

7 February 2022

<b>Committee</b>	Planning
<b>Date</b>	Tuesday, 15 February 2022
<b>Time of Meeting</b>	10:00 am
<b>Venue</b>	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.	<b>MINUTES</b>	1 - 23
	To approve the Minutes of the meeting held on 18 January 2022.	
5.	<b>DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL</b>	
	<b>(a) 21/00976/OUT - Land off Brook Lane, Twigworth/Down Hatherley</b>	24 - 67
	<b>PROPOSAL:</b> Residential development (up to 160 dwellings) associated works including demolition, infrastructure, open space and landscaping with vehicular access from the A38; all matters reserved.	
	<b>OFFICER RECOMMENDATION:</b> Delegated Permit.	
	<b>(b) 21/00880/OUT - Land at Horsbere Drive, Longford</b>	68 - 108
	<b>PROPOSAL:</b> Outline application for residential development of 24 apartments and associated operations (access reserved for future consideration).	
	<b>OFFICER RECOMMENDATION:</b> Refuse	
	<b>(c) 21/00617/PIP - Land at Ash Lane, Down Hatherley</b>	109 - 121
	<b>PROPOSAL:</b> Permission in principle for the erection of up to four dwellings.	
	<b>OFFICER RECOMMENDATION:</b> Permit	
	<b>(d) 21/00938/FUL - Poplar Farm, New Road, Woodmancote</b>	122 - 160
	<b>PROPOSAL:</b> Erection of eight dwellings to include new access, landscaping and associated works.	
	<b>OFFICER RECOMMENDATION:</b> Permit	
	<b>(e) 21/00932/FUL - Poplar Farm, New Road, Woodmancote</b>	161 - 194
	<b>PROPOSAL:</b> Proposed extensions and alterations to Poplar Farm (Grade II Listed) including demolition of existing twentieth century additions.	
	<b>OFFICER RECOMMENDATION:</b> Permit	
	<b>(f) 21/00933/LBC - Poplar Farm, New Road, Woodmancote</b>	195 - 220
	<b>PROPOSAL:</b> Proposed extensions and alterations to Poplar Farm (Grade II Listed) including demolition of existing twentieth century additions.	
	<b>OFFICER RECOMMENDATION:</b> Consent	

Item	Page(s)
(g) <b>20/00936/OUT - Land to the Rear of Minsterworth Village Hall, Main Road, Minsterworth</b>	221 - 240
<b>PROPOSAL:</b> Outline application for the erection of up to 16 dwellings (all matters reserved except for access).	
<b>OFFICER RECOMMENDATION:</b> Permit	
(h) <b>19/00985/FUL - Tesco Supermarket, Church Road, Bishop's Cleeve</b>	241 - 257
<b>PROPOSAL:</b> To allow for extended hours of delivery 0500-2300 hours Monday-Saturday and 0700-2200 hours on Sundays; variation of condition 5 of planning permission ref: 01/0041/0125/FUL (as modified by permission ref: 08/01358/FUL and 14/00552/FUL); and variation of condition 2 of planning permission ref: 14/00552/FUL to amend report of noise mitigation measures.	
<b>OFFICER RECOMMENDATION:</b> Refuse	
(i) <b>TPO 410 - Part Parcel 0025, Hillend, Twyning</b>	258 - 265
<b>OFFICER RECOMMENDATION:</b> To confirm the TPO without modification.	
(j) <b>TPO 411 - Land Adjacent Alstone Lawns, Alstone</b>	266 - 272
<b>OFFICER RECOMMENDATION:</b> To confirm the TPO without modification.	
(k) <b>21/01252/TPO - Trees Behind Hunters Road and Public Open Space at The Withers, Bishop's Cleeve</b>	273 - 277
<b>PROPOSAL:</b> TPO 298 – Silver Birch T1 – prune off street light; Hornbeam T35, T36, T37 and T38 – Trim back crown spread but retain low growth of upper crown (G1) as per submitted report.	
<b>OFFICER RECOMMENDATION:</b> Consent	
(l) <b>21/01509/FUL - 25 Paynes Pitch, Churchdown</b>	278 - 299
<b>PROPOSAL:</b> Variation of conditions 2 (approved plans), 3 (materials), 4 (levels), 5 (boundary treatments), 11 (Ecological Enhancement and Mitigation Strategy), 12 (external lighting scheme), 14 (blocking up of existing access), 18 (written Scheme of Investigation and Building Record) and 19 (surface water drainage) of planning permission ref: 20/00956/FUL.	
<b>OFFICER RECOMMENDATION:</b> Permit	

Item	Page(s)
<b>(m) 21/00088/FUL - Brookside Stables, Cold Pool Lane, Badgeworth</b>	300 - 315
<p><b>PROPOSAL:</b> Variation of conditions 1 and 2 of planning permission ref: 16/01285/FUL to allow for the permanent use of site as a residential gypsy site for seven mobile homes and five touring caravans.</p> <p><b>OFFICER RECOMMENDATION:</b> Permit</p>	

<b>6. CURRENT APPEALS AND APPEAL DECISIONS UPDATE</b>	316 - 322
<p>To consider current planning and enforcement appeals and Department for Levelling Up, Housing and Communities appeal decisions.</p>	

**DATE OF NEXT MEETING**  
**TUESDAY, 15 MARCH 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.

## TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Tuesday, 18 January 2022  
commencing at 10:00 am**

**Present:**

Chair	Councillor J H Evetts
Vice Chair	Councillor R D East

**and Councillors:**

R A Bird, G F Blackwell, M A Gore, D J Harwood, 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

**also present:**

Councillor G J Bocking

**PL.50 ANNOUNCEMENTS**

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

**PL.51 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

- 51.1 Apologies for absence were received from Councillor M L Jordan. There were no substitutions for the meeting.

**PL.52 DECLARATIONS OF INTEREST**

- 52.1 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.
- 52.2 The following declarations were made:

<b>Councillor</b>	<b>Application No./Agenda Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
M A Gore	Agenda Item 5a – Land to the East of High Beeches, Snowhill	Had spoken to the Parish Council on the telephone in relation to the application but had not expressed an opinion.	Would speak and vote.

52.3 There were no further declarations made on this occasion.

**PL.53 MINUTES**

53.1 The Minutes of the meeting held on 21 December 2021, copies of which had been circulated, were approved as correct record and signed by the Chair.

**PL.54 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**

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

**21/01243/FUL - Land to the East of High Beeches, Snowhill**

54.2 This application was for retention of a stable with tack room. The application had been deferred at the Planning Committee meeting on 21 December 2021 for a Planning Committee Site Visit in order to assess the impact of the proposal on the Area of Outstanding Natural Beauty. The Planning Committee had visited the application site on Friday 14 January 2022.

54.3 The Planning Officer advised that the application sought permission for the retention of the stable and tack room building which was connected to High Beeches on a triangular paddock that rose to the east. The application site was within the Cotswolds Area of Outstanding Natural Beauty and the Planning Committee had deferred the application at its last meeting in order to allow a site visit to take place to assess the impact of the proposal on the Area of Outstanding Natural Beauty. An assessment of the material considerations was included at Pages No. 30-32 of the Committee report and, as set out in the report, Officers considered that the stable building would not be overtly prominent within the landscape, nor would it be of significant detrimental impact on the landscape and Area of Outstanding Natural Beauty to warrant a refusal. As such, the proposal was recommended for permission, subject to conditions relating to additional planting and the painting of the stable block.

54.4 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor; however, he first asked for clarification as to what planting was proposed and the Planning Officer drew attention to condition 3 at Page No. 33 of the Committee report which required planting of a Beech hedgerow, as indicated on the plans. A Member noted from the Planning Committee Site Visit that the building was close to a Cotswold drystone wall so she asked where the hedge would go and whether it would have an impact on the building given that Beech hedges could be quite large. In addition, she asked whether it was necessary to have rooflights on the stable roof. In response, the Planning Officer drew attention to the site plan, circulated at Page No. 35 of the Committee report, which showed the proposed Beech hedge behind the drystone wall; this was what had been put forward by the applicant but the Planning Officer indicated that it may be possible to request additional planting around the sides as an alternative if Members were not content with the proposal. The Chair indicated that, in his view, it would be impossible for a Beech hedge to grow satisfactorily in the space between the wall and the back of the building. He expressed the opinion that the hedge needed to be on the other side and felt it was a shame that the applicant had chosen to build the stable in the precise location – had it been located slightly further down the hill it would have been shielded by the existing hedge so he could appreciate the frustration of local residents. He asked whether it would be possible to plant the hedge on the verge side and the Planning Officer

confirmed this was something which could be looked into; however, she suspected it would be outside of the applicant's ownership and was likely to be highways land.

- 54.5 A Member expressed the view that, from the discussion which had taken place, it seemed Members and Officers were trying to find a way to make the building less obvious and she did not think that was possible, therefore, she proposed that the application be refused on the basis that it would have a detrimental impact on the landscape and Area of Outstanding Natural Beauty. This proposal was duly seconded. A Member indicated that she would still like a response to the query regarding the rooflights and whether they were entirely necessary. The Chair suggested it may be possible to move the rooflights to the other side of the ridge; however, that would be very inconvenient as the light entering the stable would be limited. Nevertheless, it was an option which could be discussed further, should the motion to refuse the application fall. Another Member indicated that he disliked retrospective applications such as this and would be happy to support the motion to refuse subject to appropriate policy justification being put forward – he pointed out that the property was not overlooked by anyone so he was struggling to find a policy reason to refuse the application. In response, the Planning Officer clarified that the motion had been put forward on the basis of the adverse impact to the Area of Outstanding Natural Beauty and policy SD7 of the Joint Core Strategy stated that “all development proposals within the setting of the Cotswold AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities”. The Member indicated that he was happy with the policy; however, his view was that the Joint Core Strategy was going to be out of date and carried little weight at this point so he wished to seek assurance that the Council would be able to defend an appeal on that basis. With regard to the rooflights, the Development Manager advised that, whilst suggestions had been made as to how they may be repositioned, Members needed to determine the scheme before them. In terms of the landscaping scheme, Members needed to consider whether making changes would reduce the impact - from the photographs displayed it would certainly break the view but he was unsure whether that would lessen the harm. Ultimately, Members needed to decide whether the proposed conditions would mitigate the harm to the point where the scheme was acceptable, in which case it should be permitted; however, if they felt it was still unacceptable then it should be refused. The Planning Officer advised that, should Members be minded to refuse the application, the refusal reasons would also include reference to policies in respect of equine facilities, including Policy RCN4 of the emerging local plan.

- 54.6 Upon being put to the vote it was

**RESOLVED** That the application be **REFUSED** on the basis that it would have a detrimental impact on the landscape and Area of Outstanding Natural Beauty.

### **21/00976/OUT - Land off Brook Lane, Twigworth/Down Hatherley**

- 54.7 This application was for residential development (up to 160 dwellings) with associated works including demolition, infrastructure, open space and landscaping with vehicular access from the A38; all matters reserved.
- 54.8 The Development Manager explained that the applicant had questioned the financial contribution towards education provision and had requested more time to continue discussions with Gloucestershire County Council with regard to that. Furthermore, Page No. 58, Paragraph 7.57 of the Committee report set out that the tenure of the affordable housing would be split between affordable rented and shared ownership; however, the Council's Strategic Housing Enabling Officer had highlighted this was an error and the tenure should be split between social rented

and shared ownership, as such, it was necessary to have further discussions with the applicant to establish whether an acceptable affordable housing tenure could be secured. Due to the ongoing conversations in relation to these fundamental planning matters, the Officer recommendation was now to defer the application.

- 54.9 The Chair indicated that there were public speakers registered to speak in relation to the application; however, as the Officer recommendation was to defer the application to resolve the outstanding matters in respect of the financial contribution towards education provision and the proposed tenure of the affordable housing, he intended to firstly seek a motion for a deferral and, should that fall, the public speakers would be invited to address the Committee. It was proposed and seconded that the application be deferred in accordance with the Officer recommendation. A Member indicated that he would be happy to support the deferral and requested that additional information be provided to clarify the data year which had been used by County Highways for its 'robust assessment' as referenced on the Additional Representations Sheet, attached at Appendix 1, as he understood that 2015 figures were still being used; whether the proposed contribution towards off-site sports provision would go to Twigworth rather than GL1 as had happened before; and whether the £15,000 towards bus stop improvements on the eastern side of the A38 could also be used to ensure the pavement was wide enough for wheelchair users and people with pushchairs as it was currently very narrow and could be dangerous. The Member indicated that there were further matters he would wish to raise in respect of the Minutes of Council on 20 October 2021. The Chair indicated that, whilst he was grateful for these queries, it was necessary to focus on the motion to defer the application which had been proposed and seconded; should the motion fall, the Member would be able to ask these questions but if the deferral was approved then he should raise these requests directly with Officers outside of the meeting.

- 54.10 Upon being put to the vote, it was

**RESOLVED** That the application be **DEFERRED** in order to resolve the outstanding matters in respect of the financial contribution towards education provision and the proposed tenure of the affordable housing.

#### **20/01061/FUL - Kimberley, Church End Lane, Twyning**

- 54.11 This application was for the erection of one dwelling and associated detached garage to replace existing mobile home and provision of associated vehicular access, parking and turning areas.
- 54.12 The Development Management Team Leader (South) advised that the site was located along Church End Lane in Twyning and was occupied by a static residential mobile home where the applicant currently resided. The application proposed the replacement of the mobile home with a detached two storey, three bedroom dwelling, similar in size and scale to the two dwellings immediately to the west of the site that were allowed on appeal in 2020 but had not yet been constructed. A new access was proposed off Church Lane with a parking and manoeuvring area contained within the site and a large double garage proposed towards the back of the site. As set out in the Committee report, the application site lay outside of the Twyning settlement boundary, as defined in the Neighbourhood Development Plan, and Officers had concluded that, as the proposal was for the replacement of a mobile home with a dwelling, it was contrary to the relevant Borough Plan and Neighbourhood Development Plan policies and would also result in the loss of an existing traveller pitch. Notwithstanding this, the proposal must be considered in light of the current lack of a five year housing supply and the relevant test was therefore whether the identified harms significantly and demonstrably outweighed the benefits assessed against the



National Planning Policy Framework policies as a whole. In terms of the recent appeal, it was relevant that in allowing the replacement of a mobile home with two dwellings on the neighbouring site, the Inspector - whilst agreeing that the proposal was contrary to development plan policy – concluded that, in view of the tilted balance being engaged, the adverse impact of the proposal did not significantly and demonstrably outweigh the benefits. Although each case must be considered on its merits, a similar conclusion had been reached in this instance. As stated in the Committee report, there was a conflict with development plan housing policy which weighed against the proposal; however, whilst the proposal would result in the loss of a traveller pitch, the applicant currently lived in the mobile home and had chosen to move into bricks and mortar, subject to the application being permitted, therefore the overall need for traveller sites would be unaffected and the impact would be neutral. There were no other harms identified in the Committee report and, in view of the tilted balance, it was concluded that the adverse impact of the proposal did not outweigh the benefits which included the economic benefits during construction, ecological benefits and potential improvements to surface water drainage which were required by condition. As such, the Officer recommendation was to permit the application.

54.13 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. A Member indicated that he was concerned about setting a precedent as Twynning had several static caravans so he asked whether permitting this application could have an impact on other areas. In response, the Development Management Team Leader (South) reiterated that every case should be assessed on its own merits; whilst there was general policy protection for static mobile homes, in this case although it was classed as a traveller pitch, there was a clear distinction in that the occupiers had decided to move into bricks and mortar. Members would be aware of the appeal in 2020 and, insofar as the existing mobile home being replaced by two dwellings, the Inspector had considered that, in view of the tilted balance, it was acceptable and the appeal had been allowed. On that basis, the Member indicated that he would be happy to propose that the application be permitted in accordance with the Officer recommendation. Another Member pointed out that this was not a designated traveller site, therefore, he was struggling to understand how a traveller site would be lost if this application was permitted. The Development Management Team Leader (North) explained that the site was not allocated in the local plan as a traveller site but it did count towards the supply. This was a slightly odd site in that it was not allocated but the description of the development said that the site should be for family members so the applicant had been clear they did not want it to be made available for other travellers. As such, it was considered that the harm that would be caused by permitting the application was not significant. A Member drew attention to Page No. 92 of the Committee report and pointed out that new wording had been agreed in relation to the condition requiring installation of electric vehicle charging points so condition 8 needed to be amended to reflect that. The proposer of the motion indicated that he was happy for that amendment to be made and the proposal was duly seconded.

54.14 Upon being put to the vote, it was

**RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation, subject to an amendment to condition 8 to reflect the amended wording which had been agreed in relation to the installation of electric vehicle charging points.

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

- 54.15 This application was for the removal/variation of conditions 2 (plans as set out), 4 (landscaping compliance) and 11 (noise assessment) of planning reference 17/01131/FUL. The application had been deferred at the Planning Committee meeting on 21 September 2021 in order to investigate installation of bollards or other measures to address highway safety concerns; to allow revised plans to be submitted to address the minor discrepancies in relation to the location of the cycle storage area and landscaping; and to enable the Environmental Health Officer to explain in more detail the response to the Parish Council's concerns regarding the noise assessment being outdated.
- 54.16 The Planning Officer advised that the Environmental Health Officer had now provided a more detailed comment in relation to the noise assessment and the Parish Council had subsequently withdrawn its objection. Discussions had taken place with the applicant in respect of the Committee's concerns regarding public safety and the lack of a physical barrier between the road and grass verge and the possibility of installing bollards; however, the applicant's proposal was to extend the existing hedgerow, which had been retained in part, with additional planting along the boundary to the southern edge of the site and revised landscape plans had been submitted to reflect that. The Officer view was that the hedgerow would provide a barrier to the highway which would prevent children lying down on the verge and so would be an appropriate way forward in terms of the landscape character. It was noted that the additional hedge would be a mix of native species. On that basis, the Officer recommendation was to permit the application but with condition 9, as set out in the Committee report, omitted.
- 54.17 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. A Member indicated that she had raised the road safety concern as she regularly drove past the site; the site was outside of the 30mph speed limit and she had seen cars increase their speed when driving around the roundabout. She still had some concerns regarding the proposal to extend the hedgerow as it would take a long time for it to grow to the thickness necessary to provide the protection required. She felt something needed to be done more urgently and asked if it was possible to put a temporary measure in place whilst the hedge was growing – a few twigs in the ground would not provide adequate separation between pedestrians and cars in her view. In response, the Development Manager confirmed that it was possible to require a mature specimen which was fully grown when it was planted and would therefore be more of a deterrent. The Member agreed that it would stop people from lying on that piece of ground so she was happy with the proposal provided it was a mature specimen. Another Member asked whether 'fully grown' referred to thickness as well as height and assurance was provided that it would be required to reflect the existing hedge in terms of both thickness and height. It was subsequently proposed and seconded that the application be permitted in accordance with the Officer recommendation, subject to a condition requiring a mature specimen to be used for the extension of the existing hedgerow to reflect what was already there in terms of height and thickness.
- 54.18 Upon being put to the vote, it was
- RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation omitting condition 9, subject to a condition requiring a mature specimen to be used for the extension of the existing hedgerow to reflect what was already there in terms of height and thickness.

**PL.55 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

55.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 112-120. Members were asked to consider the current planning and enforcement appeals received and the Department for Levelling Up, Housing and Communities appeal decisions issued.

55.2 Accordingly, it was

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

The meeting closed at 10:39 am

## Appendix 1

**ADDITIONAL REPRESENTATIONS SHEET**

Date: 18 January 2022

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><b>21/01243/FUL</b></p> <p><b>Land To The East Of High Beeches, Snowhill</b></p> <p>Snowhill Parish Council is unable to attend Planning Committee to speak and has sent late representations on the application which are hereby <b>attached</b>.</p>
5b	<p><b>21/00976/OUT</b></p> <p><b>Land Off Brook Lane , Twigworth/Down Hatherley</b></p> <p><b>Additional Consultation Responses</b></p> <p><b>Local Highway Authority</b> - Has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted, the Highway Authority conclude that there would not be an unacceptable impact on highway safety or a severe impact on congestion. As such there are no justifiable grounds on which an objection could be maintained.</p> <p><b>Twigworth Parish Council</b> - The Parish Council has submitted a document titled 'Flood Risk in Twigworth - A record of failure'. A copy of the document is <b>attached</b> in full.</p> <p><b>Updated Five Year Housing Land Supply Position</b></p> <p>Subsequent to publication of the Agenda it has become apparent that the November 2021 (April 2021 base) five year housing land supply statement had in error included three housing schemes within the Twigworth Strategic Allocation as part of Tewkesbury's supply. In fact, the supply from the Twigworth Strategic Allocation contribute to Gloucester City's needs and therefore must be deducted from Tewkesbury's deliverable supply. This is not an error that had been in previous five year housing land supply statements. This has the effect of reducing the (April 2021 base) five year housing land supply to a <b>3.83 year</b> supply.</p> <p>Whilst this supply is lower than the 4.39 year quoted in the report (Paragraph 7.6), as set out in the report, the Council does not have a five year housing supply at this time and therefore the tilted balance is already engaged.</p> <p><b>Officer Update</b></p> <p>The applicant has asked for additional time to continue discussions with Gloucestershire County Council as Local Education Authority in respect of the requested financial contribution towards education provision. Given the level of provision has not yet been agreed and the uncertainty of the outcome Officers strongly recommend the application is deferred to allow the discussions to conclude.</p> <p>In addition, Paragraph 7.57 of the Committee report sets out the tenure of the affordable housing would be split between affordable rented and shared ownership. The Council's Strategic Housing Enabling Officer highlighted that this was an error in the report and the tenure should be split between <b>social rented</b> and shared ownership, not affordable rented. As such, the affordable housing tenure has not yet been agreed and therefore discussions are also required with the applicant to establish whether an acceptable affordable housing tenure can be secured. Due to this, Officers strongly recommend the application is</p>

deferred to allow time to reach a conclusion on this matter.

### **Update on All Other Outstanding Matters**

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:

- Comments from the Local Highway Authority have now been received, see 'Additional Consultation Response' section above.
- The applicant is in the process of preparing a Mineral Resource Assessment. Once this has been submitted this will be reviewed by Gloucestershire County Council in its capacity as Mineral and Waste Planning Authority.
- The Council's Ecological Advisor has reviewed the Briefing Note submitted by the applicant and confirmed that updated survey/information in relation to bats and the potential for roosting features and Great Crested Newts is not required prior to the determination of the application, unless works do not commence before the next bat activity season (May - September).
- The applicant has not submitted calculations of the Biodiversity Net Gain for the proposal. However, should permission be granted, Officers consider it would be reasonable to secure a minimum net gain of 10% biodiversity net gain via a condition.
- The Council's Community and Place Development Officer has confirmed a contribution towards off-site sports provision would not be necessary to make the development acceptable in planning terms.
- The Council's Community and Place Development Officer has confirmed a contribution towards off-site community facilities would not be necessary to make the development acceptable in planning terms.
- In addition to the planning obligations listed in Paragraph 7.97 of the Committee report the following obligations are also recommended:
  - The provision of a LEAP on-site
  - £54,240 towards a Travel Plan
  - £15,000 towards improvements to the bus stop on the eastern side of the A38 (Bus Stop - stopID glodgjdw)
- In terms of the contribution towards education provision, this matter is still outstanding.

### **Revised Recommendation**

Due to the ongoing discussions in respect of the requested financial contribution towards education provision and the proposed tenure of the affordable housing, both of which are fundamental planning matters, it is strongly recommended that the application is DEFERRED to allow discussions to continue and a conclusion on the outstanding matters reached.

### **Additional Conditions**

If the application were to be permitted a number of additional conditions would be recommended/revised, including those recommended by the Local Highway Authority and the Council's Ecological Advisor.

5c	<p><b>20/01061/FUL</b></p> <p><b>Kimberley, Church End Lane, Twyning</b></p> <p>Subsequent to publication of the Agenda it has become apparent that the November 2021 (April 2021 base) five year housing land supply statement had in error included three housing schemes within the Twigworth Strategic Allocation as part of Tewkesbury's supply. In fact, the supply from the Twigworth Strategic Allocation contribute to Gloucester City's needs and therefore must be deducted from Tewkesbury's deliverable supply. This is not an error that had been in previous five year housing land supply statements. This has the effect of reducing the (April 2021 base) 5 year housing land supply to a 3.83 year supply.</p> <p>Whilst this supply is lower than the 4.39 quoted in the report (Paragraph 7.16), as set out in the report, the Council does not have a 5 year housing supply at this time and therefore the tilted balance is already engaged. The recommendation to Permit the application in not affected.</p>
5d	<p><b>20/00089/FUL</b></p> <p><b>Phase 1B, East Site, Homelands, Gotherington Lane, Bishops Cleeve</b></p> <p><b>Additional update</b></p> <p><b>Bishops Cleeve Parish Council</b> removed its objection to the application on 7 January 2022.</p>

## Item No. 5a – 21/01243/FUL - Land To The East Of High Beeches, Snowhill

APPLICATION NO 21/01243/FUL: STABLE AT HIGH BEECHES, SNOWHILL - REPRESENTATION

Submitted by [REDACTED] Chair Snowhill Parish

I regret that I am unable to attend the meeting - [REDACTED]. Thank you for the opportunity to present our concerns.

We are not objecting to a stable in the garden of High Beeches.

But we are strongly objecting to the stable in its existing location - next to the boundary wall, on the highest part of the garden - ie in the most prominent location.

As noted in the Development Manager's report, there are 14 objections - this is a large number for such a small village which has less than half the properties owner/occupied full-time.

The key point of the objections is that the stable needs to be moved.

The report refers to the "*Principle of Development*":

- This requires that, quote "*there are no adverse impacts on landscape*" and "*they would not have an adverse effect on the rural character and landscape setting*". We consider **there is an adverse effect**.
- The report also states, quote "*the proposal is considered acceptable*"  
**We disagree**

The report refers to "*Impact on the Landscape and Cotswolds Area of Outstanding Natural Beauty*":

- Quote "*developments are required to conserve and, where appropriate, enhance the landscape*". We consider **the proposal meets neither of these criteria**
- Views to be, quote "*conserved and enhanced*". We consider **the proposal does the opposite**
- It is claimed that the stable is "*logically sited*". We consider that the logical location would be **away from the boundary wall and the road, and say close to the fence on the other side downhill and towards the house**. Perhaps it is logically sited for a summer-house!

A field shelter had been erected in a nearby field close to the road - this was used as a precedent in the application. An enforcement notice was issued and we are pleased to note that this shelter has now been moved to the other side of the field.

Based on the location of the stable, we request that this application is rejected - or, if approved, to be conditional upon moving the stable to a less visible location.

Thank you.

17 December 2021

Item No. 5b – 21/00976/OUT - Land off Brook Lane, Twigworth/Down Hatherley

FLOOD RISK  
in  
TWIGWORTH  
  
A record of failure

George Sharpley

1

Following increasing local concerns about worsening surface-water threats to properties and the failure of sewerage pumping stations, members of the communities of Down Hatherley and Twigworth met via Zoom on 29th March and again on 5th May 2021 with:

**David Hudson**, Environment Agency  
(Environment Manager, Gloucestershire)

**James Blockley**, Gloucestershire County Council  
(Principal Flood Risk Management Officer)

**Sandra Ford**, Tewkesbury Borough Council  
(Head of Development Services)

**Matt Jeynes**, Severn Trent Water  
(Waste Team Manager Worcestershire & Gloucestershire)

2



At these meetings we presented evidence of surface-water (pluvial) flooding during the winter of 2020/1, especially on the new building sites at

**Twigworth Green** (Bovis Homes)

and

**Yew Tree Farm** (Wainhomes)

There follows a summary of the evidence we presented.

3

This map shows both building sites marked in red. The dotted lines show sites with planning applications in process. The blue locates the photograph on the following page.



4

TWIGWORTH GREEN (24 December 2020)



5

Some weeks later, when the floodwater had to some extent cleared, the following photographs were taken from a drone.

The first two pictures show Twigworth Green.

The third page shows the neighbouring Wainhomes site at Yew Tree Farm.

6

TWIGWORTH GREEN (5 February 2021)



TWIGWORTH GREEN (5 February 2021)



YEW TREE FARM (5 February 2021)



9

Contractors and builders were unable to continue their work at Yew Tree Farm for some weeks.

Twigworth Green were also significantly hampered, although by the time this picture was taken the site had been partially drained by several industrial pumps clearing water to the Hatherley Brook.

10

The following map shows the authorities' pluvial flood map, with the building sites marked in red.

This map is used by developers when they submit their Flood Risk Assessments.

11

Pluvial floodrisk map



12

At our meetings with agencies, members of the community pointed out the inaccuracy of this flood map.

It is not the first time the vulnerability of this area to surface-water flooding has been raised with councils and agencies.

It is not the only location where surface-water flood risk is very poorly mapped.

13

On 16th July 2021, in further exchanges following our two meetings, David Hudson of the Environment Agency replied to some of our concerns:

George Sharpley, resident of Twigworth:

“Am I correct to infer that you agree that the official pluvial flood map is not accurate (and therefore not a safe guide for planners)? The evidence is overwhelmingly so, but it needs to be acknowledged by the relevant authorities.”

David Hudson (Environment Agency) in reply:

**“They (the flood maps) are, I believe fit for purpose.”**

14

On 28th June, after similar email exchanges, James Blockley of Gloucestershire County Council wrote the below about Twigworth Green, despite our sharing video and photographic evidence of the site overwhelmed with flood water, of pumps channelling water off the site, and of properties neighbouring the site experiencing unprecedented water ingression.

**“Twigworth Green’s SuDS performance over the winter was not reviewed by the SuDS Engineer; we believe there was no need as there were no flood problems over the winter 2020/2021 that could be attributed to the developments at Twigworth.”** James Blockley, Glos Cty Council, 28th June 2021

15

The concerns and the flood evidence of residents of Twigworth and Down Hatherley have been systematically disregarded now for some years.

It is continuing.

16

Tewkesbury Borough Council will soon be making a decision on a planning application for 164 houses, in a field between Brook Lane and Ash Lane, which borders both the Yew Tree Farm and Twigworth Green sites.

This below is from the letter of the statutory consultee on flooding, Gloucestershire County Council's Local Lead Flood Authority (13th Sep 2021):

**“Surface water flood mapping indicates the site is not at risk of surface water flooding.”** David Lesser, Sustainable Drainage Engineer

A picture of the site follows.

17



December 2020

18



Here is another inaccurate flood map from a recent application for 32 houses at the corner of Down Hatherley Lane and the A38. The flooding shown in the three photographs happens a lot more frequently than 1-in-75 years as shown in the diagram. The flooding of the road (bottom left) apparently last happened just after the reign of William the Conqueror.



19

This house close to Ash Lane is one of a cluster under construction. The blue pipe is transferring water to the drain. Is it any wonder residents were flooded and the pumping station failed when water that would previously sit in the fields is added to the sewers?



January 2021

20

And so it goes on.

The same can be said for sewerage. The Ash Lane pumping station in Down Hatherley failed last year, overwhelmed with flood water, which contributed to an unprecedented level of flooding of houses and properties in the Ash Lane area. It is evidently vulnerable to failure during major rainstorms. The pumping station has received some remedial attention from Severn Trent, but whether it will cope with the huge increase in usage from new developments remains to be seen. Residents believe that the next flood will once again cause it to fail, if it doesn't before. If the JCS allocation is followed through, it will be expected to cope with the sewage of hundreds of additional houses.

Two pumping stations in Twigworth also failed during the flooding last winter. These, to my knowledge, have not had any remedial work, despite being a part of the sewerage route, along with Ash Lane, for new developments.

We brought this to the attention of Severn Trent's Matt Jaynes, including the daily stench emanating from the Twigworth pumping station close to the entrance to Wallsworth. This remains ignored, except of course by residents close by.

21

The poet Ivor Gurney called these fields now under development Gloucestershire's 'water meadows'.

These meadows have for centuries acted as a sponge, holding water, with a very slow discharge.

The failure of people charged with monitoring our flood risk to record accurately the flood potential of these meadows of course puts many of us at risk. The truth is, soon, the sites under construction will indeed be relatively free of flood risk. For the ground will have been raised and covered with tarmac and concrete - with inevitable consequences for others nearby. The counter argument is that the attenuation ponds (SUDS) will compensate so that water run-off represents no greater threat off site than it did before. Of course, it becomes increasingly difficult to check such an assertion, as who has recorded or measured the previous run-off? And the assertion is ever more wobbly when we see the hopelessly inadequate assessments of flood potential before building started.

As those of us living close to these sites see an increasing volume of pluvial flood-water enter our properties, I suspect our official experts will try to pass it off as climate change.

George Sharpley  
Twigworth  
24th November 2021

22

If you have evidence or comments to add, please contact your parish council:

Twigworth: George Sharpley: [REDACTED]

Down Hatherley: David Evans: [REDACTED]

Also available:

**Rainfall Patterns in Twigworth** (George Hedley & Neville Cowin, 2021)

**Observations on the Hydrology of Twigworth** (Professor Ian David Cluckie, FREng, Acad.CAE, FRSA, 2017)

**Video: floodwater flowing off Twigworth Green** (Chris Weaver, 2021)

**Twigworth Flood Threats - The Village Evidence** (George Sharpley, 2017)

*And how we got into this mess in the first place:*

**Poor planning leaves flood threat worse for Twigworth** (George Sharpley, 2021)

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	15 February 2022
<b>Site Location:</b>	Land Off Brook Lane Twigworth/Down Hatherley
<b>Application No:</b>	21/00976/OUT
<b>Ward:</b>	Severn Vale South
<b>Parish:</b>	Down Hatherley
<b>Proposal:</b>	Residential development (up to 160 dwellings), associated works, including demolition, infrastructure, open space and landscaping with vehicular access from the A38; all matters reserved.
<b>Report by:</b>	Victoria Stone
<b>Appendices:</b>	Site Location Plan Illustrative Masterplan Parameters Plan
<b>Recommendation:</b>	Delegated Permit

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application relates to a parcel of land located off Brook Lane, in Down Hatherley (**see attached Site Location Plan**).
- 1.2 The application site extends to 7.82 hectares. The site on which the residential development is proposed comprises 4.89 hectares of agricultural land and falls within the parish of Down Hatherley. The remaining area of 2.87 hectares comprises land consented, but currently part built residential development at 'Land at Twigworth' (reference 15/01149/OUT) and is required for access, service and surface water drainage. The additional land is located within Down Hatherley Parish, Twigworth Parish and Innsworth Parish.
- 1.3 To the immediate north of the land proposed for the residential units lies Norton Garden Centre and adjacent area of semi-mature woodland. A number of properties on Brook Lane are located immediately to the west. To the east lie the properties on Ash Lane, an intervening parcel of agricultural land separates the site from some of the properties along Ash Lane. To the south of the site, beyond a parcel of agricultural land, comprises the 'Land at Twigworth' development, which is in the process of being built for residential development.
- 1.4 The northern, eastern and southern boundaries of the site are defined by a row of mature trees and hedgerows. The western boundary is defined by Brook Lane and the rear gardens of the properties fronting the lane.

- 1.5** The topography of the site is generally level, with the wider landform gently sloping down to the Hatherley Brook.
- 1.6** The site is not subject to any landscape, heritage or ecological designations. A number of Public Rights of Way run within or in close proximity to the site. These include a bridleway (Down Hatherley Bridleway 19) which runs along Brook Lane, and a footpath (Twigworth Footpath 6) which runs from the bridleway into the nearby caravan park and on to the A38.
- 1.7** The application site forms part of the Strategic Allocation A1 Innsworth and Twigworth in the Joint Core Strategy and is shown to be 'Housing and related Infrastructure' in the JCS Indicative Site Layout Proposal Map.
- 1.8** This application is made in outline with all matters reserved for subsequent approval.
- 1.9** The proposed development seeks to provide up to 160 dwellings and associated works which include demolition, infrastructure, public open space and landscaping. The broad development proposals are as follows:
- Up to 160 units including 35% affordable housing.
  - The development would achieve a density of 38 dwellings per hectare.
  - A range of dwellings across the site with varying sizes and tenures would be provided. This would provide a hierarchy of dwellings from large, detached properties through to smaller terraced forms allowing for variety in the streetscape.
  - It is proposed the majority of the dwellings would be two storey in height.
  - The delivery of new green infrastructure and accessible public open space. The main area of informal green space would be provided along the southern boundary of the site. The second area of open space would be provided at the north-western edge of the site, which would also incorporate a Locally Equipped Area of Play (LEAP).
  - A well-connected movement network, accessible by all users is proposed. Vehicular, pedestrian and cycle access will be from the development to the west, with additional pedestrian and cycle access to Brook Lane.
  - Whilst access is a matter reserved for future consideration, under article 5(3) of the Development Management Procedure Order 2015, an application for outline planning permission must also indicate the area or areas where access points to the development will be situated, even if access has been reserved. It is proposed that the access to the site from the public highway will be provided from the new roundabout off the A38, which was approved as part of the Twigworth site currently being constructed by Vistry Group.
- 1.10** The application documents include an Illustrative Masterplan (IM) and Parameters Plan (PP) which indicate how the quantum of development could be delivered and a Design and Access Statement (DAS) which sets out the rationale for the development.

- 1.11** The application is also accompanied by an Environmental Statement (ES) as the proposed development constitutes EIA (Environmental Impact Assessment) development in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). The Environment Statement (ES) assesses a range of social, environmental and economic issues. The ES includes assessments of Social Economics; Ecology; Landscape and Visual; Transport and Access; Air Quality; Noise and Vibration; Hydrology, Flood Risk and Drainage; Ground Conditions; Cultural Heritage and Archaeology; Soils and Agriculture and Climate Change.
- 1.12** **At its meeting on 18 January 2022 the Planning Committee resolved to defer the application to allow discussions to continue and a conclusion reached in respect of the financial contributions towards education provision and the proposed tenure mix of the affordable housing. Since writing the committee report for January's Planning Committee a number of the other outstanding matters have been resolved and there has been an updated Five Year Housing Land Supply Position. As such this report includes the updates in the relevant sections.**

## **2.0 RELEVANT PLANNING HISTORY**

There is no planning history related to the site itself however there is extensive planning history associated with the wider strategic allocation at Innsworth and Twigworth:

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
15/01149/OUT	A mixed use development comprising demolition of existing buildings; up to 725 dwellings and a local centre of 0.33ha (A1,A2,A3,A4,A5,D1,D2 uses); primary school, open space, landscaping, parking and supporting infrastructure and utilities; and the creation of a new vehicular access from the A38 Tewkesbury Road.	APPEAL ALLOWED PLANNING PERMITTED	21.12.2017
15/00749/OUT	A mixed use development comprising demolition of existing buildings, up to 1,300 dwellings and 8.31 hectares of land for employment generating uses comprising a neighbourhood centre of 4.23ha (A1, A2, A3, A4, A5, D1, D2, B1), office park of 1.31ha (B1) and business park of 2.77ha (B1 and B8 uses), primary school, open space, landscaping, parking and supporting infrastructure and utilities, and the creation of new vehicular accesses from the A40 Gloucester Northern Bypass, Innsworth Lane and Frogfurlong Lane.	APPEAL ALLOWED PLANNING PERMITTED	21.12.2017

17/00852/OUT	Outline planning application for the erection of up to 74 dwellings with public open space, landscaping and sustainable drainage system (SUDS) and vehicular access point from Tewkesbury Road. All matters reserved except for the means of access.	PERMITTED	20.12.2018
18/00361/FUL	Construction of 5 detached single storey dwellings with associated garages and new vehicular access points.	PERMITTED	29.05.2019
18/01199/APP	Reserved matters application for the principal vehicular access to serve the development pursuant to planning permission reference 15/01149/OUT (A mixed use development comprising demolition of existing buildings; up to 725 dwellings and a local centre of 0.33ha (A1,A2,A3,A4,A5,D1,D2 uses); primary school, open space, landscaping, parking and supporting infrastructure and utilities; and the creation of a new vehicular access from the A38 Tewkesbury Road).	APPROVAL	03.05.2019
18/01285/APP	Approval of Reserved Matters (access, appearance, landscaping, layout and scale) comprising Phase 1 of Outline planning permission ref: 15/00749/OUT for the erection of 253 no. dwellings with associated infrastructure.	APPROVAL	31.07.2019
19/00771/APP	Erection of up to 32 new homes (including affordable housing), access, drainage and other associated works on land to the south of Down Hatherley Lane, Twigworth. All matters are reserved for future consideration except access.	PENDING	
19/00935/APP	Approval of Reserved Matters (Access, Appearance, Landscaping, Layout and Scale) comprising Phase 1a of Outline Permission Ref: 15/01149/OUT for the erection of 79no.dwellings and associated engineering operations, drainage infrastructure and landscaping.	APPROVAL	23.12.2019

19/00953/APP	Application for the approval of reserved matters (appearance, landscaping, layout, and scale) pursuant to outline planning permission reference 17/00852/OUT for the erection of up to 74 dwellings with public open space, landscaping and sustainable drainage system (SuDS).	APPROVAL	20.10.2020
19/00925/FUL	Construction of 6 detached single storey dwellings with associated garages and new vehicular access off Ash Lane.	PERMITTED	10.10.2021
19/00996/APP	Approval of Reserved Matters for access, appearance, landscaping, layout and scale comprising Phase 2 of Outline planning permission ref: 15/00749/OUT for the erection of 175nos. dwellings with associated infrastructure.	APPROVAL	24.09.2020
20/00520/APP	Application for reserved matters for access into local centre, pursuant to outline planning permission 15/01149/OUT.	APPROVAL	06.08.2020
20/00524/APP	Approval of Reserved Matters (Access, Appearance, Landscaping, Layout and Scale) comprising Phase 1b of Outline Permission Ref: 15/01149/OUT for the erection of 154no. dwellings and associated public open space, engineering operations, drainage infrastructure and landscaping.	APPROVAL	23.09.2020
20/00679/FUL	Proposed erection of 99 dwellings, including all associated infrastructure, drainage and public open space provision.	PENDING	
21/00079/APP	Approval of Reserved Matters (Access, Appearance, Landscaping, Layout & Scale) comprising Phase 2 of Outline Planning Permission ref: 15/01149/OUT for the erection of 147no.dwellings and associated works.	APPROVAL	21.04.21
21/00133/APP	Reserved matters for access, appearance, landscaping, layout and scale for 179 new dwellings on Phase 5 of the residential development.	PENDING	



21/00821/APP	Erection of 144 dwellings, associated landscaping and infrastructure on Parcel 6 of the development known as Land at Innsworth Lane.	PENDING	
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### 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 the National Design Guide (NDG)

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

- Policy SP1 (The Need for New Development)
- Policy SP2 (The Distribution of New Development)
- Policy SD3 (Sustainable Design and Construction)
- Policy SD4 (Design Requirements)
- Policy SD6 (Landscape)
- Policy SD8 (Historic Environment)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD10 (Residential Development)
- Policy SD11 (Housing Mix and Standards)
- Policy SD12 (Affordable Housing)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk and Management)
- Policy INF3 (Green Infrastructure)
- Policy INF4 (Social and Community Infrastructure)
- Policy INF6 (Infrastructure Delivery)
- Policy INF7 (Developer Contributions)

- Policy SA1 (Strategic Allocations Policy)
- Policy A1 (Innsworth & Twigworth)

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

- Policy RCN1(Outdoor Playing Space)
- Policy RCN2 (Provision of Sports Facilities)

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

- Policy RES5 (New Housing Development)
- Policy RES12 (Affordable Housing)
- Policy RES13 (Housing Mix)
- Policy DES1 (Housing Space Standards)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy NAT2 (The Water Environment)
- Policy NAT3 (Green Infrastructure: Building with Nature)
- Policy NAT5 (Cotswolds Beechwoods)
- Policy ENV2 (Flood Risk and Water Management)
- Policy HEA1 (Healthy & Active Communities)
- Policy RCN1 (Public Outdoor Space, Sports Pitch and Sports Facility Provision)
- Policy RCN2 (New Sports and Recreational Facilities)
- Policy RCN3 (Allotments & Community Gardens)
- Policy COM2 (Broadband Provision)
- Policy TRAC1 (Pedestrian Accessibility)
- Policy TRAC9 (Parking Provision)

### **3.5 Neighbourhood Plan**

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

### **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 Down Hatherley Parish Council** – Recommend the application is rejected on the following grounds:

- Unnecessary loss of the Green Belt.
- Increased risk of flooding to neighbouring settlements.
- Site is at risk of surface water flooding – surface water flood risk map is seriously inadequate.
- Flood risk advice from consultees is flawed.
- Sewage infrastructure failures/inadequacies - Cumulative effect of all new development currently under construction will prove disastrous to the already broken system.
- Access to and from the site via Brook Lane would be unacceptable.
- Question right of access to use Brook Lane and how access be restricted to the proposed route.
- Development would create a rat-run along Brook Lane and Ash Lane – condition is needed to prevent this happening.
- Cannot place an access road across a Bridleway so proposed access is unsound.
- Site is unsafe for the development proposed.
- Submission has factual inaccuracies.

**4.2 Twigworth Parish Council** – Object to the application on the following grounds:

- Proposed development would raise flood risk to the area which is already facing increased threats.
- Challenge the response from the Lead Local Flood Authority – site is routinely waterlogged. Parish Council and local residents have evidence of surface water flooding which is ignored.
- Additional traffic which will already dramatically increase as a result of other developments approved and proposed in the area.
- Challenge the validity of the submitted Transport Assessment – several issues are raised with the assessment.

**4.3 Longford Parish Council** – Objects due to the impact on flooding.

**4.4 National Highways** – Offer no objection.

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

**4.6 Severn Trent** – No objection subject to conditions.

**4.7 County Highway Authority** – Awaiting comment.

**4.8 County Archaeologist** – No objection subject to condition.

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

**4.10 County Developer Contributions Investment Team** – Financial contributions towards education and library provision required to make the development acceptable in planning terms.

**4.11 County Public Right of Way Officer** – Requests further information. Concerned over who would have priority using Brook Lane.

**4.12 County Minerals & Waste Planning Policy** – Recommend condition to ensure the issue of waste minimisation will be properly considered at all relevant assessment stages for the development.

**4.13 Community and Place Development Officer** - Awaiting comment.

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

**4.15 Environmental Health Officer (Noise)** – No objections, subject to conditions.

**4.16 Housing Strategy and Enabling Officer** – Objects to the proposed tenure mix.

**4.17 Urban Design Officer** – No objection, subject to noting that the illustrative material is not supported.

**4.18 Landscape Officer** – The information submitted does not provide an acceptable proposal at this stage from a landscape and open space point of view.

**4.19 Ecologist** – Further surveys required prior to determination.

**4.20 Conservation Officer** – No objection.

**4.21 Project Officer (Asset Management Team)** – Development should include a Local Equipped Area of Play (LEAP).

## **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 28 days in accordance with the requirements for EIA development.

**5.2** Twenty-one representations objecting to the application have been received. The comments are summarised below:

- Site is constantly overwhelmed with surface water flooding.
- Surface water flood risk map is seriously inadequate and flawed
- Flooding to local properties has occurred recently – further buildings will exacerbate this.
- In terms of the impact upon flooding, further development should be considered as a whole rather than piecemeal.
- Further development risks putting even more strain on an area which is already not coping with surface water drainage, and which has an inadequate sewage system.
- Threat of flooding causing great anxiety and mental health problems.
- LLFA uses out of date and incorrect information.
- Two petitions were submitted to Tewkesbury Borough Council in June 2021 highlighting the risk of flooding in the area.
- Vehicular access to the site a significant concern as it will cross Brook Lane. Brook Lane is an unadopted lane and is owned and maintained by residents.
- Access to and from Brook Lane would be unacceptable.
- Concerns over how access will be restricted to the proposed route – can't block it.
- Brook Lane is a bridleway, and you cannot place an access road across a bridleway - the proposed access route is totally unsound, unfeasible and not safe.
- Brook Lane is used by horse riders, dog walkers, ramblers and the occasional vehicle accessing the houses currently in Brook Lane – creating a two-lane highway crossing would be dangerous for existing users to cross.

- Site is a long way from the A38 roundabout, making the properties isolated and trapped if affected by flooding.
- Car owners would use Brook Lane and Ash Lane as a rat run short cut.
- Concerns over construction traffic in terms of causing a nuisance.
- Development would cause more traffic issues.
- Development would have an effect on our carbon footprint – cause pollution.
- Sewage infrastructure failures/inadequacies.
- Insufficient infrastructure to meet the needs of the growing population.
- Impact on wildlife – development would remove the currently thriving natural habitat and significantly reduce the greenbelt in the community.
- Development should be on brownfield sites not green belt land.
- Development would double the size of Down Hatherley – disproportionate and would change the look of the village.
- Adverse impact upon residential amenity.
- Dwellings would be too close to the existing hedgerows.
- Quantum of housing too great.
- Insufficient green spaces within the site.
- Proposal would harm visual amenity from neighbouring properties.

## **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 MMTBP 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** In order to further sustainability objectives and in the interests of protecting the countryside, the housing policies of the JCS set out a development strategy for the Borough. Strategic Policies SP1 and SP2 of the JCS set out the scale and distribution of development to be delivered across the JCS area in the period to 2031. The identification and delivery of seven Strategic Allocations (SA) on the edges of existing urban areas is an important part of the delivery of the JCS as a whole.
- 7.2** Policy SA1 (Strategic Allocations Policy) formally designates the seven SA's and focuses on the need to deliver comprehensive development in each of these areas.
- 7.3** The application site forms part of the wider Strategic Allocation A1 at Innsworth and Twigworth. The site itself is identified as an area for Housing and Related Infrastructure on the Indicative Site Layout Proposals Map A1.
- 7.4** The principle of the development is therefore considered acceptable providing the provisions of policies SA1 and A1 as well as wider planning objectives and policies are met, and subject to there being no material considerations indicating that the application should be determined other than in accordance with the development plan.
- 7.5** The Down Hatherley, Norton and Twigworth Neighbourhood Development Plan 2011-2031 (NDP) sets out that no new housing growth is planned in Down Hatherley Parish. However, the NDP includes details of the housing to be provided in the Strategic Allocation. Given the application site forms part of the Strategic Allocation, it is considered the development of the site would not be contrary to the NDP.

## ***Five Year Housing Land Supply***

- 7.6** The latest Tewkesbury Borough Five Year Housing Land Supply Statement, published in November 2021, set out that the Council could demonstrate a 4.35 year supply of deliverable housing sites. However, it has recently become apparent that this statement had in error included three housing schemes within the Twigworth Strategic Allocation (SA) as part of Tewkesbury's supply. In fact, the supply from the Twigworth SA contribute to Gloucester City's needs and therefore must be deducted from Tewkesbury's deliverable supply. This is not an error that had been in previous five year housing land supply statements. This has the effect of reducing the (April 2021 base) five year housing land supply to **3.83** years. 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** However, appeal decisions are not binding precedents. 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 3.83 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.

### **Accessibility and Highway Safety**

- 7.13 Section 9 of the NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.14 Policy INF1 of the JCS requires developers to provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. All proposals should provide for safe and efficient access to the highway network for all transport modes; encourage maximum potential use of walking, cycling and passenger transport networks to ensure that credible travel choices are provided by sustainable modes. Planning permission will be granted only where the impact of development is not considered to be severe.
- 7.15 The application is supported by a Transport Assessment (TA) and a Residential Travel Plan which also forms an appendix to Chapter 8 'Transport and Access' of the Environment Statement (ES).
- 7.16 The ES considers the transport related environmental effects of the proposed development, and identifies, where necessary, mitigation measures. The ES concluded that with the implementation of the mitigation and enhancement measures outlined in the ES, including the Interim Residential Travel Plan aimed at encouraging travel by sustainable modes, the additional traffic demand would be safely and satisfactorily accommodated on the local transport network. The overall residual effect of the proposed development in transport terms is likely to be generally 'Minor' to 'Moderate Beneficial'.
- 7.17 In terms of the mitigation and enhancement measures referred to above, mitigation measures will be implemented during construction in the form of controls imposed by either planning conditions, health and safety legislation requirements and good construction site practices. The site access from the 'Land at Twigworth' development and from Brook Lane for pedestrians/cyclists will be designed in accordance with current standards and guidance to ensure that it is safe and suitable. The internal site layout will be designed in a manner which would facilitate walking and cycling, providing links to existing routes to allow good access for sustainable modes of transport. The proposed mitigation/enhancement includes upgrading Brook Lane, 'Down Hatherley Bridleway 19', the footway on the A38 to the north of Brook Lane, and the bus stops at the Down Hatherley Lane junction, including the provision of a new uncontrolled crossing to access the northbound bus stop and an Interim Residential Travel Plan has been prepared to

encourage travel by sustainable modes.

- 7.18** It will be necessary to secure the mitigation/enhancement measures and a travel plan bond and monitoring contribution via a planning obligation. The applicant has indicated a willingness to enter into a legal agreement to secure the above however at this stage there is no such agreement in place. Nevertheless, this matter could be resolved by the signing of an appropriate planning obligation.
- 7.19** In terms of the impact on the Strategic Transport Network (SRN), National Highways (NH) have been consulted on the application and offer no objection to the proposals.
- 7.20** Gloucestershire County Council have been consulted as Local Highway Authority (LHA). Having undertaken a robust assessment of the planning application and based on the analysis of the information submitted the LHA conclude that there would not be unacceptable impact on highway safety or a severe impact on congestion and as such there are no justifiable grounds on which an objection could be maintained.
- 7.21** In terms of vehicular access to the site this matter is reserved for future consideration. However, in accordance with article 5(3) of the Development Management Procedure Order 2015, the area where access points to the development will be situated has been indicated on the Illustrative Masterplan and Parameters Plan. The plans indicate that this will be taken from the recently constructed roundabout on the A38 Tewkesbury Road and via purpose-built roads within the adjacent 'land at Twigworth' and across Brook Lane. Given access is reserved for future consideration, the impact of the proposed development upon Brook Lane and the bridleway is not a matter for consideration as part of this application but will be a consideration as part of any future reserved matters application.

### ***Landscape and Visual Impact***

- 7.22** The NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem service. Policy SD6 of the JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area. Policy INF3 of the JCS states that the green infrastructure network of local and strategic importance will be conserved and enhanced, in order to deliver a series of multifunctional, linked green corridors across the JCS.
- 7.23** Chapter 7 of the Environment Statement (ES) considers the likely significant landscape and visual effects of the proposed development on both the application site and the wider surrounding area. A Landscape and Visual Impact Assessment (LVIA) and Arboricultural Survey (AS) was carried out to inform this chapter. For the purposes of the landscape and visual impact this assessment focuses on the area proposed for the built residential development (herein known as "application site" in this section of the report) as the remainder of the land required for the infrastructure has already been consented under other planning applications or is for below ground works only.

- 7.24** The LVIA considered the direct effects on landscape elements such as hedgerows, trees and agricultural land. It also assesses the effects of the proposed development on the landscape character at local, distinct and national levels. The assessment also considered visual effects from public accessible areas including public rights of ways, highways and public open space and considered potential visual effects on residential properties where potential views are identified.
- 7.25** The application site is not under any formal landscape designations, either statutory/national or non-statutory/local. The site is located within National Landscape Character Severn and Avon Vale (NCA106). At the local level, the site lies within the Settled Unwooded Vale Landscape Character Type and the Vale of Gloucester Landscape Character Area. In terms of landscape sensitivity, the site lies within the 'Longford to Innsworth' Landscape Sensitivity Area as defined by the JCS Landscape Character Characterisation Assessment and Sensitivity Analysis.
- 7.26** The ES set out that views within the application site are generally experienced by people walking, living or travelling through the area. Visual receptors within the application site include residents of properties within close proximity and walkers from the public rights of way close to the site. There are limited glimpsed views from elevated locations to the east towards the River Severn. Generally, views are limited to short and medium distances due to a combination of established vegetation and built form which surround the site. Layers of field hedges with hedge trees screen long views into the site from the north and roadside hedges and vegetation associated with the dispersed dwellings along the A38. Views from the south are limited by established tree belts and layers of boundary vegetation which obscure potential views into the site. A longer distance view to higher ground to the south-east at Churchdown Hill is identifiable from the application site but it has been assessed those views seen from that distance will be indistinct and any development features seen in the context of the existing settlement including new development.
- 7.27** In terms of the likely significant effects, the ES states that at the construction phase no significant landscape and visual effects were assessed. At the operational phase a major adverse effect on the landscape character of the site was identified, although this will be moderated to a Moderate Adverse effect as other areas of the Strategic Allocation are built out. A negligible effect was assessed on the district character areas. At the operational phase limited major adverse visual residual effects were identified for walker using footpaths within proximity to the site. Residents of some properties on Brook Lane were also assessed to have major adverse effects moderating to Moderate Adverse with the establishment of mitigation measures. Negligible visual effects were assessed for road users using the A38 and for walkers using public rights of way to the west and further to the south. Overall, significant residual landscape and visual effects are assessed to be limited to the application site and to a small number of immediate contextual receptors. The ES concludes that when considered in the context of the application site and the benefits identified to landscape and visual receptors through the establishment of additional green infrastructure to the site, the overall significance of effect is assessed to be not significant for both landscape and visual receptors.

- 7.28** The ES sets out that potential landscape and visual effects were considered during the design development process allowing mitigation measures to be incorporated and inherent mitigation to be taken into consideration. A list of proposed landscape mitigation measures can be found in Table 7.4 Landscape Mitigation (Landscape Elements and Features) and proposed visual mitigation measures can be found in Table 7.5 Visual Mitigation in Chapter 7 of the ES. The ES sets out the mitigation inherent in the parameter plan includes the retention of existing hedgerows and hedgerow trees other than where new access to the application site is proposed and allow access between land parcels. Retention of open space along the southern margin has been incorporated to conserve the character of the wider rural landscape beyond. New green infrastructure is also proposed to mitigate potential landscape and visual effects of the development by breaking the massing of built form through tree and hedge planting within the development. New green infrastructure will also be used to mitigate potential visual effects on walkers using public rights of way, road users using Brook Lane and local residents. Notwithstanding the intentions set out in the ES, Officers have concerns over the level of green infrastructure shown on the submitted Illustrative Masterplan and Parameters Plan. However, as the layout and landscaping are reserved for future consideration, the detailed green infrastructure and landscape strategy will be determined as part of the reserved matters application(s).
- 7.29** In conclusion, by virtue of introducing new development into open, agricultural fields, the proposed development would result in significant effects to the landscape character of the application site itself and upon visual residual effects for walkers using footpaths within proximity to the site and to residents of some properties along Brook Lane. When considered the site context in the wider Strategic Allocation and the benefits identified to landscape and visual receptors through the establishment of additional green infrastructure to the site, the overall significance of effect is reduced. Nonetheless, harm would be caused and this counts against the proposal, though Officers consider, given the application site forms part of the Strategic Allocation and has been allocated for 'Housing and related Infrastructure' in the JCS Indicative Site Layout Proposal Map, the harm arising from the proposed development on landscape and visual grounds would not justify refusal of planning permission.

### ***Design and layout***

- 7.30** Section 12 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It continues by stating that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning decisions should, amongst other things, ensure that developments will function well and add to the overall quality of the area and should be sympathetic to the local character, including the surrounding built environment. Paragraph 134 of the NPPF makes it clear that planning permission should be refused for development of poor design that fails to reflect local design policies and government guidance on design contained in the National Design Guide and National Model Design Code.

- 7.31** The National Design Guide (NDG) addresses the question of how we recognise well-designed places, by outlining and illustrating the government priorities for well-design places in the form of ten characteristics; one of which is the context. The NDG provides that well-designed development should respond positively to the features of the site itself and the surrounding context beyond the site boundary and that well-designed new development needs to be integrated into its wider surroundings, physically, socially and visually.
- 7.32** This advice is echoed in JCS policy SD4 which states new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.
- 7.33** Policy RES5 of the emerging TBP 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.
- 7.34** All matters relating to the design and layout are reserved for future consideration. However, the application includes an Illustrative Masterplan (IM), which indicates how the site could be developed. In addition, the submitted Design and Access Statement (DAS) sets out the development objectives. The purpose of the IM is to provide guidance for the detailed stage of future reserved matters applications. The DAS aims to detail how the proposal evolved, including an assessment of the site and its context, identification of the constraints and opportunities which lead to the key urban design principles for the development and an explanation of how the site is proposed to be developed in design terms.
- 7.35** The DAS provides an overview of the Illustrative Masterplan (IM). These include:
- 0.71 hectares of accessible public open space is shown within the proposals. Open space is shown to be provided at multiple points throughout the site. The main areas of informal green space would be provided in the north-west corner and along the southern boundary of the site.
  - Two areas of play (LEAP/LAP) are shown on the IM.
  - The majority of existing hedgerows and hedgerow trees would be retained on site, which soften the edges of the proposed residential development.
  - A network of tree-lined streets wherever possible that soften the built form and integrate with surrounding green verges.
  - The attenuation area is located to the south of the land.
  - A well-connected movement network, accessible by all users is proposed which would integrate with the surrounding network of routes.
  - Vehicular, pedestrian and cycle access will be from the adjoining consented residential site to the west, with additional pedestrian and cycle accesses to Brook

Lane.

- The primary road meanders through the development.
- Pedestrian/cycle links are proposed off Brook Lane, one at the same point as the vehicular access, one at the northern end of the site boundary with Brook Lane and one in between these.
- Access and connections to land beyond all the boundaries of the site is shown.
- Key development frontages, such as those overlooking areas of public open space and following the primary movement route will be particularly prominent and critical to the appearance of the development. Particular attention will be paid to the massing and architectural style of these buildings, so that they contribute positively to the quality and character of new development.
- The design is based on the principle of perimeter blocks that enclose back gardens, provide a strong frontage to the public realm and ensure active frontages overlook streets and spaces wherever possible.
- Proposed dwellings would back onto the eastern and north-western site boundaries ensuring the amenity and privacy of existing properties located along Ash Lane and Brook Lane are respected and maintained.
- Development would front onto the western site boundary, continuing the pattern of built form along Brook Lane.
- Development would be set back from the southern edge, allowing for public open space and a softer development edge.
- House frontages could be carefully designed with generous windows from habitable rooms, clearly defined and attractive front doors and planting to act as a buffer between the pavement and window.
- Affordable housing will be well-integrated.

**7.36** Policy SA1 of the JCS requires proposals in Strategic Allocations (SA) to enable a comprehensive scheme to be delivered across the developable area and all proposals to be accompanied by a comprehensive masterplan to demonstrate how the development will take account of the wider allocation needs. Whilst planning permission has been granted at a number of sites within the wider SA it should be noted that currently no scheme has been advanced for the parcels of land which adjoins the application site to the north, north-west, south and part west. Nevertheless, the layout as shown on the Illustrative Masterplan (IM) shows future access points at all the boundaries of the site which would link the site to future development as part of the SA and enable a high level of permeability through the site. The IM demonstrates the access point to the wider SA would be from the A38 which would be in accordance with the requirement of Policy A1 of the JCS. In light of the above, it is considered that the current proposals would not prejudice the sustainable delivery of the remaining SA.

- 7.37** The Council's Urban Design Officer (UDO) has assessed the proposed design approach as set out in the submitted Design and Access Statement (DAS) and the Illustrative Masterplan (IM). The UDO considers the information within the DAS is minimal, vague and unambitious and is not of the high standard required by the National Design Guide or in line with the NPPF. It is acknowledged that the quantum of development is an 'up to' figure, however moving forward to reserved matters, significant further work on design quality will be a requirement at that stage, which may affect the maximum quantum of development, dependent on the choice of mix of dwelling types and sizes. The UDO does not support the illustrative design information within the DAS and IM and suggests that the document is not used to guide reserved matters.
- 7.38** In addition, the Council's Landscape Advisor (LA) has also raised concerns with the illustrative material submitted and considers the layout shown on the Illustrative Masterplan is not acceptable from a landscape and open space point of view.
- 7.39** Officers consider that the indicative layout as shown on the submitted DAS and IM would not wholly meet the high standards of design set out in the relevant national and local planning policy. In this respect the submitted DAS, IM and Parameters Plan are not considered acceptable. Nonetheless, Officers consider that this is capable of being resolved through a condition, should planning permission be granted, requiring a Design Principles document which would need to demonstrate its accordance with local/national design policies. Any future reserved matters application would thereafter need to be in accordance with the approved Design Principles document.

#### ***Residential amenity***

- 7.40** In respect of the impact of the development upon residential amenity, 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 advice is reflected in JCS policies SD4 and SD14 which require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 7.41** The application is in outline and seeks permission for up to 160 dwellings. The specific relationship between the proposed development and the surrounding built form on the site boundaries will need careful consideration as part of any future reserved matters application. As the proposals seeks consent for up to 160 dwellings this is a maximum value and could be reduced should it be necessary to achieve a satisfactory scheme in respect of the overall design and amenity.
- 7.42** Policy SD11 of the JCS states that new housing should meet and where possible exceed appropriate minimum space standards. Policy DES1 (Housing Space Standards) of the emerging MMTBP requires all new residential development to meet the Government's nationally described space standards as a minimum, to ensure that high quality homes are delivered that provide a sufficient amount of internal space appropriate for occupancy of the dwelling. Whilst this is not currently an adopted policy, these space standards will be secured as part of any future reserved matters application.

## **Noise**

- 7.43** The NPPF at paragraph 185 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Policy SD14 of the JCS seeks to protect health and environmental quality and provides that development should not create or exacerbate conditions that could impact on human health. The policy states that new development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants and must result in no unacceptable risk from existing or potential sources of pollution.
- 7.44** Chapter 10 of the Environmental Statement (ES) assesses the likely significant effects of the proposed development with respect to noise and vibration. It considers the potential effects of noise from surrounding land uses on the future occupants of the proposed dwellings and the potential effects during construction and operation of the proposed development on surrounding noise-sensitive receptors. To inform this chapter a Noise and Vibration Assessment was carried out.
- 7.45** In terms of the impact upon future occupiers of the dwellings, based on the results of the noise surveys the ES identified low noise levels and an acceptable noise environment would be achieved using standard construction techniques to ensure the requirements of BS 8233 were met, both internally and within the gardens of the dwellings. On this basis, no specific noise mitigation measures have been identified to be required for the proposed dwellings. The construction of the proposed development has the potential to give rise to short term effects upon existing noise sensitive receptors surrounding the site. Appropriate mitigation and management measures should be adopted during construction to ensure any potential effects would be minimised. Road traffic on the roads within and surrounding the proposed development would change as a result of the occupation and operation of the completed development and other committee developments in the surrounding area. The assessment indicates that the additional road traffic would result in no significant adverse effects. The ES concluded that with appropriate mitigation and management measures adopted during the construction of the proposed development, potential noise and vibration effects would be reduced to an acceptable level.
- 7.46** The Council's Environmental Health Officer (EHO) has reviewed the information submitted and raises no objection subject to securing a Construction Environmental Management Plan and the noise mitigation measures detailed in the assessment.

## **Air Quality**

- 7.47** The NPPF sets out that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement (Para.186). Further, Policy SD4 of the JCS states that new development should enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space and the avoidance or mitigation of potential disturbance, including visual intrusion, noise, smell and pollution.



- 7.48** The ES chapter on Air Quality considers the likely significant effects associated with the proposed development. Air quality effects associated with the construction and operation of the proposed development have been assessed. Air quality conditions that future occupants of the development would experience have been assessed, as well as impacts on existing receptors resulting from road traffic emissions from additional traffic generated by the proposed development. The ES states that measures to mitigate dust emissions will be required during the construction phase of the development in order to minimise the effects upon nearby sensitive receptors. With these measures in place and effectively implemented the residual effects are judged to be 'not significant'. In terms of the overall air quality effect of additional road traffic emissions generated by the proposed development, the assessment found this to be 'not significant'. As such, the ES concludes that specific mitigation measures are not therefore required. Overall, the effects of the proposed development on local air quality has been found to be 'not significant.'
- 7.49** The Council's Environmental Health Officer (EHO) has reviewed the assessment and offer no adverse comments with regard to air quality.

### ***Minerals and Waste***

- 7.50** One of the key sustainable development objectives of the NPPF is the prudent use of natural resources, including minimising waste and pollution. The NPPF also advises on the sustainable use of minerals and resources and states that policies as far as practicable should take account of the contribution that substitute or secondary and recycled materials and minerals would make to the supply of materials, before considering extraction of primary materials. It further confirms that locations of specific minerals resources of local and national significance should be safeguarded, and development avoided in such areas. Policy SD3 of the JCS, Policy WCS2 of the Gloucestershire Waste Core Strategy (GWCS) and Policy MS01 of the Minerals Local Plan for Gloucestershire (MLPG) accord with these objectives.
- 7.51** The application site falls within a locally designated Mineral Safeguarding Area (MSA) that contains sand and gravel mineral deposits of possible economic importance as identified by the British Geological Survey. The submitted Ground Investigation Report notes the existence of Cheltenham Sand & Gravel, which has been historically worked in parts of the Central Severn Vale of Gloucestershire. Given this, the application should be subject to statutory Mineral Consultation Area (MCA) requirements and Gloucestershire County Council in their capacity as Mineral and Waste Planning Authority (MWPA) requested a detailed Mineral Resource Assessment to establish the significance of this matter and to explore technical and practical options for achieving the most sustainable safeguarding solution. The applicant subsequently submitted a Mineral Consultation Assessment and, following a review of the document, the MWPA advised that the assessment's conclusions are sound and that no further action is required in this respect.
- 7.52** The application is supported by a Waste Minimisation Statement which has been reviewed by officers of Gloucestershire County Council Strategic Infrastructure (Minerals and Waste) Team in their capacity as Mineral and Waste Planning Authority (MWPA). The MWPA acknowledged the details submitted and notes it does not raise any fundamental issues that demand an immediate response prior to a decision being made. Consequently, planning conditions are recommended to ensure the matter is afforded appropriate consideration at the reserved matters stage.

### ***Housing mix***

- 7.53** Policy SD11 of the JCS requires all new housing development to provide an appropriate mix of dwellings sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Development should address the needs of the local area and should be based on the most up to date Strategic Housing Market Assessment.
- 7.54** The Gloucestershire Local Housing Needs Assessment 2019 – Final Report and Summary (September 2020) (LHNA) provides the most up to date evidence based to inform the housing mix on residential applications. This report states that in Tewkesbury 3% of new market dwellings should be one bedroom properties, with 13% having two bedrooms, 54% containing three bedrooms and 29% having four bedrooms or more.
- 7.55** The DAS sets out that the proposed housing would include a variety and range of dwelling types that includes 1 bed – 5 bed properties. Given the proposal is in outline, a condition is recommended to secure the market housing mix so that the schedule of accommodation would be in broad accordance with the most up to date Strategic Housing Market Assessment at the time the first reserved matters application is submitted.

### ***Affordable housing***

- 7.56** The NPPF sets out that Local Planning Authorities should set policies for meeting affordable housing need on development sites. Policy SD12 of the JCS requires a minimum of 35% affordable housing on Strategic Allocations, where possible affordable housing should be provided on-site.
- 7.57** The development proposes 35% affordable housing on the site, this equates to 56 dwellings with this being split between affordable rented and shared ownership. The tenure mix proposed by the applicant is 40% shared ownership, 53% affordable rented and 7% social rented.
- 7.58** The Council's Housing Strategy and Enabling Officer has objected to the tenure mix proposed and therefore your officers are continuing discussions on this matter. **An update on this will be provided at Planning Committee.**

### ***Drainage and flood risk***

- 7.59** The NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Policy INF2 of the JCS seeks to prevent development that would be at risk of flooding. Proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. For sites of strategic scale, the cumulative impact of the proposed development on flood risk in relation to existing settlements, communities or allocated sites must be assessed and effectively mitigated. It also requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. This is reflected in Policy ENV2 of the emerging TBP.

- 7.60** Policy A1 of the JCS states that adequate flood risk management across the site should be delivered in the Strategic Allocation's and all more vulnerable development should be wholly located within Flood Zone 1. This includes measures to reduce flood risk downstream through increasing storage capacity.
- 7.61** The dwellings would be located entirely in Flood Zone 1, an area identified by the Environment Agency at a low risk of flooding from rivers and seas. However, as the site is over 1 hectare, in accordance with the requirements of the NPPF, the application is supported by a Site-specific Flood Risk Assessment and Drainage Strategy (FRA). The FRA has also been used to inform the ES Chapter 11 on Hydrology, Flood Risk and Drainage. This chapter provides an assessment of the baseline conditions, likely significant effects and mitigation measures for the proposed development.
- 7.62** The assessment in the ES concluded the proposed development could have a major adverse effect on flood risk, surface water drainage, foul drainage and water quality both during construction and once the scheme is complete if no mitigation is applied. However, a Sustainable Drainage System (SuDS) would be used to manage surface water run-off, ensuring that the proposed development would not be at risk from surface water flooding and that flooding would not be increased elsewhere. SuDS will also be used to provide water quality improvements and prevent pollution entering groundwater and watercourses. As a result, the proposed mitigation would provide a moderate beneficial effect for flood risk and surface water drainage and will result in a negligible effect for foul drainage and water quality and the development would not have any adverse effect on hydrology, flood risk and drainage.
- 7.63** Gloucestershire County Council as Lead Local Flood Authority (LLFA) has no record of flooding on the site. The LLFA acknowledges there is some history of flooding in the area though this is predominantly due to sewer flooding but confirms that there is no reason from flood history or probability of the area to object to the proposal. The submitted FRA establishes post development surface water discharge rates from the site through methods that are acceptable to the LLFA. Based on the established runoff rates the FRA defines a preliminary surface water drainage strategy has been developed that will suitably mitigate for any increases in runoff caused by the development and the increases in impermeable area it results in. The LLFA does not believe that the development would result in increased flood risk elsewhere if the strategies described in the FRA are used in the development. As such the LLFA raises no objection to the proposal and believes it will be a safe development from a flooding perspective provided the principles defined in the FRA are carried through to the detailed design of the development. A condition is recommended to ensure this is the case.
- 7.64** In terms of foul water disposal, the foul flows from the northern part of the site will drain by gravity to the existing Severn Trent Water 150mm diameter foul sewer that crossed the northern link to Brook Lane. The southern part will drain to the new foul sewers in the Vistry/Bovis development to the south. The applicant has confirmed the right to connect to the Vistry foul sewer network has been secured contractually. The foul sewers will be adopted by Severn Trent Water or other Water/Sewerage Company to ensure that they will be maintained for the lifetime of the development. Officers are aware that there have been issues with foul sewerage in the village, however Severn Trent Water (STW) have been consulted as the relevant statutory undertaker for foul sewerage in the area and have raised no objections. A condition requiring the specific foul water drainage details is recommended.

## ***Biodiversity***

- 7.65** The NPPF sets out, inter alia, that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, especially where this can secure measurable gains for biodiversity. Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. Emerging Policy NAT1 of the TBP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.
- 7.66** The ES includes a chapter on Biodiversity which assesses the likely significant effects of the proposed development on ecology and nature conservation, together with any required strategies to minimise or compensate for them. The assessment is based on habitat surveys carried out between May and October 2020 to ascertain the general ecological value of the land and to identify the main habitats and associated plant species.
- 7.67** The baseline report identified:
- There are no statutory designations of nature conservation value within or immediately adjacent to the site. The nearest statutory designated site is Innsworth Meadows Site of Special Scientific Interest (SSSI), which is located approximately 0.13km south of the site.
  - The Cotswolds Beechwoods Special Area of Conservation (SAC) lies approximately 8km southeast of the site.
  - The nearest Local Nature Reserve (LNR) is Alney Island LNR, which lies approximately 3.4km southwest of the site.
  - There are no non-statutory designations of conservation value within or immediately adjacent to the site. The nearest non-statutory designated site is Longford Brickpits Local Wildlife Trust, which lies approximately 2.2km southwest of the site.
  - In terms of habitats, the majority of the site is considered to be of low intrinsic ecological value, and any losses to the proposed development of the arable field and species-poor, semi-improved grassland are considered to be of negligible ecological significance.
  - General observations were made during the surveys of any faunal use of the site. In addition, specific surveys have been undertaken for Badgers, bats, reptiles and Great Crested Newts. No evidence of Badger activity was recorded within the site. No trees within the site have developed features suitable to support roosting bats. Overall, from the bat activity and automated survey results the vast majority of activity recorded was from Common Pipistrelle bats, with occasional registrations by other species. The hedgerows and dense scrub within the site offer suitable foraging and nesting opportunities for a range of bird species. Populations of Great Crested Newts have been recorded within ponds located within 250m of the site. The majority of the site is not suitable terrestrial habitat for Great Crested Newts and there is no aquatic habitat present. It is considered that the hedgerows and grassland within the site offer limited suitable terrestrial habitat for Great Crested Newts.

**7.68** The ES proposes a range of on-site mitigation and enhancement measures, which include:

- New areas of wildflower grassland will be sown/oversown using a native species-rich grassland seed mixture and would be subject to a suitable management regime to increase the floristic diversity of the site.
- Planting of new hedgerow/tree planting of a length/area greater than that lost, based around native species of local provenance.
- Measures will be put in place to ensure that the retained hedgerows and trees are safeguarded from direct impacts during the construction phase.
- Best practice methods and effective engineering solutions will be employed to ensure that contaminated run-off is prevented from entering the Hatherley Brook.
- ‘Dark’ corridors will be maintained using a sympathetic lighting regime.
- In order to safeguard any nesting bird species within the site, the clearance of any hedgerows, trees and scrub will be undertaken outside of the bird breeding season.
- Bat boxes for species recorded within the site will be provided throughout on retained mature trees and concentrated along key areas.

**7.69** Overall, the ES concludes that following mitigation and enhancement measures, the effects are considered to be beneficial at the site and will ensure no net loss in biodiversity terms.

**7.70** The Council’s Ecological Advisor has reviewed the Biodiversity chapter of the ES and welcomes the efforts made to enhance the site. The Ecological Advisor originally recommended updated survey/information in relation to bats and the potential for roosting features and Great Crested Newts, prior to determination. A Briefing Note in response to the request was submitted by the applicant. Having reviewed the Note, the Council’s Ecological Advisor confirmed that no additional survey work is required prior to the determination of the application, unless permission is not granted before the next bat activity season.

**7.71** As mentioned above, the site lies approximately 8km southeast of the site, this is within the impact risk zone for the Cotswolds Beechwoods Special Area of Conservation (SAC). Policy NAT1 of the emerging MMTBP states that proposals that are likely to have a significant effect on an internationally designated habitats site (either alone or in combination with other plans or projects) will not be permitted unless a Habitats Regulations Assessment (HRA) has concluded that the proposal will not adversely affect the integrity of the habitats site. A Briefing Note providing additional information for the Habitats Regulation Assessment was submitted with the application which concludes that based on the distance between the application site and the Cotswolds Beechwood SAC and the number of alternative recreational resources that are closer to the application site, it follows that there would not be any likely significant effects on the Cotswolds Beechwood SAC, either alone or in combination with other plans or projects. Nonetheless, certainty can be provided by the applicant’s willingness to provide Homeowners Information Packs (HIP) to new residents, the details of which can be secured by way of planning condition. Natural England have reviewed the assessment and concur with the

assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

- 7.72** In addition to the above, Policy NAT1 of the MMTBP states, inter alia, that proposals will, where applicable, be required to deliver a biodiversity net gain (BNG) across local and landscape scales, including designing wildlife into development proposals, the connection of sites and large-scale habitat restoration, enhancement and habitat re-creation. Locally defined ecological networks identified in Local Nature Recovery Strategies will be the primary focus for landscape scale net gain delivery. The reasoned justification sets out that the Council will expect all development to deliver a minimum net gain of 10% calculated using the DEFRA Biodiversity Metric (or any updated or replacement metric used as the industry standard). Information contained within the Technical Appendix to the Biodiversity Chapter in the ES confirms the proposed development would achieve an overall net gain in biodiversity however no details of the percentage of net gain has been calculated has been provided. The applicant considers the request to provide a minimum 10% BNG is premature and therefore, at the time of writing the report, this matter is currently being considered by officers and **an update on this matter will be provided at Planning Committee.**
- 7.73** In conclusion, subject to the satisfactory resolution of the above outstanding matters and to the imposition of appropriate planning conditions/obligations officers have no objection to the application in respect of its impact upon ecology.

#### ***Loss of Agricultural Land & Soils***

- 7.74** The NPPF sets out that planning decisions should contribute to and enhance the natural environment by, inter alia, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land. This aims to protect the best and most versatile (BMV) agricultural land and soils in England from significant, inappropriate and unsustainable development proposals.
- 7.75** The Agricultural Land Classification assesses the quality of farmland to enable informed choices to be made about its future use within the planning system. There are five grades of agricultural land, with Grade 3 subdivided into 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a.
- 7.76** The ES Chapter on Soils and Agriculture assesses the overall impact of the development on present and future land use within and surrounding the site. It considered the potential effects of the proposed development on agricultural land, soil and farm holdings.
- 7.77** The application site extends to approximately 7.82 hectares of which 6.5 hectares is in productive agricultural use. The data used to inform the assessment on agricultural land and soil was derived from a detailed Agricultural Land Classification (ALC) survey carried out across the application site in 2013 and 2020. The ALC surveys identified two distinct soil types comprising mainly sandy loam or sandy clay loam topsoil over loamy sand or sandy clay upper subsoils in the main application site, and heavy clay loam and clayey soils in the additional infrastructure areas to the west and south. The ES concludes that agricultural land quality at | application site is affected by droughtiness, which limits the land to Subgrade 3a (good quality) and Subgrade 3b (moderate quality), or wetness, which limits the land to Grade 2 or Subgrade 3b. There are 3.9 hectares of either Grade 2 and Subgrade 3a land, which is deemed to be the ‘best and most versatile land.’ This counts against the proposal however it should be noted that the application site has been allocated for development and therefore its loss as agricultural land has already been

established.

- 7.78** In terms of the impact upon the farm holding, the application site is owned by the applicant and farmed by the Boddington Estate. The Estate farms in excess of 630 hectares in the locality. The land at Twigworth is sown to arable crops which are harvested and transported to the main farm centre at Boddington. The principal direct effect on the farm holding will be the loss of available farmstead. Once the development commences the area of land removed from production will be approximately 6 hectares, which represents less than 1% of the total area farmed. As the area of land removed from the holding is negligible, the ES concluded the overall effect is assessed as negligible, which is not significant.

### **Historic Environment**

- 7.79** Section 66 of the Listed Buildings and Conservation Area Act places a statutory duty on LPAs to have special regard to the desirability of preserving the setting of listed buildings. The NPPF sets out that heritage assets range from sites and buildings of local historic value to those of the highest significance and that these assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Policy SD8 of the JCS sets out that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.
- 7.80** The Environmental Statement (ES) includes an assessment of the likely significant effects of the proposed development in terms of archaeology and built heritage in the context of the application site and surrounding area.
- 7.81** In terms of built heritage, the Built Heritage Statement (BHS) identified that the application site includes no built heritage resources within its boundary. However, three built heritage resources were identified beyond the application site with the potential to be affected by the proposed development. These receptors comprise the Grade II listed Manor House, Grade II listed Yew Tree Cottage, and the two Grade II listed buildings at Court Farm.
- 7.82** The BHS concluded that the proposed development would have no impact on any designated or non-designated heritage assets. The Council's Conservation Officer agrees with the conclusions of this report and raises no objection to the proposed development.
- 7.83** In terms of archaeology, no nationally significant archaeological assets are known on the application site. The ES found that the former ridge and furrow cultivation, field boundaries and other updated evidence of agricultural activity recorded on the application site by the Geophysical Survey and Evaluation Trial Trenching are of negligible archaeological interest. The loss of these archaeological receptors would result in no more than a negligible significant of effect.
- 7.84** The Council Archaeologist (CA) has reviewed the ES and it is his view that sufficient information has been made available regarding archaeological impact to allow an informed planning decision to be made on this issue. The CA has no objection in principle to the development of the site, with the proviso that an appropriate programme of work to excavate and record any significant archaeological remains should be undertaken prior to development in order to mitigate the ground impacts of the proposal. To facilitate this a condition is recommended.

- 7.85** In conclusion, it is considered that the proposed development would not have an unacceptable harm on designated and non-designated heritage assets.

### ***Open Space, Outdoor Recreation and Sports Facilities***

- 7.86** The NPPF sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. JCS Policy INF4 provides where new residential development will create or add to, a need for community facilities, it will be fully met as on-site provision and/or as a contribution to facilities or services off-site. JCS Policies INF6 and INF7 support this requirement. Saved Local Plan Policy RCN1 requires the provision of easily accessible outdoor playing space at a standard of 2.43ha per 1000 population on sites of 10 dwellings or more. On this basis, assuming that the 160 dwellings would have an average 2.32 persons per dwelling, the population increase would be 371 persons. As such, there would be a resulting requirement for the provision of 0.90 hectares.
- 7.87** The submitted Design and Access Statement states 0.71 hectares of accessible public open space would be provided across the site. This represents an undersupply; however, given the outline nature of this application and as the proposal seeks consent for 'up to 160 dwellings' the quantum of development could be reduced should it be necessary to ensure a policy compliant level of accessible public open space is secured. An informative note is recommended to clarify this position on accessible public open space.
- 7.88** In terms of formal sports provision this cannot be met on-site. However, the Council's Community and Place Development Officer has confirmed that because the site forms part of the wider Strategic Allocation a contribution towards off-site sports provision would not be necessary to make the development acceptable in planning terms.

### ***Education, Library and Community Provision***

- 7.89** JCS Policy INF6 relates directly to infrastructure delivery and states that any infrastructure requirements generated as a result of individual site proposals and/or having regard to the cumulative impacts, should be served and supported by adequate and appropriate on/off-site infrastructure and services. The Local Planning Authority will seek to secure appropriate infrastructure, which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Policy INF4 of the JCS requires appropriate social and community infrastructure to be delivered where development creates a need for it. JCS Policy INF7 states the arrangements for direct implementation or financial contributions towards the provision of infrastructure and services should be negotiated with developers before the grant of planning permission. Policy SA1 sets out that infrastructure should be provided comprehensively across the site taking into account the needs of the whole Strategic Allocation. Financial contributions will be sought through S106 and CIL mechanisms as appropriate.



- 7.90** Gloucestershire County Council as Local Education Authority (LEA) have been consulted and requested contributions towards education provision in line with its cost multipliers and pupil yields. The assessment identified the development would have an impact on the Churchdown-Innsworth Primary Planning Area and the Gloucester Secondary Planning Area. As such a full contribution of **£545,300.00** towards primary school education provision (school transport) and a contribution of **£525,286.40** towards secondary education provision has been requested in order to mitigate the impact. Following further discussions, the applicant has indicated, on a “without prejudice” basis, a willingness to enter into an agreement with Gloucestershire County Council to secure the required contributions subject to provision that the contribution towards primary education provision is to be bonded and drawn down from time to time by the LEA as required to be spent.
- 7.91** In terms of libraries, Gloucestershire County Council have advised that the scheme would generate a need to improve customer access to services through refurbishment and upgrades to the existing building, improvements to stock, IT and digital technology and increased services at either Churchdown Library or Longlevens Library. As such a contribution of **£31,360.00** is therefore required to make the application acceptable in planning terms.
- 7.92** The Council’s Community and Place Development Officer has confirmed that because the site forms part of the wider Strategic Allocation a contribution towards off-site sports provision would not be necessary to make the development acceptable in planning terms.

### ***Section 106 obligations***

- 7.93** The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. Whilst the Council does have a CIL in place, infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 legal agreement. The CIL regulations stipulate that, where planning obligations do not meet the tests, it is ‘unlawful’ for those obligations to be taken into account when determining an application.
- 7.94** These tests are as follows:
- a) necessary to make the development acceptable in planning terms.
  - b) directly related to the development; and
  - c) fairly and reasonable related in scale and kind to the development.
- 7.95** JCS Policy INF6 relates directly to infrastructure delivery and states that any infrastructure requirements generated as a result of individual site proposals and/or having regard to the cumulative impacts, should be served and supported by adequate and appropriate on/off-site infrastructure and services. The Local Planning Authority will seek to secure appropriate infrastructure which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Policy INF4 of the JCS requires appropriate social and community infrastructure to be delivered where development creates a need for it. JCS Policy INF7 states the arrangements for direct implementation or financial contributions towards the provision of infrastructure and services should be negotiated with developers before the grant of planning permission. Financial contributions will be sought through S106 and CIL mechanisms as appropriate

**7.96** The following planning obligations are required:

- **£545,300** towards primary school education provision (Transport to school) – to be bonded and drawn down from time to time by the LEA as required.
- **£525,286.40** towards secondary education provision
- **£31,360.00** towards library provision at either Churchdown Library or Longlevens Library.
- **£11,680** towards recycling and waste bin facilities
- **35%** Affordable Housing and policy compliant tenure mix
- **£54,240** towards a Travel Plan
- **£15,000** towards improvements to the bus stop on the eastern side of the A38 (Bus Stop – stopID glodgjdw).
- Provision of a **LEAP** on-site.

In addition, a planning obligation may be required to secure off-site habitat enhancements to ensure the development would provide at least 10% biodiversity net gain. **An update on this will be provided to Members at Planning Committee.**

## **8.0 UPDATED REPORT**

**8.1 As mentioned in paragraph 1.12 of the report at its meeting on 18 January 2022 the Planning Committee resolved to defer the application to allow discussions to continue and a conclusion reached in respect of the requested financial contributions towards education provision and the proposed tenure of the affordable housing.**

**8.2 In terms of the contribution towards education provision, the applicant has confirmed in this instance on a “without prejudice” basis, they are willing to pay the contributions requested by the LEA, provided in respect to the sum of £545,300 towards school transport it is to be bonded and drawn down from time to time by the LEA as required. The LEA have confirmed this is reasonable and as such this matter has been resolved.**

**8.3 In relation to the affordable housing tenure, the applicant has offered a revised tenure mix, namely 40% shared ownership, 53% affordable rented and 7% social rented and they agree to the Council accessibility requirements. The Council’s Housing Strategy and Enabling Officer has objected to the proposed tenure and therefore at the time of writing the updated committee report this matter is currently being considered by your officers. An update on this will be provided at Planning Committee.**

**8.4** As mentioned in paragraph 7.72, emerging Policy NAT1 of the MMTBP states, inter alia, that proposals will, where applicable, be required to deliver a biodiversity net gain (BNG) across local and landscape scales, including designing wildlife into development proposals, the connection of sites and large-scale habitat restoration, enhancement and habitat re-creation. The reasoned justification for the policy sets out that the Council will expect all development to deliver a minimum net gain of 10% calculated using the DEFRA Biodiversity Metric (or any updated or replacement metric used as the industry standard). In the Late Representations Sheet at January's Planning Committee, officers advised that, despite the applicant not submitting calculations for 10% BNG, should permission be granted, it would be reasonable to secure this requirement via a condition. However, the applicant contends that the request to provide a minimum 10% BNG is premature and that until such a time this becomes law or there is an adopted policy (not lower-case reasoned justification) this cannot be imposed on a planning permission. At the time of writing this update, the matter is currently being considered by officers and an update on this will be provided at Planning Committee.

**8.5** It should be noted that the recommended conditions have been updated to include those recommended by the Local Highway Authority and the Council's Ecological Advisor.

## **9.0 CONCLUSION AND RECOMMENDATION**

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

**9.2** The application site forms part of the wider Strategic Allocation in the JCS at Innsworth and Twigworth. The site itself is identified as an area for 'Housing and Related Infrastructure' on the Indicative Site Layout Proposals Map A1. Therefore, housing development in this location is considered acceptable.

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

### ***Benefits***

- 9.4 The development would contribute towards the supply of housing, both market and affordable housing to help meet the objectively assessed need for housing in the Borough in an area where the principle of housing development is considered acceptable. This is of particular relevance given the fact that the Council cannot currently demonstrate a deliverable supply of housing and therefore weighs significantly in favour of the application.
- 9.5 Moderate weight is given to the economic benefits that would arise from the proposal both during and post construction, including the economic benefits arising from additional residents supporting local businesses.

### ***Harms***

- 9.6 The proposed development would result in the loss of 3.9 hectares of either Grade 2 and Subgrade 3a land, which is deemed to be the 'best and most versatile land'. Nevertheless, it should be noted that the application site has been allocated for development and therefore its loss as agricultural land has already been established.
- 9.7 There would be some harm to the landscape by reason of encroachment into the agricultural land. However, given the site's location in terms of the existing site context and given the location of the site within the wider Strategic Allocation and the potential to further minimise harm through sensitive design at reserved matters stage, it is not considered that the harm would be significant.

### ***Neutral***

- 9.8 It has been established through the submission documents that subject to securing satisfactory measures as part of any future reserved matters, the imposition of appropriate planning conditions and planning obligations, the development would not give rise to unacceptable impacts in relation to flood risk and drainage, design and layout, residential amenity, the historic environment or any noise or odour pollution. It is noted that at the time of writing the report there are two outstanding matters (affordable housing tenure mix and biodiversity net gain) which need to be resolved. Should, following the resolution of this matters, any further harm(s) is/are identified, **a new balancing exercise will be carried out and an update will be provided at Planning Committee.**

### ***Overall conclusion***

- 9.9 Whilst there would be some harm arising from the development, this harm is not considered to be significant. Significant weight should be given to the provision of housing, both market and affordable, in a location where the principle of residential development would be acceptable and given the Council cannot currently demonstrate a five year supply of deliverable housing sites.
- 9.10 Taking account of all the material considerations and the weight to be attributed to each one, it is considered that identified harms would not significantly and demonstrably outweigh the benefits in the overall planning balance.

- 9.11** It is therefore considered, based on the assessment thus far, that the proposed development would constitute sustainable development in the context of the NPPF as a whole and it is therefore recommended that the grant of planning permission be **DELEGATED to the Development Manager subject to the satisfactory resolution of the outstanding matters referred to in Section 8.0 of this report, which are the affordable housing tenure mix and the requirement to provide a minimum of 10% biodiversity net gain, and the addition/amendment of planning conditions as appropriate and the completion of an agreement to secure on-site affordable housing and other developer obligations directly related to the development and considered necessary to make the development acceptable in planning terms.**

**CONDITIONS:**

1. Details of the access, appearance, landscaping, layout and scale (hereinafter called “the Reserved Matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced and the development shall be carried out in accordance with the approved details.

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

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

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

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

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

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

4. The development hereby permitted shall provide no more than 160 dwellings.

Reason: To define the scope of the permission.

5. Notwithstanding the submitted details, prior to the submission of any Reserved Matters a Design Principles document shall be submitted to and approved in writing by the Local Planning Authority. The document shall include the following:

- (a) The principles for determining the design, form, heights and general arrangements of external architectural features of buildings.
- (b) The principles of the hierarchy for roads and public spaces.
- (c) The potential arrangement of car parking.
- (d) The principles for the design of the public realm.
- (e) The principles for the layout of the green infrastructure, including access to public open space, location and general arrangements of play area.
- (f) Details of how the new development will integrate with and complement the wider Strategic

Allocation in an appropriate manner.

Any future Reserved Matters application shall thereafter be in accordance with the approved Design Principles document.

Reason: To help guide subsequent Reserved Matters applications to achieve a high quality of design.

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

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

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

Reason: In the interests of amenity.

8. Any Reserved Matters submitted pursuant to Condition 1 relating to appearance shall include details of the materials to be used in the construction of the external surfaces of any building. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

9. The Reserved Matters submitted pursuant to Condition 1 shall provide full details of both hard and soft landscape proposals. The landscape scheme shall include the following details:

- (a) positions, design, materials and type of boundary treatments to be erected;
- (b) hard landscaping materials;
- (c) a plan showing details of all existing trees and hedges on the site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any proposed changes in ground level, or other works to be carried out, within the canopy spread;
- (d) a plan showing the layout of proposed tree, hedge, shrub, ornamental planting and grassland/wildflower areas;
- (e) a schedule of proposed planting, noting species, planting sizes and proposed numbers/densities;
- (f) a written specification outlining cultivation and other operations associated with plant and green grass establishment;
- (g) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the completion or first occupation of any dwelling.

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.

No dwelling hereby permitted shall be brought into use/occupied until all hard landscaping and boundary treatment have been completed in accordance with the approved details.

Reason: In the interests of visual amenity.

10. Prior to the commencement of the development hereby approved including all preparatory work, a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a Tree Protection Plan(s) (TPP) and an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The TPP and AMS should include details of the following:

- (a) Location and installation of services/ utilities/ drainage.
- (b) Details of construction within the RPA or that may impact on the retained trees.
- (c) a full specification for the installation of boundary treatment works.
- (d) A specification for protective fencing to safeguard trees during construction phases and a plan indicating the alignment of the protective fencing.
- (e) a specification for scaffolding and ground protection within tree protection zones.
- (f) Tree protection during construction indicated on a TPP and construction plan and construction activities clearly identified as prohibited in this area.
- (g) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.

All works shall be carried out in accordance with the approved details.

Reason: To prevent existing trees from being damaged during construction work and to preserve the amenities of the locality.

11. Any Reserved Matters submitted pursuant to Condition 1 shall be accompanied by details of the proposed surface water drainage scheme. The information submitted shall be in accordance with the principles set out in the Drainage Strategy embedded in the Flood Risk Assessment and Drainage Strategy, prepared by Phoenix Design Partnership Ltd, dated April 2021 and submitted with this application. 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. provided 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.

None of the dwellings hereby approved shall be first occupied until the drainage scheme has been implemented in accordance with the approved details.

Reason: To ensure the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flood problem and to minimise the risk of pollution for the lifetime of the development. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

12. Any Reserved Matters submitted pursuant to Condition 1 shall be accompanied by details of the proposed disposal of foul water flows. None of the dwellings hereby approved shall be first occupied until the foul water drainage scheme has been implemented in accordance with the approved details and confirmed in writing as such by Severn Trent Water Limited to the Local Planning Authority.

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

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

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains which may be present. The archaeological programme will advance understanding of any heritage assets which will be lost.

14. Any Reserved Matters submitted pursuant to Condition 1 shall be accompanied by details of external lighting for the specific development. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites (to be informed by results of bat activity surveys). The details shall include, but not limited to, the following:

- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas.
- ii. Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate.
- iii. A description of the luminosity of lights and their light colour including a lux contour map.
- iv. A drawing(s) showing the location and where appropriate the elevation of the light fixings.
- v. Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)).

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details and maintained thereafter.

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



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

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

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

Reason: To ensure the effective implementation of waste minimisation.

16. No above ground development shall commence until details of the provision made for facilitating the recycling of waste generated during the occupation phase have been submitted to and approved in writing by the Local Planning Authority. Provision must include appropriate and adequate space to allow for the separate storage of recyclable waste materials that will not prejudice the delivery of a sustainable waste management system in line with waste hierarchy and local authority's waste management targets. All details shall be fully implemented as approved unless the Local Planning Authority gives prior written permission for any variation.

Reason: To ensure the effective implementation of waste minimisation.

17. Prior to the first occupation of any dwelling, a sample Homeowner Information Pack (HIP) must be submitted to and approved in writing by the Local Planning Authority. These pack must contain information to make new residents aware of the sensitivities of nearby sites of nature conservation concern, including, Alney Island LNR and Cotswolds Beechwoods Special Area of Conservation (SAC) and how to act responsibly to avoid disturbing wildlife (including: residents should be advised to keep dogs on leads at the aforementioned sites and recommendations to keep cats in at night to reduce hunting pressure on wildlife). In addition, a map of alternative public open spaces including those in the development and their foot/cycleway links plus public transport links needs to be included along with guidelines on wildlife gardening and leaving the pre-cut 13x13cm hedgehog tunnels in fences to allow their movement across the estate. Two copies of the approved HIP shall be provided to all future residents prior to the occupation of each dwelling.

Reason: To ensure that residents are made aware of the nearby recreational opportunities as well as emphasising the sensitivities of the Cotswolds Beechwoods Special Area of Conservation and Alney Island Local Nature Reserve.

18. The development hereby permitted shall be carried out in strict accordance with the mitigation measures outlined and recommended in Chapter 6 (Biodiversity) of the Environment Statement, prepared by Ecology Solutions, dated March 2021, and submitted with this application.

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

19. Prior to the commencement of development, a Construction Ecological Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall expand on the mitigation measures outlined and recommended in Chapter 6 (Biodiversity) of the Environment Statement, prepared by Ecology Solutions, dated March 2021. Ecological wildlife features to include:

- Bats (both foraging and roosting – where precautionary measures should be detailed including timing of works).
- Great Crested Newts (GCN) (i.e., GCN RAM to form part of the CEMP and timing of works).
- Hedgehogs (including recommending installing fencing with 13x13cm hedgehog passes at base to allow hedgehogs to use area effectively).
- Nesting birds (in hedgerows and trees and timing of works).
- Badgers (foraging and pre-commencement check on site and within close proximity of the site prior to the commencement of works).
- Hedgerows and trees and should include reference to Sustainable Urban Drainage Systems.

All works shall be carried out in accordance with the approved CEMP and a copy shall be given to the contractors on site to ensure that everyone is aware of the requirements to protect wildlife and habitats.

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

20. Prior to the commencement of development, a Landscape Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall expand on the mitigation measures outlined and recommended in Chapter 6 (Biodiversity) of the Environment Statement, prepared by Ecology Solutions, dated March 2021, and shall include details of:

- A monitoring regime for a minimum period of five years to ensure habitats establish well and animal shelters remain in good state.
- Responsible person/organisation needs to be stated and method by which protection of created habitats/open spaces will be secured.
- Habitat enhancements for bats, birds, amphibians and hedgehogs (e.g. bat & bird boxes to be installed on retained trees and new buildings, amphibian shelters, separate hedgehog shelters).
- All wildlife features should be shown on the landscape plan.

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

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

21. No development shall take place until details of the mitigation measures to achieve compliance with BS8233:2014 recommended internal and external noise levels for the occupiers of the new dwellings have been submitted to and approved in writing by the Local Planning Authority. The mitigation measures approved shall be completed prior to any dwellings to which they relate being first occupied. The development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity.

22. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:

- (a) 24-hour emergency contact number.
- (b) Hours of operation.
- (c) Parking of site operatives' and visitors' vehicles (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction).
- (d) Routes for construction traffic.
- (e) Locations for loading/unloading and storage of plant, waste and construction materials.
- (f) Methods of preventing mud being carried onto the highway.
- (g) Measures to protect vulnerable road users (cyclists and pedestrians)
- (h) Any necessary temporary traffic management measures.
- (i) Arrangements for turning vehicles.
- (j) Arrangements to receive abnormal loads or unusually large vehicles.
- (k) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

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

23. The development hereby approved shall not be occupied until drawings of the highway improvements/offsite works comprising:

- Improvements to Brook Lane, to include details of surfacing and street lighting;
- Measures to restrict vehicle access from the development site to Brook Lane;
- A scheme of pedestrian improvements on the A38 in the vicinity of Norton Garden Centre including the provision of tactile paving;

Have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until those works have been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the highway.

24. Vehicle and cycle parking shall be provided prior to first occupation of each dwelling in accordance with details to be included within the approval of any reserved matters permission. Such details shall include a scheme for enabling charging of electric plug-in and other ultra-low emission vehicles. Parking and charging points shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities.

## **INFORMATIVES:**

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

## **2. Travel Plan**

The proposed development will require a Travel Plan as part of the transport mitigation package (together with a Monitoring Fee and Default Payment) and the Applicant/Developer is required to enter into a legally binding Planning Obligation Agreement with the County Council to secure the Travel Plan.

## **3. Construction Management Plan (CMP)**

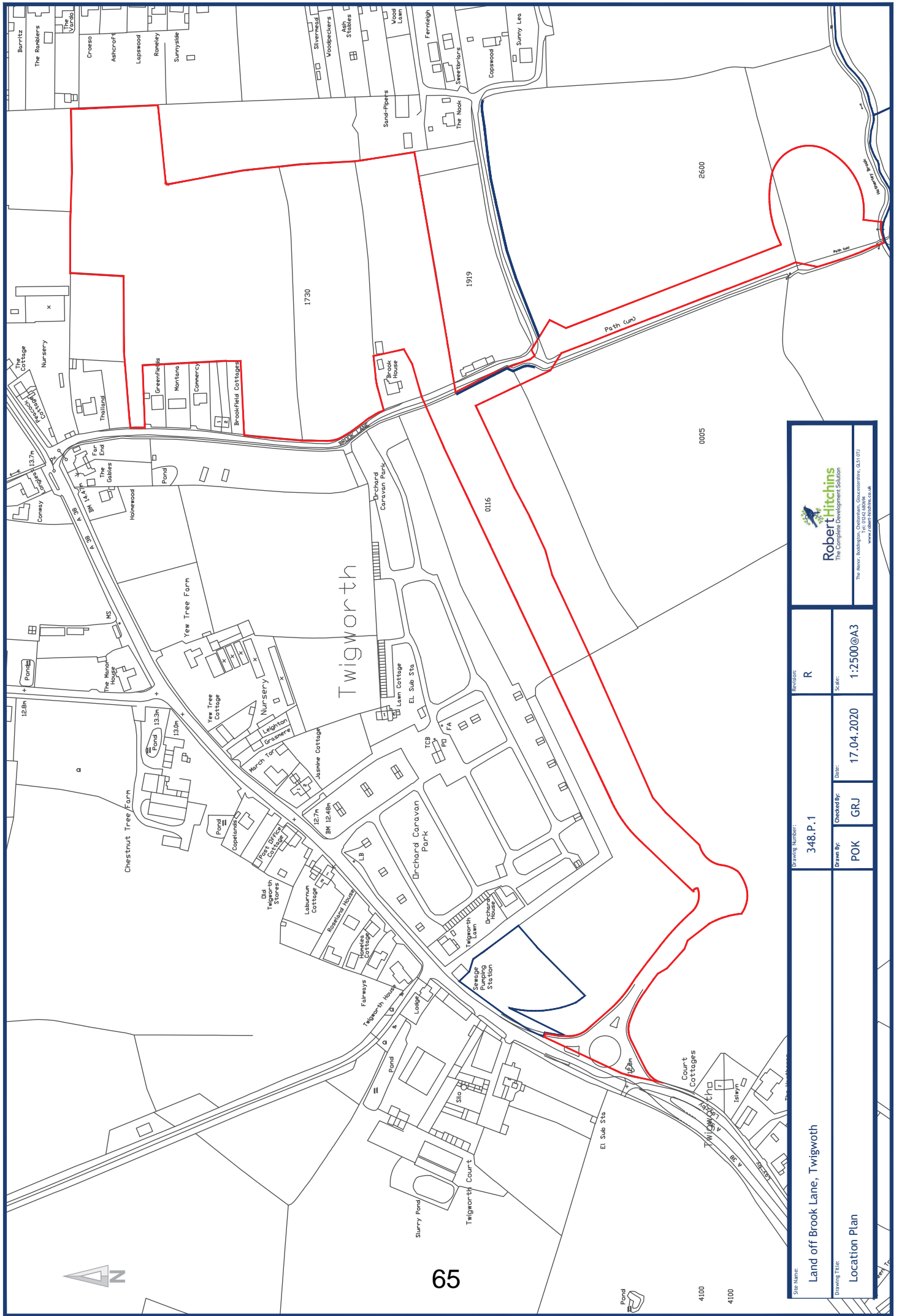
It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says:

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


- 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 CMP should clearly identify how the principal 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.



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 <b>Robert Hitchins</b> The Complete Development Solution <small>The Moor, Boddington, Gloucestershire, GL5 1DT          Tel: 01452 88006          www.roberthitchins.co.uk</small>	
Drawing Number: <b>348.P.1</b>	Revision: <b>R</b>
Drawn By: <b>POK</b>	Checked By: <b>GRJ</b>
Date: <b>17.04.2020</b>	Scale: <b>1:2500@A3</b>
Site Name: <b>Land off Brook Lane, Twigworth</b>	
Drawing Title: <b>Location Plan</b>	

- KEY:**
-  APPLICATION SITE
  -  PROPOSED VEHICULAR AND PEDESTRIAN/CYCLE ACCESS
  -  RESIDENTIAL DEVELOPMENT (UP TO 160 DWELLINGS)
  -  INFORMAL OPEN SPACE WITH LANDSCAPE PLANTING
  -  POTENTIAL LOCATION FOR ATTENUATION AREA
  -  INDICATIVE LEAP/LAP LOCATION
  -  EXISTING TREE/HEDGEROW TO BE RETAINED
  -  INDICATIVE PLANTING
  -  PROPOSED HEDGEROWS
  -  EXISTING PUBLIC RIGHT OF WAY
  -  POTENTIAL PEDESTRIAN/CYCLE LINKS





## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	15 February 2022
<b>Site Location:</b>	Land At Horsbere Drive Longford
<b>Application No:</b>	21/00880/OUT
<b>Ward:</b>	Innsworth
<b>Parish:</b>	Innsworth
<b>Proposal:</b>	Outline application for residential development of 24 apartments and associated operations (access reserved for future consideration).
<b>Report by:</b>	Victoria Stone
<b>Appendices:</b>	Site Location Plan Site Layout Plan Landscape Concept Plan Cross Section Plan A-A Cross Section Plan B-B Proposed Front Elevation – Block A Proposed Rear Elevation – Block A Proposed Side Elevation 1 – Block A Proposed Side Elevation 2 – Block A Proposed Front Elevation – Block B Proposed Rear Elevation – Block B Proposed Side Elevation 1 – Block B Proposed Side Elevation 2 – Block B Proposed Front Elevation – Block C Proposed Rear Elevation – Block C Proposed Side Elevation 1 – Block C Proposed Side Elevation 2 – Block C
<b>Recommendation:</b>	Refuse

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application relates to a vacant parcel of land to the north of Longford Lane and to the east of Horsbere Drive in Longford (**see attached location plan**). The site is situated within the new residential development at Longford.



- 1.2** The site itself is rectangular in shape, consists of an area of rough grassland and covers approximately 0.31 hectares, excluding the access road. The land has open boundaries onto footpaths to the north and west with the south-eastern boundary enclosed by close boarded fencing. This fencing forms the boundary to the gardens of dwellings on Whitefield Crescent Road.
- 1.3** Residential properties border the site to the south-east; to the north-east is the new primary school, Longford Park Primary Academy, and to the north-west across Horsbere Drive are recently constructed retail units. The site is bound to the south by Longford Lane.
- 1.4** The site is not subject to any landscape, heritage or ecological designations.
- 1.5** The application is made in outline with only access reserved for subsequent approval. The application as originally submitted was made in outline with all matters reserved for subsequent approval. However, in accordance with Part 3, Article 5(2) of The Town and Country Planning (Development Management Procedure) (England) Order 2015, officers considered that due to the circumstances of the case, the application ought not to be considered separately from all of the reserved matters and therefore requested details of the Scale, Layout, Appearance and Landscaping. In this case, the circumstances relate to whether the development of two blocks of flats at the application site would be acceptable given planning permission was refused at the site in July 2020 for the construction of two apartment blocks comprising 33 dwellings and associated parking and landscaping, planning reference 19/01098/FUL.
- 1.6** This application seeks permission for the construction of two apartment buildings comprising a total of 24 apartments associated works.
- 1.7** The proposed development would deliver a mix of open market and affordable tenures. The application was submitted on the basis the proposals would enable the provision of 40% affordable housing, provided as eight apartments in a single block for Affordable Rent onsite with the remaining affordable contribution via a financial contribution in lieu of on-site provision.
- 1.8** The development would provide 15 x one bedroom units and 9 x two bedroom units, in two apartment blocks. The blocks would be between two and three storey in height and would have elevations facing onto Longford Lane, Horsbere Drive and Clock Tower Road. The palette of materials used for the external elevations would be informed from the retail centre and the primary school. The density would be 77 dwellings per hectare.
- 1.9** Whilst access is a matter reserved for future consideration, under article 5(3) of the Development Management Procedure Order 2015, an application for outline planning permission must also indicate the area or areas where access points to the development will be situated, even if access has been reserved. It is proposed that the vehicular access to the site from the public highway would be provided via Whitefield Crescent. A pedestrian link is proposed to run through the site which would connect to Horsbere Drive. A total number of 40 car parking spaces are proposed, set within two separate courtyards, one serving each unit.
- 1.10** The submitted Landscape Concept Plan shows how landscaping would be incorporated on the site.

- 1.11** As mentioned above, the application site lies within the new residential development at Longford. The Secretary of State granted outline planning permission in July 2008, following a Public Inquiry, for residential development comprising up to 570 dwellings, community uses, a local centre comprising a mix of retail uses and associated physical infrastructure and open space, ref: 05/00883/OUT. An extension of time for submission of reserved matters was subsequently granted in May 2013, ref: 11/00385/FUL. The application site was identified in the approved Longford Masterplan as part of a Local Centre to provide services and facilities for new residents.
- 1.12** Planning permission for the construction of two apartment blocks comprising 33 dwellings and associated parking and landscaping was refused on this site in July 2020, reference 19/01098/FUL. It was refused because the Council considered, given the context of the site and its surroundings, the development by virtue of the overall scale and the resulting bulk and massing, would not be of an appropriate scale, type and density and therefore would fail to respond positively to, and respect the character, appearance and visual amenity of the site and the surrounding area. It was also refused due to the absence of an appropriate planning obligation to make provision for the delivery of essential social and community infrastructure. As such, in light of this, one of the key matters for consideration is whether this proposal overcomes the refusal reasons on the previous application. In this respect, the application differs to the previously refused scheme in that the number of apartments proposed has been reduced to 24, the number of parking spaces has increased, changes to the proposed landscaping and by introducing two storey elements into the built form with an overall reduced maximum building height.

## **2.0 RELEVANT PLANNING HISTORY**

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
05/00883/OUT	Outline planning application for residential development (C3), Community Uses (D1), Local Centre comprising A1, A2, A3, A4 and A5 and associated physical infrastructure and open space.	ALLOWED AT APPEAL	03.05.2007
11/00385/FUL	Residential development (C3), Community Uses (D1), Local Centre comprising A1, A2, A3, A4 and A5 and associated physical infrastructure and open space (Extension of time of planning ref: 05/1145/0883/OUT).	PERMITTED	17.05.2013
13/01231/APP	Reserved matters submission for part of Phase 1 for the development of 291 dwellings and associated landscaping and	APPROVAL	01.07.2014

	infrastructure in respect of application 11/00385/FUL.		
15/00814/APP	Reserved matters approval for part of Phase 2 for the residential development of 107 units at Longford Lane, Gloucester, with associated landscape and infrastructure (Outline planning permission 11/00385/FUL).	APPROVAL	18.04.2016
16/00474/APP	Reserved matters for the development of part of the Local Centre pursuant to permission ref: 11/00385/FUL.	APPROVAL	13.06.2018
16/00853/FUL	Erection of 197 dwellings with associated works.	PERMITTED	14.08.2017
19/01098/FUL	Construction of two apartment blocks comprising 33 dwellings and associated parking and landscaping.	REFUSED	22.07.2020

### 3.0 RELEVANT POLICY

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

#### 3.1 National guidance

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

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

- Policy SP1 (The Need for New Development)
- Policy SP2 (The Distribution of New Development)
- Policy SD3 (Sustainable Design and Construction)
- Policy SD4 (Design Requirements)
- Policy SD6 (Landscape)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD10 (Residential Development)

- Policy SD11 (Housing Mix and Standards)
- Policy SD12 (Affordable Housing)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk and Management)
- Policy INF3 (Green Infrastructure)
- Policy INF4 (Social and Community Infrastructure)
- Policy INF6 (Development Contributions)
- Policy INF7 (Developer Contributions)

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

- Policy RCN1 (Outdoor Playing Space)
- Policy RCN2 (Provision of Sports Facilities)

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

- Policy RES2 (Settlement Boundaries)
- Policy RES5 (New Housing Development)
- Policy RES12 (Affordable Housing)
- Policy RES13 (Housing Mix)
- Policy DES1 (Housing Space Standards)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy NAT3 (Green Infrastructure: Building with Nature)
- Policy NAT5 (Cotswolds Beechwoods)
- Policy ENV2 (Flood Risk and Water Management)
- Policy HEA1 (Healthy & Active Communities)
- Policy RCN1 (Public Outdoor Space, Sports Pitch and Sports Facility Provision)
- Policy RCN2 (New Sports and Recreational Facilities)
- Policy RCN3 (Allotments and Community Gardens)

- Policy COM2 (Broadband Provision)
- Policy TRAC1 (Pedestrian Accessibility)
- Policy TRAC9 (Parking Provision)

### **3.5 Neighbourhood Plan**

Churchdown and Innsworth Neighbourhood Development Plan – 2011-2031

### **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 Innsworth Parish Council** – Awaiting comment.

**4.2 Longford Parish Council** – Object to the proposal for the following reasons:

#### **Local Centre**

Land was allocated as a local centre providing services and facilities to the new development. The use as residential will be detrimental to the residents in the area with the loss of local retail, office and community use leading to more car journeys to distant services and hence more pollution.

Loss of employment opportunities in the area.

JCS supports the view that all new development taking place in small towns and villages supported their roles as local hubs for community facilities and services.

Not reasonable to expect anyone with reduced mobility or reliance on public transport to travel 3 miles by public transport to access shops and services when the residents have chosen to live in this development with the expectation of a local centre providing those services.

Loss of this site as a local centre will have a significant impact on the overall development.

Current retail units are thriving, and additional units would add strength to this location as a local centre.

#### **Design**

Masterplan for the development (11/00385/FUL) showed that the community hub was

central to the development and the relatively low-level heights of the school and local centre would ensure the connection with the farmland beyond.

The design reasons for the outline consent and masterplan are still relevant.

Open aspect of the access into the development creates a welcoming vista, the introduction of towering apartment blocks would create an imbalance in the framed entry to the development and be out of keeping with the rest of the development which are in the main two-storey houses.

### **Affordable Housing**

Insufficient level of affordable housing proposed.

The affordable units would be clustered in one block, which would create inequality between the two blocks and lacks integration with the wider community.

### **Car Parking**

Inadequate car parking planned for the apartment blocks, contrary to Policy CHIN1 of the NDP.

### **Flood Risk**

Surrounding development had been planned with this site being open space and overdevelopment of this site will create an impact to surface water drainage.

- 4.3 **National Highways** – Offer no objection.
- 4.4 **Natural England** – Further information is required.
- 4.4 **Severn Trent Limited** – No objections subject to conditions.
- 4.5 **County Highways** – No objection subject to conditions.
- 4.6 **County Council Archaeologist** – No archaeological investigation or recording need be undertaken.
- 4.7 **County Council Minerals and Waste Planning Officer** – No objection subject to conditions.
- 4.8 **County Developer Contributions Investment Team** – No contributions required.
- 4.9 **Environmental Health Officer (Noise)** – Due to noise from the surrounding road network and the adjacent commercial activity a noise assessment, together with any necessary mitigation measures is required – this could be secured via condition.
- 4.10 **Environmental Health Officer (Air Quality)** – No adverse comments.
- 4.11 **Housing Strategy & Enabling Officer** – Objects to the proposal advanced by the applicant, suggests a revised tenure and mix.
- 4.12 **Urban Design Officer** – Objects to the application.

**4.13 Landscape Advisor** – Objects to the application.

**4.14 Community and Place Development Officer** – Not seeking any contributions as the provision for open space, play and sport is well catered for in the vicinity.

## **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** 57 representations objecting to the application have been received. The comments are summarised below:

- No need for more housing.
- Land should be used for commercial/community use as it was intended.
- Community infrastructure is required to bring the community together.
- Success of commercial properties opposite the site demonstrates more public amenities is needed.
- Development does not make provision for the delivery of essential social and community infrastructure.
- Building will be a complete eye sore and would obstruct views – it would dominant the gateway to a lovely estate.
- Have a negative visual impact – ruin the open view of the well-designed school.
- Flats would be shoe-horned on the site – over-development of the site.
- Scale of the building would not be in-keeping with the surrounding properties.
- Design would be completely out of character with the local area.

- Design principles make no reference to taking into consideration the nearby buildings on the Horsbere Mews development.
- Appearance/Style of the buildings would be completely out of place – it looks like the quays not a village suburb.
- Social/Affordable housing is not integrated within the development – owners will feel very segregated and not part of the community.
- No housing provision for the ageing population.
- Proposal would cause flooding – flood water would be displaced to the school and surrounding houses.
- Development would have a harmful impact on surrounding residential amenity – reduction in light/overlooking/overshadowing.
- Increase in noise and air pollution.
- Development would overlook the school's playground – safeguarding issues.
- More housing would exacerbate the existing street parking which would compromise pedestrian safety – particular at times when children are going to and leaving school.
- Development would lead to congestion on the surrounding roads.
- Access onto Whitefield Crescent would be harmful.
- Would create further issues for emergency access to the estate.
- Emergency and refuse vehicles unable to access the properties.



- Method to establish car ownership is not reflective of the local area.
- Harmful to local wildlife.
- Loss of valued green space.
- Area is in danger of being overdeveloped.
- Insufficient local infrastructure such as the highway, schools and doctor’s surgeries to cope with the development.
- Development would increase antisocial behaviour in the area.
- Inaccurate submission information.

## **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** In order to further sustainability objectives and in the interests of protecting the countryside, the housing policies of the JCS set out a development strategy for the Borough. Strategic Policies SP1 and SP2 of the JCS set out the scale and distribution of development to be delivered across the JCS area in the period to 2031.
- 7.2** As set out above, outline planning permission was granted for the land, as part of a major housing development at Longford in 2008. An extension of time was subsequently granted in May 2013, ref: 11/00385/FUL. The Masterplan, Phasing and Design Code approved as part of the outline consent identified the site, alongside a parcel of land to the west of Horsbere Drive, as land which would provide a local centre to serve the Longford development as well as the wider community. However, the planning permission contained a condition which required reserved matters applications to be submitted on or before 17 May 2016. No reserved matters application was advanced on this particular parcel of land therefore planning permission no longer exists on the site and it effectively reverts back to agricultural use.
- 7.3** The application site forms part of an identified 'Existing Housing Commitment' in the JCS Proposals Map. In addition, the application site falls within the defined settlement boundary for Longford as shown on the Housing Maps of the emerging MMTBP.
- 7.4** In respect to the loss of the land for use as a local centre, whilst the applicant hasn't submitted any evidence to demonstrate that the site has been actively marketed for a commercial use as part of this application, evidence was submitted in support of the previously refused application for a similar scheme, reference 19/01098/FUL, albeit this was submitted by a different applicant. This evidence set out that the site had been actively marketed since March 2017 and a letter from EJ Hales Chartered Surveyors, dated 3<sup>rd</sup> June 2019, provided a summary of the marketing. The letter sets out the land was fully marketed to local, regional and national agents together with targeting potential retail occupiers. Similarly, the land was marketed to local, regional and national development companies. An on-site marketing board was installed. The general feedback suggested that the existing local centre on the opposite side of Horsbere Drive, which contains a convenience store as well as three additional units, was sufficient provision for the general marketplace in the area. Furthermore, the size of the plot was considered too

small when taking account the size of many of the leading food retail companies and the site was not considered to be suitable for many smaller food retailers due to reasons including insufficient catchment or passing traffic. The Council accepted this position on the previously refused scheme and officers consider it still relevant to this application.

- 7.5** Notwithstanding the above, there is no change of use proposed and the current application for housing must therefore be considered on planning policy merits in relation to what is being applied for; that is the erection of two apartment blocks for 24 dwellings. As mentioned above, the application site forms part of an identified 'Existing Housing Commitment' in the JCS Proposals Map and is located in the defined settlement boundary for Longford in the emerging MMTBP thus development of this site would accord with Policy RES2 of the emerging TBP. As such, the principle of housing at this site is considered acceptable.

### ***Five Year Housing Land Supply***

- 7.6** The latest Tewkesbury Borough Five Year Housing Land Supply Statement, published in November 2021, set out that the Council could demonstrate a 4.35 year supply of deliverable housing sites. However, it has recently become apparent that this statement had in error included three housing schemes within the Twigworth Strategic Allocation (SA) as part of Tewkesbury's supply. In fact, the supply from the Twigworth SA contribute to Gloucester City's needs and therefore must be deducted from Tewkesbury's deliverable supply. This is not an error that had been in previous five year housing land supply statements. This has the effect of reducing the (April 2021 base) five year housing land supply to **3.83** years.
- 7.7** 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.
- 7.8** 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.
- 7.9** 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.

- 7.10** 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’*.
- 7.11** 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.’*
- 7.12** 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.’*
- 7.13** Officer’s advice is therefore that a 3.83 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.

### ***Design and Visual Amenity***

- 7.14** Section 12 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It continues by stating that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning decisions should, amongst other things, ensure that developments will function well and add to the overall quality of the area and should be sympathetic to the local character, including the surrounding built environment. Paragraph 134 of the NPPF makes it clear that planning permission should be refused for development of poor design that fails to reflect local design policies and government guidance on design contained in the National Design Guide and National Model Design Code.
- 7.15** The National Design Guide (NDG) addresses the question of how we recognise well-designed places, by outlining and illustrating the government priorities for well-design places in the form of ten characteristics; one of which is the context. The NDG provides that well-designed development should respond positively to the features of the site itself and the surrounding context beyond the site boundary and that well-designed new development needs to be integrated into its wider surroundings, physically, socially and visually.
- 7.16** This advice is echoed in JCS policy SD4 which states new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.

- 7.17** Policy RES5 of the emerging MMTBP states proposals for new housing development should, inter alia, be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it and be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity, unless otherwise directed by policies within the Development Plan.
- 7.18** Further, Policy CHIN2 of the adopted Churchdown and Innsworth Neighbourhood Development Plan states that proposals for new development should contribute towards the local distinctiveness of Churchdown and Innsworth. They should demonstrate high quality, sustainable and inclusive design and architecture that respects and responds positively to the best examples of the Neighbourhood Area's character.
- 7.19** The application proposes two apartment buildings which would incorporate a combination of two and three storey sections. The buildings would have a maximum height of 10 metres for the three storey elements, which would be 2 metres lower than the maximum height of the buildings proposed under the refused proposal, and 8 metres for the two storey element. The depth of the buildings would be between 7-8 metres. Due to the layout and positioning of the buildings, the elevations would front onto Longford Lane, Horsbere Drive and Clock Tower Road. The Design and Access Statement (DAS) sets out *"The proposed apartment blocks have been designed to ensure they respond to the context of the site and its surrounding. Consequently, the bulk and massing will be of an appropriate scale with building depths between 7-8 metres which reflect that of buildings seen elsewhere in the area."* In terms of the appearance of the apartment blocks the DAS states *"the key elevations treatments will be incorporated at the junction of Longford Lane and Horsbere Drive and Close Tower Road roundabout to enhance key views along these routes to ensure an attractive gateway to this area."* On the proposed external materials, the DAS states *"Materials recommended for use within the development should consist of the materials used in the Retail Centre and School to create a comprehensive gateway to the development."*
- 7.20** National Design Guidance sets out, amongst other things, well-designed places should integrate into their surroundings, so they relate well to them and are influenced by and influence their context positively (para.40). As such it is essential to consider the site context. The application site is located on the eastern side of Horsbere Drive, a tree lined avenue leading into the development. The site is bordered by two storey residential dwellings to the south-east; to the east lies the new primary school, Longford Park Primary Academy. The school building is a contemporary modern style, predominantly single storey with a double-height hall; two wings of the building have double curved roofs and the walls are finished with a palette of materials. On the opposite side of Horsbere Drive there are four recently constructed retail units. These are also single storey, with two different roof forms and finished in timber and render and incorporate a modern design approach which is considered to complement the primary school to the north of the site contributing to a sense of place. Further afield, the properties on the opposite side of Longford Lane and to the north-west consist of mainly two storey brick built properties, though there are some three storey dwellings to the north of the Clock Tower roundabout and on other areas of the estate.

- 7.21** Given the site context, despite the reduction in the overall height compared to the previously refused proposal, officers consider the development proposed would still, by virtue of the overall scale and the resulting bulk and massing and the uninspired and bland appearance, fail to integrate and relate well to the surroundings. The buildings, due to the size would not be of a scale and density appropriate to the site and thus it would fail to respect the character of the site and its surroundings and would fail to contribute positively to the sense of place envisaged for this part of the wider Longford development. Further, the buildings would be overbearing upon the street scene and would create an unbalanced form at the entrance into the estate when considered in relation to the scale and type of the retail units on the opposite side of Horsbere Drive. As such it would become the dominant feature to the detriment of the locality failing to provide an adequate sense of arrival which should “*frame’ the access into the site*” as required by the approved Masterplan for the Longford development.
- 7.22** Whilst it is recognised that the original permission for the wider Longford development has elapsed, the original design strategy for this parcel of land never intended to have such dense form of development. Moreover, the intensity of the proposed development, due to the significant footprint and mass of the two buildings on a relatively small parcel of land and the significant level of car parking and the lack of open space and landscaping would result in the development appearing ‘cramped’ and it would represent over-development of the site.
- 7.23** In terms of the appearance, the architectural detailing is uninspired, generic and lacks any sense of character or identity. There appears to be a general lack of consideration for the elevation details, for example the fenestration details are unimaginative. As such, even with the use of different materials and finishes, the two apartment blocks would appear bland, they certainly can’t be described as beautiful, which is expected in accordance with the NPPF. Further, given how prominent this site is from all the surrounding roads, their introduction would be harmful to the visual quality of the locality. It is noted there are other three storey properties within the wider development site however these are smaller in scale, have a different design style and most importantly are set within the development, not in such a prominent location.
- 7.24** Given the above, whilst appreciating the reduction in the overall height and adding variety in building height would reduce the bulk and mass to a certain extent, it doesn’t go far enough and therefore the concerns raised with the previously refused proposal remain applicable. The development would not be an appropriate scale, type, density and appearance to the site and its setting and therefore would fail to respond positively to, and respect the character, appearance and visual amenity of the site and the surrounding area. It therefore follows the development would fail to create a high quality, beautiful and sustainable buildings and places which is fundamental to what the planning and development process should achieve. This weighs heavily against the proposal in the overall planning balance.

## **Landscaping**

- 7.25** The NPPF sets out that to achieve well-design places, planning decisions should ensure that developments, inter alia, have appropriate and effective landscaping. Policy SD4 of the JCS reiterates this advice by setting out that new development should ensure that the design of landscaped areas, open space and public realm are of high quality, provide a clear structure and constitute an integral and cohesive element within the design. Policy CHIN3 of the Churchdown and Innsworth NDP states that new residential development proposals should include a range of green features appropriate to the size and scale of the development.
- 7.26** A Landscape and Visual Impact Appraisal (LVIA) accompanies the application. The LVIA concludes that the site is considered to have an overall low landscape sensitive and medium low visual sensitivity to change. The report continues by stating that the *“greatest loss through development of the site is that of the openness that is provided by the undeveloped state of the site and that proposals for development should therefore be of a size and scale which is consistent with the existing local built form and reflective of desirable emerging local character whilst reflecting the importance of the gateway location and its capacity for a prominent landmark building.”* For the reasons set out in the Design and Layout section of the report above, officers consider the development would not be consistent with the existing local built form nor would it reflect the importance of the gateway location. As such officers consider the development proposed would be contrary to the guidance in the submitted LVIA.
- 7.27** In terms of the landscape strategy proposed, the Council’s Landscape Advisor finds the proposal unacceptable. She considers, amongst other things, that the car parking would dominate the open spaces; the existing trees to the site frontage along Horsbere Drive would be impacted by the new apartments; there would be little room for much meaningful planting, including to the Longford Lane frontage, especially with the change in levels; and the proposed planting scheme would not be sufficient to soften the impact of the apartment blocks as they will be over dominant and not in keeping with the surrounding style of development. This failure to provide a satisfactory level of landscaping goes hand in hand with the concerns raised in respect to the scale and size of the development on the site and emphasises the harm. This counts against the proposal in the planning balance.
- 7.28** The Council’s Tree Officer is currently reviewing the proposed development in terms of the impact upon the existing trees along the boundary to Horsbere Drive therefore **an update will be provided at Planning Committee.**

## **Residential amenity**

- 7.29** In respect of the impact of the development upon residential amenity, 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 advice is reflected in JCS policies SD4 and SD14 and emerging Policy RES5 of the MMTBP which require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.

- 7.30** The building shown as **A** on the submitted plans would be located to the north-west of the nearest property along Whitefield Crescent, No 10. The layout has been designed so that the car parking would be sited between building **A** and the nearest property. As such a distance of approximately 28 metres would be maintained from the rear elevation of the closest part of the apartment block to the boundary with the neighbouring property. Given the separation distance and the favourable orientation it is considered Building **A** should be able to be accommodated on the site without undue detriment to the amenity of occupiers of the existing properties.
- 7.31** The second apartment building shown as **B** and **C** on the submitted plans would be located to the north of the existing properties, No.2-8 Whitefield Crescent. These existing properties are maisonettes and have very little, if any, private garden space. At its' closest point building **B** would be approximately 20 metres from the boundary with the neighbouring properties, though this part of the building would be two storey in height, the three storey element would be approximately 40 metres from the boundary. Given the separation distance between building **B** and **C** and the nearest properties along Whitefield Crescent it is considered that the building could be accommodated on the site without adverse harm to neighbouring amenity.
- 7.33** Turning to the amenity of the future occupiers of the flats the relationship between the two buildings needs to be considered. The two apartment blocks would be slightly off-set and no windows are proposed in the north facing side elevation of block **A**. As such, it is considered the development as proposed could be accommodated without compromising the amenity of the future occupiers of the units.
- 7.34** The development does not propose any communal areas however the development would incorporate small pockets of grassed areas and bins and bikes stores would be provided outside of the buildings. Given the location of the site close to the open space and sports facilities secured as part of the wider Longford development and the surrounding countryside in this instance the limited outdoor space for residential amenity value within the application site is considered acceptable.
- 7.35** Policy SD11 of the JCS states that new housing should meet and where possible exceed appropriate minimum space standards. Emerging Policy DES1 (Housing Space Standards) of the emerging MMTBP requires all new residential development to meet the Government's nationally described space standards as a minimum, to ensure that high quality homes are delivered that provide a sufficient amount of internal space appropriate for occupancy of the dwelling. Whilst this is not currently an adopted policy, the applicant has confirmed all the proposed apartments would meet or exceed the national space standards.
- 7.36** The site borders Longford Lane and Horsbere Drive and the commercial units on the opposite side of Horsbere Drive are in close proximity to the site. The NPPF states at Paragraph 185 that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Policy SD14 of the JCS seeks to protect health and environmental quality and provides that development should not create or exacerbate conditions that could impact on human health. Should permission be granted a condition is recommended to secure a noise assessment, together with the necessary noise mitigation measures.



## ***Access and Highway Safety***

- 7.37** The NPPF sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Further, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe. Emerging policies RES5 and TRAC9 of the emerging MMTBP state that proposals need to make provision for appropriate parking and access arrangements. Policy CHIN1 of the Churchdown and Innsworth Neighbourhood Plan sets out parking standards for the provision of off-road parking for new residential development, where possible; 1-bed dwellings should provide 1 off-road car parking space; 2-bed dwellings should provide 2 off-road car parking spaces. It also encourages the provision of off plot visitor parking at a ratio of 0.25 per dwelling.
- 7.38** The vehicular access would be from the internal road system within the adjacent residential development, off Whitefield Crescent. Pedestrian access would be provided through the proposed development from east to west enabling direct access for residents to the bus stops on Horsbere Drive and the Local Centre. In terms of the parking provision, 40 car parking spaces and 4 motorbike spaces would be provided and sheltered cycle parking would be available for all residents.
- 7.39** The application is supported by a Transport Statement (TS) which concludes that the site is well located to existing facilities which are within a few minutes' walk and regularly bus services are accessible from the bus stop immediately outside the development to access facilities within Gloucester and further afield. The report also found that safe and suitable access can be achieved for all users, and that the traffic generated from the proposed development would not have a 'severe' impact on the operation and safety of the surrounding local highway network.
- 7.40** Gloucestershire County Council, as Local Highway Authority (LHA) have assessed the proposed development in terms of location, access, highway impact, car parking and cycle parking. The LHA conclude that, based on the analysis of the information submitted, there would not be an unacceptable impact on highway safety or a severe impact on congestion and therefore there are no justifiable grounds on which an objection could be maintained.
- 7.41** National Highways have also assessed the proposed development and conclude that they do not consider that the application would result in a severe or unacceptable impact on the strategic road network therefore they raise no objection to the proposal.
- 7.42** Concerns have been raised by the local residents and Longford Parish Council about the proposed parking provision. The total number of parking spaces that would be required for a development of this nature having regard to the requirements of Policy CHIN1 of the Churchdown and Innsworth NDP, would be 39 (including 6 visitor spaces). As such the level of parking provision would accord with the requirements set out in the NDP. The LHA have also confirmed the level of parking proposed accords with the present parking standards as set out in the Manual for Gloucestershire Streets (July 2020) Addendum – October 2021.

### ***Drainage and Flood Risk***

- 7.43** The NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Policy INF2 of the JCS seeks to prevent development that would be at risk of flooding and advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. This is reflected in emerging MMTBP policy ENV2.
- 7.44** The site is located within Flood Zone 1 and is therefore at a low risk from flooding. A Drainage Statement accompanies the application. This statement sets out that the strategy is to discharge surface water into the surface water sewer in the Clock Tower Road. This network has a controlled outfall to the Horsbere Brook and storage provided through a balancing pond and was designed to accommodate surface water from a development on this site. The design of this wider network was based on a proportion of the site being made impermeable and this proposal is for less impermeable area so there will be no issue in accommodating surface water into this network. The details of the onsite surface water network have not been provided, however, they can be attained through a detailed drainage condition, should permission be granted. Gloucestershire County Council Lead Local Flood Authority (LLFA) have raised no objection to the proposed development.
- 7.45** In terms of foul drainage, foul water is proposed to drain via new gravity drains/sewers laid within the application site and connecting to the existing manhole. Flows would then be taken within the infrastructure sewers by gravity to the existing Severn Trent Water pumping station located on the former Longford Treatment Works, north of the Horsbere Brook. Severn Trent Water have raised no objections to the proposed works.

### ***Biodiversity***

- 7.46** The NPPF sets out, inter alia, that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, especially where this can secure measurable gains for biodiversity. Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. Emerging Policy NAT1 of the MMTBP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.
- 7.47** As part of the application an Ecological Assessment (EA) was submitted. This report concluded that through the implementation of the safeguards and recommendations the development would avoid any significant impact on any designated sites for nature conservation, trees and other natural features. The potential presence of protected species is acknowledged and measures to safeguard these have been put forward, whilst those habitats of ecological importance have been identified and measures recommended to ensure their protection. The Council's Ecological Advisor is currently reviewing the EA therefore **an update on this will be provided to Members.**

- 7.48** The application site is identified as being within a zone of influence around the Cotswolds Beechwood Special Area of Conservation (SAC) and the Alney Island LNR, land functionally linked to the Severn Estuary Special Protection Area (SPA), both of which are European sites. Policy NAT1 of the emerging MMTBP states that proposals that are likely to have a significant effect on an internationally designated habitats site (either alone or in combination with other plans or projects) will not be permitted unless a Habitats Regulations Assessment (HRA) has concluded that the proposal will not adversely affect the integrity of the habitats site. A Briefing Note providing additional information for the Habitats Regulation Assessment has recently been submitted and is currently being reviewed by Natural England and the Council's Ecological Advisor. **Accordingly, an update on this matter will be provided to Members.**
- 7.49** In addition to the above, emerging Policy NAT1 of the MMTBP states, inter alia, that proposals will, where applicable, be required to deliver a biodiversity net gain (BNG) across local and landscape scales, including designing wildlife into development proposals, the connection of sites and large-scale habitat restoration, enhancement and habitat re-creation. Locally defined ecological networks identified in Local Nature Recovery Strategies will be the primary focus for landscape scale net gain delivery. The reasoned justification for Policy NAT1 sets out that the Council will expect all development to deliver a minimum net gain of 10% calculated using the DEFRA Biodiversity Metric (or any updated or replacement metric used as the industry standard). Information contained within the Ecological Appraisal sets out that the proposed development would achieve a net enhancement to biodiversity however no details of the percentage of net gain has been provided. Ongoing discussions are currently taking place with the applicant regarding this matter and therefore **an update will be provided at Planning Committee.**

### ***Market Housing Mix***

- 7.50** Policy SD11 of the JCS requires all new housing development to provide an appropriate mix of dwellings sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Development should address the needs of the local area and should be based on the most up to date Strategic Housing Market Assessment.
- 7.51** The Gloucestershire Local Housing Needs Assessment 2019 – Final Report and Summary (September 2020) (LHNA) provides the most up to date evidence based to inform the housing mix on residential applications. This report states that in Tewkesbury 3% of new market dwellings should be one bedroom properties, with 13% having two bedrooms, 54% containing three bedrooms and 29% having four bedrooms or more.
- 7.52** In this application the proposal only includes one bedroom and two bedroom properties therefore wouldn't be in strict conformity with the evidence in the LHNA. However, given the apartment nature of the proposed development one bedroom and two bedroom units are considered to be the most appropriate form of development and therefore this imposition is considered acceptable, in this instance.

### ***Affordable Housing***

- 7.53** The NPPF sets out that Local Planning Authorities should set policies for meeting affordable housing need on development sites. Policy SD12 of the JCS requires a minimum of 40% affordable housing on developments outside of the JCS Strategic Allocations; where possible affordable housing should be provided on-site and calculated requirements should be rounded to the nearest whole unit.

**7.54** The applicant originally proposed eight apartments in a single block for Affordable Rent onsite with the remaining affordable contribution via a financial contribution in lieu of on-site provision. The Council's Housing Strategy and Enabling Officer objected to this proposal and recommended an affordable housing scheme which would be acceptable. The applicant has reviewed this suggestion and agreed to the scheme. Should permission be granted, this obligation, along with details of the clustering, would need to be secured via a legal agreement.

### ***Education, Library and Community Provision***

**7.55** JCS Policy INF6 relates directly to infrastructure delivery and states that any infrastructure requirements generated as a result of individual site proposals and/or having regard to the cumulative impacts, should be served and supported by adequate and appropriate on/off-site infrastructure and services. The Local Planning Authority will seek to secure appropriate infrastructure, which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Policy INF4 of the JCS requires appropriate social and community infrastructure to be delivered where development creates a need for it. JCS Policy INF7 states the arrangements for direct implementation or financial contributions towards the provision of infrastructure and services should be negotiated with developers before the grant of planning permission. Policy SA1 sets out that infrastructure should be provided comprehensively across the site taking into account the needs of the whole Strategic Allocation. Financial contributions will be sought through S106 and CIL mechanisms as appropriate.

**7.56** Gloucestershire County Council as Local Education Authority (LEA) have been consulted and confirmed that places for education provision would not be requested in this case as the number of qualifying dwellings falls below the threshold of 10.

**7.57** In terms of libraries, Gloucestershire County Council have advised that a contribution towards local Library infrastructure is not required in this case because the total number of dwellings proposed is below the threshold of 25 dwellings.

**7.58** The Council's Community and Place Development Officer has confirmed that because the provision for open space, play and sport is well catered for in the vicinity through the recent Whittington Park/Horsbere Mew Development a contribution towards off-site sports provision would not be necessary to make the development acceptable in planning terms.

### ***Section 106 obligations***

**7.59** The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. Whilst the Council does have a CIL in place, infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 legal agreement. The CIL regulations stipulate that, where planning obligations do not meet the tests, it is 'unlawful' for those obligations to be taken into account when determining an application.

**7.60** These tests are as follows:

- a) necessary to make the development acceptable in planning terms.
- b) directly related to the development; and
- c) fairly and reasonable related in scale and kind to the development.

**7.61** Requests have been made by consultees to secure the following contributions:

- 40% Affordable Housing
- £1,752 towards recycling and waste bin facilities.

In addition, a planning obligation may be required to secure off-site habitat enhancements to ensure the development would provide at least 10% biodiversity net gain. **An update on this will be provided to Members at Planning Committee.**

## **8.0 CONCLUSION AND RECOMMENDATION**

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

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

### ***Benefits***

**8.3** The development would contribute towards the supply of housing, both market and affordable housing to help meet the objectively assessed need for housing in the Borough in an area where the principle of housing development is considered acceptable. This is of particular relevance given the fact that the Council cannot currently demonstrate a deliverable supply of housing and therefore weighs in favour of the application.

**8.4** Moderate weight is given to the economic benefits that would arise from the proposal both during and post construction, including the economic benefits arising from additional residents supporting local businesses.

### ***Harms***

**8.5** Given the context of the site and its surroundings, the development as proposed would not be an appropriate scale, type, density and appearance to the site and its setting and therefore would fail to respond positively to, and respect the character, appearance and visual amenity of the locality. It therefore follows the development would fail to create a high quality, beautiful and sustainable buildings and places which is fundamental to what the planning and development process should achieve. This weighs heavily against the proposal in the overall planning balance.

- 8.6 In line with the above, due to the scale of the building, the quantum of the housing development proposed and therefore the resulting requirement to provide the level of car parking as shown, the built form would dominate the site. As such there would be insufficient space on the site for meaningful landscaping. This counts against the proposal in the planning balance.

***Neutral***

- 8.7 It has been established through the submission documents that subject to securing satisfactory measures by the imposition of appropriate planning conditions and planning obligations, the development would not give rise to unacceptable impacts in relation to flood risk and drainage, residential amenity, or any noise pollution. It is noted that at the time of writing the report there are outstanding matters related to the impact of the development upon the existing trees and ecology which need to be resolved. Should, following the resolution of this matters, any further benefits/harm(s) is/are identified, **a new balancing exercise will be carried out and an update will be provided at Planning Committee.**

***Overall conclusion***

- 8.8 The benefits of the proposed development are not underestimated. However, for the reasons set out and taking account of all the material considerations and the weight to be attributed to each one, it is considered that the identified harm would significantly and demonstrably outweigh the benefits in the overall planning balance.
- 8.9 It is therefore considered that the proposed development would not constitute sustainable development in the context of the NPPF as a whole and the application should be refused.

**REFUSAL REASONS:**

1. Given the context of the site and its surroundings, the development as proposed, by virtue of the overall scale, the resulting bulk and massing and uninspired and generic appearance, would not be an appropriate scale, type, density and appearance for the site and its setting and therefore would fail to respond positively to, and respect the character, appearance and visual amenity of the site and the surrounding area.

In addition, due to the scale of the building, the quantum of the housing units proposed and the resulting requirement to provide the level of car parking as shown, the built form would dominate the site which would result in there being insufficient space on the site for meaningful landscaping. As such the development would appear cramped and would represent overdevelopment of the site.

It therefore follows the development would fail to create a high quality, beautiful and sustainable buildings and places which is fundamental to what the planning and development process should achieve.

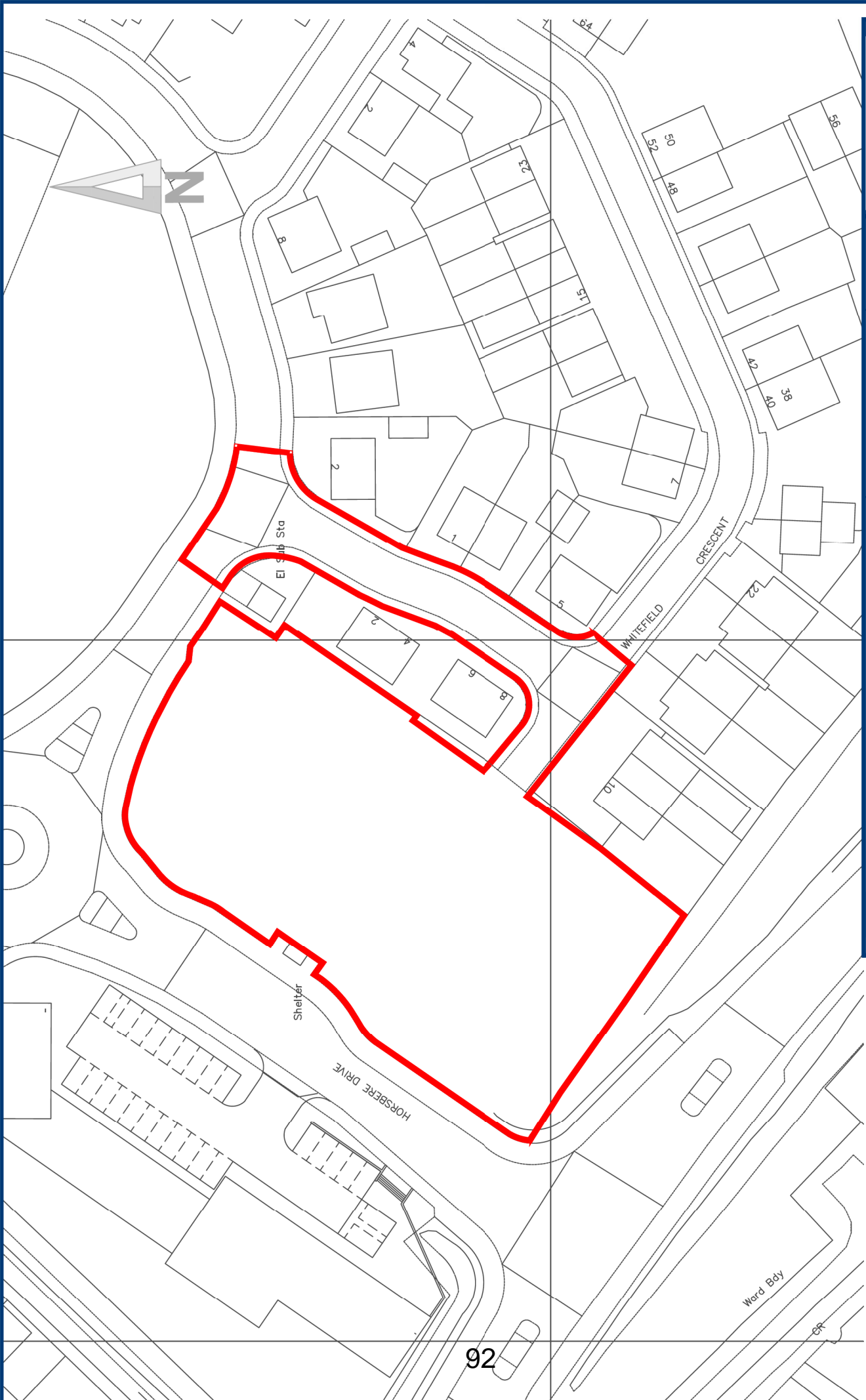
Accordingly, the proposed development would be contrary to guidance in Section 12 of the National Planning Policy Framework, guidance in the National Design Guide, Policy SD4 and SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017), Policy CHIN2 and CHIN3 of the adopted Churchdown and Innsworth

Neighbourhood Plan 2018-2031 and emerging Policy RES5 of the Main Modifications Pre-submission Tewkesbury Borough Plan (2021).

2. In the absence of an appropriate planning obligation, the proposed development does not make provision for the delivery of recycling and waste bin facilities and therefore the proposed development would be contrary to Policies IN4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031.
3. In the absence of an appropriate planning obligation, the application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with Policy SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017) and emerging Policy RES12 of the Main Modifications Pre-submission Tewkesbury Borough Plan (2021).

**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.



Revision:		Drawing number:	
Scale:	1:500@A3	LC.P.1	
Date:	22.01.2021	Drawn By:	POK
		Checked By:	GLJ
Site Name:		Drawing Title:	
Land off Horsbere Drive, Longford		Location Plan	



**KEY**



Apartments

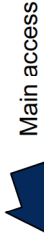
Parking Courts

Bin/ Cycle Stores

New Hedgerow planting

Proposed Tree Planting

Access Road



Main access



Footpath Link



Possible Emergency Access



Lockable Gates

Retained trees

1.8 m Screenwall



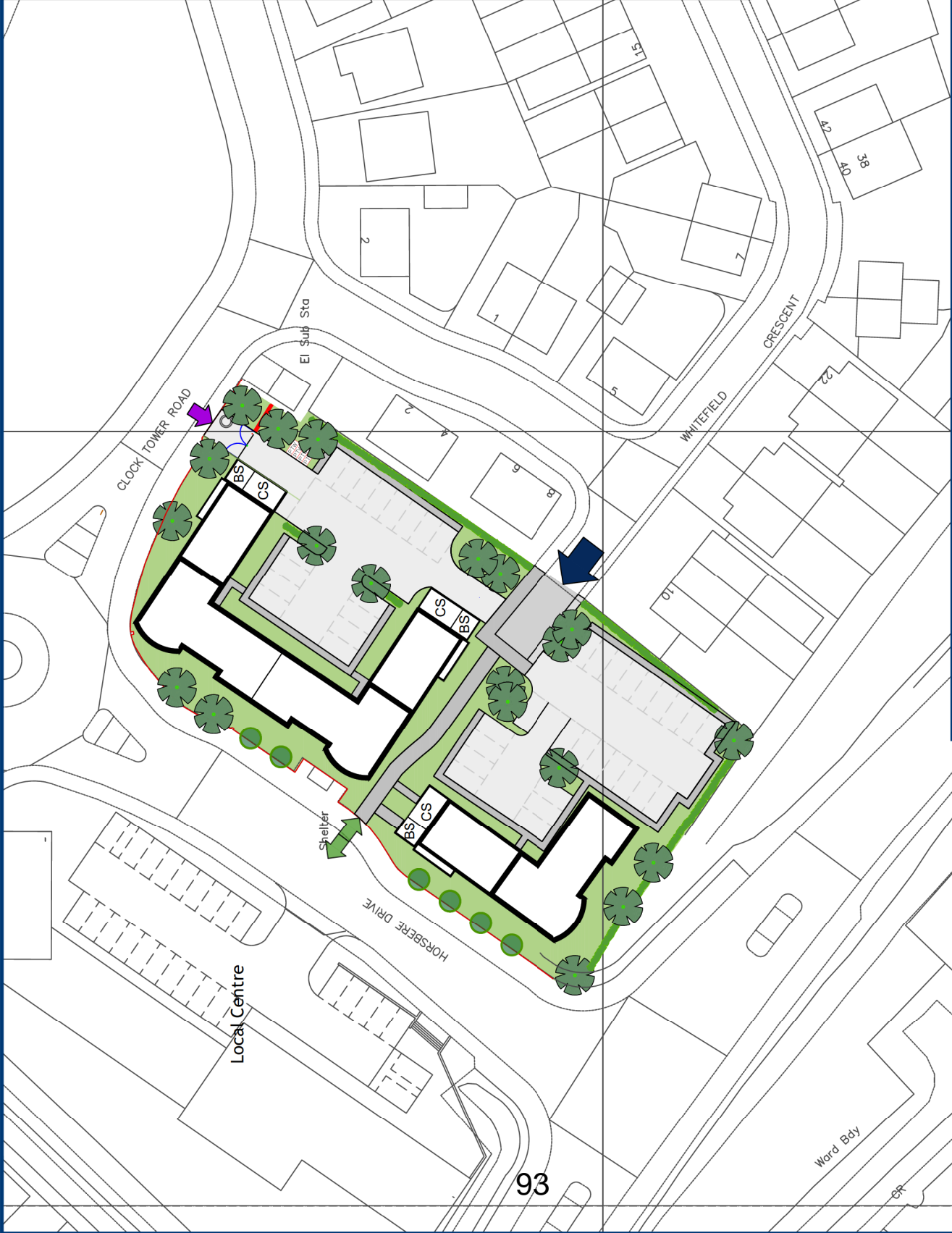
Motorcycle Parking

Cycle Store- 12 bikes per store

Bin Store

CS

BS



Site Name: <b>Longford</b>	Drawing Number: <b>LC-P.3.2</b>	Revision: <b>C</b>
	Drawn By: <b>POK</b>	Checked By: <b>GRU</b>
Drawing Title: <b>Proposed Site Layout</b>	Date: <b>21.01.2021</b>	Scale: <b>1:500@A3</b>
<p><b>Robert Hitchins</b> The Complete Development Solution</p> <p>The Manor, Boddington, Chichester, Gloucestershire, GL15 0TJ Tel: 01242 69604 www.roberthitchins.co.uk</p>		

## INDICATIVE PLANT LIST

### Street Trees

- Carpinus betulus 'Fastigiata'
- Sorbus aria 'Majestica'

### Feature Trees

- Malus 'Evereste'
- Pyrus communis 'Conference'
- Malus domestica 'Cox's Orange Pippin'
- Prunus 'Pandora'

### Formal Native Hedge

- Carpinus betulus
- Ilex aquifolium

### Ornamental Planting

- Ceanothus burkwoodii
- Choisya Ternata
- Hebe albicans 'Red Edge'
- Hebe Sutherlandii
- Hydrangea petiolaris
- Olearia haastii
- Philadelphus 'Manteau d'Hermine'
- Rosa 'Kent'
- Spiraea Snowmound

### Herbaceous & Bulbs

- Crocus sieberi
- Narcissus pseudonarcissus
- Nepeta x fassenii
- Tulipa 'Indian Velvet'
- Verbena bonariensis
- Vinca minor

## KEY



Existing Tree  
(Carpinus betulus 'Fastigiata')

Proposed Street Tree

Proposed Feature Tree

Proposed Hedge

Proposed Ornamental Planting

Amenity Grass

Proposed Bulb Planting



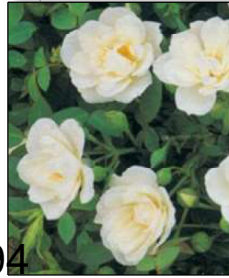
Spiraea Snowmound



Hydrangea petiolaris



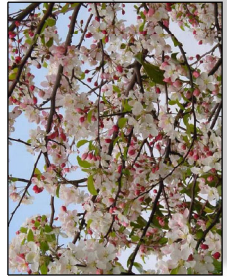
Vinca minor



Rosa 'Kent'



Hebe albicans 'Red Edge'



Malus 'Evereste'



Carpinus betulus 'Fastigiata'



Prunus 'Pandora'



Sorbus aria 'Majestica'

**Robert Hitchins**  
The Complete Development Solution

Site Name:  
LONGFORD

Drawing Title:  
LANDSCAPE CONCEPT PLAN

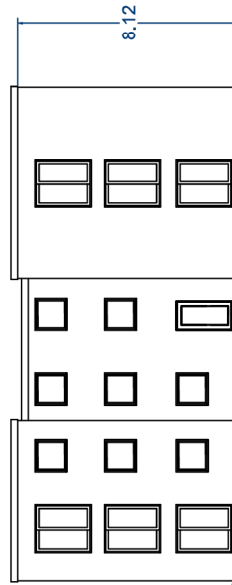
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LC-P-3.3

Revision:  
A

Drawn By: GRJ  
Checked By: GRJ  
Date: 12/08/21  
Scale: 1:500 @ A3


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Tel: 01242 680694  
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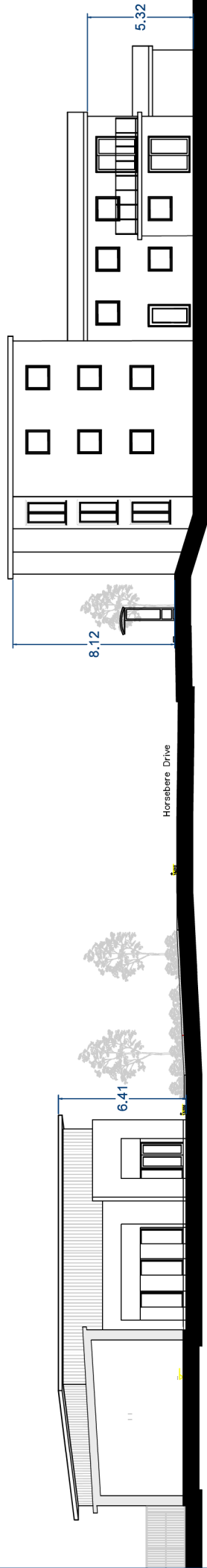
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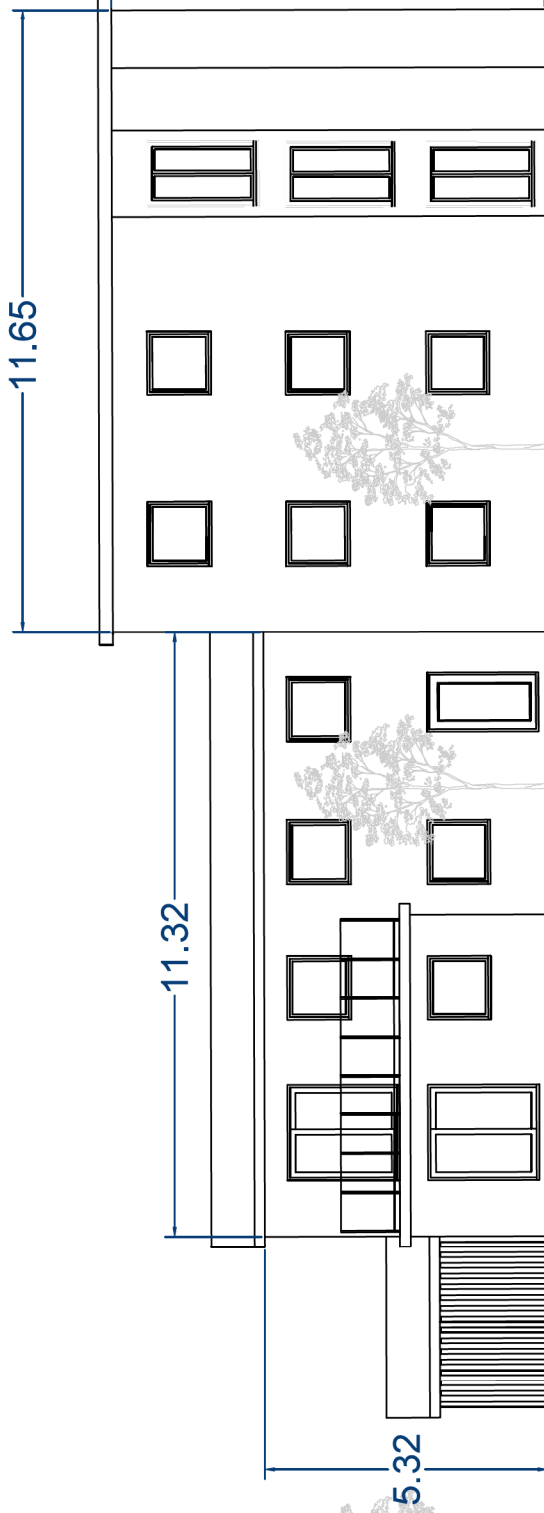
Horsebere Drive

Existing road and paths

Site Name: <b>Longford</b>		Drawing Number: <b>LC.P.7.0</b>		Revision:	
Drawing Title: <b>Section A-A</b>		Drawn By: <b>POK</b>		Scale: <b>1:200@A3</b>	
		DATE: <b>29.01.2021</b>			
				 <b>Robert Hitchins</b> The Complete Development Solution The Manor, Boddington, Cheltenham, Gloucestershire, GL53 0JY Tel: 01242 800004 www.roberthitchins.co.uk	




Site Name: <b>Longford</b>		Drawing Number: <b>LC.P.7.1</b>		Revision:	
Drawing Title: <b>Section B-B</b>		Drawn By: <b>POK</b>		Scale: <b>1:200@A3</b>	
		DATE: <b>29.01.2021</b>			
				 <b>Robert Hitchins</b> The Complete Development Solution The Manor, Bodingley, Chichester, Gloucestershire, G51 0JY Tel: 01242 606004 www.roberthitchins.co.uk	

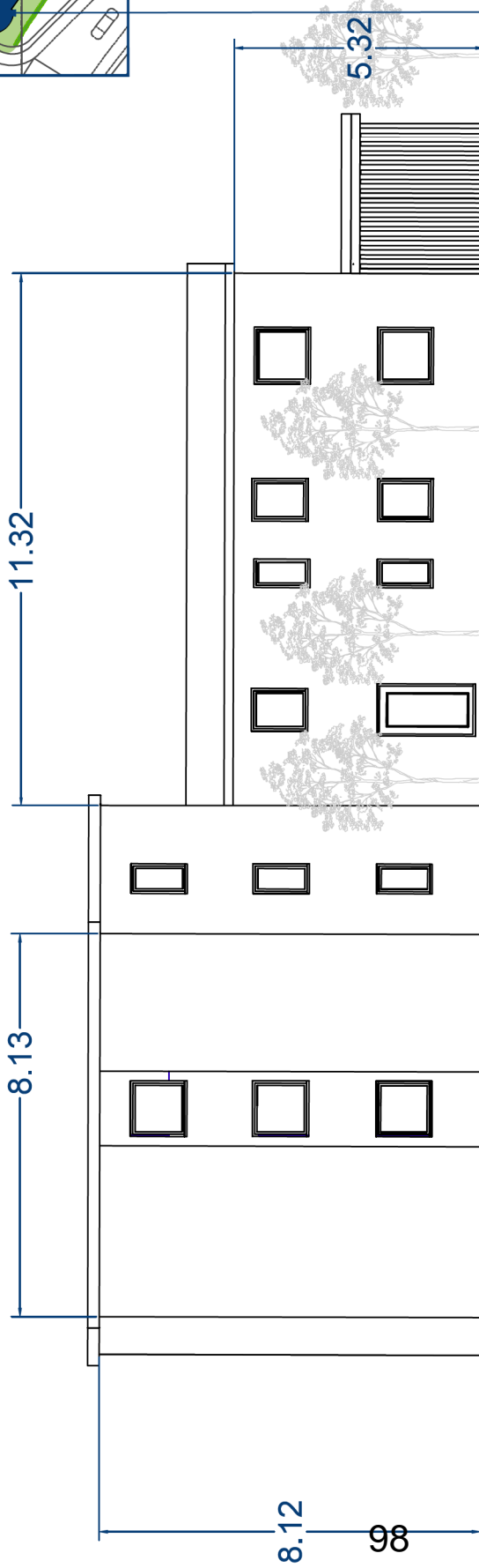


8.12

Block A

Front Elevation

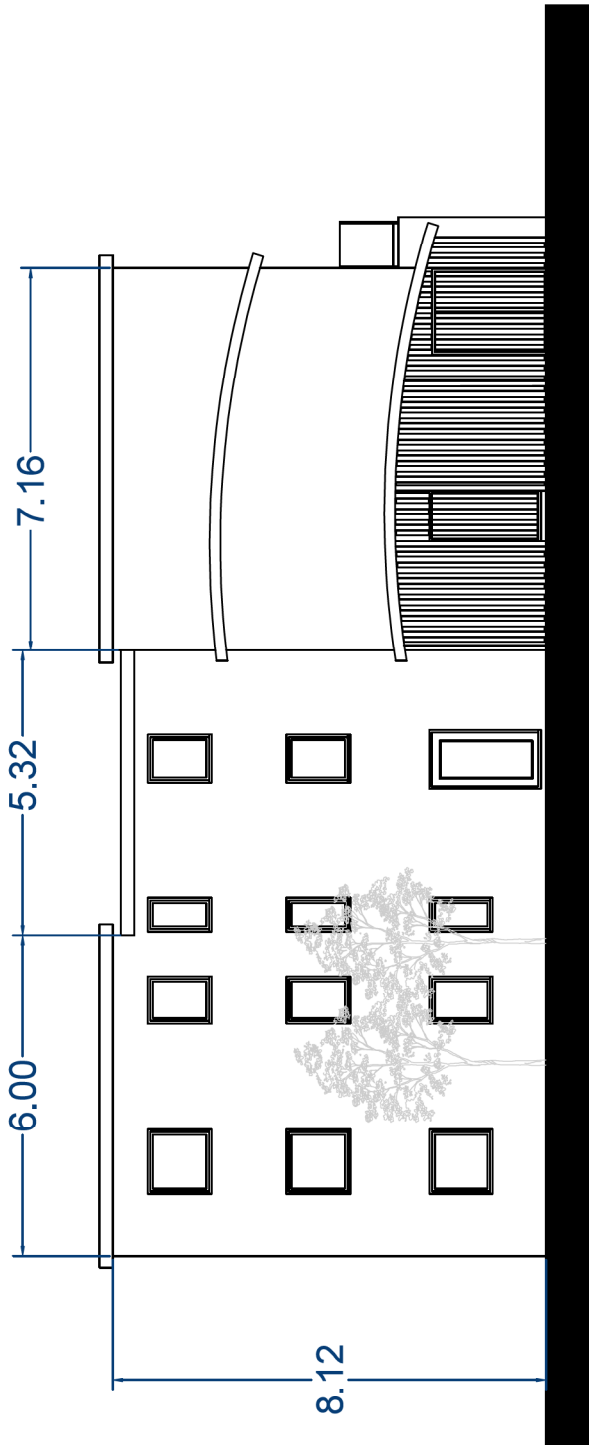
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Drawing Title: Apartment Front Elevation - Block A		Drawn By: POK	Date: 16.08.2021	Scale: 1:100@A3	Revision:
 <b>Robert Hitchins</b> The Complete Development Solution The Manor, Boddington, Cheltenham, Gloucestershire, GL51 0JY Tel: 01242 800004 www.roberthitchins.co.uk					



Rear Elevation

Block A


Site Name: Longford		Drawing Number: LC.P.4.4		Revision:	
Drawing Title: Apartment Rear Elevation - Block A		Drawn By: POK		Date: 16.08.2021	
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<small>The name, buildings, drawings, specifications, and details, ©51 017 Tel: 01242 60004 www.roberthitchins.co.uk</small>					



Side Elevation 1

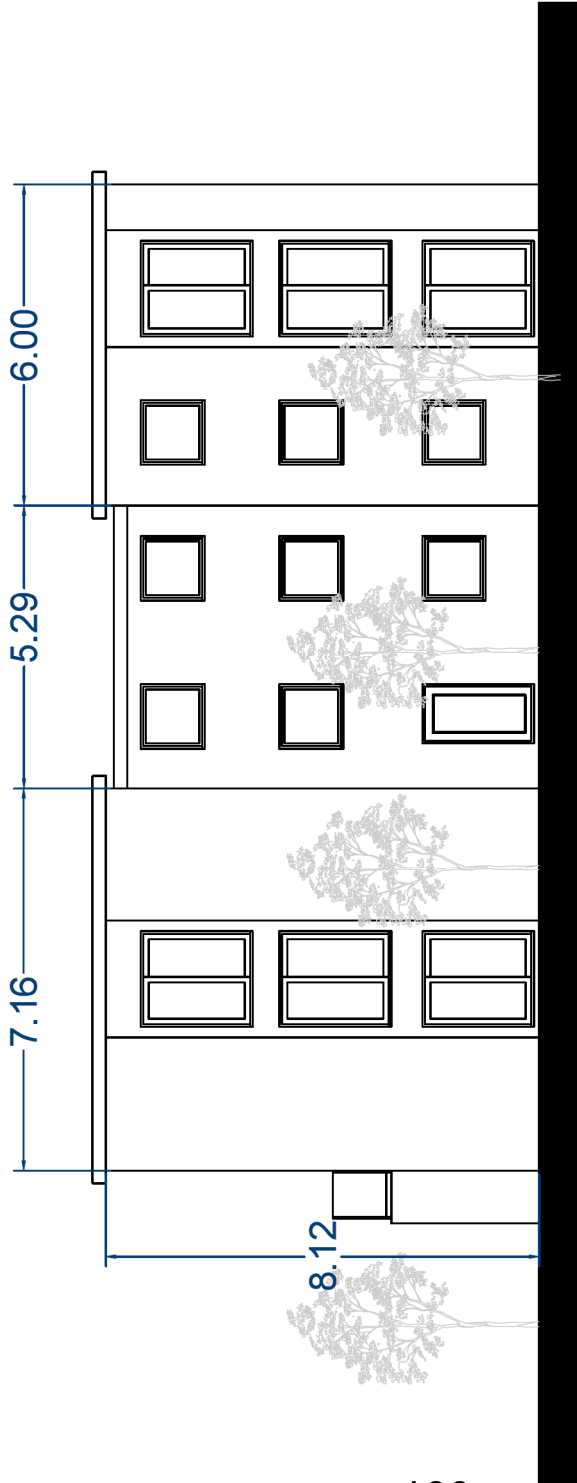


Block A

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Drawing Title: Apartment Side Elevation -1- Block A		Drawn By: POK	Date: 16.08.2021	Scale: 1:100@A3	
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Block A

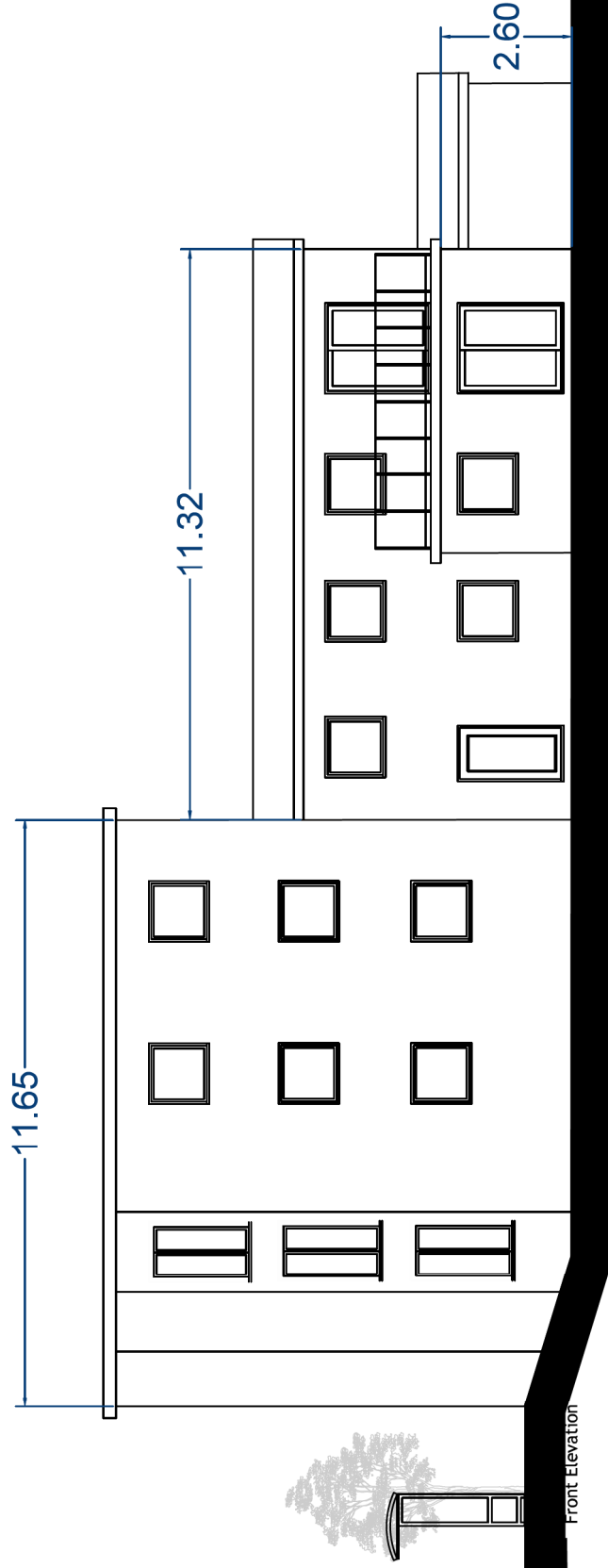


Side Elevation 2

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Site Name: <b>Longford</b>		Drawing Number: <b>LC.P.4.6</b>		Revision:	
Drawing Title: <b>Apartment Side Elevation -2- Block A</b>		Drawn By: <b>POK</b>	Date: <b>16.08.2021</b>	Scale: <b>1:100@A3</b>	

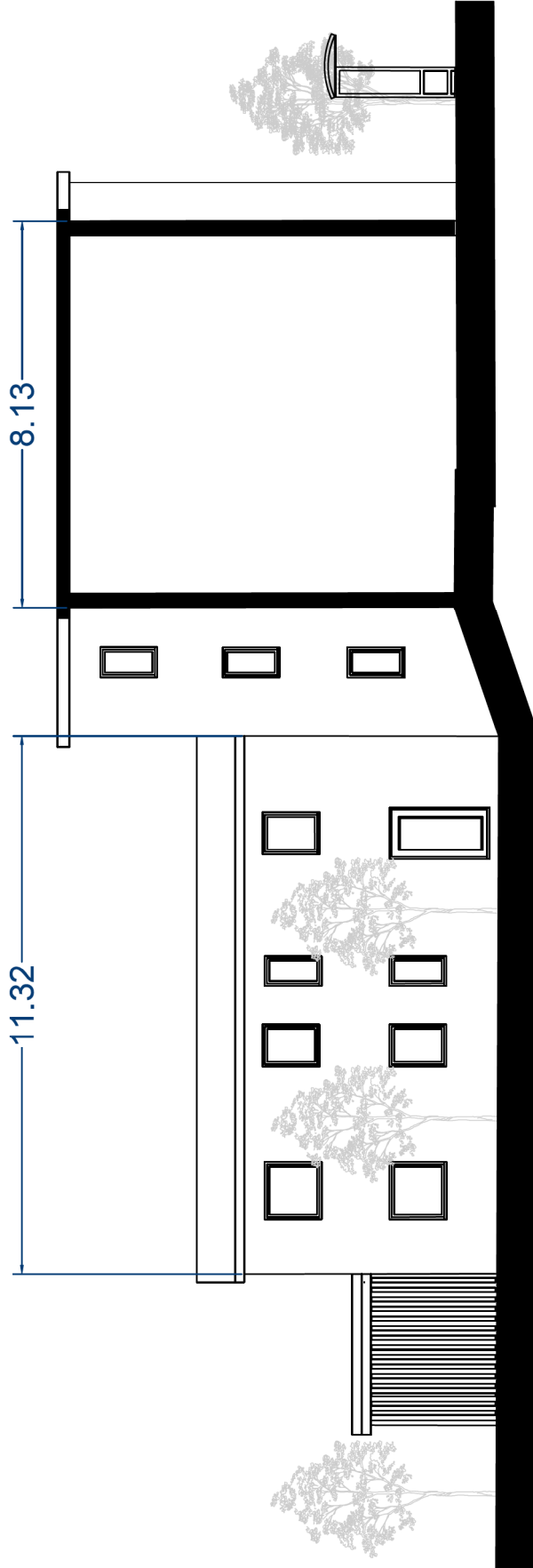




Front Elevation


Block B

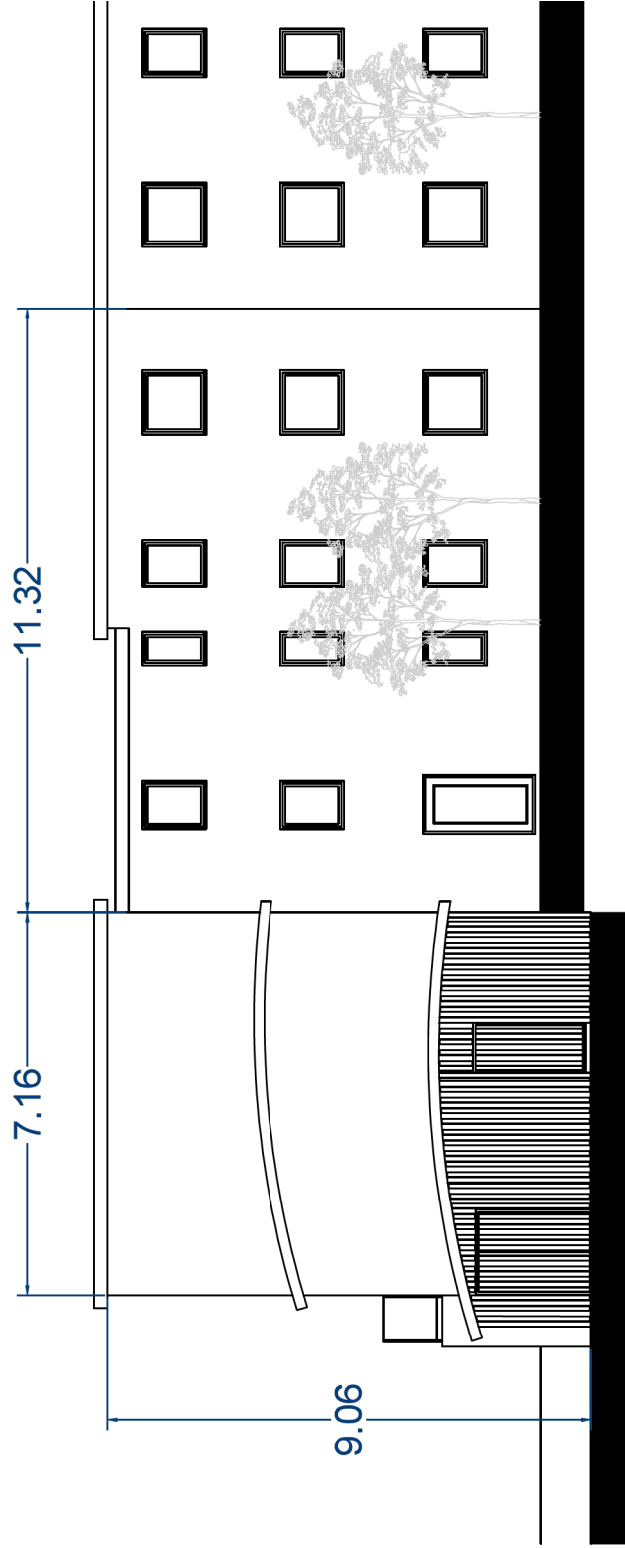
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Block B


Rear Elevation

Site Name: Longford		Drawing Number: LC.P.5.4		Revision:	
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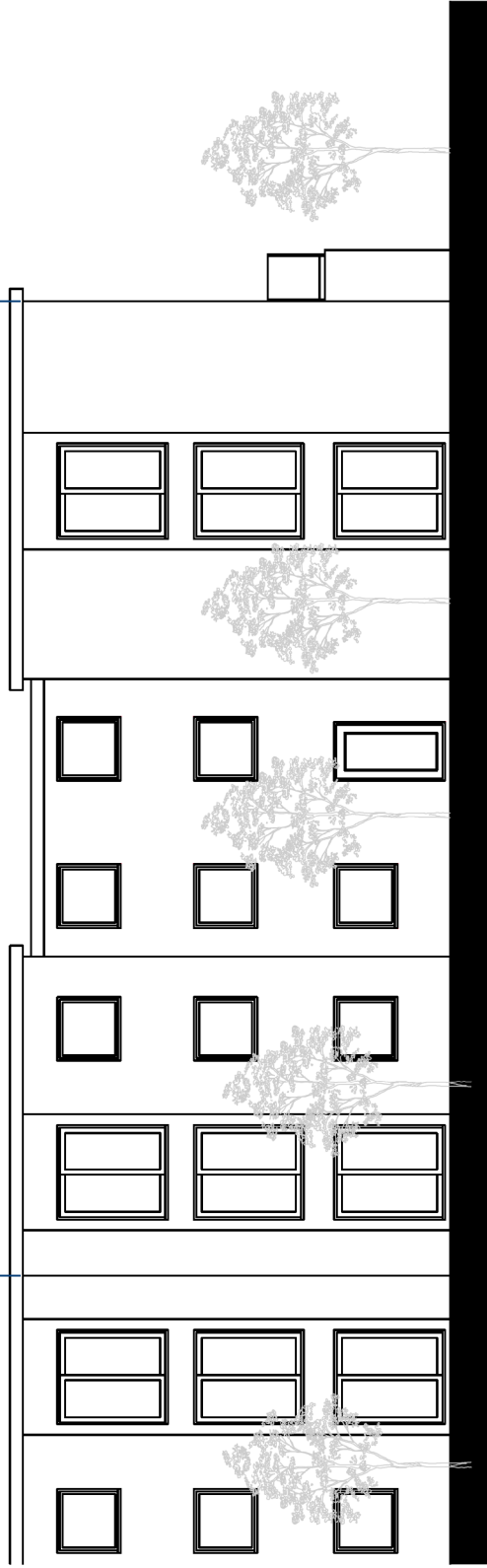
Side Elevation 1

Block B

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 <b>Robert Hitchins</b> The Complete Development Solution The Future. Building the Complete Development Solution. 0453 0171 Tel: 01742 480004 <a href="http://www.roberthitchins.co.uk">www.roberthitchins.co.uk</a>					




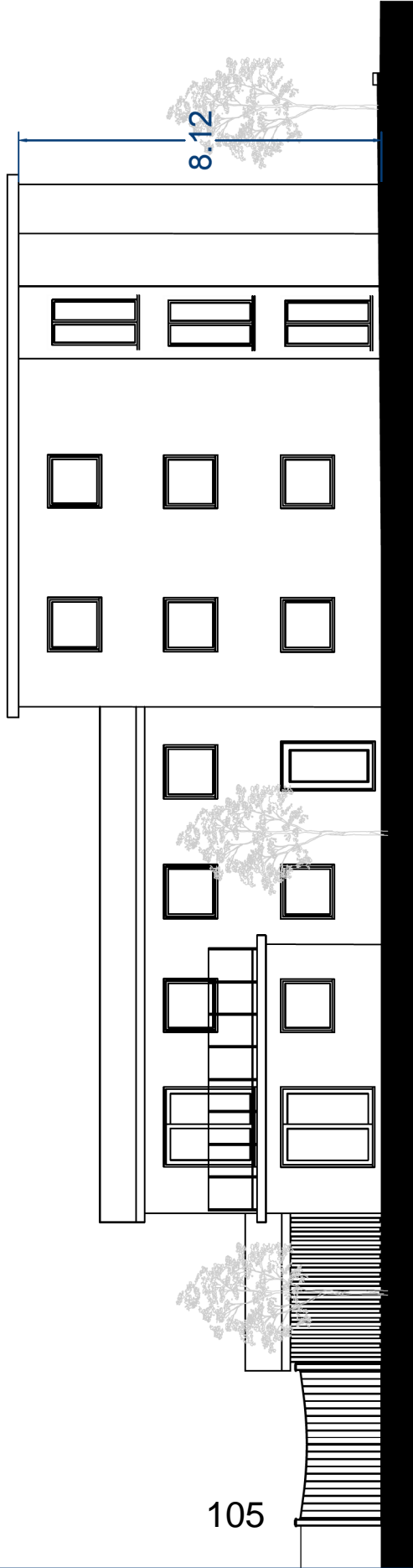
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Side Elevation 2

Block B

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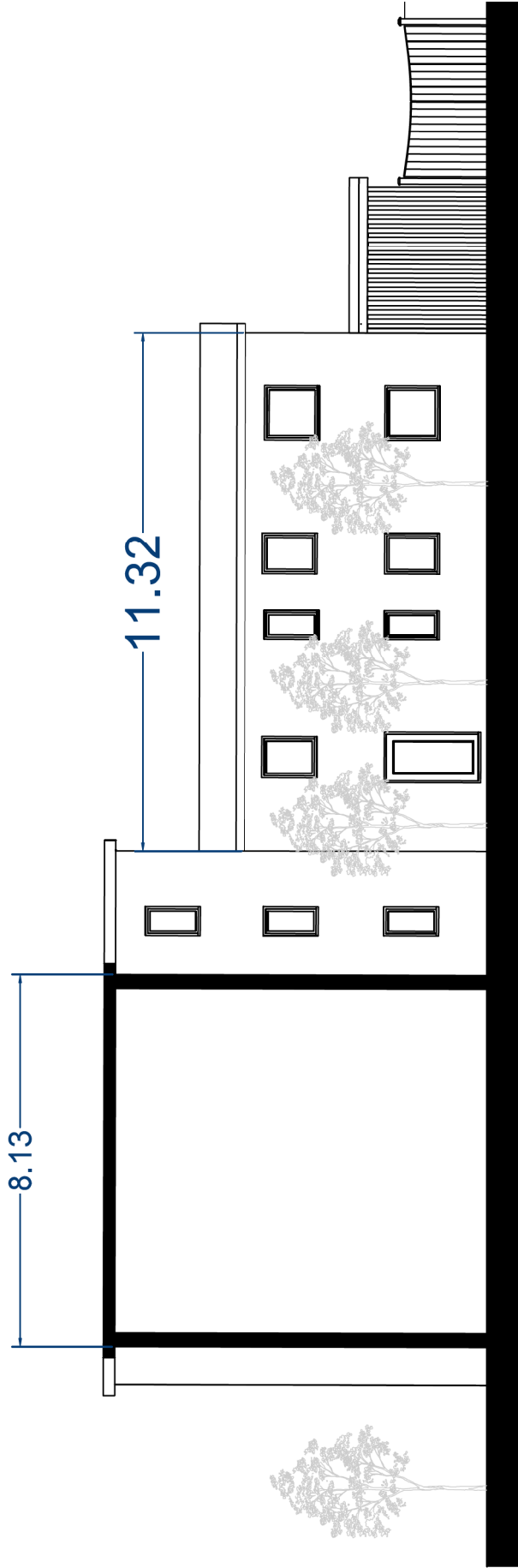
8.12

105

Front Elevation


Block C

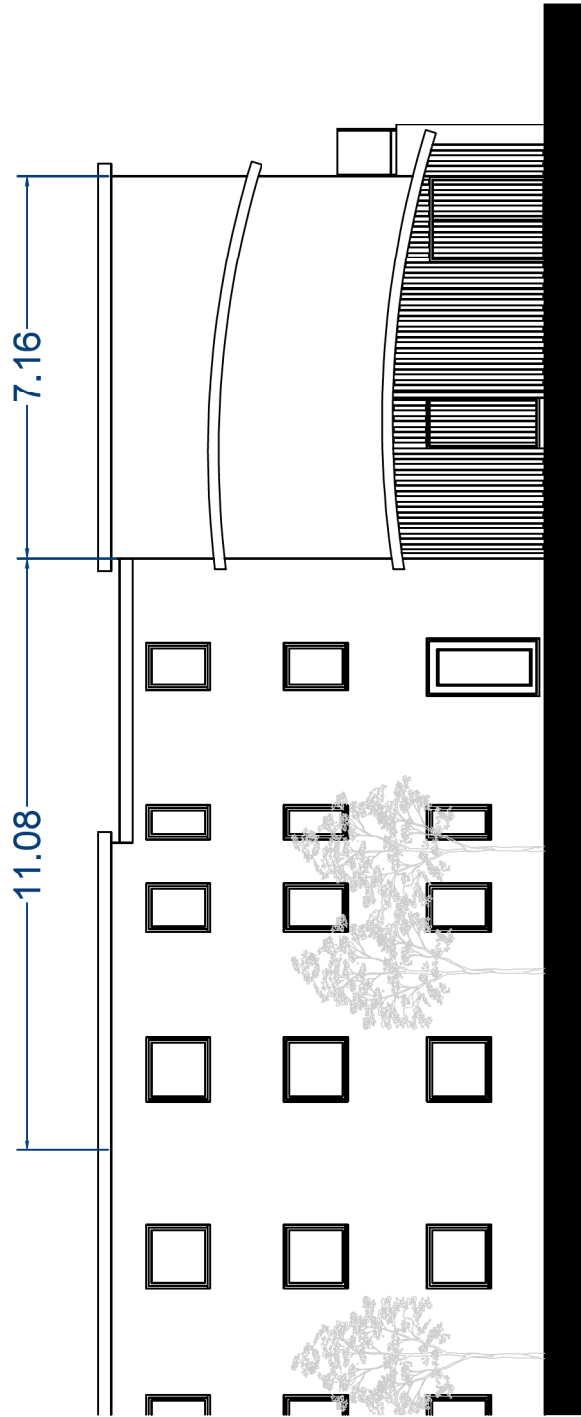
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				Scale: <b>1:100@A3</b>	
 <b>Robert Hitchins</b> The Complete Development Solution The Manor, Boddington, Chippenham, Wiltshire, SN15 0JY Tel: 01242 800004 <a href="http://www.roberthitchins.co.uk">www.roberthitchins.co.uk</a>					



Rear Elevation

Block C

Site Name: <b>Longford</b>		Drawing Number: <b>LC.P.6.4</b>		Revision:	
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 <b>Robert Hitchins</b> The Complete Development Solution The Manor, Boddington, Chippenham, Wiltshire, SN15 0JY Tel: 01242 690094 www.roberthitchins.co.uk					



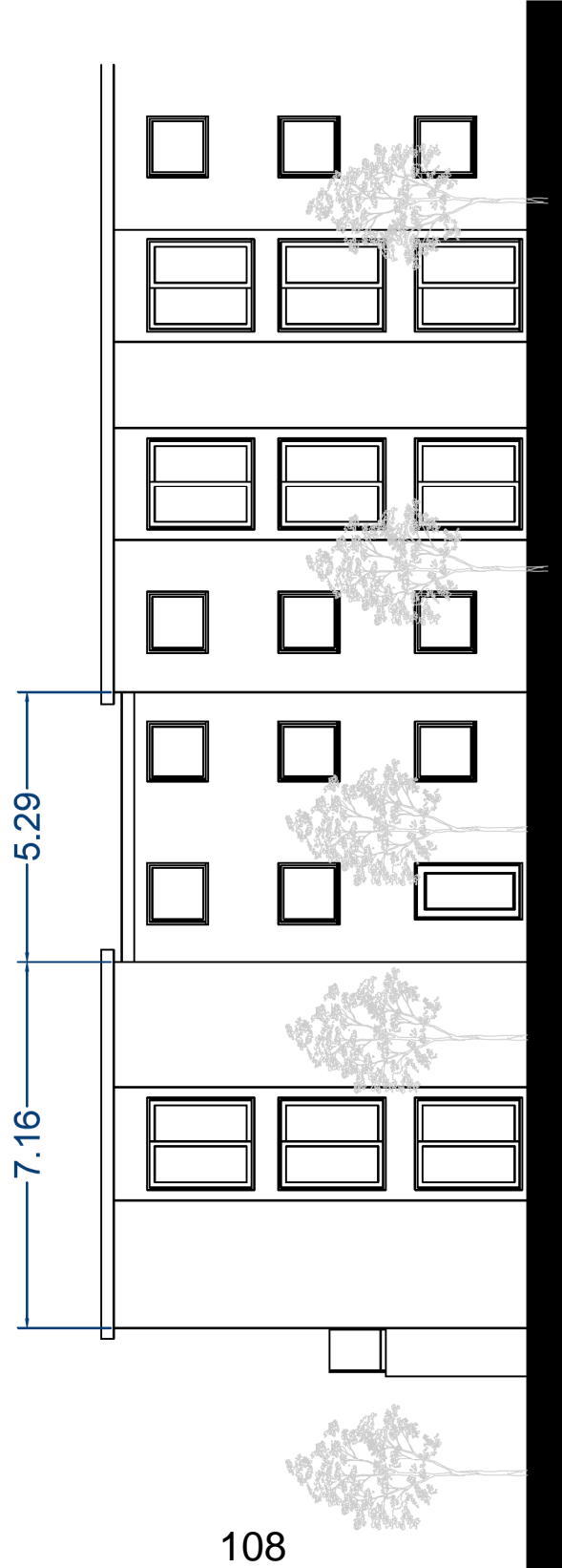
Side Elevation 1

Block C

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<small>The Manor, Boddington, Cheshire, Macclesfield, SK10 0TJ Tel: 01242 80004 www.roberthitchins.co.uk</small>					



Block C



Side Elevation 2

108

Site Name: <b>Longford</b>		Drawing Number: <b>LC.P.6.6</b>		Revision:	
Drawing Title: <b>Apartment Side Elevation -2 - Block C</b>		Drawn By: <b>POK</b>	Date: <b>16.08.2021</b>	Scale: <b>1:100@A3</b>	
<p>The Complete Development Solution          The Future of Building Construction - Green Centricity, 0453 0177          Tel: 01242 680094          www.roberthitchins.co.uk</p>					



## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	15 February 2022
<b>Site Location:</b>	Land at Ash Lane Down Hatherley
<b>Application No:</b>	21/00617/PIP
<b>Ward:</b>	Severn Vale South
<b>Parish:</b>	Down Hatherley
<b>Proposal:</b>	Permission in principle for the erection of up to four dwellings.
<b>Report by:</b>	Victoria Stone
<b>Appendices:</b>	Site Location Plan Indicative Layout Plan
<b>Recommendation:</b>	Permit

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application relates to a parcel of land to the east of Ash Lane, which is in Down Hatherley (**see attached Site Location Plan**).
- 1.2 The site is generally level, covers approximately 0.33 hectares (excluding Ash Lane) and laid to grass. The site is bound by open fields to the east, Ash Lane to the west and residential dwellings to the northern and southern boundaries.
- 1.3 The site is not subject to any formal landscape designation but is in an area of safeguarded land.
- 1.4 This application is for a Permission in Principle (PIP), as provided for in the Town and Country Planning (Permission in Principle) Order 2017. The current application is the first stage of the process and seeks solely to establish whether the site is suitable in principle for the erection of up to four dwellings. The Government's guidance sets out that the scope of the first stage of permission in principle is limited to the location, land use and amount of development. The site layout, design, access, landscaping, drainage and any other relevant technical matters would be considered at the 'technical details' stage.
- 1.5 The application documents include an Indicative Layout Plan which demonstrates how the quantum of development could be delivered on the site. Based on the plan, two dwellings could be provided fronting Ash Lane and two dwellings could be located to the rear of the site. A new access road could be provided running along the northern boundary to serve the two properties to the rear of the site.

- 1.6** Planning permission was granted in April 2021 for the erection of two detached dwellings on the westernmost part of the site under reference 20/01023/FUL. Further, Members resolved that authority be delegated to the Development Manager to permit an application for two single storey dwellings, subject to resolving a couple of matters, on land immediately adjacent to the north of the eastern half of the site at Planning Committee in October 2021, planning reference 20/01179/FUL. This recent planning history is a material consideration when determining this application.
- 1.7** Since the application was first submitted, the proposal has been subject to revisions to address concerns raised by officers which include a reduction in the number of dwellings proposed from six to four. A new notification and consultation period has been carried out.

## **2.0 RELEVANT PLANNING HISTORY**

## **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)
- Policy SD4 (Design)
- Policy SD5 (Green Belt)
- Policy SD6 (Landscape)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD10 (Residential Development)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)

### **3.3 Main Modifications Tewkesbury Borough Plan 2011-2031 Pre-submission Version (October 2019) (MMTBP)**

- Policy RES4 (New Housing at other Rural Settlements)
- Policy RES5 (New Housing Development)

### **3.4 Neighbourhood Plan**

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

Policies:

- E2 (Landscape Protection in Open Countryside)
- E3 (Landscape and New Developments)

### **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 Down Hatherley Parish Council – Oppose the amended proposals for the following reasons:**

- Overdevelopment of the last remaining green space on Ash Lane.
- Each application should be judged individually, and no account should be taken of any claimed precedent.
- The lack of a five year housing land supply should not act to the detriment of Down Hatherley in general and Ash Lane in particular.
- No demonstrable local need for these additional houses.
- Safeguarded Land development cannot be approved without the specific support of a JCS Review; this is not in place so the application should be rejected.
- Development would not meet the criteria for ‘very special circumstances’ for new build development.
- Development would not be infill in the Green Belt, Ash Lane is not a ‘village environment’ but more a single-street hamlet – therefore would be inappropriate development in the Green Belt.
- The proposal extends the development zone way beyond the linear street scene into a area forming a vital part of the open space which is paramount to promote the semi-rural nature of the local environment.
- Unnecessarily filling in green spaces does not accord with the NDP.
- Proposal does not accord with two of the aims of the NDP to protect the Green Belt and to main open spaces to enhance the rural character of the settlement.
- Development is totally out-of-step with the views and wishes of local residents.
- Comments on the previous application at the site remain valid and increased in magnitude
- Unacceptable attempt to manipulate the planning system by the developers.
- There are existing very serious drainage and sewerage infrastructure problems in the Ash Lane locality – solutions to resolve the problems have still to be addressed.

- 4.2 **County Highway Authority** – Development would not warrant a position of refusal.
- 4.3 **Severn Trent Water** – No objection subject to inclusion of conditions.
- 4.4 **Flood Risk and Management Officer** – No objection to the principle of the development.
- 4.5 **Environmental Health Officer (Noise/Nuisance)** – 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 Both the original application and the revised application have been publicised through the posting of a site notice for a period of 14 days.
- 5.2 Thirteen representations objecting and one general comment were received to the original proposal and a further five representations objecting to the revised proposal have been received. The comments are summarised below:
  - Infrastructure for the area cannot cope with the level of overdevelopment as evidenced by recent flooding – area is unsuitable for any further development as it will adversely impact neighbouring properties both in terms of flooding and the stresses on the poor sewage system.
  - Existing drainage and sewerage infrastructure not fit for purpose – significant investment and repair is required to support the current demands on the system, let alone those needed to support the significant number of new dwellings either agreed or proposed.
  - Need to consider the drainage and sewerage issues now.
  - Issue in terms of flooding and sewerage is exacerbated by the piecemeal approach to planning and development along Ash Lane where construction merely ‘plugs in’ to the existing framework rather than constructing their own infrastructure to deal with drainage and sewerage on the properties.
  - Site is designated safeguarded land – any attempt to develop would be a clear breach of the NPPF.
  - Proposal does not require the developer to enhance the infrastructure.
  - Layout at odds with the character of the lane.
  - Development is not infill.
  - Development would destroy the semi-rural nature of Ash Lane.
  - There is no legal access for these properties onto Ash Lane.
  - Recent permission on land to the west at The Bungalow is for two semi-detached bungalows whilst this proposal is for four houses, which cannot be deemed to be similar and therefore comparable from the perspective of using it as a precedent.
  - Concerns raised over pedestrian/cycle safety – Ash Lane does not have lighting.
  - Development would result in disturbance during construction.
  - Development must be an enhancement for biodiversity.
  - Development would cause damage to the road (Ash Lane).
  - Impact on the habitat left for wildlife in the rural location.
  - Development would conflict with the NDP.
  - The correct documentation has not been submitted.
  - Highway safety would be compromised – single track, vehicles would have to reverse onto Ash Lane.

- Increase traffic generation along Ash Lane.
- Overdevelopment of the site – leaves no area for drainage, wildlife and trees shrubs or green areas.
- Overdevelopment of Ash Lane.
- Harm to residential amenity.
- Severn Trent requirements need to be adhered to – distance from pumping station and either way of the pressurised pipes.

## **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** In terms of the Tewkesbury Borough Plan 2011-2031, it has now 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'. 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). 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).
- 6.4** The relevant policies are set out in the appropriate sections of this report.
- 6.5** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

## **7.0 ANALYSIS**

- 7.1** The Government's guidance sets out that the scope of the first stage of permission in principle is limited to the location, land use and amount of development. Each of these are discussed below.

### ***Location***

- 7.2** The application site has not been allocated for housing in the JCS and therefore the criterion of Policy SD10 of the JCS applies. This policy advises that housing on sites which are not allocated for housing in district and neighbourhood plans will be permitted if it meets certain limited exceptions.
- 7.3** Of relevance is Criterion 4 (ii). This criterion states that development will only be permitted where it is infilling within the existing built-up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within district plans. For the purposes of criterion 4(ii), the supporting text defines 'infill development' as "the development of an under-developed plot well related to existing built development."
- 7.4** The site extends beyond the established building line of the properties which front onto Ash Lane. However, given the location of the site any dwelling would relate reasonably well to existing properties, which includes the associated garden space, along Ash Lane and Down Hatherley Lane (The Bungalow). In this respect the proposed dwellings would not extend beyond land associated with the property known as The Bungalow along Down Hatherley Lane or beyond the established line of the gardens of the properties along Ash Lane. As such, it is considered that the development would be seen within the context of existing built form and would not appear divorced from the settlement. The proposal is therefore considered to represent infilling in the context of SD10.
- 7.5** In terms of the Main Modifications Tewkesbury Borough Plan 2011-2031 ("the MMTBP") the application site has not been allocated for housing and Down Hatherley is not featured within the settlement hierarchy. However, Policy RES4 of the emerging TBP sets out that to support the vitality of rural communities and the continued availability of services and facilities in the rural areas, very small-scale residential development will be acceptable in principle within and adjacent to the built-up area of other rural settlements, subject to the development complying with a number of criteria. For the reasons set out above, it is considered that the proposal would relate reasonably well to existing building and would be proportionate to the size and function of the settlement.

### ***Safeguarded Area***

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

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

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

Development must be well-integrated and planned as part of any urban extension of strategic scale, directly and substantially physically linked to the urban area of Cheltenham or Gloucester.

Development must be well-related to public transport and other existing and planned infrastructure and where it makes a positive contribution to the setting of Cheltenham or Gloucester.

Development must not lead to a piecemeal, isolated or inefficient use of land in this area.

In this case, given the scale of the proposed development, the proximity of the site to the existing properties in Ash Lane, the fact the land immediately to the north of the site would benefit soon from planning permission for two dwellings to the north of the site (not currently constructed) and the intervening land to the east, which is in multiple ownership, it is difficult to see how the proposal would prejudice the purpose of the safeguarded area.

- 7.14** In response to the Parish Council's concerns that the proposal would be contrary to the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan 2011-2031 (NDP), there are no direct policies that relate to the provision of new housing in the Down Hatherley Parish. The NDP explains that no new housing growth is planned in Down Hatherley Parish and therefore no settlement boundaries are defined. It goes on to state that given the poor sustainability and the Green Belt designation over the majority of the Parish, it is not necessary for the NDP to replicate the national and Development Plan policies that preclude new housing development in the area. Consequently, there is not considered to be any direct policy conflict with the NDP at the first stage of the permission in principle.

#### ***Five Year Housing Land Supply***

- 7.15** The latest Tewkesbury Borough Five Year Housing Land Supply Statement, published in November 2021, sets out that the Council can demonstrate a 4.35 year supply of deliverable housing sites. However, it has recently become apparent that this statement had in error included three housing schemes within the Twigworth Strategic Allocation as part of Tewkesbury's supply. In fact, the supply from the Twigworth SA contribute to Gloucester City's needs and therefore must be deducted from Tewkesbury's deliverable supply. This is not an error that had been in previous five year housing land supply statements. This has the effect of reducing the (April 2021 base) five year housing land supply to a 3.83 years supply.



- 7.16** 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 in the Conclusions section below.

#### ***Land use***

- 7.17** The guidance sets out that housing led development is an accepted land use for a permission in principle application. Whilst 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 Local Highway Authority, Severn Trent Water, the Council's Flood Risk and Management Officer and Environmental Health Officer.

#### ***Amount***

- 7.18** The application initially sought permission in principle for up to six dwellings. This has subsequently been revised down to up to four dwellings. Whilst up to four dwellings could physically be accommodated on the site, it would be for the applicant to demonstrate at the technical details stage that up to four dwellings could be accommodated on the site in accordance with the relevant planning policy requirements.

#### ***Other Matters***

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

- 8.3 As the application site is not within the designated Green Belt there are no clear reasons for refusal arising from NPPF policies for the protection of areas or assets of particular importance in this case and therefore, it is clear that the decision-making process for the determination of this application is to assess whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

***Benefits***

- 8.4 The development would contribute towards the supply of housing to help meet the objectively assessed need for housing in the Borough, albeit limited given the scale of the proposed development. However, given the fact that the Council cannot currently demonstrate a deliverable supply of housing this weighs in favour of the application.
- 8.5 In terms of economic benefits, as with any new residential development, the construction of new dwellings brings benefits during the construction phase and following construction through additional spending power in the local economy as a result of the increased population. Again, this would be a modest benefit.

***Harms***

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

***Overall conclusion***

- 8.7 The harm by virtue of the conflict with Policy SD5 of the JCS is not underestimated. However, when taking account of all the material considerations, which includes the surrounding recent site history detailed in paragraph 1.6 of the report, the Council's five year housing land position, that there are no policies in the NPPF that protect areas or assets of particular importance to provide a clear reason for refusing the development proposed and as the presumption in favour of sustainable development applies, it is considered that the harm arising from the conflict with Policy SD5 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, it is recommended that the permission in principle should be **PERMITTED**.

**CONDITIONS:**

Nil

**INFORMATIVES:**

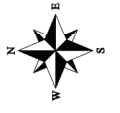
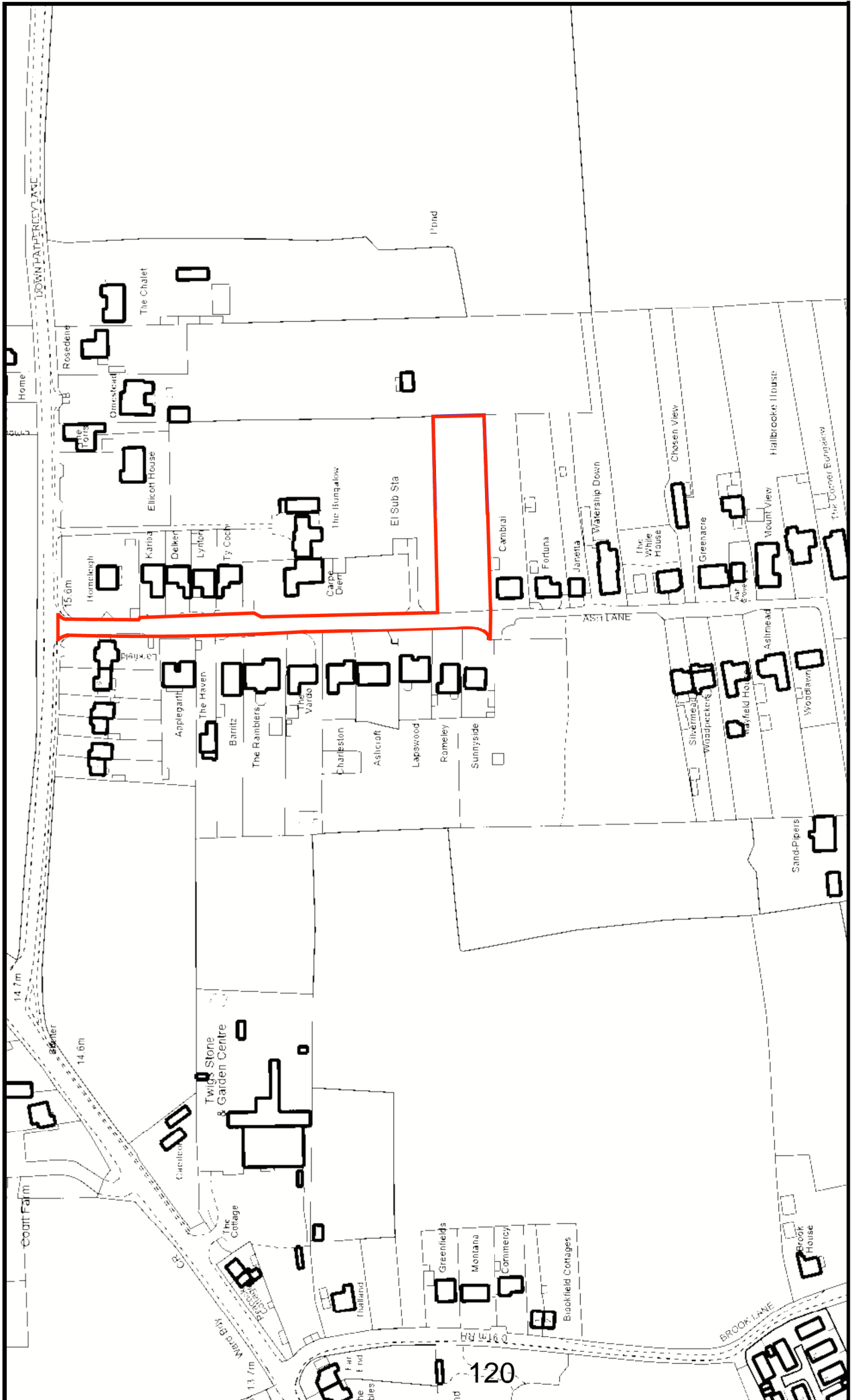
1. The technical details application for the approval of matters must be made prior to commencement of development and no later than the expiration of three years from the date on this decision notice, after this period this permission in principle shall lapse.

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 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. CIL: IMPORTANT INFORMATION

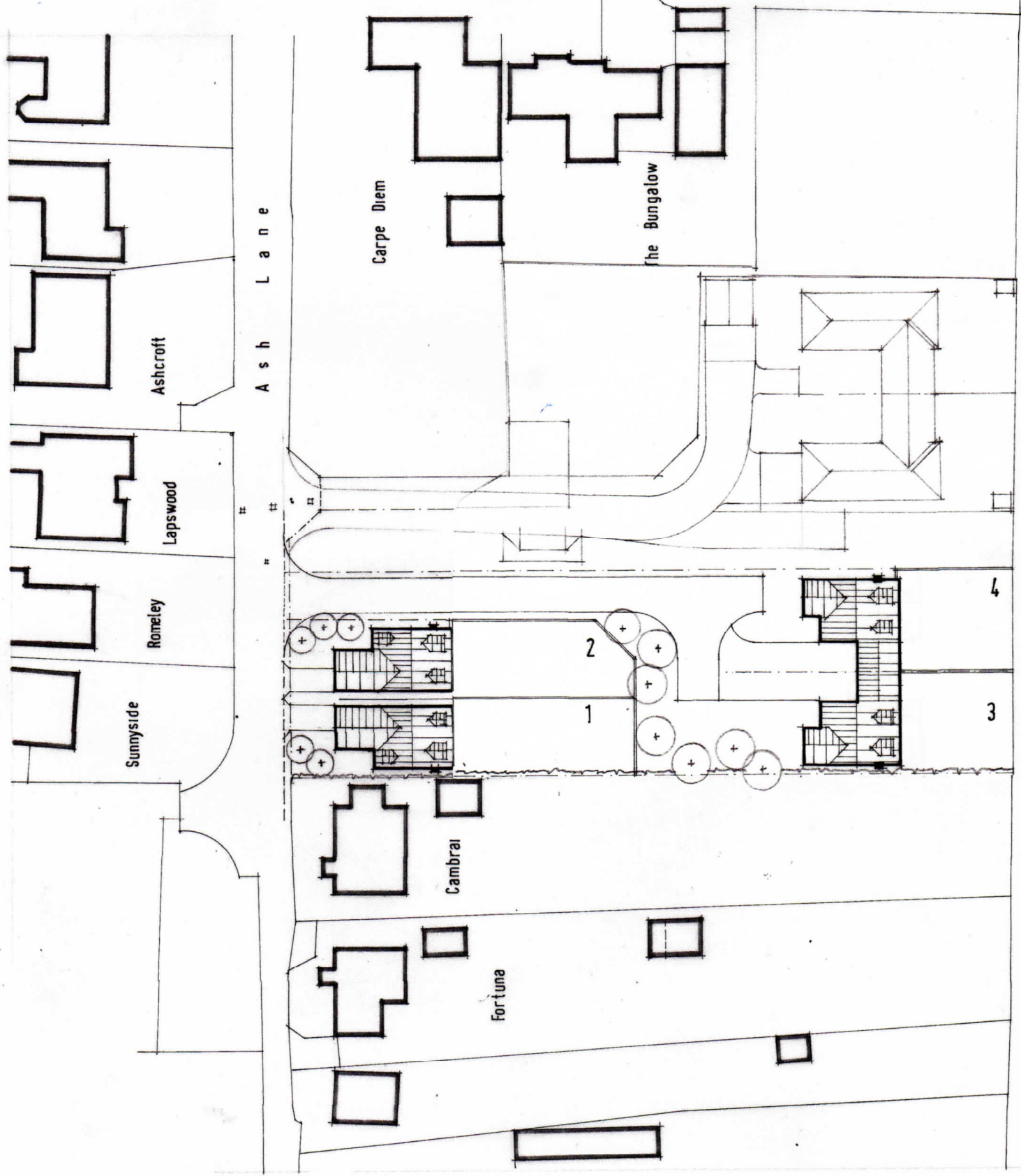
Tewkesbury Borough Council is a charging authority for the Community Infrastructure Levy (CIL). It is your responsibility to ensure that the requirements of the CIL Regulations are met. The Council will make every effort to ensure that a Liability Notice providing details of the potential charge is dispatched 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 a Permission in Principle you will be required to submit the CIL Planning Application Additional Information Requirement form along with your Technical Details application.

**IMPORTANT** - 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](mailto:cil@tewkesbury.gov.uk).



1:2500

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Job : LAND AT ASH LANE DOWN HATHERLEY GLOUCESTER GL2 9PS

Client : Mr R Hawkins

Drawing : Details of Proposed Site Development Indicative layout.

Scale : 1:500 @ A3

Date : August 2020

Job No : 1000

Drawing No : 09  
Rev : B 14.09.21

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	15 February 2022
<b>Site Location:</b>	Poplar Farm New Road Woodmancote
<b>Application No:</b>	21/00938/FUL
<b>Ward:</b>	Cleeve Hill
<b>Parish:</b>	Woodmancote
<b>Proposal:</b>	Erection of 8 dwellings to include new access, landscaping and associated works.
<b>Report by:</b>	Gemma Smith
<b>Appendices:</b>	2489.0.02 Rev P2 entitled 'Location Plan' 2489.0.10 Rev P1 entitled 'Existing Site Plan' 2489.1.10 Rev P4 entitled 'Proposed Site Plan' 2489.1.22 Rev P2 entitled 'Proposed Floor Plans - Plot 1' 2489.1.51 Rev P2 entitled 'Proposed Elevations - Plot 1' 2489.1.23 Rev P2 entitled 'Proposed Floor Plans - Plot 2' 2489.1.52 Rev P2 entitled 'Proposed Elevations - Plot 2' 2489.1.24 Rev P2 entitled 'Proposed Floor Plans - Plot 3' 2489.1.53 Rev P3 entitled 'Proposed Elevations - Plot 3' 2489.1.25 Rev P2 entitled 'Proposed Floor Plans - Plot 4' 2489.1.54 Rev P2 entitled 'Proposed Elevations - Plot 4' 2489.1.26 Rev P2 entitled 'Proposed Floor Plans - Plot 5' 2489.1.55 Rev P2 entitled 'Proposed Elevations - Plot 5' 2489.1.28 Rev P2 entitled 'Proposed Floor Plans - Plot 6 & 7' 2489.1.56 Rev P2 entitled 'Proposed Elevations - Plot 6 & 7' 2489.1.29 Rev P2 entitled 'Proposed Floor Plans - Plot 8' 2489.1.57 Rev P2 entitled 'Proposed Elevations - Plot 8' 031-PF-001-R1 entitled 'Landscape' 2489.1.80 Rev 4 entitled 'Street scene Elevation'
<b>Recommendation:</b>	Permit

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1** The application site measures 0.38 hectares and slopes from a high point to the southeast to a low point to the northwest. The site is located on the west side of New Road in the village of Woodmancote. This site historically formed part a wider orchard, which has long since been developed for housing. The site had been neglected for a long period of time and is somewhat unkempt and overgrown.
- 1.2** The surrounding area is wholly residential in character with the site surrounded by existing modern residential development to the north, south and west. To the east the site is bound by New Road with modern residential development beyond.
- 1.3** Part of the site (but not subject to this application) comprises of a 17th Century Grade II listed

timber framed thatched barn attached by a modern single-storey extension to a barn within a garden setting. A separate application for planning permission (21/00932/FUL) and listed building consent (21/00933/LBC) for the redevelopment and extensions for the existing listed buildings at Poplar Farm has been submitted alongside this application and are considered separately.

- 1.4** Numerous trees and shrubs within the centre of the site have recently been removed, which has opened the site to a degree. However, it is still well screened from public vantage points by existing trees and vegetation to all boundaries. None of the trees on site are subject to a Tree Protection Order.
- 1.5** The site is located within Flood Zone 1 and is therefore at a low risk from flooding. The site is also not within a critical drainage area nor within any area of special designated control.

## 2.0 PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
49/00223/FUL	Proposed tractor shed, poultry house, garage and alterations to greenhouse. Alterations to existing pedestrian and agricultural access.	PER	16.02.1949
53/00126/FUL	Workshop for experimental and research work.	PER	21.04.1953
55/00127/FUL	Extension to house.	PER	20.09.1955
63/00151/OUT	Outline application for erection of double garage with play room over.	PER	17.09.1963
64/00166/FUL	Double garage with playroom over.	APPROV	18.03.1964
64/00167/FUL	Double garage.	PER	21.10.1964
65/00155/FUL	A playroom.	PER	17.03.1965
66/00125/FUL	Single garage in place of double garage.	PER	22.09.1966
67/00142/FUL	Carport.	PER	22.03.1967
88/93192/LBC	Erection of a conservatory (Grade II Listed Building Ref: 17/201).	CONSEN	26.10.1988
88/93193/FUL	Erection of a conservatory.	PER	02.11.1988
21/00933/LBC	Proposed extensions and alterations to Poplar Farm (Grade II listed), including demolition of existing 20th century additions.	Pending	
21/00932/FUL	Proposed extensions and alterations to Poplar Farm (Grade II listed), including demolition of existing 20th century additions.	Pending	

## 3.0 APPLICATION DETAILS

### 3.1 The Proposal

Planning permission is sought for the erection of 8 dwellings to include new access, landscaping and associated works.

The proposal includes a range of detached and semi-detached house types for different users, including 3, 4 and 5 bedroom family homes.

The houses include single storey elements, projecting bays, catslide roofs and covered entrances

A new site access is proposed directly off New Road. It is proposed that this would be a private drive arrangement formed as a dropped kerb crossover onto New Road

### 3.2 Agents Submission

The application is supported by the following documents:

- Design and Access Statement
- Planning Statement, Evans Jones
- Heritage Statement, July 2021, BNP Architects
- Ecological Proposal, July 2021, All Ecology Ltd.
- Bat Survey, July 2021, All Ecology Ltd.
- Reptile Survey July 2021, All Ecology Ltd.
- Tree Survey, B.J Unwin Forestry Consultancy Ltd.
- Technical Note, Cotswold Transport Planning

### 3.3 Additional Information / Amendments

During the course of the proposal in response to the initial comments received by the Parish Council, several rebuttal letters have been received by the agent addressing the numerous objections received.

A rebuttal dated 13.09.2021 is summarised with the following key points to address the Parish Council Objection:

- The proposal has been designed in conjunction with an experienced conservation consultant whom has been closely involved with the project from the outset.
- There has been extensive design approach and study of the local character of the architecture across the village and noted that there are a range of styles in Woodmancote. This is evidenced within the supporting DAS. The proposed houses take reference from existing buildings nearby in their design.
- In terms of density, with comparisons of the Parish Council made with New Road, Britannia Way and Pottersfield Road, is not considered to be the correct approach. The application site is a discreet site where most of the proposed dwellings would not be viewed in the context of existing properties along New Road.
- It is considered that the main consideration of density should be whether it is appropriate for the site in design terms.
- In response to comments made in respect of materials, roof heights and front gardens. The comments regarding materials is not accurate as arguably the predominant facing material in Woodmancote is reconstituted stone, although there are also number of examples of rendered and brick properties.
- The proposal reflects a colour palette in the area that is reflective of the area.
- The proposals do not fall short of the requirements of the Supplementary Planning Document on Flood and Water Management and fully accord with the Council's policies relevant to drainage. Indeed, the Council's Sustainable Drainage Engineer has confirmed as such in writing
- In respect of biodiversity, we strongly dispute the accusation from the Parish that the applicant has deliberately harmed the biodiversity of this site.
- the site would be served by a safe and suitable access and the residual cumulative impact on the highway network would not be severe, as demonstrated in the supporting Transport Technical Note.
- In respect of affordable housing, as you will appreciate, given the size and nature of the proposed development, there is no policy requirement to provide affordable housing in this case.
- A further response was received by the Parish Council.



A further rebuttal from the Agent was made to the Parish Council in response to their maintained objection dated 25.11.2021 with the following points as summarised:

- The letter reiterates the earlier response and addresses further matters raised.
- The tree and undergrowth clearance to enable the topography plan was undertaken lawfully and a copy of the Nesting Bird Survey which was carried out during the clearance works supports the Agents rebuttal.
- To clarify the drainage matters, A further Technical Note was submitted which addresses the Parish concerns that have been raised.
- Again, the Council's Drainage Engineer raises no objections to the proposed drainage strategy.

A final letter was received by the Agent dated 21.12.2021 with the following points outlined:

- Given the proposed size and nature of the proposed development, there is no policy requirement to provide affordable housing in this case.
- The proposed drainage has been comprehensively addressed, which has included the submission of a further Technical Note from the Applicant's drainage engineer. Furthermore the Council's own drainage engineer raises no objections to the proposed drainage strategy.
- Continue to disagree with the Parish Councils comments in relation to the scheme not respecting the local character, scale, density, or materials of Woodmancote. There has been robust responses made to date. The proposed houses take reference from existing buildings nearby in their design.
- The Conservation Officer does not object to the scheme.
- Where the Parish Council's objections have been substantive, the Agent has addressed these in comments or through discussion and amendments to the scheme.
- Clarify that the application has not been submitted by or on behalf of an employee of the Council.

Following feedback from the Urban Design Officer together with the Officer, the scheme was amended to reduce the level of parking to two off-street parking to serve each dwelling. This reduces the hard standing at the site and improves the street-scene. Further landscaping is to be incorporated into the front gardens. Plots 6, 7 and 8 to the west have been re-sited 1m and Plot 2 to the south by 1m. This further increases separation with the listed building whilst maintaining an acceptable distance from surrounding properties. Finally in response to the comments regarding the bulk of the dwellings, the chimneys have been removed from the proposed dwellings.

#### **4.0 POLICIES AND GUIDANCE**

Planning (Listed Buildings and Conservation Areas) Act 1990

##### **National guidance**

National Planning Policy Framework and Planning Practice Guidance

##### **RELEVANT DEVELOPMENT PLAN POLICIES**

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

- Policy SP1 (The Need for New Development)
- Policy SP2 (The Distribution of New Development)
- Policy SD3 (Sustainable Design and Construction)
- Policy SD4 (Design Requirements)
- Policy SD8 (Historic Environment)
- 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 INF2 (Flood Risk and Management)
- Policy INF3 (Green Infrastructure)

**Tewkesbury Borough Local Plan to 2011- Adopted March 2006 (saved policies not replaced by the**

## JCS)

- Policy ENV2 (Flood Risk and Water Management)

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

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'.

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).

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).

- Policy RES2 (Settlement Boundaries)
- Policy RES5 (New Housing Development)
- Policy RES13 (Housing Mix)
- Policy DES1 (Housing Space Standards)
- Policy HER2 (Listed Buildings)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy NAT2 (The Water Environment)
- Policy NAT3 (Green Infrastructure: Building with Nature)
- Policy ENV2 (Flood Risk and Water Management)
- Policy TRAC1 (Pedestrian Accessibility)
- Policy TRAC9 (Parking Provision)

#### Other Guidance

Flood and Water Management SPD (February 2019)

#### **Neighbourhood Plan**

Woodmancote Neighbourhood Development Plan 2011- 2031 Sept 2021 – Regulation 16 moderate weight.

### **CONSULTATIONS AND REPRESENTATIONS**

**Woodmancote Parish Council** – Final Response – (received 24.01.2022) Objection with the following comments:

Response (received 5.12.2021) Objection with the following comments:

- Disagree that the submitted DAS amply demonstrate that the design fits the character of the particular area of the village.
- The conclusion of the steering group is reiterated in that the two-storey dwellings with low profile roofs, with front-back gardens and generous spacing between the dwellings 'is in character'. Two and half storey dwellings are not and therefore the design is not supported by the Parish Council.
- The setting of the listed building should also require the new dwelling to avoid dominating the area.
- The desire of NDP is to maintain Woodmancote's rural feel and avoid suburban designs.

- Concerned that the drainage engineer has not visited the site to assess the surface water drainage potential on the site.
- Concerned that there was no survey of ground based fauna during clearance works.
- Concerned that there has already been a significant loss of biodiversity on the site. Seek a contribution through the Section 106 for the biodiversity credits enabled through the Environment Act to help fund the habitat management of Stockwell Common further up the escarpment.

Response (received 14.11.2021) Objection with the following comments:

- The proposed height, density and materials proposed for the new dwellings are not in line with the character assessment for this part of the village. In particular, these dwellings should be two- storey only (not 2.5 storey) and as a result these dwelling could have a lower profile roof line.
- The site is located in a particularly sensitive surface water flooding area and therefore whilst it is not in a pluvial flood risk area it is a pluvial flood risk area and the impact of a poor surface water flood risk mitigation strategy could easily result in the flooding of houses in Chapel Lane. The current drainage strategy/plan only addresses the runoff from the roofs of the new dwellings but fails to address the impact of the access road and other impermeable surfaces proposed and how these will be managed to ensure that there is no risk to the other dwellings on Chapel Lane or at East Gable. Therefore the drainage strategy needs to be updated to show precisely how the surface water across the site will be managed.
- There has been a loss of biodiversity resulting from the clearance of the site. The developer is required under Policy 9 of the JCS to demonstrate that appropriate on site measures are integrated into the scheme e.g. wildlife corridors and how these will be maintained.

Initial Response (received 31.08.20210 - Objection with the following comments:

- The development for new dwellings does not respect the local character, scale, density or materials of Woodmancote and is therefore contrary to Policy SD4 of the JCS. The current character of the village is well documented in the draft neighbourhood development plan. Specifically the density of New Road.
- The proposal fall short of the requirements for SPD on Surface water flood risk management.
- The proposal fails to address the clear opportunities to make a positive contribution under emerging Policy ENV2 in relation to manage water efficiently including rainwater and grey water harvesting.
- The draft NDP sets of the application of the water management SPD for Woodmancote therefore the environmental foot print is unacceptable.
- In particular, storm drains outside Poplar Farm are overwhelmed. The location of tehe proposed hydrobrake means that there will be run off to the storm drains and it does not reflect the unique flood characteristics of Woodmancote.
- The proposal needs to demonstrate that the discharge into the combined sewer collected all of the surface water generated by the site and proposal should demonstrably recycle the water generated as far as possible to reduce the water demanded from the mains .
- The ecology and tree reports were undertaken when the land was cleared including significant number of trees allegedly through nesting season.
- Seek biodiversity enhancements.
- The site does not contribute to affordable housing.
- Concerned with increased vehicular movements and impact on highway safety.
- Seek CIL money to improve water management and footpath provision together with bus services.

**Gloucestershire County Council (Highways)** – No objections.

**Conservation Officer** Final Response– No Objections on amended plan (addition of pitch to L-shaped addition as advised) subject to a number of recommendations.

*Initial Response* – Objection issue with L-Shape addition as discussed formally on site visit with Agent's Heritage Consultant given scale of detail of application proposal.

**Ecology** – No Objections with comments as follows “*Based on the result of the Ecological Appraisal, further bat surveys were recommended for the buildings classed as having a moderate roost potential and reptile surveys were recommended. Further surveys were undertaken. Conditions are recommended for an EPS mitigation licence, bat mitigation and enhancements, lighting strategy and ecological enhancement plan*”.

**Environmental Health (Contamination)**- No objection subject to imposing a condition relation to a preliminary risk assessment to identify any potential contaminants.

**Environmental Health (Noise)** – No comments to make in relation to noise. Advice is made to ensure that the applicant implement measures to reduce emissions of noise/dust during demolition.

**Severn Trent Water** - No Objection – subject to following conditions:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

**Drainage Engineer** – No objection (entire redevelopment of site) to proposal for discharge surface water to the combined sewer in New Road at discharge rate that will need to be agreed with STW. Details are a matter to be determined between STW and the developer so there is no need for a drainage condition to be applied to any consent permitted against the applications.

**Building Control** – No comments received.

**Tree Officer** – No comments received.

**Local Residents** – The application has been publicised through the posting of a site notice for a period of 21 days and there have been 8 letters of representation received in response. Of these there have been 6 letters objecting to the proposal. These comments are as follows:

- Concerns with development has been undertaken out on the site since February 2021.
- Concerns of significance clearance works undertaken at the site pre-submission of application and impact on ecology.
- Concerns of loss of habitat.
- Concerned with the number of healthy trees that will be felled which will be damaging to wildlife.
- Loss of vegetation along the boundary will urbanise the street scene and reduce the character and appearance of the area.
- Concerns with overlooking and loss of privacy on residents at East Gable. Given the land level differences the properties are to be built much higher than those set along East Gable, which are built downhill slope.
- Concerns of first and second floor windows directly looking into residents habitable windows and potential for impact of loss of outlook / mutual intervisibility.
- Loss of trees would result in further loss of remaining privacy.
- Concerns with the proposal resulting in significant levels of additional traffic heading in and out of the proposed new access and along New Road.
- Concerns with the siting of the new access and road safety.
- The reduction in parking [final amendments] would result in overspill parking on to New Road.
- Concern is the loss of 'curtilage' of the land that forms part of the heritage asset and loss of orchard.
- The loss of further vegetation and open space of the site in totality provides an association with the barn which would be lost to urbanising of the area which would be detrimental to the heritage asset.
- The proposal will increase surface water run off which will result in significant problems on [neighbour] land.
- It is not considered that the design assumptions presented within the supporting information adequately reflect localised issues.
- The resultant runoff will be inevitably greater than pre-development due to a large proportion of the site proposed to be covered by impermeable structures.
- Concerns of lack of information to show route of exceedance water flow will follow.
- The proposed cellular storage tank and associated equipment to control flows in and out will remain effective if the system is subject to regular inspection and maintenance.
- Concerns that proposal would be built over third party sewerage pip going across the filed at

Poplar Farm.

There have been two representations in support of the proposal as summarised below:

- Small development of family homes in the heart of the village is much needed and will not impact on the lower part of Cleeve Hill which has been the focus of some recent proposed developments.
- Well planned development.
- Enhance the area of the village which has been overgrown and underutilised for far too long.
- The redevelopment is sympathetic to the area.
- There will be limited visibility of the development from New Road and the current design builds appear to reflect current properties in the vicinity.
- A welcome addition that will not encroach outside of the village boundary / Green Belt.

Given the site relates to a Grade II Listed Asset, there is no statutory requirement for the protection society to be formally consulted. Their response is recorded as below:

**Society for Protection of Ancient Buildings** – Final Response – Objection with the following comments:

- The overall size of the extensions remain excessive
- The large glazed link conceals a substantial part of the cottage elevation, the whole of the west elevation of the barn and part of its south elevation.
- The limited gap between the roof of the link and underside of the thatch still remains a concern from buildability and maintenance.
- The east elevation is improved by the change to a pitched roof, there remains a mismatch in scale in relation to the barn and cottage. The extension does not achieve a visual transition between the existing buildings and proposed new dwellings as seen in the 'street-scene'.

*Initial Response* – Objection on the following grounds:

- The size of the proposed extensions is excessive in relation to the size of the historic buildings.
- The design is inappropriate.
- The information provided on the condition of the historic buildings and the repairs is inadequate.
- Inadequate consideration of the impact of the proposals on the fabric of the historic buildings.

## **PLANNING OFFICERS APPRAISAL AND CONCLUSIONS**

The key material considerations in the determination of this proposal would be

- principle of development
- housing mix
- design and layout
- impact on heritage assets
- impact on residential amenity
- Impact on trees
- impact on ecology and biodiversity
- highways and parking implications
- drainage and water management
- other matters/r representations

### **Principle of the development**

The Joint Core Strategy (JCS) sets out the overarching strategy for growth throughout Cheltenham, Gloucester and Tewkesbury up until 2031. It has identified the objectively assessed need for Tewkesbury Borough and the spatial strategy to accommodate that level of development. The JCS identifies key locations for growth and sets out strategic policies to guide future development.

Woodmancote is a named service village, which has a good level of services and facilities and excellent public transport links. Woodmancote is therefore ideally placed to accommodate additional housing growth.

Policy SD10 of the JCS sets out that development means the development of an under-developed plot well related to existing built development, 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 residential properties on three boundaries the development 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.

### **Five Year Housing Land Supply**

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

The Council received an appeal decision for 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.

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, 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.

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'.*

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.'*

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.'*

It is therefore advised 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 the presumption in favour of sustainable development is therefore engaged in this case.

### Other Material Considerations

#### Housing Mix

Policy SD11 of the JCS requires all new housing development to provide an appropriate mix of dwellings

sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Development should address the needs of the local area and should be based on the most up to date Strategic Housing Market Assessment.

The Gloucestershire Local Housing Needs Assessment 2019 – Final Report and Summary (September 2020) (LHNA) provides the most up to date evidence based to inform the housing mix on residential applications. This report states that in Tewkesbury 3% of new market dwellings should be one bedroom properties, with 13% having two bedrooms, 54% containing three bedrooms and 29% having four bedrooms or more. The proposal seeks for the following housing mix –

- 2 no x 3-bed 25%
- 3 no x 4-bed 37.5%
- 3 no x 5-bed 37.5%

It is noted that the development would result in less three-bedroom dwellings, a slightly larger percentage of four and five bedroom properties at the site than the LHNA evidence suggests is required.

### **Design and Visual Amenity**

The National Design Guide (NDG) addresses the question of how we recognise well-designed places, by outlining and illustrating the government priorities for well-design places in the form of ten characteristics; one of which is the context. The NDG provides that well-designed development should respond positively to the features of the site itself and the surrounding context beyond the site boundary and that well-designed new development needs to be integrated into its wider surroundings, physically, socially and visually.

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.

Criterion 6 of Policy SD10 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.

Policy RES5 of the emerging PSTBLP states 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 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.

Policy 5 within the draft Woodmancote NDP states that development proposals that are in keeping with the local character as demonstrated within the Woodmancote Character Assessments will be supported.

New Road is described within the draft Woodmancote Character Assessment as:

*...“The remainder of New Road is made up of two-storey 1950s Bradstone properties with extensions. These are generally on the West Side of New Road between Poplar Drive and Two Hedges Road. On the corner is No. 1 which is actually in the same style as Britannia Way and the top of Two Hedges Road....”*

*Until 1953 Woodmancote was a small historic village that is now the conservation area stretching from Poplar Farm up past Apple Tree Inn. Between 1955 – 1965 Greenway, Bushcombe Close, Beverley Gardens, Hillside Gardens and New Road all became residential housing. Properties are generally constructed of reconstituted Cotswold stone with windows and doors complimentary to the age of the properties. Positive enhancements – wooden windows vs uPVC. Negative detractors two-storey dwellings plus a roof extensions that significantly close the gap between houses...”*

Many of the designated and non-designated buildings refer back to the days of an agricultural reliance and cider making. Therefore, Cotswold stone cottages, Cotswold stone tiles, thatched roofs, cottage windows, barns, mills and cider presses are features that give Woodmancote its unique character. These are

interspersed throughout the village.

The immediate street scene in this part of New Road is characterised by mature trees and vegetation that runs alongside the road. The existing application site is characterised by mature hedgerow to the front of the site, vegetation screening to the southern and western extents of the site.

In regards to site layout, it is considered that the proposed dwellings are arranged appropriately for the site. Concerns have been raised in relation to the design approach of the density of dwellings on the site. The DAS states that the proposal takes density from nearby development to the west with 19 houses per hectare. It is disputed from the Parish that it is too dense a development. It is considered that the main consideration of density should be whether it is appropriate for the site in design terms. Given the surrounding development and spacing between the proposed dwellings, it is considered that the density and layout of the proposal is acceptable. Further revisions have re-sited Plots 6, 7 and 8 to the west by 1m and Plot 2 to the south by 1m. This further increases separation with the listed building whilst maintaining an acceptable distance from surrounding properties to provide a further separation. The Conservation Officer does not object to the siting of the dwellings and cites that there is no impact on the setting of the listed asset.

The Parish Council continue to maintain their objection on design grounds following amendments to the scheme which sought to address some of the comments. The design of the proposal seeks to fit in with the character of this particular area of the village. As stated within the character appraisal, the proposal is modern with traditional additions to reflect both the context of the surrounding modern housing development and a nod to the listed asset on the site by incorporating traditional elements into the design of the proposals.

A major concern from the Parish Council is maintaining the negative character aspects within the Woodmancote Character Appraisal within the Woodmancote NDP which is stated above. The view is that two-storey dwellings with low profile roofs, with front-back gardens and generous spacing between dwellings is 'in character' and that the proposed two and half storey dwellings are not and therefore the design is not supported by the Parish. Furthermore it is disputed from the Parish that the proposal fails to maintain Woodmancote's 'rural feel' and avoid suburban designs.

The proposed scheme seeks to reflect the colour palette in the area with the proposal of local stone and/or through-coloured render to the walls with a buff tiled roof to match the existing Poplar Farm cottage.

Plot 1 also has stone mullions, jambs and cills. The proposed dwellings are two storeys although some do have some accommodation in the roof space, which is not untypical in the area. The pitch of the roofs also reflects the traditional pitch found in the area. In terms of the architectural approach, which is a modern twist on a traditional approach. There is no fencing or hedging is proposed to the front gardens.

In terms of massing, the proposed houses include single storey elements, projecting bays, catslide roofs and covered entrances. The proposed roof forms are primarily pitched, which reflects the predominant roof form in the village. The roof forms are varied due to the arrangement of the houses. There are gables facing the street as well as hipped roofs and flat roofed covered entrances.

From outside the site, the defining characteristics are the mature trees to the site boundary and the thatched barn and historic cottage. The aim with the proposed redevelopment of the site is to maintain the site characteristics. This is done through the landscape approach and the sense of place created through the association with the orchards, as well as through maintaining the existing view of the site from New Road. It is not considered that the proposal 'urbanises' the immediate area given the context.

On balance it is considered that the revised proposal accords with Policies SD4 and SD10 of the JCS together with emerging Policy RES5 of the PSTBLP. It is not considered that the proposal is detrimental to the character of the surrounding area and thus does not warrant refusal on such grounds. As such there are no identified harms identified in the weighting of the decision.

### **Impact on heritage assets**

The proposal must also be assessed against section 16 of the NPPF Policy SD8 of the JCS, together with emerging Policy HER2 of the PSTBLP.



In accordance with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regards to the desirability of preserving the building or its setting or any features of special architectural historic interest which it possesses.

Paragraph 197 states that in determining planning applications, local authorities should take into account of the 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. When considering the impact of a proposed development on the significance of a designated heritage asset, Paragraph 199 states that, '*great weight*' should be given to the asset's conservation;

*"...When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".* The more important the asset, the greater the weight should be."

Policy SD8 of the JCS together with emerging Policy HER2 of the PSTBLP states that designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness, and sense of place.

The main designated heritage asset is Poplar Farm a Grade II Listed building at the site. The impact of the proposal would effect both fabric and form and the setting of the asset. Beyond the boundary of the application site are Kings Farm, Pear Tree Cottage, The Old Thatched Cottage and Pigeon House all Grade II Listed village residences. The site is not adjacent to the Conservation Area. It would appear that the collection of buildings originated as an isolated smallholding from the 17th Century set in the corner of an orchard. The orchard remains but is now surrounded by post war housing developments. The general area has little cohesive character or local distinctiveness.

A Heritage Statement from Jon Lowe Heritage Ltd. accompanies the application submission.

The redevelopment of the main residence and collection of buildings is considered under the separate planning applications (references 21/00932/FUL and 21/00933/LBC).

The Conservation Officer has discussed the proposals with the Agent's heritage consultant and undertaken site meetings during the course of the application. Several amendments have been made to the redevelopment of the listed asset applications. There has also been some amendments re-siting the closest proposed dwellings in order to further separate the listed asset from the wider re-development.

The Conservation Officer has no objection to the wider redevelopment of the site. It is not considered that the wider redevelopment of the site results in less than substantial harm to the setting of the listed buildings,

As such the proposal is considered to, on balance, accord with Policy SD8 of the JCS together with emerging Policy HER2 of the PSTBLP. As such there are no identified harms identified in the weighting of the decision.

### **Residential amenity**

In respect of the impact of the development upon residential amenity, 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.

Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing and future users.

Policy SD4 part iii) Amenity and Space, considers new development should enhance comfort, convenience and enjoyment through assessment of opportunities for light, privacy and external space. Policy SD14

considers new development to cause no unacceptable harm to neighbouring occupants and result in no unacceptable levels of air, noise, water, light, soil pollution or odour.

Emerging Policy RES5 of the PSTBLP states that proposals for new housing development should provide an acceptable level of amenity for future occupiers of the proposed dwellings and cause no unacceptable harm to the amenity of existing dwellings.

The nearest neighbouring dwelling to the application site is No. 2 Milcot. Plot 8 would also be built adjacent to No. 2 Milcot which is located immediately to the north. The proposed two-storey dwelling would feature a gable ended design with the roof pitch pitched away from the No. 2 Milcot. The height of Plot 8 would be approx. 9.4m with eaves set at 5.5m. Given the height of the eaves, pitch away from the adjacent neighbouring dwelling together with the orientation, it is considered that there whilst there would be some loss of light to the ground floor habitable room of the neighbouring dwelling because of the aforementioned factors it is not considered that there would be such significant harm to warrant a refusal on loss of light to neighbouring amenity. The separation distance side to side would be approx. 5.5m. To the south elevation (side) of No. 2 Milcot there is a door at ground floor and first floor window opening serving a W.C. The proposed side elevation at Plot 8 would not result in any habitable room window openings to first floor (both serve bathroom and ensuite).

Objections have been received in regard to the siting of the development and impact on neighbouring amenity by way of loss of light, loss of privacy and overlooking. To note the proposed dwellings would be sited on higher ground as the topography slowly decreases with the garden amenity of East Gable sited on lower ground than that of the application site.

The proposed dwellings are set away from existing properties in East Gable sited to the west of the application site. The nearest property to the site in East Gable is No.6, which presents its flank elevation to the site. The single storey rear elevation of Plot 8 would be approx. 12.8m from the boundary of the garden amenity with the neighbouring dwelling at No. 6.

The distance from the flank elevation to the rear of plot 7 is over 25 metres. Given this distance, there would be an acceptable impact on properties in East Gable in terms of light, privacy, and outlook. Moreover, the mature vegetation to the western boundary would further filter views into the site.

There are existing bungalows in Poplar Drive that fronting onto the southern site boundary. Plots 1 and 2 would back onto Poplar Drive but given the distance between the properties and the intervening vegetation, the relationship between them would be acceptable. Plot 3 would present its flank elevation onto Poplar Drive and whilst there are first floor windows proposed, these serve a bathroom and en-suite only. Again, retained vegetation on the southern boundary would filter views into the site.

Overall it is considered that there would not be any detrimental impact on neighbouring amenity to warrant refusal.

Policy SD11 of the JCS states that new housing should meet and where possible exceed appropriate minimum space standards. Emerging Policy DES1 (Housing Space Standards) of the emerging TBP requires all new residential development to meet the Government's nationally described space standards as a minimum, to ensure that high quality homes are delivered that provide a sufficient amount of internal space appropriate for occupancy of the dwelling. All units are compliant with the Technical Standards for maximum person configuration.

Overall the proposal would accord with Policies SD4, SD10 and SD14 of the JCS together with emerging policies RES5 and DES1 of the PSTBLP. There are no identified detrimental impacts in the weight of the decision.

### **Impact on trees**

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.

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.

There are a number of trees and hedgerows within the application site. A Tree Survey and Method Statements together with a landscaping scheme has been submitted to accompany the planning application. Many of the trees bounding the site are sought to be retained with the exception of T19 (Oak), T20 (Field Maple), T21 (Crack Willow) and T22 (Coppice Willow) along the southern boundary and T34 (Domestic Pear) on the western boundary.

The Tree Officer has been consulted on the proposal and has no objection to the proposal subject to a number of conditions.

As such the proposal is considered to accord to Policies INF3 of the JCS and NAT1 of the PSTBLP subject to appropriate conditions.

### **Impact on ecology and biodiversity**

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.

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.

The application is supported by Ecological Appraisal July 2021 (All Ecology), Reptile Survey (All Ecology) and a Bat Survey (All Ecology) (redevelopment of listed site).

The site consists of a house, barn, extensions and a garage in the corner of a mostly cleared site, which retained areas of grassland, tall ruderal, scrub and standard trees. The site is bound by species-rich hedges and trees, fencing and walls.

The habitats on site, including the poor semi-improved grassland, are common, of low value and easy to replace and no further consideration is required in terms of their vegetation.

The Ecological Advisor has been consulted and has no objection subject to adherence of mitigation measures, obtaining a EPS licence for bats and biodiversity enhancements to be submitted to the LPA for approval.

The proposal is therefore considered to accord with those relevant policies and the NPPF.

### **Highways and parking implications**

The NPPF sets out development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe.

Policy INF1 of the JCS considers that developers provide safe and efficient access to the highway network and permission be granted only where the impact of the development is considered not to be severe. It further states that safe and efficient access to the highway network should be provided for all transport means.

Emerging Policy RES5 of the PSTBLP states that proposals for new housing development should make provision for appropriate parking and access arrangements and not result in the loss or reduction of

existing parking areas to the detriment of highway safety. Emerging Policy TRAC9 of the PSTBLP states that proposals need to make provision for appropriate parking and access arrangements.

A Technical Note has been submitted, which considers the access arrangement for the site. A new site access is proposed directly off New Road. It is proposed that this would be a private drive arrangement formed as a dropped kerb crossover onto New Road. Pedestrian access would be achievable via the vehicular access point with a footway provided on the southern side of the internal access road, which would connect to the existing footway on New Road.

The drawings demonstrate maximum achievable visibility splays of at least 2.4m x 62.3m and 2.4m x 81m to the north and south respectively. These maximum visibility splays are suitable for design speeds of up to 37mph and 40mph southbound and northbound respectively and are fully achievable within highway land.

The internal street within the development has been designed to accord with the informal street character type set out in Manual for Gloucestershire Streets. It has a maximum design speed of 20mph, which would be maintained with limited street lengths, street geometry and carriageway narrowing. Swept path analysis is provided, which demonstrates that two cars can simultaneously travel along the proposed access road. It also demonstrates that the car parking spaces can be safely accessed, and the site can be suitably serviced by refuse vehicles, fire tenders and delivery vehicle

Specifically, their guidance stipulates that three bedroom properties should be served by at least two parking spaces and four+ bedroom properties should be served by at least three parking spaces

The final revision to the scheme reduces the parking to serve each dwelling to two off-street parking spaces each.

Whilst it is noted that Manual for Gloucestershire Streets indicates that 3 parking spaces should be provided for 4+ bedroom homes, additional information has recently been submitted to the Highway Authority that relates to average car ownership data from new developments that have similar travel options within Gloucestershire. That demonstrated that a blanket approach of applying the parking standards rigidly in the administrative boundary of Tewkesbury was not reasonable. In this case, given the small-scale nature of the proposed development, the risk of displacement onto the highway is limited and the residual cumulative impact on the highway network would not be severe.

All car parking spaces on site will be constructed with access to active electric vehicle (EV) charging facilities. In addition, each dwelling would be provided with a garage, which can accommodate parking for at least two cycles per dwelling.

The Local Highways Authority have been consulted on the proposal and have no objection to the proposal subject to a number of conditions.

As such the proposal accords with Policy INF1 of the JCS together with emerging Policy RES5 of the PSTBLP. As such there is no warrant for refusal or identified harms arising from highways and access implications.

### **Drainage and Water Management**

The site is located within Flood Zone 1 and is therefore at a low risk of flooding. The site is also not within a critical drainage area. Notwithstanding this, the application is supported by a Drainage Strategy Technical Note, which details the proposed foul and surface water arrangements and demonstrates compliance with the principles of Sustainable Drainage Systems.

Infiltration testing has confirmed that infiltration is not feasible due to the nature of the Planning Statement Ref: 15346 Page 19 Date: 16 July 2021 ground conditions. It is therefore proposed to discharge via a new gravity stormwater system with attenuation provided by a new online cellular crate system. The drainage system is designed to cater for a 100-year flood event with an allowance of 40% for climate change.

There has been a number of concerns from local residents on the effectiveness of the drainage strategy and in particular localised surface water issues. The Councils Drainage Engineer has been consulted and there is no known localised critical drainage issues within the area.

The Drainage Engineer has no objections to the proposal. Severn Trent Water however seek a condition for surface water and foul drainage condition.

Furthermore there is a concern that the development would build over third party utilities. Any commencement of development would be following consent from third owner to build over these utilities.

### **Energy Efficiency**

Policy SD3 'Sustainable Design and Construction' of the adopted JCS states that development proposals will demonstrate how they contribute to the aims of sustainability by increasing energy efficiency, minimising waste and avoiding the unnecessary pollution of air, harm to the water environment, and contamination of land or interference in other natural systems. All development will be expected to be adaptable to climate change in respect of the design, layout, siting, orientation and function of both buildings and associated external spaces.

### **Community Infrastructure Levy (CIL)**

The development is CIL liable because it creates new dwellings. The relevant CIL forms have been submitted.

### **Planning Balance**

The principle of the proposal is acceptable in terms of Policy SD10 of the JSC as the application site relates to infilling within the village of Woodmancote. The Pre-Submission Tewkesbury Borough Local Plan (October 2019 version) is now at advanced stage.

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**

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. The proposal would also help support facilities and services in Woodmancote.

### **Harms**

There would not be any demonstrable harm identified to ecology, highways, neighbouring amenity, landscape, setting of the listed asset, character of the area or drainage as explained in the above points within this report, subject to the appropriate mitigation and conditions. 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.

### **Conclusion**

Given the above, and in light of the 'tilted balance' whilst the benefits of the proposal are somewhat limited, given the site's location within the built-up area of Woodmancote, it is considered that there are not any adverse impacts identified that would significantly or demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. There are no policies in the NPPF relating to the protection of areas or assets of particular importance which indicate permission should be refused.

This is finely balanced but, for the reasons given above, it is recommended that planning permission is granted subject to conditions.

## Conclusion

It is considered that the proposal would accord with relevant policies as outlined above. Therefore it is recommended that planning permission be granted subject to the following

## CONDITIONS & REASON

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

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

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

- 2489.0.02 Rev P2 entitled 'Location Plan' received 9.08.2021
- 2489.1.10 Rev P4 entitled 'Proposed Site Plan' received 22.12.2021
- 2489.1.22 Rev P2 entitled 'Proposed Floor Plans - Plot 1' received 22.12.2021
- 2489.1.23 Rev P2 entitled 'Proposed Floor Plans - Plot 2' received 22.12.2021
- 2489.1.24 Rev P2 entitled 'Proposed Floor Plans - Plot 3' received 22.12.2021
- 2489.1.25 Rev P2 entitled 'Proposed Floor Plans - Plot 4' received 22.12.2021
- 2489.1.26 Rev P2 entitled 'Proposed Floor Plans - Plot 5' received 22.12.2021
- 2489.1.28 Rev P2 entitled 'Proposed Floor Plans - Plot 6 & 7' received 22.12.2021
- 2489.1.29 Rev P2 entitled 'Proposed Floor Plans - Plot 8' received 22.12.2021
- 2489.1.51 Rev P2 entitled 'Proposed Elevations - Plot 1' received 22.12.2021
- 2489.1.52 Rev P2 entitled 'Proposed Elevations - Plot 2' received 22.12.2021
- 2489.1.53 Rev P3 entitled 'Proposed Elevations - Plot 3' received 22.12.2021
- 2489.1.54 Rev P2 entitled 'Proposed Elevations - Plot 4' received 22.12.2021
- 2489.1.55 Rev P2 entitled 'Proposed Elevations - Plot 5' received 22.12.2021
- 2489.1.56 Rev P2 entitled 'Proposed Elevations - Plot 6 & 7' received 22.12.2021
- 2489.1.57 Rev P2 entitled 'Proposed Elevations - Plot 8' received 22.12.2021
- 031-PF-001-R1 entitled 'Landscape' received 22.12.2021
- BS5837 Tree Constraints, Tree Impacts and draft Tree Protection Method Statement for residential re-development
- PFTTRP-JUL21 entitled 'Tree Retention and Protection Plan' Received 21.07.2021
- CTP-20-1299-SK02 Rev B entitled ' Access visibility assessment – Dropped Kerb Vehicle Crossover' Received 21.07.2021
- CTP-20-1299-SP03 Rev A entitled ' Swept Path Analysis – refuse vehicle' Received 21.07.2021
- Drainage Strategy Technical Note – CTP-20-1299 – July 2021
- Ecological Appraisal – Version 1.1 – 15th July 2021

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

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

3. No work above floor plate level shall be carried out until samples of all materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that materials are in keeping with the surrounding area and to provide for high quality design.

4. All works shall strictly adhere to the recommendations detailed within the Ecological Appraisal (All Ecology, July 2021) and Dusk Emergence and Pre-dawn Re-entry Surveys for Bats (All Ecology, July 2021) including but not limited sensitive timing of works and safety measures on site during development in order to safeguard wildlife.

Reason: To ensure that the development does not adversely impact protected species.

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

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

6. The development hereby permitted should not commence, until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall then be implemented in accordance with the approved details before the development is first brought into use.

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 minimize the risk of pollution.

7. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details specified in the Tree Retention and Protection Plan Drawing Number: PFTTRP-JUL21 entitled 'Tree Retention and Protection Plan' contained within the Tree Constraints, Impacts and draft Protection Method Statement for residential re-development dated July 2021 before any development including demolition, site clearance, materials delivery or erection of site buildings, starts on the site. The approved tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within any area fenced, unless agreed in writing with the local planning authority.

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

8. No development shall start until a site investigation of the nature and extent of contamination has been carried out. The site investigation shall be in accordance with a site investigation methodology that has been submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the investigation.

No construction works shall start until the results of the site investigation have been submitted to, and approved in writing, by the Local Planning Authority. If the site investigation identifies any contamination, the report shall specify the measures to be taken to remediate the site to render it suitable for the development hereby permitted, as well as an implementation timetable for the remediation. The site shall be remediated in accordance with the approved measures and timetable.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation, as well as an implementation timetable, shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the additional approved measures and timetable.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is required as a pre-commencement condition because there is potential for contamination to exist on the site.

9. Before the first occupation of the development hereby permitted, full details of proposed tree/hedgerow planting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, species and sizes, planting specifications, maintenance schedule, provision for guards or other protective measures.

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.

10. The development hereby permitted shall not be brought into use until the approved access to the site within the limits of the public highway has been completed in accordance with the approved plans.

Reason: To ensure adequate and safe access is gained from the local highway network.

11. The parking, service and turning areas shall be constructed in accordance with the approved plans prior to the occupation of the development and thereafter retained and used for no other purpose.

Reason: To ensure adequate parking and manoeuvrability can be achieved.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any other subsequent equivalent order, no development within the following classes of development shall be carried out to the new dwellings hereby approved, without the prior approval of the Local Planning Authority:

- a) Schedule 2, Part 1, Class A - enlargement, improvement or other alterations
- b) Schedule 2, Part 1, Class B - addition or alteration to the roof
- c) Schedule 2, Part 1, Class C - any other alteration to the roof
- d) Schedule 2, Part 1, Class E - garden buildings, enclosures, pool, oil or gas storage container.
- e) Schedule 2, Part 2, Class B - means of access

Reason: To enable the Local Planning Authority to safeguard the visual amenity and ensure that the proposal does not result in overdevelopment

13. The proposed exposed timbers such as close boarded fencing shall not be treated in any way and shall be left unstained and to weather naturally,

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

#### Informatives

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

#### Alterations to Vehicular Access

2. The Local Highway Authority has no objection to the above subject to the Applicant obtaining a Section 184 licence. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 – Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) before commencing any works on the highway.

#### Highway to be adopted

3. The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway



Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Legal Agreements Development Management team at [highwaylegalagreements@gloucetershire.gov.uk](mailto:highwaylegalagreements@gloucetershire.gov.uk). You will be required to pay fees to cover the Council cost's in undertaking the following actions:

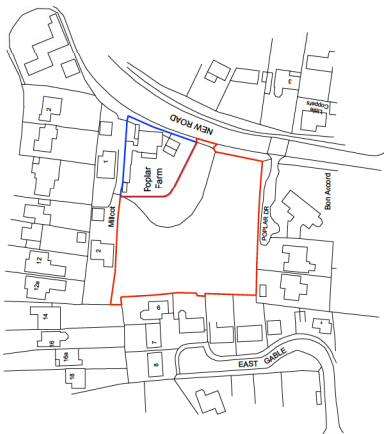
- Drafting the Agreement
- Set up costs
- Approving the highway details
- Inspecting the highway works

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

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

Impact on the highway network during construction

4. The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [Network&TrafficManagement@gloucetershire.gov.uk](mailto:Network&TrafficManagement@gloucetershire.gov.uk) before undertaking any work to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programmed of Temporary Traffic Management measures to be agreed.
5. The applicant is reminded that bats, which are protected by law, are likely to be present. Therefore there is a need to secure an appropriate licence from Natural England before commencing any activities on site to ensure that an offence is not committed.
6. All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Works to any trees, hedgerows and scrub which are to be removed or pruned should be carried out on site outside of the bird breeding season which runs from 1st March and 31st August inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest building birds are present. If any nesting birds are present, then the vegetation or buildings shall not be removed until the fledglings have left the nest.



Location Plan

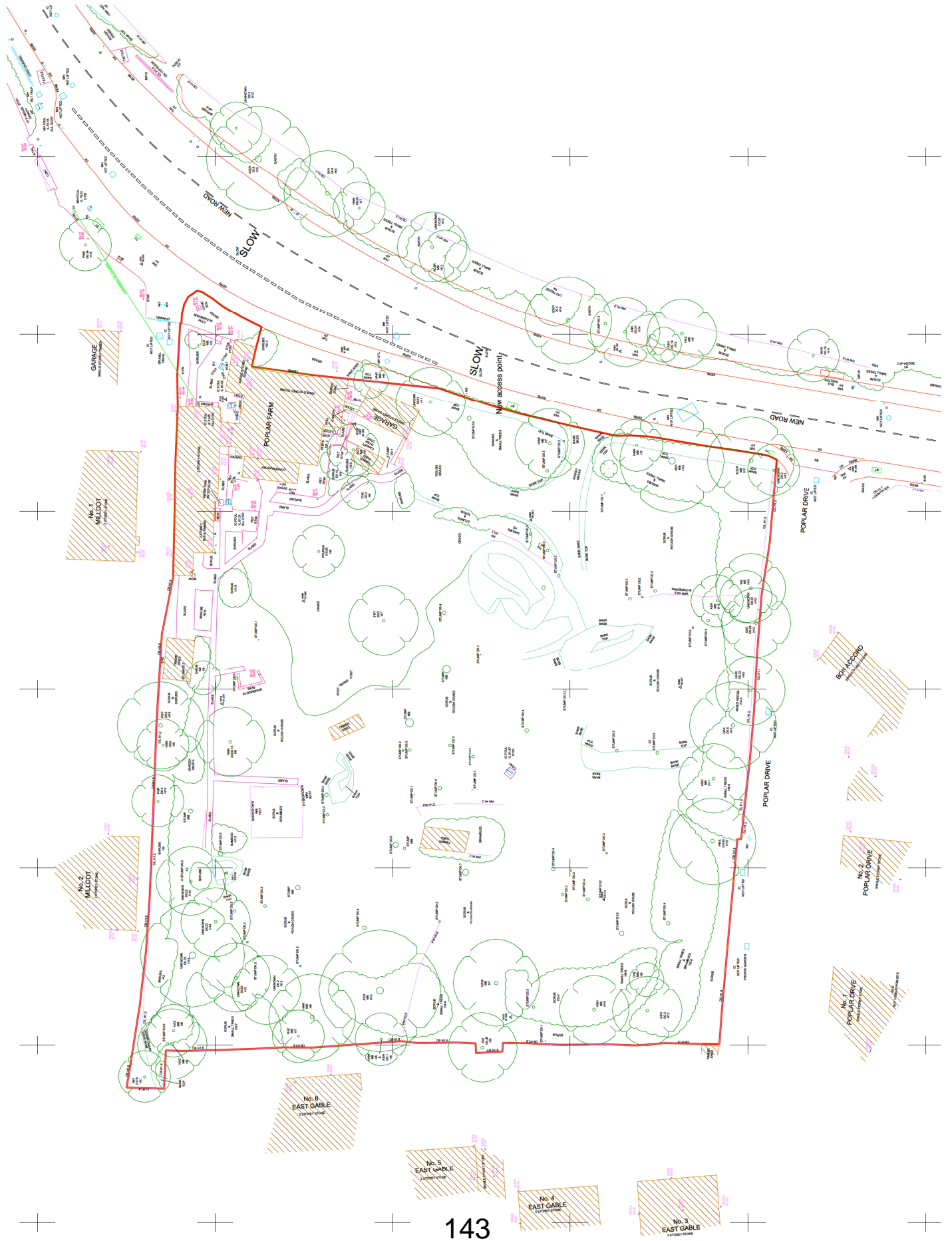
PL\_05\_05\_2021\_Plan 1 (Rev. 04)  
PL\_16\_07\_2021\_Plan 1 (Rev. 01)  
Revision

PROPOSED DEVELOPMENT, NEW ROAD, WOODMARCOTE  
Location Plan - New Build

DATE	REVISION	BY
16.07.2021	1	PL
16.07.2021	2	PL

5, New Road, Birmingham B31 1UD  
0121 702 3181  
www.bpnarchitects.co.uk  
info@bpnarchitects.co.uk





PL 16.07.2024, Planning Issue, PN  
Revised

PROPOSED DEVELOPMENT, NEW ROAD, WOODINVILLE  
Existing Site Plan

NO.	DATE	DESCRIPTION
1	10.10.2023	PLANNING
2	15.11.2023	PN
3	15.12.2023	PN

BPN ARCHITECTS  
10000 1st Avenue, Suite 100  
Woodinville, WA 98095  
Phone: 206.759.1818  
www.bpnarchitects.com

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PL 05.03.2024 - Revised Planning Issue, Parking layout, more planting details, 7  
PL 05.03.2024 - Revised Planning Issue, 8  
PL 05.03.2024 - Revised Planning Issue, 9  
PL 05.03.2024 - Revised Planning Issue, 10  
PL 05.03.2024 - Revised Planning Issue, 11  
PL 16.07.2024 - Planning Issue, 12  
12/04/2024

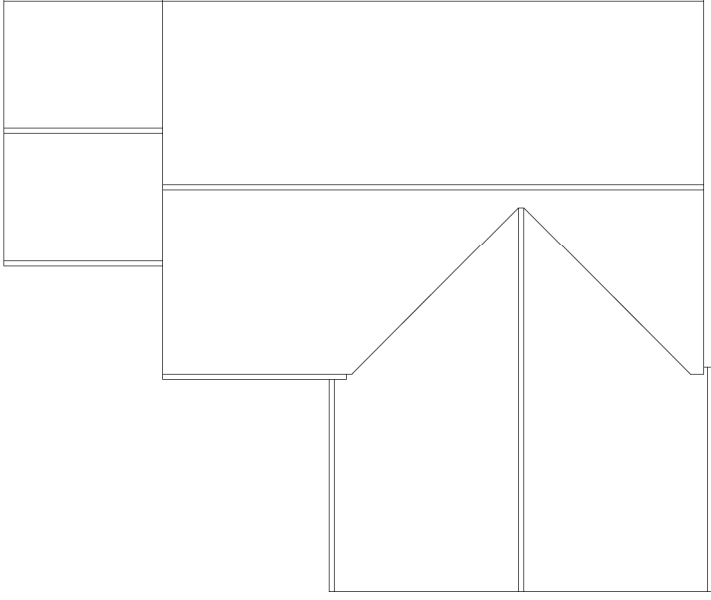
PROPOSED DEVELOPMENT, NEW ROAD, WOODINVILLE  
Proposed Site Plan

DATE	BY	REVISION	SCALE
24/03/24	RM	PLANNING	1:100
16/07/24	RM	PLANNING	1:100

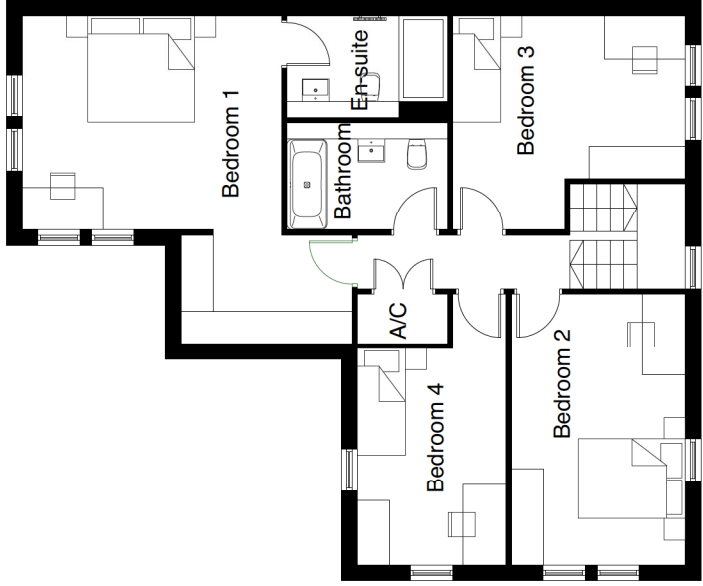
5. New Road, Woodinville WA 98092  
PH: 206.709.1818  
www.bpnarchitects.com

BPN ARCHITECTS

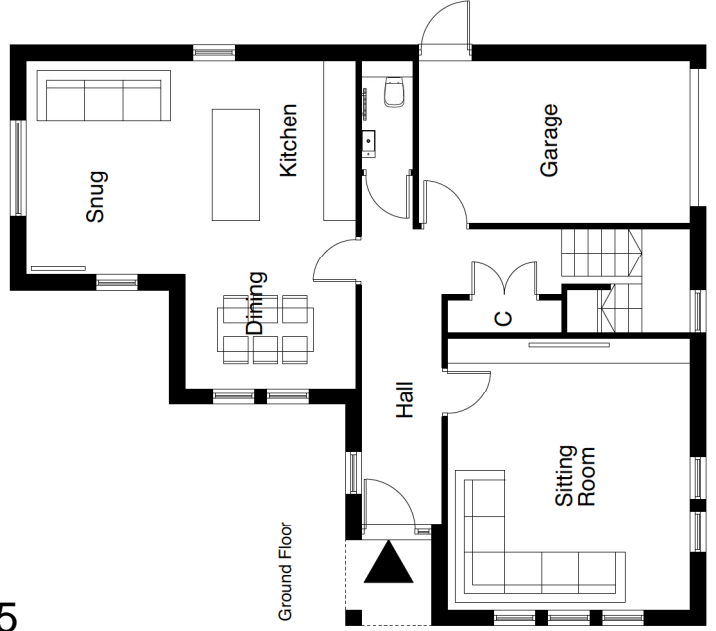
Total GIA 171 sqm / 1839 sqft (excl. garage)



Roof



1st Floor  
145

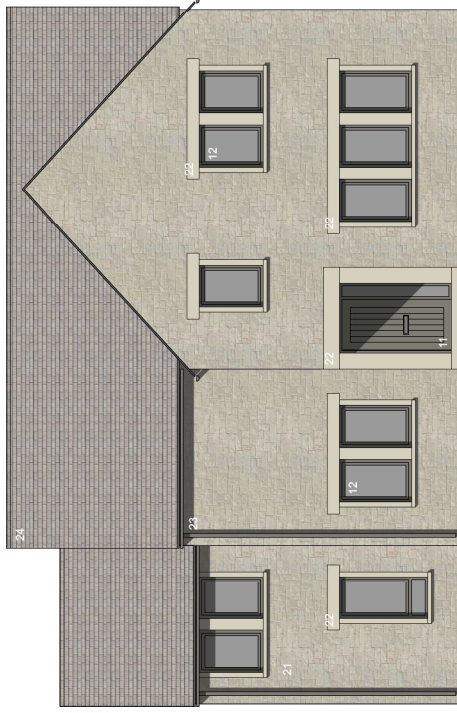


Ground Floor

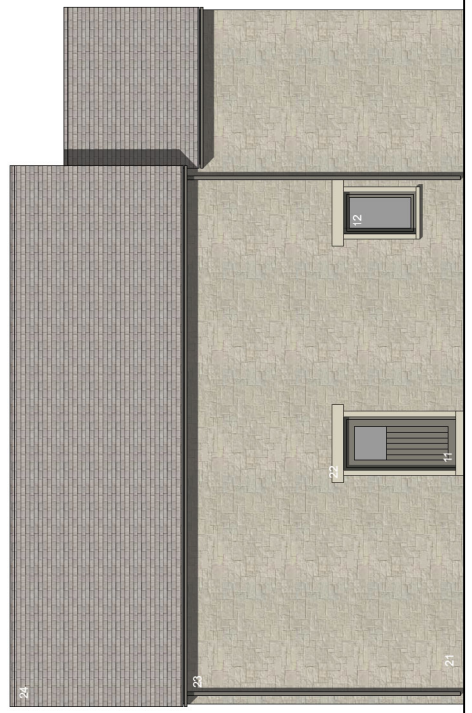


**KEY**

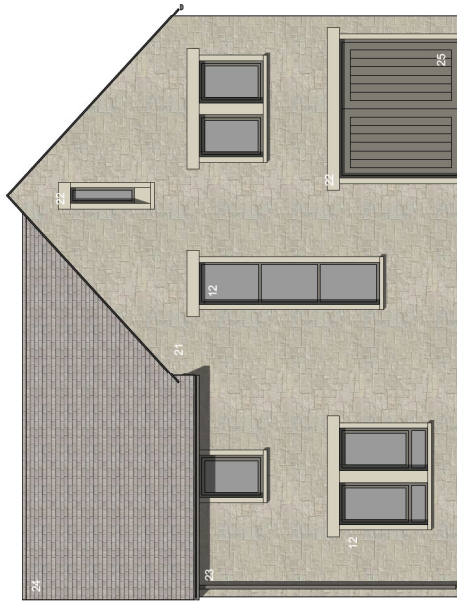
1. Existing hatch roof retained and made good locally as required.
2. Existing stone walling retained and repointed with lime mortar as required.
3. Existing windows carefully removed and replaced with new hardwood windows. Existing windows to be replaced with new hardwood double glazed units (applies to all existing windows).
4. Brick splayrels redecorated.
5. Timber frame redecorated.
6. Existing stone walling to be retained and made good locally as required beyond repair - bronze colour.
7. Existing delapidated stone wall rebuilt.
8. Existing rear wall and screen in bronze colour.
9. Spacing seam zinc roof.
10. New stone wall built using reclaimed stone from demolished garage.
11. Painted timber door.
12. Existing stone wall in double glazed window.
13. Stone coping.
14. Dry stone wall using local stone.
15. Existing stone walling to be retained and made good locally as required beyond repair - matching stone.
16. Existing rear wall partially retained and new timber pergola.
17. Existing rear wall partially retained and new timber pergola.
18. Painted timber gate.
19. Existing stone wall in double glazed window.
20. Zinc fascia to timber pergola.
21. Local stone facade.
22. Existing stone linels, reveals, mullions and cills.
23. Existing stone walling to be retained and made good locally as required beyond repair - matching stone.
24. Tiled roof in built to match existing Poplar Farm cottage.
25. Traditional garage door.
26. Through coloured render.
27. Existing stone walling to be retained and made good locally as required beyond repair - matching stone.
28. PPC cheeks and flashings to dormer windows.
29. PPC aluminium glazed door.
30. PPC aluminium copings in matching colour to window frames.



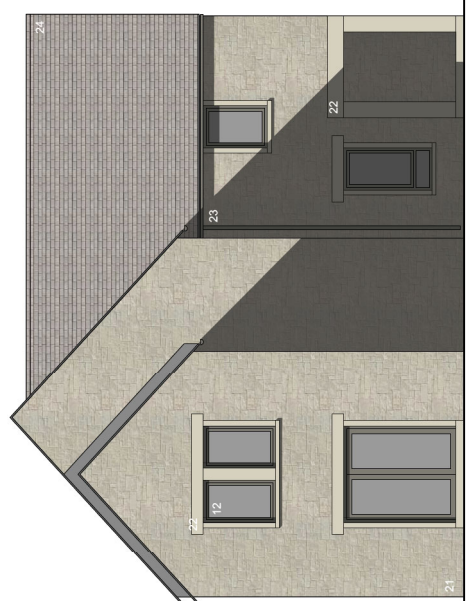
East



West



146  
No



South

PS, 21.10.2021, Chimney removed, RN  
 P1, 16.07.2021, Planning Issue, RN  
 Revision

PROPOSED DEVELOPMENT, NEW ROAD, WOODMARCOTE  
 Proposed Elevations - Plot 1

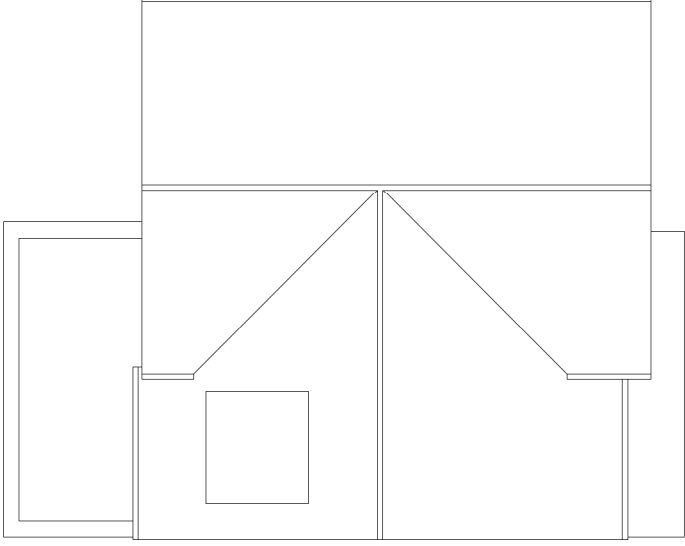
DATE	BY	REVISION
16.07.2021	PN	PLANNING
16.07.2021	PN	ISSUE

1, New Road, Woodmarcote, SN15 1JQ  
 01753 78117  
 www.bpnarchitects.co.uk

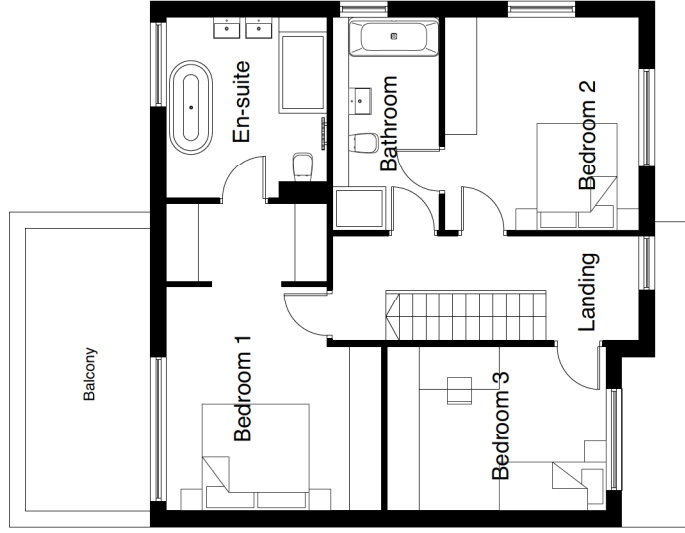
**BN ARCHITECTS**



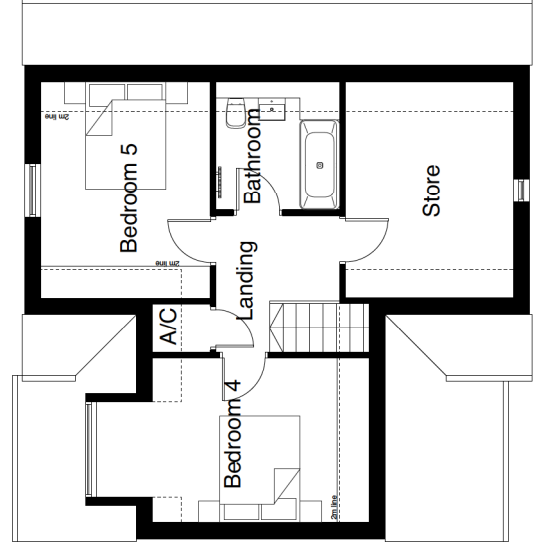
Total GIA 2 15 sqm / 2313 sqft (excl. garage)



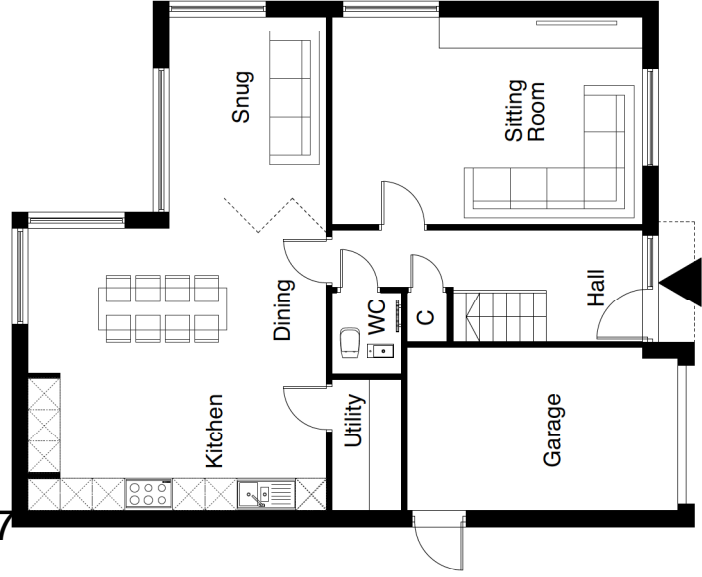
Roof



First Floor



Attic



Ground Floor

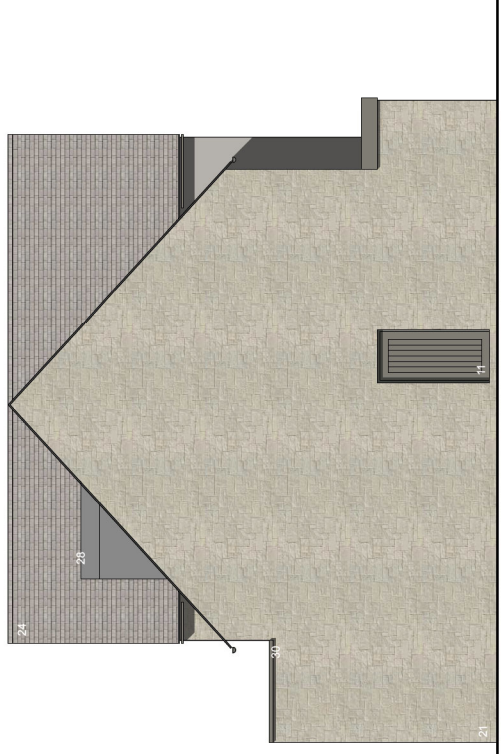


DATE	REVISION
2019.1.23	FP
2019.1.23	PLANING
2019.1.23	REV
2019.1.23	REV

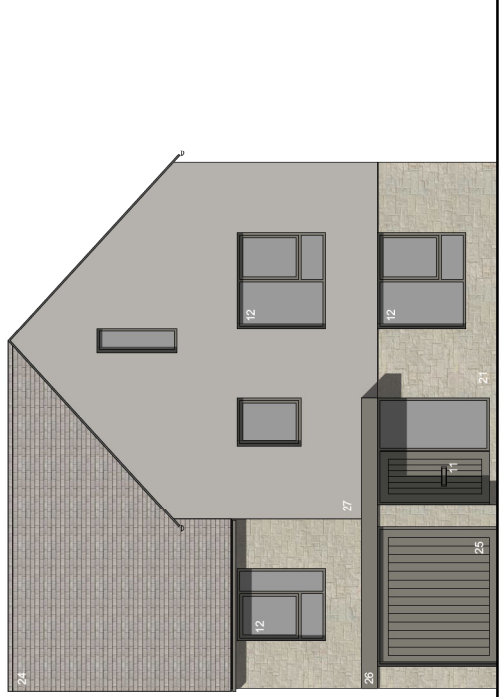
PG 23 of 26 (20) Chimney & long ventilation removed, ground floor internal  
P1, 16.07.2021, Planning Issue\_BN  
Revised

**KEY**

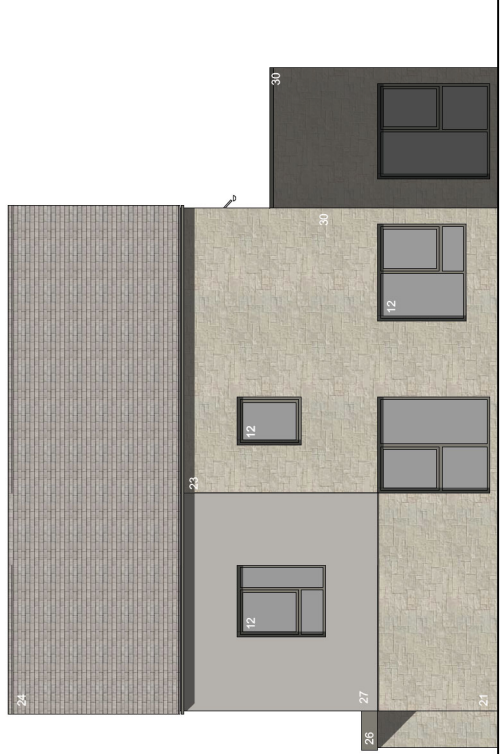
1. Existing hatch roof retained and made good locally as required.
2. Existing stone walling retained and repointed with lime mortar as required.
3. Existing windows carefully removed and replaced with new hardwood windows. Existing stone walling to be retained and incorporating slimline double glazed units (applies to all existing windows)
4. Brick spondrils redecorated
5. Timber frame redecorated
6. Existing stone walling to be retained and made good locally as required.
7. Existing delapidated stone wall rebuilt
8. Existing stone walling to be retained and screen in bronze colour
9. Spacing seam zinc roof
10. New stone wall built using reclaimed stone from demolished garage
11. Painted timber door
12. Existing double glazed window
13. Stone coping
14. Dry stone wall using local stone
15. Existing stone walling to be retained and repointed with matching stone
16. Existing stone walling to be retained and repointed with matching stone
17. Existing rear wall partially retained and new timber pergola
18. Painted timber gate
19. Existing stone walling to be retained and made good locally as required.
20. Zinc fascia to timber pergola
21. Local stone facade
22. Existing stone lintels, reveals, mullions and cills
23. Existing stone walling to be retained and repointed with matching stone
24. Tiled roof in full to match existing Poplar Farm cottage
25. Traditional garage door
26. Through coloured render
27. Existing stone walling to be retained and made good locally as required.
28. PPC cheeks and flashings to dormer windows
29. PPC aluminium glazed door
30. PPC aluminium copings in matching colour to window frames



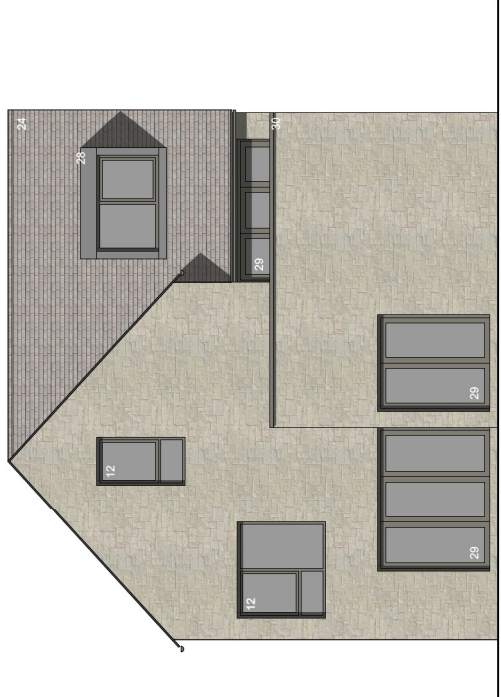
East



148  
South



West



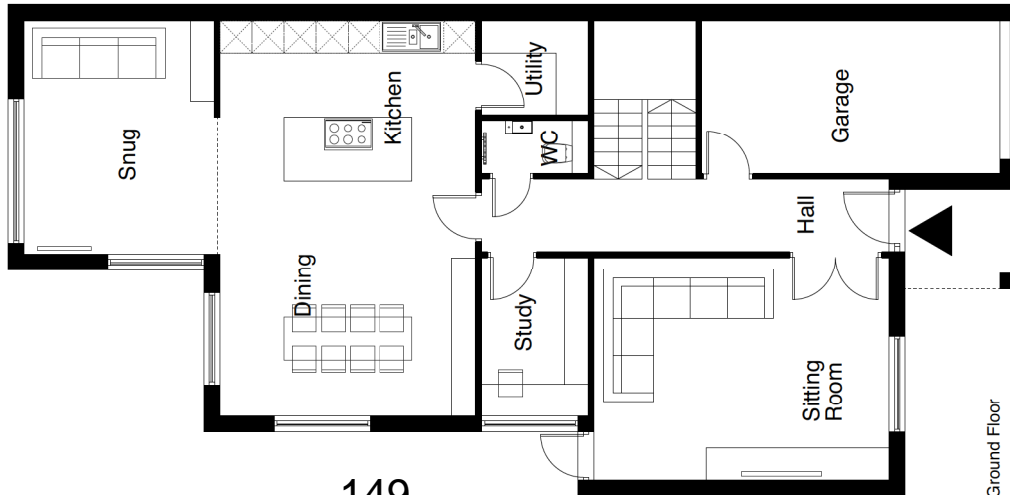
South



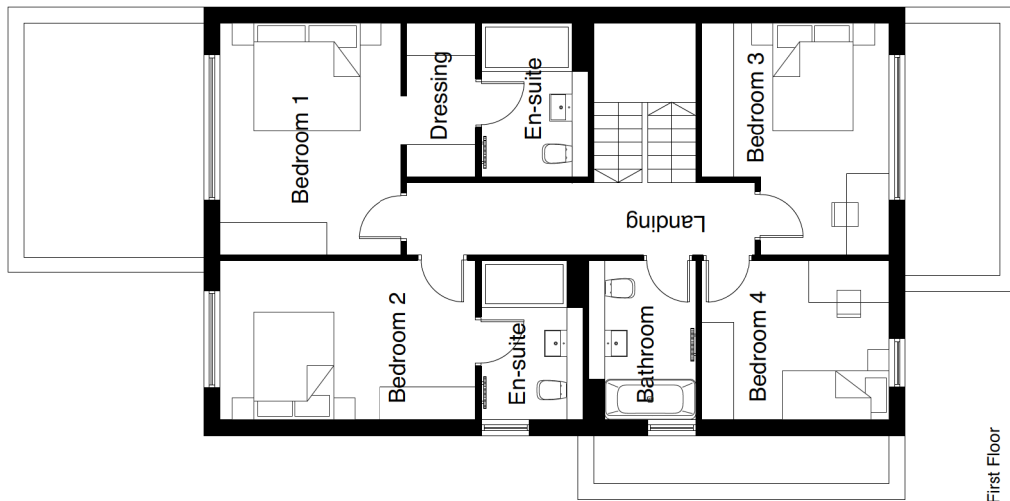
DATE	REVISION	BY	CHKD
18.07.2021	PG	PLANNING	BN
18.07.2021	PG	PLANNING	BN



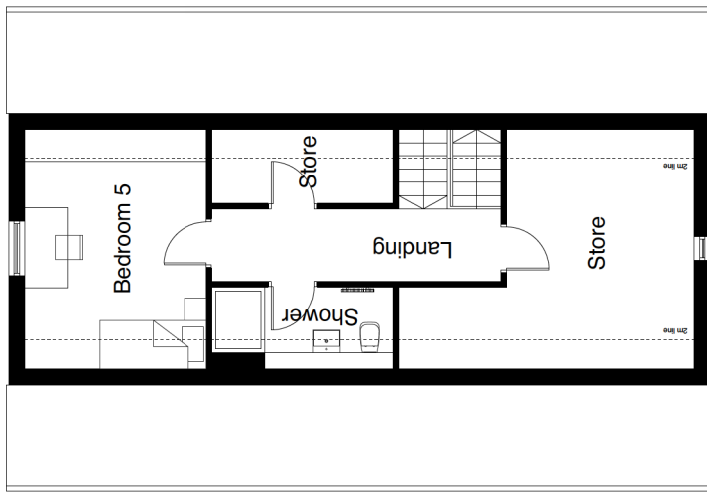
Total GIA 250 sqm / 2690 sqft (excl. garage)



Ground Floor



First Floor

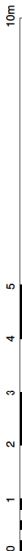


Attic

PG 21 (1.2021) - Chimney removed, RN  
P1, 16.07.2021, Planning Issues, RN  
Revisions

PROPOSED DEVELOPMENT, NEW ROAD, WOODMARCOTE  
Proposed Floor Plans - Plot 3

DATE	REVISION	BY
16.07.2021	PG 21 (1.2021)	RN
16.07.2021	PG 21 (1.2021)	RN

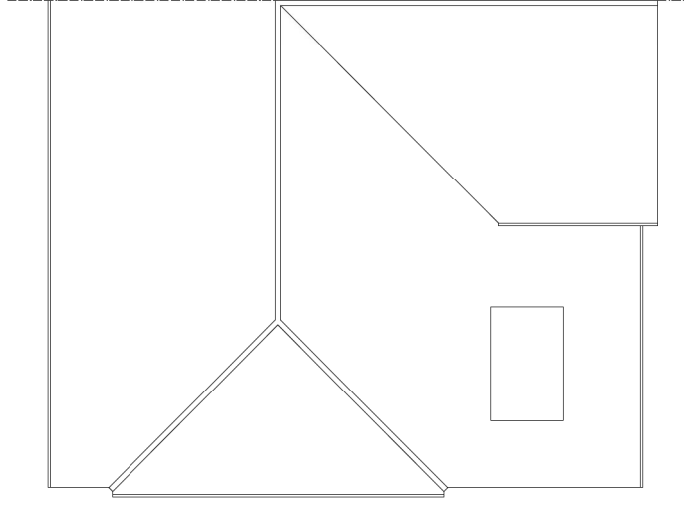


BPN ARCHITECTS

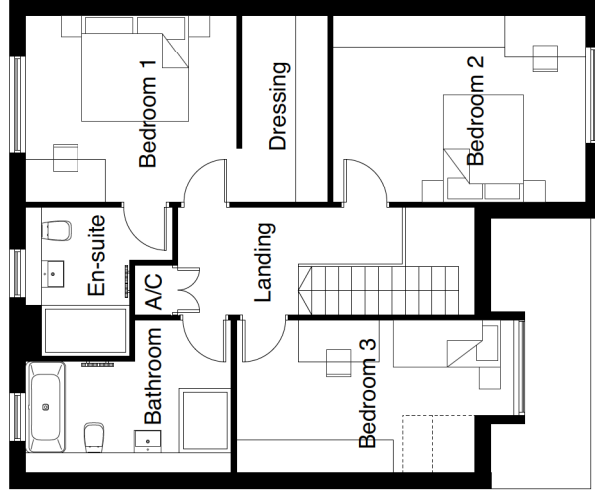
11 New Street, Birmingham B3 1UD  
0121 709 1919  
www.bpnarchitects.co.uk



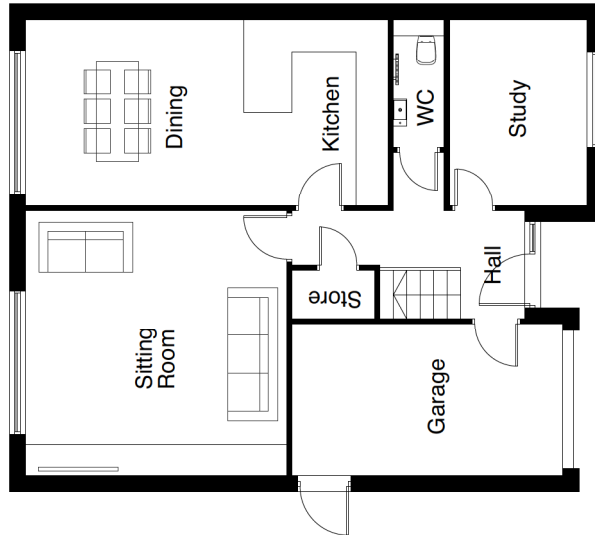
Total GIA 147 sqm / 1570 sqft (incl. garage)



Roof plan



First Floor



Ground Floor

PG 21 of 2022: Chimney removed, ground floor external alterations (IN)  
 PL 16 of 2022: Planning Issue (IN)  
 Revision

PROPOSED DEVELOPMENT, NEW ROAD, WOODMARCOTE  
 Proposed Floor Plans - Plot 4

DATE	REVISION	BY
20/01/25	PG	PLANNING
16/07/25	PL	PLANNING
16/07/25	PL	PLANNING



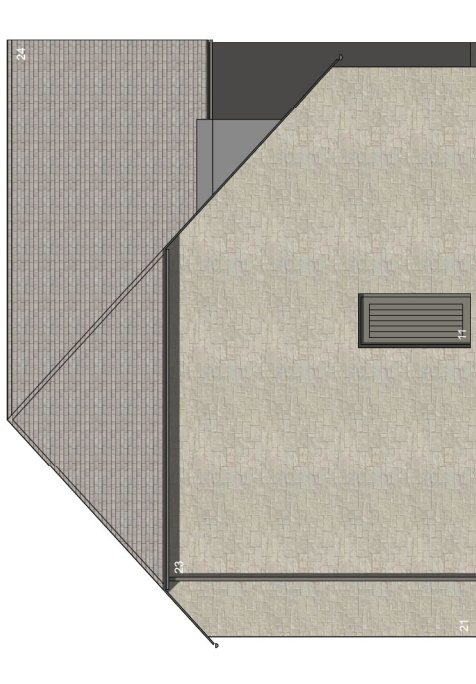
BPN ARCHITECTS

5 New Road, Woodmancote, SO10 1LD  
 01753 78118  
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**KEY**

1. Existing hatch roof retained and made good locally as required.
2. Existing stone walling retained and repointed with lime mortar as required.
3. Existing windows carefully removed and replaced with new hardwood windows. Existing stone walling to be retained and incorporating slimline double glazed units (applicable to all existing windows).
4. Brick splay areas redecorated.
5. Timber frame redecorated.
6. Existing stone walling to be retained and made good locally as required.
7. Existing delapidated stone wall rebuilt.
8. Existing stone walling to be retained and screen in bronze colour.
9. Spalling seam stone roof.
10. New stone wall built using reclaimed stone from demolished garage.
11. Painted timber door.
12. Existing stone walling to be retained and made good locally as required.
13. Stone coping.
14. Dry stone wall using local stone.
15. Existing stone walling to be retained and made good locally as required.
16. Existing chimney partially retained with matching stone.
17. Existing rear wall partially retained and new timber pergola.
18. Painted timber gate.
19. Existing stone walling to be retained and made good locally as required.
20. Zinc fascia to timber pergola.
21. Local stone facade.
22. Existing stone lintels, reveals, mullions and cills.
23. Existing stone walling to be retained and made good locally as required.
24. Tiled roof in built to match existing Poplar Farm cottage.
25. Traditional garage door.
26. Through coloured render.
27. Existing stone walling to be retained and made good locally as required.
28. PPC cheeks and flashings to dormer windows.
29. PPC aluminium glazed door.
30. PPC aluminium copings in matching colour to window frames.



South



East

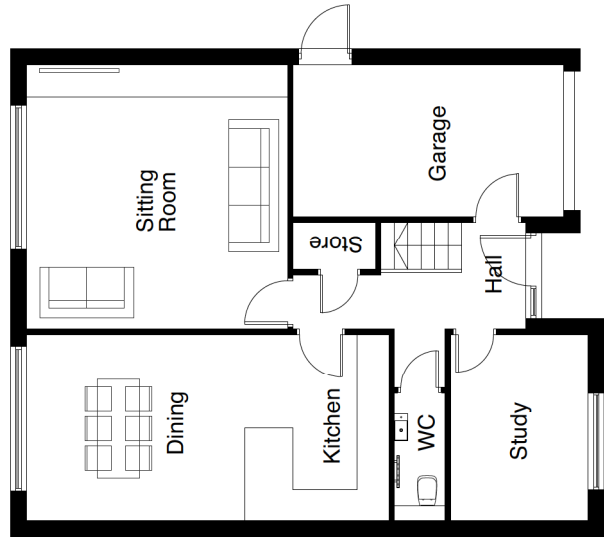


West

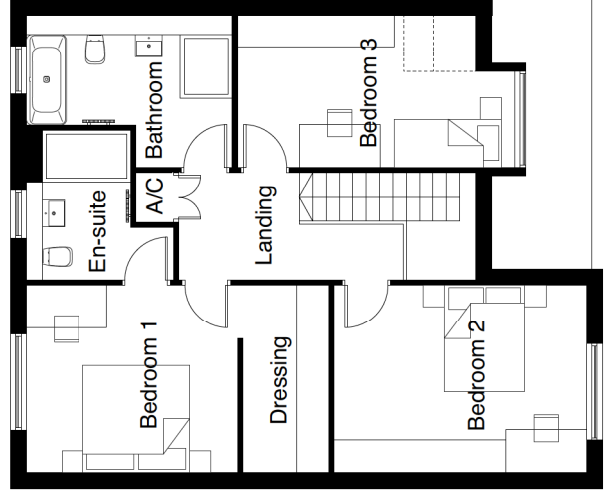


DATE	BY	REVISION
2019.11.14	PS	PLANNING
2020.07.17	PS	REVISION
2021.07.20	PS	REVISION

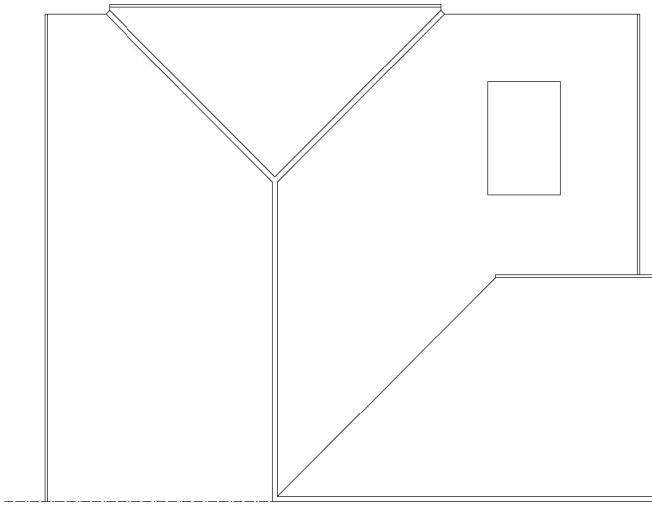
Total GIA 147 sqm / 1570 sqft (incl. garage)



Ground Floor



First Floor



Roof plan



BPN ARCHITECTS

100-1000  
011 723 1818  
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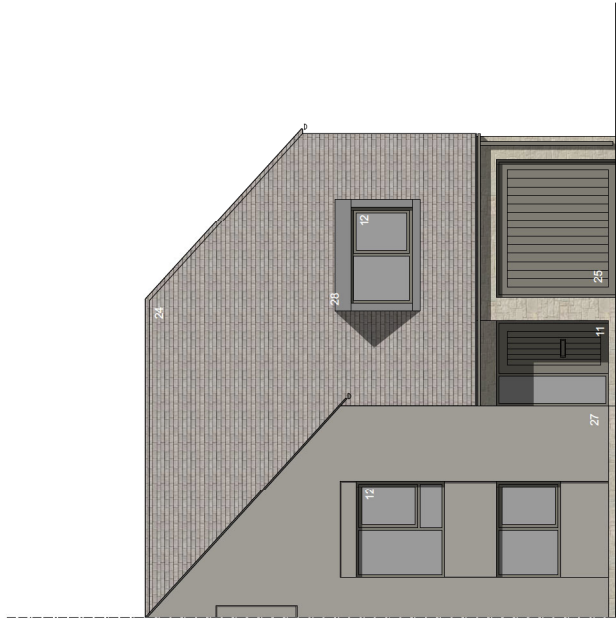
PROPOSED DEVELOPMENT, NEW ROAD, WOODMARCOTE  
Proposed Floor Plans - Plot 5

DATE	REVISION
2019.1.28	FP
18.12.2018	FP
18.12.2018	FP

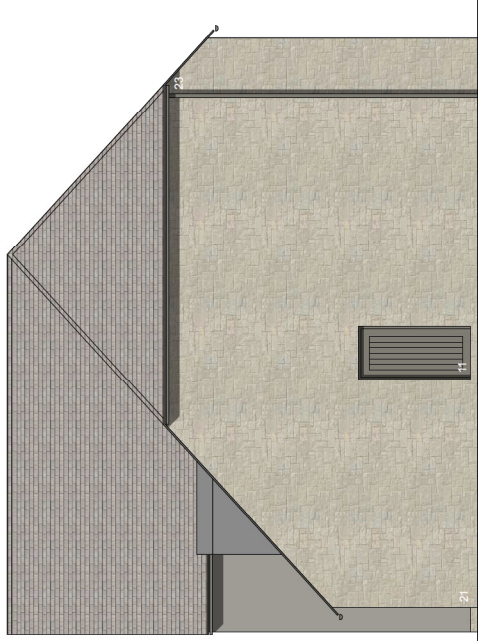
PG 21 of 2021: Chimney removed, ground floor external alterations (IN)  
PG 18 of 2021: Planning Issues (IN)  
Revised

**KEY**

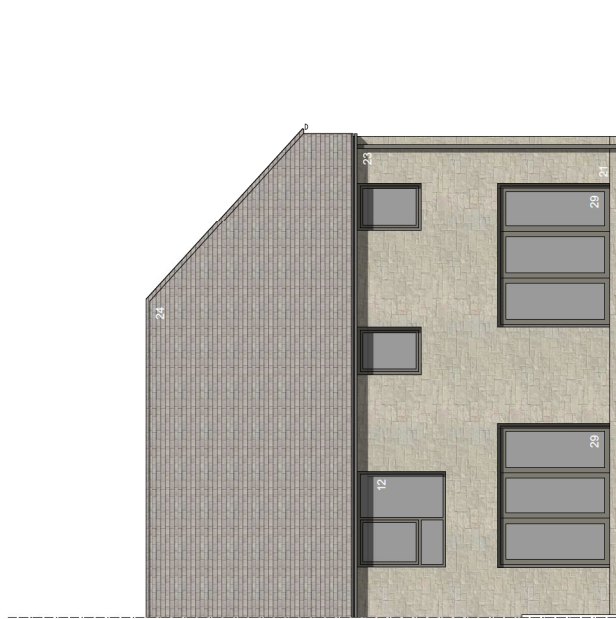
1. Existing hatch roof retained and made good locally as required.
2. Existing stone walling retained and repointed with lime mortar as required.
3. Existing windows carefully removed and replaced with new hardwood windows. Existing stone walling to be retained and incorporating slimline double glazed units (applies to all existing windows)
4. Brick splaydells redecorated
5. Timber frame redecorated
6. Existing interior goods redecorated or replaced to match if beyond repair - stone colour.
7. Existing delapidated stone wall rebuilt
8. Existing stone walling to be retained and screen in bronze colour
9. Spalling seam coat
10. New stone wall built using reclaimed stone from demolished garage
11. Painted timber coat
12. Existing window in double glazed window
13. Stone coping
14. Dry stone wall using local stone
15. Existing downy partially replaced with matching stone
16. Existing stone walling to be retained and repointed with lime mortar as required
17. Existing rear wall partially retained and new timber pergola
18. Painted timber gate
19. Existing stone walling to be retained and repointed with lime mortar as required
20. Zinc fascia to timber pergola
21. Local stone facade
22. Present stonelintels, reveals, mullions and cills
23. Existing stone walling to be retained and repointed with lime mortar as required
24. Tiled roof in full to match existing Poplar Farm cottage
25. Traditional garage door
26. Through coloured render
27. Existing stone walling to be retained and repointed with lime mortar as required
28. PPC creeks and flashings to dormer windows
29. PPC aluminium glazed door
30. PPC aluminium copings in matching colour to window frames



East  
154



North

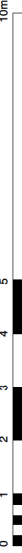


West

PL2\_18\_2021\_Chimney removed\_RN  
 PL1\_18\_07\_2021\_Planetary Issues\_RN  
 Revision

**PROPOSED DEVELOPMENT, NEW ROAD, WOODMARCOTE**  
 Proposed Elevations - Plot 5

DATE	REVISION
24/01/15	PL2
18/07/15	PL1
18/07/2015	PL1
18/07/2015	PL1



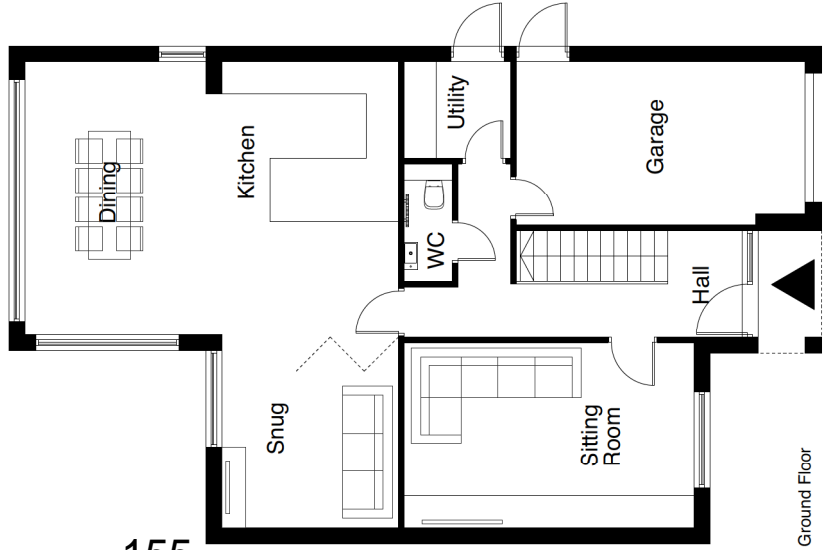
**BPN ARCHITECTS**

1 New Road, Woodmarcote, SO1 1LD  
 01263 793181  
 www.bpnarchitects.co.uk

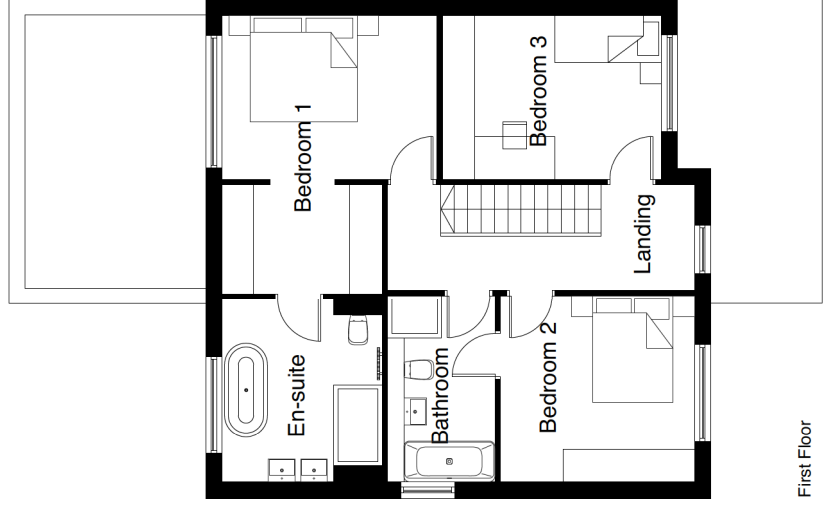


Total GIA 210 sqm / 2259 sqft (excl. garage)

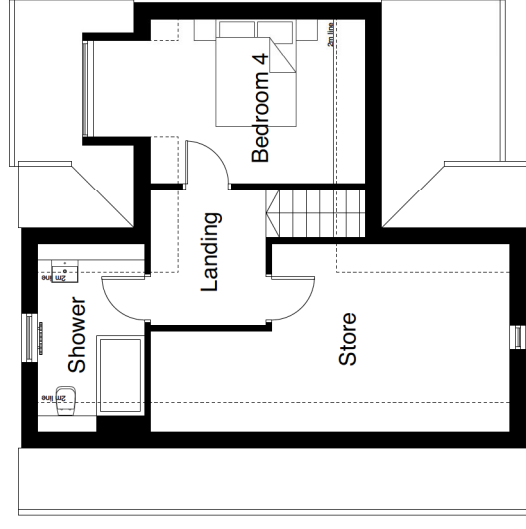
155



Ground Floor



First Floor



Attic

PG 21/18/2021: Chimney removed, front door & utility cover removed, JN  
 P1, 18/07/2021: Planning Issues, JN  
 Revision:

PROPOSED DEVELOPMENT, NEW ROAD, WOODMARCOTE  
 Proposed Floor Plans - Plot 6 & 7

DATE	REVISION	BY
18/07/2021	P1	JN
18/07/2021	P2	JN
18/07/2021	P3	JN
18/07/2021	P4	JN
18/07/2021	P5	JN
18/07/2021	P6	JN
18/07/2021	P7	JN
18/07/2021	P8	JN
18/07/2021	P9	JN
18/07/2021	P10	JN
18/07/2021	P11	JN
18/07/2021	P12	JN
18/07/2021	P13	JN
18/07/2021	P14	JN
18/07/2021	P15	JN
18/07/2021	P16	JN
18/07/2021	P17	JN
18/07/2021	P18	JN
18/07/2021	P19	JN
18/07/2021	P20	JN
18/07/2021	P21	JN
18/07/2021	P22	JN
18/07/2021	P23	JN
18/07/2021	P24	JN
18/07/2021	P25	JN
18/07/2021	P26	JN
18/07/2021	P27	JN
18/07/2021	P28	JN
18/07/2021	P29	JN
18/07/2021	P30	JN
18/07/2021	P31	JN
18/07/2021	P32	JN
18/07/2021	P33	JN
18/07/2021	P34	JN
18/07/2021	P35	JN
18/07/2021	P36	JN
18/07/2021	P37	JN
18/07/2021	P38	JN
18/07/2021	P39	JN
18/07/2021	P40	JN
18/07/2021	P41	JN
18/07/2021	P42	JN
18/07/2021	P43	JN
18/07/2021	P44	JN
18/07/2021	P45	JN
18/07/2021	P46	JN
18/07/2021	P47	JN
18/07/2021	P48	JN
18/07/2021	P49	JN
18/07/2021	P50	JN
18/07/2021	P51	JN
18/07/2021	P52	JN
18/07/2021	P53	JN
18/07/2021	P54	JN
18/07/2021	P55	JN
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18/07/2021	P58	JN
18/07/2021	P59	JN
18/07/2021	P60	JN
18/07/2021	P61	JN
18/07/2021	P62	JN
18/07/2021	P63	JN
18/07/2021	P64	JN
18/07/2021	P65	JN
18/07/2021	P66	JN
18/07/2021	P67	JN
18/07/2021	P68	JN
18/07/2021	P69	JN
18/07/2021	P70	JN
18/07/2021	P71	JN
18/07/2021	P72	JN
18/07/2021	P73	JN
18/07/2021	P74	JN
18/07/2021	P75	JN
18/07/2021	P76	JN
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18/07/2021	P79	JN
18/07/2021	P80	JN
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18/07/2021	P88	JN
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18/07/2021	P94	JN
18/07/2021	P95	JN
18/07/2021	P96	JN
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18/07/2021	P98	JN
18/07/2021	P99	JN
18/07/2021	P100	JN



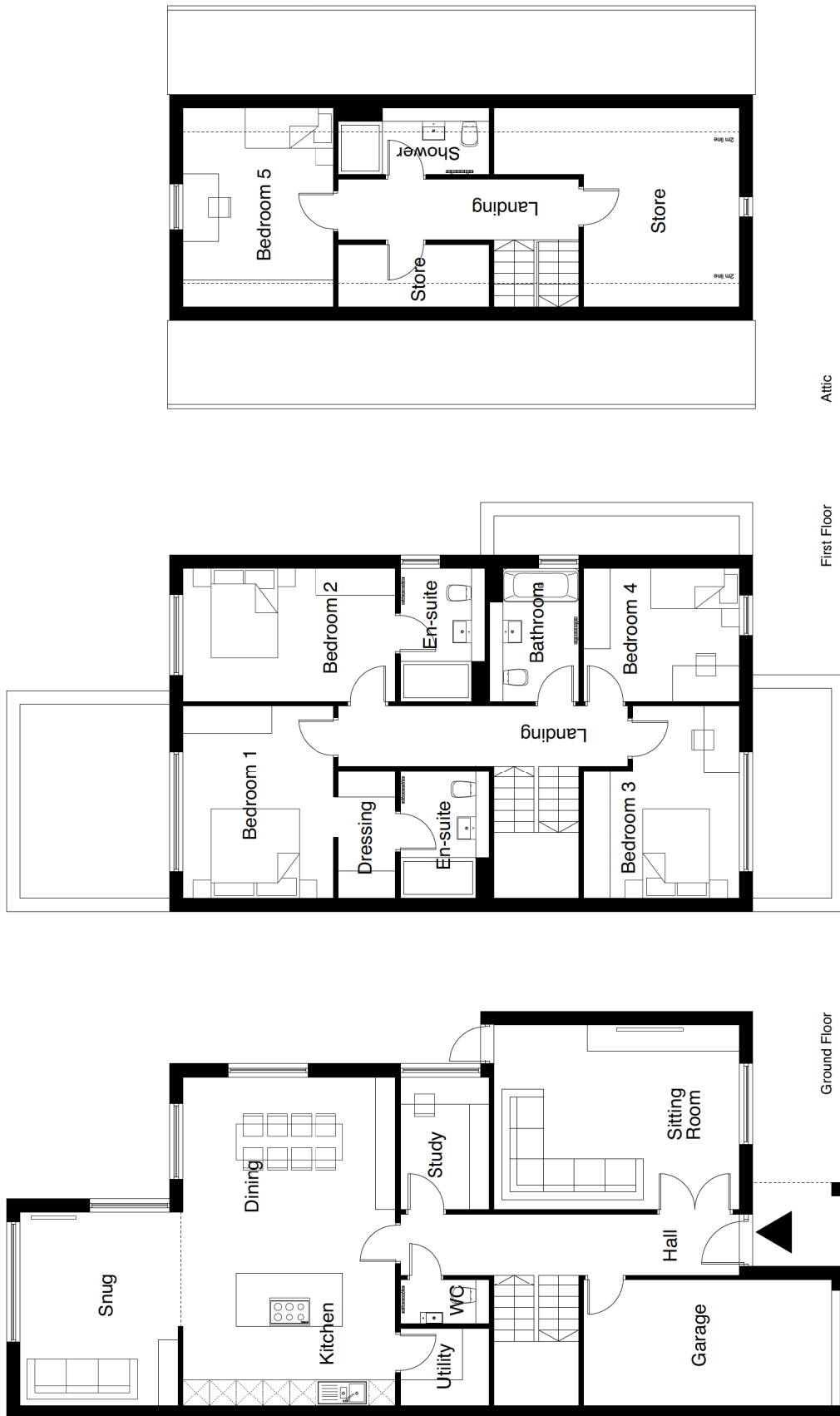
BPN ARCHITECTS

11 New Road, Woodmarcote, Leicestershire, LE12 7JH  
 01530 720110  
 www.bpnarchitects.co.uk







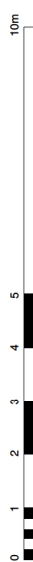


PG 21/10/2021: Changes removed RN  
 P1, 16/07/2021: Planning Issues RN  
 Revisions

PROPOSED DEVELOPMENT, NEW ROAD, WOODMARCOTE  
 Proposed Floor Plans - Plot 8

DATE	REVISION	BY
24/01/20	FP	PLANNING
16/07/21	FP	PLANNING
16/07/21	FP	PLANNING

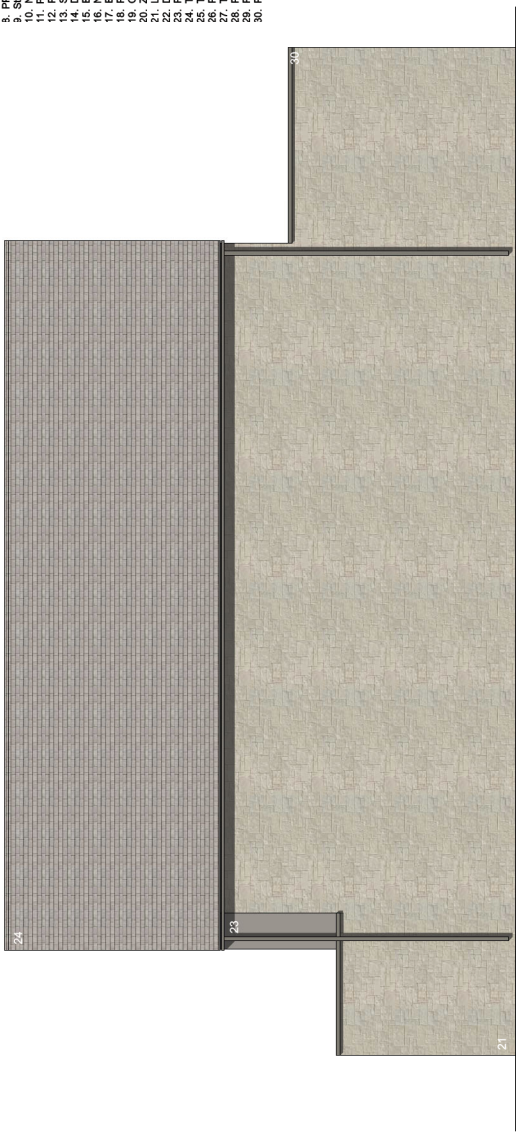
BPN ARCHITECTS



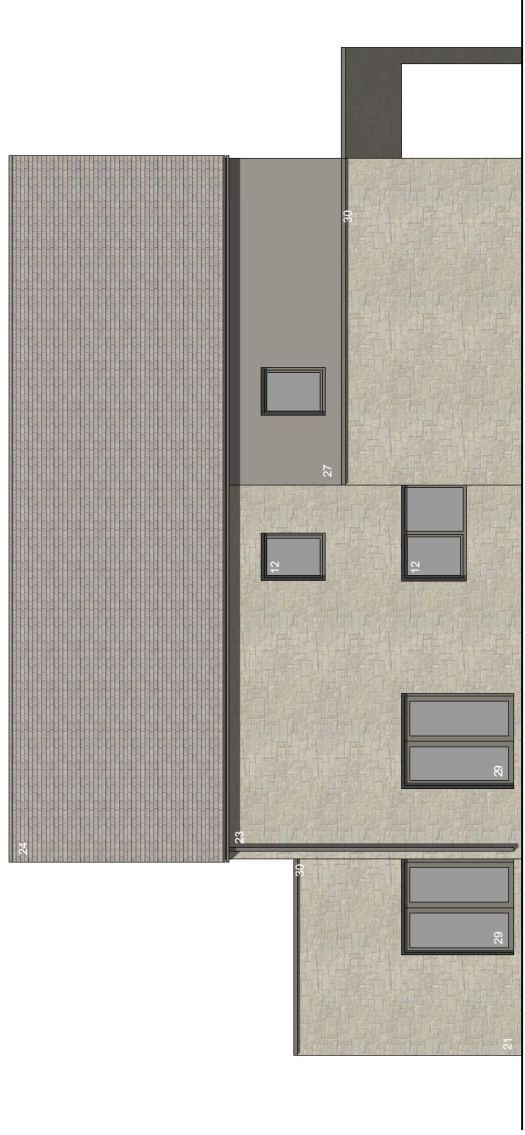
1. New Road, Woodmarche, SO1 1UD  
 01753 78118  
 www.bpnarchitects.co.uk

**KEY**

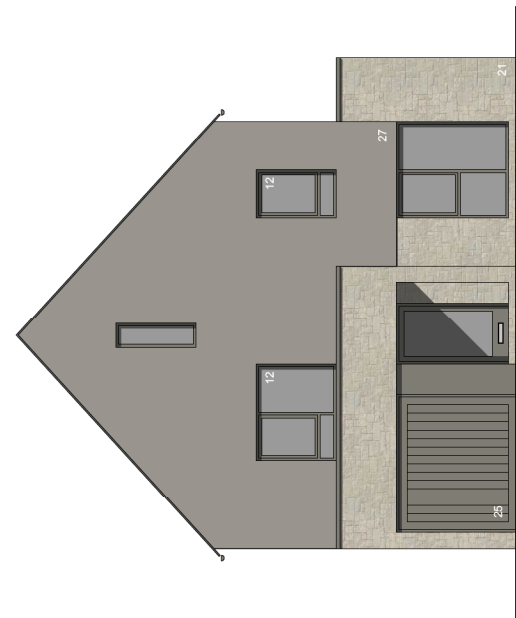
1. Existing hatch roof retained and made good locally as required.
2. Existing stone walling retained and repointed with lime mortar as required.
3. Existing windows carefully removed and replaced with new hardwood windows. Existing stone lintels to be retained and incorporated into new double glazed units (applies to all existing windows)
4. Brick spondrils redecorated
5. Timber frame redecorated
6. Existing stone walling to be retained and made good locally as required. Existing stone lintels to be retained and incorporated into new double glazed units (applies to all existing windows)
7. Existing delapidated stone wall rebuilt beyond repair - bronze colour
8. Existing stone walling to be retained and made good locally as required. Existing stone lintels to be retained and incorporated into new double glazed units (applies to all existing windows)
9. Spacing seam zinc roof
10. New stone wall built using reclaimed stone from demolished garage
11. Painted timber door
12. Existing stone walling to be retained and made good locally as required. Existing stone lintels to be retained and incorporated into new double glazed units (applies to all existing windows)
13. Stone coping
14. Dry stone wall using local stone
15. Existing stone walling to be retained and made good locally as required. Existing stone lintels to be retained and incorporated into new double glazed units (applies to all existing windows)
16. Existing chimney partially retained and made good locally as required. Existing stone lintels to be retained and incorporated into new double glazed units (applies to all existing windows)
17. Existing rear wall partially retained and new timber pergola
18. Painted timber gate
19. Existing stone walling to be retained and made good locally as required. Existing stone lintels to be retained and incorporated into new double glazed units (applies to all existing windows)
20. Zinc fascia to timber pergola
21. Local stone facade
22. Existing stone lintels, reveals, mullions and cills
23. Existing stone walling to be retained and made good locally as required. Existing stone lintels to be retained and incorporated into new double glazed units (applies to all existing windows)
24. Tiled roof in built to match existing Poplar Farm cottage
25. Traditional garage door
26. Through coloured render
27. Existing stone walling to be retained and made good locally as required. Existing stone lintels to be retained and incorporated into new double glazed units (applies to all existing windows)
28. PPC cheeks and flashings to dormer windows
29. PPC aluminium glazed door
30. PPC aluminium copings in matching colour to window frames



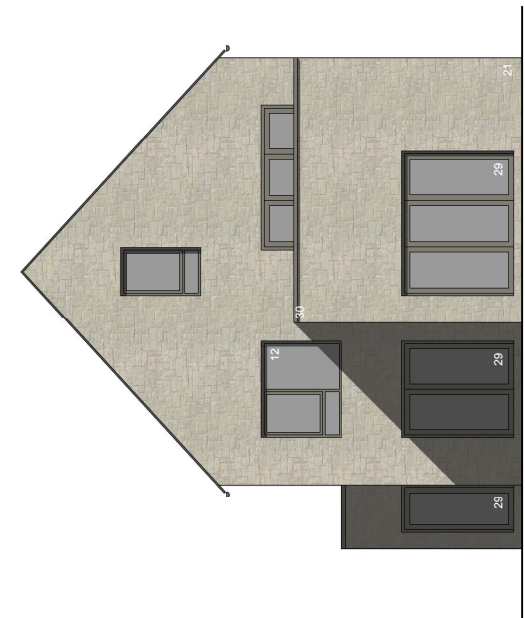
South



North



East



West

PS 21.10.2021: Chimney removed, RN  
 P1, 16.07.2021: Planning Issues, RN  
 Revision

PROPOSED DEVELOPMENT, NEW ROAD, WOODMARCOTE  
 Proposed Elevations - Plot 8

DATE	REVISION	BY	CHECKED
16.07.2021	PS	PLANNING	PLANNING
16.07.2021	1/00		

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 01753 701111  
 www.bnarchitects.co.uk













10m



BN ARCHITECTS

# Poplar Farm

1. Windmill field
2. The Folly
3. Seed Pieces
4. Peachstile
5. Coltrells Meadows
6. Gamsters
7. Longlands
8. Tomblind Orchard

	Retained tree
	1.2m edible and mixed native hedging (hawthorn/blackthorn/hazel/dogrose/elder/myobalan plum/leer campstree)
	Plum - Prunus cerasifera
	crab apple - malus evereste
	Pyrus calleryana 'Chanticleer'
	Amelanchier Lamarkii
	Fruit Trees - victors plum / samburst cherry / pyrus communis - on cordstock suitable for garden space.
	stepping/cascading border with cotswold stone
	border
	lawn
	Tobomoro hydropane tegulae - cedar
	FSC-certified softwood decking
	Tobomoro 600 x 600 natural textured paver
	area suitable for 2 x 3m garden shed/storage
	post and rail fence area

Poplar Farm  
 GA Landscape  
 Stage: Design Concept  
 Drawing: 031-PF-001-R1

**Design Notes/Annotations:**  
 2.1/2/21 - buffer trees added to main poplar farm garden  
 - increased landscaping to north boundary  
 - increased landscaping to east boundary for all plots  
 - green roof and car port to poplar farm

Scale:  
 1:200 @ A1  
 Do not scale from this drawing. This drawing is a copy print.

ROBERT COLBOURNE  
 EMAIL@ROBERTCOLBOURNE.CO.UK





New Road Streetscene



160

Streetscene facing South



Streetscene facing West

PL\_21.10.2021\_General revision\_JN  
 PD\_26.10.2021\_Lowered Eaves Level to Extension\_JN  
 PD\_26.10.2021\_Revised Parking layout\_JN  
 PL\_16.07.2021\_Planning Issues\_JN  
 Revision

**PROPOSED DEVELOPMENT, NEW ROAD, WOODMARCOTE**  
**Streetscene Elevations**

DATE	REVISION	BY	CHKD
2023.10.03	PM	PL	PL
15.07.2021	PL	PL	PL
16.07.2021	PL	PL	PL

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BPN ARCHITECTS



## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	15 February 2022
<b>Site Location:</b>	Poplar Farm New Road Woodmancote
<b>Application No:</b>	21/00932/FUL
<b>Ward:</b>	Cleeve Hill
<b>Parish:</b>	Woodmancote
<b>Proposal:</b>	Proposed extensions and alterations to Poplar Farm (Grade II Listed) including demolition of existing 20th century additions.
<b>Report by:</b>	Gemma Smith
<b>Appendices:</b>	2489.0.01 Rev P2 entitled 'Location Plan' 2489.0.10 Rev P1 entitled 'Existing Site Plan' 2489.1.10 Rev P4 entitled 'Proposed Site Plan' 2489.0.20 Rev P1 entitled 'Existing Ground Floor' 2489.1.20 Rev P2 entitled 'Proposed Ground Floor' 2489.0.21 Rev P1 entitled 'Existing Ground Floor – Proposed demolition' 2489.0.23 Rev P1 entitled 'Existing First Floor – Proposed demolition' 2489.0.51 Rev P1 entitled 'Existing Elevations 1 – Proposed demolition' 2489.1.50 Rev P3 entitled 'Proposed Elevations 1' 2489.0.53 Rev P1 entitled 'Existing Elevations 2 – Proposed demolition' 2489.1.60 Rev P3 entitled 'Proposed Elevations 2' 2489.1.21 Rev P2 entitled 'Proposed First Floor' 2489.0.71 Rev P1 entitled 'Existing Sections – Proposed demolition' 2489.1.70 Rev P3 entitled 'Proposed Sections' 2489.1.71 Rev P1 entitled 'Detailed Cross Section' 2489.1.80 Rev P4 entitled 'Street-scene Elevations' 031-PF-001-R1 entitled 'Landscape'
<b>Recommendation:</b>	Permit

### 1.0 SITE DESCRIPTION AND PROPOSAL

The Application Site relates to a 17th Century Grade II listed timber framed thatched barn attached by a modern single-storey extension to a barn within a garden setting. The wider site forms part of a historic orchard. The site is located on the west side of New Road in the village of Woodmancote.

The buildings form two perpendicular ranges set in the north-eastern corner of the site. To the south is a detached stone built garage and lean-to stores. The cottage defines the northern boundary and features a two-storey extension at its west end with small outbuildings beyond. Currently vehicular access to the site is gained via a gated entrance leading to a stone built single-storey garage to the south of the main house. Pedestrian access is afforded via a front door within the single-storey link

extensions between the stone cottage and barn, towards the north of the eastern boundary.

The remainder of the site, a former orchard, has served as the private garden to the house. The site is not located within an area subject to designated control.

The application is submitted along with an associated listed building consent application (21/00933/LBC) together with a separate full planning application for the erection of the 8 houses within the grounds of Poplar Farm (planning reference 21/00938/FUL) for the wider redevelopment of the site.

## 2.0 PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
49/00223/FUL	Proposed tractor shed, poultry house, garage and alterations to greenhouse. Alterations to existing pedestrian and agricultural access.	PER	16.02.1949
53/00126/FUL	Workshop for experimental and research work.	PER	21.04.1953
55/00127/FUL	Extension to house.	PER	20.09.1955
63/00151/OUT	Outline application for erection of double garage with play room over.	PER	17.09.1963
64/00166/FUL	Double garage with playroom over.	APPROV	18.03.1964
64/00167/FUL	Double garage.	PER	21.10.1964
65/00155/FUL	A playroom.	PER	17.03.1965
66/00125/FUL	Single garage in place of double garage.	PER	22.09.1966
67/00142/FUL	Carport.	PER	22.03.1967
88/93192/LBC	Erection of a conservatory (Grade II Listed Building Ref: 17/201).	CONSEN	26.10.1988
88/93193/FUL	Erection of a conservatory.	PER	02.11.1988
21/00933/LBC	Proposed extensions and alterations to Poplar Farm (Grade II listed), including demolition of existing 20th century additions.	Pending	
21/00938/FUL	Erection of 8 dwellings to include new access, landscaping and associated works.	Pending	

## 3.0 APPLICATION DETAILS

### 3.1 The Proposal

Planning permission is sought for extensions and alterations to Poplar Farm (Grade II listed), including

demolition of existing 20th century additions.

The existing building will be maintained as a single private residence, together with the a rear defined garden and parking to the front and rear. The proposal will remove the later additions and internal divisions and replace with new single-storey extensions.

The proposal comprises of are six main components as follows:

- Single-storey flat roof extension and links to existing buildings and new building.
- Proposed new building.
- Enhancements to existing cottage.
- Enhancements to existing barn.
- Car port.
- New vehicular entrance and newly defined garden curtilage.

#### Single-storey flat roof extension and links

The first extension is a glazed link to tie the three distinct buildings together. The extension would replace an existing modern extension. The proposed addition would be light weight and constructed out of the following materials:

- Standing seam link zinc roof.
- PPC aluminium double-glazed window.
- New stone wall built using reclaimed stone from demolished garage to East Elevation (front of site facing New Road).
- Facing link between barn and farmhouse would feature glazing within PPC aluminium frames in bronze colour under Standing seam link zinc roof.

#### Proposed new building

The revised extension for the new accommodation wing will be single-storey and constructed as a L-shaped range to reflect an agricultural building. The proposed south facing range would measure approx. 4.2m to maximum ridge height with the revised eaves set at approx. 2.0m. The proposed new building would be constructed out of the following materials:

- Tiled roof in buff to match existing cottage.
- PPC aluminium door and screen in bronze colour fenestration.
- New stone wall built using reclaimed stone from demolished garage proposed south elevation

#### Enhancements to existing cottage

The proposal seeks for enhancements to the existing cottage which would comprise of:

- Thatch to be retained and made good
- Stone walling to be retained and repointed with lime mortar as required.
- Replacement windows constructed out of hardwood of a matching pattern and profile but incorporating slimline double units.
- Brick spandrels and timber frame renovated
- Dilapidated wall to front of site will be rebuilt

#### Enhancements to existing barn

- Stone walling to be retained and repointed with lime mortar as required.
  - Rainwater goods renovated or replaced to match.
  - Replacement windows constructed out of hardwood of a matching pattern and profile but incorporating slimline double units.
  - New dormer window to match existing
- Existing doorway at first floor on west elevation partially infilled with match stone

To the west of the cottage a car port is proposed with a green roof.  
A new dry stone wall will bound the site providing separation from the wider site.  
Adjacent to the car port will be a vehicular entrance and newly defined garden curtilage.

An associated Listed Building Consent application is being considered under planning reference 21/00933/LBC.

### **3.2 Agents Submission**

The application is supported by the following documents:

- Design and Access Statement
- Planning Statement, Evans Jones
- Heritage Statement, July 2021, BNP Architects
- Ecological Proposal, July 2021, All Ecology Ltd.
- Bat Survey, July 2021, All Ecology Ltd.
- Reptile Survey July 2021, All Ecology Ltd.
- Tree Survey, B.J Unwin Forestry Consultancy Ltd.
- Technical Note, Cotswold Transport Planning

### **3.3 Additional Information / Amendments**

During the course of the proposal in response to the initial comments received by the Parish Council, several rebuttal letters have been received by the agent addressing the objections received. Following feedback from the Conservation Officer, the scheme was amended to address concerns in particular with the new accommodation L-shaped extension.

## **4.0 POLICIES AND GUIDANCE**

Planning (Listed Buildings and Conservation Areas) Act 1990

### **National guidance**

National Planning Policy Framework and Planning Practice Guidance

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

- Policy SD4 (Design Requirements)
- Policy SD6 (Landscape)
- Policy SD8 (Historic Environment)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk Management)
- Policy INF3 Green Infrastructure

### **Tewkesbury Borough Local Plan to 2011- Adopted March 2006 (saved policies not replaced by the JCS)**

- Policy HOU8 (Domestic Extensions)
- Policy HEN2 (Conservation Area: Setting and Impact)
- Policy LND3 (Landscape Protection Zones)
- Policy LDN2 (Special Landscape Areas)

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

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'.

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).



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).

- Policy HER2 (Listed Buildings)
- Policy LAN2 (Landscape Protection Zone)
- Policy RES10 (Alterations extension of existing dwellings)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy NAT2 (The Water Environment)
- Policy NAT3 (Green Infrastructure: Building with Nature).
- Policy ENV2 (Flood Risk and Water Management)
- Policy TRAC9 (Parking Provision)

### **Neighbourhood Plan**

Draft Woodmancote Neighbourhood Plan Regulation 16 – moderate weight

- Policy 5 – Water Management Statements
- Policy 9 – Design

## **5.0 CONSULTATIONS AND REPRESENTATIONS**

**Woodmancote Parish Council** – Final Response – No Objection subject to conditions with the following comments. *“In terms of the listed dwelling, we thank the conservation officer for his intervention as this has clearly led to a proposal that is much more sympathetic to the site’s agricultural heritage. Our support for this proposal is subject to the full implementation of conditions proposed by the conservation officer respectfully request a condition requiring a sample panel to be constructed and approved by the conservation officer including all brick, mullion, jamb, window and door materials.”*

Initial Response - Objection with the following comments:

- Agree with the principle of the refurbishment of the listed buildings however the current proposal does not address key planning issues.

-The additional wing on the listed building is not sympathetic to the setting of the listed building or relative to the view from New Road.

-The current design proposal fails to maintain the more agricultural/rural character of the village.

**Gloucestershire County Council (Highways)** – No objections.

**Conservation Officer** Final Response– No Objections on amended plan (addition of pitch to L-shaped addition as advised) subject to a number of recommendations.

*Initial Response* – Objection issue with L-Shape addition as discussed formally on site visit with Agent’s Heritage Consultant given scale of detail of application proposal.

**Ecology** – No Objections with comments as follows *“Based on the result of the Ecological Appraisal, further bat surveys were recommended for the buildings classed as having a moderate roost potential and reptile surveys were recommended. Further surveys were undertaken. Conditions are recommended for an EPS mitigation licence, bat mitigation and enhancements, lighting strategy and ecological enhancement plan”.*

**Environmental Health (Contamination)**- No objection subject to imposing a condition relation to a preliminary risk assessment to identify any potential contaminants.

**Environmental Health (Noise)** – No comments to make in relation to noise. Advice is made to ensure that the applicant implement measures to reduce emissions of noise/dust during demolition.

**Severn Trent Water** - No Objection – subject to following conditions:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

**Drainage Engineer** – No objection (entire redevelopment of site) to proposal for discharge surface water to the combined sewer in New Road at discharge rate that will need to be agreed with STW. Details are a matter to be determined between STW and the developer so there is no need for a drainage condition to be applied to any consent permitted against the applications.

**Building Control** – No comments received.

**Tree Officer** – No comments received.

**Local Residents** – The application has been publicised through the posting of a site notice for a period of 21 days and there have been 3 letters of representation have been received which include comments relating to this site from the proposal for the wider development of the site. These comments are as follows:

One representation has been received that includes comments relating to concerns of trees and vegetation prior to the application being submitted (includes the wider redevelopment of the site); Concerns with the additional access and the increase of vehicular movements (to serve new development and proposed rear entrance of site)

Two representations are received in support of the proposal and include the following comments: Supports the wider redevelopment of the site and considers it is an enhancement to this part of the village.

**Society for Protection of Ancient Buildings** – Final Response – Objection with the following comments:

- The overall size of the extensions remain excessive
- The large glazed link conceals a substantial part of the cottage elevation, the whole of the west elevation of the barn and part of its south elevation.
- The limited gap between the roof of the link and underside of the thatch still remains a concern from buildability and maintenance.
- The east elevation is improved by the change to a pitched roof, there remains a mismatch in scale in relation to the barn and cottage. The extension does not achieve a visual transition between the existing buildings and proposed new dwellings as seen in the 'street-scene'.

*Initial Response* – Objection on the following grounds:

- The size of the proposed extensions is excessive in relation to the size of the historic buildings.
- The design is inappropriate.
- The information provided on the condition of the historic buildings and the repairs is inadequate.
- Inadequate consideration of the impact of the proposals on the fabric of the historic buildings.

## **PLANNING OFFICERS APPRAISAL AND CONCLUSIONS**

### **Principle of Development**

Saved Policy HOU8 of the TBLP together with emerging Policy RES10 of the PSTBLP seeks for extensions to be permitted providing that the proposal respects the character, scale and proportion of the existing, respects the character and appearance of the surrounding development and does not have an

unacceptable impact on adjacent properties. Therefore, the principal of the extensions and additional carport are acceptable providing it is compliant with other relevant policies. The key issues in the determination of this planning proposal would be:

- Design and Scale
- Impact on heritage assets
- Impact on residential amenity
- Impact on Trees
- Impact on Ecology
- Drainage
- Highways and Parking Implications

### **Design and Visual Amenity**

Saved Policy HOU8 provides that development must respect the character, scale and proportion of the existing dwelling and the surrounding development while Policy SD4 of the JCS sets out requirements for high quality design. Likewise, emerging Policy RES10 of the Tewkesbury Borough Plan 2011-2031 (TBP) states that proposals for the extension and alteration of existing dwellings will be permitted providing that the detailed design reflects or complements the design and materials of the existing dwelling, and the proposal respects the character and appearance of surrounding development.

Draft Policy 9 of the Woodmancote NDP seeks for development proposals to be in keeping with the local character within the Woodmancote Character Assessments. Design of new development including extensions and renovations will be expected to incorporate positive local design features that identified within Boxes 8 and 9 of the WNDP.

The surrounding context is dominated by modern development arranged typically around cul-de-sacs. The eastern side of the site, in particular the barn is highly visible from New Road. The barn and east gable of the cottage are visible from the road. It is considered that the buildings make a positive element in the street scene. Views of the rear of the application site are entirely obscured from public vantage points due to the mass and density of the surrounding vegetation and soon to be new dwellings pending approval under planning reference 21/00938/FUL.

The additions would be appropriately sited and the additions would be commensurate in scale and designed to result in subservient additions in comparison to the additions that have been made to the heritage asset as a whole. to the main dwelling. The proposed additions would be constructed out materials that complement the heritage asset. The proposal comprises of removing later additions which would enhance the site.

Overall it is considered that the proposal would accord with Saved Policy HOU8 of the TBLP, SD4 of the JCS and emerging Policy RES10 of the PSTBLP.

### **Impact on Heritage Assets (Listed Building and Conservation Area)**

The proposal must also be assessed against section 16 of the NPPF, saved policy HEN2 of the TBLP, Policy SD8 of the JCS, together with emerging Policy HER2 of the PSTBLP.

In accordance with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regards to the desirability of preserving the building or its setting or any features of special architectural historic interest which it possesses.

Paragraph 197 states that in determining planning applications, local authorities should take into account of the 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. When considering the impact of a proposed development

on the significance of a designated heritage asset, Paragraph 199 states that, '*great weight*' should be given to the asset's conservation;

*"...When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".* The more important the asset, the greater the weight should be.

The main designated heritage asset is Poplar Farm a Grade II Listed building at the site. The impact of the proposal would effect both fabric and form and the setting of the asset. Beyond the boundary of the application site are Kings Farm, Pear Tree Cottage, The Old Thatched Cottage and Pigeon House all Grade II Listed village residences. It would appear that the collection of buildings originated as an isolated smallholding from the 17th Century set in the corner of an orchard. The orchard remains but is now surrounded by post war housing developments. The general area has little cohesive character or local distinctiveness.

A Heritage Statement from Jon Lowe Heritage Ltd. accompanies the application submission.

The site is made up of two historic buildings of varying ages and construction type and have been extended by mid to late 20<sup>th</sup> Century additions.

The thatched barn sited fronting the New Road is of architectural and historic interest. The building is compromised by an unsympathetic alteration and extension but remains legible and a good example of a small scale fruit barn built in the local vernacular. The setting has been compromised by the addition of the large rear extension, but the open nature on its west side remains a key part of its setting and affords the appreciation of the barn and cottage collectively.

The cottage to the east of the site has been compromised by the large dormer to the east. The setting of this building has been altered over time and has been compromised by the additional extensions to the site and its separation from the orchard setting. The buildings north and east elevations are partially visible from the public domain and can be considered as key to its setting and group value.

The proposal would remove the unsympathetic modern additions and internal divisions to better reveal the two historic buildings and replace them with single-storey subservient extensions. The works also include reopening the barns interior to a single space by removing an inserted floor and upgrading the performance of the buildings. Overall it is considered that the proposal would enhance the historic character and appearance of the historic barn and cottage and thereby improve the assets contribution to the wider setting. The form, fabric and features of the listed building that are of special interest would be preserved and through the replacement of the low quality later additions, the form, character and setting of the cottage and barn would be improved. It is not considered that there would be any loss in significance or substantial harm as a result of the proposals.

The Conservation Officer has been consulted on the proposal and initially objected to the flat roof of the extension proposed to the barn

Following consultation an amended design now incorporates a pitched roof on the L shaped extension. His final comments on the scheme are as thus:

*"It is considered that this development offers the opportunity to rectify the unsympathetic piecemeal additions and alterations to the barn and cottage. Overall the reconfiguration will be an enhancement by removing inappropriate additions from the cottage and re-establishing its legibility as a traditional Cotswold cottage.*

*The conversion of the barn appears straightforward although it will be important to retain the rudimentary rafters (application states that thatch is to be retained) although some form of insulation below the rafters would be acceptable (as shown in Section 3 3) but a specification would need to be secured through condition.*

*The application states that windows in the cottage and barn are to be removed and replaced with new*

hardwood versions with slim double glazing. No windows of specific historic importance were observed therefore in principle this proposal would be acceptable. However, in some examples the design of the existing windows are not particularly sympathetic and could be improved. As such all window designs should be agreed prior to installation via a suitably worded condition.

The proposal includes a flat roofed glazed link extension between the cottage and the barn and extending on to the new extension. This element is uncompromisingly contemporary in its style and materials. It is considered that this part of the proposal is not particularly sympathetic to the historic buildings present and it would be far better if the barn were left without such a side addition. However, it is also acknowledged that the current arrangement already includes a similar arrangement that was apparently previously granted consent. The redesign of this otherwise unsympathetic element will be a slight improvement due to the lightweight nature of the new structure and the removal of the lean-to conservatory. In addition the connection with the barn will be lowered to allow the thatched eaves to become more articulated. As such I do not consider that there are sufficient grounds to recommend refusal of this element.

The existing stone built garage is to be demolished and replaced with a stone clad L shaped building with pitched roof in the form of a traditional agricultural outbuilding. The building to be demolished is not of historic merit and no objection is raised to its removal. The replacement building is appropriate to the context and will compliment the two historic buildings by creating a complex of traditional buildings tied together by a contemporary link. It is considered that, given the current arrangement of eclectic piecemeal additions this represents a sympathetic enhancement of the site.

There is however, one element of the specification that is not considered to be appropriate. Annotation 24 on the elevation drawings states that the roof of the L shaped extension is to be a: tiled roof in buff to match existing Poplar Farm cottage. However, this description is not specific enough to understand what is intended. It should be noted that buff plain tiles would not be acceptable and that artificial Cotswold stone slates laid in diminishing courses with matching ridge is recommended in this instance. This will be a near match to the roof materials of the demolished garage and will simplify the range of roof materials within the complex making the composition more cohesive. An appropriate condition will be required.

It should be noted that there has been a letter of objection from the Society for the Protection of ancient Buildings (SPAB) to the original version of the application. The SPAB state four issues: 1. The size of the proposed extensions is excessive in relation to the size of the historic buildings. 2. The design is inappropriate. 3. The information provided on the condition of the historic buildings and the repairs is inadequate. 4. Inadequate consideration of the impact of the proposals on the fabric of the historic buildings. The Conservation Officer responds to the points raised by SPAB as follows:

*"In regard to issues 1 & 2 I raised similar concerns initially and the building has now been redesigned to appear as a traditional agricultural building. Although the footprint has not been reduced the eaves height has been significantly reduced and the pitched roof will assist in assimilating the building without it appearing dominant or monolithic, especially in relation to the barn. As such I am satisfied that the design materials and scale of the L shaped building is now acceptable.*

*In regard to point 3, having visited the barn I was not anticipating extensive repairs to be necessary but will request an agreement of a schedule of works and specification prior to commencement through a suitably worded condition.*

*In regards to point 4, my main consideration in regards to impact upon fabric is the barn. In this respect I would anticipate the main aspects of this issue would be the introduction of insulation to comply with building regulations. It is sometimes expedient to assess this information prior to determination however if there is not sufficient time remaining to do this it would be appropriate to cover this issue as described in the above response to point 3 by requiring submission of a schedule of works and specification prior to commencement through a suitably worded condition."*

Overall it is considered that the proposal would preserve the listed building and therefore accords with Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and JCS Policy SD8 together with emerging Policy HEN2 of the PSTBLP.

## **Residential Amenity**

Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Saved Policy HOU8 and the emerging Policy RES10 of the PSTBLP provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity. In this regard, Policy 5.1 states that the amenities of neighbouring residential occupiers should not be unduly affected by overlooking, loss of light and over-dominance.

There has been no representations received with comments relating to the proposals and the impact on residential amenity.

The nearest neighbouring dwellings to the site would be those situated to the north of the site at 1 & 2 Milcot. The proposal is assessed on the impacts of these residences.

The proposed alterations to the cottage would not result in any additional openings into the north elevation. The demolition of the modern addition to the west of the cottage would result in a reduction of the height of built form visible along the boundary between the application site and the adjacent neighbouring dwellings to the north.

The existing wall bounding the site and the properties at Milcot is to be retained in order to screen neighbouring house. The proposed pergola would site behind this wall. To the west of this a 1.8m close boarded fence would bound the site along the northern boundary.

The Cotswold dry stone wall to the north-eastern corner would be retained.

Overall it is not considered that the proposals would give rise to an unacceptable impact on neighbouring residential amenity. As such the proposal would accord to Saved Policy HOU8 of the TBLP, Policies SD14 of the JCS and RES10 of the PSTBLP.

#### **Impact on Trees and Landscaping.**

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.

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.

There are a number of trees and hedgerows within the application site. A Tree Survey and Method Statements has been submitted to accompany the planning application. The proposal would impact a number of trees and hedges in particular T28 (Oak Tree), T45 (purple plum), S29 (Deutzia), S44 (Lilac) and H30 (Elm). The scheme proposes the removal of T45, S29 and S44 which are categorised as low quality and value trees. It would also be required to remove a section of the H30 (elm) hedgerow to the front of the application site to enable the access road to serve the new dwellings proposed under reference 21/00938/FUL and which would also serve access to the rear of the application site as proposed.

The Tree Survey and Method Statement proposes a number of tree retention measures to retain the Oak tree (T28) to the front of the site. Any recommendation of approval would be subject to tree retention methods.

A Landscaping plan is proposed for the whole site for completeness. There would be a number of fruit trees proposed to be planted within the site and the re-planting of a native hedgerow to the south eastern corner of the site running along the front boundary of the site with the New Road.

Overall, subject to appropriate conditions, the proposal would comply with Policies INF of the JCS together with emerging Policy NAT1 within the PSTBLP.

## Ecological Impacts

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.

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.

The application is supported by Ecological Appraisal July 2021 (All Ecology), Reptile Survey (All Ecology),

The site consists of a house, barn, extensions and a garage in the corner of a mostly cleared site, which retained areas of grassland, tall ruderal, scrub and standard trees. The site is bound by species-rich hedges and trees, fencing and walls.

The habitats on site, including the poor semi-improved grassland, are common, of low value and easy to replace and no further consideration is required in terms of their vegetation.

Bats – The main buildings on site provide moderate roosting potential for bats and further dusk and pre-dawn surveys were required and carried out in June and July 2021; these recorded a single roosting Common Pipistrelle. One tree on site had potential roosting features in the form of dense Ivy. If this is to be removed, a further inspection will be required. A new entrance is to be created through the east boundary hedge and trees in place of the existing entrance. This being the case, and taking into account the findings of the bat surveys, which recorded only limited activity, no further activity surveys for bats are deemed necessary. The Bat dusk emergence/dawn re-entry surveys were undertaken June and July 2021, and the results confirmed the presence of a common pipistrelle day roost with one common pipistrelle bat recorded emergence from and re-entering under a gap under a dormer verge slate tile roof. No bats were recorded roosting in the other buildings (thatched barn, connection building or garage). Due to the presence of roosting bat in the hose, the report concludes a European Protected Species (EPS) licence is required from Natural England and further recommendations are provided regarding timing of proposed works to the house and precautionary methods of working. A derogation in the form of a European Protected Species Licence (from Natural England) will therefore be required (following grant of planning permission). Habitat creation recommendations are provided in the form of four bat tube/boxes to be constructed on the new buildings on site. Lighting recommendations are also provided.

With regards to reptiles, the site provides good reptile habitat and a reptile survey was required to determine presence or likely absence. This was carried out in June and July 2021 and no reptiles were recorded.

The Ecological Advisor has been consulted on the proposal and has no objection to the proposals subject to recommendations for conditions to secure appropriate EPS licence from Natural England, mitigation and enhancements in strict accordance with bat report, lighting strategy, ecological enhancements plan to be submitted and for any demolition, conservation works or vegetation removal to be undertaken outside of the main nesting bird season.

The proposed development therefore is likely to result in an offence under the Conservation of Species & Habitats Regulations 2017. Officers therefore have a duty to consider whether the proposal would be likely to secure a licence. To do so the proposals must meet with the three derogation tests which are: 1. There are imperative reasons of overriding public interest (e.g. health and safety, economic or social) 2. There is no satisfactory alternative 3. Bat surveys have been undertaken that demonstrate that adequate mitigation can be provided for the species present through construction of a bat house on site.

The evidence submitted clearly demonstrates that the three derogation tests are likely to be met and

given this, your officers are of the opinion that Natural England are likely to grant a licence. As such the LPA do not need to consider this matter further. It is however recommended that a note be appended to the decision advising the applicant as to the need to secure a licence before commencing development.

Throughout the course of the application there have been a number of concerns of site clearance works and the impact on ecology. This also includes the wider redevelopment of the site. The Agent has responded with rebuttal comments and a bird nesting survey letter from All Ecology Ltd. has been submitted on the planning file during the course of the application outlining how the land / trees were inspected prior to the clearance works by a qualified ecologist.

Based on the information submitted together with the recommended conditions, the proposals are considered to be in accordance with SD9 of the JCS together with emerging Policies NAT1 and NAT3 of the PSTBLP.

### **Flood Risk Management and Drainage**

Policy INF2 of the JCS and Emerging Policy ENV2 of the PSTBLP sets out that development proposals must avoid areas at risk of flooding.

The site falls within Flood Zone 1 as shown on the Environment Agency's indicative flood map indicating that it has a low probability of river or sea flooding. The EA's updated Flood Map for Surface Water identifies part of the site as having either a very low or low risk of surface water flooding.

There have been a number of concerns that have been received with regards to surface water concerning the redevelopment on the wider site. These matters are material to the wider redevelopment of the site and have been considered in the assessment under planning reference 21/00938/FUL. The proposals

The Drainage Engineer and Severn Trent Water have been consulted on the proposals and have no objection to the proposals subject to relevant conditions.

### **Highways Impact**

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 PSTBLP states that proposals need to make provision for appropriate parking and access arrangements.

The proposal seeks to relocate and enhance the parking provision at the site to the rear utilising the new access proposed to serve the wider redevelopment of the site. The creation of this access would be tantamount to gaining access to the redevelopment of Poplar Farm.

A Technical Note (Cotswold Transport Planning) has been submitted in support of the redevelopment of the site. The report includes assessment of the development proposals, including access arrangements, parking justification and the internal layout.

Access to the application site will be achievable via a private drive access arrangement formed as a dropped kerb vehicle crossover onto New Road. The access will have a dropped kerb length of approximately 12.1m; within the site, the access road measures approximately 4.8m. A visibility splay assessment has been undertaken to ensure that suitable visibility can be achieved from the proposed access onto the adjacent New Road.

The access arrangement drawing, provided at Appendix D, demonstrates maximum achievable visibility splays of at least 2.4m x 62.3m and 2.4m x 81m to the north and south, respectively. These maximum visibility splays are suitable for design speeds of up to 37mph and 40mph southbound and northbound, respectively, based on MfS stopping sight distance parameters of a 1.5 second reaction time and a 3.68m/s deceleration rate.

The Local Highways Authority has been consulted on the proposal and has no objection subject to recommendations on a number of conditions and licenses to be obtained for works to the existing



highway.

## Conclusion

In light of the above observations it is considered that the proposed redevelopment of the site would result in improvements and enhancement to structures on the site and the removal of other redundant structures on the site would also serve to improve the visual amenities of the area and to enhance the setting of these buildings within the context of the surrounding area. The proposal would preserve the setting of the listed buildings and would not result in any substantive harm. There would be no adverse impacts arising in respect of highway safety, neighbouring residential amenity or ecology. The proposals would therefore comply with all relevant policies within the Core Strategy. As such approval is recommended subject to appropriate conditions:

## CONDITIONS & REASONS

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

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

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

2489.0.01 Rev P2 entitled 'Location Plan' received 9.08.2021  
2489.1.10 Rev P4 entitled 'Proposed Site Plan' received 22.12.2021  
2489.0.21 Rev P1 entitled 'Existing Ground Floor – Proposed demolition' received 21.07.2021  
2489.0.23 Rev P1 entitled 'Existing First Floor – Proposed demolition' received 21.07.2021  
2489.0.51 Rev P1 entitled 'Existing Elevations 1 – Proposed demolition' received 21.07.2021  
2489.0.53 Rev P1 entitled 'Existing Elevations 2 – Proposed demolition' received 21.07.2021  
2489.0.71 Rev P1 entitled 'Existing Sections – Proposed demolition' received 21.07.2021  
2489.1.71 Rev P1 entitled 'Detailed Cross Section' received 21.07.2021  
2489.1.50 Rev P3 entitled 'Proposed Elevations 1' received 26.10.2021  
2489.1.60 Rev P3 entitled 'Proposed Elevations 2' received 26.10.2021  
2489.1.70 Rev P3 entitled 'Proposed Sections' received 26.10.2021  
2489.1.20 Rev P2 entitled 'Proposed Ground Floor' received 20.10.2021  
2489.1.21 Rev P2 entitled 'Proposed First Floor' received 20.10.2021  
2489.1.80 Rev P4 entitled 'Street-scene Elevations' received 22.12.2021  
031-PF-001-R1 entitled 'Landscape' received 22.12.2021  
PFTTRP-JUL21 entitled 'Tree Retention and Protection Plan' Received 21.07.2021  
CTP-20-1299-SK02 Rev B entitled ' Access visibility assessment – Dropped Kerb Vehicle Crossover'  
Received 21.07.2021  
CTP-20-1299-SP03 Rev A entitled ' Swept Path Analysis – refuse vehicle' Received 21.07.2021

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

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

3. The materials to be used in the construction of the external surfaces of the proposed development shall match those as indicated within the approved plans referenced 2489.1.50 Rev P3 entitled 'Proposed Elevations 1' and 2489.1.60 Rev P3 entitled 'Proposed Elevations 2' both received by the Local Planning Authority 26<sup>th</sup> October 2021.

Reason: To ensure that the proposed development is in keeping with the visual amenities of the area and heritage assets.

4. The roof of the L-shaped extension shall be constructed out of natural/artificial Cotswold stone slates laid in diminishing courses with matching ridge.

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

development is located.

5. Prior to the construction of the L-shaped extension hereby approved, details/sample of the proposed roof materials are to be submitted and agreed in writing by the Local Planning Authority.

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

6. Prior to installation, full details consisting of sections at a minimum scale of 1:5 and elevations at 1:20 and colour finish, of all external joinery including windows and doors shall be submitted to and agreed in writing by the Local Planning Authority.

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

7. Prior to installation, details and an approved methodology to the underside of the thatch is to be submitted and agreed in writing by the Local Planning Authority.

Reason: To preserve the character of the heritage asset.

8. Prior to construction of the L shaped extension and proposed boundary wall, a sample panel of external stonework (1m x1m) shall be erected on site showing mortar and corner detail and should be completed.

Reason: To ensure that materials are in keeping with the surrounding area and to provide for high quality design.

9. The development hereby permitted should not commence, until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall then be implemented in accordance with the approved details before the development is first brought into use.

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 minimize the risk of pollution.

10. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details specified in the Tree Retention and Protection Plan Drawing Number: PFTTRP-JUL21 entitled 'Tree Retention and Protection Plan' contained within the Tree Constraints, Impacts and draft Protection Method Statement for residential re-development dated July 2021 before any development including demolition, site clearance, materials delivery or erection of site buildings, starts on the site. The approved tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within any area fenced, unless agreed in writing with the local planning authority.

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

11. No development shall start until a site investigation of the nature and extent of contamination has been carried out. The site investigation shall be in accordance with a site investigation methodology that has been submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the investigation.

No construction works shall start until the results of the site investigation have been submitted to, and approved in writing, by the Local Planning Authority. If the site investigation identifies any contamination, the report shall specify the measures to be taken to remediate the site to render it suitable for the development hereby permitted, as well as an implementation timetable for the remediation. The site shall be remediated in accordance with the approved measures and timetable.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation, as well as an implementation timetable, shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the additional approved measures and timetable.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is required as a pre-commencement condition because there is potential for contamination to exist on the site.

12. All works shall strictly adhere to the recommendations detailed within the Ecological Appraisal (All Ecology, July 2021) and Dusk Emergence and Pre-dawn Re-entry Surveys for Bats (All Ecology, July 2021) including but not limited sensitive timing of works and safety measures on site during development in order to safeguard wildlife.

Reason: In order to protect any protected species on the site.

13. Before the first occupation of the development hereby permitted, full details of proposed tree/hedgerow planting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, species and sizes, planting specifications, maintenance schedule, provision for guards or other protective measures.

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.

14. The development hereby permitted shall not be brought into use until the approved access to the site within the limits of the public highway has been completed in accordance with the approved plans.

Reason: To ensure adequate and safe access is gained from the local highway network.

15. The parking, service and turning areas shall be constructed in accordance with the approved plans prior to the occupation of the development and thereafter retained and used for no other purpose.

Reason: To ensure adequate parking and manoeuvrability can be achieved.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any other subsequent equivalent order, no development within the following classes of development shall be carried out to the new dwellings hereby approved, without the prior approval of the Local Planning Authority:

- a) Schedule 2, Part 1, Class A - enlargement, improvement or other alterations
- b) Schedule 2, Part 1, Class B - addition or alteration to the roof
- c) Schedule 2, Part 1, Class C - any other alteration to the roof
- d) Schedule 2, Part 1, Class E - garden buildings, enclosures, pool, oil or gas storage container.
- e) Schedule 2, Part 2, Class B - means of access

Reason: To enable the Local Planning Authority to safeguard the visual amenity

17. No eaves fascias or bargeboards to be used on the new L shaped extension.

Reason: To preserve the architectural integrity of the Listed Building

18. The proposed exposed timbers such as close boarded fencing shall not be treated in any way and shall be left unstained and to weather naturally,

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

19. No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where shown and noted on the approved drawings.

Reason: To preserve the architectural integrity of the Listed Building

20. All new works and works of making good where indicated shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.

Reason: To preserve the architectural integrity of the Listed Building

21. Prior to any installation of lighting at the site, details of the external lighting scheme together with a lighting contour plan that demonstrates there will be minimal impact on receptor habitats any bat roost features or bat flight routes, shall be submitted to and approved in writing by the Local Planning Authority. The lighting should be designed in accordance with Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK.

Reason: In the interests of Protected Species.

#### Informatives

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

#### Alterations to Vehicular Access

2. The Local Highway Authority has no objection to the above subject to the Applicant obtaining a Section 184 licence. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 – Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) before commencing any works on the highway.

#### Highway to be adopted

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

Contact the Highway Authority's Legal Agreements Development Management team at [highwaylegalagreements@gloucetershire.gov.uk](mailto:highwaylegalagreements@gloucetershire.gov.uk). You will be required to pay fees to cover the Council cost's in undertaking the following actions:

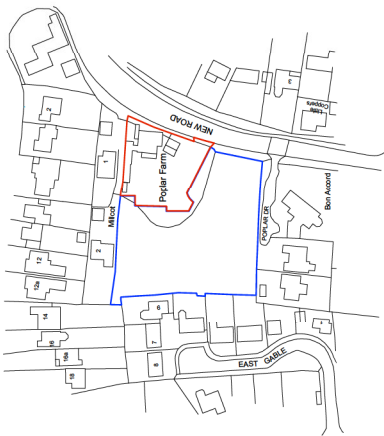
- Drafting the Agreement
- Set up costs
- Approving the highway details
- Inspecting the highway works

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

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

#### Impact on the highway network during construction

4. The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [Network&TrafficManagement@gloucetershire.gov.uk](mailto:Network&TrafficManagement@gloucetershire.gov.uk) before undertaking any work to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programmed of Temporary Traffic Management measures to be agreed.
5. The applicant is reminded that bats, which are protected by law, are likely to be present. Therefore there is a need to secure an appropriate licence from Natural England before commencing any activities on site to ensure that an offence is not committed.
6. All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Works to any trees, hedgerows and scrub which are to be removed or pruned should be carried out on site outside of the bird breeding season which runs from 1st March and 31st August inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest building birds are present. If any nesting birds are present, then the vegetation or buildings shall not be removed until the fledglings have left the nest.



Location Plan

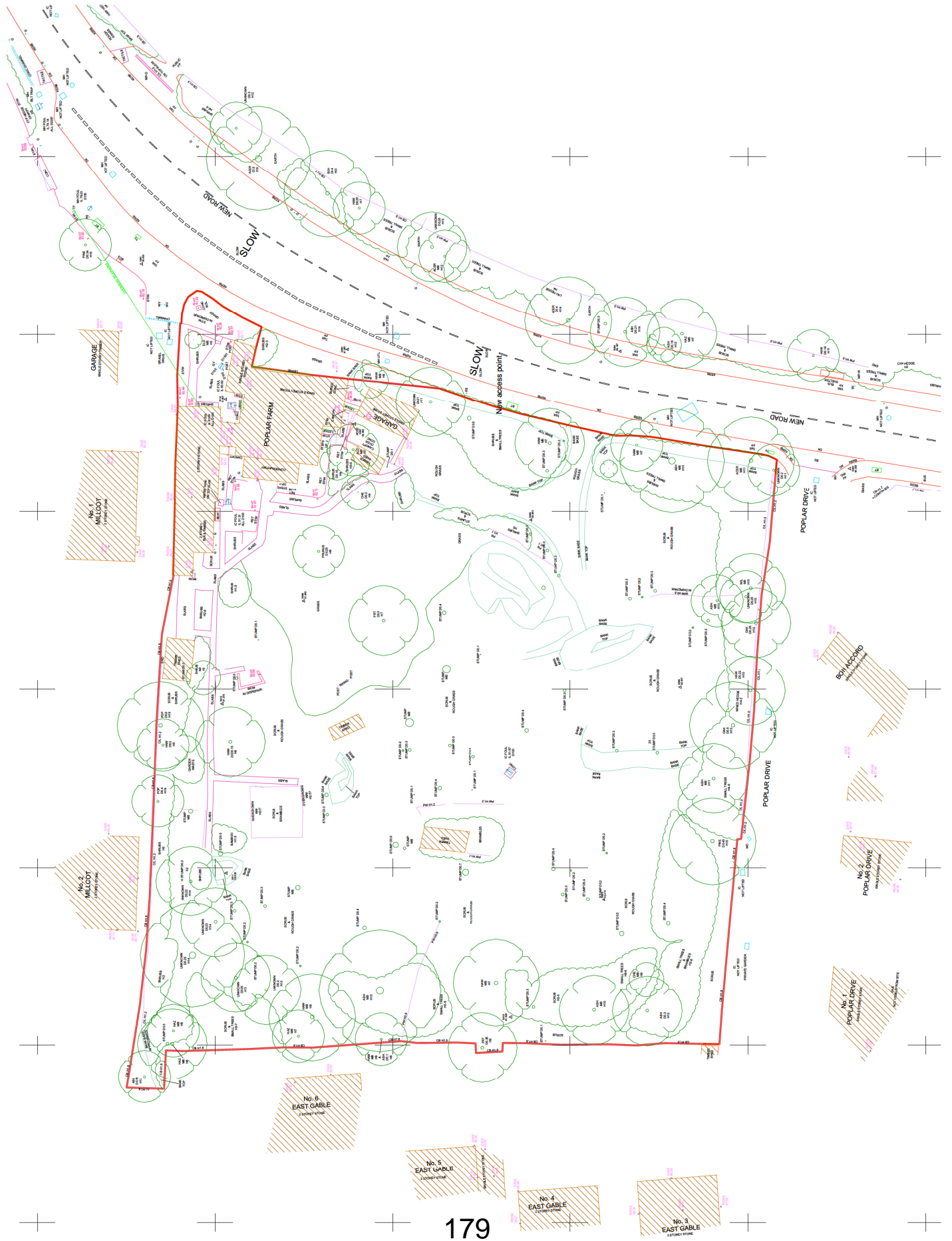
PL 06/08/2023: Rev 1 (1st Amendment)\_JH  
PL 16/07/2023: Planning Issues\_BN  
Revised

**PROPOSED DEVELOPMENT, NEW ROAD, WOODMARCOTE**  
Location Plan - Poplar Farm

DATE	REVISION	BY
20/09/2021	PP	PLANNING
15/07/2023	PP	PLANNING
16/07/2023	PP	PLANNING

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www.bpnarchitects.co.uk  
info@bpnarchitects.co.uk





PL 16.07.2024, Planning Issue, PN  
Revised

PROPOSED DEVELOPMENT, NEW ROAD, WOODINVILLE  
Existing Site Plan

NO.	DATE	DESCRIPTION
1	10.12.2023	PLANNING
2	15.01.2024	PLANNING
3	15.02.2024	PLANNING
4	15.03.2024	PLANNING
5	15.04.2024	PLANNING
6	15.05.2024	PLANNING
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8	15.07.2024	PLANNING
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100	15.03.2032	PLANNING

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PROPOSED DEVELOPMENT, NEW ROAD, WOODINVILLE  
Proposed Site Plan  
DATE: 08/11/24  
BY: [Redacted]  
SCALE: 1/8" = 1'-0"  
PROJECT: 2400 N 110th St, Woodinville, WA 98092  
SHEET: 180 OF 180  
REVISIONS:  
REV. NO. | DATE | DESCRIPTION  
1 | 08/11/24 | Initial Design  
2 | 08/27/24 | Planning Issues\_RN  
3 | 09/03/24 | Revised Planning Issues\_RN  
4 | 09/03/24 | Site Location Address\_JH  
5 | 09/03/24 | Planning Issues\_RN

PROPOSED DEVELOPMENT, NEW ROAD, WOODINVILLE  
Proposed Site Plan

DATE	BY	DESCRIPTION
08/11/24	[Redacted]	Initial Design
08/27/24	[Redacted]	Planning Issues_RN
09/03/24	[Redacted]	Revised Planning Issues_RN
09/03/24	[Redacted]	Site Location Address_JH
09/03/24	[Redacted]	Planning Issues_RN

BPN ARCHITECTS  
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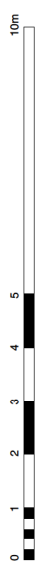


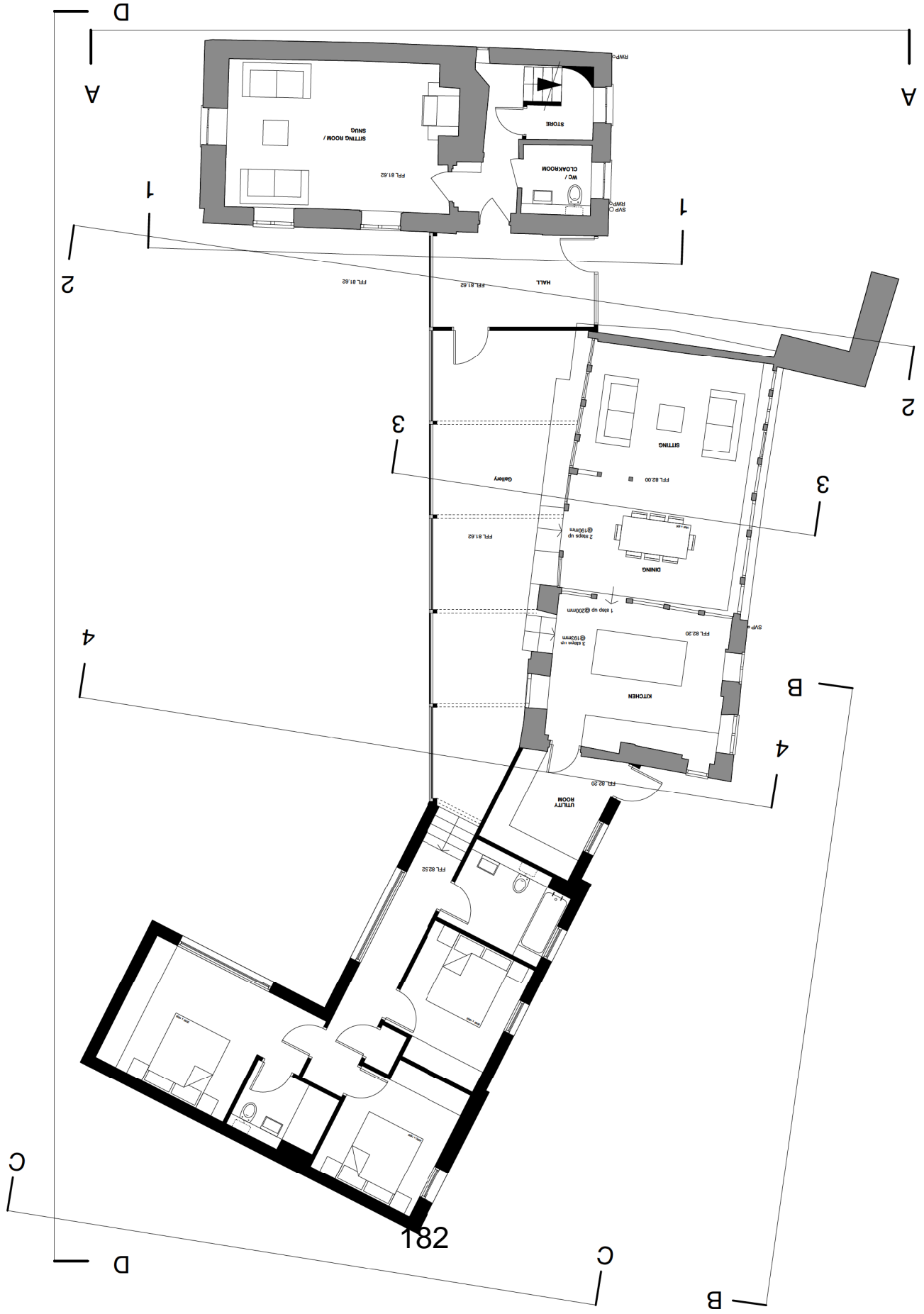
PL 16.07.2021, Plymouth, Devon, UK  
 Rev: 001

PROPOSED DEVELOPMENT, NEW ROAD, WOODMACEOTE  
 Poplar Farm - Existing Ground floor

DATE: 16.07.2021  
 DRAWN: P1  
 CHECKED: P1  
 SCALE: 1:50  
 PROJECT NO: 16.07.2021

BPN ARCHITECTS



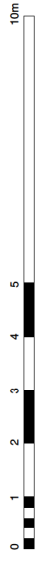


PP\_20\_10\_2021\_Rev002\_Proposed Planning Issues\_R1  
PP\_18\_07\_2021\_Proposed Planning Issues\_RN  
Revisions

PROPOSED DEVELOPMENT, NEW ROAD, WOODMACEOTE  
Poplar Farm - Proposed Ground Floor

NO.	DATE	BY	CHKD.
1	18.07.2021	BN	BN
2	18.07.2021	BN	BN

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1 New Street, Birmingham B3 1UD  
0121 702 1919  
www.bpnarchitects.co.uk

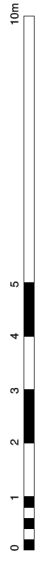
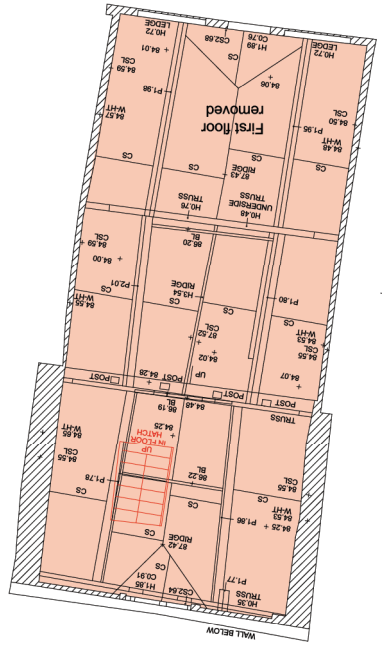
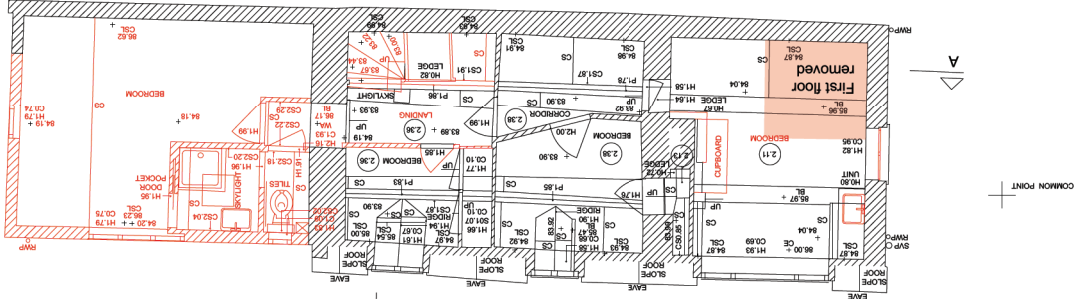




PL 16.07.2023, Plymouth, Devon, UK  
 Revision

PROPOSED DEVELOPMENT, NEW ROAD, WOODMARCOTE  
 Poplar Farm - Existing Ground floor - Proposed Demolition

DATE: 16.07.2023  
 DRAWN: P1  
 CHECKED: P1  
 SCALE: 1:100  
 PROJECT: 2489.0.21



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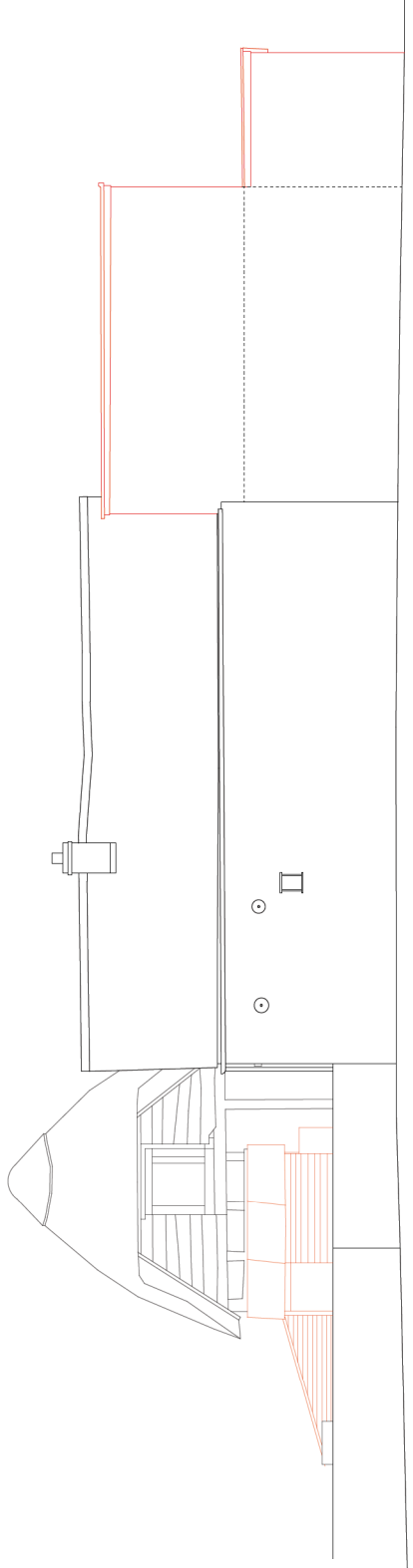
P1\_16.07.2021\_Poplar Farm\_BN  
 Revision

PROPOSED DEVELOPMENT, NEW ROAD, WOODMARCOTE  
 Poplar Farm - Existing First Floor - Proposed Demolition

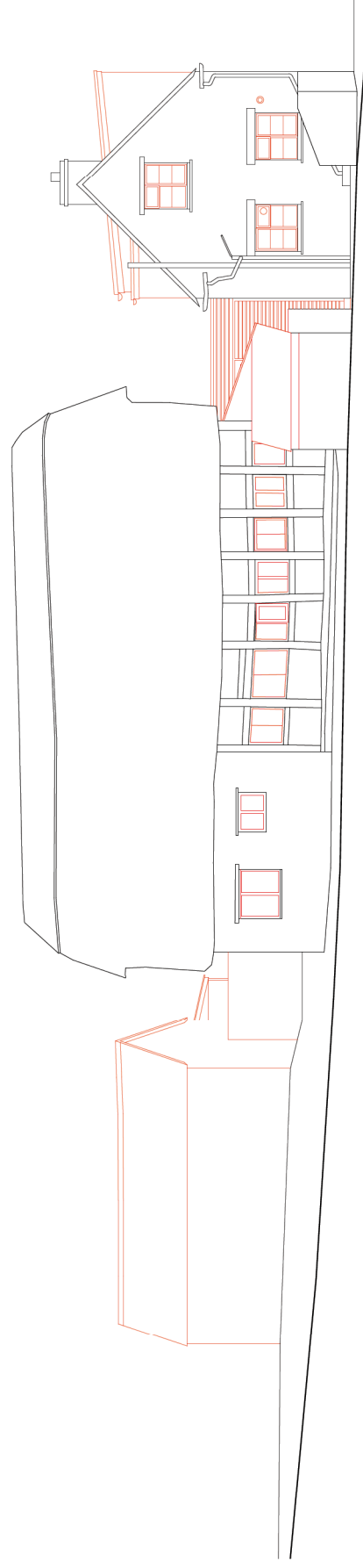
DRAWING NO: P1  
 DATE: 16.07.2021  
 PROJECT: POPULAR FARM  
 CLIENT: BPN ARCHITECTS

1. New Road, Woodmancote, SO10 1LD  
 01753 523191  
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North Elevation - Demolition

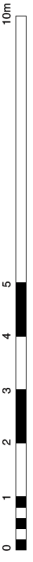


East Elevation (New Road) - Demolition

P1\_16.07.2021\_Planwork Issues\_BN  
Rev:00/00

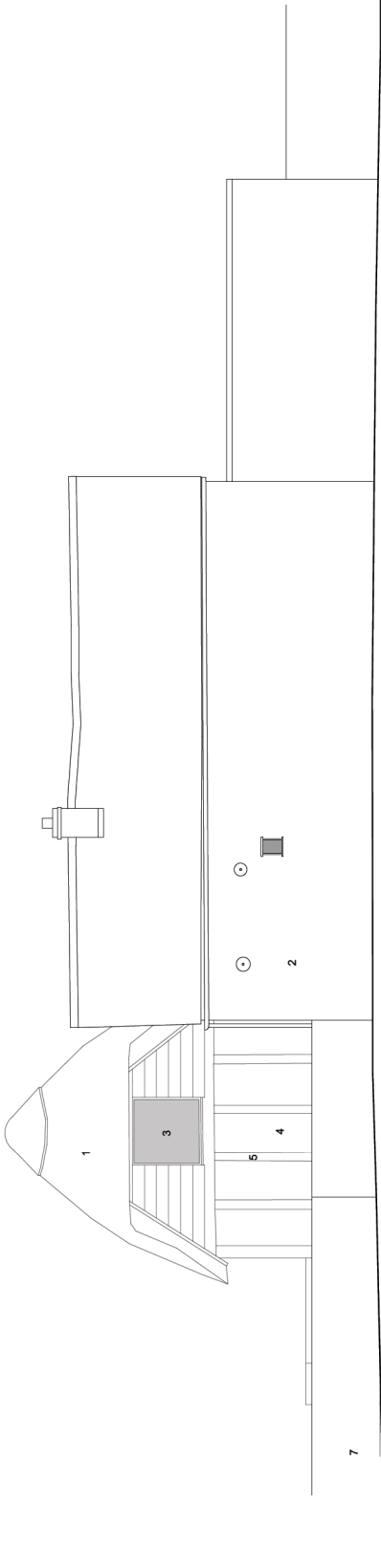
PROPOSED DEVELOPMENT, NEW ROAD, WOODMARCOTE  
Popular Farm - Existing Elevations 1 - Proposed Demolition

DATE	REVISION	BY	CHKD
2019.03.11	P1	J.C.S.	W.M.
2020.07.15	Issue	J.C.S.	W.M.
16.07.2021	Rev	J.C.S.	W.M.



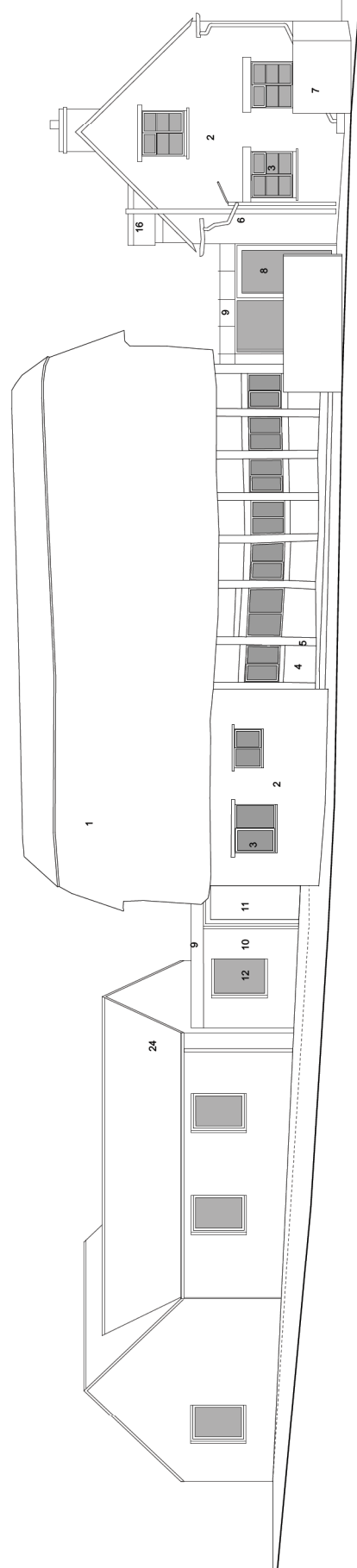
**KEY**

1. Existing hatch roof retained and made good locally as required.
2. Existing stone walling retained and repointed with lime mortar as required.
3. Existing windows carefully removed and replaced with new hardwood windows. Existing stone walling to be retained and incorporating slimline double glazed units (applies to all existing windows).
4. Brick splayrels redecorated.
5. Timber frame redecorated.
6. Existing stone walling to be retained and replaced to match if beyond repair - bronze colour.
7. Existing delapidated stone wall rebuilt.
8. Existing stone walling to be retained and screen in bronze colour.
9. Existing stone walling to be retained and screen in bronze colour.
10. New stone wall built using reclaimed stone from demolished garage.
11. Painted timber door.
12. Existing stone walling to be retained and replaced to match if beyond repair - bronze colour.
13. Stone coping.
14. Dry stone wall using local stone.
15. Existing stone walling to be retained and replaced to match if beyond repair - bronze colour.
16. Existing stone walling to be retained and replaced to match if beyond repair - bronze colour.
17. Existing rear wall partially retained and new timber pergola.
18. Painted timber gate.
19. Existing stone walling to be retained and replaced to match if beyond repair - bronze colour.
20. Zinc fascia to timber pergola.
21. Local stone facade.
22. Existing stone walling to be retained and replaced to match if beyond repair - bronze colour.
23. Existing stone walling to be retained and replaced to match if beyond repair - bronze colour.
24. Tiled roof in built to match existing Poplar Farm cottage.
25. Traditional garage door.
26. Through coloured render.
27. Existing stone walling to be retained and replaced to match if beyond repair - bronze colour.
28. PPC cheeks and flashings to dormer windows.
29. PPC aluminium glazed door.
30. PPC aluminium copings in matching colour to window frames.



Proposed North Elevation

186



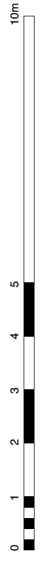
Proposed East Elevation (New Road)

PROPOSED DEVELOPMENT, NEW ROAD, WOODMARCOTE  
Poplar Farm - Proposed Elevations 1

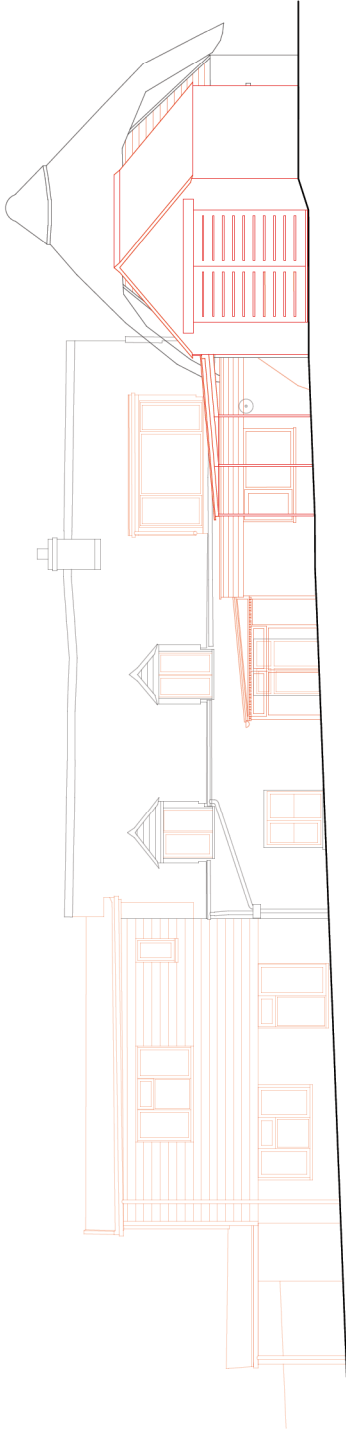
DATE	16.07.2021	BY	PLANNING
DATE	16.07.2021	BY	PLANNING
DATE	16.07.2021	BY	PLANNING

1. New Road Elevation 186 (1/1)  
011 723 1811  
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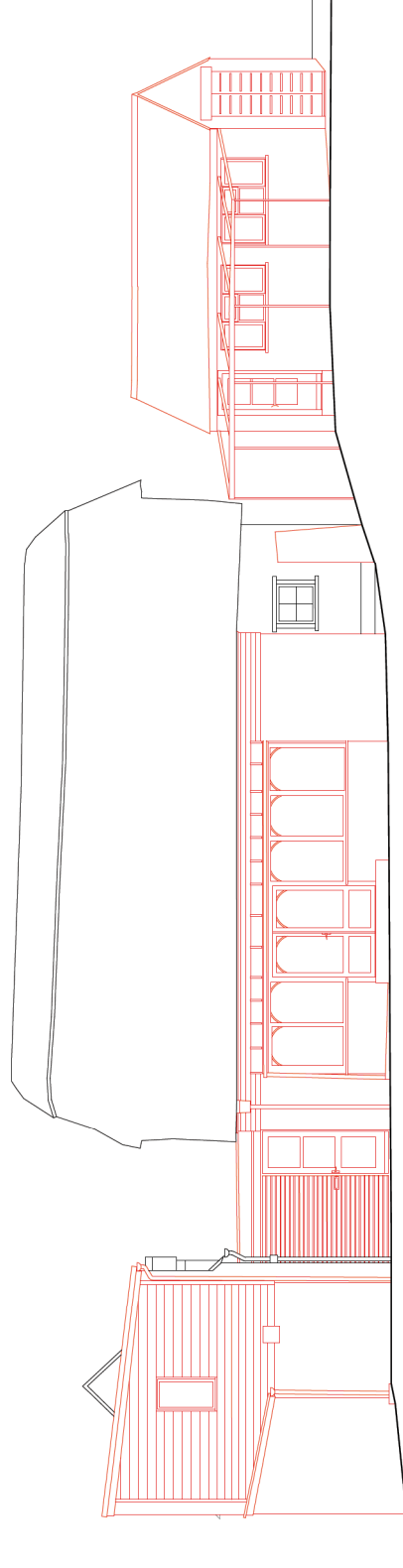


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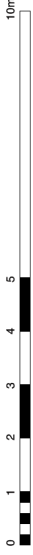


South Elevation - Demolition

187



West Elevation - Demolition



PI\_18.07.2021\_Planung\_Bauw\_BN  
Revizoren

PROPOSED DEVELOPMENT, NEW ROAD, WOODMARCOTE  
Poplar Farm - Existing Elevations 2 - Proposed Demolition

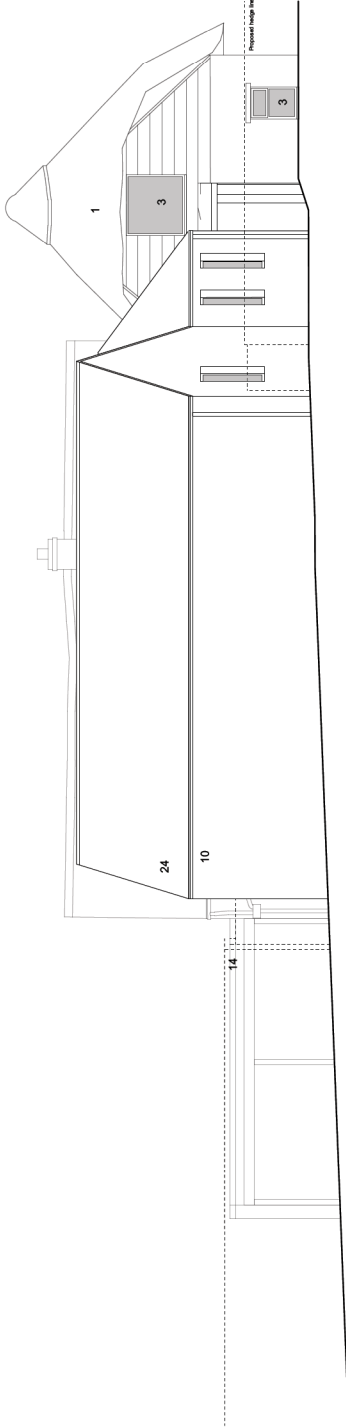
DATE	REVISION	BY	CHKD
18.07.2021	PI	PI	PI
18.07.2021	PI	PI	PI

5, New Road, Woodmarcote, BN1 1QD  
01323 781777  
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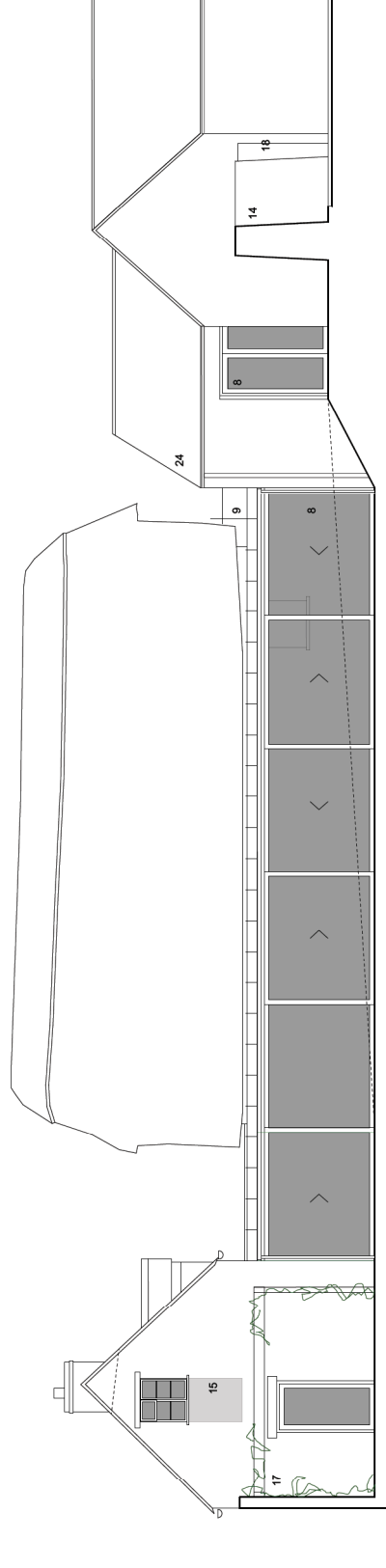
**KEY**

1. Existing hatch roof retained and made good locally as required.
2. Existing stone walling retained and repointed with lime mortar as required.
3. Existing windows carefully removed and replaced with new hardwood windows. Existing double glazed units to be retained and incorporated into new double glazed units (applies to all existing windows).
4. Brick splay areas redecorated.
5. Timber frame redecorated.
6. Existing stone walling to be retained and made good locally as required.
7. Existing delapidated stone wall rebuilt.
8. Existing stone walling to be retained and made good locally as required.
9. Existing stone walling to be retained and made good locally as required.
10. New stone wall built using reclaimed stone from demolished garage.
11. Painted timber door.
12. Existing stone walling to be retained and made good locally as required.
13. Stone coping.
14. Dry stone wall using local stone.
15. Existing stone walling to be retained and made good locally as required.
16. Existing stone walling to be retained and made good locally as required.
17. Existing rear wall partially retained and new timber pergola.
18. Painted timber gate.
19. Existing stone walling to be retained and made good locally as required.
20. Zinc fascia to timber pergola.
21. Local stone facade.
22. Existing stone walling to be retained and made good locally as required.
23. Existing stone walling to be retained and made good locally as required.
24. Tiled roof in built to match existing Poplar Farm cottage.
25. Traditional garage door.
26. Through coloured render.
27. Existing stone walling to be retained and made good locally as required.
28. PPC cheeks and flashings to dormer windows.
29. PPC aluminium glazed door.
30. PPC aluminium copings in matching colour to window frames.



Proposed South Elevation

188



Proposed West Elevation



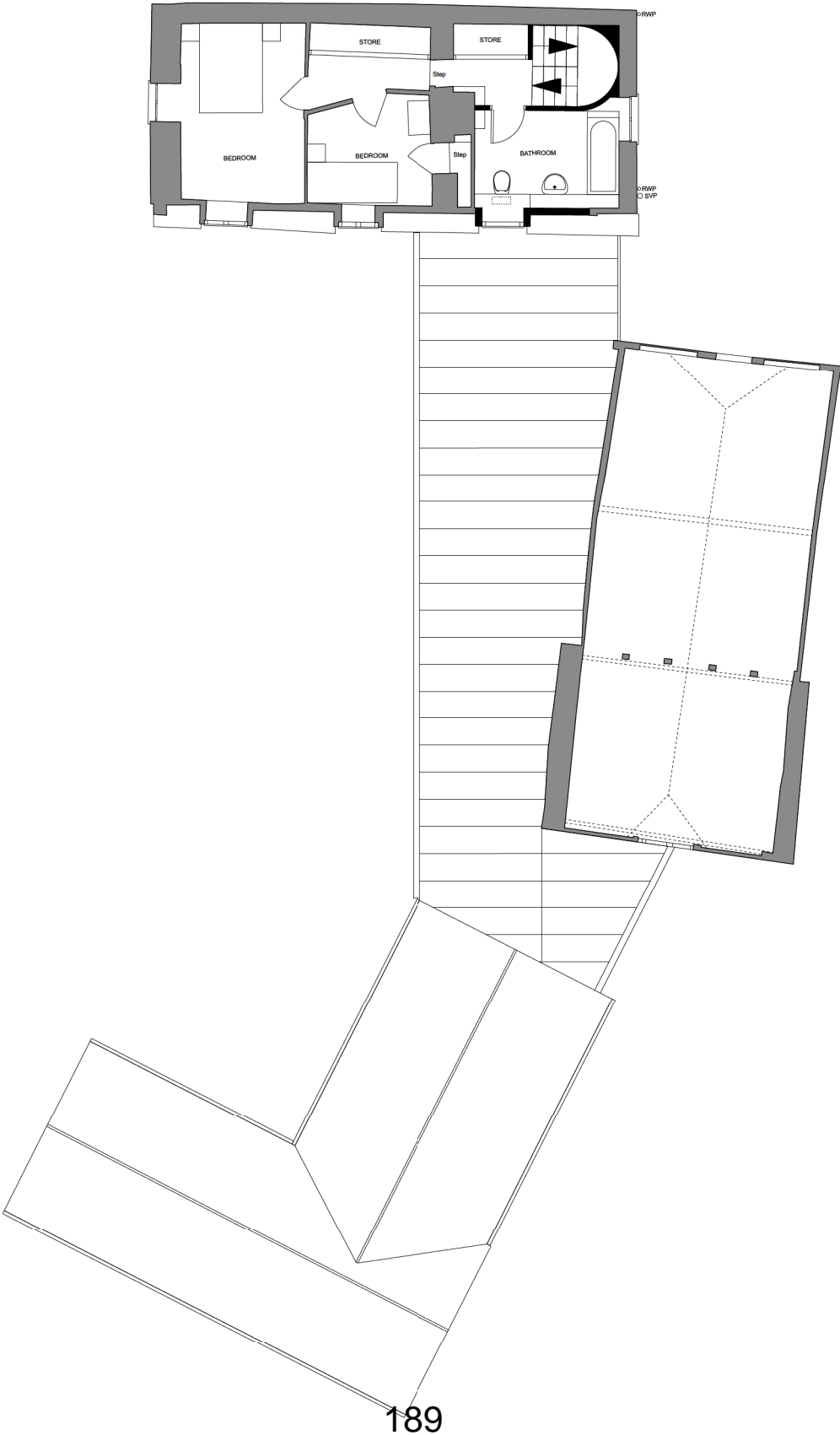
PG\_26\_16.0201\_Licensed Easements to Exemption, RN  
 PG\_26\_16.0201\_Reserved Planning Issues, RN  
 PL\_16.02.2021\_Preliminary Issues, RN  
 Revision

**PROPOSED DEVELOPMENT, NEW ROAD, WOODMARCOTE**  
**Poplar Farm - Proposed Elevations 2**

DATE	REVISION	BY	CHECKED
16.02.2021	1	PL	PL
16.02.2021	2	PL	PL
16.02.2021	3	PL	PL

1. New Road, Woodmarcote, SN15 1LQ  
 01753 39116  
 www.bpnarchitects.co.uk





189

PL 20 10 2021, Revised Planning Issue, BR  
2019.1.21  
PL 10 07 2021, Planning Issue, BN  
Revised

PROPOSED DEVELOPMENT, NEW ROAD, WOODMARCOTE  
Poplar Farm - Proposed First Floor

DATE	REVISION
2019.1.21	PL
10.07.2021	BN

BPN ARCHITECTS



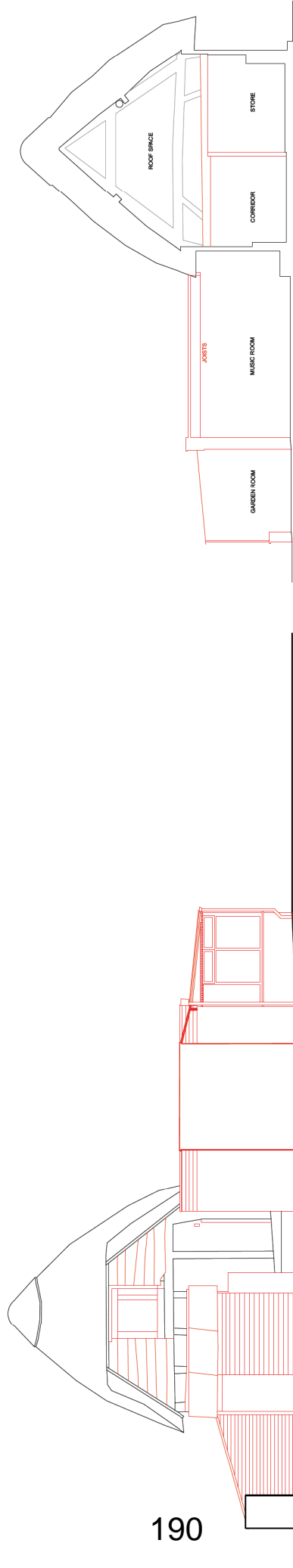
10m

100  
0117 203 1818  
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Demolition - Section 1-1



190

Demolition - Section 2-2

Demolition - Section 3-3



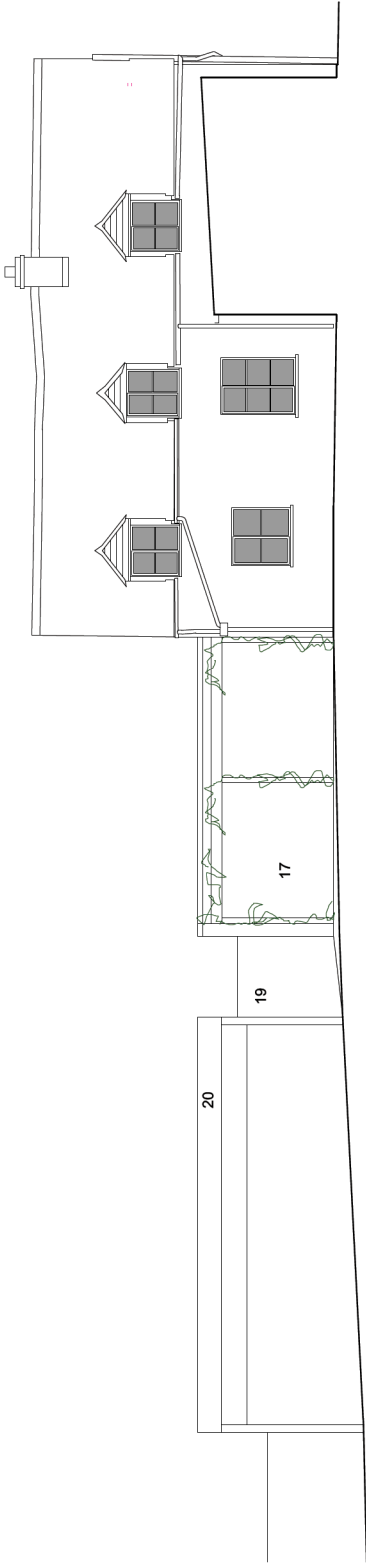
Demolition - Section 4-4

PI\_18.07.2024\_Planwork\_Stage\_BN  
Revised

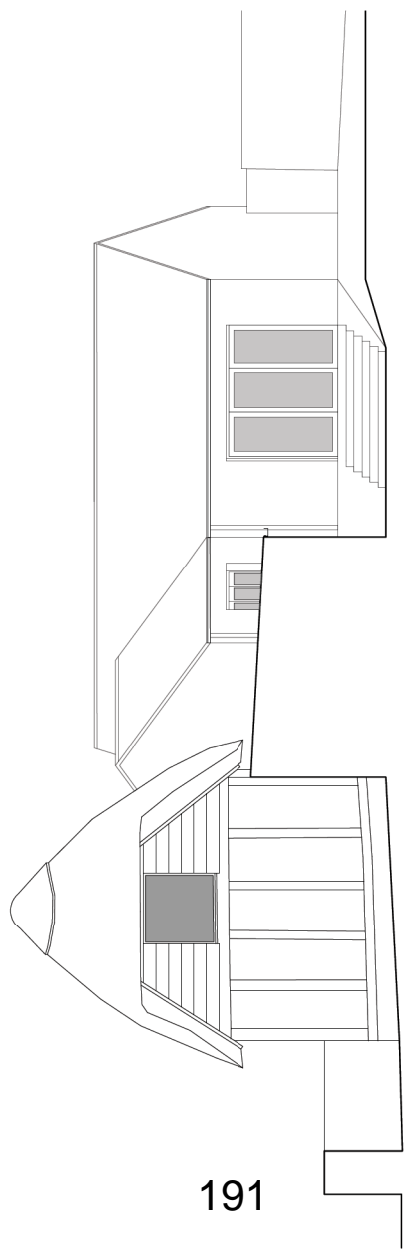
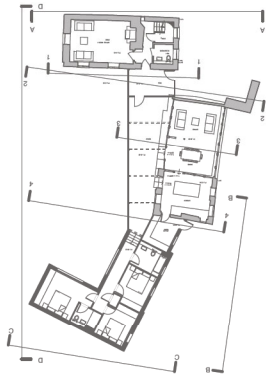
PROPOSED DEVELOPMENT, NEW ROAD, WOODMARCOTE  
Poplar Farm - Existing Sections - Proposed Demolition

DATE	BY	REVISION
18.07.2024	PI	PI_18.07.2024
18.07.2024	PI	PI_18.07.2024

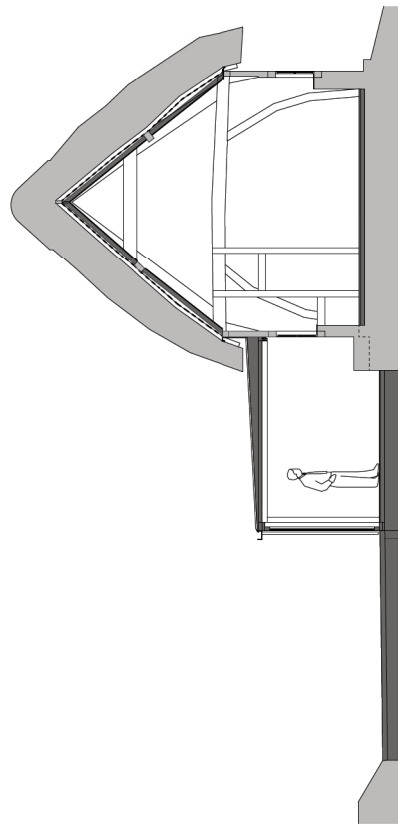




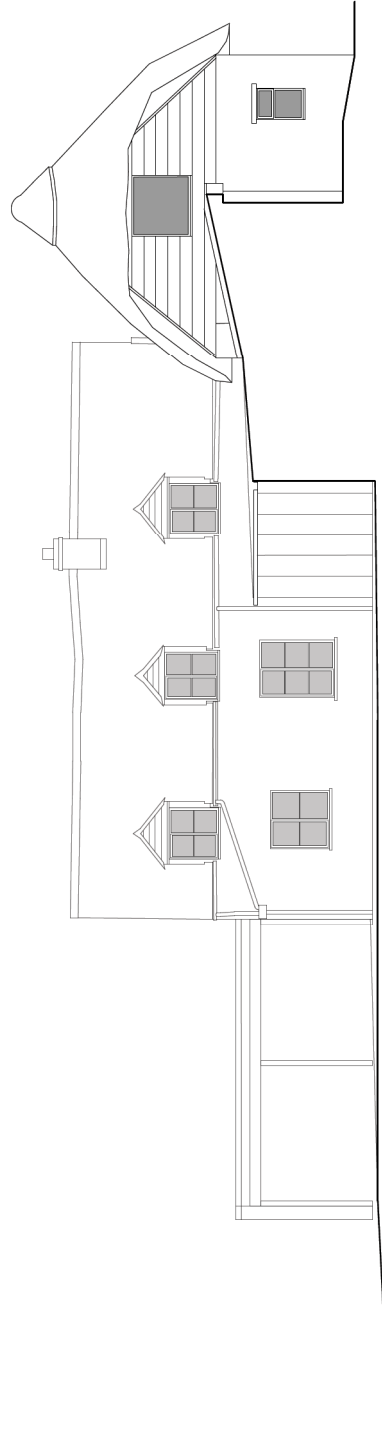
Proposed Section 1-1



Proposed Section 2-2



Proposed Section 3-3



Proposed Section 4-4

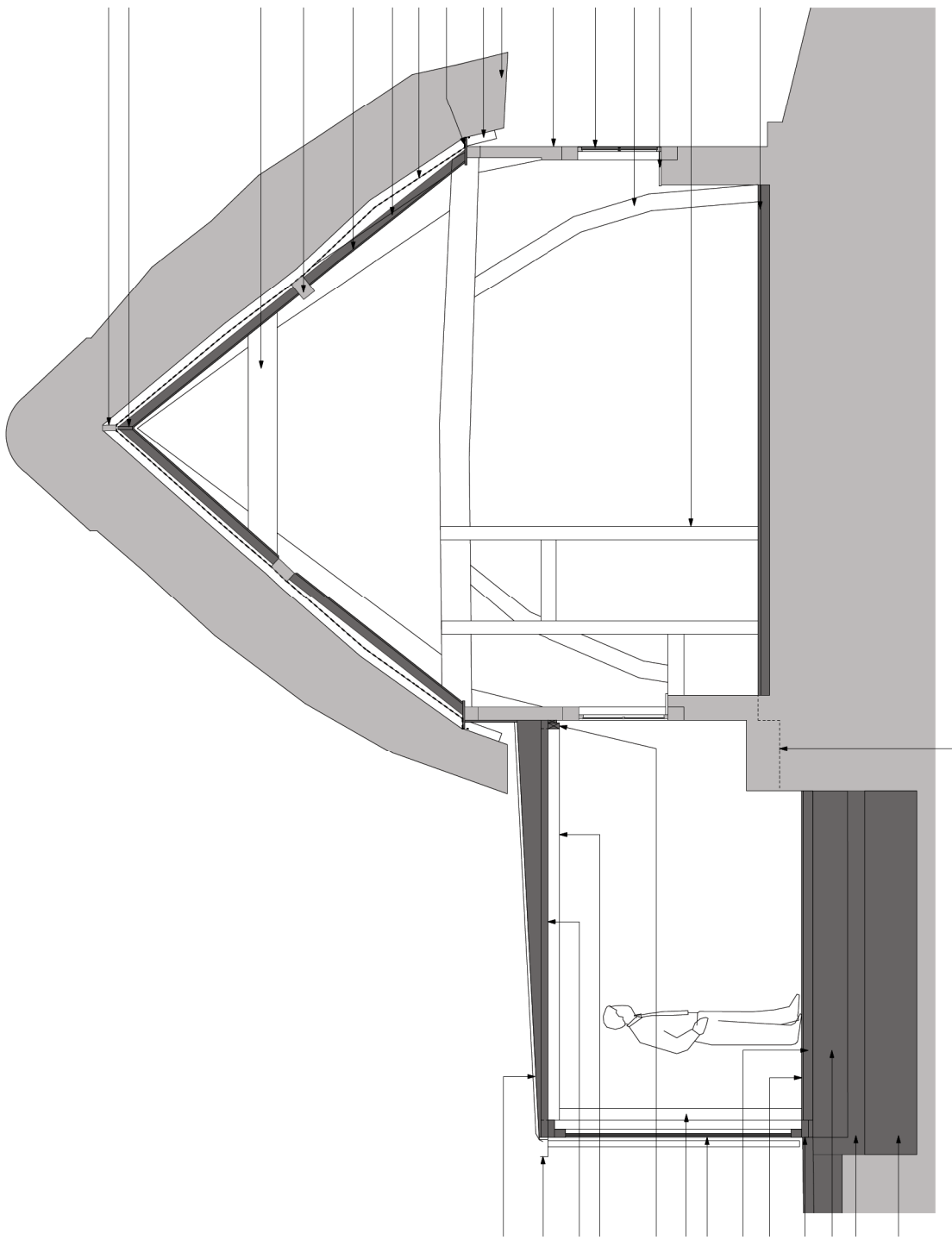
- KEY**
- Existing hatch roof retained and made good locally as required.
  - Existing roof structure to be retained and made good locally as required.
  - Existing windows carefully removed and replaced with new hardwood windows of a matching pattern and profile but incorporating slimline double glazed units (applies to all existing windows)
  - Timber frame redecorated
  - Existing pipework & rainwater goods redecorated or replaced to match if appropriate
  - PPC aluminium door and screen in bronze colour
  - Standing seam zinc roof
  - PPC aluminium double glazed window
  - Close boarded fence
  - Zinc fascia to timber pergola
  - Dressed stone lintels, reveals, mullions and cills
  - PPC aluminium rainwater goods
  - PPC aluminium glazing to match existing Poplar Farm cottage
  - Through coloured render
  - PPC aluminium glazing to match existing Poplar Farm cottage
  - PPC aluminium copings in matching colour to window frames

PL 30.10.2021, Lowered Eaves Level to Entrance, RN  
 PL 30.10.2021, Revised Planning Issue, RN  
 PL 16.02.2021, Planning Issue, RN  
 Revision

**PROPOSED DEVELOPMENT, NEW ROAD, WOODMACCOTE**  
 Poplar Farm - Proposed Sections

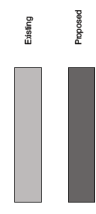
DATE	NO.	DESCRIPTION	BY	CHKD.
2019.1.17	01	Issue for Planning	BN	BN
2019.1.17	02	Issue for Planning	BN	BN
2019.1.17	03	Issue for Planning	BN	BN
2019.1.17	04	Issue for Planning	BN	BN
2019.1.17	05	Issue for Planning	BN	BN
2019.1.17	06	Issue for Planning	BN	BN
2019.1.17	07	Issue for Planning	BN	BN
2019.1.17	08	Issue for Planning	BN	BN
2019.1.17	09	Issue for Planning	BN	BN
2019.1.17	10	Issue for Planning	BN	BN
2019.1.17	11	Issue for Planning	BN	BN
2019.1.17	12	Issue for Planning	BN	BN
2019.1.17	13	Issue for Planning	BN	BN
2019.1.17	14	Issue for Planning	BN	BN
2019.1.17	15	Issue for Planning	BN	BN
2019.1.17	16	Issue for Planning	BN	BN
2019.1.17	17	Issue for Planning	BN	BN
2019.1.17	18	Issue for Planning	BN	BN
2019.1.17	19	Issue for Planning	BN	BN
2019.1.17	20	Issue for Planning	BN	BN
2019.1.17	21	Issue for Planning	BN	BN
2019.1.17	22	Issue for Planning	BN	BN
2019.1.17	23	Issue for Planning	BN	BN
2019.1.17	24	Issue for Planning	BN	BN
2019.1.17	25	Issue for Planning	BN	BN
2019.1.17	26	Issue for Planning	BN	BN
2019.1.17	27	Issue for Planning	BN	BN
2019.1.17	28	Issue for Planning	BN	BN
2019.1.17	29	Issue for Planning	BN	BN
2019.1.17	30	Issue for Planning	BN	BN

10m  
 0 1 2 3 4 5



- Standing seam zinc roof laid at min. 3 degrees pitch onto rigid, cut to fall insulation. Zinc to be dressed up the face of the existing beam wall under the above indicated line.
- Rectangular section PPC gutter, 150mm x 75.
- 70mm C17 roof decking fixed between beams.
- 150 x 100 oak beam supporting new flat roof.
- 100 x 50 oak borer with 25mm shallow gap spacer screw fixed into every existing stud to support end of flat roof beams. Led lighting strip recessed into abutted gap.
- 100 x 100 oak post supporting the flat roof.
- PPC slimline aluminium double glazed sliding screen in dark bronze colour satin finish
- 75mm sand cement screed incorporating underfloor heating
- 25mm limestone floor tiles
- Door sill / track section set 50mm into floor to allow level access fixed onto rigid thermal break to prevent cold bridge
- 300mm concrete slab to SE details
- 150mm rigid insulation
- Wall compacted hardcore to SE details

Dashed lines indicate profile of existing stepped entrance beyond section cut line



10m

5

4

3

2

1

0

Existing ridge member

Proposed ridge board to fix new rafter heads

Existing rafters to be retained with matt oiled finish. Minor repairs as required.

Existing purlin to be retained with matt oiled finish.

12mm plasterboard with vapour control backing layer fixed to rafters. Skim and paint finish

75 x 50 independent rafters @ 600 centres fixed to ply wall plate and existing purlin. 75mm rigid Rockwool insulation fixed between rafters

Dashed line indicates Tyvek or similar breathable membrane stapled to existing rafters to provide a waterproof layer

18mm WBP ply sheaf screw fixed to top of existing wall plate. Ply to be notched around existing rafters to close off the eaves and prevent birds from accessing the void.

Existing rafter rafters retained and tied back as required.

Existing attached roof retained and made good as required

Repairs to facade as required to match existing and redconcrete

Existing window modified to accommodate new slimline double glazing unit. 12mm rigid (outer leaf) and 18mm rigid (inner leaf) glass. 4mm cavity with 10mm spacer. 4mm (over 2 glass) with 20mm (50%) insulation

Historic timber frame elements exposed and made good.

New 18mm oak window boards

Existing historic timber studs retained

New flooring comprising 25mm limestone tiles laid onto 75mm sand cement screed incorporating underfloor heating

PI\_16\_07\_2022\_Proposed house\_BN  
 Revision

PROPOSED DEVELOPMENT, NEW ROAD, WOODMARCOTE  
 Poplar Farm Detailed Cross Section

DATE	NO.	BY	CHKD.
2022.07.17	PI	PI	PI
2022.07.17	PI	PI	PI
2022.07.17	PI	PI	PI



New Road Streetscene



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Streetscene facing South



Streetscene facing West

PL\_21.10.2023, General revision, IN  
 PD\_26.10.2023, Lowered Eaves Level to Extension, IN  
 PD\_26.10.2023, Revised Planning Issue, IN  
 PL\_16.07.2023, Planning Issue, IN  
 Revision













**PROPOSED DEVELOPMENT, NEW ROAD, WOODMANCEOTE**  
**Streetscene Elevations**

DATE	REVISION	BY
2023.10.26	PL	PLANNING
2023.10.26	PD	PLANNING
2023.10.26	PD	PLANNING
2023.10.26	PD	PLANNING



# Poplar Farm

1. Windmill field
2. The Folly
3. Seed Pieces
4. Peachstile
5. Coltrells Meadows
6. Gamsters
7. Longlands
8. Tomblind Orchard

	Retained tree
	1.2m edible and mixed native hedging (hawthorn/blackthorn/hazel/dogrose/elder/myobalan plum/leer campstree)
	Plum - Prunus ocellata
	crab apple - malus evereste
	Pyrus calleryana 'Chanticleer'
	Amelanchier Lamarkii
	Fruit Trees - victors plum / samburst cherry / pyrus communis - on rootstock suitable for garden space.
	sloping/cascading border with cotswold stone
	border
	lawn
	Tobomoro hydrogave tegula - cedar
	FSC-certified softwood decking
	Tobomoro 600 x 600 natural textured paver
	area suitable for 2 x 3m garden shed/storage
	post and rail fence area

Poplar Farm  
 GA Landscape  
 Stage: Design Concept  
 Drawing: 031-PF-001-R1

**Design Notes/Amendments:**  
 2/1/21 - buffer trees added to main poplar farm garden  
 - increased landscaping to north boundary  
 - increased landscaping to east boundary for all plots  
 - green roof and car port to poplar farm

Scale:  
 1:200 @ A1  
 Do not scale from this drawing. This drawing is a copy print.

ROBERT COLBOURNE  
 EMAIL@ROBERTCOLBOURNE.CO.UK



## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	15 February 2022
<b>Site Location:</b>	Poplar Farm New Road Woodmancote
<b>Application No:</b>	21/00933/LBC
<b>Ward:</b>	Cleeve Hill
<b>Parish:</b>	Woodmancote
<b>Proposal:</b>	Proposed extensions and alterations to Poplar Farm (Grade II listed), including demolition of existing 20th century additions.
<b>Report by:</b>	Gemma Smith
<b>Appendices:</b>	2489.0.01 Rev P2 entitled 'Location Plan' 2489.0.10 Rev P1 entitled 'Existing Site Plan' 2489.1.10 Rev P4 entitled 'Proposed Site Plan' 2489.0.20 Rev P1 entitled 'Existing Ground Floor' 2489.0.21 Rev P1 entitled 'Existing Ground Floor – Proposed demolition' 2489.0.23 Rev P1 entitled 'Existing First Floor – Proposed demolition' 2489.0.51 Rev P1 entitled 'Existing Elevations 1 – Proposed demolition' 2489.1.50 Rev P3 entitled 'Proposed Elevations 1' 2489.0.53 Rev P1 entitled 'Existing Elevations 2 – Proposed demolition' 2489.1.60 Rev P3 entitled 'Proposed Elevations 2' 2489.0.71 Rev P1 entitled 'Existing Sections – Proposed demolition' 2489.1.20 Rev P2 entitled 'Proposed Ground Floor' 2489.1.21 Rev P2 entitled 'Proposed First Floor' 2489.1.71 Rev P1 entitled 'Detailed Cross Section' 2489.1.70 Rev P3 entitled 'Proposed Sections' 2489.1.80 Rev P4 entitled 'Street-scene Elevations'
<b>Recommendation:</b>	Consent

### 1.0 SITE DESCRIPTION AND PROPOSAL

The Application Site relates to a 17th Century Grade II listed timber framed thatched barn attached by a modern single-storey extension to a barn within a garden setting. The wider site forms part of a historic orchard. The site is located on the west side of New Road in the village of Woodmancote.

The buildings form two perpendicular ranges set in the north-eastern corner of the site. To the south is a detached stone built garage and lean-to stores. The cottage defines the northern boundary and features a two-storey extension at its west end with small outbuildings beyond. Currently vehicular access to the site is gained via a gated entrance leading to a stone built single-storey garage to the south of the main house. Pedestrian access is afforded via a front door within the single-storey link extensions between the stone cottage and barn, towards the north of the eastern boundary.

The remainder of the site, a former orchard, has served as the private garden to the house. The site is not located within an area subject to designated control.

The application is submitted along with an associated listed building consent application (21/00933/LBC) together with a separate full planning application for the erection of the 8 houses within the grounds of

Poplar Farm (planning reference 21/00938/FUL) for the wider redevelopment of the site.

## 2.0 PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
49/00223/FUL	Proposed tractor shed, poultry house, garage and alterations to greenhouse. Alterations to existing pedestrian and agricultural access.	PER	16.02.1949
53/00126/FUL	Workshop for experimental and research work.	PER	21.04.1953
55/00127/FUL	Extension to house.	PER	20.09.1955
63/00151/OUT	Outline application for erection of double garage with play room over.	PER	17.09.1963
64/00166/FUL	Double garage with playroom over.	APPROV	18.03.1964
64/00167/FUL	Double garage.	PER	21.10.1964
65/00155/FUL	A playroom.	PER	17.03.1965
66/00125/FUL	Single garage in place of double garage.	PER	22.09.1966
67/00142/FUL	Carport.	PER	22.03.1967
88/93192/LBC	Erection of a conservatory (Grade II Listed Building Ref: 17/201).	CONSEN	26.10.1988
88/93193/FUL	Erection of a conservatory.	PER	02.11.1988
21/00932/FUL	Proposed extensions and alterations to Poplar Farm (Grade II listed), including demolition of existing 20th century additions.	Pending	
21/00938/FUL	Erection of 8 dwellings to include new access, landscaping and associated works.	Pending	

## 3.0 APPLICATION DETAILS

### 3.1 The Proposal

Listed building consent is sought for extensions and alterations to Poplar Farm (Grade II listed), including demolition of existing 20th century additions.

The existing building will be maintained as a single private residence, together with the a rear defined garden and parking to the front and rear. The proposal will remove the later additions and internal divisions and replace with new single-storey extensions.

The proposal comprises of are six main components as follows:



- Single-storey flat roof extension and links to existing buildings and new building.
- Proposed new building.
- Enhancements to existing cottage.
- Enhancements to existing barn.
- Car port.
- New vehicular entrance and newly defined garden curtilage.

#### Single-storey flat roof extension and links

The first extension is a glazed link to tie the three distinct buildings together. The extension would replace an existing modern extension. The proposed addition would be light weight and constructed out of the following materials:

- Standing seam link zinc roof.
- PPC aluminium double-glazed window.
- New stone wall built using reclaimed stone from demolished garage to East Elevation (front of site facing New Road).
- Facing link between barn and farmhouse would feature glazing within PPC aluminium frames in bronze colour under Standing seam link zinc roof.

#### Proposed new building

The revised extension for the new accommodation wing will be single-storey and constructed as a L-shaped range to reflect an agricultural building. The proposed south facing range would measure approx. 4.2m to maximum ridge height with the revised eaves set at approx. 2.0m. The proposed new building would be constructed out of the following materials:

- Tiled roof in buff to match existing cottage.
- PPC aluminium door and screen in bronze colour fenestration.
- New stone wall built using reclaimed stone from demolished garage proposed south elevation

#### Enhancements to existing cottage

The proposal seeks for enhancements to the existing cottage which would comprise of:

- Thatch to be retained and made good
- Stone walling to be retained and repointed with lime mortar as required.
- Replacement windows constructed out of hardwood of a matching pattern and profile but incorporating slimline double units.
- Brick spandrels and timber frame renovated
- Dilapidated wall to front of site will be rebuilt

#### Enhancements to existing barn

- Stone walling to be retained and repointed with lime mortar as required.
  - Rainwater goods renovated or replaced to match.
  - Replacement windows constructed out of hardwood of a matching pattern and profile but incorporating slimline double units.
  - New dormer window to match existing
- Existing doorway at first floor on west elevation partially infilled with match stone

To the west of the cottage a car port is proposed with a green roof.

A new dry stone wall will bound the site providing separation from the wider site.

Adjacent to the car port will be a vehicular entrance and newly defined garden curtilage.

An associated full planning application is being considered under planning reference 21/00932/FUL.

### **3.2 Agents Submission**

The application is supported by the following documents:

- Design and Access Statement
- Planning Statement, Evans Jones
- Heritage Statement, July 2021, BNP Architects
- Technical Note, Cotswold Transport Planning

### **3.3 Additional Information / Amendments**

During the course of the proposal in response to the initial comments received by the Parish Council, several rebuttal letters have been received by the agent addressing the objections received.

Following feedback from the Conservation Officer, the scheme was amended to address concerns in particular with the new accommodation L-shaped extension.

#### **4.0 LEGISLATION, POLICIES AND GUIDANCE**

Planning (Listed Buildings and Conservation Areas) Act 1990

##### **National guidance**

National Planning Policy Framework and Planning Practice Guidance

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

- Policy SD4 (Design Requirements)
- Policy SD8 (Historic Environment)

##### **Tewkesbury Borough Local Plan to 2011- Adopted March 2006 (saved policies not replaced by the JCS)**

- None relevant

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

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

- Policy HER2 (Listed Buildings)
- Policy RES10 (Alterations extension of existing dwellings)

##### **Neighbourhood Plan**

Draft Woodmancote Neighbourhood Plan Regulation 16 – moderate weight

- Policy 9 – Design

#### **CONSULTATIONS AND REPRESENTATIONS**

**Woodmancote Parish Council** – Final Response – No Objection subject to conditions with the following comments. *"In terms of the listed dwelling, we thank the conservation officer for his intervention as this has clearly led to a proposal that is much more sympathetic to the site's agricultural heritage. Our support for this proposal is subject to the full implementation of conditions proposed by the conservation officer respectfully request a condition requiring a sample panel to be constructed and approved by the conservation officer including all brick, mullion, jamb, window and door materials."*

Initial Response - Objection with the following comments:

- Agree with the principle of the refurbishment of the listed buildings however the current proposal does not

address key planning issues.

-The additional wing on the listed building is not sympathetic to the setting of the listed building or relative to the view from New Road.

-The current design proposal fails to maintain the more agricultural/rural character of the village.

**Gloucestershire County Council (Highways)** – No objections.

**Conservation Officer** Final Response– No Objections on amended plan (addition of pitch to L-shaped addition as advised) subject to a number of recommendations.

*Initial Response* – Objection issue with L-Shape addition as discussed formally on site visit with Agent's Heritage Consultant given scale of detail of application proposal.

**Local Residents** – The application has been publicised through the posting of a site notice for a period of 21 days and there have been 1 letter of representation have been received which include comments relating to this site from the proposal for the wider development of the site. These comments are as follows:

**Society for Protection of Ancient Buildings** – Final Response – Objection with the following comments:

- The overall size of the extensions remain excessive
- The large glazed link conceals a substantial part of the cottage elevation, the whole of the west elevation of the barn and part of its south elevation.
- The limited gap between the roof of the link and underside of the thatch still remains a concern from buildability and maintenance.
- The east elevation is improved by the change to a pitched roof, there remains a mismatch in scale in relation to the barn and cottage. The extension does not achieve a visual transition between the existing buildings and proposed new dwellings as seen in the 'street-scene'.

*Initial Response* – Objection on the following grounds:

- The size of the proposed extensions is excessive in relation to the size of the historic buildings.
- The design is inappropriate.
- The information provided on the condition of the historic buildings and the repairs is inadequate.
- Inadequate consideration of the impact of the proposals on the fabric of the historic buildings.

## **PLANNING OFFICERS APPRAISAL AND CONCLUSIONS**

The material considerations relevant in the assessment of this proposal would be:

- Principle of the Development
- Significance of the Heritage Asset
- Impact on the Listed Building and Balancing Harm
- Other Matters

### **Principle of the Development**

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities, in the consideration as to whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Any development which affects a heritage asset or its setting should therefore be informed by a proportionate assessment of the significance of the asset which is likely to be affected by the proposals and the impact of a development upon the asset.

Chapter 16 of the National Planning Policy Framework sets out the importance of protecting and enhancing the historic environment, and conserving heritage assets in a manner appropriate to their significance. In particular, paragraph 197 states that in determining planning applications, local authorities should take

account of 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise. Although this legal requirement does not apply to the consideration of listed building consent applications, the planning objectives set out in JCS Policy SD8 are clearly relevant to the consideration of this application for listed building consent.

### **Significance of the Heritage Asset**

Paragraph 197 advises that it is desirable to sustain and enhance the significance of heritage assets. When considering the impact of a proposed development on the significance of a designated heritage asset, Paragraph 199 advises that, 'great weight' should be given to the asset's conservation; *"..When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*.

Paragraph 200 states that *"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."*

In view of the requirement of the NPPF, then for the proposal for the above works, namely those which have an impact on the historic building and the setting of the Conservation Area are considered to result in less than substantial harm to the Heritage Assets. The following assessment is made on each aspect of the proposal as to whether any harm would result on the significance of this Heritage Asset.

The proposal is supported by a Heritage Assessment. The primary heritage asset affected by the proposals is Poplar Farm, a Grade II Listed Building at the site and was Grade II listed in December 1987. The listing principally refers to the barn, yet describes it as a farmhouse. At the time of listing all elements of the existing building were present and by virtue of attachment and curtilage, are protected. It is recognised that not all elements of the listed asset will be of equal interest.

Interest derives from the buildings age (The Barn), former use, materials and methods of construction. The architectural interest in the wider context can be appreciated with the traditional thatched roof and surviving framing illustrating methods of construction and remains well preserved. Furthermore the timber framing holds a degree of archaeological interest in the wider context of the regional framing patterns. It holds evidence of construction techniques and materials for the local area in 17<sup>th</sup> century and the survival of carpenters marks are of note.

Turning to the cottage, the buildings' architectural interest limited to its original core, its simple vernacular form and its character. The original form of the building may be limited to the two bays now occupied by the sitting room. The building adopts the traditional use of Cotswold stone with some internal framing at the first floor interiors have been compromised by later subdivision and refurbishment and this largely limits the interests to the main ground floor. The setting of the building has altered overtime and has been compromised by additional extensions and its separation from the orchard setting. The buildings' north and east elevations are partially visible from the public domain and can be experienced together with the barn as a key part of its setting and group value.

### **Impact on the Listed Building and Balancing Harm**

In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent, special regard should be given to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. For the latter, which applies here, the test is that the harm should be weighed against public benefits. In this case the proposed alterations surfacing works, would on balance maintain the heritage

assets' essential historic architectural character and form, and avoid harmful disruption to the original appearance of the buildings.

Paragraph 202 within the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

It is considered that the proposal would demolish those later extensions to enhance the setting of the listed building and that the minor external alterations and additions to the listed assets would result in an improvement and enhancement.

The redevelopment of the barn and cottage removes later inappropriate elements and reconfigures the two buildings with the addition of a flat roofed link and an additional L shaped extension. Following consultation an amended design now incorporates a pitched roof on the L shaped extension. It is considered that this development offers the opportunity to rectify the unsympathetic piecemeal additions and alterations to the barn and cottage. Overall the reconfiguration will be an enhancement by removing inappropriate additions from the cottage and re-establishing its legibility as a traditional Cotswold cottage.

The Conservation Officer has been consulted on the proposal and initially objected to the flat roof of the extension proposed to the barn

Following consultation an amended design now incorporates a pitched roof on the L shaped extension. His final comments on the scheme are as thus:

*"It is considered that this development offers the opportunity to rectify the unsympathetic piecemeal additions and alterations to the barn and cottage. Overall the reconfiguration will be an enhancement by removing inappropriate additions from the cottage and re-establishing its legibility as a traditional Cotswold cottage.*

*The conversion of the barn appears straightforward although it will be important to retain the rudimentary rafters (application states that thatch is to be retained) although some form of insulation below the rafters would be acceptable (as shown in Section 3 3) but a specification would need to be secured through condition.*

*The application states that windows in the cottage and barn are to be removed and replaced with new hardwood versions with slim double glazing. No windows of specific historic importance were observed therefore in principle this proposal would be acceptable. However, in some examples the design of the existing windows are not particularly sympathetic and could be improved. As such all window designs should be agreed prior to installation via a suitably worded condition.*

*The proposal includes a flat roofed glazed link extension between the cottage and the barn and extending on to the new extension. This element is uncompromisingly contemporary in its style and materials. It is considered that this part of the proposal is not particularly sympathetic to the historic buildings present and it would be far better if the barn were left without such a side addition. However, it is also acknowledged that the current arrangement already includes a similar arrangement that was apparently previously granted consent. The redesign of this otherwise unsympathetic element will be a slight improvement due to the lightweight nature of the new structure and the removal of the lean-to conservatory. In addition the connection with the barn will be lowered to allow the thatched eaves to become more articulated. As such I do not consider that there are sufficient grounds to recommend refusal of this element.*

*The existing stone built garage is to be demolished and replaced with a stone clad L shaped building with pitched roof in the form of a traditional agricultural outbuilding. The building to be demolished is not of historic merit and no objection is raised to its removal. The replacement building is appropriate to the context and will compliment the two historic buildings by creating a complex of traditional buildings tied together by a contemporary link. It is considered that, given the current arrangement of eclectic piecemeal additions this represents a sympathetic enhancement of the site.*

*There is however, one element of the specification that is not considered to be appropriate. Annotation 24 on the elevation drawings states that the roof of the L shaped extension is to be a: tiled roof in buff to match existing Poplar Farm cottage. However, this is description is not specific enough to understand what*

*is intended. It should be noted that buff plain tiles would not be acceptable and that artificial Cotswold stone slates laid in diminishing courses with matching ridge is recommended in this instance. This will be a near match to the roof materials of the demolished garage and will simplify the range of roof materials within the complex making the composition more cohesive. An appropriate condition will be required.*

It should be noted that there has been a letter of objection from the Society for the Protection of ancient Buildings (SPAB) to the original version of the application. The SPAB state four issues: 1. The size of the proposed extensions is excessive in relation to the size of the historic buildings. 2. The design is inappropriate. 3. The information provided on the condition of the historic buildings and the repairs is inadequate. 4. Inadequate consideration of the impact of the proposals on the fabric of the historic buildings. The Conservation Officer responds to the points raised by SPAB as follows:

*“In regard to issues 1 & 2 I raised similar concerns initially and the building has now been redesigned to appear as a traditional agricultural building. Although the footprint has not been reduced the eaves height has been significantly reduced and the pitched roof will assist in assimilating the building without it appearing dominant or monolithic, especially in relation to the barn. As such I am satisfied that the design materials and scale of the L shaped building is now acceptable.*

*In regard to point 3, having visited the barn I was not anticipating extensive repairs to be necessary but will request an agreement of a schedule of works and specification prior to commencement through a suitably worded condition.*

*In regards to point 4, my main consideration in regards to impact upon fabric is the barn. In this respect I would anticipate the main aspects of this issue would be the introduction of insulation to comply with building regulations. It is sometimes expedient to assess this information prior to determination however if there is not sufficient time remaining to do this it would be appropriate to cover this issue as described in the above response to point 3 by requiring submission of a schedule of works and specification prior to commencement through a suitably worded condition.”*

Overall it is considered that the proposal would preserve the listed building and therefore accords with Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and JCS Policy SD8 together with emerging Policy HEN2 of the PSTBLP.

## **Conclusions**

The alterations and additions would preserve the established character of the heritage asset and the wider area. It is considered that the special interest and setting of the listed building would be preserved and the development would comply with Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and JCS Policy SD8. Consequently, it is recommended that listed building consent be granted subject to conditions.

## **CONDITIONS & REASON**

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

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

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

- 2489.0.01 Rev P2 entitled 'Location Plan' received 9.08.2021
- 2489.1.10 Rev P4 entitled 'Proposed Site Plan' received 22.12.2021
- 2489.0.21 Rev P1 entitled 'Existing Ground Floor – Proposed demolition' received 21.07.2021
- 2489.0.23 Rev P1 entitled 'Existing First Floor – Proposed demolition' received 21.07.2021
- 2489.0.51 Rev P1 entitled 'Existing Elevations 1 – Proposed demolition' received 21.07.2021
- 2489.0.53 Rev P1 entitled 'Existing Elevations 2 – Proposed demolition' received 21.07.2021
- 2489.0.71 Rev P1 entitled 'Existing Sections – Proposed demolition' received 21.07.2021
- 2489.1.71 Rev P1 entitled 'Detailed Cross Section' received 21.07.2021
- 2489.1.50 Rev P3 entitled 'Proposed Elevations 1' received 26.10.2021

2489.1.60 Rev P3 entitled 'Proposed Elevations 2' received 26.10.2021  
2489.1.70 Rev P3 entitled 'Proposed Sections' received 26.10.2021  
2489.1.20 Rev P2 entitled 'Proposed Ground Floor' received 20.10.2021  
2489.1.21 Rev P2 entitled 'Proposed First Floor' received 20.10.2021  
2489.1.80 Rev P4 entitled 'Street-scene Elevations' received 22.12.2021

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

3. The materials to be used in the construction of the external surfaces of the proposed development shall match those as indicated within the approved plans referenced 2489.1.50 Rev P3 entitled 'Proposed Elevations 1' and 2489.1.60 Rev P3 entitled 'Proposed Elevations 2' both received by the Local Planning Authority 26<sup>th</sup> October 2021.

Reason: To ensure that the proposed development is in keeping with the visual amenities of the area and heritage assets.

4. The roof of the L-shaped extension shall be constructed out of natural/artificial Cotswold stone slates laid in diminishing courses with matching ridge.

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

5. Prior to the construction of the L-shaped extension hereby approved, details/sample of the proposed roof materials are to be submitted and agreed in writing by the Local Planning Authority.

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

6. Prior to installation, full details consisting of sections at a minimum scale of 1:5 and elevations at 1:20 and colour finish, of all external joinery including windows and doors shall be submitted to and agreed in writing by the Local Planning Authority.

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

7. Prior to installation, details and an approved methodology to the underside of the thatch is to be submitted and agreed in writing by the Local Planning Authority.

Reason: To preserve the character of the heritage asset.

8. Prior to construction of the L shaped extension and proposed boundary wall, a sample panel of external stonework (1m x1m) shall be erected on site showing mortar and corner detail and should be is completed.

Reason: To ensure that materials are in keeping with the surrounding area and to provide for high quality design.

9. No eaves fascias or bargeboards to be used on the new L shaped extension.

Reason: To preserve the architectural integrity of the Listed Building

10. The proposed exposed timbers such as close boarded fencing shall not be treated in any way and shall be left unstained and to weather naturally,

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

11. No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where shown and noted on the approved drawings.

Reason: To preserve the architectural integrity of the Listed Building

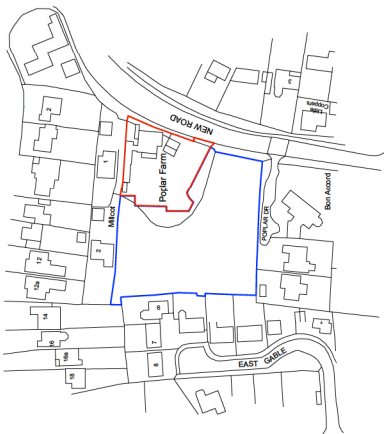
12. All new works and works of making good where indicated shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.

Reason: To preserve the architectural integrity of the Listed Building

Informative

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





Location Plan

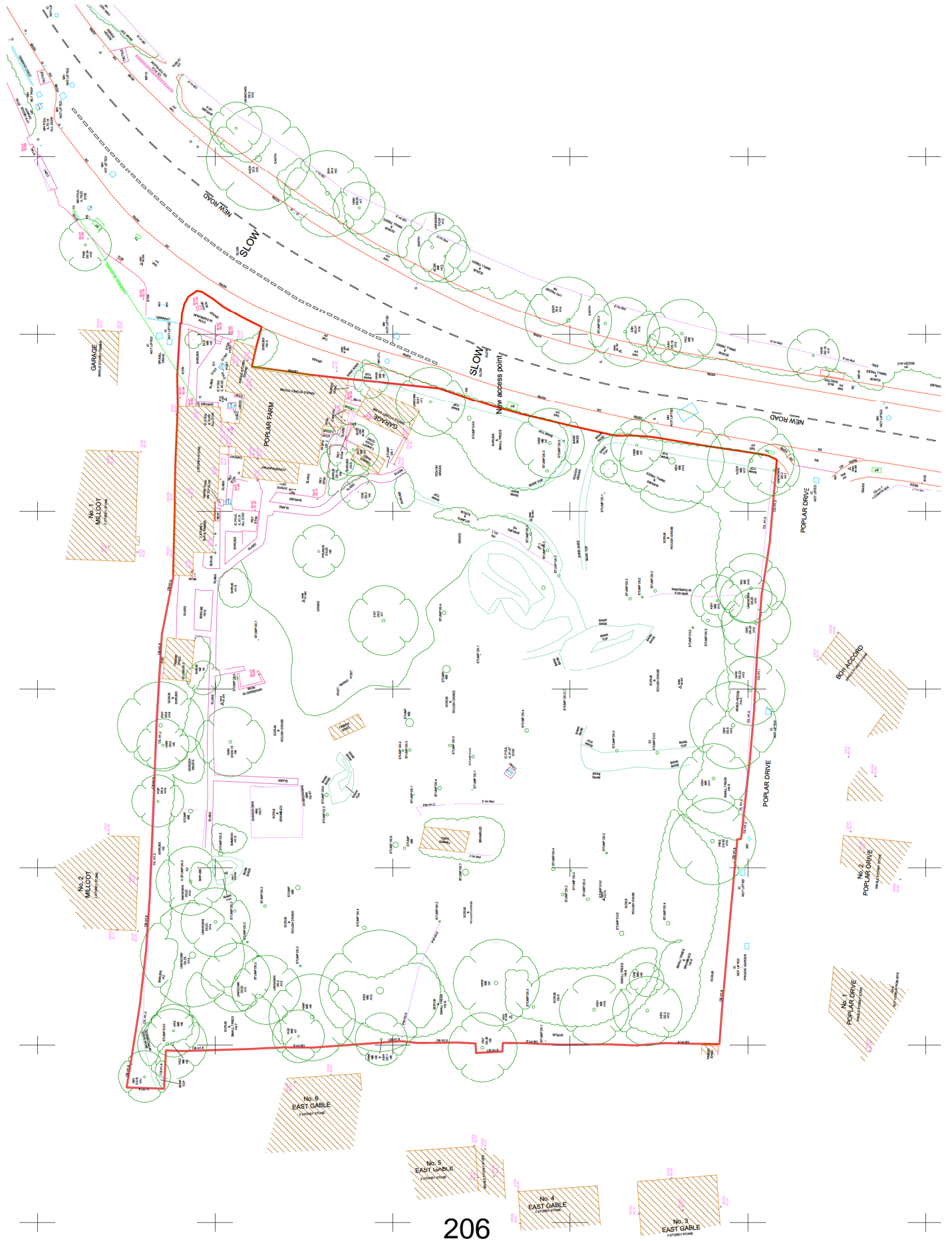
PL 06/08/2021: Rev 1 (1st Amendment)\_JH  
PL 16/07/2021: Planning Issues\_BN  
Revised

**PROPOSED DEVELOPMENT, NEW ROAD, WOODMANCOTE**  
Location Plan - Poplar Farm

DATE	REVISION	BY
20/09/21	PL	PLANNING
15/07/21	PL	PLANNING
15/07/21	PL	PLANNING

5, New Road, Birmingham B31 1UD  
0121 722 3181  
www.bpnarchitects.co.uk  
info@bpnarchitects.co.uk





PL 16.07.2025, Planning Issue, PN  
Revised

PROPOSED DEVELOPMENT, NEW ROAD, WOODINVILLE  
Existing Site Plan

NO.	DATE	DESCRIPTION
1	16.07.2025	PLANNING ISSUE
2	16.07.2025	PLANNING ISSUE
3	16.07.2025	PLANNING ISSUE
4	16.07.2025	PLANNING ISSUE
5	16.07.2025	PLANNING ISSUE
6	16.07.2025	PLANNING ISSUE
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100	16.07.2025	PLANNING ISSUE



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PL 06.02.2021, Approved Planning Issue 06, Parking street, more parking plots, 7  
PL 06.03.2021, Approved Planning Issue 06, Parking street, more parking plots, 7  
PL 06.03.2021, Approved Planning Issue 06, Parking street, more parking plots, 7  
PL 06.03.2021, Approved Planning Issue 06, Parking street, more parking plots, 7  
PL 16.07.2021, Planning Issue 06, Parking street, more parking plots, 7

PROPOSED DEVELOPMENT, NEW ROAD, WOODINVILLE  
Proposed Site Plan

DATE	BY	REVISION
2024.11.10	PM	PLANNING
2024.11.10	PM	PLANNING
2024.11.10	PM	PLANNING

1. New Road, Woodinville, WA 98092  
2. 1234 56789  
3. 1234 56789  
4. 1234 56789

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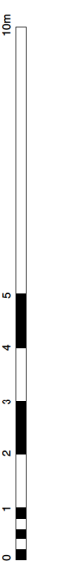


PL 16.07.2017, Plymouth, Devon, UK  
 Rev: 001

PROPOSED DEVELOPMENT, NEW ROAD, WOODMACCOTE  
 Poplar Farm - Existing Ground floor

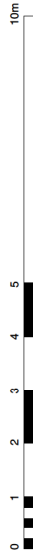
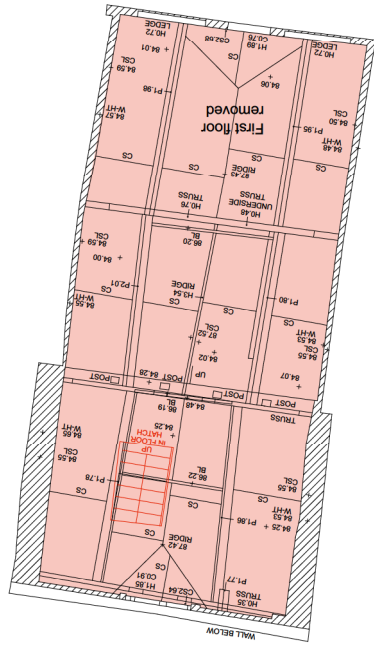
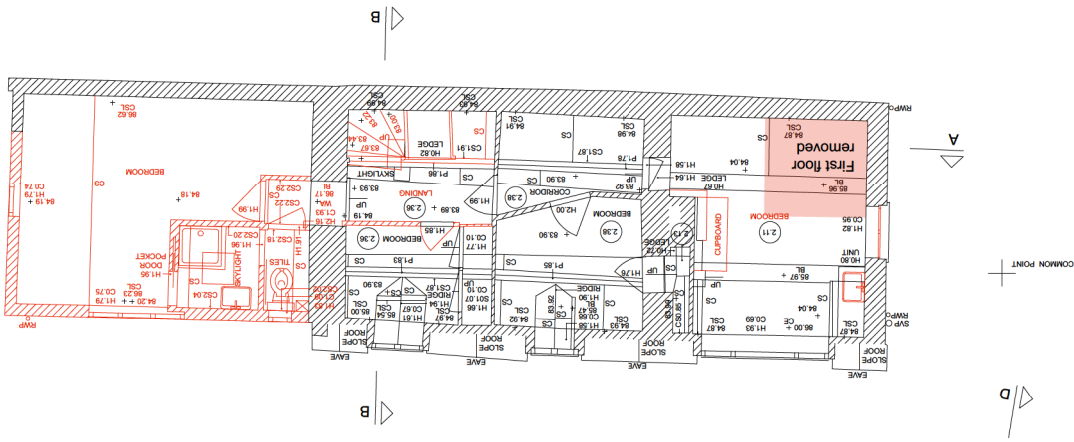
DATE: 16.07.2017  
 DRAWN: P1  
 CHECKED: P1  
 SCALE: 1:50  
 PROJECT NO: 16.07.2017

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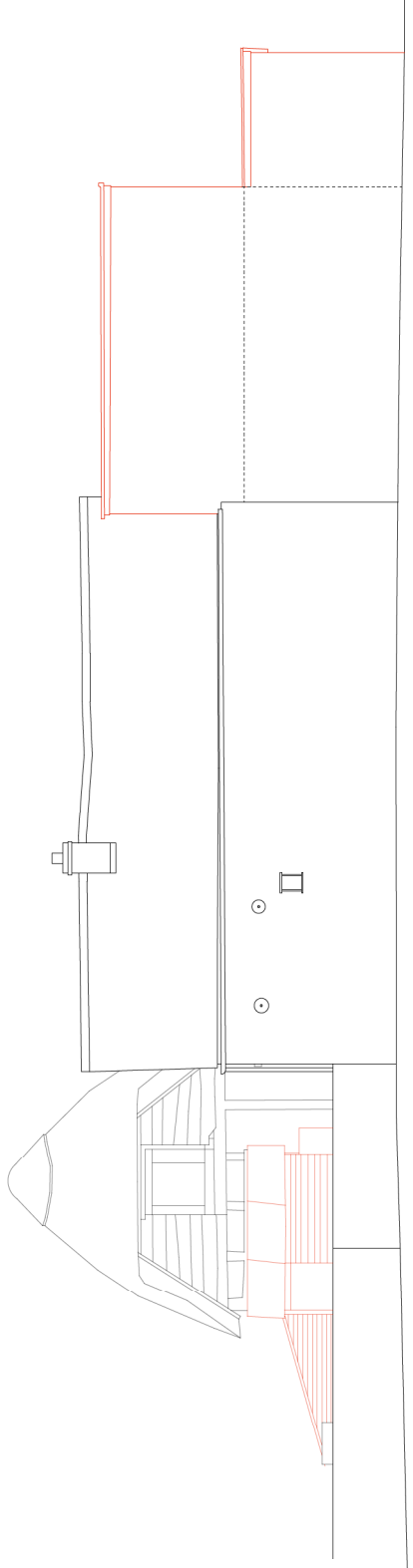
P1\_16.07.2022\_Popular Farm\_BN  
 Revision

**PROPOSED DEVELOPMENT, NEW ROAD, WOODMACCOTE**  
 Popular Farm - Existing First Floor - Proposed Demolition

DATE	DESCRIPTION
2019.03.23	P1
2020.03.23	P1
2021.03.23	P1
2022.03.23	P1

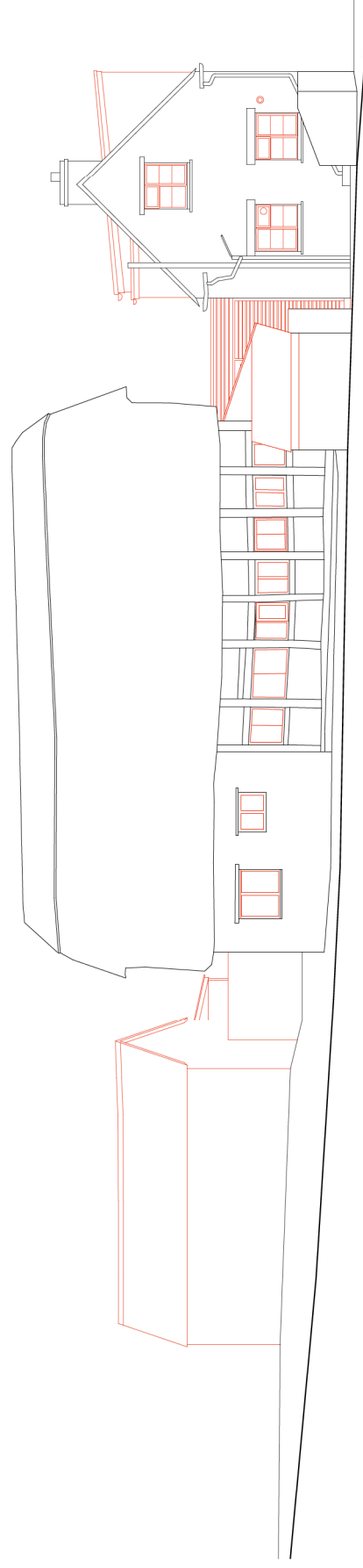
1. New Road, Woodmaccote, BN1 1LD  
 01323 720116  
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**BPN ARCHITECTS**



North Elevation - Demolition

211

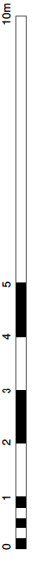


East Elevation (New Road) - Demolition

PL 16.07.2024, Planning Issue, RN  
Revised

PROPOSED DEVELOPMENT, NEW ROAD, WOODMARCOTE  
Poplar Farm - Existing Elevations 1 - Proposed Demolition

DATE	REVISION	BY
20/09/24	P1	PLANNING
16/07/2024	1.00	PLANNING

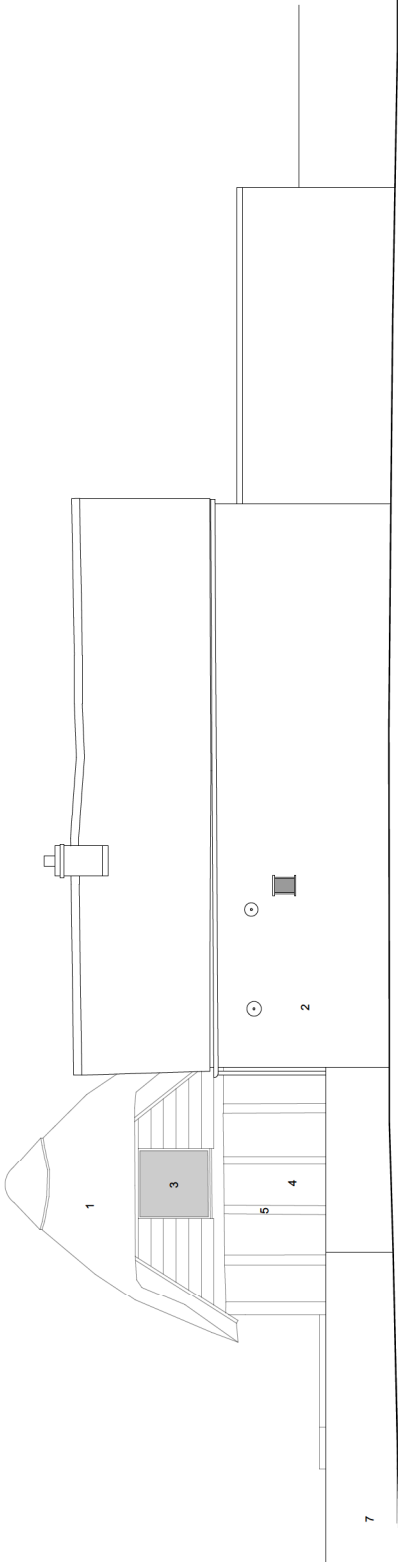


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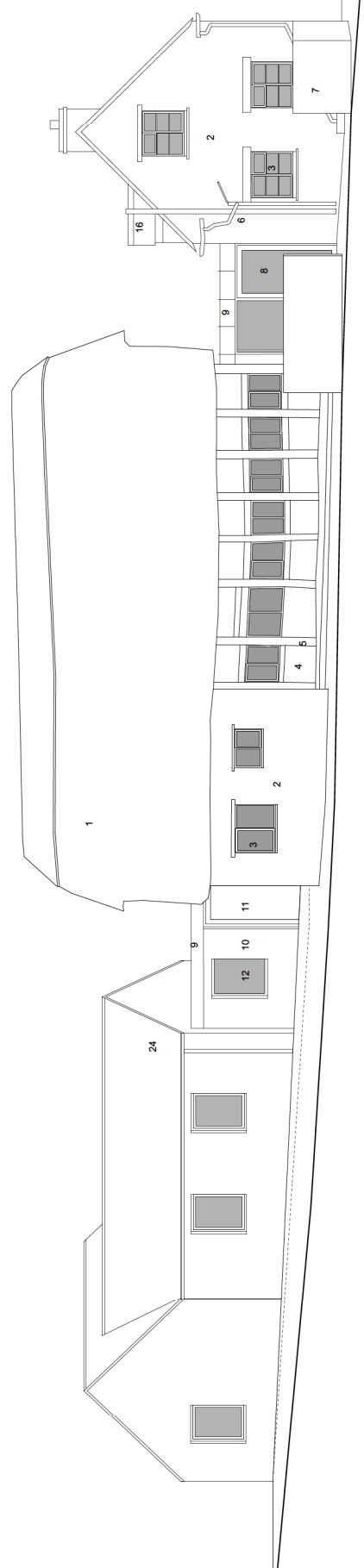
**KEY**

1. Existing hatch roof retained and made good locally as required.
2. Existing stone walling retained and repointed with lime mortar as required.
3. Existing windows carefully removed and replaced with new hardwood windows. Existing stone walling to be retained incorporating slimline double glazed units (applies to all existing windows).
4. Brick splaydials redecorated.
5. Timber frame redecorated.
6. Existing timber goods redecorated or replaced to match if beyond repair - stone colour.
7. Existing delapidated stone wall rebuilt.
8. Existing stone walling and screen in bronze colour.
9. Spacing seam zinc roof.
10. New stone wall built using reclaimed stone from demolished garage.
11. Painted timber coat.
12. New stone wall with double glazed window.
13. Stone coping.
14. Dry stone wall using local stone.
15. Existing downy partially retained with matching stone.
16. Existing rear wall partially retained and new timber pergola.
17. Painted timber gate.
18. Existing stone walling to be retained.
19. Zinc fascia to timber pergola.
20. Local stone facade.
21. Present stone lintels, reveals, mullions and cills.
22. Existing stone walling to be retained.
23. Tiled roof in built to match existing Poplar Farm cottage.
24. Traditional garage door.
25. Through coloured render.
26. Existing stone walling to be retained.
27. Through coloured render.
28. PPC creeks and flashings to dormer windows.
29. PPC aluminium glazed door.
30. PPC aluminium copings in matching colour to window frames.



Proposed North Elevation

212

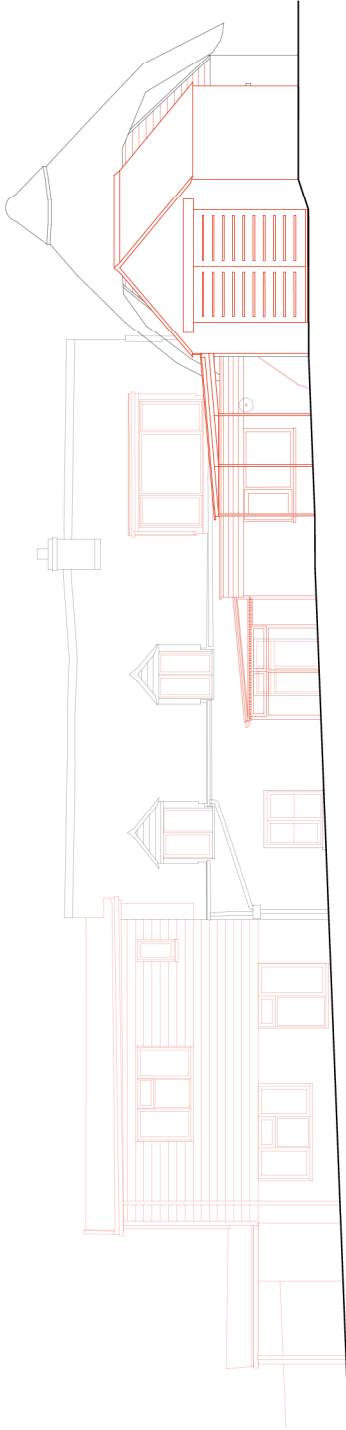


Proposed East Elevation (New Road)



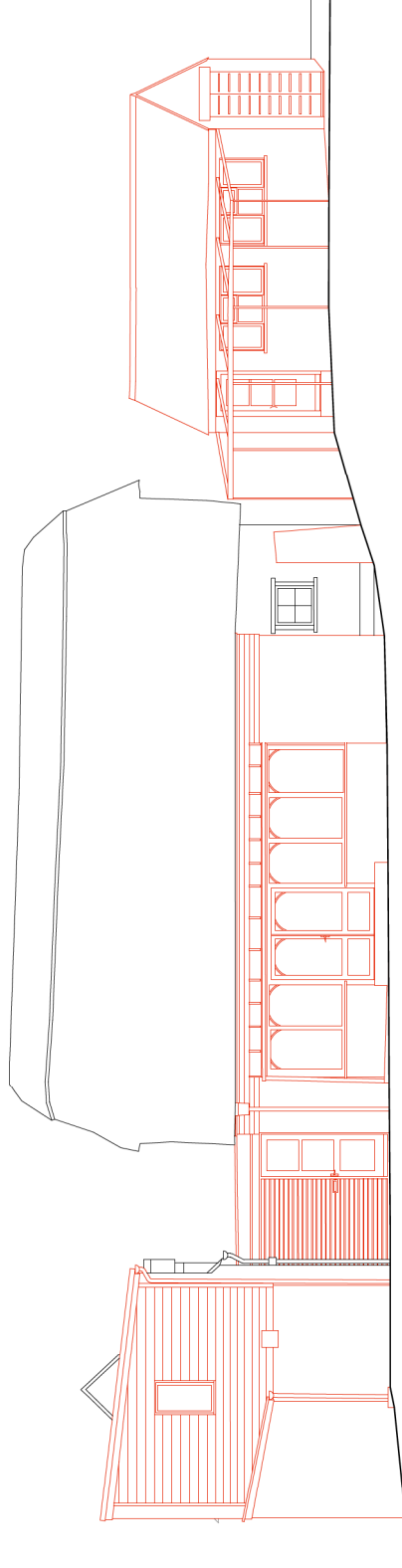
BPN ARCHITECTS





South Elevation - Demolition

213



West Elevation - Demolition

PL 16.07.2021, Planning Issue, RN  
Revised

PROPOSED DEVELOPMENT, NEW ROAD, WOODMACOTE  
Popular Farm - Existing Elevations 2 - Proposed Demolition

DATE	REVISION	BY
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2020.07.15	PLANNING	PLANNING
2021.07.15	PLANNING	PLANNING

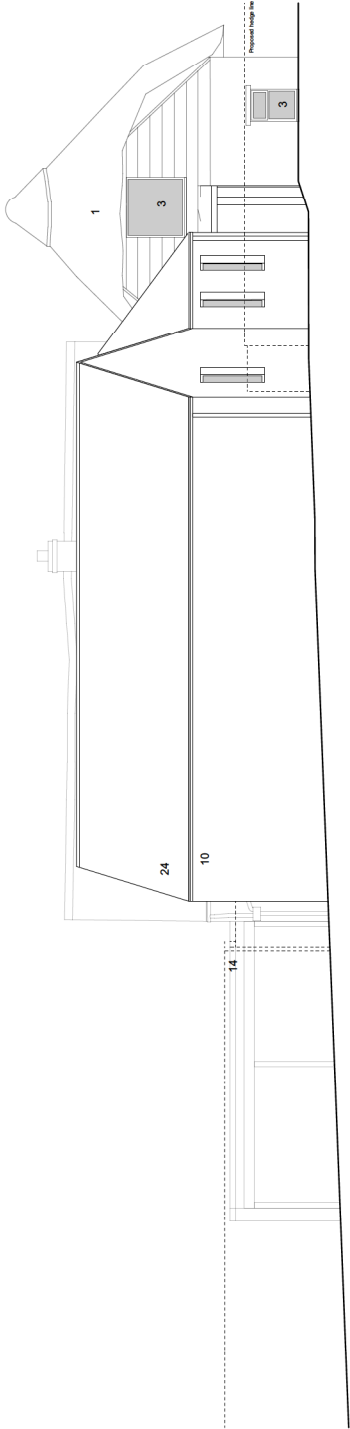


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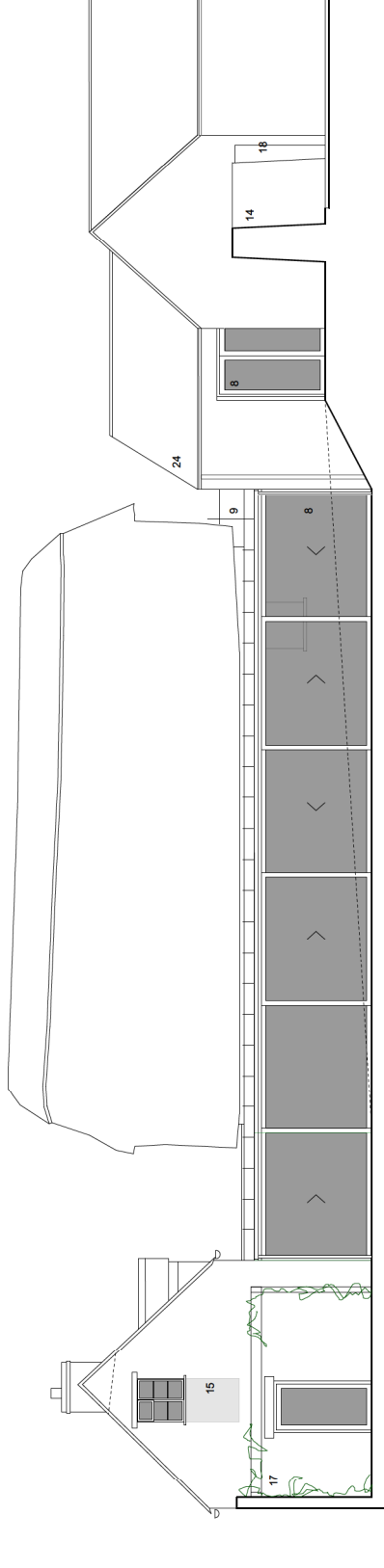
**KEY**

1. Existing hatch roof retained and made good locally as required.
2. Existing stone walling retained and repointed with lime mortar as required.
3. Existing windows carefully removed and replaced with new hardwood windows. Existing stone walling to be retained incorporating slimline double glazed units (applies to all existing windows)
4. Brick splaydials redecorated
5. Timber frame redecorated
6. Existing stone walling to be retained and replaced to match if beyond repair - stone colour
7. Existing delapidated stone wall rebuilt
8. Existing stone walling to be retained and screen in bronze colour
9. Spalling seam coat
10. New stone wall built using reclaimed stone from demolished garage
11. Painted timber coat
12. Stone coping
13. Stone coping
14. Dry stone wall using local stone
15. Existing downy partially retained and repointed with matching stone
16. Existing stone walling to be retained and repointed with matching stone
17. Existing rear wall partially retained and new timber pergola
18. Painted timber gate
19. Existing stone walling to be retained and repointed with matching stone
20. Zinc fascia to timber pergola
21. Local stone fascia
22. Present stone lintels, reveals, mullions and cills
23. Existing stone walling to be retained and repointed with matching stone
24. Tiled roof in full to match existing Poplar Farm cottage
25. Traditional garage door
26. Through coloured render
27. Through coloured render
28. PPC creeks and flashings to dormer windows
29. PPC aluminium glazed door
30. PPC aluminium copings in matching colour to window frames



Proposed South Elevation

214

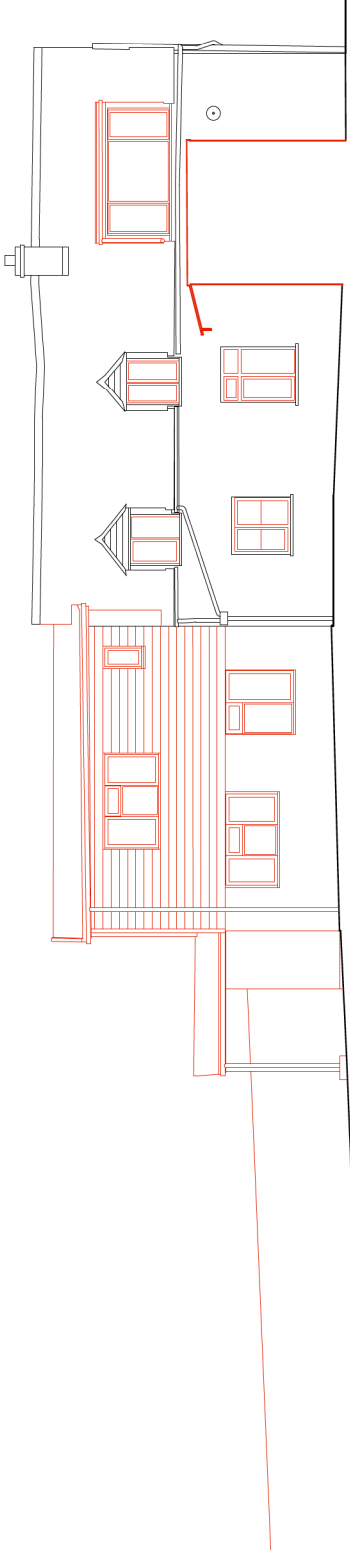


Proposed West Elevation

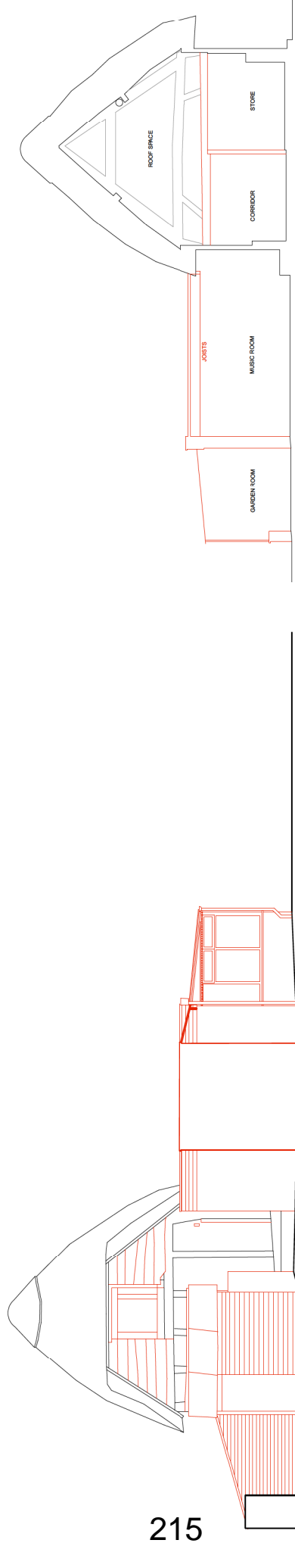
PL 26.10.2021, Lowered Eaves Level to Elevation, IN  
 PL 26.10.2021, Revised Planning Issue, BR  
 PL 16.07.2021, Planning Issue, IN  
 Revision

**PROPOSED DEVELOPMENT, NEW ROAD, WOODMARCOTE**  
**Poplar Farm - Proposed Elevation 2**

DATE	REVISION	BY
2019.11.09	P3	PLANNING
2020.07.06	P4	PLANNING
2021.07.15	P5	PLANNING
2021.07.15	P6	PLANNING
2021.07.15	P7	PLANNING
2021.07.15	P8	PLANNING
2021.07.15	P9	PLANNING
2021.07.15	P10	PLANNING



Demolition Section 1-1



215

Demolition - Section 2-2

Demolition - Section 3-3



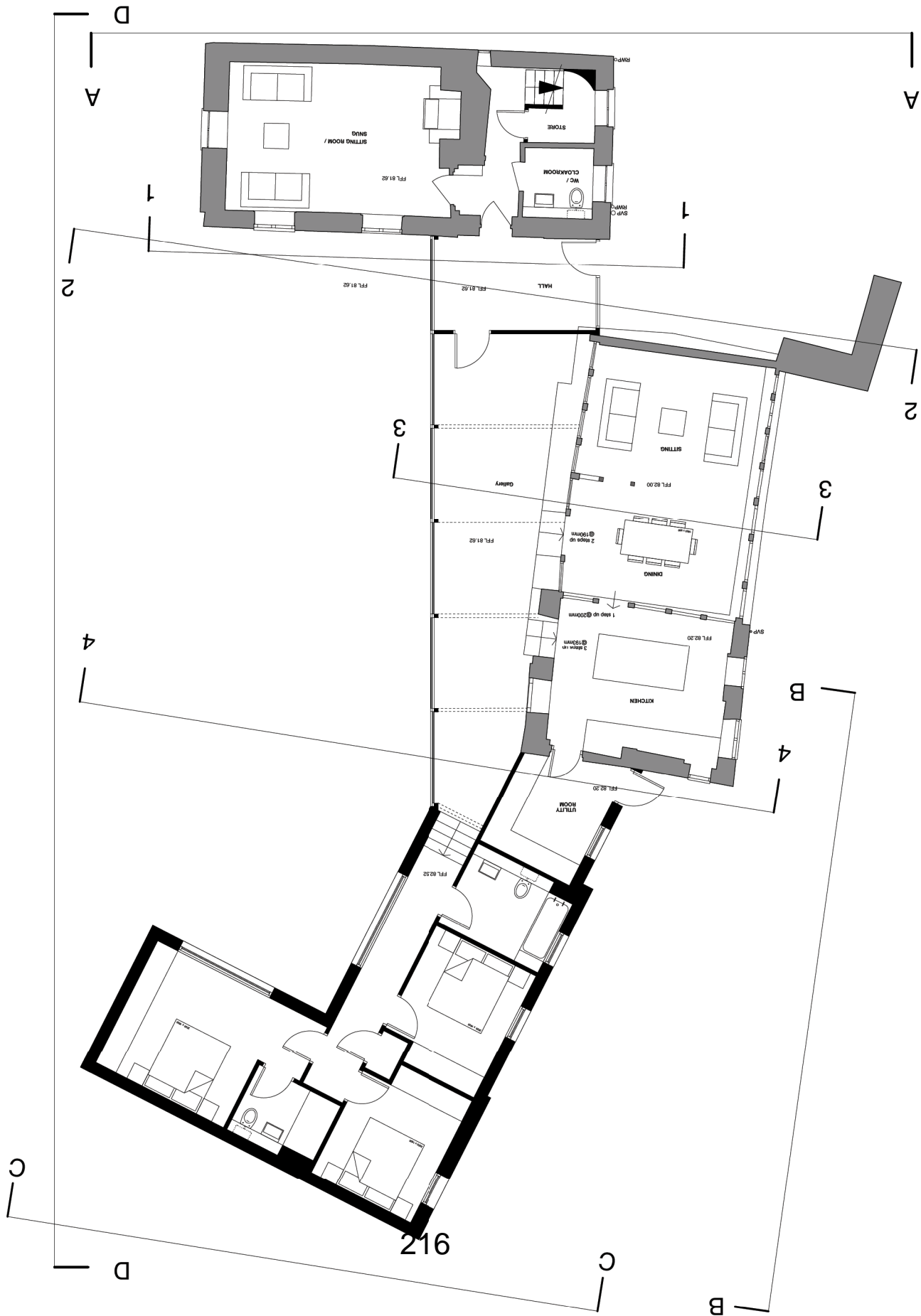
Demolition - Section 4-4

PI\_18.07.2024\_Popular Farm\_NJ  
 Revision

PROPOSED DEVELOPMENT, NEW ROAD, WOODMARCOTE  
 Popular Farm - Existing Sections - Proposed Demolition

DATE	BY	REVISION
2024.07.18	PI	PLANNING
2024.07.18	PI	PLANNING
2024.07.18	PI	PLANNING





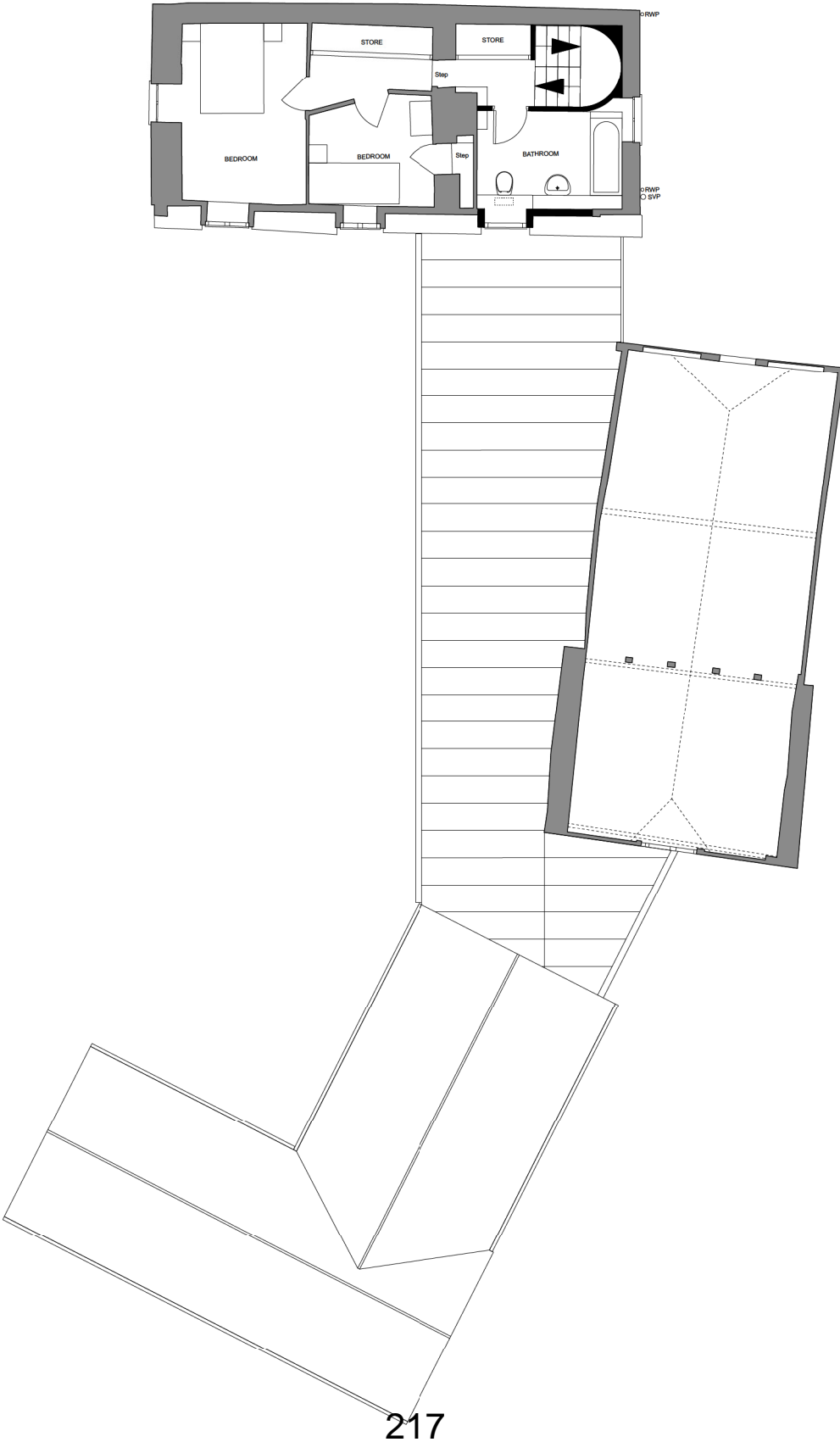
BPN ARCHITECTS

PP2\_20\_10.2021\_Rev002\_Proposed Planning Issues\_RN  
PP1\_10.02.2021\_Proposed Planning Issues\_RN  
Revision

PROPOSED DEVELOPMENT, NEW ROAD, WOODMARCOTE  
Poglar Farm - Proposed Ground Floor

NO.	DATE	BY	CHKD
001	10.02.2021	PP	PP
002	10.02.2021	PP	PP
003	10.02.2021	PP	PP

1. New Road, Woodmancote, SN15 1LD  
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217

PL 20 10 2021, Proposed Planning Issue, BR  
2019.1.21  
PL 10 07 2021, Planning Issue, BN  
Revised

PROPOSED DEVELOPMENT, NEW ROAD, WOODMENCOTE  
Poplar Farm - Proposed First Floor

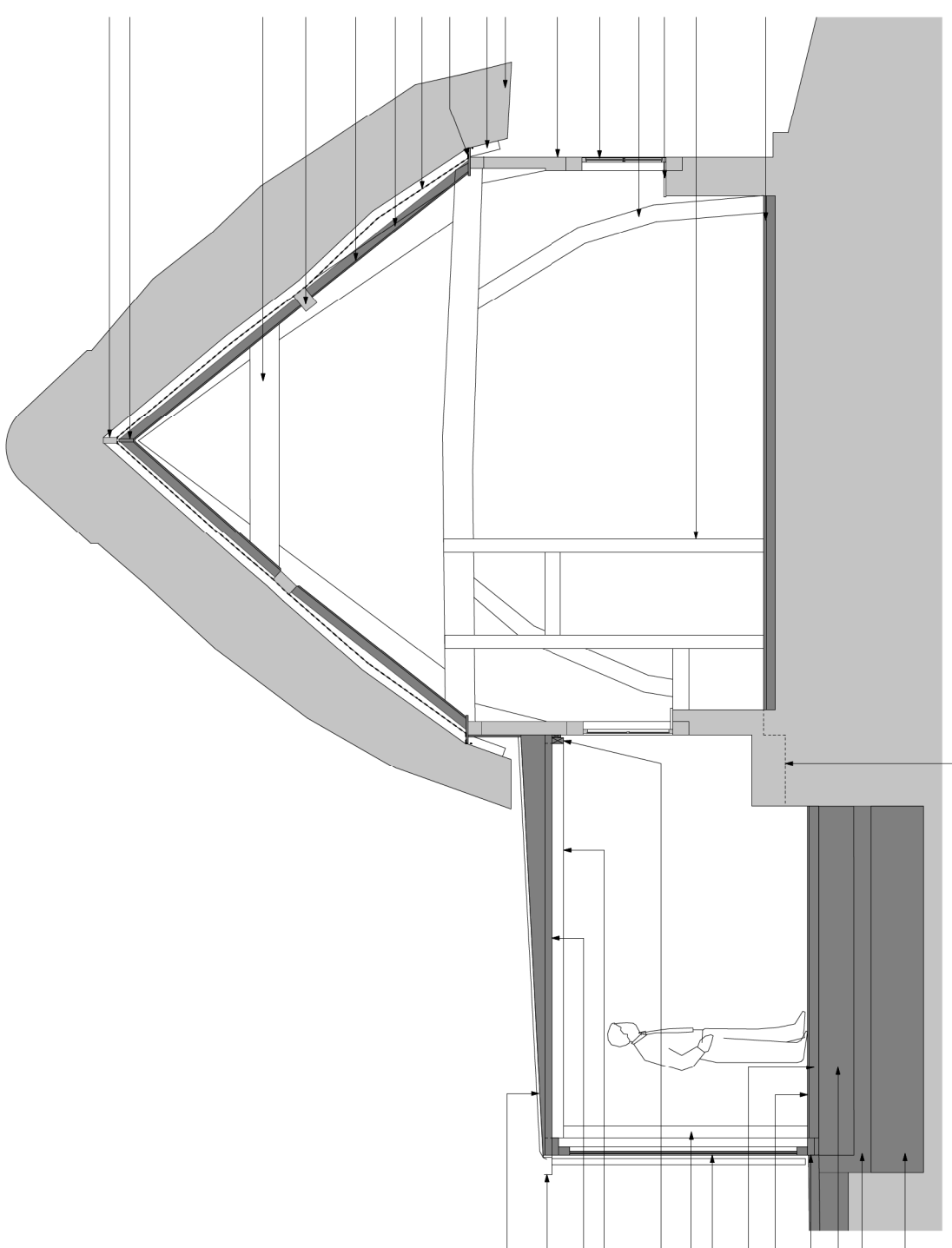
DATE	REVISION
2019.1.21	PL
10.07.2021	BN



BPN ARCHITECTS

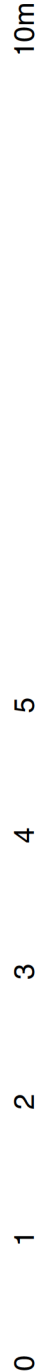
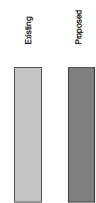
1, New Street, Birmingham, B3 1UD  
0121 709 1919  
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- Standing seam zinc roof laid at min. 3 degrees pitch onto rigid, out to falls insulation. Zinc to be clipped to the base of the existing beam wall under the existing rafters.
- Rectangular section PPC gutter, 150mm x 75.
- 70mm CLT roof decking fixed between beams.
- 150 x 100 oak beam supporting new flat roof.
- 100 x 50 oak borer with 25mm shallow gap spacer screw fixed into every existing stud to support end of flat roof beams. Led lighting strip recessed into shallow gap.
- 100 x 100 oak post supporting the flat roof
- PPC slimline aluminium double glazed sliding screen in dark bronze colour satin finish
- 75mm sand cement screed incorporating underfloor heating
- 25mm limestone floor tiles
- Door sill / track section set 50mm into floor to allow level access fixed onto rigid terminal break to prevent odd bridge
- 300mm concrete slab to SE details
- 150mm rigid insulation
- Well compacted hardcore to SE details

Dashed lines indicate profile of existing stepped entrance beyond section cut line



Existing ridge member  
 Proposed ridge board to tie new rafters heads

Existing masts to be retained with metal clad finish. Minor repairs as required.

Existing purlins to be retained with metal clad finish.

12mm plasterboard with vapour control backing layer fixed to rafters. Soin and paint finish

75 x 50 Independent rafters @ 600 centres fixed to ply wall plate and existing purlin. 75mm rigid Rockwool insulation fixed between rafters

Dashed line indicates Tyvek or similar breathable membrane stapled to existing rafters to provide a waterproof layer

18mm WBP ply sheet screw fixed to top of existing wall plate. Ply to be notched around existing rafters to close off the eaves and prevent birds from accessing the void.

Existing 'sick' rafters retained and tied back as required.

Existing attached roof retained and made good as required

Repairs to facade as required to match existing and redecorate

Existing window modified to accommodate new slimline double glazing (1m x 1.2m fixed outer pane, 1m x 1.2m cavity with wind spacer, 4mm low E glass, with 20mm gap)

Historic timber frame elements exposed and made good.

New 18mm oak window boards

Existing historic timber studs retained

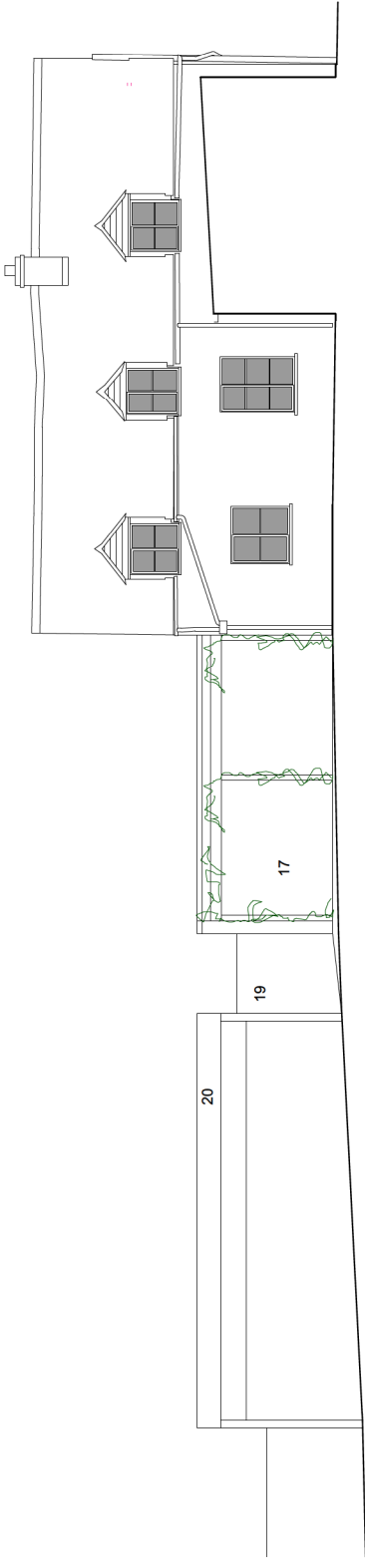
New flooring comprising 25mm limestone tiles laid onto 75mm sand cement screed incorporating underfloor heating

PL 16/07/2021, Planning Issue, BN  
 Revision

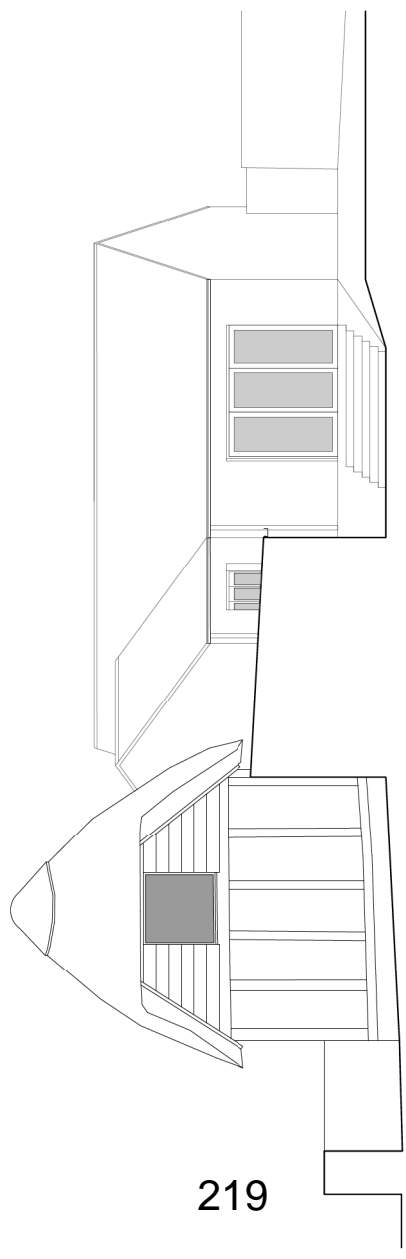
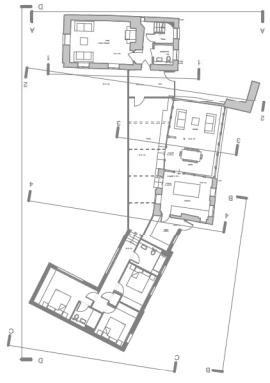
PROPOSED DEVELOPMENT, NEW ROAD, WOODMANCEOTE  
 Poplar Farm Detailed Cross Section

DATE	BY	REVISION
20/05/21	PL	PLANNING
12/06/21	PL	PLANNING
15/07/2021	PL	PLANNING

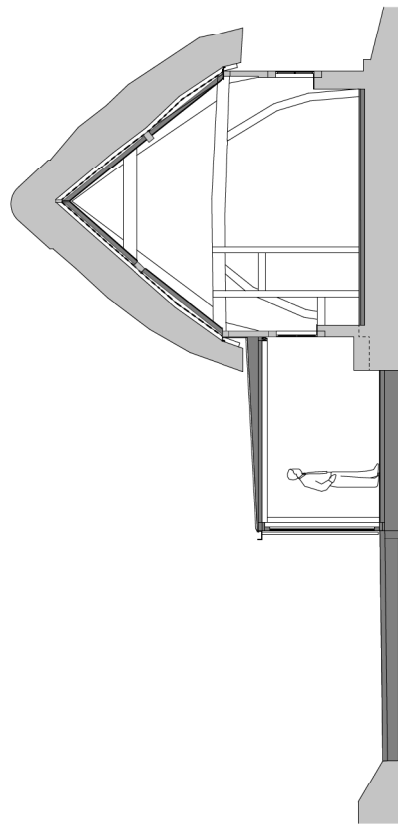




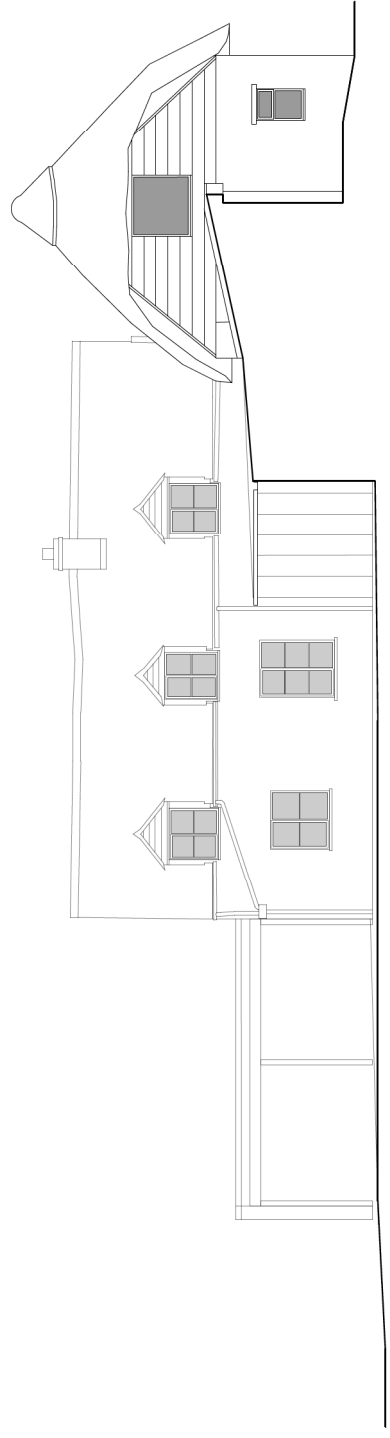
Proposed Section 1-1



Proposed Section 2-2



Proposed Section 3-3



Proposed Section 4-4

- KEY**
1. Existing hatch roof retained and made good locally as required.
  2. Existing roof structure to be retained and made good locally as required.
  3. Existing windows carefully removed and replaced with new hardwood windows of a matching pattern and profile but incorporating slimline double glazed units (applies to all existing windows)
  4. Timber frame redecorated
  5. Timber frame redecorated
  6. Existing pipework & rainwater goods redecorated or replaced to match if appropriate
  7. Existing plasterwork to be retained and made good locally as required
  8. PPC aluminium door and screen in bronze colour
  9. Standing seam zinc roof
  10. Existing stone retaining wall using reclaimed stone from demolished garage
  11. Painted timber door
  12. PPC aluminium double glazed window
  13. Stone coping using local stone
  14. Existing plasterwork to be retained and made good locally as required
  15. Existing downy partially infilled with matching stone
  16. New dormer window to match existing
  17. Existing stone retaining wall to be retained and new timber pergola
  18. Painted timber gate
  19. Close boarded fence
  20. Zinc fascia to timber pergola
  21. Close boarded fence
  22. Dressed stone lintels, reveals, mullions and cills
  23. PPC aluminium rainwater goods
  24. New porch in built to match existing Poplar Farm cottage
  25. Timber door to match existing Poplar Farm cottage
  26. PPC fascia
  27. Through coloured render to dormer windows
  28. Through coloured render to dormer windows
  29. PPC aluminium glazed door
  30. PPC aluminium copings in matching colour to window frames

PA\_36\_18.2021\_Lowered Eaves Level to Elmston, RN  
 PA\_36\_18.2021\_Revised Planning Issue, RN  
 PA\_36\_18.2021\_Planning Issue, RN  
 24/05/2021

**PROPOSED DEVELOPMENT: NEW ROAD, WOODMACCOTE**  
 Poplar Farm - Proposed Sections

DATE	NO.	DESCRIPTION
24/05/2021	P3	PLANNED
18/07/2021	P1	PLANNED
18/07/2021	P2	PLANNED

1 New Stone Buildings 351 Ltd  
 0117 253 1818  
 www.bpnarchitects.co.uk





New Road Streetscene



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Streetscene facing South



Streetscene facing West

PL\_21.12.2023, General revision, IN  
 PD\_26.10.2023, Lowered Eaves Level to Elevation, IN  
 PD\_26.10.2023, Revised Planning Issue, IN  
 PD\_16.07.2023, Planning Issue, IN  
 Revision

PROPOSED DEVELOPMENT, NEW ROAD, WOODMANCEOTE  
 Streetscene Elevations

DATE	REVISION	BY
2023.12.08	PL	PLANNING
2023.12.08	PD	PLANNING
2023.12.08	PD	PLANNING
2023.12.08	PD	PLANNING





## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	15 February 2022
<b>Site Location:</b>	Land to the Rear of Minsterworth Village Hall Main Road Minsterworth
<b>Application No:</b>	20/00936/OUT
<b>Ward:</b>	Highnam with Haw Bridge
<b>Parish:</b>	Minsterworth
<b>Proposal:</b>	Outline application for the erection of up to 16 dwellings (all matters reserved except for access).
<b>Report by:</b>	Bob Ristic
<b>Appendices:</b>	Site location plan Site layout plan
<b>Recommendation:</b>	Permit

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises an agricultural field located to the east of Minsterworth Village Hall and to the North and East of a recent housing development at Ellis Bank Lane to the Northern side of the A48. **(See site location plan)**
- 1.2 The site is relatively flat and is screened from the highway by existing development and hedgerow. The site measures approximately 1 hectare in area and is not subject to any landscape designations. A PROW Minsterworth Footpath 10 (EMW10) continues from Ellis Bank Lane, diagonally through the eastern part of the application site.
- 1.3 This application seeks outline planning permission for a development of up to 16 residential dwellings, including affordable housing and associated infrastructure, with all matters reserved for future consideration save for access.
- 1.4 The site would be accessed from the A48 via Ellis Bank Lane and the indicative layout plan shows how a development could be laid out as a continuation of this street. **(See layout plan)**

## 2.0 RELEVANT PLANNING HISTORY

2.1 There is no planning history for this site however the land to the south, adjoining the A48 was granted planning permission for a residential development (now Ellis Bank Lane) which is summarised below:

Application Number	Proposal	Decision	Decision Date
15/00197/FUL	Proposed erection of 14 no. affordable dwellings with associated hard and soft landscaping	Permit	20.09.2017

## 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 (The Need for New Development)
- Policy SP2 (The Distribution of New Development)
- Policy SD6 (Landscape)
- Policy SD8 (Historic Environment)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD10 (Residential Development)
- Policy SD11 (Housing Mix and Standards)
- Policy SD12 (Affordable Housing)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk and Management)
- Policy INF6 (Infrastructure Delivery)

- Policy INF7 (Developer Contributions)

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

- Policy RCN1(Outdoor Playing Space)
- Policy RCN2 (Provision of Sports Facilities)

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

- Policy RES2 (Settlement Boundaries)
- Policy RES5 (New Housing Development)
- Policy RES12 (Affordable Housing)
- Policy RES13 (Housing Mix)
- Policy DES1 (Housing Space Standards)
- Policy ENV2 (Flood Risk and Water Management)
- Policy COM2 (Broadband Provision)

### **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 Minsterworth Parish Council** – No objections

**4.2 National Highways** – No objections

**4.3 Natural England** – No objections

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

**4.5 County Archaeologist** – No objections subject to condition

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

- 4.7 County Developer Contributions Investment Team** – Financial contributions towards primary education required to make the development acceptable in planning terms.
- 4.8 County Public Right of Way Officer** – Legal line of footpath EMW10 passing through the site should be maintained.
- 4.9 County Minerals & Waste Planning Policy** – No objections subject to conditions.
- 4.10 Environmental Health Officer (Noise)** – A noise assessment would be required.
- 4.11 Strategic Housing Enabling Officer** – No objection subject to securing 6 affordable dwellings and a commuted sum.
- 4.12 Ecological Adviser** – No objections subject to an updated walk over survey being undertaken and conditions.
- 4.13 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** Three letters of representation from the same person have been received. The observations raised are summarised below:
- No facilities locally
  - Proposal has no open space or play area
  - Impact from road noise
  - Properties on the frontage would be worst affected by noise
  - Other housing development permitted in the area
  - Would increase traffic in the area
  - Should include flats & bungalows

## **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** Minsterworth is identified as a Service Village in the JCS and Policy SP2 sets out that development at rural service centres and service villages will be allocated through the Tewkesbury Borough Plan and Neighbourhood Plans, proportional to their size and function, and also reflecting their proximity and accessibility to Cheltenham and Gloucester and considering the environmental, economic and social impacts including existing levels of growth over the plan period.
- 7.2** However, the site falls outside of any defined settlement boundary and the application site has not been allocated for housing in the JCS and therefore the criterion of Policy SD10 of the JCS applies. This policy advises that housing on sites which are not allocated for housing in district and neighbourhood plans will be permitted if it meets certain limited exceptions.

- 7.3 Of relevance is Criterion 4 (ii). This criterion states that development will only be permitted where it is infilling within the existing built-up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within district plans. For the purposes of criterion 4(ii), the supporting text defines 'infill development' as "the development of an under-developed plot well related to existing built development."
- 7.4 The application site comprises an undeveloped field which is located adjacent to and behind existing residential development at Ellis Bank Lane. The site is not therefore considered to be an under-developed plot and does not lie between existing built development accordingly the proposal is not considered to represent infilling and the proposal would be contrary to Policy SD10.

### ***Emerging Tewkesbury Borough Plan***

- 7.5 Notwithstanding the conflict identified above, the application site does however lie within the revised/proposed settlement boundary (MAP26) to the Main Modifications Version of the Tewkesbury Borough Plan (MMTBP). The supporting note explains that the modification is proposed to enable more in-depth development in this part of Minsterworth, which would be concentrated near the Church, Village Hall and Old School as requested by the Inspector in his Post Haring Letter (EXAM50).
- 7.6 MMTBP Policy RES2 sets out that the principle of residential development within the defined settlement boundaries is acceptable subject to the application of all other policies within the plan. The proposal would accord with this policy which should be afforded significant weight given the advanced (Main Modifications) stage of the plan.

### ***Five Year Housing Land Supply***

- 7.7 As set out in the latest Tewkesbury Borough Five Year Housing Land Supply Statement published in December 2020, the Council can demonstrate a 4.35 year supply of deliverable housing sites. On the basis therefore that the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the provision of housing should not be considered up-to-date in accordance with footnote 7 of the NPPF and in accordance with Paragraph 11 of the NPPF the presumption in favour of sustainable development (the 'tilted balance') applies. 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.
- 7.8 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.

- 7.9 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.
- 7.10 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'*.
- 7.11 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.'*
- 7.12 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.'*
- 7.13 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.

### ***Conclusions on Principle of Development***

- 7.14 The proposal conflicts with Policy SD10 of the JCS, however it is considered that this policy is out of date for the reasons set out in paragraph 7.7 above and the presumption is that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPFs policies as a whole.
- 7.15 Further to the presumption in favour of sustainable development, the site falls within the revised settlement boundary to Minsterworth as proposed in the MMTBP, which although not adopted is at an advanced stage of preparation and should be afforded significant weight.
- 7.16 In this respect it is considered that the development would accord with emerging Policy RES2 and could therefore be sustainably accommodated at the settlement which weighs in favour of the proposal, along with other benefits of the proposal including economic benefits arising both during and post construction and the social benefits associated with the delivery of market and affordable housing. These matters must be considered in the overall planning balance.

### ***Landscape and visual impact***

- 7.17** The NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem service. Policy SD6 of the JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area.
- 7.18** A Landscape Assessment has been submitted with the application which identifies the site as lying within the National Character Area 106 Severn and Avon Vales. The Gloucestershire Landscape Character Assessment, advises that the site is located in the Floodplain Farmland (SV3A Elmore Back and Minsterworth Ham) Landscape Character Area. Specifically with regards to the site, the report advises that it is heavily influenced by the adjoining residential development and pattern of residential development along the A48. Furthermore, the development would be perceived from the wider area as part of this established pattern of development. The report sets out that the proposal would nevertheless have a 'slight adverse' effect to the immediate area but would not affect the otherwise extensive National Character Area as a whole.
- 7.19** In terms of visual impact, the main receptors are identified as the users of the A48, adjacent properties and users of the PROW network. The report sets out that the visual impact of the residential development would be expected however the impacts could be minimised by restricting building heights to a maximum of 2 storeys with reduced roof pitches and use of materials to match existing development. Furthermore, retaining and enhancing existing hedgerows would be a visual benefit.
- 7.20** Considered the scale of development its proposed siting adjacent to existing development, the impact is likely to be limited to the immediate surroundings. Furthermore, the impact of the development could be mitigated, to an acceptable degree through careful design and layout and landscaping all of which would be considerations for the reserved matters stage if outline planning permission is granted.
- 7.21** Notwithstanding the sites proposed inclusion within the Minsterworth settlement boundary in the MMTBV and measures identified above, the proposal would however result in some landscape harm, and this is a matter that would weigh against proposal in the overall planning balance.

### ***Access and highway safety***

- 7.22** Section 9 of the NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.



- 7.23** Policy INF1 of the JCS requires developers to provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. All proposals should provide for safe and efficient access to the highway network for all transport modes; encourage maximum potential use of walking, cycling and passenger transport networks to ensure that credible travel choices are provided by sustainable modes. Planning permission will be granted only where the impact of development is not considered to be severe.
- 7.24** The application has been accompanied by a Transport Statement which has been assessed by Gloucestershire County Council as Local Highway Authority (LHA). The Highways Officer (HO) has also carried out his own TRIC's analysis for verification purposes. The Officer advises that cumulative impact of the existing and proposed dwellings and advises that the level of vehicular movements generated would not have a severe impact upon the highway network and that the existing right hand turning lane has more than adequate capacity to accommodate peak hour movements. Accordingly, the proposal would have no adverse highway impacts.
- 7.25** In terms of the impact on the Strategic Transport Network (SRN), National Highways (NH) have been consulted on the application and offer no objection to the proposals.

### ***Affordable housing***

- 7.26** The NPPF sets out that Local Planning Authorities should set policies for meeting affordable housing need on development sites. Policy SD12 criterion 1(ii) of the JCS requires a minimum of 40% affordable housing on developments outside of the JCS Strategic Allocations; where possible affordable housing should be provided on-site and calculated requirements should be rounded to the nearest whole unit.
- 7.27** The Council's Housing Enabling Officer (HEO) has reviewed the application and advises that the proposal would generate a requirement for 6.4 affordable units to be policy compliant. This requirement transcribes to the provision of 6 affordable 'on site' units with a 60% social rent and 40% affordable home ownership mix. In addition the proposal would require the provision of a commuted sum of £52,000 for the 0.4 of a unit.
- 7.28** In terms of accessibility the Gloucestershire Local Housing Needs Assessment 2020 supports 50% of the affordable homes to be M4(2) former lifetime homes standard and 5% M4(3)B disabled access/wheelchair access. (JCS Policy SD11 and JCS Policy SD4). Preferred housing unit standards should be Nationally Described Space Standard sizes and all units should also be double bed space. Compliance with these details would need to be demonstrated at the reserved matters stage.
- 7.29** The applicant has indicated a willingness to enter into a legal agreement to secure the affordable housing provision however at this stage there is no such agreement in place. Nevertheless, this matter could be resolved by the completion of an appropriate planning obligation.

### ***Housing mix***

- 7.30** Policy SD11 of the JCS requires all new housing development to provide an appropriate mix of dwellings sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Development should address the needs of the local area and should be based on the most up to date Strategic Housing Market Assessment.

- 7.31** The Gloucestershire Local Housing Needs Assessment 2019 – Final Report and Summary (September 2020) (LHNA) provides the most up to date evidence based to inform the housing mix on residential applications. This report states that in Tewkesbury 3% of new market dwellings should be one bedroom properties, with 13% having two bedrooms, 54% containing three bedrooms and 29% having four bedrooms or more.
- 7.32** The indicative site layout plan shows a mix of 3 and 4 bed dwellings. As the application is in outline with all matters (other than access) reserved the specific mix of housing for this site has not been considered at this time. However a condition is recommended to secure an appropriate market housing mix which should be in broad accordance with the most up to date Strategic Housing Market Assessment at the time the first reserved matters application.

### ***Drainage and flood risk***

- 7.33** The NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Policy INF2 of the JCS seeks to prevent development that would be at risk of flooding. Proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. This is reflected in Policy ENV2 of the emerging MMTBP.
- 7.34** The application site is located within Flood Zone 1, an area identified by the Environment Agency as being at a low risk of flooding from rivers and seas. The application is also supported by a Site-specific Flood Risk Assessment and Drainage Strategy which sets out appropriate drainage and flood prevention measures which include the provision of an attenuation pond to the northern part of the site.
- 7.35** The application has been assessed by the Lead Local Flood Authority who have raised no objections to the proposal subject conditions to secure precise details of the surface water drainage works and for its implementation on site.

### ***Biodiversity***

- 7.36** The NPPF sets out, inter alia, that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, especially where this can secure measurable gains for biodiversity. Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. Emerging Policy NAT1 of the MMTBP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.
- 7.37** The application has been supported by an ecological appraisal and follow up reports which advises that existing hedgerows provide a nesting habitat for a variety of species of birds and area for foraging bats and the limited potential for newts from nearby ponds to forage. The report recommends a series of measures to protect and enhance biodiversity and habitats. In addition to this, a habitat regulation assessment has been submitted which advises that the proposal would have no significant impact on nearby protected sites.
- 7.38** The submitted details have been assessed by the Council's Ecological adviser who is broadly satisfied with the findings and has raised no objections to the proposal subject to conditions to ensure the protection and enhancements of wildlife and biodiversity.

### ***Heritage assets***

- 7.39** Policy SD8 of the JCS sets out that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.
- 7.40** The Borough Conservation Officer has advised that there is a Grade II Listed milestone on the Northern verge of the A48 adjacent to the site. However it is advised that the milestone would not be physically affected by the development nor will the development affect the setting of the milestone and the proposal would accord with the requirements of section 66(1) of the Planning (Listed buildings and Conservation Areas) Act 1990.
- 7.41** A geophysical survey in respect of buried archaeology has been undertaken and this has been assessed by the County Archaeologist who has advised that while the survey didn't pick up any large structures, smaller remains may be present given the large number of finds in the surrounding area, it would be proportionate to require further investigations through trial trenching which could be secured by condition.

### ***Section 106 obligations***

- 7.42** The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. Whilst the Council does have a CIL in place, infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 legal agreement. The CIL regulations stipulate that, where planning obligations do not meet the tests, it is 'unlawful' for those obligations to be considered when determining an application.
- 7.43** These tests are as follows:
- a) necessary to make the development acceptable in planning terms.
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
- 7.44** JCS Policy INF6 relates directly to infrastructure delivery and states that any infrastructure requirements generated as a result of individual site proposals and/or having regard to the cumulative impacts, should be served and supported by adequate and appropriate on/off-site infrastructure and services. The Local Planning Authority will seek to secure appropriate infrastructure, which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Policy INF4 of the JCS requires appropriate social and community infrastructure to be delivered where development creates a need for it. JCS Policy INF7 states the arrangements for direct implementation or financial contributions towards the provision of infrastructure and services should be negotiated with developers before the grant of planning permission.

### ***Education Provision***

- 7.45** Gloucestershire County Council as Local Education Authority (LEA) have been consulted and requested contributions towards education provision in line with its cost multipliers and pupil yields. The assessment identified the development would have an impact on the West Severn Primary Planning Area. As such a contribution of **£106,400.00** towards primary school education provision has been requested to mitigate the impact of the development.

- 7.46 The applicant has indicated a willingness to enter into a legal agreement to secure the required provision however at this stage there is no such agreement in place. Nevertheless, this matter could be resolved by the completion of an appropriate planning obligation.

### **Other Matters**

- 7.47 It is noted that a public right of way runs through the eastern part of the site. It is considered that there would be sufficient space to accommodate the footpath within the proposed development and this would be a matter for further consideration and the reserved matters stage as layout is not being considered at this time.
- 7.48 Concerns have been raised with regards to noise from the adjoining highway and impact on living conditions of future occupiers. Any subsequent reserved matters application would need to be accompanied by a noise assessment in accordance with BS8233:2014, together with any necessary noise mitigation measures to demonstrate that recommended internal and external noise levels could be achieved. This could be secured by condition.

## **8.0 CONCLUSION AND RECOMMENDATION**

- 8.1 Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70(2) of the Act provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 8.2 On the basis the Council cannot at this time demonstrate a five-year supply of deliverable housing land, the Council's policies for the supply of housing are out of date. In accordance with Paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas of assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.
- 8.3 There are no clear reasons for refusal arising from NPPF policies for the protection of areas or assets of particular importance in this case and therefore, it is clear that the decision-making process for the determination of this application is to assess whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

### **Benefits**

- 8.4 The development would contribute towards the supply of housing, both market and affordable housing to help meet the objectively assessed need for housing in the Borough particularly given the fact that the Council cannot currently demonstrate a deliverable supply of housing and therefore weighs significantly in favour of the application.
- 8.5 Moderate weight is given to the economic benefits that would arise from the proposal both during and post construction, including the economic benefits arising from additional residents supporting local businesses.

### ***Harms***

- 8.6 There would be some harm to the landscape by reason on encroachment into the agricultural land. However, given the site's proposed inclusion within the Minsterworth Settlement boundary and the potential to further minimise harm through sensitive design, layout and landscaping at reserved matters stage, it is not considered that the harm would be significant.

### ***Neutral***

- 8.7 It has been established through the submission documents that subject to securing satisfactory measures as part of any future reserved matters, the imposition of appropriate planning conditions and planning obligations, the development would not give rise to unacceptable impacts in relation to the natural environment, flood risk and drainage, design and layout or highway safety.

### ***Overall conclusion***

- 8.8 Whilst there would be some harm arising from the development, this harm is not considered to be significant. Significant weight should therefore be given to the provision of housing, both market and affordable, in a location where the principle of residential development would be acceptable and given the Council cannot currently demonstrate a five year supply of deliverable housing sites.
- 8.9 Taking account of all the material considerations and the weight to be attributed to each one, it is considered that identified harms would not significantly and demonstrably outweigh the benefits in the overall planning balance.
- 8.10 In the absence of policies in the NPPF which would provide a clear reason for refusal, it is not considered the harms of the development would significantly and demonstrably outweigh the benefits set out above. It is therefore recommended that the decision is **DELEGATED to the Technical Planning Manager to permit the application subject to any additional/amended planning conditions; and the completion of a section 106 legal agreement to secure the following:**

- Affordable Housing - 40%
- Affordable Housing commuted sum - £52,000
- Education Contribution - £106,400.00

### **CONDITIONS:**

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

Reasons: 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 details to be submitted as part of the Reserved Matters application in accordance with Condition 1 shall include existing and proposed levels, including finished floor levels and a datum point outside of the site. All development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

5. The details to be submitted as part of the Reserved Matters application(s) for appearance and layout pursuant to Condition 1 shall include precise details or samples of the external facing and roofing materials, and hard surfacing materials proposed to be used. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenity of the area.

6. The details to be submitted as part of the Reserved Matters application(s) pursuant to Condition 1 shall include a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatments shall be completed in accordance with the approved details before the buildings are occupied.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenity of the area.

7. The details of landscaping to be submitted as part of the Reserved Matters application in accordance with Condition 1 shall include a landscape scheme for the whole site. The submitted design shall be accompanied by a written specification clearly describing the species, sizes, densities and planting numbers. The submitted drawings shall also include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and which are to be removed and how those to be retained are to be protected during the course of development. Development shall be carried out in accordance with the approved details.

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

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

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

9. The details to be submitted as part of the Reserved Matters application(s) pursuant to Condition 1 shall include a noise assessment in accordance with BS8233:2014, together with any necessary noise mitigation measures to achieve recommended external noise levels.

Reason: To secure acceptable living conditions for future occupiers.

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

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains which may be present.

11. All works shall adhere to the mitigation detailed within the Preliminary Ecological Walk Over Survey (Betts, June 2021) and amended HRA (Betts, June 2021) this should also includes the storage of building materials on pallets to discourage Great Crested Newts from using them as shelter. If Great Crested Newts are found during any part of the development, works are to stop immediately and a suitably qualified ecologist/Natural England are to be consulted.

Reason: To protect the natural Environment.

12. Prior to any above ground development, details of any external lighting to the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites (to be informed by results of bat activity surveys). The details shall include, but not limited to, the following:

- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas
- ii. Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate.
- iii. A description of the luminosity of lights and their light colour including a lux contour map
- iv. A drawing(s) showing the location and where appropriate the elevation of the light fixings.
- v. Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)).

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details. Under no circumstances shall any other external lighting be installed.

13. No above ground development shall take place until a plan detailing the location and specification of the ecological enhancements recommended in Ecological Walk Over Survey (Betts, June 2021) is to be submitted to and approved in writing by the local planning authority. The mitigation measures shall be installed in accordance with the and the approved details and schedule and shall be similarly maintained thereafter.

14. A Construction Ecological Management Plan (CEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of works to ensure that appropriate mitigation for the aforementioned protected/notable species and habitats is undertaken in line with the recommendations outlined in the ecology reports.

The CEMP shall include, but not limited to the following :

- a) Risk assessment of potentially damaging construction activities including provisions for the aforementioned protected species and valuable habitats;
- b) Identification of “biodiversity protection zones” including brook habitat;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The locations and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour after sunset);
- e) The times during construction when ecological or environmental specialists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person;
- h) Use of protective fences, exclusion barriers and warning signs;
- l) CEMP to include review of the site lighting scheme to ensure that it has been designed to avoid disturbing local bat populations;
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works;

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

15. Prior to commencement of works, a Landscape and Ecology Management Plan (LEMP) for the scheme needs to be prepared and needs to ensure that in addition to public open space considerations, this provides habitat for the aforementioned protected species within the site. The LEMP should be guided by the results of the ecology surveys to ensure that appropriate habitats are created and suitable native planting schemes sympathetic to the local area are designed and implemented.

The LEMP must cover, as a minimum, the first ten years of management following the commencement of construction and enabling works. Enhancement measures should be included for the aforementioned protected species and include wildlife ponds, bird and bat boxes, hedgehog shelters, reptile/amphibian shelters/hibernacula. The locations of these features need to be shown on the landscape plan.

The LEMP shall be submitted to, and be approved in writing, by the local planning authority. The approved LEMP shall be adhered to and implemented throughout the 10-year period in accordance with the approved details.



16. Homeowner Information Packs must be given to all residents at the proposed development prior to the first occupation of each dwelling. These packs must contain information to make new residents aware of the sensitivities of nearby sites of nature conservation concern and how to act responsibly to avoid disturbing wildlife (including: residents should be advised to keep dogs on leads at the aforementioned sites and recommendation to keep cats in at night to reduce hunting pressure on wildlife). In addition, a map of alternative public open spaces including those in the development and their foot/cycleway links plus public transport links needs to be included along with guidelines on wildlife gardening and leaving the pre-cut 13x13cm hedgehog tunnels in fences to allow their movement across the estate. A sample Homeowner Information Pack must be submitted to the Local Planning Authority to review and approval be obtained prior to first occupation and delivery to new homeowners of the development.

17. The first application for reserved matters pursuant to Condition 1 above shall include details of the mix of houses proposed for each phase of the development. Those details shall be broadly in accordance with the most up to date version of the JCS SHMA at the time of the first reserved matters application unless an alternative local need can be demonstrated.

Reason: To ensure appropriate mix and range of dwellings within the housing market area.

18. No above ground works shall take place until surface water drainage works have been implemented in accordance with details that have first 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.

19. No above ground development shall take place until a site waste management plan has been submitted to and approved in writing by the local planning authority. The site waste management plan must identify the type and amount waste materials expected to be generated from the development during the construction phases and also set out what site-specific measures will be employed for dealing with such materials so as to: - minimise their creation, maximise the amount of re-use, maximise the amount of recycling on-site; and maximise the amount of off-site recycling of any residual waste that is unusable or recyclable on-site. In addition, the site waste management plan must clearly set out the envisaged level of materials with a recycled content and how such a level will be attained. The site waste management plan shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

Reason: To ensure the effective implementation of waste minimisation.

20. No above-ground development shall take place until details of the provision for facilitating the management and recycling of waste generated during the development's occupation have been submitted to and approved in writing by the local planning authority. This must include details of the appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. Provision must not prejudice the delivery of the local authority's waste management targets and all details shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

Reason: To ensure the effective implementation of waste minimisation

21. The first application for reserved matters pursuant to Condition 1 above shall include details of the surface water drainage/disposal, vehicular turning head(s), street lighting, EV charging facilities, and cycle parking provision. The development shall thereafter be undertaken in accordance with the approved details.

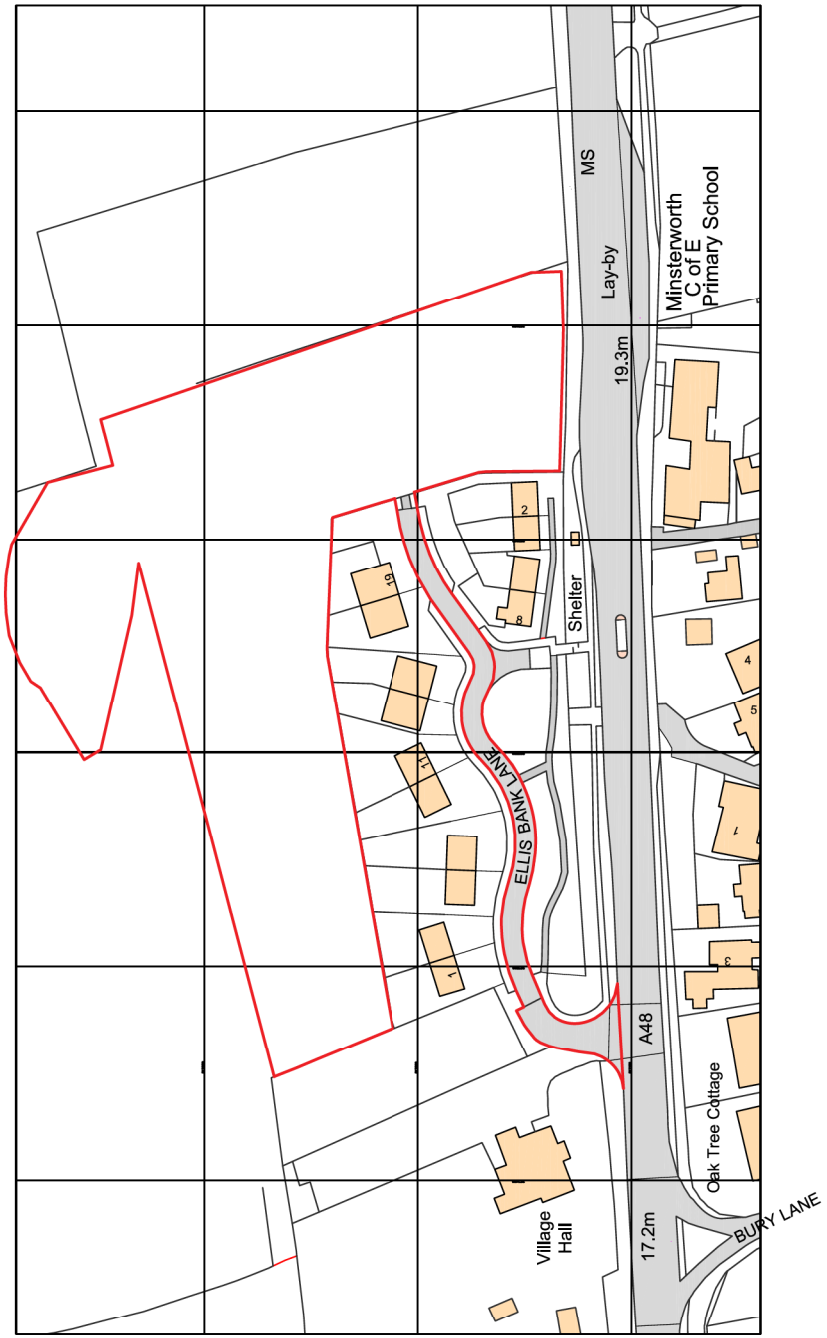
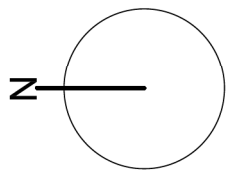
Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.

#### 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. For the avoidance of doubt, the submitted highway layout plan has been treated as being for illustrative purposes only.
3. The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality however pollution control is the responsibility of the Environment Agency
4. Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.
5. Any revised documentation will only be considered by the LLFA when resubmitted through [suds@gloucestershire.gov.uk](mailto:suds@gloucestershire.gov.uk) e-mail address. Please quote the planning application number in the subject field.
6. The legal line of EMW/10 should be protected and unobstructed at all times and the site layout designed so that the footpath continues to be an asset for local walkers. The footpath should be retained as a 'green corridor through the development (not simply incorporated into a roadside pavement).

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Revision Schedule		
Rev	Description	Date
P1	Red line amended.	Sep20
P2	Red line amended.	Nov20



Drawing Status:  
**PLANNING**

Client:  
**Bruton Knowles**

Project:  
**Land to rear of Minsterworth Village Hall**

Drawing Description:  
**Location Plan**

Scale:  
Sheet Size:  
Date:

Drawn By:  
**1:1250**  
Designed By:  
**A3**  
Checked By:  
**Aug 20**

Job No:  
**20005**  
Drawing No:  
**01**  
Revision:  
**P2**

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Revision Schedule	Rev. Description	Date
P2	Section added.	Aug20
P3	Pond added.	Sep20
P4	Red line amended.	Nov20

A48



site boundary  
SECTION 4-A 1:250

ACCOMMODATION SCHEDULE:

- TYPE A - 2 STOREY - 3 BED HOUSE - 11 NO.
- TYPE B - 2 STOREY - 4 BED HOUSE - 5 NO.
- TOTAL 16 PROPERTIES

Drawing Status:

PLANNING

Client: Mr & Mrs Karger

Project: Land to rear of Minsterworth Village Hall

Drawing Description:  
Site Layout - Option B

Scale: 1:250 / 500  
Sheet Size: A2

Date: June 20

Drawn By:

Designed By:

Checked By:

Job No: 20005

Drawing No: 02

Revision: P4

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SITE LAYOUT 1:500

240

EXISTING VILLAGE HALL

## TEWKESBURY BOROUGH COUNCIL - DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	15 February 2022
<b>Site Location:</b>	Tesco Supermarket Church Road Bishop's Cleeve
<b>Application No:</b>	19/00985/FUL
<b>Ward:</b>	Cleeve West
<b>Parish:</b>	Bishop's Cleeve
<b>Proposal:</b>	To allow for extended hours of delivery 0500-2300 hours Monday-Saturday and 0700-2200 hours on Sundays; variation of condition 5 of planning permission ref: 01/0041/0125/FUL (as modified by permission ref: 08/01358/FUL and 14/00552/FUL); and variation of condition 2 of planning permission ref: 14/00552/FUL to amend report of noise mitigation measures.
<b>Report by:</b>	Dawn Lloyd
<b>Appendices:</b>	Site location plan Comments of the Environmental Health Officer and response by Sharp Redmore Acoustic
<b>Recommendation:</b>	Refuse

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1** The application relates to the Tesco Superstore at Church Road, Bishops Cleeve. The site is located within the defined retail area of Bishops Cleeve, south of the town's Conservation Area. There is a large parking area to the front of the site and it is readily accessible via established cycle and pedestrian links. The superstore is surrounded by a variety of land uses, including housing to the south-west and south-east; a retail area to the north; and a public house directly to the west.
- 1.2** Planning permission is sought to allow for extended hours of delivery to 05:00 to 23:00 hours Monday-Saturday with the Sunday hours to remain unaltered 08:00 to 22:00. The application for the variation of condition 5 of planning permission ref: 01/0041/0125/FUL, (as modified by permission ref: 08/01358/FUL and 14/00552/FUL) and for the variation of condition 2 of application 14/00552/FUL to amend report of noise mitigation measures.
- 1.3** The proposal seeks to bring the hours of delivery forward by one hour from the previous permission on Monday to Saturday. There are currently operational difficulties that arise from the current delivery start time at this store (of 06:00 hours).

- 1.4 Condition 1 of 14/00552/FUL states, "Hours of deliveries/collections and loading/unloading activities, within/to/from the site shall be limited to between 06:00 and 23:00 hours Monday-Saturday and 8:00 to 22:00 hours on Sundays only". The reason for the imposition of this condition was to safeguard the amenities of local residents in accordance with Policy P1 of the Tewkesbury Borough Local Plan to 2011 - March 2006
- 1.5 This application has been accompanied by a Noise Assessment prepared by a Sharps Redmore a professional Noise Consultancy dated 16th August 2019. The report concludes that the commencement of deliveries at 5:00 am Monday to Saturday could proceed without harming the residential amenity of local residents.
- 1.6 The planning statement suggests there are currently operational difficulties that arise from the current delivery start time at this store (of 06:00 hours). A variation to the condition is required to enable fresh goods to be delivered, processed in the warehouse and shelves stocked before the store opens.
- 1.7 **The application was considered by members at the Planning Committee meeting on 6<sup>th</sup> June 2020 and the application was DEFERRED in order to obtain the Environmental Health Officer's view in relation to the impact of the proposal on the residents of the flats above Mill Parade and the additional noise and disturbance that could potentially arise from vehicles coming and going.**

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
01/00666/FUL	Variation of condition No. 15 attached to planning permission reference 97/0041/0772/OUT to permit deliveries - temporarily (6 month period) - between 06.00 and 23.00.	PER	19.06.2001
01/01205/FUL	Extension to foodstore, additional car parking and ancillary enabling works.	PER	20.10.2003
02/00708/FUL	Erection of single storey covered marshalling area in service yard	WON	03.07.2002
97/00772/OUT	Outline application for the erection of a retail food store, ancillary facilities & landscaped open space area; car parking & servicing to Mill Parade shops; including siting, means of access, design and external appearance.	PER	10.07.1998
98/00186/APP	Approval of reserved matters - landscaping	APPROV	07.09.1998
98/00281/LBC	Demolition of part boundary walls (Grade II Listed Building Ref: 16/101).	CONSEN	18.08.1998
04/01442/FUL	Proposed erection of acoustic grade timber boarded fence to service yard enclosure further to application no. 04/00041/0326/FUL	PER	25.11.2004

08/01358/FUL	Variation of condition 5 following the grant of permission 01/0041/01205/FUL to allow extended hours of deliveries.	PER	23.12.2008
10/01220/FUL	Variation of condition 1 of planning permission 08/01358/FUL to allow extended hours of deliveries between the hours of 04:00 to 01:00 from Monday to Friday.	WON	05.01.2011
14/00552/FUL	Variation of Condition 5 of planning permission ref: 01/0041/0125/FUL (as modified by permission ref: 08/01358/FUL) to allow deliveries to commence at 7am on Sundays.	PER	17.09.2014

### 3.0 RELEVANT POLICY

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

#### **National guidance**

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

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

3.3 Policies: SO14 Health and Environmental Quality, SO2 Retail and Town Centres

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

3.4 Policies: RET3 Retail Areas

#### **Tewkesbury Borough Plan 2011-2031 Submission Version (May 2020)**

3.5 Policies: RET3 Retail Centres

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

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

### 4.0 CONSULTATIONS

4.1 Bishops Cleeve Parish Council - The Parish confirmed that they objected to non-temporary permission however they would support a temporary planning permission for 12 months with a review to assess the impact on residents.

4.2 Environmental Health- No objection subject to conditions requiring implementation of the noise mitigation measures identified in the Noise Report, and erection of an acoustic bund.

## **5.0 PUBLICITY AND REPRESENTATIONS**

**5.1** The application has been publicised through the posting of a site notice for a period of 21 days and/or the neighbour notification scheme. No public representations received.

## **6.0 POLICY CONTEXT**

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

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

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

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

## **7.0 ANALYSIS**

**7.1** National planning policy framework 2019 (NPPF) - paragraph 85 seeks, decisions should support town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

**7.2** NPPF - Paragraph 170 states, planning decisions should contribute to and enhance natural and local environment by:

- preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

**7.3** Paragraph 180 considers that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impact resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.

**7.4** Policy SD14 of Joint Core Strategy is in accordance with the NPPF, it considers that development should protect and seek to improve environmental quality. Development should not create or exacerbate conditions that could impact on human health or cause health inequality. New development must result in no unacceptable levels of air, noise, water, light or soil pollution or odour, either alone or cumulatively, with respect to relevant national and EU limits.

**7.5** In assessing the acceptability of the proposal, the primary consideration is whether the extended operational hours on Monday to Saturday would have a detrimental impact upon the amenities of nearby residential dwellings.



- 7.6** The NPPF whilst seeking to support the economy and employment uses in town centre also recognises the need to avoid noise giving rise to significant adverse impacts on health and quality of life. Policy SD14 seeks to protect existing noise sensitive uses from development that would noise would cause harm.
- 7.7** An environmental noise assessment has been submitted in support of the application. A noise survey was conducted on Tuesday 22nd July 2019. The closest properties to the Tesco service yard are 23 Cheltenham Road and The Kings Arms pub. 23 Cheltenham Road is approximately 50 metres from unloading activity and The Kings Arms pub is approximately 55 metres from a vehicle upon arrival and departure. The report indicates that there is a slight exceedance of peak noise levels at the Kings Arms pub as the delivery vehicle uses the access road passed this property. The report also states that the existing noise climate needs to be considered in the context of vehicles on Church Road which also exceeds the WHO nighttime peak noise guideline value. The report considers that in this context, noise from the use of the access road would be of low impact. The report concludes that the predicted noise levels from the service yard delivery activity would comply with both the daytime and nighttime noise values and as such the proposed variation would be acceptable with the mitigation measures proposed.
- 7.8** The Council's Environmental Health Officer has considered the report and raised concerns with regard to the noise impact on The Kings Head. Additional noise mitigation measures are therefore recommended. It is recommended that an acoustic fence is erected in between the access road and the rear of the main public house building. Furthermore, that white noise reversing beeps are used between the hours of 22:00 - 07:00 on any day. The Applicant has confirmed agreement to an acoustic fence, and recommended noise mitigation measures.
- 7.9** Whilst concerns have been raised by the Parish Council, the technical evidence and assessment conclude the proposed hours of operation would be acceptable subject to the additional noise mitigation measure proposed. The Applicant has agreed to the recommended. Therefore, it is considered that the proposal accords with the national guidance set out in the NPPF and policy SD14.

## **8.0 CONCLUSION AND RECOMMENDATION**

- 8.1** It has been demonstrated that the proposed extended hours of deliveries to the store would not result in inherent noise and disturbance to the occupiers of nearby residential properties. As such, it is considered that the proposal would have an acceptable impact on the residential amenity of nearby properties and is in accordance with JCS policy SD14 and that proposal be granted subject to conditions.

### **CONDITIONS:**

1. Hours of deliveries/collections and loading/unloading activities, within/to/from the site shall be limited to between 05:00 and 23:00 hours Monday-Saturday and 08:00 to 22:00 hours on Sundays only.

Reason: To safeguard the amenities of local residents and neighbouring occupiers.

2. Prior to the commencement of the beneficial operating hours, the noise mitigation measures shall be implemented in accordance with the Environmental Noise Assessment Tesco, Church Road, Bishops Cleeve by Sharps Redmore Acoustic Consultants dated 16th August 2019. Between the hours of 22:00 - 07:00 reversing vehicles shall only use white noise reversing beeps. These noise mitigation measures shall be maintained as such thereafter.

Reason: To safeguard the amenities of local residents and neighbouring occupiers.

3. The deliveries times hereby approved shall not commence until the siting and details of an acoustic fence have been submitted, agreed in writing by the Local Planning Authority and implemented in accordance with the approved details and maintained as such thereafter.

Reason: To safeguard the amenities of local residents and neighbouring occupiers.

#### **INFORMATIVES:**

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

#### **UPDATE**

- 9.1 The application was considered by members at the Planning Committee meeting on 6<sup>th</sup> June 2020 and the application was DEFERRED in order to obtain the Environmental Health Officer's view in relation to the impact of the proposal on the residents of the flats above Mill Parade and the additional noise and disturbance that could potentially arise from vehicles coming and going.**
- 9.2 The comments of the Environmental Health Officer and response by Sharp Redmore Acoustic Consultants are attached in full to this report.
- 9.3 The Environmental Health Officer in their assessment of the Noise Acoustic Assessment and present arrangements of operations consider that there would not have a significant impact on the wider Bishops Cleeve area.
- 9.4 The Environmental Health Officer assessment on the Flats on Mill Parade and the Kings Head Public House, considered that there would be an adverse effect for lorry unloading and so the effects need to be mitigated or reduced to make them acceptable in planning terms. Sharps Redmore have recommended various mitigation measures to reduce the noise from unloading activities.
- 9.5 Regarding the noise from delivery vehicles arriving & departing on the Flats in Mill Parade and the Kings Head Public House. It was found that some of the noise levels exceed the World Health Organisation Community Noise Levels and therefor the WRS Advisor recommended an acoustic barrier to be erected between the access road and the Kings Head. At the Flats the calculated maximum peak level of 66 dB exceeds World Health Organisation Community Noise Levels where sleep disturbance would be expected. Furthermore, the number of lorries delivering in the 5am to 7am (considered a nighttime period) could potentially increase from one to four and there would be adverse impact and recommendation for refusal.
- 9.6 The Agents Acoustic Consults responded to the Environmental Health Officer's comments (attached in full to this report). The consultants conclude:

*That whereby for short durations peak noise levels from site operations exceed the WHO peak noise guideline value, it may be appropriate for any planning permission to be temporary in nature such that the direct effect of the noise source can be evaluated prior to any permanent consent being granted.*

- 9.7 During the pandemic there was the lifting of delivery hour time restrictions. The consults considered that this enabled the direct impact of noise from out of hours delivery activity to be established. Tesco trialed nighttime deliveries from midnight until 2 am during this period. Although the measured peak noise levels of between 61-69 dB LAmax outside the Kings Arms from delivery vehicle pass by on arrival and departure, there were no noise complaints associated with this activity.
- 9.8 Our Environmental Health Officer maintains concerns regarding noise levels as the nighttime deliveries did not take place at 5am and that the deliveries could be from suppliers other than Tesco which may generate more noise. The Environmental Health Officer considered that the lifting of delivery time restrictions during the covid pandemic provided an opportunity for deliveries to be undertaken at 5:00am to assess the impact on neighbouring residents or that consideration be given to a temporary permission be granted for the delivery period.
- 9.9 The Applicant did not provide further information to indicate that deliveries at 5:00am had been undertaken during this restricted period and this relaxation has now been revoked.
- 9.10 The Acoustic report indicates that there would be short durations of peak noise levels from site operations that exceed the World Health Organization peak noise guideline value and mitigation measures would be required. Further assessment was undertaken during the pandemic and activities of residents and local business during the pandemic, an unusual time and not a direct comparison. The applicant has not applied for a short period to trial the new time periods but for full application. The time periods proposed are for deliveries/collection and the loading/unloading activities within/to/from the site shall be limited to between 05:00 and 23:00 hours Monday-Saturday and 08:00 and 22:00 hours on Sundays.

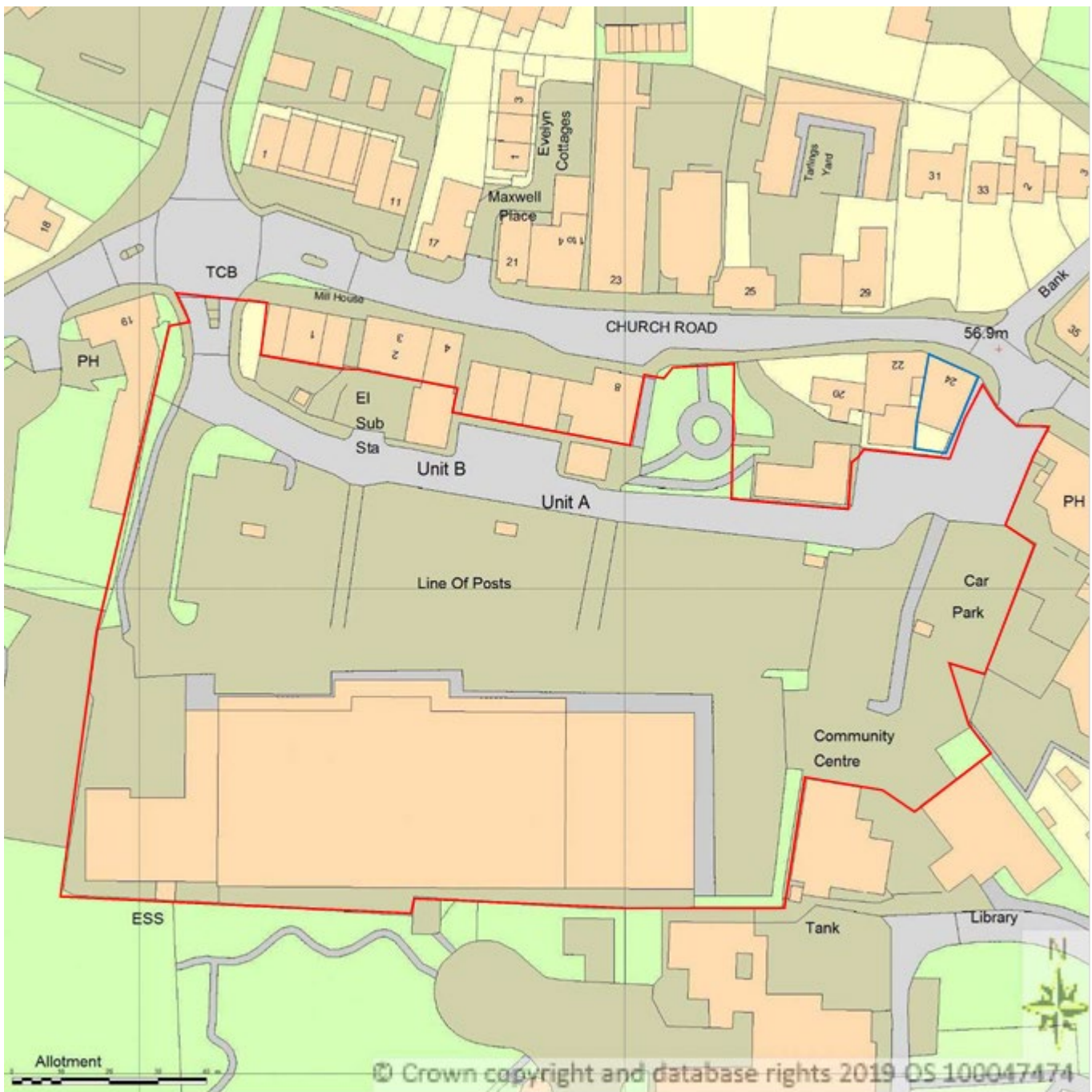
## CONCLUSION

- 10.1 The further information provided indicates that short durations peak noise levels from site operations exceed the WHO peak noise guideline value. It has not been demonstrated that the hours proposed would not have an unacceptable impact on neighbouring residents and does not accord with policy SD14 of the Joint Core Strategy and recommendation is for **Refusal**.

## REASON:

- 1 The proposed extension of the hours of operation would unreasonably affect the residential amenity of adjoining occupiers in terms of noise and disturbance. As such, the proposal would be contrary to Policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017) and paragraph 130 of the National Planning Policy Framework (2021).

# Site Location Plan



# Memo

**To:** Ms Dawn Lloyd  
Development Control

**Ref:** 19/00985/FUL

**From:** Environmental Health Department

**Ref:** 19/01905/PLAN

**Date:** 6th July 2020

**Re: Planning Application - Variation of Condition 5 of planning permission ref: 01/0041/0125/FUL (as modified by permission ref: 08/01358/FUL) to allow deliveries to commence at 5am Monday to Saturday.**

**Tesco Supermarket, Church Road, Bishops Cleeve**

Thank you for consulting me on the above application for planning permission.

I have been asked to assess whether the proposed application to extend store delivery hours to 05:00am Monday to Saturday would have an impact on the wider community and on the flats in Mill Parade. This was not considered in a previous assessment of this application by colleagues from WRS acting on our behalf.

**With respect to the wider area:**

The noise assessment produced by Sharps Redmore (reference project number 1919020 dated 16<sup>th</sup> August 2019) notes that during the time of monitoring (04:30am -05:15am) there were three peak noise levels all of 64dB from cars passing on Church Road, indicating three cars in the area at this time. I have spoken to the Deputy Store manager at Tesco and at present they have one fresh lorry in the 6-7 am period and three bread lorries later on. So pushing this forward probably would not have a significant impact on the wider Bishops Cleeve area.

**With respect to the flats on Mill Parade**

There are two potential sources of noise in this case-

1. **The noise from the unloading of the lorries in the delivery yard:** The impact from this at the Kings Head pub (which is the most relevant monitoring point for the Mill Parade residents) has been assessed by Sharps Redmore using the BS4142 methodology, where the  $L_{aeq}$  is calculated and used to look at the difference between when the activity is occurring and when not. The  $L_{aeq}$  smooths out variations in noise levels and can be thought of as an energy average. In this calculation the overall levels are below the WHO CNLs (World Health Organisation Community Noise Levels) for noise at night. However, the assessment also requires a rating to be applied for various sounds that would make the noise more annoying such as bangs and crashes. In this case a rating is applied for clearly perceptible impulsivity (bangs and crashes during unloading). The calculated rating of +8 indicates an adverse affect for lorry unloading and so the effects need to be mitigated or reduced to make them acceptable in planning terms. It also indicates that peak noise levels ( $L_{Amax}$ ) are more pertinent rather than the  $L_{aeq}$  measurement. The predicted  $L_{Amax}$  for the unloading activity is 59dB. This is close to the maximum WHO CNL which would anticipate sleep disturbance at an external level of 60dB (this would correlate to 45dB inside the bedroom with the windows closed).

For this reason Sharps Redmore have recommended various mitigation measures to reduce the noise from unloading activities.

2. **The noise from delivery vehicles arriving & departing:** This was measured by Sharps Redmore at the Kings Head pub and peak noise levels on arrival were noted as between 51-69dB, and on departure of 65-69dB. Because some of these levels exceeded the WHO CNL of 60dB, the WRS consultant has recommended an acoustic barrier to be erected between the access road and the Kings Head pub.

To assess what the  $L_{A_{Max}}$  may be at the flats at Mill Parade (72 m from arrival/departure) I have used the results of the monitoring at the Kings Head Pub (55m from arrival/departure) and the maximum peak noise level of 69dB which was seen on arrival and departure and calculated a maximum peak level of 66dB. This too exceeds the WHO CNL of 60dB where sleep disturbance would be expected.

Given that the number of lorries that could be delivering in the 5am-7am period could potentially increase from one to four, and this period is still considered as night time, then I recommend this application be refused.

Reason: To safeguard the amenity of adjoining occupiers

**Environmental Health Officer**



**Reference:** Planning Application - Variation of Condition 5 of planning permission ref: 01/0041/0125/FUL (as modified by permission ref: 08/01358/FUL) to allow deliveries to commence at 5am Monday to Saturday, at Tesco Supermarket, Church Road, Bishops Cleeve.  
**Project No:** 1919020

## Technical note

### Comments responding to EHO planning application consultation

#### Introduction

- This technical note is provided in response to the comments received from the Environmental Health Officer (EHO) at Tewkesbury Borough Council, in a memo to Ms Dawn Lloyd, Planning Officer, dated 6th July 2020, in relation to the Sharps Redmore (SR) noise assessment report (reference 1919020 R1, dated 16th August 2019), that accompanied the planning application.

#### Response to queries raised

1 EHO wrote:

*“I have been asked to assess whether the proposed application to extend store delivery hours to 05:00am Monday to Saturday would have an impact on the wider community and on the flats in Mill Parade. This was not considered in a previous assessment of this application by colleagues from WRS acting on our behalf.”*

**With respect to the wider area:**

*The noise assessment produced by Sharps Redmore (reference project number 1919020 dated 16<sup>th</sup> August 2019) notes that during the time of monitoring (04:30am -05:15am) there were three peak noise levels all of 64dB from cars passing on Church Road, indicating three cars in the area at this time. I have spoken to the Deputy Store manager at Tesco and at present they have one fresh lorry in the 6-7 am period and three bread lorries later on. So pushing this forward probably would not have a significant impact on the wider Bishops Cleeve area.”*

Keith Metcalfe [KM] response:

To clarify the peak noise levels of 64 dB  $L_{Amax}$  from other vehicles using Church Road, as presented in Table 6, were the highest measured noise levels from existing vehicles on the road network, not the only vehicles. In the context of the existing Soundscape at the site, it is agreed with the EHO that Tesco delivery activity would be unlikely to have an impact on the wider Bishops Cleeve area.

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Company Consultant TL Redmore BEng, MSc, PhD, MIOA



2 EHO wrote:

***“With respect to the flats on Mill Parade***

*There are two potential sources of noise in this case-*

***1. The noise from the unloading of the lorries in the delivery yard:*** *The impact from this at the Kings Head pub (which is the most relevant monitoring point for the Mill Parade residents) has been assessed by Sharps Redmore using the BS4142 methodology, where the  $L_{aeq}$  is calculated and used to look at the difference between when the activity is occurring and when not. The  $L_{aeq}$  smooths out variations in noise levels and can be thought of as an energy average. In this calculation the overall levels are below the WHO CNLs (World Health Organisation Community Noise Levels) for noise at night. However, the assessment also requires a rating to be applied for various sounds that would make the noise more annoying such as bangs and crashes. In this case a rating is applied for clearly perceptible impulsivity (bangs and crashes during unloading). The calculated rating of +8 indicates an adverse affect for lorry unloading and so the effects need to be mitigated or reduced to make them acceptable in planning terms. It also indicates that peak noise levels ( $L_{Amax}$ ) are more pertinent rather than the  $L_{aeq}$  measurement. The predicted  $L_{Amax}$  for the unloading activity is 59dB. This is close to the maximum WHO CNL which would anticipate sleep disturbance at an external level of 60dB (this would correlate to 45dB inside the bedroom with the windows closed).*

*For this reason Sharps Redmore have recommended various mitigation measures to reduce the noise from unloading activities.*

***2. The noise from delivery vehicles arriving & departing:*** *This was measured by Sharps Redmore at the Kings Head pub and peak noise levels on arrival were noted as between 51-69dB, and on departure of 65-69dB. Because some of these levels exceeded the WHO CNL of 60dB, the WRS consultant has recommended an acoustic barrier to be erected between the access road and the Kings Head pub.*

*To assess what the  $L_{Amax}$  may be at the flats at Mill Parade (72 m from arrival/departure) I have used the results of the monitoring at the Kings Head Pub (55m from arrival/departure) and the maximum peak noise level of 69dB which was seen on arrival and departure and calculated a maximum peak level of 66dB. This too exceeds the WHO CNL of 60dB where sleep disturbance would be expected.*

*Given that the number of lorries that could be delivering in the 5am-7am period could potentially increase from one to four, and this period is still considered as night time, then I recommend this application be refused.”*



Keith Metcalfe [KM] response:

My interpretation of the EHO's response is that there is no criticism of the assessment methodologies employed nor the outcome of the assessment as presented in the SR report.

I would seek to clarify that the BS 4142 assessment presented is recognised in the SR report to not be the most appropriate method to determine and assessment the impact of noise from Tesco delivery activity. This is explained at paragraph 4.7 of the SR report; for noise that may occur at night, the difference between the external background noise level and the rated level of the noise at the receptor position does not best reflect the noise impact when people are generally inside their properties sleeping.

The most appropriate way to assess noise impact in this instance is with consideration to the peak ( $L_{Amax}$ ) noise levels at the receptor position, for comparison with the WHO sleep disturbance criterion.

The SR assessment indicates that whilst peak noise levels from unloading noise is below the WHO peak noise criterion, peak noise levels as the vehicle arrives and departs exceeds this value.

The EHO states *"The predicted  $L_{Amax}$  for the unloading activity is 59dB. This is close to the maximum WHO CNL which would anticipate sleep disturbance at an external level of 60dB (this would correlate to 45dB inside the bedroom with the windows closed)"*. This sentence is misleading in two respects, firstly that an external level of 60 dB outside would equate to a level of 45 dB inside with windows closed, and secondly with regard to what the WHO guidelines state in respect of sleep disturbance. On the first point, an external value of 60 dB  $L_{Amax}$  is derived from an internal value of 45 dB  $L_{Amax}$  adding the attenuation from a partially open, not closed, window. A closed window would result in an approximate inside to outside reduction of typically 25-30 dB; such that with closed windows peak noise levels well above 60 dB could be readily reduced well below 45 dB  $L_{Amax}$  inside.

On the second point, it is important to understand what the WHO peak noise guideline value (60 dB  $L_{Amax}$ ) represents. This is not the level of noise that once exceeded people will wake up, the peak noise criterion of 60 dB  $L_{Amax}$  is the level that once exceeded the onset of sleep disturbance may occur. The effects of the onset of sleep disturbance may be the depth of the sleep pattern is changed or that eyelids flutter, not that a person wakes up.

The 1998 National Physical Laboratory (NPL) report CMAM 16, which was a review of the then draft WHO guidelines, explained in its summary that *"In essence, the WHO guidelines represent a consensus view of international expert opinion on the lowest threshold noise levels below which the occurrence rates of particular effects can be assumed to be negligible. Exceedances of the WHO guideline values do not necessarily imply significant noise impact and indeed, it may be that significant impacts do not occur until much higher degrees of noise exposure are reached"*.

Based on the above approach the WHO Guideline for sleep disturbance can be considered the Lowest Observed Adverse Effect Level (LOAEL); albeit the Significant Observed Adverse Effect Level (SOAEL) is not therefore defined.

In situations such as this, whereby for short durations peak noise levels from site operations exceed the WHO peak noise guideline value, it may be appropriate for any planning permission to be temporary in nature such that the direct effect of the noise source can be evaluated prior to any permanent consent being granted.

One of the Government's responses to the Covid 19 pandemic has seen the lifting of delivery hour curfews imposed on foodstore operators through directed non-enforcement of planning conditions. This change, to improve the availability of goods to customers during periods of unprecedented demand, has resulted in deliveries being received at times that would not normally be permitted. Consequently, this situation has enabled the direct impact of noise from 'out of hours' delivery activity to be established.

Since the nationwide lifting of delivery restrictions, the Tesco store at Church Road, Bishops Cleeve has been receiving daily deliveries outside of the planning permission consented delivery times. Tesco has regularly been receiving a delivery between midnight and 0200 hours. The schedule of times that deliveries have been received at the Tesco store since the beginning of June 2020 is presented at Figure 1 to this technical note.

An email from Ms Karen Crowder-James at Contour Planning was sent to the Planning Officer, Dawn Lloyd, on 14th October 2020 to ask whether the Tesco store at Church Road, Bishops Cleeve had received any noise complaints relating to delivery activity.

A response from Ms Lloyd was received on 15th October 2020 confirming that no noise complaints had been received in this period. This is a further contextual consideration, one that cannot usually be obtained (without breaching a planning condition), that night time deliveries to this store avoid significant adverse impact.

Essentially Tesco has been able to use the Covid pandemic period to undertake a trial of night time deliveries to the store at Bishops Cleeve. Such that, in the absence of any noise complaints being made to either the store or local authority, the Council could grant permanent planning permission to allow deliveries from 0500 hours in the knowledge that over a prolonged 6 month plus period (including the warmer summer period when windows are more likely to be open) noise from night time deliveries did not give rise to significant adverse impact.

The absence of noise complaints in relation to delivery activity is a clear example of a situation whereby a negative outcome from a BS 4142 assessment does not necessarily equate to significant adverse impact/complaints.

Despite measured peak noise levels of between 61-69 dB  $L_{Amax}$  outside the Kings Arms from delivery vehicle pass bys on arrival and departure, there have been no noise complaints associated with this activity. It is entirely reasonable to assume that regular noise complaints would have been received by the Council if out of hours delivery activity were giving rise to disturbance

Keith Metcalfe BSc(Hons), MIOA

Director

8th December 2020

**FIGURE 1**

**TESCO BISHOPS CLEEVE DELIVERY TIMES**

Information from Microlise system. Although the information presented below only cover the previous two month period, the night time delivery arrival times were similar since the beginning of the Covid-19 period.

Date	Route	Arrival time
04/10/2020	R101-	00.38
05/10/2020	R295-	00.43
06/10/2020	R298-	00.45
07/10/2020	R321-	00.57
08/10/2020	R247	01.10
09/10/2020	R265	02.12
10/10/2020	R254	01.32
11/10/2020	R295	01.45
12/10/2020	R268	01.41
13/10/2020	R330	01.26
14/10/2020	R329	01.43
15/10/2020	R318	00.49
16/10/2020	R362	00.31
17/10/2020	R381	01.04
18/10/2020	R267	03.01
19/10/2020	R341	01.46
20/10/2020	R250	01.24
21/10/2020	R235	00.53
22/10/2020	R429	01.49
23/10/2020	R370	01.24
24/10/2020	R305	09.24
25/10/2020	R232	01.23
26/10/2020	R179	00.16
27/10/2020	R177	00.26
28/10/2020	R255	01.38
29/10/2020	R243	01.48
30/10/2020	R247	Not tracked
31/10/2020	R182	01.50
01/11/2020	R184	02.04
02/11/2020	R276	02.27
03/11/2020	R318	01.26
04/11/2020	R229	01.59

Date	Route	Arrival time
05/11/2020	R432	02.02
06/11/2020	R342	02.16
07/11/2020	R343	01.06
08/11/2020	R229	00.53
09/11/2020	R242	01.25
10/11/2020	R279	02.10
11/11/2020	PVA 952	08.35
12/11/2020	R343	01.14
13/11/2020	R235	01.15
14/11/2020	R258	01.44
15/11/2020	R195	00.56
16/11/2020	R268	01.48
17/11/2020	R296	00.44
18/11/2020	R219	01.59
19/11/2020	R267	02.06
20/11/2020	R390	01.52
21/11/20220	R131	00.55
22/11/2020	R299	01.16
23/11/2020	R245	01.17
24/11/2020	R230	00.47
25/11/2020	R244	01.15
26/11/2020	R215	00.30
27/11/2020	R322	00.59
28/11/2020	R383-	02.41
29/11/2020	R228	01.59
30/11/2020	R310	02.05
01/12/2020	R364	02.50
02/12/2020	R244	01.23
03/12/2020	R404	00.15
04/12/2020	R255	01.42
05/12/2020	R260	00.08
06/12/2020	R260	01.20

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

<b>Committee:</b>	Planning
<b>Date:</b>	15 February 2022
<b>Site Location:</b>	Part Parcel 0025 Hillend Twyning
<b>Application No:</b>	TPO 410
<b>Ward:</b>	Tewkesbury North and Twyning
<b>Parish:</b>	Twyning
<b>Report by:</b>	Mrs Gaynor Baldwin
<b>Appendices:</b>	1 - TPO 410 2 - TEMPO Assessment
<b>Recommendation:</b>	To confirm the TPO without modification

### 1.0 INTRODUCTION AND BACKGROUND

- 1.1** This Tree preservation Order relates to an area of trees situated to the north of Twyning village within open countryside and is shown as W1 within the Tree Preservation Order.
- 1.2** The reason for the Tree Preservation Order - A woodland TPO is suitable due to the high public amenity, landscape, and wildlife value this woodland presently gives and for its future potential as it matures. The area of land is being considered for residential development therefore there is an imminent threat of its removal.
- 1.3** This report summarises the reasons and circumstances for making Tree Preservation Order (TPO) No. 410, (**Appendix 1**), provides a summary of representations of support, the objection to the making confirmation of the TPO and explains why officers consider that the TPO should be confirmed.
- 1.4** A TPO was made to protect and safeguard this woodland area as it was considered that the trees were under imminent threat of being felled due to an outline planning application being received for up to 55 dwellings. A woodland TPO is suitable due to the high public amenity, landscape, and wildlife value both presently and for future potential.
- 1.5** A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out at a site visit in May 2021 and when calculated gave a total score of 14 - 16, the decision guide of the method states that if the score is above 12-15 the trees are 'TPO defensible' and if 16+ that the trees 'definitely merits a TPO'. TEMPO attached as **Appendix 2**.
- 1.6** The majority of these trees are young mixed species comprising of oak, birch, ash, willow, cherry, hawthorn and hazel and the woodland order incorporates the mature trees to the west. There are signs of ash dieback in areas however most of the other tree species appear to be in good health visually with no significant defects that would create cause for concern and have a

healthy leaf foliage and covering. The trees have high amenity value to the public with public footpaths crossing the land for people to enjoy the benefits that a woodland can bring.

- 1.7 The Government's Planning Practice Guidance sets out that local planning authorities can make a Tree Preservation Order if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.
- 1.8 Once made, a TPO provides protection for a period of 6 months, during which time the local planning authority is required to 'confirm' the TPO to ensure it continues to have effect and protect the trees subject to it.

## 2.0 PUBLICITY AND REPRESENTATIONS

- 2.1 The Tree Preservation Order was served on the land by being displayed, giving the required twenty-eight days to make any representations. 112 emails of support from residents, Parish Council support and Tree Warden support are summarised below:

### Parish Council:

- Twyning Parish Council, along with local residents, community groups, local Councillors, our MP and environmental interest groups wholeheartedly support the existing Tree Preservation Order No. 410 (2021) to be made permanent.
- The development of this land would represent an unnecessary, harmful encroachment into the open countryside which will permanently remove over 2000 woodland assets, native hedgerows and a unique, diverse ecosystem.
- Destruction of the woodland and by association the removal of habitat is likely to be contrary to the Wildlife and Countryside Act 1981 and the Wild Animals Protection Act 1996. Destruction of this community woodland would cause significant and demonstrable harm to the character and appearance of the rural landscape and the irreversibly remove the health benefits and amenity value for families and residents in Twyning
- We urge Officers at Tewkesbury Borough Council to formalise the long-term protection of Twyning Wood's amenity and biodiversity and join the significant local support for a permanent Tree Preservation Order for our Community Wood.

### Local Residents:

- Maintain the amenity for future generations.
- In line with government guidelines on green issues
- well-developed wood that has been in place for almost a decade. It provides refuge to a large variety of wildlife, as well as giving the people of the village a place to explore, unwind, and generally be away from it all.
- would be awful if this wonderful asset were lost in order to line the pockets of the few at detriment to the many
- It was a wonderful gift to the environment in 2012 by the late Mr Brookes to plant so many native trees. Very much in keeping with the worlds concerns today. Residents of Twyning have watched them grow into mature trees providing home and shelter to wildlife, bird life and insects alike for nearly a decade.
- They meet the need for more planted woodland to help not only carbon emissions but help protect our ever dwindling wildlife
- The area including the trees are a popular walking area for the local community.
- it seems ludicrous with all the global effort to improve the environment and reduce global warming that anyone is considering allowing these trees to be destroyed.

- valuable natural resource providing a habitat for a variety of species: the woodland also comprises a vital community asset - helping preserve the rural character of the village
- has important mental health benefits
- it should be made permanent so the woodland can be enjoyed by our children and our children's children.
- The area is used by all generations in the village from toddlers, the scout movement, dog walkers, and because of its vicinity & relative easy access by the older generation too.
- Queens Green Canopy initiative to commemorate the upcoming jubilee, can you imagine the absurdity of us standing by and letting a maturing woodland only planted around the last Jubilee year to be cut down.
- vital that they remain as the village's only publicly accessible woodland space
- It is a place of peace and tranquillity for villagers and visitors and a much needed and valued area of beauty and escapism in these times of uncertainty, A place for wildlife to thrive and for children to learn and enjoy. We should be looking to reduce carbon emissions as the Government keeps pledging and not building houses on every bit of green space left!
- conserve trees, to slow down global warming and reduce climate change.
- When running Cubs we used the area as part of our nature badge. In addition this supports the governments commitment to plant more trees to off set carbon limits.
- This area should therefore be protected for the benefit of the Environment and as a community resource.

**2.2** One representation was submitted **objecting** to the TPO which is summarised as follows:

- TBC have provided insufficient evidence or information to substantiate the perceived high value status of the trees covered by the TPO. No details have been provided regarding the assessing of the amenity value of the trees.
- The TPO lacks purpose of protecting trees from new development. Pre-development removal or clearance of trees is prohibited under the Forestry Act therefore TPO serves no purpose in protecting trees from the proposed development. A TPO would be better suited following agreed tree implications and as part of the planning process, to protect those being retained during construction.
- The order seeks to protect young, planted trees in a juvenile state that lack arboricultural quality and value and could be readily replaced due to their age. The young woodland includes areas of ash with dieback which affects its quality and long term potential. Appreciate trees have some future potential but note that replacement trees would also meet the same potential in terms of visual amenity as those being removed.
- TPO was placed due to the perceived imminent threat to trees following an application for future development on site. An arboricultural report was submitted showing the likely layout of development. It identified that there will be trees retained and the removals will be contained to internal parts of the site.
- The order is premature and poorly informed. The scenario of development not occurring on site will place management ramifications on the woodland owner such as repeated TPO work applications.
- The TPO order does not reflect the different types of tree cover on the site including hedgerows, newly planted trees, regenerative trees, mature woodland groups of trees and individual trees.
- The implications of the proposed development towards trees can be appropriately dealt with through the planning process.



### 3.0 ANALYSIS

- 3.1 The trees form part of a young woodland area that has high public amenity value due to the public rights of way that cross through the woodland, the public amenity value is further enhanced as the woodland can be seen from numerous points around the village. As the trees mature this amenity will increase along with the wildlife and landscape value this woodland will bring. This area is well used by local residents including local clubs for recreational and educational purposes making it an important community asset.  
**(Photographs will be displayed at committee)**
- 3.2 A woodland TPO has been used as the individual/group or area category would not be appropriate in this instance. As stated within the Government guidance the woodland category should be used when the woodland category's purpose is to safeguard a woodland as a whole. Whilst some trees may lack individual merit, all trees within a woodland that merits protection are protected and made subject to the same provisions and exemptions. In addition, trees and saplings which grow naturally or are planted within the woodland area after the Order is made are also protected by the Order.
- 3.3 A Tree Evaluation Method for Preservation Orders (TEMPO) analysis has been carried out on the trees, giving a score between 14-16 which would imply that a TPO is justified for these trees.
- 3.4 The objector states that a TPO serves no purpose as permission for a felling license would be required from the Forestry Commission under the Forestry Act 1967 to carry out any removal or clearance. This is only the case if a certain volume of timber is to be removed from a woodland per calendar quarter. If the trees are not protected by the TPO then felling, subject to certain exceptions can legally take place without any permission as long as it is under the amount that would require a felling licence.
- 3.6 The objector states that the trees are young, in a juvenile state and could be readily replaced due to their age and there are also areas of ash dieback. Without a TPO in place there is no duty on the landowner to replant new trees if they were removed. A small section of the woodland is comprised of ash trees, the removal of these trees would not impact on the overall amenity value of the woodland as a whole.
- 3.7 The making of this TPO would not prevent appropriate woodland management.
- 3.8 The objector states that the TPO order does not reflect the different types of tree cover on the site. There is no requirement when making a woodland TPO to identify these different types of tree cover as they all form part of the characteristics of a woodland.
- 3.9 If development is granted consent, the TPO will ensure adequate tree cover is retained and also help to secure new tree planting.

### 4.0 CONCLUSION AND RECOMMENDATION

- 4.1 The report has shown that the removal of this woodland would have a detrimental impact on the surrounding area with loss of amenity and habitat. It is therefore recommended that TPO 410 is **CONFIRMED**.

**TOWN AND COUNTRY PLANNING ACT 1990  
TEWKESBURY BOROUGH COUNCIL (NO. 410)  
(PART PARCEL 0025, HILLEND, TWYNING)  
TREE PRESERVATION ORDER 2021**

The Council for the Borough of Tewkesbury, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

**Citation**

1. — This Order may be cited as **TEWKESBURY BOROUGH COUNCIL (NO. 410) (PART PARCEL 0025, HILLEND, TWYNING), TREE PRESERVATION ORDER 2021**

**Interpretation**

2. — (1) In this Order "the authority" means the Tewkesbury Borough Council  
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

**Effect**

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.  
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—  
(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or  
(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

**Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 20<sup>th</sup> day of October 2021

THE COMMON SEAL of the COUNCIL )  
FOR THE BOROUGH OF TEWKESBURY )  
was hereunto affixed in the presence of—



Borough Solicitor  
Authorised Signatory



**SCHEDULE**  
**SPECIFICATION OF TREES**

**Trees specified individually**  
(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

**Trees specified by reference to an area**  
(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

**Groups of trees**  
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

**Woodlands**  
(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Mixed species woodland consisting of but not limited to Oak, Birch, Ash, Willow, Cherry, Hawthorn, Hazel	Refer to plan



This Map is based on Ordnance Survey Aerial Photographs and is not a substitute for a field visit. It is the responsibility of the user to verify the accuracy of the information shown on this map. Ordnance Survey is not responsible for any loss or damage arising from the use of this map.



Tree Preservation Order 410  
 Part Parcel 0025  
 Hillend  
 Twynning



individual - no  
 Groups - no  
 Woodland - young / valuable  
 Amenities  
 from crossing through

Appendix 2

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

**SURVEY DATA SHEET & DECISION GUIDE**

Date: 7/5/21 Surveyor: G. SADDON

Tree details  
 TPO Ref (if applicable): Tree/Group No: Species: MIXED SPECIES  
 Owner (if known): Location: WI

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

**Part 1: Amenity assessment**

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous\* Unsuitable

\* Relates to existing context and is intended to apply to severe irremediable defects only

Score & Notes  
 3/4 Young woodland and natural copse in NE corner

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10\* Unsuitable

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes  
 4 Young woodland with future potential - ash die back noted!

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees
- 4) Large trees, or medium trees clearly visible to the public
- 3) Medium trees, or large trees with limited view only
- 2) Young, small, or medium/large trees visible only with difficulty
- 1) Trees not visible to the public, regardless of size

- Highly suitable
- Suitable
- Suitable
- Barely suitable
- Probably unsuitable

Score & Notes  
 3/4 Woodland area

footpaths/visible to wider area.

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)

Score & Notes  
 1

**Part 2: Expediency assessment**

Trees must have accrued 9 or more points to qualify

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes  
 3. Planning application received.

**Part 3: Decision guide**

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total:  
 14 - 16

Decision:  
 lowest - TR Defensible  
 highest - Merits TR

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

<b>Committee:</b>	Planning
<b>Date:</b>	15 February 2022
<b>Site Location:</b>	Land Adjacent Alstone Lawns Alstone
<b>Application No:</b>	TPO 411
<b>Ward:</b>	Isbourne
<b>Parish:</b>	Teddington
<b>Report by:</b>	Mrs Gaynor Baldwin
<b>Appendices:</b>	1 - Copy of TPO 411 2 - TEMPO assessment 3 - Letter of objection
<b>Recommendation:</b>	To confirm the TPO without modification

### 1.0 INTRODUCTION AND BACKGROUND

- 1.1 This Tree preservation Order relates to a group of trees situated in a prominent position within Alstone Village, the trees are adjacent to the highway which are marked as A1 on the attached TPO plan.
- 1.2 This report summarises the reasons and circumstances for making Tree Preservation Order (TPO) No. 411, (**Appendix 1**) provides details of the objection of the making confirmation of the TPO, and explains why officers consider that the TPO should be confirmed.
- 1.3 The parcel of land is situated within the village of Alstone and the area where the trees are located is classed as Important Open Space within the village as shown in the existing Local Plan and the proposed Tewkesbury Borough Local Plan 2011-2031
- 1.4 A TPO was made to protect and safeguard a group of trees as it was considered that the trees were under foreseeable threat of being felled due to the land being advertised for sale as a potential building plot.
- 1.5 A Tree Evaluation Method for Preservation Orders assessment was carried out and when added up the categories gave a total score of 16, the decision guide of the method states that if the score is 16 that the trees 'definitely merits a TPO'. – **Appendix 2**
- 1.6 The trees are early mature sycamores and from a visual assessment appear to be in good health visually with no significant defects that would create cause for concern and have a healthy leaf foliage and covering. The trees have high amenity value as they are clearly visible to the public and are situated in a prominent position contributing to the village setting.
- 1.7 The Government's Planning Practice Guidance sets out that local planning authorities can make a Tree Preservation Order if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.

1.8 Once made, a TPO provides protection for a period of 6 months, during which time the local planning authority is required to confirm the TPO to ensure it continues to have effect and protect the trees subject to it.

## 2.0 PUBLICITY AND REPRESENTATIONS

2.1 The Tree Preservation Order was served on the land by being displayed and served to the owners giving the required twenty eight days to make any representations.

2.2 One representation was submitted **objecting** to the TPO – **Appendix 3**

## 3.0 ANALYSIS

3.1 The trees collectively appear to be in good health visually with no significant defects that would create cause for concern and have a healthy leaf foliage and covering. The trees have high amenity value as they are situated in a prominent position within Alstone village and contribute to the setting. **(photographs will be displayed at Committee).**

3.2 An area TPO has been used as the individual category would not be appropriate and the area's overall impact and quality merits protection. A Tree Evaluation Method for Preservation Orders (TEMPO) analysis has been carried out on the trees, giving a total score of 16 which states the decision as 'Definitely meets TPO'.

3.3 The Order protects both visual amenity and habitat. Any future grant of planning permission to develop the site could result in their part or complete removal. If the TPO is confirmed consideration will then have to be given to the trees contribution to the surrounding area through the assessment of any planning application but would not necessarily stop potential development.

3.4 The objector to the TPO has questioned the legitimacy of the 'Important Open Space' and the reasons why it been designated as such. Notwithstanding the objector's concerns, it is the case that the designation of the land is not necessarily a consideration when assessing trees for a Tree Protection Order. The trees have been assessed on their amenity value.

3.5 The objector has also commented that (in their opinion) the site does not meet the definition of 'Open Space' in the Town and Country Planning Act 1990. Open is used in the same sense as in 'open countryside' i.e. free from development. It does not mean free from any obstructions i.e. trees. These areas are considered to be of amenity value to the public, clearly visible and important to the character of the settlement and the street scene.

3.6 The objector also comments that as recently as 2020 Western Power carried out necessary works to some of the trees, and that similar works in the future scenarios make the Tree Preservation Order untenable. However, it is the case that if tree works are necessary an application for tree works can be submitted for consideration to the Local Planning Authority and if works are deemed to be appropriate consent can be granted.

## 4.0 CONCLUSION AND RECOMMENDATION

4.1 The removal of the trees would have a detrimental impact on the surrounding area with loss of amenity and habitat. Confirming the TPO will offer some protection in retaining this important amenity within the village contained within the allocated Important Open Space. It is therefore recommended that TPO 411 is **CONFIRMED**.

**TOWN AND COUNTRY PLANNING ACT 1990**  
**TEWKESBURY BOROUGH COUNCIL (NO. 411)**  
**(LAND ADJACENT ALSTONE LAWNS, ALSTONE)**  
**TREE PRESERVATION ORDER 2021**

The Council for the Borough of Tewkesbury, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

**Citation**

1. — This Order may be cited as **TEWKESBURY BOROUGH COUNCIL (NO. 411) (LAND ADJACENT ALSTONE LAWNS, ALSTONE), TREE PRESERVATION ORDER 2021**

**Interpretation**

2. — (1) In this Order “the authority” means the Tewkesbury Borough Council  
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

**Effect**

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

**Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 24th day of August 2021

THE COMMON SEAL of the COUNCIL )  
FOR THE BOROUGH OF TEWKESBURY )  
was hereunto affixed in the presence of—



Borough Solicitor  
Authorised Signatory





**SCHEDULE**  
**SPECIFICATION OF TREES**

**Trees specified individually**  
(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	<i>none</i>	

**Trees specified by reference to an area**  
(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
A1	Sycamore <i>Acer pseudoplatanus</i>	398317 232320

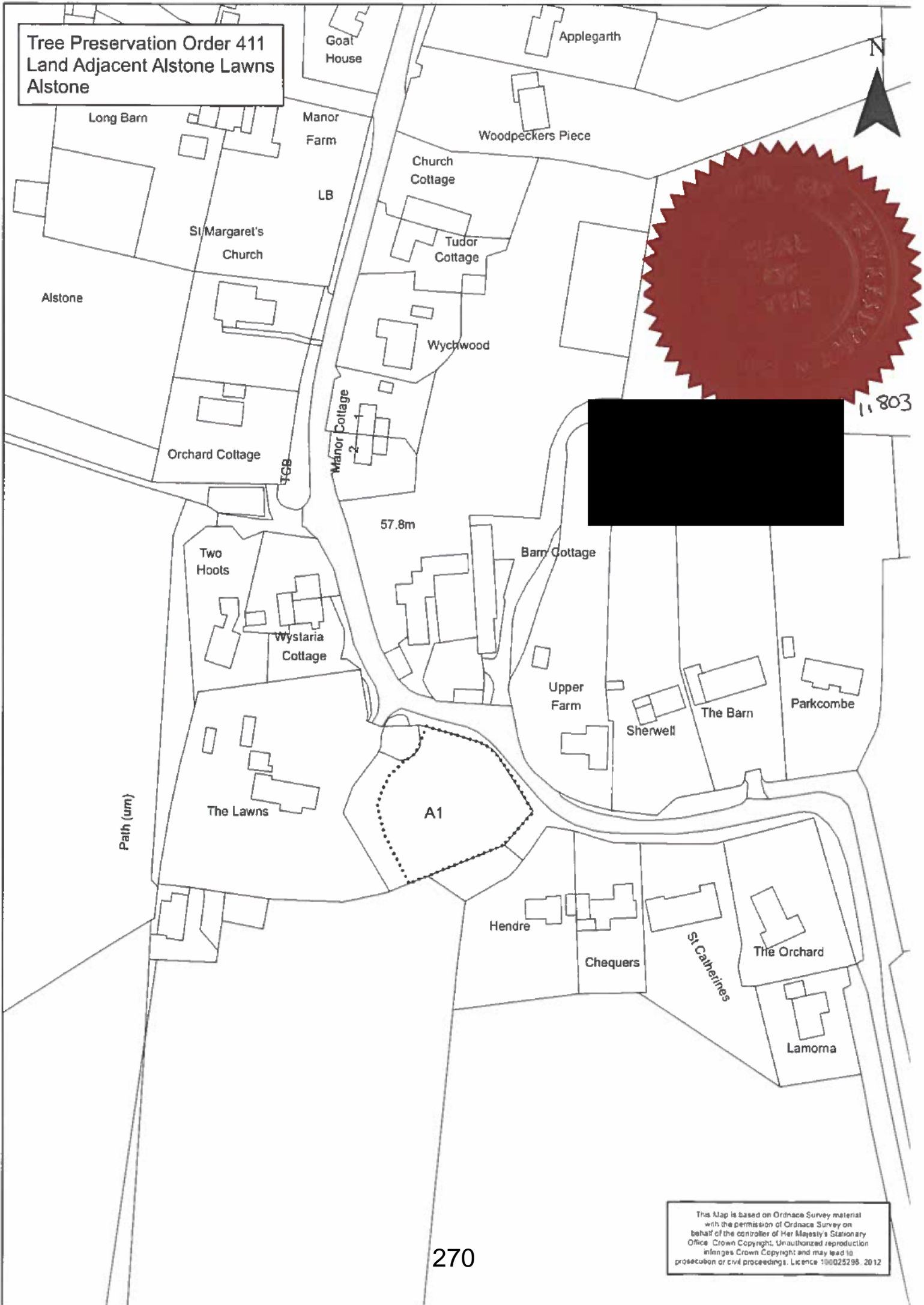
**Groups of trees**  
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	<i>none</i>	

**Woodlands**  
(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	<i>none</i>	

**Tree Preservation Order 411  
Land Adjacent Alstone Lawns  
Alstone**



1,803

57.8m

A1

Path (um)

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 1/7/2021 Surveyor: J Baldwin

Tree details  
 TPO Ref (if applicable): Tree/Group No: Species: Mainly  
 Owner (if known): Location: A1 Sycamore.

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous\* Unsuitable

\* Relates to existing context and is intended to apply to severe irremediable defects only

Score & Notes  
 4 EARLY MATURE SYCAMORES APPEAR TO BE IN GOOD CONDITION

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10\* Unsuitable

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes  
 4 EARLY MATURE

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes  
 4 PROMINENT LOCATION

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes  
 1

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes  
 3 - LAND FOR SALE

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total:  
 16


Decision:  
 TPO

Your Ref: 411

Head of Development Services  
Tewkesbury Borough Council  
Council Offices  
Gloucester Road  
Tewkesbury, Gloucestershire GL20 5TT

TEWKESBURY BOROUGH COUNCIL OPERATIONS	
Officer .....	
Scanned .....	
Rec'd	24 SEP 2021
Ack'd .....	
Ans'd .....	
File .....	

**Re: Tree preservation Order 411 Land Adjacent to Alstone Lawns, Alstone**

We the undersigned, , owners of the piece of land referred to in Tree Preservation Order 411 hereby register our formal objection to the imposition of the tree preservation order, which relates to all trees within the area marked A1 on the plan accompanying the Order.

Our objections are based on the following:

Firstly we do not accept the legitimacy of the 'Important Open Space' designation which appears to underpin the tree preservation order. The land is less than a third of an acre and is located in the middle of the village, mostly surrounded by other properties. It in no way meets the usual definition of 'Open Space' in the Town and Country Planning Act 1990, which refers to land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground. It is not common land or a village green, and there is no public right of way across it. Public open spaces are normally for use by walkers, but may include cyclists and other forms of recreation, none of which is relevant to this particular piece of land.

We have no record of the previous owners, or we – the present owners – having been consulted in the decision to designate the land as Open Space, which we would argue was a major oversight by Tewkesbury Borough Council.

Furthermore, we strongly disagree that the copse situated on the land represents high amenity value to the village. As mentioned above, the land is private property with no public right of access whatsoever. It is overgrown and inaccessible and the trees referred to are for the most part not visible from the road running through the village. It is our belief that the Open Space designation was intended as a device to prevent any constructive development of the site, and we therefore view the Tree Preservation order as an extension of that policy.

The stipulation under the Tree Preservation Order that no person shall cut down, top, lop, uproot (etc.) any tree specified in the Schedule to the Order makes it in our view untenable. As recently as 2020 it was necessary for Western Power Distribution to lop branches of trees on the land in order to protect power lines. It is highly likely that additional forms of maintenance and management of the trees will required in the future.



## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	15 February 2022
<b>Site Location:</b>	Trees Behind Hunters Road and Public Open Space at The Withers Bishops Cleeve
<b>Application No:</b>	21/01252/TPO
<b>Ward:</b>	Cleeve West
<b>Parish:</b>	Bishops Cleeve
<b>Proposal:</b>	TPO 298 - Silver Birch T1 - prune off street light, Hornbeam T35, T36, T37 & T38 - Trim back crown spread but retain low growth of upper crown (G1) as per submitted report.
<b>Report by:</b>	Gaynor Baldwin
<b>Appendices:</b>	Site location plan
<b>Recommendation:</b>	Consent

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1** The Silver Birch and Hornbeams are within the residential development of Bishops Cleeve and are owned and maintained by Tewkesbury Borough Council. The Silver Birch is situated near to a streetlight that is positioned next to a path that leads from Stoke Park Close through to The Withers. The Hornbeams are behind 10 and 11 Hunters Road and encroach into their modest gardens.
- 1.2** The trees are protected by Tree Preservation Order 298. The proposed works are: Silver Birch T1 - prune off street light, Hornbeam T35, T36, T37 & T38 - Trim back crown spread but retain low growth of upper crown (G1) as per submitted report by BJ Unwin. The report can be found online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.
- 1.3** The proposal is before Planning Committee for the reason that trees are owned and maintained by Tewkesbury Borough Council.

### 2.0 RELEVANT PLANNING HISTORY

No relevant history

### 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 Neighbourhood Plan**

None

### **3.3 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)
- Tree Preservation Orders: A Guide to the Law and Good Practice

## **4.0 CONSULTATIONS**

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

**4.1** Bishops Cleeve Parish Council – The Parish Council supports the application

## **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** None

## **6.0 POLICY CONTEXT**

**6.1** Section 198 of the Town and County Planning Act 1990 provides Local Planning Authorities with the powers for the making of Tree Preservation Orders, where it is expedient in the interests of amenity to protect trees. Such powers prohibit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees except with the consent of the local planning authority. This advice is reiterated in the Town and County Planning (Trees Preservation) (England) Regulations 2012.

**6.2** Government guidance set out in 'Tree Preservation Orders - a Guide to the law and Good Practice' sets out that, in considering applications for works to TPO trees, local planning authorities should:-

- assess the amenity value of the tree and the likely impact of the proposal on the amenity of the area;
- in light of that assessment to consider whether or not the proposal is justified, having regard to the reason put forward in support of it;
- whether any loss or damage is likely to arise if consent is refused or granted subject to

conditions; and

- whether replacement planting is necessary or practical.

## **7.0 ANALYSIS**

**7.1** The works proposed are Silver Birch T1 - prune off street light, Hornbeam T35, T36, T37 & T38 - Trim back crown spread but retain low growth of upper crown

**7.2** The proposed works are from the recommendations of an independent Professional Tree Inspection for safety management of Tewkesbury Borough Councils trees.

## **8.0 CONCLUSION AND RECOMMENDATION**

**8.1** Tewkesbury Borough Council Tree Officer has no objection to the proposed works as they form part of the recommendations from a safety tree inspection. The tree works will not cause any detrimental harm to the health of the trees. The aesthetic form and shape of the trees can be retained whilst addressing the issue of overhanging tree crowns to the rear gardens and the encroachment to the street light.

### **CONDITIONS:**

1. The granted tree works is given to carry out works as described on the application proposal as recommended within BJ Unwin Tree Inspection Report dated the 26<sup>th</sup> April 2021. The permission hereby granted shall be completed within two years of the date of this notice.

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

2. All arboricultural work must comply with BS 3998:2010 British Standard: Recommendation for Tree Work and must be carried out by a suitable qualified person.

Reason: To protect the health of the trees and to ensure that the works are carried out in such a manner to maintain the amenity value of the trees.

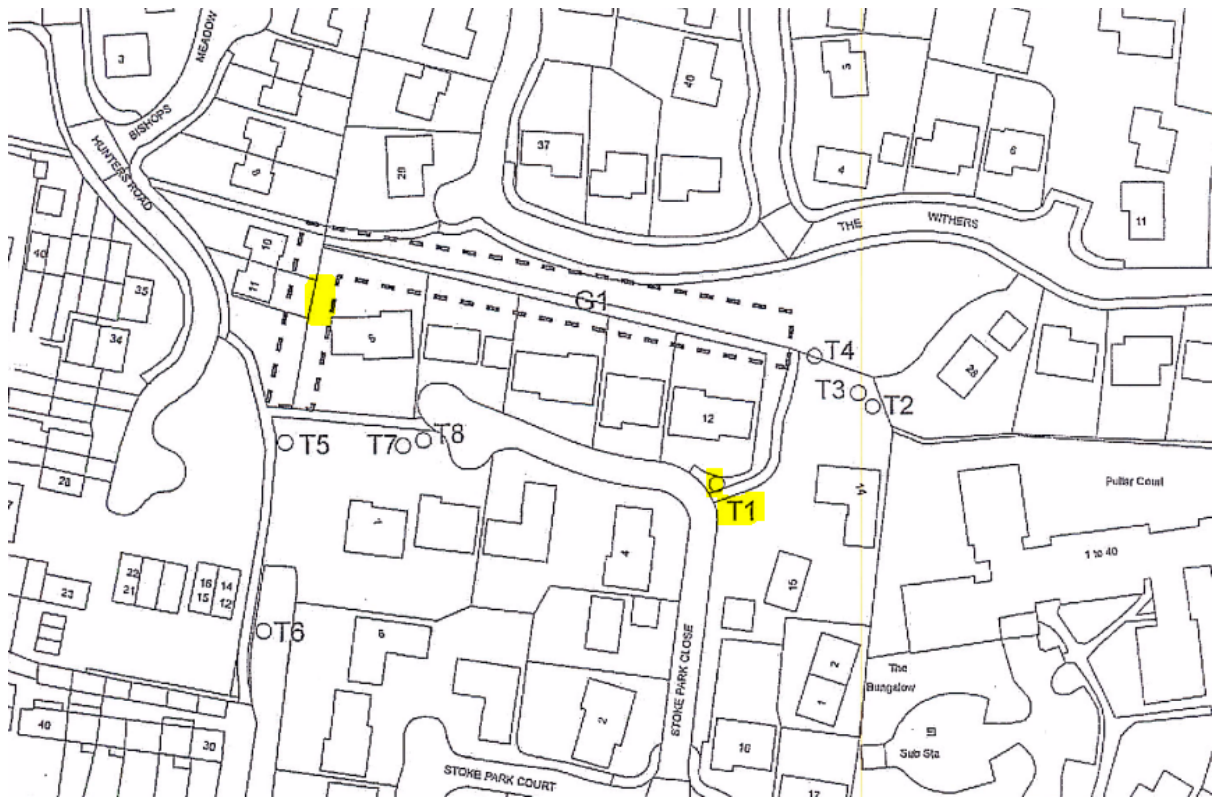
### **Informative**

1. If at any time nesting birds are observed on site then certain works which might affect them should cease and advice sought from a suitably qualified ecological consultant or Natural England. This is to comply with the Wildlife & Countryside Act 1981 (as amended) and avoid possible prosecution. You are additionally advised that tree or shrub removal works should not take place between 1st March and 31st August inclusive unless a survey to assess nesting bird activity during this period is undertaken. If it is decided on the basis of such a survey to carry out tree or shrub removal works then they should be supervised and controlled by a suitably qualified ecological consultant. This advice note should be passed on to any persons/contractors carrying out the development.
2. The Wildlife and Countryside Act 1981 (as amended) makes it an offence to kill, injure or take any wild bird, and to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built. It is also an offence to take or destroy any wild bird eggs. In addition the Act states that it is an offence to intentionally or recklessly disturb any wild bird listed in Schedule 1 while it is nest building, or at (or near) a nest containing eggs or young, or disturb the dependent young of such a bird. This advice note should be passed on to any persons/contractors carrying out the development.

21/01252/TPO - Tree location

T1 - Silver Birch

G1 - Trees behind 10/11 Hunters Road





G1 - Hornbeams



T1 - Birch



## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	15 February 2022
<b>Site Location:</b>	25 Paynes Pitch Churchdown
<b>Application No:</b>	21/01509/FUL
<b>Ward:</b>	Churchdown Brookfield With Hucclecote
<b>Parish:</b>	Churchdown
<b>Proposal:</b>	Variation of conditions 2 (approved plans), 3 (materials), 4 (levels), 5 (boundary treatments), 11 (Ecological Enhancement and Mitigation Strategy), 12 (external lighting scheme), 14 (blocking up of existing access), 18 (written Scheme of Investigation and Building Record) and 19 (surface water drainage) of planning permission ref: 20/00956/FUL.
<b>Report by:</b>	Paul Instone
<b>Appendices:</b>	CS-20002 003 Rev PL10 Proposed Site Plan CS-20002 004 PL8 Boundary Enclosures Plan CS-20002 13 Rev PL6 Street Scene as Proposed
<b>Recommendation:</b>	Permit

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1** The application site relates to a large dwelling at 25 Paynes Pitch which comprises of 2 storey, 2.5 storey and single storey elements, alongside its garden and parking area. The dwelling is currently in a relatively poor state of repair. In July 2020, the residential garden area was cleared of nearly all its mature trees. The residential garden is bound by timber board fencing and vegetation. The residential garden slopes downwards from the southeast to north west and the level change across the residential garden is approximately 3 metres. Access and egress to 25 Paynes Pitch is currently obtained via an access track to west onto Paynes Pitch.
- 1.2** To the south of the residential garden, the application site also contains a strip of land to the south of the garden boundary. This strip of land is not within 25 Paynes Pitch ownership and it is unregistered land. This strip of land contains trees of a mixed species consisting of native and non-native trees. The trees are clearly visible to the public and have high amenity value contributing to the street scene. As the removal of the trees would have a detrimental impact on the surrounding area and loss of an important habitat, a group Tree Preservation Order (TPO 404) was made on 17th June 2020. There is also a separate TPO (Tree Preservation Order (TPO) No. 256 in the western part of the site adjacent to the existing access onto Paynes Pitch which was made on 12th January 2012.

- 1.3** The site is located within the settlement boundary of Churchdown. Besides the TPOs, the site is not subject to any landscape or heritage designations and is located within Flood Zone 1 as defined on the most up-to-date Environment Agency flood risk maps.
- 1.4** Planning permission (20/00956/FUL) was granted on the site for 5 dwellings on 15th October 2021 following the resolution of the planning committee on 21st September 2021 that authority be delegated to the Development Manager to permit the application, subject to amendments to change the colour palette of the scheme to buff and red brick (in accordance with design options put forward by the applicant) and to remove an officer recommended condition for the provision of cycle storage.
- 1.5** The current application is made under Section 73 of the Town and Country Planning Act 1990 for a minor-material amendment to planning permission 20/00956/FUL. The decision notice for planning permission 20/00956/FUL was subject to 19 planning conditions. Of relevance to this current application:
- condition 2 requires the development to be carried out in accordance with the approved plans
  - condition 3 requires external materials to be in accordance with the submitted plans
  - condition 4 requires details of existing and proposed levels across the site to be submitted and approved by the LPA prior to development being undertaken above DPC level
  - condition 5 requires that prior to the occupation of the dwellings details of walls, fencing and other means of enclosure shall be submitted and approved by the LPA.
  - condition 11 states that work shall not start on the development hereby permitted until an Ecological Enhancement and Mitigation Strategy (EEMS) has been submitted to and approved in writing by the Local Planning Authority. The EEMS shall include all measures to ensure that wildlife and habitats will be safeguarded through the entirety of the development and following completion of the development. The EEMS shall include, but shall not be limited to, the mitigation measures set out in Preliminary Ecological Appraisal and Preliminary Roost Assessment Rev 02 prepared by Focus Environmental Consultants dated 1st October 2020 and the Bat Survey Report Rev 02 prepared by Focus Environmental Consultants dated 16th February 2021.
  - condition 14 states no dwelling hereby permitted shall be first occupied and the vehicular access hereby permitted shall not be brought into use until all existing vehicular accesses to the site (other than that intended to serve the development) have been permanently closed in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.
  - condition 18 requires a programme of archaeological building recording work including a Written Scheme of Investigation followed by a final report to be submitted and approved by the Local Planning Authority prior to any demolition/development taking place
  - condition 19 requires the submission of a surface water drainage scheme to be submitted and approved in writing prior to the commencement of building works.

- 1.6** The current application seeks to amend the approved plans of planning permission 20/00956/FUL to vary the proposed material of the dwellings. The amendments would see a change in the proposed materials, seeing the proposed use of both Red Brick and Buff Brick on each dwelling replaced with a mix of three Red Brick Units (Plot 1 – 3) and two Buff Brick Units (Plot 4 and 5). The roofs will continue to be finished in fibre cement blue/black slate, with Anthracite Grey windows and doors used.
- 1.7** In addition, the plans introduce a pedestrian access door on the rear of the garages of plots 1, 4 and 5 and provide additional details on boundary treatment including the retention of the existing close-board fence adjacent to the footpath between Paynes Pitch and Dunstan Glen. The amendments to the boundary treatments were incorporated into the scheme further to comments from residents and liaison with officers.
- 1.8** The application also provides additional information on levels, boundary treatment, ecological enhancement and mitigation, external lighting, access arrangements, historic building recording and surface water drainage to negate the requirement for the imposition of conditions on the current applicant for submission of details on these matters.
- 1.9** The application has been called to Planning Committee by Councillor Jordan on the grounds of concerns about the perimeter fencing (plot 1) and ecology issues. A committee site visit has also been requested.

## **2.0 RELEVANT PLANNING HISTORY**

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
20/00956/FUL	The demolition of the existing dwelling and erection of 5 no. dwellings and associated access.	PER	15.10.2021
21/01467/FUL	Removal/Variation of conditions 2 (Approved Plans), 3 (External Materials), 4 (Levels), 5 (Boundary Treatments) and 14 (Blocking up of Existing Access) of the planning application ref number 20/00956/FUL	WDN	15.12.2021
21/01509/FUL	Variation of Condition 2 (Approved Plans), 3 (Materials), 4 (Levels), 5 (Boundary Treatments), 11 (Ecological Enhancement and Mitigation Strategy), Condition 12 (External Lighting Scheme), 14 (Blocking up of Existing Access), Condition 18 (Written Scheme of Investigation and Building Record) and Condition 19 (Surface Water Drainage) of Planning Permission 20/00956/FUL.		
TPO(256)	Tree Preservation Order (Dunstan Glen, Churchdown)	Confirmed	26/01/2012
TPO(404)	Tree Preservation Order (25 Paynes Pitch)	Confirmed	17/06/2020

### **3.0 RELEVANT POLICY**

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

#### **3.1 National guidance**

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

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

Policies: SP2, SD3, SD4, SD6, SD8, SD9, SD10, SD11, SD12, SD14, INF1, INF2, INF3

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

Policies: RES2, RES5, RES13, DES1, NAT1, ENV2, TRAC1, TRAC8

#### **3.5 Neighbourhood Plan**

Churchdown and Innsworth Neighbourhood Development Plan – 2011-2031

#### **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** – We specifically draw the attention of TBC Planning officers and Members of the Planning Committee to the concerns raised by Residents

**4.2 County Highways Authority** – No objection to the variation of condition 14

**4.3 Urban Design Officer** – No objection

**4.4 Ecology** – No objection

**4.5 Conservation Officer** – No objection

**4.6 Drainage Officer** – No Objection

**4.7 PRoW Officer** - This development does not appear to affect any public right of way, however if there is any suggestion that it will, whether through a need for a temporary closure or permanent diversion then contact should be made with the PROW team at the earliest opportunity

## 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. Site notices were originally displayed by the applicant on 21<sup>st</sup> December 2021 and photographic evidence was provided to the Council. Residents subsequently advised that these site notices were no longer present on site and site notices were re-displayed on 15<sup>th</sup> January 2021 with a published consultation response date of 10<sup>th</sup> February 2021. As the consultation date now expires after the preparation of this committee report, a committee update will be provided on additional consultations received further to the preparation of this report.
- 5.2** 32 objections have currently been received. The main points of objection to the scheme are:
- The proposal includes a dangerously low fence next to a steep bank on the footpath between Dunstan Glen and Paynes Pitch. (Officer note: This fence has now been removed from the scheme and the existing close board fence is to be retained).
  - The proposed estate railing would be out of place and do not respect the character of the locality contrary to policy SD4 of the JCS, RES 5 of the Emerging TBP and Policy CHIN2 Of the CINP. (Officer note: These railing have now been removed from the scheme).
  - The removal of the existing fence and installation of replacement fences would harm hedgehogs.
  - The developers are undertaking a land grab. The land taken by the development goes beyond their Title and grabs a parcel of land which has been used for more than 37 years by the community as walkway/amenity area from Paynes Pitch to Dunstan Glen. The developers do not have a legal right to build on this land.
  - The historic building record submitted by the appellant is inaccurate. The building is not confirmed to be structurally unsound and there are no other buildings of this type in the vicinity. The report does not consider whether the building could be restored and whether there would be a likely return on investment. A report should be commissioned into the viability of retaining the existing building.
  - The lighting scheme fails in its fundamental task of protecting bats and provides for too much lighting into trees, it does not provide dark corridors and is not low impact down facing lighting. It does not comply with the Bat Conservation Trust BCT Institute of Lighting 2018.
  - Condition 9 of permission 20/00956/FUL states that there will be no removal of trees, shrubs, hedgerows between 1<sup>st</sup> March and 31<sup>st</sup> August 2021 in the interests of nature conservation. The Ecological Enhancement and Mitigation Strategy now states that works may commence in this period if vegetation is checked by an Ecological Clerk of works. This variation shouldn't be allowed due to the potential impact on nesting birds.
  - The drainage strategy is unacceptable and the ongoing management of the scheme is inadequately secured.
  - The proposal won't result in biodiversity net gain as required by the NPPF.

- It is considered that the Highways Authority haven't robustly considered the application. The proposal will impact on highway safety and the safety of pedestrian, the elderly and school children who use the footpath. Tewkesbury Council and the Highways Authority haven't met their statutory duties.

- The owners of No.4 will not allow estate railing fence along their property boundary. The fencing would give rise to lack of privacy, ecological harm and would harm the existing laurel hedge. (Officer note: estate railings are no longer proposed along this boundary).

- The southern boundary fence should be retained in front of the dwellings to protect hedgehogs and there are no essential or technical reasons why it should be removed.

## **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 The principle of five dwellings on the application site of the layout and orientation proposed is established by virtue of planning permission 20/00956/FUL. The application is submitted through Section 73 of Town and Country Planning Act 1990 and seeks a minor material amendment to develop land without compliance with conditions previously attached to planning permission 20/00956/FUL.
- 7.2 The main issues to be considered as part of this application are those arising from the design amendments to scheme and the variations of the plans, levels, boundary treatments, closing the Paynes Pitch access, ecology, heritage considerations, drainage and flood risk.

### *Design, Layout and Fencing*

- 7.3 The NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places are fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development. This is now reflected in the National Design Guide, which provides planning practice guidance for beautiful, enduring and successful places.
- 7.4 JCS policy SD4 states that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. Policy SD10(6) states that residential development should seek to achieve the maximum density compatible with good design, the protection of heritage assets, the character and quality of the environment, and the safety and convenience of the local and strategic road network
- 7.5 Policy RES5 of the Emerging TBP 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.
- 7.6 Policy CHIN2 of the Churchdown and Innsworth Neighbourhood Development Plan – 2011-2031 (CINP) states that proposals for new development or the redevelopment of existing buildings should contribute towards the local distinctiveness of Churchdown and Innsworth. They should demonstrate high quality, sustainable and inclusive design and architecture that respects and responds positively to the best examples of the Neighbourhood Area's character.
- 7.7 The application seeks to amend the approved plans of planning permission 20/00956/FUL to vary the proposed materials of the dwellings. The amendments would see a change in the proposed materials, seeing the proposed use of both Red Brick and Buff Brick on each dwelling replaced with a mix of three Red Brick Units (Plot 1 – 3) and two Buff Brick Units (Plot 4 and 5). The roof will continue to be finished in fibre cement blue/black slate, with Anthracite Grey windows and doors used. **A copy of both the permitted and proposed street scenes are included in the committee presentation**



- 7.8** Officers have carefully considered the appearance of the proposed revised materials and the Urban Design Officer has been consulted on the application and raises no objection. Dunstan Glen is characterised by red brick, buff brick and rendered dwellings and it is considered that the revised material palette, which now has a more simplistic appearance, would respect the character and appearance of the locality and would integrate into the street scene which includes individual dwellings with different material types.
- 7.9** The proposed boundary treatments have been revised during the consideration of the planning application. The proposal as submitted proposed 0.9 metres estate railings across the southern boundary of the site extending along the northern boundary of the footpath between Dunstan Glen and Paynes Pitch. Estate railings were also proposed along the boundary between the front of plot 1 and No.4 Dunstan Glen.
- 7.10** Numerous objections were received from residents regarding the boundary treatments in the application as submitted. These were due to safety concerns about a lower fence along the footpath between Dunstan Glen and Paynes Pitch when taking account of falling level changes, residential amenity concerns arising from overlooking and lack of privacy between plot 1 and No.4 Dunstan Glen, concerns about the impact of the fencing on the appearance of the area, as well as ecological concerns which are addressed later in this report.
- 7.11** The applicant has submitted revised plans in response to the comments from residents. The revised proposals have removed the estate railing from the front (south) of the proposal and from the north of the footpath. The application now proposes to retain the existing close board fences adjacent to the footpath and between the front of plot 1 and No.4 Dunstan Glen. New 1.8 metre high closeboard fencing is proposed in the rear gardens of the proposed dwellings. The plot of land to the north of the footpath will now become enclosed by the erection of close board fencing to the east of west.
- 7.12** Officers have raised some concerns that the boundary treatment layout will create an enclosed unmanaged area of land adjacent to the footpath, whereas in the permitted scheme this was to an open landscaped area where fruit trees would be planted. The applicant has advised that the plot of land will likely be transferred to and maintained by No.23 Paynes Pitch. However, the transfer of land and agreement to this, has not yet taken place, and will not likely happen until later in the year. It is also advised that if No.23 do not take up maintenance of the land, then the backstop option could be for the land to be maintained by a third-party company, who would maintain the land in perpetuity through funding by the future occupier of either Plot 5, or the site as a whole. In light of this clarification, and taking account the concerns of residents, officers consider that the proposed boundary treatments are acceptable, however it is recommended that a planning condition is imposed on the permission to enable the Council to control the maintenance of the created enclosed area in the future.
- 7.13** The only change in levels from the approved permission arising from this current application relates to the created enclosed area to the north of the footpath. There is currently a circa 2 metre fall within this area between the footpath and the existing site access and the application proposes to create a grass bank. Whilst this area would have limited visibility these works are considered an enhancement to this area.

- 7.14** A number of objections have been received to the application suggesting that the existing closeboard fence to front of the proposed dwellings adjacent to Dunstan Glen should be retained for ecological and visual amenity reasons. However, officers and the applicant consider that retention of this close board fence in front of the proposed dwellings would represent extremely poor urban design, and would be harmful to street scene, and the suggested retention of the existing fence in this location has not been progressed.
- 7.15** Overall officers consider that the proposal responds positively to, and respects that character of the site and its surroundings. In light of the above, the design of the proposal is considered acceptable.

### ***Ecology***

- 7.16** Government Circular 06/05 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. When determining planning applications, 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
- 7.17** Policy SD9 of the JCS seeks to protect and enhance biodiversity and establish and reinforce ecological networks. This includes by ensuring the European Species and Protected Species are protected in accordance with the law. Policy CHIN9 of the CINP states that development proposals (particularly residential developments), that incorporate into their design features which encourage local wildlife to thrive will be strongly supported. Policy NAT1 of the Emerging TBP states that proposals, where applicable will be required to deliver biodiversity net gain
- 7.18** Planning application 20/0056/FUL was supported by an Ecological Appraisal and an updated bat survey. The Ecological Appraisal advised that the site provides foraging opportunities for mammals such as hedgehogs, and in addition residents advised that hedgehogs are present on the site. Hedgehogs are listed as a Priority Species under the Natural Environment and Rural Communities Act 2006. A number of bird species were also recorded on the site including house sparrow which is a red listed bird of conservation concern. 25 Paynes Pitch has also been confirmed as an active bat roost and as such the demolition will require the prior granting of a bat mitigation development licence from Natural England.
- 7.19** Given the known presence of hedgehogs and birds within the area, and given that the proposal would result in an impact to habitats on the site, condition 11 of planning permission 20/00956/FUL required the submission of an Ecological Mitigation and Enhancement Scheme (EMES) to secure suitable mitigation and compensation measures prior to the commencement of development. In addition, it was confirmed that it was necessary for the applicant's ecologist to submit the bat mitigation licence to the planning authority to confirm that Natural England have granted the bat licence prior to any works proceeding.

**7.20** The current S73 application includes an EMES as required by condition 11 of the extant planning permission. The EMES advises that biodiversity measures will include, inter alia,

- An Ecological Clerk of works being appointed to oversee and monitor ecological aspects of the development.
- A pre-site clearance check by the Ecological Clerk of Works will be undertaken before any ground clearance works or removal of vegetation. This recommendation is made to ensure that due attention is paid to the possible presence of protected and notable species including nesting birds, hedgehogs, amphibians and reptiles, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).
- Tree felling and other arboriculture works (e.g. removal of limbs, crown reduction) will be done outside of the bird nesting season (March – August, inclusive) or otherwise only after being checked for nesting birds by the Ecological Clerk of Works. The Ecological Clerk of Works will be able to identify any nesting birds and advise of appropriate safe working distances to ensure compliance with wildlife legislation. (Officer note: condition 9 has been amended to take account of this).
- No works to the dwelling (25 Paynes Pitch) will take place until the prior acquisition of a bat mitigation (development) licence from Natural England. There will be direct ecological supervision of licensable development activities (demolition of 25 Paynes Pitch).
- Prior to works commencing on any outbuilding the Ecological Clerk of Works (experienced and suitably licensed) will undertake a check of the building to look for any evidence of roosting bats.
- Installation of two tree mounted bat boxes (such as the Improved Crevice Bat Box or Large Multiple Chamber Woodstone Bat Box (suitable for bat use during winter) to provide replacement roosting opportunities for bats.
- New landscape planting within the site will include a variety of plants, shrubs, and trees, as well as grassed areas. Together with retention of existing boundary trees, this will provide continued commuting and foraging opportunities for bats and birds within the post-developed site
- Two sparrow terraces (such as the 1SP Schwegler Sparrow Terrace or Eco Sparrow Tower) will be installed within the site to provide new nesting opportunities for house sparrows, a declining urban species.
- To maintain connectivity across the site for hedgehogs and other small mammals, gaps of 130mm by 130mm (maximum of two gaps per garden), will be created in the fence-lines that are incorporated into the development proposals, such as where neighbouring properties are separated. This will ensure small mammal species, such as the hedgehog, will be able to maintain an obstacle free 'highway' for continued and uninterrupted foraging.
- Where brick walls or railings are incorporated into the development proposals, brick spaces or gaps will be left at the base.
- 'Hedgehog Highway' signs will be affixed to gaps within the fencing, walls etc to

ensure that these gaps are kept open by the future residents.

- At least one horizontal log / brash piles will be constructed within safe, secure locations of areas of open space such as the southern boundary. Log piles will vary in size from 0.5m to 3m in height. The log pile will be located within the newly landscaped grass areas. Large logs will be used to prevent removal at a later stage.
- This log pile will be located within a safe, secure location, as agreed with the Ecological Clerk of Works. Habitats surrounding the habitat piles will be left uncut to provide additional protection and new material will be added, as required.
- Two hedgehog houses (such as the HH7 Hoglio Hedgehog/Mammal House) will be installed in sheltered and undisturbed areas of open space within the post-developed site. Locations are to be agreed with the Ecological Clerk of Works.
- One Invertebrate box (such as Schwegler Clay and Reed Insect Nest or WoodStone Insect Block) will be installed in a sheltered and sunny position, protected from extreme weather conditions.
- New landscape planting across the site will provide wild areas for wildlife, such as hedgehogs to forage and nest in, and provide connectivity across these areas to allow continued dispersal within the post-developed site and to off-site habitats.
- Homeowner Information Packs (HIPs) will be distributed to new residents to raise awareness of wildlife and prevent residents from removing / blocking features provided within their new properties and recreational areas

**7.21** The application is also supported by a biodiversity lighting mitigation strategy which avoids illumination of new bat boxes, site boundaries and the retained trees on the site. The lighting strategy creates a dark corridor in the area of retained vegetation to the south of the site, with down facing lamps located adjacent to the houses at 1.7 metre height.

**7.22** The Council's ecological advisors have been consulted on this application and have been made aware of the concerns raised by residents, particularly regarding the potential impact on hedgehogs. The ecologists have reviewed the EMES and the biodiversity mitigation lighting strategy and have advised that these documents provide appropriate mitigation and enhancement for protected species and habitats. It is advised the lighting recommendations will ensure that bat foraging and roosting areas will remain unilluminated and therefore functional for bats. It is also advised the mitigation and compensation for hedgehogs is more than in other schemes which is welcomed.

**7.23** In conclusion, the Council's Ecological Advisors raise no objection subject to the imposition of conditions to secure the mitigation measures within the EMES. In addition, it is confirmed that it will be necessary for the applicant's ecologist to submit the bat mitigation licence to the planning authority to confirm that Natural England have granted the bat licence prior to any works proceeding. In light of the above, it is considered that the proposal is acceptable with regard to ecological impacts.

### ***Access and highway safety***

- 7.24** The NPPF sets out development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe. JCS Policy INF1 requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.
- 7.25** The vehicular access and parking arrangements are not altered in the current application and remain the same as the extant planning permission. The applicant is also not seeking and changes to the approved Construction Management Statement.
- 7.26** However, condition 14 of planning permission 20/00956/FUL requires the existing access serving 25 Paynes Pitch (from Paynes Pitch) to be permanently closed in accordance with details to be submitted prior to the occupation of the development to ensure vehicles can no longer use this access.
- 7.27** The submitted boundary treatment plans now show that this access will be closed off once the boundary fencing is erected. As such the applicant is seeking a variation in the condition so that the access is closed in accordance with the submitted boundary treatment plan.
- 7.28** The County Highways Authority have been consulted on the application and raise no objection to the variation of the condition. It is therefore considered that the application and variation of condition is acceptable in regard to access and highway safety.

### **Heritage Matters**

- 7.29** Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.30** Policy SD8 of the JCS states that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. The policy also states that: Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.
- 7.31** The Council's Conservation Officer was consulted on the extant permission and whilst the officer did not object to the application, the officer advised that whilst 25 Paynes Pitch was not a non-designated heritage asset, it is a historic building and as such a programme of archaeological building recording work including a Written Scheme of Investigation must be undertaken prior to the demolition of the building. This measure was secured by condition 18 of the extant planning permission.
- 7.32** A Historic Building Record and Written Scheme of Investigation has been submitted as part of the S73 application. The Conservation Officer has been consulted on the application and advises that level of Archaeological Building Recording is appropriate to comply with the condition. It is therefore not necessary to impose a condition requiring Archaeological Building Recording on the current application.

### ***Drainage and flood risk***

- 7.33** JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. This is reflected in Policy ENV2 of the Emerging TBP and the NPPF.
- 7.34** The site lies in Flood Zone 1 (lowest risk of flooding) as defined by the Environment Agency's most up-to-date flood risk maps, which comprises land assessed as having a less than 1 in 1000 annual probability of river or sea flooding (0.1%).
- 7.35** Condition 19 of the extant planning permission required the submission of a surface water drainage strategy prior to the commencement of building works. As part of the S73 application, the applicant has submitted a Drainage Strategy which advises that trial pits investigations have identified that the site is not suitable for soakaways but allow for some infiltration. Therefore flows from the site will be controlled by a flow control chamber limiting the flow rate of water during critical storm events. The maintenance of the attenuation system will be secured through the use of a management company.
- 7.36** The Council's Drainage officer has been consulted on the application and advises that the drainage strategy and proposed maintenance arrangements are acceptable. However, it is necessary to impose an amended planning pcondition to ensure the development is carried out and maintained in accordance with the submitted details.

## **8.0 CONCLUSION AND RECOMMENDATION**

- 8.1** The proposal is considered to conform with national and local planning policy as outline above. It is therefore recommended planning permission is granted

### **CONDITIONS:**

1. The works hereby permitted shall be begun before 14<sup>th</sup> October 2026.

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

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

- CS-20002 003 Rev PL10 Proposed Site Plan
- CS-20002 004 PL8 Boundary Enclosures Plan
- CS-20002 005 PL0 Proposed House Levels and Rear Garden Levels
- CS-20002 06 Rev PL6 Plot 1 Floor Plans and Elevations
- CS-20002 07 Rev PL6 Plot 2 Floor Plans and Elevations
- CS-20002 08 Rev PL6 Plot 3 Floor Plans and Elevations
- CS-20002 09 Rev PL6 Plot 4 Floor Plans and Elevations
- CS-20002 10 Rev PL6 Plot 5 Floor Plans and Elevations
- CS-20002 012 Rev PL5 Site Sections as Existing and Proposed
- CS-20003 014 Rev PL2 Site Sections
- CS-20002 13 Rev PL6 Street Scene as Proposed
- CS-20002 12 PL3 Materials Contact Sheet
- Drainage and Maintenance Strategy 21169 dated 10.12.2021

- 20151.502 Rev G Arboricultural Impact Assessment and Tree Protection Plan
- 20151.101 Rev C Landscape Proposals and Management Schedule
- Addendum to Arboricultural Survey, Impact Assessment and Protection Plan  
TPP\_V7\_Addendum

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

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

3. The external building materials and surface materials shall be constructed entirely of the material details which are shown in the following plans:

- CS-20002 003 Proposed Site Plan
- CS-20002 06 Rev PL6 Plot 1 Floor Plans and Elevations
- CS-20002 07 Rev PL6 Plot 2 Floor Plans and Elevations
- CS-20002 08 Rev PL6 Plot 3 Floor Plans and Elevations
- CS-20002 09 Rev PL6 Plot 4 Floor Plans and Elevations
- CS-20002 10 Rev PL6 Plot 5 Floor Plans and Elevations
- CS-20002 12 PL3 Materials Contact Sheet

Reason: In the interests of visual amenity.

4. Prior to the occupation of any dwelling hereby permitted, the finished floor levels and finished site levels shall be implemented strictly in accordance with:

- Proposed Levels Plan CS-20002 005 Rev PL0
- CS-20002 012 Rev PL5 Site Sections as Existing and Proposed
- CS-20002 014-PL2 Site Sections

Reason: In the interests of visual and residential amenity

5. Prior to the occupation of any dwelling hereby permitted all walls, fencing and other means of enclosure shall be implemented strictly in accordance with:

- CS-20002 004 PL8 Boundary Enclosures Plan

Reason: In the interests of residential and visual amenity.

6. The side facing first floor windows serving en-suites, bathrooms and stairways in all the dwellings hereby permitted shall, prior to occupation of the dwelling, be fitted with obscure glazing (minimum Pilkington Level 4 or equivalent) and be non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall thereafter be retained as such and not altered without the prior consent of the Local Planning Authority.

Reason: In the interests of residential amenity.

7. All planting comprised in the approved details Landscape Proposals and Management Schedule Drawing No. 20151.101 Rev C of tree/hedgerow planting shall be carried out in the first planting season following the occupation of any building or the completion of the development, whichever is the sooner. Any trees or hedgerows, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any trees or hedgerows fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year period.

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

8. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details specified in Drawing No 20151.502 Rev G and before any development including demolition, site clearance, materials delivery or erection of site buildings, starts on the site. The approved tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within any area fenced, unless agreed in writing with the local planning authority.

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

9. No removal of trees/scrub/hedgerows shall be carried out on site between 1st March and 31st August inclusive in any year, unless carried out in accordance with the approved Ecological Enhancement and Mitigation Strategy ref 2024 prepared by Focus Environmental Consultants dated January 2022, or otherwise approved in writing by the Local Planning Authority.

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

10. The areas of landscaping shall be managed in accordance with details provided in Landscape Proposals and Management Schedule Drawing No. 20151.101 Rev C.

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

11. The development shall be implemented fully in accordance with the recommendations, mitigations strategies, compensation and enhancement measures within the approved Ecological Enhancement and Mitigation Strategy ref 2024 prepared by Focus Environmental Consultants dated January 2022, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect biodiversity and protected species. This condition is required to be pre-commencement as there is potential for impact on wildlife upon commencement of development.



12. Prior to the occupation of any dwelling hereby permitted the external lighting shall be completed fully in accordance with the Biodiversity Lighting Mitigation Strategy ref 2021 prepared by Focus Environmental Consultants dated December 2021, unless otherwise agreed in writing by the Local Planning Authority. The approved lighting details shall thereafter be retained for the lifetime of the development.

Reason: To protect biodiversity and protected species and in the interests of residential amenity.

13. The vehicular access hereby permitted shall not be brought into use until the visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 15 metres to the east (left) measured 0.5m offset from carriageway edge and 17m to the west (Right) measured 0.5m offset from carriageway edge. The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason: In the interests of highway safety

14. No dwelling hereby permitted shall be occupied until the existing access from Paynes Pitch has been permanently closed in accordance with CS-20002 003 Rev PL10 Proposed Site Plan and - CS-20002 004 PL8 Boundary Enclosures Plan. The access shall remain permanently closed thereafter in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

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

Reason: To promote sustainable travel and healthy communities.

16. The dwellings hereby permitted shall not be occupied until the vehicular parking and turning facilities including driveways have been laid out and constructed in accordance with CS-20002 003 Rev PL10 with the area of driveway surfaced in bound material, and shall be drained so that no surface water flows onto the adjoining highway and shall be maintained thereafter.

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

17. The development, including any works of demolition, shall only take place in accordance with the submitted Demolition & Construction Method Statement received on 10th August 2021 and shall be adhered to throughout the construction period.

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

18. The development shall be carried out and maintained fully in accordance with Drainage and Maintenance Strategy 21169 prepared by Davidson Walsh dated 10.12.2021 and Drainage Maintenance Plan Letter prepared by Zesta Planning dated 27.01.2022.

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.

19. No dwelling hereby permitted shall be occupied until a management plan for the parcel of land enclosed by fencing to the north of the footpath between Dunstan Glen and Paynes Pitch has been submitted to and agreed in writing by the Local Planning Authority. The management plan shall include details of how the parcel of land will be managed in perpetuity. The on-going management of the parcel of land shall be carried out in accordance with the approved management plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area and 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. The applicant is advised that they will require the prior acquisition of a bat mitigation (development) licence and the bat licence will be required to be submitted to local planning authority prior to any works taking place.
3. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.
4. Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:
  - i. Drafting the Agreement
  - ii. A Monitoring Fee
  - iii. Approving the hghway details
  - iv. Inspecting the highway works

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

5. It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:

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

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principle contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

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

CEMP can include but is not limited to:

- A construction programme including phasing of works;
- 24 hour emergency contact number;
- Hours of operation;
- Expected number and type of vehicles accessing the site;
- Deliveries. waste. cranes. equipment. plant. works. visitors:
- Size of construction vehicles;
- The use of a consolidation operation or scheme for the delivery of materials and goods;
- Phasing of works;
- Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):
- Programming;
- Waste management;
- Construction methodology;
- Shared deliveries;
- Car sharing;
- Travel planning;
- Local workforce;
- Parking facilities for staff and visitors;
- On-site facilities;
- A scheme to encourage the use of public transport and cycling;
- Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residual roads;
- Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- Location for storage of plant/waste/construction materials;
- Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;

- Any necessary temporary traffic management measures;
- Measures to protect vulnerable road users (cyclists and pedestrians);
- Arrangements for temporary facilities for any bus stops or routes;
- Highway Condition survey;
- Method of preventing mud being carried onto the highway; and
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Rev	Description	Date	By
01	Issue for client for approval	15/07/20	JCD
02	Issue for client for approval	18/08/20	JCD
03	Household Waste Recycling Unit and fire tender for approval	29/08/20	JCD
04	Additional parking spaces landscaping added to site	29/08/20	JCD
05	Additional parking spaces landscaping added to site	29/08/20	JCD
06	Additional parking spaces landscaping added to site	29/08/20	JCD
07	Additional parking spaces landscaping added to site	29/08/20	JCD
08	Additional parking spaces landscaping added to site	29/08/20	JCD
09	Additional parking spaces landscaping added to site	29/08/20	JCD
10	Additional parking spaces landscaping added to site	29/08/20	JCD
11	Additional parking spaces landscaping added to site	29/08/20	JCD
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99	Additional parking spaces landscaping added to site	29/08/20	JCD
100	Additional parking spaces landscaping added to site	29/08/20	JCD

**Key**

- Proposed Native Planting
- Retained Planning
- Landscape areas to be turfed
- Landscape areas to be grass seeded
- HouseTypes For materials refer to Plot Specific Elevations
- Hot rolled asphalt road
- Hot rolled asphalt Footpath
- Permeable Herringbone Paving to be agreed
- 450x450 Paving slabs to be agreed
- Bin collection point
- Plot number
- Parking space
- Fence to be retained
- 1.8m Closeboard Fence
- 0.9m 5 Bar drawn railing fence
- 1.8m Closeboard Gate
- Site Boundary
- Development Boundary



Existing access to be permanently closed off once site construction has been completed and development has been signed off



**PLANNING**

Client:  
**Bondsgate Estates Ltd**  
19-9 Highnam Business Centre,  
Newent Road, Highnam,  
Gloucestershire, GL2 8DN

Project:  
**Former Dunstan Lodge**  
Dunstan Glen  
Churchdown  
Gloucestershire, GL3 2NR

Drawing Description:  
**Proposed Site Plan**

Scale	Sheet Size	Date
1:500	A3	15/07/20
Drawn by	Checked by	Revision
JCD	JM/JGBR	
Project No	Drawn No	Revision
CS-20002	003	PL10

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Rev	Description	Date	By
P1	Issued for client for approval	21/09/20	JCD
P2	Revised in accordance with planning authority advice	21/09/20	JCD
P3	Issued for planning	30/09/20	JCD
P4	Household waste storage unit removed from site	21/09/20	JCD
P5	Access gate added to north boundary, where space is available	21/09/20	JCD
P6	Boundary 7 treatment key updated to include	18/11/21	JCD
P7	Boundary 7 treatment key updated to include	18/11/21	JCD
P8	Access gate added to north boundary, where space is available	13/01/22	JCD
P9	Access gate added to north boundary, where space is available	13/01/22	JCD
P10	Access gate added to north boundary, where space is available	13/01/22	JCD
P11	Access gate added to north boundary, where space is available	13/01/22	JCD
P12	Access gate added to north boundary, where space is available	13/01/22	JCD
P13	Access gate added to north boundary, where space is available	13/01/22	JCD
P14	Access gate added to north boundary, where space is available	13/01/22	JCD

## PLANNING

Client:  
**Bondgate Estates Ltd**  
19 9 Highnam Business Centre,  
Newent Road, Highnam,  
Gloucestershire, GL2 8DN

Project:  
**Former Dunstan Lodge**  
Dunstan Glen  
Churchdown  
Gloucestershire, GL3 2NR

Drawing Description:  
**Boundary Enclosures Plan**

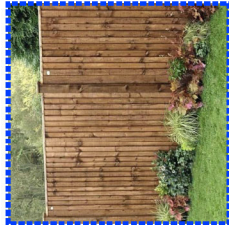
Scale	Sheet Size	Date
1:500	A3	15/07/20

Drawn by	Checked by
JCD	JM

Project No	Drawn No	Revision
CS-20002	004	PL8

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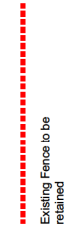
### Key



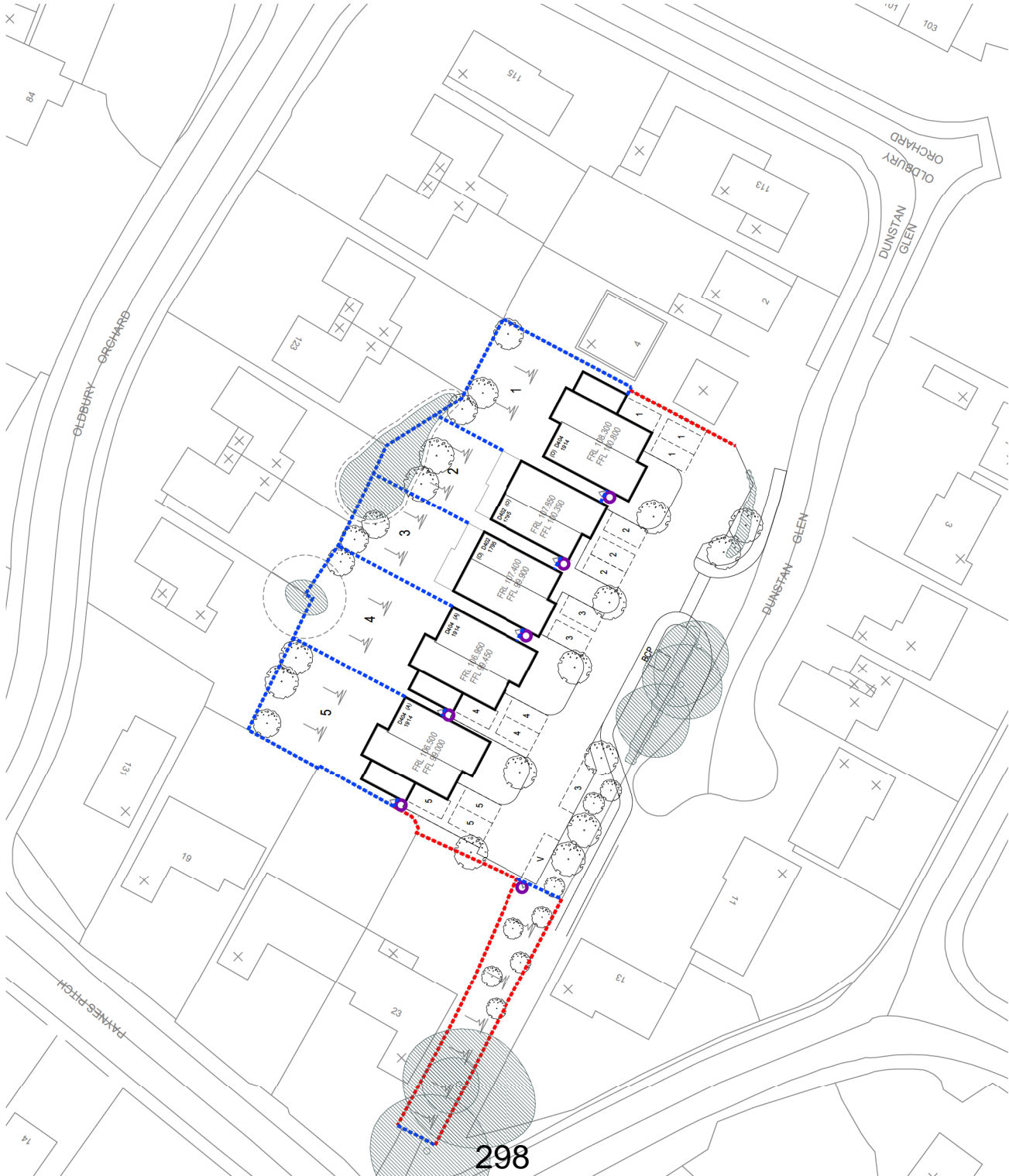
1.8m Closeboard Fence



1.8m Closeboard Gate

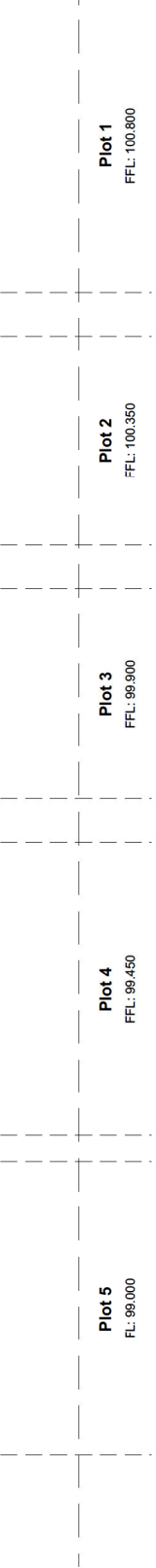


Existing Fence to be retained





Rev	Description	Date	By
01	Issue for Planning	07/10/20	NCR
02	Issue for Planning	08/03/21	JCD
03	Issue for Planning	21/05/21	JCD
04	Issue for Planning	08/10/21	JCD
05	Issue for Planning	18/10/21	JCD
06	Issue for Planning	19/11/21	JCD



Street Scene as Proposed - 1:100  
(North East)

**PLANNING**

Client:  
**BONDGATE ESTATES LTD**  
19.9 HIGHNAM BUSINESS CENTRE  
NEWENT ROAD, HIGHNAM  
GLOUCESTERSHIRE, GL2 8DN

Project:  
**HOUSING DEVELOPMENT AT  
FORMER DUSTAN LODGE**  
DUNSTAN GLEN, CHURCHDOWN  
GLOUCESTERSHIRE

Drawing Description  
**STREET SCENE  
AS PROPOSED**

Scale	Sheet Size	Date
AS NOTED	A1	AUG 2020

Drawn by	Checked by
NCR	JCD

Project No	Drawings	Revision
CS-20002	13	PL6

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## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	15 February 2022
<b>Site Location:</b>	Brookside Stables Cold Pool Lane Badgeworth
<b>Application No:</b>	21/00088/FUL
<b>Ward:</b>	Badgeworth
<b>Parish:</b>	Badgeworth
<b>Proposal:</b>	Variation of conditions 1 and 2 of planning permission ref: 16/01285/FUL to allow for the permanent use of site as a residential gypsy site for seven mobile homes and five touring caravans.
<b>Report by:</b>	Lisa Dixon
<b>Appendices:</b>	Site location plan Site layout & Detailed Landscape Proposals Plan
<b>Recommendation:</b>	Permit

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site relates to Brookside Stables, a temporary, residential gypsy site on the western side of Cold Pool Lane, Badgeworth. The site comprises 7 pitches, with a brick built day room, hardstandings, mobile homes and touring caravans, and ancillary structures and equipment. The site is accessed from Cold Pool Lane and a public footpath approaches to the east across fields, on the opposite side of Cold Pool Lane.
- 1.2 There is a brick wall to the roadside (east), with piers at the entrance to the site. The remainder of this boundary is defined by native hedgerow, with other boundaries generally comprising hedgerows.
- 1.3 The site is served by mains electricity and water and foul sewerage is disposed of by way of a septic tank and soakaway.
- 1.4 The site lies within Flood Zone 1, which is at lowest risk of Flooding, as defined by the EA's most up to date flood mapping. The site also lies wholly within the Green Belt and is not covered by any other designations.
- 1.5 The current proposal is submitted further to application ref: 16/01285/FUL, which sought a change of use of land to allow for permanent use as a residential gypsy site for 7 No. mobile homes and 5 No. touring caravans, together with associated works. The scheme was allowed on appeal in November 2018, following an Informal Hearing, but was restricted by the Inspector, to a temporary period of 4 years.



- 1.6** The current s.73 application seeks to vary conditions 1 and 2 of planning permission ref: 16/01285/FUL, to allow for permanent occupation of the site by the applicant and members of their extended family.
- 1.7** Condition 1 of allowed appeal ref: 16/01285/FUL, restricted the occupation of the site to named family members and their dependants, for a limited period of four years.
- 1.8** The proposal in its current form, seeks to retain the occupancy of the site for the family members listed within Condition 1 above, but to remove reference to the four-year limitation, in order to allow permanent occupation of the site.

**2.0 RELEVANT PLANNING HISTORY**

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
13/00992/FUL	Variation of Conditions 1 and 2 of planning permission ref: 13/00092/FUL to allow further 3-year temporary occupation of the site by the applicant and her extended family.	PER	12.11.2013
16/01285/FUL	Change of use of land to allow for permanent use as a residential Gypsy site for 7 No. Mobile homes and 5 No. Touring caravans and associated works – <b>Allowed on appeal on 27.11.2018 for a limited period of four years</b>	REF	20.07.2017
21/00088/FUL	Variation of conditions 1 and 2 of planning permission Ref: 16/01285/FUL to allow for the permanent use of site as a residential gypsy site for 7 No. mobile homes and 5 No. touring caravans		

**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)

Planning Policy for Traveller Sites (August 2015)

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

- Policy SD4 (Design Requirements)
- Policy SD5 (Green Belt)
- Policy SD6 (Landscape)
- Policy SD13 (Gypsies, Travellers and Travelling Showpeople)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk Management)
- Tewkesbury Borough Flood and Water Management SPD (March 2018)

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

No relevant policies

### **3.4 Tewkesbury Borough Plan 2011-2031 Submission Version (May 2020)**

- Policy GTTS1 (Site allocations for Gypsies and Travellers)
- Policy NAT1 (Biodiversity)
- Policy ENV2 (Flood Risk and Water Management)
- Policy RCN4 (Equine Facilities)
- Policy TRAC1 (Pedestrian Accessibility)

### **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** Badgeworth Parish Council – Recommend refusal on the following grounds;

1. The site lies within open countryside, within the Green Belt and is not well-served by footways, street lighting, public transport and remote from public services and facilities;

2. There is a substantial planning history relating to this site yet permanent planning approval has never been granted. Temporary planning approvals have always been granted in order to a. allow time for the planning authority to identify sufficient sites within the Borough area for gypsies and travellers and b. meet the specific human rights of the applicant and her family.

3. The Parish re-iterate previous comments made by Planning Inspectors, regarding the site's prominence and incongruity within the landscape and Green Belt and their overall conclusions regarding significant conflict with the aims of the Green Belt policy, and the harm resulting from the impact of the development on the landscape being a matter for further significant concern.

4. The site does not meet 2 i, ii, and iv of the JCS Policy SD 13 (these relate to ensuring that there is no unacceptable impact on the character and appearance of the landscape; that there is safe and satisfactory pedestrian access to the surrounding principal highway network; and that sites are in a suitable location in terms of access to local amenities).

5. In the light of the comments made above, the Parish Council recommends that this application be refused but that consideration could be given to a further temporary approval until a suitable permanent site is found. This would leave the Planning Authority in a position to determine that this site should no longer be used for gypsy/traveller caravans/mobile homes and some urgency be given to finding an alternative permanent site for the applicant.

#### **5.0 PUBLICITY AND REPRESENTATIONS**

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

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

**5.2** No letters of representation have been received.

#### **6.0 POLICY CONTEXT**

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

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

- 6.3** The Tewkesbury Borough Plan (TBP) has reached an advanced stage. The 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** JCS Policy SD13 advises that proposals for new permanent and temporary, residential and transit Gypsy, Traveller and Travelling Showpeople sites, should be assessed against a number of criteria, including impact on landscape character and appearance, safe and satisfactory vehicular and pedestrian access to the highway network, the absence of significant barriers to development in terms of flood risk, drainage, ground stability and proximity to hazards and access to local amenities, services and facilities. Policy SD13 takes a criteria-based approach to the assessment of new gypsy and traveller sites and does not make any site-specific provision for gypsies and travellers.
- 7.2** Policy GTTS1 of the emerging Borough Plan and its accompanying proposals map, sets out a number of proposed site allocations for the provision of Gypsy and Traveller accommodation. The policy provides that allocation of these sites is solely for the residential use of Gypsies and Travellers and only development ancillary to their residential use will be permitted.
- 7.3** Planning permission was granted on the Brookside Stables site, at appeal in 2008, for 4 Gypsy/Traveller pitches for a temporary period of 5 years. Subsequent temporary permissions allowed the use of the site as a 6-pitch Gypsy/Traveller site until November 2016.

- 7.4** The 2016 planning application (16/01285/FUL), sought permanent permission for 7 pitches on a larger area than previously permitted, to accommodate 7 mobile homes and 5 touring caravans, with spacing to meet site licence regulations.
- 7.5** The Appeal Inspector advised that the proposed use constituted inappropriate development in the Green Belt, which is harmful by definition. He therefore, noted the main issue to be, whether the harm by reason of inappropriateness, and any other harm, in this case in terms of Green Belt openness, the purposes of including land in the Green Belt, the effect on rural character and appearance, and site location relative to services and facilities, would be clearly outweighed by other considerations and if so, would this amount to the very special circumstances required to justify the development.
- 7.6** The Inspector noted that a demonstrable 5-year supply of specific deliverable sites, against the locally set targets, met the expectations of PPTS. However, despite this, at that time, there were no suitable and available alternative pitches within the Borough for the 7 households living on the appeal site. That there were no available sites for people who have lived in a local authority area for some years without a permanent pitch, and hence would have been included in any up-to-date needs assessment, was noted by the Inspector, to be particularly common where the supply relies upon private sites, as appeared to be the case of the appeal site. Hence, the Inspector reasoned that meeting the basic requirements of PPTS in terms of a numerical 5-year supply did not necessarily mean that there were sites available for those in need. The lack of sites, anywhere else, for the current occupants to move in the locality, along with the undersupply of traveller sites regionally and nationally, were matters to which the Inspector accorded substantial weight.
- 7.7** At the time of the 2016 appeal, the Gloucestershire Gypsy and Traveller Accommodation Assessment (GTAA) indicated that Tewkesbury Borough had an overall need for 78 gypsy/traveller pitches for the JCS plan period to 2031, made up of those who meet the PPTS definition, those who don't ('non-travelling households') and the 'unknown households. As such, there was a requirement at the time, for a further 58 pitches. To seek to address this shortfall, the emerging Borough Plan proposed to make site allocations and the TBP Preferred Options consultation published in October 2018, included Brookside Stables as one of only 4 identified sites for consideration, noting that no further site options were deemed to be available. The Inspector noted that this proposed allocation afforded substantial weight in favour of a temporary permission, having regard to the substantial disruption of the appellant and her extended family having to vacate a long-standing site that has been considered worthy of a temporary permission, whilst it remained under consideration.
- 7.8** On balance, having regard to the timetable for adoption of the TBP, the Inspector considered that a temporary permission for a period of 4 years was justified in the circumstances, the weight of material considerations being sufficient to clearly outweigh the time-limited harm and establish the very special circumstances necessary to accord with the development plan. In view of the weight attached to the occupiers personal circumstances, the Inspector restricted occupation of the site to the current occupiers and advised that, due to the personal restriction and the limited timeframe, a further condition restricting the use to Gypsies and Travellers would not be necessary.

- 7.9** Following the TBP: Preferred Options Revised Regulation 18 Consultation Sustainability Appraisal (SA), the Brookside Stables site was not taken forward by the Council, as a site allocation within the Pre-Submission version (Policy GTTS1). The SA summary for the site noted that there would be a potential for minor positive effects through the provision of pitches for gypsies and travellers, together with a positive effect on soils as there is no best and most versatile agricultural land present. Furthermore, no significant effects were found for traffic, air quality, flooding, biodiversity or cultural heritage. Major constraints for the site option were noted to include the lack of accessible services and facilities, employment opportunities, sustainable transport links and Public Open Space, with associated negative effects. The site option was noted to be entirely within the Green Belt, however, JCS and TBP policies were considered to reduce major negative effects to minor in this regard.
- 7.10** On the basis on the above SA analysis, the Council sought to remove Brookside Stables as a site allocation from the TBP- Pre-Submission Version.
- 7.11** As outlined within paragraph 6.3 above, the Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Examination in Public was held in February/March 2021 and the Inspector's post hearings Main Modifications letter was received on 16th June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'. As part of the Inspector's post hearings letter, he recommended the re-inclusion of Brookside Stables as a permanent site for the provision of Gypsy and Traveller accommodation (7 pitches) within Policy GTTS1 (Main Modification MM16).
- 7.12** The Borough Plan Inspector noted the overall requirement for the Borough to be 78 pitches for Gypsies and Travellers of which 20 are for those who either definitely or are likely to meet the definition. With 23 pitches granted permission since 2016 the PPTS requirement has already been met. However, 55 pitches still need to be provided, and in practice some of these will be for those meeting the definition. The Inspector advised *"following a call for sites and consideration of public land, the TBP as submitted includes allocations for a further 17 pitches , leaving 38 still to be identified in the period to 2031, a challenging figure."*
- 7.13** Furthermore, the Inspector made specific reference to the application site, noting *"one existing site providing seven pitches at Brookside Stables, Badgeworth, which has had a succession of temporary consents, has not been allocated despite meeting the site selection requirements for inclusion in the Preferred Options Consultation in 2018."*
- 7.14** The Inspector found the Council's reasons for excluding the site following that consultation, to be unconvincing and advised that the site should be allocated in the TBP, thus reducing the shortfall to 31 pitches, which would need to be met through planning applications assessed against the criteria in Policy SD13.
- 7.15** Following the examination hearings in early 2021 and in response to the Inspector's Post Hearing's letter, the Council prepared a schedule of Main Modifications to the plan. The Main Modifications were approved at the meeting of the Council on 20th October 2021 and published for consultation as required by the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 7.16** Main Modification (MM16) proposed the re-inclusion of Brookside Stables as a site allocation for the provision of 7 permanent Gypsy and Traveller pitches, in accordance with the Inspector's findings.

- 7.17 The consultation commenced on 1<sup>st</sup> November 2021 and ran until 4<sup>th</sup> January 2022, in order to seek views on the proposed Main Modifications only. The Main Mods consultation representations had recently been passed to the Inspector, for review, at the time of report writing and the Inspector's final conclusions on the Tewkesbury Borough Plan are awaited.
- 7.18 It should be noted that no representations were received in respect of MM16, relating to Policy GTTS1 and the inclusion of Brookside stables (7 pitches) as an allocated site.
- 7.19 Following the Inspector's deliberations on any responses received, the Council can expect to receive the Inspector's Report confirming the soundness of the plan subject to those MMs, within the next few weeks. In the meantime, the Council may attach significant weight to those aspects of the draft Local Plan which are not subject to public consultation, although all aspects of the Plan will have now carry some weight in decision-making.
- 7.20 The fact that no representations have been received in respect of MM16 is also pertinent in indicating the degree to which Policy GTTS1 will have unresolved objections.
- 7.21 In summary therefore, with regard to the principle of development, the re-inclusion by the Inspector of Brookside Stables as a Gypsy and Traveller site allocation, in order to make the Plan 'sound', together with the absence of objection to MM16, following the Main Mods consultation, provides a strong indication of the direction of travel for the Borough Plan.

Therefore, in light this, it is considered that the principle of use of the site as permanent accommodation of the applicant and her extended family, is acceptable.

### **Other Matters**

#### **Gypsy Status of the Applicant and her Family**

- 7.22 The definition of gypsies and travellers for the purposes of planning is set out in the PPTS.
- 7.23 At the time of the 2016 appeal, the Inspector advised that there was no dispute that the appellant and her extended family members who share the site, are Gypsies and Travellers for the purposes of Planning Policy for Traveller Sites (PPTS).
- 7.24 This has been further corroborated within the 2017 GTAA, whereby a total of 4 interviews with residents at Brookside Stables were undertaken, as set out in Table 26 of the GTAA Report. The GTAA notes that the family all met the PPTS planning definition and a need for 4 pitches was included in the GTAA as the site only had temporary planning permission at the time of the assessment.

#### **Personal Circumstances**

- 7.25 In dealing with the previous appeal the Inspector commented that the site's occupants were essentially a single extended family. A number of occupants had (and continue to have), *'significant health problems which can only be properly managed from a settled site, and in some instances, they rely heavily on others on the site for care and support. Extended family living together for mutual support is characteristic of the gypsy way of life, and the proposal would therefore be consistent with the Government's aim of facilitating the traditional and nomadic way of life of travellers.'*

**7.26** The supporting statement submitted in respect of the current application, advises that the family currently have no other lawful site to station their caravans, that the children currently attend local schools and that their education would be severely disrupted, were they to have no permanent base. The statement also details the ongoing severe health issues of several of the family members, which necessitates regular and easy access to health care services. Furthermore, the statement advises that several of these conditions necessitate the security, stability and sanitation facilities that can only be ensured by living at a settled base.

**7.27** The 2016 appeal Inspector concluded that the personal circumstances of the site occupants, their personal and group need for a settled site, the benefits of already established relations with the settled community from this particular site, the best interests of the many children on the site, and the likely serious adverse consequences of resorting to the roadside are matters which carried substantial weight in favour of the appeal.

### **Best interests of applicant's children**

**7.28** Under the UN Convention on the Rights of the Child (UNCRC), the best interests of any children affected by a decision are a primary consideration. Case law confirms that this means that, in any decision, no other consideration may be treated as inherently more weighty.

**7.29** The supporting statement notes there to be 3 children on site who currently attend school and since the previous 2016 application, 3 additional children have been born.

**7.30** In the previous appeal, the Inspector noted that having a settled base had enabled the occupants with health issues to manage their conditions and ensured that the children have a settled and consistent education, as well as having access to health and welfare resources, significantly enhancing their life prospects by comparison with a roadside existence. There can be no doubt that continuing to live within the extended family environment with all of the other advantages of a settled base is in the children's best interests. It was also considered noteworthy by the Inspector, that having lived on the site for many years the extended family had built up relations and connections with the local community.

**7.31** Poor access for travellers to health and education is one of the problems that PPTS seeks to address through the provision of settled bases that reduce the need for long-distance travelling, enable access to appropriate health services and that allow children to attend school on a regular basis. On this matter, the 2016 appeal Inspector reasoned that, in view of the lack of identifiable alternatives, it would be very likely that dismissing the appeal would lead to all of the households on the site having to resort to a roadside existence, with extremely negative consequences for the children.

**7.32** In conclusion, the Inspector found the personal circumstances of the site occupants, their personal and group need for a settled site, the benefits of already established relations with the settled community from this particular site, the best interests of the many children on the site, and the likely serious adverse consequences of resorting to the roadside, to be matters which carried substantial weight in favour of the appeal.



- 7.33** Officers acknowledge that it would clearly be in the best interests of all the children to reside in secure, suitable and lawful accommodation, which would allow proper access to education and medical services and would avoid the well documented hazards associated with unlawful encampments. The educational needs of the children would be best served by secure lawful accommodation in the local area.

### **Article 8**

- 7.34** The refusal of this application would undoubtedly result in the interference with the home and private life of the occupants of the site, especially since it may lead to the Council proceeding with enforcement action, (should a further temporary permission also subsequently, be refused), that would seek to secure the clearing of the site. It is quite possible that the effect would be to render the Applicant and her family homeless. However, it should be noted that Article 8 is not an absolute right and consideration with respect to Article 8 (above), must be balanced against any perceived harm caused by the development.

### **Green Belt**

- 7.35** As required by paragraph 148 of the NPPF and paragraphs 16 and 17 of the PPTS, substantial weight must be given to all the harms caused to the Green Belt (harm because the development is inappropriate development, harm caused to openness and conflict with one of its fundamental purposes and harm caused because the development was carried out intentionally). Inappropriate development should not be approved except in very special circumstances (paragraph 147 of the NPPF).

### **Effect on openness**

- 7.36** As set out at paragraph 148 of the NPPF, the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 7.37** In assessing the site during the 2016 appeal, the Inspector noted that, in terms of visual impact, the site had strong roadside hedgerows and was relatively well screened in its immediate vicinity, although it could be seen from the higher ground on Cold Pool Lane to the north. The Inspector considered that the scheme of landscaping proposed, would in time substantially mitigate the visual impact of the development. In conclusion, he noted that,
- “the moderate scale of the site, the improved and more spacious layout proposed and the existing and proposed planting would enable the proposed development to integrate satisfactorily with the surrounding landscape which includes other sporadic roadside development of similar scale along Cold Pool Lane.”*
- 7.38** Accordingly, he concluded that the harm to Green Belt openness would not have a significant visual dimension. However, the 2016 Inspector did note there to be the definitional harm due to inappropriateness in the Green Belt, loss of openness and encroachment on the countryside and reasoned that the case for a temporary permission would allow for any Green Belt harm to be time-limited and that a temporary permission would also enable the site to be fully assessed against the objectives of the emerging TBP in accordance with the approach to gypsy and traveller sites in the Green Belt advocated by national policy

- 7.39** The detailed landscape and layout proposals, approved under conditions discharge ref: 19/00013/CONDIS, appear to have been largely implemented and the site appears visually softened by mature more recent hedgerow planting.
- 7.40** It is commonly accepted that the openness of the Green Belt has a spatial aspect as well as visual aspect and that the absence of visual intrusion does not in itself mean that there is no impact on openness of the Green Belt. However, in assessing the site for its inclusion within the Preferred Options iteration of the Borough Plan, the Sustainability Appraisal (SA) of Site Options noted there to be no insurmountable constraints that could not be mitigated to prevent the site providing a sustainable option for meeting the accommodation needs of the Gypsy and Traveller community. Similarly, the Borough Plan Inspector, within his post-examination Hearing letter, found the Council's reasons for excluding the site to be unconvincing and identified no issues (Green Belt or otherwise), to indicate that the site should not be allocated in the TBP.
- 7.41** In light of the above, it is considered that refusal of the current s.73 proposal, on Green Belt grounds, could not be sustained.

#### **Other Matters**

- 7.42** In allowing the 2016 appeal, the Inspector sought to impose a number of planning conditions. A number of these conditions have been previously discharged under planning reference: 19/00013/CONDIS (Condition 4 – Site Layout and Detailed Landscaping Proposals; Condition 5 – External Lighting and Condition 6 – Details of Foul and Surface Water Drainage – Approved 09.04.2019. However, a number of conditions will be required to be re-imposed and/or re-worded, as part of the current s.73 proposal.

### **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 other material considerations.
- 8.2** The application site is an identified allocation for the provision of permanent Gypsy and Traveller accommodation, as included within the Main Modifications of the emerging Tewkesbury Borough Plan. In view of the progression of the Borough Plan, the stage it has now reached, ahead of formal adoption and the absence of objections raised with regard to MM16, within the Main Mods consultation, Policy GTTS1 is considered to carry substantial weight in the decision-making process.
- 8.3** The site is located within the Green Belt. Therefore, in accordance with paragraph 148 of the NPPF, there remains the requirement for very special circumstances (VSC) to be demonstrated, which would outweigh the potential harm to the Green Belt arising from the scheme, by reason of appropriateness. The VSC in this case are noted to be, the specific needs of the applicant and her family and the requirement for a settled base from which to access local health care provision; the best interests of children within the family and their need to regularly attend local schools and health facilities; and the fact that the site has now been included as a site allocation within the soon to be adopted Tewkesbury Borough Plan, for the provision of permanent accommodation for the Gypsy and Traveller community, as set out within Policy GTTS1. It is therefore, considered that very special circumstances exist in this case, which would outweigh Green Belt harm by reason of inappropriateness, in

accordance with NPPF paragraph 148.

### ***Benefits***

- 8.4 The existing occupiers have a personal need for a site and living as an extended family group is consistent with the aim of facilitating the traditional and nomadic way of life of travellers and would therefore, weigh in favour of the development.
- 8.5 Furthermore, the proposal would accord with emerging planning policy which seeks to secure appropriate permanent residential sites for members of the Gypsy and Traveller community.
- 8.6 The proposal would provide 7 permanent pitches which would help to reduce the existing shortfall in provision within the Borough.
- 8.7 In addition, the proposal would best meet the needs of the children currently living on the site and provide for a settled and secure environment, with easy access to local schools and healthcare.

### ***Harms***

- 8.8 In this case the definitional harm due to inappropriateness in the Green Belt, loss of openness and encroachment on the countryside contrary to a Green Belt purpose, is noted to weigh against the proposal, within the planning balance. However, it is considered that requiring adherence to the previously approved site layout/landscaping plan (19/00013/CONDIS) via planning condition, would aid in the mitigation of any perceived Green Belt harm.

### ***Neutral***

- 8.9 The impact of permanent use of the site, over and above the existing temporary permission, is considered to be neutral, with regard to highway safety, flood risk and drainage and residential amenity of the settled community matters.

### ***Overall conclusion***

- 8.10 In summary, on the basis of inclusion by the Inspector, of Brookside Stables, as a permanent site for the accommodation of Gypsies and Travellers, within Policy GTTS1 of the Borough Plan, together with the lack of objections received to MM16, following the Main Modifications consultation, it is considered that a clear policy direction has been given, for the permanent use of the site. It is also clear that the applicant and her extended family meet definition of Gypsies and Travellers, as set out within the PPTS. There would also be discernible benefits arising in respect of the best interests of the children and benefits to the wider family arising from secure, suitable and lawful accommodation, with access to education and medical services.
- 8.11 Overall, in view of the site's allocation within the Borough Plan, which is to be adopted imminently, together with the associated benefits arising from the provision of 7 permanent pitches, the application is recommended for **permission**.

## CONDITIONS:

1. The site shall not be occupied by any persons other than gypsies and travellers.

Reason: The development is permitted specifically in order to meet the needs of the Gypsy and Traveller community.

2. When the land ceases to be occupied by those outlined within condition 1 above, all caravans, buildings, structures, materials and equipment brought onto, or erected on the land, including the dayroom, or works undertaken to it in connection with the use shall be removed, and the land restored to its condition before the development took place.

Reason: The development is permitted specifically in order to meet the needs of the Gypsy and Traveller community, as set out within Condition 1 above.

3. The development hereby permitted shall be carried out, wholly in accordance with the following documents and retained as such thereafter:

- 1:2500 scale Site Location Plan - Drawing no: SAS16-SLP, submitted in respect of planning ref: 16/01285/FUL, received by the Local Planning Authority on 30 January 2017;
- Landscape Plan - drawing no: TDA.2238.03 Rev B, received by the Local Planning Authority on 21 March 2019 under conditions application ref: 19/00013/CONDIS.
- External Lighting Details set out within the submitted Planning Statement submitted and subsequently discharged under application ref: 19/00013/CONDIS, received by the Local Planning Authority on 4 February 2019;
- Foul and Surface Water Drainage Details, as set out within the submitted Planning Statement submitted and subsequently discharged under application ref: 19/00013/CONDIS received by the Local Planning Authority on 4 February 2019;

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.

4. No more than 12 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time, of which no more than 7 shall be a static caravan or mobile home.

Reason: To limit the impact on the openness of the Green Belt and the rural character and appearance of the area.

5. The day room on the site shall be used solely for purposes ancillary to the residential occupancy of the caravans on the site.

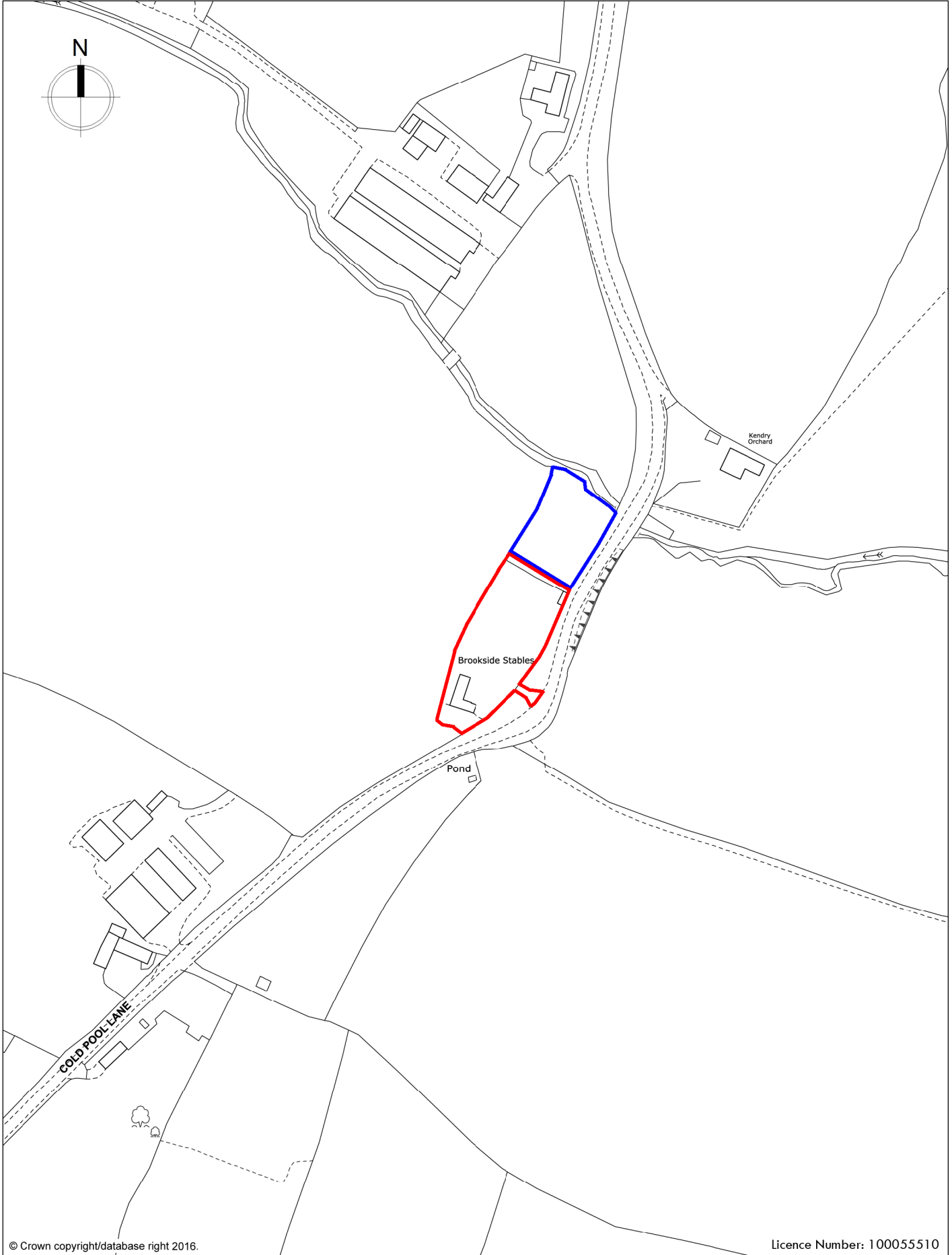
Reason: To prevent independent occupation of the building, in light of the inappropriateness of the site for unrestricted residential development.

6. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site and no commercial activities shall take place on the land, including the external storage of materials.

Reason: To minimise light pollution and to limit the impact on the openness of the Green Belt and rural landscape.

**INFORMATIVES:**

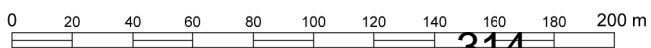
In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information received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



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Scale 1:2500 @ A4



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**SITE LOCATION PLAN**  
**Drawing No.: SAS16-SLP**  
**Loc.: X: 390909 Y: 219931**

**SOFT LANDSCAPE KEY:**

Existing trees/hedgerows to be retained  
(All existing trees/hedgerows to be protected in accordance with BS5837:2012 during construction operations on site.)

Existing highway verge retained

Existing paddock area retained

Proposed native understory buffer plantations  
(Refer to planting matrix for species / densities)

Proposed native tree planting  
(Refer to planting schedule for species / densities)

Proposed grass margins to buffer plantations

Existing/proposed gravel yard areas

Proposed 1.8m high hit & miss timber fence with 5 bar agricultural gate

**NOTES:**

**PROGRAMME OF LANDSCAPE IMPLEMENTATION**

All hard landscape works are to be completed within 12 months of Tewkesbury Borough Council's formal written approval of the landscape scheme shown on this drawing.

All soft landscape works are to be completed during the first available planting/seeding season following completion of the hard landscape works.

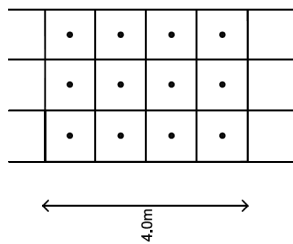
**REPLACEMENT PLANTING**

Following completion of the soft landscape works any trees and/or shrubs which are removed, die, become seriously damaged or diseased during the lifetime of the temporary permission shall be replaced with trees and/or shrubs of the same size and species unless agreed otherwise with Tewkesbury Borough Council.

**HARD LANDSCAPE KEY:**

**NATIVE BUFFER**

3.0m WIDE NATIVE UNDERSTOREY MIX



**KEY TO PLANTING MODULE:**

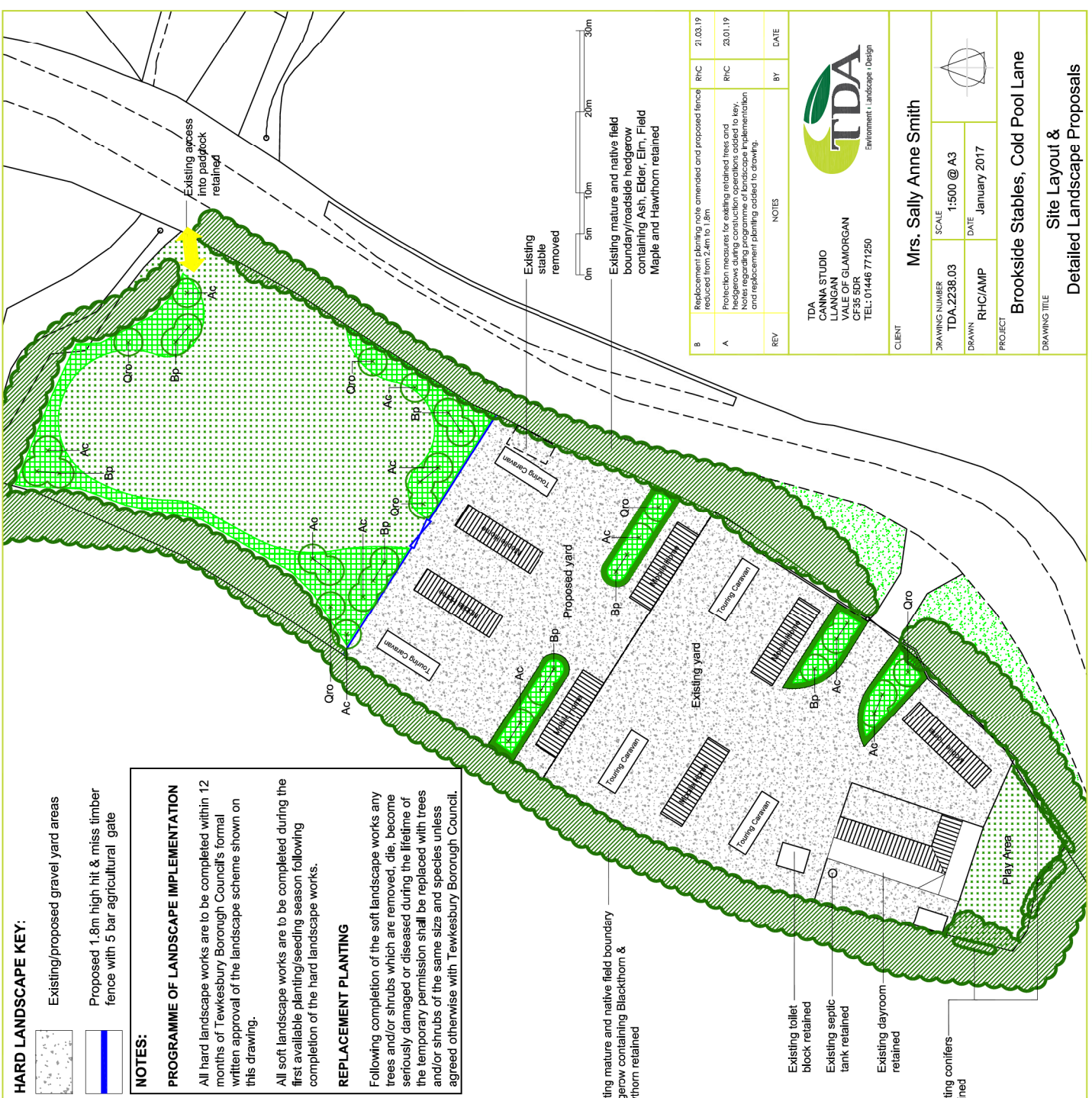
(TYPICAL 3.0m x 4.0m MODULE BASED ON 1.0m GRID)

**UNDERSTOREY MIX**

- *Cornus sanguinea* 60-80(h) BR (20%)
- *Corylus avellana* 60-80(h) BR (20%)
- *Craiagus monogyna* 60-80 BR(h) (25%)
- *Ilex aquifolium* CON+Pg (10%)
- *Prunus spinosa* 60-80(h) BR (25%)

**PLANT SCHEDULE**

NATIVE TREE PLANTING						
ABBRV	SPECIES	DENSITY	HEIGHT/GIRTH	ROOT COND.	POT SIZE	TOTAL
Ac	<i>Acor. campestre</i>	AS SHOWN	14-16 (G)	ROOT BALLED	-	-
Bp	<i>Betula pendula</i>	AS SHOWN	14-16 (G)	ROOT BALLED	-	-
Cr	<i>Quercus robur</i>	AS SHOWN	12-14 (G)	CON	-	-



REV	NOTES	BY	DATE
B	Reduction planting note amended and proposed fence reduced from 2.4m to 1.8m	RHC	21.03.19
A	Protection measures for existing retained trees and hedgerows to be added to the scheme. Note regarding programme of landscape implementation and replacement planting added to drawing.	RHC	23.01.19

**TDA**  
 CANNA STUDIO  
 LLANGAN  
 VALE OF GLAMORGAN  
 CF35 9DR  
 TEL: 01446 771280  
 Environment · Landscape · Design

CLIENT: Mrs. Sally Anne Smith  
 DRAWING NUMBER: TDA-2238.03  
 SCALE: 1:500 @ A3  
 DRAWN: RHC/AMP  
 DATE: January 2017  
 PROJECT: Brookside Stables, Cold Pool Lane  
 DRAWING TITLE: Site Layout & Detailed Landscape Proposals

## TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Planning Committee
<b>Date of Meeting:</b>	15 February 2022
<b>Subject:</b>	Current Appeals and Appeal Decisions Update
<b>Report of:</b>	Development Manager
<b>Lead Member:</b>	Lead Member for Built Environment
<b>Number of Appendices:</b>	1

<p><b>Executive Summary:</b> To inform Members of current planning and enforcement appeals and Department for Levelling Up, Housing and Communities appeal decisions issued.</p>
<p><b>Recommendation:</b> To <b>CONSIDER</b> the report.</p>
<p><b>Reasons for Recommendation:</b> To inform Members of recent appeal decisions.</p>

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



## 1.0 INTRODUCTION/BACKGROUND

1.1 At each Planning Committee meeting, Members are informed of current planning and enforcement appeals and Department for Levelling Up, Housing and Communities appeal decisions that have recently been issued.

## 2.0 APPEAL DECISIONS

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

<b>Application No</b>	PP-08488381
<b>Location</b>	35 Medway Crescent Brockworth Gloucester Gloucestershire GL3 4LE
<b>Proposal</b>	Erection of detached double garage and new access at the side
<b>Officer recommendation</b>	Refuse
<b>Decision type</b>	Delegated Decision
<b>PINS reference</b>	APP/G1630/D/21/3280742
<b>PINS decision</b>	Appeal Dismissed
<b>Reason</b>	<p>The main issues were the effect of the development on:</p> <ul style="list-style-type: none"><li>• the character and appearance of the existing dwelling and surrounding area; and</li><li>• the living conditions of the occupiers of 16 Ribble Close, having particular regard to outlook and light.</li></ul> <p><b>Character and Appearance of the existing dwelling and the surrounding area:</b></p> <p>The Inspector considered that the proposed garage would be substantial in scale, covering a similar footprint to the existing property and surrounding dwellings, and extending almost the full width of the rear garden. It would occupy much of the bottom half of the garden, with parking and turning areas to the front, leaving only limited garden space at the rear of the dwelling. Its substantial scale would be clearly larger than any other visible garden buildings, including a single garage building at the end of Avon Crescent. The combined width, depth and scale would be disproportionate to the size of the existing dwelling and garden area, resulting in a dominant and obtrusive form of development.</p> <p>The Inspector concluded that the proposal would be harmful to the character and appearance of the existing property and surrounding area. There is conflict with Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017) (JCS) and LP Policy HOU8, which, amongst other matters, require development to respect the character of the site and its surroundings. These policies are consistent with the National Planning Policy Framework (the Framework)</p>

	<p>which seeks to ensure that development is sympathetic to its context and to local character.</p> <p><b>The Living conditions of the occupiers of 16 Ribble Close</b></p> <p>The garage would sit in close proximity to the rear boundary with No 16 Ribble Close. Given the land levels, it would also sit on a slightly higher level.</p> <p>The occupiers of No. 16 currently have an outlook facing over the close boarded boundary fence across their rear gardens towards the appeal property. The Inspector considered that although the outlook would change with the development of the appeal proposal, he was satisfied that its single storey nature and four way pitched roof design of the garage would ensure that it would not be an overly prominent or intrusive feature in views from the garden area and would not be overbearing on the outlook from the rear of this property.</p> <p>Given the single storey nature of the garage building and the roof design, the garage would not materially affect the amount of light received by habitable rooms or the rear garden of No 16. The Inspector concluded that the proposed development would not be harmful to the living conditions of the occupiers of No 16 Ribble Close.</p> <p><b>Conclusion:</b></p> <p>The Inspector concluded that the proposal would be harmful to the character and appearance of the existing property and the area in conflict with the development plan. There are no other considerations, including the provisions of the Framework, which outweigh this finding. For the reasons given above and having had regard to all other matters raised the appeal was dismissed.</p>
<b>Date of appeal decision</b>	17.01.2022

<b>Application No</b>	19/00362/OUT
<b>Location</b>	Land Adjacent Puckrup Hall Puckrup Lane Twyning Tewkesbury Gloucestershire
<b>Proposal</b>	Outline application for the erection of 1 no. dwelling (all matters reserved).
<b>Officer recommendation</b>	Refuse Consent
<b>Decision type</b>	Delegated Decision
<b>PINS reference</b>	APP/G1630/W/21/3276325
<b>PINS decision</b>	Appeal Dismissed

<b>Reason</b>	<p>The proposal was for a single dwelling located outside of a defined settlement boundary.</p> <p>The main issues were whether or not the proposal may be assessed as for a replacement dwelling in the countryside; and whether or not the location of the proposed development is acceptable with regard to access to facilities.</p> <p>The Inspector noted that Policy GD1 of the Twynning Parish Neighbourhood Development Plan allows new dwellings in open countryside where they are a replacement for an existing dwelling, there being no net increase in housing as a result. The Inspector judged that the replacement of the static home would amount to a replacement dwelling under criterion a. of Policy GD1.</p> <p>However, the Inspector judged that the proposal could not reasonably be considered to infill existing built development under the terms of Policy SD10 of the JCS. Notwithstanding the lack of 5 year housing supply, the Inspector concluded that the, the benefit arising from one replacement dwelling would inevitably be very limited and harm would arise from reliance on travel by car from its future occupants. The Inspector set out that the adverse impacts of granting consent would significantly and demonstrably outweigh its benefits. Consequently, other material considerations in favour of the proposal do not justify taking a decision contrary to the development plan.</p>
<b>Date of appeal decision</b>	22.10.2021

<b>Application No</b>	21/00061/FUL
<b>Location</b>	1 Lypiatt Cottage Brockworth Road Churchdown Gloucester Gloucestershire GL3 2NH
<b>Proposal</b>	Erection of timber fence with gate to the front of the property (Retrospective)
<b>Officer recommendation</b>	Refuse
<b>Decision type</b>	Delegated Decision
<b>PINS reference</b>	APP/G1630/D/21/3284212
<b>PINS decision</b>	Appeal Dismissed

<p><b>Reason</b></p>	<p>The Inspector agrees with the Officer that none of the exceptions in the list of appropriate development within the NPPF relate to the retrospective fence and gate. As such the proposal represents inappropriate development in the Green Belt which is harmful by definition.</p> <p>The development comprises fencing and gates across the whole of the roadside frontage of the property. While not taller than the adjacent vegetation, the maximum height of the fence is in the region of 1.8m. Therefore, the appeal scheme has reduced the openness of the Green Belt in spatial terms.</p> <p>For the reasons set out in the Appeal decision and within the Officer's delegated report, the Inspector agrees that the scheme has reduced visual openness of the Green Belt as a result of the appearance of the tall solid timber structure in situ together with its prominence on the approach to the site either side. It is noted within the Appeal decision that the Inspector confirms that the scheme contrasts unfavourable with the surrounding frontage treatments.</p> <p>The Inspector acknowledges that the possibility to alter the colour of the development would reduce its prominence to some degree, however due to the proposals scale and form, it would stand out against 'the more natural and flowing appearance of the mature landscaping it is seen with'. The Inspector goes on to state that mitigation by planting would reduce the visual effects of the scheme but not the spatial ones and would take time to mature.</p> <p>Consequently, in both visual terms and spatial terms the development has reduced the openness of the Green Belt. Although the harm is small, this is contrary to the Framework where it states openness is an essential characteristic of the Green Belt.</p> <p>The Inspector summarises that the proposal has also led to a small degree of harm to the character and appearance of the area and agrees with the officer's second refusal reason relating to Policy HOU8 of the Local Plan, Policies SD4 and SD6 of the JCS, Policy RES10 of the PSTBLP and Policies CHIN2 and CHIN3 of the NDP.</p> <p>A number of very special circumstances have been detailed within the decision notice that the Inspector makes comments on which relate to the PD-fall back (1m in height), security and speed of road users. The Inspector concludes that the VCSs put forward do not amount to those that would outweigh the identified harms.</p>
<p><b>Date of appeal decision</b></p>	<p>07.01.2022</p>

- 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

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**Background Papers:** None

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

**Appendices:** Appendix 1: List of Appeals received

List of Appeals Received						
Reference	Address	Description	Start Date	Appeal Procedure	Appeal Officer	Statement Due
21/00435/FUL	Dawleys Caravan Site Owls End Lane Twyning	Erection of a replacement dwelling.	20.01.2022	W	JLL	

### Process Type

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