



13 December 2021

Committee	Planning
Date	Tuesday, 21 December 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 - 38
	To approve the Minutes of the meeting held on 16 November 2021 and the special meeting held on 30 November 2021.	
5.	DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL	
(a)	21/00903/FUL - Caerleon, Tewkesbury Road, Twigworth	39 - 56
	PROPOSAL: Erection of two detached dwellings including associated car parking.	
	OFFICER RECOMMENDATION: Permit.	
(b)	21/01197/PIP - Gretton Farm, Gretton Road, Gretton	57 - 67
	PROPOSAL: Permission in principle for between one and six new dwellings.	
	OFFICER RECOMMENDATION: Permit.	
(c)	21/00183/OUT - Glebe Cottage, Main Street, Wormington	68 - 85
	PROPOSAL: Outline application for the erection of one dwelling and detached garage with all matters reserved.	
	OFFICER RECOMMENDATION: Delegated Permit.	
(d)	21/01312/PIP - Land Adjacent Blenheim Way, Shurdington	86 - 96
	PROPOSAL: Erection of a single dwelling.	
	OFFICER RECOMMENDATION: Permit.	
(e)	21/01243/FUL - Land to the East of High Beeches, Snowshill	97 - 108
	PROPOSAL: Retention of a stable with tack room.	
	OFFICER RECOMMENDATION: Permit.	
(f)	21/00632/FUL - Rockaway Ridge, Lye Lane, Cleeve Hill	109 - 118
	PROPOSAL: Erection of a carport and gym.	
	OFFICER RECOMMENDATION: Permit.	
(g)	21/00582/FUL - 3 Greenway Close, Shurdington	119 - 129
	PROPOSAL: Change of use from residential to dual use (residential/childminding business).	
	OFFICER RECOMMENDATION: Permit.	

Item	Page(s)
(h) 21/01020/FUL - Tewkesbury Cricket Club, Swilgate Ground, Gander Lane, Tewkesbury	130 - 140
PROPOSAL: Extension to existing pavilion.	
OFFICER RECOMMENDATION: Refuse.	
(i) 21/00652/FUL - The Maltings, Station Street, Tewkesbury	141 - 155
PROPOSAL: Replacement of existing timber window units with UPVC double glazed units throughout the building.	
OFFICER RECOMMENDATION: Permit.	
6. CURRENT APPEALS AND APPEAL DECISIONS UPDATE	156 - 158
To consider current planning and enforcement appeals and Department for Levelling Up, Housing and Communities appeal decisions.	

DATE OF NEXT MEETING
TUESDAY, 18 JANUARY 2022
COUNCILLORS CONSTITUTING COMMITTEE

Councillors: R A Bird, G F Blackwell, R D East (Vice-Chair), J H Evetts (Chair), 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.

Agenda Item 4

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 16 November 2021 commencing at
10:00 am**

Present:

Chair

Councillor J H Evetts

and Councillors:

R A Bird, G F Blackwell, M A Gore, D J Harwood, M L Jordan, E J MacTiernan, J R Mason, 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

also present:

Councillor R J Stanley

PL.34 ANNOUNCEMENTS

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

PL.35 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 35.1 Apologies for absence were received from Councillors R D East (Vice-Chair) and P W Ockelton. There were no substitutions for the meeting.

PL.36 DECLARATIONS OF INTEREST

- 36.1 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.
- 36.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
M A Gore	Agenda Item 5d – 21/00449/FUL – The Old Apple Store, Toddington.	Had been contacted by the applicant in relation to the application but had not expressed an opinion.	Would speak and vote.
36.3 There were no further declarations made on this occasion.			

PL.37 MINUTES

- 37.1 The Minutes of the meeting held on 19 October 2021, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.38 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

- 38.1 The objections to, support for, and observations upon the various applications as referred to in Appendix 1 attached to these Minutes were presented to the Committee and duly taken into consideration by Members prior to decisions being made on those applications.

20/00245/FUL - Former Nortonham Allotments, Land West of the A435, Bishop's Cleeve

- 38.2 This application was for the erection of 113 dwellings, provision of access, drainage, public open space, landscaping and associated works.
- 38.3 The Planning Officer advised that the application required a Committee determination on the basis that it was a full application for the erection of more than 10 residential units. She explained that the plans included in the presentation were the latest revisions which incorporated the changes to the fenestration design and layout, as mentioned in the Committee report, and the Additional Representations Sheet attached at Appendix 1, so there were some slight changes from the plans provided in the Committee report. She went on to draw attention to Page No. 33, Paragraph 1.9 of the report, which stated that two pedestrian access points were proposed along the eastern boundary to the A435 and she clarified that, as stated at Page No. 42, Paragraph 7.32 of the report, the additional four pedestrian links were actually four pedestrian access points proposed to the edge of the land within the ownership of the applicant – three extending off the western boundary and the fourth from the south-west corner through the existing allotments.
- 38.4 The Planning Officer advised that the application site was located to the west of the A435 within Bishop's Cleeve and to the east of the Clevelands development covering an area of approximately 3.9 hectares and was irregular in shape. The parcel of land was bound by residential development to the west, allotments to the south-west, the Dean Brook to the north and the A435 to the east. The site comprised grass areas and scrubland and was enclosed by a dense hedge along the northern and eastern boundaries and by a fence line along the western boundary. Although the site was not subject to any landscape delegations, the land immediately adjacent to Dean Brook lay within Flood Zones 2 and 3 and a Public Right of Way ran through the site along the eastern boundary. The application site had been identified in the Main Modifications Tewkesbury Borough Plan as a potential site allocation with an indicative capacity of 85 dwellings. The application was submitted in full and sought permission for the construction of 113 dwellings which would include a mix of house sizes, from one bedroom to four bedroom properties, predominately two storeys in height. The dwellings had been designed to reflect the more contemporary approach of the adjacent Clevelands development. The proposed development would deliver a mix of open market and affordable dwellings; overall, 39.82% of the dwellings would be affordable which equated to 45 of the 113 dwellings. A single point of vehicular access to the development would be created off the A435 and four pedestrian links were shown to the boundary of the site to the west. The submitted plans incorporated areas of green space and additional landscaping across the site, with an attenuation pond and a Locally Equipped Area for Play. Since the application was first submitted, the proposal had been subject to revisions with the latest changes including a reduction in the number of dwellings proposed and changes to the design approach in an

attempt to address concerns raised by Officers. An assessment of the material considerations was included at Pages No. 38-52 of the report. As set out within the report, Officers considered that, when taking account of all of the material considerations and the weight to be attributed to each one, the identified harms would not significantly and demonstrably outweigh the benefits in the overall planning balance. It was therefore considered that the proposed development would constitute sustainable development in the context of the National Planning Policy Framework as a whole. In terms of verbal updates, the Additional Representations Sheet explained that an update would be given as to whether the new allotment provision in Bishop's Cleeve was comparable and whether an off-site contribution towards allotments was required; the Planning Officer confirmed this was still being considered and was listed as a matter to be delegated in the proposed recommendation. Since the Additional Representations Sheet had been produced, the Council's Landscape Officer had confirmed the revised fencing and boundary treatments were acceptable. A further representation had also been received from the Council's Community and Economic Development Manager requesting several financial contributions towards social and community infrastructure and that was currently being reviewed by Officers to establish whether the contributions would meet the three tests set out in the Community Infrastructure Levy (CIL) regulations and the National Planning Policy Framework. Subject to the outcome of the review, this would need to be discussed with the applicant to obtain their agreement to the contributions. As such, the Officer recommendation had been amended to omit the resolved issue in respect of the fencing and boundary treatment and to include securing the financial contribution for the social and community infrastructure if the contributions would meet the CIL regulations. Accordingly, it was therefore recommended that authority be delegated to the Development Manager to permit the application, subject to the satisfactory resolution of any outstanding matters referred to in the Committee report which included a Stage 2 Appropriate Assessment being prepared and deemed acceptable, whether the new allotment provision in Bishop's Cleeve was considered comparable and whether a contribution towards off-site allotment provision was required, the addition to/amendment of planning conditions as appropriate, if necessary, and the completion of an agreement to secure the heads of terms listed at Paragraph 7.70 of the Committee report and a contribution towards off-site social and community infrastructure, if required.

- 38.5 The Chair invited the applicant's representative to address the Committee. The applicant's representative explained that the application was submitted in March 2020 and negotiations with Planning Officers and consultees had taken place in the most testing of circumstances during the coronavirus pandemic. He wished to thank Officers for their hard work and cooperation as they sought to navigate the passage of the application over the last 18 months. At the time of submission, the housing proposal was in support of the draft Tewkesbury Borough Plan and, in the intervening period, the local plan had advanced significantly with the independent Inspector who had assessed it raising no objections to the site's allocation for housing. Following extensive negotiations with Officers that resulted in changes to the proposed mix of houses and their external appearance, the proposal now had the support of all consultees and a delegated permit recommendation from the Planning Officer. Gloucestershire County Council had acknowledged that the site was not required for educational purposes and an education contribution of £650,000 had been agreed. With regard to access and connectivity, County Highways had raised no objections to highway and footpath designs and the applicants had done all they could to provide footpath links to the boundary of the site. All homes within the development would have electric vehicle charging points and ecological enhancements such as improvements to Dean Brook, bird boxes and bat boxes would be incorporated into the development. Pending national legislation would require a minimum of 10% biodiversity net gain and the applicant's representative confirmed that, following work with Gloucestershire Wildlife Trust, a

20% biodiversity net gain could be achieved here through a combination of onsite and offsite mitigation measures. The application had been submitted in full so that all details could be reviewed and considered by Officers, Members and consultees; this approach would assist in the timely delivery of housing from this site and would help strengthen the Council's position in defending speculative planning applications on non-allocated sites. Importantly, the development would deliver 45 affordable homes to help 382 households waiting to be housed in Bishop's Cleeve. In summary, he indicated that the proposal was for contemporary housing which met the requirements of the Urban Design Officer, no objections had been raised by any technical consultees and the site could be delivered in its entirety within five years.

- 38.6 The Chair invited a local Ward Member for the area to address the Committee. The local Ward Member raised concern that the entrance to the junction was on a 50mph bend on a bypass and there was no other access. There was poor connectivity to the Clevelands development with no wheelchair or pram accessibility between the two and the new school would only be accessible by foot as there were no drop-off/pick up points. He was keen for the access to be as easy as possible and he questioned whether County Highways had considered all of this and if the applicant had explored all of the connectivity issues with Clevelands.
- 38.7 The Chair asked the representative from County Highways to respond to the comments made by the local Ward Member. The representative from County Highways explained that the proposed access had been fully considered when the application had been reviewed by County Highways and he advised that the proposed point of access was where the speed limit changed from 50mph to 40mph. The applicant had provided speed surveys which showed that average speeds were 36mph in either direction and County Highways was satisfied with the visibility for the speed of the road. The proposed access would be subject to a Stage 1 Road Safety Audit and could be satisfied via a Section 278 Agreement so there were no concerns in relation to the proposal.
- 38.8 The Chair indicated that the Officer recommendation was that authority be delegated to the Development Manager to permit the application, subject to the satisfactory resolution of any outstanding matters referred to in the Committee report which included a Stage 2 Appropriate Assessment being prepared and deemed acceptable, whether the new allotment provision in Bishop's Cleeve was considered comparable and whether a contribution towards off-site allotment provision was required, the addition to/amendment of planning conditions as appropriate, if necessary, and the completion of an agreement to secure the heads of terms listed at Paragraph 7.70 of the Committee report and a contribution towards off-site social and community infrastructure, if required, 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, subject to the removal of condition 20 in relation to cycle storage provision. The proposer of the motion expressed the view that this condition was inappropriate bearing in mind the agreed policy status of the planning authority and this matter had been discussed at length at the last Planning Committee meeting. He felt it was interesting to note there had been no mention of cycle storage in the comments made by County Highways in May 2020; however, the revised representation on 15 October 2021 had included the condition for cycle storage provision. This was not a policy of Tewkesbury Borough Council and, if it was to become one, it would need to go through the appropriate process rather than being imposed through the back door via County Highways. The seconder of the motion raised concern that no cycle routes were proposed within the development so cyclists would have to go right out of the junction onto the busy road. She felt that County Highways would be better placed seeking Section 106 monies for cycle routes off the site rather than imposing a condition to include cycle storage in the gardens of terraced properties which had no access to the garden other than through the house. She questioned how off-site affordable housing could be

provided with the sum of £13,996 and suggested it would have been better used on-site. In terms of the condition 18 in relation to the provision of electric vehicle charging points, she raised concern that they were required to be retained for the lifetime of the development as this did not take account of how quickly technology could advance and she asked if the wording could be changed to take account of that. The representative from County Highways clarified that, in terms of cycle access, the footpath shown along the A435 in the eastern part of the site was three metres wide and was a shared cycle and pedestrian footpath so there was access for cyclists. With regard to cycle parking, the national policy position was provided in a Local Transport Note in July 2020 as the government wished to increase walking and cycling so that 50% of all journeys were completed by those means. The Department for Transport document required residential units to provide secure cycle parking and changes relating to the national model and design code had come into effect this year requiring cycle storage to be integrated into developments. The Joint Core Strategy required consistency with the parking standards set out in the Manual for Gloucestershire Streets which contained standards for cycle parking and the emerging Tewkesbury Borough Plan included policy in relation to cycling. Gloucestershire County Council's policy was that cycle parking was required in order to encourage trips by bicycle which was why the condition was considered to be necessary for this development. In terms of affordable housing, the Planning Officer explained that SD12 of the Joint Core Strategy required a minimum of 40% affordable housing development outside the Joint Core Strategy strategic allocations and this proposal would provide 45 dwellings which equated to 39.82%; the outstanding contribution of 0.18% equated to a financial contribution of £13,996.50 which was felt to be a reasonable approach to take as, although it would not pay for a new unit, it would be used as a sum to be included in the pot for affordable housing within the borough.

- 38.9 During the debate which ensued, a Member wished to reiterate some points he had raised before in relation to cycling as it was his view that, in order to encourage more people to take up cycling, it was necessary to make the roads as safe as possible to give them confidence to cycle and the money that would be spent on providing cycle storage would be better spent on cycle lanes within the site. He did not feel that people would buy bicycles because they had a storage shed to put it in – the cost of cycling equipment meant that, in his experience, people kept their bicycles in their houses or bolted down in a garage. It seemed to him that the policy-makers had not consulted with cyclists themselves when coming up with these policies. The proposer of the motion noted the points raised by the County Highways representative in terms of the national guidance; however, the fact remained that such detailed policies were made by Tewkesbury Borough Council, via the Tewkesbury Borough Plan. Much thought had been given to cycling and cycle storage by the Tewkesbury Borough Plan Working Group and there was not a policy that required cycle storage sheds to be provided at every single residential unit so he found it unacceptable that County Highways was trying to impose this. Another Member expressed the view that County Highways was trying to do a good job and encourage cycling where possible. She accepted what had been said about the need to improve conditions for cycling but she was surprised that the proposer and seconder of the motion had not requested that condition 19 also be removed on the grounds of being unenforceable – an argument that had been put forward for the removal of cycle storage provision conditions at the last Planning Committee meeting. She had found the Committee report to be very honest and connectivity had been highlighted as one of the biggest weaknesses of the proposal. Whilst she accepted that 85 dwellings was a recommended level for the site rather than a maximum, she had still been surprised that the proposal was for 113 dwellings in light of the other issues, not least the increased traffic on the bypass. In terms of the housing mix, she noted that Pages No. 44-45, Paragraphs 7.43-7.44 of the Committee report, stated that the Gloucestershire Local Housing Needs Assessment 2019 – Final Report and Summary set out that 3% of new market

dwellings should be one bedroom properties but the housing mix here would be seven two bedroom properties, 38 three bedroom properties and 23 four bedroom properties so she asked whether any one bedroom properties were included in the proposal. In response, the Planning Officer confirmed that there would be one bedroom properties within the affordable housing but no one bedroom properties were proposed among the market dwellings. Another Member indicated that his issue with the cycle storage condition was that it was unenforceable. The proposer of the motion felt that it was up to developers to decide if they wished to provide cycle storage but it was wrong to impose that condition upon them for the reasons he had already explained. This had been debated in considerable detail when Members had discussed the Tewkesbury Borough Plan and it was not a policy of the Council, therefore, including a condition requiring cycle storage at the request of County Highways was policy-making by the back door which was unacceptable in his view. If the Planning Officer wished to engage with the developer, and the developer was willing to provide the cycle storage, that was fine but he did not think it should be dictated as a condition of granting planning permission. The Legal Adviser pointed out that Policy TRAC2 of the Tewkesbury Borough Plan related to cycle network and infrastructure and that Paragraph 10.14 of the reasoned justification stated that "*All development can have a role to play in promoting cycling and the cycle network. However, it is recognised the scale of a proposal will influence to what extent it can contribute. Small-scale residential developments, for example, may only be able to make a limited contribution and only ensure access to any existing routes is provided as well as providing individual storage facilities.*" The proposer of the motion confirmed that it had been discussed in detail what the policy should say and how it should be considered but it was never intended to impose this standard on every new housing unit in the borough. The Chair questioned whether there was an issue with the inclusion of condition 19 on the basis of being unenforceable and clarification was provided that this allowed the garage/car parking space(s) to be retained as such and not used for any other purpose than the garaging of private motor vehicles associated with the residential occupation of the property and ancillary domestic storage so this was not considered to be unenforceable.

- 38.10 A Member reiterated that cycle storage provision conditions had been discussed at length at the last Planning Committee meeting and his personal stance was that their inclusion was generally a positive thing that should be supported. He indicated that he was completely against the removal of condition 20. The Development Management Team Leader (North) advised that Officers put forward their professional recommendation based on the guidance available in accordance with the Council's development plan. In order to move forward, it was within Members' gift to decide whether they wished to remove the condition, retain the condition or whether they wished to make minor amendments to the wording. The proposed condition did not talk specifically about a cycle shed, rather it required "sheltered, secure and accessible bicycle parking" and it was possible to amend the wording to allow the structure to be used for ancillary domestic storage; clearly the occupants may not have a bicycle but it was important that the structure was large enough for those who did have one to be able to store it. The seconder of the motion was still of the view that it would be unenforceable and suggested that a vote be taken on the motion that was on the table. Another Member suggested that this particular condition be removed from all planning applications in future in order to prevent having this debate at every meeting. She remembered a time when County Highways insisted on new residential developments having two parking spaces per property; that had been 'fashionable' at the time but was no longer a requirement. Everyone wanted to be seen to be green but it was important to be realistic. She felt the condition in relation to cycle storage provision could not be enforced and that it should not be included in any future applications. The Legal Adviser indicated that Members had received advice from Officers on the policy basis for the recommended condition and their professional view and consistency would come

into play going forward depending on the outcome of this application. In response to a query as to whether the condition could be removed from all applications in totality, the Legal Adviser advised that she had provided the relevant wording within the Tewkesbury Borough Plan and it was not for this Committee to remove that. The Development Management Team Leader (North) advised that Officers had been discussing this issue outside of the Committee and she undertook to speak to County Highways to decide how this could be addressed going forward.

- 38.11 Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to the satisfactory resolution of any outstanding matters referred to in the Committee report which included a Stage 2 Appropriate Assessment being prepared and deemed acceptable, whether the new allotment provision in Bishop's Cleeve was considered comparable and whether a contribution towards off-site allotment provision was required, the addition to/amendment of planning conditions as appropriate, if necessary, and the completion of an agreement to secure the heads of terms listed at Paragraph 7.70 of the Committee report and a contribution towards off-site social and community infrastructure if required, and the removal of Condition 20 in relation to cycle storage provision.

21/00259/FUL - Land at Claydon Farm, Claydon, Tewkesbury

- 38.12 This application was for construction of a solar farm and battery storage facility together with all associated works, equipment and necessary infrastructure.
- 38.13 The Planning Officer advised that the application site comprised two connected parcels of land; the eastern parcel of the site was the largest at 96 hectares and comprised 12 agricultural fields located to the south of Claydon Farm and to the east of Fiddington. Temporary permission was sought for a 40 year period for the solar panels, battery stations and associated equipment which would be removed after that time. The western parcel of land extended to 0.37 hectares and comprised part of an agricultural field which was currently used for pastoral farming to the south of Bozard's Lane, approximately 250 metres to the east of Tredington. Planning permission was sought for that part of the site for a sub-station and associated access on a permanent basis. The east and west parcel of land were connected by Bozard's Lane and a cable linking the two parts of the proposal would be laid within the carriageway to connect the two parcels. The applicant had advised that the solar farm would provide for up to 49.9 megawatts of electricity which could help meet the energy needs of approximately 10,000 homes and the proposal would make a significant contribution to meeting targets for renewable energy as well as the reduction of greenhouse gases. The application was supported by a sequential analysis study and an agricultural land classification report which confirmed that the majority of the site was Grade 3b agricultural land. The sequential analysis demonstrated that there were no available or suitable areas of previously developed land, or lower quality agricultural land, suitable for the development within a reasonable catchment area. In terms of the visual impact of the solar farm, the site was outside of the Area of Outstanding Natural Beauty and Special Landscape Area, and the network of mature hedgerows and trees around the site and within the surrounding area filtered views into and across the site. The overall impact of the proposed solar farm on the landscape character area and on the character of the site was considered by the Council's Landscape Officer to be minor adverse; the impact of the development would ultimately be reversible. There would be detrimental impact on residential amenity during the construction phase of the development; however, given this was temporary and the extent of the impact

could be controlled and mitigated through conditions, it would not be unacceptable. The Council's Ecological Advisors and Tree Officer had been consulted on the application and raised no objection, subject to appropriate planning conditions to protect retained trees and secure the proposed biodiversity enhancements. In addition, County Highways, the Lead Local Flood Authority and County Archaeologists also raised no objection to the proposal. Overall, Officers considered that the benefits of the proposal outweighed the identified harm and the application was generally in accordance with development plan policy. After publication of the Committee report, a request had been received from National Highways that the application was not determined until additional information had been provided in relation to the precise route, method and extent of works required for the cabling connection from the proposed solar farm to the proposed substation. As such, the Officer recommendation had been amended to delegate authority to the Development Manager to permit the application, subject to National Highways concerns being resolved.

- 38.14 The Chair invited the applicant's representative to address the Committee. The applicant's representative explained that, against the backdrop of COP26, he was honoured to offer a sensible but bold response to climate change to support the borough and county targets. A crucial step towards fighting climate change was to decarbonise the electricity system and the government had legislated that the UK would be net zero by 2050 with Gloucestershire County Council declaring in May 2019 that it would follow suit – the applicant was ready to make a significant contribution to meeting those commitments. The land at Claydon Farm, half of which had previously been approved for a solar installation, would lead to the equivalent displacement of over 20,000 tonnes of carbon annually compared to fossil fuel generation; that was the equivalent demand of over 10,000 homes which equated roughly to one quarter of homes in Tewkesbury borough. The Committee report demonstrated the designs put forward were technically sound and sensitive to the local environment and, subject to satisfying the late request from National Highways to provide more information, the scheme would have received no professional consultee objections, resulting in a positive recommendation from the Planning Officer. The limited number of objections from the community were noted and the applicant's representative welcomed the eight letters of support the plans had received from residents. The desire to protect the highest quality and most versatile agricultural land was recognised and comprehensive studies had been conducted to inform the application. The applicant's representative was pleased with the conclusion drawn in the Committee report that there were "no previously developed sites available or suitable sites of lower quality agricultural land (Grade 4 or 5) suitable for the solar park development". The plans did, however, include provision for sheep grazing during the operation of the solar farm, ensuring that the site could still be used for certain agricultural practices. The applicant recognised the importance of the landscape in this part of the county and had brought forward a scheme which would have a very limited impact in that regard. The Landscape Advisor agreed there would be no significant effects on the landscape and visual receptors. That was further mitigated by the commitment to additional planting of hedgerows, trees and wildflower areas which would also significantly improve the overall biodiversity. Beyond the significant impact in tackling climate change, the proposals would also deliver substantial and tangible benefits for the local community including the resurfacing of over one kilometre of bridleway running through the site, as well as a rooftop solar panel system for Ashchurch Village Hall which was in addition to approximately £7.6m worth of business rates which would be generated over the lifecycle. The applicant's representative thanked Members for the opportunity to address the Committee and respectfully requested that they support the Officer recommendation.

- 38.15 The Chair indicated that the Officer recommendation was that authority be delegated to the Development Manager to permit the application, subject to National Highways concerns being resolved, and he sought a motion from the floor. A Member asked for an explanation as to why the application was recommended for a delegated permit as opposed to a deferral in light of the request from National Highways that the application not be determined until the additional information had been provided in relation to the precise route, method and extent of works required for the cabling connection from the proposed solar farm to the proposed substation. She also noted that Page No. 76, Paragraph 1.7 of the report, stated that the temporary permission would be for a period of 40 years but her recollection was that previous applications for solar farms had generally been for a 25 year period and she asked whether technology had improved so much in a short space of time that it would now last for the 40 year period. In response, the Planning Officer explained that National Highways had effectively put in a holding objection asking that the application not be determined until the required information had been provided and that could not be dealt with by condition. The matter was in hand as the applicant was preparing the information so National Highways would be consulted as soon as it was received and it was hoped things would move forward quickly. In terms of Paragraph 1.7 of the report, he had been involved in a number of applications for solar farms during his time at Tewkesbury Borough Council and it was not uncommon now for temporary permissions to be sought for a period of 40 years which he understood was as a result of improvement technology and solar panels operating for a longer period. The Member raised concern that the delegated permission would result in a longer delay in the determination of the application and she asked the Planning Officer for an indication as to how long it might take, or whether it would be more expedient to defer. In response, the Planning Officer explained that the applicant had been asked to provide the required information and, once received, it would be subject to a 21 day standard consultation. A delegated permission would allow the decision notice to be issued once the information had been considered by National Highways and found to be acceptable so that was considered to be the most efficient way to progress a decision.
- 38.16 Another Member raised concern as to what would happen to the 10,000 properties which would receive electricity via the solar farm at the end of the 40 year period and whether the solar panels would be taken to landfill or if they would be recycled. The Planning Officer advised that recommended condition 30 required a decommissioning method statement to be submitted to, and approved by, the Local Planning Authority which would set out the detail of the restoration of the site to its current state; what happened to the solar panels themselves was a matter for the operator. The Member felt that, in terms of the reduction of carbon, it would be more effective for the solar farm to run continuously rather than for a set period of 40 years beyond which it would stop. Another Member recognised the fact that electricity was needed so it was a question of how to produce it in a greener way which used less carbon. This development offered an opportunity to provide electricity in a safe, green environment and, whilst he was sure there would be a way of recycling the units in 40 years' time, it was not possible to predict the future so it was necessary to focus on what could be done now. In terms of the impact on the countryside, he indicated there was a solar farm near Gretton which looked like a field of lavender or rapeseed from a distance so he felt the impact on the countryside views would be limited. On that basis, he proposed that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation. This proposal was duly seconded. A Member indicated that he did not disagree with the proposer of the motion; however, an important point had been raised in terms of whether it would be better to defer the application until the relevant information had been received from the applicant. He appreciated why the proposal was for a delegated permission but he felt that the

request from National Highways was a fairly fundamental issue and it would be sensible to defer the application to put the onus on the applicant. He was rather surprised that level of detail had not been discussed at this stage of the application process and he proposed that the application be deferred. The proposal was duly seconded. Upon being put to the vote, the motion for a deferral was lost. The motion that authority be delegated to the Development Manager to permit the application, subject to National Highways' concerns being resolved, which had already been proposed and seconded, was subsequently put to the vote and it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to National Highways' concerns being resolved.

21/00692/FUL - 10 Yarlington Close, Bishop's Cleeve

- 38.17 This application was for the erection of a single storey and two storey rear extension, conversion of existing loft space to include removal of half-hips and creation of rear dormer extension.
- 38.18 The Planning Officer advised that a Committee determination was required as the Parish Council had objected to the proposal on the grounds that the design was out of character with the area, the proposal was too large and overbearing and would have a harmful impact on neighbouring dwellings. Whilst the Parish Council's concerns had been noted, the two storey rear extension would only project out by 3.6 metres and the first floor aspect would only be 3.6 metres in width. The rear dormer as revised had been reduced in size and would be set well down from the ridge line. The dwelling had not been previously extended apart from a rear conservatory which would be removed as part of the proposal. In relation to the impact on the neighbours, overlooking would not be harmful given that the window to window distance with the nearest neighbours at the rear would be approximately 23 metres. It was recognised there would be some loss of light and outlook to the nearest dwellings to the west; however, taking into account that the application had been revised and would be further from the boundary, along with the orientation of the sun, it was not considered to be harmful and would not warrant refusal of planning permission. Overall, the revised proposal was considered to be of a suitable size and design and there would be no adverse impact on the neighbouring properties, therefore, the Officer recommendation was to permit the application.
- 38.19 The Chair indicated that the Development Management Team Leader (South) would read out a statement from the applicant who had been unable to attend the meeting due to extenuating personal circumstances. The Development Management Team Leader (South) doing so stated that the applicant had submitted plans to build a single storey and two storey extension at the back of his house and to convert current loft space into a dormer overlooking the back garden. The application was very important to them as it would provide a family with young children with the space and amenities they would need as they grew up. As part of the process, the proposals had been scrutinised by the Parish Council's Planning Committee where they had been supported; however, the plans did not win universal support and a very small number of residents had registered their objections. The concerns had been taken very seriously and the applicant had asked to meet with the planning authorities to understand the type and nature of the changes that could be made to ensure the proposals conformed with planning regulations. The applicant had held open house meetings with the neighbours, as well as Parish Councillors and Borough Council Officers, where the proposed changes had been discussed and they had listened to the views expressed by others. The changes included the removal of windows on the ground and first floors and a reduction to the size of other windows, the proposed dormer size and the overall two storey extension itself. It was hoped that by listening and responding – making considerable compromises

to address any concerns – that the application would receive a fair and objective hearing. Revised plans had been submitted to the Borough Council on that basis triggering a further review by the Parish Council which subsequently decided not to support the application with one Councillor voting on the basis that he had “never liked three storey houses”. The applicant considered the lack of Parish Council support for the revised plans to be bizarre given that the Agenda for the Parish Council meeting on 14 October 2021 stated “Committee supported original larger application and objected to revised reduced scale application”. The applicant therefore asked that Members examine the application with the kind of independent objectivity they would apply to any application before them and, on this occasion, they had the benefit of the advice of the professional Planning Officers who had scrutinised the proposals and had provided their own recommendation. The applicant respectfully requested that Members support the Officer recommendation to permit the application.

- 38.20 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 permitted in accordance with the Officer recommendation. The proposer of the motion was disappointed that the Parish Council had not sent a representative to address the Committee given its objection to the proposal. Upon being put to the vote, it was

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

21/00449/FUL - The Old Apple Store, Toddington

- 38.21 This application was for the erection of a single storey side extension and installation of windows.
- 38.22 The Planning Officer advised that a Committee determination was required as a local Ward Member had called in the application to assess the impact on the Area of Outstanding Natural Beauty and the Special Landscape Area. The dwelling was a former agricultural building which had been converted to a dwelling in 2007 and it was Officers’ view that any agricultural character had already been significantly diluted, meaning the addition of new windows and the proposed extension would be acceptable in the context and would not cause any additional harm. The site was considered large enough to accommodate the extension and, whilst visible from the Special Landscape Area and Area of Outstanding Natural Beauty, the proposed alterations would appear insignificant in scale when viewed from those areas and would not have an adverse impact on the landscape character over and above the existing situation. As such, it was recommended that the application be permitted.

- 38.23 The Chair indicated that there were no public speakers for this item 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.

20/00948/FUL - Stoke House, Stoke Road, Stoke Orchard

- 38.24 This application was for the erection of two detached dwellings and associated garages. It was noted that the application also involved the demolition of an existing garage and the erection of a new one for the host dwelling which needed to be added to the description of development.

- 38.25 The Planning Officer advised that the application required a Committee determination as the Parish Council had objected to the proposed development. The application related to land at Stoke House which was currently occupied by a detached two storey property set back from the main road. The site comprised a residential dwelling and its associated curtilage and was bound by hedgerows and wire fencing. The application site was bordered by employment development to the north, residential development to the west and east and open fields to the south. It was noted that the application site was not subject to any formal landscape designations. The application was submitted in full and sought permission for the construction of two detached dwellings to the south of the existing property. Each property would be two storeys in height and set back from the main road in a staggered fashion. The dwellings would utilise the existing site access which currently served the existing dwelling and each property would benefit from space for turning and manoeuvring within the site whilst garaging would also be included for off-driveway parking. An assessment of the material considerations was set out at Pages No. 147-154 of the Committee report. At the time of writing the Committee report, a preliminary ecological appraisal had not been submitted; however, the agent had recently confirmed that the ecological survey on the application site had been carried out and that the report would be submitted for review shortly. Given that the report had not been submitted or reviewed by the Council's Ecologist, the Officer recommendation remained the same as detailed in the Committee report which was that authority be delegated to the Development Manager to permit the application, subject to the resolution of any outstanding matters referenced in the report, and the addition to/amendment of planning conditions as appropriate, if necessary.
- 38.26 The Chair invited the applicant's agent to address the Committee. The applicant's agent thanked Officers for their thorough report and the recommendation for delegated permission, subject to conditions and the submission of the preliminary ecological appraisal. He advised that the new homes would be located within the emerging settlement boundary of Stoke Orchard and would help the borough meet its housing supply targets. As correctly stated in the report, the development would not result in any harms that would warrant refusal. Members would also note there were no objections from residents or third party consultees. Whilst concerns had been raised by the Parish Council, those matters had been considered fully by Officers. In terms of highway impact and trip generation, the development was deemed safe and acceptable by County Highways and no objections were raised. The applicant also proposed a new footway to the front of the site entrance providing access to the village. With regard to the perceived overdevelopment of the site, it could be noted from the plans that the design would be consistent with the vernacular of the local area and would not detract from the pattern of the village or wider character. An appropriate interrelationship between all properties had been ensured whilst still providing acceptable levels of private amenity space. The ecology report, as requested by the Council's Ecologist, was currently being finalised; however, the site was not within an area of high ecological sensitivity and was low value and the survey had not flagged any ecological concerns. Nevertheless, ecological enhancement measures, such as provision of bat and bird boxes and new planting, were proposed as part of the application. In summary, these homes would be unobtrusive, well-designed and in accordance with the emerging local plan. As such, the applicant's agent respectfully requested that Members delegate permission in accordance with the Officer recommendation.

38.27 The Chair indicated that the Officer recommendation was that authority be delegated to the Development Manager to permit the application, subject to the resolution of any outstanding matters referenced in the report, and the addition to/amendment of planning conditions as appropriate, if necessary, 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, subject to the removal of condition 12 in respect of cycle storage provision. Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to the resolution of any outstanding matters referenced in the report, the addition to/amendment of planning conditions as appropriate, if necessary and the removal of condition 12 in respect of cycle storage provision.

21/00054/OUT - 1 Court Drive, Apperley

- 38.28 This was an outline application for the erection of a single dwelling; all matters except access reserved for future consideration.
- 38.29 The Planning Officer advised that the application required a Committee determination due to an objection from the Parish Council. The application site was located along Court Drive, on the approach to Apperley Court, to the south core of the village of Apperley. The site measured approximately 0.08 hectares and was broadly rectangular with its eastern boundary forming a road frontage onto Court Drive. The site was formerly used as garden to No. 1 Court Drive and was laid to lawn. The boundaries were defined by mature native hedges with some trees within. The application sought outline planning permission for the erection of one dwelling with all matters reserved for future consideration except for access. An indicative proposed site plan had been submitted which demonstrated how the dwelling and associated parking could be accommodated on site. An assessment of the material considerations was set out at Pages No. 169-177 of the Committee report. At the time of writing the Committee report, a preliminary ecological appraisal had not been submitted and the Planning Officer confirmed that the appraisal had recently been submitted and would now be reviewed by the Council's Ecologist. Given that the appraisal had not yet been reviewed, the recommendation remained the same as detailed in the Committee report which was that authority be delegated to the Development Manager to permit the application, subject to the resolution of ecology matters and the addition to/amendment of planning conditions as appropriate, if necessary.
- 38.30 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 the resolution of ecology matters and the addition to/amendment of planning conditions as appropriate, if necessary, 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, subject to the removal of condition 12 in respect of cycle storage provision. A Member indicated that there was clearly a pattern emerging with regard to the conditions around cycle storage provision and, whilst she accepted it was not the majority view, she wished to record her objection to the continual removal of conditions for cycle storage provision. Upon being taken to the vote, It was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application subject to the resolution of ecology matters, the addition to/amendment of planning conditions as appropriate, if necessary and the removal of condition 12 with respect to cycle storage provision.

PL.39 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

- 39.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 184-195. Members were asked to consider the current planning and enforcement appeals received and the Department for Levelling Up, Housing and Communities appeal decisions issued.
- 39.2 A Member drew attention to Page No. 191 of the report and the appeal decision in respect of application 20/00464/FUL – Part Parcel 3152, Tewkesbury Road, Deerhurst which had sought full planning permission for the erection of a B2 unit (general industrial) with associated landscaping, access and parking and outline planning permission (all matters reserved except access) for a mix of B1, B2 and B8 use classes (employment) and had been dismissed by the Inspector. The application had been refused by the Planning Committee due to highway concerns which was contrary to the Officer's minded to permit recommendation. The Member felt that credit was not always given to the Committee for the sensible way in which it made decisions and the solid reasons for refusal that had been put forward in respect of this particular application had been accepted by the Inspector.
- 39.3 It was

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

The meeting closed at 11:29 am

Appendix 1

ADDITIONAL REPRESENTATIONS SHEET

Date: 16 November 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>20/00245/FUL</p> <p>Former Nortenham Allotments, Land West Of The A435, Bishops Cleeve</p> <p>Additional Representation</p> <p>Councillor Richard Stanley has raised concerns with the proposal. These are summarised below:</p> <ul style="list-style-type: none"> • entrance to the development is on a very busy 50mph bypass on a bend; • poor connectivity to the Clevelands estate would not only impact the proposed development but would also act as a blocking barrier between the new school and the existing Clevelands estate; • no requirements for s106 cycleways and no account taken of the Gloucestershire County Council's own climate emergency; and • Gloucestershire County Council are planning to change the layout of the A435 to create access for the new school. <p>Officer Update</p> <p><u>Update on Outstanding Matters</u></p> <p>At the time of writing the Committee report there were a number of outstanding matters required to be resolved. An update on each, in the order in which they appear in the Committee Report, is provided below:</p> <ul style="list-style-type: none"> - In terms of the changes to the fenestration details on a number of plots, the amended plans have been reviewed and Officers consider the revisions acceptable. - The revised details, in respect to a small number of fencing and boundary treatments, are currently still being assessed. An update will be provided at Planning Committee. - Amended plans, which demonstrate minor changes to a small number of plots to ensure satisfactory separation distances, have been reviewed. Officers are now satisfied that the proposed development would create a place with a high standard of amenity for existing residents on land adjacent the development site and future residents of the development. - A Stage 2 Appropriate Assessment is currently being prepared. Once this has been provided the assessment will be forwarded to Natural England for review. - Consideration is still being given as to whether the new allotment provision in Bishop's Cleeve is comparable and whether an off-site contribution towards allotments is required. An update will be provided at Planning Committee.

	<p>- In respect of the matters that have been resolved, no further harm has been identified and therefore a new balancing exercise has not been carried out.</p> <p>Revised Recommendation</p> <p>As detailed above, a number of outstanding matters previously reported have now been addressed. Given this, the recommendation has been amended to omit any matters which have been resolved. As such the recommendation is:</p> <p>That authority be DELEGATED to the Development Manager to PERMIT the application, subject to the satisfactory resolution of the outstanding matters referred to in the report, which include changes to a small number of fencing and boundary treatments, a Stage 2 Appropriate Assessment being prepared and deemed acceptable, whether the new allotment provision is considered comparable and whether a contribution towards off-site allotment provision is required, the addition to/amendment of planning conditions as appropriate, if necessary, and the completion of an agreement to secure the heads of terms listed in Paragraph 7.70 of the Committee report.</p> <p>Revised Condition</p> <p>In light of the receipt of a number of amended plans, an updated Drawing Register and Issue Sheet has been received and therefore Condition 2 set out in the Committee report should be changed to the following:</p> <p>Unless where required or allowed by other conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the information provided on the plans/drawings/documents detailed in the Drawing Register and Issue Sheet, dated 01.11.21, and the Additional List of Drawings, dated 15.11.21.</p> <p>Reason - To ensure that the development is carried out in accordance with the approved plans.</p>
5b	<p>21/00259/FUL</p> <p>Land At Claydon Farm, Claydon, Tewkesbury</p> <p>Further to the preparation of the Committee report, a consultation response has been received from National Highways requesting that the application is not determined until additional information has been provided in relation to the precise route, method and extents of works required for the cabling connection from the proposed solar farm to the proposed off-site substation. National Highways has raised concern that it is evident that the cabling route will interact with the M5 motorway and therefore the applicant will need to consider any physical/safety/maintenance impact to National Highways assets and the routing of the cable along the M5 Teddington/Woolstone Road structure (Highway Overbridge and Large Culvert). National Highways require the applicant to secure a Technical Approval in Principle under DMRB CG300 and any other relevant standards prior to the determination of the planning application to demonstrate that the connection will not affect the structural integrity of the motorway or structural asset. National Highways also highlight that, if a means of cable connection is to be provided under the M5 motorway by directional drilling, further details will be required by way of a geotechnical assessment in the format prescribed in DMRB CD 622 'Managing Geotechnical Risk'.</p> <p>National Highways raise no objection in regard to construction traffic management, traffic generation during the operational phase, glint and glare or flood risk (potentially subject to the imposition of planning conditions which will be provided by National Highways in a future consultation response).</p>

The applicant has been advised of the request for additional information and it is a requirement for National Highways to be re-consulted on the application once the revised information is received.

The recommendation to Planning Committee is therefore altered to 'delegated permit, subject to National Highways concerns being resolved'

Since the preparation of the Committee report, revised wording to recommended condition 28 has also been agreed between Network Rail, the applicant and Planning Officers. **In light of these discussions, it is recommended that condition 28 is amended to state:**

"Within three months of the date of the installation of the approved development and in the event that Network Rail (or any train operating company using the rail network in this locality) identifies incidents of glare which (in its opinion) has the potential to interfere with a train drivers vision or signal sighting, then the developer and/or operator of the development hereby approved shall identify appropriate mitigation of the identified occurrence of glare with the written agreement of Network Rail. Thereafter, the development shall continue in accordance with the agreed mitigation measures and shall be retained as such."

Reason: In the interests of public safety and to ensure the safe operation of the rail network."

It is also recommended that condition 2 is varied to include reference to the typical ballasted single axis tracker plan which has omitted from the list of approved plans. As such condition 2 is to be amended as follows:

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

- P20-0069_08 REV I Site Layout and Landscape Strategy Plan
- P20-0069_17 REV A Proposed Substation Layout
- Typical 132 kV compound 49.9 MW Rev A dated 26 October 2021
- Bridleway enhancement details Rev A dated 26 October 2021
- Typical single axis tracker table details Rev A dated 10 February 2021
- Typical ballasted single axis tracker table details Rev A dated 5 August 2021
- Typical Fence, Track & CCTV Rev A dated 10 February 2021
- Typical Inverter Building Details Rev A dated 10 February 2021
- Typical Spares Container Details dated 10 February 2021
- Typical customer Switchgear Details Rev A dated 10 February 2021
- Typical battery station details Rev A dated 10 February 2021
- Claydon Solar Farm, Ecological Assessment Report (Including appendices reports) Pegas-075-1259 Issue V5 dated 04/10/2021 prepared by Avian Ecology
- Proposed Solar Farm, Land at Claydon Farm, Tewkesbury, Gloucestershire Flood Risk Assessment Issue 2 dated 01.10.2021 prepared by PFA Consulting
- Noise Assessment, Claydon Solar Farm Revision 1.3 dated 9/9/21 prepared by prepared by LF Acoustics Ltd
- Claydon Solar Farm, Tewkesbury Archaeological Evaluation Report Ref 244850.2 Issue 2 dated 09/06/2021 prepared by Wessex Archaeology
- Arboricultural Impact Assessment Claydon Solar Farm dated September 2020 prepared by Barton Hyett Associates

	<ul style="list-style-type: none">- Claydon Solar Farm, Construction Traffic Management Plan Ref P20-0069 dated February 2020 prepared by Pegasus Group- P20-0069 Figure 2 General Construction Site Proposed Access Arrangements dated 16/09/2021- P20-0069 Figure 4 Substation Access Visibility Splays dated 16/09/2021- Claydon Solar Farm, Site Waste Management Plan Ref P20-0069 dated February 2020 prepared by Pegasus Group- Solar Photovoltaic Glint and Glare Study, Claydon Solar Farm dated February 2021 prepared by Page Power <p>Except where these may be modified by any other conditions attached to this permission.</p> <p>Reason: To ensure that the development is carried out in accordance with the approved plans.</p>
--	---

TEWKESBURY BOROUGH COUNCIL

Minutes of a Special Meeting of the Planning Committee held at the Council Offices, Gloucester Road, Tewkesbury on Tuesday, 30 November 2021 commencing at 11:00 am

Present:

Chair
Vice Chair

Councillor J H Evetts
Councillor R D East

and Councillors:

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

PL.40 ANNOUNCEMENTS

- 40.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 40.2 The Chair gave a brief outline of the procedure for this special Planning Committee meeting.

PL.41 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 41.1 Apologies for absence were received from Councillors G F Blackwell, M L Jordan, J R Mason and P D Surman. Councillors K Berliner and J W Murphy would be substitutes for the meeting.

PL.42 DECLARATIONS OF INTEREST

- 42.1 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.
- 42.2 There were no declarations made on this occasion.

PL.43 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

- 43.1 The objections to, support for, and observations upon the application as referred to in Appendix 1 attached to these Minutes were presented to the Committee and duly taken into consideration by Members prior to a decision being made on the application.

21/00451/OUT - Land to the North West of Fiddington, Fiddington, Tewkesbury

- 43.2 This was an outline application for residential development (up to 460 dwellings), a primary school, associated works, ancillary facilities and infrastructure, open space, recreation facilities and landscaping. Vehicular access from the A46 (T) and Fiddington Lane. The Planning Committee had visited the application site on 30 November 2021 prior to the meeting.

- 43.3 The Development Management Team Leader (North) advised that the appeal site was a 52 hectare parcel of land which lay to the south of the A46(T) and the east of the M5. The majority of the site lay immediately south of the recently approved 'Land at Fiddington' where a mixed use development including up to 850 dwellings had been permitted. To the north was the consented retail outlet and garden centre which was currently under construction. The southern boundary of the site was formed by the limit of the rear garden of a property known as Bungalow Farm, with the eastern boundary lying adjacent to agricultural fields and the extent of the rear gardens of a small number of properties on the minor road which ran between Fiddington and Ashchurch. The site itself comprised arable fields with boundary hedges and trees, scattered scrub and seasonally wet ditches. A block of woodland, known as Milne's Covert, lay to the western part of the site. The site was not subject to any designations and the majority fell within Flood Zone 1. A public footpath passed through the north-eastern corner of the site before running along its eastern boundary. A bridleway also ran along the northern boundary; this formed part of the Gloucestershire Way which was a long-distance route. Members were advised that the proposal was submitted in outline and sought permission for up to 460 dwellings, including policy compliant affordable housing, together with a one form of entry primary school, open space, recreation facilities, landscaping and associated infrastructure. The proposal shared the same access arrangements onto the A46(T) and Fiddington Lane as the permitted development referenced previously. An illustrative masterplan and parameters plan had been submitted to demonstrate how the site could be developed. As assessment of the main material considerations was set out at Pages No. 14-48 of the Committee report with the key harms and benefits highlighted.
- 43.4 Turning to the principle of development in this location, Tewkesbury was identified as a top tier settlement in the Joint Core Strategy settlement hierarchy and was recognised in Policy SD2 as a location where dwellings would be provided to meet the identified housing needs of Tewkesbury in line with its role as a market town. The application site formed part of the wider Tewkesbury Town area and was broadly consistent with the strategy as set out in Policy SP2 to meet the housing and/or employment needs of the borough. Nonetheless, the site was not allocated for housing in the Joint Core Strategy and therefore needed to be considered against Joint Core Strategy Policy SD10. Proposals for unallocated sites would only be permitted in certain circumstances, none of which applied in this case; therefore, the application conflicted with Policy SD10 and the spatial strategy comprising Policy SD2 and Policy SD10 read together. Members would be aware of the current circumstances surrounding the five year housing land supply position in respect of the Ashmead Drive appeal decision, the Inspector's treatment of past oversupply in the calculation of the five year supply and the subsequent High Court judgement. More recently the Council had received two appeal decisions following public inquiries where the issue of oversupply was debated and which provided support for the inclusion of oversupply in the calculation. Officer advice was that a 4.39 year supply could currently be demonstrated; however, since that fell below a five year supply of deliverable housing, the presumption in favour of sustainable development was engaged in this case. Notwithstanding this, the Tewkesbury Borough Plan was at an advanced stage in the examination process with the main modifications having been approved by Council and currently out to consultation with an anticipated adoption date of spring 2022. It was expected that, on adoption, the Plan would provide a housing land supply of 6.48 years up to 2029/30 based on a trajectory which took into account oversupply which had been approved by the Borough Plan Inspector. Given the advanced stage of the Borough Plan, it now carried significant weight in the plan-making process and therefore the five year housing land supply position as set out in the Borough Plan was a material consideration in the determination of the application. Officers had considered the extent to which the appeal site would contribute towards the five year housing land supply; the appellant had stated that the site would provide early delivery, and be delivered in

its totality within five years, but had not provided evidence through the application to demonstrate this. The permitted scheme for 850 dwellings had not come forward at the speed it was projected and it was estimated that the earliest realistic date that the first 50 dwellings could be delivered on site was 2023/24. Furthermore, the appeal scheme was reliant on the access from the permitted scheme and, on the basis of the current pace of delivery of the permitted scheme, Officers considered that the projected housing delivery from this appeal scheme was over-optimistic with no evidence to demonstrate how it would make a timely or meaningful contribution towards five year supply. In view of the limited contribution that the appeal scheme – and the permitted scheme – would make to five year supply, Officers considered that the weight to be attributed to the contribution of these schemes to the borough's five year supply of housing land was diminished. The Development Management Team Leader (North) went on to explain that the appeal site lay within the Tewkesbury Garden Town area which advocated a comprehensive, planned development strategy for future housing, employment and infrastructure needs. The recently published concept plan identified the appeal site as a strategic location for future residential development; however, at the current time the concept plan did not have any status as a planning document and the inclusion of the application site within it did not prejudice or pre-judge the normal operation of the planning system. Nonetheless, the Garden Town status and government support for growth, in the context of a comprehensive, planned development strategy, was material consideration. In summary, the development was in conflict with the housing policies of the adopted development plan for the area. As the Council could not demonstrate a five year supply of deliverable housing sites, the presumption in favour of sustainable development was engaged; however, the appellant had not demonstrated that the site would be deliverable, or make a significant contribution to the supply of houses, within the five year period. Moreover, by that time the Council would have an adopted plan with a five year housing land supply and the site would not, therefore, contribute to the overall supply. Officers considered this weighed heavily against the proposal in the planning balance.

- 43.5 Moving to some of the other material considerations, the Development Management Team Leader (North) explained that indivisible with the principle of new dwellings in this location was the impact a development of this scale would have on the local landscape. Whilst the development was not considered to cause wider harm to the setting of the Area of Outstanding Natural Beauty, Officers felt that the local landscape harm that would arise from the development would be a permanent, significant and adverse impact and would represent a significant intrusion into the rural landscape which weighed against the proposal. In terms of highways, the impact of the development on the local and strategic highways networks had been assessed by statutory consultees. The Council had also appointed a transport consultant to independently review the traffic and transportation information submitted in support of the application. The report of the consultant, in the form of a technical note, was included in the Additional Representation Sheet, attached at Appendix 1, and the transport consultant was in attendance to address any questions in that regard. County Highways was satisfied that the impact of the development on the local highway network could be addressed, subject to appropriate conditions and obligations. In terms of the strategic highway network i.e. the M5 and A46, National Highways had provided a response which recommended that planning permission should not be granted for a period of three months – that period had not yet expired. National Highways had requested additional information from the appellant to settle outstanding matters which, to date, remained unresolved. It was understood that National Highways was still in the process of reviewing the information and would provide a response to the Inspector in due course. The Council's independent transport consultant had concluded that, based on the information submitted, and subject to National Highways' final response, there was no justifiable reason to maintain an objection to the proposal on highway grounds and, in that respect, the development accorded

with national planning policy. Notwithstanding this, in the absence of a final response from National Highways, at this stage Officers considered that the application had not demonstrated that there would be an acceptable impact on the strategic road network which was in conflict with the development plan and weighed heavily against the proposal.

- 43.6 The appellant had indicated that 'policy compliant' affordable housing would be provided along with a range of other community facilities and infrastructure. A number of consultees had also requested planning obligations that would need to be secured to make the proposal acceptable in planning terms; however, to date no legal agreements had been provided or completed by the appellant to secure the provision of those benefits which also weighed against the proposal. It had been established through the application that limited harms would also arise in respect of the loss of agricultural land; however, subject to imposition of appropriate planning conditions and obligations, the development would not give rise to unacceptable impacts in relation to flood risk and drainage, accessibility and local highway safety, noise, vibration, contaminated land or minerals and waste. In terms of the benefits of the scheme, considerable weight was to be given to the economic gains that would arise from the proposal. The development would also contribute towards the supply of housing over the plan period, albeit the quantum over the period was questioned and considered to be limited. Nevertheless, the delivery of housing attracted significant weight. Other benefits included the delivery of affordable housing and biodiversity net gain.
- 43.7 Turning to the planning balance, given that the Council could not currently demonstrate a five year supply of deliverable sites, the tilted balance was engaged. Taking into account all of the material considerations and the weight to be attributed to each, Officers considered that the identified harm in relation to the impact of the development on the strategic road network alone would significantly and demonstrably outweigh the benefits in the overall planning balance. There was also harm to the plan-led system and to the landscape as well as loss of agricultural land. Taken together, it was considered that the harms significantly and demonstrably outweighed the benefits meaning that the proposal was not considered to constitute sustainable development in the context of the National Planning Policy Framework. Furthermore, the absence of signed Section 106 Agreements constituted reasons for refusal in themselves. In view of the matters set out in the Committee report, and in the context of the current appeal, Members were requested to consider a recommendation of minded to refuse for the reasons set out which, along with the Committee report, would be submitted to the Planning Inspectorate to inform the appeal. The Development Management Team Leader (North) drew attention to the Additional Representations Sheet which set out minor amendments to refusal reasons three and five to resolve typographical errors and the recommended reasons were amended accordingly.
- 43.8 The Chair indicated that there were no public speakers for this item. The Officer recommendation was minded to refuse and he sought a motion from the floor. A Member sought clarification as to what would happen at the appeal if the Committee was minded to permit the application. In response, the Legal Adviser explained that, had the appeal not been lodged and the Committee determined that the application should be permitted, that would have been subject to legal agreements to secure various obligations. In this situation given that there was an appeal, if Members were minded to permit, assuming those legal agreements had been secured, the Council would state that no information was being presented against the proposal. An alternative would be to contact the appellant to request that they submit a duplicate application and put the appeal on hold in order for the duplicate application to be determined; the appellant may reject that proposal in which case the appeal would go ahead and the Inspector would make a decision. The Member asked if there were any examples of situations where the authority had put forward a minded to permit decision to the Inspector and the Legal Adviser indicated there

had been a very similar situation for Perrybrook which had been called-in by the Inspector which the Committee had been minded to permit. The appeal had still gone ahead as that was also an opportunity for members of the public and other parties to put forward their views which may be contrary to the local authority; in practical terms, it would make the appeal shorter than one where the local authority had resolved minded to refuse. It was proposed and seconded that the application be minded to refuse in accordance with the Officer recommendation. The proposer of the motion indicated that she had questions in relation to the weight afforded to the fact that the Council could not demonstrate a five year housing land supply. Officers had clearly illustrated that this particular application would not actually go towards meeting the five year housing land supply trajectory, therefore, she did not believe that was a benefit of the proposal. Page No. 49, Paragraph 8.2 of the Committee report suggested that the delivery of housing should be attributed significant weight, but Page No. 19, Paragraph 7.1.26 of the Committee report set out that the weight was diminished and that had been reiterated by the Development Management Team Leader (North) in her speech today. Furthermore, the harms identified at Page No. 49, Paragraph 8.3 of the Committee report stated that the application had not demonstrated that there would be an acceptable impact on the strategic road network which weighed heavily against the scheme and the proposer of the motion felt that needed to be strengthened to 'significant' weight. She pointed out that 18 months ago, County Highways had said that no more housing would be allowed along the A46 route until measures had been put in place to alleviate the issues currently experienced on that road; she was very surprised that County Highways was not supporting the minded to refuse recommendation on that basis and had been equally surprised that had also been the case in relation to the application for 850 houses and the application in Pamington. By changing the statement to 'significant' weight, as suggested, she felt it would be clear at the appeal that the Council did not believe the housing provided by this development would go towards meeting the five year housing land supply and that significant weight had to be applied to the impact on the strategic road network. The Legal Adviser clarified that, should the Committee vote in favour of the minded to refuse motion, the refusal reasons would remain as set out in the Committee report; however, the points raised would be reflected in the Minutes of the meeting and would be taken into account at the appeal.

- 43.9 A Member drew attention to Page No. 3, Paragraph 1.12 of the Committee report which stated that one of the broad development proposals was for up to 460 units, including 40% affordable housing, with the average density being 40 dwellings per hectare and he asked why this was not in accordance with the Council's policy of 33 dwellings per hectare. With regard to Tewkesbury Town Council's submission, referenced at Page No. 9 of the Committee report, he asked for confirmation as to whether otters and their habitats were protected. Moving to Page No. 11, Paragraph 5.2 of the Committee report, he asked whether the latest flood map was available to overlay the application site and surrounding area in light of the petition agreed at Council with regard to major applications and flood impact. In terms of Page No. 47, Paragraph 7.13.4 of the Committee report, he wished to see a breakdown of the £90,160 which Gloucestershire County Council had requested for library provision – this was something he had asked for previously in relation to other applications but had not yet received a response. Later in the same paragraph a contribution of £156,630 was requested towards the A38/Shannon Way junction improvement but it was his recollection that the Inspector had declined to agree to that at the last Fiddington appeal. He also sought clarification as to the reason for the commuted sum for outdoor sports provision and how much had been suggested. In response, the Development Manager Team Leader (North) advised that the density of 40 dwellings per hectare had been put forward by the applicant and had not been negotiated with the Council. Natural England and the Council's Ecological Adviser had examined the application and had not raised any issues regarding otters' habitat. The Tirle Brook would be protected in terms of water

quality and the amount of water going into the Brook. Whilst the latest flood map had not been overlayed for the application site, the majority of the site was within Flood Zone 1 and the Environment Agency had raised no objection. A small area to the north of the site was in Flood Zone 2 and overlapped with other permitted schemes which had previously been assessed. In terms of library provision, she confirmed that more detailed responses had been received from Gloucestershire County Council which had been summarised in the Committee report and she would be happy to share the full responses with Members. Outdoor sports provision was included in the application for a sports field and new changing rooms. Other provision had been identified, with figures put forward by the Community Team, and that would be negotiated with the appellant. She confirmed that discussions would continue with the Town Council in relation to the points raised up to the appeal.

- 43.10 The representative from County Highways clarified that County Highways was not the highway authority for the strategic road network and therefore could not comment on the points made in respect of the A46 which was outside of its remit. Each application was considered on its own merits and this proposal did not impact on the local road network. In terms of the A46/Shannon Way junction, a planning obligation of £289,000 was linked to a previous application and the appellant had taken the methodology of a proportionate contribution for this scheme on the basis there was a funding shortfall for the junction.
- 43.11 The Member indicated that the petition to Council was a major sticking point for him as he could not see any reference to this within the Committee report and he asked for advice as to how it fit with the Council decision on major applications. All of the reasons for the Officer recommendation were justified in his view; however, they were closely aligned to that of the Fiddington appeal. Unfortunately, the Statement of Common Ground for that appeal was still relevant today. Paragraph 8.8 stated that “regardless of the approach taken it is agreed that the tilted balance of paragraph 11d is engaged”; Paragraph 8.9 stated “...the main parties agree that the extent of the shortfall is substantial”, Paragraph 8.10 stated “it is agreed that the five year land supply shortfall will worsen from now and in the coming years...”; Paragraph 8.11 stated “it is agreed that the Joint Core Strategy identifies that there was a plan shortfall of 2,455 homes. It is agreed that there is no plan in place to address this”. With regards to prematurity, Paragraph 8.13 stated “...no grounds to refuse planning permission on the grounds of prematurity having regards for Paragraphs 49 and 50 of the National Planning Policy Framework”; Paragraph 8.14 stated “it is agreed that the appeal proposal would not prejudice any potential future Garden Town...”; Paragraph 8.16 stated “...as set out in Mr Hitchens proof of evidence...presumption in favour of sustainable development is engaged as some of the most important development plan policies are out of date...”; and Paragraph 8.17 stated “when the tilted balance is applied it is agreed that any adverse impacts of granting planning permission would not significantly and demonstrably outweigh any adverse impact”. The Member indicated that he would have liked to have proposed a deferral; however, given that option was not available, he wished to propose minded to permit in order to retain control of the development and put in place conditions.
- 43.12 A Member sought further clarification from County Highways as to what improvements were actually proposed for the A46/Shannon Way junction and was advised that it was intended to introduce an additional left hand lane, taking away the straight ahead lane on the Tewkesbury side and therefore increasing throughput. It was a small improvement that would have meaningful benefits. Further detailed appraisal was needed but this application provided a commitment to allow the improvement to take place. The Member indicated that there was already a left turn lane from the A438 into Shannon Way which had been there for a number of years. In response, the County Highways representative explained that the current situation was a straight ahead lane and a straight ahead and left lane and the proposal was to include a left turn lane and two straight ahead lanes. The

Member continued to express concern that the proposal did not seem to alter the existing situation and the County Highways representative indicated there was little more he could add at this stage other than to reiterate there was already a scheme which included improvements to that junction and this application would provide a contribution towards that. Another Member expressed the view that the requested highway improvements would be thrown out by the Inspector as last time, particularly if the improvement was already there. The Legal Adviser advised that it was her recollection that it had been a matter over timing rather than provision which had been an issue in the previous Fiddington appeal.

- 43.13 A Member questioned how conditions would be determined, should Members be minded to refuse the application but it was then permitted at appeal and whether the representations made by the Council would have an impact. In response, the Development Management Team Leader (North) confirmed that the Council would work in advance with the appellant on a set of conditions both parties could agree to. These were usually very comprehensive and picked up all issues raised by consultees and any other matters which needed to be addressed. The Inspector had the opportunity to comment although it was such a thorough process that, as with the Fiddington appeal, there may be very few fundamental changes to make. The Legal Adviser explained that where the parties could not agree on certain conditions these would be debated before the Inspector who ultimately made a decision. A Member agreed this would allow the Council to put forward suggestions for conditions which would have to be taken into account by the Inspector but he personally felt it was important to take control. He asked how much the Fiddington appeal had cost and what the potential cost would be if the Council lost this appeal. The Legal Adviser indicated that she did not have the costs of the Fiddington appeal to hand; however, an appeal of this nature would be in the region of tens of thousands of pounds.
- 43.14 Upon being put to the vote, it was

RESOLVED That the Committee be **MINDED TO REFUSE** the application in accordance with the Officer recommendation.

The meeting closed at 11:49 am

Appendix 1**ADDITIONAL REPRESENTATIONS SHEET**

Date: 30 November 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.

Page No	Item No	
1-54	4a	<p>21/00451/OUT</p> <p>Land To The North West Of Fiddington, Fiddington, Tewkesbury</p> <p>Amended Reasons for Refusal</p> <p>To resolve several typos and omissions in proposed reasons 3 and 5 it is recommended that they be amended to read:</p> <p>3. The proposed development does not demonstrate how it would adequately provide for housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market contrary to Policy SD11 and Policy SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and the National Planning Policy Framework.</p> <p>5. The proposed development does not adequately provide for open space, outdoor recreation and sports facilities and the proposal conflicts with Policies RCN1 and GNL11 Tewkesbury Borough Local Plan to 2011 (March 2006), Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and the National Planning Policy Framework.</p> <p>Technical Transport Note</p> <p>A transport consultant has been appointed by the Council to undertake an independent review of the traffic and transportation submitted in support of the planning application. The consultant's report is attached.</p>

Item 4a – Technical Transport Note - 21/00451/OUT, Land To The North West Of Fiddington


210472-01 Highways and Transportation Review: Land To The North West of Fiddington, Fiddington, Tewkesbury, Gloucestershire

1. Introduction

The Transportation Consultancy (ttc) have been appointed by Tewkesbury Borough Council (TBC) to undertake an independent review of the traffic and transportation submissions in support of an outline planning application reference: 21/00451/OUT for the following description of development.

'Outline application for residential development (up to 460 dwellings), a primary school, associated works, ancillary facilities and infrastructure, open space, recreation facilities and landscaping. Vehicular access from the A46 (T) and Fiddington Lane on Land to the North West of Fiddington Tewkesbury, Gloucestershire.'

This review has considered the content of the following transport and highways documents submitted as part of the planning application set out in **Table 1**.

Table 1 – Applications Documents Considered as part of this review

Document	Authors	Date
Transport Assessment	PFA Consulting	22 nd March 2021
Residential Travel Plan	PFA Consulting	22 nd March 2021
Site Location & Highways Network & Public Right of Way & Cycle Routes Plan @A3 (Figure 1.1.)	PFA Consulting	Nov 2020
Transport Assessment – Traffic Flow & Time Route (Figure 1.1 - Figure 6.1.)	PFA Consulting	Feb 2021
Key Junctions Figure 6.8	PFA Consulting	Feb 2021
Transport Assessment – Appendices + Appendix A (TA Appendices A – J)	PFA Consulting	22 nd March 2021
Transport Assessment – Appendix K – P	PFA Consulting	22 nd March 2021
Transport Assessment – Appendix Q	PFA Consulting	22 nd March 2021
Site Access Arrangements off A46(T) – General Arrangement Drawing No H658/03	PFA Consulting	February 2021
Highways England Correspondence	Highways England	7 th July 2021
File Note Dealing with HE Planning Response Dated 7 th July 2021	PFA Consulting	10 th August 2021
Additional Highways Information Turning Movement Spreadsheet	PFA Consulting	13 th August 2021
UNSIG Model Files	PFA Consulting	13 th August 2021
Highways England Correspondence	Highways England	6 th October 2021
Additional Highways Information (Response to Highways England)	PFA Consulting	21 st Nov 2021
Gloucestershire County Council Final Consultation Response	Gloucestershire County Council	23 rd November 2021

2. Consultation Responses

As part of the application the Local Highway Authority (LHA), Gloucestershire County Council (GCC) and the Strategic Highway Authority (SHA). National Highways (NH) have been engaged throughout the application process.

Pre-application discussions were undertaken with both highway authorities to determine the scope of the Transport Assessment (TA).

The LHA, GCC have provided a final position of 'no objection' subject to conditions and financial obligations.

The Strategic Highway Authority (SHA), National Highways (NH) have provided the latest response in the consultation letter dated 6th October 2021 which 'recommended that planning permission not be granted for a period of three months from the date of this notice.'

The NH requested that traffic growth factors from a single WebTRIS data site (Site8183) to use more than a single site to ensure a robust assessment. The Technical Note submitted on 10th August by PFA consulting provided an assessment of growth factor with multiple WebTRIS sites, this information and is currently being reviewed by NH. The LinSig model files have been provided to NH and these are currently being reviewed.

It is understood that the discussions between NH and the application are ongoing and the hold objection is existing at the time of writing.

3. Planning History

The proposed development site set out in application 21/00451/OUT is situated immediately south of the recently consented 'Land at Fiddington' development, application reference 17/00520/OUT which sought permission for

'a residential development (up to 850 dwellings), a primary school, local centre (comprising up to 2,000 m² gross internal floor area) (A1, A2, A3, A4, A5 and D1 uses) with no single A1 comparison unit exceeding 500 m² gross internal floor area, supporting infrastructure, utilities, ancillary facilities, open space, landscaping, play areas, recreational facilities (including changing facilities and parking), demolition of existing buildings, new access to the A46(T) and Fiddington Lane.'

The applicant appealed a non-determination by Tewkesbury Borough Council and planning permission was subsequently granted by the Secretary of State, following a call-in inquiry.

Items relating to the 17/00520/OUT application are pertinent to this review and have been referenced in the appraisal of the application document due to the proximity of the applications.

4. Appraisal

A full Transport Assessment (TA) and Residential Travel Plan (RTP) was prepared by consultants 'PFA Consulting', which was submitted as part of the planning application in March 2021, additional information has also been submitted.

The review of the submitted TA and RTP has been prepared in accordance with the chapter titles of the reports and summarised within **Table 3.1**. Only sections within the TA where commentary is warranted, or confirmation of review and acceptance of the content, have been selected. The table includes a 'RAG'

assessment (Red, Amber, Green) to categorise whether the item raised is contentious or warrants further action, with the following definitions applied:

- **Green** – no technical issues and/or policy compliant;
- **Amber** – informative issue requiring further consideration; and
- **Red** – significant issue that is a material concern.

To determine the severity of the issues raised, due consideration has been given to the National Planning Policy Framework (NPPF) July 2021, which ultimately establishes whether the severity of the issue would warrant sufficient merit to form a material objection to the application. The key policy paragraphs in this regard are:

Paragraph 110, which identifies that plans and decisions should take account of whether:

- '*Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- *Safe and suitable access to the Site can be achieved for all people; and*
- *Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*

Paragraph 111, which refers to the impacts on highways and states:

- '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

Paragraph 112, which identifies that developments should be located and designed where practical to:

- '*Give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- *Address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- *Create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- *Allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- *Be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.'*

Table 3.1 sets out the results of the review, with due regard to the key policy paragraphs outlined above.

Table 4.1 Review of submitted TA and RTP

Chapter Title	Subsection	Comment	RAG
1. Introduction	Paragraph 1.2	The proposed development vehicle access is to be served as part of the permitted application 17/00520/OUT via the A46(T). The access arrangements have already been agreed by the previous application and GCC and NH.	
1. Introduction	Paragraph 1.5	The scope of the TA has been prepared in accordance with National Planning Policy Framework (NPPF) which is considered appropriate.	
1. Introduction	Paragraph 1.6	The TA has been prepared in accordance with preapplication scoping discussions with the LHA, GOC and SHA, NH to determine the key aspects of the scope of the assessment which is considered appropriate.	
2 Planning Policy Framework	Paragraphs 2.2 – 2.7	<p>The relevant paragraphs from the National Planning Policy Framework (NPPF) have been identified as the following (previous version of February 2019)</p> <ul style="list-style-type: none"> - Paragraph 102 - Paragraph 108 - Paragraph 109 - Paragraph 110 - Paragraph 111 <p>The policies identified are considered appropriate for the context of the TA.</p>	
2 Planning Policy Framework	Paragraphs 2.9 – 2.20	<p>In regards to policy on the Strategic Road network The following policies have been taken into consideration as part of the TA.</p> <ul style="list-style-type: none"> - DfT Circular 02/201 "The Strategic Road Network and the Delivery of Sustainable Development" - Highways England: The Strategic Road Network – Planning for the Future <p>It is considered appropriate that the correct planning policy has been identified for the assessment of the impact of the development on the Strategic Highway Network.</p>	
2 Planning Policy Framework	Local Policy	<p>The Transport Assessment identified the following local policy in regard to the proposed development.</p> <ul style="list-style-type: none"> - Gloucester, Cheltenham and Tewkesbury Core Strategy (2011 – 2031), specifically Policy INF1 'Transport Network' - Pre Submission Tewkesbury Borough Plan (2011 – 2031) - Gloucestershire Local Transport Plan - Gloucestershire Local Transport Plan Review <p>It is considered appropriate that the correct planning policy has been identified for the assessment of the impact of the development on the Strategic Highway Network.</p>	
3 Existing Conditions	Local Highway Network	The local highway network has been suitably and comprehensively identified through a thorough review.	
	Road Safety	The TA undertakes a comprehensive and detailed review of highway safety on the surrounding highway network and following a review of causations of the accidents, concludes that there does not appear to be a pattern of collisions, which suggests there are no particular road safety issues which the proposed development would exacerbate. This safety review is considered appropriate.	
	Walking and Cycling	<p>The TA presents a very detailed and comprehensive assessment on the existing walking and cycling accessibility in relation to the site detailing public rights of way, the existing cycle network and review of the existing pedestrian and cycle routes to key facilities and services.</p> <p>The routes to Primary and Secondary school, Employment and Ashchurch Railway Station have been identified and the audit is considered appropriate for the purpose of the TA. The audit identified a number of issues with the routes which would be required to be addressed as a result of the application.</p> <p>A number of improvements to the local cycling and walking infrastructure will be provided as part of the proposed development which will improve the situation and encourage linkages by foot and bike. The improvements are considered appropriate for the scale and level of</p>	

Chapter Title	Subsection	Comment	RAG
		development and to create a sustainable development where journeys by foot and cycle are encouraged and will reduce dependence on car journeys	
	Local Facilities	<p>The TA undertakes a comprehensive review of the existing local facilities and facilities from the site, Table 3.3 identifies journey times by foot and by bike to the facilities.</p> <p>Following the review it can be seen that a number of the facilities are at the upper extent of some of the walking limits, and for example the pedestrian route to the secondary school is segregated by the unattractive junction J9, M5 which would deter pedestrian to cross. The Rail Station at Ashchurch is also in excess of 20 minutes walk segregated by the A46. Employment areas are also a significant journey by foot with significant segregations of the A46 and M5.</p> <p>Whilst it is acknowledged that the proposed development will provide a number of facilities on site such as the primary school and open space, apart from these, services and facilities identified are within the upper extent of the journey by foot threshold. When this is coupled with the prospect of poor existing infrastructure on the routes as identified in the walking and cycling review section, including segregation of the M5 and A46 these routes will become unattractive to pedestrians and cyclists and reduce the amount of journeys by both walking and cycling.</p> <p>As part of the proposals a primary school and other facilities are being provided, other consented developments within close proximity provide other facilities such as retail and education. The proposed infrastructure improvements to foot, bike and bus journeys will ensure that those facilities can be accessed by sustainable modes of transport to make a sustainable development with the improvements suggested.</p>	
	Bus Services	<p>The TA presents a review on the existing bus service availability, it can be concluded that the bus services available do provide a frequent service between two key destinations of Tewkesbury and Cheltenham in the peak hour periods and through the day.</p> <p>It should be noted that the access to the existing bus stops is a significant journey time by foot and therefore as part of linked journey this could make the option unattractive.</p> <p>As part of the proposed development improvements to bus infrastructure will be provided so that the residents will be within 400m of a bus stop and a bus service will serve the proposals as part of the previous agreement with Stagecoach as part of application 17/00520/OUT. The improvements will provide a significant improvement on the current situation to promote bus travel.</p>	
	Rail Services	<p>The TA summarises the location and access options to Ashchurch Rail Station, which is situated 2km to the north of the site and provides a modest level of existing rail services to nearby destinations which can be used for employment or leisure purposes such as Cheltenham, Worcester and Gloucester.</p> <p>Due to the sparse services available and walking distance to the station it is questionable the residents from the proposed development would find the train an attractive journey options.</p> <p>As part of the proposals improvements to the cycle and walking routes to the station will be provided which will increase the attractiveness of the journey by sustainable modes and provide more of a direct link by foot and cycle.</p>	
4. Proposed Development	Vehicular Access	<p>The TA identifies that vehicle access will be undertaken from the following access points.</p> <p>A46 (T) Alexandra Way Signals A fourth access to the existing junction will be provided, proposals included widening the road to a dual carriageway standard and the provision of an additional lane in both directions on the A46 (T) between Alexandra Way and M5 Junction 9. This junction will be the primary access to the proposed development and is known as the Western Access.</p> <p>A46 (T) Eastern Access A secondary access known as the 'eastern access' will incorporate a realignment of Fiddington Lane into a new signal controlled junction to replace the existing priority junction, forming part of a left-right staggered junction with Northway Lane.</p> <p>It should be noted that both of the proposed vehicular access points have been technically approved as part of application 17/00520/OUT by both NH and GCC. The junctions were subject to an independent Road Safety Audit 1 & 2. As a result the junctions are considered to provide</p>	

Chapter Title	Subsection	Comment	RAG
		safe and suitable access for all users and are appropriate for the scale and quantum of the development.	
	Internal Access Arrangements	<p>It is proposed that the two points of access off the A46(T) would be joined by means of an on-site link road, the access roads would route through 'Land at Fiddington' development to the proposed development on 'Land North West of Fiddington' where the proposed site access road would form a loop to provide for an efficient route for new bus services serving the site.</p> <p>The internal access road arrangements are appropriate for the proposed development and noting that the application in questions if for outline permission this can be addressed at a reserved matter stage.</p>	
	Pedestrian and Cyclist Access	<p>A Walking, Cycling and Horse-Riding Assessment and Review (WCHAR) was also produced in 2019 by PFA Consulting for the detailed design of the proposed A46(T) access works.</p> <p>This is a requirement from NH and it is noted that one has been completed.</p> <p>The layout of the proposed development will give priority to pedestrian and cyclist movements providing permeability on these modes throughout the site.</p> <p>As part of the development proposals an existing purpose-built footway and cycleway along the A46(T) will be provided, which include a dedicated controlled crossing point to Ashchurch rail station.</p> <p>Points of access for pedestrians and cyclists will consist of the western access which will incorporate the traffic signals controlling the modified Alexandra Way junction. The second is an uncontrolled pedestrian/cyclist crossing of the A46(T) proposed at point east of the existing petrol filling station.</p> <p>The third point of pedestrian and cyclist access is via the existing alignment of a section of Fiddington Lane which would be downgraded to become a segregated route for pedestrians and cyclists in conjunction with its realignment.</p> <p>Internally the site will provide a footway/cycleway along the entire length of the main access road serving the development which would extend into the proposed development on 'Land Northwest of Fiddington'.</p> <p>A network of footpaths and cycleways would be provided within the development. These would connect the residential areas with the on-site facilities (primary school), local facilities on 'Land at Fiddington' (local centre and primary school) and provide links to the existing and proposed network of routes surrounding the site.</p> <p>The proposed pedestrian and cycle infrastructure will be appropriate to ensure that journeys by foot and bike are encouraged by infrastructure which is appropriate for the scale of the proposed development and will provide an integrated network with the previous consented developments.</p>	
	Public Transport Access	<p>Bus</p> <p>Improvements to bus services have been outlined to support the proposed development, bus stops will be installed at strategic locations across the proposed development internal road to ensure that residents are within 400m of a bus stop. Bus stops will be equipped with 'Real Time Information'</p> <p>As part of the agreement with Stagecoach to serve the consented application 17/00520/OUT, the proposals will be expanded to the proposed development to provide a new bus service and the proposed infrastructure will be provided to ensure the bus service is served appropriately.</p> <p>The improvement of bus services will ensure that the proposed development will be served by a bus service and will be an extension of the agreement with 17/00520/OUT. The bus service will provide linkages to key areas of employment, education and leisure.</p> <p>Train</p> <p>There are no proposals to provide any improvements to the existing rail facilities.</p> <p>It should be noted that improvements have been outlined to the walking and cycling routes to the station which will encourage rail journeys from the proposed development.</p>	

Chapter Title	Subsection	Comment	RAG
	Parking	It has been commented that parking will be provided in accordance with the relevant standards at the reserved matters application and this is acceptable.	
5.Trip Generation and Distribution	Trip & Traffic Generation	<p>The TA has estimated the anticipated vehicle generation from the site by interrogating the industry standard TRICS database which includes trip rates for the various proposed elements of land use such as Residential and Education.</p> <p>The traffic generation has been calculated using the proposed quantum of development and a element of 'on-site' containment has been determined for the primary school.</p> <p>A review of the trip rates and traffic generation assessment has confirmed that the trip rates and traffic generation are suitable for the scale and location of the proposed development.</p>	
	Traffic Distribution	<p>The trip distribution has been adopted from the same trip distribution which has been agreed as part of the application 17/00520/OUT.</p> <p>This is considered acceptable and robust.</p>	
Highway Impact	Assessment	<p>In order to determine the impact of the proposed development on the strategic and the local highway a S-Paramics micro-simulation traffic model of Ashchurch developed by PFA consulting and the surrounding area has been used.</p> <p>As part of the scoping discussions with NH this approach has been accepted along with individual junctions for assessment and the assessment scenarios.</p> <p>S-Paramics Assessment</p> <p>An S-Paramics micro-simulation traffic model of Ashchurch and the surrounding area has been developed by 'PFA Consulting' specifically to support this application and the previously consented application for 'Land at Fiddington', Ashchurch Garden Centre and Retail Outlet Centre'.</p> <p>The modelling approach, the network for assessment and the AM (07:00 – 10:00) and PM (16:00 – 19:00) Peak period to determine the impact of the development on future forecasting years has been approved by NH and GCC.</p> <p>The S-Paramics traffic model used the assessments years scenario of 2020 Base Year, 2024 Opening Year and 2031 Forecast Year for the AM and PM periods.</p> <p>Base traffic flows have been extracted from the S-Paramics model from the approved 2016 validated base year as part of the 'Land at Fiddington' application. In order to obtain a correct base year, traffic growth factors have been provided from 2016 to 2019 using TRIS data.</p> <p>In the correspondence from the NH dated 6th Oct 2021, the NH questioned, the suitability of the growth factor being based on one TRIS site. The applicant submitted further evidence on the 13th August 2021 which examined the comparison of growth factors between differing TRIS sites. NH are understood to be reviewing that information with a view to updating their position.</p> <p>Traffic growth factors to provide the growth from 2020 to the 2024 and 2031 future year assessments have been undertaken and are considered appropriate. The committed development has been outlined which is included in the 2024 and 2031 future year assessment and include infrastructure improvements which have been technically approved for the relevant developments.</p> <p>Modelling output have been analysed to determine the impact on the overall network performance for journey times and queue lengths. Which is presented in the Graphs 6.1 – 6.26 of the TA. The results demonstrated that the impact of the traffic associated with the development in question "would not give rise to any significant increase in queuing or delay in either the AM or PM peak periods." Committed off-site highway improvement works at the M5 Junction 9 and A438 / Shannon Way junction ensure the traffic from the development can be accommodated at peak times with a detrimental impact on the cumulative effect of the highway network."</p> <p>Having examined the results of the S-Paramics assessment it is clear that the development does have an impact on the queue lengths and the journey times across the network once the traffic is introduced in the future assessment years.</p> <p>The journey times across the network are consistent across the 2024 period with and without the proposed development traffic, with the exception of the M5 Junction 9 northbound which the</p>	Yellow

Chapter Title	Subsection	Comment	RAG
		<p>journey time improves significantly with the introduction of infrastructure provided by the committed development.</p> <p>The queue lengths are analysed per junction and it can be seen that there are increases on queuing on the following junctions as a result of the development traffic;</p> <ul style="list-style-type: none"> - A46(T)/ Alexandra Way – Site – AM Peak period - A46(T)/ Northway Lane – A46(T) Westbound PM Peak Period <p><u>LINSIG Assessment</u></p> <p>The following junctions has been assessed for the operational performance using the industry standard software LINSIG;</p> <ol style="list-style-type: none"> 1. A38/A438 Signals 2. A438 / Shannon Way Signals 3. M5 Junction 9 4. A46(T) / Alexandra Way Signals 5. A46(T) / Northway Lane Signals 6. A46(T)/B4079 Aston Cross Signals <p>MOVA is proposed to be installed on the junctions along the A46(T) and A438 corridor, LINSIG cannot replicate MOVA and therefore the junction results represent a worst case scenario, it has also been highlighted that a degree of saturation is 90%.</p> <p>The models utilises the LinSig models which were approved by NH and GCC as part of the 'Land at Fiddington' application.</p> <p>A review of the individual junction have been undertaken and we would like to make the following observations;</p> <ul style="list-style-type: none"> - A438 / Shannon Way Results AM – Operates over the 90% threshold for all the assessment years. PM – Operates over 90% threshold for 2024 + Development and 2031 scenario. - M5 Junction 9 The SB off slip, NB off slip and A438 West operate over the 90% threshold in certain scenarios - A46 (T) Alexandra Way – A46(T) and Site Access operate over 90% in the 2031 scenario - A46(T) Northway - A46(T) East & West operates over the 90% threshold in the 2031 opening year. - A46 (T) / B4079 Aston Cross – operates over the 100% threshold in the 2031 scenario <p><u>Conclusions</u></p> <p>In regards to understanding the impact of the development traffic on the operation of the highway network. NPPF paragraph 111 needs to be taken into account for the assessment which states that</p> <p><i>"Development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"</i></p> <p>Each application should be judged on the merits and it is concluded that for the assessment year of 2024 and for the future year scenario of 2031 the network is nearing to capacity even with committed infrastructure improvements provided by already consented developments.</p> <p>However when considering the impact from this proposed development, it can be concluded that the increase on the 2024 base levels with the addition of the traffic solely from this development is <u>not</u> considered a level which could be determined severe.</p> <p>There is a question whether the infrastructure can support the wider consented additional traffic, although the additional traffic from this application does not appear to have a material effect on that position.</p> <p>As a result it cannot be concluded that the residual impacts arising from this particular development proposals would be severe.</p>	

Chapter Title	Subsection	Comment	RAG
Residential Travel Plan		<p>In order to ensure that sustainable transport is promoted at the proposed development a range of sustainable initiatives, measures and targets for modal share have been highlighted through a residential travel plan.</p> <p>The travel plan sets out the relevant travel national and local guidance which the document has been prepared to. A review of the existing sustainable linkages has been undertaken and is considered appropriate.</p> <p>Mode share targets have been derived from the Trip rate and traffic generation TRICS exercise presented in the Transport Assessment. This is an appropriate way of determining a base mode share to derive targets from and is considered more accurate than the using the available census data from 2011.</p> <p>A reduction target of 10% of single occupancy car trips has been outlined over a 10-year period from first occupancy which have been outlined with discussions with GCC.</p> <p>The targets are suitable and achievable although we would have anticipated that the reduction in car-trips is transferred to other modes with certain modes being targeted due to the improvements recommended.</p> <p>A series of measures have been identified to determine that the reduction in single occupancy vehicle movements is supported appropriately. Measures have been outlined including cycling and walking, public transport and car sharing.</p> <p>The improvements the proposed development is delivering as part of the application will encourage walking, cycling and bus travel as a viable alternative to using the car to access nearby services and facilities.</p> <p>Financial contributions to support the travel plan have been outlined as planning obligation and are considered appropriate to deliver the travel plan measures and targets.</p>	Green

5. Conditions and Financial Contributions

The following planning conditions have been suggested by GCC Highways to be provided as part of the recommendation of no objection. A review of the proposed conditions has been undertaken inline with the assessment methodology used in section 3.

Table 5.1 GCC Highways Suggested Planning Conditions and Obligations

Condition	TTC Comment	RAG
Mobility Hub - A future reserved matters submission shall include details of a mobility hub which will act of local destination for shared and sustainable travel modes.	Noted and agreed with to promote the sustainability of the site.	Green
Electric Vehicle Charging Points – The development hereby permitted shall not be first occupied until the proposed dwellings have been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance. <u>Reason:</u> To promote sustainable travel and healthy communities.	Noted and considered acceptable.	Green
Bicycle Parking – The individual dwelling hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the	Noted and considered acceptable and reasonable	Green



Condition	TTC Comment	RAG
approved cycle parking shall be kept available for the parking of bicycles only. <u>Reason:</u> To promote sustainable travel and healthy communities		
Residential Travel Plan (Plan Approved) – The Residential Travel Plan hereby approved, dated March 2021 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended. <u>Reason:</u> To reduce vehicle movements and promote sustainable access.	Noted and considered acceptable and reasonable	
Education Travel Plan – The school hereby approved shall not be brought into use until the applicant has submitted a Travel Plan in writing to the Local Planning Authority that promotes sustainable forms of travel to the development site and this has been approved in writing by the Local Planning Authority. The submitted details shall use Modeshift STARS to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved details. <u>Reason:</u> To reduce vehicle movements and promote sustainable access.	Noted and considered acceptable and reasonable	
Construction Management Plan – It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particular reference is made to "respecting the community" this says: Constructors should give utmost consideration to their impact on neighbours and the public informing, respecting and showing courtesy to those affected by the work; Minimising the impact of deliveries, parking and work on the public highway; Contributing to and supporting the local community and economy; and Working to create a positive and enduring impression, and promoting the Code. The CEMP should clearly identify how the principle contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues. Contractors should ensure that courtesy boards are provided and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing legislation.	Noted and considered standard for planning applications of this nature.	
Planning Obligations Specific Purpose - A438 / Shannon Way Junction Improvement Contribution - £156,630.00 Trigger – Prior to the first occupation of any dwelling Retention Period - 10 years from the first occupation of any dwelling Specific Purpose – Public Right of Way Enhancement of Ashchurch Bridleway 6 (AAS6), Walton Cardiff Footpaths 6 (AWC6) and 8 (AWC8), and the formation of new connections in between them to facilitate walking, cycling trips. Contribution – £193,600.00 Trigger – Prior to the commencement of development Retention Period - 10 years from the first occupation of any dwelling Specific Purpose – Travel Plan Contribution	Planning obligations are subject to Regulation 122 of the GL Regulations 2010 which states that a planning obligation may only constitute a reason for granting planning permission where the obligation is: a) Necessary to make the development acceptable in planning terms; b) Directly related to the development; and c) Fairly and reasonably related in scale and kind to the development We would agree that the contributions outlined are inline with Reg 122.	

Condition	TTC Comment	RAG
Contribution - £91,693.33 Trigger – Prior to the first occupation of any dwelling Retention Period – 10 years from the first occupation of any dwelling		

6. Summary and Conclusions

6.1 Summary

In summary:

- The site is connected to a series of recent planning applications which relies on the technically approved infrastructure to support the application.
- A detailed highway safety review confirmed that there are no existing highway safety issues the proposed development is expected to exacerbate.
- The site is situated within a location where a number of facilities and services are towards the upper extent of the walking journey time threshold. However as part of the proposals the development looks to provide a series of pedestrian improvements which will improve existing foot linkages and tie in with consented development to make for a sustainable development.
- The development seeks to improve cycle facilities and will fund bus infrastructure and bus services to directly serve the development.
- The development seeks to utilise the already technically agreed access points from the A46(T) to access the site via already approved application 17/00520/OUT. The access points have been subject to technical scrutiny from both GCC and NH and deemed safe and suitable to serve the development.
- The trip rate and traffic generation assessment has been undertaken has used industry standard TRICS database and is deemed appropriate for the scale and quantum of the proposed development.
- Trip distribution has been agreed with NH and utilises the already agreed traffic distribution from the previously consented 17/00520/OUT application which has been technically agreed by NH and GCC.
- A capacity assessment to determine the impact of the proposed development has been undertaken using the S-Paramics microsimulation model to assess the highway network as a whole and LINSIG to assess the individual capacity of the junctions.
- The outcome of the S-Paramics modelling has been reviewed and the journey times across the network are unaffected by the addition of the traffic from the proposed development.
- The LinSig models and the modelling outputs have been reviewed and it can be seen that the highway network is nearing capacity across a number of junctions. The addition of infrastructure which will be delivered as part of the consented developments will significantly improve capacity across the network.

- As a result of the position of '**no objection**' from the LHA, GCC have set out a series of planning obligations. Following a review of the Transport Assessment the obligations are considered fair and reasonable to scale and delivery of the proposed development.
- NH has not yet indicated its response to the provision of further information it requested and maintains its holding objection.
- A Residential Travel Plan has been prepared and appropriate targets have been identified to reduce single occupancy vehicle use from the site. The targets have been supported by a number of measures targeting, walking, cycling and bus use along with financial commitments to delivering the travel plan are considered appropriate and acceptable.

6.2 Conclusion

It can be concluded from the review of the traffic and transportation documents in regards to application 21/00520/OUT that the proposed development can provide safe and suitable access for all parties.

It is located in a site which would struggle to be considered sustainable. However, proposed improvements to be delivered as part of the development in particular regard to walking, cycling and public transport will suitably support sustainable choices from the site and are considered appropriate to make for a sustainable development to reduce car travel. Further conditions and contributions from the development have been identified and are considered suitable in regard to the proposed development.

NH has not yet resolved its holding objection and the following observations remains subject to that.

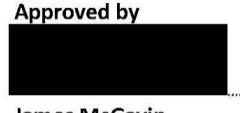
Future assessment of the highway network revealed that a large majority of junctions contained within the assessment are nearing to the theoretical capacity for future year operations. However, this cannot be attributed to the appeal proposals, which would not make a material difference to the position.

In regard to any 'residual cumulative' impact the 'residual' matter would lie with the quantum of traffic generated by the previous and already consented schemes and as a result the appeal proposals cannot be said to cause a 'severe' impact.

On this basis, and subject to any further information from NH, it is considered that there are no justifiable grounds to maintain an objection to this application on highways grounds and that the development accords with National Planning Policy



George Bailes



James McGavin

Third party disclaimer

Any disclosure of this report to a third party is subject to this disclaimer. The report was prepared by TTC at the instruction of, and for use by, our client named on the front of the report. It does not in any way constitute advice to any third party who is able to access it by any means. TTC excludes to the fullest extent lawfully permitted all liability whatsoever for any loss or damage howsoever arising from reliance on the contents of this report. We do not however exclude our liability (if any) for personal injury or death resulting from our negligence, for fraud or any other matter in relation to which we cannot legally exclude liability.

Agenda Item 5a

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	21 December 2021
Site Location:	Caerleon Tewkesbury Road Twigworth
Application No:	21/00903/FUL
Ward:	Severn Vale South
Parish:	Down Hatherley
Proposal:	Erection of two detached dwellings including associated car parking
Report by:	Dawn Lloyd
Appendices:	Site location plan Proposed site plan Proposed elevations plot 2 Proposed elevations plot 3 Proposed floor and roof plans plot 2 Proposed floor and roof plans plot 3
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application relates to Caerleon, a detached dwelling located in a ribbon form of development along the A38 in Down Hatherley. There are fields to the north of the site and garden centre to the south. Listed buildings are located across the A38 to the north of the site.
- 1.2 The application site is rectangular in shape and measures approximately 1236 sq m 0.05 hectares.
- 1.3 The site is within the area of the JCS Strategic Allocations (Policy SA1).
- 1.4 The site does not lie within the Green Belt and is not affected by any restrictive landscape designations.

2.0 RELEVANT PLANNING

Application Number	Proposal	Decision	Decision Date
19/00191/FUL	Installation of new front access gate, fence and hardstanding (retrospective).	PER	11.06.2019
19/00669/FUL	Demolition of existing garage and construction of replacement dwelling	NOTPRO	01.07.2019
19/00674/FUL	Demolition of Garage and Construction of one Residential Dwelling (amendment to scale and curtilage).	PER	21.11.2019
19/00951/FUL	Amendments to the height of the front brick access with timber rolling gate.	PER	17.04.2020
20/01133/FUL	Variation of Condition 2 (drawing schedule) of the planning application ref number 19/00674/FUL to allow for amendments to the elevations, floor plans and external materials.	PER	30.04.2021

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

- SP2 (Distribution of New Development)
- SD4 (Design Requirements)
- SD6 (Landscape)
- SD10 (Residential Development)
- SD11 (Housing mix and Standards)
- SD14 (Health and Environment Quality)
- INF1 (Transport Network)
- INF2 (Flood Risk Management)

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

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

- Policy RES2 (Settlement Boundaries)
- RES5 (New Housing Development)
- DES1 (Housing Space Standards)
- ENV2 (Flood Risk and Water Management)
- TRAC9 (Parking Provision)

3.5 Neighbourhood Plan

Down Hatherley, Norton and Twiggworth 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 Down Hatherley Parish Council – Objection (in summary)

- serious concerns over the cumulative effects of multiple developments across Twigworth/Down Hatherley villages and NDP area.
- The area is groaning under the weight of new development and can not sustain anymore.
- Contrary to the submitted planning statement the site lies wholly within the Parish of Down Hatherley of Twigworth. No local need that has not been met by the planned major developments. Proposal is contrary to the Neighbour Development Plan to provide sustainable moderate growth to meet the needs of local communities in line with the wishes of the residents of the area or to restrict unnecessary development.
- Over development of the site.
- the site lies adjacent to the strategic allocation but goes not lie within it.
- Drainage infrastructure of the area can not cope with more development.
- No local need for the development.

4.2 County Highways Officer – No objection in terms of highway safety or impact on the highway network. Recommends a condition for electric vehicle charging points and cycle storage.

4.3 Flood Risk & Management Officer – The details submitted are inadequate for a drainage strategy. Given the scale of the development and awareness of the suitability of the site from a drainage perspective from reports from other nearby developments there is no objection to the proposal subject to condition for surface water drainage works to be submitted and agreed with the local planning authority.

4.4 Conservation Officer – No objection.

The development site is opposite Grade II Listed Court Farmhouse and Barn. However, the separation of the main road and the fact that most of that side of the road is to be developed for housing means that this development would not be out of character in principle and would not have a negative impact upon the setting of the Listed Buildings. The house designs are aesthetically poor, featuring large expanses of blank walls and flat roofs but they have been contrived to fit into the limited space available whilst maximising habitable floor space.

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 Local Residents – 3 representations of objection (in summary)

- Not part of the NDP area.
- Create a new access onto the A38 in an area known for traffic accidents, therefore would increase risk to road users.
- Create at least 4 extra cars and will create excess traffic on the bend on its own and in combination with other recent developments.
- The site is an area of flood risk and will put further pressure on this.
- Over development of the site.

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 Pre-Submission TBP was submitted for examination in May 2020. Examination in Public (EiP) took place over five weeks during February and March 2021. The examining 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'.

6.4 A schedule of Main Modifications to the Pre-submission TBP were approved at the meeting of the Council on 20th October 2021 and is now published for consultation as the Main Modifications Tewkesbury Borough Plan (MMTBP).

6.5 Those policies in the MMTBP which were not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which are subject to 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 (including as with modifications as published for consultation) 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).

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

- 6.7** 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 main issues to be considered in this application are the principle of the development, the design, scale and layout of the new dwelling, the visual impact, the impact upon highway safety; and upon residential amenity.

Principle of Development

- 7.2** The JCS was adopted in December 2017 and includes a number of Strategic Housing Allocations.

Strategic Policy SA1 - Innsworth and Twigworth

- 7.3** The Innsworth and Twigworth Strategic Allocation includes the current application site within its boundaries (redline of JCS map). The principle of residential development within this site is therefore acceptable - subject to the requirements of that Policy and other material considerations.

Policy (SA1) requires amongst other things, that development proposals must be accompanied by a comprehensive masterplan for the entire Strategic Allocation. It also requires that proposals must be accompanied by a comprehensive masterplan for the entire Strategic Allocation. Policy A1 provides further detailed guidance on the development of the allocation. The proposals plan in support of A1 provides an indicative distribution of land uses within the development - which envisages housing for the majority of the site.

- 7.4** Whilst the A1 Policy is clearly intended to inform large scale development proposals and to ensure a comprehensive approach to the development of the whole allocation, it is nonetheless relevant insofar as any proposal should not prejudice comprehensive development of the SA or otherwise sterilise parts of it.

- 7.5** Given the peripheral location of the application site on the edge of the development area within the garden of an existing dwelling, it is not considered that the current (and small-scale) proposal would prejudice the delivery of the Strategic Allocation.

- 7.6** Down Hatherley is not a service village and has no defined settlement boundary. The NDP does not contain specific policies with regard to housing development in Down Hatherley. It expects such development to be limited given the recognised sustainability issues and the Green Belt designation of much of the Parish. Affordable housing to meet local needs would form an exception to development in the open rural area.

- 7.7** Part of part of the strategic allocation of Innsworth and Twigworth lies within the Down Hatherley. Para 78 of the NPPF allows for sustainable development in rural areas and as the site would be on an existing residential plot adjacent to an allocated site it would be considered sustainable development.

- 7.8** The principle of development is therefore acceptable subject satisfying the requirements of SA1 and all other material considerations.

Five Year Housing Land Supply

- 7.9** As set out in the latest Tewkesbury Borough Five Year Housing Land Supply Statement published in December 2020, the Council can demonstrate a 4.39 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.
- 7.10** Members will be aware of the appeal decision at Ashmead Drive in which the Inspector concluded that the Council could demonstrate a 1.82 year supply and the subsequent High Court judgment. The Judge found that the Gotherington Inspector had not erred in law in arriving at that conclusion not to take previous oversupply into account in determining that appeal.
- 7.11** Appeal decisions are not binding precedents however. That the Council includes advanced delivery (or 'oversupply') against annual housing requirements in its five-year supply calculations is, in officers view, in the context of the plan-led system, is the correct approach. This is because not taking into account those 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 would serve to artificially increase the plan-led housing requirement.
- 7.12** It is noteworthy that, in his judgment, the Judge made it clear that it was not for him to make policy, "The question of whether or not to take into account past oversupply in the circumstances of the present case is... a question of planning judgment which is not addressed by the Framework or the PPG and for which therefore there is no policy". He went on- 'No doubt in at least most cases the question of oversupply will need to be considered in assessing housing needs and requirements'.
- 7.13** More recently the Council has received two appeal decisions following public inquiries where the issue of 'oversupply' was also debated. In an appeal at Coombe Hill, the Inspector noted that taking into account 'past performance exceeding the annual average of the plan's requirement... seems to me to be a just approach, because it reflects reality, not a theoretical formula applied without consideration of actual outturns.'
- 7.14** In another appeal decision for a scheme at Alderton, the Inspector arrived at a similar conclusion, saying that 'Nonetheless, in my judgement, the Council's method of taking account of an over-supply against the annual requirement is not be [sic] an unreasonable one.... To continue to require 495 homes a year when the past over-supply would indicate a lesser requirement, would, it seems to me, be to 'artificially inflate' the housing requirement. I am not convinced, having accepted this position, that the appellant's argument that the supply is as low as 2.08 years is robust.'

- 7.15** Officer's advice is therefore that a 4.39-year supply can be demonstrated at this time. 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
- 7.16** Criterion 4 (ii) of Policy SD10 'Residential Development' of the JCS sets out that on sites that are neither allocated or previously-developed land, housing development will be permitted, except where otherwise restricted by policies within district plans, where it would represent infill within the existing built up areas of Tewkesbury Borough's towns and villages. As the site is bordered by development on three boundaries, it would represent infill and as such the principle of housing in this location would be acceptable. However, whilst the principle of a new dwelling in this location may be acceptable there are other material planning considerations to be taken into account as set out below

Design and Visual Amenity

- 7.17** JCS Policy SD4 provides that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.
- 7.18** Criterion 6 of 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.
- 7.19** The National Design Guide (NDG) addresses the question of how we recognise well-designed places, by outlining and illustrating the government priorities for well-designed places in the form of ten characteristics; one of which is the context. The NDG provides that well-designed development should respond positively to the features of the site itself and the surrounding context beyond the site boundary.
- 7.20** Policy RES5 of the Main Modifications and 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.
- 7.21** The surrounding area consists dispersed ribbon form of development along the A38. The properties are predominately detached and semi-detached properties of different age, type and design in reasonable sized plots set back from the front boundary.
- 7.22** The proposed site is triangular in shape and forms part of the residential curtilage of Caerleon. The proposal is for a two storey dwelling Plot 2 which is similar in design and materials to that of the new dwelling which is under construction. Plot 3 would be a one and a half storey dwelling would be sited sideways on towards the front boundary. Although most properties in the immediate vicinity are set back from the road, this form of development is evident within the wider area. Plot 3 would be of a simple form and use the same palette of materials. The materials are indicated on the proposed plans and it is considered that the development would integrate with the existing built form and be appropriate to the character of the area.

- 7.23** The subdivision of the plot would result in smaller plots however, there are other plots in Down Hatherley and Twigworth of a similar size and the dwellings would have satisfactory garden space.
- 7.24** The Parish council consider that the proposal would represent over development of the site which would compromise the visual amenity of the area. However, it is considered the site layout presents an acceptable arrangement without the site appearing too constrained. The use of similar design features and material pallet would ensure the development would be integrated with the local character.

Landscape and Visual Impact

- 7.25** The proposed dwellings would be site on an existing residential plot, viewed within the context of existing development and therefore would be acceptable in terms of the visual quality of the locality.
- 7.26** The submitted plans show a boundary hedge adjacent to the highway. However, at the site visit the hedge had been replaced with a timber fence which is contrary to the semi-rural character of the area. Therefore, a condition would be required for a hedge to be planted on the front boundary of the facing the A38 to soften the development and for the boundary treatment to be more in keeping with the character of the area.

Effect on the Living Conditions of Neighbouring Dwellings

- 7.27** Paragraph 130 of the NPPF specifies that planning decisions should ensure development creates places with a high standard of amenity for existing and future users. This 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, external space and noise. The development should have no detrimental impact on the amenity of new or existing residents.
- 7.28** There would be no direct overlooking of widows of habitable rooms or impact in terms of light. The site is a residential garden adjacent to the A38 which is subject to noise from the main road. To safeguard the new development in terms of acceptable levels of noise, conditions are recommended for noise mitigation measures to include triple glazing to windows and doors and a boarded fence to surround the site behind the proposed hedge on the front boundary.

Highway Safety

- 7.29** Section 9 of the NPPF relates to promotion of sustainable transport and specifies that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Policy INF 1 of the JCS reiterates this advice and policy TRAC9 of the MMTBP considers parking provision. The Highway authority have considered the proposal and have no objection in terms of highway safety or serve impact on congestion of the highway network. Conditions are recommended with regard to provision of electric vehicle charging points and provision of cycle storage. However, given the location and nature of the road it is unlikely that people would travel by bike and therefore no cycle storage is to be conditioned.

Flood Risk and Management

- 7.30** Policy INF2 seeks to minimise flood risk and provide resilience to flooding. The site lies within flood zone 1 of the Environment Agency Flood risk maps which is development of lowest river or sea flooding. Our Land Drainage Advisor has assessed the proposal and given that there is a suitable point to discharge attenuated surface water to if soakaways prove unsuitable, has no objection subject to a condition for details of surface water drainage to be submitted and agreed prior to the commencement of works on the site.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1** The proposal is acceptable in principle as it would constitute infilling within the built-up area of the strategic allocation of Twigworth in accordance with JCS SD 10. The design, layout and scale of the proposed dwellings are considered appropriate and no other harm, in respect to amenity and highway safety has been identified. In view of this the application is recommended for Permit.

CONDITIONS:

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

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

2. The development hereby permitted shall be carried out in accordance with the following documents:
 - Location Plan Drawing Number 3056 P (0) 01 Rev A
 - Proposed Site Plan Drawing Number 3056 P(2) 05 Rev A
 - Plot 2 Proposed Elevations Drawing Number 3056 P(2) 08 Rev A
 - Plot 2 Proposed Floor and Roof Plans Drawing Number 3056 P(2) 06 Rev A
 - Plot 3 Proposed Elevations Drawing Number 3056 P(2) 09 Rev A
 - Plot 3 Proposed Floor and Roof Plans Drawing Number 3056 P(2) 07 Rev A

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 construction work on the dwelling hereby approved shall not be commenced until the precise slab level of the new buildings, relative to the existing development boundary of the application site have been submitted to and approved in writing by the local planning authority. Thereafter the new dwellings shall be constructed at the approved floor level.

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

4. No development shall take place above dampcourse level until details of the boundary treatments have been submitted and approved in writing by the Local Planning Authority. The boundary treatment facing onto the A38 shall include a hedge to the front boundary with a boarded fence behind the hedge. The hedge shall be implemented within the first planting season prior to occupation of the dwellings. The boundary treatments shall be implemented in accordance with the approved details and maintained thereafter.

Reason: In the interests of visual amenity and noise level protection.

5. All glazing for external windows and doors shall be triple glazed the details submitted and approved by the Local Planning authority prior to occupation and implemented and maintained thereafter.

Reason In order to minimise noise levels from the highway.

6. 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

7. 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. The information submitted shall be in accordance with the principles set out in the approved drainage strategy. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

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.

Do not scale off this drawing.
Any discrepancies to be referred to the Architect.
This drawing is to be read in conjunction with all relevant specifications and other drawings issued by the Architect, and other specialists.
This drawing is copyright and not to be reproduced without RRA permission.
IN DOUBT ASK



PROPERTY BOUNDARY **SITE BOUNDARY**

The Addition of two Plots
Division Decaration Date Check Box



nra
architects

RRA Architects Ltd
Watershed
Wye Street
Hereford HR2 7DR

RRA Architects Ltd. T 01242 269874 E info@rraarchitects.com www.rraarchitects.com

Gloucestershire Hereford Ludlow London
T 01242 269 374 T 01432 278 707 T 01584 519 747 T 02031 300 398

Client: Noah Fury
Docket #: 0847

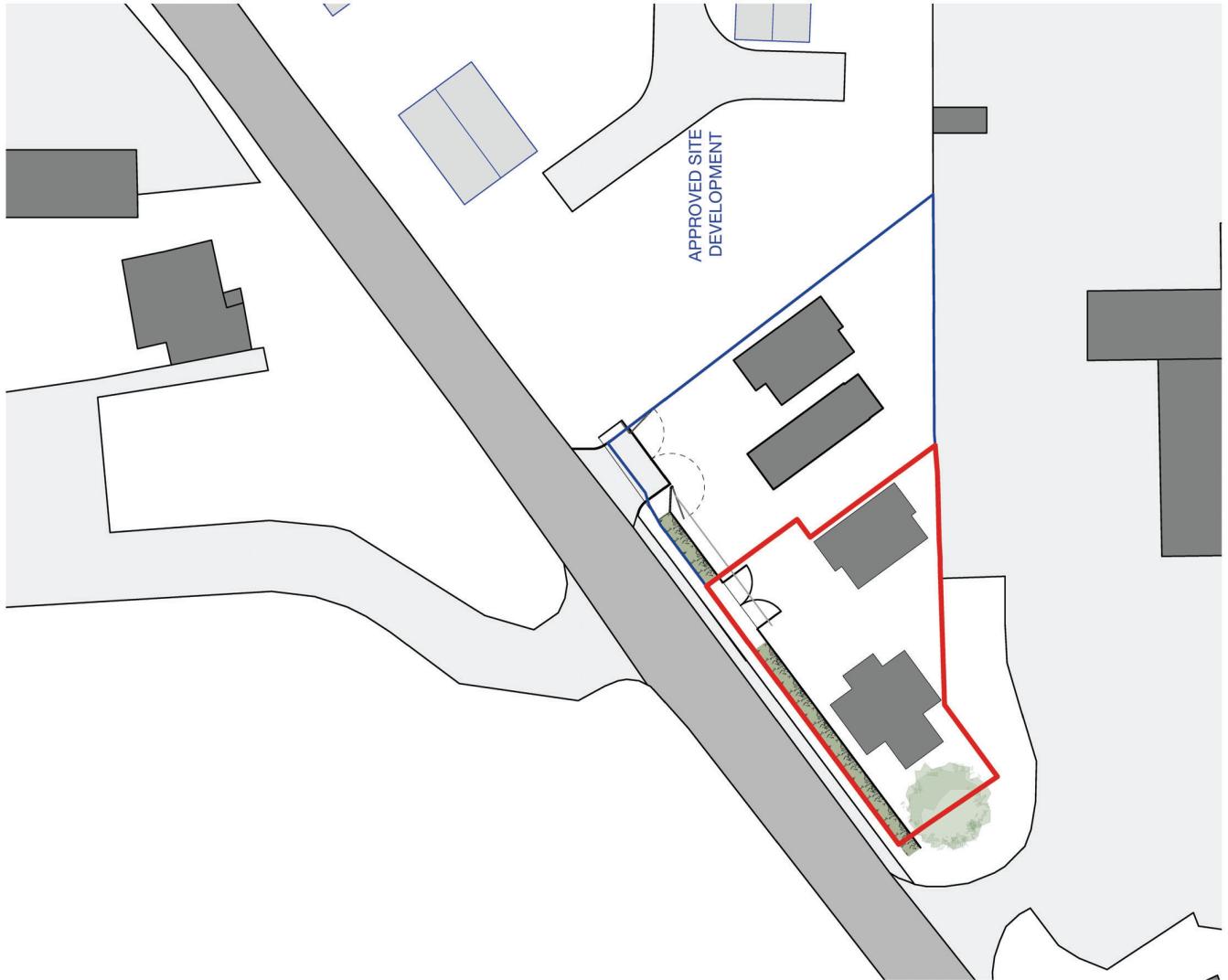
Caerleon, Tewksbury Road,
Gloucester, GL2 9PU
Project : 284/

Drawing Title :	SITE LOCATION	
Status	Local Authorities	Drawing No.
		2056 C/D (A)

SCALE: 1:500 @ A3

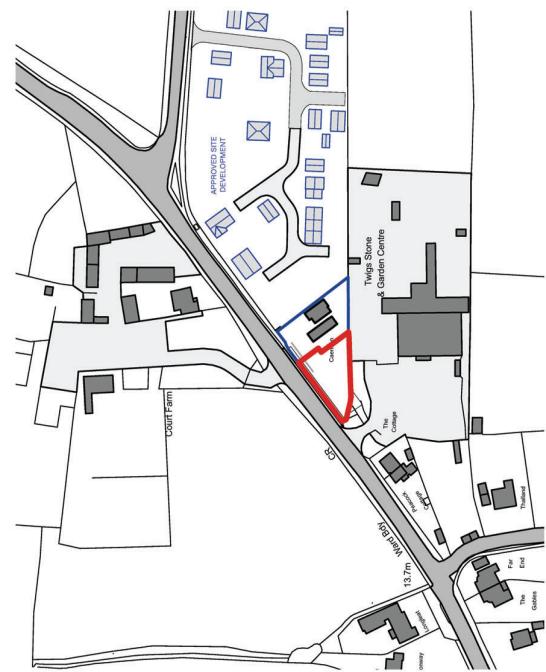
CONFUSED BLOCK PLAN
1:500 @ A3

SITE LOCATION PLAN
1:2500 @ A3

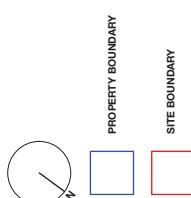


SATELLITE VIEW
1 NOT TO SCALE

5'



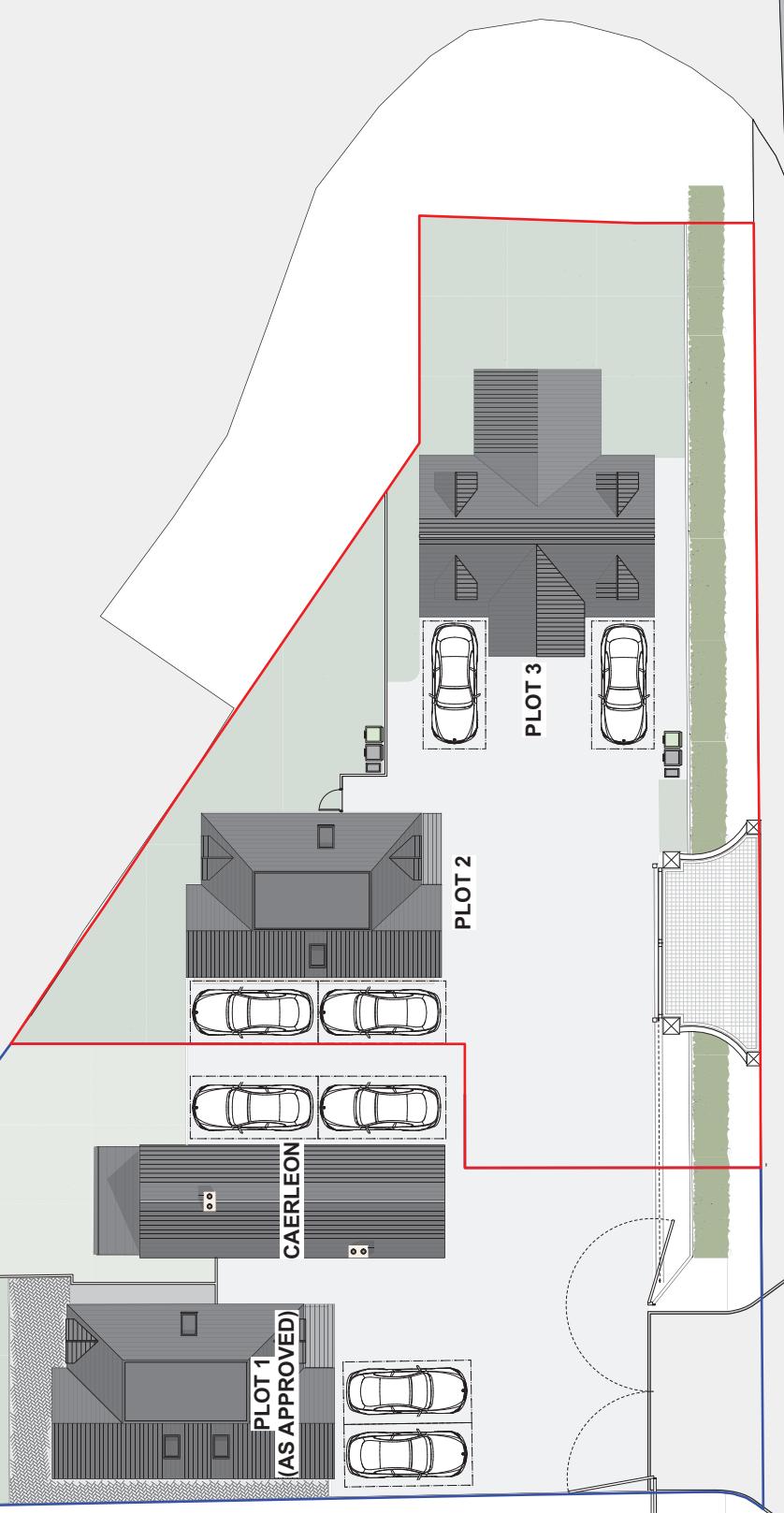
1 Do not scale off this drawing.
 2 Any discrepancies to be referred to the Architect.
 3 This drawing is to be read in conjunction with all relevant specifications and one or more drawings issued by the Architect.
 4 This drawing is copyright and is not to be reproduced without RRA permission.
 5 IF IN DOUBT, ASK.



PLANNING ISSUE

STRUCTURAL INFORMATION INDICATIVE ONLY SHOWN FOR CO-ORDINATION PURPOSES

PLEASE NOTE NO MANHOLES WERE LIFTED THROUGH SURVEYING THE PROPERTY. CONTRACTOR IS REQUIRED TO INSPECT DRAINAGE SYSTEM TO CHECK THEY WORK PRIOR TO COMMENCEMENT



The Addition of two Plots 04.06.21 OS A
 Revision Description Date Check Rev

RRA Architects Ltd
 Gloucestershire Hereford Ludlow Worcester Warwickshire
 Tel 01242 289 374 Fax 01522 278 707 Email info@rraarchitects.com
www.rraarchitects.com

Client: NOAH JURY
 Project: CAERLON, TEWKESBURY ROAD,
 GLOUCESTER, GL2 9PU
 Drawing No: 3056 P(2) 05 A
 Status: DRAWN BY
 DRAWING NO: JUNE 2021
 Scale: 1:100 @ A1 1:200 @ A3

1 Do not scale off this drawing.
 2 Any discrepancies is to be referred to the Architect.
 3 This drawing is to be read in conjunction with all relevant specifications and one or more drawings issued by the Architect.
 4 This drawing is copyright and is not to be reproduced without RRA permission.
 5 IF IN DOUBT, ASK.

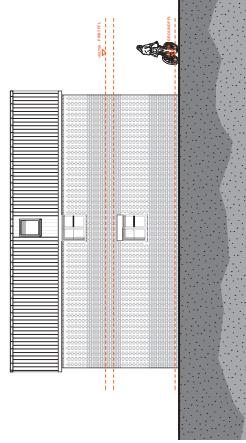
0 4 6 8 10 12 M
SCALE: 1:100 @ A1 1:200 @ A3

PLANNING ISSUE

STRUCTURAL INFORMATION INDICATIVE ONLY SHOWN FOR CO-ORDINATION PURPOSES

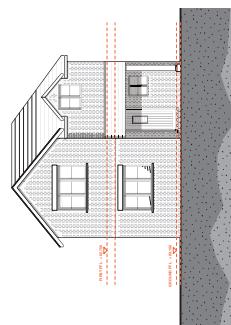
PLEASE REFER TO STRUCTURAL ENGINEERS SPECIFICATION

PLEASE NOTE NO MANHOLES WERE LIFTED THROUGH SURVEYING THE PROPERTY. CONTRACTOR IS REQUIRED TO INSPECT DRAINAGE SYSTEM TO CHECK THEY WORK PRIOR TO COMMENCEMENT



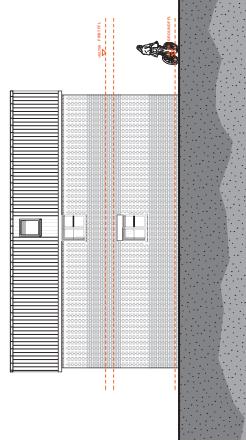
PROPOSED NORTHWEST ELEVATION

1:100 @ A1 1:200 @ A3



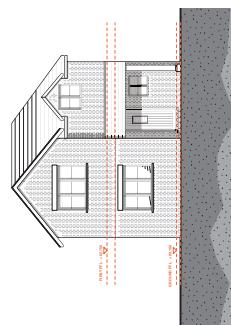
PROPOSED NORTHEAST ELEVATION

1:100 @ A1 1:200 @ A3



PROPOSED SOUTHWEST ELEVATION

1:100 @ A1 1:200 @ A3



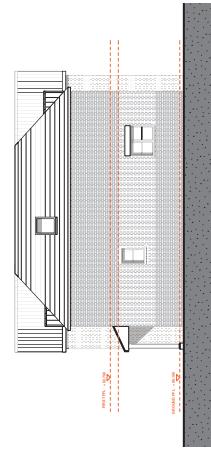
EXTERNAL FINISHES	IMAGE
Redland traditional slate grey roof tiles. Smooth finish concrete.	
Weblink: https://www.roofingoutlet.co.uk/products/redland-c-concrete-plain-tile-slate-grey	
Sarnafil single ply membrane Website: https://gbt.sarnafil.sika.com	
Red Multi Stock Brick Weblink: https://www.aab.build/product/red-multi-stock	
Light Brown Oak U-pvc Window & Doors	
Light Brown Oak U-pvc Bi-Fold door	



Amend annotation 26/07/21 OS A
Revision Description Date Check Rev

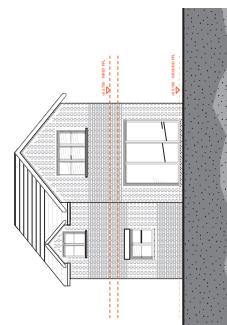
RRA Architects Ltd
10 Worcester Rd
Worcester
WR1 1RL
T 01242 369 374
E info@rraarchitects.com
www.rraarchitects.com

Client: NOAH FURY
Project: CAERLON, TEWKESBURY ROAD,
GLOUCESTER, GL2 9PU
Drawing Title: PROPOSED ELEVATIONS
PLOT 2
Status: PLANNING
Date: JULY 2021
Drawing No: 3056 P(2) 08
Revolution: A
Scale: 1:100 @ A1



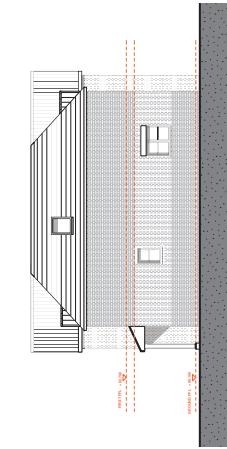
PROPOSED SOUTHWEST ELEVATION

1:100 @ A1 1:200 @ A3



PROPOSED SOUTHEAST ELEVATION

1:100 @ A1 1:200 @ A3



PROPOSED NORTHEAST ELEVATION

1:100 @ A1 1:200 @ A3

PLOT 2

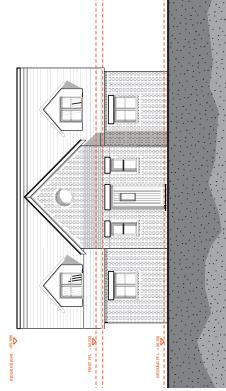
1 Do not scale off this drawing.
 2 Any discrepancies to be referred to the Architect.
 3 This drawing is to be read in conjunction with all relevant specifications and one or more drawings issued by the Architect.
 4 This drawing is copyright and is not to be reproduced without RRA permission.
 5 IF IN DOUBT, ASK.

PLANNING ISSUE

STRUCTURAL INFORMATION INDICATIVE ONLY SHOWN FOR CO-ORDINATION PURPOSES

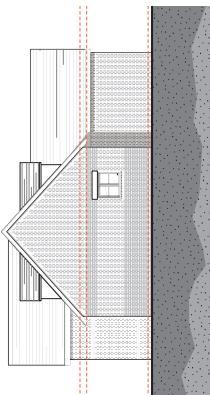
PLEASE REFER TO STRUCTURAL ENGINEERS SPECIFICATION

PLEASE NOTE NO MANHOLES WERE LIFTED THROUGH SURVEYING THE PROPERTY. CONTRACTOR IS REQUIRED TO INSPECT DRAINAGE SYSTEM TO CHECK THEY WORK PRIOR TO COMMENCEMENT



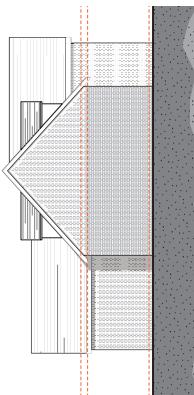
1 PROPOSED NORTHWEST ELEVATION

1:100 @ A1 / 1:200 @ A3



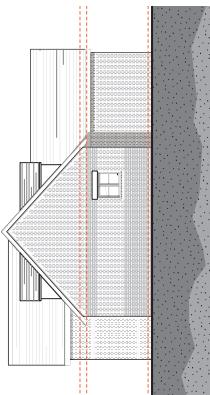
2 PROPOSED NORTHEAST ELEVATION

1:100 @ A1 / 1:200 @ A3



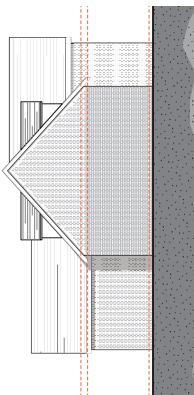
3 PROPOSED SOUTHEAST ELEVATION

1:100 @ A1 / 1:200 @ A3



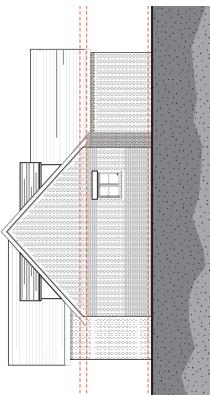
4 PROPOSED SOUTHWEST ELEVATION

1:100 @ A1 / 1:200 @ A3



5 PROPOSED PLOT 3 ELEVATION

1:100 @ A1 / 1:200 @ A3



EXTERNAL FINISHES	IMAGE
Redland traditional slate grey roof tiles.	
Smooth finish concrete.	
Weblink: https://www.roofingoutlet.co.uk/products/redland-concrete-plain-tile-state-grey	
Red Multi Stock Brick	
Weblink: https://www.aab.build/product/red-multi-stock	
Light Brown Oak U-PVC Window & Doors	

54



Amend annotation 26/07/21 OS A
Revision Description Date Check Rev

RRA Architects Ltd
10 Worcester Place, London, WC1N 3AU
T 01242 289 374
E info@rraarchitects.com
www.rraarchitects.com

Client: NOAH JURY
Project:

CAERLON, TEMWICKSBURY ROAD,
GLOUCESTER, GL2 9PU

Drawing Title: PROPOSED ELEVATIONS
PLOT 3
Status: PLANNING
Date: JULY 2021
Drawing No: 3056 P(2) 09
Revolution: A
Scale: 1:50 @ A1

1 Do not scale off this drawing.
2 Any discrepancies shall be referred to the Architect.
3 This drawing is to be read in conjunction with all relevant specifications and other drawings issued by the Architect, and other specialists.
4 This drawing is copyright and is not to be reproduced without RIBA permission.
5 IF IN DOUBT, ASK.

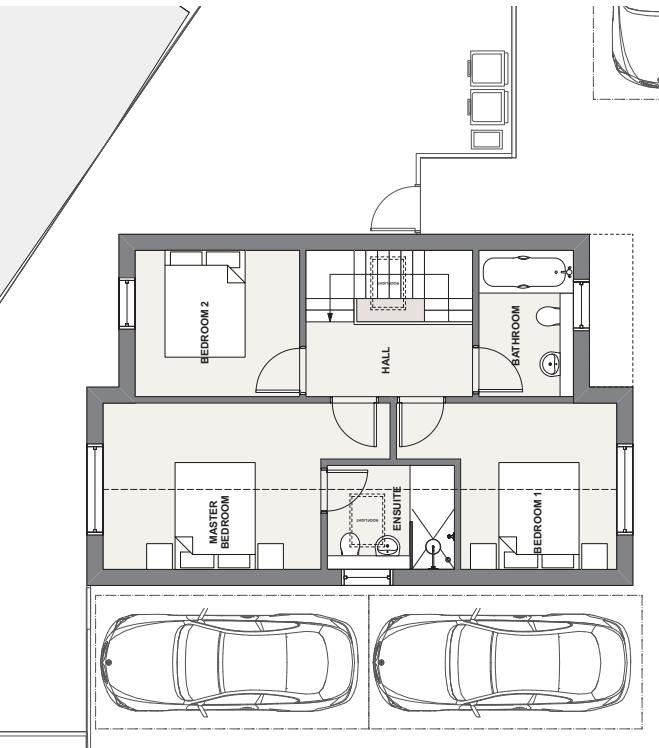
2

PLANNING ISSUE

STRUCTURAL INFORMATION INDICATIVE ONLY SHOWN FOR CO-ORDINATION PURPOSES

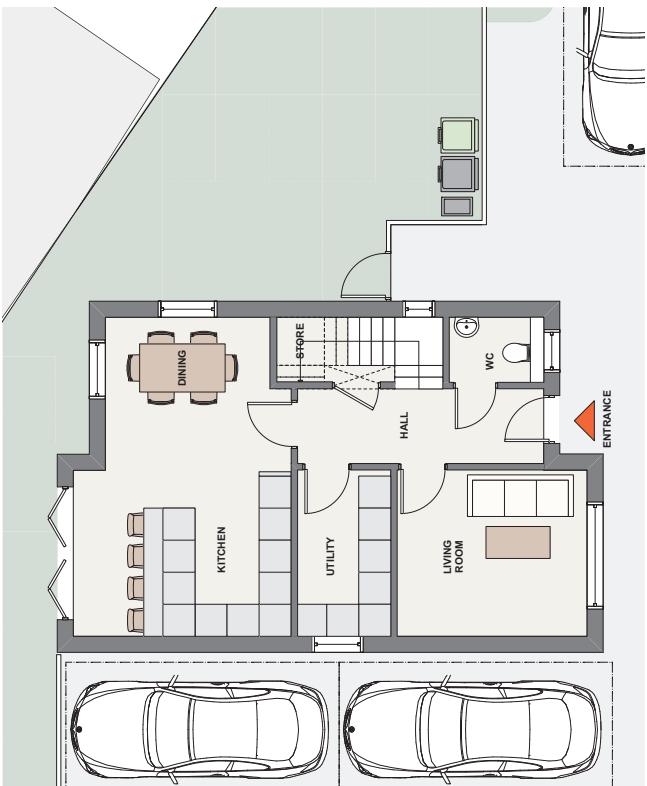
PLEASE REFER TO STRUCTURAL ENGINEERS SPECIFICATION
PLEASE NOTE NO MANHOLES WERE LIFTED THROUGH SURVEYING THE PROPERTY. CONTRACTOR IS REQUIRED TO INSPECT DRAINAGE SYSTEM TO CHECK THEY WORK PRIOR TO COMMENCING.

SCALE: 1:50 @ A1 / 1:100 @ A3



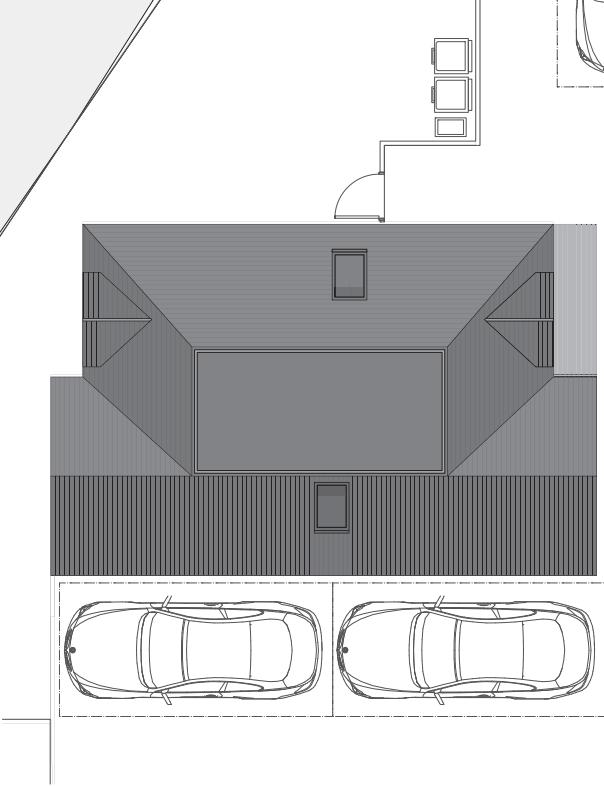
PROPOSED FIRST FLOOR PLAN

55



PROPOSED GROUND FLOOR PLAN

Planning	JULY 2021	S
Drawing No.	20E6 D/2) OC	Revision A



PROPOSED ROOF PLAN

3 1:50 @ A1 / 1:100 @ A3

Status	Planning	Date	July 2021	Drawn by	SJB
Drawing No.	2025-R2/OC	Revision	A	Scale	—



Revision Description	Date	Check	Rev
Amend rooflight and window position on first floor plan	26/07/21	OS	A



ג'ג

Project : CAERLON, TEWKESBURY ROAD,
CLOUDESTER GL2 0PL

Drawing Title : **PROPOSED FLOOR AND ROOF PLANS
PLOT 2**

Plot 2

1 Do not scale off this drawing.
 2 Any discrepancies to be referred to the Architect.
 3 This drawing is to be read in conjunction with all relevant specifications and one or more drawings issued by the Architect.
 4 This drawing is copyright and is not to be reproduced without RRA permission.
 5 IF IN DOUBT, ASK.



PLANNING ISSUE

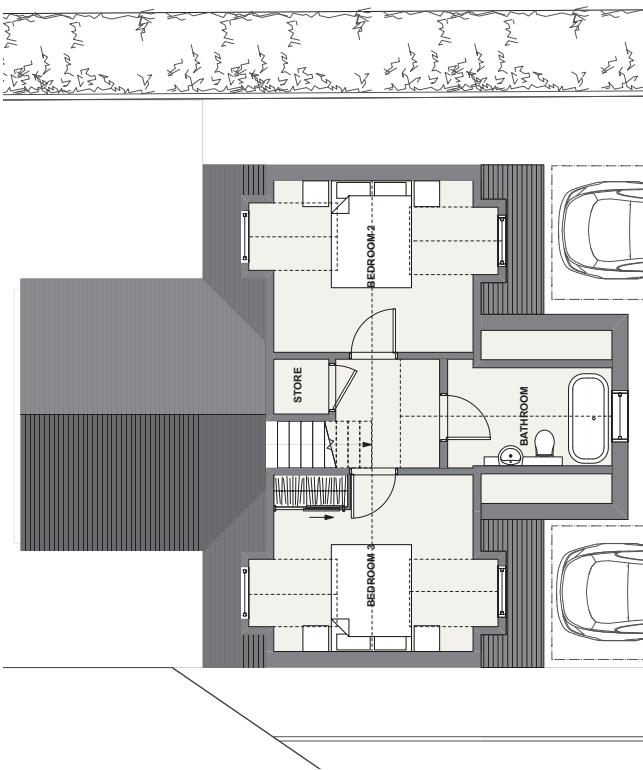
STRUCTURAL INFORMATION INDICATIVE ONLY SHOWN FOR CO-ORDINATION PURPOSES

PLEASE REFER TO STRUCTURAL ENGINEERS SPECIFICATION

PLEASE NOTE NO MANHOLES WERE LIFTED THROUGH SURVEYING THE PROPERTY. CONTRACTOR IS REQUIRED TO INSPECT DRAINAGE SYSTEM TO CHECK THEY WORK PRIOR TO COMMENCEMENT

SCALE: 1:50 @ A1 / 1:100 @ A3

0 3 4 5 6 7 8 M



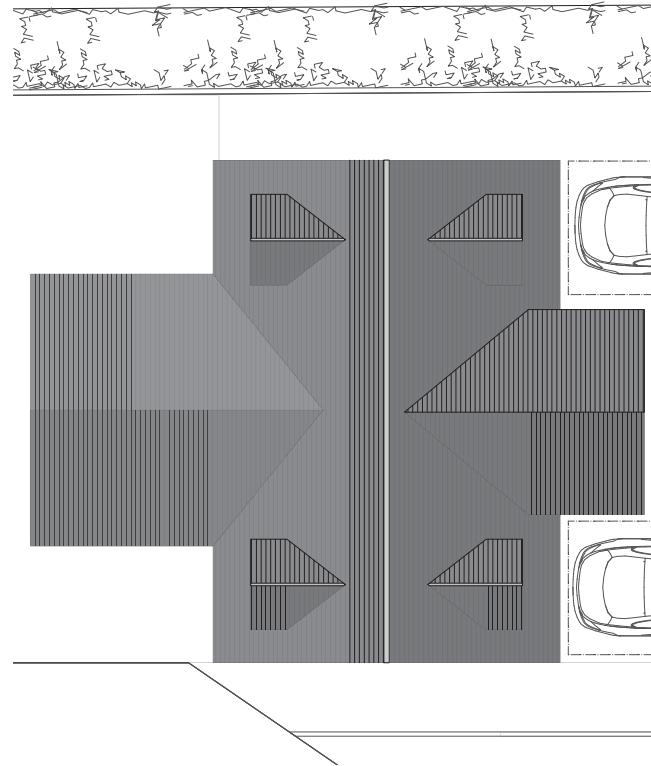
PROPOSED FIRST FLOOR PLAN

256



PROPOSED GROUND FLOOR PLAN

1



PROPOSED ROOF PLAN

1



Revision Description Date Check Rev

RRA Architects Ltd

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

T

E

W

L

O

D

W

W

W

W

W

W

W

www.rraarchitects.com

info@rraarchitects.com

T 01242 289 374

F 01242 278 707

T 01984 519 747

L 02033 303 398

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W

W</

Agenda Item 5b

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	21 December 2021
Site Location:	Gretton Farm Gretton Road Gretton
Application No:	21/01197/PIP
Ward:	Winchcombe
Parish:	Gretton
Proposal:	Permission in principle for between one and six new dwellings.
Report by:	Bob Ristic
Appendices:	Site location plan Block plan
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1** The application site comprises a parcel of land sited to the western edge of Gretton and on the Southern side Gretton Road which measures 0.46 hectares in area.
- 1.2** The site lies to the west of Gretton Farm Bungalow and comprises an overgrown area of land which is screened from the road by a mature hedge. To the rear, the site adjoins the heritage railway line which runs along a raised embankment.
- 1.3** The site lies immediately to the west of the settlement boundary to Gretton and within the Special Landscape Area (SLA) as identified on the proposals map to the Tewkesbury Borough Local Plan to 2011 (2006).
- 1.4** The application seeks Planning in Principle for between 1 and 6 dwellings.
- 1.5 A committee determination is required as the Parish Council object to the proposal.**

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
16/00525/FUL	Change of Use of part of agricultural holding to equine comprising change of use and extensions to agricultural building to provide stabling, change of use of existing agricultural storage building to grooms accommodation, horse walker, lunge pen and associated works	PER	23.08.2016

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

- SD3 (Sustainable Design and Construction)
- SD4 (Design Requirements)
- SD6 (Landscape)
- SD8 (Historic Environment)
- SD9 (Biodiversity and Geodiversity)
- SD10 (Residential Development)
- SD14 (Health and Environmental Quality)
- INF1 (Transport Network)

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

- LND2 (Special Landscape Area)

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)
- LAN1 (Special Landscape Areas)

3.5 Neighbourhood Plan

None

3.6 Other relevant policies/legislation

- 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 Gretton Parish Council – Object

- Site lies outside the village development boundary.
- Would alter the character of the village.
- Site is extremely susceptible to flooding.
- Neighbouring properties have flooded
- Concerned that any development on this site will make this situation worse.
- Site is a critical visual element, when viewed from the Alderton approach to the village
- Would impact Gretton's rural village character.
- Use of suburban house types would suburbanise the north end of the village.
- Site is one of substantial biodiversity.
- The Council is introducing and supporting measures to increase biodiversity and sustainability in the village
- Would cause a major loss of habitat.
- JCS Inspector stated that development should be concentrated on those areas with strong local facilities

- Villages like Gretton should not be subject to these development pressures.
- Gretton falls outside the "service village" category.

4.2 County Highways Officer – No objections

- Proposal would not have an unacceptable impact on Highway Safety or a severe impact on congestion

4.3 County Archaeologist – No objections

4.4 Environmental Health Officer – No Noise or air quality issues

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. Four representations have been received in response and then comments raised are summarised below:

- 5.2**
- Developments within the village and surrounding areas are detrimental to the character of Gretton
 - Increasing number of developments are being proposed and approved
 - Potential to set a precedent for further substantial development on farmland
 - Would have a significant impact on local wildlife habitats
 - Increase in great crested newt sightings
 - Flooding and drainage issues
 - 23 new dwellings already built, significant impact following the Spitfire Homes development
 - New modern high-pitched houses do not add/complement the character of the village
 - Would look out of place and would ruin the atmosphere of the village
 - Would impact views
 - Would result in ribbon development
 - New houses would completely change the landscape
 - Building work will result in disruption and noise
 - Increase in dog mess and traffic
 - Bus services are limited

- Residents would rely on private vehicles
- Outside of village boundary

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 Pre-Submission TBP was submitted for examination in May 2020. Examination in Public (EiP) took place over five weeks during February and March 2021. The examining 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'.
- 6.4** A schedule of Main Modifications to the Pre-submission TBP were approved at the meeting of the Council on 20th October 2021 and is now published for consultation as the Main Modifications Tewkesbury Borough Plan (MMTBP).
- 6.5** Those policies in the MMTBP which were not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which are subject to 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 (including as with modifications as published for consultation) 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).
- 6.6** The relevant policies are set out in the appropriate sections of this report.
- 6.7** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

7.0 ANALYSIS

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

Each of these are discussed in below.

Location and Principle of development

- 7.2** Gretton comprises a small village which does not benefit from a defined settlement boundary in the JCS or emerging Local Plan, however the application site is located adjacent to the previously defined built up area as shown on the proposals map to the TBLP to 2011 and in proximity to local services, albeit limited.
- 7.3** Policy SP2 of the JCS sets out the strategy for the distribution of new development across the JCS area and 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. On sites that are not allocated, as in this instance, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas and housing development on other sites will only be permitted where it constitutes affordable housing; infilling within a town or village. The JCS defines infill development as the development of an under-developed plot well related to existing built development. The application site lies outside of the previously defined village boundary and conflicts with Policy SD10. While it is not considered an underdeveloped plot it is however located at the edge of the village and is adjoined on two sides by existing residential development and to the south by built development in the form of the embankment to the heritage railway line.
- 7.4** In terms of the emerging Local Plan the application site is not identified as a Housing Site Allocation within the MMTBP and Gretton does not have a defined settlement boundary within the Proposals Map. Emerging Policy RES3 provides 7 criteria in which the principle of new residential development outside of the defined settlement boundaries will be considered acceptable. The only criteria of relevance to this application is (3) very small scale development at rural settlements in accordance with Policy RES4.
- 7.5** Policy RES4, provides 5 criteria which would apply to applications proposing very small-scale residential development within and adjacent to the built-up area of other rural settlements. While criteria b) sets an indicative growth limit of 5%, which has been exceeded by the recent Spitfire Homes development (which was allowed at appeal), the application site however adjoins the existing built-up area and could be considered to complement the existing linear form of this part of the settlement in accordance with criteria c). It is however noted that this is an emerging policy and while it can be afforded moderate weight at this time, particular regard would need to be had to the Council's Five Year Housing Land Supply.
- 7.6** As set out in the latest Tewkesbury Borough Five Year Housing Land Supply Statement published in December 2020, the Council can demonstrate a 4.39 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.

- 7.7 Members will be aware of the appeal decision at Ashmead Drive in which the Inspector concluded that the Council could demonstrate a 1.82 year supply and the subsequent High Court judgment. The Judge found that the Gotherington Inspector had not erred in law in arriving at that conclusion not to take previous oversupply into account in determining that appeal.
- 7.8 Appeal decisions are not binding precedents however. That the Council includes advanced delivery (or 'oversupply') against annual housing requirements in its five-year supply calculations is, in officers view, in the context of the plan-led system, is the correct approach. This is because not taking into account those 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 would serve to artificially increase the plan-led housing requirement.
- 7.9 It is noteworthy that, in his judgment, the Judge made it clear that it was not for him to make policy, "*The question of whether or not to take into account past oversupply in the circumstances of the present case is... a question of planning judgment which is not addressed by the Framework or the PPG and for which therefore there is no policy*". He went on- '*No doubt in at least most cases the question of oversupply will need to be considered in assessing housing needs and requirements*'.
- 7.10 More recently the Council has received two appeal decisions following public inquiries where the issue of 'oversupply' was also debated. In an appeal at Coombe Hill, the Inspector noted that taking into account '*past performance exceeding the annual average of the plan's requirement... seems to me to be a just approach, because it reflects reality, not a theoretical formula applied without consideration of actual outturns.*'
- 7.11 In another appeal decision for a scheme at Alderton, the Inspector arrived at a similar conclusion, saying that '*Nonetheless, in my judgement, the Council's method of taking account of an over-supply against the annual requirement is not be [sic] an unreasonable one.... To continue to require 495 homes a year when the past over-supply would indicate a lesser requirement, would, it seems to me, be to 'artificially inflate' the housing requirement. I am not convinced, having accepted this position, that the appellant's argument that the supply is as low as 2.08 years is robust.*'
- 7.12 Officer's advice is therefore that a 4.39-year supply can be demonstrated at this time. 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.

Land use

- 7.13 The guidance sets out that housing led development is an accepted land use for the Permission in Principle application process. While matters of detail remain a consideration for the Technical Matters stage it is noted that no objections have been raised in respect of the principle of development by the County Council Highways Officer, Environmental Health Adviser of County Archaeologist.

Amount

- 7.14** The Application initially sought permission for up to 9 dwellings. This has subsequently been revised down to a maximum of 6 dwellings and a range of between 1 and 6 dwellings is currently proposed by the application. While up to 6 dwellings could physically be accommodated on this site, it would be for the applicant to demonstrate at the ‘technical details’ stage that whatever final amount is proposed, that this could be accommodated upon the site in a satisfactory manner.

Other Matters

- 7.15** While concerns have been raised with regards to character, design, drainage, ecology and landscape impact, it should be noted that these matters do not fall within the scope of this application and would remain matters for consideration at the technical details stage. Any issues which may arise must be overcome through that part of the process and before development could proceed.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1** 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 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 contribute towards the supply of housing to help meet the objectively assessed need for housing in the Borough. In terms of economic benefits, as with any new residential development, the construction of new dwellings bring benefits during the construction phase, and following construction through additional spending power in the local economy as a result of the increased population.

Harms

- 8.3** The site does not fall within the built-up area of Gretton nor can it be considered an under-developed plot. Consequently, the development would be contrary to the requirements of JCS Policy SD10. This counts against the proposal. Modest harm upon the landscape would arise from the introduction of between 1 and 6 dwellings on what is presently undeveloped agricultural land.

Neutral

- 8.4** It is considered that the proposal would be acceptable in terms of numbers proposed on the site. Details of highway, landscape, ecology, design, mix, drainage, layout and residential amenity will be considered at the technical matters stage.

Overall conclusion

- 8.5** The development would conflict with the strategic housing policies of the JCS. However, given the Council's five year housing land position these policies should not be considered to be up-to-date and therefore the presumption in favour of sustainable development applies. In this case, the modest harm upon the landscape character would not significantly and demonstrably outweigh the benefits in the overall planning balance when considering whether the location of the site is suitable for housing. Therefore, the permission in principle should be **Granted**.

CONDITIONS:

Nil

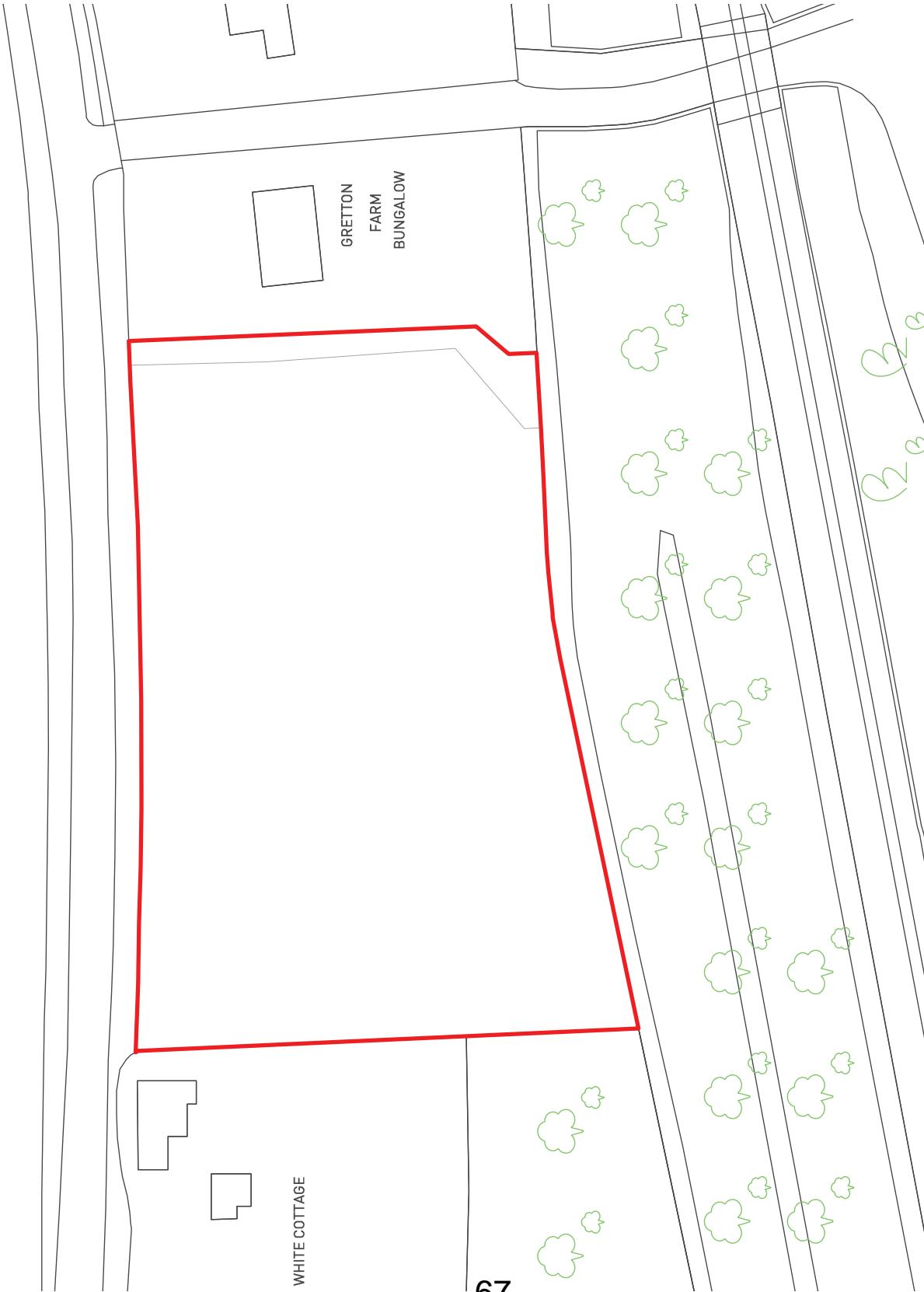
INFORMATIVES:

1. The technical details application for the approval of matters must be made prior to commencement of development and no later than the expiration of three years from the date on this decision notice, after this period this planning permission in principle shall lapse.
2. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published 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.
3. CIL: IMPORTANT INFORMATION

Tewkesbury Borough Council is a charging authority for the Community Infrastructure Levy (CIL). It is your responsibility to ensure that the requirements of the CIL Regulations are met. The Council will make every effort to ensure that a Liability Notice providing details of the potential charge is dispatched as soon as possible after planning permission or consent is granted. If you do not receive a Liability Notice please contact the Council. If you have been granted an Outline Planning Permission you will be required to submit the CIL Planning Application Additional Information Requirement form along with your Reserved Matters application.

4. All CIL requirements, including assuming liability to pay the charge, claiming any exemption or relief and notifying the Council of your intention to commence development, must be met before any works begin on site - including any demolition. Further information regarding CIL can be found on our website at <https://www.tewkesbury.gov.uk/planning> or you can contact us at cil@tewkesbury.gov.uk.
5. 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.





Pegasus accepts no liability for any use of this document other than for its original purpose, or by the original client or its agents, or by any person to whom it has been communicated in such use. T01285 661777 www.pegasusgroup.co.uk
Copyright Pegasus Group Ltd. Crown copyright. All rights reserved. Licence number 1000023093. Planning Licence number 100002448. Standard O/S Licence number 1000031673. Standard O/S Licence rights conditions apply.

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	21 December 2021
Site Location:	Glebe Cottage Main Street Wormington
Application No:	21/00183/OUT
Ward:	Isbourne
Parish:	Dumbleton
Proposal:	Outline application for the erection of one dwelling and detached garage with all matters reserved
Report by:	Gemma Smith
Appendices:	Site location plan Indicative site layout plan
Recommendation:	Delegated Permit

1.0 SITE DESCRIPTION AND PROPOSAL

Application Site

- 1.1 The Application Site relates to a parcel of land approx. 0.1ha comprising of paddock. The site is relatively flat and benefits from natural screening on the boundaries in the form of mature hedgerows and a high red brick wall.
- 1.2 A timber framed stable block is located in the south west corner of the site adjacent to a gated vehicular access.
- 1.3 Glebe Cottage is a detached building located in the north east corner of the village. It was originally constructed to house staff from the neighbouring Glebe House located to the south of the site (known as Wormington Manor).

The Proposal

- 1.4 The application seeks outline permission for the erection of 1 no. dwelling and detached garage with all matters reserved. An indicative plan has been submitted to indicate the location of the dwelling and a creation of a new access.
- 1.5 The proposal would subdivide the existing paddock area from Glebe House to form a separate property.

1.6 The proposal would seek the formation of a vehicle access point onto the highway to serve the new dwelling but this matter is reserved.

1.7 The application is supported by the following documents:

- Design and Access Statement, IJP Construction Services Ltd.
- Drainage and Water Management Strategy, IJP Construction Services Ltd.

1.8 Councillor Gore has called the application to Planning Committee on the grounds of the impact of the proposal on the landscape and nearby properties.

2.0 RELEVANT PLANNING HISTORY

2.1 No relevant site history.

3.0 RELEVANT POLICY

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

National guidance

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

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

- 3.3**
- Policy SP1 (The Need for New Development)
 - Policy SP2 (Distribution of New Development)
 - Policy SD6 (Landscape)
 - Policy SD9 (Biodiversity and Geodiversity)
 - Policy SD10 (Residential Development)
 - Policy SD11 (Housing mix and Standards)
 - Policy SD14 (Health and Environmental Quality)
 - Policy INF1 (Transport Network)
 - Policy IN2 (Flood Risk Management)

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

3.4 None

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

- 3.5**
- Policy RES3 (New Housing Outside Settlement Boundaries)
 - Policy RES5 (New Housing Development)
 - Policy DES1 (Housing Space Standards)
 - Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
 - Policy ENV2 (Flood Risk and Water Management)
 - Policy TRAC1 (Pedestrian Accessibility)
 - Policy TRAC9 (Parking Provision)

Neighbourhood Plan

- 3.6** None

Other relevant policies/legislation

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

4.0 CONSULTATIONS

- 4.1** Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.
- 4.2** **Dumbleton Parish Council** – Comments – in principle the outline application looks acceptable but highlight the LLFA comments.
- Main reason the development within the proposal is not a material consideration.
 - Support why it is considered an important consideration by the applicants in regard to their history within the village.

- 4.3** **Gloucestershire County Council (Flood Risk Management) –**

Final comments – Rev A of Drainage Strategy. It is not clear how surface water drains from the site. Advises to attenuate the surface water in a swales and shallow pond at the front of the property.

Initial Comments: The proposal is for this development to dispose of surface water and the discharge from a package treatment plant to the existing adjacent ditch however it is not clear that this ditch is connected to anything and isn't any more than a ditch the length of the western boundary of the development site. For this to be a viable proposition we would need to see how this ditch connects to a watercourse as it is not clear that there are any for it to connect to. Either end of the site the ditch meets a gate crossing either from the development site or the adjacent property so unless the ditch feeds a culvert it goes nowhere. If the ditch goes nowhere it will simply fill up with the discharge from the package treatment plant and surcharge whenever it rains.

Without a mapped connection between the ditch and the watercourse this is not a functioning drainage system and so I must object to the proposal.

4.4 Environment Agency - The proposed development is situated within the consultation zone of a Major Accident Hazard Pipeline. Based on the details in the application and distance to the pipeline, it is considered the development will not increase the risk or consequences of a major accident to the pipeline. However, the developer may wish to check further with the pipeline operator where known or the local authority before proceeding.

4.5 GCC Highways – Objection with the following comments

- Transport Statement does not address the matter of unsustainability and lack of other transport options with a limited bus service.
- The development site is located in a rural environment with limited amenities and no schools within walking or cycling distances there are no footways.
- The Highway Authority consider the proposed development would be located in an unsustainable location and occupiers would be reliant on the private car for their daily needs for employment, schools, health and recreation and shopping, which is in variance with paragraphs 108a and 110 of the NPPF, 2019 (new 2021) Policy TRAC1 and conflicts with MfGS.

4.6 Ecology – PEA hedgerow assessment is required as the proposed plans include removal of a section of the hedgerow. PEA also needs to show Biodiversity Net Gains.

4.7 Severn Trent Water – No Objection with the following comments:As the proposal has minimal impact on the public sewerage system no objections to the proposals and do not require a drainage condition to be applied.

4.8 Building Control – The proposal will require Building Regulations approval.

4.9 Environmental Health Officer – No Objection to the application in terms of noise/nuisance issues.

4.10 Air Quality – No objection.

4.11 Tree officer – No Objection subject to conditions relating to tree enhancements, hedgerow and protection of habitats.

PUBLICITY AND REPRESENTATIONS

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

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

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 Pre-Submission TBP was submitted for examination in May 2020. Examination in Public (EiP) took place over five weeks during February and March 2021. The examining 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'.
- 6.4** A schedule of Main Modifications to the Pre-submission TBP were approved at the meeting of the Council on 20th October 2021 and is now published for consultation as the Main Modifications Tewkesbury Borough Plan (MMTBP).
- 6.5** Those policies in the MMTBP which were not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which are subject to 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 (including as with modifications as published for consultation) 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).
- 6.6** The relevant policies are set out in the appropriate sections of this report.
- 6.7** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

7.0 ANALYSIS

Principle of development

- 7.1** Policy SP2 of the JCS sets out the strategy for the distribution of new development across the JCS area, and JCS Policy SD10 ('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. Deerhurst Walton is not identified as a 'Service Village' or a 'Rural Service Centre' within Table SP2c ("Settlement hierarchy") of the JCS. As such, the proposed development fails to comply with criteria 3 of JCS Policy SD10.

7.2 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.*

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.

7.3 In terms of criteria 4 (ii) above, the JCS sets out that infill development means the development of an under-developed plot well related to existing built development. By virtue of the location of the application site, between Glebe House to the north and Wormington Manor located to the south of the site, it is considered that the proposal would fall within the JCS's definition of infill development. However, criteria 4(ii) further requires this infilling to be within the existing built up area of a village. The application site is located adjacent to the main built up area of Wormington. In this context, and given the absence of local services and amenities, it is considered that the proposal cannot reasonably be regarded as constituting infilling within the existing built-up area of a village, in conflict with criteria 4(ii) of JCS Policy SD10.

7.4 The application site lies outside of any defined settlement boundary and is not allocated for housing development. The proposal is not for affordable housing on a rural exception site, and it does not represent infilling within the existing built-up area of a village. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing development plan which allow for the type of development proposed here. The principle of the proposed development is therefore considered to be entirely inconsistent with the spatial strategy of the development plan, as set out within policies SP2 and SD10 of the JCS.

7.5 Emerging Policy RES4 of the MMTBP 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. By virtue of the location of the application site, located towards the south-eastern end of this linear form of development, 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 MMTBP 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

- 7.6 One such criteria of emerging Policy RES4 of the MMTBP 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 be of an appropriate scale having regard to the size, function and accessibility of the settlement.
- 7.7 The County Highway Authority objects to the development on account it would be located in an unsustainable location and occupiers would be reliant on the private car for their daily needs for employment, schools, health and recreation and shopping, which is in variance with paragraphs 108a and 110 of the NPPF, 2019 (new 2021) Policy TRAC1 and conflicts with Manual for Gloucestershire Streets. Whilst this position is acknowledged it is in conflict with locational policies of the adopted development plan and the NPPF that facilitate small scale residential development in rural locations in certain circumstances.
- 7.8 However, whilst the proposal is considered to be contrary to Policy SD10 it is also currently the case that the Council cannot demonstrate a 5-year supply of deliverable housing sites.

Five Year Housing Land Supply

- 7.9 As set out in the latest Tewkesbury Borough Five Year Housing Land Supply Statement published in December 2020, the Council can demonstrate a 4.39 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.
- 7.10 Members will be aware of the appeal decision at Ashmead Drive in which the Inspector concluded that the Council could demonstrate a 1.82 year supply and the subsequent High Court judgment. The Judge found that the Gotherington Inspector had not erred in law in arriving at that conclusion not to take previous oversupply into account in determining that appeal.
- 7.11 Appeal decisions are not binding precedents however. That the Council includes advanced delivery (or 'oversupply') against annual housing requirements in its five-year supply calculations is, in officers view, in the context of the plan-led system, is the correct approach. This is because not taking into account those 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 would serve to artificially increase the plan-led housing requirement.

- 7.12** It is noteworthy that, in his judgment, the Judge made it clear that it was not for him to make policy, “*The question of whether or not to take into account past oversupply in the circumstances of the present case is... a question of planning judgment which is not addressed by the Framework or the PPG and for which therefore there is no policy*”. He went on- ‘*No doubt in at least most cases the question of oversupply will need to be considered in assessing housing needs and requirements*’.
- 7.13** More recently the Council has received two appeal decisions following public inquiries where the issue of ‘oversupply’ was also debated. In an appeal at Coombe Hill, the Inspector noted that taking into account ‘*past performance exceeding the annual average of the plan’s requirement... seems to me to be a just approach, because it reflects reality, not a theoretical formula applied without consideration of actual outturns*’.
- 7.14** In another appeal decision for a scheme at Alderton, the Inspector arrived at a similar conclusion, saying that ‘*Nonetheless, in my judgement, the Council’s method of taking account of an over-supply against the annual requirement is not be [sic] an unreasonable one.... To continue to require 495 homes a year when the past over-supply would indicate a lesser requirement, would, it seems to me, be to ‘artificially inflate’ the housing requirement. I am not convinced, having accepted this position, that the appellant’s argument that the supply is as low as 2.08 years is robust.*’
- 7.15** Officer’s advice is therefore that a 4.39-year supply can be demonstrated at this time. 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

- 7.16** 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.
- 7.17** 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.
- 7.18** Emerging Policy RES4 of the MMTBP, 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 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.

7.19 In addition, emerging policy RES5 of the MMTBP 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.

7.20 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.

7.21 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 ‘infill’ of the developable plot in context of the surrounding built form.

7.22 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 to the front side of the site.

7.23 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.

- 7.24** 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.

Residential amenity

- 7.25** 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 MMTBP is also relevant.
- 7.26** 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.
- 7.27** 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.
- 7.28** 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

- 7.29 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.
- 7.30 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.
- 7.31 The proposed details show part of the hedgerow at the front of the site will need to be removed to obtain future access to the site (which to clarify is a reserved matter). Hedgerows are increasingly recognised to be of great importance to both landscape character and ecological corridors. The tree officer has been consulted and has no objection subject to the replanting of a new native hedgerow positioned further back from the highway so splays and access can be obtained. Details would be required of the planting of new trees and hedgerows secured by condition.

Drainage and flood risk

- 7.32 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.
- 7.33 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.
- 7.34 Following a number of amendments and additional information sought from the Drainage Officer, the Drainage 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.

Biodiversity

- 7.35** 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.
- 7.36** 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.
- 7.37** 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 179 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, minimising impacts on and proving net gains to biodiversity.
- 7.38** 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.
- 7.39** The Ecological Advisor seeks for the application to be supported by a Preliminary Ecological Assessment which has been requested but has not yet been submitted. Officers seek a delegated permit in order for these matters to be addressed.

Community Infrastructure Levy (CIL)

- 7.40** 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** As set out above, the proposal is considered to be inconsistent with the spatial strategy of the development plan, as set out within policies SP2 and SD10 of the JCS. the Main Modifications Tewkesbury Borough Local Plan is however now at advanced stage.

- 8.2** In particular, emerging Policy RES4 (as referred to within Policy RES7) of the MMTBP states that small-scale residential development within and adjacent to the built-up area of other rural settlements (those not featured within the settlement hierarchy) need to comply with five criterion. The application is considered to propose very small-scale residential development and, the application site is considered to be located adjacent to the built-up area of this rural settlement and would be considered as a continuation of the existing built form on this side of the public highway. Given the advanced stage of the MMTBP it is considered that Policy RES4 has significant weight.
- 8.3** Notwithstanding this assessment, the Council's policies for the supply of housing are currently considered to be out-of-date having regard to paragraph 11 of the NPPF given the recent findings of the Authority Monitoring Report. In these circumstances, the NPPF advises that the presumption should be that planning permission is granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or there are adverse impacts of doing so which would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

Benefits

- 8.4** The benefits which would be derived from the development would be a contribution, albeit in a small way, towards providing housing in the Borough and the similarly limited economic benefits arising both during and post construction.

Harms

- 8.5** Further, there would be an adverse impact on the landscape and rural setting of the site brought about through the domestication of the land to allow for the proposed residential garden, combined with associated domestic paraphernalia. This can be mitigated through appropriate landscaping. The site is not located in a highly accessible location and there would be reliance on the private car. In this respect, whilst only limited weight can be attributed to the emerging Borough Plan, the proposal does comply with the emerging housing policy of that plan.

Neutral

- 8.6** The development with mitigation has a neutral impact on flood risk, trees and hedgerows, drainage and residential amenity

Overall conclusion

- 8.7** 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.

- 8.8** 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.
- 8.9** 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 therefore recommended that the grant of planning permission be DELEGATED to the Development Manager, subject to the satisfactory resolution of the outstanding matters referred to in the report (the submission of an ecological report and any necessary conditions).

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.

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.

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.

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. Any replacement trees/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 plants 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 a satisfactory and well planned development, to preserve and enhance the quality of the environment, and to provide ecological benefits.

8. All Planting shall be carried out in accordance with the approved details in the first planting season during the completion or first occupation of the development, whichever is sooner. The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of 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. If any plants 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.

9. 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.

10. The details to be submitted as part of the Reserved Matters application in accordance with Condition 1 shall include surface water drainage details to include 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.

11. 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 facilitates for charging plug-in and other ultra-low emission vehicles.

12. 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.

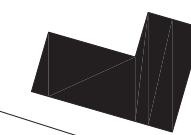
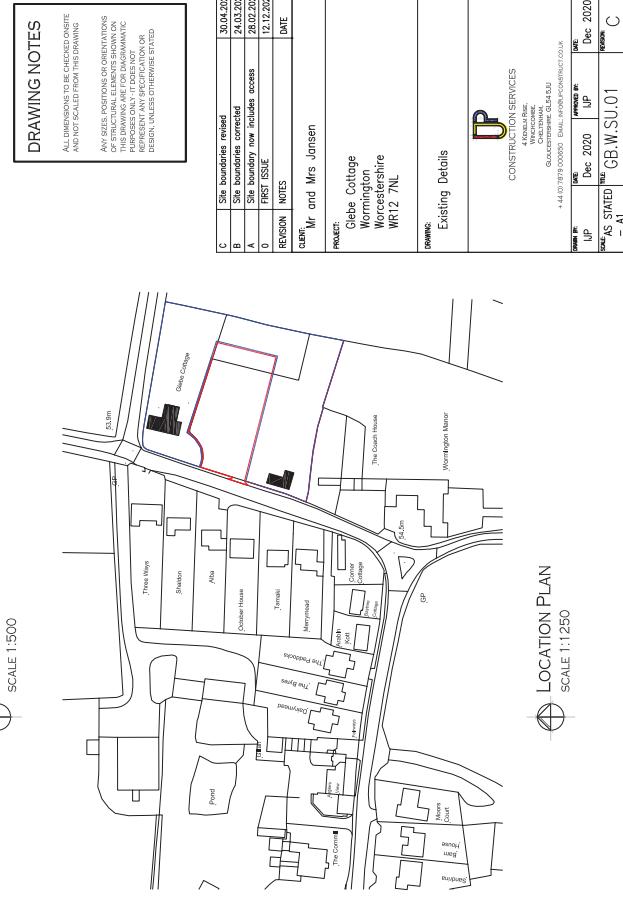
Reason: To ensure light spill is minimised onto corridors and vegetation used by mammals and commuting/ foraging bats, in order to protect biodiversity.

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

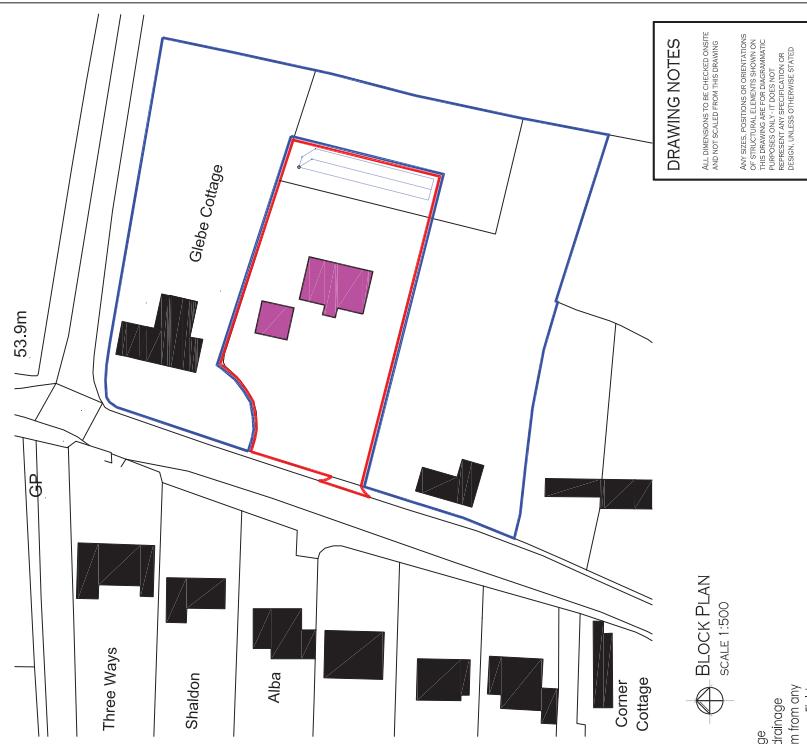
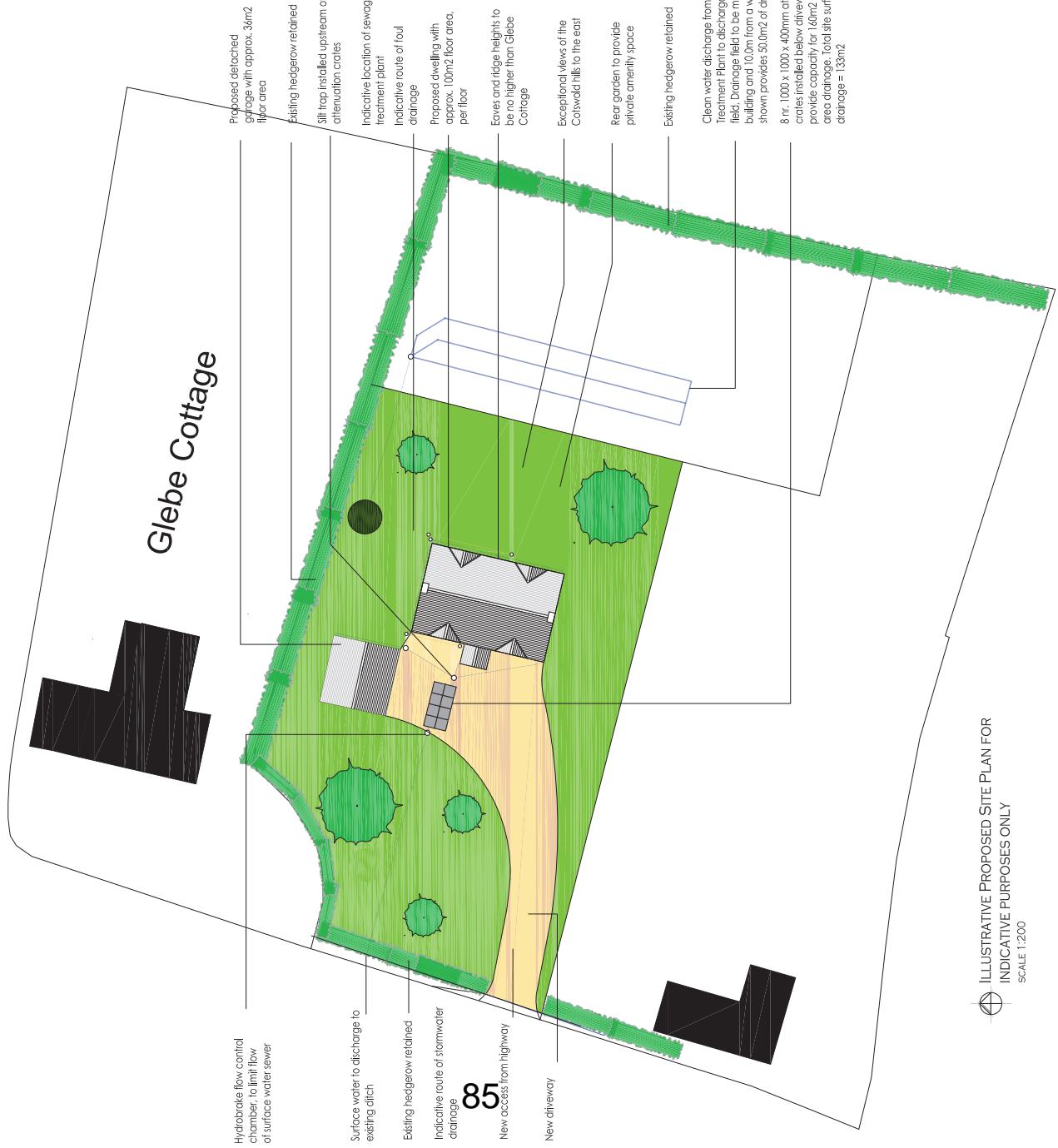
GLEBE COTTAGE, WORMINGTON, WORCS

EXISTING DETAILS



GLEBE COTTAGE, WORMINGTON, WORCS

PROPOSED DETAILS - INDICATIVE SCHEME



DRAWING NOTES

All dimensions are in metres except where stated and not scaled beyond the drawings. Any sites positions or orientations of structural elements shown on these drawings are approximate and do not represent any specific location or design, unless otherwise stated.

D Drawing field added 19.01.2021

C Site boundaries corrected 28.02.2021

B Drainage information added 14.01.2021

A Revised 12.12.2020

O FIRST ISSUE 12.12.2020

REVISION NOTES DATE

Carry Mr. and Mrs. Jansen

Project: Glebe Cottage Wormington Worcestershire WR12 7NL

Drawing: Proposed Details

UP
CONSTRUCTION SERVICES
Wormington, Worcester, GL14 5AU
+44 (0) 7870 000900, Email: info@constructionservices.co.uk

DRAWING NO.	UP	DATE	PROPS ON	REV NO.	DEC 2020
SCALE	AS STATED	UP	UP	UP	UP
UP	AS STATED	UP	UP	UP	UP

UP GB/W/PR.01 D

Agenda Item 5d

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	21 December 2021
Site Location:	Land Adjacent Blenheim Way Shurdington
Application No:	21/01312/PIP
Ward:	Shurdington
Parish:	Shurdington
Proposal:	Erection of a single dwelling.
Report by:	Gemma Smith
Appendices:	Site location plan Topography Plan
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

Application Site

- 1.1 The Application Site is located on land in between Blenheim Way and Phoenix Meadow (formally known as New Haven) to the west side of School Lane in Shurdington. The site is located by surrounding residential properties. Access to the site is obtained via a field gate from School Lane.

The Proposal

- 1.2 The application is for Permission in Principle, which is defined in the NPPF as a form of planning consent which establishes that a site is suitable for a specified amount of housing-led development in principle. Following any grant of permission in principle, the site must receive a grant of technical details before development can proceed.
- 1.3 This current application is the first stage of the process and solely seeks to establish whether the site is suitable in principle for the erection of a single replacement dwelling on the site would be acceptable in principle.
- 1.4 Government's guidance sets out that the scope of the first stage of permission in principle is limited to location, land use and amount of development. The site layout, design (for a two storey dwelling), access, landscaping, drainage and any other relevant technical matters would be considered at the '*technical details*' stage. For clarification there is no indicative plan for the site layout for the site. There is a pending application at the site for full planning for one dwelling under reference 21/00868/FUL.

Agents Submission

- 1.5 The application is supported by a covering letter.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
T.2398	Erection of pair of semi-detached farm workers cottages. Construction of pedestrian access.	PERMIT	17.07.1956
T.2398/AP	Erection of two semi-detached houses for farm workers.	PERMIT	16.10.1956
05/01336/FUL	Erection of a white PVCu Edwardian conservatory to rear of property	PER	08.12.2005
21/00868/FUL	Erection of a single dwelling and associated access	<i>Pending</i>	

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 SP1 (Need for New Development)
- Policy SP2 (Distribution of New Development)
- SD5 (Green Belt)
- SD6 (Landscape)
- SD10 (Residential Development)

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

- None relevant

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

- Policy RES2 – Settlement Boundaries
- Policy RES5 – New Housing Development

3.5 Neighbourhood Plan

None

3.6 Other relevant policies/legislation

- 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 Shurdington Parish Council – Objection for the following reasons:

- Concerned with run off in flood events as field parallel to no longer acts as run-off for Ham Brook flood events.
- Concerned with anticipated soakaways to be adopted which conflicts with Lead Flood Authority concerns in response to pending application 21/00868/FUL.
- The site is not designated infill in the current (draft) Tewkesbury Local Plan. The site relates to agricultural land, within the existing green belt outside of the settlement village.

4.2 Gloucestershire County Council (Highways Team) – No objection

4.3 Gloucestershire County Council (Archaeology) – No objection with following comments:

- Low risk that archaeological remains will be adversely affected by this development proposal. Therefore, no archaeological investigation or recording need to be undertaken in connection with this scheme.

4.4 Land Drainage – No comments received.

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

4.6 Tree Officer- 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 have been six representations in response. The responses are summarised as follows:
- 5.2**
- Concerns with traffic and access. The lack of parking facilities for some of the cottages along this part that leads on to a public footpath would be exacerbated.
 - Not part of the infill plan and concerned that it is agricultural land.
 - The proposed rear boundary for the new site extends far beyond the neighbouring gardens into the Green Belt field.
 - Small section can be considered as infill.
 - Concerns with future flooding.
 - Concerns that the proposal would have a detrimental effect on the street scene and in particular will effect neighbouring amenity of nearby neighbouring dwellings.

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 Pre-Submission TBP was submitted for examination in May 2020. Examination in Public (EiP) took place over five weeks during February and March 2021. The examining 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'.
- 6.4** A schedule of Main Modifications to the Pre-submission TBP were approved at the meeting of the Council on 20th October 2021 and is now published for consultation as the Main Modifications Tewkesbury Borough Plan (MMTBP).

- 6.5** Those policies in the MMTBP which were not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which are subject to 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 (including as with modifications as published for consultation) 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).
- 6.6** The relevant policies are set out in the appropriate sections of this report.
- 6.7** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

7.0 ANALYSIS

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

Each of these are discussed in below.

Location of Development

- 7.2** Policy SP2 of the JCS sets out the strategy for the distribution of new development across the JCS area, and JCS Policy SD10 specifies that, within the JCS area, new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. 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.
- 7.3** The site lies within Green Belt as identified within the Proposals Map within the JCS, 2017. The site lies adjacent to the built up area of Shurdington, identified as a service village within table SP2c within the JCS.
- 7.4** Turning to the emerging Proposals Map within the PSTBLP, whilst the whole site is located within designated Green Belt, the southern aspect of the site has been included in the defined settlement boundary for Shurdington.

Location of Development – Green Belt

- 7.5** The site lies within the designated Green Belt where the construction of new buildings are regarded as inappropriate and thus carry a presumption of refusal. Paragraph 147 of the NPPF states that inappropriate development, is by definition, harmful to the Green Belt and should not be approved in very special circumstances. Paragraph 149 of the NPPF states that local authorities should regard the construction of new buildings within Green Belt as inappropriate.
- 7.6** This is reiterated within Policy SD5 of the JCS that states development will be restricted to the limited types of development which are deemed appropriate by the NPPF. There are exceptions to this position as set out within Paragraphs 149 & 150 of the NPPF.
- 7.7** Since the JCS, the NPPF has been updated, however Policy SD5 is considered compliant with the updated NPPF.
- 7.8** Point e) within Paragraph 149 of the NPPF, states that limited infilling in villages can be regarded as an exception to inappropriate development within the Green Belt. For the purposes of the development plan, the JCS Proposals Map show that the site is located within the Green Belt adjacent to defined development boundary.
- 7.9** There is no definition what constitutes limited infilling within the NPPF, JCS or emerging PSTBLP.
- 7.10** Policy SP2 of the JCS establishes the overarching policy approach when seeking to guide new development to meet the needs of the district. Development is steered towards those settlements considered to be the most sustainable owing to their access to local services, community facilities and sustainable transport opportunities. This approach of guiding development to areas considered to offer the best potential for promoting sustainable development is considered to reflect the approach outlined in the NPPF.
- 7.11** The emerging Proposals Map show part of the site within the defined development boundary of Shurdington. However there has been no alteration to the Green Belt in this part. Previous case law seeks for the decision maker to consider whether, as a matter of fact on the ground, the application site appears to be in a village, not solely whether it lies outside the village boundary as designated in the development plan village.
- 7.12** The findings of Julian Wood v. The Secretary of State for Communities and Local Government and Gravesham Borough Council [2015] is not disputed. Local examples such as in Bobbington (Land at Six Ashes Road (Appeal Reference APP/C430/W/18/3207145), demonstrate that to qualify under exception e) of the NPPF, the development site does not necessarily have to be within a defined development boundary for a village as specified in this case within the spatial policy within Policy SP2 of the defined development boundary.
- 7.13** The northern aspect of the site is acknowledged to lie adjacent to the settlement boundary of Shurdington, however the site is bounded to the east by the dwellinghouse known as 'New Haven'. With the land to the south clearly within the built-up frontage of School Lane which compromise a small ribbon development along the lane of a dwellings in varying styles and designs.

7.14 As such, it is considered that the proposal would fall into the definition of 'limited infilling within villages' under point e) Paragraph 149 of the NPPF.

7.15 The impact on the openness of the Green Belt in this part would be assessed during the technical details stage as to the actual harm to the Green Belt.

Five Year Housing Land Supply

- 7.16** 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.
- 7.17** Members will be aware of the appeal decision at Ashmead Drive in which the Inspector concluded that the Council could demonstrate a 1.82 year supply and the subsequent High Court judgment. The Judge found that the Gotherington Inspector had not erred in law in arriving at that conclusion not to take previous oversupply into account in determining that appeal.
- 7.18** Appeal decisions are not binding precedents however. That the Council includes advanced delivery (or 'oversupply') against annual housing requirements in its five-year supply calculations is, in officers view, in the context of the plan-led system, is the correct approach. This is because not taking into account those 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 would serve to artificially increase the plan-led housing requirement.
- 7.19** It is noteworthy that, in his judgment, the Judge made it clear that it was not for him to make policy, "*The question of whether or not to take into account past oversupply in the circumstances of the present case is... a question of planning judgment which is not addressed by the Framework or the PPG and for which therefore there is no policy*". He went on- '*No doubt in at least most cases the question of oversupply will need to be considered in assessing housing needs and requirements*'.
- 7.20** More recently the Council has received two appeal decisions following public inquiries where the issue of 'oversupply' was also debated. In an appeal at Coombe Hill, the Inspector noted that taking into account '*past performance exceeding the annual average of the plan's requirement... seems to me to be a just approach, because it reflects reality, not a theoretical formula applied without consideration of actual outturns.*'

- 7.21** In another appeal decision for a scheme at Alderton, the Inspector arrived at a similar conclusion, saying that '*Nonetheless, in my judgement, the Council's method of taking account of an over-supply against the annual requirement is not be [sic] an unreasonable one.... To continue to require 495 homes a year when the past over-supply would indicate a lesser requirement, would, it seems to me, be to 'artificially inflate' the housing requirement. I am not convinced, having accepted this position, that the appellant's argument that the supply is as low as 2.08 years is robust.*'
- 7.22** Officer's advice is therefore that a 4.35-year supply can be demonstrated at this time. 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.

Land use impact

- 7.23** The guidance sets out that housing led development is an accepted land use for the Permission in Principle application process. The application is for up to 1 no. dwelling.

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

Amount

- 7.24** The application proposes up to 1 no. dwelling to be accommodated on site. Whilst it is acknowledged that this application is for the principle of development only, it is considered that the application demonstrates that a dwelling could be accommodated to a satisfactory level of design quality. Any future application will of course be required to comply with the National Design Guide and deliver buildings of a high standard of design.

Other Matters

- 7.25** It should be made clear that it is not within the scope of this application to determine the details of access to the site. In respect of the impact on the residential amenity of existing and future occupiers, both of adjacent sites and of the proposed development, this remains a matter for consideration at the technical matters stage and any issues which may arise must be overcome through that part of the process and are not within the scope of this Permission in Principle application. This would be given full consideration at the technical approval stage. Planning in principle could only be refused on this basis if there were insurmountable reasons why the development as proposed would have unacceptable impacts on the operation of the highway network. In this case the Local Highways Authority has no objection to the proposal.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1** The proposal would be considered infill development within the existing built up area of Shurdington and therefore acceptable in principle. The presumption in favour of development at paragraph 11 of the NPPF states that where policies are out of date planning permission should be granted unless the adverse impacts of doing so would significantly outweigh the benefits, when assessed against the policies in this framework taken as a whole.

- 8.2** It is not considered that at this stage there are any identifiable adverse impacts that would outweigh the benefit of the provision of one new dwelling at the site. In the absence of and clear reasons for refusal arising from the matters contained in footnote 8 of the NPPF, the tilted balance is engaged in this case. In light of the above, it is not considered that any harms arise which would significantly and demonstrably outweigh the, albeit limited, benefits of the proposal in this case subject to securing appropriate details at the technical details consent stage. It is therefore recommended that permission in principle is **Granted**.

INFORMATIVE:

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.

This drawing should not be scaled. Any discrepancies should be notified to Sutton Cox Architects. If this drawing is enclosed as digital data for the titled project, you should use this data for reference purposes only to assist in co-ordinating your work. Sutton Cox Architects takes no responsibility for its accuracy. This drawing is copyright of Sutton Cox Architects and may not be copied or reproduced without permission.

Rev	Description	Date

Project Status: PLANNING
Client: Mr J Winson

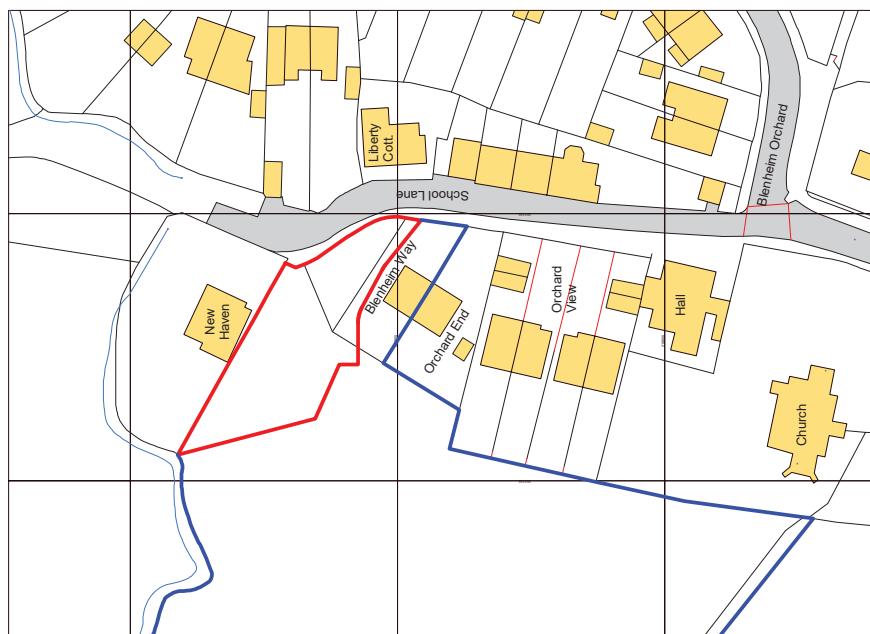
Project Title: Land adj Blenheim Way
Drawing Description: Location Plan

Scale: 1 : 1000	Sheet Size: A3	Date: 06/09/21
Drawn By: CC	Designed By: MC	Checked By: MS

Job No: 21022	Drawing No: 01	Revision: P0
------------------	-------------------	-----------------

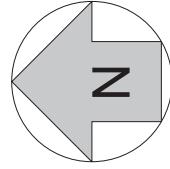
114 Bath Road, Cheltenham, Gloucestershire GL53 7X
www.suttoncox.com | 01242 529169

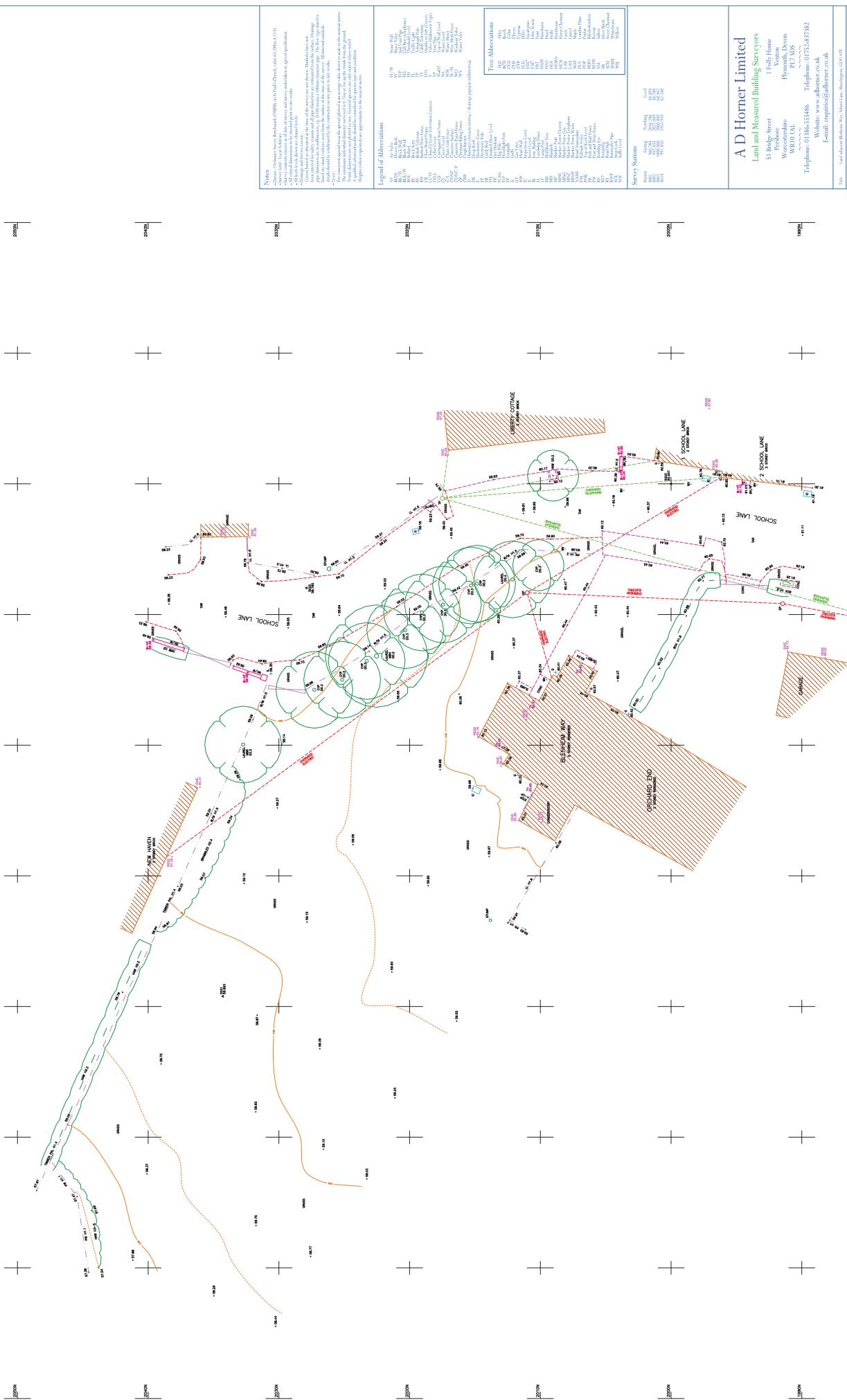
suttoncox ARCHITECTS



Ordnance Survey. (c) Crown Copyright 2021. All rights reserved. Licence number 100022432

GRAPHIC SCALE 1:1000
0 5 10 20 50 Metres





Agenda Item 5e

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	21 December 2021
Site Location:	Land To The East Of High Beeches Snowshill
Application No:	21/01243/FUL
Ward:	Isbourne
Parish:	Snowshill
Proposal:	Retention of a stable with tack room.
Report by:	Gemma Smith
Appendices:	Site location plan Block Plan Elevations
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 High Beeches is a modern replacement dwelling, permitted in 1984, built in a generically Cotswold style on the eastern edge of Snowshill. The main dwelling falls within the 1971 Snowshill conservation area boundary, although this no longer coincides with the site's present boundary on the ground. The Applicant for the retention of the stables resides at the main dwelling.
- 1.2 The application site is located to the rear of this curtilage, on a triangular paddock that rises east in topography out of the valley where the village of Snowshill is located.
- 1.3 The application site is within the Area of Outstanding Natural Beauty (AONB).

The Proposal

- 1.4 Planning permission is sought for the retention of a stable with tack room. The stable block measures approx. 3.0m to maximum ridge height with eaves set at 2.2m, the width approx. 5.4m and breadth 4.7m. 15 degree roof pitch. The stable is constructed out of timber cladding, under onduline roof sheeting. To the south of the site between the drystone wall and stable is proposed a beech hedge.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
84/00564/OUT	Outline application for the erection of a detached dwelling and private car garage. Alteration to existing vehicular and pedestrian access.	PER	08.06.1984
84/00565/APP	Erection of a detached dwelling house. Alteration of existing vehicular and pedestrian access.	APPROV	26.11.1984
85/00587/FUL	Erection of a triple private car garage.	PER	16.08.1985
88/00295/FUL	Erection of a drystone wall with stone pillars and ball finials to existing drive and pedestrian access.	PER	05.02.1988
17/00398/FUL	Replacement of existing single glazed windows with steel double glazed units with exact same appearance. Windows will be supplied and fitted by Mike Honour Windows Ltd.	NOTREQ	11.04.2017
17/00838/FUL	Demolition of existing single storey extension and erection of two storey extension with new garage link to existing garage. New timber green house.	PER	22.09.2017

18/00160/FUL	Demolition of existing single storey extension and erection of two storey extension with new garage link to existing garage. (Revised scheme altering the roof design to incorporate rear balcony.)	PER	18.04.2018
18/00019/MINOR	Non material minor amendment for planning 17/00838/FUL	GRANT	11.04.2018

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)

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

- Policy LAN1 (Special Landscape Areas)
- Policy AGR1 (Agricultural Development)
- Policy RCN4 (Equine Facilities)
- Policy TRAC9 (Parking Provision)

3.5 Neighbourhood Plan

None

3.6 Other relevant policies/legislation

- Code of Practice for the welfare of horses, ponies, donkeys, and their hybrids, 2017 DEFRA
- Cotswold AONB Management Plan (2018-2030)
- 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 Snowhill Parish Council – Objection

- The proposal fails to conserve and enhance the landscape within the AONB
- Visibility of the stable being close to the road.
- The proposed planting between the stable and wall is not considered sufficient.
- Not considered appropriate in the highly visible location on the edge of the village
- Agree the beech hedge would help but would be insufficient to screen the stable from other viewpoints

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** 15 representations received in response, 1 in support of the proposal and 14 objecting the proposal for the following reasons, as summarised:
- Highly visible from the rear of all the adjacent houses along Broadway Road.
 - Is highly visible above the dry stone boundary wall.
 - Proximity and visibility of the structure from the road is too prominent and detracts from the beauty of the area.
 - Spoils the natural beauty of the village.
 - The materials result in its prominence.
 - Take issue that the proposal is retrospective.
 - Concerned with the proposed use of the stable block.
 - Concerned with precedent of the proposed on the area.
 - Consider opportunities for re-siting the structure to a less prominent location towards the dwelling or within the site.
 - Spoils the view of Snowshill when viewed from the adjacent valley from walking routes.

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 Pre-Submission TBP was submitted for examination in May 2020. Examination in Public (EiP) took place over five weeks during February and March 2021. The examining 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'.
- 6.4** A schedule of Main Modifications to the Pre-submission TBP were approved at the meeting of the Council on 20th October 2021 and is now published for consultation as the Main Modifications Tewkesbury Borough Plan (MMTBP).

- 6.5** Those policies in the MMTBP which were not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which are subject to 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 (including as with modifications as published for consultation) 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).
- 6.6** The relevant policies are set out in the appropriate sections of this report.
- 6.7** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

7.0 ANALYSIS

7.1 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.

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

- Principle of development
- Impact on AONB
- Impact on Neighbouring Amenity
- Highways Implications

Principle of development

- 7.3** Saved Local Plan Policy RCN6 supports new horse-riding facilities providing they are well related to an existing group of buildings and there are no adverse impacts on landscape, residential amenity or highways.
- 7.2** Emerging Policy RCN4 of the PSTBLP applies similar consideration to the provision of new equine facilities. It is stated that new facilities must be designed and sited where they would not have an adverse effect on the rural character and landscape setting of the area, and must be well related to existing buildings or, where this is not possible, a hedgerow or other landscape feature which affords substantial screening.
- 7.3** The proposal seeks for the retention of stable for the use of the Applicant's own horses. As such the principle of the proposal is considered acceptable subject to the impact on the landscape, residential amenity and highways as discussed below.

Impact on the Landscape and Cotswolds Area of Outstanding Natural Beauty

- 7.4** 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.
- 7.5** 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.
- 7.6** 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. In particular Policy CE1 (Landscape) seeks for proposals have regard to the scenic quality of the location and its setting and ensure that views – including those into and out of the AONB are conserved and enhanced.
- 7.7** Owed to the topographical constraints of the site, the stable block is sited adjacent to the drystone wall bounding the south of the site approx. 68m from the rear of High Beeches. In this location, it is considered that the stable block is logically sited. The stable block cannot be sited towards the dwellinghouse, given the topographical constraints and nature of use.
- 7.8** Whilst it is acknowledged that this is prominent in relation to the views obtained from Snowhill within the valley to the west of the site, given the nature of the building it is not considered to result in a detrimental impact on the character in this part of the AONB. The stable block is small in scale and constructed out of a palette of materials that are rural in aesthetic.
- 7.9** Whilst it is intended for the timber cladding to be remain untreated and weather naturally to blend into the landscape, the Applicant has offered to treat the timber in a dark brown stain to assimilate the stable block into the landscape.
- 7.10** Furthermore, a beech hedge is proposed to the rear of the stable block between the drystone wall to help blend the stable block into the landscape when viewed from the road.
- 7.11** Overall, it is not considered that the proposal would be overtly prominent within the landscape nor would be of significant detrimental impact on the landscape and Cotswolds AONB to warrant a refusal.

Impact on Residential Amenity

- 7.12** Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. The stable block is approx. 68m in proximity from the main dwellinghouse. It is not considered that the proposal would give rise to any detrimental impacts on amenity of neighbouring residents.

Impact on Highways

- 7.13** 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.
- 7.14** Access is afforded from an existing field access to the north east of the site. It is not considered that there would be any impact on the highway as a result of the proposal.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1** Overall it is considered that the retention of the stable block in situ would comply on balance with the relevant policies as outlined above. For these reasons the proposal is recommended APPROVAL subject to the following conditions:

CONDITIONS:

1. The development hereby permitted shall be retained in accordance with the following documents received by the Local Planning Authority dated 18th October 2021:

- Site Location Plan
- Block Plan
- Elevation Plan

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

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

2. Within 6 months of the date of this decision, the stable will be treated and stained in a dark brown colour.

Reason: To ensure that the proposal assimilates into the landscape.

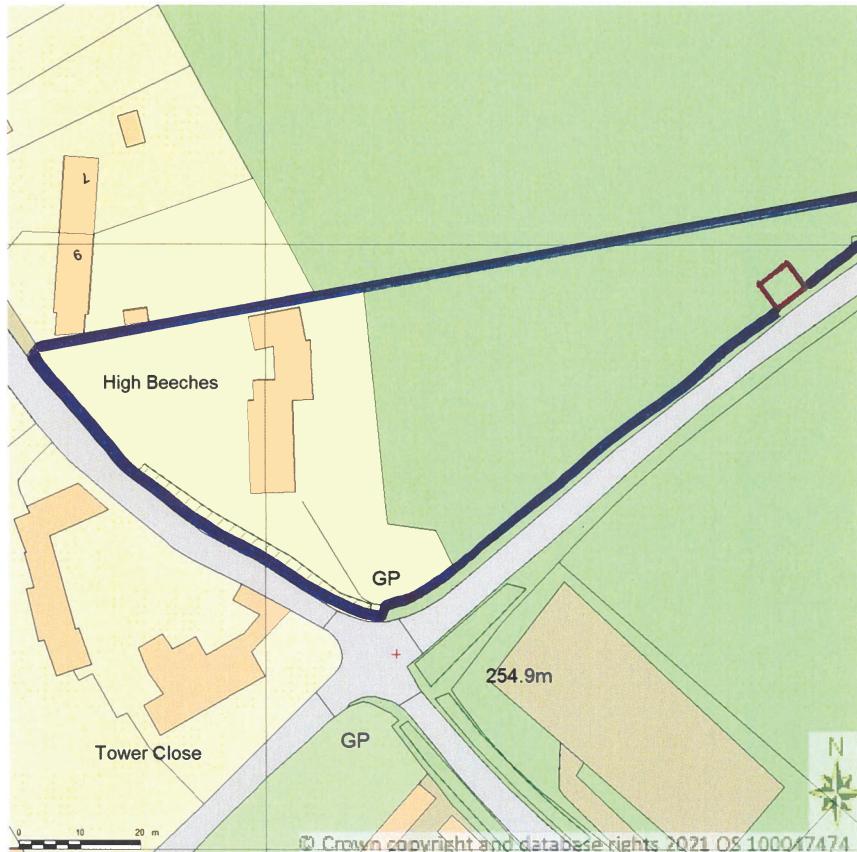
3. The planting of the beech hedgerow as indicated on the approved plans, shall be carried out in the first planting season following the date of this decision. Any trees or hedgerows, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged 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, in the interests of visual amenity and the character and appearance of the area.

INFORMATIVE:

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 LOCATION PLAN
AREA 2 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 409828, 233769**



Supplied by Streetwise Maps Ltd
www.streetwise.net
Licence No: 100047474
15/10/2021 10:34

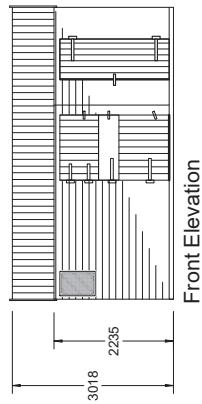


STABLE TO THE EAST OF HIGH BEECHES
SNOWSHILL

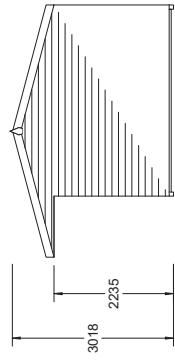
SITE PLAN

Scale 1:500 @ A3

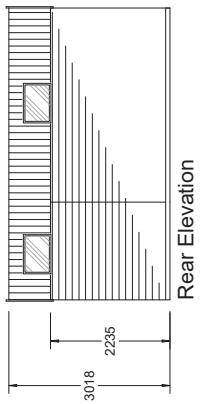
Drawing No	Revision
Mrs V Brook	0



Front Elevation

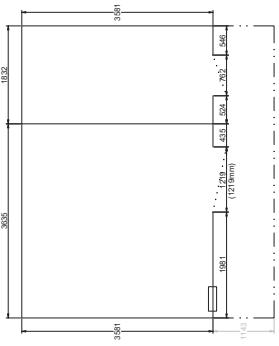


Side Elevations

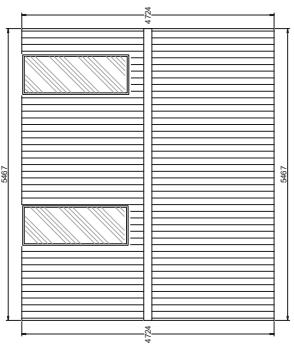


Rear Elevation

Plan



Roof Plan



Scale Bar 1:100 on A3

This Drawing is NOT intended for
Ground Works. When laying a
Base refer to Manufacturer for
base details in
IMPERIAL dimensions.

Walls are constructed by using 64mm x 38mm clis
spaced at 600mm centres, then covered in
pressure impregnated Shiplap exterior cladding.
Roof purpils are 127mm x 38mm clis held in place by
Jiffy post holders on pre-fabricated trusses, then
covered in black Onduline roof sheeting. Roof pitched at 15°
All fittings are galvanised building to sit on Pressure Treated Timber Skids

All dimensions are in IMPERIAL

CHART TIMBER BUILDINGS	
Description / Range	Order No.
1x 5.6m x 3.1m Room Configuration Unit: 1x 3.6m x 3.0m Room Configuration Unit: 1x 3.6m x 2.4m Room Configuration Unit: 1x 2m x 3.0m Room Configuration Unit: With On Timber Base Or Timber Base Or Timber Base Or Timber Base Or Timber Base	Revision 0



CHART
CARAVAN BUILDINGS

Drawn by: Fred Pragnell	Date: 11.10.2021
Scale: 1:100 on A3	ALL DIMENSIONS ARE IN MM
Client: Mrs V Brook	Sign & Return:

Agenda Item 5f

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	21 December 2021
Site Location:	Rockaway Ridge Lye Lane Cleeve Hill
Application No:	21/00632/FUL
Ward:	Cleeve Hill
Parish:	Southam
Proposal:	Erection of a carport and gym
Report by:	Sarah Barnes
Appendices:	Original block plan Site plan and original proposed elevations Revised block plan Revised proposed elevations
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site relates to Rockaway Ridge a detached dwelling located along Lye Lane in Cleeve Hill (site plan attached). The site falls within the AONB.
- 1.2 The proposal is for the erection of a carport and gym outbuilding. Revised plans were submitted on the 30th September 2021 omitting the proposed store.
- 1.3 **A committee decision is required as the Parish Council are objecting to the revised plans on the grounds that the proposal would lead to overdevelopment of the site situated within the AONB.**

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
11/00815/FUL	Erection of a replacement dwelling	PER	12.01.2012
15/00872/FUL	Erection of replacement dwelling (retention of works as carried out).	PER	16.10.2015

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 (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

None

3.6 Other relevant policies/legislation

- 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 – original plans – objects. The site was developed relatively recently and the existing property is already substantial and provides a garage annex and adequate parking. They cannot see the justification for further development of the site within the AONB. The creation of an additional access onto the narrow lane is considered to be hazardous for vehicles and pedestrians. The provisions of the additional access might provide the opportunity for the proposed building to be used as a separate in the future and the parish council would object strongly to this.

4.2 Parish Council – revised plans – does not consider that the revised plans address the objections previously raised. They re-iterate their previous comments and consider that this proposal would lead to overdevelopment of the site situated within the AONB.

4.3 Gloucestershire Highways Officer – No objections.

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 Two letters of objection have been received from local residents and one letter making general comments / observations. The planning reasons for objection are summarised as follows:

- The plot is largely overdeveloped already
- The site already has a garage and a gym etc
- A planting scheme along the western boundary should be incorporated
- More trees / hedges will be removed. A landscaping plan should be one of the conditions
- The position of the access would be a hazard to other users of Lye Lane
- Concerns about the method of construction

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 Pre-Submission TBP was submitted for examination in May 2020. Examination in Public (EiP) took place over five weeks during February and March 2021. The examining 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'.

- 6.4** A schedule of Main Modifications to the Pre-submission TBP were approved at the meeting of the Council on 20th October 2021 and is now published for consultation as the Main Modifications Tewkesbury Borough Plan (MMTBP).
- 6.5** Those policies in the MMTBP which were not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which are subject to 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 (including as with modifications as published for consultation) 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).
- 6.6** The relevant policies are set out in the appropriate sections of this report.
- 6.7** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

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 to the revised plans on the grounds of overdevelopment of the site situated within an AONB. The Parish Council's concerns have been noted, however, this is a good sized plot and the proposed outbuilding (as revised) would be about 30 metres away from the main dwelling. There would be a lot of garden area left free from extensions / additions. Local residents have commented that there is already a gym at the site and the future use of the proposed building has been queried. When this replacement dwelling was originally designed the lower ground floor was labelled as a gym but in reality it's used as a second sitting room so there is currently not a gym at the site. The proposed gym and the car port would be used for 'ancillary purposes' only and a suitable condition would be attached to ensure this.
- 7.3** In terms of the need for an additional garage / car port, the applicant points out that the existing garage has proved very difficult to access in larger cars, especially during the winter months as the gradient of the land becomes quite steep between the parking area outside the house and the garage which is currently at the top end of the site. The proposed new outbuilding would be set at a lower level than the main house so it would be much easier to access and park in the proposed car port area especially during the winter months. The proposal also includes a new parking / turning area which would also help to make the site much safer for vehicles to manoeuvre and park. The ground would need to be excavated / levelled to accommodate the new parking / manoeuvring area but this would not have an adverse impact on the landscape / surrounding area given that the site will be well screened particularly once the proposed landscaping has been completed.

- 7.4** The proposed outbuilding as revised would have a flat roof and would only be modest in height (about 2.8 metres to the ridge). It would be set against the northern boundary where new hedging is being proposed. A suitable landscaping condition would be attached to the decision.
- 7.5** Overall, it is considered that the proposal would be of an acceptable 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 AONB and complies with the requirements of Policy HOU8 of the Local Plan and Policies SD4 and SD7 of the JCS.

Effect on the Living Conditions of Neighbouring Dwellings

- 7.6** Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Local Plan Policy HOU8 provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity.
- 7.7** 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.

Highways

- 7.8** Concerns have been raised by the Parish Council and local residents regarding the new access at this site. There would be a new access created into the site as part of the proposal (as shown on the proposed block plan). Gloucestershire Highways have been consulted. Whilst the Highway Authority has some reservations in respect of the proposed access which provides for substandard visibility splays, Lye Lane has several vehicular accesses that do not conform with the local access visibility standards. There are no recorded personal injury collisions (PIC's) along Lye Lane over the most recent 5 years. The proposed access would be ancillary to Rockaway Ridge, and no additional trips would be generated on the network. The proposal is therefore not perceived likely to arise a severe impact on the operation and safety of the adjacent network. The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained. Overall, the Highway Authority therefore submits a response of no objections.

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 AONB 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 2021.12.101A and 2021.12.102A dated 30th September 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 development hereby permitted shall only be used in conjunction with and as ancillary to the residential enjoyment of the adjoining dwelling house known as Rockaway Ridge.

Reason: To define the terms of the permission.

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority in writing, a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

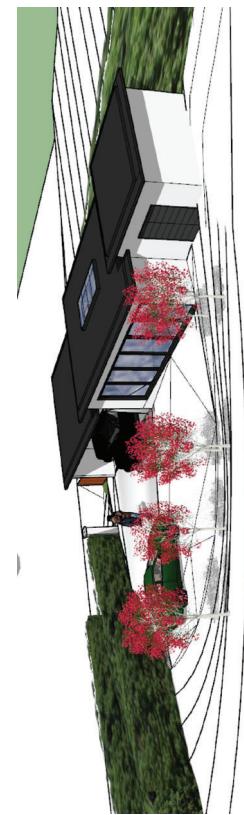
Reason: In the interests of visual amenity.

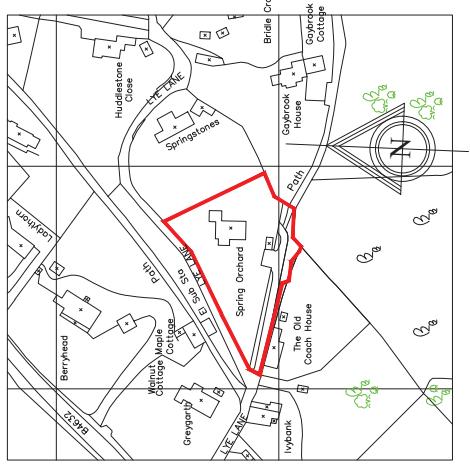
5. All planting shall be carried out in accordance with the approved details in the first planting season following the completion or first occupation/use of the development, whichever is the sooner. The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

INFORMATIVE:

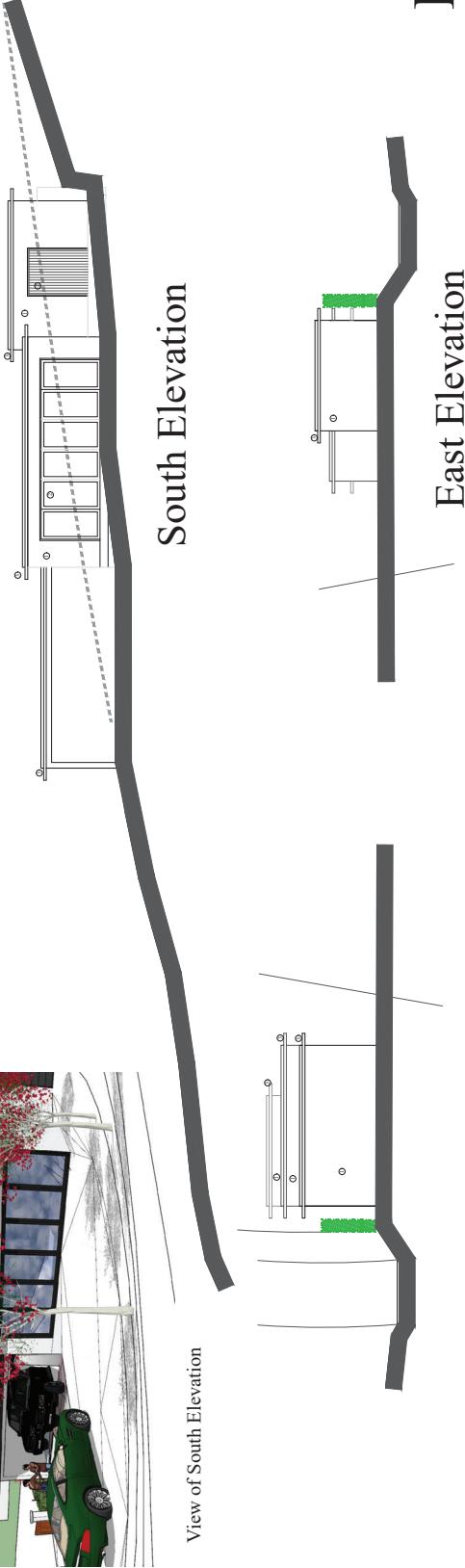
In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information received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





Location Plan 1:1250

- ① Self coloured render
- ② Mid grey polyester powder coated
- ③ Aluminum windows and bifolding doors
- ④ Mid grey polyester powder coated trim



South Elevation

East Elevation

West Elevation

View of South Elevation



Section Through Lye Lane North Elevation



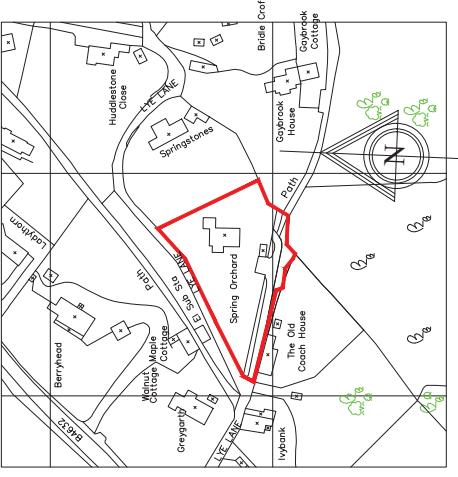
View From Garden



116



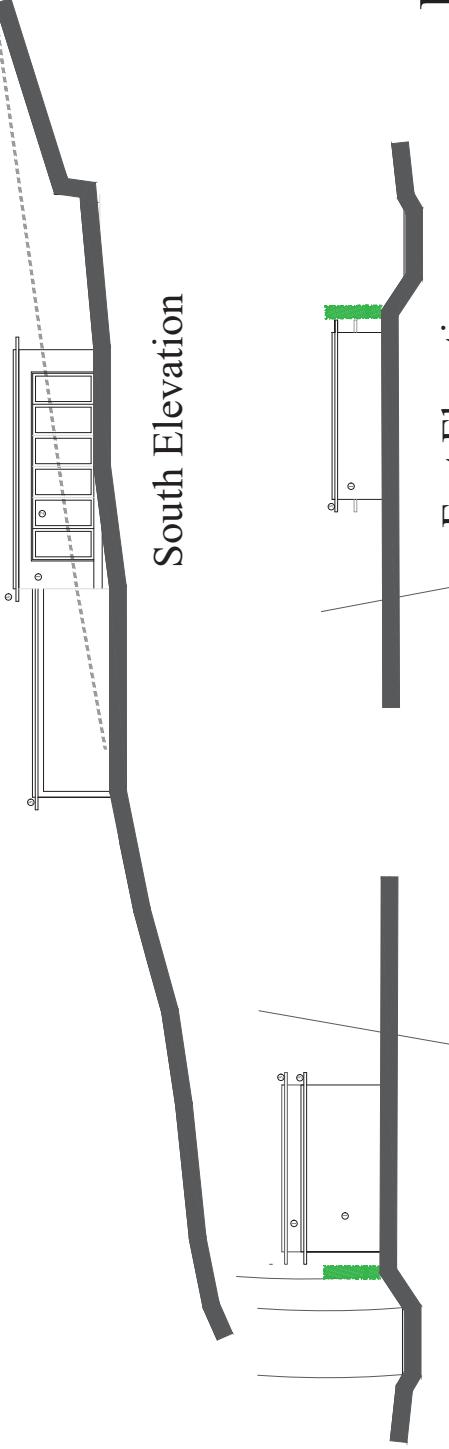
Location Plan 1:1250



West Elevation

East Elevation

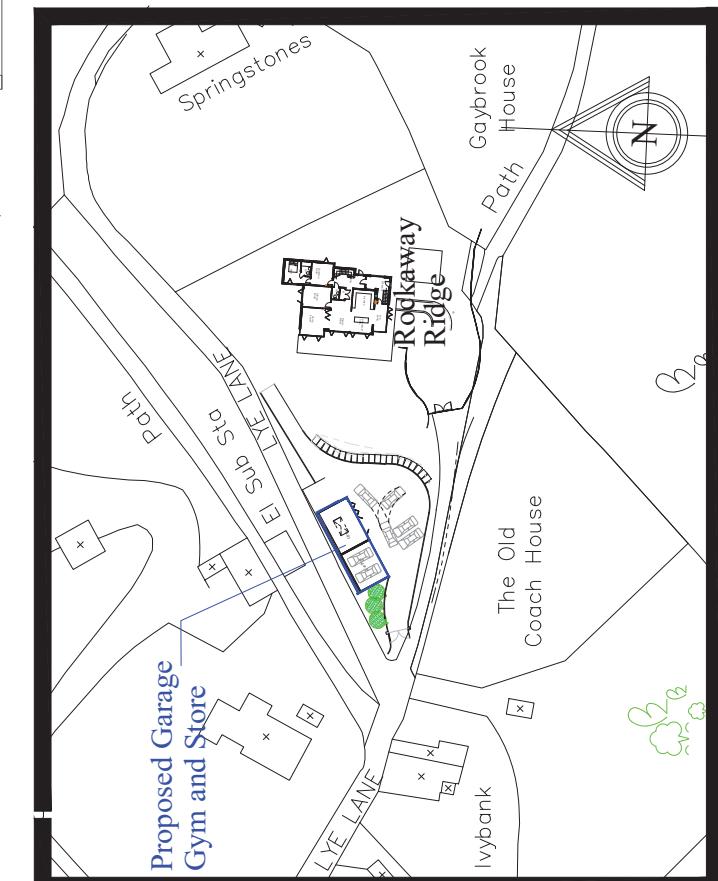
South Elevation



118



Section Through Lye Lane
North Elevation



Client
Mr. and Mrs. Thomas

Project
Rockaway Ridge
Lye Lane

Drawing
Garage Block
Proposed

Scales
1:100 @A1

Date
April 2021
Drawn By

2021 / 12 / 101 A



Project

Rockaway Ridge
Lye Lane

Drawing
Garage Block
Proposed

Scales
1:100 @A1

Date
April 2021
Drawn By

2021 / 12 / 101 A

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	21 December 2021
Site Location:	3 Greenway Close Shurdington
Application No:	21/00582/FUL
Ward:	Shurdington
Parish:	Shurdington
Proposal:	Change of use from residential to dual use (Residential/Childminding Business).
Report by:	Victoria Stone
Appendices:	Site Location Plan Block Plan Ground Floor Plan
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application relates to a link-detached bungalow which is located along Greenway Close in Shurdington (see Site Location Plan).
- 1.2 The application site benefits from three off-road parking spaces and a private rear garden.
- 1.3 The application site is not subject to any landscape designations.
- 1.4 The application seeks permission for the change of use of the dwelling for the use as both a childminding service and to retain the residential use.
- 1.5 The applicant currently runs a childminding service at the dwelling for up to six children aged 8 years and under. The sitting room has been converted as a dedicated room for the business. The rear garden is also used in connection with the childminding business.
- 1.6 The service currently cares for children between the hours of 7:30am until 5.30pm, Monday – Fridays only.
- 1.7 This application has been submitted because the applicant would like to expand the childminding service to allow a maximum of twelve children aged 8 years to be cared for at the property. An assistant would also be employed at the site. Officers consider the proposed expansion of the existing childminding service would result in a material change in use of part of the property therefore planning permission is required.
- 1.8 No changes to the hours of operation are proposed.

- 1.9 A committee determination is required as Shurdington Parish Council have objected to the application.**

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
19/00657/FUL	Erection of a conservatory to rear.	PERMITTED	09.09.2019

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 SD1 (Employment)
- Policy SD14 (Health and Environmental Quality)
- Policy INF4 (Transport Network)
- Policy INF4 (Social and Community Infrastructure)

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

-Policy GNL17 (Pre-school Childcare Facilities)

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

- Policy TRAC9 (Parking Provision)

3.5 Other relevant policies/legislation

- 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 Shurdington Parish Council – Reluctantly object to the application for the following reasons:

- Impact of the proposal would be very much to the detriment of local residents
- Greenway Close, a small residential cul-de-sac, is already subjected to disruption owing to its use as a vehicle drop-off area for Shurdington Primary School; this application has the potential to make the situation worse for the local residents
- The property and garden do not appear to be sufficiently large enough to accommodate twelve children
- Pollution to the children whilst playing in the garden due to the close proximity to the A46
- Noise generated by the number of children proposed would be detrimental to the adjacent residents.

4.2 County Highway Authority – No objection.

4.3 Environmental Health Officer (Noise/Nuisance) – No nuisance complaints have been received to date. However, the intensification of activities may adversely impact neighbouring residents therefore the decision to grant permission is a matter of future residential amenity.

4.4 Environmental Health Officer (Air Quality) – No adverse comments.

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 One representation objecting to the application has been received. The comments are summarised below:

- Twelve children in such a small area would be too many
- Development would exacerbate disruption caused by existing school parking
- Harmful to residential amenity - noise

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 Pre-Submission TBP was submitted for examination in May 2020. Examination in Public (EiP) took place over five weeks during February and March 2021. The examining 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'.
- 6.4** A schedule of Main Modifications to the Pre-submission TBP were approved at the meeting of the Council on 20th October 2021 and is now published for consultation as the Main Modifications Tewkesbury Borough Plan (MMTBP).
- 6.5** Those policies in the MMTBP which were not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which are subject to 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 (including as with modifications as published for consultation) 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).
- 6.6** The relevant policies are set out in the appropriate sections of this report.
- 6.7** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

7.0 ANALYSIS

- 7.1** The NPPF sets out that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should, inter alia, ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.
- 7.2** Policy INF4 of the JCS states that everyone living and working in the JCS area should have access to facilities that meet their everyday needs. These include, amongst other things, children's creche and play provision. By providing and helping to maintain social and community infrastructure, development has an importance role in promoting social well-being and creating healthy, inclusive communities.

- 7.3** Saved Policy GNL17 of the Tewkesbury Borough Local Plan to 2011 (TBLP) relates specifically to childcare facilities and sets out that planning permission will be granted for new pre-school childcare facilities subject to compliance with several requirements. These are:

Safe provision is made for vehicle dropping off/collection of children and adequate off-street parking is available

- 7.3.1** One off road parking space would be available for parents/carers during the drop off/collection times, if required. The applicant has said that currently only one parent drops off/collections their child at any one time, and they park on Greenway Close, outside the property. It is likely that an increase in the number of children being cared for at the property may result, on some occasions, parents/carers having to park along Greenway Close. However, this road has unrestricted parking and is subject to a 30mph speed restriction.
- 7.3.2** Further, it is unlikely that the children would be from twelve different families, as the applicant may care for sets of siblings which only require one drop off and collection, hence it's not necessarily one car per child. In addition, drop off/collections tend to be staggered, and by nature would only be for short periods of time.
- 7.3.3** Gloucestershire County Council have been consulted as the Local Highway Authority. They conclude that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion and therefore there are no justifiable grounds on which an objection could be maintained.
- 7.3.4** The concerns raised by Shurdington Parish Council and local residents regarding the parking issues and highway impacts are noted. However, for the reasons set out above officers consider that the development should not adversely compromise highway safety.

The premises are safely, easily and conveniently accessed by all means of transport

- 7.3.5** The application site is located within the village of Shurdington, within close proximity to the main residential area. The site is in close walking distances to the services and amenities in the village and access to sustainable means of transport. Accordingly, the site is in an accessible location.

Noise, both from inside the building and the garden/outdoor area does not cause an unacceptable level of disturbance to the residents of surrounding property

- 7.3.6** Pre-school childcare facilities can, by their very nature, raise issues related to noise and disturbance from both vehicle movements and children.
- 7.3.7** The Council's Environmental Health Officer (EHO) set out that the intensification of activities at the site may adversely impact neighbouring residents. However, there are no recognised standard for assessing 'people noise' and therefore the decision to grant the permission is a matter of future residential amenity. If the application is granted and nuisance complaints are subsequently received, then these would be investigated under the nuisance provisions of the Environmental Protection Act 1990. The EHO also confirmed there has been no nuisance complaints related to the property.

- 7.3.8** In terms of the use of the outdoor garden area, it is bound on all sides by either existing 6ft high close boarded fencing and/or taller hedgerow. Given the proximity of the site to neighbouring residential properties, a condition is recommended to manage both the hours of use of the outdoor area and the number of children allowed to play outdoors at any one time in order to safeguard the residential amenity of nearby residents.
- 7.3.9** Further, being mindful of the location of the childcare facility, which is set within close proximity to other residential properties and in a cul-de-sac, in order to preserve the neighbouring amenity a condition is also recommended to restrict the hours the business can operate.
- 7.3.10** Having regard to the above it is considered that with careful management secured through the use of conditions, the proposed development would have no unacceptable harm on adjoining occupiers in terms of disturbance.

The building is suitable for the proposed use in terms of its size, layout, security and safe access to a garden/outdoor play area

- 7.3.11** The number of children using the facility would be controlled by separate bodies which limit the number of children of certain ages, per supervising adult (Ofsted). The restrictions are also based upon the size of facilities available. The site would offer safe access to a private outdoor play area.

Premises are located within or adjacent to existing settlements

- 7.3.12** The property is located within the built-up area of Shurdington. As such the business would be located close to existing residential properties.

- 7.4** In addition, the proposed development would support employment growth in the Borough. Policy SD1 of the JCS sets out that employment-related development in service villages will be supported if they are of an appropriate size and scale. Officers consider, for the same reasons as set out above, the development would be of an appropriate size and scale and therefore the proposal would accord with the requirements of this policy.

8.0 CONCLUSION AND RECOMMENDATION

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

Benefits

- 8.2** The development would provide employment for both the applicant and one further employee, and it would provide a service to meet the everyday needs of the community in Shurdington.

Harms

- 8.3** The intensification of the existing childminding service may result in some harm to neighbouring residential amenity due to the increase in traffic generation, possible on-site parking and noise disturbance. However, officers consider the level of harm would not be unacceptable.

Overall conclusion

- 8.4** Subject to the satisfactory management of the use, which would be secured via condition, it is considered that the benefits of the proposed development would outweigh any harm and it is therefore recommended that the application is **PERMITTED**.

CONDITIONS:

1. The development 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, the development hereby permitted shall be carried out in accordance with the information provided in the application form and the following plans/drawings/documents:

- Site Location Plan
- Proposed Block Plan
- Ground Floor Plan

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

3. No more than 12 children aged 8 or under shall be cared for as part of the childminding service hereby permitted throughout the duration of each day when the childminding service is open for business.

Reason: To define the permission and any increase in the intensity of the site will require further consideration in terms of the impact on the amenities of local residents and highway safety.

4. The childminding service hereby permitted shall not be open outside the hours of 07:30 to 17:30 Mondays to Friday inclusive, and shall not open on Saturdays, Sundays and Bank Holidays.

Reason: To protect the amenity of local residents.

5. The number of children being cared for as part of the childminding service in the external play area of the premises at any one time shall not exceed 6, other than in cases of emergency.

Children being cared for as part of the childminding service shall not play in the external play area outside the hours of 09:00 to 17:00.

Reason: To protect the amenity of local residents.

INFORMATIVE:

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.

3 Greenway Close Site



Plan Produced for: Shurdington Childminding PA

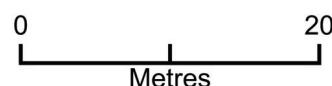
Date Produced: 01 Jun 2021

Plan Reference Number: TQRQM21152190712531

Scale: 1:1250 @ A4

127

Block plan



Plan Produced for: Shurdington Childminding PA1

Date Produced: 01 Jun 2021

Plan Reference Number: TQRQM21152191218047

Scale: 1:500 @ A4

Walkway at side of house



Rear garden enclosed by wooden panel fencing

Ground floor is 108 sq m

Comfortable parking for 3 cars.

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	21 December 2021
Site Location:	Tewkesbury Cricket Club Swilgate Ground Gander Lane Tewkesbury
Application No:	21/01020/FUL
Ward:	Tewkesbury Town South
Parish:	Tewkesbury
Proposal:	Extension to existing pavilion.
Report by:	James Stanley
Appendices:	Site location and Block plan Existing Elevations Proposed Elevations and Roof Plan Existing Floor Plan Proposed Floor Plan
Recommendation:	Refuse

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application relates to the Tewkesbury Cricket Club pavilion, a single storey building that has been built upon stilts due to flooding, raising it to the height of a two-storey building. It is constructed from facing brickwork with a hipped pavilion style roof and a large projecting balcony on the front elevation. It is located within the Swilgate recreation area, and falls within the Tewkesbury Conservation Area, Flood Zones 2 and 3, and is within an Important Open Space.
- 1.2 This application seeks to erect a front extension to the pavilion over the existing balcony, increasing the floor space the equivalent of approximately 50% of the existing floorspace. The extension would comprise two flat-roofed elements extending out on either end of the elevation. Lantern rooflights would be erected on each flat roofed element to light the internal space created. A pitched roof would be erected over the central part of the extension to incorporate a front gable and clock. A narrow balcony would be incorporated along the front elevation forward of the proposed extension, together with a stepped access and a ramped access to the side and rear (as existing).
- 1.3 The Head of Development Services has requested that the application be considered by the Planning Committee on account of the impact on a community asset.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
21/00119/FUL	Extension to existing pavilion.	WDN	26.03.2021

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), National Planning Practice Guidance (NPPG) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

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

- Policy SD4 (Design Requirements)
- Policy SD8 (Historic Environment)
- Policy SD14 (Health and Environment Quality)

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

- Policy HEN2 (Conservation Area: Setting and Impact)
- Policy LND5 (Important Open Spaces)

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

- Policy HER1 (Conservation Areas)
- Policy LAN4 (Locally Important Open Spaces)

3.5 Neighbourhood Plan

None

3.6 Other relevant policies/legislation

- 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** Tewkesbury Town Council – No objection.
- 4.2** Conservation Officer – No objection.
- 4.3** Sport England – In support of the application.
- 4.4** Land Drainage – 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.
- 5.2** The application has not received any representations.

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 Pre-Submission TBP was submitted for examination in May 2020. Examination in Public (EiP) took place over five weeks during February and March 2021. The examining 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'.
- 6.4** A schedule of Main Modifications to the Pre-submission TBP were approved at the meeting of the Council on 20th October 2021 and is now published for consultation as the Main Modifications Tewkesbury Borough Plan (MMTBP).

- 6.5** Those policies in the MMTBP which were not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which are subject to 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 (including as with modifications as published for consultation) 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).
- 6.6** The relevant policies are set out in the appropriate sections of this report.
- 6.7** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

7.0 ANALYSIS

Design and Visual Amenity

- 7.1** JCS Policy SD4 of the Joint Core Strategy sets out requirements for high quality design. This is consistent with the NPPF (2021) which places increased emphasis on the creation of high quality, beautiful and sustainable buildings and places as fundamental to what the planning and development process should achieve.
- 7.2** This proposal seeks to erect a front extension onto the existing pavilion, with the roof composed of two, large flat roof sections and a central projecting gable. Although the extension would be constructed in matching materials and would respect the general scale of the existing building, the two large flat roofed elements would appear a bulky addition that would not respect the character and appearance of the pavilion. The design of the extension is not therefore considered to constitute high quality design as set out in JCS Policy SD4 and Section 12 of the NPPF.
- 7.3** Officers suggested an amendment which would have satisfactorily resolved the roof design, but this option was not considered acceptable to the Applicant on account of the additional cost that would be incurred.

Effect on the Living Conditions of Neighbouring Dwellings

- 7.4** Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.
- 7.5** 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 SD14 of the JCS.

Impact upon Heritage Assets

- 7.6** Tewkesbury Cricket Club is located within Tewkesbury Conservation Area (which is a designated heritage asset). In determining planning applications, Section 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require the Council to have regard to the desirability of preserving listed buildings and their features of special architectural or historic interest and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal must also be assessed against section 16 of the NPPF, JCS Policy SD8, Local Plan Policy HEN2 and MMTBP Policy HER1.
- 7.7** The Conservation Officer has been consulted and deems that the proposed work would not have an undue impact on the Conservation Area or any other surrounding heritage assets.

Impact upon Important Open Spaces

- 7.8** Local Plan Policy LND5 and MMTBP Policy LAN4 requires that any new development that takes place must not adversely affect the character and appearance of the Important Open Spaces. Saved Policy LND5 states that proposals which would adversely affect their character and appearance will not be permitted. MMTBP Policy LAN4 states that development resulting in an adverse effect upon the open character and appearance of a Locally Important Open Space will only be permitted where it would result in benefits to the community that would outweigh the importance of the open space.
- 7.9** The pavilion is very visible in the context of the public open space that it occupies, and it is considered that the poor design approach would have an undue affect upon the appearance of the Important Open Space contrary to Local Plan Policy LND5
- 7.10** It is noted that the application relates to a community used building. Although the proposal would benefit the community, it is deemed that the design would have an adverse impact on the character and appearance of the important open space, contrary to saved Policy LAN5. The benefit is not considered to outweigh the negative impact to the Locally Important Open Space that is caused through the design contrary to MMTBP Policy LAN4.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1** It is considered that the proposed extension is not of an acceptable high standard of design and would be unduly harmful to the appearance of the existing pavilion and the surrounding area and would not accord with relevant policies as outlined above. Therefore, it is recommended the application be **refused**.

Reasons:

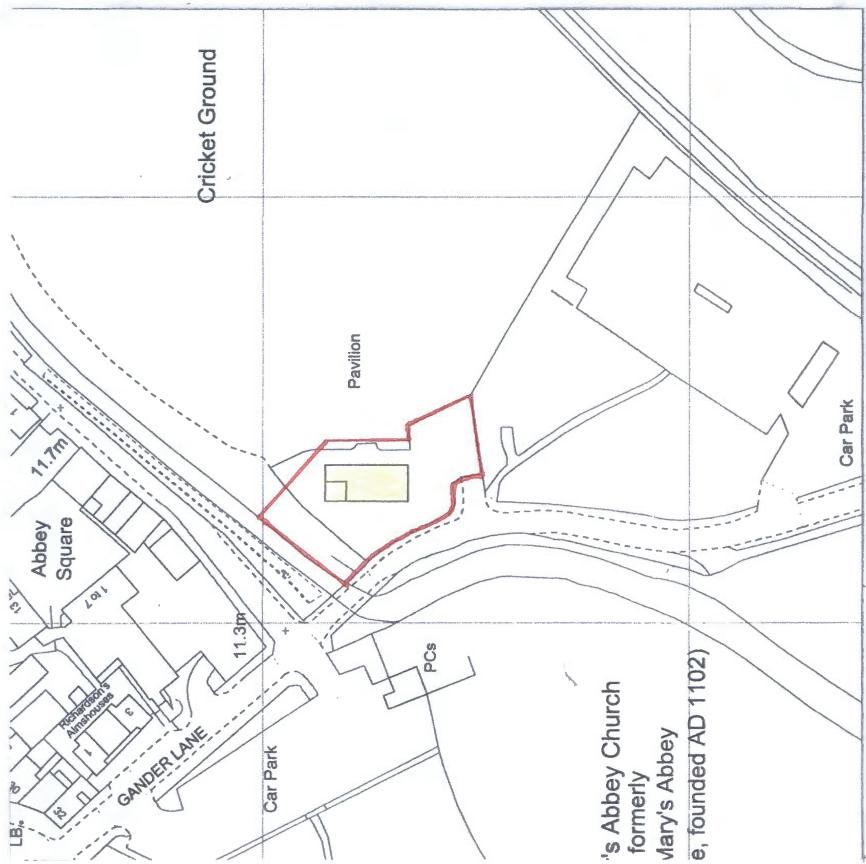
1. The proposed extension, by reason of its design would result in a bulky addition that would not respect the character and appearance of the existing pavilion and would result in unacceptable harm to the character and appearance of the original building. The proposed development would therefore be contrary to Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (November 2017) and the advice contained within the National Planning Policy Framework (2021).
2. The proposed extension, by reason of its design would adversely affect the character and appearance of the Locally Important Open Space. The proposed development would therefore be contrary to saved Policy LND5 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and Policy LAN4 of the Emerging Tewkesbury Borough Local Plan 2011-2031.

INFORMATIVE:

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.

CRICKET CLUB, GANDER LANE, TEWKESBURY, GLOS.

PROPOSED EXTENSION



LOCATION PLAN - SCALE 1/1250



BLOCK PLAN - SCALE 1/500

TEWKESBURY BOROUGH COUNCIL
OPERATIONS
Officer.....
Scanned.....
Rec'd.....
Ack'd.....
Ans.....
File.....

The Map Shop
Upton upon Severn
www.themapshop.co.uk
TEL: 01684 593146
FAX: 01684 594559
Email: themapshop@btconnect.com



OS MasterMap 1250/2500/10000 scale
Wednesday, September 16, 2020, ID: UPR-00902171
www.themapshop.co.uk
1:1250 scale print at A4, Centre: 389244 E, 232459 N
© Crown Copyright Ordnance Survey. Licence no. 100019311

N
The Map Shop
Upton upon Severn
www.themapshop.co.uk
TEL: 01684 593146
FAX: 01684 594559
Email: themapshop@btconnect.com

LOCATION PLAN - SCALE 1/1250

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

TEWKESBURY BOROUGH COUNCIL
OPERATIONS
Officer
Stamford
Rec'd
Arch'd
Ans'd
File
06 AUG 2021

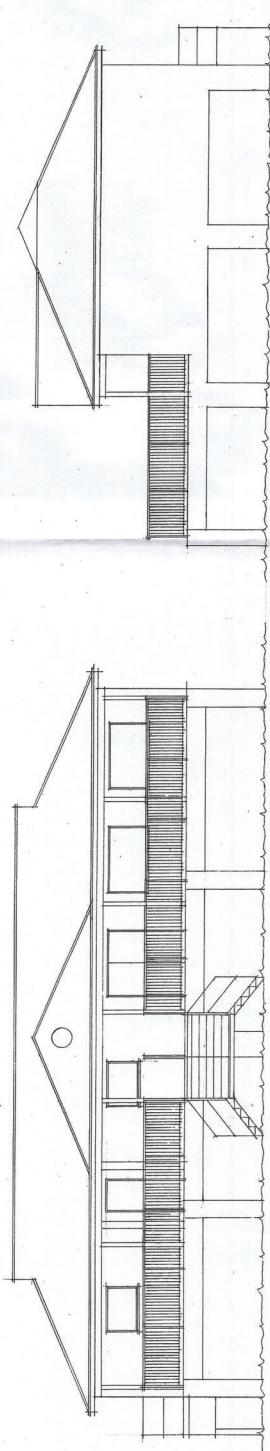
PROPOSED
ALTERATIONS
TEWKESBURY
CRICKET CLUB

ELEVATIONS AS EXISTING

SCALE : 1-100 at A2
DATE : AUG 2020
DRAWN
CWP

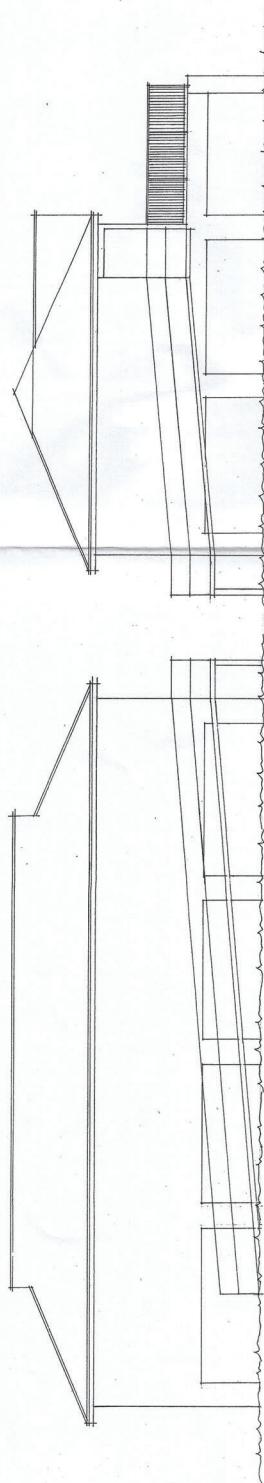
2

Ten Acre Services
Lincot Green Lane
Tewkesbury
Glos GL20 7DN
Tel/Fax 01684 286921



FRONT

SIDE

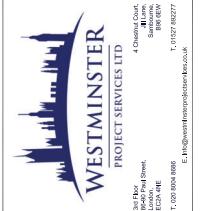


REAR

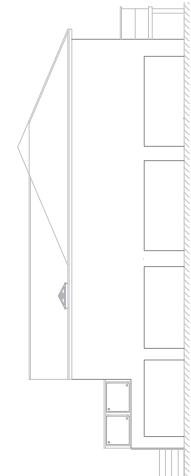
SIDE

SUGGESTIONS	RECOMMENDATIONS
Discussions should be held in accordance with the relevant legislation.	The KIC should consider the following:
- Ensure that the relevant legislation is applied in accordance with the relevant regulations in a timely manner.	- Ensure that the relevant legislation is applied in accordance with the relevant regulations in a timely manner.
The safety signs and notices in conference centres should be clearly visible.	The safety signs and notices in conference centres should be clearly visible.
All fixtures and fittings should be safe and compliant with relevant standards.	All fixtures and fittings should be safe and compliant with relevant standards.
Buildings and structures should be safe and compliant with relevant standards.	Buildings and structures should be safe and compliant with relevant standards.
• The building should be safe and compliant with relevant standards, which may be necessary for approval.	• The building should be safe and compliant with relevant standards, which may be necessary for approval.
The Committee suggests General Electric (GE) Ireland as the preferred provider of the services required. The Committee also suggests that the contract should be let on a competitive basis.	The Committee suggests General Electric (GE) Ireland as the preferred provider of the services required. The Committee also suggests that the contract should be let on a competitive basis.
Recruitment and selection should be carried out by the relevant authority.	Recruitment and selection should be carried out by the relevant authority.
Comments	Comments

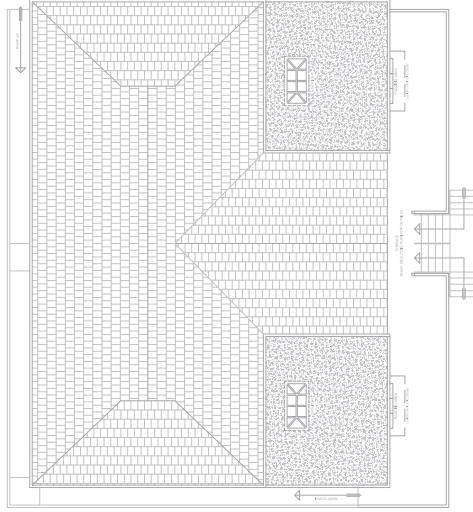
Key	Description
Ref:	
A	
B	
C	
D	
E	
F	
G	
H	
I	
J	
K	
L	
M	
N	
O	



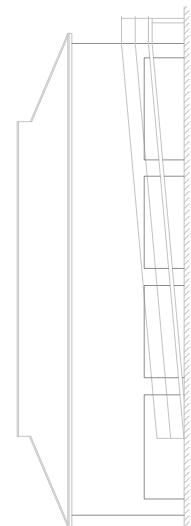
Client Name:	TCC
Project Reference:	PROPOSED
Site Location:	TEMESBURY
Date:	08.02.21
Site Name:	Stanic
Project Name:	TCC01
From:	WIP
To:	PR
Subject:	TCCR01-005-PR-WIP-010-010 PR
Paper Size:	A1
Dimensions:	1500 x 1000
Approvals:	CJ



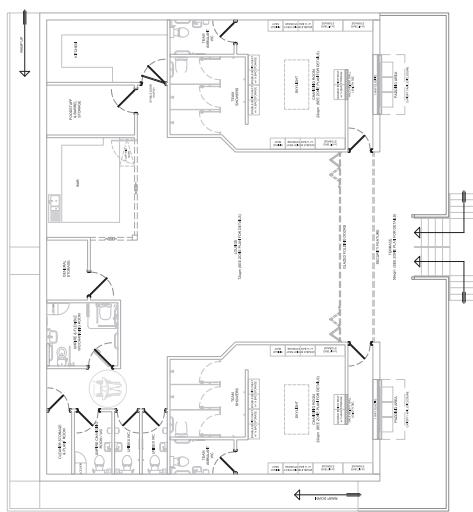
NORTH FACING ELEVATION @ 1:100



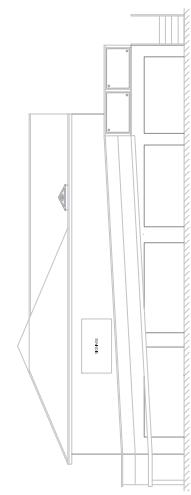
ROOFING PLAN @ 1:100



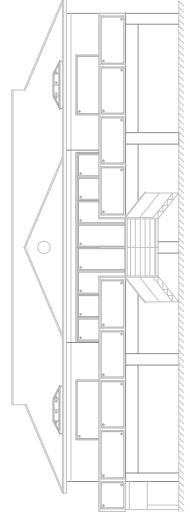
WEST FACING ELEVATION @ 1:100



INTERNAL GA @ 1:100



SOUTH FACING ELEVATION @ 1:100



EAST FACING ELEVATION @ 1:100

THE BOROUGH COUNCIL
OPERATIONS
Office _____
Date _____
Ref'd _____
16.08.2021
1st Aug 2021
10th Aug 2021

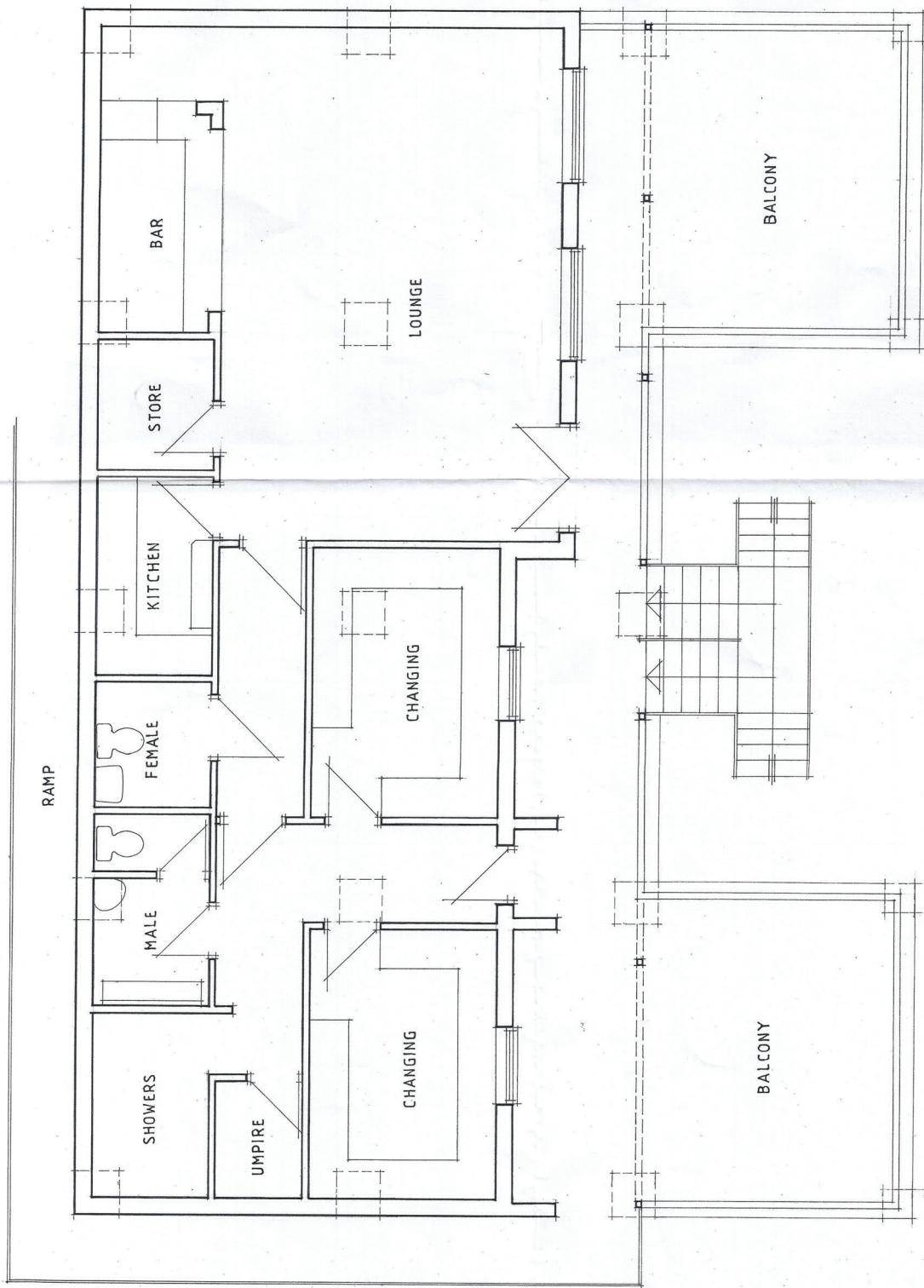
PROPOSED
ALTERATIONS
TEWKESBURY
CRICKET CLUB

PLANS AS EXISTING

SCALE : 1-50 at A2 DRAWN
DATE : AUG 2020 CWP

130

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



Notes:

Electrical	Electrical installation to be in accordance with the 18th edition of the NICEIC Regulations.
Emergency lighting	Installation to comply with BS 5886-1:2016
Manual fire alarm	Installation to comply with BS 5859-1:2017
General	

- Fire safety signs are on notice to comply with BS 5454:2000
 - Address labels provide clear visibility.
 - Access
 - Building and Construction industry must all retrospective details of Building Regs, Approved Document Part B, K, M, S188, to include to Structural Engineer's details and drawings, which are to be submitted for approval.

Comments

NEWKEEPSBURY BOROUGH COUNCIL
OPERATIONS

Key	Ref.	Description
	A	
	B	
	C	
	D	
	E	
	F	
	G	
	H	
	I	
	J	
	K	
	L	
	M	
	N	
	O	

Pot 9	26.11.21	Assayed as per HC format stated	SD	Cl
Rev.	Date:	Description	By:	App:



PROJECT SERVICES LTD

4 Che
Floor
0 Paul Street,
London,
E.C.2.

T. 01
E. info@westminsterprojectservices.co.uk

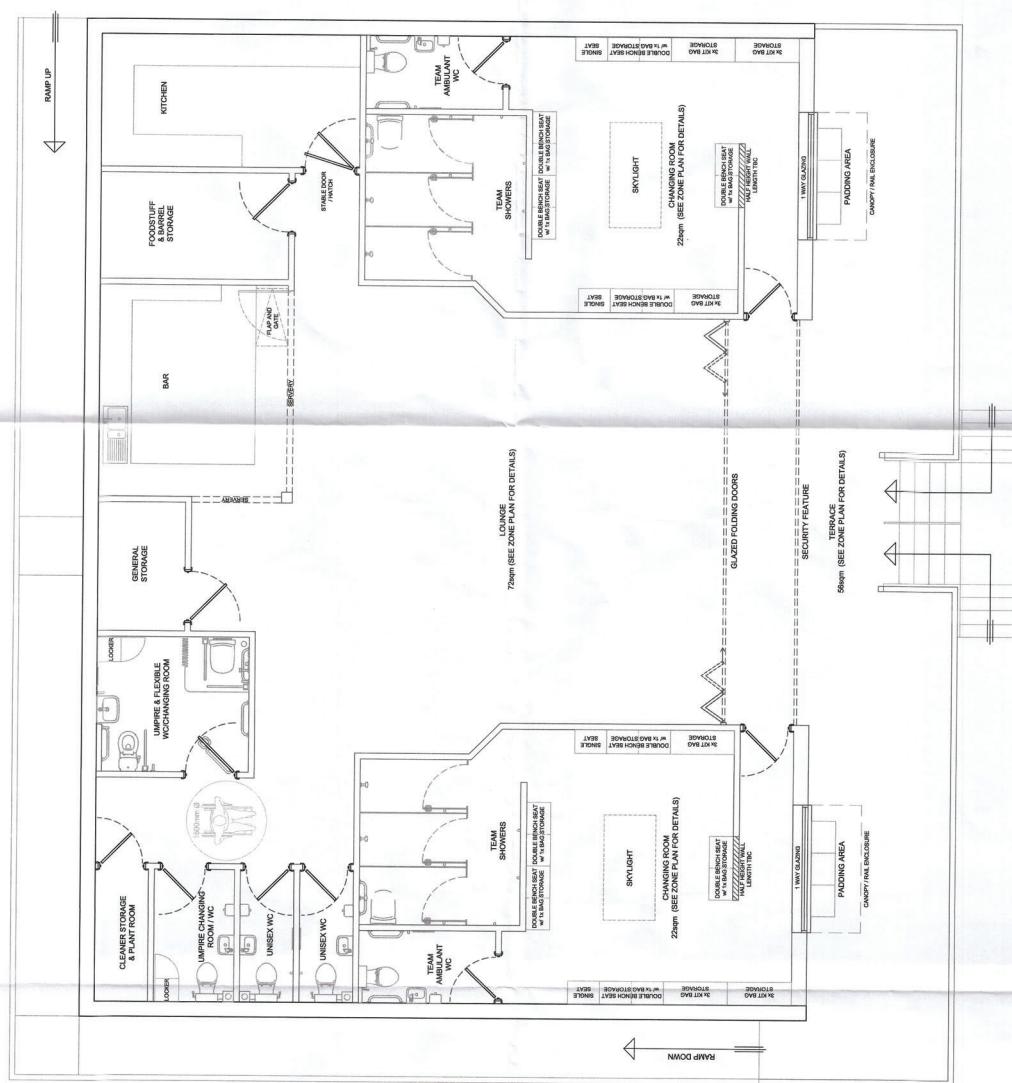
Page 2 of 2

Page 2 of 2

PROPOSED GA

JEWESBURY Paper Size

A1
02.21



TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	21 December 2021
Site Location:	The Maltings Station Street Tewkesbury
Application No:	21/00652/FUL
Ward:	Tewkesbury North And Twyning
Parish:	Tewkesbury
Proposal:	Replacement of existing timber window units with UPVC double glazed units throughout the building.
Report by:	James Stanley
Appendices:	Site location plan Existing roof/block plan Existing north and south elevations Proposed north and south elevations Existing east and west elevations Proposed east and west elevations Existing and proposed window sections Existing general window elevations Proposed general window elevations
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application relates to The Maltings, a sheltered accommodation building located on Station Road in the centre of Tewkesbury. The site is located next to Spring Gardens Car Park and is constructed on the former site of industrial and railway buildings.
- 1.2 The site is located just outside of the Tewkesbury Conservation Area which runs along the northern side of Station Road. Although not in the Conservation Area, the building has a strong visual impact upon the setting of the area.
- 1.3 This application seeks to change all the windows within The Maltings building from timber casements to UPVC double glazed casements of the same colour and similar design and change the main door from timber to aluminium automatic doors in black to match the windows.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
13/01111/FUL	Replacement of existing timber framed conservatory with a UPVC conservatory, with double glazed window unit.	PER	24.12.2013
14/00573/FUL	Replacement of existing timber window units with UPVC double glazed units throughout the building.	PER	22.08.2014
16/00002/MINOR	Replacement of existing timber window units with UPVC double glazed units throughout the building.	GRANT	15.03.2016

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 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

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

- Policy SD4 (Design Requirements)
- Policy SD8 (Historic Environment)
- Policy SD14 (Health and Environment Quality)

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

- Policy HOU8 (Domestic Extensions)
- Policy HEN2 (Conservation Area: Setting and Impact)

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

- Policy RES10 (Alteration and Extension of Existing Dwellings)
- Policy HER1 (Conservation Areas)

3.5 Neighbourhood Plan

None

3.6 Other relevant policies/legislation

- 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 Tewkesbury Town Council – Objection. Although this site is not within the Conservation Area it has a strong visual impact on parts of it and the proposals will lose the historic reference of the original design.

4.2 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.

5.2 There has been 1 letter of representation received, this is in support of the application based on design and conservation grounds.

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 Pre-Submission TBP was submitted for examination in May 2020. Examination in Public (EiP) took place over five weeks during February and March 2021. The examining 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'.
- 6.4** A schedule of Main Modifications to the Pre-submission TBP were approved at the meeting of the Council on 20th October 2021 and is now published for consultation as the Main Modifications Tewkesbury Borough Plan (MMTBP).
- 6.5** Those policies in the MMTBP which were not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which are subject to 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 (including as with modifications as published for consultation) 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).
- 6.6** The relevant policies are set out in the appropriate sections of this report.
- 6.7** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

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 and MMTBP Policy RES10 provides that development must respect the character, scale and proportion of the existing building and the surrounding development.
- 7.2** The proposed alterations to the windows would be of a similar size and the same colour. This would result in the little change of appearance to the building when viewing this from the street scene.
- 7.3** The proposed change of the front door would be in keeping with the changes to the windows as this would match the rest of the development which respects the character of the building.
- 7.4** The proposal would be of an appropriate size and design in keeping with the character and appearance of the building. 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, Policy RES10 of the MMTBP and Policy SD4 of the JCS.

Effect on the Living Conditions of Neighbouring Dwellings

- 7.5** Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Local Plan Policy HOU8 and Policy RES10 of the MMTBP provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity.
- 7.6** 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, Policy RES10 of the MMTBP and Policy SD14 of the JCS.

Effect on the Surrounding Heritage Assets

- 7.7** The Maltings is located opposite the Tewkesbury Conservation Area (which is a designated heritage asset). As such when determining planning applications this authority has a duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The proposal will also be assessed against section 16 of the NPPF, Policy SD8 of the JCS, saved policy HEN2 of the Local Plan and MMTBP Policy HER1.
- 7.8** The main changes will be the material (timber to UPVC). This is disappointing and will dilute the quality of the building as a whole. It is also disappointing that the design of the windows in the projecting bays will change from the round headed windows to a standard square window. Nevertheless, despite being close to the boundary of the conservation area, as an unlisted modern building in a context such as this, it is not realistic to resist the use of UPVC or the change of window design within the parameters of the policies above.
- 7.9** The impact of the proposal upon the setting of the heritage assets present has carefully been assessed and it is considered that there would not be an undue impact upon their setting in accordance with Policy SD8 of the JCS, Local Plan Policy HEN2 and MMTBP Policy HER1.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1** It is considered that the proposal would not be unduly harmful to the appearance of the existing building nor the surrounding area, including the setting of heritage assets, and it would not result in an unacceptable loss of residential amenity to neighbouring dwellings. 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 Numbers 1000 (Site Location Plan), 130720 AP(2)07 (Existing Roof/Block Plan), 130720 AP(2)11 B (Proposed East & West Elevations), 130720 AP(2)12A (Existing and Proposed General Window Elevations), 130720 AP(2)14 (Proposed General Window Elevations) and 130720 AP(2)15 (Proposed Generic Window Sections) received by the Local Planning Authority on 19/05/2021
 - Drawing Number 130720 AP(2) 10 D (Proposed North & South Elevations) received by the Local Planning Authority on 06/12/2021

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

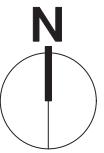
Reason: To ensure that the development is carried out in accordance with the approved plans.

3. The colour of the UPVC to be used in the construction of the windows and doors of the proposed development shall be black to match the colour of the original windows in the existing building.

Reason: To ensure that the proposed development is in keeping with the exiting building.

INFORMATIVE:

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.



0 20 30 40 50 M



Kendall Kingscott

Chartered Architects
Chartered Building Surveyors
Interior Designers
CDM Services

Glentworth Court, Lime Kiln Close
Stoke Gifford, Bristol BS34 8SR

+44 (0)117 931 2062

www.kendallkingscott.co.uk

Rev Date By Ap Note

Project
The Maltings

Drawing Title
Location Plan

Client
Sanctuary Group

Project Number Drawing Number

Revision

200881-1000

Scale Paper Size Filename
1:1250 ISO A4 The Maltings.vwx

Date Drawn Checked
03/03/21 AC CB

Purpose/Status
PLANNING

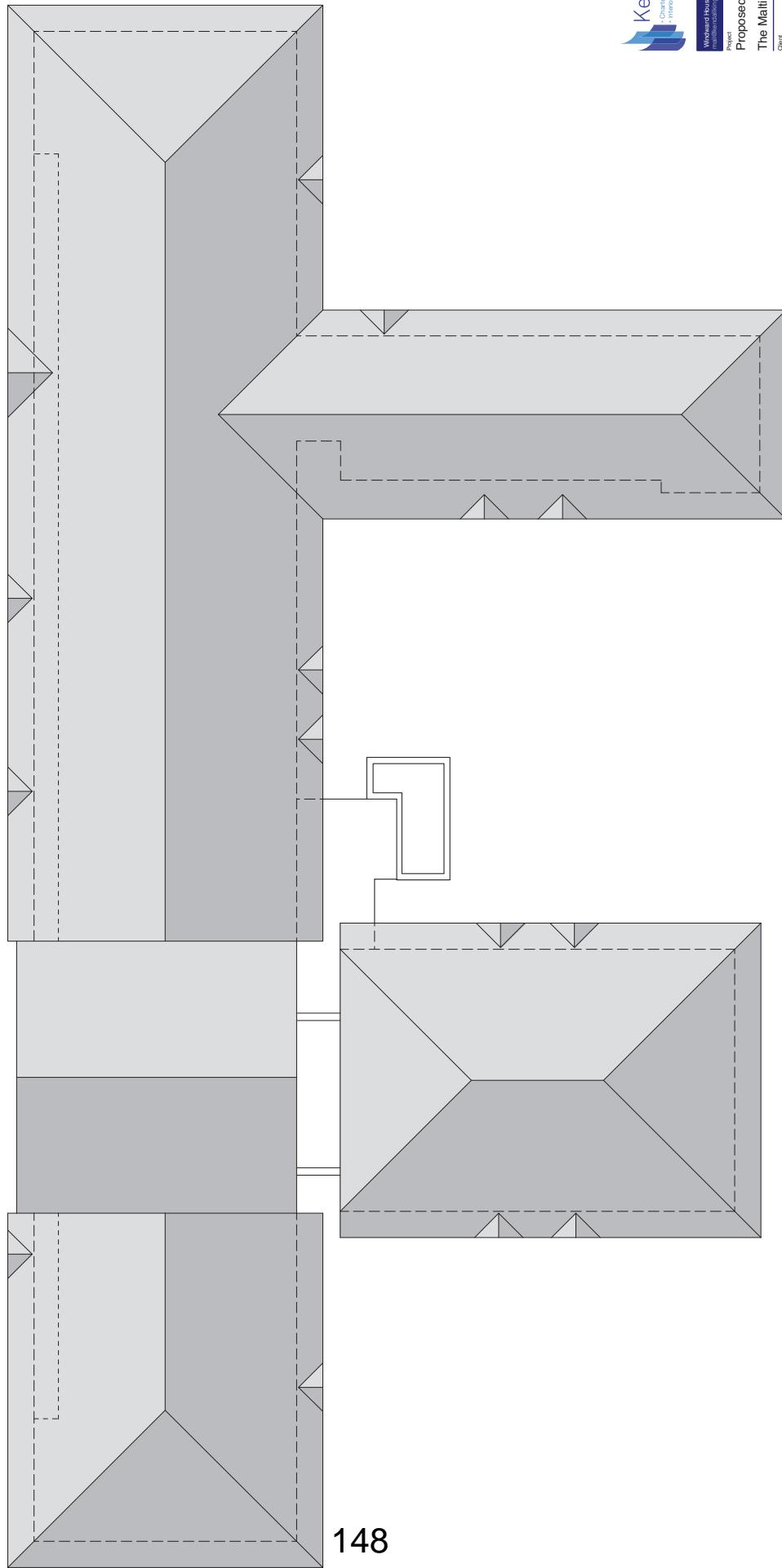
© Copyright

Do not scale this drawing

147

Check all dimensions and levels on site

Only to be used on the site for which designed. The electronic transmission of designs/information contained in this drawing is carried out entirely at the User's risk and Kendall Kingscott Ltd. will have no liability for any errors or inaccuracies arising therefrom. The production of amended or updated information from the said designs/information by the User is entirely the responsibility of the User and Kendall Kingscott Ltd. shall have no responsibility in respect thereof whatsoever.





© Copyright Kendall Kingscott Ltd
Do not scale this drawing
 Check all dimensions and levels as above. Only to be used on the
 day of application for planning purposes. Not to be scaled out generally
 or reproduced. It is the responsibility of the applicant to check all dimensions
 and levels. If a dimension or level is not shown it does not necessarily
 mean that there is no dimension or level. All dimensions and levels
 are approximate. Any changes made by the applicant will affect the
 dimensions and levels. Any changes made by the applicant will affect the
 dimensions and levels. Any changes made by the applicant will affect the
 dimensions and levels.

Ref. Date By Ap Note



Existing North Elevation

149



Existing South Elevation

Kendall Kingscott
 Chartered Architects - Chartered Building Surveyors
 Telephone Gloucester 01452 266000
 www.kendallkingscott.co.uk

Project Name: **The Mallings, Tewkesbury**
 Drawing No.: **130720 AP(2)08**

Date: **JUNE 14** Drawn: **RT** Checked: **PS** Issued: **PLANNING**

Sanctuary Housing

EXISTING NORTH & SOUTH
 ELEVATIONS
 The Mallings, Tewkesbury

Existing Elevations

Scale 1:100 @A1 / 1:200 @A3
 0 5 10

Ref Date By Ap Note

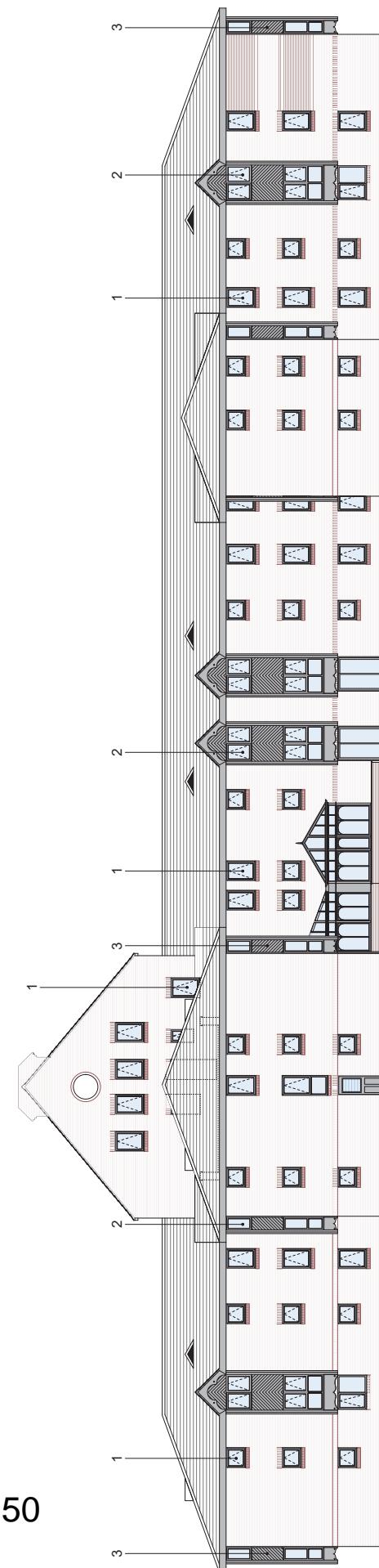
LEGEND
 1. UPVC double glazed window units.
 Ref to drawing 130720A/P2/12A.
 2. UPVC double glazed window units to be installed in existing timber framed baywindow structure.
 Ref to drawing 130720A/P2/13A/P2/14.
 3. Existing timber cladding to remain.
 4. All new upvc windows to be Dual Glazed/Cream.



Proposed North Elevation

150

New to street to Nutmeg in date, colour to match existing & proposed windows/doors



Proposed South Elevation

NOTE: All windows/conservatory to be replaced in upvc to match existing style and colour.



© Copyright Kendall Kingscott Ltd

Do not scale this drawing

Check dimensions and levels at site. Only to be used on the day of application. It is the responsibility of the applicant to ensure the proposed works do not cause damage to existing structures or services. Any damage caused will be the responsibility of the applicant. If you require any further information or advice please contact the Building Control Department. Kendall Kingscott Ltd accept no responsibility for any errors or omissions from the proposed information contained in this document. The proposed information contained in this document is to be supplied by the responsible person on site.

Ref. Date:

By:

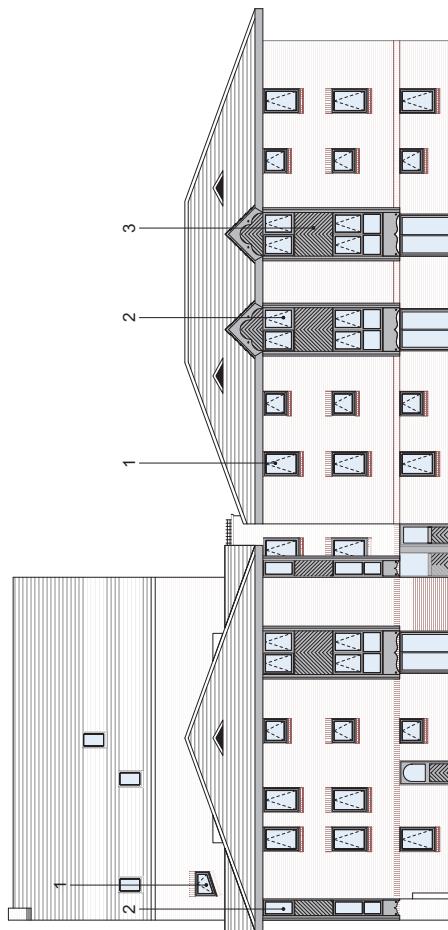
Notes:

A 11/05/15 RT PS Proposed bay window style

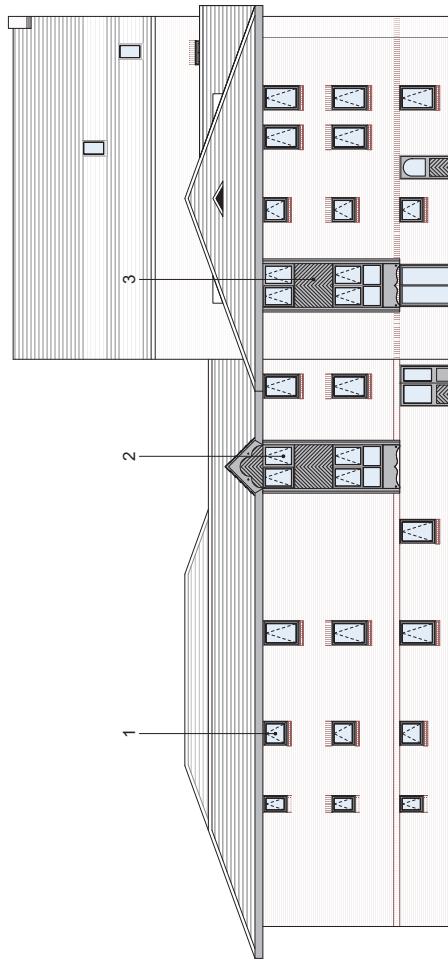
B 5/11/16 DD PS Refer to Ultra Modern Architectural Application

LEGEND

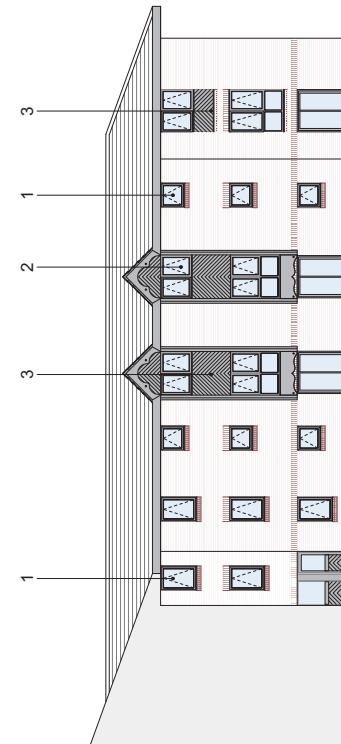
1. UPVC double glazed window units. Refer to drawing 130720/A/2/12A.
2. UPVC double glazed window units to be installed in existing timber framed bay window structure. Refer to drawing 130720/A/2/13 & 14/14.
3. Existing timber cladding to remain.
4. All new UPVC windows to Dual Acornite Grey.



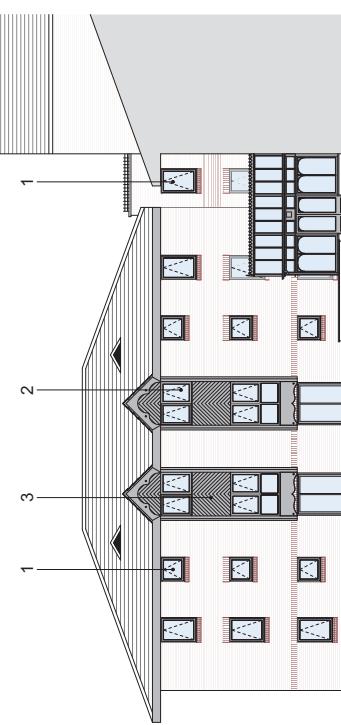
Proposed West Elevation



Proposed East Elevation



Proposed Inner West Elevation



Proposed Inner East Elevation

Ref:

Proposed EAST & WEST

ELEVATIONS

Rev:

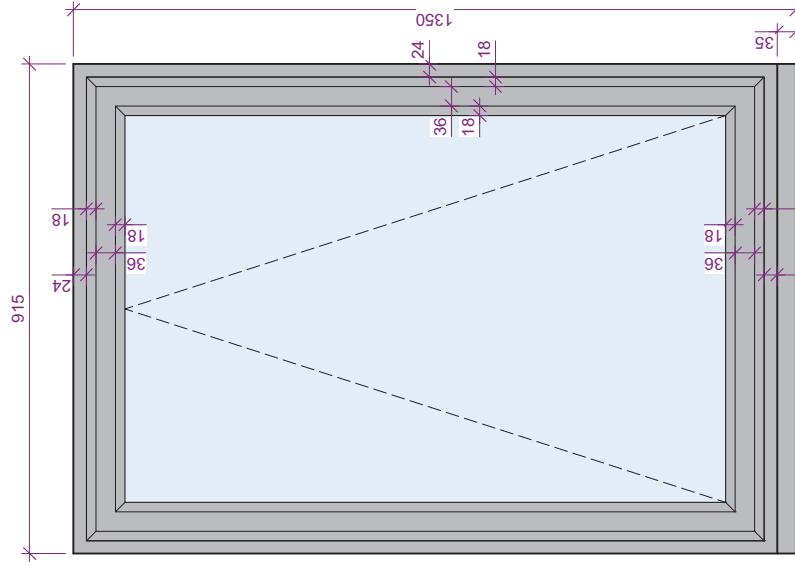
Date:

By:

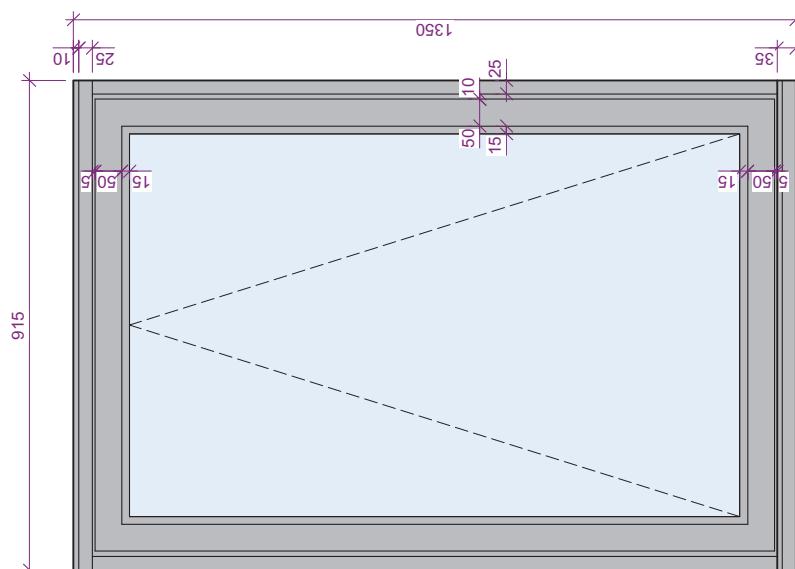
Notes:

Rebased for Non-Material

Amendment Application

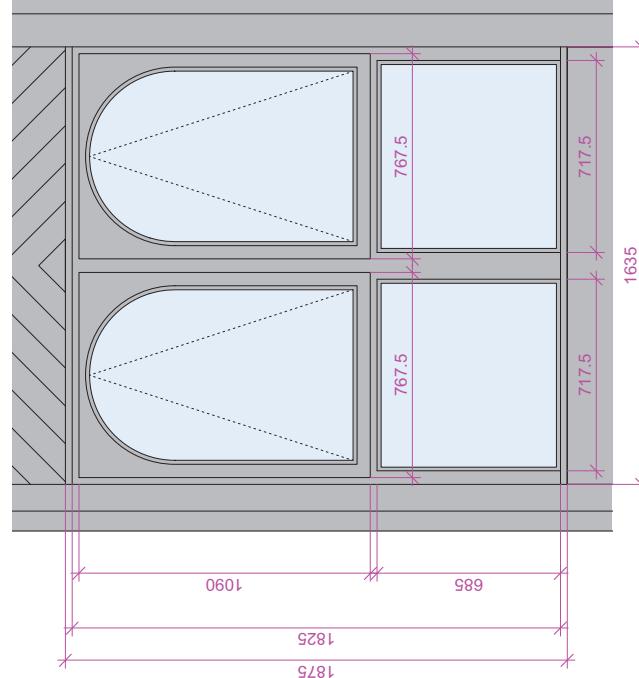


Proposed Window Elevation

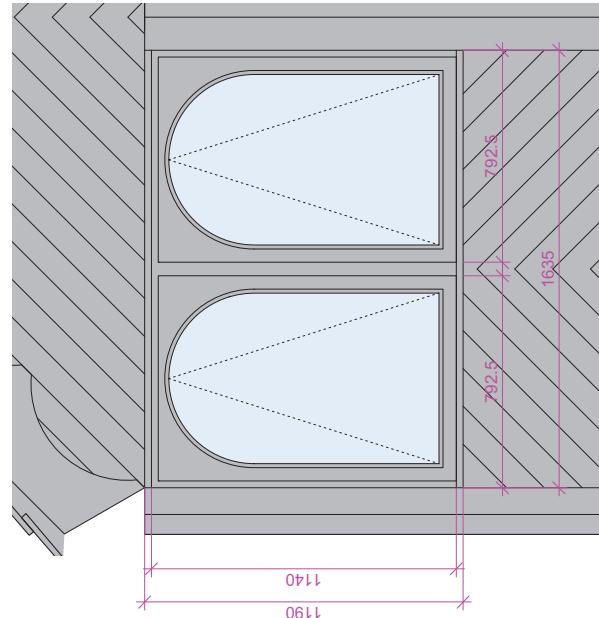


Existing Window Elevation

Indicative drawing only.
 Dimensions shown are a general indication and on site dimensions may vary slightly.
 Overall structural window opening sizes vary, this size shown as an example to illustrate style carried throughout.
 Proposed dimensions indicate the intended sizes, actual sizes may vary slightly depending on manufacturer.



Existing Window Elevation - Low Level

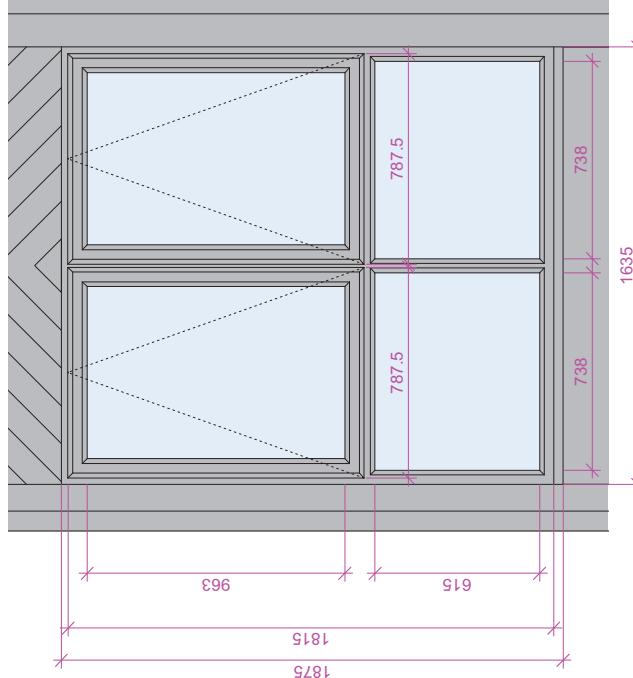


Existing Window Elevation - High Level

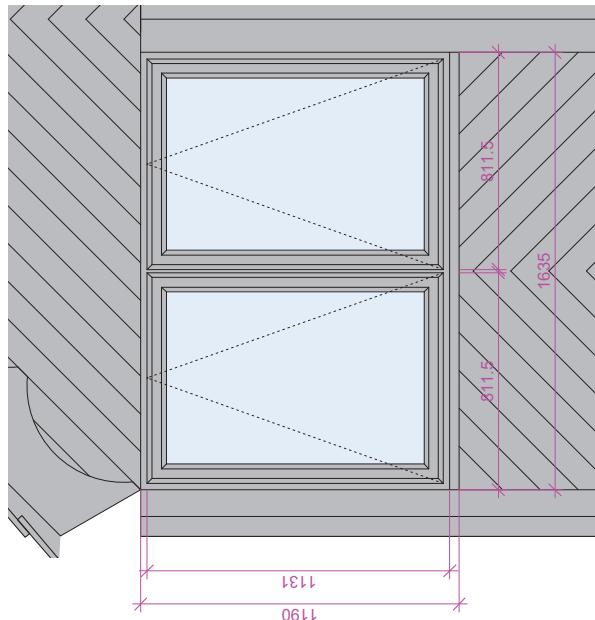
© Copyright Kendall Kingscott Ltd
Do not scale this drawing

Check all dimensions and levels on site. Only to scale for which designed. The ergonomic information contained in this drawing is given in good faith at the User's risk and Kandail Kingscott Ltd. will not accept responsibility for any errors or inaccuracies arising from them. Amended or updated information can be sent on request by the User. The responsibility of the User is entirely the responsibility of the User. Kings.com shall have no responsibility in respect of

卷之四



Proposed Window Elevation - Low Level



Proposed Window Elevation - High Level

Agenda Item 6

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	21 December 2021
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Development Manager
Lead Member:	Lead Member for Built Environment
Number of Appendices:	1

Executive Summary:

To inform Members of current planning and enforcement appeals and Department for Levelling Up, Housing and Communities appeal decisions issued.

Recommendation:

To CONSIDER the report.

Reasons for Recommendation:

To inform Members of recent appeal decisions.

Resource Implications:

None

Legal Implications:

None

Risk Management Implications:

None

Performance Management Follow-up:

None

Environmental Implications:

None

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 The following decisions have been issued by the Department for Levelling Up, Housing and Communities:

None

3.0 ENFORCEMENT APPEAL DECISIONS

3.1 None

4.0 OTHER OPTIONS CONSIDERED

4.1 None

5.0 CONSULTATION

5.1 None

6.0 RELEVANT COUNCIL POLICIES/STRATEGIES

6.1 None

7.0 RELEVANT GOVERNMENT POLICIES

7.1 None

8.0 RESOURCE IMPLICATIONS (Human/Property)

8.1 None

9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

9.1 None

10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

10.1 None

11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

11.1 None

Background Papers: None

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

Appendices: Appendix 1: List of Appeals received

Appendix 1

List of Appeals Received						
Reference	Address	Description	Start Date	Appeal Procedure	Appeal Officer	Statement Due
20/01139/PIP	Manor Farmhouse Gretton Road Gretton	Permission in Principle for the erection of 1 No. to 6 No. dwellings on land north of Manor Farmhouse.	25.11.2021	W	Bob Ristic	
21/00618/FUL	Dippers Cottage Gabb Lane Apperley	Installation of a balcony, window and rooflight to main dwellinghouse. Erection of an outbuilding to be used as an office/playroom.	25.11.2021	W	Victoria Stone	

Process Type

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