

12 September 2022

Committee	Planning
Date	Tuesday, 20 September 2022
Time of Meeting	10:00 am
Venue	Tewkesbury Borough Council Offices, Severn Room

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND

Agenda

1. ANNOUNCEMENTS

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

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

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.

3. DECLARATIONS OF INTEREST

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



	Item	Page(s)
4.	MINUTES	1 - 15
	To approve the Minutes of the meeting held on 16 August 2022.	
5.	DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL	
	(a) 22/00416/APP - Land off Rectory Close, Ashleworth	16 - 34
	PROPOSAL: Reserved matters application for 42 dwellings including access, layout, scale, appearance and landscaping pursuant to application 19/01227/OUT.	
	OFFICER RECOMMENDATION: Approve.	
	(b) 22/00774/PIP - Land off Ash Lane, Down Hatherley	35 - 46
	PROPOSAL: Planning in principle for the erection of four dwellings.	
	OFFICER RECOMMENDATION: Permit	
6.	CURRENT APPEALS AND APPEAL DECISIONS UPDATE	47 - 59
	To consider current planning and enforcement appeals and Department for Levelling Up, Housing and Communities appeal decisions.	

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

Councillors: K Berliner, R A Bird, G F Blackwell (Vice-Chair), R D East (Chair), M A Gore, D J Harwood, M L Jordan, E J MacTiernan, J R Mason, J P Mills, 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, 16 August 2022 commencing
at 10:00 am**

Present:

Chair
Vice Chair

Councillor R D East
Councillor G F Blackwell

and Councillors:

K Berliner, D J Harwood, M L Jordan, E J MacTiernan, J R Mason, J P Mills, J W Murphy
(Substitute for R A Bird), P W Ockelton, P E Smith, P D Surman, R J E Vines, M J Williams and
P N Workman

also present:

Councillor M G Sztymiak

PL.16 ANNOUNCEMENTS

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

PL.17 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 17.1 Apologies for absence were received from Councillor R A Bird, M A Gore, A S Reece, J K Smith and R J G Smith. Councillor J W Murphy would be a substitute for the meeting.

PL.18 DECLARATIONS OF INTEREST

- 18.1 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.
- 18.2 There were no declarations made on this occasion.

PL.19 MINUTES

- 19.1 The Minutes of the meeting held on 19 July 2022, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.20 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

- 20.1 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.

21/01036/FUL - Innsworth House Farm, Innsworth Lane, Innsworth

- 20.2 This application was for demolition of existing buildings and erection of 17 affordable homes and associated infrastructure. The Planning Committee had visited the application site on Friday 12 August 2022.
- 20.3 The Planning Officer advised that the application related to Innsworth House Farm which comprised a detached former farmhouse with a series of disused agricultural buildings to the rear. The site lay within the Joint Core Strategy Innsworth and Twigworth strategic allocation (for housing, employment and associated uses). Whilst the site was within the strategic allocation, it was excluded from the outline planning permission as it was not available for development at that time. The site measured approximately 0.36 hectares in area, lay within Flood Zone 1 - with the lowest probability of flooding – and backed onto the Taylor Wimpey development site. This application sought full planning permission for a 100% affordable housing scheme to provide 17 one, two and three bed dwellings including six apartments. As the site was within the strategic allocation, the principle of residential development in this location was considered acceptable. In terms of design, the proposal would provide a mix of housing, including semi-detached and terraced dwellings, which would be viewed as a continuation of the existing Taylor Wimpey frontage onto Innsworth Lane. The development would use an existing access point to the eastern part of the site which would be upgraded to provide access to the rear. This would also serve a three storey block of flats which would broadly reflect the flatted development at the Taylor Wimpey site to the north. The proposal provided a pedestrian and cycle link from the central part of the site to an adjoining footpath which ran along the western boundary of the site. It was recognised that the land immediately adjacent to the application site did not benefit from reserved matters approval; however, it was feasible for this land to be brought forward with regard to the current proposal. The County Highways Officer had raised no objections to the development and Members were advised that the existing bus stop was proposed to be relocated eastwards of its current position and would be secured through a Highways 278 agreement. The drainage scheme had been revised since the application had been submitted and it was now proposed that the development would discharge to the adjoining Taylor Wimpey site and associated Sustainable Urban Drainage System (SuDS) infrastructure; the Lead Local Flood Authority had raised no objections to that arrangement. Members were informed that the ecological appraisal had showed that the buildings on site had potential to be used by roosting bats. The Council's Ecologist had raised no objections to the redevelopment of the site subject to a condition to secure confirmation that the applicant had obtained an appropriate Natural England bat licence prior to commencing works. Overall, it was considered that the application broadly complied with the Joint Core Strategy Strategic Allocation Policy A1 and there were no other harms identified which would outweigh the benefits of the proposal, therefore, the Officer recommendation was delegated permit subject to the completion of a Section 106 Agreement to secure contributions set out in the Committee report and a further condition to confirm an appropriate European Protected Species (EPS) licence had been obtained before commencing works.

- 20.4 The Chair invited the applicant's agent to address the Committee. The applicant's agent thanked Officers for bringing the application before Members with a positive recommendation. He indicated that this was a straightforward application which would deliver 17 much-needed affordable homes for the borough and an agreement was already in place with a registered affordable housing provider to deliver the development. The applicant's agent advised he had worked closely with Officers to ensure the homes met a variety of needs – the development would provide wheelchair accessible, shared ownership and social rent homes and would contribute considerably towards the Council's assessed affordable housing need. As recognised within the Committee report, the site was within the Innsworth strategic allocation where the principle of development was deemed acceptable. Whilst no third party objections had been received in relation to the application, the applicant's agent noted that the Parish Council had raised concern in respect of the drainage. He understood the concern related to an overloaded storm water system to the south of the site at Rookery Road and he provided assurance that close working with the Lead Local Flood Authority had resulted in amendments to the scheme to avoid direct impacts on the storm system referenced by the Parish Council. The system for the proposed development would connect to the adjacent development and would run away from the problem area – this had been fully assessed with the adjacent developer to ensure there was enough capacity for the system which had been designed fully by qualified engineers and scrutinised by the Lead Local Flood Authority which raised no objection, subject to conditions. The applicant's agent felt it was important to be mindful that the site was already developed – it was not an undeveloped greenfield site, it was one where an impact already existed. This proposal had been thoroughly assessed by consultees, including County Highways which had raised no objection. Whilst delivering very significant affordable housing benefits for the area, the applicant had also agreed to financial education contribution that would support primary and secondary school enhancements. The development had been carefully considered and adjusted to meet design code and policy requirements; homes would meet relevant space standards and density would be consistent with the surrounding development. A direct link had been incorporated onto the adjoining footpath to the west to allow future residents to gain access to this network and the open space/adjoining uses that would provide beyond. The development gave a real opportunity to enhance the site through the removal of aged and dilapidated buildings, replacing them with much-needed affordable homes within a strategic allocation. The applicant's agent indicated it was 12 months to the day that this application was submitted and, with that and the Officer recommendation in mind, he hoped Members would feel able to support the scheme and allow the homes to be delivered.
- 20.5 The Chair indicated that the Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to the completion of a Section 106 Agreement to secure contributions set out in the Committee report and a further condition to confirm an appropriate European Protected Species (EPS) licence had been obtained before commencing works, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation. The proposer of the motion expressed the view that it was right this site was developed; however, he disagreed with some of the elements of the Committee report and points put forward by the applicant's agent. He sought clarification on whether the ground levels would be raised and indicated that the Site Wide Master Plan for the rest of the A1 strategic allocation was 750mm above existing level and the height of the road linking back to the site had been evident on the Planning Committee Site Visit. The Parish Council had raised concern regarding the proposed drainage which would link into the adjacent Taylor Wimpey scheme and he asked for clarification as to whether there was an agreement in

place to confirm that included rainwater run-off. It was his understanding that the A1 strategic site drainage would be at capacity once the housing had been built out. He suggested there was potential for a bat corridor for the wider strategic allocation and asked if that was something which could be considered. In terms of access, his preference would be to direct the road to run alongside and behind this development rather than coming out onto Innsworth Lane, which was still a 40mph zone, and he questioned why the access road could not go onto the main spine road for the A1 strategic site. In response, the Planning Officer advised that the site plan for the scheme showed that ground levels would accord with the Taylor Wimpey development to the left. In terms of drainage, the applicant had confirmed there was an agreement with Taylor Wimpey to connect into its system and Taylor Wimpey had confirmed there was sufficient capacity to take drainage from this site. The representative from the Lead Local Flood Authority advised that the SuDS for the Land North of Innsworth Lane included greenfield run-off from this site so this was the right place for the drainage to go. With regard to the bats and access, whilst there may be other solutions, Members needed to consider the proposal before them. The County Highways representative explained that a Traffic Regulation Order would reduce the speed limit from 40mph to 30mph. He could only comment on the application as set out which proposed a new access at this location – there was already access for this site as it had been developed but a road safety audit had been completed in respect of the current application and had not flagged any issues so County Highways was content with the access in the location proposed.

- 20.6 A Member asked whether the shared ownership housing would be at market or affordable homes rate and the Planning Officer indicated that he did not have that information to hand; however, he clarified that six of the dwellings would be social rent and five would be shared ownership and the Section 106 Agreement would be drafted to meet the requirements of the Council's Housing Enabling Officer. Another Member made reference to Page No. 40, Paragraph 7.23 of the Committee report which stated that the application was supported by a Transport Statement which set out that the site was within a sustainable location with a high level of walking, cycling and public transport movements – something which she disputed. She indicated that, whilst walking and cycling may take place for pleasure, in her opinion there was no way that people were walking and cycling to facilities such as supermarkets and schools. In terms of design, she sought clarification as to whether green features would be incorporated, such as electric vehicle charging points, solar panels etc. The Planning Officer confirmed that electric vehicle charging points would need to be provided and he explained that, in terms of future applications, this was included as part of the building regulation changes so would no longer be required under planning condition. In terms of connectivity, there was a corridor through the site onto a footpath to the west and there would be improved linkages back onto the main road and along the corridor. The County Highways representative advised that a walkable neighbourhood was defined as anything up to two kilometres and the Transport Statement for the application listed all of the facilities within that distance of the site which included a school, supermarket and other facilities which expected future occupants would make use of, as such, County Highways was satisfied it was in a sustainable location.

- 20.7 Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to the completion of a Section 106 Agreement to secure contributions set out in the Committee report and a further condition to confirm an appropriate European Protected Species (EPS) licence had been obtained before commencing works, in accordance with the Officer recommendation.

21/01384/OUT - Land West of Duddage Business Park, Brockridge Road, Twyning

- 20.8 This was an outline application for an extension to Duddage Manor Business Park for commercial development including Class E (office and light industrial), B2 (general industrial) and B8 (storage) and new access and associated infrastructure (all matters reserved for future consideration). The Planning Committee had visited the application site on Friday 12 August 2022.
- 20.9 The Planning Officer advised that the application site was located to the southern side of Brockridge Road and directly to the west of Duddage Business Park which was identified as a rural business centre. The site was also located approximately 380 metres west of the built-up area of Twyning which was a service village. The proposed site was approximately two hectares in area and the application was accompanied by an illustrative masterplan which showed how it could be laid out to provide 3,000 square metres of commercial floorspace, an access road from Brockridge Road and associated infrastructure. Tewkesbury Borough Plan Policy EMP2 set out that extensions to rural business centres, as identified on the policies map, would be supported in principle provided they were of an appropriate scale and design having regard to the existing buildings and rural landscape. Whilst the principle of development was considered acceptable and it would accord with Policy EMP5, it was noted that the proposal would exceed the indicated 0.42 hectare extension in the plan and would encroach into the field parcel; however, this would be outweighed by the economic benefits of delivering additional employment land in proximity to a Service Village and in the absence of any other identified harms. Although the development would be served by a separate access to the existing business park, the County Highways Officer had assessed the proposal and raised no objection to the arrangements. The Council's Conservation Officer had also assessed the proposal and confirmed it would not impact the setting of nearby listed buildings due to existing intervening development. The County Archaeologist had been consulted but their observations were awaited. The Officer recommendation was delegated permit, subject to no adverse observations being received from the County Archaeologist, the completion of a Section 106 Agreement as set out the Committee Report and any other conditions/amendment to conditions as required.
- 20.10 The Chair invited a representative from Twyning Parish Council to address the Committee. The Parish Council representative indicated that Policy EMP2 of the Tewkesbury Borough Plan allowed a 0.42 hectare extension to Duddage Business Park but this application would increase the size of the development by 300% to two hectares. The Parish Council questioned whether this was a rural business extension or a strategic employment scheme given that it would involve 3,000 square metres of warehousing with a requirement for the parking of 109 cars. Central to all such rural extensions and found in most of the acceptable policy documents was that the extension should be appropriate in size and scale and sensitive to its surroundings; the Parish Council felt this application failed in that regard and was contrary to Paragraph 85 of the National Planning Policy Framework, Policies SD1 and SD5 of the Joint Core Strategy, Policy EMP2 of the Tewkesbury Borough Plan and Policy E1 of the Twyning Neighbourhood Development Plan. In all regards, the requirement for the development was that it should be 'small scale' - the Parish Council did not consider two 5.6 metre and four 4.1 metre warehouses to be small scale. Furthermore, the Parish Council did not feel that a two hectare development with such large warehouses could be described as sensitive to the landscape, as such, it was contrary to Policy LAN2. In addition, the proposal would fail to deliver a biodiversity net gain and was contrary to Tewkesbury Borough Plan Policy NAT1. An additional 109 cars and Heavy Goods Vehicles (HGVs) led the Parish Council to conclude that, based on the proper application of local and national policy, the site must be considered unsustainable on transport and social inclusion terms. The Parish Council representative indicated

that the proposal was in breach of specific policies, including Policies SP2 and INF1 of the Joint Core Strategy, as well as the requirements set out in Chapter 9 of the National Planning Policy Framework, and failed to meet sustainability credentials required by Paragraph 83 of the National Planning Policy Framework. Given its remote location, there were no opportunities to promote walking and cycling, contrary to Paragraph 104 c) of the National Planning Policy Framework and there was no bus service. In assessing highway safety, the Parish Council was of the view that all of factors presented should be considered with regard to cumulative impact.

- 20.11 The Chair invited a local resident speaking in objection to the application to address the Committee. The local resident indicated that, following the Parish Council representation, he intended to limit his comments to two other aspects of the proposal. With regard to the environment, he felt that increasing the workforce by an estimated 100 people and their cars, together with a significant increase in HGV movements would have an adverse impact on the environment contrary to Paragraph 104 d) of the National Planning Policy Framework. Those limitations hardly generated a genuine choice of transport required by Paragraph 105 of the National Planning Policy Framework and would simply increase the carbon footprint with a significant rise in the number of vehicles accessing the village. The local resident indicated that the fact this was a rural location did not absolve responsibility of decision-makers to assess the impact on the environment. In relation to flooding, the local resident trusted that Members had read the Lead Local Flood Authority's submission on the application and he expressed the view that it said everything there was to know about the viability of the site in terms of its water management strategy – in his view, it was lacking any sensible plan and could not explain where the surface and foul water could legally go. The local resident agreed completely with the conclusion of the Lead Local Flood Authority that the application lacked the fundamental basis for a workable solution to water management. One example was the proposed use of a Klargest BioDisc to process sewage; the proposed solution of dumping the water in the 'pond' was contrary to generally binding rules. He felt the problem with outline applications was that matters of detail were often missing and, in this case, the solutions identified did not conform to the Lead Local Flood Authority requirements. Members had been provided with pictorial evidence of overland flooding on Bockeridge Road, giving witness to a fast-moving stream running into the village and entering the foul sewer with dramatic effect at the network weak points. Adding to this overland flow would inevitably make an already bad situation a lot worse. As a consequence, the applicant had not demonstrated that surface and foul water could be satisfactorily handled and the likelihood was that it would inevitably lead to flooding elsewhere. As such, it was contrary to Paragraph 167 of the National Planning Policy Framework, Policy INF2 of the Joint Core Strategy, Policy ENV2 of the Tewkesbury Borough Plan and Policy GD7 of the Twyning Neighbourhood Development Plan. The local resident asked the Committee to support these conclusions and refuse the application.
- 20.12 The Chair invited the applicant's agent to address the Committee. The applicant's agent advised that the application had been advanced following the allocation of the majority of the site within the Tewkesbury Borough Plan as a rural business centre extension to the Duddage Business Park under Policy EMP2. The site was located on the edge of the Twyning service village and within close proximity of the M5/M50 interchange where this site, together with the nearby Bockeridge Business Centre, had the potential to provide a strategically important business location that was excellently served by the motorway network. The extensive Borough Plan evidence base, together the unconstrained nature of the area, had identified this was the right location to help meet the aspirational employment land needs of the Joint Core Strategy and its allocation was fully supported by the Borough Plan Inspector. The application was submitted in outline form but included detailed illustrative information including a Site Masterplan and a Design and Access Statement; these

set out a series of design parameters that would guide future reserved matters applications. As concluded by Officers, the information showed the development would reflect the character, scale, height and layout of the existing business park, together with high quality new landscaping. As set out by Officers, the development would not give rise to any material landscape or visual impact and the site was unaffected by any landscape or environmental designations. In terms of transport matters, County Highways was satisfied that the site access arrangements were acceptable. The location of the site access complied with highway safety and visibility standards with the detail of the junction to be secured through future reserved matters applications as was always the case. Generous car parking was also included within the application site but more could be provided in the reserved matters applications if necessary. County Highways had requested the provision of a footpath along the Bockeridge Road to link the site to wider services and facilities within the village and the applicant had demonstrated there was sufficient space along Bockeridge Road, within public ownership, to secure that. As such, County Highways had confirmed that matter could be adequately controlled by condition. The applicant's agent pointed out that additional information in relation to drainage had been provided since the original Lead Local Flood Authority response. Some reference had been made by locals to the fact the site was a bit larger than the plan allocation but the applicant's agent advised that was largely to ensure that the development included substantial areas of landscape planting, SuDS attenuation and biodiversity, all of which could not be secured on the smaller site. As such, this ensured the best development possible which ought to be the priority and had been recognised by Officers. The applicant's agent believed Officers had got the recommendation right and he urged Members to support delegated permission which would go a long way to meeting the expectations of employment land allocations in the Joint Core Strategy and Borough Plan.

- 20.13 The Chair invited a local Ward Member for the application to address the Committee. The local Ward Member indicated that the recently adopted Tewkesbury Borough Plan included a 0.42 hectare extension of the site yet this application was almost five times that size at over two hectares which was in conflict with the plan. Furthermore, this was pitched as an extension of the existing business park but the indicative plan showed it had a separate access, only a few metres away from the existing entrance, and was not connected to the existing site at all. In his view, this was not joined-up planning or design, it was something that was not envisaged by the Tewkesbury Borough Plan and looked stupid, poorly designed and confusing. If Tewkesbury Borough Council was a plan-led authority then it should stick to the lower expansion size and a single access that served the whole business park as one joined-up entity. As such, he urged Members to refuse the application.
- 20.14 The Chair indicated that the Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to no adverse observations being received from the County Archaeologist, the completion of a Section 106 Agreement as set out the Committee Report and any other conditions/amendment to conditions as required, and he sought a motion from the floor. It was proposed and seconded that the application be refused on the basis that it did not accord with the recently adopted Tewkesbury Borough Plan which was very specific about what was appropriate for this location. The proposer of the motion had no issue with reasonable development but he was of the view that Tewkesbury Borough Council needed to be a plan-led authority and should not be pushed around by developers. He felt it would be very poor planning to create an additional entrance so close the entrance to the existing business park, particularly with HGVs utilising the site. In his opinion, Twynning had been under attack due to its service village status and needed to be protected. The seconder of the motion pointed out that the size, scale and access had been agreed by the Inspector when considering the Tewkesbury Borough Plan and he felt Members would be crazy to

go against that less than four months after adoption. Having been on the Planning Committee Site Visit, it seemed there was no definite boundary which made no sense to him. If this proposal was in accordance with the Borough Plan with a single access which extended to the new development, the Committee would have no choice but to permit the application; however, that was not the case and he urged Members to refuse it on that basis. A Member recognised that the main reason for refusal appeared to be that the proposal did not accord with the Tewkesbury Borough Plan; however, the Officer recommendation was delegated permit so he asked for an explanation as to why Officers felt that was appropriate. In response, the Development Manager clarified that, when assessing applications, Officers were required to take everything into account and make a recommendation based on the planning balance – the planning balance in this case had led to a recommendation of delegated permit but that did not dilute the policies of the Tewkesbury Borough Plan.

- 20.15 During the debate which ensued, a Member expressed the view that the application should be permitted as, in his view, the economic benefits outweighed any concerns. He considered it was a fantastic location for businesses given the proximity to the M50 motorway, as demonstrated by the existing business park, and he felt that the authority should be supportive of business. Whilst this was a larger proposal than the allocation in the Tewkesbury Borough Plan, he felt that may have resulted in a more confined site whereas this gave greater scope to create something more workable with additional benefits for the business community. Another Member indicated that concern had previously been raised as to whether the sewage and infrastructure in Twyning could cope with new development and she felt it was important to be certain the facilities were sufficient prior to planning permission being granted which would put additional strain onto an already creaking system. A Member indicated he could not support the motion to refuse the application. He had attended the Planning Committee Site Visit and could see no problem with an additional access – this may even be preferable in his view. Tewkesbury Borough was growing at an alarming rate and he felt there was a need to provide employment opportunities within the areas where people lived so they could work closer to their homes and not have to travel to Cheltenham or Gloucester. He felt the site was in a preferred location, given its road linkages to the M5/M50 motorways, and was well-designed.
- 20.16 A Member pointed out that it had taken a number of years for the Tewkesbury Borough Plan to be developed and adopted and, whilst she understood the Development Manager's comments about the planning balance, she was keen to know why Officers had come to their decision in terms of the planning balance in this instance. The Legal Adviser explained that Policy EMP2 of the Tewkesbury Borough Plan needed to be read as a whole. It stated that "*New development proposals at Rural Business Centres, including redevelopment, intensification and extensions, will be supported providing that they are of an appropriate scale and design having regard to the character of existing buildings on the site and the rural landscape of the area. Proposals for the proportionate, small-scale expansion of Rural Business Centres may be considered where they satisfy the criteria at Policy EMP5*" and went on to refer to sites allocated as rural business centres which included 13.7 hectares of new allocation – Duddage Manor Business Park was one of the allocations listed for extension but, taking the policy as a whole, it was not restricted to the figure stated within the plan. The Member felt that "small-scale" could be interpreted in different ways – in her view, the proposal before the Committee was not small-scale and she did not agree with the Officer recommendation. The Planning Officer pointed out that Paragraph 81 of the National Planning Policy Framework placed significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development, and Paragraph 85 stated that planning policies and decisions should recognise that sites to meet local business

and community needs in rural areas may have to be found adjacent, or beyond, existing settlements and in locations not well-served by public transport - there was a drive within the National Planning Policy Framework to promote economic development and rural areas were considered appropriate locations in the planning balance for employment use. There was a judgement to be made in relation to the current application which proposed a 3,000 square metre extension which was larger than the indicative area within the Tewkesbury Borough Plan but had additional infrastructure such as green spaces and landscaping. The plans with the application put forward two types of buildings with large buildings to reflect the business park to the right and smaller start up units on the other part of the site which would aid the transition into the open countryside. The application was in outline at this point so the detailed design proposals were not available but it was conceivable that an appropriate design would be brought forward which would fit in with the rural landscape. In the planning balance, the benefits of the scheme were considered to outweigh the harm of the exceeding extension figure included in the Tewkesbury Borough Plan.

- 20.17 A Member asked why a separate access was proposed given that it was supposed to be an extension to the existing business park and the Planning Officer advised there was no requirement in the policy which stated that an additional extension should be accessed through the existing access and no harm had been identified in relation to having two accesses in place. It was noted that the existing access was in separate ownership but that was not a consideration for the Committee.
- 20.18 The proposer of the motion to refuse the application stressed he was not anti-business or anti-growth and he would be supportive of a small and robust increase to the existing business park; what did not make sense, in his view, was that the site proposed exceeded the size of the extension outlined within the Tewkesbury Borough Plan so he believed the application should be refused. The Tewkesbury Borough Plan had been drawn up on the basis of what was considered appropriate and he questioned what the point was in having this plan if proposals outside of those parameters were permitted. The seconder of the motion reiterated the significant amount of time that had been spent by Members, and the Inspector, in bringing the Tewkesbury Borough Plan forward for adoption and he felt its policies needed to be supported. The proposer of the motion clarified that he was proposing that the application be refused on the grounds of its size and scale and the access. The Legal Adviser explained that refusal on the basis of the access could not be substantiated based on the advice that had been given and there was no policy requirement to use the existing access. The seconder of the motion raised concern that the policy map within the Tewkesbury Borough Plan clearly showed a single existing access and the Legal Adviser clarified that plan was simply outlining the location of the rural centre – the plan contained no requirement in respect of access.
- 20.19 Upon being put to the vote, the motion to refuse the application fell. It was subsequently proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation. A Member expressed the view that permitting the application would open the floodgates to developers and he could not support the motion. Another Member indicated that a planning application had recently been permitted for 100 houses on a site in Winchcombe which had been allocated in the Tewkesbury Borough Plan for up to 80 houses so, by that logic, the plan had already been thrown away. He also made reference to the fact that the authority would be opening itself up to costs being awarded against it on appeal if refusal reasons could not be substantiated. Upon being taken to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to no adverse observations being received from the County Archaeologist, the completion of a Section 106 Agreement as set out the Committee Report and any other conditions/amendment to conditions as required, in accordance with the Officer recommendation.

21/01282/OUT - Land Adjacent Greenacres, Hillend, Twyning

- 20.20 This was an outline application for the erection of five dwellings with access from Greenacres with all other matters reserved. The application had been deferred at the Planning Committee meeting on 19 July 2022 in order for appropriate action to be taken in respect of the claim that a badger sett was within the site and to allow for a full drainage report to be provided.
- 20.21 The Planning Officer advised that the raft of drainage information that had been submitted by the applicant was still being assessed. Furthermore, the applicant was instructing an ecologist to investigate the claim that there may be a new badger sett within the site and a report was awaited. As such, the Officer recommendation was to defer the application.
- 20.22 The Chair indicated that the Officer recommendation was to defer the application to allow Officers to assess the drainage information provided by the applicant and pending the outcome of the investigation as to whether there was a badger sett within the site and he sought a motion from the floor. It was proposed and seconded that the application be deferred in accordance with the Officer recommendation and, upon being put to the vote, it was

RESOLVED That the application be **DEFERRED** to allow Officers to assess the drainage information provided by the applicant and pending the outcome of the investigation as to whether there was a badger sett within the site in accordance with the Officer recommendation.

22/00470/FUL - Astmans Farm, Lassington Lane, Highnam

- 20.23 This application was for demolition of existing porch and erection of a conservatory to the front elevation.
- 20.24 The Planning Officer advised that the application required a Committee determination as the applicant was a Tewkesbury Borough Councillor. The building was considered to be a non-designated heritage asset and within the setting of a listed building. As set out in the Officer's report, the proposal was of an appropriate size and design and was in keeping with the character and appearance of the property. The proposal was not considered to result in undue harm to the residential amenity of neighbouring occupants, or to have an unacceptable impact on the non-designated heritage asset or the setting of the listed buildings. As such, it was recommended that the application be permitted, subject to the conditions outlined within the Committee report.
- 20.25 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being put to the vote, it was

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

PL.21 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

21.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 115-119. Members were asked to consider the current planning and enforcement appeals received and the Department for Levelling Up, Housing and Communities appeal decisions issued.

21.2 Accordingly, it was

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

The meeting closed at 11:04 am

Appendix 1

ADDITIONAL REPRESENTATIONS SHEET

Date: 16 August 2022

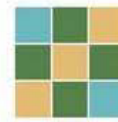
The following is a list of the additional representations received since the Planning Committee Agenda was published and includes background papers received up to and including the Monday before the meeting.

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

Agenda Item No.	
5a	<p>21/01036/FUL</p> <p>Innsworth House Farm, Innsworth Lane, Innsworth</p> <p>Innsworth Parish Council has objected on the grounds that stormwater going into Rookery Rd drainage system will cause overload and flooding already exists at the lower point in Rookery Road.</p> <p>The applicant has responded advising that <i>“it would appear the parish have assessed the previous drainage strategy for the site which originally proposed to connect to the STW surface water sewer system to the south of the site... the drainage strategy has been revised since then and will now connect into the adjacent Taylor Wimpey development, which ultimately directs flows to the north with an eventual outfall to the Hatherley Brook. Therefore, the latest drainage proposal will not add to any existing flooding problems on Rookery Road to the south of the site”</i>.</p> <p>A copy of the details is attached to this report.</p> <p>The recommendation remains as set out the Committee report.</p>
5c	<p>21/01282/OUT</p> <p>Land Adjacent Greenacres, Hillend, Twyning</p> <p>The submitted drainage information is still being assessed by the Council's Drainage Officer.</p> <p>The applicant has instructed an Ecologist to investigate reports of a new badger sett at the site; the results of this are awaited.</p> <p>In view of the outstanding information, it is recommended that this application is DEFERRED.</p>

5a - 21/01036/FUL - Innsworth House Farm, Innsworth Lane, Innsworth

Innsworth House Farm, Innsworth
 Lantar Developments Ltd
 TN004 – Response to council drainage Officer
 CTP-21-0335
 20th July 2022



COTSWOLD
 TRANSPORT
 PLANNING

1 Introduction

- 1.1 Cotswold Transport Planning (CTP) provide expert Transport Planning, Highways, Infrastructure and Flood Risk consultancy services throughout the UK.
- 1.2 CTP were appointed by Lantar Developments Ltd to provide drainage consultancy in support of planning application 21/01036/FUL.
- 1.3 Gloucestershire County Council drainage officer (David Lesser) provided further objection comments and this Technical note (TN004) will address the Council comments.

2 Gloucestershire County Council comments – 20th July 2022 (David Lesser)

I can only remove my objection when a drainage proposal comes forward that shows surface water being discharged within the catchment it lands.

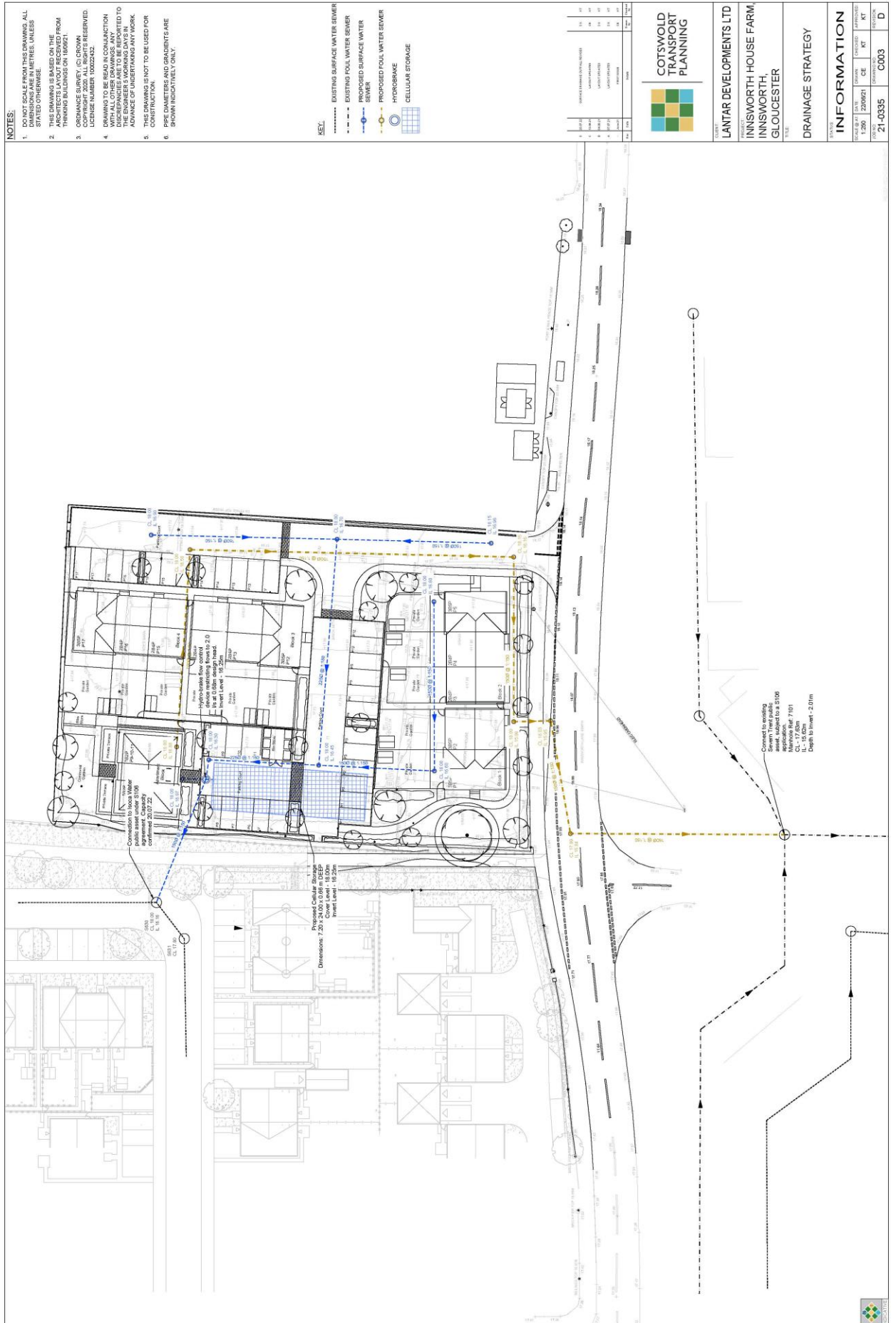
I need to see a drainage strategy that shows surface water being discharged through the Wimpey site and not elsewhere.

3 Consultants Response

- 3.1 The LLFA have confirmed the current standing objection relates to the surface water discharge across existing catchments and the requirement for an alternative strategy. They have also stated the Council will only accept the strategy if the discharge is specifically through the Taylor Wimpey (TW) land to the west of the subject site.
- 3.2 Although the LLFA have stated the adjacent TW drainage already has capacity for our development the TW drainage engineer has confirmed this is not the case and specific modelling would be required to confirm if the TW site can cater for the proposed 2 l/s discharge rate
- 3.3 TW confirmed capacity and point of connection on 20th July 2022 and this information has been forwarded to the Council planning officer.
- 3.4 Refer to **Appendix A** for revised drainage strategy, incorporating surface water connection to the TW site asset.

APPENDIX A





TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	20 September 2022
Site Location:	Land off Rectory Close Ashleworth
Application No:	22/00416/APP
Ward:	Highnam With Haw Bridge
Parish:	Ashleworth
Proposal:	Reserved matters application for 42 dwellings including access, layout, scale, appearance and landscaping pursuant to application 19/01227/OUT.
Report by:	Bob Ristic
Appendices:	Site location plan Site layout/landscape plan Street scenes 5 x House type plans (Selection)
Recommendation:	Approve
Reason for referral to committee:	Reserved Matters application for the erection of more than 20 dwellings

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located immediately adjacent to the recently completed housing development at Rectory Close which is accessed from Nup End/Lawn Road in Ashleworth (**see attached site location plan**). The site comprises part of an agricultural field and is currently accessed from thorough Rectory Close via an existing farm track.
- 1.2 A public right of way runs through the eastern part of the site beyond which are several existing dwellings and a sheet metal fabrication business within the village.
- 1.3 The site boundaries are generally formed by mature hedgerows and trees with open countryside beyond to the south and west and the site presently comprises a grassed agricultural field.
- 1.4 Outline planning permission (with all matters reserved) was granted in March 2022 for the erection of up to 42 dwellings, including 40% affordable housing and associated infrastructure.
- 1.5 This application seeks approval of all reserved matters, namely Access, Appearance, Layout, Scale and Landscaping pursuant to the outline consent.

- 1.6** The reserved matters proposal would provide 42 dwellings which would be broadly laid out in 'horseshoe' arrangement which would connect to the eastern and western end of Rectory Close. The proposal would provide an area of public open space to the south eastern corner of the site along with an attenuation basin and landscaping throughout the site.
- 1.7** The application is also supported by details in respect of Conditions 4 – Housing Mix Statement, 5 – Levels, 6 – Boundary Treatments, 7 – Materials, 8 Surface treatments, 9 – Noise, 10 – Tree Retention & Protection, 14 – Vehicular Parking & Turning which were a requirement of the outline planning permission to inform the consideration of any subsequent reserved matters application.
- 1.8** The proposed development would require the existing public right of way to be re-routed through the site and this is subject of a separate application.
- 1.9** While details in respect of several other conditions have also been submitted with this application, these have not been considered at this time and would need to be formally discharged through a separate 'Approval of Conditions' application.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
19/01227/OUT	Outline application for up to 42 dwellings including access and associated works (layout, scale, appearance and landscaping to be reserved for future consideration)	CONSENT	24.03.2022
17/00783/APP	Application for the approval of reserved matters (appearance, landscaping, layout, and scale) pursuant to outline planning application no.15/00965/OUT as allowed under appeal no.APP/G1630/W/16/3150236 for the erection of 35 dwellings.	APPROVED	14.12.2017
15/00965/OUT	Development of up to 35 dwellings on land off Nup End, Ashleworth with all matters except for "access" reserved for future consideration. Appeal	REFUSED ALLOWED	24.12.2015 08.09.2016

3.0 RELEVANT POLICY

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

3.1 National guidance

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

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

- 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 INF6 (Infrastructure Delivery)
- Policy INF7 (Developer Contributions)

3.3 Tewkesbury Borough Local Plan to 2011-2031 (TBPL) June 2022

- Policy RES3 (New Housing Outside Settlement Boundaries)
- Policy RES5 (New Housing Development)
- Policy RES12 (Affordable Housing)
- Policy RES13 (Housing Mix)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy ENV2 (Flood Risk and Water Management)
- Policy TRAC1 (Pedestrian Accessibility)
- Policy TRAC2 (Cycle Network and Infrastructure)
- Policy TRAC9 (Parking Provision)

3.4 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

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

4.2 Ashleworth Parish Council – No comments

Strategic Housing and Enabling Officer – No objections

Gloucestershire Highways – No objections

National highways – No objections

Lead Local Flood Authority – No objections

Environmental Health Officer – No objections

Tree Officer – No objections

Gloucestershire Minerals & Waste – No objections

Gloucestershire Public rights of Way Officer – Works to the PROW will need to be agreed

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1** Full copies of all the representation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>
- 5.2** The application has been publicised through the posting of a site notice for a period of 21 days and the immediate neighbours notified directly by letter.
- 5.3** No public representations 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 2011 to 2031 (2022) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 6.3** The Tewkesbury Borough Plan 2011-2031 (TBP) was adopted at a special meeting of full Council on 8 June 2022. It is therefore now part of the Development Plan and policies therein afforded full weight.
- 6.4** The relevant plan policies in the consideration of this application 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

Principle of development

- 7.1** The principle of residential development at the site has been established through the grant of outline planning permission and this remains extant.

Layout, appearance and scale

- 7.2** Paragraph 126 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. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable in communities.
- 7.3** Policy SD4 of the JCS advises that new development should respond positively to and respect the character of the site and its surroundings, enhance local distinctiveness and the grain of the locality. Policy INF3 states that where green infrastructure assets are created, retained or replaced within a scheme they should be properly integrated into the design and contribute to local character and distinctiveness.

- 7.4 Policy RES5 of the TBLP states that proposals should be of a design and layout that respects the character, appearance and amenity of the surrounding area and are capable of being integrated within it.
- 7.5 The reserved matters application is supported by a Compliance Statement and Design and Access Statement which demonstrates how the application accords with the principles set out at the outline stage and how the design of the development has evolved and would respect the character of the application site and surrounding area.
- 7.6 The proposal would be accessed from Rectory Close, a recent development delivered by the present applicant. The proposed development would be laid out as a continuation of the existing development with a principal estate road which would connect to either end of Rectory Road, forming a 'horseshoe' route through. The main estate road would in turn serve several secondary short cul-de-sacs and private drives extending from it.
- 7.7 The proposal has been designed as an extension to the existing phase 1 development and would broadly reflect the existing house types, designs and scale of existing properties. Furthermore, the submitted details set out a materials palette which would principally comprise of red brick, which would be interspersed with a small number of rendered properties and render details. The roofing material would comprise a mix of red and grey coloured 'duo plan' tiles which would reflect the adjoining development and traditional materials within the wider village.
- 7.8 The application has also been accompanied by details in respect of Conditions 5 – Levels, 6 – Boundary Treatments, 7 – Materials, 8 - Surface Treatments, which were required to be submitted as part of the reserved matters application, these details have been assessed and are considered acceptable.
- 7.9 Accordingly, it is considered that the proposal would result in a development with an acceptable appearance layout and scale which, subject to compliance with conditions would result in a high quality and harmonious development which would integrate with existing properties at Rectory close and compliment the character of the village as a whole.

Access and highway safety

- 7.10 The proposed development would be accessed from the existing residential development at Rectory Close. The principal access road would extend from the existing estate road, linking to the eastern and western ends of the existing estate. The proposal would provide 42 dwellings which would be served by 75 allocated parking spaces, 23 garage spaces. A further 8 visitor spaces would also be provided.
- 7.11 The submitted details have been assessed by the County Highways Officer who has confirmed that the proposed parking levels would conform with the guidelines set out in Manual for Gloucestershire Streets Addendum October 2021. The Officer also notes that while garage spaces are provided these are excluded from car parking calculations as these could be converted in the future. Nevertheless the provided parking arrangements are considered acceptable.
- 7.12 In terms of the proposed layout, the Officer advises the proposed design and layout would be acceptable and would address the guidelines set out in Manual for Gloucestershire Streets. The Officer notes that the proposal does not provide designated cycle infrastructure however this is not considered necessary given the likely limited vehicle speeds within the development.

- 7.13** The Officer has requested conditions to secure a Construction Management Plan and electric vehicle charging. These conditions are not considered necessary as they are already present on the Outline Consent (Conditions 12 and 16).
- 7.14** Notwithstanding the submitted drawings which indicate the provision of electric vehicle charging points to a selection of dwellings it should be noted that the Condition 16 requires the provision of charging points to all dwellings prior to first occupation and would need to be compiled with during the construction phase.
- 7.15** In view of the above, it is considered that the proposal would provide safe and suitable access and that there would be no unacceptable impact on highway safety or a severe impact on congestion.

Trees, Landscaping and Open Space

- 7.16** JCS Policy SD6 seeks to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. All applications will consider the landscape and visual sensitivity of the area in which they are to be located and which they may affect. JCS Policy SD4 (iv) requires the design of open space and landscaped areas to be of a high-quality design, providing a clear structure and constitute an integral and cohesive element of the design. JCS Policy INF3 states that existing green infrastructure will be protected in a manner which reflects its contribution to ecosystem services.
- 7.17** The application has been accompanied by a detailed landscaping strategy and arboricultural report containing tree protection measures which are required to be submitted as part of this reserved matters application under Condition 10 of the outline planning consent.
- 7.18** The submitted landscaping scheme proposes the retention of the substantial shrub and tree belt to the western part of the site (save for a small area which would be cleared to the north western corner to accommodate the development) and the retention of existing hedgerow planting to the southern and eastern parts of the site. The built development would be set away from the site boundaries and areas up to the housing would be planted with a wildflower meadow mix to provide a buffer between the development and the existing green infrastructure.
- 7.19** An area of open space would be provided to the south-eastern part of the site which would also accommodate a pond with aquatic planting, wetland meadow mix along with amenity grass and a belt of new trees.
- 7.20** The northern edge of the development, adjoining the rear gardens of properties at Rectory Close would provide an ecological corridor which would be planted with a native shrub mix and a new tree belt.
- 7.21** Within the development the proposal would provide hedgerow and shrub planting with on plot tree planting forming an avenue through the development.
- 7.22** The submitted details have been assessed by the Council's Landscape Adviser who has confirmed that the proposed details are acceptable. Furthermore, the Council's Tree Officer has confirmed that the submitted tree protection measures are acceptable.
- 7.23** It is considered that the proposed landscaping is appropriate and would provide a high-quality appearance to the development which would accord with Policies SD4, SD6 and INF3 of the JCS.

Existing and future residential amenity

- 7.24** Policy SD4 (iii) requires that new development should enhance comfort, convenience and enjoyment through the assessment of the opportunities for light, privacy and external space, and the avoidance of mitigation of potential disturbance, including visual intrusion, noise, smell and pollution. Policy SD14 further requires that new development must cause no harm to local amenity, including the amenity of neighbouring occupiers.
- 7.25** The proposed development would be set away from the site boundaries and nearby development. It is considered that as a result of the design and layout and separation distances there would be no undue impact on the residential amenity of existing residents.
- 7.26** In terms of the proposed layout itself, the dwellings would all have acceptable levels of outdoor amenity space and would not be unacceptably overlooked by adjacent units. Furthermore, there would be sufficient back-to-back distances between the proposed units, which would ensure good standards of amenity are achieved and maintained for future occupiers.
- 7.27** While the principle of a residential development at the site has been established, Condition 9 of the outline planning consent required a noise assessment and where necessary noise mitigation measures to be provided to the proposed dwellings given the proximity of the development to an existing industrial enterprise within the village.
- 7.28** The application has been supported by an Acoustic Assessment to assess potential noise impacts upon the development from a nearby industrial enterprise as required by Condition 9 of the outline planning permission. The findings of the report have been assessed by the Council's Environmental Health officer who has confirmed that there would be demonstrable harm to the living conditions of future occupiers of the development from this potential noise source.
- 7.29** For the reasons set out above, it is considered that the development would provide acceptable living conditions for existing and future occupiers and would accord with policies SD4 and SD14 of the JCS.

Housing mix

- 7.30** Condition 4 of the outline planning permission requires details of the number and size of dwellings to be provided at reserved matters stage. 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 circa 8% of new dwellings should be one bedroom properties, with 19% having two bedrooms, 49% containing three bedrooms and 24% having four bedrooms or more.

- 7.32** The application proposes 6 No.1 bed properties (14.3%) 12 no.2 bed Properties (28.6%), 15 no.3 bed properties (35.7%) and 9 no. 4 bed properties (21.4%). While the proposed mix would provide fewer 3 and 4 bed properties this would result in an increase in the smaller, more affordable units. This mix has been supported by evidence gathered from local estate agents in respect of specific local demand for the area.
- 7.33** On balance is considered the mix of housing proposed would be appropriate and would comply with the requirements of Policy SD11 of the JCS.

Affordable housing

- 7.34** Policy SD12 of the JCS sets out that outside of the Strategic Allocations a minimum requirement of 40% affordable housing will be sought on developments. It follows that where possible, affordable housing should be provided on site and be seamlessly integrated and distributed throughout the development. Affordable housing must also have regard to the requirements of Policy SD11 concerning type, mix, size and tenure.
- 7.35** The provision of not less than 40% affordable housing for the site was secured at outline stage through a Section 106 Agreement, along with the required house sizes and tenure split.
- 7.36** The proposal would provide 17 affordable dwellings (40%) and the affordable mix would provide:
- 7.37** 4 no. 1 bedroom maisonettes, 1 no. 2 bedroom bungalow, 6 no. 2 bedroom houses, 5 no. 3 bedroom houses and 1 no. 4 bedroom house. Of this, approximately 70% would be affordable rented and 30% would be shared ownership.
- 7.38** The Housing Enabling Officer (HEO) has been consulted and is satisfied with the affordable housing provision and it is considered that this provision would accord with Policies SD11 and SD12 of the JCS.

Other Matters

- 7.39** The applicant has submitted details in respect of Outline Conditions 17, 19, 20, 21 and 22 which cannot be discharged at this time and would need to be considered under a separate Approval of Conditions Application and have not been assessed at this time.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1** Considering the details discussed above, it is concluded that the proposal would accord with the outline consent and parameters therein and the proposed development would be acceptable in terms of access, layout, scale, appearance and landscaping.
- 8.2** A timeline Condition for the implementation of the development is not required as this is set out in Condition 3 of the outline planning permission.
- 8.3** The application is therefore recommended for **Approval** subject to the conditions set out below:

CONDITIONS:

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

Architectural Drawings

Location Plan - 20379/1000A
Street Elevations AA & BB - 20379/3600 Rev C
Planning Layout - 20379/5000 Rev AF
Materials, Hard Surfacing & Boundary Strategy - 20379/5010 Rev M
Affordable Strategy - 20379/5011 Rev G
Storey Heights Strategy - 20379/5012 Rev E
Parking & Cycling Strategy - 20379/5013 Rev F

Housetype Drawings

Axminster V1 - 2B.3P.843 - 20379/6000.1 Rev G
Axminster V2 – Flexi. Accom - 20379/6000.2 Rev D
Sherston V1 - 3B.5P.1034 - 20379/6001.1 Rev F
Sherston V2 - 3B.5P.1034 - 20379/6001.2 Rev A
Dyrham - 3B.5P.1167 - 20379/6002 Rev E
Alderton - 4B.7P.1511 - 20379/6003 Rev D
Banbury V1 - 4B.7P.1533 - 20379/6004.1 Rev E
Banbury V2 - 4B.7P.1533 - 20379/6004.2 Rev E
HA APT- 1B.2P.601_741 - 20379/6010 Rev D
HA - 2B.4P_V1 886 - 20379/6011.1 Rev E
HA - 2B.4P_V2 886 - 20379/6011.2 Rev E
HA - 3B.5P_V1 1018 - 20379/6012.1 Rev E
HA - 3B.5P_V2 1018 - 20379/6012.2 Rev D
HA - 4B.6P.1138 - 20379/6013 Rev F
HA - Bung M4(3)_2B.3P.852 - 20379/6014 Rev F
Single Garage V1 & V2 - 20379/6201 Rev A
Single Plus Garage - 20379/6202 Rev A
Double Garage V1 & V2 - 20379/6203 Rev A
Single & Double Garage - 20379/6205 Rev A
Substation 20379/6210
Materials Palette - 20379_Materials Palette
Ashleworth Compliance Statement - 20379/FINAL Rev I

Engineering Drawings

Vehicle Access Assessment - Sheet 1 - 499-PH2-3405-01 Rev P02
Vehicle Access Assessment - Sheet 2 - 499-PH2-3405-02 Rev P02
Drainage, Highway & Engineering Statement - 499-RP-001 Rev P02
Transport Statement Technical Note - 001 Version 1.0

Landscaping Drawings

Tree Retention and Removal - 132-003 Rev G
Landscape Plan RMA - 132-008 Rev F
Illustrative Landscape Plan - 132-010 Rev E
Landscape Strategy for RMA - 132-ID-102 Rev G
Planting Plan 1 of 2 - 132-201 Rev H
Planting Plan 2 of 2 - 132-202 Rev G
Landscape Details - 132-401 Rev B
Landscape Details - Tree Pit - 132-402 Rev A

Other Drawings / Documents

Acoustic Assessment - 8236.201222.L1 - Signed

Lawn Road, Ashleworth, Ecological Appraisal 22-10-2019 - eg19903

Housing Mix Statement - Ashleworth II - Rev B

Ashleworth II_Site Setup - 088-181

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

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

2. The Development hereby approved shall not be occupied until the access, parking and turning facilities serving that individual building to the nearest public highway has been provided in broad accordance with drawing nos.499-PH2-3050-01 Rev P03 and 20379_5013 F.

Reason: To ensure conformity with submitted details and to ensure safe and suitable access.

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.

Works on the Public Highway

2. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

- Drafting the Agreement
- A Monitoring Fee
- Approving the highway details
- Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.


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.
4. Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk. You will be required to pay fees to cover the Council's costs in undertaking the following actions:
 - Drafting the Agreement
 - Set up costs
 - Approving the highway details
 - Inspecting the highway works

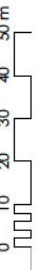
You should enter into discussions with statutory undertakers as soon as possible to coordinate the laying of services under any new highways to be adopted by the Highway Authority.

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.

5. 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@gloucestershire.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 programme of Temporary Traffic Management measures to be agreed.
6. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.



Key
 Application boundary



A Red line boundary adjusted.
 Amendments

PLANNING

Job No/Drawing No	Job Title
20379/1000A	Ashleworth - Phase 2
Scale	Drawing Title
1:1250	Location Plan
@ A3	
All Dimensions to be checked on site	
OS Licence No. -	
padDesign Ltd - The Tobacco Factory - Bilton 853 11P - Tel: 0117 953039P - www.pad-design.com	



PLANNING ARCHITECTURE URBAN DESIGN
 www.pad-design.com

10/6/22
 By
 Date

KEY:

	Trees and vegetation to be retained
	Trees and vegetation to be removed. Refer to Tree Retention and Removal Plans for further information.
	Proposed trees. Refer to planting plans for further information.
	Proposed feature shrubs. Refer to planting plans for further information.
	Proposed hedging. Refer to planting plans for further information.
	Ecological corridor with native hedge planting
	Shrub planting in private plots
	Mown amenity grass in infrastructure areas
	Amenity grass in private plots
	Shrub planting in infrastructure areas
	Wildflower Meadow Mix in infrastructure areas
	Bulbs in infrastructure areas
	Wildflower Meadow Mix within stormwater attenuation basin
	Marginal planting in stormwater attenuation basin
	Aquatic planting in stormwater attenuation basin

	Roads and Driveways Asphalt
	Public Footpath Asphalt
	Driveway Block paving
	Private Foreway Block paving
	Pavement Concrete flag paving
	Footpath Gravel
	Walling to prominent plot boundaries 1.5m high timber walling
	Fencing to rear gardens 1.5m high Timber Condo Board
	Fencing to front gardens 1.2m high Metal Gates Railings. Back
	Knee Rail Pressure treated timber
	Footpath Hoggin with timber edging
	Realigned Public Right of Way
	Previous Public Right of Way alignment

ECOLOGICAL ENHANCEMENTS (Note 2):

- Aspen, alder and other native species to be incorporated at the proposed SUDS attenuation basin in the southeast corner.
- Minimum 30 bat boxes (bat bricks) incorporated into new buildings, with a further 10 bat boxes on mature trees at south/west hedgerow.
- Minimum 30 bird boxes installed at new buildings and mature trees at south/west hedgerow.
- 5 dormouse boxes on west boundary hedgerow.
- Reptile hibernaculum in the southeast corner retained habitat.
- Inset hibernaculum to be included in landscape design in the southeast corner.
- Hedging high ways incorporated at walls and perimeter fences to maintain habitat connectivity and facilitate movement of hedgehogs through the site.

NOTES:

- Refer to drawings 132-201 and 202 for further information on planting proposals.
- Refer to the Landscape and Ecology Management Plan (LEMP) an Construction Ecological Management Plan (CEMP) prepared by Englin for further information on ecological enhancements, including the location of ecological enhancements inductively. Exact location to be agreed on site with ecologist.



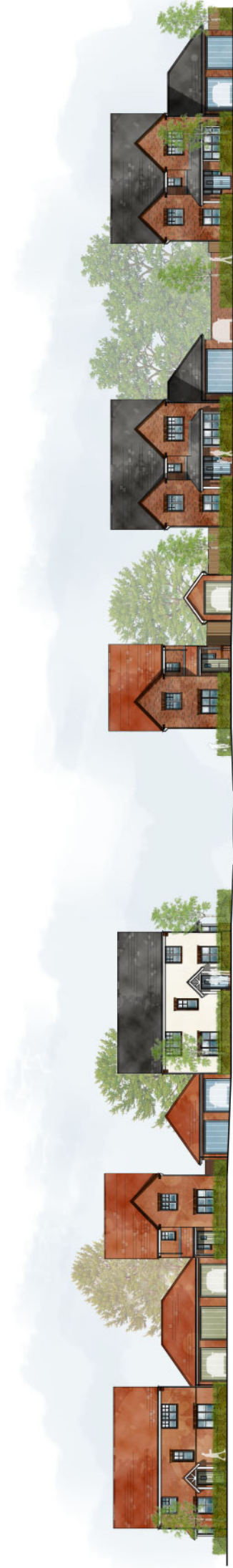
Rev	Note	Date
1	1st Issue	25.01.2021
A	Minor amendments	28.01.2021
B	Minor amendments	09.02.2021
C	RMA updates	27.08.2021
D	Minor amendments	17.09.2021
E	Minor amendments	19.10.2021
F	Minor amendments	30.08.2022

GREENHALGH
 Landscape Architecture
 Phase 2
 Ashleworth
 Landscape Plan
 RMA
 132-008_F

Date 12-01-2021 Drawn by GJ
 Scale 1:500@A1 Checked by JG



ASHLEWORTH - STREET ELEVATIONS AA & BB

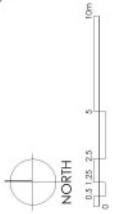


STREET ELEVATION AA

29



STREET ELEVATION BB



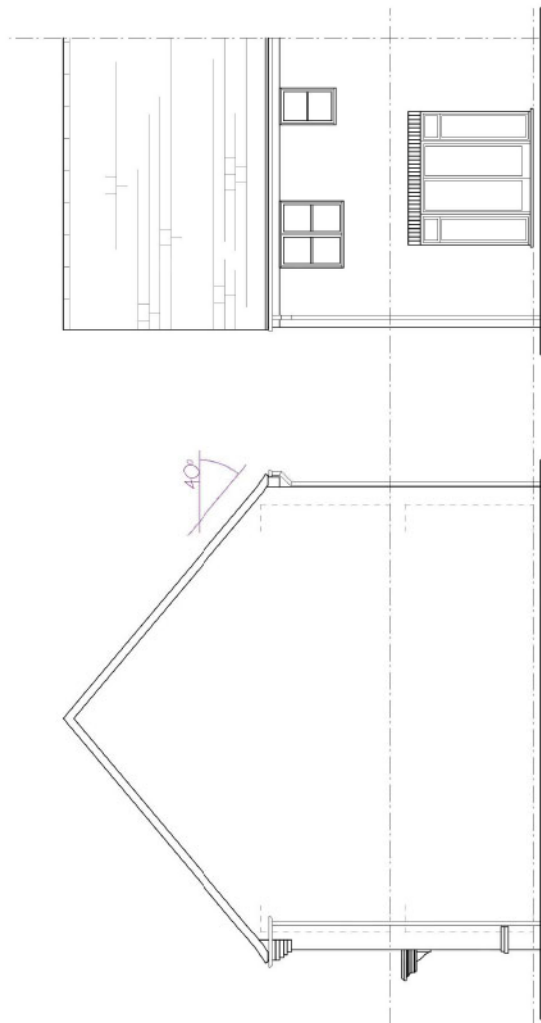
- C Location plan updated, Plot 29 updated, Section B-B landscape updated. LG 17/9/21
- B Section B-B updated to match planning layout. LG 31/8/21
- A Location plan updated. LG 28/1/21

PLANNING

20379/1600C
 Ashleworth - Phase 2
 Scale: 1:250
 Date: 12/25
 Drawn: US
 Checked: JAJ
 All Dimensions to be checked on site. OS Licence No: 100022432
 pad Design Ltd - The Tobacco Factory - Raleigh Road - Bristol BS3 1TF - Tel: 0117 932025F - www.pad-design.com



FRONT ELEVATION



SIDE ELEVATION

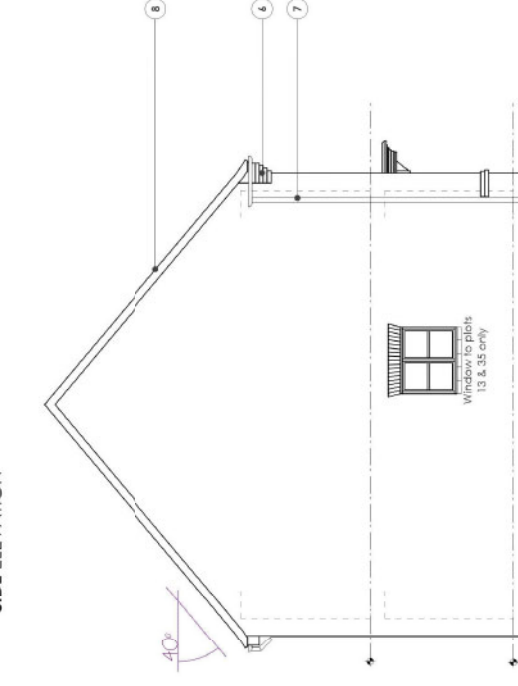
REAR ELEVATION



FIRST FLOOR



GROUND FLOOR



SIDE ELEVATION

AXMINSTER V1 - 2B.3P 78.3 SQM; 843 SQFT Plots - 13, 14 & 35(AS) 15 & 36 (OPP)



DRAWN OPPOSITE HAND

MATERIALS KEY

- 1. Charcoal or Rustic Red Roof Tiles
- 2. Off White Rough Cast Render
- 3. Stock or Multi Brick with Coloured Mortar

- 4. Orange Stock Brick With Coloured Mortar
- 5. Filled Cill Detail
- 6. Filled or Brick Corbel Detail
- 7. Black UPVC Rain Water Pipes

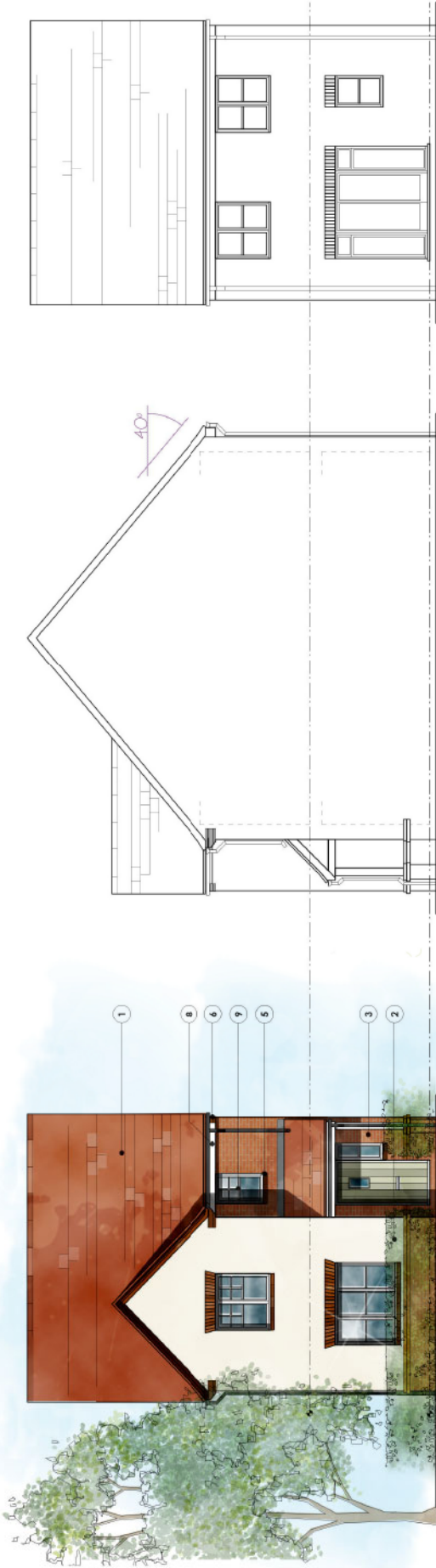
- 8. White UPVC Fascias/ Cloaked Dry Verge/ Double Corbelled Siting Course
 - 9. White, Cream or Light Grey UPVC Windows
- NOTE:** To be read in conjunction with Planning Layout 5000 and material strategy drawings

- G Drawn opposite hand note added. 23/8/22
- F Revised as per client email received - 29/03/22 PK 30/03/22
- E Plot numbers updated. LG 14/9/21
- D Plot numbers updated. LG 19/8/21
- C Amended as per client comments received 14/12/20 LG 14/12/20

PLANNING

Job No/Drawing No	Job Title
20379/6000.1G	Ashleworth - Phase 2
Scale	Drawing Title
1:100	AXMINSTER V1 - 2B.3P.843
@ A3	
All Dimensions to be checked on site	
	OS Licence No: 100022432

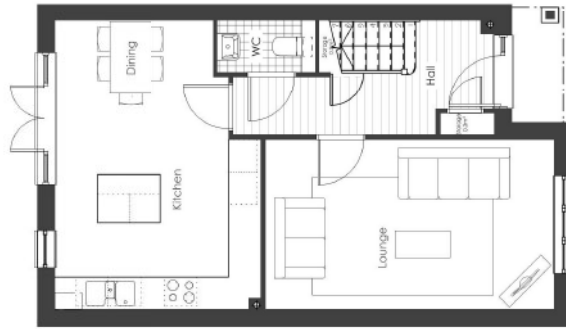
pad
www.pad-design.com



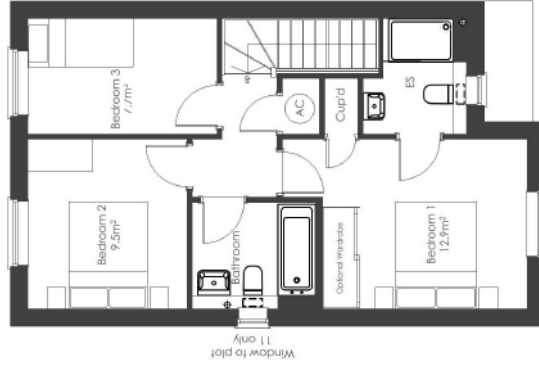
FRONT ELEVATION

SIDE ELEVATION

REAR ELEVATION



GROUND FLOOR



FIRST FLOOR

SHERSTON V2 - 3B.5P 96.1 SQM; 1034 SQFT Plots - 11 & 12 (OPP)



MATERIALS KEY

1. Charcoal or Rustic Red Roof Tiles
2. Off White Rough Cast Render
3. Stock or Multi Brick with Coloured Mortar

4. Orange Stock Brick With Coloured Mortar
5. Tiled Cill Detail
6. Tiled or Brick Corbel Detail
7. Black UPVC Rain Water Pipes

8. White UPVC Fascias/ Cloaked Dry Verge/ Double Corbelled String Course
 9. White, Cream or Light Grey UPVC Windows
- NOTE:** To be read in conjunction with Planning Layout 5000 and material strategy drawings

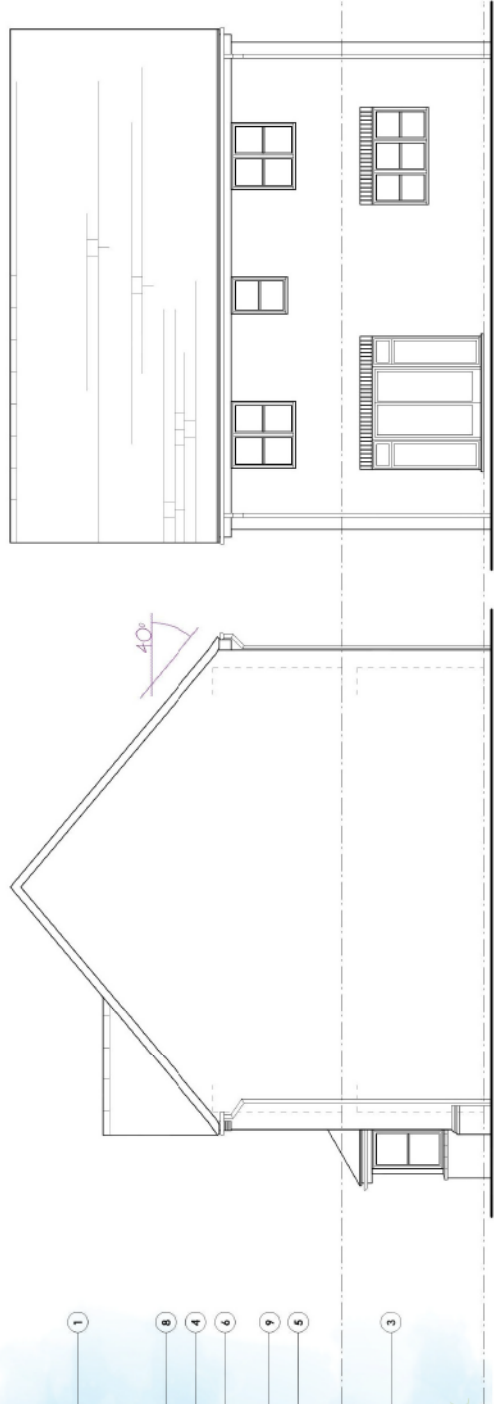
A FF updated as per client request.
Amendments

PLANNING

Job No/Drawing No	Job Title
20379/6001.2A	Ashleworth - Phase 2
Scale	Drawing Title
1:100	Sherston V2 - 3B.5P.1034
@ A3	
AI Dimensions to be checked on site	OS Licence No: 10002432
pad Design Ltd - The Tobacco Factory - Raleigh Road - Bristol BS3 1TF - Tel: 0117 9530039 - www.pad-design.com	

LG 25/1/22
By
Date





FRONT ELEVATION

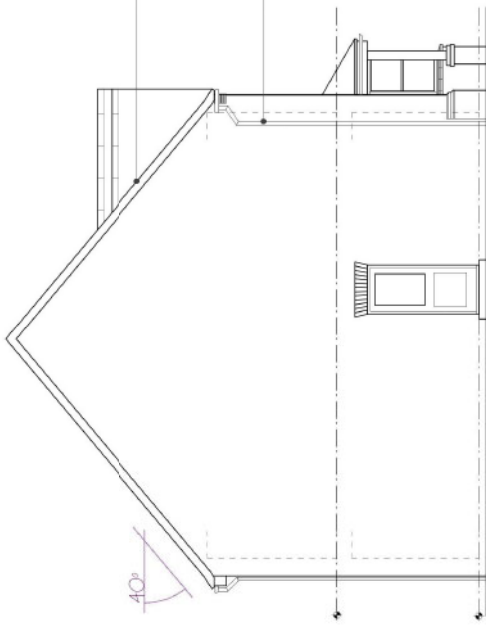
REAR ELEVATION



GROUND FLOOR



FIRST FLOOR



SIDE ELEVATION

ALDERTON - 4B.7P 140.4 SQM; 1511 SQFT Plots - 1, 2 & 37 (AS) 38 (OPP)



MATERIALS KEY

- 1. Charcoal or Rustic Red Roof Tiles
- 2. Off White Rough Cast Render
- 3. Stock or Multi Brick with Coloured Mortar

- 4. Orange Stock Brick With Coloured Mortar
- 5. Tiled Cill Detail
- 6. Tiled or Brick Corbel Detail
- 7. Black UPVC Rain Water Pipes

- 8. White UPVC Fascias/ Cloaked Dry Verge/ Double Corbelled String Course
 - 9. White, Cream or Light Grey UPVC Windows
- NOTE:** To be read in conjunction with Planning Layout 5000 and material strategy drawings

- Amendments**
- A Amended as per client comments received 17 & 18/11/20.
 - B Amended as per client comments received 27/11/20
 - C Amended as per client comments received 14/12/20
 - D Plot numbers updated.

PLANNING

Job No/Drawing No	Job Title
20379/6003D	Ashleworth - Phase 2
Scale	Drawing Title
1:100	Alderton - 4B.7P-1511
(@ 7.5)	
All Dimensions to be checked on site	
OS Licence No: 10002432	
pad Design Ltd - The Tobacco Factory - Raleigh Road - Bristol BS3 1TF - Tel: 0117 930039 - www.pad-design.com	

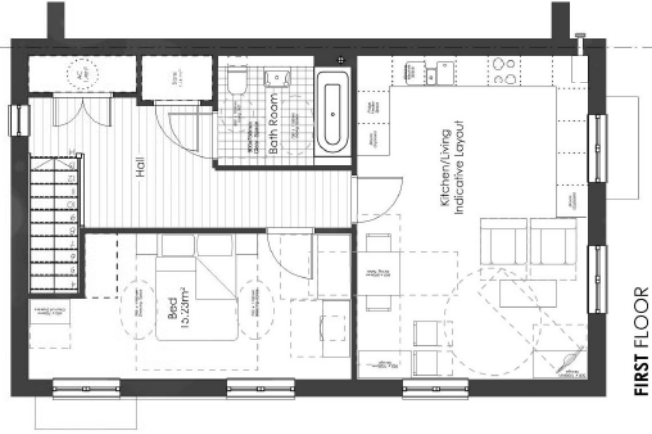
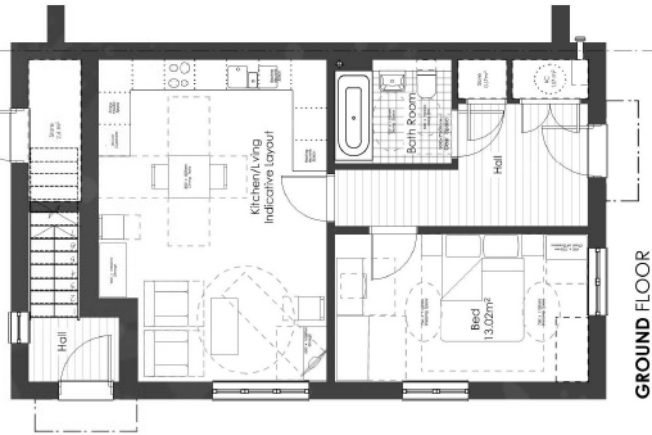




FRONT ELEVATION

SIDE ELEVATION

REAR ELEVATION



HA.APT M4(2) COMPLIANT - 1B.2P 55.8/68.8 SQM; 601/741 SQFT Plots - 19 & 20 (AS) 23 & 24 (OPP)

MATERIALS KEY

1. Charcoal or Rustic Red Roof Tiles
2. Off White Rough Cast Render
3. Stock or Multi Brick with Coloured Mortar

4. Orange Stock Brick With Coloured Mortar
5. Tiled Cill Detail
6. Tiled or Brick Corbel Detail
7. Black UPVC Rain Water Pipes

8. White UPVC Fascias/ Cloaked Dry Verge/ Double Corbelled String Course
 9. White, Cream or Light Grey UPVC Windows
- NOTE:** To be read in conjunction with Planning Layout 5000 and material strategy drawings

D Plot numbers updated. LG 19/8/21

C Amended as per client comments received 14/12/20 LG 14/12/20

B Amended as per client comments received 27/11/20 LG 11/12/20

A Amended as per client comments received 17 & 18/11/20. LG 26/11/20

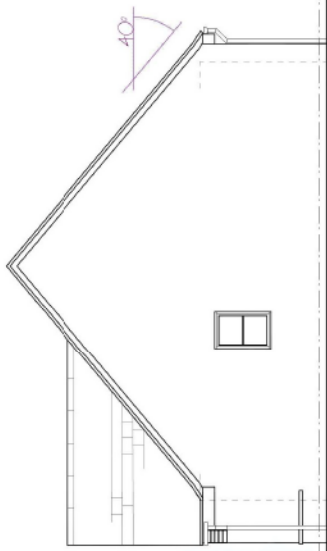
Amendments By Date

PLANNING

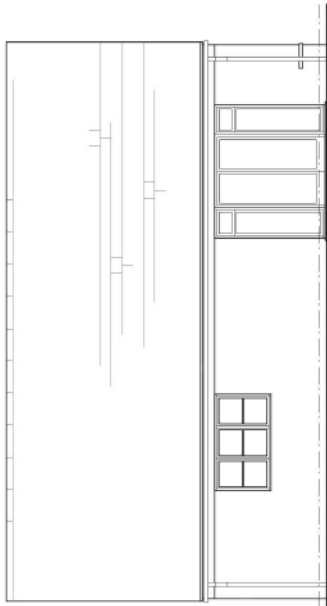
Job No/Drawing No	Job Title
20379/6010D	Ashleworth - Phase 2
Scale	Drawing Title
1:100	HA - APT M4(2) _1B.2P.601/741
@ A3	
All Dimensions to be checked on site OS Licence No: 10002432	
pad Design Ltd - The Tobacco Factory - Raleigh Road - Birkby 853 1TF - Tel: 0117 9530539 - www.pad-design.com	



FRONT ELEVATION



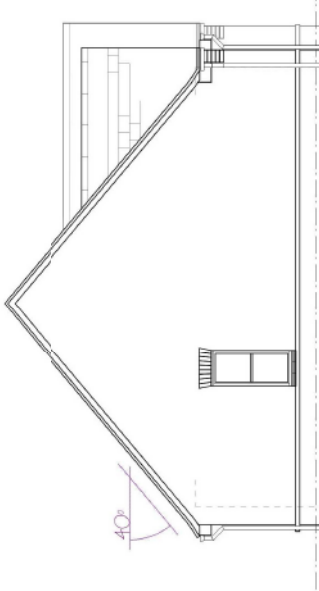
SIDE ELEVATION



REAR ELEVATION

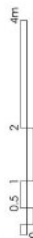


GROUND FLOOR



SIDE ELEVATION

HA. BUNGALOW M4(3)b COMPLIANT - 2B.4P 79.1 SQM; 852 SQFT Plot - 33 (AS)



MATERIALS KEY

1. Charcoal or Rustic Red Roof Tiles
2. Off White Rough Cast Render
3. Stock or Multi Brick with Coloured Mortar

4. Orange Stock Brick With Coloured Mortar
5. Filled Cill Detail
6. Tiled or Brick Corbel Detail
7. Black UPVC Rain Water Pipes

8. White UPVC Fascias/ Cloaked Dry Verge/ Double Corbelled Siting Course
 9. White, Cream or Light Grey UPVC Windows
- NOTE:** To be read in conjunction with Planning Layout 5000 and material strategy drawings

Amendments	By	Date
F. Tall larder unit added to kitchen - HA provider req.	LG	6/6/22
E. AC added for ASHP cylinder. Additional Kitchen notes added. Bathroom window relocated.	LG	26/5/22
D. WC added. Storage relocated. Dwelling increased by 102.5mm in depth - area increased to 852 SQFT. Bathroom reconfigured & bath added. 4P sofa added to living room. Category B compliant.	LG	25/5/22
C. Bedroom 2 increased to a double (12.5m2). Unit increased to 77.9m2/ 83sqft. Occupancy increased to 2B4P.	LG	23/5/22
B. Updated in line with comments received from GB.	LG	19/8/21
A. Adapted to M4(3) wheelchair compliance.	LG	17/8/21

PLANNING

Job No/Drawing No	Job Title		
20379/6014F	Ashleworth - Phase 2		
Scale	Date	Drawn	Drawing Title
1:100	08/21	LG	HA - Bung M4(3)b_2B_4P_852
# A3	All Dimensions to be checked on site		
OS Licence No: 100022432		www.pad-design.com	



TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	20 September 2022
Site Location:	Land Off Ash Lane Down Hatherley
Application No:	22/00774/PIP
Ward:	Severn Vale South
Parish:	Down Hatherley
Proposal:	Planning in principle for the erection of four dwellings.
Report by:	Anthony Foster
Appendices:	22221/01 - Existing & Proposed Location Plans 22221/02 – Site/Block Plan as Existing 22221/03 – Site/Block Plan as Proposed
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1** This application relates to a parcel of land to the South of Down Hatherley Lane and to East of Ash Lane, which is in Down Hatherley (**see attached Site Location Plan**).
- 1.2** The site is generally level, covers approximately 0.44 hectares and is currently laid to grass. Access to the site is proposed from Down Hatherley Lane to the north. The site is bounded to the south and west by residential properties fronting onto Ash Lane, and to the north and east by residential dwellings fronting onto Down Hatherley Lane.
- 1.3** The scheme seeks to makes use of the existing access to The Bungalow, onto Down Hatherley Lane to the north.
- 1.4** 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 adjacent to north and eastern boundaries of the site. With a further two properties located along the southern boundary of the site.
- 1.5** The site is not subject to any formal landscape designation but is in an area of safeguarded land.
- 1.6** 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.

- 1.7 Within the immediate vicinity of the application site, there have been number of similar Planning in Principle applications considered by the LPA approved by this committee references 20/00233/PIP, 20/00710/PIP, and 21/00617/PIP.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
93/00876/FUL	Erection of four bungalows and construction of new accesses	PERMIT	14.12.1993
94/01036/FUL	Erection of four detached bungalows. Highway works including road widening and new accesses.	PERMIT	15.11.1994

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 Tewkesbury Borough Plan 2011-2031 (TBP) Adopted June 2022

- 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)

- 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

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

4.2 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.

4.3 County Archaeologist – 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 Seven representations objecting to the scheme 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.
- It is safeguarded land and is yet another attempt to abuse the principle of safeguarded land and continue turning the west of Down Hatherley into a housing estate.

- There are surface water issues in the area due to the large developments taking place in the neighbouring parish of Twigworth. It is only a case of when flooding will take place, not if.
- It is a total over development for the area and will increase even more strain on the local environment, roads, drainage, and of course flooding.
- The application relies much on arguments that it represents acceptable 'infill' development within a village environment. Ash Lane is not a 'village environment' but more a single-street hamlet, and as such the 'infill' clause does not apply.
- The Down Hatherley, Norton and Twigworth NDP has been adopted into local planning law. The NDP was formulated to reflect the views and wishes of local residents following lengthy consultation across the 3 parishes. Two of the aims of the NDP is to protect open green spaces and maintain the rural character of the settlements. This proposal does not accord with either of these aims. The parishes were encouraged to produce an NDP and were consistently re-assured by TBC the Plan would 'have teeth' in future planning decisions, it should not be seen to fail this test.
- There are no local school places within easy commute, the local surgery is stretched and the traffic potential with building of 1,000's already taking place in Innsworth, Parton Fields, Twigworth and Down Hatherley will make the area hazardous.
- A safe access cannot be made because it is currently a narrow track between 2 properties which cannot be widened and a safe view cannot be achieved.
- 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.

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), the Tewkesbury Borough Plan 2011-2031 (TBP) (2022) and a number of 'made' Neighbourhood Development Plans.

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

6.4 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 both the established rear building lines formed by the properties fronting onto Down Hatherley Lane and Ash Lane. However, the proposed layout of the scheme relates well to the layout of the adjoining properties and associated garden space.
- 7.5** In this respect the proposed dwellings would not extend beyond the established residential curtilage of the properties fronting onto Down Hatherley Lane or beyond the established line of the gardens of the properties along Ash Lane.
- 7.6** 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.
- 7.7** In terms of the recently adopted TBP the application site has not been allocated for housing and Down Hatherley is not featured within the settlement hierarchy. However, Policy RES4 of the 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.
- 7.8** For the reasons set out above, it is considered that the proposal would relate reasonably well to existing built form and would be proportionate to the size and function of the settlement.

Safeguarded Area

- 7.9** 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.

- 7.10** 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.
- 7.11** 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.
- 7.12** 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.
- 7.13** 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.
- 7.14** 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.
- 7.15** 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.
- 7.16** 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.

7.17 In this case, given the scale of the proposed development, the proximity and close relationship of the site to the existing properties in Ash Lane, and the intervening land to the east, it is difficult to see how the proposal would prejudice the purpose of the safeguarded area which extends over a significant area to the south and east. Thus, whilst there is conflict with Policy SD5 in that it is not considered infilling in a Green Belt context, material considerations on the ground indicate that the harm to the safeguarded area would be limited.

7.18 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.

Land use

7.19 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

7.20 The application seeks permission for 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

7.21 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 The Council is able to demonstrate a five-year supply of deliverable housing sites and policies of the development plan are considered up-to-date. In these circumstances, aside from approving development proposals that accord with the development plan without delay (unless material considerations indicate otherwise), the Council considers that the presumption in favour of sustainable development set out in paragraph 11 of the NPPF does not apply. Whilst the Council can demonstrate a five year supply of housing the proposal is not considered to be in conflict with JCS policy SD10 as set out above.
- 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. Although the quantum is small it would provide a boost to the supply of housing.
- 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.

Harm

- 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, 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.



PROPOSED LOCATION PLAN Scale 1:1250



EXISTING LOCATION PLAN Scale 1:1250



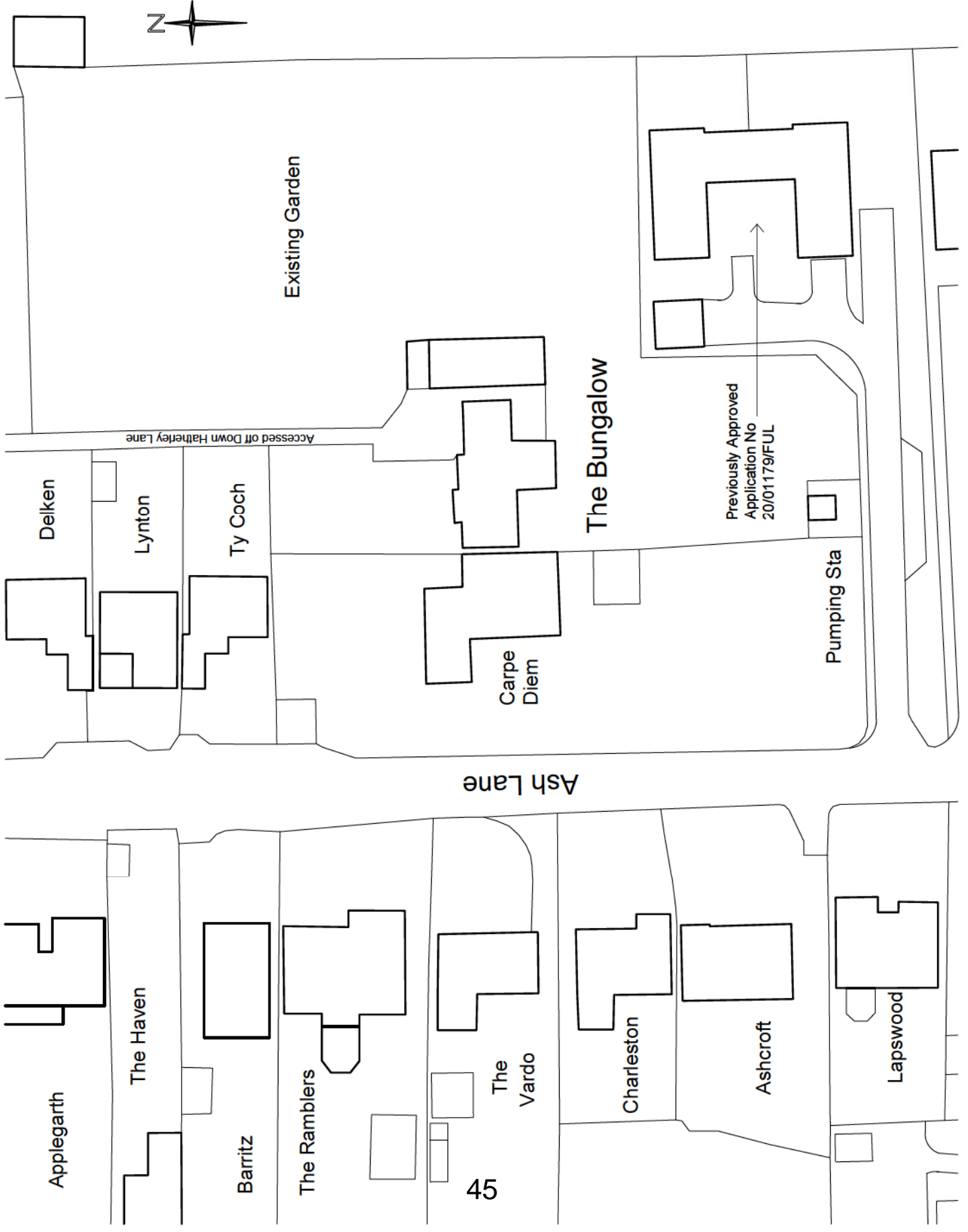
Proposed Residential Development
Land of Down Hamlet Lane
The Bungalow Down Hamlet Lane
GL2 9QA

Existing & Proposed Location Plans

Scale 1:1250 @ A1
Date April 2022
Dwg No. 2221/01

CIVE PETCH
ARCHITECTS

3 Tabbal Mead
Wincombe Street
Chaffinham
Glos
GL2 2NF
t 01242 521608
e admin@civepecharchitects.co.uk
www.civepecharchitects.co.uk



Proposed Residential Development
Land off Down Hatherley Lane
The Bungalow Down Hatherley
Glos GL2 9QA

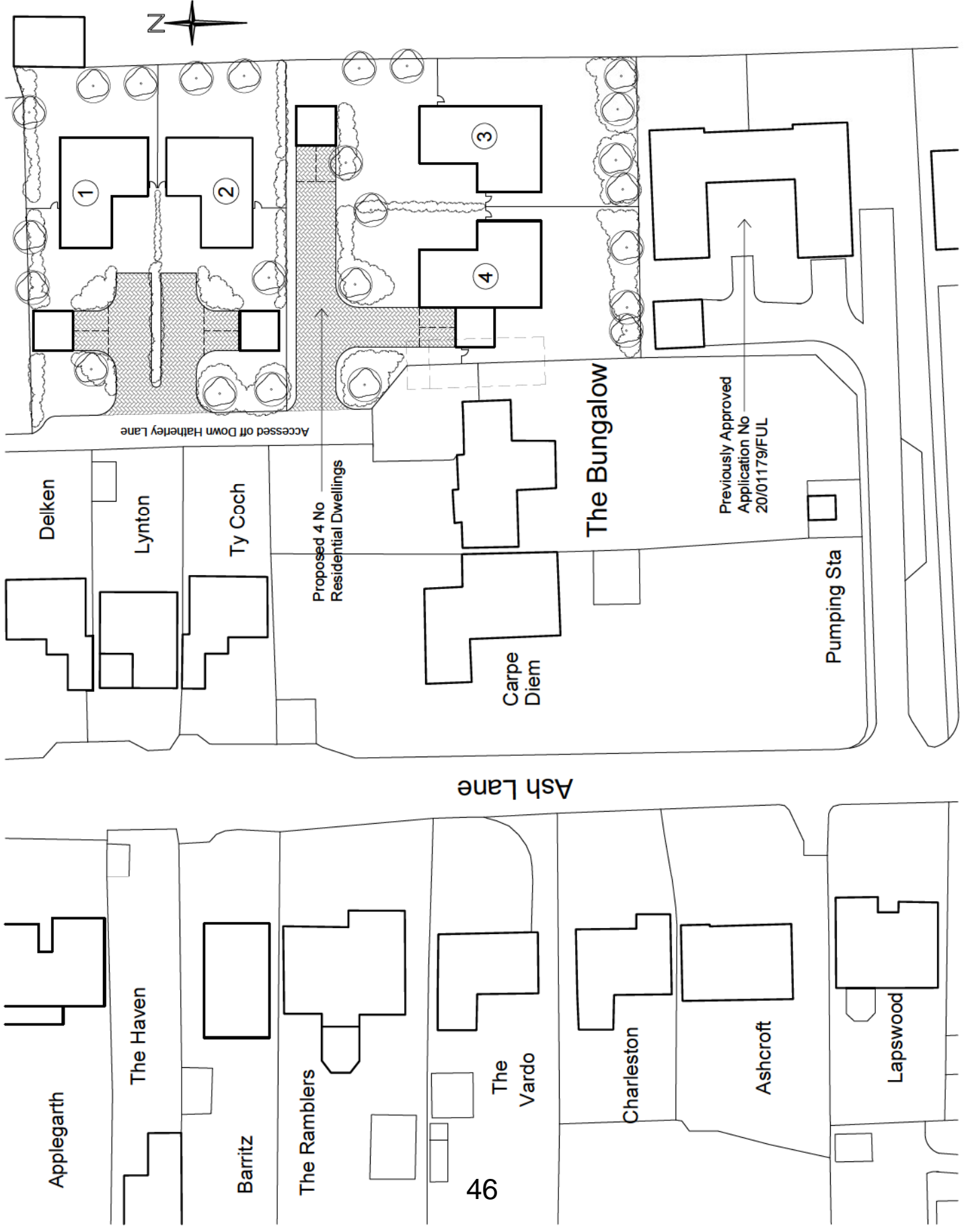
Site / Block Plan
As Existing

Scale 1:500 @ A3
Date April 2022
Dwg. No. 22221 / 02



3 Tebbit Mews
Winchcombe Street
Cheltenham
Glos
GL52 2NF
t 01242 521608
e admin@clivepetcharchitects.co.uk
www.clivepetcharchitects.co.uk

Previously Approved
Application No
20/01179/FUL



Proposed Residential Development
Land off Down Hatherley Lane
The Bungalow Down Hatherley
Glos GL2 9QA

Site / Block Plan
As Proposed

Scale 1:500 @ A3
Date April 2022
Dwg. No. 22221 / 03



3 Tebbit Mews
Winchcombe Street
Cheltenham
Glos
GL52 2NF
t 01242 521608
e admin@clivepetcharchitects.co.uk
www.clivepetcharchitects.co.uk

Previously Approved
Application No
20/01179/FUL

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	20 September 2022
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Development Manager
Head of Service/Director:	Head of Development Services
Lead Member:	Lead Member for Built Environment
Number of Appendices:	1

Executive Summary:	To inform Members of current planning and enforcement appeals and Department for Levelling Up, Housing and Communities appeal decisions issued.
Recommendation:	To CONSIDER the report.

Financial Implications:	None
Legal Implications:	None
Environmental and Sustainability Implications:	None
Resource Implications (including impact on equalities):	None
Safeguarding Implications:	None
Impact on the Customer:	None

1.0 INTRODUCTION

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:

Application No	21/00063/FUL
Location	Evington Manor Tewkesbury Road Coombe Hill
Proposal	Removal/Variation of Condition 1 (approved plans), Condition 8 (Protected Species Method Statement) and Condition 9 (Demolition of Vine Tree Farm) of the planning application reference. 17/00478/FUL, to allow the original dwellinghouse on the site to be retained for use as a bat roost and ancillary storage in association with Evington Manor.
Officer recommendation	Refuse
Decision type	Delegated Decision
PINS reference	APP/G1630/W/22/3290655
PINS decision	Appeal Dismissed
Reason	<p>A replacement dwelling has been constructed on site and has been occupied however despite Conditions on the original planning approval, the original dwelling remains in place.</p> <p>The appeal application sought to vary Conditions of the planning permission to allow the former dwelling to be retained for ancillary storage purposes with a bat roost within the roof.</p> <p>In considering the appeal the Inspector assessed the effects upon the character of the area, flooding, biodiversity and whether the retention of the building is acceptable with regards to polices controlling the location of dwellings including replacement dwellings.</p> <p>The Inspector concluded that if Vine Tree Farm were to be retained for storage and bat roost it would have the appearance of a dwelling and would be read as a second dwelling at the site. The building would also be disproportionate for ancillary storage and the retention would result in unacceptable harm to the character and appearance of the site and its rural surroundings.</p> <p>In terms of flooding, the Inspector concluded that insufficient information had been provided to demonstrate that the retention would not increase the risk of flooding being located in Flood Zone 2.</p> <p>In terms of ecology, the Inspector had insufficient information to demonstrate that the retention of the</p>

	<p>building and its dual use would not result in harm to biodiversity and protected species.</p> <p>In terms of the suitability of then location for residential development the Inspector concluded that with regard to Policy SD10 of the JCS a new dwelling would not have been permitted at the site other than a replacement dwelling. The Inspector noted that former plan policy HOU7 and TBP Policy RES9 do not expressly require the demolition of a dwelling as part of any permitted replacement.</p> <p>The Inspector advised that he had have no evidence to suggest that Condition 9 was only imposed specifically to avoid 2 buildings in use as dwellings on the site. While a Condition could be imposed to restrict the use of the building to ancillary storage and bat roost which would not result in conflict with identified policies, this would however not overcome the harms identified above.</p> <p>In dismissing the appeal, the Inspector concluded that the removal of Vine Tree Farm is both reasonable and necessary, therefore Condition 9 needs to be retained to secure its demolition. By extension, it is both reasonable and necessary to secure the approved site layout, replacement bat roost and protected species method statement, so the Conditions need to be retained in their current form and not varied.</p>
Date of appeal decision	30.06.2022

Application No	21/01218/FUL
Location	Claydon Park Claydon Tewkesbury
Proposal	Variation of Conditions 3 (static caravan positioning) and 5 (landscaping scheme). Removal of Conditions 7, (commercial activities) 12 (timber cladding) and 13 (erection of gates/walls/fences) of planning application No.14/00347/FUL
Officer recommendation	Minded to Refuse
Decision type	Delegated
PINS reference	APP/G1630/W/22/3290434
PINS decision	Appeal Allowed planning permitted
Reason	<p>The application site is occupied by 2 mobile homes. The appeal application sought to vary/remove Condition numbers 3 – siting of caravans, 5 - landscaping, 7 – restriction of commercial activities within the site 12 – cladding of the caravans and Condition 13 - means of enclosure which were previously imposed on planning permission Ref 14/00347/FUL.</p> <p>In respect of Condition 3 the Inspector was satisfied that siting of the caravans closer to the site boundaries would not be harmful to the character of the area, and this Condition was varied to allow the retention of caravans in situ.</p>

	<p>In respect of Condition 5 and the Inspector found that additional landscaping was necessary in the interest of the visual amenity of the area and a new condition was imposed to secure the implementation of the approved landscape scheme.</p> <p>In terms of Condition 7 the Inspector concluded that given that no commercial activity was originally proposed and that the Council has the power to enforce any material change of use that occurs at the site, the condition is not necessary to make the development acceptable in planning terms and thus fails the tests set out in the Planning Practice Guidance. The Condition restricting commercial activities was deleted.</p> <p>Condition 12 required the caravans to be timber clad to integrate with the area. The Inspector concluded that the condition was overly onerous and not necessary. The Inspector also identified that the Planning Policy for traveller sites (PPTS) accepts that sites will be located within rural areas and as such it is to be expected that in many cases caravans will be the main form of accommodation that is provided. In this light, it should not be necessary to disguise them with the use of timber cladding, despite being lighter in colour and more visible. This Condition was deleted.</p> <p>Condition 13 restricted means of enclosure as permitted development. The inspector advised that the PPTS sets out that when considering applications weight should be attached to, amongst other things, sites being soft landscaped in such a way to increase its openness and not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community. The Inspector found this condition reasonable and necessary and was retained.</p>
Date of appeal decision	20.07.2022

Application No	21/00982/FUL
Location	Manor Farm Southam Lane Southam
Proposal	Change of use of a portal framed agricultural building and land adjacent to west and south for the storage of caravans and motorhomes together with the siting of 6 no. storage containers (part retrospective).
Officer recommendation	Refuse
Decision type	Delegated Decision
PINS reference	APP/G1630/W/22/3292230
PINS decision	Appeal Dismissed

Reason	<p>The appeal site is located within the Green Belt (GB) and SLA. The Inspector identified the main issues as whether the proposal would be appropriate development in the GB, the effect on the SLA and whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.</p> <p>The Inspector set out that the proposal is for a change of use, so the key assessment is whether the proposal would preserve the openness and purpose of the Green Belt. The inspector set out that while land contains agricultural buildings, the openness of the Green Belt is clearly evident around the site and in the wider area.</p> <p>The Inspector agreed with the Council that the use of existing buildings for storage of caravans would have no adverse impact on openness of the GB. However the outside storage of containers, caravans and Motorhomes would inevitably lead to a harmful loss of openness, both visually and spatially. the proposal would therefore not preserve GB openness and conflicts with a purpose of including land within it.</p> <p>The proposal would also be uncharacteristic and harmful to the rural landscape.</p> <p>The Inspector accepted that the proposal would provide valuable supplementary income to the appellant at a difficult economic time, would help to enhance the viability of the agricultural business and the provision of storage would also be a helpful service for local businesses and benefit the local economy.</p> <p>The Inspector concluded that the proposed storage outside of the building would be inappropriate development in the terms set out by the Framework and would result in moderate harm to GB openness and the purpose of including land within it. Furthermore there are no special circumstances which would outweigh the harm to the openness of the Green Belt and the appeal was dismissed.</p>
Date of appeal decision	25.07.2022

Application No	22/00096/FUL
Location	2 Denley Close Bishops Cleeve
Proposal	Proposed studio/study above existing detached garage
Officer recommendation	Refuse
Decision type	Delegated Decision
PINS reference	APP/P0119/D/22/3300467
PINS decision	Appeal Dismissed

<p>Reason</p>	<p>The main issues of this appeal are the effect of the development upon;</p> <ul style="list-style-type: none"> • the character and appearance of the area. • the living conditions of the occupiers of 1 Kayte Close (No. 1), with particular reference to daylight and outlook. <p>Character and appearance:</p> <p>The appeal site comprises a two storey semi-detached house and a detached, flat roofed double garage, located at the end of a short section of Denley Close. The surrounding area is characterised by detached and semi-detached single and two storey properties, many with detached single storey garages. Whilst the garage forms the end of the vista along Denley Close, its simple, flat roof design means it is subservient to nearby houses. Although described by the appellant as a small proposal, due to the pitched roof design, increased height and windows in the upper floor, the development would introduce a new building form into the area and have the appearance of a detached house when viewed along Denley Close. As a result of its scale and position, despite the use of matching materials, the enlarged garage would appear unusually prominent and would fail to respect the characteristics of the street scene.</p> <p>Therefore, the Inspector concluded that the development would unacceptably harm the character and appearance of the surrounding area. In these respects, it would be contrary to Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) (JCS) and Policy RES10 of the TBP.</p> <p>Living conditions:</p> <p>The back of the garage is located close to the boundary of No.1. With a modest garden depth, the rear elevation of No.1 includes windows at ground and first floor level. Given its proximity to the rear elevation of No.1 and increased height as a result of the development, the garage would be clearly visible and an intrusive and overbearing feature in the outlook from the windows of No.1 facing towards Denley Close.</p> <p>The existing side boundary of No.1 comprises hedging behind a high wall which already cause a degree of overshadowing. However, the height of the proposed ridgeline would exceed these boundary features and so the development would significantly reduce the levels of light that could reach the ground and first floor windows of No.1. This would result in an unacceptable reduction to the levels of daylight enjoyed by the neighbouring occupants.</p> <p>For these reasons, the Inspector concluded that the development would unacceptably harm the living conditions of occupiers of No.1 with regard to outlook and</p>
----------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>daylight, in conflict with Policies SD4 and SD14 of the JCS, and Policy RES10 of the TBP. Amongst other things, these policies ensure that the living conditions of neighbouring occupiers are not unduly harmed by a proposal.</p> <p>Overall, the appeal was dismissed as the proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.</p>
Date of appeal decision	04.08.2022

Application No	21/01463/FUL
Location	7 Oldbury Road Tewkesbury
Proposal	Replacement windows.
Officer recommendation	Refuse
Decision type	Delegated Decision
PINS reference	APP/G1630/D/22/3299713
PINS decision	Appeal Dismissed
	<p>This application sought to replace the existing wooden single glazed windows with double glazed UPVC windows.</p> <p>The site is located within Tewkesbury Conservation Area and the Tewkesbury Article 4 Direction. The dwelling itself is deemed to be a non-designated heritage asset.</p> <p>The application was refused on 12.04.2022 as the installation of the windows would result in moderate less than substantial harm to the non-designated heritage assets and would cause moderate less than substantial harm to the Tewkesbury Conservation Area.</p> <p>Following this decision, an appeal and an appeal for costs were submitted.</p> <p>On 17.08.2022 the Planning Inspectorate dismissed both the appeal and the appeal for costs.</p> <p>The appeal was dismissed as in this case the balance lies in the harm to the Tewkesbury Conservation Area by reason of the replacement windows not being outweighed by the public benefits. The development has an adverse effect on the character and appearance of the property and the Tewkesbury Conservation Area. In doing so it fails to enhance or preserve the Tewkesbury Conservation Area. The development causes less than substantial harm to the significance of the Tewkesbury Conservation Area and the public benefits identified do not outweigh this harm.</p>

	The costs appeal was dismissed as the Inspector did not consider that the Council failed to properly evaluate the application or consider the merits of the proposal. Therefore, the appeal could not have been avoided. It was found that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, had not been demonstrated. Accordingly, the application for an award of costs was refused.
Date of appeal decision	17.08.2022

3.0 ENFORCEMENT APPEAL DECISIONS

3.1

Application No	21/00357/PDAD (plot 2) & 21/00363/PDAD (plot 3)
Location	Plot 2 and 11 Warren Fruit Farm Evesham Road Greet
Proposal	Prior Approval for conversion of agricultural buildings into smaller dwelling houses (use class C3) and associated works on plots 2 and 11.
Officer recommendation	Prior Approval Refused
Decision type	Delegated Decision
PINS reference	Appeal A (plot 2) - APP/G1630/W/21/3279781 Appeal B (plot 11) - APP/G1630/W/21/3280097
PINS decision	Appeal Dismissed
Reason	<p>Summary</p> <p>This decision concerns the outcome of an appeal determined by The Planning Inspectorate dated 3rd February 2022 for the development stated above. The Inspector considered appeals A & B referenced above on their own merits but due to similarities in the schemes and evidence presented, a single decision letter was issued regarding both.</p> <p>The appeal challenged the LPA's reason for refusal of the above applications that relate to Schedule 2, Part 3, Class Q of the General Permitted Development Order (agricultural buildings to dwellinghouses), which were:</p> <ol style="list-style-type: none"> 1. Insufficient information has been provided to demonstrate that the proposal would accord with Part Q.1(a) of Class, Q, Part 3, Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended). It is therefore not possible for the Local Planning Authority to establish whether or not the proposal would constitute permitted development. 2. The proposal, by virtue of its location and siting, would result in unacceptable harm to the character and appearance of the surrounding area and is not in a sustainable location for residential development. This level of harm would be heightened by the cumulation of Class Q development proposals located elsewhere on the site which would collectively have an undesirable urbanising effect on the valued landscape contrary to the provisions of the National Planning

	<p>Policy Framework. The proposed development would therefore not accord with condition Q.2(1)(e) of Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).</p> <p>3. There are inaccuracies within the supporting documentation as to the size of the building and it has not been possible to determine whether the area of land shown as “curtilage” would be no larger than the area occupied by the agricultural building. The Local Planning Authority cannot therefore establish if the proposal would constitute permitted development in compliance with Part X of Part 3, Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended).</p> <p>The Inspector noted a long-contested planning history for the appeal sites and the wider farm, including involvement with the Council’s enforcement team. However, also stated that these appeals were separate matters and determined on their own merits based on the evidence submitted.</p> <p>Also noted was that per the GPDO, the planning authority may refuse a prior approval application where the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified as being applicable to the development in question.</p> <p>In reaching a decision the Inspector cited a number of areas where there was insufficient data presented to demonstrate that plots 2 and 11 were used for agriculture for the purposes of a trade or business as part of separate established agricultural units. Accordingly, neither proposal would comprise permitted development within the parameters of Part Q1(a) (f) of the GPDO.</p> <p>The Inspector dismissed other Class Q appeal decisions submitted by the appellant, which were not considered sufficiently similar to the current appeals.</p> <p><u>Enforcement</u></p> <p>This appeal has determined that the existing unauthorised site should not be given planning permission, temporary or otherwise.</p> <p>During a visit to the Warren Fruit farm site on 30th August 2022, both agricultural buildings were seen to be unoccupied with straw on the floor and no residential paraphernalia evident. There are no current enforcement cases open against these plots.</p>
Date of appeal decision	03.02.2022

Application No	21/00358/PDAD (plot 6), 21/00355/PDAD (plot 20), 21/00353/PDAD (plot 21), 21/00364/PDAD (plot 23), 21/00374/PDAD (plot 24) & 21/00376/PDAD (plot 25)
Location	Plots 6, 20, 21, 23, 24 and 25 Warren Fruit Farm Evesham Road Greet
Proposal	Prior Approval for conversion of agricultural buildings into smaller dwelling houses (use class C3) and associated works on plots 6, 20, 21, 23, 24 and 25.
Officer recommendation	Prior Approval Refused
Decision type	Delegated Decision
PINS reference	Appeal A (plot 6) - APP/G1630/W/21/3280037 Appeal B (plot 20) - APP/G1630/W/21/3287266 Appeal C (plot 21) - APP/G1630/W/21/3287267 Appeal D (plot 23) - APP/G1630/W/21/3287268 Appeal E (plot 24) - APP/G1630/W/21/3287272 Appeal F (plot 25) - APP/G1630/W/21/3287274
PINS decision	Appeals Dismissed
Reason	<p><u>Summary</u></p> <p>This decision concerns the outcome of an appeal determined by The Planning Inspectorate dated 17th June 2022 for the development stated above. The Inspector considered appeals A - F referenced above on their own merits but due to similarities in the schemes and evidence presented, a single decision letter was issued regarding all to avoid repetition.</p> <p>The appeal challenged the LPA's reason for refusal of the above applications that relate to Schedule 2, Part 3, Class Q of the General Permitted Development Order (agricultural buildings to dwellinghouses), which were:</p> <ol style="list-style-type: none"> 1. Insufficient information has been provided to demonstrate that the proposal would accord with Part Q.1(a) of Class, Q, Part 3, Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended). It is therefore not possible for the Local Planning Authority to establish whether or not the proposal would constitute permitted development. 2. The proposal, by virtue of its location and siting, would result in unacceptable harm to the character and appearance of the surrounding area and is not in a sustainable location for residential development. This level of harm would be heightened by the cumulation of Class Q development proposals located elsewhere on the site which would collectively have an undesirable urbanising effect on the valued landscape contrary to the provisions of the National Planning Policy Framework. The proposed development would therefore not accord with condition Q.2(1)(e) of Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). 3. There are inaccuracies within the supporting documentation as to the size of the building and it has not been possible to determine whether the area of land shown as "curtilage" would

	<p>be no larger than the area occupied by the agricultural building. The Local Planning Authority cannot therefore establish if the proposal would constitute permitted development in compliance with Part X of Part 3, Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended).</p> <p>The Inspector noted a long-contested planning history for the appeal sites and the wider farm, including involvement with the Council's enforcement team. However, stated that these appeals were separate matters and determined on their own merits based on the evidence submitted.</p> <p>Detailed under Main Issues was that the planning authority may refuse a prior approval application where the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified as being applicable to the development in question.</p> <p>Also, that development under class Q is not permitted if the site was not solely used for an agricultural use as part of an established agricultural unit on 20 March 2013 and that 'Agricultural use' is also defined as being used for the purposes of a trade or business.</p> <p>In reaching a decision the Inspector cited a number of areas where there was insufficient data presented to support that each plot were themselves operating as individual agricultural trade or businesses under the 'Warren Smallholders Cooperative'. As a result, the Inspector did not consider it necessary to consider whether the schemes comply with other relevant limitations and conditions set out in the GPDO.</p> <p>With regards to other Class Q appeal decisions that were provided by the appellant, the Inspector found that none of the cases were directly comparable to these appeals and thus did not influence the decision.</p> <p><u>Enforcement</u></p> <p>This appeal has determined that the existing unauthorised site should not be given planning permission, temporary or otherwise.</p> <p>During a visit to the Warren Fruit farm site on 30th August 2022, all 6 agricultural buildings were seen to be unoccupied with straw on the floor and no residential paraphernalia evident. There are no current enforcement cases open against these plots.</p>
Date of appeal decision	17.06.2022

4.0 CONSULTATION

4.1 None

5.0 ASSOCIATED RISKS

5.1 None

6.0 MONITORING

6.1 None

7.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

7.1 None

Background Papers: None

Contact Officer: Appeals Admin
01684 272151 appealsadmin@teWKesbury.gov.uk,

Appendices: Appendix 1: List of Appeals received

None

Process Type

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