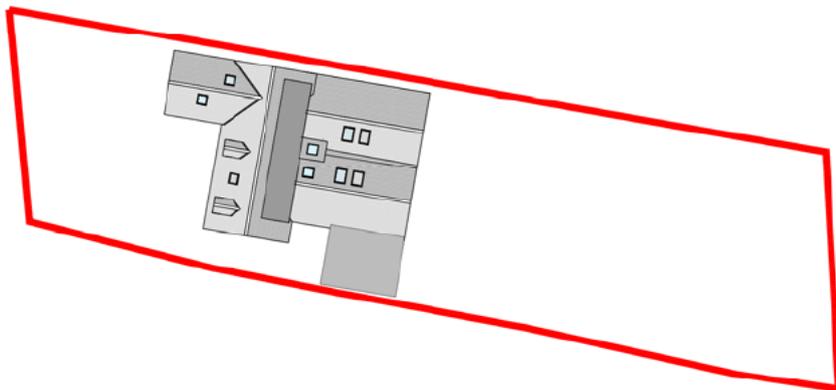


DATE	15.02.2021
BY	DRE
REVISION	NOTES
CI	[REDACTED]
PROJECT	Tresco Langley Road Winchcombe
DRAWING	Existing Details - Plans
 CONSTRUCTION SERVICES 4 BROADWAY CHICHESTER PO16 1JH +44 (0) 1243 820040 FAX: +44 (0) 1243 820041	
DATE	Feb 2021
UP	Feb 2021
AS STATED	T.W.S.U.01
NO.	- A1

TRESCO, WINCHCOMBE, GLOS PROPOSED SITE DETAILS



BLOCK PLAN
SCALE 1:500

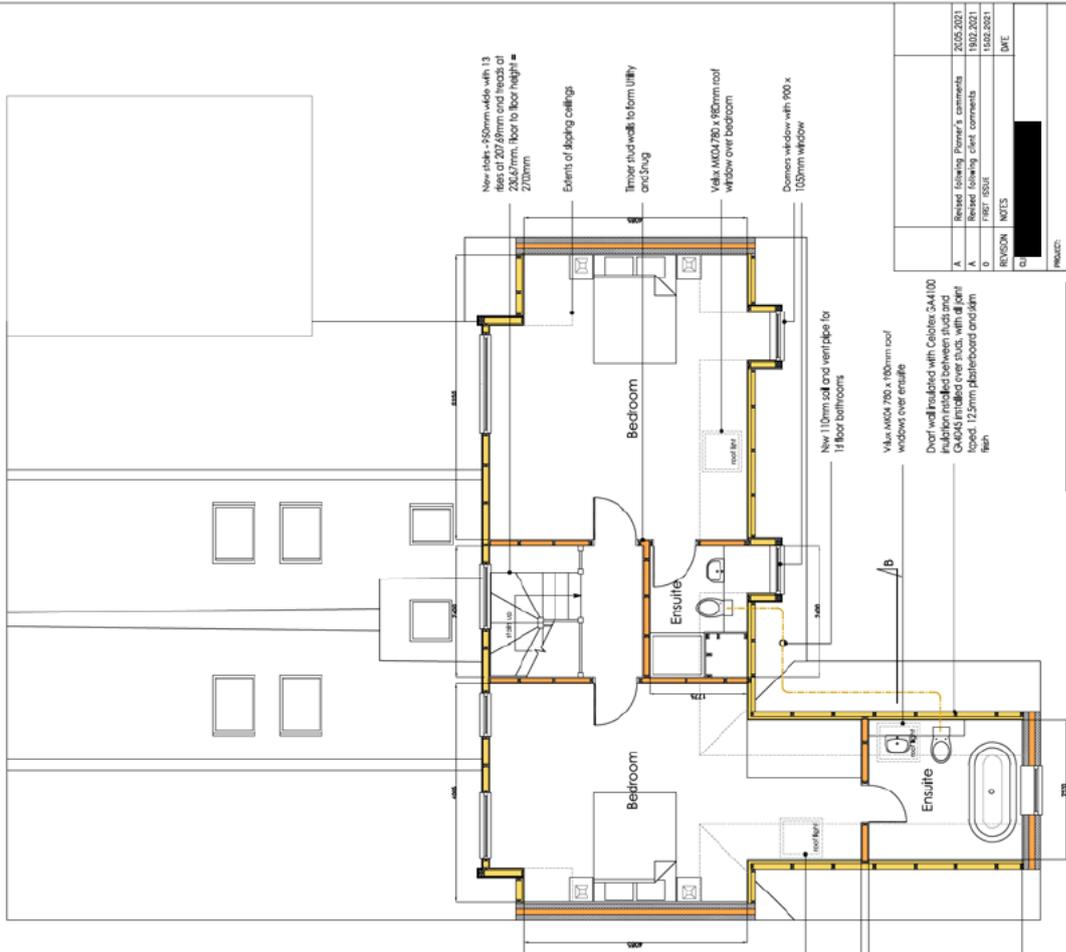
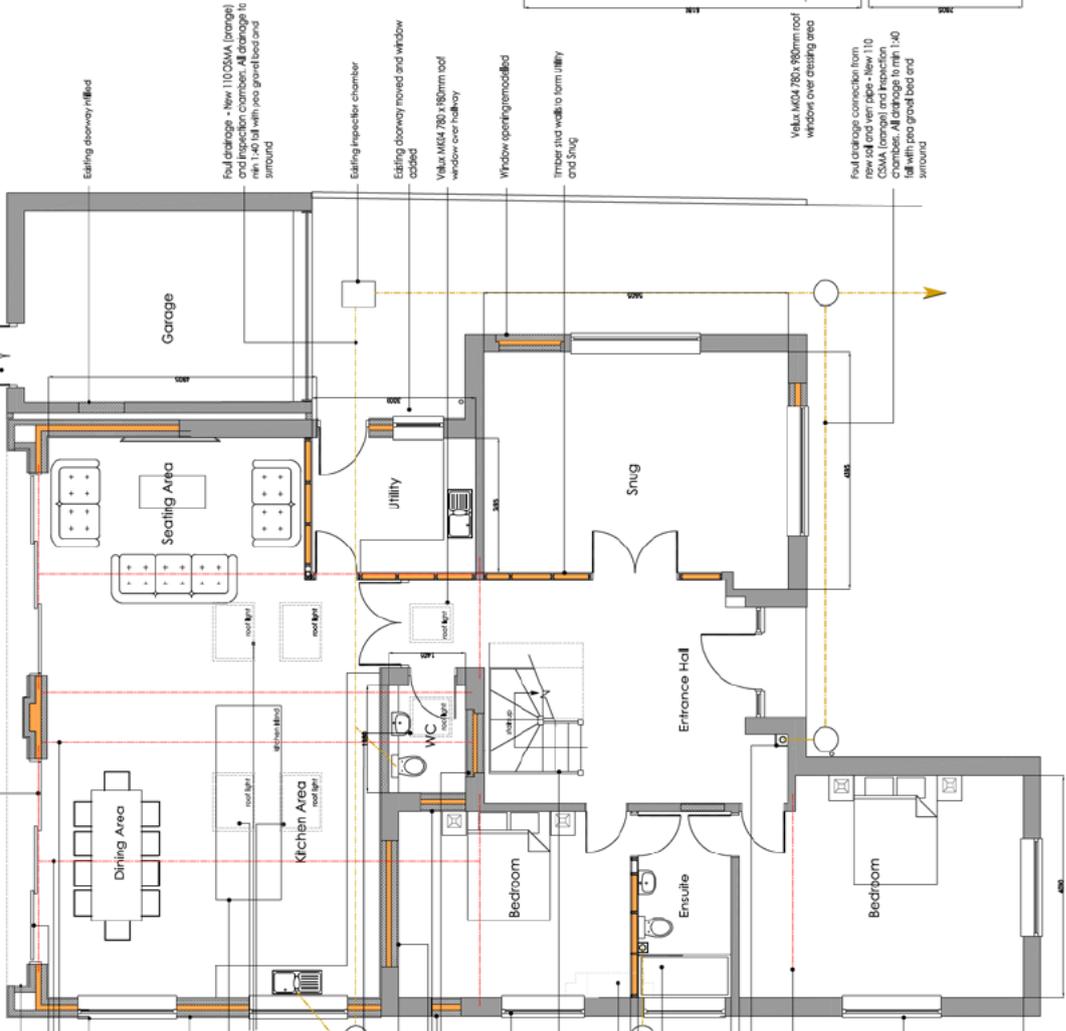


SITE PLAN
SCALE 1:200

A	Rev	DATE	REVISION	NOTES
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PROJECT: Tresco Langley Road Winchcombe				
DRAWING: Proposed Site Details				
 CONSTRUCTION SERVICES 4, BRIDGEMERE CHURCHILL OXFORD OX4 1JL +44 (0) 1865 300400 FAX: +44 (0) 1865 300401				
DATE:	DATE:	DATE:	DATE:	DATE:
UP	UP	UP	UP	UP
02/08/2021	02/08/2021	02/08/2021	02/08/2021	02/08/2021
DRAWN BY: T.W.P.R.04 CHECKED BY: A				

TRESCO, WINCHCOMBE, GLOS PROPOSED FLOOR PLANS

3715mm wide x 2250mm high glazed doors to be installed in the existing integrated blinds. Doors recessed behind rear wall of the house to create a canopy over rear door, to shade from sunlight. Glazed doors above doors.



GROUND FLOOR PLAN
SCALE 1:50

FIRST FLOOR PLAN
SCALE 1:50

KEY

- CHANGES TO EXISTING WINDOWS
- CHANGES TO EXISTING DOORS
- CHANGES TO EXISTING WALLS
- CHANGES TO EXISTING FLOORS
- CHANGES TO EXISTING ROOFS
- CHANGES TO EXISTING SERVICES

REVISION	DATE	BY	CHKD	DESCRIPTION
A	2025.02.01			Revised following Planner's comments
B	2025.02.01			Revised following Client comments
C	2025.02.01			Revised following Client comments
D	2025.02.01			Revised following Client comments
E	2025.02.01			Revised following Client comments
F	2025.02.01			Revised following Client comments
G	2025.02.01			Revised following Client comments
H	2025.02.01			Revised following Client comments
I	2025.02.01			Revised following Client comments
J	2025.02.01			Revised following Client comments
K	2025.02.01			Revised following Client comments
L	2025.02.01			Revised following Client comments
M	2025.02.01			Revised following Client comments
N	2025.02.01			Revised following Client comments
O	2025.02.01			Revised following Client comments
P	2025.02.01			Revised following Client comments
Q	2025.02.01			Revised following Client comments
R	2025.02.01			Revised following Client comments
S	2025.02.01			Revised following Client comments
T	2025.02.01			Revised following Client comments
U	2025.02.01			Revised following Client comments
V	2025.02.01			Revised following Client comments
W	2025.02.01			Revised following Client comments
X	2025.02.01			Revised following Client comments
Y	2025.02.01			Revised following Client comments
Z	2025.02.01			Revised following Client comments

PROJECT: Tresco, Langley Road, Winchcombe

CLIENT: Proposed Extension - Floor Plans

CONTRACTOR: DP CONSTRUCTION SERVICES

ARCHITECT: DP CONSTRUCTION SERVICES

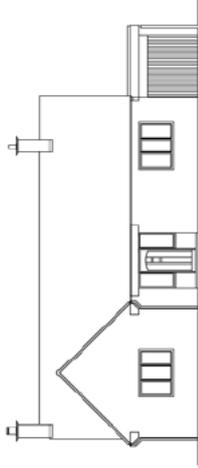
DATE: Feb 2021

SCALE: 1:50

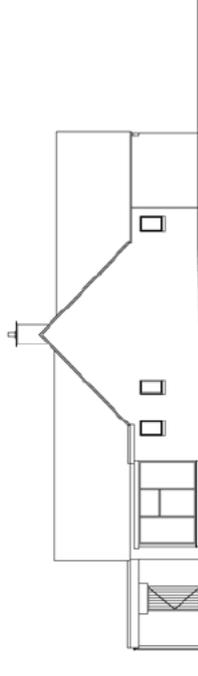
PROJECT NO.: T.W.PR.01

VERSION: B

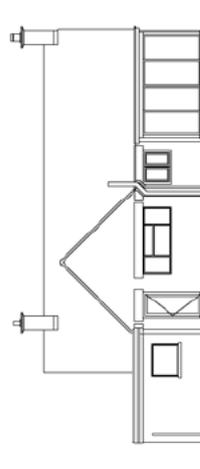
TRESCO, WINCHCOMBE, GLOS EXISTING DETAILS - ELEVATIONS



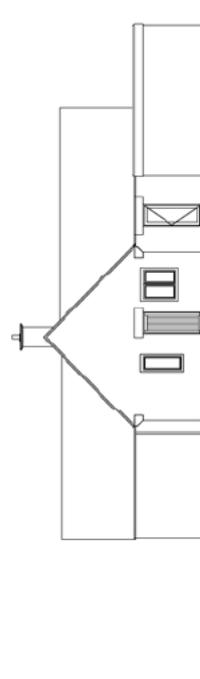
NORTH ELEVATION
SCALE 1:100



EAST ELEVATION
SCALE 1:100



SOUTH ELEVATION
SCALE 1:100



WEST ELEVATION
SCALE 1:100

0	FIRST ISSUE	01/02/2021
1	REVISION	DATE
2	NOTES	
3		
PROJECT:		
Tresco Langley Road Winchcombe		
DRAWING:		
Existing Details - Elevations		
 CONSTRUCTION SERVICES 4 BRIDGEMAN CHURCHWAY GLOUCESTER GL4 4JH +44 (0) 1273 500400 FAX: +44 (0) 1273 500401		
DATE:	ISSUED BY:	SCALE:
UP	Feb 2021	1:100
DATE AS STATED:	BY:	NO:
—	T.W.SU.02	—

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	19 October 2021
Site Location:	Beech Cottage Stockwell Lane Woodmancote
Application No:	21/00247/FUL
Ward:	Cleeve Hill
Parish:	Woodmancote
Proposal:	Erection of a two storey side extension, front porch, demolition of existing garage and rebuild and alterations to existing dwelling
Report by:	Pippa Brown
Appendices:	Site location plan Topographical plan (existing site) Proposed street elevation and garage plan Proposed floor plans and elevations Existing elevations and floor plans
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application relates to Beech Cottage, a two storey detached dwelling, located on the northern side of Stockwell Lane, in Woodmancote. The site lies within the Cotswolds AONB and is within 50 metres of a grade II listed building (The Wooltons).
- 1.2 This application seeks to redevelop the site by removing the existing garage and rebuilding a new garage, set further into the plot than the existing, adding a two-storey side extension to the dwelling, adding a porch to the front of the dwelling and altering fenestration and materials used in the dwelling.
- 1.3 Numerous revisions have been made to the original scheme, resulting in the final design, considered in this application.
- 1.4 **A Committee determination is required as Woodmancote Parish Council has objected to the scheme, on the basis of its concerns around highway safety, resulting from the proposal and the potential impact the proposal would have on surface water flooding further down Stockwell Lane, in Woodmancote and potentially elsewhere in the Borough.**

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
T.5024	Garage and vehicular access.	PERMIT	27.07.1966
T.5024/A	Kitchen extension on ground floor and bedroom over on first floor.	PERMIT	17.07.1968
T.5024/B	Erection of a double garage. New vehicular access.	PERMIT	22.09.1971

3.0 RELEVANT POLICY

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

3.1 National guidance

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

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

- Policy SD4 (Design Requirements)
- Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty (AONB))
- Policy SD8 (Historic Environment)
- Policy SD14 (Health and Environment Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk Management)

3.3 Tewkesbury Borough Local Plan to 2011 – March 2006 (TBPL)

- Policy HOU8 (Domestic Extensions)

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

- Policy RES10 (Alteration and Extension of Existing Dwellings)
- Policy TRAC9 (Parking Provision)

3.5 Neighbourhood Plan

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

3.6 Other relevant policy

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

4.0 CONSULTATIONS

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

4.1 Woodmancote Parish Council – Object to the application on two grounds:

- The potential impact of the proposed development on surface water flooding further down Stockwell lane, within Woodmancote and potentially in other parts of the borough.
- Concerns over the highway safety on this part of Stockwell Lane, caused by the potential increase in vehicle movements on the road and potential for on street parking. In addition, the visibility of vehicles pulling out of the driveway has been raised as a potential issue.

4.2 Woodmancote Parish Council were reconsulted on the revised scheme for a period of 14 days and did not offer any further comment on the scheme, during the time. Therefore, their original objection would still apply.

4.3 Gloucestershire County Council Highways – No objection.

4.4 Conservation Officer – No objection

5.0 PUBLICITY AND REPRESENTATIONS

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

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.

5.2 Following the submission of revised drawings, a revised site notice was posted for a period of 14 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 Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Examination in Public was held in February/March 2021 and the Inspector's post hearings Main Modifications letter was received on 16 June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'. Those policies in the Pre-submission version of the TBP which are not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which do in the Inspector's view require main modifications attracting less weight depending on the extent of the changes required. The TBP remains an emerging plan and the weight that may be attributed to individual policies will still 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 the 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.
- 6.5** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2019 and the Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019).

7.0 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** Whilst the detached dwelling, as existing is modest in scale and is not of any architectural significance, the proposed side extension, as revised, would be of an appropriate size and design which, by virtue of its design, would be in keeping with the character of the existing dwelling.
- 7.3** The proposed side extension would continue the ridge line of the existing dwelling and would not protrude further forward than the existing front building line. Therefore, whilst not appearing subservient, it would not appear a dominant feature of the dwelling and would not appear incongruous in the setting.
- 7.4** The proposed porch would be minimal in scale and would be of a style in keeping with the character and appearance of the dwelling. It would be a subservient addition to the dwelling.

- 7.5** The proposed extensions would use materials to match the existing dwelling, with some rendered elements. The rendered elevations would not be highly visible from the street scene, aside from the proposed front porch and therefore would have minimal impact on the character or appearance of the street scene. Notwithstanding this, a range of materials can be seen on Stockwell Lane, meaning it would not appear incongruous in the setting.
- 7.6** As part of the proposal, the existing garage would be demolished and a replacement erected, set slightly further back into the plot. The existing garage is set into the bank, upon which the dwelling is located (see topographical plan). The proposed garage would be set further into the bank, involving some excavation in this location. By virtue of the set back and the location and design of the existing garage, the proposed would not have an adverse impact on the character or appearance of the dwelling and would not appear visually prominent within the street scene.
- 7.7** The associated landscaping and retaining wall, included in the proposal would be of a style appropriate to the context of the dwelling and topography of the land, using materials, sympathetic to the location of the site within the Cotswolds AONB.
- 7.8** Overall, it is considered that the proposed extensions and alterations, as revised, would be appropriate in the site context and would not have a detrimental impact on the character or appearance of the area. Therefore, it is considered that the proposal would conform with the requirements of the relevant policies outlined above.

Effect on the Living Conditions of Neighbouring Dwellings

- 7.9** 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.
- 7.10** Beech Cottage sits within a spacious plot, with neighbouring dwellings located sporadically on this part of Stockwell Lane. As such, there would not be any adverse impact on the amenity of neighbouring residents in terms of overbearing or overshadowing.
- 7.11** The proposed side extension would include the addition of a Juliette Balcony to the rear and an additional window on the front elevation at first floor level. Despite the elevated position of the dwelling, there would not be any issues of overlooking that would affect the amenity of nearby properties.

Highways Impacts

- 7.12** Concerns have been raised by Woodmancote Parish Council over the potential highway safety of the area. These concerns have been noted, however officers consider that the impacts on highway safety resulting from the proposed development would be less than substantial, since the proposal seeks to extend the existing parking area, therefore lessening the likelihood of the need for parking on the street, where it is noted that this could cause issues.
- 7.13** In addition, Gloucestershire County Council Highways have raised no objections to the proposal, demonstrating that there would not be any adverse impacts on the safety of pedestrians and road users on this part of Stockwell Lane.

Landscape Impacts

- 7.14** JCS Policy SD7 outlines how development proposals within the Cotswolds AONB should conserve and where appropriate, enhance its landscape, scenic beauty and other qualities.
- 7.15** Whilst Beech Cottage lies within the Cotswolds AONB and at an elevated position, in relation to Stockwell Lane, the proposed alterations and extensions, by virtue of their scale and use of materials would not be visually prominent in the context or have an adversely harmful impact on the Cotswolds AONB.

Other matters

- 7.16** Woodmancote Parish Council have raised concerns over the potential impacts on surface water flooding, resulting from the proposed development. This has been considered by officers. However, it is considered that the proposed extensions and replacement garage would not cause a significant adverse impact on surface water flooding over and above the existing situation.
- 7.17** The site lies within 50 metres of a listed building (The Wooltons, located to the east), however by virtue of the nature of the proposals and the relative location of the dwellings, there would not be any harm to its setting. The Conservation Officer was consulted and raised no objection to the proposed development.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1** It is considered that the proposal would not be unduly 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 documents:
 - Drawing 200 – Proposed floor plans & elevations @A1 (received 16.09.2021)
 - Drawing 210 – Proposed street elevation & garage plan @A1 (received 16.09.2021)
 - Site location plan @A4 (received 01.03.2021)

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

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

3. The materials to be used in the construction of the external surfaces of the proposed development shall match those used in the existing dwelling, unless otherwise specified in the approved plans.

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

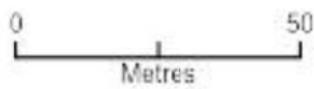
4. The development hereby permitted shall not be first occupied until the proposed dwelling/garage has been fitted with an electric vehicle charging point. The charging point shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging point 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 promote sustainable travel and healthy communities.

INFORMATIVES:

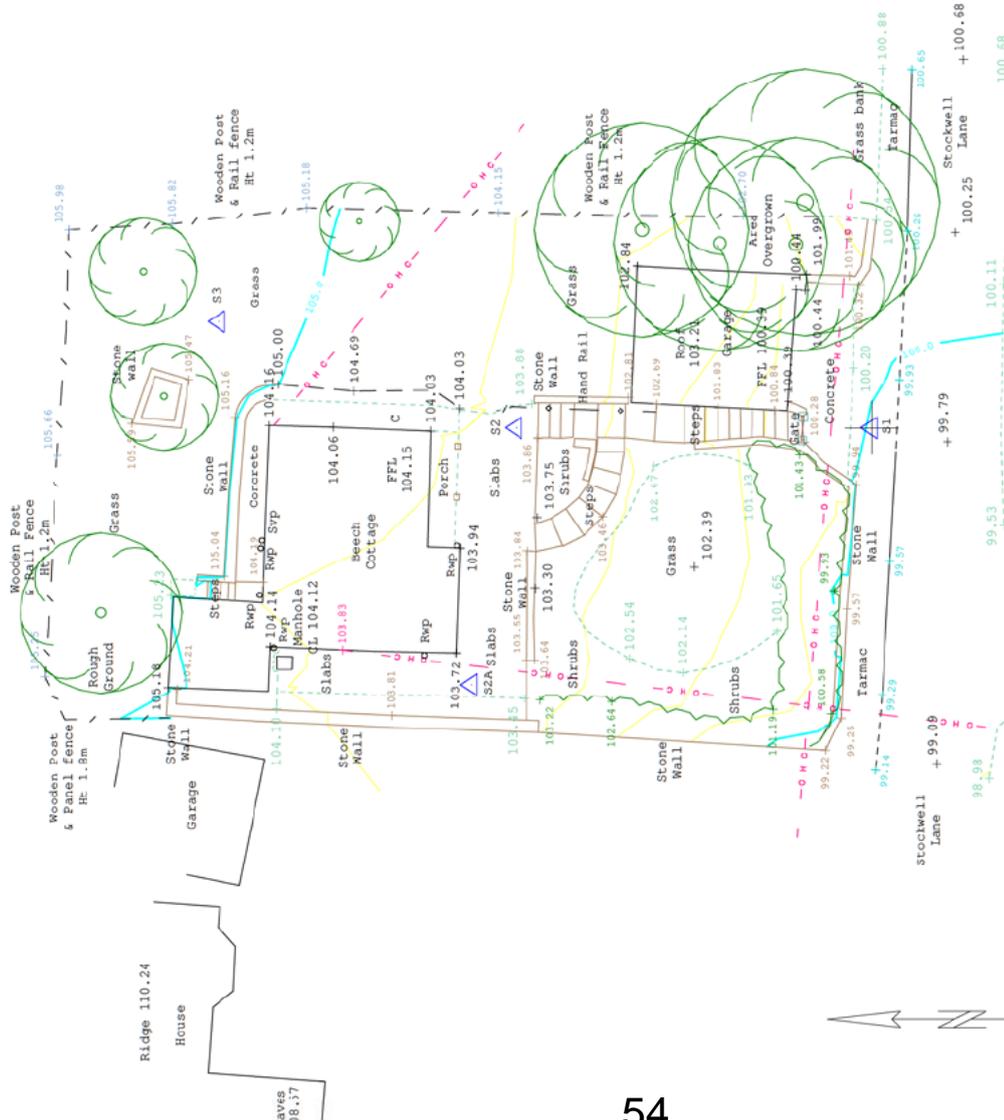
1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information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

Beech Cottage



Plan Produced for: [REDACTED]
Date Produced: 01 Mar 2021
Plan Reference Number: TQRQM21060123845805
Scale: 1:1250 @ A4

Ridge 114.01
Eaves 114.01

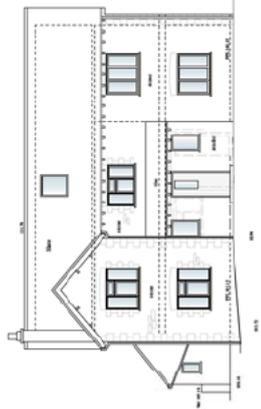


All Levels Relate To Station S1 Value 100.00m
Situating on the footpath of Stockwell Lanes

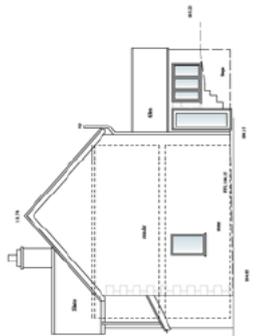
Key

C Concrete
OHC Overhead Cable

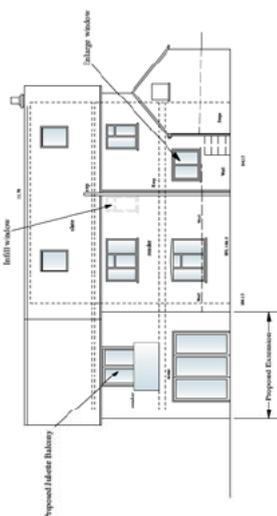
- LEGEND**
-  Tree
 -  Hedge
 -  Grass



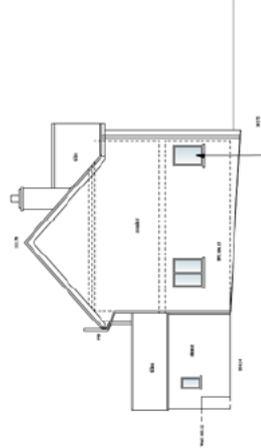
Front Elevation



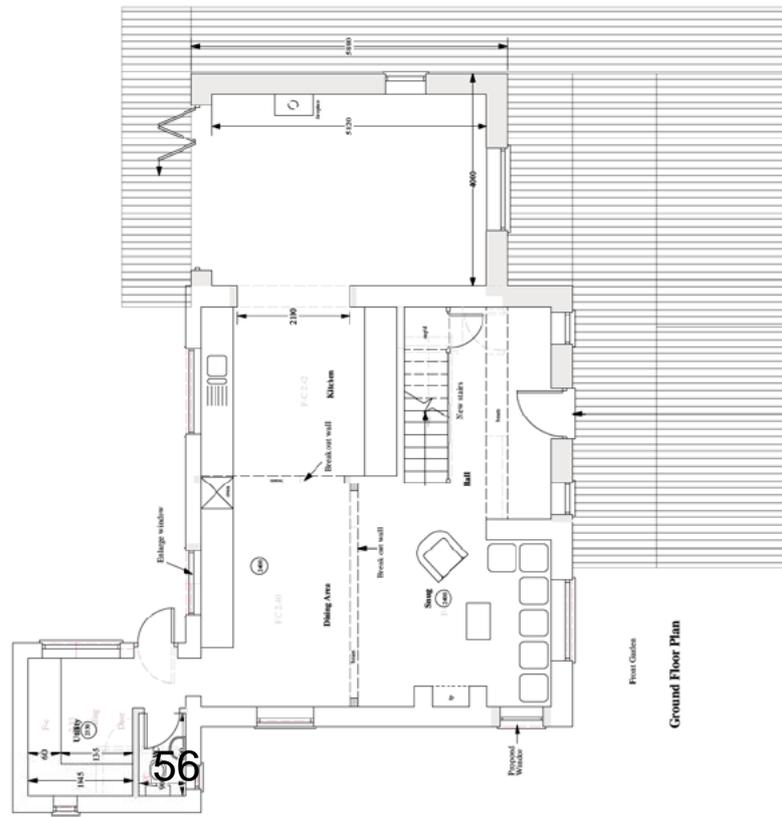
Side Elevation 1



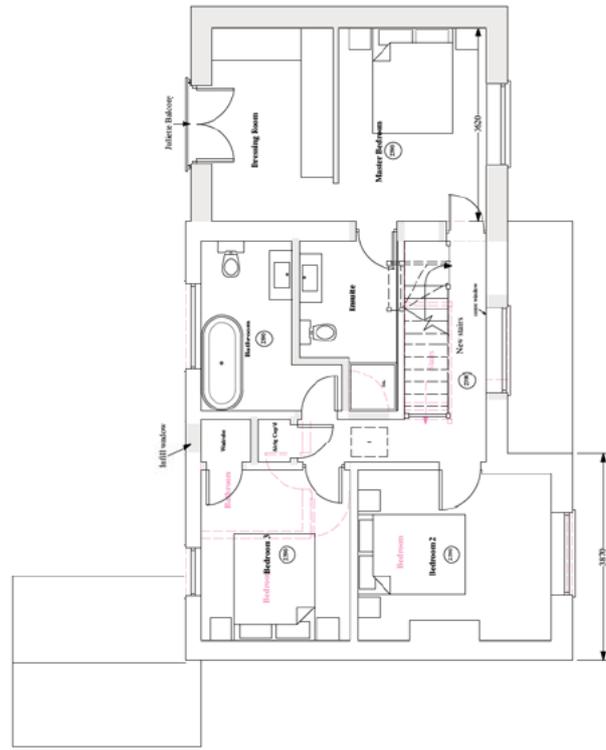
Rear Elevation



Side Elevation 2



Ground Floor Plan



First Floor Plan

Revisions
 B 20th Jan 2021. As requested by client.
 C 27th Jan 2021. As requested by client.
 D 27th Jan 2021. As requested by client.
 E 13th Mar 2021. Revisions extension to be fit internally.
 F 27th Mar 2021. Revisions extension to be fit internally.
 G 27th Mar 2021. Revisions extension to be fit internally.
 H 27th Mar 2021. Revisions extension to be fit internally.
 I 27th Mar 2021. Revisions extension to be fit internally.
 J 27th Mar 2021. Revisions extension to be fit internally.
 K 27th Mar 2021. Revisions extension to be fit internally.
 L 27th Mar 2021. Revisions extension to be fit internally.
 M 27th Mar 2021. Revisions extension to be fit internally.
 N 14th Sep. 2021. Corrected porch elevation.

Aj Architects Ltd.

20/700

SCALE	1:50 & 1:100 @ A1
DATE	Nov. 2020
REVISIONS	(N)
PROJECT NO.	20/700
CLIENT	ANTHIA JACKSON E.I.P.A. RAJESHO ANANDIPANATH
ADDRESS	111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000

Elevation C



Elevation B



Elevation B

Ground Floor
Inward From the SW. View 4.40m

1st Floor
Inward From the SW. View 2.90m

Elevation A



Elevation A



Elevation B

Elevation B

Elevation B

Elevation A

Elevation A

Elevation B

Elevation B

Elevation C

Elevation C

Elevation C

Elevation B

Elevation B

Elevation C

Elevation C

Elevation B

Elevation B

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	19 October 2021
Site Location:	8 Keriston Avenue Churchdown
Application No:	21/01008/FUL
Ward:	Churchdown St Johns
Parish:	Churchdown
Proposal:	Erection of a two storey side extension.
Report by:	Pippa Brown
Appendices:	Block plan Site location plan, existing plans and elevations Proposed plans and elevations
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application relates to 8 Keriston Avenue, a semi-detached, chalet bungalow style dwelling, located on a road of similar style dwellings, in Churchdown. The dwelling is located within a spacious plot and is bordered to the South by a public footpath.
- 1.2 This proposal seeks to erect a two-storey side extension to the dwelling, in the same style as the existing property, continuing the ridge height and box dormers on the front and rear of the dwelling.
- 1.3 **A Committee determination is required as Churchdown Parish Council has objected to the proposal, as it considers the proposed extension to be out of proportion with the existing dwellings in the area. It also considers that the proposal would represent overdevelopment of the site.**

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
67/00061/FUL	Residential development on approx. 6.8 acres of lane. Construction of estate roads.	PER	17.02.1967
68/00065/FUL	Erection of 3 detached and 21 pairs of semi-detached dwellings. Construction of an estate road. Scheme of landscaping as required by condition (c) of consent ref. G.2485/Z.	PER	12.02.1968

3.0 RELEVANT POLICY

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

3.1 National guidance

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

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

- Policy SD4 (Design Requirements)
- Policy SD14 (Health and Environment Quality)

3.3 Tewkesbury Borough Local Plan to 2011 – March 2006 (TBPL)

- Policy HOU8 (Domestic Extensions)

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

- Policy RES10 (Alteration and Extension of Existing Dwellings)

3.5 Neighbourhood Plan - Churchdown and Innsworth Neighbourhood Development Plan – 2011-2031

- Policy CHIN2 (Layout and Appearance of Residential Development)

3.6 Other relevant policy

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

4.0 CONSULTATIONS

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

- 4.1** Churchdown Parish Council – Objects to the application, as they consider that the proposed development would represent overdevelopment of the site and would be out of proportion with the dwellings in the area.

5.0 PUBLICITY AND REPRESENTATIONS

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

- 5.1** The application has been publicised through the posting of a site notice for a period of 21 days and one letter of representation was received, with a neutral stance on the application. Comments were made raising concerns over the potential impact of the proposal on surface water drainage, at times of heavy rainfall.

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 Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Examination in Public was held in February/March 2021 and the Inspector's post hearings Main Modifications letter was received on 16 June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'. Those policies in the Pre-submission version of the TBP which are not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which do in the Inspector's view require main modifications attracting less weight depending on the extent of the changes required. The TBP remains an emerging plan and the weight that may be attributed to individual policies will still 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 the 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.

6.5 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2019 and the Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019).

7.0 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** Policy CHIN2 of the Churchdown and Innsworth neighbourhood Development Plan outlines how proposals for the redevelopment of existing buildings should contribute towards the local distinctiveness of the area and demonstrate high quality, sustainable design and architecture that respects and responds positively to the best examples of the neighbourhood area's character.
- 7.3** Whilst it is noted that the proposed extension would increase the living area in the dwelling by a considerable amount, notwithstanding the objection raised by Churchdown Parish Council, it is considered that the proposed side extension would be proportionate, considering the scale of the plot and orientation of the dwelling.
- 7.4** The proposed extension would increase the width of the two storey element of the dwelling by around 4 metres. The proposed development would involve the removal of a single storey element on the south side of the dwelling. Therefore, whilst the overall bulk of the dwelling would significantly increase as a result of the proposal, the width of built form on the site, would only be increasing by around 1 metre.
- 7.5** Despite the scale of the proposed extension, a significant amount of garden area would be maintained. For this reason, officers do not consider the proposal to represent overdevelopment.
- 7.6** The extension would comprise two storeys (chalet bungalow style), reflecting the existing design and proportions of the host dwelling. The ridge line would continue and the box dormers on the front and rear would also be continued to the south. By virtue of this, the proposed extension would be in keeping with the style of the dwelling and others in the street scene and would not appear incongruous in the setting.
- 7.7** In addition, by virtue of the location of the dwelling, at the south end of Keriston Avenue and its orientation, in relation to neighbouring dwellings, the proposed extension would not appear visually prominent in the street scene. It would therefore not have an adversely harmful impact on the street scene and would be considered by officers, an acceptable addition.
- 7.8** Whilst no other properties on Kerison Avenue have been extended in this way, the host dwelling, benefits from a unique position at the end of the road, not bordered to the south by another property. As such, the proposed extension would appear an appropriate addition and would not be harmful to the character of the street scene.
- 7.9** For these reasons, it is considered that the proposed extension would be in keeping with the character and appearance of the dwelling and wider area and would conform with the requirements of the relevant local and neighbourhood plan policies.

Effect on the Living Conditions of Neighbouring Dwellings

- 7.10** Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Local Plan Policy HOU8 provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity.
- 7.11** By virtue of the location of the proposed extension and the orientation of the dwelling, there would be no adverse impact on the residential amenity of neighbouring dwellings in terms of overbearing, overshadowing or overlooking.
- 7.12** Whilst the site is bordered to the south by a public footpath, there would be a gap of at least 3.6 metres (measured from the south east rear corner) maintained between the edge of the proposed extension and the boundary fence. Therefore, there would not be a significant or adverse overbearing or overshadowing impact on users of the public footpath.
- 7.13** Due to the factors outlined above, it is considered that the proposed extension would not have an undue impact on the residential amenity of local residents and would comply with the requirements of JCS Policy SD14 and Local Plan Policy HOU8.

Other Matters

- 7.14** Concerns were raised by a local resident around the potential impact the proposed development could have on the surface water drainage in the immediate vicinity.
- 7.15** This has been noted; however, it is considered that the proposed development would not have a great impact on surface water run off over and above the existing situation. The issues currently experienced would therefore be unlikely to be exacerbated to any significant degree by the proposed extension.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1** It is considered that the proposal would not be unduly 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 documents:
 - Drawing A371P/242/20 REV B – Block plan @A2 (received 09.08.2021)
 - Drawing A371P/242/01 REV A – Existing elevation & site location plan & ground/first floor plan @A1 (received 18.08.2021)
 - Drawing A371P/242/10 REV A – Proposed elevations & ground/ first floor plan & section A-A @A1 (received 18.08.2021)

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

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

3. The 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 exiting 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 the 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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 Do not scale from drawing for construction.
 It is the client's responsibility to ensure that all information before any orders are placed or construction commences.
 All drawings to be read in conjunction with Structural Engineers report, which takes precedence over all other specifications.
 Main contractor responsible for site safety.

Rev.	Date	Revisions
B	Aug '21	Site boundary outline amended
A	Aug '21	Note added - Acoustic fencing to boundary

PSK
architect
Your Home Extension Specialists

PSK Cheltenham Ltd,
 Unit B4, Staverton, Connection,
 Gloucester Road, Cheltenham,
 GL51 0TF.
 Tel. 01452 714596

TITLE



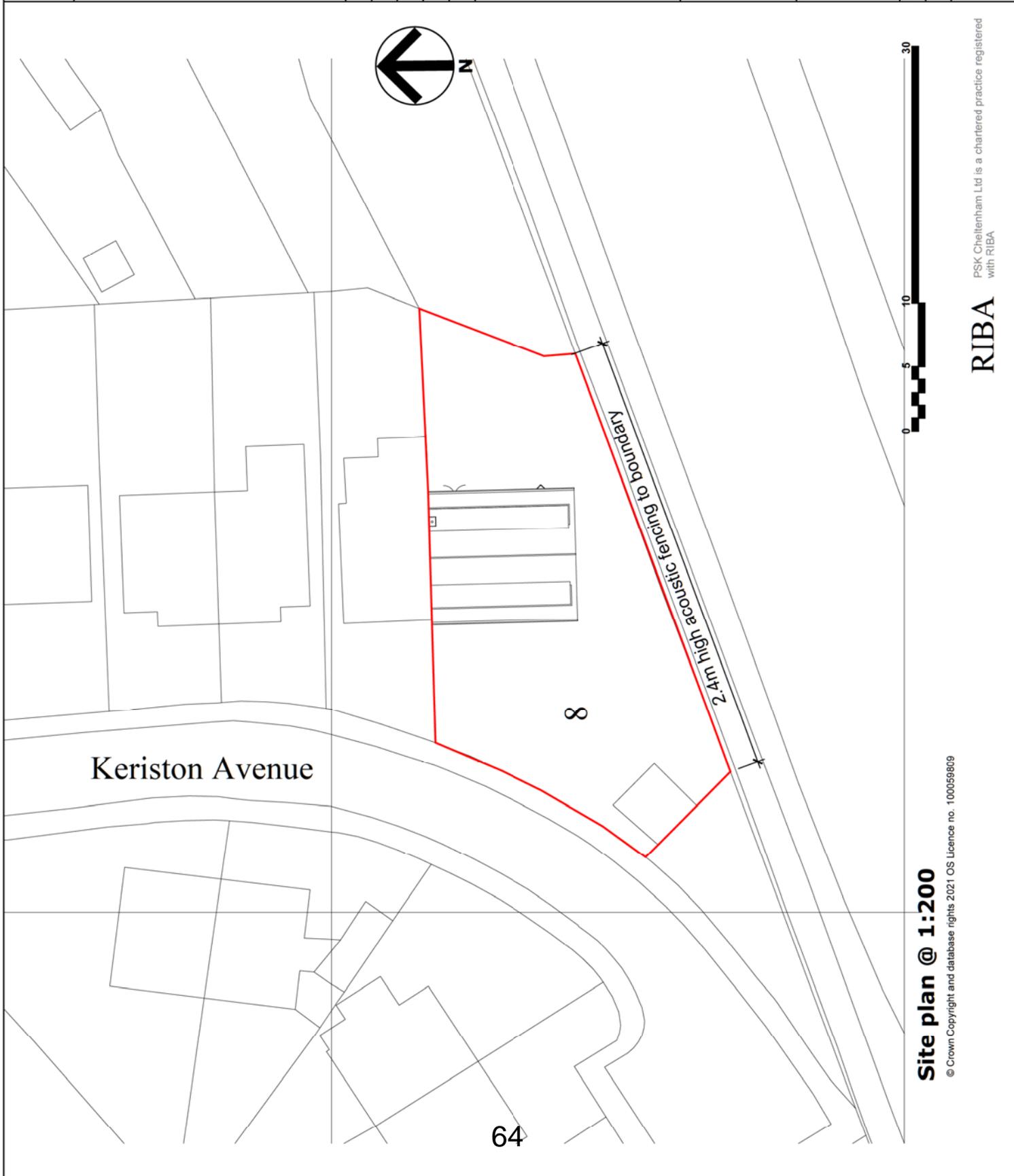
DESCRIPTION

Block plan

DATE AUG '21 SCALE 1:200@A2

DRAWN AB CHECKED *

A371P/242/20 Rev B



Site plan @ 1:200

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Rev.	Date	Description
A	Aug 21	Add half roof/ Location plan updated

Revisions

PSK architect
 PSK Architects Ltd
 100 The Quadrant, Cheltenham, Gloucestershire, GL50 2AA
 Tel: 01242 771400

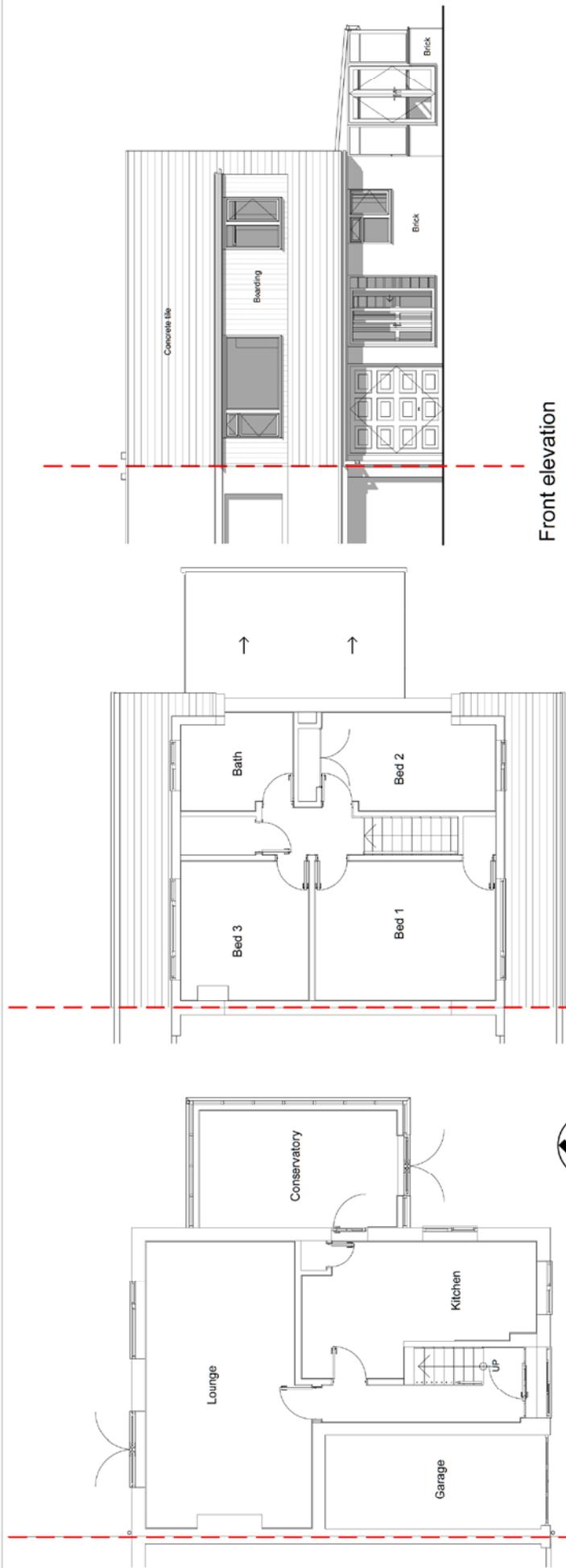
TITLE

DESCRIPTION

Plans and elevations as existing

DATE	SCALE
July 21	1:50 @ A1
DRAWN	CHECKED
AB	---

A371P2A201 Rev A

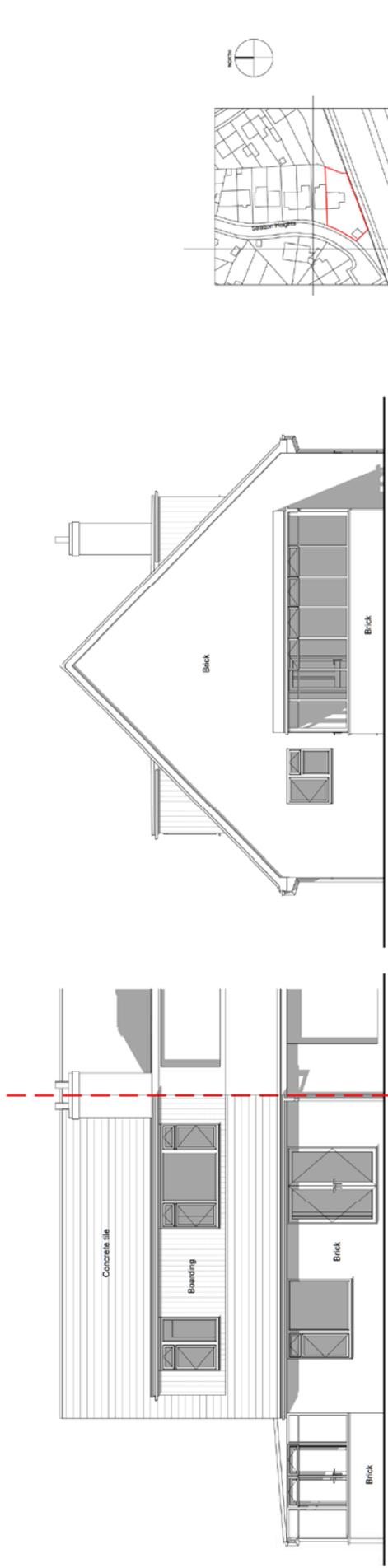


65 Ground floor plan

First floor plan



Front elevation



Rear elevation

Side elevation

Location plan 1:1250



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TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	19 October 2021
Site Location:	Framfield Two Hedges Road Woodmancote
Application No:	21/00702/FUL
Ward:	Cleeve Hill
Parish:	Woodmancote
Proposal:	Erection of a single storey side extension (resubmission)
Report by:	Sarah Barnes
Appendices:	Site location and block plan x2 Proposed elevations Proposed floor plans Existing floor plans Existing elevations Proposed floor plans Proposed elevations
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site relates to Framfield, a detached dwelling located along Two Hedges Road in Woodmancote (site plan attached). The site falls within the Green Belt.
- 1.2 The proposal is for a single storey side extension (plans attached).
- 1.3 A Committee determination is required as the Parish Council is objecting to the proposal on the grounds that the proposed extension would be overdevelopment and there would be a negative impact on the Green Belt.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
19/00346/FUL	Erection of a two storey side and a single storey rear extension.	PER	03.07.2019
20/00462/FUL	Erection of a single storey side extension	REF	06.11.2020
20/01273/CLP	Erection of two outbuildings.	CLPCER	13.05.2021

3.0 RELEVANT POLICY

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

3.1 National guidance

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

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

- Policy SD4 (Design Requirements)
- Policy SD5 (Green Belt)
- Policy SD14 (Health and Environment Quality)

3.3 Tewkesbury Borough Local Plan to 2011 – March 2006 (TBPL)

- Policy HOU8 (Domestic Extensions)

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

- Policy RES10 (Alteration and Extension of Existing Dwellings)

3.5 Other relevant policy

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

4.0 CONSULTATIONS

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

- 4.1** Woodmancote Parish Council – objects on the grounds that the proposed extension would be overdevelopment and there would be a negative impact on the Green Belt.

The property has already been extended significantly and this additional extension must increase the original ground floor footprint beyond 50%. Adding a further single storey extension onto the recent two storey extension, will reduce parking provision to the side and rear of the property. Such an extension in the green belt would be an overdevelopment and the size and scale would look out of keeping with the street scene. If permitted, they request that a planning condition is attached that prevents commercial use.

5.0 PUBLICITY AND REPRESENTATIONS

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

- 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 / 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 Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Examination in Public was held in February/March 2021 and the Inspector's post hearings Main Modifications letter was received on 16 June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'. Those policies in the Pre-submission version of the TBP which are not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which do in the Inspector's view require main modifications attracting less weight depending on the extent of the changes required. The TBP remains an emerging plan and the weight that may be attributed to individual policies will still 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 the 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.

6.5 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2019 and the Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019).

7.0 ANALYSIS

Design, Visual Amenity and Green belt

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 Policy SD5 of the JCS similarly advises that within the Green Belt, “development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless very special circumstances can be demonstrated”.

7.3 Section 13 of the National Planning Policy Framework (NPPF) sets out that the construction of new buildings is inappropriate in Green Belt. However, there are exceptions including:

- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces

7.4 Planning permission was granted in 2019 (19/00346/FUL) for a two storey side and single storey rear extension. These extensions created additions of about 50%. Later in 2020 a refusal was issued for a single storey side extension (20/00462/FUL) which would have resulted in a 65% addition when combined with the previous extensions. This was considered to be a disproportionate addition over and above the size of the original dwelling, and the proposal was considered to comprise inappropriate development.

7.5 A Certificate of Lawfulness application was then submitted in March 2021 (20/01273/CLP) for two substantial detached outbuildings within the curtilage of the property to be used as a garden room and a studio (plans attached). The certificate was granted in May 2021.

7.6 The Parish Council have objected on the grounds that the proposed extension would be overdevelopment and there would be a negative impact on the Green Belt. The property has already been extended significantly and this additional extension must increase the original ground floor footprint beyond 50%.

7.7 Recent appeal decisions have established that where there is a reasonable prospect that accommodation not requiring planning permission would be implemented in the event planning permission was denied for similar extension, that this permitted development 'fall-back' position can amount to very special circumstances.

- 7.8 In this case, the 'studio outbuilding' as granted under the 2020 CLP would be in the same location as the proposed extension and only marginally smaller. Indeed, the proposed extension would only be 0.2m wider and would provide a commensurate level of accommodation. There is therefore a reasonable prospect that the CLP proposal would be implemented if the current application were to be refused. This is considered to be a realistic fallback position and is a fresh material planning consideration since the 2020 refusal.
- 7.9 Whilst the proposed extension would be a disproportionate addition (65%) when added to the previous 2019 extension, the realistic fallback position is considered to amount to very special circumstances.
- 7.10 In terms of openness, the proposed single storey addition would have a modest impact.
- 7.11 With regards to the Parish Council's comments about the extension resulting in overdevelopment, this would only be a relatively modest single storey side extension and there would still be adequate garden space remaining at the front / rear of the dwelling.

Effect on the Living Conditions of Neighbouring Dwellings

- 7.12 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.
- 7.13 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. No objections have been received from any of the neighbouring dwellings.

Other Issues

- 7.14 The Parish Council have also raised concerns about the loss of parking at the site and the future use of the extension. In terms of the parking at the site, there would still be space for over 3 cars to be parked off road and this is considered to be acceptable. With regards to the proposed use of the extension it would be used as a studio for their own private use. A condition would be attached to the permission to ensure that the use remains as ancillary to the existing house.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1 It is considered that the proposal would not be unduly 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. Whilst the extension would constitute a disproportionate addition to the dwelling and comprise inappropriate development, an alternative proposal that could be built under permitted development rights constitutes a realistic fall-back position. This is considered to comprise very special circumstances that would clearly outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal. 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 documents:

Plans 200709/PL/001, 200709/PL/004 and 200709/PL/005 dated 14th June 2021 except where these may be modified by any other conditions attached to this permission.

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

3. The 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.

4. The development hereby permitted shall only be used in conjunction with and as ancillary to the residential enjoyment of the adjoining dwelling house known as Framfield.

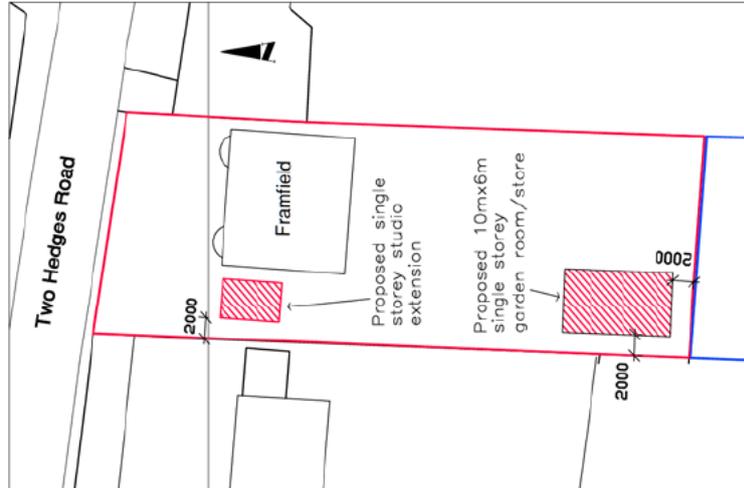
Reason: To define the terms of the permission.

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 the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.



Location Plan (Existing)
 Scale 1:1250



Block Plan (Proposed)
 Scale 1:500

- C. Garden studio plan added 26/3/21
- B. Project title amended 15/1/21
- A. Studio extension detached from house. 11/12/20

REV	REVISION	DATE	BY

project
 Proposed single storey studio building, 'Framfield',
 Two Hedges Road,
 Woodmancote GL52 9PT
 for

client
 [Redacted]
 'Framfield',
 Two Hedges Road,
 Woodmancote GL52 9PT

drawing
 Location and Block Plan
status
 Planning

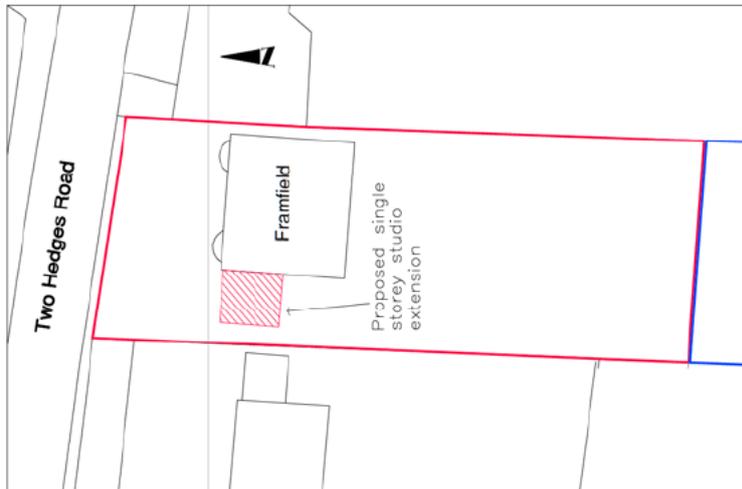
drawn by: JD-W
checked by: JD-W
date: 8/7/20
scale: 1:1250_500@A3

drawing no.
200709/PL/001 C

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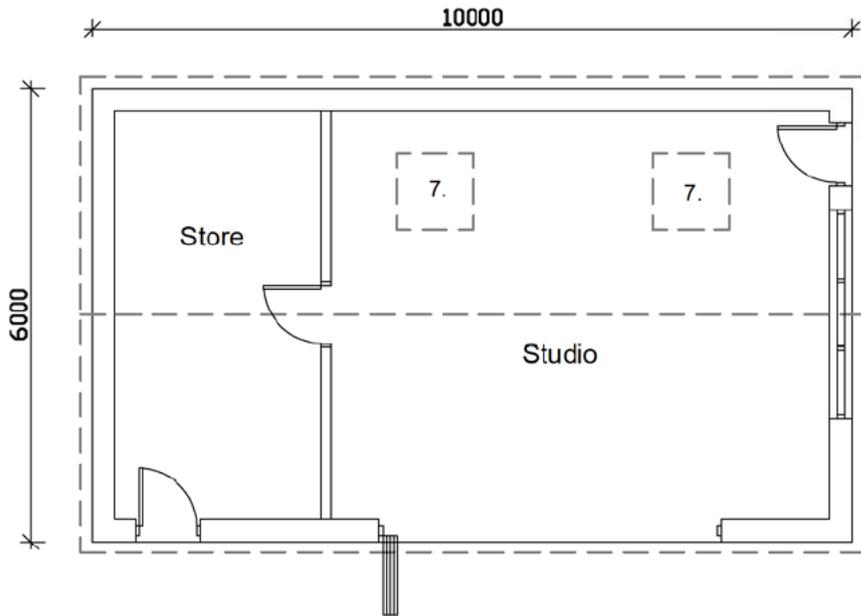
Location Plan (Existing)
 Scale 1:1250



Block Plan (Proposed)
 Scale 1:500

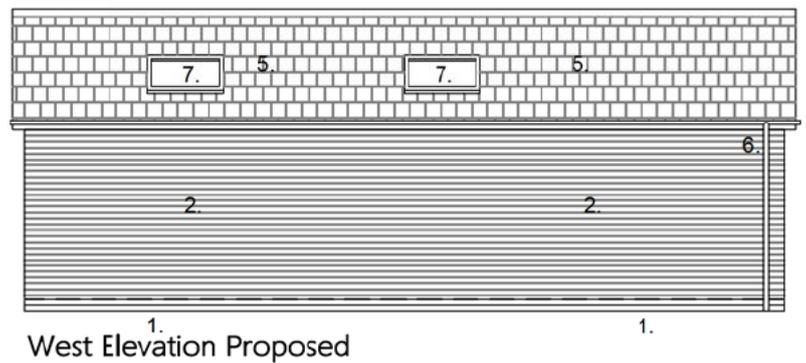
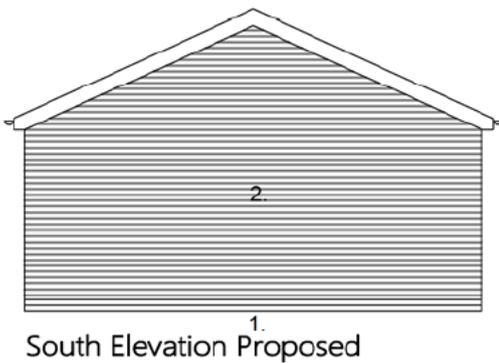
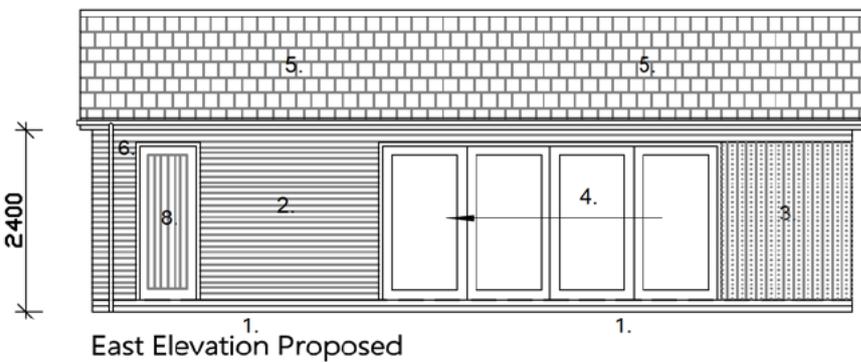
REV	REVISION	DATE	DATE
	project		
	Proposed single storey studio extension, 'Framfield', Two Hedges Road, Woodmancote GL52 9PT for		
	client		
	'Framfield', Two Hedges Road, Woodmancote GL52 9PT		
	drawing		
	Location and Block Plan		
	status		
	Planning		
	drawn by:	ID-W	
	checked by:	ID-W	
	date:	8/7/20	
	scale:	1:1250_500@A3	
	drawing no.:		

200709/PL/001
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Materials:

1. Two course red engineering brick plinth.
2. Reclaimed red facing brickwork.
3. 'Silva' Western Red Cedar cladding, PEFC Grade No.2 microline channel 19x144mm.
4. uPVC bifold doors, glazed personnel door and glazed screen, Col:Anthracite Grey.
5. Red plain clay roof and ridge tiles.
6. Plain half-round/round PP coated gutters and downpipes by Guttercrest Ltd. Col.Black.
7. Velux rooflights.
8. Solid timber framed, ledged and braced door, door and frame painted Anthracite Grey.



REV REVISION DATE

project
 Proposed single storey garden building,
 'Framfield', Two Hedges Road,
 Woodmancote GL52 9PT

client



'Framfield', Two Hedges Road,
 Woodmancote GL52 9PT
drawing
 Proposed Plans & Elevations
status
 Planning 75

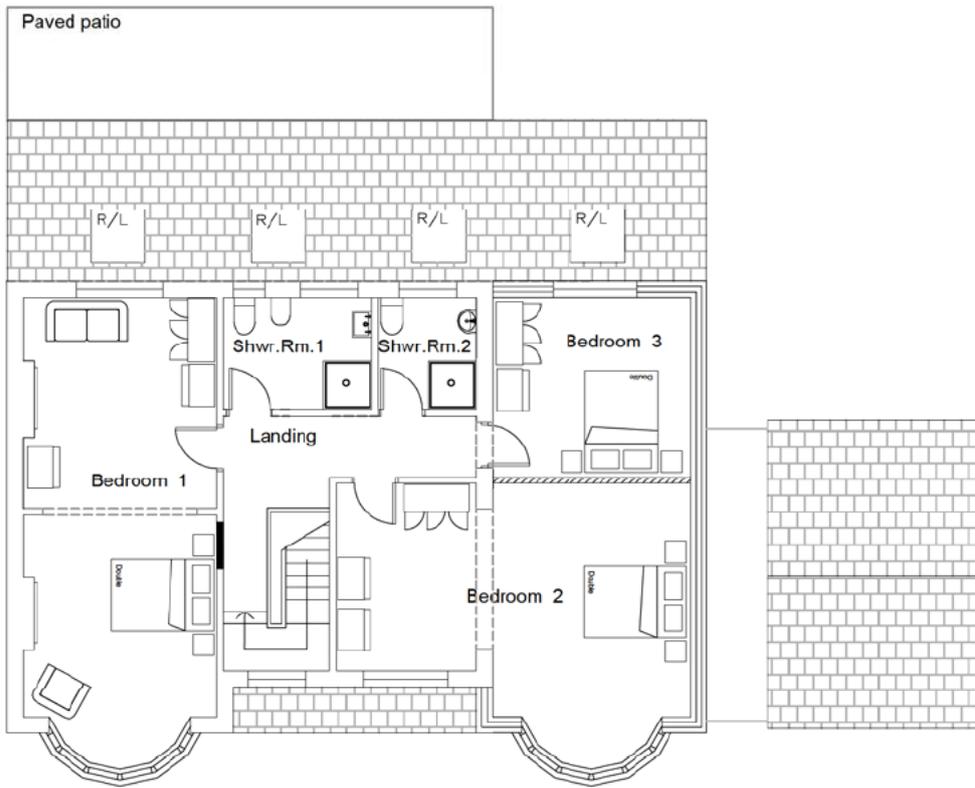
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extend Architecture

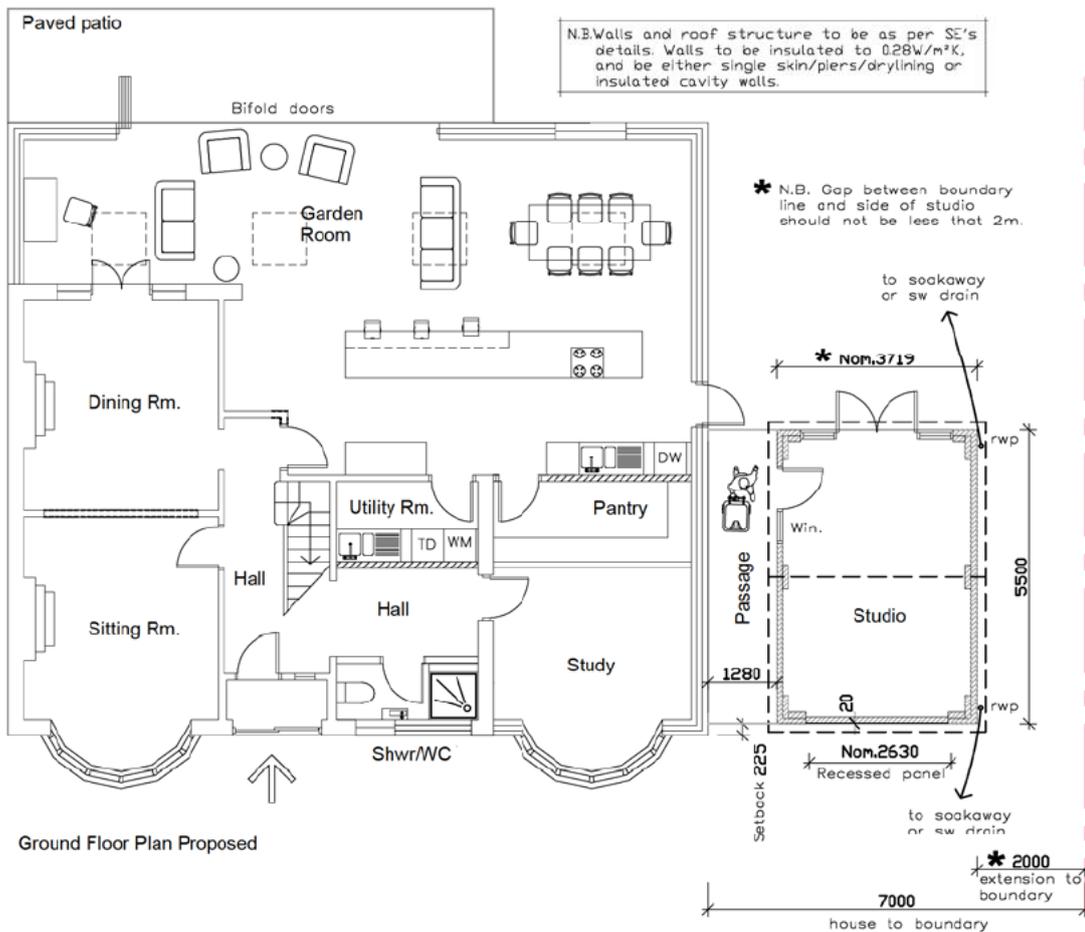
7 Wistley Road, Charlton Kings,
 Cheltenham GL53 8NP
 07900 876971
 e: info@extendarchitecture.co.uk
 w: www.extendarchitecture.co.uk

drawing no.
 200709/PL/006

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First Floor Plan Proposed



Ground Floor Plan Proposed

REV	REVISION	DATE
A.	Studio extension detached from house.	11/12/20
B.	Project title amended	15/1/21
C.	Dimensions to boundary added	26/3/21

project
 Proposed single storey studio building, 'Framfield', Two Hedges Road, Woodmancote GL52 9PT for

client
 'Framfield', Two Hedges Road, Woodmancote GL52 9PT

drawing
 Proposed Plans

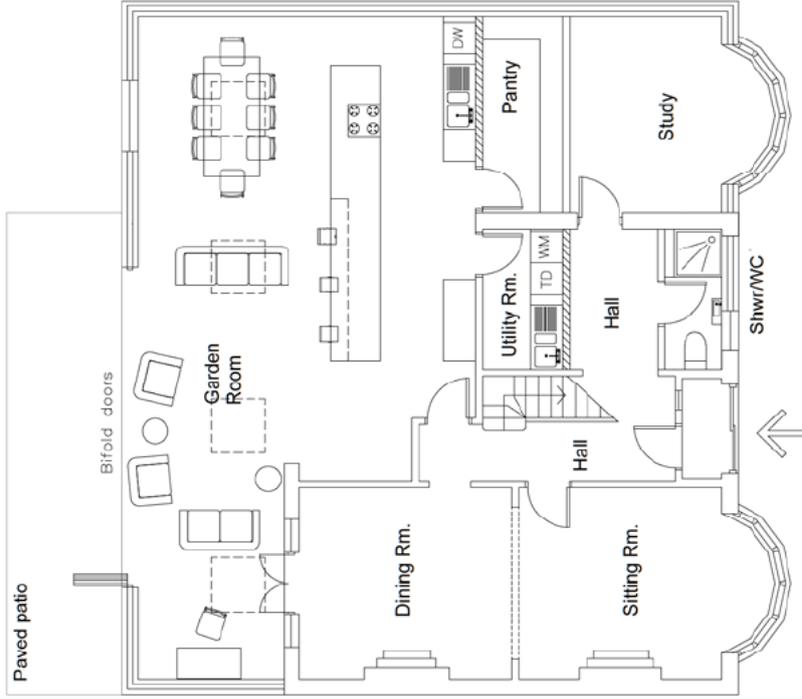
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date:
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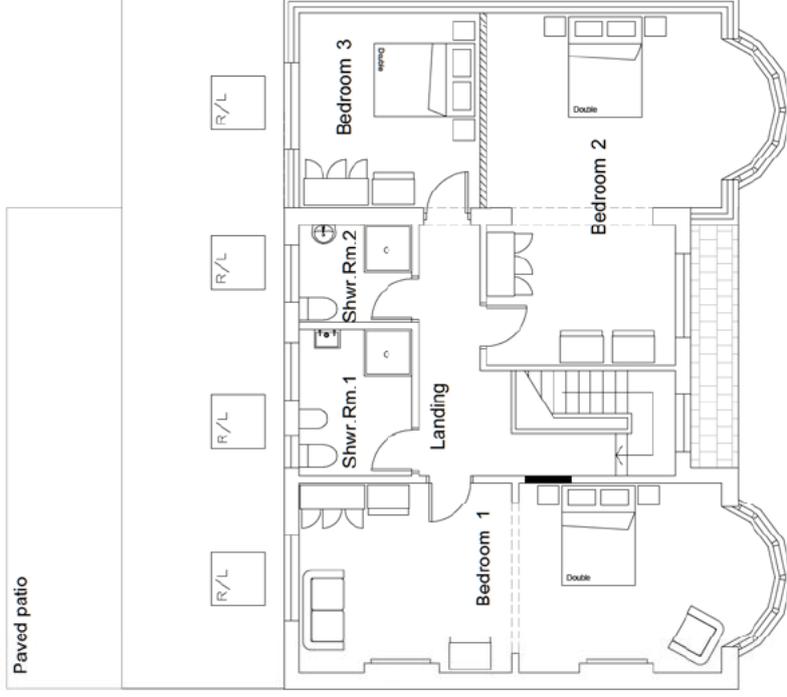
scale:
 1:100@A3

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 GL52 6EE
 07900 876971
 e: info@extendarchitecture.co.uk
 w: www.extendarchitecture.co.uk

drawing no.
 200709/PL/004 C



Ground Floor Plan Proposed



First Floor Plan Proposed

REV. REVISION. DATE

project

Proposed single storey
 studio extension,

'Framfield',

Two Hedges Road,

Woodmancote GL52 9PT

for

client

'Framfield',

Two Hedges Road,

Woodmancote GL52 9PT

drawing

Existing Plans

status

Planning

drawn by: JD-W

checked by: JD-W

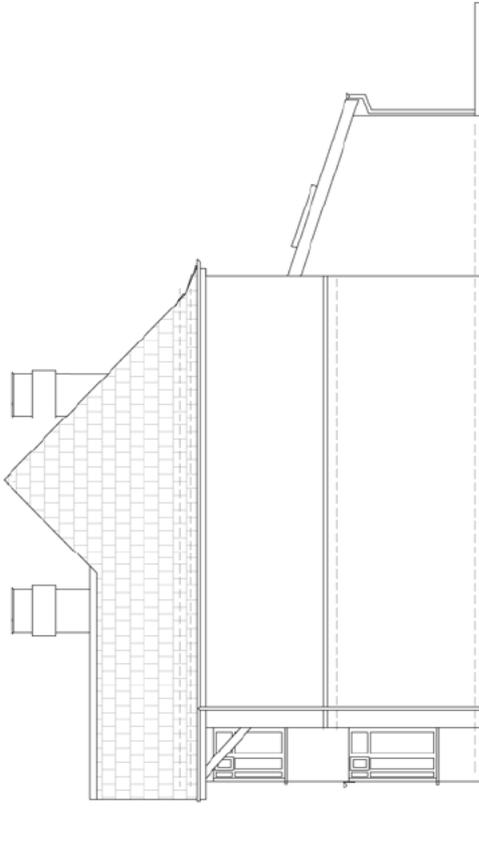
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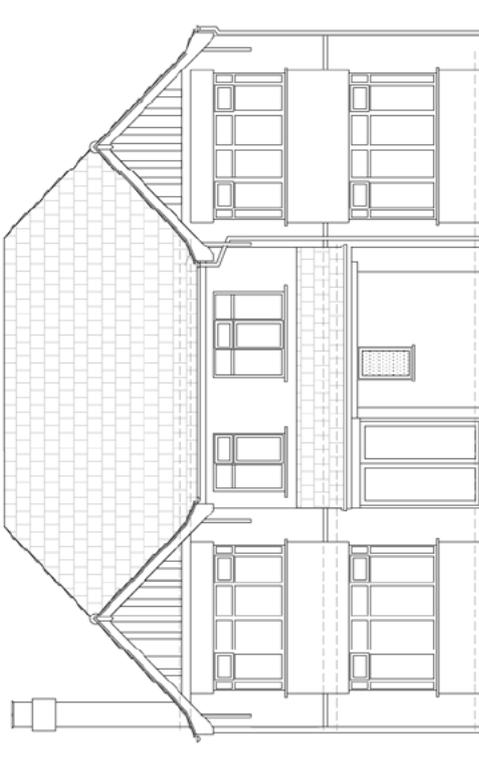
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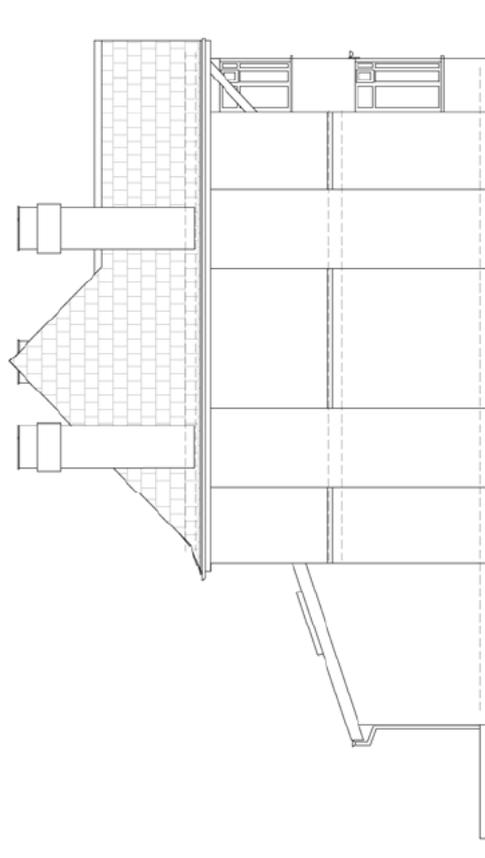
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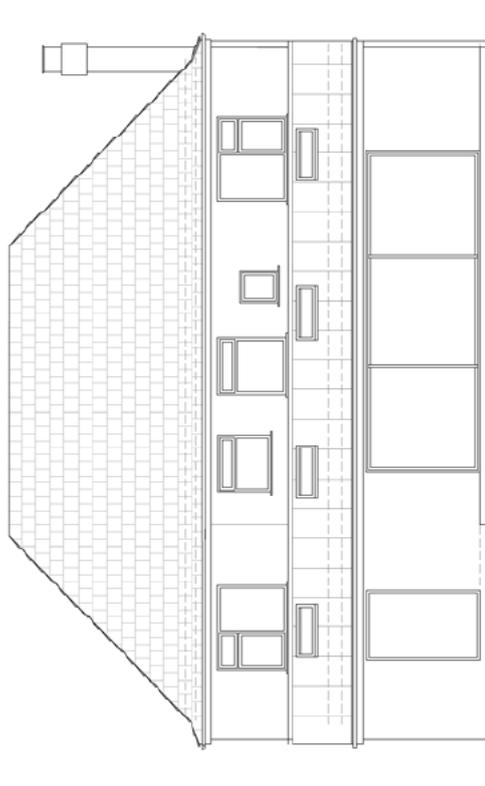
West (Side) Elevation Existing
 Scale 1:100 @ A3



North (Front) Elevation Existing
 Scale 1:100 @ A3



East (Side) Elevation Existing
 Scale 1:100 @ A3

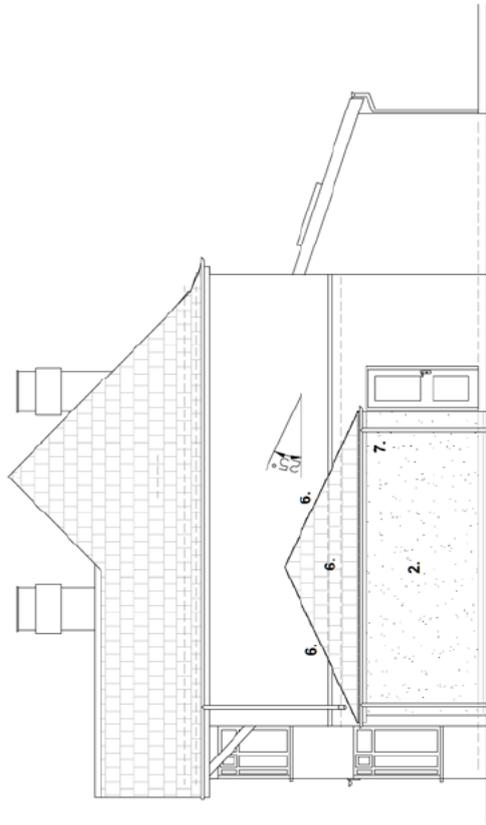


South (Rear) Elevation Existing
 Scale 1:100 @ A3

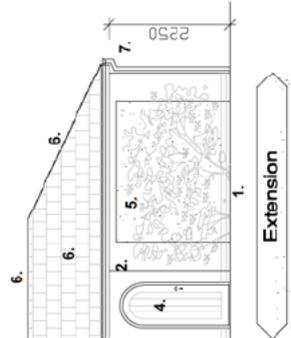
REV: REC-102838 DATE:
 project: Proposed single storey studio extension, 'Framfield', Two Hedges Road, Woodmancote GL52 9PT for client:
 'Framfield', Two Hedges Road, Woodmancote GL52 9PT
 drawing: Existing Elevations
 status: Planning
 drawn by: JD-W
 checked by: JD-W
 date: 9/7/20
 scale: 1:100@A3

drawing no.: 200709/PL/003

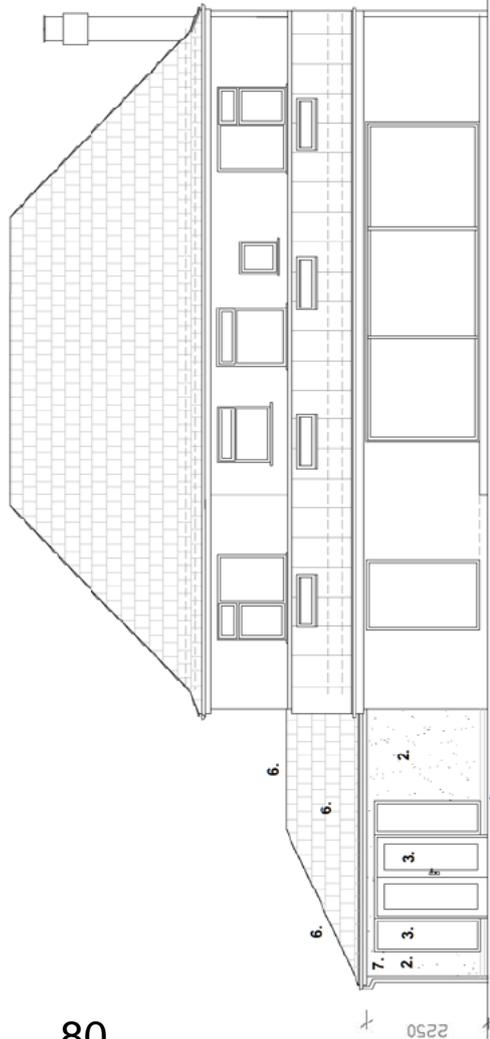
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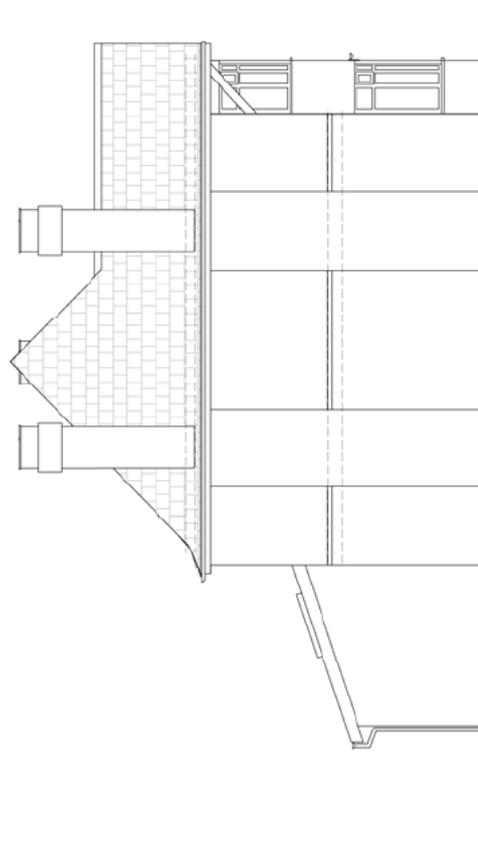
North (Front) Elevation Proposed
Scale 1:100 @ A3



West (Side) Elevation Proposed
Scale 1:100 @ A3



South (Rear) Elevation Proposed
Scale 1:100 @ A3



East (Side) Elevation Proposed
Scale 1:100 @ A3

- Materials:**
1. Two course red facing brick plinth, to match existing bricks.
 2. Render finish to match existing.
 3. White uPVC french windows with glazed side panels to match existing.
 4. Timber framed ledged and braced door with arched head
 5. Infill rendered blockwork panel, recessed by 20mm (lintel above).
 6. Red brown plain roof tiles, bonnet hip tiles, and ridge tiles to match existing.
 7. Black uPVC gutters and downpipes to match existing.

project
Proposed single storey
studio extension,
'Framfield',
Two Hedges Road,
Woodmancote GL52 9PT
for

**'Framfield',
Two Hedges Road,
Woodmancote GL52 9PT
drawing
Proposed Elevations**

status
Planning
date: 1:100@A3
scale: 9/20
drawing no. 200709/PL/005
Do not scale from this drawing.
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extend Architecture
45 Sydenham Villas Road
Cheltenham
GL52 6EE
07900 876971
e: info@extendarchitecture.co.uk
w: www.extendarchitecture.co.uk

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	19 October 2021
Site Location:	25 Tudor Close Churchdown
Application No:	21/00657/FUL
Ward:	Churchdown St Johns
Parish:	Churchdown
Proposal:	Erection of a two storey rear extension and garage conversion.
Report by:	Sarah Barnes
Appendices:	Existing floor plans Existing elevations Proposed ground floor plan Proposed first floor plan Revised proposed elevations Revised proposed ground floor plan
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site relates to 25 Tudor Close, a detached dwelling located in Churchdown (site plan attached).
- 1.2 The proposal is for a two storey rear extension and a garage conversion (plans attached).
- 1.3 A Committee determination is required as the Parish Council is objecting to the proposal on the grounds of overdevelopment and privacy issues.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
00/00101/APP	Erection of 47 houses with associated works	APPROV	11.08.2000
01/00377/FUL	Substitution of house types - approved under 00/8971/0101/APP	PER	14.06.2001

3.0 RELEVANT POLICY

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

3.1 National guidance

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

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

- Policy SD4 (Design Requirements)
- Policy SD14 (Health and Environment Quality)

3.3 Tewkesbury Borough Local Plan to 2011 – March 2006 (TBPL)

- Policy HOU8 (Domestic Extensions)

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

- Policy RES10 (Alteration and Extension of Existing Dwellings)

3.5 Neighbourhood Plan

Churchdown and Innsworth Neighbourhood Development Plan – 2011-2031

3.6 Other relevant policy

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

4.0 CONSULTATIONS

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

4.1 Parish Council – object due to overdevelopment of the site and privacy issues.

Revised plans – still object for the same reasons as before

5.0 PUBLICITY AND REPRESENTATIONS

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

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

5.2 Six letters of objection were received from four local residents to the original plans and one letter of support from a local resident. The reasons for objection are summarised as follows:

- Overlooking and loss of outlook to the dwellings at the rear in Armada Close
- Overdevelopment
- Increased noise levels
- Loss of parking spaces / parking concerns
- It's already a small plot with a small rear garden

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 Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Examination in Public was held in February/March 2021 and the Inspector's post hearings Main Modifications letter was received on 16 June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'. Those policies in the Pre-submission version of the TBP which are not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which do in the Inspector's view require main modifications attracting less weight depending on the extent of the changes required. The TBP remains an emerging plan and the weight that may be attributed to individual policies will still 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 the 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.

6.5 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2019 and the Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019).

7.0 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 of overdevelopment and the loss of privacy to neighbouring dwellings.
- 7.3** The Parish Council's concerns have been taken into consideration as revised plans were submitted on the 30th July 2021 omitting the proposed front gable extension and reducing the size of the two storey rear extension (see attached plans). Specifically, the length of the first floor aspect of the extension has been reduced by 0.5 metre. In relation to overdevelopment, there would be adequate garden area free from extensions / additions and there have been no previous extensions at this site. With regards to visual amenity, the proposed extensions would be of a suitable size / design and constructed from matching materials. There are also other similar sized extensions on this estate e.g. permission was granted in 2019 for a two storey side extension at 42 Tudor Close.
- 7.4** Overall, it is considered that the proposal as revised 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 Policies 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** Objections have been received from local residents and the parish council on the grounds of loss of privacy. The nearest neighbouring dwellings at the rear of the site are 15 & 16 Armada Close. The 'window to window' distance from the revised two storey rear extension to their nearest windows would be about 20 metres so the overlooking is not considered to be harmful / unacceptable.
- 7.7** In relation to the loss of light / outlook to the immediate neighbours either side at 24 & 26 Tudor Close, the impact of the proposal upon these neighbouring dwellings has been carefully assessed. Whilst there would be a loss of light / outlook, the proposed two storey rear extension would not breach a 45 degree horizontal splay from the neighbouring dwellings closest windows. Furthermore, given that the orientation of the sun, the proposal would not result in an unacceptable loss of light or outlook that would warrant a refusal on these grounds.
- 7.8** Overall, the impact of the proposal upon neighbouring properties has carefully been assessed and it is considered that there would not be an undue impact upon their amenity in accordance with Policy HOU8 of the Local Plan and Policy SD14 of the JCS.

Parking

- 7.9** In relation to the concerns raised about the loss of parking, there would still be space for at least 2/3 cars to be parked on the front drive and this is considered to be sufficient.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1** It is considered that the proposal as revised would not be unduly 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 documents:

Revised plans dated 30th July 2021 except where these may be modified by any other conditions attached to this permission.

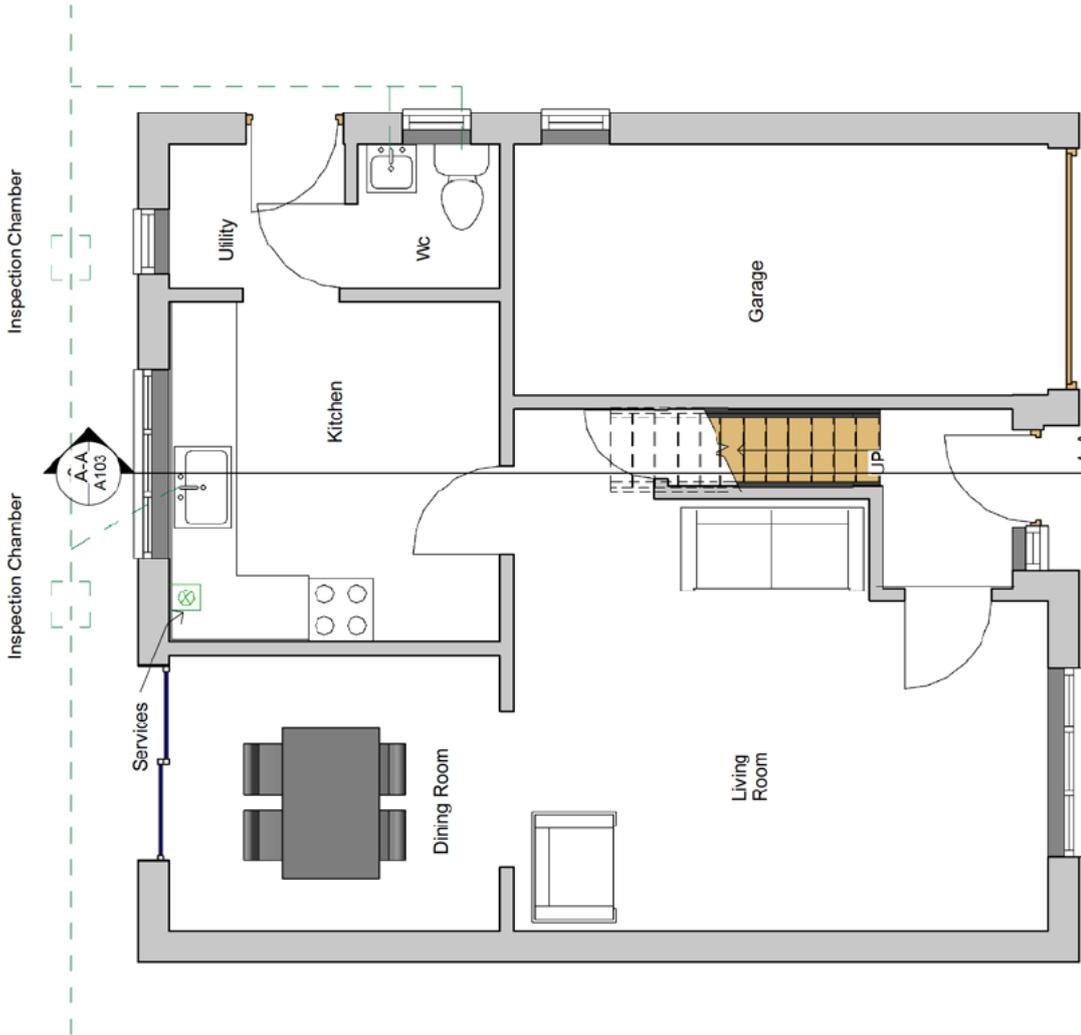
Reason: To ensure that the development is carried out in accordance with the approved plans.

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

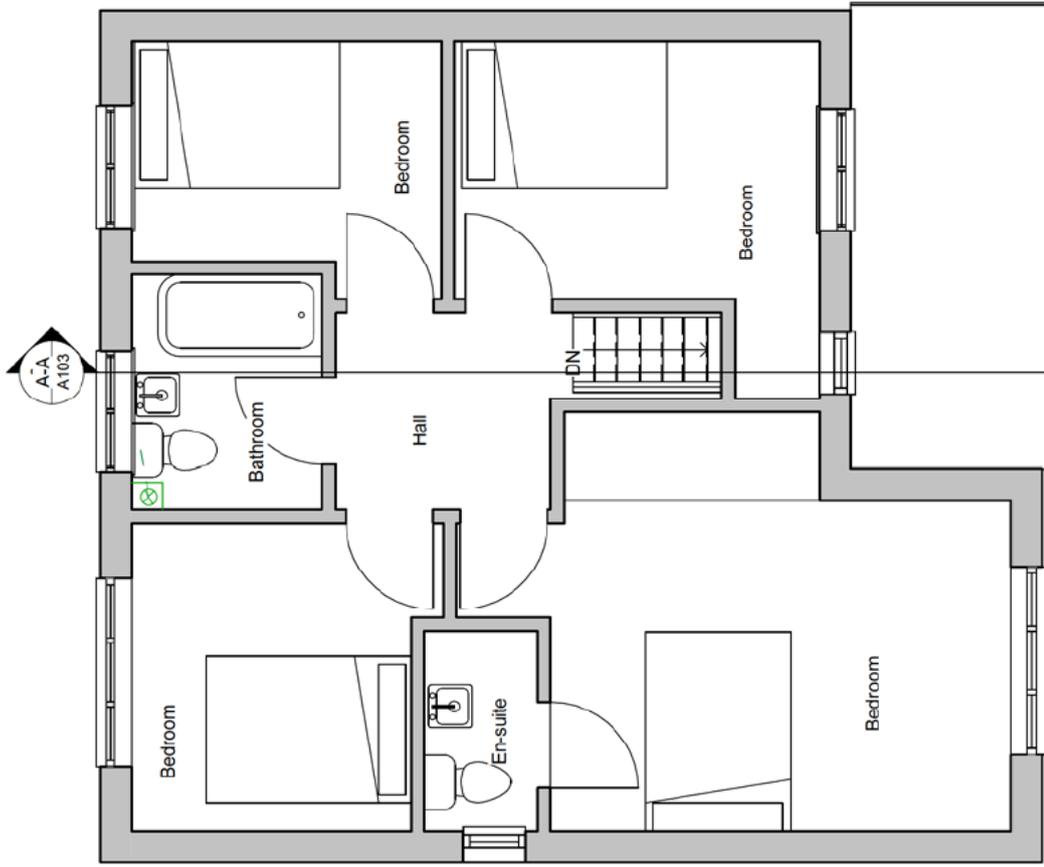
Reason: To ensure that the proposed development is in keeping with the existing dwelling.

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 the 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.



GROUND FLOOR PLAN



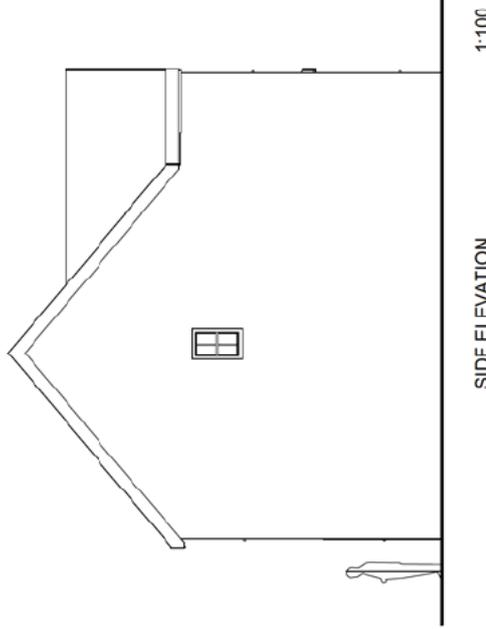
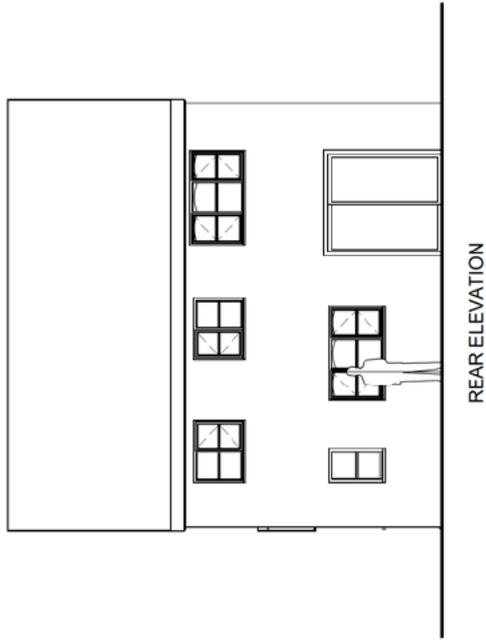
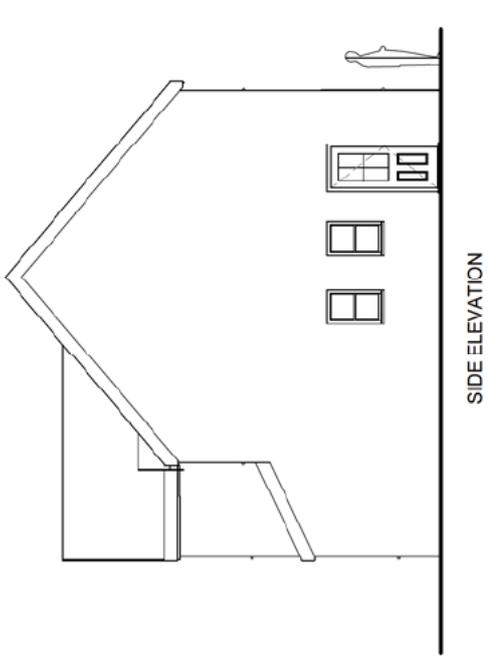
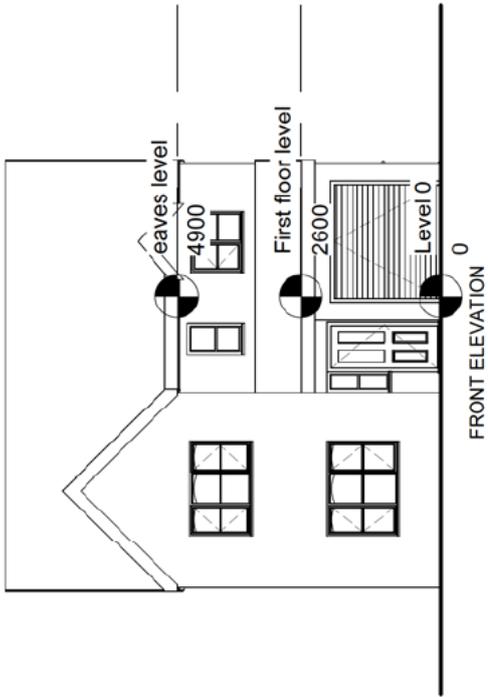
FIRST FLOOR PLAN

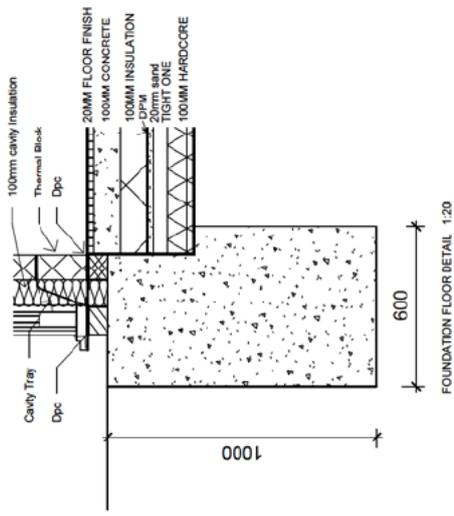
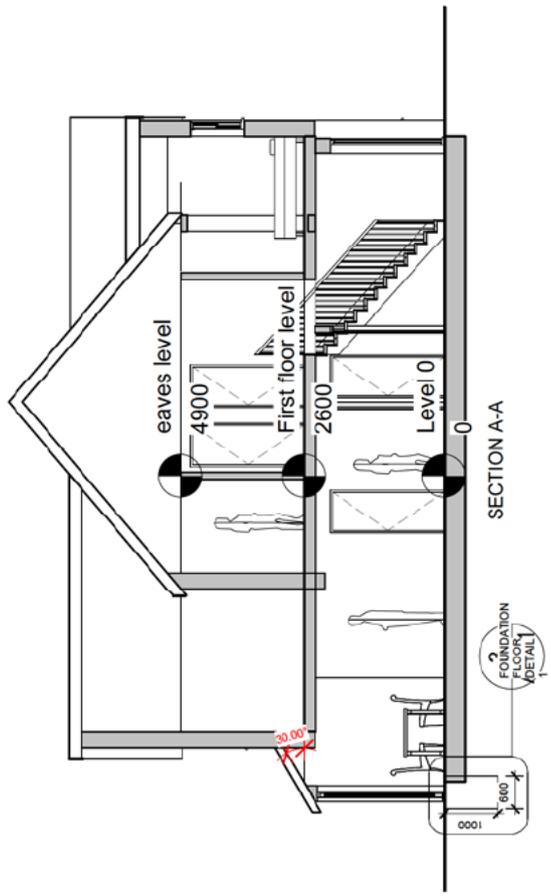
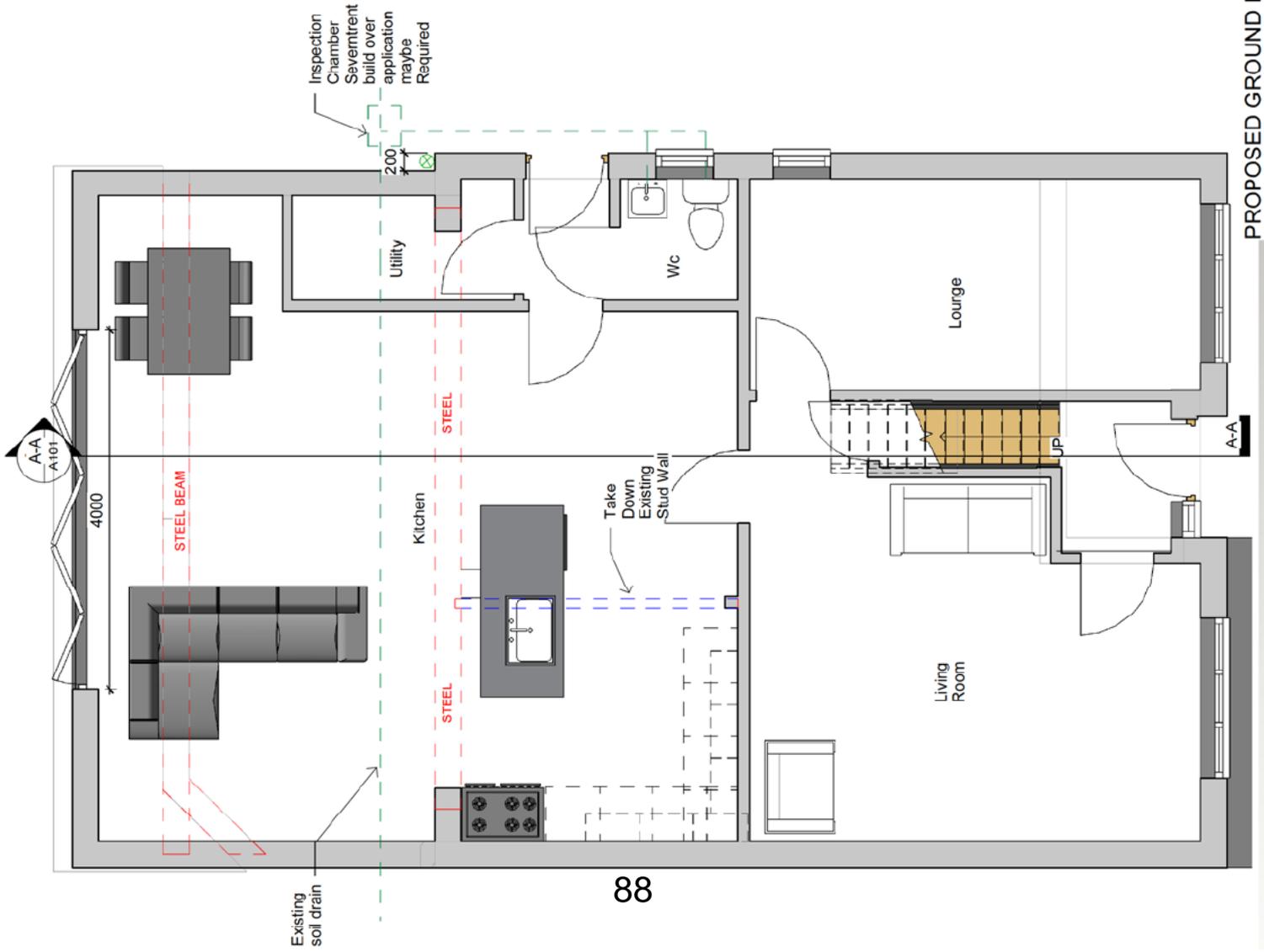
1:50



Project: 25 Tudor Close
Client: [REDACTED]
Drawing: Existing Floor Plans
Drawn By: Lloyd Gordon
Date: 25/04/2021
Scale: 1:50 @ A3
Rev: 0

EXISTING FLOOR PLANS





Notes:
 All Dimensions are to be checked on site
 Proposed Not to protrude the boundary

Specification:

foundation Depth of Proposed to be confirmed by the Building Inspector
 Structural Engineers designs & Calculations required for steel beams
 Roof to be designed by Timber engineers

300mm wide External cavity wall with 100mm cavity wall
 rock wool insulation Batts to BS 6676
 100mm x 215 x 65mm bricks to match existing
 100mm x 440mm x 215mm Thermalite Blocks
 cavity wall ties positioned max 450mm vertical, 900mm
 horizontal to BS EN 845-1

Damp proof course laid 150mm above the level of
 existing floor level to BS EN 14909

Damp proof tray laid to BS 8215

Cavity wall closures positioned at windows and doors
 to BS EN ISO 9001

Proposed ground floor Dpc level to be level with existing
 Dpc level

Ground floor spec-

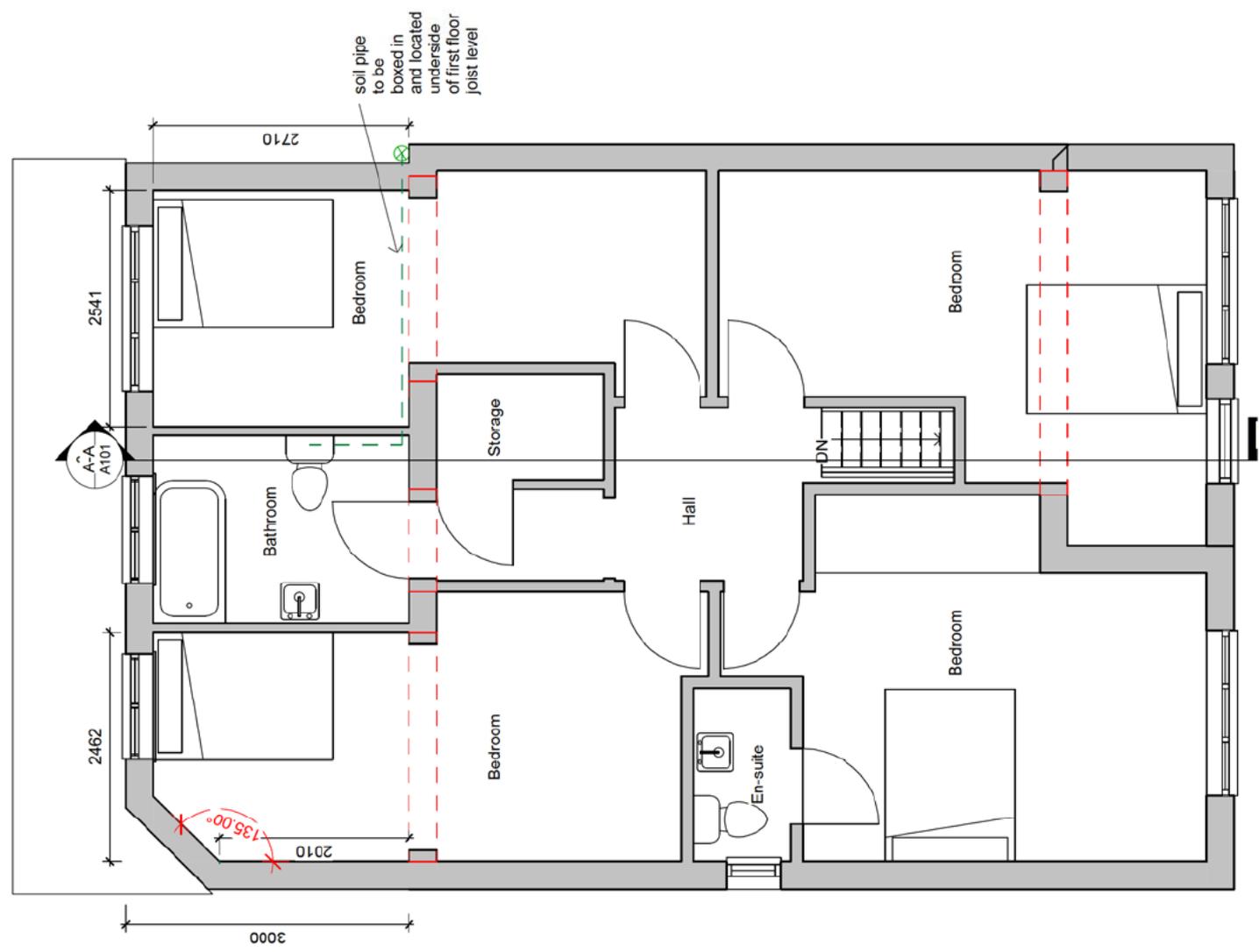
- (1) 100mm Hardcore
- (2) 100mm compacted tight one stone
- (3) 20mm sand binding
- (4) Damp proof membrane BS EN 13967:2012.
- (5) 100mm rigid insulation BS 5241-1:1994
- (6) separation layer
- (7) 100mm concrete floor
- (8) floor finish to be confirmed by client

Proposed Lounge floor to be checked for insulation

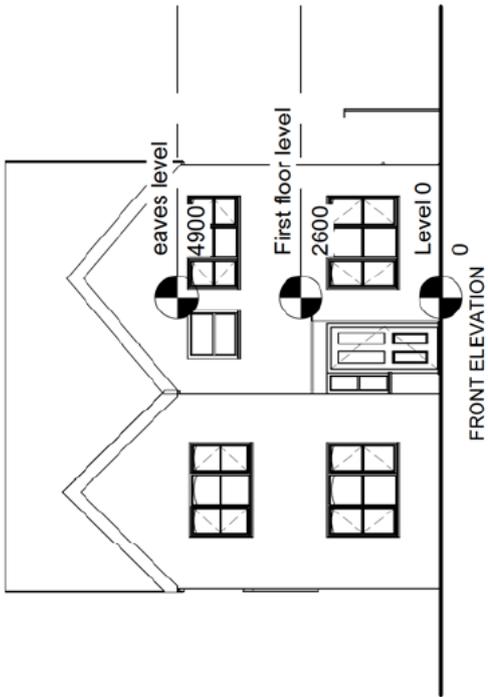
First Floor Joists to run level with existing first floor joist level
 175mm x 47mm C24 @400 centres



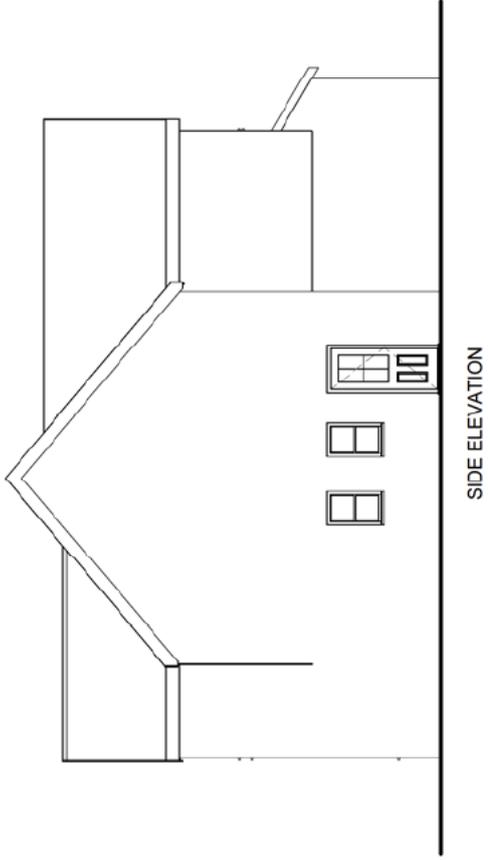
Project: 25 Tudor Close
 Client: [Redacted]
 Drawing: Proposed First Floor Plan
 Drawn By: Lloyd Gordon
 Date: 25/04/2021
 Scale: 1:50 @ A3
 Rev: 0



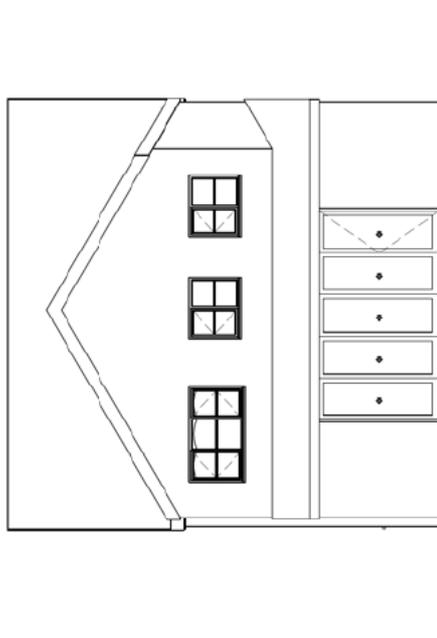
PROPOSED FIRST FLOOR PLAN



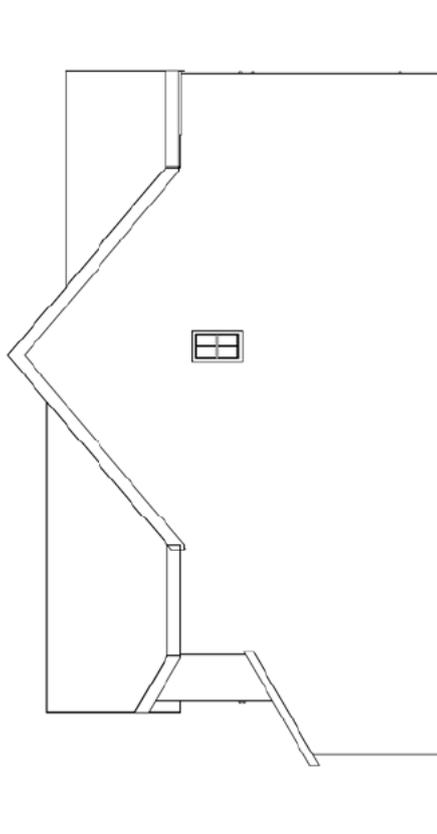
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



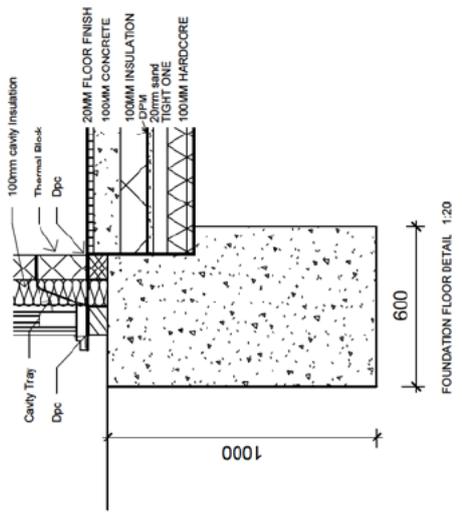
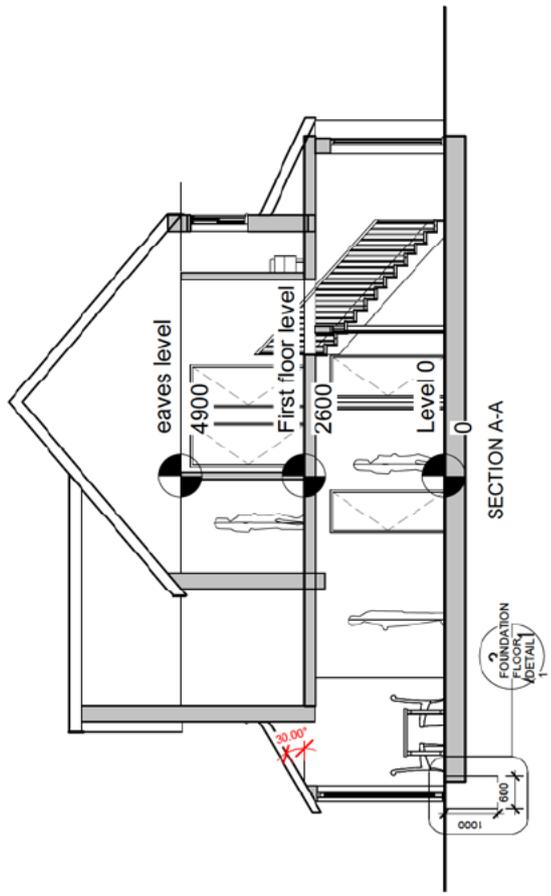
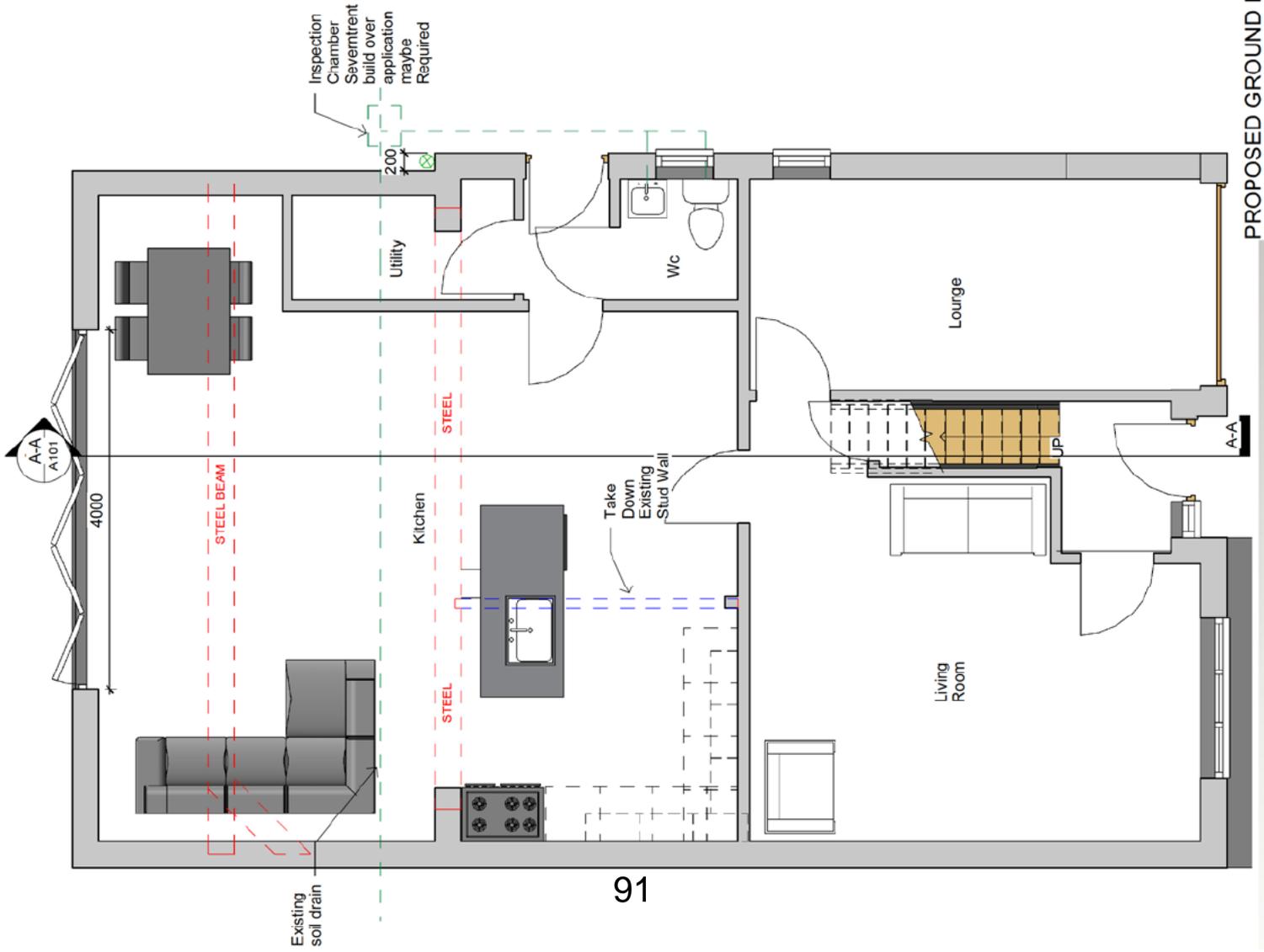
SIDE ELEVATION

1:100

PROPOSED ELEVATIONS



Project: 25 Tudor Close
 Client: [REDACTED]
 Drawing: Proposed Elevations
 Drawn By: Lloyd Gordon
 Date: 25/04/2021
 Scale: 1:100 @ A3
 Rev: 0



Project: 25 Tudor Close
 Client: [Redacted]
 Drawing: Proposed Ground Floor Plan
 Drawn By: Lloyd Gordon
 Date: 25/07/2021
 Scale: 1:50 @ A3
 Rev: 1



PROPOSED GROUND FLOOR PLAN

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	19 October 2021
Site Location:	15 Swallow Crescent Innsworth
Application No:	20/01024/FUL
Ward:	Innsworth
Parish:	Innsworth
Proposal:	New attached 2 bedroom dwelling to the side of 15 Swallow Crescent
Report by:	Dawn Lloyd
Appendices:	Plan 1 - Site Plan Plan 2 - Site location plan, Proposed Elevations, Floor plan and Block Plan, Streetscene
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

The application site relates to the garden land to the side of 15 Swallow Crescent, Innsworth, which is a two storey semi-detached dwelling. The immediate area is characterised by semi-detached properties, although there are examples of bungalows, detached and terraced properties in the wider area.

The proposal seeks full planning permission for the erection of a dwelling that would be attached to No.15 Swallow Crescent. Amended plans were submitted on 17th August 2021 to amend the design to a two bedroomed property. The development would create a row of 3 terraced properties. There is a similar form of development at 22 Swallow Crescent. The property would occupy the driveway for number 15 and the parking provision for number 15 and the proposed dwelling would be provided in the front amenity space and on the road.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
20/00025/CLP	Erection of a single storey rear extension and new facade to existing walls.	NOTPRO	04.09.2020
20/00811/FUL	Erection of a single storey rear extension and re-cladding of main house.	PER	06.11.2020

3.0 RELEVANT POLICY

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

National guidance

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

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

Policy SP2 (Distribution of New Development)

SD4 (Design Requirements)

SD10 (Residential Development)

SD14 (Health and Environmental Quality)

INF1 (Transport Network)

INF2 (Flood Risk Management)

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

RES2 (Settlement Boundaries)

RES5 (New Housing Development)

DES1 (Housing Space Standards)

ENV2 (Flood Risk and Water Management)

TRAC9 (Parking Provision)

Neighbourhood Plan

Churchdown and Innsworth Neighbourhood Development Plan 2011-2031
Policy CHIN2

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

Innsworth Parish Council - Supports the application so long as 4.6 of the Neighbourhood Development plan adhered to. This ensures that off road parking is properly applied for, for example the dropped kerbs to ensure the legality of off road parking and stops un necessary street parking.

Innsworth Parish Council comments on the amended plans of 25th May 2021 – objection not in keeping with the rest of the street. Give a cluttered look to the area.

- CHIN 1 parking for two spaces cannot be accessed and therefore on street parking would ensue, therefore 2 spaces per unit would not be available.

-CHIN 3 no green features and does not contribute to enhancing the environmental setting.

-CHIN 12 no consideration given to flood mitigation.

Highway Authority – No objection subject to conditions regarding installation of vehicle crossover as approved plans, development not occupied prior to implementation of parking provision, cycle storage, visibility splays, 5m of drive to be in a bound material and electric vehicle charging points.

Severn Trent Water Ltd – There is a public 100mm surface water sewer and public 100mm foul sewer located within the site. Public sewers have statutory protection and may not be built close to, over or diverted without consent. Severn Trent will seek to assist in obtaining a solution which protects the public sewer and the building. Under the provisions of Building Regulations 2000 Part H4 Severn Trent can direct the Building Control Officer to refuse building regulation approval.

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

5.0 PUBLICITY AND REPRESENTATIONS

The application has been publicised through the posting of a site notice for a period of 21 days and 4 representations of objection.

- Parking for 4 vehicles contrary to CHIN 1 of Churchdown and Innsworth Neighbour Development Plan. Parking access is impeded by lamp post. Contrary to Gloucestershire manual for Streets. Street is already congested.
- Impact on streetscene
- The development would be built over an existing main sewer causing access problems
- Devaluing neighbouring property
- Internal arrangement of kitchen and downstairs wc contrary to building regulations
- Lack of parking provision, street already congested, lamp post on boundary restricts parking.

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

6.0 POLICY CONTEXT

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

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

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

Churchdown and Innsworth Neighbourhood. At its Full Council meeting on the 30 June 2020, Tewkesbury Borough Council brought the Neighbourhood Plan into legal force, under Section 38A(4) of the Planning and Compulsory Purchase Act 2004. Plan

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

7.0 ANALYSIS

Principle of the Development

- 7.1 In order to further sustainability objectives and in the interests of protecting the countryside, the housing policies of the JCS set out a development strategy for the borough.
- 7.2 The application site has not been allocated for housing in the JCS and therefore the criterion of Policy SD10 of the JCS applies. This policy advises that housing on sites which are not allocated for housing in district and neighbourhood plans will be permitted if it meets certain limited exceptions.
- 7.3 Of relevance is criterion 4 (ii). This criterion states that development will only be permitted where it is infilling within the existing built-up areas of the city of Gloucester, the principal Urban area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within district plans. For the purposes of criterion 4(ii), the supporting text defines 'infill development' as "the development of an under-developed plot well related to existing built development."
- 7.4 The application site lies within the existing built-up area of Innsworth and it is bound by residential development to the north, east and west. as such the proposal is therefore considered to constitute infill development in accordance with JCS Policy SD10

- 7.5 In terms of the Emerging TBP the application site lies within the defined residential development boundary for Innsworth as shown on the proposals map. Policy RES2 of the Emerging TBP supports the principle of new residential development in this location subject to the application of all other policies in the local plan. In all cases development must comply with the relevant criteria set out in policy RES 5.
- 7.6 In light of the above, the introduction of a new dwelling in this location would comply with the strategic housing policies in the development plan. However, there are other material planning considerations to be taken into account.

Five Year Housing Land Supply

- 7.7 As set out in the latest Tewkesbury Borough Five Year Housing Land Supply Statement published in December 2020, the council can demonstrate a 4.35 year supply of deliverable housing sites. On the basis therefore that the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the provision of housing should not be considered up-to-date in accordance with footnote 7 of the NPPF and in accordance with paragraph 11 of the NPPF the presumption in favour of sustainable development (the 'tilted balance') applies. The presumption is therefore that permission should be granted unless policies for protecting assets of particular importance provides a clear reason for refusing the development or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.
- 7.8 It is noted that a recent appeal decision at Ashmead Drive an Inspector concluded that the Council can demonstrate a 1.82 year supply. This is principally because the Inspector did not agree that 'previous oversupply', or 'advanced delivery' should be taken into account when calculating the five year supply. The Council's firm view remains that, in the context of the plan-led system, it is wrong not to take into account houses that have already been delivered during the plan period, essentially ahead of schedule, and which meet the needs being planned for in the area. On that basis, the Council have come to the view that there are robust grounds for a successful challenge and proceedings have now been issued in the High Court. As such the Council contend that a 4.35 year supply can be demonstrated at this time.
- 7.9 Nevertheless, as set out above, as the council cannot demonstrate a five year supply of deliverable housing sites therefore the presumption in favour of sustainable development is engaged in this case.

CHARACTER AND APPEARANCE

- 7.10 Section 12 of the NPPF sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It continues by stating that good design is a key aspect of sustainable development, creating better places in which to live and work and helps make development acceptable to communities. Planning decisions should, amongst other things, ensure that developments will function well and add to the overall quality of the area and should be sympathetic to the local character, including the surrounding built environment.
- 7.11 The National Design Guide (NDG) addresses the question of how we recognise well-designed places, by outlining and illustrating the government priorities for well-design places in the form of ten characteristics which includes context, identity and built form. The NDG provides that well-designed development should respond positively to the features of the site itself and the surrounding context beyond the site boundary.

- 7.12 JCS policy SD4 is consistent with this approach and states that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.
- 7.13 Policy RES5 of the Pre-submission Tewkesbury Borough Plan (2019) states proposals for new housing development should, inter alia, be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it and be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity, unless otherwise directed by policies within the Development Plan.
- 7.14 Further, Policy CHIN2 of the adopted Churchdown and Innsworth Neighbourhood Plan states that proposals for new development should contribute towards the local distinctiveness of Churchdown and Innsworth. They should demonstrate high quality, sustainable and inclusive design and architecture that respects and responds positively to the best examples of the Neighbourhood Area's character.
- 7.15 The proposal would add a dwelling to the existing pair of semi-detached properties, introducing a terrace form into the street scene. Although the built form is predominantly semi-detached dwellings, there are small section of terraced properties on Swallow Crescent and in the wider area.
- 7.16 In terms of design, the proposal would be broadly consistent with neighbouring two storey semi-detached properties. In particular, the hipped roof design would be similar to that of existing dwellings along Swallow Crescent. The external walls of the existing dwelling are concrete panels however permission was granted under application 20/00811/FUL for its recladding with facing bricks . The proposed materials for the new dwelling materials (facing brick and interlocking tiles) would be in keeping with the existing dwelling, character of the area and deemed appropriate to the site's surroundings. The width of the plot would be slightly reduced in comparison to other dwellings in the area but the proposal is considered to make best use of an under-developed plot by providing a 2-bed unit and the separation from neighbouring properties, particularly to the north and east would not result in a cramped form of development when viewed in the wider context. The proposal is therefore considered to present an acceptable design which responds positively to the character of the site and its surroundings in accordance with the requirements of JCS Policy SD4, Emerging TBP policy RES 5 and CHIN2 of Churchdown and /Innsworth NDP.
- 7.17 The dwelling has been amended to a two bedroomed property. The room sizes accord with the National Described Spaces standards in accordance with emerging Borough Plan Policy DES1.
- 7.18 There are many other examples of similar terraces in the area and given the mix of building materials and house types in the area the proposal is considered to respect the street scene and the character of the area, in accordance with SD4, emerging TBP policy RES 5 and CHIN2 of Churchdown and /Innsworth NDP.

Residential Amenity

- 7.19 In respect of the impact of the development upon residential amenity, paragraph 127 of the NPPF specifies that planning decisions should ensure development creates places with a high standard of amenity for existing and future users. This advice is reflected in JCS policies SD4 and SD14 which require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 7.20 The dwelling would extend beyond the rear elevation of number 15 at ground and first floor level. The first floor would not breach the 45 degree rule to adjacent dwellings. Number 15 has recent had a ground floor extension permitted application 20/00811/FUL therefore, the proposal would not be harmful in terms of impact of light. There is no direct overlooking of windows. There would be overlooking of rear gardens from the first floor. However, the adjacent dwellings are semi-detached and it is considered the harm of overlooking from the proposed dwelling is not significantly different from that already experienced. Therefore, the impact on the amenity of neighbouring properties is considered acceptable.

Access and Highway Safety

- 7.21 The NPPF sets out that development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe. Policy TRAC9 of the emerging TBP states that proposals need to make provision for appropriate parking and access arrangements.
- 7.22 Policy CHIN1 of the Churchdown and Innsworth Neighbourhood Plan sets out parking standards for the provision of off-road parking for new residential development, where possible; 1-bed dwellings should provide 1 off-road car parking space; 2 and 3-bed dwellings should provide 2 off-road car parking spaces and 4-bed dwellings should provide 3 off-road car parking spaces.
- 7.23 The existing dwelling would be provided with one onsite parking space and one on the road. The proposed dwelling would benefit from two parking spaces in the front amenity space.
- 7.24 The Highway Authority have considered the application and considered the proposed parking as demonstrated by revised parking plan as acceptable subject to recommended conditions in terms of highway safety. In addition the parking plan indicates cycle storage and an electric vehicle charging point would be provided.

Drainage and Flooding

- 7.25 Policy INF2 of the JCS seeks to prevent development that would be at risk of flooding. 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. This advice is echoed in Policy ENV2 of the emerging TBP.

7.26 The site is located within Flood Zone 1, an area identified by the Environment Agency at a low risk of flooding from rivers and the sea. The Water Management Statement (WMS) submitted in support of the application confirms surface water from the site would be discharge to soakaway. Objections have been raised with regard to the proximity of a public surface water and foul sewer on the site. Building in proximity to, over or diverting of public sewers are subject to the consent of the Severn Trent Ltd and would be controlled through the building regulation process.

Conclusions

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

Benefits

- 8.2 The development would make a limited contribution towards the supply of housing to help meet the objectively assessed need for housing in the Borough in an area where the principle of housing development is considered acceptable.
- 8.3 In addition, the development would give rise to small social and economic benefits as a result of its construction and future use.

Harms

- 8.4 The introduction of a terraced dwelling at this site would be distinct from the prevailing character of the immediate surrounding area. However, there are short rows of terraced properties along Swallow Crescent and in the wider area. In this context, it is considered that, the impact on the character and appearance of the area would be limited, the harm does weigh against the proposal in the overall planning balance.

Neutral

- 8.5 Having regard to the policies of the development plan and the responses of technical consultees, subject to the imposition of suitable planning conditions, there are no objections in respect of design, highway safety and drainage.

Conclusion

- 9.0 Taking into account all of the above, it is considered that any adverse impacts of permitting this application would not significantly or demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole. Overall it is recommended that planning permission be granted subject to the conditions as set out below.

CONDITIONS:

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

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

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

- Proposed Location Plan, Block Plan, Proposed Elevations, Proposed Floor Plan, Roof Plan Drawing Number 003 received 17th August 2021.
- Parking Plan Drawing received 10th May 2021

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

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

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

Reason: It is important to protect and maintain the character and appearance of the area in which this development is located.

- 4 The development hereby permitted shall not be occupied until the car/vehicle parking area (and turning space) shown on the approved plans Drawing Number PW003 received 11th May 2021 has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development.

Reason: To ensure that there are adequate parking facilities to serve the development.

5. The development hereby permitted shall not be occupied until the vehicle crossover has been installed at the carriageway edge and constructed across the footway fronting the site. The dropped kerb shall extend from the parking spaces of 15a to the east edge of the parking kerb space of number 15 before connecting to existing kerb heights.

Reason: In the interests of safety and accessibility.

6. The cycle storage facilities shall be implemented in accordance with the submitted plans and retained for thereafter.

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

7. Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plans with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material with drainage preventing run-off onto the highway/footway, and shall be maintained thereafter.

Reason: In the interest of highway and pedestrian safety.

8. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays in accordance with the submitted plans PW003 received 11th May 2021 and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level.

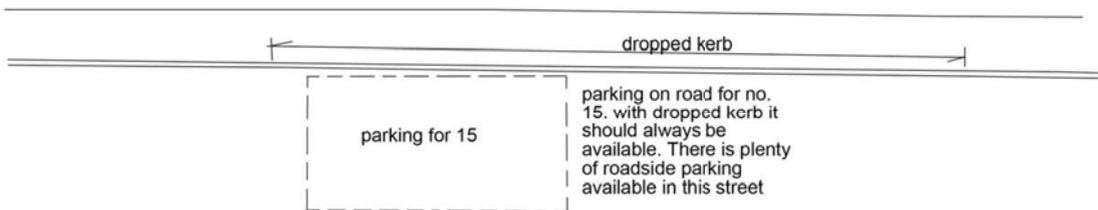
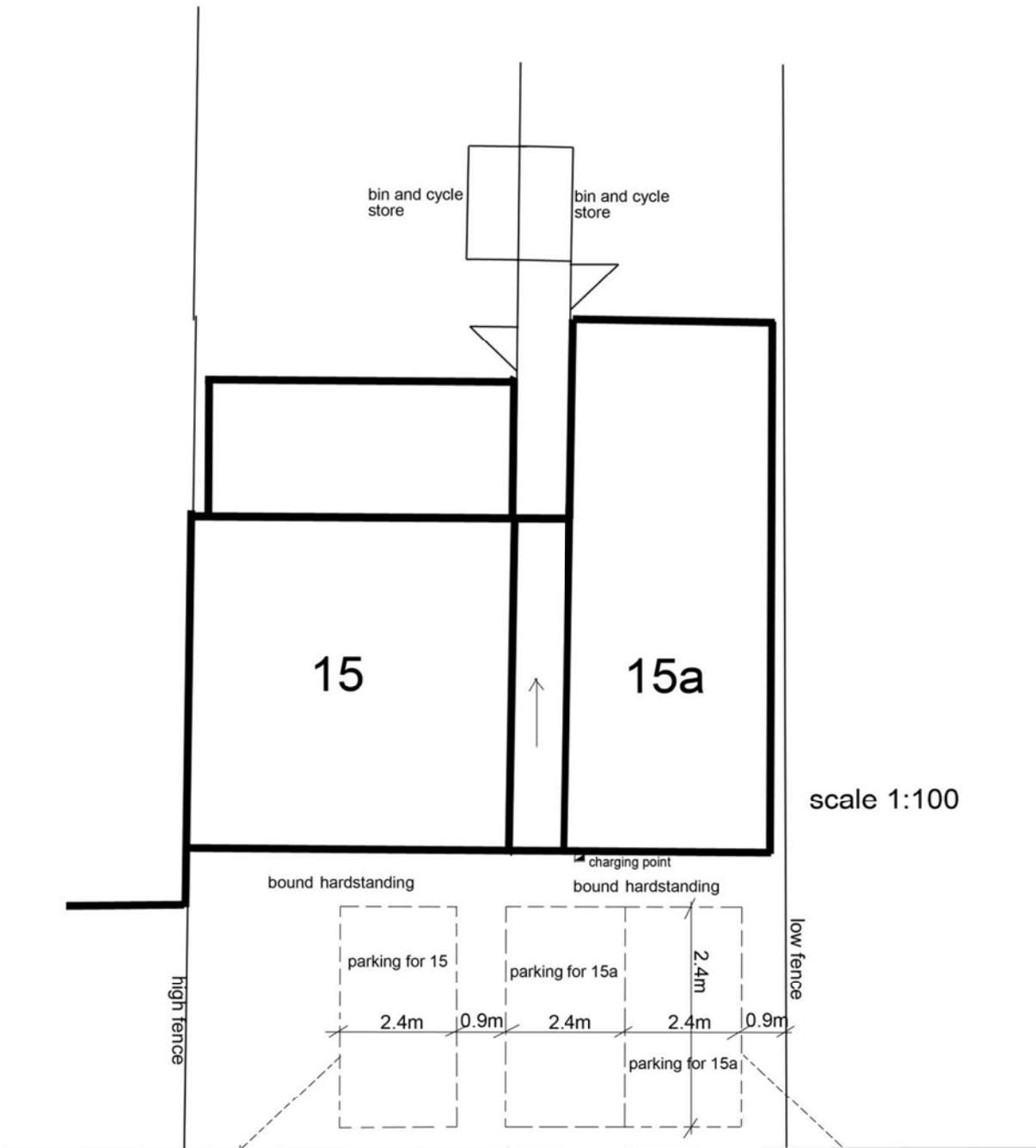
Reason: To ensure motorists have clear and unrestricted views of approaching pedestrians when pulling out onto the adopted highway, in the interest of highway safety

9. The electric vehicle charging point shall be implemented in accordance with the submitted plans and shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point shall be of the same specification or a higher specification in terms of charging performance.

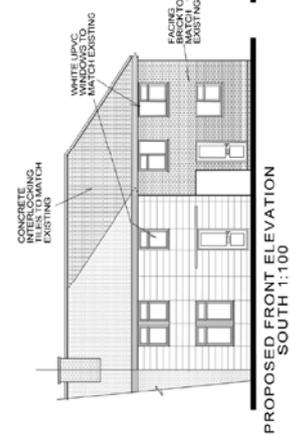
Reason: To promote sustainable travel and healthy communities.

INFORMATIVES:

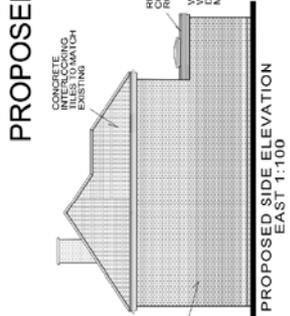
1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
2. Severn Trent Water advise that there is a public 100mm surface water sewer and a public 100mm foul sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval. Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.



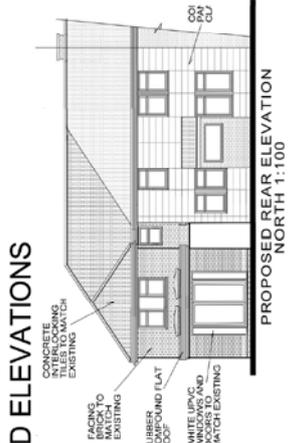
PROPOSED ELEVATIONS



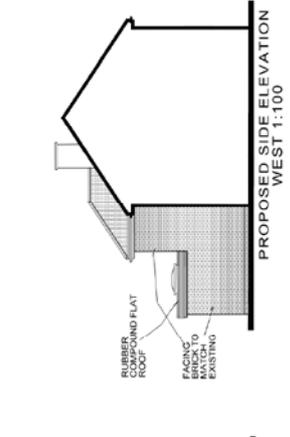
PROPOSED FRONT ELEVATION SOUTH 1:100



PROPOSED SIDE ELEVATION EAST 1:100

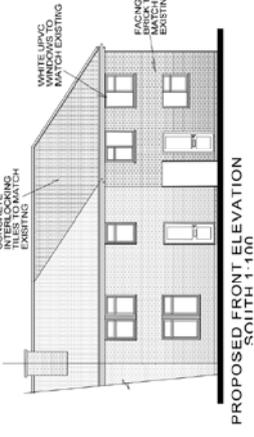


PROPOSED REAR ELEVATION NORTH 1:100

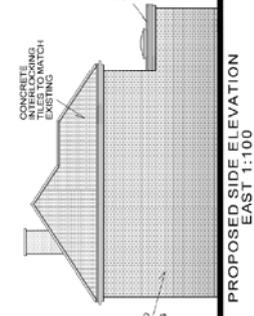


PROPOSED SIDE ELEVATION WEST 1:100

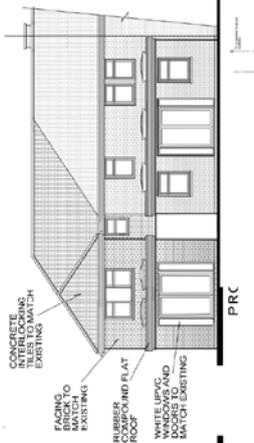
PROPOSED ELEVATIONS WITH APPLICATION 20/00811/FUL



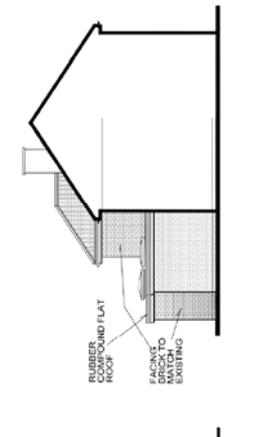
PROPOSED FRONT ELEVATION SOUTH 1:100



PROPOSED SIDE ELEVATION EAST 1:100



PROPOSED REAR ELEVATION NORTH 1:100



PROPOSED SIDE ELEVATION WEST 1:100

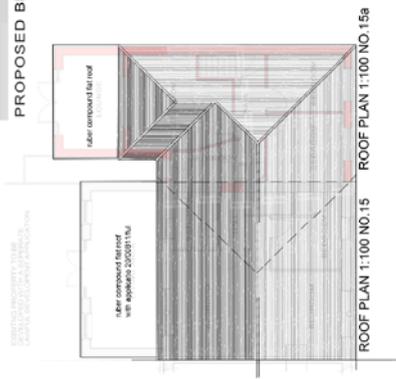
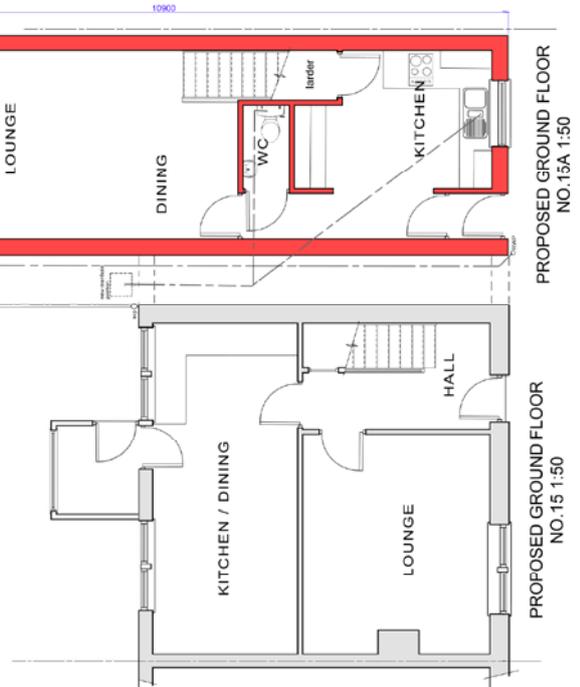
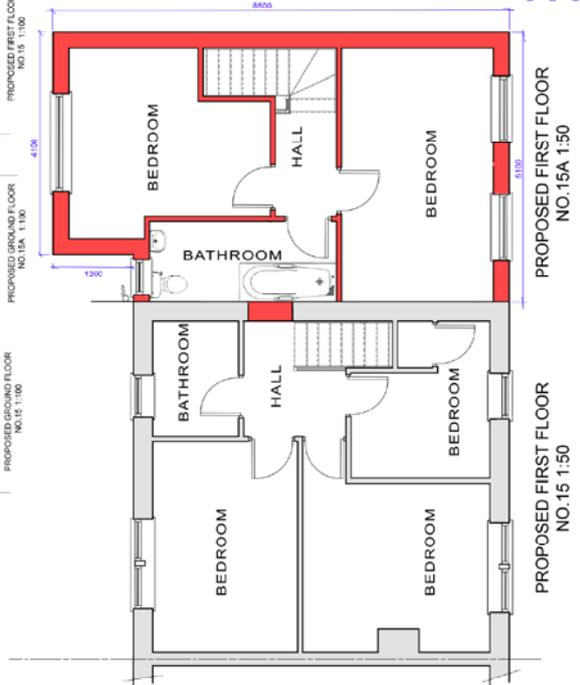


LOCATION PLAN 1:1250



PROPOSED BLOCK PLAN 1:200

PROPOSED PLANS WITH APPLICATION 20/00811/FUL



ROOF PLAN 1:100 NO.15 ROOF PLAN 1:100 NO.15a

PROPOSED NEW GROUND FLOOR 38.98 SQ M
 PROPOSED NEW FIRST FLOOR 38.4 SQ M
 PROPOSED NEW TOTAL 77.45 SQ M

<p>RVA Architects 104, Avonmouth Road, Bristol, Avon, BS11 1JG 01454 522 020/0117 079352 0794 0177 rva@rva-architects.co.uk</p>	<p>Client</p>
	<p>36a Title</p> <p>PROPOSED NEW 3 BED HOUSE WITH 3 BATHS, ACCESS TO NO. 15 SWALLOW CLOSE, INNSWORTH, GLOS.</p>
<p>Dwg Title</p> <p>PROPOSED PLANS AND SITE LOCATION AND BLOCK PLAN</p>	<p>Scale 1:150 1:100 1:1250 1:200</p>
<p>Dwg No.</p> <p>PW0003</p>	<p>Date</p>

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	19 October 2021
Site Location:	Brock Farm Church Lane Staverton
Application No:	21/00494/FUL
Ward:	Badgeworth
Parish:	Staverton
Proposal:	Change of use of land for the temporary siting of mobile home (farm worker accommodation)
Report by:	Dawn Lloyd
Appendices:	Site Location Plan Proposed Block Plan Elevations, Floor Plan and Section
Recommendation:	Permit

The application has been called in for Committee determination by Councillor Vines, the Local Ward Member, to assess the suitability of this agricultural proposal given its Green Belt location.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application site relates to land associated with Brock Farm and is located immediately opposite the existing farm complex off Church Lane in Staverton. The site is approximately 400 metres west of the main village and currently forms part of a larger agricultural field, with intermitted hedging along the eastern site boundary. There is an existing field gate along the northern boundary which provides access from Church Lane.
- 1.2. The application site is located in the open countryside, outside of any recognised settlement boundary. It is also located in the Gloucestershire Green Belt. The site is not subject to any other landscape designations and is sited in Flood Zone 1.
- 1.3. The current application seeks planning permission for the change of use of agricultural land for the temporary siting of a mobile home to be used as farm worker accommodation. The proposed mobile home would be sited in the south-east corner of the application site, measuring approximately 19.9 metres in length and 6.7 metres in width. It would have gently sloped dual pitched roof, with an eaves and ridge of height of circa. 3 and 4 metres respectively. The overall height of living accommodation when measured internally would be 3.05 metres. As such, the proposed mobile home is deemed to comply with the definition of a “twin unit caravan” in accordance with the *Caravan Sites Act 1968*.

- 1.4. The existing field access would be utilised to provide access to the proposed mobile home and the remainder of the site would be hard surfaced to facilitate the parking and manoeuvring of vehicles. There would be landscaping to the periphery of the site and the proposed boundary treatments are post and wire stock fencing.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
95/00830/FUL	Erection of a replacement cattle shed	PER	20.12.1995
95/00824/FUL	Demolition of dwelling and erection of replacement dwelling	PER	24.08.1995
14/00195/AGR	Erection of steel framed mono pitch building	NONINT	03.04.2014
19/01047/OUT	Erection of a Farm Worker's Dwelling	REF	17.04.2020
21/00021/AGR	Construction of agricultural track.	NONINT	19.02.2021
21/00211/FUL	Erection of a calf rearing building.	Pending Consideration	

- 2.1. As set out above, an application seeking outline planning permission for the erection of a permanent agricultural worker's dwelling was refused in April 2020 (ref: 19/01047/OUT). At the time of determination, it was considered that the applicant had failed to demonstrate an essential need for a dwelling in this location contrary to JCS Policies SP2 and SD10 and TBLP Policy ARG2. It was also considered that the proposal represented inappropriate development in the Green Belt and would cause unwarranted harm to the landscape contrary to JCS Policies SD5 and SD6 respectively.
- 2.2. Since this refusal of planning permission, an application has been submitted for the erection of a calf rearing building (ref: 21/00211/FUL). This application is still pending consideration but it is understood from the supporting information that the applicant wishes to establish a calf rearing enterprise to supplement the existing beef business. It is commented that the existing buildings, which form part of the farm complex, are already in active use and/or not fit for the purposes of calf rearing. The application therefore seeks permission for a livestock polytunnel to be retained permanently in the same location. The provision of this building (polytunnel) is being relied upon as the justification and 'essential need' for the proposed mobile home. An update will therefore be provided to Members at planning committee on the status of this application.

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)

3.3. National Planning Practice Guidance (NPPG)

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

3.4. Policies: SP2, SD4, SD5, SD6, SD9, SD10, SD14, INF1

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

3.5. Policies: AGR2

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

3.6. Policies: AGR3, NAT1, TRAC9

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. **Staverton Parish Council:** No response received at time of writing.

4.2. **Environmental Health Officer:** No objection in terms of any noise / nuisance issues.

4.3. **County Highways Officer:** No objection.

4.4. **Flood Risk & Drainage Officer:** No comments or objection to make to this application.

4.5. **Agricultural Consultant:** Objection. There is not considered to be an essential need for a dwelling at Brock Farm.

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

5.0 PUBLICITY AND REPRESENTATIONS

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

6.0 POLICY CONTEXT

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

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

- 6.3. The Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Examination in Public was held in February/March 2021 and the Inspector's post hearings Main Modifications letter was received on 16th June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'. Those policies in the Pre-submission version of the TBP which are not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which do in the Inspector's view require main modifications attracting less weight depending on the extent of the changes required.
- 6.4. The TBP remains an emerging plan and the weight that may be attributed to individual policies will still 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 the degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.5. The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

Principle of development

- 7.1. Criterion 4 (ii) of JCS Policy SD10 'Residential Development' sets out that on sites that are neither allocated or previously developed land, housing development will only be permitted where:
- (i) It is for affordable housing on a rural exception site in accordance with JCS Policy SD12;
 - (ii) It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District Plans;
 - (iii) It is brought forward through Community Right to Build Orders; or
 - (iv) There are other specific exceptions / circumstances defined in District or Neighbourhood Plans.
- 7.2. In this case, criterion (iv) is applicable as Saved TBLP Policy AGR2 'Agricultural Dwellings' supports proposals for the siting of a mobile home or caravan provided it is justified and for a temporary period only. Policy AGR2 goes on to state that the siting of accommodation should where possible enhance the environment in its location, scale and design. Where practicable, any temporary or permanent accommodation should be sited close to existing buildings. It must be proven that there is no suitable alternative accommodation elsewhere and that there is a need for 24-hour attendance or supervision. The scale of the proposed dwelling should be related to the size and function of the farm unit. Within the reasoned justification for this policy, it is stated that when a farmer is unsure of the business prospects for a proposed enterprise, or where a temporary venture is proposed, the Council may consider granting a temporary permission for a mobile home or caravan, normally for a two or three year period.

- 7.3. A similar policy approach is set out in emerging TBP Policy AGR3 'Agricultural and other rural workers dwelling' which states:

Proposals for new dwellings in relation to new agricultural, horticultural, forestry or other rural businesses may be granted a time-limited permission for temporary accommodation, such as a mobile home or caravan, to allow time to establish that the business is financially viable and there is a genuine functional need for a permanent dwelling. Temporary accommodation will normally be permitted for a period of three years, subject to meeting relevant criteria set out above. Proposals in relation to new business must provide clear evidence in the form of a business plan that shows a firm intention and ability to develop the enterprise on a sound financial basis.

- 7.4. At a national level, paragraph 84 of the NPPF supports the development and diversification of agricultural and other land-based rural businesses. Paragraph 80 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless, inter alia, there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.
- 7.5. As such, the principle of development cannot be established without first assessing if there is an essential need for a temporary agricultural worker's dwelling in this location. This is examined in detail in later sections of this report.

Green Belt

- 7.6. It is also the case that the application site is located in the Green Belt. JCS Policy SD5 makes clear that development in such location will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless very special circumstances can be demonstrated.
- 7.7. Unlike the previous refused application which sought the erection of a permanent dwelling, the current proposal concerns the change of use of agricultural land to allow for the temporary siting of a mobile home. Paragraph 150 of the NPPF allows for certain other forms of development in the Green Belt – including material changes in the use of land - provided they preserve its openness and do not conflict with the purposes of including land within it.
- 7.8. In this case, it is considered that the proposed mobile home would result in the introduction of a large, albeit temporary, structure on to an otherwise undeveloped site. It would be sited separate to the existing farm complex, on the opposite side of Church Lane, and would have a sizeable volume (circa. 435 cubic metres) which would undermine the spatial openness of the Green Belt. In addition, the associated change of use of the land from agriculture to residential, with large areas of hardstanding, the parking of vehicles and associated domestic paraphernalia would cause harm to the visual openness of the Green Belt. It would also fail to safeguard the countryside from encroachment thus conflicting with one of the five purposes of including land within the Green Belt. For these reasons, the proposal is deemed to represent inappropriate development in the Green Belt which is, by definition, harmful and should not be approved except in very special circumstances.
- 7.9. The NPPF makes clear that when considering any planning applications, the local planning authority must ensure substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt, by virtue of its inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 7.10. The applicant has not made a case for very special circumstances in support of the proposal; however, if it can be demonstrated that there is an essential need for a temporary agricultural worker's dwelling in this location then it is accepted that this may constitute the 'very special circumstances' needed to justify the development in the Green Belt. This has been considered in detail below.

Agricultural Need

- 7.11. The NPPF replaced Planning Policy Statement 7 (PPS7) which provided guidance on the need for new agricultural dwellings. Nevertheless, the tests set out in Annex A to PPS7 are still generally accepted as an appropriate way to assess need. In respect of agricultural dwellings, Annex A advised that the following evidence would normally be expected to justify the need for such a dwelling:
- Clear evidence of a firm intention and ability to develop the enterprise concerned.
 - Functional need.
 - Clear evidence that the proposed enterprise has been planned on a sound financial basis.
 - The functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.
 - Other normal planning requirements, e.g. on siting and access, are satisfied.
- 7.12. The application has been accompanied by a supporting Planning Statement which provides a detailed account of the existing agricultural business and the applicant's intentions to extend the enterprise. The statement sets out that Brock Farm is a mixed beef and arable farm which extends to 138 hectares of owned farmland plus 106 hectares of long-term rented farmland; a total 255 hectares (630 acres). The core business relies on buying in young (store) cattle (aged 18 – 20 months) and rearing on-site for typically 7 - 9 months before being sold on to slaughter. There are approximately 450 beef cattle housed at any one time, with the existing buildings at Brock Farm accommodating 250 beef cattle from November to April each year. The farm also grows approximately 220 acres of arable crops (wheat, barley, rye, grass and maize).
- 7.13. At present, there are two full-time and one part-time farm labourers, including the applicant and his grandson. The supporting Planning Statement explains that the applicant's grandson will take over the running of the business once the applicant retires and, in moving towards this change, the farm business seeks to diversify into calf rearing to provide additional income and make better use of resources. This fits with the existing beef rearing model and while some calves may be sold there is also an opportunity to rear them on. This is the justification for the proposed polytunnel (ref: 21/00211/FUL).
- 7.14. Brock Farm comprises a set of farm buildings only; there is no dwelling on-site. The applicant resides at Woodfold Farm, approximately 3 miles from Brock Farm, which is the only house associated with the agricultural holding. The applicant does own a pair of semi-detached houses in Staverton (1 & 2 Church Lane) but these are approximately 700 metres from the buildings at Brock Farm and currently let out on Assured Shorthold tenancies.

Establishment and Viability

- 7.15. The Council's Agricultural Consultant is satisfied that this is a sustainable farming business that can support at least a full-time worker and is likely to remain as such for the foreseeable future. The application for the erection of a calf rearing building (ref: 21/00211/FUL) demonstrates there is a clear intention held by the applicant to develop this new enterprise alongside the existing farm business.

Functional Need

- 7.16. With regard to the existing beef rearing enterprise, the Council's Agricultural Consultant points out that generally during the farming year livestock husbandry would be largely routine and would generally be carried out during the working day, with checks as appropriate. There may be times when urgent action needs to be taken; however, it is currently mature cattle that are being managed as opposed to calving cows. The Agricultural Consultant is therefore of the opinion that the housed cattle could continue to be managed remotely with checks first and last thing. The vast majority of health issues would be picked up during the day and through such checks, with minimal risk to welfare.
- 7.17. The new calf rearing enterprise would result in approximately 60 calves on site under 3 months old at any one time. The Agricultural Consultant has advised that calves under 3 months of age would require vigilance with regular inspections and potential treatment of health issues synonymous with young calves, such as pneumonia and calf scour. Once they reach 12 weeks the calves would be weaned and hardier. It is commented that with the number of calves proposed it would be prudent for there to be a stock person within easy access. Thus, there is considered to be a functional need.
- 7.18. Security and rural crime is always an issue for farms and the Agricultural Consultant recognises that this is a factor when considering functional need. However, it is advised that each farm should be considered on its merits and there are always steps that can be taken to make a yard, buildings and equipment more secure. Therefore security would not be sufficient reason in its own right to warrant a functional need for somebody to be based within easy access of the buildings.

Full-time Labour

- 7.19. The supporting Planning Statement sets out there is a requirement for approximately 3.4 full-time equivalent (FTE) workers when taking account of current stock numbers and applying the industry standard figures (*The Agricultural Budgeting and Costing Book 88th Ed.*). The proposed calf rearing enterprise would give rise to additional work and increased labour requirement of 4.06 FTE workers when using the same calculations as above.
- 7.20. The Council's Agricultural Consultant is satisfied that the beef enterprise warrants at least the equivalent of a full-time worker.

Other Dwellings

- 7.21. As set out in paragraph 7.11 above, where a functional need has been identified, it is necessary to investigate the availability of existing dwellings and to ensure that "the functional need could not be fulfilled by an existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned".

- 7.22. In this case the Council's Agricultural Consultant considers no weight can be attached to the potential availability of the farmhouse at Woodfold Farm. This is owned by the applicant – the current farmer – and he should be able to retire there if he wishes to do so.
- 7.23. Significant weight however should be given to the ownership of the two dwellings in Staverton. The tenancy types have not been disclosed but the Agricultural Consultant contends that it is likely one of the cottages would be on an Assured Shorthold Tenancy and therefore considered potentially available.
- 7.24. Furthermore, the Agricultural Consultant has explained that while there is a functional need, it is not considered necessary with a calf rearing unit for somebody to be within sight and sound. However, it might be considered important for a qualified worker to be within easy access of the calves. The cottages (1 & 2 Church Lane) are situated approximately 700 metres from the buildings at Brock Farm. This distance can be walked in five minutes and the site could obviously be reached faster if travelling by vehicle i.e. quad bike. The Agricultural Consultant considers that if an issue was identified in the evening, resulting in the need for a night time visit to administer medication or night-time check for example, then the cottages are within reasonable distance.

Other Material Circumstances

- 7.25. Within the supporting documentation accompanying the application, it is advised that the personal circumstances of the applicant's grandson should be taken into account when determining this application. The Agricultural Consultant has been made aware of the health-related conditions pertaining to the applicant's grandson and has given this due consideration as far as reasonably practicable. It is acknowledged that regardless of whether there is a functional need or not, the ability to manage the farm from one of the cottages in Staverton may not be an option for the applicant's grandson.
- 7.26. Notwithstanding the above, the Agricultural Consultant has advised that there is not considered to be an essential need for a dwelling at Brock Farm.

Landscape Impact

- 7.27. The application site is not subject to any landscape designation but is located within open countryside. JCS Policy SD6 requires development to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals are required to have regard to the local distinctiveness and historic character of the different landscapes in the JCS area. Proposals are also required to demonstrate how the development will protect or enhance landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement or area.
- 7.28. The proposed mobile home would appear visually prominent when viewed from Church Lane given the open nature of the surrounding land and the lack of any screening vegetation. The impact would be mitigated to a degree given the presence of existing farm complex on the opposite side of the road although it would still represent an encroachment into the surrounding landscape.

- 7.29. The supporting Planning Statement has sought to explain the reason behind the siting of the proposed mobile home, commenting that this location is deemed preferable as it would be close to, but not within, the existing farmyard thus avoiding obvious health and safety issues. The existing farm buildings and associated yard / working area are also tightly constrained by field boundaries and it is acknowledged that there would be no room to accommodate the proposed mobile home within this area without potentially compromising the efficient working of the farm itself. As such, it is likely that the proposed mobile home would result in encroachment into the surrounding countryside wherever located, potentially with the added necessity for a new access track. At least in its proposed siting, the mobile home makes use of the existing field gateway and has been positioned close to field boundaries. It is also sited as close to existing buildings as practically possible, only separated by Church Lane, and would be read against this backdrop in mid to long range views.
- 7.30. Nevertheless, on the basis that an essential need for a dwelling in this location has not been established, it is concluded that the proposed mobile home would result in unwarranted encroachment that would harm the landscape character and visual attractiveness of the area contrary to JCS Policy SD6.

Residential amenity

- 7.31. JCS Policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 7.32. Given the remote location of the application site and, taking account of the fact that future occupants would be closely associated with the agricultural activities taking place on the main farm complex, the proposal is not considered to give rise to any residential amenity issues.

Access and highway safety

- 7.33. JCS Policy INF1 sets out that planning permission shall only be granted where the impact of the development is not considered to be severe. It further states that safe and efficient access to the highway network should be provided for all transport means.
- 7.34. Access to the proposed mobile home would be provided through an existing field gateway onto Church Lane. There would be adequate space within the application site to safely accommodate the parking and manoeuvring of vehicles. The County Highways Authority has raised no objection to the proposal and it is not considered that the proposed development would have a detrimental impact on the safe and efficient operation of the highway network.

Flood Risk and Drainage

- 7.35. The site is located within Flood Zone 1 (low risk) as defined by the Environment Agency's most up-to-date flood risk maps. The development is therefore unlikely to be at risk of flooding or cause significant risk of flooding to third party property. It is noted that the precise drainage arrangements would be subject to building regulation approval.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1. For the reasons set out above, there is not considered to be an essential need for a temporary agricultural worker dwelling in this location. While it is accepted there is a functional need based on the new farm business model, there is alternative accommodation within close proximity to Brock Farm which must be afforded significant weight in establishing whether there is an essential need. Thus, in this case, the provision of alternative accommodation within easy reach of Brock Farm means there is no essential need and the principle of development has not therefore been established.
- 8.2. The proposal is also deemed to constitute inappropriate development in the Green Belt which is, by definition, harmful and should be afforded substantial weight against the proposal in the determination of the application. There would also be harm to openness and failure to safeguard the countryside from encroachment thus conflicting with one of the five purposes of the Green Belt designation. Other harms have been identified in respect of landscape impact and the unwarranted visual intrusion into open countryside.
- 8.3. There is no advanced case for very special circumstances to outweigh the harm to the Green Belt and other harms resulting from the proposal. Therefore, the proposal is deemed contrary to the development plan and is recommended for refusal for the reasons as follows:

REASONS:

1. The proposal does not represent infilling within the existing built up area of a town or village, does not meet any of the other criteria within Policy SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), and there are no other specific exceptions/circumstances defined in district or neighbourhood plans which indicate that permission should be granted. The proposed development therefore conflicts with policies SP2 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development.
2. The proposed development conflicts with Policy AGR2 of the Tewkesbury Borough Local Plan to 2011 - March 2006, Policy ARG3 of the Tewkesbury Borough Plan Pre-Submission Version (October 2019) and Paragraph 80 of the NPPF in that the applicant has failed to demonstrate that there is an essential need for a temporary farm worker's dwelling at this location given the close proximity of alternative accommodation within the applicant's control.
3. The proposed development conflicts with Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and Section 13 of the NPPF (Protecting Green Belt land) in that it represents inappropriate development in the Green Belt that would compromise its open character, appearance and function.
4. The proposed development conflicts with Policy SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and Section 15 of the NPPF (Conserving and enhancing the natural environment) in that it would result in an unwarranted intrusion into the landscape that would be harmful to the rural character and appearance of the surrounding area.

INFORMATIVES:

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

9.0 UPDATE

- 9.1 **The application was considered by the planning committee on 17th August 2021. Members were advised that, since the Committee report had been published, additional information had come to light which had resulted in a change to the Officer recommendation. This was set out in the Additional Representations Sheet, attached at Appendix 1, and related to the assessment as to whether there was an essential need for the proposed accommodation. Contrary to the agricultural need assessment detailed at Pages No. 243-246 of the Committee report, the applicant had asserted that the alternative accommodation within their control was not readily available as both properties were on protected tenancies. The Council's Agricultural Consultant had requested additional information be provided to assess the security of tenure and the applicant was in the process of gathering that but had not been able to provide the relevant documentation in advance of the current meeting. It was also relevant that the essential need for the temporary farm worker accommodation was heavily reliant on a proposed calf building that was subject to a separate planning application (reference: 21/00211/FUL). For those reasons, the Officer recommendation had been amended to defer the application to allow further information to be provided and for the application concerning the proposed calf building to have been determined. Members voted to defer the application as per Officer's recommendation.**
- 9.2 **Application 21/00211/FUL for a calf rearing building was permitted on 27th September 2021.**
- 9.3 **Additional information was submitted with regard to the need for someone to be on site for calf rearing business and that the need can be met by existing cottages owned in association with the agricultural business.**
- 9.4 **Six public representations in support of the proposal were received.**
- 9.5 **The additional information indicates that 1 and 2 Church Cottages are not on modern Assured Shorthold Tenancies which allow landlords to serve a notice to gain possession. There are extremely limited grounds for possession and therefore neither property is available. In addition, the Agent has considered housing available in Staverton and maintains that there are none available within easy accessibility of the farm. Furthermore, the Applicant has put forward personal circumstances for living within easy access of farm.**
- 9.6 **The calf rearing building has now been permitted and it is now accepted that some alternative accommodation within easy reach of the buildings would be required to enable the calf enterprise to develop. Furthermore, the availability of 1 and 2 Church Cottages in the future is not certain, and there appears to be no easily accessible accommodation in the village. Having considered this new information, together with the applicant's personal circumstances, the Council's Agricultural consultant considers, on balance, the essential need for a temporary dwelling has been**

established.

Green Belt

- 9.7 The site lies within the Green Belt and this material consideration was considered within the officer's report. Para 150 of the NPPF allows for material changes of use of land provided they preserve openness and do not conflict with the purposes of including land within it. The proposal was found to conflict with Green Belt policy in this regard and therefore considered inappropriate development.
- 9.8 As set out at paragraphs 7.6 to 7.10 above, the proposal constitutes inappropriate development in the Green Belt. Officers now conclude that on the basis of the additional information provided that an essential need for an agricultural worker's mobile home in this location has been demonstrated. These are factors which are capable of constituting very special circumstances.

Landscape

- 9.9 As set out at paragraphs, 7.27 to 7.30 above, it is considered that the proposed mobile home would result in encroachment into the surrounding countryside. This previously constituted a reason for refusal. However, it was acknowledged that in its proposed siting, the mobile home would make use of the existing field gateway and would be positioned close to field boundaries. Furthermore, it would also be sited as close to existing buildings as practically possible, only separated by Church Lane, and would be read against this backdrop in mid to long range views.
- 9.10 However, the essential need for an agricultural worker's mobile home has now been demonstrated and this need is considered to outweigh the landscape harm in this instance.

Green Belt balancing exercise / Conclusion

- 9.11 The proposed development is inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. However, in this instance, it is considered that there is an essential need for temporary accommodation to support the calf rearing agricultural business and that there is no available accommodation within easily access to the agricultural unit. This therefore constitutes very special circumstances which clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm arising from the proposal.

Therefore, it is recommended that planning permission be granted subject to the following conditions:

1. The works hereby permitted shall be begun before the expiration of three 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 received 15 Apr 2021
- Proposed Block Plan received 28 Apr 2021

- **Proposed Elevations received 15 Apr 2021**

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

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

- 3. Within 5 years of occupation of the mobile home as agricultural workers accommodation, the mobile home shall be removed from the site and the site restored to agricultural land.**

Reason: In order to safeguard the openness of the green belt.

- 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences/gates/walls/ garages/buildings/extensions/dormer windows shall be erected other than those expressly authorised by this permission.**

Reason: In order to safeguard the openness of the green belt.

- 5. The occupation of the mobile home shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined by Section 336 of the Town and Country Planning Act 1990, or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.**

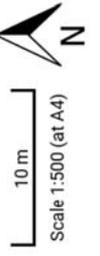
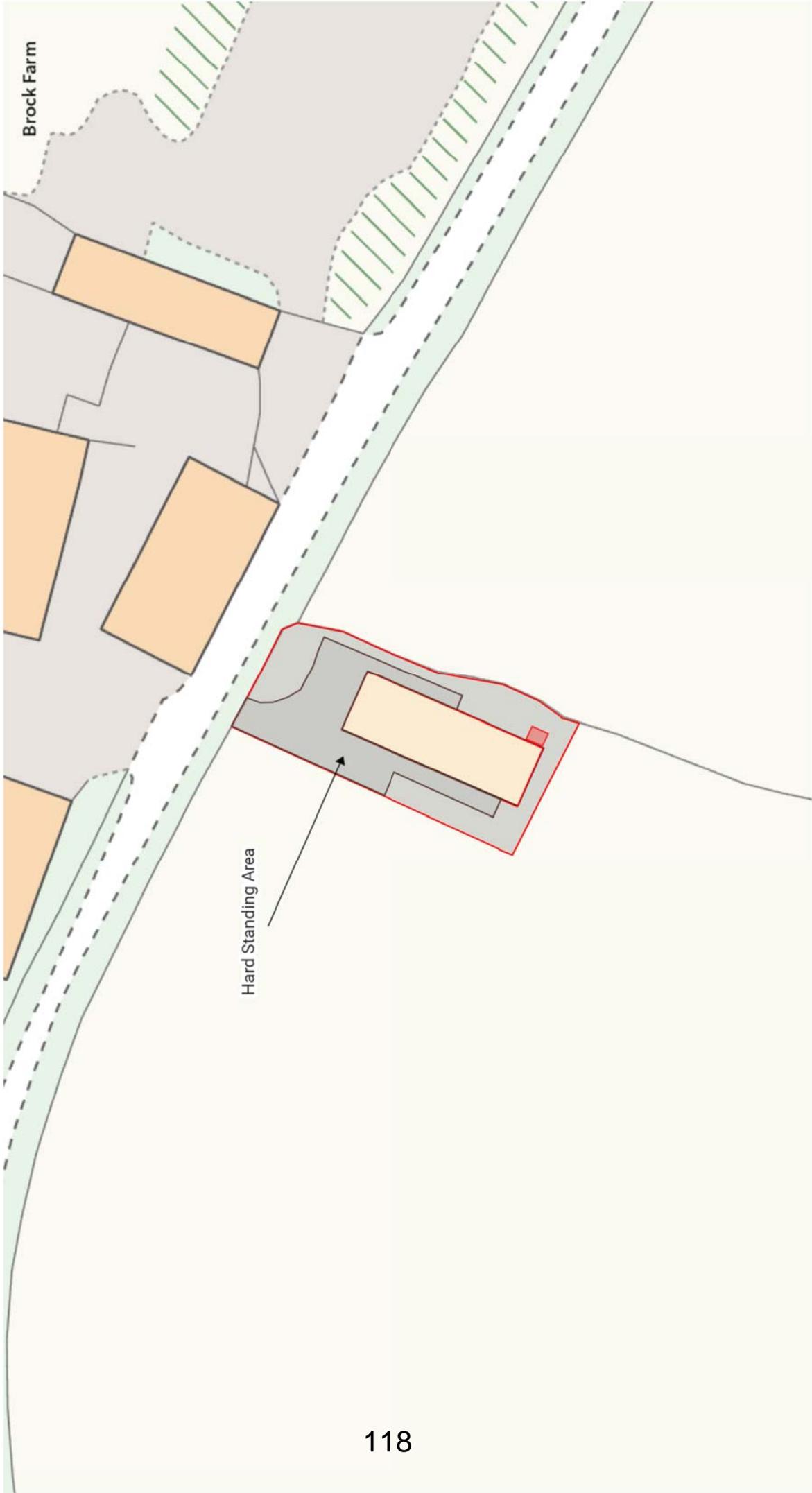
Reason: The site is not in an area intended for general development. Permission is granted solely because the mobile home is required to house a person or persons employed, or last employed in agriculture or forestry.

INFORMATIVE

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

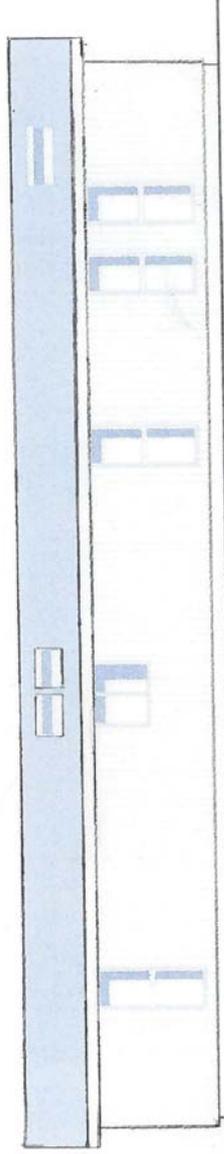


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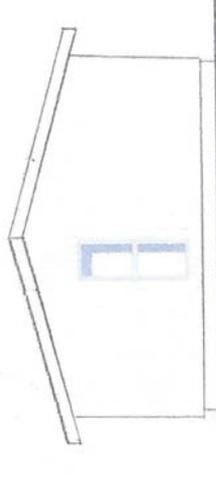
Side/entrance Elevation



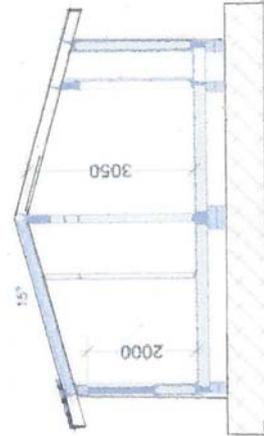
Side Elevation



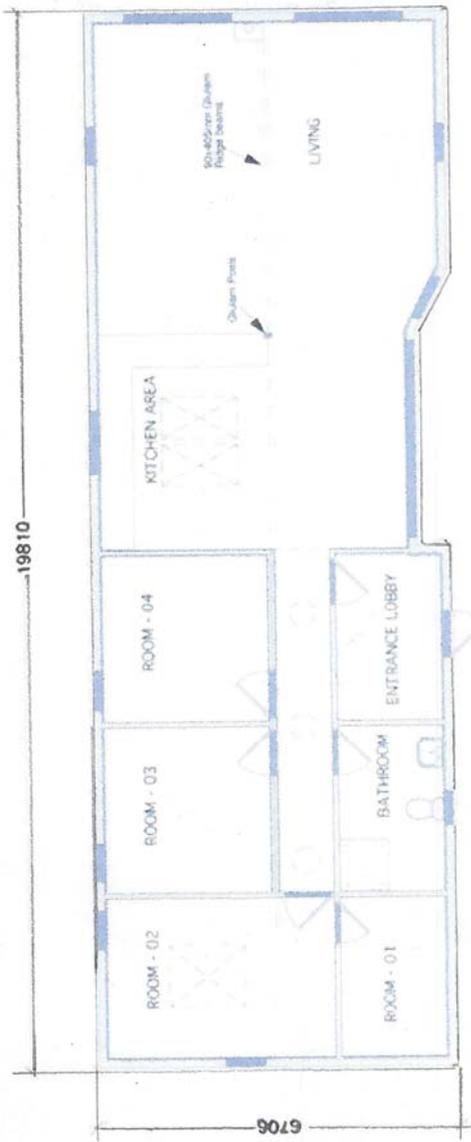
Front Gable Elevation



Rear Elevation



Section



Plan

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	19 October 2021
Site Location:	Land Adjacent To The Bungalow Down Hatherley Lane Down Hatherley
Application No:	20/01179/FUL
Ward:	Severn Vale South
Parish:	Down Hatherley
Proposal:	Erection of two single storey dwellings
Report by:	Victoria Stone
Appendices:	Existing and Proposed Location Plan Site Plan as Proposed Floor Plans and Elevations as Proposed Inner Elevations and Garage Elevations as Proposed Landscaping Plan and Materials Schedule
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application relates to a parcel of land associated with a property known as 'The Bungalow', which is located in a set-back position off Down Hatherley Lane (**see attached Location Plan**). The Bungalow is accessed via a private driveway from Down Hatherley Lane although there is a secondary gated access off Ash Lane.
- 1.2 The site is generally level, covers approximately 0.21 hectares (excluding Ash Lane) and laid to grass. The eastern boundary is formed by post and rail fencing, the southern boundary is formed by post and wire fencing. The northern boundary is currently open.
- 1.3 The site is not subject to any formal landscape designation but is located in an area of safeguarded land.
- 1.4 This application is submitted in full and seeks permission for the construction of a pair of semi-detached bungalows. Vehicular access to the development would be via the existing access off Ash Lane. Each property would benefit from at least two off-road parking spaces. In addition, one of the proposed dwellings would have an integral garage, while the other would benefit from a detached garage.
- 1.5 Permission in principle (PIP) was granted in May 2020 on the southern part of the site for the erection of a single dwelling, planning reference 20/00233/PIP. In doing so, the PIP established that the site subject to that application was suitable in principle for the erection of a single dwelling.

1.6 Since the application was first submitted, the proposal has been subject to revisions to address concerns raised by officers which include a reduction in the site area and a subsequent reduction in the number of dwellings proposed from five to two. The revised site area is now the same as the site for the approved Permission in Principle; the proposed development under this application would not extend beyond the site already approved for housing development, albeit for one dwelling. A new notification and consultation period has been carried out.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
20/00233/PIP	Erection of 1 No. infill dwelling.	PERMIT	28.05.2020

3.0 RELEVANT POLICY

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

3.1 National guidance

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

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

- Policy SP2 (Distribution of New Development)
- Policy SD3 (Sustainable Design and Construction)
- Policy SD4 (Design Requirements)
- Policy SD5 (Green Belt)
- Policy SD6 (Landscape)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD10 (Residential Development)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk Management)

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

- Policy RES4 (New Housing at other Rural Settlements)
- Policy RES5 (New Housing Development)
- Policy DES1 (Housing Space Standards)
- Policy ENV2 (Flood Risk and Water Management)
- Policy TRAC9 (Parking Provision)

3.4 Neighbourhood Plan

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

3.5 Other relevant policy

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

4.0 CONSULTATIONS

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

4.1 Down Hatherley Parish Council – The Parish Council are opposed to this application, as they were for the original PIP application for one dwelling and the original proposal for five dwellings. Although the numbers have been reduced to two, the arguments against the approval are as valid as ever. The Parish Council have also highlighted that since the previous comments were drafted, there has been a Resident's Petition against any further development on Ash Lane. The reasons for opposing the development are summarised below:

- No evidence to justify the additional dwellings.
- Over-development of the plot and Ash Lane.
- Any development on this site would not accord with the NDP.
- Drainage/sewerage infrastructure unable to cope with additional demand – adding more dwellings would add greater burden to an already broken system.
- Plot sits within an area designated under the JCS as Safeguarded Land – development cannot be approved without the specific support of a JCS Review.
- Development does not meet the criteria for 'very special circumstances'.
- Proposal would not represent infill development as the plot lies behind the linear street in a residential garden forming part of the open space which helps to promote the semi-rural nature of the local environment.

- The proposal would fail to maintain the rural character of the settlement.
- Parish Council does not support the concept of sub-dividing a planning unit.
- Cramming in unnecessary development to the detriment of the local environment.

4.2 County Highway Authority - No objection subject to conditions.

4.3 Severn Trent - No objections subject to a condition requiring details of the drainage plans for the disposal of foul and surface water flows.

4.4 Flood Risk and Management Officer - No objection.

4.5 Ecological Advisor - No objection.

4.6 Urban Design Officer – The revised proposal has addressed most of the concerns raised with the original proposal.

4.7 Environmental Health Officer (Air Quality) - No adverse comments with regard to air quality.

4.8 Environmental Health Officer (Noise/Nuisance) – No objection or adverse comments to make in relation to noise.

5.0 PUBLICITY AND REPRESENTATIONS

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

5.1 The receipt of amended plans has been publicised through the posting of a site notice for a period of 14 days. Ten representations objecting to the revised proposal have been received. The comments are summarised below:

- Exacerbate existing flooding issues along Ash Lane.
- Inadequate drainage/flood management.
- Foul sewerage infrastructure not fit for purpose – this is exacerbated by the piecemeal approach to planning and development on Ash Lane.
- Land suffers from surface water flooding.
- Too close to the pumping station access.
- Area should remain safeguarded land – it should not be built on.
- Development would not be infill.
- Development would be contrary to the NDP.
- Proposal would not protect the Green Belt.
- Development would fail to maintain the rural character of the settlement.

- Adverse impact upon neighbouring amenity.
- Insufficient parking spaces on site which will cause overflow parking along Ash Lane.
- Increased traffic movement along Ash Lane will compromise highway safety and the surrounding highway network.
- Access should be directly onto Down Hatherley Lane or the A38 in accordance with the JCS.
- Semi-detached dwellings not in keeping with the house types on Ash Lane (detached).
- Denser housing would not respect settlement pattern along Ash Lane.
- Impact upon ecology.
- Increase noise levels.
- Impact upon nature, ecology, and flow of water.
- Poor air quality – site smells.
- No legal access to use Ash Lane.
- Lead to further development on land surrounding the site.
- Ash Lane residents presented a petition with 165 signatures to the Council in June 2021 which raised concerns with overdevelopment on the Lane and the pressure that this was putting on the infrastructure including the high risk of flooding.
- Severn Trent require access to the pumping station – development would prevent this.
- Sewer pipe running under the proposed development – concerned building works will damage the pipe.

5.2 In addition, the original application was publicised through the posting of a site notice for a period of 21 days. Thirty-four representations of objection and two general comments were received.

The objections are summarised below:

- No further development is needed along Ash Lane.
- Development would exacerbate existing drainage/flooding issues experienced locally – there is a very significant problem with drainage and sewage on Ash Lane.
- Proposed drainage scheme not acceptable – use of soakaways not suitable.
- Recent piecemeal development along Ash Lane needs to be seen as having a collective impact upon existing infrastructure – further piecemeal additions should not be permitted.
- Contrary to planning policy – NPD states no development for Down Hatherley and the land is safeguarded.

- JCS states access to any development need to be directly onto Down Hatherley Lane or the A38 not Ash Lane.
- Development by default is major due to other permissions along Ash Lane – as such will avoid the obligation of developer contributions towards social housing and local infrastructure.
- Increase in additional houses along Ash Lane – if all schemes are permitted this would result in an increase of over 55%.
- Ash Lane not designed to take the additional traffic generation and offers no safe passage for pedestrians.
- Insufficient parking spaces proposed.
- Construction vehicles would damage Ash Lane.
- Visibility splays not achievable.
- Development would impact on the tranquillity of the area.
- Loss of habitat for local wildlife.
- The land subject to the application is not a 'garden'.
- Layout would be out-of-keeping with the local environment, properties behind the built line along Ash Lane.
- Development would not be infill.
- Access required for the Severn Trent pumping station.
- Area was once semi-rural and greenbelt – the surrounding area has fundamentally changed the nature of the location.
- Harmful impact upon residential amenity – loss of privacy.

The general comments are summarised below:

- Some of the information set out by the objectors is not correct – only a small number of properties were affected by flooding/sewerage overflow.
- Ash Lane has been subject to construction upgrades and is still in excellent condition.
- Severn Trent commented that the pumping station were not saturation of their system.
- Ask for a hedge to be planted on the eastern boundary to prevent any overlooking.

6.0 POLICY CONTEXT

- 6.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 6.3** The Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Examination in Public was held in February/March 2021 and the Inspector's post hearings Main Modifications letter was received on 16 June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'. Those policies in the Pre-submission version of the TBP which are not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which do in the Inspector's view require main modifications attracting less weight depending on the extent of the changes required. The TBP remains an emerging plan and the weight that may be attributed to individual policies will still 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 the 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.
- 6.5** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and the Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019).

7.0 ANALYSIS

Principle of development

Joint Core Strategy

- 7.1** In order to further sustainability objectives and in the interests of protecting the countryside, the housing policies of the JCS set out a development strategy for the Borough.
- 7.2** The application site has not been allocated for housing in the JCS and therefore the criterion of Policy SD10 of the JCS applies. This policy advises that housing on sites which are not allocated for housing in district and neighbourhood plans will be permitted if it meets certain limited exceptions.
- 7.3** Of relevance is Criterion 4 (ii). This criterion states that development will only be permitted where it is infilling within the existing built-up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within district plans. For the purposes of criterion 4(ii), the supporting text defines 'infill development' as "the development of an under-developed plot well related to existing built development."

- 7.4** The site is set back from the established building line of the properties which front onto Ash Lane. However, given the nature of the site, any dwelling would relate reasonably well to the existing properties along Ash Lane and the cluster of properties along Down Hatherley Lane, including the host dwelling, The Bungalow. In this respect the proposed dwellings would not extend beyond land associated with the properties along Down Hatherley Lane; neither would the dwellings extend beyond the established line of the gardens of the properties along Ash Lane. As such, it is considered that the development would be seen within the context of existing built form and would not appear divorced from the settlement. The proposal is therefore considered to represent infilling in the context of SD10.

Neighbourhood Development Plan

- 7.5** In response to the Parish Council's concerns that the proposal would be contrary to the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan 2011-2031 (NDP), there are no direct policies that relate to the provision of new housing in the Down Hatherley Parish. The NDP explains that no new housing growth is planned in Down Hatherley Parish and therefore no settlement boundaries are defined. It goes on to state that given the poor sustainability and the Green Belt designation over the majority of the Parish, it is not necessary for the NDP to replicate the national and Development Plan policies that preclude new housing development in the area. Similarly, in respect of landscape protection, whilst Policy E2 lists a number of vistas and landscape features to be protected, the policy reverts to the strategic policies of the JCS in respect of the protection of the landscape, ecology and water environment. Consequently, there is not considered to be any direct policy conflict with the NDP.

Emerging Tewkesbury Borough Plan

- 7.6** In terms of the Pre-Submission Tewkesbury Borough Plan 2011-2031 ("the emerging TBP") the application site has not been allocated for housing and Down Hatherley is not featured within the settlement hierarchy. However, Policy RES4 of the emerging TBP sets out that to support the vitality of rural communities and the continued availability of services and facilities in the rural areas, very small-scale residential development will be acceptable in principle within and adjacent to the built-up area of other rural settlements, subject to the development complying with a number of criteria. For the reasons set out above, it is considered that the proposal would relate reasonably well to existing building and would be proportionate to the size and function of the settlement.

Safeguarded Land

- 7.7** The application site was removed from the designated Green Belt as part of the boundary review during the adoption of the JCS and now forms part of the wider 'safeguarded land'. The new boundaries identified on the Green Belt map have taken into account longer-term need by identifying safeguarded land which may be required beyond the JCS plan period to ensure that the Green Belt does not need an early review. Criterion 7 (iv) of Policy SD5 of the JCS sets out that safeguarded areas are not allocated for development at the present time and planning permission for the permanent development of safeguarded land (except for uses that would not be deemed inappropriate within the Green Belt) will only be granted if a future review of the JCS deems the release of the land necessary and appropriate and proposes the development.

- 7.8** Given the above policy provision, it is necessary to first establish whether the development would not be deemed inappropriate within the Green Belt. Policy SD5 of the JCS sets out that, to ensure the Green Belt continues to serve its key functions, it will be protected from harmful development. Within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless it can be demonstrated that very special circumstances exist to outweigh the harm automatically caused to the Green Belt by virtue of the development being inappropriate and any other harm actually caused.
- 7.9** The NPPF provides that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF provides that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 7.10** Paragraph 149 of the NPPF sets out that the construction of new buildings in the Green Belt is inappropriate other than for a number of exceptions. One such exception (e) listed is limited infilling in villages.
- 7.11** The NPPF does not provide a definition of either what constitutes a "village" or "limited infilling". Likewise, Policy SD5 of the JCS similarly does not provide a definition in this context therefore a degree of judgement is necessary. In terms of whether Down Hatherley is a village, previous decisions in the immediate vicinity of the site have established that the settlement is considered to constitute a village in this context. In terms of 'limited infilling' whilst it is considered that the proposal would represent infilling in the context of Policy SD10, it does not necessarily follow that it represents infilling in a Green Belt context. Recent case law has established that it is necessary to consider whether, as a matter of fact on the ground, a site appears to be within a village and whether or not a site lies outside a village boundary as designated in a development plan should not be determinative of the point. In this instance, whilst the proposal would be reasonably well related to existing built development the application site is predominantly open to the east and part of the south and there is no real sense of enclosure from existing built development. Moreover, the proposal would not fill in any form of existing gap. It is therefore considered that the proposal would not represent infilling in a Green Belt context.
- 7.12** Given the above, as the application site has not been released for development to date and the proposal would be deemed inappropriate within the Green Belt context the development would be contrary to criterion 7iv of Policy SD5 of the JCS.

7.13 However, it is worth considering whether the release of this parcel of land would prejudice the proper development of the safeguarded area when the land is eventually released. Criterion 7 (v) of Policy SD5 of the JCS sets out should any land be released in the safeguarded areas, development proposals would be assessed against the following criteria:

- Development must be well-integrated and planned as part of any urban extension of strategic scale, directly and substantially physically linked to the urban area of Cheltenham or Gloucester.
- Development must be well-related to public transport and other existing and planned infrastructure and where it makes a positive contribution to the setting of Cheltenham or Gloucester.
- Development must not lead to a piecemeal, isolated or inefficient use of land in this area.

In this case, given the scale of the proposed development, the proximity of the site to the existing properties in Ash Lane, and the intervening land to the east, which is in multiple ownership, it is difficult to see how the proposal would prejudice the purpose of the safeguarded area.

Five Year Housing Land Supply

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

7.15 Members will be aware of the recent appeal decision at Ashmead Drive in which the Inspector concluded that the Council can demonstrate a 1.82 year supply. This is principally because the Inspector did not agree that 'previous oversupply', or 'advanced delivery' should be taken into account when calculating the five year supply. Appeal decisions are not binding precedents and officers are aware that other Inspectors have taken a different approach to previous advanced delivery/oversupply. Officers' firm view remains that, in the context of the plan-led system, it is wrong not to take into account houses that have already been delivered during the plan period, essentially ahead of schedule, and which meet the needs being planned for in the area. On that basis, the Council have come to the view that there are robust grounds for a successful challenge and proceedings have now been issued in the High Court. Officer's advice is therefore that a 4.35 year supply can be demonstrated at this time.

- 7.16** Nevertheless, as set out above, as the Council cannot demonstrate a five year supply of deliverable housing sites, the presumption in favour of sustainable development is engaged in this case.

Access and Highway Safety

- 7.17** The NPPF sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Further, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe. Policy TRAC9 of the emerging TBP state that proposals need to make provision for appropriate parking and access arrangements.
- 7.18** It is proposed to use an existing field access off Ash Lane to provide vehicular access to the site. In respect to the internal layout, each dwelling would be provided with sufficient off-road parking spaces with sufficient space within the application site for turning and manoeuvring in order to allow vehicles to enter the highway in a forward gear.
- 7.19** Gloucestershire County Council as Local Highway Authority (LHA) have been consulted and have raised no objections, subject to a number of conditions.
- 7.20** A number of local residents have raised concerns regarding the private nature of Ash Lane and rights of access. However, this is a civil matter and outside the scope of this application.

Design and Layout

- 7.21** Section 12 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It continues by stating that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning decisions should, amongst other things, ensure that developments will function well and add to the overall quality of the area and should be sympathetic to the local character, including the surrounding built environment. This is echoed in JCS policy SD4 and emerging policy RES5 of the Pre-submission Tewkesbury Borough Plan (2019) which states new development should respond positively to, and respect the character of, the site and its surroundings, enhance local distinctiveness and the grain of the locality.
- 7.22** The site forms part of the land associated with The Bungalow. The application site is described as garden land and is continuous with the substantial land that surrounds the property. Whilst the site may not represent the residential curtilage of The Bungalow, it has a well-kept appearance and has likely been used in incidental to the enjoyment of the residential property.
- 7.23** The application proposes a pair of semi-detached bungalows of a traditional design. The properties would demonstrate a simple shape and form. The dwellings would be constructed out of bricks (Weinerberger Terca Kempley Antique) and tiles (Marley Modern Interlocking Concrete in Smooth Grey). Ash Lane predominantly consists of bungalows and the host dwelling is also a bungalow and as such the design approach and the materials proposed to be used is considered acceptable.

- 7.24** The proposed dwellings would be arranged in a linear layout sited to the south-east of the host dwelling, The Bungalow. The properties would benefit from a front garden area and a private rear garden. It is noted that the properties along Ash Lane are detached however the introduction of a pair of semi-detached properties would not be harmful given there are other semi-detached properties within Down Hatherley and as it would help add some variety of house types in the locality. There is no dispute that the site is set back from the established building line of the properties that front onto Ash Lane and is essentially back-land development. However, as set out previously, the dwellings would relate reasonably well to the existing properties along Ash Lane and the cluster of properties along Down Hatherley Lane, including the host dwelling. In this respect the dwellings would not extend beyond land associated with the properties along Down Hatherley Lane and beyond the established gardens of the properties along Ash Lane. As such, it is considered that the development would be seen within the context of existing built form and would not appear divorced from the settlement.
- 7.25** As mentioned in paragraph 1.6 the proposed dwelling would be located within the same site area as the extant Permission in Principle (PIP), planning reference 20/00233/PIP. As such the location and size of the site has been accepted as being suitable for housing development. Whilst the approved PIP was for one dwelling, no details of how the site could be developed was required to be submitted as part of the PIP application. Given the size of the site it's not unreasonable to conceive that a similar sized dwelling could have come forward under the Technical Consent.
- 7.26** In light of the above, the site is considered capable of accommodating this level of development without appearing cramped and without detriment to the prevailing settlement pattern and therefore no objections are raised in respect of the design and layout. The proposal is considered to accord with JCS Policy SD4 and guidance set out in the NPPF and NDG in this regard.

Drainage and Flooding

- 7.27** The NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Policy INF2 of the JCS seeks to prevent development that would be at risk of flooding. Proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change.
- 7.28** The site is located within Flood Zone 1, an area identified by the Environment Agency at a low risk of flooding from rivers and the sea.
- 7.29** In terms of the surface water drainage strategy, it is proposed that roof runoff is conveyed by pipes to a private geo-cellular 'crate' soakaway in the back garden of each plot, and runoff from the driveways will infiltrate at source through a permeable surfacing material with a granular sub-base storage layer underneath. The Council's Flood Risk and Management Officer has considered the proposed drainage strategy and has no objection.

- 7.30** In terms of foul water disposal, it is proposed to discharge to the public main sewer. Severn Trent Water (STW) have been consulted as the relevant statutory undertaker for foul sewerage in the area and have raised no objections subject to a condition requiring the specific foul water drainage details is recommended. A Drainage Plan has been submitted as part of the application therefore this plan has been forwarded to STW to establish whether a condition is required given the detail on the plan. **An update will be provided at Planning Committee.**
- 7.31** There is a Sewage Pumping Station (SPS) close to the site. STW have confirmed that any new development must not restrict access to the SPS. An informative note is recommended to set out this out. Further to this, STW have advised that due to the close proximity of the proposed new development to the SPS the occupants may experience noise and/or smell pollution. In order to minimise the disruption to any future occupants, STW recommend that all habitable buildings are constructed 15 metres from the curtilage of the SPS compound. The proposed dwellings would be located more than 15 metres of the curtilage of the SPS compound therefore the development could be accommodated on site without unacceptable harm to the future occupier's amenity, in terms of noise and smell. The Council's Environmental Health Officers have raised no objection in this respect.
- 7.32** The comments from the Parish Council and local residents regarding the drainage/flooding issues experienced along Ash Lane are noted. As mentioned above the Council's Flood Risk and Management Officer has assessed the proposed drainage strategy and has raised no objections to the proposal and therefore on that basis it is considered the proposed development should not cause or exacerbate flooding on the site or elsewhere.

Residential Amenity

- 7.33** In respect of the impact of the development upon residential amenity, paragraph 127 of the NPPF specifies that planning decisions should ensure development creates places with a high standard of amenity for existing and future users. This advice is reflected in JCS policies SD4 and SD14 which require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 7.34** Based on the linear position, the satisfactory separation distance between the proposed dwellings and neighbouring properties and as the proposed dwellings would be single storey the new dwellings would be able to be accommodated on the site without unacceptable harm to neighbouring amenity.
- 7.35** On this basis, it is considered the proposed development would result in acceptable levels of amenity being maintained for the existing residents surrounding the site and secured for future residents of the development.

Ecology

- 7.36** The NPPF sets out, inter alia, that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, especially where this can secure measurable gains for biodiversity. Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. Policy NAT1 of the emerging NAT1 states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.
- 7.37** An Ecological Assessment (EA) accompanies the application. This identified that the habitats present on site are of low to negligible ecological value in terms of their vegetation and have limited potential to support nesting birds, foraging bats, invertebrates and small mammals. The potential for the site to support amphibians was considered low; however, Great Crested Newts are known to be present in the local area and precautionary methods of working are advised. The EA has been reviewed by the Council's Ecology Advisor who has raised no objections subject to conditions.

Other Matters

- 7.38** Comments have been received from local residents about the piecemeal approach of development in area and about the 'phased' future development of land immediately to the north and east of the current application site. Should any future application come forward for the development of this parcel of land consideration will be given as to whether affordable housing would be required, in accordance with policy SD12 of the JCS. This policy sets out that where a development site has been divided into parts, or is being delivered in phases, the site will be considered as a whole for the purpose of determining the appropriate affordable housing requirement, though this will be dependent on the circumstances of the application.
- 7.39** Concerns have also been raised that the appropriate notices have not been served on all interested parties. Officers contacted the agent for the application who confirmed notices were served to those listed on the Ownership Certificate.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1** Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70(2) of the Act provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

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

Benefits

8.3 The development would contribute towards the supply of housing to help meet the objectively assessed need for housing in the Borough, albeit in a limited way given the scale of the proposed development. However, given the fact that the Council cannot currently demonstrate a deliverable supply of housing, this weighs in favour of the application.

8.4 In terms of economic benefits, as with any new residential development, the construction of new dwellings brings benefits during the construction phase and following construction through additional spending power in the local economy as a result of the increased population. Again, this would be a modest benefit.

Harms

8.5 The application site is located within a safeguarded area and therefore as the land has not been released for future development and because the development would be deemed inappropriate within the Green Belt the proposal would conflict with Policy SD5 of the JCS. However, the site is no longer within a Green Belt and therefore the application of policies in the NPPF that protect areas or assets of particular importance do not provide a clear reason for refusing the development proposed.

Neutral

8.6 The design and layout of the proposed development is considered acceptable.

8.7 The proposal, should subject to satisfactory details and the imposition of appropriate planning conditions, be acceptable in regard to highway safety and ecological impact.

8.8 There should be no undue impact in terms of residential amenity.

Overall conclusion

8.9 The harm by virtue of the conflict with Policy SD5 of the JCS is not underestimated. However, when taking account of all the material considerations, which includes the fact that this site benefits from a Permission in Principle for one dwelling, it is considered that the identified harm would not significantly and demonstrably outweigh the benefits in the overall planning balance.

8.10 It is therefore considered that the proposed development would constitute sustainable development in the context of the NPPF as a whole and the recommendation is to **Permit** the application, subject to the conditions below.

CONDITIONS:

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

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

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

- 22031/12B - Existing and Proposed Location Plans
- 22031/13 – Site Plan as Proposed
- 22031/14 – Floor Plans & Elevations as Proposed
- 22031/15 – Inner Elevations and Garage Elevations as Proposed
- 22031/16 – Drainage Plan as Proposed
- 22031/17 – Landscaping Plan & Materials Schedule as Proposed
- 22031/18 – Construction Management Plan

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

3. The construction of the external surfaces of the dwellings hereby approved shall be carried out in accordance with the materials as detailed in the Building Material Schedule as shown on the approved drawing no.22031/017(Landscaping Plan & Materials Schedule as Proposed).

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

4. All soft and hard landscaping of the site shall be carried out in accordance with the approved landscape scheme as demonstrated on the approved drawing no.22031/17 (Landscaping Plan & Materials Schedule as Proposed).

The hard landscaping of the site shall be completed before any dwelling hereby permitted is first occupied.

All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing season following the occupation of any dwelling hereby permitted.

The planting shall be maintained in accordance with the 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 protect the amenities of properties and ensure the proposed development does not have an adverse effect on the character and appearance of the area.

5. Prior to the first occupation of any dwelling hereby permitted the boundary treatment shall be erected/planted, including those to be installed between the plots, in accordance with the details shown on the approved drawing no.22031/17 (Landscaping Plan & Materials Schedule as Proposed)

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

6. Each new dwelling shall be constructed at the floor slab levels as shown on the approved drawing no. 22031/17 (Landscaping Plan & Materials Schedule as Proposed).

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

7. The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the approved drawing no.22031/13 (Site Plan as Proposed) and those facilities shall be maintained for the duration of the development.

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

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

Reason: To promote sustainable travel and healthy communities.

9. The dwellings hereby permitted shall not be occupied until the vehicular parking and turning facilities including driveways have been laid out and constructed in accordance with the submitted plan drawing no.22031/13, with the area of driveway surfaced in bound material, and shall be drained so that no surface water flows onto the adjoining highway and shall be maintained thereafter.

Reason: To reduce potential highway safety impact by ensuring that a safe and suitable access is laid out and constructed that minimises the conflict between pedestrians, cyclists and vehicles.

10. Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plan drawing no. 22031/13 with the area within at least 5.0m of the carriageway edge of the private road surfaced in bound material and shall be maintained thereafter.

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

11. The development, including construction and any works of demolition, shall only take place whilst running concurrently in accordance with the submitted Construction Method Statement (CTP Tech Note Section 5.) and Construction Management Plan, drawing number 22031/18, and shall be adhered to throughout the construction period.

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

12. Before the development hereby permitted is first occupied details of any external lighting to be provided in association with the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include times when the external lighting will not be switched on. It is recommended that the lighting plan is devised following consultation with the project ecologists. Only external lighting in accordance with approved details shall be provided on the application site.

Reason: To ensure the proposed development does not have an adverse effect on biodiversity within the site and the wider area.

13. Prior to the commencement of works a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall expand on the recommendations set out in the Ecological Appraisal, prepared by All Ecology (November 2020) for site wide enhancements for these species and should include enhancement for bats. The LEMP should also detail timescales for implementation, persons responsible for managing and monitoring the site.

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

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

14. Prior to the commencement of works, a Great Crested Newt Mitigation Strategy (GCN Mitigation Strategy) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall expand on the recommendations set out in the Ecological Appraisal, prepared by All Ecology (November 2020). It shall also include supervision of ground clearance works such as soil trips and suggest timings for vegetation removal and other works.

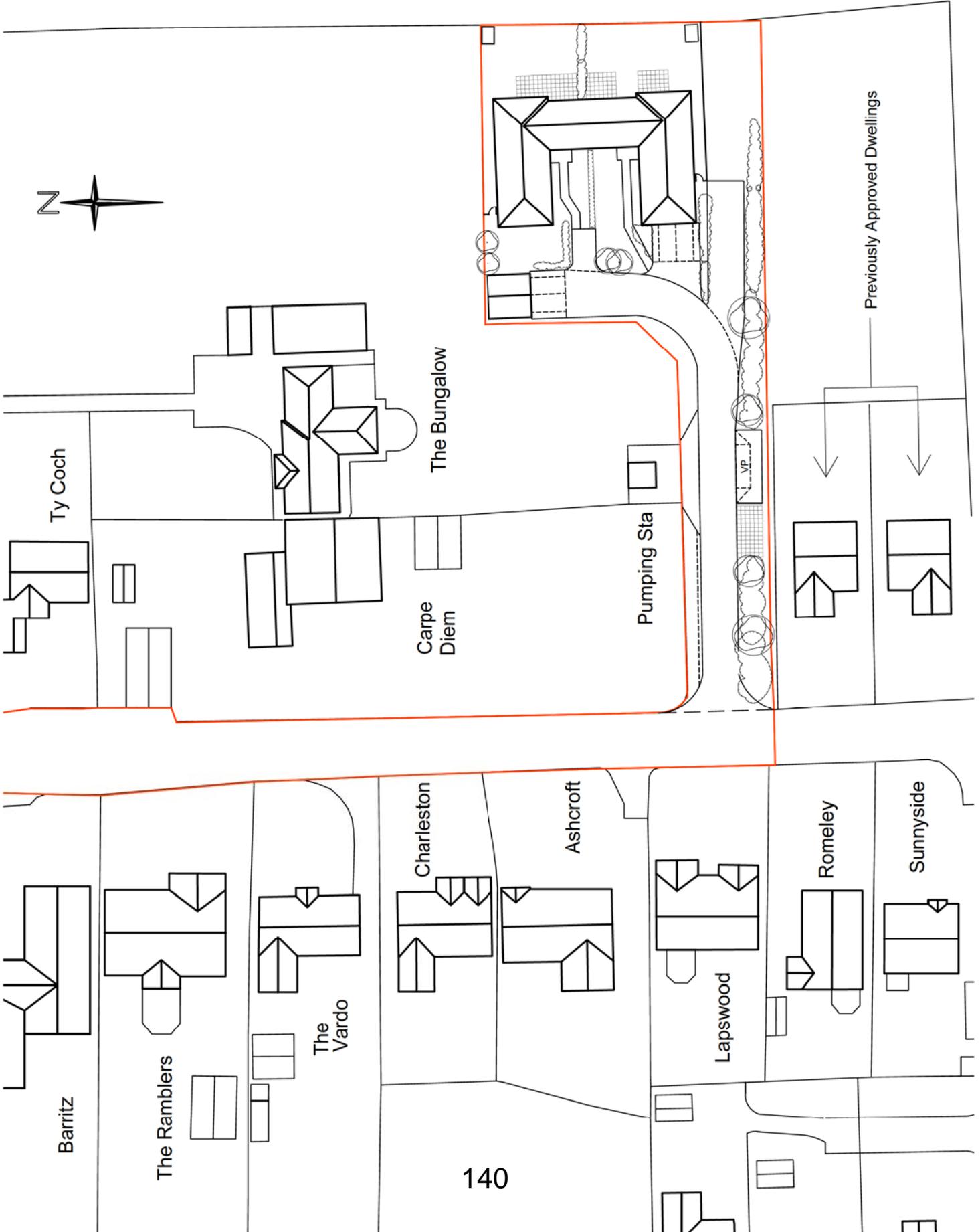
The works shall therefore be carried out in accordance with the approved GCN Mitigation Strategy and timetable.

Reason: To ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider 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 the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

2. Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required, there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.
3. There is a pumping station close to the site and any new development must not restrict our access to the Sewage Pumping Station (SPS). Severn Trent Water require free access to the SPS at all times in order to complete any programmed routine maintenance tasks and also for any emergency reactive visits in case of failure.



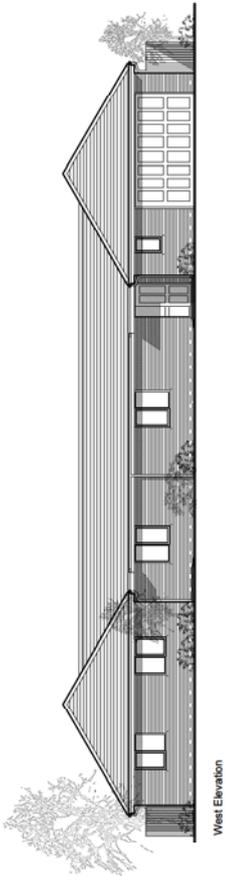
Proposed Residential Development
Land off Ash Lane
Down Hatherley
Glos

Site Plan
As Proposed

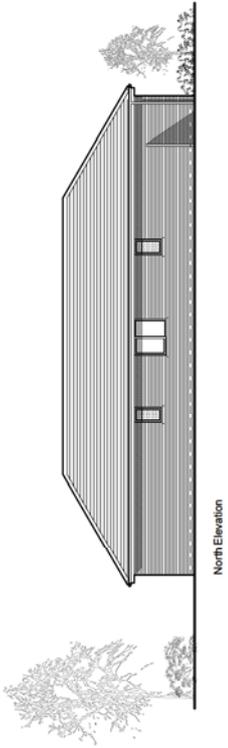
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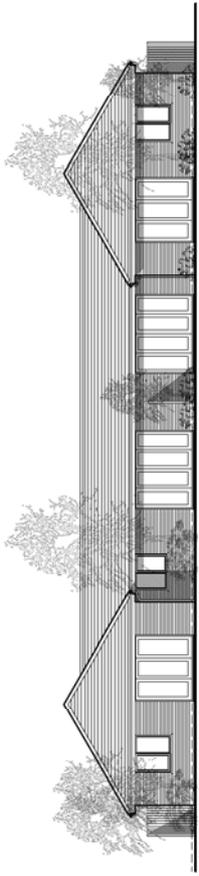
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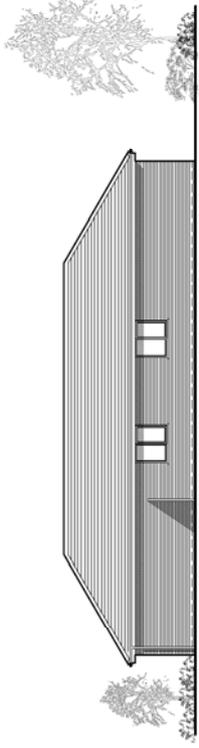
West Elevation



North Elevation



East Elevation



South Elevation



Garage Plan



Floor Plan



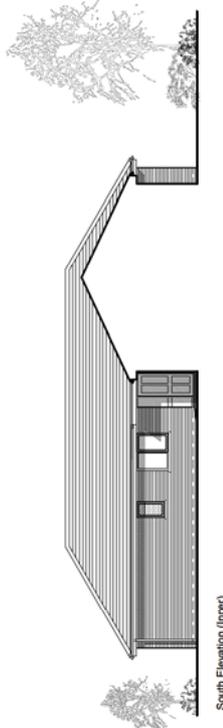
Proposed Residential Development
Land off Ash Lane
Down Hatherley
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Floor Plans & Elevations
As Proposed

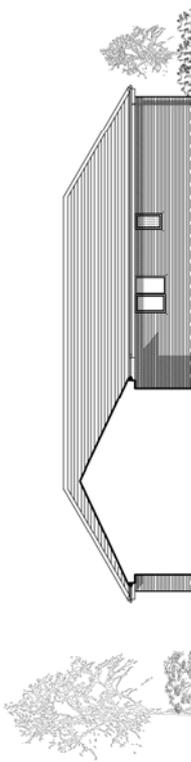
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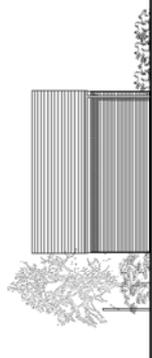
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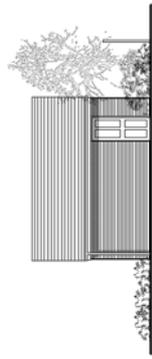
South Elevation (inner)



North Elevation (inner)



West Elevation
Garage



East Elevation



South Elevation



North Elevation



Proposed Residential Development
Land off Ash Lane
Down Hatherley
Glos

Inner Elevations and Garage Elevations
As Proposed

Scale 1:100 @ A1, 1:200 @ A3
Date July 2021
Dwg. No. 22031/15



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TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	19 October 2021
Site Location:	Croft Amber Green Street Brockworth
Application No:	21/00601/FUL
Ward:	Brockworth West
Parish:	Brockworth
Proposal:	Change of use from granny annex to separate dwelling.
Report by:	Gemma Smith
Appendices:	K2105-01 Rev B Location Plan K2105-01 Rev B Block Plan K2105-04 Existing Survey K2105-04 Proposed Plans
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

Application Site

1.1 The Application Site relates to Croft Amber, a detached rendered dwelling located along Green Street in Brockworth. The granny annex was granted permission to convert from a garage/workshop under planning reference 09/01238/FUL used incidental to the main house.

1.2 The site is located w

ithin the Cotswolds Area of Outstanding Natural Beauty (AONB). A PROW (Brockworth 49) runs in the distance to the east of the site.

The Proposal

1.3 Planning permission is sought for the change of use from a granny annex to a separate dwelling. There would be no building or external alterations required.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
09/01238/FUL	Alterations to existing garage/workshop to form ancillary granny annexe.	PER	09.03.2010
11/00085/FUL	Single storey extension.	PER	18.03.2011
14/00548/FUL	Erection of single storey extension to rear of dwelling; erection of stable block and tack room.	PER	24.07.2014
15/00017/MINOR	Erection of single storey extension to rear of dwelling; erection of stable block and tack room.	GRANT	03.03.2015

3.0 RELEVANT POLICY

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

3.1 National guidance

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

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

- Policy SD4 (Design Requirements)
- Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty)
- Policy SD10 (Residential Development)
- Policy SD14 (Health and Environment Quality)
- Policy INF1 (Transport Network)

3.3 Tewkesbury Borough Local Plan to 2011 – March 2006 (TBPL)

- Policy HOU9 (Conversion/ Subdivision)
- Policy TPT1 (Access for Development)
- Policy LND4 (Landscape – countryside protection)

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

- Policy RES3 (New Housing Outside Settlement Boundaries)
- Policy RES8 (Subdivision of Existing Dwellings)
- Policy DES1 (Housing Space Standards)
- Policy LAN1 (Special Landscape Area)
- Policy TRAC9 (Parking Provision)

3.5 Other relevant policy

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

4.0 CONSULTATIONS

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

4.1 Brockworth Parish Council – Objection on the grounds that this sets a precedent for development additional properties in the AONB.

4.2 Gloucestershire County Council (Highways Officer) – No objection.

4.3 Sustainable Drainage Engineer – No objection.

4.4 Building Control – No comments received.

5.0 PUBLICITY AND REPRESENTATIONS

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

5.1 The application has been publicised through the posting of a site notice for a period of 21 days. There has been no responses 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 Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Examination in Public was held in February/March 2021 and the Inspector's post hearings Main Modifications letter was received on 16 June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'. Those policies in the Pre-submission version of the TBP which are not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which do in the Inspector's view require main modifications attracting less weight depending on the extent of the changes required. The TBP remains an emerging plan and the weight that may be attributed to individual policies will still 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 the 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.
- 6.5** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2019 and the Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019).

7.0 ANALYSIS

- 7.1** The application is brought before the Planning Committee for determination as an objection has been received by Brockworth Parish Council.

Principle of Development

- 7.2** Criterion 3 of Policy SD10 of the JCS sets out that on sites that are not allocated, housing development and conversions to dwelling will be permitted on previously developed land in the existing built-up areas of Gloucester City, the Principle Urban Areas of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within District plans.
- 7.3** The site in question is located within Brockworth, which is not identified within the settlement hierarchy within table SP2c of the JCS however it does offer a wider range of services and facilities and is deemed sustainable location for new development.

7.4 Saved Policy HOU9 of the TBLP states that the conversion or subdivision of existing dwellings to provide an increased number of residential units will be permitted subject to a list of criterion as follows:

- i) The residential amenity of nearby properties is not adversely affected;*
- ii) Appropriate standards of amenity, privacy, parking, pedestrian, cycle and vehicle access are provided;*
- iii) the character and appearance of the existing building is respected, and adequate provision made for sound insulation between proposed dwellings and existing and adjacent property;*
- iv) the character and appearance of listed buildings are not adversely affected, alterations to such buildings are kept to the minimum necessary, with architectural features retained;*
- v) any extensions are of high design standard, and do not involve the loss of the architectural integrity of an individual building or group of buildings or their settings;*
- vi) the proposal does not result in an unacceptable level of vehicular movements which would adversely affect the safety or the satisfactory operation of the highway network.*

7.5 The existing annex already has established amenities in relation to privacy, garden amenity, parking and existing vehicular access. There would be no external alterations to the existing building. The Highways Authority have no objection to the scheme and conclude that the number of vehicular trips would be on par with the existing use. As such, it is considered that the proposal would accord with Saved Policy HOU9 of the TBLP.

7.6 Point 2 within emerging Policy RES3 of the PSTBLP concerns the subdivision of an existing dwelling into two or more self-contained residential units acceptable subject to Policy RES8. Emerging Policy RES8 states:

- 1. Adequate internal accommodation is provided in accordance with the Council's adopted housing space standards (Policy DES1)*
- 2. Where proposals relate to Listed Buildings, the character, appearance and significance of the designated heritage asset is sustained or enhanced in accordance with policy HER2*
- 3. Where proposals are located outside defined settlement boundaries, the proposal does not involve significant new extensions. Minor extensions may be permitted only where essential in order for the new units to achieve the required internal space standards*
- 4. Any proposed extensions or alterations are acceptable in accordance with Policy RES10*
- 5. The number of new residential units resulting from the proposal is commensurate with the sustainability of the site location having regard to its relationship with the Plan's settlement hierarchy and its accessibility to shops, services and facilities, unless outweighed by wider sustainability objectives.*

- 7.7** The conversion would result in a two-bedroom dwelling measuring 132sq.m across two floors. This would meet the minimum NDSS of 79 sq.m. The proposal would not result in any external alterations.
- 7.8** With regards to sustainability, the Supporting Statement identifies that the single-detached dwelling at Green Lea, just south west on the opposite side of the road, granted permission under planning reference 16/00036/FUL was established in a 'reasonably accessible location for limited development' due to the range of services including shops, a school, a public house and access wider transport network with close bus connections along the A46.

Five Year Supply

- 7.9** Notwithstanding the above it is currently the case that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. Consequently, in accordance with paragraph 11 of the NPPF, the tilted balance applies and the presumption is that permission should be granted unless there are significant and demonstrable harms which outweigh the benefits.

Impact on the Landscape and Cotswolds AONB

- 7.10** The application site is located within the Cotswolds AONB. The Framework at paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and, at paragraph 172, it emphasises that great weight should be given to conserving landscape and scenic beauty in AONBs. Additionally, it points out that AONBs have the highest status of protection in relation to landscape and scenic beauty.
- 7.11** Policy SD6 considers development will consider the landscape and visual sensitivity of the area in which they are located or affect.
- 7.12** This is reflected in Policy SD7 of the JCS which sets out that developments are required to conserve and, where appropriate, enhance the landscape, scenic beauty, cultural heritage and other special qualities in an AONB.
- 7.13** Policy CE1 of the Cotswolds AONB Management Plan provides further guidance setting out, amongst other things, that proposals that are likely to impact on, or create change in, the landscape of the Cotswolds AONB should have regard to the scenic quality of the location and its setting and ensure that views – including those into and out of the AONB - and visual amenity are conserved and enhanced.
- 7.14** This proposal relates solely to the subdivision to of the existing planning unit to establish the existing annex as a separate dwellinghouse and does not involve any external alterations to the property.
- 7.15** The existing boundary treatments include a wooden fence between the host dwelling and the rear of the annex with an access gate and a gated entrance to the driveway at the front of the property. The only alteration will be to block up the existing gate between the host dwelling and the annex so that the only access to the site is via the main driveway.

- 7.16** Given the extent of development that can be achieved under The Town and Country Planning (General Permitted Development) (England) Order 2015, any recommendation for approval would seek to control future extensions, alterations, works to the roof and fencing/enclosures which can be achieved through the removal of permitted development rights for development falling within the provisions of Classes A to E of Part 1 of Schedule 2 together with Class A Schedule 2 Part 2 of the General Permitted Development Order (GPDO). This would ensure that any future development would respect the rural landscape character and avoid overdevelopment of the site.
- 7.17** Overall, subject to conditions, the proposal would not give rise to a detrimental impact on the character of the Cotswolds AONB in this part.

Effect on the Living Conditions of Neighbouring Dwellings

- 7.18** Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing and future users.
- 7.19** Policy SD4 part iii) Amenity and Space, considers new development should enhance comfort, convenience and enjoyment through assessment of opportunities for light, privacy and external space. Policy SD14 considers new development to cause no unacceptable harm to neighbouring occupants and result in no unacceptable levels of air, noise, water, light, soil pollution or odour.
- 7.20** Emerging Policy RES5 of the PSTBLP states that proposals for new housing development should provide an acceptable level of amenity for future occupiers of the proposed dwellings and cause no unacceptable harm to the amenity of existing dwellings.
- 7.21** The resultant dwelling would not have any detrimental impact on the amenity of the main dwelling. The existing annex is set in considerable grounds and as such would have ample garden amenity to serve future occupants of the resultant dwelling.

Highways and Parking Implications

- 7.22** The NPPF sets out development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe. Policy INF1 of the JCS considers that developers provide safe and efficient access to the highway network and permission be granted only where the impact of the development is considered not to be severe. It further states that safe and efficient access to the highway network should be provided for all transport means.
- 7.23** Emerging Policy RES5 of the PSTBP states that proposals for new housing development should make provision for appropriate parking and access arrangements and not result in the loss or reduction of existing parking areas to the detriment of highway safety. Emerging Policy TRAC9 of the PSTBP states that proposals need to make provision for appropriate parking and access arrangements.
- 7.24** The annex already benefits from existing parking and two vehicle access points. It is proposed to block up the existing gate between the host dwelling and the annex so that the only access to the site is via the existing driveway and gate to the north of the annex.

- 7.25 The Local Highways Authority have been consulted on the proposal and has no objection. It is noted that the site already generates a number of vehicular trips and benefits from existing access. As such the conversion would not result in a detrimental impact on highway safety.

Community Infrastructure Levy (CIL)

- 7.26 The development is CIL liable because it creates a new dwelling. The relevant CIL forms have been submitted.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1 In light of the above observations, it is considered that the proposal would be acceptable on policy grounds and as such should be **permitted**.

CONDITIONS:

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

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

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

-K2105-01 Rev B entitled 'Location Plan' received 2.08.2021
-K2105-01 Rev B entitled 'Block Plan' received 2.08.2021
-K2105-04 entitled 'Existing Survey' 21.07.2021
-K2105-04 entitled 'Proposed Plans' 21.07.2021

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

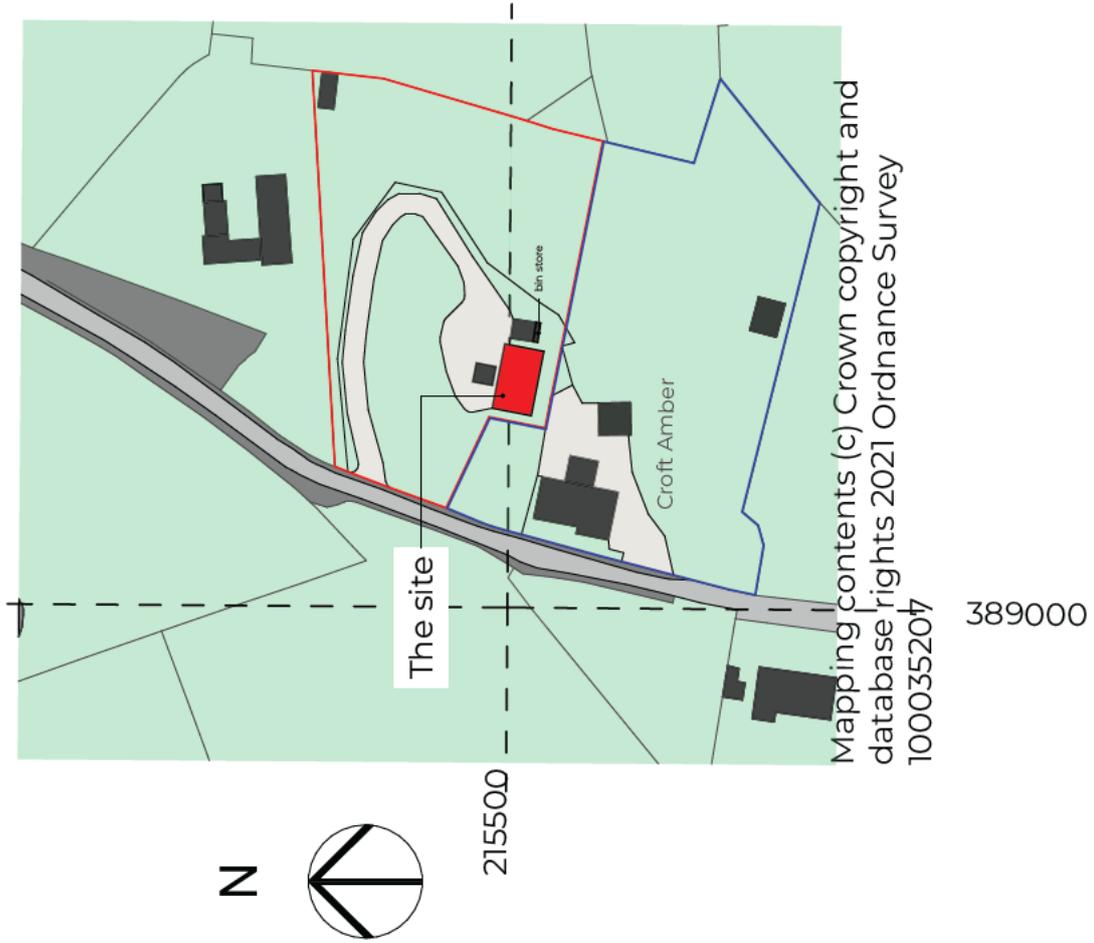
Reason: To ensure that the development is carried out in accordance with the approved plans.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any other subsequent equivalent order, no development within the following classes of development shall be carried out to the new dwellings hereby approved, without the prior approval of the Local Planning Authority:
- a. Schedule 2, Part 1, Class A - enlargement, improvement or other alterations
 - b. Schedule 2 Class AA - enlargement of a dwellinghouse by construction of additional storeys
 - c. Schedule 2, Part 20, Class AD - new dwellinghouses on detached buildings in use as dwellinghouses.
 - d. Schedule 2, Part 1, Class B - addition or alteration to the roof
 - e. Schedule 2, Part 1, Class C - any other alteration to the roof
 - f. Schedule 2, Part 1, Class E - garden buildings, enclosures, pool, oil or gas storage container.
 - g. Schedule 2, Part 2, Class A - gate, wall, fence or other means of enclosure
 - h. Schedule 2, Part 2, Class B - means of access

Reason: To enable the Local Planning Authority to safeguard the visual amenity of the immediate area and Cotswolds AONB.

INFORMATIVES:

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



Site Area 1,532 m²

revision	date	description
A	08 07 2021	Red line amended
B	30 07 2021	Bin store added as requested by LPA

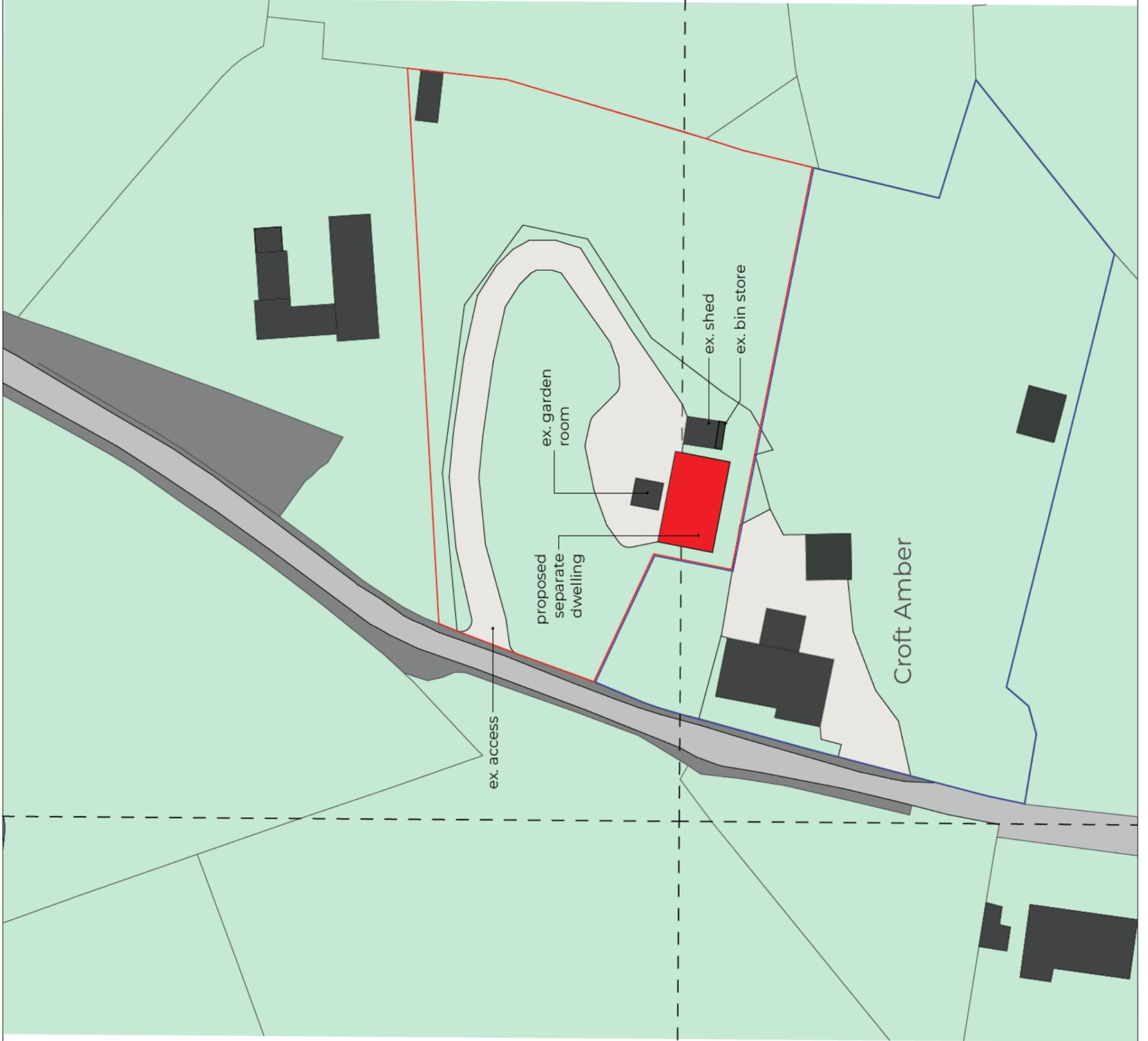
The Stables Manor Farm Courtyard Southam Chichester Gloucestershire GL52 3PB Tel: 01242 898388 www.bpplanning.co.uk	15 Harrison Grove Worcester Gloucestershire W15 5LS Email: info@keystone.co.uk Tel: 0752578244 www.keystone.co.uk

Project	: Change of use from Cranny Annex to separate dwelling
Site Address:	Croft Amber, Green Street, Brockworth, Gloucester, Gloucestershire, GL3 4RT
First issue date:	05 07 2021
Scale:	1:1250 (A4)
Title: Location Plan	drawing no: K2105-01
	revision B

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215500



revision	date	description	revisions
A	08 07 2021	Red line amended	
B	30 07 2021	Bin store added as requested by LPA	


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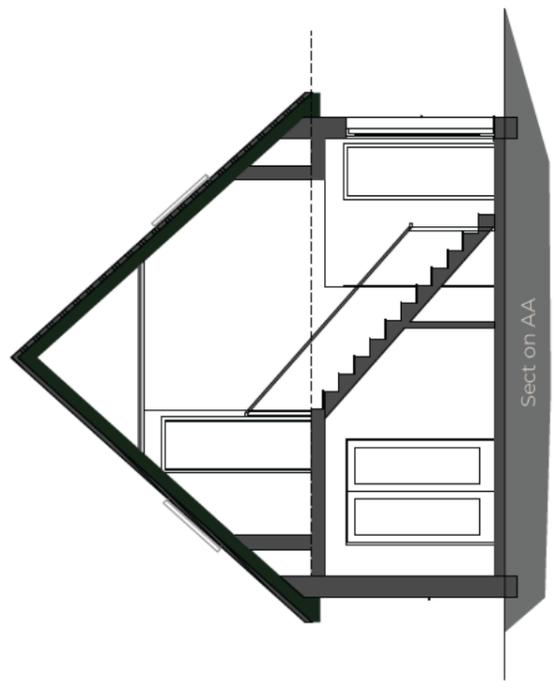
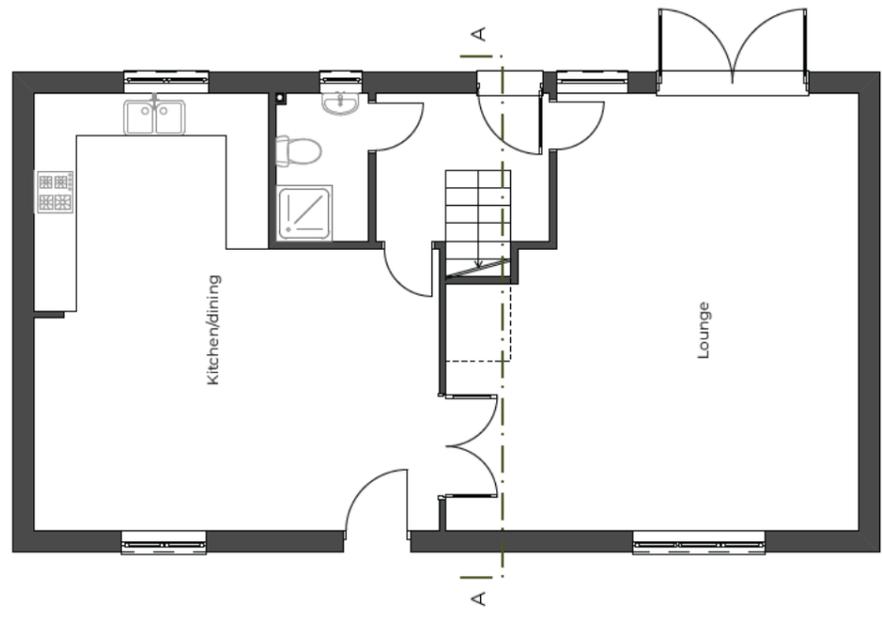
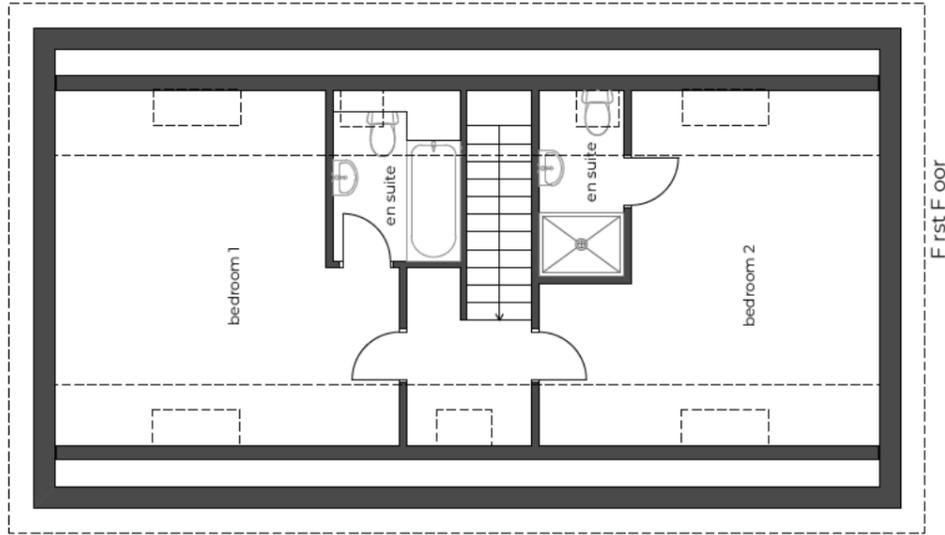
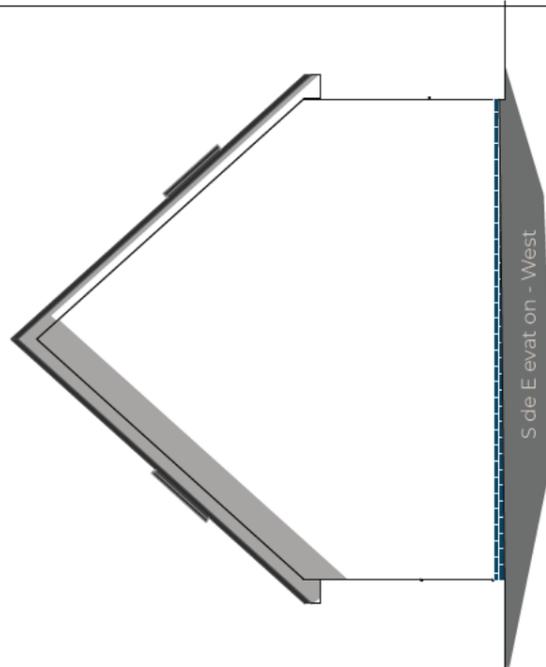
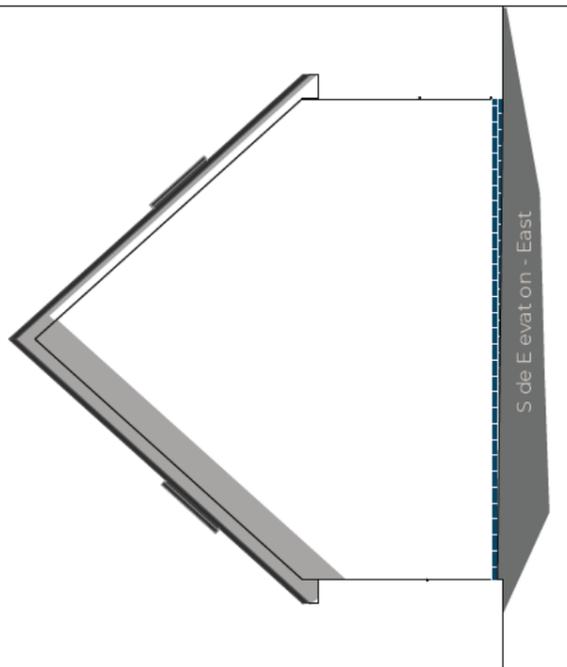
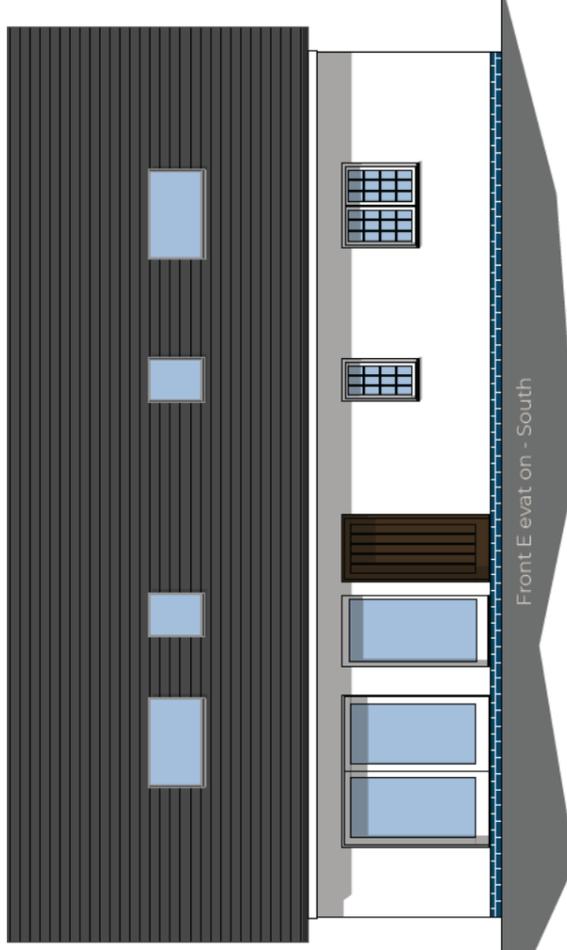
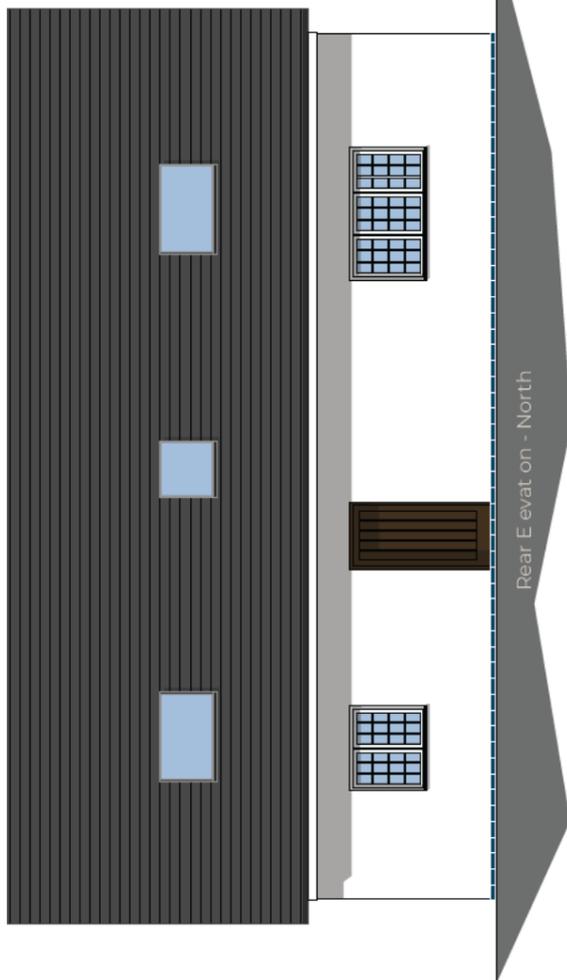
KEYSTONE ARCHITECTURE & DESIGN

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Project : Change of use from Granny Annex to separate dwelling

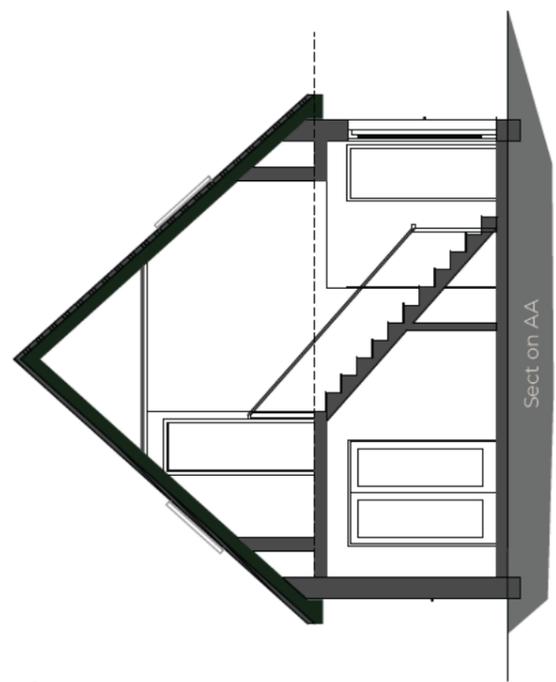
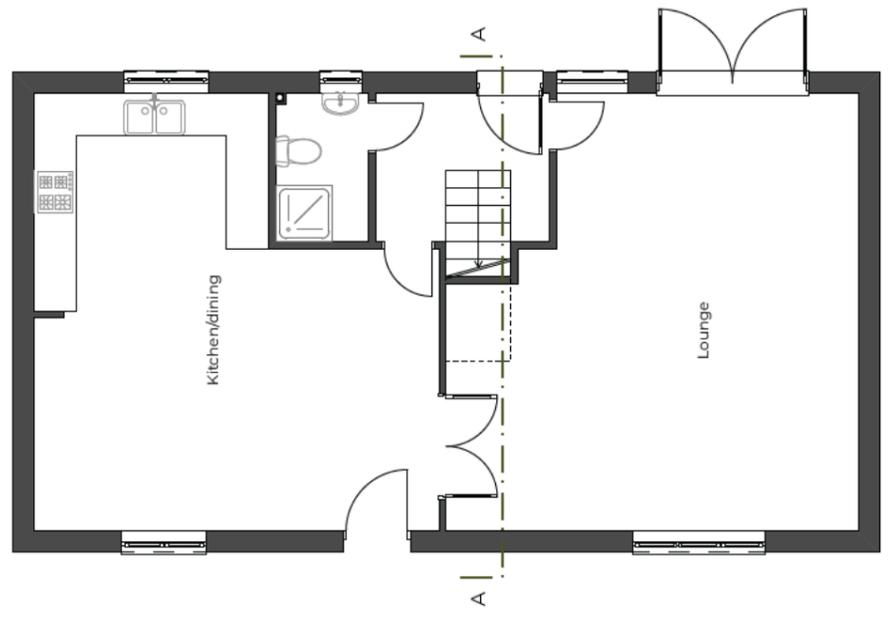
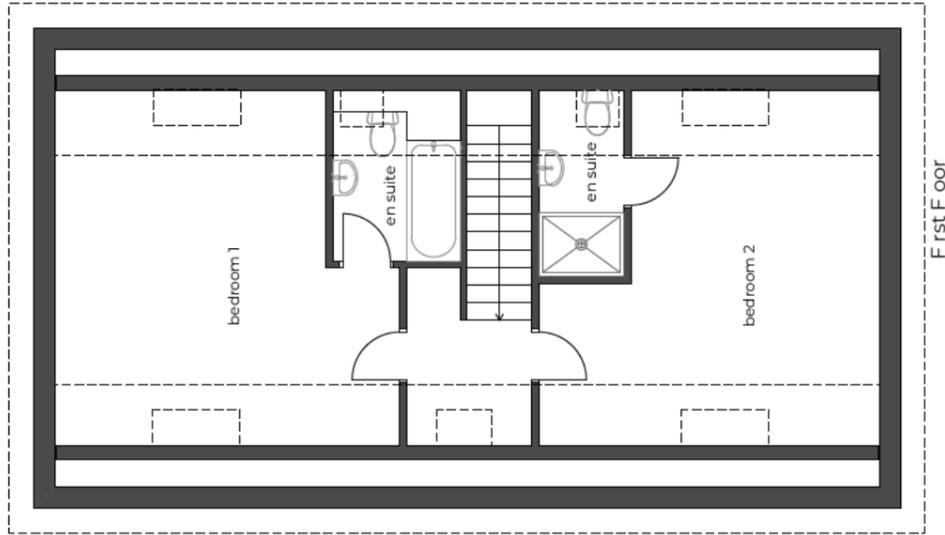
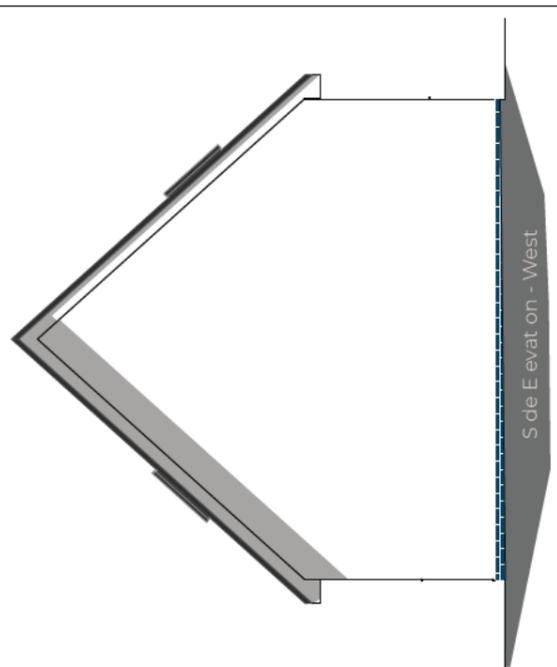
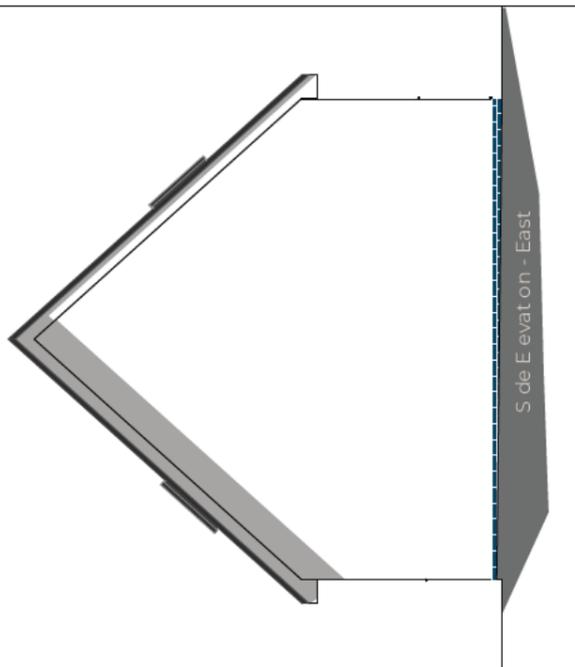
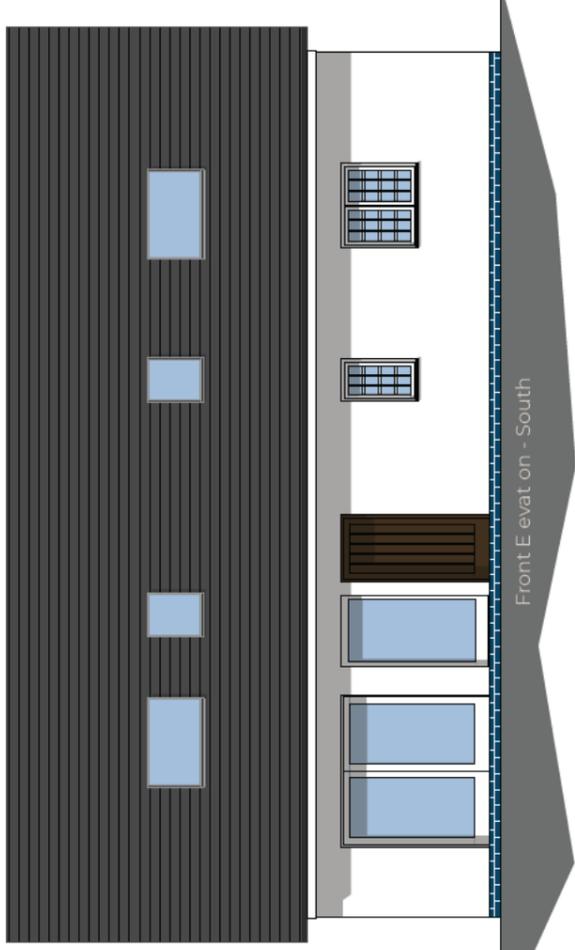
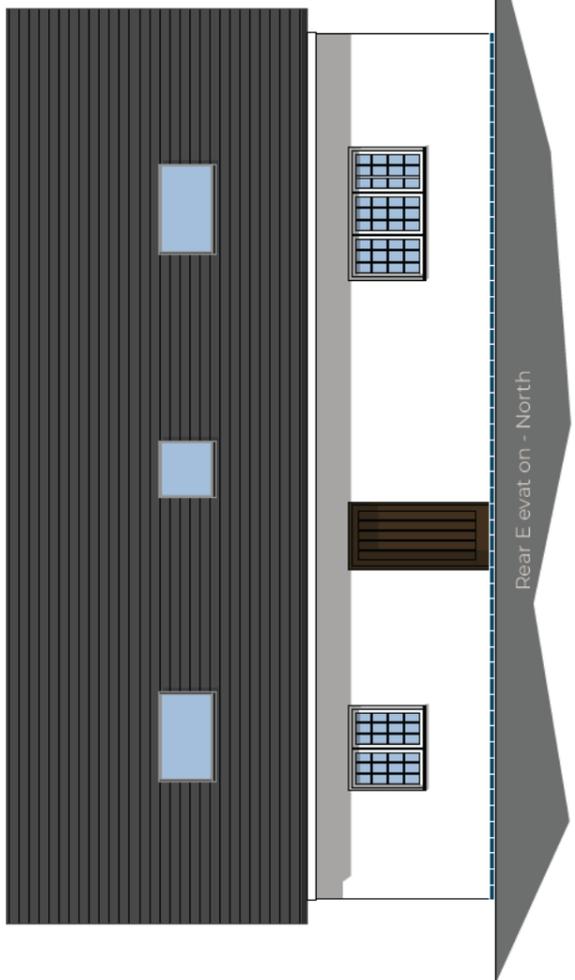
Site Address: Croft Amber, Green Street, Brockworth, Gloucester, Gloucestershire GL3 4RT	
First issue date: 05 07 2021	Scale: 1:1250 [A4]
Title: Location Plan	drawing no: K2105-01
	Revision B

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revision	date	description

<p>The Studio Manor Park Coventry CV3 3JG Chesham Gloucestershire GL3 3JG Tel: 01242 818058 www.brodieplanning.co.uk</p>		
<p>Project : Change of use from Granny Annex to separate dwelling</p>		
<p>Site Address: Green Street, Brockworth, Gloucestershire GL3 4RT</p>		
<p>First issue date: 05/07/2021</p>		<p>Scale: 1:100 [A3]</p>
<p>Title: Existing Survey</p>		<p>drawing no: K2105-03</p>
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revision	date	description

brodie planning associates

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15 Hainson Grove, Worcester, Worcestershire, WR5 1SS
 Tel: 0752979744 | www.keystonead.co.uk

Project: Change of use from Granny Annex to separate dwelling
 Site Address: Croft, Amber, Green Street, Brockworth, Gloucester, Gloucestershire, GL3 4RT
 First Issue date: 05/07/2021
 Scale: 1:100 (A3)
 Title: Proposed Plans
 drawing no: K2105-04
 revision

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TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	19 October 2021
Site Location:	Land Attached To April Cottage 39 Newtown Toddington
Application No:	21/00347/FUL
Ward:	Isbourne
Parish:	Toddington
Proposal:	Use of land for the stationing of two shepherd huts for holiday let purposes and provision of associated vehicular parking area.
Report by:	Gemma Smith
Appendices:	Site Location Plan amended 1.04.2021 21:1930:SP02 Existing Site Plan 21:1930:02 Elevations and Floor Plans of Shepherds Huts 21:1930:03 Internal Floor Plans 21:1930:DR01 Drainage Layout 21:1930:SP01 A Block Plan as Existing 21:1930:SP05 A/1 Proposed Block Plan 21:1930:SP06 A/1 Proposed Site Plan
Recommendation:	Permit

1.0 Application Site

- 1.1. The application site relates to land to the rear of the residential property 'April Cottage', 39 Newtown, a detached stone property located amongst a small row of properties on the northern side of the B4077. The site lies within the linear settlement of New Town, Toddington and is bounded to the east and west by residential properties. To the south of the site lies the main B4077 and to the north lies an area of paddock land which falls within the same ownership that is presently being used for the stabling of the applicants' horses.
- 1.2. The dwellinghouse is served by a front access and the rear area comprising of stable block, paddocks and a chicken run is served by an existing private access that runs behind the properties along this stretch from the B4077.
- 1.3. A Public Right of Way (Reference ATO20 Toddington Footpath 20) runs perpendicularly along the access from the B4077 and into the fields, north, beyond.
- 1.4. The site lies within the Cotswolds Area of Outstanding Natural Beauty.

2.0 Planning History

Application Number	Proposal	Decision	Decision Date
04/01658/FUL	Erection of private stable building	PER	17.01.2005
96/00507/FUL	Use of garden for display of activity toys for viewing/use of members of the public	PER	20.08.1996

3.0 RELEVANT POLICY

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

3.1 National guidance

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

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

- Policy SD4 (Design Requirements)
- Policy SD6 (Landscape)
- Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)

3.3 Tewkesbury Borough Local Plan to 2011 – March 2006 (TBPL)

- Policy LND1 (Area of Outstanding Natural Beauty)
- Policy TOR1 (General Tourism Policy)
- Policy TOR2 (Serviced/Self Catering Accommodation)
- Policy TOR4 (New Static Caravan/Log Cabin/Chalet Sites)

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

- Policy TOR1 (Tourism Related Development)
- Policy TOR2 (Serviced/Self-Catering Accommodation)
- Policy TOR3 (Caravan and camping sites)
- Policy LAN1 (Special Landscape Areas)

- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy ENV2 (Flood Risk and Water Management)
- Policy TRAC9 (Parking Provision)

3.6 Other relevant policy

- Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
- The First Protocol - Article 1 (Protection of Property)
- Tewkesbury Borough Council Economic Development and Tourism Strategy
- Cotswold AONB Management Plan (2018-2030)

4.0 APPLICATION DETAILS

The Proposal

- 4.1** Planning permission is sought for the use of land for the stationing of 2 no. shepherds huts for holiday let purposes and provision of associated vehicular parking area.
- 4.2** The shepherd's huts with parking spaces would be sited within an existing gravelled surface adjacent to paddocks and stables.
- 4.3** The shepherd's huts would each measure approx. 5.4m in length, 2.4m in width and 2.6m in height. Sited on wheels, the overall height of each hut would be set at approx. 3.4m. Internally the space would measure approx. 11.3 sq.m.
- 4.4** The shepherd's huts would be constructed with facing light grey colour painted horizontal boarding under black corrugated sheeting with painted timber windows and doors. Each hut would be on traditional style cast iron wheels finished in black.
- 4.5** The huts would be accessed by the existing track that leads off the B4077 that currently serves the existing stable block to the west and the neighbouring dwellinghouses.
- 4.6** A landscaping scheme is proposed to blend the proposal within the landscape. This would comprise of hedgerow planting and trees which can be seen on plan reference 21:1930 P06A/1 entitled 'Part Site Plan as Proposed'.
- 4.7** Utilities would be supplied from April Cottage and foul drainage is proposed to be connected to an existing drain system.
- 4.8** The application is also supported by a letter addressing Parish Council initial concerns from Applicant dated 19.04.2021 with the following points:
 - Access to the B4077 is an established lane which has been used previously to park 11 no. trailers towed in and out of the access on a regular basis without incidence.
 - Home Farm use this lane to access their back fields with large farm machinery such as tractors and trailers etc.

- Subject to the removal of the trailers, the lanes daily usage would significantly be reduced.
- The yard and stabling has been granted within the AONB over 15 years ago.
- The shepherd huts proposed would blend into the surrounding environment.
- Offering accommodation in the rural area would have a positive impact on the rural area.
- The shepherd's huts would be connected to mains drainage. The drainage outlet attachment can be disengaged at any time in order to move the huts.
- The Applicants have discussed the proposed venture with the neighbouring properties and have given their full support to the proposal.

5.0 CONSULTATIONS AND REPRESENTATIONS

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

5.1 Toddington Parish Council – Final Response: Objection. The Parish Council reiterate the previous objection to the initial proposal.

- The site is an area of AONB and its use for commercial activity is out of keeping with the surroundings and intrusive to the landscape.
- The landscaping plan submitted does not mitigate this.
- Concerned with the precedent for commercial use of the land.

Initial Response: Objection summarised as follows:

- Access to the site is very poor and not suitable for traffic;
- The Shepherd Huts will be sited within AONB;
- The council believes the land to be classed as agricultural land and therefore would require change of use for commercial use;
- The Shepherd Huts could not be classed as temporary as they are being connected to the mains drainage and sewers.

Gloucestershire County Council Highways Officer – No Objection subject to relevant conditions relating to a condition seeking the provision of 1 no. electric charging point.

Gloucestershire County Council Footpaths/PROW Officer – No comments received.

Tree Officer – No objection subject to conditions with comments relating to a revised species mix for the hedgerow proposed.

Environmental Health Officer – No objection or adverse comments to make in relation to noise.

Flood Risk & Management Officer – No objection.

Severn Trent Water- No objections as the proposal would have minimal impact on the public sewerage system. It is noted that there is apparatus in the area of the planned development and that the developer will need to contact STW New Connections team to assess diversion requirements.

6.0 PUBLICITY AND REPRESENTATIONS

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

6.1 The application has been publicised through the posting of a site notice for a period of 21 days. There have been thirteen representations received in response. These comprise of ten in support of the proposal and three objecting to the scheme.

6.2 Ten responses have been received raising no objection to the application, making the following comments:

- Do not anticipate disruptive volumes of traffic on the proposed access running along adjacent neighbours rear garden in comparison to previous uses at the site.
- Do not consider that the proposal would result in a detrimental impact on the AONB.
- The proposed shepherds huts would be more pleasing to view than 11 or so large white trailers.
- The proposed shepherds huts would blend well within the AONB.
- Considers that the proposed shepherds huts would be attractive to view from PROW.
- The proposal would be more in-keeping with the area than the existing uses of the land.
- Temporary nature of the structures mean that there would be no detriment to agricultural land.
- In response to Parish Council, the access from the B4077 is used on a daily basis by the local neighbouring properties without incidence. The proposed use would be more positive than the existing towing of large trailers up and down the lane.
- The proposed shepherds huts would be far more sympathetic to the area than the previous trailers on site, which no one complained about.
- Landscaped area would be an improvement
- Reduction of traffic should the proposal go ahead.
- Toddington is an excellent centre for visitors to enjoy, however there is little holiday accommodation available.

- Benefits to the local economy.
- Following the previous year and restrictions, the small proposal attracting visitors can only be a benefit [to the local economy].

Three objections have been received making the following comments:

- Concerns for the precedent of allowing the siting of two caravans
- Inevitably the proposed tourist use would inflict noise pollution on neighbouring properties.
- Should the proposal be connected to sewerage system / utilities than the same depth of scrutiny should be attributed to the proposal as residential applications.
- Contrary to Policies within the Joint Core Strategy.
- No gain to the community.
- Outdoor holiday facilities would be detrimental to the enjoyment of nearby residents.
- The addition of extra people using the outside area will increase the impact of noise.
- Concerns with the expansion of the business and the devaluing of nearby properties.
- Unauthorised previous change of use of the land within the AONB from agricultural land should not be an appropriate reason to justify another business development from the site.

7.0 POLICY CONTEXT

7.1 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.

7.2 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.

7.3 The Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Examination in Public was held in February/March 2021 and the Inspector's post hearings Main Modifications letter was received on 16 June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'. Those policies in the Pre-submission version of the TBP which are not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which do in the Inspector's view require main modifications attracting less weight depending on the extent of the changes required. The TBP remains an emerging plan and the weight that may be attributed to individual policies will still 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 the degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).

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

7.5 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2019 and the Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019).

8.0 ANALYSIS

Introduction

8.1 The planning proposal is brought before Members of the Planning Committee for determination as the Parish Council object to the proposal which differs to the recommendation of approval from the case officer.

8.2 The key issues for the determination of this planning proposal would be:

- Principle of development
- Design, Scale and Impact on Visual Amenity
- Impact on AONB
- Impact on Neighbouring Amenity
- Impact on Highways and Access
- Drainage Matters
- Other Matters

Principle of Development

8.3 Saved Policy TOR1 of the TBLP is the general tourism policy and specifies that the Borough will support proposals for tourism related development provided that, where appropriate it would be acceptable on a number of key criteria:

1. *The priority is given to the re-use of existing buildings in accordance with council policy*
2. *There is good access including access for walkers, cyclists and those with special needs*
3. *The proposal supports the local plan's wider objectives, particularly in relation to conservation, transport, recreation, economic development, the environment and nature conservation.*
4. *The siting, design and scale is in keeping with the landscape and wherever*

possible and practicable seeks to enhance it

5. *The proposal aims to interpret the physical and historic heritage of the area*
6. *A proposal that would attract substantial numbers of visitors should be accessible by public transport as well as by car;*

and subject to there being no unacceptable impact on the safety or satisfactory operation of the highway network”

- 8.4 The objectives of this policy are echoed within the emerging Policy TOR1 of the PSTBLP.
- 8.5 Saved Policy TOR2 of the TBLP together with emerging Policy TOR2 of the PSTBLP restricts the development of serviced and self-catering accommodation outside residential development boundaries, except where the proposal would result in the renovation and improved use of existing buildings.
- 8.6 The site lies to the east of the defined settlement boundary for Toddington as set out within the TBLP Proposals Map, however the site remains outside of a residential development boundary for the purposes of Saved Policy TOR2 of the TBLP. The settlement boundaries defined within the TBLP Proposals Map were not been carried forward through the adoption of the JCS.
- 8.7 Emerging Policy TOR3 seeks for proposals for new caravan for tourist accommodation should be located within or adjacent to defined settlements as identified on the Policies Map. Within the emerging PSTBLP it is identified that New Town is defined with a residential settlement boundary. However whilst the host dwelling resides within the new defined boundary, the application site lies adjacent to the emerging defined residential boundary.
- 8.8 Paragraph 84 within the NPPF seeks for the promotion of ‘sustainable rural tourism’, saved Policy TOR1 of the TBLP specifies that proposals for tourism related development will be supported provided that, where appropriate there is good access including access for walkers, cyclists and those with special needs.
- 8.9 Emerging Policy TOR1 of the PSTBP similarly specifies that Tewkesbury Borough Council will support proposals for tourism related development and extensions to existing tourist development provided that there is good inclusive access for all potential users. In addition, saved Policy TOR4 of the TBLP specifies that any proposal for new static caravan, log cabin or chalet sites must be well related to main routes.
- 8.10 Holiday lets are supported in the Tewkesbury Borough Council Economic Development and Tourism Strategy 2017-2021 The strategy in point e) Encourage investment to improve the provision of visitor accommodation.
- 8.11 The Cotswold AONB Management Plan is also a material planning consideration which sets out core values for the protection and future enhancement of the AONB with relevant emphasis placed on the creation of local distinctiveness. In addition, the plan promotes the provision of low cost accommodation to improve access and recreation opportunities to the AONB for all sections of society (Outcome 13).

- 8.12** The site is located just outside of the emerging residential development boundary and east of Toddington. The proposal is a small-scale venture and it is considered that the proposed tourist accommodation would contribute, albeit in a small way, to the local rural economy within the service village of Toddington supporting local shops and the local public house
- 8.13** Sited behind existing dwellings the huts would have excellent connectivity to local footpaths for walking activities. The application site is not considered “isolated” and thus on balance is acceptable in principle. The development is considered to represent, on balance, a sustainable form of rural tourism. As such it is considered that the development accords with the overarching sustainable objectives of the NPPF. Further discussion in relation to the siting and design, impact on landscape, highway network and environment setting are set out within the below paragraphs in this report.
- 8.14** There have been reports that the land in question (or in some part of) has been previously used in association with a commercial business in particular relating to trailers. Additional information submitted from the Applicant states that there have been previous uses on the land in question. There is no planning permission associated with the uses of the land in question, however the principal of the proposal is considered on its own merits.

Design and Scale

- 8.15** Policy SD4 of the JCS sets out requirements for high quality design while Saved Policy TOR1 of the TBLP and Emerging Policy TOR1 of the PSTBLP seeks for the siting, design and scale is in keeping with the built, natural and historic environment setting and wherever possible and practicable seeks to enhance it.
- 8.16** The development is small in scale comprising of the use of land for the stationing of two shepherds huts and associated parking (one space to serve each). The land in question is adjacent to existing stables and the land comprises of existing hardstanding. The huts would be sited on land adjacent to a stable block that was granted permission under planning reference 04/01658/FUL
- 8.17** The shepherds huts themselves are small in scale and would be set at approx. 3.4m on wheels. A revised site plan includes a landscaping scheme showing that a new hedgerow would be planted around the northern and eastern boundaries of the site. A 1.2m tall timber post and rail fence will be erected along the western and southern boundaries.
- 8.18** Overall it is considered that the proposal would be commensurate in scale and would be constructed out of materials sympathetic to the rural context. By way of scale and height together with the landscaping proposed it is not considered that the proposal would give rise to unacceptable visual intrusion into the landscape.
- 8.19** As such, the proposal is considered to accord with Saved Policy TOR1 of the PBLP, Policy SD4 of the JCS together with emerging policy TOR1 of the PSTBLP.

Impact on Landscape and Cotswolds AONB

- 8.20** The site is located within the Cotswold Area of Outstanding Natural Beauty. A Public Right of Way (PROW reference ATO20) runs perpendicularly to the north east of the site.

- 8.21** Paragraph 174 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and, at Paragraph 176, it emphasises that great weight should be given to conserving landscape and scenic beauty in AONBs. Additionally, it points out that AONBs have the highest status of protection in relation to landscape and scenic beauty.
- 8.22** Saved Policy TOR1 of the TBLP together with the emerging Policy TOR1 of the PSTBLP supports tourism related development provided that the siting, design and scale of the proposal is in keeping with the landscape wherever possible and where practical seeks to enhance it. In addition, saved Policy TOR4 of the TBLP specifies that, in considering proposals for new static caravan, log cabin or chalet sites, overriding protection will be afforded to the landscape, particularly with regard to siting and landscape design and impact on local amenity. It states that particular interest will be had to the protection of the natural landscape in the AONB and the Special Landscape Area. This is echoed within emerging Policy TOR3 of the PSTBLP.
- 8.23** Policy SD6 considers development will consider the landscape and visual sensitivity of the area in which they are located or affect. This is reflected in Saved Policy LND1 of the TBLP, Policy SD7 of the JCS and emerging Policy LAN1 of the PSTBLP which sets out that developments are required to conserve and, where appropriate, enhance the landscape, scenic beauty, cultural heritage and other special qualities in an AONB.
- 8.24** The Cotswold AONB Management Plan (CMP) is also a material planning consideration which sets out core values for the protection and future enhancement of the AONB with relevant emphasis placed on local distinctiveness. The CMP considers that the sustainable management of the landscape is therefore essential to the future prosperity of the tourism industry. Conserving the Cotswolds' special qualities and increasing awareness and understanding of them whilst supporting local communities and generating income for the area should be the basis on which tourism is developed. Policy UE1 part 3 considers that visitors should be provided with a range of type and priced accommodation options that are compatible with conserving and enhancing the natural beauty of the AONB.
- 8.25** A revised site plan includes a landscaping scheme showing that a new hedgerow would be planted around the northern and eastern boundaries of the site. A 1.2m tall timber post and rail fence will be erected along the western and southern boundaries. The Tree Officer has been consulted and has no objection subject to a different species mix than proposed for the hedgerow. This could be secured by condition.
- 8.26** The shepherds huts are sited amongst other land uses that are compatible with the rural landscape. The huts would be sited on existing hardstanding and in line with the existing stables at the site. It is not considered there would be any further encroachment into the open countryside in this part.
- 8.27** In relation to harm, the shepherds huts would be constructed out of a muted palette of external materials and finishes and the landscaping proposed would blend the proposal into the landscape. It is not considered that the boundary treatments proposed would result in the site being viewed as an overly alien feature in the countryside given the immediate context and scale.

- 8.28** Overall, it is not considered that the proposal would be overtly prominent within the landscape in this part that would be significant in detrimentally impacting the landscape and Cotswolds AONB to warrant a refusal.

Effect on the Living Conditions of Neighbouring Dwellings

- 8.29** Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.
- 8.30** Concerns have been raised in relation to the outdoor nature of the accommodation and the impact that visitors would have on nearby neighbouring dwellings. There have been largely representations of support for the proposal from the nearby neighbouring residents. There has only been one objection made in relation to the potential of noise disturbance from the intended use.
- 8.31** Clarification has been sought from the Applicant, that the shepherds huts are designed to accommodate a maximum of two people each. Bookings would be via an online booking platform such as Airbnb. It is hoped that there would be the flexibility to allow 52-week holiday operations, although in reality there are quieter periods of the year, meaning that there will never been all year-round occupancy.
- 8.32** Given the limitations to the number of occupants owing to the small scale nature of the shepherds huts, it is not considered that the accommodation would give rise to large gatherings or events. The Applicant lives at April Cottage with their private garden amenity to the rear.
- 8.33** The Environmental Health Officer has been consulted on the proposal and has no adverse comments to make in relation to noise.
- 8.34** As such, the proposal is considered to accord with Saved Policy TOR4 of the TBLP, Policy SD4 of the JCS together with emerging policy

Highways Impact

- 8.35** Policy INF1 of the JCS sets out that permission shall only be granted where the impact of development is not considered to be severe. It further states that safe and efficient access to the highway network should be provided for all transport means. Emerging Policy TRAC9 of the PSTBP states that proposals need to make provision for appropriate parking and access arrangements.
- 8.36** The Local Highway Authority have been consulted on the proposal and have no objection. They comment that the junction with the main B4077 appears to have reasonable visibility splays and the geometry is sufficient for the proposed development and associated vehicular movements. The proposal is therefore not deemed to result in any harm. The Local Highways Authority seek a condition for electric charging points in order to promote sustainable transport modes. There would be designated parking within the site to serve each hut. An amended site plan indicates the siting of an electric car charging point.

- 8.37** Concerns have been raised as to whether the access track that leads from Nursery Lane to the west of the application site would be utilised to provide access to the shepherds huts. There would be no access to the site using this private track. The intended access as shown on the red line site plan is the existing access that currently serves the properties from the rear and is used for the private stables.

Drainage Matters

- 8.38** Policy INF 2 Emerging Policy ENV2 of the PSTBLP requires new development to incorporate sustainable drainage systems, manage surface water drainage, to avoid increase in discharge to the public sewer, ensure flood risk is not increased elsewhere and to protect the quality of the receiving watercourse and groundwater.
- 8.39** The hierarchy of foul drainage disposal in the Planning Practice Guidance is to the public sewerage system, and when that is not available; a private treatment plant, septic tank or cesspool.
- 8.40** A drainage Report, Drainage Statement, Water Management Statement and proposed Drainage Layout accompany the planning proposal. Drainage from the shepherds huts are to be taken and connected to existing manhole and connected to April Cottages foul drainage system.
- 8.41** The Lead Local Drainage Engineer has no objection. As such it is considered that the proposal would accord with Policy INF2 of the JCS and Emerging Policy ENV2 of the PSTBLP.

Other Matters

- 8.42** During the course of the application it was discussed with the Applicant that there have been a number of developments at the site that do not benefit from planning permission. The Applicant did not wish to include these developments within this application and thus may need to be regularised in the future either by lawful development certificate or a formal planning application.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1** In light of the above observations it is considered that the proposal would accord with the relevant policies as addressed above. As such the proposal is recommended for approval 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 documents:

- Site Location Plan as amended dated 1.04.2021
- 21:1930:SP02 entitled 'part Site Plan as Existing' received 15.03.2021
- 21:1930:02 entitled 'Proposed Shepherds Huts' received 15.03.2021
- 21:1930:03 entitled 'Proposed Shepherds Huts int Layout' 15.03.2021
- 21:1930:DR01 entitled 'Drainage Layout for Shepherds Huts' received 1.04.2021
- 21:1930:SP01 A entitled 'Site Plan as Existing' received 1.04.2021
- 21:1930:SP05 A/1 entitled 'Site Plan as Proposed' received 23.06.2021
- 21:1930:SP06 A/1 entitled 'Part site plan as proposed' received 23.06.2021
- 1930 Landscaping Scheme received 23.06.2021

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

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

3. The shepherds huts shall be constructed out of the materials specified within plan reference 21:1930:02 entitled 'Proposed Shepherds Huts' received by the Local Planning Authority 15th March 2021 together with confirmation that the wheels shall be finished in black.

Reason: To ensure that the proposed development does not detract from the rural landscape.

4. A hedge shall be planted along the northern and eastern boundaries of the land before first occupation of the shepherds huts in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The hedge shall thereafter be so tended as to grow to, and to remain at, a height of not less than 1.2 metres.

Reason: To safeguard and enhance the character and landscape of the area.

5. All planting comprised in the approved details of tree/hedgerow planting shall be carried out in the first planting season following the occupation of any building or the completion of the development, whichever is the sooner. Any trees or hedgerows, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any trees or hedgerows fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year period.

Reason: To ensure adequate provision for trees/hedgerows, in the interests of visual amenity and the character and appearance of the area.

6. The use shall not commence until the space has been laid out within the site as indicated within the approved plan reference 21:1930:SP06 A/1 entitled 'Part site plan as proposed' and such spaces shall be retained for parking purposes thereafter.

7. The proposed holiday units shall only be occupied as holiday units and shall not be occupied by any individual family or group for more than 1 month in any one period of a 12 month period.

Reason: The building is unsuitable to accommodate a permanent residential use by reason of its structure and location.

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 the 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.

39 Newtown
Toddington
Cheltenham
Gloucestershire
GL54 5DU



TEWKESBURY BOROUGH COUNCIL
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11 APR 2021

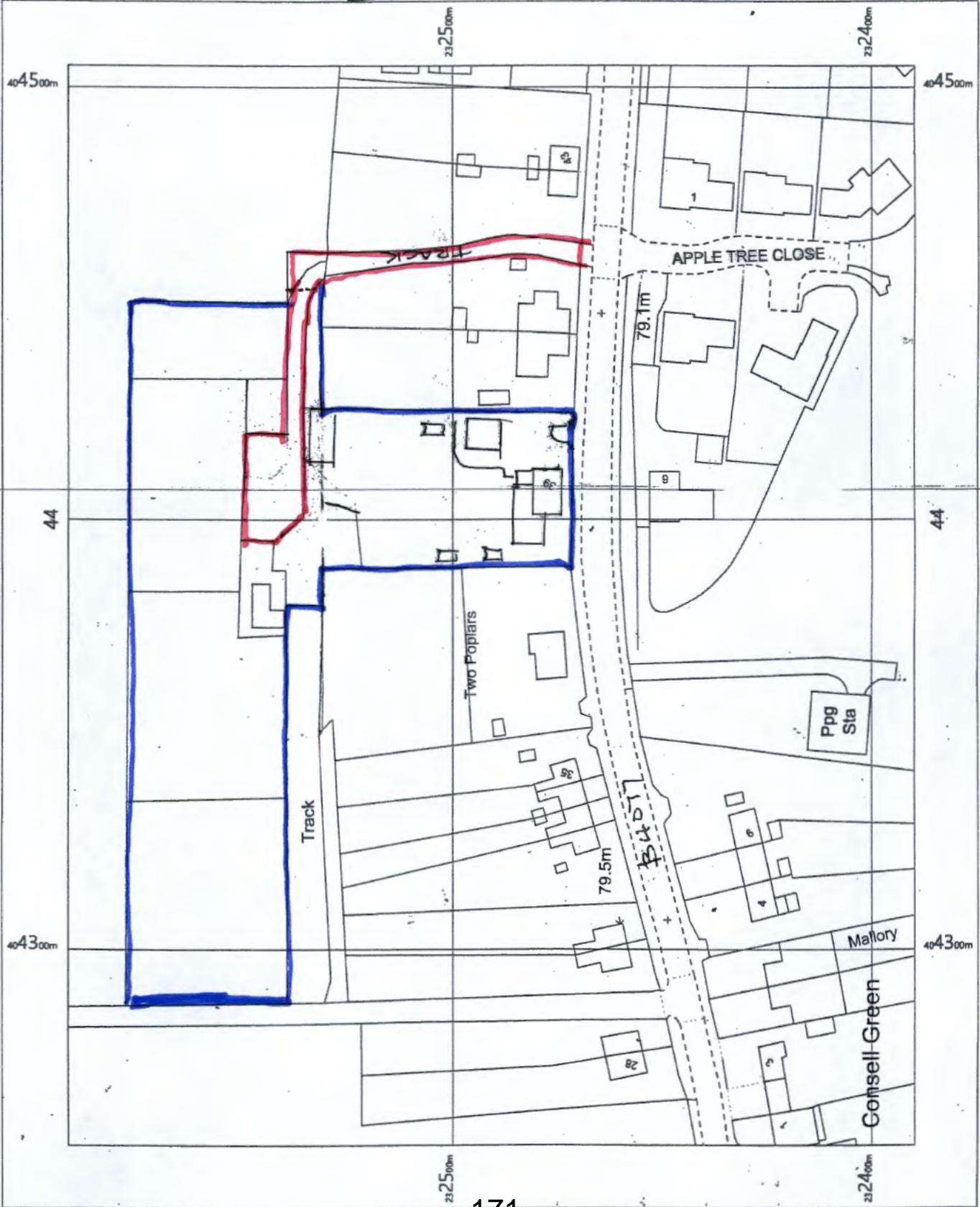
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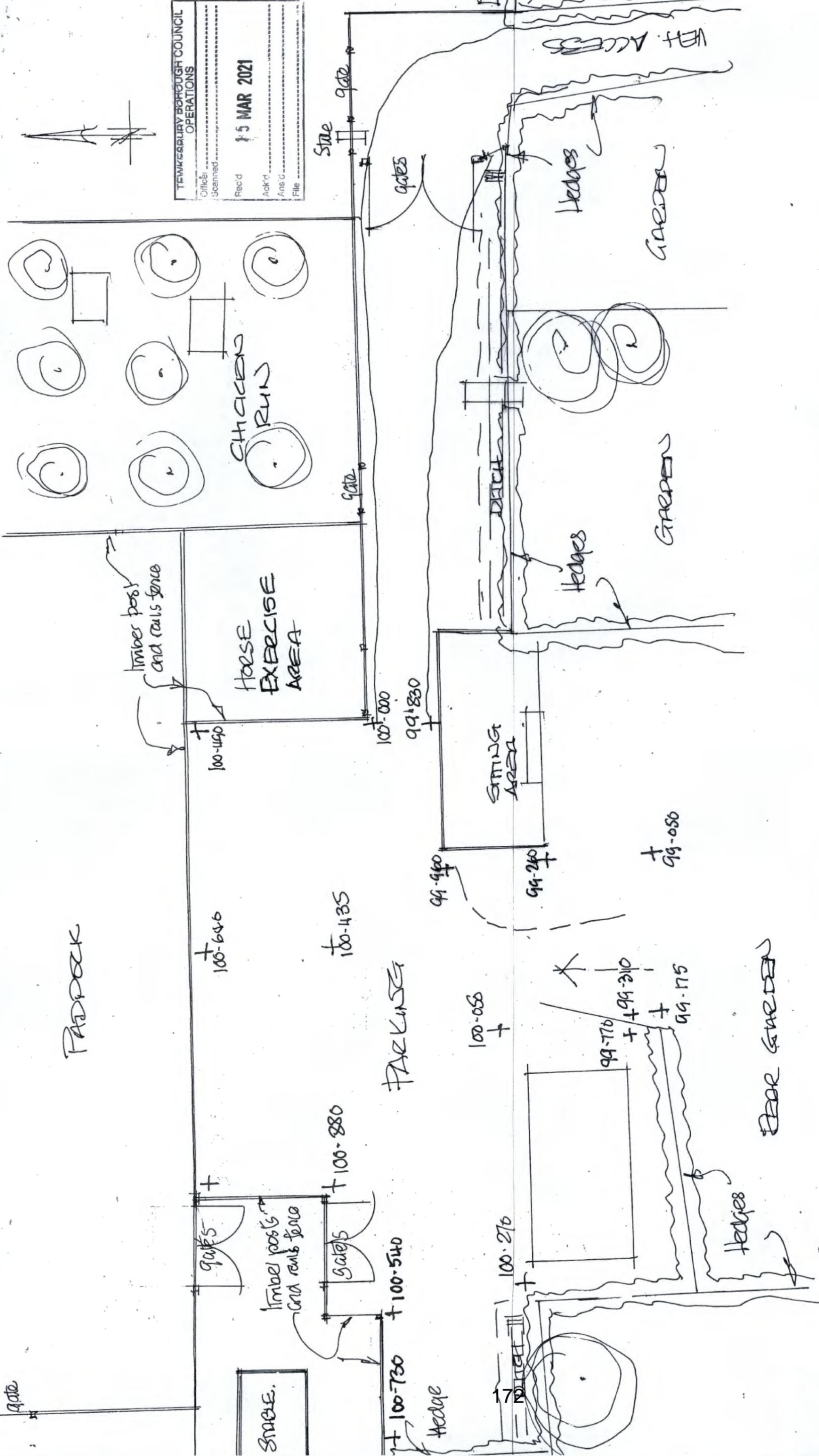
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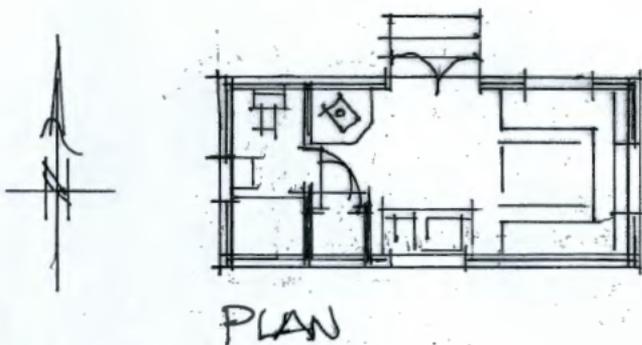
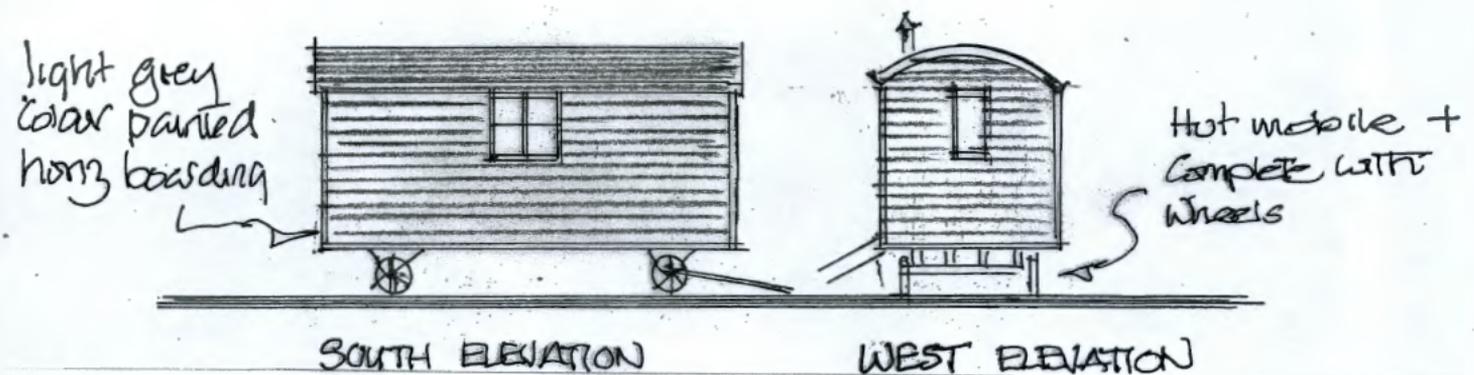
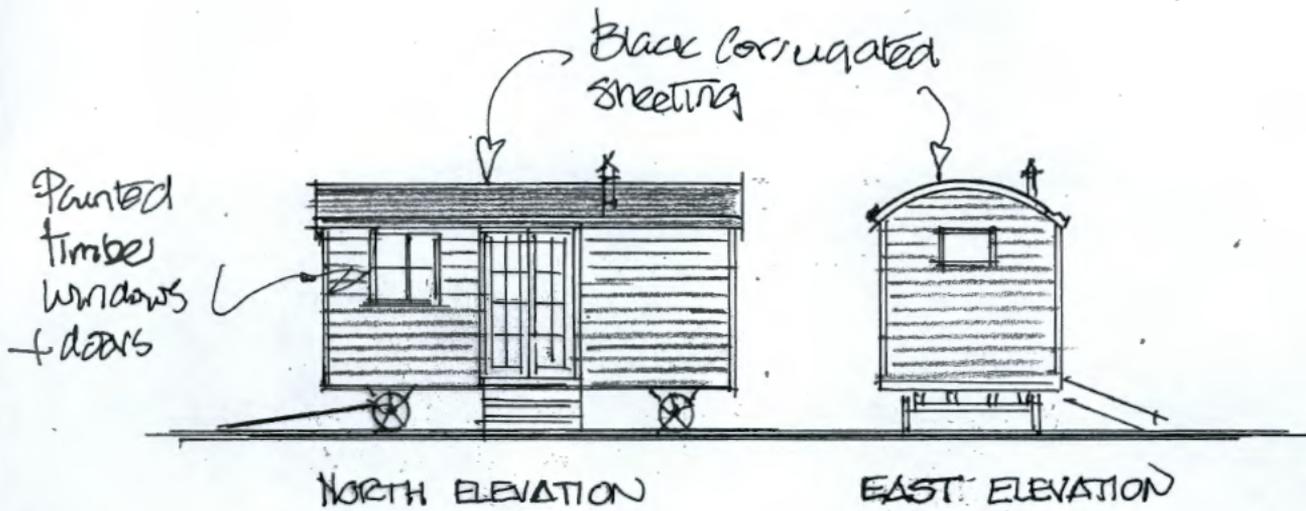
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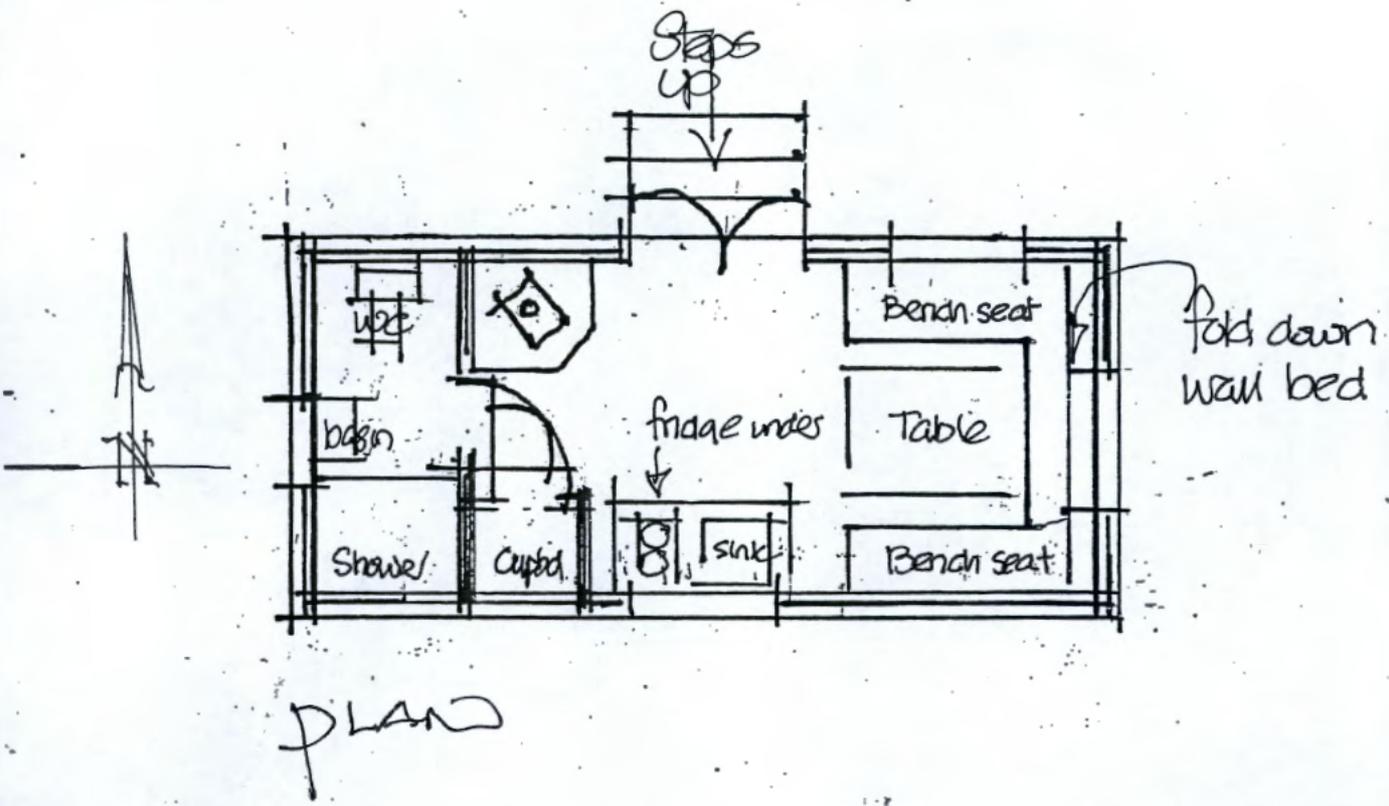
APRIL COTTAGE. 39 NEWTOWN.
 TODDINGTON. GWS. GWS4 SPUL
 PART SITE PLAN AS EXISTING
 21: 1930: SP02 MARCH 2021 1:200



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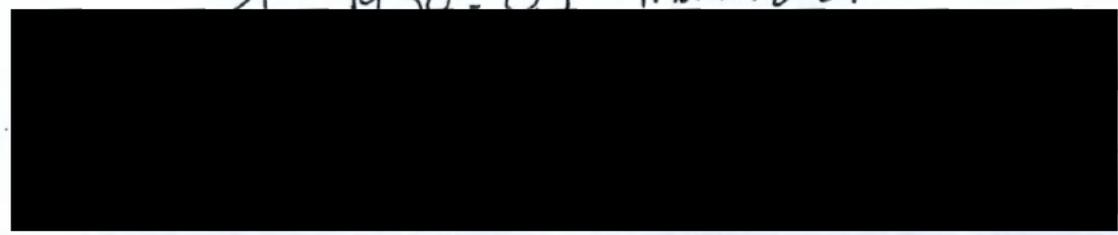
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 TODDINGTON . GLOS . GL54 5DU
 PROPOSED SHEPHERD'S HUT 1:100
 21: 1930: 02 MARCH 2021





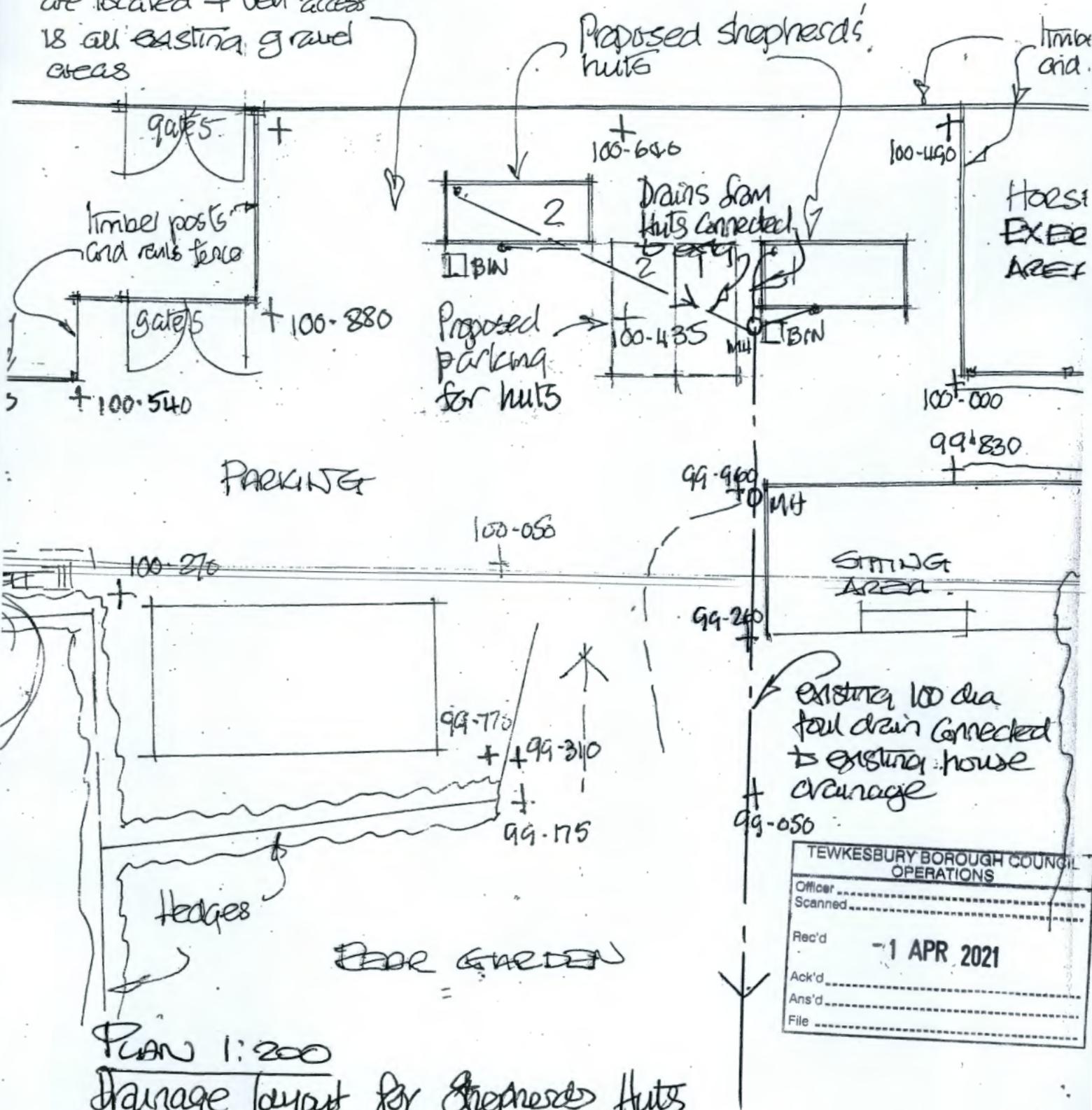
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April Cottage, 39 Newtown.
 Toddington. ELOS. GL54 5DU
 Proposed shepherds hut int. layout. 1:50
 21.1930.03 March 2021



The whole parking and area shepherds huts are located + veh access is all existing gravel areas

Paddock



Plan 1:200

Drainage layout for shepherds huts

April Cottage 39 Newtown Birmingham B54 5DU

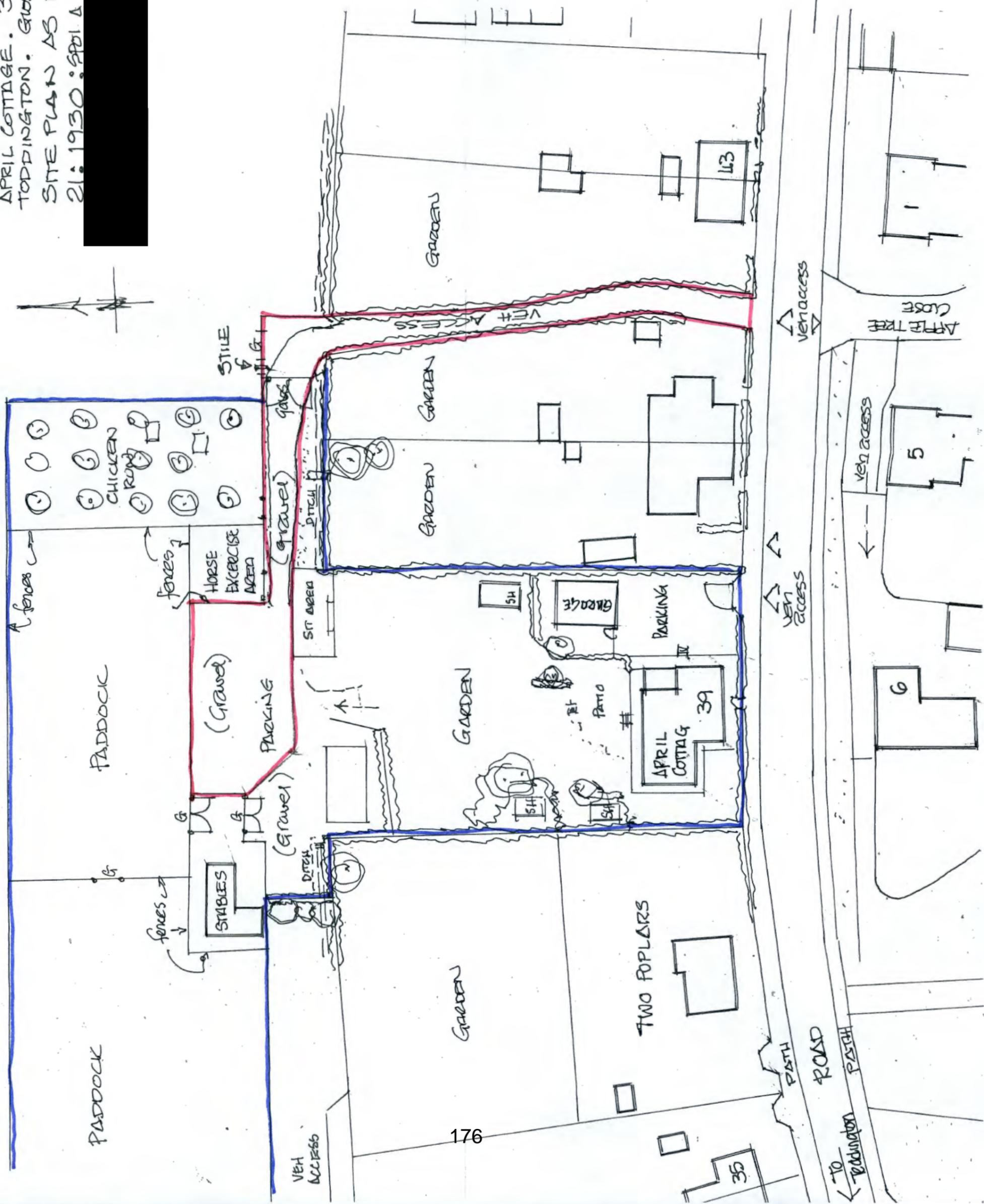
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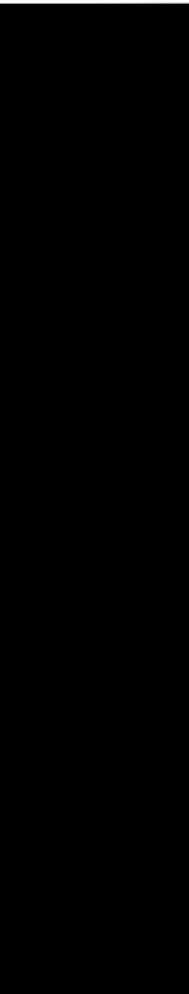
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 TOPPINGTON. G108 GL54 5DU
 SITE PLAN AS EXISTING 1:500
 21:1930:SP1 A MARCH 2021



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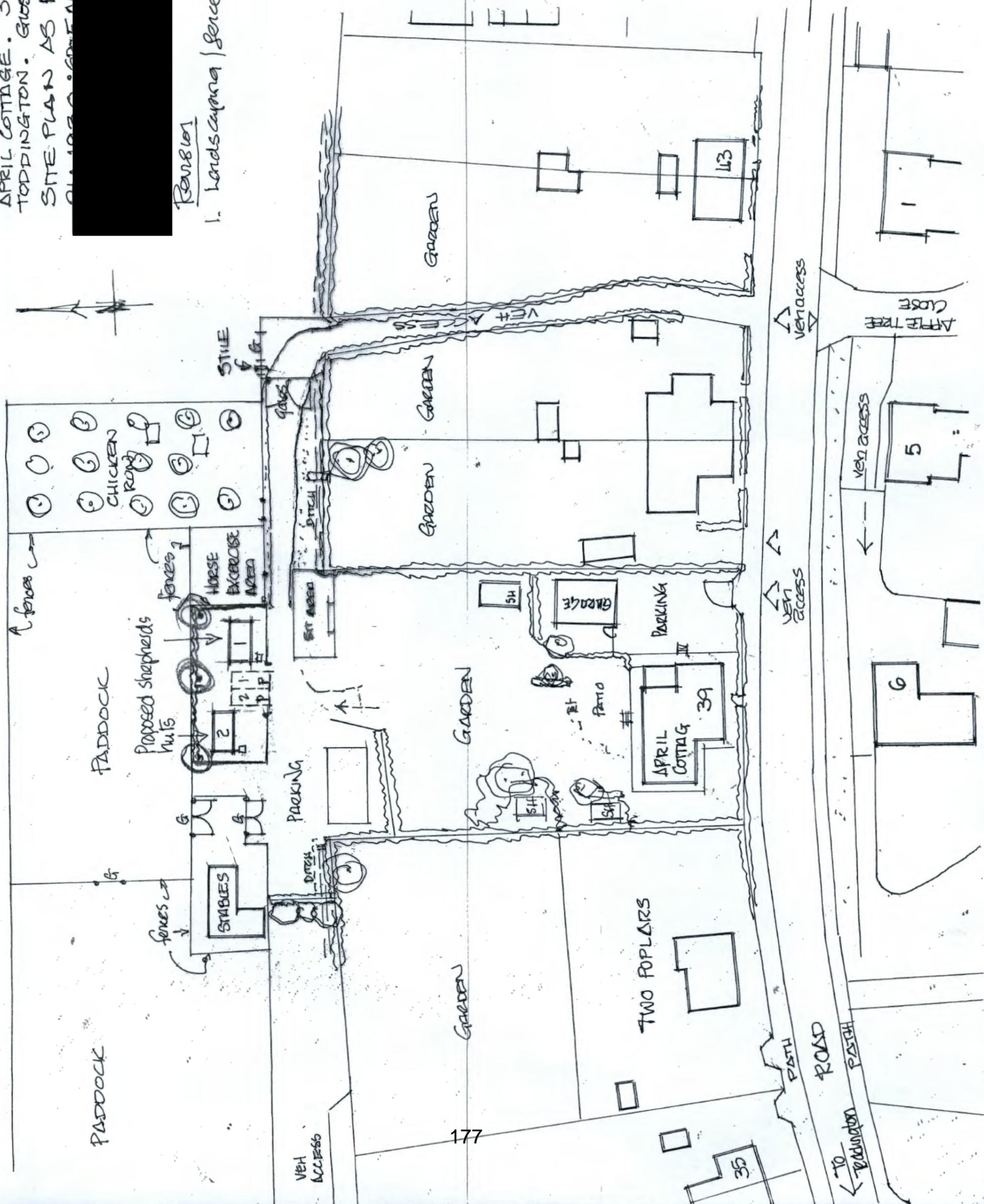
APRIL COTTAGE, 39 NEWTOWN,
 TOPPINGTON. GR08 GL54 5DU
 SITE PLAN AS PROPOSED - 1:500
 QUANTITY SURVEYOR MARCH 2021



Revision

1. Landscaping / fence added 17/6/21

EWKESBURY BOROUGH COUNCIL
 OPERATION
 Rec'd 23 JUN 2021
 Ack'd
 Ans'd
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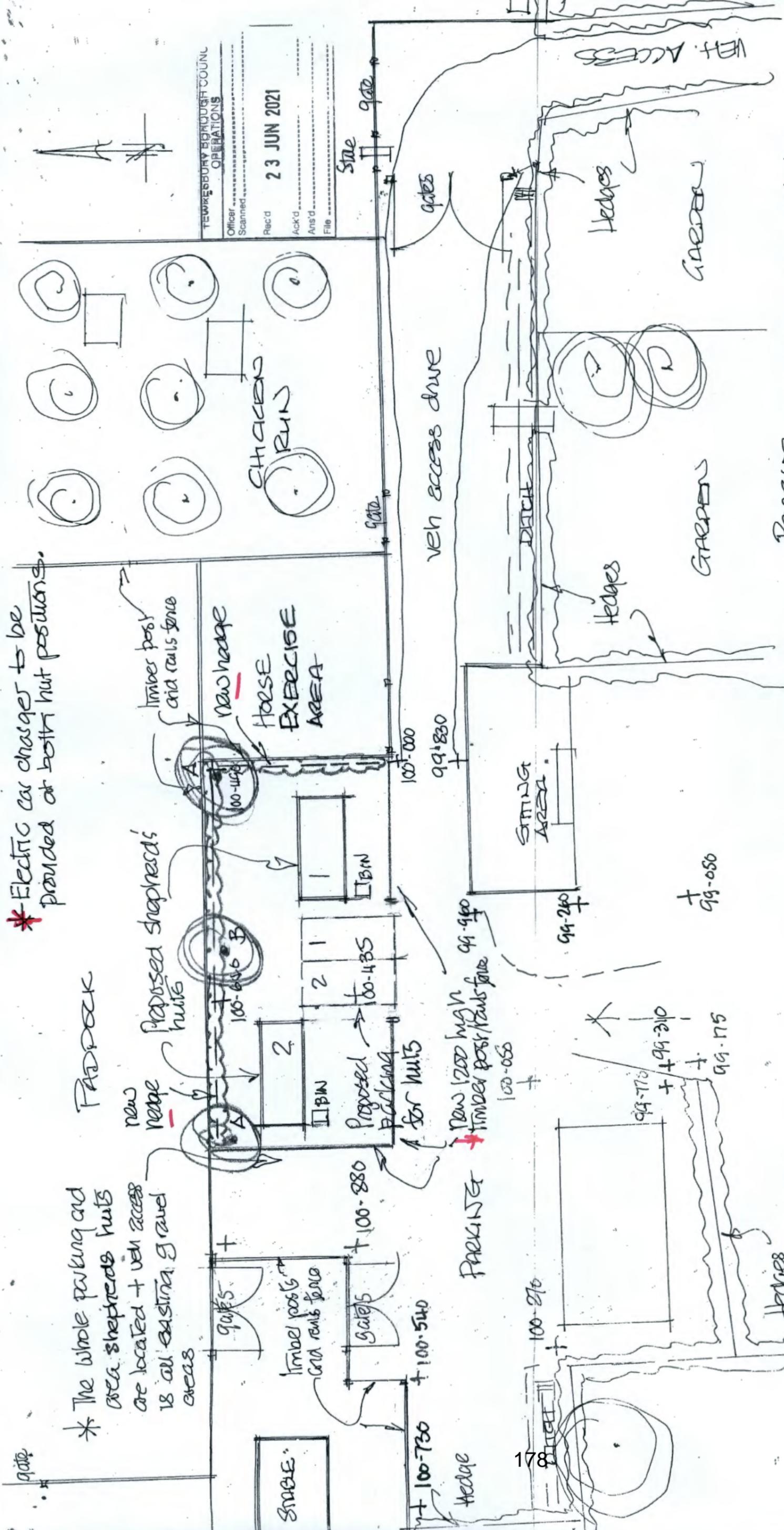


→ To Toppington Cross

← To Toppington

(89:676)

* Electric car chargers to be provided at both hut positions.

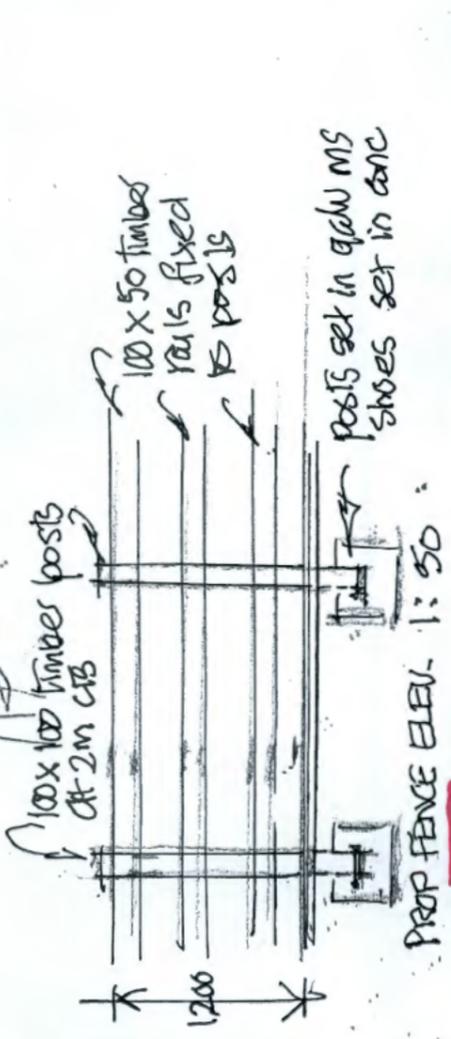


* The whole parking and area shepherds huts are located + veh access is all existing gravel areas

Revision
1. Landscaping + fence added 17/6/21
+ electric car charging points note *

APRIL COTTAGE - 39 NEWTOWN.
TODDINGTON. GWS. GWS4 SDU
PART SITE PLAN AS PROPOSED 1:200
21:1930: SPOG A/MARCH 2021

Landscaping
Hedge FAGUS - BEECH
TRESS A Flowering Cherry
Prunus Avium
B Silver Birch
Betula pendula



TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	19 October 2021
Site Location:	The Newtons School Road Apperley
Application No:	21/00559/OUT
Ward:	Severn Vale North
Parish:	Deerhurst
Proposal:	Outline application for the erection of one dwelling with all matters reserved for future consideration except for access
Report by:	Gemma Smith
Appendices:	Site Location Plan Existing Block Plan Indicative Site Layout
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1** The application relates to a parcel of land on the western side of School Road in Apperley, immediately to the north of the detached dwelling known as The Newtons. To the north lies an agricultural track and beyond the rear boundaries of No's 1 and 2 Westview. There are a number of existing trees and shrubs on the application site and a hedgerow along the northern side and rear (western) boundaries. Land levels rise within the site from the front (eastern) boundary to the rear boundary. The application site is located within the Landscape Protection Zone (LPZ).
- 1.2** The application site is located within 50m of two Grade II Listed buildings known as Yew Tree Farmhouse and the roadside barn, which are each located on the western side of School Road to the south of the dwelling known as The Newtons.
- 1.3** The site is located within Flood Zone 1 as defined on the most up-to-date Environment Agency flood risk maps.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
T.1819	Erection of bungalow. Construction of vehicular access.	PERMIT	18.05.1954
T.1819/AP	Erection of bungalow. Construction of vehicular access.	APPROV	17.05.1955
T.1819/A	Garage and store shed. Vehicular access.	REFUSE	25.05.1964
T.1819/A/1	Garage. Vehicular access.	PERMIT	16.12.1964
T.1819/B	Outline application for residential development. Construction of estate roads and sewers.	REFUSE	19.12.1973
T.1819/B/1	Outline application for residential development. Construction of estate roads and sewers. Construction of new vehicular and pedestrian accesses.	REFUSE	25.03.1975
04/01622/AGR	Proposed Farm Track	Non-Intervention	08.02.2006
10/00388/FUL	Change of use of agricultural land to private equestrian use including construction of manege.	Per	1.06.2010
15/01286/FUL	Raising of roof to accommodate living accommodation at first floor level, erection of front extension, two storey rear and side extension, and alterations to fenestration	PER	15.03.2016
16/00086/CONDIS	Application for approval of details subject to condition 3 of planning application ref 15/01286/FUL.	DISCHA	24.03.2017
18/00434/FUL	New agricultural barn to store hay for cattle enterprise and apron.	Permit	26.06.20218
19/01166/PIP	Permission in Principle for the erection of 1no. dwelling	Refuse Appeal Dismissed	30.01.2020
19/01218/OUT	Outline application for the erection of 1 no. dwelling (all matters reserved)	CONSEN	08.06.2020

3.0 RELEVANT POLICY

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

3.1 National guidance

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

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

- SD4 (Design Requirements)
- SD6 (Landscape)
- SD8 (Historic Environment)
- SD9 (Biodiversity and Geodiversity)
- SD10 (Residential Development)
- SD11 (Housing mix and Standards)
- SD14 (Health and Environmental Quality)
- INF1 (Transport Network)
- INF2 (Flood Risk Management)
- INF3 (Green Infrastructure)

3.3 Tewkesbury Borough Local Plan to 2011 – March 2006 (TBPL)

- LND3 (Landscape Protection Zone)

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

- RES3 (New Housing Outside Settlement Boundaries)
- RES4 (New Housing at Other Rural Settlements)
- RES5 (New Housing Development)
- RES13 (Housing Mix)
- DES1 (Housing Space Standards)
- HER2 (Listed Buildings)

- LAN2 (Landscape Protection Zone)
- NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- ENV2 (Flood Risk and Water Management)
- TRAC1 (Pedestrian Accessibility)
- TRAC9 (Parking Provision)

3.5 Neighbourhood Plan

None

3.6 Other relevant policy

- Human Rights Act 19
- 98 - Article 8 (Right to Respect for Private and Family Life)
- The First Protocol - Article 1 (Protection of Property)

4.0 APPLICATION DETAILS

4.1 The Proposal

The application seeks outline planning permission for the erection of 1 no. dwelling, with all matters reserved for future consideration except for access. An indicative Proposed Site Plan has been submitted to indicate the location of the dwelling and associated parking.

4.2 Agent's Submission

The application is supported by the following documents:

- Planning Statement, Carver Knowles
- Ecological Statement, March 2021 MPEcology
- Ecological Walkover Study, January 2020 Betts Ecology and Estates
- Arboricultural Impact Assessment, February 2020 Betts Ecology and Estates
- Tree Constraints Plan
- Tree Protection Plan

5.0 CONSULTATIONS

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

Deerhurst Parish Council – Objections with the following comments as summarised:

- The block diagram with the proposal shows a dwelling that does not respect the existing building line along School Road. Its location as shown ensures an incongruous pattern of development.
- The proposed plot would be larger than those along School Road.
- Concerns that a 'rear' boundary has been created by hedgerow creation enclosing former paddock land.
- Concerns about the impact on high values landscape protection zone and agricultural land.
- Concerned about the width of the proposed access which would be 6.0m.
- Concerned with conflict of shared access and impact on neighbouring amenity.
- Concerns with safety of access in regards to the manoeuvring large vehicles near to electricity sub-station, across a school safety zone and across a footway.
- Consideration of the removal of the farm access completely since it is cited to be in occasional use and there are other access points available along School Road to the agricultural land to the rear.
- The addition of the access would result in the 1-3 Westview being isolated between two roads.
- The proposal would be out of character with the surroundings.
- No local services to support the additional unit

Gloucestershire County Council (Highways Officer) -

Tree Officer – No comments received at the time of writing this report.

Flood Risk and Management Officer – No Objection subject to condition. Discrepancies with Application Form Section on Drainage and Flooding – no docs submitted to support SUDS proposed. As such a pre-commencement for Surface water drainage condition is proposed.

Ecological Advisor – No objection subject to conditions.

Newt Officer – No Objection

Conservation Officer – No Objection

Environmental Health Officer – No objection in relation to noise /nuisance issues.

Environmental Health Officer (air quality)- No adverse comments to make in regard to the proposal and local air quality.

Severn Trent Water Ltd. – No Objections and do not require a drainage condition, noting that the proposal would have minimal impact on the public sewerage system.

6.0 PUBLICITY AND REPRESENTATIONS

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

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

6.2 There have been 13 letters received in response comprising of nine representations objecting to the proposal and two in support.

The objections are summarised as follows:

- Concerns regarding the boundary and access changes against previously approved 19/01218/OUT.
- Unnecessary to widen the existing track and would set a precedent for further development of the access.
- Making the track into a road would invite further development of the fields behind.
- Concerns raised that the adjoining development would have three roads bounding the site which would lead to impacts on amenity.
- Concerns over highway safety particular in regards to the proposed widening of the access adjacent to a bus stop within the School Zone.
- The previously approved application would be more in keeping with the village building line and the tractor access would be retained for access to the field.
- Permission has not been sought for the change of use of agricultural land to garden land.
- Concerns with the scale of the proposal.
- Extension of development form into pasture land would be contrary to similar garden extension applications under reference 20/00869/FUL and 20/00644/FUL.
- The proposal would encroach on to agricultural land which has been subject to unsuccessful planning applications.
- Planning permission to change the land from agricultural land to garden land has not been sought or approved.

- Access to the pasture land can be reached by a number of other accesses.
- The proposal would not respect the existing building line.
- The land is higher than the gardens of the neighbouring properties Westview so have concerns with the reduction in drainage by increased road surfacing and car parking areas may lead to run-off into gardens.
- Concerns with amenity of future occupants and the large farm vehicles proposed to utilise the track.
- Concerns that there has been new landscaping and new boundaries put into the site recently.

7.0 POLICY CONTEXT

7.1 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.

7.2 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.

7.3 The Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Examination in Public was held in February/March 2021 and the Inspector's post hearings Main Modifications letter was received on 16 June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'. Those policies in the Pre-submission version of the TBP which are not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which do in the Inspector's view require main modifications attracting less weight depending on the extent of the changes required. The TBP remains an emerging plan and the weight that may be attributed to individual policies will still 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 the degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).

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

7.5 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2019 and the Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019).

8.0 ANALYSIS

8.1 The application is brought before Members of the Planning Committee for determination as the Parish Council object to the proposal.

Principle of development

- 8.2** The principle for a new dwelling on part of the site subject to this application has already been ascertained through planning reference 19/01218/OUT. The site in question however is larger to the rear and incorporates the existing agricultural track to the north of the site for shared access. Part of the site was considered for a new dwelling under 19/01166/PIP that was refused and a subsequent appeal was dismissed. The key issue in the determination of this application therefore is whether the additional plot to the rear is acceptable for development in principle.
- 8.3** Apperley comprises a small village which does not benefit from a defined settlement boundary in the JCS. However the application site is located within the previously defined Residential Development Boundary of Apperley as shown on the TBLP Proposals Map and is also in close proximity to the village primary school and local bus stops.
- 8.4** Policy SP2 of the JCS sets out the strategy for the distribution of new development across the JCS area, and JCS Policy SD10 ('Residential Development') specifies that, within the JCS area, new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. It sets out that housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. The application site is not allocated for housing through the development plan. Criterion 3 of JCS Policy SD10 specifies that, on sites that are not allocated, housing development will be permitted on previously developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within District plans. Apperley is not identified as a 'Rural Service Centre' nor a 'Service Village' within Table SP2c ("Settlement hierarchy") of the JCS.
- 8.5** Criterion 4 goes on to specify that housing development on other sites will only be permitted where:
- i. It is for affordable housing on a rural exception site in accordance with Policy SD12, or*
 - ii. It is infilling within the existing built up area of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within district plans; or*
 - iii. It is brought forward through Community Right to Build Orders, or*
 - iv. There are other specific exceptions/circumstances defined in district or neighbourhood plans*
- 8.6** The proposed development is not for affordable housing on a rural exception site in accordance with Policy SD12 and is not brought forward through Community Right to Build Orders. As such, it does not comply with Criteria 4 (i), (iii) or (iv) of Policy SD10 of the JCS.
- 8.7** In terms of criteria 4 (ii) above, the JCS sets out that infill development means the development of an under-developed plot well related to existing built development. The key issue here is whether the additional plot size to the west is considered acceptable.

- 8.8** The application site is adjoined on its southern side by the existing dwelling known as The Newtons and on its northern side by a rural access track and beyond the dwellings at no. 1 and 2 Westview. The application site is considered to be an under-developed plot which is well-related to existing built development that squares off the existing spatial pattern in the area, and is therefore judged to comply with JCS Policy SD10 criteria 4 (ii). As such, the proposed development is considered to be in accordance with the spatial strategy of the Development Plan.
- 8.9** Since the grant of the outline permission for one dwelling under 19/01218/OUT, following the examination in public of the Local Plan, with the Tewkesbury Borough Plan (2011-2031) and the Inspector's post hearings Main Modifications letter. Those policies in the Pre-submission version of the PSTLP which are not listed as requiring any main modifications may now attract more weight in the consideration of applications.
- 8.10** Emerging Policy RES4 of the PSTBP specifies that, to support the vitality of rural communities and the continued availability of services and facilities in the rural areas, very small scale residential development will be acceptable in principle within and adjacent to the built up area of other rural settlements (i.e. those not featured within the settlement hierarchy), subject to a number of criteria.
- 8.11** It is considered that the application proposes very small-scale residential development adjacent to the built up area of this rural settlement. Emerging Policy RES4 of the PSTBP provides a set of criteria which such development should comply with. It further states that, in all cases, development must comply with the relevant criteria set out at Policy RES5, and specifies that particular attention will be given to the effect of the development on the form, character and landscape setting of the settlement.
- 8.12** One such criteria of emerging Policy RES4 of the PSTBP requires such very small-scale residential development within and adjacent to the built up area of other rural settlements to be of a scale that is proportionate to the size and function of the settlement and to maintain or enhance sustainable patterns of development (criteria (a)). In this regard emerging Policy RES5 similarly requires residential development to, inter alia, be of an appropriate scale having regard to the size, function and accessibility of the settlement.

Councils 5 Year Housing Land Supply

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

- 8.14** Members will be aware of the recent appeal decision at Ashmead Drive in which the Inspector concluded that the Council could demonstrate a 1.82 year supply. This is principally because the Council includes advanced delivery (or 'oversupply') against annual housing requirements in its five-year supply calculations. Appeal decisions are not binding precedents however. Officers consider that, in the context of the plan-led system, it is wrong not to take into account houses that have already been delivered during the plan period, essentially ahead of schedule, and which meet the needs being planned for in the area. Officer's advice is therefore that a 4.35 year supply can be demonstrated at this time.
- 8.15** Nevertheless, as set out above, as the Council cannot demonstrate a five-year supply of deliverable housing sites and the presumption in favour of sustainable development is therefore engaged in this case.

Landscape impact

- 8.16** Policy SD4 of the JCS provides that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.
- 8.17** Criterion 6 of JCS Policy SD10 'Residential Development' of the JCS states the residential development should seek to achieve maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.
- 8.18** Emerging Policy RES4 of the PSTBP, as referred to above, specifies that very small- scale residential development will be acceptable in principle within and adjacent to the built-up area of other rural settlements providing, inter alia, it is of a scale that is proportionate to the size and function of the settlement and maintains or enhances sustainable patterns of development, providing it complements the form of the settlement and is well related to existing buildings within the settlement, and providing the site of the proposed development is not of significant amenity value or makes a significant contribution to the character and setting of the settlement in its undeveloped state.
- 8.19** In addition, emerging policy RES5 of the PSTBP specifies that proposals for new housing development should:
- Be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it;
 - Be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity, unless otherwise directed by policies within the Development Plan;
 - Where an edge of settlement site is proposed, respect the form of the settlement and its landscape setting, not appear as an unacceptable intrusion into the countryside and retain a sense of transition between the settlement and open countryside;
 - Not cause the unacceptable reduction of any open space (including residential gardens) which is important to the character and amenity of the area; • Incorporate into the development any natural or built features on the site that are worthy of retention; and

- Address any other environmental or material planning constraints relating to the site.
- 8.20** Policy SD6 (Landscape) of the JCS specifies that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. It also states that all applications for development will consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect.
- 8.21** As noted above, the application site is located within the LPZ as defined on the TBLP Proposals Map. Saved Policy LND3 of the TBLP specifies that special protection is given to the ecology and visual amenity of the river environment within the LPZ, and that development will not be permitted which (a) has a detrimental visual or ecological effect on the character of the river banks or associated landscape setting of the Severn Vale, and/or (b) has an adverse impact on the water environment. No changes are proposed to the extent of the LPZ on the PSTBP Proposals Map, and emerging Policy LAN2 of the PSTBP also affords special protection to the ecology and visual amenity of the river environment within the LPZ.
- 8.22** The proposal would introduce development into an open parcel of land, and consequently there would be some extent of visual impact. However, the development would be viewed in the context of existing built-up development on either side of the application site and 'squaring off' of the developable plot. This is unlike the parcel to the west of the site, that part of this plot relates, that was refused for the development of 1 no. dwelling 19/01166/PIP. The decision was appealed and subsequently dismissed. It is not considered that the extended part of this proposed plot would result in detrimental intrusion into the countryside.
- 8.23** Whilst the proposed development would be fairly prominent from the adjacent public highway and would change the character of the site, the site itself sits in close proximity to existing residential development, and the illustrative site plan shows that the proposed dwelling would be set back within the site with parking orientated to the rear of the site. The amended indicative site plan shows that the dwelling could potentially respect the existing building line with the Newtons to the south of the site.
- 8.24** Any subsequent reserved matters application would need to demonstrate that the proposed development would not result in an overly prominent or cramped form of development and that the proposed site layout would respect the location and orientation of existing built development, particularly of that to the south of the site as the dwelling would most closely be viewed from public vantage points in the context of this. In addition, the reserved matters application would need to show that the scale, form and external materials of the proposed dwelling and its architectural appearance would be in-keeping with the local vernacular and would be sympathetic in design to existing adjacent dwellings.
- 8.25** It is recommended that any approval of outline planning permission is subject to condition requiring details of existing and proposed levels, including finished floor levels, a plan indicating the positions, design, materials and type of boundary treatments to be erected, precise details or samples of the external walling and roofing materials and hard surfacing materials proposed to be used, as well as a landscape scheme for the whole site to be submitted as part of the Reserved Matters application, in the interests of the visual amenity of the area, and to protect the visual amenity of the LPZ.

- 8.26** It is noted that the previous outline scheme approved on a smaller plot under planning reference 19/01218/OUT was served by the creation of a new access to the front of the site. It is considered that the utilisation of the existing agricultural track at the site would benefit the street scene as it would negate the additional access and would retain some of the trees at the front of the site.
- 8.27** It is considered that the wider access track would not result in particular intrusion into the landscape. The surfacing of the track/ access drive will be conditioned on any recommendation for approval to ensure assimilation within the landscape.
- 8.28** It is noted that supervised clearance of the site was carried out on 28th January 2021 as per 19/01218/OUT. It appears that the western boundary hedgerow will require removing. Any proposed development would need to bolster / replace the natural hedgerow boundaries at the site to help to blend the development into the landscape.

Highways and Access Implications

- 8.29** The NPPF sets out development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe. Policy INF1 of the JCS considers that developers provide safe and efficient access to the highway network and permission be granted only where the impact of the development is considered not to be severe. It further states that safe and efficient access to the highway network should be provided for all transport means.
- 8.30** Emerging Policy RES5 of the PSTBLP states that proposals for new housing development should, inter alia, make provision for appropriate parking and access arrangements and not result in the loss or reduction of existing parking areas to the detriment of highway safety. Emerging Policy TRAC9 of the PSTBLP states that proposals need to make provision for appropriate parking and access arrangements.
- 8.31** A key difference to the previously approved outline planning permission for a new dwelling is the widening of the existing agricultural track to be used to serve the dwelling negating the need for the creation of an additional access along the road.
- 8.32** The Local Highways Authority have been consulted on the proposal and have no objections to the proposal. The Local Highways Officer does not consider that the dual purpose access track would result in any safety concerns and considers that it would be a benefit when a car is accessing the site and one other egressing, thus avoiding an obstruction to oncoming traffic.
- 8.33** The Local Highway Authority recommends that any approval of planning permission is subject to condition requiring details of secure and covered cycle storage facilities to be made available prior to the occupation of the proposed dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The Local Highway Authority also recommends a condition requiring the proposed car parking spaces to be designed to enable charging of plug- in and other ultra-low emission vehicles in safe, accessible and convenient locations prior to the occupation of the proposed dwelling.

Impact on Heritage Assets

- 8.34** The application site is not located within a conservation area however, there are two Grade II listed buildings to the South; Yew Tree Farmhouse and the roadside barn. As such when determining planning applications this authority has a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have regard to the desirability of preserving listed buildings and their setting. The proposal will also be assessed against section 16 of the NPPF, Policy SD8 of the JCS.
- 8.35** The Conservation Officer has been consulted on the application and in regards to impact upon the setting of the listed buildings and has no objection to the principle of the proposal.

Residential Amenity

- 8.36** Paragraph 127 of the NPPF specifies that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. JCS policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants. In this respect, emerging policy RES5 of the Tewkesbury Borough Local Plan 2011-2031 Pre-Submission Version (2019) is also relevant.
- 8.37** In terms of the impact on the residential amenity of adjacent neighbouring properties, whilst there is potential for some overlooking as a result of the proposed development, it is considered that careful design and orientation of windows would ensure that the development could be accompanied in an acceptable manner and these matters would be addressed through any subsequent reserved matters applications. It is recommended that any approval of outline planning permission is subject to condition requiring details of existing and proposed levels, including finished floor levels, as well as a plan indicating the positions, design, materials and type of boundary treatments to be erected, to be submitted as part of the Reserved Matters application, in order to ensure the amenities of the occupiers of neighbouring properties would be protected.
- 8.38** The Environmental Health Officer raises no objection to the application in terms of noise / nuisance adversely impacting on future residents, and it is considered that the residential amenity of existing and future occupiers would not be unreasonably affected in terms of noise, odour or pollution levels or general disturbances.
- 8.39** Policy DES1 of the Tewkesbury Borough Local Plan 2011-2031 Pre-Submission Version (2019) which specifies that Tewkesbury Borough Council adopts the Government's nationally described space standards and expects all new residential development to meet these standards as a minimum. It also specifies that new residential development will be expected to make adequate provision for private outdoor amenity space appropriate to the size and potential occupancy of the dwellings proposed. Any subsequent reserved matters application would need to show that the proposed dwelling and associated external amenity area(s) would provide an acceptable living environment for future occupiers.

Impact on Trees

- 8.40** Policy INF3 of with JCS provides that existing green infrastructure, including trees should be protected. Developments that impact woodlands, hedges and trees should be justified and include acceptable measures to mitigate any loss and should incorporate measures acceptable to the Local Planning Authority to mitigate the loss.
- 8.41** Policy NAT1 relates to biodiversity, geodiversity and important natural features and provides that development likely to result in the loss, deterioration or harm to features of environmental quality will not be permitted unless the need/benefits for development outweigh the impact, the development cannot be located on a site with less harmful impacts and measures can avoid, mitigate or, as a last resort, compensate for the adverse effects. The explanatory paragraphs clarify that this policy automatically applies to trees protected by a preservation order or located within a conservation area. Other non-protected landscape features (including trees, woodlands and hedgerows) will be subject to this policy if they are of sufficient value to warrant their protection.
- 8.42** An Arboricultural Impact Assessment has been submitted as part of the proposal. It is noted that the constraints plan has not been updated since the 19/01218/OUT however the trees subject to the site are the same.
- 8.43** The Tree Officer is yet to provide comments on this outline scheme at the time of writing this report. Whilst the siting of the development is not ascertained, it is identified that the hedgerows to the northern and western boundaries would be removed together with three trees T5, T6 and T7. The tree officer previously comments that the hedgerow that surrounds the site is of poor quality and it would be beneficial to remove them and replace with native hedgerows and to include some fruit trees within it (such as apple, pear, cherry, etc.). This would mitigate for the proposed loss of the trees and would over time become a source of food for wildlife but also screening around the proposed dwelling without causing shading issues to surrounding properties. It is recommended that any approval of outline permission is subject to condition requiring full details of proposed tree and hedgerow planting to be submitted as part of the Reserved Matters application.
- 8.44** The Tree Officer previously comments that it will be important that trees T1, T2 and T3 are protected throughout the development and that protective fencing must be in place before development starts. In addition, there must be no level changes within the root protection areas of these retained trees. No details have been provided at the outline stage with regards to the driveway installation, underground and above ground services or specification of tree protection barriers. Details will need to be submitted as part of the Reserved Matters application.

Biodiversity

- 8.45** Paragraph 180 of the NPPF states if significant harm to biodiversity resulting from a development cannot be avoided through locating on an alternative site with less harmful impacts, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, inter alia, minimising impacts on and proving net gains to biodiversity.

- 8.46** Policy SD9 of the JCS seeks for the protection and enhancement of biodiversity and to establish and reinforce ecological networks. This includes ensuring that those European Species and Protected Species are protected in accordance with the law. Emerging Policy NAT1 of the PSTBLP states that proposals, where applicable will be required to deliver biodiversity net gains. Emerging Policy NAT3 of the PSTBLP seeks for development to contribute towards the provision, protection and enhancement of the wider green infrastructure network.
- 8.47** The application is supported by an updated Ecological Statement, dated March 2021 MPEcology together with an Ecological Walkover Study dated January 2020 undertaken by Betts Ecology and Estates.
- 8.48** It was noted that the Council's Ecological Advisor requested on grant of the previous outline permission that any approval of planning permission be subject to condition for all works to strictly adhere to the mitigation set out within the ecological report, which includes but is not limited to mitigation for stag beetles, replacement planting for the removed orchard trees and permeable fencing. A suitably qualified ecologist was recommended to be present during the site clearance as well as carrying out a pre-construction check due to the pond not being able to be assessed close to the site.
- 8.49** Since the approval of the previous outline consent site clearance activities were undertaken in January 2021 under the supervision of an ecologist, following pre-clearance check for vulnerable fauna, as previously recommended in the Ecological Walkover Survey report. The Ecological Advisor notes that no protected or notable fauna were discovered during those site clearance works. A further site visit was undertaken in February 2021, during which habitat creation for stag beetles was undertaken, following the recommendations of the Ecological Walkover Survey report.
- 8.50** The Ecological Advisor notes that the site demonstrates foraging and commuting habitat for bats, and that there is an opportunity for enhancements. The Ecology Advisor notes that a bat box (e.g. Schwegler 1FF) should be installed onto the new development, at least 3m from the ground and preferably in a south-easterly to south-westerly facing direction. It is important that it is installed away from artificial lighting. The Ecology Advisor recommends that any approval of outline planning permission is subject to condition requiring details of the type and location of the bat box to be submitted to the Local Planning Authority for approval prior to occupation.
- 8.51** In addition, the Ecology Advisor recommends that any approval of outline planning permission is subject to condition requiring details of any artificial lighting to be submitted to the Local Planning Authority for approval prior to its installation, to ensure light spill is minimised onto corridors and vegetation used by mammals and commuting/ foraging bats. The details should include the locations of any external artificial lighting and light spill onto surrounding habitats detailing the lux.
- 8.52** Subject to the above recommended conditions, it is considered that biodiversity would be protected and enhanced

Drainage and Flood Risk

- 8.53** Whilst the proposed development is located within Flood Zone 1 as defined by the most up-to-date Environment Agency flood risk maps, the proposed development would have surface water implications. In accordance with JCS Policy INF2, emerging Policy ENV2 of the Tewkesbury Borough Local Plan 2011-2031 Pre-Submission Version (2019) and the Tewkesbury Borough Council Flood and Water Management Supplementary Planning Document, there is a requirement for the application to demonstrate that the proposal would not lead to an adverse impact on the surface water drainage infrastructure, foul water drainage infrastructure or sewage treatment systems.
- 8.54** The supporting planning statement makes reference in Section 5.5 that a Sustainable Drainage System shall be used however there is no detail to show how this may work or what is intended to achieve this.
- 8.55** The Flood Risk and Drainage Management Officer has been consulted on the application and acknowledges that the overall flood risk at the site is documented as low, and that Severn Trent Water has raised no objection to the outline application.
- 8.56** Notwithstanding this, given the acute problems with the cumulative effect of numerous minor developments, the Flood Risk and Drainage Management Officer recommends that any approval of planning permission be subject to condition requiring a detailed design, maintenance and management strategy and timetable of implementation for the surface water drainage strategy (e.g. Sustainable Drainage System – SuDS) presented in the Drainage Statement to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Community Infrastructure Levy (CIL)

- 8.57** The development is CIL liable because it creates a new dwelling. The relevant CIL forms have been submitted.

9.0 CONCLUSION AND RECOMMENDATION

- 9.1** Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70(2) of the Act provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 9.2** On the basis the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the supply of housing are out of date. In accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas of assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

- 9.3** Whilst the benefit derived from the development would be a contribution towards the housing shortfall, albeit in a small way, towards providing housing in the Borough. Having regard to those policies of the development plan, no harms have been identified in respect of the proposal. Subject to appropriate conditions, the development would not give rise to unacceptable impacts in regards to ecology, trees, flood risk and drainage, highway safety, residential and visual amenity.
- 9.4** It is therefore considered that the proposed development would constitute sustainable development in the context of the NPPF as a whole and it is therefore recommended that planning permission is **PERMITTED** subject to the conditions set out below.

CONDITIONS:

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

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

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

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

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

4. The detailed plans to be submitted as part of the Reserved Matters application in accordance with Condition 1 shall include details of existing and proposed site sections and finished floor and site levels. All development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenities of the occupiers of neighbouring properties and to protect the visual amenity of the Landscape Protection Zone.

5. The detailed plans to be submitted as part of the Reserved Matters application in accordance with Condition 1 shall show the positions, design, materials and type of boundary treatments to be erected. The boundary treatments shall be completed in accordance with the approved details before the dwelling hereby permitted is occupied.

Reason: In the interests of the amenities of the occupiers of neighbouring properties and to protect the visual amenity of the Landscape Protection Zone.

6. The details to be submitted as part of the Reserved Matters application in accordance with Condition 1 shall include precise details and/or samples of the external walling and roofing materials and the hard surfacing materials proposed to be used. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with its surroundings, and to protect the visual amenity of the Landscape Protection Zone.

7. The details of landscaping to be submitted as part of the Reserved Matters application in accordance with Condition 1 shall include full details of proposed tree and hedge planting. This shall include planting and maintenance specifications, use of guards or other protective measures and confirmation of location, species and sizes. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory and well planned development, to preserve and enhance the quality of the environment, and to protect the visual amenity of the Landscape Protection Zone.

8. The details of landscaping to be submitted as part of the Reserved Matters application in accordance with Condition 1 shall include a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a Tree Protection Plan(s) (TPP) and an Arboricultural Method Statement (AMS). The specific issues to be dealt with in the TPP and AMS shall be as follows:
 - a) The location and installation of services/utilities/drainage
 - b) Details of any construction within the RPA or that may impact on the retained trees
 - c) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
 - d) A specification for protective fencing to safeguard trees during construction phases and a plan indicating the alignment of the protective fencing.

Reason: To ensure a satisfactory and well planned development, to preserve and enhance the quality of the environment, and to protect the visual amenity of the Landscape Protection Zone.

9. Prior to the commencement of the development hereby permitted (including all preparatory work), tree protection must be in place for the retained trees, in accordance with BS 5837:2012, to safeguard trees during the construction phases and to ensure no storage of materials is in proximity of the trees.

Reason: To ensure a satisfactory and well planned development, to preserve and enhance the quality of the environment, and to protect the visual amenity of the Landscape Protection Zone.

10. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

Reason: To ensure a satisfactory and well planned development, to preserve and enhance the quality of the environment, and to protect the visual amenity of the Landscape Protection Zone.

11. The detailed plans to be submitted as part of the Reserved Matters application in accordance with Condition 1 shall show the layout, vehicular access, parking and turning facilities and surface water drainage within the site, and the dwelling hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and those facilities shall be maintained available for those purposes for the duration of the development.

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

12. No building works hereby permitted shall be commenced until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation

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.

13. No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:
- 24 hour emergency contact number;
 - Hours of operation;
 - Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - Routes for construction traffic;
 - Locations for loading/unloading and storage of plant, waste and construction materials;
 - Method of preventing mud being carried onto the highway;
 - Measures to protect vulnerable road users (cyclists and pedestrians)
 - Any necessary temporary traffic management measures;

- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

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

14. The development hereby approved shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 2 bicycles has been made available in accordance with details to be submitted to and approved in writing by the LPA.

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

15. Prior to the occupation of the dwelling hereby permitted, the proposed car parking spaces shall be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Reason: To ensure that the development incorporates facilities for charging plug-in and other ultra-low emission vehicles in accordance with paragraph 110 of the National Planning Policy Framework.

16. All works shall strictly adhere to the mitigation set out within the Ecological Walkover Survey Report and subsequent Ecology comments, including the recommendation for removal of bramble scrub and the conifer hedge to be undertaken outside of main nesting bird season, generally considered to be between March and August.

Reason: In order to protect and enhance biodiversity.

17. Should any undisturbed scrubby vegetation become re-established on the site, prior to any construction activities taking place, a pre-clearance check for vulnerable fauna, including Great Crested Newts is recommended. Tall vegetation should be removed in a phased approach and managed in advance of any works, to reduce the suitable habitat on site for Great Crested Newts. Waste materials should be removed off site immediately or stored in skips where possible and working areas should be managed.

Reason: To safeguard protected species.

18. If Great Crested Newts are discovered during site preparation, enabling or construction phases, then all works must be stop and the advice of a suitable qualified ecologist be sought.

Reason: To ensure the protection of protected species.

19. Prior to the occupation of the dwelling hereby permitted, details of the type and location of a bat box (e.g. Schwegler 1FF) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In order to protect and enhance biodiversity.

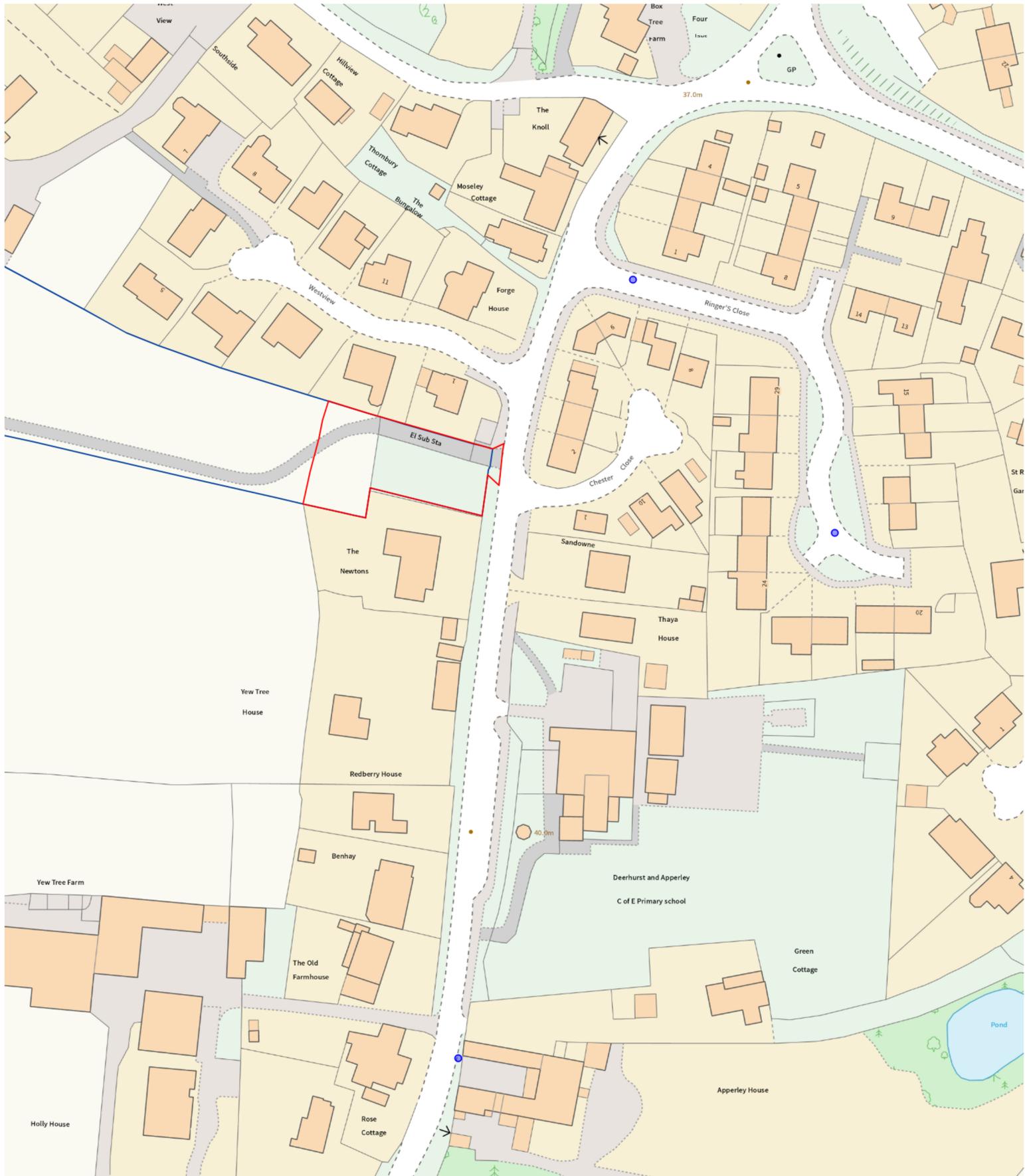
20. Prior to its installation, details of any artificial lighting (including the lux, position and height) and any external artificial lighting (including the location and the lux) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure light spill is minimised onto corridors and vegetation used by mammals and commuting/ foraging bats, in order to protect biodiversity.

INFORMATIVES:

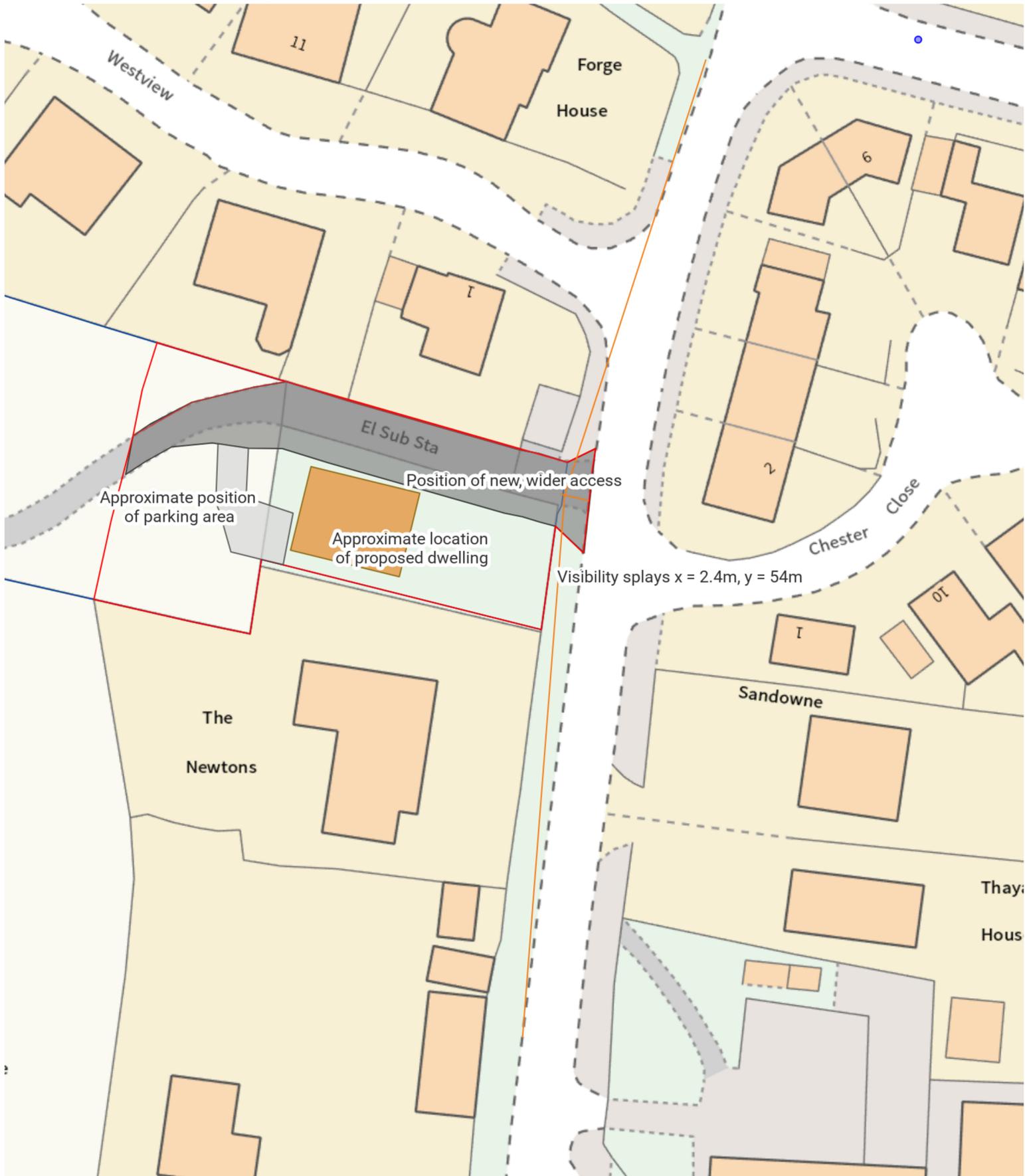
1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
2. Severn Trent Water advise that there may be a public sewer located within the application site. Although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert Severn Trent Water's assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact Severn Trent Water at the earliest opportunity to discuss the implications of its assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Site Location Plan Land at School Rd



The Newtons Existing Block Plan





TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	19 October 2021
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Development Manager
Lead Member:	Lead Member for Built Environment
Number of Appendices:	1

<p>Executive Summary:</p> <p>To inform Members of current planning and enforcement appeals and Department for Levelling Up, Housing and Communities 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 Department for Levelling Up, Housing and Communities appeal decisions that have recently been issued.

2.0 APPEAL DECISIONS

2.1 No appeal decisions have been issued by the Department for Levelling Up, Housing and Communities.

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

List of Appeals Received						
Reference	Address	Description	Start Date	Appeal Procedure	Appeal Officer	Statement Due
20/01075/FUL	Land To The North Of Shuthonger Garage A38 Pages Lane To Church End Lane Tewkesbury Shuthonger	Erection of 1no. self-build dwelling, and provision of associated vehicular access, parking and turning area and landscaping.	09.09.2021	W	PMS	
21/00262/FUL	Whites Farm Shutter Lane Gotherington	Erection of a detached dwelling and garage	09.09.2021	W	JLL	
20/00207/FUL	Whites Farm Shutter Lane Gotherington	Erection of 2 detached dwellings.	09.09.2021	W	JLL	
20/00120/FUL	35 Medway Crescent Brockworth	Erection of detached double garage and new access at the side	21.09.2021	FAS	SNB	
21/00334/FUL	The Sheiling Badgeworth Lane Badgeworth	Erection of a detached garage with studio over	21.09.2021	FAS	SNB	

Process Type

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