

17 May 2023

|                        |  |
|------------------------|--|
| <b>Committee</b>       | Planning   |
| <b>Date</b>            | Thursday, 25 May 2023                              |
| <b>Time of Meeting</b> | 10:00 am   |
| <b>Venue</b>           | Tewkesbury Borough Council Offices,<br>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.

|           | <b>Item</b>  | <b>Page(s)</b> |
|-----------|--|----------------|
| <b>4.</b> | <b>MINUTES</b>   | 1 - 10         |
|           | To approve the Minutes of the meetings held on 18 April and 17 May 2023.   |                |
| <b>5.</b> | <b>DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL</b>   |                |
|           | <b>(a) 23/00205/FUL - Land North of Sandy Pluck Lane, Bentham</b>  | 11 - 40        |
|           | <b>PROPOSAL:</b> One self-build single storey detached dwelling including re-use of existing access from Sandy Pluck Lane, landscaping and parking, following demolition of redundant former agricultural barns and removal of concrete hardstanding.  |                |
|           | <b>OFFICER RECOMMENDATION:</b> Refuse  |                |
|           | <b>(b) 22/01306/FUL - Elm Gardens, Badgeworth Road, Badgeworth</b>   | 41 - 58        |
|           | <b>PROPOSAL:</b> Proposed single storey detached residential annex and garden storage used ancillary to the host dwelling (Elm Gardens) following demolition of existing residential outbuilding.  |                |
|           | <b>OFFICER RECOMMENDATION:</b> Permit.   |                |
|           | <b>(c) 22/01375/FUL - Part Parcel 8019, Chargrove Lane, Up Hatherley</b>   | 59 - 71        |
|           | <b>PROPOSAL:</b> Agricultural access and hardstanding (amended description).   |                |
|           | <b>OFFICER RECOMMENDATION:</b> Refuse.   |                |
|           | <b>(d) 22/00834/OUT - Land to the South-East of Bluebell Road and East of Rudgey Lane, Wheatpieces, Tewkesbury</b>   | 72 - 114       |
|           | <b>PROPOSAL:</b> Outline planning application for the erection of up to 250 dwellings, community sports pavilion and outdoor sports pitches as well as associated highway, drainage and green infrastructure including trim trail, outdoor play and community orchard. All matters reserved except for access. |                |
|           | <b>OFFICER RECOMMENDATION:</b> Delegated Permit.   |                |
|           | <b>(e) 22/00083/FUL - Oak House, Malleson Road, Gotherington</b>   | 115 - 123      |
|           | <b>PROPOSAL:</b> Erection of a two storey side extension, a single storey rear extension and a side extension to the detached garage.  |                |
|           | <b>OFFICER RECOMMENDATION:</b> Permit.   |                |
|           | <b>(f) 23/00240/FUL - 9B Beckford Road, Alderton</b>   | 124 - 134      |
|           | <b>PROPOSAL:</b> Erection of first floor rear extension and installation of a rear roof dormer.  |                |
|           | <b>OFFICER RECOMMENDATION:</b> Permit.   |                |

| Item  | Page(s)   |
|---|-----------|
| <b>(g) 22/00740/FUL - Green Cottage, Snowhill</b>   | 135 - 151 |
| <b>PROPOSAL:</b> Alterations to the front of the property to provide a porch; erection of a veranda to rear elevation and garden room in rear garden. |           |
| <b>OFFICER RECOMMENDATION:</b> Permit.  |           |
| <b>(h) 22/00916/FUL - 2 Moorfield Road, Brockworth</b>  | 152 - 168 |
| <b>PROPOSAL:</b> Erection of dwelling and new access drive.   |           |
| <b>OFFICER RECOMMENDATION:</b> Permit.  |           |
| <b>(i) TPO 419 - Ingleside, Dog Lane, Witcombe</b>  | 169 - 187 |
| <b>PROPOSAL:</b> To confirm TPO 419.  |           |
| <b>OFFICER RECOMMENDATION:</b> Confirm without modification.  |           |
| <b>6. CURRENT APPEALS AND APPEAL DECISIONS UPDATE</b>   | 188 - 189 |
| To consider current planning and enforcement appeals and Department for Levelling Up, Housing and Communities appeal decisions.                       |           |

**DATE OF NEXT MEETING**  
**TUESDAY, 20 JUNE 2023**  
**COUNCILLORS CONSTITUTING COMMITTEE**

Councillors: T J Budge, M Dimond-Brown, M A Gore, S Hands, D J Harwood, M L Jordan, G C Madle, J R Mason, P W Ockelton (Vice-Chair), P E Smith (Chair), R J G Smith, R J E Vines and P N Workman

### **Substitution Arrangements**

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

### **Recording of Meetings**

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

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

## TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Tuesday, 18 April 2023 commencing at  
10:00 am**

**Present:**

Chair

Councillor R D East

**and Councillors:**

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

**PL.58 ANNOUNCEMENTS**

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

**PL.59 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

- 59.1 Apologies for absence were received from Councillors G F Blackwell (Vice-Chair)  
and J P Mills. There were no substitutes for the meeting.

**PL.60 DECLARATIONS OF INTEREST**

- 60.1 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.  
60.2 The following declaration was made:

| <b>Councillor</b> | <b>Application<br/>No./Agenda Item</b>  | <b>Nature of Interest<br/>(where disclosed)</b>                 | <b>Declared<br/>Action in<br/>respect of<br/>Disclosure</b>  |
|-------------------|---|---|--|
| J K Smith         | Agenda Item 5c –<br>22/00893/FUL –<br>Astmans Farm<br>Poultry Unit,<br>Maisemore. | This is the business<br>of the Councillor's<br>husband and son. | Would not<br>speak or vote<br>and would<br>leave the<br>meeting for the<br>consideration<br>of the item. |

- 60.3 There were no further declarations made on this occasion.



**PL.61 MINUTES**

- 61.1 The Minutes of the meeting held on 21 March 2023, copies of which had been circulated, were approved as a correct record and signed by the Chair.

**PL.62 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**

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

**22/00986/FUL - Land Opposite Village Hall, Main Road, Tirley**

- 62.2 This was an application for the erection of a single storey self-build dwelling and associated works.
- 62.3 The Planning Officer advised that the application was for a self-build detached bungalow on an area of land opposite the Village Hall in Tirley which also included the formation/alteration of an access onto the main B4213. The application had been called in for a Committee decision by a Member in order to fully assess the impact of the proposal on the area, the impact on the main road and the overall design. She explained that the area itself was an existing paddock bound by mature vegetation / trees along the front boundary and was an undeveloped parcel of land which contributed to the semi-rural character of Tirley. The site was located outside of any defined settlement boundary and the built up area of Tirley with the core of the built up part of the village lying to the northern side of the B4213; the application site was located on the south side where development was sparse. It was considered that the proposal would not constitute infill development as the nearest dwelling on that side of the road was over 70 metres to the north-east and therefore would fail to comply with the relevant policies. Referring to the design of the bungalow, the Planning Officer explained that it would be utilitarian and would lack character and design quality – the appearance and fenestration on the front elevation in particular would be poor with an elongated design and no real focal point. As set out in the report, there were no concerns with regards to residential amenity and the County Highways Officer had indicated that a ‘grampian style’ condition would address his concerns in terms of visibility. Further drainage details had been submitted and the Flood Risk Management Engineer was now generally happy with the proposals. It was considered the development of the site would result in an unacceptable encroachment into the rural landscape which would harm the character of the area by virtue of the urbanising effects of a new dwelling, enlarged access, driveway and hardstanding. Overall, it was considered that the application site was not an appropriate location for new residential development and would conflict with the relevant policies, therefore, the application was recommended for refusal.
- 62.4 The Chair invited the applicant’s agent to address the Committee. The agent explained that the applicants were long term residents of Tirley, one of whom had lived in the village since her birth in 1957. They resided at a property to the south west of the application site and currently cared for an elderly relative who jointly owned the property. The current property was in Flood Zone 2 and therefore was vulnerable to flooding with the risk having become much more apparent in recent years due to the number of flood events which caused extreme worry and mental strain because of the number of times water had entered the house. The application had been submitted through a desire to build a more sustainable, energy efficient home for themselves on an underutilised plot at the heart of the village and, importantly, the proposed bungalow was on higher ground than their current

property and not within a flood zone. The new property would allow the applicant to stay in the village and provide a 'bolt hole refuge' for the elderly relative should a flood event occur – this would remove a lot of worry and stress for all concerned. The agent explained that the Committee report confirmed that the Parish Council fully supported the scheme; there was resident support for the scheme; Gloucestershire County Highways had confirmed the proposed vehicle access to the site was safe and suitable; there were no impacts on adjoining neighbours; and the proposals were for a self-build dwelling which was a benefit to the scheme and was supported by Officers. He advised that the proposed bungalow was adjacent to Tirley Village Hall and at the centre of the village with Tirley being a sustainable location for new housing where small-scale development had been seen in recent years. The village had a church, public house and bus stops serving Gloucester and Tewkesbury. The proposed dwelling would be in character with the wider village, which did include development on that side of the main road, as such, the development would accord with Policies SD10 and RES4 of the Tewkesbury Borough Plan with no policy conflict. Notwithstanding this, the recent appeal at Hill End Road had confirmed the Council did not have a five-year housing land supply with the housing shortfall in the borough being significant according to the Planning Inspector. In addition, the tilted balance set out in the National Planning Policy Framework was engaged adding further weight to the fact that the proposals should be granted planning permission. The applicant's agent indicated that national and local planning policy recognised that small scale housing development was vital in villages such as Tirley if they were to maintain a good level of services and thrive so, in light of significant material circumstances and additional information, he asked Members to take a different view to Officers and grant planning permission.

- 62.5 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be deferred for a Planning Committee Site Visit. A Member questioned whether a site visit was necessary as he felt that Policy RES4 had been included within the Tewkesbury Borough Plan for precisely this type of application for organic growth. He could not see what a site visit would add to this seemingly straightforward policy issue and felt that the application should be permitted. The Chair questioned what the site visit would be looking at and, in response, the proposer of the motion for deferral advised that the Committee report had stated that flooding did not occur, but Tirley was well known to flood so she felt this was something that should be considered. Upon being put to the vote, the proposal for a site visit was lost with two votes in favour and 10 against.
- 62.6 A Member proposed, and it was seconded, that the application be permitted because Policy RES4 was worded to deliver precisely this type of development. A Member questioned how many self-builds had been completed last year against the Council's target and the Development Management Manager advised that the Council had a significant stock of permissions over a number of years with around 42 permissions for self-build in the last six years and 121 permissions for single dwelling plots which could be used for self-build – in the last year, there had been 31 permissions for self-build. A Member expressed the view that self-build was a grey area– he could not understand why people would not just seek a straight planning permission rather than self-build and he felt it put local planning authorities in an uneasy position to judge the validity of an application. In response, the Development Management Team Leader South advised that Policy RES4 supported growth at rural settings but, in this instance, the proposal did not comply with paragraph c) as it did not complement the form of the existing settlement, it was not within the continuous built up area of the village but jumped the road and would not relate well to the existing buildings within the settlement of Tirley. In addition, he explained that the definition of self-build was loose - the applicant did not have to build themselves and could instead enlist a builder but it was not an excuse to build somewhere that was not acceptable.

- 62.7 In response to a query regarding the Council's five year housing land supply, the Development Management Manager advised that the Council's stated position was set out at Page No. 34 of the Committee report. There had been a recent appeal decision but that was not binding and the Council was clear that it did have a five year housing land supply. In response to a query regarding the proposed living arrangements for the new property, the Development Management Team Leader South explained his understanding was there were currently two households living in one property but, if permission was granted, the family would move to the new home and the elderly relative would remain in the existing home but would be able to use the new property as a bolt hole in times of flood. A Member could see quite a few conflicts and understood the Officer's reasoning for a refusal; however this was slightly subjective as the Parish Council felt the proposal would enhance the area. She questioned whether the design could be addressed if the proposal was permitted as it was currently uninspiring. Another Member expressed concern that the Planning Inspector had recently concluded the Council did not have a five year housing land supply yet the Council said it did. In response, the Legal Adviser explained that the appeal decision was not binding; the Council had been in a similar position previously on another aspect of five year housing land supply with some appeal decisions on that agreeing with the Council's stated position and some not – the Council's position remained clear and was being robustly defended in ongoing appeals. In terms of the Council's duty regarding self-build, the Development Management Manager advised that the Council had a duty to keep a register of self-build permissions and have regard to this, as well as a duty to keep enough suitable development permissions to meet the identified need. A number of suitable sites had been identified in the last few years, so the Council was meeting that duty and took concerns about delivery seriously. 20% of planning authorities in the country had permitted no self builds at all but Tewkesbury Borough Council was permitting suitable permissions regularly. As set out in the Committee report, being a self-build was a benefit but did not outweigh the policy conflict. He also reiterated that there were concerns on the design. In addition, the Legal Adviser explained that the duty to permit was a rolling duty, and each base year monitoring report showed the Council was meeting its duty.
- 62.8 The Planning Officer advised that conditions in respect of commencement of development, plans, samples of building materials, landscaping, drainage, a Grampian condition on highways and the condition recommended by the Environmental Health Officer should be included in the planning permission, and the proposer and seconder confirmed they were happy to amend the motion on that basis. Another Member expressed concern about the design and asked that Officers work with the applicant to improve it; in response, the Planning Officer indicated that could be achieved through a delegated permit should the Committee be so minded. The proposer of the motion continued to be of the view that the application should be permitted in principle but took the point on design and if it could be dealt with as a delegated permit he would be happy to support that and this was agreed by the seconder of the motion.
- 62.9 Upon being put to the vote, it was
- RESOLVED** That authority be **DELEGATED** to the Development Management Manager to **PERMIT** the application subject to addressing concerns over design and conditions in respect of commencement of development, plans, samples of building materials, landscaping, drainage, a Grampian condition on highways and the condition recommended by the Environmental Health Officer.

**22/00446/FUL - Land on the West Side of Willow Bank Road, Alderton**

- 62.10 This was an application for the creation of new access to paddock (to allow field access whilst Severn Trent re-laid the existing sewage pipe and associated works using existing access).
- 62.11 The Planning Officer advised that the application related to a field which was currently used as a paddock to the southeast of Willow Bank Farm and adjacent to Willow Bank Road in Alderton. The existing access would be stopped up and a hedgerow replanted across the existing access points with the new access constructed from tarmac and stone chippings. A Committee determination was required as Alderton Parish Council had objected on the grounds that the proposed access required significant engineering works to land levels and would be harmful to the landscape. She advised that whilst the Parish Council's concerns were appreciated, the applicant had confirmed there would be no change in levels. Whilst the loss of the part of the hedgerow was regrettable, the ecology report had shown that it was of poor quality and did not qualify as an 'important hedgerow'; however, in order to compensate for the loss of the hedgerow, the retained sections would be enhanced and new hedgerow planted behind the line of the visibility splay. The Additional Representations Sheet, attached at Appendix 1, provided an update in terms of drainage and explained that the Flood Risk Management Engineer had no objections to the proposal. Overall, there had been no objections received from consultees and it was the view of the Planning Officer that the proposal would not result in any undue harm, therefore it was recommended for permit.
- 62.12 The Chair invited the applicant's agent to address the Committee. The applicant's agent explained that the purpose of the new field gate was two-fold as it allowed the applicant safe access to the site whilst Severn Trent re-laid the sewage pipe and reinstated the land as well as stopping up the existing sub-standard access to provide a new agricultural access. Three points had been raised by objectors in relation to highway safety; flood risk; and ecology and biodiversity net gain. In terms of highways, she noted there had been no objection to the scheme from County Highways and, in fact, the closing of the existing sub-standard access represented betterment. Severn Trent was now well advanced with the works and the new pipe had been re-laid some 10 metres closer to Willow Bank Road which would make it difficult to manoeuvre onto the site between the pipe and the trees on site especially with larger tractors and agricultural machinery. Severn Trent was reinstating the land and the applicant was working with them to provide some tree planting along the brook as well as meadowfield sowing – whilst that was being established the applicant would not be able to cross the replanted area – hence the need for a new access. Referring to flood risk, the applicant's agent advised that the existing access lay within Flood Zone 3 and the Council's own policies stated that proposals must avoid areas at risk of flooding – if an improvement to the existing access was being suggested it would be rightly turned down on the grounds of flood risk whereas moving it to the south allowed the provision of a new, safe access outside of the floodplain. Whilst there had been some representations which stated that the access did not flood much, with climate change this would only get worse. In respect of biodiversity net gain, the existing hedge had grown like topsy and encroached onto highways land meaning, for highway safety under the Highways Act, it needed to be removed and the agent was working to agree this with the County Council under licence. There had also been some suggestion of extensive earthworks; however, this was not what was proposed as the access would come into the site by a short distance and then follow the existing contours, as shown on the plans. There was no policy or other objection to the scheme which would improve a substandard highways situation, reduce flood risk and provide considerable biodiversity and ecological improvements as well as allowing continued agricultural use of the land.

- 62.13 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. A Member noted there was a brick bridge and gate to the right so she questioned whether the photograph shown to the Committee was correct. In response the Development Management Manager confirmed which slide in the presentation was of the existing access. The Member also referred to bird nesting season and asked if the removal of the hedge could be delayed until after that as well as whether the Council could ask for mature planting for the new hedgerow. Another Member questioned whether the ecological report had been done by Officers or by the applicant. In response, the Planning Officer explained that the ecological report had been submitted by the applicant but Officers had fully assessed it and spoken to Ecology Officers who had recommended suitable conditions. The Development Management Manager stated that part of that was to do with the timing of the works. A Member raised concerns that it had been stated that the hedge would need to be removed regardless of the application rather than just being cut back. The Development Management Team Leader South stated that the hedge had lost a lot of its form and was currently hanging over the highway. Another Member indicated that he knew the area well and he had taken note of the concerns raised by the Parish Council. He felt that the hedge was particularly important and should be protected. Another Member agreed with those concerns and also noted there had been a large amount of development in Alderton in recent years with other hedges having been removed affecting the setting of the village and the approach to it, with visibility issues and the look of the tarmac and stone which was proposed also being of concern. She reminded the Committee that this was a Special Landscape Area and, as the application did not comply with Policy LAN1 or LC1 of the Alderton Neighbourhood Development Plan, it should be refused. It was proposed and seconded that the application be refused on the grounds of landscape harm and the impact on the character of the area and, upon being put to the vote, it was

**RESOLVED** That the application be **REFUSED** on the grounds of landscape harm and the impact on the character of the area.

### **22/00893/FUL - Astmans Farm Poultry Unit, Maisemore**

- 62.14 This was an application for the erection of a general purpose agricultural storage building.
- 62.15 The Development Management Team Leader South advised that the application site comprised an existing poultry unit approximately 700 metres to the north of Maisemore and sought permission for a general purpose agricultural storage building which would be sited adjacent to an existing biomass building and would be of a similar design and scale. The building would be finished in green profiled sheeting to match the existing buildings at the site. The proposal would accord with the requirements of Policy ARG1 and ARG2 of the Tewkesbury Borough Plan in respect of agricultural development and would have an acceptable impact on the landscape, highway safety and drainage and would not result in any identified harms. It was therefore recommended that the application be permitted.
- 62.16 The Chair indicated that the Officer recommendation was to permit the application and he sought a Motion from the floor. A Member suggested that, being the third application on the site, this was creeping development and proposed that it be refused - the proposal did not gain a seconder. Another Member noted that there had been no objections from statutory consultees and no other objections and proposed that the application be permitted in line with the Officer recommendation - the proposal was seconded. In response to a Member question, the Legal Adviser confirmed that if the agricultural storage building was to be used for any other purpose in the future that would be a material change of use that would require planning permission or would be an enforcement matter.

62.17 Upon being put to the vote, it was

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

**PL.63 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

63.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 68-69. Members were asked to consider the current planning and enforcement appeals received and the Department for Levelling Up, Housing and Communities appeal decisions issued.

63.2 A Member noted that the Hillend appeal had been dismissed and he felt this was heartening for the Committee. He offered his congratulations to Officers for their work on it – he felt the Council had a good team of Officers who were committed to fighting for the borough and he was grateful for that.

63.3 It was

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

The meeting closed at 11:25 am

## Appendix 1

**ADDITIONAL REPRESENTATIONS SHEET**

Date: 18 April 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.

| <b>Item No</b> |   |
|----------------|---|
| 5a             | <p><b>22/00986/FUL</b></p> <p><b>Land Opposite Village Hall, Main Road, Tirley</b></p> <p><b>Drainage Update</b> - following the submission of further drainage information, the Drainage Officer is generally now happy with the scheme.</p> <p><b>Environmental Health Update</b> - the site is near to a small-scale water treatment facility. The Environmental Health Officer has looked through the history of the site and cannot see any reports of issues with regards to noise or smells within the last five years. If approved, a suitable condition should be attached to the permission similar to the following:</p> <p>"Before the development commences a scheme shall be submitted to and agreed in writing by the Local Planning Authority which specifies the assessment and mitigation to be made for the control of noise and odour emanating from the nearby sewage treatment work. The assessment and scheme shall be implemented prior to use of the site. The scheme should be maintained and shall not be altered without the prior written approval of the local planning authority."</p>   |
| 5b             | <p><b>22/00446/FUL</b></p> <p><b>Land on the West Side of Willow Bank Road, Alderton</b></p> <p><b>The Drainage Engineer</b> has confirmed that there is nothing here of concern and the scheme is acceptable in terms of drainage, subject to an informative to explain that works over the watercourse may require consent under the Land Drainage Act, but that this is separate to the planning process. The applicant should contact floodriskmanagement@gloucestershire.gov.uk with details of the work for further advice.</p> <p>It is noted that the planning history for the site as shown in the report is in relation to the property known as 'Corner Cottage'. This was because the site was not plotted correctly on the system. This has since been rectified and Members should be aware there is no previous planning history associated with this site.</p> <p><b>Submission from Alderton Parish Council:</b></p> <p><i>Firstly, the Committee report is misleading and inaccurate.</i></p> <p><i>At 1.2 the officer claims the need for the new access is for carrying out works by Severn Trent.</i></p> <p><i>Wrong, Severn Trent have replaced the sewerage pipe which serves the village</i></p> |

*and crosses the land. They have been using the existing access and have now completed their works and vacated the site. So, this is not a justifiable reason for this new access.*

*The justifications put forward by the applicant change each time a valid objection is raised.*

- 1. It is needed because of pipe replacement works. These are finished.*
- 2. It is in the flood plain. This area rarely floods badly enough to prevent access through existing access.*
- 3. The pipe relocation means they cannot get modern agricultural machinery on site. The field is an undulating scrubby field with 2 horses in it.*

*The Sewerage pipe running across it makes it difficult to be a viable agricultural field. Large machinery would not be required because of the size of the field and could use the existing access which could be widened if necessary.*

*Contrary to Policy LAN 1 - the visual attractiveness of this rural approach to the village will be destroyed by removing 60 metres of hedgerow.*

*Whilst we accept new hedge planting will be undertaken, this will take many years to mature.*

*Given the significant harm caused when there is NO need for the new access and no demonstrable benefit, the balance of harm far outweighs the benefits.*

*We strongly urge members to consider the location of this hedge and how any loss will greatly impact upon its principal characteristic of this rural location.*

*Therefore, we feel this application should be rejected. Thank you.*



# TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Wednesday, 17 May 2023 commencing at  
6:15 pm**

## **Present:**

Chair  
Vice Chair

Councillor P E Smith  
Councillor P W Ockelton

## **and Councillors:**

T J Budge, M Dimond-Brown, M A Gore, S Hands, D J Harwood, M L Jordan, G C Madle,  
J R Mason, R J G Smith, R J E Vines and P N Workman

### **PL.1 ELECTION OF CHAIR**

1.1 The Mayor opened the meeting by seeking nominations for the Chairmanship of the Committee.

1.2 It was proposed and seconded that Councillor P E Smith be nominated as Chair of the Committee. Upon being put to the vote it was

**RESOLVED** That Councillor P E Smith be elected as Chair of the Planning Committee for the ensuing Municipal Year.

### **PL.2 APPOINTMENT OF VICE-CHAIR**

2.1 Councillor P E Smith took the chair and invited nominations for Vice-Chair of the Committee.

2.2 It was proposed and seconded that Councillor P W Ockelton be nominated as Vice-Chair of the Committee. Upon being put to the vote it was

**RESOLVED** That Councillor P W Ockelton be appointed as Vice-Chair of the Planning Committee for the ensuing Municipal Year.

The meeting closed at 6:30 pm

## Planning Committee

|   |   |
|---|---|
| <b>Date</b>                             | 25 May 2023   |
| <b>Case Officer</b>                     | Chloe Buckingham  |
| <b>Application No.</b>                  | 23/00205/FUL  |
| <b>Site Location</b>                    | Land North Of Sandy Pluck Lane, Bentham   |
| <b>Proposal</b>                         | One self-build single-storey detached dwelling, including re-use of existing access from Sandy Pluck Lane, landscaping and parking, following demolition of redundant former agricultural barns and removal of concrete hardstanding.   |
| <b>Ward</b>                             | Badgeworth  |
| <b>Parish</b>                           | Badgeworth  |
| <b>Appendices</b>                       | <ul style="list-style-type: none"> <li>• P6 And P12 Treatment Plant (Ds0968k)</li> <li>• Site Location Plan (PI001 A)</li> <li>• Topographical Site Survey (PI002 A)</li> <li>• Existing Building Plans And Elevation (PI003 A)</li> <li>• Proposed Site Plan (PI004 A)</li> <li>• Proposed Ground Floor And Roof Plan (PI005 A)</li> <li>• Proposed Elevations 1 (PI006)</li> <li>• Proposed Elevations 2 (PI007)</li> <li>• Proposed Landscape Plan (PI008 A)</li> <li>• Comparison Sketches 1 (PI009)</li> <li>• Comparison Sketches 2 (PI010)</li> <li>• Proposed Sketch Views (PL011 A) received 24<sup>th</sup> February 2023.</li> </ul> |
| <b>Reason for Referral to Committee</b> | Parish Support and Cllr Vines declaration of interest   |
| <b>Recommendation</b>                   | Refuse  |

### Site Location



## 1. The Proposal

---

Full application details are available to view online at:  
<https://publicaccess.tewkesbury.gov.uk/online-applications>

- 1.1 Full Application for 1no. self-build single-storey detached dwelling, including re-use of existing access from Sandy Pluck Lane, landscaping and parking, following demolition of redundant former agricultural barns and removal of concrete hardstanding.

## 2. Site Description

---

- 2.1 The application site relates to land between the dwellings known as Brook House and Brook Cottage, forming part of a small cluster of dwellings outside of any settlement in the open countryside. The site comprises 0.2 hectares and is a former agricultural site comprising of a single storey brick barn to the site frontage and a larger concrete framed portal barn to the rear of the site. An extensive area of concrete hardstanding lies between the two barns, with soft landscaping comprising the remainder of the site.
- 2.2 The site is situated in designated Green Belt land within a group of existing dwellings fronting Sandy Pluck Lane. On the opposite side of Sandy Pluck Lane and to the rear of the site are open agricultural fields.
- 2.3 The site has an existing access to Sandy Pluck Lane, which is an unmarked rural lane providing access to the farmsteads of Little Syringa Farm and Hunt Court Farm.
- 2.4 A brook (Normans Brook) runs along the north side of Sandy Pluck Lane and crosses the front of the application site. The site is, however, located within Flood Zone 1, an area at lowest risk of flooding.

## 3. Relevant Planning History

| Application Number | Proposal   | Decision | Decision Date |
|--------------------|--|----------|---------------|
| 91/93569/OUT       | Outline application for the erection of three houses and one bungalow.                     | REFUSED  | 19/11/1991    |
| 93/01276/OUT       | Outline application for the erection of two dwellings. Alteration to access.               | REFUSED  | 11/01/1994    |
| 16/00905/FUL       | Proposed new dwellinghouse and double garage in place of existing derelict farm buildings. | REFUSED  | 25/10/2016    |

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

---

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

- 4.1** Cllr Vines- declaration of interest- Cllr Vines is the current owner of the rear part of the site of the application above.
- 4.2** Badgeworth Parish Council – Supports the application for the following reasons;
1. It would not conflict with the five purposes of the Green Belt.
  2. Sandy Pluck Lane is a hamlet which, by definition, is a small village- this is therefore, limited infilling in a village.
  3. Limited infilling of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.
  4. The footprint of the existing farm buildings is the same as the proposed dwellings, and the removal of the large farm building to the rear will open up the landscape across the agricultural land in the Green Belt.
- 4.3** Highways – Objection.
- 4.4** Drainage- No objection.
- 4.5** Tree Officer- No objection subject to three conditions.
- 4.6** Ecology- No objection subject to three conditions.
- 4.7** Building Control - The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

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

---

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

- 5.1** Neighbour notifications were posted, and a consultation period of 21 days was carried out and 5 support comments have been received. The main points being:
- Infill plot and the single storey nature of the proposed dwelling and the fact that the dwelling is no bigger than the footprint of the existing structures, will mean that the development shall have no impact on openness of the Green Belt.
  - The site is currently dilapidated and very unsightly and as such this development will be an improvement.
  - The architecture is in-keeping.
  - No effect on privacy of neighbours.
  - The current site houses derelict farm buildings which pose a risk of occupancy.
  - The derelict site provides access to our storage shed which heightens the risk of burglaries which have been an increasing issue in the neighborhood in the past 2 years.

## **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**

SP2 (Distribution of New Development)  
SD3 (Sustainable Design and Construction)  
SD4 (Design Requirements)  
SD5 (Green Belt)  
SD6 (Landscape)  
SD9 (Biodiversity and Geodiversity)  
SD10 (Residential Development)  
SD11 (Housing mix and Standards)  
SD14 (Health and Environmental Quality)  
INF1 (Transport Network)  
INF2 (Flood Risk Management)  
INF3 (Green Infrastructure)

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

Policy RES2 (Settlement Boundaries)  
Policy RES3 (New Housing Outside Settlement Boundaries)  
Policy RES4 (New housing at other rural settlements)  
Policy RES5 (New Housing Development)

Policy DES1 (Housing Space Standards)  
Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)  
Policy NAT2 (The Water Environment)  
Policy NAT3 (Green Infrastructure- Building with Nature)  
Policy ENV2 (Flood Risk and Water Management)  
Policy TRAC9 (Parking Provision)  
Policy LAN2 (Landscape Character)  
Policy GRB4 (Cheltenham-Gloucester Green Belt)

## **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** Policy SP2 of the JCS sets out the strategy for the distribution of new development across the JCS area, and JCS Policy SD10 ('Residential Development') specifies that, within the JCS area, new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. It sets out that housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. Policy SA1 of the JCS formally designates seven Strategic Allocations on the edges of existing urban areas and focuses on the need to deliver comprehensive development in each of these areas. The application site is not located within any of these Strategic Allocations.
- 8.2** Policy SD10 of the JCS specifies that, on sites that are not allocated, housing development and conversions to dwellings will be permitted on previously developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within district plans. Housing development on other sites will only be permitted where it constitutes affordable housing; constitutes infilling within a town or village, is brought forward via a Community Right to Build Order; or is allowed for in district or neighbourhood plans. This strategy is consistent with the NPPF which (paragraph 79 refers) seeks to avoid isolated new homes in the countryside.

- 8.3** Policy RES3 states 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: 1. The reuse of a redundant or disused permanent building (subject to Policy RES7) 2. The sub-division of an existing dwelling into two or more self-contained residential units (subject to Policy RES8) 3. Very small-scale development at rural settlements in accordance with Policy RES4 4. A replacement dwelling (subject to Policy RES9) 5. A rural exception site for affordable housing (subject to Policy RES6) 6. Dwellings essential for rural workers to live permanently at or near their place of work in the countryside (subject to Policy AGR3) 7. 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.
- 8.4** Policy RES4 of the TBLP explains that to support the vitality of rural communities and the continued availability of services and facilities in the rural areas, very small-scale residential development will be acceptable in principle within and adjacent to the built up area of other rural settlements (i.e. those not featured within the settlement hierarchy) providing: a) it is of a scale that is proportionate to the size and function of the settlement and maintains or enhances sustainable patterns of development; b) it does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the plan period; as a general indication no more than 5% growth will be allowed; c) it complements the form of the settlement and is well related to existing buildings within the settlement; d) the site of the proposed development is not of significant amenity value or makes a significant contribution to the character and setting of the settlement in its undeveloped state; e) the proposal would not result in the coalescence of settlements f) the site is not located in the Green Belt, unless the proposal would involve limited infilling in a village, limited affordable housing for local community needs (in accordance with Policy RES6) or any other exceptions explicitly stated within the National Planning Policy Framework. In all cases development must comply with the relevant criteria set out at Policy RES5. Particular attention will be given to the effect of the development on the form, character and landscape setting of the settlement.
- 8.5** The site is located in the open countryside outside of any settlement or recognised settlement boundary. Whilst it forms part of a small cluster of dwellings this is not considered to constitute a rural settlement in its own right. The application site on Sandy Pluck Lane is some distance away (approx. 2km) from the built-up areas of Bentham and Shurdington, and physically separated from them by the A46 (Shurdington Road). The site is not therefore located within or on the edge of a village or settlement. The site is also remote from any services and community facilities within the nearest settlements, with poor access to transport by modes other than the private car to access services and facilities. The proposal is therefore contrary to policies SP2 and SD10 of the JCS and policies RES3 and RES4 of the TBLP, and unacceptable in principle.

### ***Green Belt***

- 8.6** Paragraph 137 of the National Planning Policy Framework (NPPF) states that the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

- 8.7** Paragraph 138 of the NPPF states that the Green Belt serves 5 purposes:
- (a) to check the unrestricted sprawl of large built-up areas;
  - (b) to prevent neighbouring towns merging into one another;
  - (c) to assist in safeguarding the countryside from encroachment;
  - (d) to preserve the setting and special character of historic towns; and
  - (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 8.8** Paragraph 147 of the NPPF, Policy SD5 of the JCS and Policy GRB4 of the TBLP states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 8.9** Paragraph 148, Policy SD5 of the JCS and Policy GRB4 of the TBLP states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 8.10** Local Plan Policy GRB4 and paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are (amongst other criteria):
- (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
  - (e) limited infilling in villages;
  - (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
    - not have a greater impact on the openness of the Green Belt than the existing development; or
    - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 8.11** Local Plan Policy GRB4 and Paragraph 150 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are (amongst other criteria);
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction.
- 8.12** The applicant has explained that they are firmly of the view that Bentham is a village and that the properties along Sandy Pluck Lane form part of that village. The applicant has explained that villages take various forms and layout and Bentham is a dispersed linear settlement, with its historical centre lying on Bentham Lane, a continuation of Sandy Pluck Lane on the opposite side of Shurdington Road.



- 8.13** To try to strengthen the argument that the site is located within the village of Bentham, the applicant has quoted an appeal for the planning application reference; 21/01312/PIP. The site was on land adjacent to Blenheim Way (Appeal Ref – APP/G1630/W/22/3291784). The applicant has suggested that the Inspectors comments would also be relevant to the proposals at Sandy Pluck Lane:

*Given its location, the proposed dwelling would be flanked in either side by existing dwellings....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.*

- 8.14** Whilst it is agreed that the site in question could be described as being infill in the context of it forming a gap between two dwellings it is not considered that it constitutes an infill site in a village in the context of the NPPF or Policy GRB4 of the TBLP. The application site on Sandy Pluck Lane is some distance away (approx. 2km) from the built-up area of the village and physically separated from it by the A46 (Shurdington Road). The site cannot therefore be considered to be located within the village, rather it is a cluster of dwellings isolated from the settlement. The site referenced in the appeal was very much considered to be within the village and is a very different context to the site proposed in the current application. It is therefore considered that this appeal is not relevant to the current application and does not set a precedent for development in this location.
- 8.15** The proposed development does not fall within any of the above exceptions and would constitute inappropriate development in the Green Belt.
- 8.16** There are not considered to be any Very Special Circumstances to outweigh the identified harm. Therefore, the scheme is contrary to the provisions of the NPPF, policy SD5 of the JCS and policies RES3, RES4 and GRB4 of the TBLP.

***Impact on the openness of the Green Belt and the character of the area***

- 8.17** There is no formal definition of openness, but it is generally accepted to be the absence of built form. The building to the front of the site is a low-key, single storey building, with the rear building being a Dutch barn and therefore having an open construction.
- 8.18** The applicant has explained that the application proposals would secure an improvement in visual and spatial openness of the Green Belt in this location. The site at present contains two redundant and semi-derelict agricultural buildings and an extensive hardstanding area, which would be removed as part of the proposals. The combined footprint of the existing buildings on the site is 293 sqm, with a total volume of 1,051 cubic metres, whereas the proposed dwelling has a smaller volume of 1,046 cubic metres and a footprint of 300sqm. In addition, the overall height of the proposed dwelling would be lower than the existing built form on the site. The applicant has also suggested that the greatest benefit would be achieved through the improvement to visual openness on the site, with a consolidation of built form towards the centre of the site and consequent reduction in spread across the site, importantly away from the boundary of the site with open countryside beyond to the north.

- 8.19** The dwelling proposed in a previously refused application on the site (ref.16/00905/FUL) was a substantial two-storey, four-bedroom dwelling and detached garage. It is noted that the applicant is now proposing a single storey, flat-roofed 4/5 bedroom property with an integral garage. Whilst the single-storey flat roof design is considered to be an improvement on the previously refused 2016 proposal in terms of the impact of the dwelling on the landscape, the footprint of the dwellings is still considered to be large, and the change of use of the land to residential would still be accompanied with all the domestic trappings and paraphernalia that would go with it. Whilst it is agreed that the new dwelling would not be materially larger than the existing buildings, the large modern dwelling and domestic paraphernalia that comes with a residential use would still change the character and appearance of site and, given the scale of the proposed dwelling, there would still be harm to the openness of the Green Belt.
- 8.21** The demolition of the existing agricultural buildings is noted, however, the site is considered to be low-key. An Inspector in an appeal decision for a similar site in the Bath Green Belt (reference; APP/F0114/W/16/3163432), acknowledged that the site was last used for agricultural purposes and there could be outside storage of machinery affecting openness and that the proposed is the same size as what was existing. However, the Inspector argued that the agricultural use was authorised and a common activity in Green Belts. Furthermore, whilst it is acknowledged that the current application site is located adjacent to other residential development, it is outside any defined settlement boundary and, as such, is considered to be within a rural location.
- 8.22** Policy SD6 of the JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area.
- 8.23** Policy LAN2 of the TBLP states that all development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting. In doing so, relevant landscape features and characteristics must be conserved and where possible enhanced, having regard to the Gloucestershire Landscape Character Assessment 2006 and the Cotswolds AONB Landscape Character Assessment 2003. All proposals which have potential for significant landscape and visual effects should be accompanied and informed by a Landscape and Visual Impact Assessment (LVIA) to identify the sensitivity of the landscape, and the magnitude and significance of landscape and visual effects resulting from the development, using a suitably robust methodology.
- 8.24** The site has an overgrown and low-key appearance. The proposed dwelling is substantial in terms of size and scale, and its footprint is significantly larger than the adjacent dwellings and has a very modern appearance. As such the proposal would change the rural character of this part of Sandy Pluck Lane and would be harmful to the character and appearance of the local landscape.

- 8.25** In view of this, the proposed development would be harmful to the openness of the Green Belt and would not respect the character of the rural area and is contrary to JCS policies SD5 and SD6, Local Plan Policies GRB4 and LAN2, and the advice contained within the NPPF.

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

- 8.26** The NPPF states that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 8.27** 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.
- 8.28** 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.
- 8.29** 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.
- 8.30** 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.

### **Design and Visual Amenity**

- 8.31** Policy SD4 of the JCS relates to design requirements and requires proposals to demonstrate how the following principles have been incorporated; context, character and sense of place, legibility and identity, amenity and space, public realm and landscape, safety and security, inclusiveness and adaptability and movement and connectivity.
- 8.32** Criterion 6 of Policy SD10 'Residential Development' of the JCS states the residential development should seek to achieve maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.

- 8.33** Policy RES5 states that in considering proposals for new housing development regard will be had to the following principles. Proposals should (amongst other criteria):
- be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it;
  - be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity, unless otherwise directed by policies within the Development Plan;
  - where an edge of settlement site is proposed, respect the form of the settlement and its landscape setting, not appear as an unacceptable intrusion into the countryside and retain a sense of transition between the settlement and open countryside;
  - not cause the unacceptable reduction of any open space (including residential gardens) which is important to the character and amenity of the area;
  - incorporate into the development any natural or built features on the site that are worthy of retention.
- 8.34** The proposed dwelling has been revised from the previously refused application to be a single storey, flat-roofed contemporary dwelling. It is noted that the front elevation will face towards the highway and the building position shall follow the existing building line of neighbouring development.
- 8.35** The dwelling is proposed to be constructed using pale facing brickwork, dark timber cladding and rendered panels. Aluminium window frames will be used, and a green living flat roof is proposed.
- 8.36** Renewable energy technology has been incorporated into the design, including roof mounted solar panels and an air-source heat pump.
- 8.37** A landscaping plan (PL008 A) is submitted which shows the dwelling would be surrounded by grassed garden areas with scope for further tree and hedgerow planting, and terraces and hardstanding would be surfaced with block pavements.
- 8.38** Whilst it is agreed that the render material proposed is found in other dwellings nearby, the modern dwelling is not considered to be in-keeping with the character and appearance of neighbouring dwellings, which are generally two-storey and traditionally designed. The scheme is therefore contrary to policies SD4 and SD10 of the JCS and policy RES5 of the TBLP.

### ***Effect on the Living Conditions of Neighbouring Dwellings***

- 8.39** 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.
- 8.40** Policy DES1 explains that Tewkesbury Borough Council adopts the Government's nationally described space standards. All new residential development will be expected to meet these standards as a minimum. Any departure from the standards, whether for viability of physical achievability reasons, will need to be fully justified at planning application stage. New residential development will be expected to make adequate

provision for private outdoor amenity space appropriate to the size and potential occupancy of the dwellings proposed.

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

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

**8.42** Due to the distances between the proposed dwelling and neighbouring occupiers, as well as the single storey nature of the proposed dwelling, there are not considered to be any significant residential amenity impacts for neighbouring properties nor any future occupiers of the host dwelling in terms of loss of privacy, loss of light etc. The resulting outdoor amenity space for the proposed dwelling is also considered acceptable for a dwelling of this size. The proposed dwelling also complies with the nationally described space standards and the scheme is compliant with policies DES1 and RES5 of the TBLP.

### ***Highways***

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

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

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

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

- make provision for appropriate parking and access arrangements and not result in the loss or reduction of existing parking areas to the detriment of highway safety;

**8.46** It is noted that the Highway Authority has objected to the scheme on sustainability grounds due to the limitations to the choice of transport modes available for future occupiers. Whilst the nearest bus stops are located some 300m southeast from the site, there are no designated pedestrian footways along Sandy Pluck Ln which is subject to national speed limit with no street lighting, and future residents would be discouraged to their use as a result. The nearest everyday services and facilities such as secondary school and convenience store are located some 2.7km south from the site, and the nearest primary school some 1.4km north. The lack of suitable services and facilities within reasonable walking distances would present a barrier for future occupiers and

result in heavily, if not entirely, dependency on private vehicle for commuting and access to everyday services and facilities. Cycling however, could still be perceived as a suitable means of transport for those more experienced cyclists, yet for the reasons set out above, less experienced cyclists would likely be discouraged to do so. The Highway Authority therefore concludes that given the location of the site, there are no realistic transport choices other than the private vehicle to gain access to the site.

- 8.47** In the previous refused application, the Highway Authority noted that, due to the nature of Sandy Pluck Lane, being narrow with no footpath, traffic is likely to be travelling at low speeds. In view of this, it was considered that the proposed access arrangements would not be prejudicial to highway safety. It is also noted that there is a sufficient level of parking available within the integral garage and on the driveway to the front. Whilst the impact of the development on the highway network is not considered severe and it would provide an appropriate level of parking, it would fail to address sustainable transport by virtue of a lack of provision of a choice of transport modes for future occupiers which cannot be mitigated. The scheme would not therefore be compliant with policy INF1 of the JCS and would conflict with the sustainable transport aims of the NPPF.

### **Drainage and Flood Risk**

- 8.48** JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. This advice is reflected within the Council's Flood Risk and Water Management SPD.
- 8.49** Policy ENV2 of the TBLP states that in order to avoid and manage the risk of flooding to and from new development in the Borough, in addition to the requirements of the National Planning Policy Framework and the Joint Core Strategy the Council will apply the following principles:
- Proposals (including surface water drainage schemes) should be designed to appropriate, locally specific allowances for climate change for peak river flood flows and rainfall intensity, and undertake new hydraulic modelling where necessary.
  - Opportunities to reduce the existing risk of flooding from all sources in the Borough will be sought, including, requiring developments to contribute towards the provision of additional flood storage on sites located within the headwaters of the Borough's watercourses or other techniques such as natural flood management and re-naturalisation of watercourses (link with Policy NAT2).
  - All proposals will be expected to incorporate sustainable drainage systems where appropriate and proportionate to the scale and nature of development proposed.
  - Proposals must demonstrate that development is designed to use and manage water efficiently, including rainwater harvesting and greywater recycling where possible.
  - Surface water drainage proposals should, where appropriate, achieve significant betterment on existing discharge rates for all corresponding storm events.
  - Sustainable drainage systems should be designed to achieve multifunctional benefits. Priority should be given to green/soft solutions and the integration of sustainable drainage systems with green infrastructure and street networks.
  - Arrangements for the long term maintenance of sustainable drainage systems must be in place to the Council's satisfaction.

- Opportunities to improve and subsequently maintain existing measures for providing an adequate warning system within the borough, through appropriate financial contributions, 121 will be sought where any new development relies on such a service over its lifetime to allow safe access/egress for future residents.
- Foul water drainage from new development should, wherever possible, be managed via the mains sewer. Adequate infrastructure to accommodate this (both in terms of physical capacity and environmental capacity) must be available or capable of being made available in a timely manner.

**8.50** The applicant proposes the discharge of foul water to the mains sewer that runs past the site. There are two potential surface water drainage solutions, either via infiltration/soakaways or by attenuated discharge to the watercourse at the front of the property. In relation to surface water the Drainage Engineer confirms no objection to the application. A drainage condition is recommended to secure the details and implementation of the drainage scheme.

### ***Impact on Ecology***

**8.51** Policy SD9 of the JCS seeks for the protection and enhancement of biodiversity and to establish and reinforce ecological networks. This includes ensuring that those European Species and Protected Species are protected in accordance with the law.

**8.52** Policy NAT1 of the TBLP states that proposals, where applicable will be required to deliver biodiversity net gains. Policy NAT3 of the TBLP seeks for development to contribute towards the provision, protection and enhancement of the wider green infrastructure network.

**8.53** The application has been submitted with a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) report (Arbtech Ltd, September 2022) and the findings of which are accepted.

**8.54** If the scheme were found to be acceptable a number of conditions are proposed to ensure that the recommendations included within the Preliminary Ecological Appraisal and Preliminary Roost Assessment report (Arbtech Ltd, September 2022) would be strictly adhered to. These include a pre-commencement site inspection for badgers. In addition, demolition of the buildings is to be undertaken outside the main nesting bird season (March to August inclusive) where possible. If this is not possible, a nesting bird inspection should be undertaken by a suitably qualified ecologist, prior to commencement of works. Should any active nests be found in either building, the nest(s) must be retained until the young have fledged. A further condition is recommended regarding the submission of a lighting strategy scheme showing the location and specification of the lighting supported by contouring plans demonstrating any light spill into adjacent habitats. A final condition would ensure an Ecological Enhancement Scheme is submitted to the local planning authority for review prior to commencement.

## **Trees**

- 8.55** Policy INF3 of the JCS states that development proposals should consider and contribute positively towards green infrastructure, including the wider landscape context and strategic corridors between major assets and populations. Existing green infrastructure will be protected in a manner that reflects its contribution to ecosystem services (including biodiversity, landscape / townscape quality, the historic environment, public access, recreation and play) and the connectivity of the green infrastructure network. Development proposals that will have an impact on woodlands, hedges and trees will 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. Mitigation should be provided on-site or, where this is not possible, in the immediate environs of the site. Where assets are created, retained or replaced within a scheme, they should be properly integrated into the design and contribute to local character and distinctiveness. Proposals should also make provisions for future maintenance of green infrastructure.
- 8.56** Policy NAT1 relates to biodiversity, geodiversity and important natural features and provides that development likely to result in the loss, deterioration or harm to features of environmental quality will not be permitted unless the need/benefits for development outweigh the impact, the development cannot be located on a site with less harmful impacts and measures can avoid, mitigate or, as a last resort, compensate for the adverse effects. Policy NAT3 of the TBLP states that development must contribute, where appropriate to do so and at a scale commensurate to the proposal, towards the provision, protection and enhancement of the wider green infrastructure network.
- 8.57** The Tree Officer has been consulted and recommends that the Category A oak tree that has the prominent position at the entrance of the site shall be kept and the submitted arboriculture method statement is considered acceptable. If the scheme were acceptable conditions would be attached regarding tree/hedgerow planting scheme details required and provision for replacement planting, the implementation of approved trees/hedgerow protection measures and an arboricultural site supervision condition.

## **Other Matters**

- 8.58** It is noted that the applicant has stated this is a self-build property, although the applicant is not entered on the self-build register. At the time of writing, there are 212 individuals and 5 groups entered on the self-build register (217 total). From 31/10/2016 – 30/10/2022 42 permissions for self-build dwellings were approved and 121 permissions for single dwelling serviced plots suitable for self-build were approved. From 13/10/2021 – 30/10/2022 15 permissions for self-build dwellings were approved and 16 permissions for single dwelling serviced plots suitable for self-build were approved. On the basis of this information, it is considered that the Council has made provision for serviced self-build plots across the Borough to assist in meeting the demand identified on the self-build register. The current application would provide an additional self-build plot to contribute to the identified demand. However, the provision of a self-build dwelling is not an overriding consideration and should be considered in the planning balance.



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

- 8.59** The development is CIL liable because it creates new dwelling(s), however, it is noted that the applicant is claiming self-build exemption. The relevant CIL forms have been submitted.

## **9. Conclusion**

---

- 9.1** In light of the above, it is considered that the proposed development conflicts with the policies of the Joint Core Strategy, Tewkesbury Borough Local Plan and the NPPF. The Council can currently demonstrate a five-year supply of housing. The planning balance in this case is a balance of benefits against harm. In accordance with Section 38(6) of the the Planning and Compulsory Purchase Act 2004, and section 70(2) of The Town and Country Planning Act 1990, the applications must be determined in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'.

### **Benefits**

- 9.2** It is agreed that the provision of one dwelling would result in some, albeit limited, economic and social benefits.
- 9.3** The applicant states that the new dwelling will have solar panels and an air source heat pump.
- 9.4** The applicant has stated this is a self-build property.

### **Harms**

- 9.5** The site is located outside of any recognised settlement boundary and does not represent infilling within the existing built-up area of a village or very small scale development at a rural settlement. The proposal is therefore contrary to policies SP2 and SD10 of the JCS and policies RES3 and RES4 of the TBLP, and unacceptable in principle.
- 9.6** The proposed development would represent an inappropriate form of development in the Green Belt, which is harmful by definition, and would compromise its open character, appearance and function. There are also not considered to be any Very Special Circumstances to outweigh the identified harm. Therefore, the scheme is contrary to the provisions of the NPPF, policy SD5 of the JCS and policies RES3, RES4 and GRB4 of the TBLP.
- 9.7** The proposed dwelling, by reason of its size, scale, appearance, represents a substantial new dwelling in the rural area which would be harmful to the openness of the Green Belt, and local landscape character. As such the proposed development would be contrary to the provisions of the NPPF, and JCS policies SD5 and SD6, and Local Plan Policies GRB4 and LAN2.
- 9.8** The modern dwelling is not considered to be in-keeping with the character and appearance of neighbouring dwellings, which are two-storey and traditionally designed. The scheme is contrary to policy SD4 of the JCS and policy RES5 of the TBLP.

- 9.9** The development is not sited in a sustainable location by virtue of a lack of provision of a choice of transport modes for future occupiers which cannot be mitigated. The scheme is contrary to Policy INF1 of the JCS and would conflict with the sustainable transport aims of the NPPF.

**Neutral**

- 9.10** It is noted that there are also no issues regarding ecology, residential amenity, highways and energy efficiency.

**Conclusion**

- 9.11** It is concluded that the planning balance falls against the proposal. The proposal would be contrary to the provisions of the development plan taken as a whole and is not supported by the Framework. It is agreed that the provision of one dwelling would result in some economic and social benefit, and utilising renewable energy is recognised.

- 9.11** Whilst the benefits explained above hold some weight, they are not considered to outweigh the adopted policies in the Joint Core Strategy and the Local Plan. Therefore, there are no material considerations which indicate that the determination of the application should be other than in accordance with the development plan.

**10. Recommendation**

---

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

**11. Refusal Reasons**

---

- 1** The proposed development conflicts with Policies SP2 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and Policies RES3 and RES4 of the Tewkesbury Borough Local Plan 2011-2031 (2022) in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development.
- 2** The proposed development would represent an inappropriate form of development in the Green Belt, which is harmful by definition, and would compromise its open character, appearance and function. There are not considered to be any Very Special Circumstances to outweigh the identified harm. Therefore, the scheme is contrary to the provisions of the NPPF, Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and Policies RES3, RES4 and GRB4 of the Tewkesbury Borough Local Plan 2011-2031 (2022).
- 3** The proposed dwelling, by reason of its size, scale and appearance, represents a substantial new dwelling in the rural area which would be harmful to the openness of the Green Belt and local landscape character. As such the proposed development would be contrary to the provisions of the NPPF, Policies SD5 and SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and Policies GRB4 and LAN2 of the Tewkesbury Borough Local Plan 2011-2031 (2022).

- 4 The modern dwelling is not considered to be in-keeping with the character and appearance of neighbouring dwellings, which are generally two-storey and traditionally designed. The scheme is therefore contrary to Policies SD4 and SD10 of the of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and Policy RES5 of the Tewkesbury Borough Local Plan 2011-2031 (2022).
- 5 The location of the proposed development results in no realistic transport choices other than the private vehicle to gain access to the site and to access local and community facilities. The scheme is therefore contrary to Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and would conflict with the sustainable transport aims of the NPPF.

## **12. Informatives**

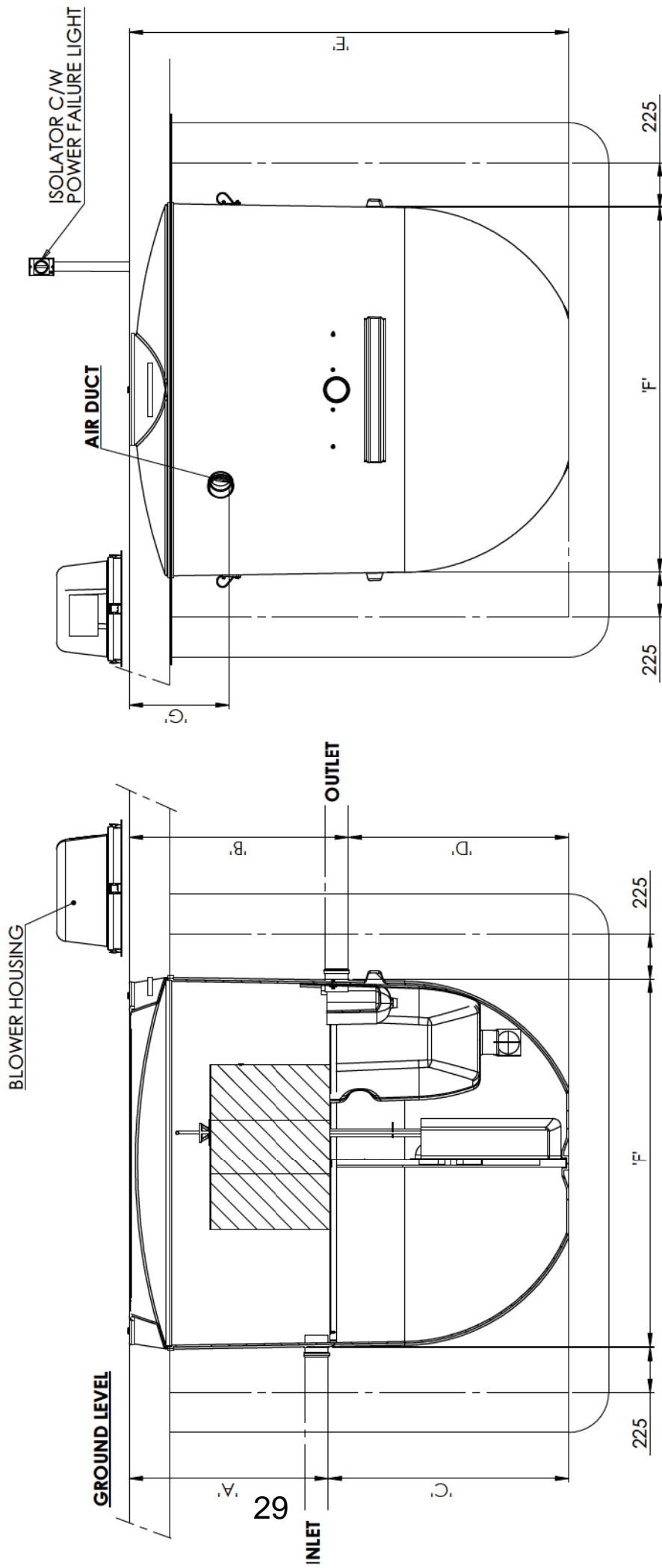
---

- 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 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.

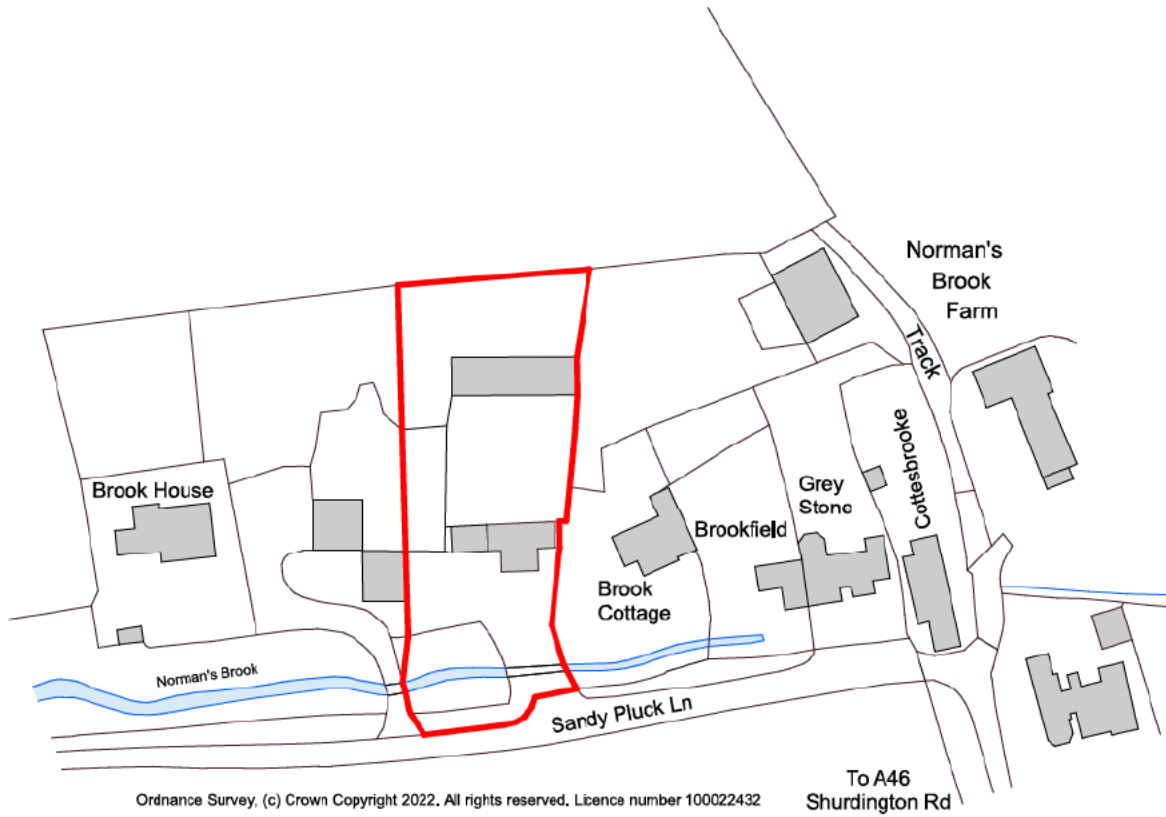
**Notes:**

1. This drawing is for 'Dimensional Information Only', It is essential that this drawing is read in conjunction with the 'Installation Guidelines' supplied with the unit. (Copies available from our sales department).
2. All Pipe connections are  $\varnothing 110.0\text{mm}$  PVCu.
3. All units require appropriate 'Cover' & 'Frame' to suit site loadings (standard cover supplied).
4. Blower assembly mounted externally, within 10m of treatment plant.
5.  $\varnothing 160\text{mm}$  Inlet Option - By Exernal Adaptor Only.

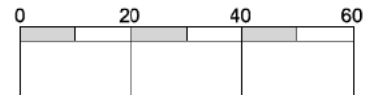
| Unit Dimension Chart |                 |                 |                 |                 |                 |                 |                 |                      |
|----------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|----------------------|
| Unit                 | Dim 'A'<br>(mm) | Dim 'B'<br>(mm) | Dim 'C'<br>(mm) | Dim 'D'<br>(mm) | Dim 'E'<br>(mm) | Dim 'F'<br>(mm) | Dim 'G'<br>(mm) | Unit Weight<br>(Kgs) |
| P006G10AB            | 1000            | 1100            | 1200            | 1100            | 2200            | 1850            | 500             | 250                  |
| P006G15AB            | 1500            | 1600            | 1200            | 1100            | 2700            | 1850            | 500             | 270                  |
| P012G10AB            | 1000            | 1100            | 1700            | 1600            | 2700            | 1850            | 500             | 275                  |
| P012G15AB            | 1500            | 1600            | 1700            | 1600            | 3200            | 1850            | 500             | 295                  |



|   |          |                    |             |                        |             |                                      |  |             |  |
|---|----------|--------------------|-------------|------------------------|-------------|--------------------------------------|--|-------------|--|
| Please check with Kingspan that this drawing is the latest issue  |          | Material : Various |             | Tolerance :            |             | Drawing : DS0968K - P6 & P12 Gravity |  | Page 1 of 1 |  |
| Issue   | Date     | Drawn by           | Approved by | Finish :               | Thickness : | P6 and P12 Treatment Plant (Gravity) |  |             |  |
| 01  | 07/04/15 | M.H.               |             | n/a                    | n/a         |                                      |  |             |  |
| Description   |          |                    |             | Weight : 857.87 Kg Kgs |             |                                      |  |             |  |
| CC1234 (INITIAL ISSUE)  |          |                    |             |                        |             |                                      |  |             |  |
| All dimensions in mm  |          |                    |             | Scale: Not to scale    |             |                                      |  |             |  |
| Kingspan Environmental reserve the right to alter the details of this drawing without prior notice. This drawing is copyright and may not be reproduced or used without the written permission of Kingspan Environmental. |          |                    |             |                        |             |                                      |  |             |  |
| Z:\Drawing Data\02 - Sales Drawings\DS\DS - 09\DS0968K - P6 & P12 Gravity   |          |                    |             |                        |             |                                      |  |             |  |



Scale bar 1:1250



**coombes : everitt architects limited**  
105-107  
Bath Road  
Cheltenham  
Gloucestershire  
GL53 7LE  
t: 01242 807727 f: 0845 5575833  
e: info@ce-architects.co.uk  
www.ce-architects.co.uk

Drawing title: Site Location Plan  
Client: [REDACTED]  
Drawn by: LJ Checked: TC  
Project No: 22.20.019

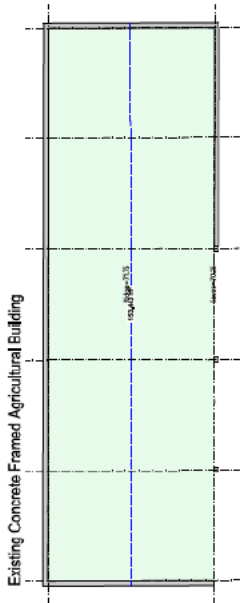
Project: Land at Sandy Pluck Lane,  
Shurdington, Cheltenham  
GL51 4UB  
Scale: 1:1250 @ A4  
Date: October 2022  
Project / Drawing no: PL001 A

*coombes : everitt architects*

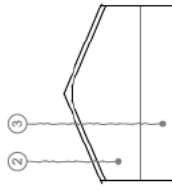


Scale: 1:200

|   |  |   |   |
|---|--|---|---|
| <p><b>coombes : eventt architects limited</b><br/>                 105-107<br/>                 Bath Road<br/>                 Cheltenham<br/>                 Gloucestershire<br/>                 GL53 7LE<br/>                 T: 01242 307727 F: 0845 6577853<br/>                 e: info@coombesarchitects.co.uk<br/>                 www.coombesarchitects.co.uk</p> | <p><input type="checkbox"/> Preliminary<br/> <input type="checkbox"/> Feasibility<br/> <input checked="" type="checkbox"/> Planning<br/> <input type="checkbox"/> Building Regulations<br/> <input type="checkbox"/> Tender<br/> <input type="checkbox"/> Construction Issue<br/> <input type="checkbox"/> As Built</p>  | <p><b>RIBA</b><br/>                 Chartered Architect</p>   | <p><b>coombes : eventt architects</b></p>   |
|   | <p><small>This drawing is the property of coombes : eventt architects limited and should not be used without their prior written consent. It is to be used only for the purposes stated and any other use is prohibited. It is to be used only for the purposes stated and any other use is prohibited. It is to be used only for the purposes stated and any other use is prohibited.</small></p> | <p><b>Drawing title:</b> Topographical Site Survey</p> <p><b>Client:</b> [REDACTED]</p> <p><b>Drawn by:</b> LJ    <b>Checked:</b> TC</p> <p><b>Project No.:</b> 22.260719</p> | <p><b>Project:</b> Land at Sandy Pluck Lane, Cheltenham, Gloucestershire, GL51 4UB</p> <p><b>Scale:</b> 1:200 @ A1</p> <p><b>Date:</b> October 2022</p> <p><b>Drawing No.:</b> PL002A</p> |



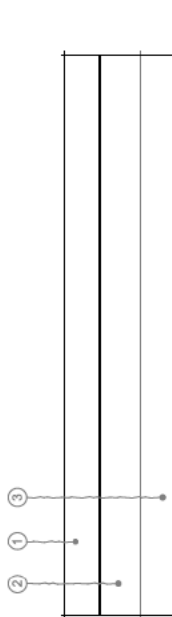
proposed west elevation



proposed east elevation



proposed south elevation

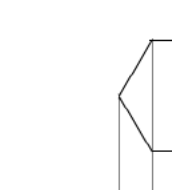


proposed north elevation

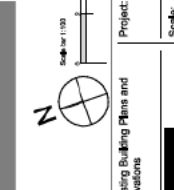


- material key
- 1. corrugated roof
  - 2. metal sheet cladding
  - 3. glazing
  - 4. heavy timberwork
  - 5. clay tile roof

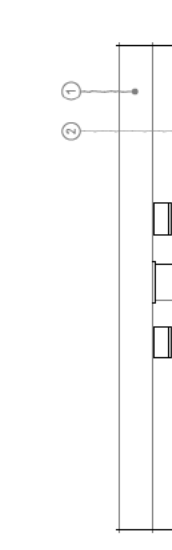
proposed west elevation



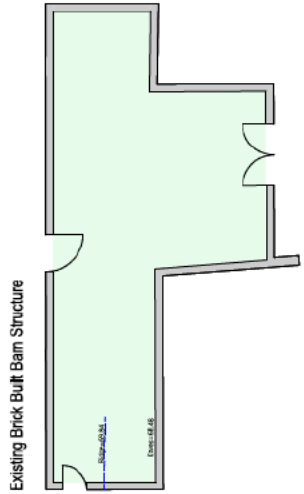
proposed east elevation



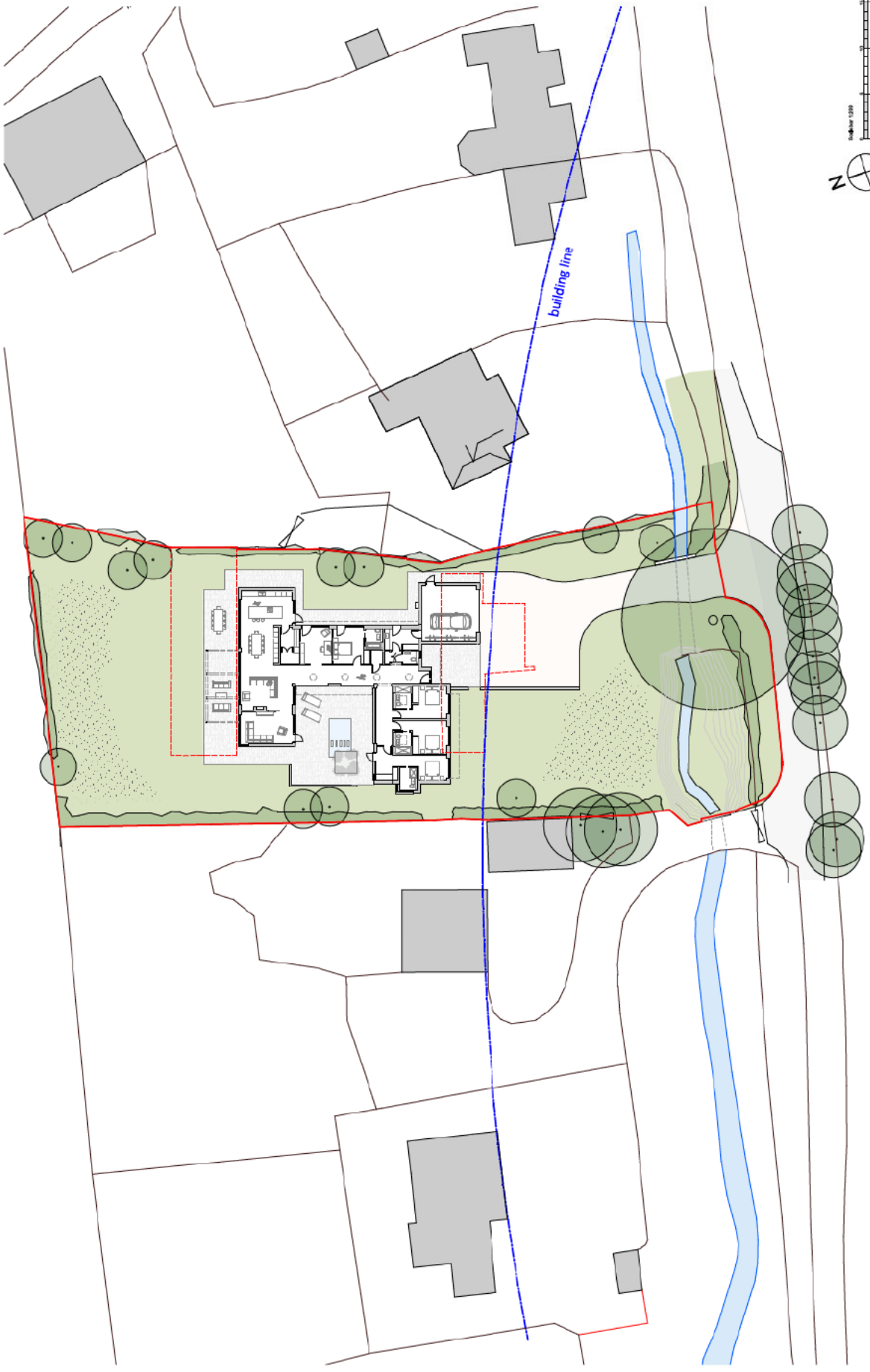
proposed south elevation



proposed north elevation



|  |   |
|--|---|
| <p><b>combes : eventt architects limited</b><br/>                 105-107<br/>                 Bath Road<br/>                 Cheltenham<br/>                 Gloucestershire<br/>                 GL53 7LE<br/>                 T: 01242 307727 F: 0845 6577853<br/>                 e: info@combesarchitects.co.uk<br/>                 www.combesarchitects.co.uk</p> | <p><b>combes : eventt architects</b></p>  |
| <p><input type="checkbox"/> Preliminary<br/> <input type="checkbox"/> Feasibility<br/> <input checked="" type="checkbox"/> Planning<br/> <input checked="" type="checkbox"/> Building Regulations<br/> <input type="checkbox"/> Tender<br/> <input type="checkbox"/> Construction Issue<br/> <input type="checkbox"/> As Built</p>                                       | <p><b>combes : eventt architects limited</b><br/>                 105-107<br/>                 Bath Road<br/>                 Cheltenham<br/>                 Gloucestershire<br/>                 GL53 7LE<br/>                 T: 01242 307727 F: 0845 6577853<br/>                 e: info@combesarchitects.co.uk<br/>                 www.combesarchitects.co.uk</p> <p><b>combes : eventt architects</b></p> |



|  |   |   |  |
|--|---|---|--|
| <p><b>coombes : eventit architects limited</b><br/>                 105-107<br/>                 Bath Road<br/>                 Cheltenham<br/>                 Gloucestershire<br/>                 GL53 7LE<br/>                 T: 01242 307727 F: 0845 5577833<br/>                 e: info@coombes-eventit.co.uk<br/>                 www.coombes-eventit.co.uk</p> | <p><input type="checkbox"/> Preliminary<br/> <input type="checkbox"/> Feasibility<br/> <input type="checkbox"/> Planning<br/> <input checked="" type="checkbox"/> Building Regulations<br/> <input type="checkbox"/> Tender<br/> <input type="checkbox"/> Construction Issue<br/> <input type="checkbox"/> As Built</p> | <p><input type="checkbox"/> Project<br/>                 Land at Sandy Pluck Lane,<br/>                 Cheltenham, Gloucestershire,<br/>                 GL51 4UB</p> <p><input type="checkbox"/> Client<br/>                 [Redacted]</p> <p><input type="checkbox"/> Drawn by<br/>                 LJ</p> <p><input type="checkbox"/> Project No.<br/>                 22.250719</p> | <p><input type="checkbox"/> Scale<br/>                 1:200 @ A1</p> <p><input type="checkbox"/> Date<br/>                 October 2022</p> <p><input type="checkbox"/> Drawing No.<br/>                 PL004A</p> |
|  | <p>Drawing title: <b>Proposed Site Plan</b></p> <p>Checked: TC</p>  | <p>Project: Land at Sandy Pluck Lane,<br/>                 Cheltenham, Gloucestershire,<br/>                 GL51 4UB</p> <p>Scale: 1:200 @ A1</p> <p>Date: October 2022</p> <p>Drawing No: PL004A</p>  | <p>Project: Land at Sandy Pluck Lane,<br/>                 Cheltenham, Gloucestershire,<br/>                 GL51 4UB</p> <p>Scale: 1:200 @ A1</p> <p>Date: October 2022</p> <p>Drawing No: PL004A</p>               |

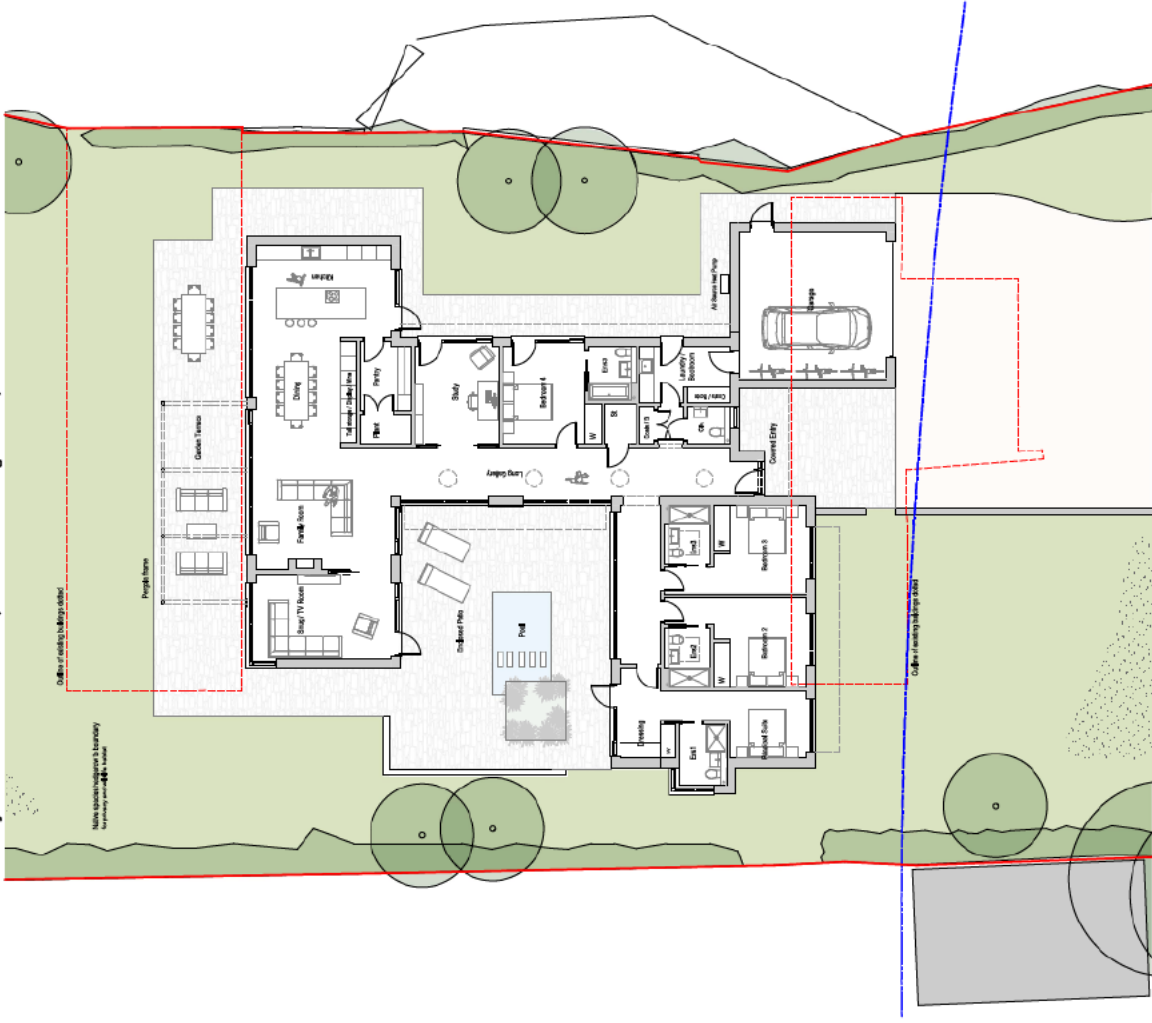
**Notes:**

- The proposed building footprint is for information only and should not be used for planning or other purposes.
- Consultation with the local planning authority is required on this plan to determine whether it is acceptable for the site.
- The proposed building footprint is for information only and should not be used for planning or other purposes.

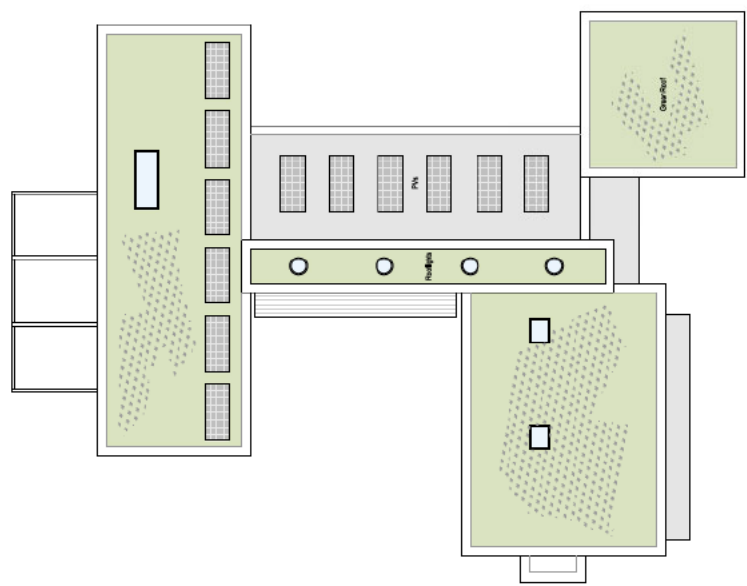
RIBA  
 Registered Firm

coombes : eventit architects





proposed ground floor plan



proposed roof plan

coombes : eventt architects limited  
 105-107  
 Bath Road  
 Cheltenham  
 Gloucestershire  
 GL53 7LE  
 t: 01242 307727 f: 0845 5578533  
 e: info@coombeseventt.co.uk  
 www.coombeseventt.co.uk

- Preliminary
- Feasibility
- Planning
- Building Regulations
- Tender
- Construction Issue
- As Built

This document is the property of coombes : eventt architects limited and shall not be used without their prior written consent. It is intended for the use of the client and is not to be distributed to any other party. It is the client's responsibility to ensure that the information contained herein is accurate and up to date. It is not to be used for any other purpose without the prior written consent of coombes : eventt architects limited.

RIBA  
 Chartered Architect

Drawing title: Proposed Ground Floor and Roof Plan  
 Client: [REDACTED]  
 Drawn by: LJ  
 Project No: 22.200719  
 Checked: TC  
 Date: October 2022  
 Drawing No: PL005A

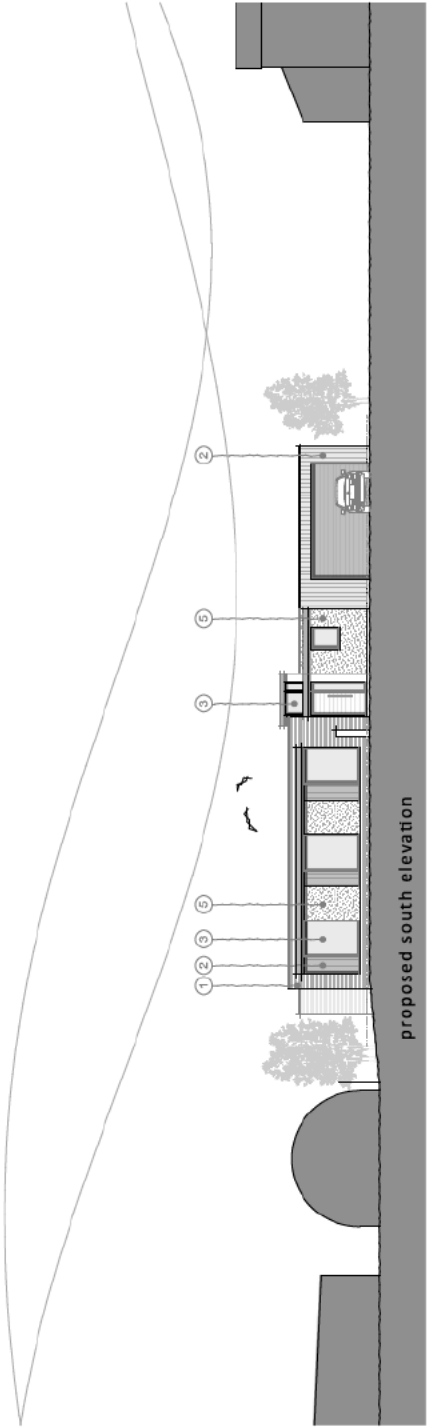
Project: Land at Sandy Pluck Lane, Shurdington, Cheltenham GL51 4UB  
 Scale: 1:100 @ A1  
 Date: October 2022  
 Drawing No: PL005A

coombes : eventt architects

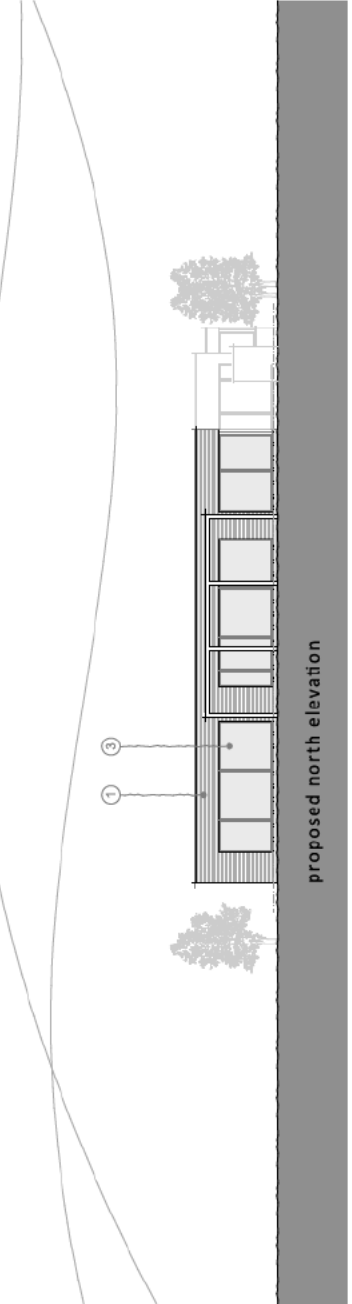
material key



1. pale facing brickwork
2. timber cladding
3. PPC aluminium windows and doors
4. PPC aluminium brise soleil
5. rendered panel



proposed south elevation



proposed north elevation

Scale 1:100



coombes : eventt architects limited  
 105-107  
 Bath Road  
 Cheltenham  
 Gloucestershire  
 GL53 7LE  
 T: 01242 307727 F: 0845 6577833  
 e: info@coombesarchitects.co.uk  
 www.coombesarchitects.co.uk

Preliminary  
 Feasibility  
 Planning  
 Building Regulations  
 Tender  
 Construction Issue  
 As Built

This document is the property of coombes : eventt architects limited and should not be used without their prior written consent.  
 Coombes : eventt architects limited is not responsible for any errors or omissions on this site or for any consequences arising therefrom.  
 Coombes : eventt architects limited is not responsible for any errors or omissions on this site or for any consequences arising therefrom.

RIBA  
 Chartered Architect

Drawing title: Proposed Elevations 1

Client: [REDACTED]  
 Drawn by: LJ  
 Project No: 22260719

Checked: TC  
 Project No: 22260719

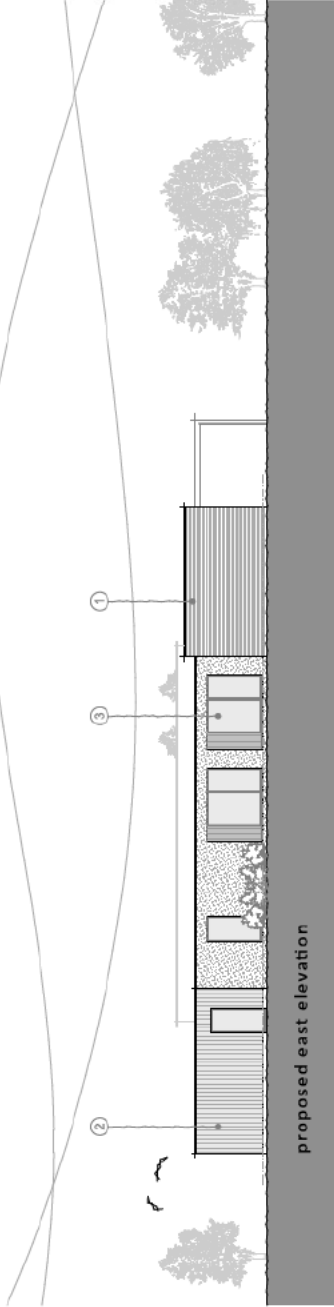
Project: Land at Sandy Pluck Lane, Cheltenham, Gloucestershire, GL51 4UB

Scale: 1:100 @ A1  
 Date: October 2022  
 Drawing No: PL006

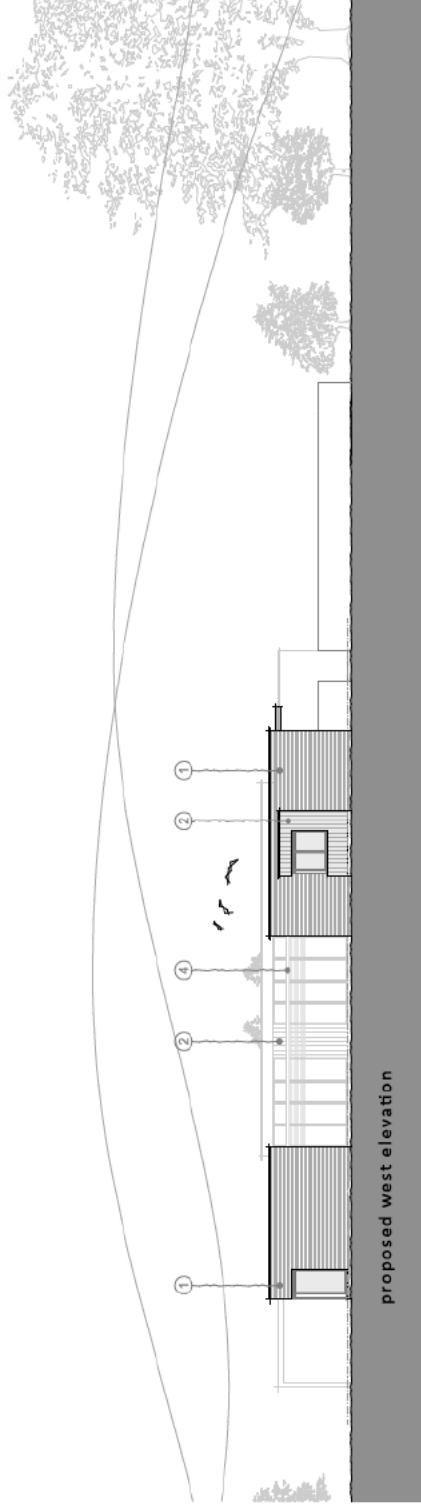
coombes : eventt architects

Land at Sandy Pluck Lane, Shurdington, Cheltenham GL51 4UB

material key



proposed east elevation

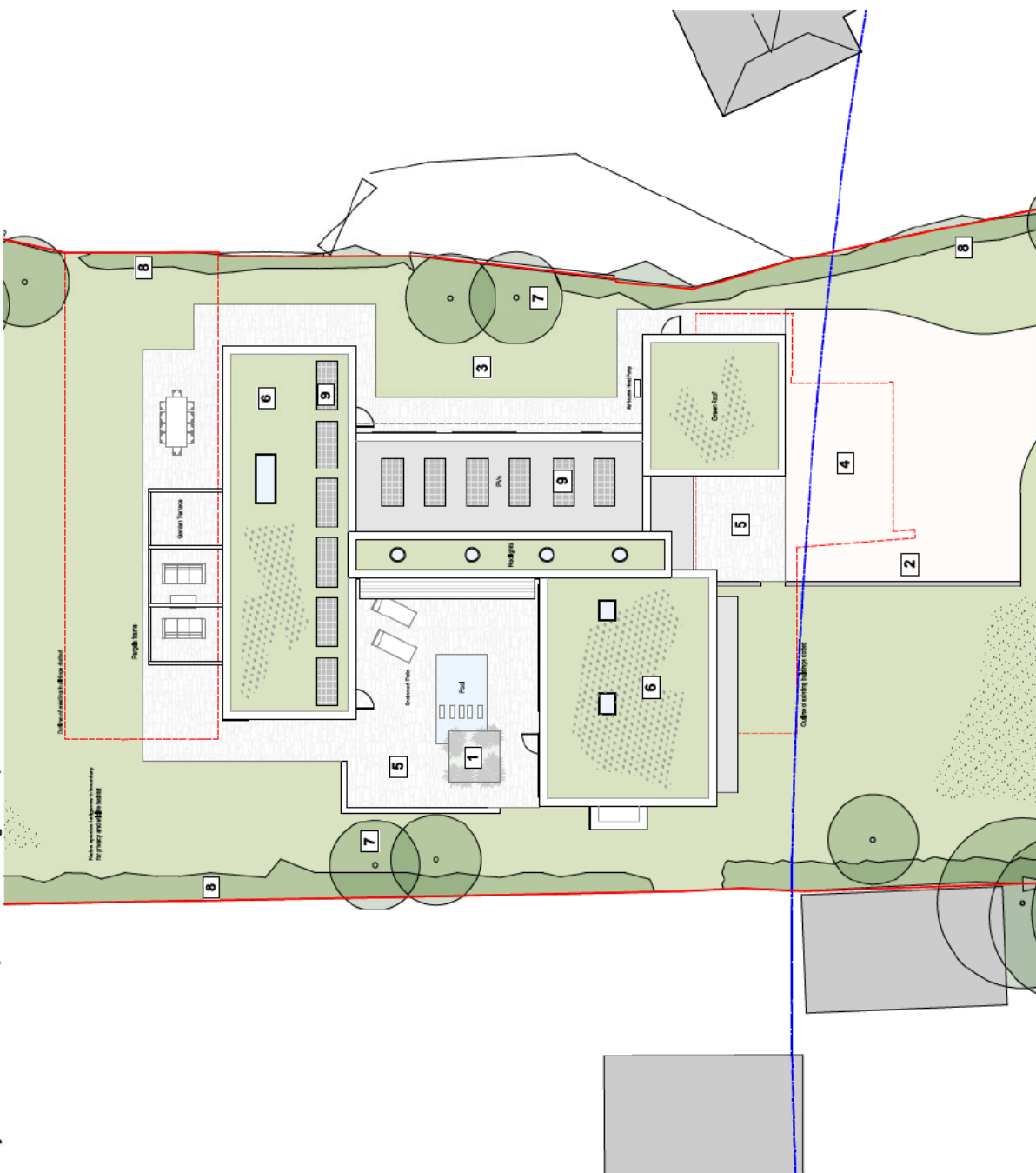


proposed west elevation



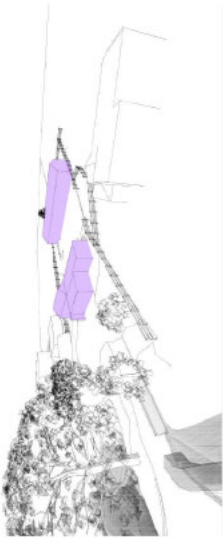
|  |   |   |   |
|--|---|---|---|
| <p>coombes : eventt architects limited<br/>                 105-107<br/>                 Bath Road<br/>                 Cheltenham<br/>                 Gloucestershire<br/>                 GL53 7LE<br/>                 T: 01242 307727 F: 0845 6577833<br/>                 e: info@coombesarchitects.co.uk<br/>                 www.coombesarchitects.co.uk</p> | <p><input type="checkbox"/> Preliminary<br/> <input type="checkbox"/> Feasibility<br/> <input checked="" type="checkbox"/> Planning<br/> <input checked="" type="checkbox"/> Building Regulations<br/> <input type="checkbox"/> Tender<br/> <input type="checkbox"/> Construction Issue<br/> <input type="checkbox"/> As Built</p> <p><small>This document is the property of coombes : eventt architects limited and should not be used without their prior written consent. Coombes : eventt architects limited is not responsible for any errors or omissions on this site or in any other documents or drawings. Coombes : eventt architects limited is not responsible for any errors or omissions in any other documents or drawings.</small></p> <p>RIBA<br/>                 Chartered Architects</p> | <p>Drawing title: Proposed Elevations 2</p> <p>Client: [REDACTED]<br/>                 Drawn by: LJ<br/>                 Project No: 22.200719</p> <p>Checked: TC</p> | <p>Project: Land at Sandy Pluck Lane, Cheltenham, Gloucestershire, GL51 4UB</p> <p>Scale: 1:100 @ A1<br/>                 Date: October 2022<br/>                 Drawing No: PL007</p> |
|--|---|---|---|

coombes : eventt architects

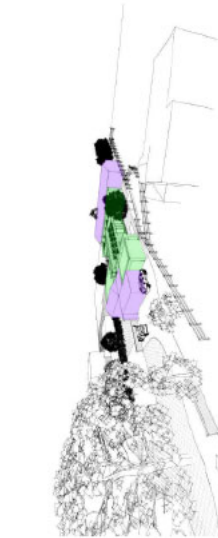


1. Landscaping planting
2. Traditional brick garden wall to match height and material of existing boundary wall
3. Soft landscaping with traditional steel edging
4. Ochre grey permeable block pavers to parking areas and driveways
5. Charcoal grey permeable block pavers to terraces
6. meadow grass roof and gravel perimeter
7. new tree planting (to landscape architects details and specification)
8. new hedge planting (to landscape architects design and specification)
9. Solar Panels (PV Panels, Size and KW to be determined by specialisation on single ply membrane roof)

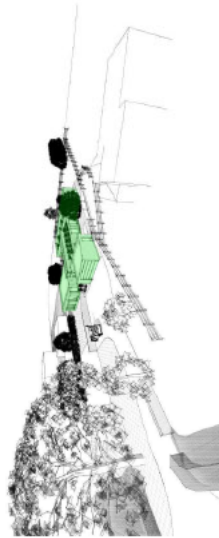
|  |   |   |  |
|--|---|---|--|
| <b>coombes · eventt architects limited</b><br>105-107<br>Bath Road<br>Cheltenham<br>Gloucestershire<br>GL53 7LE<br>T: 01242 307727 F: 0845 6577833<br>e: info@coombeseventt.co.uk<br>www.coombeseventt.co.uk | <input type="checkbox"/> Preliminary<br><input type="checkbox"/> Feasibility<br><input checked="" type="checkbox"/> Planning<br><input checked="" type="checkbox"/> Building Regulations<br><input type="checkbox"/> Tender<br><input type="checkbox"/> Construction Issue<br><input type="checkbox"/> As Built | We have prepared this plan for the purposes stated and we do not warrant its accuracy or completeness. It is not intended to be used for any other purpose. It is not intended to be used for any other purpose. It is not intended to be used for any other purpose. | Drawing title: Proposed Landscape Plan<br>Project: Land at Sandy Pluck Lane, Shurdington, Cheltenham GL51 4UB<br>Client: [Redacted]<br>Drawn by: [Redacted] Chris Goddard TC<br>Scale: 1:100 @ A1<br>Date: October 2022<br>Project No: 22.260719<br>Drawing No: PL008A |
|  | RIBA<br>Chartered Member  | coombes · eventt architects   |  |



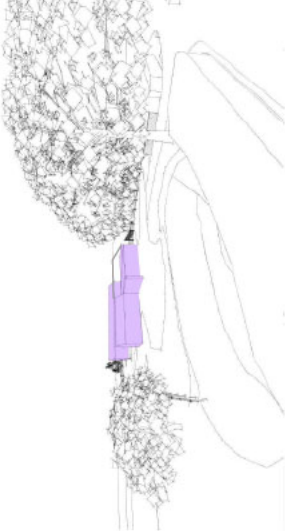
View 1 - Existing



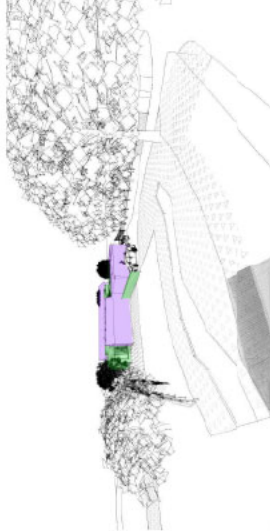
View 1 - Comparisons



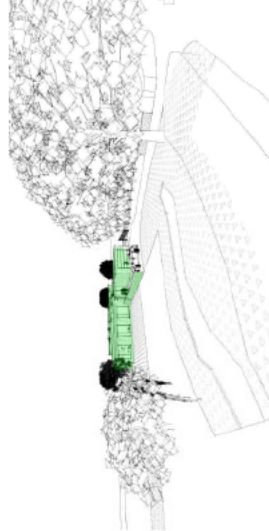
View 1 - Proposed



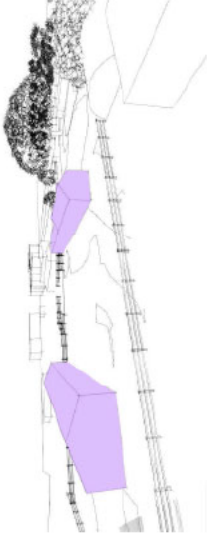
View 2 - Existing



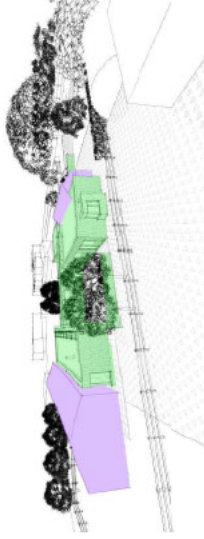
View 2 - Comparisons



View 2 - Proposed



View 3 - Existing



View 3 - Comparisons



View 3 - Proposed

coombes : eventt architects limited  
 105-107  
 Bath Road  
 Cheltenham  
 Gloucestershire  
 GL53 7LE  
 T: 01242 307727 F: 0845 6577853  
 e: info@coombesarchitects.co.uk  
 www.coombesarchitects.co.uk

- Preliminary
- Feasibility
- Planning
- Building Regulations
- Tender
- Construction Issue
- As Built

This document is the property of coombes : eventt architects limited and should not be used without their prior written consent. It is intended for the use of the client only and is not to be used for any other purpose. It is the client's responsibility to ensure that the information contained herein is accurate and up to date. It is the client's responsibility to ensure that the information contained herein is accurate and up to date. It is the client's responsibility to ensure that the information contained herein is accurate and up to date.

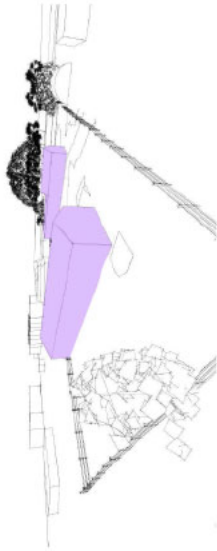
RIBA  
 Chartered Architect

Drawing title: Comparison Sketches 1  
 Client: [REDACTED]  
 Drawn by: LJ  
 Checked: TC  
 Project No: 22260719

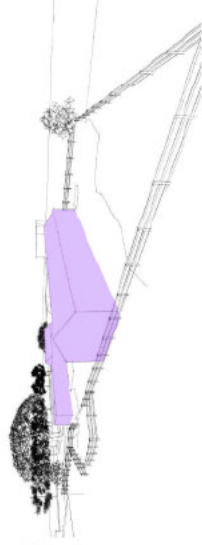
Project: Land at Sandy Pluck Lane, Shurdington, Cheltenham GL51 4UB  
 Scale: 1:500 A1  
 Date: October 2022  
 Drawing No: PL009

coombes : eventt architects

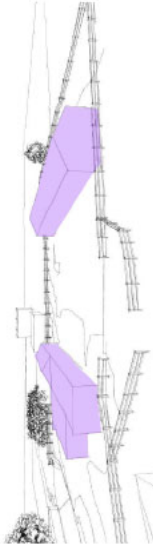




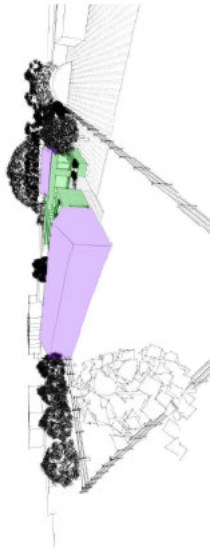
View 4 - Existing



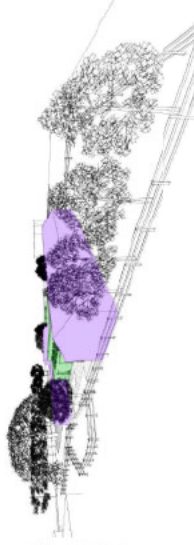
View 5 - Existing



View 6 - Existing



View 4 - Comparisons



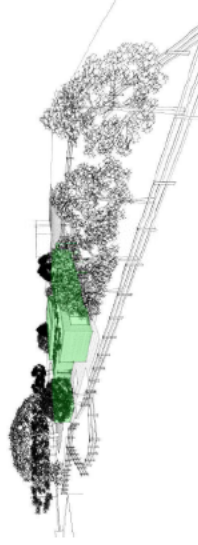
View 5 - Comparisons



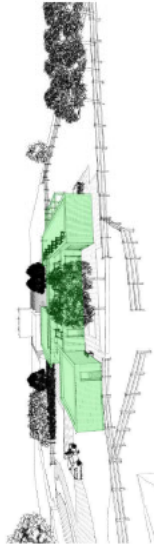
View 6 - Comparisons



View 4 - Proposed



View 5 - Proposed



View 6 - Proposed

coombes : eventit architects limited  
 105-107  
 Bath Road  
 Cheltenham  
 Gloucestershire  
 GL53 7LE  
 T: 01242 307727 F: 0845 6577853  
 e: info@coombesarchitects.co.uk  
 www.coombesarchitects.co.uk

- Preliminary
- Feasibility
- Planning
- Building Regulations
- Tender
- Construction Issue
- As Built

The architect's liability is limited to the services specified in the contract documents and shall not extend to any other services. The architect's liability shall not be limited by the amount of the fee. The architect's liability shall not be limited by the amount of the fee. The architect's liability shall not be limited by the amount of the fee.

RIBA  
 Chartered Architect

Drawing title: Comparison Sketches 2  
 Client: [REDACTED]  
 Drawn by: LJ  
 Project No: 22260719  
 Checked: TC

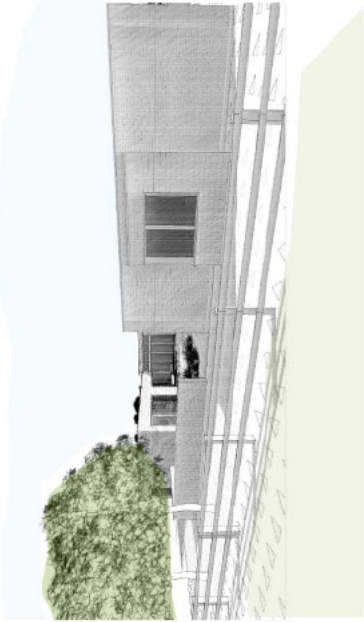
Project: Land at Sandy Pluck Lane, Shurdington, Cheltenham GL51 4UB  
 Scale: 1:500 A1  
 Date: October 2022  
 Drawing No: PL010

coombes : eventit architects

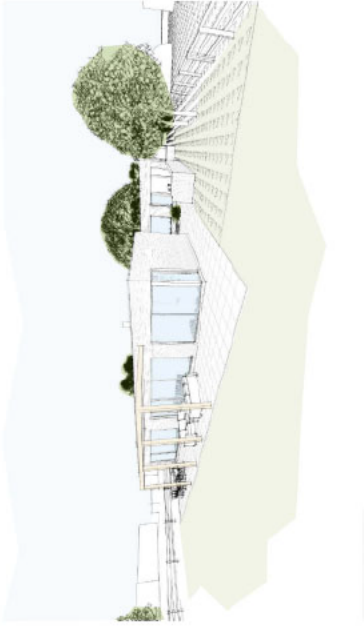
Land at Sandy Pluck Lane, Shurdington, Cheltenham GL51 4UB



view 1 - perspective to front of dwelling



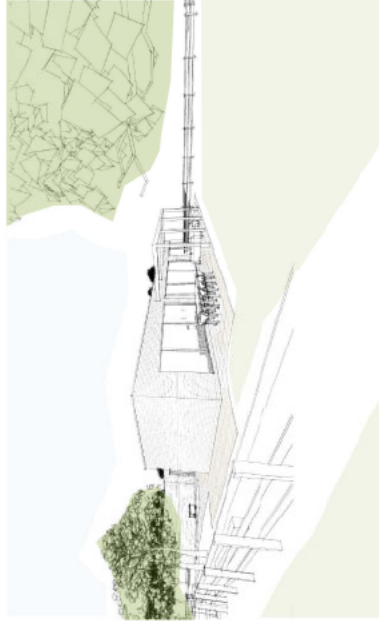
view 2 - perspective of courtyard from the south west



view 3 - perspective view of the rear terrace



view 4 - perspective view from the north east



view 5 - perspective view of the rear terrace



view 6 - birds eye perspective to dwelling

coombes : eventt architects limited

105-107  
Bath Road  
Cheltenham  
Gloucestershire  
GL53 7LE  
t: 01242 307727 f: 01843 557853  
e: info@coombesarchitects.co.uk  
www.coombesarchitects.co.uk

- Preliminary
- Feasibility
- Planning
- Building Regulations
- Tender
- Construction Issue
- As Built

This document is the property of coombes : eventt architects limited and should not be used without their prior written consent. It is to be used only for the purposes stated and any other use is prohibited. It is to be returned to the architect upon completion of the project.



Drawing title: Proposed Sketch Views

Client: [REDACTED]  
Drawn by: LJ  
Project No: 22.250719

Project: Land at Sandy Pluck Lane, Shurdington, Cheltenham GL51 4UB  
Scale: 1:50 A1  
Date: October 2022  
Drawing No: PL011A

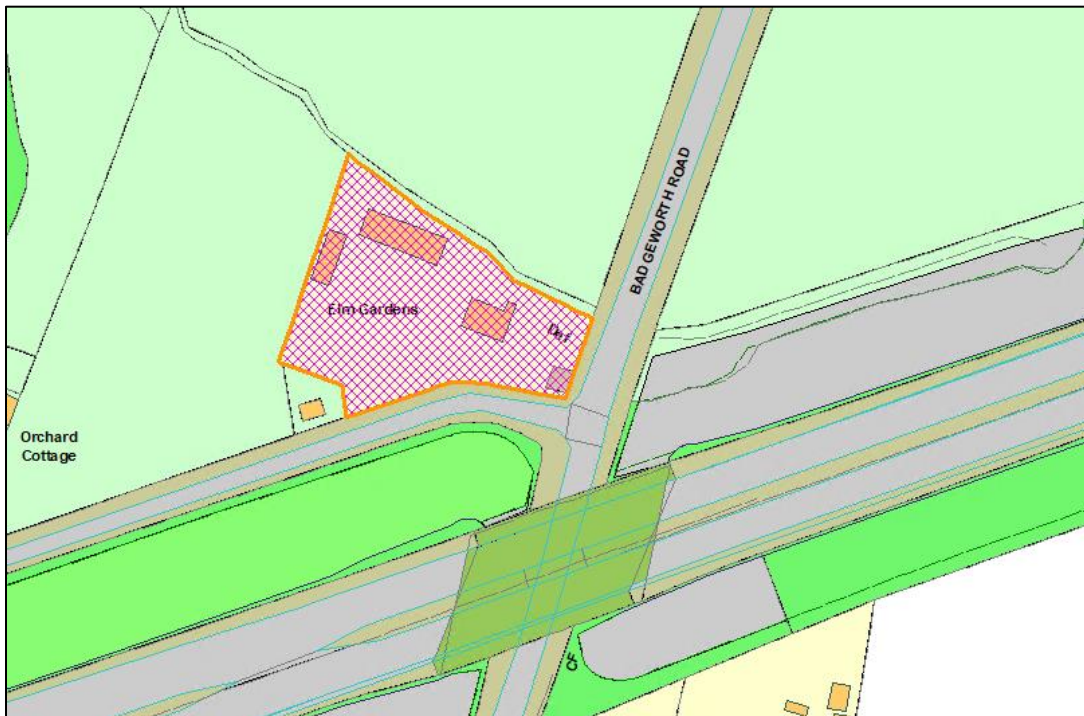
Project: Land at Sandy Pluck Lane, Shurdington, Cheltenham GL51 4UB  
Scale: 1:50 A1  
Date: October 2022  
Drawing No: PL011A

coombes : eventt architects

## Planning Committee

|   |  |
|---|--|
| <b>Date</b>                             | 25 May 2023  |
| <b>Case Officer</b>                     | Chloe Buckingham   |
| <b>Application No.</b>                  | 22/01306/FUL   |
| <b>Site Location</b>                    | Elm Gardens, Badgeworth Road, Badgeworth   |
| <b>Proposal</b>                         | Proposed single storey detached residential annex and garden storage used ancillary to the host dwelling (Elm Gardens) following demolition of existing residential outbuilding.   |
| <b>Ward</b>                             | Badgeworth   |
| <b>Parish</b>                           | Badgeworth   |
| <b>Appendices</b>                       | Location Plan<br>Existing Block Plan (100)<br>Existing Outbuildings (100 Rev A)<br>Proposed Floor Plan (200 Rev A)<br>Proposed Elevations (210 Rev A)<br>Proposed Block Plan (220 Rev A) received 2 <sup>nd</sup> December 2022. |
| <b>Reason for Referral to Committee</b> | Called in for Committee determination by Councillor Vines, to assess the appropriateness of the development in Green Belt policy terms.  |
| <b>Recommendation</b>                   | Permit   |

### Site Location





## 1. The Proposal

---

Full application details are available to view online at:  
<https://publicaccess.tewkesbury.gov.uk/online-applications>

- 1.1 Proposed single storey detached residential annex and garden storage used ancillary to the host dwelling (Elm Gardens) following demolition of existing residential outbuilding.

## 2. Site Description

---

- 2.1 The site is located on the West side of Badgeworth Road, close to the junction with Elm Garden Drive. The site lies within designated Green Belt land and there is a public right of way situated to the northern boundary of the site.
- 2.2 Elm Gardens is a detached two-storey dwelling set in a large curtilage extending mainly to the rear of the house, which is enclosed on its boundaries with dense mature hedgerows of trees and bushes which screen the site. Within this curtilage are two existing outbuildings positioned behind the main house and close up against the Northern boundary. To the immediate North and West of the property lies open countryside.

## 3. Relevant Planning History

---

| Application Number | Proposal   | Decision | Decision Date |
|--------------------|--|----------|---------------|
| T.5349             | Outline application for an agricultural bungalow.  | PERMIT   | 19.06.1968    |
| T.5349/AP          | Erection of agricultural dwelling to be attached to 2 acre market garden.  | PERMIT   | 20.11.1968    |
| 93/00735/FUL       | Erection of glasshouse   | PERMIT   | 21.09.1993    |
| 18/00981/CLE       | Continued residential use of the dwelling in breach of agricultural occupancy condition (condition c of planning permission T.5349). | CLECER   | 12.04.2019    |
| 21/00282/FUL       | Erection of a two storey side extension, first floor extension, front porch extension and remodelling of bungalow (amended).         | PERMIT   | 18.08.2021    |
| 21/00400/PDE       | A stepped single storey extension which extends from 5 metres up to 8 metres at the rear.  | CEGPD    | 04.05.2021    |
| 21/00428/PDEAS     | Proposed first floor extension not exceeding 3.5m in height.   | AAPR     | 07.06.2021    |

|              |  |        |            |
|--------------|--|--------|------------|
| 22/00352/FUL | Variation of condition 2 (approved plans) and condition 3 (external material samples) of planning application 21/00282/FUL to allow for the change in materials. | PERMIT | 15.06.2022 |
|--------------|--|--------|------------|

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

---

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

- 4.1 Staverton Parish Council - Objection on the grounds of inappropriate development in the Green Belt and on a property that has already had extensive alterations.
- 4.2 Badgeworth Parish Council - Objection on the grounds of inappropriate development in the Green Belt and appears to be more of an application for change of use to a dwelling. The existing building is a greenhouse with some cladding added recently. This building does not have the appearance of being an 'existing residential outbuilding'.
- 4.3 Cllr Vines - I would like application to be determined by the planning committee in order to assess the appropriateness of the development in Green Belt policy terms.
- 4.4 Building Control- No objections.
- 4.5 Tree Officer- No objection subject to conditions.
- 4.6 Drainage Engineer – No objections subject to conditions.
- 4.7 Public Rights of Way Officer – No objections subject to an informative.

#### **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 Neighbour notifications were posted, and a consultation period of 21 days was carried out and no public representations were received.

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

---

##### **6.1 Statutory Duty**

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

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

## **6.2** National guidance

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

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

SP2 (Distribution of New Development)  
SD3 (Sustainable Design and Construction)  
SD4 (Design Requirements)  
SD5 (Green Belt)  
SD9 (Biodiversity and Geodiversity)  
SD10 (Residential Development)  
SD14 (Health and Environmental Quality)  
INF1 (Transport Network)  
INF3 (Green Infrastructure)

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

Policy RES2 (Settlement Boundaries)  
Policy RES10 Alteration and Extension of Existing Dwelling  
Policy DES1 (Housing Space Standards)  
Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)  
Policy ENV2 (Flood Risk and Water Management)  
Policy TRAC9 (Parking Provision)  
Policy GRB4 (Cheltenham-Gloucester Green Belt)

## **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** TBP Policy RES10 sets out that proposals for extensions and alterations of existing dwellings and the erection of domestic outbuildings and annexes will be permitted subject to design, scale, available space, does not adversely impact neighbouring amenity of the character of the area.
- 8.2** The application seeks planning permission for the construction of an annexe to accommodate a disabled relative. The annexe would replace an existing outbuilding and would be set to the rear of the existing dwelling. The extent of accommodation proposed is retrained and there would be a reliance on the main household.
- 8.3** The principle of development is therefore considered acceptable subject to consideration of other matters and policies set out below.

### ***Green Belt***

- 8.4** Paragraph 137 of the Nation Planning Policy Framework (NPPF) states that the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 8.5** Paragraph 138 of the NPPF states that the Green Belt serves 5 purposes:
- (a) to check the unrestricted sprawl of large built-up areas;
  - (b) to prevent neighbouring towns merging into one another;
  - (c) to assist in safeguarding the countryside from encroachment;
  - (d) to preserve the setting and special character of historic towns; and
  - (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 8.6** Paragraph 147 of the NPPF, Policy SD5 of the JCS and Policy GRB4 of the TBLP states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 8.7** Paragraph 148, Policy SD5 of the JCS and Policy GRB4 of the TBLP states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 8.8** Paragraph 150 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are (amongst others)
- (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
  - (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- 8.9** The applicants have explained that the existing building is presently used for ancillary residential storage. Whilst it is agreed that the structure in question has the appearance of an agricultural building which was possibly used in association with the previous use of the property as an agricultural worker's dwelling, it is apparent that the structure has been in situ for more than 10 years and as the structure is positioned in close proximity to the dwelling and past applications have also confirmed the unrestricted residential use of the dwelling and its residential curtilage, it is agreed that the structure is currently within (ancillary) residential use.
- 8.10** The scheme complies with criterion (d) of paragraph 150 of the NPPF, in that the proposal is for the replacement of a building which will be in the same (residential) use as the building to be replaced. The proposed new building has a smaller footprint and height than the existing structure, would not be materially larger and would have no greater impact on openness of the Green Belt. Accordingly it is considered that the proposal would not be inappropriate development within the Green Belt and would be acceptable subject to other considerations set out below.

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

- 8.11** Policy SD4 of the JCS relates to design requirements and requires proposals to demonstrate how the following principles have been incorporated; context, character and sense of place, legibility and identity, amenity and space, public realm and landscape, safety and security, inclusiveness and adaptability and movement and connectivity.
- 8.12** Policy RES10 of the TBLP states that proposals for the extension and alteration of existing dwellings, and the erection of domestic outbuildings and annexes, will be permitted providing that (amongst other criteria):
1. The detailed design reflects or complements the design and materials of the existing dwelling
  2. The scale of the proposal is appropriate to the character and appearance of the existing dwelling and its surrounding area
  5. The proposal respects the character and appearance of surrounding development
- 8.13** To the rear of the host dwelling there are two existing structures positioned adjacent to the Northern boundary. The larger structure is 20 metres in length x 6.2 metres wide x 3.8 metres to the apex of its pitched roof. The applicants have explained that the structure is used for domestic storage related to occupation of the main house.

- 8.14** This structure has a metal frame construction enclosed with solid metal-cladding walls and a glazed roof. It has a footprint of 123 sqm and volume of 2,268.12 cubic metres. A second much smaller corrugated metal flat-roof structure is adjacent to this, and the applicants have also explained that this structure is used for ancillary residential storage. This structure has a footprint of 7.8 sqm and volume of 16.38 cubic metres. The dimensions of the smaller structure are 3 metres length x 2.6 metres width x 2.1 metres height.
- 8.15** The scheme proposes to remove the existing larger structure and retain the smaller structure for residential storage. The larger structure would be replaced with a smaller pitched roof annex and garden store. The proposed structure would be 14.65m in length, 6.35m in width, 2.15m to the eaves and 3.5m to the apex. The building would be finished in render with a slate roof and 7 rooflights to the rear and windows on both side elevations and a window, bi-fold doors and a door to the storage area on the front elevation.
- 8.16** The proposed annexe building would provide accessible 1 bedroom, bathroom and a living room, as well as a domestic storage area and would have a simple linear pitched roof design.
- 8.17** The removal of the existing structure and replacement with the proposed annexe would represent a visual improvement to the area the proposed annexe would be of an acceptable appearance and scale which and subject to compliance with conditions in respect of materials would result in an appropriate appearance which would be in-keeping with the character and appearance of the host dwelling and wider area.

#### ***Effect on the Living Conditions of Neighbouring Dwellings***

- 8.18** JCS policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space and that development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 8.20** Policy RES10 of the TBLP states that proposals for the extension and alteration of existing dwellings, and the erection of domestic outbuildings and annexes, will be permitted providing that (amongst other criteria):
4. The proposal does not have an unacceptable impact on the amenity of neighbouring properties
- 8.21** Due to the considerable distances between the proposed annex and neighbouring properties, there would not be any impacts upon the living conditions of the occupiers of these properties in terms of loss of privacy, loss of light or any overbearing impacts.
- 8.22** While it is noted that the proposed annexe does not contain a kitchen and as such there would be a functional reliance on the host property, it is however considered necessary to include a condition on any permission to ensure that the annexe remains ancillary to Elm Gardens as the use of the building as an independent dwelling would be unacceptable in this location.
- 8.23** Therefore, subject to this condition, the proposal complies with the nationally described space standards and policies SD4 and SD14 of the JCS and policies DES1 and RES10 of the TBLP.

## ***Highways***

- 8.24** Policy INF1 of the JCS sets out that permission shall only be granted where the impact of development is not considered to be severe. It further states that safe and efficient access to the highway network should be provided for all transport means.
- 8.25** Policy TRAC9 of the TBLP states that proposals for new development that generate a demand for car parking space should be accompanied by appropriate evidence which demonstrates that the level of parking provided will be sufficient. Furthermore, Policy RES10 states that proposals for the extension and alteration of existing dwellings, and the erection of domestic outbuildings and annexes, will be permitted providing that (amongst other criteria):
3. The domestic curtilage of the existing property is capable of comfortably accommodating the extension or outbuilding without resulting in a cramped/overdeveloped site or creating a lack of suitable parking or manoeuvring space.
- 8.26** The access and parking provision would remain unchanged through this proposal. It is considered that there is adequate space within the site to accommodate any additional vehicles and the proposal would not result in an unacceptable intensification of the site or adverse impact upon the highway network.

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

- 8.27** JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. This advice is reflected within the council's Flood Risk and Water Management SPD.
- 8.28** TBP Policy ENV2 of the TBLP states that in order to avoid and manage the risk of flooding to and from new development in the Borough, in addition to the requirements of the National Planning Policy Framework and the Joint Core Strategy the Council will apply the following principles including opportunities to reduce the risk of flooding from all sources.
- 8.29** While the application site lies within Flood Zone 1 (lowest risk of flooding) the application site is however at high risk of flooding from surface water. A drainage strategy statement was requested and has been submitted and has been reviewed by the Council's Drainage Engineer.
- 8.30** The Officer is broadly satisfied with the assessment and the impacts of the development and has raised no objections to the proposal subject to a condition to secure a surface drainage strategy and its future maintenance.

## **Trees**

- 8.31** Policy INF3 of the JCS states that development proposals should consider and contribute positively towards green infrastructure, including the wider landscape context and strategic corridors between major assets and populations. Existing green infrastructure will be protected in a manner that reflects its contribution to ecosystem services (including biodiversity, landscape / townscape quality, the historic environment, public access, recreation and play) and the connectivity of the green infrastructure network. Development proposals that will have an impact on woodlands, hedges and trees will 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. Mitigation should be provided on-site or, where this is not possible, in the immediate environs of the site. Where assets are created, retained or replaced within a scheme, they should be properly integrated into the design and contribute to local character and distinctiveness. Proposals should also make provisions for future maintenance of green infrastructure.
- 8.32** Policy NAT1 of the TBP relates to biodiversity, geodiversity and important natural features and provides that development likely to result in the loss, deterioration or harm to features of environmental quality will not be permitted unless the need/benefits for development outweigh the impact. Policy NAT3 states that development must contribute, where appropriate to do so and at a scale commensurate to the proposal, towards the provision, protection and enhancement of the wider green infrastructure network.
- 8.33** There are four mature willow trees that run along the boundary adjacent to the proposed new annex. The root protection area (RPA) of these willow trees could be impacted by the proposal. The application has been accompanied by an Arboricultural impact assessment which sets out measures to protect the trees during construction and recommends the use of a pile foundation which would minimise the impact upon the tree roots. The details have been assessed by the Council's Tree officer who is satisfied with the proposal which subject to compliance with conditions would prevent and adverse impacts upon trees.

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

- 8.34** The development is CIL liable because it creates a residential annex. The relevant CIL forms have been submitted claiming exemption for a residential annex.

## **9. Conclusion**

---

- 9.1** The proposal annexe would constitute appropriate development within the Green Belt, would have an acceptable impact upon openness, the character of the area, amenity and trees. The application is considered to be acceptable.

## **10. Recommendation**

---

- 10.1** Subject to no objections being raised by the Council's Drainage Officer, it is recommended that the application is **permitted** subject to the following conditions:



## 11. Conditions

---

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

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

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

Location Plan, Existing Block Plan (100), Existing Outbuildings (100 Rev A), Proposed Floor Plan (200 Rev A), Proposed Elevations (210 Rev A) and Proposed Block Plan (220 Rev A) received 2<sup>nd</sup> December 2022.

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

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

- 3 The development hereby permitted shall only be used in conjunction with and as ancillary to the residential enjoyment of the adjoining dwellinghouse known as Elm Gardens.

Reason: The site is unsuitable for an independent dwelling in addition to the main dwelling and would provide for an inadequate level of amenity for two self-contained dwellings.

- 4 Notwithstanding the submitted details, the materials to be used in the construction of the external walls of the proposed extension shall match those used in the existing dwelling.

Reason: To ensure a high-quality finish to the development in the interest of the visual amenities of the area.

- 5 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details specified in Drawing No 204-ELM-DRW-TPP-PH1 – Tree Protection Plan (Demolition) and Drawing No 204-ELM-DRW-TPP-PH2 – Tree Protection Plan (Construction) 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.

- 6 The Arboricultural Impact Assessment and Preliminary Arboricultural Method Statement in Document Ref 204-ELM-RPT-AIA and Drawings 204-ELM-DRW-TPP-PH1, 204-ELM-DRW-TPP-PH2 submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, detailed in Section 13 of the report, by a suitably qualified tree specialist.

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees.

- 7 If any trees/hedgerows are damaged or removed through the construction phase, these shall be replaced during the first planting season following removal by trees/hedgerows of a species, size and in locations that have first been submitted to and approved in writing by the Local Planning Authority. Any replacement trees/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 plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year period.

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

- 8 No development shall start until a detailed design, maintenance and management strategy and timetable of implementation for the surface water drainage strategy presented in the Flood Risk Assessment/Drainage Strategy submitted 13<sup>th</sup> April 2023 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 by the time the development is first put into occupied and shall be maintained for the duration of the use.

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 commencement 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 sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
- 2 The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

**3** No change to the surface of the public right of way can be approved without consultation with the County Council and there must be no interference with the public right of way, either during development or once it has been completed, unless: -

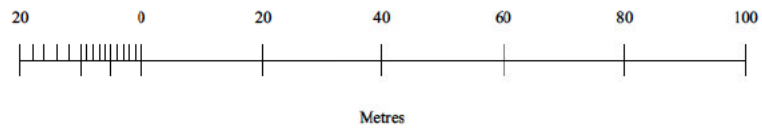
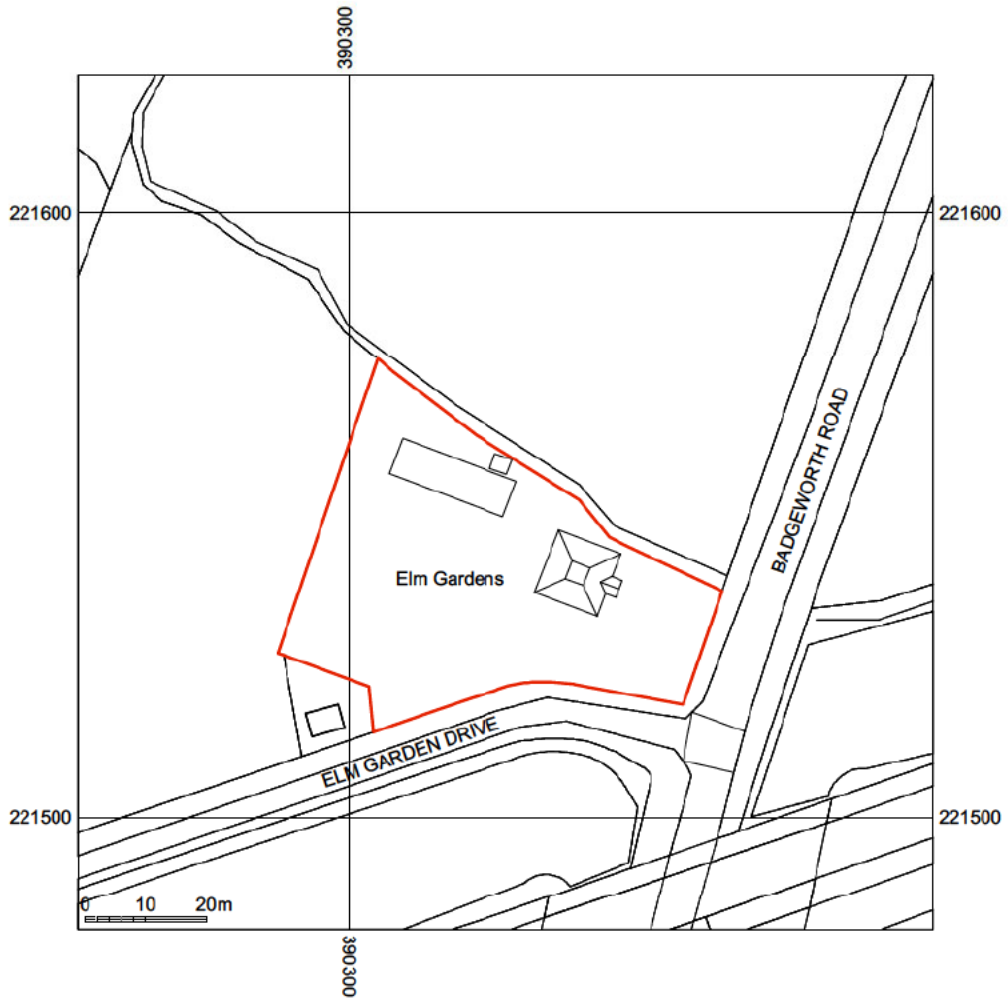
a) The development will temporarily affect the public right of way; then the developer must apply and pay for a temporary closure of the route to us in Public Rights of Way (preferably providing a suitable alternative route);

if any utilities are going to cross or run along a PROW then a section 50 license needs to be sought and granted - via GCC Streetworks department. Information regarding section 50 Licenses and an application form can be found at: <https://www.gloucestershire.gov.uk/highways/highways-licences-permits-and-permissions/>

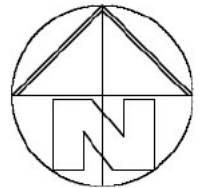
b) Important: if the development will permanently affect any public right of way, then the developer must apply for a diversion of the route through the Planning Authority, under the Town and Country Planning Act 1990, as part of the planning application process. No development should take place affecting the route of the path prior to the confirmation of a TCPA path diversion order. The area Public Right of Way Officer should be consulted as part of this process.

- 4.**
- a) There must be no encroachment on the width of the public right of way.
  - b) No building materials may be stored on the public right of way.
  - c) Vehicle movements during construction should not unreasonably interfere with the use of the public right of way by walkers, etc., and the developer or applicant is responsible for safeguarding the public use of the way at all times.
  - d) No additional temporary or permanent barriers (e.g. gates, stiles, wildlife fencing) may be placed across the public right of way and no additional gradients or structures (e.g. steps or bridges) are to be introduced on any existing or proposed public rights of way without the consent of the county council.

It is important to note the Definitive Map is a minimum record of public rights of way and does not preclude the possibility that public rights exist which have not been recorded or that higher rights exist on routes shown as public footpaths and bridleways.



**OS Map**  
scale 1:1250



## Aj Architects Ltd.

PROJECT

PROJECT NO.

Elm Garden's,  
Badgeworth Road,  
Cheltenham,  
Glos GL51 6TF

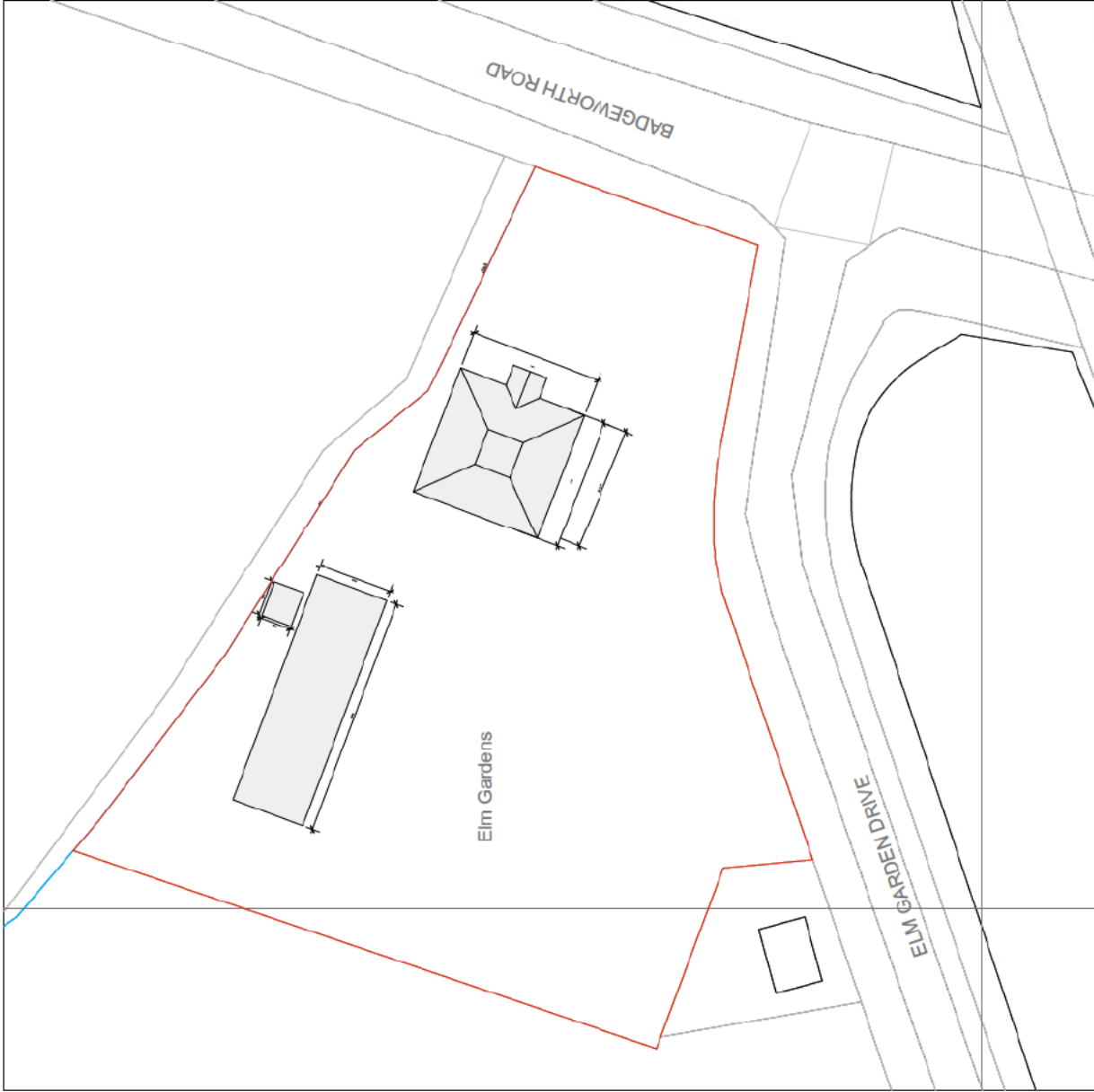
20/676

DRAWING TITLE

1:1250 OS Map

(A)

A4



1:1000



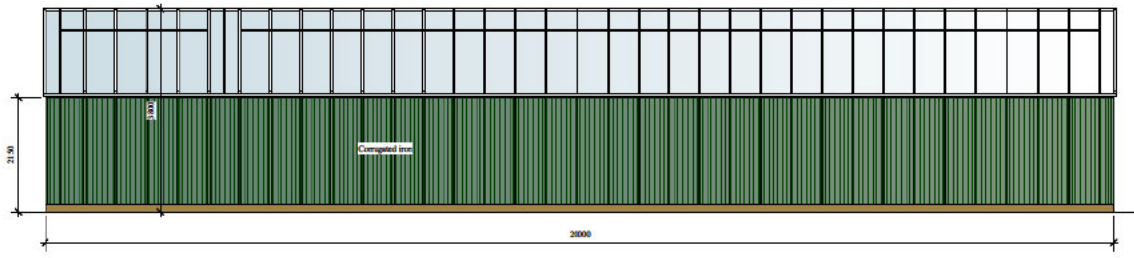
| NO. OF SHEETS | NO. OF SHEETS | DATE      |
|---------------|---------------|-----------|
| 100           | ( )           | Oct. 2023 |

11 PRINCIPALS STREET  
 GUILDFORD GU10 2JF  
 01483 773818  
 01483 773818

**Aj Architects Ltd.**

PROJECT: Elm Garden,  
 Badgeworth Road,  
 Guildford,  
 GU10 2JF  
 DRAWING: Planning Block Plan  
 SCALE: 1:500 @ A1  
 PROJECT NO.: 22/786

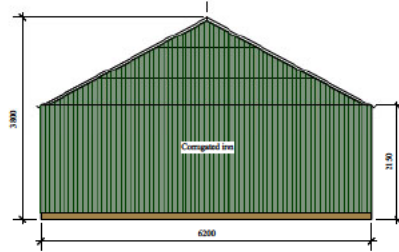
**SURVEY**



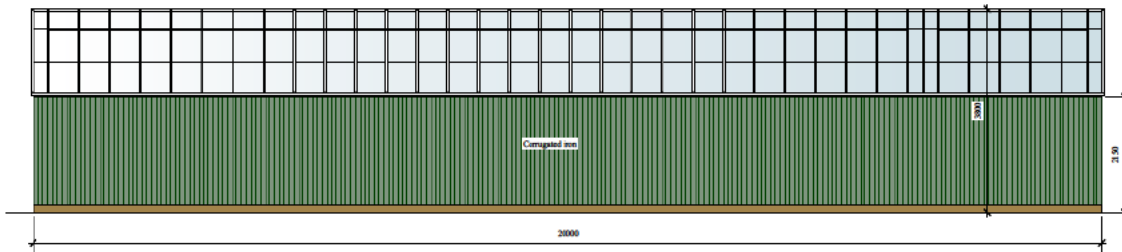
**Front Elevation Outbuilding 1**



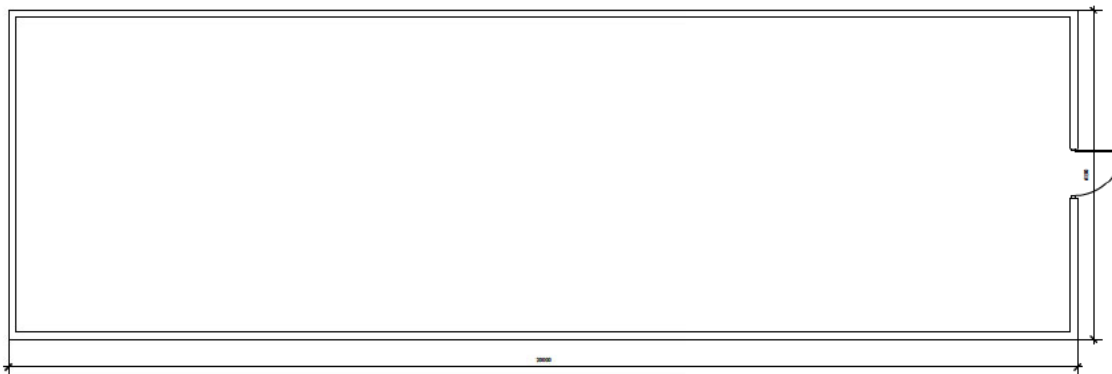
**Side 1 Elevation**



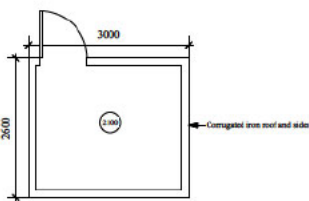
**Side 2 Elevation**



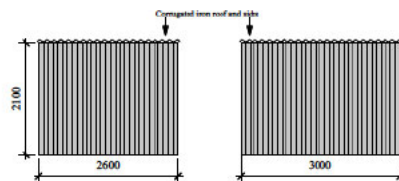
**Rear Elevation Outbuilding 1**



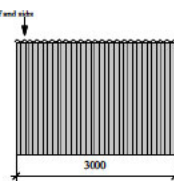
**Existing Plan of Outbuilding 1**



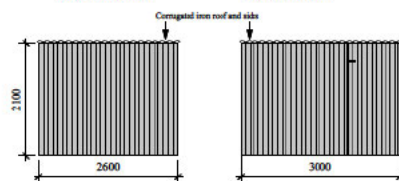
**Existing Plan of Outbuilding 2**



**Side 1 Elevation**



**Rear Elevation**



**Side 2 Elevation**

**55**  
Front Elevation

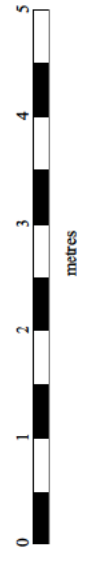
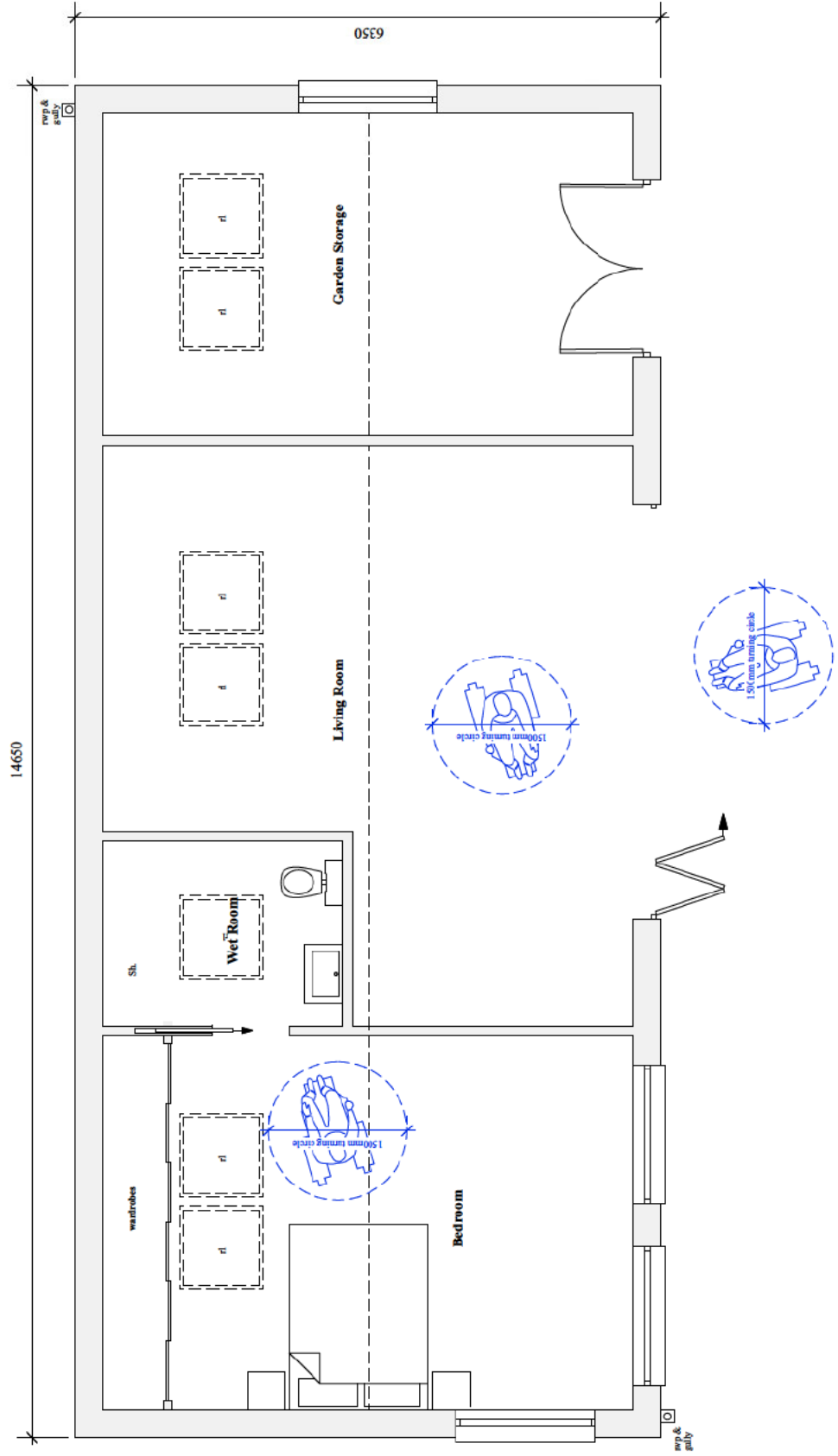
**Elevations for Outbuilding 2**



**Aj Architects Ltd.**

|   |             |
|---|-------------|
| PROJECT   | PROJECT NO. |
| Elm Garden's,<br>Badgeworth Road,<br>Cheltenham,<br>Glos GL51 6TF | 22/786      |
| SCALE   |             |
| Existing Outbuildings   | 1:50 @ A1   |
| DATE  |             |
| 1:00  | Oct. 2022   |
| ANTHEA JACKSON (A)Arch (The Architects) BEMA                      |             |
| 1 PRINCIPAL STREET<br>GLOUCESTERSHIRE<br>GL52 6BE                 |             |





# Aj Architects Ltd.

PROJECT: **Elm Garden's,**  
**Badgeworth Road,**  
**Cheltenham,**  
**Glos GL51 6TF**

PROJECT NO. **22/786**

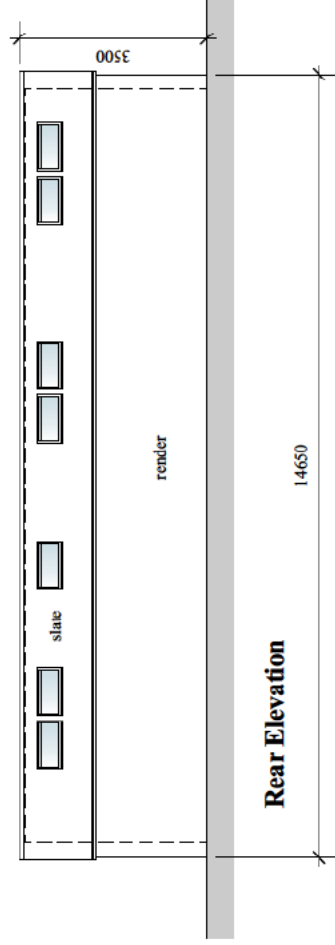
DRAWING TITLE **Proposed Plan**

SCALE **1:50 @ A3**

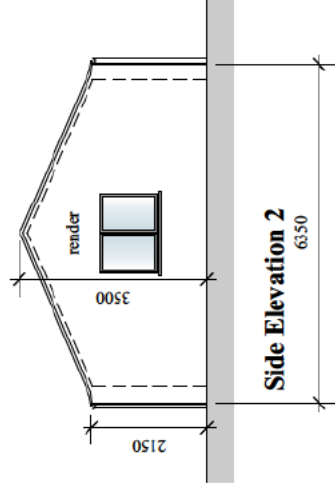
| DRAWING NO. | REVISION | DATE      |
|-------------|----------|-----------|
| 200         | (A)      | Oct. 2022 |

ANTHEA JACKSON BA(Hons)/Arch Dip (Arch) RIBA  
 11 PRINCES STREET  
 CHELTENHAM  
 GLOUCESTERSHIRE  
 GL52 6BE

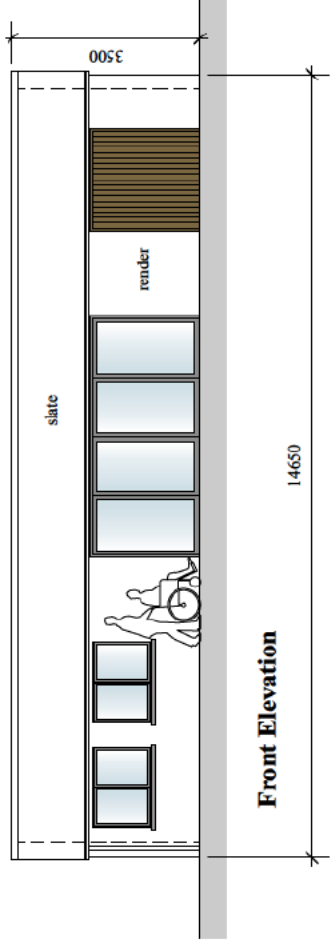
**Ground Floor Plan**



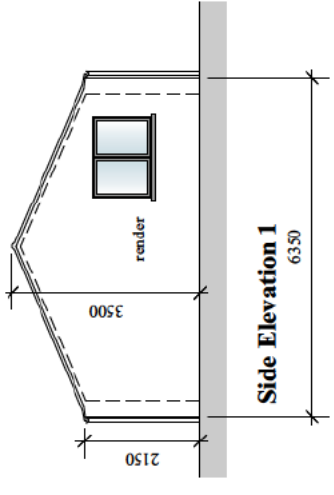
**Rear Elevation**



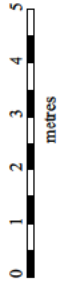
**Side Elevation 2**



**Front Elevation**



**Side Elevation 1**

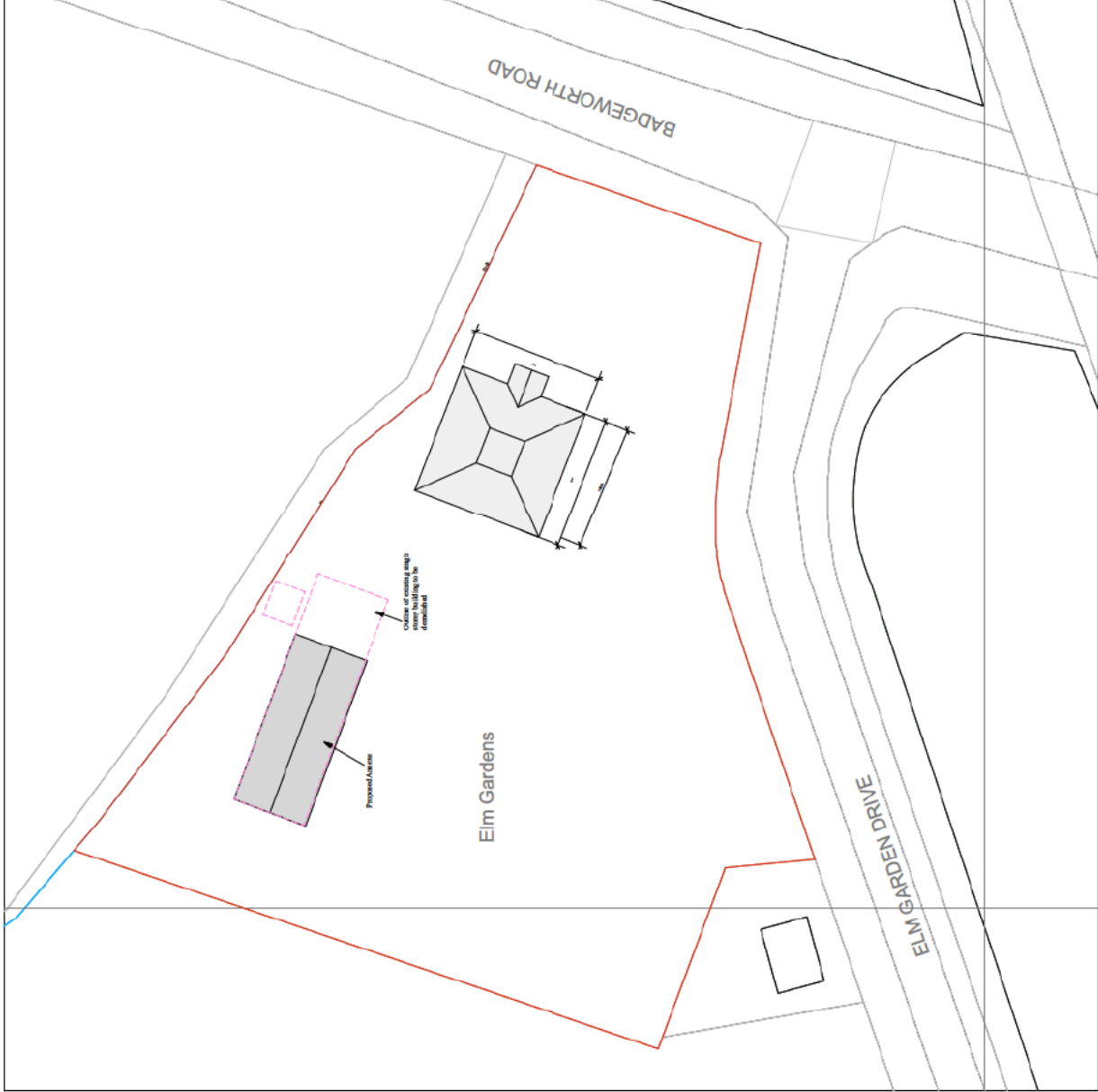


**Aj Architects Ltd.**

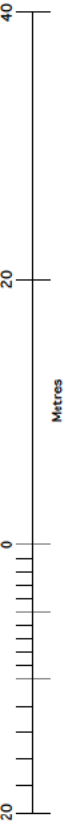
|   |             |
|---|-------------|
| PROJECT   | PROJECT NO. |
| Elm Garden's,<br>Badgeworth Road,<br>Cheltenham,<br>Glos GL51 6TF | 22/786      |
| DRAWING TITLE   | SCALE       |
| Proposed Elevations   | 1:100 @ A3  |

|   |          |           |
|---|----------|-----------|
| DRAWING NO.                                   | REVISION | DATE      |
| 210   | (A)      | Oct. 2022 |
| ANTHEA JACKSON BA (Hons) Arch Dip (Arch) RIBA |          |           |
| 11 PRINCES STREET                             |          |           |
| CHELTENHAM                                    |          |           |
| GLOUCESTERSHIRE                               |          |           |
| GL52 6BB                                      |          |           |





Block Plan  
scale 1:200



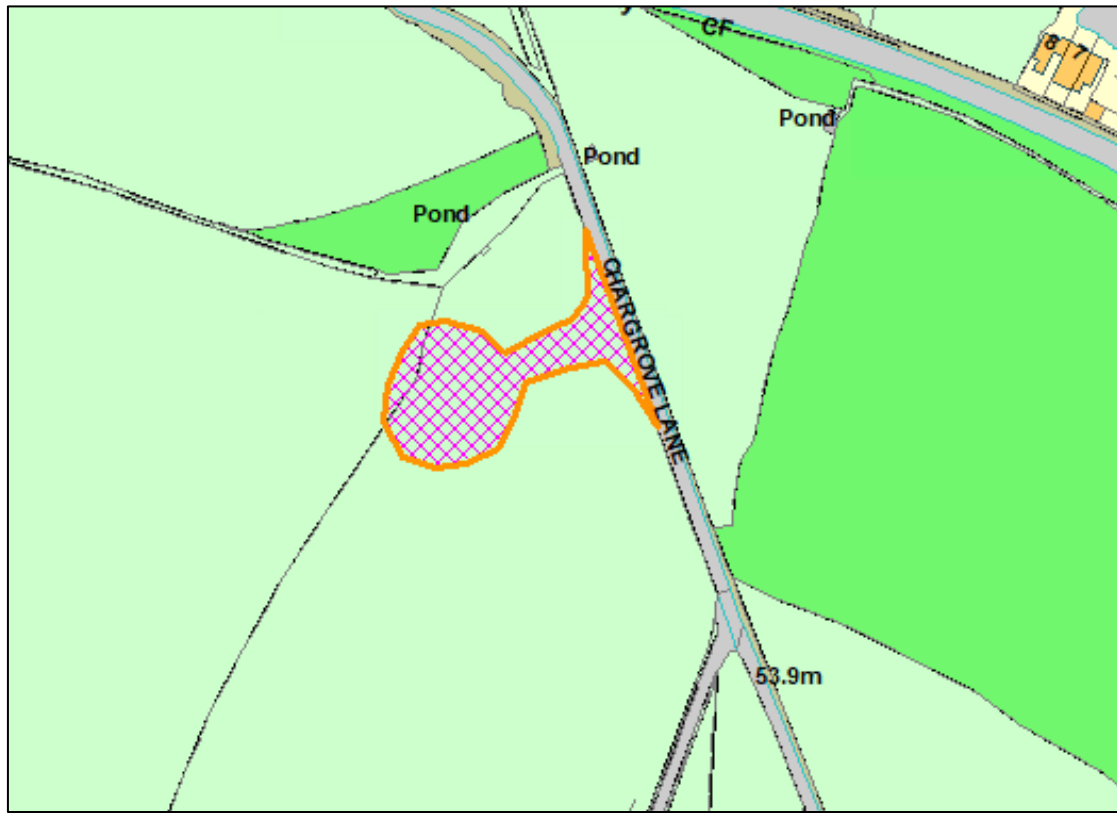
|  |     |          |     |      |           |
|--|-----|----------|-----|------|-----------|
| NUMBER   | 210 | REVISION | (N) | DATE | Oct. 2022 |
| ANTHONY JACKSON ARCHITECTS (UK) LTD<br>11 BRIMLEY STREET<br>GLOUCESTER<br>G1 2JG |     |          |     |      |           |

**Aj Architects Ltd.**  
 Elm Gardens,  
 Badgeworth Road,  
 Cheltenham,  
 Glos GL51 6TF  
 DRAWN BY  
 Proposed Block Plan  
 SCALE  
 1:200 @ A1  
 REFERENCE  
 22/786

## Planning Committee

|   |   |
|---|---|
| <b>Date</b>                             | 25 May 2023   |
| <b>Case Officer</b>                     | Frank Whitley   |
| <b>Application No.</b>                  | 22/01375/FUL  |
| <b>Site Location</b>                    | Part Parcel 8019, Chargrove Lane, Up Hatherley  |
| <b>Proposal</b>                         | Agricultural access and hardstanding (amended description)  |
| <b>Ward</b>                             | Shurdington   |
| <b>Parish</b>                           | Shurdington   |
| <b>Appendices</b>                       | Site Layout Plan (amended) 21-0468-SK04D<br>Site location plan (amended) 21-0468-SK03B<br>Swept Path Analysis 15.4m articulated vehicle 21-0468- SP04B<br>Landscaping Plan (amended)- SPALP Apr23 |
| <b>Reason for Referral to Committee</b> | The application has been called in by a Council Member within 21 days of being notified of the application  |
| <b>Recommendation</b>                   | Refuse  |

### Site Location



## **1. The Proposal**

---

Full application details are available to view online at:

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

- 1.1 The application seeks planning permission for an agricultural access and hardstanding (amended description)

## **2. Site Description**

---

- 2.1 The application site is in a grassed field approximately 130m south of Up Hatherley Way which bounds the built up area of Cheltenham.
- 2.2 The application site is on the edge of Chargrove Lane in a grass field formerly associated with the farm at South Park immediately to the south. The group of buildings of South Park comprises a dwelling, and former traditional farm buildings, now permitted for residential conversion to three dwellings under planning permission 21/01387/FUL. Since there are now no agricultural buildings to serve the farm, the track leading to South Park has now become solely for domestic purposes. The grassed field now forms part of a tenanted holding around South Park of @80 acres. It is understood this grazing land, forms part of a wider agricultural holding dispersed across Gloucestershire. Cattle are housed indoors during the winter near Woolstone, and between 30-90 animals would be turned out on the South Park land following a first cut of hay. Cattle would then be removed at the end of the summer months.
- 2.3 The proposal is to form a new opening in the roadside hedgerow between Chargrove Lane Nature Reserve (to the north) and the fork in the road which leads to South Park (to the south). Inside of the new opening, an entrance splay would be formed connecting to a circular area of hardstanding ('the turning circle'), large enough for articulated vehicles to turn around, and exit onto Chargrove Lane in forward gear. The furthest edge of the hardstanding would extend @80m into the field from the edge of Chargrove Lane.
- 2.4 The hardstanding would be used to unload and collect cattle.
- 2.5 The proposed development would require the removal of 60m of roadside hedgerow. The turning area is proposed to be surfaced with Cotswold crushed stone, though it is unclear if this material is proposed for the entrance splay.
- 2.6 The application site is within the Green Belt, though not within any other designated land classification.

### ***Background***

- 2.7 It should be brought to Members' attention that the application has been amended twice since first submission. As originally submitted, the proposal was for a new entrance splay, turning circle and adjacent cattle handling pen. Shurdington and Up Hatherley Parish Council's comments, consultation responses, and public representations relate to this original submission. After submission of the first and second application amendments, there was no further consultation. Subsequent representations where received, are also set out and explained below.

- 2.8 Due to landscape impact concerns, the handling pen, and the turning circle were removed from the application as first submitted. The amended application left the entrance splay and gate only. Concerns were raised at this time by the case officer this would result in articulated vehicles being unable to depart in forward gear, instead having to reverse onto the highway. The second amendment to the application re-introduced the turning circle, in order for articulated vehicles to depart in forward gear.

### 3. Relevant Planning History

| Application Number | Proposal   | Decision | Decision Date |
|--------------------|--|----------|---------------|
| 21/01387/FUL       | Restoration of existing farmhouse and conversion of existing barns to provide three new dwellings and associated landscaping and infrastructure. | permit   | 20 April 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- objection

Shurdington Parish Council's policy is not to support any development within the Green Belt and this proposal is completely detrimental to the surrounding area. The Council note the many objections submitted to this application.

#### 4.2 Up Hatherley Parish Council- objection

**Case Officer note: the application site is within Shurdington Parish Council area**

Our objections mirror those already sent in by concerned local residents so there seems little point in duplicating them. We would add, however, that building any substantial roads in our precious Green Belt will only encourage builders and speculators to continue chipping away at our precious rural heritage. Bearing this in mind we urge you to carefully consider the size of the proposed development and whether it is really necessary in the form which it has been presented.

#### 4.3 Ecology -no objection subject to condition

**Case officer note: The consultation response incorrectly refers to 30m roadside hedgerow being removed. The actual distance is @60m.**

No ecology information was provided however our comments relating to this application is provided below.

The site is located adjacent to Chargrove Lane Nature Reserve. Suitable mitigation for the protection of trees associated reserve including RPZ has been considered and indicate that the proposals would not impact these trees.

The proposals show that 30m of hedgerow is to be removed to facilitate the development. The landscape plans show new hedgerow planting of native species to be included within the proposals which are welcomed. Hedgerows should be removed outside the bird nesting season, outside the period between March and August. Where this is not possible a suitably qualified ecologist should be present to undertake a nesting bird check prior to hedgerow clearance. If an active nest is recorded the nest should be left undisturbed with

an appropriate buffer (usually 5m) until the chicks have fledged.

Great crested newts (GCN) are recorded locally within the surrounding area. However, in this case, impacts to GCN habitat is limited and the proposals are unlikely to impact GCN as the hedgerow closest to the road does not appear to be in a favourable condition to support terrestrial GCN due to their gappiness and lack of hedge structure. However, GCN should be considered and hedgerow removal should take place during the breeding season for GCN (March/April-June), when newts are likely to have moved to their breeding ponds.

**4.4 Highways Officer-** no objection

The application seeks to install a new agricultural access from Chargrove Lane, which will serve existing agricultural land. The application site relates to agricultural land situated approximately 1.5km to the north of Shurdington and 3.5km to the southwest of Cheltenham town centre. Layout of the development proposal indicates that there is adequate space for vehicles to manoeuvre about the site and leave in a forward gear. The proposed access also includes suitable visibility splays for vehicles accessing or egressing the site with 26.1m and 33.73m visibility splay towards the southbound and northbound directions, respectively, which is appropriate for the measured 85th percentile.

**4.5 Environmental Health-** no objection

In terms of noise/disturbance/odour there are no concerns from an EH perspective given it already has agricultural permission.

**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** 35 objections have been received, in summary:

**Case Officer note: Representations made specifically in relation to the cattle handling pen are omitted since that part of the development has been removed from the application.**

- 5.2**
- Important to protect the rural aspect of the lane and leave quiet areas for walkers, cyclists and joggers
  - Moving cattle does not need lorries and permanent pens
  - Farmland needs protecting
  - Site is too close to Perry Pear Orchard
  - Excessive removal of hedgerow, harm to wildlife
  - Hazard to walkers, children, footpath nearby is used to access cricket pitch
  - Proximity to Chargrove Nature Reserve
  - Out of keeping with the quiet pastoral character of Chargrove Lane
  - Open land will be scarred by hard surfacing area
  - Harm to Green Belt
  - Concerns about proposed use of chemical herbicides and risk to people and wildlife, and nearby Nature Reserve
  - Scale of development completely out of proportion for the needs of occasional cattle moving
  - No agricultural justification for this scale of development
  - Industrial type development incongruous in rural landscape

- The land and local footpaths are well used by local residents
- Precursor to much larger and more intrusive commercial use of the land
- Speculation about future housing
- There is already an access to the farm
- Loss of Victorian iron parkland railings on side of Chargrove Lane
- Agricultural benefits are over-stated
- Cattle were previously loaded in South Park farmyard
- There are still other access alternatives which could be used instead
- Application brings into question the former yard at South Park was actually redundant to justify residential conversion
- TB testing in area is done on a 6 month cycle. Cattle would not be present at Chargrove Lane for more than 6 months, so TB testing argument is flawed. Can be tested at Woolstone instead.
- Chargrove Lane too narrow for HGVs.

**5.3** One further representation has been received in relation to the current amended scheme, in summary:

- Successive revisions have merely withdrawn detail
- Juggernaut scale entrance into this most sensitive and viewed area of the Green Belt
- Would facilitate the comprehensive development of these fields

## **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

SD5 (Green Belt)  
SD6 (Landscape)  
SD14 (Health and Environmental Quality)

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

GRB1 (Green Belt Review)  
EMP4 (Rural Employment Development)  
LAN2 (Landscape Character)  
AGR1 (Agricultural Development)

## **7. Policy Context**

---

- 7.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 7.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans
- 7.3** The relevant policies are set out in the appropriate sections of this report.
- 7.4** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

## **8.0 Evaluation**

---

### ***Main Issues***

- Principle of Development
- Green Belt
- Impact to the character and setting of the landscape and rural area
- Agricultural justification
- Highways
- Ecology

### ***Principle of Development***

- 8.1** In principle, the NPPF seeks to support a prosperous rural economy, and seeks to support the growth and expansion of all types of rural businesses. At the same time, the NPPF also recognises the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
- 8.2** The principle of agricultural related development is considered to be acceptable in principle in such rural areas, though in this case, the proposed development is subject to further determining criteria set out below.

### ***Green Belt***

- 8.3** According to the NPPF, the aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Amongst other purposes, the Green Belt assists in safeguarding the countryside from encroachment. Inappropriate development is by definition harmful to the Green Belt. The NPPF states that buildings for agricultural development are not inappropriate as are engineering operations providing they preserve openness of the Green belt. In this case, no new buildings are proposed however the works would constitute an engineering operation. Accordingly, it is not considered that the proposed development would have any impact upon the openness of the Green Belt. Neither would there be any conflict with the adopted JCS, or the adopted TBP in as far as they are relevant to protecting the Green Belt. (Policies SD5 (Green Belt) and GRB1 (Green Belt Review)).

### ***Impact to the character and setting of the landscape and rural area***

- 8.4** Although not formally designated, the landscape within which the application site is situated, is considered to have an attractive character. Chargrove Lane passes through pasture land, enclosed by traditional field margins, hedgerow, trees and small pockets of woodland. Apart from there being glimpses of the built-up area of Cheltenham to the north, the immediate area appears undeveloped and rural. Policy SD6 (Landscape) of the adopted JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Further, proposals will have regard to the local distinctiveness and historic character of the different landscapes in the JCS area. All applications for development will consider the landscape and visual sensitivity of the area in which they are to be located.
- 8.5** The Joint Core Strategy Landscape Characterisation Assessment and Sensitivity Analysis (2013) is relevant. According to Compartment C3 (South Park) of the Assessment, the application site is in an area of medium sensitivity where the rural character has predominantly been maintained, and intimate, historic/traditional features have endured. Of particular note, C3 states that views of the built form (Cheltenham) are *softened by boundary trees, and the compartment provides amenity value for local residents -the public footpaths and Chargrove lane are well used by dog walkers and joggers*. Further, C3 makes specific reference to *sporadically treed meandering stream; large traditional orchard; parkland features at South Park (including landmark pines, traditional metal fencing, and buildings which lend time-depth to the zone); medium sized fields; and hedge boundaries of predominantly good condition*.
- 8.6** Policy LAN2 (Landscape Character) of the TBP states that all development must be appropriate to, and integrated into, their existing landscape setting.
- 8.7** Plainly, the application site is within an attractive rural area of landscape value, even though not formally designated.
- 8.8** Policy SD14 (Health and Environmental Quality) seeks to ensure that high quality development protects and improves environmental quality. Further, SD14 states that new development must cause no unacceptable harm to local amenity. Based on the representations received, Chargrove Lane and its nearby network of paths are cherished by the local community for their combined amenity value. The loss of hedgerow, creation of hardstanding and turning circle would impact upon the enjoyment of the area, and thus provide some weight against the development.
- 8.9** The application proposes the removal of approximately 60m roadside hedgerow, together with iron railings, specifically mentioned in the Landscape Characterisation Assessment and Sensitivity Analysis. Although a planted hedgerow would in time grow and re-form around the entrance splay, the loss of this extent of hedgerow is considered excessive in terms of harm to the character of the rural area and landscape quality. Further, the significant hard surfaced entrance splay and significant hard surfacing of the turning circle would appear incongruous when viewed by pedestrians, cyclists and from vehicles using Chargrove Lane in the context of the attractive green pastoral setting.



- 8.10** As a point of clarification, the case officer draws Members's attention to the now superseded landscaping details submitted with the original application. At this stage a cattle pen was also proposed. The landscaping plan shows the proposed new track would pass through the western hedge boundary of the field into which the access would be created. Both the cattle pen and turning circle were proposed on the far side (ie western side of this hedge). In the current amended plan, the cattle pen is omitted, and the turning circle is proposed inside the hedge boundary (ie to its east). In the case officer's opinion, any benefits from not removing part of the western hedge boundary, are offset by the increased visibility of the turning circle when viewed from Chargrove Lane.
- 8.11** For the above reasons, and having regard to the Landscape Character Assessment, the development is contrary to SD6 and SD14 of the adopted JCS and Policy LAN2 of the adopted TBP.

### ***Agricultural Justification***

- 8.12** It is acknowledged there is some justification for the development in terms of its contribution to the agricultural business. The development would facilitate the efficient rotation of cattle on the land holding and contribute to rural employment. In principle, the development accords with Policy EMP4 (Rural Employment Development) of the adopted TBP where it states that proposals for new agricultural development will be supported. However compliance with EMP4 is also subject to consideration of Policy AGR1 of the adopted TBP.
- 8.13** Policy AGR1 (Agricultural Development) states that proposals for new agricultural development will be permitted provided that (amongst other things):

*The proposed development is well sited in relation to existing buildings, access tracks, ancillary structures and works, and landscape features in order to minimise adverse impact on the visual amenity of the rural landscape paying particular regard to Areas of Outstanding Natural Beauty and Special Landscape Areas.*

- 8.14** Having regard to the requirements of Policy AGR1, it is noted the development appears conspicuously detached from existing agricultural development. The nearest buildings are at South Park, which in any event are now entirely residential. Further, as noted above, the immediate area comprises valued landscape features as set out in the Joint Core Strategy Landscape Characterisation Assessment and Sensitivity Analysis. It is considered the development would harm the character of the rural setting, and cause unacceptable and unwarranted landscape harm. For these reasons there is a significant level of conflict with Policy AGR1, which in turn creates conflict with Policy EMP4.

### ***Highways***

- 8.15** It is noted that County Council Highways has not objected to the development. However the absence of a Highways objection in this case does not warrant unacceptable development from occurring.

### ***Ecology***

- 8.16** There is no evidence of ecological harm. The Council's ecological consultant has considered and expressed no objection to the development. No response has been received from the Council's Tree Officer. Even so, the loss of roadside hedgerow is considered to contribute to visual harm and to the loss of amenity of the area.

### ***Benefits***

- 8.17** The development would provide some, albeit very limited economic benefits during construction phase and in terms of sustaining employment in the agricultural business sector.

### ***Harms***

- 8.18** The proposed development appears isolated from existing agricultural development and would harm the character and setting of the rural area and landscape, which is cherished in the local community for its amenity value.

### ***Neutral***

- 8.19** The development would not give rise to unacceptable levels of harm to highways, or ecological assets.

## **9. Conclusion**

---

- 9.1** The development is poorly sited in relation to existing buildings, access tracks, ancillary structures and landscape features, and is therefore contrary to the provisions of the NPPF, Policies SD6 (Landscape), SD14 (Health and Environmental Quality) of the adopted JCS, and Policies EMP4 (Rural Employment Development) and AGR1 (Agricultural Development) of the adopted TBP. The development would cause unacceptable and unwarranted visual harm to the character of the rural landscape, contrary to Policy LAN2 (Landscape Character) of the adopted TBP.

## **10. Recommendation**

---

- 10.1** Given the above, the application is recommended for **refusal**.

### **Recommended Reason for Refusal**

---

- 1** The proposed development is poorly sited in relation to existing buildings, access tracks, ancillary structures and landscape features and is therefore contrary to the provisions of the NPPF, Policy SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, and Policies EMP4 and AGR1 of the Tewkesbury Borough Local Plan. For reasons of extensive loss of hedgerow and the significant area of hard surfacing needed to facilitate the turning of articulated HGVs, the development would cause unacceptable and unwarranted visual harm to the generally undeveloped rural landscape, contrary to Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, and Policy LAN2 of the Tewkesbury Borough Local Plan.

## **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 publishing to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

**Notes:**

- Do not scale from this drawing. All dimensions are in metres, unless stated otherwise.
- This topographical drawing was received by O'Connor drawing number (20-01-1), and drawing date (12.03.2020).
- Highway boundary information has been provided by Gloucestershire County Council (GCC) and has been overlaid by Rappor onto the Topographical & Ordnance survey on a best fit basis.
- Ordnance Survey, (c) Crown Copyright 2020. All rights reserved. Licence number 100022432.

**Key:**

- Application Site Boundary
- Client Land Ownership
- Highway Boundary (Transcribed Highway Boundary based on GCC plan)
- 2.4m x 26.1m Northern Visibility Splay (Based on a Recorded 85<sup>th</sup> Percentile Speed of 21mph)
- 2.4m x 33.73m Southern Visibility Splay (Based on a Recorded 85<sup>th</sup> Percentile Speed of 25mph)

| Rev | Date     | Details  | Drawn By | Checked By |
|-----|----------|--|----------|------------|
| D   | 06.04.23 | Proposed turning area added                        | IE       | MG         |
| C   | 26.03.23 | Revised all details to the date of Proposed Date   | IRG      | MG         |
| B   | 05.12.22 | Updated Proposed Project Design                    | FA       | MG         |
| A   | 26.11.22 | Initial Client Land Ownership & Proposed Site Plan | FA       | MG         |

**rappor**  
infrastructure and environmental consultants  
rappor.co.uk

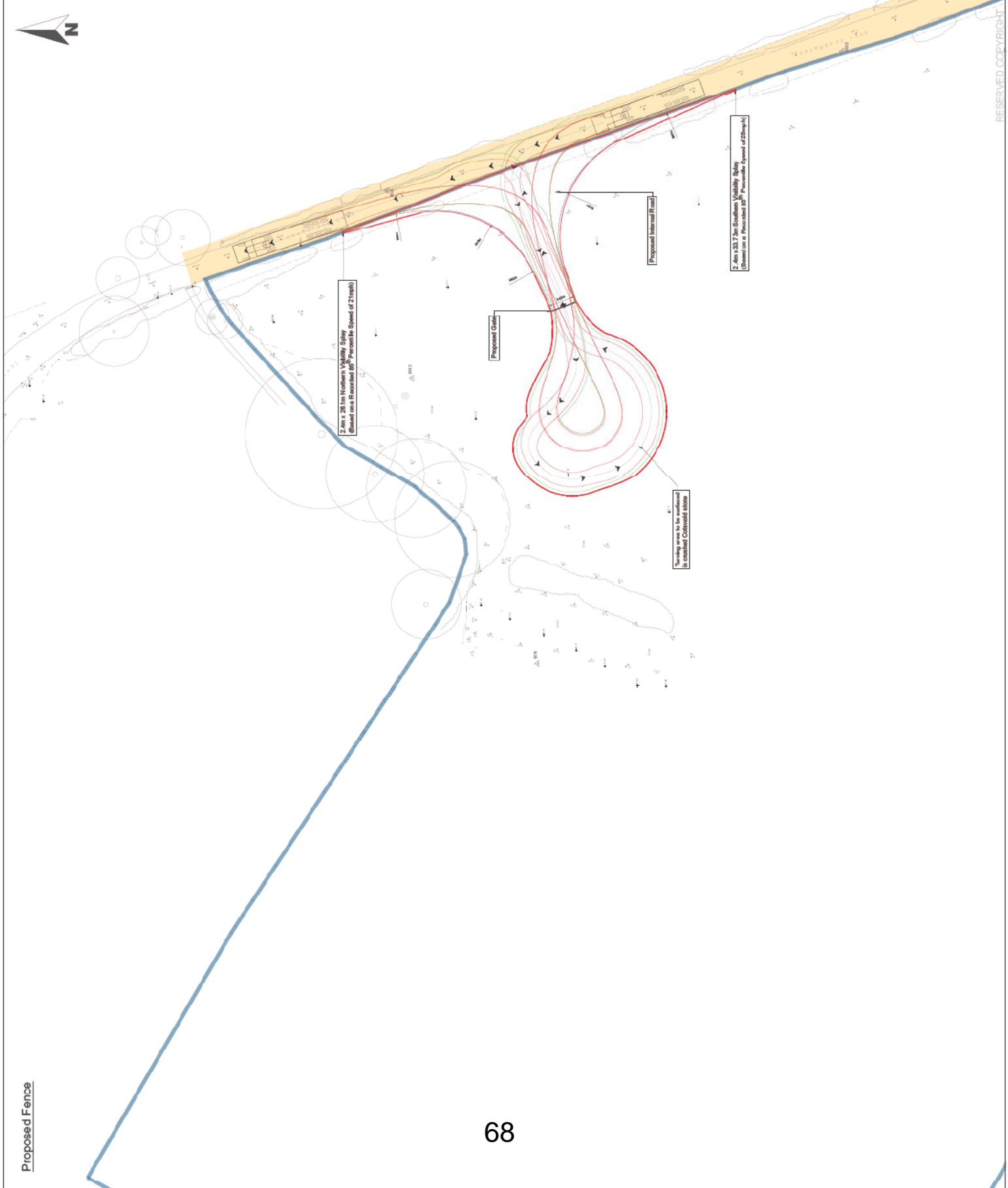
CLIENT: [REDACTED]

PROJECT: South Park, Cheltenham

TITLE: Proposed Site Layout

STATUS: **PLANNING**

|             |             |           |          |           |
|-------------|-------------|-----------|----------|-----------|
| SCALE @ A3: | DATE:       | DRAWN:    | CHECKED: | APPROVED: |
| 1:500       | 18.11.22    | FA        | MG       | MG        |
| JOB NO:     | DRAWING NO: | REVISION: |          |           |
| 21-0468     | SK04        |           | D        |           |

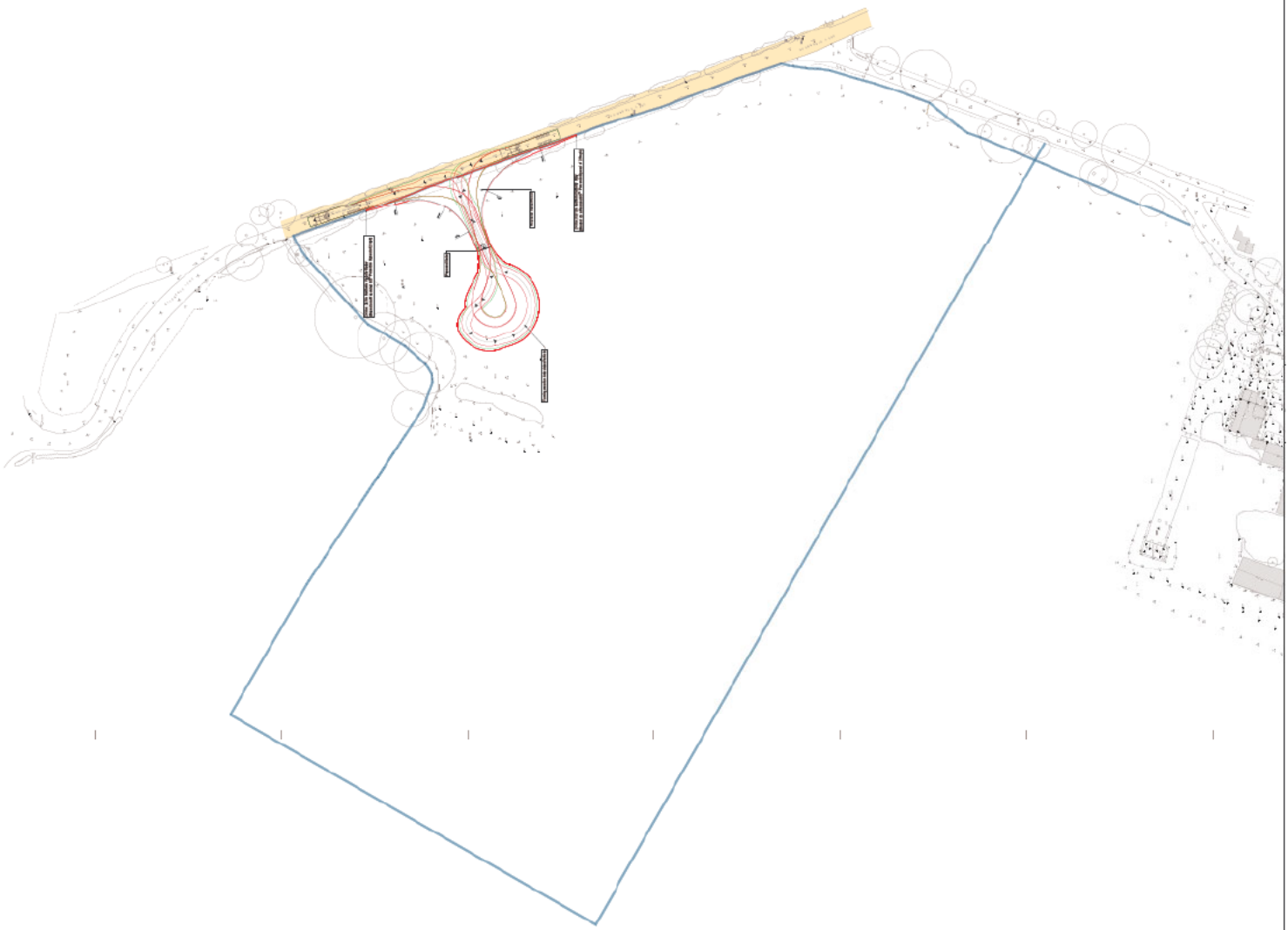


**Notes:**

1. Do not scale from this drawing. All dimensions are in metres, unless stated otherwise.
2. This topographical drawing was received by O'Connor drawing number (20-01-1), and drawing date (12.03.2020).
3. Highway boundary information has been provided by Gloucestershire County Council (GCC) and has been overlaid by Rappor onto the Topographical & Ordnance Survey on a best fit basis.
4. Ordnance Survey, (c) Crown Copyright 2020. All rights reserved. Licence number 10022432.

**Key:**

- Application Site Boundary
- Client Land Ownership
- Highway Boundary (Transcribed Highway Boundary based on GCC plan)



| Rev | Date     | Drawn By  | Checked By |
|-----|----------|---|------------|
| 0   | 06.04.23 | Proposed turning area added                       | SE MG      |
| 1   | 28.11.22 | Updated Client Land Ownership & Boundary Boundary | FA MG      |

**rappor**



**infrastructure and environmental consultants**  
rappor.co.uk

CLIENT: [REDACTED]

PROJECT:

South Park,  
Cheltenham

TITLE:

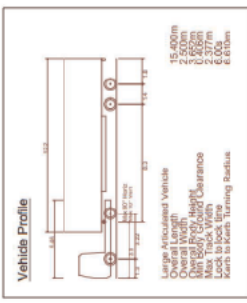
Site Location Plan

STATUS:

**PLANNING**

| SCALE @ A3 | DATE        | DRAWN    | CHECKED | APPROVED |
|------------|-------------|----------|---------|----------|
| 1:1250     | 18.11.22    | FA       | MG      | MG       |
| JOB NO.    | DRAWING NO. | REVISION |         |          |
| 21-0468    | SK03        | B        |         |          |

- Notes:**
1. Do not scale from this drawing. All dimensions are in metres, unless stated otherwise.
  2. This topographical drawing was received by O'Connor drawing number (20-01-1), and drawing date (12.03.2020).
  3. Highway boundary information has been provided by Gloucestershire County Council (GCC) and has been overlaid by Rappor onto the Topographical & Ordnance survey on a best fit basis.
  4. Ordnance Survey, (c) Crown Copyright 2020. All rights reserved. Licence number 10022432.



**Key:**

Application Site Boundary

Client Land Ownership

| No | Date     | Drawn                       | Checked | Drawn | Checked |
|----|----------|-----------------------------|---------|-------|---------|
| 1  | 06.04.23 | Proposed turning area addit | SE      | MG    | MG      |
| 2  | 24.03.23 | Updated/modified proposals  | MM      | MG    | MG      |

**rappor**

infrastructure and environmental consultants

rappor.co.uk

**CLIENT:** [REDACTED]

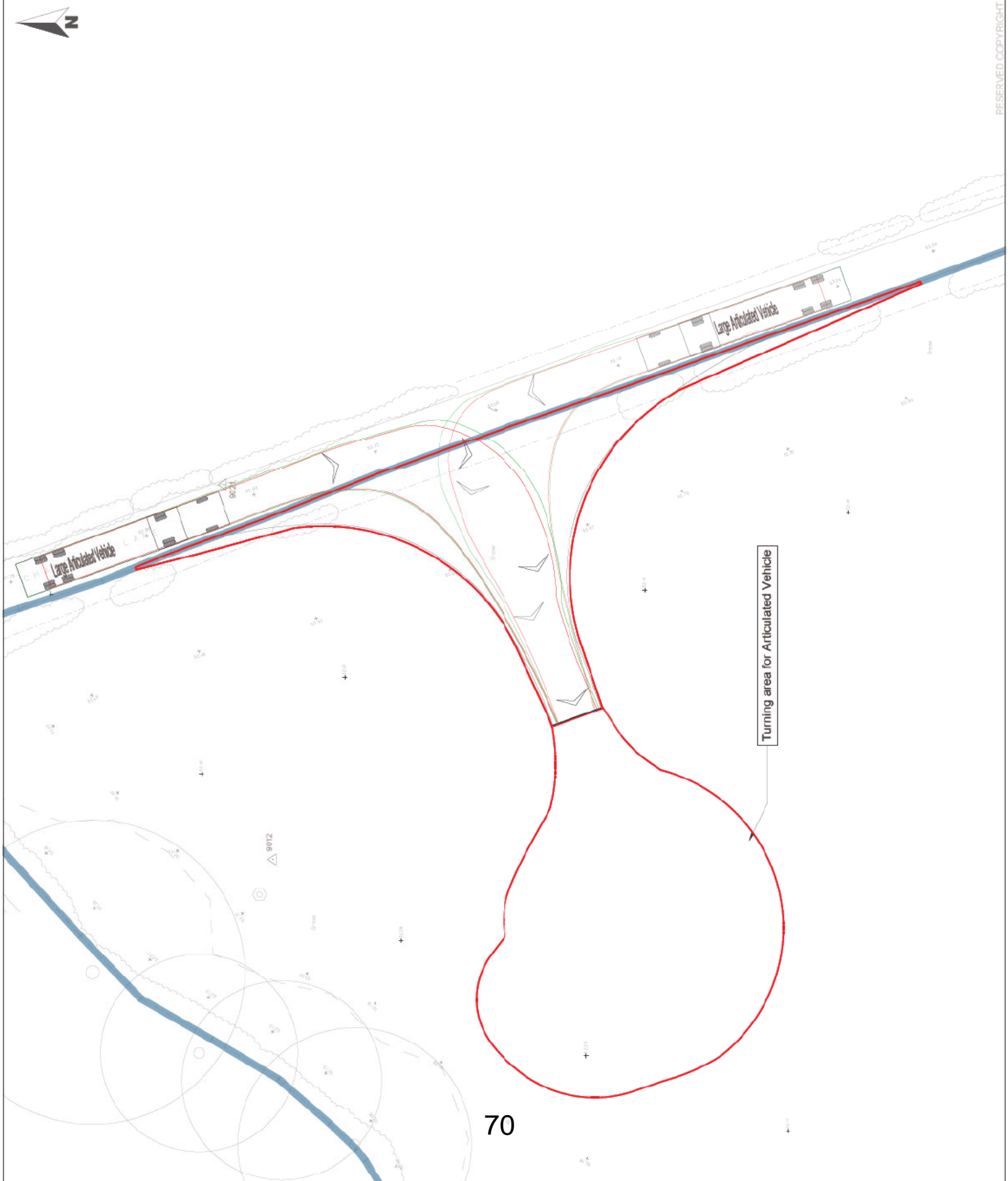
**PROJECT:**  
 South Park,  
 Cheltenham

**TITLE:**  
 Swept Path Analysis  
 15.4m Articulated Vehicle

**STATUS: PLANNING**

| SCALE @ A3 | DATE     | DRAWN | CHECKED | APPROVED |
|------------|----------|-------|---------|----------|
| 1:250      | 18.11.22 | FA    | MG      | MG       |

| JOB NO. | DRAWING NO. | REVISION |
|---------|-------------|----------|
| 21-0468 | SP04        | B        |



Client: [REDACTED]  
 Site: Chargrove Lane, South Park, GL51 4XD  
 Drawing Title: New Agricultural Access Landscaping Plan  
 Scale: 1:500 @ A3  
 Dwg No: SPAL-APR23  
 Drawn by: NJJ  
 Date: April 23



**Hutchinson Arboriculture**  
 Horticulture & Landscaping  
 T4: 07527 65101  
 Email: Owen@hutcharb.co.uk  
 © Hutchinson Arboriculture

|  |  |
|--|--|
| Tree trunk, number and Root Protection Areas (RPA) |  |
| Retention callouts: based on BS 5637 Table 1:-     |  |
| Trees removed for safety                           |  |
| Trees removed for development                      |  |
| New planting                                       |  |

**Existing Tree notes.**

- H36 = predominantly hawthorn trimmed hedge.
- Existing trees north of deep ditch are off-site & unaffected by proposal.
- H41 = hawthorn, blackthorn untrimmed edge of copse.
- T43-T45 = crack willows leaning over ditch.
- T46 = elm.
- T42, T47, T48, T49 = big oaks.
- H50 = trimmed field hedge.

**Proposed landscaping.**

Remove 2.5m of existing hedging for gateway and visibility splays.  
 Cut 5m gap in H50 for new gateway to replace existing gateway close to ditch.

**New / replacement Hedging:**

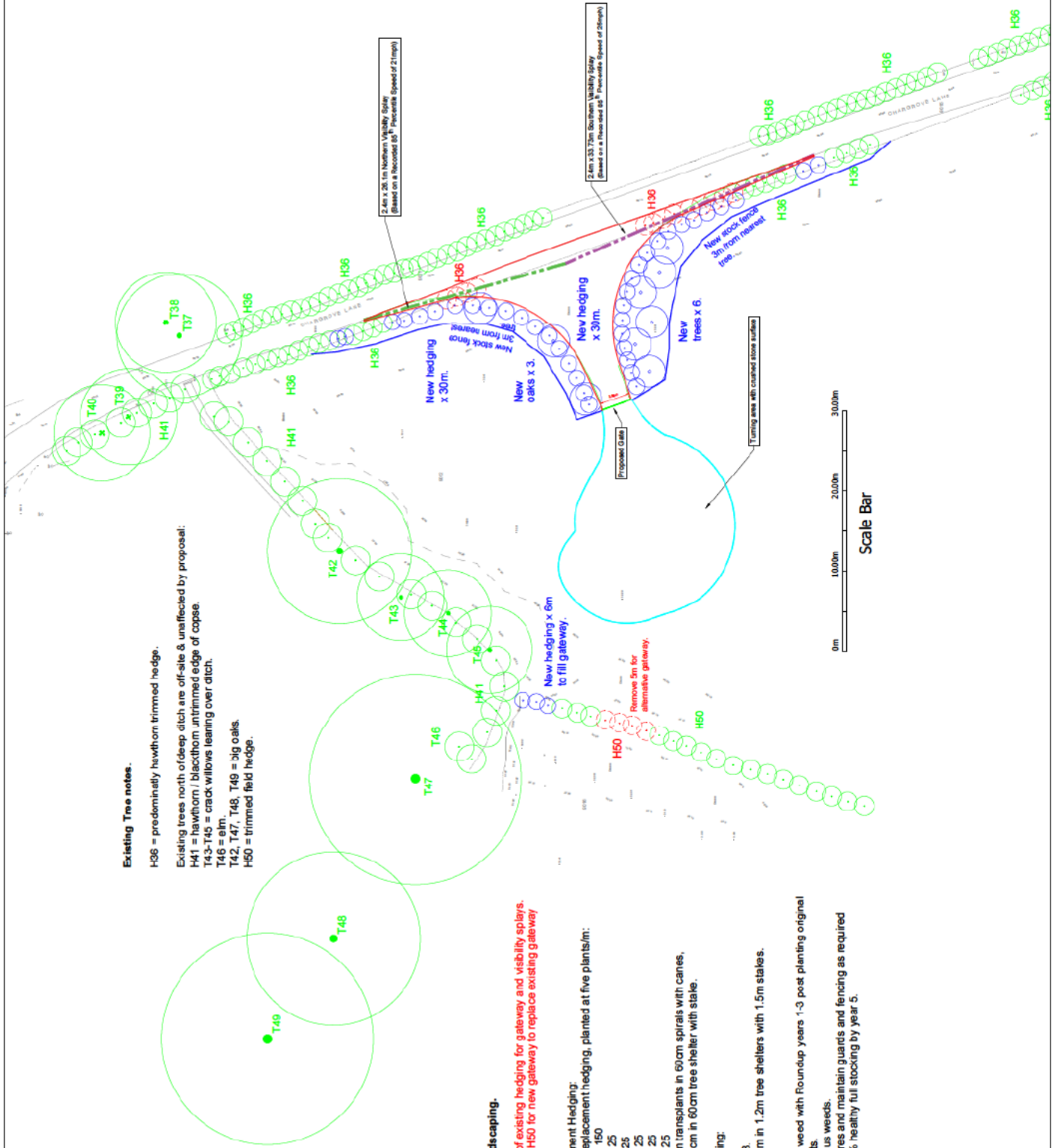
- 66m of new / replacement hedging, planted at five plants/m:  
 Hawthorn x 150  
 Hazel x 25  
 Field maple x 25  
 Wild privet x 25  
 Spindle x 25  
 Holly x 25
- Plants 60-80cm transplants in 60cm spirals with canes, holly potted 30cm in 60cm tree shelter with stake.

**New tree planting:**

- Oak x 6
- Field maple x 3.
- Trees 80-120cm in 1.2m tree shelters with 1.5m stakes.

**Maintenance:**

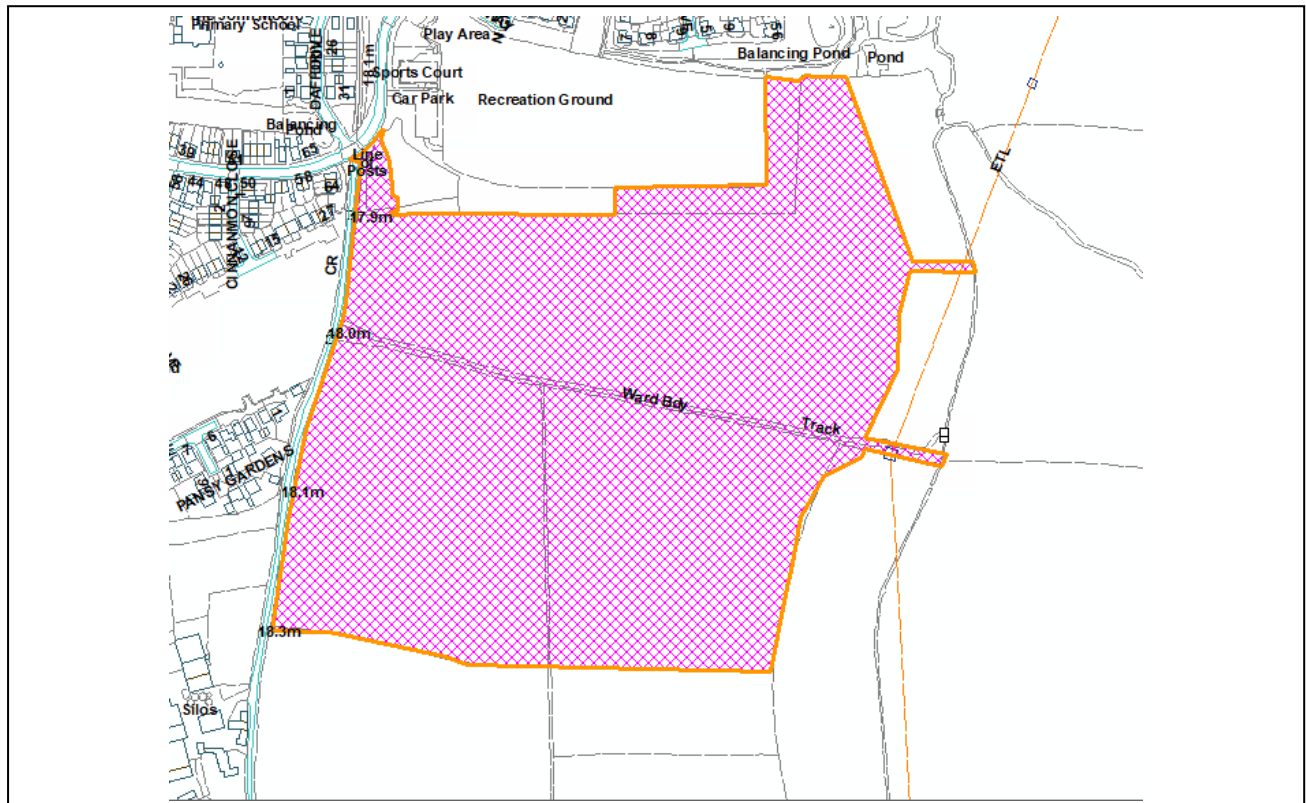
- Spot or band weed with Roundup years 1-3 post planting original or replacements.
- Control noxious weeds.
- Replace failures and maintain guards and fencing as required to achieve 90% healthy full stocking by year 5.



## Planning Committee

|   |  |
|---|--|
| <b>Date</b>                             | 25 May 2023  |
| <b>Case Officer</b>                     | Paul Instone   |
| <b>Application No.</b>                  | 22/00834/OUT   |
| <b>Site Location</b>                    | Land To The South-East Of Bluebell Road And East Of Rudgeway Lane, Wheatpieces, Tewkesbury   |
| <b>Proposal</b>                         | Outline planning application for the erection of up to 250 dwellings, community sports pavilion and outdoor sports pitches, as well as associated highway, drainage and green infrastructure including trim trail, outdoor play and community orchard. All matters reserved except for access. |
| <b>Ward</b>                             | Isbourne and Tewkesbury East   |
| <b>Parish</b>                           | Ashchurch Rural and Wheatpieces  |
| <b>Appendices</b>                       | Site location plan<br>Parameters Plan<br>Illustrative Masterplan   |
| <b>Reason for Referral to Committee</b> | Full or outline application for the erection of 10 or more residential units   |
| <b>Recommendation</b>                   | Delegated Permit   |

### Site Location





## **1. The Proposal**

---

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RFBR3SQDL1M00>

- 1.1** This application is made in outline with all matters reserved for subsequent approval except access.
- 1.2** The proposed development seeks the erection of up to 250 dwellings, community sports pavilion and outdoor sports pitches, as well as associated highway, drainage and green infrastructure including trim trail, outdoor play and community orchard.
- 1.3** The application site extend to approximately 15.1ha. The proposed residential development area would extend to approximately 6.85 hectares, located to the south of gas main easement which runs through the north of the site.
- 1.4** The development would comprise:
  - Up to 250 new dwellings
  - A mixture of housing types and tenures including 1, 2, 3, 4 and 5 bedroom homes, with 40% affordable housing (total 100 units)
  - A new community sports pavilion
  - Outdoor sports pitches
  - On-site Green Infrastructure and Public Open Space, including trim trail, LEAP, and a community orchard
  - Associated highway and drainage works
- 1.5** The application documents include Parameter Plans which indicate how the quantum of development could be delivered and a Design and Access Statement (DAS) which sets out the rationale for the development. An Illustrative Masterplan (IM) showing an indicative layout for the proposed residential development is embedded in the DAS.

## **2. Site Description**

---

- 2.1** The application site comprises a parcel of land located to the south of the existing Wheatpieces residential area and east of Tewkesbury Meadow. The site comprises approximately 15.1 hectares of agricultural land.
- 2.2** Directly north of the site is the approved office development for Bloor Homes Western (reference 21/00398/FUL). Jenny's Field (designated as Public Open Space) is situated beyond that, with existing residential development associated at Wheatpieces further north.
- 2.3** The western boundary of the site is defined by an existing hedgerow, with Rudgeway Lane, and the recently constructed Tewkesbury Meadow development for 261 dwellings and a new link road (Bluebell Road) located further west. The southwest boundary of the site is also defined by an existing hedgerow, with further agricultural fields beyond. The eastern and south-eastern boundaries of the site are arbitrary boundaries and are not defined.
- 2.4** The site lies outside but adjacent to the settlement boundary to Tewkesbury, as defined in the proposals map to TBP. The site is also located within the Ashchurch Rural Neighbourhood Plan area.



- 2.5** The site lies predominantly in Flood Zone 1, a small part of the site area extends into the floodplain, but this relates to the drainage outfall and there is no development situated within this area.
- 2.6** A public right of way, AWC5 bridleway, runs along the northern boundary of the site. This is proposed to be incorporated as part of the development proposal, as shown on the submitted Parameters Plan. A gas main easement runs through the north of the site in an east to west direction.

### **3. Relevant Planning History**

| <b>Application Number</b>   | <b>Proposal</b>   | <b>Decision</b> | <b>Decision Date</b> |
|---|---|-----------------|----------------------|
| Land South Of Wheatpieces Walton Cardiff Tewkesbury Gloucestershire       |   |                 |                      |
| 21/00398/FUL  | Erection of a two storey office development (Use Class E)   | Permit          | 29.11.2021           |
| Part Parcel 3400 Columbine Road Walton Cardiff Tewkesbury Gloucestershire |   |                 |                      |
| 19/00963/FUL  | Variation of Condition 2 of planning permission 17/00347/FUL (erection of 261 dwellings) to vary the house types for plots 50 to 52   | Permit          | 15.05.2020           |
| 17/00347/FUL  | Erection of 261 dwellings (including affordable housing) and a new link road plus associated works for landscaping, drainage, provision of public open space, access and other highway associated works on land to the south of the John Moore Primary School, Wheatpieces. | Permit          | 17.11.2017           |

### **4. Consultation Responses**

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>. The following provides a summary of the comments received:

#### **4.1 Ashchurch Rural Parish Council - Objection**

Object to the principle of the development, located on a site not allocated in the Tewkesbury Local Plan, contrary to Local Plan policies RES2 & RES3.

Despite this ARPC sees merit in the proposal. Should planning permission be granted, the below should be taken into account:

ARPC met with the applicants and provided email comments in March 2022. Overall, ARPC are pleased that most of the comments have been taken into account in the proposals.

The applicant is thanked for providing a full response to the council's request for an analysis of how the proposal meets the requirements of the Ashchurch Rural Neighbourhood Development. ARPC is content with the analysis.

Overall, ARPC is pleased that its previous concerns and comments have been reflected in the revised proposals. In particular supports the following aspects:

1. The availability of off-site cycle routes to Tewkesbury town centre
2. The provision of walking trails with natural play, outdoor gym equipment and access to the new SUDS wetland and the provision of a community orchard
3. The provision of a sports pavilion with community space is well considered and will meet the needs of the wider community
4. The provision of an indicative bus route
5. Biodiversity and green infrastructure improvements
6. Green Lanes are considered to be a good way to soften the landscape by providing more planting along roadways and making walking and cycling more attractive and will allow children living in the developments to feel safe outside their own properties to allow for play and exercise
7. The proposed traffic calming measures will help residents feel safer as pedestrians and cyclists
8. The proposals for "flexible long-term living with opportunities for home offices" will help future residents to modify their homes to meet their needs
9. The use of permeable paving for some streets, driveways and spaces although given the level of flooding in the area, it is hoped that permeability will be maximised
10. The planting strategy which seeks to retain existing plants and to add new planting.
11. The commitment to building to reduce fabric heat/energy loss and the inclusion of solar panels
12. The provision of welcome packs and personalised travel planning for incoming residents to encourage the use of sustainable transport modes.

ARPC has the following concerns, which can be addressed through appropriate planning conditions:

1. LANDSCAPE AND VISUAL APPRIASAL - reference to a Landscape Management Plan which will ensure the establishment and continued thriving of the landscape proposals and responsibility for this.
2. Connections of cycle and pedestrian route within the site red line to routes outside the redline, in particular PROW AWCS connecting to Walton Cardiff Lane over the M5 providing an alternative and shorter route to Ashchurch Railway Station
3. The masterplan does not include for allotments.
4. The new community sports & fitness facilities, playing fields and allotments ownership to be transferred to the relevant Parish Council and funding for the overall management and maintenance of these facilities over a minimum period of 5 years to be provided and secured via S106 agreement.
5. A minimum of 5% of all homes should be bungalows within both the affordable and private allocations.

#### **4.2 Tewkesbury Town Council – Comment**

Access to local footpaths and bridleways – there is already concern about access to local public footpaths and bridleways around the Wheatpieces Estate and this is significant, due to the relatively high population of local horses. Emphasise the need to ensure safe routes for the significant local population of horses and their riders, and also for walkers. Consider that the footpaths and cycle path alongside Jubilee Way are in a poor state and unfit for the current level of usage. This is important because children will be using these in order to get to school.

Green infrastructure – the accompanying reports suggest little to celebrate on this site at present, that development would constitute an improvement. Particular attention should

be paid to linkages with existing trails in other local developments. It is noted that most of the ecological surveys are already two years old and, in view of the unusual summer of 2022, may not show things as they are now. The Town Council notes that the requirement to demonstrate 10% biodiversity net gain should be taken into account. The loss of ancient hedgerows and trees should be avoided.

Topography - Assume that development will be seen from the top of Tewkesbury Abbey Tower and from the A38. The A38 from Gloucester is the only gateway into the town that doesn't give the visitor an impression of being surrounded by encroaching development. Screening is necessary to maintain that current impression.

Archaeology – known that there was Roman and pre-Roman activity in this area and future storage of archaeological finds needs to be considered by all developers.

Flood prevention - Although reports suggest low risk of flooding, the site drains into watercourses that then flow towards Tewkesbury, via the Swilgate. It is not clear whether or not consideration has been given to the potential impact of this development on the Tirlbrook and its tributary, the Fidd, which is already a matter for concern to residents in the Newtown ward of our parish. Rigorous measures are needed to ensure that development on this site does not adversely affect residents downstream. It is extremely important that surface water from the site should not arrive in the vicinity of the floodplain any more quickly than it does now and it is important that the management of SUDs on the site should be proactively managed and that the responsibility for SUDs management is clearly defined.

Sustainability - pleased to see the proposals for rainwater harvesting and grey water recycling; infrastructure for EV charging points and Solar PV across the development; plus heat recovery.

Education – concern that the nearest primary school is over-subscribed and access to other primary schools would not be safe on foot or by bicycle. Queen Margaret School may be walkable or cyclable for older children, the route involves crossing a major road at Jubilee Way. Parents may well be tempted to use the car instead.

Transport – Bluebell Road tends to be the site of significant on-street parking, reducing capacity for the additional traffic generated. Therefore most drivers adhere to the speed limit and also it is not currently a through road. Concern that drivers of emergency vehicles and bin lorries will find the site difficult to access because of the parking. Although it was theoretically designed to accommodate bus movements these will be difficult to achieve unless suitable alternative parking can be found. Access to the wider network from this development will be difficult. Although it was intended that there should be a bus route along Bluebell Road it hasn't happened yet.

The Transport Assessment mentions Starling Road as a potential alternative access route for cars, but in practice this would not be the preferred choice of most drivers, since it is a good deal less direct than Bluebell Road.

Access to the wider network is via Jubilee Way. This road is sometimes subject to flooding at the Ashchurch Road end and access to Ashchurch Road may be restricted on such occasions. It is important that development on this site exacerbates neither the potential for increased flooding or increased traffic congestion which, along Ashchurch Road, is already a greater problem than the reports would suggest, with local junctions being already at, or close to, capacity. Whenever an incident occurs locally on the M5 Jubilee

Way, Ashchurch Road and Gloucester Road become gridlocked. This happens quite frequently. On such occasions, access onto Jubilee Way may become very difficult due to the weight of traffic on the other two arms of the roundabout.

Conditions on Bluebell Road are likely to become difficult for residents during the construction of this proposed development. The Town Council requests that movements of traffic generated by the construction should be timed to avoid commuting hours, both to and from school and to and from work.

Access to the nearest Railway Station via public transport is, in practical terms, less favourable than the submissions suggest. The walking route between the no. 71 bus stop and the station is along a road with frequently heavy, noisy, slow-moving traffic. Having to change buses (42 and 41) is also arduous and is likely to encourage the use of cars to access the station instead. There is limited parking at the station.

The suggestion in the Transport Assessment is that cyclists will use the carriageways within the proposed estate. Suggest it would be better to have designated cycle paths. The Town Council does not believe that potential residents in this location will consider that they can manage without a car.

#### **4.3 Wheatpieces Parish Council – No Objection**

No objection but make the following comments/concerns:

##### **POSITIVES:**

- Meets local housing needs
- Meets local sports provisions
- Public Open Spaces (POS) are to be maintained by management company
- Sustainable renewable energy including the installation of solar panels and EV charging points
- Introduction of a bus route into the development

##### **NEGATIVES:**

- Planning - Not identified under Tewkesbury Borough Plan for agreed development area (RES3) & Joint Core Strategy Policy (SD10)
- Affordable Housing – there will be 40% as per the national requirements, in a mix of 2-4 bedroom, terraced, semi and detached. Is there any contingency for providing percentage of bungalows within the housing mix, based on the current percentage within the Wheatpieces Estate.
- Drainage & Flood Prevention - concerns regarding lack of sufficient drainage information

Traffic - As there is only one route in and out of the new development, how will it cope with the influx of traffic from Bloor office staff, residents, traffic to sports facilities and construction traffic.

Traffic Calming - this will need to be a consideration due to traffic issues raised

Air Quality - concerns as a result of increased traffic levels

Management of Sports Pavilion - concerns in relation to the management of the pavilion. Will there be adequate funding available for it to be effectively managed, as some security measures will need to be included. Additionally, adequate parking needs to be provided

when all pitches are in use at the same time.

Lack of Facilities for Larger Population - (ie Doctors/Dentists etc)

Lack of Adequate School Provision - The school is already at capacity and by adding 250 new houses with potentially 2.4 children per household

**4.4 Archaeology – No Objection subject to conditions**

**4.5 British Horse Society – Comment**

A rural location and the area around this development is currently popular with equestrians with 926 horse passports registered to addresses in the GL20 [Tewkesbury]. Horses are usually stabled close to where their passports are registered.

With the roads around Tewkesbury being increasingly trafficked it is becoming harder for horse riders to find safe connecting routes in the Tewkesbury due to development. The BHS record road incidents [usually where vehicles pass too close and/or too fast]. In 2020 26 incidents were recorded in Gloucestershire. In 2021 this figure had risen to 73, which is a threefold increase; and the BHS estimate that only 10% of incidents get recorded.

The local riders have expressed concern regarding the current access arrangements around the Wheatpieces development, and it is hoped that this can be improved retrospectively. However, it is hoped that the developers, in conjunction with GCC can insure that the new development can ensure that all the new Active Travel routes can accommodate equestrian use as is the prescribed policy laid out in the Active Travel strategy published by the government, which explicitly includes horses in section 6 and is reinforced by LTN 1/20 which requires a WCHAR assessment to be undertaken to include all user groups. I would ask the developers to carefully consider the surface of the trails and advocate the use of a sealed rubber crumb surface which is non slip, drains well, and is not concussive to either walkers or horses.

Green infrastructure - cycling/walking and horse riding trails need to be examined in the wider context of the proposed Tewkesbury Garden Town development and the M5 Junction 9 road improvements to create a wider corridor of routes suitable for equestrians to prevent bridleway fragmentation due to increased road traffic, and allow a greater access to the countryside as set out in the ROWIP. Urge the developers and the GCC PROW department and the GLAF to ensure that the best value is achieved for access.

**4.6 Building Control – No Objection**

**4.7 S106 Officer – Comment**

Primary Places Impact:

The proposal is for 250 dwellings, expected to generate an additional demand for 96.25 primary places which are forecast to be accommodated at the local school. Therefore, Gloucestershire County Council is not seeking a primary contribution towards places.

Secondary (age 11-16) Places Impact:

The proposal is for 250 dwellings, expected to generate an additional demand for 42.5 Secondary age 11-16 places. The Secondary Planning Area is facing pressures due to continuing planned development in the area. It is anticipated that 32.5 additional places will be required to accommodate pupils arising from this development. Therefore,

Gloucestershire County Council is requesting a contribution £772,687.50 towards the provision of secondary age 11-16 places.

**Post 16 Places Impact:**

The proposal is for 250 dwellings, expected to generate an additional demand for 15 Secondary age 16-18 places. It is anticipated that this number of places could be accommodated in local schools. Therefore, Gloucestershire County Council is not seeking a contribution towards Secondary age 16-18 places.

**Library Impact - Site Specific Assessment**

The new development will generate a need for additional library resources, and this is costed on the basis of £196.00 per dwelling. A financial contribution of £49,000.00 is therefore requested.

**4.8 Conservation Officer – No Objection**

**4.9 County Highways Authority – No Objection**

Subject to Condition and Contribution towards Travel Plan deposit £53,750.00 and Monitoring fee £5,000.

**4.10 Ecological Advisor - No Objection subject to conditions**

**4.11 Environmental Health Adviser – No objection subject to conditions**

**4.12 Gloucestershire LLFA No objection subject to conditions**

**4.13 Health and Safety Executive – Do not advise against the granting of planning permission on safety grounds**

**4.14 Highways England - No objection subject to conditions**

**4.15 Historic England – No comment**

**4.16 Housing Strategy Officer – No objection.**

**4.17 Landscape Advisor – Comment**

**Landscape Effects**

The proposals contrast with the existing rural character but will assimilate with the contextual residential areas to the north and west. There will be a sense of further encroachment into the countryside along this part of the edge of Tewkesbury. The encroachment will be most keenly felt by people using Rudgeway Lane itself as development would be set to both sides.

The constraint provided by the high-pressure gas main assists in creating a large area of public open space to the north of the scheme whose benefits are compounded by Jenny s Field to the north and similar gas pipe constrained open space in the existing Tewkesbury Meadows development to the west. This network of open space will be a positive feature creating doorstep amenity within the new development but of no benefit to the wider landscape. It also allows Footpath AWC5 to follow its existing route within a green corridor albeit the new housing would change the landscape character to the south.

The retention of most of the hedgerows appears to be readily achievable with the loss of a gap for the main spine road. There would be a net gain in tree numbers as currently open field or hedgerow trees. There is indicated tree planting within the POS and along main estate roads (as required by NPPF 131) but these new trees would be read as subservient to the development that they were planted to complement and add little to the existing wider landscape character.

The long-term management of hedgerows to Rudgeway Lane needs to be defined in a Landscape Maintenance and Management Plan to keep them as hedgerows instead of outgrown lines of straggly scrub species, to be pruned on a cyclical basis to an agreed height to keep them as hedges. This same comment holds true for the hedges in the development to the west of Rudgeway Lane that fall outside of this application.

On completion the submitted, assessed landscape effects are Moderate / Major Adverse. This will reduce over time to Moderate / Minor Adverse by year 15 with the maturing of the proposed green infrastructure planting which will integrate the proposed development within the local landscape of the settlement edge.

It is considered that this is a fair and reasonable assessment of the landscape effects. There will be adverse landscape change but that change is in keeping with the wider landscape that the site relates to. The LVA conclusion speaks of rounding off the wider Wheatpieces suburb of Tewkesbury and the proposals largely do this. However, they appear to extend beyond the limit of development to the west of Rudgeway Lane by a development block depth.

The LVA conclusions also discuss the creation of a defensible southern edge to Tewkesbury and rely on the tree planting belt to achieve this. It is important that the width and effectiveness of any planting to the south of the proposals are carefully scrutinised in the Reserved Matter Applications should the proposals be approved.

The LVA does not consider the cumulative landscape effects (nor any visual ones) arising from the recent Fiddington Appeal decision and the creation of the Garden Village proposals to the east of the M5.

#### Visual effects

Visibility has been assessed on a single summer visit (August 2022) with trees and hedges in full leaf. The applicant's LVIA photography is from May 2022 when canopies are also fuller than winter conditions.

It is considered that the main visual effects will occur for local visual receptors to the west on Rudgeway Lane and to the north on Bridleway AWC5. The visual effects are considered Adverse when compared to the wider rural scene but not incongruous when compared to the houses of Tewkesbury Meadow and the wider Wheatpieces area.

When the fringing landscape tree belt has formed the proposals will appear similar to the more mature edges of Wheatpieces to the north. There will still be a sense of built form beyond the tree lines but they would not appear raw, or exposed set against the adjacent rural landscape.

The LVA in its conclusions section at 7.12 & 7.13 addresses what it considers to be the greatest visual effects for receptors using Bridlepath AWC5 to the north of Site, the same Bridlepath approaching the Site from the east and for residents of Rudgeway Farm and users of Rudgeway Lane itself.

LVA at 7.12 states, The clearest views will be experienced by local receptors comprising users of the public bridleway through the site (receptor A) and residents of Rudgeway Farm (and passing users of the Rudgeway Lane) to the south-west of the site (receptor G). For these receptors the visual effects are assessed as Major / Moderate adverse on completion, reducing to Moderate adverse by year 15 with the maturing of the proposed green infrastructure planting. I would agree with this level of visual effect for these receptor groups.

LVIA at 7.13 concludes, In views from the bridleway east of the site (receptor L), on the approach to the site, assessed effects range from Moderate/Minor - Moderate adverse, decreasing with distance as views are seen in the context of the Wheatpieces settlement edge. With the maturing of the proposed green infrastructure planting the effects will reduce to Minor Moderate / Minor Adverse. Again, I concur with this level of visual effect given the context of looking at the Site with the existing Wheatpieces edge within the same scene.

A note about the occasional views gained from the lane to the south of the Site, this is an unnamed road leading to Fiddington. There are occasional views north over the hedge or through field gates towards the proposed Site. The new houses would be clearly visible and a broadside of the development would be seen until mitigation planting reaches a similar height to the properties behind it. Although fleeting and only partial in nature this view will allow the southern edge of Tewkesbury to be more effectively positioned across the vale and effectively extend it out towards the road. This visual effect I would put as a Moderate, Adverse effect until screened whereas the Application LVA considers it as a lesser Moderate-Minor, Adverse effect.

There will be no significant visual effects from the A38 to the west of the Site given its separation from this road. Views from the AONB and matters of visual setting to the Cotswolds National Landscape (AONB) are not harmed. However, the immediate context of views to the AONB from Rudgeway Lane (where the Site forms the foreground) will be blocked. There is one such notable view east to the Cotswold escarpment & Oxenton Hill for people travelling north up Rudgeway Lane taken approximately opposite Rudgeway Farm where the lane side hedgerow is missing.

**4.18 Minerals and Waste Planning** – No Objection subject to conditions.

**4.19 Natural England** – No Objection

**4.20 Public Rights of Way Officer** – Comment

Proposals do not appear to affect the nearby public right of way, AWC5 , as long as this route remains unaffected, with no changes with the current access we offer no objections. The Footpath should not be obstructed by vehicles, building materials or construction work at any time, maintaining and safeguarding public access at all times, if there is any suggestion that it will, whether through a need for a temporary closure or permanent diversion then contact should be made with the PROW team.

**4.21 Severn Trent** – No Objection subject to conditions.

**4.22 Sport England** - Support



#### 4.23 **Tewkesbury Civic Society** – Comment

One option for improving sustainable travel could be the provision of facilities for car clubs and feel that any additional traffic in the vicinity of three schools and the Shannon Way junction is unacceptable due to noise and air quality impacts.

#### 4.24 **Communities Team** – 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 undergone two periods of consultation including being advertised a departure from the development plan. A total of 124 representations have been received, of which there are 113 in support of the proposals and 11 raising objections and general comments.. The issues raised to date are summarised below:

Objection Comments:

- The proposal will result in additional urban sprawl and the loss of countryside
- Residents will be impacted during the construction phase
- Additional congestion, noise and air pollution from traffic routed on local roads including down Bluebell Road and there is currently no traffic calming down this road
- There is inadequate school capacity
- Town amenities and infrastructure are not yet in place to support developments already approved/in progress
- Outdoor sports areas and a pavilion were promised as part of this development but instead the area was used for a commercial building.
- Power cuts currently, indicating the infrastructure is not able to cope
- A proportion of social housing is included and concerns regarding anti-social behaviour
- Impact upon local biodiversity, ecology and birds

Support Comments:

- Tewkesbury Town Colts needs a facility and this is an ideal site and would benefit the local community
- Long awaited provision of sports facilities for young and adults. The location is ideal for safe access by road, bicycle or walking and central to all areas of the town. This would help the support girls football within the schools and offer a safe environment for the girls who would be attracted through local school involvement to grassroots football. Not to mention what the hub of a local facility that the community can use.
- Positive impact on the lives of local young children and families, becoming a centre of the community.

## **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 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 Contributions)
- Policy INF7 (Developer Contributions)

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

- Policy RES2 (Settlement Boundaries)
- Policy RES3 (New Housing Outside Settlement Boundaries)
- Policy RES5 (New Housing Developments)
- Policy RES12 (Affordable Housing)
- Policy RES13 (Housing Mix)
- Policy DES1 (Housing Space Standards)
- Policy HER2 (Listed Buildings)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy LAN2 (Landscape Character)
- Policy NAT3 (Green Infrastructure: Building with Nature)
- Policy NAT5 (Cotswold Beechwoods)
- Policy ENV2 (Flood Risk and Water Management)
- Policy HEA1 (Healthy and Active Communities)
- Policy RCN1 (Public Outdoor Space, Sports Pitch and Sports Facility Provision)
- Policy RCN2 (New Sports and Recreational Facilities)
- Policy RCN3 (Allotments & Community Gardens)
- Policy COM2 (Broadband Provision)
- Policy COM4 (Neighbourhood Development Plans)
- Policy TRAC1 (Pedestrian Accessibility)

- Policy TRAC2 (Cycle Network and Infrastructure)
- Policy TRAC3 (Bus Infrastructure)
- Policy TRAC5 (Ashchurch to Tewkesbury Rail Station)
- Policy TRAC9 (Parking Provision)

**6.5** Ashchurch Rural Parish Neighbourhood Development Plan 2020-2031 (NDP) Made 27 September 2022

- Policy T1 (Modal Shift for Major Development Proposals)
- Policy T2 (Road Safety for Walking and Cycling)
- Policy C1 (Community Infrastructure)
- Policy V1 (Protection of Intrinsic Value of the Countryside)
- Policy W1 (Water Management)
- Policy H2 (Design of Housing)

**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), policies of the Tewkesbury Borough 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.

***Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017***

**7.5** Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 the proposal constitutes Schedule 2 development under Column 2 (10b) of the EIA Regulations, as the size of the application site exceeds 5 hectares and the application proposes in excess of 150 dwellings. On the 24<sup>th</sup> April 2022, the Local Planning Authority issued an adopted screening opinion in respect of the proposed development which was that the submission of an Environmental Statement in connection with this development was not required.

**8. Evaluation**

---

***Principle of development***

**8.1** In order to further sustainability objectives and in the interests of protecting the countryside, the housing policies of the JCS set out a development strategy for the Borough. Strategic Policies SP1 and SP2 of the JCS set out the scale and distribution of development to be delivered across the JCS area in the period to 2031.

- 8.2** Tewkesbury is identified as a Market town in the JCS and Policy SP2 sets out that to meet the needs of Tewkesbury Borough, none of which is being met by the urban extensions to Gloucester and Cheltenham, the JCS will make provision for at least 9,899 new homes. At least 7,445 dwellings will be provided through existing commitments, development at Tewkesbury town in line with its role as a market town, smaller-scale development meeting local needs at Rural Service Centres and Service Villages. Further indicating that Tewkesbury town and its wider area will be a key location for significant housing and economic growth.
- 8.3** The application site is located outside and adjoining the existing built-up area of Wheatpieces, in open countryside. The settlement boundary of Tewkesbury is located along the north edge of the site.
- 8.4** TBP Policy RES3 states that outside of the defined settlement boundaries, the principle of new residential development will only be considered acceptable where development being proposed consists of one of the exceptions. None of the exceptions apply to the proposed development.
- 8.5** Policy SD10 confirms that housing development on other sites will only be permitted where it is previously developed land in the existing built-up areas of Tewkesbury town, service centres and service villages, or it is:
- 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.
- 8.6** The application site is not allocated for housing development and does not meet any of the exceptions of Policy SD10 of the JCS or Policy RES3 of the TBP. The application therefore conflicts with Policy SP2 and SD10 of the JCS and Policy RES3 of the TBP and the conflict with these adopted development plan policies are the starting point for decision making.
- 8.7** 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. In this instance, there are material considerations which weigh in favour of the development, including the proximity and accessibility of the application site to community infrastructure, and the benefits to the community of additional community facilities. These material considerations must be weighed against the harms of the development and each application must be determined on its own merits and this is a matter for the overall planning balance.

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

- 8.8** The NPPF states that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

- 8.9** 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.
- 8.10** 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.
- 8.11** 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.
- 8.12** 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

### ***Accessibility and Highways***

- 8.13** Section 9 of the NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.14** JCS Policy INF1 requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. NDP Policy TP1 sets out that development will only be permitted where it will not cause a severe adverse traffic impact upon the highway network.
- 8.15** In terms of sustainability, the proposed development site is accessible by non-car modes of travel and is located within a convenient walking and cycling distance of a number of key local services and facilities. Development of the proposed site will therefore provide future residents with a viable choice of travel modes which in turn will help to reduce the use of the private car.
- 8.16** The nearest bus stops from the site are located on A38 Jubilee Way and Monterey Road, located within 400 and 600m of the site respectively. These services are the 42, 43 and 71 which provide services to Cheltenham and Gloucester. Service number 42 provides a service to Cheltenham, hourly (Mon-Sun) and Service number 71 provides a service to Gloucester, hourly (Mon-Sat).
- 8.17** Ashchurch Railway Station is the nearest railway station to the site and is located approximately 3km to the northeast of the site. The station can be accessed by a 4.7km cycle ride via a traffic-free route to the north of the site, through the Wheatpieces development, and the shared footway/cycleways provided alongside the A438 and A46.

- 8.18** The proposed development site is considered to be located within a sustainable location and within a 2000m radius of the proposed development site lies a vast selection of amenities such as convenience stores, public house, eatery, primary schools, community centre, pharmacy and outdoor space and play areas which can all be accessed via foot within a 10 to 30-minute walk. The wider area benefits from illuminated footways on both sides of the carriageway and a network of existing pedestrian and cycle facilities which provide access to services by means other than the car.
- 8.19** It is considered that this site is a sustainable location for residential development and this matter weighs in favour of the development.
- 8.20** In terms of highway impacts, the application is supported by a Transport Assessment (TA) and a Framework Travel Plan (FTP) and a Technical Note on Transport Matters (TN), which was submitted during the course of the application. The TA establishes the suitability of the proposed vehicular access and the suitability of the existing highway network to accommodate the additional traffic generated by the development.
- 8.21** The TA sets out, amongst other things, that access to the required design standards is proposed; the site is well located to allow travel by more sustainable modes, there are no material traffic impacts and there are no road safety concerns associated with the development. Overall, the TA concluded that there are no material transport issues associated with the proposed development.
- 8.22** The details of the proposed access will be via a priority junction from Bluebell Road, approved under planning reference 21/00398/FUL (also serving the office development to the north). This access will provide access to both the approved offices and the proposed residential development. Three pedestrian and cycle access points will also be provided along the western boundary of the site, connecting to Rudgeway Lane pedestrian and cycle route. In addition, two pedestrian access points will be provided from the northern boundary of the site, connecting to the Jenny's Field sports pitches and the Wheatpieces estate.
- 8.23** With regard to trip generation, the County Highways Authority (CHA) have advised that the residential development consisting of 250 dwellings will generate approximately 1060 two-way vehicle movements on a weekday, with 124 vehicle movements in the AM peak (8am-9am) and 120 vehicle movements in the PM peak (5pm-6pm). The CHA advise that they are more than satisfied that the proposed development of up to 250 dwellings would not compromise the safety or performance of Bluebell Road or the wider highway network.
- 8.24** In terms of the impact on the Strategic Transport Network (SRN), National Highways (NH) have been consulted on the application and do not object to the application subject to the imposition of conditions.
- 8.25** In terms of the internal access arrangement, this is a consideration for reserved matters applications, but the parameter plan indicates an internal site layout with a circular principle road, that would be acceptable.
- 8.26** The CHA have advised that it would be necessary to secure the proposed highway mitigation/enhancement measures and a travel plan bond and a monitoring contribution through the imposition of planning conditions and via a planning obligation.

**8.27** Based on the analysis of the information submitted, the CHA conclude that there would be no unacceptable impact on highway safety or a severe impact on congestion. There are therefore no justifiable grounds on which an objection could be maintained on highways grounds. It is also concluded that that this site is a sustainable location, both for the residential development and for the community sports facility and outdoor sports pitches, and this matter weighs in favour of the development.

### ***Landscape impact***

**8.28** The NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem service.

**8.29** Policy SD6 of the JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area.

**8.30** The application is supported by a Landscape and Visual Appraisal (LVA), which considers the impact of the proposed development on the landscape. The overall conclusion of the LVA is that the site and its immediate context has the ability to absorb change through the introduction of the proposed development and associated landscaping proposals. The proposals will be appropriate within the local landscape and settlement context and it is judged that the effects, as a result of the proposed development, will not give rise to any unacceptable landscape and visual harm.

**8.31** The Council's Landscape Advisor (LA) has reviewed the submitted LVA and confirmed they are satisfied that it is an objective appraisal. In terms of the landscape and visual effects of the proposed, the proposal will result in the loss of agricultural land which results in landscape harm and there will be a sense of further encroachment into the countryside along this part of the edge of Tewkesbury. However, there are limited public receptor viewpoints for the application site and retention of the site's hedgerows is readily achievable, further mitigating any landscape harm.

**8.32** It is clear, by virtue of introducing new development into open agricultural fields, the proposed development would encroach beyond the existing settlement edge, creating an urbanising effect which would result in some long-term visual effects. However, the visual effects are primarily contained to viewpoints in close proximity to the site. It is considered that, with well-designed landscape and green infrastructure provisions secured at reserved matters stage by planning condition, the level of harm could be minimised.

## ***Design and Layout***

- 8.33** Section 12 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It continues by stating that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning decisions should, amongst other things, ensure that developments will function well and add to the overall quality of the area and should be sympathetic to the local character, including the surrounding built environment. Paragraph 134 of the NPPF makes it clear that planning permission should be refused for development of poor design that fails to reflect local design policies and government guidance on design contained in the National Design Guide and National Model Design Code
- 8.34** The National Design Guide (NDG) addresses the question of how we recognise well-designed places, by outlining and illustrating the government priorities for well-design places in the form of ten characteristics; one of which is the context. The NDG provides that well-designed development should respond positively to the features of the site itself and the surrounding context beyond the site boundary and that well-designed new development needs to be integrated into its wider surroundings, physically, socially and visually.
- 8.35** 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.
- 8.36** This advice is echoed in JCS policy SD4 which states new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.
- 8.37** In terms of the proposed housing, Policy RES5 of the TBP states proposals for new housing development should, amongst other things, be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it and be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity, unless otherwise directed by policies within the Development Plan
- 8.38** All matters relating to the design and layout are reserved for future consideration. However, the application includes a Parameter Plan (PP) and Illustrative Masterplan (IM) which indicates how the site could be developed. In addition, the submitted Design and Access Statement (DAS) sets out the development objectives and embedded within the document is an Illustrative Masterplan (IM) which shows an indicative layout for the residential element of the proposed development. The purpose of the PPs is to provide guidance for the detailed stage of future reserved matters applications. The DAS aims to detail how the proposal evolved, including an assessment of the site and its context, identification of the constraints and opportunities which lead to the key urban design



principles for the development and an explanation of how the site is proposed to be developed in design terms.

- 8.39** The DAS provides an overview of the PP and IM and demonstrates that the site is capable of providing a permeable layout of high quality design which responds to the character of the local area.
- 8.40** Officers consider that the level of information shown on these indicative plans demonstrates that site is capable of accommodating the quantum of development proposed and, based on the PPs, an acceptable level of public open space would be provided. Therefore it is considered that the development could accord with the requirements of local and national design policies and guidance.

### ***Historic Environment***

- 8.41** Section 66 of the Listed Buildings and Conservation Area Act places a statutory duty on LPAs to have special regard to the desirability of preserving the setting of listed buildings. The NPPF sets out that heritage assets range from sites and buildings of local historic value to those of the highest significance and that these assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Policy SD8 of the JCS sets out that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. Policy HEN2 sets out that any development within the setting of Listed Buildings, will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest.
- 8.42** In terms of built heritage, the Heritage Statement submitted with the application identified that whilst there are no designated heritage assets located within either parcel of the site there are several within a 100m radius. These include the Grade II listed barns fronting onto Ridgeway Lane, Ridgeway Farmhouse. It also notes that Grade I Listed Tewkesbury Abbey is glimpsed from the site. The site however does not fall within a Conservation Area. Tewkesbury Conservation Area is circa 650m to the west of the site.
- 8.43** The Council's Conservation Officer has assessed the proposal and he considers that low level of harm would be experienced by the listed barn due to the proximity and intervisibility of the development changing the character of the setting from rural to urban. The farmhouse is largely screened from the development by the barn and would not be affected.
- 8.44** In terms of archaeology, trial trenching has been undertaken and the work revealed two separate areas of rural settlement and activity dating to the prehistoric and Roman periods. A southern Iron Age settlement appears to have been superseded by the larger Roman one in the northern part of the red line area. However, it is clear from the results of the evaluation that the archaeological remains present within the application site are not of the first order of preservation. The prehistoric and Roman archaeology has been subjected to later ploughing, with the result that all surfaces formerly associated with the remains have been destroyed. The County Archaeologist has been consulted on the application and advises that the archaeology on this site is not of the highest quality and significance, so meriting preservation in situ. As such, in accordance with guidance in the NPPF the County Archaeologist recommends that a programme of archaeological works is undertaken prior to the commencement of development to advance the understanding of any heritage assets that may be lost.

### ***Residential Amenity***

- 8.45** In respect of the impact of the development upon residential amenity, paragraph 130 of the NPPF specifies that planning decisions should ensure development creates places with a high standard of amenity for existing and future users. This advice is reflected in JCS policies SD4 and SD14 which require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants. Policy RES5 of the TBP also sets out the proposals should provide an acceptable level of amenity for the future occupiers of the proposed dwellings and cause no unacceptable harm to the amenity of existing dwellings,
- 8.46** Policy DES1 (Housing Space Standards) of the TBP requires all new residential development to meet the Government's national space standards as a minimum, to ensure that high quality homes are delivered that provide a sufficient amount of internal space appropriate for occupancy of the dwelling. These space standards will be secured as part of any future reserved matters application.
- 8.47** The Council's Environmental Officer has been consulted on the application and considered the principle of the proposed land uses. They have recommended conditions to ensure residential properties are not adversely effected by the external noise environment. These conditions include ensuring that there is adequate mitigation from road noise and restricting the hours of use of the sports pitches.
- 8.48** The application is in outline and therefore the specific internal relationship of the dwellings, as well as the relationship of the proposed development with the surrounding built form on the site boundaries will need careful consideration as part of any future reserved matters application. However, officers consider that ,subject to the approval of details at reserved matters stage, the residential amenity of existing and future occupiers would be acceptable.

### ***Housing Mix***

- 8.49** Policy SD11 of the JCS and RES13 of the TBP requires all new housing development to provide an appropriate mix of dwellings sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Housing mix should be based on the most up to date evidence of local housing need and market demand.
- 8.50** The Gloucestershire Local Housing Needs Assessment 2019 – Final Report and Summary (September 2020) (LHNA) provides the most up to date evidence based to inform the housing mix on residential applications. This report states that in Tewkesbury 3% of new market dwellings should be one bedroom properties, with 13% having two bedrooms, 54% containing three bedrooms and 29% having four bedrooms or more
- 8.51** The DAS sets out that the proposed housing would include a variety and range of dwelling types that includes 1 bed – 5 bed properties. Given the proposal is in outline, should planning permission be granted, a condition is recommended to secure the market housing mix so that the schedule of accommodation would be in broad accordance with the most up to date evidence of the local housing market need and market demand at the time the first reserved matters application for the residential development is submitted.

### ***Affordable Housing***

- 8.52** Paragraph 8 of the NPPF states that the planning system needs to perform a number of roles, including a social role in supporting strong, vibrant and healthy communities, by providing a supply of housing required to meet the needs of present and future generations.
- 8.53** Policy SD12 of the JCS and Policy RES12 of the TBP requires 40% of the proposed houses to be secured as affordable housing. Negotiations have taken place throughout the application process in order to secure the optimum tenure and mix of affordable units for the development.
- 8.54** The applicant has constructively engaged with officers during the determination of the application and has provided an affordable mix which would contribute towards the Borough's needs. This includes the provision of 2no. 5 bedroom social-rented dwellings which, due to development constraints, can be difficult to secure on smaller scale sites. The application proposes 100no affordable units overall with a 60:40 split between social rent and intermediate shared ownership tenure. The proposed mix is:

#### *Social Rent*

- 1 bed 2 person – 10 units
- 2 bed 4 person – 25 units
- 3 bed 5 person – 20 units
- 4 bed 6 person – 3 units
- 5 bed 8 person – 2 units

#### *Shared Ownership*

- 2 bed 4 person – 20 units
- 3 bed 4 person – 6 units
- 3 bed 5 person – 14 units

- 8.56** The provision of affordable housing, particularly the provision of social rent units of a larger size, is considered to be a significant benefit of the proposals to be weighed in the planning balance.
- 8.57** The Council's Housing Strategy and Enabling Officer considers the proposed scheme would be policy compliant and therefore acceptable. This requirement could be secured by way of a legal agreement with the Borough Council.

### ***Drainage and flooding***

- 8.58** 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.
- 8.59** The application site is located in Flood Zone 1 with no indication of surface water flood risk. The application is accompanied by a Flood Risk Assessment and the LLFA have been consulted on the application.

- 8.60** The LLFA advise that the drainage strategy proposed is acceptable and that there is adequate space for the two attenuation ponds shown in the drainage strategy. The LLFA therefore have no objection to this proposal subject to a planning condition to secure an appropriate surface water drainage design.

### ***Biodiversity***

- 8.61** 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.
- 8.62** The application has been accompanied by an Ecological Assessment and the Briefing Note: Biodiversity Net Gain (BNG) Assessment, both prepared by Ecology Solutions. The assessments conclude that the site consists of three fields, one arable with a small area of rough grassland, and two species-poor grassland. The fields are bordered by hedgerows, two of which are classified as 'important' according to the Hedgerows Regulations.
- 8.63** The hedgerows and hedgerow trees are likely to support foraging and nesting birds, and the rough grassland may support ground-nesting birds. Birds are also likely to forage in the grassland. Low levels of bat foraging and commuting activity of a number of different species were recorded along the hedgerows. There are signs that badgers use the site for foraging and hedgehogs may also be present. Great crested newts (GCN) were detected in an off-site pond within 250m. GCN and other amphibians may use the rough grassland and base of hedgerows for foraging and shelter/hibernation. A grass snake was recorded, indicating a small population on site. The habitats are likely to support a common assemblage of invertebrates, including potentially white hairstreak butterfly which has been recorded in the vicinity.
- 8.64** The proposal would result in the loss of the majority of the existing arable field and grassland, however some grassland would be retained along the boundaries. A large section of one hedgerow would be removed, along with minor sections of others for both road and pedestrian access; the majority would be retained.
- 8.65** The proposed mitigation for the loss of habitats would comprise: creation of a wildflower meadow in public open spaces and ongoing management to maintain its value; planting of new hedgerows and trees (including an orchard) using native species of local provenance; using a species-rich seed mix in areas of amenity grassland; and providing areas of tussocky wildflower grassland in public open spaces for reptiles and amphibians. Further enhancements would include: providing SuDS features with permanent water and planting them with aquatic plants or species-rich wetland grass, and sowing wildflower meadow around them; installing bird and bat boxes on the trees and/or buildings; and providing refuges such as log piles and grass mounds for reptiles, amphibians and invertebrates.
- 8.66** The Council's Ecological Advisor considers that the mitigation and enhancement measures proposed are appropriate and proportionate to the development proposed.

- 8.67** Layout and Landscaping are reserved matters and the protection of significant trees and submission of an arboricultural assessment can be secured by condition, to be provided as part of any future reserved matters application. Subject to compliance with recommended conditions it is considered that the proposal would not result in unacceptable harm to protected species.

### ***Loss of Agricultural Land and Soils***

- 8.68** The NPPF sets out that planning decisions should contribute to and enhance the natural environment by, inter alia, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land. This aims to protect the best and most versatile (BMV) agricultural land and soils in England from significant, inappropriate and unsustainable development proposals.
- 8.69** The Agricultural Land Classification (ALC) assesses the quality of farmland to enable informed choices to be made about its future use within the planning system. There are five grades of agricultural land, with Grade 3 subdivided into 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a.
- 8.70** The site has an overall grading of subgrade 3b and is not therefore deemed to be the 'best and most versatile land'. However, the loss of agricultural land is still a matter which counts against the proposal in the planning balance.

### ***Community Facilities***

- 8.71** Policy RCN1 states that proposals for new residential development shall provide appropriate public outdoor space, sports pitches and built sports facilities to meet the needs of local communities. Policy RCN2 states that support will be given to the provision of recreational facilities, both formal and informal, throughout the plan area where there is an identifiable need having regard to Policy RCN1.
- 8.72** JCS Policy INF4 also states that developers should aim to provide flexible, multi-functional facilities within mixed-use developments, creating shared space which maximises benefits to the community and minimises land-take. Finally, new facilities should be accessible to all members of the community and be planned and phased in parallel with new development.
- 8.73** The application proposes the provision of new outdoor sports pitches as well as a community sports pavilion. The parameters plans show the sports pavilion is of a sufficient size to include 4no. changing rooms, 2no. official changing room (referee), community area and kitchen facility. The exact details of the sports pavilion will be agreed at reserved matters stage, albeit it is recommended certain parameters are secured by planning obligations to ensure the facility meets the needs of the community. The parallel planning obligation to this planning permission would require the transfer of this facility to Tewkesbury Colts Football Club with the proviso that there is a fallback position within the agreement that the area would come to Tewkesbury Borough Council if Tewkesbury Colts ceased to exist. The sports pitches would also be available for general community use.

- 8.74** The number of football playing pitches within Tewkesbury Town currently stands at nine with limited toilet and changing facilities. The current playing sites in the area severely limit children's access to football, with four of the playing sites not having basic facilities, such as a toilet. Tewkesbury Colts have advised that these new facilities would provide an opportunity to expand the football club and increase access to children's football and women/girl's football.
- 8.75** The parameter plans allocate 11,315 sq m to sports pitches and the exact arrangement will be confirmed at reserved matters stage in accordance with the requirements of the user and in consultation with Sports England. However this area is sufficient to accommodate 2no. under 8's 5v5, 1no. under 10's and 1no U14's (11v11) grass football pitches. The quantum proposed is in excess of the policy requirements for open space and sports facilities for a scheme of this size. The provision of such a facility seeks to address an identified need for youth football pitches in Tewkesbury, in line with the Tewkesbury Borough Council Playing Pitch Strategy, Strategy and Action Plan 2017. These facilities are proposed to be multi-functional, in line with JCS Policy INF4.
- 8.76** As such, the provision of the outdoor sports facilities and pavilion constitutes a very significant benefit of the proposals to be weighed in the planning balance, given the proposals will help to meet identified needs for such facilities and will support the health, well-being, and community cohesion of existing and future residents in line with paragraphs 92-93 of the NPPF as well as policies contained in the TBP and JCS.
- 8.77** The provision of the sports facilities will be delivered as part of Phase 1 of the development and the applicant is happy for this to be secured as part of any planning permission to ensure early delivery as part of the overall scheme.

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

- 8.78** JCS Policy INF6 relates directly to infrastructure delivery and states that any infrastructure requirements generated as a result of individual site proposals and/or having regard to the cumulative impacts, should be served and supported by adequate and appropriate on/off-site infrastructure and services. The Local Planning Authority will seek to secure appropriate infrastructure, which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Policy INF4 of the JCS requires appropriate social and community infrastructure to be delivered where development creates a need for it. JCS Policy INF7 states the arrangements for direct implementation or financial contributions towards the provision of infrastructure and services should be negotiated with developers before the grant of planning permission. Policy SA1 sets out that infrastructure should be provided comprehensively across the site taking into account the needs of the whole Strategic Allocation. Financial contributions will be sought through S106 and CIL mechanisms as appropriate.
- 8.79** Gloucestershire County Council as Local Education Authority (LEA) has been consulted and requested contributions towards education provision in line with its cost multipliers and pupil yields. As such, based on 250 qualifying dwellings, a full contribution of **£772,687.50** towards secondary school education is requested to mitigate the impact.
- 8.80** 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 Tewkesbury Library. As such a contribution of **£49,000** is requested to make the application acceptable in planning terms

## ***S106 Obligations***

- 8.81** 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.
- 8.82** 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.
- 8.83** 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.
- 8.84** Requests have been made by consultees to secure the following contributions:
- **40%** Affordable Housing.
  - **£772,687.50** towards secondary education provision.
  - **£58, 750** Residential Bond and Monitoring Fee for Travel Plan.
  - **£49,000** towards improving customer access to services through refurbishment and upgrades, improvements to stock, IT and digital technology and increased services at Tewkesbury Library.
  - **£18,250** towards recycling and waste bin facilities.
  - Provision of a **LEAP** on-site.
  - To provide an on-site community sports facility with a minimum internal area of 570 sq m internal floor area. The facility must have 4 team changing and 2 official changing rooms.
  - To secure the sports pitches in perpetuity.
  - To transfer the freehold for the sports pavilion and pitches to Tewkesbury Colts Football Club on completion

- Clauses/cascade provision for the ‘return’ of the facility to the Borough Council for a nominal fee should the Club ever want to cease running the facility in the future.

**8.85** Discussions are currently ongoing about these requested contributions and an update will be provided at Committee. There is currently no signed legal agreement to secure the planning obligations outlined above. That said, this is a matter which could be resolved prior to the decision being issued, should permission be granted.

## **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 is not allocated for housing development and does not meet any of the exceptions of Policy SD10 of the JCS or Policy RES3 of the TBP. The application therefore conflicts with Policy SP2 and SD10 of the JCS and Policy RES3 of the TBP and the conflict with these adopted development plan policies is the starting point for decision making. It is therefore necessary to consider whether there are any material considerations which indicate whether a decision should be made other than in accordance with the development plan.

### ***Benefits***

**9.3** The development would contribute towards the supply of housing, both market and affordable housing to help meet the need for housing in the Borough in an area. The provision of affordable housing and particularly the provision of social rent units of a larger size is considered to be a significant benefit of the proposals to be weighed in the planning balance. The proposal would provide housing within a sustainable location with easy access to services and Tewkesbury town and this weighs heavily in favour of the development.

**9.4** The applicant has also agreed to planning conditions which would allow for the delivery of housing within a short timeframe which would mean that the proposal would deliver housing in a shorter term which weighs in favour of the development

**9.5** Further economic benefits that would arise from the proposal both during and post construction, including the economic benefits arising from additional residents, supporting local businesses.

**9.6** The proposal includes the delivery of new community sports pavilion and pitches which is a very significant benefit, given the identified need in the Borough for new sports pitches and facilities.

### ***Harms***

**9.7** Harm arises from the conflict with development plan policies and the spatial strategy relating to housing, particularly Policies SP2 and SD10 of the JCS.



- 9.8 There would be some harm to the landscape by reason of encroachment into undeveloped agricultural land beyond the settlement boundary. However, this landscape harm is localised, and minor considering the presence of built development to three sides of the site. There is potential to further minimise harm through sensitive design, layout and landscaping at reserved matters stage, it is therefore not considered that the harm would be significant.
- 9.9 There would be some harm from the loss of agricultural land, however the level of this harm is tempered by the fact that the grading of the site is subgrade 3b and is not therefore deemed to be the 'best and most versatile land.
- 9.10 Minor harm is also identified to designated heritage assets and great weight must be afforded to this harm. However, officers consider that the identified harm to designated heritage assets are outweighed by the public benefits of the proposals.

### ***Neutral***

- 9.11 It has been established through the submission documents that subject to securing satisfactory measures as part of any future reserved matters, and the imposition of appropriate planning conditions, the development would not give rise to unacceptable impacts in terms of, design and layout, highway safety, ecology or trees.

### ***Overall Balance***

- 9.12 Paragraph 7 of the NPPF is clear that the purpose of the planning system is to contribute to sustainable development. Whilst this application is contrary to the spatial strategy in the development plan each application must be considered on its own merits. In this case, it is considered that the material considerations arising from the application and its location the benefits of the proposal - which amount to the timely deliver of housing in a sustainable location alongside the provision of community facilities and economic benefits - significantly and demonstrably outweigh the identified harms. . Officers consider that this proposal represents sustainable development and that the material considerations in this application indicate a decision should be made other than in accordance with the development plan.

## **10. Recommendation**

---

- 10.1 It is considered that the proposed development would constitute sustainable development in the context of the NPPF as a whole and it is therefore recommended that the grant of planning permission be **DELEGATED to the Development Manager, subject to any additional/amended planning conditions; and the completion of section 106 legal agreements to secure the heads of terms listed within this report (subject to any amendments arising from ongoing discussions)**

## **11. Conditions**

---

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

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

- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 24 months from the date of this permission.

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

- 3 The development hereby permitted shall be begun either before:
- (i) the expiration of three years from the date of this permission, or
  - (ii) before the expiration of 12 months from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

- 4 The development hereby permitted shall be carried out in general accordance with the following approved plans:

- Parameters Plan 09700-FPCR-ZZ-ZZ-DR-L-0011 03
- Site Access 05064-A-0103-P5

Reason: In order to define the permission and to ensure high quality design

- 5 The development hereby permitted shall provide no more than 250 dwellings

Reason: To define the scope of the permission

- 6 The first reserved matters application shall be accompanied by a residential design code. The design code is to be informed by a local character assessment and the parameters plan listed in condition 4 and shall demonstrate how the detailed proposals will address the following matters:

- house type details
- character areas
- street hierarchy
- key buildings (including corner turning dwellings and landmark buildings)
- principles for hard and soft landscaping
- approach to car parking
- approach to cycle parking

The design code shall include details of how the Building for a Healthy Life (BHL) Toolkit, Local and National Policy has been used to guide the design process.

The development shall be carried out in accordance with the approved design code.

Reason: To ensure good design

- 7** The submission of any Reserved Matters application relating to residential development pursuant to Condition 1 shall include a Market Housing Mix Statement, setting out how an appropriate mix of dwelling sizes, types and tenures will be provided in order to contribute to a mixed and balanced housing market to address the needs of the local area, including the needs of older people, as set out in the local housing evidence base, including the most up-to-date Strategic Housing Market Assessment for the area at the time of the submission. The development shall be implemented in accordance with the approved Housing Mix Statement.

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

- 8** The relevant Reserved Matters application(s) submitted pursuant to Condition 1 shall include details of the materials to be used in the construction of the external surfaces of any building and surface treatments. Development shall be carried out in accordance with the approved details

Reason: In the interests of visual amenity

- 9** The details to be submitted as part of the Reserved Matters application(s) in accordance with Condition 1 shall include existing and proposed levels, including finished floor levels and a datum point outside of the site. All development shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenity the visual amenities of the area.

- 10** The landscaping details to be submitted pursuant to Condition 1 shall provide full details of both hard and soft landscape proposals. The landscape scheme shall include the following details:

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

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

The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

No dwelling within that specific phase of development hereby permitted shall be brought into use/occupied until all the landscaping and boundary treatment for that phase of the site has been completed in accordance with the approved details.

Reason: In the interests of visual amenity, to ensure the development contributes to a multifunctional network of green infrastructure, delivers ecosystem services for people and wildlife and to ensure the setting of the surrounding designated heritage assets will be conserved.

- 11** Prior to the commencement of development, including any preparatory work (excluding archaeological works), a scheme for the protection of the retained trees and hedgerows, in accordance with BS 5837:2012, including a Tree Protection Plan(s) (TPP) and an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The TPP and AMS should include details of the following:
- (a) Location and installation of services/ utilities/ drainage.
  - (b) Details of construction within the RPA or that may impact on the retained trees.
  - (c) a full specification for the installation of boundary treatment works.
  - (d) A specification for protective fencing to safeguard trees during construction phases and a plan indicating the alignment of the protective fencing.
  - (e) a specification for scaffolding and ground protection within tree protection zones.
  - (f) Tree protection during construction indicated on a TPP and construction plan and construction activities clearly identified as prohibited in this area.
  - (g) details of site access, temporary parking, on site welfare facilities, loading, unloading And storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.

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

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

- 12** No development shall commence until a detailed site waste management plan has been submitted to and approved in writing by the local planning authority. The site waste management plan must identify the type and amount of waste materials expected to be generated from the development during site preparation and construction phases and set out what site specific measures will be employed for dealing with this material so as to; - minimise its creation, maximise the amount of re-use and recycling on-site; maximise the amount of off-site recycling of any wastes that are unusable on-site; and reduce the amount of waste sent to landfill. In addition, the site waste management plan must also clearly set out the proportion of recycled content from all sources that will be used in construction materials. The detailed site waste management plan shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency in accordance with adopted Gloucester, Cheltenham, Tewkesbury Joint Core Strategy Policy SD3 – Sustainable Design and Construction; adopted Gloucestershire Waste Core Strategy; Core Policy WCS2 – Waste Reduction; adopted Minerals Local Plan for Gloucestershire Policy SR01 and Paragraph 8 of the National Planning Policy for Waste.

- 13** No above-ground development shall commence until full details of the provision made for facilitating the management and recycling of waste generated during occupation have been submitted to and approved in writing by the local planning authority. This must include details of the appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy and not prejudice the delivery of local waste management targets. All details shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency in accordance with adopted Gloucester, Cheltenham, Tewkesbury Joint Core Strategy Policy SD3 – Sustainable Design and Construction; adopted Gloucestershire Waste Core Strategy; Core Policy WCS2 – Waste Reduction; adopted Minerals Local Plan for Gloucestershire Policy SR01 and Paragraph 8 of the National Planning Policy for Waste.

- 14** No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:
- 24-hour emergency contact number;
  - Hours of operation;
  - 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);
  - Routes for construction traffic;
  - Locations for loading/unloading and storage of plant, waste and construction materials;
  - Method of preventing mud being carried onto the highway;
  - Measures to protect vulnerable road users (cyclists and pedestrians)
  - Any necessary temporary traffic management measures;
  - Arrangements for turning vehicles;
  - Arrangements to receive abnormal loads or unusually large vehicles;
  - 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.

- 15** Details of the layout, (hereinafter called "the reserved matters") (including surface water drainage/disposal, street trees, details of the surfacing for (PROW-AWC5), vehicular parking per dwelling including visitor parking, turning head(s), street lighting, EV charging facilities and secure and covered cycle parking facilities per dwelling all within the site) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in accordance with the approved plans.

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 110 and 112 of the National Planning Policy Framework.

- 16** The Residential Travel Plan hereby approved, dated December 2022 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.

Reason: - To reduce vehicle movements and promote sustainable access.

- 17** No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 20m of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level.

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.

- 18** The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 43m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason: - To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 110 and 112 of the National Planning Policy Framework.

- 19** The development hereby approved shall not be occupied or be brought into use until the means of access for vehicles, pedestrians and cyclists, including tactile crossing points have been broadly constructed and completed as shown on drawing Figure 4-1 of the Transport Assessment dated July 2022.

Reason: - To reduce potential highway safety impact by ensuring that a safe and suitable access is laid out and constructed that minimises the conflict between pedestrians, cyclists and vehicles in accordance with paragraph 110 and 112 of the National Planning Policy Framework.

- 20** Prior to the commencement of the construction works, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with National Highways. The approved plan shall be adhered to throughout the construction period.

Reason: To ensure that the M5 and A46 continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the SRN resulting from traffic entering and emerging from the application site and in the interests of road safety.

- 21** The development proposals hereby approved shall not be occupied, unless or until the improvement schemes identified for M5 Junction 9 as shown in the PFA Consultants 'Proposed Improvements to M5 Junction 9' drawing ref: H556/12, have been completed to the satisfaction of the Local Planning Authority (in consultation with National Highways) and are open to traffic

Reason: National Highways have assessed traffic impacts at the M5 J9 and the A46 and found them to be acceptable (subject to conditions) based on a range of committed infrastructure schemes identified for this junction/corridor. It cannot be confirmed that the proposals do not have a severe/significant impact on the SRN without these schemes in place. As such it is necessary to ensure these schemes are implemented and open to traffic in advance of the development proposals being occupied, to ensure the safe and efficient operation of the SRN.

- 22** No building works hereby permitted shall be commenced until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The information submitted shall be in accordance with the principles set out in the approved drainage strategy. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and

- iii. Provide a full risk assessment for flooding during the groundworks and building phases with mitigation measures specified for identified flood risks; and
- iv. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for the lifetime of the development.

- 23** No development shall commence until drainage plans for the disposal of foul water have been submitted to and approved in writing by the local planning authority. None of the dwellings hereby approved shall be first occupied until the foul water drainage scheme has been implemented in accordance with the approved details.

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

- 24** No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains which may be present. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 205 of the National Planning Policy Framework

- 25** Prior to the commencement of development, a Construction Ecological Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide detailed Method Statements. These Method Statements shall include all the measures detailed in the Ecological Assessment prepared by Ecology Solutions dated June 2022 including those proposed for GCN in accordance with the District Licence. It should also include measures to protect hedgehogs.

The development shall be implemented fully in accordance with the CEMP, unless otherwise agreed in writing by the Local Planning Authority

Reason: To protect biodiversity and protected species



**26** Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP should expand on the mitigation and enhancement measures outlined in the Ecological Assessment prepared by Ecology Solutions dated June 2022, including longer-term management and monitoring activities (covering a minimum period of five years). It should include all the measures proposed for GCN in accordance with the District Licence. It should also include provision of a permanent pond, gaps at the base of fences for hedgehogs, hedgehog houses and insect hotels. The LEMP should include plans showing locations and extent of all habitats and wildlife features, and a timetable of activities. A Responsible Person / organisation needs to be stated and the method by which the protection of retained and created habitats and open spaces will be secured. The LEMP must demonstrate how the development will enhance biodiversity within the site demonstrating a minimum of 10% net biodiversity gain.

The development shall be implemented fully in accordance with the LEMP, unless otherwise agreed in writing by the Local Planning Authority

Reason: To protect biodiversity and protected species

**27** Prior to the installation of any external lighting, including flood lighting, for the development hereby permitted details of the lighting shall be submitted and approved by the local planning authority. This lighting scheme shall show contour plans highlighting lux levels, specifically when spilling onto adjacent/important habitats for wildlife. The development hereby permitted shall not be carried out otherwise than in accordance with the approved lighting details and the approved lighting details shall thereafter be retained for the lifetime of the development, unless agreed in writing by the Local Planning Authority

Reason: In the interests of biodiversity and residential amenity

**28** No development shall take place unless and until:  
a) A detailed assessment of ground conditions of the land proposed for sports pitches as shown on drawing number 09700-FPCR-ZZ-ZZ-DR-L-0011 03 02 has been undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and  
b) Based on the results of this assessment to be carried out pursuant to (a), a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority after consultation with Sport England.

Reason: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with LP Policy.

- 29** Prior to the bringing into use of the sports pitches and community sports facility a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the sports pitches and community sports facility.

Reason: To ensure that new facilities are capable of being managed and maintained to deliver facilities which are fit for purpose, sustainable and to ensure sufficient benefit of the development to sport (National Planning Policy Framework (NPPF) para 99) and to accord with LP Policy

- 30** No dwelling hereby permitted shall be occupied until details of the design and layout of community sports facility have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The community sports facility shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy

- 31** Each reserved matters application submitted pursuant to condition 1 which includes any dwellings shall be accompanied by a noise survey to identify any dwellings that would be likely to be affected by road noise from the M5. The survey shall have been undertaken by a competent person, shall include periods for daytime as 0700 to 2300 hours and night-time as 2300 to 0700 hours, and shall identify those dwellings which require noise mitigation measures. All dwellings requiring noise mitigation shall thereafter be designed so as not to exceed the noise criteria based on current figures by the World Health Organisation Community Noise Guideline Values/BS 8233 conditions given below:
- Dwellings indoors in daytime: 35 dB LAeq,16 hours
  - Outdoor living area in daytime: 55 dB LAeq,16 hours
  - Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAmax)
  - Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAmax)

No dwelling requiring noise mitigation measures shall be occupied until those noise mitigation measures have been implemented and they shall be maintained as approved thereafter.

A scheme of post installation testing for a representative sample of properties shall be approved by the local planning authority and carried out to demonstrate compliance with the above. Where not achieved suitable attenuation measures shall be implemented for all affected properties and these attenuation measures shall be submitted to and approved in writing by the Local Planning Authority

Reason: In the interests of residential amenity

- 32** The sports pitches shall not be used outside of 08:00-21:00 Monday to Sunday

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

- 33** No plant or machinery shall be installed on the community sports facility until a scheme for the installation and mitigation with respect to noise impact has been submitted to and approved by the local planning authority. The submission shall detail manufacturers' specifications and acoustic performance data. The submission shall also include the prediction or measurement of the noise impact at the nearest noise sensitive receptor and the rated sound level shall not exceed background level. The methodology of BS 4142:2014+A1:2019 shall be used.

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

- 34** Deliveries to, and collections (Including refuse and recycling) from the sports pavilion shall not be made outside the following hours: 08:00 – 20:00.

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

- 35** 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

- 36** 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.

- 37** Prior to commencement of any development a Construction (and demolition) Environmental Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP 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 CMP.

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

and dust nuisance

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

## **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** For avoidance of doubt the submitted Illustrative Master plan has been treated as being for illustrative purposes only.
- 3** The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.
- 4** Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:
  - Drafting the Agreement
  - A Monitoring Fee
  - Approving the highway details
  - Inspecting the highway works
- 5** 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.
- 6** 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.
- 7** Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto: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

- 8** 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.
- 9** 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.
- 10** 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](mailto: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.
- 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](mailto: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** 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.
- 13** The CEMP should clearly identify how the principle contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

- 14 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.
- 15 CEMP can include but is not limited to:
- A construction programme including phasing of works;
  - 24-hour emergency contact number;
  - Hours of operation;
  - Expected number and type of vehicles accessing the site;
    - Deliveries, waste, cranes, equipment, plant, works, visitors;
    - Size of construction vehicles;
    - The use of a consolidation operation or scheme for the delivery of materials and goods;
    - Phasing of works;
  - Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):
    - Programming;
    - Waste management;
    - Construction methodology;
    - Shared deliveries;
    - Car sharing;
    - Travel planning;
    - Local workforce;
    - Parking facilities for staff and visitors;
    - On-site facilities;
    - A scheme to encourage the use of public transport and cycling;
  - Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residual roads;
  - Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
  - Location for storage of plant/waste/construction materials;
  - Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
  - Arrangements to receive abnormal loads or unusually large vehicles;
  - Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
  - Any necessary temporary traffic management measures;
  - Measures to protect vulnerable road users (cyclists and pedestrians);
  - Arrangements for temporary facilities for any bus stops or routes;
  - Highway Condition survey;
  - Method of preventing mud being carried onto the highway; and
  - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

A RESOLUTION MADE BY THE  
 COUNCIL OF THE ASHURCH RURAL  
 PANISH ON 12th MARCH 2022  
 HAS GRANTED PLANNING PERMISSION FOR THE DEVELOPMENT OF A RESIDENTIAL  
 DEVELOPMENT OF UP TO 100 DWELLINGS WITH A TOTAL FLOOR AREA OF UP TO  
 10,000 SQ M, TO BE DEVELOPED ON THE LAND SHOWN IN RED ON THIS PLAN.  
 THE DEVELOPMENT IS SUBJECT TO THE CONDITIONS OF THE RESOLUTION AND  
 ANY FURTHER REQUIREMENTS OF THE ASHURCH RURAL PANISH.  
 THE RESOLUTION IS SUBJECT TO THE ASHURCH RURAL PANISH'S GENERAL  
 CONDITIONS OF PLANNING PERMISSION.  
 THE RESOLUTION IS SUBJECT TO THE ASHURCH RURAL PANISH'S GENERAL  
 CONDITIONS OF PLANNING PERMISSION.

**KEY**  
 Application boundary

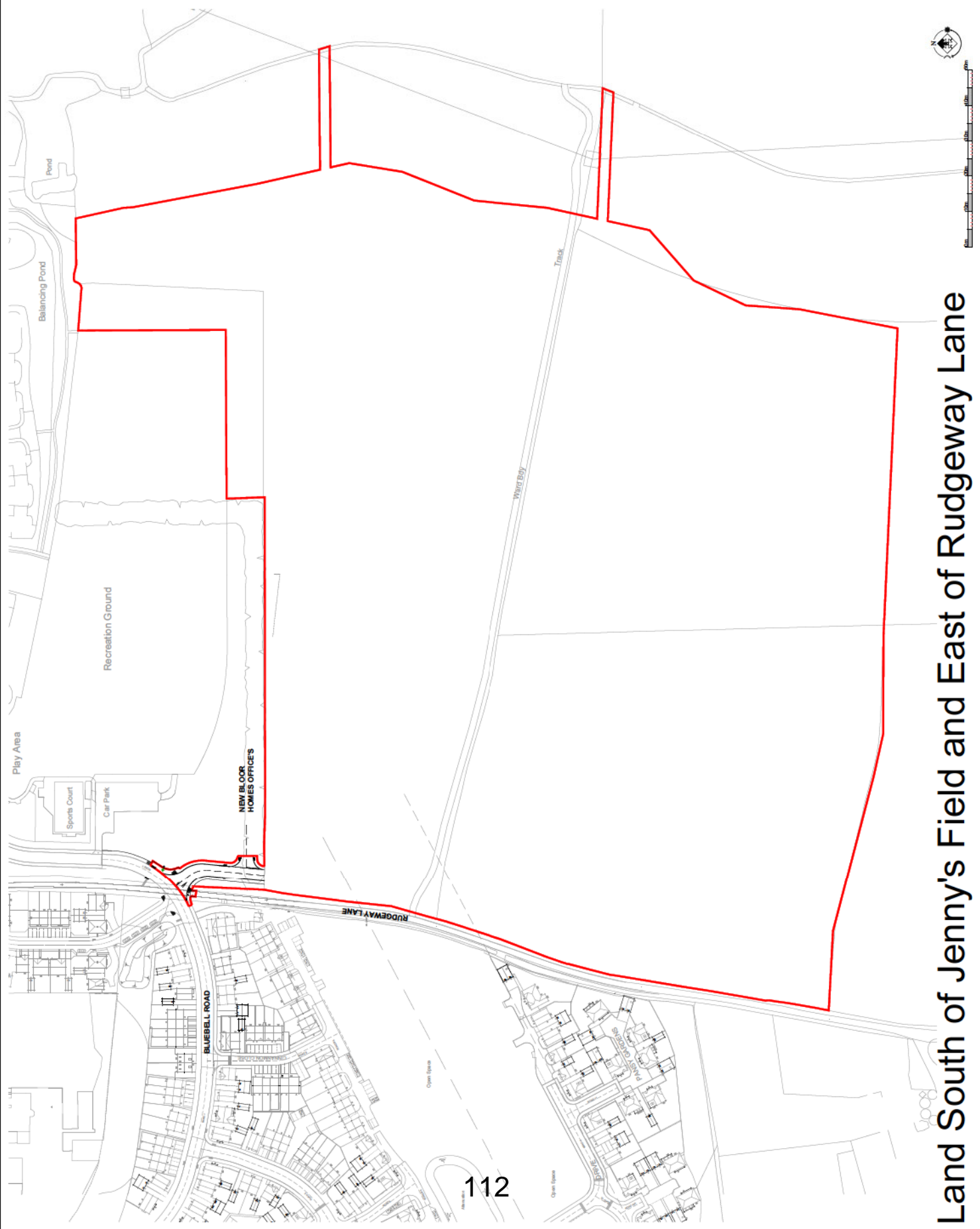
Revisions:

|   |  |          |     |
|---|--|----------|-----|
| A | Issued for comment (subject to the condition that the applicant will pay for the cost of the planning application) | 21/03/22 | FM  |
| B | Issued for comment (subject to the condition that the applicant will pay for the cost of the planning application) | 21/03/22 | JOB |

Land South of Jenny's Field  
 Ashchurch Rural Parish  
**Location Plan**  
 DATE: MARCH 2022  
 SCALE: 1:1000@A1  
 DRAWN: FM  
 CHECKED: AW



Drawing No: ME112-PD-000B



# Land South of Jenny's Field and East of Ruggway Lane



This drawing is the property of FPCR Environment and Design Ltd and is issued on the condition it is not reproduced, retained or disclosed to any unauthorised person, either wholly or in part without written consent of FPCR Environment and Design Ltd.

Aerial Imagery © 2019 Microsoft Corporation  
Ordnance Survey material - from client

Site Boundary: 15.24ha

Boundary of Office Application  
(Reference: 21/00398/FUL)

Proposed Residential Development: 6.85ha  
(circa 250 dwellings)

Proposed Residential Development  
Predominantly 2 storeys in height with a limited  
number of 2.5 and 3 storey key focal buildings

Proposed Residential Development  
Up to 2 storeys in height

Proposed Sports Pavilion and Parking: 0.25ha

Indicative Road Layout

Indicative Bus Route

Footpath/Retained Agricultural Link

Proposed Vehicular Access

Potential Pedestrian Links

Potential Cycle Link

Indicative Location for Pumping  
Station: 0.01ha (shown with 15m offset)

Gas Pipe and Easement

**Green Infrastructure**

Existing Trees and Hedgerows

Proposed Tree/Shrub Planting

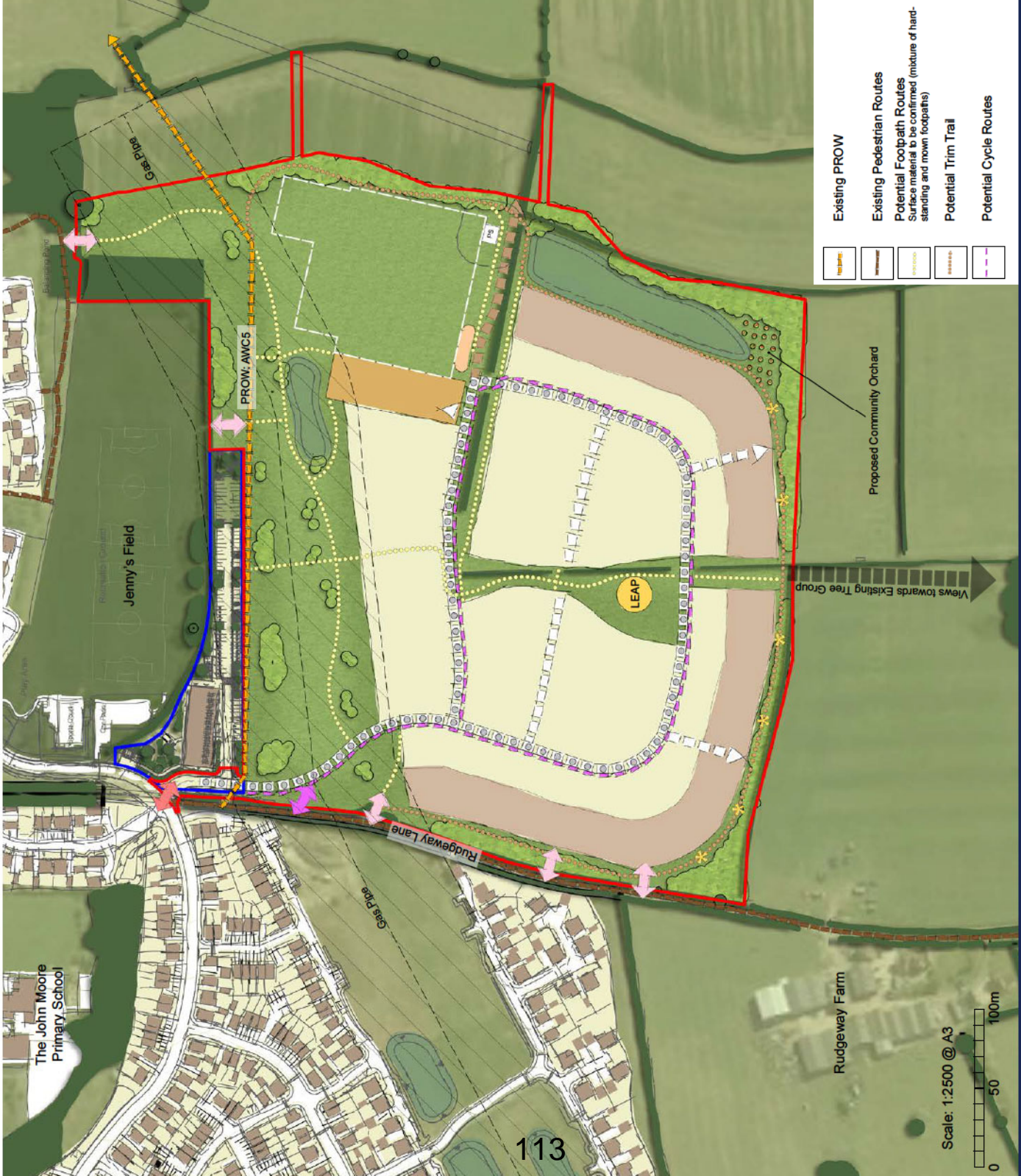
Indicative SUDs Basins

Area for Proposed Sports Pitches

Proposed Play Area: 0.04ha  
(1xLEAP)

Outdoor Gym Equipment Area: 0.02ha

Natural Play Features



Scale: 1:2500 @ A3





This drawing is the property of FPCR Environment and Design Ltd and is issued on the condition it is not reproduced, retained or disclosed to any unauthorised person, either wholly or in part without written consent of FPCR Environment and Design Ltd.

Aerial Imagery © 2019 Microsoft Corporation  
Ordnance Survey material - from client

Site Boundary: 15.24ha

Boundary of Office Application  
(Reference: 21/00398/FUL)

Proposed Residential Development: 6.85ha  
(circa 250 dwellings)

Proposed Sports Pavilion and Parking: 0.26ha

Indicative Road Layout

Indicative Bus Route

Footpath/Retained Agricultural Link

Proposed Vehicular Access

Potential Pedestrian Links (all links along Western boundary to link directly onto Rudgegway Lane)

Potential Cycle Link (all links along Western boundary to link directly onto Rudgegway Lane)

Indicative Location for Pumping Station: 0.01ha (shown with 15m offset)

Gas Pipe and Easement

**Green Infrastructure**

Existing Trees and Hedgerows

Proposed Tree/Shrub Planting

Indicative SUDs Basins

Proposed Sports Pitches

Proposed Play Areas: 0.04ha  
(1xLEAP)

Outdoor Gym Equipment Area: 0.02ha

Natural Play Features

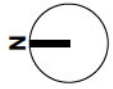
Existing PROW

Existing Pedestrian Routes

Potential Footpath Routes

Potential Trim Trail

Potential Cycle Routes



Scale: 1:2500 @ A3

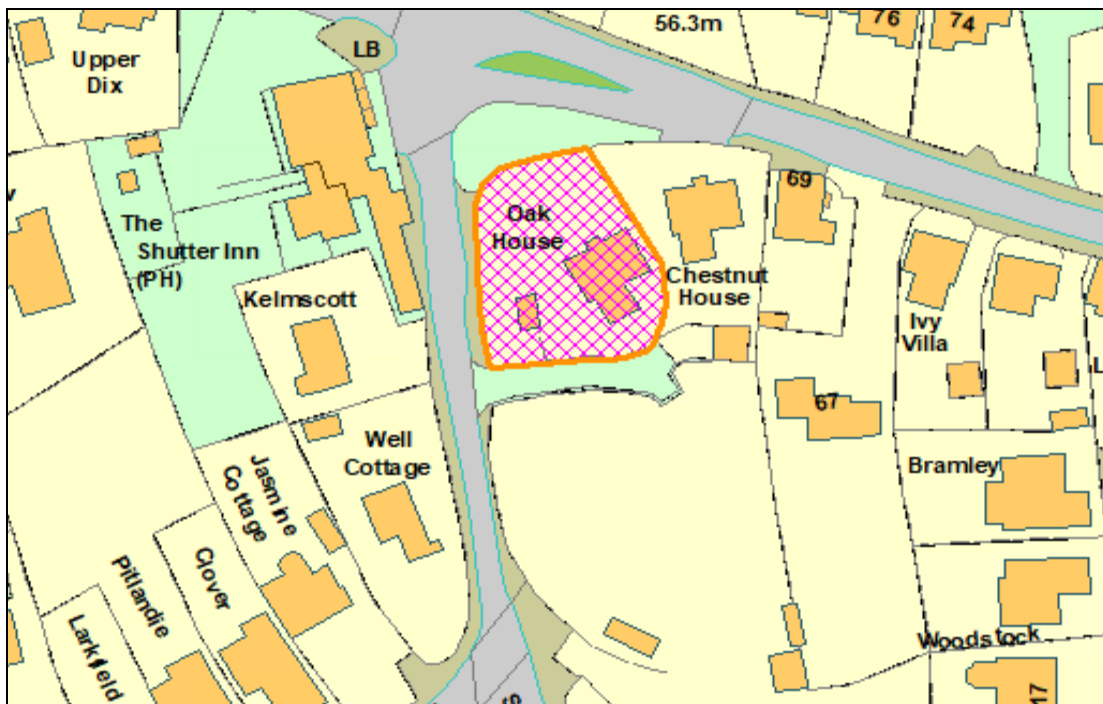


**ILLUSTRATIVE MASTERPLAN**

## Planning Committee

|   |  |
|---|--|
| <b>Date</b>                             | 25 May 2023  |
| <b>Case Officer</b>                     | James Stanley  |
| <b>Application No.</b>                  | 22/00083/FUL   |
| <b>Site Location</b>                    | Oak House, Malleson Road, Gotherington   |
| <b>Proposal</b>                         | Erection of a two storey side extension, a single storey rear extension and a side extension to the detached garage. |
| <b>Ward</b>                             | Cleeve Hill  |
| <b>Parish</b>                           | Gotherington   |
| <b>Appendices</b>                       | Site location plan<br>Site plan<br>Existing and Proposed Floorplans<br>Existing and Proposed Elevations              |
| <b>Reason for Referral to Committee</b> | Objection from Gotherington Parish Council.  |
| <b>Recommendation</b>                   | 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=R69LF0QDIQX00>

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

## 2. Site Description

---

- 2.1 This application relates to 'Oak House' Malleson Road, a two-storey, detached dwelling constructed out of stone. The dwelling is situated upon a corner plot between Malleson Road and Shutter Lane. Part of the site is located within an area designated in local plan policy as Important Open Space, however, the site is not subject to any other restrictive constraints or designations.

## 3. Relevant Planning History

---

| Application Number | Proposal   | Decision | Decision Date |
|--------------------|--|----------|---------------|
| 08/00214/FUL       | Erection of 2 detached houses and garages (Revised Scheme) | PER      | 30.06.2008    |

## 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** – Objection on the grounds that the proposal would remove the open aspect of the view south from Malleson Road towards Whites farm and that the 50% increase in the size of Oak House would be disproportionate in this area.
- 4.2 **Building Control** - The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

## 5. Third Party Comments/Observations

---

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

- 5.1 The application has been publicised through the posting of neighbour notification letters and a site notice for a period of 21 days and no letters of representation have been received.

## 6. Relevant Planning Policies and Considerations

---

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

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

**6.2** National guidance

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

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

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

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

- Policy RES10 (Alteration and Extension of Existing Dwellings)
- Policy LAN4 (Locally Important Open Spaces)

**6.5** Neighbourhood Plan

Gotherington Neighbourhood Development Plan – 2011-2031

---

**7. Policy Context**

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

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

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

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

---

**8. Evaluation**

***Design and Visual Amenity***

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

**8.2** The application originally comprised of a single storey link to the existing garaging, this link would have been clad in timber with a flat roof and floor to ceiling panel glazing. Concerns were raised by officers as to the design and use of materials, given the prominence of the buildings location. As a result of this the applicant has submitted revised

- 8.3** drawings which now proposes a two storey extension and leaves the garaging detached from the main building.
- 8.4** The two-storey side extension is set back from the principal elevation and the ridge set lower than that of the existing dwelling. Due to this, the proposal would clearly read as an extension from the street scene which would be subservient to the existing dwelling.
- 8.5** It is considered that the proposal would be of an appropriate size and design in keeping with the character and appearance of the property. Therefore, the proposal would have an acceptable impact on the character of the surrounding area and complies with the requirements of Policy RES10 of the TBLP and Policy SD4 of the JCS.

***Effect on the Living Conditions of Neighbouring Dwellings***

- 8.6** Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Policy RES10 of the TBLP provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity.
- 8.7** The side extension is located an adequate distance from its nearest neighbouring property to the west, with a road (Shutter Lane) in between. The impact of the proposal upon neighbouring properties has carefully been assessed and it is considered that there would not be an undue impact upon their amenity in accordance with Policy RES10 of the TBLP and Policy SD14 of the JCS.

***Impact upon the Locally Important Open Spaces***

- 8.8** Policy LAN4 of the TBLP states that Locally Important Open Spaces (as identified on the Policies Map) will be protected from new development that would adversely affect their open character and appearance. Development resulting in an adverse effect on the open character and appearance of a Locally Important Open Space will only be permitted where it would result in benefits to the community that would outweigh the importance of the open space.
- 8.9** The north-western corner of the application site is situated within an area designated as a locally important open space with approximately half of the dwelling being situated within the designated area. The single storey rear extension to the dwelling and single storey extension to the detached garage would be located outside of the designated area. Approximately just over half of the proposed two-storey side extension would be within the designated area.
- 8.10** As previously stated, the proposed two-storey extension would be set back from the principal elevation and the ridge set lower than the existing dwelling. The subservient nature of the proposal would reduce any impact upon this locally important space. A large open frontage to the property would remain, preserving the open feel of this corner of Shutter Lane. The proposal would be located to the side of the existing dwelling and not forward of the principal elevation. Given this, whilst it is accepted there would be some loss of openness it is considered that the proposal would not have an adverse effect on the open character and appearance of a Locally Important Open Space. The area is already designated as residential garden and much of this openness would remain, it is therefore considered that the proposal complies with Policy LAN4 of the TBLP.

## 9. Conclusion

---

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

## 10. Recommendation

---

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

## 11. Conditions

---

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

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

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

- Drawing Number #00701174-9ADFBA (Site Location Plan) received by the Local Planning Authority on 25.01.2022.
- Drawing Numbers OH-DWG-002(c) (Proposed Ground Floor Plan) and OH-DWG-002(f) (Proposed First Floor Plan) received by the Local Planning Authority on 03.02.2023.
- Drawing Number OH-DWG-SP1 (Proposed Site Plan) received by the Local Planning Authority on 28.02.2023.
- Drawing Numbers OH-DWG-BLKP (Proposed Block Plan) and OH-DWG-SP2 (Proposed Site Plan) received by the Local Planning Authority on 07.03.2023.
- Drawing Numbers OH-DWG-000(c) (Existing Plans and Proposed Plans) and OH-DWG-ELE (Existing Plans & Proposed Elevations) received by the Local Planning Authority on 09.05.2023.

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

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

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

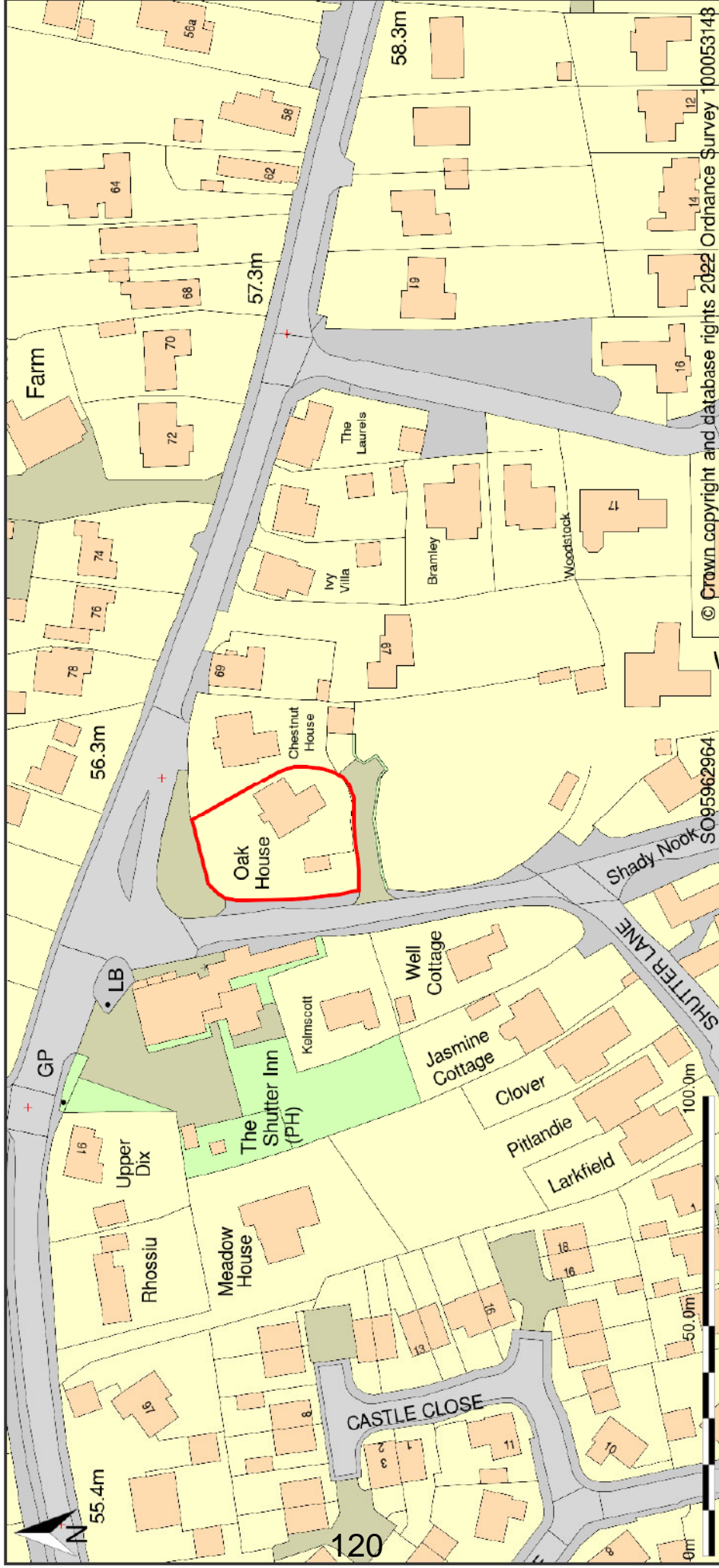
Reason: To ensure that the proposed development is in keeping with the existing dwelling.

## 12. Informatives

---

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

## Oak House



Plan shows area bounded by: 395797.76, 229566.71, 396137.97, 229722.55 (at a scale of 1:1250). OSGridRef: SO95962964. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

Produced on 25th Jan 2022 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this data. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2022. Supplied by <https://mapserve.co.uk> digital mapping a licensed Ordnance Survey partner (100053143). Unique plan reference: #00701174-9ADFBA

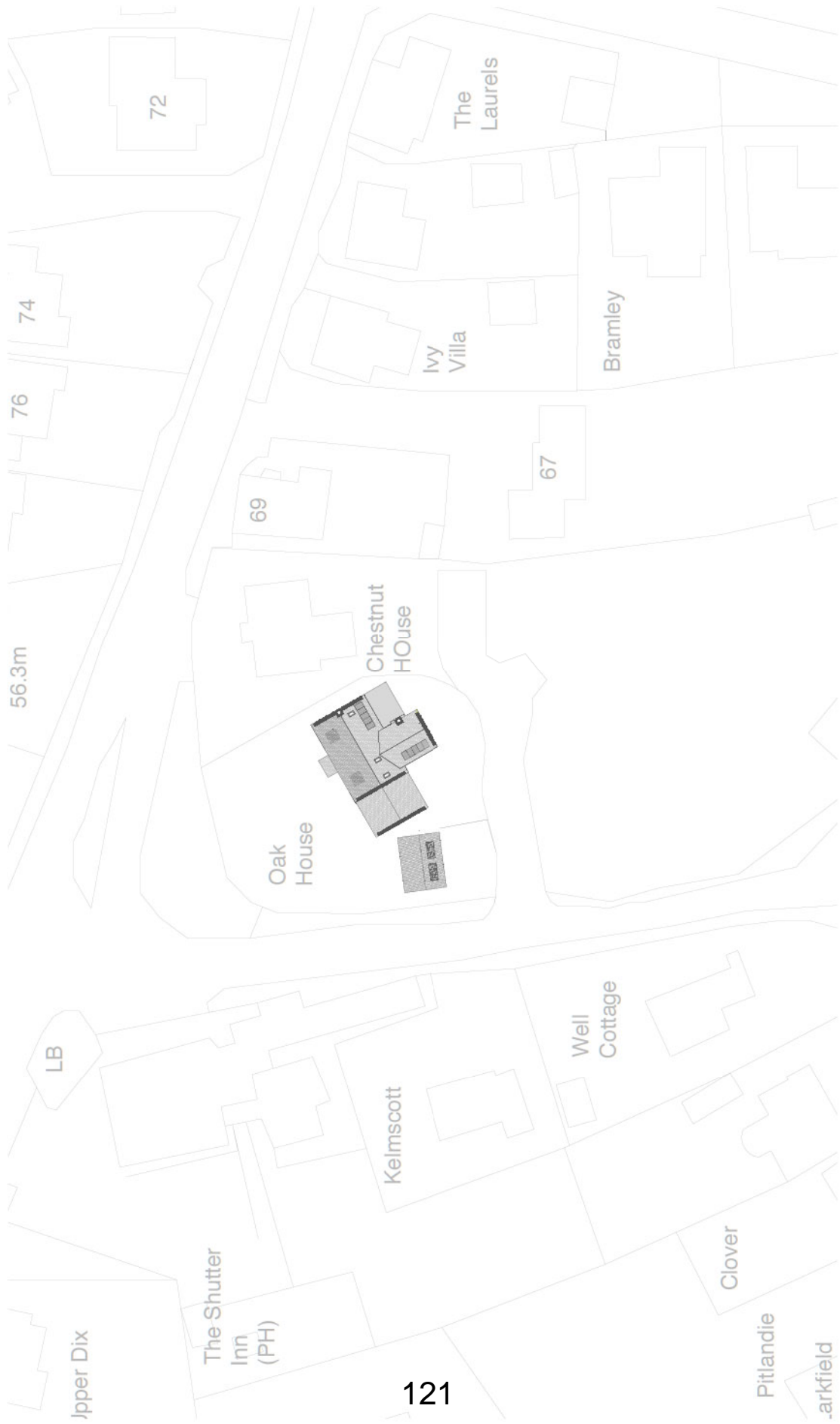
Ordnance Survey and the OS Symbol are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain. Map Serve logo, pdf design and the mapserve.co.uk website are Copyright © Pass Inc Ltd 2022

**Oak House,**  
**Malleson Road, Gotherington,**  
**GL52 9EX**

This drawing should not be scaled. Use  
 figured dimensions only, all dimensions  
 are in millimetres unless otherwise  
 stated. Discrepancies between  
 drawings are the responsibility of the  
 drawing title block. The drawing is copyright.

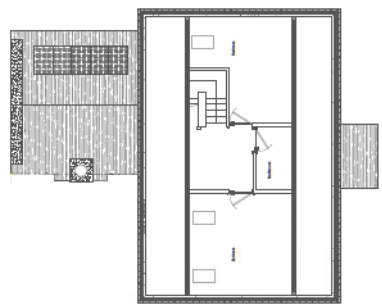
| Rev. | Dated | Description |
|------|-------|-------------|
|      |       |             |
|      |       |             |
|      |       |             |

Notes:





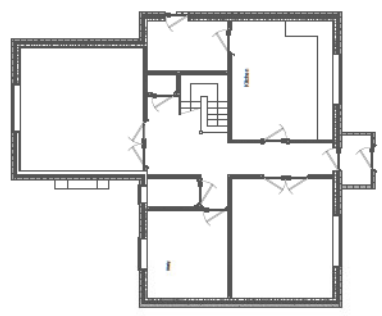
EXISTING PLANS



Second Floor

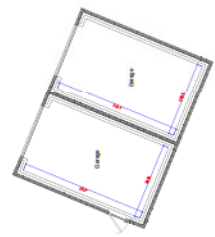
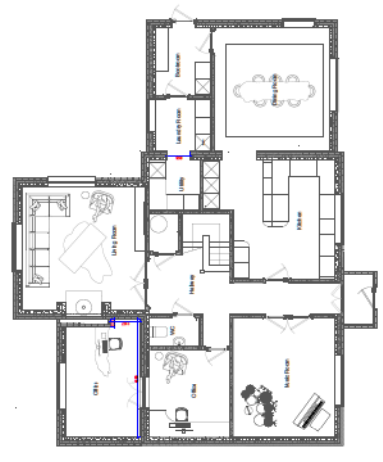
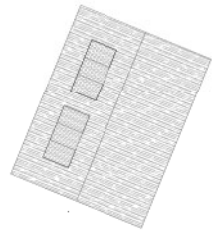
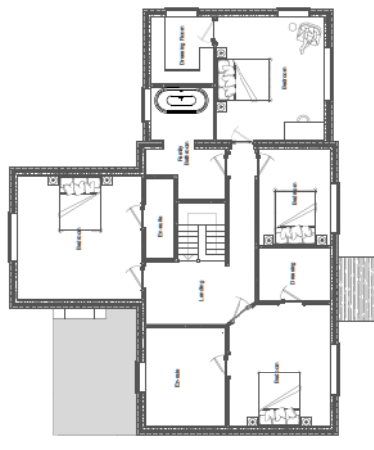
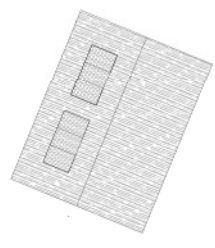
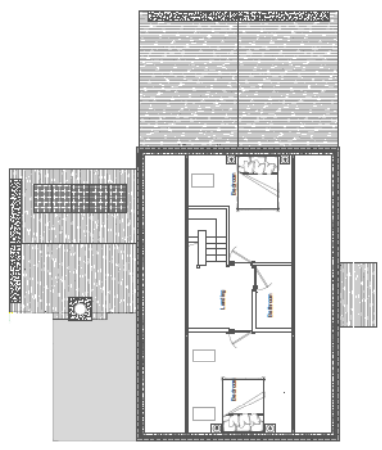


First Floor



Ground Floor

PROPOSED PLANS



This drawing should not be scaled. Use figured dimensions only, all dimensions are in millimetres. Check for any discrepancies in the drawing. The drawing is copyright.

| Rev. | Dated | Description |
|------|-------|-------------|
|      |       |             |
|      |       |             |

Notes:

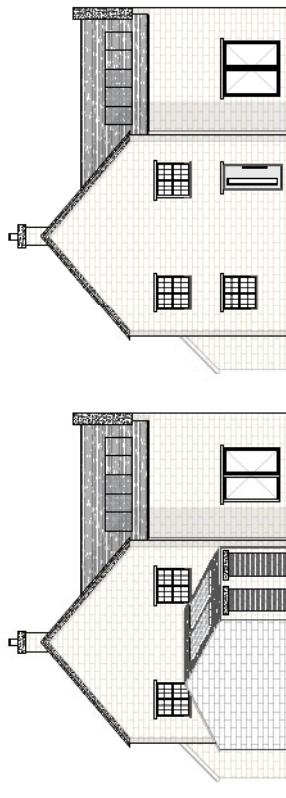
# Oak House, Malleon Road, Gotherington, GL52 9EX

This drawing should not be scaled. Use figured dimensions only, all dimensions are in millimetres unless otherwise stated and any discrepancies prevail.  
The drawing is copyright.

| Rev. | Dated | Description |
|------|-------|-------------|
|      |       |             |

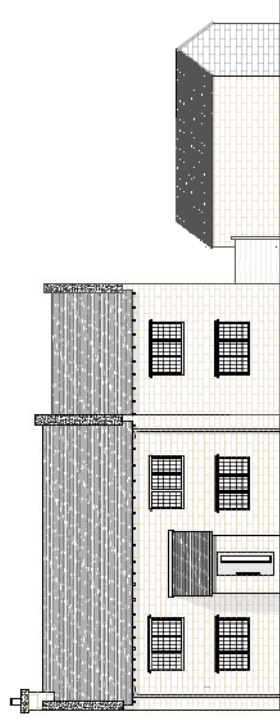
Notes:

**Proposed Elevations**

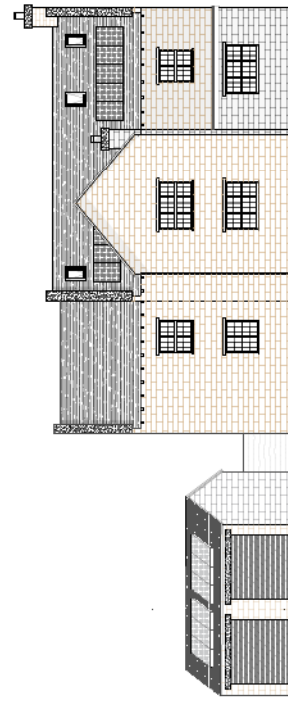


West Elevation

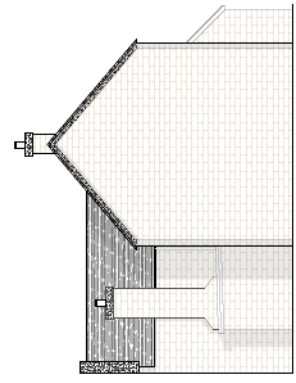
West Elevation without Garage



North Elevation

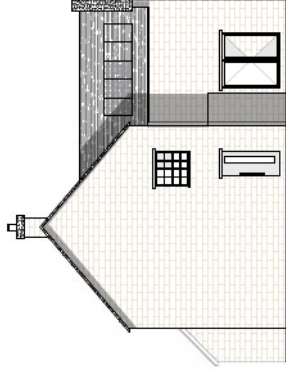


South Elevation

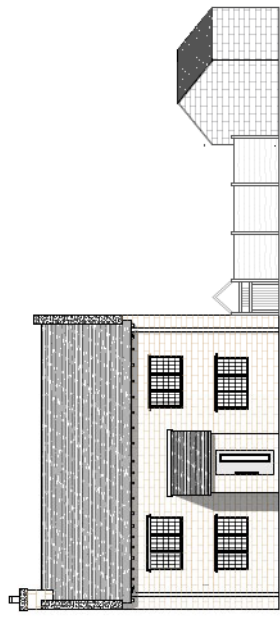


East Elevation

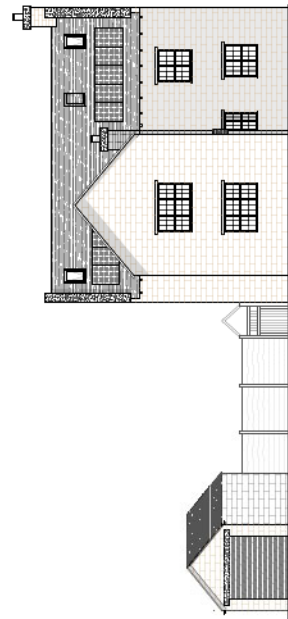
**Existing Elevations**



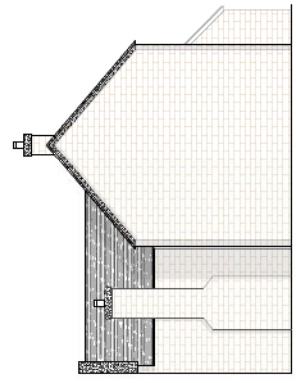
West Elevation



North Elevation



South Elevation

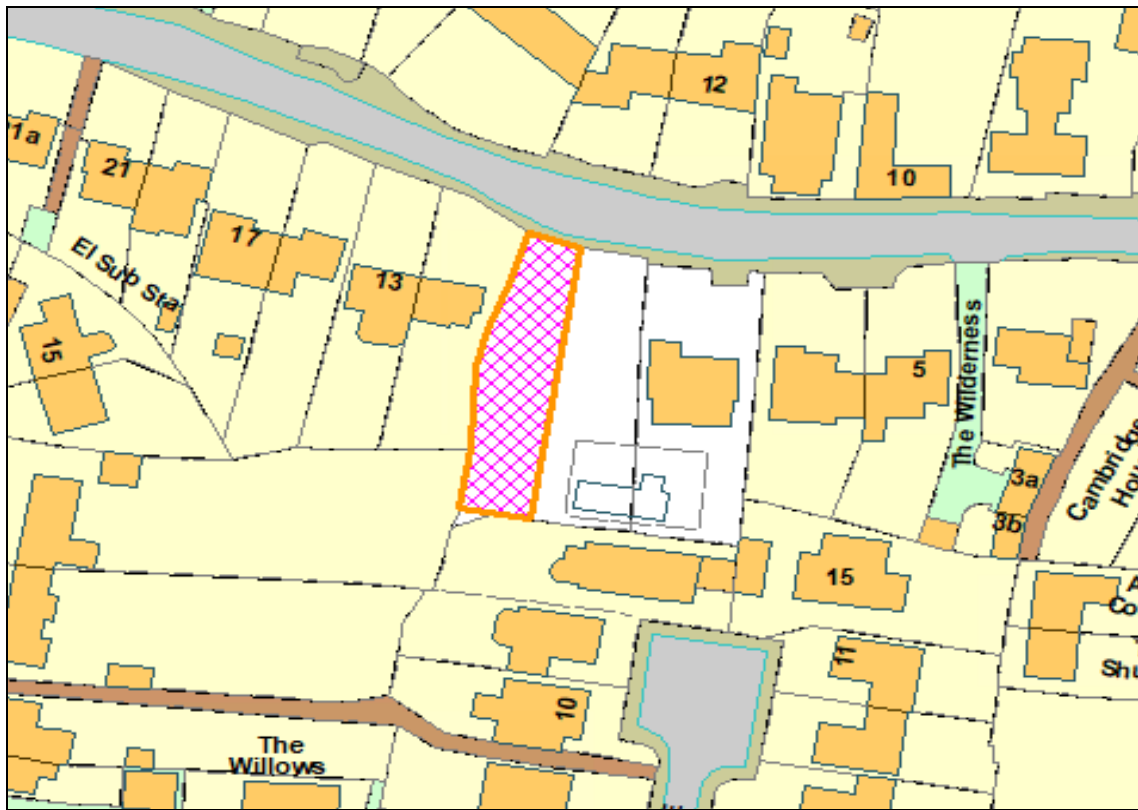


East Elevation

## Planning Committee

|   |  |
|---|--|
| <b>Date</b>                             | 25 May 2023  |
| <b>Case Officer</b>                     | James Stanley  |
| <b>Application No.</b>                  | 23/00240/FUL   |
| <b>Site Location</b>                    | 9B Beckford Road, Alderton   |
| <b>Proposal</b>                         | Erection of a first floor rear extension and installation of a rear roof dormer                      |
| <b>Ward</b>                             | Winchcombe   |
| <b>Parish</b>                           | Alderton   |
| <b>Appendices</b>                       | Site location plan<br>Existing and Proposed Block Plan<br>Existing Elevations<br>Proposed Elevations |
| <b>Reason for Referral to Committee</b> | Objection from Alderton Parish Council   |
| <b>Recommendation</b>                   | 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=RR8UAIQDG7L00>

- 1.1 This application seeks to erect a first-floor rear extension to be constructed out of matching materials and install a rear dormer window.

## 2. Site Description

---

- 2.1 This application relates to 9b Beckford Road, a two-storey, detached dwelling constructed out of stone. The dwelling is located within the village of Alderton on a road consisting of buildings which vary in design, use, and construction materials. The site is located within the Special Landscape Area and is within 50 metres of a listed building.

## 3. Relevant Planning History

---

| Application Number | Proposal   | Decision | Decision Date |
|--------------------|--|----------|---------------|
| 19/00590/FUL       | Demolition of existing bungalow and erection of replacement two storey dwelling with attached single garage, and provision of associated hard and soft landscaping.  | PER      | 09.10.2019    |
| 19/01009/FUL       | Erection of 2 No. two storey semi-detached dwellings and provision of associated vehicular access and parking areas and hard and soft landscaping  | PER      | 22.04.2020    |
| 20/01282/FUL       | Erection of 2 No. two storey detached dwellings and provision of associated vehicular access and parking areas and hard and soft landscaping (revised application following approval of application reference 19/01009/FUL). | PER      | 07.05.2021    |

## 4. Consultation Responses

---

Full copies of all the consultation responses are available online at

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

### 4.1 Alderton Parish Council – Objection on the following grounds:

- The proposal is an inappropriate and appalling design, and which affectively creates visually a three-storey building to the rear.
- Out of character with the village vernacular.
- Materials proposed are not in keeping with surrounding properties.
- The proposed rear extension will be overbearing on neighbouring properties; especially No.11 Beckford Road and the bungalow No.14 Ellenor Drive.
- The existing dwelling has already removed the previously proposed garage and thereby reducing parking. Leaving a maximum of 2 parking spaces which we consider insufficient for a 4-bedroom property particularly given the awkward shape and shared nature of the drive. As Alderton is an increasingly car dependant community.

**4.2 Conservation Officer** – No objection.

**4.3 Building Control** – The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

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

---

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

**5.1** The application has been publicised through the posting of site notices and neighbour notification letters for a period of 21 days.

**5.2** 8 letters of representation have been received, all of which are letters of objection on the following grounds:

- Loss of amenity to neighbouring gardens and habitable rooms
- Proposal is out of keeping with the other houses in the village.
- The rear dormer would be a blot on the landscape and does not respect the appearance of the surrounding area.
- It would set a precedent for other properties.
- The extra bedroom would increase the likelihood of more occupants owning cars and the application makes no provision for more parking as it does not have the capability to sustain this.
- Would block the views of the church tower clock and the early morning sunrise.
- Unsympathetic to the original building.
- Would detract from the property value of surrounding dwellings.

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

---

### **6.1 Statutory Duty**

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

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

### **6.2 National guidance**

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

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

- Policy SD4 (Design Requirements)
- Policy SD6 (Landscape)
- Policy SD8 (Historic Environment)
- Policy SD14 (Health and Environmental Quality)

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

- Policy RES10 (Alteration and Extension of Existing Dwellings)
- Policy HER2 (Listed Buildings)
- Policy LAN1 (Special Landscape Areas)
- Policy TRAC9 (Parking Provision)

#### **6.5 Neighbourhood Plan**

Alderton Neighbourhood Development Plan – 2011-2031

### **7. Policy Context**

---

- 7.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 7.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 7.3** The relevant policies are set out in the appropriate sections of this report.
- 7.4** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

### **8. Evaluation**

---

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

- 8.1** JCS Policy SD4 of the Joint Core Strategy sets out requirements for high quality design while TBLP Policy RES10 provides that development must respect the character, scale and proportion of the existing dwelling and the surrounding development.
- 8.2** The proposal consists of a two storey extension that would be constructed over the existing single storey rear area of the dwelling. The proposed extension would have a part catslide roof which would accommodate the box dormer extension. The second floor extension would be constructed from coursed stone to match the existing building, the box dormer would be clad in standing seam metal cladding. The design of the extension is utilitarian in appearance and due to the limited space on the existing roof slope would create an awkward relationship between the box dormer and the roof of the proposed second floor extension. Whilst this relationship is not ideal in design terms the extension would be viewed from a limited number of public vantage points, the majority of which being within private residential gardens and dwellings.
- 8.3** Officers have sought to negotiate the design with the applicant, differing approaches have been explored, such as a flat roof extension. Whilst the current proposal is not ideal in design terms any harm to the existing building, and to the wider area, is tempered given its lack of prominence and location on the rear of the property.

- 8.4 It is therefore judged that, on balance, the visual amenity of the area and the character and appearance of the street scene would not be unduly harmed, and the proposal would comply with the requirements of Policy RES10 of the TBLP and Policy SD4 of the JCS in this instance.

***Effect on the Living Conditions of Neighbouring Dwellings***

- 8.5 Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Policy RES10 of the TBLP provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity.
- 8.6 The proposed extension would not breach the 45-degree code from either of the neighbouring dwellings nearest habitable rooms. Due to this, there would be no undue harm to the neighbouring dwellings with special regard to loss of light.
- 8.7 The first-floor rear windows would be moved approximately 2 metres towards the rear of the site. This would result in the distance to the rear of the curtilage of the dwelling being approximately 22 metres from these windows. From the proposed dormer windows the distance would be approximately 25 metres to this boundary.
- 8.8 Due to the distance to the dwelling of 14 Ellenor Drive at the rear of the dwelling, there would be no undue harm in regard to overlooking and loss of privacy.
- 8.9 There is already a degree of overlooking of the rear gardens of the neighbouring dwellings of 9a and 11 Beckford Road. The new windows would not intensify this to an unacceptable level where undue harm would be caused.
- 8.10 The impact of the proposal upon neighbouring properties has carefully been assessed and it is considered that there would not be an undue impact upon their amenity in accordance with Policy RES10 of the TBLP and Policy SD14 of the JCS.

***Effect on the Surrounding Landscape***

- 8.11 TBLP Policy LAN1 requires that any development within the Special Landscape Area must not adversely affect the quality of the natural and built environment or cause harm to the features of the landscape character which are of significance and JCS Policy SD6 seeks to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being.
- 8.12 The effects that the proposed works would have on the Special Landscape Area have been carefully assessed and it is determined that it would not adversely affect the landscape that is found within and surrounding the Special landscape Area and complies with the requirements of Policy LAN1 of the TBLP and Policy SD6 of the JCS.

***Parking Provision***

- 8.13 TRAC9 of the TBLP states that proposals that generate demand for car parking spaces should be accompanied by appropriate evidence which demonstrates that the level of parking provided will be sufficient.

- 8.14 The proposal seeks to increase the number of bedrooms from 3 to 4. As set out in the Gloucestershire Manual for Streets October 2021 Addendum, a 4 bedroom dwelling must be able to provide at least 2 external car parking spaces.
- 8.15 When the dwelling was originally permitted through application 20/01282/FUL, it was demonstrated that the dwelling could accommodate for at least 2 external car parking spaces.
- 8.16 As there are no proposed changes to the external parking, it is deemed that there is a sufficient level of parking at the dwelling for the proposed number of bedrooms. Therefore, the proposal complies with Policy TRAC9 of the TBLP.

#### ***Impact upon the Heritage Asset***

- 8.17 Policy SD8 of the JCS and Policy HER2 of the TBLP state that any development within the setting of a Listed Building must not have an adverse impact upon those elements which contribute to their special architectural or historic interest, including their settings.
- 8.18 Due to the proposed being sited to the rear of the dwelling, there would be no undue harm caused to the setting of the setting of 10 Beckford Road, a Grade II Listed Building. The Council's Conservation Officer has been consulted and raises no objection to the proposal in terms of impact upon any designated assets. Therefore, the proposal would comply with Policy SD8 of the JCS and Policy HER2 of the TBLP.

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

- 8.19 The comments received through the letters of representation have been noted, however, the impact the proposal may have on the value of neighbouring dwelling and the views that it may block are not material planning considerations.

### **9. Conclusion**

---

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

### **10. Recommendation**

---

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

### **11. Conditions**

---

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

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



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

- Drawing Numbers 1191/PL01 (Site Location Plan), 1191/PL02 (Existing & Proposed Block Plans), 1191/PL06 (Proposed First Floor Plan), 1191/PL07 (Proposed Second Floor Plan), and 1191/PL08 (Proposed Elevations) received by the Local Planning Authority on 09.03.2023.

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

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

**3** The materials to be used in the construction of the external surfaces of the proposed development shall match those used in the existing dwelling unless otherwise stated on the hereby approved documents.

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

## **12. Informatives**

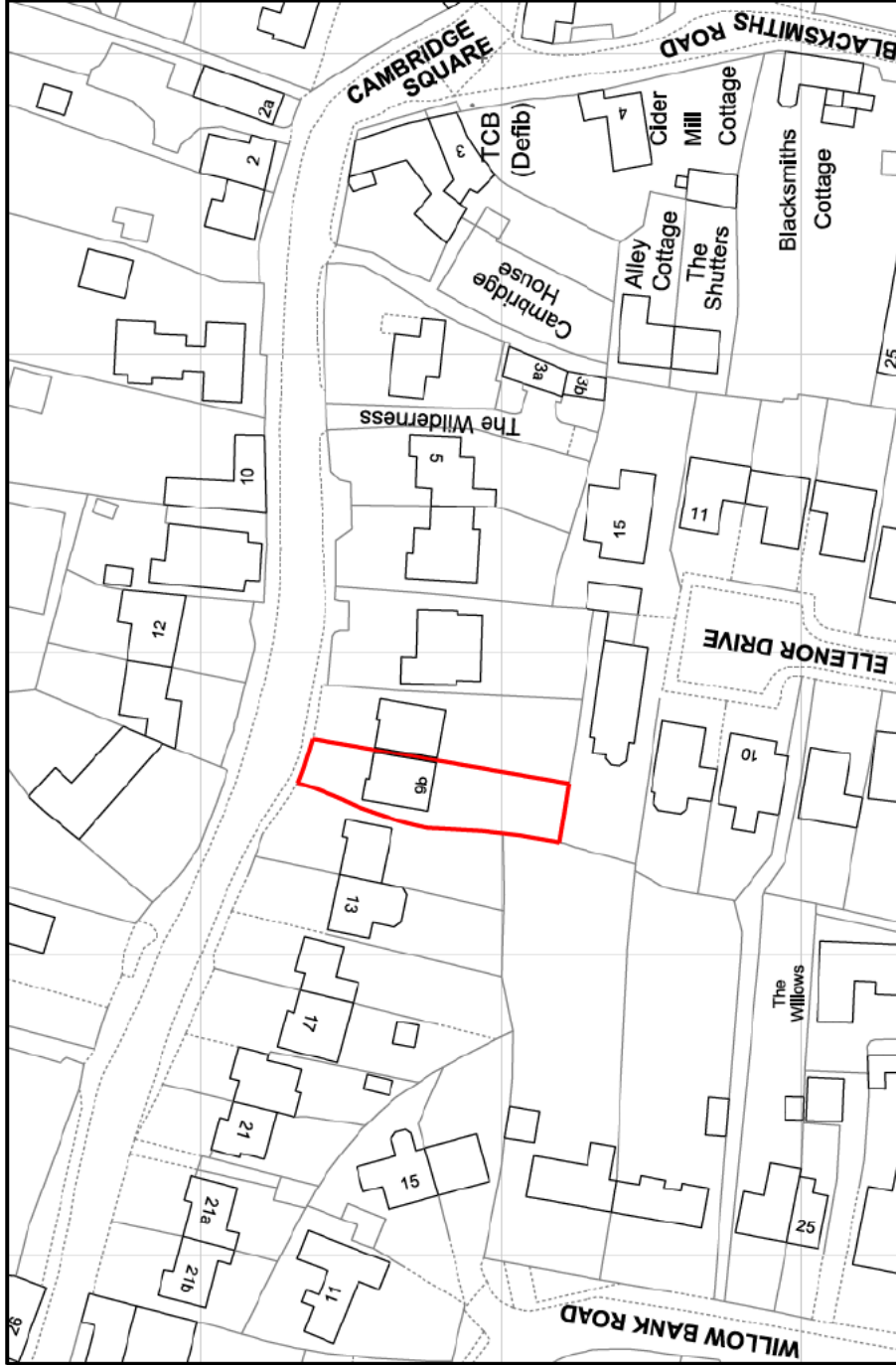
---

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

The copyright in this drawing is the copyright of AAD and should not be reproduced in whole or in part or used in any manner whatsoever without their written permission.

Address: 9 Factory Close, Aylesworth, Glos. GL19 4JT  
 E: [aa@aston-architectural.co.uk](mailto:aa@aston-architectural.co.uk) Tel: 0795857262

| rev. | date | description |
|------|------|-------------|
|      |      |             |



© Crown copyright 2023 Ordnance Survey 100053143

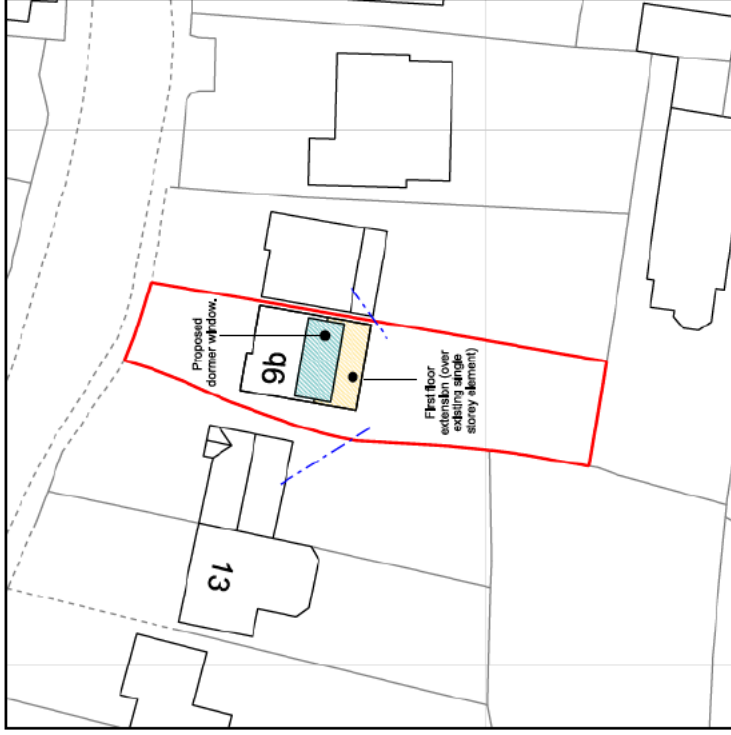
This drawing is the copyright of AAD and should not be reproduced in whole or in part or used in any manner whatsoever without their written permission.

Address: 9 Factory Close, Ashleworth, Glos, GL19 4JT  
 E: [aa@aston-architectural.co.uk](mailto:aa@aston-architectural.co.uk) Tel: 0795857302

| rev. | date | description |
|------|------|-------------|
|------|------|-------------|

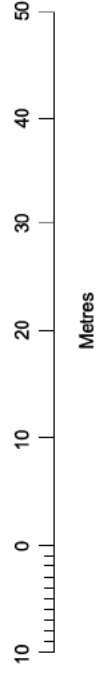


Existing Block Plan



Proposed Block Plan

--- 45 deg sunlight line (taken from the centre point of the nearest window serving a habitable room)



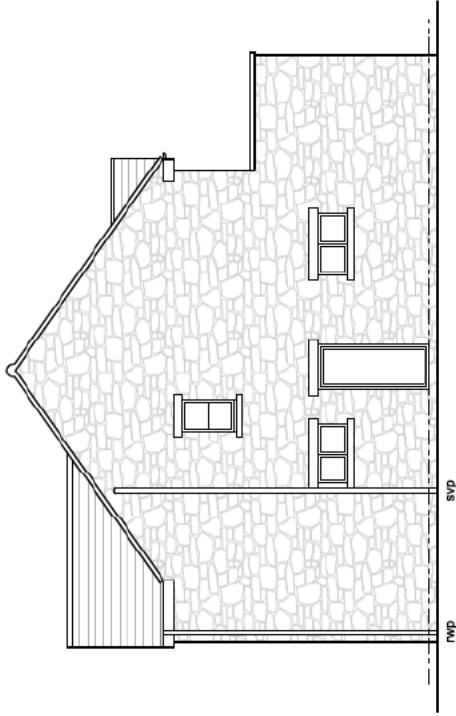
This drawing is the copyright of AAD and should not be reproduced in whole or in part or used in any manner whatsoever without their written permission.

Address: 9 Factory Close, Ashleworth, Glos, GL19 4JT  
 E: [aa@aston-architectural.co.uk](mailto:aa@aston-architectural.co.uk) Tel: 0795857302

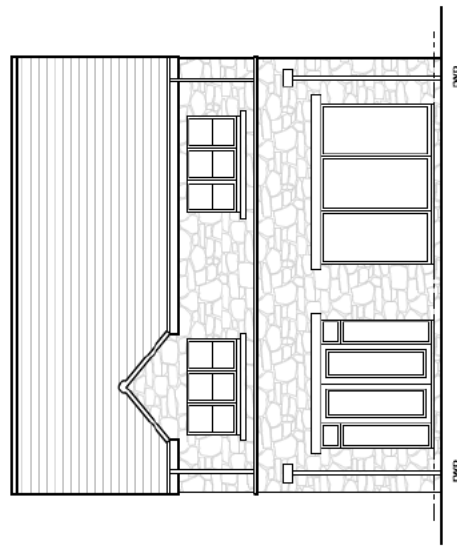
| rev. | date | description |
|------|------|-------------|
|------|------|-------------|



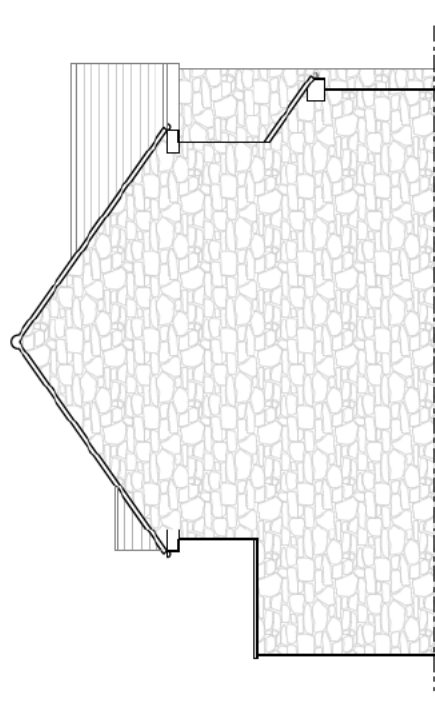
Existing Front / North Elevation



Existing Side / West Elevation

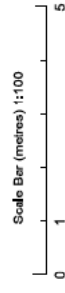


Existing Rear / South Elevation



Existing Side / East Elevation

- Materials Legend: Generally**
- Randomly coursed stone walls.
  - Slate tiled roof / EPDM flat roof.
  - Casement windows.



This drawing is the copyright of AAD and should not be reproduced in whole or in part or used in any manner whatsoever without their written permission.

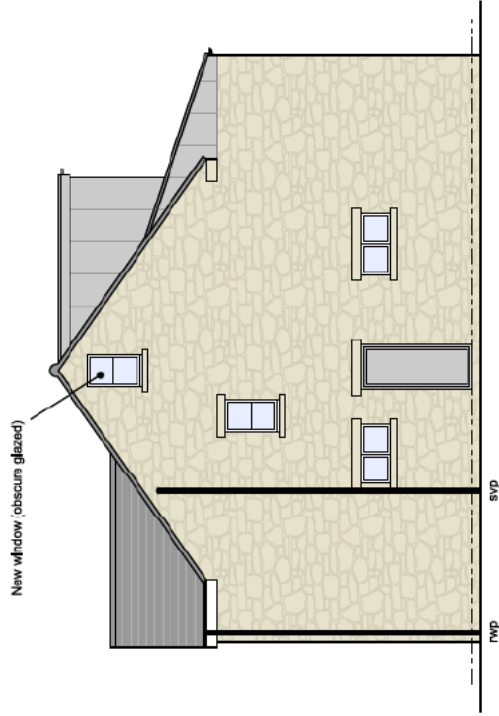
Address: 9 Factory Close, Aylesworth, Oles, GL19 4JT  
 E: [aa@aston-architectural.co.uk](mailto:aa@aston-architectural.co.uk) Tel: 0795857302

| rev. | date | description |
|------|------|-------------|
|------|------|-------------|



**Existing Front / North Elevation**

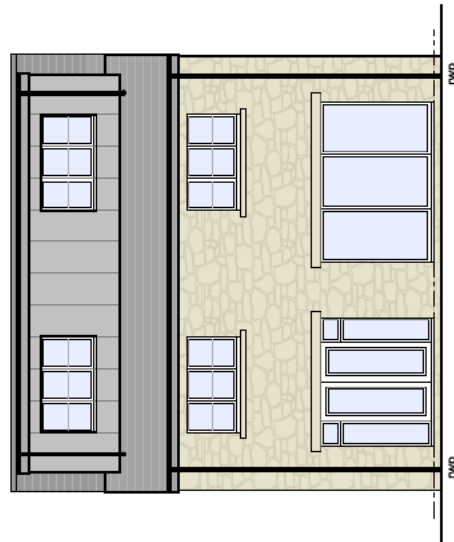
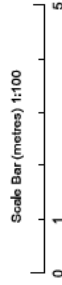
To remain unaffected by the proposals



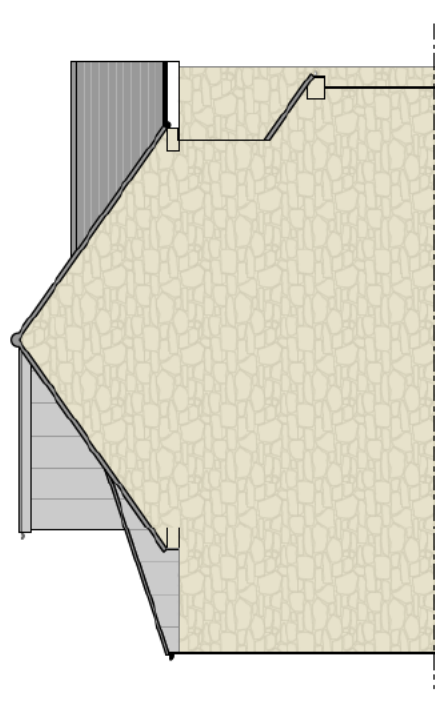
**Proposed Side / West Elevation**

**Materials Legend: Generally**

- Randomly coursed stone walls.
- Standing seam metal cladding.
- Slate tiled roof / EPDM flat roof.
- Casement windows.



**Proposed Rear / South Elevation**

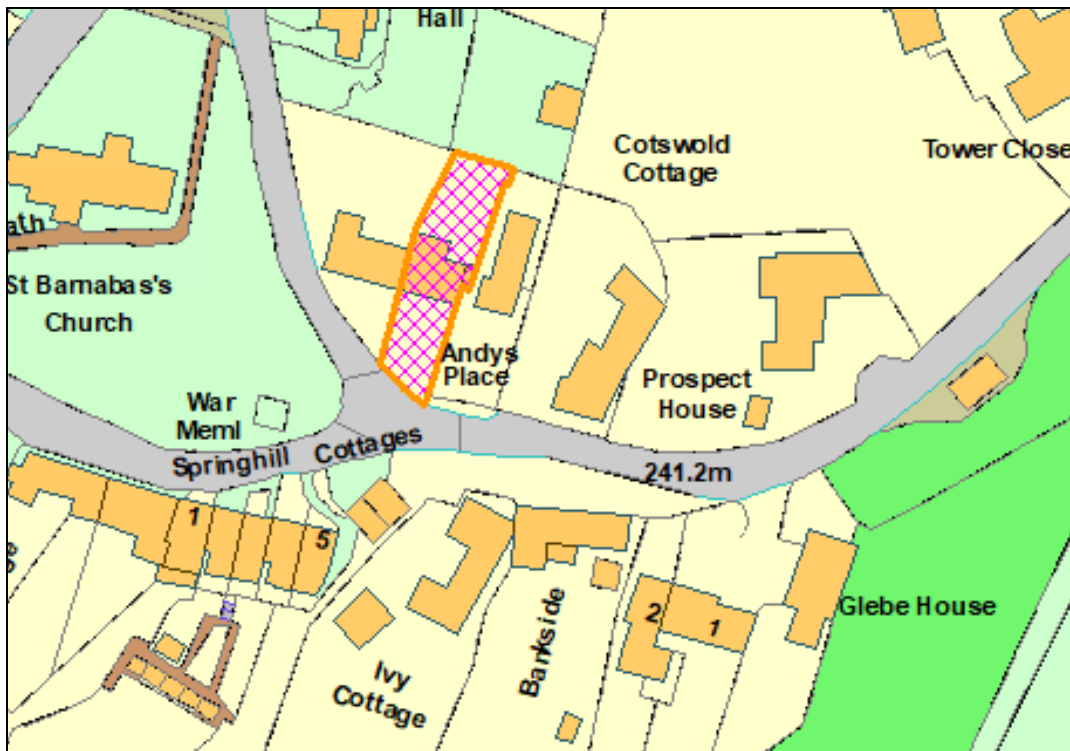


**Proposed Side / East Elevation**

## Planning Committee

|   |  |
|---|--|
| <b>Date</b>                             | 25 May 2023  |
| <b>Case Officer</b>                     | Sarah Barnes   |
| <b>Application No.</b>                  | 22/00740/FUL   |
| <b>Site Location</b>                    | Green Cottage, Snowhill  |
| <b>Proposal</b>                         | Alterations to the front of the property to provide a porch; erection of a veranda to rear elevation and garden room in rear garden.   |
| <b>Ward</b>                             | Isbourne   |
| <b>Parish</b>                           | Snowhill   |
| <b>Appendices</b>                       | <ul style="list-style-type: none"> <li>Site plan</li> <li>Site plan and block plan</li> <li>Existing elevations and floor plans</li> <li>Proposed elevations (porch and veranda)</li> <li>Proposed plans – garden room floor plans</li> <li>Revised plans – garden room elevations</li> <li>Revised plans – garden room visualisation</li> <li>Revised plans – garden room context elevations</li> </ul> |
| <b>Reason for Referral to Committee</b> | Parish Council objection to the proposal in its original and revised form.   |
| <b>Recommendation</b>                   | 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=RDXL5XQD0AJ00>

- 1.1 The current application is for the erection of a front porch, a rear veranda and a garden room in the rear garden. The front porch would be 1.6 metres wide by 0.8 metres in depth with a ridge height of 2.6 metres. The veranda would be attached to the rear of the house, it would be open sided and have a solid roof to cover the patio area. The veranda would be 2.3 metres in height and would project out by 1.5 metres and constructed from timber.
- 1.2 The garden room would be used in conjunction with the residential use of the site and would provide a sitting space, a shower room and a garden storage area. The building would be finished in Cotswold stone and timber cladding with the roof matching the existing cottage (see plans). The proposal originally included alterations to the front of the property to provide parking for two cars. That aspect of the proposal was omitted from the application on the 23rd March 2023, the description of development has been changed to reflect this.
- 1.3 Following concerns from the Parish Council and local residents revised plans were received which have sought to reduce the height of the eaves of the garden room to 2 metres. This has resulted in the overall height of the building being reduced to 3.4 metres. The gable window has also been amended.

## 2. Site Description

---

- 2.1 This application relates to Green Cottage, a semi-detached 1.5 storey period style dwelling located in the centre of Snowhill. It's sited within close proximity to St Barnabas's Church and the war memorial area. Green Cottage is considered to be a non-designated heritage asset.
- 2.2 The site is located within the Snowhill Conservation area and the Cotswolds AONB.

## 3. Relevant Planning History

---

| Application Number | Proposal  | Decision | Decision Date |
|--------------------|---|----------|---------------|
| 20/00067/FUL       | Replacement of windows, installation of dormer windows and re-roofing. Extension and alteration of garden store and creation of front parking area. | PER      | 15.04.2020    |

## 4. Consultation Responses

---

Full copies of all the consultation responses are available online at

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

**4.1 Snowhill Parish Council (original proposal) – Objection, details are summarised below:**

- The proposed garden room is too large and too high for a relatively small cottage and garden in the heart of the Snowhill Conservation Area.
- The pitched roof is far too high and is considered totally inappropriate in this area.
- The proposed car parking is unacceptable.
- The floor area and height of the proposed garden room are unacceptable.
- The garden room would overlook an adjacent property and blocks the view from the other adjacent property.
- The structure would be clearly visible from many locations including the village green, village hall, church, pub and neighbouring properties.
- The design is inappropriate for the conservation area and the impact it has on nearby listed buildings.
- A window is proposed in the side elevation of the garden room. This large window is highly visible, and its modern design does not blend in.
- Regarding the wood burning stove, consider the chimney looks inappropriate and ugly.
- We would not have expected a shower room for a garden room. Concerned that the accommodation could be used as a separate dwelling.

**4.2 Snowhill Parish Council (revised proposal) – Objection, details are summarised below:**

- Note the amendments regarding the Garden Room; however, concerns have not been addressed and re-iterate comments made in the original letter 18 November 2022.
- would not expect a garden room to have a shower room and consider the 6.8m x 3.3m garden room is over-sized, particularly in this conspicuous location. Consider size should be limited to say 4m x 3m.
- Even with the slight reduction in eaves height, the roof would be highly visible from many locations eg village green, village hall, church, pub and neighbouring properties.
- A black aluminium chimney may be considered acceptable for barn conversions but is considered unacceptable for a garden room in the centre of the village.

**4.3 Conservation Officer (original proposal) - Objection**

- The front porch is of a traditional form for a cottage of this type and is acceptable. The rear veranda is simple in form and of traditional materials. Its location is discrete and it would not detract from the significance of the cottage or the character and appearance of the Conservation Area.
- The principle of a garden building in this location is acceptable. However, some concerns around the design of the building.

**4.4 Conservation Officer (revised proposal) – No objection**

- The amended drawings show the ridge and eaves reduced by 400mm and the size and design of the gable window changed as suggested. This has addressed my previous concerns.

**4.5 Environmental Health – 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.

**5.2** 18 letters of objection have been received from local residents to the original plans and one letter with general comments. The reasons for objection are summarised as follows:

- The proposed car parking would change the character of the area and could set a precedent.
- The garden room would be massive, too high, highly visible (especially from the village green / church) and incongruous design. It would result in the overdevelopment of the site. It could be used in the future as an air B and B / separate dwelling.
- Given the size / height of the garden room it would be very close to and would be harmful to the residential amenity of the neighbours on both sides.
- Harmful impact on the immediate neighbouring dwellings (Old Post Office and Shepherds Cottage) in terms of loss of privacy / overlooking, loss of outlook / light.
- The overall design of the garden room is completely out of character with the village / conservation area.
- The proposed gable end window in the garden room would be out of keeping.
- Unsightly proposed chimney on the garden room
- Why does a garden room such as this require a shower, a wood burning stove and a chimney.
- Loss of view / overshadowing to the garden area of Shepherd's Cottage.
- The plans should be revised to substantially lower the roof of the garden room and reduce the footprint. It should also be set further away from the west end wall.

**5.3** 18 letters of objection have been received from local residents to the revised plans and one letter of support. The reasons for objection are summarised as follows:

- The garden room would still be too big, too high and overbearing / blocks views to the nearest neighbours.
- A harmful precedent would be set.
- This dwelling has already been extended – overdevelopment of the site.
- The mock-up has served to highlight one of the main problems with the proposed garden room – it's far too big for the location and is clearly visible from the village hall, the village green and church.
- Harmful to the Conservation area
- The garden room would be too dominant and visible.
- Overdevelopment of the plot
- The garden room would be used as a dwelling rather than an actual garden room.
- Concerns about the proximity of the garden room to the boundary wall (my undermine its foundations).
- The chimney is inappropriate / incongruous.
- A garden room such as this doesn't need a shower, w.c. and a wood burning stove.
- Gable window modified but still too large.

The letter of support is summarised as follows:

- The proposal looks very well designed. No objections to the proposal. With regards to the metal chimney, there is already a dwelling not far from the church with a similar metal chimney which runs up the two storey property.

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

---

### **6.1 Statutory Duty**

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

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

### **6.2 National guidance**

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

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

Policy SD4 (Design Requirements)  
Policy SD7 (AONB)  
Policy SD8 (Historic Environment)  
Policy SD14 (Health and Environmental Quality)

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

Policy RES10 (Alteration and Extension of Existing Dwellings)  
Policy HER1 (Conservation Areas)  
Policy HER2 (Listed Buildings)  
Policy HER5 (Non-Designated Heritage Assets)

### **6.5 Neighbourhood Plan**

None

## **7. Policy Context**

---

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

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

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

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

## **8. Evaluation**

---

### ***Design, Visual Amenity & Heritage Impacts***

- 8.1 JCS Policy SD4 of the Joint Core Strategy sets out requirements for high quality design while Local Plan Policy RES10 provides that development must respect the character, scale and proportion of the existing dwelling and the surrounding development.
- 8.2 Green Cottage is not a listed building but is considered to have sufficient local heritage interest to be a non-designated heritage asset. The property is also within the Snowhill Conservation Area and within the setting of Grade II Listed St Barnabas Church and related listed monuments and war memorial.
- 8.3 As such when determining planning applications this authority has a duty under Sections 66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have regard to the desirability of preserving listed buildings and their settings and to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The proposal would also be assessed against section 16 of the NPPF, Policy SD8 of the JCS, and Policies HER 1, 2 & 5 of the adopted Local Plan.
- 8.4 The NPPF defines a 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.
- 8.5 The Conservation Officer has been consulted and considers that the proposed front porch would be of a traditional form for a cottage of this type and would therefore be acceptable. The rear veranda would be simple in form, modest in size and constructed from traditional materials. Its location would be discrete, and it would not detract from the significance of the cottage or the character and appearance of the Conservation Area. The impacts of these elements of the proposal upon the existing building and the Conservation Area are therefore considered acceptable and would comply with the relevant policies of the Development Plan.
- 8.6 The Conservation Officer considers that the principle of a garden building in this location would be acceptable. The general form and materials of the garden building would also be acceptable.
- 8.7 An accurate timber 'mock-up' of the garden room was requested by the Conservation Officer to be made and displayed in-order to fully assess the proposal on site. A timber mock-up was subsequently erected on site (see photographs) and the site was re-visited by the Case Officer and the Conservation Officer. This helped to provide and demonstration of the proposed height and spatial extent of the garden room and how visible it would be from the nearby vantage points along with the potential impact upon the neighbouring dwellings.
- 8.8 The Conservation Officer was also concerned about the proposed glazed west gable and considered it to be an incongruous feature and not in keeping with the historic character of the Conservation Area. It was suggested that a simple and proportionate rectangular gable window (portrait) would be more acceptable.

- 8.9 Following the Conservation Officer's advice, revised plans were requested to reduce the ridge height / eaves height of the garden room and to improve the fenestration on the west elevation by having a rectangular gable window as suggested.
- 8.10 The applicant submitted revised drawings on the 23rd March 2023 which included these changes. The ridge height of the garden room has been lowered to 3.4 metres and the eaves height would now be 2 metres. The window on the west elevation has also been reduced in size. It's considered that the rear garden room (as revised) would be of a suitable size / scale which would be subservient to the main dwelling. The design approach follows a simple vernacular design finished in Cotswold stone and timber with the roof to match the existing cottage.
- 8.11 The Conservation Officer was reconsulted on the revised plans and has advised the following; *"The amended drawings show the ridge and eaves reduced by 400mm and the size and design of the gable window changed as suggested. This has addressed my previous concerns. As such I have no further objection to this element of the proposal."*
- 8.12 Whilst the garden room (as revised) would be visible from several public vantage points such as the nearby Church, given that it would be constructed from traditional materials, and would be of an appropriate size and design, it's considered that it would not be harmful to the character and appearance of the Conservation area nor the surrounding AONB.

#### ***Effect on the living conditions of neighbouring dwellings***

- 8.13 Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Local Plan Policy RES10 provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity.
- 8.14 Several letters of objection have been received from local residents, including the immediate neighbours, on the grounds that the proposed garden room even as revised would be overbearing and would result in the loss of privacy. The Parish Council have also raised concerns about the impact of the proposal on the immediate neighbours.
- 8.15 The immediate neighbours are located to the west and to the east of the site (see site plan). In order to reduce the impact on the immediate neighbours, revised drawings were submitted which sought to reduce the eaves height down to 2 metres and the ridge height to 3.4 metres. This has now resulted in the proposed garden building becoming marginally higher than the adjacent boundary wall to the east (see context elevation plans). It is important to note that the neighbouring dwelling to the east is also set at a higher ground level than the application site.
- 8.16 With regards to the window on the west side elevation of the garden room, the cill level would be set at 1.5 metres above the finished internal floor level which would ensure that there would be no adverse overlooking to the immediate neighbours.
- 8.17 The objections from the Parish and neighbouring residents have been considered and the Case Officer and the Conservation Officer have visited the site and the rear garden of the neighbouring property (to the east) to make an assessment of the amenity impacts. Given this assessment, along with then changes to the original scheme, it is judged that the impact upon the residential amenity of both neighbours is acceptable and would comply with the relevant policies of the Development Plan.

## ***Other Issues***

- 8.18** Local residents and the Parish Council have also raised concerns about other issues such as the proposed use of the garden room and harm from the proposed chimney.
- 8.19** The applicant has confirmed that the use would be ancillary to the main dwelling. The building is located within the residential curtilage of the existing dwelling, and should the applicant seek to segregate the building and use as a separate planning unit then a planning application would be required. Notwithstanding this it is considered reasonable to apply a condition restricting the use of the building to ancillary residential, should the application be granted.
- 8.20** With regards to the proposed chimney, the Council's Environmental Health Officer has been consulted and has raised no concerns / objections. The chimney would be used for residential purposes and log burning flues are not uncommon in rural settings.

## **9. Conclusion**

---

- 9.1** It is considered that the proposal as revised would not be unduly harmful to the appearance of the existing dwelling nor the surrounding conservation area / AONB and it would not result in an unacceptable loss of residential amenity to neighbouring dwellings. The proposal would also be of an acceptable size and design and would have an acceptable impact upon the non-designated heritage asset.

## **10. Recommendation**

---

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

## **11. Conditions**

---

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

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

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

Site plan and storm porch / veranda plans (plans 13101) dated 5<sup>th</sup> May 2022, Site and block plan dated 23<sup>rd</sup> March 2023, revised plans 3059-250A and 3059-225A dated 23<sup>rd</sup> March 2023 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 only be used in conjunction with and as ancillary to the residential enjoyment of the adjoining dwelling house known as Green Cottage, Snowhill, Broadway.

Reason: The site is unsuitable for an independent dwelling in addition to the main dwelling and would provide for an inadequate level of amenity for two self-contained dwellings.

- 4 No work above floor plate level on the hereby permitted 'garden room' shall be carried out until samples or where appropriate details of the walling and roofing materials and the finished flue colour proposed to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development is of a satisfactory appearance in the interest of visual amenity.

- 5 The windows in the east and west gables of the hereby permitted 'garden room' shall be recessed from external surface by a minimum of 75mm.

Reason: To ensure that the proposed development is of a satisfactory appearance in the interest of visual amenity.

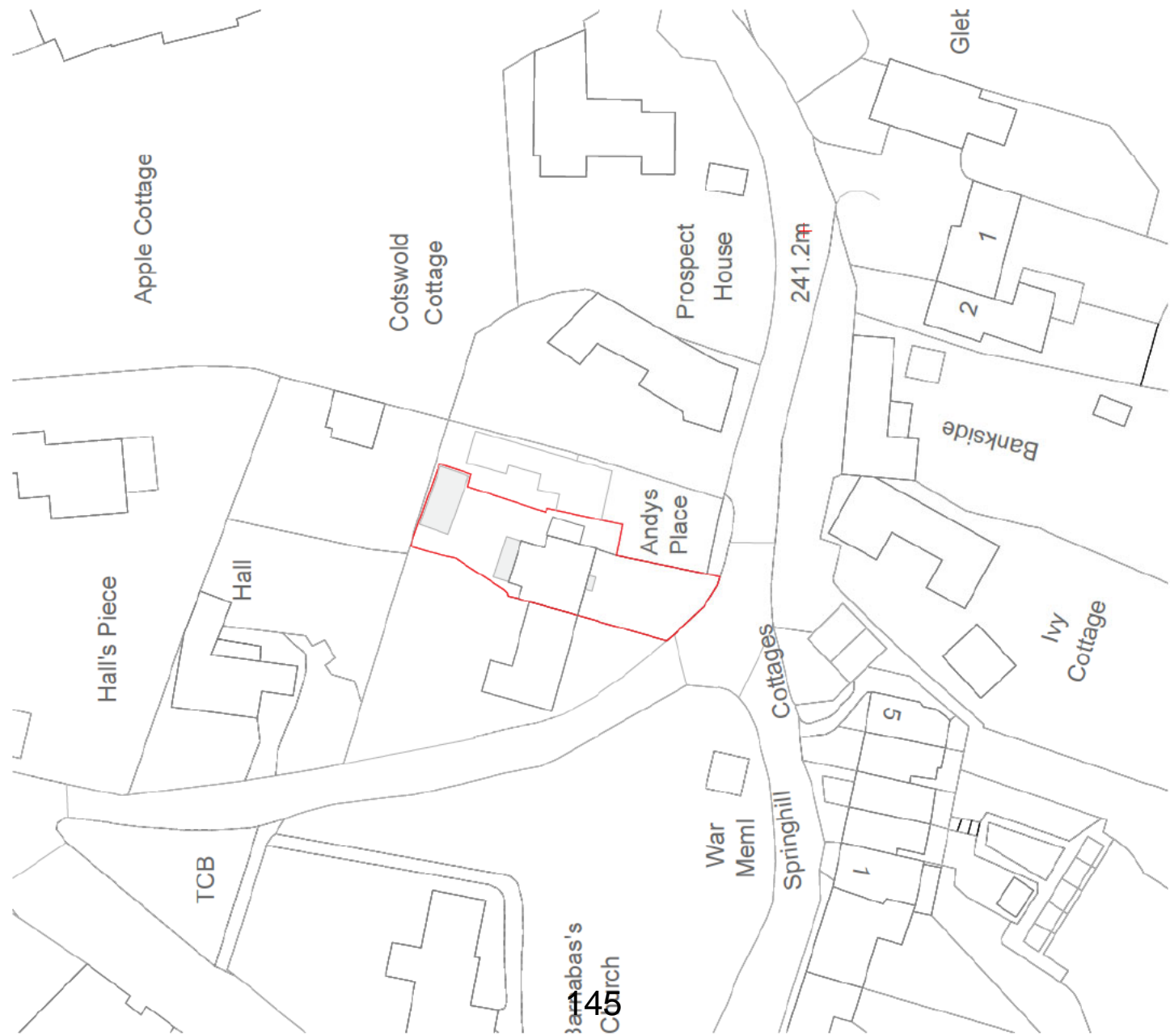
## **12. Informatives**

---

- 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.



| rev | date | description |
|-----|------|-------------|
|     |      |             |



Planning • Design • Development

**contact**  
 address  
 The Slabbs, Manor Farm Courtyard  
 1st, 2nd & 3rd floors  
 email: info@brodieplanning.co.uk Southern Lane, Southam,  
 Warwickshire CV47 9JG  
 web: www.brodieplanning.co.uk Chatterham, Gloucestershire

**client**  
 ref: 3059

**project description**  
 Alterations to the front of the property to provide parking for two cars and introduction of a porch to the rear entrance. The porch is a new structure, the rear elevation and garden room in the rear garden.

**location**  
 Green Cottage, Snowshill, Broadway, WR12 7JU

**title**  
 Site Location and Block Plan

| drawing number | scale         | date     |
|----------------|---------------|----------|
| 3059-001       | As noted @ A3 | Sept '22 |

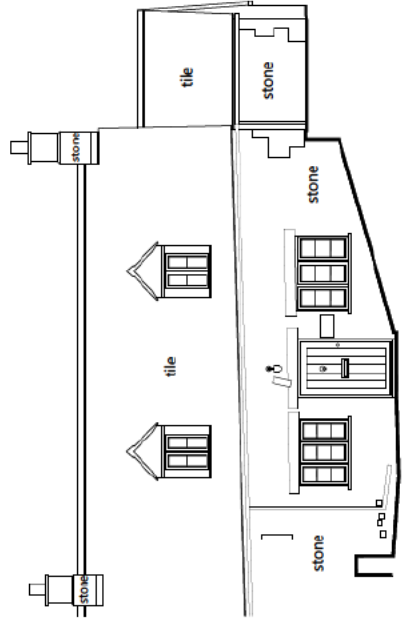
**status**  
**PLANNING**

**revision**  
**A**

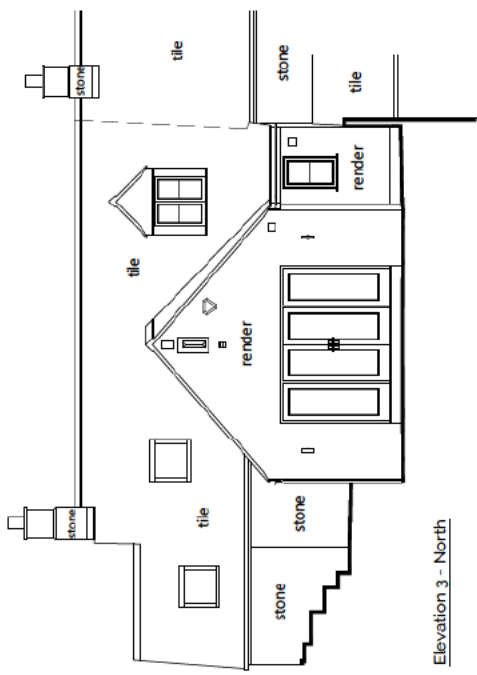




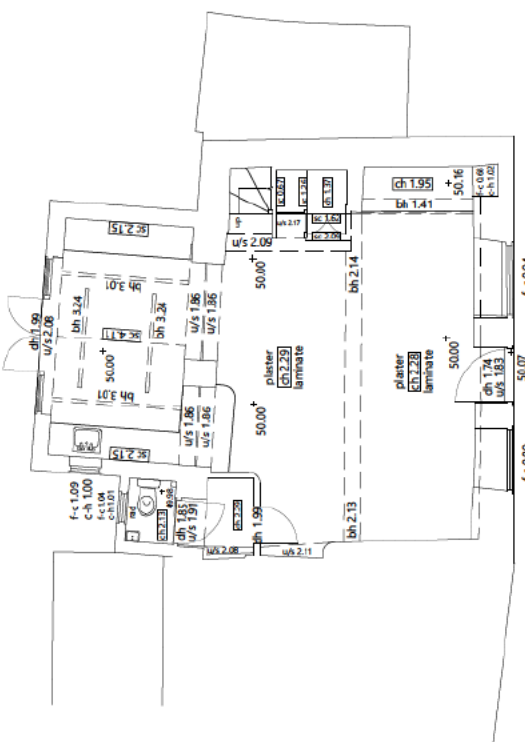
| rev | date | description |
|-----|------|-------------|
|     |      |             |



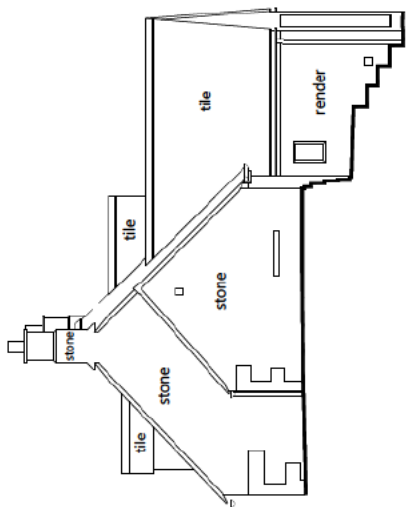
Elevation 1 - South



Elevation 3 - North



Ground Floor Plan



Elevation 2 - East



Planning • Design • Development

**contact**  
 address  
 The Slabbs, Manor Farm Courtyard  
 1st, 2nd & 3rd floors  
 email: info@brodieplanning.co.uk Southern Lane, Southam,  
 Warwickshire CV47 9JG  
 website: www.brodieplanning.co.uk Chatterham, Gloucestershire

**client**  
 ref: 3059

**project description**  
 Alteration to the front of the property to provide parking for two cars and introduction of a porch to the rear elevation and garden room in the rear garden.

**location**  
 Green Cottage, Snowhill, Broadway, WR12 7JU

**title**  
 Existing Floor Plans & Elevations

| drawing number | scale      | date     |
|----------------|------------|----------|
| 3059-100       | 1:100 @ A3 | Sept '22 |

**status**  
**PLANNING**

**revision**  
 Ø

THIS DRAWING IS THE PROPERTY OF BRODIE PLANNING ASSOCIATES LTD. IT IS NOT TO BE REPRODUCED, COPIED, OR IN ANY OTHER MANNER, WITHOUT THE WRITTEN PERMISSION OF BRODIE PLANNING ASSOCIATES LTD. ANY UNAUTHORIZED REPRODUCTION OR USE OF THIS DRAWING IS STRICTLY PROHIBITED. BRODIE PLANNING ASSOCIATES LTD. ACCEPTS NO LIABILITY FOR ANY LOSS OR DAMAGE, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS DRAWING. BRODIE PLANNING ASSOCIATES LTD. IS NOT RESPONSIBLE FOR ANY DELAYS OR OMISSIONS IN THE PROVISION OF SERVICES OR FOR ANY CONSEQUENCES ARISING FROM THE USE OF THIS DRAWING. BRODIE PLANNING ASSOCIATES LTD. IS NOT RESPONSIBLE FOR ANY DELAYS OR OMISSIONS IN THE PROVISION OF SERVICES OR FOR ANY CONSEQUENCES ARISING FROM THE USE OF THIS DRAWING. BRODIE PLANNING ASSOCIATES LTD. IS NOT RESPONSIBLE FOR ANY DELAYS OR OMISSIONS IN THE PROVISION OF SERVICES OR FOR ANY CONSEQUENCES ARISING FROM THE USE OF THIS DRAWING.

STUDIO 27 ARCHITECTS  
10, THE MILL STREET, BATH, BA1 1BE

**NOTES:**

1. This drawing is copyright of Studio 27 Architects.
2. Do not scale from this drawing, work to figured dimensions only. Notify any discrepancies to the architect or contractor prior to commencing any work.
3. All levels are in metres above Ordnance datum. All dimensions are in mm (l.u.o.).
4. The Contractor is responsible for coordinating all aspects of the Works, including Sub-contractors Works.
5. All proprietary systems to be installed in strict accordance with the manufacturer's recommendations.
6. All outdoor survey coordinates and setting out must be setting out bearings.
7. The Contractor is responsible for the design and setting of all temporary works.
8. This drawing is to be read in conjunction with all drawings, methods, specifications, schedules and related consultant documents.

**HEALTH & SAFETY INFORMATION:**

In addition to the hazard data normally associated with the types of work detailed on this drawing take into account the nature of the work and the potential all works on the drawing will be carried out by competent contractors/working, where appropriate, to an appropriate method statement.

| Date | Rev | By | Details |
|------|-----|----|---------|
|      |     |    |         |
|      |     |    |         |
|      |     |    |         |
|      |     |    |         |
|      |     |    |         |
|      |     |    |         |
|      |     |    |         |
|      |     |    |         |
|      |     |    |         |
|      |     |    |         |
|      |     |    |         |
|      |     |    |         |
|      |     |    |         |
|      |     |    |         |
|      |     |    |         |
|      |     |    |         |
|      |     |    |         |
|      |     |    |         |
|      |     |    |         |
|      |     |    |         |
|      |     |    |         |
|      |     |    |         |
|      |     |    |         |
|      |     |    |         |
|      |     |    |         |
|      |     |    |         |
|      |     |    |         |
|      |     |    |         |
|      |     |    |         |
|      |     |    |         |
|      |     |    |         |

LOCATION KEY



Pre-Application Advice

**STUDIO 27**  
architects.

Bromgrove (Head Office):  
The Studio, 27 Glastonbury Drive, Badwell  
Dr, Bromgrove, Bath, BA15 2JG.  
Tel: 01274 451846

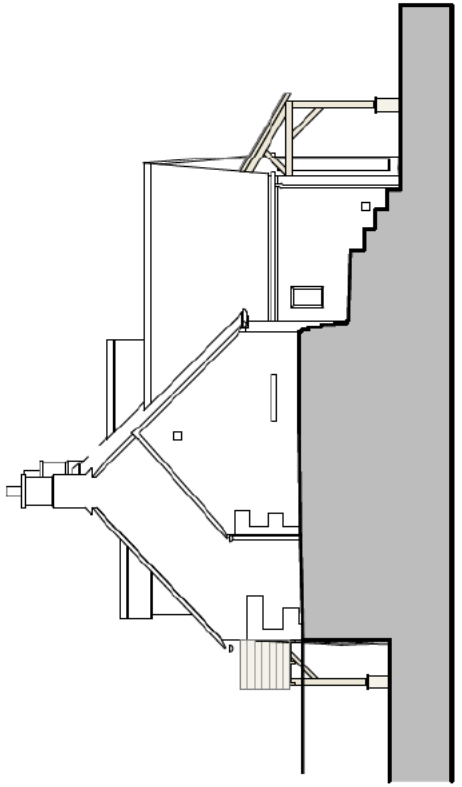
Studios On-Site:  
14 Floor, The Mill, Mill Street,  
Bath Spa, Bath, BA1 1RN.  
Bath Spa, Bath, BA1 1RN.  
Tel: 01225 318000  
mail@studio27.org.uk

**Project:**  
Garden Room and Porch  
Green Cottage, Sionhall, Broadway, WR12 7UJ

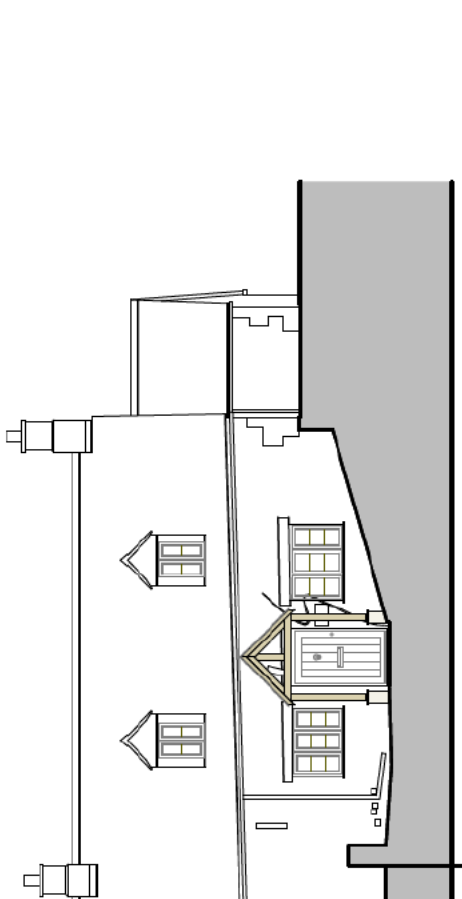
**Client:**

**Drawing Title:**  
Elevations Proposed - Storm Porch and Veranda

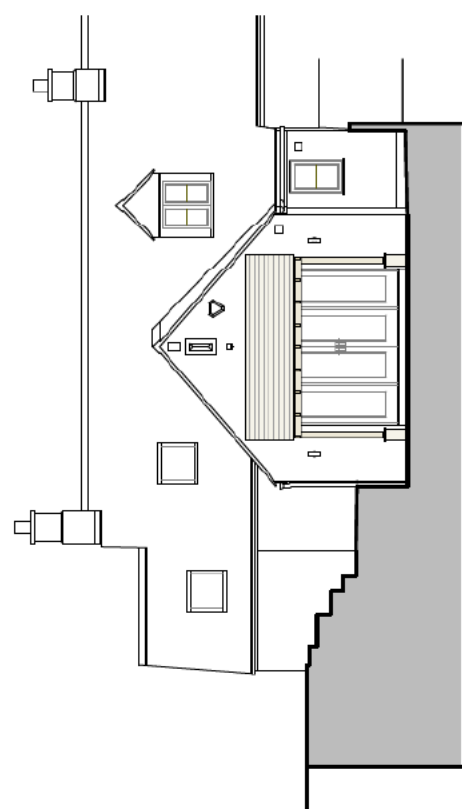
| Date         | Scale       | Checked  |
|--------------|-------------|----------|
| 22/04/2022   | 1:100 @ A3  | BF       |
| Project Ref. | Drawing No. | Revision |
| 25-2718      | 131         | 01       |



1 South Elevation Proposed 1:100

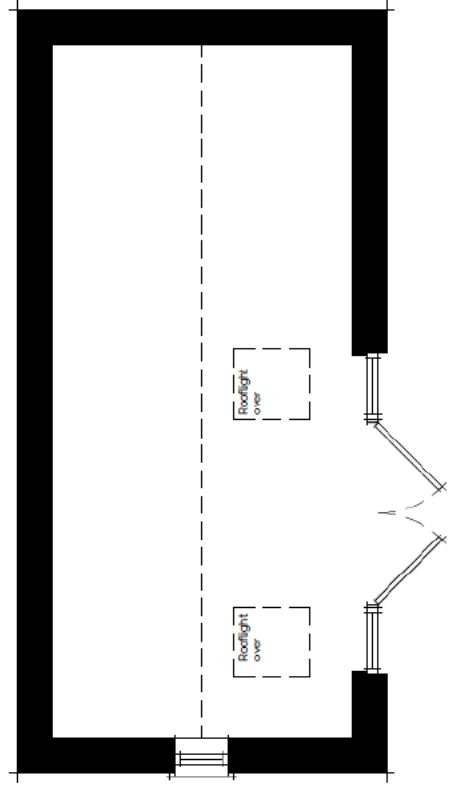
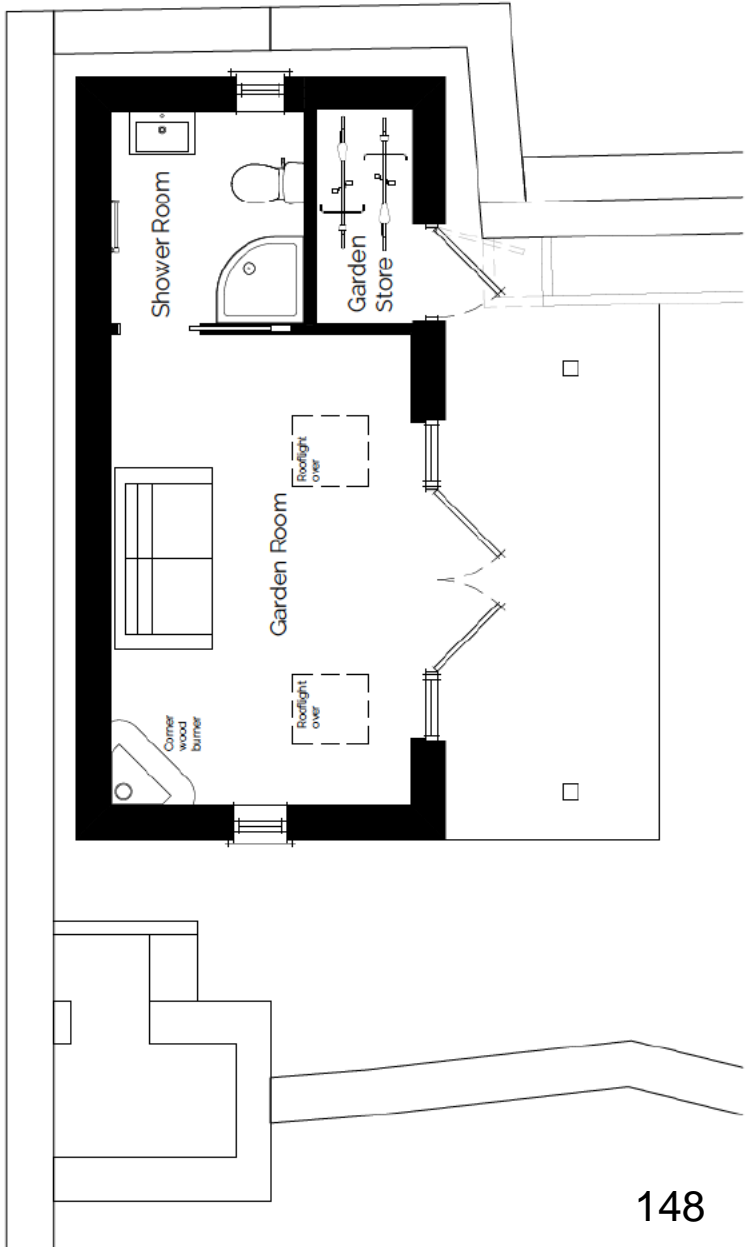


2 East Elevation Proposed 1:100



3 North Elevation Proposed 1:100

| rev | date | description |
|-----|------|-------------|
| -   | -    | -           |



Planning • Design • Development

**contact**  
 tel: 0202 896968  
 email: info@brodieplanning.co.uk  
 web: www.brodieplanning.co.uk

**address**  
 The Stables, Manor Farm Courtyard  
 Southern Lane, Southam,  
 Cheshire, GL54 5PE, UK

**client**  
 ref: 3059

**project description**  
 Alterations to the front of the property to provide parking for two cars and introduction of a porch to the rear elevation. The porch is a rear extension, the rear elevation and garden room in the rear garden.

**location**  
 Green Cottage, Snowshill, Broadway, WR12 7JU

**title**  
 Garden Room Floor Plans

**drawing number** 3059-225  
**scale** 1:100 @ A3  
**date** Sept '22

**status** **PLANNING**  
**revision** **A**

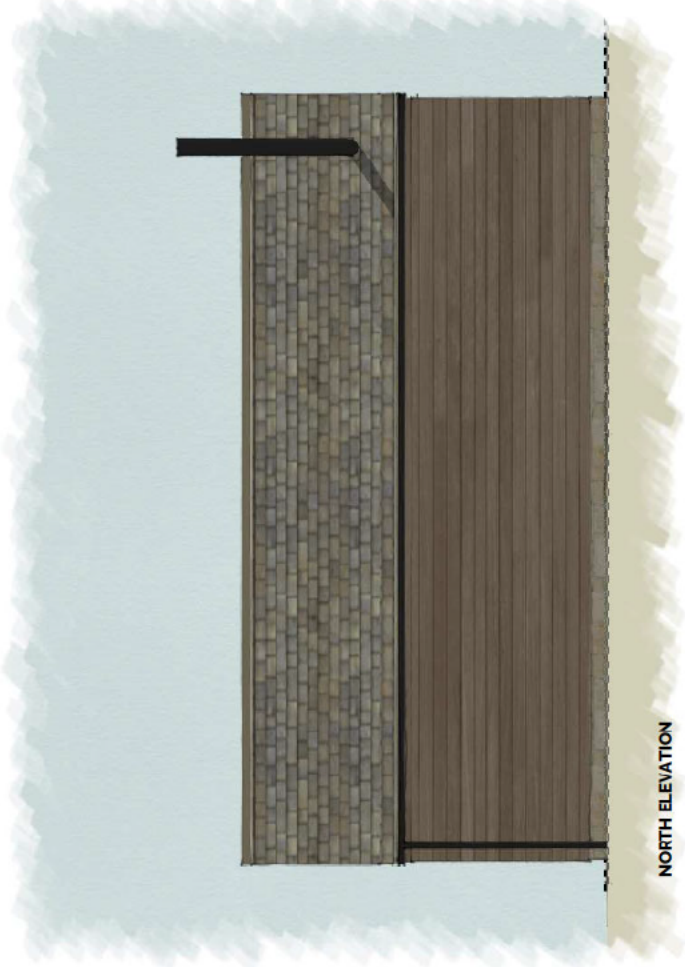
THIS DRAWING IS THE PROPERTY OF BRODIE PLANNING ASSOCIATES LTD. IT IS NOT TO BE REPRODUCED, COPIED, OR IN ANY OTHER MANNER, WITHOUT THE WRITTEN PERMISSION OF BRODIE PLANNING ASSOCIATES LTD. THIS DRAWING IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR CONSTRUCTION OR REPRODUCING PURPOSES. BRODIE PLANNING ASSOCIATES LTD. ACCEPTS NO LIABILITY FOR ANY LOSS OR DAMAGE, INCLUDING BUT NOT LIMITED TO, LOSS OF PROFITS, BUSINESS, OR REPUTATION, ARISING FROM THE USE OF THIS DRAWING. THE CLIENT AGREES TO HOLD BRODIE PLANNING ASSOCIATES LTD. HARMLESS FROM ALL SUCH CLAIMS. THIS DRAWING IS VALID ONLY UNDER THE CONDITIONS OF BRODIE PLANNING ASSOCIATES LTD. TERMS AND CONDITIONS OF SERVICE (2020).



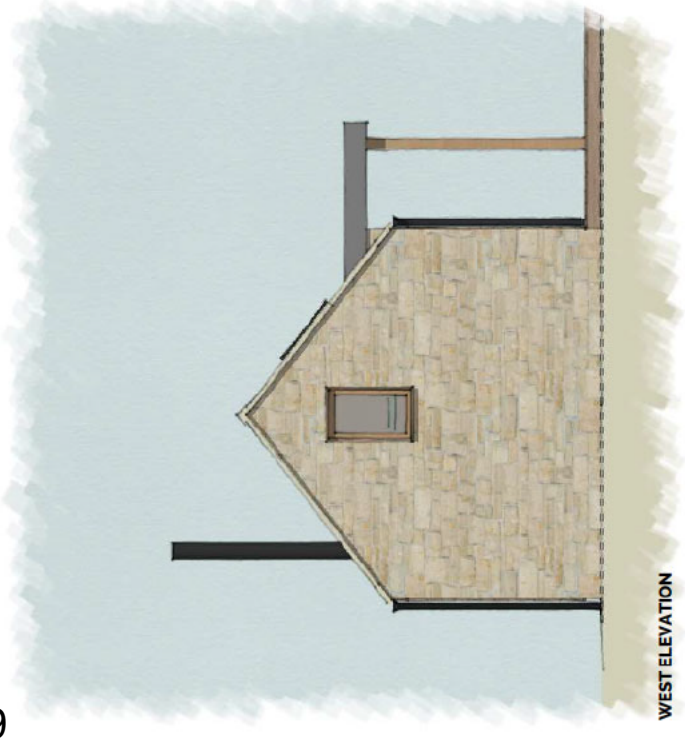
EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION

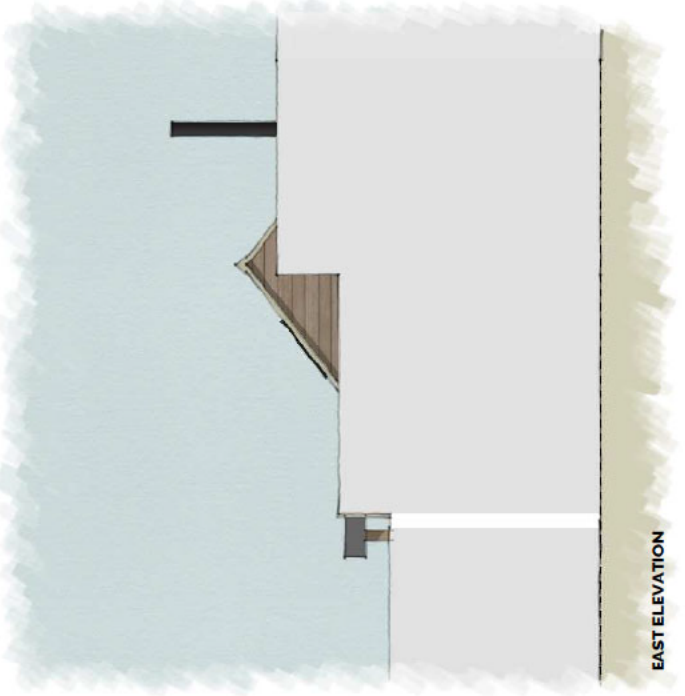


WEST ELEVATION





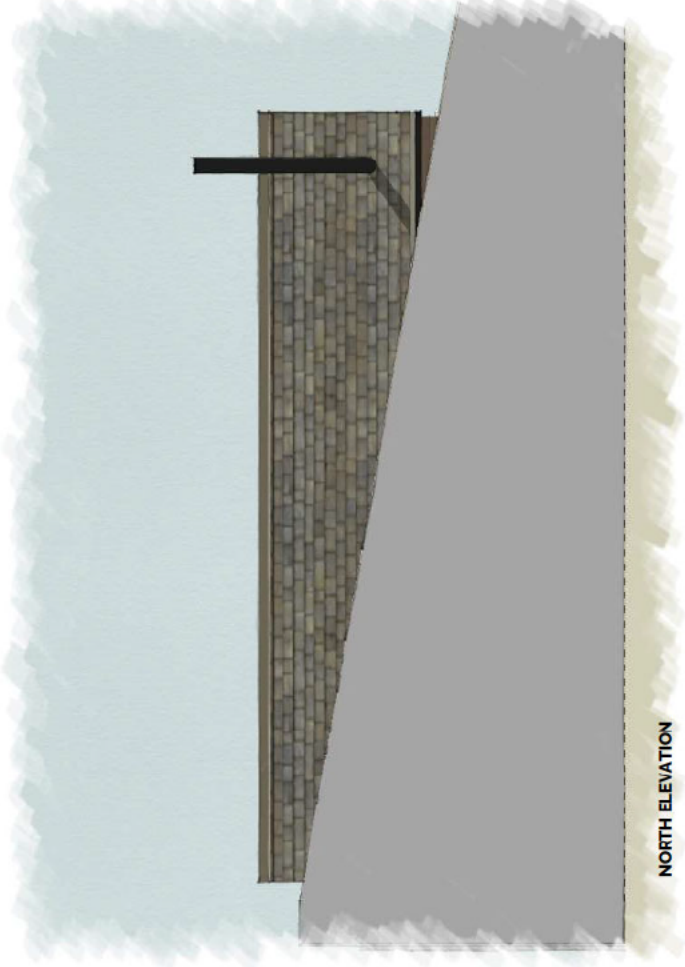
| rev | date | description |
|-----|------|-------------|
| -   | -    | -           |



EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION

**contact**  
 813.252.5978  
 info@brodieplanning.com  
 www.brodieplanning.com  
 Chatham, GA 30427-2799

**client**  
 [REDACTED] 3059

**PROJECT OVERVIEW**  
 The purpose of this report is to provide pricing for two options for the construction of a porch to front elevation. Direction of a new driveway to the new elevation and garden room in the rear garden.

**Location**  
 Green Cottage, Snowhill, Broadway WR12 7RJ

**Title**  
 Garden Room Elevations - Context

**drawing number** 150 @ A3  
**date** August 22

**revision** A

**PLANNING**

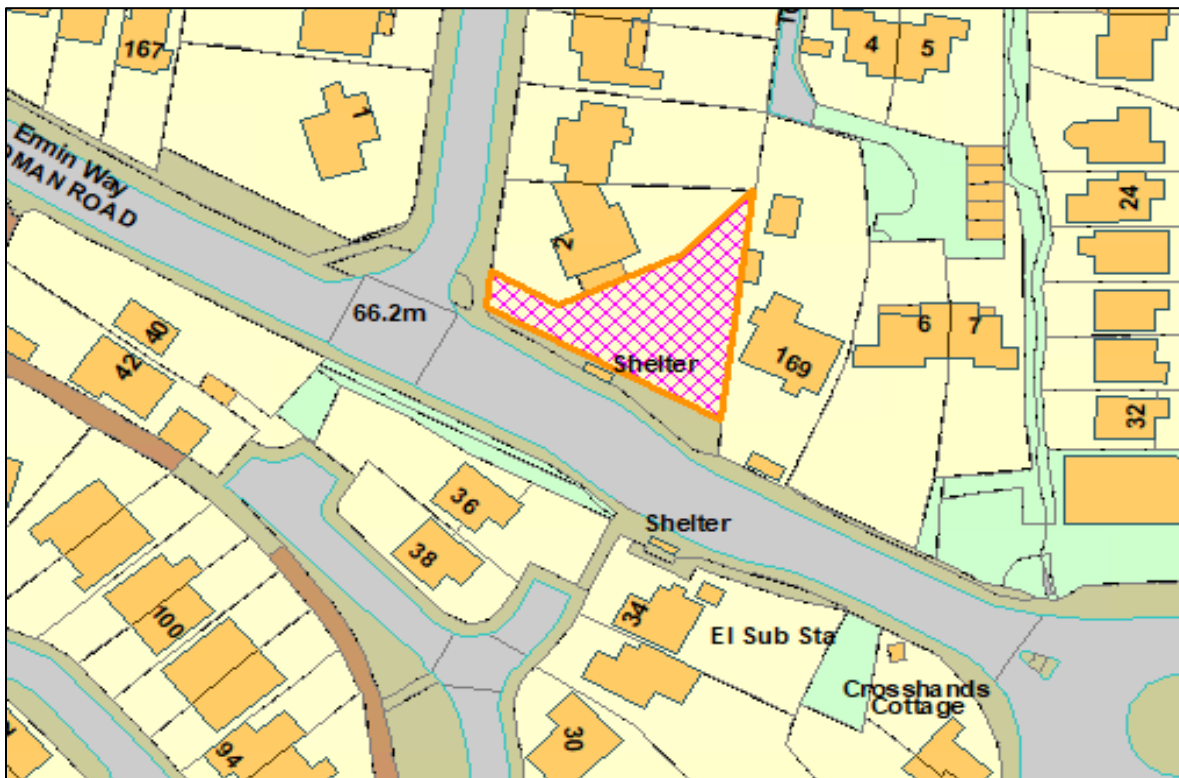
This drawing is the copyright of Brodie Planning Associates Ltd and should not be reproduced in whole or part in any other manner without the written consent of Brodie Planning Associates Ltd. This drawing is for planning purposes only. It is not to be used for construction or any other purpose. All dimensions are in millimeters unless otherwise stated. All dimensions are to the centerline of the structure unless otherwise stated. All dimensions are to be confirmed with the client prior to construction. The Client shall be responsible for obtaining all necessary planning permissions and approvals from the relevant authorities. The Client shall be responsible for obtaining all necessary planning permissions and approvals from the relevant authorities.



## Planning Committee

|   |  |
|---|--|
| <b>Date</b>                             | 25 May 2023  |
| <b>Case Officer</b>                     | Chloe Buckingham   |
| <b>Application No.</b>                  | 22/00916/FUL   |
| <b>Site Location</b>                    | 2 Moorfield Road, Brockworth   |
| <b>Proposal</b>                         | Erection of dwelling and new access drive  |
| <b>Ward</b>                             | Brockworth East  |
| <b>Parish</b>                           | Brockworth   |
| <b>Appendices</b>                       | Site Location Plan<br>Block Plan<br>Proposed Elevations<br>Proposed Floorplans<br>Swept Path Analysis<br>Visibility Splay Plan |
| <b>Reason for Referral to Committee</b> | Parish Objection   |
| <b>Recommendation</b>                   | Permit   |

### Site Location



## 1. The Proposal

---

Full application details are available to view online at:  
<https://publicaccess.tewkesbury.gov.uk/online-applications>

- 1.1 The proposal is for the erection of a detached two-storey, 4-bedroom dwelling that has a hipped roof and is constructed from white render on a red brick plinth and grey roof tiles. The new access drive shall be shared with the host dwelling and will come along to the front and side of the host property to provide a parking and turning area for the new dwelling.

## 2. Site Description

---

- 2.1 The site currently forms part of the residential curtilage of 2 Moorfield Road, which is a detached property on a corner plot in a built-up residential area of Brockworth. The site is located within the designated development boundary of Brockworth, as defined within the Tewkesbury Borough Local plan.

## 3. Relevant Planning History

---

| Application Number | Proposal   | Decision | Decision Date |
|--------------------|--|----------|---------------|
| 78/00292/OUT       | Outline application for the erection of a detached dwelling house and car port. Construction of a new vehicular and pedestrian access. | REFUSE   | 07.11.1978    |
| 75/00292/FUL       | Extension to existing dwelling house to provide enlarged lounge, kitchen and private car garage. Construction of a hardstanding.       | PERMIT   | 29.01.1975    |
| 49/00031/FUL       | Residential housing estate.  | PERMIT   | 23.05.1949    |

## 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, on the following grounds:

- Unacceptable access into the site
- Cramped form of development – not enough space within the plot to house an additional detached dwelling of this size and scale.
- The reduction in garden amenity space is not acceptable for either property.
- It is councils' policy to discourage garden grabbing and this one is a large development.
- The loss of green space and the environmental impacts of trees, landscape and the character of the area is also a real concern.

**4.2 Highways** – No objection subject to conditions.

**4.3 Drainage Engineer** – No objection or concerns.

**4.4 Tree 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** Neighbour notifications were posted, and a consultation period of 21 days was carried out and 1 general comment was received. The main points being:

- Concern that the new access drive comes out onto Moorfield Road at the junction with Ermin Street. Both roads are very busy, and this could be dangerous.

**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

SP2 (Distribution of New Development)  
SD3 (Sustainable Design and Construction)  
SD4 (Design Requirements)  
SD9 (Biodiversity and Geodiversity)  
SD10 (Residential Development)  
SD11 (Housing mix and Standards)  
SD14 (Health and Environmental Quality)  
INF1 (Transport Network)  
INF2 (Flood Risk Management)  
INF3 (Green Infrastructure)

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

RES2 (Settlement Boundaries)  
RES5 (New Housing Development)  
ENV2 (Flood Risk and Water Management)  
NAT1 (Biodiversity, Geodiversity and Important Natural Features)  
TRAC9 (Parking Provision)  
DES1 (Space Standards)

**6.5** Neighbourhood Development Plan

None

**7. Policy Context**

---

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

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

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

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

## **8. Evaluation**

---

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

- 8.1** Policy SP2 of the JCS and policy RES2 of the TBLP identify Brockworth as an urban fringe settlement. Policy RES2 states that in addition to the settlement hierarchy there are a number of settlements within the Borough that are closely associated with Gloucester or Cheltenham. These settlements do not fit into the Borough's settlement hierarchy as in strategic planning terms they are considered to form part of the urban fringe of Gloucester and Cheltenham. They do however represent sustainable settlements possessing a good range of services and good accessibility to Gloucester and Cheltenham.
- 8.2** Therefore, as the site is located within the defined settlement boundary of Brockworth, the proposal is acceptable in principle subject to compliance with all other policies.

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

- 8.3** 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.
- 8.4** Criterion 6 of Policy SD10 'Residential Development' of the JCS states the residential development should seek to achieve maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.
- 8.5** Policy RES5 states that in considering proposals for new housing development regard will be had to the following principles. Proposals should (amongst other criteria):
- be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it;
  - be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity, unless otherwise directed by policies within the Development Plan;
  - where an edge of settlement site is proposed, respect the form of the settlement and its landscape setting, not appear as an unacceptable intrusion into the countryside and retain a sense of transition between the settlement and open countryside;
  - not cause the unacceptable reduction of any open space (including residential gardens) which is important to the character and amenity of the area;
  - incorporate into the development any natural or built features on the site that are worthy of retention;

- 8.6** The street is characterised by large, hipped roof, detached properties constructed from white render on a brick plinth and grey roof tiles. There are a mixture of designs and materials in the wider area.
- 8.7** The site is in relation to the side garden for no.2 Moorfield Road which is on a corner plot. The proposal sought permission for a single dwelling which officers deemed to be overly large for the size of plot, there was also concerns regarding the proposed window in the first-floor side elevation overlooking the neighbouring property. Given this, officers sought to negotiate with the applicant, this has resulted in a reduction in the size of the dwelling, and the side window has now been removed. The applicant has also now confirmed that the proposed dwelling will be the same height as the existing adjacent dwellings within the street.
- 8.8** The design of the proposed dwelling mirrors that of the immediate neighbouring property to the west and continuing along Moorefield Road. The height and scale of the new dwelling would follow that of the adjacent properties and the material pallet used would complement that of the existing properties in the area.
- 8.9** Given the above, the scheme is considered to be in-keeping with the local context and subject to a condition regarding materials samples, the proposal is compliant with policies SD4 and SD10 of the JCS as well as policy RES5 of the TBLP.

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

- 8.10** 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.
- 8.11** Policy RES5 states that in considering proposals for new housing development regard will be had to the following principles. Proposals should (amongst other criteria):
- provide an acceptable level of amenity for the future occupiers of the proposed dwelling(s) and cause no unacceptable harm to the amenity of existing dwellings;
- 8.12** Policy DES1 explains that Tewkesbury Borough Council adopts the Government's nationally described space standards. All new residential development will be expected to meet these standards as a minimum. Any departure from the standards, whether for viability of physical achievability reasons, will need to be fully justified at planning application stage. New residential development will be expected to make adequate provision for private outdoor amenity space appropriate to the size and potential occupancy of the dwellings proposed.
- 8.13** During the course of the application the window on the first-floor side elevation was removed and this is considered to overcome any issues regarding over-looking and loss of privacy.
- 8.14** The Parish Council have raised concerns regarding the outdoor amenity space for the host and proposed properties, judging that it is insufficient. The proposal would result in a large portion of the existing garden being used to accommodate the new

dwelling. This would naturally decrease the amount of outside space for No. 2 Moorfield Road. However, the existing dwelling is located within a generously sized plot, especially when viewed against comparably sized detached dwellings along Moorfield Road. The size of the proposed dwelling has been reduced through negotiations with officers. Whilst the main amenity space would be located to the front and eastern side of the dwelling, it would still retain a reasonable amount of outside amenity space which mirrors that of neighbouring dwellings. The amenity space left over for the existing dwelling would also provide a similar amount to existing priorities in the road. Given this it is considered that whilst a reduction would occur, it would bring the amenity space of both properties in line with neighbouring dwellings.

- 8.15** Officers have assessed the internal spaces of the proposed dwelling and can confirm that the room sizes would comply with the nationally designated space standards.
- 8.16** In terms of landscaping, it is judged that there is sufficient boundary treatment in the form of hedging to the east side and front and a 1.8m close boarded fence shall be installed along the west side and to the rear of the dwelling.
- 8.17** Given the above it is considered that the proposal is compliant with policies SD4 and SD14 of the JCS and policy RES5 of the TBLP.

### ***Highways***

- 8.18** 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.
- 8.19** Policy TRAC9 of the TBLP states that proposals for new development that generate a demand for car parking space should be accompanied by appropriate evidence which demonstrates that the level of parking provided will be sufficient. The appropriate level of parking required should be considered on the basis of the following:
  - 1) the accessibility of the development;
  - 2) the type, mix and use of development;
  - 3) the availability of and opportunities for public transport;
  - 4) local car ownership levels;
  - 5) an overall need to reduce the use of high emission vehicles; and
  - 6) a comparison of the forecast trip generation and resultant accumulation with the proposed parking provision.
- 8.20** The Parish Council and immediate neighbour have raised objections regarding highway safety and the traffic movements in and out of the site. The objections focused on the width of the proposed driveway being too narrow. The applicant has subsequently provided additional tracking information to demonstrate the width of the driveway, and that the vehicles for both properties could manoeuvre and turn within the sites and vacate in a forward facing gear.

- 8.21** The Highways Authority have been consulted and following the assessment of the additional information they raise no objections to the proposals, subject to conditions.

***Impact upon existing trees***

- 8.22** Policy INF3 of with JCS provides that existing green infrastructure, including trees should be protected. Developments that impact woodlands, hedges and trees should be justified and include acceptable measures to mitigate any loss and should incorporate measures acceptable to the Local Planning Authority to mitigate the loss.
- 8.23** Policy NAT1 relates to biodiversity, geodiversity and important natural features and provides that development likely to result in the loss, deterioration or harm to features of environmental quality will not be permitted unless the need/benefits for development outweigh the impact.
- 8.24** The application has been submitted with a tree protection statement, which is considered acceptable. A condition shall be attached to ensure the erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details specified in the Tree Protection Statement submitted 25th January 2023 before any development including demolition, site clearance, materials delivery or erection of site buildings, starts on the site. This condition is considered necessary 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.

***Drainage***

- 8.25** JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. This advice is reflected within the council's Flood Risk and Water Management SPD.
- 8.26** The site is in flood zone 1 where there is a lower risk of flooding, and the scheme proposes to deal with surface water runoff and foul water via mains sewers. The applicant has submitted drainage drawings demonstrating how the discharge of water would be dealt with, the Councils Flood Risk Management & Drainage Officer has assessed these details and raises no objections. Therefore, the scheme is considered acceptable and is compliant with policy INF2 of the JCS.

**Community Infrastructure Levy (CIL)**

- 8.27** The development is CIL liable because it creates new dwelling(s), however, it is noted that the applicant is claiming self-build exemption. The relevant CIL forms have been submitted.

## 9. Conclusion

---

- 9.1 For the reasons set out above it is recommended that planning permission is granted.

## 10. Recommendation

---

- 10.1 Subject to the conditions as mentioned within the report, the scheme is considered acceptable and should be **permitted**.

## 11. Conditions

---

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

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

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

- Proposed Block Plan (01-2 Rev D) received 11<sup>th</sup> May 2023.
- Site Location Plan (01 Rev F 11/05/2023) received 11<sup>th</sup> May 2023.
- Proposed Floor Plans (02 Rev C 240123) received 25<sup>th</sup> January 2023.
- Proposed Elevations (03) received 25<sup>th</sup> January 2023.
- Proposed Drainage Layout (A1/001) received 27<sup>th</sup> October 2022.
- Drainage Construction Layout (A1/002) received 27<sup>th</sup> October 2022.
- Block Plan with swept path analysis (01 Rev D 080223) received 11<sup>th</sup> May 2023.
- Block Plan with visibility splays (01 Rev F) received 11<sup>th</sup> May 2023.

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

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

3

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

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

- 4 The Development hereby approved shall not be occupied or brought into use until the access, parking and turning facilities have been provided as shown on drawing Site Plans 01 Rev F 11/05/2023.

Reason: To ensure conformity with submitted details in accordance with NPPF paragraph 110, 111 and Local Plan Core Strategy INF1.

- 5 The Development hereby approved shall not be occupied/brought into use until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway shall be provided on both sides of the access with hedge south of access reduced to 0.6m high. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above the adjoining ground level.

Reason: To ensure motorists have clear and unrestricted views of approaching pedestrians when pulling out onto the adopted highway, in the interest of highway safety in accordance with NPPF paragraph 110, 111, 112 and Local Plan Core Strategy INF1.

- 6 The Development hereby approved shall not be occupied/be brought into use until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities in accordance with NPPF paragraph 110, 111, 112 and Local Plan Core Strategy INF1.

- 7 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details specified in the Tree Protection Statement submitted 25th January 2023 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.

## **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 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 application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.
- 3 The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 licence. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) before commencing any works on the highway. Full Details can be found at [www.gloucestershire.gov.uk](http://www.gloucestershire.gov.uk) .

#### 4 Construction Management Statement (CMS)

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:

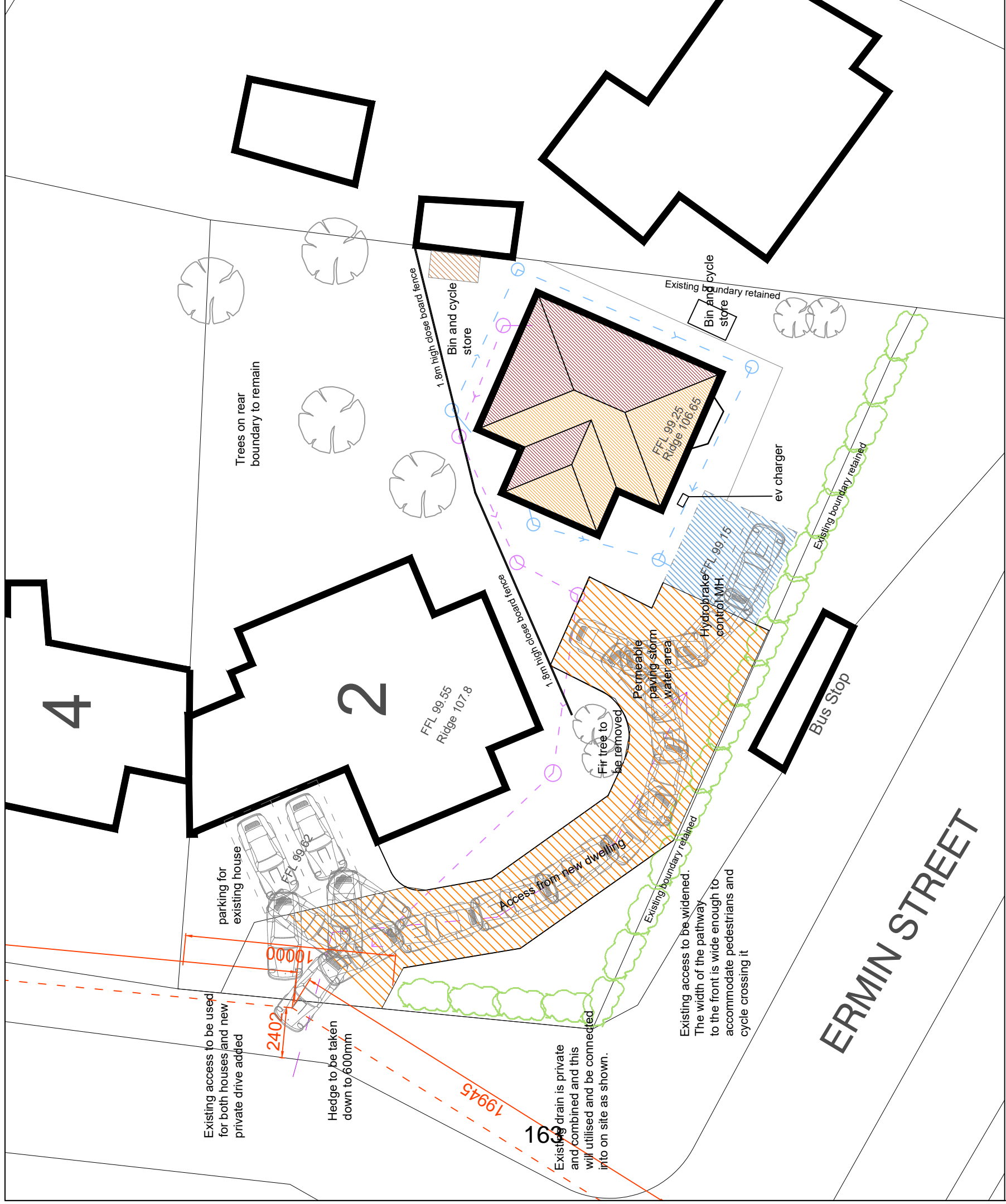
Constructors should give utmost consideration to their impact on neighbours and the public

- 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.

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.

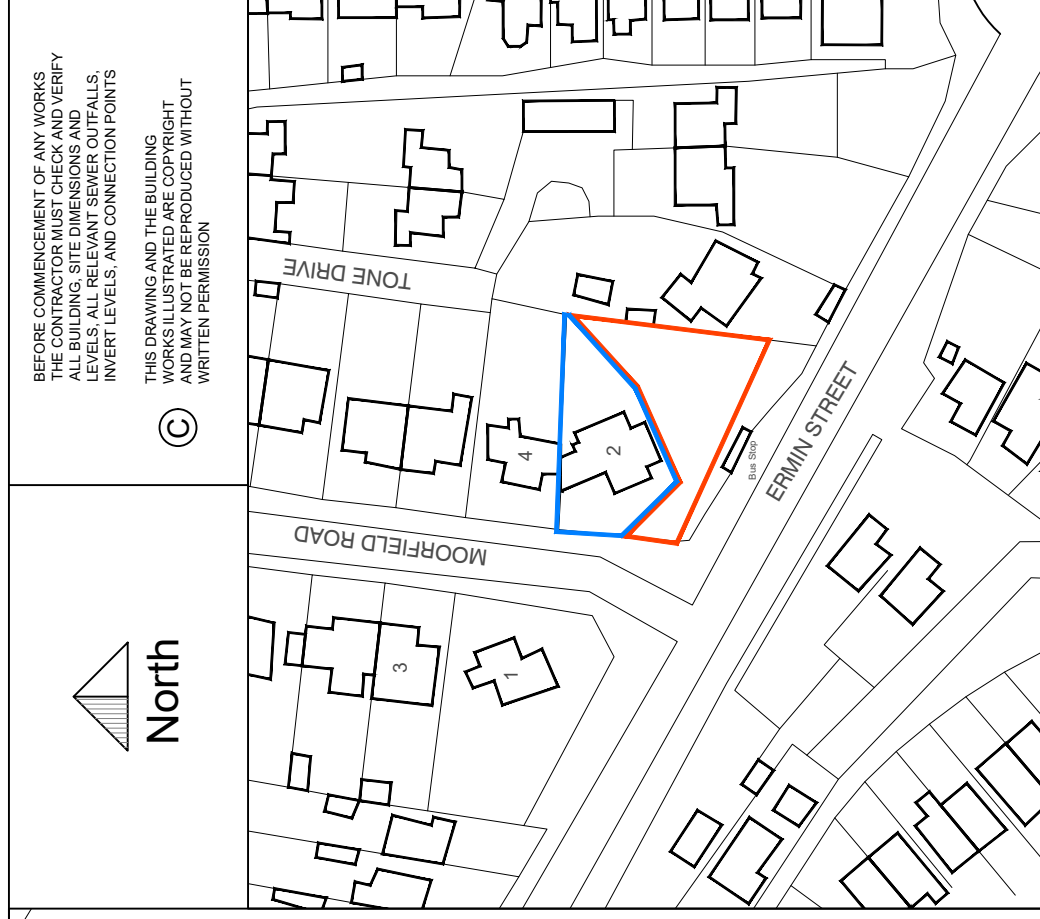
Contractors should ensure information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

- 5 No removal of trees/scrub/hedgerows shall be carried out on site between 1st March and 31st August inclusive in any year.



Block Plan Sc 1:200

Scale:- 1:200



BEFORE COMMENCEMENT OF ANY WORKS THE CONTRACTOR MUST CHECK AND VERIFY ALL BUILDING, SITE DIMENSIONS AND LEVELS. ALL RELEVANT SEWER OUTFALLS, INVERT LEVELS, AND CONNECTION POINTS

THIS DRAWING AND THE BUILDING WORKS ILLUSTRATED ARE COPYRIGHT AND MAY NOT BE REPRODUCED WITHOUT WRITTEN PERMISSION

©



North

Scale:- 1:1250



**ELEVATION ONE**  
BUILDING DESIGN LTD

8-10 LONG STREET,  
DARLEY, GLOS, GL11 5HZ  
Tel: 01753 617722  
Mobile: 07755 617722  
Email: info@elevationone.co.uk  
Web: www.elevationone.co.uk

**Project:-**  
Extension to  
2 Moorfield Road,  
Brockworth, Glos

**Drawing Title:-**  
Site Plans

**Scale:-**  
1:200 & 1250 @ A3

**Client:-**

**Project No:-**  
AM-010

**Drawing No:-**  
01

**Date:-**  
June 22

**Revision:-**  
F 11/05/23

BEFORE COMMENCEMENT OF ANY WORKS THE CONTRACTOR MUST CHECK AND VERIFY ALL BUILDING, SITE DIMENSIONS AND LEVELS, ALL RELEVANT SEWER OUTFALLS, INVERT LEVELS, AND CONNECTION POINTS

© THIS DRAWING AND THE BUILDING WORKS ILLUSTRATED ARE COPYRIGHT AND MAY NOT BE REPRODUCED WITHOUT WRITTEN PERMISSION



TONE DRIVE

TONE DRIVE

MOORFIELD ROAD

Vis splay north is 73m clear

3

1

4

2

Hedge to be taken down to 600mm

Trees on rear boundary to remain

Existing access to be used for both houses and new private drive added for the new dwelling

The whole drive shown in hatch. The existing access is 20m from the junction

2402

19945

72494

FFL 99.55  
Ridge 107.8

FFL 99.25  
Ridge 106.65

ev charger

Bin and cycle store

Bus Stop

ERMIN STREET

Southern boundary hedge to remain exactly as the existing and the bus stop will not be touched or affected

**ELEVATION ONE**  
BUILDING DESIGN LTD

8-10 LONG STREET,  
BURSLEY, GLOS, GL11 5HZ  
TEL: 01453 549525  
MOB: 07515 019774  
EMAIL: info@elevationone.co.uk  
WEB: www.elevationone.co.uk

Project:-  
Extension to  
2 Moorfield Road,  
Brockworth, Glos  
Drawing Title:-  
Site Plans  
Scale:-  
1:250 @ A2  
Client:-  
[REDACTED]

Project No:-  
AM-010

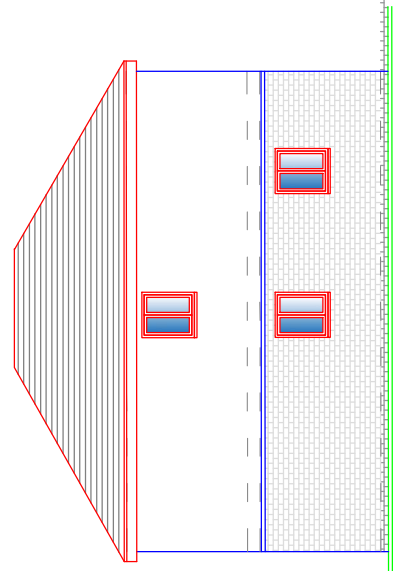
Drawing No:-  
01-2

Date:-  
June 22

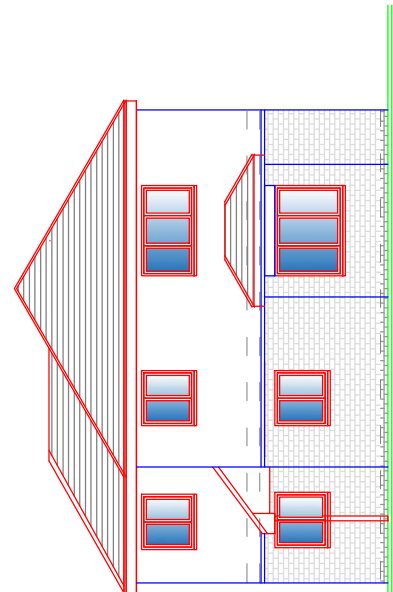
Revision:-  
D 11/05/23

BEFORE COMMENCEMENT OF ANY WORKS THE CONTRACTOR MUST CHECK AND VERIFY ALL BUILDING, SITE DIMENSIONS AND LEVELS, SURFACE AND SUBSURFACE UTILITIES, INVERT LEVELS, AND CONNECTION POINTS.

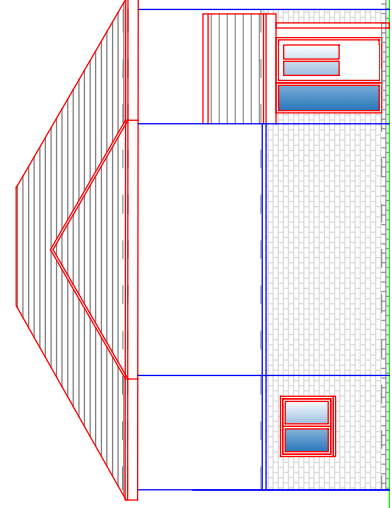
THIS DRAWING AND THE BUILDING WORKS ILLUSTRATED ARE COPYRIGHT AND NOT TO BE REPRODUCED WITHOUT WRITTEN PERMISSION.



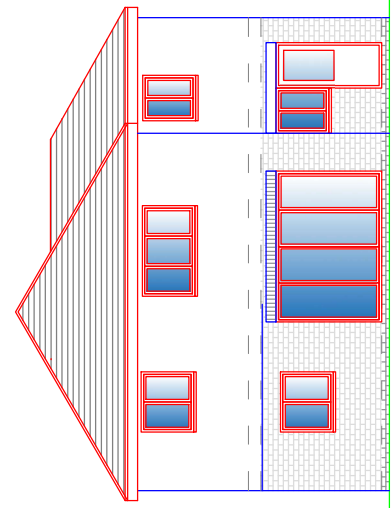
PROPOSED SIDE ELEVATION



PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION

**ELEVATION ONE**  
BUILDING DESIGN LTD

100, BRIDGE ROAD, GLOS, GL11 4NJ  
TEL: 01453 543525  
MOBILE: 01774 404220  
FAX: 01453 543525  
WWW.ELEVATIONONE.CO.UK

**Project:-**  
New Dwelling at  
2 Moorfield Road,  
Brockworth, Glos  
**Drawing Title:-**  
Proposed Elevations  
**Scale:-**  
1:100 @ A3  
**Client:-**

|                                |                           |
|--------------------------------|---------------------------|
| <b>Project No:-</b><br>AIM-010 | <b>Drawing No:-</b><br>03 |
| <b>Date:-</b><br>June 22       | <b>Revision:-</b><br>-    |

BEFORE COMMENCEMENT OF ANY WORKS THE CONTRACTOR MUST CHECK AND VERIFY ALL BUILDING, SITE DIMENSIONS AND LEVELS, SURFACE LEVELS, BOUNDARIES, INVERT LEVELS, AND CONNECTION POINTS.

THIS DRAWING AND THE BUILDING WORKS ILLUSTRATED ARE COPYRIGHT AND NOT TO BE REPRODUCED WITHOUT WRITTEN PERMISSION.

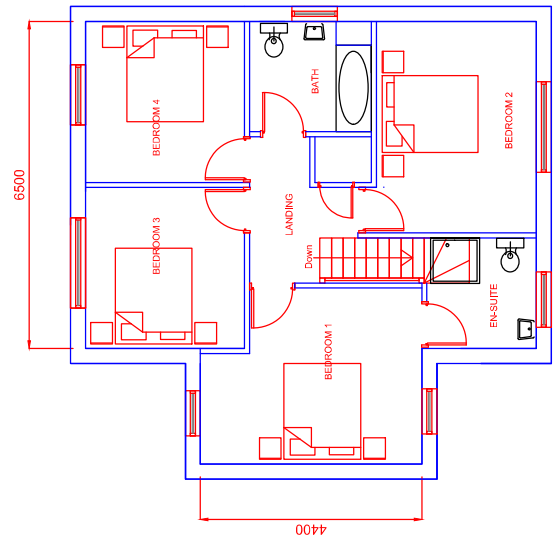


**ELEVATION ONE**  
BUILDING DESIGN LTD

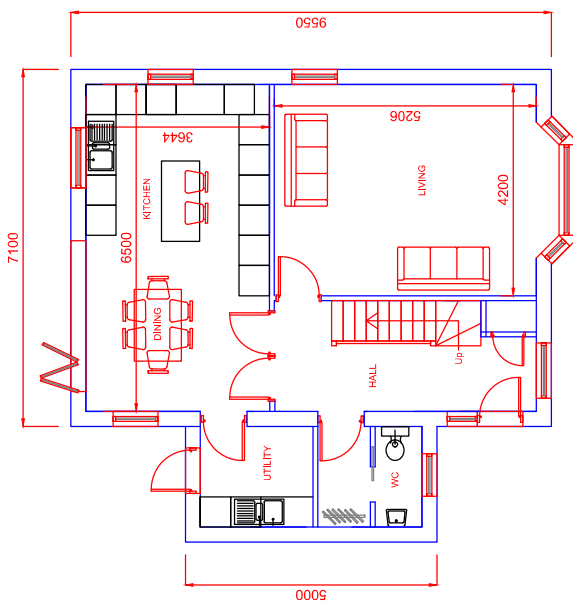
25 BRIDGEWAY  
SPOLETON GLOS, GL11 4NJ  
TEL: 01453 543525  
MOBILE: 0757 774 444  
FAX: 01453 543526  
WWW.ELEVATIONONE.CO.UK

**Project:-**  
New Dwelling at  
2 Moorfield Road,  
Brockworth, Glos  
**Drawing Title:-**  
Proposed Elevations  
**Scale:-**  
1:100 @ A3  
**Client:-**

|                               |                                 |
|-------------------------------|---------------------------------|
| <b>Project No:-</b><br>AM-010 | <b>Drawing No:-</b><br>02       |
| <b>Date:-</b><br>June 22      | <b>Revision:-</b><br>--C 240123 |



PROPOSED FIRST FLOOR PLAN



PROPOSED GROUND FLOOR PLAN



BEFORE COMMENCEMENT OF ANY WORKS THE CONTRACTOR MUST CHECK AND VERIFY ALL BUILDING SITE DIMENSIONS AND LEVELS, INVERT LEVELS, AND CONNECTION POINTS.

THIS DRAWING AND THE BUILDING INFORMATION MODEL (BIM) DATA AND MAY NOT BE REPRODUCED WITHOUT WRITTEN PERMISSION.

©

**ELEVATION ONE**  
 BUILDING DESIGN LTD  
 5,16 LONG STREET,  
 BROCKWORTH, GLOS  
 GL11 9JZ  
 TEL: 01453 541025  
 FAX: 01453 541025  
 WWW: WWW.ELEVATIONONE.CO.UK



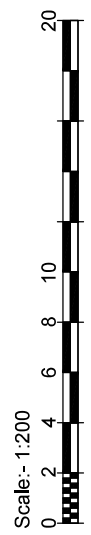
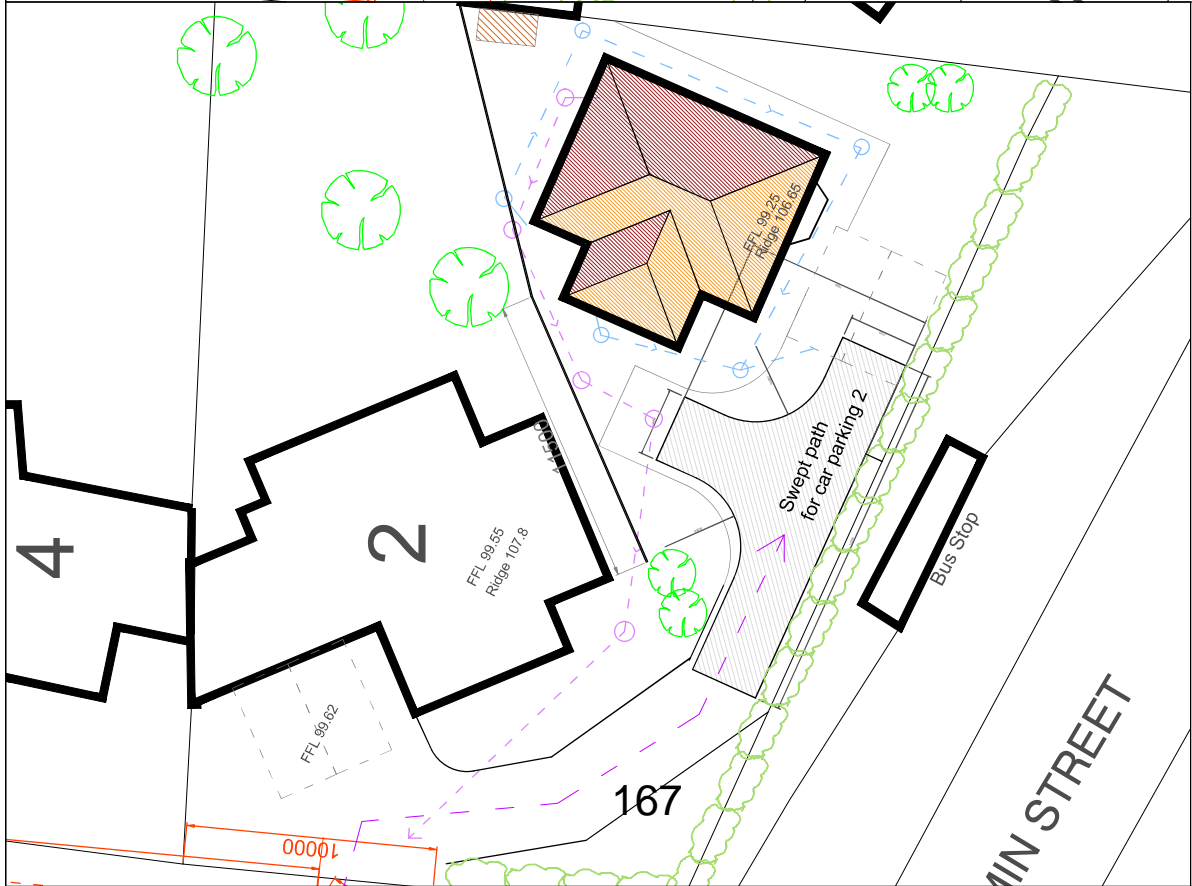
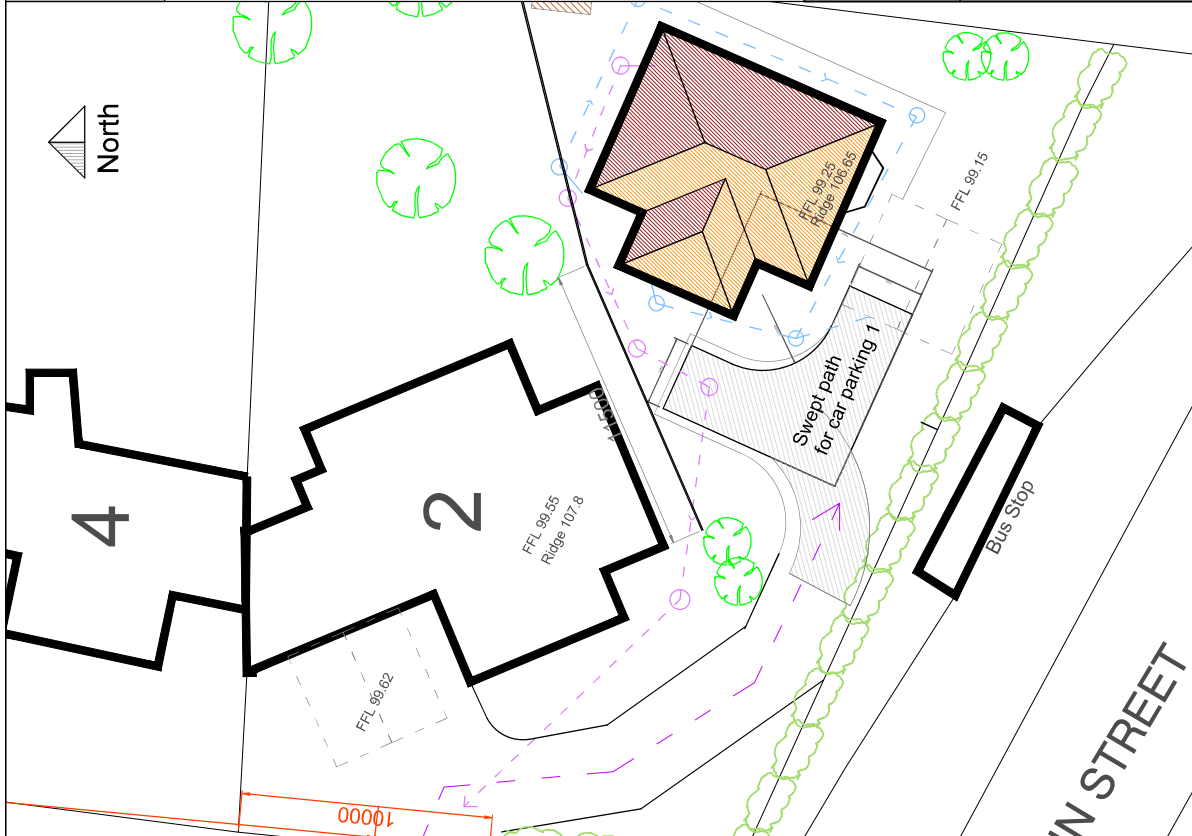
**Project:-**  
 Extension to  
 2 Moorfield Road,  
 Brockworth, Glos

**Drawing Title:-**  
 Site Plans

**Scale:-**  
 1:200 & 1250 @ A3

**Client:-**

|                               |                               |
|-------------------------------|-------------------------------|
| <b>Project No:-</b><br>AM-010 | <b>Drawing No:-</b><br>01     |
| <b>Date:-</b><br>June 22      | <b>Revision:-</b><br>D 080223 |



Block Plan Sc 1:200

BEFORE COMMENCEMENT OF ANY WORKS THE CONTRACTOR MUST CHECK AND VERIFY ALL BUILDING, SITE DIMENSIONS AND LEVELS. ALL RELEVANT SEWER OUTFALLS, INVERT LEVELS, AND CONNECTION POINTS

THIS DRAWING AND THE BUILDING WORKS ILLUSTRATED ARE COPYRIGHT AND MAY NOT BE REPRODUCED WITHOUT WRITTEN PERMISSION



North

**ELEVATION ONE**  
BUILDING DESIGN LTD

8-10 LONG STREET,  
DURSLEY GLOS. GL11 5HZ  
TEL: 01452 617055  
M06 075 017777  
EMAIL: S1@elevationone.co.uk  
WEB: WWW.ELEVATIONONE.CO.UK

**Project:-**  
Extension to  
2 Moorfield Road,  
Brockworth, Glos

**Drawing Title:-**  
Site Plans

**Scale:-**  
1:200 & 1250 @ A3

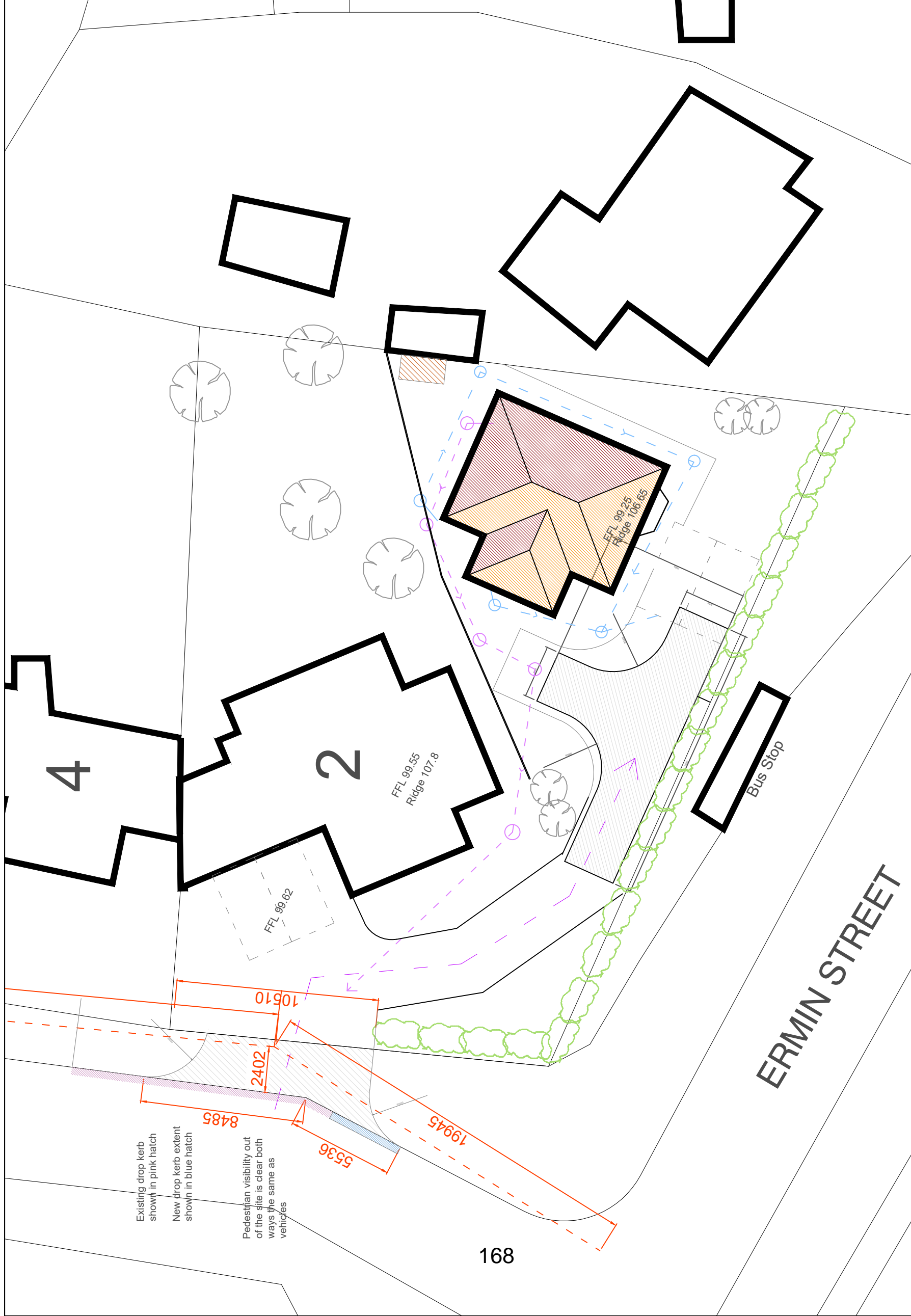
**Client:-**

**Project No:-**  
AM-010

**Drawing No:-**  
01

**Date:-**  
June 22

**Revision:-**  
F 11/05/23



Existing drop kerb shown in pink hatch

New drop kerb extent shown in blue hatch

Pedestrian visibility out of the site is clear both ways the same as vehicles

Scale:- 1:200



Block Plan Sc 1:200

## Planning Committee

|   |   |
|---|---|
| <b>Date</b>                             | 25 May 2023   |
| <b>Case Officer</b>                     | Gaynor Baldwin  |
| <b>Application No.</b>                  | TPO 419   |
| <b>Site Location</b>                    | Ingleside, Dog Lane, Witcombe   |
| <b>Proposal</b>                         | To confirm TPO 419  |
| <b>Ward</b>                             | Badgeworth  |
| <b>Parish</b>                           | Badgeworth  |
| <b>Appendices</b>                       | Tree Preservation Order 419<br>Tree Evaluation Method for Preservation Orders (TEMPO)<br>Objection from owner of Ingleside<br>Photographs |
| <b>Reason for Referral to Committee</b> | Objection received  |
| <b>Recommendation</b>                   | It is recommended that TPO 419 is confirmed without modification  |

### 1. The Proposal

---

This report summarises the reasons and circumstances for making Tree Preservation Order (TPO) No. 419, provides details of the objection and the case for the order to be confirmed.

### 2. Site Description

---

- 2.1** The Wellingtonia tree is positioned next to the entrance driveway of Ingleside and adjacent to Dog Lane. The tree is estimated to be over 100 years old, has amenity value and is a prominent feature along the lane. The residential property Ingleside has recently been sold therefore the Tree Preservation Order ensures that this important tree will be retained under the new ownership.
- 2.2** This area of land is located within the Green Belt and an Area of Outstanding Natural Beauty (AONB). However only trees that have a Tree Preservation Order or are located within a Conservation area are protected by Legislation. Without a Tree Preservation Order the trees could be at risk of being cut back or felled without consent from the Local Planning Authorities.



### 3. Relevant Planning History

---

| Application Number | Proposal  | Decision   | Decision Date |
|--------------------|---|--|---------------|
| 21/00711/PIP       | Permission in Principle for one dwelling.   | Withdrawn  |               |
| 23/00405/FUL       | Demolition of existing kitchen, dining room, bathroom, snug and 2 No. outbuildings. Extension to form kitchen dining room and garage. Upgrading of existing external walls to increase insulation values and elevation treatment to contemporary look and feel to dwelling. | At time of writing report application pending validation |               |

### 4. Consultation Responses

---

Parish Council - no comments received

### 5. Third Party Comments/Observations

---

5.1 One objection received

### 6. Relevant Planning Policies and Considerations

---

#### 6.1 Statutory Duty

The law on Tree Preservation Orders is in Part VIII of the Town and Country Planning Act 1990 as amended and in the Town and Country Planning (Tree Preservation) (England) Regulations 2012 which came into force on 6 April 2012.

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

#### 6.2 National guidance

Local planning authorities can make a Tree Preservation Order if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'. By not taking the recommended action the Council risks the permanent loss of various significant trees and their wildlife habitat, therefore failing to deliver its commitment to the preservation of their trees and biodiversity.

## 7. Background

---

- 7.1 A Tree Preservation Order was made to protect and safeguard the mature Wellingtonia tree after a local resident made the Local Authority aware that the property had recently been sold.
- 7.2 The Council considers it expedient to make a TPO as the Council believed there was a risk that the tree may be felled as the intentions from the new owner of Ingleside were unknown. If the tree was removed there would be a significant adverse impact on the amenity of the area.
- 7.3 TPO Guidance states: ‘Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership. Intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.’
- 7.4 The tree appears to be in good health visually with normal vitality and vigour for its age. The tree shows no signs of any significant defects that would create cause for concern. The tree has amenity value due to its positioning next to Dog Lane and is a prominent tree in the landscape.
- 7.5 The landowner and highways were notified of the making of the TPO and given the standard twenty-eight days to make any representations.
- 7.6 One objection was received and is summarised below together with the Tree Officer’s response.

A summary of the objection is listed below:

| Objection | Summary of Objection  | Councils Response   |
|-----------|---|---|
| 1.        | The tree is potentially dangerous on the grounds of height, low hanging branches and shallow roots.       | A TPO application will have to be submitted to ensure that any works required follows good arboricultural practice and that the important tree remain balanced and healthy. Evidence will be required by an appropriate qualified person demonstrating that the tree is dangerous.  |
| 2         | The tree is sited in a precarious position and leaning into the lane (right on a sharp bend on the lane). | If tree work is required in the interests of highway safety then it is exempt from obtaining consent from the Local Planning Authority. Whether or not the tree is protected by a TPO, the responsibility of the maintenance of the tree(s) remains with the tree owner. Highways was consulted as part of the TPO process and no concerns has been raised by them. |

|   |  |  |
|---|--|--|
| 3 | The tree dispersing pines onto the lane causing slippery road conditions   | The legislation does not recognise these issues to be considered when assessing a tree for a TPO. Its public visual amenity value and impact on the wider setting within the AONB, Green Belt and contribution to the area are assessed.<br>The Council is of the opinion that the fallen debris does not constitute an actionable nuisance.   |
| 4 | The tree is potentially causing unnecessary movement to the foundations of the house   | A nuisance is actionable where there is caused or there is an immediate risk of causing damage. This refers to the tree potentially causing unnecessary movement to the foundations of the house. The guidance states that the applicant should support claims that the foundations have been affected by providing technical evidence from a relevant engineer, building/drainage surveyor or other appropriate expert. |
| 5 | The objector also questions the grounds why the tree was not considered for a TPO in March 2022 when an enquiry was received at the Authority from the previous owner asking if there was a TPO or any restrictions at his property. | There was no cause for concern as it was a general enquiry that the Local Planning department receives on a regular basis plus this information is publicly available online. The owner at the time also stated that he had no intention of removing any trees and he had lived there for over 45 years.   |
| 6 | The objector states that neighbours want the tree removed.   | The Local Authority has not received any complaints regarding the tree or any objection to the Tree Preservation Order from 3 <sup>rd</sup> parties.   |

## **8. Conclusion**

---

- 8.1** This order seeks to protect a Wellingtonia tree that is estimated to be over 100 years old and as it is an evergreen tree it offers visual public amenity all year within the landscape.
- 8.2** The applicant has submitted a planning application that does show that the tree will be retained. However, having a Tree Preservation Order will ensure that the tree will be a material consideration throughout the Planning process and have continued protection thereafter.

## **9. Recommendation**

---

- 9.1** It is recommended that TPO 419 is confirmed without modification

**TOWN AND COUNTRY PLANNING ACT 1990**  
**TEWKESBURY BOROUGH COUNCIL (NO. 419)**  
**(INGLESIDE, DOG LANE, WITCOMBE)**  
**TREE PRESERVATION ORDER 2023**

The Council for the Borough of Tewkesbury, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

**Citation**

1. — This Order may be cited as **TEWKESBURY BOROUGH COUNCIL (NO. 419) (INGLESIDE, DOG LANE, WITCOMBE), TREE PRESERVATION ORDER 2023**

**Interpretation**

2. — (1) In this Order “the authority” means the Tewkesbury Borough Council  
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

**Effect**

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

**Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 20th day of February 2023

THE COMMON SEAL of the COUNCIL     )  
FOR THE BOROUGH OF TEWKESBURY     )  
was hereunto affixed in the presence of— )



Authorised Signatory



**SCHEDULE**  
**SPECIFICATION OF TREES**

**Trees specified individually**  
(encircled in black on the map)

| <i>Reference on map</i> | <i>Description</i>                              | <i>Situation</i> |
|-------------------------|---|------------------|
| T1                      | Wellingtonia<br><i>Sequoiadendron giganteum</i> | 392039 216048    |

**Trees specified by reference to an area**  
(within a dotted black line on the map)

| <i>Reference on map</i> | <i>Description</i> | <i>Situation</i> |
|-------------------------|--------------------|------------------|
|                         | None               |                  |

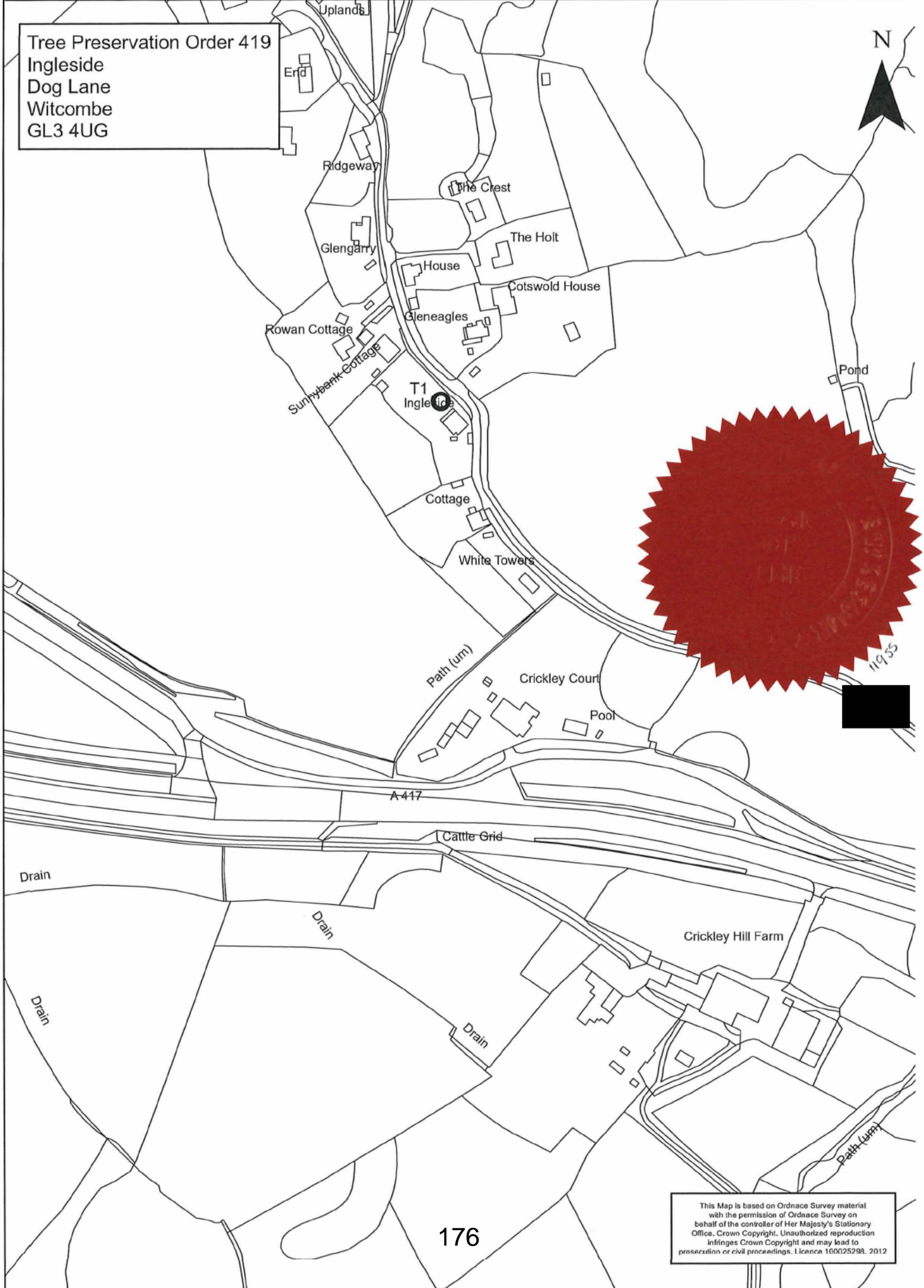
**Groups of trees**  
(within a broken black line on the map)

| <i>Reference on map</i> | <i>Description</i> | <i>Situation</i> |
|-------------------------|--------------------|------------------|
|                         | None               |                  |

**Woodlands**  
(within a continuous black line on the map)

| <i>Reference on map</i> | <i>Description</i> | <i>Situation</i> |
|-------------------------|--------------------|------------------|
|                         | None               |                  |

Tree Preservation Order 419  
Ingleside  
Dog Lane  
Witcombe  
GL3 4UG



176

This Map is based on Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office, Crown Copyright. Unauthorized reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence 100025298. 2012



# TREE EVALUATION METHOD FOR PRESERVATION ORDERS -TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

|       |            |           |           |
|-------|------------|-----------|-----------|
| Date: | 23.01.2023 | Surveyor: | G Baldwin |
|-------|------------|-----------|-----------|

|                          |                     |                |   |
|--------------------------|---------------------|----------------|---|
| <b>Tree details</b>      |                     |                |   |
| TPO Ref (if applicable): | Ingleside, Dog Lane | Tree/Group No: | T1                                      |
| Owner (if known):        |                     | Species:       | Sequoiadendron giganteum (Wellingtonia) |

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

### Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair                  | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

|                          |
|--------------------------|
| <b>Score &amp; Notes</b> |
| 3                        |

\* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

|                          |
|--------------------------|
| <b>Score &amp; Notes</b> |
| 4                        |

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

|                          |
|--------------------------|
| <b>Score &amp; Notes</b> |
| 5                        |

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |
|--|
| 5) Principal components of arboricultural features, or veteran trees                           |
| 4) Tree groups, or members of groups important for their cohesion                              |
| 3) Trees with identifiable historic, commemorative or habitat importance                       |
| 2) Trees of particularly good form, especially if rare or unusual                              |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) |

|                          |
|--------------------------|
| <b>Score &amp; Notes</b> |
| 1                        |

### Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- |                               |
|-------------------------------|
| 5) Immediate threat to tree   |
| 3) Foreseeable threat to tree |
| 2) Perceived threat to tree   |
| 1) Precautionary only         |

|                          |
|--------------------------|
| <b>Score &amp; Notes</b> |
| 1                        |

### Part 3: Decision guide

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

|                              |
|------------------------------|
| <b>Add Scores for Total:</b> |
| 14                           |

|                  |
|------------------|
| <b>Decision:</b> |
|------------------|



[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 24 March 2023 12:35  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: Tree Preservation Order GL34UG - official objections

---

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

---

**FAO THE TREE DEPARTMENT TEWKESBURY BOROUGH COUNCIL**

Good morning [REDACTED],

**Ref Tree Preservation Order GL34UG - official objections**

I write to you in official capacity to set out our objections to the TPO at the above address

We object to the order based on the following :-

1. The tree is potentially dangerous on the grounds of height, low hanging branches and shallow roots.
2. The tree is sited in a precarious position and leaning into the lane (right on a sharp bend on the lane). See photo attached
3. The tree dispersing pines onto the lane causing slippery road conditions.
4. The tree is potentially causing unnecessary movement to the foundations of the house. See photo attached.

We would question the grounds for an amenity tree in February 2023 but not so in March 2022?

The neighbours we have talked to have expressed concerns to the tree as previously mentioned?

We would also, like to make it perfectly clear that we have no intention of felling the tree!!. However, in order to alleviate some of the above, tree management is clearly required.

We are lovers of the environment and will be planting numerous new trees and encouraging wildlife in the coming years.

Please forward our objections onto whoever needs them?

Please confirm our objections have been received and forwarded to the correct department?

Kind regards

[REDACTED]





SNAPE  
CONTRACTING

Managing Director

t: [REDACTED]

e:

|w:

[REDACTED]@snapegroup.co.uk www.snapecontracting.co.uk

a:Unit 14, Rockhaven, Triangle Park, Triangle ,Gloucester,GL1

Way

1AJ

  Follow us on LinkedIn

From: [REDACTED]

Sent: Wednesday, March 22, 2023 4:36 PM

To: [REDACTED]

Subject: RE: Tree Preservation Order GL34UG

Dear [REDACTED]

Apologies, I thought our telephone conversation after you sent the email had answered all your questions so I was not aware that you also wanted me to respond back to you in an email.

My answer to your questions are in italics below:

I would like to refer to an email from you to [REDACTED] previous owner of Ingleside. Email dated 5th May 2022. Which clearly stated there isn't a TPO on any trees at the property??

- *I can confirm that on the 5th May after receiving an email enquiry I responded back to a customer confirming that there were no TPOs at Ingleside. Which was correct at that time.*

I purchased this property on the understanding that the tree could be removed.

- *I cannot answer this as this was your decision*

Can you please explain why you have totally changed your mind?

- *I have not changed my mind as at the time of the initial enquiry the tree was not under threat of being felled. We get enquiries daily asking if a TPO is on a tree or if it is in a conservation area, this information is also publicly available online. A provisional order was placed on the tree due to the change of ownership and at the time this was a precaution as the intention for the tree was not known but as you have stated above, the tree is now under threat of removal.*

I have copied an extract from the Government Guidelines with regards to Making a Tree Preservation Order which you may find useful:

- *It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.*

Paragraph: 010 Reference ID: 36-010-20140306

I have spoken to neighbours who want the tree removed. Please information as to who has requested the TPO?

- *Under Section 40(2) - Third Party personal information of the FOI act, I cannot disclose this information*



I hope the above explains the situation and the reason why a TPO was placed upon the tree. With regards to an objection, a letter would have accompanied the TPO explaining the procedure. I have attached a copy for you if that helps.

If you wish to discuss anything further please do not hesitate to contact me.

Kind regards  
Gaynor

[Redacted]  
Tree Officer (Planning)  
Tewkesbury Borough Council  
Gloucester Road  
Tewkesbury, Glos GL20 5TT

Website: [www.tewkesbury.gov.uk](http://www.tewkesbury.gov.uk)

*Please note, the advice within this email is the opinion of an Officer and is given without prejudice to any formal decision of the Council*

---

**From:** [Redacted]  
**Sent:** 21 March 2023 10:56  
**To:** [Redacted] [Redacted] [Redacted]  
**Subject:** RE: Tree Preservation Order GL34UG

---

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

---

Good morning [Redacted], would it please be possible for you to reply to my email dated 22 February?  
Also, can you please advise on how I can formally object to the TPO?

Kind regards



[Redacted]  
Managing Director  
t: [Redacted]  
e: [Redacted] | w: [www.snapecontracting.co.uk](http://www.snapecontracting.co.uk)  
a: Unit 14, Rockhaven, Triangle Park, Triangle, Gloucester, GL1  
Way 1AJ

  Follow us on LinkedIn

-----Original Message-----

**From:** [Redacted]  
**Sent:** 22 February 2023 14:39  
**To:** [Redacted]  
**Subject:** Tree Preservation Order GL34UG

[Redacted], can you please call me at your earliest convenience?

I would like to refer to an email from you to [Redacted] previous owner of Ingleside. Email dated 5th May 2022. Which clearly stated there isn't a TPO on any trees at the property??

I purchased this property on the understanding that the tree could be removed.

Can you please explain why you have totally changed your mind?

I have spoken to neighbours who want the tree removed. Please information as to who has requested the TPO?

Please call ASAP

[REDACTED]

Kind regards

Sent from my iPhone

---

This e-mail is intended for the addressee only. It may contain information that is confidential, copyright material and/or subject to legal privilege.

If you are not the intended addressee this e-mail has been sent to you in error and you must not copy, distribute or use it in any way whatsoever. Please inform the sender of the error immediately.

The content of this email and any related emails do not constitute a legally binding agreement and we do not accept service of court proceedings or any other formal notices by email unless specifically agreed by us in writing.

This e-mail is believed to be free of viruses but it is your responsibility to carry out all necessary checks and the Council does not accept any liability in connection therewith.

---

---

This e-mail is intended for the addressee only. It may contain information that is confidential, copyright material and/or subject to legal privilege.

If you are not the intended addressee this e-mail has been sent to you in error and you must not copy, distribute or use it in any way whatsoever. Please inform the sender of the error immediately.

The content of this email and any related emails do not constitute a legally binding agreement and we do not accept service of court proceedings or any other formal notices by email unless specifically agreed by us in writing.

This e-mail is believed to be free of viruses but it is your responsibility to carry out all necessary checks and the Council does not accept any liability in connection therewith.

---

---

This e-mail is intended for the addressee only. It may contain information that is confidential, copyright material and/or subject to legal privilege.

If you are not the intended addressee this e-mail has been sent to you in error and you must not copy, distribute or use it in any way whatsoever. Please inform the sender of the error immediately.

The content of this email and any related emails do not constitute a legally binding agreement and we do not accept service of court proceedings or any other formal notices by email unless specifically agreed by us in writing.

This e-mail is believed to be free of viruses but it is your responsibility to carry out all necessary checks and the Council does not accept any liability in connection therewith.

---













Google screenshot April 2019

# PLANNING APPEALS

## PLANNING APPEALS RECEIVED (03/04/2023 – 05/05/2023)

| Appeal Start Date | TBC Planning Number | Inspectorate Number    | Proposal   | Site Address                    | Appeal Procedure  |
|-------------------|---------------------|------------------------|--|---------------------------------|-------------------|
| 14-Apr-23         | 22/00973/FUL        | APP/G1630/D/23/3317562 | Extensions to existing summer house to provide additional ancillary accommodation. | 57 Gretton Road<br>Gotherington | Fast Track Appeal |

## PLANNING APPEALS DECIDED (03/04/2023 – 05/05/2023)

| Appeal Decision Date | Appeal Decision                                | TBC Planning Number | Inspectorate Number    | Proposal  | Site Address   |
|----------------------|--|---------------------|------------------------|---|--|
| 18<br>04 Apr-23      | Appeal Dismissed – Planning permission refused | 20/00675/FUL        | APP/G1630/W/22/3302491 | Retrospective application for the erection of an agricultural building (amended scheme to planning permission ref: 07/01385/FUL) and the erection of a permanent agricultural workers dwelling. | Liberty Farm<br>Stanway Road<br>Stanton                    |
| 14-Apr-23            | Appeal Allowed, Planning permitted             | 20/00608/FUL        | APP/G1630/W/21/3281074 | The erection of 47 dwellings and associated vehicular access, public open space, landscaping and other associated infrastructure.   | Land North of Perrybrook<br>Shurdington Road<br>Brockworth |
| 26-Apr-23            | Appeal Dismissed & notice Varied               | 18/00153/OPDEV      | APP/G1630/C/22/3297174 | Unauthorised erection of building and perimeter fencing   | Land On The East Side Of<br>Broadway Road<br>Stanway       |

## PLANNING APPEALS

|           |  |              |                        |  |  |
|-----------|--|--------------|------------------------|--|--|
| 03-May-23 | Appeal Dismissed – Planning permission refused | 22/00443/PIP | APP/G1630/W/22/3311465 | Permission in principle for one dwelling.  | Land At Tredington Park<br>Tredington            |
| 04-May-23 | Appeal Allowed planning permitted              | 21/00693/OUT | APP/G1630/W/22/3297682 | Outline application for the redevelopment of the land and buildings at the 'Former Poultry Houses' for office use, a solar farm and associated works with all matter reserved except access, layout and landscaping and scale. | Former Poultry Farm<br>Littleworth<br>Winchcombe |
| 05-May-23 | Appeal Dismissed – Planning permission refused | 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<br>Bushcombe Lane<br>Woodmancote    |