

13 March 2023

Committee	Planning
Date	Tuesday, 21 March 2023
Time of Meeting	10:00 am
Venue	Tewkesbury Borough Council Offices, Severn Room

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND

Agenda

1. ANNOUNCEMENTS

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

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

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.

3. DECLARATIONS OF INTEREST

Pursuant to the adoption by the Council on 24 January 2023 of the Tewkesbury Borough Council Code of Conduct, effective from 1 February 2023, as set out in Minute No. CL.72, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.



	Item	Page(s)
4.	MINUTES	1 - 33
	To approve the Minutes of the meeting held on 21 February 2023.	
5.	DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL	
	(a) 22/00251/APP - Phases 4 and 6, Land at Perrybrook, North Brockworth	34 - 74
	PROPOSAL: Approval of reserved matters (appearance, landscape, layout and scale) for Phases 4 and 6 comprising development of new homes, landscaping, open space and associated works pursuant to outline permission 12/01256/OUT.	
	OFFICER RECOMMENDATION: Approve	
	(b) 21/01173/FUL - Land off Ruby Avenue, Bishop's Cleeve	75 - 110
	PROPOSAL: Residential development to erect 22 units with associated car parking (100% affordable).	
	OFFICER RECOMMENDATION: Delegated Permit	
	(c) 21/01013/FUL - Lunn Cottage, Aston Cross, Tewkesbury	111 - 130
	PROPOSAL: Erection of 10 dwellings, garages, construction of internal estate road, formation of parking areas and gardens/amenity space.	
	OFFICER RECOMMENDATION: Refuse	
	(d) 21/00868/FUL - Land Adjoining Blenheim Way, School Lane, Shurdington	131 - 148
	PROPOSAL: Erection of a single dwelling and associated access.	
	OFFICER RECOMMENDATION: Delegated Permit	
	(e) 22/00609/FUL - Starvealls Cottage, Postlip, Winchcombe	149 - 179
	PROPOSAL: Construction of replacement dwelling and associated works following demolition of existing dwelling. Change of use of additional areas of land to residential garden.	
	OFFICER RECOMMENDATION: Minded to Permit	
	(f) 22/00650/FUL - Truman's Farm, Manor Lane, Gotherington	180 - 214
	PROPOSAL: Residential development comprising 45 dwellings, creation of new access, public open space and other associated ancillary works.	
	OFFICER RECOMMENDATION: Minded to Refuse	

6. CURRENT APPEALS AND APPEAL DECISIONS UPDATE

215

To consider current planning and enforcement appeals and Department for Levelling Up, Housing and Communities appeal decisions.

DATE OF NEXT MEETING**TUESDAY, 18 APRIL 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, 21 February 2023 commencing at
10:00 am**

Present:

Chair
Vice Chair

Councillor R D East
Councillor G F Blackwell

and Councillors:

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

also present:

Councillor G J Bocking and P D McLain

PL.45 ANNOUNCEMENTS

- 45.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 45.2 The Chair gave a brief outline of the procedure for Planning Committee meetings, including public speaking.
- 45.3 In accordance with Council Procedure Rule 1.2 the Chair used their discretion to vary the order of business so that Agenda Item 5a – 22/01225/APP – Land to the North of Innsworth Lane, Innsworth would be taken after Agenda Item 5g – 22/00979/FUL – Two Hoots, Alstone, Tewkesbury.

PL.46 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 46.1 Apologies for absence were received from Councillors J K Smith and J P Mills. Councillor C L J Carter would be a substitute for the meeting.

PL.47 DECLARATIONS OF INTEREST

- 47.1 The Committee's attention was drawn to the Tewkesbury Borough Code of Conduct which was adopted by the Council on 24 January 2023 and took effect on 1 February 2023.

47.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
C L J Carter	Agenda Item 5c – 22/00251/APP – Phases 4 and 6, Land at Perrybrook, North Brockworth.	Is Chair of Brockworth Parish Council's Planning Committee and would be speaking as a local Ward Member in relation to this application.	Would not speak or vote and would retire to the public speaking area for this item.
M A Gore	Agenda Item 5g – 22/00979/FUL – Two Hoots, Alstone, Tewkesbury.	Her family farm is in Alstone but none of the land overlooks this particular property.	Will speak and vote.
D J Harwood	Agenda Item 5c – 22/00251/APP – Phases 4 and 6, Land at Perrybrook, North Brockworth.	Is a Member of Brockworth Parish Council but does not participate in planning matters.	Would speak and vote.
A S Reece	Agenda Item 5f - 22/00104/FUL – 1 Wood Stanway Drive, Bishop's Cleeve.	Is a Member of Bishop's Cleeve Parish Council but does not participate in planning matters.	Would speak and vote.
R J E Vines	Agenda Item 5c – 22/00251/APP – Phases 4 and 6, Land at Perrybrook , North Brockworth.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.

47.3 There were no further declarations made on this occasion.

PL.48 MINUTES

48.1 The Minutes of the meeting held on 17 January 2023, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.49 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

49.1 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.

21/01392/OUT - Land North and South of Newent Road, Highnam

- 49.2 This was an outline application for the erection of up to 95 dwellings and up to three hectares of commercial space associated with the expansion of Highnam Business Centre, as well as associated infrastructure, with all matters reserved except for access.
- 49.3 The Planning Officer advised that the application proposed 1.9 hectares of commercial uses as an extension of Highnam Business Park, associated soft landscaping and a Sustainable Urban Drainage Scheme (SuDS). Whilst the Tewkesbury Borough Plan allocated a 1.9 hectare extension of the Business Park, and the grey area outlined for development broadly equated with that, the view of Officers was that that part of the land for the 95 dwellings was outside of the settlement boundary of Highnam and therefore was in open countryside. The application had been brought to Committee in June 2022 where Members had resolved that a split decision be issued with the commercial land permitted, subject to the relevant legal agreements, and the northern part for residential use be refused on the basis of the principle of development, the landscape impact, the lack of connectivity and the lack of a completed Section 106 Agreement. Further to the Planning Committee resolution to issue a split decision, the applicant did not wish to progress with completing a legal agreement and had submitted a non-determination appeal for the entire site. The Planning Inquiry was scheduled for April and the Local Planning Authority was required to prepare a Statement of Case setting out how the Committee would have determined the application as a whole if it had remained the determining authority. As such, the application had been brought back to the Committee to set out the putative reasons for refusal which would form the basis of the Inquiry. Members were requested to consider a recommendation of minded to refuse based on the putative reasons for refusal set out in the Committee report in relation to the principle of development; landscape impact focusing on the residential parcel; and the non-completion of planning obligations. It was noted that connectivity had been part of the original refusal and Members had been made aware when it had been discussed at the previous Committee meeting that, whilst the access come out of the residential parcel of land, a footpath to the north of Newent Road provided access to Highnam and services to the south including a doctors' surgery, nursery, shop etc. It was noteworthy that a footpath within the existing residential development to the east was currently fenced off but it would be possible for future residents to access the new site subject to the removal of part of the fence so Members were asked to consider whether lack of integration should be part of the refusal with knowledge of that.
- 49.4 The Chair invited a local Ward Member to address the Committee. The local Ward Member suggested that the grounds for putative refusal, as highlighted in his previous comments to the June 2022 Committee, as set out at Paragraph 7.21 of the Committee report, still stood. He reiterated that the application established a separate new settlement rather than being an extension to Highnam village and the disconnect had been recognised by the Committee in its original decision. He indicated that the site was not included within the Highnam Neighbourhood Development Plan and conflicted with Joint Core Strategy Policies SD10 and INF1 and, critically, the Tewkesbury Borough Plan. At the time of the original application, he had asked the Committee to consider the potential conflict with the Tewkesbury Borough Plan and the borough's housing land supply and that was particularly pertinent now, as set out in the Committee report, as having moved to the standard method, the Council could demonstrate a housing land supply of more than six years. This was supported by putative reasons for refusal 1 and 2. The local Ward Member reiterated the conflict with the Tewkesbury Borough Landscape and Visual Sensitivity Study for Rural Service Centres and Service Villages. This application would lead to the loss of prime agricultural land and the applicant had advised that the proposal would result in the loss of 3.8 hectares of Grade 2 land and 3.8

hectares of Grade 3a Land. Further grounds for refusal could be considered within Paragraph 174 of the National Planning Policy Framework and Policy SD14 of the Joint Core Strategy. He asked the Committee to review the issues around infrastructure in terms of schools, community provision and healthcare facilities as set out in reasons for refusal 4-8. Although not referenced directly in the putative reasons for refusal, it would be remiss of him not to mention the potential impact of flooding and surface water run-off. He also flagged up concerns around traffic in relation to visibility, volume and safety.

49.5 The Chair indicated that the Officer recommendation was minded to refuse and he sought a motion from the floor. It was proposed and seconded that the application be minded to refuse in accordance with the Officer recommendation. A Member indicated that the Committee had granted permission for the commercial land and he asked for clarification on the current status of that land. The Planning Officer explained that, at this point, the application was undetermined so the commercial land did not have planning permission. An appeal had been submitted for the whole site – residential and commercial – which was what the Planning Inspectorate would consider in the first instance. Although the Planning Inspectorate had the right to issue a split decision, at the moment it needed to be considered as a whole and the expansion of Highnam Business Park currently had no planning permission. A Member queried how robust a putative reason around lack of connectivity – which the majority of Members had been concerned about – would be, or if it would be thrown out during deliberations on the Statement of Common Ground. The Planning Officer advised that the Statement of Common Ground set out the facts of the case for investigation. There was potential for future connection from the existing site to the new development and quality of the footpath on the side of the road from the site across to Highnam could be improved via Section 278 works so the Statement of Common Ground would say that was the case. A putative reason for refusal had been drafted on the basis that the site did not integrate into Highnam, and Joint Core Strategy Policy SD4 talked about the importance of integration, so it would be stated that connectivity was a concern as, for a development of this scale, the fact there was only an access along Newent Road, and one potential access from Highnam, was not ideal. A Member noted that the Gloucestershire Gardens and Landscape Trust had objected to the proposal and asked for clarification on the basis of its representation. The Development Management Team Leader (East) advised that the Trust was not a statutory consultee; however, groups were able to comment on applications if they had not been consulted.

49.6 Upon being put to the vote, it was

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

22/00251/APP - Phases 4 and 6, Land at Perrybrook, North Brockworth

49.7 This was an approval of reserved matters (appearance, landscape, layout, scale) for Phases 4 and 6 comprising development of new homes, landscaping, open space and associated works pursuant to outline permission 12/01256/OUT. The Planning Committee had visited the application site on Friday 17 February 2023.

49.8 The Development Management Team Leader (East) advised that the reserved matters application sought approval for appearance, landscape, layout and scale for 435 dwellings over two phases. Phase 4 would deliver 226 dwellings and Phase 6 would deliver 209 dwellings; combined the application would make provision for 149 affordable homes. The application also sought to secure public open space and infrastructure pursuant to the outline application across Perrybrook for up to 1,500 dwellings on the wider site. The principle of residential development at this site had been established through the grant of outline planning permission. The key principles guiding the reserved matters applications had been approved by the

planning authority through the outline consent which included approval of a Site Wide Concept Masterplan Document. The current application sought approval of reserved matters in line with the Site Wide Concept Masterplan Document and the key issues to be considered were access, appearance, landscaping, layout and scale and compliance with the approved documents including the Design and Access Statement. A number of matters which were the subject of other outline conditions were also considered within this application including affordable housing, housing mix, surface water and foul drainage. 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 Concept Masterplan Document and Design and Access Statement aspirations and were of an appropriate design. County Highways had confirmed that the access, internal road layout and car parking provision were acceptable and in accordance with the Site Wide Concept Masterplan Document. 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 high quality, similarly, the market housing mix was considered acceptable for this phase of the development. In terms of flood risk and drainage, the outline permission included a drainage strategy for the site and the reserved matters must include detailed drainage details for each phase of development to accord with that strategy. Several conditions on the outline permission also required the development to accord with the approved flood level parameters. The 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 drainage strategy was suitable and the Environment Agency had confirmed that all finished floor levels accorded with the approved drainage strategy. Concerns had been raised by some of the existing residents around the Brockworth area regarding the impact of construction traffic on existing sites which were being built out and the effect on the existing road networks. The applicant had advised that access into Phase 4 would be via the Linden development to the north, which the developer had permission to use, until the new roundabout to the west had been constructed at which point that would be used to complete Phase 4 and Phase 6 to the south. 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 Concept Masterplan Document. As such, the Officer recommendation was to approve the application. With regard to the north side of Phase 4 and the potential noise impact from the A417, Members were informed that bunding would be in place at the top of the site and the applicant had redesigned the layout of the site to accord with the noise levels.

- 49.9 The Chair invited a local resident speaking in objection to the proposal to address the Committee. The local resident indicated that his property immediately adjoined the site under discussion today and he had sent a letter to the Planning department in May 2022 making 13 points regarding the development. He wished to object very strongly that the external wall of one of the new houses would immediately abut his garden with no space whatsoever in between; nowhere else in the proposals was there a house positioned right on the boundary of the entire site. The impact would be that the sun was blocked in the afternoon, casting his garden into deep shadow with resulting loss of light, view and amenity. He noted that the plan he had commented upon did not accord exactly with the one which had been displayed at the meeting today. If he had a neighbour whose garden backed onto his and they were proposing building a two storey wall right up against his boundary he was sure it would be thrown out by the Planning department so he did not see why a developer should be allowed to do the same just because it was part of a much larger scheme. If this application was approved, he asked that it be on the proviso that the layout was changed in that corner of the site. The local resident went on to point out two mature Oak trees on the field currently, only one of which would be

preserved. Old Oak trees were of great ecological value as they were home to hundreds of insects, birds and other forms of life and he objected strongly to the second Oak tree being felled. Earlier plans had shown a landscape buffer strip with pedestrian access between the new development and the houses on Ermin Park and Maple Drive but that had quietly been eliminated or reduced to a few inches. He asked how that would be maintained and how self-seeding nuisance trees, such as Ash or Sycamore, could be removed if that became necessary. He felt it was important that the landscape strip be reinstated so that the houses did not suffer loss of amenity. His final point was about the provision of local health services as the population of Brockworth was being doubled. In his view, no further planning permissions should be granted until it was established that adequate health services were in place - it seemed irresponsible to build hundreds of houses for families if no spaces were available at a GP practice anywhere in the area.

- 49.10 The Chair invited a local Ward Member to address the Committee. The local Ward Member indicated that Phases 4 and 6 were previously agricultural fields with the Horsbere Nature Corridor running through the middle; this was considered a special area by many local residents and the Public Right of Way meant that it was possible to walk from Court Road to Churchdown Lane in Hucclecote uninterrupted. It was also an important ecological area due to the abundance of plants and wildlife. Residents were unhappy with the proposal to build a bridge through the nature corridor and wanted mitigation measures to be put in place to protect the special area and prevent the Public Right of Way from being cut off. There were two Oak trees within the ecology of the site, which had been there his whole lifetime, and one was being felled to make way for a parking space – in his view it should be possible make amendments to the site layout to ensure the second tree was retained. He pointed out that travel options around the site were limited and the main road through the site was 50mph – he would not want his children riding bicycles on a road of that speed. Furthermore, there were no bungalows on the site for the older generation which he felt needed to be addressed. In his view, the worst part of the development was the extra traffic that would be brought to Brockworth with construction traffic travelling its entire length.
- 49.11 The Chair indicated that the Officer recommendation was to approve the application and he sought a motion from the floor. A Member noted that the local resident who had spoken against the development had mentioned that the external wall of one of the new properties would abut his garden and she asked for clarification as to where his property was located. The Development Management Team Leader (East) pointed out on the site layout plan a property where the wall abutted the boundary and the Member asked whether the Committee was able to move particular properties on the plan as part of its decision. In response, the Development Management Team Leader (East) explained that the application had been considered on its merits in terms of the proposal as a whole, including the interfaced distances and separation from neighbours, and the representations received had been taken into account. If the Committee wished to make any changes of that nature then a redesign of the scheme would be required. A Member proposed that the application be refused. She indicated that the traffic order condition required traffic to travel via Valiant Way, Mill Lane and Delta Way. There was no permission for construction traffic to use Hurcombe Way, Vicarage Court or Court Road. Phase 5 was not allowing traffic through that site despite the condition allowing access for each phase through all of the areas. Valiant Way, where the new roundabout was due to be constructed, was right next to this phase and it seemed illogical that traffic would need to travel around Mill Lane and Shurdington Road all the way through Brockworth, bypassing Phase 5 to get to Phases 4 and 6 – this was unacceptable in her view. She echoed the comments regarding the danger of the cycleways on Valiant Way, a 50mph road, and raised concern regarding the lack of connectivity between the development and the rest of the estate, including the local supermarket, as everyone living there would be required to drive to access services.

The Public Right of Way should not be cut off and she would appreciate if one of the last remaining green spaces in Brockworth could be retained. Another Member felt there were a number of concerns which needed to be addressed and the local resident speaking in objection to the proposal had mentioned a landscape buffer zone being included in the design at one time which now seemed to have disappeared. He noted there was a white strip on the plan and suggested that could be a buffer if it was moved to the right so there was separation between the houses. He was also concerned about the new roundabout as it seemed to go off to the north-east which did not seem necessary if it was purely to serve this site. He agreed this was a suitable location for housing but suggested it might be beneficial to defer the application so the applicant could take on board the design issues raised and come up with something more appropriate. The proposal to refuse the application was subsequently withdrawn and it was proposed and seconded that the application be deferred.

- 49.12 In terms of the point raised by the local resident regarding a property being built directly on his border, a Member noted there was some open space at the other end of the terraced houses and he suggested that it might be possible to move that property to that location so the resident did not have a two storey brick wall in his garden. Another Member shared the local Ward Member's concerns regarding the speed of cars travelling on Valiant Road and through the proposed development – although a roundabout was due to be constructed he did not believe that would slow traffic sufficiently – and he asked what was being done by the County Council to promote active travel to encourage people to walk and cycle and whether there would be properly constructed cycleways. In response, the County Highways representative advised that the main spine road would be 30mph and County Highways was satisfied with the design. The side roads would be 20mph and would accommodate cyclists and vehicles without the need for segregation. The seconder of the motion to defer the application felt that, given the concerns raised, the best solution was to give the developer an opportunity to improve the proposals. A Member asked if Officers were clear as to the reasons for the deferral and whether what was being asked for could be achieved and, if not, what the consequences would be. With regard to construction traffic, the Development Management Team Leader (East) confirmed the developer had agreement to go through the Linden Homes site to the north to access Phase 4 – that was in place and was the route that would be used as he had stated in his introduction. As he had already mentioned, the neighbouring amenity had been assessed and distances had been measured and deemed appropriate. He confirmed that a landscape buffer was included on the illustrative masterplan and, although it had been reduced in size from that plan, there would be a buffer between properties. In terms of the Oak trees, he advised there were three Tree Preservation Order trees on the southern part of the site, two of which were to be removed – one had died and had been assessed by the Tree Officer, who was happy with its removal, and it had been agreed at the outline consent stage to remove the other, which was deemed the lesser quality of the two, as part of the design. On that basis, the Development Management Team Leader (East) indicated that, if Members wished to defer the application on design grounds, it would be useful to have a clear idea as to what Members wanted to achieve so that could be discussed with the applicant.
- 49.13 A Member indicated that he had been struck by the local resident speaking in objection to the proposal regarding the issue with the house being built across the boundary of his garden as it seemed that structure would block a lot of light to his garden in the afternoon. He appreciated the point about the design specification requirements being met but he felt a small amount of redesign would be appropriate under the circumstances and one of the things to focus on would be those three houses and their position. A Member noted that, as a reserved matters application, this could not be refused; however, the Committee had a chance to improve the proposals and he shared the concerns which had been raised regarding site access

and that it was inappropriate for construction vehicles to travel through the whole of Brockworth, particularly when the new roundabout could be used and would be less intrusive for existing residents. He understood that the Horsbere Brook would be culverted but that meant water would travel to his Ward and he asked what assessment had been done around the impact of culverting in that particular location in terms of water flows and indicated that he would like more information on water flows to be provided. The Development Management Team Leader (East) explained that, when the outline planning permission had been granted, a condition had been included requiring a construction management plan for the whole site – there was no requirement at each phase to submit a new plan and the applicant had agreed to access the site via the north through the Linden development. The application for the roundabout at Valiant Way was with the local planning authority and it was anticipated a decision would be made in June following which work could commence; once complete, it would open up the site for construction in the southern part and to finish elements in the northern part. The Member sought clarification as to whether he was correct in thinking that the Committee was not able to refuse the application but could defer and the Legal Adviser explained that this was a reserved matters application so the principle of housing had already been approved. Construction traffic was part and parcel of the outline conditions and discharged under those, as such, it would be hugely difficult to form a case based on that issue. The deferral reason would need to be confined to concerns over appearance, landscape, scale and internal layout – it was not possible to ask for the access points to be relocated as part of the reserved matters application. Members would need to clarify the reasons for a deferral, whether that be in terms of design or other matters, and it was important to recognise there was a possibility that the developer may decide that was not a situation they could tolerate and subsequently go to appeal. The Development Management Manager drew attention to Page No. 132 of the Committee report which talked about foul and surface water drainage for the site. Paragraph 8.50 stated that the Lead Local Flood Authority, Severn Trent and the Environment Agency had all considered the submitted strategy and raised no objection to the approval of reserved matters in accordance with the engineering and management plans submitted.

- 49.14 The proposer of the motion to defer the application raised concern that the property which had been pointed out on the site plan as being the one belonging to the local resident who had spoken in objection to the proposal was incorrect. In terms of construction traffic, she understood that the agreed access was via Mill Lane, Valiant Way and Delta Way – there was no agreement to use Court Road. In light of the comment about the location of the local residents' property, a Member sought further clarification as to where exactly this was and the Development Management Manager confirmed there was a general acceptance that the plot being discussed was to the southern end of the scheme rather than the original location suggested earlier in the meeting. As had been already been referenced, the relationship with adjacent residents had been considered and the relationship that had been identified here was not a direct one so his advice would be that a deferral on that basis would be difficult in terms of what was appropriate on site in planning terms. The proposer of the motion to defer the application indicated that her other concerns related to the local playing area being in the middle of an attenuation pond, the bridge over the Public Right of Way being too low, the removal of the trees to make way for a parking space, the lack of connectivity to services and the arrangements for cycling. The seconder of the motion to defer the application indicated that his initial point related to the separation of the new buildings and the existing dwellings but he could not understand why the buffer could not be moved to the left to create a larger buffer zone. In response, the Development Management Team Leader (East) explained that the area the Member was referring to was outside the remit of the reserved matters application, and he assumed outside of the applicants' ownership as well. In addition to this, the Development Management Manager pointed out that the layout had been carefully considered in terms of the local noise

environment. There was significant highways infrastructure around the site so there would need to be some separation between the highway and the proposed residential development. In terms of the footpath, it was noted the vehicular bridge was too low for pedestrians to walk underneath so they would need to be redirected over the road and reconnected to the existing footpath.

49.15 Upon being put to the vote, it was

RESOLVED That the application be **DEFERRED** for concerns to be addressed in respect of construction traffic, design issues relating to neighbouring residential amenity to the east, the landscape buffer to the eastern boundary, the local play area/attenuation pond, the bridge over/redirection of the public right of way, the Oak tree being removed for a parking space, the lack of connectivity to services/surrounding areas and the arrangements for cycling.

22/00439/APP - Land at Fiddington

49.16 This was a reserved matters application for Parcel H2 for appearance, landscaping, layout and scale for the erection of 209 dwellings and associated works and infrastructure pursuant to outline permission 17/00520/OUT.

49.17 The Development Management Team Leader (East) advised that the application was seeking approval for access, appearance, layout, scale and landscaping for 209 dwellings – 136 market and 73 affordable dwellings – as well as public open space and infrastructure pursuant to the outline application for 850 dwellings on the wider site. The current reserved matters application represented the whole of the Phase 3 residential area of the approved outline scheme as defined in the approved phasing plan. This was the second phase of residential development on the site following approval of the first parcel by the Committee in December 2022. The principle of residential development at the site had been established through the grant of outline planning permission. The key principles guiding the reserved matters applications had been approved by the planning authority through the outline consent which included the Site Wide Masterplan Document. The current application sought approval of reserved matters pursuant to the outline planning permission and the approval of the Site Wide Masterplan Document. The key issues to be considered in this application were access, appearance, landscaping, layout and scale and compliance with the approved documents, including the Site Wide Masterplan Document. As set out in the Committee report, Officers had carefully considered the application and deemed that the reserved matters were in accordance with the Site Wide Masterplan Document aspirations. County Highways had confirmed the access, internal road layout and car parking provision was acceptable and in accordance with the Site Wide Masterplan Document. Officers were satisfied that the mix and clustering of affordable housing was in accordance with the requirements of the Section 106 Agreement including being tenure blind and of high quality. Similarly, the market housing mix was considered acceptable. In terms of flood risk and drainage, the outline permission included a drainage strategy for the site and the reserved matters must include detailed drainage information for each phase of the development to accord with that strategy. Several conditions on the outline permission also required the development to accord with the approved flood level. 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 the drainage strategy was suitable, and the Environment Agency had confirmed that all finished floor levels accorded with the strategy. The Environmental Health Officer had requested further information on the internal and external mitigation measures in relation to noise impact, given the site's proximity to the M5, along with submission of a Noise Impact Assessment;

these had been provided by the applicant at a late stage so the Environmental Health Officer had not had chance to assess them and deem whether they were appropriate. 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 in accordance with the Site Wide Masterplan Document; therefore, it was recommended that authority be delegated to the Development Management Manager to approve the application, subject to confirmation from the Environmental Health Officer that the noise impact would be acceptable.

- 49.18 The Chair invited the applicant's representative to address the Committee. The applicant's representative indicated that, if approved, the development would be an important contributor to Tewkesbury Borough Council's housing land supply. Parcel H2 represented the second phase on a site where the principle of development had been established through the granting of outline planning permission in January 2020 with the application for Parcel H1 being approved by the Committee in December 2022. The proposed scheme was designed in accordance with the Site Wide Masterplan Document and had been amended throughout the process to account for consultee comments. Changes made included adding balconies to all apartments, equipping all homes with electric vehicle charging points and solar panels and adding footpath links throughout the layout. As the site fell within the emerging Garden Town area, the applicant was keen to ensure that the site adopted sustainable principles and had carefully designed cycle storage so that it was no further away from a dwelling than a car parking space. Residents would also be within a five to 10 minute walk of the local centre, school, sports pitches and play areas that were being provided as part of the wider scheme. Furthermore, pedestrians had been given priority at all junctions and the main routes through the site would have segregated cycle and footways to ensure safe use for all. The spine road would be lined with trees and the amount of street trees within secondary roads had been significantly increased following feedback from the Landscape Officer. A public square sat at the centre of the scheme and would contain paths and benches to foster social interaction and to aid wayfinding. It would also contain trees and shrubs to act as a green node and link with the wider green infrastructure network, including the north/south green corridor which would be enhanced with substantial planting. A separate part of the site contained an accessible play area which featured wheelchair friendly surfacing and equipment. Members would be aware that the Officer recommendation was to delegate approval, subject to agreement on a noise mitigation scheme, and the applicant's representative confirmed that the developer would be providing acoustic screening, vents and glazing on all affected properties where appropriate. She indicated that an updated noise survey had been submitted for review. Moreover, discussions on external materials and boundary treatments were at an advanced stage and the applicant's representative was confident that an appropriate and high-quality scheme could be agreed with Officers. In summary, the applicant had worked positively and proactively with Tewkesbury Borough Council and its Officers throughout the process to ensure the scheme accorded with statutory planning policies and approved design parameters, as such, the applicant's representative respectfully requested that Members approve the application in line with the Officer recommendation.
- 49.19 The Chair indicated that the Officer recommendation was to delegate authority to the Development Management Manager to approve the application, subject to confirmation from the Environmental Health Officer that the noise impact would be acceptable, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Management Manager to approve the application in accordance with the Officer recommendation. The seconder of the motion indicated that his only reservation was that the Environmental Health Officer had concerns about noise from the M5 but this parcel was furthest away

from the motorway so this was a worry in terms of the other parcels still to come forward. Another Member asked for clarification on the number of houses stipulated within the appeal decision for this particular phase and the number of dwellings for the other two phases as he was concerned about the density of 53 per hectare. In his opinion, the design was ugly and the parking would not work resulting in another estate road where a smaller vehicle would be required to collect waste meaning additional costs for the authority. In response, the Development Management Team Leader (East) advised that the outline application was for 850 dwellings but he did not have the phasing plan for the numbers being delivered. This phase had been reduced by six units but they would be incorporated into other sites. The densities had been cross-referenced with the Site Wide Masterplan Document and, although there were slightly lower densities on some parcels and slightly higher on others, Officers were satisfied the proposals were in accordance with the Site Wide Masterplan Document.

49.20 A Member questioned whether the affordable housing would be affordable rent or social rent and was informed that Page No. 169, Paragraph 8.4 of the Committee report, set out that there would be 44 units for affordable rent and 29 units of affordable housing for sale. The Member raised concern that this could be interpreted in two ways and the Legal Adviser advised that she expected they would be affordable rent in line with the definition in the National Planning Policy Framework i.e. up to 80% of market rent. The Member raised concern that 80% of market rent was still very expensive and lot of younger people were struggling to pay that amount so he felt strongly that it was important to secure social rent properties on new developments such as this. The Planning Officer advised there had been a lot of discussion at the Inquiry regarding the mix of affordable housing and negotiations had taken place with the Council's Housing Enabling Officer throughout the process in order to secure the best mix based on the demographic of the borough. Ultimately, the Planning Inspectorate had determined the mix which was now fixed and the reserved matters had to work to those parameters. Another Member agreed it was important to get as much social housing as possible within housing developments and she sought confirmation as to whether her assumption that there was no social housing on this site was correct. The Development Management Team Leader (East) confirmed that was correct as he understood it and the Legal Adviser confirmed that the Section 106 Agreement for the outline planning permission stipulated there would only be affordable rent on this site. The Member appreciated what had been said and she was sure Officers had done their best to negotiate, but developments of this size having no social housing whatsoever set a dangerous precedent in her view. The Legal Adviser pointed out that there had been changes since the outline permission and Section 106 Agreement were approved in 2019. The Housing Enabling Officer who spoke at Planning Inquiries made a case based on the data which was available and most Section 106 Agreements now provided for more social housing as that need could be substantiated.

49.21 A Member sought clarification as to whether this site was part of the Garden Town and, if that was the case, whether the developer had signed up to any protocols and principles put forward for the Garden Town. The Development Management Team Leader (East) explained that the site was geographically located in the area earmarked for the Garden Town; however, there was nothing in policy to tie this application to that. The applicant had worked to try to bring in some of the core principles but the Garden Town was at a very early stage in terms of design. Another Member indicated that she could not support the application as it was within the Garden Town area and she could not see any evidence of the developer complying with Garden Town principles. Furthermore, she considered that putting three storey flats in this location was outrageous.

49.22 Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Management Manager to **APPROVE** the application, subject to confirmation from the Environmental Health Officer that the noise impact would be acceptable.

21/01163/FUL - Royal Oak Inn, Gretton Road, Gretton

49.23 This application was for construction of an accommodation block comprising seven self-catered units (6 one-bedroom studio suites and 1 two-bedroomed suite) and change of use land for the siting of six shepherd's hut style camping pods.

49.24 The Senior Planning Officer advised that the site included the adjoining field parcel to the immediate east of the public house which was considered to be a non-designated heritage asset and lay wholly within the Cotswold Area of Outstanding Natural Beauty. The proposals were for accommodation in two locations on the site; a block of seven suites on the disused tennis court where the proposed structure would be cut into the existing slope of the land and was intended to be finished with a grass (green) roof and six shepherd's huts located within the lower portion of the eastern field adjacent the existing car park. The huts would have their own bathroom facilities with all kitchen and bathroom waste to be treated on site. Gretton Parish Council had objected to the proposal as detailed within the Committee report. A Landscape and Visual Impact Assessment had been submitted in support of the scheme by virtue of its location on the edge of the Cotswolds Area of Outstanding Natural Beauty and the predicted landscape and visual impacts were in keeping with the strategies and guidelines of the Cotswolds Area of Outstanding Natural Beauty Management Plan. Neither the Cotswolds Conservation Board nor the Council's Heritage Adviser raised any objection to the scheme. The accommodation would be accessed through the existing car park which served the public house; however, direct vehicular access to the accommodation would not be permitted. The scheme proposed 13 allocated spaces for the occupiers of the accommodation, along with electric vehicle charging points, and covered secure cycle parking facilities. County Highways raised no objection to the scheme. There were no immediate neighbouring residential properties adjoining the site that would be impacted by the proposal with the nearest residential property 'Field Watch' lying approximately 50 metres to the west of the site. No objection had been raised by the Environmental Health Officer; however, in line with similar approvals of this nature, it was recommended that conditions be included on the planning permission to ensure the site was properly managed so that any potential impact on neighbouring amenity was limited and to require the submission and approval of a noise management plan. An amended ecological report had been provided following initial concerns raised by the ecological specialist and final comments were awaited in that regard. Subject to the suggested conditions which sought to ensure satisfactory landscaping and mitigation measures, it was considered that the proposed development would constitute sustainable development in the context of the National Planning Policy Framework as a whole and it was therefore recommended that authority be delegated to the Development Management Manager to permit the application, subject to conditions and the satisfactory resolution of the outstanding matters as set out in the Committee report and consultation with the infrastructure manager of the railway which was missed originally.

49.25 The Chair invited a local resident speaking against the application to address the Committee. The local resident indicated that he was surprised the application was recommended for delegated permission - having heard nothing for 17 months, he had assumed it would be refused on the basis of the obvious Area of Outstanding Natural Beauty. He referenced the recent appeal refusal for a single back-fill

residence on the same hillside due to the short single access track and its effect on the Area of Outstanding Natural Beauty. This development brought no value to Gretton or the wider community – no new housing, nothing for the local economy, just a busier pub, noise disturbance, group bookings and more holiday accommodation. The pub was successful because it had tremendous views so it was recognised that the site could be seen for miles. Every year, thousands of train passengers, walkers and road users would look across at the scarred hillside and ask who had let that happen. If permission was inevitable, he asked that approval be delayed to allow collaborative work to seek improvements for village residents and he urged Members not to waive this through accepting everything the developer said – ‘communicate, collaborate and compromise’ used to be a good planning motto but there was no evidence of that happening here and Gretton residents had the right to expect the Planning department to stand up for them. With regard to the accommodation block, he felt this would inevitably attract group bookings, stag parties etc. and, if this unit had to go ahead, a simple mitigation would be to move the communal area and fire pit to the other side of the building away from the village side. This would be a simple change that removed the blight of late-night noise heard in the village every Friday and Saturday in summer and he questioned why that had not already been addressed given residents’ concerns. Furthermore, the shepherd’s huts were not mobile, they were fully plumbed and wired and had decking so were effectively 18 foot green static caravans. A known fact which was ignored here was that the public house already used that field for overflow parking so parking for this proposal would be a big problem; of course, vehicular access and parking at each hut would be established in time – it would start with drop-off and utility vehicles which would get stuck on sloping grass causing a track to appear and then parking next to each hut would begin because the pub car park would be full which was how a static caravan site started. He questioned why there could not be simple mitigation that addressed the main car park and limited vehicular access and parking in the field. In conclusion, he asked Members to consider whether this should happen at all and, if it had to be permitted, to address some of the concerns of the many people who would suffer as a result of the proposal.

- 49.26 The Chair indicated that the Officer recommendation was to delegate authority to the Development Management Manager to permit the application, subject to conditions and the satisfactory resolution of the outstanding matters as set out in the Committee report and consultation with the infrastructure manager of the railway, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Management Manager to permit the application in accordance with the Officer recommendation. The seconder of the motion asked if it was possible to move the fire pit to the other side as part of the delegation, as had been suggested by the public speaker, to prevent noise from travelling down to the village. The Senior Planning Officer advised that the Environmental Health Officer had raised no objections to the proposal in terms of impact on residential amenity, which included the position of the fire pit, and a noise management plan had been requested as part of the conditions to ensure there was no negative impact on residential amenity.
- 49.27 A Member congratulated the Senior Planning Officer on a balanced report. He did not think the Council was likely to win an appeal, should the application be refused; however, he shared the concerns that had been raised by the public speaker. The public house was higher than the village of Gretton which meant there was an impact in terms of noise travelling down to the village and adversely affecting neighbouring residents, particularly in summer. He could envisage the proposal being used for group parties with people staying in the pub until it closed and then moving on to the fire pit. In his view, the fire pit should be removed from the proposal to prevent people from congregating and causing disturbance. Whilst he felt there were no grounds to warrant refusal, based on the Council’s policies and the economic benefits it would bring he would like the Environmental Health Officer

to relook at the proposal, given that the site was higher than the village itself, and for the fire pit to be removed. Another Member shared the view that the fire pit should be omitted and he sought reassurance from Officers regarding the car parking as he was aware of an event in 2016 when the field had been completely packed with cars and he felt that measure to alleviate the traffic and car parking should be addressed as part of the delegation. The Senior Planning Officer clarified that car parking was currently very informal in nature and the plans indicated that the parking would be formalised. It was possible to include a condition requiring a car parking management plan to demonstrate where parking would be provided for special events, should Members so wish. In terms of noise, the Environmental Health Officer was the Council's own statutory consultee who had raised no objection to the proposal. Whilst it was possible for the fire pit to be removed or relocated as part of the delegation, it should be borne in mind that a noise management plan had been requested as part of the decision to tie in any use of the external areas in line with the licensing of the public house. A Member understood the arguments about parking but nothing had been said about the impact on the Area of Outstanding Natural Beauty which she felt was the main concern. Development creep was happening all over the borough and, in her view, the Area of Outstanding Natural Beauty should be protected at all costs. Whilst she appreciated each application should be considered on its own merits, she felt there was a lack of consistency with regard to the approach taken - this proposal would result in a large development in the Area of Outstanding Natural Beauty so she had expected the impact of that to be a significant concern.

- 49.28 The proposer of the motion for a delegated permission indicated that he was happy with the suggestion made by the seconder of the motion to move the fire pit. A Member asked whether it would be appropriate to set a maximum time for occupation of the accommodation and the Senior Planning Officer confirmed that a condition could be added to ensure the accommodation was for temporary use and could not be occupied on a permanent basis. A Member suggested it might be more appropriate to defer the application given the various concerns and requests for additional conditions. The Legal Adviser clarified that a deferral was a procedural motion which took precedent over all others; a deferral would be appropriate if Members felt there was not enough information to determine the application today and would mean the application would be brought back to the Committee. A delegated permit would enable Officers to have conversations regarding specific matters Members wished to see resolved before permission was granted and, provided those matters were resolved, the application did not need to come back to Committee. It was a decision for Members as to which was the most appropriate way forward. It was subsequently proposed and seconded that the application be deferred for a Planning Committee Site Visit to assess the location of the fire pit and the potential impact of noise on local residents. Another Member indicated that he was supportive of the suggestion to remove the fire pit, and would second a proposal on that basis, but he would not be happy to support a deferral. The Development Management Manager advised that the removal of the fire pit could be discussed with the applicant as part of a delegation, if Members so wished. The proposer and seconder of the motion for a delegated permission confirmed they would amend the delegation to be on the basis of the removal of the fire pit and the inclusion of conditions requiring submission of a car parking management plan and to restrict the accommodation to temporary use to prevent permanent occupation. In response to a query, the Development Management Manager clarified that, if the applicant was not willing to remove the fire pit, the application would come back to the Committee. On that basis, the proposer of the motion to defer the application confirmed he was happy to withdraw his proposal and, upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Management Manager to **PERMIT** the application, subject to removal of the fire pit, the inclusion of conditions requiring submission of a car parking management plan and to restrict the accommodation to temporary use to prevent permanent occupation, and the satisfactory resolution of the outstanding matters as set out in the Committee report and consultation with the infrastructure manager of the railway.

22/00104/FUL - 1 Wood Stanway Drive, Bishop's Cleeve

- 49.29 This application was for erection of a wooden pergola and wooden children's climbing frame (part retrospective) and installation of an organic pool. The Planning Committee had visited the application site on Friday 17 February 2023.
- 49.30 The Senior Planning Officer advised that this was a householder application for 1 Wood Stanway Drive in Bishop's Cleeve which was a detached dwelling located in a cul-de-sac. The proposal was for the retention of a wooden pergola and a children's climbing frame in the rear garden and also included the installation of an organic pool. A Committee determination was required as the Parish Council had objected on the grounds that the play equipment was overbearing and there was a loss of privacy to the occupiers of neighbouring dwellings, particularly in Snowhill Drive. Whilst the objections of the Parish Council and the neighbours were understood, the applicant had revised the plans, lowering the height of the highest platform from 1.5 metres, as had been built, to 1.2 metres and had agreed to add a 2.7 metre high solid wood screening to the panel onto the climbing frame facing Snowhill Drive. This meant that anyone standing on the platform level would have to be over 1.5 metres tall to look over the screen itself. The applicant had also planted a row of evergreen pineapple broom trees along the fence boundary; these trees would grow up to a height of four metres, adding more screening. The reduction of the platform height and installation of the screening panel could be secured by recommended conditions 2 and 3, the latter of which was included in the Additional Representations Sheet, attached at Appendix 1, and would ensure this was done within 28 days of the date of the planning permission. Together with the existing pineapple broom trees, this was considered sufficient mitigation from overlooking and, as the pergola and organic pool were considered to be of a suitable size and design, the Officer recommendation was to permit the application.
- 49.31 The Chair invited the applicant to address the Committee. The applicant advised that she and her husband first built the frame that they called 'The Pirate Ship' in 2017 and, during lockdowns through the COVID-19 pandemic it had proved to be an effective way to keep the children entertained and active during a time when many had been frustrated by the restrictions enforced upon them. As such, it had both practical and sentimental value to them. It acted as a centrepiece to their garden during gatherings and parties they had hosted and had been enjoyed by many children other than their own; that had continued to be the case since it was rebuilt after moving to a bigger garden. The Pirate Ship had become essential in the ethos of their children's outdoor play, engaging their adventurous natures and creativity, and she hoped that could continue.
- 49.32 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that a split decision be issued with the pergola and organic pool being permitted and the climbing frame refused on the basis of the impact on the amenity of the occupiers of neighbouring properties. The proposer of the motion indicated that, whilst he had no objection to the pergola and the organic pool, his view, having visited the application site, was that the climbing frame would still directly overlook four

neighbouring properties and he could not see how the proposed mitigation measures would prevent overlooking of their gardens and invasion of their privacy. Although the platform would be lower, the screening proposed only covered one side of the structure and he felt the impact on neighbouring properties made that element of the proposal unacceptable. A Member indicated that the impact on neighbouring properties had been evident from the site visit and she felt it was appropriate that trees had been planted but they were very sparse currently and, although she did not know the rate of growth, she did not think they were likely to provide screening very quickly. The Senior Planning Officer indicated that he did not have a note regarding the rate of growth, only that they would grow to four metres in height. The Member stated that she did not believe the trees would provide sufficient screening quickly enough and, if the platform remained, she would like to see it reduced below 1.2 metres.

49.33 A Member indicated that he could not support the motion for a split decision as the applicant had demonstrated a willingness to reduce the height of the platform and had planted trees which would provide screening once they had matured. He asked whether it was possible to include fence screening until the trees had reached maturity and was advised that the property did not benefit from permitted development rights so any increase in the height of the fencing would need to form part of a planning application or a condition going forward. The proposer of the motion indicated that, if the applicant came back with a different proposal for the climbing frame, that would be a matter for another discussion and any proposal to reduce the height would make it more acceptable. As had been seen on the site visit, what was proposed currently would mean that teenage children standing on the platform would be overlooking neighbouring properties. The seconder of the motion felt that a split decision would enable the applicant to continue with the erection of the pergola and installation of the organic pool and, if they wished to have more play equipment, they could look at other options for that and come back with another application.

49.34 Upon being put to the vote, it was

RESOLVED That a **SPLIT DECISION** be issued as follows:

1. That the erection of a wooden pergola and installation of an organic pool be **PERMITTED**.
2. That the erection of a wooden children's climbing frame be **REFUSED**.

22/00979/FUL - Two Hoots, Alstone, Tewkesbury

49.35 This application was for the conversion and extension of an existing single storey double garage and replacement of an existing conservatory with a two storey side extension and alterations to the existing house. The Planning Committee had visited the application site on Friday 17 February 2023.

49.36 The Senior Planning Officer advised that this was a householder application at Two Hoots in Alstone and the site was within the Area of Outstanding Natural Beauty. A Committee determination was required as the Parish Council had raised objections about the impact on the adjacent listed buildings and the surrounding Area of Outstanding Natural Beauty. In terms of the impact on the immediate neighbouring listed buildings, the Conservation Officer had been consulted and considered that the proposal alterations and extension would not generate a negative visual impact upon the setting of the listed buildings and there would be no harm to their residential amenity. Overall, the proposal was considered to be of a suitable size

and design and would not be harmful to the Area of Outstanding Natural Beauty nor the neighbouring listed buildings. As such, the Officer recommendation was to permit the application.

- 49.37 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. The proposer of the motion sought clarification as to whether the two windows at the top of the new extension would be obscure glazed as the Parish Council had suggested they were being changed to clear glazing. The Senior Planning Officer indicated that the plans stated the windows would be opaque and a condition could be added to the planning permission to ensure that was the case. The proposer and seconder of the motion confirmed they wished to include a condition to that effect and, upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** in accordance with the Officer recommendation, subject to the inclusion of a condition to ensure that the two windows at the top of the new extension would be obscure glazed.

22/01225/APP - Land to the North of Innsworth Lane, Innsworth

- 49.38 This was an approval of reserved matters application in respect of the appearance, landscape, layout and scale pursuant to planning permission 15/00749/OUT for the erection of 257 dwellings, hard and soft landscaping, car parking, including garages, internal access roads, footpaths and circulation areas, public open space and associated works, together with additional details as required by conditions 2, 3, 7, 12, 13, 14, 20, 22 and 33 on the new Phase 5 of Land North of Innsworth Lane. The Planning Committee had visited the application site on Friday 17 February 2023. It was noted that Members had received an update sheet which included sensitive information and if those details needed to be discussed it would be necessary to move into separate business.
- 49.39 The Planning Officer advised that this was a reserved matters application seeking approval for access, appearance, layout and landscaping for 257 dwellings - 176 open market and 81 affordable – public open space and infrastructure pursuant to wider outline planning permission 15/00749/OUT for 1,300 dwellings. The current application represented the whole of the Phase 5 residential area of the approved outline scheme shown in the revised phasing plan. The application site was located in the eastern part of the outline site, adjacent to Frogfurlong Lane, and the reserved matters had already been approved for a number of other phases including Phase 1 East and Phase 2 to the south which were constructed/under construction. The principle of residential development at this site had been established through the grant of outline planning permission and its subsequent allocation for housing in the Joint Core Strategy as part of the Innsworth and Twigworth Strategic Allocation (Policy A1). The key principle guiding reserved matters applications had also been approved by the planning authority including a Site Wide Masterplan Document, site wide road principal infrastructure, including access onto Frogfurlong Lane, and site wide attenuation and drainage strategies. Officers had worked closely with the applicant throughout the application process to ensure that the proposal accorded with the aspirations of the Site Wide Masterplan Document and, as set out in the Committee report, it was considered that the scale, layout, landscaping and appearance of the proposal was acceptable and of an appropriate design. It was noted that the application site contained a number of green infrastructure corridors, including one to the north and one adjacent to Frogfurlong Lane. Railings along the principal spine road would match phases to

the south and street tree planting was incorporated into the layout. In terms of flood risk and drainage, a detailed surface water drainage and Sustainable Urban Drainage System (SuDS) was submitted to, and subsequently approved by, the Council in October 2019. The Lead Local Flood Authority had been consulted on the current scheme and had advised that the drainage strategy would be suitable as part of the overall approved drainage scheme. The Environment Agency had also now confirmed it was satisfied and that all finished floor levels had been set at the appropriate height as required by the outline permission. Members would be aware of a recent foul sewage leakage incident in proximity to this site and Officers had been liaising with the applicant and Severn Trent Water regarding this issue. An update on the latest position was set out in the Additional Representations Sheet, attached at Appendix 1, and a representative from the Lead Local Flood Authority was in attendance to answer any questions on this issue; however, Members were reminded that the current proposal was a reserved matters application in respect of the layout, appearance, scale, landscaping and internal access arrangements and the determination of the application must focus on those reserved matters. Taking all this into account, Officers considered that the proposed development was acceptable in regard to access, layout, scale, appearance and landscaping in accordance with the Site Wide Masterplan Document and it was recommended that the application be approved.

- 49.40 The Chair invited the applicant's representative to address the Committee. The applicant's representative advised that the application sought approval of the reserved matters application for 257 new homes in the latest phase of the development. The quantum of development was previously permitted via an outline planning permission and accompanying Section 106 Agreement. The Section 106 Agreement had been signed in advance of the applicant purchasing the site, as such, the development would be delivered in accordance with the approved obligations. The approved Site Wide Masterplan and the Design and Access Statement set out the vision, objectives and development principles to guide and inform developers to ensure a consistent and coherent design approach. The layout, appearance, scale and density of the proposed scheme were in accordance with the approved parameters. Of the 257 homes, 81 were affordable, equating to 32% of the overall scheme in accordance with the Affordable Housing Section 106 Agreement. The scheme would deliver a tenure mix of 60% affordable rented and 40% intermediate housing. The affordable homes were evenly distributed through the site and designed to blend seamlessly with the market housing. It was important to note that most of the homes in the scheme would be fully compliant with Building Regulations Part M4(2) which exceeded the minimum policy requirements. The proposal delivered a well-designed street hierarchy, providing access and connectivity for all users including pedestrians, cyclists and vehicles. The amount of parking had been a key consideration in the evolution of the scheme and the proposal delivered 533 spaces for the 257 dwellings which exceeded the latest parking standards. All proposed homes were located within Flood Zone 1 with all proposed floor levels set at an appropriate height, as such, the application was supported by both the Lead Local Flood Authority and the Environment Agency. During consideration of the proposal, concerns had been raised by the local community regarding the safety of pedestrians crossing Innsworth Lane and, whilst that did not form part of the application, the applicant was working with Gloucestershire County Highways to deliver a suitable crossing solution. Design proposals were under consideration and subject to a road safety audit which was currently being undertaken. Through continued close working with Officers, the applicant had responded to all consultee feedback and approval was now sought from the Committee to deliver the next phase of quality and sustainable new homes.

- 49.41 The Chair invited a local Ward Member to address the Committee. The local Ward Member indicated that, as Members would be aware, he was not in favour of building in flood zones; however, this development was going ahead so he had to accept that and wanted to ensure it was done properly in order to get the best outcomes for the community. Although not directly related to this application, he still had concerns regarding flooding; roads – particularly the access onto Frogfurlong Lane; other infrastructure, including schools, doctors, dentists etc.; and foul water management, especially given the recent happenings in the area. The Committee report did not totally satisfy him but his main issue - which fortunately was now being addressed - was linked to road safety and the risk, most notably to children, of being exposed to crossing the roads given that schools were on the opposite side of the road. He had raised these issues and was delighted the developer had been supportive and willing to fund a pelican or zebra crossing so he thanked them for putting people above profit and doing the right thing. All consultees were satisfied with the proposal and raised no objection, aside from the Parish Council which had concerns in relation to matters which had been considered at the outline stage. In summary, his main issues on this specific application had now been addressed, with the exception of foul water management, which he felt demonstrated how full and open communication could resolve a potential issue; however, there was a need to ensure that necessary conditions were in place and met the required timescales going forward.
- 49.42 The Chair indicated that the Officer recommendation was to approve the application and he sought a motion from the floor. It was proposed and seconded that the application be deferred until a satisfactory solution to the sewage system for the entire strategic A1 site was found and proven to work in any weather conditions; to allow the submission of a traffic assessment of the strategic road network, including Frogfurlong Lane and Down Hatherley Lane; and to allow a comprehensive car parking assessment to be carried out, including at evenings and weekends. The proposer of the motion noted from the Committee report that the pumping station had been upgraded prior to the disgraceful incident regarding foul sewage leakage. He understood Severn Trent accepted no responsibility for the sewage system as it had not yet been adopted and, despite the Parish Council raising concern time and time again that the system could not cope, the statutory consultees had given assurance it could but it was now evident that was not the case. In terms of the traffic assessment, he pointed out that it was difficult for two small vehicles to pass one another on Frogfurlong Lane, let alone large construction traffic, and he would like a car parking assessment to be carried out on evenings and weekends to establish the reality of the situation, rather than a desktop assessment. The seconder of the motion indicated that the Committee often considered applications with problems with drainage or sewage and Members were told there was nothing which could be done but she now felt there was a situation where something could be done and the opportunity to insist on a better arrangement for sewage should not be lost. In terms of the sewage leakage incident, she had contacted Tewkesbury Borough Council Officers to discuss what could be done about the sewage, which was also a problem in adjoining areas such as Churchdown, and had been advised that it should be left to disperse naturally. Given the state of the waterways nationally she did not feel that encouraging more pollution was appropriate so this needed to be addressed. She noted there appeared to be no social housing provision and she asked how social housing would be delivered if it was not required on major sites. In response, the Planning Officer advised that, in terms of sewage infrastructure and whether the application could be deferred for that reason, Longford Pumping Station had been upgraded to meet the needs of the development, along with Twigworth, and Severn Trent had advised that the sewage system had sufficient capacity. With regard to the recent leaking, surface water had infiltrated the foul network during times of heavy rainfall due to construction issues. CCTV surveys and water pressure testing had been carried out on the Taylor Wimpey site and a number of areas had been identified where surface water had

been getting in. All issues were being rectified by the end of March. Vistry was also carrying out CCTV surveys on the land at Twigworth site along a section from Innsworth to Longford Pumping Station which was being monitored by Severn Trent to find the cause. Whilst there was no guarantee this type of incident would not happen again, it would need to happen whilst it was being monitored in order to identify where water was getting in. It was important to separate wider issues from the reserved matters application of appearance, landscaping, layout and scale and to think very carefully of the implications of deferring the application for a substantial period of time in terms of the impact on housing development for the borough. The local planning authority engaged proactively with Severn Trent and the developer and they were well aware of the issues and seeking to resolve the foul drainage matter. In terms of traffic reports, outline planning permission had been granted for the site and highway safety on the strategic road network had previously been found to be acceptable in terms of the trip rate for the number of houses on the site. In terms of the current proposal, whilst access was part of the reserved matters, this was in relation to the internal access as the wider strategic connection onto the A38 had already been agreed so the Officer opinion was that this was not a valid reason to defer the application. In respect of the comprehensive assessment of car parking, on-site parking was in accordance with the Gloucestershire Manual for Streets which was standard across the county.

- 49.43 The proposer of the motion drew attention to the Additional Representations Sheet which set out that Severn Trent had referenced “times of high water table” as reason for the system failure. He pointed out that rainfall in January 2022 was 474mm, which exceeded the 132mm in January 2023, so he was confused as to why the problem had not arisen last year. He noted that Severn Trent could not guarantee there would be no further incidents but he was not willing to accept that. In his opinion it was not satisfactory that people living in the wider strategic allocation were experiencing foul sewage escaping across the green infrastructure and into watercourses. He asked what the Council’s Environmental Health team had done about this and asked for a response to be provided following the meeting. He acknowledged that Taylor Wimpey was undertaking a programme of remedial works due to be completed by the end of March with future prevention measures being put in place and he asked for clarification as to what those were. In terms of highways, he referred to the Ashchurch Parish Council appeal in relation to the bridge where it had been recognised that materiality was a matter for the decision-makers; the Planning Committee was the decision-maker in this instance so his interpretation was that, if the Committee felt additional information was required on certain matters in order to make a fully-informed decision, that should be provided. Another Member indicated that, as she understood it, a deferral had been proposed based on three reasons, two of which could not be taken into consideration as part of the approval of reserved matters application – the foul drainage and the strategic road network - so she sought clarification as to whether car parking was an appropriate reason for deferral. The Planning Officer confirmed that the foul drainage scheme had been approved for the site and the issues identified were being monitored separately and would be resolved outside of the reserved matters application. Similarly, the impact on the wider road network had been assessed by the Secretary of State and there had been mitigation work on the adjacent highway network to account for the impact of 1,300 homes on the site; in terms of the access considerations for this application, that was in relation to the internal layout which included car parking arrangements, vehicle tracking etc. The proposer of the motion to defer the application reiterated that he felt the reasons he had put forward were material considerations, not just in terms of the existing dwellings but those which were to come. He was not suggesting the application be refused, and he agreed that the site needed to come forward, but that should not be at the detriment of existing or future residents. In response, the Legal Adviser explained that what was material or not would differ depending on the type of planning application. In this approval of reserved matters application the issues to consider were

appearance, landscaping, scale and layout including internal roads. The aspects which the proposer of the motion was concerned about were relevant considerations at the outline stage and if the application was deferred on the basis of those concerns, there was risk of a non-determination appeal and the Inspector could decide the Council was being unreasonable by holding out for reasons which were not relevant to the reserved matters application. The seconder of the motion drew attention to Page No. 38, Paragraph 8.3 of the Committee report, which stated that a proposed drainage strategy plan had been submitted in support of the application and she questioned why that had been done if drainage was not a matter for consideration. In response, the Planning Officer advised that a site wide drainage plan had been produced for the whole outline site and, as each reserved matters application came forward, it was necessary to establish that those drainage schemes were in accordance with the site wide drainage plan. The representative from the Lead Local Flood Authority explained that the drainage strategy for this scheme should not be impacting in terms of the foul drainage issues currently being experienced. Severn Trent had advised there was surface water getting into the foul system and, whilst that may be down to the quality of installation, it was not due to the drainage strategy for the site which separated foul and surface water completely.

48.44 Upon being taken to the vote, the proposal to defer the application was lost. It was subsequently 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.

PL.50 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

50.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 247-249. Members were asked to consider the current planning and enforcement appeals received and the Department for Levelling Up, Housing and Communities appeal decisions issued.

50.2 A Member noted the appeal decision set out at Page No. 248, Paragraph 2.1 of the report and asked if there was any reason why there was no indication given as to why the Inspector had dismissed the appeal. In response, the Development Management Manager advised that consideration was being given to the style of the appeals report and it was intended that appeal decisions would be circulated directly to Members of the Planning Committee going forward.

50.3 It was

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

PL.51 PLANNING COMPLIANCE UPDATE 2022

51.1 Attention was drawn to the report of the Development Management Manager, circulated at Pages No. 250-253, which informed Members of planning compliance activity during the 2022 calendar year. Members were asked to consider the report.

51.2 Accordingly, it was

RESOLVED That planning compliance activity for the 2022 calendar year be **NOTED**.

The meeting closed at 1:42 pm

Appendix 1

ADDITIONAL REPRESENTATIONS SHEET

Date: 21 February 2023

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

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

Item No	
5a	<p>Foul Drainage</p> <p>Further to the preparation of the Committee Report, Officers have been liaising with the applicant and Severn Trent regarding foul drainage.</p> <p>Officers have been advised by Severn Trent that the causes of a recent sewage leak was due to surface water infiltrating the foul sewage network at times of high water table.</p> <p>Severn Trent confirm that its network has sufficient capacity to deal adequately with the flows within the network, but the problem arises when the network is inundated by ground water.</p> <p>Severn Trent are currently investigating the causes of the infiltration on that part of the foul network outside of the development sites. Severn Trent are also currently working with the various developers to ensure that their, as yet unadopted, site drainage is not contributing towards this problem. Severn Trent have advised that if they are correct in their assumptions, until any infiltration has been reduced, they cannot guarantee that future incidents will not occur.</p> <p>Officers have been advised that Taylor Wimpey (Innsworth outline site) and Vistry (Twigworth outline site) have been testing their foul sewage network on their respective sites further to the sewage leakage incident. Taylor Wimpey have undertaken extensive investigation works via air testing and CCTV surveys.</p> <p>These investigations have identified a number of defects where water (ground and surface water) was getting into the foul sewer. The effect of this was further exasperated by the recent heavy prolonged rainfall. A plan of the defects will be displayed in the Committee Presentation.</p> <p>Taylor Wimpey are currently undertaking a programme of remedial works and many of these works have been completed with all remedial works due to be completed by end of March 2023 on the Innsworth outline site. Future prevention measures are also being put in place.</p> <p>Crossing Points on Innsworth Lane</p> <p>The crossing points do not form part of this current application. They have been constructed in accordance with the approved Section 278 Agreement. Independent of this, Taylor Wimpey and the County Highways Authority are reviewing a number of options to upgrade a crossing(s) and Taylor Wimpey have advised that they will undertake the works at their own expense. A Stage 1 Road Safety Audit is currently being commissioned which will ascertain the most appropriate strategy to upgrade a crossing(s).</p>

Revised Plans: Street Tree Planting, Hedgerows and Planting

Revised plans have been submitted setting out specifications for street tree planting, positions of hedgerows and details of estate railings along the main roads to ensure consistency in design approach.

Officers consider that the details of estate railings are acceptable, and the County Highways Authority and Landscape Advisor also now consider that the tree planting details are acceptable and raise no objection to the application.

Revised Recommendation

The proposed planning condition must be amended to refer to the amended plans. The Highways Authority has also advised that informatives should be included in the planning permission.

The revised recommendation is that the application be approved subject to the following amended conditions and informatives:

Conditions

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

- 21019.NP5.101 Rev B Site Layout Plan
- 21019.NP5.102 Rev C – Character Area Plan
- 21019.NP5.103 Rev A – Area Densities Plan
- 21019.NP5.104.1 Rev B – External Works – Sheet 1 of 3
- 21019.NP5.103.2 Rev B – External Works – Sheet 2 of 3
- 21019.NP5.103.3 Rev B – External Works – Sheet 3 of 3
- 21019.NP5.105 Rev A – Refuse Strategy Plan
- 21019.NP5.107 Rev A – Materials Plan
- 21019.NP5.108 – Enclosures Details
- 21019.NP5.109 – Site Sections
- 21019.NP5.110 Rev A – Affordable Housing Plan
- 21019.NP5.111 Rev A – Storey Heights Plan
- 21019.NP5.112 Rev A – Street Hierarchy Plan
- 21019.NP5.201 rev A – Street Scenes 1
- 21019.NP5.202 rev A – Street Scenes 2
- 21019.NP5.203 rev A – Street Scenes 3
- 21019.NP5.205 rev A – Street Scenes 4
- 21019.EMA23.201 – EMA23 (Mapleford) Middle Plans & Elevations Variation 1
- 21019.EMA23.202 - EMA23 (Mapleford) Middle Plans & Elevations Variation 2
- 21019.EMA23.203 - EMA23 (Mapleford) Middle Plans & Elevations Variation 3
- 21019.EMA32.201 – EMA32 (Brambleford) – Middle Plans & Elevations Variation 1
- 21019.EMA32.202 - EMA32 (Brambleford) – End Plans & Elevations

Variation 2

- 21019.EMA32.203 - EMA32 (Brambleford) – End Plans & Elevations Variation 3
- 21019.EMA32.204 - EMA32 (Brambleford) – End Plans & Elevations Variation 4
- 21019.H1052-34.201 rev A – H1052-34 Middle Plans & Elevations Variation 1
- 21019.H1052-34.202 rev A – H1052-34 Middle Plans & Elevations Variation 2
- 21019.H1052-34.203 rev A – H1052-34 End Plans & Elevations Variation 3
- 21019.H1052-34.204 rev A – H1052-34 End Plans & Elevations Variation 4
- 21019.H1052-34.205 rev A – H1052-34 End Plans & Elevations Variation 5
- 21019.H1052-34.206 rev A – H1052-34 End Plans & Elevations Variation 6
- 21019.H1052-34.207 rev A – H1052-34 End Plans & Elevations Variation 7
- 21019.H1052-34.208 rev A – H1052-34 Detached Plans & Elevations Variation 8
- 21019.H1052-34.209 rev A – H1052-34 Detached Plans & Elevations Variation 9
- 21019.H1052-34.210 rev A – H1052-34 Detached Plans & Elevations Variation 10
- 21019.H1052-35.201 rev A – H1052-35 Middle Plans & Elevations Variation 1
- 21019.H1052-35.203 rev A – H1052-35 End Plans & Elevations Variation 2
- 21019.H1052-35.203 rev A – H1052-35 End Plans & Elevations Variation 3
- 21019.H1052-35.204 rev A – H1052-35 End Plans & Elevations Variation 4
- 21019.H1294.201 – EMAP22 (Levenstead) Middle Elevations Variation 1
- 21019.EMAP22.202 – EMAP22 (Levenstead) Middle Elevations Variation 2
- 21019.EMAP22.203 - EMAP22 (Levenstead) End Elevations Variation 3
- 21019.EMAP22.204 - EMAP22 (Levenstead) End Elevations Variation 4
- 21019.EMAP32.201 - EMAP32 (Satterstead) Middle Elevations Variation 1
- 21019.EMAP32.202 - EMAP32 (Satterstead) End Elevations Variation 2
- 21019.EMAP32.203 - EMAP32 (Satterstead) End Elevations Variation 3
- 21019.EMAP41.201 – EMAP41 (Witherstead) End Elevation Variation 1
- 21019.H1294.200 rev A – H1294 End & Middle Plans
- 21019.H1294.201 rev A - H1294 Middle Elevations Variation 1
- 21019.H1294.202 rev A - H1294 End Elevations Variation 2
- 21019.EMT31.200 – EMT31 (Aynesdale) Detached Plans
- 21019.EMT31.201 – EMT31 (Aynesdale) Detached Elevations Variation 1
- 21019.EMA44.400 – EMA44 (Henford) Det Floor Plans

- 21019.EMA44.401 – EMA44 (Henford) Det Elevations Variation 1
- 21019.EMAP22.401 – EMAP (Levenstead) Middle Plans & Elevations Variation 1
- 21019.EMAP32.401 – EMAP 32 (Satterstead) End Plans & Elevations Variation 1
- 21019.EMT31.400 Rev. A – EMT31 (Aynesdale) Det Floor Plans
- 21019.EMT31.401 Rev. A – EMT31 (Aynesdale) Det Elevations Variation 1
- 21019.EMT41.400 – EMT41 (Plumdale) Det Floor Plans
- 21019.EMT41.401 – EMT41 (Plumdale) Det Elevations Variation 1
- 21019.EMA32.601 – EMA32 (Brambleford) Semi-det. Plans and Elevations Variation 1
- 21019.EMA44.600 – EMA44 (Henford) Detached Plans
- 21019.EMA44.601 – EMA44 (Henford) Detached Elevations Variation 1
- 21019.EMA44.602 – EMA44 (Henford) Detached Elevations Variation 2
- 21019.EMA49.600 – EMA49 (Raynford) Detached Plans
- 21019.EMA49.601 – EMA49 (Raynford) Detached Elevations Variation 1
- 21019.EMA49.602 – EMA49 (Raynford) Detached Elevations Variation 2
- 21019.EMA49.603 – EMA49 (Raynford) Detached Elevations Variation 3
- 21019.EMT41.600 – EMT41 (Plumdale) Detached Plans
- 21019.EMT41.601 – EMT41 (Plumdale) Detached Elevations Variation 1
- 21019.H1052-35.400 rev A – H1052-35 Det & Semi Floor Plans
- 21019.H1052-35.401 rev A – H1052-35 Semi Elevations Variation 1
- 21019.H1052-34.400 rev A – H1052-34 Det & Semi Floor Plans
- 21019.H1052-34.401 rev A – H1052-34 Elevations Variation 1
- 21019.H1052-34.402 rev A - H1052-34 Elevations Variation 2
- 21019.H1268.400 rev A – H1268 Det Floor Plans
- 21019.H1268.401 rev A – H1268 Det Elevations Variation 1
- 21019.EMAP22.601 – EMAP22 (Levenstead) – End Plans & Elevations Variation 1
- 21019.EMAP22.602 – EMAP22 (Levenstead) – End Plans & Elevations Variation 2
- 21019.EMAP22.603 – EMAP22 (Levenstead) – Middle Plans & Elevations Variation 3
- 21019.EMAP22.604 – EMAP22 (Levenstead) – Middle Plans & Elevations Variation 4
- 21019.EMAP32.601 – EMAP32 (Satterstead) End. Plans & Elevations Variation 1
- 21019.EMAP32.602 – EMAP32 (Satterstead) End. Plans & Elevations Variation 2
- 21019.EMAP32.603 – EMAP32 (Satterstead) End. Plans & Elevations

Variation 3

- 21019.EMAP32.604 – EMAP32 (Satterstead) Middle Plans & Elevations Variation 4
- 21019.EMAP41.601 – EMAP41 (Witherstead) End Plans & Elevations Variation 1
- 21019.EMAP41.602 – EMAP41 (Witherstead) End Plans & Elevations Variation 2
- 21019.H1052-34.601 rev A – H1052-34 Semi-det. Plans & Elevations Variation 1
- 21019.H1052-35.601 rev A – H1052-35 Plans & Elevations Variation 1
- 21019.H1294.600 rev A - H1294 Semi-detached Plans
- 21019.H1294.601 rev A - H1294 Semi-detached Elevations Variation 1
- 21019.H1294.602 rev A - H1294 Semi-detached Elevations Variation 2
- 21019.EMA32.800 – EMA32 (Brambleford) Mid Floor Plans Variation 1
- 21019.EMA32.801 – EMA32 (Brambleford) Mid Elevations Variation 2
- 21019.EMA44.800 – EMA44 (Henford) Det Floor Plans
- 21019.EMA44.801 – EMA44 (Henford) Det Elevations Variation 1
- 21019.EMA49.800 – EMA49 (Raynford) Det Floor Plans
- 21019.EMA49.801 – EMA49 (Raynford) Det Elevations Variation 1
- 21019.EMT41.800 – EMT41 (Plumdale) Det Floor Plans
- 21019.EMT41.801 – EMT41 (Plumdale) Det Elevations Variation 1
- 21019.EMT42.800 – EMT42 (Tewksdale) Detached Floor Plans
- 21019.EMT42.801 - EMT42 (Tewksdale) Det Elevations Variation 1
- 21019.H2259.800 – H2259 (Ruston) Det Floor Plans
- 21019.H2259.801 – H2259 (Ruston) Det Elevations Variation 1
- 21019.H1052-34.800 rev A – H1052-34 End Floor Plans
- 21019.H1052-34.801 rev A – H1052-34 End Elevations Variation 1
- 21019.H1052-35.800 rev A – H1052-35 End Floor Plans
- 21019.H1052-35.801 rev A – H1052-35 End Elevations Variation 1
- 21019.H1052-35.802 rev A – H1052-35 End Elevations Variation 2
- 21019.AP1 Rev. A Apartments (Plots 226-234) Floor Plans
- 21019.AP1.202 Rev. A Apartments (Plots 226-234) Elevations
- 21019.301.01 – Double Garages Floor Plans and Elevations
- 21019.301.02 – Garage Block to Plots 165-167, 170 & 171 Floor Plans & Elevations
- 21019.301.03 – Single & Double Garage Floor Plans & Elevations
- 21019.301.04 - Single & Double Garage Floor Plans & Elevations
- 21019.301.05 - Single & Double Garage Floor Plans & Elevations
- 21019.301.06 – Double Garage & Garage Block to Plots 73,74 ,76 & 77

Floor Plans & Elevations

- D6 64 09 Rev A Innsworth New 5 AMS
- D6 64 P10 Rev A 1 of 2 Innsworth New 5 TPP A1 P500
- D6 64 P10 Rev A 2 of 2 Innsworth New 5 TPP A1 P500
- JBA 18-295-87 Detailed Soft Plots Rev B
- JBA 18-295-88 Detailed Soft Plots Rev B
- JBA 18-295-89 Detailed Soft Plots Rev B
- JBA 18-295-90 Detailed Soft Plots Rev B
- JBA 18-295-91 Detailed Soft Plots Rev B
- JBA 18-295-92 Detailed Soft Plots Rev B
- JBA 18-295-93 Detailed Soft Plots Rev B
- JBA 18-295-94 Detailed Soft Plots Rev B
- 22919-05-01-Road&Sewer-Sections-05-01 Rev A
- 22919-05-01-Road&Sewer-Sections-05-02 Rev A
- 22919-05-01-Road&Sewer-Sections-05-03 Rev A
- 22919-09-01 Bus Stop Walking Distances-09-05 Rev A
- 22919-38-01-Section 38 Plan Rev A
- 22919-80-01- Vehicle Tracking 5 Sheets Rev A
- 22919-100-01 Planning Levels (5 Sheets) Rev A
- 22919-101-01 Planning Levels w Drainage (5 sheets) Rev A
- 22919-102-01 EV Charging Plan (5 sheets) Rev A
- 508_101 Innsworth Phase 4 Whittle Gardens Equipment Schedule (002) Rev A
- 22919-101-01 Planning Levels w Drainage (5 sheets) Rev A
- 22911-4001-01 Rev B CCTV Foul Sewer Remedials
- 508_001 Innsworth Phase 4 Whittle Gardens Lighting Layout (Dwg: 508/001)
- 508_101 Innsworth Phase 4 Whittle Gardens Equipment Schedule
- 508_201 Innsworth Phase 4 Whittle Gardens Calculation Report
- Taylor Wimpey Future Homes at Innsworth – Carbon Reduction Proposal – CGI

Informatives

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

2. The decision is to be read in conjunction with planning permission 15/00749/OUT including the associated S106 legal agreements.

3. The developer is advised that all pre-commencement conditions on outline approval ref: 15/0079/OUT shall be submitted to the LPA and approved in writing, prior to commencement of the development hereby approved.

4. The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980. Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk. You will be required to pay fees to cover the Councils cost's in undertaking the following actions:

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

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

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

5. There is a public right of way running through the site, the applicant will be required to contact the PROW team to arrange for an official diversion, if the applicant cannot guarantee the safety of the path users during the construction phase then they must apply to the PROW department on 08000 514514 or highways@gloucestershire.gov.uk to arrange a temporary closure of the right of way for the duration of any works.

We advise you to seek your own independent legal advice on the use of the public right of way for vehicular traffic.

The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.

6. The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

7. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway. Construction Management Plan (CMP)

	<p>8. It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says: Constructors should give utmost consideration to their impact on neighbours and the public</p> <ul style="list-style-type: none"> - Informing, respecting and showing courtesy to those affected by the work; - Minimising the impact of deliveries, parking and work on the public highway; - Contributing to and supporting the local community and economy; and - Working to create a positive and enduring impression, and promoting the Code. <p>The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues. Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.</p>
5c	<p>22/00251/APP</p> <p>Phases 4 And 6 , Land At Perrybrook, North Brockworth</p> <p>Late Representations</p> <p>Since the preparation of the Committee Report, an additional letter of objection has been received. The details of this letter are summarised below:</p> <ul style="list-style-type: none"> - The revised plans have not addressed the earlier comments that related to the blocking of daylight, specifically the sunset. <p>Notwithstanding these comments, the recommendation remains as set out in the Committee Report.</p>
5d	<p>22/00439/APP</p> <p>Land At Fiddington , Ashchurch</p> <p>Officer Update</p> <p>At the time of writing the Committee Report there was an outstanding matter in relation to the noise mitigation that was in the process of being resolved. An update on these matters is set out as follows:</p> <p>The Council's Environmental Health Officer (EHO) advised that a Noise Mitigation Plan and updated Noise Mitigation Assessment should be provided as the noise levels on the site were presently higher than those set out in Conditions 36 of the approved outline scheme.</p> <p>The applicants provided a Noise Mitigation Plan which detailed acoustic fencing/barriers and additional glazing within some of the proposed dwellings. The EHO has had sight of this plan and is requesting additional information and an updated Noise Assessment. It is not considered that these details can be established by way of a condition, therefore, the Officer recommendation remains to delegate authority to the Development Manager to approve the application subject to the submission of further Noise Assessment information and mitigation and confirmation from the Environmental Health Officer that the amendments to the scheme are acceptable, together with any consequential minor revisions to plan numbers and conditions that may arise.</p>

	<p>Report corrections</p> <p>There are some minor corrections to the Committee Report to note as follows:</p> <ul style="list-style-type: none"> - Para 2.4: states that the area west of the site will be Phase 3, this should read as Phase 4 - Para 8.2: These details have not yet been submitted but will be forthcoming in a separate application.
5f	<p>22/00104/FUL</p> <p>1 Wood Stanway Drive, Bishop's Cleeve</p> <p>Members may be aware that an additional letter of objection has been received from one of the immediate neighbours in Snowhill Drive. The letter is attached in full. The objections raised that haven't been mentioned in the Committee Report are as follows:</p> <ul style="list-style-type: none"> - They are against the proposed 2.7m high screen to the rear of their property. - Adults also go on the climbing frame. The main impact on privacy is from adults using it and this is a safeguarding concern. - Why can't the platform be dropped to a more reasonable height of around 50cm's. <p>Officer's comments:</p> <ul style="list-style-type: none"> - The site itself, along with the gardens of 1 and 3 Snowhill Drive were visited and a full assessment was made. Photographs were also provided by the neighbours. - In relation to adults using the climbing frame, this may happen on occasion, but it is unlikely to happen on a frequent basis. - The majority of the concerns / objections raised have already been addressed in the Committee Report. <p>Additional condition required:</p> <p>3. The platform shall be reduced in height to 1.2 metres so as to accord with the revised plans dated 17th October 2022. This shall be done within 28 days of the date of this permission.</p> <p>Reason: For residential amenity reasons and to ensure that there isn't undue overlooking to the immediate neighbours.</p>

Item 5f - 1 Wood Stanway Drive, Bishops Cleeve – neighbour letter

For urgent attention of councillors attending TBC Planning Meeting, 10am, Tuesday 21st February 2023,

Re: Agenda item 5f: 22/00104/FUL 1 Wood Stanway Drive

Dear all,

I unfortunately cannot attend the planned meeting this coming Tuesday to speak due to my husband working away starting a new job and children being off on school holidays. The other objector feels too intimidated.

Please make sure you have read all of the comments online, not just a summary from the Planning Department /Case Officer

Whilst you read my below points, please bear in mind that:

- the Case Officer has only been to visit to look at the site once from the view of our gardens. This was on a date that was best for her back in Summer 2022. Until now, my husband worked at home 99/100 times. The day the Case Officer was coming, my husband needed to go to the office. I offered several other dates and times, and obviously there has been plenty of time to come back since summer 2022. This offer of other dates/times was kindly refused and she was shown into my garden by my neighbour. The Case Officer has not made any requests to come back;
- the Case Officer has not ever actually stood on the climbing frame;
- the Case Officer therefore has no idea what the applicants can see from the climbing frame and how invasive it is to privacy;
- the Case Officer has not stood in my garden nor 3 Snowhill Drive's garden whilst anyone has been stood on the climbing frame; and
- the Case Officer has literally no idea what it is like for anyone who is in their garden whilst people are up on the climbing frame in terms of noise and privacy implications.

I strongly feel that decisions made are more based on a bird's eye view and written measurements rather than the actual realities of the impact the climbing frame has.

Responses to points on the Planning Committee documentation:

8.3 The climbing frame and wooden pergola are considered to be an acceptable size and design, and although visible in part from neighbouring dwellings and gardens, the structures are not considered to be unduly prominent or visually intrusive. Furthermore, it is considered that features such as play equipment, pergolas or outbuildings are not an unusual form of development within a garden setting. These works are therefore considered to be acceptable from a design and a visual amenity perspective.

> I cannot understand, if you genuinely take on board my above bullet points, how 8.3 can be an accurate assessment of whether they are considered unduly prominent or visually intrusive. How can someone accurately 'consider this' when you take into account my above points? I do not dispute that features such as play equipment etc are not an unusual form of development. However, this frame is literally larger than the pirate ship at Pittville park. The frame itself is a very unusual development.

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

> Simply, this development does have an unacceptable impact on adjacent property.

8.6 The closest dwelling in Snowhill Drive (no 3) is approximately 10 metres away from the nearest part of the climbing frame. To resolve the privacy concerns raised by neighbouring occupiers, additional revised plans were requested to provide a 2.7 metre (from ground level) high wooden privacy screen across the side of the climbing frame (next to the boundary with Snowhill Drive). Revised plans were subsequently submitted on the 17th October 2022 (see plans) to demonstrate this proposed remediation.

> We have absolutely categorically NOT requested this and I don't know who has. Just because one party may or may not have suggested this, it should not look as if it has been 'requested' as if it is something that I would consider a compromise. This idea has not been discussed with me, the original complainant, in any way by the Planning Department or Case Officer. This will essentially create a 2.7 metre high fence to the rear of my property. My husband and I are totally against this.

Continued overleaf:

8.7 The design of the climbing frame as revised includes a 1.2 metre platform, with a 2.7 metre solid wood screening panel on the side of the climbing frame facing Snowhill Drive. The difference between the platform to the top of the screen would be 1.50 metres. This means that a child of 12 years old at an average height of 1.49 metres would not be able to look over the screen into the back gardens and ground floor windows of nos. 1 and 3 Snowhill Drive (see images on presentation) and is considered sufficient to provide mitigation from overlooking.

>This is a totally mute point. [REDACTED]

[REDACTED] The average height of a 13 year old is almost 157cm. Saying that that the above facts are sufficient to provide mitigation are not accurate when concerns are not just aimed at anyone below the height of 149cm!!! [REDACTED]

[REDACTED] The impact on privacy comes from not just the children, but the ADULTS who stand on the deck of the climbing frame, of which you can fit at least six people. The impact on privacy, the Planning Committee seems to presume comes from children, because it is a climbing frame presumably for children. The main impact on privacy is from adults, particularly men, who stand and look into the properties and gardens. I expressed these specific privacy (**and therefore safeguarding**) concerns to the Case Officer: [REDACTED]

[REDACTED] There is also an excellent view into our rear bedrooms, [REDACTED] Please note that I sent a photo to the Case Officer expressing privacy and safeguarding concerns last year to show a male standing alone on the climbing frame platform to evidence the fact that this does occur. This is the owner of the property. Please do not knowingly put my family at this level of risk / privacy invasion / unacceptable impact.

8.8 The applicant has also planted a row of six evergreen Pineapple Broom trees along the fence boundary line with number 3 and 1 Snowhill Drive (see photograph). The Pineapple Broom trees planted are already at approximately 3.4metres in height and would contribute towards screening the structure from the nos. 1 and 3 Snowhill Drive. It should also be noted, on the neighbour's side of the fence they have planted 3 evergreen trees. As such, there are two rows of trees between 3 Snowhill Drive and 1 Wood Stanway Drive.

>Please note that the applicants had been asked again and again to plant trees – this has only come about after several planning revisions rather than any kind of proactiveness before encouragement from the Planning Department. Please see the attached photo. Whilst being 3.4m, there is nothing to them and they currently screen hardly anything at all. They will take years to mature. Please note that the occupiers of 3 Snowhill Drive purchased the trees at their own expense after the climbing frame was built and repeated requests of the applicant to purchase trees was rejected. The applicant's trees are welcomed. Please note that whilst the applicants were building the frame, the occupiers of 3 Snowhill Drive expressed their concerns about the height and proximity. The applicants were not interested at all in the impact on Snowhill Drive residents or in any kind of compromise of relocation.

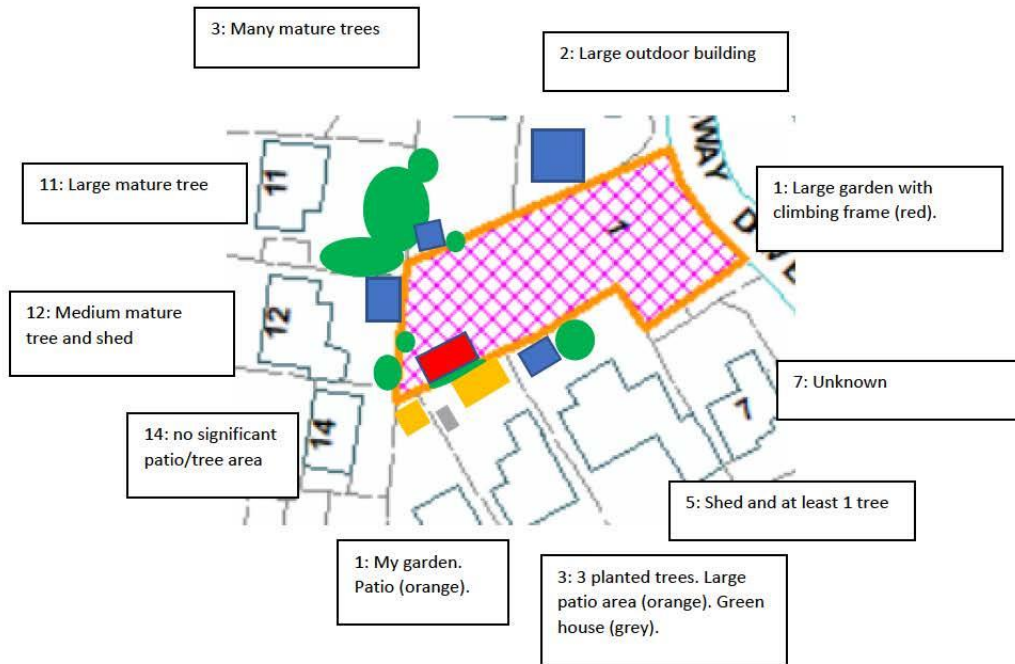
I do not object to the pool or pergola.

I do not know why the platform can't be dropped to a more reasonable height on this **permanent** structure to around 50cm.

8.5 Objections have been received from several nearby residents and the Parish Council on the grounds of overlooking / loss of privacy to their homes and gardens (especially those nearest to the climbing frame in 1 and 3 Snowhill Drive). Due to the objections received, revised plans were submitted on the 7th July 2022 omitting a climbing wall and reducing the height of the larger platform on the climbing frame to reduced to 1.2 metres. Alternative locations were considered for the climbing frame, however, due to the layout of the housing estate, in particular the applicant's rear garden, it means that the garden is at a 90° angle to five neighbours, and physically adjoined to the rear gardens of eight neighbours. As a result, the applicant was unable to find a more suitable alternative location without the potential to impact privacy.

Omitting the climbing wall does not change the situation with the climbing frame in anyway. This idea could have been put into the plan so it could then be withdrawn as an offer of an olive branch. The lack of climbing wall bears no change to privacy invasion. This is not a drain or something essential to be in a garden. There are many parks near by. This climbing frame does not need to be in this garden. *If due to the layout of the housing estate, in particular the applicant's rear garden, it means that the garden is at a 90° angle to five neighbours, and physically adjoined to the rear gardens of eight neighbours. As a result, the applicant was unable to find a more suitable alternative location without the potential to impact privacy,* THEN WHY IS MY (AND No. 3's) GARDEN WHICH IS MORE OVERLOOKED THAN ANY OTHER GARDENS DEEMED A SUITABLE LOCATION? Please see the attached map. Please come to my house to see. EVERY other garden apart from No's 1 & 3 have trees and/or sheds. Why would someone choose to build this in the most overlooking point possible, knowing it is overlooking a garden in which children play, that is right next to two garden patios that are right by the fence where the climbing frame is located. The applicant's garden is enormous and there are many other areas of the garden the frame could be relocated to, that have trees and sheds at the end of surrounding gardens. Point 8.5 is the most absurd of all, because of all other alternative locations have trees, sheds etc and deemed unsuitable then why is the current location deemed acceptable? Please see map with approximate layout of other gardens. **Please do not permit the existence of this climbing frame. I have very genuine privacy concerns for my family and neighbours.**

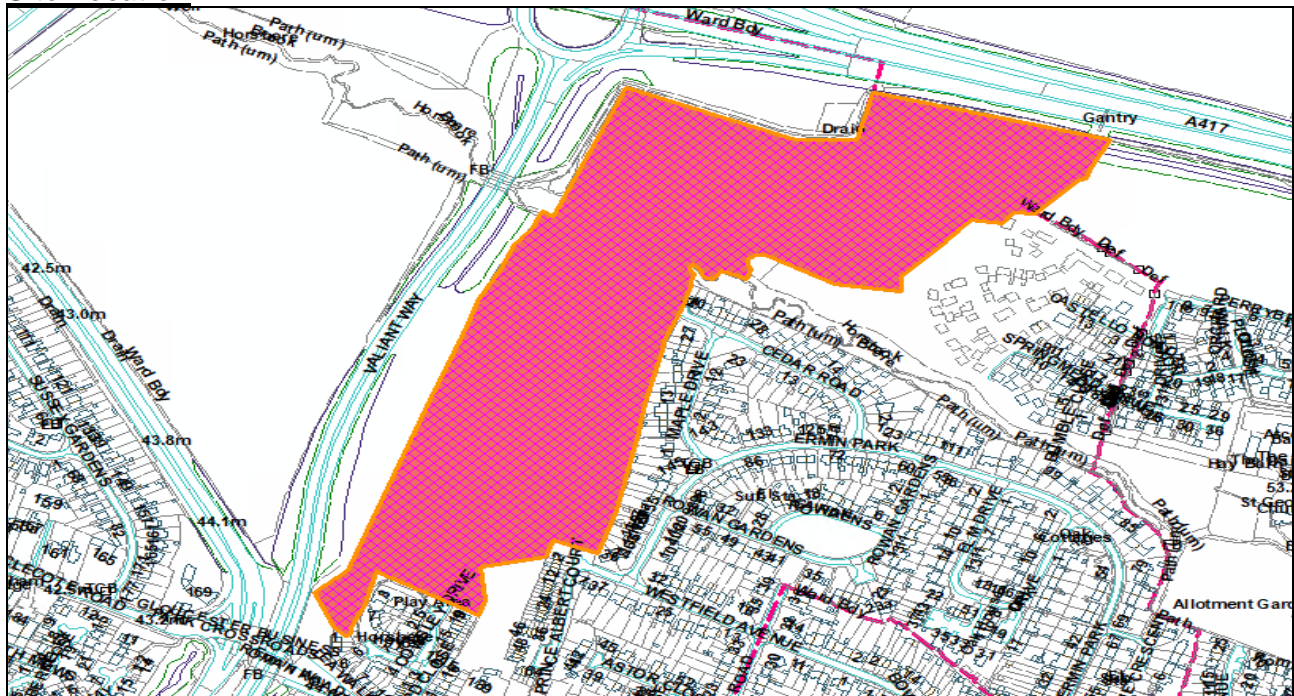
Photo showing lack of impact of the new trees between 1 Wood Stanway and 3 Snowhill.



Planning Committee

Date	21 March 2023
Case Officer	James Lloyd
Application No.	22/00251/APP
Site Location	Phases 4 And 6, Land At Perrybrook, North Brockworth
Proposal	Approval of reserved matters (appearance, landscape, layout, scale) for Phases 4 and 6 comprising development of new homes, landscaping, open space and associated works pursuant to outline permission 12/01256/OUT.
Ward	Brockworth West
Parish	Brockworth
Appendices	Site Location Plan Concept Master Plan Amended Phasing Plan Proposed Site Layout Whole Proposed Site Layout Phase 6 Proposed Site Layout Phase 4 Storey Heights Plan Affordable Housing Plan Street Scene Drawings House Types x7
Reason for Referral to Committee	Reserved Matters application for the erection of more than 20 dwellings
Recommendation	Approve

Site Location



This application was deferred at February Planning Committee to see whether several concerns raised during the meeting could be addressed. The relevant issues for deferral can be summarised as construction traffic, and design issues relating to further detail and consideration of neighbouring residential amenity to the east; the retained landscape buffer to the eastern boundary; the footpath redirection and connectivity to surrounding areas.

Since the application was considered by Planning Committee in February, the applicant has submitted revised and additional supporting information to address the matters raised. This information is presented below.

Construction Traffic

Concerns had been raised with regard to the impact of construction traffic from the development upon existing residential amenity around Brockworth.

The matter of construction traffic was considered during the determination of the original Outline Permission (12/01256/OUT). This resulted in the imposition of condition 27 which required no development to take place until a construction environmental management plan ('CEMP') was approved. A CEMP for the development on 15 February 2017. Any development permitted is required to accord with the details set out within the approved CEMP. There is no requirement for additional information on this matter to be submitted with each new Reserved Matters application.

Notwithstanding this the applicant for the current application has advised the following:

Initial access into Phase 4 would be via the Linden development to the east of Phase 4. Access has been provided to the boundary by Linden and there are contractual obligations placed on Linden which ensure that Crest have free access rights over their development roads at all times. Crest would seek to place wheel-washing facilities at the junction between Phase 4 and the Linden site to ensure that any vehicles leaving the Crest development would not track mud or debris through the Linden site and out onto the highway network.

The Access through Linden land would remain the only access into the Crest site until the roundabout on Valiant Way is available. Access into the Phase 6 land, and ultimately into Phase 4 once the bridge over Horsbere Brook has been completed, would be via a new 4-arm roundabout on Valiant Way. This roundabout was approved in principle at the Outline Planning stage and S278 detailed design drawings are currently progressing, and discussions are ongoing with Gloucestershire County Council Highways. Technical Approval is expected in the next 3 months, after which the S278 Agreement can be drafted and ultimately signed. It is currently targeted that roundabout construction works will commence in September / October 2023 with completion in March / April 2024, subject to approvals.

As soon as the roundabout and bridge over Horsbere Brook is operational, construction traffic would start to access the development via Valiant Way and the construction traffic route through the Linden site would be closed up. Crest would ensure that wheel-washing facilities are placed at this access point to ensure that no mud is tracked onto Valiant Way.

Given that the details of construction management have already been approved via the Outline Consent and the subsequent Condition Discharge, these details cannot be reconsidered as part of the current Reserved Matters application. Notwithstanding this, Officers can confirm that the proposals set out above are in line with the consented Outline Permission and the details submitted to discharge condition 27 of the Outline Permission.

Eastern Boundary and Landscape Buffer

Questions were raised at the Committee around the treatment of the eastern boundary of Phase 6, specifically the landscape buffer and distances between the existing housing and proposed development.

The landscaping buffer between the proposed dwellings on the eastern edge of Phase 4 and those along Ermin Park has been increased throughout the course of the application, alongside existing tree/hedge belts that would be retained. The distances between neighbouring properties are set out in more detail in the sections below.

Residential Amenity – Proposed Plots 353,354 & 355

Questions were raised at the Committee regarding the distances from plot 355 to the existing residential property along Maple Drive and the treatment of the landscaping adjacent to the intervening boundary. The submitted plans highlighted that the side gable of plot 355 would face the rear garden of the dwelling at Maple Drive. Whilst Officers had assessed the impacts of this relationship between the two properties (where a distance of 11 metres is generally deemed acceptable for side-to-rear relationships) the applicant has sought to improve this relationship even further, relocating the footprint of plots 353,354 & 355 to move plot 355 further away from the boundary. A layout drawing has been provided below to demonstrate the changes.



This revision to the plot layouts has resulted in a separation distance of approximately 19 metres between plot 355 and the rear of the neighbouring (existing) dwelling. It is considered this change is a further improvement, creating a better relationship with adjoining dwellings and this relationship remains acceptable.

Impact Upon Neighbouring Residents Along Ermin Park

Objections to the application have been received from residents of the neighbouring properties along Ermin Park. At the previous Committee meeting concerns were raised by a local resident that the side elevation of one of the proposed new dwellings would be located alongside their rear boundary, which could potentially create an overbearing impact into their rear garden.

Upon further investigation, it appears that the local resident was viewing a superseded set of layout drawings and had not had sight of the most up to date layout. The applicant had already amended the layout to change the relationship of the proposed dwellings, on the eastern edge of the development, to the existing residential properties off Ermin Park. This had resulted in back-to-back garden relationships in the scheme that was reported to Planning Committee in February, as shown in the layout drawings below.

Historic Plan



Submitted Application Plan



The applicant has also provided details of distances between the proposed dwellings on the eastern edge and those along Ermin Park. The back-to-back distances range from approximately 18m to 38m, with an intervening landscape buffer, between the two boundaries. Where a window-to-window relationship occurs, it is generally accepted that a separation distance of 21m should be maintained at first floor level. Whilst there are a couple of distances just below 21m, these occur where there is either an oblique relationship/view or it has been measured from a single storey height extension.

Given the additional information submitted, officers remain of the view that the layout of the proposed new dwellings causes no undue harm upon the residential amenity of the neighbouring properties and is acceptable in planning terms.

Trees

As detailed in the Committee report in February, there are some trees within the site that benefit from Tree Preservation Orders (TPOs). The application for outline permission granted the removal of trees that are in poor condition. The current proposals retain as many protected trees as possible, and specifically T11, an English Oak which is in good condition. The scheme also proposes the removal of T8, a category U tree, defined as fully dead, and a T10, category C tree, with a lot of this tree being dead.

Throughout the application process the Council's Tree Officer has worked to amend the scheme to ensure that the trees to be retained are protected. This has included removing parking spaces to protect the roots of the TPO tree. Whilst the loss of the two trees is regrettable, these are in poor condition, or are already dead, and the Tree Officer has accepted the loss of these as part of the proposal. The proposals are therefore acceptable in planning terms.

Redirection of the Footpath

There are two footpaths across the site – EBW2 Brockworth Footpath 2 (through phase 4) & EHU23 Hucclecote Footpath 23 (north phase 6). For clarity, both footpaths are to be retained. Footpath EBW2 is proposed to have a minor diversion to account for the proposed new bridge. The plan below highlights the existing location as square dashes and the new proposed route in circular dashes.



The requirement to redirect part of footpath EBW2 is due to the need to accommodate the main spine road that will connect the site from the new Valiant Way roundabout into the wider site. The broad location of this spine road was agreed at outline stage and given the direction of travel of footpath EBW2, it is inevitable that the road would need to cross this footpath.

The footpath would run directly underneath the proposed new bridge. The applicant has advised that in order to retain the current direction of travel for the footpath the bridge would need to be able to achieve head height clearance. To achieve this, the bridge would need to have a large span, at a higher level than the road and would also require a central support. This approach is unlikely to achieve support from the Environment Agency and would create a much larger structure resulting in a loss of further open space. The outline permission also sought to achieve a clear span structure in this location.

As a result of this, the application proposes to provide a modest redirection of the footpath (as shown on the plan above) as keeping the footpath on its existing line would result in a far more intrusive bridge design; the need for additional earth works in and around the brook; and the loss of more open space. The footpath diversion is therefore a practical and appropriate response in the circumstances.

As can be seen from the plan above, the play area is not in the attenuation pond.

Connectivity to the South

Questions were raised regarding the connectivity to the south of the site and towards the Tesco site and beyond. The applicant advises that the pathway in the far southwestern corner of Phase 4 will link to a pedestrian/cycle bridge to be delivered over Valiant Way. This will provide the main link between Phase 6 and Phase 7 and a direct route between the development areas either side of Valiant Way to the Whittle Square district centre, and to Gloucester Business Park. It is a requirement of a condition that the bridge is provided and is subject to a live planning application.

Cycling

As presented to the meeting in February, the scheme has been designed in line with the Gloucestershire Manual for Streets guidance and has been assessed in detail by the highway authority and officers. This confirms that the highways provisions and links to the wider sustainable travel network (as referenced in the above section of this update) provide appropriate cycling infrastructure for the proposals. The developer has also provided cycle storage facilities for properties that do not benefit for garaging.

Conclusion and Recommendation

The applicant has provided clarity, additional information and an amended plan in response to the issues raised by Members when deferring the application. As a result of this, revisions to the site layout along the eastern edge of Phase 4 has resulted in an increased distance between the development and existing neighbouring properties along Maple Drive.

Considering the further information provided, Officers conclude that the proposals accord with the outline consent and related parameters, and the proposed reserved matters details would be acceptable in terms of access, layout, scale, appearance and landscaping.

The recommendation of the application therefore remains as **Approval** subject to the conditions set out at the end of this report.

Amended Drawings and Conditions

As a result of the updated layout revised drawings have been submitted. These have been updated at the end of this report and will be available as part of the Officer presentation. As a consequence, the proposed conditions reflect the new drawing numbers associated with the changes.

PREVIOUS REPORT TO PLANNING COMMITTEE – 21 FEBRUARY 2023

1. The Proposal

Full application details are available to view online at: [22/00251/APP | Approval of reserved matters \(Appearance, Landscape, Layout, Scale\) for Phases 4 and 6, comprising development of new homes, landscape, open space and associated works pursuant to outline permission 12/01256/OUT. | Phases 4 And 6 Land At Perrybrook North Brockworth \(tewkesbury.gov.uk\)](https://www.tewkesbury.gov.uk/22/00251/APP|Approval%20of%20reserved%20matters%20(Appearance,%20Landscape,%20Layout,%20Scale)%20for%20Phases%204%20and%206,%20comprising%20development%20of%20new%20homes,%20landscape,%20open%20space%20and%20associated%20works%20pursuant%20to%20outline%20permission%2012/01256/OUT.%20|%20Phases%204%20And%206%20Land%20At%20Perrybrook%20North%20Brockworth%20(tewkesbury.gov.uk))

- 1.1 Outline planning permission (reference: 12/01256/OUT) was granted by the Secretary of State for Communities and Local Government (as was) in March 2016. The description of development was as follows:

- 1.2** *'Outline application for a mixed-use development of up to 1,500 dwelling, including extra care housing, community facilities including A1, A2, A3, A4 and A5 local retail shops (totalling 2,500m²), B1/B8 employment uses (totalling 22,000m²), D1 health facilities and formal and informal public open space (including means of access)'*
- 1.3** The current Reserved Matters application represents the whole of Phases 4 and 6 as defined on the Revised Phasing Plan (see attached Revised Phasing Plan) and is located to the West of Phase 3 and East of Phase 7. This application seeks to deliver 435 dwellings over two Phases; 226 dwellings in Phase 4 and 209 in Phase 6, with an average density of 33 units per hectare.
- 1.4** The scheme would deliver 32no. one bedroom units, 112no. two bedroom units, 197no. three bedroom units, 78no. four bedroom units and 16no. five bedroom units in a mix of apartments, terraced, semi-detached and detached forms. With regard to affordable housing provision, a mix of apartments and houses, would be provided, and offered either on an affordable rent (78 units (52%)) or intermediate basis (71 units (48%)). A total of 149 affordable units would be provided, which equates to 34% of the total number of dwellings. The number and tenure of affordable dwellings would reflect the requirements of the S106 agreement. The accompanying Compliance Statement advises that this provides a broad mix of homes and house types offering choice and flexibility to future residents.
- 1.5** A comprehensive Sustainable Drainage System (SuDS) has been approved for the wider development site. In accordance with Condition 8 of the outline consent and a detailed Drainage Strategy and SuDs Management Plan for this phase has been submitted. The proposed surface water drainage has been designed to convey the surface water from each plot, through a gravity sewer system to an attenuation basin in the western area of the site.
- 1.6** The application documents include a Statement of Compliance (Letter); an Arboricultural Survey, Impact Assessment and Protection Plan; a Drainage Strategy and SuDs Management Plan; a Highway Infrastructure Road Safety Audit; Landscape Maintenance and Management Plans and an Environmental Noise Survey, Design Compliance Statement and Affordable Housing Statement.

2. Site Description

- 2.1** The outline application site relates to approximately 76.65 hectares of land located immediately north of the settlements of Brockworth and Hucclecote, known as 'Perrybrook' and referred to as 'the wider development site' throughout this report.
- 2.2** The wider development site is bounded on three sides by major roads; the M5 motorway, the A417 Brockworth bypass and the A46 Shurdington Road. The southern boundary of the site is formed by Mill Lane from its junction with the A46 in the east to the Horsbere Brook. The north and south orientation of Valliant Way and Court Road serve to divide the site into three distinct parcels. A network of Public Rights of Ways (PROW) also crosses the land as well as a significant number of mature trees, some of which are covered by Tree Preservation Orders (TPO).
- 2.3** The banks of the Horsbere Brook, immediately to the south of the site, fall within Flood Zone 3 as defined by the Environment Agency's most up-to-date flood risk maps, but otherwise the land is designated as being within Flood Zone 1.

2.4 The listed Manorial complex of Brockworth Court is located just outside the site (but enveloped by it) to the south, which includes a Grade I listed church, a grade II* listed Manor House and Tythe barn and some other grade II listed structures. A poorly maintained Perry Pear Orchard is located along the eastern boundary of the development, along Shurdington Road.

Reserved Matters Site Description

2.5 The current reserved matters application relates to Phases 4 & 6 of the wider development site (see the approved phasing plan).

2.6 Phases 4 & 6 lie to the western edge of the wider development site and are the penultimate phases of the wider scheme. Access would be gained via the eastern boundary through phase 3 and along the western boundary via the new roundabout at Valiant Way. The remaining parcel (phase 7) would also be served from this roundabout located to the west. The northern boundary of the site is defined by the embankment to the A417. A public right of way (PRoW) crosses the site and there are several TPO trees within the site.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
12/01256/OUT	Outline application for a mixed-use development of up to 1,500 dwelling, including extra care housing, community facilities including A1, A2, A3, A4 and A5 local retail shops (totalling 2,500m ²), B1/B8 employment uses (totalling 22,000m ²), D1 health facilities and formal and informal public open space (including means of access).	SOSPER	31.03.2016
18/00109/APP	Approval of Reserved Matters (appearance, layout, landscaping and scale) comprising Phase 3 of Outline planning permission 12/01256/OUT for the erection of 225 no. dwellings with public open space, play area, and associated infrastructure, and including the discharge of Outline Conditions (as amended) 2 (reserved matters time limit), 5 (design compliance), 8 (surface water drainage strategy - all phases), 9 (floor levels - flood risk), 10 (sewage disposal - phase 3), 12 (trees), 24 (noise assessment - phase 3) and 28 (waste minimisation).	APPROV	23.05.2019
18/00410/APP	Approval of landscaping, layout, scale and external appearance of the formal sports area (excluding the Changing Room Facilities and associated car parking).	PER	07.09.2018
18/00864/APP	Approval of Reserved Matters (appearance, landscaping, layout and scale) comprising Phase 5 and Phase 2 (in part) of Outline planning permission 12/01256/OUT for the erection of 240 no. dwellings with public open space, play area, and associated infrastructure.	APPROV	16.08.2019

19/00537/APP	Approval of Reserved Matters (Appearance, Landscape, Layout and Scale) for Phase 1 of outline planning permission 12/01256/OUT for the erection of 135 dwellings with associated public open space and infrastructure.	APPROV	03.01.2020
--------------	--	--------	------------

4. Consultation Responses

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

4.1 Brockworth Parish Council – Objection – Reasons are summarised below;

- Concern regarding lack of single storey dwellings.
- Affordable housing is not peppered-potted around the phases.
- Ideally keep the PROW and not re-direct it.
- The visitor parking in the development is not considered sufficient for needs.
- Concerns about large vehicle movements around the estate when cars inevitably park on roadways, and access for emergency services on estate roads.
- The critical issue with this phase is ensuring that the connectivity towards the village centre, Gloucester, Cheltenham and importantly Churchdown is developed.
- Cycle routes must be given more consideration. More cycle paths are needed including a cycle route to be provided along the spine road to provide a safe route to schools.
- Travel planning and sustainable travel options should be enhanced significantly.
- The proposed location and design of the highways access into the development from a new roundabout on Valiant Way needs clarification.
- The Parish Council would like confirmation on the build order and the plans for construction traffic.
- No evidence of any noise impact assessment about mitigating noise from the dual carriageways for residents close to those areas.
- There is a distinct lack of pedestrian connectivity to the existing community.
- The amount of usable public open space is distinctly lacking from the designs of the area.
- We would like to see the protection and retention of as many trees as possible within the development site.

4.2 Hucclecote Parish Council - Hucclecote Parish Council has no comments to make, it supports the observations and concerns made by Brockworth Parish Council.

4.3 County Highways Authority – No objection subject to conditions.

4.4 Lead Local Flood Authority – No objection.

4.5 Environmental Health Officer (Noise) – No objection subject to conditions.

4.6 Housing Enabling Officer – No objection – the application complies with the S106 agreement of the outline permission.

4.7 Tree Officer – No objection – subject to conditions.

4.8 Environment Agency – No objection.

- 4.9 **County Minerals & Waste** – No objection.
- 4.10 **County Archaeologist** – No objection.
- 4.11 **Severn Trent Water** – No objection.
- 4.12 **Highways England** – No objection – Subject to the LPA being satisfied regarding noise matters.
- 4.13 **Landscape Advisor** – No objection, subject to conditions.
- 4.14 **Public Rights of Way Officer** – A footpath diversion order will be required.
- 4.15 **TBC Asset Management (Play Spaces)** – No objection.

5. **Third Party Comments/Observations**

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

- 5.1 The application has been publicised through the posting of a site notice for a period of 21 days. 6 no. representations have been received from local residents (summarised);
- There is now no access or path to walk to the Horsbere River and wooded area.
 - There is no link between Prince Albert court/Ermin Way/Westfield Avenue, creating a bottle neck at the proposed roundabout.
 - There is no provision for amenities such as doctors or pharmacies. Where is the new school for the increase in children?
 - There seems to be insufficient parking for the number of houses.
 - The construction of two storey houses will block this daylight and therefore have a significant impact on the Residential Amenity that is currently enjoyed by 157A Ermin Park.
 - There are two mature oak trees on the field behind my house at the moment. It seems that only one of these will be preserved.
 - I object to the fact that the proposals on the whole are very over-developed.
 - All the new houses should be 2 storey or less.
 - The children's play area needs to be re-sited nearer to houses and car parking.
 - Lack of landscape buffer between development and houses on Ermin Park.
 - Overlooking issues to houses along Ermin Park.
 - No allowance has been made for the provision of self and custom housing plots.

6. **Relevant Planning Policies and Considerations**

6.1 Statutory Duty

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

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

6.2 National guidance

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

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

- Policy SP1 (The Need for Development)
- Policy SP2 (Distribution of New Development)
- Policy SD3 (Sustainable Design and Construction)
- Policy SD4 (Design Requirements)
- Policy SD6 (Landscape)
- Policy SD8 (Historic Environment)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD10 (Housing Development)
- Policy SD11 (Housing Mix and Standards)
- Policy SD12 (Affordable Housing)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk Management)
- Policy INF3 (Green Infrastructure)
- Policy INF6 (Infrastructure Delivery)
- Policy A3 (North Brockworth)

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

- Policy RES5 (New Housing Development)
- Policy RES12 (Affordable Housing)
- Policy RES13 (Housing Mix)
- Policy DES1 (Housing Space Standards)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy LAN2 (Landscape Character)
- Policy NAT3 (Green Infrastructure: Building with Nature)
- Policy ENV2 (Flood Risk and Water Management)
- Policy TRAC1 (Pedestrian Accessibility)
- Policy TRAC2 (Cycle Network and Infrastructure)
- Policy TRAC3 (Bus Infrastructure)
- Policy TRAC9 (Parking Provision)

6.5 Neighbourhood Plan

None

7. Policy Context

- 7.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 7.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), 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

Conditional Requirement

- 8.1 The outline permission included conditions which required submission of information relating to the whole development with the first RMA. Other conditions required further information to be submitted with each phase of reserved matters. These conditions are summarised below:

- Condition 5 - Requires that all reserved matters and details required to be submitted pursuant to condition 1 shall be broadly in accordance with the principles and parameters described and identified in the Illustrative Masterplan, the Conceptual Masterplan and the Design and Access Statement. The applicant has submitted a compliance statement with this application to demonstrate how the scheme complies with the Design and Access Statement and Masterplan documents.
- Condition 8 - Requires surface water drainage details to be submitted for consideration. The Hydraulic Modelling Tech Note drawings and calculations prepared by Stantec have been submitted with the reserved matters application.
- Condition 9 - Requires all floor levels of all properties to be set at a minimum of 600mm above the modelled 1 in 100 year flood level, including an allowance for climate change at the appropriate locations along the Horsbere Brook. These details have been submitted with the reserved matters application.
- Condition 12 - Requires information on Trees and Landscaping. These details have been submitted with the reserved matters application. Tree specifications/conditions, tree loss and retention plans and protection measures are provided.
- Condition 28 - Requires details of the proposed design and location of recycling and refuse storage arrangements within that phase. These details have been submitted with the reserved matters application. Pegasus drawings reference DRWG: P21-1950_13 (see housetype pack) show the facilities required in association with the apartment buildings. All facilities required for the houses will be within the individual plots. Refuse Strategy Plans (Ref: DRWG: P21-1950_15 SHEETS 1 & 2) provide further detail of refuse.
- Condition 19 - States that Phases 4 and 6 of the development cannot be occupied until a scheme of works broadly in accordance with the following plans has been submitted and approved:
 - (i) Valiant Way normal roundabout highway works as shown on plan no. 60007-TA-006 rev D; and,
 - (ii) The cycle/footway works shown on plan no. 60007-TA-013.

A detailed scheme has been devised in respect of (i) and a discharge of condition has been submitted (22/00088/CONDIS) and is pending consideration. Item (ii) is being delivered by developers of Phase 7 and details will be submitted in due course. The route of the cycle lane within Phase 6 is shown within the scheme but

may be subject to change as a result of detailed design in respect of condition 19 requirements.

- Condition 23 - Requires a written scheme of investigation for the relevant phase. These details have been submitted with the reserved matters application.
- Condition 24 - Requires that no development shall take place within any phase of the development until a Noise Assessment has been carried out by a suitably qualified person. The Noise Assessment shall particularly address the likely effects of road noise and noise from the Henley Bank Kennels on any proposed residential areas within the site. It shall provide details of measures to mitigate and minimise any identified adverse noise effects within those areas. It shall also specify measures to protect any individual properties as required. These details have been submitted with the reserved matters application.

8.2 The outline permission was also subject to Section 106 agreements with the Borough Council and Gloucestershire County Council. These matters also need to be taken into account when considering these reserved matters application and are also discussed where relevant in the following sections of this report.

Principle of development

8.3 The principle of residential development at the site has been established through the grant of outline planning permission. This application relates to the approval of Phases 4 & 6 reserved matters in respect of access, layout, appearance, landscaping and scale of the development.

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

- Planning Compliance Statement
- Arboricultural Impact Assessment
- Tree Protection Plans
- Noise Impact Assessment
- Proposed Drainage Strategy Plan and Finish Floor Levels Plan
- Materials, Boundary Treatments and Storey Height Plans
- Proposed Street Adoption Plan and Refuse Vehicle Tracking Plan
- Proposed parking/cycle storage and refuse storage/collection plans
- Proposed Landscaping/planting Plans
- Affordable Housing Layout plan
- House Type Plans

8.5 In assessing these matters, it is also important to consider whether they accord with the principles and parameters described and identified in the Illustrative Masterplan, the Conceptual and the Design and Access Statement all approved at Outline Stage through condition 5.

Layout, appearance, scale and density

- 8.6** The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable in communities. Policy SD4 of the JCS advises that new development should respond positively to and respect the character of the site and its surroundings, enhance local distinctiveness and the grain of the locality. Policy INF3 states that where green infrastructure assets are created, retained or replaced within a scheme they should be properly integrated into the design and contribute to local character and distinctiveness. Policy RES5 of the TBLP states that proposals should be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being integrated within it.
- 8.7** As mentioned above an 'Illustrative' and 'Conceptual' Masterplan layout was agreed as part of the outline consent. A number of important principles of good design and appropriate parameters were established during the determination of the outline consent, which were encapsulated in a detailed Design and Access Statement (DAS). The vision outlined in the DAS was for a development that respected its wider context and worked within the surrounding landscape. The DAS envisages a series of inter-connecting, locally distinctive and walkable neighbourhoods with fragmented edges abutting open space and set within a strong green framework linking to natural and heritage assets. As set out above, it is a conditional requirement that all reserved matters shall be broadly in accordance with the principles and parameters described and identified in the Masterplans and the DAS.
- 8.8** In addition, Condition 5 of the outline consent requires a statement to be submitted with each reserved matters to ensure the design quality and design parameters set out at outline stage are adhered to in the detailed design. A Statement of Compliance (SoC) has been submitted with this application which summarises the key areas of compliance with the design principles of the outline consent.
- 8.9** The proposals for both Phases 4 & 6 include a balance between developed and undeveloped areas with a scale of development that would be reflective of northern Brockworth, albeit in a denser form of development.
- 8.10** Access arrangements have been designed reflecting the DAS access principles which are to provide a clear hierarchy of routes and public spaces to enable safe navigation and movement through the site to include a network comprising a Primary Road through the site to link with adjoining development, as well as a Secondary Road through the central part of the site, lined by larger more spacious plots which in turn provide access to Tertiary Roads and a more intimate scale of development. The proposed layout is consistent with that set out in the original masterplan and serves to define the different character areas of 'Village Streets', 'Village Marginal' and Rural Edge character areas. Furthermore, the development would retain existing footpath connectivity as well as providing additional walking routes and connections through the public open space network.
- 8.11** The layout as proposed provides a rational approach with clearly defined character areas providing legibility, so the different character zones as well as appropriate transitions in terms of house type design and layout, respond appropriately to the principles set out in the DAS which requires the development to be designed into distinct residential zones, relating to their general character in terms of scale, size and density.

- 8.12** The DAS sets out that that the scale of the development in these character areas would be between one and two and a half storey's high. The majority of dwellings on the site would be two storeys high with a number of two and a half storey properties located along the main streets which are considered appropriate to the more spacious setting. It is noted that six apartment blocks rising to three storeys in height are located to the western and north western corner edge of the development. These blocks would be relatively constrained and abutted by attached 2 storey properties which serve to provide a visual transition to the street and are considered acceptable in terms of their design and context.
- 8.13** Concerns were raised with regards to elements of the originally submitted design and a revised layout has been submitted which adds better permeability to the southern part of the site through green spaces, reduction in frontage parking, addition of more street trees and improve the rhythm of dwellings along the spine road. changes have substantially improved appearance of the scheme and the layout is considered to be broadly in accordance with the approved DAS and Masterplan.

Access and highway safety

- 8.14** Policy INF1 of the JCS advises that proposals should ensure safe and efficient access to the highway network is provided for all transport modes and that the impact of development does not have a severe impact upon the highway network. Policy SD4 (vii) also requires development to be well integrated with the movement network within and beyond the development itself, ensuring links by other modes and to green infrastructure.
- 8.15** In support of the application a number of technical plans have been submitted, these include swept path analysis plans, road contour plans, traffic management plan and parking strategy plans. The County Highway Authority (CHA) reviewed the initial scheme advanced and commented that the details submitted provided insufficient information to demonstrate safe and suitable layout and access arrangements. Revised plans have been received, reviewed, and agreed by the CHA.
- 8.16** Given the above amendments, officers now consider that the road layout, block sizes and pedestrian links generally accord with what is shown in the 'Illustrative' and 'Conceptual' Masterplan layout and DAS. Furthermore, the proposal accords with the relevant design principles for street design and frontage design described in the different character areas. This allows for direct access to all units for both pedestrians and vehicles. The routes are all well-lit with good levels of natural surveillance.
- 8.17** Street trees have been provided in accordance with the requirements of paragraph 131 of the NPPF, and this is considered acceptable and a large proportion of the streets have grass verges enhancing the quality of the street scene.
- 8.18** In regard to car parking, the County Highways Authority is satisfied that the development meets the car parking standards within the Addendum to Manual for Gloucestershire Streets (October 2021). The majority of units have on-site car parking provisions which is integrated into the development such that the parking does not dominate the street scene. Areas of car parking within the public realm are also overlooked reducing the risk of crime. Where properties don't benefit from a garage, separate cycle storage units are provided within rear gardens.

- 8.19** Overall it considered that the access, internal road layout and car parking provision is acceptable and accords with the 'Illustrative' and 'Conceptual' Masterplan layout and DAS, Policy INF1 of the JCS and the NPPF.

Trees, Landscaping and Open Space

- 8.20** JCS Policy SD6 seeks to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. All applications will consider the landscape and visual sensitivity of the area in which they are to be located and which they may affect. JCS Policy SD4 (iv) requires the design of open space and landscaped areas to be of a high quality design, providing a clear structure and constitute an integral and cohesive element of the design. JCS Policy INF3 states that existing green infrastructure will be protected in a manner which reflects its contribution to ecosystem services.
- 8.21** The principle of the development in the open countryside adjacent to Brockworth, which is not subject to any landscape designation, has been established through the outline consent and the allocation of the site for housing in the JCS. Nevertheless, the site must be carefully designed to ensure its successful integration with Brockworth, the surrounding landscape and the other phases of the development.
- 8.22** The DAS and Masterplan approved through the outline consent developed a landscape strategy which includes, amongst other things, the retention of natural features of importance which would be linked by open spaces; strategic landscaping along the northern edge of the site and within new areas of open space along the brook; a network of swales along some roads and within open space; strategic corridors and 'green fingers' of open space; specimen structural tree planting along principal streets and play areas to provide opportunities to incorporate informal areas of play.
- 8.23** The landscape approach proposed for this phase seeks to retain, protect and enhance the landscape strategy as approved in the DAS and Masterplan of the outline consent. The Council's Landscape Advisor (LA) reviewed the initial and first revised scheme and identified a small number of shortcomings with the landscape approach.
- 8.24** The application site contains a number of green infrastructure corridors, including a corridor which lies centrally through the site along the existing PROW and along the Horsbere Brook. These features are retained and would link into open spaces such as the new NEAP. The proposal would provide informal recreational space as well as a buffer to the proposed built development. The open space would accommodate new routes and connections for walking as well as a children's play area (NEAP). The proposal seeks to maintain existing trees and hedges where possible, which would be integrated into the scheme. Furthermore, the proposal would include significant additional tree planting within the public open space and within plots as well as along the buffer zones adjacent to existing development.
- 8.25** The existing footpath that runs east to west across the site, in between Phases 4 and 6 would need to be re-directed slightly to accommodate a road bridge that would connect the new phases together. This re-direction would cross the road but would link back up to the existing footpath, which would I turn lead to the public open space. This redirection would be subject to a separate footpath diversion order which has not yet been submitted.

- 8.26** The Council's Landscape Advisor (LA) reviewed the initial submitted scheme and provided detailed comments that identified a number of shortcomings with the proposed landscape approach. The applicant has sought to address these matters through the submission of revised plans. The LA has subsequently confirmed that the majority of her concerns have now been addressed. It is considered that the proposed landscaping plans are generally acceptable and would provide an acceptable balance between formal and informal spaces.
- 8.27** The application has been informed by a Tree Quality report which includes details of protection during construction, which satisfied the requirements of Condition 12 of the outline permission. The Council's Tree Officer has reviewed the report and raised no objections to the detail within it.
- 8.28** Given the above it is therefore considered that the proposed landscaping and public open spaces within proposed Phases 4 & 6 would provide a suitable scheme which would be broadly in accordance with the principles of the landscape strategy set out in the approved DAS and Illustrative Masterplan of the outline consent.

Existing and future residential amenity

- 8.29** 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.
- 8.30** The application site is set adjacent to the existing residential development at on the eastern and southern boundaries, Phase 4 abuts Maple Drive, Ermin Park, Cowsley Drive and Bulford Close. The design of the layout of the site has been carefully considered to ensure the development should not cause any undue harm upon the residential amenity of the neighbouring properties.
- 8.31** The distances and relationship between the proposed dwellings have been assessed. Where the dwellings are to be sited back-to-back a distance of at least 21 metres (first floor window to window) would be maintained. This distance is reduced accordingly where dwellings face onto each other at oblique angles which is acceptable as direct overlooking of rear elevations is reduced.
- 8.32** The DAS and Illustrative Masterplan of the outline consent seek to maintain a green buffer between the new dwellings on the eastern edge of Phase 4 and the existing properties along Maple Drive and Ermin Park. The submitted landscape details demonstrate that this buffer can be achieved and includes a range of trees and native shrub planting.
- 8.33** In terms of the proposed internal layout itself, the dwellings on both Phases would all have acceptable levels of outdoor amenity space that would not be unacceptably overlooked by adjacent units. Furthermore, there would be sufficient back-to-back distances between the proposed units, which would ensure good standards of amenity are achieved and maintained.

- 8.34** Further to the above, the amenity of future residents of the development was considered as part of the outline consent, particularly with regards to the proximity of the site to the A417. Accordingly, Condition 24 of the outline consent requires that each reserved matters application which includes dwellings is to be accompanied by a Noise Assessment to identify any dwellings that would be likely to be affected by road noise. A Noise Assessment has been submitted in support of the application and the Environmental Health Officer (EHO) has been consulted in respect of the current scheme.
- 8.35** Highways England originally raised an objection as the submitted Noise Assessment demonstrated that the noise levels in private outdoor spaces (gardens) from the A417 would exceed those set out within the Environmental Impact Assessment at outline stage and would exceed WHO standards expected for daytime levels. This position was supported by the Council's Environmental Health Officer (EHO). As a result of this the applicants have revised the layout of the areas affected, namely the dwellings located along the northern boundaries of Phase 6.
- 8.36** A new Noise Assessment was undertaken with the new layout and demonstrated that these levels could be reduced with the change in layout. The Council's EHO has been reconsulted and now considers the newly submitted Noise Assessment and layout to be satisfactory in terms of the methodology used and the conclusions reached and advises that the noise levels within Phases 4 & 6 would now comply with condition 24, therefore the EHO is satisfied that condition 24 can be discharged/approved for this phase of the development.
- 8.37** It is therefore considered the proposed development would result in acceptable levels of amenity being maintained for the existing residents and secured for future residents of the development.

Affordable housing

- 8.38** Policy SD12 of the JCS sets out a minimum requirement of 40% affordable housing within the Strategic Allocation sites. It follows that where possible, affordable housing should be provided on site and be seamlessly integrated and distributed throughout the development. Affordable housing must also have regard to the requirements of Policy SD11 concerning type, mix, size and tenure. The design of affordable housing should also meet required standards and be equal to that of market housing in terms of appearance, build quality and materials.
- 8.39** The S106 agreement associated with the outline planning permission (dated 16 September 2015) required submission of an Affordable Housing Scheme (AHS) to be approved prior to the first reserved matters application. The Affordable Housing Scheme (Whole Site) (AHSWS) on behalf of ERLP2 and the Society of Merchant Venturers (September 2016 v2) has been approved pursuant to this requirement.
- 8.40** The phasing plan approved with the outline permission sets out indicative capacities for each of the phases. Phases 4 & 6 were expected to deliver a total of 435 dwellings, with Phase 4 delivering 245 and Phase 6 190 dwellings respectively. A deviation from this has been brought forward through this application, Phase 4 would now deliver 226 new homes and Phase 6 would deliver 209. Collectively the proposals would still deliver the 435 dwellings expected across the phases.

8.41 The Affordable Housing Scheme (AHS) for the wider development site identifies that no more than 40% affordable housing shall be provided across the whole site and the number of dwellings that this equates to per phase of development. Of the 600 total affordable housing units 425 will be 'General Affordable Housing' and 175 will be 'Extra Care Affordable Housing.'

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

Phase 4

Affordable Rent

- 16 x 1-bedroom flats
- 12 x 2-bedroom dwellings
- 7 x 3-bedroom dwellings
- 2 x 4-bedroom dwellings

Intermediate Housing

- 16 x 2-bedroom flats
- 18 x 2-bedroom dwellings
- 13 x 3-bedroom dwellings

Phase 6

Affordable Rent

- 16 x 1-bedroom flats
- 6 x 2-bedroom flats
- 10 x 2-bedroom dwellings
- 8 x 3-bedroom dwellings
- 1 x 4-bedroom dwellings

Intermediate Housing

- 10 x 2-bedroom dwellings
- 14 x 3-bedroom dwellings

8.43 The proposed combined provision across the reserved matters submission accords with the total requirement across the two phases (34%) effectively 149 out of 435 units. Phases 4 & 6 are not required to deliver any extra care provision.

8.44 The AHSSW and S106 also require 16 of the affordable homes to be built to Lifetime Home Standards. Following the Government's 2015 'housing standards review' Lifetime Homes standards were replaced by the optional building regulations standard M4(2). The scheme provides a total of 49 homes to meet M4(2) standard.

- 8.45** In respect to clustering, the affordable housing would not exceed the maximum grouping of 25 units set out within the draft clustering plan for each phase, and in many cases provides lower numbers within the clusters proposed. It is considered that the proposed affordable units would also be tenure blind and are equal to that of market housing in terms of appearance and materials.
- 8.46** The Housing Enabling Officer has been consulted on the application and has advised that the proposed affordable housing provisions for Phases 4 & 6 are in line with the S106 agreement and it is considered that the proposed affordable housing provision and arrangement is acceptable.

Foul and Surface Water Drainage

- 8.47** JCS Policy INF2 (2) (iv) requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. Policy INF6 also requires that the infrastructure requirements generated by a proposal are met, including by adequate on and off-site infrastructure.
- 8.48** The principle of developing the site is established by the outline consent which includes an approved overarching drainage strategy for the whole site. A drainage strategy plan has been submitted as part of the current scheme in order to demonstrate how the site-specific drainage infrastructure would accord with the whole site drainage strategy.
- 8.49** Condition 8 of the outline consent required the first reserved matters application submitted in respect to the whole site to include a surface water drainage strategy for the entire site. This was submitted and approved as part of the reserved matters for phase 3. The condition also requires a detailed surface water drainage strategy to be submitted as part of any subsequent reserved matters application for that specific phase. A Drainage Strategy and SuDS Management Plan accompanies the application.
- 8.50** The lead Local Flood Authority (LLFA), Severn Trent and the Environment Agency have all considered the submitted strategy and raise no objection to the approval of reserved matters, in accordance with the engineering plans and management plans submitted.

9. Conclusion

- 9.1** Considering the details discussed above, it is concluded that the proposal would accord with the outline consent and parameters therein and the proposed development would be acceptable in terms of access, layout, scale, appearance and landscaping.

10. Recommendation

The application is therefore recommended for **Approval** subject to the conditions set out below:

11. Conditions

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

Layout Plans

SITE LOCATION PLAN (PHASE 4&6) - P21-1950_04-1 REV C
SITE LAYOUT NORTH - P21-1950_09-1 REV P
SITE LAYOUT SOUTH - P21-1950_09-2 REV P
SITE LAYOUT COMPOSITE - P21-1950_09-3 REV P
MATERIALS PLAN NORTH - P21-1950_12-1 REVE
MATERIALS PLAN SOUTH - P21-1950_12-2 REV E
MATERIALS PLAN - P21-1950_12 REV E
REFUSE STRATEGY NORTH - P21-1950_15-1 REV E
REFUSE STRATEGY SOUTH - P21-1950_15-2 REV E
PARKING STRATEGY NORTH - P21-1950_16-1 REV E
PARKING STRATEGY SOUTH - P21-1950_16-2 REV E
BUILDING HEIGHTS PLAN - P21-1950_17 REV E
POS PLAN - P21-1950_18 REV E
MOVEMENT PLAN - P21-1950_19 REV E
Illustrative Streetscenes - P21-1950_20 REV A
AFFORDABLE HOUSING PLAN - P21-1950_20 REV E
CHARACTER AREAS PLAN - P21-1950_21 REV E
Design Compliance Statement - P19-1950_30 REV C

Housetype Drawings

HOUSE PACK - Part1 - P21-1950_13 REV H
HOUSE PACK - Part2 - P21-1950_13 REV H

Landscape Plans

Landscape General Arrangement - 3030-5-2-DR-5000 REV P6
Planting Plan 1 of 16 - 3030-5-2-DR-5001 REV P5
Planting Plan 2 of 16 - 3030-5-2-DR-5002 REV P4
Planting Plan 3 of 16 - 3030-5-2-DR-5003 REV P4
Planting Plan 4 of 16 - 3030-5-2-DR-5004 REV P4
Planting Plan 5 of 16 - 3030-5-2-DR-5005 REV P4
Planting Plan 6 of 16 - 3030-5-2-DR-5006 REV P4
Planting Plan 7 of 16 - 3030-5-2-DR-5007 REV P4
Planting Plan 8 of 16 - 3030-5-2-DR-5008 REV P5
Planting Plan 9 of 16 - 3030-5-2-DR-5009 REV P4
Planting Plan 10 of 16 - 3030-5-2-DR-5010 REV P4
Planting Plan 11 of 16 - 3030-5-2-DR-5100 REV P5
Planting Plan 12 of 16 - 3030-5-2-DR-5101 REV P4
Planting Plan 13 of 16 - 3030-5-2-DR-5501 REV P4
Planting Plan 14 of 16 - 3030-5-2-DR-5701 REV P4
Planting Plan 15 of 16 - 3030-5-2-DR-5702 REV P5
Planting Plan 16 of 16 - 3030-5-2-DR-5703 REV P6
Landscape Layout - NEAP - 3030-5-2-DR-5017 REV P5
Landscape Layout – Northern Bund - 3030-5-2-DR-50018 REV P5
South-eastern Boundary Landscape Buffer - 3030-5-2-DR 2019 REV P1

Hard Surfaces, Furniture and Boundary Treatments – 1 of 4 - 3030-5-2-DR-5101 REV P4
Hard Surfaces, Furniture and Boundary Treatments – 2 of 4 - 3030-5-2-DR-5102 REV P5
Hard Surfaces, Furniture and Boundary Treatments – 3 of 4 - 3030-5-2-DR-5103 REV P5
Hard Surfaces, Furniture and Boundary Treatments – 4 of 4 - 3030-5-2-DR-5104 REV P5
Typical Tree Planting Detail - 3030-5-2-DR-5501 REV P1

Engineering Plans

Acoustic Barrier Sheet 1 of 2 PB-STN-HAC-OS-SK-CH-0101 P02
Acoustic Barrier Sheet 2 of 2 PB-STN-HAC-OS-SK-CH-0102 P02
Technical Note: Response to National Highways comments re Noise Bund
General Arrangement - PB-STN-HAC-OS-DR-CH-0101 REV P04
General Arrangement - PB-STN-HAC-OS-DR-CH-0102 REV P04
Swept Path Analysis - PB-STN-HAC-OS-DR-CH-0121 REV P05
Swept Path Analysis - PB-STN-HAC-OS-DR-CH-0122 REV P04
Fire Tender Swept Path Analysis - PB-STN-HAC-OS-DR-CH-0123 REV P03
Fire Tender Swept Path Analysis - PB-STN-HAC-OS-DR-CH-0124 REV P03
Swept Path Analysis Bus Route - PB-STN-HAC-OS-DR-CH-0125 REV P01
Road Contours and FFL Plan - PB-STN-HAC-OS-DR-CH-0151 REV P04
Road Contours and FFL Plan - PB-STN-HAC-OS-DR-CH-0152 REV P04
Long Sections - PB-STN-HAC-OS-DR-CH-0161 REV P02
Long Sections - PB-STN-HAC-OS-DR-CH-0162 REV P02
Long Sections - PB-STN-HAC-OS-DR-CH-0163 REV P02
Long Sections - PB-STN-HAC-OS-DR-CH-0164 REV P02
Long Sections - PB-STN-HAC-OS-DR-CH-0165 REV P02
Street Lighting Plan - PB-STN-HAC-OS-DR-CH-1301REV P04
Street Lighting Plan - PB-STN-HAC-OS-DR-CH-1302 REV P04
Acoustic Barrier - PB-STN-HAC-OS-SK-CH-0101 REV P03
Acoustic Barrier - PB-STN-HAC-OS-SK-CH-0102 REV P03
Drainage Layout - PB-STN-HDG-OS-DR-CH-0501 REV P05
Drainage Layout - PB-STN-HDG-OS-DR-CH-0502 REV P05
Lighting Design Calculations
TN001 - Hydraulic Modelling Tech Note
Horsbere Brook Crossing Details - PB-STN-SBR-HBC-DR-CB-0001 REV P02

Reports

Affordable Housing Statement
Environmental Noise Survey – Noise.co.uk / 18.01.23
Arboricultural Method Statement
Ecology Update Report - DJC / 18.02.22

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

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

- 2 The Development hereby approved shall not be occupied until the access, parking and turning facilities that that individual building to the nearest public highway has been provided as shown on drawings 'PB-STN-HAC-OS-DR-CH-0101 P04' and 'PB-STN-HAC-OS-DR-CH-0102 P04'.

Reason: To ensure conformity with submitted details.

- 3 Notwithstanding the development hereby approved, prior to the commencement of development details of all of the attenuation basins landscaping, including; provisions of knee rails around its edge of the basin, the introduction of tree planting and native scrub within the basin, the provision of timber post and rail fence to the top of the headwall, and the cladding of the headwalls in stone shall first be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved.

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

- 4 The development hereby permitted shall be carried out in accordance with the measures detailed within the noise report dated 18th January 2023 by noise.co.uk and shall be implemented in full both internally and externally.

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

- 5 Where excavations or surface treatments are proposed within the root protection areas (RPA) of retained tree T11, full details shall be submitted to and approved in writing by the local planning authority before any development starts. The RPA is defined in BS5837:2012. Details shall include the proposed locations of excavations and/or surface treatments, proposed methods & specifications of excavations and/or surface treatments and any post excavation remedial works. All excavations or surface treatments shall be carried out in accordance with the approved details.

Reason: To prevent damage to or loss of trees

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

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

12. Informatives

- 1 In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
- 2 The decision is to be read in conjunction with planning permission 12/01256/OUT including the associated S106 legal agreements.

- 3** The developer is advised that all pre-commencement conditions on outline approval ref: 12/01256/OUT shall be submitted to the LPA and approved in writing, prior to commencement of the development hereby approved.
- 4** The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.
- 5** Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

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

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.
- 6** The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.
- 7** All new streets must be tree lines as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.
- 8** There is a public right of way running through the site, the applicant will be required to contact the PROW team to arrange for an official diversion, if the applicant cannot guarantee the safety of the path users during the construction phase then they must apply to the PROW department on 08000 514514 or highways@gloucestershire.gov.uk to arrange a temporary closure of the right of way for the duration of any works.
- 9** We advise you to seek your own independent legal advice on the use of the public right of way for vehicular traffic.
- 10** The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.
- 11** The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

- 12** Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway. Construction Management Plan (CMP)
- 13** It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says: Constructors should give utmost consideration to their impact on neighbours and the public.
- Informing, respecting and showing courtesy to those affected by the work;
 - Minimising the impact of deliveries, parking and work on the public highway;
 - Contributing to and supporting the local community and economy; and
 - Working to create a positive and enduring impression, and promoting the Code.
- 14** The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues. Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

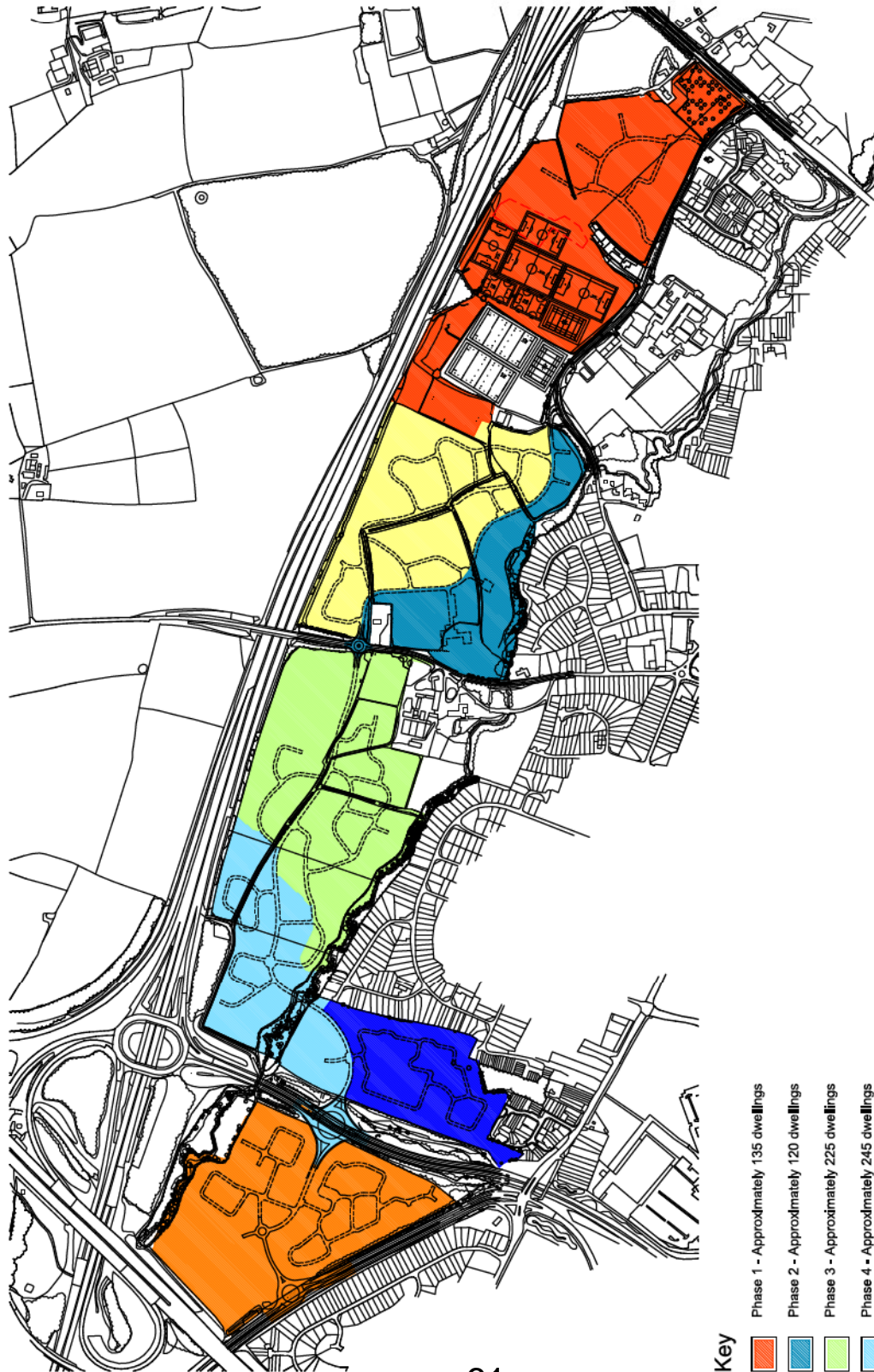


KEY: SITE LOCATION PLAN
 APPLICATION BOUNDARY



PERIMETER BROOK - PHASE 4&6 - SITE LOCATION PLAN





Key

- Phase 1 - Approximately 135 dwellings
- Phase 2 - Approximately 120 dwellings
- Phase 3 - Approximately 225 dwellings
- Phase 4 - Approximately 245 dwellings
- Phase 5 - Approximately 295 dwellings
- Phase 6 - Approximately 190 dwellings
- Phase 7 - Approximately 290 dwellings



Perrybrook, Brockworth
Site Phasing Plan

Revisions	Date	By	Checked
1. Initial design	06/01/11	AT	AT
2. Revise design	06/01/11	AT	AT
3. Revise design	06/01/11	AT	AT
4. Revise design	06/01/11	AT	AT
5. Revise design	06/01/11	AT	AT
6. Revise design	06/01/11	AT	AT
7. Revise design	06/01/11	AT	AT
8. Revise design	06/01/11	AT	AT
9. Revise design	06/01/11	AT	AT
10. Revise design	06/01/11	AT	AT

Project: Perrybrook, Brockworth
Client: ERLP 2 Ltd and The Society of Merchant Venturers
Title: Phasing Plan for Development
Drawing number: 10.67.111
Scale: FOR PLANNING
Drawn By: DAL
Checked By: AT
Date: 28-02-12
Scale @ A2: N.T.S.



MHP DESIGN, 125, COSEWICK HOUSE, 117 BURY ROAD, GOSWENHAM, GLOS. TEL: 01422 285432. E: info@mhpdesign.com W: www.mhpdesign.com



KEY: SITE LAYOUT

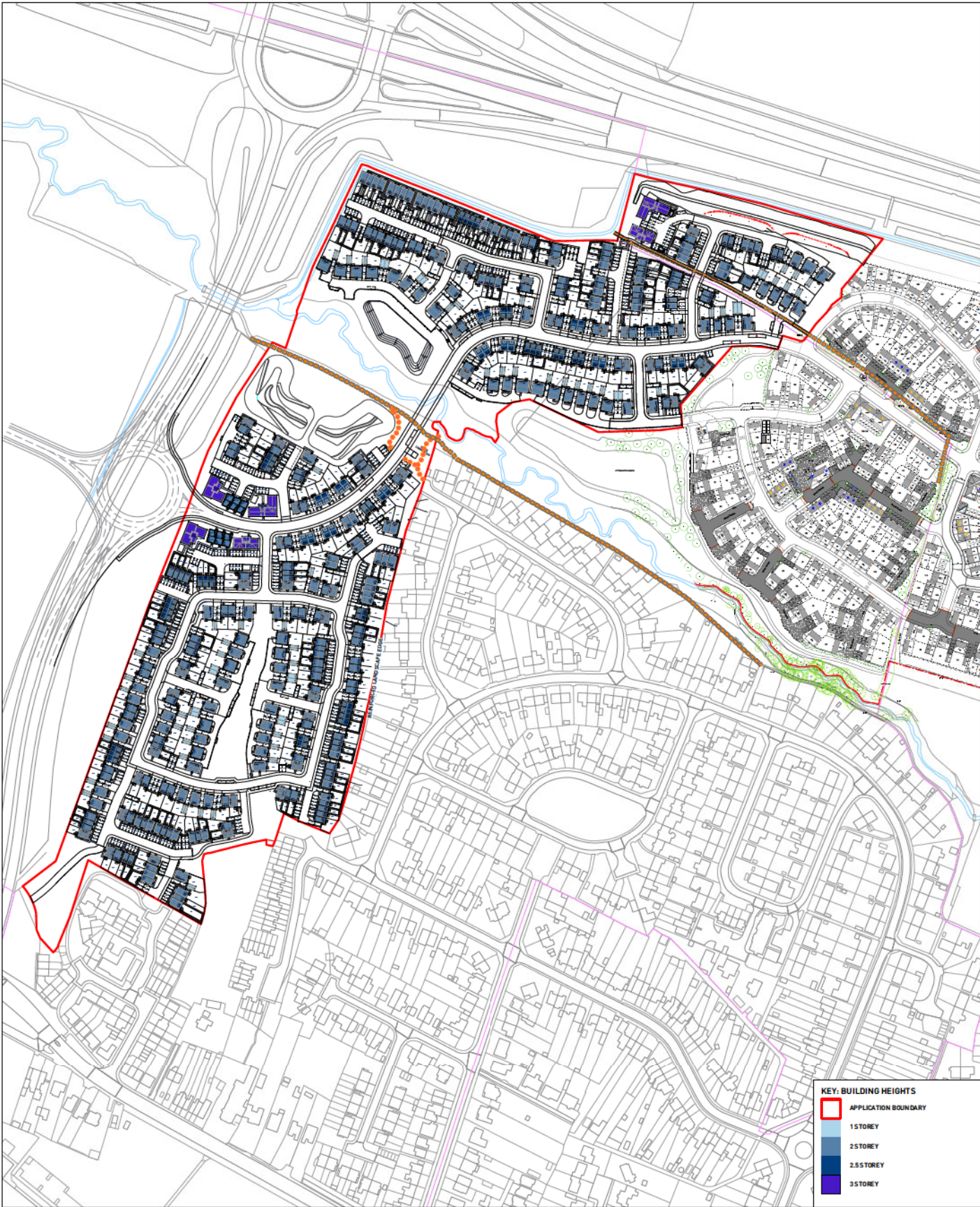
- APPLICATION BOUNDARY
- AFFORDABLE HOUSING (SHARED OWNERSHIP)
- AFFORDABLE HOUSING (RENTED)
- GARDEN/POS/HIGHWAY VERGE (SEE DETAILED LANDSCAPE PROPOSALS)
- TARMACADUM
- BLOCK PAVING (SEE BOUNDARIES AND SURFACES PLAN)
- FRONT PATH (400 X 200 PAVING SLABS)
- 1.5M HIGH BRICK WALL (SEE BOUNDARIES PLAN)
- 1.8M FENCE (SEE BOUNDARIES PLAN)
- KNEE RAIL (SEE BOUNDARIES PLAN)
- POST AND RAIL FENCING (SEE BOUNDARIES PLAN)
- PDS1 ANU RAIL FENCING WITH MESH (SEE BOUNDARIES PLAN)
- RETAINING WALL (SEE CHANGING PLANS)
- ACOUSTIC FENCING (SEE BOUNDARIES PLAN)
- PROPOSED EASEMENT DIVERSION
- PROW (PUBLIC RIGHT OF WAY LOCATION)
- PROPOSED TREE PLANTING
- EXISTING VEGETATION
- EXISTING TREE (REFERS TO TREE RETENTION PLAN)
- ROOT PROTECTION ZONE
- TREE REMOVED
- BIN COLLECTION POINT
- HANDINGS
- 6 X 4 M SHED (CYCLE STORAGE)

Perrybrook 4 & 6
Accommodation Schedule

Use/Type	Sq. Ft	Sq. m	ST	BEES	NI's	TOTAL
OPEN MARKET HOUSING						
AP1 2B	1,116	103.1	0	0	0	36
ASHTED	405	37.4	0	0	0	36
WALSHY R	864	80.1	0	0	0	36
LOVE	806	75.0	2.5	0	0	24
CHORDON	997	92.4	0	0	0	36
FLYBY	1,102	102.0	3.5	0	0	24
BIWERT	1,176	109.0	0	0	0	36
MAIR BORDUGH	1,347	125.1	0	0	0	36
WINKFIELD	1,371	127.0	0	0	0	36
STICKLEBROOK	1,371	127.0	0	0	0	36
sub total (Open Market)						288
AFFORDABLE HOUSING						
AP1 1B	530	49.1	0	1	1	10
AP2 2B	540	50.2	0	1	1	10
AP2 1B	410	38.1	0	0	0	6
AP1 2B	553	51.3	0	1	1	10
AP1 1B	474	44.2	0	1	1	10
AP1 4B	1,028	95.3	0	1	1	20
sub total (Affordable)						149
TOTAL						437

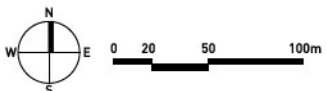






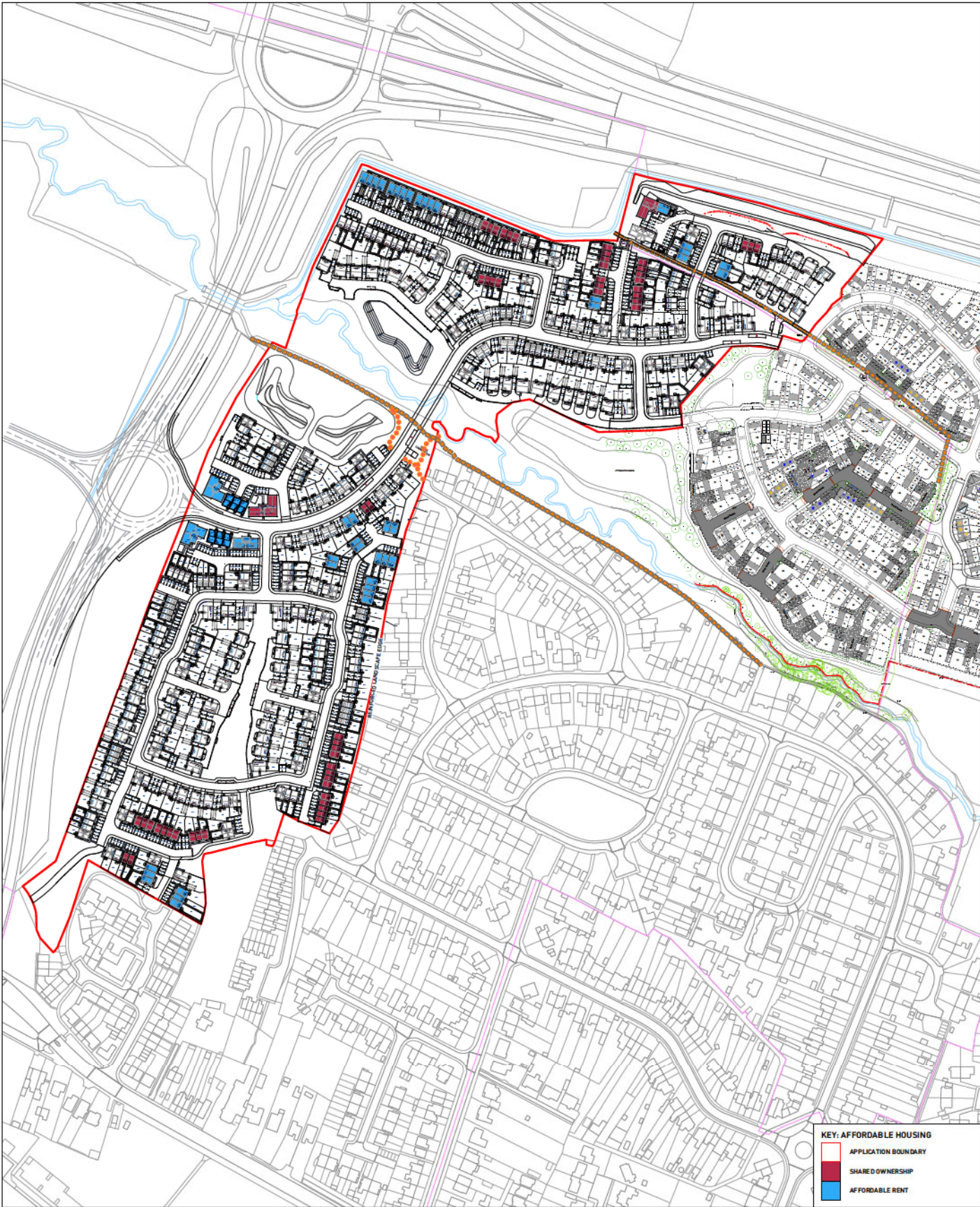
KEY: BUILDING HEIGHTS

- APPLICATION BOUNDARY
- 1 STOREY
- 2 STOREY
- 2.5 STOREY
- 3 STOREY



65 PERRYBROOK - BUILDING HEIGHTS PLAN





KEY: AFFORDABLE HOUSING
 APPLICATION BOUNDARY
 SHARE OWNERSHIP
 AFFORDABLE RENT



66 GERRYBROOK - AFFORDABLE HOUSING PLAN





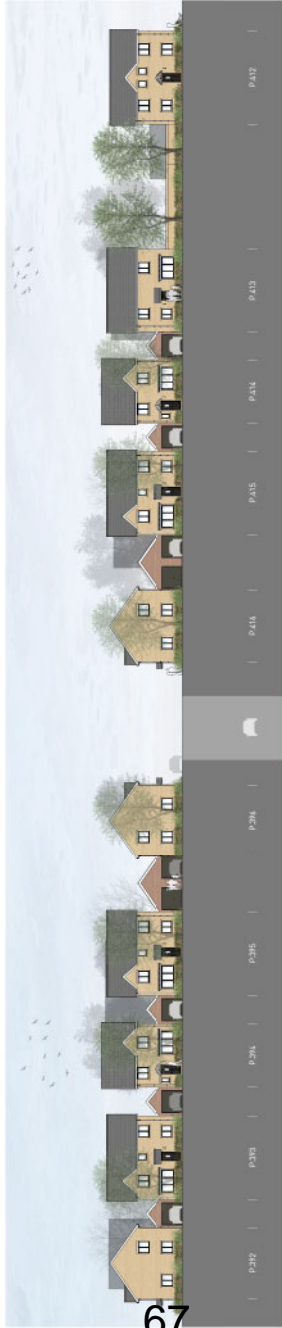
SITE LAYOUT (NOT TO SCALE)



STREETSCENE B

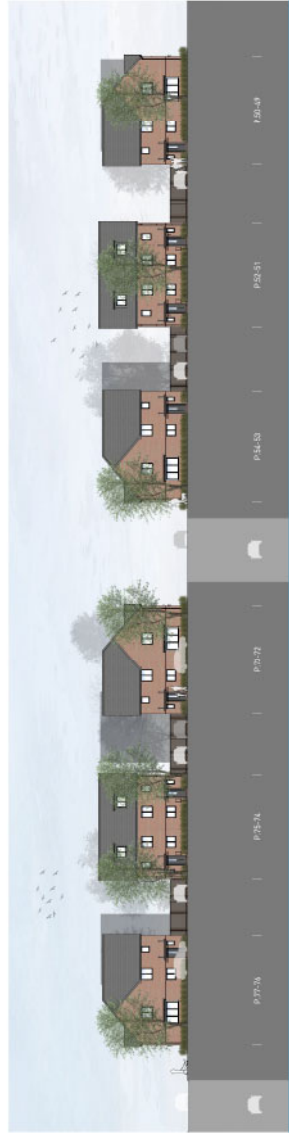


STREETSCENE A

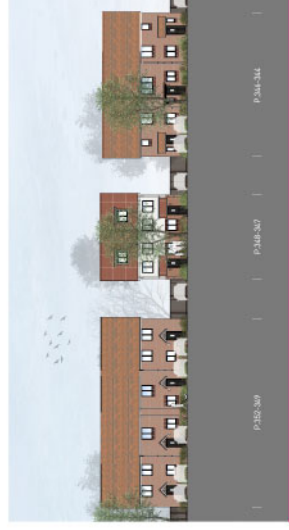


STREETSCENE C

67



STREETSCENE D



STREETSCENE E



PERRYBROOK - ILLUSTRATIVE STREETSCENE

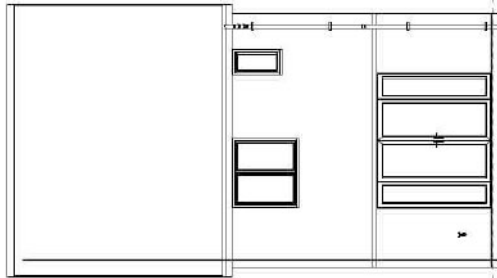
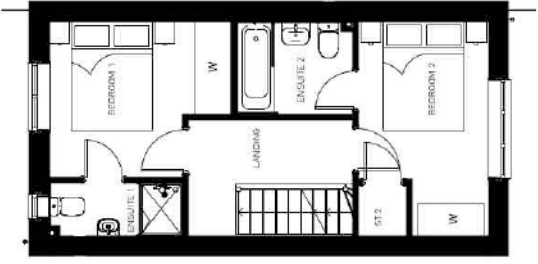


FRONT ELEVATION

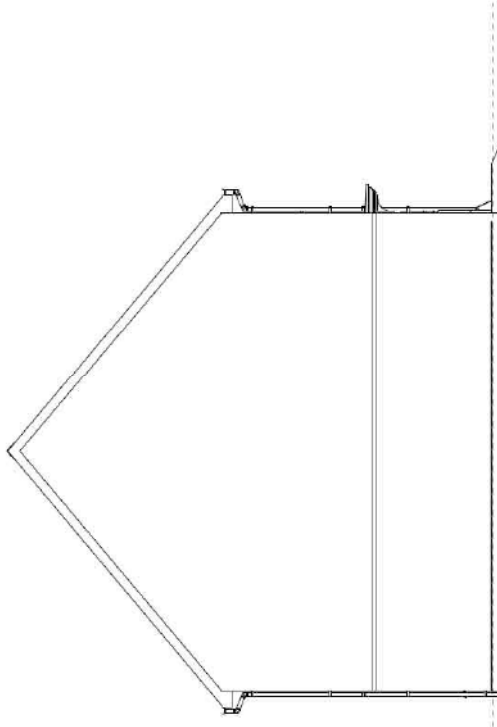


SIDE ELEVATION

FIRST FLOOR

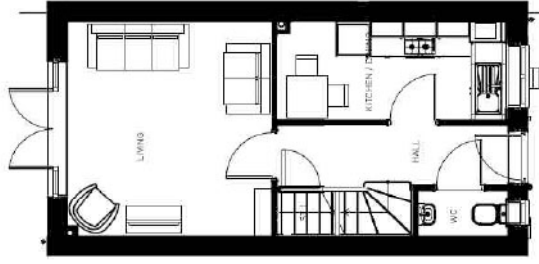


REAR ELEVATION



SIDE ELEVATION

GROUND FLOOR



PERRYBROOK ASHTEAD (SPINE ROAD)

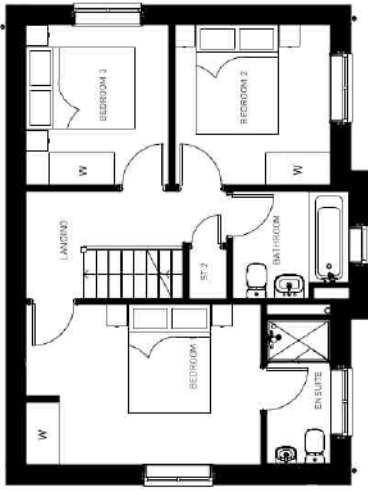


PLOTS: 49, 54(H), 72, 77(H), 144(H), 147, 163(H), 164, 169(H), 183(H), 185, 191(H), 422, 435(H),

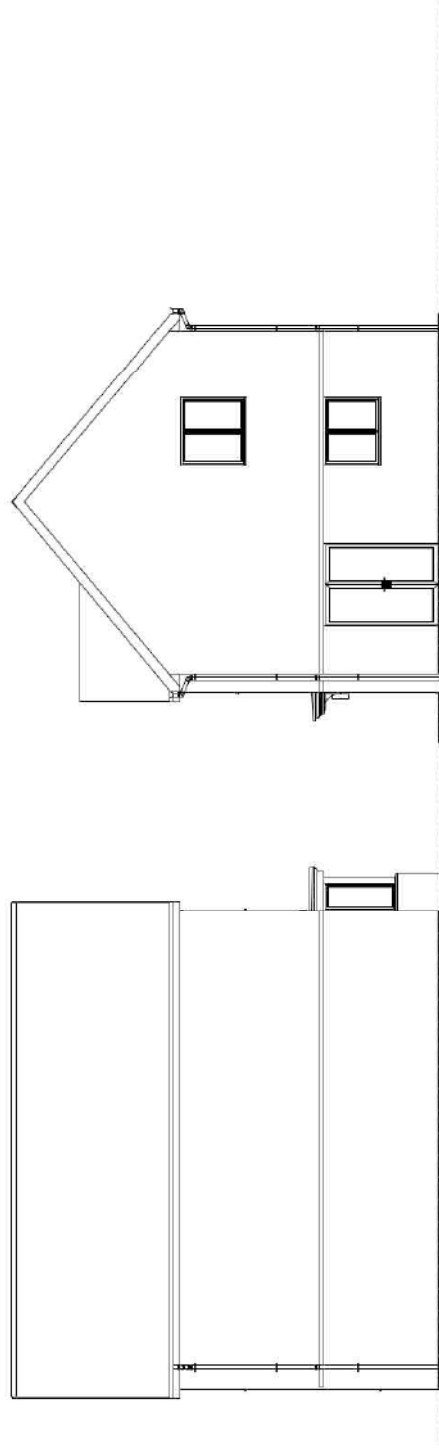


FRONT ELEVATION

SIDE ELEVATION

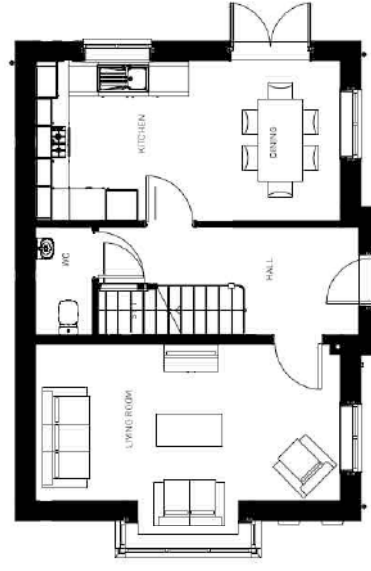


FIRST FLOOR



REAR ELEVATION

SIDE ELEVATION



GROUND FLOOR

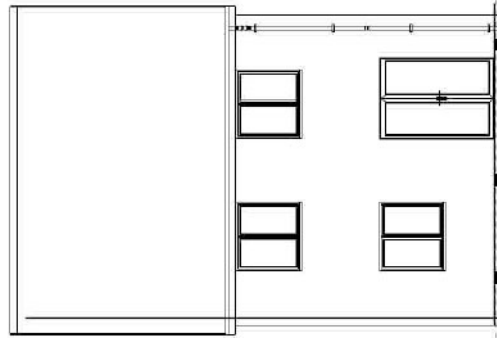




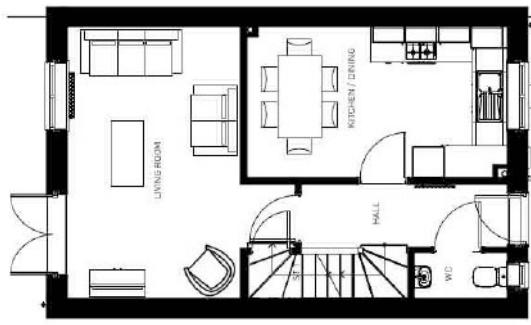
FRONT ELEVATION



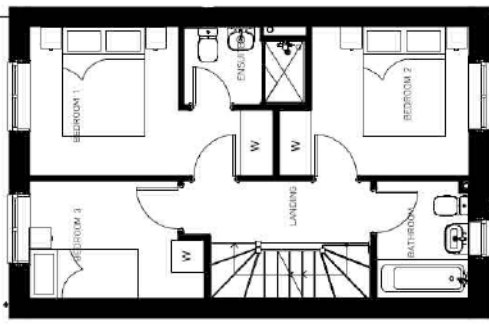
SIDE ELEVATION



REAR ELEVATION



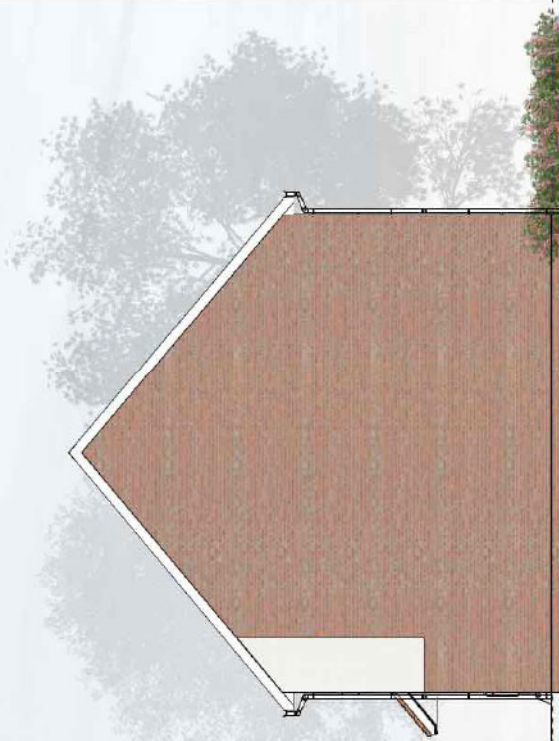
GROUND FLOOR



PLOTS: 78(H), 80, 83, 121(H), 131, 137, 266(H), 267, 372(H), 375, 402(H), 405

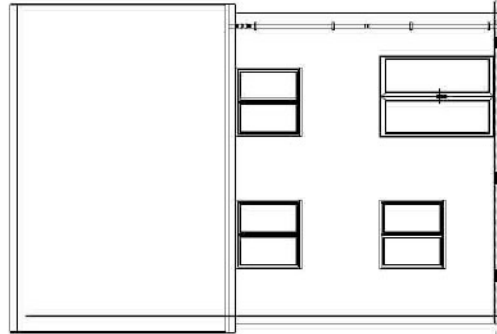


FRONT ELEVATION

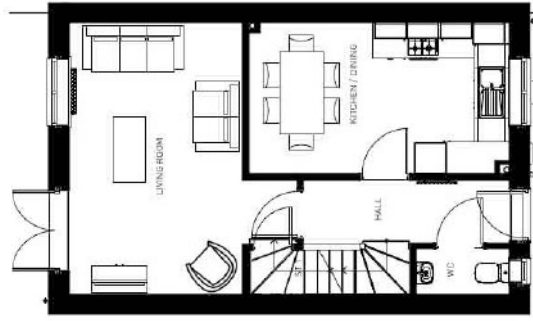
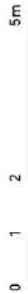


SIDE ELEVATION

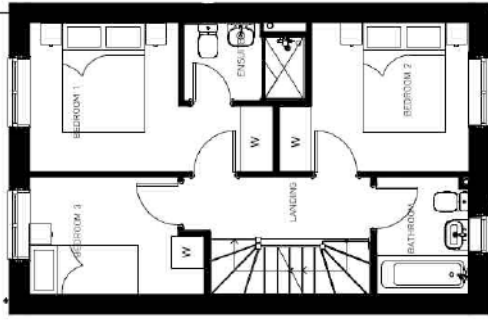
73



REAR ELEVATION



GROUND FLOOR



FIRST FLOOR

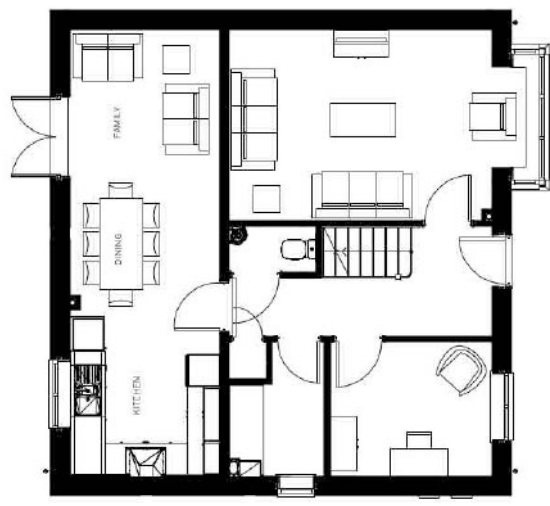
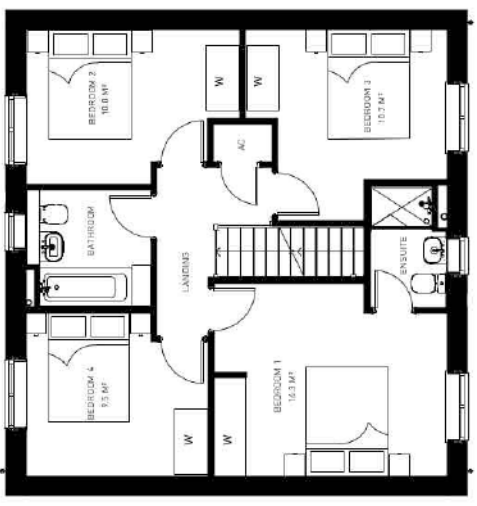
PERRYBROOK HATFIELD (VILLAGE RENDER)



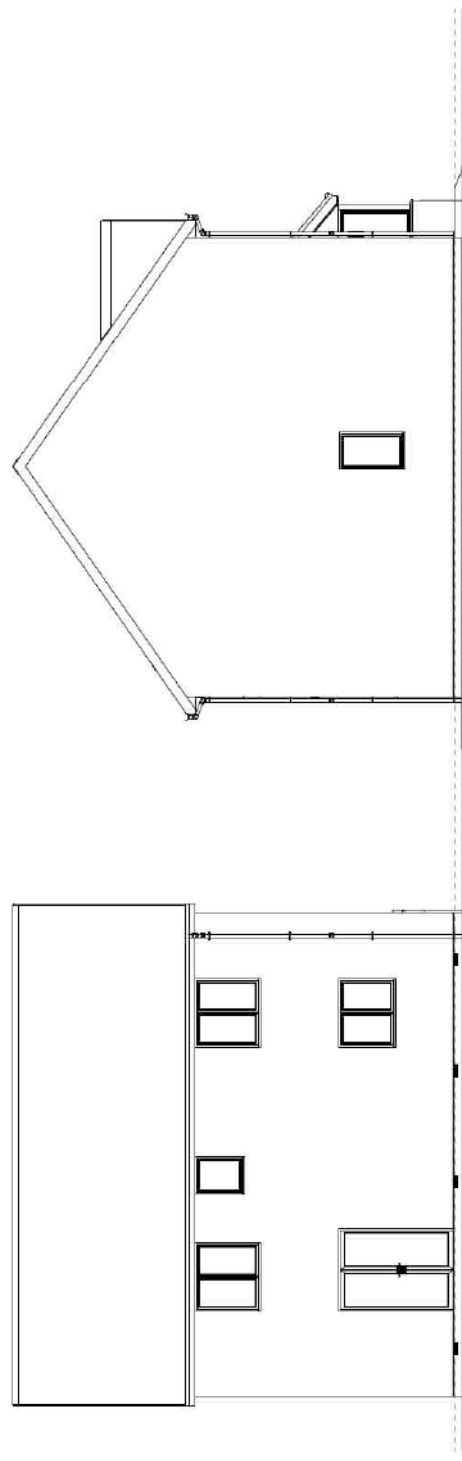


FRONT ELEVATION

SIDE ELEVATION



GROUND FLOOR



REAR ELEVATION

SIDE ELEVATION



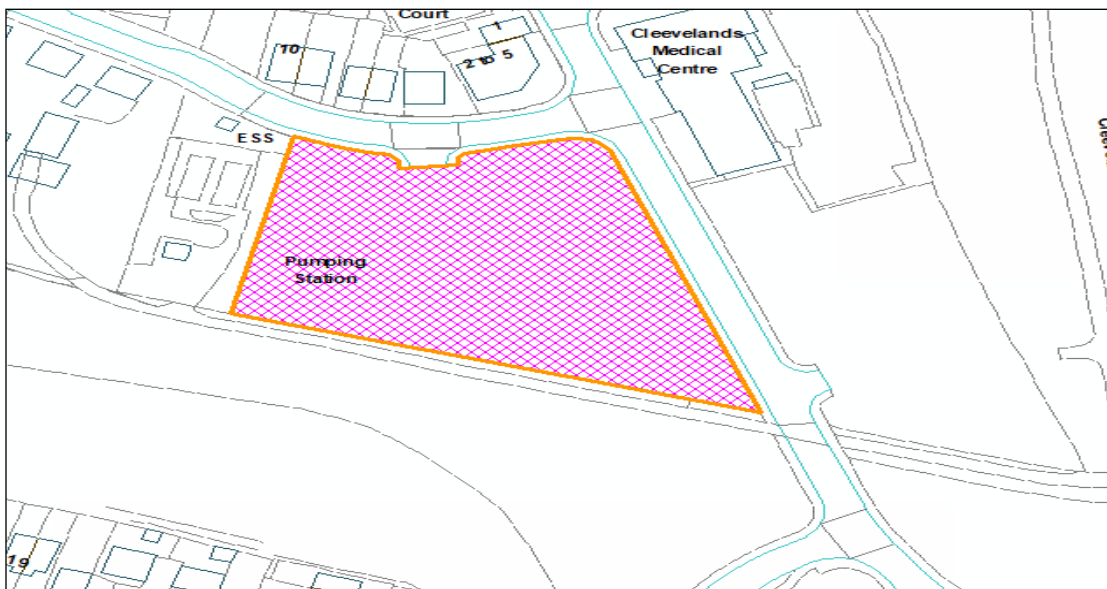
PERRYBROOK WINKFIELD (RURAL EDGE)



Planning Committee

Date	21 March 2023
Case Officer	Jonny Martin
Application No.	21/01173/FUL
Site Location	Land Off Ruby Avenue, Bishop's Cleeve
Proposal	Residential development to erect 22 units with associated car parking (100% affordable).
Ward	Cleeve West
Parish	Bishops Cleeve
Appendices	Site Location Plan D100 Rev A Site Layout Plan D20 Rev N Floor Plans and Elevations House Types C Plots 1-2, 21-22 D14 Rev A Floor Plans and Elevations House Types B/D Plots 3-4 D12 Rev B Floor Plans and Elevations House Types B/D Plots 5-6 D11 Rev B Floor Plans and Elevations House Types A1 Plots 7-12 D10 Rev A Floor Plans and Elevations House Types F/F1 Plots 13-16 D16 Rev B Floor Plans and Elevations House Types E Plots 17-18 D15 Rev A Floor Plans and Elevations House Types C Plots 19-20 D13 Rev A Detail Planting Plan D900 Rev B Bin Strategy Plan D95 Amenity Areas and POS figures D20
Reason for Referral to Committee	Full application for the erection of 10 or more residential units and 38 objections have been received.
Recommendation	Delegated Permit

Site Location



1. The Proposal

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R0B0F1QDHAH00>

- 1.1 This proposal is for an 100% affordable housing scheme for 22 units, including flats and semi-detached properties.
- 1.2 The applicant has provided the following technical reports:
 - Foul Sewage and Utilities Assessment
 - Waste Management and Outline Construction Environmental Management Plan
 - Lighting Assessment
 - Flood Risk Assessment
 - Marketing brochures and information
 - Open Space Management Plan
 - Transport Statement
 - Energy Statement
 - Housing Statement
 - Tree Survey and Arboricultural Impact Assessment
- 1.3 A design and access statement has also been submitted which sets out the design and layout principles. Following the comments of the statutory consultee, the proposed plans for the site have been revised.
- 1.4 The proposed plans have been appended as part of Committee Report. The layout of the scheme of the site, creating an active frontage along Sapphire Road and Palm Court. The dwelling houses are proposed to be two storey and a mixture of 2 and 3 bedrooms by way of flatted development and semidetached houses. Each proposed unit complies with the National Space Standards.

2. Site Description

- 2.1 The proposed site consists of land approximately 0.50ha forming part of the 'Cleevelands' mixed-use development. This was granted outline consent by the Secretary of State in July 2012, following a Public Inquiry, and comprises up to 550 dwellings, including 30 units for retired people; a high street comprising 4 units with a gross retail floor space of 475sqm, plus ancillary accommodation of 475sqm (classes A1, A2, A3, A4 & A5), 15 units with a floor space of 3,750sqm for class B1 and D1 uses and 16 live/work units; a community facility with a hall; extension to allotments; open space provision including changing rooms; sustainable drainage provisions and accesses from the A435 and Little Acorns. Numerous reserved matters have been approved since the grant of outline consent.
- 2.2 The current application site parcel lies adjacent to a recently approved residential development immediately to the north. Opposite, on the eastern side of Sapphire Road, sits the Cleevelands Medical Centre and the west side of the plot is adjacent to open countryside. The western side of the site is located in Flood Zone 2 and the eastern in Flood Zone 1. The site is not subject to any landscape designations.

- 2.3** The application site is located centrally within the overall development. It sits to the north of a swathe of public open space (POS), which runs east to west, and is located to the western side of the main spine road. It is identified within the Cleavelands Masterplan as an area designated as a 'High Street' which made provision for 475 sqm of floor space for A1, A2, A3, A4 and A5 uses, 15 units with a floor space of 3,750sqm for class B1 and D1 uses and 16 live/work units to serve the Cleavelands development as well as the wider community.
- 2.4** Planning permission was granted on the site in 2020 (ref. 18/01031/FUL) for the erection of a 725sqm (gross) Marston's family pub and restaurant (Class A4) and ancillary accommodation (managers flat), community amenity area, with associated access, parking and landscaping. However, this scheme has not been implemented.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
10/01216/OUT	Application for up to 550 dwellings, including 30 units for retired people; a high street comprising 4 units with a gross retail floor space of 475sqm, plus ancillary accommodation of 475sqm (classes A1, A2, A3, A4 & A5), 15 units with a floor space of 3,750sqm for class B1 and D1 uses and 16 live/work units; A community facility with a hall; extension to allotments; open space provision including changing rooms; sustainable drainage provisions and accesses from the A435 and Little Acorns	NONDET	16.07.2012
12/00903/FUL	Variation of condition 23 of planning permission reference: 10/01216/OUT which requires at least 20% of the energy to come from decentralised and renewable or low carbon sources. Variation to require at least 10%.	REF	03.04.2013
12/00905/FUL	Removal of condition 24 of planning permission reference 10/01216/OUT which requires a 30% improvement in carbon reduction above 2010 Building Regulations requirements for the residential development.	REF	03.04.2013
14/00390/APP	Reserved matters application for residential development for 160 dwellings to phase 1A and 2A, together with all associated highways, access, landscaping and other infrastructure works.	APPROV	26.11.2014
16/00106/PRE	Proposed construction of a 70 bed care home and associated works	DONE	11.06.2016
16/00199/PRE	50 x Retirement Living apartments with associated parkings.	DONE	09.12.2016

17/00031/PRE	It is proposed to establish a public house/restaurant A3/A4 use on the site with associated landscaping and parking. The proposed building would be two storeys and would contain a manager's apartment on the first floor.	DONE	26.06.2017
18/01031/FUL	Erection of a 725sqm (gross) Marston's family pub and restaurant (Class A4) and ancillary accommodation (managers flat), community amenity area, with associated access, parking and landscaping.	PER	07.02.2020
20/00017/PRE	Development of retirement living (C2) apartments and associated parking	NEGPD	17.02.2022
20/00055/PRE	Erection of 22 residential dwellings, access, landscaping and associated works.	DONE	10.09.2020

4. Consultation Responses

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

4.1 Building Control – No response

4.2 Bishops Cleeve Parish Council – Objects to the proposal for the following reasons:

- Residential instead of commercial development
- Not suitable due to pumping station causing nuisance to residents
- Concerns around the fenestration
- Request for conditions relating to landscaping and a CEMP

4.3 County Archaeological Team – No objection

4.4 County Highways Authority – No objection subject to conditions.

4.5 National Highways – No objection

4.6 Lead Local Flood Authority – Following the receipt of a revised layout and levels plan, updated that Severn Trent will be adopting the foul drainage and accounting for climate change, the LLFA has no objections to the proposal and does not require any conditions.

4.7 Drainage Officer – No objection.

4.8 Housing Enabling Officer – The proposed tenure is acceptable. The LHNA requires 50% to meet M4(2) and 5% to meet M4(3)B as a minimum.

4.9 Landscape Advisor – No response received.

4.10 Tree Officer – No objection subject to conditions

4.11 Ecology Advisors – no objection subject to condition for bird boxes and hedgerows fencing.

- 4.12 **Natural England** – No comment provided
- 4.13 **Environmental Health** – No objection subject to conditions.
- 4.14 **County Minerals and Waste** – No objection subject to conditions.
- 4.15 **Severn Trent** – No objection subject to conditions.
- 4.16 **Contributions** – Gloucestershire County Council have requested an education contribution of £176,367.28. Further analysis on this issue is discussed below.

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. The application has been publicised through the posting of a site notice for a period of 21 days and neighbour notification letters were posted.
- 5.2 38 letters or representation were received objecting to the proposal raising the following concerns (summarised):
- Objection to the loss of community facility
 - Further housing would lead to traffic and parking issues for existing residents
 - Further housing would place greater demand on already struggling infrastructure
 - More amenities are required for the existing community
 - Further housing would put a strain on the existing local amenities
 - The design of the houses along Sapphire Road would not be aesthetically pleasing
 - The parking layout for occupiers is unacceptable
 - Two/three storey buildings will restrict views from Sapphire Road
 - Aspbury Planning have submitted an objection on behalf of Warners Retail (South West) Ltd who object to the loss of retail units and the erection of affordable housing. They accept there may not be a demand for a public house in this location but they believe there is a demand for alternative local services and facilities.
- 5.3 Responses to the objections raised above are dealt with throughout the report as detailed below.

6. **Relevant Planning Policies and Considerations**

6.1 Statutory Duty

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

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

6.2 National guidance

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

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

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

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

- Policy RES3 (New Housing Outside Settlement Boundaries)
- Policy RES5 (New Housing Development)
- Policy RES12 (Affordable Housing)
- Policy RES13 (Housing Mix)
- Policy DES1 (Housing Space Standards)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy ENV2 (Flood Risk and Water Management)
- Policy RCN1 (Public Outdoor Space, Sports Pitch and Sports Facility Provision)
- Policy RCN2 (New Sports and Recreational Facilities)
- Policy COM2 (Broadband Provision)
- Policy TRAC1 (Pedestrian Accessibility)
- Policy TRAC2 (Cycle Network and Infrastructure)
- Policy TRAC9 (Parking Provision)

6.5 Neighbourhood Plan

None

7. Policy Context

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

7.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), 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

Principle of development

- 8.1 Insert text In order to further sustainability objectives and in the interests of protecting the countryside, the housing policies of the JCS set out a development strategy for the Borough. Strategic Policies SP1 and SP2 of the JCS set out the scale and distribution of development to be delivered across the JCS area in the period to 2031.
- 8.2 As set out above, outline permission was granted for the land, as part of a major housing development at Bishops Cleeve in 2012. The Masterplan approved as part of the outline consent identified the site as falling within an area designated as a High Street, which made provision for 475 sqm of floor space for A1, A2, A3, A4 and A5 uses; 15 units with a floor space of 3,750sqm for class B1 and D1 uses and 16 live/work units to serve the Cleavelands development as well as the wider community. However, the outline consent contained a condition which required reserved matters to be submitted on or before 16 July 2016. No reserved matters application has been advanced on this parcel of land.
- 8.3 Planning permission 18/01031/FUL was granted in February 2020 for the erection of a family pub and restaurant. This planning permission has not been implemented and no conditions have been discharged.
- 8.4 Although planning permission has been granted for community facilities on this parcel of land, neither the retail or pub schemes have been implemented for this site and therefore in planning terms the land effectively reverts back to agricultural use. An assessment of the extant permission for the public house is addressed below.
- 8.5 Bishops Cleeve is defined as a Rural Service Centre in the JCS and is recognised as a settlement that contains a "higher range of services and facilities". JCS Policy SP2 sets out that Rural Service Centres and Service Villages will accommodate lower levels of development to be allocated through the Borough Plan and Neighbourhood Development Plans (NDPs), proportional to their size and function, and also reflecting their proximity to Cheltenham and Gloucester and taking into account the environmental, economic and social impacts including existing levels of growth over the plan period.
- 8.6 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. Although the site doesn't form part of a Strategic Allocation, the site forms part of the wider Cleavelands development therefore has already been deemed suitable for development. The Cleavelands development includes the provision of services within walking distance of the site and there is access to public transport.

- 8.7** Policy RES2 of the TBLP states that within settlement boundaries, the principle of residential development is acceptable subject to the application of all other policies in the Local Plan. The application site is within the defined settlement boundary for Bishops Cleeve as shown on Map D of the TBLP thus would accord with Policy RES2. As such, taking account of the above matters the principle of residential development at the site is acceptable in principle, subject to other material planning considerations detailed below

Extant Permissions relating to Retail and Public House

- 8.8** The proposed site was identified in the Cleavelands Masterplan (10/01216/OUT) as land which would provide part of a local centre to serve the Cleavelands development to provide 4 units with a gross retail floor space of 475sqm, plus ancillary accommodation of 475sqm (classes A1, A2, A3, A4 & A5). It is important that facilities and services are provided for residents of the new development as providing a mix of uses is fundamental to creating a successful community. Planning permission 18/01031/FUL was granted for the erection of a 725sqm (gross) Marston's family pub and restaurant (Class A4).
- 8.9** In relation to the Cleveland's Centre, a medical centre has already been provided along with a gym facility. In relation to the family pub or restaurant (Use class A3/A4 (now Class E), the original applicant Marstons, one of the largest pub operators in the UK, has declined to take the unit forward.
- 8.10** The applicant has provided information from two successive rounds of marketing to demonstrate why this part of the High Street could no longer be developed in accordance with the uses approved under the original outline consent and the very recent planning permission for a drinking establishment.
- 8.11** Marstons prepared a planning application supported by all relevant professional reports. A full application was submitted to Tewkesbury Borough Council under 18/01031/FUL for the 'Erection of a 725sqm (gross) Marston's family pub and restaurant (Class A4) and ancillary accommodation (managers flat), community amenity area, with associated access, parking and landscaping' on the 10 October 2018. A decision to approve the application was issued on 7 February 2020.
- 8.12** Upon grant of consent, Marston's board concluded that there was not sufficient demand in the location to acquire and develop out the proposed development. Following which, prior to expiry of their purchase contract, Marstons instructed Rapleys to market the site to the open market. Rapleys are a national firm of Chartered Surveyors specialising in leisure and trade related properties. Richard Curry of Rapleys has confirmed that they marketed the land for a period of at least 6 months from October 2019 (the date of the particulars) which was pre-covid, resulting in no bids.
- 8.13** Following the above third-party marketing exercise on behalf of the prospective purchaser, Marstons decided to withdraw from the development with substantial abortive costs. Marstons incurred significant expenditure in relation to professional fees and planning and the withdrawal from the purchase was pre Covid 19.
- 8.14** In March 2020 Bruton Knowles re-marketed the land to all previously interested parties and new entrants to the market. Detailed marketing particulars were prepared detailing the recent planning consent and a sale board erected on site. This exercise resulted in no A4 – public house demand.

- 8.15** Policy RET7 of the TBLP requires the change of use of public houses to be marketed for a period of 18 months. However, in this case, the public house planning permission was never implemented nor operational as per the retail units approved as part of the outline consent. Therefore, the marketing exercises carried out by the applicant are considered to be acceptable in this instance.
- 8.16** In addition to the community facilities already provided at the Cleavelands Centre, a planning application is currently under consideration for the laying out of two sports pitches and a cricket pitch as detailed within planning application 22/00726/FUL.
- 8.17** Whilst the planning history for the site provides for retail and community facilities to be provided on this part of the site, no retailer or operator has been secured to implement either permission for this parcel of land. Therefore, the proposed residential development for 22 affordable houses is considered to be acceptable in principle.

Five Year Housing Land Supply

- 8.18** The adopted JCS became five years old on 11th December 2022, therefore as required by paragraph 74 of the NPPF the Council's 5 year housing land supply position was reconsidered, based on the standard method of calculation.
- 8.19** 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.
- 8.20** On 7th March 2023, the Council's Interim Five Year Housing Land Supply Statement was published which sets out the position on the five-year housing land supply for Tewkesbury Borough as of 11th December 2022 (five years since the adoption of the JCS) and covers the five-year period between 1 April 2022 and 31 March 2027. The Interim Statement confirms that, when set against local housing need for Tewkesbury Borough calculated by the standard method, plus a 5% buffer, the Council can demonstrate a five year housing land supply of 6.68 years.
- 8.21** 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

- 8.22** The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable in communities.

- 8.23** Policy SD4 of the JCS advises that new development should respond positively to and respect the character of the site and its surroundings, enhance local distinctiveness and the grain of the locality. Policy INF3 states that where green infrastructure assets are created, retained or replaced within a scheme they should be properly integrated into the design and contribute to local character and distinctiveness. Policy RES5 of the TBP states that proposals should be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being integrated within it.
- 8.24** The site will be accessed, mainly, via a side street off Sapphire Road to the north of the development site. As mentioned above, the site was originally identified in the Cleavelands Masterplan (10/01216/OUT) as land which would provide a local centre to serve the Cleavelands (retail units) and permission 18/01031/FUL was granted for the erection of a 725sqm (gross) Marston's family pub and restaurant. The site is located within a large housing development as approved under permission 10/01216/OUT and therefore the erection of 22 dwellings in this location would be in keeping with the surrounding area.
- 8.25** The proposed development will comprise a variety of dwelling types including apartments and semi-detached housing. Semi-detached properties are located at plots 1-6, 17-22 with flatted units at plots 7-12, 13-16; providing a total of 12 semidetached properties and 10 flatted properties. The development offers a range of accommodation, providing for single occupancy up to family accommodation, whilst also delivering at a density that is appropriate to the site context.
- 8.26** The site layout has been revised following comments from the design officer at pre-application stage. The flatted development is proposed along Sapphire Road to be in keeping with the design of the commercial development that is currently under construction opposite the site. The positioning of the flatted development will create an 'avenue' approach when approaching the site from Sapphire Road. The flatted development is set back from the road frontage to allow for front gardens creating an active and attractive street frontage. This is in keeping with the High Street Design Principles Document.
- 8.27** The semi-detached properties (plots 1-6) will front onto the side street to the north of the development which is in keeping with the design and layout of the residential properties approved to the north of the site under permission 19/00817/APP. The remaining semi-detached properties will front onto the internal private access road creating an active frontage within the central part of the site. Each semi-detached property will have a rear garden secured by a timber boarded fence.
- 8.28** The flatted development and semi-detached properties are all two storeys in height as shown on the elevation drawings which is in keeping with the size and scale of the dwellings to the north of the site.
- 8.29** The development will provide a contemporary yet sympathetic design with a range of materials across the site with varied materials to create an interesting and aesthetic design when viewed from the street scene. There will be a mixture of buff and multi red facing bricks, off white render on elevations and all roof tiles will have grey concrete tiles. The windows on all units will be Grey PVC.

8.30 A Design and Access Statement has been provided with the application which argues that the key design elements incorporated in the design are as follows:

- The arrangement of dwellings within the plot and materials and building details are all guided by the High Street and Residential Design Principles.
- The form and layout of the development reflect the principles established in the CDAS and High Street Design Principles document. The development will comprise dwellings of various sizes and apartments.
- The fenestration to the dwellings has a simple rational with generous sized windows allowing for good day lighting to the whole room.
- The design principles advocates the use of larger buildings on corners that have distinctive architecture.
- Each dwelling has been typically placed in the front portion of the plot to create larger and safely enclosed rear gardens with allocated parking spaces within enclosed private roads.

8.31 As detailed on the site layout plan, pedestrian access would be provided from the northern main access point, to the east along Sapphire Road and to the southern boundary along the existing road.

8.32 Overall it is concluded that the proposed layout and design is acceptable.

Landscape impact

8.33 JCS Policy SD6 seeks to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. All applications will consider the landscape and visual sensitivity of the area in which they are to be located and which they may affect. JCS Policy SD4 (iv) requires the design of open space and landscaped areas to be of a high quality design, providing a clear structure and constitute an integral and cohesive element of the design. JCS Policy INF3 states that existing green infrastructure will be protected in a manner which reflects its contribution to ecosystem services.

8.34 The application site is not located within an area which is designated in the development plan for its landscape qualities. The existing site is open grassland with no development on it. The proposed 22 houses has been sensitively designed to incorporate landscaping measures. The semi-detached properties will have rear garden area and the flatted development will have a mixture of front gardens and shared open spaces. The application site provides public open space on the western boundary which totals 969.66sqm. The applicant has prepared a detailed planting plan which a range of trees, shrubs and hedges across the site. After comments from the tree officer, shrubs have been added to the front gardens of the properties fronting onto Sapphire Road. Larger trees are unable to be planted in this location as it would impact daylight reaching

8.35 habitable windows.

8.36 A condition will be added to ensure the landscaping is carried out in accordance with the planting plan.

Overall the areas of new planting would enhance the visual appearance and provide biodiversity and amenity enhancement and is therefore acceptable in terms of landscape impact and visual amenity.

8.37 *Arboriculture*

Paragraph 131 of the NPPF states that trees make an important contribution to the character and quality of urban environments and can also mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree lined

8.38 and that opportunities are taken to incorporate tree elsewhere in developments.

Policy INF3 of the JCS states that existing green infrastructure will be protected in a manner that reflects its contribution to ecosystem services including biodiversity

8.39 landscape/townscape quality and the connectivity of the green infrastructure network.

Development proposals that will have an impact on hedges and trees need to include a justification for why this impact cannot be avoided and should incorporate measures

8.40 acceptable to the Local Planning Authority to mitigate the loss.

The applicant has submitted a Tree Survey & Arboricultural Impact Assessment which confirms that the proposed development will not require the removal of any existing trees and is not considered to present a risk of harm to retained trees. All trees can be

8.41 protected during development in line with best practice guidance set out within BS5837:2012.

The Council's Tree Officer has been consulted on the application and requested the addition of small shrubs be incorporated to the front gardens facing onto Sapphire Road. This will enhance the active frontage along this section of the development. An updated planting plan was provided and the tree officer confirmed the proposal was acceptable subject to conditions.

8.42 *Access and Highway Safety*

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

8.43 The application seeks to utilise an existing priority junction access off Ruby Avenue. Ruby Avenue is a single carriageway road subject to 30mph speed limit with illuminated footways on either side of the carriageway. To the eastern side of the site, Sapphire Road is subject to 30mph speed limit with illuminate footways either side of the carriageway. The application site and immediate surrounding highway network form part of a wider outline permission, granted in July 2012, for approximately 550 dwellings (ref: 10/01216/OUT). Due to the recent approval of the wider scheme, it is considered that the surrounding road network is generally suitable for new dwellings, as it has been designed and constructed within the last ten years.

8.44 In relation to trip generation, the extant 18/01031/FUL permission was identified to have more two way vehicle movements in the AM and PM peak hours than the proposed housing development.

- 8.45** The plans submitted indicate that the proposed road layout will not be offered for adoption, and therefore will remain private. Nonetheless, the Highway Authority has reviewed the layout to ensure that the design will operate effectively with no harm to safety. It is proposed that the internal roads will be shared surfaces, with no specific pedestrian facilities. Manual for Gloucestershire Streets allows for shared surfaces, as long as measures are introduced to ensure vehicular speeds are kept low. The proposed layout which contains a number of bends and narrowing will ensure that vehicle speeds are kept low, and as such the Highway Authority have no objections to the proposal.
- 8.46** The proposed development will accommodate a total of 36 car parking spaces which exceeds the otherwise recommended 28 parking spaces from the guidance set out in Manual for Gloucestershire Streets Addendum October 2021.
- 8.47** The proposal details how the apartments will have a cycle storage building and the dwellings will have storage sheds in the rear garden as none of the dwellings are served by garages. Both elements are considered to be acceptable.
- 8.48** A preliminary bin strategy plan has been provided which shows various bin collection and storage points throughout the development. The applicant has agreed to accept a condition that prior to occupation of any unit a detailed bin strategy should be provided and approved by the LPA.
- 8.49** The Local Highways Authority and National Highways have assessed the proposal and conclude that subject to appropriate conditions the application would not have an unacceptable impact on highway safety or a severe impact on congestion. It is also considered the proposal is consistent with the accessibility related provisions of the relevant transport policies. The proposal is therefore considered acceptable in regard to highway safety and accessibility.

Residential Amenity

- 8.50** Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing and future users. JCS policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 8.51** Policy RES5 of the TBLP states that proposals for new housing development should, inter alia, provide an acceptable level of amenity for future occupiers of the proposed dwellings.
- 8.52** The semi-detached properties (Plots 1-6, 19-22) would have rear private gardens ranging in size from 51.79sqm -75.72sqm which is considered to be acceptable. The flatted development at plots 7-12 would have amenity space in the form of front gardens. Each of these units would have Juliet Balconies. The flatted units at 13,14,17 and 18 would have private amenity space ranging from 22.2sqm to 59sqm. The flatted units at 15 and 16 would have a amenity space of 37sqm and units 7-12 would also have shared amenity space of 102sqm. The development also provides public open space at 969sqm in the south western corner of the site. The dwellings are therefore considered to be served by sufficient amenity space.

- 8.53 In terms of the layout, there would be sufficient distance between the dwellings to prevent loss of privacy by overlooking. The internal dwelling layout also meets the national space standards.
- 8.54 The Environmental Health Officer has been consulted on the application and has raised no objection to the proposed development subject to conditions. There is an existing pumping station to the west of Plots 1 and 2 and a condition will be required that prior to the occupation of these units, a noise report should be submitted to ensure there is no detrimental noise impact on these occupiers. Noise attenuation details should be provided if required.
- 8.55 In light of the above and subject to the imposition of a condition to secure noise mitigation measures, the application is considered to have an acceptable impact on residential amenity.

Affordable Housing

- 8.56 Policy SD12 of the JCS sets out a minimum requirement of 40% affordable housing within Tewkesbury on sites that provide 11 or more dwellings. Policy RES12 of the TBLP also requires a 40% figure on sites that provide 10 or more dwellings. Affordable housing must also have regard to the requirements of Policy SD11 concerning type, mix, size and tenure. The design of affordable housing should also meet required standards and be equal to that of market housing in terms of appearance, build quality and materials. Development should address the needs of the local area and should be based on the most up to date Strategic Housing Market Assessment.
- 8.57 The Gloucestershire Local Housing Needs Assessment 2019 – Final Report and Summary (September 2020) (LHNA) provides the most up to date evidence based to inform the housing mix on residential applications.
- 8.58 The application proposes all 22 units be affordable which exceeds the policy requirements of Policy SD12. The size and tenure of affordable housing provision has been agreed with the Council’s Housing Enabling Officer and is set below:

Apartments:

6 x 1b2p 51.6/58.6sqm
 4 x 2b4p 70.61/74.56sqm

Semi-detached Houses

2 x 2b4p 80.7sqm
 6 x 3b5p 95.8sqm
 2 x 2b4p 80.8sqm
 x 2b4p 80.7sqm

- 8.59 All units meet NDSS Standards
- 8.60 In terms of the tenure mix, the following is proposed:
 - 6 units will be for shared ownership
 - 16 units will be for social rent
- 8.61 The LHNA requires 50% of all units to meet M4(2) and 5% to meet M4(3)B as a minimum.

- 8.62** All semi-detached houses are M4(2) along with 2 Ground Floor Flats. 3 Ground Floor Flats are M4 (3) compliant.
- 8.63** The Council's Housing Enabling Officer has advised that they support the revised proposal. They requested that the flats provide balconies to outdoor amenity space. However, as all the units will have on-site access to private amenity space, albeit some would be shared, this amendment was not requested (please see discussion in the residential amenity section above).
- 8.64** The applicant has indicated a willingness to enter into a legal agreement to secure the affordable housing provision, but at this stage there is no such agreement in place. Nevertheless, this matter could be resolved by the completion of an appropriate planning obligation. The provision of affordable housing should be seen as a significant benefit in the planning balance.

Drainage and Flood Risk

- 8.65** Insert text JCS Policy INF2 (2) (iv) requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. Policy INF6 also requires that the infrastructure requirements generated by a proposal are met, including by adequate on and off site infrastructure. Policy CHIN11 of the CINDP states that new development should adopt a blue infrastructure approach to the design of water and flood management.
- 8.66** The application site where the dwellings are proposed is located within Flood Zone 1, an area identified by the Environment Agency as being at a low risk of flooding from rivers and seas. There is watercourse which runs to the north of the site.
- 8.67** The application is supported by a Drainage Strategy which proposes to discharge surface water to the Severn Trent surface water sewer system south of the Innsworth Lane. The Lead Local Flood Authority (LLFA) raised objections on the grounds the proposal would divert water across catchments thereby increasing the flood risk to properties in that catchment.
- 8.68** A revised drainage strategy has since been submitted which proposes connection of surface water to an existing drainage system on the neighbouring residential site, to which the LLFA raise no objections..
- 8.69** Severn Trent has not raised any objection.
- 8.70** The development is therefore considered satisfactory with regard to flood risk and drainage subject to a condition to ensure the implementation of the development in accordance with the approved drainage scheme.

Biodiversity

- 8.71** Insert text 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.

- 8.72** Regarding wider ecological impacts, the application is supported by a Detailed Planting Plan and a Landscape and Habitat Management and Maintenance Plan. The Council's ecological advisors have reviewed the documents and have no objections subject to appropriate planning conditions. An appropriate condition would provide ecological enhancement by the installation of bird boxes on the newly planted street trees to the south of the site. Furthermore, appropriate fencing should be introduced with 13cm x 13cm gaps at the base to allow for the passage of hedgehogs.
- 8.73** Therefore, subject to the imposition of conditions the application is considered acceptable in regard to ecology.

Section 106 obligations

- 8.74** 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.
- 8.75** These tests are as follows:
- necessary to make the development acceptable in planning terms.
 - directly related to the development; and
 - fairly and reasonable related in scale and kind to the development.
- 8.76** 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.

Education Contributions

- 8.77** Gloucestershire County Council (GCC) have been consulted on the application and calculate the proposal would equate to 16 'qualifying' dwellings that would be expected to generate an additional demand for 6.16 primary places, 2.72 secondary places (11-16 years) and 0.96 secondary (16-18 years) places which cannot be accommodated at the closest schools when cumulative yields are applied. GCC is therefore requesting the following contributions:
- Primary - £111,699.28
 - Secondary (11-16) - £64,668
 - Secondary (16-18) - £0.00
- 8.78** The applicant maintains that the payment of the requested education contributions would render the development financially unviable. Policy INF7 of the JCS states:

- 8.79** “Where, having regard to the on- and/or off-site provision of infrastructure, there is concern relating to the viability of the development, an independent viability assessment, funded by the developer and in proportion with the scale, nature and/or context of the proposal, will be required to accompany planning applications. Viability assessments will be undertaken in accordance with an agreed methodology and published in full prior to determination for all non-policy compliant schemes. Where necessary the JCS authorities will arrange for them to be independently appraised at the expense of the applicant.”
- 8.80** In accordance with policy INF7, the applicant submitted a Financial Viability Assessment prepared by RCA Regeneration dated 11th January 2023 to support their position. The report concluded that a 100% AH scheme cannot afford to deliver any of the requested S106 contributions, given that the RLV of -£869,171 is significantly less than the BLV by some £1,094,171 and is unviable by this amount.
- 8.81** The Council appointed Porter Planning Economics (PPE) to independently review the RCA assessment and scrutinise its underlying assumptions. PPE prepared a draft report for further discussions with the applicant and RCA as there were aspects of the RCA report on which PPE needed clarification relating to: affordable housing values, grant funding, administration and professional fees, and construction costs.
- 8.82** Following discussions between the relevant parties, PPE provided a final report based on the updated evidence that had been provided by the applicant and RCA. Based on the evidence and statements that have been presented by the applicant and their team in Table 6.1, PPE reran the Porter PE viability assessment of the proposed scheme. This demonstrates there to be a c.£0.5m deficit in headroom for the scheme and it is concluded that the scheme is unviable without significant reductions in construction costs, which are higher than normal.
- 8.83** PPE confirm that a saving of c.5% on the agreed costs would provide a saving equivalent to the full s106 contribution requirement of £177,973. However, the applicant and their professional team confirmed to PPE that such a small saving is unlikely to be passed on to the applicant through the ‘Design & Build’ procurement route that the applicant is working under with their chosen construction firm, with whom fixed construction costs have been agreed.
- 8.84** PPE therefore conclude from their review of the viability appraisal and the additional evidence requested to corroborate it, that the proposed scheme would be unable to support a financial contribution to meet the full s106 requirements totalling £177,973.
- 8.85** Following a review of the PPE report and subsequent discussions with them on its findings, your officers concur that on the basis of the submitted evidence the scheme would be unviable if the education contributions were pursued. It is therefore recommended that the education contributions are not pursued on the grounds of the viability of the scheme in accordance with Policy INF7 of the JCS.

Tewkesbury Borough Council Contributions

- 8.86** The applicant has agreed a contribution of £73 per dwelling, which equates to £1,241 based on 22 dwellings, towards recycling and waste bin facilities.
- 8.87** The applicant has advised that they accept these contributions.

- 8.88 There is currently no signed agreement to secure these contribution requests, but they are capable of being resolved through the signing of appropriate planning obligations.

9. Conclusion

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 Although the site does not form part of a Strategic Allocation, the site is located within an existing residential area and is located within the wider Cleavelands development, on which the principle of development has already been established. Therefore, housing development in this location is considered acceptable in principle.

Benefits

9.3 Insert text The development would contribute towards the supply of affordable housing to help meet the objectively assessed need. Overall, given the scale of development, these benefits would attract significant weight in favour of granting permission.

9.4 In economic and social terms, it is clear that a number of benefits would flow from this development if permitted, including during the construction process. There would also be economic and social benefits arising from spend from future residents which would help sustain the local facilities within the area.

Harms

9.5 The site was originally granted permission to provide retail units. Permission was then granted for a Public House. Whilst the planning history for the site has demonstrated that retail and community facilities are acceptable in principle, no retailer or operator has been secured to implement either permission for this parcel of land despite significant marketing. The applicant has provided detailed marketing evidence as to why Marstons are no longer taking the public house unit forward.

Neutral

9.6 It has been established through the submission documents that subject to securing satisfactory measures as part the imposition of appropriate planning conditions and planning obligations, the development would not give rise to unacceptable impacts in relation to flood risk and drainage, design and layout, highway safety, drainage, landscape, ecology and trees.

Overall Conclusion

9.7 The proposal complies with adopted planning policies and the affordable housing would be provided to meet the local needs. The design and overall scale of the development is in keeping with character of the wider area.

- 9.8 Significant weight should be given to the provision of affordable housing, in a location which is considered sustainable. Economic and social benefits would also arise from the development as set out above and these are afforded moderate weight.
- 9.9 Taking account of all the material considerations and the weight to be attributed to each one, it is considered that identified harms would not significantly and demonstrably outweigh the benefits in the overall planning balance.

10. Recommendation

- 10.1 In the absence of policies in the NPPF which would provide a clear reason for refusal, it is not considered the harms of the development would significantly and demonstrably outweigh the benefits set out above. It is therefore recommended that authority be **DELEGATED to the Development Management Manager to PERMIT the application subject to any additional/amended planning conditions; and the completion of a section 106 legal agreement to secure the following:**

- The provision of policy compliant affordable housing.
- A contribution of £73 per dwelling, (£1,241 based on 22 dwellings), towards recycling and waste bin facilities.

11. Conditions

- 1 The works hereby permitted shall be begun before the expiration of three years from the date of this consent. 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 D100 Rev A
 - Site Layout Plan D20 Rev N
 - Floor Plans and Elevations House Types C Plots 1-2, 21-22 D14 Rev A
 - Floor Plans and Elevations House Types B/D Plots 3-4 D12 Rev B
 - Floor Plans and Elevations House Types B/D Plots 5-6 D11 Rev B
 - Floor Plans and Elevations House Types A1 Plots 7-12 D10 Rev A
 - Floor Plans and Elevations House Types F/F1 Plots 13-16 D16 Rev B
 - Floor Plans and Elevations House Types E Plots 17-18 D15 Rev A
 - Floor Plans and Elevations House Types C Plots 19-20 D13 Rev A
 - Detail Planting Plan D900 Rev B
 - Bin Strategy Plan D95
 - Amenity Areas and POS figures D20
 - Wastewater Plan 506148-2
 - Clean water plan 506148-1
 - Gas Plan 21306639 dated 15/02/2021
 - Landscape and Habitat Management and Maintenance plan dated August 2021
 - Storm Water Calculations dated 30/11/2022
 - Drainage Strategy 21-063/502a DS
 - Drainage Catchment Plan 21-063/523
 - Tree Survey and AIA dated February 2021

- Lighting Assessment prepared by Dwd dated 15.06.2021
- Flood Risk Assessment dated August 2021
- Parking Court and Open Space Management Plan
- Transport Statement dated 2021
- Energy Statement dated 22nd October 2021

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

- 3** No building hereby permitted shall be occupied until the surface water and foul water drainage scheme for the site has been completed in accordance with the details shown on the approved plans and documents. The approved SuDS maintenance plan shall be implemented in full in accordance with the approved details for the lifetime of the development.

Reason: 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.

- 4** The construction work on the dwellings hereby permitted shall be carried out in accordance with the proposed levels as detailed on approved drawing Site Layout Plan D20 Rev N.

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

- 5** Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

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

- 6** The development hereby approved shall be implemented in accordance with the waste strategy, Bin Collection Strategy and the SWMP document as received by the LPA on 02/02/2023.

Reason To ensure the effective implementation of waste minimisation in accordance with adopted Gloucester, Cheltenham, Tewkesbury Joint Core Strategy Policy SD3 Sustainable Design and Construction; Gloucestershire Waste Core Strategy: Core Policy WCS2 Waste Reduction; and paragraph 8 of the National Planning Policy for Waste (NPPW).

- 7** Notwithstanding the approved plans, prior to the construction of the development above floor plate level samples/a precise specification of all external materials, including hard landscaping, proposed to be used in the construction of the development 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 good quality design.

- 8** Prior to the first use/occupation of the development hereby approved, bird nesting sites/boxes and Hedgehog fencing shall be installed in accordance with details (including a plan showing locations, height and orientation) that shall have first been submitted to and approved in writing by the Local Planning Authority.

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

- 9** During the construction phase (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

- 10** If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved measures.

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.

- 11** Prior to the occupation of the development a noise assessment report shall be submitted to and approved in writing by the Local Planning Authority to assess any potential noise arising from the adjacent pumping station. The report shall include any required noise attenuation measures and a timetable for their implementation. All measurements shall be made in accordance with the methodology of BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

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

- 12** All planting comprised in the approved details of tree/hedgerow planting shall be carried out in the first planting season following the occupation of any building or the completion of the development, whichever is the sooner. Any trees or hedgerows, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any trees or hedgerows fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year period.

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

- 13** The erection of tree protection measures of any retained tree shall be undertaken in accordance with the approved details specified in the tree protection plan Drawing No D17270-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

- 14** The Development hereby approved shall not be occupied until the access, parking and turning facilities have been implemented as detailed on approved drawing Site Layout Plan D20 Rev N and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development.

Reason: To ensure conformity with submitted details.

- 15** Notwithstanding the submitted details, the development shall not be occupied until a dropped kerb tactile crossing has been provided at the site access junction and made available for public use.

Reason: To ensure safe and suitable access to the site can be achieved for all users.

- 16** The development hereby approved shall not be occupied until a residential welcome pack promoting sustainable forms of access to the development has been submitted to and approved in writing by the Local Planning Authority. The approved pack shall be provided to each resident at the point of the first occupation of the dwelling.

Reason: To reduce vehicle movements and promote sustainable access.

- 17** Any external lighting/floodlighting installed on the site shall be in accordance with details that have first 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 the amenities of nearby properties

12. Informatives

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

2 This planning permission is subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

3 Works on the Public Highway

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

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

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

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

4 Impact on the highway network during construction

The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

5 Private Road

You are advised that as a result of the proposed layout and construction of the internal access road, the internal access road will not be accepted for adoption by the Highway Authority under Section 38 of the Highways Act 1980.

The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980, unless and until you agree to exempt the access road.

The exemption from adoption will be held as a Land Charge against all properties within the application boundary.

Construction Management Plan (CMP)

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

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

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

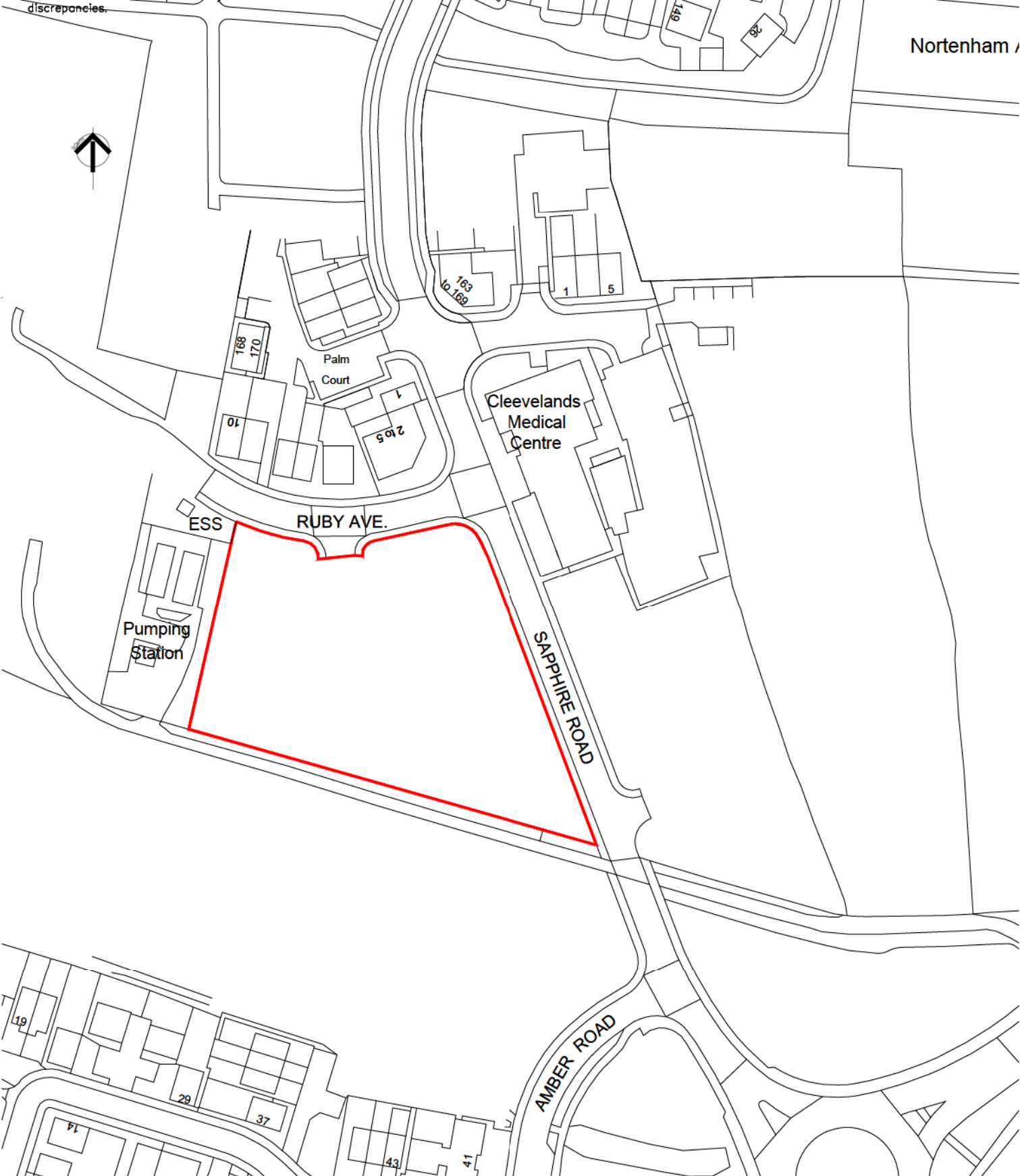
Notes

- Copyright in this drawing remains the property of BM3 Architecture Limited.
- Do not scale this drawing. Work to figured dimensions only.
- Contractors and consultants are to advise BM3 Architecture Limited of any discrepancies.

Revision
A Updated OS Map

Date 14/12/21
By GR
Chkd -

Nortenham /



Project
Cleavelands
Bishop's Cleeve

Drawing
Location Plan

Client



Rooftop
PLANNING GROUP LTD.



Scale 1:1250	Dated 01.07.21	Job No. 71208	Drawing No. D100	Drawn by GS	Checked GR	99 Job Element PLANNING	Revision A
------------------------	--------------------------	-------------------------	----------------------------	-----------------------	----------------------	--------------------------------------	----------------------



SCHEDULE OF ACCOMMODATION
All compliant to NDSS

Code	Type	Area (m ²)	No.
TYPE RH-A/A1	1B 2P FLAT	51.6/58.5	06
TYPE RH-F/F1	2B 4P FLAT (WALK UP)	70.6/174.56	04
TYPE RH-B	2B 4P HOUSE	80.7	02
TYPE RH-C	3B 5P HOUSE	95.8	06
TYPE RH-E	2B 4P HOUSE CT	80.8	02
TYPE RH-D	2B 4P HOUSE	80.7	02

SITE AREA:

TOTAL AREA = 5034m² / 1.24 acres / 0.50ho
CAR PARKING = 36



KEY

- Site boundary
- Perimeter fencing to be 1800 close board with gravel board
- 1800mmmm garden walls
- 1200mm railing fence
- Proposed Trees as Chicones (traffic calming measure)
- Proposed Trees
- Surface Storm Drains (with 3m easements)

PFFL
+0.00 = proposed finished floor levels
+0.00 = existing levels

PLANNING GRANTED
REF. 19/00817/APP

EXISTING
JUMPING
ACTION 100

Notes

- Copyright in this drawing remains the property of BM3 Architecture Limited.
- Drawings are to be used at the limited scale of this drawing.
- Work to figured dimensions only.
- Contractors and consultants are to advise BM3 Architecture Limited of any discrepancies.

Revisions

Date	By	Chkd
06/07/21	05	GR
06/07/21	05	GR
06/07/21	05	MA
06/07/21	05	MA
03/09/21	05	MA
03/09/21	05	GR
19/07/21	12	GR
17/07/21	05	GR

Revisions:
 1. Site Level, amended schedule, house type RH-B amended
 2. Plot 01 parking spaces moved at the rear of the unit
 3. Plot 01 parking spaces moved at the rear of the unit
 4. Plot 01 parking spaces moved at the rear of the unit
 5. Plot 01 parking spaces moved at the rear of the unit
 6. Plot 01 parking spaces moved at the rear of the unit
 7. Plot 01 parking spaces moved at the rear of the unit
 8. Plot 01 parking spaces moved at the rear of the unit
 9. Plot 01 parking spaces moved at the rear of the unit
 10. Plot 01 parking spaces moved at the rear of the unit
 11. Plot 01 parking spaces moved at the rear of the unit
 12. Plot 01 parking spaces moved at the rear of the unit
 13. Plot 01 parking spaces moved at the rear of the unit
 14. Plot 01 parking spaces moved at the rear of the unit
 15. Plot 01 parking spaces moved at the rear of the unit
 16. Plot 01 parking spaces moved at the rear of the unit
 17. Plot 01 parking spaces moved at the rear of the unit
 18. Plot 01 parking spaces moved at the rear of the unit
 19. Plot 01 parking spaces moved at the rear of the unit
 20. Plot 01 parking spaces moved at the rear of the unit
 21. Plot 01 parking spaces moved at the rear of the unit
 22. Plot 01 parking spaces moved at the rear of the unit
 23. Plot 01 parking spaces moved at the rear of the unit
 24. Plot 01 parking spaces moved at the rear of the unit
 25. Plot 01 parking spaces moved at the rear of the unit
 26. Plot 01 parking spaces moved at the rear of the unit
 27. Plot 01 parking spaces moved at the rear of the unit
 28. Plot 01 parking spaces moved at the rear of the unit
 29. Plot 01 parking spaces moved at the rear of the unit
 30. Plot 01 parking spaces moved at the rear of the unit
 31. Plot 01 parking spaces moved at the rear of the unit
 32. Plot 01 parking spaces moved at the rear of the unit
 33. Plot 01 parking spaces moved at the rear of the unit
 34. Plot 01 parking spaces moved at the rear of the unit
 35. Plot 01 parking spaces moved at the rear of the unit
 36. Plot 01 parking spaces moved at the rear of the unit
 37. Plot 01 parking spaces moved at the rear of the unit
 38. Plot 01 parking spaces moved at the rear of the unit
 39. Plot 01 parking spaces moved at the rear of the unit
 40. Plot 01 parking spaces moved at the rear of the unit
 41. Plot 01 parking spaces moved at the rear of the unit
 42. Plot 01 parking spaces moved at the rear of the unit
 43. Plot 01 parking spaces moved at the rear of the unit
 44. Plot 01 parking spaces moved at the rear of the unit
 45. Plot 01 parking spaces moved at the rear of the unit
 46. Plot 01 parking spaces moved at the rear of the unit
 47. Plot 01 parking spaces moved at the rear of the unit
 48. Plot 01 parking spaces moved at the rear of the unit
 49. Plot 01 parking spaces moved at the rear of the unit
 50. Plot 01 parking spaces moved at the rear of the unit
 51. Plot 01 parking spaces moved at the rear of the unit
 52. Plot 01 parking spaces moved at the rear of the unit
 53. Plot 01 parking spaces moved at the rear of the unit
 54. Plot 01 parking spaces moved at the rear of the unit
 55. Plot 01 parking spaces moved at the rear of the unit
 56. Plot 01 parking spaces moved at the rear of the unit
 57. Plot 01 parking spaces moved at the rear of the unit
 58. Plot 01 parking spaces moved at the rear of the unit
 59. Plot 01 parking spaces moved at the rear of the unit
 60. Plot 01 parking spaces moved at the rear of the unit
 61. Plot 01 parking spaces moved at the rear of the unit
 62. Plot 01 parking spaces moved at the rear of the unit
 63. Plot 01 parking spaces moved at the rear of the unit
 64. Plot 01 parking spaces moved at the rear of the unit
 65. Plot 01 parking spaces moved at the rear of the unit
 66. Plot 01 parking spaces moved at the rear of the unit
 67. Plot 01 parking spaces moved at the rear of the unit
 68. Plot 01 parking spaces moved at the rear of the unit
 69. Plot 01 parking spaces moved at the rear of the unit
 70. Plot 01 parking spaces moved at the rear of the unit
 71. Plot 01 parking spaces moved at the rear of the unit
 72. Plot 01 parking spaces moved at the rear of the unit
 73. Plot 01 parking spaces moved at the rear of the unit
 74. Plot 01 parking spaces moved at the rear of the unit
 75. Plot 01 parking spaces moved at the rear of the unit
 76. Plot 01 parking spaces moved at the rear of the unit
 77. Plot 01 parking spaces moved at the rear of the unit
 78. Plot 01 parking spaces moved at the rear of the unit
 79. Plot 01 parking spaces moved at the rear of the unit
 80. Plot 01 parking spaces moved at the rear of the unit
 81. Plot 01 parking spaces moved at the rear of the unit
 82. Plot 01 parking spaces moved at the rear of the unit
 83. Plot 01 parking spaces moved at the rear of the unit
 84. Plot 01 parking spaces moved at the rear of the unit
 85. Plot 01 parking spaces moved at the rear of the unit
 86. Plot 01 parking spaces moved at the rear of the unit
 87. Plot 01 parking spaces moved at the rear of the unit
 88. Plot 01 parking spaces moved at the rear of the unit
 89. Plot 01 parking spaces moved at the rear of the unit
 90. Plot 01 parking spaces moved at the rear of the unit
 91. Plot 01 parking spaces moved at the rear of the unit
 92. Plot 01 parking spaces moved at the rear of the unit
 93. Plot 01 parking spaces moved at the rear of the unit
 94. Plot 01 parking spaces moved at the rear of the unit
 95. Plot 01 parking spaces moved at the rear of the unit
 96. Plot 01 parking spaces moved at the rear of the unit
 97. Plot 01 parking spaces moved at the rear of the unit
 98. Plot 01 parking spaces moved at the rear of the unit
 99. Plot 01 parking spaces moved at the rear of the unit
 100. Plot 01 parking spaces moved at the rear of the unit

Project
Cleavelands
Bishop's Cleeve

Scale
1:500@M3

Dated
02.06.21

Job No.
71208

Drawing No.
D20

Drawn by
GS

Checked
GR

Client
Rooftop
Planning Group

CISb Element
PLANNING

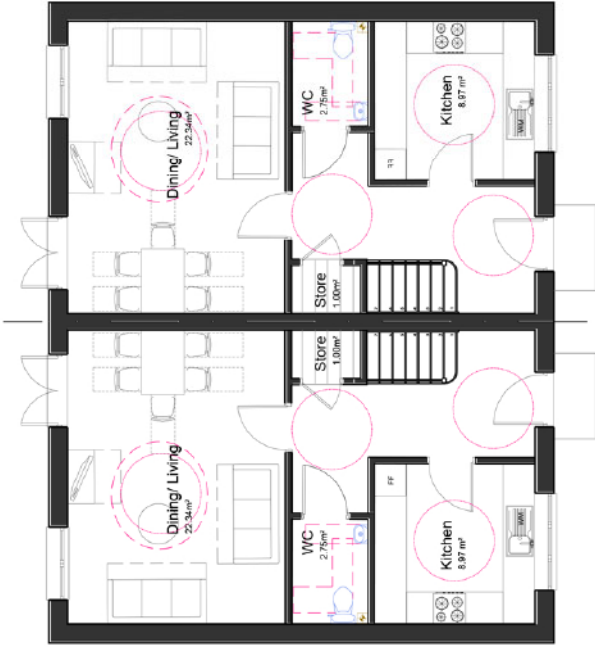
Revision
N

Client
Rooftop
Planning Group

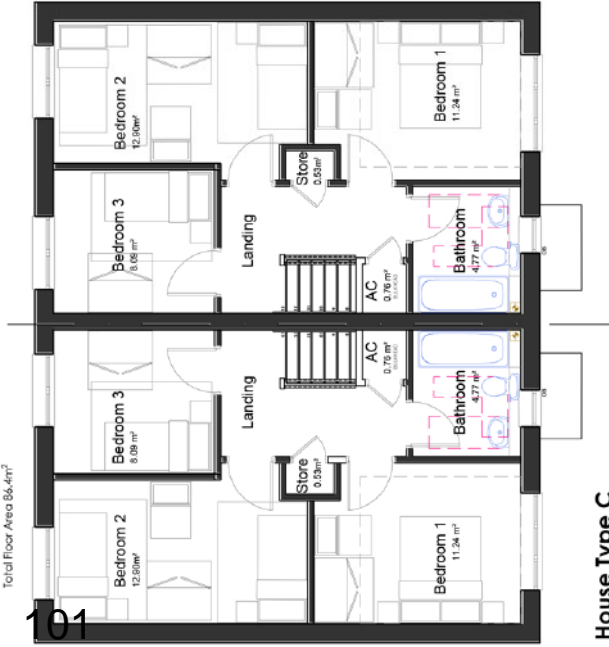
CISb Element
PLANNING

Revision
N

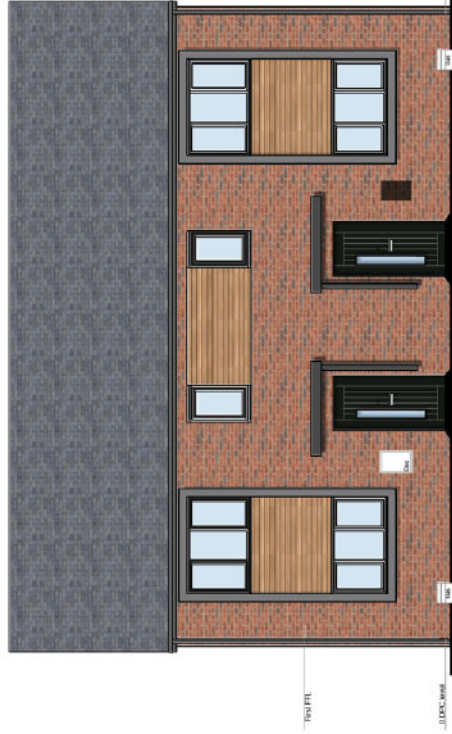




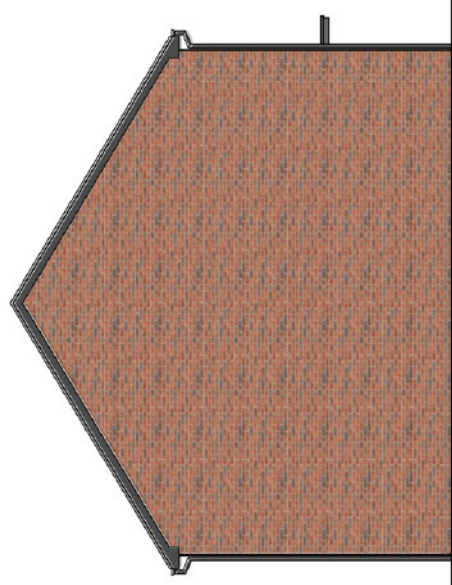
House Type C
3 Bed 5 Person
Ground Floor - 47.92m²
Total Floor Area 86.4m²



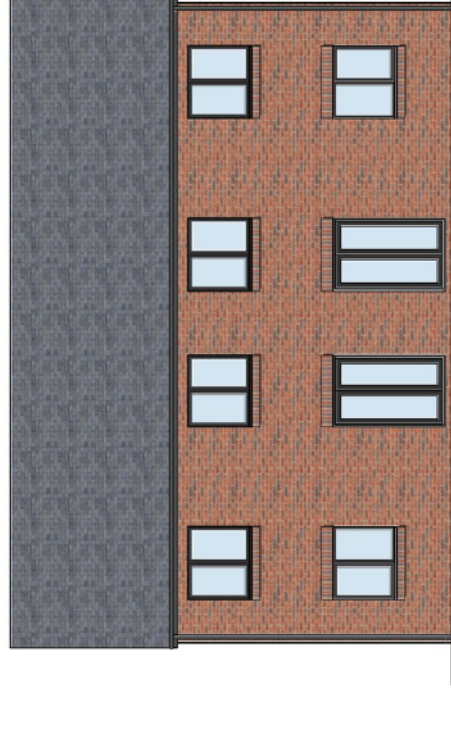
House Type C
3 Bed 5 Person
First Floor - 47.92m²



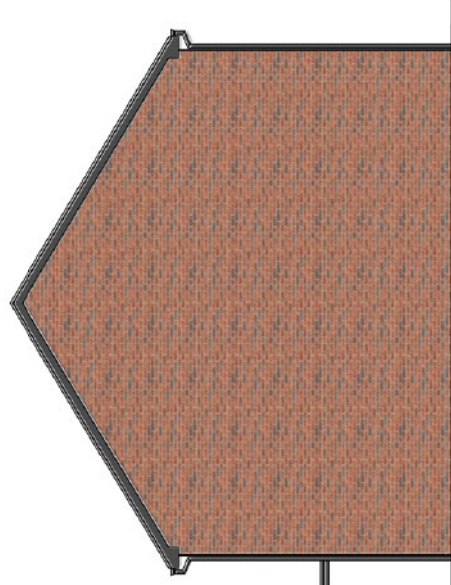
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

- NOTES
- Copyright in this drawing remains the property of BM3 Architecture Limited.
 - Do not scale this drawing.
 - Work to figured dimensions only.
 - Contractors and consultants see to address.
 - BM3 Architecture Limited of any discrepancies.

REVISION
If there are any errors, they are highlighted in red.

Date
26/07/2020

By
BS

Chd
OR

Project
Clevelands
Bishop's Cleeve

Scale
1:100@A3

Dated
02.06.21

Job No.
71208

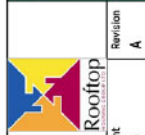
Drawing No.
D14

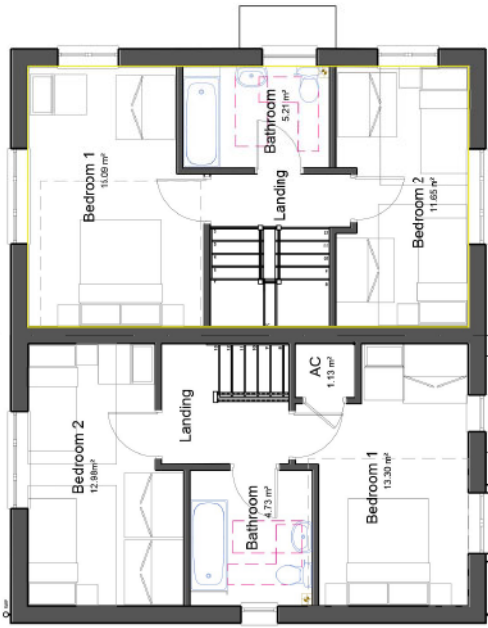
Drawn by
CS

Checked
GR

Client
CSD Element
PLANNING

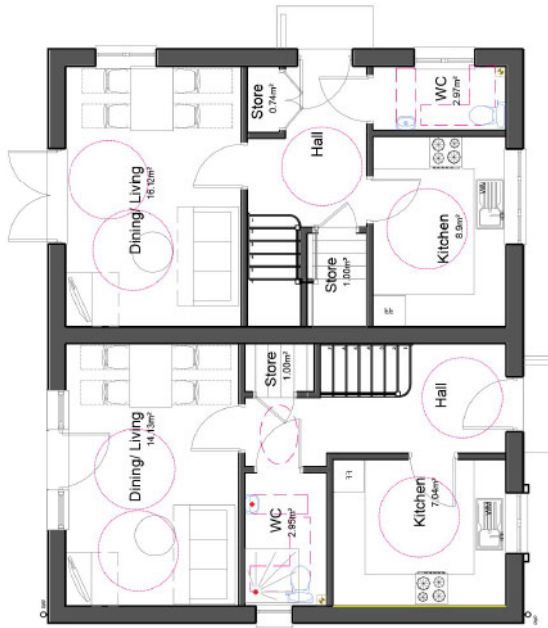
Revision
A





House TypeB
2 Bed 3 Person
First Floor - 40.35m²

House TypeB
2 Bed 4 Person
First Floor - 40.35m²



House TypeB
2 Bed 3 Person
Ground Floor - 40.35m²
Total Floor Area 80.7m²

House TypeB
2 Bed 4 Person
Ground Floor - 40.35m²
Total Floor Area 80.7m²



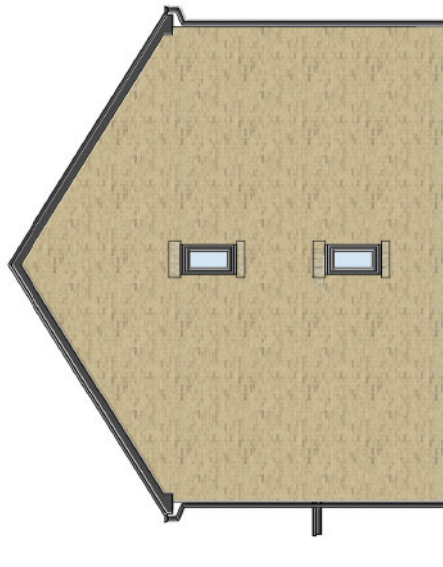
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

Notes

- Copyright in this drawing remains the property of BMJ Architecture Limited.
- Do not scale this drawing.
- Work to figured dimensions only.
- Contractors and consultants are to advise BMJ Architecture Limited of any discrepancies.

Revision

- 1 Revised this drawing, amended schedule, house type BMJ amended
- 2 Issues showing the walls as complete to Lot 16421

Date

06/07/2021
28/07/2021

By

05 05 05

Chd

05 05 05

Project
Bishop's Cleeve

Scale
1:100@A3

Date
21.06.2021

Job No.
71208

Drawing No.
D12

Client
CShs Element
PLANNING

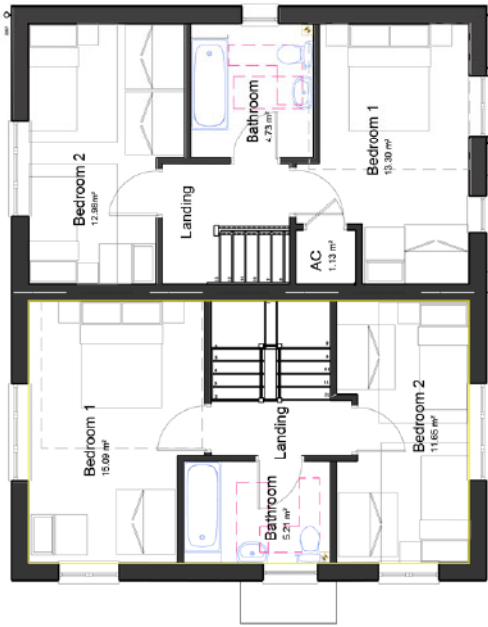
Drawing
House Types RH-B_D
Floor Plans and Elevations
PLOTS 3-4

Drawn by
GS

Checked
GR

Revision
B

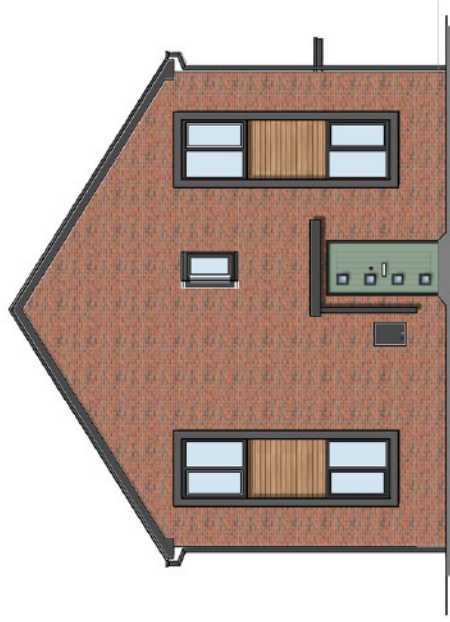




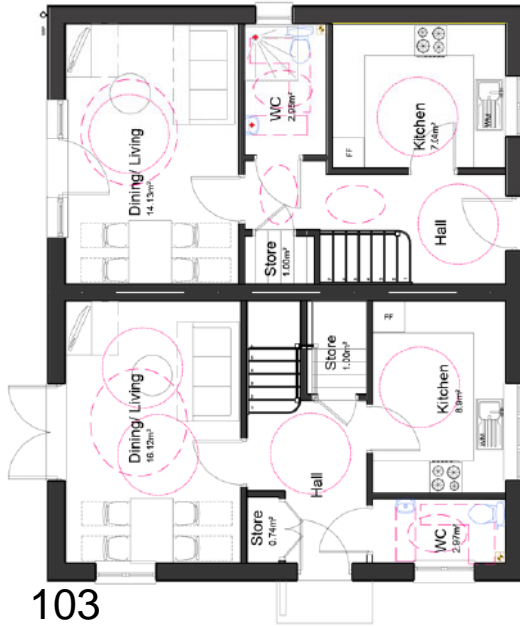
House Type A
2 Bed 4 Person
First Floor - 40.35m²



FRONT ELEVATION



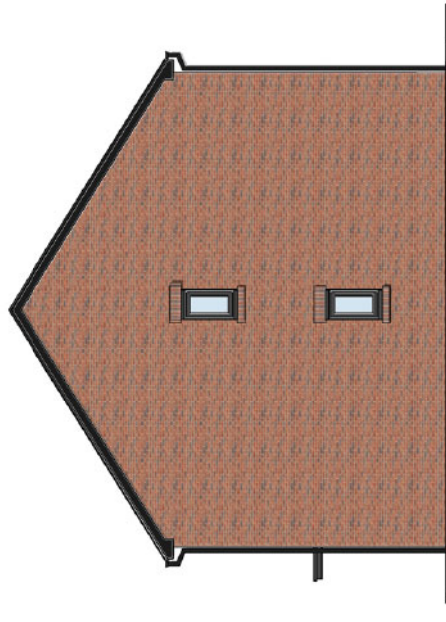
SIDE ELEVATION



House Type B
2 Bed 3 Person
Ground floor - 40.35m²
Total Floor Area 80.7m²



REAR ELEVATION



SIDE ELEVATION

103

Notes
Copyright in this drawing remains the property of BIM Architecture Limited.
Do not scale this drawing.
Work to figured dimensions only.
Contractors and consultants are to advise BIM Architecture Limited of any discrepancies.

Revision
1 Revised this drawing to include house type B as model
2 From drawing the units are arranged to suit site

Date
20/07/2021
20/07/2021

By
CS
CS

CHKD
MR
MR

Notes
Birmingham Office: 28 Pockford Street, Digbeth, Birmingham, B5 5QH. T: 0121 633 0300 F: 0121 633 0300 E: design@bm3.co.uk

Project
Bishop's Cleeve

Scale
1:100@A3

Dated
21.06.2021

Job No.
71206

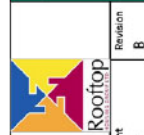
Drawing No.
DPI

Drawn by
GS

Checked
GR

Drawing
House Types RH-B-D
Floor Plans and Elevations
PLOTS 5-6

Client
CASH Element
PLANNING



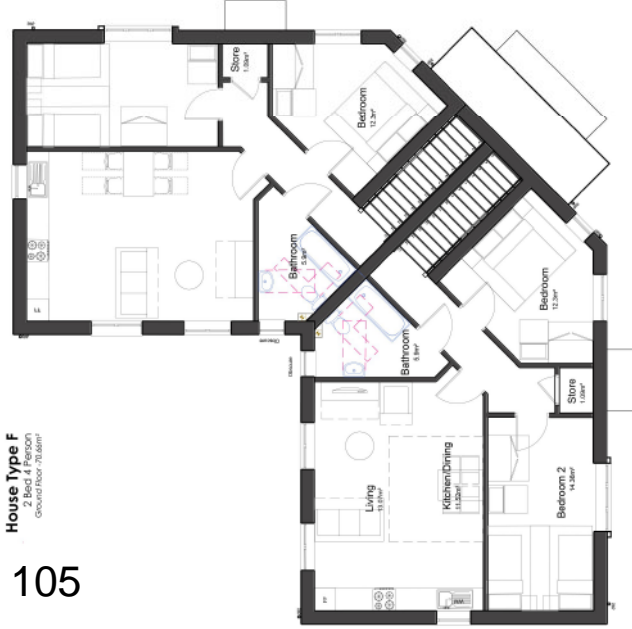


<p>Notes</p> <ul style="list-style-type: none"> 1. All work to this specification remains the property of BM3 Architects Limited. 2. No work shall be done without the written consent of BM3 Architects Limited. 3. BM3 Architects Limited is not responsible for any discrepancies. 		<p>Revisions</p> <p>A Type A Ground floor flat compliant with C4, M4 (D16)</p>		<p>Project</p> <p>Cleveland Bishop's Cleeve Bishop's Cleeve Plots 7-12</p>		<p>Floor Plans and Elevations House Types BH-A1/A1 Plots 7-12</p>		<p>Client</p> <p>Roofstop</p>	
<p>Date</p> <p>22.06.2024</p>	<p>By</p> <p>MM</p>	<p>Drawn</p> <p>DPO</p>	<p>Checked</p> <p>OS</p>	<p>Job No.</p> <p>71228</p>	<p>Drawn by</p> <p>OS</p>	<p>Checked</p> <p>OR</p>	<p>Scale</p> <p>1:100@A1</p>	<p>Job No.</p> <p>71228</p>	<p>Revision</p> <p>A</p>
<p>Birmingham Office: 28 Foleshill Street, Digheath, Birmingham, B9 5NH. T: 0121 633 0300 F: 0121 633 0300 E: enquiries@bm3.co.uk</p>		<p>Project</p> <p>Cleveland Bishop's Cleeve Bishop's Cleeve Plots 7-12</p>		<p>Floor Plans and Elevations House Types BH-A1/A1 Plots 7-12</p>		<p>Client</p> <p>Roofstop</p>		<p>Revision</p> <p>A</p>	

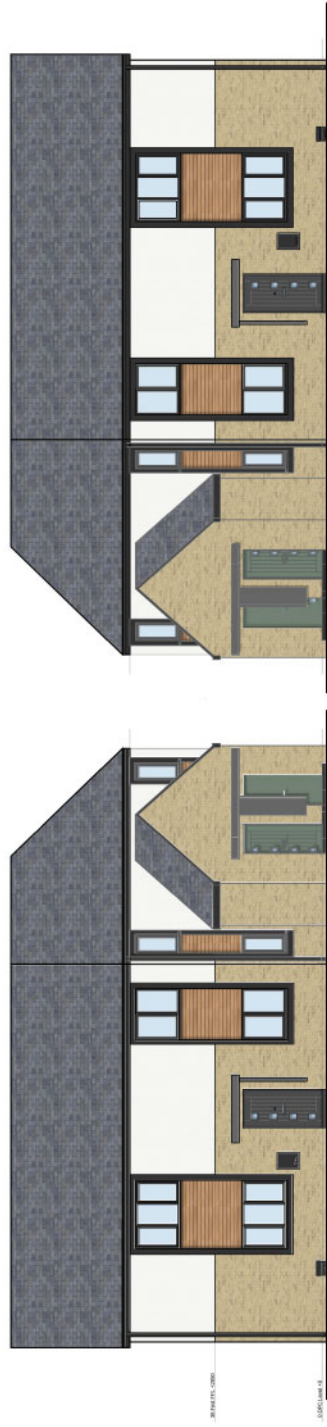


House Type F
2 Bed 4 Person
Ground floor 70.68m²

105



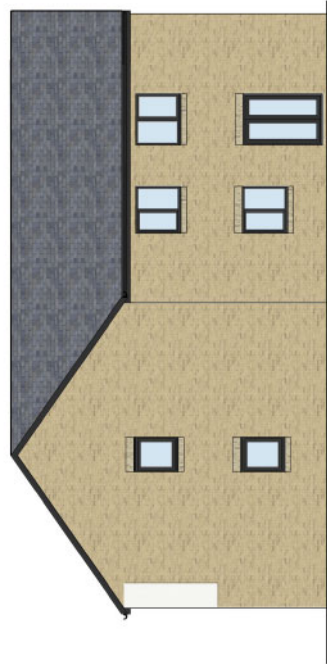
House Type F1
1 Bed 2 Person
Per floor 67.00m²



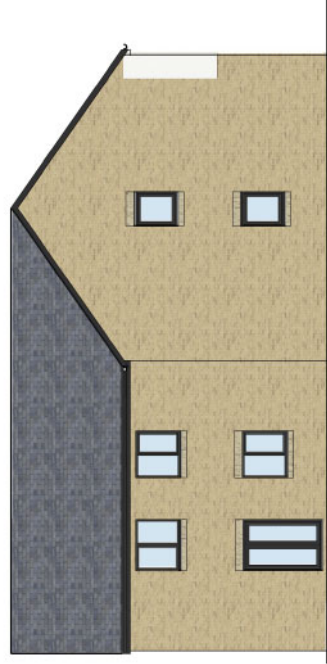
FRONT SIDE ELEVATION



FRONT ELEVATION



SIDE REAR ELEVATION



SIDE REAR ELEVATION

Notes

- 1. All rights in this drawing remain the property of BIM Architects Limited.
- 2. Do not scale this drawing.
- 3. Work to agreed dimensions only.
- 4. Contractors and consultants are to advise BIM Architects Limited of any discrepancies.

Revisions

Date	By	Check
11/11/2021	WFB	

Project
Cherwelllands
Bishop's Cleeve

Drawing
Floor Plans and Elevations
House Types BH-E
P101-1016

Drawn by
GS

Checked by
GR

Scale
1:100 @ A2

Date
22.06.2021

Job No.
71008

DWG No.
D16

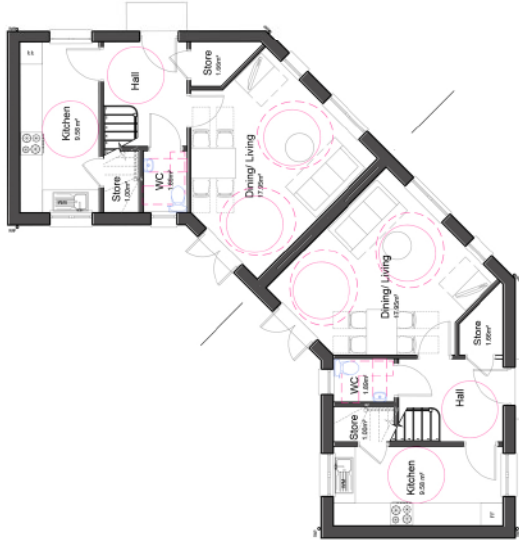
Client
Rooftop

Discipline
PLANNING

Revision
B

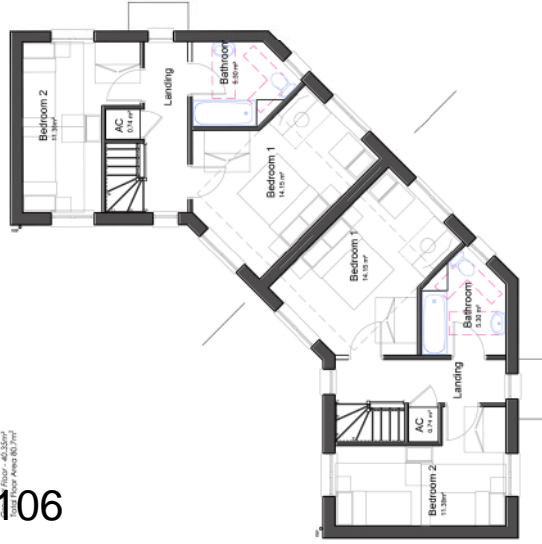
BIM3

Birmingham Office: 28 Park Street, Blyth, Birmingham, B15 2JH. T: 0121 633 0000 F: 0121 633 0000 E: info@bim3.co.uk



House Type E
 2 BED 4 PERSON
 103.70m²
 1033 Brockley Avenue, B32 7JF

06



House Type E
 2 BED 4 PERSON
 103.70m²



FRONT/ELEVATION



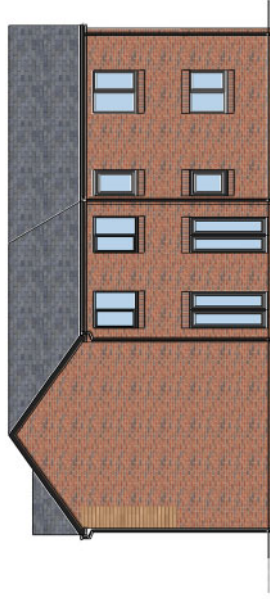
FRONT/ELEVATION



FRONT/ELEVATION



REAR/ELEVATION



REAR/ELEVATION



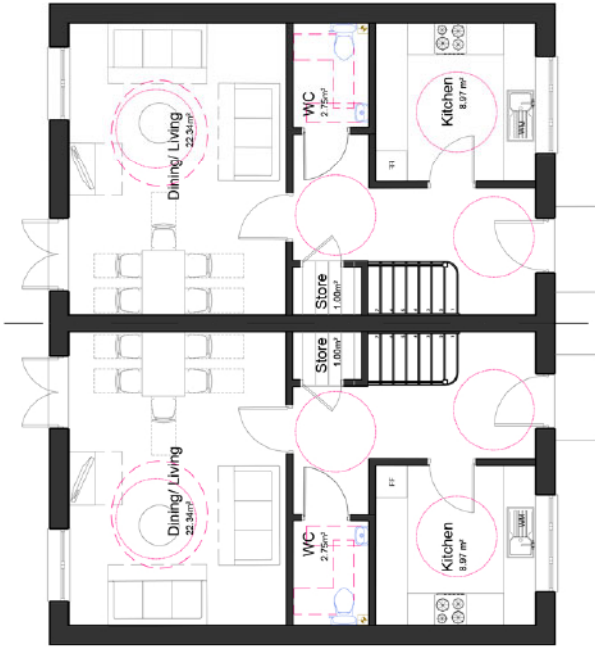
REAR/ELEVATION

Notes
 - All rights in this family remains the property of B&B Architects Limited.
 - Do not scale this drawing.
 - Work to agreed dimensions only.
 - Contractors and consultants are to advise B&B Architects Limited of any discrepancies.

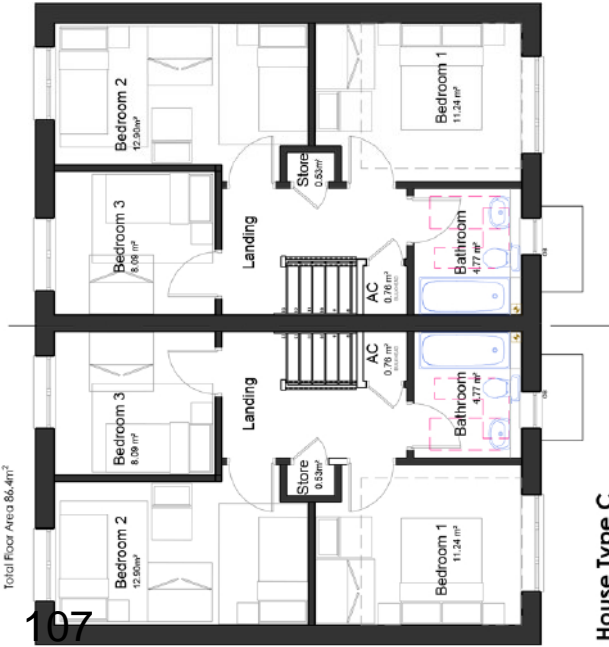
Date: 22.08.2024
 By: [Signature]
 Checked: [Signature]

Project	Creeblands Bathop's Cleve	Drawing	Floor Plans and Elevations House Types RH-E Plets 17-18	Client	Rooftop
Scale	1:100@A2	Job No.	71208	Drawn by	GS
Dated	22.08.2024	Checked	GR	Revision	A
Birmingham Office, 38 Fickens Street, Dighep, Birmingham, B5 5SM. T: 021 633 0309 F: 021 633 0300 E: enquiries@bba.co.uk					





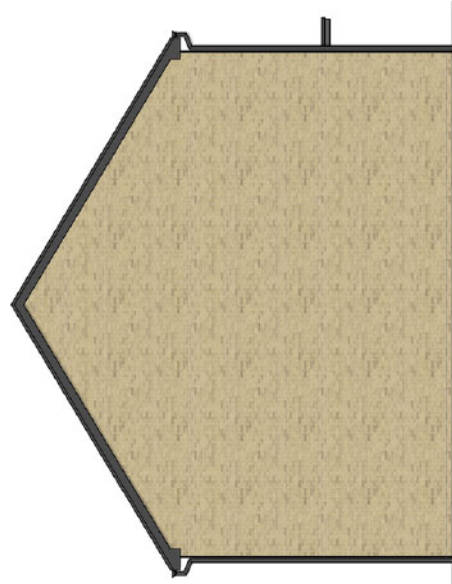
House Type C
3 Bed 5 Person
Ground Floor - 47.92m²
Total Floor Area 86.4m²



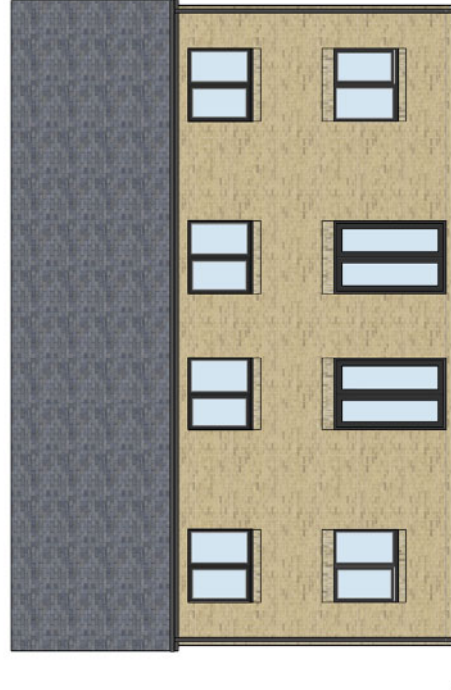
House Type C
3 Bed 5 Person
First Floor - 47.92m²



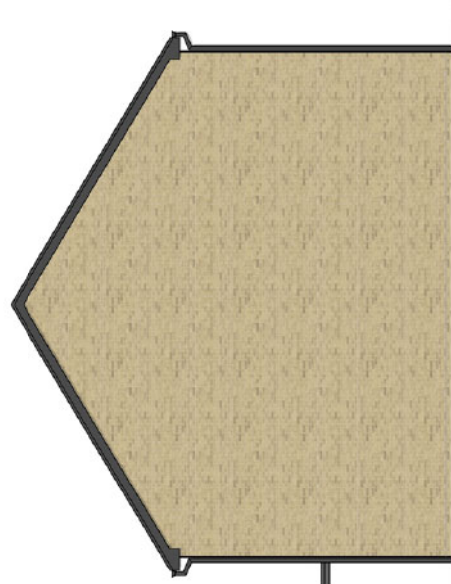
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

Notes
Copyright in this drawing remains the property of BM3 Architecture Limited.
Do not scale this drawing.
Work to figured dimensions only.
Constructors and occupants are to advise BM3 Architecture Limited of any discrepancies.

Revision
1. Plans shown for info are subject to CDM2015

Date
20/03/2017

By
GS

Checked
GR

Project
Cleavelands
Bishop's Cleeve

Scale
1:100@A3

Dated
02.06.21

Job No.
71208

Drawing No.
D13

Drawn by
GS

Checked
GR

Drawing
House Type RH-C
Floor Plans and Elevations
PLOTS 19-20

Client
C5th Element
PLANNING



Revision
A

BM3



SITE AREA:

TOTAL AREA = 5034m² / 1.24 acres / 0.50ha
 CAR PARKING = 36

KEY	
	Bin & Cycle Storage
	Refuse Worker Radius - 25.0 m max.
	Resident Radius - 30.0m max.

*PLOTS 1-6 & 17-18
 BINS TO BE COLLECTED IN FRONT OF
 PROPERTIES VIA ADOPTED ROAD



Notes

- Copyright in this drawing remains the property of BM3 Architecture
- Do not scale this drawing
- Work to figured dimensions only
- Contractors and consultants are to advise BM3 Architecture Limited of any discrepancies.

Revision

Date

By

Chkd

Project
 Cleveclands
 Bishop's Cleeve

Scale	Dated	Job No.
1:500@A3	02.06.21	71208

Drawing
 Bin Strategy Plan

Drawn by	Checked
GS	GR

Client



CIS/b Element	Revision
PLANNING	-



SCHEDULE OF ACCOMMODATION
All compliant to NDSS

Code	Type	Area (m ²)	No.
TYPE RH-A/M1	1B 2P FLAT	51.658.5	06
TYPE RH F/F1	2B 4P FLAT (WALK UP)	70.6174.56	04
TYPE RH-B	2B 4P HOUSE	80.7	02
TYPE RH-C	3B 5P HOUSE	95.8	06
TYPE RH-E	2B 4P HOUSE CT	80.8	02
TYPE RH-D	2B 4P HOUSE	80.7	02

TOTAL 22

SITE AREA:

TOTAL AREA = 5034m² / 1.24 acres / 0.50ha
CAR PARKING = 36



KEY

- Site boundary
- Perimeter fencing to be 1800 close board with gravel board
- 1800mmmm garden walls
- 1200mm railing fence
- Proposed Trees as Chicanees (traffic calming measure)
- Proposed Trees
- Surface Storm Drains (with 3m easements)

PFFL
+0.00 = proposed finished floor levels
+0.00 = existing levels

AMENITY AREAS & POS	
PRIVATE AMENITY SPACE	SHARED AMENITY SPACE
Plot 1: 51.79	Plot 7-12: 102.29
Plot 2: 51.79	Plot 15 & 16: 37.06
Plot 3: 62.55	
Plot 4: 67.72	
Plot 5: 80.79	
Plot 6: 50.95	
Plot 7: 29.37	
Plot 8: 27.8	
Plot 9: 29.37	
Plot 10: 20.25	
Plot 11: 20.25	
Plot 12: 31.5	
Plot 13: 22.20	
Plot 14: 26.14	
Plot 17: 53.03	
Plot 18: 59.41	
Plot 19: 65.38	
Plot 20: 75.72	
Plot 21: 72.65	
Plot 22: 57.42	
	Public Open Space = 969.66

NOTE: ALL AREAS IN SQUARE METERS (SQ.M)



EXISTING
JMPING
ATION

110

Notes

- Copyright in this drawing remains the property of BM3 Architecture
- Do not scale this drawing
- Work to figured dimensions only
- Contractors and consultants are to advise BM3 Architecture Limited of any discrepancies.

Revision

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Drawing Areas:	Revision
Private, Shared Amenity Space & Open Space	—

Drawing No.	Drawn by	Checked	Client
D20	GS	GR	CISB Element PLANNING

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

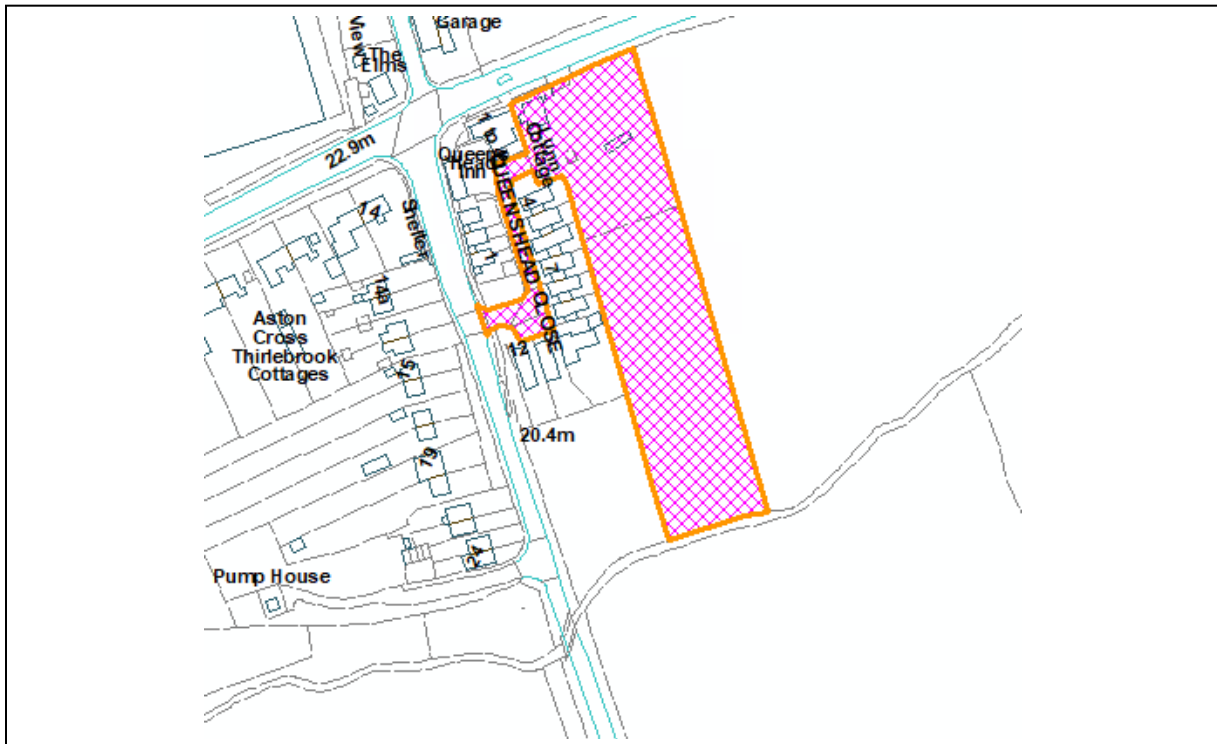
Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06.21	71208	GS	GR	Rooftop Innovative Group

Scale	Dated	Job No.	Drawn by	Checked	Client
1:500@A3	02.06				

Planning Committee

Date	21 March 2023
Case Officer	Frank Whitley
Application No.	21/01013/FUL
Site Location	Lunn Cottage, Aston Cross, Tewkesbury
Proposal	Erection of 10 no. dwellings, garages, construction of internal estate road, formation of parking areas and gardens/amenity space.
Ward	Isbourne
Parish	Ashchurch Rural
Appendices	Site location plan Site layout plan House Type 1 Elevations House Type 2 Elevations House Type 3 Elevations House Type 4 Elevations Proposed Visualisation Plots 1-4 Proposed Visualisation Plots 5-10
Reason for Referral to Committee	The Constitution requires applications of ten or more dwellings to be determined by Planning Committee.
Recommendation	Refuse

Site Location



1.0 The Proposal

- 1.1 The applicant describes the development as 'Phase 2' to the completed housing scheme approved under planning reference 16/00665/FUL. The application seeks full planning permission for a development of 10 dwellings, together with garages, construction of internal estate road, formation of parking areas and gardens/amenity space. Existing boundary trees and hedgerow would be retained, and also existing trees within the area of public open space.
- 1.2 There would be:
2 x 2 bed semidetached (Plots 1&2)
2 x 3 bed semidetached (Plots 3&4)
6 x 4 bed semidetached (Plots 5-10)
- 1.3 Each dwelling would have dedicated parking for at least two cars. Only plots 5-10 are to have a car port.
- 1.4 Lunn Cottage would be retained, though an outbuilding is to be removed and access arrangements altered. Currently, there is a domestic access from the A46 which is to be closed off. Instead it is proposed to use the extension to Queen's Head Close to form a rear access to Lunn Cottage.
- 1.5 Four of the proposed dwellings would remain affordable but no planning obligation has been submitted with the application to secure this.

2. Site Description

- 2.1 The application site is situated immediately south of the A46 and to the east of the B4079 in Aston Cross, adjacent to residential development on Queens Head Close, approved under ref 16/00665/FUL. The application site of 7300sqm extends as far as Tirlle Brook to the south and into the associated flood zone 2/3, though only the northern half outside of the flood zone would be developed for housing. The flood zone area would be public open space.
- 2.2 Lunn Cottage and its small enclosed domestic curtilage is within the application site and is to be retained. The remainder of the site is currently rough pasture, wooded to the south and bounded by hedgerow. An unoccupied static caravan and small garden shed type buildings are within the site.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
16/00665/FUL	Erection of 12 No. dwellinghouses, garages and internal estate road together with vehicular and pedestrian accesses; formation of parking areas and gardens/amenity space	Permit	11 August 2017

4. Consultation Responses

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

- 4.1 Ashchurch Parish Council-** no objection to this application
- 4.2 National Highways-** no objection
- 4.3 Gloucester County Council Highways-** no objection subject to conditions
The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.
- 4.4 Severn Trent Water-** no objection subject to a drainage condition
- 4.5 Environment Agency-** no objection
No objection to the proposals, subject to the imposition of conditions on any permission granted.
- 4.6 Gloucester County Lead Local Flood Authority-** no objection
Through the proposed drainage strategy, the development is not likely to have a significant impact on flood risk elsewhere. The LLFA has no further objections to the proposal and recommends the following condition for a maintenance and management plan for the drainage.
- 4.7 Land Drainage-** no objection
The development lies in Flood Zone 2 and 3 and has been adequately designed/planned to avoid these areas, so housing/residential uses are all located in Flood Zone 1.
- 4.8 Environmental Health (Noise) -** no objection
The submitted noise assessment appears satisfactory and predicts, that with the installation of suitable glazing / ventilation products and boundary fencing, both internal and external noise levels would be acceptable. When the development design has been finalised the applicant should, via their acoustic consultant, confirm the glazing and ventilation products to be installed and that they will meet the sound insulation requirements of the original noise assessment. Additionally the extent, height and surface density of the recommended boundary fencing / walls shall also be detailed for approval
- 4.9 Environmental Health (Air) -** no objection
The report is appropriate and Worcestershire Regulatory Services agree with the methodology and conclusions therefore WRS have no adverse comments to make for air quality
- 4.10 Ecology-** no objection
No further surveys are required for ecology matters and we are satisfied with the results of the most recent Ecology report and outcome of the Shadow HRA.
Ecology cannot be used as an additional reason for refusal.
- 4.11 Housing Enabling-** no objection
I note the application is a full application and that the proposal includes 4no affordable houses from the proposed 10. This is welcomed and in accordance with JCS Policy SD12.

- 4.12 GCC Development Contributions Investment Team- no objection**
A financial contribution will be required to make this development acceptable in planning terms. The County Council would have concerns if provision of and funding for the necessary infrastructure requirements could not adequately be addressed by planning obligation.
- 4.13 Minerals and Waste Policy Officer- no objection**

5. Third Party Comments/Observations

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

- 5.1** Seven objections have been received on the following grounds:
- Flood report is out of date
 - Inadequate access and parking for construction vehicles
 - Queens Head Close is a private road and permission has not been granted to use it for access to the development.
 - Developer has not complied with conditions on the original Queens Head Close development in terms of maintenance of tree planting and provision of visitor parking spaces
 - Inadequate publicity of application and consultation
 - Overspill parking from Queens Head Close blocks traffic on the B4079
 - Queens Head Close/B4079 access inadequate
 - Inadequate existing drainage infrastructure in Queens Head Close
 - Leftover building materials from Queens Head Close still left on land adjacent. Concerns the same may happen with future development.
 - Impacts on wildlife especially birds
 - Wider landscape impacts

6. Relevant Planning Policies and Considerations

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

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

- 6.2** National guidance
National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

- 6.3** Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) – Adopted 11 December 2017
Policy SP1 (The Need for New Development)
Policy SP2 (The Distribution of New Development)
Policy SD4 (Design Requirements)
Policy SD6 (Landscape)
Policy SD9 (Biodiversity and Geodiversity)
Policy SD10 (Residential Development)
Policy SD14 (Health and Environmental Quality)
Policy INF1 (Transport Network)
Policy INF2 (Flood Risk Management)
Policy INF3 (Green Infrastructure)
- 6.4** Tewkesbury Borough Local Plan to 2011-2031 (TBLP) – Adopted 8 June 2022
Policy RES1 (Housing Site Allocations)
Policy RES2 (Settlement Boundaries)
Policy RES3 (New Housing Outside Settlement Boundaries)
Policy RES5 (New Housing Development)
Policy LAN2 (Landscape Character)
Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
Policy ENV2 (Flood Risk and Water Management)
Policy TRAC9 (Parking Provision)
Policy DES1 (Housing Space Standards)
- 6.5** Ashchurch Rural Parish Neighbourhood Development Plan 2020-2031
Policy H1: Housing in Rural Areas

7. Policy Context

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

8. Evaluation

Principle of Development and Five Year Housing Land Supply (5YHLS)

- 8.1** The NPPF states that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 8.2** The NPPF at Chapter 5 seeks to deliver a sufficient supply of homes. Paras 78-80 deal with rural housing.
- 8.3** Under Paragraph 74 of the National Planning Policy Framework (NPPF) Local Planning Authorities are required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies.

- 8.4** The adopted JCS became five years old on 11th December 2022, therefore as required by paragraph 74 of the NPPF the Council's 5 year housing land supply position was reconsidered, based on the standard method of calculation.
- 8.5** 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.
- 8.6** On 7th March 2023, the Council's Interim Five Year Housing Land Supply Statement was published which sets out the position on the five-year housing land supply for Tewkesbury Borough as of 11th December 2022 (five years since the adoption of the JCS) and covers the five-year period between 1 April 2022 and 31 March 2027. The Interim Statement confirms that, when set against local housing need for Tewkesbury Borough calculated by the standard method, plus a 5% buffer, the Council can demonstrate a five year housing land supply of 6.68 years. 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.
- 8.7** Policy SP1 (The Need for New Development) of the JCS states that provision will be made for 35,175 new homes, within existing urban areas through District Plans, existing commitments, urban extensions, and strategic allocations. Policy SP2 (Distribution of New Development) amongst other requirements, states that dwellings will be provided through existing commitments, development at Tewkesbury town, in line with its role as a market town, smaller scale development meeting local needs at Rural Service Centres and Service Villages. In the remainder of the rural area Policy SD10 (Residential Development) will apply for proposals for residential development.
- 8.8** Policy SD10 of the JCS states that new housing will be planned in order to deliver the scale and distribution of development set out in Policies SP1 and SP2. Para 4. Of SD10 is relevant to this application where, since being in a rural area, housing development on other sites will only be permitted where:
- It is for affordable housing on a rural exception site in accordance with Policy SD12, or;
 - 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;
 - It is brought forward through Community Right to Build Orders, or;
 - There are other specific exceptions / circumstances defined in district or neighbourhood.
- 8.9** In terms of JCS requirements, the proposed development does not meet any of the exception criteria of SD10 and is therefore also contrary to the requirements of policies SP1 and SP2.
- 8.10** Policy RES1 of the adopted TBP sets out allocated sites for residential (and mixed use) development.

- 8.11** Policies RES2 and RES3 set out policy requirements in relation to settlement boundaries. According to the proposals map of the TBP, the settlement boundary for Tewkesbury Town Area extends up to the western edge of B4079 in Aston Cross. The application site is to the east of the B4079, outside of the settlement boundary. The application site does not fall within a Rural Service Centre, Service Village, or Urban Fringe Settlement. RES3 sets out where exceptions may apply to the presumption against development outside settlement boundaries:
- The reuse of a redundant or disused permanent building (subject to Policy RES7)
 - The sub-division of an existing dwelling into two or more self-contained residential units (subject to Policy RES8)
 - Very small-scale development at rural settlements in accordance with Policy RES4
 - A replacement dwelling (subject to Policy RES9)
 - A rural exception site for affordable housing (subject to Policy RES6)
 - Dwellings essential for rural workers to live permanently at or near their place of work in the countryside (subject to Policy AGR3)
 - A site that has been allocated through the Development Plan or involves development through local initiatives including Community Right to Build Orders and Neighbourhood Development Orders
- 8.12** The application site is not allocated for development and does not meet the exception criteria for development outside of settlement boundaries. The location of the proposed development is therefore in principle contrary to policies SP1, SP2, SD10 of the adopted Joint Core Strategy, and policies RES1, RES2, and RES3 of the adopted Tewkesbury Borough Local Plan.
- 8.13** The Ashchurch Rural Parish Neighbourhood Development Plan (Made version) 2020-2031 sets out its approach to Housing in Rural Areas. Policy H1, Paragraphs A and E are relevant to the proposal. Paragraph A states that new residential development in the countryside will be supported where it is infill, an extension/modification/conversion, or within the garden of an existing dwellinghouse. The proposal does not meet these requirements and therefore conflicts with Policy H1. Paragraph E states development will only be allowed where local infrastructure can meet the impact of the development. There is no evidence of conflict with Paragraph E.

Character, Appearance and Visual Impact

- 8.14** The NPPF at Chapter 12 seeks to achieve well-designed places and significant emphasis is placed on well-designed places through the National Design Guide and national Model Design Code. Policy SD4 of the JCS seeks to ensure design principles are incorporated into development, in terms of context, character, sense of place, legibility and identity. RES5 of the TBC seeks to ensure proposals are of a design and layout which respect the character, appearance and amenity of the surrounding area. Further, Policy DES1 of the TBP sets out the requirements of Housing Space Standards.
- 8.15** In terms of visual impact, the development as a whole is not considered to have significant impacts. Given the proximity of the existing development at Queens Head Close, the additional visual impact over and above would not be excessive. The development would be well screened from public view points, other than a short road frontage adjacent to the A46 on the northern boundary.

- 8.16** Floor areas range from @110sqm for 2 bedroom units, up to @135sqm for 4 bedroom units. These figures exceed requirements according to government Housing Space standards, and according to TBP Policy DES1.
- 8.17** Visualisations of the proposed scheme have been provided with the application. Some concerns are raised with the design concept of dwellings, which could be perceived as 'box shaped'. However, the concept and general layout of similar development has been considered acceptable during determination of 16/00665/FUL. The Urban Design officer has not raised concerns in terms of the overall design approach. However, the case officer raises concerns in relation to the proposed cladding materials.
- 8.18** The submitted plans indicate a palette of materials which includes the cladding of terracotta tiles on the walls and roof of house types 1&2. In the case of house types 3&4, terracotta tiles or timber wall cladding are specified as an option. Although shown on the visualisation of the scheme it can reasonably be assumed that timber cladding will not be selected because this material was ruled out by the applicant in the existing adjacent development due to its flammable nature. Similarly, it must be assumed that reference to 'tiles' or 'slates' would be a type of artificial large format tile/slate as used on the existing development, not the small scale natural materials that appear to be indicated on the visualisations.
- 8.19** The proposed materials palette would result in bright terracotta tiles on the walls and roof of housetypes 1&2, and most likely the walls of housetypes 3&4. The use of such similar roof and wall cladding close together on the same building is likely to be visually prominent and unattractive, whereas a darker, recessive material would be preferred. As proposed, this would result in visual harm to the development and the wider area. However, it is considered that the use of appropriate cladding materials could be controlled through a suitably worded condition, notwithstanding the submitted plans.
- 8.20** It is the officers view that that the materials palette of the existing built scheme is not of high quality and represents a significant 'watering down' of the design quality of the development as it was originally conceived and approved. This indicated a modern barn style development utilising natural materials (timber cladding, small plain clay tiles, natural slates) that would weather and soften, enabling the development, over time, to integrate into its semi-rural setting. However, the development was implemented using large format low quality artificial cladding materials that do not replicate these qualities. Although at condition discharge stage the matter of the materials on the existing 16/00665/FUL scheme was tested at appeal, the Inspector did not concur with the Council's view that the design of that scheme was diminished through the use of lesser quality materials. Based on the existing scheme, it is considered likely that the proposed development would be implemented by the applicant in a similar manner. However, the opportunity could be taken to seek a betterment in the quality of materials through the discharge of conditions route.
- 8.21** Although the matters relating to cladding materials weigh against the scheme, they are considered capable of resolution through condition and are not therefore considered to give rise to sufficient harm to warrant a reason for refusal.

Ecology, trees, landscaping and open space

- 8.22** Approximately half of the application site is proposed public open space within Flood Zones 2 and 3. Concerns have been raised by the Urban Design Officer that this space will be flooded some of the time and therefore not accessible all year round. Although undesirable, the Flood Risk Management Engineer has confirmed that land at risk of flooding, where also used as public open space is acceptable.
- 8.23** Chapter 15 of the NPPF seeks to conserve and enhance the natural environment. Policy SD9 (Biodiversity and Geodiversity) of the adopted JCS states that biodiversity will be protected and enhanced in order to establish and reinforce ecological networks. Any development that has the potential to have a likely significant effect on an international site will be subject to a Habitats Regulations Assessment (HRA). TBP Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features), states that proposals that are likely to have a significant effect on a European or internationally designated habitats site (either alone or in combination with other plans or projects) will not be permitted unless a Habitats Regulations Assessment has concluded that the proposal will not adversely affect the integrity of the habitats site.
- 8.24** The southern half of the application is currently unmanaged, though formerly was an orchard. According to the submitted ecology assessment, most of the apple trees have died, though some remain along with three pear trees.
- 8.25** A Shadow HRA has also been submitted and considered. According to the Council's ecological consultant, the development would have no impact on the statutory designated Dixton Wood SAC and Bredon Hill SAC NNR.
- 8.26** The ecology assessment concludes the site could support reptiles. No further survey work is recommended though some mitigation is proposed. The Council's ecological consultant supports this approach and confirmed that in the event mitigation becomes necessary, it can be appropriately dealt with in a Construction Environmental Management Plan. In relation to nearby ponds, where one record of Great Crested Newt has been found, the Council's ecologist is satisfied no mitigation is necessary due to existing barriers to dispersal.
- 8.27** In relation to badgers and hedgehogs, the Council's ecological consultant is satisfied that appropriate mitigation could be secured through the Construction and Environmental Management Plan. Overall, the submitted ecology assessment predicts a biodiversity net gain of 27%.
- 8.28** According to the submitted tree survey, none are proposed for removal. There is one Category B fir tree and which is to be retained. It is located between Plots 2 and 3 which are to be positioned outside of its root protection area.
- 8.29** Two Category C willow trees are on the eastern boundary and are described as previously reduced as part of the hedge. Plots 8 and 9 are positioned outside of their root protection areas.
- 8.30** There is therefore no conflict with Chapter 15 of the NPPF, Policy SD9 of the adopted JCS and NAT1 of the adopted TBP.

Drainage and Flood Risk

- 8.31** The NPPF at Chapter 14 (in part) seeks to meet the challenge of climate change and flooding. Policy INF1 of the adopted JCS and Policy NAT2 of the TBP seek to manage flood risk. The application is accompanied by a Flood Risk Assessment, and consultations have taken place with the Environment Agency, Gloucestershire County Council (as the Lead Local Flood Authority), and Tewkesbury Borough Council's Flood Risk Management Engineer and Severn Trent Water.
- 8.32** The development is proposed to connect to a mains foul water disposal connection to which no objection is raised by STW. In terms of surface water, a Flood Risk Assessment was submitted, which initially attracted some concerns from the LLFA that the underground attenuation storage was likely to be installed at the incorrect level, compared to the level of the Tirlle Brook. An updated assessment has since been provided and the LLFA re-consulted. The LLFA has confirmed these matters have been resolved and there is no objection to the proposed means of surface water disposal. A number of flood risk/ drainage conditions are recommended by consultees. There is therefore no conflict with the NPPF, Policies INF1 of the JCS, or NAT2 of the TBP.

Highways and access

- 8.33** The application as submitted was supported by a Transport Statement (TS) which concluded additional impacts over and above the existing Queens Head Close development were not significant.
- 8.34** County Highways were initially consulted and disagreed with the conclusions of the TS. This led to the submission of a revised TS with further explanation of the scheme in terms of local connections and layout. County Highways were again consulted and based upon the revised TS, has withdrawn the objection.
- 8.35** County Highways are now satisfied there are a number of consented developments in Ashchurch within reasonable walking and cycling distances of everyday services and facilities. It is still acknowledged that local bus services are limited, though in the planning balance, this shortfall is not sufficient to sustain an objection.
- 8.36** In terms of the proposed development layout, County Highways remain concerned about the achievement of "Manual for Gloucestershire Streets" standards. The applicant has been advised that further scrutiny will be necessary should the proposal come forward for adoption in the future.
- 8.37** Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained. A number of conditions are proposed in the event planning permission is granted.
- 8.38** Accordingly, there is no conflict with Policy INF1 of the adopted JCS.

Affordable Housing and Other Planning Obligations

- 8.39** The application proposes on site provision of four affordable homes, these being 2 x two bedroom and 2 x 3 bedroom dwellings, though the tenure mix is not specified. In the absence of a completed Section 106 agreement to secure affordable housing, the application is contrary to Policy SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and the National Planning Policy Framework.
- 8.40** The GCC Development Contributions investment team has commented that a contribution would be required to secure necessary infrastructure. In the absence of a completed planning obligation to secure education contributions, the development fails to provide appropriate provisions towards education school places. This is contrary to Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2013 (2017), Gloucestershire's School Places Strategy 2021-2026 and the National Planning Policy Framework.

Benefits

- 8.41** The development would provide some economic benefits during construction in terms of employment and local business support. The development would contribute, albeit in a limited way, towards the supply of housing to help meet the objectively assessed need for housing in the Borough over the plan period, which is a significant benefit. The delivery of affordable housing, if secured by S106 agreement, attracts significant weight in favour of the scheme. The biodiversity net gain intended attracts some weight in favour of the scheme.

Harms

- 8.42** The applicant has not demonstrated 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, or other community infrastructure, which weighs heavily against the scheme.

Neutral

- 8.43** It has been established through the submission documents that subject to securing satisfactory measures as part the imposition of appropriate planning conditions, the development would not give rise to unacceptable impacts in relation to flood risk and drainage, design and layout, highway safety, ecology and trees.

9. Conclusion

- 9.1** Whilst weight should be afforded to the provision of housing, the Council is able to demonstrate a 5YHLS and the tilted balance contained in Para 11(d) of the NPPF is not engaged. The settlement and housing strategy identified in the adopted development plan is, by definition, the appropriate means to direct new housing to more sustainable locations. The development fails to accord with the settlement and housing strategy as set out in the JCS and TBP and would therefore cause harm to the plan-led system. The proposed development does not meet the requirements of Policy H1 of the Ashchurch Rural Parish Neighbourhood Plan (made version).

- 9.2 Furthermore, as set out in the report, there are several S106 obligations which have not been agreed in principle through the submission of a signed S106 agreement. As such these matters constitute reasons for refusal.

10. Recommendation

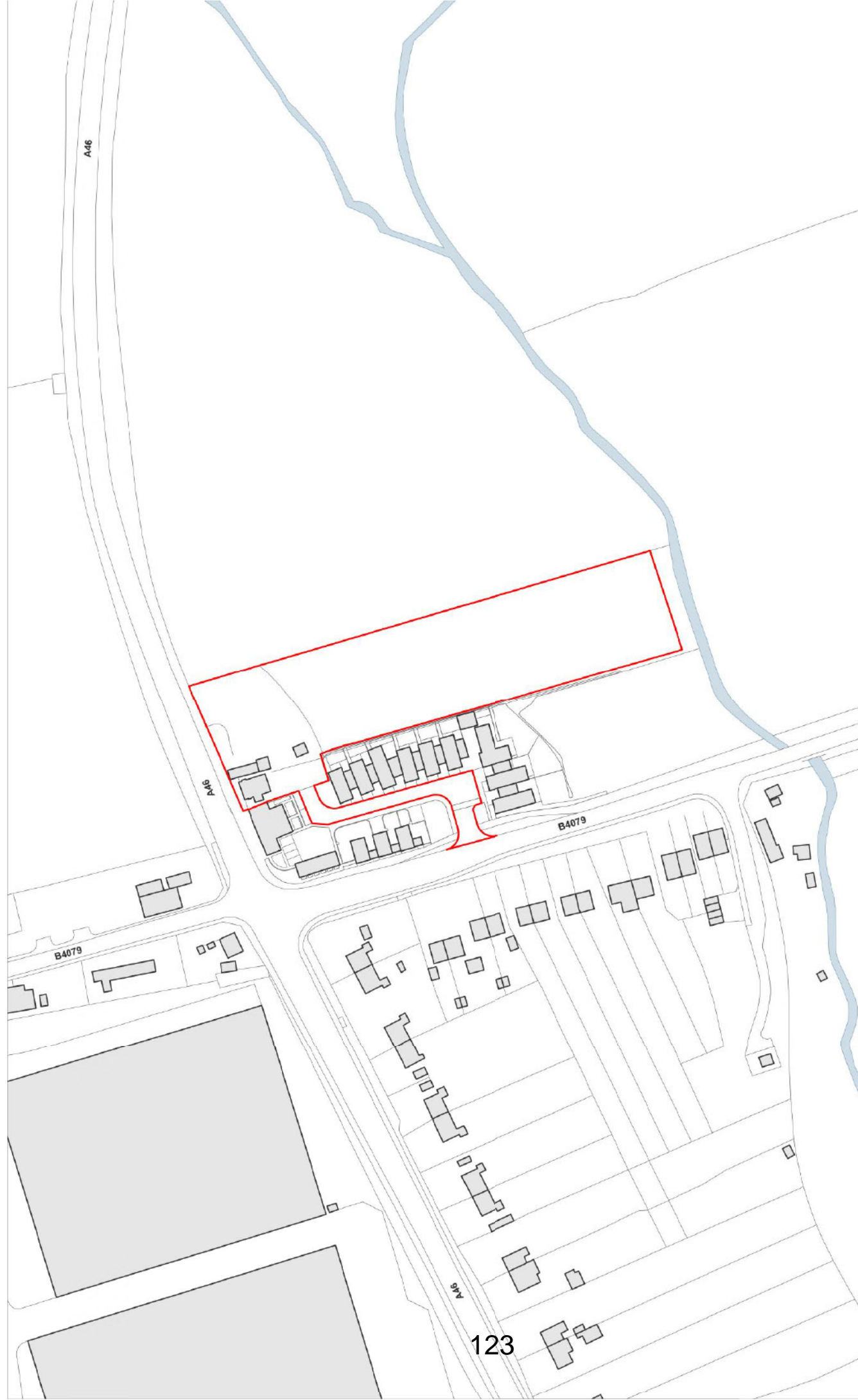
- 10.1 Collectively these matters are considered to outweigh the benefits of the development in the overall planning balance and for the above reasons it is recommended that the application is **REFUSED**

11. Recommended Reasons For Refusal

- 1 The proposed development conflicts with policies SP1, SP2 and SD10 of the adopted Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and Policies RES1, RES2, RES3 and RES4 of adopted Tewkesbury Borough 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. The proposal does not meet the criteria for Housing in Rural Areas according to Policy H1 of the Ashchurch Rural Parish Neighbourhood Development Plan 2020-2031.
- 2 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 SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and the National Planning Policy Framework.
- 3 The proposed development does not demonstrate how it would adequately provide for education school places contrary to Policies INF4, INF6 and INF7 of the JCS of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and the National Planning Policy Framework.

Informatives

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



Drawing Number
HS340_001
 Project Name
Aston Cross Housing - Phase 2
 Revision
P02
 Scale
1:1250 @ A3

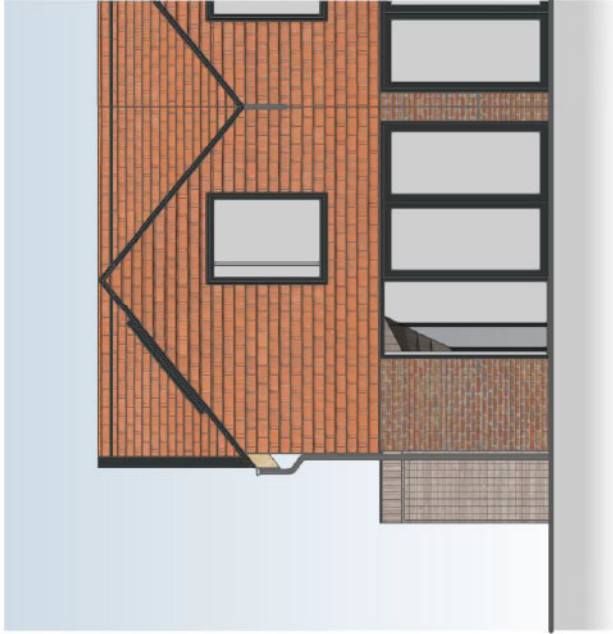
Project Title
Aston Cross Housing - Phase 2
 Drawing Title
Site Location Plan

MR	Date	DR	CR	Revisions	MR	Date	DR	CR	Remarks
P02	20/07/21	TS	JH	PLANNING APPLICATION					

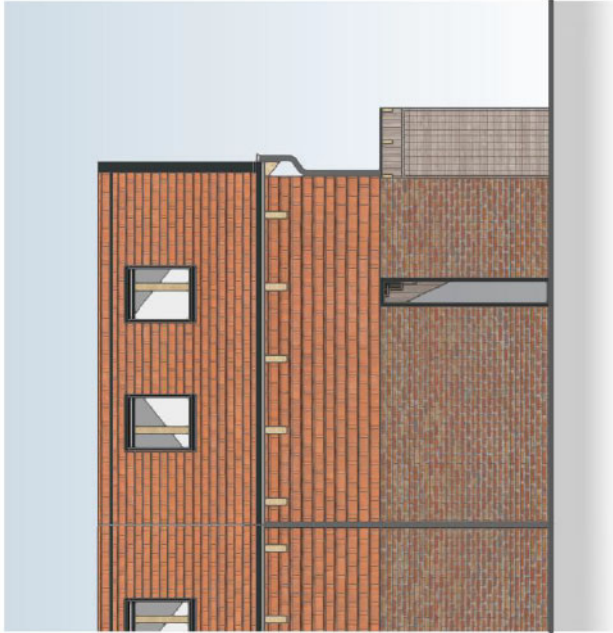


Key
 This drawing has been produced for AMW Property for the proposed development at Aston Cross. It is not intended for use by any other person for any other purpose.
 Responsibility is not accepted for errors made by others in using this drawing. Dimensions are to reference unless otherwise stated. Information should be taken from approved documents only.
 Copyright © 2008-2021 Hewitt Studios LLP All rights reserved.

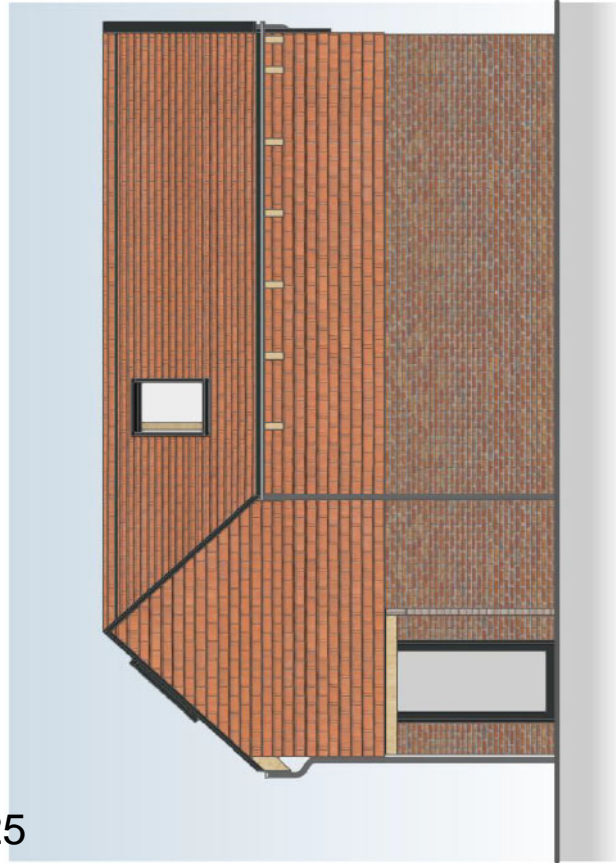
Hewitt studios
 28 Moorford Street, Bath, BA1 2RT
 01225 461919
 mail@hewittstudios.co.uk
 www.hewittstudios.co.uk



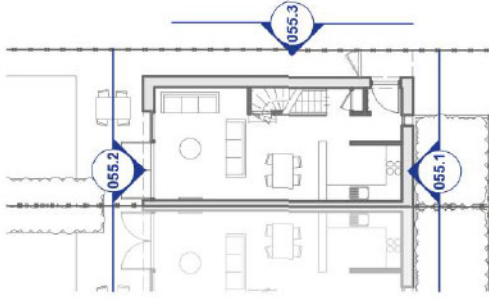
055.2 HOUSE TYPE 1 - ELEVATION 3 (GARDEN)
 2-BED SEMI DETACHED



055.1 HOUSE TYPE 1 - ELEVATION 1 (ROAD)
 2-BED SEMI DETACHED



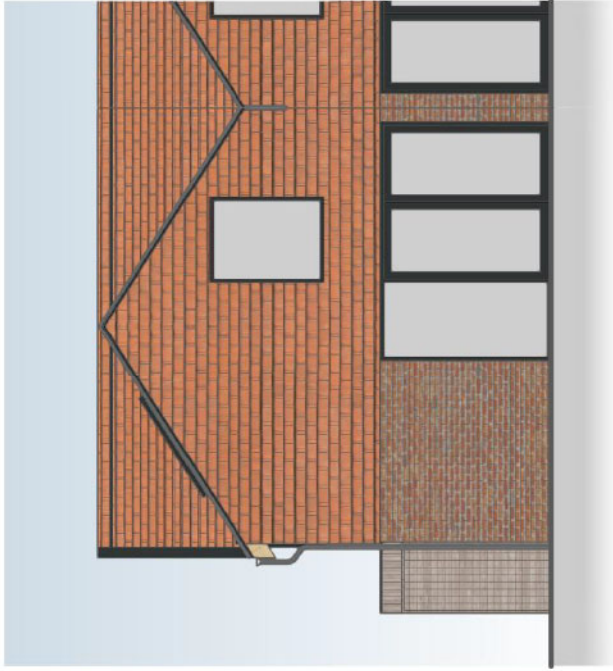
055.3 HOUSE TYPE 1 - ELEVATION 2 (SIDE)
 2-BED SEMI DETACHED



055.4 ELEVATION KEY PLAN

Materials Key:

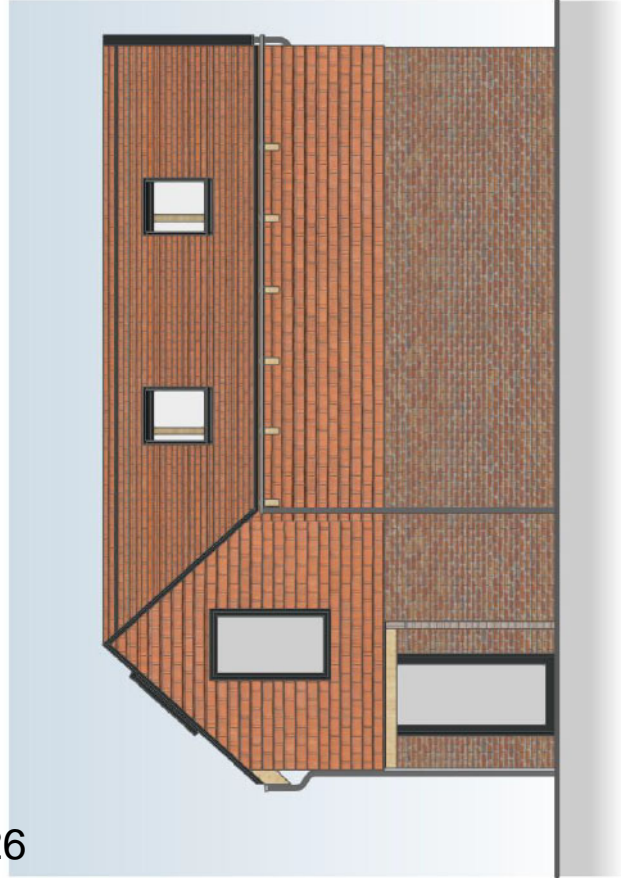
	Red brick		PPC aluminium (anthracite) & glass rooflights		Entrance canopy - timber cladding
	Terracotta tiles		PPC aluminium (anthracite) & glass doors		Exposed timber eaves beams
	PPC aluminium (anthracite) & glass windows		Galvanised steel gutter and downpipe		Entrance canopy - timber structure



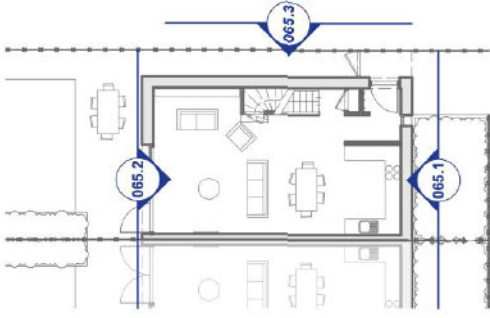
065.2 HOUSE TYPE 2 - ELEVATION 3 (GARDEN)
3-BED SEMI DETACHED



065.1 HOUSE TYPE 2 - ELEVATION 1 (ROAD)
3-BED SEMI DETACHED



065.2 HOUSE TYPE 2 - ELEVATION 2 (SIDE)
3-BED SEMI DETACHED



065.4 ELEVATION KEY PLAN

Materials Key:

	Red brick		PPC aluminium (anthracite) & glass rooflights		Entrance canopy - timber cladding
	Terracotta tiles		PPC aluminium (anthracite) & glass doors		Exposed timber eaves beams
	PPC aluminium (anthracite) & glass windows		Galvanised steel gutter and downpipe		Entrance canopy - timber structure

This document is the intellectual property of Hewitt Studios and is not to be used for any other purpose or for any other project without the written consent of Hewitt Studios.

Copyright © 2018-2022 Hewitt Studios. All rights reserved.

Key

NOTE:
 Materials vary based on plot - see HS340_040 for details

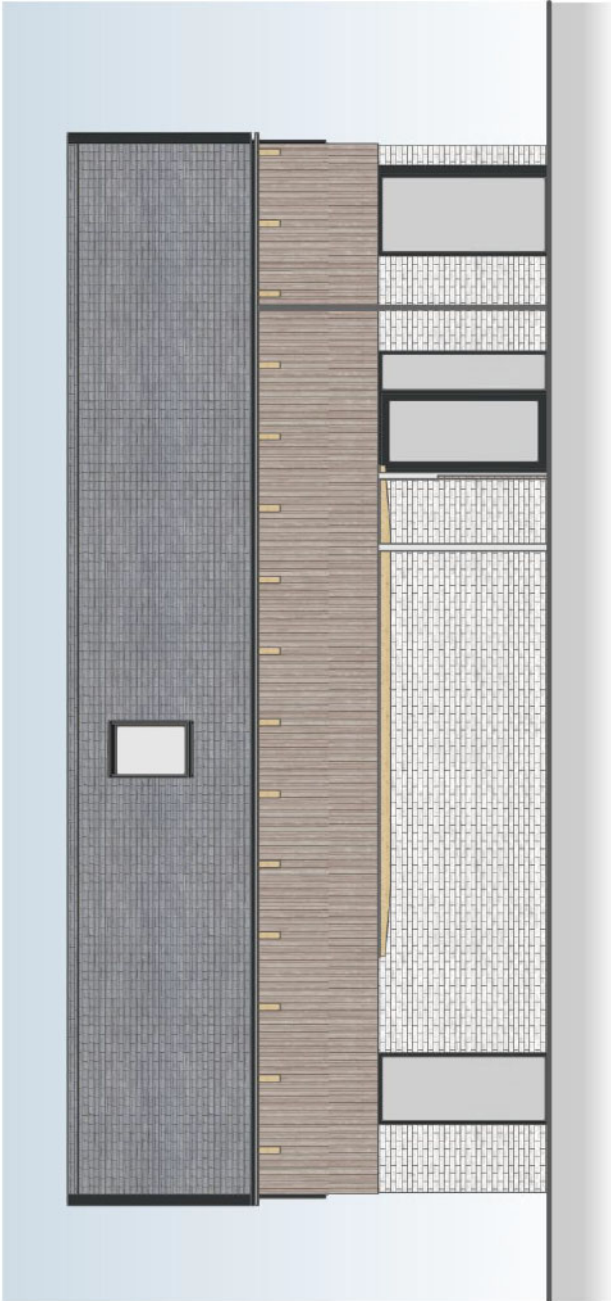
MR Date DR CH Revisions
 P03 08/21/21 TD JH PLANNING APPLICATION
 P04 01/11/21 TD JH PLANNING APPLICATION
 P05 03/02/22 TB - PLANNING APPLICATION
 P06 03/02/22 TB - PLANNING APPLICATION

Project Title
Astion Cross Housing - Phase 2

Drawing Title
House Type 3 - Elevations

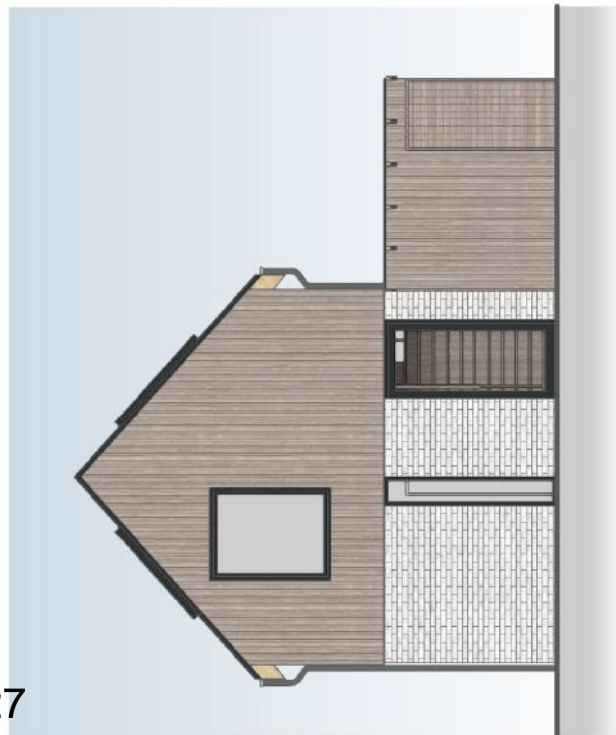
Drawing Number
HS340_075

Revision
P03
 Scale
1:75 @ A3

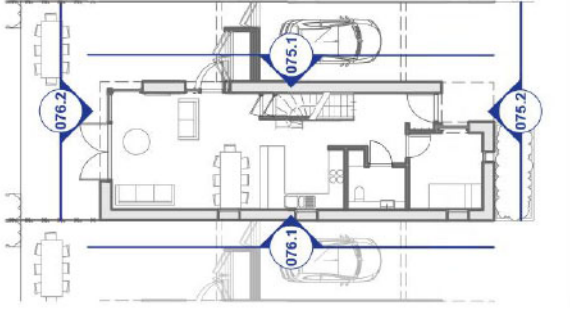


075.1 HOUSE TYPE 3 - ELEVATION 1 (CAR PORT SIDE)
 4-BED DETACHED

127



075.2 HOUSE TYPE 3 - ELEVATION 2 (STREET)
 4-BED DETACHED



075.3 ELEVATION KEY PLAN

Materials Key:

	Red OR White brick		PPC aluminium (anthracite) & glass windows		Car port - timber structure
	Timber cladding OR terracotta tiles		PPC aluminium (anthracite) & glass rooflights		Car port - timber cladding
	Slate OR terracotta tiles		Exposed timber eaves beams		Galvanised steel gutter and downpipe
	PPC aluminium (anthracite) & glass doors				

This document is the intellectual property of Hewitt Studios and is not to be used for any other project or for any other purpose without the written consent of Hewitt Studios. It is not to be used for any other project or for any other purpose without the written consent of Hewitt Studios. It is not to be used for any other project or for any other purpose without the written consent of Hewitt Studios.

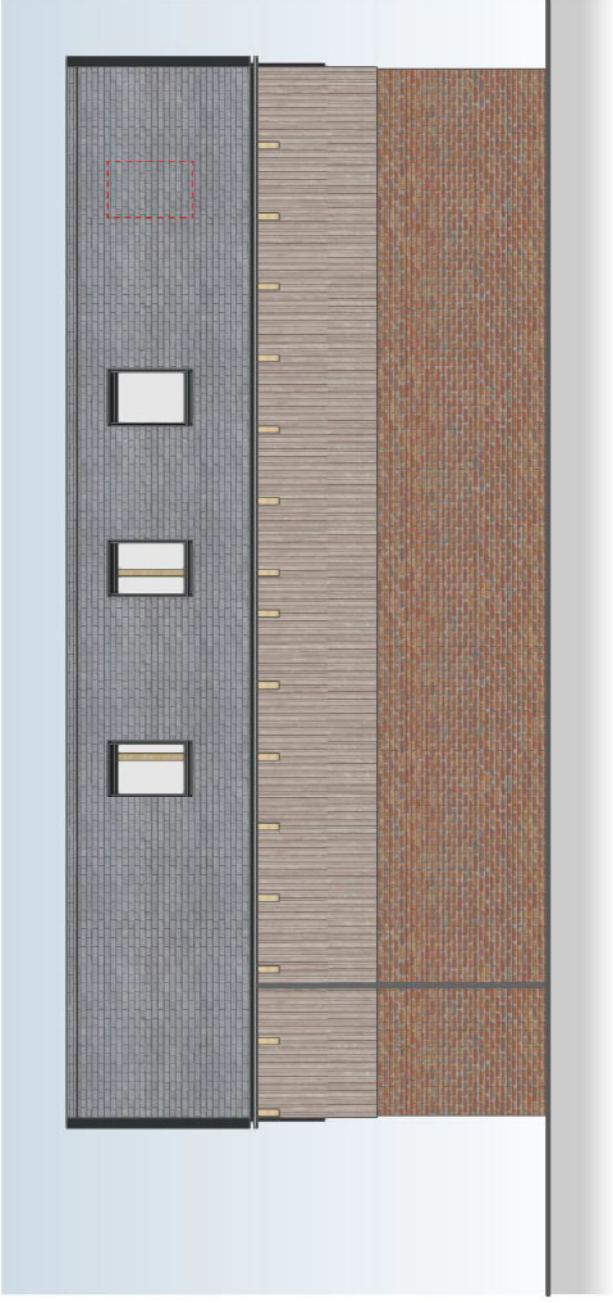
NOTE:
 Materials vary based on plot - see HS340_040 for details

Project Title
Asion Cross Housing - Phase 2

Overing Title
House Type 4 - Elevations

Drawing Number
HS340_085

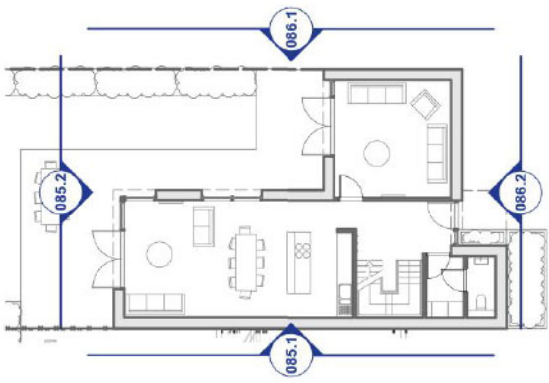
Scale
1:75 @ A3



085.1 HOUSE TYPE 4 - ELEVATION 1 (NEIGHBOUR'S SIDE)
 4-BED DETACHED



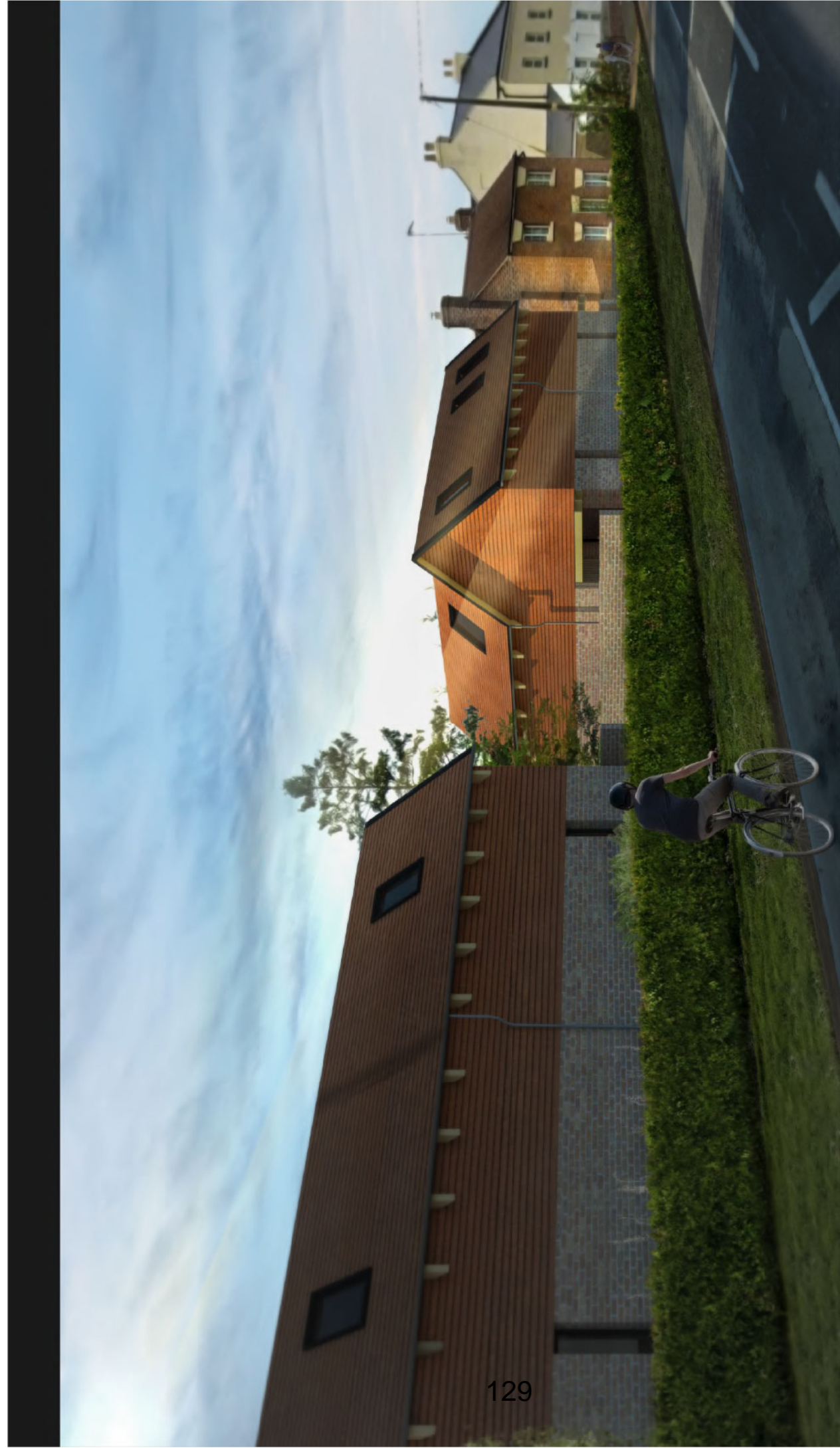
085.2 HOUSE TYPE 4 - ELEVATION 2 (GARDEN)
 4-BED DETACHED



085.3 ELEVATION KEY PLAN

Materials Key:

	Red OR White brick		PPC aluminium (anthracite) & glass windows
	Timber cladding OR terracotta tiles		PPC aluminium (anthracite) & glass rooflights
	Slate OR terracotta tiles		Exposed timber eaves beams
	PPC aluminium (anthracite) & glass doors		Galvanised steel gutter and downpipe



This drawing has been produced for **Alford Property**, for the proposed development at **Aston Cross**. It is not to be used for any other purpose or for any other purpose.
 Responsibility is not accepted for errors made by others in using this drawing. Dimensions are to all surfaces unless otherwise stated. Information should be taken from approved documents only.
 Copyright © 2020-2022 Hewitt Studios LLP. All rights reserved.

Key

MR Date: 01/02/22
 DR Date: 01/02/22
 PR Date: 01/02/22
 Revision: 1
 Planning Application: 22/0168/AG/01
 (Other versions: 01/02/22)

MR Date: 01/02/22
 DR Date: 01/02/22
 PR Date: 01/02/22
 Revision: 1
 Planning Application: 22/0168/AG/01
 (Other versions: 01/02/22)

MR Date: 01/02/22
 DR Date: 01/02/22
 PR Date: 01/02/22
 Revision: 1
 Planning Application: 22/0168/AG/01
 (Other versions: 01/02/22)

Project Title: **Aston Cross Housing - Phase 2**
 Drawing Title: **Proposed Visualisation - Plots 1-4**

Drawing Number: **HS340_150**
 Revision: **P02**
 Date: **N/A**



This drawing has been produced for **Alston Cross**, for the proposed development of **Alston Cross**. It is not to be used for any other purpose or for any other purpose.

Responsibility is not accepted for errors made by others in using this drawing. Dimensions are in millimetres unless otherwise stated. All other information should be taken from approved documents only.
 Copyright © 2008-2022 Hewitt Studios LLP All rights reserved

Key

MR Date: 10/03/22
 DR Date: 03/02/22
 PR Date: 03/02/22
 Review: Approved for Planning Application
 (Subject to conditions)

MR Date: 10/03/22
 DR Date: 03/02/22
 PR Date: 03/02/22

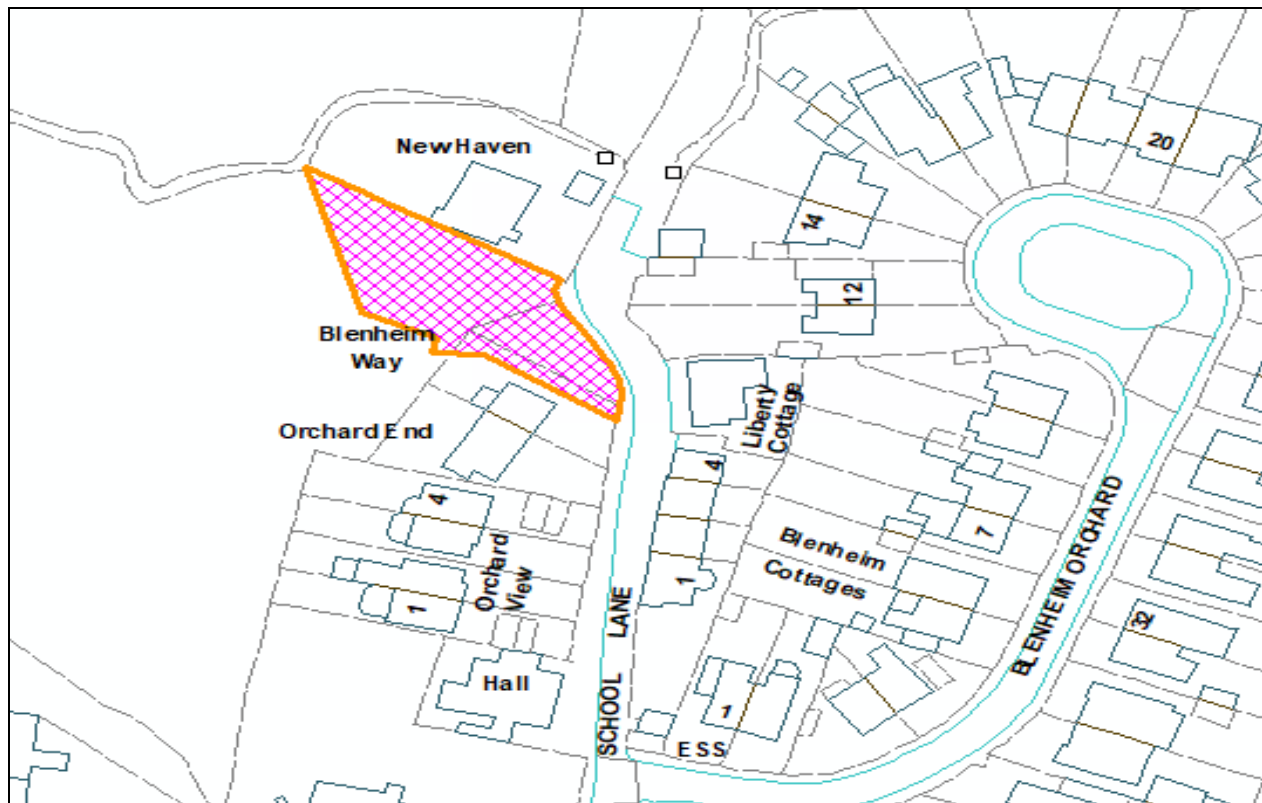
Project Title: **Alston Cross Housing - Phase 2**
 Drawing Title: **Proposed Visualisation - Plots 5-10**

Drawing Number: **HS340_151**
 Plot: **P02**
 Block: **N/A**

Planning Committee

Date	21 March 2023
Case Officer	Jonny Martin
Application No.	21/00868/FUL
Site Location	Land Adjoining Blenheim Way, School Lane, Shurdington
Proposal	Erection of a single dwelling and associated access
Ward	Shurdington
Parish	Shurdington
Appendices	Site Location Plan 01 Rev P0 Proposed Site Layout 02 Rev P8 Proposed Floor Plans 03 Rev P10 Proposed Elevations 1 04 Rev P6 Proposed Elevations 2 05 Rev P6 Proposed Street Scene 06 Rev P4
Reason for Referral to Committee	Cllr Surman has called the application in to assess highway and parking issues and consideration of the overdevelopment of the lane. The Parish Council has also objected to the proposal.
Recommendation	Delegated Permit

Site Location



1. The Proposal

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R0B0F1QDHAH00>

- 1.1 This Planning permission is sought for the erection of a two-storey (with attic accommodation) detached dwelling house and a detached double garage to the front.
- 1.2 The proposed dwelling would have a contemporary appearance and the proposed materials would comprise a mix of buff facing brick, zinc cladding, zinc roofing and grey aluminium windows.

Amendments

- 1.3 Since the application was submitted, the following amendments have been made to the scheme:

- The front garage wing has been omitted in favour of a detached garage and reduced height.
- A flat roof single storey wing added to part of the rear elevation.

2. Site Description

- 2.1 The application site comprises a parcel of land to the western side of School Lane which lies between 2 dwellings, Blenheim Way to the south and New Haven to the north. The eastern part of the site lies within the settlement boundary to Sherrington with the remainder of the site being within the open countryside to the west.
- 2.2 The application site is located within the Green Belt.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
T.2398	Erection of pair of semi-detached farm workers cottages. Construction of pedestrian access.	PERMIT	17.07.1956
T.2398/AP	Erection of two semi-detached houses for farm workers.	PERMIT	16.10.1956
05/01336/FUL	Erection of a white PVCu Edwardian conservatory to rear of property	PER	08.12.2005
21/01312/PIP	Erection of a single dwelling.	REF	23.12.2021
APP/G1630/W/22/3291784	Subsequent appeal	ALLOWED	23.08.2022

4. Consultation Responses

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

- 4.1 Shurdington Parish Council** – objects to the proposal due to the impact on neighbouring amenity, the argument of infill is tenuous, impacts on flooding and the proposal would impact local traffic movements.
- 4.2 Building Control Officer** – no objection.
- 4.3 County Highways Officer** – no objection subject to conditions.
- 4.4 Environmental Health Officer** – no objection.
- 4.5 Flood Risk & Management Officer** – no objection subject to detailed design condition.
- 4.6 Severn Trent** - no objections

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 and nine letters of representation have been received objecting as follows:
 - Overdevelopment of School Lane
 - Access and parking concerns
 - Overlooking and loss of privacy
 - Design is out of keeping with the size for the character of the lane
 - Loss of agricultural land

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

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

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

6.2 National guidance

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

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

- Policy SP1 (The Need for New Development)
- Policy SP2 (The Distribution of New Development)
- Policy SD4 (Design Requirements)
- Policy SD5 (Green Belt)
- Policy SD6 (Landscape)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD10 (Residential Development)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk Management)
- Policy INF3 (Green Infrastructure)

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

- Policy RES 2 (Settlement Boundaries)
- Policy RES3 (New Housing Outside Settlement Boundaries)
- Policy RES4 (New Housing at other rural settlements)
- Policy RES5 (New Housing Development)
- Policy RES9 (Replacement Dwellings)
- Policy RES11 (Change of Use of Agricultural Land to Domestic Garden)
- Policy LAN2 (Landscape Character)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy ENV2 (Flood Risk and Water Management)
- Policy TRAC9 (Parking Provision)
- Policy DES1 (Housing Space Standards)

6.5 Neighbourhood Plan

None

7. Policy Context

- 7.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 7.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), 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

Principle of development

- 8.1 This application follows a recent 'Permission in Principle' (PIP) application (21/01312/PIP) for the erection of a single dwelling, which was refused for the following reason:
- 8.2 *"The proposed development does not constitute limited infilling in the village of Shurdington and therefore constitutes inappropriate development in the Green Belt which by definition is harmful to the Green Belt and in the absence of very special circumstances the development is contrary to Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and the National Planning Policy Framework."*
- 8.3 This application was subject of an appeal which was subsequently allowed (Ref No. APP/G1630/W/22/3291784). The Inspector made the following observations in relation to the principle of development:

"The appeal site comprises a parcel of land on the western side of School Lane, which sits on the outer edge of the village of Shurdington. The eastern part of the appeal site fronts on to School Lane, and forms a small gap within the lane's built-up frontage. The rear of the site includes a small section of agricultural field, the bulk of which runs behind the dwellings on the western side of the lane. The site falls within the Green Belt.

7. The National Planning Policy Framework (2021) (Framework) is explicit that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to say that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions set out in paragraph 149. One such exception comprises "limited infilling in villages".

8. Much of the appeal site is located between two existing residential dwellings, being Blenheim Way to the south, and Phoenix Meadow to the north. Blenheim Way comprises part of a ribbon of houses which runs along the western side of School Lane. Phoenix Meadow is the final house on the western side of the lane, but is sited further back than the main ribbon of houses, owing to a bend at the northern end of the lane. Residential housing also runs along the opposite side of the lane. The lane is therefore distinctly residential in character, with a built-up frontage running along the substantive part of each side.

9. Given this location, the proposed dwelling would be flanked on either side by existing dwellings and would also face houses on the opposite side of the road. As a result, it would relate well to the existing pattern of development along the road, assimilating effectively with the wider street scene. When viewed from the more open fields to the west, the proposal would also be read within the context of surrounding residential development, which would again allow it to integrate effectively within the existing built fabric of the village. Given this surrounding context, I consider that the proposed development would constitute infill development, as envisioned by the Framework.

10. Whilst part of the appeal site does extend into the agricultural field to the west of the lane, the plot would broadly align with the curtilage of the neighbouring dwelling, Phoenix Meadow. In turn, an additional dwelling in this location would help form an effective transition between Phoenix Meadow and the ribbon of houses to the south. Given that the appeal site would front on to School Lane (which is within Shurdington), the new dwelling

would also be perceived as part of the built-up fabric of the village, irrespective of any defined settlement boundaries (much like Phoenix Meadow).

11. As the proposal would constitute infill, it would fall within one of the permitted exceptions to development in the Green Belt, and would therefore not be inappropriate. In this regard, the appeal site's location would be suitable for a single residential dwelling. Whilst detail of the proposal would be reserved for the Technical Details Consent stage, the development could conceivably reflect the design parameters of Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2011 – 2031) (JCS), which require new development to respond positively to the character of the site and its surroundings, by addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form."

(Emphasis Added)

Principle of development - conclusions

- 8.4** In light of this appeal decision which remains extant, and in accordance with the policies set out above, it is considered that the principle of a new dwelling at this site is acceptable. However, there are other material planning considerations to be considered as set out below.

Green Belt

- 8.5** 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.
- 8.6** Paragraph 149 of the NPPF explains that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are paragraph 149 (e) which relates to 'limited infilling in villages.'
- 8.7** The proposal is considered to meet exception 149 (e) as confirmed by the Inspector in Appeal Decision APP/G1630/W/22/3291784 and the proposal would not constitute inappropriate development in the Green Belt.

Design and Visual Amenity

- 8.8** Policy 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.
- 8.9** Policy RES 5 of the TBLP requires new housing to 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.

- 8.10** The height of the proposed dwelling is considered to be acceptable as the ridge would be set lower than the neighbouring property at Blenheim Way but higher than the other neighbouring property at New Haven and would result in an appropriate visual transition in the street scene.
- 8.11** The dwelling would be set back from the road. While it would be sited behind the dwelling at Blenheim Way it would however align with the frontage of New Haven and would reflect the informal staggered appearance to the western side of School Lane.
- 8.12** The dwelling would be set away from neighbouring boundaries and would not result in a dominant or cramped appearance when viewed from the street.
- 8.13** Amended plans have been received to replace a dominant 1½ storey front which was considered to be overbearing and out of keeping with the character of the area with a detached double garage with a significantly reduced overall height. This would result in a more sensitive and acceptable relationship with adjoining properties and would reflect the character of the wider street scene.
- 8.14** The proposed palette of materials broadly reflects those of the immediate vicinity and the use of zinc roofing and cladding detail would introduce a contemporary high-quality finish to the development and would create interest to the elevations.
- 8.15** Subject to compliance with conditions it is considered that the proposed development would be result in a high-quality infill dwelling. The proposal has been sensitively designed and would sit comfortably within its surroundings, resulting in a visually attractive building that is sympathetic to the surrounding area and would accord with Policy SD4 of the JCS and RES5 of the TBLP.

Residential Amenity

- 8.16** JCS policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 8.17** The proposal would provide a four bedroom dwelling with a study with a total gross internal area of 245sqm. This exceeds the Nationally Described Space Standards requirement of 124sqm. This ensures that the dwelling will provide acceptable living conditions for any future occupiers. Similarly the proposal would benefit from a generous garden which would be similar in area to that at New Haven.
- 8.18** In terms of overlooking, there would be no side facing windows on the elevation towards New Haven and there is one window at first floor level facing onto Blenheim Way. This window would serve an ensuite and a condition could be added to ensure the window is obscurely glazed. The first-floor balcony to the west elevation has a vertical screen which would prevent direct overlooking of New Haven and would be set a significant distance away from Blenheim Way so as not to adversely impact living conditions.
- 8.19** The proposed dwelling is set away from the neighbouring boundaries and as a result of its siting design and scale would not be overbearing or result in adverse living conditions for the occupiers of neighbouring dwellings. Furthermore, the council's Environmental Health Officer has raised no objection to the proposed development in terms of noise/nuisance.

- 8.20** It is considered that, there would be no adverse impacts in terms of overlooking, loss of light or overbearing effects upon neighbouring properties and the proposal would therefore accord with Policy RES5 of the TBLP and SD4 and SD14 of the JCS.

Drainage and Flood Risk

- 8.21** Policy INF 2, Flood Risk Management, of the JCS explains how development should minimise the risk of flooding, contribute to a reduction in existing flood risk, apply a sequential test for assessment of applications giving priority to land in Flood Zone 1, incorporate suitable Sustainable Drainage Systems (SuDS) where appropriate in the view of the local authority to manage surface water drainage: to avoid any increase in discharge into the public sewer system; to ensure that flood risk is not increased on-site or elsewhere; and to protect the quality of the receiving watercourse and groundwater.
- 8.22** Policy ENV 2, Flood Risk and Water Management, of the TBLP requires all proposals to incorporate sustainable drainage systems where appropriate and proportionate to the scale and nature of development proposed.
- 8.23** As confirmed by the Environmental Agency's Flood Map for Planning, the site is located within Flood Zone 1 and therefore at the lowest risk of flooding and appropriate for new residential development.
- 8.24** In relation to surface water, it is anticipated that soakaways will be adopted for the drainage of surface water. These can be provided either within the site or at the field to the rear, which is within the ownership of the applicant. The County Council Sustainable Drainage Engineer has assessed the proposal and has raised no objection to the proposal subject to a detailed design condition for surface water drainage. This would ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for the lifetime of the development.
- 8.25** Foul drainage would be discharged to the existing sewer network in Shurdington. This is confirmed in the submitted Site Layout Plan. The Wastewater Plan for the site from Severn Trent Water confirms that the sewer that would be connected to is a public foul gravity/lateral drain. The proposed development would not result in a significant increase in the level of foul drainage connecting to the existing sewer network.
- 8.26** Severn Trent drainage officer has reviewed the proposal and confirmed that there would be minimal impact on the public sewerage system and have raised no objections to the proposal.

Access and Highway Safety

- 8.27** Paragraph 103 of the NPPF sets out that opportunities to maximise sustainable transport solutions which 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.

- 8.28 Policy INF1 'Transport Network' states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.
- 8.29 Access to the site is from School Lane. The design contains a double garage with a turning area in front of the house that would be large enough to incorporate vehicles generated by the development and any visitors. The County Council Highways department has raised no objection to the proposed development.
- 8.30 The applicant has provided a letter which provides preliminary details on how large delivery trucks could access the site through the farm rather than via School Lane. A Construction Management Plan would be required via condition to ensure there is no adverse impact on the local highway during the construction phase.

Community Infrastructure Levy (CIL)

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

9. Conclusion

- 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 Council previously refused a PIP application (21/01312/PIP) on grounds that the development did not constitute 'limited infilling in the village of Shurdington'. However, the decision was subject of an appeal. In allowing that appeal, the Planning Inspector concluded that the proposal would constitute infill and it would fall within one of the permitted exceptions to development in the Green Belt. This permission is extant and it is considered that the site remains suitable for a single residential dwelling.
- 9.3 Given the principle of development is acceptable, officers have considered the other material planning considerations. Amended plans were received which have now overcome concerns in respect of scale and massing of the proposed dwelling and associated impact on neighbouring amenity.

10. Recommendation

- 10.1 It is considered that the scheme as amended and subject to compliance with conditions would result in a high-quality development which would have an acceptable impact on neighbouring amenity, the character of the area and would comply with relevant policies in the plan. It is therefore recommended that authority is **DELEGATED to the Development Management Manager to PERMIT the application subject to any additional/amended planning conditions.**

11. Conditions

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

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

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

- Site Location Plan 01 Rev P0
- Proposed Site Layout 02 Rev P8
- Proposed Floor Plans 03 Rev P10
- Proposed Elevations 1 04 Rev P6
- Proposed Elevations 2 05 Rev P6
- Proposed Street Scene 06 Rev P4
- Wastewater plan 578689-1
- Design and Access Statement dated June 2021
- Water Management Statement dated 8 July 2021
- Planning Statement dated 8 July 2021

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

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

- 3 The development hereby permitted shall be carried out in accordance with the schedule of materials as detailed within the Design and Access Statement.

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

- 4 No development shall commence until a detailed design, maintenance and management strategy and timetable of implementation for the surface water drainage strategy presented in Water Management Statement has been submitted to and approved in writing by the Local Planning Authority. The submitted details must demonstrate the technical feasibility and viability of the proposed drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the lifetime of the development. The scheme for the surface water drainage shall be implemented in accordance with the approved details and timetable and shall be fully operational before the development is first put in to use/occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby reducing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality

- 5** Prior to commencement of any development within a Construction 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 (Including whether piling or power floating is required and please note white noise sounders will be required for plant operating onsite to minimise noise when in operation/moving/ reversing)
 - 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.

- 6** The development hereby permitted shall not occupied until soft and hard landscape works have first been installed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These details shall include details of all hard-surfacing materials, proposed planting, proposed boundary treatment to secure the residential curtilage and proposed finished levels or contours.

Reason: In the interests of visual amenity.

- 7** Details of any new external lighting in connection with this development shall be first submitted to and approved in writing by the local planning authority prior to its installation in the form of a Lighting Strategy Scheme, detailing the 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.

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

- 8** If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved measures.

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.

- 9** During the construction phase (including 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 privacy of adjacent properties.

- 10** The building hereby permitted shall not be occupied until the means of access for vehicles, pedestrians and/or cyclists have been constructed and completed in accordance with the approved plans and car/vehicle parking areas and turning space shown on the approved plans has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development

Reason: in the interest of highway safety.

- 11** The building hereby permitted shall not be occupied until the foul water drainage scheme has been installed and shall be managed and maintained thereafter.

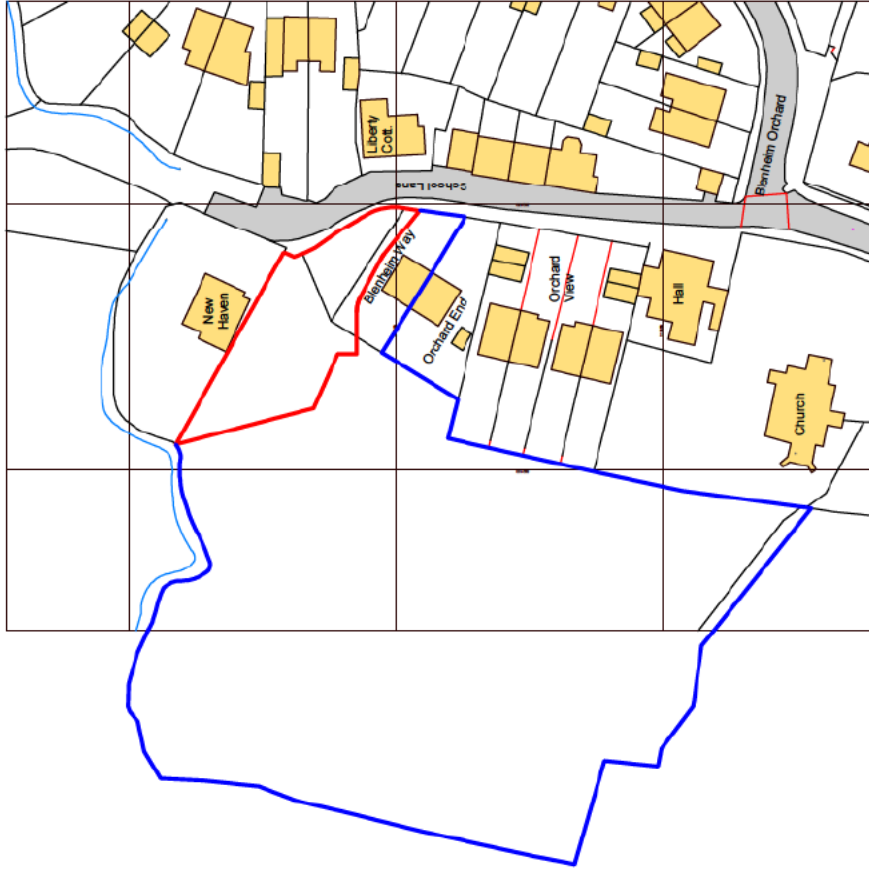
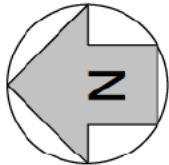
Reason: To ensure development would not result in unacceptable risk of pollution or harm to the environment

- 12** The first floor ensuite window on the southern elevation of the dwelling hereby permitted, shall be constructed so that no part of the framework less than 1.7 metres above finished floor level shall be openable. Any part of the window below that level shall be fitted with, and retained in, obscure glazing (Pilkington Level 4 or equivalent).

Reason: To protect the privacy of adjacent properties.

12. Informatives

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



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

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

Rev	Description	Date

Project Status:
PLANNING

Client:
[REDACTED]

Project Title:
Land adj Blenheim Way

Drawing Description:
Location Plan

Scale:
1 : 1000

Sheet Size:
A3

Date:
06/09/21

Drawn By:
CC

Designed By:
CC

Checked By:
MS

Job No:
21022

Drawing No:
01

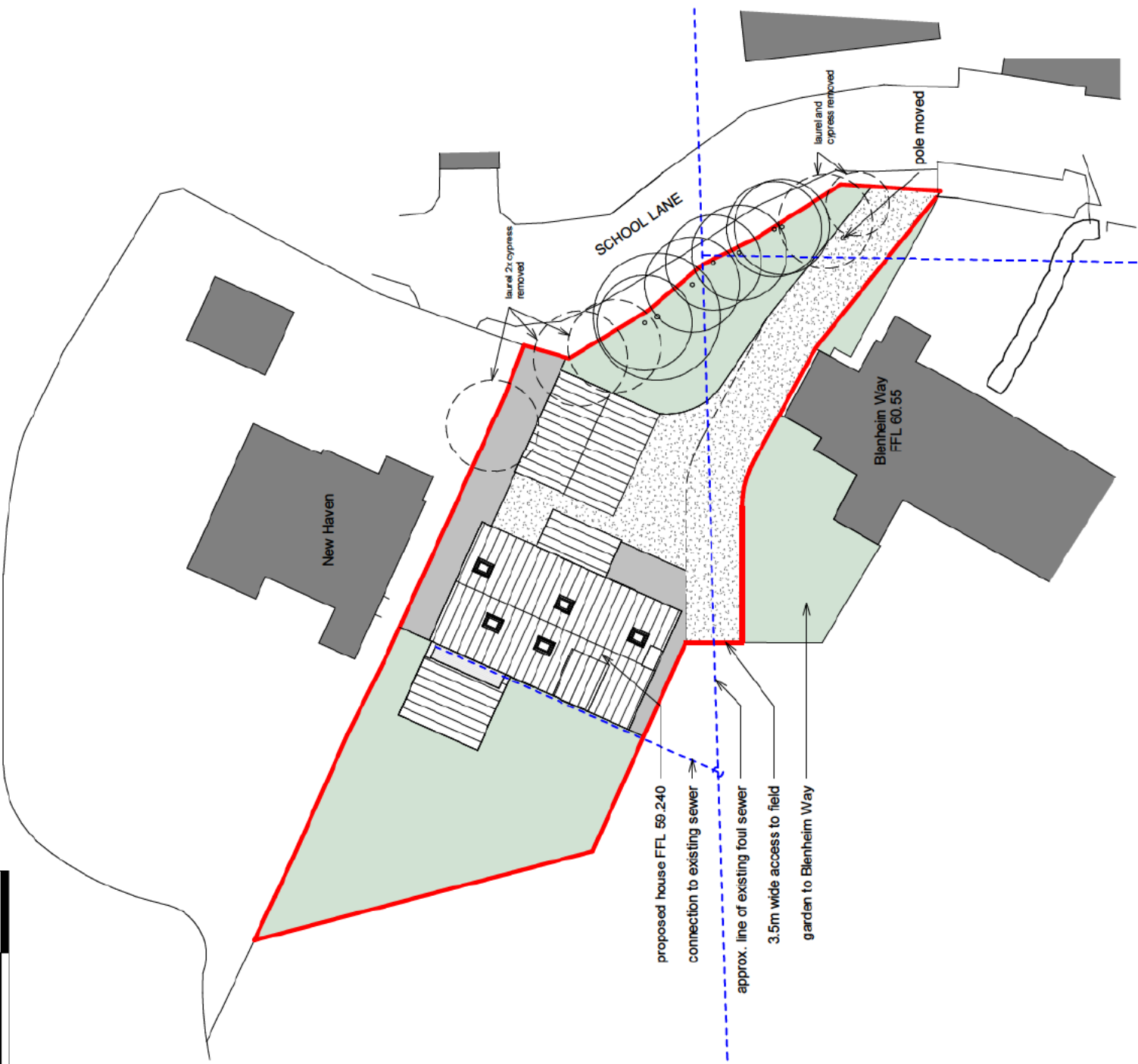
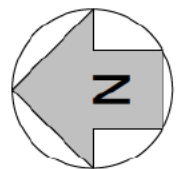
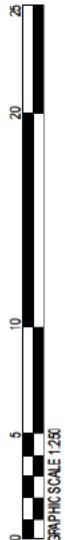
Revision:
P0

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



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

Rev	Description	Date
P6	Roof to garage amended.	24.09.21
P7	Roof to garage amended.	24.09.21
P8	Amendments following LPA comments.	16.02.23



Project Status:
 PLANNING

Client:
 [REDACTED]

Project Title:
 Land adj Blenheim Way

Drawing Description:
 Site Layout

Scale:
 1 : 250

Sheet Size:
 A3

Date:
 05/18/21

Drawn By:
 CC

Designed By:
 CC

Checked By:
 MS

Job No:
 21022

Drawing No:
 02

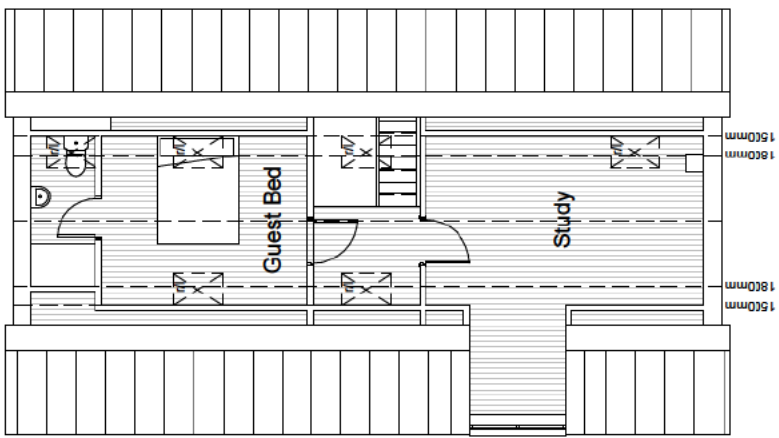
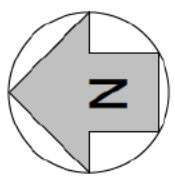
Revision:
 P8

114 Bath Road, Cheltenham, Gloucestershire GL53 7JX
 www.suttoncox.com | 01242 629169

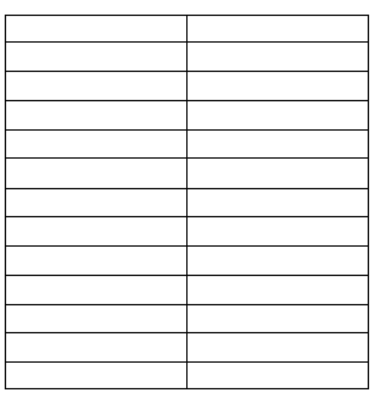


This drawing should not be scaled. Any discrepancies should be notified to Sutton Cox Architects. If this drawing is enclosed as digital data for the tiled project, you should use this data for reference purposes only to assist in co-ordinating your work. Sutton Cox Architects takes no responsibility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

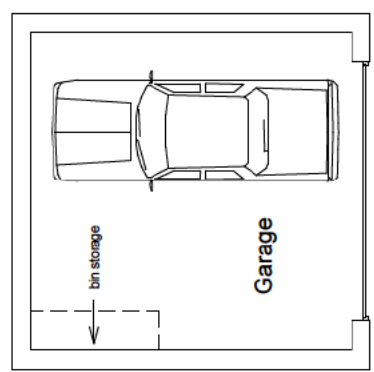
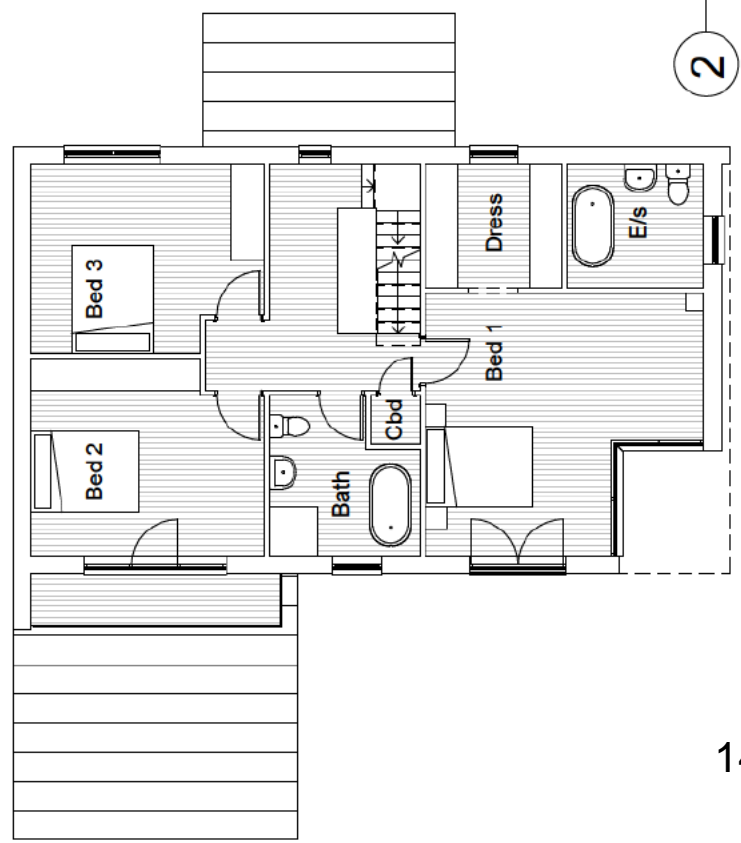
Rev	Description	Date
P8	Garage over office amended.	24.09.21
P9	Roof to garage amended.	24.09.21
P10	Amendments following LPA comments.	16.02.23



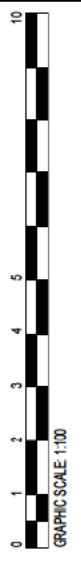
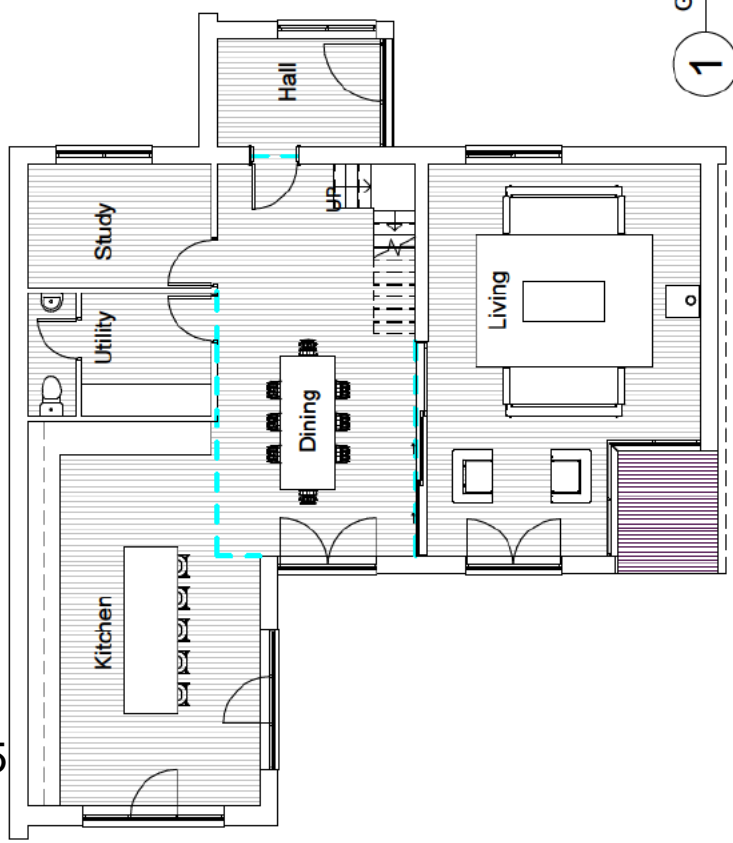
3
Roof Plan
1 : 100



2
First Floor
1 : 100



1
Ground Floor
1 : 100



Project Status:	PLANNING		
Client:	[REDACTED]		
Project Title:	Land adj Blenheim Way		
Drawing Description:	Proposed Floor Plans		
Scale:	Sheet Size:	Date:	
1 : 100	A3	05/20/21	
Drawn By:	Designed By:	Checked By:	
CC	CC	MS	
Job No:	Drawing No:	Revision:	
21022	03	P10	
114 Bath Road, Cheltenham, Gloucestershire GL53 7JX www.suttoncox.com 01242 529169			

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

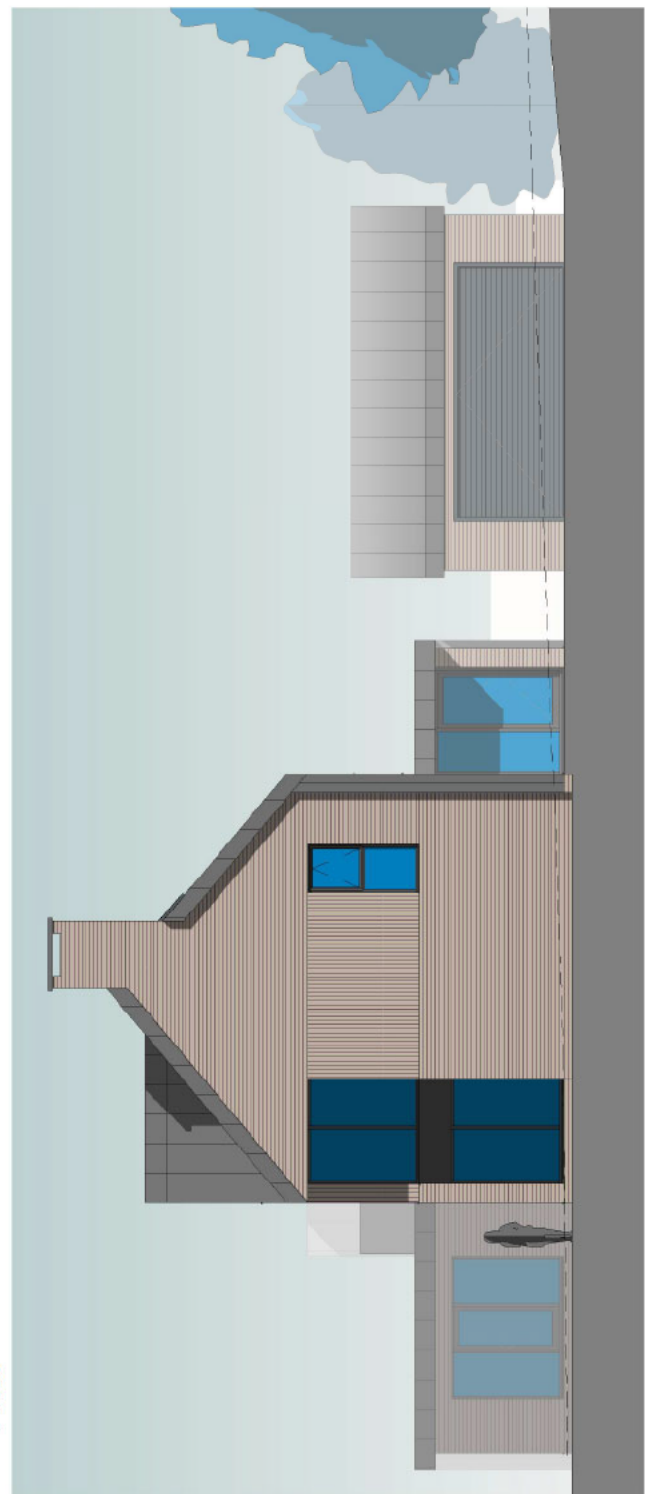
Rev	Description	Date
P4	Roof to garage amended.	24.09.21
P5	Roof to garage amended.	24.09.21
P6	Amendments following LPA comments.	16.02.23

MATERIALS:

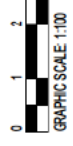
- Roof - dark grey zinc cladding.
- Walls - dark grey zinc cladding, buff multi-raising brick in stretcher bond, buff multi-facing brick in vertical stack bond.
- Window & Doors - grey colour coated aluminium.
- Rainwater goods - dark grey colour coated aluminium.



W Elevation
1 : 100



S Elevation
1 : 100



Project Status:
PLANNING

Client:
[REDACTED]

Project Title:
Land adj Blenheim Way

Drawing Description:
Elevations 1

Scale:
1 : 100

Sheet Size:
A3

Date:
06/09/21

Drawn By:
CC

Designed By:
CC

Checked By:
MS

Job No:
21022

Drawing No:
04

Revision:
P6

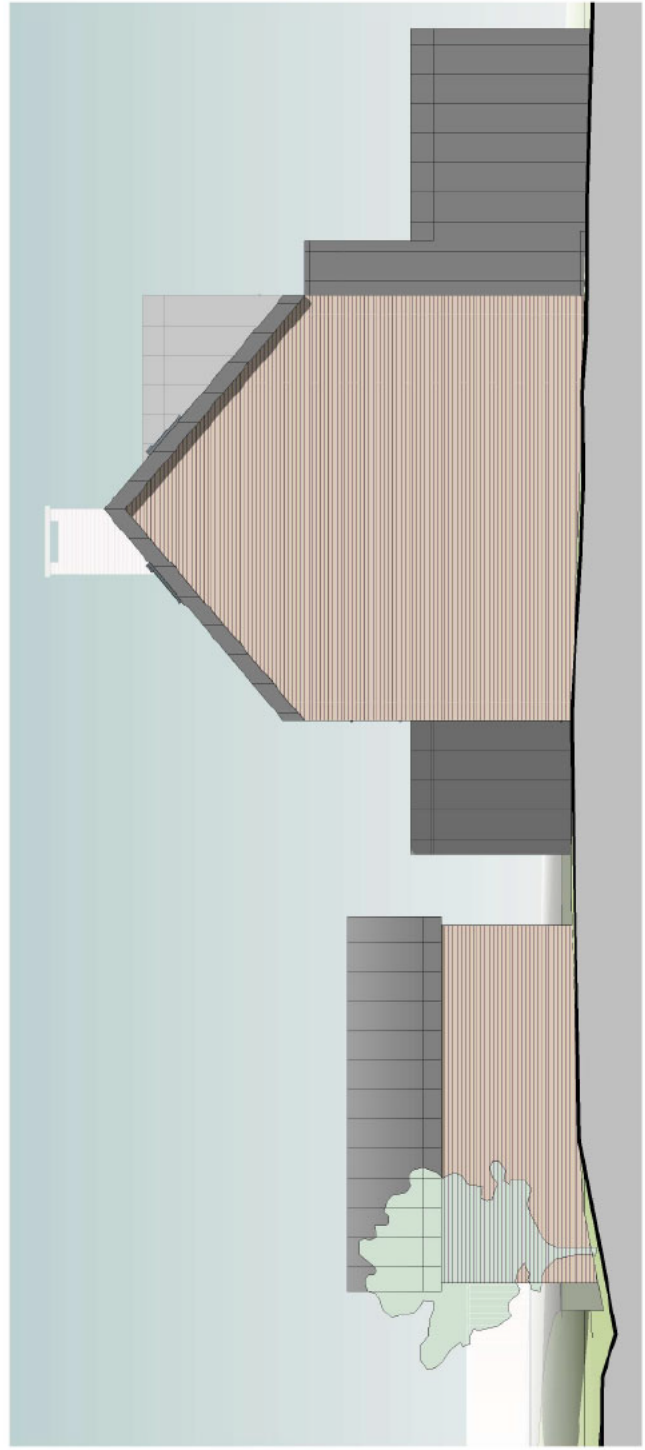
114 Bath Road, Cheltenham, Gloucestershire GL53 7JX
www.suttoncox.com | 01242 629169

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

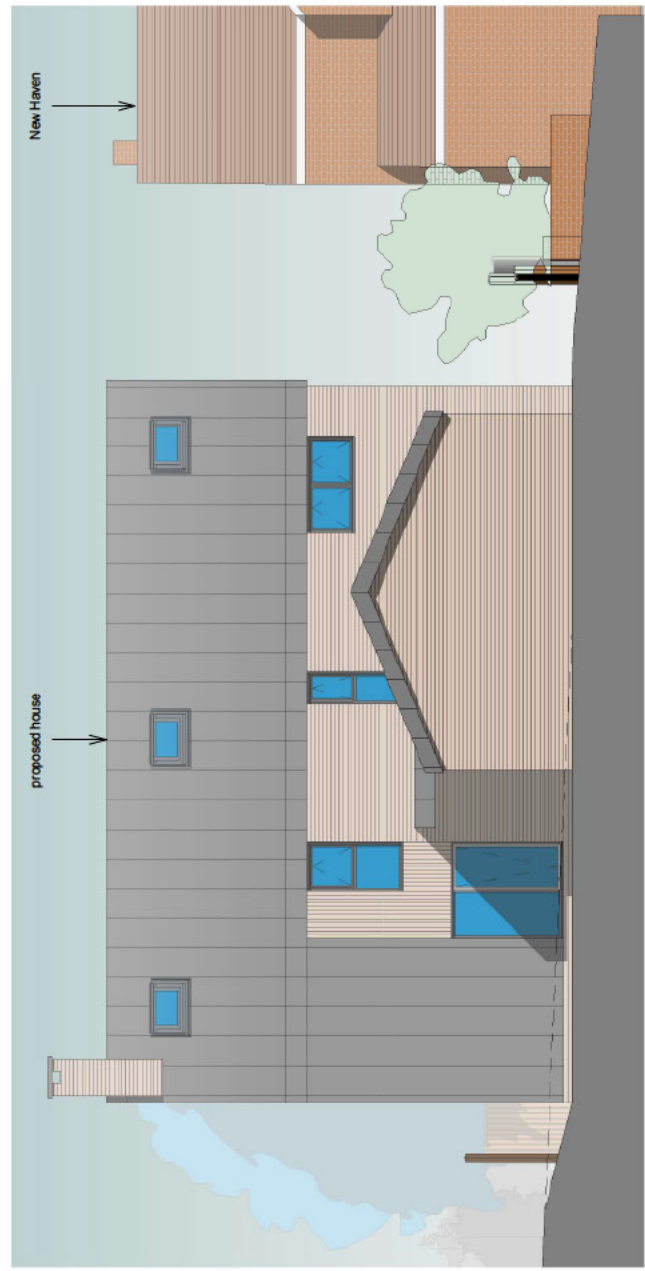
Rev	Description	Date
P4	Roof to garage amended.	24.09.21
P5	Roof to garage amended.	24.09.21
P6	Amendments following LPA comments.	16.02.23

MATERIALS:

- Roof - dark grey zinc cladding.
- Walls - dark grey zinc cladding, buff multi-raising brick in stretcher bond, buff multi-raising brick in vertical stack bond.
- Window & Doors - grey colour coated aluminium.
- Rainwater goods - dark grey colour coated aluminium.



1 N Elevation
1 : 100



2 E Elevation
1 : 100



Project Status:
PLANNING

Client:
[REDACTED]

Project Title:
Land adj Blenheim Way

Drawing Description:
Elevations 2

Scale:
1 : 100

Sheet Size:
A3

Date:
06/09/21

Drawn By:
CC

Designed By:
CC

Checked By:
MS

Job No:
21022

Drawing No:
05

Revision:
P6

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



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

Rev	Description	Date
P2	Building moved and reduced in size.	20.09.21
P3	Roof to garage amended.	24.09.21
P4	Amendments following LPA comments.	16.02.23

MATERIALS:

- Roof - dark grey zinc cladding.
- Walls - dark grey zinc cladding, buff multi-raising brick in stretcher bond, buff multi-raising brick in vertical stack bond.
- Window & Doors - grey colour coated aluminium.
- Rainwater goods - dark grey colour coated aluminium.



Project Status:
PLANNING

Client:
[Redacted]

Project Title:
Land adj Blenheim Way

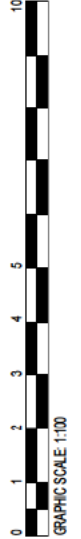
Drawing Description:
Street Scene

Scale: **1 : 100** Sheet Size: **A3** Date: **06/09/21**

Drawn By: **CC** Designed By: **CC** Checked By: **MS**

Job No: **21022** Drawing No: **06** Revision: **P4**

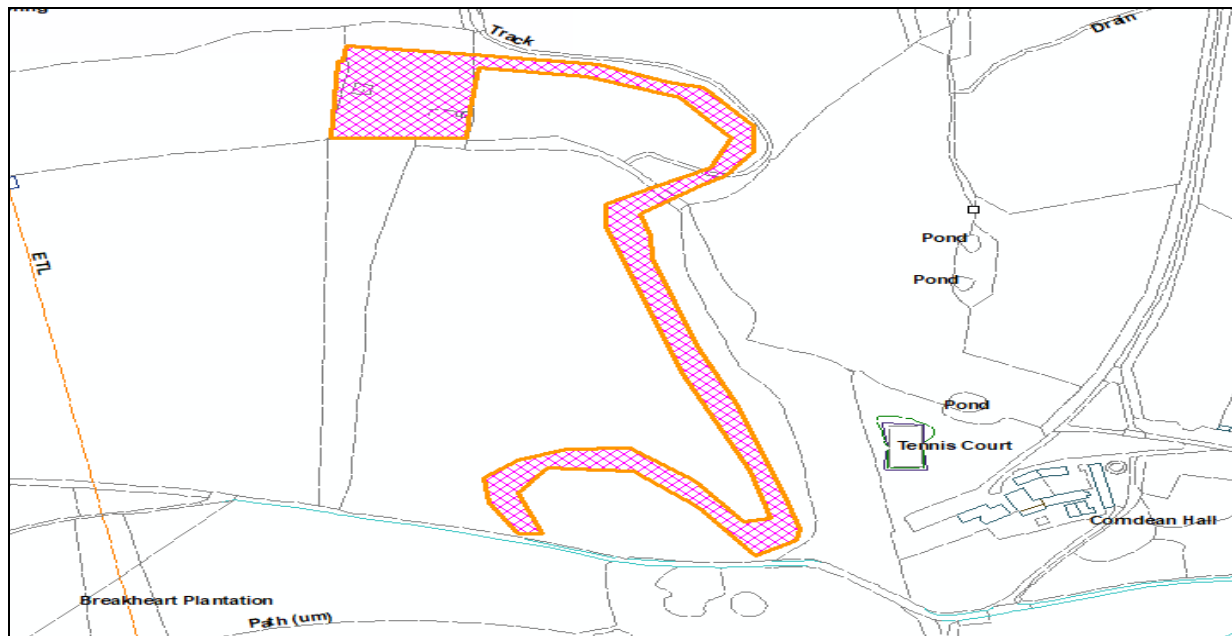
114 Bath Road, Cheltenham, Gloucestershire GL53 7JX
www.suttoncox.com | 01242 629169



Planning Committee

Date	21 March 2023
Case Officer	Emily McKenzie
Application No.	22/00609/FUL
Site Location	Starvealls Cottage, Postlip, Winchcombe
Proposal	Construction of replacement dwelling and associated works, following demolition of existing dwelling. Change of use of additional areas of land to residential garden
Ward	Winchcombe
Parish	Winchcombe
Appendices	Site Location Plan Site Plan Existing Elevations & Floorplans Proposed Elevations x2 Proposed Floor Plans x2 Proposed Reinstated Byre Elevations Landscape Master Plan Wider Site Landscape Master Plan Permitted Development Scheme (Elevations) Change of Use (curtilage) Plan
Reason for Referral to Committee	1. An appeal against non-determination has been submitted against the current application. 2. The Town Council have objected.
Recommendation	Minded to Permit

Site Location



1. The Proposal

- 1.1 Full application details are available to view online at:
<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RC6K2KQDKAN00>
- 1.2 This application seeks planning permission for the demolition of the existing residential building and its replacement with a two-storey dwelling. The building would be constructed from natural materials such as stone and slate.
- 1.3 The application also seeks the change of use and conversion of an existing outbuilding to an ancillary poolhouse and the construction of an associated natural swimming pool and terrace. The application further seeks the change of use of several areas of agricultural land to residential curtilage and the creation of two attenuation ponds to serve the dwelling.
- 1.4 The dwelling would be accessed via an existing access from Corndean Lane that was granted permission on appeal. Off road parking and a garage would be provided, along with associated hard and soft landscaping.

2. Site Description

- 2.1 This application relates to Starvealls Cottage, a detached stone dwelling located to the north of Corndean Lane. The building was originally built as two farm labourers' cottages but has since been converted into a single dwelling. The dwelling occupies an isolated but prominent position on the hillside and is located within the Cotswolds Area of Outstanding Natural Beauty. The site is predominantly surrounded by open fields/pasture land and Public Rights of Ways (PRoW) run to the West and North of the site.
- 2.2 The site is accessed via a track that was granted planning permission at appeal in 2013; whilst the track has not yet been completed the permission was implemented and therefore the previous permission is extant.

3. Relevant Planning History

Previous Planning Application (20/00553/FUL)

- 3.1 A planning application was determined by Members of the Planning Committee in July 2020 seeking permission for a near-identical scheme to that currently under consideration.
- 3.2 The application was recommended for permit by Officers, subject to conditions however Members concluded to overturn Officer's recommendation and resolved to refuse the application for the following reason (verbatim):

"The proposed development, by reason of its bulk, mass and design would be an unsuitable addition in this prominent location and consequently would have an unacceptable impact on the Cotswolds Area of Outstanding Natural Beauty. Furthermore, the demolition of the existing building would result in the total loss of a non-designated heritage asset and there are no public benefits which would outweigh the substantial harm caused as a result of the loss of this asset. For these reasons the proposed development conflicts with policies SD7, SD8 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (December 2017), saved policies HOU7 and HOU10 of the Tewkesbury Borough Local Plan to 2011 (March

2006), Policies 1.1 & 5.1 of the Winchcombe and Sudeley Neighbourhood Development Plan 2011-2031 and policies RES5, RES9 and HER5 of the emerging Tewkesbury Borough Plan Pre-Submission version (October 2019) and advice in the National Planning Policy Framework.”

- 3.3** Following the Council’s refusal, a revised application was submitted, which was received in May 2022.
- 3.4** A decision was not reached upon the current application within the statutory timeframe and as such the applicant’s agent has submitted an appeal against non-determination. As such, the Council are now required to indicate how they would have determined the application, if they were still the decision-maker (a power which now defers to the Planning Inspectorate).
- 3.5** The further relevant planning history is set out within the below table:

Application Number	Proposal	Decision	Decision Date
13/00479/CLP	Proposed extensions and alterations	CLPREF – Allowed at Appeal	24.12.2013
13/00605/FUL	Formation of new access track to existing dwelling and agricultural barn.	REF – Allowed at Appeal	16.10.2013
15/00472/CLE	Use of land as garden/amenity space serving and within the curtilage of the dwelling house.	CLEREF – Allowed at Appeal	16.07.2015
16/00501/CLE	Certificate of Lawfulness to establish that a two-storey extension has been commenced off the east elevation of Starvealls Cottage and constitutes permitted development.	CLEREF – Allowed at Appeal	16.03.2017
20/00553/FUL	Construction of replacement dwelling and associated works, following demolition of existing dwelling. Change of use of additional areas of land to residential garden.	REF – As described above.	30.07.2021

4. Consultation Responses

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

- 4.1 Winchcombe Town Council** – Objection on the following grounds:
- Impact upon the AONB
 - The development sets a precedent for new country houses in the area.
- 4.2 Building Control** – No objection – Building Regulations Approval required.
- 4.3 County Highways** – No objection, subject to conditions.

- 4.4 Conservation Officer** – Objection on the following grounds:
- Substantial harm via the total loss of Starvealls Cottage which is a non-designated heritage asset of moderate to low significance.
- 4.5 Flood Risk & Drainage Officer** – A Flood Risk Assessment is required because there is a surface water flow route running directly through the site. Although this was not a necessity in 2020 and as such was not a statutory requirement as part of the former application, there has been a shift in policy by virtue of the Framework. Has this now been submitted and resolved? Can this just read No objection?
- 4.6 Tree Officer** – No objection, subject to conditions.
- 4.7 Ecology** – No objection.
- 4.8 Environmental Health** – No adverse comments or objections to make in relation to noise/nuisance.
- 4.9 Severn Trent** – No objection.
- 4.10 Landscape Officer** - No objection, subject to conditions.

5. Third Party Comments/Observations

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

- 5.1** The application has been publicised through the posting of a site notice and via a neighbour notification letter allowing for a period of 21 days and 1 representation has been received. The contents are summarised below:

Objection

- The existing water supply is not capable of serving this dwelling and swimming pool(s)
- Concerns with construction traffic who should utilise the Mill access only.

Support

- No objection to the provision of a building

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

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

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

6.2 National guidance

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

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

Policy SP1 (The Need for New Development)
Policy SP2 (The Distribution of New Development)
Policy SD4 (Design Requirements)
Policy SD6 (Landscape)
Policy SD7 (Cotswolds Area of Outstanding Natural Beauty)
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 Management)
Policy INF3 (Green Infrastructure)

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 RES9 (Replacement Dwellings)
Policy RES11 (Change of Use of Agricultural Land to Domestic Garden)
Policy LAN2 (Landscape Character)
Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
Policy ENV2 (Flood Risk and Water Management)
Policy TRAC9 (Parking Provision)
Policy DES1 (Housing Space Standards)
Policy HER5 (Non-Designated Heritage Assets)
Policy COM4 (Neighbourhood Development Plans)

6.5 Winchcombe and Sudeley Neighbourhood Development Plan – 2011-2031

Policy 1.1 (Protecting the Distinctive Character of the Area)
Policy 5.1 (Design of New Development)
Policy 5.2 (Off Street Parking)
Policy 5.6 (Gardens)

7. Policy Context

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

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

- 7.3 The relevant policies are set out in the appropriate sections of this report.
- 7.4 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

8. Evaluation

Principle of development

- 8.1 The proposed development lies in an isolated location in the open countryside beyond any recognised residential settlement boundary.
- 8.2 Policy RES3 (New Housing Outside Settlement Boundaries) sets out that outside of the defined settlement boundaries (identified on the Policies Map) the principle of new residential development will be considered acceptable where development being proposed consists of (4) a replacement dwelling (subject to Policy RES9).
- 8.3 Policy RES9 (Replacement Dwellings) sets out that replacement dwellings outside of settlement boundaries will be permitted provided that the proposed dwelling respects the size of the plot, scale and character of existing characteristic property in the area and have no unacceptable adverse impact on the landscape.
- 8.4 The scheme proposes to replace an existing two storey dwelling with a larger two storey detached dwelling. The proposed new dwelling would be substantially larger and would include the redevelopment of an existing Byre building for residential use.
- 8.5 Although the new dwelling would be undoubtedly larger than that which it would replace, by virtue of the scale of the landscape in which it is situated, it would not result in an overdevelopment of the plot to the detriment of the local area. On the contrary, it is considered that the scale of the plot is sufficient to accommodate a larger dwelling as has been proposed without resulting in an unacceptable adverse impact upon the landscape.
- 8.6 As referenced above, notwithstanding the enlarged scale of the dwelling proposed, it is considered that the site is sufficient to accommodate the additional massing as proposed and as such the principle of the replacement of the existing dwelling would fully accord with Policy RES9, subject to the provisions of other Policies outlined in the report below.

Previous permission - Commencement of development of PD extension

- 8.7 The application site was granted a Lawful Development Certificate through application reference number reference number 16/00501/CLE on appeal (reference APP/G1630/X/17/3183950). This certificate determined that works to the building had lawfully started to extend the existing property under its permitted development rights. With this the building could be substantially extended and altered through the route of permitted development, which would result in a building 4 stories high, with a length of approximately 40m. Given this the building design would not reflect the Cotswold vernacular nor would it respond to the context or sensitivity of the site.

- 8.8** The proposed Permitted Development scheme would be deemed harmful to the AONB and would not respect the existing non-designated heritage asset as it would eradicate the vast majority of originality that the building has. As a result, the proposed Permitted Development scheme is considered to be a material consideration which attracts significant weight within the decision-making process.
- 8.9** Elevations of the proposed Permitted Development scheme can be seen at the appendix to this report, copies will also be shown on the Officers presentation.

Change of Use of Land

- 8.10** The residential curtilage of the site has been previously established through application 15/00472/CLE. However, the applicant intends to encompass additional surrounding land into the lawful residential curtilage (which is currently agricultural in nature), to facilitate the dwelling and its external ancillary facilities.
- 8.11** The facilities proposed include a small section to the west of the site to allow for turning, a larger area of land to the east that would encompass the existing Byre building and a projecting section of land to the East that would cover the attenuation ponds required for the drainage strategy. A plan to illustrate the change of use areas can be seen at the appendix to this report, copies will also be shown on the Officers presentation.
- 8.12** Policy RES11 (Change of Use of Agricultural Land to Domestic Garden) states that permission will be granted provided that: 1. there is no adverse environmental or visual impact on the form, character or setting of the settlement; 2. there is no significant encroachment into the surrounding countryside, 3. the form of the extension is not incongruous with the characteristic pattern of surrounding gardens; and, 4. the land-use change would not have a significant impact on local ecological networks or deliver a net loss of priority habitat.
- 8.13** The dwelling is located within an isolated location within the open countryside and as such criterion 1 and 3 are not directly relevant, given that there is no settlement or nearby gardens with which to compare.
- 8.14** The area of land to the west is small and would amalgamate well with the existing residential curtilage. The land to the east is much larger and given the topography of the site slopes downwards in a north easterly direction. This part of the site is highly visible when looking up the escarpment from the B4632 and further afield. The area of land immediately adjacent the existing curtilage would form part of the buildings landscaping, as well as the natural swimming pool and converted Byre building. This could be used for full residential use and would form the main 'frontage' to the property'. This change would alter the existing context of the site where the building is viewed in isolation with a discreet residential curtilage. However, the introduction of a larger domestic building would naturally seek a more formalised frontage and outside amenity space. The curtilage already forms part of this site and the additional parcel of land would be well located to that area of land. As such it is considered that the inclusion of this area of land would not result in an unacceptable level of encroachment into the surrounding countryside and would be read in the context of the wider site.
- 8.15** The area of land further to the east that would accommodate the attenuation ponds would be further into a more undisturbed area of agricultural land. However, the intended use is to site attenuation ponds that, with appropriate landscaping, could assimilate well into the rural surroundings and appear as natural ponds in accordance with criterion 2 of Policy RES11.

- 8.16** Further to the above, the change of use of land would provide in excess of 100% of biodiversity net gains which is a significant enhancement in terms of available habitats and as such would accord with the ethos delivered through criterion 4 of Policy RES11.

Principle of development - summary

- 8.17** As demonstrated above, the principle of a replacement dwelling and the extension of the existing curtilage is considered to be fully in accordance with Policies RES9 and RES11.

Impact upon the Historic Environment

- 8.18** Policy SD8 (Historic Environment) concerns the historic environment, stating that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. The policy also states that: Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.
- 8.19** Policy HER5 (Non-Designated Heritage Assets) states that: Non-Designated Heritage Assets will be conserved having regard to the significance of the asset and its contribution to the historic character of the area. Proposals affecting a Non-Designated Heritage Asset and/or its setting will be expected to sustain or enhance the character, appearance, and significance of the asset.
- 8.20** The existing dwelling, 'Starvealls Cottage', is not listed and neither is the site located within or adjacent to a Conservation Area. However, the Conservation Officer considers the building to be a non-designated heritage asset of moderate to low significance.
- 8.21** The NPPF defines a heritage asset (note: not specifically a non-designated heritage asset) as "*A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest*". Principles of selection for heritage assets and assessment of significance are set out in Historic England's publication 'Conservation Principles, Policies and Guidance' (2008) and 'British Standard BS 7913: Guide to the Conservation of Historic Buildings'.
- 8.23** The National Planning Practice Guidance (NPPG) states that planning authorities may identify non-designated heritage assets as part of the decision-making process on planning applications. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.
- 8.24** The Conservation Officer reports that the affected pair of cottages are of sufficient local historic and architectural interest to be considered a non-designated heritage asset. The cottages are indicative of a past narrative of country workers living in an isolated location within an estate setting. For over one hundred years these solitary cottages have stood on the hillside as a minor landmark to passers-by. Their location and design are functional and testament to the closing days of pre mechanised countryside management.
- 8.25** In regard to the constraints identified above, Section 16 of the NPPF and JCS Policy SD8 are relevant.

- 8.26 Paragraph 197 of the NPPF states that: *"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*
- 8.27 Policy SD8 states that: *"Development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. The policy also states that: Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place."*
- 8.28 The Conservation Officer considers that Starvealls Cottage is a non-designated heritage asset of moderate to low significance however its total loss through demolition would result in substantial harm. As such, a balanced judgement is required to determine whether the substantial harm identified is outweighed by benefits. This balancing exercise is set out in the final section of this report, having regard to the basket of policies as a whole.
- 8.29 It is pertinent to note that the correct test to assess harm to a non-designated heritage asset is a "**balanced judgement**", as set out in Paragraph 197 – and not "public benefit" which is a test only applicable to designated heritage assets. Essentially, this test is less rigorous, and is proportionate to the significance of each type of heritage asset.

Design & Impact upon the Landscape (Cotswolds AONB)

- 8.30 Policy SD4 (Design Requirements) 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.
- 8.31 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. The policy goes on to state 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.
- 8.32 Policy RES5 (New Housing Development) specifies that new housing development proposals should, inter alia: 1) 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; 2) 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; 3) not cause the unacceptable reduction of any open space (including residential gardens) which is important to the character and amenity of the area; 4) incorporate into the development any natural or built features on the site that are worthy of retention; 5) address any other environmental or material planning constraints relating to the site.

- 8.33** Section 15 of the NPPF relates to “Conserving and enhancing the natural environment” and, at paragraph 170, specifies that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and protecting and enhancing valued landscapes.
- 8.34** Policy SD6 (Landscape) specifies that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. It also states that all applications for development will consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect.
- 8.35** Paragraph 172 of the NPPF specifies that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which, along with National Parks and the Broads, have the highest status of protection in relation to these issues.
- 8.36** Policy SD7 (Cotswold Area of Outstanding Natural Beauty) specifies 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.
- 8.37** The site is located on the hillside of an escarpment, at a locally high elevation, overlooking a gently rolling landscape. The site occupies approximately 1.7 acres (0.7 ha) of scrub and rough grassland on sloping ground which contains the cottage, the remains of a barn and a copse of mature trees. The plot is enclosed by a post and wire fence and remnants of dry-stone walling. Beyond this the Applicant owns some 40 acres (16 ha) of farmland around the site, divided into three fields; this constitutes a substantial area over which they have control.
- 8.38** The site itself slopes sharply towards the north and east from a high point along the western boundary where the existing cottage is located at a level of around 171 m AOD. The copse and other mature trees provide a valuable visual framework and windbreak to the site, and a fairly effective screen to views from the north. Neither the site, nor the wider land holding, contains any designated features of historic, ecological or conservation value, although as set out above, Starvealls Cottage is considered by the Council to be a non-designated heritage asset.
- 8.39** An updated / more detailed Landscape Visual Assessment (LVA) has been submitted with the application, further to that which accompanied the predecessor application. The LVA advises that nine public viewpoints have been chosen as representative of potential views of the application site and that survey fieldwork was carried out during clear weather in February 2022 when trees and hedges were leafless and visual conditions at their most open. Given its elevated and isolated hillside location, the application site can be seen from a number of locations across the Cotswolds AONB to the north, west and east. Viewpoints range between intermittent views from nearby roads and public footpaths to sustained, distant views from surrounding hillsides.
- 8.40** The conclusion of the LVA states that the potential impacts of the proposal on the landscape character resulting from the built development would not be material; a view which is shared by Officers.

- 8.41** In addition, although the impact of the development upon the landscape and AONB landscape is considered to be acceptable, additional landscape planting and mitigation measures are proposed as a significant enhancement over and above that of the existing landscape; concurrently contributing to Biodiversity Net Gains through the provision of priority habitats, specifically hedgerows.
- 8.42** The Council's Landscape Advisor has been consulted who confirms: "*The proposed planting measures would reduce the visual impact of the views and would also enhance the landscape quality and biodiversity of the locality. Furthermore, the Farm Landscape Enhancements Plan sets out the proposed mitigation measures which is a suitable baseline, subject to the submission of detailed hard and soft landscaping plans which can be secured by virtue of a planning condition.*"
- 8.43** Notwithstanding that it has been found that there would be non-material harm to the landscape by virtue of the replacement dwelling, it is necessary to consider the extant Permitted Development proposals which would otherwise be constructed if the existing proposal is refused. This 'fall-back' position would be of significant detriment to the landscape, by introducing an alien and dominant feature into the landscape; a development which could not be controlled by conditions or restrictions and thus would be of low-quality design.
- 8.44** In view of the above, overall, it is considered that whilst the current proposal marks a significant departure from the existing building and the landscape impacts would be more significant, however on balance the proposed scheme would be far less harmful than the Permitted Development scheme to the character and appearance of the AONB as is confirmed by the Landscape Advisor.
- 8.45** In terms of design, the application proposes a building to be constructed of natural stone with a slate roof. The design and access statement advises that the building has been influenced by the formality of the Queen Anne-style and by the English re-interpretations of classicism found in later Cotswold country houses.
- 8.46** The Conservation Officer raises no objections in terms of the design of the building, however, points out that it is more prominent given its larger scale which would result in a competing hierarchically with its neighbours. However, the style and materials and its surrounding structures and landscaping are non-controversial with the Cotswold setting.
- 8.47** While the proposed dwelling would result in change to the existing landscape this would be tempered through the considered design and proposed muted materials pallet. With this in mind, it is considered that, on balance, the proposed dwelling design would be of an appropriate scale and high-quality design which would respond to the site and context and conserve the character and appearance of the AONB. It is noted however that the precise details of the external finishes to the materials and architectural detailing to the building would need to be controlled by condition to ensure a suitably high-quality finish.

Residential amenity

- 8.48** Policies SD4 (Design Requirements) and SD14 (Health and Environmental Quality) require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.

- 8.49** The proposed new dwelling would be located in an isolated position with the nearest residential property situated some 300m away. The proposal would also offer an acceptable level of amenity space for future residents. It is therefore considered that the proposed development would result in acceptable levels of amenity for existing and future residents in accordance with JCS policies.

Biodiversity

Survey Requirements

- 8.50** The application is accompanied by a series of surveys and reports. It is noteworthy that the first survey was undertaken in 2019; which identified a lesser horseshoe bat as well as evidence of a brown long-eared bat. These findings triggered the requirement for two additional surveys which were undertaken in 2021 (the most recent of which, in June 2021). During the course of the application, these surveys became out of date and thus the applicant undertook additional, further surveys.
- 8.51** Each of the surveys found no further evidence of bats and therefore advise that no additional action is required in this regard. The Council's Ecological Advisors have been consulted who advise that the surveys and reports as presented are of sufficient detail and they are satisfied in this regard.

Biodiversity Net Gain

- 8.52** Further to the above, there are noteworthy benefits to the proposal by virtue of the significant provision of Biodiversity Net Gains; which is perhaps the biggest enhancement over and above the original (refused) scheme.
- 8.53** Section 15 of the NPPF seeks to, inter alia, protect and enhance, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan), and minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 8.54** Policy SD9 (Biodiversity and Geodiversity) states that the biodiversity resource of the area will be protected and enhanced in order to establish and reinforce resilient ecological networks, including the safeguarding of protected species in accordance with the law. This is reiterated in Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features), which also seeks proposals to deliver a biodiversity net gain.
- 8.55** Biodiversity net gain ("BNG") delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. Policies SD14 and NAT1 do not quantify or numerate the level of and are relatively broad in terms of their requirement.
- 8.56** However, The Environment Act gained royal ascent in 2021 and The Act is expected to become legally binding within the coming months via emerging legislation which will require all developments (within a specific threshold) to provide a biodiversity net gain of at least 10% which will be secured by condition, for at least 30 years and likely in perpetuity. Furthermore, it is noteworthy that the provision of BNG is a public benefit.

- 8.57** The current application (unlike to former application) is accompanied by a recognised tool known as 'The Biodiversity Metric 3.0' – which is a calculation tool to demonstrate existing (or 'baseline') habitat versus proposed habitat. Given the use of the existing site as grassland, there are significant opportunities to enhance the habitats on site which as demonstrated by the applicant, would result in an overall improvement to habitats of 104.7% and hedgerows of 100%. Thus clearly exceeds the baseline (currently guidance) rate of 10% and thus the development offers significant Biodiversity Net Gains which should attract substantial weight within the decision-making process.
- 8.58** In summary, there are significant benefits in terms of Biodiversity Net Gains which would exceed the requirements set out within Policy SD9 of the JCS and Section 15 of the NPPF.

Drainage and flood risk

- 8.59** Policy INF2 (Flood Risk Management) 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 (Flood Risk and Water Management).
- 8.60** The Council's Flood Risk Officer has been consulted on the application who initially advised that a Flood Risk Assessment is required because there is a surface water flow route running directly through the site. Although this was not a necessity in 2020 and as such was not a statutory requirement as part of the former application, there has been a shift in policy by virtue of the Framework. The applicant endeavoured to provide this during the course of the application which provides an accurate assessment pertaining to the associated flood risks on site; and as such the Flood Risk Officer is satisfied with the proposals as presented; subject to a detailed drainage condition.
- 8.61** In light of this advice, it is considered that the proposal fully accords with Policy INF2.

Access and highway safety

- 8.62** Paragraph 103 of the NPPF sets out that opportunities to maximise sustainable transport solutions which 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.
- 8.63** Policy INF1 (Transport Network) requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.
- 8.64** The application site would be accessed via an existing field opening leading to a track which was granted planning permission in 2013 (13/00605/FUL). Whilst the works to the track of not been completed the Council is satisfied that the permission has been implemented and is therefore extant.
- 8.65** The proposed manoeuvring and parking provisions have been assessed by the Local Highway Authority and no objections have been raised.

Overall Balancing Exercise

- 8.66** As set out above, Paragraph 197 of the NPPF states that: *"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*
- 8.67** As such, the purpose of this section is to weigh the benefits of the proposal against the substantial harm identified to the non-designated heritage asset. In order to effectively conduct this exercise, it is important to understand the weight that each consideration attracts which is solely a matter for the decision maker.

Benefits

Permitted Development 'Fall-Back'

- 8.68** As set out within the earlier sections of this report, the Permitted Development extensions which have already been lawfully commenced and thus are extant, are a material consideration.
- 8.69** Thus, given that the fall-back option as set out by the planning history has a more than probable chance of being carried out (a principle which is widely supported by case law – see *Mansell v Tonbridge & Malling BC*: *"For a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice."*), this forms a material consideration which is considered to attract substantial weight in the decision making process.
- 8.70** The scheme as presented is far preferable to the fall-back development, given that it offers significant benefits in terms of design, landscape impact, biodiversity net gain and the opportunity for control by virtue of planning condition.

Biodiversity Net Gain 'BNG'

- 8.71** The development would result in an overall improvement to habitats of 104.7% and to hedgerows of 100%. This would result in significant benefit to biodiversity and attracts substantial weight within the decision-making process.

Economic

- 8.72** The development would result in the creation of medium-term employment for dozens, if not, hundreds of local construction workers and contractors. Given the scale of the dwelling, 30 workers are expected to be at the site at any one time (depending on the build stage) for around 2 years until final completion.
- 8.73** Furthermore, once complete, given scale of the dwelling as a country house, the applicant anticipates the employment of several permanent staff (gardener, cleaners, general housekeeper, nanny and chef) who would be employed on a long-term basis.
- 8.74** Both medium- and long-term opportunities for employment would provide a boost to the local economy. This is considered to attract moderate weight within the decision-making process.

Neutral

- 8.75** As referenced within the earlier sections of this report, the scheme as presented has been found to be acceptable in terms of design, landscape, residential amenity, drainage, flood risk, access and highway safety. Thereby, the development as proposed would have a neutral impact upon those elements of consideration.

Harms

- 8.76** This report has identified a single harm as a result of the development; substantial harm caused by the total loss of a non-designated heritage asset.

Balancing Exercise Conclusions

- 8.77** As demonstrated above, when the basket of policies are considered as a whole, it is considered that the many benefits of the proposed development would clearly outweigh the harms.
- 8.78** As such, there would be no conflict with Paragraph 197 of the NPPF and no reason for refusal on the grounds of harm to the historic environment.

Previous Refusal

- 8.79** Although Members previously refused a *similar* proposal due to concerns pertaining to landscape and heritage harms, it is considered that the existing application overcomes the previous refusal reasons for three reasons: 1) through the submission of additional, more detailed landscape information; 2) by virtue of the fall-back position; and 3) due to the significant biodiversity net gains proposed.
- 8.80** As such, when weighed within the planning balance, Members are advised that the previous refusal reasons have been sufficiently overcome and the proposals as presented are, on balance, acceptable.

9. Conclusion

- 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** It is considered that the principle of the proposal is consistent with the general ethos of the NPPF which supports the enhancement and improvement of the places in which people live their lives, whilst conserving the natural environment and the landscape protection emphasis of Policy RES9.
- 9.3** As further detailed above the building is identified as a non-designated heritage asset. However, the applicant has demonstrated that there is a Permitted Development scheme that whilst it would retain some of the fabric of the building it would eradicate the important features creating a large ill planned building in a prominent setting within the AONB.

- 9.4 Officers consider that the permitted development scheme (which has been implemented) would cause unacceptable harm to the AONB that would neither protect nor enhance the valued landscape. However, Officers have no jurisdiction to control this development by virtue of a condition or any other means.
- 9.5 Whilst the new building is much larger than the existing building and would become more visible in the landscape, it is of an acceptable design that would utilise a high quality materials pallet and an appropriate landscaping scheme can be achieved by way of conditions.
- 9.6 The revised proposals would offer significant Biodiversity Net Gains which would enhance habitats locally and is supported by the policies of the Development Plan as well as emerging legislation.
- 9.7 It is concluded that, on balance, the benefit of establishing a high quality designed building in this sensitive location would clearly outweigh the loss of the non-designated heritage asset. The impact on the AONB would not result in a clear reason for refusal given the lawfully commenced and therefore, extant, Permitted Development Scheme that could be achieved.

10. Recommendation

- 10.1 Given the above, Members are reminded that an appeal against non-determination has been lodged and as such the recommendation is **MINDED TO PERMIT** subject to conditions outlined below.

11. Conditions

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved documents:
- Site Location Plan (PL-001 REV C)
 - Site Plan (Drg No.2 Rev B)
 - Proposed Elevations (PL-004 Rev B & PL005 Rev A)
 - Proposed Bay Window Elevation (PL-008 REV A)
 - Proposed Garden Entrance Elevation (PL-009 REV A)
 - Proposed Front Entrance Elevation (PL-010 REV A)
 - Proposed Floor Plans (PL-002 REV B & PL-003 REV A)
 - Proposed Reinstated Byre Elevations (PL-007 REV B)
 - Landscape Master Plan (1641 L1 REV B)
 - Landscape Enhancement Plan (1641.L.4)
 - Proposed Curtilage Plan (PL-021 REV B)
 - Arboricultural Impact Assessment (TWC-1295-R-001 – dated August 2020)
 - Proposed Drainage Strategy Rev V1 Dated 10 August 2020
 - Addendum to Drainage Strategy Calculations and Drainage Layout
- ; 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** Notwithstanding the submitted details, no construction works shall take place above slab level until precise details and, where appropriate, samples have been submitted to and approved in writing by the Local Planning Authority (to include materials for the Byre reinstatement) of the following:
- Samples of all proposed facing and roofing materials
 - Details of coursing, jointing, texture and relief
 - Details of design and colour of the window frames and doors and their reveals including section drawings at a scale of no less than 1:10
 - Details of any colour tinting to glazing
 - Details of external rainwater goods, flues and vents, including colour and material
 - Details of gates, walls and fences, including scaled elevations.

The works shall thereafter be carried out in accordance with the approved details and shall be similarly maintained thereafter.

Reason: To ensure that the external appearance of the proposed development will be of an acceptably high standard.

- 4** No above ground development shall take place until a sample panel of the materials to be used in the construction of the external surfaces has been prepared on site for inspection and approved in writing by the Local Planning Authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique, Corner construction and palette of materials (including roofing and cladding) to be used in the development. The works shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.

Reason: To ensure that the external appearance of the proposed development will be of an acceptably high standard.

- 5** Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, E, F and G of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development shall take place other than that expressly authorised by this permission.

Reason: In the interests of visual amenity and the character and appearance of the area.

- 6** Notwithstanding the submitted details on the landscape master plan, no development shall take place until a full landscape strategy for the site has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The landscape strategy shall include, inter alia, proposed finished levels or contours; means of enclosure; hard surfacing materials; planting plans, specifications and schedules, the wider landscape proposals (including details regarding the natural swimming pool and attenuation ponds) and details of tree and hedgerow protection for existing planting, to be retained, in accordance with BS5837: 2012 (as shown within the Arboricultural Impact Assessment by The Tree and Woodland Company Ref TWC-1295-R-001 dated August 2020) Trees in relation to construction. If the landscape strategy is to be phased over several years a phasing plan shall be provided as an integral part of the plan, to include proposed planting dates. All approved tree and hedge protection measures shall be in place prior to the commencement of the development shall be retained thereafter until the development is complete. Any trees or plants that, within a period of five years after

planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity and the character and appearance of the area

- 7** No external lighting whatsoever shall be erected at the site without the express prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and the character of the area and to ensure proper provision is made to safeguard protected species and their habitats.

- 8** Notwithstanding the submitted details, no development shall be carried out above floor plate level until the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels and ridge levels of the proposed dwelling hereby approved have been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of residential and visual amenity

- 9** No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. Specify the type and number of vehicles;
- ii. Provide for the parking of vehicles of site operatives and visitors;
- iii. Provide for the loading and unloading of plant and materials;
- iv. Provide for the storage of plant and materials used in constructing the development;
- v. Provide for wheel washing facilities;
- vi. Specify the intended hours of construction operations;
- vii. Specify measures to control the emission of dust and dirt during construction.

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies.

- 10** All works in connection with the development hereby approved shall strictly adhere to the mitigation detailed within Bat Survey Report (CWS, September 2019) and updated Bat Survey Report (CWS, June 2021).

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

- 11** No development shall take place until a plan detailing ecological enhancements as detailed within Bat Survey Report (CWS, September 2019), updated Bat Survey Report (CWS, June 2021), further updated Bat Survey Report (CWS, August 2022), and biodiversity net gain metric (dated 11th February 2022) has been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details and shall be retained as such in perpetuity.

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

- 12** Prior to the first use/occupation of the development hereby approved, bird nesting sites/boxes shall be installed in accordance with details that have first been approved in writing by the Local Planning Authority.

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

- 13** Notwithstanding the information submitted, no development shall commence until a detailed design, maintenance and management strategy and timetable of implementation for the surface water drainage strategy presented in the Flood Risk Assessment and Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The submitted details must demonstrate the technical feasibility and viability of the proposed drainage system through the use of SuDS to manage the flood risk to the site and elsewhere, and the measures taken to manage the water quality for the lifetime of the development. The details shall account for climate change (at 40%) and provide additional discharge to the pond. The scheme for the surface water drainage shall be implemented in accordance with the approved details and timetable and shall be fully operational before the development is first put in to use/occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby reducing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

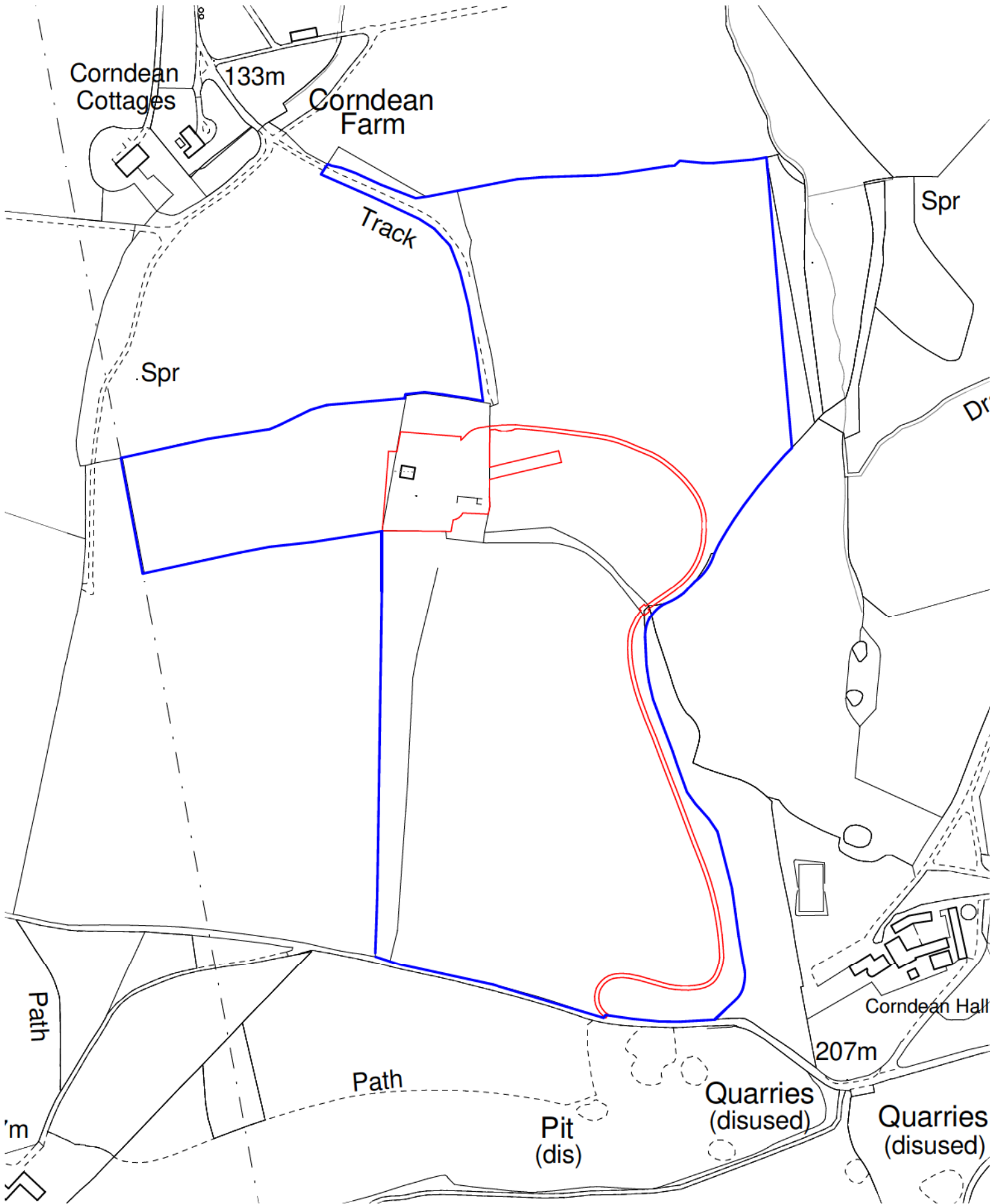
12. Informatives

- 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 and additional information to support the proposal.

Planning

This drawing has been prepared for workstages up to planning application purposes only and is not intended "for construction". The "scale bar" should only be used to check the drawing has been reproduced to the correct size. No responsibility can be accepted for errors made by others in "scaling" from this drawing.

Tyack Architects Ltd own copyright of the original design work in the drawings, documents and digital files which cannot be copied, loaned or disclosed without written agreement. Please refer to our Standard Terms of Business.



Scale 1:2500 100m



Tyack Architects Ltd
The Mares Institute
Oxford Street
Moreton-in-Marsh
Gloucestershire
GL56 6LA

t: 01608 650 490
f: 01608 651 863
e: mail@tyackarchitects.com
w: tyackarchitects.com

Planning
Location Plan
Starvealls, Cordean Lane, Nr Winchcombe
Portobello Design Ltd
Scale: 1 : 2500@A3 Date: 23.04.2020
Drawn/Checked: JH/DG Drg No: PL-001 Rev: C

KEY

- Existing building (or remains of)
- Outline of consented scheme
- Existing trees
- Proposed trees
- Tree Root Protection Areas (RPAs)



Portus + Whitton
 ARCHITECTS AND INTERIORS

Project Starweath Cottage, Winchcombe

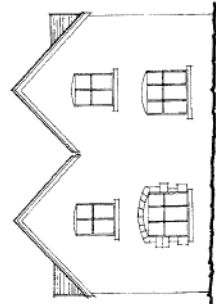
Site Plan

DATE	BY	NO.	REVISION
1/200	A1	041	L 2 B

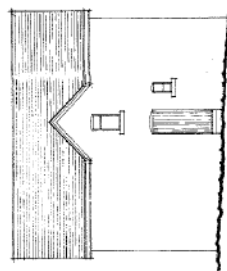
1. THE INFORMATION CONTAINED HEREIN IS FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.
 2. THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF PORTUS + WHITTON ARCHITECTS AND INTERIORS.

1510 20
 1510 10
 1510 00

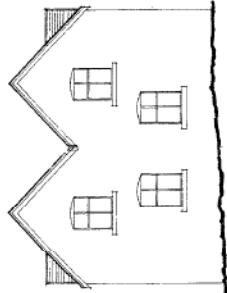
NOTES:
 All dimensions must be checked on site and not
 based from this drawing.



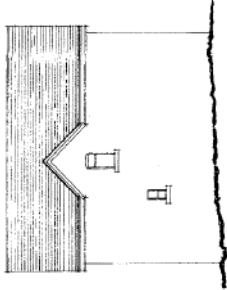
Southern Elevation



Eastern Elevation

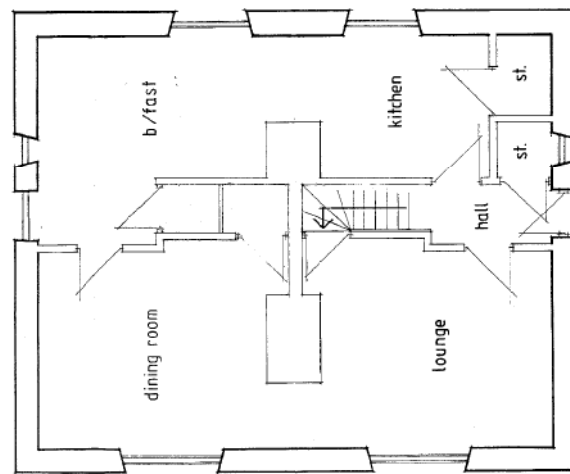


Northern Elevation

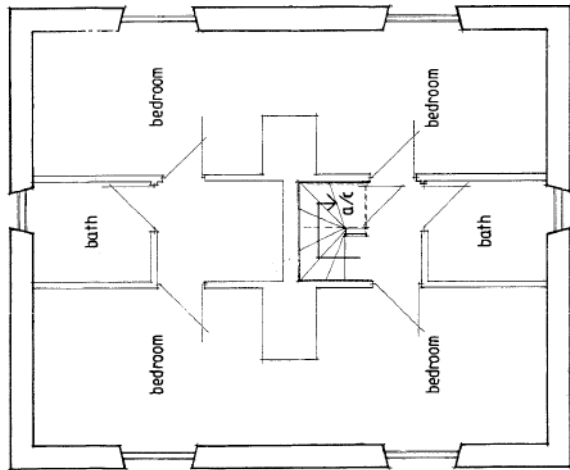


Western Elevation

1:100



150 Ground Floor Plan



150 First Floor Plan

170

Revisions	
A	Date

© copyright

Client: _____
 Job Title: _____

Drawing Title: **EXISTING PLANS & ELEVATIONS**

SAPREVELLS CONTRACTS
 222 SANDHURD LANE LINDENHURST

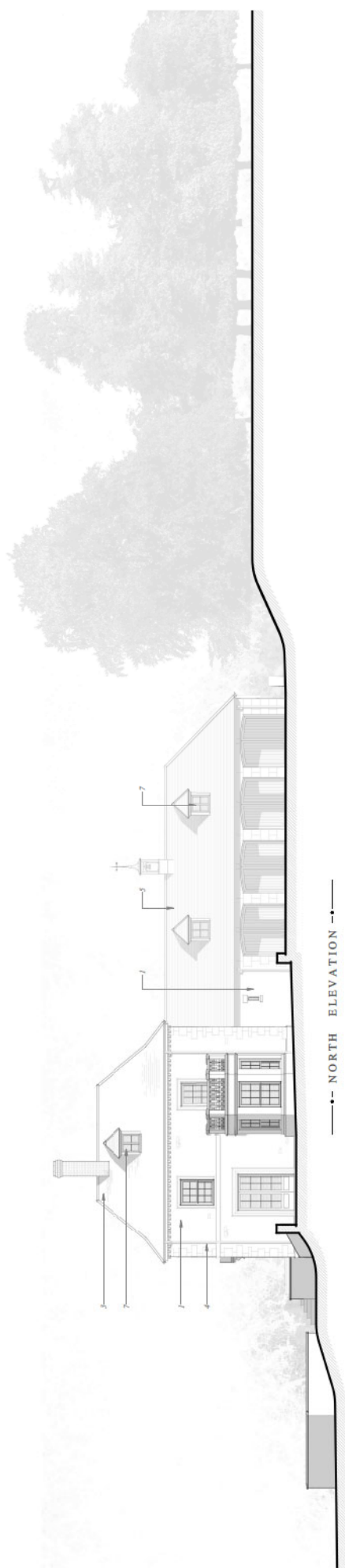
Scale: 1:50 @ A1 | 1:100 @ A2

Date: April 13, _____ | Drawn by: _____

Eng No: 1315 03 PD | Rev: _____



--- EAST ELEVATION ---



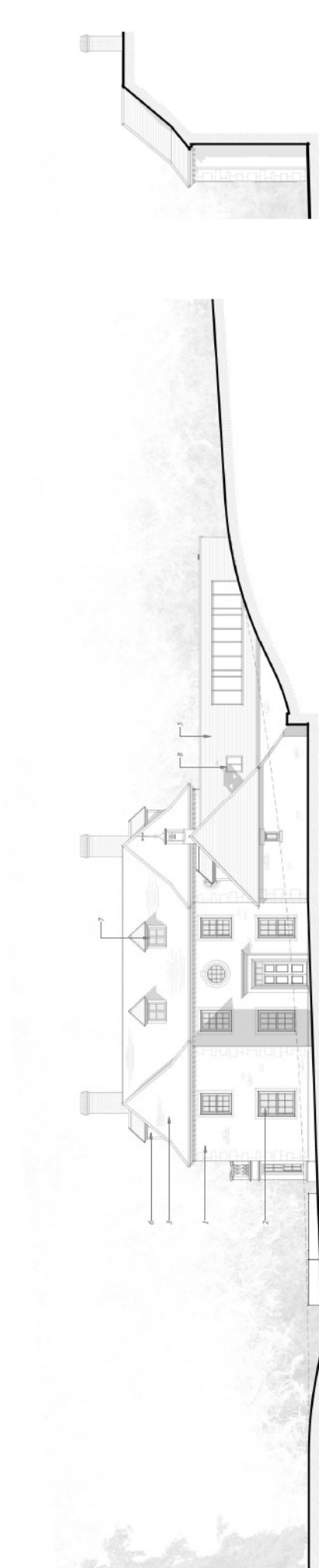
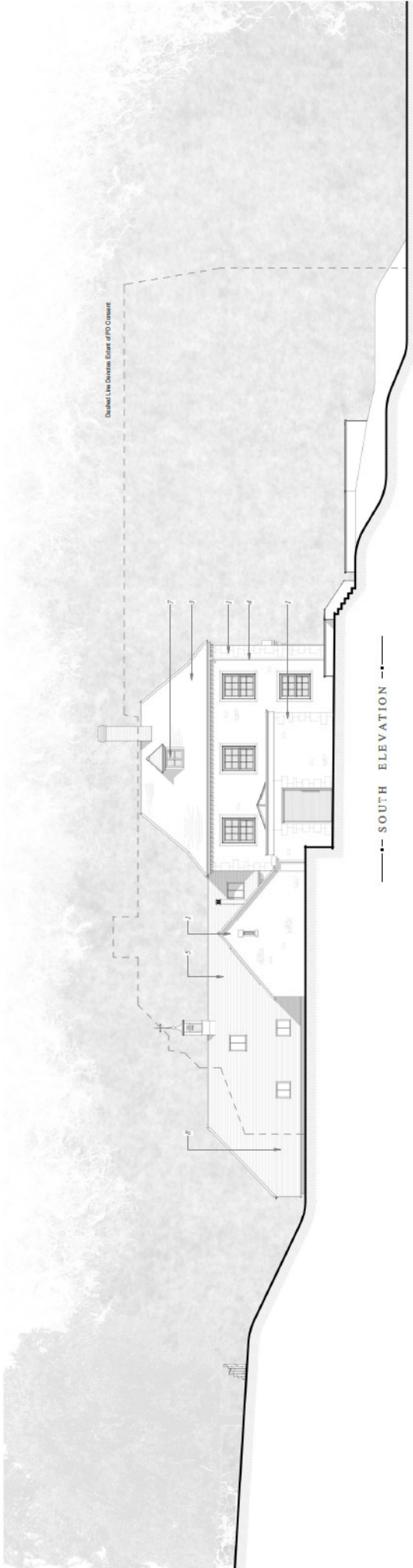
--- NORTH ELEVATION ---

- MATERIALS**
1. Natural Stone
 2. Timber Shakes
 3. Timber Shakes
 4. Aluminum Balustrade
 5. Blk. Slate
 6. Timber Plank Casement Windows
 7. Timber Plank Casement Windows
 8. Conservation Rooflight Plank With Barbs
 9. Natural Oak

This drawing has been prepared for use in the construction of the building. It is the property of the architect and shall remain confidential. No part of this drawing may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the architect.

Scale: 1/8" = 1'-0"





SOUTH ELEVATION

WEST ELEVATION

- MATERIALS**
1. Natural Stone Windows
 2. Recycled and Stone Sillars
 3. Aluminum Rainwater Goods
 4. Lead
 5. Timber Flush Cleverance Windows
 6. Conservation Footcrafter Flush With Rafters
 7. Natural Oak

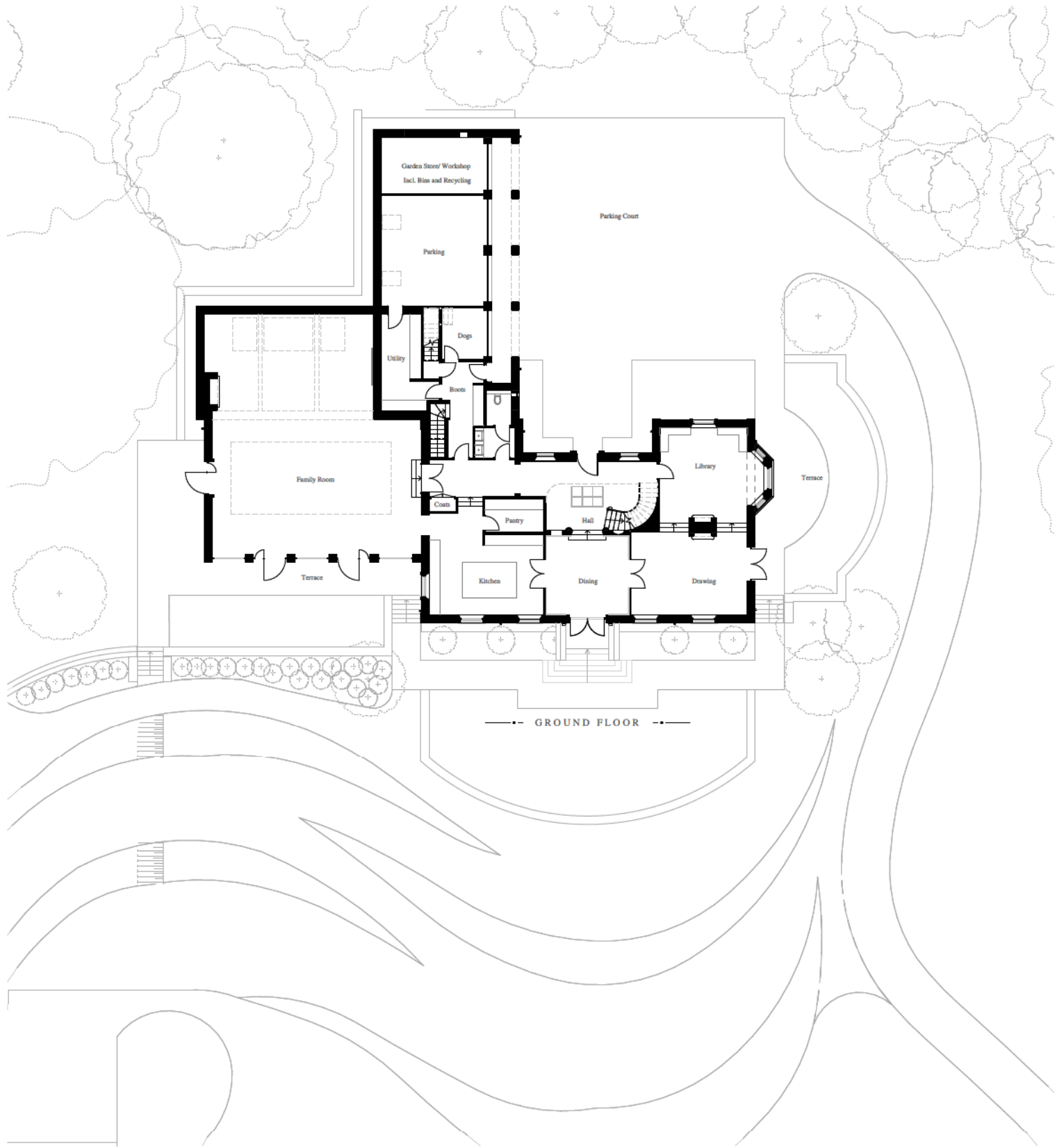
This drawing has been prepared for working up to plans by applicant. Applicant will be responsible for construction. It is recommended that applicant obtain a professional engineer's seal and stamp for the drawings. The drawings are not to be used for any other purpose without the written consent of the architect. No responsibility is accepted for errors made by others in building.

Scale: 1/8" = 1'-0"

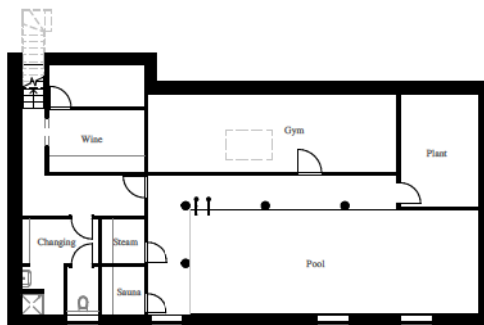


Proposed South Elevation - Partial
1:100

Planning Elevations
Stavros & Comdan Lane, Nt Winchcombe
Portobello Design Ltd
Date: 23/04/2020
Drawing No: 1009-A1
Dwg No: P1-000 Rev: A



--- GROUND FLOOR ---



--- BASEMENT ---

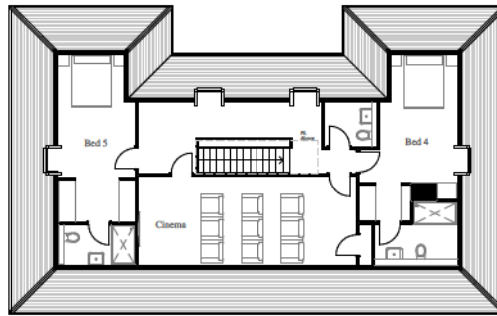
173

Planning
This drawing has been prepared for work up to planning application purposes only and is not intended for construction. The scale bar should only be used to check the drawing has been reproduced to the correct size. No responsibility can be accepted for errors made by others in 'copying' from this drawing.

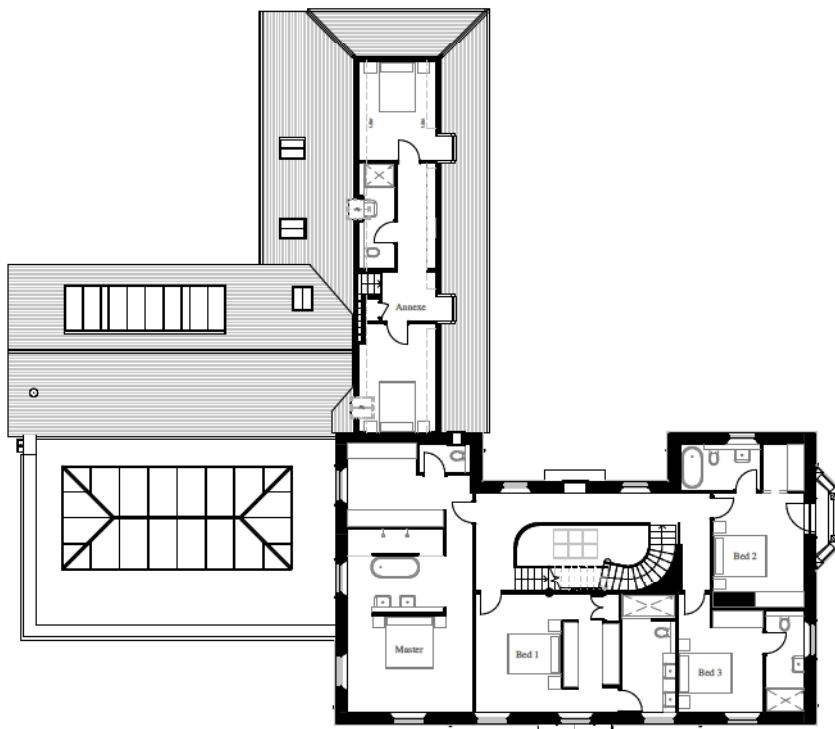
Tyack Architects Ltd own copyright of the original design work in the drawings, documents and digital files which cannot be copied, loaned or disclosed without written agreement. Please refer to our Standard Terms of Business.



Planning
Proposed Floor Plans
Starvealls, Comdean Lane, Nr Winchcombe
Portobello Design Ltd
Scale: 1 : 100@A1 Date: 23.04.2020
Drawn/Checked: JYDG Drg No: PL-002 Rev: B





















— SECOND FLOOR —



— FIRST FLOOR —



KEY

-  Existing trees
-  Existing hedgerows and vegetation
-  Proposed trees
-  Proposed pleached trees
-  Proposed hedges
-  Proposed planting and shrubbery
-  Proposed areas of mown grass
-  Proposed areas of wild-flora grass
-  Proposed aquatic planting to edge of swimming pond
-  Natural swimming pond with timber edging
-  Proposed stepping stones across swimming pond
-  Proposed attenuation pond
-  Natural stone access road and footpath
-  Natural stone paving
-  Stone walls
-  Estate rail fencing
-  Pedestrian gate
-  Vehicular gate



Portus+Whitton
 Landscape Architects
 20 Arundel Road, Chichester
 West Sussex, PO19 1LW
 T: 01243 822222
 E: contact@portuswhitton.co.uk

Project: Starwells Cottage, Winchcombe

Proposed Landscape Masterplan

DATE:	1/200	REVISED:	A1	DATE:	Mar 20	SCALE:	1:641	SHEET:	1	TOTAL SHEETS:	8
-------	-------	----------	----	-------	--------	--------	-------	--------	---	---------------	---

© The whole or any part of this plan is the copyright of Portus+Whitton Ltd.

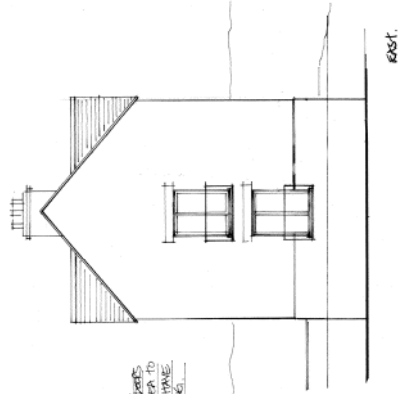
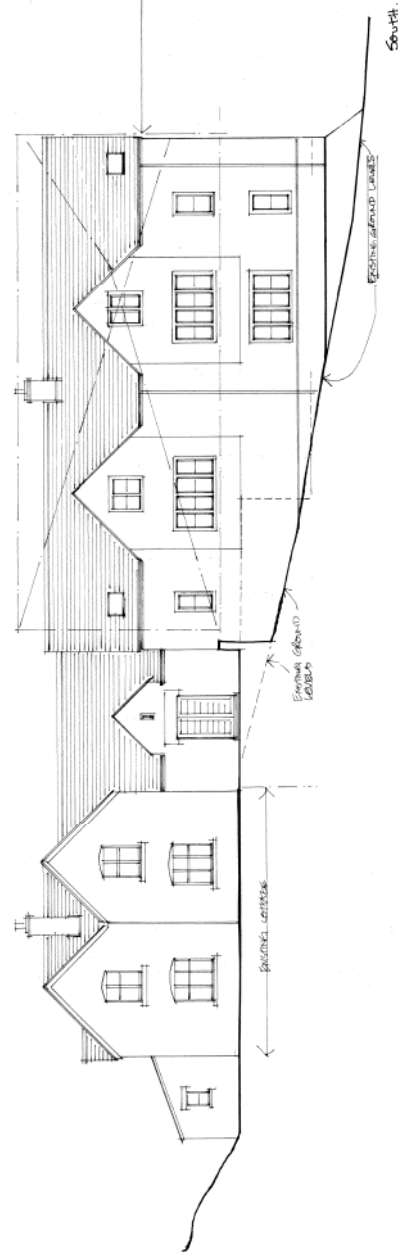
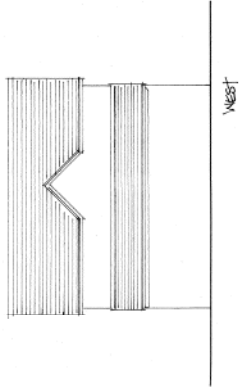
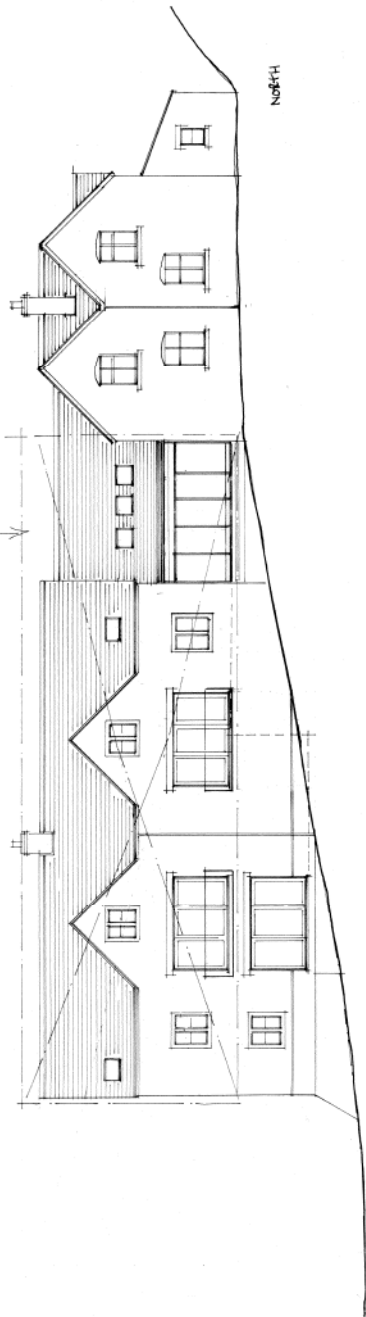
PLANNING

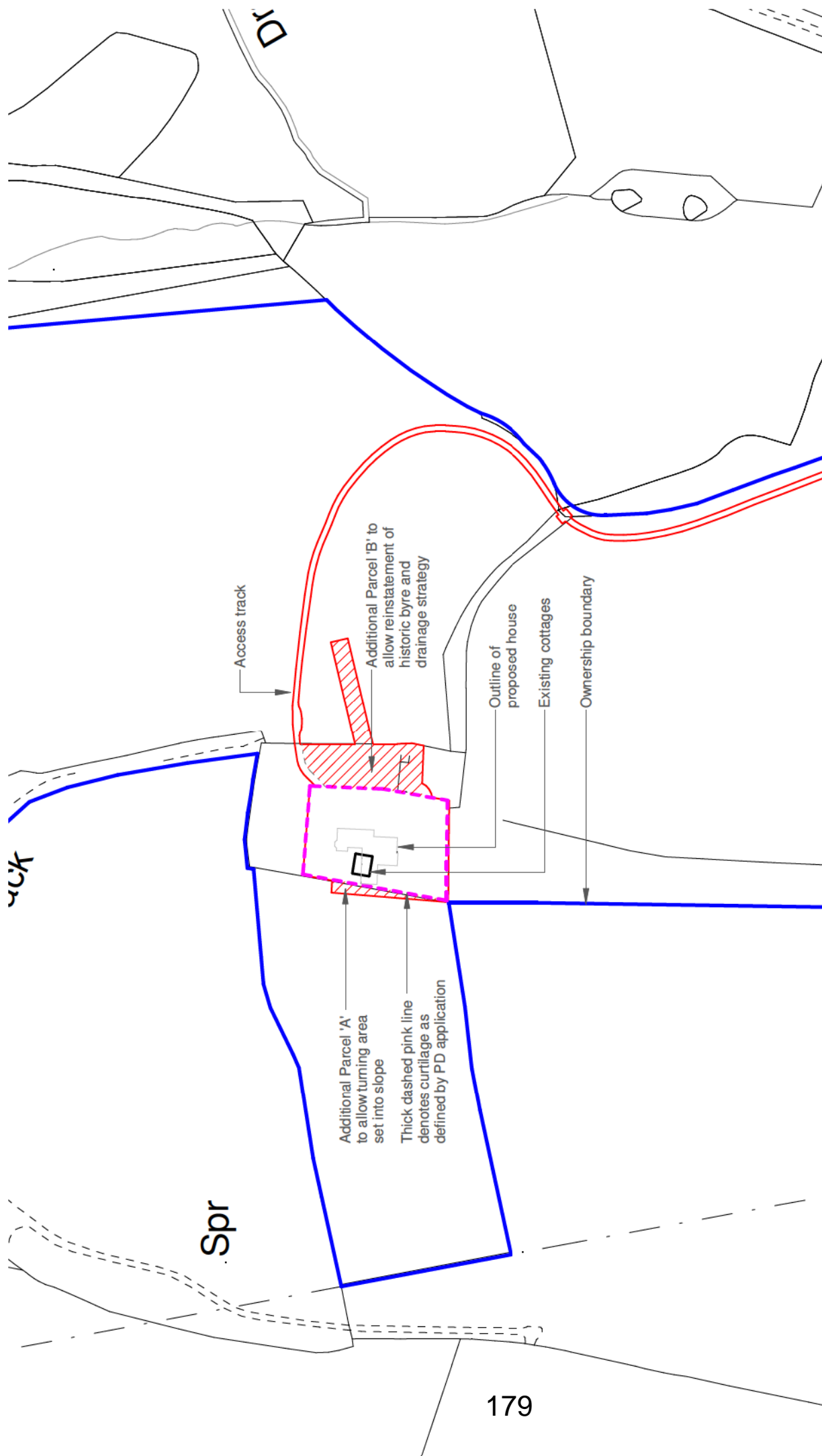
Site Plan
 No. 176
 No. 176

Portus+Whitton Design Ltd.
 11.03.20
 11.03.20



ALL WINDOW PERS IN THIS AREA TO BE FINED AND TO HAVE COORDINATE BRASSHIEL





Spr

D

yck

Access track

Additional Parcel 'A'
to allow turning area
set into slope
Thick dashed pink line
denotes curtilage as
defined by PD application

Additional Parcel 'B'
to
allow reinstatement of
historic byre and
drainage strategy

Outline of
proposed house

Existing cottages

Ownership boundary

179

Scale 1:2500

100m



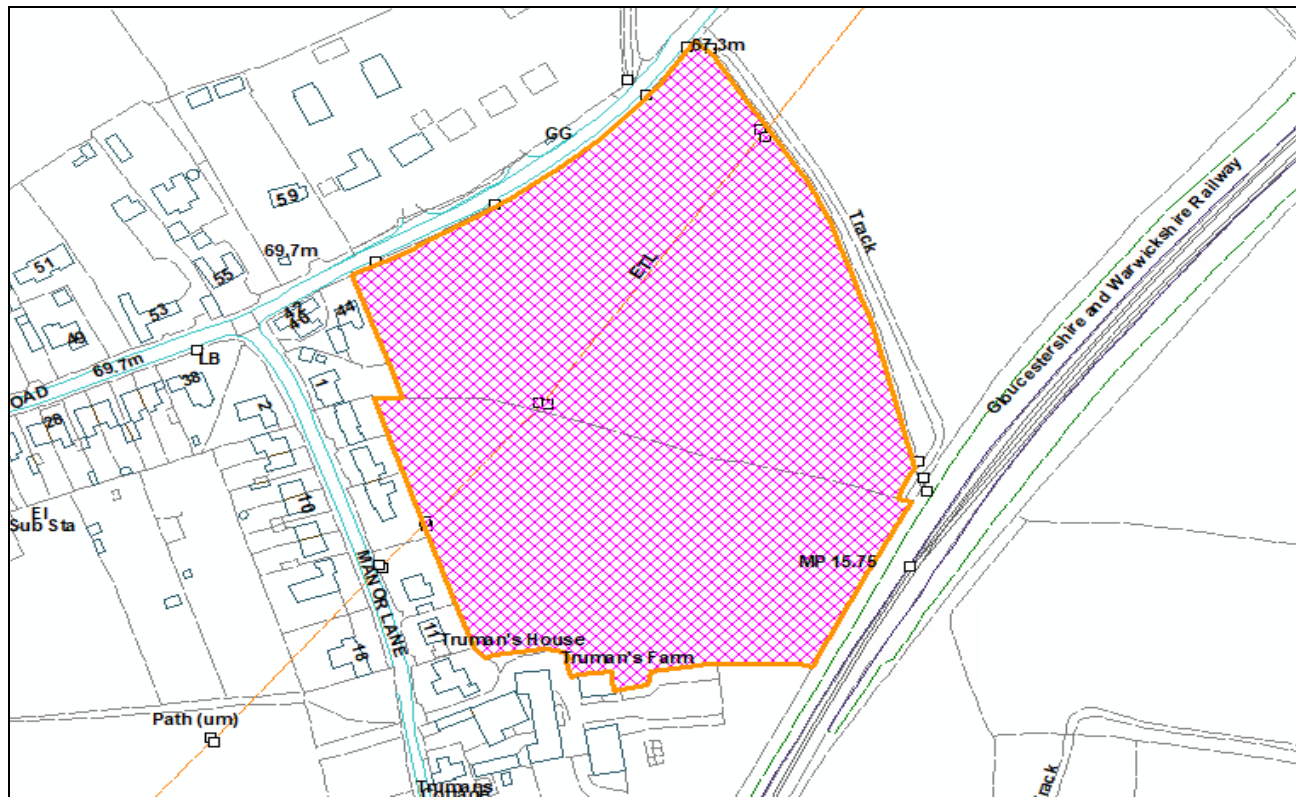
Tyack Architects Ltd
The Mann Institute
Oxford Street
Meriton-in-Marsh
Gloucestershire
GL56 0LA
t: 01608 650 490
f: 01608 651 883
e: mail@tyackarchitects.com
w: tyackarchitects.com

**Planning
Curtilage Plan**
Starvealls, Corndeane Lane, Nr Winchcombe
Portobello Design Ltd
Scale: 1 : 2500@A4
Date: 12.08.2020
Drawn/Checked: JH/DG
Drg No: PL-021
Rev: B

Planning Committee

Date	21 March 2023
Case Officer	Paul Instone
Application No.	22/00650/FUL
Site Location	Trumans Farm, Manor Lane Gotherington
Proposal	Residential development comprising 45 dwellings, creation of new access, public open space and other associated ancillary works.
Ward	Cleeve Hill
Parish	Gotherington
Appendices	Site location plan Planning Layout Materials Plan Affordable Housing Plan Storey Heights Plan Street Scenes
Reason for Referral to Committee	Full or outline application for the erection of 10 or more residential units.
Recommendation	Minded to Refuse

Site Location



1. The Proposal

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RCOM3QQDKEK00>

Purpose of this report

- 1.1 This application was validated by the Council on 10th June 2022. The application determination date was 9th September 2022 and revised plans were submitted on 28th November 2022. On 18th January 2023 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 a Hearing in June 2023. The Council must advise the Secretary of State of its views on the proposals by 4th April 2023.

Application Proposal

- 1.2 The application is submitted in full and proposes the erection of 45 dwellings, including 40% affordable housing provision. The application proposes the following mix of dwellings:
- 1.3 27 open market dwellings
- 6 no. 2 bedroom dwellings
 - 8 no. 3 bedroom dwellings
 - 10 no. 4 bedroom dwellings
 - 3 no. 5 bedroom dwelling
- 1.4 18 affordable dwellings
- 4 no. 1 bedroom dwelling
 - 9 no. 2 bedroom dwellings
 - 4 no. 3 bedroom dwellings
 - 1 no 4 bedroom dwellings
- 1.5 The dwellings would be located in the western part of the site with informal open space, a LEAP and a SuDS pond located in the eastern portion. It is proposed that new native species hedgerows and trees and informal mown paths would be located in the eastern portion of the site. The site would be accessed/egressed from via two vehicular accesses and pedestrian accesses off Gretton Road.

2. Site Description

- 2.1 The application site comprises two agricultural fields located at the eastern end of Gotherington on the southern side of Gretton Road and to the east of Manor Lane. The site is 4.15ha in area and comprises a mixture of grassland and arable agriculture. The site is enclosed by mature trees and a hedgerow to its north boundary with Gretton Road and to its east boundary with the open countryside beyond. There is also a minor watercourse running adjacent to the east boundary. There is a Category A High Quality Oak Tree in the eastern part of the site. The site is adjoined to the west by the existing residential development along Manor Lane, to the south by the Truman's Farm building complex and to the south-east by the Gloucestershire Warwickshire railway (GWR) line.

2.2 The site is located within the Special Landscape Area (SLA) as designated within the Tewkesbury Borough Plan to (TBP) with the Cotswolds Area of Outstanding Natural Beauty (AONB) located on the other side of the railway embankment. The site is located outside of, but immediately adjacent to, the Residential Development Boundary of Gotherington as defined in the TBP. Trumans Farmhouse is a Grade II Listed Building and is located approximately 35 metres to the south-west of the site beyond the farm building complex.

2.3 The application site is in Flood Zone 1.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
16/00539/OUT	Outline application with all matters reserved except for access for the development of up to 65 dwellings (inc. 26 affordable homes) including access, landscaping and other associated works	DISMISSED AT APPEAL	15.08.2017
21/00019/FUL	Residential development comprising 45 dwellings, creation of new access, public open space and other associated ancillary works	REFUSED	18.08.2021

4. Consultation Responses

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

4.1 Gotherington Parish Council – Object to the proposal – summarised as follows

- The proposal conflicts with the spatial strategy and is outside the settlement boundary and is not allocated for development in the JCS and does not meet any of the exception criteria in Policy SD10. The site is not allocated for development in GNDP.
- The NDP identified that Gotherington should provide around 86 homes between 2011-2031. These numbers have now been exceeded based on the Council's evidence documents. If this permission were allowed it would result in an addition 194 dwellings which is totally unreasonable.
- The site is within the SLA and makes a valuable contribution to the AONB and the proposal would cause harm to the landscape.
- The number of new houses is impacting on social cohesion in Gotherington, there are limited facilities, and the proposal adds nothing to quality of life.
- The proposal fails to reduce reliance on cars and will worsen congestion.
- The site is under for wheat crops and sheep farming and agricultural land and food supply should be protected.
- The population figures deriving housing land supply should be revisited following the UK's exit from the EU and the implications that this has had for demographic trends.

- Brownfield land should be prioritised before release of land from the countryside.

4.2 Cotswold AONB Board - Consider the proposal will have a significant adverse impact on the natural beauty of the Cotswolds National Landscape, particularly with regard to the impacts on views from Nottingham Hill. The Board consider this impact provide a clear reason for refusal and that the tilted balance does not apply.

4.3 Council's Landscape Advisor – Summarised below

- It is judged that the site is a Valued Landscape given it is part of the natural heritage feature that is the Cotswold Escarpment, the general good condition of the Site and its surroundings, its distinctiveness as part of the lower slopes of the escarpment, the area's scenic quality and the function it plays in the setting of the designated AONB landscape. The local landscape designation of Special Landscape Area (SLA) also marks the landscape as being of higher value than ordinary landscapes in the borough and the now adopted LAN1 Special Landscape Area policy is such that it treats all SLA as valued landscape requiring protection and enhancement in line with the NPPF.
- However it is also recognised that there are levels of sensitivity across the Site with regard to the susceptibility to a residential development of this sort. The further to the west and north on the Site and nearer to existing housing the less sensitive the valued landscape becomes.
- The Landscape Advisor consider the proposal would have the following adverse landscape effects:
 - o Changing half the rural site into a developed one.
 - o Increasing the quantum of development in proximity to the Cotswolds AONB feature, namely its escarpment.
 - o Reducing the quality of the landscape setting to the AONB.
 - o Creating smaller enclosures than the nearby field pattern which will appear different in scale and function particularly with the tree planting set centrally to them.
 - o Reducing the rural context of Truman's Farm by setting an estate styled housing arrangement to its immediate north
 - o Continuing the change to the rural character of Gretton Road with the new accesses through the mature hedgerow
- With regard to positive landscape effects there would be:
 - o An increase in hedgerow planting to the east nearer the AONB.
 - o Increased tree planting again predominately to the east.
 - o A diversification of grass sward to a possibly wildflower rich sward
- Overall, the Landscape Advisor considers that the positive landscape effects do not outweigh the adverse ones and that the proposals will not only alter the fundamental rural character of the site itself but alter the overall landscape setting to the AONB for the worse/
- The Landscape Advisor also identified adverse visual effects that do not add to the scenic quality of Gotherington itself or views out from the AONB. Of these it is the views from the Cotswolds AONB (including from Nottingham Hill) that will

experience the greater adverse effects given the sensitivity of the visual receptors receiving them. The more local views to the north are at a lesser level as the visual receptors have a lower sensitivity and there is increased screening from the existing roadside hedge.

- 4.4 **National Highways** – No objection
- 4.5 **County Highways Authority** – No objections subject to conditions and planning obligations
- 4.6 **Housing Enabling Officer** – No objection
- 4.7 **Lead Local Flood Authority** – No objection
- 4.8 **Drainage Advisor** – No objection
- 4.9 **Severn Trent** – No objection
- 4.10 **Ecology** – No objection
- 4.11 **Natural England** – No objection
- 4.12 **Conservation Officer** – No objection. it is not considered that the proposal would cause harm to the significance of heritage assets
- 4.13 **Historic England** – No comments to make
- 4.14 **County Archaeologist** – No objection
- 4.15 **Gloucestershire County Council Community Infrastructure** - S106 requests for primary and library provision
- 4.16 **County Minerals and Waste** – No objection
- 4.17 **Environmental Health (Noise)** – No objection
- 4.18 **Communities Team** – Further to amendments to the scheme to secure a LEAP on site, no objection subject to securing planning obligations.
- 4.19 **Campaign to Protect Rural England** – Objection on basis of non-compliance with the development plan, cumulative development and social well-being, landscape impact and planning balance.

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. 151 objections have been received to the proposals. The comments are summarised as follows:

- The application is contrary to the spatial strategy including the Gotherington Neighbourhood Plan and the JCS and also conflicts with the plan-led approach.
- Gotherington has also already over-delivered on its housing requirements in the adopted development plan.
- There is harm due to conflict with the Neighbourhood Plan which passed by referendum and the views of the community are being ignored.
- Brownfield sites should be developed before greenfield sites in the countryside.
- The fields which make up this proposal are part of a Special Landscape Area serving to protect the foreground setting of the Area of Outstanding Natural Beauty of Nottingham Hill and Dixton Hill. The proposal would harm the setting of the AONB and this is a significant and demonstrable harm.
- The houses on Manor Lane provide a soft but definite edge to the built form of Gotherington. The proposal would harm the settlement character and create a harsh end to the village, incongruous and out of character in this location.
- The proposal would be harmful to the settlement form of Gotherington and its character as a village and would result in urban sprawl.
- Wildlife, biodiversity and countryside must be protected for future generations.
- The design of the new build estates is poor and the continued development of modern housing is ruining the character of the village.
- The proposal would diminish the experience of users of the GWR Railway.
- The revised proposal does not mitigate the harms identified by the previous Inspector and the reasons for dismissal remain.
- Gotherington has more than fulfilled its share of new housing in recent years exceeding the Neighbourhood Plan requirements and has accommodated an unprecedented number of houses. There have been no significant associated increases in infrastructure and community facilities cannot cope with the additional capacity.
- There are already four new major housing developments to meet housing needs in Gotherington. Further development is inappropriate and out of scale with the size of the village

- The significant increase in housing is harmful to social cohesion.
- The school is at maximum capacity and oversubscribed meaning children from the age of four will have to travel outside the village
- The nearest doctors surgery is at Cleavelands on the outskirts of Bishops Cleeve and is easily accessible by public transport.
- The site is isolated from the village, people will be reliant on cars and those without cars will be isolated.
- The main road through Gotherington has many blind bends and narrow pavements and there is a risk of accidents. The proposal will worsen congestion at the A46 junction.
- The village has a restricted bus service and future residents will be reliant on cars
- The proposal will give rise to additional congestion which will cause health and safety issues.
- No more affordable housing is required in Alderton – there has already been significant provision and additional affordable housing will have social impacts.
- Gotherington is not a suitable location for affordable housing and they should be located in a more sustainable location which has access to services.
- The proposal would be harmful to the amenity of residents on Manor Lane due to the proximity of the dwellings.
- The development would also destroy farmland which is needed for food production.
- The water pressure, internet and mobile phone signals are already inadequate in Gotherington.
- The construction phase will give rise to noise and pollution and residents are being affected by the constant development in the village.
- The proposal will impact local wildlife.
- Truman's Farm in Manor Lane, is a listed building, and the proposal will cause harm to its setting.
- The slopes of Nottingham Hill, with its Ancient Iron Age Hill Fortress site, should be protected from further developments 'creeping' uphill.
- The proposal will increase risk of flooding on the site and off site and the submitted Drainage Strategy isn't robust.

5.2 There have been no letters of support for the proposals.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

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

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

6.2 National guidance

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

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

- Policy SP1 (The Need for New Development)
- Policy SP2 (Distribution of New Development)
- Policy SD3 (Sustainable Design and Construction)
- Policy SD4 (Design Requirements)
- Policy SD6 (Landscape)
- Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty)
- Policy SD8 (Historic Environment)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD10 (Housing Development)
- Policy SD11 (Housing Mix and Standards)
- Policy SD12 (Affordable Housing)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk Management)
- Policy INF3 (Green Infrastructure)
- Policy INF4 (Social Community Infrastructure)
- Policy INF6 (Infrastructure Delivery)
- Policy INF7 (Development Contributions)

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

- Policy RES3 (New Housing Outside Settlement Boundaries)
- Policy RES5 (New Housing Development)
- Policy RES12 (Affordable Housing)
- Policy RES13 (Housing Mix)
- Policy TOR5 (Gloucestershire Warwickshire Railway)
- Policy DES1 (Housing Space Standards)
- Policy HER2 (Listed Buildings)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy LAN1 (Special Landscape Areas)
- Policy LAN2 (Landscape Character)
- Policy NAT3 (Green Infrastructure: Building with Nature)
- Policy ENV2 (Flood Risk and Water Management)
- Policy TRAC1 (Pedestrian Accessibility)
- Policy TRAC2 (Cycle Network and Infrastructure)
- Policy TRAC3 (Bus Infrastructure)
- Policy TRAC9 (Parking Provision)

6.5 Gotherington Neighbourhood Development Plan – 2011-2031 (GNP) – Made November 2017

- GNDP01 (New Housing Development within Gotherington Service Village)
- GNDP02 (Meeting Strategic Development Needs in Gotherington as a Service Village)
- GNDP03 (New Housing Development in Open Countryside)
- GNDP04 (Securing a Suitable Mix of House Types and Sizes in New Development)
- GNDP05 (Protecting Existing and Developing New Community Assets)
- GNDP07 (Gotherington Design Principles)
- GNDP09 (Protecting and Enhancing the Local Landscape)
- GNDP10 (Protecting Locally Significant Views)
- GNDP11 (Development Outside the Settlement Boundary)
- GNDP12 (Biodiversity)

7. Policy Context

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

Five Year Housing Land Supply

- 8.1** The adopted JCS became five years old on 11th December 2022, therefore as required by paragraph 74 of the NPPF the Council's 5 year housing land supply position was 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.

- 8.3** On 7 March 2023, the Council's Interim Five Year Housing Land Supply Statement was published which sets out the position on the five-year housing land supply for Tewkesbury Borough as of 11th December 2022 (five years since the adoption of the JCS) and covers the five-year period between 1 April 2022 and 31 March 2027. The Interim Statement confirms that, when set against local housing need for Tewkesbury Borough calculated by the standard method, plus a 5% buffer, the Council can demonstrate a five year housing land supply of 6.68 years.
- 8.4** 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

- 8.5** 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. In the remainder of the rural area Policy SD10 will apply for proposals for residential development. With relevance to the application Policy SD10 follows that housing development on other sites will only be permitted where it is previously developed land in the existing built up areas of Service Villages, or it is:
- 8.6**
- 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.
- 8.7** Policy RES3 of the TBP sets out the circumstances where the principle of new housing development will be considered acceptable in principle outside of settlement boundaries and the proposed development does not accord with any of these criteria.
- 8.8** At the neighbourhood level, Policy GNPD01 of the GNP supports small infill housing development within existing built-up frontages when it is consistent with the scale and proportion of existing houses and gardens in the adjacent area. Outside of the defined settlement boundary, Policies GNPD03 and GNPD11 of the GNP only permits, inter alia, replacement dwelling; rural exception housing to meet an identified local need; agricultural and forestry dwellings; and additional housing where evidenced need has been established through the development plan and cannot be met within the defined settlement boundary for Gotherington.
- 8.9** The application site is open countryside that lies outside of the defined settlement boundary for Gotherington as defined in the GNP and TBP 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 TBP (including Policy RES3) or the GNP which allow for the type of development proposed here.

- 8.10** The proposal therefore conflicts with Policies SP2 and SD10 of the JCS, Policy RES3 of the TBP and Policies GNDP01, GNDP03 and GNDP11 of the GNP and 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.

Landscape impact

- 8.11** Paragraph 174 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing Valued Landscapes in a manner commensurate with their statutory status or identified quality in the Development Plan. Paragraph 176 of the NPPF states that the scale and extent of development within the setting of AONBs should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

- 8.12** 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.

- 8.13** Policy SD7 of the JCS states that all development proposals within the setting of the AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals are required to be consistent with the Cotswolds AONB Management Plan.

- 8.14** Policy RES5 bullet point 3 of the TBP states that new housing development should – where an edge of settlement is proposed – respect the form of the settlement and its landscape setting, not appear as unacceptable intrusion into the countryside and retain a sense of transition between the settlement and the countryside.

- 8.15** The application site is located within open countryside within a Special Landscape Area (SLA) as designated in Policy LAN1 of the TBP. SLAs are a local landscape designation and are defined as areas of high quality countryside of local significance. The Reasoned Justification for Policy LAN1 states that while SLAs are of a quality worthy of protection in their own right, they also play a role in protecting the foreground setting for the adjacent Cotswolds AONB. The SLA is defined where the topography is a continuation of the adjacent AONB and/or where the vegetation and associated features are characteristic of the AONB. For the above reasons the Council considers the SLA to be a valued landscape having regard to paragraph 170 of the NPPF.

- 8.16** Policy LAN1 of the TBP states that proposals within the SLA will be permitted providing that the proposal would not cause harm to those features of the landscape character which are of significance; and the proposal maintains the quality of the natural and built environment and its visual attractiveness; and all reasonable opportunities for the enhancement of landscape character and the local environment are sought. Policy LAN1 goes on to state that where a proposal would result in harm to the SLA 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 SLA will only be permitted where the benefits from the development would clearly and demonstrably outweigh the identified harm.

- 8.17** Policy LAN2 of the TBP states that all development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting.
- 8.18** Policy GNPD09 of the GNP states that to protect and enhance the landscape of the Gotherington neighbourhood development plan area, where appropriate, development proposals will have to demonstrate, inter alia, that they would not have a detrimental impact on the views to and from surrounding hills (e.g. Crane Hill, Nottingham Hill, Prescott Hill and Cleeve Hill), or the Area of Outstanding Natural Beauty, and views of the Vale of Gloucester. The sense of enclosure found in Gotherington village should also be maintained along with the strong separation of Gotherington village from Bishop's Cleeve, Woolstone and the A435. It also states that existing settlement patterns should be preserved, including the strong east-west form of Gotherington, particularly by avoiding encroachment into open countryside ridgeline development, or development that intrudes into the foreground of surrounding features such as hills, and the Area of Outstanding Natural Beauty.
- 8.19** Policy GNP10 of the GNPD follows and sets out a number of significant views that will be given special consideration when assessing planning applications. Of particular relevance to this application are the views from Nottingham Hill.
- 8.20** Policy CE1 of the AONB Management Plan 2018 – 2023 states that proposals that are likely to impact on, or create change in, the landscape of the Cotswolds AONB, should have regard to the scenic quality of the location and its setting and ensure that views – including those into and out of the AONB – and visual amenity are conserved and enhanced.
- 8.21** The effect on the character and appearance of the landscape was a key consideration in the previous appeal on this site and the findings of the Inspector are a material consideration (the indicative site layout for application ref: 16/00539/OUT is included in the Committee Presentation). The Inspector noted that in his opinion *'by extending built development as far to the south-east as is suggested on the illustrative layout plan, the appeal proposal would result in an appreciable amount of new, urban development encroaching close to the Gloucestershire Warwickshire railway and the AONB, where currently there is only the sporadic, rural type development in the form of the Trumans Farm complex. Furthermore, by seeking to develop so close to the AONB, and by reducing the SLA to just a relatively thin sliver at this point, the proposed development would have a noticeable and harmful impact on the setting of the AONB as it would appear as an incongruous intrusion into this largely undeveloped edge-of-settlement location. The new housing would be clearly visible in views from footpaths and bridleways within the AONB, especially from such locations in the south-east which I visited at my site visit'*
- 8.22** In terms of layout and landscape impact, the primary difference between the two proposals, is the removal of the eastern block of development in the current scheme which then results in a larger area of green space to the eastern side of the current proposals. There is also an increased indication of separation in the current proposals with the new hedgerows and tree planting to the east side of the site. This is in comparison to the previous proposals that appeared to treat the whole site as a single entity leaving a lesser area of open space that would be visually associated as a setting to the indicated housing units. The previous proposals also proposed more 'puncturing' with accesses through the hedgerow to Gretton Road.

- 8.23** Since the previous appeal decision, the context of the application site has also altered to some degree, further to the construction of 9 dwellings to the north of the application site at land adjoining 59 Gretton Road (17/00992/APP), albeit outline permission (16/00336/OUT) for up to 10 dwellings at this site was granted in November 2016 and the principle of development on the land to north of Gretton Road was a known factor when appeal 16/00539/OUT was dismissed in August 2017.
- 8.24** The Local Planning Authority has commissioned a Landscape Advisor to review the proposal and the applicant's LVIA. The Landscape Advisor advises that the development would have the following adverse landscape effects;
- Changing half the rural site into a developed one.
 - Increasing the quantum of development in proximity to the Cotswolds AONB feature, namely its escarpment.
 - Reducing the quality of the landscape setting to the AONB.
 - Creating smaller enclosures than the nearby field pattern which will appear different in scale and function particularly with the tree planting set centrally to them.
 - Reducing the rural context of Truman's Farm by setting and estate styled housing arrangement to its immediate north.
 - Continuing the change to the rural character of Gretton Road with the new accesses through the mature hedgerow
- 8.25** With regard to positive landscape effects there would be:
- An increase in hedgerow planting to the east nearer the AONB.
 - Increased tree planting again predominately to the east.
 - A diversification of grass sward to a possibly wildflower rich sward.
- 8.26** The Landscape Advisor judges the site to be a Valued Landscape in the context of paragraph 174 of NPPF given its value as the setting to the AONB but also by virtue of its local landscape designation as SLA that Tewkesbury consider to be Valued Landscape. The Landscape Advisor considers that the proposals do not conserve or enhance the overall landscape character of the site but the proposed public open space can be considered an enhanced landscape treatment of that part of the site. It however does not mitigate the loss of Valued Landscape to the west of the site therefore the proposals when considered as a whole do not protect and enhance Valued Landscape as required by paragraph 174 of the NPPF.
- 8.27** The Landscape Advisor has advised that the site and its contextual surroundings has a Medium degree of landscape sensitivity, however the further to the west and north of the site and nearer to existing housing the less sensitive the Valued Landscape becomes. The current application is supported by Verified Visual Images (VVIs) (**displayed in the Committee Presentation**). The Landscape Advisor has reviewed these VVI's and advises that visually a change to existing views to the AONB will be evident from Gretton Road and especially down the new access road, there will however be opportunities to look at the AONB from the new POS but overall the visual effects looking towards the AONB are adverse. Visual effects would also arise for users of paths and bridleways on Nottingham Hill as they walk or look towards Gotherington. The submitted VVI s illustrate that the proposed planting in the eastern POS will partially mitigate the adverse visual effects on the views back to the settlement from the AONB. In the application LVIA this change in views (after mitigation has established) is assessed as a Major/Moderate Adverse effect from lower down the escarpment with a Moderate, Adverse effect from higher up escarpment. Other harms to view are identified along Gretton Road (albeit existing view are restricted by the tall roadside hedgerow), for users of the GWR railway, and visitors to Gotherington

Nursery.

- 8.28** The above visual effects are considered adverse and do not add to the scenic quality of Gotherington itself or views out from the AONB. Of these it is the views from the Cotswolds AONB that will experience the greater adverse effects given the sensitivity of the visual receptors receiving them. The more local views to the north are at a lesser level as the visual receptors have a lower sensitivity and there is increased screening from the existing roadside hedge.
- 8.29** The Cotswolds AONB Board have also been consulted on the application and advise that the proposed development would be located in the setting of- and adjacent to - the AONB. The AONB Board advise that the proposed development would result in the built development of Gotherington encroaching towards the AONB. This would be particularly noticeable when viewed from the more elevated viewpoints on Nottingham Hill. The AONB Board consider that even with the proposed mitigation in place, that given the magnitude of change combined with the very high sensitivity of visual receptors at these viewpoints, the resultant visual impact would be major adverse (i.e. significant). The AONB Board consider that this significant adverse impact should be given great weight by Tewkesbury Borough Council in the decision making process.
- 8.30** Officers have carefully considered the comments from the Landscape Advisor and the AONB Board. Officers consider that the proposal would cause harm to a Valued Landscape and fails to protect and enhance the Valued Landscape as required by paragraph 174 of the NPPF. In addition, the development is not sensitively located and designed to avoid or minimise adverse impact on the AONB; the actual physical landscape attributes of the AONB are not altered but the scenic beauty of views out of the AONB from Nottingham Hill are adversely affected and the proposal reduces the AONB setting in quality and scale. Paragraph 176 of the NPPF states that great weight should to be given to conserving and enhancing the landscape and beauty of the AONB and the proposal fails to conserve and enhance the AONB contrary to paragraph 176. The proposal conflicts with Policy SD7 of the JCS for the same reasons.
- 8.31** The proposal would also fail to protect and enhance the landscape character of the SLA which is of local significance and would fail to maintain the quality of the natural and built environment of the AONB and its visual attractiveness contrary to criteria 1 and 2 of Policy LAN1. These harms identified to SLA must be weighed against the need for, and benefits from, the proposed development as part of the overall planning balance to identify whether the proposal conflicts with Policy LAN1 of the TBP.
- 8.32** It is also considered that the proposal does not protect and enhance the local landscape and is harmful to locally significant views (including from Nottingham Hill) and is contrary to GNDP9 and GNDP10 of the GNP.
- 8.33** Overall officers consider that the detrimental impact of the proposal on the AONB (views from the AONB and the setting of the AONB), the SLA and on significant views are matters which weigh heavily against the proposals in the planning balance.

Scale of Development and Social Impacts

- 8.34** The NPPF recognises that sustainable development includes a social objective and how healthy communities can be supported. Paragraph 9 of the NPPF states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. Paragraph 78 of the NPPF states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing development that reflects local needs. Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing development should be located where it will enhance or maintain local communities.
- 8.35** Paragraph 3.2.14 of the JCS identifies that there are a number of freestanding villages within Tewkesbury Borough which are considered suitable for some limited residential development. However, the level of residential development should be limited and the appropriate quantum of development within these Service Villages is a matter for the plan making process. Accordingly, Policy SP2(5) of the JCS states that in Service Villages lower levels of development will be allocated through the TBP and Neighbourhood Plans, proportional 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. In addition Policy RES5 of the TBP states that new housing development should be an appropriate scale having regard to the size, function and accessibility of the settlement.
- 8.36** The Pre-submission Tewkesbury Borough Plan 2011-2031 Housing Background Paper October 2019 (HBP) identified a 'disaggregated housing requirement' taking account of the factors in Policy SP2(5) for 86 dwellings in Gotherington in the plan period 2011-2031 representing a 19% increase in the size of the settlement. Against this evidence base, the GNDP proposes three allocated sites with a minimum of 66 dwellings and the three ensuing planning permissions granted 69 dwellings, and when the 26 dwellings completed prior to the GNDP being Made are taken into account this identifies 95 dwellings. In addition 50 dwellings have recently been granted at Ashmead Drive (TBC ref: 19/01071/OUT) on appeal. This equates to a total of 145 dwellings (being a circa 30% increase in the size of the settlement). If the current application is approved this would equate to an additional 190 dwellings so far during the plan, being a circa 40% increase in the size of the settlement.
- 8.37** In previous appeals in Gotherington, Inspectors have reached different conclusions on the impact of development on the social well-being of Gotherington. In the most recent appeal at Ashmead Drive, the Inspector concluded *'whilst the proposal is not anticipated by the NDP, the cumulative development of the village would not be overly disproportionate, and there is no tangible evidence before me that village has reached capacity. Furthermore, I gauged a strong sense of community from the interested parties such that I see no reason why the new residents would find it difficult to assimilate into the village'*.
- 8.38** Officers consider it is appropriate that the cumulative impact of housing development within the plan period should be considered in the decision making process. There has been a considerable level of local objection to this application, including objections that make reference to matters of social cohesion and concerns over the level of facilities and services available in Gotherington, and to some extent Bishops Cleeve, and their ability to accommodate the increased population that would arise from this development.

- 8.39** Whilst the impact on existing infrastructure would be mitigated to a degree by appropriate S106 contributions, officers consider that the further increase in population and settlement size would give rise to harm to social cohesion.
- 8.40** In light of the above, it is considered that the application would result in a harmful impact on the social well-being and social cohesion within Gotherington. This matter weighs against the proposal and must be considered in the overall planning balance.

Design and Layout

- 8.41** The NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development. This is now reflected in the National Design Guide, which provides planning practice guidance for beautiful, enduring and successful places.
- 8.42** 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.
- 8.43** Policy GNPD07 of the GNP sets out a number of design principles for development within Gotherington, which include:
- a) Preservation of the setting and separate identity of the village;
 - b) New boundary treatments should be appropriate to their immediate surroundings;
 - c) Existing routes including roads, lanes and footpaths should be retained and new links provided where appropriate and reasonable;
 - d) New buildings, by way of design, materials, height and layout should seek to enhance the distinctive village character of Gotherington;
 - e) Use of features to minimise light pollution and maintain the area's dark skies; and
 - f) All new development, where appropriate, should provide off-road car parking.
- 8.44** The proposed layout is a relatively informal principally served by a circular access road with three dwellings also being served by a secondary access. The layout would provide for an outward facing development, with dwellings fronting the open space to the east and Gretton Road to the north. This would provide for active street scenes and good levels of natural surveillance.
- 8.45** In terms of the scale, the dwellings would be a mix of 1, 1 1/2 or 2 storeys with lower storey dwellings to the east and two storey dwellings to the west providing some transition between the rural and urban edge.
- 8.46** In regard to appearance and architectural approach, the Design and Access Statement advises that there is no one period, style or design which is dominant in Gotherington village but there are variations and repetitions of recurring local themes that underpin the distinctive characteristic of the village. In response to this varied character the application proposes a mix of traditional pitched roof detached, semi-detached and terrace dwellings including bungalows and the external materials of the walls of the dwellings would comprise of stone interspersed with render dwellings. Roof tiles would either be Cotswold Stone tiles

or blue/black slate, albeit the exact material details would be secured by condition. The boundary treatments at the most prominent viewpoints would comprise of a dry stone wall at the site entrance and brick walls in the most prominent external viewpoints on the internal estate road. Overall the use of materials and architectural approach is considered acceptable.

- 8.47** In conclusion, notwithstanding the concerns raised in respect of landscape impact, the layout in itself is considered to be generally acceptable. The layout would provide for active frontages and good levels of natural surveillance. The development would provide good levels of amenity space and landscaping, whilst accommodating the necessary drainage infrastructure. In terms of the proposed house types, the proposed materials reflect that of the surrounding area, and are considered acceptable subject to conditions requiring the submission of materials and detailed design.
- 8.48** In light of the above, the design of the proposal is considered acceptable.

Effect of the Living Conditions of Neighbouring Dwellings

- 8.49** Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing and future users. JCS policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 8.50** Policy RES5 of the TBP states that proposals for new housing development should, inter alia, provide an acceptable level of amenity for future occupiers of the proposed dwellings and cause no unacceptable harm to the amenity of existing dwellings.

To the west of the proposed development is a row of dwellings to the east of Manor Lane, as well as dwellings which front onto Gretton Road. A number of objections have been received from residents raising concerns that the proposals will impact on residential amenity by reason of overlooking, overbearing impact and loss of views.

- 8.51** The application proposed two storey dwellings along this boundary and the minimum separation distance between the windows of the existing and proposed dwellings is at least 25 metres in all instances (taking account of the extensions to the Manor Road dwellings). Officers have carefully considered this relationship and taking account of the separation distance, it is considered that the proposal would cause no unacceptable harm to existing residents at Manor Road by reasons of overlooking, overbearing or over-dominating impact. It is noted that proposal would give rise to a detrimental impact on private views over rural landscape from these dwellings however the impacts of a development on a private view is not a planning consideration.

- 8.52** The other dwelling most affected by the proposal is No.44 Gretton Road and the side elevation of this property which contains a number of windows faces towards the application site and the nearest proposed dwelling is a 'Walnut' Type Dwelling located approximately 12 metres to the east. Officers have also considered this relationship and given that the only side facing window in the 'Walnut' Type Dwelling serves an en-suite and could be obscure glazed, it is also considered the proposal would cause no unacceptable harm to existing residents at No.44 Gretton Road by reasons of overlooking, overbearing or over-dominating impact.
- 8.53** In regard to the residential amenity of future residents, the site layout has carefully been considered by officers to ensure that the development can achieve acceptable levels of amenity for the proposed new dwellings. The separation distance between rear facing habitable room windows is at least 20 metres in all instances, and in terms of external amenity space, each dwelling would be provided with adequate garden amenity area and the internal arrangements and room sizes provide adequate amenity, In regard to the arrangement of windows, the orientation and layout is such that there would be no unacceptable overlooking between the proposed dwellings, subject to the imposition of planning conditions where necessary requiring the installation in perpetuity of obscure glazing in non-habitable room windows to prevent overlooking.
- 8.54** Overall, and subject to the imposition of conditions, it is considered that the proposed development would result in acceptable levels of amenity for existing and future residents in accordance with JCS policies and the NPPF.

Housing Mix and Affordable Housing

- 8.55** JCS Policy SD11 states that housing development will be required to provide an appropriate mix of dwelling 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, including the needs of older people as set out in the local housing evidence base, including the most up to date Strategic Housing Market Assessment (SHMA). This is further reflected in Policy GNDP04 of the GNP which states that on sites of 5 or more dwellings a range of tenures, house types and sizes of dwellings will be required, including where the viability of development allows, a proportion of affordable housing.
- 8.56** JCS Policy SD12 sets out that on sites outside of strategic allocations, a minimum of 40% affordable housing will be sought. It follows that they should be provided on site and should be seamlessly integrated and distributed throughout the development scheme. Similarly, Policy GNP04 of the GNDP requires a proportion of affordable housing where the viability of development allows.
- 8.57** In regard to affordable housing, the application proposed 18 affordable dwellings being:
- 4 no. 1 bedroom dwelling
 - 9 no. 2 bedroom dwellings
 - 4 no. 3 bedroom dwellings
 - 1 no 4 bedroom dwellings
- 8.58** 6no. of these dwellings are shared ownership and 12no. are social rented, including 4no. social rented bungalows. All of the houses would be M4(2) dwellings (accessible and adaptable dwellings) and all the bungalows would be either M4(3) (wheel chair user dwelling) accessible or adaptable. The Council's Housing Enabling Officer has been consulted on the application and raises no objection.

8.59 In regard to housing mix, the most up to date local housing evidence base for the area is the Gloucestershire Housing Local Housing Needs Assessment 2019 – Final Report Summary (September 2020). (HLNA). The housing requirements of the HLNA relative to the proposed development are set out below:

- 4no. 1 bedroom dwelling (HLNA Requirement 7.6%) (Application scheme 8.8%)
- 15no. 2 bedroom dwelling (HLNA requirement 18.8%) (Application scheme 33.3%)
- 12no. 3 bedroom dwelling (HLNA requirement 49.1%) (Application scheme 26.6%)
- 14no. 4+ bedroom house (HLNA requirement 24.4%) (Application Scheme 31.1%)

8.60 On balance, whilst the mix does not accord entirely with the HLNA, and the scheme underprovides 3 bedroom houses and overprovides 2 and 4+ bedroom houses, given that the scheme complies with the mix requested by the Housing Enabling officer and provides bungalows to meet the needs of older people, it is considered that the proposed mix is acceptable and this is a neutral factor in the planning balance.

8.61 The applicant has indicated that the affordable housing would be secured through a S106 Agreement, albeit there is currently no signed planning obligation.

Biodiversity

8.62 Government Circular 06/05 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. When determining planning applications, Paragraph 180 of the NPPF states if significant harm to biodiversity resulting from a development cannot be avoided through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

8.63 JCS Policy SD9 seeks the protection and enhancement of biodiversity and geological resources of the JCS area in order to establish and reinforce ecological networks that are resilient to current and future pressures.

8.64 Policy GNDP12 of the GNP states that development that is likely to have either a direct or indirect adverse impact upon areas of local biodiversity should be avoided. Where this is not possible adequate mitigation should be proposed or, as a last resort, compensation should be provided at a suitable location within the Parish. The protection and enhancement of biodiversity by enhancing or creating new wildlife corridors and stepping stones, including hedgerows, ditches, strips of tree planting, green open spaces with trees and grass verges to roads, both within and adjacent to the borders of Gotherington parish will be supported.

8.65 Policy NAT5 of the TBP states that development likely to result in the loss, deterioration or harm to features, habitats or species of importance to biodiversity, environmental quality or geological conservation, either directly or indirectly, will not be permitted unless: a) the need for, and benefits of the development clearly outweigh its likely impact on the local environment, or the nature conservation value or scientific interest of the site; b) it can be demonstrated that the development could not reasonably be located on an alternative site with less harmful impacts; and c) measures can be provided (and secured through planning conditions or legal agreements), that would avoid, mitigate against or, as a last resort, compensate for the adverse effects likely to result from development. The policy also

states that proposals, where applicable, will be required to deliver a biodiversity net gain and the Reasoned Justification confirms that a minimum of 10% biodiversity net gain will be expected.

- 8.66** Regarding wider impacts Natural England have been consulted on the application and consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.
- 8.67** The application is supported by an Ecological Appraisal that considers the impact of the proposed development in terms of biodiversity. The Appraisal advises that the site comprises of two fields of arable and improved grassland of negligible ecological importance; tall ruderal vegetation of negligible ecological importance; and species-rich hedgerows and scattered trees of local ecological importance. The site is not covered by any statutory or non-statutory sites designated for nature conservation importance.
- 8.68** The Ecological Assessments and Surveys submitted with the application confirm the presence of a number of animal species protected under UK and European Law. Bat activity has been confirmed on the site. The hedgerow supports foraging bats and trees in the east of the site (within the open space) with potential bat roost features identified. These trees will be retained. Reptile surveys in 2016, 2020 and 2022 found a low population of slow worms. Dormice were confirmed to be present on the site in 2016. The most important hedgerow for dormouse is the eastern hedgerow which would be retained and enhanced with infill, native species planting. Compensation for the loss of hedgerow elsewhere includes compensation planning of approximately 400 metres of hedgerow in the open space and the installation of dormouse nest boxes.
- 8.69** Surveys have also identified a low population of Great Crested Newts (GCN) in waterbodies located within 100 metres of the site. Given the potential for GCN to be impacted as a result of the proposed development, the applicant's have advised that a Natural England EPS mitigation licence will be applied for and implemented to ensure the development can proceed lawfully and maintain the GCN population at a favourable conservation status. The EPS mitigation licence would be applied for once planning permission is granted and all relevant pre-commencement conditions have been discharged.
- 8.70** The Appraisal also identifies that the proposal will deliver approximately a 130% habitat gain and a 29% hedgerow gain in excess of the 10% biodiversity net gain requirements.
- 8.71** The Council's Ecological Advisors have been consulted on the application and advise that the development would result in the loss of arable, improved grassland, tall ruderal, poor semi-improved grassland and discrete areas of species-poor hedgerow all of negligible ecological importance. The seven trees with bat roosting potential would be retained. It is also advised that the mitigation measures outlined in the GCN and Dormouse Mitigation Strategy documents are satisfactory and the mitigation and enhancements proposed to be incorporated into the new development are appropriate. It is also advised that the development as indicated in the Landscape Masterplan would meet biodiversity net gain requirements.
- 8.72** Overall, and subject to the imposition of conditions, it is considered that the proposed development would be acceptable in terms of ecological and biodiversity matters and is in accordance with development plan policies and the NPPF.

Access and highway safety

- 8.73** 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.
- 8.74** The application site is approximately 600m to the west of the centre of the village. There are a number of day to day facilities within Gotherington, which includes a village store, post office and cafe. Furthermore, there is a primary school approximately 350 metres from the site. Manual for Gloucestershire Streets states that walkable neighbourhoods should include a range of facilities within an 800 metre walking distance, which equates to an approximate 10 minute walking time. In this instance the site has a number of facilities which are within a comfortable walking distance of the site. Furthermore, the nearest bus stop is located approximately 90 metres from the site. As such, it is considered that the location of the site would allow for travel by non-car modes. It is therefore considered that the proposed development would have reasonably good access to local services and facilities proportional to its rural location. The proposal is therefore considered to be consistent with the accessibility related provisions of the relevant transport policies.
- 8.75** Vehicular access to the development is proposed via the creation of two access points on Gretton Road. The first is to the east and will serve the majority of the development, with a secondary more western access serving three dwellings. Tracking for refuse vehicles has been completed which shows the junction would operate without any safety implications. Appropriate visibility splays are achievable at both access points. The Highways Authority has been consulted on the application and are satisfied that the proposed access is both suitable and safe.
- 8.76** In terms of pedestrian accessibility, the proposal includes a pedestrian footpath within the site towards the west, and would include a new uncontrolled crossing across Gretton Road. This would tie in with the consented pedestrian improvements for the new development on the opposite side of Gretton Road. The Highways Authority consider that this is a suitable arrangement should future occupiers wish to walk along Gretton Road.
- 8.77** Regarding vehicle movements, the application is supported by a Transport Assessment which uses the TRICS database to predict the trip generations of the proposed development. This is the industry recognised tool for predicting trip generations, and its use is accepted. The assessment forecasts a likely 34 and 30 two-way movements in the AM and PM peak respectively which equates to a one additional movement in the network every 2 minutes. The Highways Authority have advised that this level of new trips would not result in any safety or capacity concerns on the highway network.
- 8.78** In terms of parking standards, the Highways Authority consider that the level of parking is sufficient and accords with the required standards are set out within the Manual for Gloucestershire streets and it is not perceived that the proposed level of parking would result in any detriment to future occupiers nor displacement onto the adjacent network.

- 8.79** The Highways Authority have requested a planning obligation contribution of £29,400 towards a minibus service to provide an effective transport solution for secondary students travelling to Winchcombe School (5.4 miles) and Tewkesbury School (6 miles). This is necessary in order to management the impact of the proposed housing development on the transport network.
- 8.80** The Highways Authority conclude that subject to appropriate conditions and planning obligations the application would not have an unacceptable impact on highway safety or a severe impact on congestion. It is also considered the proposal is the consistent with the accessibility related provisions of the relevant transport policies. The proposal is therefore considered acceptable in regard to highway safety and accessibility.

Drainage and Flood Risk

- 8.81** 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.
- 8.82** The Environment Agency Flood Map shows the site to be located within Flood Zone 1 (lowest risk of flooding), however there is a watercourse running along its eastern boundary. The Environment Agency Flood Map only includes watercourses with a catchment area greater than 3km². The watercourse that runs immediately adjacent to the eastern boundary of the site has a catchment smaller than this hence no indication is provided of its likely floodplain.
- 8.83** The application is supported by a Flood Risk Assessment and Drainage Strategy, which for the reasons set out above includes modelling of this watercourse to determine the existing floodplain extents. The model results demonstrate that the proposed development will not be at risk of flooding from the adjacent watercourse for all events and the topography of the site is such that the extents of flooding are constrained and do not encroach into the area that is proposed for development.
- 8.84** In terms of the Drainage Strategy, it is proposed that the surface water drainage system will primarily comprise a conventional pipe network draining towards a retention basin located in the north-eastern corner of the site. The proposed surface water drainage system will discharge flows into the existing watercourse on the northern boundary of the site adjacent to Gretton Road.
- 8.85** The LLFA have been consulted on the application and advise that the FRA demonstrates that the flood risk on the site is minimal and that the site can be developed to ensure flood risk is not increased elsewhere. Severn Trent have also been consulted on the application and raise no objection subject to the imposition of conditions.
- 8.86** In light of this, the application is considered acceptable in regard to drainage and flood risk.

Archaeology and Cultural Heritage

- 8.87** Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the Council to have special regard to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest which they possess.
- 8.88** Paragraph 194 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 8.89** In this instance there are a Grade II Listed Building located approximately 35 metres to the south-west of the site (Trumans Farmhouse and associated barn). The effect of the proposed development on the setting of these designated heritage assets has been considered in consultation with the Council's Conservation Officer. The Conservation Officer has advised that the proposal would not have an adverse impact upon the setting of any of the listed buildings as the listed buildings address Manor Lane and have little interaction with the land to rear in terms of their significance.
- 8.90** In regard to archaeology, the application is supported by a heritage statement which identified that the proposed development site was previously subject to geophysical survey and archaeological trial trenching (in relation to application 16/00539/OUT), with negative results.
- 8.91** The County Archaeologist has been consulted on the application and advises that in light of this there is a low risk that archaeological remains will be adversely affected by this development proposal. The Archaeologist recommends that no archaeological investigation or recording need be undertaken in connection with this scheme.
- 8.92** In light of this, the application is considered acceptable in regard to heritage assets and archaeology.

Arboricultural Impacts

- 8.93** Paragraph 131 of the NPPF states that trees make an important contribution to the character and quality of urban environments, and can also mitigate and adapt to climate change.
- 8.94** Policy INF3 of the JCS states that existing green infrastructure will be protected in a manner that reflects its contribution to ecosystem services including biodiversity, landscape/townscape quality and the connectivity of the green infrastructure network. Development proposals that will have an impact on hedges and trees need to include a justification for why this impact cannot be avoided and should incorporate measures acceptable to the Local Planning Authority to mitigate the loss.

- 8.95** Policy GNDP09 of the GNDP sets out that to protect and enhance the landscape, where appropriate, development proposal will have to demonstrate, inter alia, that they preserve and enhance areas of woodland, hedgerows, mature trees, and the differing types of field patterns found across the area.
- 8.96** The application is supported by an Arboricultural Impact Assessment and the tree survey identifies one tree of high arboricultural value a Category A Oak Tree, and four trees and two groups of trees moderate value (Category B). All of these trees are proposed to be retained with suitable buffers from development proposals.
- 8.97** However, the application does propose the removal of sections of the hedgerow in four locations along Gretton Road to facilitate the proposed vehicular and pedestrian accesses into site. This equates to 35 metres of hedgerow loss, but suitable mitigation planting is proposed elsewhere in scheme.
- 8.98** Subject to the imposition of appropriate conditions to protect retained trees and to secure mitigation planting, the application is considered acceptable in regard to arboricultural impacts.

Open Space, Outdoor Recreation and Sports Facilities

- 8.99** The NPPF sets out that planning decisions should aim to achieve healthy inclusive and safe communities including promoting social interaction and creating healthy, inclusive communities. Planning decisions should enable and support healthy lifestyles including through the provision of safe and accessible green infrastructure and sports facilities.
- 8.100** JCS Policy INF4 provides where new residential will create or add to, a need for community facilities, it will be fully met as on site provision and/or as a contribution to facilities or services off-site. JCS Policies INF6 and INF7 support this requirement.
- 8.101** Policy RCN1 of the TBP requires that new development shall provide appropriate public open space, sports pitches and built sports facilities to meet the needs of local communities and that provision should be informed by the most up to date evidence base.
- 8.102** The proposed site layout incorporates approximately 2 hectare hectares of appropriate informal public outdoor space, excluding the SuDS pond and pumping station as well as an on-site LEAP, and the specification of the LEAP can be secured by planning condition. The on-site formal and informal open space provision is considered acceptable.
- 8.103** In terms of off-site provision, the Council's Communities Team have requested a contribution of £19,811 for off-site playing pitches based on the requirements of the most up to date evidence base.
- 8.104** The applicant has confirmed that they do not intend to contest these contributions subject to detailed justification in a CIL Statement. However, there is currently no signed planning obligation to secure these contribution requests, but they are capable of being resolved through the signing of an appropriate planning obligation.

Education and Library Contributions

- 8.105** 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
- 8.106** Gloucestershire County Council as Local Education Authority (LEA) have been Consulted on the application and have requested £286,229.41 to the provision of primary school places arising from this development as circa 16 primary school places which would be expected to be generated by this development cannot currently be accommodated in the closest schools.
- 8.107** In terms of libraries, Gloucestershire County Council have advised that the scheme would generate a need to improving customer access to services through refurbishment and upgrades, improvements to stock, IT and digital technology and increased services at Bishops Cleeve Library. As such a contribution of £8,820 is therefore required to make the application acceptable in planning terms.
- 8.108** The applicant has confirmed that they do not intend to contest these contributions subject to detailed justification in a CIL Statement. However, there is currently no signed agreement to secure these contribution requests, but they are capable of being resolved through the signing of an appropriate planning obligation.

Section 106 obligations

- 8.109** 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.
- 8.110** 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.
- 8.111** 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.

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

- 40% affordable housing
- £286,229.41 towards primary education provision
- £8,820 towards improving customer access to services through refurbishment and upgrades, improvements to stock, IT and digital technology and increased services at Bishops Cleeve Library.
- £29,400 towards a minibus service to provide an effective transport solution for secondary students
- £19,811 contribution towards off-site playing pitches
- A contribution of £73 per dwellings, which equates to £3,285 based on 45 dwellings, towards recycling and waste bin facilities is also required.

8.113 There is currently no signed agreement to secure these contribution requests, but they are capable of being resolved through the signing of an appropriate planning obligation.

9. Conclusion

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

9.2 The application site lies outside of the defined settlement boundary for Gotherington 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 TBP which allow for the type of development proposed here. The proposal therefore conflicts with the spatial strategy and Policies SP2 and SD10 of the JCS, Policy RES 3 of the TBP and Policies GNDP01, GNDP03 and GNDP11 of the GNP.

Benefits

9.3 The delivery of 45 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

9.4 Harm arises from the conflict with development plan policies and the spatial strategy relating to housing, particularly Policies SP2 and SD10 of the JCS, Policy RES of the TBP and Policies GNDP01, GNDP03 and GNDP11 of the GNP.

- 9.5 Harm would also arise from the cumulative growth in Gotherington in such a relatively short period of time, which would have a negative impact on social cohesion and social well-being.
- 9.6 Harm also arises due to the harmful impact of the proposal on the landscape including detrimental impact of the proposal on the AONB (views from the AONB and the setting of the AONB), the SLA and on significant views. Officers do not consider that the need for and benefits of the development as outlined above clearly and demonstrably outweigh the identified harm to SLA. The application therefore also conflicts with Policy LAN2 of the TBP.
- 9.7 At this stage there is no signed S106 Agreement to secure affordable housing; nor is there a signed Agreement to provide for financial contributions required towards education, libraries, off-site recreational facilities or recycling facilities. Albeit these matters are capable of being resolved in terms of the planning balance

Neutral

- 9.8 In design terms, notwithstanding the concerns raised in respect of landscape impact, the layout in itself is considered to be generally acceptable given the constraints of the site. The proposal also does not raise any residential amenity issues in terms of a loss of light, outlook and privacy. The development would not be at an unacceptable risk of flooding and appropriate drainage infrastructure can be provided. The proposal would not have an adverse impact on designated heritage assets and there is a low risk that archaeological remains will be adversely affected by this development proposal. The proposal is considered acceptable in regard to highway safety and accessibility. The proposal also provides an acceptable housing mix.

Overall Conclusion

- 9.9 Officers acknowledge the benefits of the scheme that include its contribution towards the supply of both market and affordable housing and economic benefits that would arise from the proposal both during and post construction, including the economic benefits arising from additional residents supporting local businesses. However, there are no material considerations which outweigh the s.38 (6) presumption that the scheme should be determined in accordance with the Development Plan.

10. Recommendation

- 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

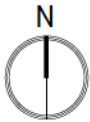
- 1 The proposed development conflicts with Policies SP2 and SP10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017), Policy RES3 of the Tewkesbury Borough Plan 2011-2031 (June 2022) and Policies of GNDP01, GNDP02, GNDP03 and GNDP11 of the Gotherington Neighbourhood Development Plan 2011-2031 (September 2017) 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 45 dwellings at Gotherington, 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 Gotherington 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 RES5 of the Tewkesbury Borough Plan 2011-2031 (June 2022) and the National Planning Policy Framework.
- 3** The proposal, by virtue of its land use, character and prominent location would represent a significant encroachment into the surrounding rural landscape and which would be unsympathetic to the settlement edge of Gotherington village. The proposal would have a harmful impact upon the character and appearance of the landscape within a Special Landscape Area which is a Valued Landscape that serves to protect the foreground setting of the adjacent Cotswold Area of Outstanding Natural Beauty. The harms to the character and appearance of the landscape character of the SLA are not outweighed by the need for, and benefits from, the proposed development. The proposal would adversely affect the scenic beauty of views out of the Cotswold Area of Outstanding Natural Beauty and reduce the setting of the Cotswold Area of Natural Beauty in quality and scale. The proposal would also cause harm to significant views identified in the Gotherington Neighbourhood Development Plan 2011-2031. As such, the proposal conflicts with Policies SD6 and SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017), Policies RES5, LAN1 and LAN2 of the Tewkesbury Borough Plan 2011-2031 (June 2022), Policies GNDP02, GNDP09 and GNDP10 of the Gotherington Neighbourhood Plan (September 2017) and the National Planning Policy Framework.
- 4** In the absence of an appropriate planning obligation, the application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with Policy SD11 and Policy SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and the National Planning Policy Framework.
- 5** In the absence of a completed planning obligation the proposed development does not adequately provide for community, outdoor recreation and sports facilities, and refuse and recycling 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.
- 6** In the absence of a completed planning obligation to secure Home to School Transport contributions, the development fails to provide appropriate provisions towards access to education. This is contrary to Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and the National Planning Policy Framework.
- 7** In the absence of a completed planning obligation to secure a library contribution, the development fails to provide appropriate provisions towards libraries infrastructure. This is contrary to Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2013 (2017), the Gloucestershire County Council's Library Strategy 2012 and the National Planning Policy Framework.

- 8 In the absence of a completed planning obligation to secure education contributions, the development fails to provide appropriate provisions towards education school places. This is contrary to Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2013 (2017), Gloucestershire's School Places Strategy 2021-2026 and the National Planning Policy Framework.

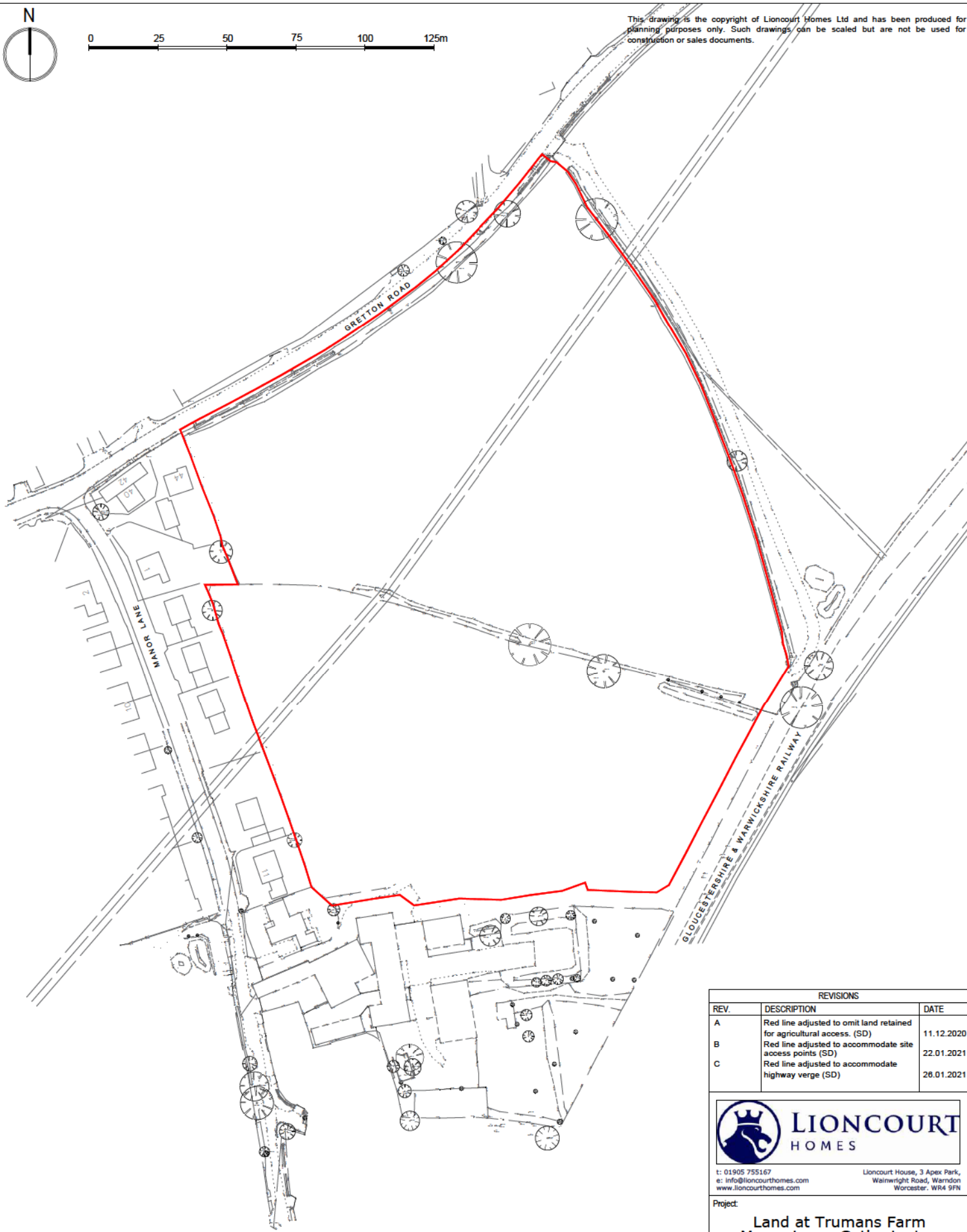
12. Informatives

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



0 25 50 75 100 125m

This drawing is the copyright of Lioncourt Homes Ltd and has been produced for planning purposes only. Such drawings can be scaled but are not be used for construction or sales documents.



REVISIONS		
REV.	DESCRIPTION	DATE
A	Red line adjusted to omit land retained for agricultural access. (SD)	11.12.2020
B	Red line adjusted to accommodate site access points (SD)	22.01.2021
C	Red line adjusted to accommodate highway verge (SD)	28.01.2021



t: 01905 755167
e: info@lioncourthomes.com
www.lioncourthomes.com
Lioncourt House, 3 Apex Park,
Wainwright Road, Warrndon
Worcester. WR4 5FN

Project:
**Land at Trumans Farm
Manor Lane, Gotherington**

Title:
SITE LOCATION PLAN

Drawing Number:
GOGR-PL-001

Drawn by: SD	Date: DEC '20	Scale: 1:1250@A3	Revision: C
-----------------	------------------	---------------------	----------------



210

REVISIONS		
REV.	DESCRIPTION	DATE
A	Land usage and SUDS basin adjustments	16.12.2020
B	Final line adjustment to accommodate site access points	22.01.2021
C	Final line adjustment to accommodate highway verge	26.01.2021
D	Layout updated to suit LPA comments	06.09.2021
E	Layout updated to implement landscaping comments	17.03.2022
F	Layout updated to address LPA comments	06.11.2022

LIONCOURT HOMES

Unit 50505 TRESLET Lioncourt House, 3 Apex Park, Wainwright Road, Wainston, Worcester, WR9 6RN

t: 01500 755167
e: info@lioncourthomes.com
www.lioncourthomes.com

Project: **Land at Trumans Farm, Manor Lane, Gotherington**

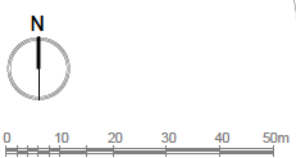
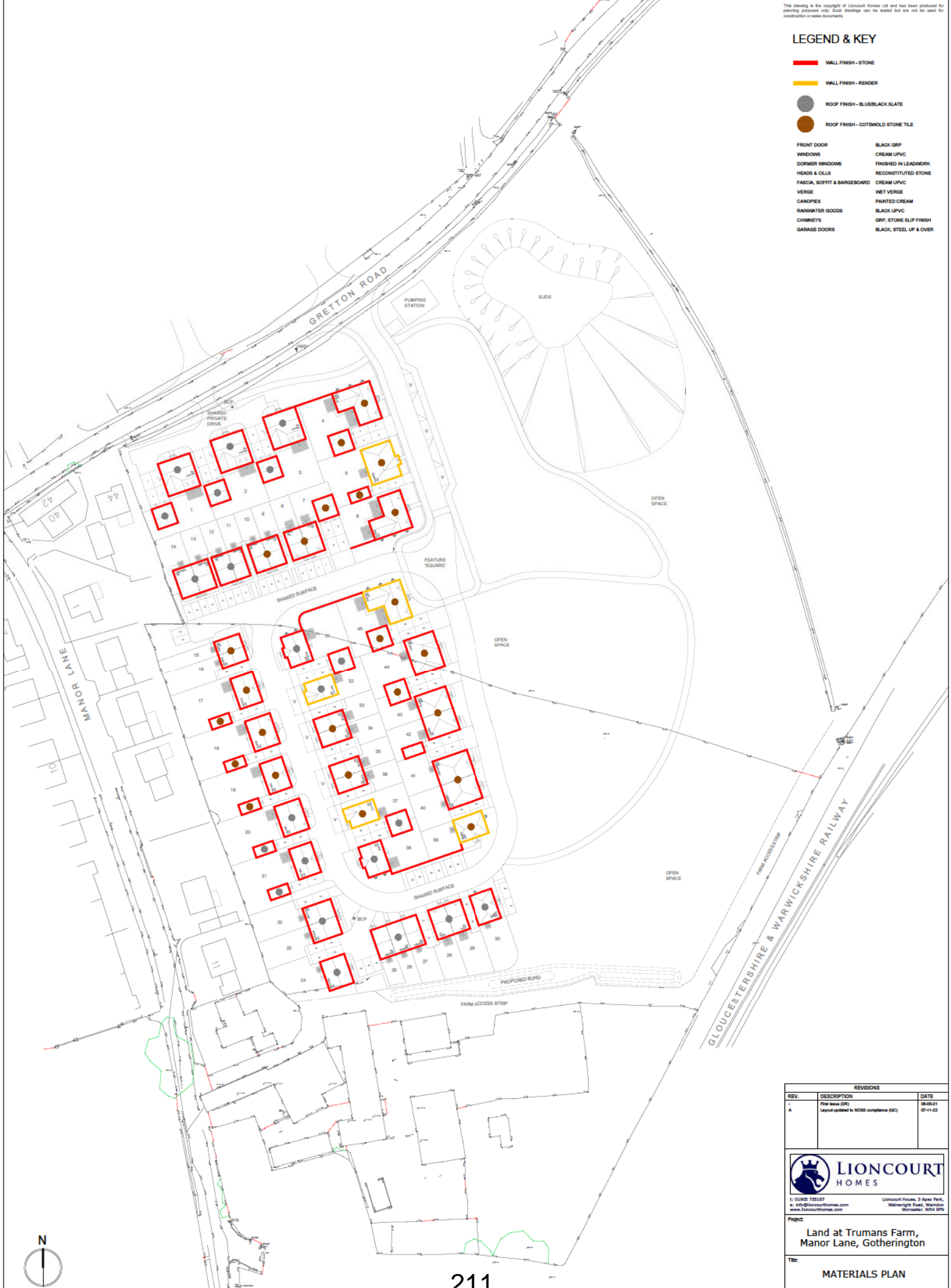
Title: **PLANNING LAYOUT**

Drawing Number: **G0GR-PL-002**

Drawn by:	Date:	Scale:	Revision:
DR	05-21	1:500@A1	F

LEGEND & KEY

- WALL FINISH - STONE
 - WALL FINISH - RENDER
 - ROOF FINISH - BLUE/BLACK SLATE
 - ROOF FINISH - COTSWOLD STONE TILE
- | | |
|--|---|
| <ul style="list-style-type: none"> FRONT DOOR WINDOWS CORNER WINDOWS HEADS & CILLS FASCIA, SOFFIT & BARGEBOARD VERGE CANOPES RAINWATER GOODS CHIMNEYS GARAGE DOORS | <ul style="list-style-type: none"> BLACK GRP CREAM UPVC FINISHED IN LEADWORK RECONSTITUTED STONE CREAM UPVC WET VERGE PAINTED CREAM BLACK UPVC GRP, STONE SLP FINISH BLACK, STEEL UP & OVER |
|--|---|



REVISIONS		
REV.	DESCRIPTION	DATE
A	Final Issue (DR) Layout updated to NDS compliance (GC)	05-05-21 07-11-22

LIONCOURT HOMES

t: 01295 755267
e: info@lioncourthomes.com
www.lioncourthomes.com

Lioncourt Homes, 3 Apex Park,
Wainwright Road, Warrington
Warrington, WMA 9PH

Project: Land at Trumans Farm, Manor Lane, Gothington

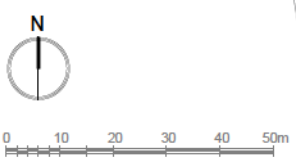
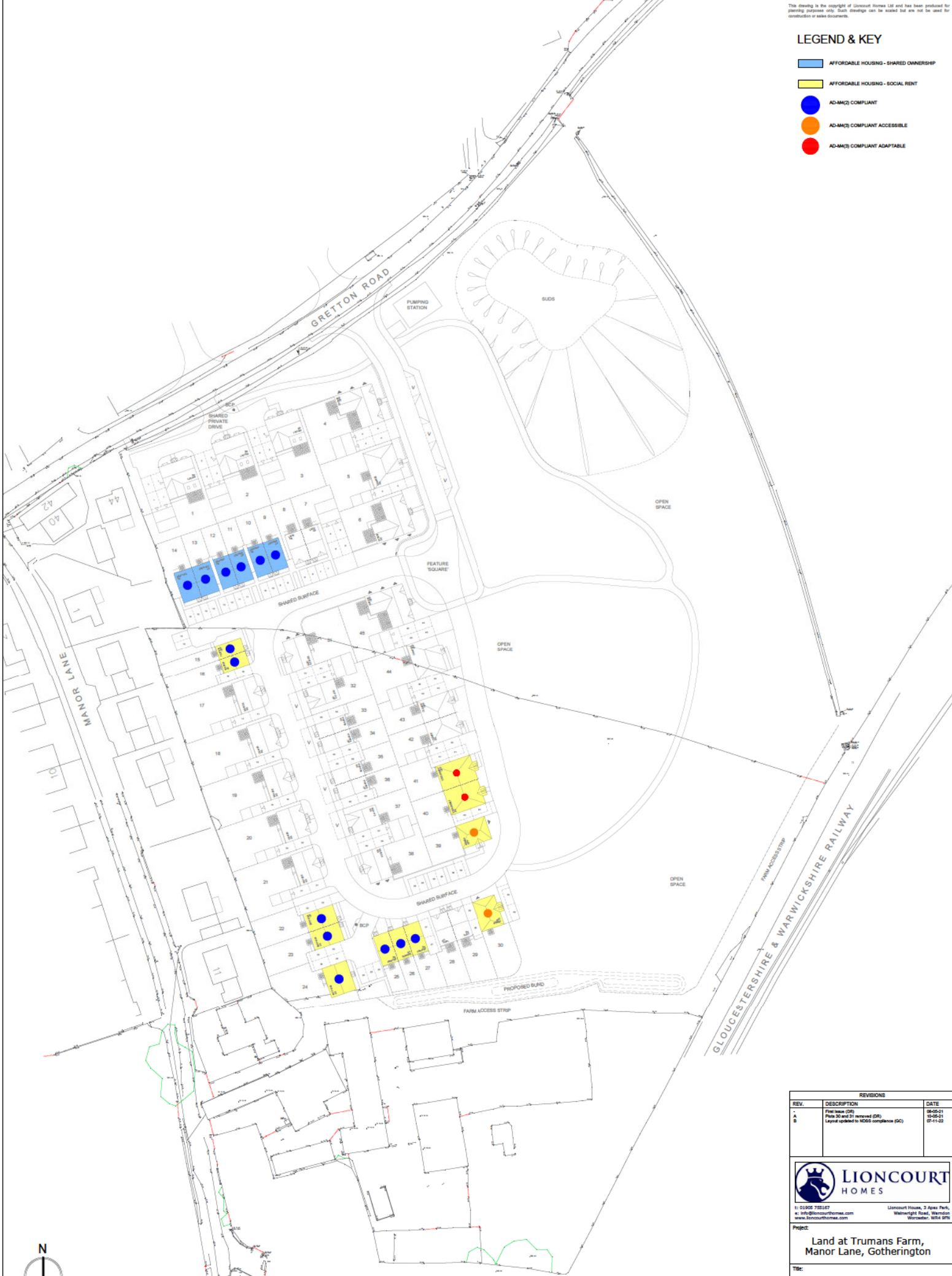
Title: MATERIALS PLAN

Drawing Number: GOGP-PL-003

Drawn by: DR	Date: 05-21	Scale: 1:500@A1	Revision: A
-----------------	----------------	--------------------	----------------

LEGEND & KEY

- AFFORDABLE HOUSING - SHARED OWNERSHIP
- AFFORDABLE HOUSING - SOCIAL RENT
- AD-MAQ2 COMPLIANT
- AD-MAQ2 COMPLIANT ACCESSIBLE
- AD-MAQ2 COMPLIANT ADAPTABLE



212

REVISIONS		
REV.	DESCRIPTION	DATE
A	Final Issue (SI)	06-05-21
B	Plans 20 and 21 removed (DR) Layout updated to HDG compliance (QC)	15-05-21 07-11-22

<small> t: 01295 752127 e: info@lioncourthomes.com www.lioncourthomes.com </small>			
<small> Lioncourt Homes, 3 Apex Park, Wainwright Road, Warndon Worcester, W14 9PA </small>			
Project: Land at Trumans Farm, Manor Lane, Gotherington			
Title: AFFORDABLE HOUSING			
Drawing Number: GOGP-PL-005			
Drawn by: DR	Date: 05-21	Scale: 1:500@A1	Revision: B

LEGEND & KEY

- 1 STOREY
- 1.5 STOREY
- 2 STOREY



213

REVISIONS		
REV.	DESCRIPTION	DATE
A	Road line adjustment to accommodate site access points	22-01-2021
B	Road line adjustment to accommodate highway verge	26-02-2021
C	Update to full town layout	26-02-2021
D	Layout updated to NDS compliance (2C)	27-11-22

LIONCOURT HOMES

t: 01295 752127 Lioncourt Homes, 3 Apex Park, Wainwright Road, Warndon, Worcester, W14 9PB
e: info@lioncourthomes.com www.lioncourthomes.com

Project:
Land at Trumans Farm, Manor Lane, Gotherington

Title:
STOREY HEIGHTS PLAN

Drawing Number:
GOGP-PL-007

Drawn by: DR	Date: 05-21	Scale: 1:500@A1	Revision: D
-----------------	----------------	--------------------	----------------

This drawing is the property of Lioncourt Homes Ltd and may have been produced for planning purposes only. Such drawings can be issued but are not to be used for construction without instructions.



SITE SECTION A-A - 1:250



SITE SECTION B-B - 1:250



SITE PLAN - 1:1,250

REV	DESCRIPTION	DATE
A	Series updated to reflect Planning Consent Ref: F/2021/0061/2/1	08/11/21



Lioncourt Homes, 3 Angel Park,
Warrington, Cheshire, WA1 1PP
Tel: 01928 723327
www.lioncourthomes.com

Project:
Land at Trueman's Farm,
Manor Lane, Gotherrington

Title:
STREET SCENES

Drawing Number:
GOGR-PL-009

Drawn by:
GR

Date:
NOV 2022

Scale:
MTS @A1

Revised:
-

PLANNING APPEALS

PLANNING APPEALS RECEIVED (03/02/2023 – 03/03/2023)

Appeal Start Date	TBC Planning Number	Inspectorate Number	Proposal	Site Address	Appeal Procedure
10-Feb-23	22/00373/FUL	APP/G1630/D/23/3314038	Construction of two storey side extensions extending across the existing building. New ridge which will increase the existing by 0.8m creating a 30 degree pitch to allow the installation of solar panels	Orchard Bank, Bushcombe Lane, Woodmancote, GL52 9QJ	Hearing
10-Feb-23	22/00443/PIP	APP/G1630/W/22/3311465	Permission in principle for one dwelling.	Land At Tredington Park, Tredington	Written Representation
24-Feb-23 215	22/00586/FUL	APP/G1630/D/23/3315397	Two storey side and front extensions, rear dormer extensions and alterations to existing roof.	10 Crifty Craft Lane, Churchdown, GL3 2LH	Hearing
28-Feb-23	22/00650/FUL	APP/G1630/W/23/3314936	Residential development comprising 45 dwellings, creation of new access, public open space and other associated ancillary works.	Trumans Farm, Manor Lane, Gotherington, GL52 9QX	Inquiry

PLANNING APPEALS DECIDED (03/02/2023 – 03/03/2023)

Appeal Decision Date	Appeal Decision	TBC Planning Number	Inspectorate Number	Proposal	Site Address
21-Feb-23	Appeal Allowed Planning Permitted	22/00240/FUL	APP/G1630/W/22/3309571	Removal of condition 3 of application 00/5174/1014/FUL to enable the siting of residential static caravans (park homes).	Regency Court Park, Bamfurlong Lane, Staverton, GL51 6SL