

9 January 2023

<b>Committee</b>	Planning
<b>Date</b>	Tuesday, 17 January 2023
<b>Time of Meeting</b>	10:00 am
<b>Venue</b>	Tewkesbury Borough Council Offices, Severn Room

## **ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND**

### **Agenda**

#### **1. ANNOUNCEMENTS**

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

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

#### **2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

To receive apologies for absence and advise of any substitutions.

#### **3. DECLARATIONS OF INTEREST**

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



	Item	Page(s)
4.	<b>MINUTES</b>	1 - 21
	To approve the Minutes of the meeting held on 20 December 2022.	
5.	<b>DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL</b>	
	(a) <b>22/00223/FUL - Field to the West of Hucclecote Lane, Churchdown</b>	22 - 41
	<b>PROPOSAL:</b> Change of use of agricultural land to a secure dog walking/exercise area and associated works, including car parking area and improved access.	
	<b>OFFICER RECOMMENDATION:</b> Permit	
	(b) <b>22/00624/OUT - Land East of St Margaret's Drive, Alderton</b>	42 - 59
	<b>PROPOSAL:</b> Outline application for the demolition of 16 St Margarets Drive and the erection of up to 55 dwellings, associated infrastructure, landscape and biodiversity enhancements, all matters reserved except for access from St Margarets Drive.	
	<b>OFFICER RECOMMENDATION:</b> Minded to Refuse	
	(c) <b>22/00686/FUL - Land North of Leckhampton Lane, Shurdington</b>	60 - 88
	<b>PROPOSAL:</b> Construction of 25 dwellings.	
	<b>OFFICER RECOMMENDATION:</b> Delegated Permit	
	(d) <b>22/00245/FUL - Peak View Cottage, Green Lane, Witcombe</b>	89 - 110
	<b>PROPOSAL:</b> Erection of a detached dwelling with separate garage.	
	<b>OFFICER RECOMMENDATION:</b> Refuse	
	(e) <b>22/01011/FUL - Ashstump House, Calcotts Green, Minsterworth</b>	111 - 122
	<b>PROPOSAL:</b> Removal of agricultural occupancy condition h) of application reference TG4488/C.	
	<b>OFFICER RECOMMENDATION:</b> Refuse	
	(f) <b>22/01079/FUL - Jasmine Cottage, Boddington Lane, Boddington</b>	123 - 136
	<b>PROPOSAL:</b> Erection of a two-storey side extension and single storey front porch.	
	<b>OFFICER RECOMMENDATION:</b> Refuse	

Item	Page(s)
<p><b>(g) 22/00807/FUL - 54 Meadowsweet Road, Shurdington</b></p> <p><b>PROPOSAL:</b> Change of use from open space to residential garden land and erection of 1.8m high close boarded timber fence (retrospective).</p> <p><b>OFFICER RECOMMENDATION:</b> Refuse</p>	137 - 149
<p><b>(h) 22/00283/FUL - The Glass Houses, Whitelands Lane, Little Shurdington</b></p> <p><b>PROPOSAL:</b> Construction of an agricultural building.</p> <p><b>OFFICER RECOMMENDATION:</b> Permit</p>	150 - 166
<p><b>6. CURRENT APPEALS AND APPEAL DECISIONS UPDATE</b></p> <p>To consider current planning and enforcement appeals and Department for Levelling Up, Housing and Communities appeal decisions.</p>	167 - 169

**DATE OF NEXT MEETING**

**TUESDAY, 21 FEBRUARY 2023**

**COUNCILLORS CONSTITUTING COMMITTEE**

Councillors: K Berliner, R A Bird, G F Blackwell (Vice-Chair), R D East (Chair), M A Gore, D J Harwood, M L Jordan, E J MacTiernan, J R Mason, J P Mills, P W Ockelton, A S Reece, J K Smith, P E Smith, R J G Smith, P D Surman, R J E Vines, M J Williams and P N Workman

### **Substitution Arrangements**

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

### **Recording of Meetings**

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

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

## TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Tuesday, 20 December 2022 commencing  
at 10:00 am**

**Present:**

Chair  
Vice Chair

Councillor R D East  
Councillor G F Blackwell

**and Councillors:**

D J Harwood, M L Jordan, 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 and M J Williams

**PL.33 ANNOUNCEMENTS**

- 33.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 33.2 The Chair gave a brief outline of the procedure for Planning Committee meetings, including public speaking and welcomed the new Interim Development Manager to the meeting.
- 33.3 The Committee then observed a one minute silence to mark the death of Honorary Alderman Michael Beresford.

**PL.34 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

- 34.1 Apologies for absence were received from Councillors K Berliner, R A Bird, M A Gore, E J MacTiernan, R J E Vines and P N Workman. There were no substitutes for the meeting.

**PL.35 DECLARATIONS OF INTEREST**

- 35.1 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.

35.2 The following declarations were made:

<b>Councillor</b>	<b>Application No./Agenda Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
G F Blackwell	Agenda Item 5c – 22/00223/FUL – Field to the West of Hucclecote Lane, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.  Had received email correspondence in relation to the application but had not expressed an opinion.	Would speak and vote.
M L Jordan	Agenda Item 5c – 22/00223/FUL – Field to the West of Hucclecote Lane, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
P E Smith	Agenda Item 5c – 22/00223/FUL – Field to the West of Hucclecote Lane, Churchdown.	Lives about a third of a mile from the application site but would not be any impact.	Would speak and vote.
R J G Smith	Agenda Item 5c – 22/00223/FUL – Field to the West of Hucclecote Lane, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.

35.3 There were no further declarations made on this occasion.

#### **PL.36 MINUTES**

36.1 The Minutes of the meeting held on 18 October 2022, copies of which had been circulated, were approved as a correct record and signed by the Chair.

#### **PL.37 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**

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

**21/01551/APP - Land at Fiddington**

- 37.2 This was a 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.
- 37.3 The Development Management Team Leader advised that, as detailed on the Additional Representations Sheet, attached at Appendix 1, further to the preparation of the Committee report, the Landscape Adviser and Environment Agency had confirmed they had no objection to the application. Severn Trent Water had been provided with additional information by the applicant on the sewage outfall and a response was awaited. Members were therefore requested that this be resolved at Officer level as per the recommendation for delegated approval. She confirmed that the applicant had technical consent from Severn Trent Water to make that connection but this needed to be tied up at the planning end. She went on to advise that this was a reserved matters application seeking approval for access, appearance, layout, scale and landscaping for 114 dwellings – 75 open market and 39 affordable dwellings – as well as open space and infrastructure, pursuant to the outline application for up to 850 dwellings on the wider site. The current reserved matters application represented the whole of the phase 2 residential area of the approved outline scheme which was defined in the approved phasing plan. This was the first phase of residential development to come forward on the site. The principle of residential development at this site had been established through the grant of outline planning permission and the key principles guiding the reserved matters applications had been approved by the Local Planning Authority through the outline consent and the approval of a Site Wide Masterplan document. The current application sought approval of reserved matters pursuant to the outline planning permission and the approved Site Wide Masterplan document and the key issues to be considered in this application were access, appearance, landscaping, layout, scale and compliance with the approved documents, including the Site Wide Masterplan. A number of matters which were the subject of other outline planning conditions were also considered within this application including affordable housing, housing mix, surface water and foul drainage.
- 37.4 As set out in the Committee report, Officers had carefully considered the application and were of the view that the reserved matters were in accordance with the Site Wide Masterplan document aspirations and of an appropriate design. County Highways had confirmed the access, internal road layout and car parking provision were acceptable and in accordance with the Site Wide Masterplan. Officers were satisfied that the mix and clustering of affordable housing was in accordance with the requirements of the Section 106 Agreement attached to the outline permission, including being tenure blind and of a high quality; similarly, the market housing mix was considered acceptable for this phase of development. In terms of flood risk and drainage, the outline permission included a drainage strategy for the site and the reserved matters must include comprehensive drainage details for each phase of development to accord with that strategy. Several conditions within the outline planning permission also required the development to accord with approved flood level parameters. A detailed drainage strategy and finished floor level information had been submitted with the application. The Lead Local Flood Authority had been consulted and had advised that the surface water drainage strategy was suitable and the Environment Agency had confirmed that all finished floor levels accorded with the approved drainage strategy. As mentioned earlier, the only outstanding matter concerned the outfall for the foul drainage and, subject to those details being agreed, the proposed drainage arrangements were considered acceptable. Taking all of this into consideration, Officers were of the view that the proposed development would be high quality and appropriate in terms of access, layout,

scale, appearance and landscaping and would be in accordance with the Site Wide Masterplan document. It was therefore recommended for delegated approval to enable the final foul drainage details to be resolved.

- 37.5 The Chair invited the applicant's agent to address the Committee. The applicant's agent commended the Officer's report and indicated that she intended to provide a short summary of the key points. She explained that the principle of development had already been established and the site had the benefit of an outline planning permission which was granted in January 2020. Since this application was first submitted in December 2021, the applicant had worked positively with the Council throughout the application process to produce a design that met national and local design policies and the parameters set as part of the approved outline application. The proposed scheme had been designed in accordance with the approved Site Wide Masterplan document and had been amended to appropriately take account of feedback received from Officers including changing house types to successfully address the street scene and open space and proposing higher quality boundary treatments to dwellings. As set out in the Committee report, the scheme provided high quality design in line with the approved design code and planning policies. The applicant had worked actively with County Highways to ensure a safe and efficient access to the local highway network was achieved and improvements had been made to the junction design and visibility splays, with the provision of pedestrian crossings throughout the scheme to allow for clear pedestrian priority and improved cycle parking and access arrangements for mid-terrace plots which met the aims of the design code and highway planning policies. The proposed development included a significant amount of landscape enhancement and planting, particularly along the east/west green corridor where hedgerows were retained and enhanced. Informal landscape edges to the east and north were also proposed within the site to allow integration to adjacent and existing green infrastructure. Furthermore, street trees within secondary roads had also been significantly increased following feedback received from the Council's Landscape Adviser. The revised scheme was supported by Officers and positively integrated the built and natural features together. In summary, the application complied with the outline design parameters and local and national planning policies and the Committee report comprehensively explained the reasons why that was the case. Therefore, she respectfully requested that Members grant delegated approval in accordance with the Officer recommendation.
- 37.6 The Chair indicated that the Officer recommendation was to delegate authority to the Development Manager to approve the application, subject to confirmation from Severn Trent Water that the foul drainage strategy was acceptable, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to approve the application in accordance with the Officer recommendation. A Member understood this was the second appeal site at Fiddington and he noted that the amount of affordable housing being provided had reduced from 40% to 35% so he asked if it was too late to change this. In terms of the tenure, he raised concern that social rented housing was needed in the borough but this application would provide affordable rented properties which were not always truly affordable. In response, the Development Management Team Leader explained that this was the first Fiddington site and confirmed that 35% affordable housing was being provided overall which had been approved by the Inspector through the appeal – the appellant had argued that, because it had been put forward as a strategic site in the Joint Core Strategy and had only been taken out due to the highway issues raised in respect of the A46, which were then considered acceptably resolved, it should still attract 35% affordable housing and the Inspector had agreed with the appellant. In terms of the housing mix, the evidence had changed since the outline application had been submitted and the tenure types were in accordance with what would have been requested at the time. The Member went on to raise concern about the potential implications for the Garden Town and

the Development Management Team Leader advised that, at the time the appeal was heard, and as the Inspector had stated in their report, the Garden Town was little more than an idea and there was still no policy position around it. Notwithstanding this, the Site Wide Masterplan document ensured that national design guidance principles had been taken into account and Officers were trying to ensure as far as possible that these sites were providing high quality design with a good mix of green and blue infrastructure, as suggested by the Garden Town principles.

- 37.7 Another Member drew attention to Page No. 46 of the Committee report and noted that proposed condition 3 made reference to cycle storage provision; however, it was his understanding that this was a standard policy included by another local authority and the Committee had resolved this should not be insisted upon. In response, the Development Management Team Leader explained that cycle storage had been proposed originally by the applicant through the course of the application and Officers were keen to ensure there were opportunities for cycle storage. She advised there were cycle stores already within the flats and a lot of the properties also had garages which would be appropriate cycle storage if, and when, the condition was applied, so it was about where additional storage was needed for properties which did not have it – this could be a shed in the garden. The Member sought clarification as to whether the applicant had asked for cycle storage provision to be included within the development as opposed to Officers requesting it to be included and the Development Management Team Leader indicated that this had been negotiated through the scheme and cycle storage had been requested by County Highways. She reiterated that garages could be used and the applicant had taken on board the request as good practice in terms of ensuring that the site provided sustainable transport opportunities in line with the principles of the Site Wide Masterplan document. The Legal Adviser explained that Policy TRAC2 of the Tewkesbury Borough Plan related to cycle network and infrastructure and the previous debates at the Committee had been about ensuring that conditions around cycle storage were not included as standard and were proportional – this was a site for a large number of houses so she was unsure why Members would feel it would not be proportionate to provide cycle storage in this instance. A Member indicated that his interpretation of Policy TRAC2 was that cycling infrastructure was about making it easier for people to cycle, e.g. safe cycle lanes. In his view, if people had bicycles they would find somewhere secure to put them. His concern was that this condition placed an onus on Officers to check that cycle stores were being used for that purpose which was unrealistic and resource intensive at a time when the authority should be looking to reduce costs. The Development Management Team Leader confirmed that a segregated cycle and pedestrian way was included along the main spine road and would link to the facilities on the A46 so would be integrated into the whole Fiddington 1 and 2 development. Another Member was disgusted to hear the arguments against the provision of sustainable transport measures and indicated that this went against the principles of the Garden Town which promoted sustainable transport. From her recollection, the Committee did not remove the policy in relation to cycle provision and she wished to distance herself from that claim. In her opinion, any conditions which promoted sustainable transport should be applied and should not be removed. Another Member pointed out that the Garden Town promoted the principle of sustainable modes of transport so, if Members were against that principle, they were against the Garden Town,

- 37.8 Upon being put to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **APPROVE** the application, subject to confirmation from Severn Trent Water that the foul drainage strategy was acceptable, in accordance with the Officer recommendation.



**22/00465/APP - Land to the South of Down Hatherley Lane, Down Hatherley**

- 37.9 This was an approval of reserved matters application (appearance, landscaping, layout and scale) pursuant to outline planning permission 19/00771/OUT for the erection of 32 dwellings.
- 37.10 The Senior Planning Officer advised that outline planning permission, with all matters reserved except access, had been granted for the erection of up to 32 new homes including affordable housing, access, drainage and other associated works. 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 itself. The proposal would provide 11 affordable dwellings, as required by the original permission, with the mix and tenure providing approximately 70% affordable rented and 30% shared ownership in line with the completed Section 106 Agreement. The proposed layout was broadly similar to that illustrated within the original application and sought to follow the indicative design approach and details within the additional supporting documents. It was considered that the proposal would result in a development with an acceptable appearance, layout and scale which was compliant with the conditions attached to the original outline consent and would result in a high quality development which would complement the character of the village as a whole. The development proposed areas of informal landscaping, acting as green buffers between the proposed housing and informal areas of public space. Green verges were also proposed within the internal footpaths of the site. It was considered that, as a result of the design, layout and separation distances, there would be no undue impact on the residential amenity of existing and future residents of the site. As detailed in the Committee report, it was concluded that the proposal would accord with the outline consent and parameters therein and was acceptable in terms of access, layout, scale, appearance and landscaping.
- 37.11 The Chair invited the applicant's representative to address the Committee. The applicant's representative explained that the site was allocated for housing in the Joint Core Strategy and had outline planning permission which was granted by the Committee in March 2021. As set out in the report, the details of the access were approved at the outline stage. As a result, the matters before Members today related to the remaining reserved matters of appearance, landscaping, layout and scale. The overarching design principle was based around making a feature of the Oak tree in the front corner of the site. It was felt that the scheme complied with the Council's policies on design and those that protected neighbouring residents. It provided a policy compliant mix of homes with 11 affordable dwellings, of which 70% would be rent. The applicant's representative noted the concerns raised by the Parish Council in respect of flooding and that there was sometimes standing water on the site due to the late-Victorian drains not working properly. In response to those concerns, he explained that this matter had been subject to robust testing by the Lead Local Flood Authority at the outline stage when a detailed CCTV survey of the A38 culvert had been undertaken with its capacity subject to extensive hydraulic modelling with sensitivity testing. This assessment of flood impact demonstrated that the culvert had sufficient capacity to accept the two litres per second discharge rate and, in all scenarios, the flow in the culvert would remain below cover level, including when the River Severn was in flood. This assessment, and supporting CCTV surveys and modelling, was publicly available on the Council's website. The applicant's representative also wished to note that the detailed design had been submitted pursuant to the relevant conditions of the outline application and there being no objection from the Lead Local Flood Authority. In conclusion, the principle of development of the site had been established by the grant of outline planning permission and the applicant agreed with Officers that the reserved matters application complied with the various detailed design policies and principles

established by the outline consent. Whilst the applicant understood the concern expressed by the Parish Councils, the capacity of the A38 culvert was assessed thoroughly at the outline stage. Accordingly, the proposed development complied with the development plan and he hoped Members were able to agree with the Officer recommendation.

- 37.12 The Chair indicated that the Officer recommendation was to approve the application and he sought a motion from the floor. A Member queried whether authority could be delegated to the Development Manger to approve the application in order to resolve the Section 278 highways issues. He also raised concern that there was no mention of the Council's five year housing land supply position. In response, the Senior Planning Officer advised that the Council now had an established five year housing land supply and this was a reserved matters application for residential development of the site which was acceptable in principle. The Development Management Team Leader explained that a Section 278 was an agreement between the County Council and the developer which allowed the developer to go onto the highway to execute work. It would be unreasonable to delay approval of the reserved matters application for that reason and, from her experience, she felt there would be risk of costs being awarded against the Council should Members resolve to do that. The Member drew attention to Page No. 75 of the Committee report which included an informative regarding works on the public highway and he explained that he was only asking for that to be put in place to avoid a situation to the development at Coombe Hill where access was supposed to be from the A38 but had been constructed off a side road. The Senior Planning Officer advised that the access had been approved at the outline stage and was from Down Hatherley Lane as opposed to the A38. The informative at Page No. 75 was standard wording which was included on decision notices where works to the public highway were required. The Development Manager clarified that this was a highway matter which was subject to a separate regime and the informative was provided to guide the developer so it would be unreasonable of the Council to tie this to the granting of the reserved matters approval.

- 37.13 It was proposed and seconded that the application be approved in accordance with the Officer recommendation and, upon being put to the vote, it was

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

#### **22/00223/FUL - Field to the West of Hucclecote Lane, Churchdown**

- 37.14 This application was for change of use of agricultural land to a secure dog walking/exercise area and associated works, including car parking area and improved access.
- 37.15 The Planning Officer advised that the field was situated on the west side of Hucclecote Lane and approximately 200 metres to the south of the settlement of Churchdown within designated Green Belt land. The field had a road frontage to Hucclecote Lane of approximately 100 metres which included an existing field access. The overall site area was 1.57 hectares. The field was formerly agricultural use and was securely fenced with wire mesh secured to timber posts at three metre intervals around the boundary. There were some mature trees and hedgerow on the road frontage and around its perimeter. To the north of the site was a dwelling house, Four Gables, to the east – and on the other side of Hucclecote Lane – was a small woodland and a Severn Trent Water pumping station and the grounds of Chosen Hill House lay to the south. No objections had been received from statutory consultees subject to conditions and it was

considered that the proposal would not result in any undue harm as outlined in the Committee report, therefore, it was recommended that the application be permitted.

37.16 The Chair invited a local resident speaking in objection to the application to address the Committee. The local resident indicated there were a number of fundamental reasons why this retrospective application should be refused - loss of agricultural land should be resisted; Policy CHIN 13 should be upheld to preserve the views; the local amenity would be adversely affected due to the noise and greatly increased activity that would take place in contravention of Joint Core Strategy Policy SD4 and Policy SD14 – the opening times proposed were of little comfort and he stressed the close proximity of the field to adjacent residents some 10 metres away; the car park when fenced with 1.8 metre wire mesh would be more intrusive than it was currently which contravened Policy CHIN 13; Gloucestershire County Council had given no consideration to the increased water run-off from the site – there was a history of safety problems concerning run-off that had been successfully addressed but which had now returned; the Council's Tree Officer had stated that that Oak trees, which were protected by Tree Preservation Orders, had already been impacted which conflicted with Tewkesbury Borough Plan Policy LAN1; and, the Environmental Health Officer had originally recommended a Noise Management Plan as one of three conditions which would have required sign-off by the Local Planning Authority - there was no indication why this was no longer included. The local resident urged Members to consider the impact the proposal would have and to refuse the application. If Members could not refuse the application, it should be within their remit to insist on more stringent conditions which he suggested should include: the car park being relocated further from the neighbours and away from the Oak trees with the relocation of the entrance to give improved visibility; the number of vehicles should be restricted to one; there should be a restriction on any form of structure, or other equipment, to preserve visual amenity; and, there should be greater restriction on the hours and days of opening – there was currently potential for up to 10 dogs visiting up to 10 times a day every single day of the year and he felt there should be at least one day a week when the neighbours had some respite from the nuisance. The local resident's major concern was the disturbance the proposal would have on the day-to-day lives of residents and the impact on their future health and wellbeing. The proposal would radically change the environment and lives of the neighbours and the wider amenity of this quiet and beautiful part of Chosen Hill. In his view, the Officer recommendation was wrong and the conditions proposed did not go far enough.

37.17 The Chair invited the applicant's agent to address the Committee. The applicant's agent explained that the applicant ran a successful, established and highly regarded dog-walking business. Reviews of her business contained words such as 'professional', 'quality', 'trust', 'reliable', 'genuine', 'responsive' and 'positive'. This proposal was really important in moving the small business forward and enabling it to thrive by providing a secure dog walking facility in a very accessible location. In planning terms, the proposal was very similar to other dog walking proposals in the Green Belt that had been approved on similar sites, for example, planning permissions had been granted on fields at Boddington, Staverton and, very recently, Shurdington. These cases were very similar in two important regards: each was located in the Green Belt and had at least one close residential neighbour. He stressed that no amenity issues had arisen during operation. There was a mature body of case law which established that planning applications must be determined in a consistent manner and not doing so would be unsound and unreasonable. This application was before the Committee rather than being determined by Officers as it had been called in at the request of a Member due to the impact on the Green Belt and parking and highway considerations. In terms of

highways, a traffic and speed survey had been undertaken by the applicant and a detailed and accurate visibility plan had been produced with no objection raised by County Highways. Furthermore, this type of use was accepted as appropriate in the Green Belt and there were few other land uses that could guarantee openness and lack of buildings in the longer term. The use was the same in terms of Green Belt policy as others already approved by the Council and the law stated that the Council must determine similar cases in a consistent manner. The applicant's agent confirmed they fully endorsed the Officer's analysis and the conclusion at Page No. 92, Paragraph 8.21 of the Committee report. On that basis, there was no reasonable or sound planning reason to withhold permission for this proposal. Granting permission would enable a successful and well-regarded small business to expand and flourish. The applicant was agreeable to the conditions recommended in the Committee report and urged Members to follow the expert advice and Officer recommendation and grant planning permission.

- 37.18 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. A Member asked what the proposed land use would be if it was not agricultural land and if it would be brownfield land and the Planning Officer confirmed it would be sui generis and not brownfield. Another Member noted that the Planning Officer had not stated that no objections had been received but that was incorrect as there was an objection from the Parish Council. In response, the Planning Officer clarified that she had indicated there had been no objections from other statutory consultees. A Member advised there was a dog walking field in his area which he had originally been sceptical about but now used to walk his own dog and, although there was only space for two cars to park, this was sufficient as people did not all walk their dogs at the same time. Another Member queried whether it was necessary for the business to operate seven days per week as he felt there should be some relief for residents. He pointed out that use would decrease in the winter months as there would be less daylight and asked if it was possible to reduce usage to six days per week. In response, the Planning Officer advised that the proposed condition regarding hours of operation, as set out at Page No. 98 of the report, was in line with planning permissions for other dog walking facilities in the area and took account of shorter opening times in winter months. A Member asked why a noise assessment was not carried out given the proximity of adjacent properties and the Environmental Health Officer explained that it would be too onerous to require the applicant to undertake a noise assessment; it was not needed given the type of activity that would be taking place at the site, which was over an acre in size, with a maximum of 10 dogs on the walking area at any one time.
- 37.19 A Member indicated there was a dog walking facility in his area which could be hired for an hour for up to three dogs and he noted that the condition proposed in relation to this application was that no more than 10 dogs should use the area at any one time so he asked if that was per day or per hour. The Planning Officer confirmed it was per hour. In response to a query regarding Public Rights of Way, the Planning Officer confirmed there were none through the site.
- 37.20 A Member asked whether a speeding survey had been undertaken as the field was between the end of Hucclecote Road, which had a speed limit of 60mph, going into a 30mph road at Paynes Pitch and Barrow Hill so vehicles could be travelling at 60mph – she had set up a speed watch group in Churchdown which had found many cars were travelling at high speeds along that road which seemed to contradict the findings of County Highways. The County Highways representative confirmed that a survey had been carried out in June 2022 to check average speed over a period of seven days.
- 37.21 A Member drew attention to Page No. 86, Paragraph 1.4 of the Committee report which stated that the field would be inspected on a daily basis and she asked who would empty the dog waste bins. The Planning Officer clarified it was a private

field so that would be the applicant's responsibility. The Member asked who would check whether the applicant was emptying the bins and the Principal Environmental Health Officer explained that every business had a duty of care to dispose of waste in an appropriate manner under the Environmental Protection Act. Tewkesbury Borough Council did run a commercial waste system so the applicant could pay for that service but there were other companies that would also carry out the service on their behalf - it was up to the applicant to arrange that. As well as the legislation covering that duty of care, there was also legislation covering odour and accumulation which could be used if any issues were to arise. A Member was concerned that the details in relation to waste disposal etc. were not being tied down – the informative at Page No. 98 of the Committee report suggested that bins should be maintained and emptied on a regular basis but, in his view, this was too vague and he suggested that collections would be needed at least weekly by a designated collection organisation. He also raised concern that Hucclecote Lane was a country lane but it was highly used by larger vehicles, such as double decker buses and articulated lorries, as well as cars. In light of that, he felt it was essential that vehicles could enter and exit the site in a forward gear; however, based on the current plans and driver behaviour, it was likely that most people would drive up to the gate in its current position, get their dog out and shut the gate leaving their vehicle in that location whilst they walked their dog. Therefore, he felt it would be appropriate to turn the gate through 90 degrees and asked why a hammerhead outside the gate was thought not to be needed. The County Highways representative advised that County Highways had raised concern about accessibility in April 2022 and had recommended the application be refused; however, the applicant had subsequently carried out the survey which had confirmed that required levels of visibility were achievable. In terms of how users would operate on the site, it was considered there was sufficient area within the site to turn, park and egress and it would be unreasonable to request that the access be widened. The Member disagreed and indicated that he had visited the site himself and it was not possible to carry out a three point turn in the space which was what some people would inevitably do. He raised concern there would be nobody supervising the site as bookings would be made remotely via a computer so there was a high degree of reliance on members of the public doing the right thing rather than reversing onto the lane. In terms of altering the gate, the County Highways representative again reiterated that additional mitigation such as this would not be reasonable.

- 37.22 With regard to the speed survey, a Member indicated that average speeds did not mean much as it only took a few vehicles travelling very slowly or very quickly to skew the results. In terms of the supporting comments at Page No. 88, Paragraph 5.2 of the Committee report, she expressed the view that, whilst there may be a need for dog walking facilities such as the one proposed, she argued there was not a need for a new facility in Churchdown and she had seen no statistics to support that claim. There was no way of knowing whether conditions of using the field would be abided by and nothing to prove that dog noise would be minimal – her new neighbours had two dogs and this had ruined her outdoor life. This facility could be used by 80 dogs per day for seven days per week so she did not see how the noise that would generate could be described as minimal or how it would not impact residents who lived in very close proximity to the field. She felt there would be an impact on views as the site was located at the foot of Chosen Hill, within the Green Belt, where development was only allowed under very special circumstances. In terms of the other comments in support of the application, she did not see how it would be beneficial for ecology and she failed to see how the comments about the professional nature of the business were relevant to a decision.

37.23 It was proposed and seconded that the application be deferred for a Planning Committee Site Visit to assess the gated area with regard to vehicular access to the site. The proposer indicated that he was aware that a Planning Committee Site Visit had been requested prior to this Committee but had been cancelled due to safety concerns as a result of the adverse weather conditions. Upon being put to the vote, it was

**RESOLVED** That the application be **DEFERRED** for a Planning Committee Site Visit to assess the gated area with regard to vehicular access to the site.

### **22/00811/FUL - Barclays Bank, 133-134 High Street, Tewkesbury**

37.24 This application was for change of use from bank (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).

37.25 The Planning Officer advised that the site was located within Tewkesbury Town Centre, amongst the primary shopping frontage and sandwiched between two Grade II\* listed buildings within Tewkesbury Conservation Area. The only external changes proposed were painting the windows and doors and installation of extraction/ventilation equipment. No objections had been received from statutory consultees, subject to conditions, and Officers felt the proposal would not result in any undue harm, as outlined in the Committee report. Therefore, it was recommended that the application be permitted.

37.26 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that he fully endorsed the Committee report and wished to highlight a number of key issues. The Committee report was very clear and firm about the legal requirement to make decisions in accordance with the Tewkesbury Borough Plan and was equally clear the application was in accord with the plan where policies required the approval of applications which met policy. This was a change of use application and no physical development to change the appearance was proposed, similarly, no application had been made for advertisement or signage. The applicant's agent noted that the Conservation Officer had raised no objection to the proposal. The property was currently empty and a dead frontage on the High Street with vacant floorspace on upper floors. Its current lawful use was as a bank which was not an A1 use and the development plan stated that banks and the proposed use were both retail uses – Paragraphs 8.9 and 8.12 of the Committee report were particularly relevant in that respect. This proposal would create an active frontage and increase footfall along this part of the High Street and would add housing stock in the most sustainable location. The retail and residential elements of the proposal must be considered together and could not be separated. Officers had raised no objections in respect of technical matters, such as noise, ventilation and traffic. The applicant's agent hoped Members would follow the Officer recommendation and permit the application in line with Tewkesbury Borough Plan policies and return an active retail use to the High Street along with residential accommodation.

37.27 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed that the application be permitted subject to an amendment to condition 7 to change the opening hours to 0800 to 2300 rather than 0800 to 2400 to bring this in line with other businesses in the area in accordance with the point raised by the Town Council. The Planning Officer confirmed that the applicant's agent had agreed to that change and the proposal was duly seconded. A Member drew attention to the proposed floor plans, set out at Page No. 126 of the Committee report, and noted that the

electricians room was in the lobby. He queried whether any comments had been received regarding safety in case of fire. In response, the Development Manager clarified that was part of a separate process which would be covered by Building Control. Upon being put to the vote, it was

**RESOLVED** That the application be **PERMITTED** subject to an amendment to condition 7 to change the opening hours to 0800 to 2300 rather than 0800 to 2400.

### **22/00621/FUL - Hillside Cottage, Stockwell Lane, Cleeve Hill**

- 37.28 This application was for demolition of existing orangery and replacement with two storey extension and alterations to existing detached garage.
- 37.29 The Planning Officer advised that the application site comprised a large plot which was well screened by mature trees and hedging. The site was within the Area of Outstanding Natural Beauty. The original proposal was for a two storey side extension with a flat roof; however, revised plans had been requested to improve the design and fenestration. When the revised plans were submitted on 14 November, as well as improving the overall design/fenestration, the extension roof had been changed to a pitched one. A Committee determination was required as the Parish Council had objected on the grounds of overdevelopment, harm to the Area of Outstanding Natural Beauty and loss of privacy for the immediate neighbours. Whilst the Parish Council's concerns had been noted, the plot and dwelling were a substantial size, considered capable of accommodating the proposed works, and would not result in overdevelopment. In terms of the impact on the Area of Outstanding Natural Beauty, the site was very well screened from the road and barely visible when travelling along Stockwell Lane. With regard to residential amenity, there would be some increased overlooking but, given the distances and existing vegetation, it was considered that it would not result in demonstrable harm to the living conditions of the immediate occupiers. Overall, the proposal as revised was considered, on balance, to be of a suitable size and design and the impact on the residential amenity of neighbouring properties would not be adverse. As such, the Officer recommendation was to permit the application.
- 37.30 The Chair invited a representative from Woodmancote Parish Council to address the Committee. The Parish Council representative expressed the view that the changes to the design to maintain the Cotswold vernacular and the distinctiveness of this particular section of the Cotswold escarpment were most welcome. Notwithstanding this, the Parish Council asked the Committee to refuse planning permission on the basis that the overall scale of the development was excessive and the invasion of privacy needed to be considered in the context of the steep gradient between Hillside Cottage and Edgehill, the fact it was a rural location and whether it was necessary to permit the second storey over the orangery which looked straight into the bedroom of Edgehill given the size of the proposed development and its plot. If Members were in favour of granting planning permission, the Parish Council asked that two additional conditions be included to require submission of a landscape plan incorporating natural screening between Edgehill and Hillside Cottage, and maintenance thereof in perpetuity, and only permeable hardscaping to minimise any increase in surface water flood risk as advised under the 2018 Supplementary Planning Document; and that the garage was ancillary to the main dwelling and could not be used as separate accommodation.
- 37.31 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that great care had been taken to improve the existing building design, both internally and externally, and there had been numerous conversations with the Planning department over the past eight months. During that time, the comments made by the Parish Council and local residents had been taken into

account. Starting in the north-east corner of the site, the garage currently had a 30 degree pitch and the proposal was to increase this to a more vernacular 38 degrees. In addition, the rendered external façade from the first floor and above would be replaced with Cotswold Stone to improve the farsighted view from the local footpaths. Moving to the main building, again starting with the north-east corner, the rear courtyard was misplaced on the site and did not gain any sunlight so the proposal would utilise that space. The current layout was a series of superfluous rendered boxes with a first floor terrace to the main bedroom overlooking the valley. By replacing these boxes, the design intention was to make the space useable for the homeowner. The side extension referenced the main front elevation with a subordinate elevation taking design cues such as the near central gable and similar proportions of glazing to wall returns; this would also be in Cotswold Stone to match the remainder of the building. The scheme removed the first floor terrace and moved the viewpoint rearward at the first floor; the first floor window position and shape would focus the eye on the valley view rather than into the garden or bedroom of the adjacent property, improving privacy for both the homeowner and neighbouring residents. In the opinion of the applicant's agent, the result was a considered design, proportional but subservient to the existing building whilst improving the farsighted hill aspects and flow and use for the homeowner.

- 37.32 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed that the recommendation be permitted in accordance with the Officer recommendation, subject to the inclusion of an additional condition requiring a landscape plan incorporating natural screening between Edgehill and Hillside Cottage and maintenance in perpetuity, as requested by the Parish Council. He did not think it was possible to include the second condition being sought by the Parish Council in relation to the use of the garage and asked for a view from Officers on that. The Development Management Team Leader advised that, whilst it was possible to include the landscape plan condition, there was existing screening in place and it was felt it would be unreasonable to require additional screening over and above that. A Member pointed out that the site was on a steep part of the hill so, taking into account the gradient, it was possible that any additional landscaping would need to be as high as 40 metres to provide the screening suggested by the Parish Council and there would be no guarantees the leaves would grow in that direction. On that basis, he agreed with the Development Management Team Leader that it would be unreasonable to ask for additional screening. In terms of the inclusion of a condition to ensure the garage was ancillary to the main dwelling and could not be used as separate accommodation, the Development Management Team Leader advised that any such change of use would require a further application to the Local Planning Authority so this did not raise any particular concerns for this application. The proposer of the motion indicated that he was happy to remove the landscape plan condition from his proposal. The proposal that the application be permitted in accordance with the Officer recommendation was seconded and, upon being put to the vote, it was

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



**22/01020/FUL - 26 Vine Way, Tewkesbury**

- 37.33 This application was for a single storey rear and two storey side extension.
- 37.34 The Planning Assistant explained that this was a householder application in relation to a detached property on an estate on the outskirts of Tewkesbury. A Committee determination was required as the applicant was a Tewkesbury Borough Council employee. No objections had been received from the statutory consultee but a letter of objection had been received following neighbour notification consultations. The Officer view was that the proposal was in keeping with the surrounding development and would not result in any undue harm to the occupants of the neighbouring dwellings as outlined in the Committee report. As set out in the Additional Representations Sheet, attached at Appendix 1, the Officer recommendation had been changed from permit to delegated permit to enable an amended block plan to be submitted; the Planning Assistant confirmed the amended plan had been received this morning so the delegation would now be to permit subject to the amendment of condition 2 to reflect the revised plan
- 37.35 The Chair invited a local resident speaking in objection to the application to address the Committee. The local resident indicated that she was speaking on behalf of herself and her husband who lived directly next door to the property. She explained that the section of Stonehills estate where they lived had been cleverly designed – whilst they lived close to one another, the properties were situated so they could co-exist with reasonable expectation of privacy. There was an open plan and spacious feel to it; they were, and felt, detached. Their homes were separated from each other via a passageway and a garage meaning they did not live in one another's pockets; as far as she was aware this was an unusual bit of planning and one they appreciated as gardens were afforded space and light without being unduly overlooked. There were a few properties on the estate that had added a second storey above their garages, or put extensions on the rear, but that had been done on houses where it would not impact a neighbour in any significant way; sadly, that would not be the case with these two homes. The proposed second storey extension would mean a loss of privacy from the upstairs window, unless it was to be a bathroom window with frosted glass. If not, the window would give a direct and almost unimpeded view of their garden and them using it. By far the largest impact would be the extension of the garage footprint along their boundary for the single storey addition. What was now a regular height fence would become a much higher, much more imposing, brick wall directly within eyesight. This would alter the feel and appearance of their outdoor space and, to some extent, their inside space, in a way they would not choose and was not part of the original attraction of the estate. By converting the garage into living accommodation, the valued degree of separation was removed; however, it was the extension of the single storey that brought the living accommodation of No. 26 directly into their space so when they looked out of the kitchen window, or their conservatory, they would not see a fence, a few plants and the sky but the side of a house, with its accompanying roof, fascia and soffits – No. 26 would be in their garden with no separation at all. Not only would this reduce light into that area of the garden but also to their kitchen and, having looked at the plans, they believed it would give a significant feeling of enclosure. The local resident therefore asked Members to consider the fact that good fences made good neighbours and this extension did not make a good fence, as such, she respectfully requested that the application be refused.
- 37.36 The Chair indicated that the Officer recommendation was that authority be delegated to the Development Manager to permit the application, subject to the amendment of condition 2 to reflect the revised plan, and he sought a motion from the floor. A Member asked how much of the proposal could be carried out under permitted development rights in normal circumstances and the Planning Assistant

explained that, because the garage was slightly set back, if it stayed in the same aspect, technically it would be a side extension as well as a rear extension so the rear section proposed could not be carried out under permitted development rights. It may be possible to construct a small extension off the garage under permitted development rights but that was not something he had looked into in any detail. In terms of the second storey aspect, the Planning Assistant confirmed that could not be carried out under permitted development rights. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation and, upon being put to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to the amendment of condition 2 to reflect the revised plan.

### **22/00926/LBC - 39 Church Street, Tewkesbury**

- 37.37 This was a listed building consent application for the installation of a traditional projecting hanging sign and bracket to the front elevation; installation of a hanging sign above the front door; installation of a grab handle at the front door; and conversion of existing railings on the rear boundary to a gate.
- 37.38 The Planning Assistant advised that the application related to a Grade I listed building dating from the early fifteenth century. A Committee determination was required as the applicant was the partner of a Tewkesbury Borough Council employee. No objections had been received from the statutory consultees and it was the Officer view that the proposal would not cause harm to the significance of the listed building, as outlined in the Committee report. Therefore, the Officer recommendation was to grant consent.
- 37.39 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to grant consent and he sought a motion from the floor. It was proposed and seconded that the application be granted consent in accordance with the Officer recommendation. The seconder of the proposal asked whether Officers were content that the hanging sign which would protrude from the building would not be damaged by lorries or buses travelling along the road and the Planning Assistant clarified that, according to the submitted plans, the sign would project out by 47 centimetres and he was satisfied that could be accommodated.
- 37.40 Upon being put to the vote, it was
- RESOLVED** That the application be **GRANTED CONSENT** in accordance with the Officer recommendation.

### **PL.38 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

- 38.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No.164-178. Members were asked to consider the current planning and enforcement appeals received and the Department for Levelling Up, Housing and Communities appeal decisions issued.
- 38.2 Accordingly, it was
- RESOLVED** That the current appeals and appeal decisions report be **NOTED**.

The meeting closed at 11:47 am

## Appendix 1

**ADDITIONAL REPRESENTATIONS SHEET**

Date: 20 December 2022

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

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

<b>Agenda Item No.</b>	
5a	<p><b>21/01551/APP</b></p> <p><b>Land At Fiddington</b></p> <p><b>Officer Update</b></p> <p>At the time of writing the Committee report there were a number of outstanding matters that were in the process of being resolved. An update on these matters is set out as follows:</p> <p><u>Landscape (para 8.5.8)</u>: A conflict had been identified between the proposed planting plan and LEAP play area plan. The planting plan in the vicinity of the LEAP play area has since been updated and the Landscape Adviser confirms that this revision is acceptable, which resolves the matter.</p> <p><u>Flood Level Outline Conditions (para 8.9.4)</u>: The Environment Agency response was awaited on several conditions on the outline permission that the reserved matters details must accord with. The Environment Agency has checked both the layout and proposed finished floor levels of the proposed development in relation to the previously agreed Design Flood Level for the site and confirms that the layout (including attenuation features) is located outside the area of high flood risk as determined by the Design Flood Level of 14.27m AOD upstream of the new access bridge and 13.97m AOD downstream of the new access bridge, and that all finished floor levels are set at an appropriate level above the appropriate Design Flood Levels. On that basis the Environment Agency confirm no objection to the application.</p> <p><u>Foul Drainage (para 8.9.5)</u>: The Severn Trent Water response was awaited on the foul drainage strategy, which should accord with the drainage strategy approved through the outline consent. Severn Trent Water has responded with a request for additional information on the final proposed sewage outfall. Further information has been provided by the applicant and has been forwarded to Severn Trent Water for response. <b>A further update will be provided at the Planning Committee meeting.</b></p>

5c	<p><b>22/00223/FUL</b></p> <p><b>Field To The West Of Hucclecote Lane, Churchdown</b></p> <p><b>Officer Update</b></p> <p>Since writing the Committee report, <b>a further four comments have been received in objection to the application and a one additional comment has been received support of the application.</b> These comments reiterate what has been summarised within the comments section of the report.</p> <p>Furthermore, Environmental Health has updated comments to explain that, after review of the conditions, Officers are satisfied that they will not need to ask for any further information relating to noise, given the conditions; the Environmental Health Officer believes it may be too onerous to ask for further information given the timings, dog numbers and type of activities restricted.</p>
5d	<p><b>22/00811/FUL</b></p> <p><b>Barclays Bank, 133 - 134 High Street, Tewkesbury</b></p> <p><b>Officer update</b></p> <p>The Committee report states that the property in question is sandwiched between a Grade II and a Grade II* listed building; however, both properties are in fact Grade II* listed buildings. This has no impact on the assessment of the proposal and the Officer recommendation.</p>
5e	<p><b>22/00621/FUL</b></p> <p><b>Hillside Cottage , Stockwell Lane, Cleeve Hill</b></p> <p><b>Woodmancote Parish Council</b> has commented on the latest revised plans stating that changes to the design to maintain the Cotswold vernacular and distinctiveness of this particular section of the Cotswold Escarpment are most welcome. Nevertheless, the Parish Council still ask the Committee to refuse permission because:</p> <ol style="list-style-type: none"> <li>1. the overall scale of the development is excessive and</li> <li>2. the invasion of privacy needs to be considered in the context of 1)the steep gradient between Hillside Cottage and Edgehill; 2)the fact that this is a rural location; and 3) given the size of proposed development and its plot, is it really necessary to permit the second story over the orangery which looks straight into the bedroom of Edgehill.</li> </ol> <p>However, if the Committee decides to grant permission, the Parish Council would like to request the inclusion of the following 2 conditions:-</p> <ol style="list-style-type: none"> <li>1. A landscape plan to be submitted and approved by the Local Planning Authority that incorporates: <ol style="list-style-type: none"> <li>a. natural screening between Edgehill and Hillside Cottage and maintenance thereof in perpetuity.</li> <li>b. Only permeable hardscaping to minimise any increase in surface water flood risk as advised under SPD 2018</li> </ol> </li> <li>2. The garage is ancillary to the main dwelling and cannot be used as separate accommodation.</li> </ol> <p><b>Two further letters have been received from immediate neighbours.</b> One is from the property to the immediate south which is <b>attached in full below</b>. The other is from another neighbouring occupant to the south commenting that: "If the application is approved, would be reasonable/possible to include a 'condition' stating at the applicants cost, a mature evergreen tree line must be</p>

	<p>planted on the [application site] boundary (approximately 5 metres) to retain some degree of .... existing privacy (<b>see attached photographs</b>).</p> <p><b>Officer's comments:</b></p> <p>The suggested conditions are not considered to be reasonable. There is already landscaping in place between the neighbouring properties.</p> <p>Similarly, there is no indication that the garage / first floor above would be used for anything other than as ancillary to the house. Overall, whilst additional conditions are requested they are not considered to be necessary and they would not meet the tests on use of conditions.</p>
5f	<p><b>22/01020/FUL</b></p> <p><b>26 Vine Way, Tewkesbury</b></p> <p><b>Officer Update</b></p> <p>It has been noted that the proposed block plan that has been submitted is at the incorrect scale. A new plan has been requested, therefore, <b>the Officer recommendation has been changed to DELEGATED PERMIT rather than permit to allow for the submission of the new plan.</b></p>

**Item 5e – 22/00621/FUL - Hillside Cottage, Stockwell Lane, Cleeve Hill**

22/00621/FUL

██████████, Stockwell Lane, GL52 3PU

I have attached photos of the existing view from my bedroom & garden which shows that the orangery at the front/east elevation does not impact on my privacy or amenity.

The large steel chimney from the existing Orangery and the corner of the orangery flat roof is visible above the summer house. The proposed extension would be to the height of the pitched roof of the main dwelling on the footprint of the orangery.

The windows will look straight into my bedroom & garden. This will represent a severe loss of amenity and privacy.

Ideally, I would like permission to be refused. However, if you are minded to accept the planning officers recommendation, I request that a planning condition is imposed - ensuring that a landscape plan is to be submitted and approved by TBC to provide robust natural screening to protect the privacy and amenity of Edgehill all year round and for that screening to be well maintained for perpetuity.



Figure 1 ██████████



Figure 2 [REDACTED]

Photographs

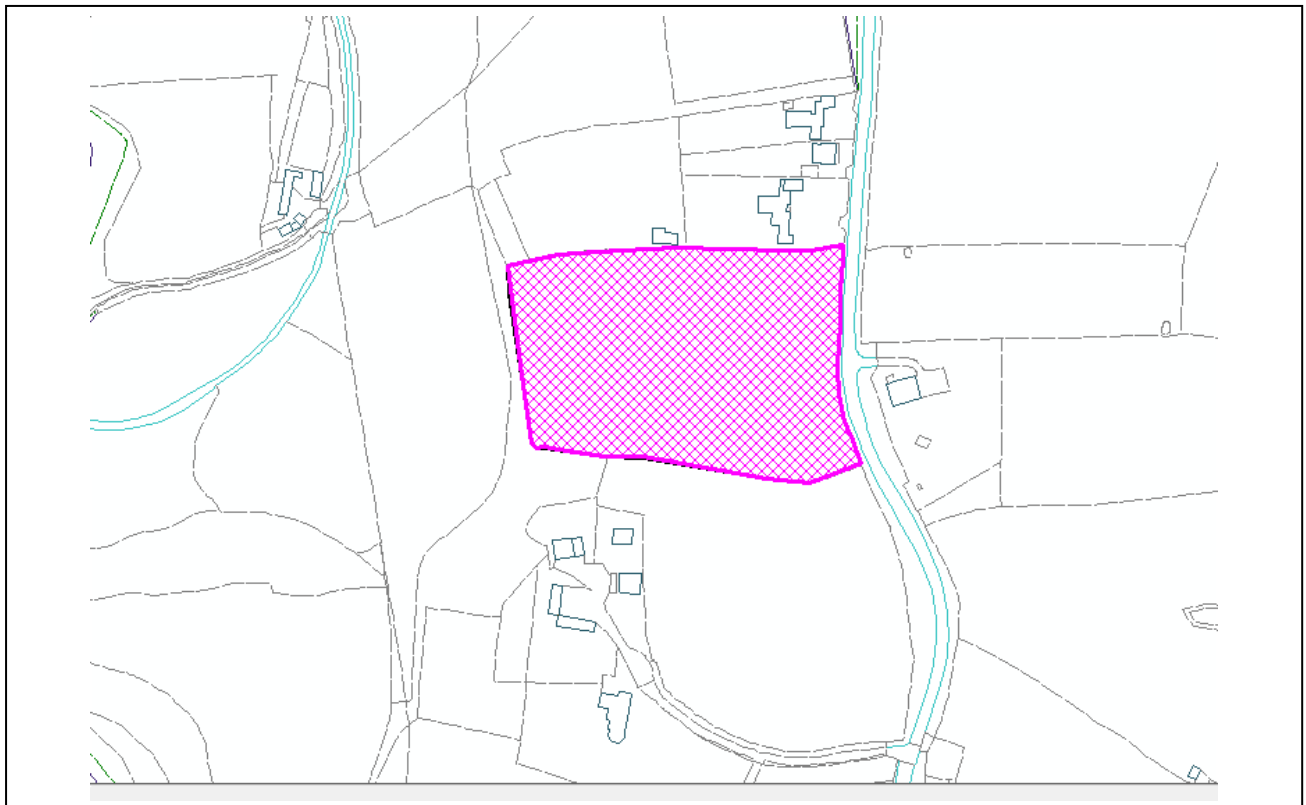




## Planning Committee

<b>Date</b>	17 January 2023
<b>Case Officer</b>	Chloe Buckingham
<b>Application No.</b>	22/00223/FUL
<b>Site Location</b>	Field To the West of Hucclecote Lane, Churchdown
<b>Proposal</b>	Change of use of agricultural land to a secure dog walking/exercise area and associated works, including car parking area and improved access.
<b>Ward</b>	Churchdown Brookfield With Hucclecote
<b>Parish</b>	Churchdown
<b>Appendices</b>	Site Location Plan: 3017/PL01 Existing Block Plan: 3017/PL02 Proposed Block Plan: 3017/PL03 D Proposed Fence Elevations: 3017/PL04 Visibility Splays: SK01A
<b>Reason for Referral to Committee</b>	Call in request from Cllr Blackwell due to impact upon the Green Belt and parking and highways considerations.
<b>Recommendation</b>	Permit

### Site Location



## 1. The Proposal

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Full application details are available to view online at:

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

- 1.1 This application was previously put forward to Members in the December 2022 Planning Committee. Members subsequently resolved to defer the application to undertake a site visit to assess the impact of the vehicular access upon the highway network.**
- 1.2 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.
- 1.3 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.
- 1.4 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.
- 1.5 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.
- 1.6 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.
- 1.7 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.
- 1.8 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.

- 1.9 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

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- 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

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- 3.1 None

## 4. Consultation Responses

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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 two conditions. Following review of the conditions The Environmental Health Officer is satisfied that we will not need to ask for any further information relating to noise given the conditions. Given the timings, dog numbers and type of activities are restricted a further noise management condition is not considered necessary.

**Building Control** - no comment.

## **5. Third Party Comments/Observations**

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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.

44 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.

16 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**

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### **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**

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- 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**

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### **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. 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.
- 8.5** 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.
- 8.6** The applicant has confirmed that the proposal does not form part of an agricultural diversification scheme.

- 8.7** 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.
- 8.8** Therefore, the principle of the development would be acceptable subject to other policies of the development plan.
- 8.9** 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**

- 8.10** 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.
- 8.11** The NPPF provides that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF provides that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. 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.
- 8.12** 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.
- 8.13** 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 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.

- 8.14** 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.
- 8.15** 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.
- 8.16** 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.
- 8.17** 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.
- 8.18** 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.
- 8.19** 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.
- 8.20** 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**

- 8.21** 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.



- 8.22** 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
- 8.23** Policy LAN2 states that new development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting.
- 8.24** 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.
- 8.25** 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.
- 8.26** 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.
- 8.27** 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.
- 8.28** Overall, it is considered that the proposal would conserve the special landscape area and would be appropriate to the rural character of the area.

## **8.29 Design and Visual Amenity**

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**

- 8.30** 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.
- 8.31** 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;
- 8.32** 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.
- 8.33** 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.
- 8.34** 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.
- 8.35** 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.
- 8.36** 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.

- 8.37** 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**

- 8.38** 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.
- 8.39** 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.
- 8.40** 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**

- 8.41** 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).
- 8.42** 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.

- 8.43** 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.
- 8.44** 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.
- 8.45** 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.
- 8.46** 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.
- 8.47** 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.
- 8.48** 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.
- 8.49** 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**

- 8.50** 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.
- 8.51** 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.
- 8.52** 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**

- 8.53** 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.
- 8.54** 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**

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- 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**

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- 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**

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- 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.

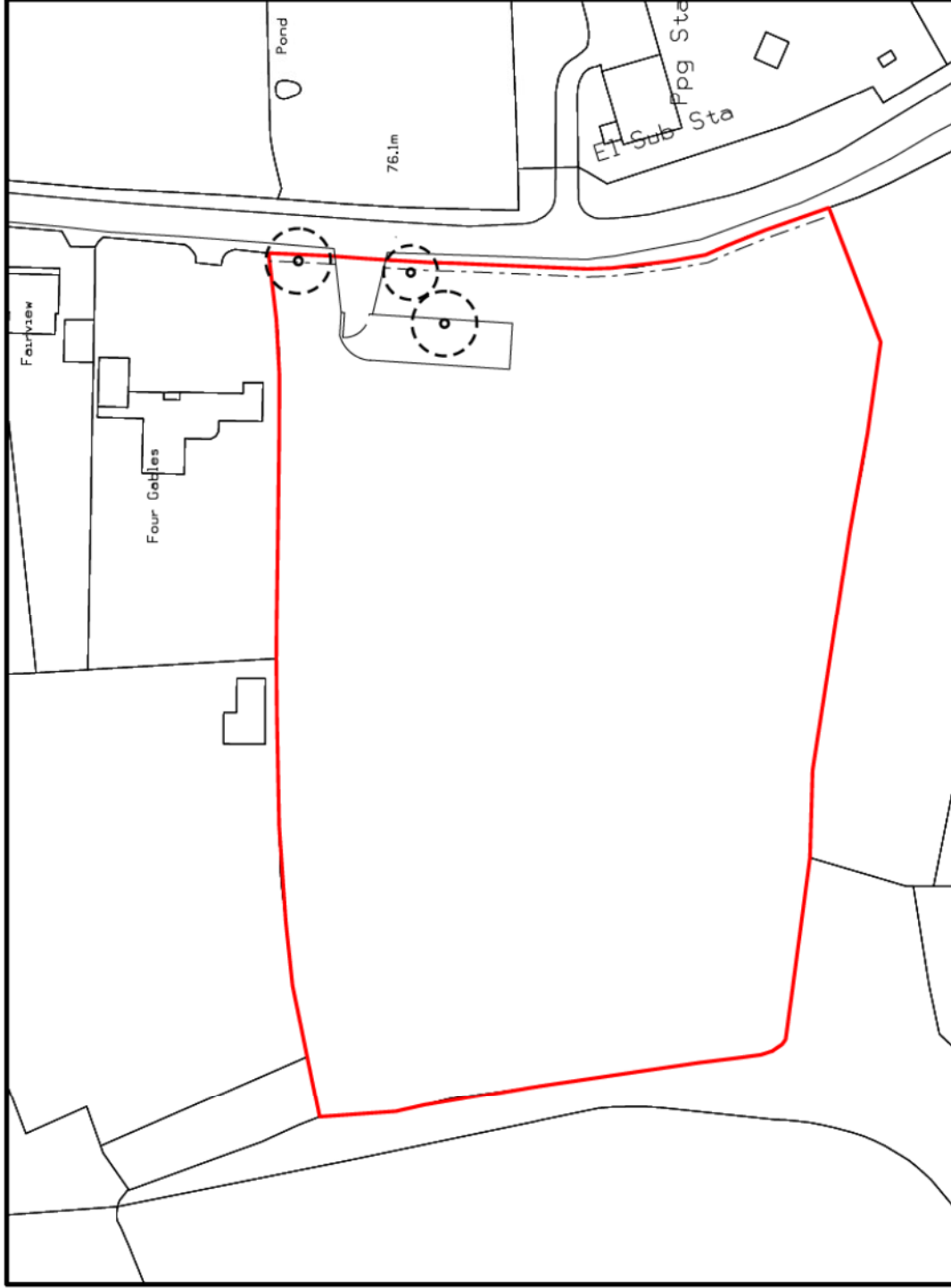
- 8** The area of the vehicle access within at least 5m of the carriageway edge of the public road shall be surfaced in a bound and permeable material and maintained thereafter.

Reason: In the interests of highway safety.

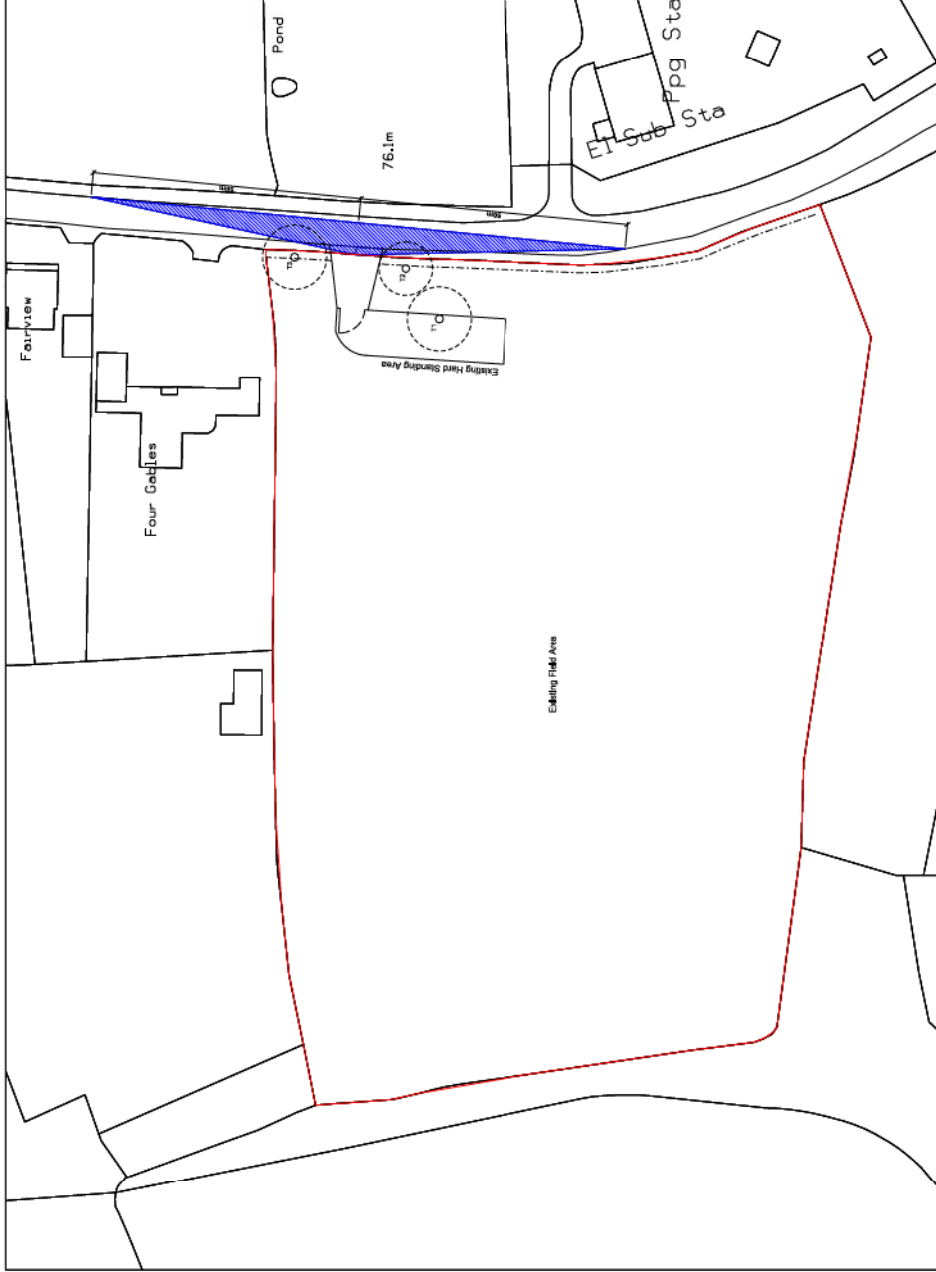
## **12. Informatives**

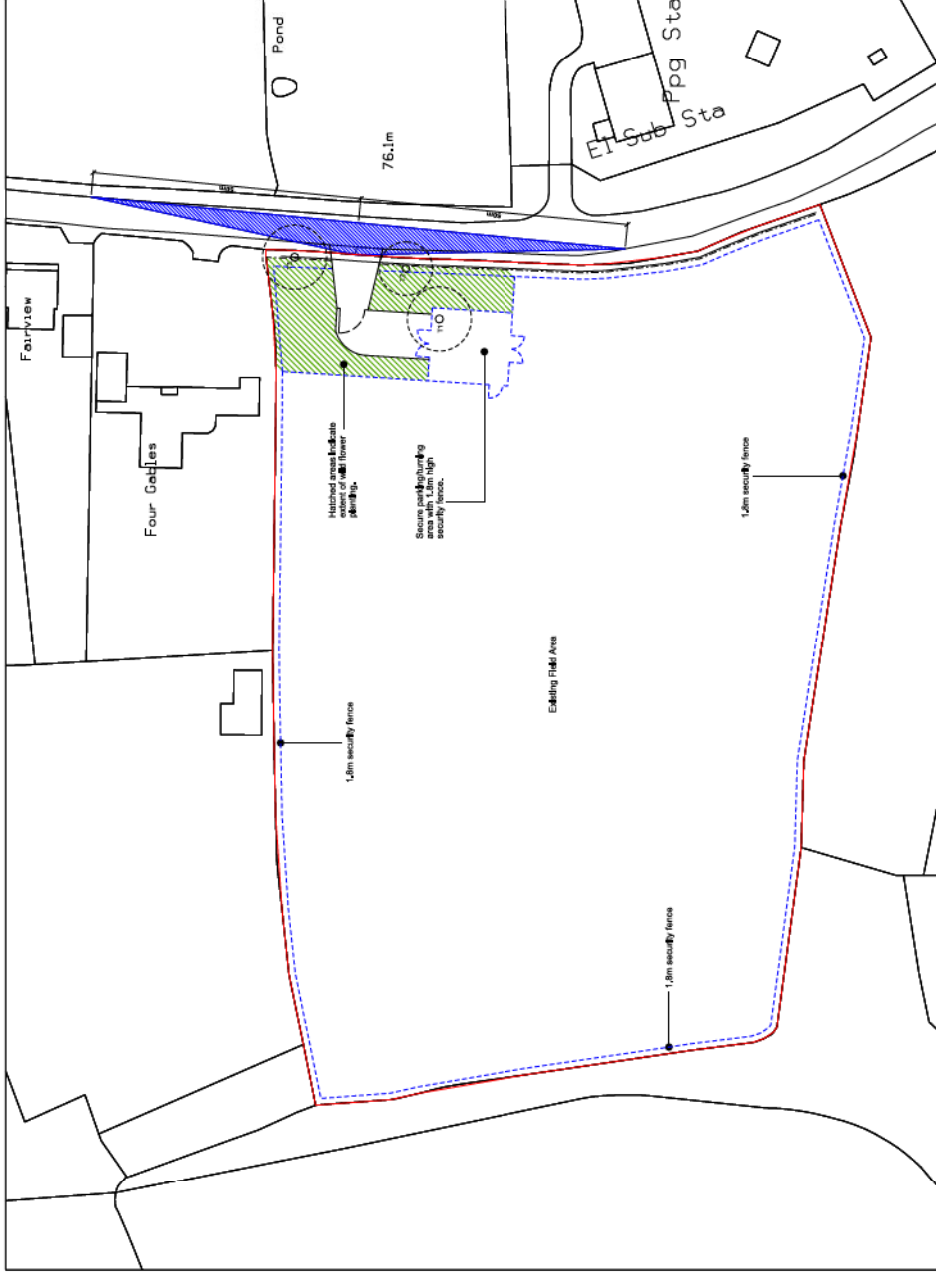
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- 1** In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing 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.
- 3** The applicant is advised to provide hedgehog holes, in the corners of the field and a few along the edges to provide biodiversity enhancements.



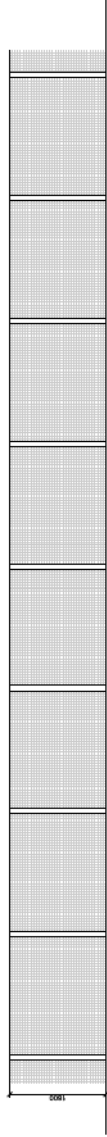




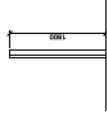




Typical Plan



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 85<sup>th</sup> Percentile Speed of 38.6mph - Southbound
- - - 2.4m x 74.1m Junction Visibility Splay Based on a Recorded 85<sup>th</sup> Percentile Speed of 38.3mph - Northbound
- - - 2.4m x 74.1m Tangential Visibility Splay
- - - 76.5m Forward Visibility Splay Based on a Recorded 85<sup>th</sup> Percentile Speed of 38.6mph - Southbound
- - - 77.4m Forward Visibility Splay Based on a Recorded 85<sup>th</sup> 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:**



**PROJECT:**

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

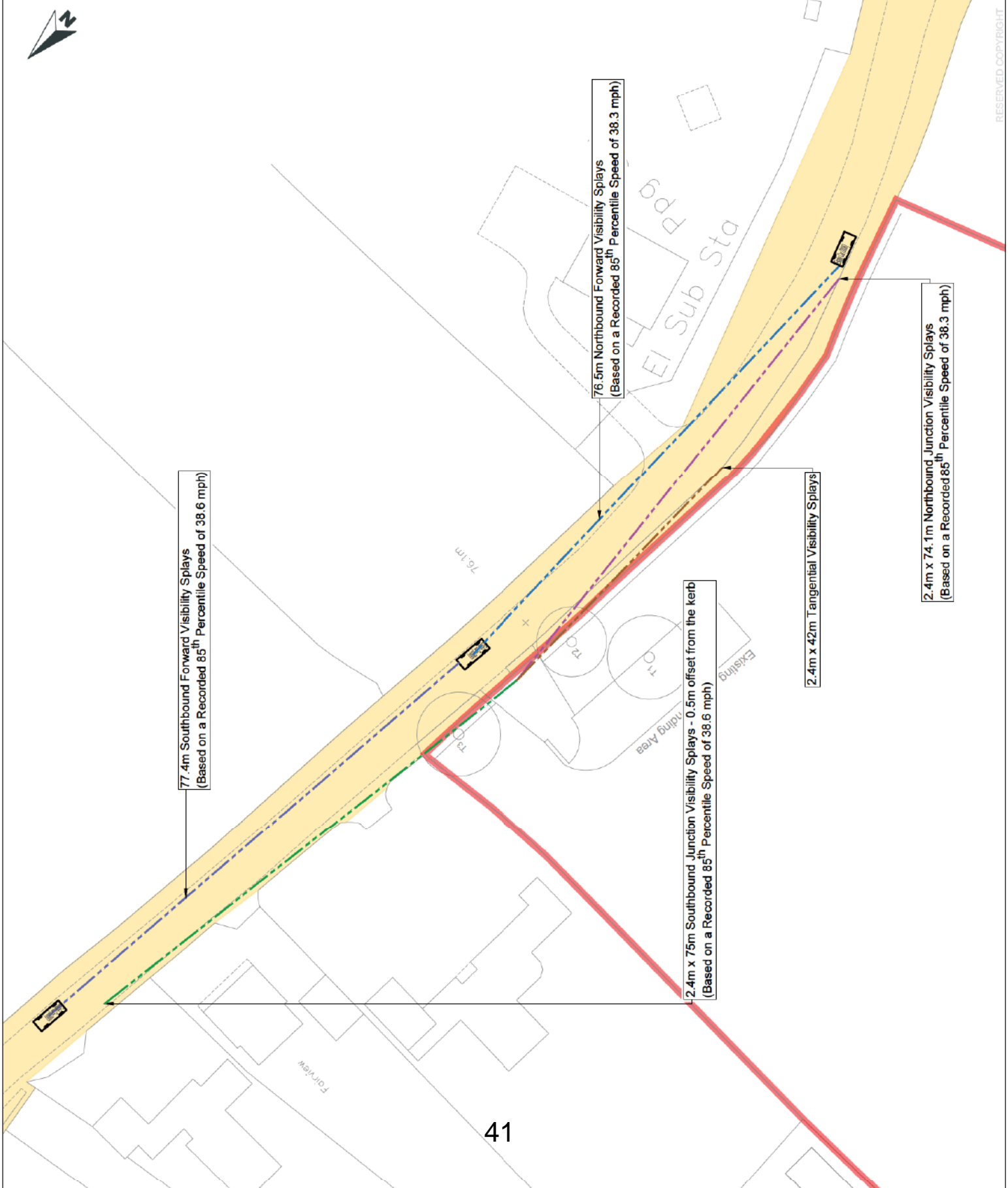
**TITLE:**

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		

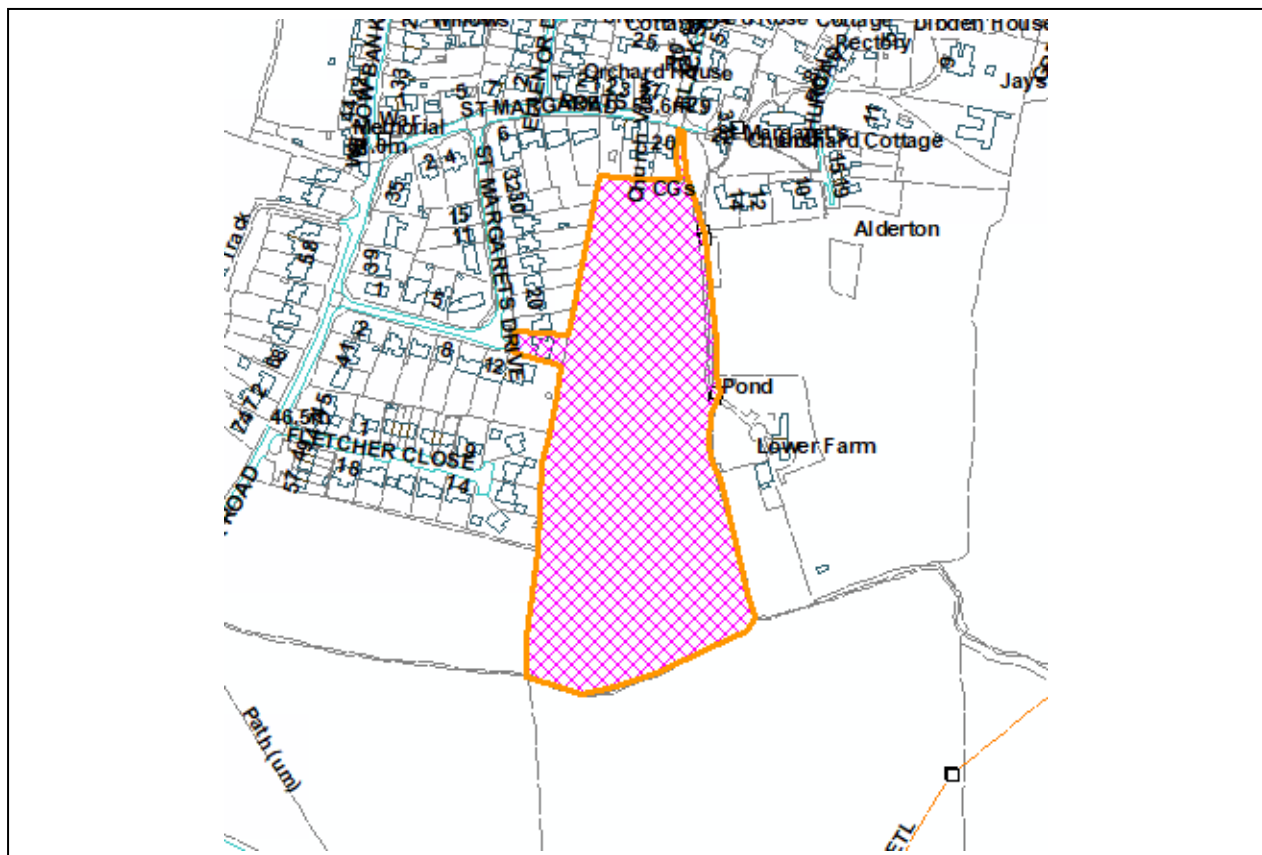


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## Planning Committee

<b>Date</b>	17 January 2023
<b>Case Officer</b>	Anthony Foster
<b>Application No.</b>	22/00624/OUT
<b>Site Location</b>	Land East Of St Margarets Drive, Alderton
<b>Proposal</b>	Outline application for the demolition of 16 St Margarets Drive and the erection of up to 55 dwellings, associated infrastructure, landscape and biodiversity enhancements, all matters reserved except for access from St Margarets Drive.
<b>Ward</b>	Winchcombe
<b>Parish</b>	Alderton
<b>Appendices</b>	Site location plan Illustrative Masterplan Landscape Strategy
<b>Reason for Referral to Committee</b>	Full or outline application for the erection of 10 or more residential units
<b>Recommendation</b>	Minded to refuse

### Site Location



## 1. The Proposal

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Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RCCCITQDKBM00>

### ***Purpose of this report***

- 1.1 This application was made to the Council on 23 May 2022. The application determination date was 23 July 2022. On 31 October 2022 the applicant lodged an appeal against non-determination of the application to the Secretary of State. The Planning Inspectorate has confirmed that the appeal will be heard by Public Inquiry. The Council must therefore advise the Secretary of State of its views on the proposals.

### ***Appeal Proposal***

- 1.2 The Appeal scheme seeks Outline permission, with all matters reserved except for main vehicular access from St Margaret's Drive only, for up to 55 dwellings and associated infrastructure, landscape and biodiversity enhancements and demolition of existing structures and properties.
- 1.3 Vehicular access to the site is proposed from St Margaret's Drive following the demolition of the existing single residential dwelling at no 16 St Margaret's Drive.

## 2. Site Description

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- 2.1 The site is located at the south-eastern edge of the village of Alderton and comprises approximately 3.97 hectares of agricultural land.
- 2.2 The site lies to the south of St Margarets Road along which lie existing residential properties, the gardens of which adjoin the site. Blacksmith Road and an existing dwelling known as Lower Farm are located along the site's eastern boundary.
- 2.3 An existing water course runs along the site's southern boundary. Residential properties off Fletcher Close and St Margaret's Drive are located to the west.
- 2.4 The site is outside of the defined settlement boundary and has not been allocated for development in existing or emerging local planning policy. A small area of the site, along the southern boundary is within Flood Zone 2 and 3.
- 2.5 The Site is part of the Special Landscape Area (SLA) defined for areas of high-quality countryside which sometimes coincides as the foreground setting to the Cotswolds AONB.
- 2.6 The Site and Alderton as a whole forms part of the wider foreground of the Cotswolds AONB, a nationally important landscape when viewed from the B4077. The AONB boundary is located to the north side of the village.

### 3. Relevant Planning History

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Application Number	Proposal	Decision	Decision Date
14/00414/FUL	Development of 24 dwellings, access, landscaping and other associated works at land adjoining Willow Bank Road.	Allowed at Appeal	17.05.2015
19/00772/FUL	Residential development up to 28 units, including means of access and landscaping.	Allowed at Appeal	21.09.2021
22/00242/ADV	Installation of 2 non-illuminated V-Board Advertisement signs.	CONSEN	22.06.2022

### 4. Consultation Responses

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

#### 4.1 Alderton Parish Council – object as summarised below:

- It would lead to a further 55 houses in the village on top of the 105 new houses built in the last few years. This is completely disproportionate for a rural village.
- It is not provided for in the agreed Neighbourhood Plan.
- It is outside the village settlement boundary.
- It is not provided for in the recently Adopted Tewkesbury Borough Plan.
- It is purely speculative and not plan led.
- It would further damage social cohesion.
- It would significantly damage the landscape in a Special Landscape Area.
- It significantly adversely affects the character and appearance of the village.
- It will affect the setting of the AONB
- It will affect the setting of both Locally Listed and Statutorily listed buildings
- It is wholly unsustainable and will add further car borne traffic into this rural village – adding further to climate change

#### 4.2 Historic England – No Objection

**Natural England** – No Objection

**Lead Local Flood Authority** – No Objection

**County Archaeologist** – No Objection

**Drainage Engineer** – No Objection

**CPRE** – Object on the following grounds

The proposed development is contrary to both the recently adopted Tewkesbury Borough Plan (TBP) and the Alderton Neighbourhood Development Plan (ANDP). The TBP defines Alderton as one of 12 service villages in the Borough.

A large new development “bolted on” to a village already accommodating significant expansion would bring anonymity and suburbanisation to village life, harming social cohesion and community spirit. This is a concern highlighted by Inspectors who have considered past applications in Alderton.

The proposed development would do further harm to sensitive local landscapes. The proposed development appears to do little to help sustainable transport targets as in JCS strategic objective 7.

**Severn Trent** – No objection

**Housing Strategy and Enabling Officer** – A s.106 agreement will be required to secure the affordable housing scheme. Unit number and tenure to be agreed

**Landscape Visual Impact Advisor** – Objection

The proposals as presented do not appear to comply with any of the landscape planning policies identified above. The landscape mitigation proposals will soften the eastern edge of the development where the scheme would abut the open countryside but do not remove the adverse sense of landscape and visual change or improve upon the village's current southern edge.

**Ecological Advisor** – Comments

The details of a biodiversity offsetting scheme should be submitted to provide certainty to the LPA that the minimum 10% net gain would be achieved

A shadow HRA is required to assess whether the proposals would impact upon Bredon Hill SAC

**Heritage Specialist** – Objection

The proposed development would be prominent in relation to the setting of the village and views towards the village. Due to the scale and location of the development it would cause a moderate to low harmful impact upon the setting of the Grade II Listed No 19 Church Road and Church Cottage and Lower Farmhouse (a non-designated Heritage Asset).

## **5. Third Party Comments/Observations**

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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** A total of 151 letters have been received by the LPA objection to the scheme as summarised below:

- The village has already grown significantly over the last few years and the balance will be completely wrong with more new properties.
- The proposed development projects fully and as such encroaches on the open countryside in a manner that would, by implication, have been rejected by the appeals officer.
- Planning applications for other sites have been rejected under appeal and substantial emphasis has been placed on the only housing requirement acceptable is for infill properties within the boundaries of the village.
- Any more new houses will begin to spoil the rural character of the village; one of its major attractions.
- It is no good having a robust Neighbourhood Plan if it can be set aside by the first Planning Application



- The increased traffic movements that would be generated will jeopardise road safety and tranquillity of the rural lanes around Alderton. On-street parking is already a problem and additional traffic would add to this.
- The recent increase in housing has had no impact on the falling roll of the village school or the footfall in the village shop.
- I am concerned that with the extra houses built there will be increased vehicular traffic throughout the village which will also be exacerbated at the junction of Willow Bank Road and B4077.
- The area for proposed development has already suffered flooding/drainage problems, and I am concerned that the development will be built on this flood plain, not only causing problems for the houses to be built but also for residents in the nearby area.
- A large cul-de-sac development like this will create an estate separate from the village. The presence of disconnected housing estates undermines the natural community cohesion of a village as currently exists. A large influx of people will increase the number of children/teenagers/young adults. Activities for people in these age groups is very limited in a semi-rural community like Alderton and typically they have to travel to large towns for most activities. A sudden rise in numbers of people in these age groups will lead to an increase in the potential for crime, vandalism and general anti-social behaviour and will make Alderton a less safe and cohesive community that it has been previously.
- Village services simply don't support Alderton growing any more than it has in

## **6. Relevant Planning Policies and Considerations**

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### **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)

Planning and Listed Building Act 1990

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

- Policy SP1 (The Need for New Development)
- Policy SP2 (The Distribution of New Development)
- Policy SD4 (Design Requirements)
- Policy SD6 (Landscape)
- Policy SD8 (Historic Environment)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD10 (Residential Development)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk and Management)
- Policy INF4 (Social and Community 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 NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy ENV2 (Flood Risk and Water Management)
- Policy TRAC1 (Pedestrian Accessibility)

#### **6.5** Neighbourhood Plan

Alderton Neighbourhood Development Plan – 2011-2031

### **7. Policy Context**

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**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**

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

**8.1** The adopted JCS became five years old on 11th December 2022, therefore as required by para 74 of the NPPF Tewkesbury Borough Council's (TBC) 5 year housing land supply position has to be reconsidered, based on the standard method of calculation.

**8.2** As a result of the move to the standard method TBC moved to a single district approach. This has resulted in the addition of the JCS allocations within the boundary of Tewkesbury Borough, where deemed deliverable, which had previously been attributed to meet the housing needs of Gloucester City Council under Policy SP2 of the JCS. Therefore, as at 11th December 2022, the Council can demonstrate a five year housing land supply of 6.16 years.

**8.3** It is therefore advised that, as the Council can demonstrate a five-year supply of deliverable housing sites, the presumption in favour of sustainable development (or "tilted balance") is not engaged in this case

### ***Principle of development***

- 8.4** Policy SD10 of the JCS states that within the JCS area new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. Housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. On sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within District plans. Policy SD10 follows that housing development on other sites will only be permitted where:
- i. It is for affordable housing on a rural exception site in accordance with Policy SD12, or;
  - ii. It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District plans, or;
  - iii. It is brought forward through Community Right to Build Orders, or;
  - iv. There are other specific exceptions / circumstances defined in district or neighbourhood plans.
- 8.5** At a local level, Policy H1 of the Alderton Neighbourhood Development Plan (ANDP) states:  
*'Within the settlement boundary of Alderton village, as shown on Map 4 Alderton NDP Policies Map, small windfall development will be supported together with infill housing development of 1 – 2 dwellings within existing built-up frontages when it is consistent with the scale, proportion and density of existing houses and gardens in the adjacent area. Proposed development of residential gardens for new housing units should demonstrate that:*
- 1. Any loss of garden space of existing properties is proportionate and acceptable; and*
  - 2. Any adverse impacts on residential amenity are minimised. Proposals for accessible, single storey dwellings on infill sites and small windfall sites will be encouraged to meet the needs of older persons or those with limited mobility.*
- Proposals for new housing brought forward under a Community Right to Build Order will be supported subject to other policies in the Plan.*  
*In the event that a future development plan identifies an additional need for further housing development in Alderton (as a service village), beyond what is being accommodated within the settlement boundary, then sites outside of the boundary will be considered in line with the other policies of the plan.*
- 8.6** The application site is greenfield land that lies outside of the defined settlement boundary for Alderton as defined in the Alderton Neighbourhood Development Plan and is not allocated for housing development. The site does not represent previously developed land within the built up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing Tewkesbury Borough Local Plan to 2011 which allow for the type of development proposed here.
- 8.7** The proposal therefore conflicts with Policies SP2 and SD10 of the JCS and Policy H1 of the ANDP.

## ***Community Cohesion***

- 8.8** The Framework recognises that sustainable development includes a social objective and how healthy communities can be promoted. Indeed, the ANDP throughout explicitly refers to social cohesion in the village. The ANDP states that it is important that its policies seek to conserve the active, cohesive nature of the Parish community into the future by enabling sustainable growth that does not compromise existing social bonds or overwhelm the Parish's rural infrastructure.
- 8.9** Furthermore, one of the objectives of the ANDP seeks to ensure that any development in Alderton Parish makes a positive contribution to enriching the vitality, health, wellbeing and social cohesion of its communities. The ANDP also points out that concerns over the potential loss of the Parish's rural character and the impact on social cohesion arising from rapid change in Alderton village are evident in all consultations undertaken for the Plan between 2013 and 2015.
- 8.10** It is clear from the Parish Council's consultation response and the numerous representations received by local residents during the application that the social well-being of Alderton and community cohesion remains a serious and ongoing concern.
- 8.11** The JCS recognises that the retention of services within rural service centres is intrinsically linked to the size and distribution of the resident population and it is important that these services remain viable, although more development will be accommodated at the rural service centres than at the service villages. In response to this, Policy SP2 of the JCS sets out that rural service centres and service villages will accommodate lower levels of development to be allocated through the Tewkesbury Borough Plan and Neighbourhood Plans, proportionate to their size and function, and also reflecting their proximity and accessibility to Cheltenham and Gloucester and taking into account the environmental, economic and social impacts, including existing levels of growth over the plan period
- 8.12** The Council's approach to the disaggregation of the residual housing requirement to the rural service centres and service villages is explained in the housing background paper (October 2019), which formed part of the evidence base for the emerging Borough Plan to 2031 and which is now adopted.
- 8.13** The paper stresses that the disaggregation process is only the starting point for considering an appropriate level of development for each rural settlement. It follows that in addition to the 'top down' approach of the disaggregation process, there should also be a 'bottom up' element whereby the availability of sustainable sites at each settlement will also be a factor in determining the most appropriate distribution of development. For example, there may be situations where a settlement is unable to achieve its disaggregated requirement due to a lack of suitable, sustainable sites or due to constraints such as the Green Belt and AONB.
- 8.14** Conversely, there may also be situations where a settlement can exceed its disaggregated requirement due to suitable, sustainable sites being available at the settlement. This will however need to be balanced alongside the size, function and accessibility of the settlement in order to achieve a sustainable pattern of development and avoid issues associated with social cohesion.

- 8.15** The paper goes on to state that there will also be positive and negative social impacts from new development. Positive effects include meeting people's housing needs, supporting village services and shops and improving physical and mental health through creating a high quality built environment. Negative social impacts can however result where the number of dwellings in a settlement is substantially increased without proportionate increases in infrastructure, employment opportunities and other local services. This risks eroding community cohesion.
- 8.16** As far as Alderton is concerned, the disaggregated indicative housing requirement set out in the housing background paper is 53 dwellings. However, given the number of recent developments within Alderton the Borough Plan to 2031 does not allocate any further development at Alderton during the plan period.. However, that is not to say that no further development will be provided at Alderton. On the contrary, the ANDP does and has allowed for further growth within the defined settlement boundary, albeit in a more organic and managed way.
- 8.17** The Council is of the firm view that the cumulative growth in Alderton in such a relatively short period of time would have a negative impact on social wellbeing and social cohesion within Alderton

### ***Landscape impact***

- 8.18** JCS Policy SD6 states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area.
- 8.19** Policies LAN1 and LAN2 of the TBP along with Policy LC2 of the ANDP states that proposals should demonstrate how they will integrate into the SLA and AONB by submitting a Landscape Visual Impact Assessment to enable their impact on the landscape to be assessed. It follows that special attention should be paid to preserving significant views in or out of the settlement or including mitigation measures that ensure such views are maintained as fully as possible.
- 8.20** The application is supported by a Landscape and Visual Appraisal (LVA), which considers the impact of the proposed development on the landscape and has been reviewed by the Landscape Advisor.
- 8.21** The site lies within the eastern edge of the central part of the National Character Area 106: Severn and Avon Vales and within the Gloucester Landscape Character Study (2006) 'Teddington and Greet Vale' area, which is set out as an 'Unwooded Vale'. The key characteristics of this 'Unwooded Vale' landscape type include medium to large scale hedged fields with a combination of both regular and irregular field patterns, and a relatively sparsely settled landscape with rural villages and scattered farms and dwellings. It notes that the escarpment and outliers create a sense of enclosure within the Teddington and Greet Vale and provide a backdrop to many views across it. At a local level, the site is located within parcel Ald-01 as defined in the Landscape and Visual Sensitivity Study - Rural Service Centres and Service Villages (November 2014). Parcel Ald-01 is defined as have having a 'medium' landscape sensitivity and a 'high' visual sensitivity. The study comments further on the characteristic sense of separation between Alderton and the B4077 and notes that this feature of the local landscape is vulnerable to

insensitive development.

- 8.22** In light of the Landscape Advisers comments on the submitted LVA, the Council is of the view that the appeal proposal would contribute to the incremental increase in the prominence of Alderton within the distinctive Vale landscape within the setting of the AONB. The appeal proposal would also represent a further incremental expansion of Alderton south, beyond the established and defined settlement boundary. This expansion is in contrast to the traditional settlement pattern of a nucleated village at the base of Alderton Hill. It represents an expansion out onto the Vale towards the B4077 into land that has traditionally served to provide a distinctive foreground setting between the village and the road. Alderton has traditionally been perceived from the B4077 as a nucleated village set back from the road within a well-treed roofscape with the ancient church tower beyond meadows. This proposal would further erode that character by significantly reducing the remaining space between the road and the village and would occupy a prominent sloping site.
- 8.23** In light of the above, the Council is of the view that the appeal proposal would have a harmful impact on the landscape within a Special Landscape Area, contrary to Policy SD6 of the JCS, Policies LAN1 and LAN2 of the TBP and Policy LC2 of the ANDP.

***Access and highway safety***

- 8.24** The NPPF sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Furthermore, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe. JCS Policy INF1 requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. NDP Policy TP1 sets out that development will only be permitted where it will not cause a severe adverse traffic impact upon the highway network.
- 8.25** The proposed development would be accessed via a single access point from within St Margaret's Road.
- 8.26** The proposal has been assessed by the Highways Authority who is satisfied with the proposed access arrangement from Greenacres and advises that the level of trips resulting from the proposed development would not result in any safety or capacity issues upon the highway.
- 8.27** The Highways Officer has recommended a condition for the provision of electric vehicle charging points and this is considered appropriate to promote sustainability.
- 8.28** While an indicative site plan has been provided showing a possible roadway route through the site, this has not been considered at this time as layout is reserved for future consideration. Any subsequent reserved matters application would need to demonstrate at that time that the proposed development would be served with appropriate manoeuvring space and parking provision.

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

- 8.29** JCS Policy SD4 provides that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. Criterion 6 of Policy SD10 of the JCS states that residential development should seek to achieve maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.
- 8.30** While the application has been accompanied by illustrative plans, Appearance, Layout and Scale remain reserved matters and would require further consideration to secure an acceptable high-quality development.

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

- 8.31** 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 is reflected in Policy ENV2 of the TBP and the NPPF.
- 8.32** The application has been accompanied by a Flood Risk Assessment, and while the site lies outside of a defined Flood Zone the submitted report identifies and acknowledges the fact that the site is heavily influenced by its geology and topography and this is also reflected in representations from residents who have highlighted issues with regards to surface water runoff and pooling water.
- 8.33** The LLFA indicates that the drainage strategy proposed shows there is space on site to attenuate required volumes of surface water to ensure it can be discharged to the adjacent watercourse and the site development would not increase flood risk to other property. The LLFA therefore have no objection to this proposal.

### ***Biodiversity***

- 8.34** The NPPF sets out, inter alia, that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, especially where this can secure measurable gains for biodiversity. Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. Policy NAT1 of the TBP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.
- 8.35** The Ecology Specialist requested further information to be provided in respect of a suitable biodiversity offsetting scheme providing a minimum of 10% net gain, and the potential impact of the scheme upon Bredon Hill SAC.
- 8.36** This information was submitted prior to notification of the appeal however no formal comments have been sought due to notification of the appeal. As such the scheme currently fails to demonstrate that it would have an acceptable impact upon Bredon Hill SAC or provide a minimum 10% net biodiversity gain.

**8.37** Whilst these matters may be capable of resolution the applicants' proposal is currently deficient and at this stage there is no signed s106 obligation. On that basis the proposed development does not adequately provide for net biodiversity gain and ecological impact upon Bredon Hill SAC in conflict with Local Plan JCS policy SD9, Policy NAT1 of the TBP and the NPPF.

### ***Heritage assets***

**8.38** The site is adjacent to Lower Farmhouse, a historic house which appears to contain a number of phases including an early timber framed section and later Cotswold stone additions. The building is not listed but appears on the first edition Ordnance Survey map and is considered to be of local heritage interest. As such the building is considered to be a non-designated heritage asset.

**8.39** The proposed development represents a substantial extension to the East adjacent to the historic core of the village. Due to topography and scale this proposal would have far reaching impacts similar or greater to that of Fletchers Close and Alder Green and would be much closer to the historic core of the village. As a result the cumulative visual impact upon the sense and character of the approach to the village from the East would be detrimental to its setting and historic rural character. This application is in outline only but it is unlikely that the design and details of the buildings and landscaping could mitigate the harm. As such it is identified that due to its location and scale the proposed development would have a general cumulative negative impact upon the setting of the historic core of the village as a non-designated heritage asset.

**8.40** The scale of the harm would be medium to low and should be taken into account in determining the application. For clarity and in regard to weighing up the balance of harm against any public benefit generated by the development it is considered that the historic core of the village has medium significance as a non-designated heritage asset.

**8.41** The proposed development would be prominent in relation to the setting of the village and views towards the village. Due to the scale and location of the development it would cause a moderate to low harmful impact upon the setting of the Grade II Listed No 19 Church Road and Church Cottage and Lower Farmhouse. In all cases the harm is assessed as less than significant.

**8.42** In terms of the Planning (Listed Buildings and Conservation Areas) Act 1990 the proposed development would fail to preserve the setting of the designated heritage assets and the decision maker should have special regard to the desirability of preserving that setting when arriving at the decision. In terms of the Framework, that harm would be less than substantial. Nonetheless, the harm to the listed buildings is a matter of considerable importance and weight for the planning balance. Moreover, it would result in conflict with Policy SD9 of the JCS.

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

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



**8.44** These tests are as follows:

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

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

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

- Affordable housing at 40% including appropriate mix and tenure
- £10,584 Contribution towards libraries provision
- Secure onsite public open space provision
- Biodiversity and Ecological enhancements to secure a minimum 10% net biodiversity gain/ mitigate impact upon Bredon Hill SAC

**8.47** Within the application submission the applicant has agreed to these general heads of terms and it is anticipated that these matters would be subject to further discussion with the applicant with the objective of finalising S106 agreements prior to the Public Inquiry. Whilst these matters may be capable of resolution the applicants' proposal is currently deficient and at this stage there is no signed s106 obligation. On that basis the proposed development does not adequately provide for affordable housing, public open space, library facilities and biodiversity net gain in conflict with JCS policies SD9, SD12, INF6 and INF7, TBP Policy NAT1 and the NPPF.

## **9. Conclusion**

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**9.1** The application site lies outside of the defined settlement boundary for Alderton and is not allocated for housing development. The site does not represent previously developed land within the built-up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing Tewkesbury Borough Local Plan to 2011 – 2031 which allow for the type of development proposed here. The proposal therefore conflicts with Policies SP2 and SD10 of the JCS and Policy H1 of the ANDP.

### ***Benefits***

**9.2** The delivery of market and affordable housing would provide a significant social benefit. Furthermore, there would be economic benefits both during and post construction through the creation of new jobs and the support to existing local services and the local economy.

## **Harms**

- 9.3** Harm arises from the conflict with development plan policies relating to housing, particularly JCS Policies SP2, SD10 and Policy H1 of the ANDP. Harm would also arise from the cumulative growth in Alderton in such a relatively short period of time, which would have a negative impact on social cohesion and social well-being. There would be a harmful impact on the landscape within a Special Landscape Area, harm to designated and undesignated heritage assets and biodiversity impacts.

## **Neutral**

- 9.4** The proposed access to the development and drainage strategy is otherwise considered acceptable and would not result in any adverse highways impacts

## **Heritage Balance**

- 9.5** The proposal would result in harm to the significance of designated heritage assets through development in their setting. This level of harm is considered “less than substantial” in the terms set out in the NPPF. The NPPF requires that great weight should be given to the conservation of designated heritage assets. The public benefits of the proposal relate to, amongst others, the delivery of up to 55 dwellings and the associated social and economic benefits. The delivery of housing is afforded significant weight notwithstanding that the Council can demonstrate a 5 year housing land supply. The associated economic and social benefits are afforded moderate weight. However, officers consider that the public benefits would not outweigh the identified heritage harms. As such, the proposal would conflict with those policies of the NPPF relating to the historic environment and designated heritage assets as defined in Annex 2 of the Framework. The proposal also conflicts with Policy SD8 of the JCS

## **10. Recommendation**

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- 10.1** In view of the foregoing report and in the context of the current Appeal Members are requested to consider a recommendation of **Minded to Refuse** which, along with this report, will be submitted to the Planning Inspectorate to inform the Appeal.

## **11. Reasons for Refusal**

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- 1** The proposed development conflicts with Policies SP2 and SP10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and Policy H1 of the Alderton Neighbourhood Development Plan (July 2018) in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development.
- 2** The proposed addition of up to 55 dwellings at Alderton, would result in cumulative development, which would be of a scale disproportionate to the existing settlement. As such the proposed development would fail to maintain or enhance the vitality of Alderton and would have a harmful impact on the social wellbeing of the local community, risking the erosion of community cohesion. As such, the proposal conflicts with Policy SP2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017), Policy H1 of Alderton Neighbourhood Development Plan (July 2018) and the National Planning Policy Framework.

- 3 The proposal, by virtue of its prominent open location to the south of Alderton, would represent a significant encroachment into the surrounding rural landscape. This encroachment would have a harmful impact upon the character and appearance of the landscape within a Special Landscape Area, which serves to protect the foreground setting of the nearby Area of Outstanding Natural Beauty. As such, the proposal conflicts with Policy SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017), Policies LAN1 and LAN2 of the Tewkesbury Borough Local Plan to 2011 – 2031 (June 2022), Policy LC2 of Alderton Neighbourhood Development Plan (July 2018) and the National Planning Policy Framework.
- 4 The proposal would alter the character of Alderton causing harm to the setting of designated and undesignated heritage assets. The harm to designated heritage assets represents a less than substantial harm, which is not outweighed by public benefits. The proposal fails to accord with policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) as well as guidance contained in Section 16 of National Planning Policy Framework.
- 5 The proposed development does not adequately provide a minimum 10% biodiversity net gain or provide for the potential impacts upon Bredon Hill SAC. The proposed development is therefore contrary to Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017), Policy NAT1 of the Tewkesbury Borough Local Plan to 2011 – 2031 (June 2022) and advice set out in the National Planning Policy Framework.
- 6 The proposed development does not demonstrate how it would adequately provide for housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market contrary to Policy SD11 and Policy SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and the National Planning Policy Framework.
- 7 The proposed development does not adequately provide for open space, outdoor recreation and library facilities and conflicts with Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and the National Planning Policy Framework.



## **12. Informatives**

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- 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.



**legend**

-  Site boundary
-  Other land within the control of the applicant



**DRAFT**



client:  
**Rainier Developments Limited**  
 project:  
**Land East of St Margaret's Drive, Alderton**  
 drawing title:  
**Site Location Plan 57**

job number:  
**RAN107**  
 drawing number:  
**1001**  
 scale:  
**1:2000 @ A3**  
 drawn:  
**jvs**  
 date:  
**March 2022**  
 status:  
**Preliminary**

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- Concept Masterplan**
1. Potential Access from St Margaret's Drive for all modes.
  2. Potential pedestrian / cycle access from the north leading from St Margaret's Road can provide a more direct pedestrian access to the centre of the village, within a few minutes walk of the site.
  3. An informal main street leads to courtyards and private drives, creating a legible, village style, residential environment.
  4. Connected Green Infrastructure strategy which includes large usable areas of POS to the south and east which contribute to the rounding off of the settlement through the form of the development proposed. The green infrastructure area will provide ecological and visual connection to the green infrastructure edge to the approved development to the south west.
  5. The proposed green space will include a new play area.
  6. SUDS provided with opportunity for biodiversity net gain.
  7. Walking routes.
  8. The houses will be two-storey.
  9. The site is well connected to the village centre with a bus stop (St Margaret's Road) within 400m of the site. The village shop and primary school are within 10 minutes walk.
  10. Buildings address POS with shared space / private drive frontage to promote quiet streets. Green spaces have frontages overlooking them to provide natural surveillance.

Site boundary	Focal building locations	Retained trees
All modes access	Residential development blocks / indicative building locations	Proposed trees / planting
Pedestrian only access	Public Open Space	Potential attenuation area (subject to drainage design)
Existing pedestrian route	New surfaced footpaths	Play Area
New surfaced footpaths	New mown footpaths	Retained views
Residential street	Private drive	
Existing trees / hedgerows retained	Strategic ecological and planting corridors	

1:2000

client:  
**Rainier Developments Limited**

project:  
**Land East of St Margaret's Drive, Alderton**

drawing title:  
**Illustrative Masterplan 58**

job number: **RAN107**      drawing number: **3001 revE**

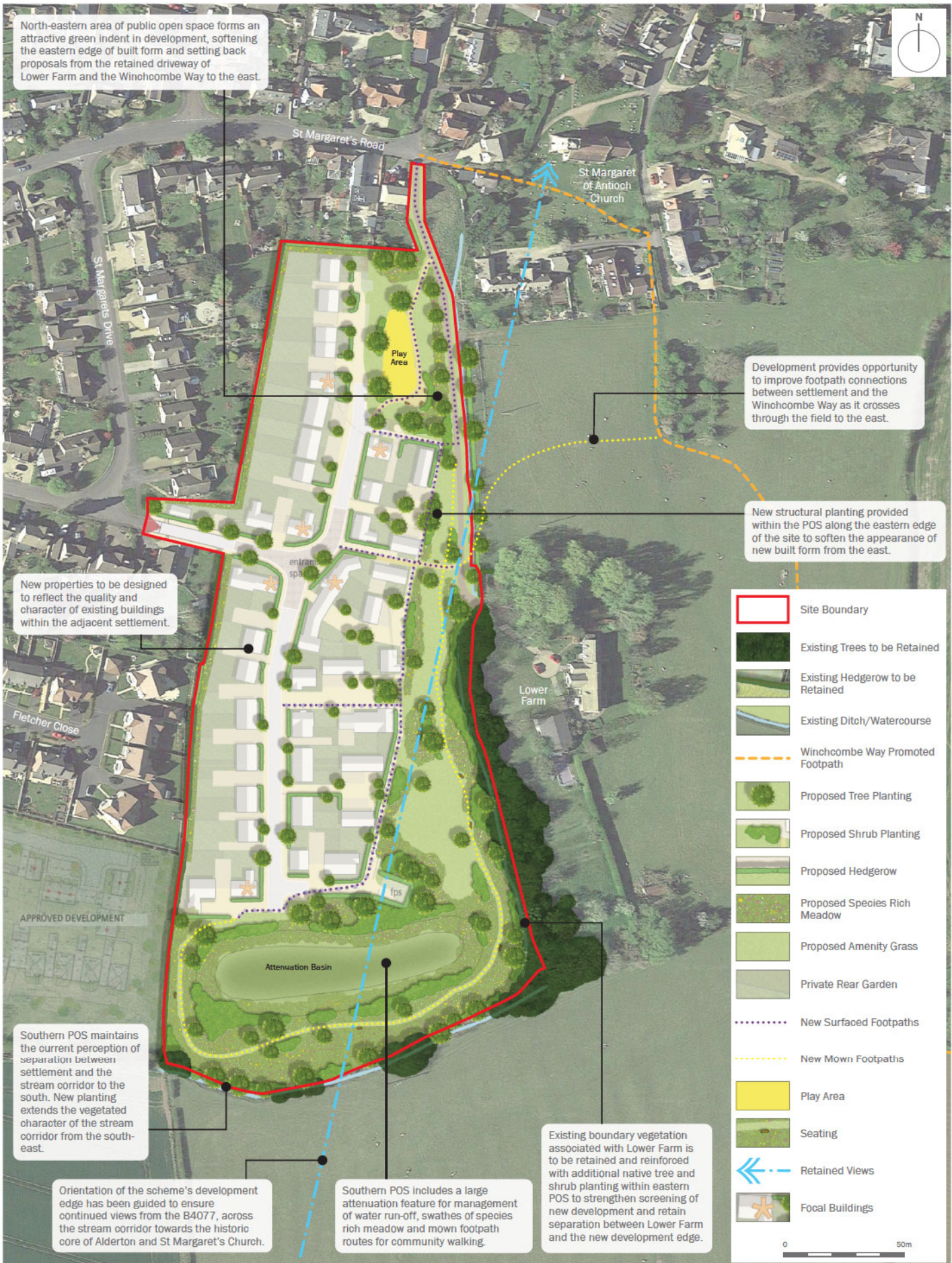
scale: **1:2000 @ A3**      drawn: **jvs**

date: **March 2022**      status: **Planning**

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North-eastern area of public open space forms an attractive green indent in development, softening the eastern edge of built form and setting back proposals from the retained driveway of Lower Farm and the Winchcombe Way to the east.

Development provides opportunity to improve footpath connections between settlement and the Winchcombe Way as it crosses through the field to the east.

New structural planting provided within the POS along the eastern edge of the site to soften the appearance of new built form from the east.

















New properties to be designed to reflect the quality and character of existing buildings within the adjacent settlement.

Southern POS maintains the current perception of separation between settlement and the stream corridor to the south. New planting extends the vegetated character of the stream corridor from the south-east.

Orientation of the scheme's development edge has been guided to ensure continued views from the B4077, across the stream corridor towards the historic core of Alderton and St Margaret's Church.

Southern POS includes a large attenuation feature for management of water run-off, swathes of species rich meadow and mown footpath routes for community walking.

Existing boundary vegetation associated with Lower Farm is to be retained and reinforced with additional native tree and shrub planting within eastern POS to strengthen screening of new development and retain separation between Lower Farm and the new development edge.

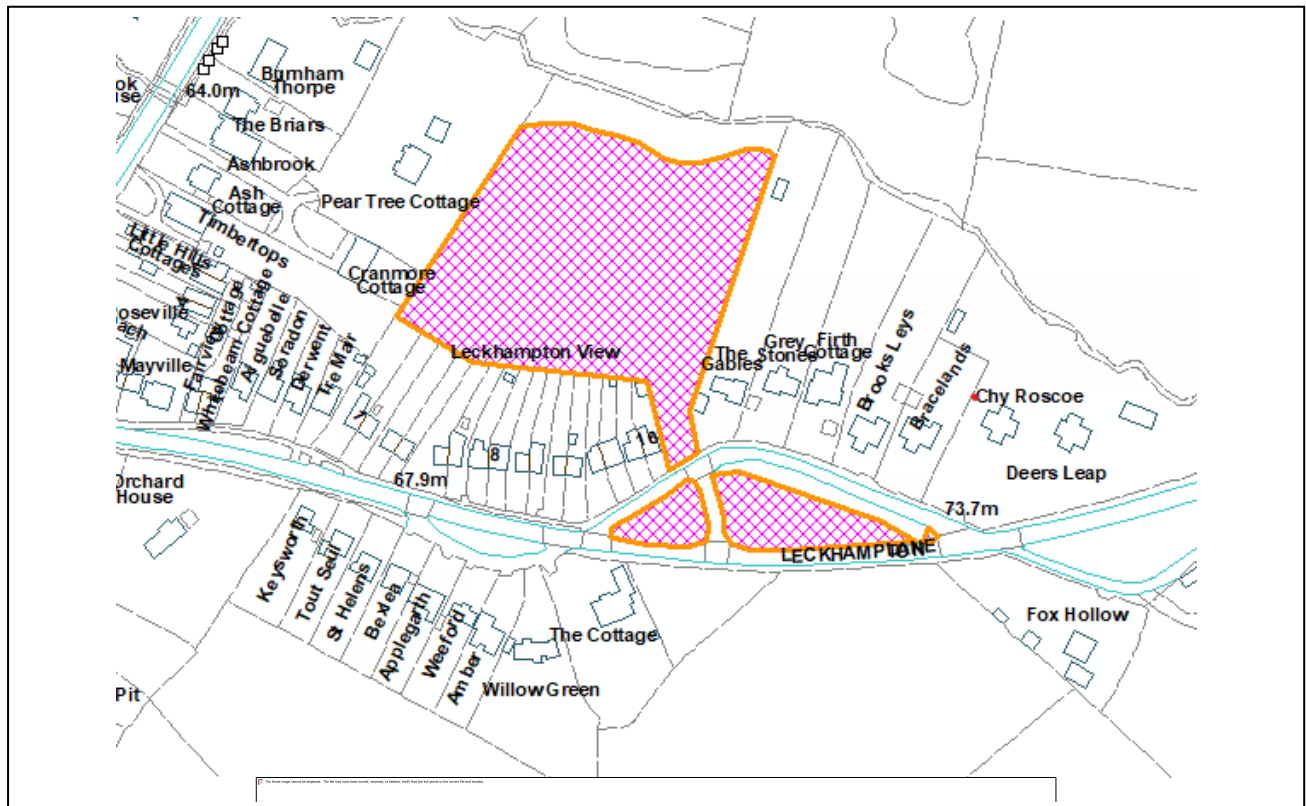
-  Site Boundary
-  Existing Trees to be Retained
-  Existing Hedgerow to be Retained
-  Existing Ditch/Watercourse
-  Winchcombe Way Promoted Footpath
-  Proposed Tree Planting
-  Proposed Shrub Planting
-  Proposed Hedgerow
-  Proposed Species Rich Meadow
-  Proposed Amenity Grass
-  Private Rear Garden
-  New Surfaced Footpaths
-  New Mown Footpaths
-  Play Area
-  Seating
-  Retained Views
-  Focal Buildings



## Planning Committee

<b>Date</b>	17 January 2023
<b>Case Officer</b>	Anthony Foster
<b>Application No.</b>	22/00686/FUL
<b>Site Location</b>	Land North Of Leckhampton Lane, Shurdington
<b>Proposal</b>	The construction of 25 dwellings
<b>Ward</b>	Shurdington
<b>Parish</b>	Shurdington
<b>Appendices</b>	419-L01 - Location Plan 419-P03 - Masterplan 419-P04 - Landscape Plan 419-P07 - Housing Strategy 419-P08 - House Type Material 4 x example House types
<b>Reason for Referral to Committee</b>	Full or outline application for the erection of 10 or more residential units
<b>Recommendation</b>	Delegated Permit

### Site Location



## **1. The Proposal**

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Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RD5IGRQDKIS00>

- 1.1** The application seeks full planning permission for 25 residential dwellings along with access, drainage, landscaping, public open space and associated works.
- 1.2** The proposed development would provide a mix of detached and semi-detached, open market and affordable dwellings. Overall, 10 no. of the dwellings proposed would be affordable dwellings which equates to 40% provision across the site. The proposed mix of units compress 1-bed, 2-bed 3-bed and 4-bed dwellings.
- 1.3** The proposed dwellings would be two storeys in height. A palette of materials is proposed to include reconstituted 'Cotswold' stone, brick and render finishes along with a mix of roof tile and slate. The density would be approximately 20.8 dwellings per hectare
- 1.4** Access to the site would be provided to the southeast corner of the site directly onto a side road which connects to Leckhampton Lane.
- 1.5** The proposal seeks to secure and enhance green infrastructure resources at the site, through additional planting. An area of circa 0.25ha of open space would be provided within the development in the form of multi-functional space

## **2. Site Description**

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- 2.1** The site is located to the north of Leckhampton Lane, within the village of Shurdington, to the south of Cheltenham. It covers an area of 1.2 hectares and is presently a greenfield site. The site is bounded on three sides by existing residential development with the northern boundary defined by a mature tree belt that runs along the route of the Ham Brook.
- 2.2** The site was formally located within the Cheltenham-Gloucester Green Belt, but on adoption of the Tewkesbury Borough Plan 2011-2031, the land was de-designated, and it is no longer located within the Green Belt. The Green Belt boundary adjoins the site at its northern boundary along the Ham Brook. The Cotswold AONB is located along the southern side of Leckhampton lane to the south of the site
- 2.3** The site is allocated site for housing under Policy SHU2 of the TBP. It is identified as a 1.2-hectare site with an indicative capacity of 20 dwellings.



### 3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
90/95091/OUT	Outline application for residential development. New access	REF	15.01.1991
91/95092/OUT	Outline application for residential development. New access.	REF	09.04.1991
70/00207/OUT	Outline application for residential development. Construction of a new estate road off diverted part of Leckhampton Lane known as the old road. Area: approx 4 3/4 acres. (1,9 hectares).	REF	21.10.1970
73/00310/OUT	Outline application for residential development on 1.93ha. of land. Constrction of new estate road access,	REF	16.01.1974
75/00204/OUT	Outline application for residential development on 1.90 ha. of land.	REF	26.02.1975
76/00223/OUT	Outline application for the erection of five detached dwellings with private car garages. Construction of a new vehicular and pedestrian access.	REF	12.10.1976
77/00387/OUT	Outline application for residential development on 1.98ha of land.	REF	26.04.1977
80/00538/OUT	Outline application for residential development 10-16 dwellings on 1.21 ha. of land. Construction of new estate road access.	REF	02.12.1980
82/00398/OUT	Outline application for the erection of 5-6 dwellings on 0.28 ha. of land. Alteration of existing vehicular and pedestrian access.	REF	02.11.1982
83/00478/OUT	Outline application for the ercetion of three dwellings. Alteration of existing vehicular and pedestrian access.	PER	14.06.1983
84/00535/APP	Erection o three detached dwelling houses with double private car garages. Construction of a new vehicular and pedestrian access.	APPROV	07.06.1984
84/00536/FUL	Erection of a dwelling house (Revised sitting).	PER	30.10.1984
84/00537/OUT	Outline application for residential development on 1.72 ha. of land, including the construction of anew estate road access and method of disposal of foul and surface water.	REF	08.06.1984

### 4. Consultation Responses

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

#### 4.1 **Leckhampton Parish Council – Object**

- The cumulative impact on traffic volume and congestion on the nearby Shurdington Road (A46) and Leckhampton Lane, the latter being continuous with and conveying much of the traffic to Church Road in Leckhampton village.
- Recent nearby developments and recent or expected proposals impacting these roads.
- Inevitable adverse consequences on quality of life, particulate pollution, noise, carbon footprint, road safety and the wider economy.

#### 4.2 **Shurdington Parish Council – Object**

##### *Impact upon ecology and biodiversity*

- The site is of particular relevance to the Roman snail, as it contains scrub, woodland, and hedgerows, and the ecological report does not contain any proposals for mitigating the loss of this habitat.
- The presence of hedgerow, as a Habitat of Principle Importance. The ecological survey reports that the hedgerow is of poor quality and therefore does not fall within the category of "important" hedgerows. It is considered as a native hedgerow it has the potential to provide refuge for the animals currently present on the site and is worthy of greater protection than the survey suggests.
- The site's habitat opportunities for polecats and hedgehogs are worthy of protection. The development would force hedgehogs out of this habitat, and into the nearby Leckhampton Lane, further suggests development would be detrimental.
- Red-flowered cowslip (*Primula veris*) has been found in the area and the rarity of this flower, as well as its utility to insects such as the endangered Duke of Burgundy butterfly, is a persuasive argument for limiting the scope of development.
- Support a reduction in the number of houses to take into account the biodiversity loss the development would cause. An offsite gain does not persuade the Council that the impact is lessened.

##### *Drainage*

- The plans reference Ham Brook being used as drainage for the excess water on the development. This brook has flooded multiple times over the past few years, often resulting in property damage to houses that border it. Any increase in water through the course would be extremely likely to cause further flooding, often with the result that flooding occurs on the A46 causing delays on an already congested road.

##### *Highways*

- Leckhampton Lane is a well-used, relatively rural road. Shurdington Speedwatch volunteers have noted speeds well in excess of the speed limit with cars routinely recorded in excess of 50mph and in one case over 80mph. Speed limit signs are ineffective and even with police enforcement alongside the Speedwatch volunteers, average speeds are well in excess of the 30mph limit (see letter of representation no.14). The Applicant's speed survey is based on data from a location where traffic conditions are materially different.
- The Applicant's traffic survey is inadequate. Disagree with the Transport Statement's assertion that "the additional traffic would not have a material impact on the safety or operation of the local road network." Leckhampton Lane and the nearby A46 have

already been put under significant pressure due to the construction of the nearby High School, which itself will have a significant impact on the operation of the road.

- The Transport Statement notes that "adequate footways are provided, and the pedestrian network is well established within Shurdington." Do not consider that pedestrian links to the development from the village of Shurdington can be regarded as "adequate." The A46, which pedestrians would have to cross in order to enter the village or catch public transport to Cheltenham, is a dangerous road despite its two pedestrian crossings. Speeding is a continuing issue and without traffic calming measures it cannot be regarded as advisable to cross. Reports from the new development at Brizen Park have shown that residents there do not consider the village to be safe to walk to.

- 4.3 Lead Local Flood Authority – No Objection - Subject to conditions**
  - 4.4 Housing Strategy and Enabling Officer - No objection – subject to securing the affordable units**
  - 4.5 Drainage Engineer – No objection**
  - 4.6 Gloucestershire County Highways – No Objection - Subject to conditions**
  - 4.7 Environmental Health – Public protection – No Objection - Subject to conditions**
  - 4.8 Cotswold Conservation Board – No Objection**
  - 4.9 Severn Trent – No objection**
  - 4.10 Gloucestershire Public Rights of Way – No objection**
  - 4.11 Gloucestershire Community Infrastructure Planning – No objection**
  - 4.12 Ecological Advisor – No objection**
  - 4.13 Landscape Adviser – Awaiting Formal Comment Committee to be updated**
- 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** 17 letters of representation have been received from local residents objecting to the scheme on the following grounds:
  - Impact upon the local highways network Leckhampton Lane is already unable to cope at peak times and has issues with dangerous speeding at other times.
  - The junction with Shurdington Road (along with Shurdington Road itself) has struggled to cope for years and causes a major bottleneck, resulting in queuing traffic as far as the Redrow housing estate. This is even worse when other roads in the vicinity have issues.

- Further development along this corridor will have a further negative impact on both local and through traffic.
- Leckhampton Lane increasingly suffers from excess water running as a torrent during heavy rain and the main Shurdington Road very often floods. Taking away more undeveloped land which helps absorb the excess, is only going to make this worse and low lying homes on Leckhampton Lane and Shurdington Road are most at risk.
- The plentiful and diverse wildlife (trees, hedges, birds, field mice, rabbits, foxes and deer) often seen living in this habitat will be wiped out and this loss will be devastating and permanent.
- The proposal is an overdevelopment of the site. The development should be confined to the confines of the village and not within the greenbelt.

**5.3** 1 letter of representation have been received from local residents supporting the scheme as summarised below:

- It is positive to see that the green area to the north of the development including Ham Brook has been maintained as this is critical in keeping the rural feel of the local area and neighbouring properties.

## **6. Relevant Planning Policies and Considerations**

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### **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)
- SD7 (The Cotswolds Area Of Outstanding Natural Beauty)
- 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

- SHU2 (Land north of Leckhampton Lane, Shurdington)
- RES5 (New Housing Development)
- RES12 (Affordable Housing)
- RES13 (Housing Mix)
- DES1 (Housing Space Standards)
- NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- NAT3 (Green Infrastructure: Building with Nature)
- ENV2 (Flood Risk and Water Management)
- HEA1 (Healthy & Active Communities)
- RCN1 (Public Outdoor Space, Sports Pitch and Sports Facility Provision)
- TRAC1 (Pedestrian Accessibility)
- TRAC2 (Cycle Network and Infrastructure)
- TRAC3 (Bus Infrastructure)
- TRAC9 (Parking Provision)

#### 6.5 Neighbourhood Plan

None

### 7. **Policy Context**

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- 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**

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#### ***Principle of development***

- 8.1 The Joint Core Strategy (JCS) sets out the overarching strategy for growth throughout Cheltenham, Gloucester and Tewkesbury up until 2031. It has identified the objectively assessed need for Tewkesbury Borough and the spatial strategy to accommodate that level of development. The JCS identifies key locations for growth and sets out strategic policies to guide future development.
- 8.2 The JCS identifies a settlement hierarchy as the basis for the strategy for delivering growth targets. Policy SP2 of the JCS which relates to the distribution of new development, SP2 (4) says that to meet the Borough's needs, smaller-scale development will be required to meet local needs at Rural Service Centres and Service Villages. Shurdington is identified as a service village within the JCS.

- 8.3** Policy RES1 of the TBP identifies the sites that are allocated for residential development. The application site is allocation SHU2, Land north of Leckhampton Lane, Shurdington and identified as a 1.2-hectare site with an indicative capacity of 20 dwellings.
- 8.4** Site Specific Policy SHU2 of the TBP requires  
*The proposal should contribute to the wider green infrastructure network, deliver biodiversity net gains and mitigate against increased recreational pressures on the Cotswold Beechwoods Special Area of Conservation*  
*The development should incorporate the suggested mitigation within the Tewkesbury Borough Plan – Assessment of Site Allocation Impacts on the Cotswold AONB (Toby Jones Associates, May 2019)*  
*The proposal should address the relevant site-specific Green Belt mitigation guidelines set out at Appendix 1 of the Part 2 (Partial) Green Belt Review (LUC, July 2017)*  
*Proposals should address the site-specific FRA requirements set out within the Level 2 Strategic Flood Risk Assessment (November 2017).*
- 8.5** In terms of the quantum of development on the allocated site, Policy RES1 of the emerging TBP identifies an indicative capacity of 20 dwellings are to be provided. However, this figure is not an upper limit, in fact a Note in this policy clarifies that *'all site capacities are an approximate and detailed design proposals may indicate that greater or fewer dwellings can be accommodated on a site'*.
- 8.6** Therefore, if it can be demonstrated that additional development is sustainable over and above the indicative capacity figure, then it can be considered acceptable.
- 8.7** The principle of this development is therefore acceptable subject to the consideration of Policy SHU2 of the TBP and all other relevant policies in the Local Plan.

***Five Year Housing Land Supply***

- 8.8** The adopted JCS became five years old on 11th December 2022, therefore as required by para 74 of the NPPF TBC's 5 year housing land supply position has to be reconsidered, based on the standard method of calculation.
- 8.9** As a result of the move to the standard method Tewkesbury Borough Council moved to a single district approach. This has resulted in the addition of the JCS allocations within the boundary of Tewkesbury Borough, where deemed deliverable, which had previously been attributed to meet the housing needs of Gloucester City Council under Policy SP2 of the JCS.
- 8.10** On this basis, as at 11th December 2022, the Council can therefore demonstrate a five year housing land supply of 6.16 years.
- 8.11** It is therefore advised that, as the Council can demonstrate a five-year supply of deliverable housing sites, the presumption in favour of sustainable development (or "tilted balance") is not engaged in this case

## ***Design and Layout***

- 8.12** The National Design Guide (NDG) addresses the question of how we recognise well-designed places, by outlining and illustrating the government priorities for well-designed places in the form of ten characteristics; one of which is the context. The NDG provides that well-designed development should respond positively to the features of the site itself and the surrounding context beyond the site boundary and that well-designed new development needs to be integrated into its wider surroundings, physically, socially and visually.
- 8.13** Policy SD4 of the JCS provides that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.
- 8.14** Criterion 6 of Policy SD10 'Residential Development' of the JCS states the residential development should seek to achieve maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.
- 8.15** Policy RES5 of the TBP states proposals for new housing development should be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it and be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity, unless otherwise directed by policies within the Development Plan.
- 8.16** The development would comprise a mix of housing types of detached and semi-detached dwellings. All of the properties have access to private gardens along with off street parking spaces between adjoining properties. The majority of the dwellings would also benefit from a dedicated garage. Dwellings would be set back from the road behind small, landscaped front gardens. The layout would provide an attractive frontage and good natural surveillance.
- 8.17** The surrounding character of the area has a mixed palette of materials with the majority in the immediate vicinity constructed of beige bricks, renders and stone with some red brick dwellings. The proposed external finish and detailing to the dwellings is modern and contemporary in its design, finish and form. The proposed materials and finish seek to complement the existing character and appearance of the surrounding properties.
- 8.18** Overall, in terms of the architectural approach, this is considered acceptable. Whilst the proposed dwellings would have a more contemporary appearance, they would respect the character and appearance of the surrounding area.

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

- 8.19** The NPPF sets out development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe. Policy INF1 of the JCS considers that developers provide safe and efficient access to the highway network and permission be granted only where the impact of the development is considered not to be severe. It further states that safe and efficient access to the highway network should be provided for all transport means.

- 8.20** Policy RES5 of the TBP states that proposals for new housing development should make provision for appropriate parking and access arrangements and not result in the loss or reduction of existing parking areas to the detriment of highway safety. Policy TRAC9 of the TBP states that proposals need to make provision for appropriate parking and access arrangements.
- 8.21** The application is supported by a Transport Assessment (TA) and a Travel Plan (TP). The TA establishes the suitability of the proposed increase in vehicular movements from the site utilising the existing access.
- 8.22** A visibility splay assessment has been undertaken to ensure that suitable visibility can be achieved from the site access onto the adjacent Highway.
- 8.23** The application proposes the extension of an existing footpath along the northern side of Leckhampton Lane, which will provide future occupiers with a suitable means of access to the existing services and facilities within the village
- 8.24** It is concluded that the proposed layout is suitable to accommodate servicing vehicles. A refuse vehicle, based on local standards, is able to access the site and undertake two-way working alongside a car along the estate road. Access by a fire tender is achievable in accordance with Building Regulations Part B and a delivery vehicle is able to undertake two-way working with a car, allowing access to all internal dwellings.
- 8.25** The proposal includes 51 off-street parking spaces to serve the development, mainly arranged as tandem parking to the side of dwellings and in front of garages.
- 8.26** A total of 5no. visitor parking spaces are provided within development and on-street parking will be unlikely to occur outside of the development scheme based on the layout of the parking bays and internal roads.
- 8.27** It is considered that the proposal would provide safe and suitable access and that that there would be no unacceptable impact on highway safety or a severe impact on congestion.
- 8.28** The applicant also proposes highways improvements to the triangle parcels of land fronting onto Leckhampton Lane including the provision of formalised parking for public use and improved pedestrian footpaths. This can be secured through the s106 legal agreement
- 8.29** Overall, it is considered that the proposal would conform with JCS Policies and the NPPF which seek to ensure new development meets the need of the area without compromising the safe and satisfactory operation of the highway network

### ***Trees, Landscaping and Open Space***

- 8.30** 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. The site is located within the setting of the Cotswold AONB as such Policy SD7 of the JCS is also of relevance.



- 8.31** Policy SHU2 of the TBP requires proposals to contribute to the wider green infrastructure network, deliver biodiversity net gains and mitigate against increased recreational pressures on the Cotswold Beechwoods Special Area of Conservation, and incorporate appropriate mitigation.
- 8.32** The scheme has been designed cognisant of the mitigation measures which are set out in the site-specific Green Belt mitigation guidelines set out at Appendix 1 of the Part 2 (Partial) Green Belt Review (LUC, July 2017). These measures include: development of an appropriate small scale and housing of similar density and style found within the surround area, the development being a maximum of two storeys in height, along with the retention and enhancement of existing trees located along the Ham Brook, which form the northern boundary, to provide a coherent new landscaped, Green Belt boundary.
- 8.33** These measures combined with a fully detailed landscape plan ensure that the development integrates into and enhance the existing landscape character of the surrounding area, AONB and adjoining greenbelt land. The Cotswold Conservation Board is satisfied that the proposed scheme and its mitigative measures are likely to be sufficient to avoid any adverse impacts on the natural beauty of the AONB.
- 8.34** JCS Policy SD4 (iv) requires the design of open space and landscaped areas to be of a high-quality design, proving 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.
- 8.35** The proposal seeks to secure and enhance green infrastructure at the site secured through additional planting, fully detailed within the supporting Hard and Soft Landscape Proposals Plan. Formal Landscape comments are awaited from the Landscape Advisor.  
**An update will be provided at Committee.**
- 8.36** The Green Infrastructure provision on site is focused upon the protection and enhancement of the existing green infrastructure corridor along the Ham Brook at the northern boundary of the site. The scheme has sought to build the green infrastructure provision around this existing feature with new provision linking through the site to the northern boundary.
- 8.37** 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.
- 8.38** 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.
- 8.39** 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.

- 8.40** Policy RCN1 of the TBP requires new residential development to provide appropriate public outdoor space, sports pitches and built sports facilities to meet the needs of local communities. The scheme proposes an area of multi-functional open space circa 0.25 ha in size.
- 8.41** Subject to the receipt of formal landscape comments 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 and SHU2 of the TBP.

### ***Biodiversity***

- 8.42** The NPPF sets out, inter alia, that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, especially where this can secure measurable gains for biodiversity. Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. Emerging Policy NAT1 of the Emerging TBP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.
- 8.43** The application is supported by a Phase 1 habitat survey. The Site was considered to have potential to support bats, dormouse, Roman snail, badgers, nesting birds, and hedgehog. Surveys found no evidence of Roman snail, dormouse, or reptiles. Reptiles, otter, water vole, and great crested newt were considered unlikely to be present.
- 8.44** The Ecological Appraisal report includes the biodiversity net gain (BNG) calculations using the current DEFRA metric. The BNG calculation indicates a 66.04% net loss of area habitats and a 1799.3% net gain for hedgerows under the proposed development. The report acknowledges that offsite habitat creation or enhancement will be necessary to allow the development to deliver a net gain in area habitats. The applicant proposes to make a suitable financial contribution to ensure the agreed level of biodiversity net gain is achieved, which would be secured through the S106 legal agreement.

### ***Existing and proposed residential amenity***

- 8.45** 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.
- 8.46** 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.
- 8.47** 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.

### ***Housing mix***

- 8.48** 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.
- 8.49** 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 25% of new housing should be one-bedroom properties, with 28% having two bedrooms, 26% containing three bedrooms and 12% having four bedrooms or more.
- 8.50** The application proposes two 1 bed properties (8%), six 2-bed properties (24%), thirteen 3-bed properties (52%), and four 4-bed properties (16%). While the proposed mix provides a greater number of larger 3 & 4 bed units than would be ideal. The Housing Officer raises no objections to the proposed mix of units.
- 8.51** On balance it is considered the mix of housing proposed would be appropriate in this instance and would comply with the requirements of Policy SD11 of the JCS.

### ***Affordable housing***

- 8.52** 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.
- 8.53** The proposal would provide 10 affordable dwellings as required by the original permission and the affordable mix would provide:
- 2 no. 1 bedroom units,  
5 no. 2 bedroom houses, and  
3 no. 3 bedroom houses
- 8.54** Of this, approximately 70% would be affordable rented and 30% would be shared ownership.
- 8.55** Following the provision of further details the Housing Enabling Officer (HEO) is satisfied with the affordable housing provision and it is considered that this provision would accord with Policies SD11 and SD12 of the JCS.

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

- 8.56** Policy INF2 of the JCS requires development proposals to avoid areas at risk of flooding and to minimise the risk of flooding and providing resilience to flooding taking into account climate change.
- 8.57** Site specific policy SHU2, required the development to comply with the mitigation measures set out in the Level 2 Strategic Flood Risk Assessment (SFRA).

- 8.58** The development incorporates a sustainable drainage system which manages surface water run off through capturing water from impermeable surfaces and directing it to attenuation features within the site. The attenuation features have been designed to account for green field run off rates for all storms up to a 1% annual probability plus 70% allowance for climate change. Once attenuated the water will be released at an appropriate rate to the Ham Brook
- 8.59** Both the LLFA and Flood Risk Management Officer raise no objections to the scheme considering that the proposal adequately addresses the requirements of policy SHU2 of the TBP and policy INF2 of the JCS.

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

- 8.60** The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. Whilst the Council does have a CIL in place, infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 legal agreement. The CIL regulations stipulate that, where planning obligations do not meet the tests, it is 'unlawful' for those obligations to be taken into account when determining an application.
- 8.61** These tests are as follows:
- a) necessary to make the development acceptable in planning terms.
  - b) directly related to the development; and
  - c) fairly and reasonable related in scale and kind to the development.
- 8.62** JCS Policy INF6 relates directly to infrastructure delivery and states that any infrastructure requirements generated as a result of individual site proposals and/or having regard to the cumulative impacts, should be served and supported by adequate and appropriate on/off-site infrastructure and services. The Local Planning Authority will seek to secure appropriate infrastructure, which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Policy INF4 of the JCS requires appropriate social and community infrastructure to be delivered where development creates a need for it. JCS Policy INF7 states the arrangements for direct implementation or financial contributions towards the provision of infrastructure and services should be negotiated with developers before the grant of planning permission. Financial contributions will be sought through S106 and CIL mechanisms as appropriate.
- 8.63** Requests have been made by consultees to secure the following contributions:
- £125,769.75 towards Secondary school education provision.
  - Secure Affordable Housing Requirement of 10 Units, including that 50% of the affordable units will to meet M4(2) standards of accessibility.
  - S278 Works Highways Improvements to the front triangle including a formalised parking and footpath connection.
  - A Management Plan for Open Space.
  - Secure off-site habitat enhancements (including a financial contribution) to ensure biodiversity net gain including Beechwood SAC.

## 9. Conclusion

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- 9.1** Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70 (2) of the Act provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 9.2** The site is an allocated site under Policy SHU2 of the Land north of Leckhampton Lane, Shurdington and identified as a 1.2-hectare site with an indicative capacity of 20 dwellings.
- 9.3** The scheme is acceptable in terms of its impact upon the neighbouring special landscape character. The proposal would be served by a safe and suitable access and the residual cumulative impact on the highway would not be severe. The proposal would have an acceptable impact on the character and appearance of the surrounding area and would be acceptable in terms of residential amenity. The proposal would also have an acceptable impact on existing trees to be retained.
- 9.4** It is therefore considered that the proposed development would constitute sustainable development in the context of the NPPF as a whole and it is therefore recommended that the grant of planning permission be Permitted, subject to the completion of a Section 106 Agreement.

## 10. Recommendation

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- 10.1** It is recommended that authority be **DELEGATED to the Development Manager to PERMIT the application, subject to the satisfactory resolution of the outstanding matters referred to in the report and** subject to the completion of a section 106 legal agreement to secure the following:
- £125,769.75 towards Secondary school education provision.
  - Secure Affordable Housing Requirement of 10 Units (50% of the affordable units to meet M4(2) standards of accessibility).
  - S278 Works Highways Improvements to the front triangle to including formalised parking and footpath connection.
  - A Management Plan for Open Space
  - Secure off-site habitat enhancements to ensure bio-diversity net gain including the Beechwood SAC.

## 11. Conditions

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- 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:

- 419-L01 - Location Plan
- 419-P01 - Constraints Opportunities Plan
- 419-P02 - Tree Shrub Removal Plan
- 419-P03 - Masterplan
- 419-P04 - Landscape Plan
- 419-P05 - Parking Refuse Strategy
- 419-P06 - Drainage Strategy
- 419-P07 - Housing Strategy
- 419-P08 - House Type Material
- 419-P100 - Plot 1 2 Floor Plans
- 419-P101 - Plot 1 2 Elevations
- 419-P102 - Plot 3 Floor Plans
- 419-P103 - Plot 3 Elevations
- 419-P104 - Plot 4 5 Floor Plans
- 419-P105 - Plot 4 5 Elevations
- 419-P106 - Plot 6 7 Floor Plans
- 419-P107 - Plot 6 7 Elevations
- 419-P108 - Plot 8 9 Floor Plans
- 419-P109 - Plot 8 9 Elevations
- 419-P110 - Plot 10 11 Floor Plans
- 419-P111 - Plot 10 11 Elevations
- 419-P112 - Plot 12 13 Floor Plans
- 419-P113 - Plot 12 13 Elevations
- 419-P114 - Plot 14 16 Floor Plans
- 419-P115 - Plot 14 16 Elevations
- 419-P116 - Plot 17 18 Floor Plans
- 419-P117 - Plot 17 18 Elevations
- 419-P118 - Plot 19 Floor plans
- 419-P119 - Plot 19 Elevations
- 419-P120 - Plot 20 Floor Plans
- 419-P121 - Plot 20 Elevations
- 419-P122 - Plot 21 Floor Plans
- 419-P123 - Plot 21 Elevations
- 419-P124 - Plot 22 23 Floor Plans
- 419-P125 - Plot 22 23 Elevations
- 419-P126 - Plot 24 Floor Plans
- 419-P127 - Plot 24 Elevations
- 419-P128 - Plot 25 Floor Plans
- 419-P129 - Plot 25 Elevations
- 419-P200 - Double Garage
- 419-P201 - Single Garage
- 419-P202 - Carport

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

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

- 3** No building or use hereby permitted shall be occupied or use commenced until the car/vehicle/motorcycle parking spaces (and turning space) shown on the approved plans drawing number 419 P03, has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development. Driveways/vehicle parking areas accessed from the adopted highway must be properly consolidated and surfaced, (not loose stone, gravel or grasscrete) and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To ensure that there are adequate parking facilities to serve the development constructed to an acceptable standard.

- 4** Prior to commencement of any development a Construction (and demolition) Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (but is not limited to):
- a. Site access/egress
  - b. Staff/contractor facilities and travel arrangements
  - c. Dust mitigation
  - d. Noise and vibration mitigation
  - e. Mitigation of the impacts of lighting proposed for the construction phase
  - f. Measures for controlling leaks and spillages, managing silt and pollutants
  - g. Plans for the disposal and recycling of waste

Development shall take place only in accordance with the approved CEMP.

Reason: To protect existing and proposed properties from the impacts of short term exposure to noise, vibration, light and dust nuisance

- 5** The construction work on the dwellings hereby permitted shall not commence until details of existing and proposed ground levels across the site relative to the adjoining land, together with the finished floor levels of the new dwellings relative to the Ordnance Datum Newlyn have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- 6** No building hereby permitted shall be occupied until details of the design, implementation, maintenance and management of foul water drainage works have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out, and the drainage maintained/managed, in accordance with the approved details.

Reason: To ensure development would not result in unacceptable risk of pollution or harm to the environment.

- 7 No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall cover the first ten years of management following the commencement of construction and enabling works. Enhancement measures shall be included for existing natural habitats and created habitats, as well as those for protected species. All Ecological enhancements outlined in the LEMP shall be implemented as recommended in the LEMP and the number and location of ecological features to be installed shall be specified.

Reason: To ensure proper provision is made to safeguard protected species and their habitats.

- 8 No dwelling/building shall be occupied until refuse bin storage facilities have been provided in accordance with the approved plans. The approved facilities shall thereafter be maintained for the lifetime of the development.

Reason - To ensure adequate refuse storage facilities are incorporated in the development and to ensure high quality design

- 9 No development including demolition, site clearance, materials delivery or erection of site buildings, shall start on the site until measures to protect trees/hedgerows on and adjacent to the site have been installed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. These measures shall include:

(i) Temporary fencing for the protection of all retained trees/hedgerows on and adjacent to the site whose Root Protection Areas (RPA) fall within the site to be erected in accordance with BS 5837(2012) or subsequent revisions (Trees in Relation to Design, Demolition and Construction). Any alternative fencing type or position not strictly in accordance with BS 5837 (2012) shall be agreed in writing by the local planning authority prior to the start of development. The RPA is defined in BS5837(2012).

(ii) Construction Exclusion Zone (CEZ): The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the CEZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, cabins or other temporary buildings, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the CEZ, unless agreed in writing with the local planning authority.

The approved tree protection measures shall remain in place until the completion of development.

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

- 10 Prior to its/their installation as part of the development hereby approved, a precise specification of the materials and finish for the external walls, doors, windows, roofing and hard landscaping proposed to be used in the construction of the new dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.



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

- 11** Prior to the first occupation of any dwelling hereby permitted details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

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

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

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

- 12** In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which shall be submitted to and approved in writing of the Local Planning Authority.

Reason – To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 13** The development shall be carried out in strict accordance with the mitigation recommendations outlined in the approved Construction and Environmental Management Plan (CEMP), and the enhancement recommendations outlined in the Landscape and Ecological Mitigation Plan (LEMP), submitted with this application.

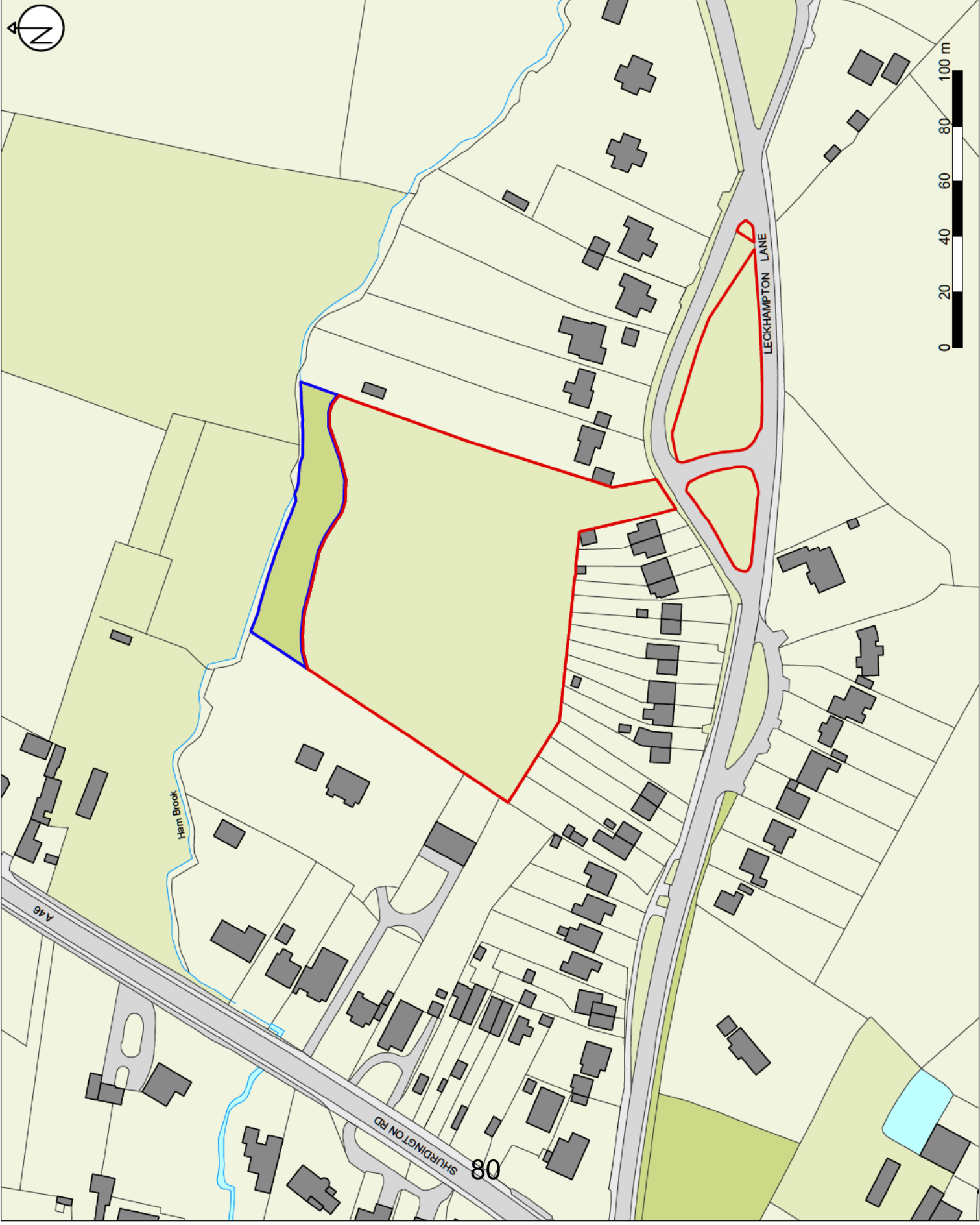
Reason: To ensure proper provision is made to safeguard protected species and their habitats in order to deliver measurable improvements for biodiversity.

## **12. Informatives**

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- 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 This planning permission is subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
  
- 3 There are trees in neighbouring properties that could be affected by the proposed development. In the interest of good neighbour relationships, it would be helpful to consult with your neighbour on the proposed works if you have not already done so. Care will be required to minimise damage to the trees through the development activities such as ground compaction and root severance. You have a legal duty to exercise reasonable care in carrying out any works that may impact adjacent trees. The future impact of the trees in neighbouring properties upon the proposed properties should also be considered particularly in terms of shading impacts and the potential for tree root related subsidence damage. Further information is available on [Guide-to-Trees-and-the-Law](#)



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### DISCUSSION

- Site boundary (126ha)
- Land in same ownership (0.15ha)

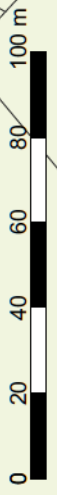
Rev.	Date	Description
		Land north of Leckhampton Lane SHURDINGTON

Location Plan		
Job ref:	Drawing number:	Revision:
419	L01	-
Date:	Scale:	Date:
1.1.250 @ A3	A3	January 2022

# edge

URBAN DESIGN

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**PLANNING**

- Site boundary (126ha)
- Land in same ownership (0.15ha)
- Existing hedgerows & trees (to be retained)
- Proposed hedgerows & planting
- Proposed trees
- PRoW
- Attenuation basins
- Area for biodiversity net gain
- 1800mm brick wall
- 1800mm close-board fence
- Potential external garden access (minimum 1m width)

Rev.	Date	Description
1		Land north of Leckhampton Lane SHURDINGTON

Landscape Plan	
Job ref	419
Drawing number	P04
Revision	-
Date	May 2022
Scale	1:1,250 @ A3



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### PLANNING

- Site boundary (126ha)
- Land in same ownership (0.15ha)
- 1 bed x 2 units
- 2 bed x 6 units
- 3 bed x 13 units
- 4 bed x 4 units
- TOTAL - 25 units**
- Affordable housing (40% - 10 units)



Rev.	Date	Description
		Land north of Leckhampton Lane SHURDINGTON

Housing Strategy	
Job ref	419
Drawing number	P07
Revision	-
Date	May 2022
Scale	1:1,250 @ A3



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**PLANNING**

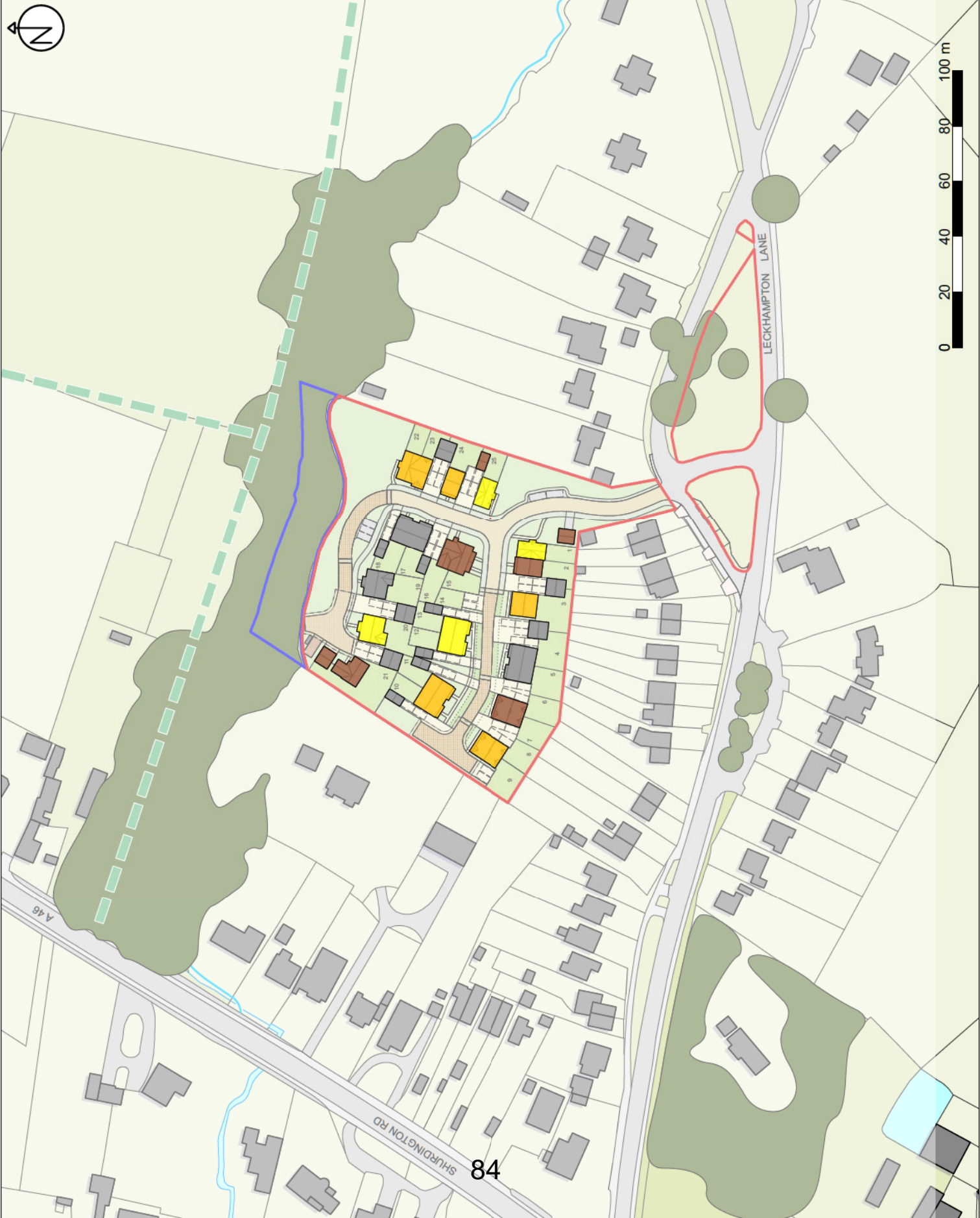
- Site boundary (126ha)
- Land in same ownership (0.15ha)
- Walls: Brindle brick
- Roof: Highland - Cottage Red
- Walls: Reconstituted stone
- Roof: Highland - Slate Grey
- Walls: White render
- Roof: Highland - Cottage Red
- Walls: Brindle Brick
- Roof: Highland - Slate Grey



Rev.	Date	Description
		Land north of Leckhampton Lane SHURDINGTON
<b>House Type</b>		
<b>Material Plan</b>		
Job ref	Drawing number	Revision
419	P08	-
Scale	Date	
1:1,250 @ A3	May 2022	



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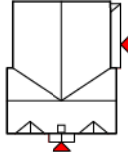
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**PLANNING**

**Materials**

Walls: Brindle brick and Render

Roof: Highland - Cottage Red



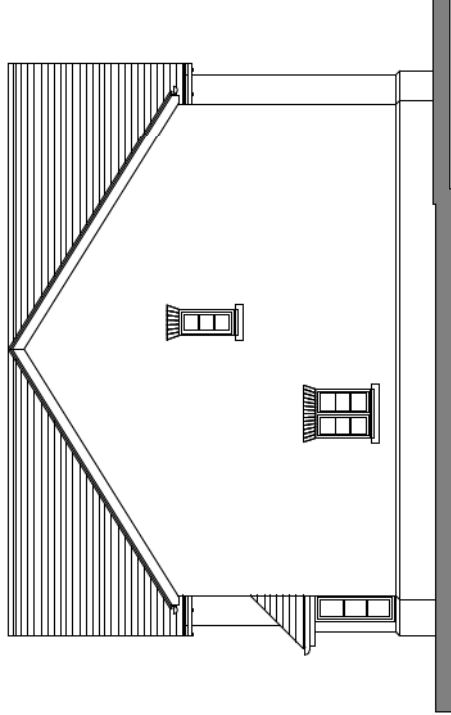
Rev.	Date	Description
		Land north of Leckhampton Lane SHURDINGTON

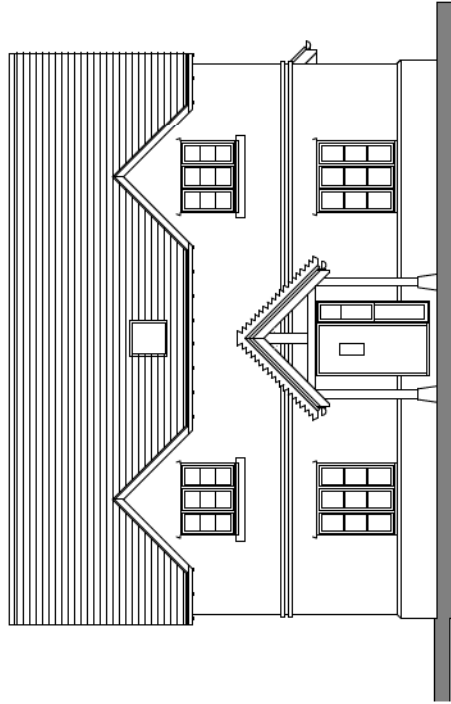
Job ref	Drawing number	Revision	Date
419	P101	-	-
Scale	1:100 @ A3		Date
			May 2022



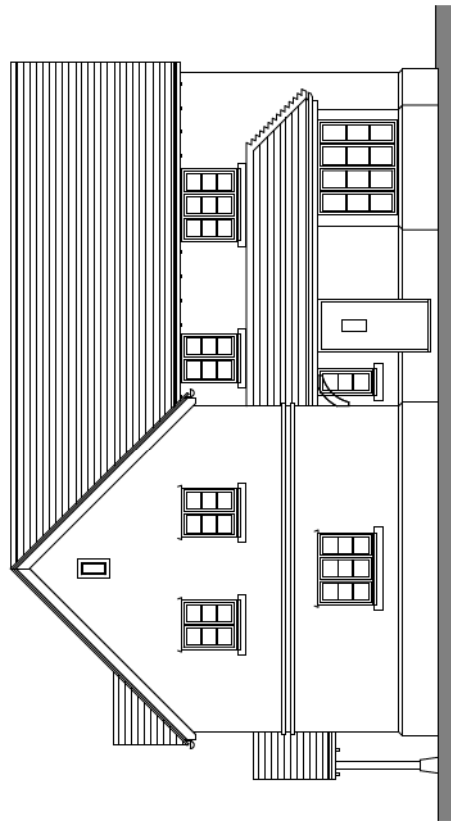
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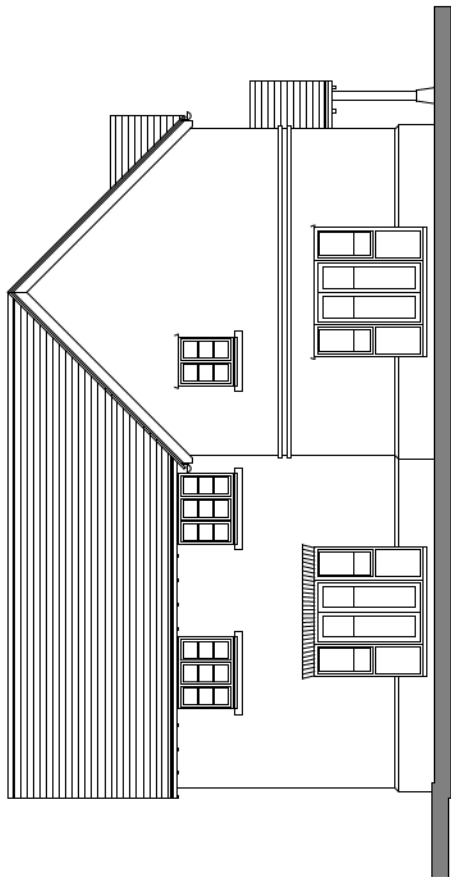
SIDE ELEVATION



SIDE ELEVATION



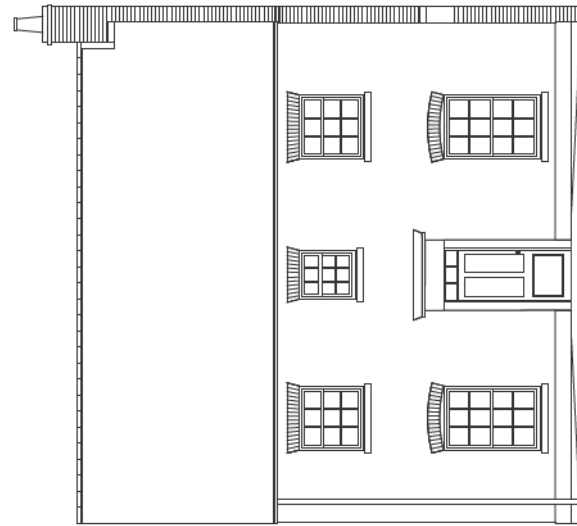
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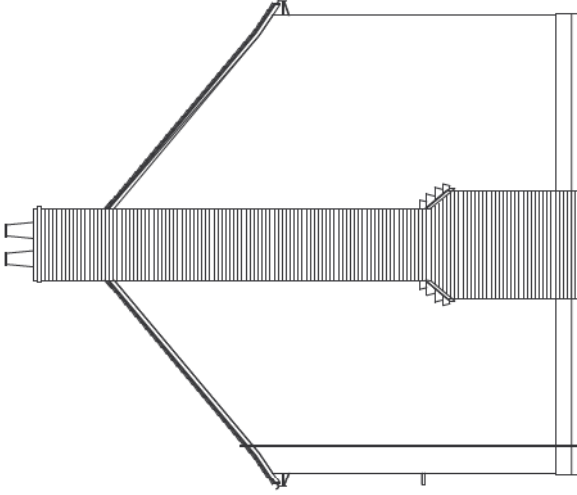
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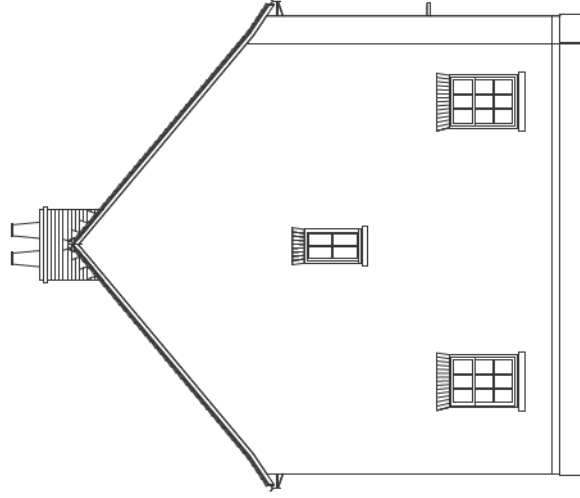
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

10 m

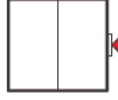
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**PLANNING**

**Materials**

Walls: Brindle brick  
Roof: Highland - Slate Grey

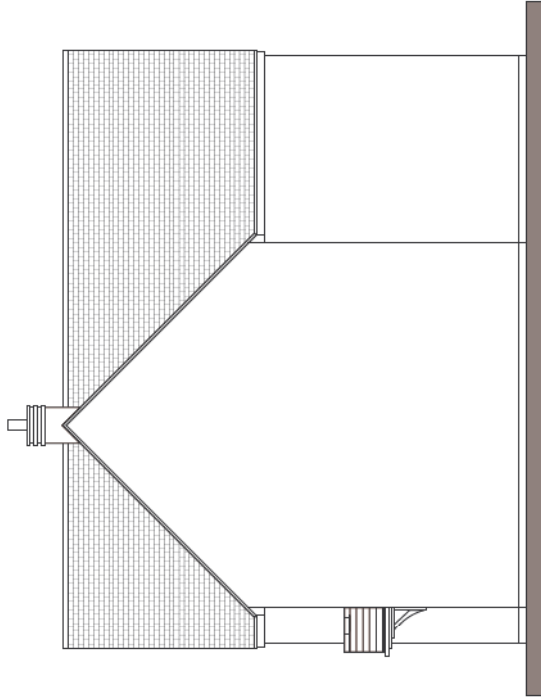


Rev.	Date	Description
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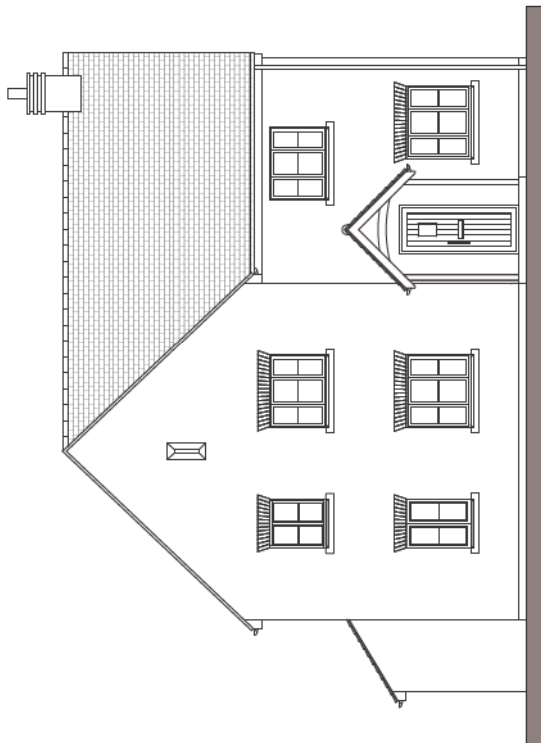
Plot 3 Elevations		
Job Ref: 419	Drawing number: P103	Revisions: -
Scale: 1:100 @ A3	Date: May 2022	



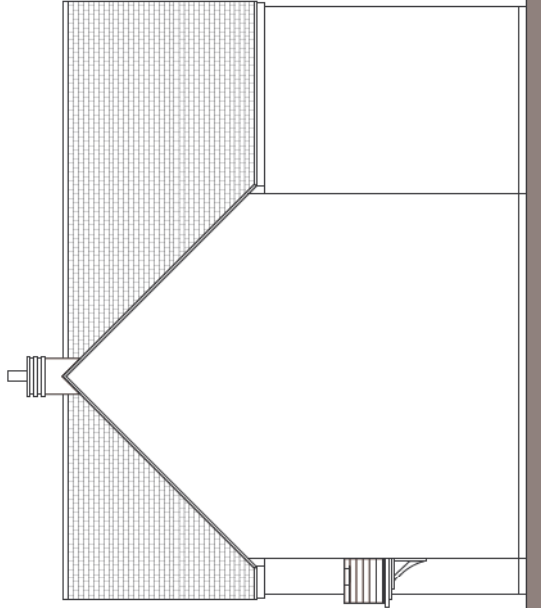
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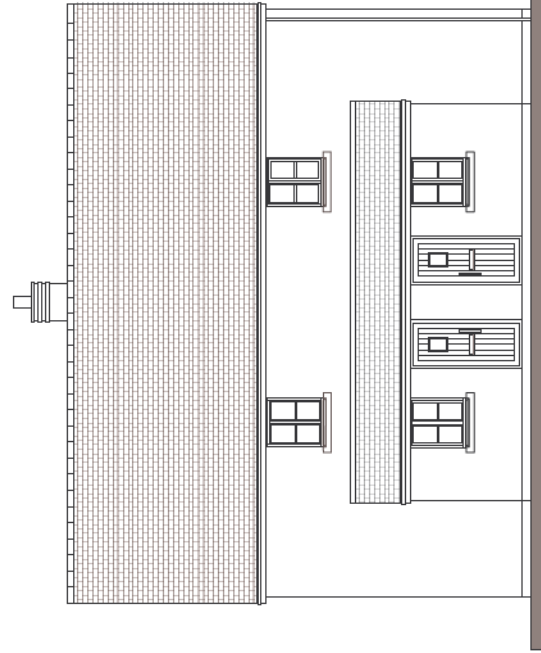
FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION



SIDE ELEVATION

10 m

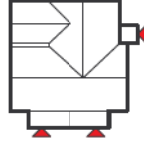
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**PLANNING**

**Materials**

Walls: Brindle brick  
Roof: Highland - Cottage Red



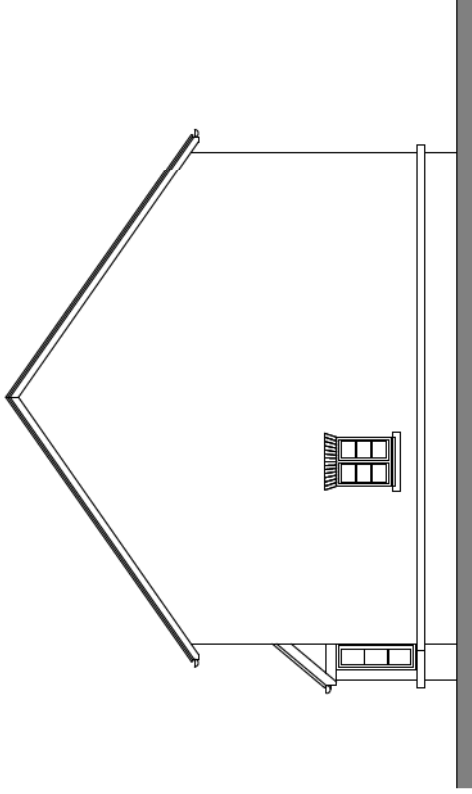
Rev.	Date	Description
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<b>Plot 14 &amp; 15 &amp; 16 Elevations</b>		
Job Ref 419	Drawing number P115	Revisions -
Scale 1:100 @ A3	Date May 2022	



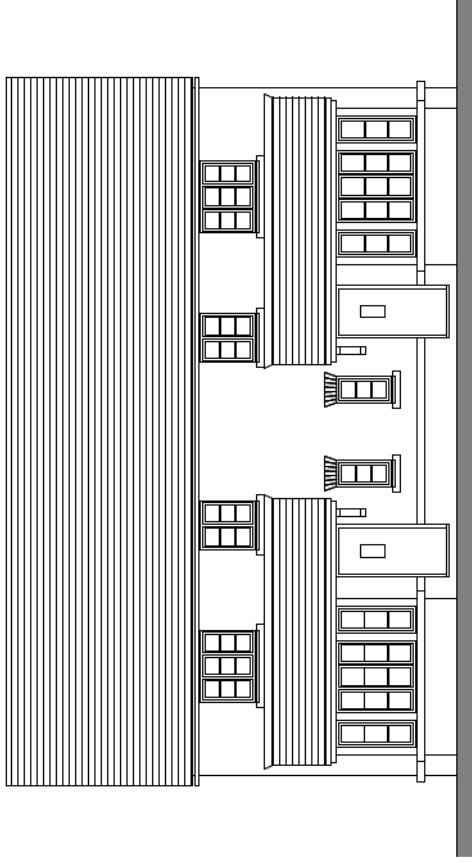
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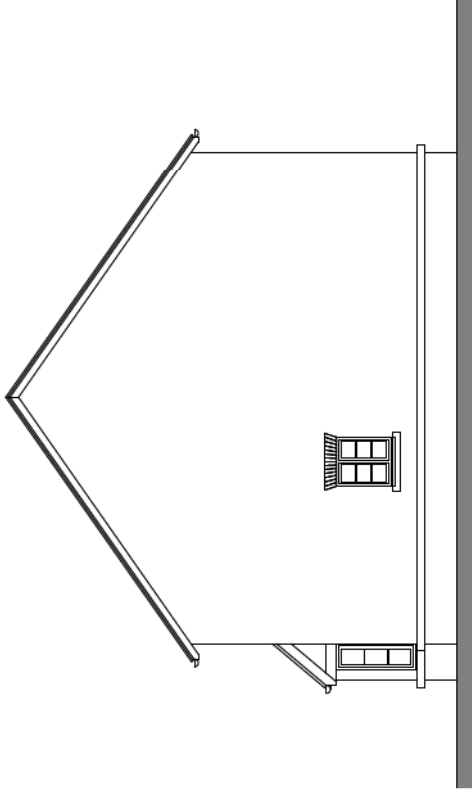
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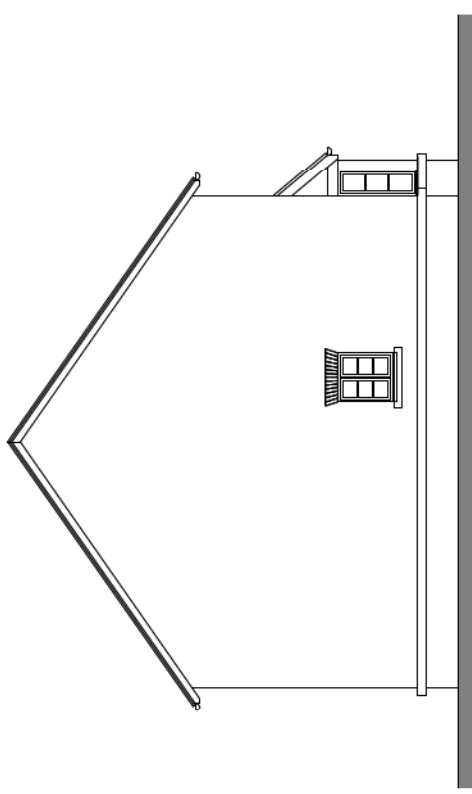
FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION



SIDE ELEVATION

10 m

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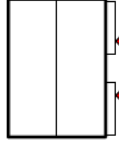
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**PLANNING**

**Materials**

Walls: Brindle brick

Roof: Highland - Slate Grey



Rev.	Date	Description
		Land north of Leekhampton Lane SHURDINGTON
<b>Plot 17 &amp; 18 Elevations</b>		
Job Ref 419	Drawing Number P117	Revision -
Scale 1:100 @ A3	Date May 2022	



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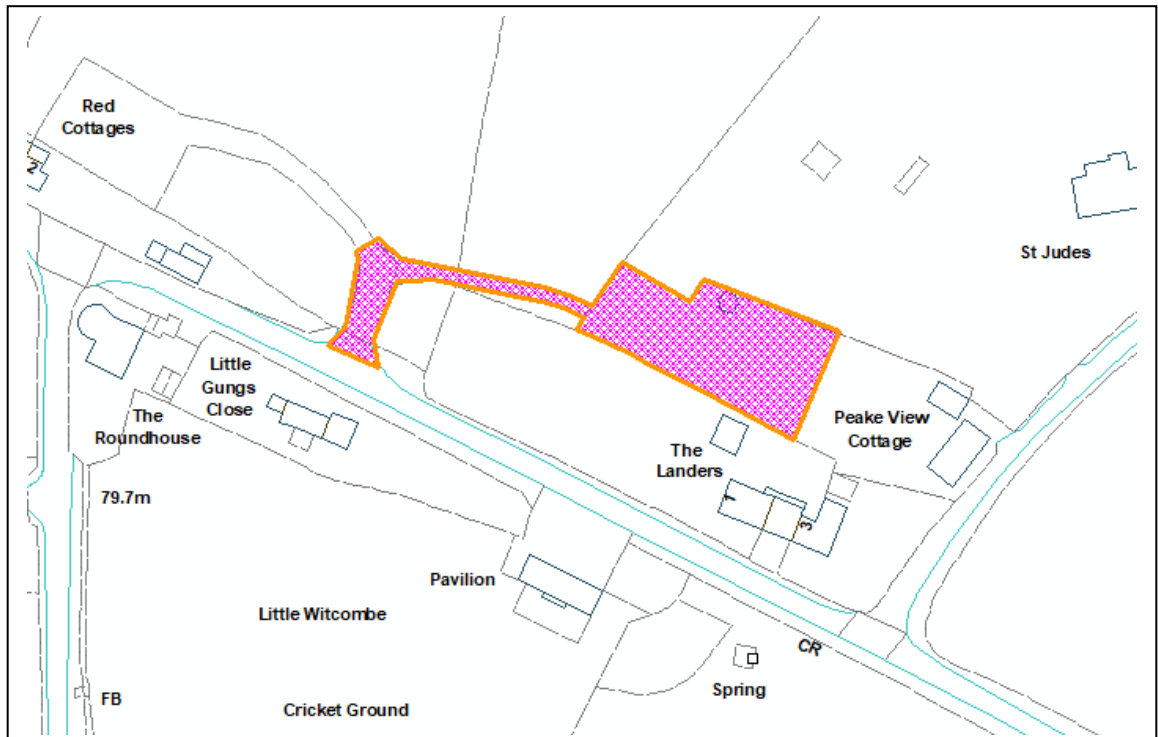
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## Planning Committee

<b>Date</b>	17 January 2023
<b>Case Officer</b>	Chloe Buckingham
<b>Application No.</b>	22/00245/FUL
<b>Site Location</b>	Peak View Cottage, Green Lane, Witcombe
<b>Proposal</b>	Erection of a detached dwelling with separate garage.
<b>Ward</b>	Badgeworth
<b>Parish</b>	Badgeworth
<b>Appendices</b>	Existing location plan Proposed site plan Proposed ground floor plan Proposed first floor plan Proposed roof plan Southwest, Northeast Elevation Northwest, Southeast Elevation Proposed Garage Plans and Elevations
<b>Reason for Referral to Committee</b>	Called in for Committee determination by Councillor Vines to assess the acceptability of the proposal given its location within the AONB.
<b>Recommendation</b>	Refuse

### Site Location

#### 1. The Proposal



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Full application details are available to view online at:  
<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=REUMEGQDKXJ00>

- 1.1 Erection of a detached dwelling with separate garage.
- 1.2 The proposal comprises of a four-bedroom detached two storey dwelling and separate garage. The main dwelling would be of a modern design incorporating a gable style design integrating dormer windows on the front and rear elevations. The wall material would consist of stone, oak and timber finishes, with the roof comprising of slate. the proposed garage would be two storey and provide car parking spaces on the ground floor and storage at first floor level. Solar panels are proposed on the southwest elevation.

## 2. Site Description

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- 2.1 The application relates to an undeveloped patch of land to the rear of Peak View Cottage. the site lies to the northwest of Peak View Cottage. Access to the site would be gained via an existing access off Ermin Way.
- 2.2 There are three properties adjacent to the boundary of the site from the northeast circling round to the south. To the northwest of the site is a densely vegetated woodland.
- 2.3 The site lies within the Cotswolds AONB.

## 3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
19/00527/FUL	Demolition of existing garage and erection of a detached 2 bay garage with storage over.	PER	16.10.2019

## 4. Consultation Responses

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

### 4.1 Badgeworth Parish Council: Objection. The main points being:

- Does not conserve the AONB
- Not situated within a rural service centre or service village- outside of a defined settlement area.
- The area is not designated for housing within the JCS
- Not infilling
- No services close by, dependent on private car so not in a sustainable location.
- Impact on neighbouring amenity- traffic.

**Highways Officer:** Currently there is an objection on highway safety and sustainability grounds. Further information has been provided by the applicant and the Council are awaiting the response from the Highways Authority. **A further update shall be provided at Committee.**

**Archaeology:** No objection.

**Ecology:** No objection subject to 3 conditions and 1 informative.

**Building Regulations:** the application will require building regulations approval.

**Drainage Engineer:** No objection subject to 2 conditions.

**Tree officer:** No objection subject to 3 conditions and an informative.

## **5. Third Party Comments/Observations**

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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: Two letters of objection and two letters of support have been submitted raising the following Planning Matters:

Objection:

- Detrimental impact to character and appearance of the area
- Overlooking concerns
- Dominant feature in the landscape
- Unsympathetic design
- Site does not constitute infill development
- Less weight should be given to submitted appeals
- No notable impact on 5 year housing land supply issues
- If titled balance engaged the harm to AONB and residential amenity is not outweighed
- does not conserve or enhance the landscape of the AONB
- intensive form of development for site
- not a sustainable location to develop
- does not compliment settlement pattern
- urbanisation of the area
- contrary to Policy RES5 for all reasons set out in this policy
- inadequate garden size
- No economic benefit to the local community building the dwelling
- Detrimental impact to neighbouring amenity
- Limited information on impact to trees

Support:

- In-keeping with other properties
- Good design

## **6. Relevant Planning Policies and Considerations**

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### **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

SP2 (Distribution of New Development)  
SD3 (Sustainable Design and Construction)  
SD4 (Design Requirements)  
SD6 (Landscape)  
SD7 (Cotswolds Area of Outstanding Natural Beauty)  
SD8 (Historic Environment)  
SD9 (Biodiversity and Geodiversity)  
SD10 (Residential Development)  
SD11 (Housing mix and Standards)  
SD14 (Health and Environmental Quality)  
INF1 (Transport Network)  
INF2 (Flood Risk Management)

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

RES3 New Housing Outside Settlement Boundaries  
RES4 New housing at other rural settlements  
RES5 New Housing Development Policy RES13 Housing Mix  
DES1 Housing Space Standards  
TRAC9 Parking Provision  
ENV2 Flood Risk and Water Management  
NAT1 Biodiversity, Geodiversity and Important Natural Features  
HER4 Archaeological Sites and Scheduled Monuments

**7. Policy Context**

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**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**

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### **Principle of development**

- 8.1** Policy SP2 of the JCS sets out the strategy for the distribution of new development across the JCS area, and JCS Policy SD10 ('Residential Development') specifies that, within the JCS area, new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. It sets out that housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. Policy SA1 of the JCS formally designates seven Strategic Allocations on the edges of existing urban areas and focuses on the need to deliver comprehensive development in each of these areas. The application site is not located within any of these Strategic Allocations.
- 8.2** JCS Policy SD10 specifies that, on sites that are not allocated, housing development and conversions to dwellings will be permitted on previously developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within district plans. And is outside any defined residential boundary. Outside these areas there is generally insufficient facilities to support development and are not considered suitable locations for residential development.
- 8.3** The site is located outside of any defined settlement boundaries and outside of the built-up area of Witcombe and there are no footpaths along the road to the services that are provided within this built-up area.
- 8.4** In general terms the NPPF seeks to prevent the unsustainable creation of new housing development in the open countryside. Paragraph 80 of the NPPF states that policies and decisions should avoid the development of isolated homes in the countryside. Whilst the site cannot be considered to be in an isolated location due to its proximity to other dwellings, it is considered to be outside of the built-up area of Witcombe.
- 8.5** The application site is not allocated in the plan and lies outside of the built-up area of the nearest town or village. Criteria 4(ii) of JCS Policy SD10 sets out that housing development on other sites (those not allocated within the plan or comprising previously developed land) will be permitted where 'It is infilling within the existing built-up areas' of, (and amongst other areas), Tewkesbury Borough's villages (except where otherwise restricted by policies within district plans). The supporting commentary states that 'For the purposes of this policy (4 ii), infill development means the development of an under-developed plot well related to existing built development.'
- 8.6** Policy RES3 of the Tewkesbury Borough Local Plan (TBLP) sets out criteria in which new housing outside of settlement boundaries would be supported. One of these criteria is very small scale development at rural settlements in accordance with Policy RES4 of the TBLP.
- 8.7** Policy RES4 of the TBLP states that to support the vitality of rural communities and the continued availability of services and facilities in the rural areas, very small-scale residential development will be acceptable in principle within and adjacent to the built-up area of other rural settlements (i.e. those not featured within the settlement hierarchy).



- 8.8** For the purpose of Policy RES4 and the application of Policy SD10 of the JCS, the Council considers the built-up area of the settlement to be its continuous built form as it existed at the start of the plan period and excluding:
- a) individual buildings or groups of dispersed buildings which are clearly detached from the continuous built-up area of the settlement;
  - b) gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built-up area of the settlement.
- 8.9** The built-up area of Witcombe is situated to the Northwest of the site and the site is considered to be within the more dispersed linear form of development to the South of the built-up area and this is not adjacent to the built-up area. Ermin Way and Green Lane are characterised by a linear form of development, and the introduction of a dwelling in this location would create an awkward arrangement and a cluster of dwellings which is contrary to the pattern of development that currently exists. The proposal would create back land development within the existing garden area of the host dwelling and would subdivide the plot which would be an uncharacteristic pattern of development in the vicinity of the site.
- 8.10** The proposal would therefore not constitute infill development or any other form of appropriate development and would be contrary to policies SP2 and SD10 of the JCS and policy RES4 of the TBLP.
- 8.11** Furthermore, Tewkesbury Borough Council can demonstrate that there is not a shortfall in the supply of deliverable housing sites. Therefore, Framework paragraph 11d) is not engaged in the Planning Balance in this instance.

### **Landscape and Impact on AONB**

- 8.12** The application site is located within the Cotswolds AONB which is an area of high scenic quality that has statutory protection in order to conserve and enhance the natural beauty of its landscape. The National Planning Policy Framework (NPPF) makes clear that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty.
- 8.13** JCS 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.
- 8.14** The development site in Witcombe is on the lower slopes of the western edge of the Cotswold escarpment. The site is located off Ermin Way a Roman Road which has a dispersed linear form of development. The site is on land to the rear of Peak Cottage and adjacent to the land of the disused camp site, a densely wooded area. The proposed site access on to Ermin Way is to the west of the site, through part of the wooded area. In accordance with SD7, it must be demonstrated that the biodiversity and landscape of this woodland site and wider landscape within the Cotswold AONB is not detrimentally impacted.

- 8.15** A Landscape and Visual Assessment has been submitted alongside the application. This concluded that the visual envelope associated with the proposals was localised and the majority of the surrounding landscape would be unaffected visually and there were no concerns regarding the anticipated landscape and visual effects.
- 8.16** Notwithstanding the fact that the site is enclosed and may not be subject to views, there must still be an assessment on the landscape character of the area.
- 8.17** Policy CE1 of the Cotswolds AONB Management Plan highlights the importance of having regard to the landscape character of the area.
- 8.18** Policy CE3 of the Cotswolds AONB Management Plan also outlines that proposals should be designed to respect local settlement patterns, building styles, scale and materials.
- 8.19** Whilst the architectural character of the area appears to be historic/traditional, the dwellings within the wider area are a mixture of architectural styles and built forms and there is no firm consistency to the style or materials. Therefore, the general form of the proposed dwelling, being one and half storey with modest traditional dormers, is in keeping with the adjacent dwelling known as 'The Landers'.
- 8.20** The proposed dwelling would not be immediately visible within the street scene but there would be glimpses and its presence would be registered as a peripheral visual influence. It is also agreed that most of what would be visible would be a traditional roof form with gabled dormers. However, it was considered that the amount of glazing to the full height gable on the front elevation should be reduced to avoid light spill in the AONB but no revised plans were received. Whilst, the use of oak and slate, and the general design of the dwelling is acceptable, the amount of glazing and the height of the porch is considered incongruous with the character and appearance of the area.
- 8.21** Furthermore, Ermin Way and Green Lane are characterised by linear form of development, and the introduction of a dwelling in this location would create an awkward arrangement and a cluster of dwellings which is contrary to the pattern of development that currently exists. However, the proposal would create back land development and subdivide the plot which would be an uncharacteristic pattern of development in the vicinity of the site.
- 8.22** Overall, whilst the development is not in keeping with the local context in terms of layout, considering the limited views of the development within the AONB, the scheme is not considered to cause harm to the landscape and scenic beauty of the AONB. For these reasons it is considered the application complies with Policy SD7 of the JCS and the NPPF in regard landscape and AONB policy.

### **Design and Layout**

- 8.23** JCS Policy SD4 provides that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.
- 8.24** Criterion 6 of Policy SD10 'Residential Development' of the JCS states the residential development should seek to achieve maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.

- 8.25** Policy RES5 states that in considering proposals for new housing development regard will be had to the following principles. Proposals should (amongst other criteria):
- be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it;
  - be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity, unless otherwise directed by policies within the Development Plan;
  - where an edge of settlement site is proposed, respect the form of the settlement and its landscape setting, not appear as an unacceptable intrusion into the countryside and retain a sense of transition between the settlement and open countryside;
  - not cause the unacceptable reduction of any open space (including residential gardens) which is important to the character and amenity of the area;
  - incorporate into the development any natural or built features on the site that are worthy of retention;
- 8.26** It must be noted that whilst the orientation of the dwelling is different in page 6 of the Design and Access Statement, the applicant has confirmed that the orientation of the dwelling in the submitted proposed plans is accurate.
- 8.27** The properties in Witcombe are a mixture of architectural styles and built forms with the character of the area being dwellings in close proximity to the highway in a ribbon form of development.
- 8.28** The property is large for the plot in a central position orientated to minimise impact on adjacent dwellings in terms of privacy, overlooking and overbearing nature. As a result this has created an awkward arrangement and would not be commensurate with the plot available. In addition, as explored above, an introduction of a new dwelling in this location would create a cluster of development which is contrary to the existing linear form of development that surrounds the site. The proposal would create backland development and subdivide the plot which would be an uncharacteristic pattern of development in the vicinity of the site.
- 8.29** As explained above, the dwellings within the wider area are a mixture of architectural styles and built forms. Whilst the general design of the building and the use of materials being natural stone, oak, timber and slate is considered acceptable in this location, Ermin Way and Green Lane are characterised by a linear form of development, and the introduction of a dwelling in this location would create an awkward arrangement and a cluster of dwellings which is contrary to the pattern of development that currently exists.
- 8.30** Furthermore, the front porch is considered to be too large and awkward looking to the front and this should be reduced in height and the provision of another dormer window above the porch could be inserted. The amount of glazing proposed is also considered to detract from the rural character of the area.
- 8.31** Whilst it is noted that views into the plot are limited. Vegetation is not a permanent screening measure and could be removed at any time.
- 8.32** In regard to internal dimensions, the proposed development would meet the minimum standards within the Nationally Described Space Standards for a 4 bed dwelling. It is also considered that there could be sufficient garden amenity to serve the dwelling and retained garden amenity to serve the host dwelling.

**8.33** Overall, in light of these observations, it is considered that the proposal is out of keeping with the layout of the local context contrary to policies SD4 and SD10 of the JCS together with Policy RES5 of the TBLP.

### **Residential Amenity**

**8.34** JCS policy SD14 requires 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.

**8.35** 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;

**8.36** 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.

**8.37** A number of objection comments have been received regarding the negative impact on residential amenity for neighbouring properties, especially concerning over-looking.

**8.38** Whilst it is acknowledged that the neighbouring property known as St Judes is located some distance from the proposed dwelling, approx. 65m away. The two non-obscurely glazed dormer windows in the North elevation serving bedrooms 2 and 3 would result in a loss of privacy within the garden area of this property.

**8.39** The applicants have stated that these windows are obscured by the trees which belong to St Judes and so the applicants will not be able to remove them. However, it is still considered that there will be some overlooking for the applicants of St Judes as the trees will not completely block the views of the first-floor windows. Furthermore, whilst it is noted that there are trees and vegetation around the site, this cannot be relied upon to screen the site as this could be removed at any time by the neighbours or future occupiers of the proposed dwelling. Whilst it is understood that the property known as St Judes has a large garden, there is still considered to be some significant overlooking into the rear garden area.

**8.40** The triangular windows serving bedrooms 3 and 4 are at a height of around 3m and as such these are a source of natural light only. It is agreed that there will be no significant overlooking to Peake View Cottage.

- 8.41** The front of the proposed dwelling is facing the driveway and garden area of the property known as 'The Landers' to the South. Whilst there are no windows with direct views into the dwelling, which is approx. 24 m away from this property, it is noted that the proposed first-floor gable end has a Juliet balcony serving a bedroom. Therefore, there is considered to be an over-looking impact and loss of privacy into the driveway and garden area for the property known as 'The Landers'.
- 8.42** In response the applicant has stated that the 'private (rear) garden' of The Landers is an area enclosed by a 6 foot fence surrounding a swimming pool and featuring a barbecue area, lawn and sun terrace. It is agreed that this is not overlooked from either the proposed house or garden. The applicants have stated that the amenity area adjacent to the driveway abuts the road on one side with only a non-evergreen hedge for privacy and contains the driveway to the garage and parking area. The applicants have also stated that the low post and wire fence between the driveway to The Landers and the extended garden area to Peake View Cottage (or 'the site') belongs to The Landers.
- 8.43** The applicants have gone on to explain that one would assume that if the owner felt that this was anything other than a front garden, they would have replaced this with a more private boundary. The applicants have also stated that the new owner of The Landers was aware of this planning application as his purchase of the property took place after the application was submitted and he had the opportunity to comment at the second consultation but did not respond. However, it is still considered that there will be an element of overlooking and loss of privacy for the current and future occupiers of The Landers. Even though the current owner of this property has not objected, the planning assessment must be made regardless of whether or not the current owners of the neighbouring property have commented. The planning assessment should ensure that the amenity of the property is safeguarded for the future.
- 8.44** Whilst there is considered to be some over-looking and loss of privacy into the garden and driveway areas of the properties identified above, considering the distances between the proposed dwelling and neighbouring properties the scheme is not considered to create any significant overbearing or loss of light concerns.
- 8.45** Whilst the resulting outdoor amenity space for the proposed dwelling and Peak View Cottage is considered acceptable, and the proposed dwelling also complies with the Nationally Describe Space Standards, as the scheme will have an unacceptable harm and loss of privacy to the property known as 'The Landers' to the south, the scheme is contrary to policies SD4 and SD14 of the JCS and policy RES5 of the TBLP.

### **Highways**

- 8.46** 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.
- 8.47** 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.

- 8.48** The access for the new dwelling will utilise an existing access to the west of the site off Ermin Way. The highways engineer explained in the previous response that the visibility splays do not meet the requirements and would be less when taken 2.4m back from the indicative give way line shown on the plan for driver position to the nearside vehicle track edge in both directions. Furthermore, it was noted that the highway boundary hedges either side of the access are not with the application red line are of control and therefore could not be cut back without third party approval and maintained except by third parties.
- 8.49** Given the above the Highway Authority currently conclude that there would be an unacceptable impact on Highway Safety and conflict with providing safe and suitable access for all users without safe access by non-car modes or access visibility and therefore recommend that this application is refused as it is contrary to paragraphs 110 and 112 of the NPPF and Local Plan Core Strategy policy INF1.
- 8.50** However, the applicant has submitted more information regarding the visibility splays and accessibility of the site and the highways authority has been re-consulted accordingly but the Council is still awaiting the response. **A further update shall be provided to Members at Committee.** In the event that the highways authority uphold their objection on highways safety grounds then an additional refusal reason would be required.

### **Heritage Impact**

- 8.51** Policy SD8 'Historic Environment' states that development should make a positive contribution to local character and distinctiveness, having regard to values and distinctive elements of the historic environment. Designated and undesignated heritage assets and their settings will be conserved and enhanced appropriate to their significance.
- 8.52** The County Archaeologist has been consulted and considers that the proposed development is close to route of the Roman Ermin Street but no archaeological remains of the Romano-British period other than the road are known in the immediate vicinity. In addition the site lies with a WWII military camp associated with RAF Witcombe but all remains of the relevant part of the camp are thought to have been demolished after the war.
- 8.53** The proposed development has a low potential to impact negatively on significant archaeological remains. Therefore, no archaeological investigation or recording need be undertaken in connection with this scheme.
- 8.54** The proposal is therefore considered to conserve the heritage assets present on site and therefore complies with SD8.

### **Drainage**

- 8.55** 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.

- 8.56** Within the planning statement it states that all hard surfacing will use permeable materials and foul drainage will be via a new packaged treatment works on site. The Drainage Officer has been consulted on the application and has explained that whilst there is no drainage illustration, based on the scale of the proposals there is no objection but surface water to a water butt/soakaway, may not infiltrate, as mudstones are present.
- 8.57** As such there is no objection to the proposal in terms of drainage and if the scheme were acceptable two conditions would be required to ensure that no development shall start until a detailed design, maintenance and management strategy and timetable of implementation for the surface water drainage strategy presented in the Surface and Foul Water Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. A second condition is considered necessary to ensure that the development shall not be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority.
- 8.58** These conditions are considered necessary to ensure the development is provided with a satisfactory means of drainage and thereby reducing the risk of flooding and also to provide for the continued operation and maintenance of sustainable drainage features serving the site and to ensure that the development does not result in pollution or flooding, to improve water quality at point of discharge, in accordance with policy INF2 of the JCS.

### **Trees**

- 8.59** Policy INF3 of with JCS provides that existing green infrastructure, including trees should be protected. Developments that impact woodlands, hedges and trees should be justified and include acceptable measures to mitigate any loss and should incorporate measures acceptable to the Local Planning Authority to mitigate the loss.
- 8.60** Policy NAT1 relates to biodiversity, geodiversity and important natural features and provides that development likely to result in the loss, deterioration or harm to features of environmental quality will not be permitted unless the need/benefits for development outweigh the impact.
- 8.61** The application will result in the loss of one hawthorn and a small group of self-seeded ash trees which is acceptable. There is a small encroachment with the garage into the root protection area (RPA) of the poplar trees and the neighbouring trees shown as G7 but officers are satisfied that if the works are carried out with adequate ground and barrier protection installed that the disturbance to the RPA will be kept to a minimum.
- 8.62** It is unclear how services are proposed to be routed in and this would have to be demonstrated that the impact to the root protection areas of the existing trees are kept to a minimum. A method statement would be required to show how this is going to be achieved. There is no mention of the hedgerow requiring removal along the entrance of the site to gain visibility splays. The newly planted Laurel Hedge should be removed and replanted with a native mixed species hedgerow to provide an attractive screen but much more beneficial to wildlife. There is also ample opportunity to incorporate new tree planting within the scheme and this should be shown on a proposed tree planting plan.

- 8.63** If the scheme were acceptable a condition would be attached regarding tree/hedgerow planting, a further condition would be attached to ensure that no development including demolition, site clearance, materials delivery or erection of site buildings, shall start on the site until measures to protect trees/hedgerows on and adjacent to the site have been installed in accordance with details that have been submitted to and approved in writing by the local planning authority. A further condition would be attached regarding details of excavations or surface treatments if proposed within the root protection areas (RPA) of retained trees and hedgerows. These conditions are considered necessary to ensure compliance with policy INF3 of the JCS and NAT1 of the TBLP.

### **Ecology**

- 8.64** Policy SD9 of the JCS seeks for the protection and enhancement of biodiversity and to establish and reinforce ecological networks. This includes ensuring that those European Species and Protected Species are protected in accordance with the law.
- 8.65** Policy NAT1 of the TBLP states that proposals, where applicable will be required to deliver biodiversity net gains. Policy NAT3 of the TBLP seeks for development to contribute towards the provision, protection and enhancement of the wider green infrastructure network.
- 8.66** A preliminary ecology appraisal was submitted and is considered acceptable by the Councils Ecological advisors. It has been suggested that should the scheme be permitted then three conditions should be applied to any permission granted.

### **Other issues**

- 8.67** A third-party comment raised concerns with regard to the private amenity space providing an inadequate size for a four-bedroom dwelling. However, officers are satisfied that sufficient garden space is provided.

### **CIL**

- 8.68** The development is CIL liable because it creates new dwelling(s). The relevant CIL forms have been submitted.

## **9. Conclusion**

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- 9.1** The proposal for a new dwelling in this location would conflict with national guidance and development plan housing policy. The site does not lie within the built-up area of the settlement of Witcombe nor does the site lie adjacent to the built-up area of the settlement. The proposed development also does not represent infill development in the context of Policy SD10 of the JCS. The proposal for a new dwelling in this location would therefore conflict with national guidance and development plan housing policy.
- 9.2** The proposal, by virtue of it being backland development and by virtue of its siting, layout and design would fail to respect the character of the area and would be contrary to the spatial pattern within the area. The proposal would therefore have a harmful impact on the character and appearance of the area.
- 9.3** The scheme would also result in an unacceptable level of harm to the amenity of the property known as 'The Landers' resulting in a loss of privacy. As such, the scheme is contrary to policies SD4 and SD14 of the JCS and policies RES4 and RES5 of the TBLP.



## 10. Recommendation

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10.1 It is recommended that the application should be **Refused** for the following reasons set out below.

## 11. Refusal reasons

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- 1) The site does not lie within the built-up area of the settlement of Witcombe nor does the site lie adjacent to the built-up area of the settlement. The proposed development therefore conflicts with Policies SP2 and SP10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017) and Policies RES3 and RES4 of the Tewkesbury Borough Local Plan 2011 – 2031 (June 2022) in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development.
- 2) The proposal, by virtue of it being backland development and by virtue of its siting, layout and design would fail to respect the character of the area and would be contrary to the spatial pattern within the area. The proposal would therefore have a harmful impact on the character and appearance of the area. The proposal is therefore contrary to Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), Policy RES5 of the Tewkesbury Borough Local Plan 2011-2031 (June 2022) and the National Planning Policy Framework.
- 3) The proposed dwelling would result in an unacceptable level of harm to the amenity of the property known as 'The Landers' resulting in a loss of privacy, contrary to policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and policy RES5 of the Tewkesbury Borough Local Plan 2011-2031 (June 2022).

## 12. Informatives

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- 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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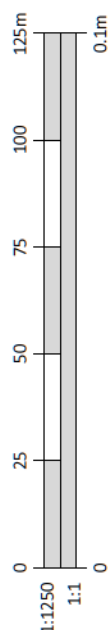
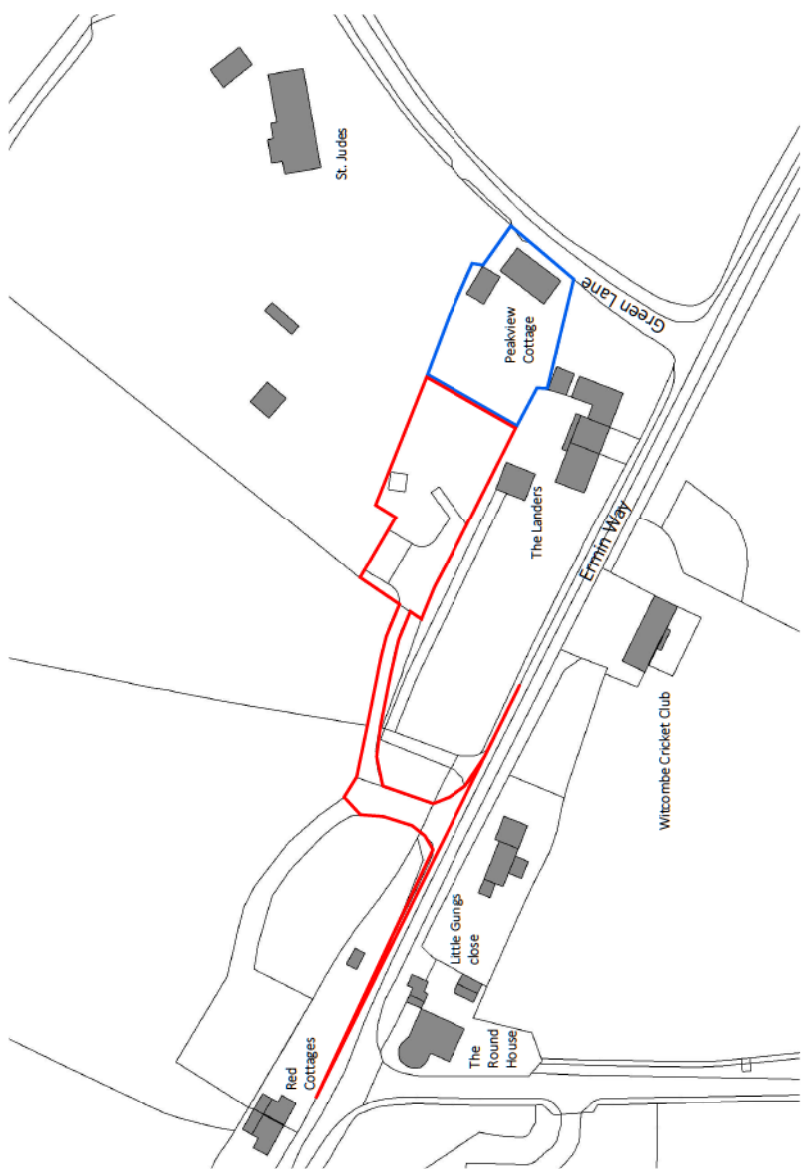
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CLIENT  
 SITE ADDRESS  
**Land adj. to Peakview Cottage**  
**Witcombe**  
**Gloucester GL3 4SW**  
 PROJECT  
**New Dwelling**

DEPARTMENT	ARCHITECTURE
DRAWING	EXISTING LOCATION PLAN
SCALE	1:1250 @ A3
DATE DRAWN	DATE ISSUED
26.05.22	26.05.22
DRAWN	CHECKED
DR	CA
ISSUE STATUS	
DRG. NO.	REV.
19-092.MCE-01	-

KEY

	Site boundary
	Other land belonging to applicant



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CLIENT

SITE ADDRESS

Land adj. to Peakview Cottage  
Witcombe  
Gloucester GL3 4SW

PROJECT

New Dwelling

DEPARTMENT

ARCHITECTURE

DRAWING

PROPOSED SITE PLAN

SCALE

1:500 @ A3

DATE DRAWN

26.05.22

DATE ISSUED

26.05.22

DRAWN

DR

CHECKED

CA

ISSUE STATUS

CA

DRG. NO.

19-092.MCE-02

REV.

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KEY

- Site boundary
- Root protection area
- Other land belonging to applicant
- Trees for removal

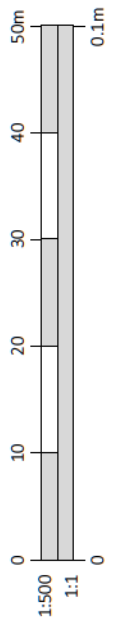


104

SITE PLAN

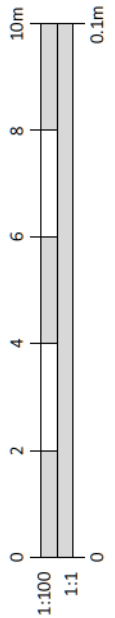
Proposed

Scale 1:500



Gross Internal Floor Areas

Ground Floor	125.73 m <sup>2</sup>	1353.3 ft <sup>2</sup>
First Floor	94.11 m <sup>2</sup>	1012.98 ft <sup>2</sup>
<b>Total</b>	<b>219.84m<sup>2</sup></b>	<b>2,366.28ft<sup>2</sup></b>



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CLIENT

SITE ADDRESS

Land adj. to Peakview Cottage  
Witcombe  
Gloucester GL3 4SW

PROJECT

New Dwelling

DEPARTMENT

ARCHITECTURE

DRAWING

GROUND FLOOR PLAN

SCALE

1:100 @ A3

DATE DRAWN

26.05.22

DATE ISSUED

26.05.22

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ISSUE STATUS

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DRG. NO.

19-092.MCE-04

REV.

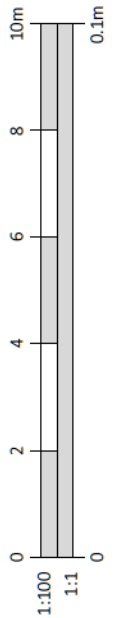
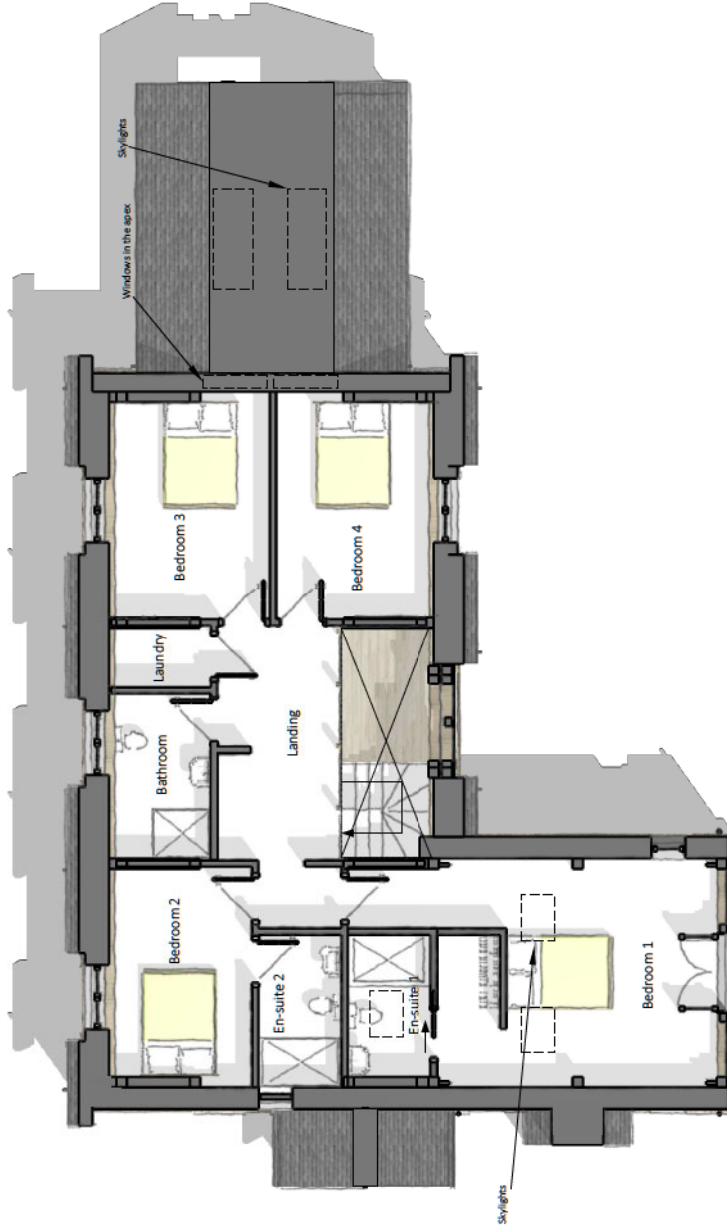
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GROUND FLOOR PLAN

Proposed  
Scale 1:100

Gross Internal Floor Areas

Ground Floor	125.73 m <sup>2</sup>	1353.3 ft <sup>2</sup>
First Floor	94.11 m <sup>2</sup>	1012.98 ft <sup>2</sup>
<b>Total</b>	<b>219.84m<sup>2</sup></b>	<b>2,366.28ft<sup>2</sup></b>



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CLIENT

SITE ADDRESS

Land adj. to Peakview Cottage  
Witcombe  
Gloucester GL3 4SW

PROJECT

New Dwelling

DEPARTMENT

ARCHITECTURE

DRAWING

FIRST FLOOR PLAN

SCALE

1:100 @ A3

DATE DRAWN

26.05.22

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ISSUE STATUS

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CLIENT

SITE ADDRESS

Land adj. to Peakview Cottage  
Witcombe  
Gloucester GL3 4SW

PROJECT

New Dwelling

DEPARTMENT

ARCHITECTURE

DRAWING

ROOF PLAN

SCALE

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DATE DRAWN

26.05.22

DATE ISSUED

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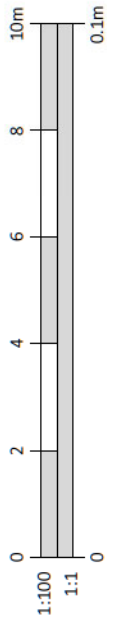
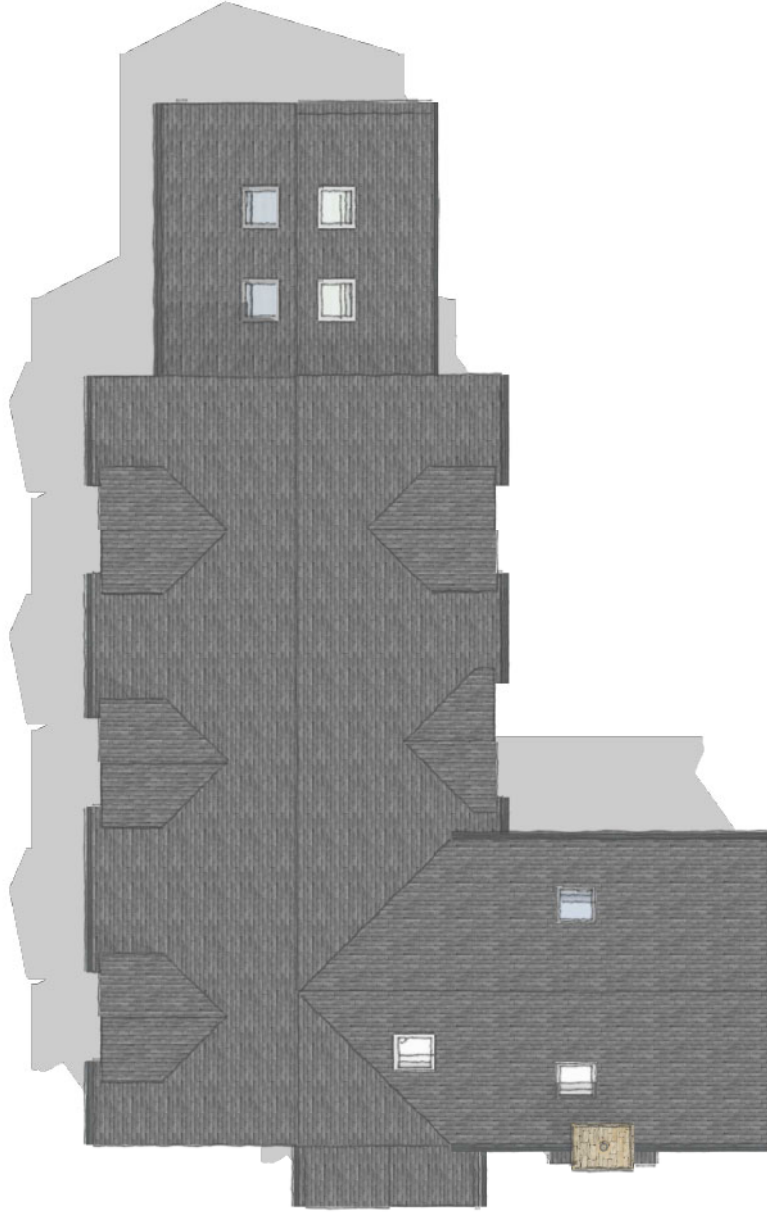
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**ROOF PLAN**  
Proposed  
Scale 1:100

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CLIENT

SITE ADDRESS

Land adj. to Peakview Cottage  
Witcombe  
Gloucester GL3 4SW

PROJECT

New Dwelling

DEPARTMENT

ARCHITECTURE

DRAWING

S.WEST, N.EAST ELEVATION

SCALE

1:100 @ A3

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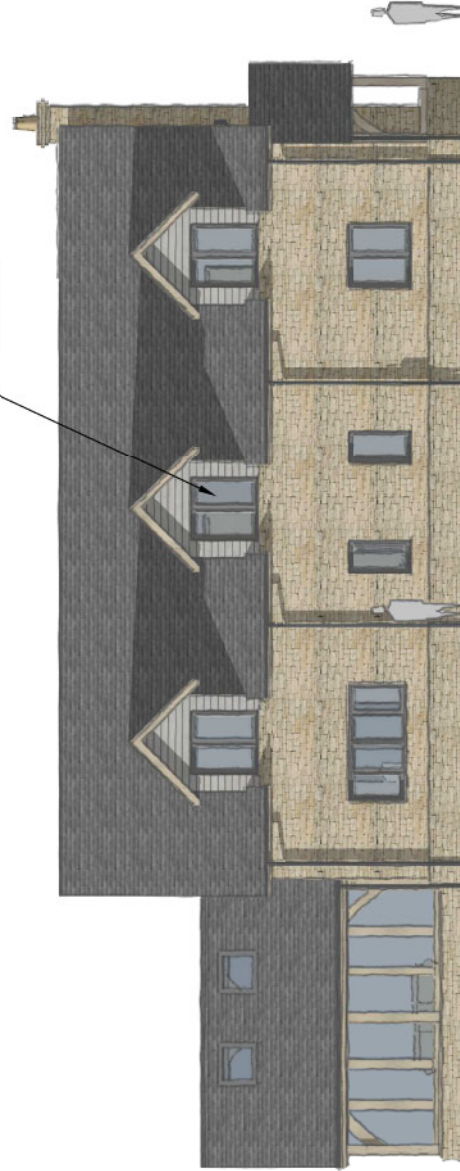


**FRONT (SOUTH) ELEVATION**

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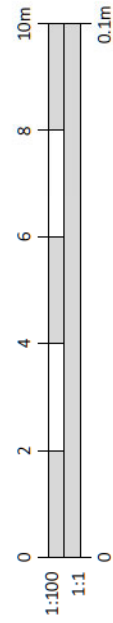
108

● Obscure Glass



**REAR (NORTH) ELEVATION**

Proposed  
Scale 1:100



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CLIENT

SITE ADDRESS

Land adj. to Peakview Cottage  
Witcombe  
Gloucester GL3 4SW

PROJECT

New Dwelling

DEPARTMENT

ARCHITECTURE

DRAWING

N. WEST, S-EAST ELEVATION

SCALE

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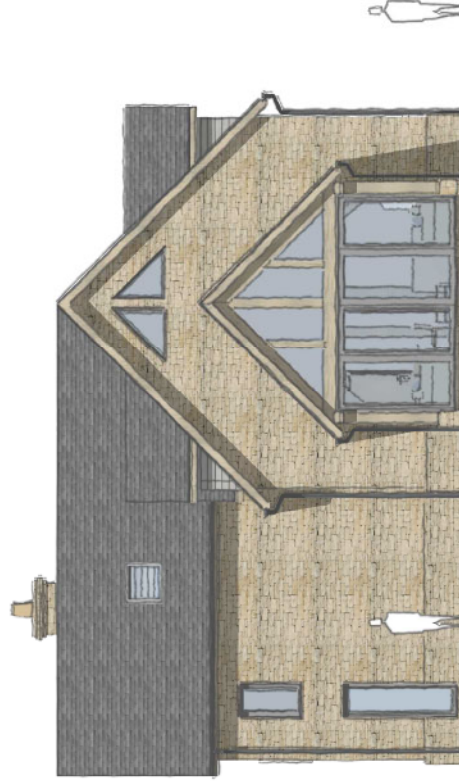
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**SIDE (WEST) ELEVATION**

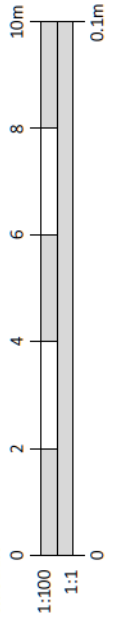
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**SIDE (EAST) ELEVATION**

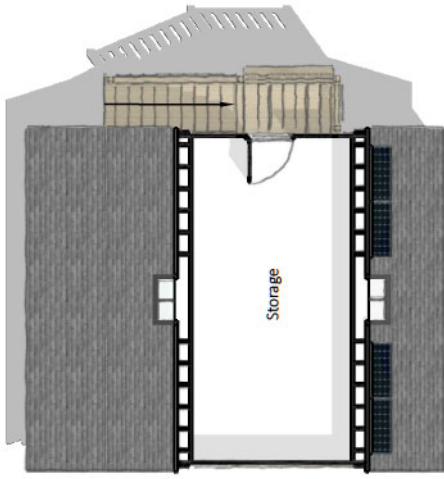
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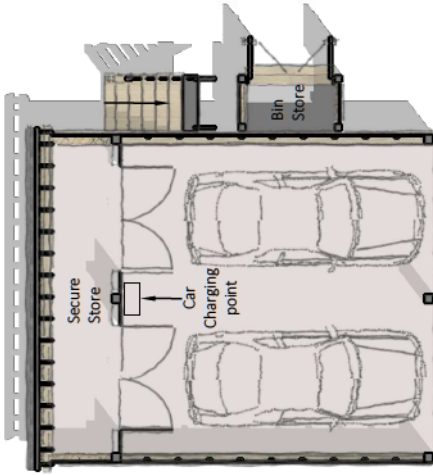
Gross Internal Floor Areas

First Floor	13.42 m <sup>2</sup>	144.45 ft <sup>2</sup>
Total	13.42 m <sup>2</sup>	144.45 ft <sup>2</sup>



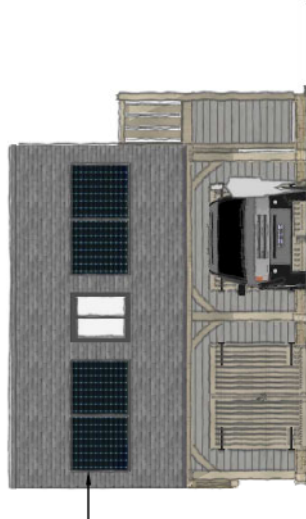
**GROUND FLOOR PLAN**

Proposed  
Scale 1:100



**GROUND FLOOR PLAN**

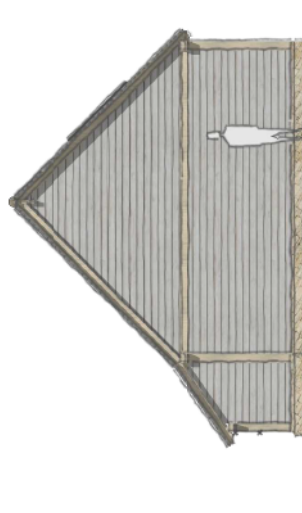
Proposed  
Scale 1:100



Solar Panels

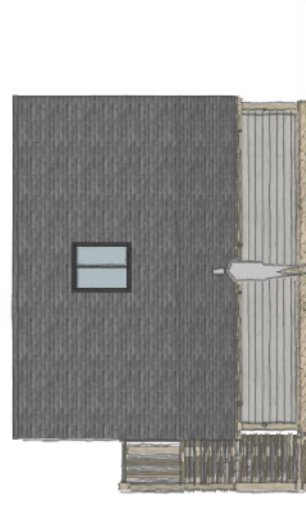
**FRONT (SOUTH WEST) ELEVATION**

Proposed  
Scale 1:100



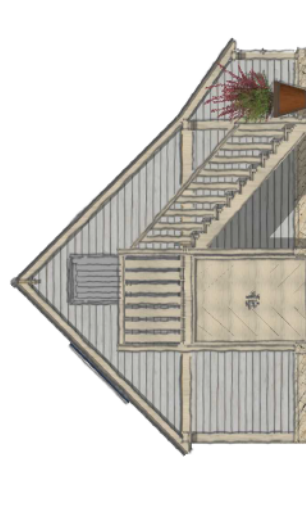
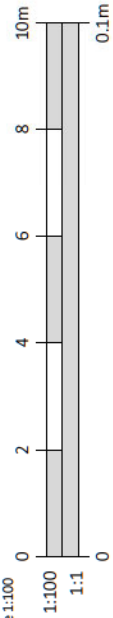
**SIDE (NORTH WEST) ELEVATION**

Proposed  
Scale 1:100



**REAR (NORTH EAST) ELEVATION**

Proposed  
Scale 1:100



**SIDE (SOUTH EAST) ELEVATION**

Proposed  
Scale 1:100



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CLIENT

SITE ADDRESS

Land adj. to Peakview Cottage  
Witcombe  
Gloucester GL3 4SW

PROJECT

New Dwelling

DEPARTMENT

ARCHITECTURE

DRAWING

PROPOSED GARAGE

SCALE

1:100 @ A3

DATE DRAWN

26.05.22

DATE ISSUED

26.05.22

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ISSUE STATUS

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19-092.MCE-09

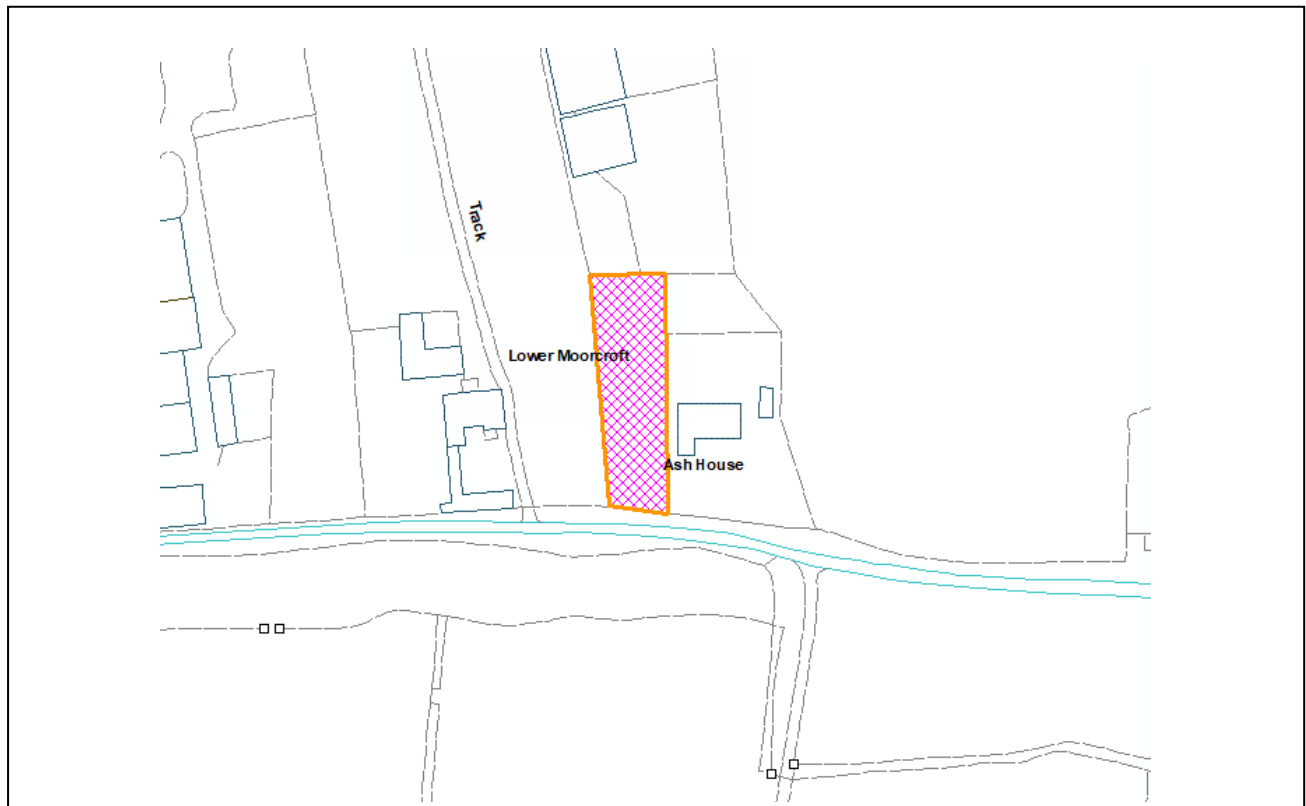
REV.

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## Planning Committee

<b>Date</b>	17 January 2022
<b>Case Officer</b>	Chloe Buckingham
<b>Application No.</b>	22/01011/FUL
<b>Site Location</b>	Ashstump House, Calcotts Green, Minsterworth,
<b>Proposal</b>	Removal of agricultural occupancy condition h) of application reference TG4488/C.
<b>Ward</b>	Highnam With Haw Bridge
<b>Parish</b>	Minsterworth
<b>Appendices</b>	Existing Elevations and Floor Plans Existing Block Plan and Elevations Site Location Plan Site Plan
<b>Reason for Referral to Committee</b>	Councillor McLain has requested that the application be presented to Planning Committee.
<b>Recommendation</b>	Refuse

### Site Location



## 1. The Proposal

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Full application details are available to view online at:

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

### 1.1 Removal of agricultural occupancy condition h) of application reference TG4488/C:

“Condition (h) – The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined by Section 290 of the Town and Country Planning Act 1971, or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.

Reason – The site is not in an area intended for general development. Permission is granted to the present proposal solely because the dwelling is required to house a person or persons employed or last employed in agriculture or forestry.”

## 2. Site Description

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- 2.1 Ashstump House is a two-storey detached dwelling, situated approx. 100m to the west of the defined settlement boundary of Minsterworth which is considered to be a ‘service village’ in the hierarchy of settlements defined in the Tewkesbury Borough Local Plan (2011-2031). Although Church Lane is within Flood Zone 3, the property itself is within Flood Zone 1 (lowest risk) as shown on the Environment Agency’s most up-to-date Flood Maps. Ashstump House has an agricultural tie to Elms Farm which is located approx. 120m to the west of Ashstump House and is an agricultural holding of 85 acres. The farm used to be a dairy farm, but this ceased in 2007 and the farm is now used to grow winter cereals alongside forage crops. A small cattle “Bed and Breakfast” also operates from the site, as well as 6 suckler cattle which are reared for beef. A small flock of sheep also graze the land. The land ownership also includes a small paddock to the north of the residential curtilage.

## 3. Relevant Planning History

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Application Number	Proposal	Decision	Decision Date
TG4488/C	Outline Application for the erection of an agricultural workers’ dwelling. Alterations to existing vehicular and pedestrian access	PERMIT	Permitted 16th May 1988
88G/4488/01/03	Reserved Matters for the Erection of an agricultural workers dwelling with integral garage. Alteration to access.	PERMIT	16th January 1989

## 4. Consultation Responses

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Full copies of all the consultation responses are available online at

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

- 4.1 **Minsterworth Parish Council:** No objection.

## **5. Third Party Comments/Observations**

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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: 4 support comments received. The main points are:
- Three letters received declaring no interest in purchasing or renting the dwelling.
  - The agricultural tie is no longer required.
  - In light of the developments locally it makes sense for it to be available on the open market as much needed housing.

## **6. Relevant Planning Policies and Considerations**

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### **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**

SP2 (Distribution of New Development)  
SD10 (Residential Development)  
SD11 (Housing mix and Standards)  
SD14 (Health and Environmental Quality)  
INF1 (Transport Network)

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

RES3 New Housing Outside Settlement Boundaries  
RES4 New housing at other rural settlements  
AGR4 Removal of occupancy conditions

## **7. Policy Context**

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- 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**

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### Principle of development

- 8.1** The original reason for attaching the agricultural tie to the dwelling was because the site was not in an area intended for general development and permission was granted solely because the dwelling was required to house a person or persons employed or last employed in agriculture or forestry. This is consistent with the more recently published NPPF which advises that isolated homes in the countryside should be avoided unless there are special circumstances, such as for an agricultural worker.
- 8.2** Policy SP2 of the JCS sets out the strategy for the distribution of new development across the JCS area, and JCS Policy SD10 ('Residential Development') specifies that, within the JCS area, new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. It sets out that housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. Policy SA1 of the JCS formally designates seven Strategic Allocations on the edges of existing urban areas and focuses on the need to deliver comprehensive development in each of these areas. The application site is not located within any of these Strategic Allocations.
- 8.3** JCS Policy SD10 specifies that, on sites that are not allocated, housing development and conversions to dwellings will be permitted on previously developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within district plans. And is outside any defined residential boundary. Outside these areas there is generally insufficient facilities to support development and are not considered suitable locations for residential development.
- 8.4** The site is located approximately 100m to the west of the defined settlement boundary of Minsterworth which is a 'service village' in the hierarchy of settlements defined in the Tewkesbury Borough Local Plan (2011-2031).
- 8.5** The application site is not allocated in the plan and lies outside of the built-up area of the nearest town or village. Criteria 4(ii) of JCS Policy SD10 sets out that housing development on other sites (those not allocated within the plan or comprising previously developed land) will be permitted where 'It is infilling within the existing built-up areas' of, (and amongst other areas), Tewkesbury Borough's villages (except where otherwise restricted by policies within district plans). The supporting commentary states that 'For the purposes of this policy (4 ii), infill development means the development of an under-developed plot well related to existing built development.'

**8.6** Policy RES3 of the Tewkesbury Borough Local Plan (TBLP) sets out criteria for new housing outside of settlement boundaries and supports dwellings essential for rural workers to live permanently at or near their place of work in the countryside, subject to Policy AGR3. However, Policy AGR4 of the TBLP states that the removal of occupancy conditions on rural workers dwellings will only be permitted where:

1. The occupational dwelling no longer serves a need in connection with the agricultural holding, forestry or rural enterprise site to which it relates and there is no agricultural, forestry or essential rural business need elsewhere that it could reasonably serve, nor is it likely that any such needs will arise in the foreseeable future.

2. Satisfactory evidence has been provided that the dwelling has been marketed for sale or rent with its occupancy restriction, at a realistic price for a reasonable period of time (for at least 18 months or an appropriate period as agreed with the Local Planning Authority), and no interest has been shown in its purchase or rent.

**8.7** Policy AGR4 of the local plan considers that marketing of the property to be around 30% below the open market value for a period of at least 18 months and targeted towards the occupation sector and likely client group.

**8.8** In addition, it is also considered to be a good approach to market the property for rent to cover all possibilities, as recommended by the RICS agricultural occupancy condition guidance notes.

#### Marketing

**8.9** Whilst the Council has received three support letters from local farmers stating that they have no interest in purchasing or renting the property, there is no evidence that the applicant has marketed the dwelling at 30% below market value. The applicant has stated that Ashstump House has 4 bedrooms and has been recently valued at £500,000 (market value) or £350,000 (30% reduction with agricultural tie), and this valuation is considered to be accurate. The applicant has stated that the dwelling is currently being marketed by Thomas & Thomas for sale for £400k, which is only a 20% reduction, and as such, the 30% reduction has not been applied properly (the property should be marketed for £350k rather than £400k), and that it has been on the market for a couple of months so far, which is less than the 18 months necessary. The applicant has stated that it has been advertised in the usual ways online (website, Zoopla etc) and there is a sign at the property. However, there is no mention of any direct, targeted marketing through specific farming channels, such as in national farming publications. There is also no evidence has been provided to suggest that the property has been marketed in accordance with the RICS agricultural occupancy condition guidance notes.

**8.10** A Statutory Declaration has been submitted alongside this application by the applicant which confirms the timeline and points made above in relation to the history of the site and both also confirms that Elms Farm does not have any requirement for a secondary agricultural worker's dwelling and that this has been the case since 2012. Whilst the applicant has stated that the Statutory Declaration confirms, 'that in the period since 2012 when I ceased to work at Elms Farm, I have been in touch with several farms in the locality of Minsterworth, including Marwents Farm, Bennetts Farm Ltd and Purlieu House to mention that Ashstump House would be available for their agricultural workers should it be required. However, there has never been any interest.' However, this is not considered to be satisfactory to show that the property has been marketed for 18 months nor in the

appropriate manner prior to the submission of this application.

- 8.11** On the basis of the above it is considered that the applicant has not provided evidence of sufficient marketing as required by Policy AGR4.

Existing and foreseeable need

- 8.12** The farm holding consists of 85 acres and includes a small paddock to the north of the residential curtilage.
- 8.13** The farm used to be a dairy farm, but this ceased in 2007 and the farm is now used to grow winter cereals alongside forage crops. A small 'cattle' bed and breakfast also operates from the site, meaning they rear young cattle for a nearby farmer and receive an income per head for doing so from the farmer. The young cows arrive anywhere between 6 weeks and several months old and are kept at Elms Farm for circa 8 months until they are ready to either enter a beef finishing system or be entered into a dairy herd. Alongside this, there is a small number of suckler cattle (6 at present) and their progeny which are reared for beef. The farm, which was historically laid to grass and maize, now grows winter cereals alongside the forage crops, and these are harvested for animal feed and straw for bedding. A small flock of sheep also graze the land.
- 8.14** An Agricultural Appraisal prepared by the Farm Consultancy Group has been submitted and highlights that the existing agricultural use of Elms Farm only requires one agricultural worker, being the applicant who lives on site in the main farmhouse. The appraisal states that Elms Farm is no longer suitable for any intensive farming uses and would not meet modern standards as a commercial dairy operation. The appraisal and applicant explain that the costs associated with the necessary improvements to meet modern standards would not be viable and that the farm itself is not large enough. The appraisal has gone on to explain that as a result of the limited intensity of the agricultural use following the cessation of the commercial dairy in 2007, the activities only need to be undertaken by the applicant himself, who lives on site and there is now no requirement for the additional dwelling.
- 8.15** However, as set out in the Reasoned Justification for Policy AGR4, agricultural workers' dwellings do not necessarily need to be sited in the holding at which the agricultural worker works. Whether the need remains for a dwelling for a compliant agricultural or forestry worker located further afield needs to be considered.
- 8.16** In addition, it is indicated in the planning statement that the agricultural unit based on its size would no longer be viable for the purposes of supporting a profitable farm business in this location. However, whilst the site may not be viable as a commercial dairy farm, other types of farming have not been explored.
- 8.17** The applicant has explained that an application has recently been submitted on Elms Farm (App Ref – 22/01104/FUL) for a residential development of 40 dwellings. The applicant has explained that this application would effectively cease the agricultural operation on the site and is also supported by detail which outlines that the agricultural use of the site is unviable. It is noted that this current application is located within the settlement boundary for Minsterworth, but the application has not yet been determined and it cannot be assumed that planning permission would be forthcoming.

- 8.18** It is notable that a potential agricultural worker could also own/rent land located elsewhere away from the site. There is no mention of any direct marketing through specific farming channels, such as in national farming publications, which would attract agricultural workers from further afield.

#### Affordability for agricultural workers

- 8.19** The applicant has stated that Ashstump House has 4 bedrooms and has been recently valued at £500,000 (market value) or £350,000 (30% reduction with agricultural tie). The rent for a property of this size would likely be in the region of £2,000 - £2,500 p/m. These figures are considered accurate. The applicant has also stated that the average salary for agricultural workers is £23,252.21 and forestry workers is £26,138.60 (Source - <https://www.checkasalary.co.uk>), and as such the property value would be far in excess of what would be affordable for an agricultural or forestry worker. The monthly mortgage or rent would be equivalent to 100% salary or more. These figures are considered accurate.
- 8.20** The applicant has stated that a search on Zoopla (dated 2nd September 2022) shows that there are currently 330 properties within 5 miles of Minsterworth priced below £350,000 (41no. 1 beds / 115no. 2 beds / 144no. 3 beds / 30no. 4+ beds). The Council has also undertaken a search of Zoopla on 25<sup>th</sup> November 2022 and has found a total of 442 properties at or below £350,000 with a similar split over 1-bed, 2-bed, 3-bed and 4-bed properties. It is therefore a fact that there are a significant number of more affordable market properties in the near locality that could be occupied by agricultural workers.
- 8.21** It is further agreed that Minsterworth has been expanded greatly since the start of the plan period (2011) and many new dwellings have not yet been constructed.
- 8.22** It is agreed that there could be more affordable properties in the locality. However, as insufficient marketing evidence has been provided because the 30% reduction has not been applied properly (the property has been marketed with a 20% reduction rather than the necessary 30% reduction), the property has been on the market for only two months, and there has been no exploration of the interest of the site for agricultural workers further afield, the scheme fails to comply with policy AGR4.

#### The Applicant's case

- 8.23** The applicant considers policy AGR4 to be too simplistic to consider this application solely against a marketing report. They state that it is not wholly necessary to provide marketing for the following reasons. The applicant has explained that the starting point for the assessment of the removal of the agricultural occupancy condition is whether the condition would still meet the necessary tests (NPPF Para 56), which essentially asks the question whether the condition would be imposed if the application for a new dwelling on the site was submitted today.
- 8.24** The applicant explains that this principle was established by legal challenge (Hambleton DC v SSE & Others [1994]) and entitles the decision maker to consider the current circumstances (including changes to policy and guidance) when considering planning applications to remove agricultural ties. This Judgement found that the decision maker was entitled to take account of the probability that the occupancy condition would not have been imposed had there been a contemporary application for planning permission.



**8.25** As explained above, Officers consider that the starting point for the consideration of this proposal is the adopted development plan, including the requirements of Policy AGR4. Furthermore, the site in question lies outside of the defined housing development boundary and the Council can also now demonstrate a 5-year housing land supply and so the tilted balance does not apply. The applicant has stated that there have been a number of new dwellings permitted within and just outside of the housing development boundary for Minsterworth, however, the permissions outside of the housing development boundary were permitted when the Council could not demonstrate a 5-year land supply and the tilted balance was engaged. Therefore, if a new application for an agricultural dwelling was submitted on this site now, the Council would still find it reasonable and necessary to attach the agricultural tie condition.

**8.26** Whilst it is accepted that the NPPF does not deal specifically with the removal of agricultural ties, it is considered reasonable to consider; (a) how the business has been marketed; (b) whether there is an existing functional need that exists on the holding; and, (c) whether or not there is a foreseeable need for such dwellings in the locality, all of which have been discussed in the preceding report.

## **9. Conclusion**

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**9.1** It is considered that limited information has been submitted regarding whether there is an agricultural, forestry or essential rural business need elsewhere that the dwelling could reasonably serve. Furthermore, no evidence has been provided to show that the dwelling has been marketed for sale or rent with its occupancy restriction, at a realistic price for a reasonable period of time (for at least 18 months or an appropriate period as agreed with the Local Planning Authority). The proposal is therefore contrary to Policy AGR4 of the adopted development plan.

## **10. Recommendation**

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**10.1** The proposal fails to accord with policy AGR4 of the Tewkesbury Borough Plan 2011-2031 as outlined above, it is therefore recommended the application be **refused** for the following reasons:

## **11. Reason**

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**1** Insufficient information has been submitted to demonstrate if there is an agricultural, forestry or essential rural business need elsewhere that the agriculturally tied dwelling could reasonably serve, or that appropriate marketing of the dwelling at a realistic price for a reasonable period of time has been carried out. The proposal is therefore contrary to Policy AGR4 of the Tewkesbury Borough Local Plan 2011-2031 (June 2022).

## **12. Informatives**

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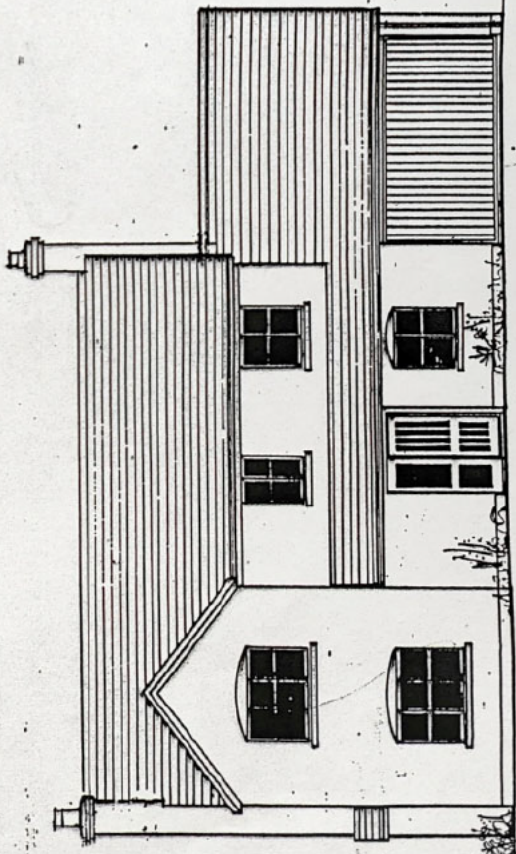
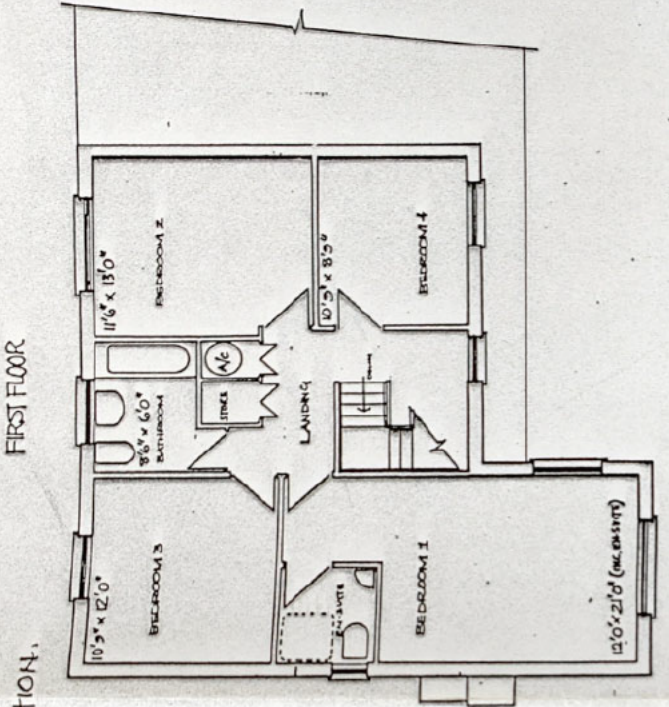
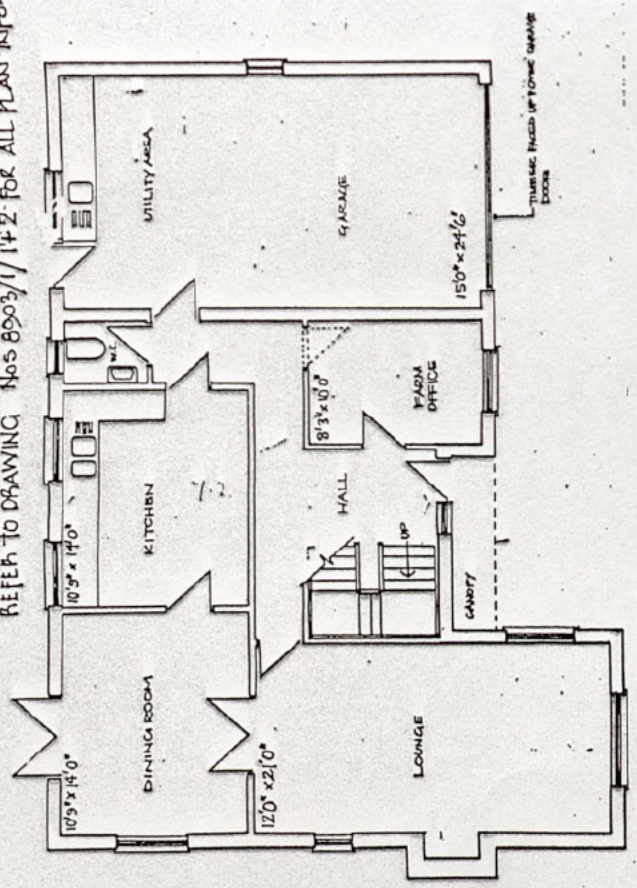
**1** In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information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



12 NOV 1989  
TECHNICAL SERVICES

ERECTOR OF A FARMHOUSE, LAND AT THE ELMS  
FARM, MINSTERKETHWORTH  
SCALE 1:100 ~ NOV. 88  
DRA No 257/11/K.B  
A'vacuus for B.Legg

GROUND FLOOR  
REFER TO DRAWING Nos 8903/1/142 FOR ALL PLAN INFORMATION.



**SOUTH ELEVATION**  
SURFACE WATER SEWERS: all in 125mm pipe level, laid exactly as for FWS. All SWS to discharge to soakaway, located at least 5m from any surrounding building. Each soakaway to be min 915mm dia, and 915mm deep below lowest incoming pipe. Backfill with clean hardcore + cover with blue 1200 gauge polythene + 300mm min. topsoil.

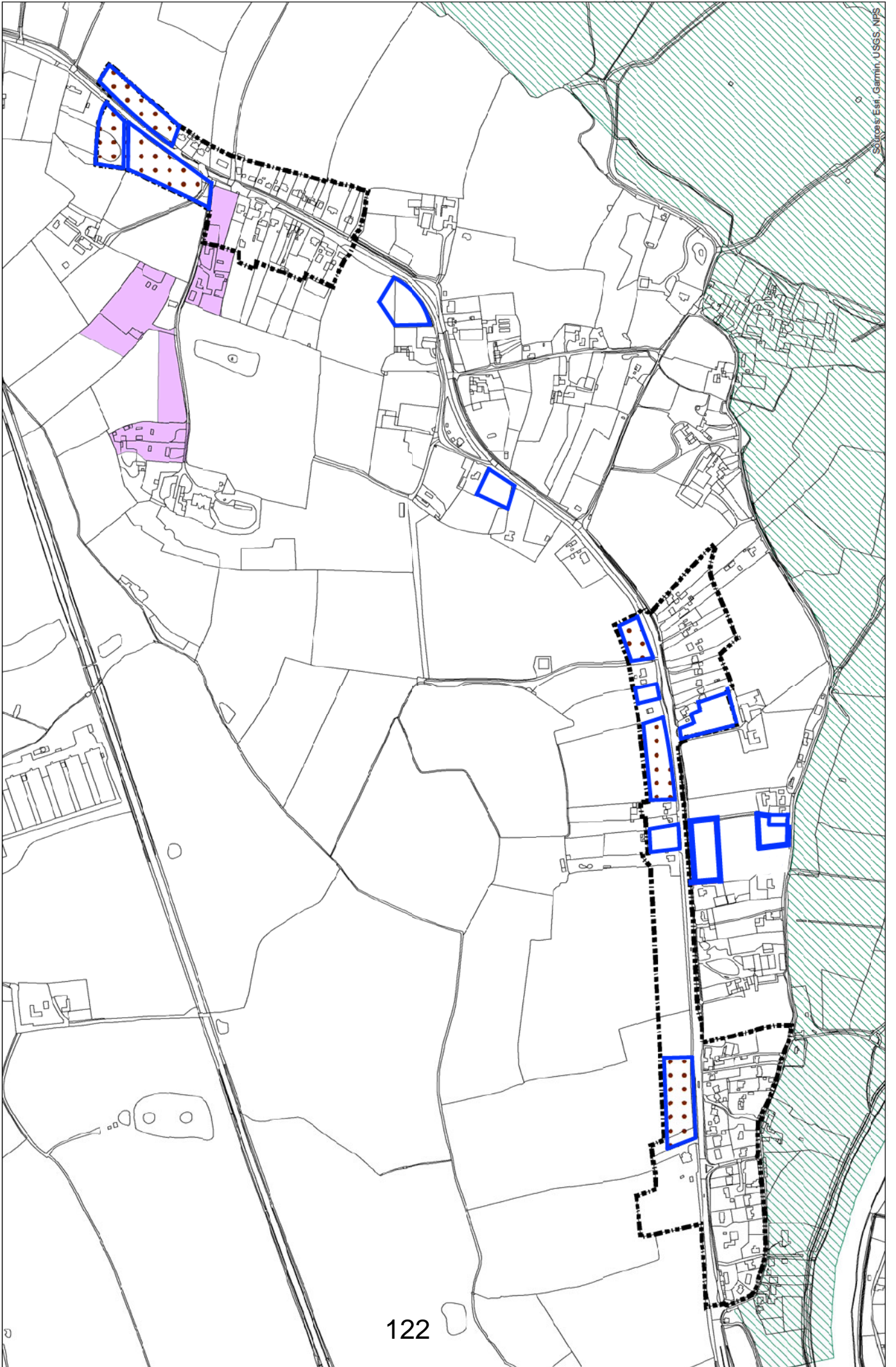
**GENERAL NOTES**  
DRAINAGE VIA SPTING TANK-SITE'S SEPT. INTERMEDIATE BOXES - 12.500 BY LANEZ BROWN P.V.C. - STIMULATED AIRFLOW & LOCKS IN TUBES - ALL INTERNAL TUBES FINISHED INSIDE STAIN - ALL EXTERIOR TUBES FINISHED WITH 1.5L.P.L. (E.A. MANUFACTURE BLUE) TO BE LAYED IN TRENCH WITH 1.5L.P.L. EXPOSED TO CORROSION IN SAME MANNER. EACH TRENCH TO BE COVERED WITH 150MM MIN. GRANULAR FILL IMMEDIATELY ABOVE TO CORRECT LEVEL TO SURFACE.

**FAULT DRAINERS:** 100mm Supersolere, flexible jointed pipes by Hepworth Ltd, laid direct in trenches as per manufacturer's instructions. Pipes laid to a minimum gradient of 1 in 40 with man-holes at every change in direction. Manholes to be in 225mm semi-engineering base on a 150mm concrete base with: c.i. cover + frames sewer's to discharge to 4500 litre capacity GRP septic tank by Corbel Ltd or similar approved installed exactly as per manufacturer's instructions. Outfall drainage to include inspection M.H. Lay min 45mm dia of 60mm open jointed land drains (clayware) in 150mm bed + surround pea gravel. Tank to be located at least 15m from any habitable building. Outfall drainage covered with min 50mm topsoil and blue 1200 gauge polythene, full length + full width of all trenches. Outfall drainage to have min gradient of 1 in 100, and to be laid in a herringbone pattern.





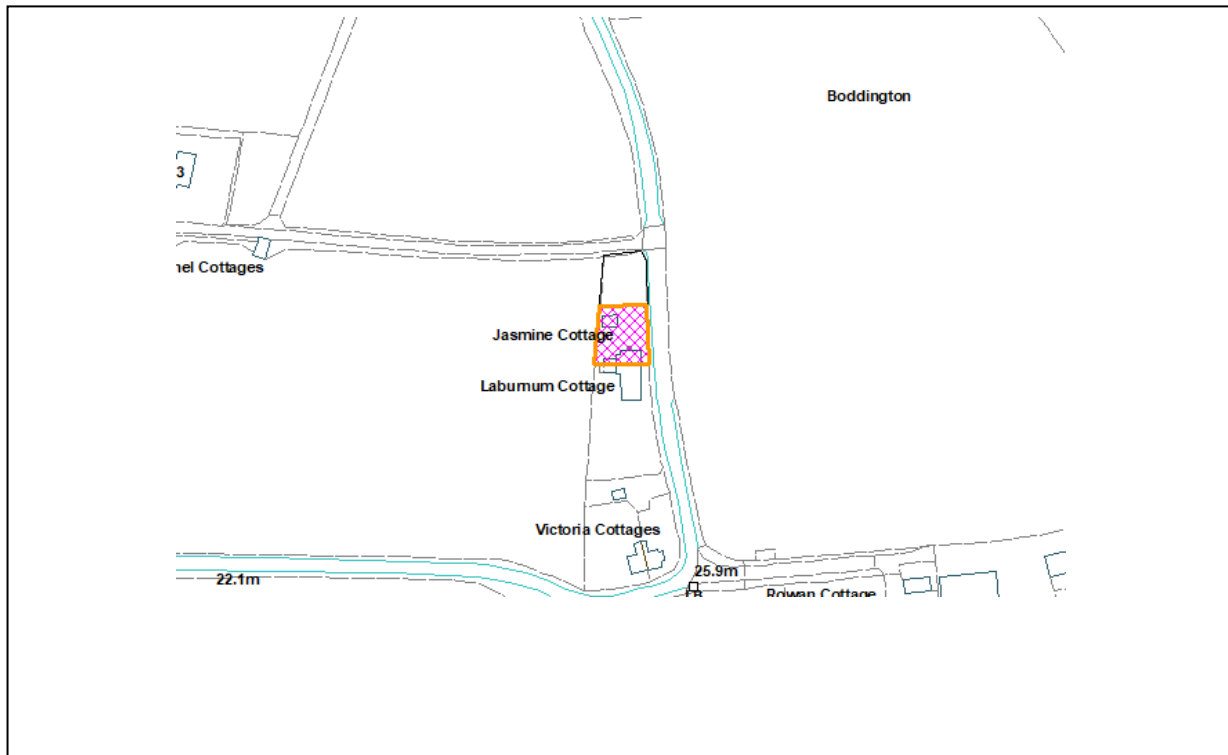
# RES1 & RES2 - Minsterworth



## Planning Committee

<b>Date</b>	17 January 2023
<b>Case Officer</b>	James Stanley
<b>Application No.</b>	22/01079/FUL
<b>Site Location</b>	Jasmine Cottage Boddington Lane Boddington
<b>Proposal</b>	Erection of a two-storey side extension and single storey front porch
<b>Ward</b>	Severn Vale South
<b>Parish</b>	Boddington
<b>Appendices</b>	Site plans Existing Elevations Proposed Elevations Existing Floor Plans Proposed Floor Plans Proposed Permitted Development Fall Back
<b>Reason for Referral to Committee</b>	Called in for committee determination by Councillor Williams to assess the impact upon the Green Belt
<b>Recommendation</b>	Refuse

### Site Location



## 1. The Proposal

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Full application details are available to view online at:

<https://publicaccess.tewkesbury.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

- 1.1 This application is for single storey front porch extension and a two-storey side extension to be constructed out of matching materials.

## 2. Site Description

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- 2.1 This property is a two-storey, semi-detached dwelling constructed out of facing brickwork. The dwelling is located in the village of Boddington and is largely surrounded by agricultural fields. The site is located within the Green Belt.

### *Previous Planning Application (21/00877/FUL) & Dismissed Appeal*

- 2.2 In 2021, this site was the subject of an application which sought a two-storey side and rear extension and a single storey rear extension which would have resulted in a percentage increase of 151%.
- 2.3 This application was refused under delegated powers as the proposed extension would result in a disproportionate addition over and above the size of the original building and therefore the proposed development would amount to inappropriate development in the Green Belt. In addition, the proposed would have a harmful effect on the openness of the Green Belt.
- 2.4 The refusal was appealed, and the Planning Inspector dismissed the appeal in March 2022. This appeal was dismissed as the proposal would be inappropriate development which is, by definition, harmful to the Green Belt and that the proposal would reduce the openness of the Green Belt.
- 2.5 The full decision can be found here;
- 2.6 [21/00877/FUL | Erection of a two storey side and rear extension and single storey rear extension. | Jasmine Cottage Boddington Lane Boddington Cheltenham Gloucestershire GL51 0TJ \(tewkesbury.gov.uk\)](#)

## 3. Relevant Planning History

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Application Number	Proposal	Decision	Decision Date
03/01793/FUL	Replacement Carport.	PER	03.02.2004
21/00877/FUL	Erection of a two storey side and rear extension and single storey rear extension. <b>(Application Dismissed at Appeal)</b>	REF	12.10.2021

#### **4. Consultation Responses**

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

**4.1 Boddington Parish Council** – Supports the application.

**4.2 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**

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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** No letters of representation have been received.

**5.3** The application has also been publicised through a site notice which at the time of writing this report the consultation period has not expired.

#### **6. Relevant Planning Policies and Considerations**

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##### **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 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)
- Policy GRB4 (Cheltenham – Gloucester Green Belt)



## **7. Policy Context**

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- 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**

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### ***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** The proposal would more than double the width of the dwelling. However, the extension would be set back from the principal elevation and the ridge would be lower than that of the existing dwelling. This would somewhat replicate the adjoining dwelling and bring balance back to the pair of semi-detached dwellings.
- 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 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.

### ***Green Belt***

- 8.6** Policy SD5 of the JCS and Policy GRB4 of the Tewkesbury Borough Plan confirms that, to ensure the Green Belt continues to serve its key functions, it will be protected from harmful development.

- 8.7** The policies effectively reiterate the NPPF provisions relating to Green Belt development proposals, that 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.
- 8.8** Paragraph 149 of the NPPF sets out that the Local Planning Authority should regard the construction of new buildings as inappropriate development in Green Belt other than for a number of exceptions. One such exception (c) listed is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The NPPF defines '*original building*' to be '*a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.*'
- 8.9** In terms of proportionality, whilst there are no specific guidelines, a 50% increase in size is generally applied by officers at the Borough Council to determine what constitutes a proportionate addition to the original dwelling, with anything above this being considered disproportionate. Consequently, as the site is within the Green Belt, only limited extensions and additions are normally permitted.
- 8.10** Based on the plans submitted and taking the main house on the site to be the original building, as there is no recorded planning history to suggest otherwise, the gross internal floor area (GIFA) of the original property is approximately 84 sqm, excluding the garage. The GIFA of the proposed dwelling, again excluding the garage, would be approximately 176.4 sqm, which represents an increase in GIFA of 110%.
- 8.11** However, the NPPF refers to size rather than just floorspace and consequently the volume and external dimensions should also be considered. It is clear, when comparing the size of the original building and the size of the proposed extension, which would have a greater width, more than double than the original building, that the proposed extension would materially add to the volume and massing of the original building and would result in an increase in size, considered disproportionate to the original building.
- 8.12** The proposal is therefore considered to amount to inappropriate development in the Green Belt. The proposed development is therefore, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

### ***Impact upon Openness***

- 8.13** In terms of openness, as highlighted in the NPPF, this is an essential characteristic of Green Belts to which the Government attaches great importance and which is a separate issue from the character and appearance of an area.
- 8.14** In this case, Jasmine Cottage and its paired dwelling are surrounded by open countryside to the rear and side and paddocks to the front beyond the lane.
- 8.15** The proposal would extend the dwelling substantially to the side and would fill a sizeable part of the existing undeveloped space to the side of the property which would be seen from the adjacent highway. This would result in both a visual and spatial change which would reduce the openness of the Green Belt in this area. This harm would be localised, nonetheless the proposed extension would have a harmful effect upon the openness of the Green Belt.

- 8.16** It is noted that there is a significant reduction in size from the previous scheme that was refused and then later dismissed at appeal, but the vast majority of these reductions have taken place at the rear of the dwelling. So, although this proposal is a reduction from the previous application, the dwelling when viewed from the road is actually materially the same size as the previously refused and then dismissed application. Therefore, this application would not address or resolve the refusal and dismissal reason in the previous application and appeal decision.
- 8.17** The adjoining property, Laburnham Cottage, has been extended significantly. It would appear that planning permission was granted for alterations and a two-storey extension in 1989. Given the time lapse and as each proposal should be treated on its own merit based on the most up-to-date policy guidance, no weight can be afforded to the level of work carried out to the neighbouring property when determining this application.

### ***Very Special Circumstances***

- 8.18** In this case, very special circumstances have been advanced. This is in the form of a permitted development fallback position. It has been proposed that under permitted development rights, the applicant could erect a single storey rear extension and two single storey side and rear extensions under a prior approval application. It has also been proposed that the applicants could erect a rear dormer and an outbuilding under permitted development rights.
- 8.19** From the annotated plans that have been put forward to justify a fallback position, it is likely that the three extensions and the dormer could be achieved under permitted development but without plans of the elevations it cannot be said for certain. Notwithstanding this, the proposed fallback would likely comprise of flat roofed, single storey extensions, which by their nature would be less visually intrusive and have less impact upon the openness of the Green Belt when compared the proposed two-storey extension.
- 8.20** This difference in the impact upon the openness between the two schemes is further increased when viewing the site from the adjacent road. As with the fallback position all that would be seen is a single storey side extension which would be no wider than half the width of the original dwelling where the proposal would be approximately double the height and more than double the width of the proposed fallback position.
- 8.21** The proposed outbuilding that has been suggested would not be able to be erected under permitted development rights as this building would not be incidental to the host dwelling due to the size of the footprint proposed and the stated use of the building.
- 8.22** The three extensions and the dormer proposed under permitted development would result in an additional 78.7 sqm, which would take the GIFA of the proposed dwelling, again excluding the garage, to be approximately 162.7 sqm, which represents an increase in GIFA of 94%. This would be a difference of 16% between the proposed scheme and the proposed fallback position.
- 8.23** Due to the proposed fallback position being materially smaller than the proposal and the extensions all being single storey with the majority to the rear, the impact upon the openness of the Green Belt would be far less than what has been proposed. Consequently, the very special circumstances that are necessary to justify the development do not exist.

### ***Conclusion on Green Belt Matters***

- 8.24** The proposed extension would represent inappropriate development in the Green Belt, which is harmful by definition. In addition, there would be an identified harm to the openness. This carries substantial weight against the proposal.

### ***Other Matters***

- 8.25** The Parish Council has referenced the proposed development may be used as a short-term holiday let. Under the current planning system, there would be no way to prevent this occurring, nor would it be relevant or reasonable to add as a condition.

## **9. Conclusion**

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- 9.1** Having carefully considered the application submissions, the latest planning policy context and relevant materials considerations, including the recent appeal decision by the Planning Inspectorate for extensions on the application site, it is considered that the proposed extension would clearly amount to inappropriate development in the Green Belt. The development, by definition, would therefore be harmful to the Green Belt. Harm would also be caused to the spatial and visual openness of the Green Belt. When considering any planning application, substantial weight should be given to any harm to the Green Belt, as advised in national and local policy and guidance. In this case, it is considered that no very special circumstances to justify the development exist and there are no other considerations which outweigh the harms identified to the Green Belt.

## **10. Recommendation**

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- 10.1** The proposal does not accord with relevant policies as outlined above, it is therefore recommended the application be **refused**.

## **11. Reasons**

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- 1** The proposed extension would result in a disproportionate addition over and above the size of the original building and therefore the proposed development would amount to inappropriate development in the Green Belt. In addition, the proposed would have a harmful effect on the visual and spatial openness of the Green Belt. Accordingly, the proposed development would be contrary to Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), Policy GRB4 of the Tewkesbury Borough Local Plan to 2011-2031 (2022), and guidance set out in Section 13 of the National Planning Policy Framework.

## **12. Informatives**

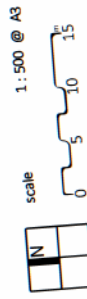
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- 1** In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing 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.

**Jasmine Cottage**  
Boddington

**Site Plans**

date September 2022  
status Planning  
rev **A**

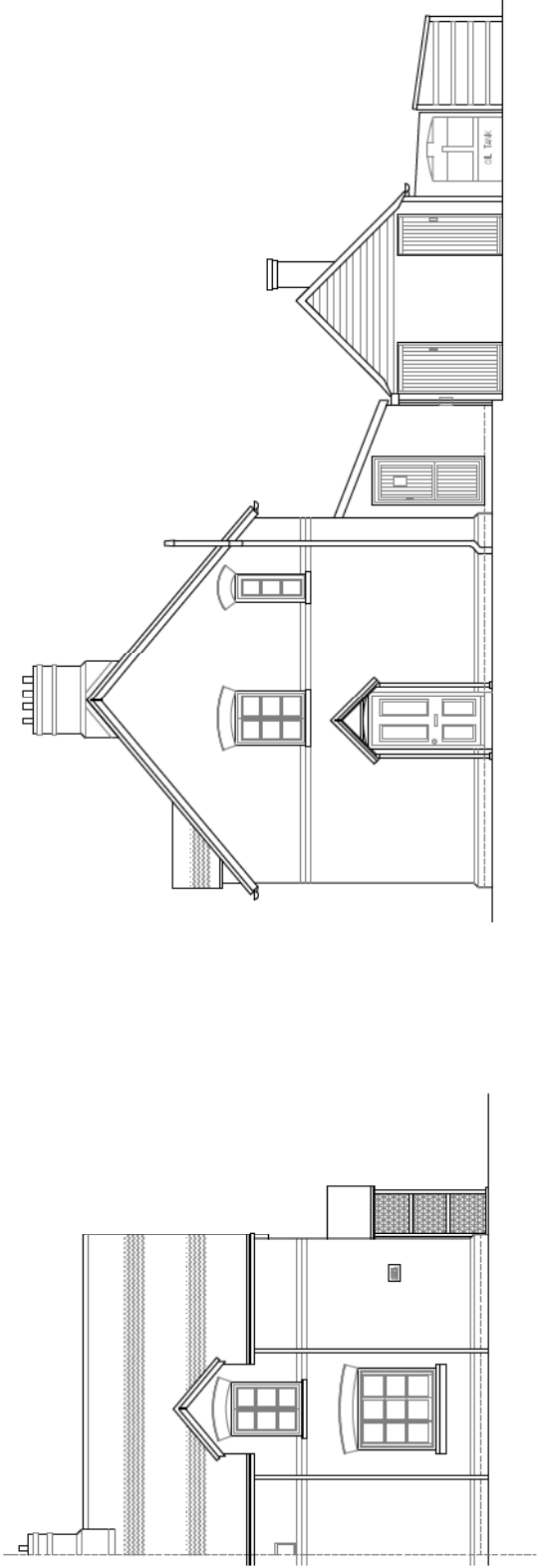


proposed site plan

existing site plan



location plan @ 1:1250



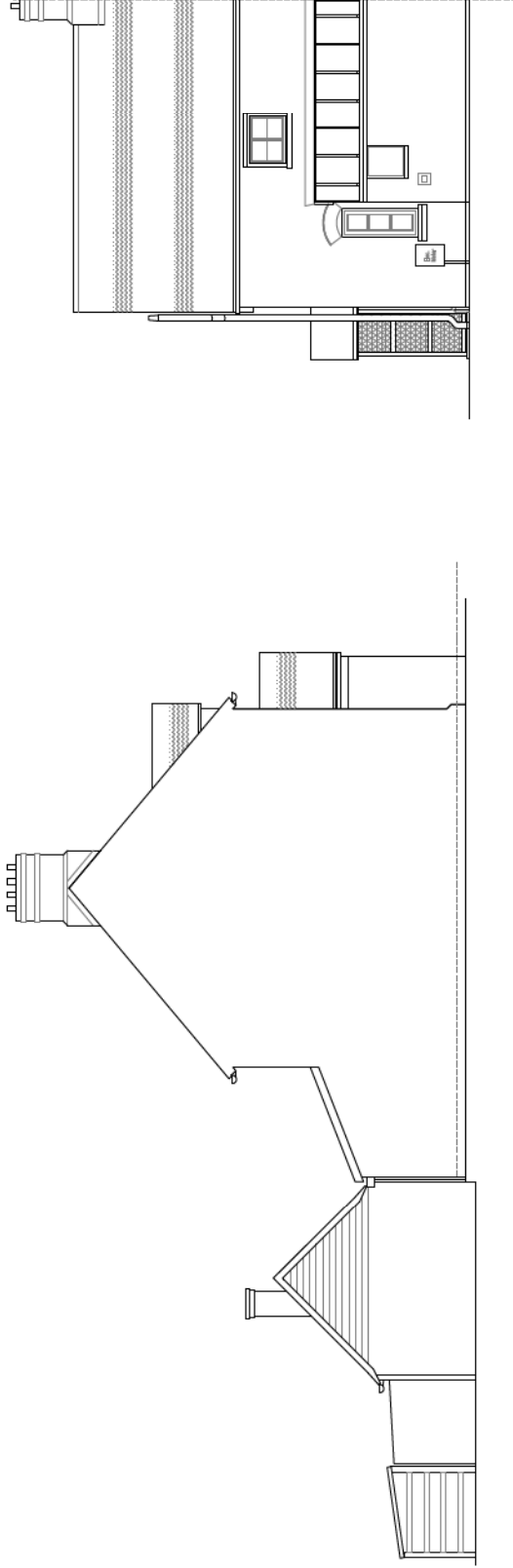
side elevation

front elevation

**Jasmine Cottage**  
Boddington

**Existing Elevations**

date september 2022  
status Planning  
rev

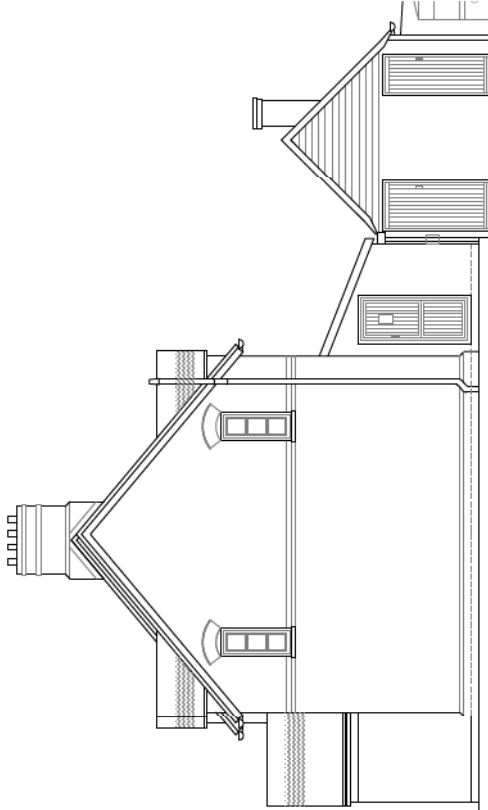


rear elevation

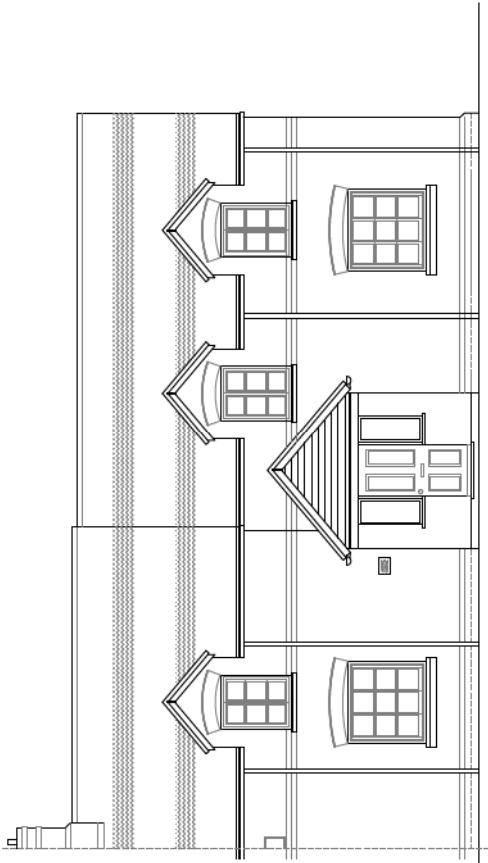
side elevation



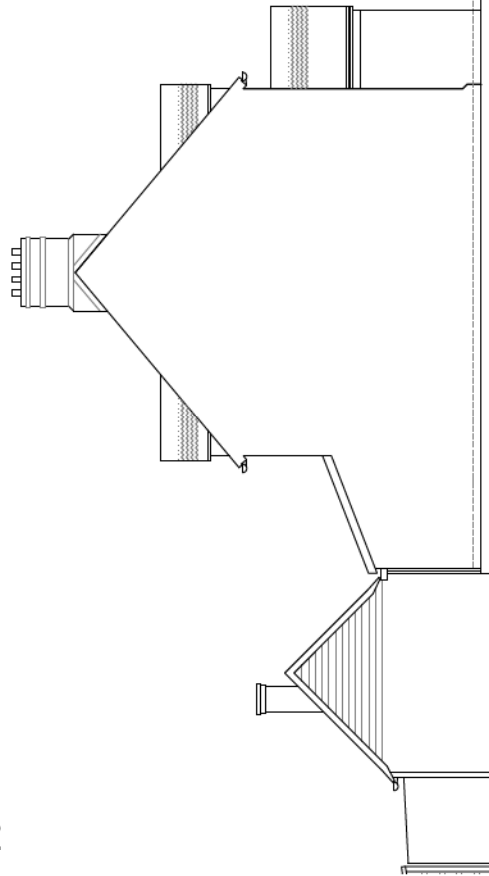
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0 1 2 3m



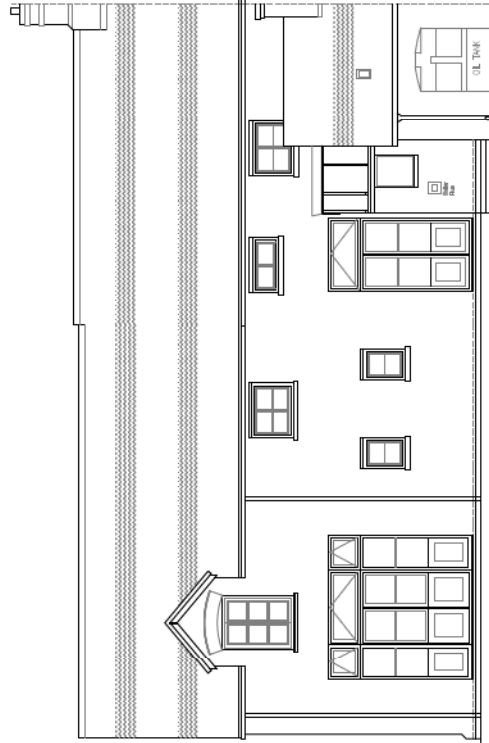
front elevation



side elevation



side elevation



rear elevation

**Jasmine Cottage**  
Boddington

**Proposed Elevations**

date	August 2022
status	Feasibility
rev	<b>B</b>



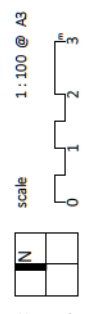
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0 1 2 3m



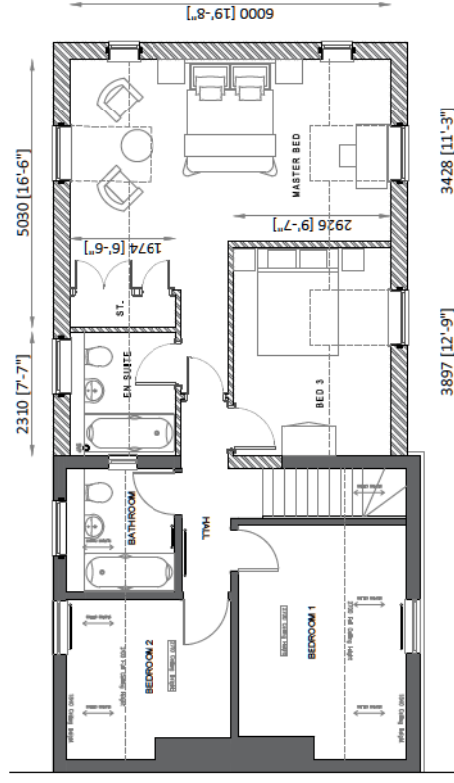
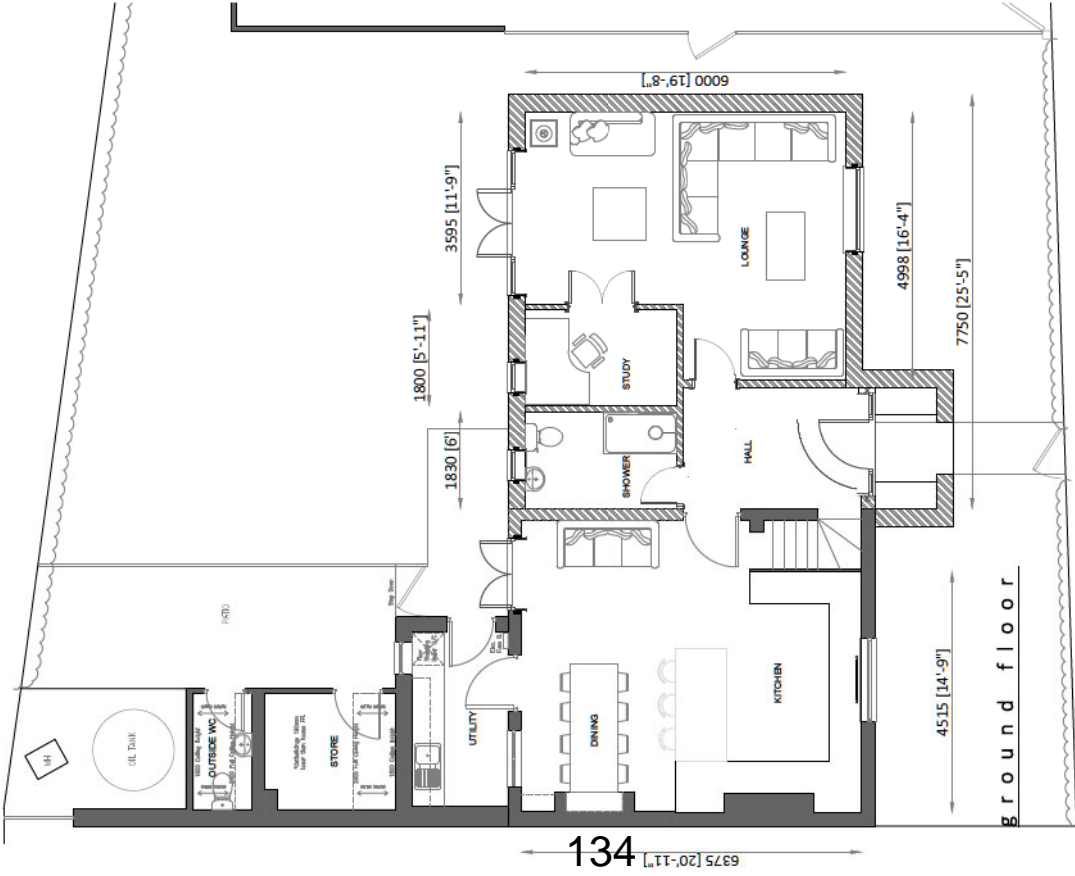
**Jasmine Cottage**  
Boddington

**existing floor plans**

date	September 2022
status	Planning
rev	-







**Jasmine Cottage**  
Boddington

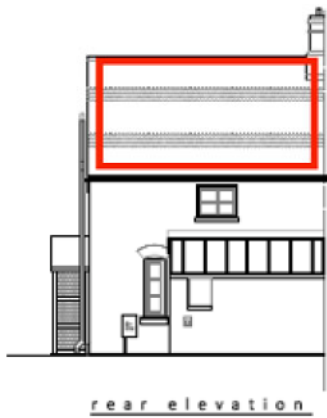
**proposed floor plans**

date August 2022  
status Planning  
rev **C**



scale 1:100 @ A3  
0 1 2 3 m

Proposed Permitted Development Fall Back Position

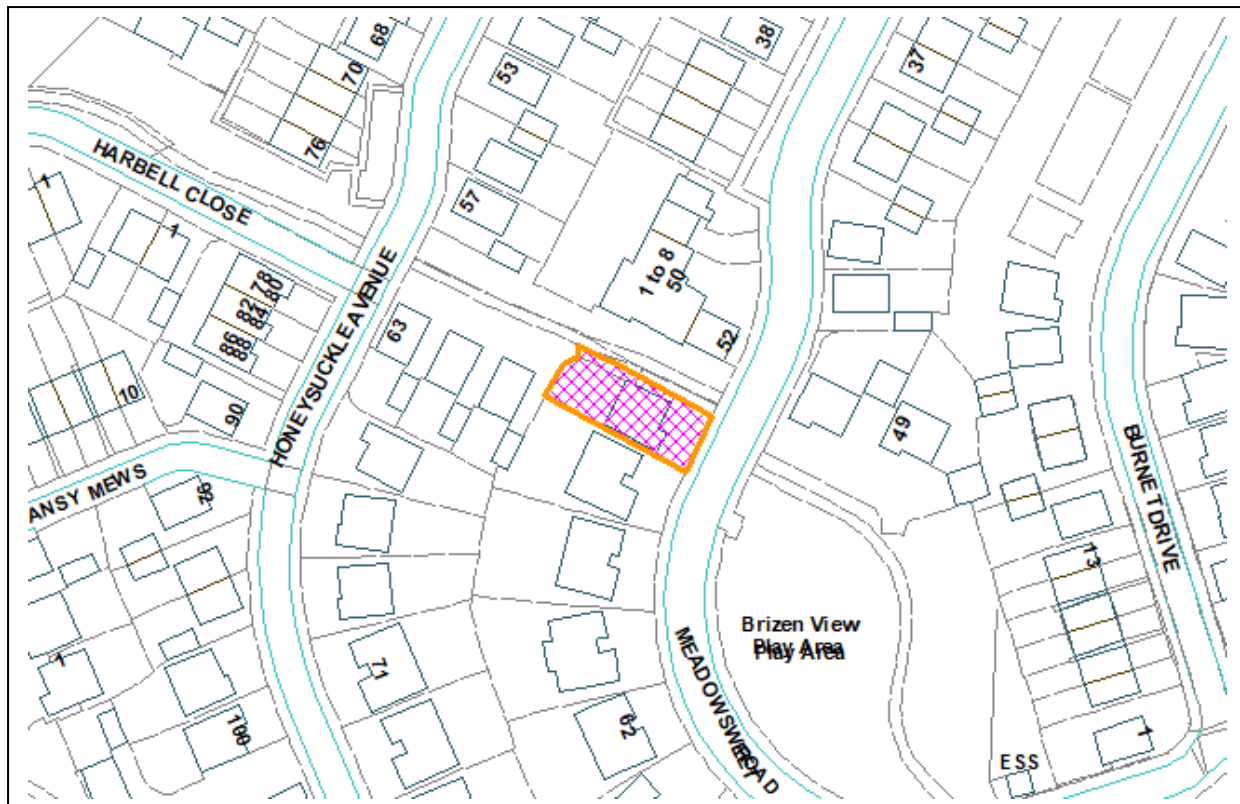




## Planning Committee

<b>Date</b>	17 January 2023
<b>Case Officer</b>	Joe Gibbons
<b>Application No.</b>	22/00807/FUL
<b>Site Location</b>	54 Meadowsweet Road, Shurdington
<b>Proposal</b>	Change of use from open space to residential garden land and erection of 1.8m high close boarded timber fence (retrospective)
<b>Ward</b>	Shurdington
<b>Parish</b>	Shurdington
<b>Appendices</b>	Existing and Proposed Block & Location Plan Photos of site x3 Landscaping plan R.0337_09-2J of 16/00168/CONDIS Strategic Landscape Master Plan R.0337_07G of 16/00168/CONDIS
<b>Reason for Referral to Committee</b>	Called in for Committee determination by Councillor Surman to assess the impact of the extended fence on the wider area.
<b>Recommendation</b>	Refuse

### Site Location



## 1. The Proposal

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Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=REUE0DQDKX600>

- 1.1 The application seeks permission for change of use from open space to residential garden land and the retention of a 1.8m high close boarded timber fence.

## 2. Site Description

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- 2.1 The application relates to a piece of land along the northern side elevation of No.54 Meadowsweet Road.

## 3. Relevant Planning History

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Application Number	Proposal	Decision	Decision Date
14/00838/FUL	Full application for residential development comprising 377 dwellings, including access and associated infrastructure.	PER	26.04.2016

## 4. Consultation Responses

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Full copies of all the consultation responses are available online at

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

- 4.1 Parish Council – No comments received.
- 4.2 Building Control – No comments received.

## 5. Third Party Comments/Observations

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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 at least 21 days.
- 5.2 7 letters of representation have been received making the following comments;

### **Support**

- Shrubs previously in place of the fence attracted litter and dog poo bags. Since erection of fencing, there have been zero cases of dog poo bags left there, and almost no litter.
- The landscape has not been changed in anyway; if at all it looks better.
- No overshadowing effects or loss of privacy.
- Fence provides security and privacy for the owners.
- Area enclosed by fencing has planning permission to be used as private garden.

## **Objection**

- When fence was erected, it had a negative impact on the residents whose properties are adjacent to it.
- Prior to erection of fence there was an open border which contained shrubs and bushes.
- Fence is an eyesore and looks out of place within the confines of the walkway and the rest of the estate.

## **6. Relevant Planning Policies and Considerations**

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### **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**

None

### **6.5 Neighbourhood Plan**

None

## **7. Policy Context**

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**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**

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### **Design**

- 8.1** JCS Policy SD4 of the Joint Core Strategy sets out requirements for high quality.
- 8.2** Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighboring occupants.
- 8.3** Section 12 of the National Planning Policy Framework (NPPF) states at paragraph 126 that 'Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. Paragraph 130 states 'Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and are visually attractive because of good architecture, layout and appropriate and effective landscaping'.
- 8.4** The application proposes to change the use of open space to residential garden. The area of land to be incorporated into the residential curtilage of No.54 is to the north of the plot, illustrated by a dotted line on the site plan to represent the fencing. This land is shown as a landscaped area on the Soft Landscape Proposed Sheet 2 of 5, drawing reference R.0337\_09-2J, permitted as part of a condition discharge application, reference 16/00168/CONDIS, linked to planning permission reference 14/00838/FUL which approved the residential estate. Also submitted with this application was plan R.0337\_07G, a strategic landscape masterplan which illustrated the landscaping across the entire development site of the estate.
- 8.5** This plan indicates shrub / herbaceous planting was to be implemented along the northern boundary of the site up to the rear elevation of the dwelling where the remainder of the land associated with No.54 on this boundary, and subject to this application, was to be an area of amenity grass.
- 8.6** The proposed timber fencing installed, for which permission is being sought through this application, is located on the northern boundary, wrapping around to the western boundary where it adjoins to the existing red brick boundary wall of No.54 and measures approximately 15.8m in length and 1.8m in height. The fencing adjoins existing fencing located on the northern elevation of No.54 and replaces shrub / herbaceous planting.
- 8.7** The fencing adjoins the footpath leading from Meadowsweet Road to Honeysuckle Avenue and is highly visible as the property forms a corner plot of the development. The dwellings surrounding the development have open frontages, including No.54, set back from the highway, this is represented across the wider housing estate. The land immediately opposite No.54 is public open space, Meadowsweet Road Playground, and this together with the open frontages, provides an open and pleasing character within the estate.
- 8.8** The application site already features an existing red brick boundary wall which marks the rear garden of the dwelling. Boundary treatments surrounding the application site generally consist of red brick walling, not timber fencing, which is commonly separated from footpaths or the highway via a buffer of soft landscaping / grassed areas contributing positively to the appearance and character of the street scene.

- 8.9** The land subject to this application forms part of the path, 'green link' which is illustrated on strategic landscape masterplan of the previous application, which runs from the Meadowsweet Road Playground on the east of the estate to a smaller play area on the west of the estate. The design and layout of the estate and this path in particular would have been considered during the design and decision making process of the original 14/00838/FUL permission. The path and its layout would have been purposely designed to create an open feeling within a built up, developed urban area. This is emphasised as No.54 and the adjacent flats to the north of the property are separated by a strip of open green amenity space featuring young trees.
- 8.10** Open space is a characteristic of the path with built development separated from the path via a buffer of grass and other planting. This helps to deliver a green corridor which adds to the overall quality of the area over the lifetime of the development, contributing to public open space and creating a better place in which to live, whilst providing a functional purpose of use by pedestrians.
- 8.11** The proposed fencing creates an invasive hard barrier, eroding the open space. The fencing would result in an incongruous feature by way of its extent and encroachment towards the footpath which invades into the open space, having a detrimental impact on the green link, failing to respect the general open character and pattern of the street scene.
- 8.12** Whilst the development would not result in loss of light upon or overshadow of neighbouring occupants, as stated above, the proposal erodes the open feel of the area, effecting visual amenity.
- 8.13** The proposal would not be of an appropriate design and would not be in keeping with the character and appearance of the property and wider street scene. The proposed development results in a loss of amenity grass area which was visually attractive and would have contributed to the level of amenity enjoyed by the public as it would have contributed to overall visual quality of the area. Therefore, the proposal would not have an acceptable impact on the character of the surrounding area and result in harm to the street scene and public amenity. As such the proposal would fail to comply with the requirements of Policies SD4 & SD14 of the JCS and Section 12, paragraphs 126 & 130 of the NPPF.

#### **Other Matters**

- 8.14** The applicant has stated that there has been no change of use as the title deeds demonstrated that the land beyond the red brick wall is already within the owner's control and was therefore, already residential garden. However, whilst the land is owned by the applicants as demonstrated on the Land Registry documentation, this does not provide a right for the land to lawfully be used as residential curtilage and therefore not as residential garden.
- 8.15** The erection of the fencing represents operational development which facilitates and is integral to the change of use the land to residential garden and therefore falls to be assessed against the application for a change of use. Should the application be refused, and enforcement action considered expedient, the fencing could properly be enforced against having regard to the principle established within the case of *Murfit v Secretary of State for the Environment and East Cambridgeshire DC* (1980).



- 8.16** Whilst there is no statutory definition of the word ‘curtilage’, the courts have previously ruled upon the meaning of the word on several occasions. The leading authority on this issue is *Sinclair-Lockhart’s Trustees V Central Land board* (1950) 1 P. & C.R. 195, where it was held that;
- 8.17** “The ground which is used for the comfortable enjoyment of a house or other building may be regarded in law as being within the curtilage of that house or building and thereby as an integral part of the same although it has not been marked off or enclosed in any way. It is enough that it serves the purpose of the house or building in some necessary or useful way”.
- 8.18** The rear and front gardens are both clearly pieces of land which, whilst not being completely enclosed, serve the purpose of the house in a necessary or useful way, the rear garden more obviously marked as it is enclosed by red brick walling. The land in question subject to this application was originally purposed to be used as an area of amenity grass and so it was clear that the land was never intended to be used as private garden amenity space.
- 8.19** The land, whilst belonging to the Applicants was not used for the comfortable enjoyment of the house and the land was not necessary or useful in a way which would serve the house which differs to the obvious use of the front and rear gardens. As such, as the land is not within the curtilage of the dwelling and is now used for the purpose of residential garden, there has been an unauthorised material change of use of land.
- 8.20** The change of use of the land is acceptable in principle, however this is heavily dependent upon an acceptable proposal incorporating natural boundary treatment which would retain the green corridor characteristic and positively contribute to the visual amenity of the area, the current proposal fails to incorporate this aspect.

## **9. Conclusion**

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- 9.1** By virtue of the fencing forming an integral part of the change of use of land to residential garden, the proposal is not of an appropriate design or in keeping with the character and appearance of the property and would not have an acceptable impact on the character of the surrounding area.
- 9.2** Furthermore, the proposal does not represent high quality development and fails to protect and improve environmental quality, representing unacceptable harm to local amenity.

## **10. Recommendation**

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- 10.1** It is considered that the proposal would fail to accord with relevant policies as outlined above. Therefore, it is recommended that planning permission be **refused** for the following reasons:

## **11. Reasons**

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- 1 The proposed development results in the introduction of an incongruous feature, which by reason of its extent and encroachment towards the footpath and erosion of the open space, is harmful to the character and appearance of the street scene and results in the loss of visually attractive open space which contributes to the level of amenity enjoyed by the public and therefore conflicts with Policies SD4 & SD14 of The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017 and the advice contained in the National Planning Policy Framework.

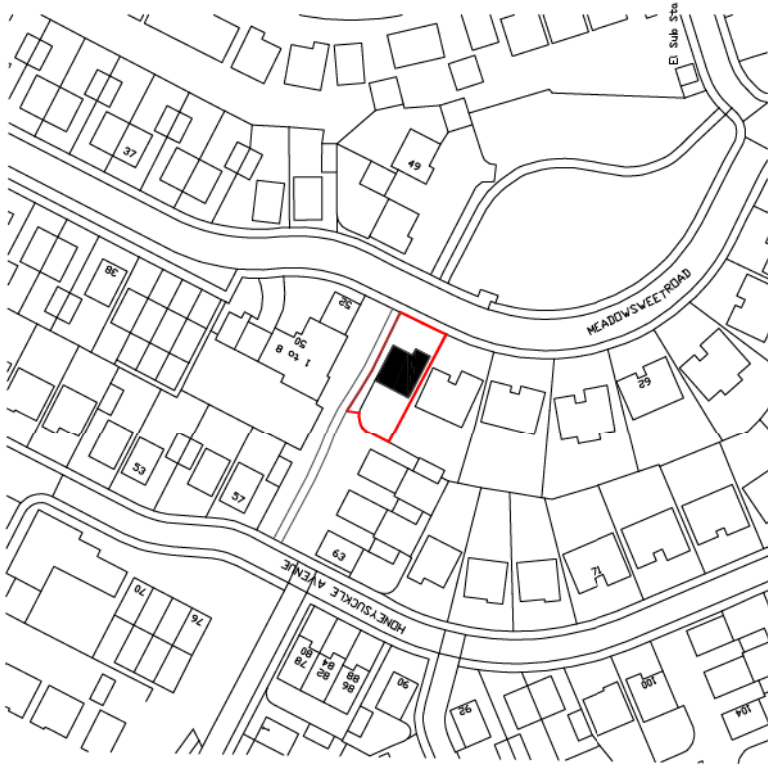
## **12. Informatives**

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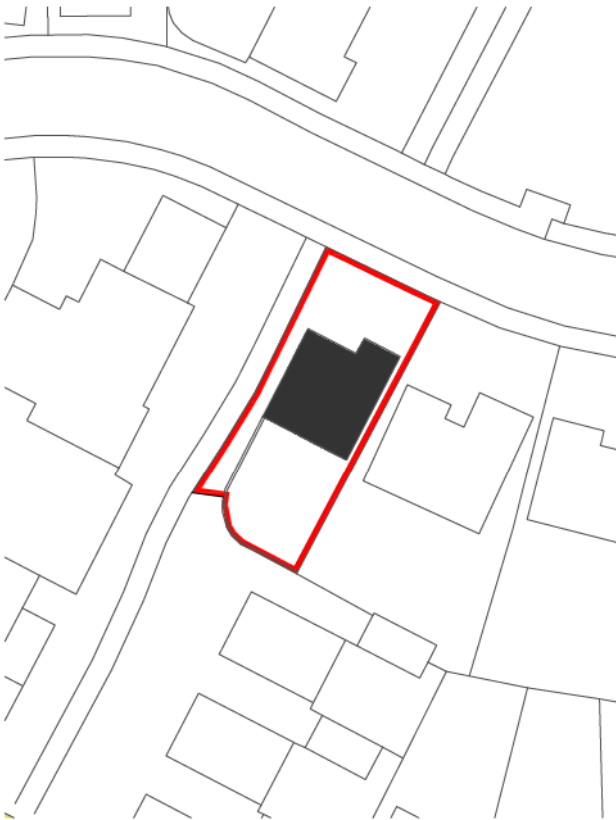
- 1 In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding. However, as a consequence of the clear conflict with Development Plan Policy no direct negotiation during the consideration of the application has taken place.

# 54 MEADOWSWEET ROAD, CHELTENHAM

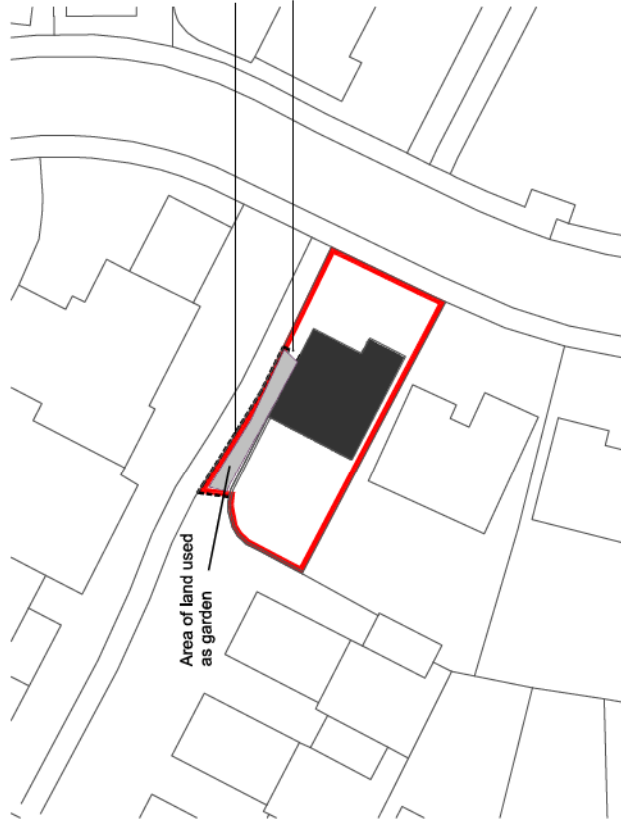
## SITE DETAILS



LOCATION PLAN  
SCALE 1:1250



BLOCK PLAN - EXISTING  
SCALE 1:500



BLOCK PLAN - PROPOSED  
SCALE 1:500

Location of 1.8 metre high  
closed boarded timber fence  
(dotted line)

Gate

0	PRINT ISSUE	31.01.2022
REVISION	NOTES	DATE
1/01		
PROJECT:		
54 Meadowsweet Road Cheltenham Glos GL53 0AS		
DRAWING:		
Site Details - Existing and Proposed		
54 Meadowsweet Road Cheltenham Gloucestershire GL53 0AS +44 (0) 1292 200852 Email: info@dpconstruction.com		
DATE	BY	CHKD BY
1/01/2022	ME	ME
PROJECT NO	54MS.C.SUJ.01	DATE
1/01/2022		1/01/2022

Photograph 1 showing the fence and area now part of the residential curtilage



Photograph 2: The 1.8m high fence adjacent to the public footpath

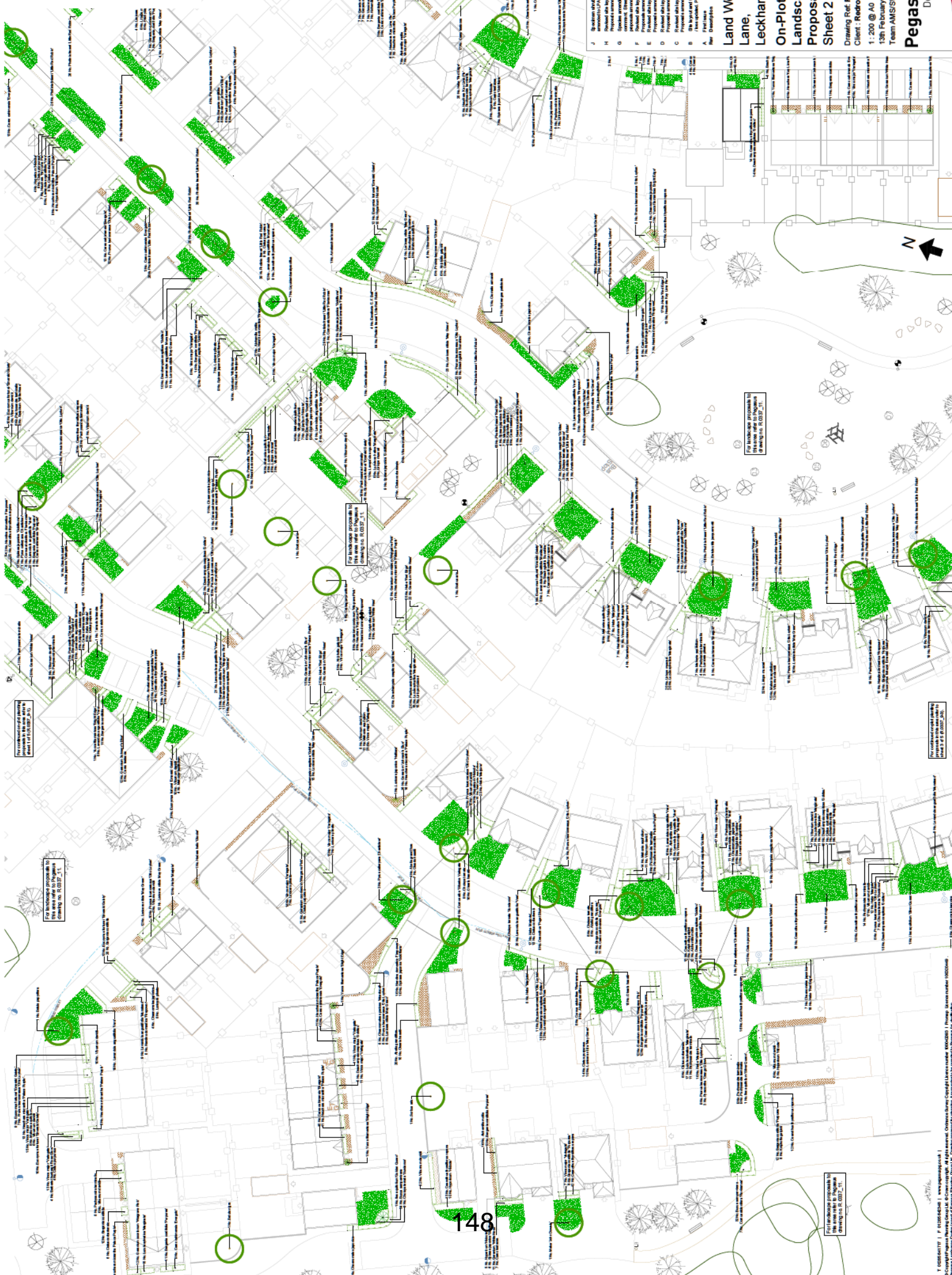


Photograph 3 The new fence next to the old fence installed by the contractors



**Key**

- 1. Proposed new planting
- 2. Existing planting
- 3. Proposed new paving
- 4. Existing paving
- 5. Proposed new walls
- 6. Existing walls
- 7. Proposed new fences
- 8. Existing fences
- 9. Proposed new gates
- 10. Existing gates
- 11. Proposed new paths
- 12. Existing paths
- 13. Proposed new drives
- 14. Existing drives
- 15. Proposed new roads
- 16. Existing roads
- 17. Proposed new boundaries
- 18. Existing boundaries
- 19. Proposed new easements
- 20. Existing easements
- 21. Proposed new setbacks
- 22. Existing setbacks
- 23. Proposed new setbacks
- 24. Existing setbacks
- 25. Proposed new setbacks
- 26. Existing setbacks
- 27. Proposed new setbacks
- 28. Existing setbacks
- 29. Proposed new setbacks
- 30. Existing setbacks



J	Blackburn estate	13/03/2017	JMS
H	Blackburn estate	20/01/2016	JMS
G	Blackburn estate	19/11/2015	JMS
F	Blackburn estate	08/10/2015	JMS
E	Blackburn estate	22/09/2015	JMS
D	Blackburn estate	08/10/2015	JMS
C	Blackburn estate	24/09/2015	JMS
B	Blackburn estate	08/09/2015	JMS
A	Blackburn estate	10/07/2014	JMS

**Land West of Farm Lane, Leckhampton**  
**On-Plot Soft Landscape Proposals**  
**Sheet 2 of 5**  
 Drawing Ref: R.0337\_09-2J  
 Client: Redrow Homes  
 1:200 @ A0  
 19th February 2017  
 Team: AMS/SW  
**Pegasus Design**

1. T. 0330818111 | F. 0330818110 | www.pegasusdesign.co.uk  
 Pegasus Landscape Design is a registered company in the UK. All drawings are prepared for planning purposes only and are not to be used for any other purpose.  
 Pegasus Landscape Design is a registered company in the UK. All drawings are prepared for planning purposes only and are not to be used for any other purpose.

- Play Elements**
- 01 **Apex Palace** by FHS Hobbschick via Jupiter Play (or similar approved), 5+ years
  - 02 **Velvet Vest Swing** by FHS Hobbschick via Jupiter Play (or similar approved), 2+ years
  - 03 **Tuning Saw-Deer** by Mincle Design and Play (or similar approved), 4+ years
  - 04 **Roundabout** by FHS Hobbschick via Jupiter Play (or similar approved), 4+ years
  - 05 **Spinning Disc** by Mincle Design and Play (or similar approved), 4-6 years
  - 06 **Toddler Log Stack** by Mincle Design and Play (or similar approved), 2-4 years
  - 07 **Embankment Slide (MIXED)** by Mincle Design and Play (or similar approved), 2-6 years
  - 08 **Balancing Beam** by FHS Hobbschick via Jupiter Play (or similar approved), 3+ years
  - 09 **Balancing Course** by FHS Hobbschick via Jupiter Play (or similar approved), 3+ years
  - 10 **Sawminder** by FHS Hobbschick via Jupiter Play (or similar approved), 3+ years
  - 11 **Jumping blocks** by FHS Hobbschick via Jupiter Play (or similar approved), 5+ years
  - 12 **Bouncing discs x 4** by FHS Hobbschick via Jupiter Play (or similar approved), 2+ years
  - 13 **Rolling balancing beam** by FHS Hobbschick via Jupiter Play (or similar approved), 5+ years
  - 14 **Willow Dome** by The Willow Bank (or similar approved), All ages
  - 15 **Climbing tree trunk** to be created using a Mini tree on site. If no tree trunk area suitable, to be supplied by Playable (or similar approved).



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Land west of Farm Lane, Leckhampton **STRATEGIC LANDSCAPE MASTERPLAN - Figure 9.11**

T 01285 641717 | F 01285 642348 | WWW.PEGASUSPG.CO.UK | TEAM LC/WAMS | 10TH NOVEMBER 2016 | 1:500 B A0 | DRWG. R.0337\_075 | CLIENT: REDROW HOMES |

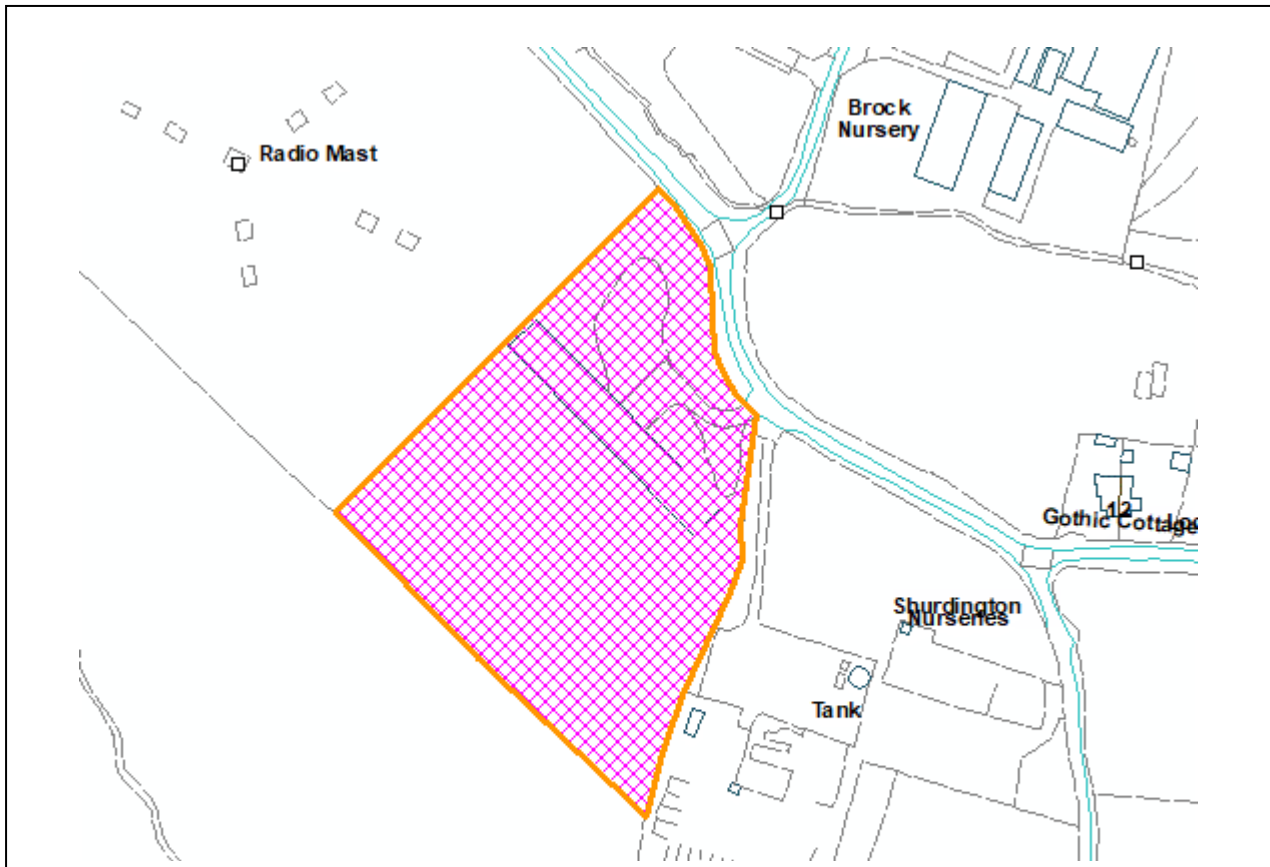




## Planning Committee

<b>Date</b>	17 January 2023
<b>Case Officer</b>	Joe Gibbons
<b>Application No.</b>	22/00283/FUL
<b>Site Location</b>	The Glass Houses, Whitelands Lane, Little Shurdington.
<b>Proposal</b>	Construction of an agricultural building.
<b>Ward</b>	Badgeworth
<b>Parish</b>	Badgeworth
<b>Appendices</b>	Site Location Plan Proposed Site Plan Proposed Elevations / Sections Proposed Floor Plans
<b>Reason for Referral to Committee</b>	The application is brought before Members as an objection has been raised by Badgeworth Parish Council.
<b>Recommendation</b>	Permit

### Site Location



## 1. The Proposal

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Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R8DU4HQDJBR00>

- 1.1 This application seeks full planning permission for the construction of an agricultural building with a floor area of approximately 795 square meters which would be sited within the northwest corner of the application site.
- 1.2 The proposed building is sought to provide a temperature-controlled environment to assist with the growing needs of the operations & various products across the whole year in association with the existing business.
- 1.3 The scheme has been revised since the application was first submitted in order to reduce the height of the proposed building. (**See attached plans**)

## 2. Site Description

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- 2.1 This application relates to The Glass Hosues, a parcel of land located along Whitelands Lane, which is accessed from Shurdington Road. The application site comprises of a parcel of land containing a substantial greenhouse and adjoining land used for horticultural purposes. The site is within the Green Belt and the Cotswold Area of Outstanding Natural Beauty (AONB). A public footpath runs adjacent to the eastern boundary of the application site.

## 3. Relevant Planning History

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Application Number	Proposal	Decision	Decision Date
87/00059/FUL	Erection of glasshouses for horticulture. Alteration of existing vehicular and pedestrian access.	PER	15.04.1987
80/00052/OUT	Outline application for the erection of a MF Local Radio Transmitting Station. Construction of a new vehicular and pedestrian access.	PER	08.01.1980
80/00053/FUL	Erection of a MF local radio transmitting station. Construction of a new vehicular access.	APPROV	25.03.1980

#### **4. Consultation Responses**

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

- 4.1 Badgeworth Parish Council – Objection. Concerns with scale of proposal within AONB, vehicle movements, proposed operational use, operating hours, lighting.
- 4.2 Shurdington Parish Council – No comments received
- 4.3 Ecology – No objection subject to conditions.
- 4.4 Tree Officer – No objection subject to conditions
- 4.5 Environmental Health – No objection subject to conditions.
- 4.6 Cotswold Conservation Board – No objection.
- 4.7 Land Drainage – No objection
- 4.8 Building Control – The application would require Building Regulations approval.
- 4.9 Gloucestershire Highways – No objection.

#### **5. Third Party Comments/Observations**

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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 8 letters of representation have been received raising the below comments.
  - The site location refers to the hamlet of Little Shurdington and not Shurdington Village.
  - The application refers to an agricultural building but the proposed use is solely horticultural activities.
  - Whitelands Lane is a narrow lane and is already heavily trafficked and proposal would increase number of articulated lorries.
  - Heavy goods vehicles would make it unsafe for families and children to use the lanes.
  - Flooding occurs in periods of heavy rain between The Glass House and Dark Lane.
  - Development would reduce property value
  - Noise pollution disrupts residents working from home.
  - Green site notice has been placed well away from the site.
  - Environmental and Health & Safety concerns.
  - Littering caused by cars using the small turning spot at the top of the lane
  - Proposal would intensify the use of site.
  - Cherry pickers / telehandlers would cause noise disruption.
  - Building would be detrimental to wildlife.

## **6. Relevant Planning Policies and Considerations**

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### **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 SD1 (Employment – Except retail development)
- Policy SD4 (Design Requirements Policy SD5 (Green Belt)
- Policy SD6 (Landscape)
- Policy SD7 (The Cotswold Area of Outstanding Natural Beauty)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk Management)

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

- Policy EMP4 (Rural Employment Development)
- Policy EMP5 (New Employment Development (General))
- AGR1 (Agricultural Development)
- AGR2 (Agricultural Diversification)
- GRB4 (Cheltenham & Gloucester Green Belt)
- LAN2 (Landscape Character)
- NAT1 (Biodiversity, geodiversity, and Important Natural Features)
- NAT2 (The Waster Environment)
- NAT3 (Green infrastructure: Building and Important Natural Features)

### **6.5 Neighbourhood Plan**

None

## **7. Policy Context**

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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**

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### ***Principle of development***

- 8.1 The NPPF sets out at Paragraph 81 that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Furthermore Paragraph 84, advises that planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses.
- 8.2 JCS Policy SD1 states that in the wider countryside, employment related development will be supported when it is located within or adjacent to a settlement or existing employment area and of an appropriate scale and character.
- 8.3 TBLP Policy EMP4 sets out that within the wider rural area, outside of allocated employment sites or settlement boundaries, proposals for new agricultural or employment development (as defined in Policy EMP1) will be supported in principle where inter alia they involve appropriate agricultural development or diversification in accordance with Policies AGR1 and AGR2.
- 8.4 Policy AGR1 of the TBLP considers proposals for new agricultural development, including intensive and industrial scale agricultural operations, to meet the needs of the agricultural business will be permitted provided that, where appropriate;
  1. The proposed development is reasonably necessary and designed for the purposes of agriculture.
  2. The proposed development is well sited in relation to existing buildings, access tracks, ancillary structures and works, and landscape features in order to minimise adverse impact on the visual amenity of the rural landscape paying particular regard to Areas of Outstanding Natural Beauty and Special Landscape Areas.
  3. The proposed development is sympathetically designed in terms of height, mass, materials, colour and landscaping where appropriate
  4. There is no unacceptable adverse impact on the amenity of residential properties or any other protected buildings, including affects from noise, light or odour pollution, including on human health.
  5. There is no unacceptable impact on biodiversity and ecological networks.
  6. Arrangements for the storage and/or disposal of waste (including manure and slurry) are satisfactory and do not have an unacceptable impact on air quality or threaten the quality of ground water, surface water or nearby watercourses.
  7. The highway network (including site access and egress) is adequate to safely cater for the type and volume of traffic generated by the proposal.

- 8.5** Policy AGR2 states proposals for farm diversification will be supported where they enhance the viability of, and do not prejudice, the continued operation of the existing agricultural business.
- 8.6** The proposed building would be used ‘for the purposes of agriculture’ (as defined within section 336 of the Town and Country Planning Act 1990), as it would relate to horticulture on an existing agricultural unit. The proposed new building is sought to provide a temperature-controlled environment to assist with the growing needs of the across the whole year and enables the operation to continue without being subject to temperature fluctuations. The applicant proposes that this would enable the business to better plan their operations and enable more climate sensitive plants to be grown and thus widen the range of plants available for sale to customers and allowing for the diversification of operations.
- 8.7** It is considered that the proposal would allow for the expansion of an existing agricultural enterprise and the proposal would therefore comply with Policy SD1 of the JCS and Policies AGR1, AGR2 and EMP4 of the TBLP and is therefore considered to be acceptable in principle and subject to other policies of the development plan.

### **Green Belt**

- 8.8** Section 13 of the NPPF states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 sets out that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt subject to several defined exceptions, one of which is the construction of buildings for agriculture and forestry.
- 8.9** Policy SD5 of the JCS states 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 very special circumstances can be demonstrated. Policy GRB4 sets out the essential characteristics of Green Belts and that buildings for agriculture and forestry are a not inappropriate development in the Green Belt.
- 8.10** As the proposal is for an agricultural building for storage, preparation and propagation purposes, this would meet exemption (a) of para 149 of Section 13 of the NPPF. As such, the proposed development is not considered to be inappropriate development within the Green Belt and would comply with Section 13 of the NPPF, Policy SD5 of the JCS and GRB4 of the Tewkesbury Borough Local Plan.

### ***Landscape impact***

- 8.11** Policy SD6 of the JCS states development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental, and social well-being. Policy SD7 requires that all development proposals in or 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. Policy LAN2 of the TBLP states all development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting.
- 8.12** The application site is located within the Cotswold Area of Outstanding Natural Beauty and therefore the development should seek to protect the landscape character and conserve the landscape and scenic beauty of the area.

- 8.13** The application site and surrounding land is generally flat, and the wider area comprises a variety of residential, agricultural and commercial development. The proposed building is of simple linear form and would have a maximum height of 7.5 metres. The building would be set adjacent to an existing hedgerow along Whitelands Lane and would be constructed of profiled steel cladding, finished in green, which would be appropriate in principle however the precise details would need to be secured by condition to ensure a satisfactory and recessive appearance to the development.
- 8.14** While the application site is located within the AONB, the building would be viewed in context of the existing boundary screening, development at the site and built development in the immediate and wider areas, particularly those to the north and east of Whitelands Lane.
- 8.15** It is considered that subject to compliance with conditions in respect of materials and external lighting, the proposed building would integrate with the character of the surrounding landscape and existing built development and would not appear as an intrusive feature on the landscape. Accordingly, the proposal would conserve the landscape character and scenic beauty of the area in accordance with Policies SD6 & SD7 of the JCS and Policy LAN2 of the TBLP.

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

- 8.16** Policy SD4 of the Joint Core Strategy sets out that new development should respond positively to and respect the character of the site and its surroundings, enhancing local distinctiveness. Policy AGR1 requires new agricultural buildings to be sympathetically designed in terms of height, mass, materials colour, and landscaping where appropriate.
- 8.17** The originally submitted plans proposed a building which measured 8.8 metres to the ridge and 6 metres to the eaves. Following negotiations with the Applicant, revised drawings were received which reduced the height of the proposed building. The building now proposed would measure 7.5 metres to the ridge and 5.5 metres to the eaves and would be appropriate to the context of the site.
- 8.18** The new building would have a simple linear design and form and design which would feature 3 HGV access openings fitted with roller shutter doors and roof lights located within both roof slopes. The applicant has advised that building has been designed to meet Department for Environment Food & Rural Affairs (DEFRA) requirements and to ensure efficient handling of plants. The applicant has advised that the company does import some plants which are grown on the site and, as such, must comply with relevant DEFRA legislation which influences plant handling, storage and facilities contained within the building.
- 8.19** The submitted floor plan demonstrate how the building would be used in relation to the horticultural business with a mixture of designated areas including flower bulb storage and a propagation area with a small portion of the building being used for staff facilities and provides space and facilities required by DEFRA legislation.

- 8.20** It is considered that the proposed building would be sensitively sited in a corner position in the context of the existing greenhouse and would be screened by a mature hedgerow which runs parallel to Whitelands Lane. Whilst the building it is of a utilitarian, agricultural appearance it is considered that the proposal in its amended form would be appropriate to the context of the site by virtue of its design, siting and scale. As such, the proposed development is considered to comply with Policy SD4 of the JCS and AGR1 of the TBLP.

***Access and highway safety***

- 8.21** Policy INF1 of the JCS requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.
- 8.22** The proposal has been assessed by the Gloucestershire Highways Development Coordinator who has advised that the proposal would not result in an unacceptable impact on the Highway Safety or severe impact on congestion. As such, the proposed development is considered to comply with Policy INF1 of the JCS and Policy AGR1 of the TBLP.

***Residential amenity***

- 8.23** Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.
- 8.24** The proposed building is located at least 50m from the nearest residential dwelling. Whilst the site is currently used for horticultural purposes, the proposed building would lead to an intensification of the use of the site due to deliveries and customer movements etc. The Environmental Health Officer has identified that the application site falls within approximately 200m of a historic gassing landfill site. As such, the EHO officer has required the need for an investigation into land contamination within the site prior to the development phase of the works commencing, such information can be secured via a planning condition.
- 8.25** Representations received by this Council raised concerns with possible noise pollution that may result from the proposed development, such as noise from Cherry pickers / telehandlers which could impact residents, particularly those wishing to work from home. Whilst the site is located some distance from the nearest dwellings and is bordered by dense and mature hedgerows, restrictions can be applied to both deliveries made to and from the proposed building. In addition, onsite machinery used for unloading etc can be required by condition to be fitted with a white noise audible alarm instead of audible alarm. Whilst the intensified use of the site may result in increased noise output from within the site, should planning permission be granted, the use of planning conditions to control noise output from machinery and deliveries would limit the impact the proposal would have upon the residential amenity enjoyed by neighbouring occupants. Furthermore, construction hours can be controlled during the construction phase.
- 8.26** Subject to compliance with conditions, it is considered that there would be no undue impact upon the living conditions of nearby occupiers and the proposal would accord with Policy SD14 of the JCS.



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

- 8.27** Policy INF2 of the JCS requires proposals must 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 the site or elsewhere.
- 8.28** The application site falls within flood zone 1 and is therefore has a low probability of flooding. The drainage strategy technical note details surface water would be discharged to an existing gully located at the site entrance. The foul drainage would be treated within a wastewater treatment plant prior to discharging into existing ditch. The council's Drainage Officer has been consulted and is satisfied with the proposals and level of detail provided within the drainage strategy technical note and has raised no objections.
- 8.29** Furthermore, the Drainage Officer noted the use of nutrients and chemicals associated with the proposed horticultural use of the building. The Applicant has confirmed that the storage of nutrients etc is governed by HSE and DEFRA legislation in guidance which controls these substances and how they are stored, limited application rates to ensure potential for instances of pollution are minimised. It follows that the proposed development is considered to comply with Policy INF2 of the JCS.

### ***Biodiversity***

- 8.30** Policy NAT1 states proposals that will conserve, restore and enhance, biodiversity will be permitted. Policy NAT2 seeks to appropriate opportunities offered by new development proposals to recreate more natural conditions and new habitat along watercourses. Policy NAT3 development must contribute, where appropriate to do so and at a scale commensurate to the proposal, towards the provision, protection and enhancement of the wider green infrastructure network. Policy SD9 states that European protected species and national protected species are safeguarded in accordance with the law.
- 8.31** A Preliminary Ecological Assessment (PEA) was submitted as part of this application, and a further revised PEA was provided following an initial assessment by the Councils Ecological adviser.
- 8.32** The revised report advises that further surveys for great crested newts (GCN) are not necessary, and recommends a precautionary approach to proposed works, including supervising site clearance by a suitably licensed ecologist. This is an acceptable approach considering the sub-optimal habitat on site for GCN and the nature and small scale of the proposed works. If GCN are found at any time, works must stop immediately and advice from an ecologist sought. A condition to this effect is recommended.
- 8.33** The revised PEA report provides further information in relation to reptiles, stating that, although the site offered some basking opportunities for reptiles, the high footfall on site and traffic movement would render the site unsuitable for reptiles. A precautionary approach to proposed works, including supervising site clearance by a suitably licensed ecologist, was recommended.
- 8.34** The revised PEA report included recommendations to enhance the proposed development site for wildlife, including native species planting, installation of bird boxes, bat boxes, reptile/amphibian hibernacula and hedgehog homes, which is welcomed. Bat sensitive lighting recommendations have also been provided. The precise details of any external lighting could be secured by condition.

**8.35** The Ecologist has raised no objections to the proposal subject to a number of planning conditions to minimise the impact upon the proposal would have upon local ecology. The proposed development is considered to accord with policies NAT1 and NAT2 of the Tewkesbury Borough Plan Local Plan and Policy SD9 of the JCS.

### **Trees**

**8.36** Policy NAT1 states proposals that will conserve, restore and enhance, biodiversity will be permitted. Paragraph 131 of the NPPF states trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.

**8.37** The proposed building would be in proximity to existing mature vegetation on the northern boundary with Whitelands Lane. As such, the Tree Officer has been consulted for comments.

**8.38** A Tree Protection Method Statement has been provided and summarises the overgrown and gappy hawthorn etc hedge on the north-west boundary will be unaffected, likewise, the overgrown field maple, hawthorn, ash etc hedge on Whitelands Land would be unaffected. A plan annexed within this statement details tree protection fencing which would be installed to BS5837 standards, including root protection areas and constructions exclusion zone. The implementation and compliance would need to be secured by condition.

**8.39** The Tree Officer has raised no objection to the proposal providing conditions are attached requiring tree protection fencing to be erected prior to development and restrictions to excavation or surface treatments within root protection areas of the retained trees. As such, the proposal is considered to comply with Policy NAT1 of the TBLP.

## **9. Conclusion**

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**9.1** Considering all of the above, it is concluded that the proposal would be of an appropriate use, design and scale. Furthermore, the proposal would represent an acceptable development within the Cotswold AONB and Green Belt and would support rural economic growth. Subject to compliance with conditions, there would be no adverse impacts upon on amenity, highway safety, ecology or the character of the area.

## **10. Recommendation**

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**10.1** 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 following conditions:

## **11. Conditions**

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**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 number WL 1-4 (Elevations / Sections) received by the Local Planning Authority on 05.09.2022
- Drawing numbers WL 1-1 (Location/ Block Plans), WL 1-2 (Site Plan) & WL 1-3 (Building Plan) received by the Local Planning Authority on 11.05.2022
- B J Unwin Forestry Consultancy BS5837 Tree Constraints, Tree Impacts and Tree Protection Method Statement for new agricultural building, received by the Local Planning Authority on 11.05.2022.
- Preliminary Ecological Appraisal prepared by Paxford Ecology (dated 16.11.2022)
- Technical Note prepared by Rappor consultants Ltd (dated 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** No work above floor plate level shall be carried out until samples of the external materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to conserve character and appearance of the area.

**4** The tree protection fencing shall be installed in accordance with the approved details specified in B J Unwin Forestry Consultancy BS5837 Tree Constraints, Tree Impacts and Tree Protection Method Statement before any development including demolition, site clearance, materials delivery or erection of site buildings, starts on the site. The approved tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within any area fenced, unless agreed in writing with the local planning authority.

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

**5** Where excavations or surface treatments are proposed within the root protection areas (RPA) of retained trees and hedgerows, works to be carried out in accordance with the approved details specified in B J Unwin Forestry Consultancy BS5837 Tree Constraints, Tree Impacts and Tree Protection Method Statement.

Reason: To prevent damage to or loss of trees

- 6** The recommendations for mitigation included within the Preliminary Ecological Appraisal prepared by Paxford Ecology (dated 16.11.2022) should be strictly adhered to. If Great Crested Newts are identified at any stage, all works must stop immediately, and the advice of an ecologist sought.

Reason: To ensure that the nature conservation interest of the site is protected.

- 7** Prior to the erection or installation of any external lighting, a lighting strategy scheme shall be submitted to the local authority detailing location and specification of the lighting supported by contouring plans demonstrating any light spill into adjacent habitats. This plan should be completed in conjunction with advice from the project ecologist and any subsequent lighting installed and retained in accordance with the approved details.

Reason: To ensure proper provision is made to safeguard protected species and their habitats and to protect the dark skies of the AONB.

- 8** The ecological enhancement features should be installed/created on site, in accordance with the recommendations within the Preliminary Ecological Appraisal prepared by Paxford Ecology (dated 16.11.2022). Should proposed plans change, the project ecologist can provide input as to suitable alternative enhancements for the site and amended plans be provided to the Local Planning Authority to first be agreed in writing.

Reason: To ensure that the nature conservation interest of the site is protected.

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

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

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

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

- 10** During the construction phase of the development hereby permitted (including demolition and preparatory groundworks), no machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or dispatched from the site outside the following times: Monday-Friday 8.00 am - 6.00pm, Saturday 8.00 am - 1.00 pm nor at any time on Sundays, Bank or Public Holidays.

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

- 11** During the operational phase, deliveries to, and collections from, the development hereby approved shall not be made outside the following hours: 7:30am – 8pm.

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

- 12** During the operational phase, onsite machinery used for loading/unloading/stock movement/ materials movement shall use only white noise audible alarms where required.

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

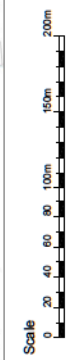
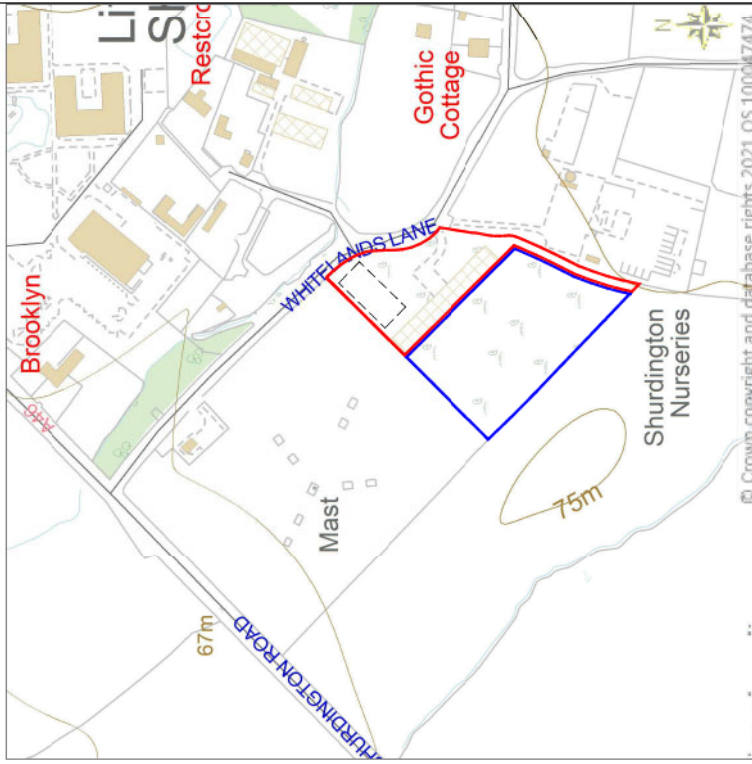
## **12. Informatives**

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- 1** In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating amendments to the scale of the proposal.

**Location Plan**  
Scale 1:2500

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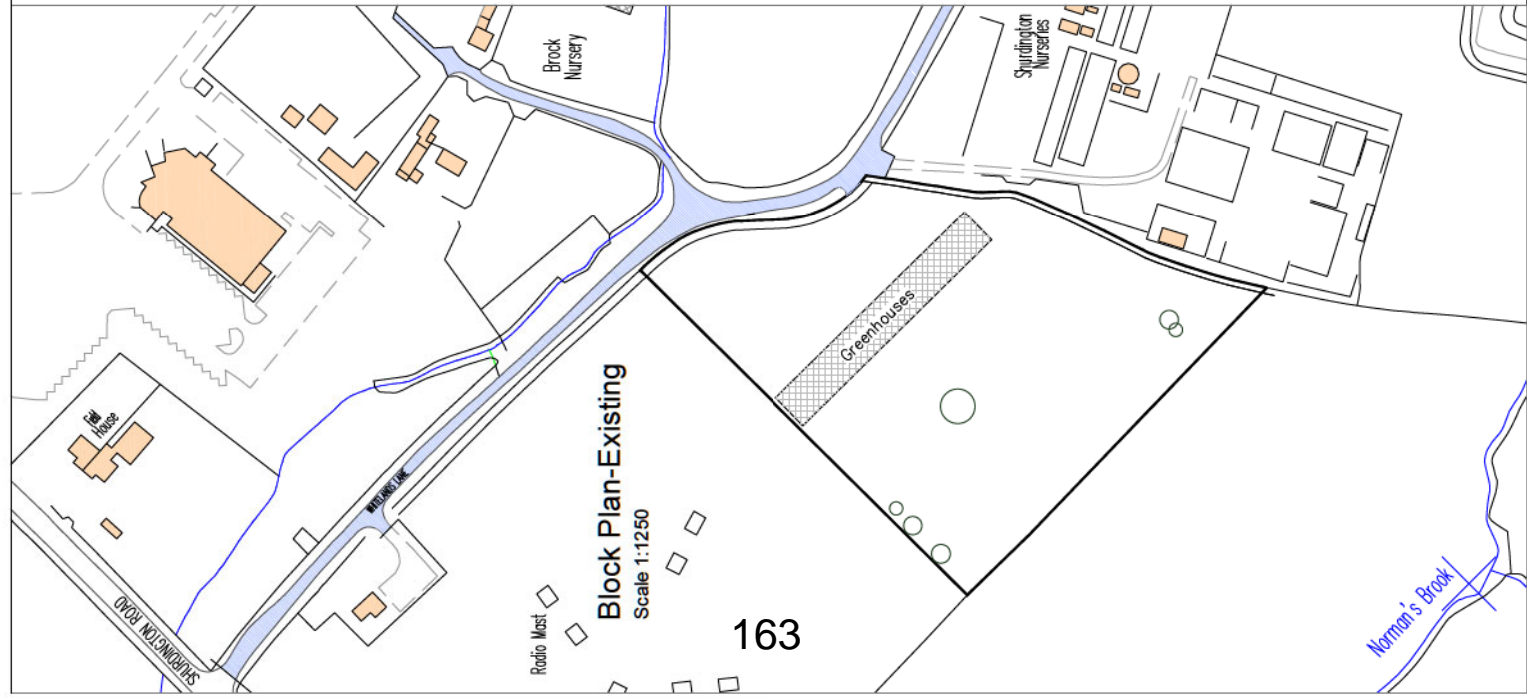
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Revision:	WL-1
Scale:	1:1250
Drawn by:	J. Jones
Checked by:	M. West
Date:	07.02.22
Client:	Emotive Landscapes


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T: 01242 524206  
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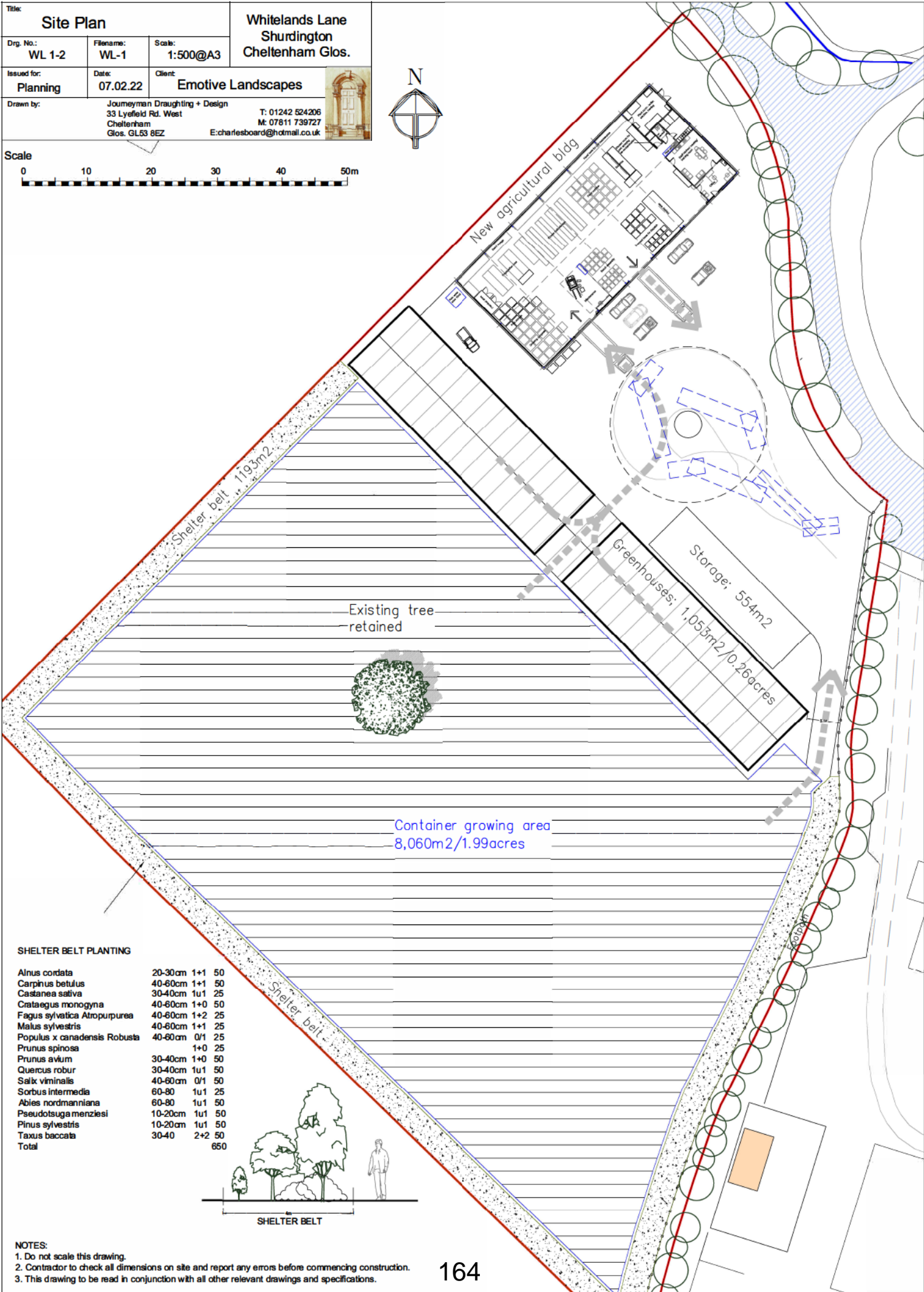
**Block Plan-Proposed**  
Scale 1:1250



**Block Plan-Existing**  
Scale 1:1250

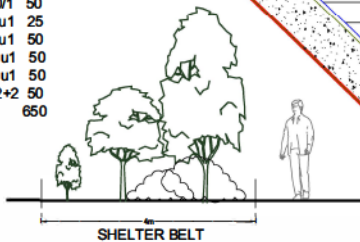


Title: <b>Site Plan</b>			Whitelands Lane Shurdington Cheltenham Glos.		
Drng. No.: <b>WL 1-2</b>	Filename: <b>WL-1</b>	Scale: <b>1:500@A3</b>			
Issued for: <b>Planning</b>	Date: <b>07.02.22</b>	Client: <b>Emotive Landscapes</b>			
Drawn by:	Joumeyman Draughting + Design 33 Lyefield Rd. West Cheltenham Glos. GL53 8EZ		T: 01242 524206 M: 07811 739727 E:charlesboard@hotmail.co.uk		



**SHELTER BELT PLANTING**

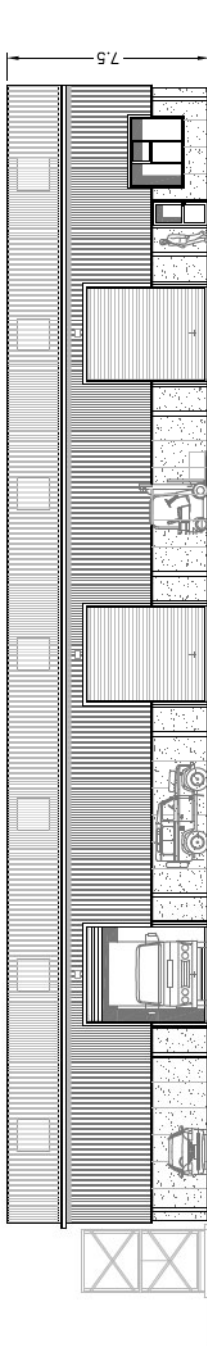
<i>Alnus cordata</i>	20-30cm	1+1	50
<i>Carpinus betulus</i>	40-60cm	1+1	50
<i>Castanea sativa</i>	30-40cm	1u1	25
<i>Crataegus monogyna</i>	40-60cm	1+0	50
<i>Fagus sylvatica Atropurpurea</i>	40-60cm	1+2	25
<i>Malus sylvestris</i>	40-60cm	1+1	25
<i>Populus x canadensis Robusta</i>	40-60cm	0/1	25
<i>Prunus spinosa</i>		1+0	25
<i>Prunus avium</i>	30-40cm	1+0	50
<i>Quercus robur</i>	30-40cm	1u1	50
<i>Salix viminalis</i>	40-60cm	0/1	50
<i>Sorbus intermedia</i>	60-80	1u1	25
<i>Abies nordmanniana</i>	60-80	1u1	50
<i>Pseudotsuga menziesii</i>	10-20cm	1u1	50
<i>Pinus sylvestris</i>	10-20cm	1u1	50
<i>Taxus baccata</i>	30-40	2+2	50
<b>Total</b>			<b>650</b>



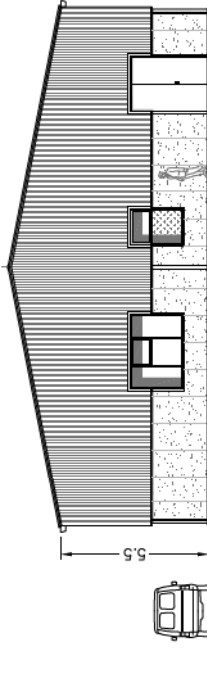
**NOTES:**

1. Do not scale this drawing.
2. Contractor to check all dimensions on site and report any errors before commencing construction.
3. This drawing to be read in conjunction with all other relevant drawings and specifications.

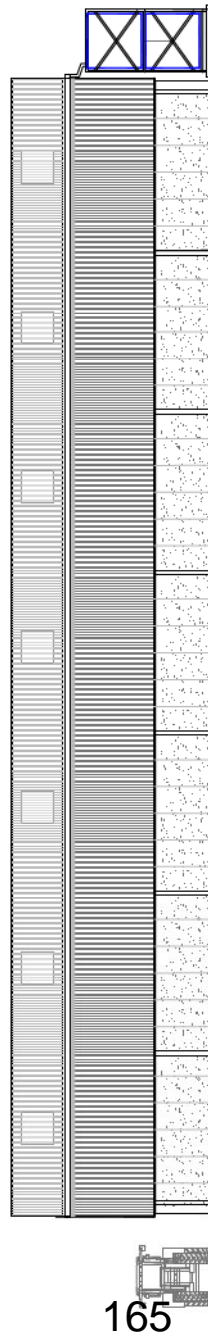
South East Elevation



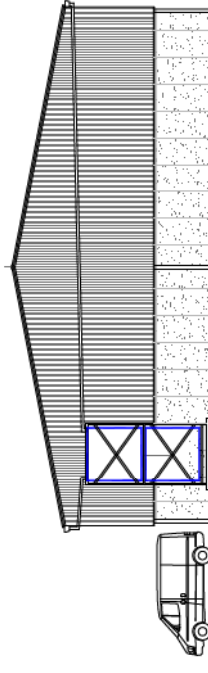
North East Elevation



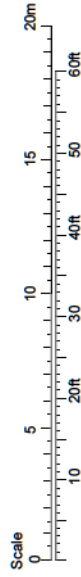
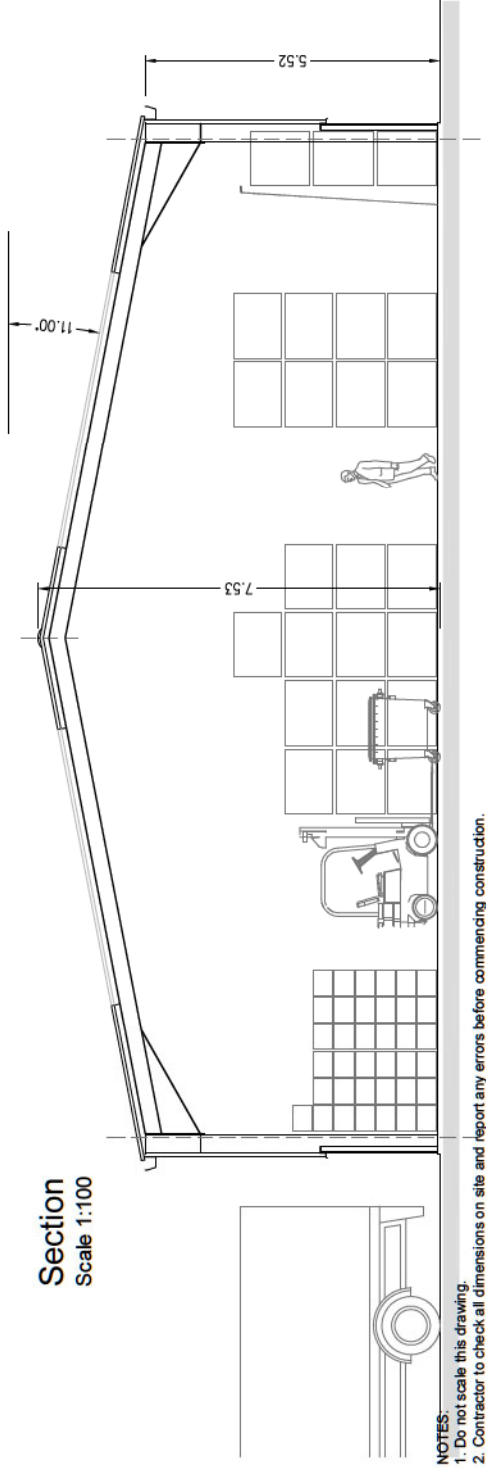
North West Elevation



South West Elevation



Section  
Scale 1:100



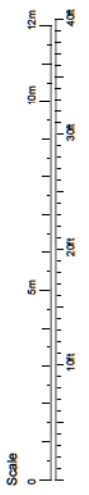
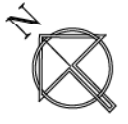
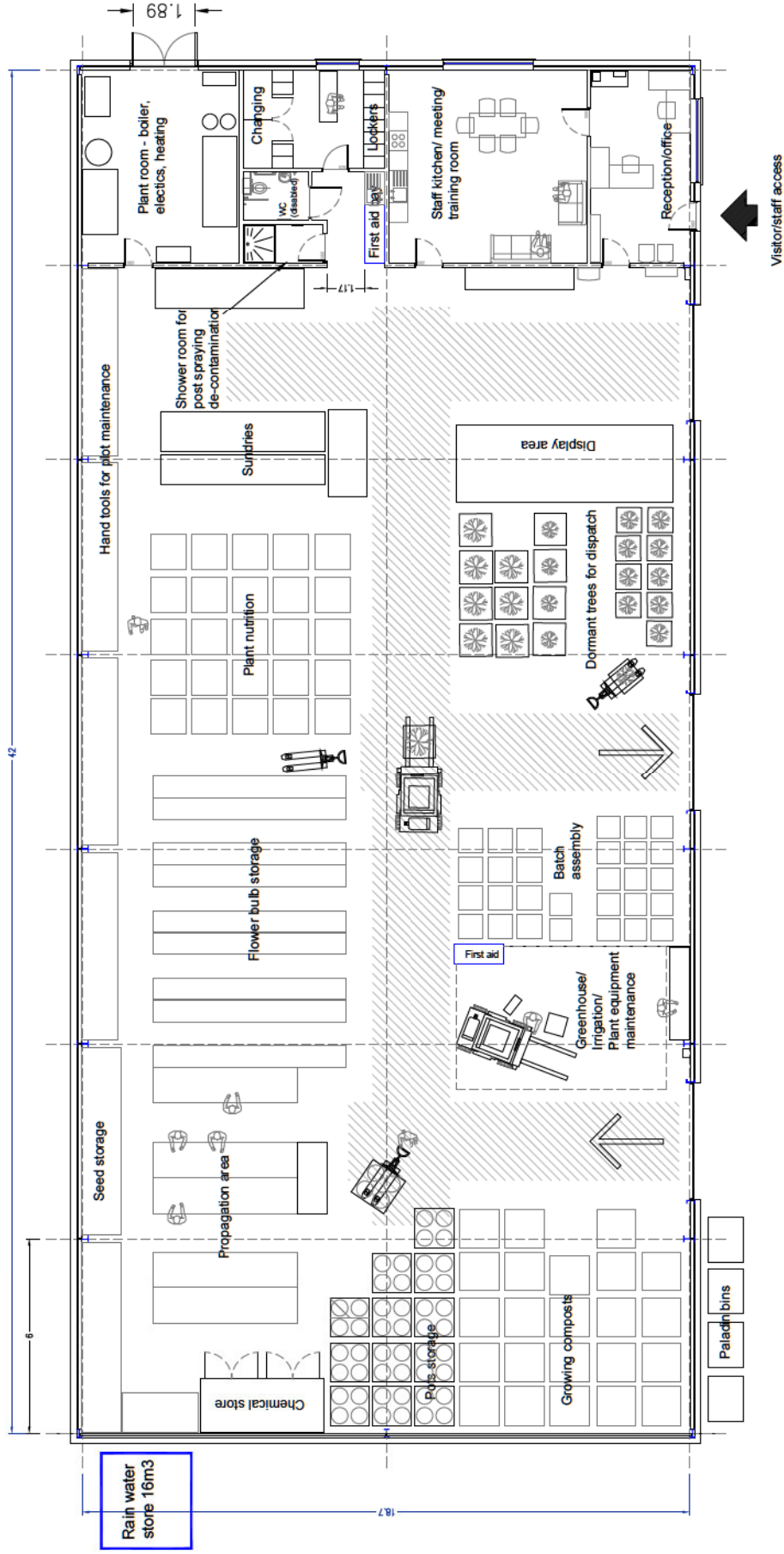
Title: <b>Elevations / Section</b>		Whitelands Lane Shurdington Cheltenham Glos.	
Dwg. No.: <b>WL 1-4</b>	Filename: <b>WL-1</b>	Scale: <b>1:100</b> <b>/200@A3</b>	
Issued for: <b>Planning</b>	Date: <b>05.09.22</b>	Client: <b>Emotive Landscapes</b>	
Drawn by: <b>Journeyman Draughting + Design</b> 33 Lye field Rd. West Cheltenham Glos. GL53 8EZ		T: 01242 824206 M: 07811 739727 E: charlesboard@hotmail.co.uk	

- NOTES:**
1. Do not scale this drawing.
  2. Contractor to check all dimensions on site and report any errors before commencing construction.
  3. This drawing to be read in conjunction with all other relevant drawings and specifications.



# Building Plan

Internal layout to be confirmed



Title		Building Plan		Whitelands Lane Shurdlington Cheltenham Glos.	
Dwg No:	WL 1-3	Filename:	WL-1	Scale:	1:100@A2
Issued for:	Planning	Date:	07.02.22	Client:	Emotive Landscapes
Drawn by:		Joanna Venn, Drafting + Design 33 Lyefield Rd, West Cheltenham Glos. GL53 8PZ T: 01242 354206 M: 07811 79377 E: chelseab@emotive.co.uk			

## TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Planning Committee
<b>Date of Meeting:</b>	17 January 2023
<b>Subject:</b>	Current Appeals and Appeal Decisions Update
<b>Report of:</b>	Development Manager
<b>Head of Service/Director:</b>	Head of Development Services
<b>Lead Member:</b>	Lead Member for Built Environment
<b>Number of Appendices:</b>	1

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

<p><b>Financial Implications:</b></p> <p>None</p>
<p><b>Legal Implications:</b></p> <p>None</p>
<p><b>Environmental and Sustainability Implications:</b></p> <p>None</p>
<p><b>Resource Implications (including impact on equalities):</b></p> <p>None</p>
<p><b>Safeguarding Implications:</b></p> <p>None</p>
<p><b>Impact on the Customer:</b></p> <p>None</p>

**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 No appeal decisions received from the Planning Inspectorate

**3.0 ENFORCEMENT APPEAL DECISIONS**

3.1 No appeal decisions received from the Planning Inspectorate

**4.0 CONSULTATION**

4.1 None

**5.0 ASSOCIATED RISKS**

5.1 None

**6.0 MONITORING**

6.1 None

**7.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES**

7.1 None

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**Background Papers:** None

**Contact Officer:** Appeals Admin  
01684 272151 [appealsadmin@teWKesbury.gov.uk](mailto:appealsadmin@teWKesbury.gov.uk)

**Appendices:** Appendix 1: List of Appeals received

List of Appeals Received						
Reference	Address	Description	Start Date	Appeal Procedure	Appeal Officer	Statement Due
22/00624/OUT	Land East Of St Margarets Drive, Alderton	Outline application for the demolition of 16 St Margarets Drive and the erection of up to 55 dwellings, associated infrastructure, landscape and biodiversity enhancements, all matters reserved except for access from St Margarets Drive.	13.12.2022	I	CAS	

### Process Type

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