

12 December 2022

Committee	Planning
Date	Tuesday, 20 December 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 - 25
	To approve the Minutes of the meeting held on 18 October 2022.	
5.	DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL	
	(a) 21/01551/APP - Land at Fiddington	26 - 64
	PROPOSAL: Reserved matters application for Phase 2 (parcel H1) for access, appearance, landscaping, layout and scale for the erection of 114 dwellings (use class C3) pursuant to outline permission 17/00520/OUT.	
	OFFICER RECOMMENDATION: Delegated Approve	
	(b) 22/00465/APP - Land to the South of Down Hatherley Lane, Down Hatherley	65 - 84
	PROPOSAL: Approval of reserved matters (appearance, landscaping, layout and scale) pursuant to outline planning permission 19/00771/OUT for the erection of 32 dwellings.	
	OFFICER RECOMMENDATION: Approve	
	(c) 22/00223/FUL - Field to the West of Hucclecote Lane, Churchdown	85 - 103
	PROPOSAL: Change of use of agricultural land to secure dog walking/exercise area and associated works, including car parking area and improved access.	
	OFFICER RECOMMENDATION: Permit.	
	(d) 22/00811/FUL - Barclays Bank, 133-134 High Street, Tewkesbury	104 - 128
	PROPOSAL: Change of use from bank (use class Ec(i)) to takeaway (sui generis) on the ground floor; two 1-bed, one person flats on the first floor and one 1-bed, two person flat on the second floor (use class C3).	
	OFFICER RECOMMENDATION: Permit	
	(e) 22/00621/FUL - Hillside Cottage, Stockwell Lane, Cleeve Hill	129 - 145
	PROPOSAL: Demolition of existing orangery and replacement with two storey extension; alterations to existing detached garage.	
	OFFICER RECOMMENDATION: Permit	
	(f) 22/01020/FUL - 26 Vine Way, Tewkesbury	146 - 153
	PROPOSAL: Single storey rear and two storey side extension.	
	OFFICER RECOMMENDATION: Permit	

Item	Page(s)
<p>(g) 22/00926/LBC - 39 Church Street, Tewkesbury</p> <p>PROPOSAL: Installation of a traditional projecting hanging sign and bracket to the front elevation; installation of hanging sign above the front door; installation of grab handle at the front door; conversion of existing railings on the rear boundary to a gate.</p> <p>OFFICER RECOMMENDATION: Consent</p>	154 - 163

<p>6. CURRENT APPEALS AND APPEAL DECISIONS UPDATE</p> <p>To consider current planning and enforcement appeals and Department for Levelling Up, Housing and Communities appeal decisions.</p>	164 - 178
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<p>DATE OF NEXT MEETING</p> <p>TUESDAY, 17 JANUARY 2023</p> <p>COUNCILLORS CONSTITUTING COMMITTEE</p> <p>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</p>

Substitution Arrangements

The Council has a substitution procedure and any substitutions will be announced at the beginning of the meeting.

Recording of Meetings

In accordance with the Openness of Local Government Bodies Regulations 2014, please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Chair will take reasonable steps to ensure that any request not to be recorded is complied with.

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

TEWKESBURY BOROUGH COUNCIL

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

Present:

Chair
Vice Chair

Councillor R D East
Councillor G F Blackwell

and Councillors:

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

PL.27 ANNOUNCEMENTS

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

PL.28 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 28.1 Apologies for absence were received from Councillors K Berliner and P W Ockelton. Councillor R J Stanley would be a substitute for the meeting.

PL.29 DECLARATIONS OF INTEREST

- 29.1 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.
29.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
G F Blackwell	Agenda Item 5c – 19/01201/FUL – Fortitude, Birdlip Hill, Witcombe.	Had communications with the applicant in relation to the application but had not expressed an opinion.	Would speak and vote.

R J Stanley	Agenda Item 5d – 21/00686/FUL – Crown Close, Bishop’s Cleeve.	Had spoken to residents in relation to the application but had not expressed an opinion.	Would speak and vote.
R J E Vines	Agenda Item 5c - 19/01201/FUL – Fortitude, Birdlip Hill, Witcombe.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.

29.3 There were no further declarations made on this occasion.

PL.30 MINUTES

30.1 The Minutes of the meeting held on 20 September 2022, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.31 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

31.1 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.

22/00232/FUL - Land to the South of Geston Place, Twyning

31.2 This application was for residential development comprising 21 dwellings, creation of new vehicular access and ancillary works.

31.3 The Development Management Team Leader advised that the proposal sought full planning permission for residential development of 21 dwellings, including eight affordable homes, the creation of a new vehicular access off Shuthonger Lane and ancillary works. The application site was located to the south of a recent housing development to Brockeridge Paddocks, directly to the south of Geston Place and to the west of an area of public open space which served that development. An application for residential development of up to 36 dwellings had recently been allowed on appeal located to the south of the site. Although not allocated for housing, the application site lay within the settlement boundary as defined in the Tewkesbury Borough Plan and within the Residential Development Boundary as defined by the Twyning Neighbourhood Development Plan. The proposal would accord with the principles of Joint Core Strategy Policy SD10, Policy RES2 of the Tewkesbury Borough Plan and Policy GD2 of the Neighbourhood Development Plan. Whilst the proposal would lead to some landscape harm by introducing development on an undeveloped parcel of land, this would be limited due to the presence of built development to the north and the recently approved development to the south with this proposal essentially infilling a gap. The proposal would provide a variety of house types and designs which would be harmonious with the area and would include eight affordable dwellings, of which five would be social rented. The applicant had advised that a number of ecological assessments had now been completed following initial advice from the Council’s Ecological Adviser. The findings were being written up and would be subject to review by the Ecological Adviser. The proposal would have no other adverse impacts in terms of highway safety or flood risk. The Officer recommendation remained delegated permit, as set out in the Additional Representations Sheet, attached at Appendix 1.

- 31.4 The Chair invited the representative from Twyning Parish Council to address the Committee. The Parish Council representative indicated that he intended to focus on why the Parish Council felt the five year land supply was relevant in the current circumstances. He explained that the Parish Council's original argument was based on the fact that Officers had not addressed the five year housing land supply position within the Committee report; however, the Additional Representation Sheet clarified that the Council was now able to demonstrate a five year housing land supply therefore the tilted balance was not engaged. As such, the Parish Council representative noted that Paragraphs 11 and 14 of the National Planning Policy Framework did not apply and the question was therefore whether there continued to be a requirement to allow additional houses to be built in rural villages such as this, particularly given that the Tewkesbury Borough Plan Inspector had stated that Service Villages had sufficient housing and did not require any more.
- 31.5 The Chair invited a local resident speaking in objection to the application to address the Committee. The local resident indicated that, as had been explained by the Parish Council, consideration of this application must now take place under a new set of circumstances which changed the perspective that had held sway for a considerable period. In the last few years, Twyning had built-out over 100 houses with the majority allocated in the Twyning Neighbourhood Development Plan. Since that time, a further 83 houses and 29 caravans had been approved on appeal with another 81 houses including this application, in the planning process – this represented a potential 38% increase in households in the Parish based on the 2011 census figures. In his view, the five year land supply status and allocations made in the Tewkesbury Borough Plan – none of which had been allocated to Twyning – were ample reason for the application to be refused. There were further reasons for refusal including surface water disposal and sewage capacity which he did not have time to go into in detail but he recommended that Members take careful note of the sustainability issues raised in the Stagecoach submission and the note from Severn Trent Water. Twyning had met its obligations in relation to housing numbers and he felt that Members must be confident to embrace the new data and refuse this application.
- 31.6 The Chair indicated that the Officer recommendation was that authority be delegated to the Development Manager to permit the application, subject to the omission of Condition 12, no adverse observations being received from the Council's Ecological Adviser, any additional/amended planning conditions and/or contributions which may arise and the completion of a Section 106 Agreement to secure provision of eight affordable dwellings, an affordable housing commuted sum and contributions towards primary education, school transport and waste and recycling provision, 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 appreciated the points raised by the public speakers; however, she did not think there was a sound planning reason to refuse the application. She was particularly concerned that, if the application was refused and taken to appeal, the Council would risk losing control of the development. She welcomed the eight affordable houses being proposed as part of the application and noted that a commuted sum was also being sought for 0.4 of a unit so it may be possible to build another in the future.
- 31.7 A Member drew attention to Page No. 18, Paragraph 7.7.6 of the Committee report which stated that Severn Trent Water raised no objections to the proposal but had advised there was no capacity within their foul sewage system and he raised concern that the sewage system was a major problem in Twyning. He understood the developer intended to install a treatment plant or similar solution to ensure the issue was resolved, should Severn Trent Water fail to resolve the capacity issues,

and he sought clarification as to how that would work and the associated timescales. In response, the Development Management Team Leader explained that recommended condition 3 required that no development take place above DPC level until drainage plans for the disposal of foul and surface water flows had been submitted to, and approved in writing by, the Local Planning Authority and that the scheme be implemented in accordance with the approved details before the development was brought into use; therefore, there would be sufficient time for the applicant to explore a solution with Severn Trent Water or to put forward an alternative. The Member asked if that would be dealt with quickly if the application was permitted and the Development Management Team Leader confirmed that the details would need to be submitted prior to the build so it would be early enough for measures to be put in place. The Member went on to indicate that, as was the case with a number of recent applications, there were no primary school places in Twyning so a contribution was being sought towards school transport and he asked who received that money and how it would operate within the village given that the nearest primary school in Mitton was some five miles away. In his view, children living in the village should be able to go to the village school, particularly in this day and age when people were being advised to cut down on car travel. The Development Management Team Leader explained that it was his understanding that the money would go to Gloucestershire County Council as the Local Education Authority who would use this to subsidise bus transport for residents of the area. He advised that a contribution was also being sought for primary education which could be used toward building a primary education facility within Twyning. In response to a query as to what happened when the money ran out, the representative from Gloucestershire County Council explained that education was a statutory provision for the County Council and when the money ran out the County Council would effectively pay for it. The Member indicated that he could not support the proposal for a delegated permit. In his view, Twyning had already taken more than its allocation of housing, there was no public transport so residents were completely reliant on cars and there was a lack of school places so the development should not be allowed.

- 31.8 Another Member noted that Severn Trent Water had stated there was no capacity for the proposed development within its foul sewage system and asked for clarification as to where the sewage would go if the development was permitted. He did not feel he could support the motion for a delegated permission on the grounds there was a lack of infrastructure to accommodate the houses. The Development Management Team Leader reiterated that recommended condition 3 would allow the Council to satisfy itself of the drainage details; if it could not go through Severn Trent Water there was a technical option to deal with sewage through a package treatment plant which would discharge elsewhere. At this stage, it was not known whether Severn Trent Water would be able to reach an agreement with the developer or if it would be necessary for them to look for an alternative. The Member raised concern that another system would require a tanker to remove the sewage if it was contained on site which he did not think was a modern, or appropriate, solution. In response, the Development Management Team Leader explained that when this question was raised with the applicant, if Severn Trent was not able to accommodate the new houses, the preferred option was for a package treatment plant where the waste was treated and then discharged by other means – it would not enter the Severn Trent system at any point. He stressed this was a technical matter which would be picked up under building regulations. Another Member pointed out that the housing on the adjacent site which had been allowed on appeal and the land which had been built-out on the other side would surely be in the same situation in terms of drainage so he did not see why this would be an acceptable reason for refusal in this case. The Legal Adviser explained that, with regard to the appeal site, the Inspector had been adamant that was a matter which could be dealt with by condition. A Member asked whether the two sites to the north of this site were served by a treatment

package plant or if they went into the Severn Trent system and the Development Management Team Leader indicated that he believed that Geston Place discharged into the Severn Trent sewer to the north in the High Street. The site to the south had been subject to appeal and the Inspector had found the proposed condition to be an acceptable means to deal with drainage so details were still awaited in relation to that site. The Member pointed out that Severn Trent Water had stated that no further development could be accommodated within its sewage system, therefore, a package treatment system would be necessary to deal with the sewage which would effectively become surface water which was already a problem in that part of Twyning. The Development Management Team Leader reiterated this was a technical matter. Severn Trent Water had stated that it had no capacity at that point in time; however, it had invited a developer enquiry from the applicant to discuss this further and look at the possibility of a drainage solution on its network. The proposed condition allowed options for the developer to find an appropriate solution.

- 31.9 A Member indicated that she did not believe the village school could be extended in any way as there was insufficient room and she was concerned about the provision of a bus to take children to and from another school as the road to Twyning was very narrow and heavily used; she did not consider this to be a serious short or long term solution for children getting to school. On the basis of the issues with schooling and sewage, she could not support the application. A Member shared this view and felt that the site was completely unsustainable on the basis of the statements from Severn Trent Water and Stagecoach as well as the public speakers. She echoed what had already been said regarding the sewage system and indicated that she had particular concerns about where the water would go. She anticipated further development on surrounding sites if this application was allowed and felt that the development would cause a great loss of open space resulting in a single mass of housing. In her opinion it was an example of piecemeal development which she could not support. A Member asked for clarification as to why this application was recommended for delegated permission and yet Agenda Item 5c – 19/01201/FUL – Fortitude, Birdlip Hill, Witcombe also had no public transport provision and was recommended for refusal. The Development Management Team Leader recognised that public transport in Twyning was very limited; however, Paragraph 105 of the National Planning Policy Framework set out that opportunities to maximise sustainable transport solutions would vary between urban and rural areas and that should be taken into account in both plan-making and decision-making. This acknowledged that whilst rural areas may have sub-optimal public transport options, that was not in itself a reason to withhold planning permission. The Legal Adviser warned against refusal reasons which could not be substantiated at appeal as the Inspector had made it very clear that technical matters could be dealt with by condition and she reminded Members that Gloucestershire County Council, as the Local Education Authority, was satisfied with the application in terms of education provision.
- 31.10 Another Member indicated that it appeared a majority of Members of the Planning Committee were concerned with regard to sewage and, if planning permission was granted and something went wrong, they would be the ones who were answerable to residents. The report was vague in terms of details of sewage which was unacceptable given that it was part of everyday life that must be dealt with. He suggested it may be beneficial to defer the application to secure further details to satisfy the Committee that there was an acceptable solution to deal with sewage. The Legal Adviser reiterated her earlier comments about the issue of reasonableness and advised that the Inspector had recently awarded costs against the Council for refusal on the basis of a technical matter which could be dealt with by condition.

- 31.11 Upon being put to the vote, the motion for authority to be delegated to the Development Manager to permit the application in accordance with the Officer recommendation, was lost. It was subsequently proposed that the application be refused on the basis that the Council could now demonstrate a five year housing land supply. The Legal Adviser clarified that this was not an allocated site but was within the settlement boundary, as such, the five year housing land supply was not a refusal reason which could be substantiated at appeal. Another Member proposed that the application be refused on the basis that there were no school places for children in the village who would need to be transported to school along rural lanes and as Severn Trent Water could not at this time provide capacity for sewage from the development. The Corporate Director reiterated the point raised by the Legal Adviser that the responsible authority for education had been consulted on the proposal and raised no objection subject to a Section 106 Agreement to secure a financial contribution in relation to education. In terms of drainage, that was a matter for subsequent agreement by the developer and the technical authority involved; the condition recommended would ensure the development could not proceed ahead of a technical solution being approved. The Local Planning Authority should not be concerned with that solution as it was not a technical drainage authority. The refusal reasons put forward were in relation to technical matters which Members had already been advised could not be substantiated at appeal and there would be obvious consequences for any unreasonable refusal.
- 31.12 Another Member drew attention to Page No. 9, Paragraph 3.3. of the Committee report, which stated that the site was not allocated for housing but went on to say it was within the settlement boundary as defined in the Tewkesbury Borough Plan and the Residential Development Boundary as defined by the Twyning Neighbourhood Development Plan and she asked for clarification on that. The Development Management Team Leader explained that some sites were allocated specifically for development whereas others could lie within a defined settlement boundary as part of a village. Section 7 of the Committee report went through the policies in the development plan and explained why this proposal accorded with those policies on the basis of being within settlement boundary or Residential Development Boundary.
- 31.13 A Member expressed the view that the Planning Committee's role was to apply the Council's planning policies to applications which Members were currently failing to do. He appreciated these were emotive circumstances but it was not for Officers to give Members spurious reasons to refuse things they simply did not like; Officers were there to advise on the facts in terms of what could be used at appeal to defend the position the Committee may choose to take. In terms of sewage, that was an issue of great concern to Members but it was not going to be resolved by refusing an application which was quite patently permissible in the context of planning policy. A Member indicated that, although he had voiced his concerns and indicated that he could not support a motion to permit the application, having listened to the debate, it seemed the reality was that there were no valid planning reasons for refusal which could be defended at an appeal and, with a very heavy heart, he felt the Committee had no option but to go along with the Officer recommendation and grant delegated permission. Another Member drew attention to Page No. 13, Paragraph 7.1.5 of the Committee report which stated that infill development would be supported where it was consistent with the principles of sustainable development and asked whether the proposal not being sustainable could be used as a refusal reason. The Legal Adviser explained that Members would need to specify exactly why it was not sustainable. In response, the Member recognised that sewage could be addressed by condition but indicated that it was unsustainable from a transport point of view which was reinforced by Stagecoach in its response. Another Member noted that Twyning had been identified as a Service Village on the basis that it met several criteria, one being

that it had a school; however, there were no school places so children would have to be transported out of the village and he asked if that was adequate to demonstrate the development would be unsustainable. The Development Management Team Leader explained that the school itself was not a determining factor as to why Twyning was a Service Village and no objections had been raised by the statutory consultees such as County Highways in terms of the location being unsustainable. A suitable solution had been identified i.e. a bus route for children to get to school and the Local Education Authority had not raised any objection to the proposal to bus children to other local schools. As such, he was struggling to see how that could be used as an argument against sustainability.

- 31.14 The proposer of the original motion for a delegated permission in accordance with the Officer recommendation indicated that, in the absence of any sound planning reasons for refusal, Members had little choice but to permit the application. It was disappointing that Service Villages were being targeted by developers but this was an infill site. She therefore proposed, and it was seconded, that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation. Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to the omission of Condition 12, no adverse observations being received from the Council's Ecological Adviser, any additional/amended planning conditions and/or contributions which may arise and the completion of a Section 106 Agreement to secure provision of eight affordable dwellings, an affordable housing commuted sum and contributions towards primary education, school transport and waste and recycling provision, in accordance with the Officer recommendation.

21/00655/FUL - Windyridge, Tewkesbury Road, Coombe Hill

- 31.15 This application was for erection of one dwelling following demolition of the existing agricultural building and associated works.
- 31.16 The Development Management Team Leader advised that the application sought full planning permission for the demolition of an existing agricultural building and replacement with a two storey house with associated facilities. The site presently comprised a concrete block-built agricultural building set to the northern side of the access drive which served Windyridge which was a detached dwelling. The site lay within the Green Belt and outside of any defined settlement boundary; however, Coombe Hill was defined as a Service Village in the Joint Core Strategy and Tewkesbury Borough Plan. Whilst the proposal would conflict with policies in respect of the location of new residential development, the site benefited from an extant prior approval for conversion of the existing agricultural building to residential use which was considered a fallback position in this instance. Although the proposal would represent inappropriate development within the Green Belt which, by definition, would be harmful, it was considered that the extant prior approval for a dwelling at the site constituted very special circumstances. Furthermore, the current proposal would be a significant improvement in design terms and would not impact the openness of the Green Belt when compared to the previously permitted scheme. The proposal was therefore considered to be acceptable and was recommended for permission, subject to conditions as set out in the Committee report.
- 31.17 The Chair invited the applicant to address the Committee. The applicant explained that his father had started building the existing barn for his livestock haulage and farming business which he had now taken over. He had an agricultural holding number which he felt demonstrated that he was at one with the land, nature and

the environment. His architect had been in regular discussion with the Planning Officer who had guided and advised them, resulting in concerns being addressed and compromises and amendments made to produce the plans presented to the Committee today. He felt that the length of time and care taken represented their desire to get this right. The applicant confirmed that he owned all of the surrounding land and more evidence of his historical care and foresight was shown by his planting of 17 trees in 1993 which were now maturing nicely down the driveway and beyond. In addition to the extra planting in the proposals, he intended to plant a small orchard in front of the house shielding further from the A38. The applicant explained that he had designed this house for himself to live in and to be versatile enough should his mobility become restricted. In summary, the proposal would protect the environment, provide a much smaller footprint, with less impact, and a better end result than converting the barn and the extended time taken ensured a high quality design which was sensitive to its rural setting. The applicant hoped that Members could support the Officer recommendation to permit the application.

- 31.18 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being taken to the vote, it was

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

19/01201/FUL - Fortitude, Birdlip Hill, Witcombe

- 31.19 This application was for the demolition of an existing log cabin and the cessation of the extant log cabin development and the erection of a new single dwelling and associated landscaping; change of use of part of the site from lawful residential/holiday curtilage back to agriculture/paddock land.
- 31.20 The Development Management Team Leader advised that the site was located on a parcel of land situated on Birdlip Hill, Witcombe set within an area of open countryside forming the lower slopes of the Cotswold Escarpment within the Area of Outstanding Natural Beauty. Currently, a single detached log cabin which was used as holiday accommodation and an internal access track and gates were located on the land. The site was outside of any defined settlement boundary and within Flood Zone 1 as shown on the Environment Agency's plans. There was extensive planning history associated with the application site which currently benefited from an extant permission granted on appeal in 1998 allowing the erection of 10 holiday log cabins with associated sports facilities, proprietors accommodation and new access. It was noted that the access and the single holiday log cabin had been constructed. This permission formed the basis of the applicant's fallback position. Members may recall the most recent planning application which was brought before the Planning Committee in November 2019 seeking outline consent for the demolition of an existing log cabin and the cessation of the extant log cabin development and the erection of a new single dwelling. Members had refused that application as the proposal would be located in an isolated countryside location that was not well-served by public transport, pedestrian or cycling facilities and did not meet the strategy for the distribution of new development, subsequently the application site was not an appropriate location for a new market dwelling; and, on the basis of the information provided at the time, the proposed development would result in an unwarranted and visually intrusive impact on the open character and visual attractiveness of the Cotswold Area of Outstanding Natural Beauty. The scheme presented to Members today had been submitted as a full application and had sought to address the previous reasons for refusal. The application was supported by information that was not previously available as part of the outline scheme including a detailed design of the

proposed new dwelling, a visual landscape assessment, comparison sketches, ecological appraisal, energy assessments and a landscaping scheme. Officers had initial concerns regarding the proposed design of the new building and how it would enhance or conserve the scenic beauty of the Area of Outstanding Natural Beauty and Officers recommended that the design be presented to the Gloucestershire Design Review Panel. The applicant had agreed to this and, due to the COVID-19 pandemic, it had not been heard until July 2021 when the Panel had resolved that the site was in a very sensitive part of the Area of Outstanding Natural Beauty and successful redevelopment could only be achieved with a thoroughly thought out proposal which brought together landscape and architecture as integral components of the design. The Panel had also concluded that the current proposal had failed to achieve this high standard of design and, for that reason, could not be supported. Following these results, the applicant had submitted additional supporting information which included a revised landscape assessment, landscape mitigation proposals, more detail regarding lighting impacts and a revised design of the building. The Council's invitation to the applicant to take this information back to the Gloucestershire Design Review Panel for assessment had been declined. As a result, the application had been assessed by Officers on the basis of the additional information and the revised design; this assessment was set out in the Committee report and identified that a material change of policy had occurred since the submission of the previous application in terms of the adoption of the Tewkesbury Borough Plan and the confirmation that the Council could now demonstrate a five year housing land supply. As such, the application had been determined with the planning balance as a straight balance of benefits against harm. In summary, the proposal would result in a new market dwelling in a location with poor accessibility other than by private car and was not well served by opportunities for sustainable modes of transport. In terms of design, the scheme would have a visually intrusive and urbanising impact on the open character and attractiveness of the Cotswold Area of Outstanding Natural Beauty and would not achieve a high enough standard to enhance its character. Officers considered those harms were not outweighed by the minor economic benefits. As set out in the Additional Representations Sheet, attached at Appendix 1, the applicant's agent had submitted an updated Ecology Addendum to the Council on Monday 17 October 2022. The update had been sent to the Council's Ecological Adviser for comments but none had been received as yet. The Officer recommendation to refuse the application remained unchanged. Notwithstanding this, should Members be minded to permit the application, it was recommended that authority be delegated to the Development Manager to permit the application subject to satisfactory assessment of the ecology update.

- 31.21 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that Members would recall the site had permission for 10 holiday log cabins, granted on appeal in the 1990s. All parties accepted that permission had been implemented through the construction of a single log cabin meaning that it was extant and could be completed at any time. The last application came before Members three years ago as an outline application and, at that meeting, the then Development Manager advised that Officers had no objection in principle to a single dwelling replacing the log cabins but there were concerns with allowing an outline application as there would be no certainty over design and the impact on the Area of Outstanding Natural Beauty. Members had reaffirmed their support in principle and invited the applicant to come back with a full application to provide comfort over design – a contemporary design was supported. The applicant's agent advised that a full application had duly been submitted two years and 10 months ago and the application before the Committee today was the very same one. Almost three years and four Planning Officers later, and having spent an extraordinary amount of time and money providing the various technical reports and plans requested, it appeared to have got nowhere. Shortly after the application was submitted, the original Planning Officer requested that the

application be taken to the Gloucestershire Design Review Panel and, despite reservations and at huge cost, the applicant had agreed. The application had finally been considered by the Panel in November 2021 where constructive comments had been received suggesting further design rationale, a few design changes and a robust Landscape Masterplan – the contemporary design had been supported. The plans had subsequently been revised and the applicant had invested in a Landscape Strategy. What followed over the next few months was simply unacceptable with the application being reallocated to three further Officers over a period of six months. In July 2022, the application was allocated its fourth Planning Officer; at that time, the Council's Landscape Adviser had been reconsulted and confirmed no objection. The applicant's agent had also been told by the fourth Officer that, although the design was perhaps not his personal choice, given how far down the line the scheme was, they would not be asked to fundamentally redesign it. The applicant's agent had therefore been shocked to be told only two months later that Officers fundamentally did not like the design and intended to refuse – a clear moving of goal posts and totally unreasonable after three years. This had raised two questions: if Officers were fundamentally opposed to the design concept, why was the applicant made to go to the Gloucestershire Design Review Panel which had required them to wait for 18 months; and why were they encouraged to waste three years of time and money carrying out landscape strategies and design justification which were seemingly never going to make any difference. If Officers were fundamentally opposed to the design, they could have refused the application three years ago. The applicant's agent was sorry to say that they had lost all faith with the process and now looked to Members to make a reasonable and balanced decision. The current proposal was 115% smaller than the combined floor area of the log cabin scheme and the residential curtilage was 44% smaller, furthermore, there was now a robust Landscaping Strategy. The applicant's agent felt this was the best chance to deliver a positive design for the site.

- 31.22 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted on the basis that the proposal would have a more favourable impact on the Area of Outstanding Natural Beauty than the log cabin development which could be built under the extant planning permission. The proposer of the motion indicated that, as stated by the applicant's agent, an outline application had been considered by the Committee in November 2019 and the Chair at the time had felt that more information was needed and that a full application was required. The applicant had duly gone away and come up with another proposal which was before Members today. Granting planning permission for a single dwelling would do away with the extant planning permission for 10 log cabins on the site which he felt would be a huge improvement given the site's location in the Area of Outstanding Natural Beauty. He noted from the Additional Representations Sheet that County Highways had objected to the proposal; however, no objection had been raised in 2019, nor in 2016 when no objection had been raised subject to conditions. In his view, a single dwelling would have a more acceptable impact on the Area of Outstanding Natural Beauty than 10 log cabins which could feasibly be built in accordance with the extant planning permission. The seconder of the motion felt that the principle of development had already been established and the issue over the last three years was in relation to design. The applicant had done all they could to produce a design in accordance with Officers' wishes and the question was whether this would fit in with the Area of Outstanding Natural Beauty – did Members really want to see 10 log cabins on the site or something which would improve the area. The Development Management Team Leader advised that, should Members be minded to permit the application, this should be a delegated permit to allow for appropriate conditions; to secure a Section 106 Agreement in order to ensure the rest of the site was changed from residential/holiday use back to agriculture/paddock land, which the applicant's

agent had agreed they would be happy to enter into; and, as he had previously advised, pending a response from the Council's Ecological Adviser in relation to the Ecology Addendum which may require additional mitigation. The seconder of the motion indicated that he was reluctant to agree to a delegated permit given the history of delays with this application; whilst he understood the technical reasons for delegation, timing was a concern to him. Another Member also raised concern as to what the timeframe might be. In response, the Legal Adviser explained that the Committee report had been written on the basis of a refusal and, if permitted, it would be necessary to include relevant conditions. Indicative conditions could include the development being carried out in accordance with approved plans, tree protection, external lighting and ecology, if necessary to reflect the consultation response which was awaited from the Council's Ecological Adviser. She did not envisage this would result in a long delay in granting planning permission. It was also necessary to secure a Section 106 Agreement in order to stop the log cabin development from going ahead as that was the basis upon which planning permission would be granted in accordance with the motion currently on the table – that would not be achieved without a Section 106 Agreement in place. She advised that it was a very simple agreement to enter into so she did not anticipate this taking a long time to achieve. The Development Management Team Leader confirmed that was the case and he was sure the applicant would be willing to move as quickly as possible. He explained that the Ecological Adviser had been consulted the previous day so a response was imminent.

- 31.23 A Member sought clarification from Officers as to whether they believed a refusal would stand up at appeal and the Development Management Team Leader confirmed that it would not have been recommended for refusal if that was not the case. The Member went on to indicate that the original proposal for the log cabin development had also been recommended for refusal so, by the same logic, Officers would also have considered that could be defended on appeal; however, that development had been allowed on appeal so he asked why Officers believed that the Council would win an appeal in this instance. In response, the Development Management Team Leader advised that almost thirty years had passed since the appeal during which time there had been considerable material changes to planning policies. A Member expressed the view that a decision must be made on the merits of the application, not on the history of its fruition and the time wasted as far as the applicant was concerned.
- 31.24 The proposer and seconder of the motion to permit the application confirmed they were happy to amend the proposal to a delegated permit and, upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application on the basis that the proposal would have a more favourable impact on the Area of Outstanding Natural Beauty than the log cabin development which could be built under the extant planning permission, subject to the inclusion of appropriate conditions; a Section 106 Agreement to ensure the rest of the site was changed from residential/holiday use back to agriculture/paddock land; and, to allow for any additional mitigation required by the Council's Ecological Adviser in response to the Ecology Addendum.

21/00686/FUL - Crown Close, Bishop's Cleeve

- 31.25 This application was for redevelopment of the site to include demolition of existing garages/maisonettes and erection of 28 affordable dwellings with associated access, parking and landscaping. It was noted that the description of the development had been amended since the Committee report had been published to reduce the number of affordable dwellings from 30 to 28.
- 31.26 The Senior Planning Officer advised that the proposal sought demolition of five units, each with four/flats maisonettes in mixed tenure, together with the demolition of the single storey garages. The brownfield site was served from an existing access leading onto Crown Drive and was in a predominantly residential area. The proposed 28 dwellings would comprise 18 houses and 10 apartments, which would all be affordable, and 48 off-street parking spaces would be provided. The scheme was supported by Bishop's Cleeve Parish Council and any outstanding drainage issues had been resolved. The principle of development was acceptable and the proposal would provide much-needed affordable housing through the comprehensive redevelopment of an underused and unappealing site. The proposal was considered to have an acceptable impact on the character and appearance of the surrounding areas and on residential amenity and it was therefore recommended that authority be delegated to the Development Manager to permit the application, subject to the omission of Condition 7, as set out in the Additional Representations Sheet, attached at Appendix 1; the receipt of no additional adverse representations during the consultation period for the revised plans, which was due to end today; the completion of a Section 106 Agreement to secure the affordable housing in perpetuity; and any amended/additional conditions.
- 31.27 The Chair invited the applicant's representative to address the Committee. The applicant's representative advised that the proposal was to replace the unsatisfactory maisonettes which required modernisation with 18 social rent and 10 shared ownership properties. The scheme offered well-designed homes which would benefit from high thermal efficiency and would improve the visual and social aspects of the existing residential development. The position and orientation of the units minimised overlooking to and from the adjacent properties and the position of the new dwellings was set in order to avoid new overlooking from within the site itself. The method for creating suitable dwellings for modern living was to make larger than usual living areas and all dwellings would be above the minimum requirement of the Nationally Designed Space Standards. The addition of modern design would create an uplifting area to live in. As would be expected, a number of surveys had been carried out to deal with matters of flooding, drainage, transport and traffic which had all met with the satisfaction of Officers. The building design had been shaped through meetings with the local community who favoured a contemporary feel; several public consultations had been held with Rooftop, Hemmingway Design and The Space Studio which had helped shape the initial concepts. The designs replicated those of the recently completed Bishop's Drive (Pember Close) redevelopment. These homes would be built to the same excellent standard that could be seen at the former garage sites at Jesson Road, Linworth Road, Bishop's Close and Bishop's Drive – homes which tenants thought were outstanding. The proposed development would enhance the area by removing dilapidated and unsightly garages that were exposed to anti-social behaviour and build much needed affordable homes for local people with a modern twist.
- 31.28 The Chair indicated that the Officer recommendation was that authority be delegated to the Development Manager to permit the application, subject to the omission of Condition 7, as set out in the Additional Representations Sheet, attached at Appendix 1; the receipt of no additional adverse representations during

the consultation period for the revised plans; the completion of a Section 106 Agreement to secure the affordable housing in perpetuity; and any amended/additional conditions, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation. A Member noted concerns had been raised in relation to overlooking and the removal of third party boundary trees which provided a level of privacy and she asked if it was possible to include a condition to address this. In response, the Senior Planning Officer confirmed that overlooking was one of the major issues pointed out by objectors, particularly in respect of Unit 1 in the north-west corner of the site adjoining Crown Drive. In order to address that, he indicated that a condition could be added to remove permitted development rights so that no additional windows could be placed in that elevation. The proposer of the motion thanked the applicant's representative for what was, in his view, a considerable investment in this particular area of Bishop's Cleeve. He felt this was an excellent proposal - other parts of Bishop's Cleeve had seen considerable improvement following redevelopment and he looked forward to the same on this particular site. A Member echoed these comments and endorsed the inclusion of the additional condition to prevent overlooking. He felt this would be a welcome change for residents of the existing properties which were very old and caused numerous issues - it would make a real difference to the quality of the lives of those living in them. The Senior Planning Officer recommended a further additional condition in relation to the provision of electric vehicle charging points on the site and the proposer and seconder of the motion indicated they were both happy with the inclusion of the two additional conditions suggested. Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to the omission of Condition 7, as set out in the Additional Representations Sheet, attached at Appendix 1; the inclusion of a condition to remove permitted development rights from Unit 1 so no additional windows could be placed in that elevation; the inclusion of a condition to secure provision of electric vehicle charging points on the site; the receipt of no additional adverse representations during the consultation period for the revised plans; the completion of a Section 106 Agreement to secure the affordable housing in perpetuity; and any amended/additional conditions.

PL.32 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

- 32.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 116-119. Members were asked to consider the current planning and enforcement appeals received and the Department for Levelling Up, Housing and Communities appeal decisions issued.
- 32.2 A Member drew attention to Page No. 117, Paragraph 2.1 of the report in relation to 21/01312/PIP - Land Adjacent Blenheim Way, Shurdington which stated that a partial award of costs was made against the Council for the erroneous inclusion of an additional refusal reason and she asked for further clarification on this. The Legal Adviser explained that, although the Inspector had taken a different view on infilling to that of the Committee, there was not unreasonable behaviour found in respect of that; however, partial costs had been awarded because a further reason of sustainability not put forward by the Committee had, in error, found its way into the appeal documentation which had been unreasonable and the appellant had incurred unnecessary costs in respect of that. In response to a query, the Legal Adviser indicated that she did not know how much the Council was required to pay.

32.3

It was

RESOLVED

That the current appeals and appeal decisions report be
NOTED.

The meeting closed at 11:37 am

Appendix 1

ADDITIONAL REPRESENTATIONS SHEET

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

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

Item No	
5a	<p>22/00232/FUL</p> <p>Land To The South Of, Geston Place, Twyning</p> <p>Ecology Update</p> <p>The applicant has advised that their Ecological Consultants have now completed the requested Phase 2 ecological surveys.</p> <p>A summary of the findings is set out below:</p> <ul style="list-style-type: none"> • Hedgerow survey: None of the hedgerows onsite were assessed as being 'ecologically important' under the ecological criteria of the Hedgerows Regulations 1997. • Reptile survey: Low numbers of grass snake were recorded. Construction-mitigation measures (e.g., phased habitat manipulation to render habitats unsuitable for reptiles prior to site clearance) would be required to mitigate impacts. • Bat surveys: have been completed. Analysis of the bat survey data is underway. A number of trees onsite have been identified as having Moderate or High bat roost suitability. These are located on the southern site boundary; assuming that these are retained and buffered from development then impact to roosting bats can be avoided. • Badger survey: No badger setts were recorded onsite. • The site provided suitable habitat for Great Crested Newt; planning and legal obligation concerning Great Crested Newt could be dealt with via District Level Licencing. <p>The approach and results of the surveys and a full ecological mitigation and enhancement strategy will be contained in an Ecological Impact Assessment report, which is being prepared.</p> <p>This will also contain a Biodiversity Net Gain (BNG) assessment using the Defra metric 3.1.</p> <p>The applicant is also preparing a shadow Habitat Regulations Assessment (HRA) and providing information to support an enquiry to NatureSpace concerning District Level Licencing for Great Crested Newts.</p> <p>Once the relevant reports outlined above have been completed, they will need to be submitted to the Local Planning Authority and would be subject to review by the Council's Ecological Adviser.</p> <p>Other Matters</p> <p>For the purpose of clarity, and in reference to Paragraphs 8.6 and 9.1 of the Committee report, the Council is able to demonstrate a 5 year housing land supply and the tilted balance is not engaged. The application has therefore been</p>

	<p>assessed against, and the recommendation made with regard to, policies in the development plan on the normal balance and there are no material considerations which would lead to a conclusion other than to grant planning permission.</p> <p>It is recommended that Condition 12 is omitted as it does not meet the six tests in respect of the use of planning conditions.</p> <p>Conclusion</p> <p>The recommendation remains DELEGATED PERMIT subject to the omission of Condition 12, no adverse observations being received from the Council's Ecological Adviser, any additional/amended planning conditions and/or contributions which may arise and the completion of a Section 106 legal agreement to secure:</p> <ul style="list-style-type: none"> - Provision of 8 affordable dwellings - £60,000 - affordable housing commuted sum - 132,642.90 - towards primary education - £39,550 - towards school transport - £1,533 - towards waste and recycling provision
5c	<p>19/01201/FUL</p> <p>Fortitude, Birdlip Hill, Witcombe</p> <p>Additional Consultations</p> <p>Since writing the Committee Report the following consultation responses have been received:</p> <p>County Highway Authority - Objects and recommends that the application is refused. The County Highways Authority deemed that vehicular access to the site as proposed would have an acceptable impact upon the highway network. Notwithstanding this, the County Highways Authority considers that the proposal would be located in an unsustainable location which would generate a higher level of trips over and above the extant holiday cabins. The County Highways Authority therefore recommends that the application is refused due to it conflicting with the sustainable transport aims of the National Planning Policy Framework. The full response from the County Highways Authority is appended.</p> <p>Officer Update</p> <p>Since writing the Committee Report, the County Highways Authority has raised objections to the proposal and recommend refusal on sustainability grounds. The objection, which raises concerns regarding the location of the proposal is also covered in the first reason for refusal as set out in Paragraph 10 of the Committee Report. As such the recommendation to refuse the application remains the same.</p> <p>Ecologist - The Council's Ecological Advisor confirms that updated survey work is required given the time elapsed since the previous report was undertaken. The full response from the Ecologist is appended.</p> <p>An updated Ecology Addendum was submitted by the agent to the Council at 10:40am on Monday 17 October (the report is appended). The report suggests that, following a recent site visit, no further survey work is required in terms of bats and that mitigation is undertaken in line with the previous report.</p>

	<p>Officer Update</p> <p>The update has been sent to the Council's Ecological Advisor for comments; however, given the timescales it may not be possible to obtain a response in time for the Committee meeting, notwithstanding this a verbal update will be provided to Members as part of the Officer presentation.</p>
5d	<p>21/00686/FUL</p> <p>Crown Close, Bishops Cleeve</p> <p>Members' attention is drawn to the amended description of development to reflect the revised plans:</p> <p><i>"Redevelopment of site to include demolition of existing garages/maisonettes and erection of 28 affordable dwellings with associated access, parking and landscaping."</i></p> <p>Subsequently Paragraph 2.2 of the Committee report should state 28 units to reflect the amended description of development.</p> <p>As a further update, an Extension of Time has been formally agreed with the applicant to allow the completion of the S106 legal agreement.</p> <p>The formal consultation period expires 18 October 2022.</p> <p>A further representation has been received from the Lead Local Flood Authority stating no objections.</p> <p>It is recommended that Condition 7 is omitted as it does not meet the six tests in respect of the use of planning conditions.</p> <p>The recommendation remains the same, to PERMIT the application subject to the omission of Condition 7, receipt of no additional adverse representations, conditions and the completion of a Section 106 legal agreement.</p>

Item 5c – 19/01201/FUL Fortitude, Birdlip Hill, Witcombe



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 Council Offices
 Gloucester Road
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Highways Development
 Management
 Economy Environment and
 Infrastructure
 Shire Hall
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 Gloucester
 GL1 2TG

13 October 2022
 Your ref: 19/01201/FUL

[Redacted]

**TOWN AND COUNTRY PLANNING ACT 1990
 (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015
 ARTICLE 18 CONSULTATION WITH HIGHWAY AUTHORITY**

PROPOSAL: Demolition of an existing log cabin and the cessation of the extant log cabin development and the erection of a new single dwelling and associated landscaping. Change of use of part of site from lawful residential/holiday curtilage back to agriculture/paddock land.

LOCATION: Fortitude Birdlip Hill Witcombe Gloucester Gloucestershire

[Redacted]

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 recommends that this application is **refused**.

The justification for this decision is provided below.

The proposal seeks the demolition of an existing log cabin and the cessation of the extant log cabin development and the erection of a new single dwelling and associated landscaping. Change of use of part of site from lawful residential/holiday curtilage back to agriculture/paddock land at Fortitude Birdlip Hill Witcombe Gloucester Gloucestershire.

[Redacted]

There is an extensive planning history on this site, most of which is now lapsed, however there is an extant outline planning permission for the erection of 10 holiday log cabins with associated sports facilities, proprietors' accommodation, and new access (reference 02/01723/OUT).

The application site is located on the eastern side of Birdlip Hill, approximately 2km from the settlement of Brockworth, Gloucester. It is bound to the north, south and east by open fields. Birdlip Hill is subject to a design speed of 40mph at the vicinity of the site. There are 2no. recorded PIC's near the vicinity of the site within the most recent 5no. years, approximately 140 metres equidistant to the northwest and southeast from the site access. Based on the collision data presented, there are no patterns indicative of highway safety deficiencies within the local road network.

Sustainability

The site is in a rural community and there would be limitations to the choice of transport modes available for future occupiers. Manual for streets (mfs) states that walkable neighbourhoods are characterised by having a range of facilities within 10 minutes' walk, which is approximately 800 metres. However, this is not an upper limit and industry practice considers that 2km is a maximum walking distance door to door. The nearest bus stops are located some 1.18km northwest which exceed the otherwise acceptable 400 metres walking distance. These stops are serviced by no. 21 service to Worcester Street, Gloucester with only 3 directional services Monday to Friday, which are not perceived suitable to address the commuting needs of future occupiers. Additional stops are located some 1.8km from the site along Ermin St with regular commutable services to Lower Tuffley and Cheltenham. Additional facilities such as food shop, primary school and doctors practice are beyond the acceptable maximum walking distances.

There are no pedestrian footways along the public highway that connects the site to the bus stops, the nearest footway being some 800m northwest from the site along the southern side of Birdlip Hill. Given the design speed of the road and lack of infrastructure, it would prove a barrier for future occupiers to walk to these services, resulting in heavily, if not entirely, dependency on private vehicle for commuting and access to everyday facilities. These are however within acceptable cycling distances, yet given the 40mph design speed of Birdlip Hill and lack of a designated cycling lane, inexperienced cyclists would be discouraged from attempting to cycle along this route, however more experienced cyclists would not see this a barrier.

It is appreciated the Highway Authority's previous representations in respect of this site, particularly the most recent consultation ref 18/01295/OUT for the demolition of the existing log cabin and the erection of a new single dwelling, for which there were no highways objections raised subject to conditions. However, since that consultation there has been several revisions to both national and local policy, including the National Planning Policy Framework and Gloucestershire's Local Transport Plan. The environmental agenda has since taken a central focus in the decision-making process which is supported by policies within these documents.

The trips profile between the extant permission and that proposed are very different, whereas the holiday accommodation is unlikely to be occupied 100% of the time, the proposed residential dwelling is. It is appreciated that the lawful use comprises of a proprietor's accommodation, however its occupation was limited by way of a



planning condition and restricted to the sole purpose of working in the holiday business.

The present proposal would therefore be likely to generate a daily number of trips for commuting to work, school, access to supermarkets, etc. all of which are not only different in nature from the otherwise permitted use but constrained by the lack of available sustainable modes of transport nearby.

In terms of safe and suitable vehicular access to this site, the proposed arrangements are deemed acceptable and the impact on highway network is also accepted and considered negligible.

Therefore, the proposal conflicts with policy INF1 of the Joint Core Strategy 2011 to 2031, policies PD 0.1, and PD 0.4 of the Local Transport Plan 4 and would conflict with the sustainable transport aims of the National Planning Policy Framework contained in paragraphs 110 and 112.

Yours Sincerely


Development Coordinator



[REDACTED]

Subject: Ecology consultation request - 19/01201/FUL

CAUTION: This message originated outside of Tewkesbury Borough Council's network.
THINK TWICE before clicking links or attachments.

[REDACTED]

Looking at the report as there is a building subject to demolition an updated survey will be required as bats are very mobile and there could now be roosting features, even though the building was previously assessed as being of negligible potential.

The pond (if still present) will need to be reassessed for its potential for GCN, if suitability is present further presence / absence surveys will be required prior to determination. As the site is within an amber risk zone, as a minimum Reasonable Avoidance Measures will be required, even if the grassland is still of short sward as this can provide dispersal opportunities.

The updated ecological appraisal is to address opportunities for biodiversity enhancements and make suitable recommendations.

Many thanks

[REDACTED]



THE ECOLOGY EXPERTS

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Project Code: ZEST-21-03
Fortitude, Witcombe, Gloucester, GL3 4SN
OS Grid Reference: SO 91395 15126

Naturally Wild were instructed to undertake a site visit at Fortitude, Witcombe to assess whether there were any changes to the site following an Ecological Appraisal produced by Clarke Webb Ecology Limited in 2019.

The 2019 Ecological Appraisal highlighted that;

- The site was negligible for badgers with no evidence of activity or suitable habitats found on or adjacent to site
- There was no evidence of nesting birds within or upon the log cabin,
- The hedgerows and vegetation that was suitable for use by reptiles,
- The pond was calculated to be of 'poor' suitability for GCN following a HSI assessment,
- The site was unlikely to be used by other species.

A site visit was conducted by [REDACTED] a suitably qualified and experienced ecologist on Monday 10th October 2022, the findings of which are discussed in this letter.

On inspection of the above site, it can be confirmed that there have been no substantial changes from the Ecological Appraisal compiled [REDACTED] (of Clarke Webb Ecology Ltd) on 12th July 2019. There were two notable differences which are outlined below.



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The Log Cabin

Bats Suitability

The property was inspected using the Bat Conservation Trust's, 'Bat Surveys for Professional Ecologist'- Good practice guidelines.

The exterior was visually checked and showed at least three potential roosting features (PRF's), two at each gable end where soffit planks had come loose and one in the southeast corner where some guttering had come loose, exposing the roofing felt and providing access to the roof space. The rest of the structure remained concurrent with [REDACTED] 2019 Appraisal.

The interior (including the loft space) was thoroughly checked using a torch. There was no sign of any roosting bats, their droppings or any activity within the building. [REDACTED] interior description remained valid. The roof underlay was examined and appeared to be of the breathable woven polypropylene type. Even though there are some potential roosting features on the property, the presence of the breathable roofing membrane (almost certainly throughout) makes the property unsuitable for bats to use and may in part account for no sign of bats being found within the building. Woven polypropylene membrane is totally unsuitable for bats as it can 'fluff up' and cause entanglement and death.

With the above in mind, we would advise that no further bat risk assessment effort or bat activity survey is required for the property but appropriate mitigation measures should be put in place during demolition of the structure.

The Pond

Great Crested Newts

The pond at the time of the 2022 survey did not have any visible open water. There was a noted difference in the cover of bullrush (*Scirpoides holoschoenus*), with [REDACTED] noting a 66% coverage in 2019 but an increased coverage to approximately 90% observed in 2022.

There was also significant amount of lawn (amenity grass) encroachment to the old pond area resulting in the pond area being reduced to below 50m². That and the absence of fish and waterfowl is a notable change but the overall Habitat Suitability Index score for Great Crested Newts remains categorized as 'poor'. The advice in [REDACTED] 2019 appraisal (section 4.10-4.11) therefore remains valid.



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Mitigation and enhancement recommendations:

Following the site assessment and in review of the findings, Naturally Wild would recommend that the measures stated in Section 4 of the Ecological Appraisal produced by Clarke Webb Ecology Ltd be implemented into the works, as well as additional mitigation in relation to bats;

- The log cabin should be demolished using a soft-strip methodology of the roof, fascias, soffits and guttering with each element carefully removed and inspected for any bats. In the unlikely event that any bats are discovered, works should stop immediately, and a licenced and experienced ecologist should be informed and an EPS Mitigation Licence applied for through Natural England.

Site images from the 2022 visit.



Property viewed from the east showing unchanged grazed sward



Loose guttering access to roof space, Potential Bat roost feature



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Woven polypropylene roof membrane



Loose Soffit Boards, Potential Bat Roosting Feature



Pond, showing 90% Bullrush cover, no open water and short, surrounding sward.



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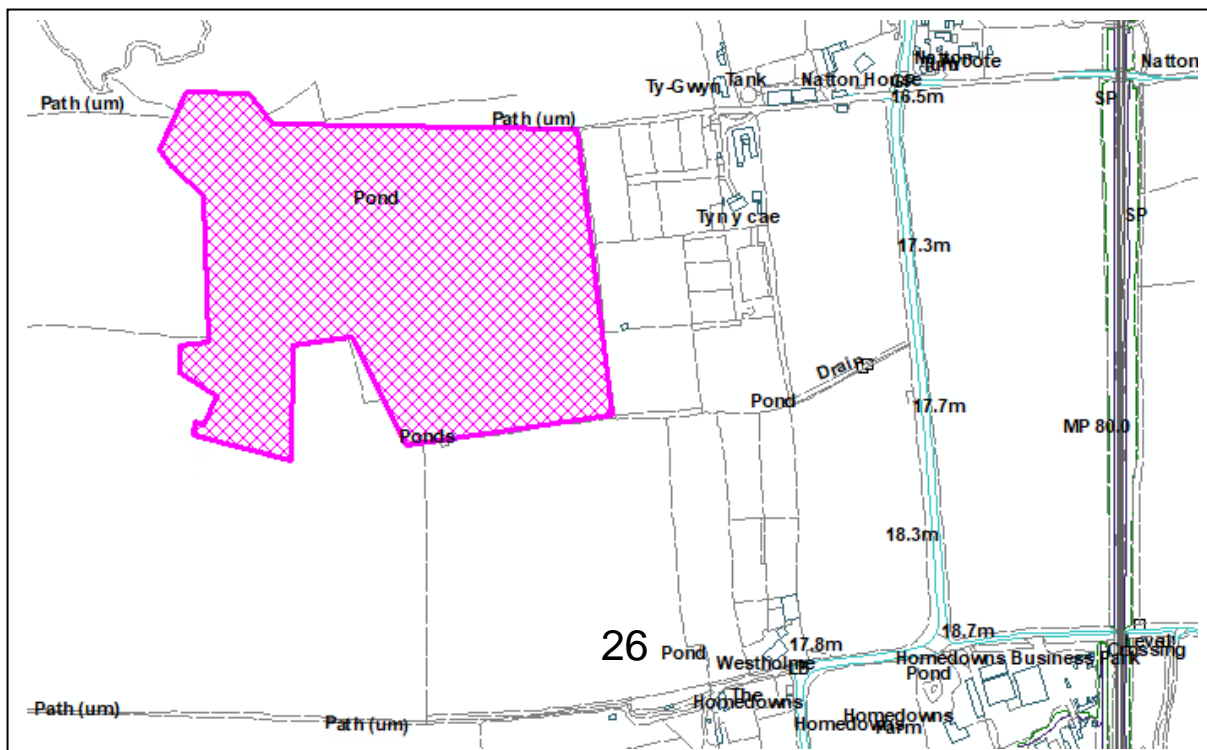


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Planning Committee

Date	20 December 2022
Case Officer	Catherine Ashby
Application No.	21/01551/APP
Site Location	Land At Fiddington
Proposal	Reserved matters application for Phase 2 (parcel H1) for access, appearance, landscaping, layout and scale for the erection of 114 dwellings (use class C3) pursuant to outline permission 17/00520/OUT.
Ward	Isbourne
Parish	Ashchurch Rural
Appendices	Fiddington Outline Location Plan Outline Phasing Plan Site Location Plan Proposed Site Layout Plan Proposed Storey Heights Plan Proposed Affordable Housing Plan Illustrative Street Scene 1 Illustrative Street Scene 2 Illustrative Street Scene 3 Apartment Elevations x 2 Town House Elevations House Type Elevations – 2-bed x 2 House Type Elevations – 3-bed x 2 House Type Elevations – 4-bed x 2
Reason for Referral to Committee	Reserved Matters application for the erection of more than 20 dwellings
Recommendation	Delegated Approve

Site Location



1. The Proposal

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R4KSMGQDIEI00>

- 1.1 Outline planning permission (reference 17/00520/OUT) was granted by the Secretary of State for Housing, Communities and Local Government (as was) in January 2020 following a non-determination appeal. The description of development was as follows:
- 1.2 *Residential development (up to 850 dwellings), a primary school, local centre (comprising up to 2,000 m² gross internal floor area) (A1, A2, A3, A4, A5 and D1 uses) with no single A1 comparison unit exceeding 500 m² gross internal floor area, supporting infrastructure, utilities, ancillary facilities, open space, landscaping, play areas, recreational facilities (including changing facilities and parking), demolition of existing buildings, new access to the A46(T) and Fiddington Lane into the site.*
- 1.3 The current application for the wider 'Fiddington 1' development seeks reserved matters approval for Layout, Scale, Appearance, Landscaping and Access on the first phase of residential development defined on the approved phasing plan. The phase covers 3.78 hectares and would deliver 114 dwellings with an average density of 44 units per hectare. This falls slightly below the maximum figure identified on the phasing plan, which is 118 dwellings. The reduction of four units is a consequence of negotiations and amendments to the scheme.
- 1.4 The scheme would provide 23 one-bedroom units, 32 two-bedroom units, 44 three-bedroom units and 15 four-bedroom units in a mix of apartments, terraced, semi-detached and detached properties. A total of 39 affordable units would be provided, which equates to 34.2% of the total number of dwellings in this phase and contributes to the 35% of affordable housing secured across the wider site. The number and tenure of affordable dwellings would reflect the requirements of the S106 agreement and approved Affordable Housing Plan for the whole site. The affordable properties would provide a mix of one and two bed apartments, and two and three bed terraces and semi-detached dwellings, offered on an affordable rent or an intermediate basis.

2. Site Description

- 2.1 The outline permission relates to the land known as 'Fiddington 1' located to the east of Tewkesbury and south of the residential and industrial development of Northway and Ashchurch. The outline permission extends to an area of approximately 55.15 hectares comprising arable fields, with two improved grassland fields in the southeast of the application site, defined by a mixture of hedgerows. There is a small copse in the northeast of the application site and areas of hardstanding off the A46 and a minor road. There are three small existing ponds within the site, two wet ditches and the Tirl Brook which runs through the site.
- 2.2 Immediately adjoining the site to the north is the strategic allocation 'Policy A5 Ashchurch', some 14 hectares designated for employment land, as outlined in the Joint Core Strategy (JCS) (2017). Planning permission has been granted for a garden centre and retail outlet centre (planning refs. 13/01003/OUT and 17/01203/FUL) which are under construction. North of the allocated site is the A46 which runs in a west/east direction, with Ashchurch Industrial Estate and the Northway residential estate lying beyond.

2.3 A network of public rights of ways (PROW) crosses the outline site, including Ashchurch Footpath 8 running east/west through the southern part of the site.

2.4 To the north and west of the application site is an area of green infrastructure forming the setting to the Tirl Brook and future Phase 4 of the development, which will comprise a mix of residential development, formal play and recreational facilities. To the south is future Phase 3 which would include the local centre and residential development. Vehicular access would be from a spine road running south through the site from the recently formed access off the A46, serving the commercial site to the north and the residential scheme. The spine road is Phase 1 of the development for which the reserved matters have been recently approved (reference 21/01488/APP). To the eastern boundary is a small collection of commercial properties and a single dwelling.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
90T/8635/01/01	Outline application for residential development, general industrial use(B2), storage distribution use(B8), school, neighbourhood centre, realignment of the Tirl Brook & associated landscaping, public open space, together with associated road improvements	DISMIS	17.03.1993
16/00009/SCR	EIA Screening Opinion Request Under Regulation 5.	EIAR	04.10.2016
16/00002/SCO	EIA Scoping Opinion Request Under Regulation 13 - Scoping Opinion request for residential development (up to 900 dwellings), potential site for primary school, local centre ancillary facilities, open space, landscaping and infrastructure works. Construction of vehicular accesses from A46 and Fiddington Lane	DONE	04.10.2016
17/00520/OUT	Residential development (up to 850 dwellings), a primary school, local centre (comprising up to 2,000 sq m gross internal floor area (A1, A2, A3, A4, A5 and D1 uses) with no single A1 comparison unit exceeding 500 sq m gross internal area), supporting infrastructure, utilities, ancillary facilities, open space, landscaping, play areas, recreational facilities (including changing facilities and parking). Demolition of existing buildings. New primary access points from the A46(T) and Fiddington Lane defined as: Western Access point from A46(T) up to 153 metres measured from the southern edge of the carriageway of the A46(T) into the site, Eastern Access point from Fiddington Lane (via A46(T)) up to 50 metres measured from the western edge of the carriageway of Fiddington Lane into the site.	APPAPR	22.01.2020

21/01488/APP	Reserved matters application for the spine road infrastructure pursuant to application 17/00520/OUT.	APPROV	31.10.2022
22/00439/APP	Reserved matters application for parcel H2 for appearance, landscaping, layout and scale for the erection of 215 no. Dwellings and associated works and infrastructure pursuant to outline permission 17/00520/OUT.	Pending	
22/01016/APP	Reserved matters application for the spine road infrastructure pursuant to application 17/00520/OUT (resubmission of 21/01488/APP)	WDN	01.11.2022

4. Consultation Responses

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

- 4.1 Ashchurch Rural Parish Council – No comment.
- 4.2 Northway Parish Council – No response.
- 4.3 County Highways Authority – No objection.
- 4.4 Lead Local Flood Authority – No objection.
- 4.5 Urban Design Officer – No objection.
- 4.6 Environmental Health Officer (Noise) – No objection.
- 4.7 Housing Enabling Officer – No objection – the application complies with the S106 agreement of the outline permission.
- 4.8 Landscape Adviser – No objection, subject to clarification of landscaping details around the LEAP play area.
- 4.9 Tree Officer – No objection.
- 4.10 Environment Agency – Response awaited
- 4.11 Severn Trent Water – Response awaited

5. Third Party Comments/Observations

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

- 5.1 The application has been publicised through the posting of site notices for a period of 21 days. Following the receipt of revised plans site notices were re-posted in May 2022 for a further 14 days.

- 5.2 One representation has been received making general comments which are summarised as follows:
- Queried why the application had been submitted by a different branch of Persimmon Homes to the remainder of the site.
 - The public right of way should remain open and safely managed by the applicant through the build process.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise

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

6.2 National guidance

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

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

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

6.4 Tewkesbury Borough Local Plan to 2011-2031 (TBLP) – Adopted 8 June 2022

- Policy RES5 (New Housing Development)
- RES12 (Affordable Housing)
- RES13 (Housing Mix)
- DES1 (Housing Space Standards)
- NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- ENV2 (Flood Risk and Water Management)
- TRAC1 (Pedestrian Accessibility)
- TRAC2 (Cycle Network and Infrastructure)
- TRAC3 (Bus Infrastructure)
- TRAC9 (Parking Provision)

6.5 Neighbourhood Plan

Ashchurch Rural Parish Neighbourhood Development Plan 2020-2031 – Made

September 2022

- T1: Modal shift for major development proposals
- T2: Road safety for walking and cycling
- C1: Community Infrastructure
- H1: Housing in Rural Areas
- H2: Design of Housing in the countryside and Fiddington, Pamington and Walton Cardiff
- V1: Protection of the intrinsic value of the countryside
- W1: Water management

6.6 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)

7. Policy Context

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

7.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans.

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

7.4 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.

8. Evaluation

8.1 *Conditional Requirements*

8.1.1 The outline permission included conditions which required submission of information relating to the whole development with the first, or prior to, the first reserved matters application. Other conditions required further information to be submitted for each phase of reserved matters. The conditions are summarised below:

- Condition 6 - Prior to or as part of the first reserved matters application a Phasing Plan for the whole site shall be submitted to the local planning authority for approval in writing. The phasing plan has been approved (ref 21/00137/CONDIS).
- Condition 8 - Site Wide Masterplan Document (SWMD). This has been submitted ref: 20/00082/CONDIS and approved. Submissions for the approval of the reserved matters shall accord with the approved SWMD, unless otherwise agreed in writing. The applicant has submitted a compliance statement with this application to demonstrate how the scheme complies with the SWMD.
- Condition 9 - The first reserved matters application submitted pursuant to Condition 1

is required to be accompanied by details of a recycling strategy for the entire site (850 dwellings), including waste storage. It has become apparent that this condition cannot practicably be discharged on an entire site wide basis but needs to be discharged by phase or part phase. The applicant is in the process of preparing a non-material amendment application to amend Condition 9 accordingly. The condition should be separately discharged prior to commencement of the development of this phase. The waste details have however been submitted with these reserved matters.

- Condition 10 – The reserved matters of any phase shall include details in respect of existing trees, retained trees, work to retained trees, alterations of existing ground levels and tree protection. These details have been submitted with the reserved matters application.
- Condition 11 – The reserved matters of any phase shall include details of the size, species and positions or density of all trees, hedgerows and other landscaping trees to be planted. These details have been submitted with the reserved matters application.
- Condition 23 - The details to be submitted for the approval of reserved matters for each phase (or part phase) of development pursuant to Condition 1 shall include vehicular parking and turning and loading/ unloading facilities within the phase (or part phase). These details have been submitted as part of the reserved matters application.
- Condition 26 - The reserved matters application for each phase submitted pursuant to Condition 1 shall include details of the proposed arrangements for future management and maintenance of the proposed streets within that phase or part of a phase. These details have been submitted as part of the reserved matters application.
- Condition 29 – As amended by non-material application reference 22/01138/NMA a detailed surface water drainage strategy for each phase of development is to be submitted to and approved in writing by the Local Planning Authority prior to, or accompanying, each reserved matters application for a phase or part phase pursuant to Condition 1. This information has been submitted with the reserved matters application.
- Condition 36 – The reserved matters application for each phase shall be accompanied by a Noise Assessment for the Local Planning Authority's approval. This information has been submitted with the reserved matters application.
- Condition 42 - The first reserved matters application for any given phase (or part phase) submitted pursuant to Condition 1 to include the submission of a Housing Mix Statement or written approval setting out how an appropriate mix of dwelling sizes, types and tenures will be provided in that phase to contribute to a mixed and balanced housing market to address the needs of the local area. These details have been submitted with the reserved matters application.

8.1.2 The applicant also submitted information for the discharge of a number of other conditions but has been advised that these cannot be discharged through the reserved matters and a separate application has been made accordingly (Condition 14: Green Infrastructure and Biodiversity delivery scheme, Condition 15: Landscape and Ecological Management Plan, Condition 27: Construction Method Statement).

8.1.3 The outline permission was also subject to Section 106 agreements with the Borough

Council and Gloucestershire County Council. These matters also need to be taken into account when considering these reserved matters and are discussed where relevant in the following sections of this report.

8.1.4 The application is supported by a range of technical documents including the following:

- Design/Planning Compliance Statement
- Housing Mix Statement
- Tree Survey and Protection
- Future Streets Management Statement
- Noise Assessment and Mitigation Statement
- Proposed Drainage Strategy Plan and Finish Floor Levels Plan
- Materials, Boundary Treatments and Storey Height Plans
- Proposed Street Adoption Plan and Refuse Vehicle Tracking Plan
- Proposed parking/cycle storage and refuse storage/collection plans
- Proposed Landscaping/planting Plans
- Affordable Housing Layout plan
- Sustainability (Waste and Recycling) Statement
- House Type Plans

8.2 *Principle of development*

8.2.1 The principle of residential development at the site has been established through the grant of outline planning permission. This application relates to the approval of the Phase 2 reserved matters in respect of access, layout, appearance, landscaping and scale of the development.

8.2.2 The key issues in relation to this reserved matters application are considered to be:

- Layout, appearance, scale and density;
- House types;
- Access, turning, parking and highway safety;
- Trees, landscaping and open space;
- Existing and future residential amenity;
- Affordable Housing;
- Housing Mix; and
- Surface Water and Foul Drainage

8.2.3 In assessing these matters it is also important to consider whether they accord with the Outline and the approved Parameter Plans and Site Wide Masterplan Document (SWMD).

8.3 *Layout, appearance, scale and density*

8.3.1 The NPPF states 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. 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. 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 is capable of being integrated within it. Policy H2 of the ARPNDP states that planning applications for new residential development will be expected to take

account of nearby architectural features, building materials, massing and boundary treatments and should conform with neighbouring built character whilst avoiding urbanising features that are inappropriate within the countryside.

8.3.2 A number of parameter plans were approved as part of the outline consent (reference 17/00520/OUT), relating to Land Use; Building Heights; Access and Movement and Green Infrastructure. Further, Condition 8 of the outline permission required the preparation of the approved Site Wide Masterplan Document (SWMD) which provides a set of Design Principles, including:

- The principles of determining the mix of land uses and community facilities;
- The principles for determining the design, form, heights and general arrangement of external architectural features of buildings with distinctive character areas;
- The principles of the hierarchy for roads and public spaces;
- Potential arrangements for car parking;
- The principles for the design of the public realm;
- The principles for the laying out of the green infrastructure including the access, location and general arrangements of sports pitches and play areas; and
- The principles for the enhancement of biodiversity through retaining existing green infrastructure, buffer and creation of attenuation ponds.

8.3.3 As such, the SWMD encapsulates and embeds a number of important principles of good design and appropriate parameters and establishes a 'template' for the various phases of development within the site. All reserved matters applications are required to be in accordance with the approved SWMD.

8.3.4 The application has been supported by a Compliance Statement (CS) to demonstrate the scheme's design compliance with the SWMD. The CS sets out the Design parameters, Design Principles, Appearance and Character, the three character areas, Materials Palette and Parking Strategy and how these align with the overarching parameters secured within the SWMD.

8.3.5 Officers have assessed the CS and during the determination of the application have negotiated amendments to the scheme including: amendments to house type elevations and proposed materials, amendments of house types to successfully address the street scene/ open spaces, amendments to the apartment blocks elevations including addition of balconies, amendments to boundary treatments, strengthening of tree, hedgerow and bulb planting, amendments to the layout and landscaping of LAP and LEAP play areas. Further to securing the amendments to the application, officers consider that the design approach reflects and builds upon the principles and parameters set out in the Parameter Plans agreed at outline stage and the SWMD.

8.3.6 The current application site is located within three separate character areas defined in the SWMD. A plan of the Character Areas will be displayed at Committee. Most of the site is in the Neighbourhood Core Character Area, with the area either side of the main spine road falling into the Main Street Character Area and the peripheral area on the edge of the parcel calling with the Tirl Brook and Landscape Edge Character Area. The SWMD also shows two areas of open space within this phase; the area to the northwest contains an attenuation pond and a LAP play area, the area to the south contains a LEAP. The SWMD also shows natural green corridors running east/west through the site and along the western boundary. These provide retained hedgerows and trees, ecological corridors and enhance the pedestrian networks within the wider site, and incorporate an existing, retained public right of way that runs through one corridor. These features have been

incorporated into the layout and negotiations have taken place during the consideration of the reserved matters application which have increased planting in some areas.

- 8.3.7** The centre of the site, either side of the main spine road, is defined in the SWMD as the Main Street Character Area which in the context of the wider site is the main entrance to the residential development from the commercial development to the north. It would also adjoin the Community Hub Character Area to the south. The area is characterised by medium to high density development of 40-50 dwellings per hectare. The built form should follow a formal development pattern, with perimeter blocks and occasional courtyard mews to accommodate apartments and continuous terraces. It should be predominantly 2-storeys in height with the use of 2.5 to 3-storeys around prominent areas and focal points. A formal architectural style should be used to provide a suitable backdrop, e.g., town houses that use a vertical rhythm and references to local vernacular. The area should display a generous use of street trees, verges and planting within front gardens. Boundary treatments should be typically short frontages with shrubbery and formal hedging.
- 8.3.8** Within the Main Street Character Area the application proposes a higher density of residential development with an average of 54 dwellings per hectare. The main street has been designed following a formal block pattern with occasional rear courtyards to accommodate the two 3-storey apartment blocks which provide a focal point either side of the spine road at the site entrance. A two storey, flat-over-garage is attached to the southern elevations of both apartment blocks and frames the access into the rear parking courtyards. South of the apartment blocks is a run of 3 storey terraced dwellings with a vertical emphasis, dropping down to 2.5-storey semi-detached dwellings and then 2-storey detached dwellings on the southern corner plots. Dwellings are set back from the footpath edges and have modest front gardens which are defined, in the most part, with formal railings and hedging/ shrubs to provide a defensible space off the main street. The apartment and dwelling designs are gabled in form with traditional detailing and mainly constructed of brick with red and slate tile roofs. Render is used in corner plot locations to provide a focal point and to break up the mass of the apartment blocks. Along the western side of the spine road a 2-metre verge is proposed with street tree planting. At the southern end of the character area the development loosens a little around an area of a pocket park incorporating a LAP play area, with the semi-detached 2.5 – 2-storey dwellings set back behind it, which creates opportunities for active surveillance over the open space. Parking is set to the sides of dwellings except the apartments which is accommodated in rear parking courtyards. Overall officers consider that the design approach in the Main Street Character Area accords with the general design principles of the SWMD.
- 8.3.9** Most of the site is located within the Neighbourhoods Core Character Area within the SWMD. The SWMD states that these areas should incorporate a broad range of building densities (35-40 dwellings per hectare) with building heights that are predominantly 2 storeys and a traditional architectural style. The built form should be a tighter development pattern with a mix of dwelling types, from detached to terraced, with short setbacks from the highway and a mix of front garden depths, which should incorporate hedgerows and shrub planting to soften the streetscape. A variety of parking typologies can be incorporated. The road types are secondary streets, with pedestrian prioritised streets and private lanes. This character area is replicated across a large proportion of the entire site.
- 8.3.10** The application proposes dwellings predominantly two storeys in height. A mix of traditional house types are proposed including detached, semi-detached and terraces. The house designs are predominantly of a gabled design with traditional detailing and would be mainly constructed of brick with red tile and slate effect roofs. Render, in whole or part, is used in corner plot locations to provide a focal point and is considered an appropriate

design response. In most locations dwellings are set back from and directly address public open space/ green corridors to provide natural surveillance, including to a LEAP and Public Right of Way along the southern boundary. Parking is a mix of side and frontage parking. Access is via secondary streets and some private drives, with street trees incorporated into front gardens where possible. The application proposes an average density of 39 dwellings per hectare within this character area which accords with the SWMD. Overall officers consider that the design approach in the Neighbourhood Core Area accords with the general design principles of the SWMD.

8.3.11 The Tirl Brook and Landscaped Edge Character Area relates to the rural fringes of the site adjacent to existing green infrastructure. In this area development should be a lower density (30-35 dwellings per hectare) and display an informal development pattern with a looser edge to assimilate development into the green corridors. Built form should be traditional architectural styles, predominantly 2-storey, larger more detached dwellings with medium setbacks from the highway to allow for low level planting in front gardens. There should be a generous use of soft informal landscaping in this area.

8.3.12 The Tirl Brook and Landscaped Edge Character Area is located on the northern and western edges of the parcel. Within the area the application proposes a lower density of 34 dwellings per hectare. Dwellings are large, detached houses interspersed with some semi-detached. Parking is a mix of integral garage parking, front parking and to the sides of dwellings. Access is mainly via private drives off the main street. The dwellings are of traditional architectural style and predominantly brick with limited use of render. Dwellings would be set back from the street with larger front gardens which would provide a more semi-rural character and transition between the built form and the adjacent green infrastructure. This transition is assisted by green verges, street trees and planting in the public open space sited in front of the dwellings. Overall officers consider that the design approach in the Tirl Brook and Landscaped Edge Character Area accords with the general design principles of the SWMD.

8.3.13 The only matter that has not be addressed to the satisfaction of officers is the proposed palette of materials. Officers accept the principle of the use of a palette of brick and render facing materials, and a red tile and slate effect roofing tile. However, the red tile and slate effect roofing materials proposed by the applicant are not considered to be of an acceptable quality. This is the first phase of development on a strategic scale site of 850 dwellings and it is therefore imperative that a high quality palette of materials is used that sets the standard for the rest of the development. Officers propose this matter be resolved by attaching a condition to the permission to enable an acceptable palette of materials to be agreed. A condition requiring the submission of details in respect of the construction/ materials of the proposed apartment balconies is also considered necessary in the interest of the appearance of the development.

8.3.14 Overall officers consider that the scale, layout and appearance of the application is acceptable and accords with the approved SWMD and is of an appropriate design, accepting that further details will be required as set out and these details can be secured by planning conditions attached to a reserved matters approval.

8.4 *Access and highway safety*

8.4.1 Policy INF1 of the JCS advises that proposals should ensure safe and efficient access to the highway network is provided for all transport modes and that the impact of development does not have a severe impact upon the highway network. Policy SD4 (vii) also requires development to be well integrated with the movement network within and

beyond the development itself, ensuring links by other modes and to green infrastructure.

- 8.4.2** The Highway Authority has assessed the scheme and sought amendments including: improved junction design and wider radii/visibility splays, pedestrian crossings to provide clear pedestrian priority, improved vehicle crossover points to avoid severance of the active travel corridor, improved cycle parking and access arrangements for mid-terrace plots, provision of additional street trees on the secondary roads off the spine road, and the incorporation of a gateway feature.
- 8.4.3** Vehicular access to the phase is obtained via the A46 and the new north/south spine road into the development, which incorporates a segregated pedestrian and cycle access on its western side. Secondary streets provide vehicular and pedestrian accesses off the spine road into the application site, which lead onto several tertiary private drives, with a design speed of 20 mph. Junction visibility and forward visibility is demonstrated throughout the layout. Vehicle tracking information has been provided, which demonstrates a refuse vehicle can safely navigate the proposed internal roads. Appropriate visibility splays are provided for each access. An east/west pedestrian access across the parcel via an existing public right of way is incorporated into a green corridor through the site. The proposed streets within the parcel will be put forward for adoption by the Local Highway Authority. The Highway Authority is satisfied with the proposed internal layout.
- 8.4.4** Officers consider that the road layout, block sizes and pedestrian links generally accord with what is shown in the SWMD. Furthermore, the proposal accords with the relevant design principles for street design and frontage design described in the different character areas. This allows for direct access to all units for both pedestrians and vehicles. The routes are all well-lit with good levels of natural surveillance.
- 8.4.5** Street trees have been provided in accordance with the requirements of paragraph 131 of the NPPF, and this is considered acceptable. Some grass verges are evident which would enhance the quality of the street scene. A number of bin collection points are shown on the plans and the waste collection arrangements are acceptable.
- 8.4.6** In regard to car parking, the majority of units have on-site car parking provisions which is integrated into the development such that the parking does not dominate the street scene. Areas of car parking within the public realm are also overlooked reducing the risk of crime. One-bedroom apartments have an average of 1 parking space, two-bedroom houses and apartments have an average of 1 parking space, three-bedroom houses an average of 2 spaces and four-bedroom houses an average of 3 spaces. The Highway Authority has been consulted on the application and has raised no objection.
- 8.4.7** The Highway Authority require the provision of a Gateway Feature at the entrance to the development to signify the transition into the residential environment from the commercial development and start of speed restraint measures. This has been agreed in principle by the applicant, but the details are not yet resolved. A condition is proposed to enable the details of the Gateway Feature to be agreed.
- 8.4.8** Overall if it considered that the access, internal road layout and car parking provision is acceptable and accords with the SWMD, Policy INF1 of the JCS and the NPPF, subject to minor revisions being made to the plans as set out above.

8.5 *Trees, Landscaping and Open Space*

- 8.5.1** 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.
- 8.5.2** The Parameter Plans and Landscape Mitigation Plan approved through the outline permission, and subsequent approval of the SWMD, detail a strong network of existing and proposed green infrastructure across the wider site, with the creation of vegetated routes which retain existing hedgerows to form corridors connecting the developed areas of the site with the natural landscape.
- 8.5.3** The Landscape Strategy embedded within the SWMD seeks to create a multifunctional network of open spaces and green corridors permeating through the new development, linking existing features and surrounding areas of open space and the countryside. The SWMD details that landscape assets will be incorporated into the development, including, but not limited to, hedgerows, trees, grassland, proposed street trees (using Sustainable Urban Tree Planting Systems), existing ponds, balancing/attenuation ponds, sports pitches, natural play areas, community allotments and footpath and cycle ways. The design approach taken within the SWMD seeks to build upon the site's assets, landscape character and local context and respond to the issues of ecology, access, landscape and surface water management in an integrated way to create a multi-functional landscape. Key linear habitats and associated features are to be retained and strengthened to maintain a comprehensive green and blue network across the site, including a substantial east/west multifunctional, active green corridor.
- 8.5.4** The applicant has submitted a suite of information in support of the application to demonstrate compliance with the SWMD. The information includes: design compliance statement, soft landscape proposals, hard landscape proposals, specifications for proposed planting, tree survey schedule, tree removal and retention plans and tree works schedules.
- 8.5.5** In accordance with the SWMD the application site would contain a wider east/west green corridor/landscape edge, where hedgerows are retained and pedestrian access via an existing public right of way to be maintained. Informal landscape edges to the east and north would also be provided which integrate the site with adjacent, existing green infrastructure. Two nodes of public open space would be provided: to the northwest an area accommodating a LAP play area and an attenuation basin, and a LEAP play area to the south, adjacent to the public right of way. A pocket park containing a LAP play area would also be located adjacent to the spine road, providing a green focal point in the streetscape. There are not a large number of existing trees in this part of the site, but they would largely be retained and tree planting is proposed throughout the site. Internally within the application site, in accordance with the principles of the SWMD, street trees are incorporated, along with new hedge and shrub planting to the frontages of dwellings across the development, creating a green streetscape and high-quality public realm.

- 8.5.6** Negotiations have taken place during the determination of this application between the Council's Landscape Advisor and the applicant resulting in the following amendments and improvements to the scheme: an increase in the number of street trees in accordance with NPPF Paragraph 131; amendment of planting within the landscape edges to ensure that it is more open, reflective of the adjacent countryside character and views from the new properties towards the wider public open space are not obscured; provision of a safe crossing point over the spine road for pedestrians using the east/west public right of way; increased tree planting around the LEAP and an accessible surfaced route running through it, and improvement of play equipment in LAP1 to provide more play value. Improvements to the attenuation basin have also been sought: the provision of a knee rail around its edge so that it remains more accessible within the wider public open space; the introduction of tree planting and native scrub within the basin so that there is not a stark edge to the basin (this would not reduce the capabilities of the basin), the provision of timber post and rail fence to the top of the headwall to enhance the natural look of the open space, and the cladding of the headwalls in stone to integrate them into the natural context. These amendments are all considered acceptable.
- 8.5.7** The Tree Officer has also been consulted and is satisfied with the proposed tree/ hedge retention and protection measures.
- 8.5.8** An issue has also been identified between the integration of the LEAP plan and the planting plan in relation to planting and enclosures. The applicant is revising these details and amendments are awaited. The Landscape Advisor will be reconsulted on the submitted amendments. **An update will be provided at committee.**
- 8.5.9** Subject to the outstanding details being submitted and the Council's Landscape Advisor being satisfied with the amendments, it is considered by officers that the landscaping scheme and green infrastructure would accord with Policies SD4, SD6 and INF3 of the JCS and with the overarching landscape principles of the SWMD.
- 8.6** ***Existing and future residential amenity***
- 8.6.1** 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.
- 8.6.2** The layout and proximity of the phase to the existing communities of Ashchurch and Fiddington and the other phases of the development is such that there would be no undue impact on the residential amenity of existing residents, or residents within other phases. There is one existing dwelling at closer proximity to the east of the site, but it is considered that the layout, separation distance and intervening landscape screening is such that there would be no significant impacts on the occupiers.
- 8.6.3** In terms of the proposed layout itself, the dwellings would all have acceptable levels of outdoor amenity space that 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.

8.6.4 In addition, at the request of officers, private balconies have been added to the apartment units to provide a degree of private amenity space for each. Wider access would also be available to the public open space within the development. Apartments have also been designed to front out onto the public realm to maximise activity, surveillance, and an attractive outlook for residents/occupiers. Considering the above, it is considered that the apartment units would be afforded an appropriate level of residential amenity space and are therefore acceptable in this regard.

8.6.5 Condition 36 of the outline consent requires each reserved matters application which includes dwellings to be accompanied by a noise survey to ensure that noise levels within dwellings and enclosed outdoor amenity spaces do not exceed industry limits. A Noise Assessment has been submitted in support of the application. It recommends mitigation measures (acoustic glazing/trickle ventilation and acoustic boundaries) in specific locations within the development. The Environmental Health Officer (EHO) has been consulted in respect of the current scheme and considers the submitted Noise Assessment to be satisfactory in terms of the methodology used and the conclusions reached and advises that the noise levels within the development will comply with the limits proposed in condition 36 without any specific noise mitigation measures. Therefore, the EHO is satisfied that condition 36 can be approved for this phase of the development.

8.6.6 Overall, it is considered that the proposed development would result in acceptable levels of amenity for future residents of the development and the nearby existing/future residents in accordance with the relevant JCS policies.

8.7 *Affordable housing*

8.7.1 Policy SD12 of the JCS sets out a minimum requirement of 40% affordable housing within the Strategic Allocation sites. 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. The design of affordable housing should also meet required standards and be equal to that of market housing in terms of appearance, build quality and materials.

8.7.2 In allowing the appeal the subject of the outline consent (ref: 17/00520/OUT) the Planning Inspector agreed with the appellant that the only reason the site was not included as a Strategic Allocation in the JCS were the concerns regarding the effect of the proposal on the strategic and local highway network, which were considered resolved through the appeal. He therefore agreed with the JCS Inspector's conclusion that it is fair and reasonable to regard the site in the same light as a Strategic Allocation, and to allow the lower level of 35% affordable housing.

8.7.3 Condition 7 of the outline approval required a Phasing Plan to be submitted for the whole site, either prior to or as part of the first reserved matters application. The submitted Phasing Plan includes details of the approximate number of market and affordable dwellings for each phase.

8.7.4 The S106 attached to the outline permission sets out the scale and mix of affordable houses which are required across the whole site. The S106 states that:

- Sixty percent of the Affordable Units shall be provided as Affordable Rented Units and the remaining shall be provided as Affordable Housing for Sale Units.
- Affordable Housing Units to be generally indistinguishable in appearance from the Open

Market Units.

- The Affordable Housing Units must not be in groups of (i) more than 12 Units where they comprise a mix of houses and flats, and (ii) more than 12 units where they comprise houses only.
- An Affordable Housing Plan (Whole Site) for the entire outline site is to be submitted prior to submitting the first application of reserved matters – the affordable housing information detailed on the approved phasing plan (Condition 6) satisfies this requirement.
- An Affordable Housing Plan (Phase) to be submitted prior to the reserved matters application in each Phase. The Affordable Homes Key Plan submitted with the reserved matters application satisfies this requirement.

8.7.5 The Affordable Homes Key Plan confirms that the mix of affordable housing meets the requirements of the S106 and Phasing Plan and sets out the following schedule of accommodation:

Affordable Rent (24 units – 60%)

- 12 x 1-bedroom flat
- 6 x 2-bedroom flat
- 5 x 2-bedroom house
- 1 x 3-bed house

Affordable Housing for Sale (15 units – 40%)

- 11 x 2-bedroom house
- 4 x 3-bed house

8.7.6 The provision of 39 affordable units in this phase represents 34.2% of the total dwellings proposed. It is considered that the proposed affordable units would be tenure blind and are equal to that of market housing in terms of appearance, build quality and materials.

8.7.7 In respect to clustering, this phase delivers a proportion of 1 and 2-bedroom affordable units, which are being provided within blocks of apartments. However no single apartment block exceeds 9 units, being below the 12-unit threshold. Similarly, the affordable individual houses are in small clusters of between 3 and 7 units. It is considered that the clustering is acceptable and in accordance with the provisions of the S106 agreement.

8.7.8 The Housing Enabling Officer (HEO) has been consulted and advises that the proposed affordable housing provision is in line with the S106 agreement and it is considered that the proposed affordable housing provision and arrangement is acceptable.

8.8 *Housing Mix*

8.8.1 Policy SD11 of the JCS requires all new housing development to provide an appropriate mix of dwellings sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Development should address the needs of the local area and should be based on the most up to date Strategic Housing Market Assessment. The Gloucestershire Local Housing Needs Assessment 2019 – Final Report and Summary (September 2020) (LHNA) provides the most up to date evidence based to inform the housing mix on residential applications. Condition 42 of the outline consent requires the submission of a Housing Mix Statement with each reserved matters phase to ensure that an appropriate housing mix is secured in accordance with Policy SD11.

8.8.2 The Gloucestershire Local Housing Needs Assessment 2019 – Final Report and Summary (September 2020) (LHNA) provides the most up to date evidence base to inform the housing mix on residential applications. This report states that in Tewkesbury the new market dwelling mix should be: 3% one-bed, 13% two-bed, 54% three-bed and 29% four-bed or more.

8.8.3 The applicant has submitted a Housing Mix Statement in support of the application, but this is based on the former version of the Local Housing Needs Assessment. Updated figures have since been provided based on the current LHNA. The application proposes the following market housing mix: 11 one-bed: 14.6%, 10 two-bed 13.3%, 39 three-bed: 52.0% and 15 four-bed: 13.2%. The mix is broadly in accordance with the LHNA in respect of the two and three bed dwellings, but the mix is skewed in favour of more one-bed units and fewer four-bed units. The applicant explains that due to the taller apartments and town houses that are required to front the spine road in the Main Street Character Area there is an increased number of smaller scale units in this phase. It is not possible to site the four-bed units here, but these numbers can be made up in future housing phases.

8.8.4 Based on the submitted information it is considered that the housing mix is broadly in compliance with Policy SD11, having regard to the SWMD requirements for this phase of the development, and is, on balance, acceptable.

8.9 *Foul and Surface Water Drainage*

8.9.1 JCS Policy INF2 (2) (iv) requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. Policy INF6 also requires that the infrastructure requirements generated by a proposal are met, including by adequate on and off-site infrastructure.

8.9.2 The principle of developing the site is established by the outline consent which includes an approved overarching drainage strategy for the whole site. A drainage strategy plan has been submitted as part of the current Phase 2 scheme in order to demonstrate how the site-specific drainage infrastructure would accord with the whole site drainage strategy.

8.9.3 Condition 29 of the outline permission (as amended by non-material application reference 22/01138/NMA) requires a detailed surface water drainage strategy for each phase of development in respect of each reserved matters application to be submitted for approval in writing by the LPA. The current application for the Phase 2 scheme seeks to demonstrate how the proposal would fully accord with the approved site wide outline surface water drainage strategy. The Lead Local Flood Authority have been consulted on the application and raise no objection as the Drainage Strategy Plan would be suitable as part of the overall drainage strategy further to Condition 29 of the outline consent.

8.9.4 The following conditions were attached to the outline consent at the request of the Environment Agency (EA):

- Condition 31 requires that no development for a phase or part phase within the floodplain, as defined by the 1:100 + 35% climate change flood extent within the approved outline drainage strategy, shall be commenced until a scheme for the provision and implementation of compensatory flood storage works has been submitted and approved. As the application is entirely within Flood Zone 1 it falls outside of the floodplain so the development would appear to comply with this condition.

- Condition 33 requires that there must be no new buildings, structures or raised ground levels within 8 metres of the top of any bank of any watercourses unless otherwise agreed. The EAs response is awaited on this matter.
- Condition 34 also requires that floor levels for all properties to be set a minimum of 600mm above the modelled 1% flood level including a 35% allowance for climate change as set out in the approved outline drainage strategy. The EAs response is awaited on this matter.

8.9.5 The Planning Inspector who allowed the appeal for the outline consent did not attach any conditions requiring the foul drainage arrangements to be confirmed through the reserved matters. However, the applicant's foul drainage strategy should accord with the drainage strategy approved through the outline consent. The response of Severn Trent Water on this matter is anticipated.

8.9.6 At the time of writing this Committee Report, the response of the Environment Agency on Conditions 31, 33 and 34, and the response of Severn Trent Water in respect of the foul sewerage arrangements is awaited. **An update will be provided at committee** regarding whether these details accord with the approved outline drainage strategy and conditions of the outline planning permission.

9. Conclusion

9.1 Considering all of the above, subject to the outstanding landscaping details being submitted and the Council's Landscape Advisor being satisfied with the amendments, and subject to the response of the Environment Agency and Severn Trent Water on the drainage strategy and conditions, the proposed development is considered acceptable in regard to access, layout, scale, appearance, and landscaping. The scheme advanced would be in accordance with the outline consent, the Parameter Plans and the SWMD approved under that consent.

9.2 As set out above, a committee update will be provided once consultation responses are received from the Landscape Adviser, Environment Agency and Severn Trent Water. The committee update will also set out any changes that arise to the submitted plans and variations to the recommended conditions that may arise.

10. Recommendation

10.1 The application is therefore recommended for **Delegated Approval** subject to confirmation from the Council's Landscape Adviser, Environment Agency and Severn Trent Water that the amendments to the scheme are acceptable, together with any consequential minor revisions to plan numbers and conditions that may arise.

11. Conditions

- 1 The development hereby approved shall be implemented in accordance with the following plans, documents and details:

Layout Plans

- Planning Layout 100_00 Rev U
- Location Plan 101 received 23.12.21
- Storey Heights Layout 103-1 Rev E
- Affordable Homes Key Plan 104-1 Rev E d
- Fire Hydrant and Adoptable Highway Plan 105-1 Rev E
- External Works, Refuse and Cycle Storage Plan 106-1 Rev C
- Proposed Lighting Column Locations 110 Rev C
- Fences and Enclosures Details Sheet 115 Rev B
- Fiddington Lap 1 / 2204.33527
- Fiddington Lap 2 / 2204.33535
- Fiddington Leap / 2204.33539 Dated 08/11/22

Housetype Drawings

- Alnmouth 120.2 Rev B
- Alnmouth 120.3 Rev B
- FOG 121 Rev A
- Danbury 122.1 Rev A
- Danbury 122.2 Rev A
- Danbury 122.3
- Deepdale 123 Rev A
- Glenmore 124.1 Rev B
- Glenmore 124.2 Rev B
- Sherwood 125.1 Rev C
- Sherwood 125.2 Rev A
- Sherwood 125.3 Rev B
- Sherwood 125.4 Rev A
- Charnwood 126 Rev A
- Barnwood 127.1 Rev A
- Barnwood 127.3 Rev B
- Barnwood 127.4 Rev B
- Saunton 128 Rev A
- Ashdown 129.1 Rev A
- Ashdown Corner 129.2 Rev B
- Rivington 130.2 Rev C
- Rivington 130.3 Rev C
- Burnham 131.1 Rev D
- Burnham 131.2 Rev A
- Selwood 132.1 Rev C
- Selwood 132.3 Rev C
- Apartment 140.1 Rev B
- Apartment 140.2 Rev B
- Apartment 140.3 Rev B
- Apartment 140.4 Rev B
- Apartment 140.5 Rev B
- Apartment 140.6 Rev B

- Apartment 140.7 Rev B
- Apartment 140.8 Rev B
- 2 Bed Affordable 141.1 / A
- 2 Bed Affordable 141.2 / A
- 3 Bed Affordable 142.1 / A
- 3 Bed Affordable 142.2 / A
- Garages 150

Landscape Plans

- Detailed On-plot Softworks Plan Sheet 1 of 4 0005 Rev P09
- Detailed On-plot Softworks Plan Sheet 2 of 4 0006 Rev P09
- Detailed On-plot Softworks Plan Sheet 3 of 4 0007 Rev P09
- Detailed On-plot Softworks Plan Sheet 4 of 4 0008 Rev P07
- POS Softworks Plan Sheet 1 of 2 0009 Rev P11
- POS Softworks Plan Sheet 2 of 2 0010 Rev P11
- Tree Protection Plan JH.210669.TPP1 Rev A, received 05.12.22
- Tree Protection Plan JH.210669.TPP2 received 23.12.22

Engineering Plans

- Finished Floor Levels 0511 P03
- Drainage Strategy for Planning 0512 P03
- Visibility Splays for Planning 0513 P03
- Swept-Path Analysis Fire Appliance 0514 P03
- Swept-Path Analysis Refuse Vehicle Sheet 1 0515 P03
- Swept-Path Analysis Refuse Vehicle Sheet 2 0516 P03
- Attenuation Pond Sections 0675 P02
- Pond 4 Headwall Details 601_PHSV_SK001 Rev B received 07.12.22

Reports

- Future Streets Management Statement received 23.12.21
- Noise Impact Assessment, Approved Residential Development at Parcel H1 – Fiddington, Tewkesbury, prepared by Hepworth Acoustics December 2021 received 23.12.21

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** Prior to the occupation of each individual building, the access, parking and turning facilities for each building shall first be provided as shown on drawing Planning Layout 100_00 RevU.

Reason: To ensure conformity with submitted details.

- 3 Notwithstanding the development hereby approved, the development shall not be occupied until sheltered, secure and accessible bicycle parking has been provided for each building in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities

- 4 Notwithstanding the development hereby approved, prior to the commencement of development details and samples of all proposed external materials to be used (walls, roofs, hard landscaping, boundary walls, retaining walls, headwalls) shall first be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved.

Reason: In the interests of the appearance of the development and wider visual amenity.

- 5 Notwithstanding the development hereby approved, prior to the commencement of development details of all external balconies, including Juliet balconies, comprising materials, elevations, and sections, at no less than 1:20 scale, shall first be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved.

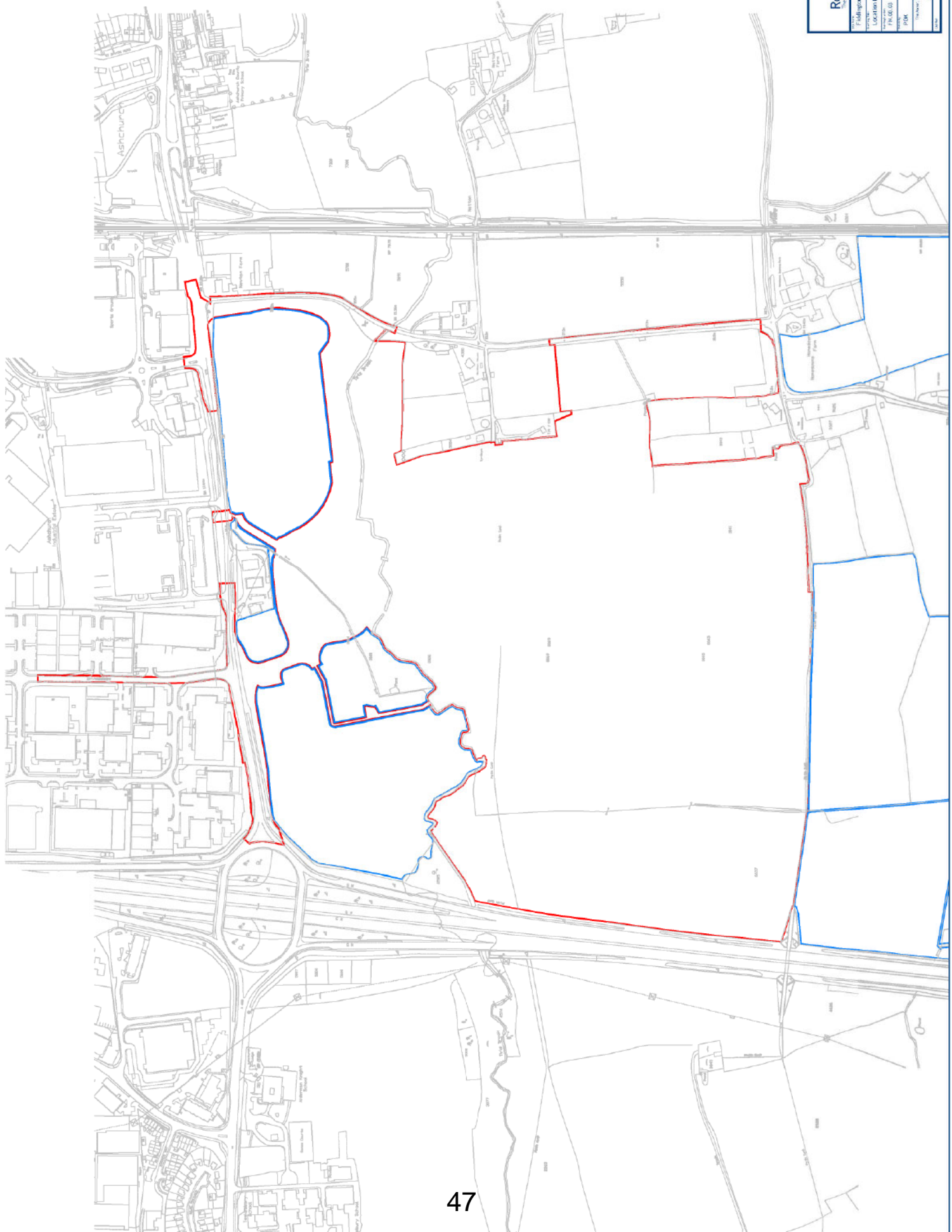
Reason: In the interests of the appearance of the development and wider visual amenity

- 6 Prior to the occupation of any dwelling hereby approved a scheme for the provision of a Gateway Feature at the entrance to the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, inter alia, the appointment and subsequent collaboration of an artist with the local community to inform the design process, detailed elevations, materials, landscaping and a timescale for delivery. The proposed Gateway Feature shall be implemented prior to the occupation of the 100th dwelling hereby approved.

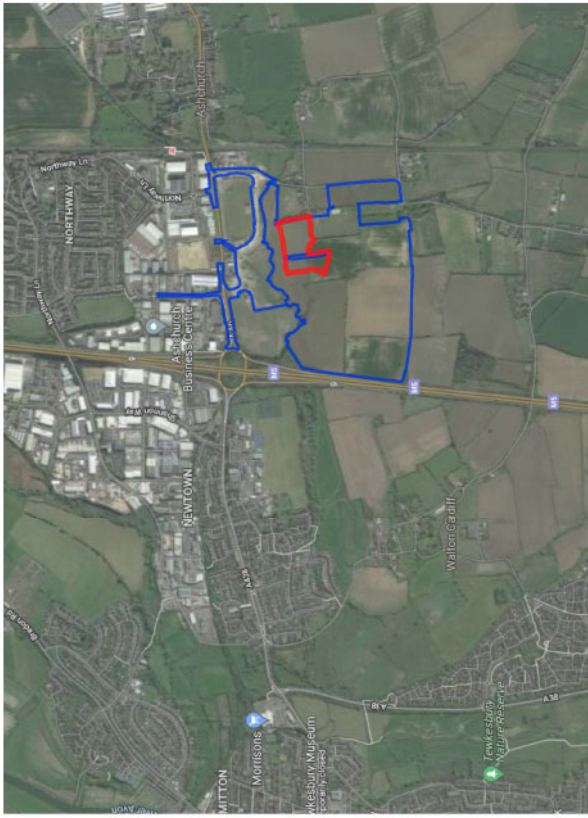
Reason: To identify the transition into the residential environment and the start of speed restraint measures, in the interests of design quality, the public realm and highway safety.

12. Informatives

- 1 In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
- 2 The decision is to be read in conjunction with planning permission 17/00520/OUT including the associated S106 legal agreements.
- 3 The developer is advised that all pre-commencement conditions on outline approval ref: 17/00520/OUT shall be submitted to the Local Planning Authority and approved in writing, prior to commencement of the development hereby approved.

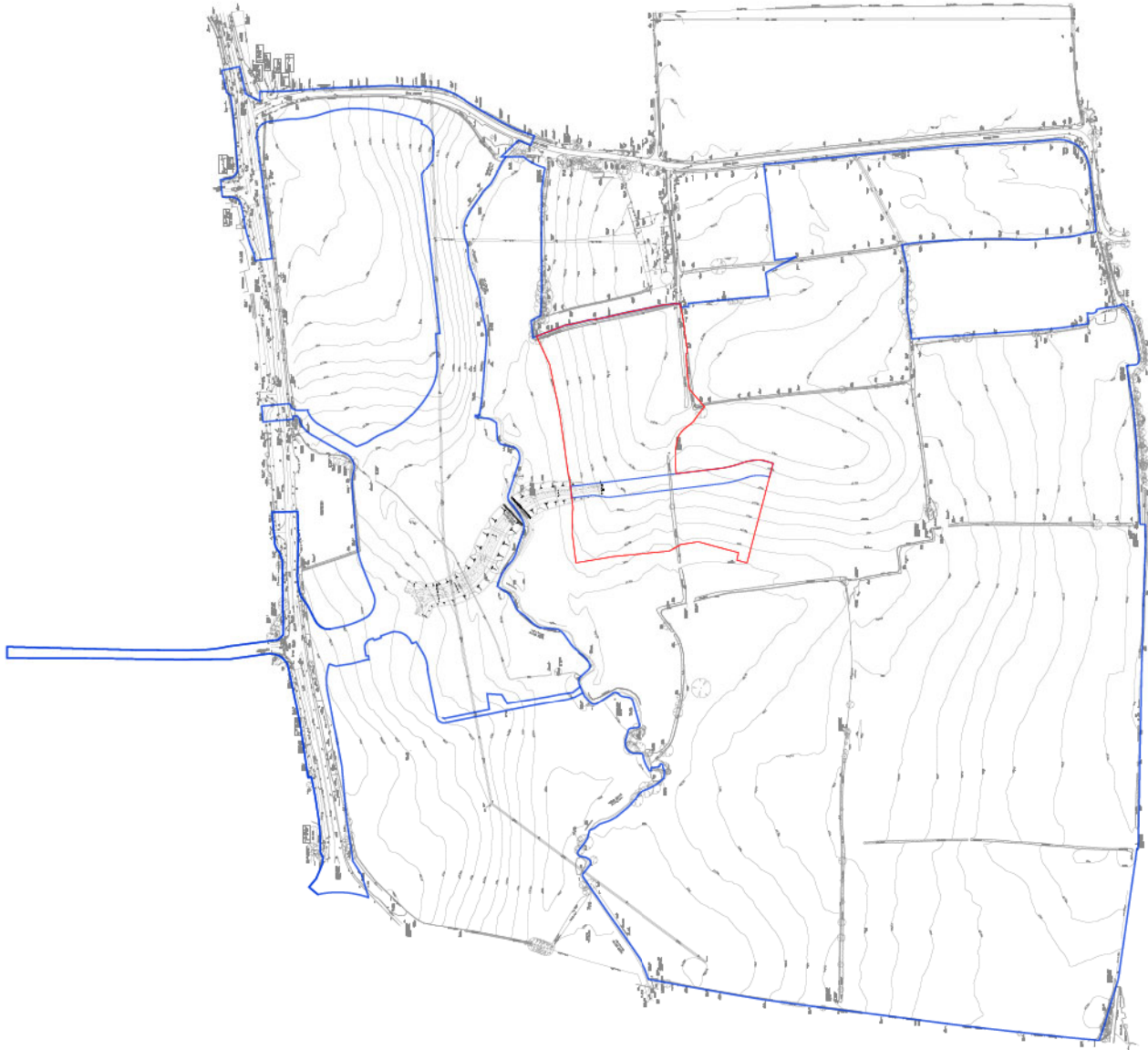


DATE	USER	DESCRIPTION



Google Image _NTS

— SITE APPLICATION BOUNDARY



PROJECT:	Fridington, Tewkesbury
DISTRICT:	GLoucestershire
LOCATION PLAN:	PARCEL-H1
DATE:	07/10/21
SCALE:	1:2500 @ A1
DATE:	SS
DATE:	JA

PERSIMMON
 EXPERTS IN LAND & PLANNING

PerSIMMON
 The Quadrant, 1st Floor
 100, The Quadrant, 1st Floor
 100, The Quadrant, 1st Floor
 100, The Quadrant, 1st Floor

Drawing Revisions		
NO	DATE	REVISION
A	20.04.22	Revised to suit the revised planning layout.
B	10.02.22	Revised to suit the amended planning layout (Rev 1)
C	26.02.22	Revised to suit the amended planning layout (Rev 2)
D	27.02.22	Revised to suit the amended planning layout (Rev 3)
E	08.12.21	Revised to suit the amended planning layout (Rev 4)

STOREY HEIGHTS KEY

- Application Boundary
- Single Storey
- 2 Storey
- 2.5 Storey
- 3 Storey

PROJECT:		Fiddington, Tewkesbury	
DRG TITLE:			
STOREY HEIGHTS KEY PLAN			
PARCEL - H1			
JOB NO:	DRG NO:	REV:	
601	103-1	E	
SCALE:	DRW BY:	SS	
1:500 @ A1	SS		
DATE:	CRD BY:	JA	
06.10.2021	JA		

PERSIMMON
Together, we make a home

Persimmon Homes Severn Valley
Davidson House
Fiddington, Newnham Lane
Bristol, Gloucestershire
BS20 7QE



A1

ISSUE	DATE	REVISION	BY
A	28.04.22	Revised to suit the latest planning layout L	SS
B	10.05.22	Revised to suit the latest planning layout M	SS
C	31.08.22	Revised to suit the latest planning layout O	SS
D	27.09.22	Revised to suit the latest planning layout R	SS
E	11.11.22	Revised to suit the latest planning layout S	SS

HI Affordable

House Name	Unit	No.	Total Flt	Storey	Beds	Type	Garage
1 Bed Flat	(2pp)	72	72	3	2	Apartment	Parking
2 Bed House	(3pp)	67	67	2	2	Semi/Ter	Parking
2 Bed House	(3pp)	67	67	2	2	Semi/Ter	Parking
3 Bed House	(4pp)	82	82	2	3	Semi/Ter	Parking
Total		24	151	80	59		

Affordable Housing for Sale

House Name	Unit	No.	Total Flt	Storey	Beds	Type	Garage
2 Bed House	(3pp)	11	11	2	2	Semi/Ter	Parking
3 Bed House	(4pp)	62	62	2	3	Semi/Ter	Parking
Total		15	148	66			

AFFORDABLE HOMES KEY

- Application Boundary
- Affordable Rented
- Affordable Housing for Sale

PROJECT:
Fiddington, Tewkesbury

DRG TITLE:
AFFORDABLE HOMES KEY PLAN
PARCEL-H1

JOB NO: 601
DRG NO: 104-1
REV: E

SCALE: 1:500 @ A1
DRG BY: SS
DATE: 06.10.2021
CHK BY: JA

Persimmon Homes Severn Valley
Davidson House
106 Newfoundland Way
Barnwood, Gloucester
GL4 3JG
B820 7QE

To be part of the separate Spine Road RM Application

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Plot 22

Plot 38

Plot 37 & 36

Plot 35



Apartment Block A (Plots 1-9)

Plot 10

Plot 11

Plot 12

Plot 13

Plot 14



PARCEL H1, FIDDINGTON.

MAIN STREET

HOUSE TYPE - APARTMENT - BLOCK-B

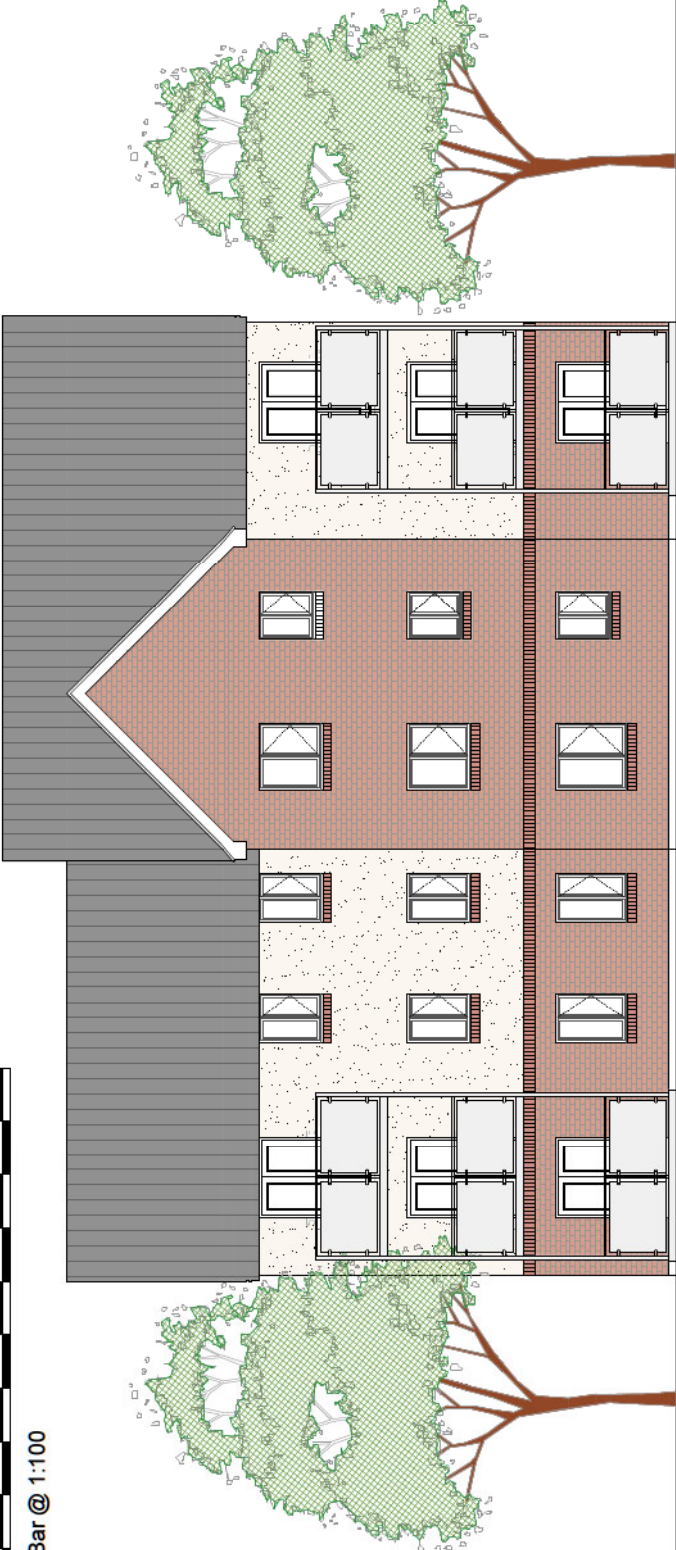
MAIN STREET:
PLOTS (AS): 39-47
PLOTS (OPP):

Please see Materials Key Plan
Dwg. No. 102-1 for current
revision for allocation

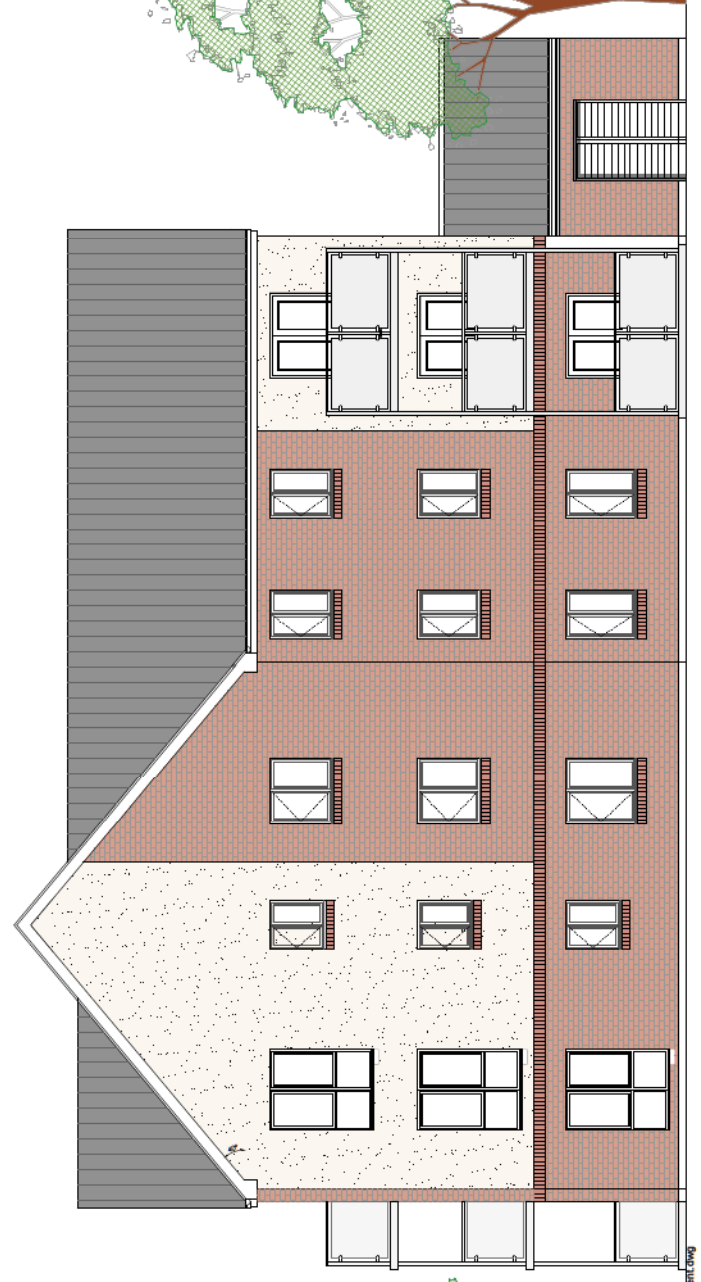
ISSUE	DATE	REVISION	BY
B	15.11.22	Revised for plot 39 & 40, original 39-47	SB
A	21.04.22	Initial design	SB

Drawing Revisions
**PERSIMMON
HOMES**

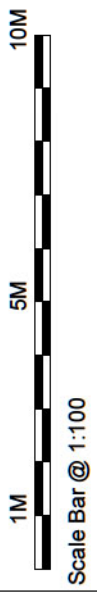
565 / 652 sqft	22.11.2021
R21 - Apartment - Block B	1:100 @ A3
140.7	Elevations
Fiddington, Tewkesbury	600
Parcel - H1	Rev. B



FRONT ELEVATION



SIDE ELEVATION



PARCEL H1, FIDDINGTON.

MAIN STREET

HOUSE TYPE - APARTMENT - BLOCK-B

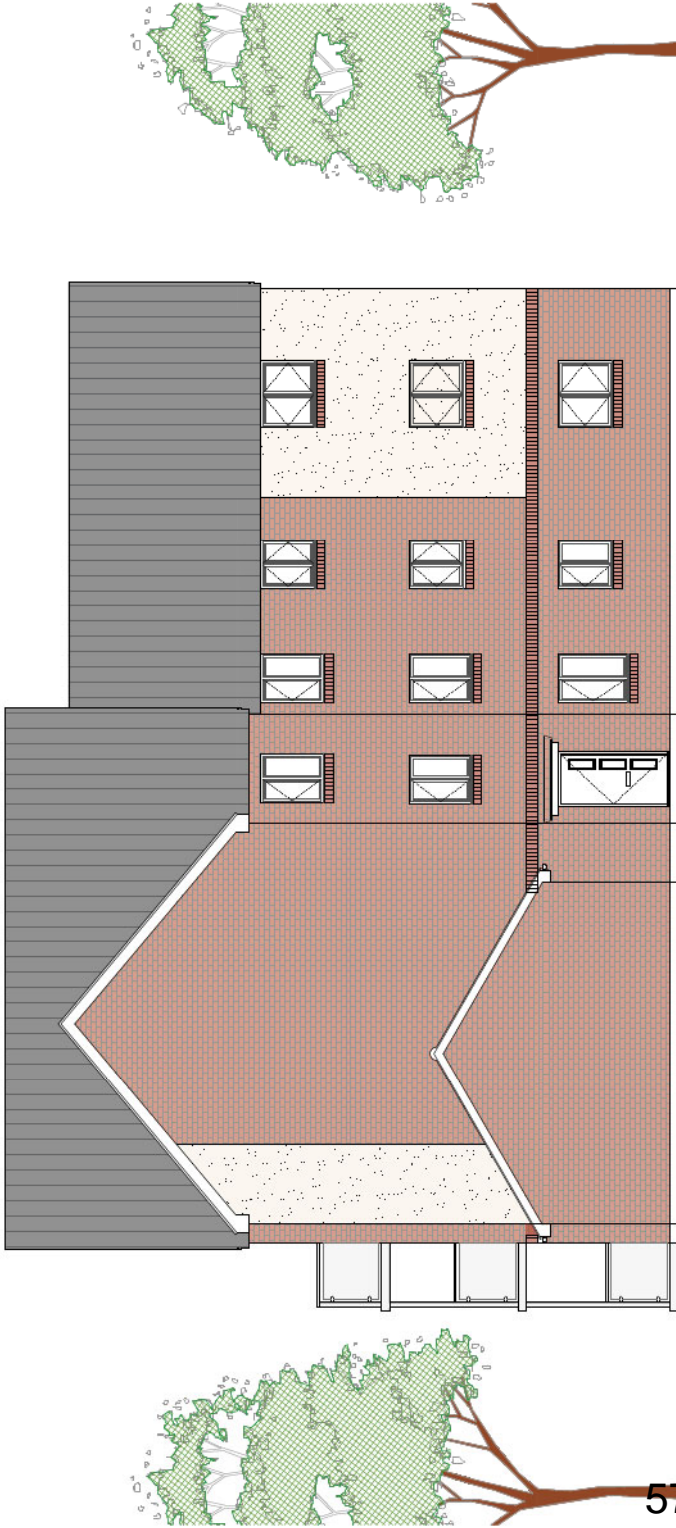
MAIN STREET:
PLOTS (AS): 39-47
PLOTS (OPP):

Please see Materials Key Plan
Dwg. No. 102-1 for current
revision for allocation

ISSUE	DATE	REVISION	BY
B	18.11.22	Revised roof pitch to 40 degrees. Revised BS location to meet current standards.	SS
A	21.04.22	Initial BS location.	SS

Drawing Revisions	
	
PERSIMMON HOMES	

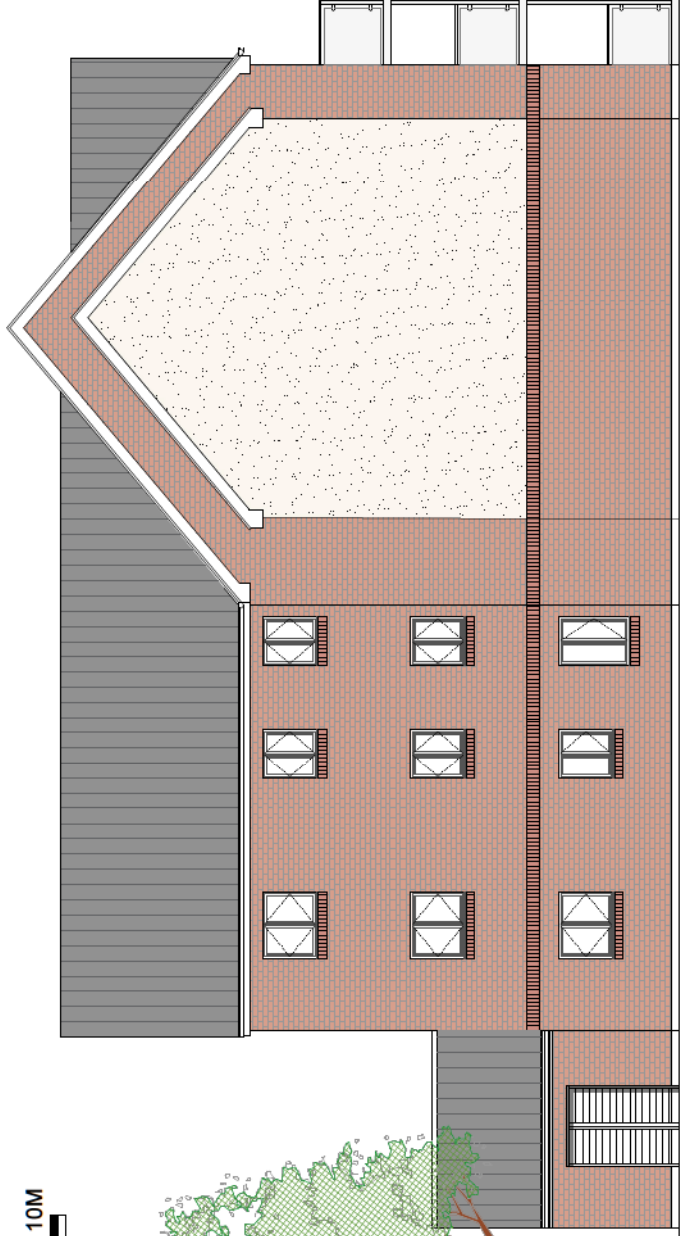
565 / 652 sqft	
R21 - Apartment -Block B	22.11.2021
140.8	1:100 @ A3
Elevations	
Fiddington, Tewkesbury Parcel - H1	600
	Rev. B



REAR ELEVATION



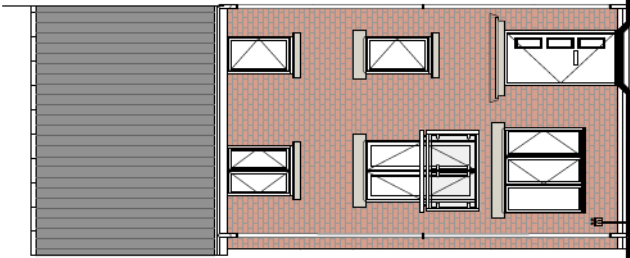
Scale Bar @ 1:100



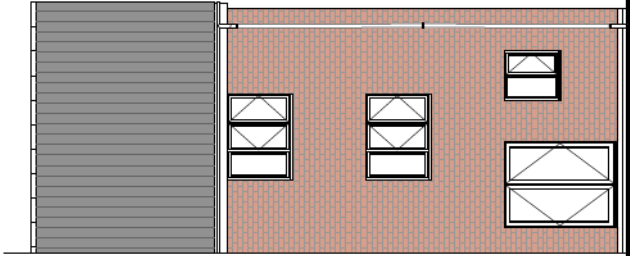
REAR ELEVATION

PARCEL H1, FIDDINGTON.

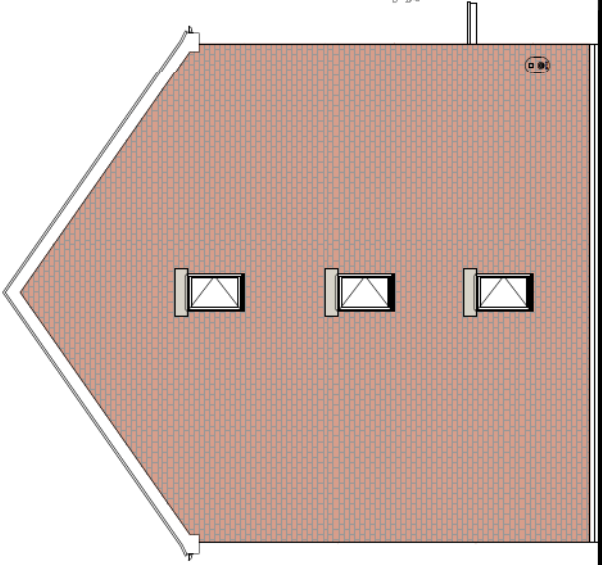
HOUSE TYPE - ASHDOWN MAIN STREET



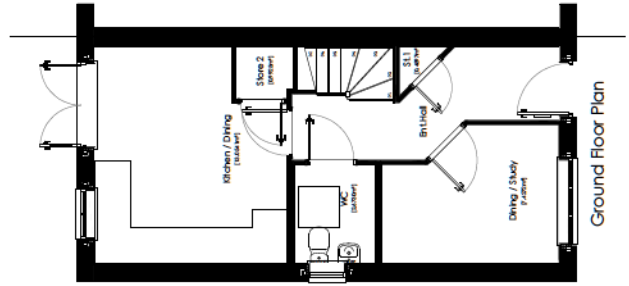
Front Elevation



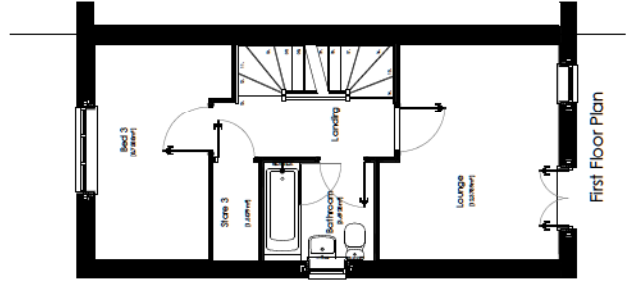
Rear Elevation



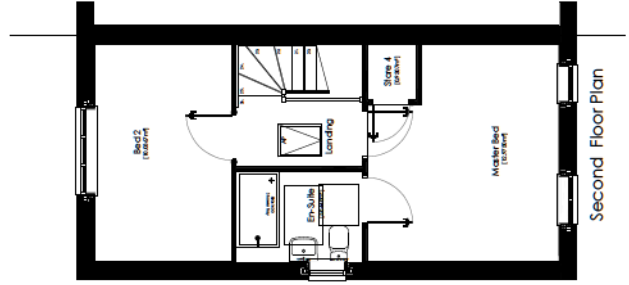
Side Elevation



Ground Floor Plan



First Floor Plan



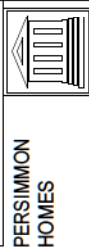
Second Floor Plan

Please see Materials Key Plan
Dwg. No. 102-1 for current
revision for allocation

PLOTS (AS): 12, 13, 23, 24, 25, 65, 67
PLOTS (OPP): 11, 64, 66

REV	DATE	REVISION	BY
B	27.06.22	Revised materials list	SB
A	20.06.22	Re-numbering and materials revised	SB

Drawing Revisions

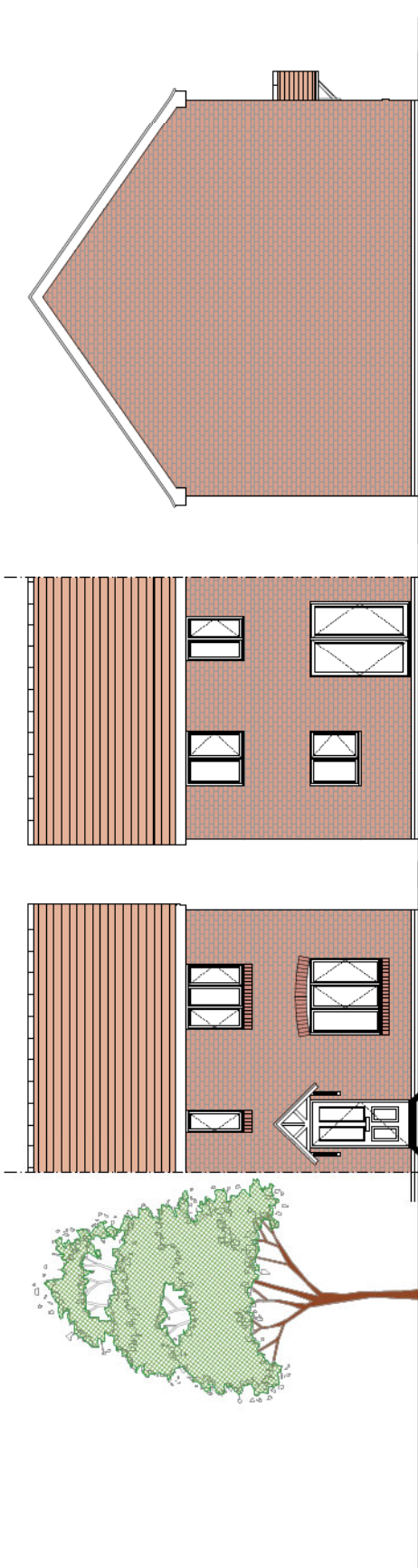


PERSIMMON
HOMES

1123 sqft	
R21 - Ashdown	23.11.2021
128.1	1:100 @ A3
Plans and Elevations	
Fiddington, Tewkesbury	600
Parcel - H1	Rev. A

PARCEL H1, FIDDINGTON.

HOUSE TYPE - DANBURY NEIGHBOURHOOD CORE

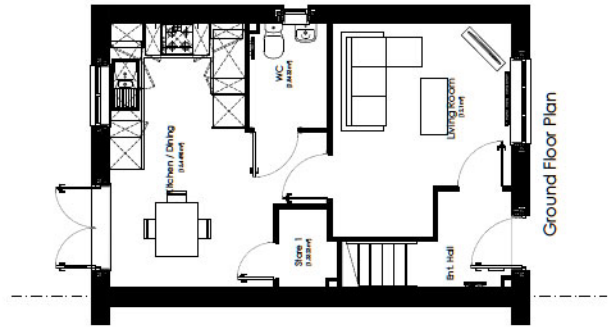


Front Elevation

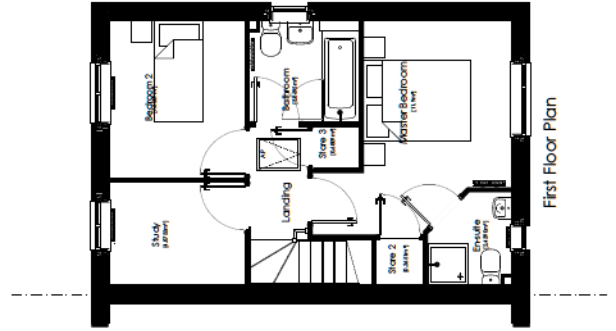
Rear Elevation

Side Elevation

59



Ground Floor Plan



First Floor Plan

Please see Materials Key Plan
Dwg. No. 102-1 for current
revision for allocation

PLOTS (AS): 94
PLOTS (OPP): 95

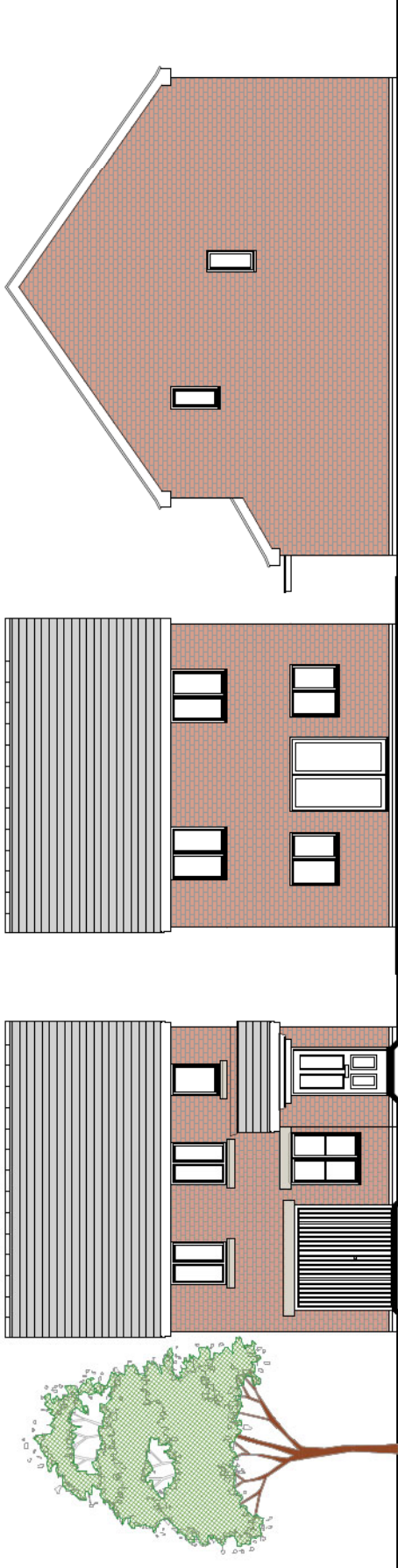
ISSUE	DATE	PREPARED BY	REVISION	BY
A	20.04.22			



811 sqft	
R21 - Danbury	23.11.2021
122.2	1:100 @ A3
Plans and Elevations	
Fiddington, Tewkesbury	
Parcel - H1	
600	
Rev. A	

PARCEL H1, FIDDINGTON.

HOUSE TYPE - GLENMORE TITLE BROOK & LANDSCAPE EDGE

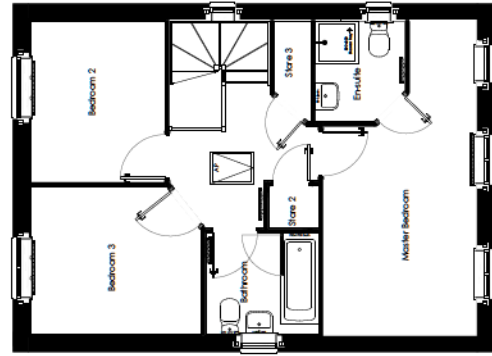
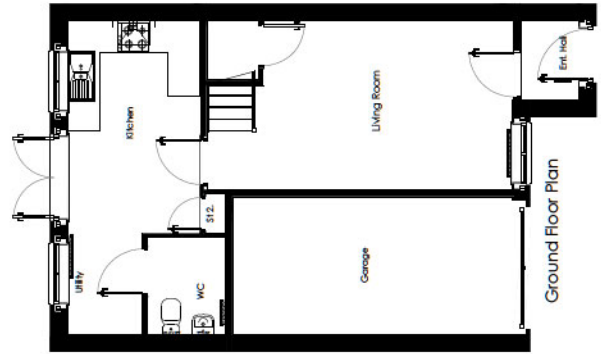


Side Elevation

Rear Elevation

Front Elevation

60



Please see Materials Key Plan
Dwg. No. 102-1 for current
revision for allocation

PLOTS (AS): 76
PLOTS (OPP): 75

ISSUE	DATE	REVISION	BY
B	16.11.22	Revised the Floor Plans with Details	SB
A	27.08.22	With the Main Part	SB

Drawing Revisions

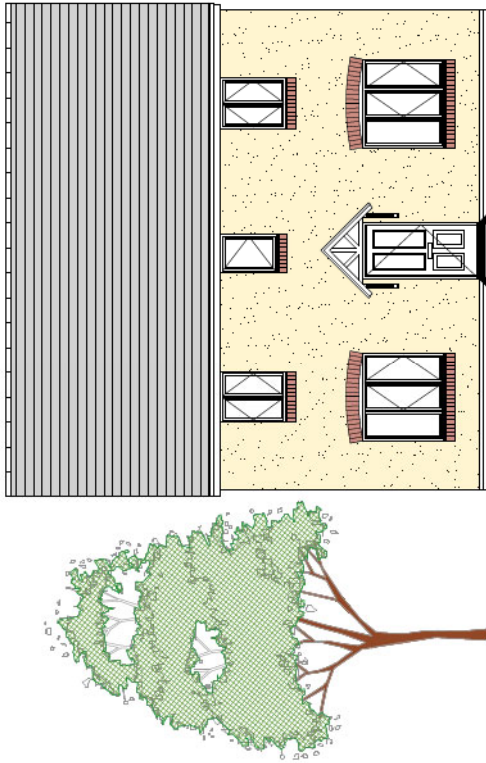
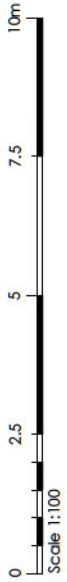
**PERSIMMON
HOMES**



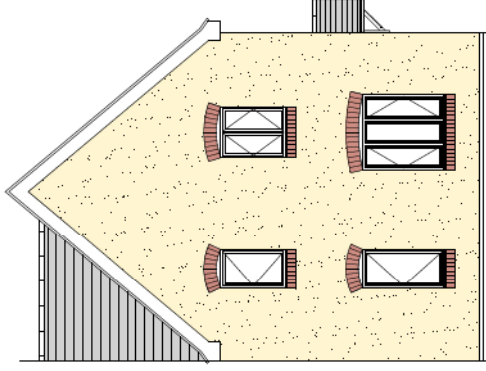
930 sqft	20.04.2022	1:100 @ A3
R21 - Glenmore		
124.2		
Plans and Elevations		
Fiddington, Tewkesbury	600	
Parcel - H1		Rev. B

PARCEL H1, FIDDINGTON.

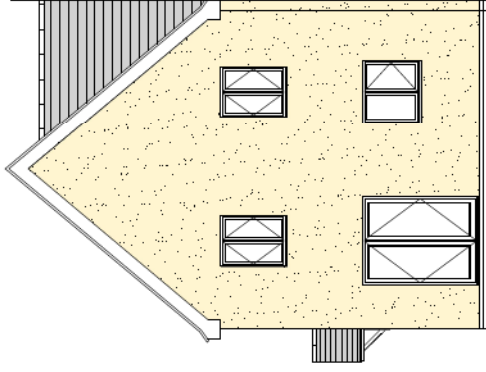
HOUSE TYPE - DEEPDALE NEIGHBOURHOOD CORE



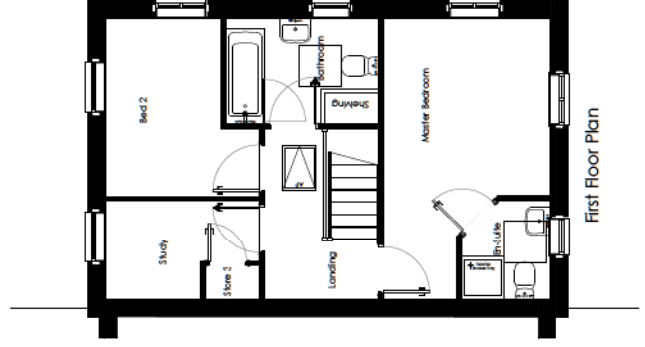
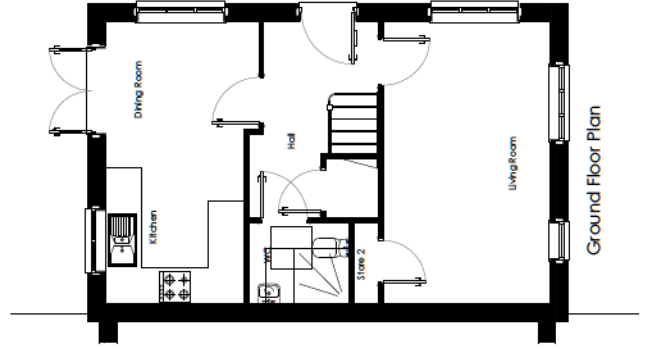
Front Elevation



Rear Elevation



Side Elevation

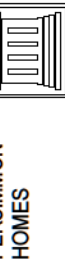


Please see Materials Key Plan
Dwg. No. 102-1 for current
revision for allocation

PLOTS (AS):
PLOTS (OPP): 114

ISSUE	DATE	The numbering and Material release	BY
A.	20.04.22		RS

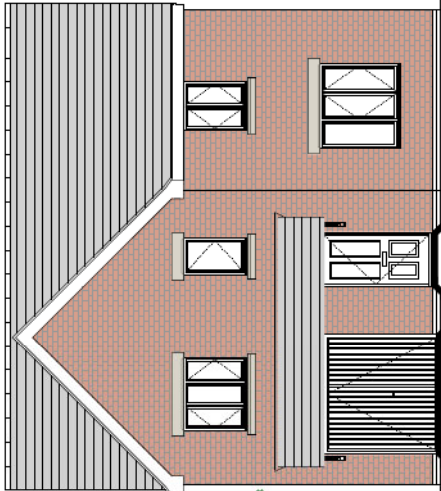
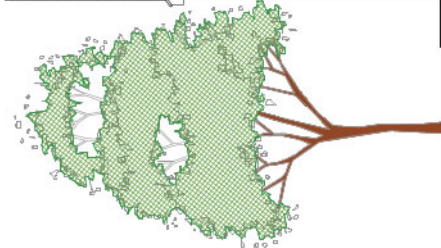
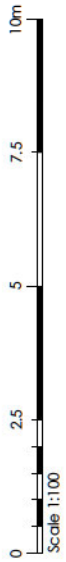
Drawing Revisions



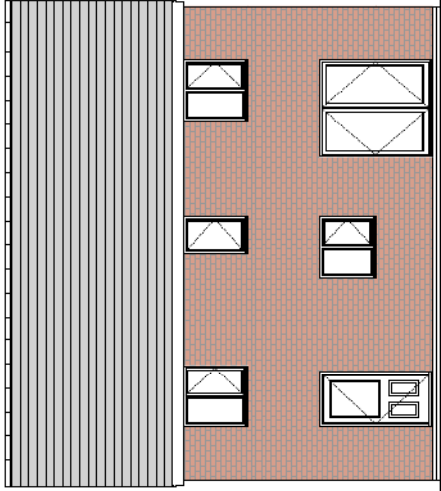
887 sqft			
R21 - Deepdale	25.11.2021		
123	1:100 @ A3		
Plans and Elevations			
Fiddington, Tewkesbury Parcel - H1	600		Rev. A

PARCEL H1, FIDDINGTON.

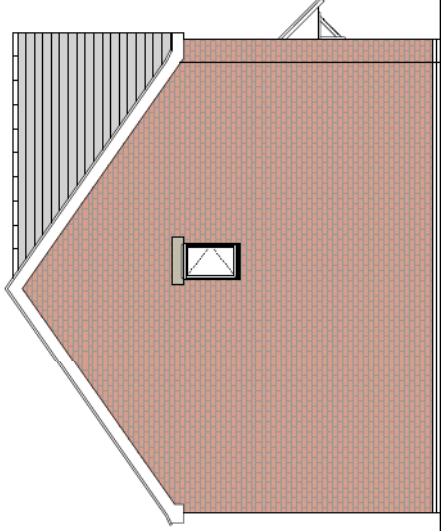
HOUSE TYPE - SELWOOD NEIGHBOURHOOD CORE



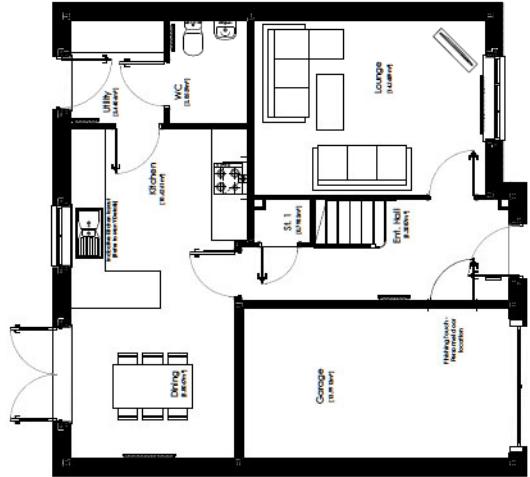
Front Elevation



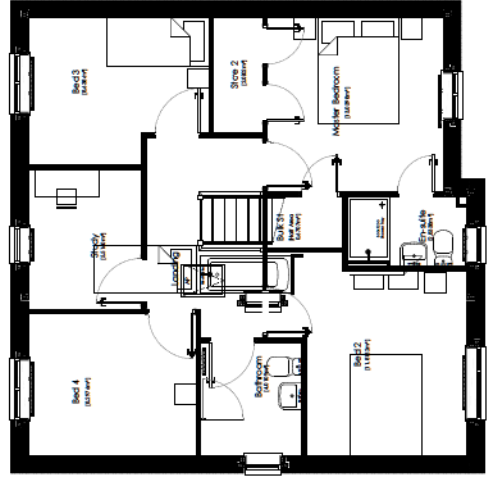
Rear Elevation



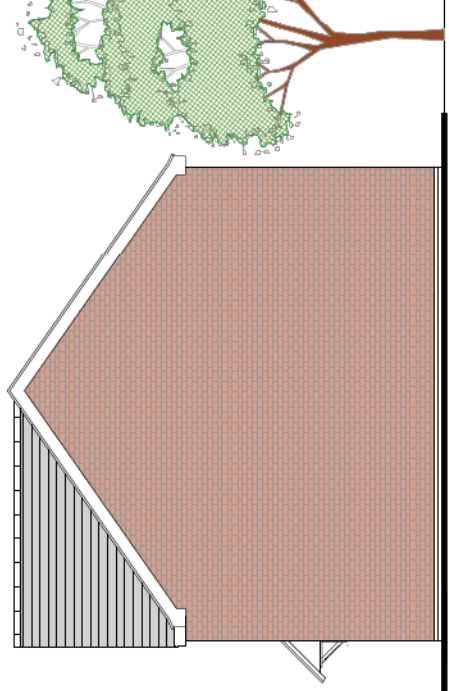
Side Elevation



Ground Floor Plan



First Floor Plan



Side Elevation

Please see Materials Key Plan Dwg. No. 102-1 for current revision for allocation

PLOTS (AS): 100
PLOTS (OPP): 104

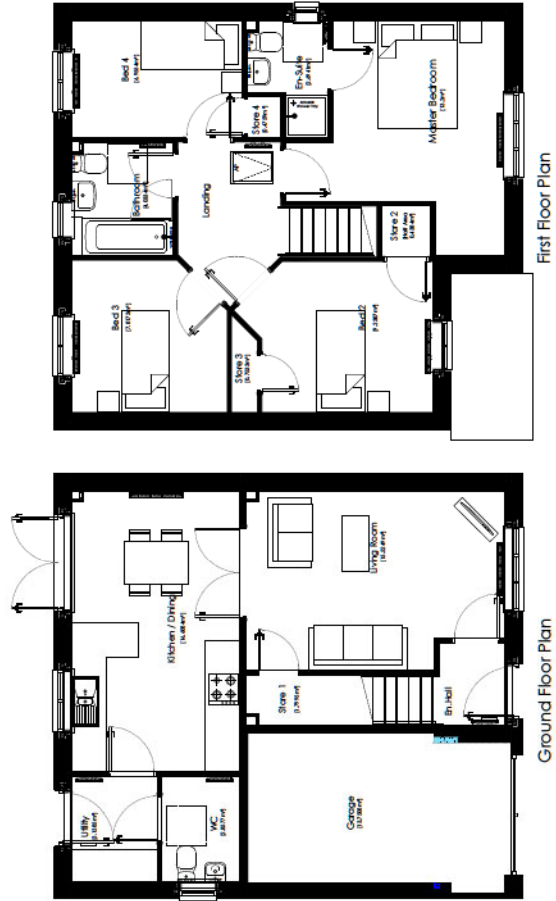
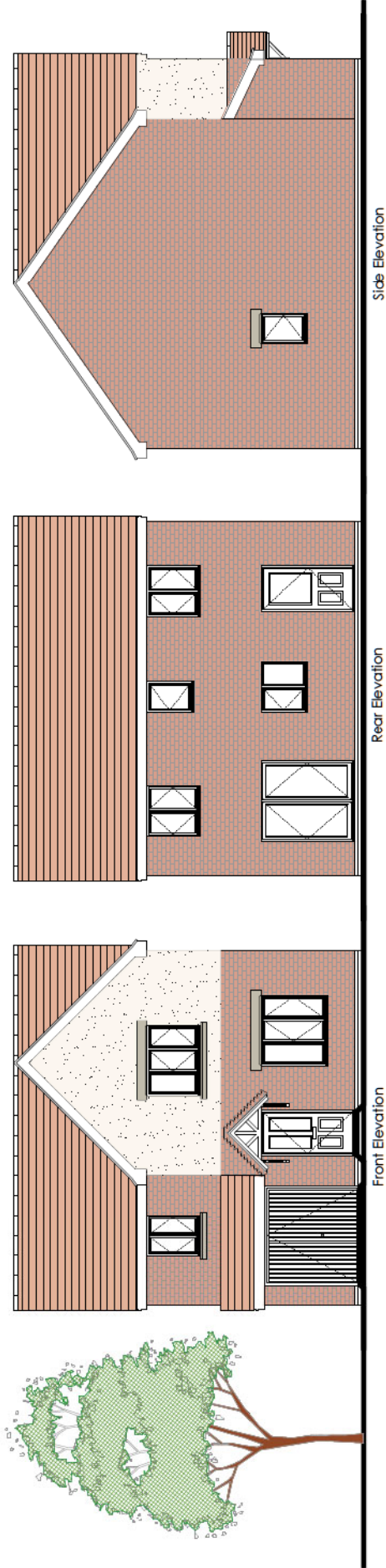
ISSUE	DATE	REVISION	BY
C	10.11.22	Revised the floor plans with floors to suit A3 access	SS
B	29.09.22	Floor number revised and window notes omitted.	SS
A	21.04.22	Floor number and elevation revised	SS

PERSIMMON HOMES

1276 sqft	30.11.2021
R21 - Selwood	1:100 @ A3
132.3	
Plans and Elevations	
Fiddington, Tewkesbury	600
Parcel - H1	Rev. C

PARCEL H1, FIDDINGTON.

HOUSE TYPE - RIVINGTON NEIGHBOURHOOD CORE



Please see Materials Key Plan
Dwg. No. 102-1 for current
revision for allocation

PLOTS (AS): 107
PLOTS (OPP): 108

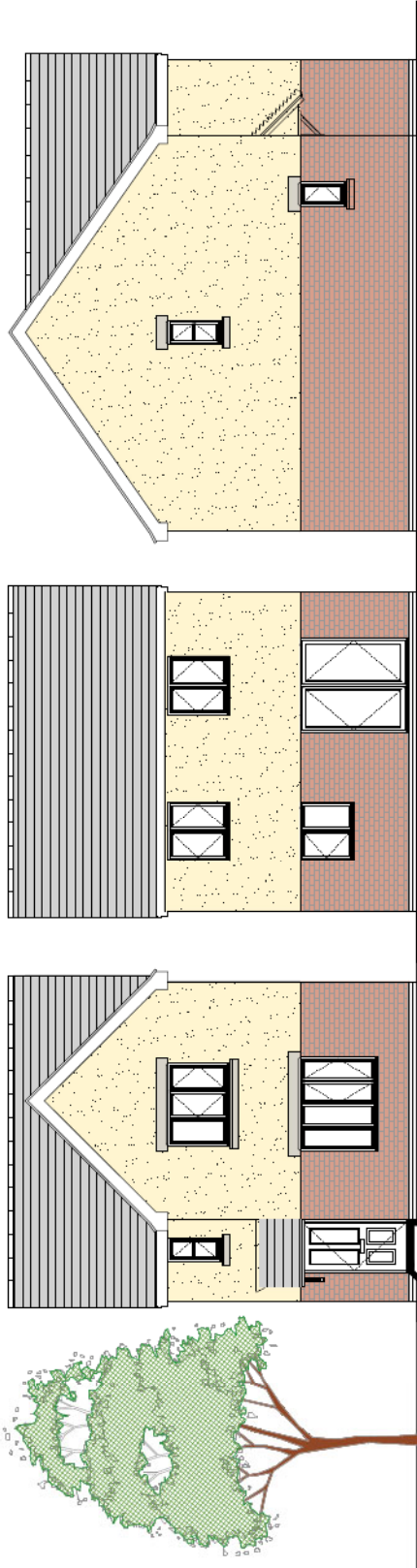
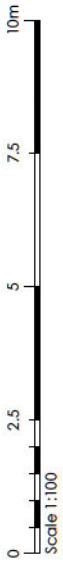
ISSUE	DATE	REVISION	BY
C	10.11.20	Revised for floor cover with tiles to all 1A corners	DS
B	20.03.22	Windows to be revised	DS
A	20.04.22	Plot numbering and materials to be revised	DS



1084 sqft	30.11.2021
R21 - RIVINGTON	1:100 @ A3
130.2	
Plans and Elevations	
Fiddington, Tewkesbury	600
Parcel - H1	Rev. C

PARCEL H1, FIDDINGTON.

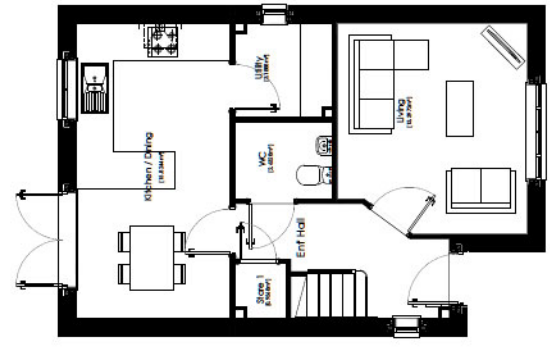
HOUSE TYPE - SHERWOOD TILE BROOK & LANDSCAPE EDGE



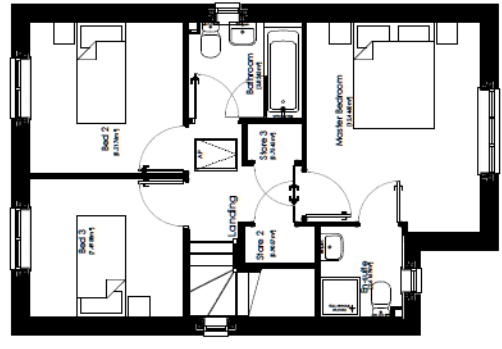
Side Elevation

Rear Elevation

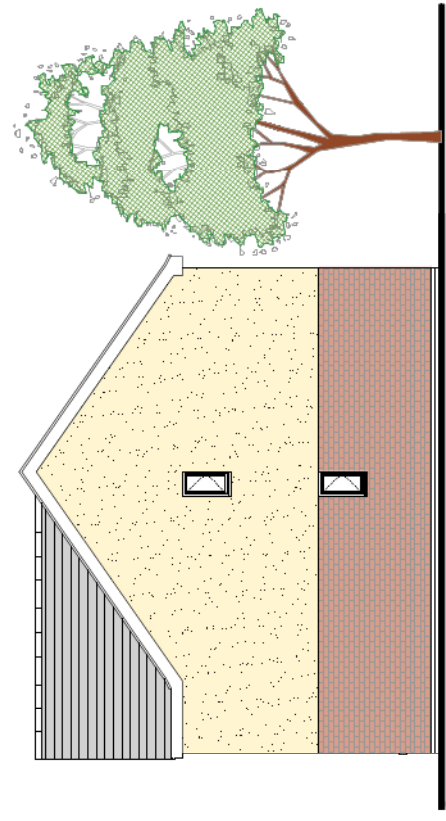
Front Elevation



Ground Floor Plan



First Floor Plan



Side Elevation

Please see Materials Key Plan
Dwg. No. 102-1 for current
revision for allocation
PLOTS (AS): 50
PLOTS (OPP):

ISSUE	DATE	REVISION	BY
B	10.11.22	Revised the Racon stone with Brick.	SS
A	20.04.22	Plot numbering revised.	SS

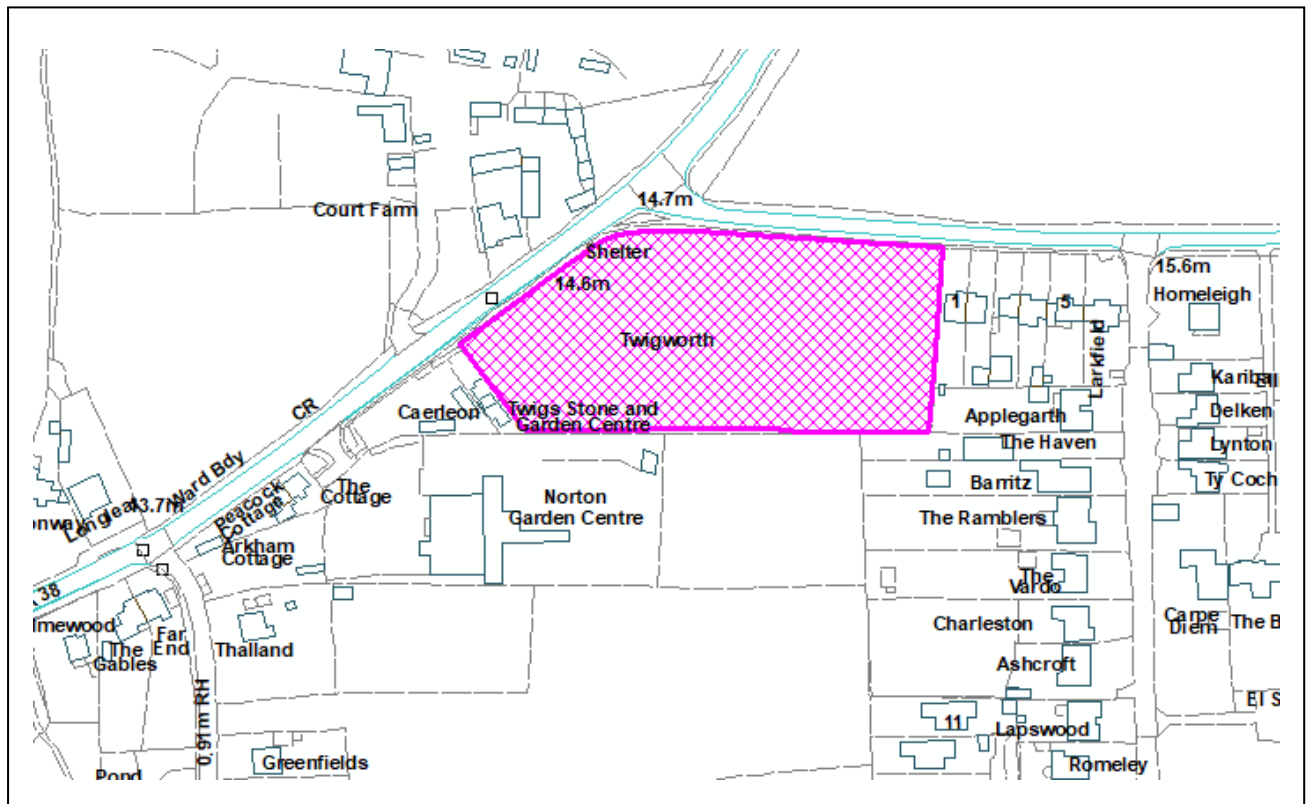


969 sqft	25.11.2021
R21 - Sherwood	1:100 @ A3
125.3	
Plans and Elevations	
Fiddington, Tewkesbury	600
Parcel - H1	Rev. B

Planning Committee

Date	20 December 2022
Case Officer	Anthony Foster
Application No.	22/00465/APP
Site Location	Land to the South of Down Hatherley Lane, Down Hatherley
Proposal	Approval of reserved matters (appearance, landscaping, layout and scale) pursuant to outline planning permission 19/00771/OUT for the erection of 32 dwellings.
Ward	Severn Vale South
Parish	Down Hatherley
Appendices	Site Location Plan Site Layout Plan Proposed Street Scene 5 x House type plans
Reason for Referral to Committee	Reserved Matters application for the erection of more than 20 dwellings
Recommendation	Approve

Site Location



1. The Proposal

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RA8FAKQDJTG00>

- 1.1 Outline planning permission (with all matters reserved except access) was granted in March 2021 for the erection of up to 32 new homes (including affordable housing), access, drainage and other associated works.
- 1.2 This application seeks approval of the remaining reserved matters, comprising Appearance, Layout, Scale and Landscaping pursuant to the outline consent.
- 1.3 The reserved matters proposal would provide 32 dwellings which would be accessed from a central cul-de-sac estate road with the dwellings located either side. The proposal would provide an area of public open space to the northern corner of the site along with an attenuation basin and landscaping throughout the site.
- 1.4 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. Site Description

- 2.1 This application relates to a parcel of land located immediately to the south of Down Hatherley Lane at its junction with the A38 (**See Site Location Plan**).
- 2.2 The site comprises an arable field covering 1.17 hectares and is predominantly level, sloping approximately 1m in an east to west direction. The site is bound along its north and northwestern boundaries by a native hedge with a large veteran oak tree towards the junction of Down Hatherley Lane with the A38. The eastern boundary comprises sporadic vegetation while the southern boundary consists of mature trees and hedge planting. A 2m high timber fence runs along the south-western boundary.
- 2.3 The site borders existing residential properties to the east and south-western boundary. Norton Garden Centre, which includes a small area of scrubland, borders the southern boundary. Down Hatherley Lane runs along the northern boundary and the A38 runs along the western site boundary.
- 2.4 The site is not subject to any landscape designations however the site contains a large, mature Oak tree which is subject to a Tree Preservation Order TPO (ref: TBC/TR/9). The Grade II Listed Buildings at Court Farm (Court Farmhouse and the Barn) are located to the north west of the site on the opposite side of the A38.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
19/00771/OUT	Erection of up to 32 new homes (including affordable housing), access, drainage and other associated works on land to the south of Down Hatherley Lane, Twigworth. All matters are reserved for future consideration except access.	CONSEN	21.1.2022
22/00106/CONDIS	Application for approval of details subject to conditions (9 protection of the retained trees, 10 Drainage System (SuDS) Strategy, 12 disposal of foul water flows, 13 Construction Ecological Management Plan (CEMP), 14 Landscape Ecological Management Plan (LEMP), 16 Site Waste Management Plan, 17 Recycling of waste, 22 Provision of bus stop facilities), of the planning application ref number 19/00771/OUT	PENDING	
22/00158/CONDIS	Application for approval of details subject to Condition 21 (Construction management/method plan) of the planning application ref number 19/00771/OUT	PENDING	

4. Consultation Responses

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** - Object for the following reasons:

- These proposals must unquestionably be judged totally unsafe in the absence of the fundamental requirement for a credible drainage plan for the site.
- The Parish Council has long argued that the Environment Agency's flood-maps of the area are way out of date, leading you as the Planning Authority to make flawed decisions.
- No part of this proposed development is in Twigworth. It is entirely within the parish boundary of Down Hatherley. Unless and until the developer correctly identifies the site, and all the supporting documents are amended to reflect the correct geographical location, surely the application cannot be determined and should be rejected.
- We have also repeatedly provided evidence of the creaking nature of the sewage and waste water infrastructure, channelled via the ancient Ash Lane bottlenecked pumping station. The system struggles to cope and has failed in the recent past resulting in houses on Ash Lane being inundated with a toxic mixture of sewage and floodwater. The Parish Council has consistently argued that no further houses should be added to this already overloaded system unless it is modernised and upgraded to deal with the additional waste.
- The proposed development is not in Twigworth. If and when these houses are built, the Parish Council would wish to integrate the new residents into the community of Down Hatherley. The entirely inappropriate name does little to enhance this aim.

Twigworth Parish Council - Object for the following reasons:

- The functionality of A38 culvert remains uncertain. There does not seem to be evidence that this culvert is indeed capable of discharging into the Hatherley Brook (by the old school at the southern end of Twigworth)
- Secondly, this culvert has principally been for water on the road and pavements, and from gardens along the A38. The new developments are now discharging into the culvert and it has a finite volumetric capacity limit, less when the Hatherley Brook is in flood and at high level. When the culvert is overloaded, there does not seem to be a strategy for when the Hatherley Brook is already in flood and this additional run-off flows back into people's properties. Therefore any further developments will exacerbate the situation.

Norton Parish Council – No comments.

Strategic Housing and Enabling Officer – No objections

Gloucestershire Highways – No objections

Lead Local Flood Authority – No objections

Environmental Health Officer – No objections

Tree Officer – No objections

Gloucestershire Minerals & Waste – No objections

5. Third Party Comments/Observations

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 A total of 6 objections have been received. These comments are summarised as follows:

- The road, sewage and drainage infrastructure are not capable of coping with an extra 32 houses.
- The proposed site is directly by an accident black spot on the junction of the A38 and another 60 to 100 vehicles will obviously increase this danger and congestion
- The drainage proposal, does not address the realities of the site. The water table is very high, the site partially floods every winter, and it receives water draining off from the field to the north. The road here flooded and blocked in 2020 and gets partially flooded regularly in heavy rains. The application has no solution to water running on to the site.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise

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

6.2 National guidance

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

6.3 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)

6.4 Tewkesbury Borough Local Plan to 2011-2031 (TBLP) – Adopted 8 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)

6.5 Neighbourhood Plan

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

7. Policy Context

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

- 7.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), the Tewkesbury Borough Local Plan 2011 to 2031 (2022) (TBLP) and a number of 'made' Neighbourhood Development Plans.
- 7.3 The relevant plan policies in the consideration of this application are set out in the appropriate sections of this report.
- 7.4 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.

8. Evaluation

Principle of development

- 8.1 This application seeks approval of the remaining reserved matters, Appearance, Layout, Scale and Landscaping pursuant to original outline planning consent ref 19/00771/OUT.
- 8.2 The principle of residential development at the site has been established through the grant of outline planning permission 19/00771/OUT, which was permitted in January 2022 and it's allocation for housing in the JCS as part of the wider Innsworth and Twigworth Strategic Allocation (Policy A1).
- 8.3 The key issues in relation to this reserved matters application are therefore considered to be:
- Layout, appearance, scale and density;
 - House types;
 - Trees, landscaping and open space;
 - Existing and future residential amenity; and
 - Affordable housing.
- 8.4 In assessing these matters it is also important to consider whether they accord with the Outline Consent and its supporting documents which set out the key principles governing the development of the site, namely: the approved Parameter Plans and the approved Site Wide Masterplan Document (SWMD).

Layout, appearance and scale

- 8.5 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.
- 8.6 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.
- 8.7 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.

- 8.8** The proposed layout is broadly similar to that illustrated within the original application and seeks to follow the indicative design approach and details within the additional supporting documents for the original application.
- 8.9** At the entrance to the site, dwellings are proposed fronting onto Down Hatherley Lane, providing an active frontage to the road. These front facing buildings would effectively have a dual aspect acting as a focal point for the development. Internally the dwellings are accessed from a central spine road and are largely sited adjacent to the site boundaries.
- 8.10** The proposed dwelling are primarily 2 storey in height with a single bungalow also proposed within the scheme. There is a proposed mix of detached, semi-detached, and small rows of terrace properties. All of the properties have access to private gardens along with off street parking spaces. A number of the larger dwellings would also benefit from a dedicated garage spaces.
- 8.11** Regarding the use of materials across the site, the application indicates a mix of multi-red brick facing brick and a lighter buff multi brick is proposed to be used on alternate properties. Grey weatherboarding is also proposed to some of the units at first floor level to provide a varied palette of materials across the development. All of the units are proposed to have a grey roof finish. The proposed typology of design and the materials proposed would reinforce and integrate with the character and appearance of other properties found within the immediate area.
- 8.12** Landscaped areas are proposed throughout the site softening the internal character of the development. An area of open space would be provided in northwest corner of the site, fronting onto the junction of Down Hatherly Lane with the A38, this would incorporate and protect the existing large veteran oak tree making a feature of the proposed open space. Adjacent to the open space, a dedicated Local Area of Play (LAP) is proposed, the parameters of which were approved under the original outline consent.
- 8.13** The proposed layout includes a potential access point at the southern boundary of the site which would provide a link to the wider Innsworth & Twigworth Strategic Allocation under Policy A1. This is a requirement of Policy SA1 of the JCS to ensure that the deliverability of future development and that the overall Strategic Allocation is cohesive.
- 8.14** Accordingly, it is considered that the proposal would result in a development with an acceptable appearance layout and scale which, subject to compliance with the conditions attached to the original outline approval would result in a high-quality development which would compliment the character of the village as a whole.

Trees, Landscaping and Open Space

- 8.15** 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.

- 8.16** A comprehensive landscaping plan and Landscape and Ecological Management Plan has been submitted in support of the application and an area of open space is provided to the north west of the site. This represents the main area of landscaping and open space for the development. The landscaping proposals also makes use of the existing mature tree to the boundary to form as a focal point within the site.
- 8.17** The development proposes areas of informal landscaping, acting as green buffers between the proposed housing and informal areas of public space. Green verges are proposed alongside formal footpaths. Small areas of defensible space are proposed to the property frontages comprising formally laid lawn along with low level shrubs to delineate between the public and private spaces.
- 8.18** Street trees are incorporated along with grass verges to the central access road and new hedge and shrub planting to the frontages of dwellings creating a green streetscape and high-quality public realm. Ancillary hedge planting is proposed to the existing boundaries to strengthen areas where gaps currently exist.
- 8.19** The proposed species of tree and hedgerow planting will comprise native broadleaved species, while the proposed shrub planting will use a variety of mainly non-native species as well as native varieties. Areas of wildflower meadow planting are proposed to the boundaries of the site to provide a verdant appearance with the adjoining sites.
- 8.20** The mix and type of species proposed within the comprehensive landscape proposal will provide improved biodiversity allowing the opportunity for insects, butterflies and bees to thrive. The strengthening of the existing hedgerows provides an improved habitat for nesting birds, to be complimented by the provision of 3 no. bird boxes within the site.
- 8.21** It is considered that the proposed landscaping is appropriate and would provide a high-quality appearance to the development whilst providing improved biodiversity to the site in accordance with Policies SD4, SD6 and INF3 of the JCS.

Existing and future residential amenity

- 8.22** 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.
- 8.23** 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.
- 8.24** 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.
- 8.25** Overall, it is considered that the development would result in acceptable levels of amenity for future residents of the development and the nearby existing residents in accordance with relevant JCS policies.

Housing mix

- 8.26** Condition 4 of the outline planning permission requires details of the number and size of dwelling 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.
- 8.27** 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.
- 8.28** The application proposes 3 no.1 bed properties (9%) 9 no.2 bed Properties (28%), 15 no.3 bed properties (47%) and 5 no. 4 bed properties (13%). While the proposed mix would provide fewer 3 and 4 bed properties this would result in an increase in the smaller, more affordable units. The proposed mix is broadly in accordance with the mix as detailed above.
- 8.29** On balance it is considered the mix of housing proposed would be appropriate and would broadly comply with the requirements of Policy SD11 of the JCS.

Affordable housing

- 8.30** 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.
- 8.31** The provision of not less than 35% affordable housing for the site was secured at outline stage through a Section 106 Agreement, along with the required house sizes and tenure split.
- 8.32** The proposal would provide 11 affordable dwellings as required by the original permission and the affordable mix would provide:
- 1 no. 1 bedroom bungalow,
 - 5 no. 2 bedroom houses,
 - 4 no. 3 bedroom houses and
 - 1 no. 4 bedroom house.
- 8.33** Of this, approximately 70% would be affordable rented and 30% would be shared ownership. The mix and tenure proposed is in line with the completed s106 legal agreement.
- 8.34** 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

- 8.35** Concerns have been raised in respect of highways safety and drainage however it should be noted that these matters were assessed at the outline stage and the principle of a residential development has already been established through the allocation of the site and grant of outline planning permission.

9. Conclusion

- 9.1** 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.

10. Recommendation

- 10.1** The application is therefore recommended for **Approval** subject to the conditions set out below.

11. Conditions

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

Site Layout - CO-TW-PD 001
Colour Site Layout - CO-TW-PD 001
Existing Levels - CO-TW-PD 002
Materials/Boundary Treatment Plan - CO-TW-PD 020
Location Plan - CO-TW-PD 030
Refuse Strategy Plan - CO-TW-PD 050
Street Scenes - CO-TW-PD 060
Parking Plan - CO-TW-PD PP
Site Landscaping - CO-TW-LS 001
Engineering Layout - TWIG-EN 001
Surface Finishes Layout - TWIG-EN 002
Road Setting Out Layout - TWIG-EN 003
Indicative Proposed FFLs - TWIG-EN 006 A
Section 278 General Arrangement - TWIG-EN 007
Pond Sections - TWIG-EN 015
Refuse tracking - TWIG-EN 016
Floor Plans & Elevations - EYRE BSP808.PL-01
Floor Plans & Elevations - DUHIG BSP219.PL-01
Floor Plans & Elevations - KILBURN CL386.PL-01
Floor Plans & Elevations - LAWRENCE NSS.CL375.PL-01
Floor Plans & Elevations - LAWRENCE NSS.CL375.PL-02
Floor Plans & Elevations - LAWRENCE NSS.CL375-1.PL-01
Elevations - WILTON CL394-1.PL01
Floor Plans - WILTON CL394-1.PL02
Elevations - LACEBY CL397.PL01
Floor Plans - LACEBY CL397.PL02
Elevations - Plot 13 LACEBY CL397-1.PL01
Floor Plan - Plot 13 LACEBY CL397-1.PL02
Elevations - Plot 14 LACEBY CL397-1.PL01
Floor Plans - Plot 14 LACEBY CL397-1.PL02

Elevations - WOLLATON CL401-1.PL01
Floor Plans - WOLLATON CL401-1.PL02
Elevations - SKELTON CL474.PL01
Floor Plans - SKELTON CL474.PL02
Elevations - DAWLISH CL496.PL01
Floor Plans - DAWLISH CL496.PL02
Floor Plans - DAWLISH RV501.CL496.PL-01
Floor Plans - DAWLISH RV501.CL496.PL-02
Floor Plans & Elevations - SINGLE GARAGE GL01.PL-01
Floor Plans & Elevations - PAIRED GARAGE GL02.PL-01
Floor Plans & Elevations - SEDLEY(2) CLM2B4P.PL-01
Elevations - SEDLEY(3) CLM860.PL-01
Floor Plans - SEDLEY(3) CLM860.PL-02
Elevations - STORER STRAND BLO-0342-1.PL-01
Floor Plans - STORER STRAND BLO-0342-1.PL-02
Elevations - STORER SORLEY(3) BLO-0343-1.PL-01
Floor Plans - STORER SORLEY(3) BLO-0343-1.PL-02
Floor Plans & Elevations - TEMPLETON CLM4(3)1B2P.PL-01

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.

12. Informatives

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

2 Works on the Public Highway

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 Councils cost's in undertaking the following actions:
 - Drafting the Agreement
 - Set up costs
 - Approving the highway details
 - Inspecting the highway works

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

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH SEPARATE GROUP/SITE SPECIFIC CONSTRUCTION NOTES AND MATERIALS SPECIFICATION.

Notes

Revision

Job: Land off Down Hatherley Lane
Twigworth
Gloucestershire
GL2 9PU

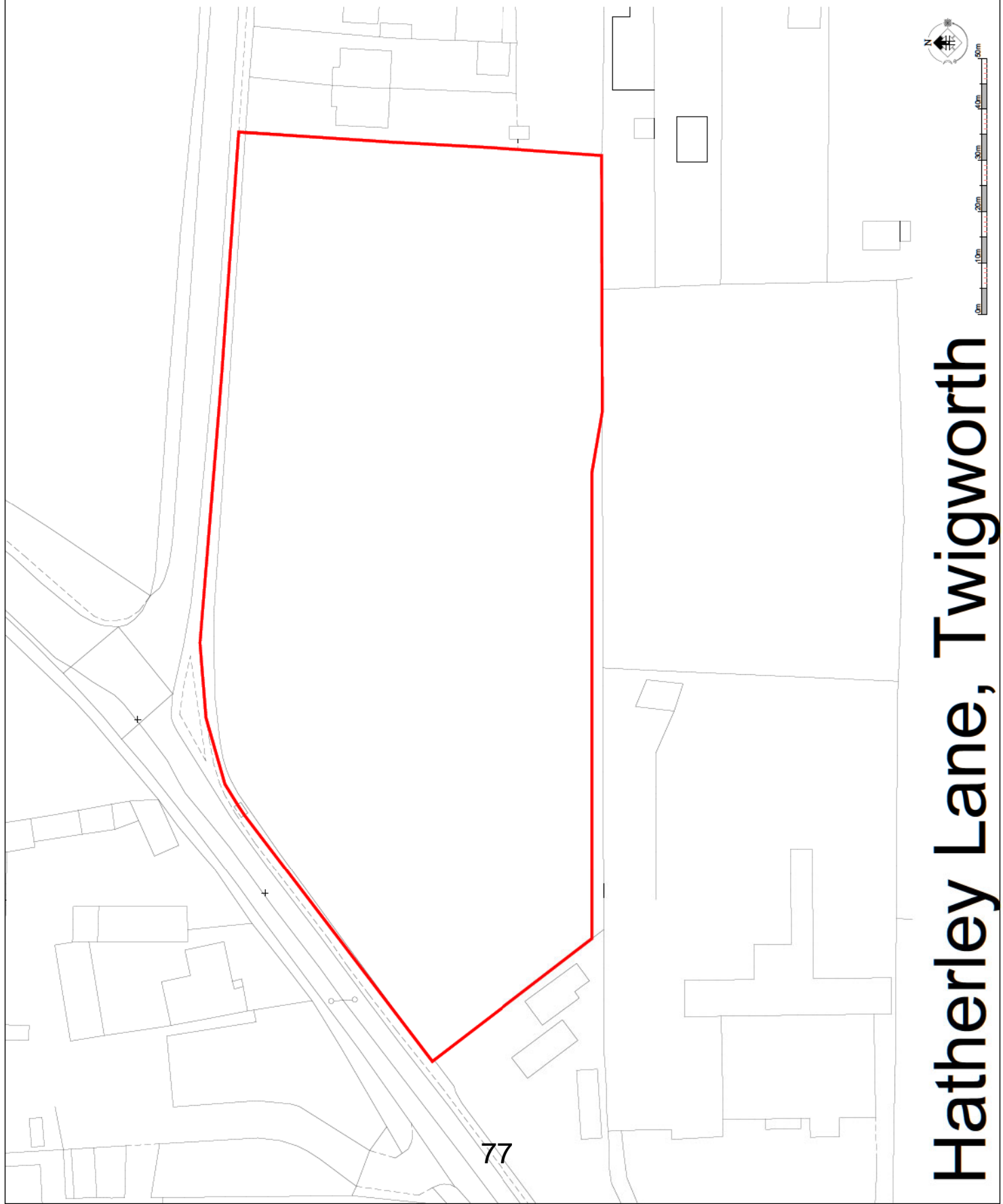
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Scale: 1:500 @ A2 Drawn: SL
Date: APRIL 2022 Checked: SD

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COTSWOLD
OAK

Drawing No. CO_TW_PD_030



Hatherley Lane, Twigworth





Indicative Street Scene



Indicative Street Scene

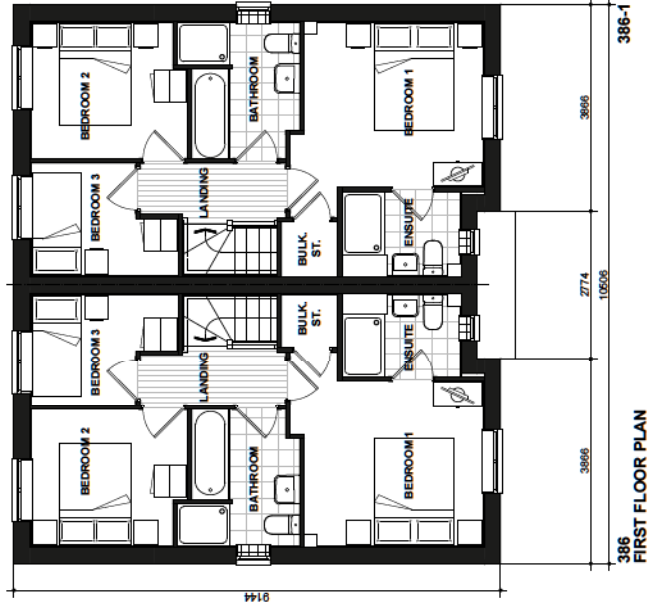
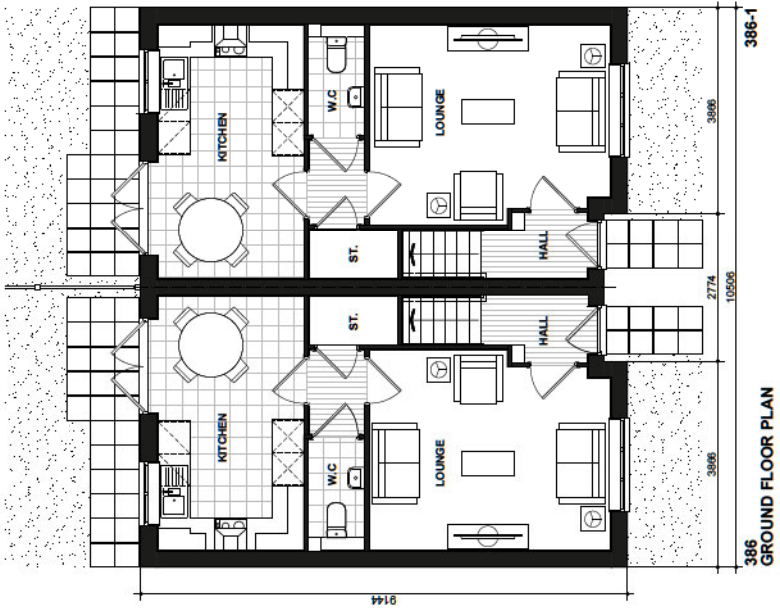
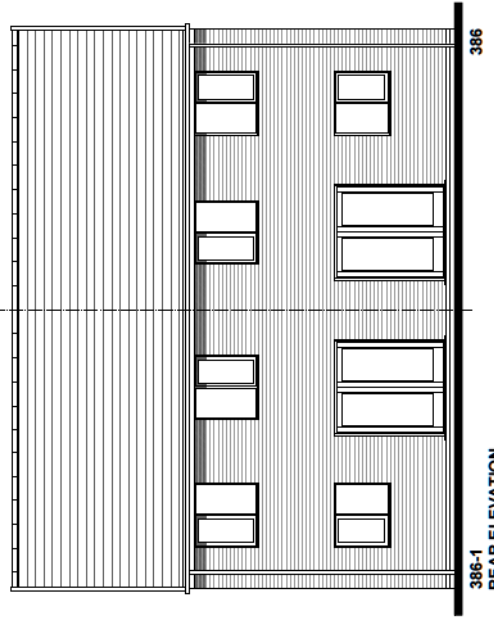
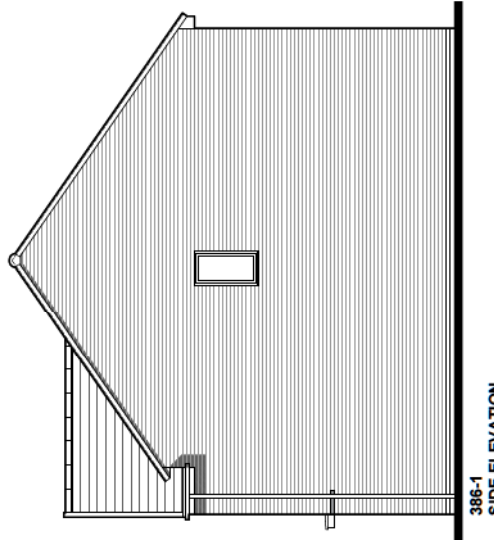
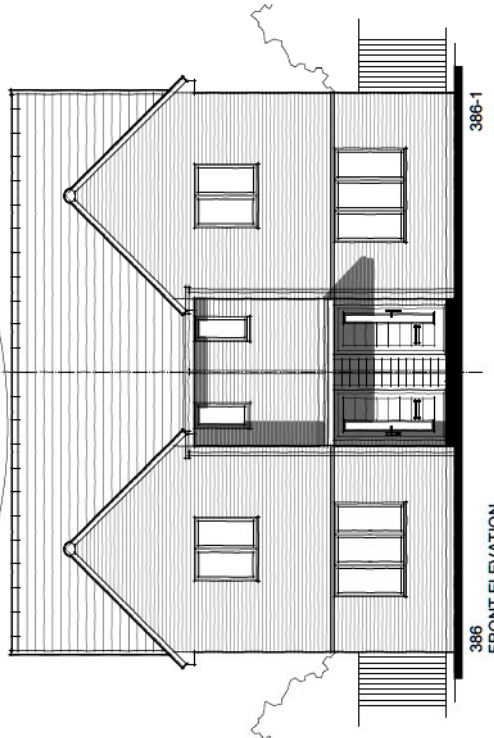
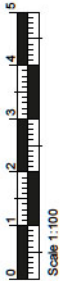


Proposed residential development at

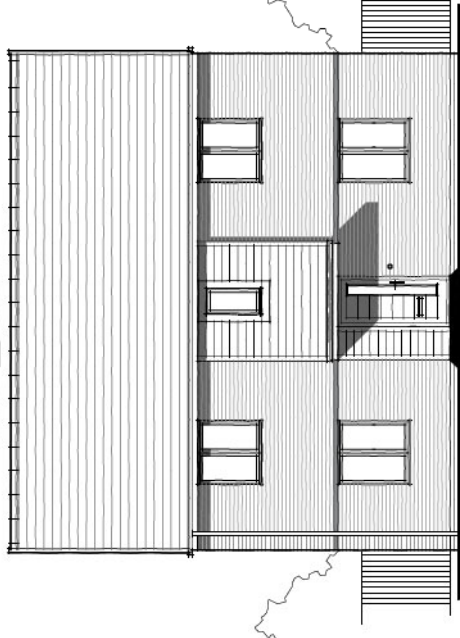
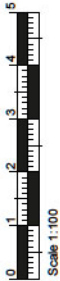
Hatherley Lane, Twigworth

April 2022

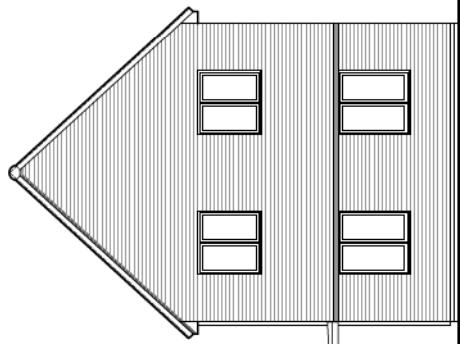
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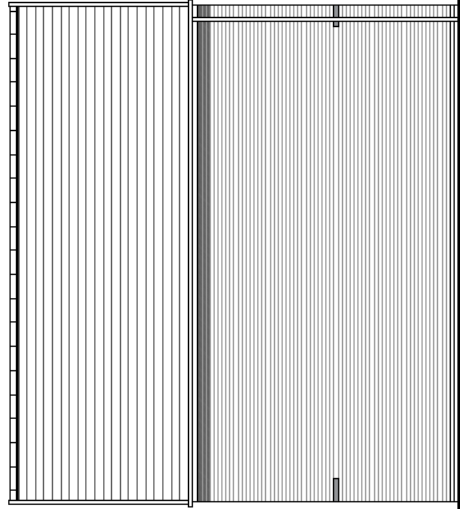
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Project Name: Hatherley Lane, Twigworth	
Plots: 3 / 4	
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PLANNING	
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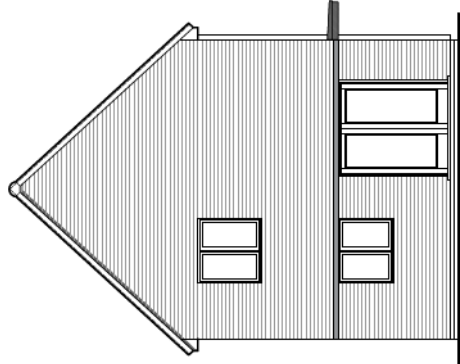
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FRONT ELEVATION



NSS.CL375
SIDE ELEVATION

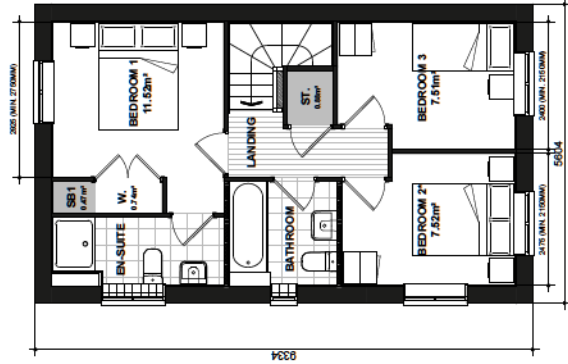
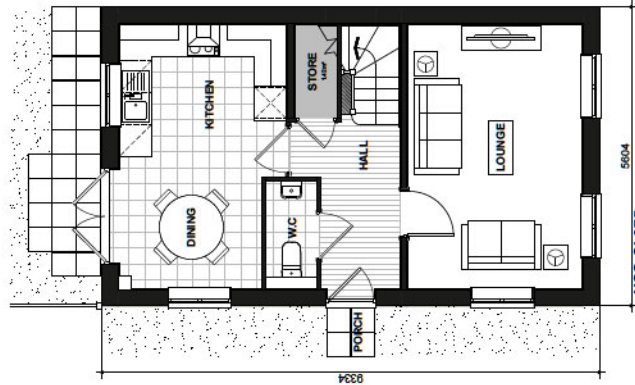


NSS.CL375
REAR ELEVATION



NSS.CL375
SIDE ELEVATION

81



* Denotes floor areas shown to comply with National Described Space Standards (see schedule). Room layout shown as furnished and does not demonstrate compliance.

National Space Standards	
3B4P	NSS Requirement
Ground Floor Plan	42.97m ²
First Floor Plan	42.97m ²
Total floor area m ²	85.93m ²
Total floor area ft ²	928ft ²
Bedroom 1	11.52m ²
Bedroom 2	7.52m ²
Bedroom 3	7.51m ²
Store Under Stair	1.42m ²
Store Landing	0.88m ²
Store Bedroom 1	0.47m ²
Built in store total	2.78m ²
	2.5m ²

Client: **Cotswold Oak**

Project Name: **Hatherley Lane, Twigworth**

Plots: **31**

Drawing Title: **FLOOR PLANS/ELEVATIONS - BRICK PLANNING**

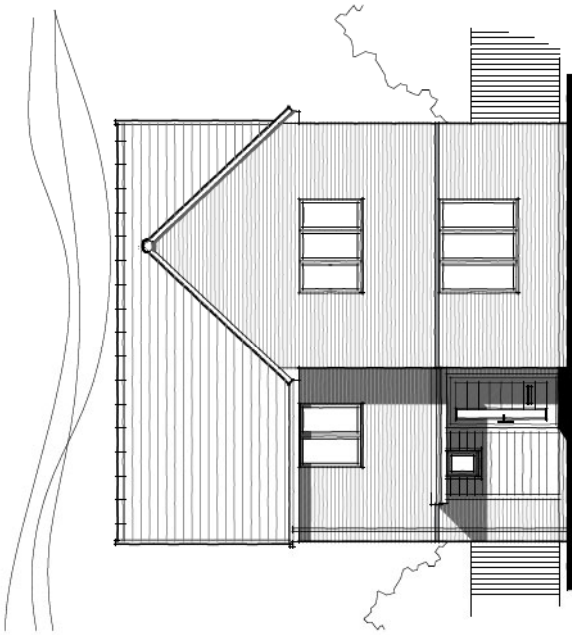
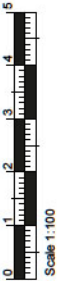
3 BEDROOMS

Lawrence

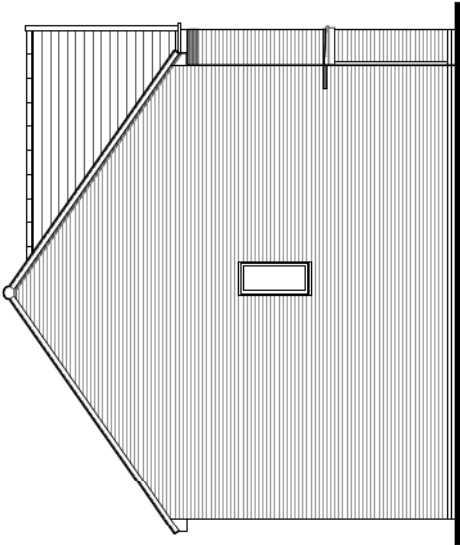
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Scale: **A3 @ 1/100** Checked by: **SD**

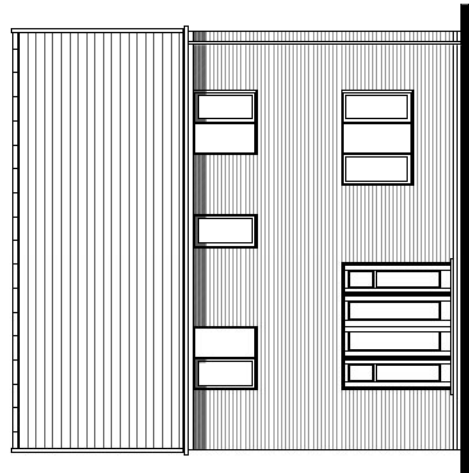
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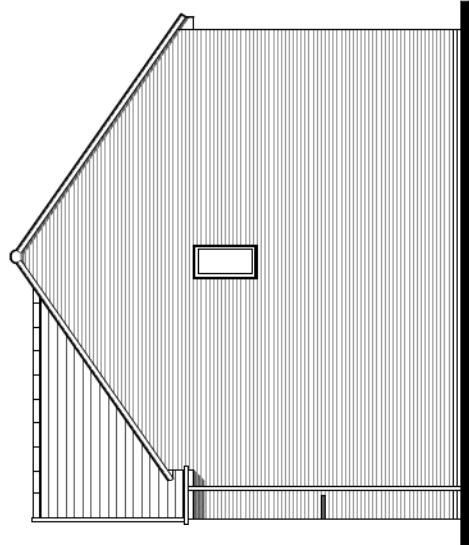
CL394-1
FRONT ELEVATION



CL394-1
SIDE ELEVATION



CL394-1
REAR ELEVATION



CL394-1
SIDE ELEVATION

Client:

Cotswold Oak

Project Name:

Hatherley Lane, Twigworth

Plots:

16

Drawing Title:

ELEVATIONS - BRICK

PLANNING

Wilton

3 BEDROOMS

Date: APRIL 2022

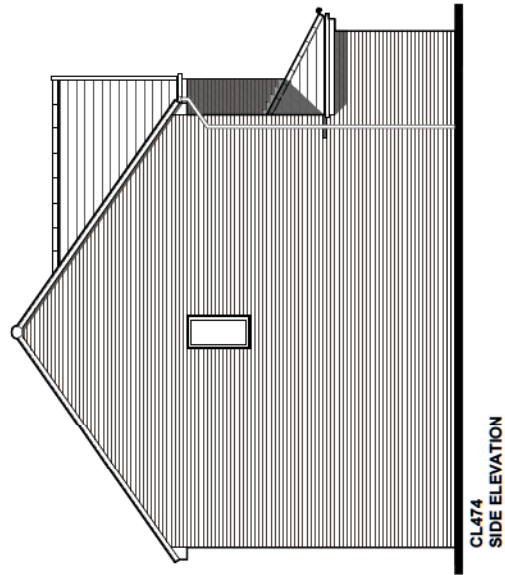
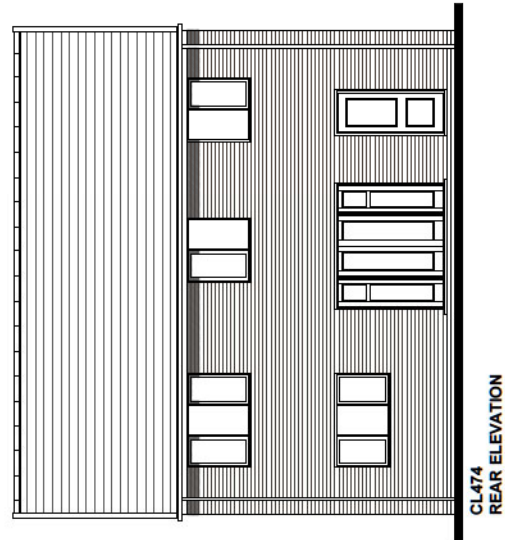
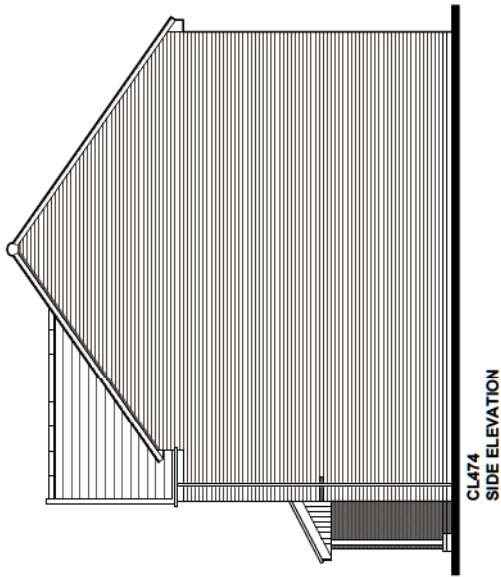
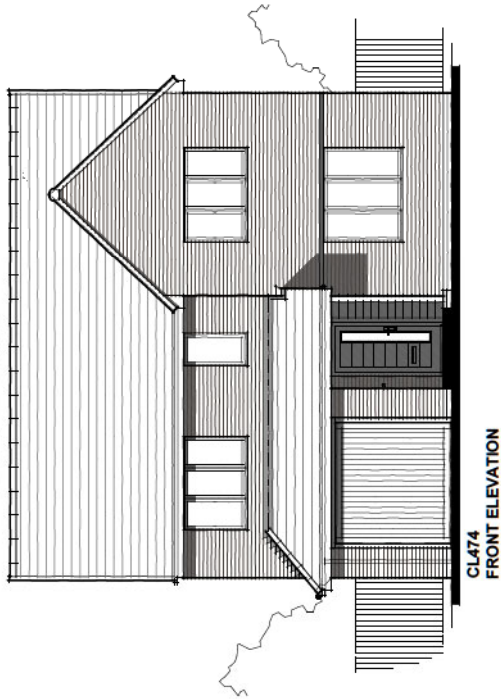
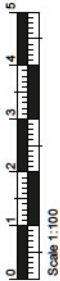
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Rev:

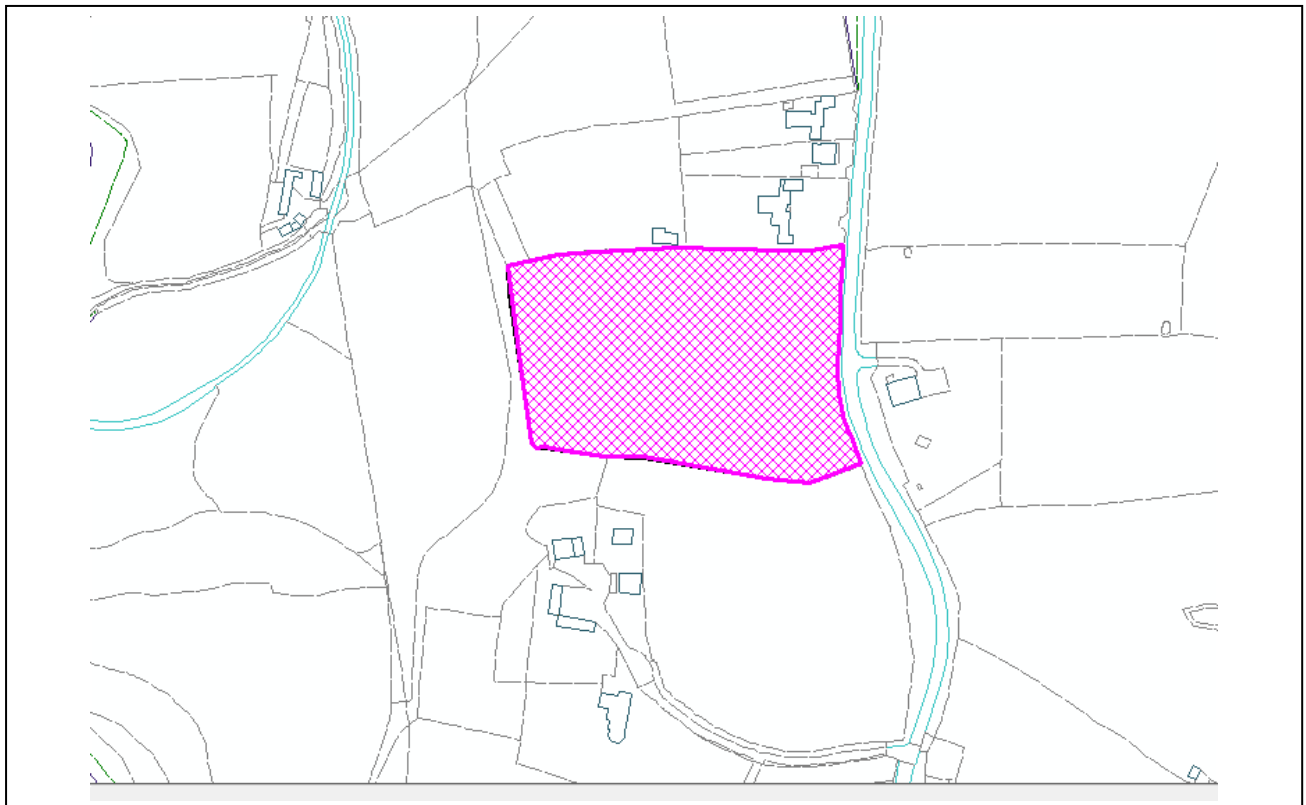


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Project Name: Hatherley Lane, Twigworth	
Plots: 1	
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PLANNING	
Skelton	
<small>4 BEDROOMS</small>	
Date: APRIL 2022	Drawn by/ VO
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Dwg No: CL474_PL01	Rev: <input type="checkbox"/>

Planning Committee

Date	20 December 2022
Case Officer	Chloe Buckingham
Application No.	22/00223/FUL
Site Location	Field To the West of Hucclecote Lane, Churchdown
Proposal	Change of use of agricultural land to a secure dog walking/exercise area and associated works, including car parking area and improved access.
Ward	Churchdown Brookfield With Hucclecote
Parish	Churchdown
Appendices	Site Location Plan: 3017/PL01 Existing Block Plan: 3017/PL02 Proposed Block Plan: 3017/PL03 D Proposed Fence Elevations: 3017/PL04 Visibility Splays: SK01A
Reason for Referral to Committee	Call in request from Cllr Blackwell due to impact upon the Green Belt and parking and highways considerations.
Recommendation	Permit

Site Location



1. The Proposal

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=REUMEGQDKXJ00>

- 1.1 The scheme is for the change of use of agricultural land to a secure dog walking/exercise area (sui generis) and associated works, including car parking area, the installation of a 1.8m fence around the perimeter of the land and improved access.
- 1.2 It has been noted that a number of comments and objections have stated that the change of use and works have already been implemented. Whilst this is agreed, as an application is now in for assessment this has no bearing on the assessment/outcome of the scheme.
- 1.3 The existing access on to Hucclecote Lane would be used. The applicant already owns a dog walking business and owns the land in question which was previously used for agricultural purposes.
- 1.4 The site would provide dog owners an area to hire in order to exercise their dogs off-lead. The service would be particularly beneficial to dog owners whose dogs may not be suitable to walk in public areas because of aggression to people or dogs, poor recall and puppy training. Dog owners would have exclusive use of the field for a set time period and bookings would be made online. The activity would involve a single vehicle arriving, entering the secure car park, and closing the gate. Access to the field would then be provided through a key code and exercise slots are usually of 50 minutes duration, allowing for a 10-minute changeover. The applicant has confirmed that the use would operate during daylight hours only and no artificial light would be erected. Dog owners would be required to abide by clearly defined 'terms and conditions' of use. These include confirming that all dogs are up to date with injections, worming, flea and tick treatment; that all dog waste must be bagged and binned in the appropriate dog bins in the field (dog waste bags are provided); that any rubbish must be binned before leaving the field; and that they must securely lock the gate prior to exit. The applicant has stated that the field would also be inspected on a daily basis by the applicant.
- 1.5 Only one customer would be able to use the site at a given time, up to 10 dogs would be allowed on the site in any time period.
- 1.6 Clarification regarding the operational period has been sought and the proposed hours of operation would be 1st April to 30th September 08:00-20:00 Monday to Sunday including bank holidays 1st October to 31st March 08:00-17:00 Monday to Sunday including bank holidays The months, days and hours of operation would be controlled by condition.
- 1.7 The associated works include the installation of 1.8m perimeter fencing (timber posts at 3m intervals with wire mesh) and gate which would be set back from the access. The car parking area would be 16m by 14m and will be positioned close to the access.
- 1.8 The main issues to be considered are the principle of the change of use of the agricultural land; the impact upon the Green Belt; the design and layout of the associated works; the impact upon highway safety and upon residential amenity.

2. Site Description

- 2.1** The field is situated on the west side of Hucclecote Lane and about 200 metres to the south of the settlement of Churchdown. The field is broadly rectangular in shape and has a road frontage (to Hucclecote Lane) of about 100 metres, which includes a longstanding field access. The overall site area is 1.57 hectares. The field comprises sloping permanent pasture and is securely fenced with wire mesh secured to timber posts around the boundary.
- 2.2** There are some mature trees and hedgerow on the road frontage and around its perimeter.
- 2.3** To the north of the site there is a dwelling house, Four Gables. To the east, and on the other side of Hucclecote Lane, is a small woodland and a Severn Trent pumping station. To the south lie the grounds of Chosen Hill House.
- 2.4** The field and the surrounding land are located within the Green Belt and the site is within Flood Zone 1.

3. Relevant Planning History

- 3.1** None

4. Consultation Responses

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

- 4.1 Churchdown Parish Council** – Objection, details are summarised below;

- 1) This is a change of use from agricultural land to a business use in green belt land
- 2) Impact on the natural environment this application would negatively impact the land and result in the loss of heritage pasture land.
- 3) Noise pollution
- 4) The application will compromise Highways Safety due to the increased vehicular traffic entering and exiting the property
- 5) This application is in contravention of CHIN POLICY 13; Views to and from Chosen Hill
- 6) Members endorse the objections of immediate Neighbours

Highways - No objection

Trees - no objection in principle to the change of use, providing no works are required to the Oaks to gain highway visibility.

Environmental Health - No objection subject to three conditions.

Building Control - no comment.

5. Third Party Comments/Observations

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

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

5.2 2 general comments have been submitted. The main points being:

- More ecological benefits required- hedgehog friendly gaps, more native hedgerow planting and a small reedbed to collect dog urine.
- Work has been going on for months.
- Car park is unacceptable development in the Green Belt.

43 support comments have been submitted. The main points being:

- There is a need for a new dog walking facility especially since the other one is always full and since lockdown there are more dog owners.
- Conditions of using the field shall be abided by- dog waste and padlocks.
- Dog noise shall be minimal.
- The existing hedgerows and fields shall remain in situ.
- The access visibility is acceptable.
- Limited impacts on views.
- Good for ecology- they have planted trees and wildflowers.
- Fencing is similar to agricultural fencing there previously.
- The footpath is on the western boundary on the other side of the boundary fence.
- The field is too small to be used for a commercial farm enterprise.
- The car parking area is a small area.
- Good to keep dogs safe.
- Very professional business.

15 objection comments have been submitted. The main points being:

- Lack of a newt survey.
- Badgers in the area.
- Could include picnic tables, shelters, storage, children's play equipment which can be brightly coloured and will not be in-keeping with the rural character/green belt.
- New fencing not acceptable - stops wildlife and is too tall and unsightly. It isn't similar to the previous fencing nor agricultural fencing.
- Fencing prevents hedgerow maintenance.
- Access visibility is dangerous.
- The access is used as a turning point for deliveries- this is dangerous.
- The driveway increases surface runoff and water on the road.
- Works have already started- this is retrospective.
- No environmental assessment.
- No evidence of traffic movements.
- No opening hours nor no. of clients suggested.
- The field does have use for agriculture- it was not neglected nor unsightly.
- Noise- dogs/people shouting and cars.
- Negative impacts on views from Chosen Hill.
- Dogs could escape- no details regarding the gate.
- Restricts the public footpath.
- Excessive trimming and clearing has occurred and will occur.
- Mowing the field is not good for wildlife.
- Lead the way for the erection of a dwelling/s
- Not necessary- dog walkers have many public footpaths around with free parking on the layby on Barrow Hill.

- Inappropriate planting- they have planted a large stretch of invasive and damaging cherry laurel.
- Dangerous dogs.
- Smells- issues will litter and dog faeces.
- Devaluation of houses.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise

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

6.2 National guidance

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

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

Policy SD4 (Design Requirements)
 Policy SD5 (Green Belt)
 Policy SD6 (Landscape)
 Policy SD14 (Health and Environmental Quality)
 Policy INF1 (Transport Network)

6.4 Tewkesbury Borough Local Plan to 2011-2031 (TBLP) – Adopted 8 June 2022

Policy EMP4 - Rural Employment Development
 Policy TRAC9 - Parking Provision
 Policy LAN1 - Special Landscape Area
 Policy LAN2 - Landscape Character
 Policy ENV2 - Flood Risk and Water Management
 Policy NAT1 - Biodiversity, Geodiversity and Important Natural Features
 Policy TRAC9 - Parking Provision
 Policy COM4 - Neighbourhood Development Plans

6.5 Neighbourhood Development Plan:

Churchdown and Innsworth Neighbourhood Development Plan 2011-2031
 Section 4 - Landscaping and Environment
 Section 6 - Biodiversity
 Policy 13 - Views to and from Chosen Hill

7. Policy Context

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

- 7.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 7.3** The relevant policies are set out in the appropriate sections of this report.
- 7.4** 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.

8. Evaluation

Principle of development

- 8.1** Section 6 of the NPPF sets out that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 8.2** Paragraph 83 of the NPPF recognises the need to enable the development and diversification of agricultural and other land-based rural businesses.
- 8.3** The vision for the borough, set out in the JCS, is underpinned by three specific strategic objectives to support a thriving economy. The third objective is to support a prosperous rural economy. To facilitate rural employment generation and diversification the local planning authority should, amongst other requirements, support the needs of agricultural businesses and encourage farm diversification.
- 8.4** The application site is located just outside of the defined settlement boundary for Churchdown but is close to some residential property within the wider countryside.
- 8.5** In this location, criterion (vi) of Policy SD1 'Employment - except retail development' of the JCS sets out that employment related development will be supported in two circumstances; when it is located within or adjacent to a settlement and of an appropriate scale and character; and/or when it is employment-generating farm diversification projects, which are of an appropriate scale and use.
- 8.6** Policy SD1 Criteria (viii) considers that employment related development will support the development of small and medium sizes businesses subject to all other policies of the plan. The application site is considered to be adjacent to a defined settlement boundary within the countryside and would be the expansion of an existing small rural business.
- 8.7** The applicant has confirmed that the proposal does not form part of an agricultural diversification scheme.
- 8.8** Policy EMP4 Rural Employment Development of the TBLP considers that employment development (as defined in Policy EMP1) will be supported in principle where there are specific reasons why a rural location is necessary. The rural location is necessary as it would use a small agricultural field which would provide good conditions for this type of business.
- 8.9** Therefore, the principle of the development would be acceptable subject to other policies of the development plan.

- 8.10** It must be noted that objection comments have stated that the facility is not necessary because dog walkers have many public footpaths around with free parking on the layby on Barrow Hill. However, the change of use of the site has been applied for to ensure a secure site for dog walkers. It is clear that other such fields offering this service are available in the Borough and as such there is a demand for this business. It must also be noted that it is not for the Council to decide on the necessity of the business, but rather whether the change of use complies with the relevant policies. It is up to the business owner to consider the necessity and likely success of the business.

Impact upon Green Belt

- 8.11** 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.
- 8.12** 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. Paragraph 150 (e) of the NPPF sets out that material changes in use of land (such as for outdoor recreation) and para 149 (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation would not be inappropriate development, subject to the proviso that the development should preserve its openness and not conflict with the purposes of including land within it.
- 8.13** Appeal decisions (for example: APP/K3415/W/20/3264866) have indicated that although not stated as an example in para 149 and 150 of the NPPF change of use of land to a dog walking field would be considered as outdoor sport/recreation. Therefore, it is important to consider the harm to openness and conflict with the purpose of including land within the Green Belt.
- 8.14** The use of the land itself as a secure dog walking area, should have no appreciable impact on the Green Belt's openness. It is however appropriate to consider any impact on openness resulting from the use of the access track and parking area and the proposed fencing. Whilst comments have been received to explain that the change of use could encourage storage facilities, picnic benches and children's play equipment, such structures are not included in this application and a condition shall be attached removing permitted development rights to ensure that there will be no storage or related equipment on the site at any time. This condition is considered necessary to ensure that the visual amenity and openness of the Green Belt is protected.
- 8.15** The site is largely enclosed by existing hedgerows and trees and none of this existing vegetation is proposed to be removed. The car park shall measure 16m by 14m and shall be constructed from crushed stone which is considered to be in-keeping with the rural character of the area.

- 8.16** The mesh fence with timber posts and the metal gate is considered to be in-keeping with the rural environment. As such, it is considered that the proposal would accord with requirements of policy SD4.
- 8.17** The operational hours will be conditioned and there would be a limit on the number of dogs to use the facility at any one time. The extent of the vehicle movement would be limited, and vehicle movement would have arisen from the previous use of the field. The proposal does not include a footway or lighting to ensure the associated development would respect the rural nature of the site. Objection comments are noted in that external lighting would not be in-keeping with the rural location, however, no external lighting is proposed and a condition shall also be attached to ensure that if any external lighting is erected this will be first agreed in writing by the Council. This condition is considered necessary to ensure the rural character is maintained and there are no adverse impacts for neighbouring residents and ecology.
- 8.18** Whilst comments have been submitted to explain that a car park is not acceptable in the Green Belt, it is important to note that the vehicles would not be a permanent fixture on the site and the proposed material shall be that of crushed stone and the size shall be relatively small scale being 16m by 14m. Therefore, the car park is considered to have a neutral impact on this part of the Green Belt.
- 8.19** The fence would be appropriate given the intended purpose of the land in order to provide a safe and secure environment for dogs. The type of fence proposed would be 1.8m posts with wire mesh fencing set back from the existing boundary hedges around the perimeter. The gate is also considered to be a typical metal gate similar to those found in rural areas. It is considered that this type of fencing and gate would allow views through and therefore, would not have a harmful impact upon the Green Belt.
- 8.20** The Green Belt serves five purposes: - To check the unrestricted sprawl of large built-up areas; - To prevent neighbouring towns merging into one another; - To assist in safeguarding the countryside from encroachment; - To preserve the setting and special character of historic towns; and - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 8.21** Here it is considered that the use of the land and associated works, due to the considered scale and design, would not materially conflict with any of the purposes set out above. Therefore, the proposal would not be inappropriate development in the Green Belt and would accord with NPPF paras 149 and 150 and JCS policy SD5.

Landscape Impact

- 8.22** Policy SD6 of the Joint Core Strategy sets out development will seek to protect the landscape for its own intrinsic beauty and for its benefit to economic, environmental and social well-being.
- 8.23** Policy LAN1 states that applications for new development within Special Landscape Areas, as identified on the Policies Map, will be permitted providing:

* The proposal would not cause harm to those features of the landscape character which are of significance;

* The proposal maintains the quality of the natural and built environment and its visual attractiveness;

* All reasonable opportunities for the enhancement of landscape character and the local environment are sought. Where a proposal would result in harm to the Special Landscape Area having regard to the above criteria, this harm should be weighed against the need for, and benefits from, the proposed development. Proposals causing harm to the Special Landscape Area will only be permitted where the benefits from the development would clearly and demonstrably outweigh the identified harm

8.24 Policy LAN2 states that new development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting.

8.25 Para 4.21 of the Neighbourhood Plan states that an important part of any development is its setting. Green spaces, verges, trees and mixed hedgerows creating colour variation are part of the character of Churchdown and Innsworth.

8.26 Policy CHIN13 of the Neighbourhood Plan states that Chosen (Churchdown) Hill is a prominent visual landmark of ecological, historic and recreational importance. Development proposals should maintain the local landscape character as identified in the Joint Core Strategy Landscape Characterisation Assessment and Sensitivity Analysis 2013. Proposals which have a negative impact on views to or from Chosen (Churchdown) Hill will be resisted.

8.27 A number of objection comments have been received to explain that the fencing and change of use shall have a negative impact on the landscape and in particular views from/to Chosen Hill. However, no trees and hedgerows are proposed to be removed and the see-through nature of the fence is also noted. Furthermore, a condition shall be attached to ensure that there will be no storage or related equipment on the site at any time unless otherwise agreed in writing by the Council. This condition is considered necessary to ensure that the visual amenity and openness of the Green Belt is protected and that the rural character of the site would be retained.

8.28 Comments have also been submitted to explain that the fencing would be unsightly. However, the 1.8m high mesh and timber post fencing is considered to have minimal impact on the landscape considering the materials and the see-through nature of the mesh. The perimeter fence would also be mainly screened by existing hedgerows and trees. The type of fence would also enable views through and would not be visually prominent in distant views. Comments have stated that the fence would prevent hedgerow maintenance, however, the fencing would be inside the field and access to the hedgerow can still be accessed on the opposite side of the fence to allow maintenance.

8.29 Overall, it is considered that the proposal would conserve the special landscape area and would be appropriate to the rural character of the area.

Design and Visual Amenity

8.30 JCS Policy SD4 which states new development should respond positively to, and respect the character of, the site and its surroundings. As detailed above, the proposed fencing and gates have been selected to be in keeping with most other forms of enclosures around fields and thereby are considered to respect the character of the site and its surroundings. In addition, the material for the hardstanding has also been chosen so that the finish would be appropriate to the site and its setting. As such it is considered that the proposal would

accord with guidance set out in Policy SD4.

Residential Amenity

- 8.31** JCS policies SD4 and SD14 which require development to cause no unacceptable harm to local amenity including the amenity of neighbouring occupants. The development should not result in no unacceptable levels of air, noise, water, light or soil pollution or odour.
- 8.32** Policy RES5 states that in considering proposals for new housing development regard will be had to the following principles. Proposals should (amongst other criteria):
- provide an acceptable level of amenity for the future occupiers of the proposed dwelling(s) and cause no unacceptable harm to the amenity of existing dwellings;
- 8.33** The applicant has confirmed there would only be a maximum of 10 dogs using the field at any one time. The parking area is located near the entrance and approximately 30m from the property known as Four Gables, adjacent to the site.
- 8.34** Objection comments have been received regarding noise impacts from dogs barking and people shouting and cars. Other comments have stated that dogs could escape and could be dangerous and that the public footpath will be restricted. However, considering that the fence is across the whole site and the gate is secure and lockable, there is considered to be limited risk of dogs escaping. Furthermore, considering the small scale of the proposed use (maximum 10 dogs at any one time), there is unlikely to be any significant noise through dogs barking, cars and people shouting. It is also noted that the public footpath is outside of the boundary of the site to the west.
- 8.35** The Environmental Health Officer has recommended a condition requesting a noise management plan. However, the conditions limiting the opening times, use and number of dogs is considered to be a sufficient plan to limit noise and as such a noise management plan on top of this is not considered to be necessary.
- 8.36** The Environmental Health Officer (EHO) has recommended opening hours of 08:00 to 21:00 hours. However, the applicant has agreed to the shorter opening hours as conditioned which is less hours than that considered acceptable by the EHO.
- 8.37** The EHO has also recommended a condition regarding dog waste bins. The applicant has agreed to supply the dog waste bins in the statement and an informative is recommended to be attached to any permission to advise the applicant accordingly.
- 8.38** Objection comments have been submitted regarding smells and issues with litter and dog faeces. However, the applicant has confirmed that all dog owners shall be required to abide by clearly defined 'terms and conditions' of use. These include confirming that all dogs are up to date with injections, worming, flea and tick treatment; that all dog waste must be bagged and binned in the appropriate dog bins in the field (dog waste bags are provided); that any rubbish must be binned before leaving the field; and that they must securely lock the gate prior to exit. The field shall also be inspected on a daily basis by the applicant. It is considered that there are appropriate measures in place to mitigate any amenity issues.

Highways

- 8.39** Policy INF1 of the JCS sets out that permission shall only be granted where the impact of development is not considered to be severe. It further states that safe and efficient access to the highway network should be provided for all transport means.
- 8.40** Objection comments have been received to explain that the access visibility is dangerous, the access is used as a turning point for deliveries, and this is dangerous, and that there is no evidence of traffic movements.
- 8.41** Further to the Highway Authority's recommendation dated 1st April 2022, the applicant has commissioned an ATC assessment to ascertain speeds on the road fronting the site and with it provide for suitable levels of visibility from the site access. The outputs of the assessment are accepted, and plan ref SK01 A confirms that the required levels of visibility are achievable within the public highway and the highways authority now has no objection to the proposals. Officers agree that on the analysis of the further information submitted there would not be an unacceptable impact on Highway Safety, and as such there are no justifiable grounds on which an objection could be maintained and the scheme is compliant with policy INF1.

Biodiversity

- 8.42** Policy SD9 (Biodiversity and Geodiversity) specifies that the protection and enhancement of the biodiversity and geological resource of the JCS will be achieved by, inter alia, ensuring that European Protected Species and National Protected Species are safeguarded in accordance with the law, and by encouraging new development to contribute positively to biodiversity geodiversity whilst linking with wider networks of green infrastructure (for example by incorporating habitat features into the design to assist in the creation and enhancement of wildlife corridors and ecological steppingstones between sites).
- 8.43** Policy NAT1 of the Tewkesbury Borough Local Plan 2011-2031 (Adopted June 2022) is also relevant and explains that proposals that will conserve, restore and enhance, biodiversity will be permitted. Proposals will, where applicable, be required to deliver a biodiversity net gain across local and landscape scales, including designing wildlife into development proposals, the connection of sites and large-scale habitat restoration, enhancement and habitat re-creation.
- 8.44** Para 6.1 of the Neighbourhood plan states residents of Churchdown and Innsworth value its rural, village feel, and appreciate access to the surrounding countryside which is characteristic of this area of the Severn Vale. The main concern of the community is for the protection and enhancement of existing green and blue spaces, including accessible natural green spaces important for active lifestyles and quality of life, and terrestrial and water-based habitats which are important for Churchdown and Innsworth's distinctive flora and fauna. Connectivity between sites of ecological value, using green corridors, enhances the multi-benefits for wildlife and enhances public access through the provision of active travel routes, which in turn enhances the benefits for human health and wellbeing.
- 8.45** Concerns have been raised regarding the scheme lacking a newt survey and a general environmental report and that there are badgers in the area, and that the provision of the fencing will stop animals from entering. Comments have also stated that more ecological benefits are required such as hedgehog friendly gaps, more native hedgerow planting and a small reedbed to collect dog urine.

- 8.46** However, whilst the site is within a newt red zone, meaning that there is a higher probability of newts being present, as the development does not involve building on the site and as the wire mesh is such a size (2 inches by 2 inches) that would allow newts to access the site, a newt survey is not considered necessary or proportionate in this instance. Whilst badgers may be present in the area and the fence may prevent other animals from entering, as this is a relatively small field, this is not considered to be a significant issue as there are other open countryside areas around the site for wild animals. As no hedgerows are proposed to be removed, the planting of more native hedgerow is not considered necessary and considering the small-scale nature of the scheme a reedbed to collect dog urine is not considered necessary.
- 8.47** Concerns have been received to explain that excessive trimming and clearing has occurred and will occur and that mowing the field is not good for wildlife. The applicant has confirmed that in just over a year, the field has only been cut twice by a local farmer and a similar approach will be adopted when the use is operational. However, the former/current use is for agriculture which has low biodiversity grade itself and if the land remained in use for agriculture, it would be trimmed and mowed. Therefore, the resulting biodiversity for both uses is considered to be similar.
- 8.48** Concern has been expressed regarding the planting of a large stretch of invasive cherry laurel. However, the applicant has confirmed that the Laurel died in the hot weather in the summer and there is no plan to re-plant the laurel. It is also noted that this does not form part of the planning application.
- 8.49** A preliminary ecological appraisal is not considered necessary in this instance considering the small scale nature of the site and considering that there is no building work proposed and the small scale dog-walking facility is considered to have a low environmental impact. However, an informative shall be attached as an advisory for the applicant to provide hedgehog holes, in the corners of the field and a few along the edges.
- 8.50** Two blocks of wildflower planting are proposed adjacent to the car park and access. Fresh drinking water for pets will be provided within the field as it has an existing water supply, and no trees or hedgerows are to be removed. Willow whip planting is also planned in parts of the field. Therefore, the scheme is considered to be broadly compliant with policy SD9 of the JCS, policy NAT1 of the TBLP

Flood Risk and Drainage

- 8.51** JCS Policy INF2 requires development proposals to avoid areas at risk of flooding in accordance with a risk-based sequential approach. Proposals must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment either on site or elsewhere. All new developments should, where possible, contribute to a reduction in existing flood risk.
- 8.52** The application site is wholly located within Flood Zone 1. The parking area and access track would have a permeable surface and is not considered to increase the risk of flooding on site or elsewhere.
- 8.53** Objection comments have been submitted to explain that the driveway increases surface runoff and water on the road. However, a condition shall be attached to ensure that the area of the vehicle access within at least 5m of the carriageway edge of the public road shall be surfaced in a bound and permeable material and maintained thereafter. This is to

ensure minimal surface runoff and highway safety.

Other issues

- 8.54** Objection comments have stated that the scheme could lead the way to the erection of a dwelling. However, the Council can only consider the scheme that is put forward to them and cannot speculate on what future proposals may come forward on any site.
- 8.55** Objection comments have also stated that the scheme would devalue the dwellings close to the site. However, this is not a material consideration and as such has no bearing on the assessment of the scheme.

9. Conclusion

- 9.1** Taking into account all of the above, the proposal would result in an acceptable change of use, one which is considered to be of an appropriate scale, character and use. The proposed development would support rural economic growth, would be appropriate development in the Green Belt and preserve the setting of the Special Landscape Area. There would be no adverse impacts upon on amenity, highway safety or the character of the area. It is therefore recommended that planning permission is permitted.

10. Recommendation

- 10.1** The proposal accords with relevant policies as outlined above, it is therefore recommended the application be **permitted** subject to the following conditions:

11. Conditions

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

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

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

Site Location Plan: 3017/PL01: received 24 February 2022
Existing Block Plan: 3017/PL02: received 24 February 2022
Proposed Block Plan: 3017/PL03 D: received 24 February 2022
Proposed Fence Elevations: 3017/PL04: received 24 February 2022
Visibility Splays: SK01A: received 12 July 2022

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

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

- 3** The development hereby approved shall only be used as a secure dog walking facility and for no other purpose, to include commercial puppy/dog training and agility classes.

Reason - To define the permission in the interest of preserving residential amenity, the character and appearance and openness of the green belt area and to prevent unacceptable noise/odour pollution to the detriment of human health.

- 4 The development hereby permitted shall not be open to customers outside the following time periods:

1st April to 30th September 08:00-20:00 Monday to Sunday including Bank Holidays
1st October to 31st March 08:00- 17:00 Monday to Sunday including Bank Holidays

Reason: To ensure the proposal preserves residential amenity.

- 5 No more than 10 dogs shall use the secure walking area at any one time.

Reason: To preserve residential amenity, ensure the development would be of an appropriate scale and in the interests of highway safety.

- 6 There shall be no external lighting/floodlighting unless otherwise agreed in writing by the Local Planning Authority.

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

- 7 There shall be no storage or related equipment on the site at any time unless otherwise agreed by the Local Planning Authority in writing.

Reason: In the interests of visual amenity and openness of the Green Belt.

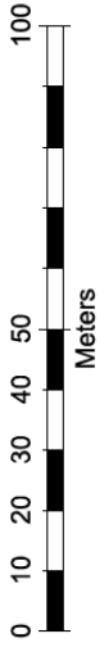
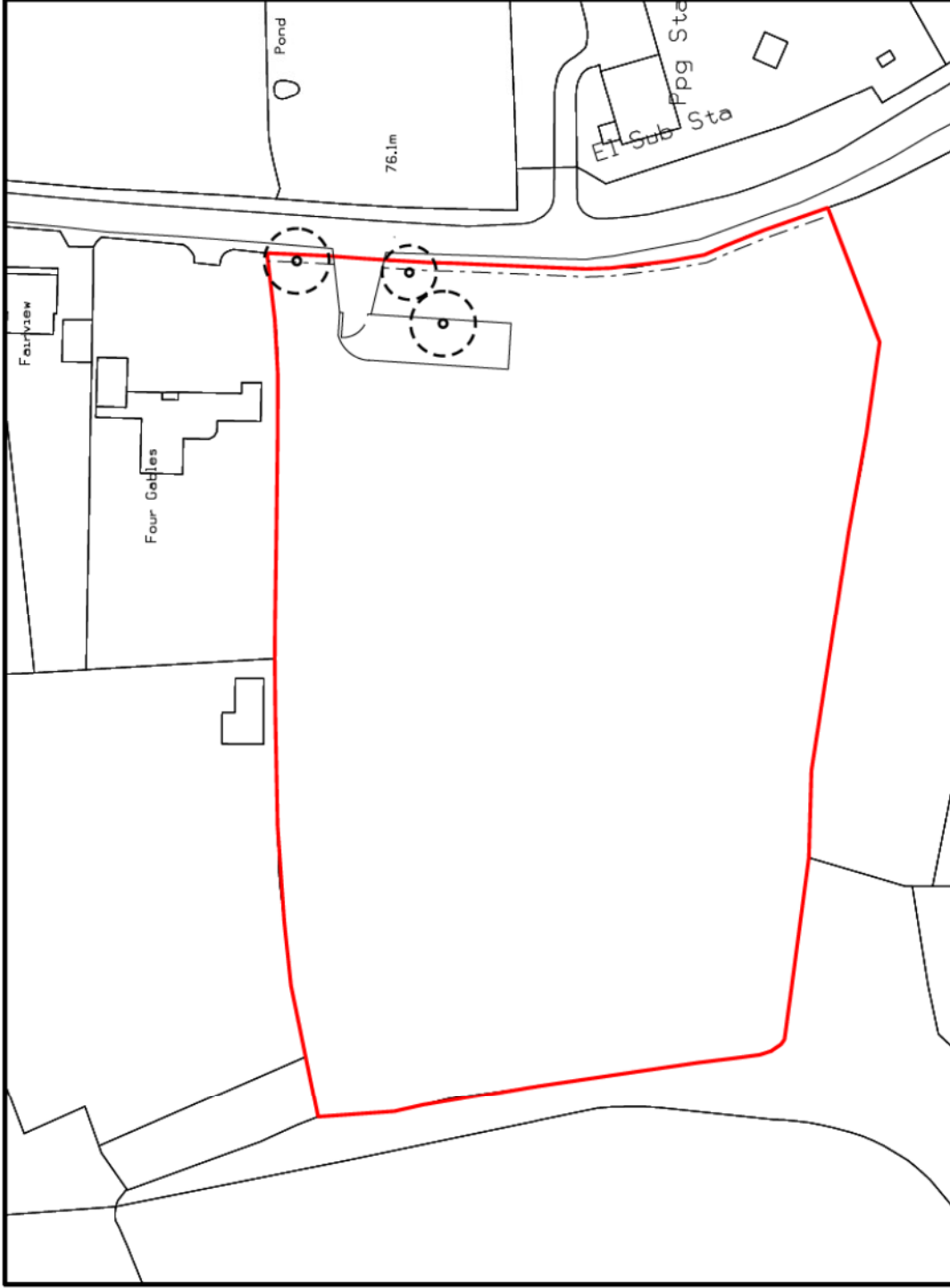
- 8 The area of the vehicle access within at least 5m of the carriageway edge of the public road shall be surfaced in a bound and permeable material and maintained thereafter.

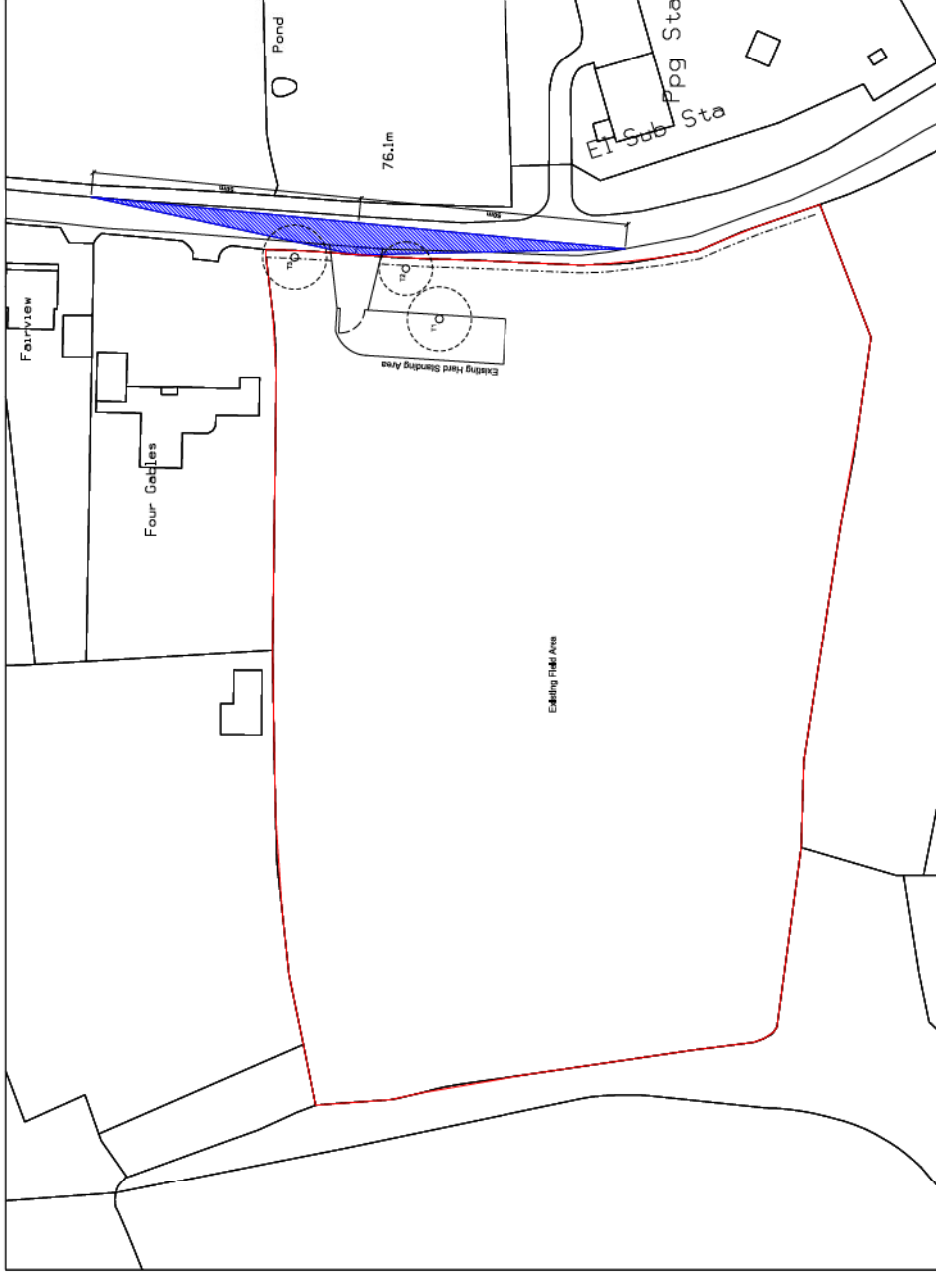
Reason: In the interests of highway safety.

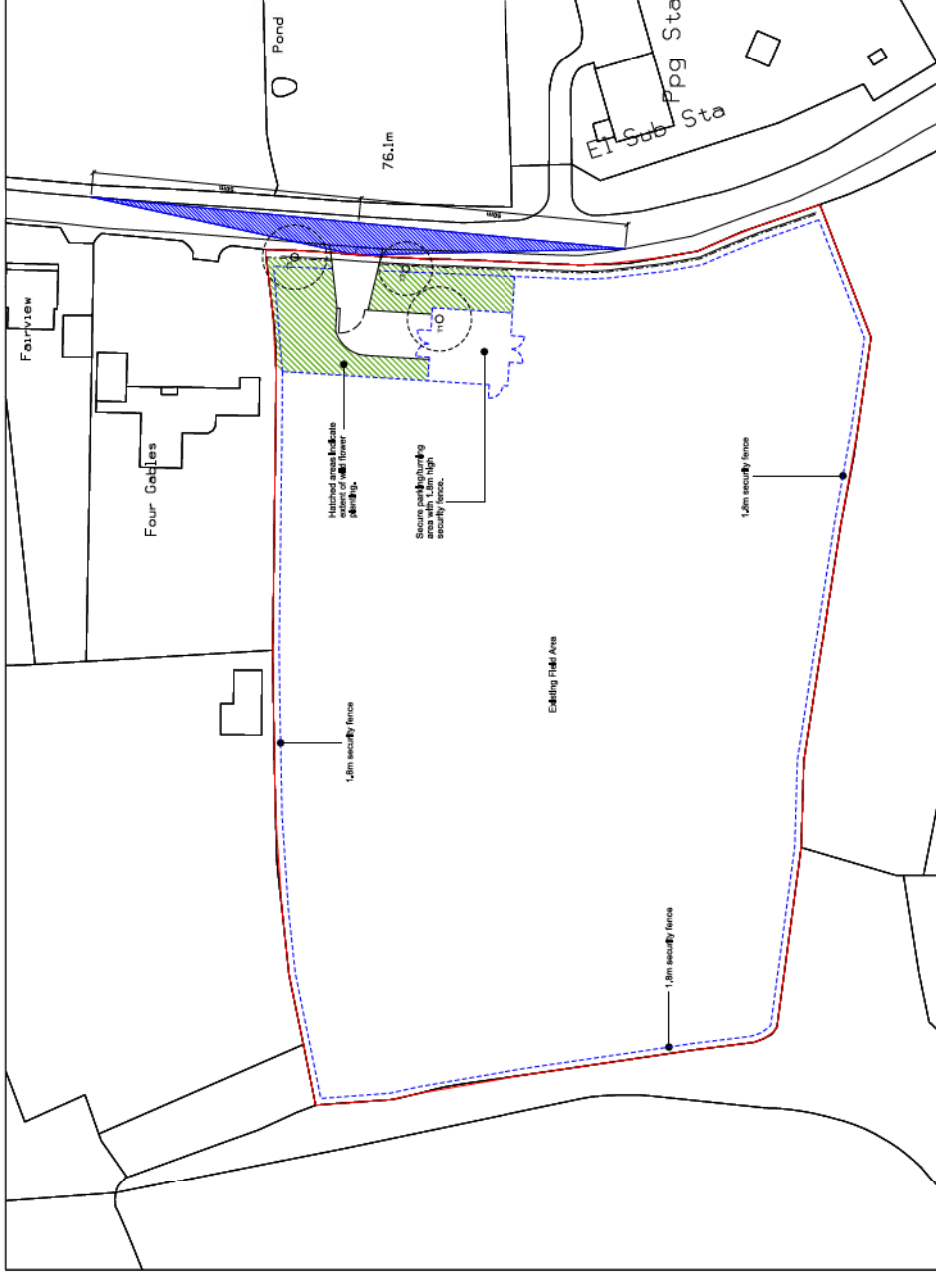
12. Informatives

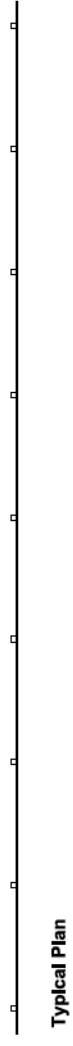
- 1 In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information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

- 2 It is recommended that at least 2 dog waste bins should be provided, and such bins should be situated away from residential properties and near the exit of the site. The bins should be maintained and emptied on a regular basis for the duration of the development.

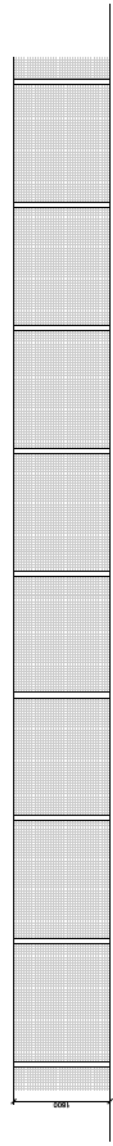




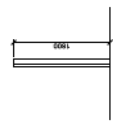




Typical Plan



Typical Elevation



Typical Section



Notes:

1. Do not scale from this drawing. All dimensions are in metres, unless stated otherwise.
2. Ordnance Survey, (c) Crown Copyright 2020. All rights reserved. Licence number: 100022432.
3. Highway boundary information has been provided by Gloucestershire County Council (GCC) and has been overlaid by Rappor onto ordnance survey on a best fit basis.

Key:

- Site Boundary
- Highway Boundary (Transcribed Highway Boundary based on GCC)
- - - 2.4m x 75m Junction Visibility Splay (0.5m offset from the kerb) Based on a Recorded 85th Percentile Speed of 38.6mph - Southbound
- - - 2.4m x 74.1m Junction Visibility Splay Based on a Recorded 85th Percentile Speed of 38.3mph - Northbound
- - - 2.4m x 74.1m Tangential Visibility Splay
- - - 76.5m Forward Visibility Splay Based on a Recorded 85th Percentile Speed of 38.6mph - Southbound
- - - 77.4m Forward Visibility Splay Based on a Recorded 85th Percentile Speed of 38.3mph - Northbound

Rev	Date	Drawn	Checked	By	Appr
A	22/05/22	Upland	Upland	Upland	Upland



infrastructure and environmental consultants
rappor.co.uk

CLIENT:

[Redacted]

PROJECT:

Field to the west of Hucclecote Lane, Churchdown GL3 2NH

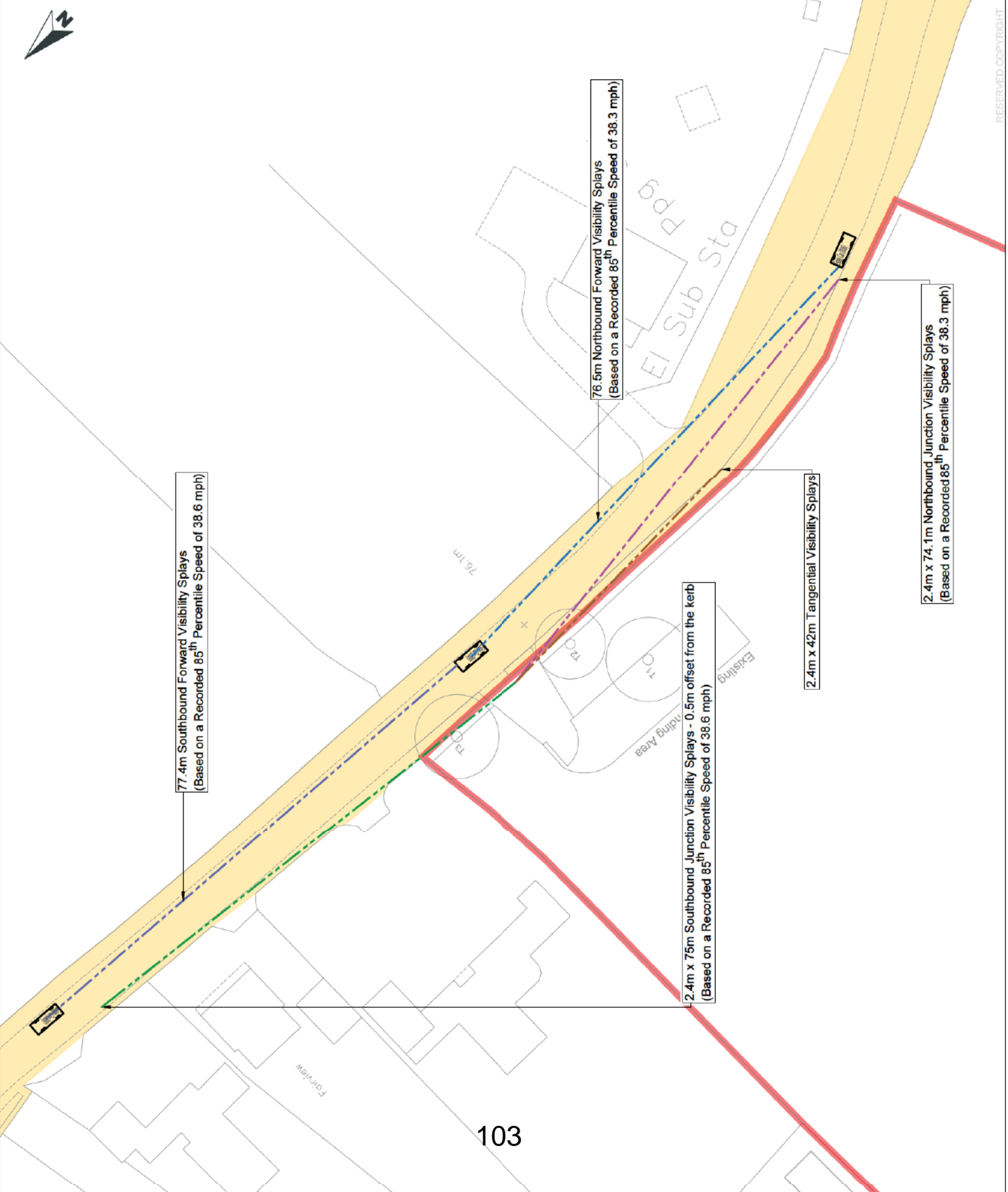
TITLE:

Review of Site Access Arrangements - Visibility Splay Assessment

STATUS:

INFORMATION

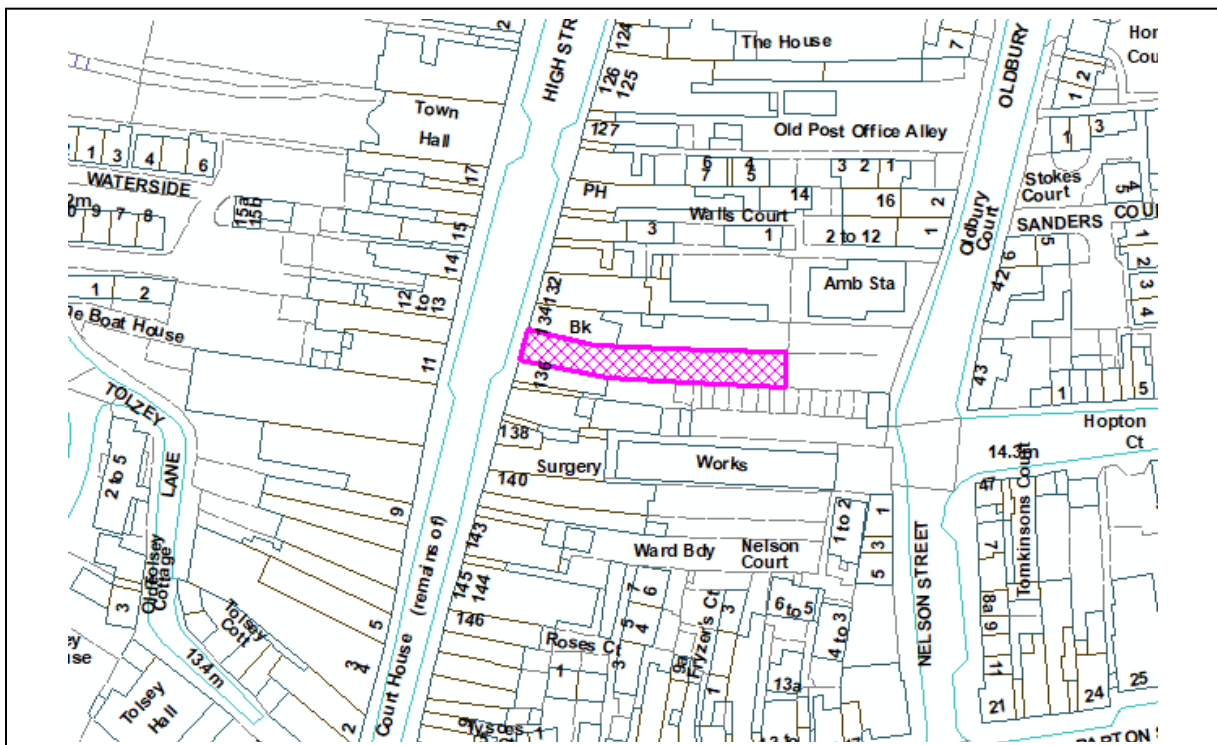
SCALE @ A3	DATE	DRAWN	CHECKED	APPROVED
1:500	25/05/22	M/W	M/G	M/G
JOB NO.	DRAWING NO.	REVISION		
22-0322	SK01	A		



Planning Committee

Date	20 December 2022
Case Officer	Chloe Buckingham
Application No.	22/00811/FUL
Site Location	Barclays Bank, 133 - 134 High Street, Tewkesbury
Proposal	Change of use from bank (use class Ec(i)) to takeaway (sui generis) on the ground floor; two 1-bed, one person flats on the first floor and one 1-bed, two person flats on the second floor (use class C3).
Ward	Tewkesbury North and Twyning
Parish	Tewkesbury
Appendices	Site location plan 21171-21A Existing site plan 21171-16 Existing ground floor plan 21171-02A Existing floor plans 21171-22A Existing elevations 21171-03 Proposed site plan 21171-23A Proposed ground floor plan 21171-10 Proposed elevations 21171-11 Proposed first, second and roof floor plans 21171-30C
Reason for Referral to Committee	Tewkesbury Town Council has raised objections to the scheme.
Recommendation	Permit

Site Location



1. The Proposal

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=REUMEGQDKXJ00>

- 1.1 Change of use from bank (use class Ec(i)) to takeaway (sui generis) on the ground floor and two 1-bed, 1-person flats on the first floor and one 1-bed, 2-person flat on the second floor (use class C3).

2. Site Description

- 2.1 The site is located within the Tewkesbury Town Centre, the primary shopping frontage and sandwiched between grade II and grade II* listed buildings and within the Tewkesbury Conservation Area.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
00/01091/ADV	Display of fascia sign (lettering) and projecting sign	REFCON	05.10.2000
03/00222/ADV	Display of projecting sign and internally illuminated ATM Box Panel sign.	REFCON	21.05.2003
95/00489/ADV	Display of externally illuminated hanging sign and fascia sign as per submitted plans	CONSEN	22.08.1995
T.1737	Change of use of ground floor shop to bank.	PERMIT	16.02.1954
T.1737/A	Proposed construction of a normal Barclays Bank front to premises.	PERMIT	15.06.1954
T.1737/B	Conversion of premises from shop to Bank with residence over.	PERMIT	21.12.1954
T.1737/D	Alterations to premises and Bank frontage.	PERMIT	24.06.1966
T.1737/F	Installation of an automatic cash dispenser in existing shopfront.	PERMIT	07.12.1987
T.189/ADVERT	Erection of hanging type sign in wrought iron and bronze reading 'Barclays Bank'.	PERMIT	18.12.1956
T.189/A/ADVERT	An illuminated fascia board to read 'Barclays Bank'.	PERMIT	29.06.1966
T.189/B/ADVERT	Display of one non-illuminated standard Barclays Bank sign.	PERMIT	16.10.1968

T.189/C/ADVERT	Display of two internally illuminated signs. 1) Fascia sign to read 'Barclays Bank - Tewkesbury Branch. 2) Projecting box sign to read 'Barclays'.	REFUSE	21.05.1975
T.189/D/ADVERT	Display of two non-illuminated signs. 1. Fascia sign to read 'Barclays Bank - Tewkesbury Branch'. 2. Double sided projecting box sign to read 'Barclays'.	REFUSE	28.10.1975
11/01212/ADV	1 no. non-illuminated heritage individually mounted letters sign and 1no. non-illuminated heritage projecting sign	CONSEN	30.01.2012
11/01266/FUL	Paint existing timber framed windows and door white to match existing first floor framework. Paint existing timber panelling and framework by ATM dark blue (RAL 5004)	PER	30.01.2012
66/00196/FUL	Alterations to premises and bank frontage (excluding illuminated fascia board).	PER	24.06.1966
87/00772/FUL	Installation of an automatic cash dispenser in existing shopfront.	PER	07.12.1987
56/00160/FUL	Erection of hanging type sign in wrought iron and bronze reading 'Barclays Bank'. Size 2'2" x 3'3" Height from ground level to top of sign 14'3"	PER	18.12.1956
66/00197/FUL	An illuminated fascia board to read BARCLAYS BANK. Overall size of panel 27'6" x 2'3". Height to top of sign 11'3"	PER	29.06.1966
68/00235/FUL	Display of one non-illuminated standard Barclays Bank sign. Overall size of sign 4'0" x 3'5 1/2". Height to top of sign 16'3".	PER	16.10.1968
75/00300/FUL	Display of two internally illuminated signs.	REF	21.05.1975
75/00301/FUL	Display of two non-illuminated signs.	REF	28.10.1975

4. Consultation Responses

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

4.1 Tewkesbury Town Council: Objection. Reasons are summarised below:

- 4.2
- Hot food takeaway is not an appropriate use for this location
 - Would not promote active frontages
 - Noise and odour issues may occur
 - Impact of waste created by the proposal
 - Concern around the operating hours
 - Bin storage and tidy streets is a concern
 - Proposal lacking in details about the shop frontage and signage

- 4.3** Further comments submitted 27th October 2022. The main points being:
- The financial success of the development is not an issue for the Town Council.
 - Pleased that the flats now meet the space standards.
 - Still does not consider that the sui generis use of the ground floor is appropriate for reasons given previously.
 - Within this block there is 1 restaurant on the corner of Trinity St which stays open late, a pub opposite with opening hours strictly regulated with licencing permits and a Chinese takeaway which closes at 10pm and all other venues are open during the daytime.
 - Pavements are insufficient width for more bins.
 - A condition should be attached to ensure the business closes at 23:00 in-keeping with other local businesses.
- 4.4** **Conservation Officer:** No objection (signage and any external lighting will be assessed separately).
- 4.5** **Highways Officer:** No objection.
- 4.6** **Environmental Health:** No objection subject to 4 conditions.

5. Third Party Comments/Observations

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

- 5.1** The application has been publicised through the posting of a site notice for a period of 21 days.
- 5.2** Third Party Comments: 8 Objection comments received. The main points are:

Tewkesbury Civic Society:

- Commend showing details of bin storage for residential and commercial use but a condition should be attached to ensure waste facility retention.
- No issues with the residential use provided bin storage is conditioned and the structural integrity of the neighbouring listed buildings is maintained.
- Objection regarding the change to a hot food takeaway which would significantly detract from the visual amenity of the historic shopping frontage, conservation area and the surrounding listed buildings.
- There are no details regarding signage submitted.

Other third-party objections:

- Concern regarding bright, shiny signage and frontages which would detract from the conservation area and listed buildings.
- Not enough waste bins here.
- No requirement for more pizza outlets here.
- Litter
- Noise
- Antisocial behaviour- the restaurant is expected to stay open until midnight.

- Recent planning legislation makes it easier to change the use of a building but treats hot food takeaways as an exception because of their impact on the town.
- Contradiction in the Council bidding for and getting funding for the Tewkesbury Heritage Action Zone supported by Historic England and then approving a takeaway between two listed buildings.
- Tewkesbury is a 'Healthy Town' so another fast-food takeaway contradicts this- already have a KFC and a Greggs soon to be open.
- Effects on wildlife both in rivers on the neighbouring nature reserve, The Ham and verges must be considered.
- Smell- will there be adequate venting, will it attract vermin?
- Inappropriate use of loading bay for people collecting food- may hinder delivery vehicles.
- There could be a problem with parking regarding the residential use causing problems for the Ambulance Station to the rear.
- The alley nearby will be where people shelter to eat their takeaway, which is not nice for those who live there.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise

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

6.2 National guidance

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

This authority has a duty under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have regard to the desirability of preserving the settings of conservation areas and listed buildings and their settings.

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

Policy SP2 (Distribution of New Development)
 Policy SD2 (Retail and City/Town Centres)
 Policy SD4 (Design Requirements)
 Policy SD8 (Historic Environment)
 Policy SD11 (Housing Mix and Standards)
 Policy SD14 (Health and Environmental Quality)
 Policy INF1 (Transport Network)

6.4 Tewkesbury Borough Local Plan to 2011-2031 (TBLP) – Adopted 8 June 2022

Policy RES2 Settlement Boundaries
 Policy RES5 New Housing Development
 Policy RES13 Housing Mix
 Policy RET1 Maintaining the Vitality and Viability of the Town, Borough and Local Centres
 Policy RET2 Tewkesbury Town Centre and Primary Shopping Frontages
 Policy RET6 Hot Food Takeaways
 Policy RET9 Tewkesbury Town Regeneration
 Policy HER1 Conservation Areas

Policy HER2 Listed Buildings
Policy DES1 Housing Space Standards
Policy DES3 Advertisements, Signs and Notice Boards
Policy DES4 Shopfronts
Policy TRAC9 Parking Provision

- 6.5** Supplementary Planning Documents (SPDs)
Shopfront Design Guidance SPD (April 2022)
Tewkesbury Town Regeneration SPD (April 2019)

7. Policy Context

- 7.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 7.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans
- 7.3** The relevant policies are set out in the appropriate sections of this report.
- 7.4** 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.

8. Evaluation

Principle of development

- 8.1** The site is located within Tewkesbury Town Centre and policy SD2 of the JCS states that the area's city and town centres will be supported and strengthened to ensure that they continue to be the focus of communities. Initiatives which safeguard and enhance their role and function will be supported.
- 8.2** The site is also within the primary shopping frontage and policy SD2 goes on to explain that within the primary shopping frontage identified, the change of use of A1 (now use class Ea) (retail) premises will not be permitted, unless it can be demonstrated that the unit is not suitable for continued A1 use, the proposed use will maintain or enhance the vitality and viability of the area and it would not have a significant adverse impact on the amenity of adjacent residents or businesses.
- 8.3** Key principles for development in Centres
- i. New residential, retail, leisure, culture, tourism, office development and community facilities that contribute to the vitality and viability of designated centres will be promoted and supported;
 - ii. Town centre development will be of a scale that is appropriate to its role and function as set out above and will not compromise the health of other centres or sustainable development principles;

- iii. Proposals that help to deliver the regeneration strategies for Gloucester City Centre, Cheltenham Town Centre and Tewkesbury town Centre will be supported
- iv. The provision of new local centres of an appropriate scale to provide for the everyday needs of new communities within the identified Strategic Allocations will be permitted.

- 8.4** Policy RET1 of the TBLP states that proposals for main town centre uses within the hierarchy including retail and leisure development, must ensure that they:
- a) Are appropriate in location and scale, having regard to the hierarchy identified above;
 - b) Support the viability and vitality of their respective retail area;
 - c) Contribute to a safe, attractive and accessible environment;
 - d) Are easily accessible by public transport, walking and cycling;
 - e) Support any centre regeneration projects;
 - f) Do not adversely impact on the amenity of neighbouring uses; and
 - g) In the case of proposals at Tewkesbury Town, do not conflict with the requirements for the Primary Shopping Area at Policy RET2.
 - h) In the case of proposals at Service Centres and Local Centres (including those within Strategic Allocations), do not conflict with the requirements at Policy RET3.
- 8.5** Policy RET1 goes on to explain that the full use of upper floors is strongly encouraged particularly where they are disused or underused; this will help to support a mix of uses and thus enhancing viability, while also encouraging maintenance of the whole building. Proposals should ensure that where appropriate independent access is retained or provided to upper floors.
- 8.6** Policy RET2 explains that within the Tewkesbury Town Centre Boundary, as defined on the Policies Map (excluding the Primary Shopping Frontages), proposals for main town centre uses and residential uses will be supported. Within the Tewkesbury Town Centre ground floor Primary Shopping Area, as defined on the Policies Map, proposals for retail shops (other than hot food) will be supported.
- 8.7** Policy RET2 goes on to explain that proposals involving the change of use from other main town centre uses (not retail shops) within the Primary Shopping Area will be permitted where the alternative use proposed is also a main town centre use. Where permission is required, proposals involving the change of use on upper floors within the Primary Shopping Area, proposals for residential use and main town centre uses will be supported. Within Tewkesbury Town Centre and its Primary Shopping Area, conditions to limit changes of use may be imposed on new planning permissions if justified on a case-by-case basis.
- 8.8** Policy RET2 states that within the Primary Shopping Area the Borough Council will seek to retain at least 60% of the frontages within retail shop use at ground floor level. 100m will be measured using the centre point of the frontage of the application site (i.e. 50m in either direction). Where this centre point is within 50m of the edge of the primary shopping frontage, then the measurement will be up to 50m in either direction but will not continue beyond the Primary Shopping Area designation.
- 8.9** However, as the site was formally a bank (use class Ec(i)) and not a retail shop then there is no loss of the retail function and as such this part of policy RET2 is not applicable. Furthermore, paragraph 6.6 of policy RET1 states that a bank and a hot food takeaway, whilst not a retail shop, are both retail uses. Whilst they are not the same use class, the Plan states they are retail uses.

- 8.10** Policy RET6 states that to avoid the over-concentration of hot food takeaways, the Borough Council will only grant permission for such proposals where they would not:
1. Result in more than two hot food takeaway outlets adjacent to each other; and
 2. Lead to more than two hot food takeaway outlets in any continuous frontage of 10 retail units or less
- If these thresholds are not breached, the Borough Council will consider proposals for hot food takeaway uses favourably, subject to all other retail policies, providing there would be no adverse impact on the amenity of neighbouring uses with regard to noise and odour pollution. All applications for hot food takeaway uses must be accompanied by full details of extraction and ventilation systems required.
- 8.11** The Town Council have objected to the change of use to a hot food takeaway. They have explained that a hot food takeaway business is not appropriate, and they have stated that Hot Food Takeaways are placed in the sui generis class in order to prevent their proliferation throughout high streets and to promote healthier lifestyles, and that policy RET6 of the Tewkesbury Borough Local Plan recognises this point. The Town Council have gone on to say that whilst there is no other such business within the ten properties closest to this one, there are around sixteen businesses within a distance of 400m from this property, from which hot food/drinks can be purchased and taken away, and at least two of these sell pizzas.
- 8.12** However, as the scheme would not result in more than two hot food takeaways adjacent to each other and would not lead to more than two hot food takeaways in any continuous frontage of 10 units, then the scheme is acceptable in principle. Policy RET6 does not have any other restrictions, therefore, whilst the Town Council may be correct in their assessment, this has no bearing on the assessment of the scheme against policy RET6.
- 8.13** The Town Council have stated that policy RET6 places importance on having active high street frontages during the daytime. They have stated that this frontage would not be active for the larger part of each morning, and during the times when it is open, the drawings indicate that customers would be sitting on a row of seats, facing out towards the street, perhaps while waiting for their orders to be fulfilled. They have stated that this does not really constitute activity and would not be in keeping with the heritage High Street. In the second comment submitted by the Town Council it was explained that should the application be recommended for approval a condition should be attached to ensure that closing time would be 23:00 in line with the other establishments. However, after consultation with the Environmental Health Officer a closing time of 24:00 is considered acceptable in this location. The opening times will be from 11am to 24.00pm. Therefore, as most shops open between 9 and 10am, this is not considered to be a considerable period of time when the takeaway will be closed. Furthermore, most shops have display windows blocking view of activity within the shop, whereas this takeaway will show active movement within it showing people collecting and waiting for orders. Therefore, the active frontage shall be maintained. Furthermore, paragraph 6.6 of policy RET1 states that a bank and a hot food takeaway are both retail uses. Whilst they are not the same use class, the Plan states they are retail uses.
- 8.14** Therefore, this part of the proposal is acceptable in principle subject to compliance with all other policies.

- 8.15** Policy SP2 of the JCS states to meet the needs of Tewkesbury Borough, none of which is being met by the urban extensions to Gloucester and Cheltenham, the JCS will make provision for at least 9,899 new homes. At least 7,445 dwellings will be provided through existing commitments, development at Tewkesbury town in line with its role as a market town.
- 8.16** Policy RES2 of the TBLP states that the defined settlement boundaries of the Tewkesbury Town Area, the Rural Service Centres, the Service Villages and the Urban Fringe Settlements (which are shown on the policies map) the principle of residential development is acceptable subject to the application of all other policies in the Local Plan.
- 8.17** Policy RES13 of the TBLP states that in accordance with Policy SD11 of the Joint Core Strategy to 2031 new housing developments, including affordable housing, will be expected to provide for an appropriate mix of dwelling sizes, types and tenures to meet the needs of the local area, including the needs of older people and vulnerable groups. Housing mix should be based on the most up to date evidence of local housing need and market demand, including the Strategic Housing Market Assessment, Parish Surveys and local evidence provided to support Neighbourhood Plans.
- 8.18** The site is located within the defined settlement boundary of the Tewkesbury Town Area and will involve the conversion of upper floors above the primary shopping frontage to residential use. Therefore, the principle of the change of use to residential (C3 use class) is accepted subject to compliance with all other policies.

Design and Visual Amenity and impact on the setting of the surrounding listed buildings and Tewkesbury conservation area.

- 8.19** The proposal is within the setting of a number of listed buildings, most notably the grade II and grade II* listed building either side of the building and within the Tewkesbury Conservation Area. As such when determining planning applications this authority has a duty under Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have regard to the desirability of preserving listed buildings and conservation areas and their settings. The proposal will also be assessed against section 16 of the NPPF, Policy SD8 of the JCS and Policy HER2 of the Local Plan.
- 8.20** Paragraph 189 of the NPPF states that: Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 8.21** Paragraph 200 of the NPPF states that: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 8.22** Policy SD4 of the JCS relates to design requirements and requires proposals to demonstrate how the following principles have been incorporated; context, character and sense of place, legibility and identity, amenity and space, public realm and landscape, safety and security, inclusiveness and adaptability and movement and connectivity.

- 8.23** Policy SD8 of the JCS states that: Development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. The policy also states that: Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.
- 8.24** Policy HER2 of the Local Plan states that: Alterations, extensions or changes of use to Listed Buildings, or development within their setting, will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings.
- 8.25** Policy RES5 states that in considering proposals for new housing development regard will be had to the following principles. Proposals should:
- be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it;
 - be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity, unless otherwise directed by policies within the Development Plan;
 - where an edge of settlement site is proposed, respect the form of the settlement and its landscape setting, not appear as an unacceptable intrusion into the countryside and retain a sense of transition between the settlement and open countryside;
 - not cause the unacceptable reduction of any open space (including residential gardens) which is important to the character and amenity of the area;
 - provide an acceptable level of amenity for the future occupiers of the proposed dwelling(s) and cause no unacceptable harm to the amenity of existing dwellings;
 - make provision for appropriate parking and access arrangements and not result in the loss or reduction of existing parking areas to the detriment of highway safety;
 - incorporate into the development any natural or built features on the site that are worthy of retention;
 - Make provision for the delivery of efficient and effective high-quality household waste collection services that supports the implementation of the waste hierarchy and encourages the practice of resource efficiency and waste reduction;
 - address any other environmental or material planning constraints relating to the site.
- 8.26** A number of objections have been received regarding the change to a hot food takeaway which has been explained to significantly detract from the visual amenity of the historic shopping frontage, conservation area and the surrounding listed buildings. The objections have also stated that there are no details regarding signage submitted and that there is a contradiction in the Council bidding for and getting funding for the Tewkesbury Heritage Action Zone supported by Historic England and then approving a takeaway between two listed buildings.
- 8.27** The Town Council has stated that there is too little information about what the proposed shop frontage will look like and that the Town Council regrets this missed opportunity to remodel the frontage to bring it into line with the Shop Fronts SPD, as the current doors and windows at ground floor level are completely out of character with those of neighbouring properties. The Council would also wish to be assured that all associated signage will be designed with appropriate sensitivity and that none of it will be internally illuminated.

8.28 However, this application is solely for the change of use of the ground floor to a hot food takeaway and the upper floors to residential use. A separate advertisement consent application would need to be submitted for signage. The Council's Local Plan identifies that a hot food takeaway is a main town centre use, and the conservation officer has been consulted and has no objection to this change of use. Therefore, as there are no changes to the external appearance of the property, other than decorating the existing windows and door frames black and ventilation and extraction units to the rear, the scheme is considered to have a neutral impact on the setting of the surrounding listed buildings and this part of the Tewkesbury Conservation Area.

Residential Amenity

8.29 JCS policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.

8.30 Policy RES5 states that in considering proposals for new housing development regard will be had to the following principles. Proposals should (amongst other criteria):

- provide an acceptable level of amenity for the future occupiers of the proposed dwelling(s) and cause no unacceptable harm to the amenity of existing dwellings;

8.31 Policy DES1 explains that Tewkesbury Borough Council adopts the Government's nationally described space standards. All new residential development will be expected to meet these standards as a minimum. Any departure from the standards, whether for viability of physical achievability reasons, will need to be fully justified at planning application stage. New residential development will be expected to make adequate provision for private outdoor amenity space appropriate to the size and potential occupancy of the dwellings proposed.

8.32 Policy RET6 states that to avoid the over-concentration of hot food takeaways, the Borough Council will only grant permission for such proposals providing (amongst other factors) there would be no adverse impact on the amenity of neighbouring uses with regard to noise and odour pollution. All applications for hot food takeaway uses must be accompanied by full details of extraction and ventilation systems required.

8.33 The Town Council have correctly stated that the flats shown originally were below the nationally described space standards. Therefore, during the course of the application the applicant was minded that all flats and most of the bedrooms failed to meet the nationally designated space standards. Revised plans were submitted to show that the flats and bedrooms were in line with the space standards for a 1-bed, 1 person flat and a 1-bed, 2 person flat. The description of the development was therefore updated to reflect this change.

8.34 Comments have been submitted to explain that a condition should be attached to ensure the waste facility retention. Considering this is an important element of the scheme a condition shall be attached to ensure that prior to first use of the hot food takeaway and flats, that the waste facilities as shown on plan reference: 21171-23A are installed. This condition is considered necessary to ensure adequate residential amenity for all occupiers.

- 8.35** Objection comments have stated that there are not enough waste bins here and that this will create litter. The Town Council have also stated that the pavements are not wide enough to accommodate more bins. The environmental health officer has been consulted and has explained that there is no objection subject to a number of conditions, but there has been no concern raised regarding the number of waste bins in the locality. It is not considered that the provision of a hot food takeaway in this location would have a significant impact on litter in this location.
- 8.36** Further objection comments have stated that there will be noise and antisocial behaviour particularly as the restaurant is expected to stay open until midnight. Here it must be highlighted that a residential use above a retail unit is not an uncommon situation in most towns and cities. It is important to emphasise that any future residents would be aware that a hot food takeaway was in-situ before purchasing the flats and as such it would be up to the occupier regarding any perceived disturbance that they may experience as a result of this. It is also not considered that there is any substantive evidence to show that the provision of a hot food takeaway creates antisocial behaviour.
- 8.37** Full details of extraction and ventilation systems have been provided and the environmental health officer has recommended a number of conditions. Regarding noise, officers agree that a condition shall be attached to ensure that deliveries to, and collections (Including refuse and recycling) from, the takeaway element of the development shall not be made outside the following hours: 08:00 – 20:00. This shall not include deliveries of takeaway food directly to customers. This condition is considered necessary to protect the noise climate and amenity of local residents. A further condition shall be attached to ensure that prior to first occupation of the flats a scheme of sound insulation works to the (floor/ceiling) structure between the takeaway and First Floor Flats shall be submitted to and agreed by the Local Planning Authority in writing. This condition is again considered necessary to ensure adequate residential amenity for future occupiers. An opening hours condition is also required to ensure that the takeaway development shall not be open to customers outside the following hours; 8:00 – 24:00 to protect residential amenity of neighbouring occupiers.
- 8.38** The Environmental Health Officer has been consulted and officers agree that a condition is required to ensure that prior to commencement of the development a noise assessment is submitted to the Council for further consideration and sign off. This condition is considered necessary to ensure an acceptable noise impact for any future occupiers of the flats. As this is a pre-commencement condition confirmation has been received from the applicant to attach this condition in the email dated 13th October attached to this file.
- 8.39** Other objection comments have stated that Tewkesbury is a 'Healthy Town' so another fast-food takeaway contradicts this, particularly as there is already a KFC and a Greggs soon to be open. However, a hot food takeaway is considered a main town centre use which is encouraged in this area.
- 8.40** Objection comments have been submitted regarding smell and whether there will be adequate venting, and whether this will attract vermin. The environmental health officer has been consulted and has explained that there are no objections to the scheme subject to a number of conditions and has not made reference to any issues regarding smells and vermin. Therefore, the ventilation system is considered to be acceptable and there is not considered to be any significant impact regarding smell and vermin.

8.41 Further objection comments have explained that the alley nearby will be where people shelter to eat their takeaway, which is not nice for those who live there. However, there is no substantive evidence to suggest that this will be the case, and overall, the scheme, subject to the recommended conditions, is considered to have an acceptable residential amenity impact.

Highways

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

8.43 Policy TRAC9 of the TBLP states that proposals for new development that generate a demand for car parking space should be accompanied by appropriate evidence which demonstrates that the level of parking provided will be sufficient. The appropriate level of parking required should be considered on the basis of the following:

- 1) the accessibility of the development;
- 2) the type, mix and use of development;
- 3) the availability of and opportunities for public transport;
- 4) local car ownership levels;
- 5) an overall need to reduce the use of high emission vehicles; and
- 6) a comparison of the forecast trip generation and resultant accumulation with the proposed parking provision.

8.44 Objection comments have been submitted to explain that there would be inappropriate use of the loading bay for people collecting food which may hinder delivery vehicles. Other comments have suggested that there could be a problem with parking regarding the residential use causing problems for the Ambulance Station to the rear. However, the highways team have been consulted and have explained that they have taken a robust assessment and conclude that there would not be an unacceptable impact on highway safety, nor a severe impact on congestion.

8.45 It must also be noted here that the parking and loading bay areas are subject to traffic Regulation Orders (TROs) and are actively managed and enforced appropriately.

8.46 There are three car parking spaces for the residential units and two parking spaces for the commercial unit to the rear, which is considered acceptable.

8.47 Furthermore, it is noted that the property benefits from a legal Right of Way providing vehicular access to the rear of the building. This Right of Way has been in existence and use for many years and there are no proposed changes to this.

8.48 A condition shall be attached to ensure that these parking spaces are in-situ prior to first use of the hot food takeaway and flats.

Drainage

- 8.49** JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. This advice is reflected within the council's Flood Risk and Water Management SPD.
- 8.50** The site is in a low flood risk area and the applicant has stated that surface water runoff will be disposed of through the mains sewer. This is considered acceptable.

Other issues

- 8.51** Objection comments have been submitted to explain that effects on wildlife both in rivers on the neighbouring nature reserve, The Ham and verges must be considered. However, it is not considered that the provision of this hot food takeaway will have any significant impact on wildlife in these areas considering the distances between the site and these areas. The impact would be the same as the impact that any of the retail uses in the vicinity would have, which is considered minimal.

9. Conclusion

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

10. Recommendation

- 10.1** The proposal accords with relevant policies as outlined above, it is therefore recommended the application be **permitted** subject to the following conditions:

11. Conditions

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

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

- 2** The development hereby permitted shall be carried out in accordance with the application form and drawing numbers:

21171-30C received 12th October 2022
21171-02A, 21171-03, 21171-10, 21171-11A, 21171-16, 21171-21A, 21171-22A and 21171-23A received 11th July 2022.

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

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

- 3** Prior to first use of the hot food takeaway and the residential flats hereby permitted the waste facilities as shown on plan reference: 21171-23A shall be installed.

Reason: to ensure adequate residential amenity for all occupiers.

- 4** Prior to commencement of the development details shall be submitted regarding the potential impact of noise generated by the proposed takeaway development at the proposed new First Floor and Second floor flats and the nearest existing receptors. Details of any external plant, including ventilations facilities, air conditioning equipment and their noise generation levels or machinery associated with the development, and any noise attenuation measures shall be submitted to and approved in writing by the Local Planning Authority.

The submitted details shall demonstrate that the cumulative assessment level (excess of rating level over background level (LA90) level of sound emitted from any fixed plant or machinery associated with the development shall not exceed 0dBA at the nearest noise sensitive receptor(s). All measurements shall be made in accordance with the methodology of BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound. Only external plant in accordance with the approved details shall be provided on the site.

Reason: To ensure there is no detrimental noise effects upon the amenities of the area or nearby properties

- 5** Prior to first occupation of the flats hereby approved a scheme of sound insulation works to the (floor/ceiling) structure between the takeaway and First Floor Flats shall be submitted to and agreed by the Local Planning Authority in writing.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

- 6** Deliveries to, and collections (Including refuse and recycling) from, the takeaway element of the development shall not be made outside the following hours: 08:00 – 20:00. This does not include deliveries of takeaway food directly to customers.

Reason: To protect the noise climate and amenity of local residents

- 7** The takeaway development shall not be open to customers outside the following hours; 8:00 – 24:00.

Reason: To protect the noise climate and amenity of local residents

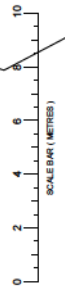
- 8** The parking spaces as shown on plan reference 21171-23A shall be in-situ prior to first of the development hereby permitted.

Reason: To ensure highway safety and an adequate amount of parking in accordance with policy INF1 of the Joint Core Strategy (2017) and policy TRAC9 of the Local Plan (2022).

12. 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.

BLOCK PLAN 1:200@A3



STREET

PH

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14

Walls Court

3

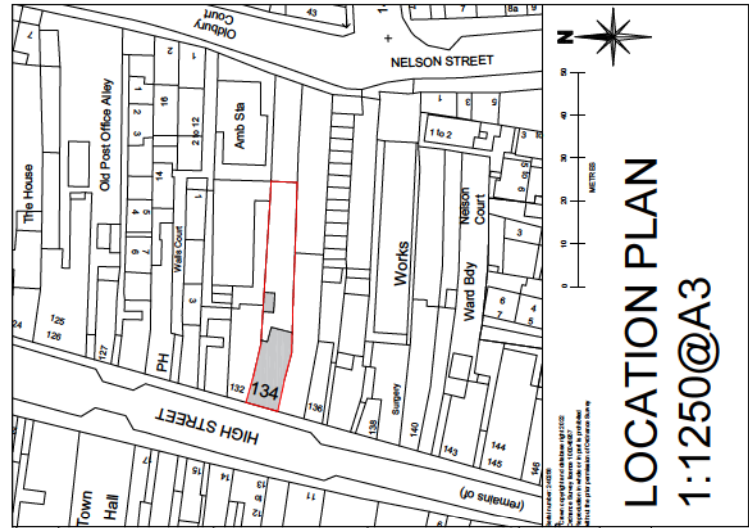
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132

134

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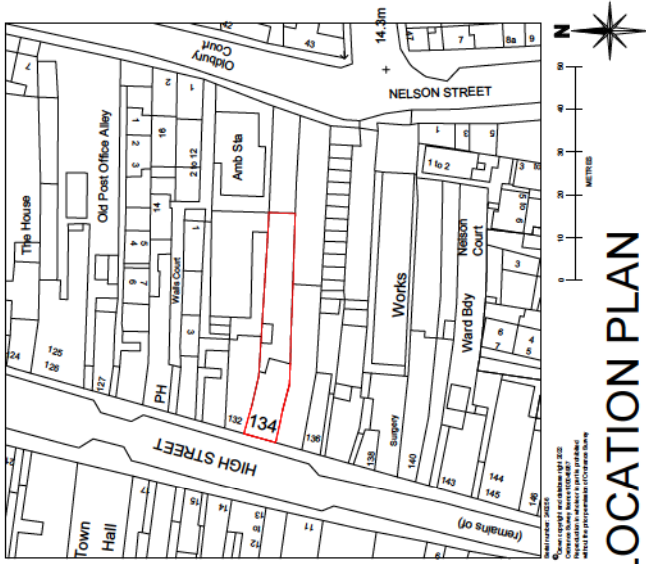
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LOCATION PLAN
1:1250@A3

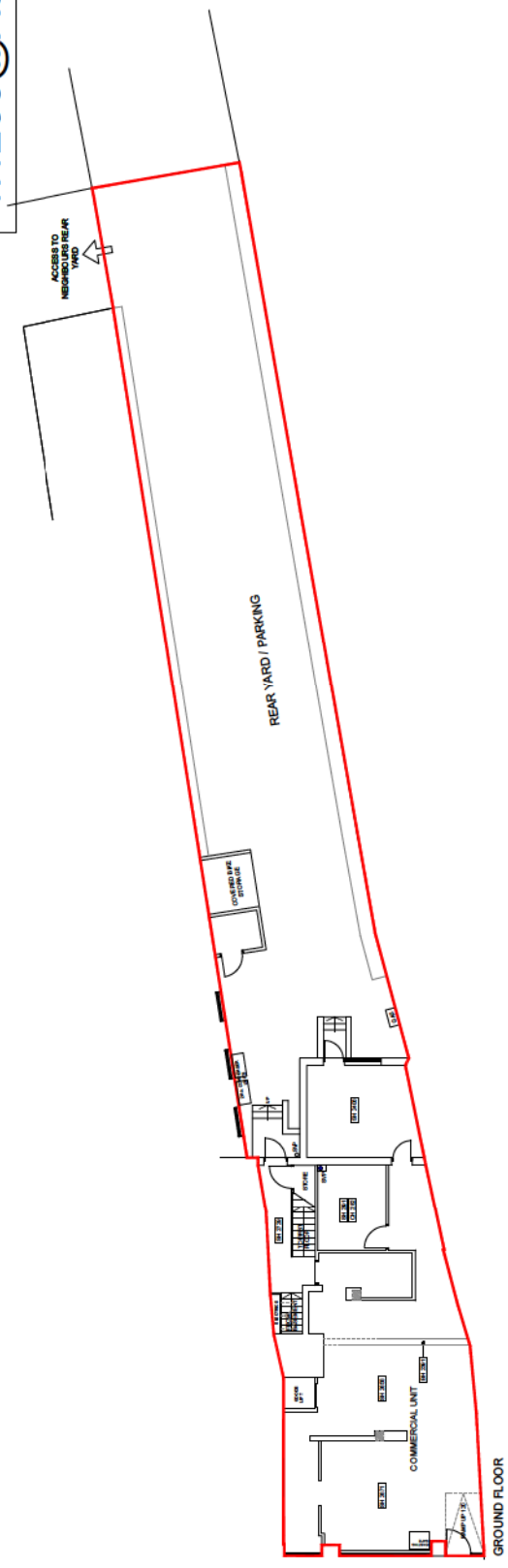
REVISIONS
DATE
BY
DESCRIPTION

A.	DRAWING REVIEWED	2023.02	MAS
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CLIENT			
PROJECT 133-134 HIGH STREET TEMPERLEURY QL20 0J5			
DRAWING TITLE LOCATION & BLOCK PLAN			
DATE	DRAWN BY	CHECKED BY	DATE
11/2023@A3	MAS		MAY/23
TO BE PRINTED ON A3 AT 100% OR NO SCALE INDICATED			
DRAWING NUMBER			REVISION
21171-21			A

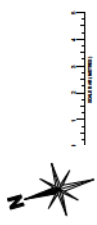


LOCATION PLAN
1:1250@A3

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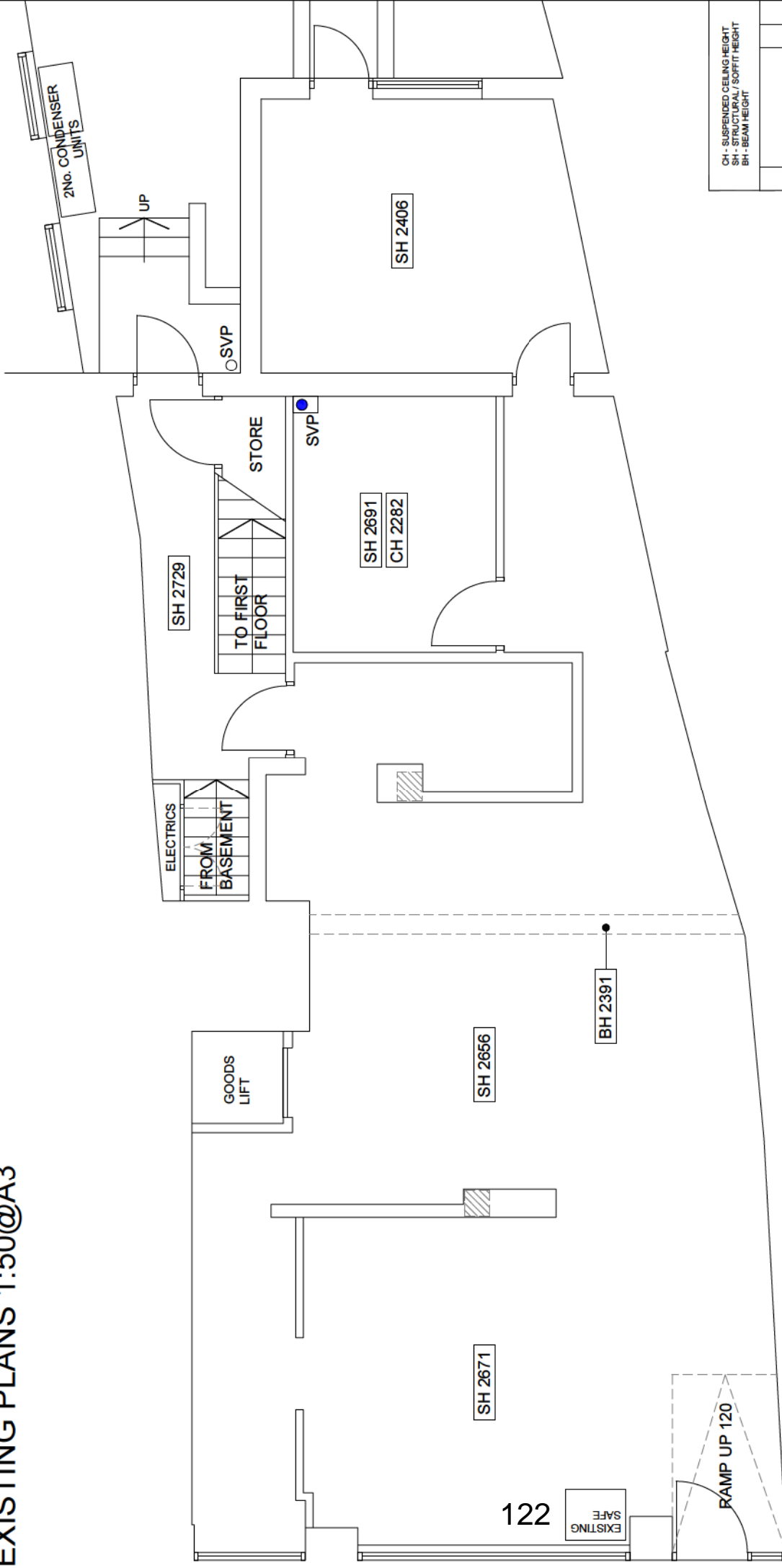
GROUND FLOOR



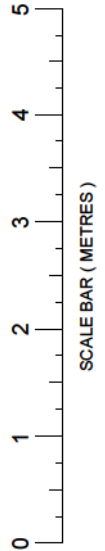
SITE PLAN 1:200@A3

NO.	REVISION	DATE	BY
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PROJECT 133-134 HIGH STREET TEMNESBURRY Q.20 US			
DRAWING TITLE EXISTING SITE PLAN			
ISSUE	DESIGNED BY	DATE	BY
1:2500@A3	MAS	MAY'22	MAV
TO BE PRINTED ON A3 AT 100% OR NO SCALE REVISION			
21171-16			

EXISTING PLANS 1:50@A3

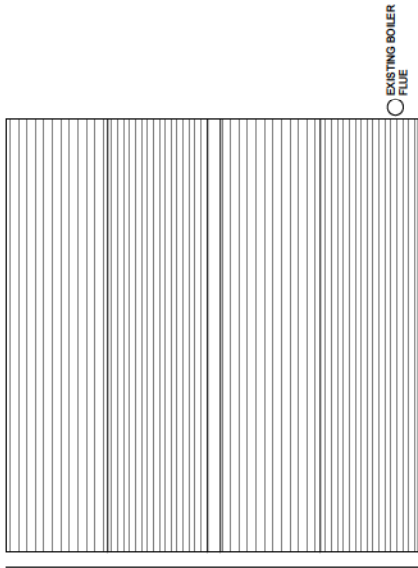
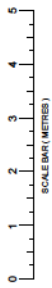


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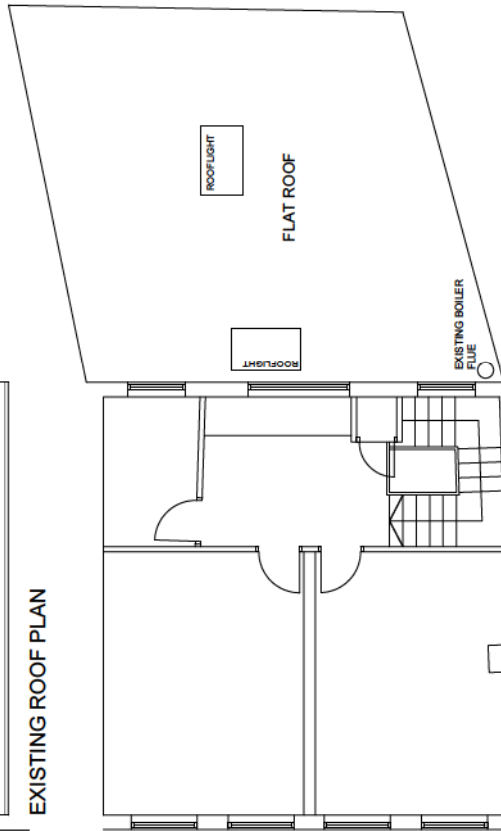


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PROJECT					
135-134 HIGH STREET					
TENNESSEEBURY					
GL20 2J8					
DRAWING TITLE					
EXISTING GROUND FLOOR PLAN					
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TO BE PRINTED ON A3 AT 100% OR NO SCALE					
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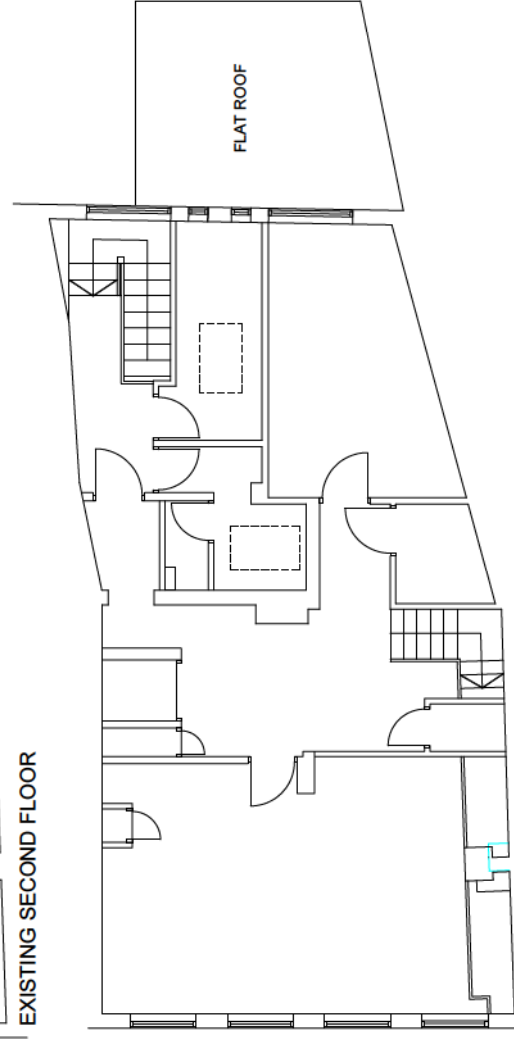
EXISTING PLANS 1:100@A3



EXISTING ROOF PLAN



EXISTING SECOND FLOOR



EXISTING FIRST FLOOR

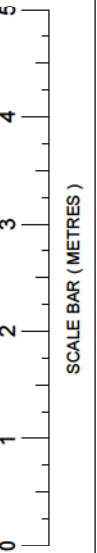
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DRAWN BY MAS		DATE MAY 22
TO BE PRINTED ON A3 AT 100% OR NO SCA.ING		DRAWING NUMBER 21171-22
		REVISION A

ELEVATIONS 1:50@A3

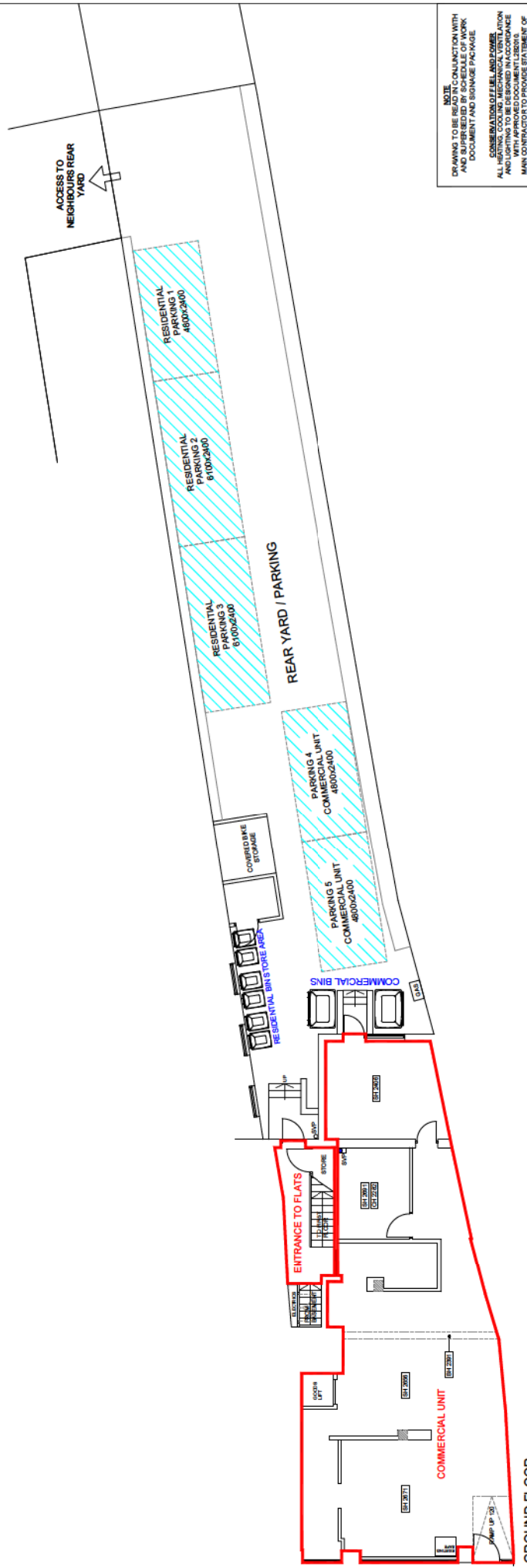


EXISTING FRONT ELEVATION WEST

EXISTING REAR ELEVATION EAST



PROPOSED SITE PLAN 1:150@A3



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 BH - BEAM HEIGHT

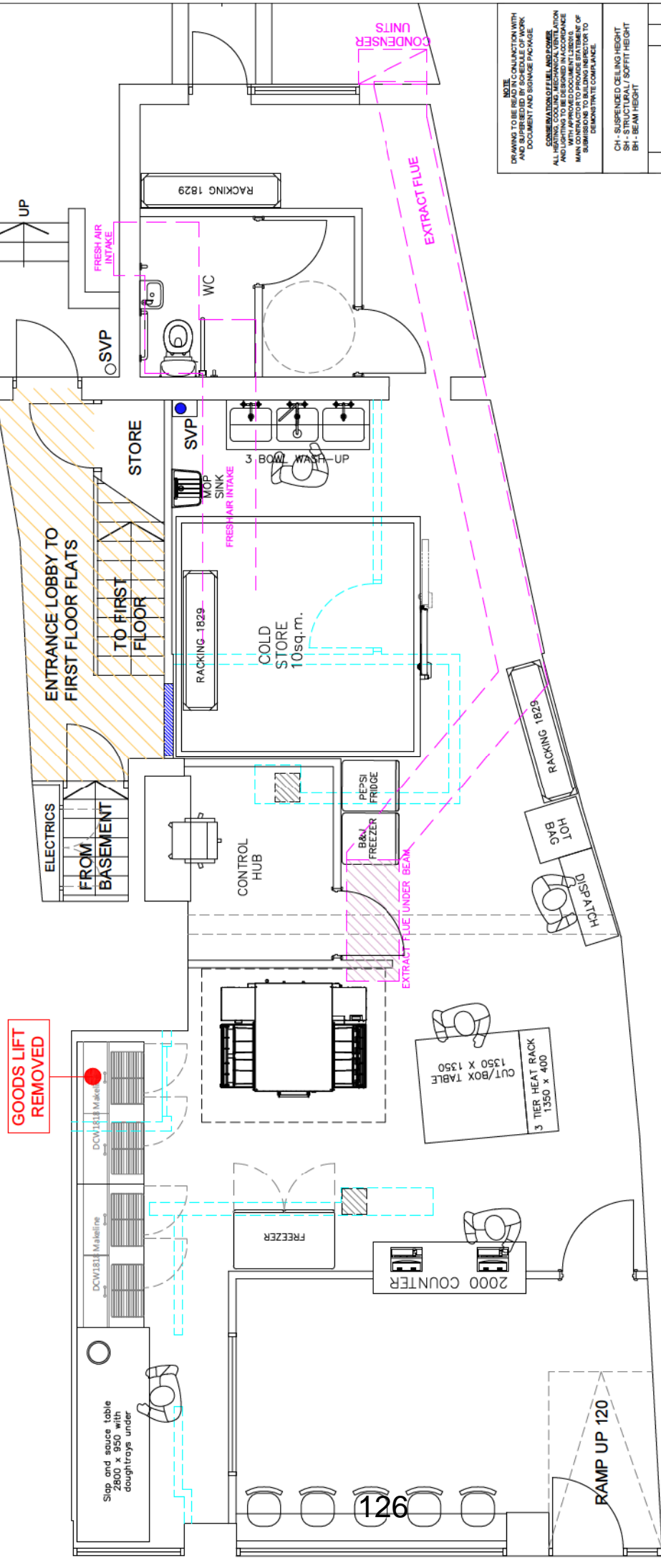
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B.	SOFFIT HEIGHT	mm	2000

MA DESIGN
 MARTIN ANTHONY DESIGN LIMITED

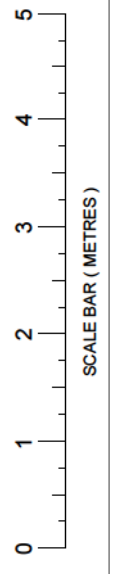
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 CHECKED BY: [Name]
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 REVISION: A

NOTE
 DRAWINGS TO BE USED IN CONJUNCTION WITH ALL OTHER CONTRACT DOCUMENTS AND SUPERSEDED BY SCHEDULE OF WORK, DOCUMENT AND SIGNAGE PACKAGE.
 CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
 ALL HEATING, COOLING, MECHANICAL VENTILATION AND LIGHTING TO BE DESIGNED IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE MAIN CONTRACTOR TO PROVIDE STATEMENT OF SUBMISSION TO BUILDING INSPECTOR TO DEMONSTRATE COMPLIANCE.

PROPOSED FLOOR PLAN 1:50@A3



PROPOSED GROUND FLOOR
107.9sq.m / 1161sq.ft.



NOTE
 DRAWINGS TO BE USED IN CONJUNCTION WITH
 AND SUPERSEDED BY SCHEDULE OF WORK,
 DOCUMENT AND SIGNAGE PACKAGE.
 CONTRACTOR SHALL BE RESPONSIBLE FOR
 ALL HEATING, COOLING, MECHANICAL VENTILATION
 AND LIGHTING TO BE DESIGNED IN ACCORDANCE
 WITH THE BUILDING REGULATIONS. THE MAIN
 CONTRACTOR TO PROVIDE EVIDENCE OF
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CH - SUSPENDED CEILING HEIGHT
 SH - STRUCTURAL SOFFIT HEIGHT
 BH - BEAM HEIGHT

REV	DESCRIPTION	DATE

MA DESIGN
 MARTIN ANTHONY DESIGN LIMITED
 CIVIL

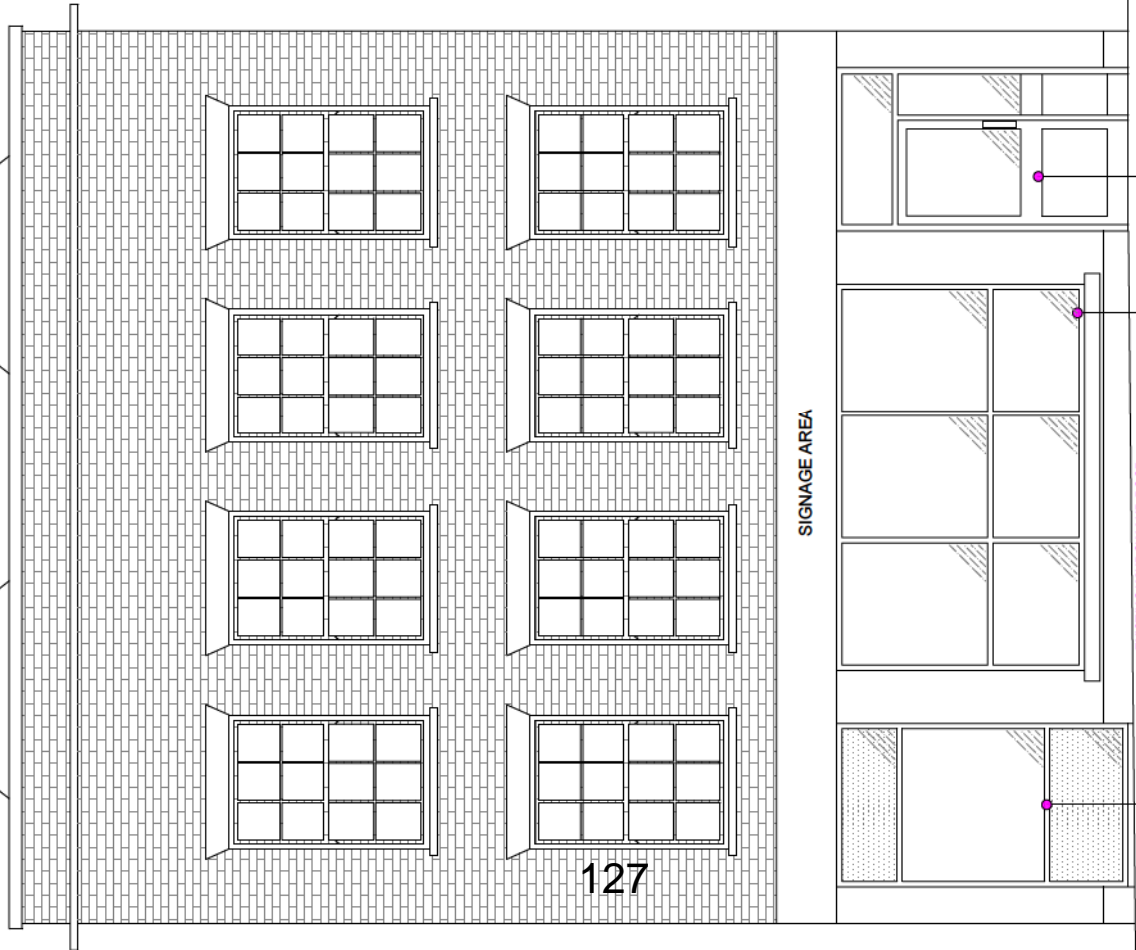
PROJECT
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 TEMESBURY
 GL20 5AB

DRAWN BY
 PROPOSED PLAN

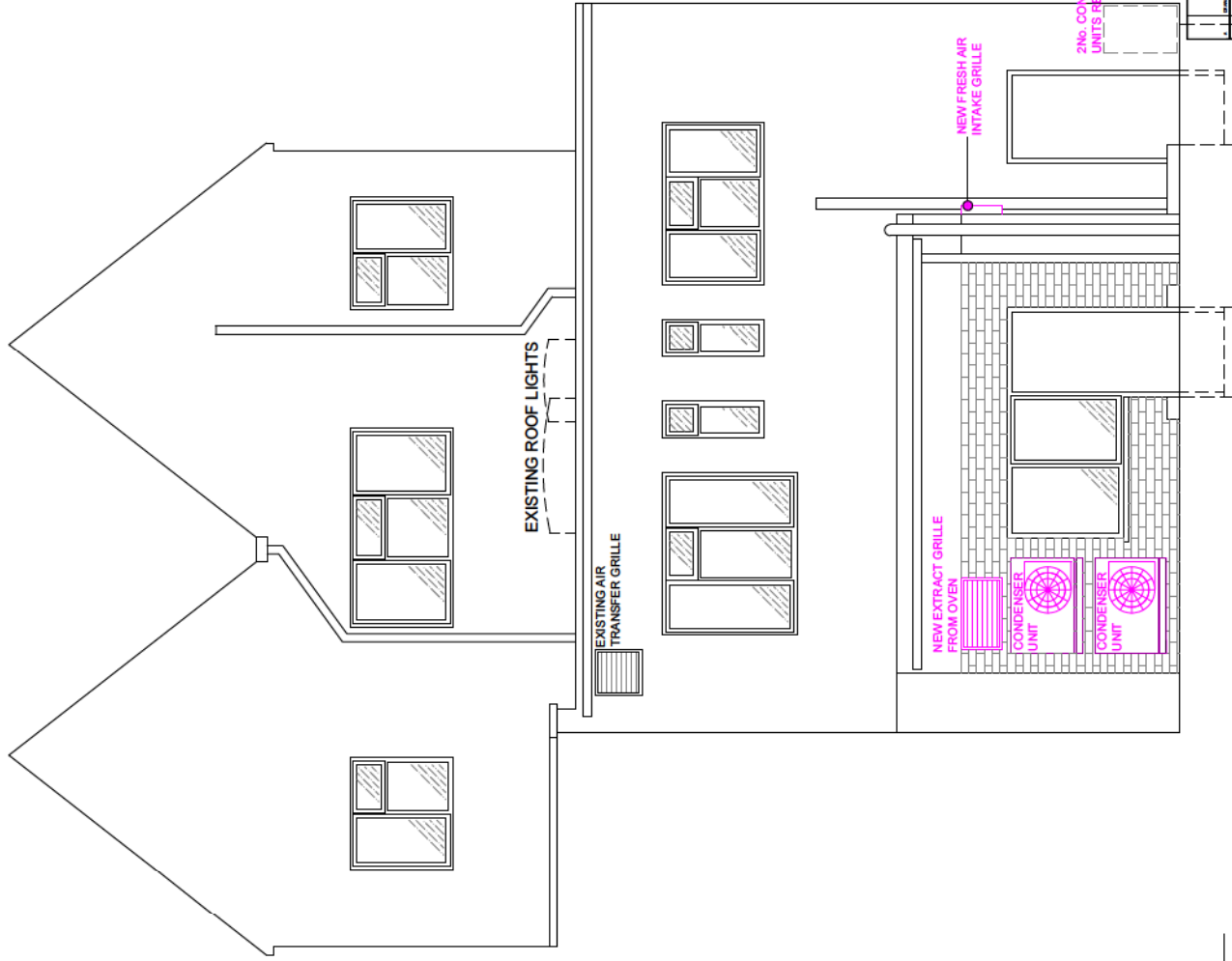
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12/08/23	MAS	MAY 22	AS SHOWN

TO BE PRINTED ON A3 AT 100% OR NO SCALING
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 21171-10

ELEVATIONS 1:50@A3



**PROPOSED FRONT ELEVATION
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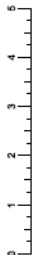


**PROPOSED REAR ELEVATION
EAST**

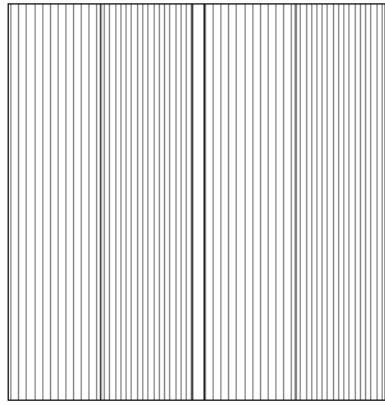
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FOR SIGNAGE DETAILS

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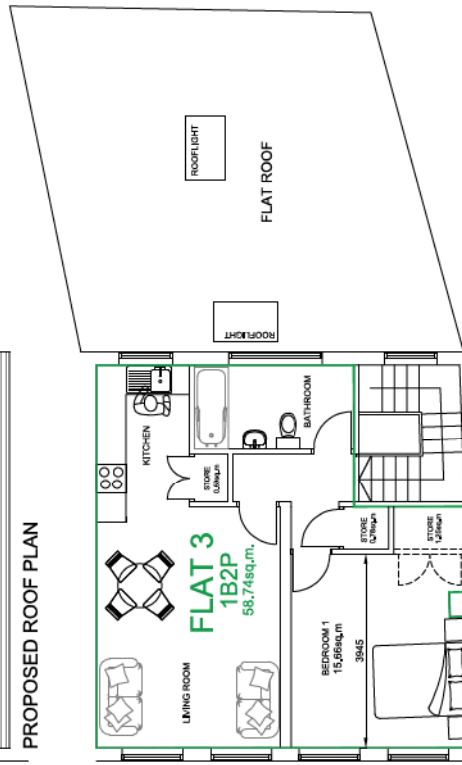
PROPOSED FLOOR PLAN 1:100@A3



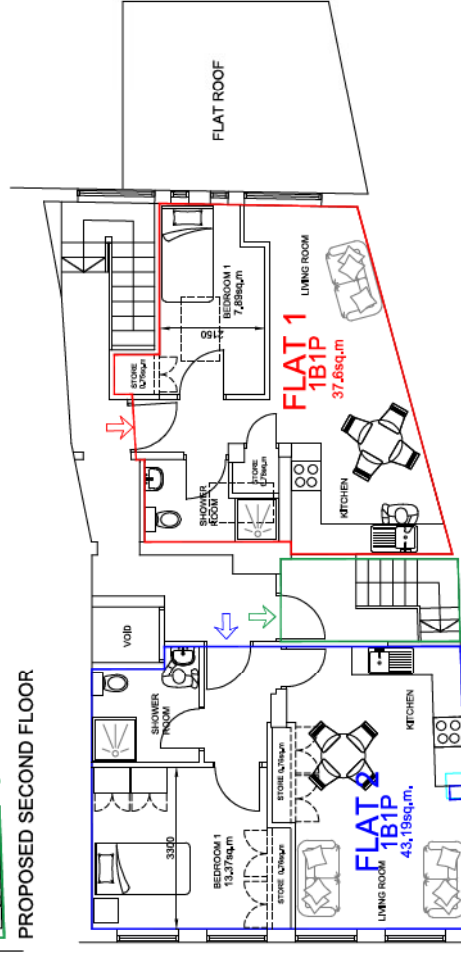
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PROPOSED ROOF PLAN



PROPOSED SECOND FLOOR



PROPOSED FIRST FLOOR

NOTE
DRAWING TO BE READ IN CONJUNCTION WITH PARTS 1 TO 4 OF THE BUILDING CONTROL DOCUMENT AND SERVICES PACKAGE.

GENERATION OF HEAT AND POWER
ALL HEATING, COOLING, MECHANICAL VENTILATION AND AIR CONDITIONING SHALL BE PROVIDED BY A MAIN CONTRACTOR TO PROVIDE STATEMENT OF SUBMISSIONS TO BE SUBMITTED TO THE LOCAL AUTHORITY TO DEMONSTRATE COMPLIANCE.

CH - SUSPENDED CEILING HEIGHT
SH - STRUCTURAL / SOFFIT HEIGHT
BR - BEAM HEIGHT

NO	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMIT	15/01/2024	MA
2	ISSUED FOR PERMIT	15/01/2024	MA
3	ISSUED FOR PERMIT	15/01/2024	MA

MA DESIGN
MARTIN ANTHONY DESIGN LIMITED

PROJECT: 11, WINDMILL STREET, TENKERSBURY, GL20 5JZ

PROPOSED FIRST, SECOND & ROOF PLAN

SCALE	DRAWN	CHECKED	DATE
1:100	MA	MA	15/01/2024

TO BE REPRODUCED ON A4 AT 1:100 AND NO SCALE

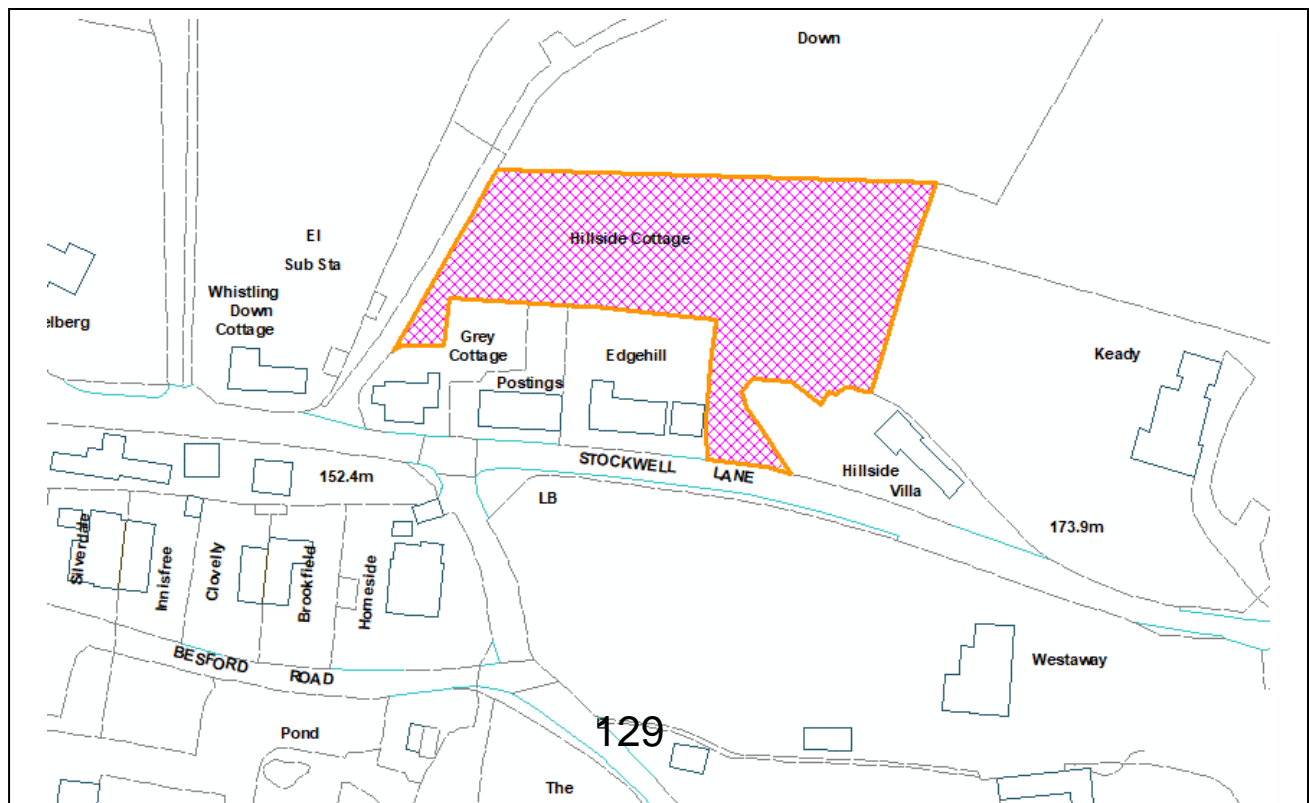
CONTRACT NO: 21117-30

CLIENT: C

Planning Committee

Date	20 December 2022
Case Officer	Sarah Barnes
Application No.	22/00621/FUL
Site Location	Hillside Cottage, Stockwell Lane, Cleeve Hill
Proposal	Demolition of existing orangery and replacement with two storey extension. Alterations to existing detached garage
Ward	Cleeve Hill
Parish	Woodmancote
Appendices	<p>Site location plan Existing and proposed block plan Existing elevations (front and side) Existing elevations (rear and side) Existing elevations (garage) Revised plans proposed front and side elevations Revised plans proposed rear and side elevations Revised plans garage elevations Revised plans ground floor plans Revised plans proposed first floor plans</p>
Reason for Referral to Committee	The Parish Council have raised strong objections for various reasons including overdevelopment of the site, the impact on the AONB and the impact on the immediate neighbours.
Recommendation	Permit

Site Location



1. The Proposal

Full application details are available to view online at:

<https://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RCC431QDKBD00>

- 1.1 The proposal is for the demolition of the existing orangery and the replacement with a two storey side / rear extension. The proposal also includes alterations to the existing detached garage, specifically adding a pitched roof to enable the first floor to be used as a storage area (**See existing and proposed plans**)

2. Site Description

- 2.1 The application site relates to Hillside Cottage, a detached dwelling with a varied character which has been constructed from a variety of materials such as stone and render and is located along Stockwell Lane.
- 2.2 The application site comprises a large plot which is well screened from the lane by mature trees/hedging and is located within the Cotswolds Area of Outstanding Natural Beauty.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
84/00500/FUL	Erection of a detached dwelling. Retention of part of existing dwelling to provide a domestic workroom with store over. Construction of a new vehicular and pedestrian access.	PER	20.03.1984
12/01022/FUL	Two storey side extension	PER	27.11.2012
15/00680/FUL	Proposed detached double garage.	PER	25.11.2015
15/01186/FUL	Retrospective application for erection of side extension to main dwelling and landscaping works, including the erection of retaining walls, terraced areas and pond	WDN	14.03.2016
16/00669/FUL	Retention of Retaining Wall, Patio and Garden Pond	PER	19.08.2016
16/00730/FUL	Front Porch and Conservatory to Side Elevation.	PER	19.08.2016

4. Consultation Responses

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

- 4.1** Parish Council – original plans – objects. The reasons have been summarised as follows:
- the site is located in a prominent position in the AONB.
 - It was originally a two bedroomed cottage. Subsequent permissions were granted to build a side extension, an orangery, a double garage with storage above.
 - Further development would be out of proportion with the original dwelling.
 - The proposed garage accommodation could potentially be a separate dwelling.
 - Adverse impact on the AONB
 - There is no water management statement
- 4.2** Parish Council – revised plans dated – 5th October:
- the original two bedroomed cottage would be completely lost and this would clearly be overdevelopment.
 - Adversely affects the residential amenity of Edgehill – loss of privacy etc
 - The garage would no longer be a garage but clearly designed to be even more accommodation space. The increased height would be harmful to the AONB
 - There is no water management statement nor a landscape impact assessment
 - The proposal would have a significant adverse impact on the AONB (a landscape assessment was submitted to demonstrate the harm)
- 4.3** Parish Council - revised plans dated – 14th November - response awaited

5. Third Party Comments/Observations

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

- 5.1** The application has been publicised through the posting of neighbour notification letters for a period of 28 days. The occupiers of adjoining properties were also re-notified of the receipt of revised drawings.
- 5.2** Seven letters of objection have been received to the originally submitted plans. Four further letters were received in response to the revised plans dated 5th October and one further objection to the latest revised plans dated 14th November.

The reasons for objection are summarised as follows:

- Lots of previous applications – overdevelopment of the site
- Loss of privacy to Hillside Villa and Edgehill. Edgehill – the proposed huge windows will look down into their garden and bedrooms. Due to the topography of the site (Hillside Cottage is several metres above Edgehill) so there would be an overbearing impact.
- Increase in noise levels.
- Loss of view
- The changes to the garage could create a separate dwelling
- Harmful impact on the AONB and light pollution. The proposed extension would be visible from Cleeve Hill and some parts of Woodmancote.
- The design is out of keeping with the rest of the building

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise

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

6.2 National guidance

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

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

- Policy SD4 – Design Requirements
- Policy SD7 – Cotswolds Area of Outstanding Natural Beauty
- Policy SD14 – Health & Environmental Quality

6.4 Tewkesbury Borough Local Plan to 2011-2031 (TBLP) – Adopted 8 June 2022

- Policy RES10 – Alteration and extension of existing dwellings

6.5 Neighbourhood Plan

None

7. Policy Context

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

7.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), the Adopted Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans.

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

7.4 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.

8. Evaluation

Design and Visual amenity

8.1 Policy SD4 of the Joint Core Strategy sets out requirements for high quality design while Local Plan Policy RES10 provides that development must respect the character, scale and proportion of the existing dwelling and the surrounding development.

- 8.2** Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty) of the JCS specifies that all development proposals within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities.
- 8.3** The original proposal was for a two storey flat roofed side extension and the addition of a first floor flat roof to the existing detached garage to create first floor space. Following discussions, revised plans were requested to improve the design of the proposal as a flat roof design would not be acceptable given the AONB setting and character of the area. Revised plans were subsequently submitted on the 5th October 2022 changing the roof on the proposed extension from a flat roof to a pitched roof.
- 8.4** Further revisions were sought and amended plans submitted (which are subject of this report) on the 14th November 2022, revising the garage roof to a pitched roof and changing the external finish to Cotswold stone. This would allow the elevations where visible from publicly accessible land to be more in keeping with the local vernacular.
- 8.5** With regard to the changes to the main house extension, the windows have been moved and altered in size to be more in-keeping with the size of the existing openings. The front facing gable has been increased in pitch to match the more prominent gable in the main section of the house. This has also been moved across to provide symmetry to the front elevation. On balance, the proposal as amended is now considered to be of an acceptable size and design which would be in keeping with the character and appearance of the property.
- 8.6** The Parish Council have raised concerns on the grounds that the proposed extensions would represent an overdevelopment of the site and would have a harmful impact on the surrounding AONB.
- 8.7** The Parish Council's concerns have been noted, however, the plot and dwelling are of a substantial size and considered capable of accommodating the proposed works and would not result in an overdevelopment of the site. With regards to the impact on the surrounding AONB, there is a considerable mix of housing types / styles along this road and the dwelling is barely visible when walking / travelling along Stockwell Lane. There are some distant views of the dwelling from Cleeve Hill and Woodmancote, however, given that the proposed extensions / alterations would be of a suitable size and design, it's considered that the proposal would conserve the character and appearance of the AONB.
- 8.8** Overall and on balance, the proposal as revised would be of an appropriate size and design which would be in keeping with the character and appearance of the property. Therefore, the proposal would conserve the character of the surrounding AONB and would comply with the requirements of Policy RES10 of the Local Plan and Policies SD4 and SD7 of the JCS.

Residential amenity

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

- 8.10** The neighbours to the west (Edgehill) and the Parish Council have raised concerns about overlooking and loss of privacy. Edgehill is at a lower level than Hillside Cottage. The nearest part of the proposed extension would be about 22 metres from the closest aspect of this property. Similarly, there would be a distance of about 24 metres between the closest part of the proposed extension and the dwelling to the east (Hillside). Whilst there would be some increased overlooking, given the distances and existing vegetation, it is considered that the proposal would not result in demonstrable harm to the living conditions of the occupiers of these properties.
- 8.11** Overall, the impact of the proposal upon the nearest neighbouring properties has been carefully assessed and it is considered that there would not be an undue impact upon their living conditions and the proposal would accord with Policy RES10 of the Local Plan and Policy SD14 of the JCS.

Other Issues

- 8.12** The Parish Council have raised concerns that no water management statement has been submitted with the application nor a full landscape assessment. The Parish Council's concerns have been noted, however, the site falls within flood zone 1 (the lowest risk of flooding) and the proposal is for a domestic extension to an existing property accordingly the risk of flooding within the site or elsewhere is negligible. Furthermore, technical details regarding foul and surface drainage would be subject to Building Regulations approval.
- 8.13** Similarly, it is considered that a full landscape assessment is not required due to the nature and scale of the proposed development which has been fully assessed on site.

9. Conclusion

- 9.1** It is considered that on balance, the proposal as amended would be of an acceptable design and scale, would not be unduly harmful to the appearance of the existing dwelling nor the surrounding AONB and would not adversely impact the living conditions of neighbouring occupiers.

10. Recommendation

- 10.1** The proposal as revised accords with relevant policies as outlined above, it is therefore recommended the application be **permitted**.

11. Conditions

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

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

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

- Revised plans 22-0406-S11P7, 22-0406-S12P6, 22-0406-S13P2 and 22-0406-S15P7 dated 14th November 2022 and Plans A01 and A02 dated 23rd May 2022 except where these may be modified by any other conditions attached to this permission.

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

- 3 The proposed external stonework shall match as near as possible the stone used on the existing dwelling.

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

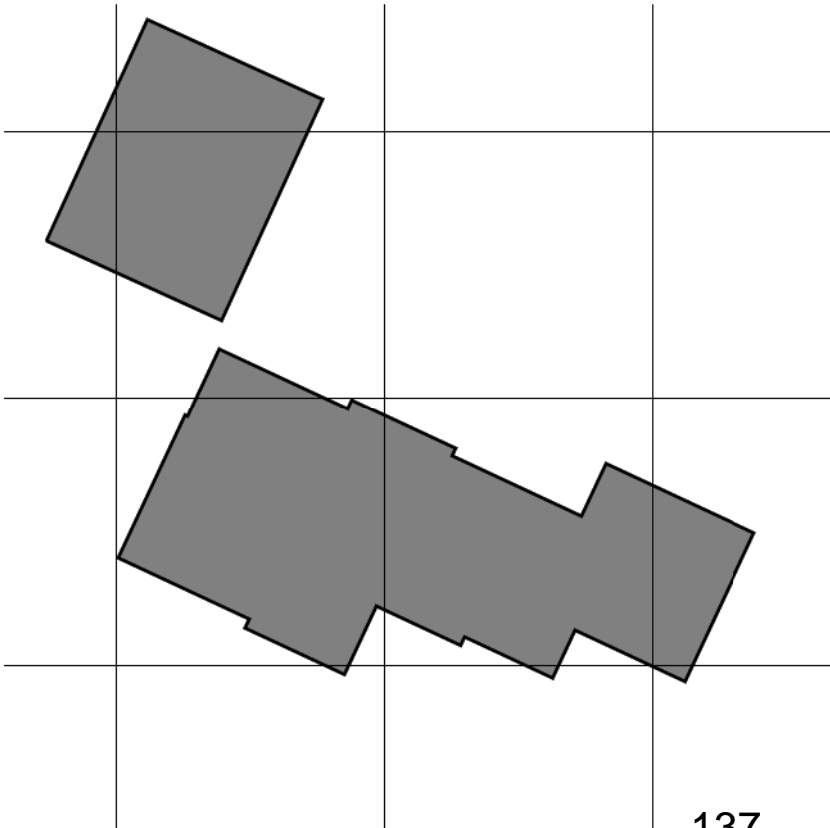
12. Informatives

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



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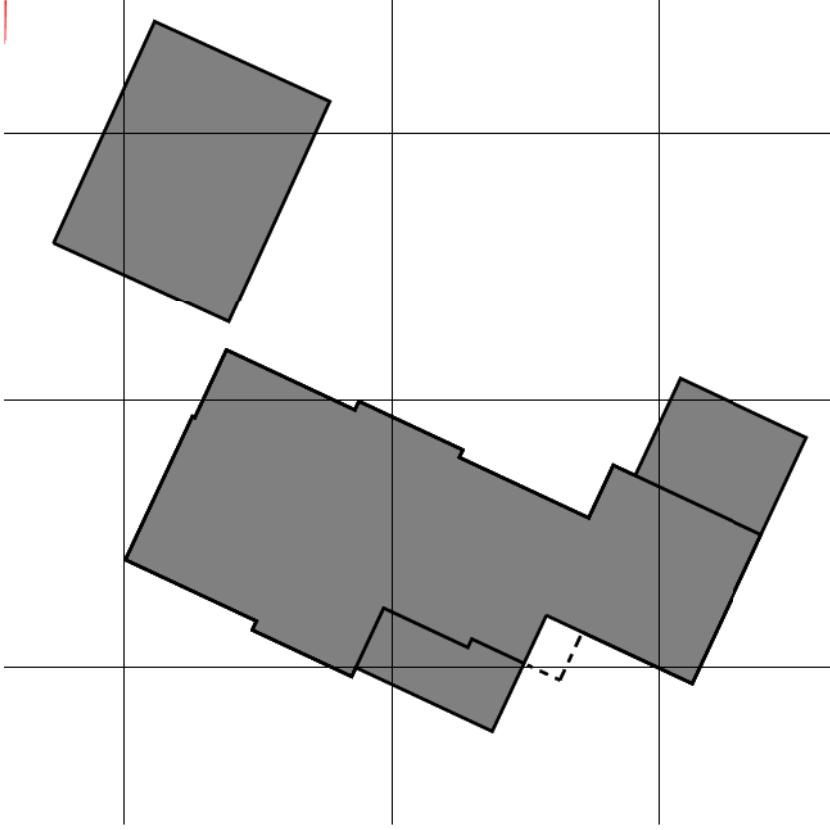
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137

Existing blockplan

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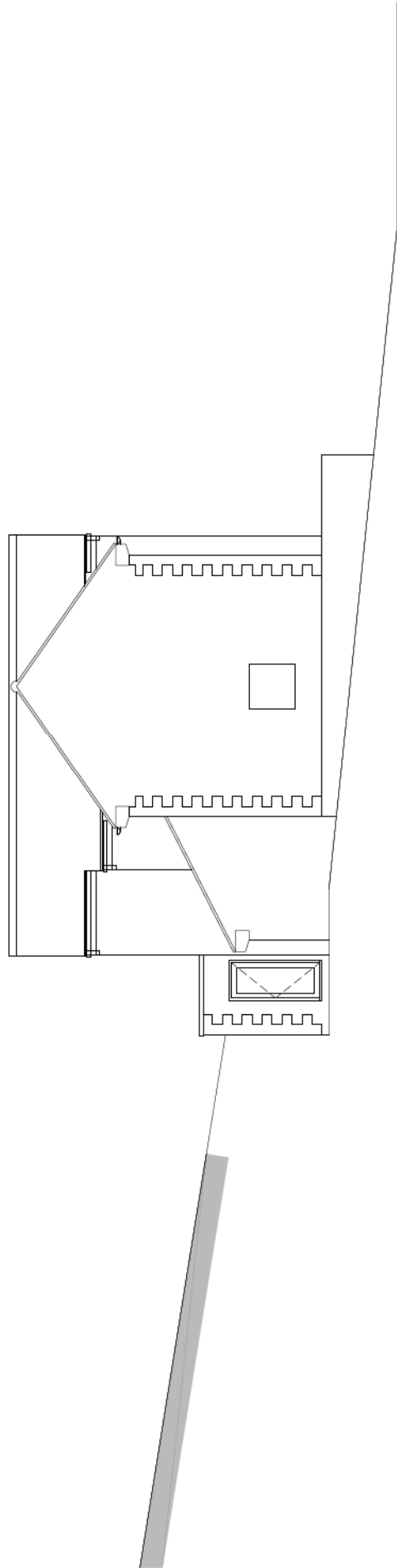
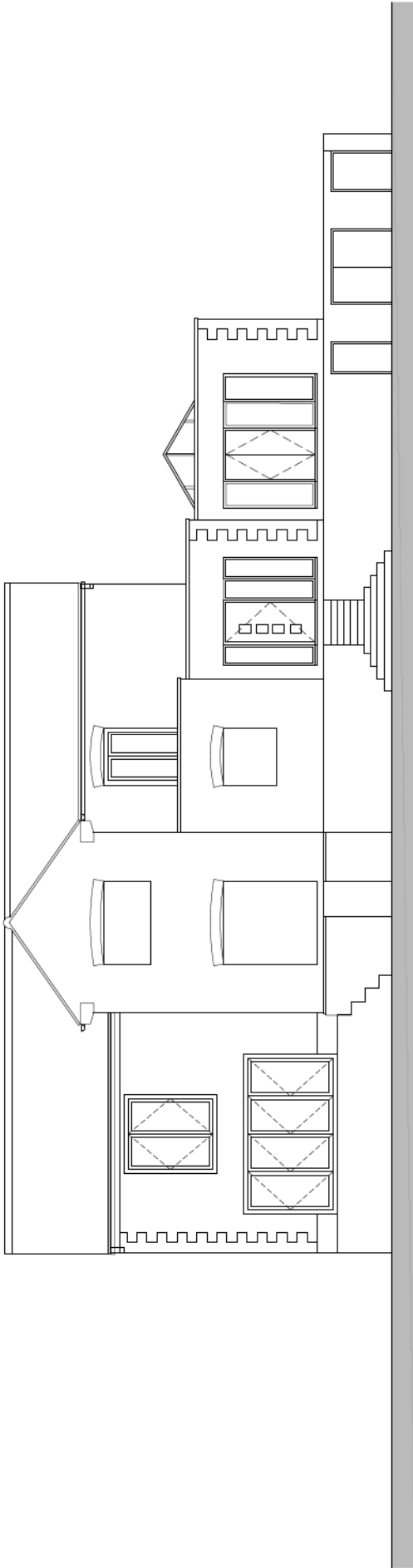
Proposed blockplan

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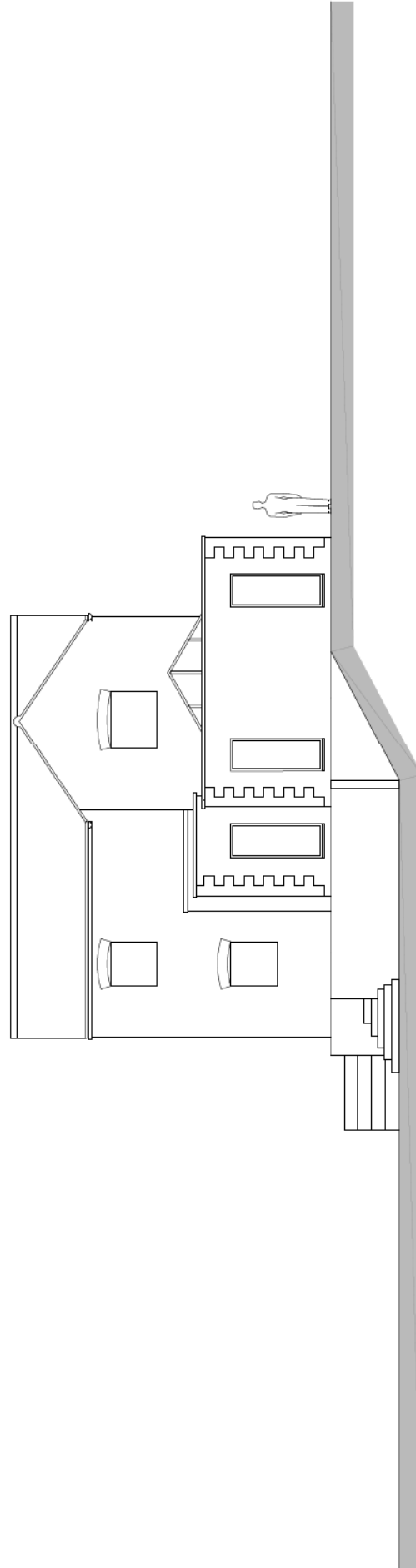
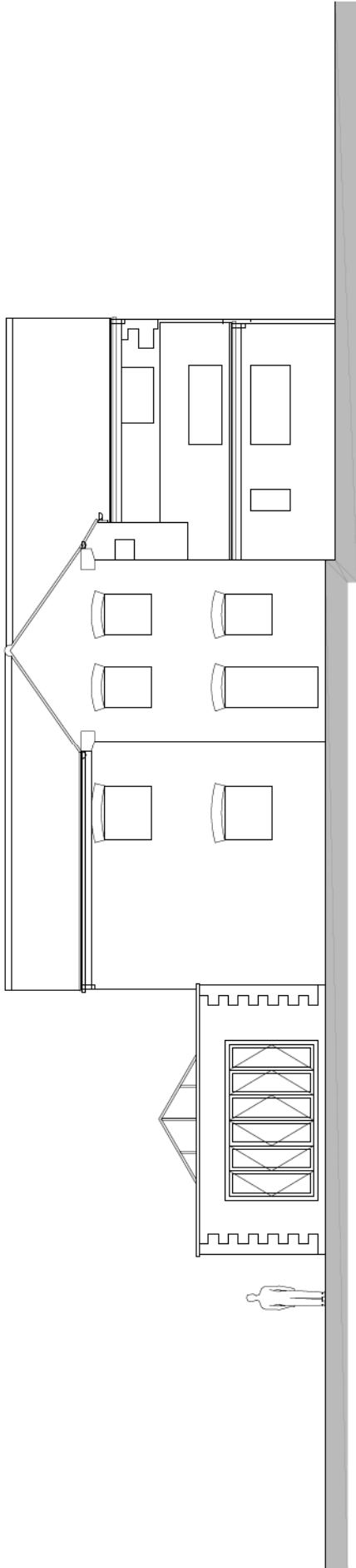
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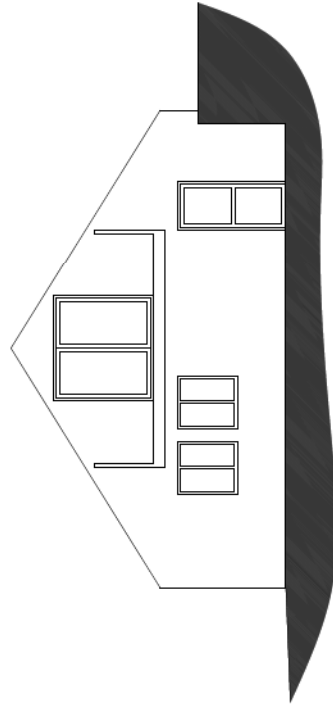
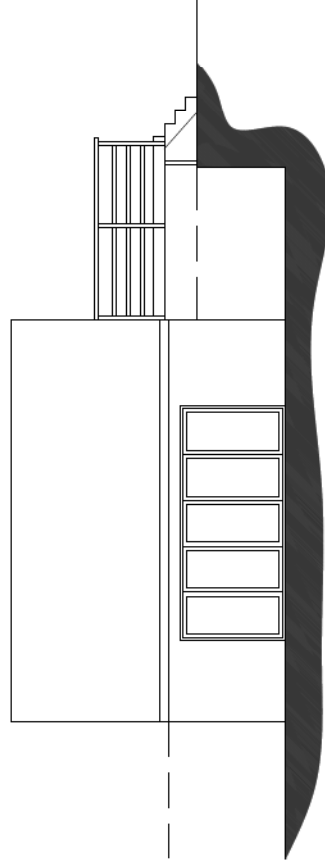
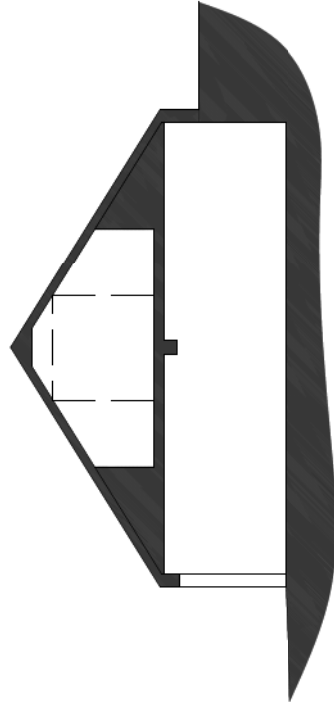
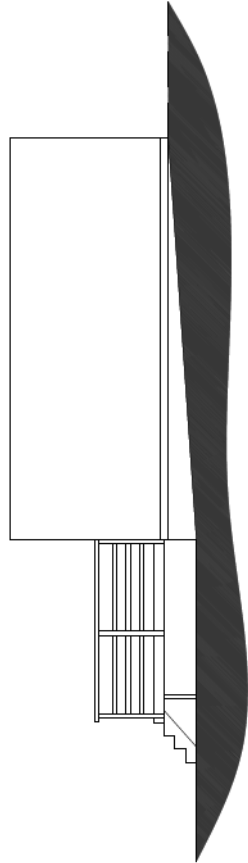
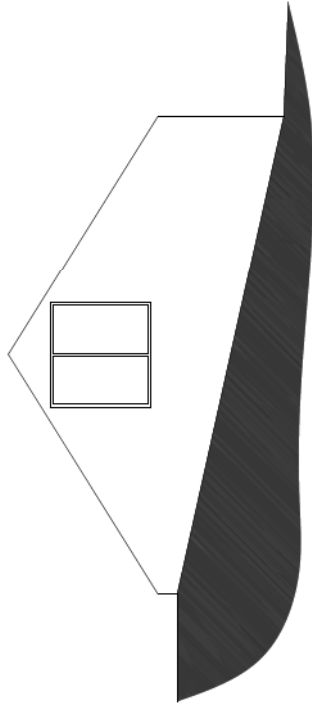
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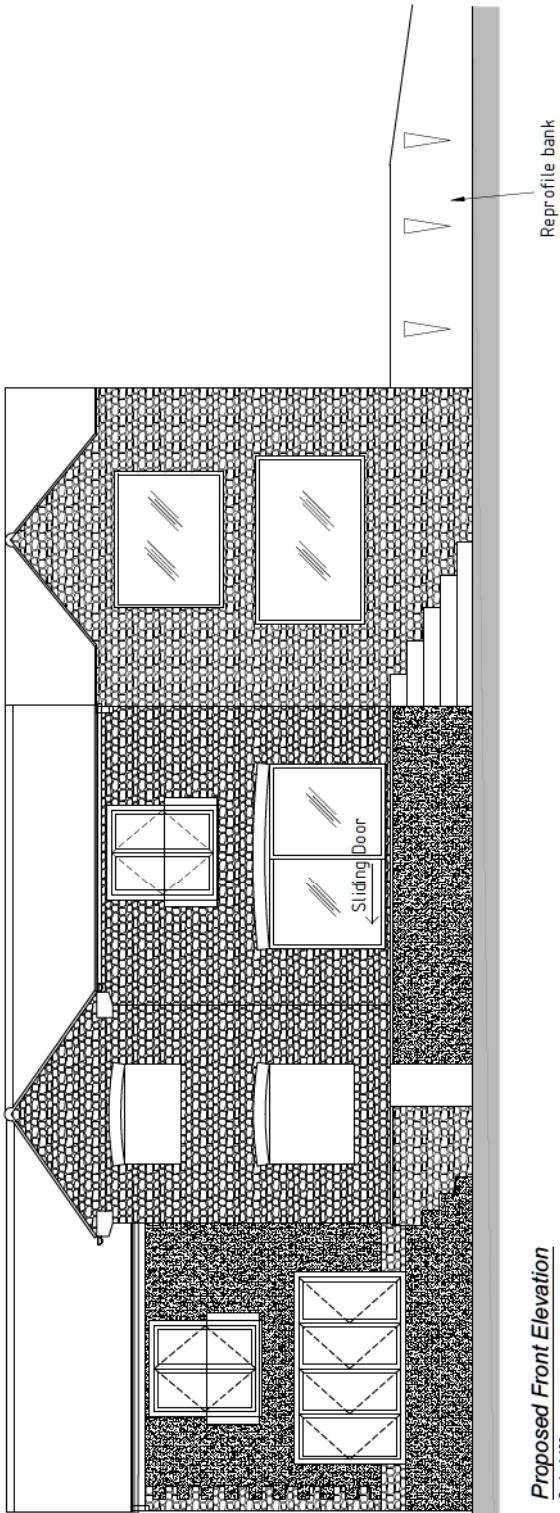


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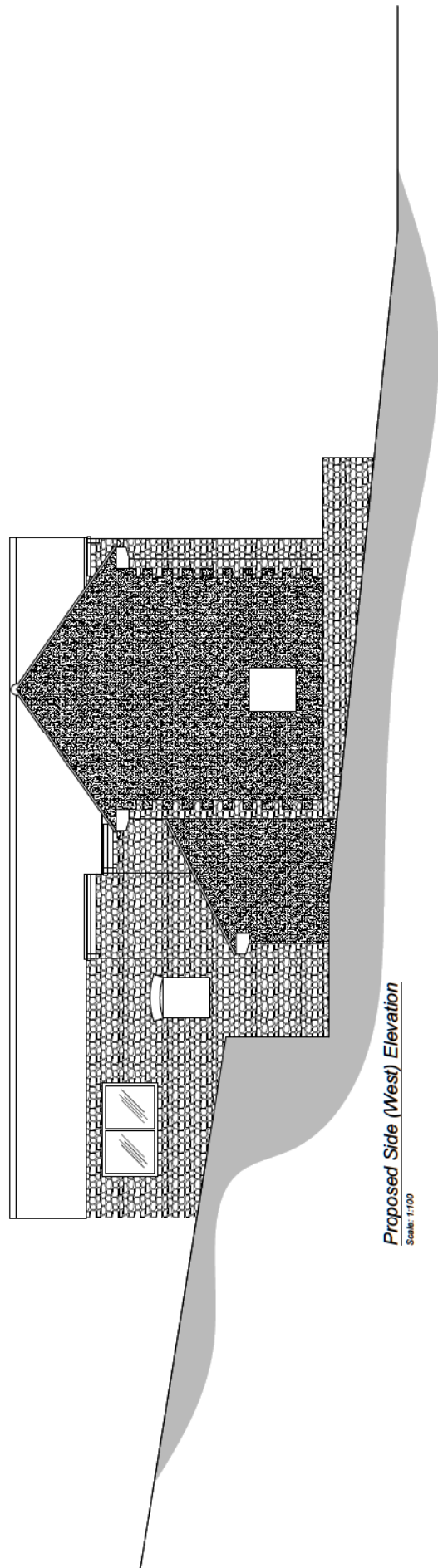




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		Description	Dim		
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Job & Client		Sark, Stockwell Lane, Bishops Cleeve			
Drawing Title		Existing Garage Elevations			
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Proposed Front Elevation
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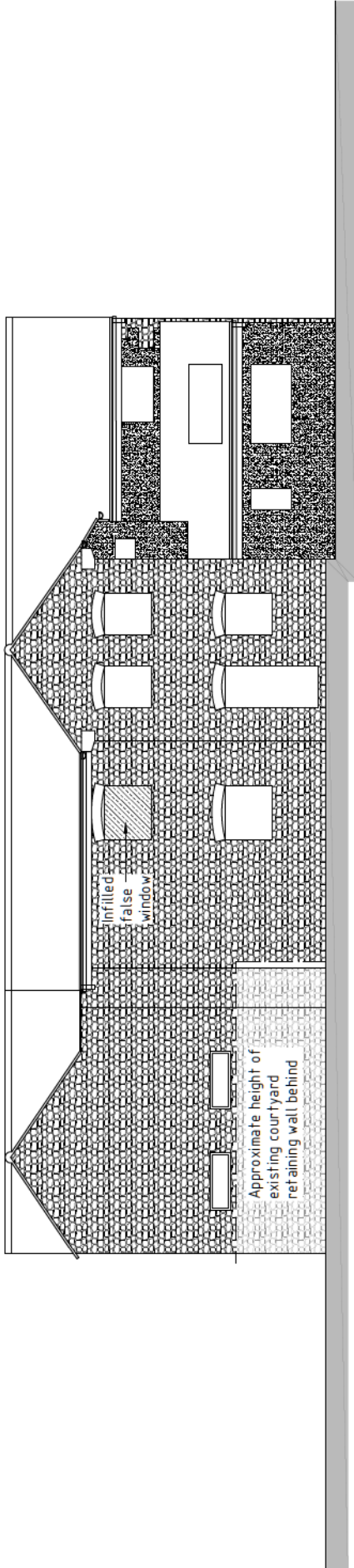


Proposed Side (West) Elevation
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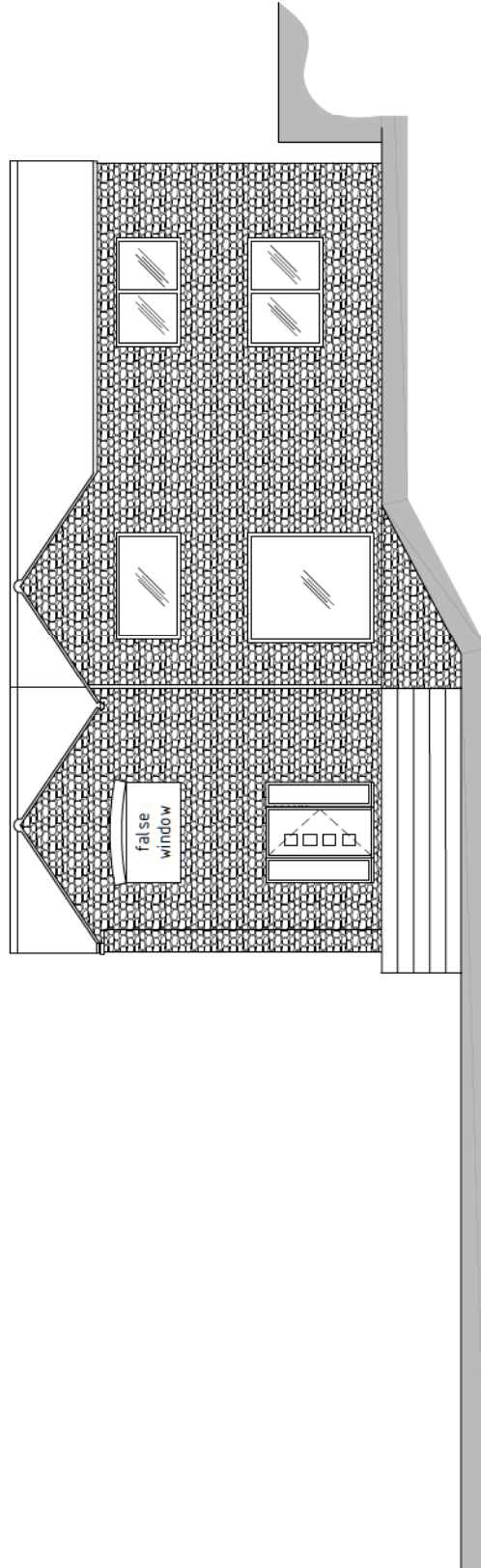
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P6	Change from Flat to Pitched roof, minor changes to windows	CJR	03/18/22
P5	Minor alterations to windows	CJR	20/05/22
P4	Minor alterations to eave heights and ground profile	CJR	12/05/22
P3	Rear side window added	CJR	10/05/22
P2	Layout updates	CJR	06/05/22
P1	PRELIMINARY ISSUE	CJR	25/04/22



Job & Client	Sark, Stockwell Lane, Bishops Cleeve						
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1st Issue Date	25/04/22	Drawing Scale	1:100 @ A3	Drawn	CR	Checked	-
Job Number	22-0406	Drawing Number	S14	Rev	P7		
Drawing Stage	PRELIMINARY ISSUE						



Proposed Rear Elevation
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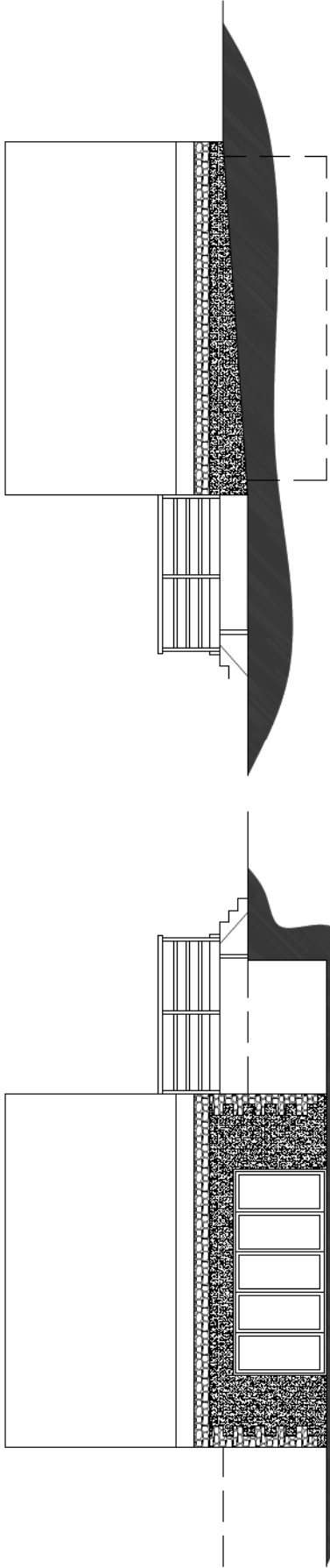


Proposed Side (East) Elevation
Scale: 1:100

Rev.	Description	Dim	Date
P7	Roof and window changes following meeting with TBC Planning		CJR 11/21/22
P6	Change from Flat to Pitched roof, minor changes to windows		CJR 03/19/22
P5	Minor alterations to windows		CJR 20/05/22
P4	Window in-filled		CJR 12/05/22
P3	Rear windows added		CJR 10/05/22
P2	Layout updates		CJR 06/05/22
P1	PRELIMINARY ISSUE		CJR 25/04/22

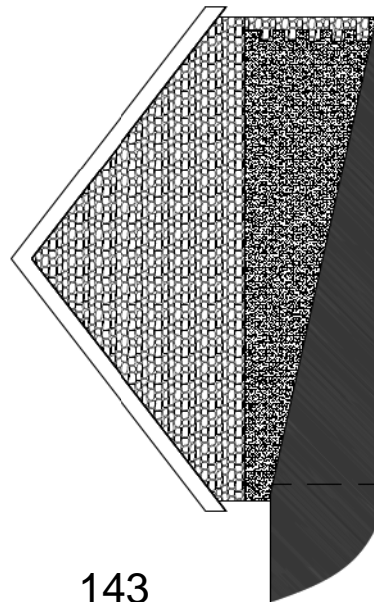


Job & Client	Sark, Stockwell Lane, Bishops Cleeve						
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Drawing Stage	PRELIMINARY ISSUE						

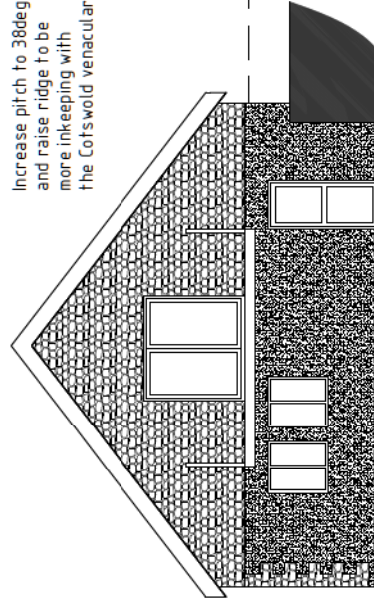


Garage Front Elevation
Scale: 1:100

Garage Rear Elevation
Scale: 1:100

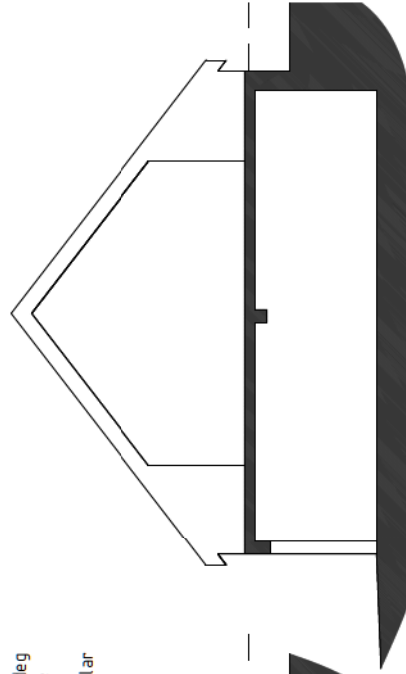


Garage Side (West) Elevation
Scale: 1:100



Garage Side (East) Elevation
Scale: 1:100

Increase pitch to 38deg and raise ridge to be more inkeeping with the Cotswold vernacular



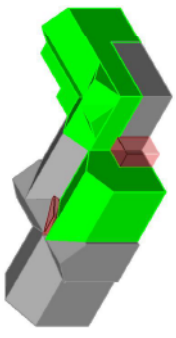
Garage Typical Section
Scale: 1:100

Job & Client		Sark, Stockwell Lane, Bishops Cleeve			
Drawing Title		Proposed Garage Elevations			
1st Issue Date	20/04/22	Drawing Scale	1100 @ A3	Drawn	CR
Job Number	22-0406	Drawing Number	S13	Checked	-
Rev.					P2
Description		PRELIMINARY ISSUE			

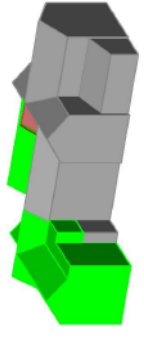


Delta Vector Engineering
Consulting Structural Engineers
23 Riverside Drive, Wotton, Oxon, O11 3JG, UK

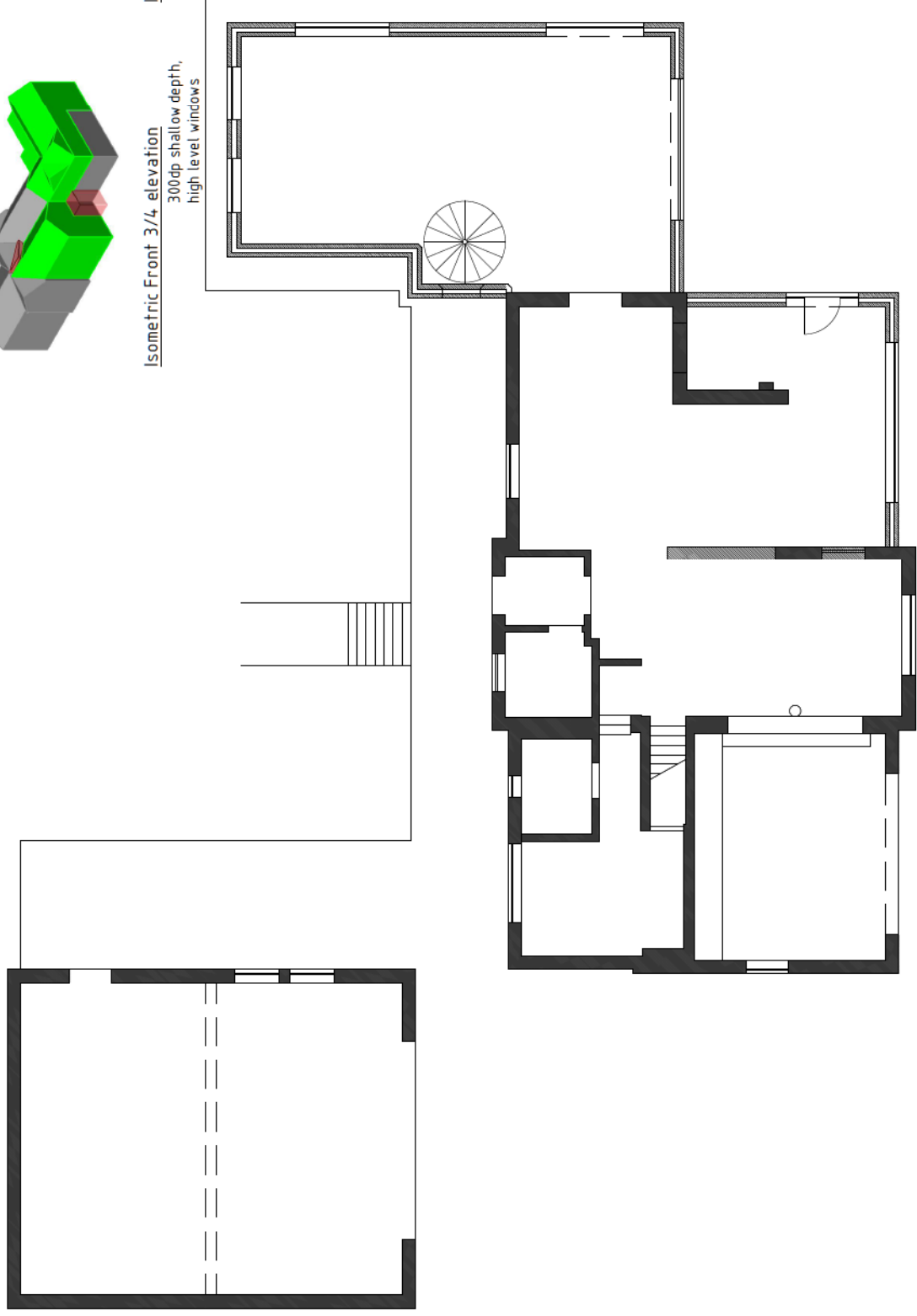
P2	Roof and window changes following meeting with TBC Planning	CJR	12/11/22	Date
P1	PRELIMINARY ISSUE	CJR	20/04/22	Date



Isometric Front 3/4 elevation
300dp shallow depth,
high level windows



Isometric Rear 3/4 elevation

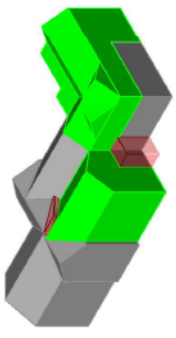


Proposed Ground Floor Layout
Scale: 1/100

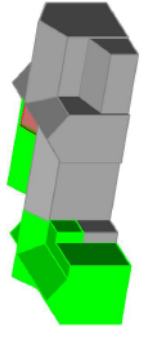
Rev.	Description	D/m	Date
P7	Roof and window changes following meeting with TBC Planning	CJR	12/11/22
P6	Minor changes to windows	CJR	03/10/22
P5	Minor alterations to windows	CJR	20/05/22
P4	Window infilled	CJR	12/05/22
P3	Rear side window added	CJR	10/05/22
P2	Layout updates	CJR	06/05/22
P1	PRELIMINARY ISSUE	CJR	20/04/22



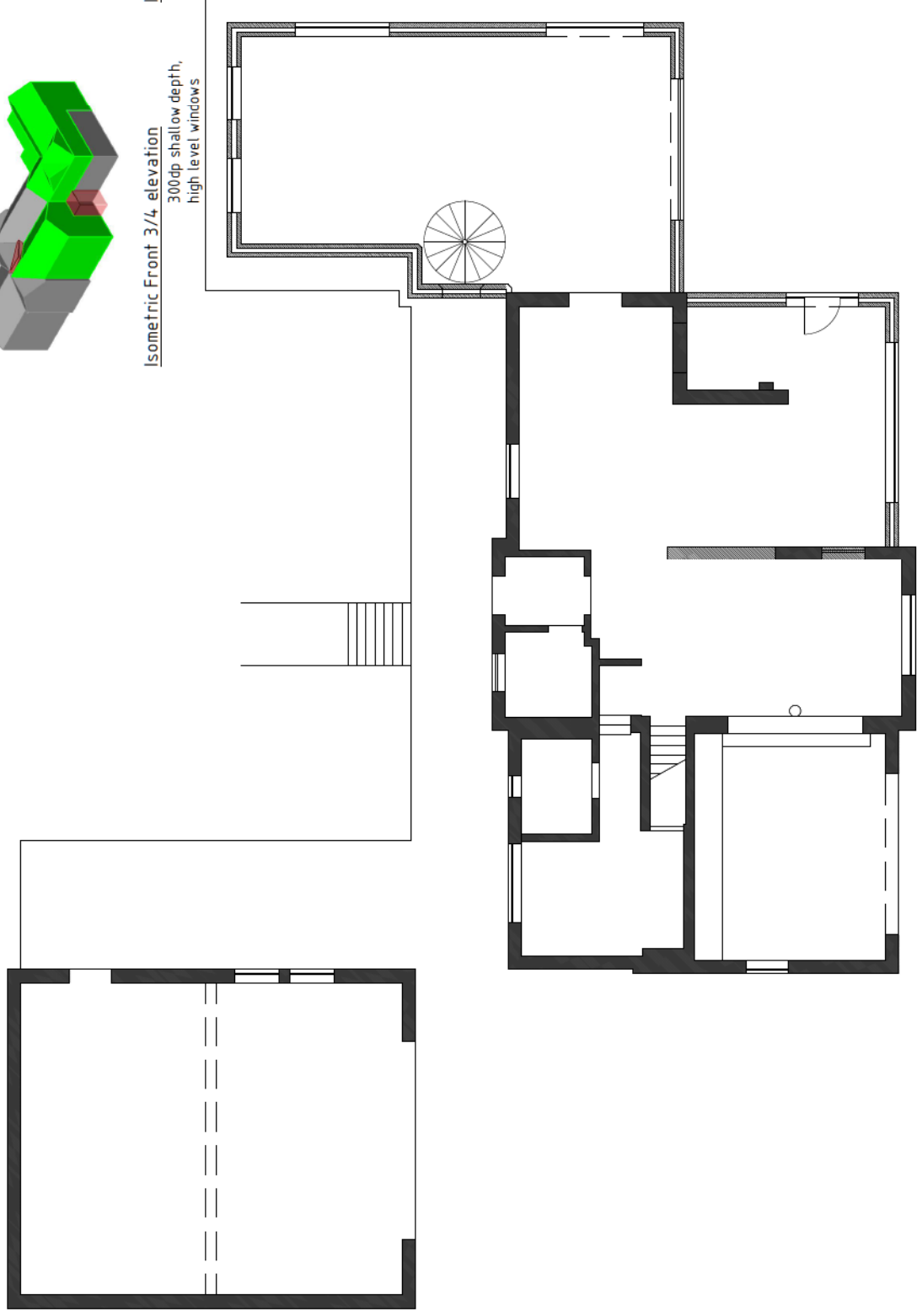
Job & Client	Sark, Stockwell Lane, Bishops Cleeve						
Drawing Title	Proposed Ground Floor Layout						
1st Issue Date	20/04/22	Drawing Scale	1:100 @ A3	Drawn	CR	Checked	-
Job Number	22-0406	Drawing Number	S11	Rev	P7		
Drawing Stage	PRELIMINARY ISSUE						



Isometric Front 3/4 elevation
3000dp shallow depth,
high level windows



Isometric Rear 3/4 elevation



Proposed Ground Floor Layout
Scale: 1/100

Rev.	Description	D/m	Date
P7	Roof and window changes following meeting with TBC Planning	CJR	12/11/22
P6	Minor changes to windows	CJR	03/10/22
P5	Minor alterations to windows	CJR	20/05/22
P4	Window infilled	CJR	12/05/22
P3	Rear side window added	CJR	10/05/22
P2	Layout updates	CJR	06/05/22
P1	PRELIMINARY ISSUE	CJR	20/04/22

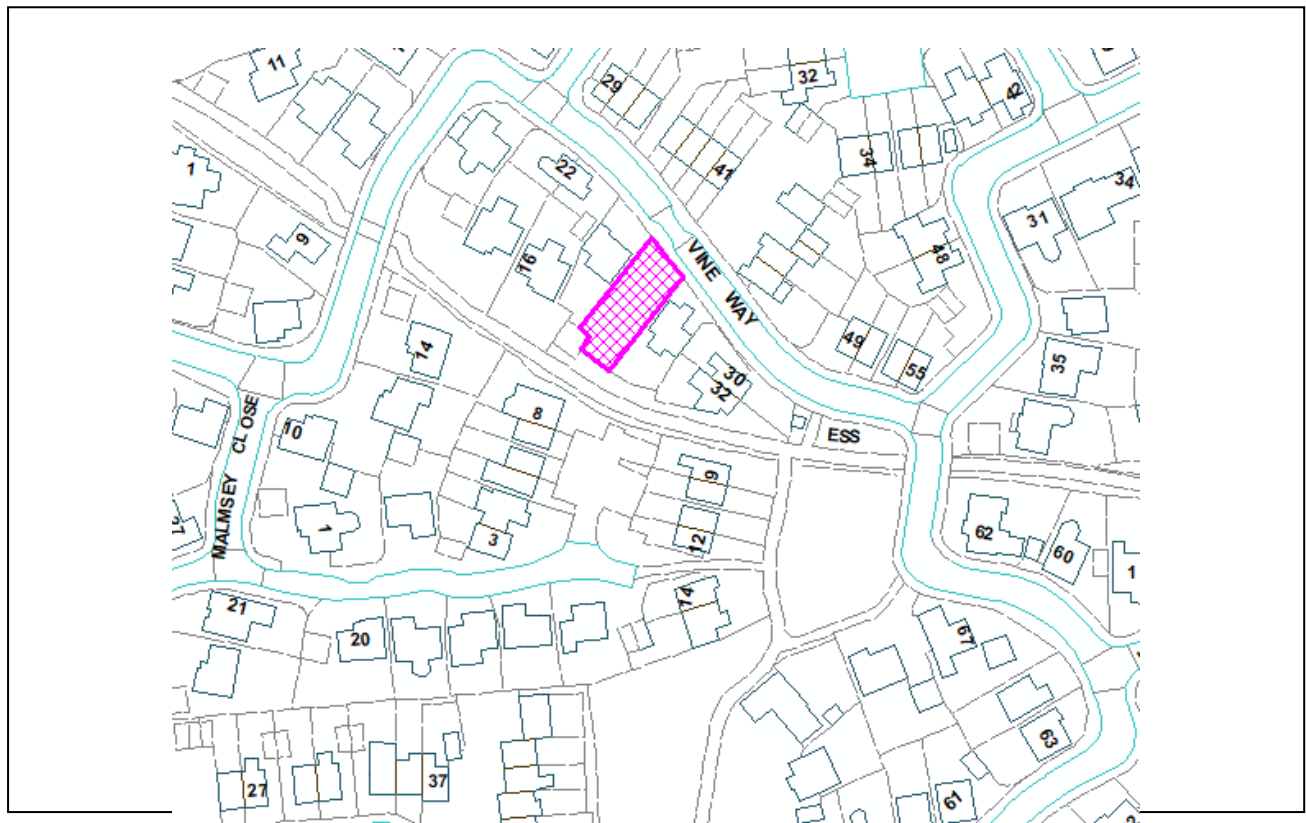


Job & Client	Sark, Stockwell Lane, Bishops Cleeve						
Drawing Title	Proposed Ground Floor Layout						
1st Issue Date	20/04/22	Drawing Scale	1:100 @ A3	Drawn	CR	Checked	-
Job Number	22-0406	Drawing Number	S11	Rev	P7		
Drawing Stage	PRELIMINARY ISSUE						

Planning Committee

Date	20 December 2022
Case Officer	James Stanley
Application No.	22/01020/FUL
Site Location	26 Vine Way, Tewkesbury
Proposal	Single storey rear and two storey side extension
Ward	Tewkesbury Town South
Parish	Tewkesbury
Appendices	Site Location Plan and Existing Elevations Proposed Block Plan and Proposed Elevations Proposed Floor Plan
Reason for Referral to Committee	The applicant is an employee of Tewkesbury Borough Council
Recommendation	Permit

Site Location



1. The Proposal

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RIJVM5QDLRA00>

- 1.1 This application seeks to erect a two-storey side extension and a single storey rear extension to be constructed out of matching materials.

2. Site Description

- 2.1 This application relates to 26 Vine Way, a two-storey, detached dwelling constructed out of facing brickwork. The dwelling is located on an estate on the edge of Tewkesbury which comprises of similar build types and uses. The site is not affected by any restrictive constraints but is located in an area for potential archaeological recoding.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
05/01208/FUL	Conservatory to rear	PER	08.11.2005

4. Consultation Responses

Full copies of all the consultation responses are available online at

<https://publicaccess.tewkesbury.gov.uk/online-applications/>.

- 4.1 Tewkesbury Town Council – No objection.
- 4.2 County Archaeologist – No objection or conditions required.
- 4.3 Building Control - The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

5. Third Party Comments/Observations

Full copies of all the representation responses are available online at

<https://publicaccess.tewkesbury.gov.uk/online-applications/>.

- 5.1 The application has been publicised through the posting of neighbour notification letters for a period of 28 days.
- 5.2 Two letters of representation have been received, both are from the same household and are letters of objection on the following grounds:
- 5.3
- The proposed first floor rear window would have a clearer view of the neighbouring garden, reducing privacy.
 - The extension would result in a brick wall extending along the boundary of the neighbouring dwelling which would restrict light and the feel of the garden.
 - Extension is intrusive and may affect the value of the neighbouring dwelling.
 - The extension would result in noise and disruption.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise

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

6.2 National guidance

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

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

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

6.4 Tewkesbury Borough Local Plan to 2011-2031 (TBLP) – Adopted 8 June 2022

- Policy RES10 (Alteration and extension of existing dwellings)

6.5 Neighbourhood Plan

None

7. Policy Context

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

7.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans.

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

7.4 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.

8. Evaluation

Design and Visual Amenity

8.1 JCS Policy SD4 of the Joint Core Strategy sets out requirements for high quality design while Tewkesbury Borough Plan Policy RES10 provides that development must respect the character, scale and proportion of the existing dwelling and the surrounding development.

8.2 By virtue of the proposed two-storey side extension being set back from the principal elevation and set down from the ridge height, the proposed extension would be subservient the host dwelling when viewing the dwelling from the street scene.

- 8.3 The proposal would be of an appropriate size and design in keeping with the character and appearance of the property. Therefore, the proposal would have an acceptable impact on the character of the surrounding area and complies with the requirements of Policy RES10 of the Tewkesbury Borough Plan and Policy SD4 of the JCS.

Effect on the Living Conditions of Neighbouring Dwellings

- 8.4 Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Policy RES10 of the Tewkesbury Borough Plan provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity.
- 8.5 The proposed addition of a third first floor rear window would increase the potential for overlooking but due to the current windows that are in situ, the proposal would not result in an unacceptable level of overlooking to the neighbouring dwellings private amenity space.
- 8.6 The proposed single storey rear extension would breach the 45-degree rule from the neighbouring dwellings ground floor rear window at 28 Vine Way. Due to the height of the proposed extension and the orientation of the site, there would be a small loss of light in the latter part of the day. This would not have an unacceptable impact on the living conditions of the occupiers of 28 Vine Way with particular regard to loss of light.
- 8.7 Environmental Health have regulations in place to control the levels of noise, and the construction would be subject to building regulations.
- 8.8 The impact that the proposal would have upon house prices is not a material planning consideration.
- 8.9 The impact of the proposal upon neighbouring properties has carefully been assessed and it is considered that there would not be an undue impact upon their amenity in accordance with Policy RES10 of the Tewkesbury Borough Plan and Policy SD14 of the JCS.

9. Conclusion

- 9.1 It is considered that the proposal would not be unduly harmful to the appearance of the existing dwelling nor the surrounding area and it would not result in an unacceptable loss of residential amenity to neighbouring dwellings. The proposal would also be of an acceptable size and design.

10. Recommendation

- 10.1 The proposal accords with relevant policies as outlined above, it is therefore recommended the application be **permitted**.

11. Conditions

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

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

- 2** The development hereby permitted shall be carried out in accordance with the following documents:
- Drawing Numbers 10058/01 (Site Location Plan), 10058/03 (Proposed Block Plan and Elevations), and 10058/04 (Proposed Floor Plans) received by the Local Planning Authority on 21.09.2022

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

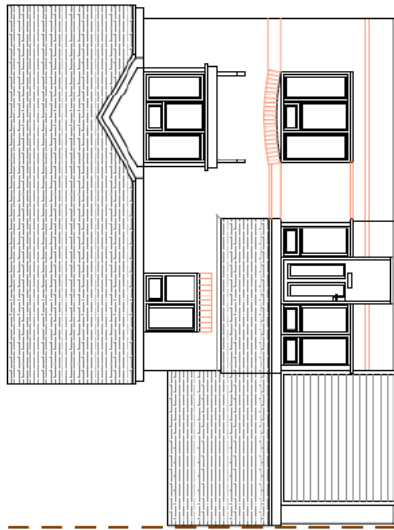
Reason: To ensure that the development is carried out in accordance with the approved plans.

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

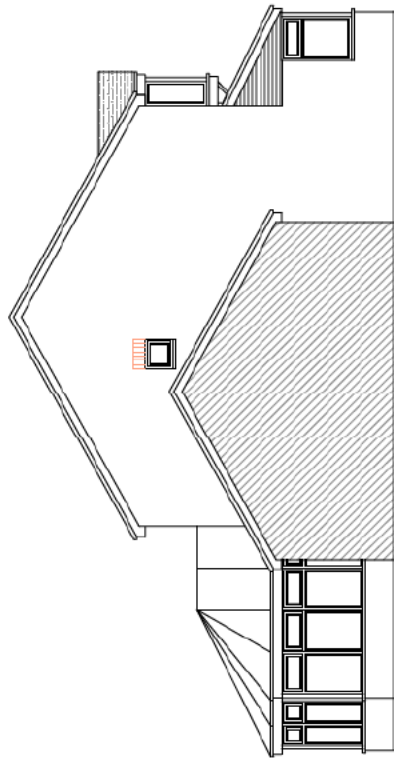
Reason: To ensure that the proposed development is in keeping with the exiting dwelling.

12. Informatives

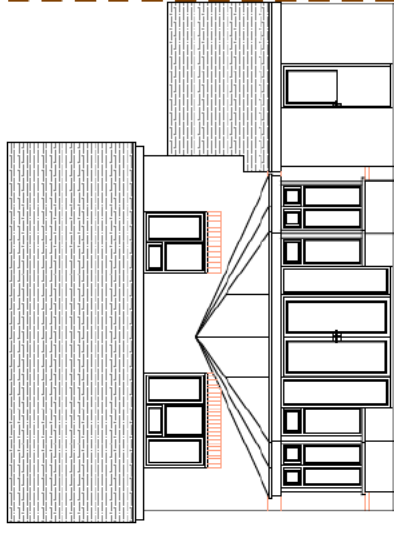
- 1** In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information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



Existing Side Elevation



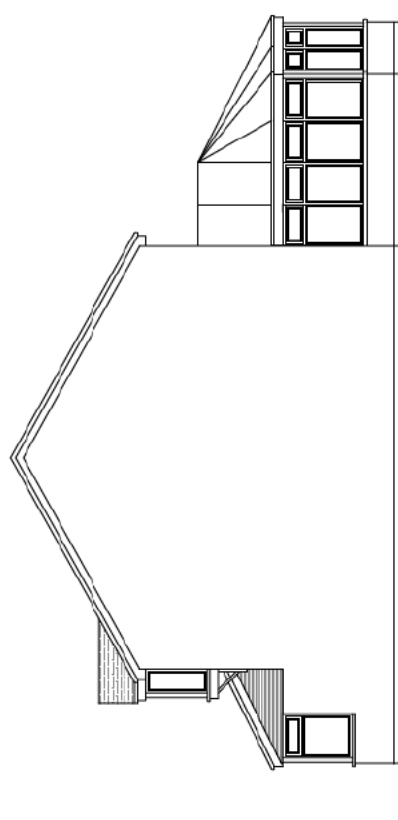
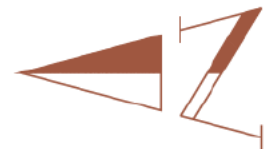
Existing Side Elevation



Existing Rear Elevation



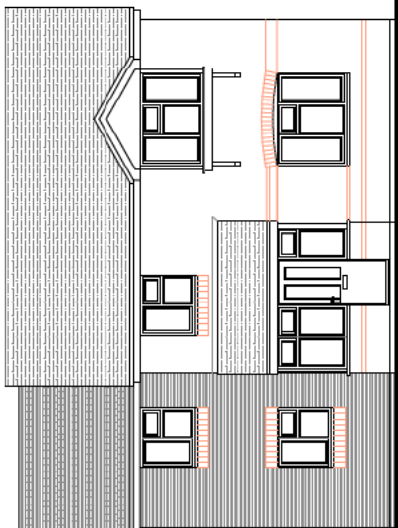
The Site
Location Plan
Scale 1:1250



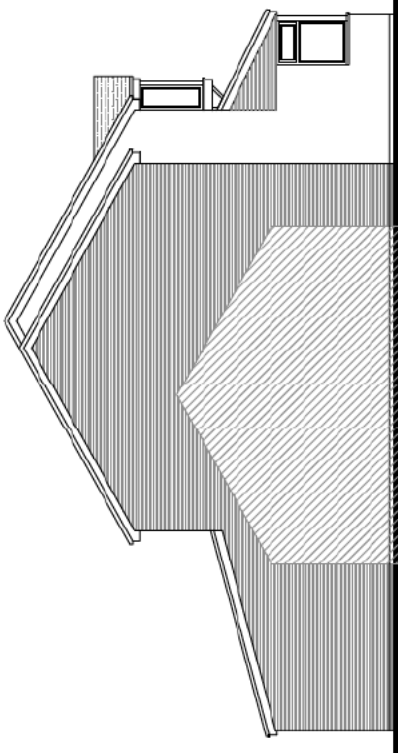
Existing Side Elevation

D2B designs

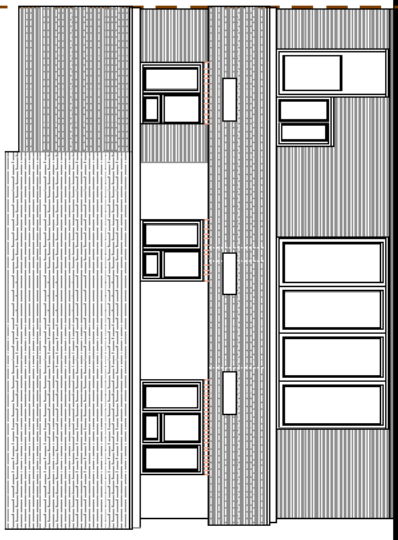
Proposed Single Storey Side and Two Storey Side Extension at 26 Vine Way
Tewkesbury GL20 5FJ



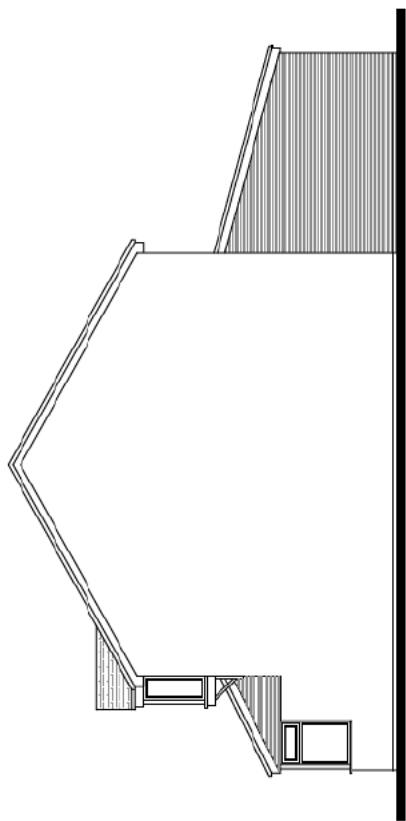
Proposed Front Elevation



Proposed Side Elevation



Proposed Rear Elevation

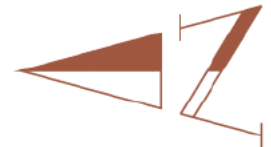


Proposed Side Elevation



Location Plan
Scale 1:1250

The Site

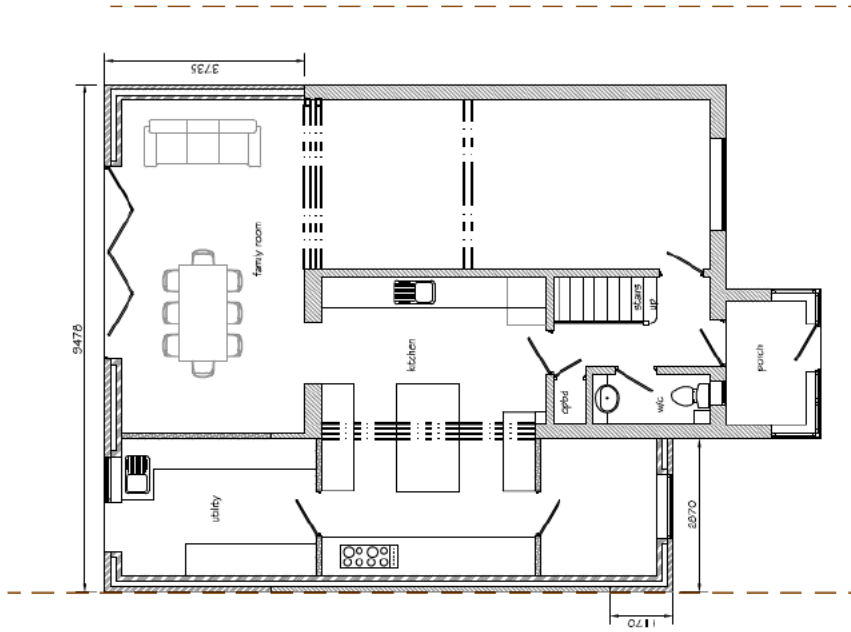


D2B designs

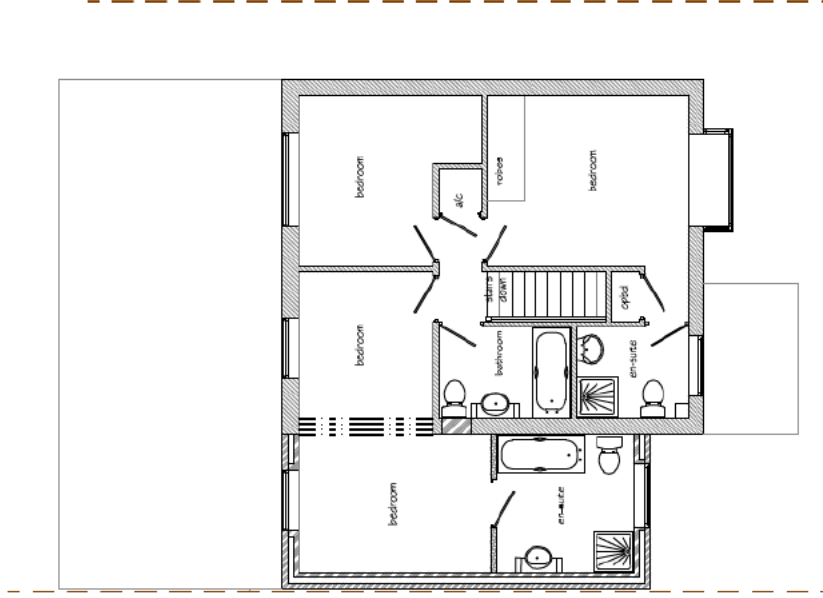
Proposed Single Storey Side and Two Storey Side Extension at 26 Vine Way
Tewkesbury GL20 5FJ

Scales 1:100, 1:100 at A3

Drawing No. 10056/03



Proposed Ground Floor Layout



Proposed First Floor Layout

D2B designs

Proposed Single Storey Side and Two Storey Side Extension at 26 Vine Way Tewkesbury GL20 5FJ



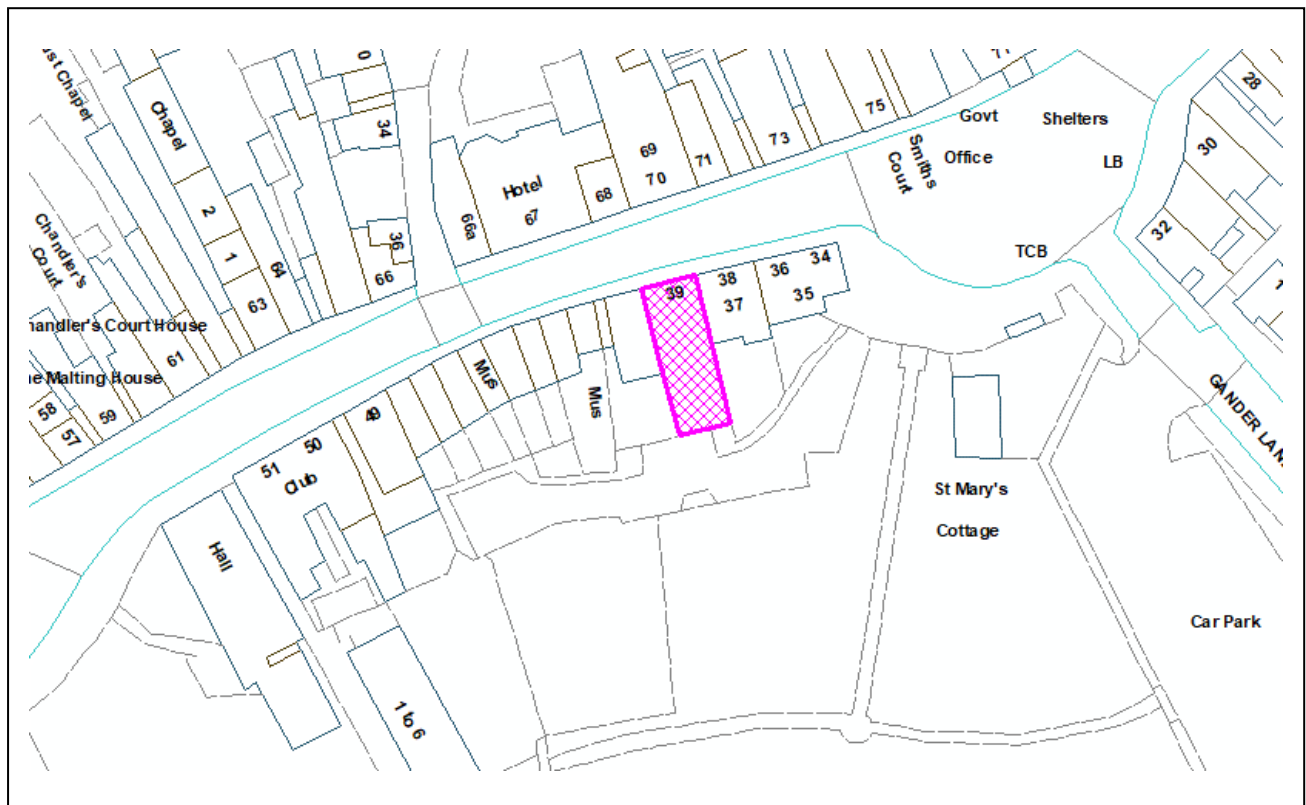
Scales 1:100, at A3

Drawing No. 10058/04

Planning Committee

Date	20 December 2022
Case Officer	James Stanley
Application No.	22/00926/LBC
Site Location	39 Church Street, Tewkesbury
Proposal	Installation of a traditional projecting hanging sign and bracket to the front elevation; installation of hanging sign above the front door; installation of a grab handle at the front door; conversion of existing railings on the rear boundary to a gate.
Ward	Tewkesbury Town South
Parish	Tewkesbury
Appendices	Site Location Plan Front Elevation Plan Projecting Sign and Bracket Plan Hanging Sign and Grab Handle Plan Rear Gate Plan
Reason for Referral to Committee	The applicant is the partner of an employee of Tewkesbury Borough Council
Recommendation	Consent

Site Location



1. The Proposal

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RGRLRFQDL00>

- 1.1 This application seeks to install a hanging sign, a projecting sign, and a grab handle upon the principal elevation and convert the existing rear railings into a gate.

2. Site Description

- 2.1 This application relates to 39 Church Street, a Grade I listed Building and dates from the early 15th C which is a designated heritage asset. It is part of a terrace of jettied timber framed shops and houses built for the Abbey. It is located within the Tewkesbury Conservation Area and the Tewkesbury Article 4 Direction.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
00/00221/LBC	Alterations associated with change of use to offices - Grade I listed Building Ref: 859-1/6/104	CONSEN	11.09.2000

4. Consultation Responses

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

- 4.1 **Tewkesbury Town Council** – No objection.
- 4.2 **Historic England** – No comment to be made.
- 4.3 **Conservation Consultant** – No objection.

5. Third Party Comments/Observations

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

- 5.1 The application has been publicised through the posting of neighbour notification letters and a Site Notice for a period of 28 days.
- 5.2 No representations have been received.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise

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

- 6.2** National guidance
National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)
- 6.3** Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) – Adopted 11 December 2017
– Policy SD4 (Design Requirements)
– Policy SD8 (Historic Environment)
- 6.4** Tewkesbury Borough Local Plan to 2011-2031 (TBLP) – Adopted 8 June 2022
– Policy HER2 (Listed Buildings)
- 6.5** Neighbourhood Plan
None

7. Policy Context

- 7.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 7.2** Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possess.
- 7.3** Chapter 16 of the National Planning Policy Framework sets out the importance of protecting and enhancing the historic environment, and conserving heritage assets in a manner appropriate to their significance. In particular, paragraph 197 states that in determining planning applications, local authorities should take account of 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.
- 7.4** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise. Although this legal requirement does not apply to the consideration of listed building consent applications, the planning objectives set out in JCS Policy SD8 are clearly relevant to the consideration of this application for listed building consent.
- 7.5** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans
- 7.6** The relevant policies are set out in the appropriate sections of this report.

- 7.7 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

8. Evaluation

Effect upon the Listed Building

- 8.1 39 Church Street is a designated heritage asset; Grade I listed and dates from the early 15th C, it is part of a terrace of jettied timber framed shops and houses built for the Abbey and it is a nationally important and therefore highly graded early timber framed building located at southern end of Church Street. It is within the Tewkesbury Conservation Area. The building was a public house until 1917 known as the Aurora Inn.
- 8.2 This application seeks approval for the installation of a simple hanging sign and hand grab to the front elevation of the building and an alteration to the rear boundary wall to reinstate access along the historic route known as Aurora Passage. The proposed hanging sign is to be hung on a reused historic bracket, non- illuminated, with gold lettering on a black background. The hand grab rail is to be traditionally crafted and fixed to a modern replacement timber. The proposed signage and hand grab are not contentious, the statement submitted with the application fully details these additions and identifies a precedent set by the neighbouring building.
- 8.3 To the rear of the building the application proposes the replacement of fixed railings with a gate to reinstate access along the former Aurora Passage, an historic route through from Church Street to the rear of the property. The existing railings are circa 1980s as a panel set within a 1980s wall of brick bonded with cement. The proposed gate is acceptable as there would be no change to the visual impact or the setting of the listed building.
- 8.4 No harm to the significance of the listed building would arise from the proposed signage or the alteration to the rear railings this application. There is a public benefit in the retention of a vibrant high street.
- 8.5 The proposal would not conflict with Section 16 of the National Planning Policy Framework, Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and Policy HER2 of the adopted Local Plan.

9. Conclusion

- 9.1 It is considered that the proposal would preserve the listed building and therefore accords with Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, JCS Policy SD8 and Tewkesbury Borough Plan Policy HER2.

10. Recommendation

- 10.1 The proposal accords with relevant policies as outlined above, it is therefore recommended that **consent is granted**.

11. Conditions

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

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

- Location Plan, Block Plan, Drawing Numbers 1 (Existing and proposed front elevations of rear boundary (installation of two hanging signs and a grab handle), 2 (Detail of proposed front elevation), 3 (Detail of projecting hanging sign and bracket), and 4 (Detail of hanging sign and grab handle) received by the Local Planning Authority on 17.08.2022.
- Drawing Number 5 (Existing and proposed elevations of rear boundary (conversion of fixed railings to opening gate) received by the Local Planning Authority on 14.10.2022.

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

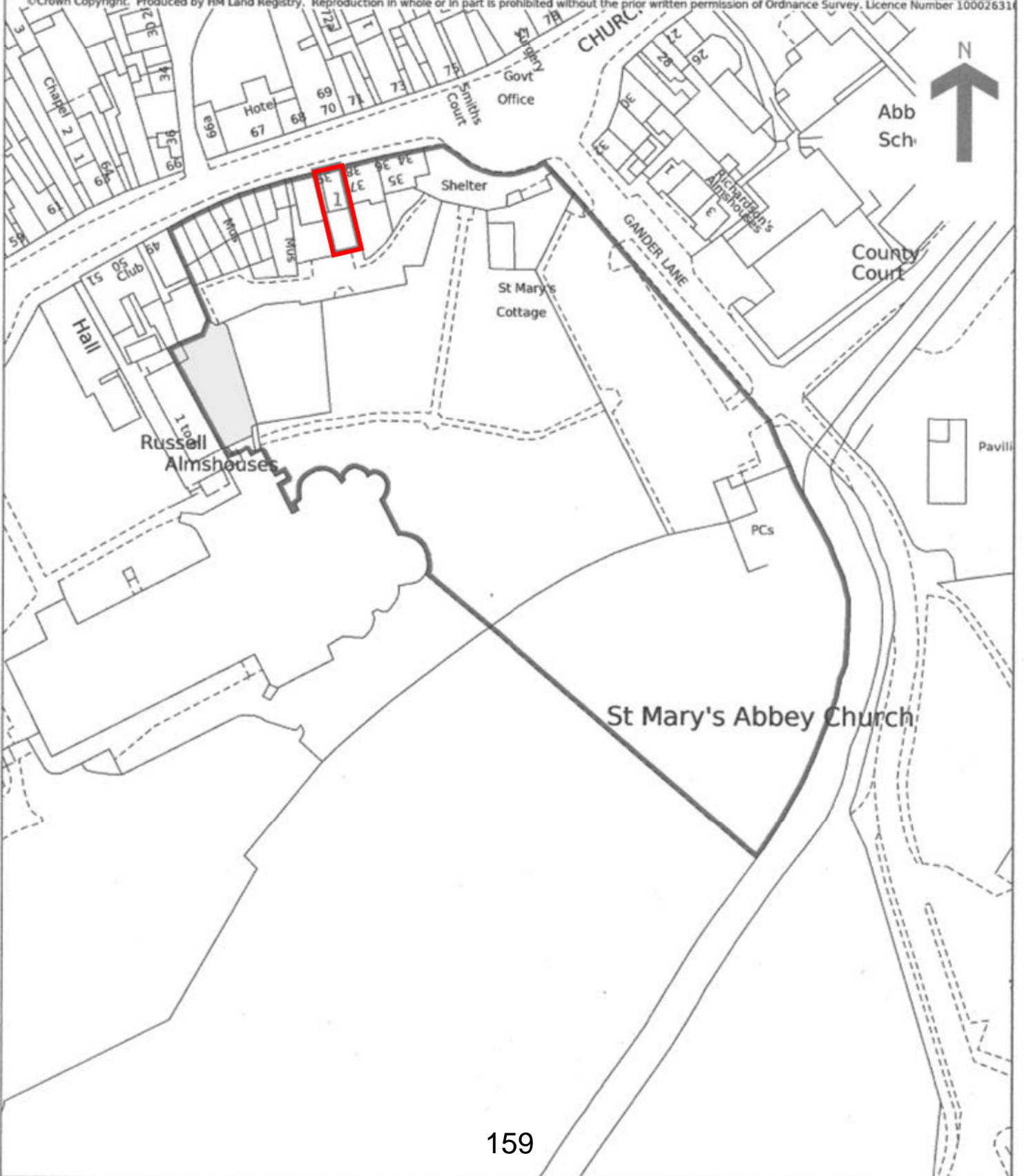
Reason: To ensure that the development is carried out in accordance with the approved plans.

12. Informatives

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

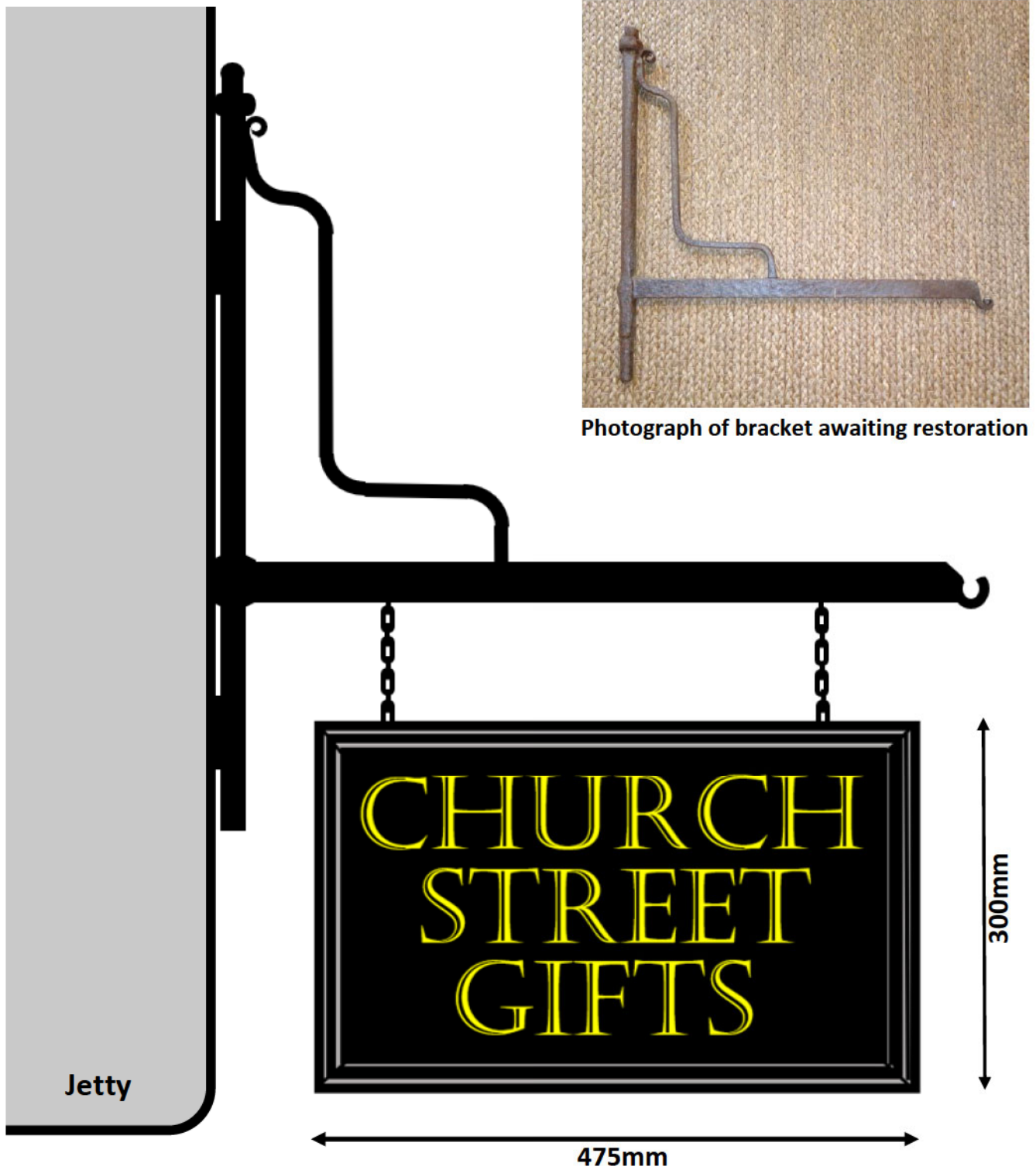
Location Plan: No39 Church Street Tewkesbury
Ordnance Survey map reference **SO8932SW**
Scale **1:1250** enlarged from **1:2500**

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**Drawing 2: Detail of proposed front elevation
No39 Church Street Tewkesbury**



Photograph of bracket awaiting restoration

Sign: Non illuminated timber sign with moulded timber frame to be painted black with gold lettering in Castellar font with the words “Church Street Gifts” to both sides. Sign to be suspended on chains from the bracket arm.

Bracket: Restored wrought iron bracket painted black and fixed directly into the central oak post of the jetty using stainless steel screws.

Drawing 3: Detail of projecting hanging sign and bracket



Sign: Non illuminated timber sign with moulded timber frame to be painted black with gold lettering in Castellar font with the words “Church Street Gifts”. Sign to be suspended on chains from the underside of the jetty. Fixings to be stainless steel and to be inserted into the underside of the bressummer.

Grab Handle: Simple traditional Wrought iron handle (similar to example show) to be installed on the left hand jamb of the front door. To be finished in black.



Drawing 4: Detail of hanging sign and grab handle
No39 Church Street Tewkesbury



Existing Railings

Proposed Gate

Drawing 5: Existing and proposed elevations of rear boundary (conversion of fixed railings to opening gate)

No39 Church Street Tewkesbury

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	20 December 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 and inform Members of recent appeal decisions.

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

Application No	21/01011/PIP
Location	Land At Manor Farm Stoke Road Stoke Orchard
Proposal	Erection of up to 9 nos. dwellings
Officer recommendation	Non determination
PINS reference	APP/G1630/W/21/3288137
PINS decision	Appeal Allowed
Reason	<p>The Inspector set out that the proposal for Permission in Principle is an alternative way of obtaining planning permission for housing led development and the scope is limited to the consideration of location and land use.</p> <p>The Inspector set out that the site was an undeveloped field on the outer edge of Stoke Orchard which is slightly removed from the main built-up area.</p> <p>The Inspector confirmed that the proposal would be subject of criterion 4 of JCS Policy SD10; however, the site could not be considered as lying within the existing built-up area of Stoke Orchard. Notwithstanding this, the Inspector identified adjoining residential and commercial development and considered that, while the proposal would introduce some additional urbanisation, surrounding development would ensure any encroachment into the countryside would not be excessive and that the sites accessibility is good.</p> <p>The Inspector identified that there would be some encroachment into the landscape which would conflict with JCS Policy SD6 and TBP Policy LND2; however, this harm would be minor given the relationship with residential and commercial properties to the north and south of the site, and that the new housing could also assimilate effectively with the surrounding built form, without unduly interfering with the prevailing rural character of the village and would broadly align with the limits of TBP Policy RES4. Accordingly, the Inspector concluded the principle would be acceptable.</p> <p>In considering the planning balance, the Inspector set out that the Council could not demonstrate a five-year housing supply and the tilted balance was engaged which would outweigh the conflict with Policies SD6 and SD10 of the JCS and LND2 of the TBP. However, the Inspector reflected on the importance the NPPF places on small and medium size sites in significantly boosting the supply of housing and that the benefits of the scheme would</p>

	<p>outweigh the harms identified. Furthermore, the Inspector concluded that the site is a suitable location for the development.</p> <p>In respect of other matters, the Inspector noted that highway safety, noise and archaeology were matters to be assessed at the technical details consent stage.</p>
Date of appeal decision	31.08.2022

Application No	21/00976/OUT
Location	Land Off Brook Lane Twigworth/Down Hatherley
Proposal	Residential Development (up to 160 dwellings), associated works, including demolition, infrastructure, open space and landscaping. Vehicular access from the A38.
Officer recommendation	Non-determination
PINS reference	APP/G1630/W/22/3295270
PINS decision	Appeal Allowed
Reason	<p>The appeal was subject to an Inquiry held on 9 August 2022. In April 2022 the Planning Committee resolved that had the Council been in a position to determine the proposal, the application would have been refused on three grounds relating to failure to provide financial contributions in mitigation of the proposal on local infrastructure, failure to provide adequate education facilities, and failure to provide a mixed and balanced community to meet the needs of the local area.</p> <p>The appeal decision notes that, since the planning committee, the appellant, the Council and GCC entered into further discussions and several legal agreements had been signed, as follows:</p> <ul style="list-style-type: none"> • a Unilateral Undertaking securing the provision of 35% of the proposed dwellings as affordable housing, dated 9 August 2022 (the AH UU); • a Unilateral Undertaking securing contributions towards education, libraries and highways, including a Travel Plan, dated 9 August 2022 (the ELH UU); • a Unilateral Undertaking securing the provision of a play area, public open space, their management and maintenance, and a contribution towards the provision of refuse and recycling bins, dated 9 August 2022 (the POS UU); and, • a planning agreement securing contributions towards primary school transport, dated 9 August 2022 (the s106). <p>The Inspector confirmed that the ELH UU and POS UU provide payments to mitigate the effect of the proposal on</p>

	<p>local infrastructure, the s106 secures the required contribution towards education facilities, and the AH UU secures the necessary affordable housing, all of which together would create a mixed and balanced community.</p> <p>The Inspector concluded that there were no contested main issues for the appeal and that appropriate mitigation had been provided through legal agreements, or could be controlled by condition.</p> <p>The Inspector found no material harm from the proposal on any other matter and that the proposal would therefore accord with the Development Plan when considered as a whole.</p>
Date of appeal decision	11.10.2022

Application No	21/00777/PIP
Location	Land at Meadow View Gloucester Road Staverton
Proposal	Permission in principle for the erection of up to 3 dwellings and associated access (Rural Exception Site).
Officer recommendation	Non-determination
PINS reference	APP/G1630/W/22/3290632
PINS decision	Appeal Dismissed
	<p>The Council contended that the appeal proposal would fail to be a sustainable form of development having regard to the national and development plan policies in respect to the delivery of new housing (Putative Reason 1), and that the appeal proposal would represent inappropriate development in the Green Belt and would cause harm to the openness of the Green Belt (Putative Reason 2).</p> <p>The Inspector considered that the site is not located within or adjacent to the continuous built form of Staverton, and that the site is located amongst a group of dispersed buildings clearly detached from the continuous built-up area of Staverton.</p> <p>The Inspector found that the proposal would conflict with Policies SP2, SD10, and SD12 of the JCS which collectively guide the distribution of new development, and with Policies RES4 and RES6 of the Borough Local Plan support the vitality of rural communities and the continued availability of services and facilities in the rural areas, and very small-scale residential development will be acceptable in principle within and adjacent to the built-up area of other rural settlements.</p> <p>The Inspector noted that the Framework establishes that the construction of new buildings within the Green Belt is</p>

	<p>inappropriate, but that there is a closed list of exceptions to this in paragraph 149. The Inspector considered that the proposal does not comply with any of the Framework's exceptions to the construction of new buildings in the Green Belt, and that the proposal therefore constitutes inappropriate development in the Green Belt for the purposes of the Framework and Policy SD5 of the JCS and Policy GRB4 of the Borough Plan. The Inspector commented that inappropriate development is, by definition, harmful to the Green Belt, and that it follows from this that the proposal would conflict with the purpose of the Green Belt in terms of its assistance in safeguarding the countryside from encroachment.</p> <p>The Inspector considered that, even the lower end of the proposed amount (i.e. 1 or 2 dwellings) would serve to add built form and associated domestic paraphernalia to what is currently an open and undeveloped parcel of land, meaning that the proposal would reduce the openness of the Green Belt in spatial terms and that whilst this effect would be limited and localised, the proposal would result in harm to the openness of the Green Belt.</p> <p>The Inspector commented that these matters carry substantial weight and, whilst the proposal would offer a number of discrete benefits, given the maximum quantum of development proposed, overall, these would amount to no more than moderate weight in favour of the proposal.</p> <p>The Inspector therefore found that these benefits would not clearly outweigh the harm identified. Consequently, the Inspector found that the very special circumstances necessary to justify the proposal do not exist, and that, therefore, the proposal would not comply with the Green Belt aims of Policy SD5 of the JCS or Policy GRB4 of the Borough Plan, or the Framework, and consequently would be unacceptable. As this provides a clear reason for refusing the proposed development, the Inspector considered that the proposal would not benefit from the presumption in favour of sustainable development (paragraph 11 of the Framework) and concluded that the appeal be dismissed.</p>
Date of appeal decision	08.08.2022

Application No	PP-09831957
Location	Land At Court Farm Tewkesbury Road Twigworth
Proposal	Outline application with all matters reserved for 4no. dwellings.
Officer recommendation	Refuse
Decision type	Delegated Decision
PINS reference	APP/G1630/W/22/3302403
PINS decision	Appeal Dismissed
Reason	<p>The reasons for refusal of the application were that the application site was located outside of a settlement boundary and was not adjacent to any settlement boundary and as such the site was not located within a suitable location for the proposed development, having regard to the development strategy for the area. The scheme was also considered to have a detrimental impact on the character and appearance of the area and the scheme would not preserve the setting of the nearby Grade II listed buildings.</p> <p>The Inspector considered that suitable landscaping could be secured at the reserved matters stage to help to reinforce the delineation between the site and the surrounding fields. Therefore, it was concluded that a small residential scheme of up to 4 dwellings would be in keeping with the prevailing pattern of development along Tewkesbury Road.</p> <p>The Inspector concluded that the proposal would not harm the character and appearance of the area, nor would it harm the setting of the nearby Grade II Listed Buildings.</p> <p>However, by virtue of its location outside of any defined settlement boundary, the appeal site would not be a suitable location for the proposal, having regard to the development strategy for the area. Therefore, the scheme failed to comply with Policies SP2 and SD10 of the Joint Core Strategy, Policy RES3 of the Local Plan and Policy H2 of the NDP. The Inspector explained there were insufficient material considerations worthy of sufficient weight that would indicate otherwise, and the appeal was dismissed.</p>
Date of appeal decision	29.11.2022

Application No	22/00118/FUL
Location	Carrant House Aston-On-Carrant Tewkesbury
Proposal	Demolition of flat roofed double garage and construction of two storey outbuilding to provide garage and garden store with ancillary annex accommodation over.
Officer recommendation	Refuse
Decision type	Delegated Decision
PINS reference	APP/G1630/D/22/3303221
PINS decision	Appeal Dismissed
Reason	<p>The application sought permission to demolish the existing single storey double garage and erect a two-storey outbuilding with a garage and store on the ground floor and ancillary accommodation on the first floor.</p> <p>The application was refused for two reasons:</p> <ul style="list-style-type: none"> - the outbuilding would not be in keeping with the character and appearance of the host dwelling and the surrounding development by virtue of the design, size, bulk and massing; and - the development would have an unacceptable impact upon the living conditions of the occupiers of neighbouring property by reason of loss of light. <p>The Inspector considered that the outbuilding would be in keeping with the dwelling but did agree that the outbuilding would have an unacceptable impact on the living conditions of the occupiers of the neighbouring dwelling with particular regard to loss of light.</p> <p>The appeal was therefore dismissed by the Inspector.</p>
Date of appeal decision	03.11.2022

Application No	21/01540/FUL
Location	Land At Heather Chase Cleeve Hill Southam
Proposal	Erection of dwelling, detached garage and associated works.
Officer recommendation	Refuse
Decision type	Delegated Decision
PINS reference	APP/G1630/W/22/3296358
PINS decision	Appeal Dismissed
Reason	<p>The planning application was refused in April 2022 on three grounds:</p> <ul style="list-style-type: none"> - not representing infill within the existing built-up area of a town or village; - an unwarranted intrusion into the Cotswold AONB and would therefore cause significant harm to the beauty of the Cotswold AONB; and - the elevated position of the proposed dwelling and proximity to the shared boundary would result in harmful overlooking. <p>The Inspector considered that the appeal site forms part of an arrangement of dwellings between Cleeve Hill and Southam but does not lie within either village. The Inspector also noted that while the Council accepts that the development can be considered to comprise infill, it does not lie within or adjacent to the built-up area of a settlement and accordingly found that the site is not a suitable location for new development.</p> <p>The Inspector commented that the proposed development would result in the construction of a substantial building within what is currently a large, expansive garden area. The scheme would also involve a substantial amount of engineering works to accommodate the dwelling at this location. Consequently, the scheme would erode the pleasant, rural aspect of the site due to the introduction of what would appear as a more intensive form of development. The Inspector found the proposal would be harmful to the character and appearance of the Cotswolds Area of Outstanding Natural Beauty.</p> <p>Finally, the Inspector also agreed that the proposal would result in an unacceptable impact on the living conditions of the occupiers of adjacent occupiers, with particular regard to overlooking. This was due to the raised patio sitting substantially above the level of the garden of the neighbouring property.</p>
Date of appeal decision	11.10.2022

Application No	20/00026/ENFC & 20/00287/FUL
Location	Overton Farm Maisemore
Proposal	Enforcement notice and planning application for the retention of agricultural building to house machinery
Officer recommendation	Refuse/Enforce
Decision type	Delegated Decision
PINS reference	APP/G1630/C/22/3298078 & APP/G1630/W/22/3298544
PINS decision	Appeal Allowed & Enforcement Notice quashed – Planning permission granted
Reason	<p>This summary covers two appeal decisions relating to the same matter.</p> <p>The LPA was advised in January 2020 that an agricultural building has been erected at Overton Farm without the benefit of planning permission. The planning compliance team investigated the matter and identified a breach of planning control had taken place.</p> <p>The owners subsequently submitted a planning application (20/00287/FUL) seeking retrospective permission for the development. The LPA refused permission and issued an enforcement notice. Appeals were submitted against the refusal of planning permission and the issuing of an enforcement notice.</p> <p>In allowing the appeal and quashing the enforcement notice the Inspector considered the main issue to be whether there is a justified need for the agricultural storage building.</p> <p>The Council considered that there was no current justification for any new agricultural buildings at the site as there were only 4 Gloucestershire heifers and most of the agricultural land was rented out.</p> <p>The appellant provided a Farm Business Plan setting out the appellant's proposals to increase the livestock numbers over the next four years and to take back rented land as cattle numbers increase.</p> <p>In taking account of the limited agricultural activity on the agricultural land at present, the Inspector identified that the appellant had submitted a separate planning application for a livestock building which supported the appellant's aspirations to establish a farming enterprise as set out in their plan. The Inspector noted that the NPPF, in supporting economic growth in rural areas to create jobs and prosperity seeks to support the sustainable growth and expansion of all types of business and enterprise in rural areas, including through well designed new buildings. They noted that the NPPF also seeks to promote the development and diversification of agricultural and other land based rural businesses.</p> <p>Overall, the Inspector concluded that the building was of a design consistent with its intended use and that the</p>

	<p>appeal proposal would be reasonably necessary for the purposes of agriculture on the unit and would accord with Policy ARG1 of the Tewksbury Borough Plan. Accordingly, planning permission was granted. No conditions were imposed on the development given the retrospective nature of it.</p> <p>The decision was subject to a costs application by the appellant. The Inspector found no legal defect with the Enforcement Notice and, while not in full agreement with the Council, they found there was no unreasonable behaviour on the part of the Council which led the appellant to incur unnecessary or wasted expense. Consequently, no costs award was made.</p>
Date of appeal decision	10.10.2022

Application No	21/00009/FUL
Location	Land At Lawn Road Ashleworth
Proposal	Erection of 4 detached dwellings and the demolition of Gymnasium building (Class D2) (Revision of permitted application 20/00487/FUL).
Officer recommendation	Refuse
Decision type	Delegated Decision
PINS reference	APP/G1630/W/22/3290028
PINS decision	Appeal Allowed planning permitted
Reason	<p>The application sought permission for the erection of 4 dwellings and demolition of a gymnasium building. The application was a re-submission of a previously approved application that permitted 3 dwellings.</p> <p>The proposal was refused on the basis that the fourth new dwelling would not be well related to the existing built development and would result in an unduly harmful encroachment into the open countryside.</p> <p>The Inspector allowed the appeal citing the main issues as the principle of proposed development, with specific regard to its location outside the settlement limits, and the effect of the proposal on the character and appearance of the area.</p> <p>The Inspector found that whilst the scheme was not strictly in accordance with Policies SP2 and SD10 of the Joint Core Strategy and Policy RES3 of the Local Plan, the proposed development would provide a suitable location for housing, having regard to the character and appearance of the area, the approach of the Framework and the specific circumstances of the case. The Inspector also judged that the proposal would also represent sustainable development in accordance with paragraph 8 of the Framework.</p>
Date of appeal decision	07.09.2022

Application No	21/00954/FUL
Location	The Old Stores New Town Toddington
Proposal	Demolition of single storey extension to The Old Stores, sub-division and 2 storey rear extension to the Old Stores. Erection of 3no. dwellings and associated garaging/carport and new access roadway.
Officer recommendation	Refuse
Decision type	Delegated Decision
PINS reference	APP/G1630/W/22/3294352
PINS decision	Appeal Dismissed
Reason	<p>The application sought planning permission for the subdivision of a designated heritage asset into two dwellings and the erection of 3 new build dwellings.</p> <p>Whilst the principle of development was found to be acceptable as the site was located within the Development Boundary of Toddington, the application was refused on the grounds that the proposal would have had an unacceptable impact upon the character and appearance of the area, the access being unsafe and the lack of information as to drainage and flood risk management.</p> <p>The applicant appealed the Council's decision to refuse the application to the Planning Inspectorate. The appeal was subsequently dismissed. Through the course of the appeal the appellant demonstrated that flood and drainage matters could be resolved. The Inspector found that there would be no harmful effect through any increased flood risk, however, found that would be harm to the character and appearance of the area, as well as to highway safety and that these matters were decisive.</p>
Date of appeal decision	14.10.2022

Application No	21/01197/PIP
Location	Gretton Farm Gretton Road Gretton
Proposal	Permission in principle for between 1 and 6 new dwellings.
Officer recommendation	Permit
Decision type	Committee Decision
PINS reference	APP/G1630/W/22/3296143
PINS decision	Appeal Allowed planning permitted
Reason	<p>The proposal was for permission in principle, a process which seeks to establish whether a site is suitable in principle for housing led development.</p> <p>In addition to the suitability of the site having regard to the location, land use and amount the Inspector also considered the effect of the proposal on the character and appearance of the area and principle of new housing</p>

	<p>at Gretton having regard to the development strategy for the area.</p> <p>The Inspector identified that housing in the area is arranged in an informal linear form along the road. The existing boundary hedging and embankment to the rear provide a green backdrop and the site which appears as a visible gap in the street scene. Although details of the houses and layout are not required at the PIP stage the Inspector was satisfied that a maximum of six dwellings could be accommodated on the site which would complement the form of development in the area and would not encroach into the open countryside or dilute character.</p> <p>The Inspector referred to TBP Policy RES4 with particular respect to 'very small-scale development' at rural settlements and acknowledged that facilities in Gretton were limited and there would be a need to travel for day-to-day facilities and future occupiers could help sustain the bus service and facilities in nearby settlements.</p> <p>The Inspector also acknowledged that Gretton had also exceeded the 5% growth envisaged by Policy RES4 criterion b. and agrees that the level of exceedance is significant and this further development would add to this and would conflict with the policy. The Inspector also identified conflict with policy RES3 of the TBP and JCS Policy SD10.</p> <p>However, the Inspector considered the tilted balance to be engaged and referred to the NPPF which recognises that small sites can make an important contribution to meeting the housing requirement of an area. The proposal would provide a small enhancement to the vitality and economic benefit to the area and the absence of harm to the character is a neutral consideration.</p> <p>However, the benefits of the proposal would be moderate, as would adverse effects, and these would not significantly and demonstrably outweigh the benefits.</p> <p>In respect of other matters including flood risk and biodiversity, the Inspector advised these matters would be given full consideration at the technical details consent stage and development could not proceed without this.</p>
Date of appeal decision	21.09.2022

3.0 ENFORCEMENT APPEAL DECISIONS

3.1 None

4.0 CONSULTATION

4.1 None

5.0 ASSOCIATED RISKS

5.1 None

6.0 MONITORING

6.1 Not applicable

7.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

7.1 None

Background Papers: None

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Appendices: Appendix 1: List of Appeals received

List of Appeals Received						
Reference	Address	Description	Start Date	Appeal Procedure	Appeal Officer	Statement Due
22/00032/DECISI	Liberty Farm Stanway Road Stanton	Retrospective application for the erection of an agricultural building (amended scheme to planning permission ref: 07/01385/FUL) and the erection of a permanent agricultural workers dwelling.	10.10.2022	W	PAI	
22/00018/DECISI	Former Poultry Farm Littleworth Winchcombe	Outline application for the redevelopment of the land and buildings at the 'Former Poultry Houses' for office use, a solar farm and associated works with all matter reserved except access, layout and landscaping and scale.	19.10.2022	W	BOR	
22/00037/DECISI	Bruford Painwick Road Brockworth	Permission in principle for the erection of three dwellings.	24.10.2022	W	SNB	
22/00040/DECISI	Church Farm Church Lane Norton	Retrospective planning permission for the siting of two mobile homes for workers of Kennels.	08.11.2022	H	JLL	
22/00042/DECISI	Regency Court Park Bamfurlong Lane Staverton	Removal of condition 3 of application 00/5174/1014/FUL to enable the siting of residential static caravans (park homes).	17.11.2022	H	JLL	

List of Appeals Received						
Reference	Address	Description	Start Date	Appeal Procedure	Appeal Officer	Statement Due
22/00043/ENFORC	Claydon House Farm Claydon Tewkesbury	Appeal against 17/00115/ENFC	24.11.2022	W	WIC	

Process Type

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