

7 August 2023

Committee	Planning
Date	Tuesday, 15 August 2023
Time of Meeting	9:30 am
Venue	Tewkesbury Borough Council Offices, Severn Room

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND

Agenda

1. ANNOUNCEMENTS

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

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

2. APPOINTMENT OF VICE-CHAIR

To appoint a Vice-Chair for the remainder of the Municipal Year.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.

Item	Page(s)
4. DECLARATIONS OF INTEREST	
<p>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.</p>	
5. MINUTES	1 - 32
<p>To approve the Minutes of the meeting held on 18 July 2023.</p>	
6. DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL	
(a) 22/01104/FUL - Elms Farm, Main Road, Minsterworth	33 - 59
<p>PROPOSAL: Residential development of 37 dwellings (Class C3); vehicular and pedestrian access; landscaping; drainage attenuation; and other associated works.</p> <p>OFFICER RECOMMENDATION: Delegated permit.</p>	
(b) 22/01374/FUL - Land at Linton Court Farm, Highnam	60 - 87
<p>PROPOSAL: Development of an energy reserve facility and ancillary infrastructure.</p> <p>OFFICER RECOMMENDATION: Permit.</p>	
(c) 22/01367/PIP - Field North of Brook Lane, Ash Lane, Down Hatherley	88 - 97
<p>PROPOSAL: Permission in principle for residential development of two dwellings.</p> <p>OFFICER RECOMMENDATION: Permit.</p>	
(d) 22/01316/PIP - Land at Ash Lane, Down Hatherley	98 - 110
<p>PROPOSAL: Permission in principle for residential development of up to six dwellings.</p> <p>OFFICER RECOMMENDATION: Permit.</p>	
(e) 22/01318/PIP - Land at Greenacre and Mount View, Ash Lane, Down Hatherley	111 - 123
<p>PROPOSAL: Permission in principle application for the erection of up to six infill dwellings.</p> <p>OFFICER RECOMMENDATION: Permit.</p>	

Item	Page(s)
<p>(f) 22/01320/OUT - Parcel 5558, Road from Natton to Homedowns, Ashchurch</p> <p>PROPOSAL: Outline application for residential development (up to 120 dwellings), associated works including infrastructure, open space and landscaping; vehicular access from Fiddington Lane.</p> <p>OFFICER RECOMMENDATION: Minded to approve.</p>	124 - 164
<p>(g) 23/00015/FUL - Chargrove Paddock, Main Road, Shurdington</p> <p>PROPOSAL: Resubmission of planning application 22/00269/FUL for the construction of a single dwelling and associated infrastructure.</p> <p>OFFICER RECOMMENDATION: Refuse.</p>	165 - 186
<p>(h) 23/00522/FUL - Plemont, Shurdington Road, Shurdington</p> <p>PROPOSAL: Erection of single storey side/rear extension.</p> <p>OFFICER RECOMMENDATION: Permit.</p>	187 - 202
<p>(i) 23/00524/FUL - 50 Goodmoor Crescent, Churchdown</p> <p>PROPOSAL: Erection of a two storey front extension, single storey front extension, single storey side extension, single storey rear extension and loft conversion with rear-facing dormer roof.</p> <p>OFFICER RECOMMENDATION: Permit.</p>	203 - 219
<p>7. CURRENT APPEALS AND APPEAL DECISIONS UPDATE</p> <p>To consider current planning and enforcement appeals and Department for Levelling Up, Housing and Communities appeal decisions.</p>	220

DATE OF NEXT MEETING
TUESDAY, 19 SEPTEMBER 2023
COUNCILLORS CONSTITUTING COMMITTEE

Councillors: M Dimond-Brown, M A Gore, S Hands, D J Harwood, M L Jordan, G C Madle, J R Mason, G M Porter, P E Smith (Chair), R J G Smith, R J E Vines, P N Workman and I Yates

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 July 2023 commencing at 9:30 am**

Present:

Chair

Councillor P E Smith

and Councillors:

H J Bowman (Substitute for M Dimond-Brown), M A Gore, S Hands, D J Harwood, M L Jordan,
G C Madle, J R Mason, G M Porter, R J G Smith, M J Williams (Substitute for R J E Vines) and
P N Workman

also present:

Councillors C E Mills and M G Sztymiak

PL.16 ANNOUNCEMENTS

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

PL.17 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 17.1 Apologies for absence were received from Councillors E M Dimond-Brown and R J E Vines. Councillors H J Bowman and M J Williams would be substitutes for the meeting.

PL.18 DECLARATIONS OF INTEREST

- 18.1 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.

18.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
M A Gore	Agenda Item 5b – 22/01317/FUL – 3 Consell Green, Tewkesbury Road, Toddington.	Had been contacted by local residents in relation to the application and had been proactively involved in ensuring the Parish Council had the opportunity to be consulted on revised plans but had not commented or expressed an opinion.	Would speak and vote.
D J Harwood	Agenda Item 5e – 22/00995/FUL – Land at Sparrow Hawk Way, Brockworth. Agenda Item 5g – 22/00751/APP – Phase 7, Perrybrook, Brockworth.	Is a Borough Councillor for the area. Is a Member of Brockworth Parish Council but does not participate in planning matters. Had received various correspondence in relation to the applications but had not expressed an opinion.	Would speak and vote.
G C Madle	Agenda Item 5a – 22/00505/FUL – Appledore, Corndean Lane, Winchcombe. Agenda Item 5d – 23/00111/FUL – Wisteria Cottage, 67 Gloucester Street, Winchcombe.	Is a Borough Councillor for the area. Is a Member of Winchcombe Town Council but does not participate in planning matters.	Would speak and vote.
G C Madle	Agenda Item 5f – 22/01058/PIP – Parcel 5004, Opposite Lilac Cottage, Hawling.	Had received correspondence in relation to the application but had not expressed an opinion.	Would speak and vote

J R Mason	Agenda Item 5a – 22/00505/FUL – Appledore, Corndean Lane, Winchcombe. Agenda Item 5d – 23/00111/FUL – Wisteria Cottage, 67 Gloucester Street, Winchcombe.	Is a Member of Winchcombe Town Council but does not participate in planning matters.	Would speak and vote.
P N Workman	Agenda Item 5c – 21/01409/FUL – The Coach House, Shuthonger, Tewkesbury.	Had received a number of communications from representatives of residents in the area but had not expressed an opinion.	Would speak and vote.

18.3 There were no further declarations made on this occasion.

PL.19 MINUTES

19.1 The Minutes of the meeting held on 20 June 2023, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.20 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

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

22/00505/FUL - Appledore, Corndean Lane, Winchcombe

20.2 This application was for the reconfiguration and extension of the existing dwelling. The Planning Committee had visited the application site on Friday 14 July 2023.

20.3 The Planning Officer advised that the application related to Appledore, a large detached replacement dwelling located along Corndean Lane in Winchcombe. The site fell within an Area of Outstanding Natural Beauty and near to the Cotswold Way which ran along Corndean Lane to the east. Revised plans had been submitted in February reducing the overall size and bulk of the extensions, particularly on the north and south elevations, and omitting the proposed basement. It was noted there would be an overall increase in volume of 32% which was much less than the original scheme submitted. A Committee determination was required as the Town Council had objected to the revised plans due to concerns regarding the scale and design of the proposal and as it was considered that, once extended, the dwelling would stand out when viewed from the Cotswold Way. Whilst the proposal as revised would still substantially increase the size of the dwelling, it would result in improvements to the design and appearance of the building. In relation to the impact on the surrounding Area of Outstanding Natural Beauty and the Cotswold Way, the Landscape Officer considered that the revised proposal would have a minimal additional impact on the existing setting. The main public views of the

building would be from the Public Right of Way to the south and would mostly be distant and seen as part of a much wider landscape, glimpsed for only a short distance within the setting of the other dwellings. With regard to the impact on neighbouring dwellings a full assessment had been made and, given the size of the plot and the distance between the immediate dwellings, there would not be any harmful overlooking or loss of light. The Drainage Officer had confirmed he was happy with the proposed drainage condition and that it would suitably cover the drainage requirements. Overall, it was considered that the proposal as revised would not be unduly harmful to the appearance of the existing dwelling, nor the surrounding Area of Outstanding Natural Beauty, and it would not result in an unacceptable loss of residential amenity to neighbouring dwellings, therefore, the Officer recommendation was to permit.

- 20.4 The Chair invited a local resident speaking in objection to the proposal to address the Committee. The local resident indicated that the Council's invitation to comment suggested two particular criteria: unsympathetic design affecting the appearance of the building and/or the character of the street; and environmental matters such as impact on landscape and character of an area. The Council declared a planning policy that aimed to prevent new development that was of unsympathetic design or which had a disruptive impact on the landscape and local character – local residents were asking only that the application be decided in accordance with these policy criteria. In terms of scale, the house already dwarfed its neighbours, and this proposal would enlarge its bulk even further, by about one-third, which would both exacerbate its incongruity with all its neighbours and increase its stark visual prominence. With regard to its design and place in the landscape, Appledore's modernist 'boxy' style made it a misfit among its neighbours, an anomaly made extra conspicuous by its great bulk. This proposal would soften the south side's verticals but would also increase the length, breath, height and bulk of its mass, making it look more like a block of flats or offices which would further disrupt both the character of the area and views from the Cotswold Way Area of Outstanding Natural Beauty. It was already an intrusive and alien feature and to substantially enlarge it would make it even more conspicuous. In terms of frontage to the lane, the local resident indicated that, like its neighbours, Appledore's north front was now reasonably well set back from the lane, but this proposal would bring the frontage forward and lengthen it by some 20% to around 90 feet long. These encroachments would make the lane feel far more overlooked and enclosed, imposing a suburban feel to what now felt rural. Appledore already violated the set limit in terms of overall height and to permit a further increase would encourage the disregard already demonstrated which should be resisted. On that basis, he felt that planning permission should be refused.
- 20.5 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. A Member noted there were trees screening the view from the hill and she asked if these were part of the application site or in another field and whether there would be provisions for screening if the trees were removed at any point. In response, the Planning Officer advised that she believed the majority of the trees providing screening were in a separate field and not part of the existing application. She confirmed that no substantial trees were being removed from the garden so the proposed landscaping would be additional to the existing. A Member noted that the Cotswold Way started to descend from this point which meant that Appledore came into greater view and, whilst it was a distance away, it would become more prominent to anyone walking along the Cotswold Way. The Planning Officer agreed that the building would get closer as walkers descended the hill; however, it was not an isolated dwelling and would be read in conjunction with the existing neighbouring dwellings. She reiterated that the Landscape Officer had been consulted on the application and concluded that, whilst there would be minimal additional impact, it would not be harmful enough to warrant refusal. The Development Management Manager advised that the Landscape

Officer's comments were reflected at Page No. 30, Paragraph 8.3 of the Committee report which stated there would be a minor or negligible additional impact on the existing setting and confirmed that the main public views of the building would be from the Public Rights of Way to the south and would mostly be distant as part of a wider landscape panorama, glimpsed only for a short distance and screened by intervening vegetation. A Member queried whether the pool house was still part of the proposal and, if so, where it would be and the Planning Officer confirmed that the pool house and outdoor swimming pool were included and pointed out their location on the photograph displayed at the meeting.

- 20.6 It was proposed and seconded that the application be refused due to its bulk and size which would have an overbearing impact on the setting of the Area of Outstanding Natural Beauty and the Cotswold Way which conflicted with Policies SD6 and SD7 of the Joint Core Strategy and 1.1., 5.1 and 5.5 of the Winchcombe and Sudeley Neighbourhood Development Plan. The proposer of the motion indicated that it was one of the nicest views of the Area of Outstanding Natural Beauty and would be spoilt by the proposal, particularly in autumn and winter when the foliage had gone. A Member sympathised with the local residents and the proposer and seconder of the motion but indicated that, if the application was to be refused, it was necessary to have sound planning reasons which he did not believe had been provided. Another Member questioned if it was possible to strengthen proposed condition 4 to require further screening to protect the view, particularly as this seemed to be reliant on vegetation which was not within the application site. The Development Management Team Manager (East) advised that, in terms of the landscape impact, the Council's Landscape Officer had assessed the proposal and found that the additional harm would be minor. If the application was permitted, the proposed landscaping condition would require details for the whole site to be submitted so additional screening could be considered at that point; however, it was important to consider what was reasonable and whether it could be kept in perpetuity. Members needed to assess the proposal on its own merits without relying on additional landscaping to screen the development. A Member indicated that although the Planning Committee had visited the application site, Members had not had the benefit of the view before them today; the pool house would extend west away from the existing screening and did not cover the main part of the properties so would impact on the view from the hill. As such, he wondered whether the screening would be sufficient to mitigate the harm that would be done by increasing the bulk of the property. The proposer of the motion indicated that Members had already heard that the building was larger than any other house within that setting and this proposal would mean it was increased by a further 30%, as such, there must be an overbearing impact, particularly in terms of the surrounding Area of Outstanding Natural Beauty. In response to the comments, the Development Management Manager confirmed that, as set out in the Committee report, landscaping conditions were proposed which would provide an enhancement in terms of the existing soft landscaping features and the Landscape Officer had commented on providing mitigation. In terms of the overall scale, it was clear there would be additional volume but that must be assessed in its context and, in terms of impact, there was a clear reduction from the proposal originally submitted and the Landscape Officer had indicated it would result in minimal harm. Whilst there was reference to increased size and scale, the percentage increase was not a determinative factor set out in policy and each application must be considered on its own merits.
- 20.7 Upon being put to the vote, the motion to refuse the application fell. It was subsequently proposed and seconded that the application be permitted in accordance with the Officer recommendation. The proposer of the motion appreciated the concerns regarding the proposal but it had been assessed by the Landscape Officer, who was a technical expert, who had found that the impact would be minimal. She was disappointed no response had been received from the

Cotswolds Area of Outstanding Natural Beauty Board but, in her view, she did not think there were enough reasons to refuse the application based on the evidence before them. Clarification was provided that, whilst the Cotswolds Area of Outstanding Natural Beauty Board did comment on planning applications, this proposal was outside of its remit as a consultee. Upon being taken to the vote, it was

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

22/01317/FUL - 3 Consell Green, Tewkesbury Road, Toddington

20.8 This application was for construction of two dwellings. The Planning Committee had visited the application site on Friday 14 July 2023.

20.9 The Planning Officer advised that a Committee determination was required as the application had been called-in by Councillor Gore. With regard to the Additional Representations Sheet, attached at Appendix 1, he indicated that four additional letters of objection had been received from members of the public and the Parish Council. The objections related to the change of Plot 1 from a flat roof bungalow to a two storey dwelling along with other points that had already been raised by objectors. The Planning Officer had spoken to three of the objectors to clarify that the dwelling at Plot 1 would be 1.5 storey not two storey. Four of the six original objection letters raised concern with the flat roof bungalow at Plot 1 as originally submitted, as such, a revised scheme had been requested for a pitched roof; however, when the amended plans had been received they had shown a two storey dwelling with a pitched roof. This was not acceptable on the basis that it would be out of keeping with the area and would have an overbearing impact, therefore, further revised plans had been submitted for a 1.5 storey dwelling which was now provided for Plot 1. Whilst there was no requirement for the Council to re-consult on the revised plans, the four nearest neighbours and the Parish Council had commented on the amended plans. The Planning Officer went on to advise that the application site was located within the settlement boundary of New Town, Toddington within the Special Landscape Area but not within the Area of Outstanding Natural Beauty. Planning permission was sought for the erection of two new dwellings with associated garages and the existing garage and greenhouse would be demolished to allow for access to the new dwellings. Plot 1 would consist of a 1.5 storey detached dwelling with rooms in the roof space alongside two garages for use by the new dwelling and the occupants of No. 3 Consell Green; Plot 2 would consist of a two storey detached dwelling with a detached single garage. Both properties would have front and rear gardens and would be accessed via a gravel surfaced private drive. As the application was located within the settlement boundary of Toddington, the principle of residential development at the site was considered to be acceptable subject to other policy considerations. The plot size was larger than those to the east but Officers considered that the width and depth would allow two dwellings to be accommodated without causing overdevelopment. The dwellings would be in keeping with the design and appearance of the new properties in Consell Green Lane. The proposal was contained within an existing residential plot and would not encroach into the countryside and, following consultation with the Landscape Officer, there was a 1.2m high timber post and rail fence with native hedging to the southern, eastern and western boundaries which would be in keeping with the existing boundary treatment. In terms of amenity, the rear elevation of Plot 1 faced Consell Green Lane and the only window at first floor level contained one rooflight serving the bathroom so there were no issues with overlooking or loss of privacy to the east; there were no side windows at first floor level. At the rear, a separation distance of 21m was provided between the rear dormers and Plot 2 of Consell Green Lane. Plot 2 had no side windows facing the garden at first floor level and the front elevation contained three rooflights which significantly reduced any impact of overlooking to neighbouring gardens. Officers

felt the plans and the impact on neighbouring amenity were acceptable and there were no objections from statutory consultees – except the Parish Council – on the grounds of highways, drainage, ecology, environmental health and landscaping, therefore the Officer recommendation was to permit the application.

- 20.10 The Chair invited a local resident speaking in objection to the application to address the Committee. The local resident indicated that she disagreed with Page No. 63, Paragraph 8.24 of the Committee report as she considered there would be unacceptable adverse impacts in terms of loss of light and overbearing effects upon neighbouring properties and the proposal should not go ahead on that basis. She was representing residents from the houses along the strip either side of this plot, and many others who lived in Toddington and explained that, when her family had come to the area they had not planned to stay but, once they had lived there, they had realised how beautiful the countryside was and what a wonderful place it was to live. Toddington had seen some residential development in recent years and they had raised minor objections in relation to those; however, in her view, none of them – even the four new houses built at No. 1 Consell Green - had directly affected the garden or homes of the existing properties, only the owner of the plot of land. If this development was allowed, it will set a precedent for everybody in Toddington to build and make money from the plots in their gardens. Toddington was known for its lovely long plots of garden, usually overlooking the wonderful countryside and hills and would quickly turn into a very cramped, overcrowded, and gloomy place to live. Their hedge was usually cut to five feet to ensure it got all of the afternoon sun; a two bedroom house at 20 feet high, and the 1.5 storey still at a towering 18-20 feet high, would not be very far away from their house and garden. Whilst the gardens were beautifully long, they were not very wide, some under 25 feet in width in places. The new houses would be around 40 feet away from the edge of their garden, closer for the two neighbouring houses, and with the two houses so close together they would loom over them in the garden for most of the full length, taking most of the light from the garden, especially at Mayfield and No. 1. They had worked hard to own their house and garden and, with the mortgage rises coming to their family in February, it would be a hard time to sit and watch the family home and garden they loved become so overshadowed. They loved the village of Toddington and did not feel that building in people's back gardens was good for the wildlife or the feel of the village - less garden space meant less available habitat for hedgehogs and other wildlife that thrived in their gardens or bats over the pond which would not be around with more light from the houses. The local resident drew attention to Page No. 65, Paragraph 8.37 of the Committee report, which stated that the Highway Authority had no justifiable grounds to object based upon the analysis of the information submitted; however, the speed survey results were incorrect and the average speed was not 36mph. The results were not only taken at the end of the COVID pandemic, but during the quietest parts of the day between 1040 hours and 1200 hours and 1400 hours and 1510 hours. Her husband had performed an in depth study of the recordings by the moveable speed sign and, based upon that data, the calculations in report 2214TN01A were incorrect and needed to be disregarded. She urged Members not to set a precedent for building in the gardens of Toddington as that would affect any existing houses and be detrimental to the village of Toddington and the surrounding wildlife, not to mention the existing residents and families. It was also very dangerous and could increase the chance of a loss of life on this 40mph busy road with a deadly bend.
- 20.11 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. In response to a query as to whether any additional feedback had been received from the Parish Council following the Planning Committee site visit, the Planning Officer confirmed that the Parish Council had been contacted but no new issues had been discussed that had not already been raised in previous objections. A Member asked if the County Highways representative had visited the application site and he advised he had not; on that

basis, another Member questioned what the County Highways judgement was based on. The County Highways representative explained that, whilst it would be preferable to visit every site, that was not possible due to the amount of applications County Highways was required to comment upon. This application had been assessed via a desktop exercise and the applicant had submitted transport notes accompanying the application. In view of that evidence, he did not consider there would be a severe impact arising from the development. The Member felt that a key concern was safety when accessing the site given the speed of traffic along the road, which was the main route between Stow-on-the-Wold and Tewkesbury, and he was of the view that a check should be carried out given the amount of accidents which occurred. The County Highways representative advised that a speed survey had been undertaken by the applicant but, given the concerns regarding the road, he had sought data from the ATS speed sign west of the site for September 2022 which had shown that the 85th percentile majority aligned with the findings of the survey with an average speed of 40.4mph. On that basis, he was satisfied the evidence provided was robust and the site was safe in terms of visibility.

- 20.12 It was proposed and seconded that the application be refused on the grounds of highway safety as it conflicted with Policy INS1 of the Joint Core Strategy and Policy RES5 of the Tewkesbury Borough Plan. The proposer of the motion indicated that she had grown up in the area and knew the site well and, whilst the County Highways representative had not visited the site, the Planning Committee had and Members had noted vehicles travelling at speed down the road. She raised concern with the plan for a bin collection on the left hand side next to a big bush in the neighbouring garden which would be outside of any ownership in terms of maintenance. As it stood, she appreciated there was no severe impact in relation to vehicles entering the highway as the existing resident had the option to take the lower access route out of the driveway but she believed there would be a highway safety issue for residents entering/egressing the new plots. The Legal Adviser advised caution as the policy test for justifying reasons for refusal on highway grounds was that the impact would be severe. The County Highways representative was very experienced and had advised Members that the impact in this case would not be severe. She suggested that Members might wish to consider other issues associated with the application and whether they felt any of the other impacts were harmful and would therefore support the motion to refuse the application. The proposer of the motion explained there was a problem with lorries travelling through Toddington to and from the quarries at the top of Stanway and Stanton – these vehicles travelled at speed and had longer stopping distances which meant that the proposed access would not be safe for residents. She considered there were other reasons for refusing the application such as overdevelopment of the site and the impact on amenity of neighbouring properties. In terms of highway matters, the Development Management Manager explained that the County Highways representative had referenced data which was received at the end of 2022, which was relatively recent, and a condition was recommended in terms of the visibility splays. He echoed the comments made by the Legal Adviser in terms of the relevant test regarding highway safety but noted the concerns raised by Members today in terms of the site and the nature of the traffic. He suggested it may be beneficial for Officers to seek additional information, working with County Highways, to give Members comfort regarding those matters. A Member welcomed this way forward and proposed that the application be deferred in order to obtain additional information regarding highway safety. The proposer and seconder of the motion to refuse the application indicated they would be happy to withdraw the refusal motion subject to County Highways attending a site visit with local Ward Councillors. She indicated that matters such as the bin storage needed to be addressed. Another Member asked that accident records and speed measurements also be provided in the information brought back to Committee and the proposer of the motion to defer the application indicated that he was happy for all of this to be

included. This was duly seconded and, upon being put to the vote, it was

RESOLVED That the application be **DEFERRED** in order to obtain additional information regarding highway safety, including accident records and speed measurements, with consideration also being given to the location of the bin storage, and for the County Highways representative to attend a site visit with local Ward Councillors.

21/01409/FUL - The Coach House, Shuthonger, Tewkesbury

- 20.13 This application was for change of use of land to glamping and erection of four timber glamping pods with associated parking, pathways and groundwork; erection of a reception cabin and communal sauna building; and resurfacing of existing site access. The Planning Committee had visited the application site on Friday 14 July 2023.
- 20.14 The Planning Officer advised that the application sought planning permission for change of use of land to glamping and the erection of four timber glamping pods. The application required a Committee determination due to an objection from the Parish Council. The Planning Officer drew attention to the Additional Representation Sheet, attached at Appendix 1, which set out that an updated site location map had been provided as the map at Page No. 75 of the Committee report had been included in error. The application site was located adjacent to the rural settlement of Shuthonger which was two miles north of Tewkesbury. The site was located to the rear of the properties which fronted onto the A38 and Shuthonger House, a Grade II listed building, was located to the east of the site. Since submission of the original scheme, amended plans had been provided to show relocation of the pods to address amenity concerns; increased planting and landscaping; and, inclusion of a water treatment plant to service the pods. Access to the site would be off the A38 through the archway and, alongside the pods, the proposal included a permeable parking/turning area, recycling/waste, a reception hut and a communal sauna. One parking bay per pod was proposed with an existing entrance track/road to be improved. Each guest pod would have an area of private decking and a hot tub. The pods would be constructed from timber and would have a maximum height of 2.55m; the proposed reception hut would have a total height of 2.5m and the sauna would have a roof height of 2.3m. In relation to the principle of development, the proposal was in accordance with Policy TOR1 and Policy TOR3 of the Tewkesbury Borough Plan in that it was adjacent to a rural settlement, had potential for economic and tourism related benefits to the wider community and would be capable of accommodating additional traffic. In terms of landscape, the proposal would provide significant new landscaping features when compared to the existing site and the Conservation Officer had no concerns in relation to the impact on Shuthonger House. In respect of residential amenity, the pods had been repositioned further away following discussions with the Environmental Health Officer; Pod 4 was the closest pod to any residential property and now had a separation distance of approximately 25m to Haulfryn; Pod 4 would have a separation distance of 60m to Shuthonger House; and Pod 1 would have a separation distance of 50m to Shuthonger Manor. A Noise Management Plan had been submitted and the details within the plan would be secured via a condition. A lighting plan had also been provided which showed lights at 40cm high, installed to shine downwards with a sensor to ensure they were only on when needed. Following submission of the amended plans, Officer opinion was that the proposal was acceptable. All surface and foul water on the site would be controlled via a water treatment plant, with no connection to public sewers, and the Drainage Officer agreed with the proposal in principle, subject to further details which would be secured by condition. There had been no objections - except from the Parish Council - in relation to archaeology, conservation, heritage, highways, drainage, ecology, environmental health or landscaping. As such, the Officer

recommendation was to permit the application.

- 20.15 The Chair invited the representative from Twyning Parish Council to address the Committee. The Parish Council representative indicated that, with regard to Policy TOR2 of the Tewkesbury Borough Plan, the site was not within the existing settlement boundary and did not respect the character of the area. He did not intend to repeat further the policy concerns that the Parish Council had already identified in its previous submission but, should Members be minded to refuse the application, he wished to draw attention to a number of matters. The Planning Officer and consultees had made a case as to why the application should be permitted but had failed to take into account the human aspect of the impact this would have on those living alongside the site. The proposal would result in four pods, four hot tubs, an office, water treatment works, a car park and refuse collection area, all close to a listed building and a building of historical significance, at the bottom of gardens. As Members would have seen on the Planning Committee site visit, access via the limited archway was unsuitable for the volume of traffic that would result from the application. The Parish Council questioned how the construction and operation of this venture could have no, or limited, impact on local residents given its quiet rural location and that it would be a holiday venue where people would be looking to have a good time. The Noise Management Plan should carry little weight as controlling noise from guests would be difficult, if not impossible, to achieve. Residents were entitled to their rural amenity and it was important they could maintain a sense of wellbeing with planning policy dictating this should not be adversely affected. People should be allowed to enjoy their gardens without interruptions, noise or light pollution and he asked why several families' way of life should be disrupted by holidaying families in an area that was totally unsuitable for this type of development. He now understood that the water treatment plant would deal with all water products from the site and looked forward to hearing how that would actually be managed and how the water would drain. The Parish Council felt this was a self-serving application which, if permitted, would override the concerns of neighbours and was totally inappropriate for this location.
- 20.16 The Chair invited a local resident speaking against the application to address the Committee. The local resident expressed the view that the application must be refused on the basis that it involved a substantial loss of residential amenity to the surrounding properties and was therefore contrary to Policy TOR2 of the Tewkesbury Borough Plan in relation to self-catering accommodation which required that "the amenity of adjoining residents is not adversely affected". Commercial access to the site would greatly detract from the amenity that residents currently enjoyed – amenity had been recognised by the Council when it had permitted a previous owner of The Coach House to build a workshop; that development was permitted "only in conjunction with...the residential enjoyment of the adjoining dwelling house" and the "proximity to adjoining residential properties" had been cited as a reason. Loss of residential amenity would arise from noise from regular car movements across the Manor forecourt, through the archway and along the drive, and there would be loss of privacy with glampers seeing residents' gardens. The sides of the arch and bedrooms above were his freehold and audible disturbance in his house would increase significantly with glampers frequently coming and going. In his view, regular rumbling of cars beneath his bedrooms would adversely affect his residential amenity. Furthermore, there was a significant risk of damage to glampers' vehicles because of the narrowness and low height of the archway. The Gloucestershire Manual for Streets stated under 'Private Shared Drives' that access in the context of the public using them must accord with the design characteristics of a street – the minimum clearance above a public road was 5m yet the arch had a height less than half that and had been designed with modest width. The restrictions of the archway therefore made regular access by the public unsafe. Finally, the applicant had an alternative, more direct access from the road to his site by the corner of his house, yet he proposed to use the access that would

cause his neighbours more disturbance; in his view, the person seeking to benefit from the development should be the one to bear any detriment created by the access.

- 20.17 The Chair invited the applicant to address the Committee. The applicant advised that he had lived at The Coach House with his family since 2007 and they aimed to create high end luxury accommodation providing a tranquil and peaceful retreat, aimed predominantly at the couples market and he stressed that no mass market, hen/stag parties or group bookings would be allowed. They had taken professional advice throughout the planning process and had utilised the services of planning consultants, working in conjunction with the Planning department, responding promptly to matters raised and revising plans accordingly. They were mindful that neighbours wished to minimise any noise and had subsequently proposed a Noise Management Plan. The applicant pointed out that a key advantage of living on site, approximately 100m away, was that they could ensure the plan was effectively implemented, monitored and maintained and they would be better able to quickly address any matters arising. In preparing the plans, various styles and numbers of units had been considered including glamping pods, shepherds huts and yurts and they had opted for a smaller number of high quality hand-crafted cabins rather than a larger number of more basic mass produced units which they felt would be more in keeping with the area and the target clientele, thus enhancing the amenity of the location. In addition, they proposed to use ground screws where possible, thereby avoiding the need for concrete foundations with the further benefit that they could be easily removed and were less damaging to the environment. With regard to access, there were three driveway entrances to The Coach House, of which, two provided access for residents of Shuthonger Manor and proposed site access from the A38; the third was not in his ownership. The applicant understood that County Highways raised no objection to the proposals. The driveway both to the front of Shuthonger Manor, with two access points, and through the archway, formed part of The Coach House property which was under his ownership. Whilst the residents of Shuthonger Manor and their visitors were free to come and go as they pleased, the Noise Management Plan prohibited vehicle movements of site guests between 2300 hours and 0700 hours. Any damage to the archway would be a civil matter. Landscaping would further enhance the development and overall amenity of the site with planting of trees, shrubs and hedges giving greater privacy to neighbours and providing increased habitats for wildlife. The applicant clarified that no existing trees or shrubs would be removed. In summary, the development would create a peaceful and tranquil retreat; provide sustainable tourism which respected the character of the countryside; offer a unique glamping experience for which demand was growing; provide potential employment – they anticipated employing two full-time equivalents plus ancillary positions for things such as grounds maintenance; add to the amenity of the location; and contribute to the local economy.
- 20.18 The Chair invited a local Ward Councillor to address the Committee. The local Ward Councillor explained he wished to speak against the application on the grounds that it would cause loss of amenity to neighbouring properties due to traffic access and noise. The access to the site was via a narrow underpass with the living room of a dwelling directly above – the owner of the property already suffered from vibrations and noise when vehicles passed through. At present, the access was limited only to his neighbours but that would change considerably when traffic using the four pods was introduced. The local Ward Councillor found it laughable that the traffic management plan stated that holiday makers would only be allowed to use their cars in an emergency after 2300 hours and before 0700 hours and he questioned whether this meant they would be locked out or locked in – either way it could not be enforced and would cause traffic disturbance to local residents. The Noise Management Plan was also unsatisfactory in stating that those staying at the site should not make noise between those hours and he pointed out that people were on holiday so would inevitably let their hair down which would result in noise

escalating. In addition, the use of reception, provision of a commercial sauna and water treatment as well as individual hot tubs would lead to noise and loss of amenity to residents. The local Ward Councillor felt the inclusion of traffic and noise management plans demonstrated that the application would cause problems but their unworkable nature meant that the impact of noise and traffic would fail to be mitigated. In his view, trying to restrict holidaymakers' actions between certain hours was a joke and residents would not find the consequences funny. He hoped the Committee would see through the flimsy plans and reject the application.

- 20.19 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. A Member had noted on the site visit there were some existing glamping pods over the fence from the proposed site and she asked if there had been any noise issues in relation to those. In terms of parking, she questioned how it was planned to restrict the four spaces to one per pod. In response, the Planning Officer clarified there were five parking spaces with the idea being there would be two guests per pod who were likely to have one car between them. In terms of the existing glamping pods, he advised these had been investigated by the Planning Enforcement team earlier this year and the matter had been closed on the basis they were within the owners' residential curtilage for use by his family only and there was no public access. It was proposed and seconded that the application be refused as it would have an adverse impact on neighbouring amenity which conflicted with Policies TOR2 and EMP5 of the Tewkesbury Borough Plan, Policies SD4 and SD14 of the Joint Core Strategy and Policy GD6 of the Twynning Neighbourhood Development Plan. The proposer of the motion indicated that Members had seen the access and the archway that would be used and would therefore recognise the serious impact the development would have on residents. He was particularly concerned about how tight the access was, especially for drivers who were not using it on a regular basis. He noted the package of mitigation measures proposed by the applicant but reiterated that people using the pods would be on holiday and may want to go to Cheltenham or Tewkesbury for a meal or a night out so it was unrealistic to expect them to return before 2300 hours, or to stop overnight use of the hot tubs. He asked Members to put themselves in the place of residents living above and to the side of the archway who would have people coming through the middle of their house and he reminded them of the Council's vision to make Tewkesbury Borough "a place where a good quality of life is open to all"; he argued that, if this application was permitted, it would spoil the quality of life of existing residents. The Development Management Team Manager (East) clarified that the relevant policy in terms of amenity issues was Policy TOR3 of the Tewkesbury Borough Plan and the proposer of the motion indicated he was happy to amend his proposal to reflect that.
- 20.20 A Member sought clarification as to the distance of the proposed development from existing properties and whether there was a specified minimum distance. In response, the Development Management Manager drew attention to Page No. 85, Paragraph 8.36 of the Committee report, which advised that the layout as originally submitted had been considered unacceptable by the Environmental Health Officer due to potential noise disturbance to neighbouring properties to the south of the site and amended plans had subsequently been submitted which moved the pods further from the nearest properties with the closest now at approximately 25m up to 60m, as had been stated by the Planning Officer in his presentation. There were no hard and fast minimum distances, it was question of looking at the site and its layout. The hot tubs were at the rear of the pods, away from residential curtilages on the whole and he provided assurance that the combination of distances from properties and the configuration of the site had been taken into account by the Environmental Health Officer when reviewing the proposal. The Planning Officer advised there would be additional landscaping around each pod and to the boundary.

20.21 In response to a query as to why there was only one electric vehicle charging point, the Planning Officer explained that was what had been offered as part of the application; this had been reviewed by County Highways and was considered acceptable. In terms of the access, a Member pointed out that on the site visit Members had walked behind the properties and it had appeared there was a different access from that entrance; she asked if that had been explored in terms of this proposal. The Planning Officer advised that the applicant had confirmed that was a shared access and he did not have sole ownership. Another Member queried whether the existing garages which were outside of the red line were in the ownership of the applicant and the Planning Officer indicated that he did not believe they were. On that basis, the Member felt that must also be a shared access as that would be the only way the garages could be reached. The Legal Adviser indicated that, from a legal point of view, the access with the red line was within the freehold ownership of the applicant – whilst it may be shared, the applicant had control over who used it. The access to the top with the green line was a shared access but the applicant only had a right to use it.

20.22 Upon being put to the vote, it was

RESOLVED That the application be **REFUSED** as it would have an adverse impact on neighbouring amenity which conflicted with Policies TOR3 and EMP5 of the Tewkesbury Borough Plan, Policies SD4 and SD14 of the Joint Core Strategy and Policy GD6 of the Twynning Neighbourhood Development Plan.

23/00111/FUL - Wisteria Cottage, 67 Gloucester Street, Winchcombe

20.23 This application was for erection of a single storey rear extension.

20.24 The Planning Officer advised that this item related to a single storey rear extension to a mid-terrace property known as Wisteria Cottage. The property was a Grade II listed building and located in the Winchcombe Conservation Area, within the setting of numerous other listed buildings, and in the Cotswolds Area of Outstanding Natural Beauty. The extension was an infill to the side of the existing single storey extension and would be level with the rear of the existing single storey extension. The single storey extension would not project any further into the garden than the existing extension and would have a 5.2m projection to the rear to match the existing; however, the extension would increase by approximately 1m to the side to infill the space between the boundary and the existing extension. The rear wall of the existing extension would also be rebuilt to the same height of 2.8m. A condition was recommended to ensure the proposed brick was acceptable. A timber window and French doors were also proposed to match the host property. The Officer recommendation was to permit the application, subject to the conditions in the Committee report.

20.25 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being put to the vote, it was

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

22/00995/FUL - Land at Sparrow Hawk Way, Brockworth

- 20.26 This application was for erection of two detached dwellings with associated parking and amenity. The Planning Committee had visited the application site on Friday 14 July 2023.
- 20.27 The Planning Officer advised that the application sought planning permission for the erection of two detached bungalows. The site originally formed part of the residential curtilage of Mill Croft Cottage, a large, detached property on the north-eastern outskirts of Brockworth. The site contained a number of trees and was surrounded on three sides by new residential development with a large care home to the rear of the site. It was important to note that the site had a covenant attached to ensure that any structures were single storey. The bungalows would have a pitched, tiled roof and would be constructed from red brick. Clarification was provided that the site had been visited by the Council's Ecologist on 18 January 2023 and a survey had been carried out in April and May 2023. The Officer recommendation was to permit the application, subject to the conditions set out in the Committee report.
- 20.28 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that the principle of residential development on the site had already been confirmed in the 2018 planning permission. The design of the scheme was informed by, and responded positively to, its setting as required under policies in the Joint Core Strategy and the Tewkesbury Borough Plan – set back distances, heights, building lines, roof pitches and materials had all been derived from context. The layout had also been informed by the passage of the sun in order to benefit from solar gains in the winter with shading to avoid summer overheating. The houses would have large well-proportioned south-facing gardens and exceeded minimum space standards. They would have high levels of insulation, air source heat pumps and areas of green roofs and so would provide very high quality living accommodation. The site had been inspected by a qualified ecologist who had confirmed there were no buildings or trees present on the site which could support a bat roost. Some objections mention the presence of bats and, as per the ecological assessment, that was to be expected on a site of this nature and measures were proposed which would benefit them by providing new roosting opportunities. The existing trees on site were out of scale with the setting and, in many cases, had a limited lifespan, or had outgrown, their position. One objection stated they were causing a huge nuisance, damaging paths and blocking sunlight. The proposals would almost double the amount of green verge along the street frontage and would provide a large number of more appropriate trees and plants to this area, facing the public realm, as well as to the rear, and the applicant was more than happy for details to be agreed under condition. The proposed new parking crossovers had safe visibility distances and a swept path analysis had confirmed that access was possible even with cars parked along the other side of the road. There was no pavement over which cars would need to pass so there was no potential for cars meeting pedestrians either. The new crossovers would enlarge the width of the public highway and provide additional space for public vehicular movements along Sparrow Hawk Way. The site was in a sustainable transport location with many facilities within easy safe walking distance and space was set aside for secure cycle parking so the scheme aligned with policies aiming to encourage sustainable modes of transport and reduce reliance on travel by car. The applicant's agent advised that most of his work was on sensitive sites in very busy residential areas of central London and he had undertaken works to his own home not far from the site on a very narrow single track lane so he was used to working mindfully in close proximity to neighbours. The works were relatively minor in nature but the applicant would be more than happy to agree a Construction Traffic Management Plan under condition which may include restrictions on the timings of deliveries and the type of vehicles used. In summary, the proposals would provide very high quality accommodation

and design, and had been informed from the outset by input from ecologists, arboriculturists and transport consultants. They would improve and expand the public facing green areas and the quantum and quality of planting within them. Technical Officers all concluded there were no reasonable grounds for refusal under local and national planning policy so the applicant's agent respectfully asked that the Committee considered this along with the Officer recommendation and permitted what was intended and expected to be an exemplary scheme.

20.29 The Chair invited a local Ward Councillor for the area to address the Committee. The local Ward Councillor advised that the driveways for the two properties were directly onto Sparrow Hawk Way - one directly opposite the driveway to No. 14 and the other opposite the entrance to the car park. Sparrow Hawk Way was the narrowest part of the development and an extra four cars on that part of the development would make access for emergency service vehicles, refuse collection and residents' access to their properties even worse than it was already. These houses would encourage people to park on that side of the road making it impossible for people to park, or gain access to Sparrow Hawk Way. The impact of the construction traffic and the contractors' vehicles that would be needed to clear the site of trees would be significant – many children walked through Sparrow Hawk Way to get to and from school and the amount of construction traffic and disruption would make it very unsafe for them. The intended development was not in the best interests of public health or public safety and would be detrimental to both – it did not serve the interest or needs of the Brockworth community and was unsustainable which should be at the forefront of everyone's mind given that the Council had declared a climate emergency. Tewkesbury Borough Council had sent a letter to residents of Sparrow Hawk Way to inform them of the planning application but she was aware that not all had received it - including one of the houses directly opposite the proposed development - and it had arrived two weeks after it was dated. It might be more acceptable if the access to the two houses was a shared driveway with the existing driveway at Mill Croft Cottage and the trees could be kept on the side backing onto Sparrow Hawk Way; the local Ward Councillor felt that should be made a condition of the development. In terms of the bat survey, she understood a report had been received last night so residents had not had time to read and respond to it, therefore, she felt a deferral would be appropriate.

20.30 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. A Member asked how many of the neighbouring properties had received letters notifying them of the application as the whole estate would be impacted. In response, the Planning Officer explained that, when the application was validated, all neighbours sharing a boundary to the site were consulted; the consultation period was 21 days but the Council consulted for 28 days to allow for delays with the post so she was unsure why the neighbours had not received the letter. In response to a query, the Planning Officer advised that Officers did not follow-up with residents to check they had received the letter. A Member noted that a number of objections had been received regarding land impact and loss of ecology and green spaces. This was part of larger development in the area and she asked if the green space had been taken into account. The Development Management Manager advised that he had not checked the details of the previous application but this was residential garden so the likelihood was that it did not form part of the plan for the wider scheme. Another Member indicated there were two parking spaces per property and he asked why there was no additional allowance for visitors bearing in mind the narrowness of the road and the congestion. The County Highways representative explained that visitor parking spaces were not required for this scale of development. There were instances where on street parking may occur but, in terms of the development itself, he was satisfied that two spaces met with requirements. In response to a query regarding electric vehicle charging points, the County Highways representative was unsure if they had been included in the application but they were required under building

regulations in any case. A Member asked whether the County Highways representative had visited the application site as she was concerned that emergency vehicles would be unable to get through and felt that the additional access onto an already narrow road should have been looked at on the ground. The County Highways representative indicated that he had not dealt with this case himself but his understanding was that a site visit had not been carried out; however, County Highways was aware of the parking constraints and how they were affecting the community.

- 20.31 A Member sought clarification regarding the situation with the bat survey as there seemed to be conflicting information from the Planning Officer and local Ward Councillor. In response, the Development Management Team Manager (East) indicated that he understood that the applicant had completed all relevant survey requirements and the Council had consulted the Ecology Consultant and, whilst there may be foraging bats coming through, there was no roosting provision on the site. Residents had raised concern about seeing bats on site and Officers had requested additional information to establish whether that was the case but the applicant had further confirmed that the site had been checked and there were no bats. The Council's Ecologist had confirmed there were no roosts on the site and the ecology proposal for the site was acceptable.
- 20.32 A Member questioned whether access off the driveway had been considered rather than off Sparrow Hawk Way and the Development Management Team Manager (East) indicated that he did not believe that had been requested but the advice from County Highways was that the access proposed in the application was acceptable. A Member indicated that she was concerned about displacement of the traffic; as had been seen on the Planning Committee site visit, the area was overwhelmed with traffic, Mill Lane – the main road off Shurdington Road – already experienced problems and the access proposed in this application would only make things worse. The County Highways representative explained that the off-street parking provided accorded with guidance and it would be unreasonable for a development of this size to provide mitigation for the wider issues. County Highways was satisfied there would be no displacement onto the adjacent carriageway as a result of this development.
- 20.33 A Member proposed that the application be deferred pending further information regarding the bats and the Development Management Team Manager (East) advised that Officers considered that matter to have been assessed and checked with the Council's Ecologist. The Member understood that the bat report had only been received the previous night and that it was unreasonable to expect residents to accept that the findings were correct without having chance to assess it. The Development Management Team Manager (East) explained that his understanding was that the ecological assessment had been carried out on the ground and, whilst there may be foraging bats, that was not a reason to refuse the application as there were no roosting bats. Clarification had been sought from the Council's Ecologist that they were happy with that approach and no further information had come forward from the neighbours to contradict that. The Development Management Team Manager reiterated the comments made in the Committee report as there had been various rounds of consultation with 16 further comments submitted after further re-consultation, as set out at Page No. 119 of the Committee report and the Additional Representations Sheet, attached at Appendix 1, which confirmed that issues around bats had been raised during the consultation feedback and had been investigated by the Planning Officer and the Council's Ecologist which had been taken into account as part of the report today. The Member indicated that she continued to have concerns about the access and the safety of the road – the County Highways representative had stated that County Highways was aware of the dangers of the road and the lack of access for emergency vehicles. Another Member asked what difference this application would make given that the road already existed and the Development Management Manager reiterated that, as

referenced earlier in the meeting, the policy test was whether the impact would be severe. The proposal before Members dealt with its own parking requirements and, as had already been stated, it was not for this development to try to resolve existing issues on the highway network. There was not considered to be a severe impact on the wider network from this proposal which was acceptable and reasonable in highway terms.

- 20.34 A Member questioned why the previous planning permission for a single dwelling had not been developed and the Planning Officer explained that outline planning permission had been granted in 2018 but she did not know why a reserved matters application had not been submitted. Another Member felt this was a difficult decision to make and he recognised that local residents did not want houses in this location which was currently a green space in a very urban area; however, the Tree Officer did not consider the trees were worthy of protection and, whilst he did not want to support the proposal, he was struggling to come up with any planning reasons to refuse it. An application for a dwelling had already been permitted so there was a precedent – he was sure most of the Members on the Planning Committee site visit had walked into the garden and felt it would be tragic to build in that location but, notwithstanding that, it was an urban environment and there were no planning reasons to refuse it. The Legal Adviser clarified that the site was a residential garden and not protected green space, the trees were not protected and there was nothing stopping the existing owner from removing them as part of garden maintenance or landscaping.
- 20.35 A Member sought confirmation as to whether it was possible to relook at the access to make it less intrusive for residents. In response, the Development Management Manager advised that there was a proposal before Members in terms of design and the access which was proposed was similar to other developments on the estate. This had been assessed to be safe and whilst he understood that development of the site raised a lot of difficult issues including loss of trees etc. it was an urban environment and a relatively sustainable location, and the Committee report had sought to balance the competing interests in order to come up with a clear and balanced recommendation. A Member indicated that the density of the area had been striking to him and he felt the proposal would be overbearing in that context so questioned whether the application could be refused on that basis. The Development Management Manager pointed out that it was the existing trees which were casting shadow and creating an overbearing impact. The proposal had been assessed in terms of the impact of removing the trees and replacing them with a single storey dwelling and there were comments in the report regarding a suitable landscape scheme to provide appropriate replacements in keeping with the existing urban area. Another Member indicated that the principle of development had already been established when planning permission had been granted in 2018 and she noted the Parish Council had raised no objection to that application. She did not believe there were any bungalows in the area currently and there was a real need for that type of accommodation across the borough. The statutory consultees were satisfied and she could not find any planning reasons for refusing the application and questioned if there was any appetite for it to be deferred. A Member proposed that the application be deferred to explore alternative arrangements for access and parking and to allow County Highways to undertake a site visit to make an assessment on the ground. The Development Management Manager explained that the issues referenced had already been assessed and the County Highways representative had confirmed that, whilst County Highways was aware of wider issues in the area, it was unreasonable for those to be addressed by this development; furthermore, a transport assessment had been undertaken which included parking, as such, he advised against a deferral on that issue. There was no seconder for the proposal to defer the application. It was subsequently proposed and seconded that the application be permitted in accordance with the Officer recommendation. The proposer of the motion indicated that, whilst it was an

unpleasant proposal to make, he could see no planning reason to refuse or defer the application.

20.36 Upon being put to the vote, it was

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

22/01058/PIP - Parcel 5004, Opposite Lilac Cottage, Hawling

20.37 This was a permission in principle application for the construction of two dwellings.

20.38 The Development Management Team Manager (East) advised that this application was the first stage of the process and sought solely to establish whether the site was suitable in principle for the erection of up to two dwellings. The application site was an undeveloped parcel of land located on the northern side of Hawling directly adjacent to the east of No. 37 Hawling, opposite Lilac Cottage. The site was 0.15ha in area and located within the Cotswold Area of Outstanding Natural Beauty. The government's guidance set out that the scope of the first stage of permission in principle was limited to the location, land use and amount of development. The site layout, design, access, landscaping, drainage and any other relevant technical matters would be considered at the 'technical details' stage if the permission in principle stage was successful. The application site was a large plot located centrally within the village on the northern side of the lane and formed part of a larger parcel of agricultural land that bled out to the edge of the village to the east. The application site was positioned alongside an existing pair of modest traditional semi-detached dwellings and sited opposite dwellings on the southern side of the road. In terms of location, Officers considered that the form of the settlement of Hawling was characterised by a loose pattern of development interspersed by open agricultural fields bounded by traditional stone boundary walls, forming open vistas to the surrounding countryside. The agricultural land, of which the application site formed part, did not have the character of an under-developed 'infill' plot within the village but was an important green gap that formed part of the intrinsic character of the settlement. It was therefore considered that the siting of two dwellings in this location would not complement the form and character of the settlement, despite being located adjacent to existing dwellings within the village. Housing-led development was an accepted land use for the permission in principle application process and the proposed amount of two dwellings could be capable of being accommodated on the site; however, the proposal conflicted with policies set out in the Joint Core Strategy and the Tewkesbury Borough Plan in respect of location which was one of the three fundamental strands of the permission in principle process. The benefits of delivering two dwellings would be limited and would not significantly and demonstrably outweigh the harms to the character and appearance of the area, therefore, the Officer recommendation was to refuse the application.

20.39 The Chair indicated that there were no public speakers for this item. 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 refused in accordance with the Officer recommendation and, upon being put to the vote, it was

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

22/00751/APP - Phase 7, Perrybrook, Brockworth

20.40 This was an approval of reserved matters application (appearance, landscape, layout and scale) for Phase 7 comprising development of new homes, landscape, open space and associated works.

20.41 The Development Management Team Manager (East) explained that this was a reserved matters application seeking approval for approximately 272 dwellings as well as securing public open space and infrastructure pursuant to the outline application for up to 1,500 dwellings on the wider site. The principle of residential development at the site had been established through the grant of outline planning permission in 2016. The key principles guiding the reserved matters applications had been approved by the planning authority through the outline consent which included approval of a Site Wide Concept Masterplan Document. The current application related to Phase 7 of the outline application which originally sought to deliver approximately 290 dwellings, B1 (now Class E – office and light industrial) and B8 (storage and distribution) employment uses and surface water attenuation. The application before Members related solely to residential and surface water attenuation elements of this phase with the employment use to be brought forward as a separate reserved matters application at a later date. The key issues to be considered in this application were access, appearance, landscaping, layout and scale and compliance with the approved documents including the Site Wide Concept Masterplan Document. A number of matters the subject of other outline conditions were also considered within the current application including affordable housing, housing mix and surface water and foul drainage. The scheme sought to deliver 272 dwellings including one bedroom maisonettes, one and two bedroom bungalows and two, three and four bedroom houses. A mix of affordable tenured and outright sale homes would be provided with an average density of 44 units per hectare. In addition to the Section 106 affordable housing provision, the applicant intended to deliver a further “over-provision” of affordable housing on the site, referred to as an additionality. This additionality would sit outside of the Section 106 Agreement and would provide a range of affordable housing tenures as well as open market dwellings. As set out in the Committee report, Officers had carefully considered the application and were of the view that the reserved matters were in accordance with the Site Wide Concept Masterplan Document and the Design and Access Statement aspirations and were of an appropriate design. County Highways had confirmed the access, internal road layout and car parking provision were acceptable and in accordance with the Site Wide Concept Masterplan Document. Officers were satisfied that the mix and clustering of affordable housing was in accordance with the requirements of the Section 106 Agreement attached to the outline permission, including being tenure blind and of high quality. In terms of flood risk and drainage, the outline permission included a drainage strategy for the site and the reserved matters must include detailed drainage details for each phase of development to accord with that strategy. Several conditions on the outline permission also required the development to accord with approved flood level parameters. A detailed drainage strategy and finished floor level information had been submitted with the application – the Lead Local Flood Authority had confirmed that the drainage strategy was suitable and the Environment Agency had confirmed that all finished floor levels accorded with the approved drainage strategy. The Parish Council had raised concern regarding the noise impact of the M5 motorway and A417 and a noise assessment had been undertaken and assessed by the Council’s Environmental Health team which had confirmed that the layout reflected the noise assessment and that they were satisfied with the findings. Taking all of this into consideration, Officers were of the view that the proposed development would be high quality and appropriate in terms of access, layout, scale, appearance and landscaping and would accord with the Site Wide Concept Masterplan Document; however, the overprovision of affordable housing would require an amendment to the existing Section 106 Agreement by way of a Deed of Variation, therefore, the Officer recommendation was for a delegated approval, subject to a Deed of Variation.

- 20.42 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that he did not intend to say much as the majority had been covered in the Committee report and he thanked Officers for their hard work during the negotiations that had taken place over the last 12 months to reach the recommendation before Members. He explained that the primary objective was to deliver affordable housing, in this particular case, policy-compliant affordable housing with an additionality of 125 affordable units which would be part-funded by Homes England and would be delivered via a Deed of Variation. In terms of other elements of the scheme, each dwelling would be provided with an electric vehicle charging point and it would be a gas-free development with all heating provided by air source and solar. A sitewide masterplan had been approved as part of the outline application which would ensure a high quality layout and design and the proposals before Members today were consistent with that and other phases of development of Perrybrook and reflective of the vernacular of the wider area. The proposals included a series of cycleways and pedestrian links to nearby services and could be appropriately assimilated into the surrounding landscape with native tree planting and general provision of green infrastructure across the site, including street tree planting within green verges, where appropriate. A noise assessment had been undertaken and deemed to be acceptable by the Environmental Health Officer; drainage had similarly been assessed and was considered appropriate with the whole site lying outside of Flood Zone 2. On that basis, he hoped Members would be able to support the Officer recommendation for a delegated approval, subject to a Deed of Variation.
- 20.43 The Chair indicated that the Officer recommendation was that authority be delegated to the Development Management Manager to approve the application, subject to an agreed Deed of Variation, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Management Manager to approve the application, subject to an agreed Deed of Variation, in accordance with the Officer recommendation. A Member expressed the view there was a connectivity issue as the site was not well linked to neighbouring services meaning people would have to travel by car and she asked if the cycling provision would be improved. In response, the Development Management Team Manager (East) explained that the layout had been revised from that originally put forward with an access running down and along to the bottom of the site linking to Tesco. The new access ran into Phase 6 and there would be a footpath access there as well. More links had been added for cyclists and pedestrians to connect with Brockworth further down. A Member asked whether the cycleways would be shared with pedestrians or if they would be painted lines in the road and was advised they would be shared pavements.
- 20.44 Another Member drew attention to Page No. 162, Paragraph 8.30 of the Committee report in relation to the Locally Equipped Area of Play and indicated that the Parish Council had highlighted the quality of provision of play areas for children. The report stated that the applicant had agreed to work on further details and the Member felt this sounded inconclusive. She noted that further details could be secured by an appropriately worded condition and asked if this could be strengthened to tie the applicant to that. The Development Management Team Manager (East) explained that the Locally Equipped Area of Play area was set out in the sitewide masterplan and Officers had been satisfied at that stage; however, following conversations with the Landscape Officer and the Asset Management Team, the details submitted regarding the play equipment were considered to be unacceptable and the applicant had agreed to condition 8, set out at Page No. 171 of the Committee report, which required full details to be submitted prior to occupation. A Member noted that only nine of the affordable houses would be social rent and he asked if it was possible to increase that to achieve a better mix given the need for those type of properties in the borough. The Head of Service: Housing advised that the nine social rented affordable homes would be larger

properties which were not often provided; he pointed out that this was not the final scheme and Officers would work to increase the amount, however, that was not always possible with an additionality particularly when the original Section 106 Agreement had been signed off almost 10 years ago. The Member asked whether residents would be required to pay a maintenance fee and, if so, what percentage that would be, as he had received reports that residents paid these fees but nothing was being done. The Head of Service: Housing indicated that he did not know the details for this scheme and would need to look into this after the meeting but he would expect the Section 106 Agreement to ensure that all service charges could be covered by housing benefit or Universal Credit.

20.45 It was

RESOLVED That authority be **DELEGATED** to the Development Management Manager to **APPROVE** the application, subject to an agreed Deed of Variation.

PL.21 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

21.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Page No. 213. Members were asked to consider the current planning and enforcement appeals received and the Department for Levelling Up, Housing and Communities appeal decisions issued.

21.2 A Member queried whether the appeal decision in relation to Land East of St Margaret's Drive, Alderton would be challenged and the Development Management Manager advised that the decision was being reviewed, as was the case with all appeal decisions. The Council had defended its decision robustly and, whereas it had been successful on other occasions, unfortunately in this instance the outcome was not favourable.

21.3 It was

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

The meeting closed at 12:20 pm

Appendix 1

ADDITIONAL REPRESENTATIONS SHEET

Date: 18 July 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.

Agenda Item No	
5a	<p>22/00505/FUL - Appledore, Corndean Lane, Winchcombe</p> <p>A further letter of representation has been received from a local resident saying the following:</p> <p>"The following plans (as attached) are designed to illustrate the amount of enlargement proposed by this application. Each page shows one part of Appledore, both as existing (above) and as proposed (below). The 'Existing' and 'Proposed' comprised in each pair are shown at exactly the same scale, so as to offer a reliable visual impression of how much enlargement is being proposed, the relevant parts to compare being edged red. The applicant tells us that Appledore's bulk (volume) would be increased by 31.6%, that is by almost one-third. This would be a substantial enlargement to a house which is already far bigger than any of its neighbours, and which would consequently look very like a block of flats or offices. This would seem distinctly disruptive to the landscape and the character of the area."</p> <p>Another letter of objection from the same resident saying the following:</p> <p>"The Council's invitation for our comment suggests these particular criteria for such comment :-</p> <ol style="list-style-type: none"> 1. "Unsympathetic design affecting the appearance of the building and/or the character of the street". 2. "Environmental matters such as impact on landscape and the character of an area". <p>The Council thus declares a planning policy that aims to prevent new development that is either</p> <ol style="list-style-type: none"> (1) of "unsympathetic design", or (2) having impacts disruptive to landscape and local character. <p>We are asking only that this application be decided in accordance with these policy criteria.</p> <p>This proposal is for Appledore's substantial enlargement, and I now highlight four aspects:-</p> <ol style="list-style-type: none"> 1. Its Scale: The house already dwarfs all its neighbours. This proposal would enlarge its bulk even further, by about one-third: this would both exacerbate its incongruity with all its neighbours, and increase its stark visual prominence. 2. Its Design & Its Place in the Landscape: Appledore's modernist 'boxy' style makes it a misfit among its neighbours, an anomaly made extra-conspicuous by its great bulk. This proposal would indeed admirably soften the south side's


	<p>'Brutalist' verticals. But it would also increase the length, breadth, height and bulk of its modernist rectilinear mass, making it look more like a block of flats or offices. And this would yet further disrupt both the character of our area and views from the Cotswold Way AONB. Here it is already an intrusive and alien feature. To now substantially enlarge it must make it even more conspicuous.</p> <p>3. Frontage to Our Lane: Like its neighbours, Appledore's north front is now reasonably well set back from our lane. But this proposal would (a)bring this frontage forward, and (b)lengthen it by some 20%, to about 90ft. long. These encroachments would make our lane feel far more overlooked and enclosed, imposing a suburban feel on what now feels rural.</p> <p>4. Overall Height: Appledore already violates the limit set by its existing consent. To permit this proposed further height-increase would surely encourage the blatant disregard already demonstrated. Should not this be firmly resisted?</p> <p>On all these basic planning criteria, surely, consent ought to be refused."</p> <p>Drainage Update:</p> <p>The Drainage Officer was re-consulted and is happy that the drainage condition (Condition 6) would suitably satisfy the drainage requirements.</p>
5b	<p>22/01317/FUL</p> <p>3 Consell Green, Tewkesbury Road, Toddington</p> <p>Additional Consultations</p> <p>Since writing the Committee report, an additional 4 letters of objection have been received by members of the public. The objections relate to the change of Plot 1 from a flat roof bungalow to a two storey dwelling along with other points that have already been raised by objectors. The Case Officer spoke to three of the objectors on the phone to clarify that the dwelling at Plot 1 would be 1.5 storey.</p> <p>One neighbour has also provided Speed Survey Results which have been forwarded to the County Highways Officer who will be able to provide an update at Planning Committee.</p> <p>Toddington Parish Council provided an objection comment relating to highway safety, impact on character and neighbouring amenity.</p> <p>Items arising from Member Site Visit:</p> <p>Existing Hedge on Eastern Boundary - The existing hedge runs from the back of the garage to halfway down the garden. The hedge is overgrown at the moment and the applicant intends to retain it but cut it back closer to the boundary. A new hedge is shown from the end of the existing one to the end of the garden. Full details on boundary treatment will be agreed via condition.</p>
5c	<p>21/01409/FUL - The Coach House, Shuthonger, Tewkesbury</p> <p>Site Location Map</p> <p>An updated Site Location Map has been uploaded. The previous report showed a different site which was an admin error.</p> <p>Para 5.2 to read:</p> <p>Overdevelopment of the plot.</p>

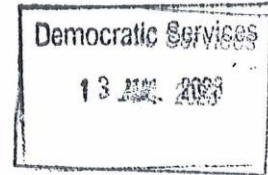
5d	<p>23/00111/FUL - Wisteria Cottage, 67 Gloucester Street, Winchcombe</p> <p>The applicant would have liked to have attended Committee but they are on holiday; however, they would like to let the Committee know that they are happy to use whatever materials Members see fit.</p> <p>There was some confusion regarding the re-building of the rear wall of the single storey extension. It is now confirmed that the rear wall shall be re-built to the same height as the existing wall which is 2.8m. In the report it explains the rear wall shall be re-built and will increase from 2.7 to 3m. This is incorrect. The rear wall is currently 2.8m and the proposed rear wall is also 2.8m.</p>
5e	<p>22/00995/FUL - Land At, Sparrow Hawk Way, Brockworth</p> <p>Since the time of writing the report a further six objections have been received. The comments go over the same issues as previously identified.</p> <p>One supporting comment has been received that has not been listed in the Committee report. This explains that the design is interesting and respectful to the character of the area, and there would be no impacts on neighbours.</p> <p>Councillors have received an email from a neighbour as follows:</p> <p>I live close on Sparrow Hawk Way very close to the proposed development. I have concerns especially with traffic, parking and access during the proposed construction. The feelings are high amongst the residents close to this area and we have formed a group to try and address the concerns and request that more time be given for the group to meet and raise accumulative response or responses. It is requested that an additional at least 4 to 6 weeks is granted to achieve this.</p> <p>My Individual concerns which will be enhanced with more time to investigate further.:</p> <ul style="list-style-type: none"> - Several households didn't have sight of the original letter sent out informing them of the planning request - Access and parking in Sparrow Hawk way is Already very difficult in addition where access is proposed and especially during the period of construction will be concerning to All, including pedestrian traffic especially school children that walk through this area in numbers because of the 2 large schools next door and pathways are limited. - The many trees in the proposed development area give the only green space on the estate and although been left behind damaged fencing obviously waiting for development it is environmentally damaging and turning the area into a concrete jungle and the character of the area will be diluted. - Over 25 new developments have been allowed in Brockworth over the last 3 years including 49 houses at the orchard around the corner from this proposal. This should be sufficient to address any housing requirements without this one. - We have firm confirmation of Bats residing/nesting in the mature trees which are due to be felled to make way for these properties. As this area has now been deemed Environmentally Critical surely this should be investigated further. <p>We would be grateful if more time (4 weeks) as we are up against time critical deadlines we really need an extension to respond in an informed and accurate way.</p>

	<p>Update from the Council's Ecologist</p> <p>The ecological report has confirmed that there are no buildings or trees on the site to offer suitable roosting habitats for bats. Therefore, clarification would be required from the member of the public as to the bat species and location/description of the roost they have informed the Local Planning Authority about. Assuming their response appears valid, an ecologist would need to undertake a professional presence/absence survey to confirm if bats are roosting</p>
5f	<p>22/01058/PIP - Parcel 5004 Opposite Lilac Cottage, Hawling</p> <p>Officer Update</p> <p>As previously advised to the Committee, the site location plan was omitted from the Committee report and is therefore attached below. The Committee report also makes reference to the Planning Committee date (Page No. 138) as 25 May 2023, this is incorrect and should read 18 July 2023.</p> <p>Additional Representations</p> <p>One additional letter of representation has been received since the completion of the Committee report. The representation is in the form of an objection relating to the validation and public notification process, the objector raises issue with the site notice procedure.</p> <p>Officer comment - The application was advertised via site notice on 30.11.2022.</p>
5g	<p>22/00751/APP - Phase 7 Perrybrook, Brockworth</p> <p>Conditions changes</p> <p>There is an error in proposed condition 3 at section 11 of the Committee Report. The drawing reference was entered with the wrong revision number, this should state:</p> <p>Prior to occupation of each individual building hereby approved, the access, parking and turning facilities of that individual building shall first be provided as shown on drawing 21431_5000 REV N.</p> <p>Reason: To ensure conformity with submitted details and ensure safe and secure access arrangements for occupiers.</p> <p>Report amendment</p> <p>Section 8.44 of the Committee Report should state:</p> <p>Policy SD12 of the JCS sets out a minimum requirement of 35% affordable housing within the Strategic Allocation sites. It follows that where possible, affordable housing should be provided on site and be seamlessly integrated and distributed throughout the development. Affordable housing must also have regard to the requirements of Policy SD11 concerning type, mix, size and tenure. The design of affordable housing should also meet required standards and be equal to that of market housing in terms of appearance, build quality and materials.</p>

Item 5a 22/00505/FUL - Appledore, Corndean Lane, Winchcombe




Democratic Services,
Tewkesbury Borough Council Offices,
Gloucester Road,
Tewkesbury. GL20 5TT.



Date: 13th July, 2023.



**Additional Information Sheets:
Re: Item 5a at Upcoming Planning Committee on 18th July 2023.**

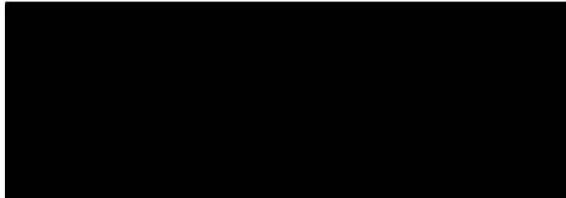
Many thanks indeed for your telephone advice, and your 11th July email.

I would be most grateful if you would v kindly provide the enclosed 'Additional Information' to all members of the forthcoming Planning Committee.

I shall email you the text of my 3-minute presentation well before 5pm on Monday.

Thanks again for your guidance.

Yours sincerely,



Additional Information Sheets for TBC Planning Committee Meeting 18th July 2023.

Re: Agenda Item 5a, Application no. 22/00505/FUL (Appledore, Corndean La., GL54 5NL.)

The plans herewith are designed to illustrate the amount of enlargement proposed by this application.

Each page shows one part of Appledore, both as existing (above) and as proposed (below).

The 'Existing' and 'Proposed' comprised in each pair are shown **at exactly the same scale**, so as to offer a reliable visual impression of how much enlargement is being proposed, the relevant parts to compare being edged red.

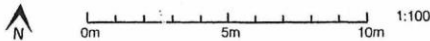
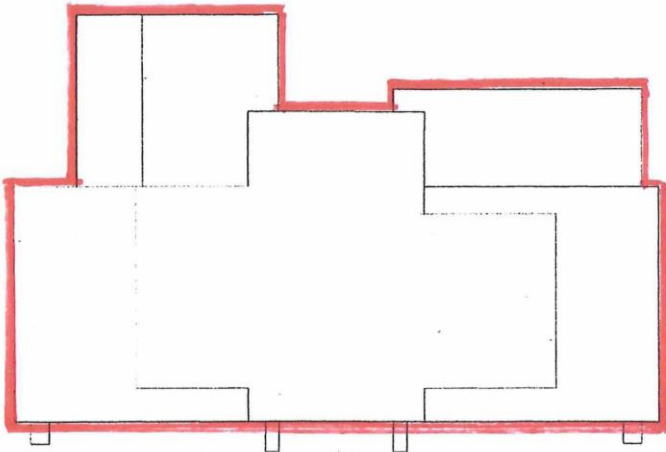
The applicant tells us that Appledore's bulk (volume) would be increased by 31.6%, that is by **almost one-third**. This would be a substantial enlargement to a house which is already far bigger than any of its neighbours, and which would consequently look very like a block of flats or offices. This would seem distinctly disruptive to landscape and the character of the area.



1.9 EXISTING ROOF PLAN
PART 1: EXISTING CONTEXT
SCALE 1:100 AT A3

APPLEDORE

Roof Plan as Existing



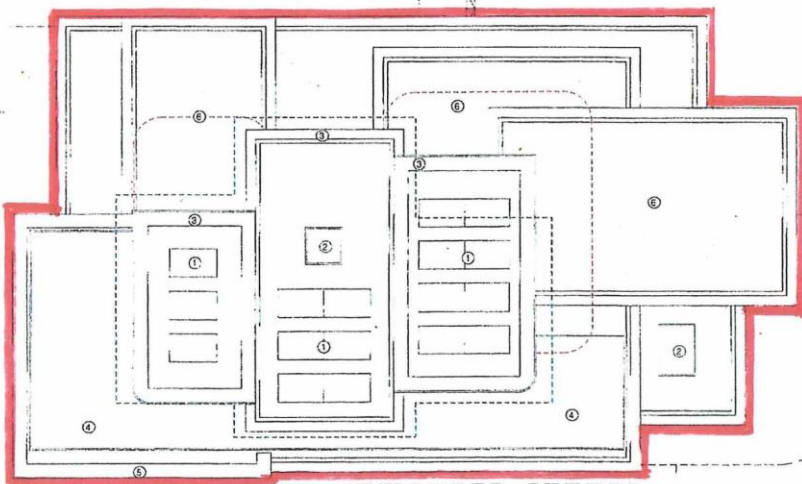
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3.6.1 PROPOSED ROOF PLAN REV.A
PART 3: BUILDING PROPOSAL
SCALE 1:100 AT A3

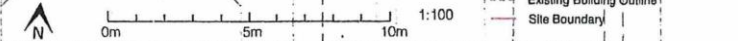
APPLEDORE

Roof Plan as Newly Proposed

- MATERIALS KEY
- 1 - PV panel array
 - 2 - Skylight
 - 3 - Metal capping and flashing
 - 4 - Timber balcony decking
 - 5 - Bronze copper alloy cladding
 - 6 - Sedum roof



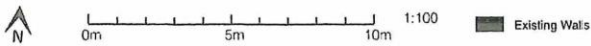
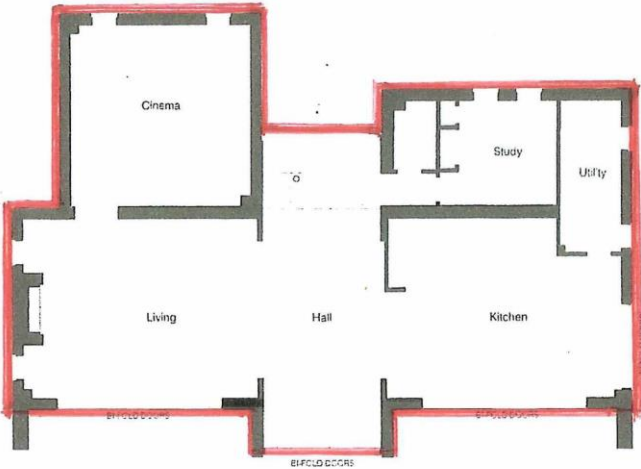
EXISTING GARAGE



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1.6 EXISTING GROUND FLOOR PLAN
PART 1: EXISTING CONTEXT
SCALE 1:100 AT A3

APPLEDORE
Ground Floor as Existing

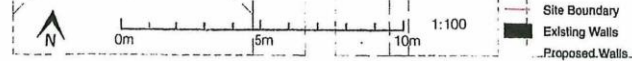
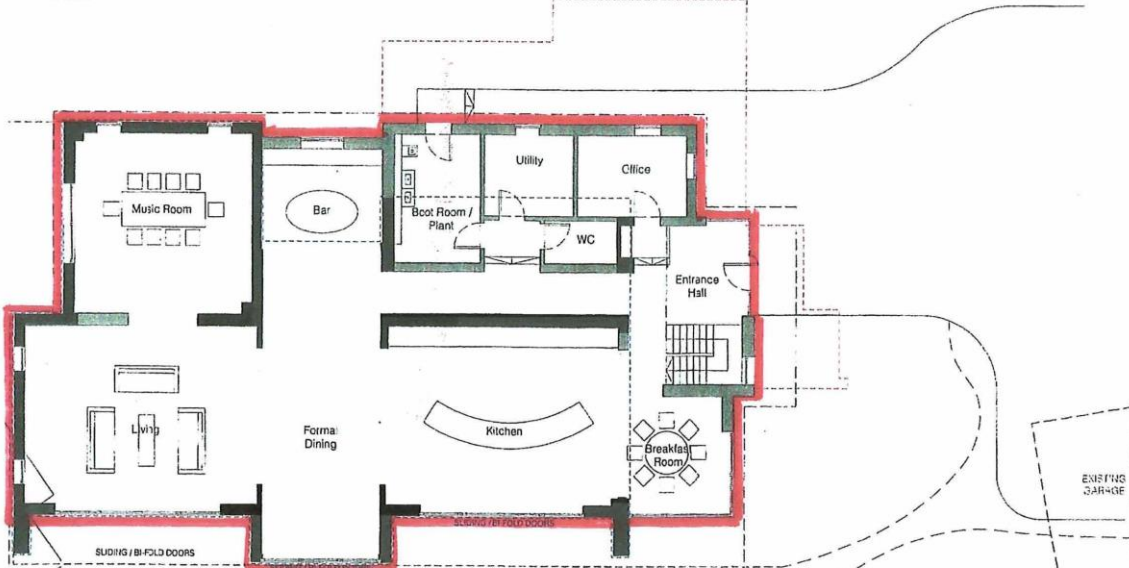


RIDGE DAVIESLANDSCAPE ARCHITECTS

3.3-1 PROPOSED GROUND FLOOR PLAN_REVA
PART 3: BUILDING PROPOSAL
SCALE 1:100 AT A3

APPLEDORE

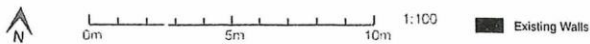
Ground Floor as Newly Proposed



RIDGE DAVIESLANDSCAPE ARCHITECTS architecture

1.7 EXISTING FIRST FLOOR PLAN
PART 1: EXISTING CONTEXT
SCALE 1:100 AT A3

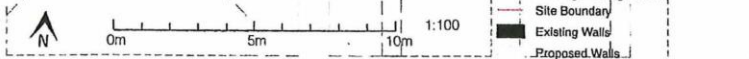
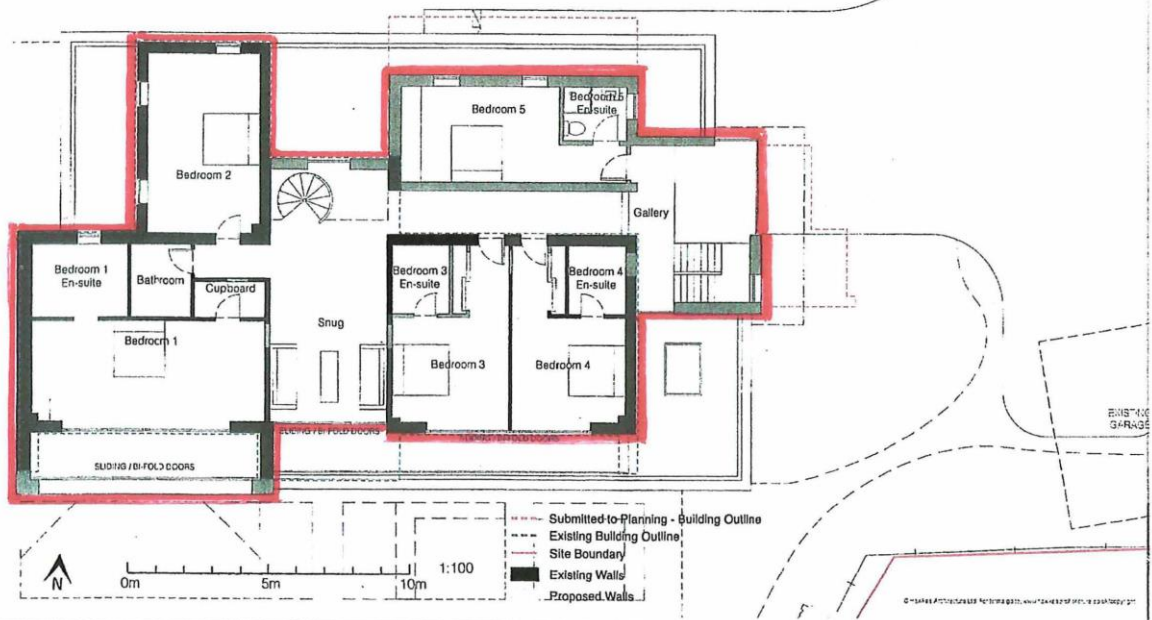
APPLEDORE
First Floor as Existing



3.4.1 PROPOSED FIRST-FLOOR PLAN_REV.A
PART 3: BUILDING PROPOSAL
SCALE 1:100 AT A3

APPLEDORE

First Floor as Newly Proposed



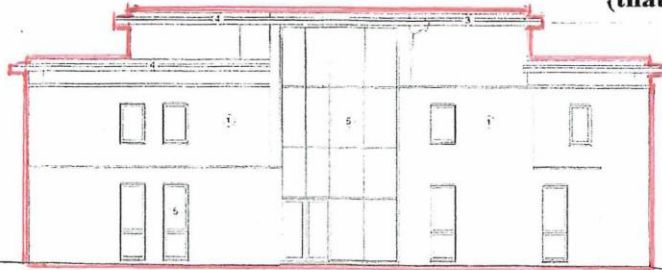
1.10 EXISTING ELEVATIONS (1 OF 2)
 PART 1: EXISTING CONTEXT
 SCALE 1:100 AT A3

APPLEDORE

North Elevation as Existing
 (that overlooking road)

MATERIALS KEY

- 1 - Coarse stone walling (from Grange Hill Quarry Naunton)
- 2 - Stained timber boarding
- 3 - Weatherproof roofing membranes (Sarnafil)
- 4 - Metal capping and flashing
- 5 - Dark grey powder coated aluminium frame (Double glazed)
- 6 - Clear glass balustrading



North Elevation of Existing Dye lining

Datum 105.67

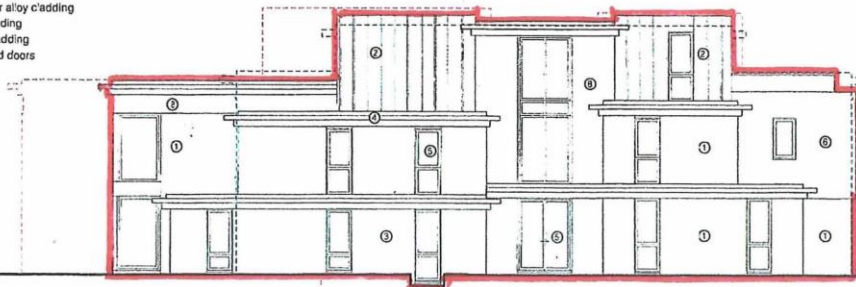
3.10.1 PROPOSED ELEVATIONS - NORTH_REV.A
 PART 3: BUILDING PROPOSAL
 SCALE 1:100 AT A3

APPLEDORE

North Elevation as Newly Proposed

MATERIALS KEY

- 1 - Coarse stone walling (from Grange Hill Quarry Naunton)
- 2 - Chestnut vertical timber cladding
- 3 - Thermally treated timber
- 4 - Metal capping and flashing
- 5 - Dark grey powder coated aluminium frame (Double glazed)
- 6 - Bronze copper alloy c'ading
- 7 - Glass balustrading
- 8 - Grey metal c'ading
- 9 - Sliding / Bi-fold doors



--- Existing Building Outline
 --- Submitted to Planning - Building Outline

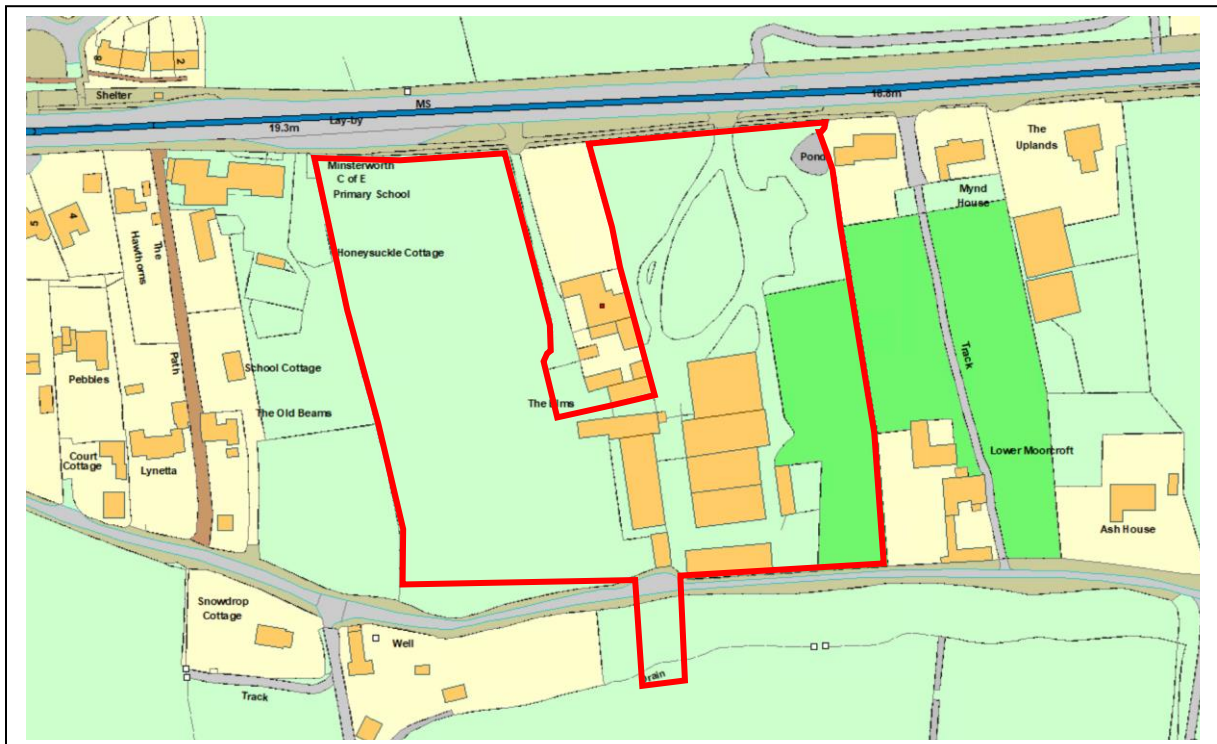
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Planning Committee

Date	15 August 2023
Case Officer	Frank Whitley
Application No.	22/01104/FUL
Site Location	Elms Farm, Main Road, Minsterworth
Proposal	Residential development of 37 dwellings (Class C3); vehicular and pedestrian access; landscaping; drainage attenuation and other associated works
Ward	Minsterworth
Parish	Highnam with Hawbridge
Appendices	Site Location Plan Site Layout Affordable Housing Layout Street Scenes Example housetype elevations x 3 (Monmouth, Mathern, Ogmore)
Reason for Referral to Committee	Major planning application
Recommendation	Delegated Permit

Site Location



1. The Proposal

- 1.1** The application seeks planning permission for a residential development of 37 no. dwellings (Class C3); vehicular and pedestrian access; landscaping; drainage attenuation and other associated works (amended description).
- 1.2** Since first submission the proposal has reduced from 40 to 37 dwellings.
- 1.3** Full application details are available to view online at:

[22/01104/FUL | Residential development of 37 no. dwellings \(Class C3\); vehicular and pedestrian access; landscaping; drainage attenuation and other associated works \(amended description\) | Elms Farm Main Road Minsterworth Gloucestershire GL2 8JH \(tewkesbury.gov.uk\)](#)
- 1.4** The development would be subject to a Section 106 agreement for the provision of affordable housing and other contributions.
- 1.5** The development would effectively wrap around the retained part of Elms Farm. The existing A48 access to the farmhouse is to be closed off and replaced with a wider vehicle access and estate spine road alongside. The retained farmhouse would be accessed from the spine road. The second existing farm access in the northeast corner of the site would also be closed off and replaced with a pedestrian access.
- 1.6** With the exception of the traditional brick barn (considered a non-designated heritage asset) all existing buildings within the application site are to be demolished. As first submitted the application sought to demolish the barn, though it is now to be retained and accounts for the reduction in number of dwellings from 40 to 37. There are no proposals for its conversion or development at this stage.
- 1.7** The site is bounded to the south by Church Lane, onto which there are to be two pedestrian accesses. A further pedestrian access would link with the former orchard to the south of the Harvey Centre. Inside the southern boundary, is to be the attenuation basin and open space.
- 1.8** Areas of the application site within Flood Risk 2 and 3 are excluded from development or infrastructure.
- 1.9** 37 dwellings are proposed, of which 15 (40.5%) would be affordable, of a range of tenures.
- 1.10** Open Market:
- 3 bedroom: 16 units
 - 4 bedroom: 6 units
- 1.11** Affordable:
- 1 bedroom: 4 units
 - 2 bedroom: 5 units
 - 3 bedroom: 6 units
- 1.12** All dwellings have dedicated parking, and additional provision of vehicle plug in charging. 18 units are to have garages.

- 1.13** All dwellings would be fitted with air source heat pumps. As a further efficiency measure, the developer has committed to the installation of solar photo voltaic cells to each dwelling. According to the applicant, energy efficiency measures go significantly beyond current Building Regulations requirements.
- 1.14** There are to be eight house types which relate to the submitted layout plan:
- Chepstow (Ch) 3 bedroom x 4 units
 - Radcot (Rd) 3 bedroom x 2 units
 - Dartford (Df) 3 bedroom x 4 units
 - Mathern (Mh) 3 bedroom x 6 units
 - Monmouth and Monmouth corner (Mm and Mmc) 4 bedroom x 6 units
 - Monnow (Mo) 1 bedroom x 4 units (affordable)
 - Ogmore (Og) 2 bedroom x 5 units (affordable)
 - Wye (Wy) 3 bedroom x 6 units (affordable)
- 1.15** Dwellings would be constructed from a mix of red brick, grey rough dressed stone effect, sand coloured render, and in part, brown or grey hanging tiles. Roof materials would be either brown or grey tiles.

2. Site Description

- 2.1** The application site lies immediately south of the A48 where it passes through the settlement of Minsterworth, approximately 3.5km west of Gloucester. The junction of the A48 and A40 is 2.5km to the northeast.
- 2.2** The site is not in the Green Belt, nor is it within a designated landscape.
- 2.3** The site extends to approximately 2.2ha, with a frontage of 135m onto the A48. Excluded from the proposed development is an area comprising Elms Farm farmhouse and its immediate domestic outbuildings, together with part of the group of farm buildings. The excluded area projects into the site from the A48 from where the farmhouse is accessed.
- 2.4** A second access from the A48 exists in the northeast corner which is used for farm vehicles. Here, there is loop track around the eastern half of the application site which provides access to the rear of the farmhouse, farm buildings and open areas of machinery storage. An alternative farm vehicle access exists from Church Lane to the south.
- 2.5** Within the red line of the application site is grazing land, livestock and storage buildings associated with Elms Farm, open storage areas and a former orchard inside the southern half of the eastern boundary. Also within the application site, and to the south of the farmhouse is a traditional brick barn.
- 2.6** Beyond the western boundary are existing dwellings, the Harvey Community Centre (formerly Minsterworth CofE Primary School) and a former orchard. To the east are a small number of dispersed dwellings with agricultural land beyond.
- 2.7** In terms of existing boundaries, the application site is bounded on the north side by a traditional hedge, along the full frontage of the A48, save for the two existing accesses. The southern boundary comprises both hedgerow and timber/stockproof fence. The eastern boundary comprises in part the edge of the orchard trees and a combination of fencing, hedgerow and fruit trees and a small pond. The western boundary is a combination of timber fencing, traditional hedgerow and fruit trees.

- 2.8 Most existing trees are confined to the orchard inside the eastern boundary, though dispersed fruit and other trees exist to the northeast of the farmhouse.
- 2.9 There are a number of Grade 2 listed buildings close by, including Snowdrop Cottage, Street End Cottage (to the southwest) and Lower Moorcroft Farmhouse (to the east). Elms Farm farmhouse is not listed though considered a non-designated heritage asset.
- 2.10 The land slopes north to south and drains to a ditch on the far side of Church Lane, to where a 'finger' of the application site projects to achieve drainage outfall.
- 2.11 The majority of the application site is within Flood Zone 1 (lowest risk) though a small area is within Flood Zones 2 and 3 (moderate and high risk respectively) arising from proximity to the River Severn approximately 230m to the south.
- 2.12 There are two public rights of way adjacent. The first leaves Church Lane to the south, between Snowdrop Cottage and Street End. The second is immediately opposite the southeast corner of the site, leaving Church Lane into a field to the south.

3. **Relevant Planning History**

- 3.1 None pertaining to this application site.

4. **Consultation Responses**

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

4.1 **Minsterworth Parish Council (MPC):** No objection in principle

In addition to previous comments the Parish Council provided additional comments:

- MPC welcomes retention of historic barn.
- Reduction in housing density and increase in parking spaces to minimise on street parking.
- Surface water drainage concerns could lead to excessive flooding.
- Sewerage treatment plant capacity is insufficient.
- House design not in keeping with area.
- Street lighting excessive in height.
- Attenuation pond location unsightly and risk to children.
- Barbed wire inappropriate as a boundary treatment.

4.2 **Affordable Housing** - No objection

4.3 **Severn Trent Water** - No objection

4.4 **Environment Agency** - No objection

4.5 **Natural England** - No objection subject to condition or appropriate obligation

4.6 **Gloucestershire Lead Local Flood Authority** - No objection

4.7 **Land Drainage Officer** – No objection

- 4.8 **National Highways** - No objection subject to conditions
- 4.9 **County Council Highways Officer** - No objection subject to conditions
- 4.10 **Environmental Health** - No objection subject to conditions
- 4.11 **Ecology** - No objection subject to conditions
- 4.12 **Archaeology** - No objection
- 4.13 **Building Control** - No objection
- 4.14 **Trees Officer** - No objection
- 4.15 **Minerals and Waste** - No objection subject to conditions
- 4.16 **Conservation Officer**- No objection
- 5. Third Party Comments/Observations**
-

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

5.1 Third party objections are summarised:

- Minsterworth is a rural area, not a suburb of Gloucester
- Housing density too high
- House colour needs to be adjusted to respect the colour of nearby listed buildings
- Lack of effective screening at Church Lane
- Drainage and flood issues
- Lighting plan excessive
- Close proximity and height to neighbouring dwellings
- Loss of hedgerow and trees
- Loss of wildlife
- Creation of additional traffic
- Presence of Japanese Knotweed
- No allowance has been made for self and custom housing plots
- Not in keeping with surrounding area
- Lack of nearby schools, shops and doctors surgery
- Church Lane already floods
- Poor refuse collection arrangements
- Inadequate parking provision within the application site- will start parking elsewhere
- Inadequate bus service
- Confusion over how the settlement boundary was approved without consultation
- Brings an additional and excessive 18% increase in homes in the village
- Traffic movements from the development added to those already using the expanding Harvey Centre highway access will be unsafe
- Speed limit on road should be reduced to 30mph.
- Minsterworth has not attracted any CIL funds since the scheme started
- No options to reduce car dependency
- Traffic congestion on A48
- Character of dwellings won't match the area

- No local facilities so car travel necessary
- No playground
- Reduction in number of dwellings does not address previous concerns eg density, drainage, traffic impact, street lighting.

Third party support representations:

- In keeping with surrounding district and planting of new trees
- Enhance facilities offered by Harvey Centre and Village Hall
- Would create a heart into a disjointed village
- Hopeful amenities will follow

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 SP2 (Distribution of New Development)
 Policy SD4 (Design Requirements)
 Policy SD6 (Landscape)
 Policy SD8 (Historic Environment)
 Policy SD9 (Biodiversity and Geodiversity)
 Policy SD10 (Residential Development)
 Policy SD11 (Housing Mix and Standards)
 Policy SD12 (Affordable Housing)
 Policy SD14 (Health and Environmental Quality)
 Policy INF1 (Transport Network)
 Policy INF5 (Renewable Energy/Low Carbon Energy Development)

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

Policy RES2 (Settlement Boundaries)
 Policy RES5 (New Housing Development)
 Policy RES12 (Affordable Housing)
 Policy RES13 (Housing Mix)
 Policy HER2 (Listed Buildings)
 Policy HER5 (Non-Designated Heritage Assets)
 Policy DES1 (Housing Space Standards)
 Policy TRAC9 (Parking Provision)
 Policy LAN2 (Landscape Character)
 Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
 Policy ENV2 (Flood Risk and Water Management)
 Policy HEA1 (Healthy & Active Communities)
 Policy TRAC1 (Pedestrian Accessibility)
 Policy TRAC2 (Cycle Network & Infrastructure)

Policy TRAC3 (Bus Infrastructure)

6.5 There is no Neighbourhood Development Plan relevant to the proposal.

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 relevant Development Plan currently comprises the Joint Core Strategy (JCS) (2017), the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBP)

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

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

8. Evaluation

Principle of Development

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

8.2 The NPPF at Chapter 5 seeks to deliver a sufficient supply of homes.

8.3 Policy SP1 (The Need for New Development) of the JCS states that provision will be made for 35,175 new homes, within existing urban areas through District Plans, existing commitments, urban extensions, and strategic allocations.

8.4 Policy SP2 (Distribution of New Development) of the JCS amongst other things, states that dwellings will be provided through existing commitments, development at Tewkesbury town, in line with its role as a market town, smaller scale development meeting local needs at Rural Service Centres and Service Villages.

8.5 Table SP2c (Settlement Hierarchy) of the adopted JCS identifies Minsterworth as a Rural Service Centre. Further, the distribution of development will be guided by the Tewkesbury Borough Plan and neighbourhood plans.

8.6 Policy SD10 (Residential Development) of the adopted JCS states amongst other things that on sites which are not allocated for housing, development will be permitted in rural service centres except where otherwise restricted by District Plans policies. Officers confirm there are no such exceptions which would preclude development on the application site. Map 16 of the TBP confirms the application site falls within the settlement boundary of Minsterworth, according to TBP Policy RES2.

8.7 Policy RES2 of the adopted TBP states:

- *Within the defined settlement boundaries of the Tewkesbury Town Area, the Rural Service Centres, the Service Villages and the Urban Fringe Settlements (which are shown on the policies map) the principle of residential development is acceptable subject to the application of all other policies in the Local Plan. In all cases development must comply with the relevant criteria set out at Policy RES5.*

8.8 Policies SP1, SP2 of the adopted JCS and Policy RES2 of the adopted TBP confirm the principle of development acceptable. Approval is subject to further determining issues and consideration of relevant policies.

Scale, character and appearance

8.9 The NPPF at Chapter 12 seeks to achieve well-designed places. Policy SD4 of the JCS seeks to ensure design principles are incorporated into development, in terms of context, character, sense of place, legibility and identity. These requirements closely align with the requirements of the National Design Guide. RES5 of the TBC seeks to ensure proposals are of a design and layout which respect the character, appearance and amenity of the surrounding area.

8.10 There are to be 20 dwellings on the western half, and 17 on the eastern half of the site. In terms of housing density, the provision of 37 dwellings on the 2.2ha site is considered an efficient use of space, also taking account of drainage and open space requirements incorporated within overall site area.

8.11 The layout includes a main spine road, and active frontage facing the A48. Public open space also benefits from positive natural surveillance.

8.12 Dwellings are all two storey in height with typical accommodation over two floors. The only exception are the single bedroom dwellings which are each on single floors.

8.13 Three street-scene visuals have been provided:

- Street-scene from frontage along A48
- Street-scene from western spine road viewing west
- Street-scene from southern spine road viewing north

8.14 Dwellings are all of similar height and scale, though adjacent garages were constructed provide some, and sufficient building height variation. Further, buildings appear stepped due to sloping ground. Generally, there is considered sufficient variation in design interest, provided by contrasting materials of sand coloured render, brick and grey stone effect walls. Rendered dwellings feature the incorporation of grey vertical hung tiles, to their principal elevation projections. Vertical hung tiles also provide some design interest to ground and first floor bay windows where installed. Some concerns regarding design quality have been raised by the Parish Council and by public representations that proposed dwellings are not in keeping with nearby listed buildings of traditional construction. Officers note that nearby listed buildings are typically white/timber framed. Nearby modern housing and the former CofE Primary School are constructed from red brick under dark tiles. Officers acknowledge a concept option could have been to develop the historic barn and for it to become the focus of development for the entire site, around which there could have been a more traditional layout of greater rural character.

- 8.15** Equally, Officers note the submitted Design and Access Statement comprises an assessment of dwelling design and character in the area. Taking into account the context, the proposed mix of pale render, brick and stone effect is considered to respect local building character and the overall design approach is acceptable. Further, architectural detailing within each housetype provides additional visual interest. Officers also note the application site is within the settlement boundary of Minsterworth, where a more urban concept approach to layout and design would be considered acceptable. No concerns have been raised by the Conservation Officer by this design approach.
- 8.16** Officers have raised some concerns about excessive installation of timber close board fencing. The applicant has agreed the submitted enclosures plan would be excluded from the list of approved plans and would be subject to later agreement by condition.
- 8.17** Overall, in terms of scale, character and design, the development is considered to accord with the requirements of JCS SD4, and TBP RES5.

Landscape and Visual Impact

- 8.18** The application includes a Landscape and Visual Impact Assessment, amended to reflect the 37 dwelling scheme.
- 8.19** The site falls outside the study area for the Gloucester, Cheltenham and Tewkesbury JCS Landscape Characterisation Assessment and Sensitivity Analysis, though within the National Character Area (NCA) profiles produced by Natural England in 2014. NCA 160 describes the site's context:

A diverse range of flat and gently undulating landscape strongly influenced and united by the Severn and Avon rivers which meet at Tewkesbury.... Many ancient market towns and large villages are located along the rivers, their cathedrals and churches standing as prominent features in the relatively flat landscape.

- 8.20** The LVIA was prepared from nine viewpoints around the site, taking into account that public rights of way would be more sensitive visual receptors. The visual analysis shows that the site has limited visibility from the surrounding area as a result of the topography, mature vegetation and, in some cases, development.
- 8.21** The LVIA concludes:
There would be no adverse landscape effects on, public rights of way or other designations within the study area. The only adverse effects on landscape character would be limited to the site itself.
- 8.22** Policy SD6 (Landscape) of the adopted JCS requires development to protect landscape character for its own intrinsic beauty, and for its benefit to well-being. Further, Policy LAN2 of the adopted TBP requires that development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting. In terms of landscape fabric and pattern of existing development, it is noted by Officers, the settlement of Minsterworth is centred immediately to the west, between the A48 and Church Lane to the south, noting also the settlement is relatively dispersed. There is further recent residential development to the north of the A48 and 600m to the east near Calcotts Green. Officers are of the opinion the development would form an acceptable extension to Minsterworth, within existing boundaries formed by the A48, Church Lane and the defined settlement boundary to the east. The landscape is generally flat, and as the LVIA has demonstrated, inward views are limited by topography, vegetation and existing

development. The development would not cause an unacceptable level of harm to the landscape and is considered to comply with the requirements of Policies SD6 of the adopted JCS and LAN2 of the adopted TBP.

Drainage and Flood Risk

- 8.23** The NPPF at Chapter 14 (in part) seeks to meet the challenge of climate change and flooding. Policy INF1 of the adopted JCS and Policy NAT2 of the TBP seek to manage flood risk. The application is accompanied by a Flood Risk Assessment, and consultations have taken place with the Environment Agency, Gloucestershire County Council (as the Lead Local Flood Authority), and Tewkesbury Borough Council's drainage officer.
- 8.24** A Drainage Strategy and Flood Risk Assessment has been provided, and later amended to reflect the 37 dwelling scheme.
- 8.25** Only open space falls within Flood Zones 2 and 3 (higher risk of flooding). Dwellings, estate roads and infrastructure fall within Flood Zone 1 (lower risk of flooding).
- 8.26** Due to the absence of public Foul Water sewers in the area, the proposed foul system will discharge through a package treatment plant (Biodisc Wastewater Treatment Plant or similar) to the nearest water course to the south of Church Lane. In terms of capacity, there are 154 bedspaces equivalent proposed overall. Maximum package treatment plant capacity is 220 persons. Installation would also be subject to Building Regulations approval. Environment Agency (EA) consent to discharge is necessary prior to operation.
- 8.27** Surface water run-off is to be collected by attenuation pond. Run off from the developed area will be restricted by a swale and hydrobrake system for storm events up to and including a 1 in 100 year event, with an additional 40% allowance to account for climate change.
- 8.28** No concerns remain with the Lead Local Flood Authority, nor the Councils Land Drainage Officer. The development is considered to accord with the NPPF were relevant, Policy INF1 of the adopted JCS and NAT2 of the adopted TBP.
- 8.29** The drainage outfall would cross Church Lane which is a public highway. It should be brought to the attention of Members that the application form (as first submitted) does not confirm Notice has been served on the Highways Authority as the owner of land within the application site. Officers have been informed the appropriate Notice has now been served on the Highways Authority. Officers will update Members during Committee.

Highways

- 8.30** The NPPF at Chapter 9 seeks to promote sustainable transport.
- 8.31** Policy INF1 of the adopted JCS (Transport Network) seeks to ensure developers provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. Section 10 of the adopted TBC (Transport and Accessibility) sets out policies for pedestrians (TRAC1), cycle network (TRAC2) and bus infrastructure (TRAC3).
- 8.32** The application is supported by a Transport Statement, Residential Travel Plan, plans setting out new access design, parking and cycle parking/storage, visibility illustrations, and plans to illustrate access for refuse and emergency vehicles.

- 8.33** Proposals include new access arrangements from the A48 onto the internal spine road.
- 8.34** All dwellings are to have electric vehicle charging points and off street parking of between 1-2 spaces depending on housetype, in accordance with Gloucestershire Manual for Streets (2020). Visitor spaces are also incorporated into the layout. All dwellings are to have cycle storage provision.
- 8.35** National Highways and County Council Highways have been consulted, without objection, though conditions are recommended.
- 8.36** The development is considered to comply with the NPPF where relevant, INF1 of the adopted JCS and Section 10 of the adopted TBP.

Residential Amenity

- 8.37** Policy SD4 (Design Requirements) of the adopted JCS seeks to avoid visual intrusion, noise, smell, and pollution in development. Policy SD14 (Health and Environmental Quality) goes further to ensure that new development causes no unacceptable harm to local amenity including neighbouring occupants. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 8.38** The Environmental Health Officer has been consulted and has identified that potential harm to amenity may exist from noise and contamination unless appropriate conditions are imposed.
- 8.39** A contamination report has been submitted. Soil sampling has demonstrated that there is a low to moderate hydrocarbon contamination near to existing farm buildings. Proposed remediation involves the installation of a clean capping system across all landscaped and garden areas of the site above a suitable geotextile membrane. This approach is supported by the Environmental Health Officer who has recommended an appropriate condition to secure further details by a remediation strategy.
- 8.40** Potential harm to amenity may also occur from noise, arising from air source heat pumps and from A48 traffic. In order to safeguard amenity, the Environmental Health Officer has recommended an appropriate condition to secure a ventilation strategy.
- 8.41** Policy HEA 1 (Healthy and Active Communities) of the adopted TBP seeks to ensure that potential impacts to health and wellbeing are considered in new development. Further, Policy DES1 (Housing Space Standards) requires new development to adopt nationally described space standards. According to submitted plans for each house type, dwellings meet or exceed the government's space standards.
- 8.42** Overall, Officers consider the development provides sufficient space between dwellings, and sufficient private garden space for each. Dwellings are positioned set back from the site boundary, so that (to the extent it would be required), there would be no issue with overlooking or impacts on privacy on existing neighbouring dwellings, or unwelcome views into the development. The arrangement of individual plots raises no concerns regarding overlooking or privacy. Residential amenity is also enhanced by the provision of open space with natural surveillance and landscaping. Officers consider that the development complies with the requirements of Policies SD4, SD14 of the adopted JCS, and HEA1 and DES1 of the adopted TBP and any harm can be mitigated by appropriate conditions.

Ecology

- 8.43** Chapter 15 of the NPPF seeks to conserve and enhance the natural environment.
- 8.44** Policy SD9 of the adopted JCS (Biodiversity and Geodiversity) states amongst other things that the biodiversity and geological resource of the JCS area will be protected and enhanced in order to establish and reinforce ecological networks that are resilient to current and future pressures. Similarly, the adopted TBP Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features) requires amongst other things that proposals will, where applicable, be required to deliver a biodiversity net gain across local and landscape scales, including designing wildlife into development proposals.
- 8.45** The submitted ecological impact assessment identified the former orchard and significant bat activity of local importance. There was no evidence of badgers.
- 8.46** The impact assessment recommends that a Construction Environmental Management Plan and Landscape and Environmental Management Plan are secured by condition. This will ensure best practice during construction and ensure beneficial management of existing and new wildlife habitats. Overall, the development is predicted to achieve 55% biodiversity net gain.
- 8.47** The Council's ecologist has been consulted and agrees with this approach.
- 8.48** Policy INF3 (Green Infrastructure) of the adopted TBP seeks to conserve and enhanced the green infrastructure network where of local and strategic importance. The Cotswolds Beechwoods SAC requires consideration under INF3. Specifically, Policy NAT5 (Cotswold Beechwoods SAC) of the adopted TBP requires that proposals have regard to any adverse impacts.
- 8.49** A Habitats Regulation Assessment has been submitted in relation to potential impacts upon the Cotswolds Beechwoods SAC. Natural England has raised no objection, subject to appropriate mitigation, which includes Strategic Access Management and Monitoring (SAMM) measures and the provision of Suitable Alternative Natural Greenspace (SANG). In combination with the provision of on site public open space, contributions for SAMM and SANG have been agreed with the applicant and would be secured through the S106. Further, as recommended by the Council's ecologist, residents' packs are to inform new occupiers of the recreational opportunities available to them, the sensitivities of local nature conservation sites.

Trees

- 8.50** The submitted arboricultural impact assessment explains several trees (graded category 'C') are to be removed to facilitate development. They form a group in the northeast corner of the site. Two sections of hedgerow (graded 'C') are to be removed to enable highway access and to enable access to neighbouring public open space. None of the trees in the former orchard inside the eastern boundary are to be removed, though would be pruned to provide clearance from the proposed footpath, road and substation building.
- 8.51** The Council's Tree Officer has no objection to the proposals, subject to appropriate conditions including new planting and some amendments to the submitted Landscape and Ecological Management Plan (LEMP).

Affordable Housing

- 8.52** Chapter 5 of the NPPF seeks to deliver a sufficient supply of homes, and that the needs of groups with specific housing requirements are addressed, in terms of amongst other affordability and tenure.
- 8.53** Policy SD12 of the JCS sets out that outside of the Strategic Allocations a minimum requirement of 40% affordable housing will be sought on developments. Affordable housing must also have regard to the requirements of Policy SD11 concerning type, mix, size and tenure.
- 8.54** Affordable units proposed are 40.5% of the development overall. As first submitted, the application proposed a mix of affordable tenures to include 'Social Rented', 'Shared Ownership' and 'First Homes'. In order to align with the adopted JCS, Officers have reached agreement that where 'First Homes' were originally proposed, they would be 'Shared Ownership' instead. The Councils Housing Manager supports this approach. The agreed tenure mix to be secured by a S106 is:
- 1 bedroom: 4 units Social Rented
 - 2 bedroom: 5 units comprising 5 Shared Ownership
 - 3 bedroom: 6 units comprising 3 Social Rented and 3 Shared Ownership

Historic Environment

- 8.55** Chapter 16 of the NPPF seeks to conserve and enhance the historic environment. Similarly, Policy SD8 of the adopted JCS requires development to make a positive contribution to local character and distinctiveness. The adopted TBP comprises heritage related Policies HER1-6.
- 8.56** In respect of Grade 2 listed Lower Moorcroft Farmhouse, Street End Cottage, and Snowdrop Cottage, the submitted Heritage Statement concludes that the landscape buffer and associated existing and proposed screening between the assets and the development would effectively limit visual impact on character and setting. Vegetation would also in turn limit intervisibility. There is considered no impact to the listed milestone to the north of the application site.
- 8.57** The Conservation Officer agreed with all conclusions of the HIA, except the value attributed to the significance non-designated brick barn (Building A) which was intended to be demolished. As a result of further discussion and an amendment to the scheme, the barn is to be retained as existing.
- 8.58** The Conservation Officer has no further objections. Officers consider the scheme compliant with the NPPF where relevant, and with Policies SD8 of the adopted JCS, HER2, HER4, HER5 of the adopted TBP.
- 8.59** An Archaeology Assessment has been submitted and the County Council Heritage Team has been consulted. No significant archaeology remains have been found. The County Archaeologist agrees there is a low risk of remains being adversely affected by development and no further investigations or recording are recommended.

Section 106 and CIL

- 8.60** 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.
- 8.61** 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.
- 8.62** The following Heads of Terms of the S106 obligations have been agreed with the applicant, according to requests from consultees:
- Affordable Housing: 15** Affordable units (40.5% of overall provision)
Education: £147,965 for primary schools and **£133,377** for secondary schools respectively
Libraries: £7,252
Community Contributions: £16,824
Strategic Access Management and Monitoring (SAMM): £7,141
Suitable Alternative Natural Greenspace (SANG): £17,760
- 8.63** Final details of the S106 would be agreed and signed prior the decision being issued.

9. Conclusion

- 9.1** The proposed development of 37 dwellings is within the settlement boundary of Minsterworth, as identified in the Settlement Hierarchy of the adopted JCS where Minsterworth is a Rural Service Centre.
- 9.2** The proposed development provides for an appropriate size and mix of dwellings, including 40% affordable housing with appropriate tenure. Officers consider the development acceptable in terms of layout, character and scale. Subject to conditions and the agreement of a Section 106, the development will provide solar PV installations on each dwelling, electric vehicle charging points, provisions for cycling, community and education contributions. The development proposes ecological enhancements and no technical objections remain outstanding.

9.3 It is considered that the proposal would accord with relevant policies as outlined above. Therefore, it is recommended that planning permission be granted subject to the recommended conditions and agreement of a Section 106.

10. Recommendation

10.1 It is recommended that authority be **DELEGATED** to the Development Management Manager, to **PERMIT** the application, subject to the completion of a Section 106 legal agreement with obligations as set out above.

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 not be carried out other than in accordance with the following approved documents:

Received 1 August 2023:

Site Layout 100 RevB
Affordable Housing Layout 104 RevB

Received 9 June 2023:

Engineering Layout 2189-100-G
Site Location Plan 100
Materials Layout 102 RevA
Parking and Cycle Strategy Layout 106 RevA
Refuse strategy layout 107 RevA
Site sections 109 RevA
Management Plan 110 RevA
Chepstow 152 RevA
Radcot 153 RevA
Dartford 154 RevA
Mathern 155 RevA
Monmouth 156 RevA
Monmouth 157 RevA
Monnow 158 RevA
Monnow 159 RevA
Ogmore 160 RevA
Ogmore 162 RevA
Ogmore 163 RevA
Wye 164 RevA
Wye 165 RevA
Single Garage Plans 174 RevA
Site Access Arrangements 20-1137-SK02 RevC

Received 17 Oct 2022:

Twin garage plans 175
Triple garage plans 176

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

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

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Number of vehicle trips and timings
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- 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)
- Mitigation of the impacts of lighting proposed for the construction phase
- Measures for controlling leaks and spillages, managing silt and pollutants
- Methods of communicating the Construction and Environmental 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

- 4** Prior to the commencement of any works on-site, a Construction and Ecological Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP will follow recommendations to protect wildlife during the construction phase made within the EclA report (Tyler Grange, October 2022). The CEMP should include:

- A bat sensitive lighting strategy that will ensure light spill around the boundary commuting features is minimal and will follow the lighting plan guidance set out within Lighting Report (Iain Macrae, September 2022, V.3);
- Details to outline demolition of the buildings and vegetation removal to occur outside the bird nesting season, that is outside the period March to August. Where this is not possible an EcOW will be present to undertake a nesting bird check;
- Prior to felling of the trees, a pre-felling inspection for bats will be undertaken on the trees previously identified as having potential roosting features for bats and the results reported to the Local Planning Authority.

Reason: In the interests of preserving and enhancing ecological assets.

- 5** Prior to commencement of any works on-site, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include ecological mitigation and enhancement details as outlined in the EclA report (Tyler Grange, October 2022) and identified on the Enhancement Plan Layout (Edenstone Homes, Sep 2022). The EclA identifies that a net gain in both habitats and hedgerows can be achieved on-site with the proposed scheme, however, it is noted that this is based on outline soft landscape proposals. Following the finalisation of the soft landscape proposals (to be included in the LEMP), the biodiversity metric will need to be updated and submitted to the local planning authority for review to ensure that positive net gain can still be achieved.

Reason: In the interests of preserving and enhancing ecological assets.

- 6** No development including demolition, site clearance, materials delivery or erection of site buildings, shall start on the site until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) have been submitted to and approved by the Local Planning Authority. These measures shall include:

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

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

The AMS and TPP shall be implemented as approved by 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.

- 7** No works or development shall take place until full details of all proposed street tree planting, root protection systems, future management plan, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality.

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

Reason: To protect the amenity of the area and nearby residents.

- 9** With the exception of site demolition and clearance during, which a watching brief shall be maintained, no construction work shall take place until an assessment to confirm contamination risks within shallow soils to the areas of the former farm buildings has been submitted to and approved by the Local Planning Authority. The assessment shall include further soil asbestos testing.

Following approval of the assessment, a remediation strategy shall be submitted to and approved by the Local Planning Authority. The strategy and agreed remediation measures shall be fully implemented prior to first occupation of the development.

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.

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

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

- 11** Prior to first occupation of the development, an overheating assessment shall be submitted to and approved by the Local Planning Authority. The assessment shall be undertaken to assess the risk of overheating and to identify a suitable ventilation strategy having regard to internal noise limits. Measures agreed by the Local Planning Authority shall be fully implemented prior to first occupation and maintained thereafter.

Reason: To protect proposed properties from the impacts of overheating.

- 12** Prior to the operation of any heat pumps, an acoustic assessment shall be submitted to and approved by the Local Planning Authority. The individual and cumulative noise impact of any heat pumps should be assessed in accordance with BS 4142:2014+A1:2019. Measures to limit noise as agreed by the Local Planning Authority shall be implemented prior to first operation of any heat pumps.

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

- 13** Prior to first occupation of the development, a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

14 Prior to the first occupation details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

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

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

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

15 The development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details set out in the approved parking and cycle strategy, plan reference 106 RevA layout. The storage area shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities.

16 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.

17 Prior to any installation of solar PV panels, details shall be submitted to and approved by the Local Planning Authority. Installation shall not take place other than as approved.

Reason: In the interests of maintaining visual appearance of the development.

18 Prior to first occupation, refuse bin storage facilities shall be provided in accordance with the approved plans. The approved facilities shall thereafter be maintained for the lifetime of the development.

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

- 19** Prior to first occupation of each dwelling, a Resident's Pack shall be produced and left in each new home, to inform new residents of the recreational opportunities available to them, the sensitivities of local nature conservation sites and how visitors can minimise their impact plus details for becoming involved in the ongoing conservation of these sites. The pack will also provide residents with details of public transport links and foot/cycle paths to encourage the use of other modes of transport to the car. The packs should also advise people how to behave carefully in protected areas so as not to harm wildlife and habitats, e.g. putting dogs on leads during bird nesting season and throughout the year in protected areas. The Resident's Pack should be submitted to the Local Planning Authority for approval prior to occupation, and provided to residents as approved.

Reason: In the interests of preserving and enhancing ecological assets.

- 20** Prior to first occupation of the development, a landscaping, methods of enclosures and boundary treatment layout plan shall be submitted to and approved by the Local Planning Authority. The approved scheme shall not be installed other than as approved.


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 occupation of any dwelling hereby permitted.

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.

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

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.

Site Location Plan Legend:
 Application Boundary



Minsterworth

Elms Farm, Minsterworth (37 Units)

House Type	CF	Storery	B/Bs	No. Units
Chalet	1	1	1	1
Stack	2	2	2	2
Dartford	2	2	2	4
Milburn	2	2	2	6
Mormouth	2	2	2	4
Mormouth Corner	2	2	2	4
Total				22

House Type	CF	Storery	B/Bs	No. Units
Mormouth	1	1	1	2
Mormouth GF	1	1	1	2
Ogmore	2	2	2	5
Wye	2	2	2	6
Total				15

Site Total

37

- Legend:**
- Application Boundary
 - P1 Plot Number
 - P2 Parking Number
 - P3 Denotes Part M(2) Parking Space
 - V Visitor Parking Space
 - Proposed Trees
 - Existing Trees
 - Proposed Hedging
 - Existing Hedging
 - Proposed Gate
 - Existing Orchard
 - SS Sub Station
 - Social Rented
 - Affordable Shared Ownership
 - Power Line Anchor Area
 - Garden Gate
 - Estate Railings
 - Low Walling
 - Sg Single Garage
 - Tg Twin Garage
 - Trg Triple Garage
 - BCP Bin Collection Point



Project: Elms Farm, Minsterworth

Drawing: 1st Floor Proposed Site Layout

Building 100

Wales 1

Edenstone

Project No. 15000 8 AT

M/10/18/000

Tel: 01792 678000

Checked By: TS Date: Sep 2022

Revision: 8

Rev: 0046 By: Description

A 20/05/23 DJ Site with reduced foot print to allow the barn to be expanded.

B 21/07/23 DJ Proposed site layout and site forms submitted for Shared Ownership.

Scale 1:500

0 10m 20m 30m 40m 50m 60m 80m

Elms Farm, Minsterworth - Affordable Housing Schedule

Affordable - 15 Units			
House Type	Ref	Storey	No. Units
Manrow GF	Mo	2	1B
Manrow FF	Mo	2	1B
Common	Og	2	2B
Wye	Wy	2	3B
Total			15

Social Ownership			
Plot No.	Shared Ownership	Social Rented	Part M4(2) Plots
7, 10	2	2	7, 10
8, 9	2	2	8, 9
5, 6, 11, 12, 13	5	3	5, 6, 11, 12, 13
14, 15, 16, 28, 29, 30	3	3	14, 15, 16, 28, 29, 30
16, 28, 29, 30	8	7	16, 28, 29, 30

Affordable Housing Legend:

- Social Rented
- Shared Ownership

Notes:

- All Affordable Units to be NDSS compliant and are marked with an asterisk. These units are also noted in the layout (ref: 1.06 - Parking Strategy Layout)





Street Scene A-A

HT - Norrmouth Plot 1

HT - Mothem HT - Nidhem Plot 2

HT - Norrmouth Corner Plot 4

HT - Dorford Plot 36

HT - Norrmouth Corner Plot 37

Street Scene B-B

HT - Norrmouth Corner Plot 4

HT - Gensale Plots 54

HT - Wye Plot 14
HT - Wye Plot 15

HT - Dorford Plot 17

56

Street Scene C-C

HT - Dorford Plot 20

HT - Mothem Plot 18&19

HT - Dorford Plot 17

Retained Barn

HT - Chestlow Plot 21&22

HT - Chestlow Plot 23&24

HT - Dorford Plot 25

Layout @ 1:1250

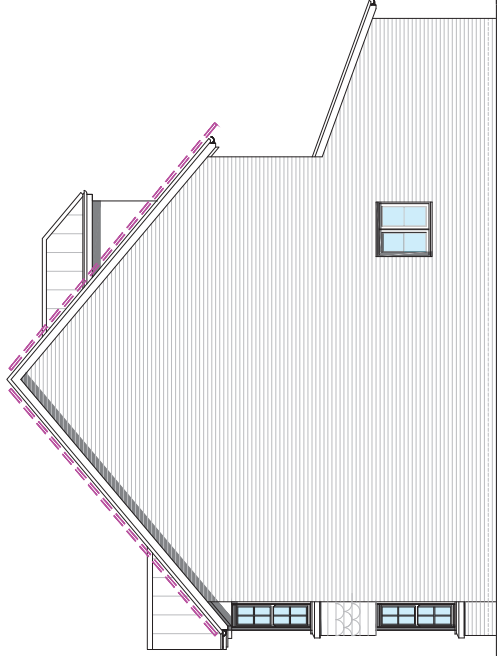




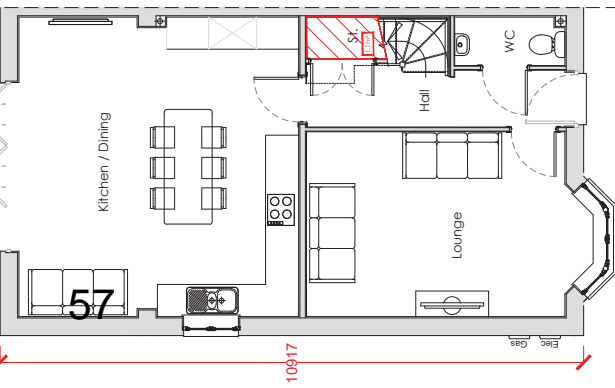
Front Elevation



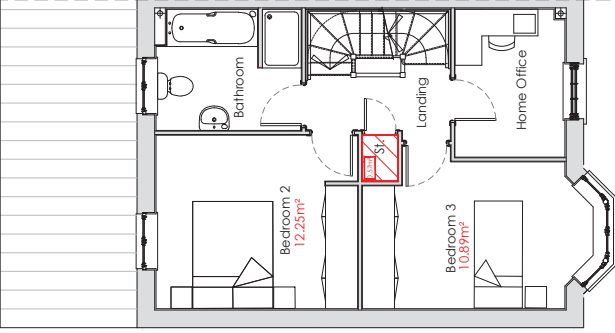
Rear Elevation



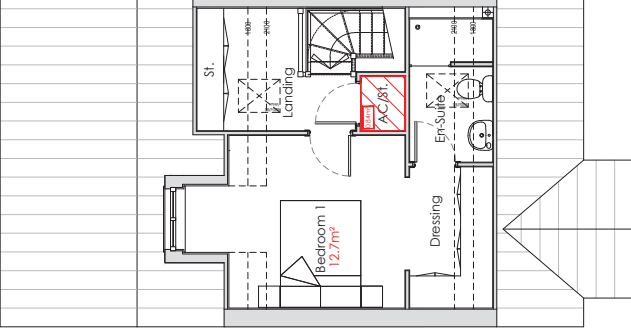
Side Elevation



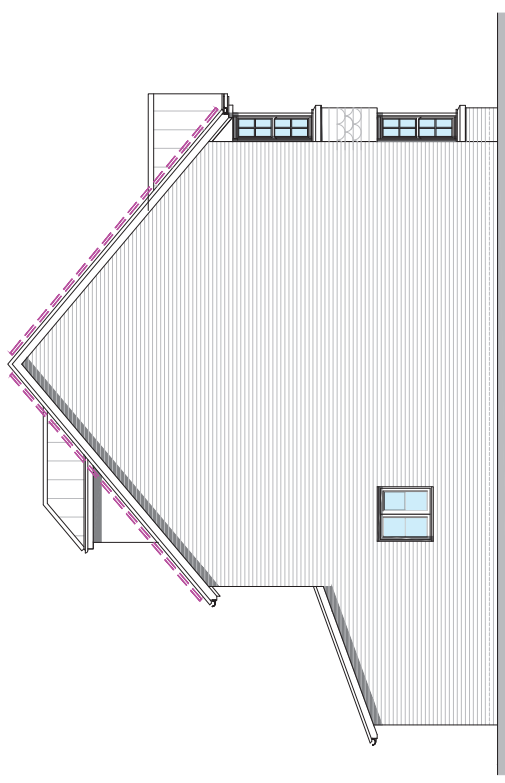
Ground Floor



First Floor



Second Floor



Side Elevation

Scale 1:100



Note: Obscure Glazing To All Rooms With Sanitaryware

Plot numbers:
2, 3, 18, 19, 34, 35

NDSS Requirement Notes:
House Type - Malthern 3B5P
Total Area - 132.8m² / 1429ff
Required - 99m²
Total Storage - 2.51m²
Required - 2.5m²

Potential Area of PV Panels
(Exact Positioning to be agreed following Technical Design)



Rev	Date	By	Description
A	31.05.23	DA	Updated to revised submission

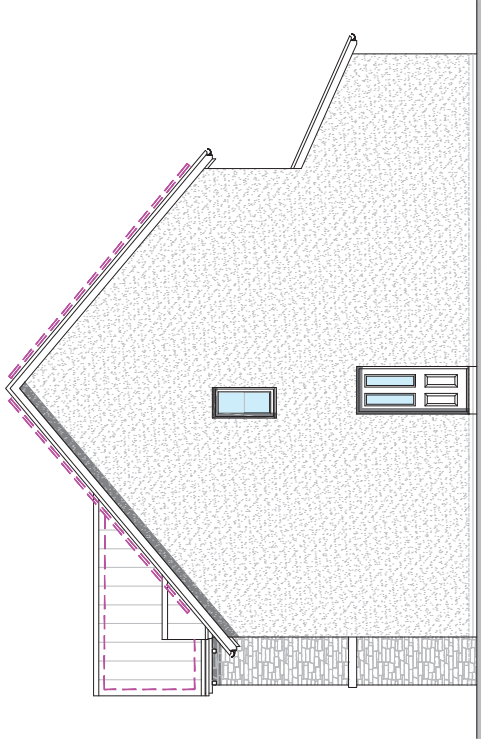
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Drawing	House Type - Malthern Floor Plans & Elevations
Status	Planning
Drawn By	DJ
Scale	1:100
Date	Aug 2022
Project No.	NP26 3BG
Drawing No.	155
Checked By	
Revision	A



1st Floor
Building 102
Wagor
NP26 3BG
Tel - 01291 674800



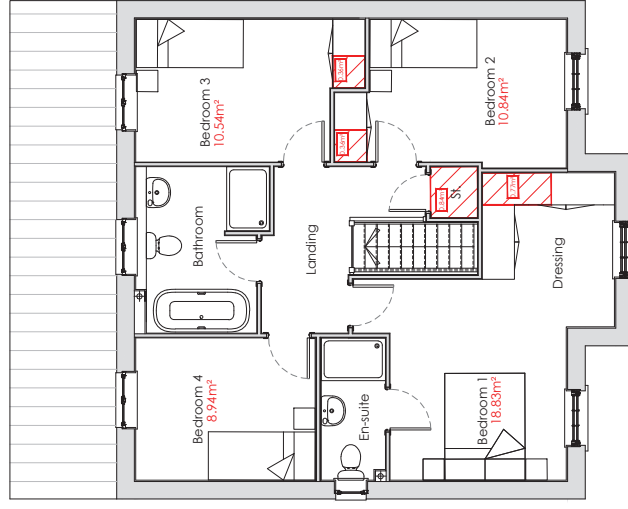
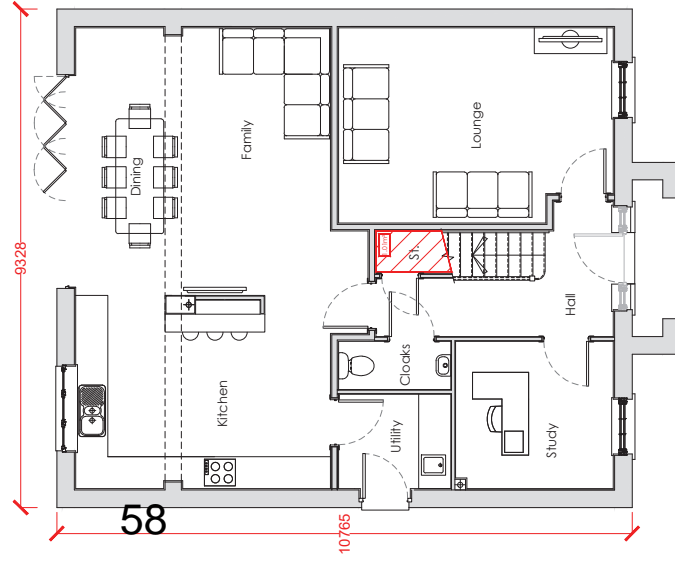
Front Elevation



Side Elevation



Rear Elevation



Scale 1:100



Side Elevation

First Floor

Ground Floor

Rev	Date	By	Description
A	31.05.23	DA	Updated to revised submission

Project: Elms Farm, Minsterworth	
Drawing	Houses Types - Monmouth Floor Plans & Elevations
Status	Planning
Drawn By	DJ
Scale	1:100 @ A3
Project No.	NP26 3DG
Drawing No.	156
Checked By	
Date	Aug 2022
Revision	A

Note: Obscure Glazing To All Rooms With Sanitaryware
 NDSS Requirement Notes:
 House Type - Monmouth 4B5P
 Total Area - 158.6m² / 1708ft²
 Required - 97m²
 Total Storage - 3.34m²
 Required - 3.0m²

Plot numbers:
 1, 32

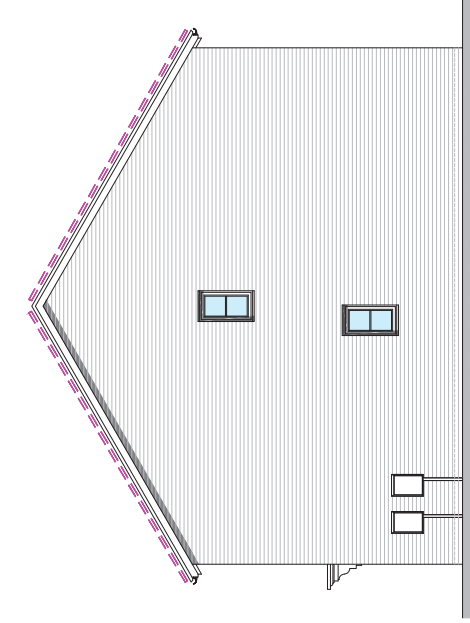
Potential Area of PV Panels
 (Exact Positioning to be agreed following Technical Design)



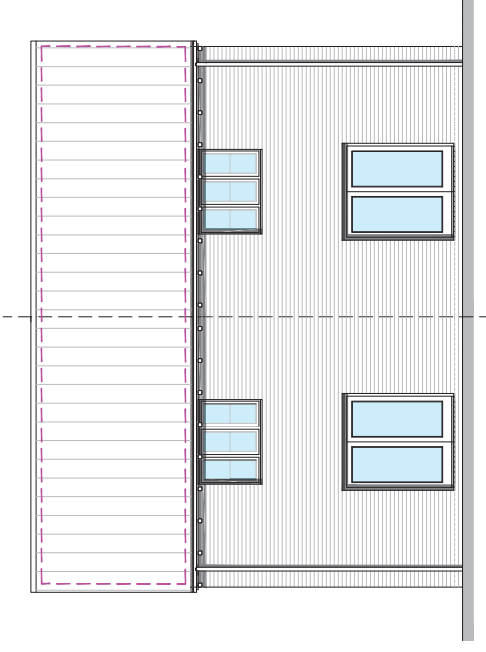
1st Floor
 Building 102
 Wales 1 Business Park
 Major NP26 3DG
 Tel - 01291 674800



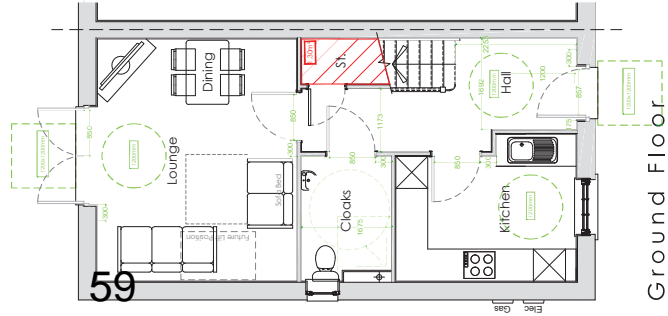
Front Elevation



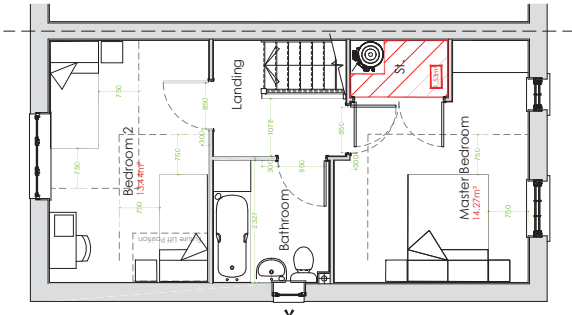
Side Elevation



Rear Elevation



Ground Floor



First Floor



1st Floor
Building 102
Wales 1 Business Park
Avonor
NP26 3BG
Tel - 01291 674800

EDENSTONE
HOMES

Project	Elms Farm, Minsterworth
Drawing	House Types - Ogmere Floor Plans & Elevations
Status	Planning
Project No.	
Drawing No.	160
Revision	A
Drawn By	DJ
Checked By	
Scale	1:100 @ A3
Date	Aug 2022

Rev	Date	By	Description
A	31.05.23	DA	Updated to revised submission

Note: Obscure Glazing To All Rooms With Sanitaryware

Plot numbers:
5, 6

M4 (2)
Green notes indicate
M4(2) compliance

Potential Area of PV Panels
(Exact Positioning to be agreed
following Technical Design)

Scale 1:100

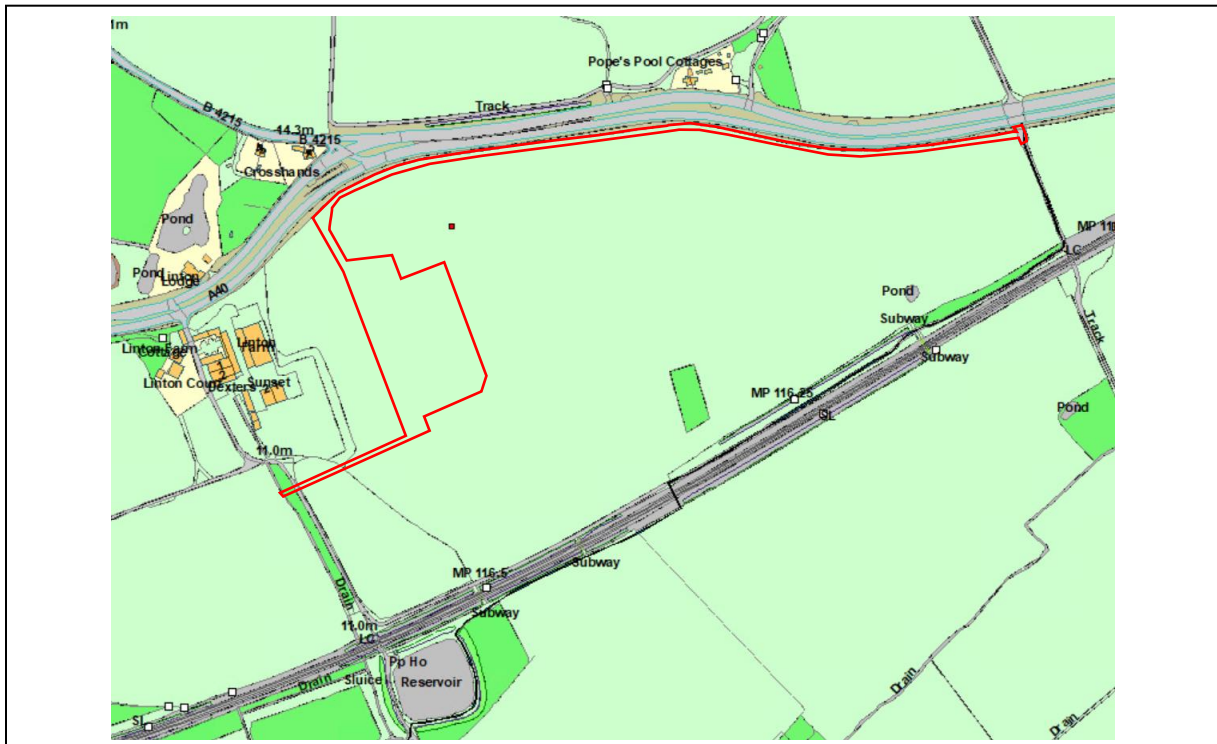


NDSS Requirement Notes:
House Type - Ogmere 2B4P
Total Area - 81.1m² / 872ft²
Required - 79m²
Total Storage - 2.8m²
Required - 2.0m²

Planning Committee

Date	15 August 2023
Case Officer	Frank Whitley
Application No.	22/01374/FUL
Site Location	Land At Linton Court Farm, Highnam
Proposal	Development of an energy reserve facility and ancillary infrastructure
Ward	Highnam with Haw Bridge
Parish	Highnam
Appendices	Location Plan STOR136_LOC REV13 Site Layout Plan STOR136Rev14 Cross Sections CE-ST-2120 DW02CRevB Elevations STOR136_ELEV010 Landscape Masterplan Illustrative Amended CE-ST-2120 DW02
Reason for Referral to Committee	The planning application has been called in by Councillor Jill Smith, local Ward Member, within 21 days of being notified, on the grounds of size, impact on the local area, flooding and fire risk, particularly due to proximity of residential homes and the A40.
Recommendation	Permit

Site Location



1. The Proposal

- 1.1** Full application details are available to view online at: [Simple Search \(tewkesbury.gov.uk\)](http://Simple Search (tewkesbury.gov.uk))
- 1.2** The application seeks planning permission for the Development of an Energy Reserve Facility and Ancillary Infrastructure. The proposed development was subject to a Screening Opinion under reference 22/00001/SCR where Officers determined an Environmental Impact Assessment was not required.
- 1.3** The proposed facility would have a capacity of approximately 99.9MW.
- 1.4** Although not forming part of this application, it is intended separately to connect the Energy Reserve Facility to the existing electricity network via a connection point at the Port Ham Substation, 1.6km east of Linton Court Farm. The completion of the connection would be undertaken separately by the District Network Operator (DNO), in this case National Grid.
- 1.5** The energy reserve facility would comprise:
- 72 lithium-ion battery units housed in containers (each 12.2m x 2.45m and 2.9m high)
 - 36 transformer units housed in containers (each 12.2m x 2.45m and 2.9m high)
- 1.6** Ancillary buildings/works include:
- Internal access track
 - 1 x DNO substation 5.81m x 4.9m and 4.4m high
 - 1 x Customer switch room/controls container 12.93m x 3.94m and 4.2m high
 - 1 x Welfare unit 8.3m x 3m and 3.5m high
 - 6 x CCTV poles each 6m high
 - Lighting
 - 1 x Compound containing transformer/inverter substation
 - Buried soakaway crates
 - 2.4m high perimeter fence and entrance gates
 - Landscaped bund on eastern and southern boundary (outside of perimeter fence)
- 1.7** The application is supported by:
- Historic Environment Statement
 - Archaeology Magnetometer Survey
 - Archaeology Written Scheme of Investigation
 - Landscape and Visual Impact Assessment
 - Ecological Impact Assessment (with Biodiversity Net Gain Calculations)
 - Noise Impact Assessment
 - Flood Risk Assessment and Drainage Strategy

2. Site Description

- 2.1** Linton Court Farm is located 1km south of Highnam and immediately to the south of the A40, from which there is direct access. The Farm comprises an extensive group of traditional and modern farm buildings. Many appear to be used for a combination of agricultural and other commercial purposes. The Farm also comprises six tenanted residential properties on its western side.

- 2.2** The eastern and southern boundaries of Linton Court Farm are defined by a bund, approximately 2.5m high, and currently encloses existing buildings, and a large area of hardstanding on which planning permission has been granted for two further agricultural buildings.
- 2.3** Beyond the bund to the east is flat and open agricultural land, extending as far as the River Severn and Gloucester beyond. Fields are generally large, and divided only by limited farm tracks, small pockets of trees, hedgerows and an elevated railway line.
- 2.4** The proposed development immediately east of the bund, would replace 1.95ha of farmland, on an area measuring approximately 120m x 165m. The primary access would be an existing farm track which joins the A40, 1km to the east.
- 2.5** Approximately 700m to the north west of Linton Court Farm is Highnam Court which is a Grade 1 listed country house situated within 40hectares of Grade 2* listed registered park and gardens. Historic land and a number of amenity lakes associated with Highnam Court lie entirely to the north of the A40, and also to the west of the B4215. Also within this land is Grade 1 listed Holy Innocents' Church and other Grade 2 listed buildings and monuments.
- 2.6** The nearest public footpath (Gloucestershire Way) follows the railway line 200m south of the site. There are also two other footpaths immediately to the south of Highnam.
- 2.7** The application site is not within the Green Belt or within any other designated landscape.
- 2.8** The application site is almost entirely with Flood Zone 1, with the following exception:
- The primary access track to the south of the A40 is partly within Flood Zones 2 and 3
 - The 'finger' projection in the southwest corner of the site comprising outfall to a drain.
- 2.9** No equipment would be sited in Flood Zones 2 or 3.
- 2.10** The proposed energy reserve facility is more commonly known as a battery energy storage site and is referred hereafter as a 'BESS'.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
22/00001/SCR	Screening Opinion for the Proposed establishment of battery energy storage system	EIA not required	24.1.23
22/0702/FUL	Proposed extension to existing hay and general purpose farm store building	Permit	20.10.22
22/00121/FUL	Erection of an extension to existing hay and general purpose farm store building. Installation of cladding to proposed extension and existing building.	Permit	29.4.22
21/01142/FUL	Proposed modern steel frame agricultural grain store. 79.3 x 30m. located to the west of existing grain store in farmyard. <i>Case officer note: It is assumed 'west' is a typo and should read 'east' instead</i>	Permit	6.1.22

20/01037/FUL	Construction of an all-weather farm track.	Permit	25.1.21
20/00271/FUL	Erection of an agricultural building on the site of an existing glasshouse (to be demolished).	Permit	19.8.20
16/00978/PDAD	Change of use of brick and stone agricultural single storey buildings into 3 dwellings (current state - structurally sound). The brick barn (Barn1) will convert onto 2 x 2 bedroom unit. The stone barn (Barn 2) will convert in to 1x3 bedroom unit. The courtyard they are site within will form parking and residential amenity space for the 3 units.	Approved	14.10.16
16/00073/FUL	Construction of a new farm track from a new safe access point on the A48 towards the farm buildings at Linton Farm. This proposal is in place of the track which received planning in 2013 (application no. 13/00101/FUL) which has yet to be constructed (permission of which runs out in April 2016)	Permit	19.4.16
13/00101/FUL	Construction of a stone farm track to replace an existing grass farm track.	Permit	8.4.13

4. Consultation Responses

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

A site notice has been displayed

4.1 Highnam Parish Council- objection

Following matters require proper scrutiny:

- *Hazardous Status of batteries and fire risk*
- *Noise from plant and equipment*
- *Flooding and emergency service access*
- *Site Landscaping establishment and wildlife impact*
- *Fire Risk major fire at similar site and risk of contamination*
- *Land Quality and loss of Grade 1 agricultural land*
- *Proposal is large scale industrial development not supported by NDP policy B.1*
- *Site Access – construction traffic impacts*

4.2 Natural England- no objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on protected landscapes Walmore Common and Cotswold Common and Beechwoods.

- 4.3 Environment Agency- no objection**
Energy storage will play a significant role in the future of the UK energy sector.
Effective storage solutions will benefit renewables generation
Ensure a more stable supply
Currently, DEFRA does not consider the need to regulate the operation of battery energy storage systems (BESS) facilities under the Environmental Permitting Regulations regime.
Does not result in the direct impact to the environment during normal operations.
Potential to pollute in abnormal and emergency situations
Applicants should consider the impact to groundwater from the escape of firewater/foam and any metal leachate that it may contain.
Multiple 'layers of protection' should be sought to prevent the source-pathway-receptor pollution route occurring.
This proposal is a lower risk planning consultation which does not require direct consultation on flood risk grounds; noting that the proposed BESS equipment is designed to be located within Flood Zone 1.
Note that the site access track would pass through flood zones 2 & 3.
Would not make comment on the safety of the vehicular access or object on this basis.
- 4.4 Historic England- no objection**
Views of your specialist conservation and archaeological advisers should be sought.
- 4.5 National Highways- no objection subject to conditions**
Development will not affect National Highways drainage assets and is unlikely to result in an adverse impact on the safe operation of the strategic road network.
- 4.6 Health and Safety Executive - no objection**
It does not appear to fall under the remit of planning gateway because it does not appear to be a residential building.
- 4.7 County Council Highways- no objection subject to conditions**
- 4.8 Lead Local Flood Authority- no objection**
- 4.9 Gloucestershire Fire and Rescue- no objection**
Whilst Gloucestershire Fire and Rescue Service (GFRS) would not object in principle to the lawful development of a Battery Energy Storage System (BESS) or other alternative energy site it is recognised that these installations pose some specific hazards in the event of fire. Any fire involving grid scale Li-ion battery storage would be treated as a hazardous materials incident in order that specialist technical advice can be obtained at the earliest opportunity.
- 4.10 County Archaeology- no objection subject to conditions**
The trial trenching described presence of the Roman roadside settlement
Archaeology present on this site is of high significance
Potentially should be viewed as of equivalent significance to scheduled monuments (NPPF footnote 68)
Design of the development suggest that serious attempts have been made to minimise impact
Most of the development is to be constructed directly on the existing ground surface.

4.11 Conservation Officer- no objection

Satisfied that proposed planting will be sufficient to mitigate impact of the development upon heritage assets.

4.12 Ecology- no objection subject to conditions

Habitats on site are predominantly agricultural field.

Site does not fall within or will impact a designated site.

Ecological value of the site is low

Mitigation for these species provided

A biodiversity net gain assessment indicates that the site is capable of achieving a net gain in habitats

4.13 Environmental Health- no objection subject to conditions

4.14 Severn Trent Water- no objection

4.15 Local Land Drainage Officer- no objection

4.16 Building Control- no comment

4.17 Network Rail- objection

No objections in principle, though the Case Officer notes a glint and glare assessment was initially requested. (An update will be provided at Committee on the need for this assessment).

5. Third Party Comments/Observations

14 Objections have been received on the following grounds in summary:

- The proposed access is dangerous and uses a 90 degree turn from the A40 which is fast and dangerous
- When flooded, the A40 could not be used for emergency access
- Hedge abutting the A40 is newly planted and thin so provides insufficient screening
- Site will be clearly visible from adjoining higher land to the north
- Loss of prime greenfield agricultural land
- Unproven technology and environmental impact of battery disposal
- No employment or economic benefits to community
- Development is not renewable or low carbon development and will instead store fossil fuel energy
- Not directly connected to solar/wind equipment
- High carbon footprint
- Connection to Port Ham substation will need to cross flood plan, railway line and River Severn. Trees could not be planted along route of connection and use of land for other purposes limited
- Likely need of expansion to be viable
- No explanation of cable maintenance requirements
- Concern about follow on application for overhead power lines to connect to Port Ham substation.
- Alternative sites have not been fully considered eg brownfield
- Alien feature in rural landscape
- Environmental and ecological harm
- Conflict with local and national planning policy
- Unsuitable location being close to A40

- Location is within Flood Zone
- Unacceptable risk of batteries overheating and catching fire during flood which would prevent access by emergency vehicles. Fire in Liverpool in Sept 2020.
- Noise disturbance to close residential properties
- Air and water pollution in the event of a fire- toxic fumes. No water containment plan
- Location is in a floodplain
- Harm from living within magnetic field of batteries
- Increased volume of traffic
- Harm to newts
- Fire risk to Holy Innocents' Church
- Battery noise would disturb neighbouring properties in evenings and at night when A40 is quiet.
- Reduction in property values, increase in stress levels, impact on mental health and life expectancy

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 SP2 (Distribution of New Development)
 Policy SD4 (Design Requirements)
 Policy SD6 (Landscape)
 Policy SD8 (Historic Environment)
 Policy SD9 (Biodiversity and Geodiversity)
 Policy SD14 (Health and Environmental Quality)
 Policy INF1 (Transport Network)
 Policy INF2 (Flood Risk Management)
 Policy INF5 (Renewable Energy/Low Carbon Energy Development)

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

Policy HER2 (Listed Buildings)
 Policy HER3 (Historic Parks and Gardens)
 Policy HER4 (Archaeological Sites and Historic Monuments)
 Policy HER5 (Non-Designated Heritage Assets)
 Policy LAN2 (Landscape Character)
 Policy NAT1 Biodiversity, Geodiversity and Important Natural Features
 Policy ENV2 Flood Risk and Water Management
 Policy COM4 Neighbourhood Development Plan
 Policy HEA 1 (Healthy and Active Communities)

6.5 Highnam Neighbourhood Development Plan 2011-2031

There are no relevant policies in the Highnam NDP
Policy B1 Business and Enterprise

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**

8.1 The main issues in the consideration of this application are:

- Principle of Development
- Site selection and loss of agricultural land
- Layout and Landscape Impacts
- Drainage and Flooding
- Historic Environment
- Residential Amenity
- Ecology and Landscaping
- Highways
- Fire and Pollution Risk

Principle of Development

- 8.2 Under the Climate Change Act 2008, the government seeks to promote renewable energy production in order to reduce greenhouse emissions. Planning Practice Guidance states that renewable and low carbon energy technology will assist climate change mitigation.
- 8.3 The proposed development is not directly associated with a facility producing renewable energy, such as for example a solar farm. Even so, it is recognised that battery storage facilities are a key component of energy facilities in the UK, since they are able to store excess electricity generated by renewable energy facilities when demand is low and release energy to the grid at periods of high demand, or when electricity generated by renewable sources is low.
- 8.4 It is also clear that the UK needs more electricity storage facilities in order to balance demand without resorting to fossil fuel generation.

- 8.5** The UK Government published its 'Overarching National Policy Statement for Energy' in March 2023. Para 3.3.25 states that:
Storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated.
- 8.6** Tewkesbury Borough Council declared a borough-wide climate emergency in 2019, and furthered this commitment in May 2023 by (amongst other things), committing to doing everything possible to make Tewkesbury Borough Council carbon-neutral by 2030.
- 8.7** According to the submitted planning statement, the benefits of the proposed development are:
- Contribute towards 'net zero carbon'
 - Support renewable energy generation
 - Help to ensure a reliable and resilient energy supply
 - Help reduce energy wastage
 - Requires less land than other forms of energy generation
 - Reduce the need for other power stations
 - Delivers a net gain in biodiversity
 - Aligns with the 2020 Energy White Paper 'Powering our Net Zero Future' (2020)
- 8.8** The NPPF encourages LPAs to promote renewable energy development and identify appropriate sites for it. In meeting the challenge of climate change, flooding and coastal change, the NPPF states the planning system should support transition to a low carbon future.
- 8.9** Chapter 14 of the NPPF seeks to meet the challenge of climate change, flooding and coastal change. Para 154 states that new development should be planned for in ways (in part) that can help to reduce greenhouse gas emissions. The NPPF also states (Para 155) that plans should consider identifying suitable areas for renewable and low carbon energy sources and supporting infrastructure.
- 8.10** Planning Practice Guidance (PPG) explains that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.
- 8.11** The application site is not subject to Green Belt designation or statutory landscape designation.
- 8.12** Policy INF5 (Renewable Energy/Low Carbon Energy Development) of the adopted JCS states:
Proposals for the generation of energy from renewable resources, or low carbon energy development (with the exception of wind turbines), will be supported, provided the wider environmental, social or economic benefits of the installation would not be outweighed by a significant adverse impact on the local environment.
- 8.13** Matters of relevance in the planning balance as stated in Policy INF5, are harm to landscape, amenity, heritage, biodiversity, and noise.

- 8.14** In achieving its vision for a 'good quality of life', the Tewkesbury Borough Plan incorporates the environment into the three dimensions of sustainable development. The Plan recognises that addressing climate change contributes to achieving its vision.
- 8.15** The made Highnam Neighbourhood Development Plan 2011-2031 incorporates as its vision, a wish to maintain its character as a self-contained community where people of all ages enjoy good quality of life. In order to achieve the vision, amongst other things, the Neighbourhood Plan seeks to ensure that development reflects the nature, character, scale and density of the community, and maintains its relationship with its landscape setting. The Neighbourhood Plan also states, 'the community supports existing small scale business and enterprise but would not wish to see the character of the Parish changed by large scale industrial development'. The Highnam NDP also seeks within its vision to maintain and develop its own range of local facilities, services and employment opportunities. The parish make reference to NDP policy B.1 however this specifically relates to Highnam Business Park and not the location of this application.
- 8.16** Subject to further determining criteria below, in principle, the development is supported by national, local policies and associated guidance.

Site Selection and Loss of Agricultural Land

- 8.17** According to the submitted planning statement, the key criteria in terms of site selection are:
- Areas of high energy demand and capacity
 - BESS facilities must be located close to a large existing substation that has capacity to both export and import energy, and to minimise transmission losses and voltage swings. In this case the application site is close to the Port Ham Substation.
 - Practicality and viability of connection to nearby substation.
 - Outside land with statutory environmental/landscape designations.
 - Preference for previously developed land
 - Opportunities to utilise established screening from vegetation and adjacent infrastructure.
- 8.18** Along with a willing landowner, the submitted planning statement explains the application site fulfils the selection criteria. According to the applicant, other local sites in proximity to the Port Ham substation are severely limited by flood risk on adjoining land.
- 8.19** According to the Agricultural Land Classification Map, the application site is part of a larger parcel of Grade 1 Land of approximately 67ha, extending to the east of the application site towards Gloucester. A second parcel of Grade 1 land lies to the west and north of Highnam of approximately 200ha. There are eight other individual parcels of Grade 1 land between Tewkesbury, Cheltenham and Gloucester.
- 8.20** Natural England describes Grade 1 agricultural land as excellent quality: Land with no or very minor limitations. A very wide range of agricultural and horticultural crops can be grown and commonly includes:
- Top fruit eg apples and pears
 - Soft fruit eg raspberries and blackberries
 - Salad crops
 - Winter harvested vegetables
- Yields are high and less variable than on lower land quality.

- 8.21** Chapter 15 of the NPPF seeks to conserve and enhance the natural environment. Para 174 states that amongst other things, planning decisions should contribute to and enhance the natural and local environment by recognising the benefits of natural capital, including the economic and other benefits of the best and most versatile agricultural land. Similarly, Chapter 11 of the NPPF seeks to make effective use of land, where planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment, and encourage multiple benefits from both urban and rural land.
- 8.22** Policy SD14 (Health and Environmental Quality) of the adopted JCS amongst other things states that new development must take into account the quality and versatility of any agricultural land affected by proposals, recognising that the best agricultural land is a finite reserve.
- 8.23** It is acknowledged the application site is high quality and versatile agricultural land, and has therefore high economic value in terms of food production potential. Officers also acknowledge that Grade 1 agricultural land in the Gloucestershire and beyond is a finite resource. Development of any type would degrade the valuable resource, albeit in this case by a relatively small amount.
- 8.24** Neither the NPPF nor the adopted JCS rule out development on Grade 1 agricultural land, though the benefits of development must plainly be considered in the planning balance against the loss of productive farmland. Natural England has also been consulted and has not objected to the development on Grade 1 land.
- 8.25** The application has explained that within National Grid's area (East & West Midlands, South Wales and South West), there are no other substations with 99.9MW capacity for BESS development. The nearest station with 90MW capacity is in Staffordshire which demonstrates the difficulties with finding appropriate sites.
- 8.26** The principle of development is considered by Officers firmly established in the context of significant planning policy support, and the planning statement has explained to the satisfaction of Officers why the site fulfils the applicant's selection criteria as far as is possible.
- 8.27** Officers acknowledge the land is not previously developed and is high quality farmland, though in the planning balance, Officers do not consider that refusal of the application is warranted on these grounds.

Layout and Landscape Impacts

- 8.28** The application site is rectangular in shape and measures approximately 160m along the eastern boundary and 110m along the northern boundary (excluding access road). The site lies alongside developed land of Linton Court Farm immediately to the west and is bounded 120m to the north by the A40 dual carriageway.
- 8.29** There are three access routes to the site, the primary access being approximately 700m to the east, from the A40. Here there is an opening on the A40, which then turns onto a surfaced track which runs along the field edge to the development site.

- 8.30** Two further access exist (both within the applicant's control), one directly through Linton Court Farm from the A40, and the other from the A38 to the west. They are intended to be used for emergency vehicles in the event the primary access is not available. Access alternatives are discussed below in the Flooding section of the report.
- 8.31** The BESS containers are to be laid onto a compacted gravel surface and laid out in a regular pattern, as illustrated on the submitted layout plan. An underground drainage grate would be installed in the southwest corner, to be connected to the existing culvert to the west. This accounts for the projecting 'finger' of the application site to achieve drainage outfall.
- 8.32** The development would be installed at ground level. Cross sections have been submitted which indicate additional bunds to be installed on the eastern and southern boundaries, with additional planting for landscaping mitigation.
- 8.33** BESS units would be 2.9m high, though two additional service buildings would be up to 4.4m high. There would be a 3.5m high acoustic fence on the northern boundary, and a weld mesh security fence of 2.4m. Six security and monitoring cameras would be mounted on 6m poles. Fencing and BESS units would be coloured green.
- 8.34** A Landscape and Visual Impact Assessment (LVIA) has been submitted which sets out that the site is located within National Character Area 106, Severn and Avon Vales, summarises the landscape character as '*The lower valleys of the rivers Severn and Avon dominate this low-lying open agricultural vale landscape made up of distinct and contrasting vales*'.
- 8.35** The Gloucester Landscape Character Assessment prepared as an evidence base of the (now adopted) JCS, noted that specific to the area are the dominant infrastructural features of the A40 and raised railway corridor. The Assessment notes the 'Unwooded Vale' Character type, and notes large fields with poorly vegetated boundaries. The highly trafficked A40 divides the area and has a detrimental impact upon tranquility. Overall the area is described as being of low-medium sensitivity in landscape terms.
- 8.36** Five viewpoints were selected to the north of the A40 and six to the south. The development would be visible from the north on Lassington Hill, just east of Highnam on the 'Three Choirs Way', though views would be expansive, distant and combined with other existing development. Closer, the development would be visible from a permissive footpath, albeit with the A40 in the intervening space.
- 8.37** The proposed development is not visible from Highnam Court, though the LVIA accepts that limited intervisibility may exist from locations elsewhere.
- 8.38** From the south of the A40, the development would be more visible especially from limited locations on the Gloucestershire Way, and from the railway users. However, the LVIA notes that views into the site would be combined by views of existing development and mitigated by perimeter bunding and landscaping planting.
- 8.39** The LVIA states that landscape sensitivity at the site level is medium-high, though this takes into account the high value of affected farmland.
- 8.40** Overall, the LVIA concludes the overall effect on the landscape character would be considered negligible.

8.41 Officers conclude that while there would be some landscape harm from the proposed use and associated works it is however considered that this would not result in such harm which would warrant a refusal of planning permission. Furthermore the proposed landscaping scheme would over time provide further screening and environmental benefits. The proposed development would not cause unacceptable harm to the landscape of the character of the Parish, therefore is consistent with Policy LAN2 of the adopted TBP and with the vision of the Highnam Neighbourhood Development Plan.

Drainage and Flooding

8.42 The NPPF states that inappropriate development at risk of flooding should be avoided by directing development away from areas at highest risk.

8.43 Policy INF2 (Flood Risk Management) of the adopted JCS states that development proposals must avoid areas at risk of flooding, in accordance with a risk-based sequential approach.

8.44 Policy ENV2 (Flood Risk and Water Management) of the adopted TBP seeks to manage the risk of flooding to and from new development.

8.45 The submitted layout plan indicates the extent of Flood Zones (FZ) 1-3, where FZ1 represents the lowest and FZ3 is the highest risk.

8.46 All BESS development, the perimeter bund, landscaping mitigation, fencing, and the drainage crate (in the southwest corner) is positioned within FZ1. The drainage outfall passes from FZ1 into FZ2, where it continues to the western drainage outfall.

8.47 Significant concerns have been raised by the Parish Council about flooding, in terms of site flooding and the ability to access during flood events, particularly by emergency vehicles.

8.48 In the case of site flooding, aerial images have been supplied from the 2007 floods by both applicant and objectors, which illustrate the scale of local flooding. Despite very widespread floodwaters, crucially, none show the application site underwater, even during the peak of the 2007 flood.

8.49 The primary access route from the A40 junction to the east is within FZ's 2 and 3. In terms of the ability to access the site during a flood event, the applicant has emphasised there are three routes available. These arrangements have attracted no objections from relevant consultees, including Gloucestershire Fire and Rescue and County Council Highways. Even so, Officers have sought clarification to reassure the Parish Council and residents that the risk of all three access routes being flooded during a fire is extremely low.

8.50 A specific document has been submitted to address this issue which concludes the risk of tidal flooding (potentially affecting the primary access route) and surface water flooding (potentially affecting the secondary and tertiary access routes) occurring at the same time is unlikely.

8.51 No objections have been received in relation to flooding and access arrangements, by either the Environment Agency, Health and Safety Executive, County Council Highways, Lead Local Flood Authority, TBC Land Drainage Officer, nor Gloucestershire Fire and Rescue.

8.52 Officers consider that refusal of the application on drainage and flood risk grounds is unwarranted, and that the proposed development where relevant complies with the NPPF, INF2 of the adopted JCS and ENV2 of the adopted TBP.

Residential Amenity

8.53 Policy INF5 of the adopted JCS (Renewable Energy/Low Carbon Energy Development) supports low carbon energy development, provided the benefits are not outweighed by a significant adverse impact on the local environment, taking account of users and residents of the local area in terms of 'emissions, noise, odour and visual amenity'.

8.54 Policy SD4 (Design Requirements) of the adopted JCS seeks to avoid visual intrusion, noise, smell, and pollution in development. Policy SD14 (Health and Environmental Quality) goes further to ensure that new development causes no unacceptable harm to local amenity including neighbouring occupants.

8.55 Policy HEA 1 (Healthy and Active Communities) of the adopted TBP seeks to ensure that potential impacts to health and wellbeing are considered in new development.

8.56 A noise impact assessment has been submitted which explains that cooling fans are used to keep batteries at the correct temperature. Also inverter stations as proposed are also cooled by fans.

8.57 Noise receptors have been identified as:

- The group of six dwellings immediately to the west of Linton Court Farm (owned and rented by the applicant)
- Linton Lodge (opposite Linton Court Farm on the north side of A40).
- Crosshands (junction A40 and B4215)
- Pope's Poole Cottages (approximately 370m northeast of the development on the north side A40).

8.58 The noise assessment concludes that the proposed BESS development would give rise to a rating sound level not exceeding the measured background sound level of the area, both during the day and during the night, thus giving rise to a 'low impact'. The assessment predicts that amenity due to noise would not be compromised.

8.59 Officers consider the proposed development complies with requirements where relevant of the NPPF, INF5, SD4, SD14 of the adopted JCS and HEA1 of the adopted TBP. The Environmental Health Officer has raised no objection though as an additional and reasonable safeguard an appropriate condition is recommended for operational monitoring.

Historic Environment

8.60 The NPPF at Chapter 16 (Conserving and Enhancing the Historic Environment) states that when considering impacts, great weight should be given to the asset's conservation. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

8.61 The NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

- 8.62** Policy SD8 (Historic Environment) of the adopted JCS states that designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.
- 8.63** Policy HER2 (Listed Buildings) of the adopted TBP states that 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., including their settings.
- 8.64** Policy HER3 (Historic Parks and Gardens) of the adopted TBP states that development that would adversely affect the character appearance or setting of historic parks and gardens will not normally be permitted.
- 8.65** Policy HER4 of the adopted TBP states that Scheduled Monuments and sites of national archaeological importance will be preserved in situ and provision should be made for excavation and recording.
- 8.66** Policy HER5 (Non-designated heritage assets) of the adopted TBP states non-designated heritage assets will be conserved having regard to the significance of the asset and its contribution to the historic character of the area.
- 8.67** A Heritage Impact Assessment has been submitted which concludes that no further mitigation is required beyond the submitted landscaping plan.
- 8.68** Historic England have no objections, though has recommended opinions are sought from Conservation and Archaeological advisors.
- 8.69** The Conservation Officer notes that the farmhouse and some outbuildings at Linton Court are considered non-designated heritage assets. Further, and to the north of the A40, nearby heritage assets include Highnam Court, a Grade I Listed country house which lies within an extensive designed landscape that is a Registered Park and Garden (Grade II* Listed) also containing numerous Grade I and II Listed buildings and monuments.
- 8.70** The Conservation Officer agrees with the conclusions of the submitted HIA and has raised no objections. Although some concerns were initially raised about the degree to which landscaping planting may mitigate, the Conservation Officer has considered the amended landscaping masterplan and agrees that harm is sufficiently mitigated. Officers note that the final landscaping plan is to be secured by condition. In terms of historic buildings, Officers consider the development to comply with the NPPF where relevant, and there is no conflict with Policy SD8 of the adopted JCS, nor conflict with HER 2-5 of the adopted TBP. For this reason, there is no conflict with associated legislation, namely the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 8.71** In terms of archaeology, a written scheme of investigation (WSI) has been submitted, alongside a magnetometer survey, following a geophysical survey. The WSI recommended intrusive field survey in consultation with the County Council Historic Environment Team.

- 8.72** The County Archaeologist has advised there is very high potential for significant archaeological deposits to be present (mainly of Roman origin) which could be harmed by BESS development. The County Archaeologist recommended that before determination the applicant should provide the results of an archaeological field evaluation describing the significance of any archaeological remains, and how these would be affected by the proposed development.
- 8.73** Accordingly, the applicant has carried out an archaeological evaluation which has been reported to the County Archaeologist for consideration. The evaluation confirmed the presence of multi-phase coaxial enclosures, domestic occupation, burials, and a heavily truncated Roman road, indicating the existence of a 1st – 4th century Roman roadside settlement.
- 8.74** The County Archaeologist has commented that remains are of high significance and potentially should be viewed as of equivalent significance to scheduled monuments, though acknowledges most of the development is to be constructed directly on the existing ground surface.
- 8.75** The County Archaeologist has not objected to the BESS development, subject to a condition that requires the approval of an archaeological management plan, and also a condition requiring mitigation through recording of any impact that has not been possible to eliminate.
- 8.76** Officers consider that Para 202 of the NPPF is engaged, where the development would lead to less than substantial harm to the significance of the archaeological asset under investigation. The NPPF clarifies that non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets (footnote 68). Accordingly, Para 202 requires that the level of harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 8.77** Officers consider there are very significant public benefits from the proposed development by its contribution to addressing the harmful effects of climate change, and the need to meet the government's targets under the Climate Change Act 2008 (2050 Target Amendment) Order 2019 of reducing greenhouse gases.
- 8.78** Renewable energy sources such as wind and solar are subject to climatic conditions and can be intermittent and unpredictable. The UK Government published its 'Overarching National Policy Statement for Energy' in March 2023.

Para 3.3.25 states that: *Storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated.*

- 8.79** Officers consider there are clear public benefits from the proposed development which would outweigh the limited harms.

8.80 In terms of the balancing exercise, the archaeological evaluation has confirmed the presence of significant Roman remains, associated with a roadside settlement. The County Council Archaeologist has been consulted and has advised that harm to archaeological assets are minimised by development taking place directly onto the ground surface, as evidenced by the submission of cross sections. The County Archaeologist has not objected to development though has recommended conditions as further mitigation, in order to limit harm and to ensure records are obtained.

8.81 Overall, Officers consider that significant weight should be attached in favour of development, subject to appropriate controls imposed by conditions. By these means, public benefits from development will be secured whilst also ensuring that harm does not exceed 'less than substantial' to the significance of the asset in accordance with Para 202 of the NPPF. Officers also consider the development complies with the requirements of Policy HER4 of the adopted TBP.

Ecology and Landscaping

8.82 Chapter 15 of the NPPF seeks to conserve and enhance the natural environment, in part by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, and minimising impacts on and providing net gains for biodiversity.

8.83 Policy SD9 of the adopted JCS (Biodiversity and Geodiversity) states amongst other things that the biodiversity and geological resource of the JCS area will be protected and enhanced in order to establish and reinforce ecological networks that are resilient to current and future pressures. Similarly, the adopted TBP Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features) requires amongst other things that proposals will, where applicable, be required to deliver a biodiversity net gain across local and landscape scales, including designing wildlife into development proposals.

8.84 An ecological impact assessment has been completed which identifies the following species associated with the site: badger, great crested newts, ground nesting birds, brown hare.

8.85 The assessment concludes that if the outlined mitigation measures are implemented in full then no significant residual impact could be expected, and the proposed application would result in 'no net loss in biodiversity' whilst providing opportunities for 'biodiversity net gain'.

8.86 A biodiversity net gain assessment has been submitted and indicates that the site is capable of achieving a net gain in habitats and achieves 24.81% biodiversity net gain.

8.87 The Council's ecologist has been consulted who agrees the ecological value of the site is low. In relation to species identified, conditions are recommended.

8.88 The Council's ecologist has raised no objection to site enhancements, reflected in the BNG figure of 25%.

8.89 Site enhancements are intended to be achieved by new planting of a mix of native shrubs and trees to include:

- Broom, field rose, sweet briar, gorse, blackthorn, hazel, holly and hawthorn.
- Oak, maple, rowan, silver birch, gear

- 8.90** By the site entrance a small area of flowering meadow grass is to be created, and elsewhere, wildflower conservation mix. The bund would be 2m high, with gradient 1:2 on the inside and 1:3 on the outside facing slope.
- 8.91** In principle, Officers consider the landscaping plan acceptable though recommend an appropriate condition in order for the landscaping officer and ecologist to comment on the final plan.
- 8.92** Officers consider appropriate biodiversity net gain would be secured. No ecological harm would result from development, which complies with the Chapter 15 of the NPPF, SD9 of the JCS and NAT1 of the TBP.

Highways

- 8.93** The NPPF at Chapter 9 seeks to promote sustainable transport. Policy INF 1 (Transport Network) requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. Chapter 10 of the adopted TBP states that An efficient and safe transport system is critical to the success of the Borough and the quality of life of its residents and visitors.
- 8.94** It is proposed to use, as the primary access, the junction of the farm track with the A40, approx. 700m east of the site. The construction period is anticipated to last 24 months with a workforce of approximately 15 persons. The number of vehicles movements in any one day may be up to 60, though more likely between 10-20, according to the planning statement.
- 8.95** Once operational, the BESS would be unmanned and remotely operated, subject to maintenance and inspections.
- 8.96** Officers acknowledge there may be some disruption during the construction phase though this would be short term and can be mitigated by condition. Longer term there will be no additional ongoing impact. No objections have been received from National Highways or County Council Highways. Officers consider there is no conflict with Chapter 9 of the NPPF and the development complies with Policy INF1 of the TBP.

Fire and Pollution Risk

- 8.97** The applicant confirms that lithium-ion batteries will be used within the development. It is stated that these are extremely safe with the technology well developed. Each system will be designed with both automatic fire detection and suppression systems. A condition is recommended which would require details of this to be submitted to and approved by the LPA, and implemented, prior to first operation of the development.
- 8.98** The Environment Agency has been consulted and has commented on pollution risk. Whilst not objecting to the development has raised the potential of pollution, and the responsibilities of the developer/operator to deal with any incident. Similarly, Gloucestershire Fire and Rescue has raised concerns, though has not objected. Officers recommend that should the application be permitted, the decision notice refers to the Environment Agency and Gloucestershire Fire and Rescue consultation response by way of an informative. Officers consider this is a reasonable and proportionate safeguard.

9. Conclusion

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

10. Recommendation

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

11. Conditions

- 1 The development hereby permitted shall not be begun after 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 not be carried out other than in accordance with the following approved documents:

Location Plan amended received 4 May 2023 STOR136_LOC Rev13

Elevations received 20 Dec 2022 STOR136_ELEV010

Site Layout Plan received 30 May 2023 STOR136 Rev14

Cross Sections received 30 May 2023 CE-ST-2120 DW02C REVB

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

- 3 Prior to the commencement of development, a Construction and Traffic Management Plan (CMTP) shall be submitted to and approved by the Local Planning Authority.

The approved plan shall be adhered to throughout the construction period. The plan shall include but not be limited to:

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

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

- 4 Prior to commencement of development, an archaeological management plan shall be submitted to and approved by the Local Planning Authority. The type and depth of all foundations, services and other ground intrusions shall be set out and the impact on known archaeological levels assessed. The management plan shall be implemented as approved by the Local Planning Authority.

Reason: It is important to agree the design of foundations and other groundworks in advance of the commencement of the development, so as to make provision for the conservation of significant heritage assets, in accordance with the National Planning Policy Framework, para. 190.

- 5 Prior to the commencement of development, a programme of archaeological work in accordance with a written scheme of investigation shall be submitted to and approved by the Local Planning Authority. The programme of archaeological work shall be implemented as approved 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 that may be destroyed by ground works required for the scheme. 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.

- 6 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved by the Local Planning Authority. The CEMP (Biodiversity) shall be written in accordance with BS42020, including reasonable avoidance measures and mitigation details on birds, badger, brown hare, great crested newt and hedgehog as well as any pollution prevention measures. The approved CEMP shall not be implemented other than as approved by the Local Planning Authority.

Reason: In the interests of protecting ecological assets.

- 7 Prior to the installation of any battery units, details of a system for fire detection and suppression including the management of contaminated water shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Gloucestershire Fire and Rescue Service and the Environment Agency. The approved system shall be implemented in full prior to first operation of the development and shall be retained thereafter during operation of the development.

The submitted details shall include the following:

- evidence of discussions with the fire service to confirm the expected volume and nature of contaminated water which would need to be managed in the event of a fire on site;
- evidence of how the surface water drainage system will be isolated in the event of a fire or leak;
- further details of the nature of any contaminants which could be present from a failure and leak from the batteries and/or transformer on site;
- evidence that a plan is in place to remove and safely dispose of any contaminated water stored on site in the event of an incident.

Reason: In the interests of public safety, security, and to protect the surrounding natural environment.

8 Prior to the installation of any battery units, the means of vehicular access to the site shall be made available from the following locations as shown on approved plan STOR136_LOC Rev13:

1. Access from the A40 approximately 700m east of Linton Court Farm; and
2. Access from the A40 through Linton Court Farm; and
3. Access from the A38 approximately 500m west of Linton Court Farm;

Thereafter the means of vehicular access shown on approved plan STOR136_LOC Rev13 shall be retained for the lifetime of the permitted development.

Reason: In the interests of securing viable access routes to the development for emergency services at all times.

9 Prior to first operation of the energy reserve facility hereby approved, a noise testing methodology shall be submitted to the Local Planning Authority for approval. Noise testing shall thereafter take place as approved by the Local Planning Authority. A post completion noise test shall take place and records submitted to the Local Planning Authority to demonstrate that noise from the installation does not exceed 0dB above the background noise level (LA₉₀) at any time, when assessed under BS4142:2014+A1:2019.

Reason: In the interests of maintaining residential amenity of nearby residents

10 Not longer than three months prior to the commencement of works, a pre-commencement badger walk-over survey is to be undertaken to confirm badgers have not colonised the site between the time of the initial survey and commencement of development. Any records of badger activity shall be reported to the Local Planning Authority and a scheme of mitigation agreed with the Local Planning Authority prior to the commencement of works.

Reason: In the interests of protecting ecological assets.

11 Prior to first operation of the development, the 3.5m high acoustic fence as illustrated on approved plan STOR136 Rev14 shall be fully installed.

Reason: In the interests of maintaining residential amenity.

12 Prior to first operation of the development a landscape and ecological management plan (LEMP) shall be submitted to and approved by the Local Planning Authority. The LEMP shall be written in accordance with BS42020. The LEMP shall also include details by which the long-term implementation of the plan will be secured and who is responsible for its delivery. The plan will detail how habitats on site will be managed including remedial actions where necessary to ensure that that the development meets its aims and objectives. The LEMP should also detail how a positive net gain in biodiversity habitat units can be achieved, implemented and maintained in the long term. The LEMP is to include details set out within the Ecological Impact Assessment (enzygo, October 2022). The LEMP shall not be implemented other than as approved by the Local Planning Authority.

Reason: In the interests of protecting ecological assets.

- 13** No CCTV cameras or lighting shall be installed other than in accordance with a scheme to have first been submitted to and approved by the Local Planning Authority. The scheme shall not be installed other than as approved. No additional CCTV cameras or lighting shall be installed without prior consent from the Local Planning Authority.

Reason: In the interests of protecting ecological assets and the amenity of the area.

- 14** Containerised battery units, power conversion system units, customer HV switchgear, control room, welfare unit and perimeter security fence shall not be finished in colour other than in Moss Green (RAL6005). Finishing details of the District Network Operator substation/meter room shall be submitted to the Local Planning Authority for approval prior to the structure becoming operational and shall be finished as agreed.

Reason: In the interests of maintaining the visual amenity of the site

- 15** The height of the battery containers and power conversion units, including their bases, shall not exceed 3.8m above the existing ground levels as indicated on Existing Site Plan, Drawing STOR136_ESP.

Reason: In the interests of maintaining the visual amenity of the site

- 16** Not less than 12 months before the end of life of the development hereby permitted, a Decommissioning Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Decommissioning Method Statement (DMS) shall include details of the removal of the battery units, transformer units and all associated infrastructure, together with a timetable for these works. The DMS shall also include details of the proposed site restoration. The site shall be decommissioned, and the site restored in accordance with the approved DMS.

Reason: In the interests of visual amenity and to return the site to agricultural land.

- 17** The use hereby permitted shall not commence until precise details of the landscaping to development have been submitted to and approved in writing by the Local Planning Authority. The Landscaping shall be implemented in accordance with the approved details no later than the first planting season following the development being brought into use. The landscaping shall thereafter be maintained for a period of 5 years. If during this time any trees, shrubs or other plants are removed, die, or are seriously diseased these shall be replaced during 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 maintenance period.

Reason: In the interest of visual amenity.

- 18** Notwithstanding the submitted details, no above ground development shall take place until a Biodiversity Net Gain Assessment using the Defra Biodiversity Metric (or any updated or replacement metric used as the industry standard) including a schedule for implementation of works has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include details to demonstrate the development would secure measurable net gains for biodiversity and its future maintenance. The development shall be implemented in accordance with the approved details and thereafter be similarly maintained.

Reason: To ensure the development would deliver a biodiversity net gain across the local and landscape scales.

12. Informatives

- 1** In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
- 2** The applicant, developer, operator, and/or successor in title is strongly encouraged to refer to, and act on as necessary, advice and guidance received from the Environment Agency (26 April 2023), and Gloucestershire Fire and Rescue (11 April 2023) during consultation with this application.
- 3** Construction Management Plan (CMP) It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says: Constructors should give utmost consideration to their impact on neighbours and the public
 - Informing, respecting and showing courtesy to those affected by the work;
 - Minimising the impact of deliveries, parking and work on the public highway;
 - Contributing to and supporting the local community and economy; and
 - Working to create a positive and enduring impression, and promoting the Code. The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues. Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

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Legend

- Application Boundary
- Land in Applicant's Control

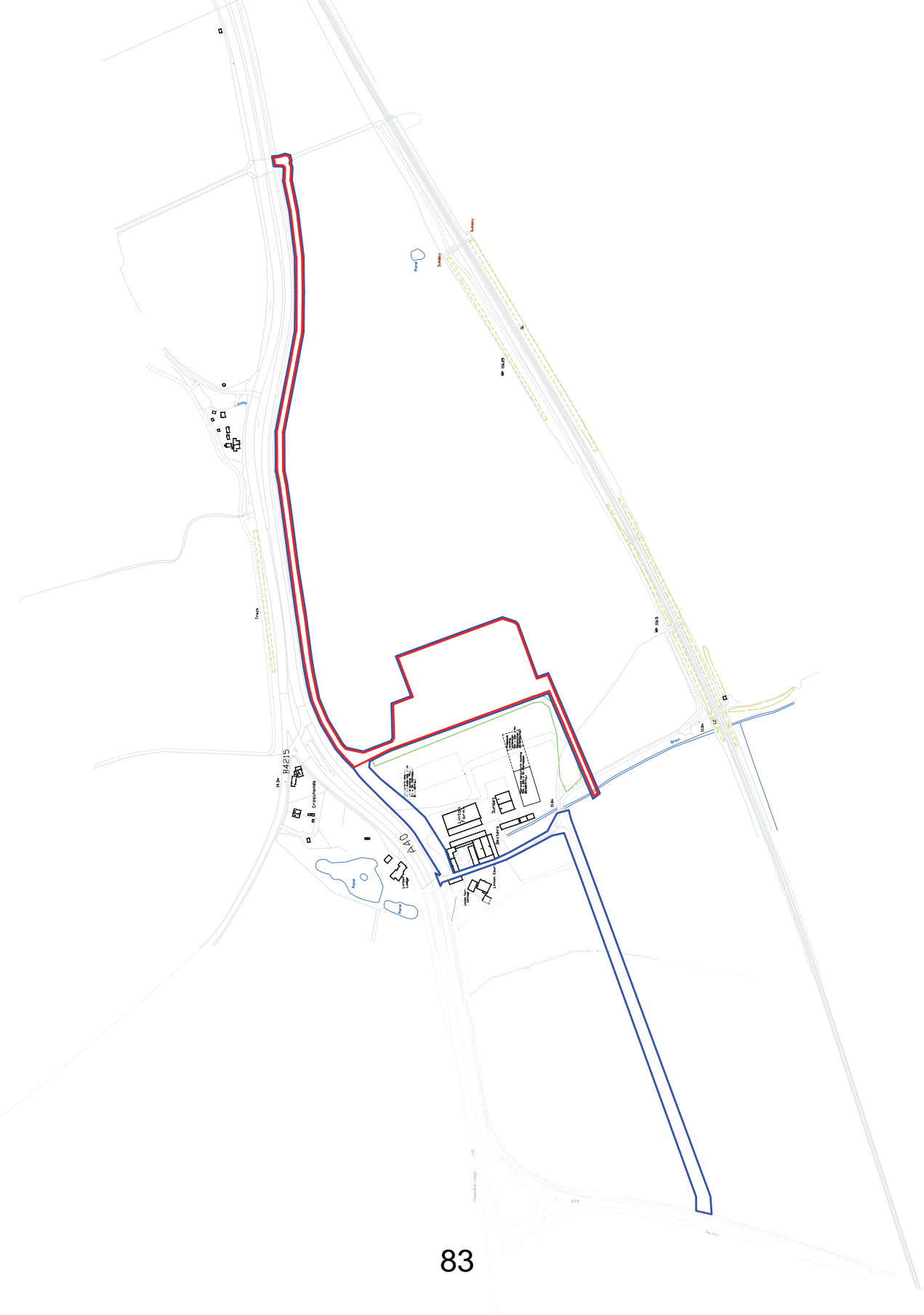
Rev	Description	Date	Initial
13	Emergency access to site via western entrance added	26-Apr-23	AL
12	Access 3 paving hatched and adjusted to reflect northern land	06-Oct-22	AL
11	Site shifted south to reflect technology. Ecology area added.	14-Sep-22	AL
10	Elevation views added	17-Aug-22	UC
9	Reduced 133M compound, hatched and site filled (technology)	15-Aug-22	AL
8	Access and Cable routes added	07-Aug-22	AL
7	RCS enlarged and centralized	07-Jul-22	AL
6	Landscape adjusted. SVP	09-Jun-22	AL
5	Estimation Corridor added	09-Jun-22	AL



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Client STOR136 LTD
 Project LINTON BESS
 Drawing Name LOCATION PLAN
 Drawing No. STOR136_LOC

Scale @ A3 1:5000
 Site Location GL2 8DF



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Legend



Application Boundary

Rev	Description	Date	Initial
14	Scale bar added to SLIP	30th May 23	AL
13	Emergency access to site via western entrance added	26 Apr 23	AL
12	Access 1, paving bays added and adjusted to reflect northern bund	06 Oct 22	AL
11	Site shifted south to reflect archaeology. Storage access added.	16 Sep 22	AL
10	Elevation views added	17 Aug 22	UC
9	Reduced 133kV compound, topo added and site filled accordingly.	15 Aug 22	AL
8	Access and Cable Routes added	02 Aug 22	AL
7	PC envisaged and constructed	07 Jul 22	AL
6	Final indicated SP	09 Jun 22	AL



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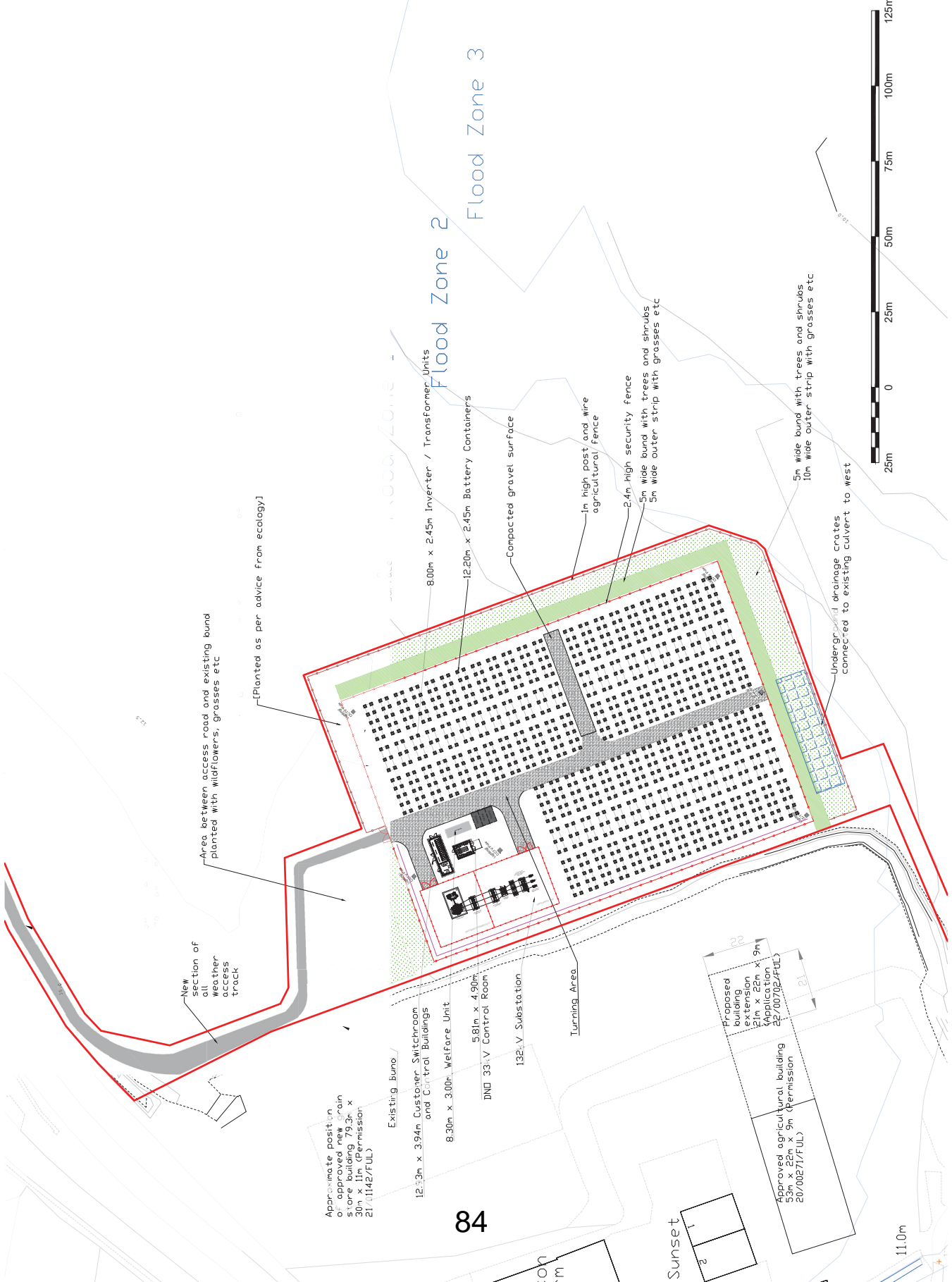
Project: LINTON BESS

Drawing Name: SITE LAYOUT PLAN

Drawing No.: STOR136_SLP

Scale @ A3: 1:1250

Site Location: GL2 8DF



Plant schedule - Native Tree and Shrub Mix:

Common Name	Botanical Name	Size (cm)	Type	Shelter	% Mix	Plant Numbers
Boundary Planting - Area S1						
					Centres (m):	S1
						S2
Broom	<i>Cyperus scoparius</i>	40-60	Transplant	No guard	5	15
Field Rose	<i>Rosa arvensis</i>	40-60	Transplant	600mm Mesh guard	10	25
Sweet Briar	<i>Rosa rubiginosa</i>	40-60	Transplant	600mm Mesh guard	10	25
Gorse	<i>Ulex europaeus</i>	40-60	2L Container	No guard	5	12
Blackthorn	<i>Prunus spinosa</i>	40-60	Transplant	600mm Mesh guard	5	12
Hazel	<i>Corylus avellana</i>	40-60	Transplant	600mm Mesh guard	25	62
Holly	<i>Ilex aquifolium</i>	40-60	5Ltr+ Container	600mm Mesh guard	15	37
Hawthorn	<i>Crataegus monogyna</i>	40-60	Transplant	600mm Mesh guard	25	62
Total:						100
Total:						249
Total:						480

Plant schedule - Tree Planting:

Common Name	Botanical Name	Size (cm)	Type	Shelter	Total
Fedunculate oak	<i>Quercus robur</i>	8-10 girth	Rooball	Staked only	16
Field Maple	<i>Acer campestre</i>	8-10 girth	Rooball	Staked only	6
Rowan	<i>Sorbus aucuparia</i>	8-10 girth	Rooball	Staked only	6
Silver birch	<i>Betula pendula</i>	8-10 girth	Rooball	Staked only	4
Green	<i>Prunus avium</i>	8-10 girth	Rooball	Staked only	4
Total:					36

Maintenance Schedule:

Item	Month (Annually)											
	J	A	M	Y	J	J	A	S	O	N	D	C
Wildflower Grassland Maintenance												
Grass cuts to wildflower areas and remove awnings (100mm height)												
Grass cuts along footpath routes (1m width, 50mm height) - 5x per year												
Checks for invasive, noxious or noxious weeds and removal/treat in accordance with species encountered												
Planting Areas Maintenance												
Maintain 1m wide weed-free circle around young plants and along hedgerows to minimum 5m herbicide application/seedbed weeding												
Weed eradication using herbicide and physical methods in grassland areas as appropriate for species or weed												
Grass cuts to ground vegetation within planting compartments areas to 75mm height												
Refrain plants and shelters, prune plants to remove dead or dying shoots and also suckers to favour leading shoot												
Replacement of plant failures and guards/stakes as required to maintain original stocking												
Use suitable formative pruning as required and as appropriate for plant species												

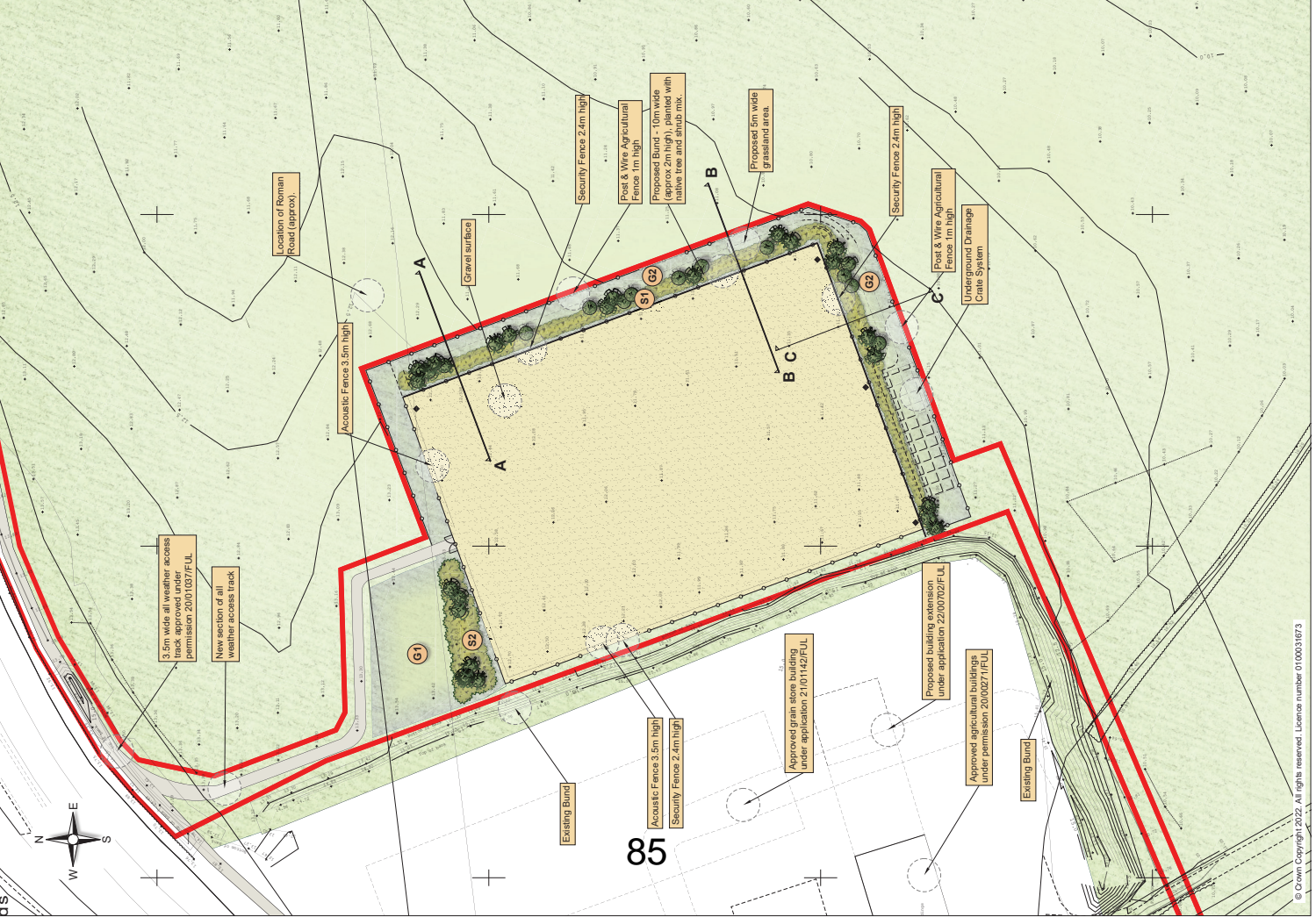
Soil
All topsoil and landscaping medium will be in accordance with BS 3982:2015. Grass areas minimum 150mm depth and tree and shrub areas minimum 300mm depth. All areas to be amended with a minimum of 20% topsoil. Ameliorants - to be applied to all newly planted areas. Secure Sclerbiller or similar approved - incorporate approx 1.5kg per m² of backfill and 70g/m² to shrub beds, or as per manufacturer instructions. Granular Slow Release Fertiliser (Scotts Emag) similar approved to be applied as per manufacturer's instructions.

Native Tree and Shrub Planting
All native trees and shrubs to be planted in prepared pits 800x600x300mm or feathered trees, and 300x300x300mm for whips. All trees to be planted in prepared pits. All trees to be well staked. Feathered trees to be single staked. All trees to be fitted with proprietary rabbit guards.

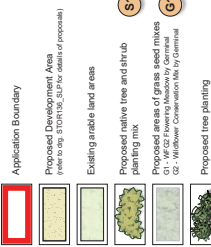
Shrubs to be planted in pits 150mm wider and deeper than their root balls. All shrubs to be planted in prepared pits. All shrubs to be well staked. All shrubs to be fitted with proprietary rabbit guards.

Grass Areas
Topsoil for grassed areas to be prepared to a fine till, all stones over 50mm removed, and limed to achieve a level surface. Grass seeding to comply with BS 4428. Water all grass areas to maintain healthy growth.

Following soil preparation all areas to be sown with grass seed mixes as identified on this drawing at a rate of 5g/m².
Maintenance - See schedule.



Legend:



Refer to Figure 2 for illustrative Landscape Sections A to C

All Dimensions to be checked on site and not scaled from this drawing.
This drawing is not for construction.
All services to be checked on site and not scaled from this drawing.



Client: STOR136 LTD

Drawing Title: Illustrative Landscape Masterplan	
Date: 03 May 2023	Scale: 1:1000
Drawn By: IS / Client	Checked By: FINAL
Client Ref: CE-ST-2120-DW02 - FINAL	Drawing No: Client Ref: Figure 1

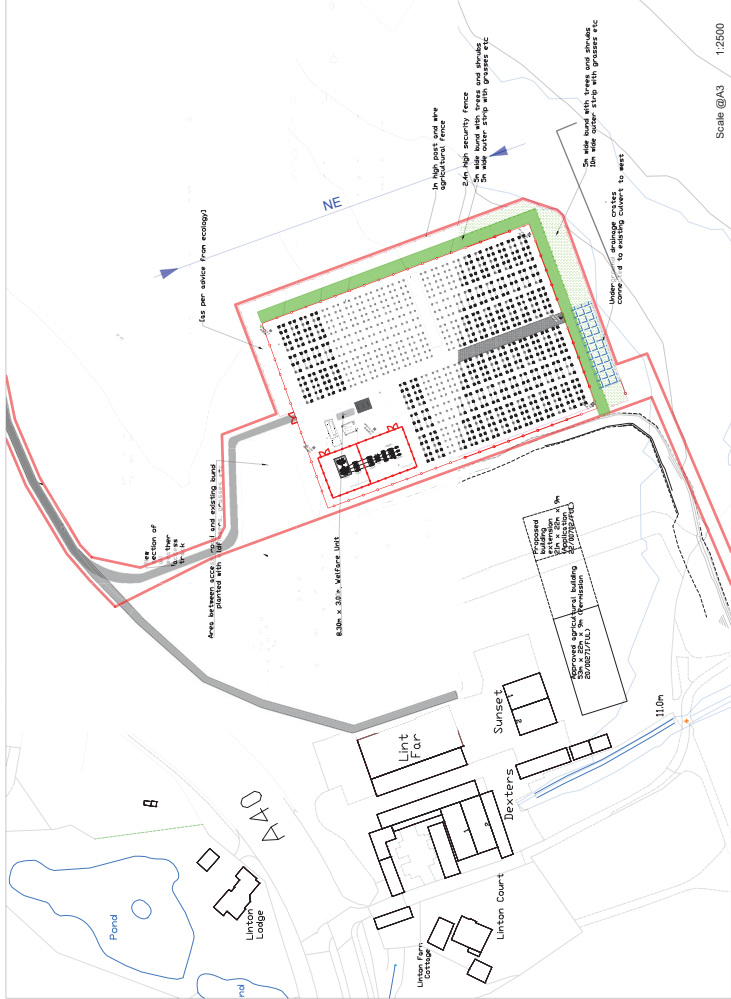
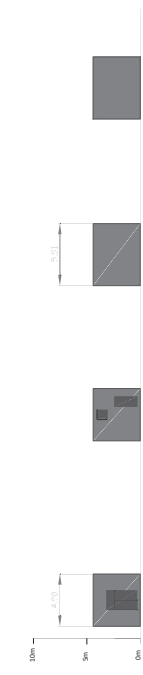
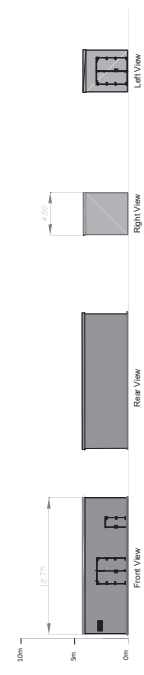
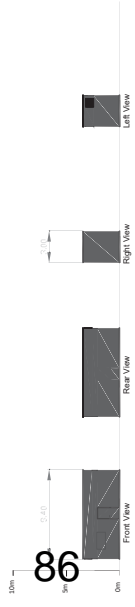
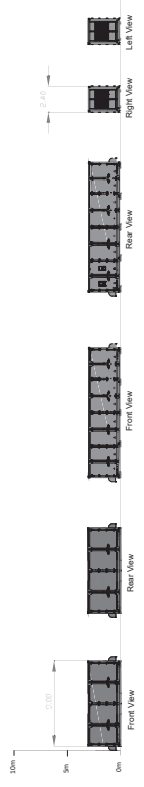
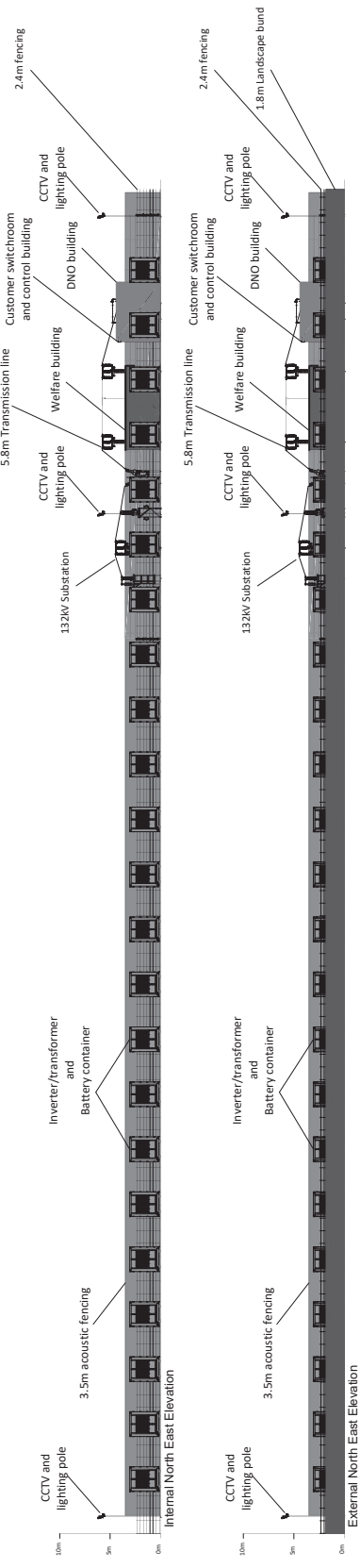
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Legend



Application Boundary



Rev	Description	Date	Initial
11	Site shifted south to reflect topography. Existing areas added.	17 Aug 22	UK
10	Reduced 132kV compound, tapo added and site shifted accordingly.	15 Aug 22	UK
9	Access arranged and ground level added.	08 Aug 22	AL
8	Access arranged and ground level added.	07 Jul 22	AL
7	Elementary Corrosion added.	06 Jun 22	AL
6	Option area enlarged.	28 Apr 22	AL
5	Option area enlarged.	10 Mar 22	AL
4	Option area enlarged.	10 Mar 22	AL
3	Option area enlarged.	10 Mar 22	AL
2	Option area enlarged.	10 Mar 22	AL
1	Initial site plan.	10 Mar 22	AL



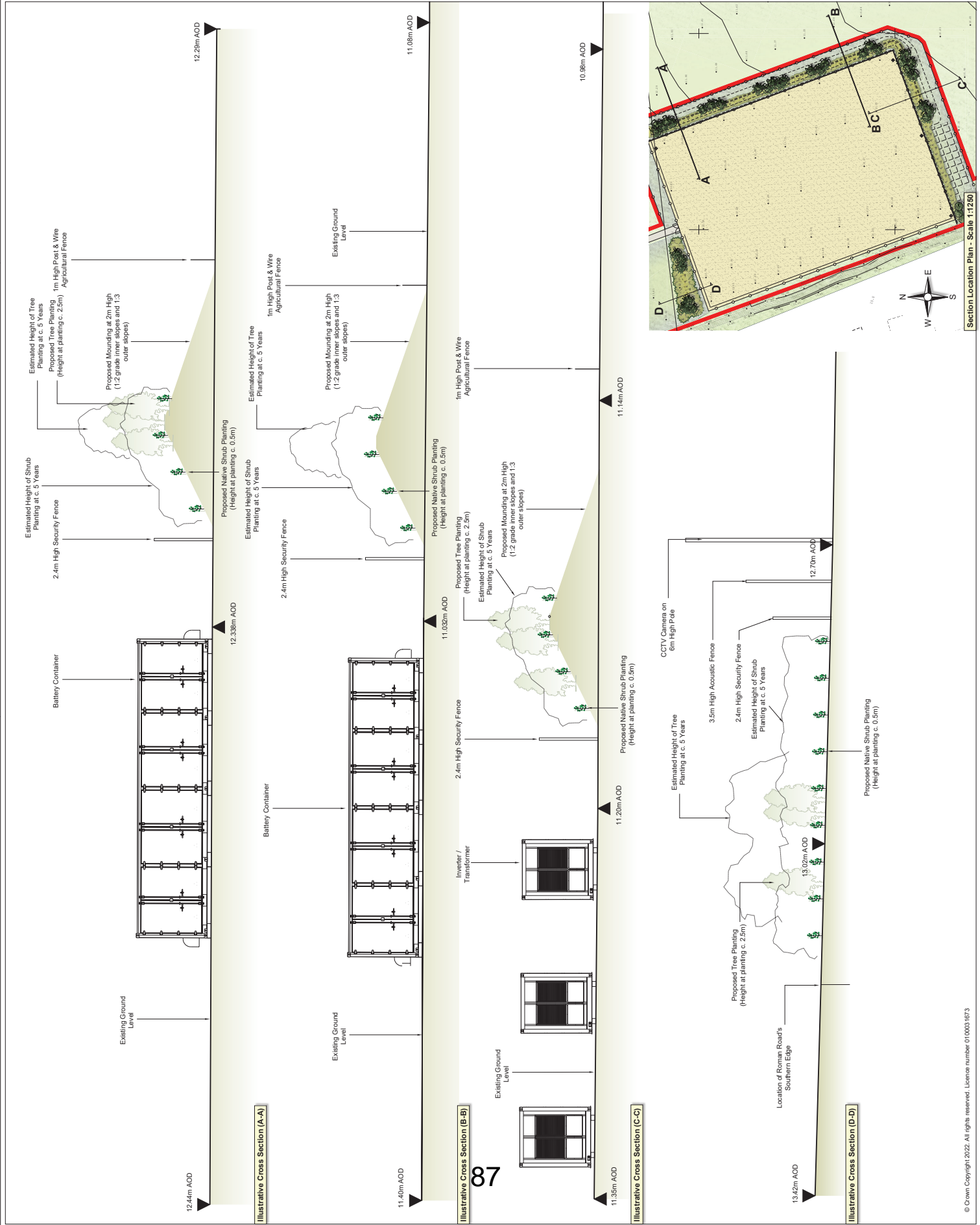
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Client STOR136 LTD
 Project LINTON BESS
 Drawing Name ELEVATIONS
 Drawing No. STOR136_ELEV010



Scale @ A3 1:500
 Site Location GL2 8DF

Scale @A3 1:2500



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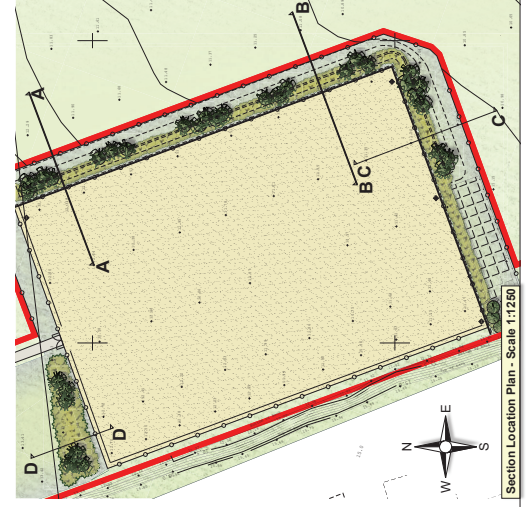
Consultant:
Crestwood Environmental Ltd
 One The Hub Centre
 100 The Hub
 Walsingham, Norfolk
 Tel: 01932 84207
 Fax: 01932 84208
 info@crestwoodenvironmental.co.uk

Client:
STOR136 LTD

Drawing Title:
Illustrative Landscape Sections

DWG No:
Linton Bess

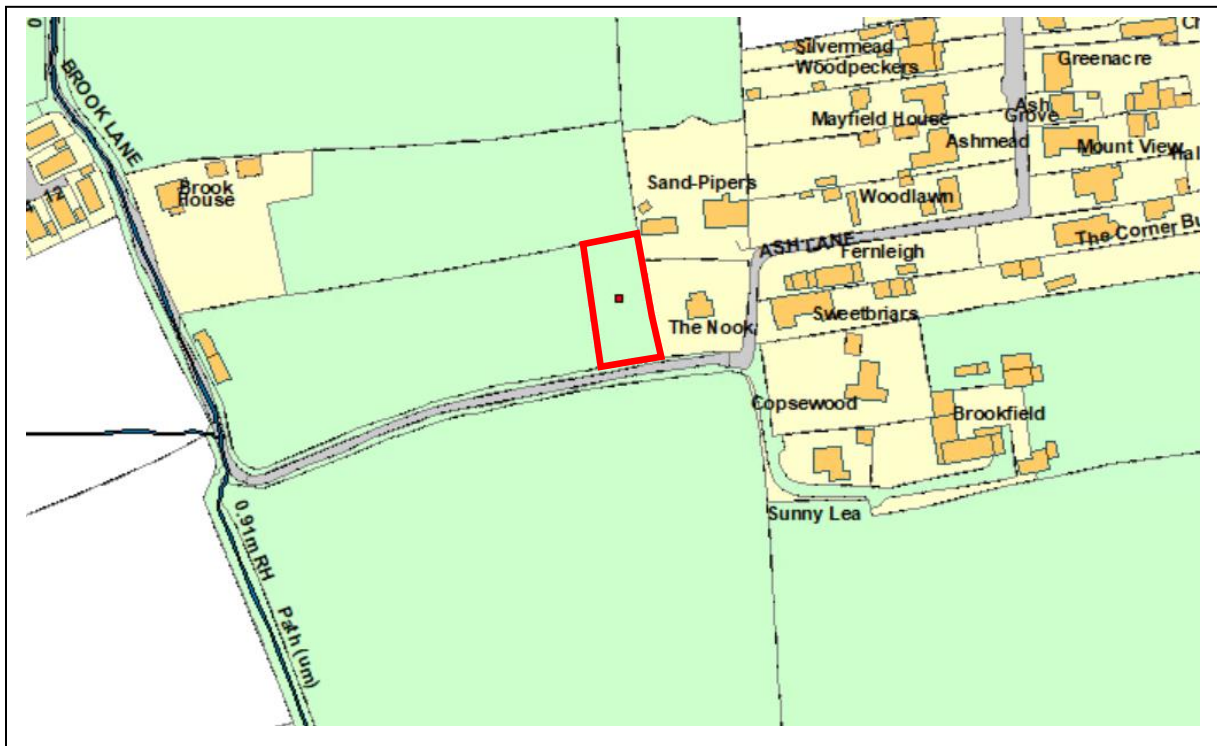
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IS:		Final Revision:	B	Client Ref:	CE-ST-21-20-DW02 - FINAL
Client Ref:		Drawing No. / Client Ref:		Figure:	Figure 2



Planning Committee

Date	15 August 2023
Case Officer	Frank Whitley
Application No.	22/01367/PIP
Site Location	Field North of Brook Lane, Ash Lane, Down Hatherley
Proposal	Permission in principle for residential development of two dwellings
Ward	Severn Vale South
Parish	Down Hatherley
Appendix	Location Plan (amended) Dwg No.22.11.01
Reason for Referral to Committee	Parish Objection
Recommendation	Permit

Site Location



1. The Proposal

- 1.1 The application seeks permission in principle (PIP) for the erection of two dwellings.
- 1.2 Full application details are available to view online at:
<https://publicaccess.tewkesbury.gov.uk/online-applications/>

2. Site Description

- 2.1 The application site is a rectangular grassed field to the northern side of Brook Lane and measures approximately 26 metres x 48 metres. Immediately to the east is the dwelling and domestic curtilage of 'The Nook'. To the north and west are agricultural fields, bounded by established trees and hedgerow.
- 2.2 The site falls within the Innsworth and Twigworth Strategic allocation as defined on the proposals map to the JCS and is not subject to any landscape designation. Innsworth Meadow SSSI is 550 metres to the south west.
- 2.3 The site would be accessed from Brook Lane to the south and submitted illustrative plans show how two dwellings could be accommodated on the site in a 'side-by-side' layout. (See plan attached)

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
	None		

4. Consultation Responses

4.1 Down Hatherley Parish Council – Objection

Details of the Parish Council objection are summarised:

- The villages of Down Hatherley and Twigworth are completely saturated with new development. The argument trying to justify this application under the umbrella of the JCS (housing) initiative, or TBCs lack of a five-year housing supply, should be robustly opposed.
- Application site is green space and is neither in a village environment or is infill development.
- Contrary to Neighbourhood Development Plan which seeks to preserve open green spaces, Green Belt and the rural character of the settlements.
- Very significant risk of flooding
- Very significant sewerage infrastructure failure causing pollution to area, waterways, and harming neighbouring dwellings
- No housing need in area
- Unsuitable for traffic as unadopted road

4.2 Ecology – Objection

We would expect a Preliminary Ecological Appraisal (PEA) to be undertaken by suitably qualified ecologist, prior to determination to ensure that any ecological features associated with the site are identified, potential impacts from the proposed works are fully assessed and appropriate mitigation and enhancements are recommended.

4.3 County Council Highways – No objection

4.4 Land Drainage Comments – Objection

- Unclear if land has access to foul sewer or reliant on 3rd party permission.
- Ground conditions unsuitable for infiltration due to shallow strata and clay underneath. This causes water to move 'downstream' along strata affecting neighbouring properties and their ability to discharge also.
- Will not accept proposal to discharge surface water to foul sewer which is unmapped and in unknown condition.

4.5 Trees Officer – No comments received

4.6 Severn Trent Water – has not been consulted specifically on this application though general comments have been received about new residential development in the area regarding foul water disposal. Comments and discussions are set out in the Analysis section below.

5. Third Party Comments/Observations

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

5.2 The application has been publicised through direct neighbour notification and the posting of a site notice for 21 days. Seven objections have been received summarised as follows:

- Ash Lane and Brook Lane are unsuitable access tracks and no legal right of access
- Large vehicles will further damage access track
- There would be no responsibility to maintain track, unlike existing residents who currently pay for maintenance.
- Local flooding and very significant sewerage issues
- Rural area and not even a village character
- Environmental and wildlife damage to rural area
- No housing need and development is only in pursuit of financial gain
- Inadequate sewerage, electricity infrastructure- irresponsible and dangerous to build more homes
- Noise pollution
- Loss of trees and hedges

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 SP2 Distribution of New Development
Policy SD4 Design Requirements
Policy SD9 Biodiversity and Geodiversity
Policy SD10 Residential Development
Policy SD14 Health and Environmental Quality
Policy INF1 Transport Network
Policy INF2 Flood Risk Management
- 6.4 Tewkesbury Borough Local Plan to 2011-2031 (TBP) – Adopted 8 June 2022
Policy RES2 Settlement Boundaries
Policy RES5 New Housing Development
Policy ENV2 Flood Risk and Water management
Policy NAT1 Biodiversity, Geodiversity and Important Natural Features
- 6.5 Down Hatherley, Norton, and Twigworth Neighbourhood Development Plan 2011-2031
Policy FP1: Demonstrating effectiveness of water holding techniques, their maintenance in perpetuity, and of sewerage capacity

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) (TBP), 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 Planning guidance states that decisions for planning in principle must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise.

8.2 It should be noted however that only matters of location, amount of development and use are within the scope of consideration for a permission in principle application and the determination of this proposal.

8.3 The main issues in the consideration of this application are as follows:

- Location
- Land Use and Amount
- Other Matters

Location

8.4 The NPPF at Chapter 5 seeks to deliver a sufficient supply of homes. Paragraphs 78-80 deal with rural housing. Under Paragraph 74 of the 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.

8.5 Policy SP1 (The Need for New Development) of the JCS states that provision will be made for 35,175 new homes, within existing urban areas through District Plans, existing commitments, urban extensions, and strategic allocations. Policy SP2 (Distribution of New Development) amongst other requirements, states that dwellings will be provided through existing commitments, development at Tewkesbury town, in line with its role as a market town, smaller scale development meeting local needs at Rural Service Centres and Service Villages.

8.6 The application site lies within an area defined by Policy SA1 (Strategic Allocations Policy) and relates to land removed from the Green Belt. The policy sets out that development will be provided within Strategic Allocations to deliver the scale and distribution of development set out in Policies SP1 and SP2.

8.7 The application site lies to the eastern edge of the Innsworth and Twigworth Strategic Allocation and is subject to JCS Policy A1(Innsworth and Twigworth). The Policy broadly sets out a requirement for approximately 2,295 homes to be delivered in addition to an appropriate mix of community facilities, education, green infrastructure, protection of biodiversity, flood risk management and highway improvements.

8.8 The JCS Indicative site layout plan for the A1 allocation area defines the site and land to the north south and west as being appropriate for housing and related infrastructure. The principle and 'location' aspect of the application is therefore considered acceptable.

8.9 While there is no planning history for the application site, it should also be noted that immediate area has been subject to numerous applications for housing development including application no. 22/00364/APP for 340 dwellings on land extending immediately south of Brook Lane (opposite the application site).

8.10 Officers also refer to the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan 2011-2031, where it states that no new housing growth is planned in the Parish of Down Hatherley. Accordingly, there are no housing specific policies for the Parish and instead it relies on the national and Development Plan policies including JCS Policy A1 of the adopted JCS applies. The principle of development is therefore considered acceptable.

Land use

- 8.11** Planning guidance sets out that housing led development is an accepted land use for a permission in principle application. Whilst matters of detail remain a consideration for the Technical Matters stage it is noted that no fundamental objections have been raised in respect of the principle of development by the Local Highway Authority or Severn Trent Water in respect of the proposed land use and subject to further consideration at the technical details stage.

Amount

- 8.12** Illustrative drawings have been received and it is considered that two dwellings could physically be accommodated on the site, however it would be for the applicant to demonstrate at the technical details stage that the quantum dwellings could be accommodated on the site in accordance with the relevant planning policy requirements and the constraints of the site.

Other Matters

Drainage and Flood Risk

- 8.13** The Council's Land Drainage Officer initially expressed significant concerns about the site's ability to dispose of surface and foul water, even though located in Flood Zone 1 (the lowest risk). However further information was submitted through the application process to demonstrate that surface water could discharge to a ditch to the rear of the site. This has resolved officers' initial concerns in relation to drainage principles however detailed drainage designs would need to accompany any future application for technical details consent and is a matter to be assessed at that time.
- 8.14** Officers have discussed the drainage and foul sewer arrangements extensively with Severn Trent Water (STW) where the issue relates to ground conditions in the area. STW has been consulted specifically on this application, and their final opinion has been sought where common issues relate to three undetermined 'PIP' applications in the Down Hatherley area, including this application and:

22/01367/PIP Field North off Brook Lane, Ash Lane, Down Hatherley, Gloucester
22/01318/PIP Land at, Greenacre And Mount View, Ash Lane, Down Hatherley

- 8.15** STW reported on 29 March 2023 as follows:
'...we do have concerns within the area, and due to this we are carrying out a modelling exercise to determine the effects this development (and others) will have on our existing assets, pump stations and treatment works.

We anticipate the works will be carried out in due course (although I do not have an exact date for this) and would anticipate to provide further comment to the Local Planning Authority mid to late April 2023. Until this time we are unable to provide any further comment'

STW further reported on 12 May 2023:

'... we have now received and assessed the modelling report, which shows a high risk of flooding. Due to this, we are unable to accept any new flows until upgrades have been delivered.

I would please request a Grampian Condition is applied on this development to state that no dwelling is to connect to the public sewer (for foul sewage only) until upgrades have been carried out by STW. No Surface water is to be discharged into the public sewerage system, and alternative arrangements will need to be investigated’.

- 8.16** Officers share the concerns of STW about the ability of new dwellings to dispose of foul water and the availability of a suitable connection at this location and note Policy FP1 in respect of surface water storage.
- 8.17** The suggestion from STW was that a Grampian Condition could be imposed (such as that suggested above), which would prevent development taking place until upgrades to the sewerage system had taken place are noted. However, Officers have concluded that such a condition cannot lawfully be applied to the decision notice for a ‘PIP’ application as PIP proposals cannot be conditioned. For that reason, STW have reviewed their position and reported on 6 June 2023 as set out in the consultation responses reported above as follows:

‘If this application progresses, we would request the submission of drainage proposals are provided for our comment at the earliest opportunity. It is important to note that we would not permit a surface water discharge into the public combined sewer or the public foul sewer, and recommend the applicant seeks alternative arrangements.

- 8.18** STW’s latest position means that foul and surface water is no longer a locational issue which can reasonably be used to preclude ‘planning permission in principle’ being granted and is a matter for consideration at the technical Details Consent stage. The matters raised by Severn Trent can however be recorded as an informative attached to the decision.
- 8.19** While it is noted that there are concerns in respect of surface water drainage and possible associated flood risk, it should be noted that such matters (amongst others) are not a detail for consideration at this time and fall within the scope of any subsequent Technical Details Consent (TDC) application. In the event a TDC application is submitted, the LPA would have the ability to refuse planning permission if a satisfactory solution to drainage and other matters could not be secured.
- 8.20** It should also be noted that the site will not benefit from planning permission until (and if) the TDC application has been granted. Further controls could be imposed at the TDC stage by way of conditions. Other technical matters to be addressed at the planning application stage would include (though are not limited to) design, highway safety, amenity and ecology and appropriate assessments and mitigation will be required at that stage.

Parish Council Concerns

- 8.21** In response to the Parish Council’s concerns that the proposal would be contrary to the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan 2011-2031 (NDP), it should be noted that there are no direct policies that relate to the provision of new housing sites in Down Hatherley Parish. The NDP explains that no new housing growth is planned in Down Hatherley Parish and therefore no settlement boundaries are defined. It goes on to state that given the poor sustainability and the Green Belt designation over the majority of the Parish, it is not necessary for the NDP to replicate the national and Development Plan policies that preclude new housing development in the area. Accordingly, there are no housing specific policies for the Parish and instead it relies on the national and Development Plan policies. Consequently, there is not considered to be any direct policy conflict with the NDP at this first stage of the permission in principle.

9. Conclusion

- 9.1** This application for planning in principle is limited to consideration of Location, Use and Amount and on this basis it is considered that the proposal complies with the NPPF, Policies SP1, SP2, SA1 and A1 of the adopted Joint Core Strategy 2011-2031 and so far as can be considered under a PIP application the Tewkesbury Borough Plan 2011 to 2031 and the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan 2011 to 2031.
- 9.2** It is therefore recommended that Permission in Principle be granted.

10. Recommendation

- 10.1** The proposal accords with relevant policies as outlined above; it is therefore recommended permission in principle is granted. No conditions are recommended in accordance with the determination requirements of Planning in Principle proposals; however the following informatives are recommended.

11 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** In accordance with the requirements of the NPPF the Local Planning Authority has
Should this application progress to technical approval, Severn Trent request the submission of drainage proposals are provided for their comment at the earliest opportunity. It is important to note that ST would not permit a surface water discharge into the public combined sewer or the public foul sewer, and recommend the applicant seeks alternative arrangements. Severn Trent Water advise that there is a public 1800mm combined sewer, and a public pressurised foul sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.
Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required, there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert Severn Trent assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

There is also a pumping station close to the site and any new development must not restrict Severn Trent's access to the Sewage Pumping Station (SPS). Severn Trent will require free access to the SPS at all times in order to complete any programmed routine maintenance tasks and also for any emergency reactive visits in case of failure. Please note that due to the close proximity of the proposed new development the occupant may experience noise and/or smell pollution. In order to minimise disruption to any future occupant(s), we would advise that all habitable buildings are constructed a minimum of 15metres from the curtilage of the SPS compound.



Location Plan - scale 1:1250

All figured dimensions to be checked on site before commencing work.
 No dimensions are to be scaled from this drawing.
 This drawing is to be used for Planning Permission only.
 A3 drawing



New house

Sand-Pipers



Site Plan - scale 1:500

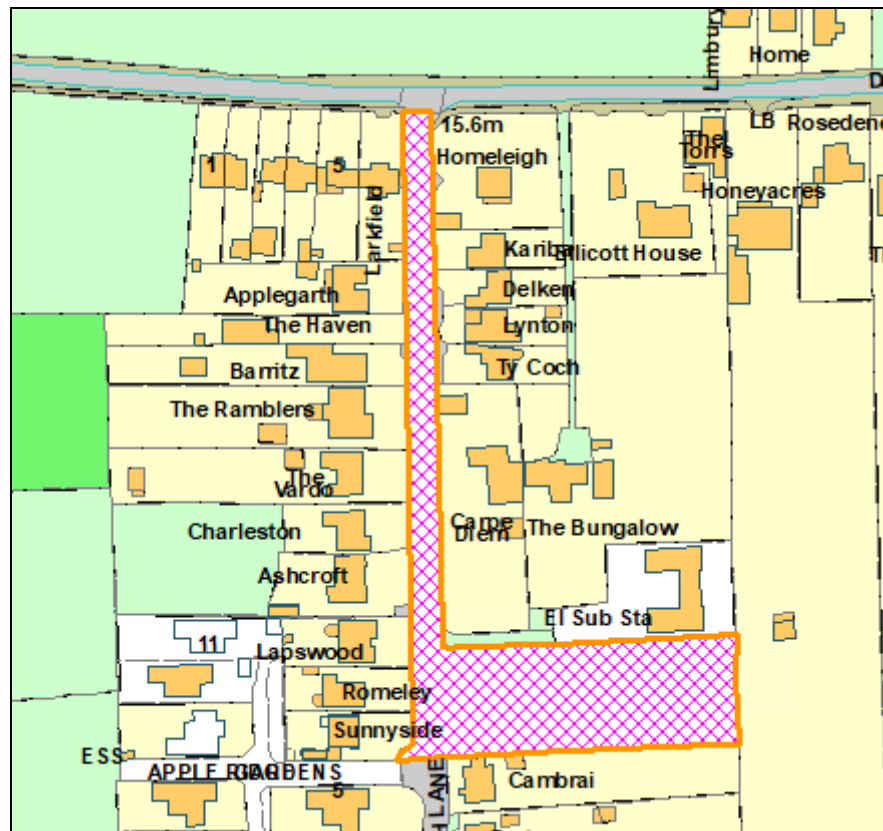
Date	Scale
Nov 2022	as shown
Drawing No. 22.11.01	

Land North of Brook Lane, Down Hatherley, Gloucester. GL2 9PS

Planning Committee

Date	15 August 2023
Case Officer	David Lowin
Application No.	22/01316/PIP
Site Location	Land At Ash Lane, Down Hatherley
Proposal	Permission in principle for residential development of up to six dwellings
Ward	Severn Vale South
Parish	Down Hatherley
Appendices	Indicative Site Location Plan Number 12 Existing Site location plan Drawing Number 13 Proposed Site layout plan Number 14
Reason for Referral to Committee	Parish Objection
Recommendation	Permit

Site Location



1. The Proposal

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RMFBQMQD0PB00>

- 1.1 This application seeks permission in principle for a residential development of up to six dwellings

2. Site Description

- 2.1 This application relates to a parcel of land to the east of Ash Lane, which is in Down Hatherley (see attached Site Location Plan).
- 2.2 The site is generally level, covers approximately 0.33 hectares and is laid to grass. The site is bound by open fields to the east, Ash Lane to the west and residential dwellings to the northern and southern boundaries.
- 2.3 The site is not subject to any formal landscape designation but is in an area of safeguarded land as defined in the proposals maps to the JCS.
- 2.4 This application is for a Permission in Principle (PIP), as provided for in the Town and Country Planning (Permission in Principle) Order 2017 and follows a recent application for Permission in Principle for up to four dwellings (under application reference 21/00617/PIP) on part of the current application site and a previous full planning permission for two dwellings granted in April 2021 and under application reference 20/01023/FUL for the western part of the site.
- 2.5 Since the extant PIP for up to four dwellings was granted (referenced in the relevant planning history below), there have been several changes which support this current proposal for up to six dwellings on the site. The site area has been increased with additional land along the length of its Northern boundary, facilitating an increase in the amount of development that could be accommodated on the site. In addition, the immediate site context has changed with new housing developments to the North of the site (located to the rear of frontage housing on Ash Lane) being granted permission. The construction of two of these dwellings abutting the Northern boundary of the application site has been completed, so changing the relationship of the site with the existing built form of the area.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
78/00407/FUL	Use of land for the stationing of a mobile home. (Temporary)	REF	28.02.1978
78/00408/FUL	Extension to existing bungalow to provide an enlarged living room and erection of a granny annexe.	REF	28.02.1978
15/00720/FUL	Village infill development of two detached dwellings.	PER	06.11.2015

20/01023/FUL	Erection of two detached dwellings (Revised application to full permission granted under application reference: 15/00720/FUL)	PER	23.04.2021
21/00617/PIP	Permission in Principle for the erection of up to 4 dwellings.	PER	16.02.2022

4. Consultation Responses

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

4.1 Down Hatherley Parish Council – Objection.

- Overdevelopment
- No demonstrable local need for these additional houses
- Existing very serious drainage and sewerage infrastructure problems in the Ash Lane locality
- Green Belt

4.3 Severn Trent (final comment) – No objections subject to detailed drainage proposals to be submitted at technical approval stage and an informative to the applicant concerning future drainage proposals.

4.4 County Highways – No objection. The application site is located within easy walking distances to regular commutable bus services to Tewkesbury and Gloucester. It is also within the acceptable 5km cycling distances to several services and amenities.

4.5 Land Drainage Comments - Objection:

- Unclear if land has access to foul sewer or reliant on 3rd party permission.
- Ground conditions unsuitable for infiltration due to shallow strata and clay underneath. This causes water to move ‘downstream’ along strata affecting neighbouring properties and their ability to discharge also.
- Will not accept proposal to discharge surface water to foul sewer which is unmapped and in unknown condition

5. Third Party Comments/Observations

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

5.2 The application has been publicised by site notice for a period of 21 days.

5.3 Seven letters of objection have been received in summary concerned that the proposal will:

- Comprise an unacceptable level of development.
- Drainage issues
- Highway Impact unacceptable on private road’
- Detriment to character of Ash Lane as a country lane,
- No need for additional housing
- Green Belt location
- Piecemeal development

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

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

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

6.2 National guidance

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

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

- Policy SP1(The Need for Development)
- Policy SP2 (Distribution of New Development)
- Policy SD5 (Green Belt)
- Policy SD10 (Residential Development)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk Management)
- Policy A1 (Innsworth and Twigworth)

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

- Policy RES 3 (New Housing Outside Settlement Boundaries)
- Policy RES 4 (New Housing at other Rural settlements)
- Policy ENV2 (Flood Risk and Water Management)
- Policy SD5 (Green Belt)

6.5 Neighbourhood Plan

Down Hatherley, Norton and Twigworth Neighbourhood Development Plan – 2011-2031 - FP1 – (Demonstrating effectiveness of water holding techniques, their maintenance in perpetuity, and of sewerage capacity).

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 adopted Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and the made Down Hatherley, Norton and Twigworth Neighbourhood Development Plan – 2011-203.

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

- 7.4 Other material policy considerations include Town and Country Planning (Permission in Principle) Order 2017, 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 Planning guidance states that decisions for planning in principle must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise.
- 8.2 It should be noted however that only matters of location, amount of development and use are within the scope of consideration for a permission in principle application and the determination of this proposal.
- 8.3 The main issues in the consideration of this application are as follows:
- Location and Principle of Development
 - Land Use and Amount
 - Other Matters

Location and Principle of development

- 8.4 The NPPF at Chapter 5 seeks to deliver a sufficient supply of homes. Paragraphs 78-80 deal with rural housing. Under Paragraph 74 of the 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.
- 8.5 Policy SP1 (The Need for New Development) of the JCS states that provision will be made for 35,175 new homes, within existing urban areas through District Plans, existing commitments, urban extensions, and strategic allocations. Policy SP2 (Distribution of New Development) amongst other requirements, states that dwellings will be provided through existing commitments, development at Tewkesbury town, in line with its role as a market town, smaller scale development meeting local needs at Rural Service Centres and Service Villages, however the site lies outside such defined areas but is in proximity to JCS Strategic Allocation A1 – Innsworth & Twigworth.
- 8.6 The application site was removed from the designated Green Belt as part of the boundary review during the adoption of the JCS and now forms part of the wider 'safeguarded land'. The new boundaries identified on the Green Belt map have taken into account longer-term need by identifying safeguarded land which may be required beyond the JCS plan period to ensure that the Green Belt does not need an early review. Criterion 7 (iv) of Policy SD5 of the JCS sets out that safeguarded areas are not allocated for development at the present time and planning permission for the permanent development of safeguarded land (except for uses that would not be deemed inappropriate within the Green Belt) will only be granted if a future review of the JCS deems the release of the land necessary and appropriate and proposes the development. That review is currently underway.

- 8.7** Given the above policy provision, it is necessary to first establish whether the development would not be deemed inappropriate within a Green Belt. Policy SD5 of the JCS sets out that, to ensure a Green Belt continues to serve its key functions, it will be protected from harmful development. Within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless it can be demonstrated that very special circumstances exist to outweigh the harm automatically caused to the Green Belt by virtue of the development being inappropriate and any other harm caused.
- 8.8** The NPPF provides that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF provides that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Paragraph 149 of the NPPF sets out that the construction of new buildings in the Green Belt is inappropriate other than for several exceptions. One such exception (e) listed is limited infilling in villages.
- 8.9** The NPPF does not provide a definition of either what constitutes a "village" or "limited infilling". Likewise, Policy SD5 of the JCS similarly does not provide a definition in this context therefore a degree of judgement is necessary. In terms of whether Down Hatherley is a village, previous decisions in the immediate vicinity of the site have established that the settlement is considered to constitute a village in this context, though without a village development boundary, but does not exclude the village from any new housing development as Paragraph 38 of the made Neighbourhood Plan makes clear.
- 8.10** In response to the Parish Council's concerns that the proposal would be contrary to the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan 2011-2031 (NDP), there are no direct policies that relate to the provision of new housing sites in Down Hatherley Parish. The NDP explains that no new housing growth is planned in Down Hatherley Parish and therefore no settlement boundaries are defined. It goes on to state that given the poor sustainability and the Green Belt designation over the majority of the Parish, it is not necessary for the NDP to replicate the national and Development Plan policies that preclude new housing development in the area. Accordingly, there are no housing specific policies for the Parish and instead it relies on the national and Development Plan policies. Consequently, there is not considered to be any direct policy conflict with the NDP at this first stage of the permission in principle.
- 8.11** In terms of 'limited infilling' whilst it is considered that the proposal would represent infilling in the context of Policy SD10, it does not necessarily follow that it represents infilling in a Green Belt context. Recent case law has established that it is necessary to consider whether, as a matter of fact on the ground, a site appears to be within a village and whether a site lies outside a village boundary as designated in a development plan should not be determinative of the point. In this case there is no designated village development boundary.
- 8.12** The planning history of the site as set out above shows the application site has been previously considered as infilling and has resulted in being considered acceptable for residential development in principle and this remains the same with this current application.
- 8.13** Having regard to the planning history of the site and the nature of the proposal as essentially 'infilling' in an already built-up frontage to the unadopted Ash Lane the principle of a residential development at this site is considered acceptable in terms of Development Policy in particular Policy SD10 of the JCS Criteria 4ii.

- 8.14** In terms of the Tewkesbury Borough Plan 2011-2031 (TBP) the application site has not been allocated for housing and Down Hatherley is not featured within the settlement hierarchy. However, Policy RES4 of the TBP sets out that to support the vitality of rural communities and the continued availability of services and facilities in the rural areas, very small-scale residential development will be acceptable in principle within and adjacent to the built-up area of other rural settlements, subject to the development complying with a number of criteria. For the reasons set out above, it is considered that the proposal would relate reasonably well to existing building and would be proportionate to the size and function of the settlement.
- 8.15** It is noted that the applicant has also made a case that the Council does not have a five-year land supply which also predicates in favour of the proposal. While the Council do not consider this the case and all relevant JCS housing policy remains valid, it is nevertheless considered that the proposal complies with relevant policies in respect of the location of development.

Land use

- 8.16** Planning guidance sets out that housing led development is an accepted land use for a permission in principle application. Whilst matters of detail remain a consideration for the Technical Matters stage it is noted that no fundamental objections have been raised in respect of the principle of development by the Local Highway Authority or Severn Trent Water in respect of the proposed land use and subject to further consideration at the technical details stage.

Amount

- 8.17** Illustrative drawings have been received and it is considered that up to six dwellings could physically be accommodated on the site, however it would be for the applicant to demonstrate at the technical details stage that any quantum dwellings (up to 6 dwellings) could be accommodated on the site in accordance with the relevant planning policy requirements and the constraints of the site.

Other Matters

Drainage and flood risk

- 8.18** Officers have discussed the drainage and foul sewer arrangements extensively with Severn Trent Water (STW) where the issue relates to ground conditions in the area. STW has been consulted specifically on this application, and their final opinion has been sought where common issues relate to three undetermined 'PIP' applications in the Down Hatherley area, including this application and:

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8.20 STW further reported on 12 May 2023:

'... we have now received and assessed the modelling report, which shows a high risk of flooding. Due to this, we are unable to accept any new flows until upgrades have been delivered.

I would please request a Grampian Condition is applied on this development to state that no dwelling is to connect to the public sewer (for foul sewage only) until upgrades have been carried out by STW. No Surface water is to be discharged into the public sewerage system, and alternative arrangements will need to be investigated'.

8.21 Officers share the concerns of STW about the ability of new dwellings to dispose of foul water and the availability of a suitable connection at this location and note Policy FP1 in respect of surface water storage.

8.22 The suggestion from STW was that a Grampian Condition could be imposed (such as that suggested above), which would prevent development taking place until upgrades to the sewerage system had taken place are noted. However, Officers have concluded that such a condition cannot lawfully be applied to the decision notice for a 'PIP' application as PIP proposals cannot be conditioned. For that reason, STW have reviewed their position and reported on 6 June 2023 as set out in the consultation responses reported above as follows:

'If this application progresses, we would request the submission of drainage proposals are provided for our comment at the earliest opportunity. It is important to note that we would not permit a surface water discharge into the public combined sewer or the public foul sewer, and recommend the applicant seeks alternative arrangements.

8.23 STW's latest position means that foul and surface water is no longer a locational issue which can reasonably be used to preclude 'planning permission in principle' being granted. The matters raised by Severn Trent can however be clearly recorded as an informative attached to the decision.

8.24 The Council's Land Drainage Officer has expressed significant concerns about the site's ability to dispose of surface and foul water, even though located in Flood Zone 1 (the lowest risk). However such detailed considerations remain a matter for consideration at the technical details stage where such matters would be assessed fully.

8.25 While it is noted that there are concerns in respect of surface water drainage and possible associated flood risk, it should be noted that such matters (amongst others) are not a detail for consideration at this time and fall within the scope of any subsequent Technical Details Consent (TDC) application. In the event a TDC application is submitted, the LPA would have the ability to refuse planning permission if a satisfactory solution to drainage and other matters could not be secured.

- 8.26** It should also be noted that the site will not benefit from planning permission until (and if) the TDC application has been granted. Further controls could be imposed at the TDC stage by way of conditions. Other technical matters to be addressed at the planning application stage would include (though are not limited to) design, highway safety, amenity and ecology and appropriate assessments and mitigation will be required at that stage.

9. Conclusion

- 9.1** Within the scope of the permission in principle stage, there is no objection to development for residential purposes in terms of location, amount of development and land use.
- 9.2** The drainage matters raised by Severn Trent Water and the Drainage Engineer would be matters for consideration and would need to be addressed at TDC stage. In the meantime, an informative relating to these matters can be attached to a permission to inform any future TDC application.
- 9.3** The proposal complies with the NPPF, and relevant Development Plan policy as set out in this report and the Neighbourhood Plan. It is therefore recommended that Permission in Principle be granted.

10. Recommendation

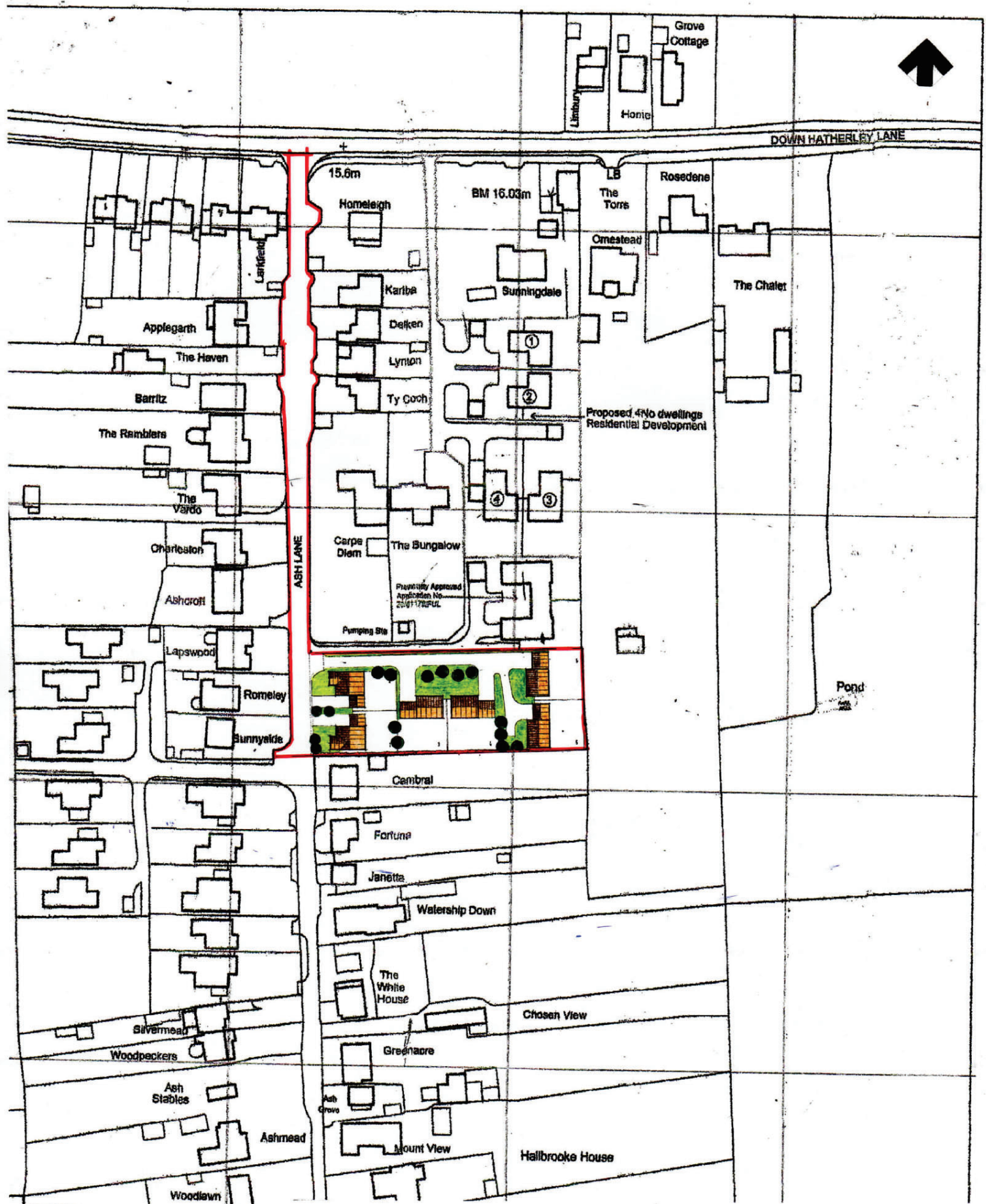
- 10.1** The proposal accords with relevant policies of the development plan in so far as material to the consideration of this application as outlined above, and it is therefore recommended the application be permitted. No conditions are recommended in accordance with the determination requirements of Planning in Principle proposals however it is recommended that the following informatives are included.

11. 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** Should this application progress to technical approval, Severn Trent request the submission of drainage proposals are provided for their comment at the earliest opportunity. It is important to note that ST would not permit a surface water discharge into the public combined sewer or the public foul sewer, and recommend the applicant seeks alternative arrangements. Severn Trent Water advise that there is a public 1800mm combined sewer, and a public pressurised foul sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required, there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert Severn Trent assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

There is also a pumping station close to the site and any new development must not restrict Severn Trent's access to the Sewage Pumping Station (SPS). Severn Trent will require free access to the SPS at all times in order to complete any programmed routine maintenance tasks and also for any emergency reactive visits in case of failure. Please note that due to the close proximity of the proposed new development the occupant may experience noise and/or smell pollution. In order to minimise disruption to any future occupant(s), we would advise that all habitable buildings are constructed a minimum of 15metres from the curtilage of the SPS compound.



Job : **LAND AT ASH LANE DOWN HATHERLEY GLOUCESTER. GL2 9PS**

Client : [Redacted]

Drawing : **Details of Proposed Site Development : Site Location Plan As Proposed**

Scale : **1:1250 @ A3**

Date : **October 2022**

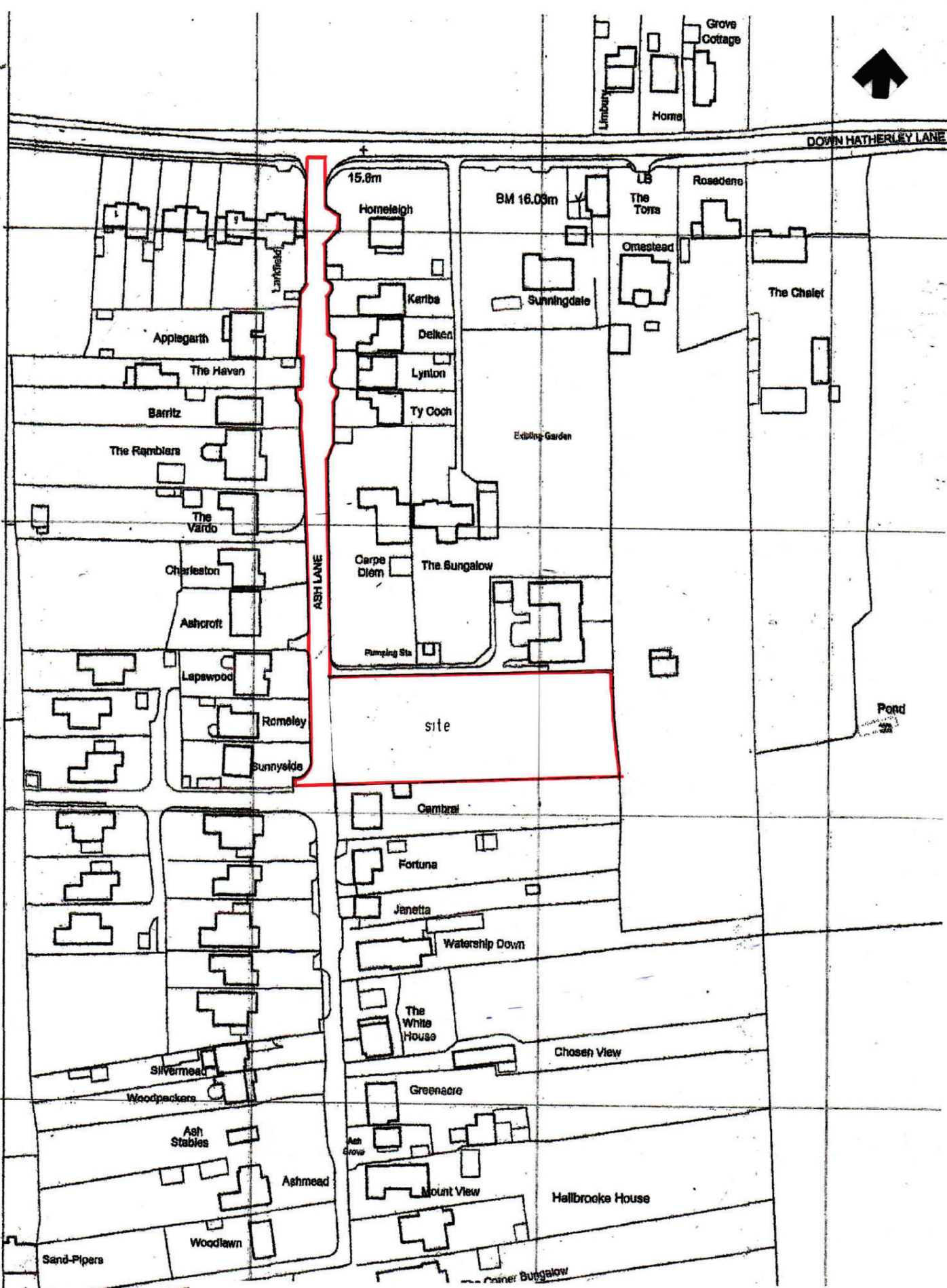
Job No : **1000**

108

Drawing No : **14**

lan Johnstone Associates
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e-mail : ljohnstone@outlook.co.uk



Job : **LAND AT ASH LANE DOWN HATHERLEY GLOUCESTER GL2 9PS**

Client : [REDACTED]

Drawing : **Details of Proposed Site Development : Site Location Plan As Existing**

Scale : **1:1250 @ A3**

Date : **October 2022**

Job No : **1000**

109

Drawing No : **13**

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Job : **LAND AT ASH LANE DOWN HATHERLEY GLOUCESTER. GL2 9PS**

Client : [REDACTED]

Drawing : **Details of Proposed Site Development : Indicative Site Layout Plan**

Scale : **1:500 @ A3**

Date : **October 2022**

Job No : **1000**

110

Drawing No : **12**

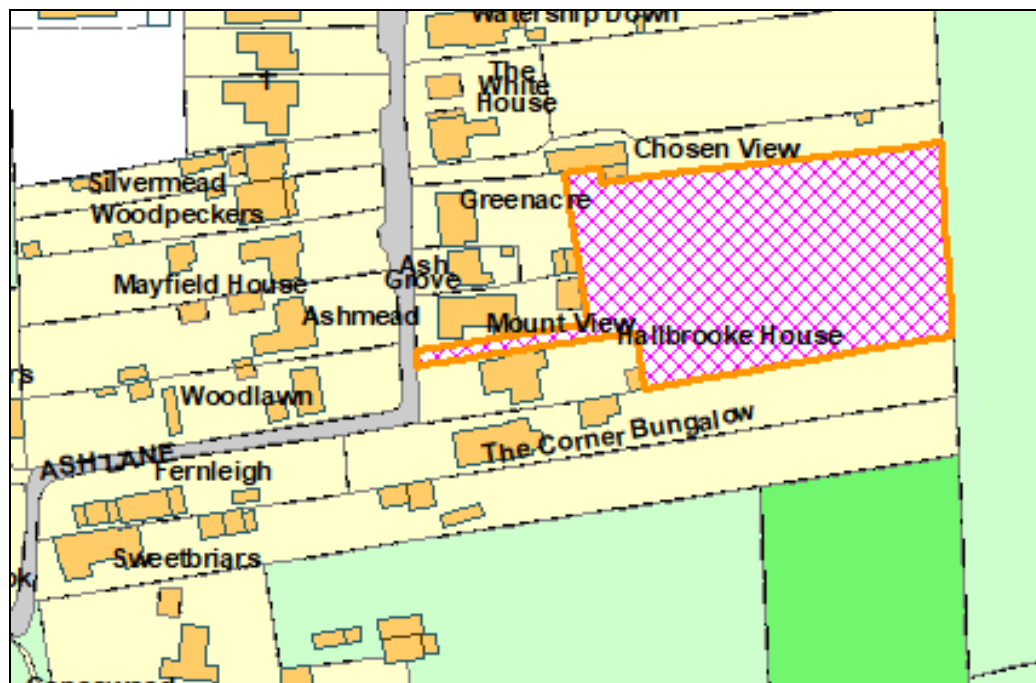
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Planning Committee

Date	15 August 2023
Case Officer	David Lowin
Application No.	22/01318/PIP
Site Location	Land At Greenacre and Mount View, Ash Lane, Down Hatherley
Proposal	Permission in principle application for the erection of up to six infill dwellings
Ward	Severn Vale South
Parish	Down Hatherley
Appendices	Site location plan 22254-PLO1 Existing Block Plan 22254-PL02 Proposed Block Plan 22254-PL03
Reason for Referral to Committee	Parish objection
Recommendation	Permit

Site Location



1. The Proposal

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RMGPBQQD0PB00>

- 1.1 The application site is located immediately east of Ash Lane, Down Hatherley, and is currently an extended area of rear garden used by two properties, Mount View and Greenacre which front onto the lane.
- 1.2 The proposal seeks Permission in Principle (PiP) for up to six dwellings.

2. Site Description

- 2.1 The site is generally flat and lies behind the developed frontage of Ash Lane. The site is surrounded by development to the north, south and west, and by existing garden to the east. Ash Lane itself is a private residential road, which is predominantly made up of detached dwellings displaying a variety of styles and characteristics, there is no defining vernacular of the area, however most of the properties are one or two storeys in height and of contemporary construction.
- 2.2 The proposed site as shown on the submitted illustrative plans would take vehicle access from Ash Lane with an access running between the existing dwellings known as Mount View and Hallbrooke House. The plan also shows how a development of 6 dwellings could be accommodated out within the site.
- 2.3 A smaller part of the present application site was originally granted Permission in Principle for the erection of 2 no infill dwellings (20/00710/PIP), and the application for Technical Details Consent (21/01028/FUL) was approved in the following year.
- 2.4 The villages of Twigworth and Norton are nearby and provide local facilities, whilst the city of Gloucester is around 3km away. The site also benefits from being in close proximity to a bus stop at the junction of Down Hatherley Lane and Ash Lane, providing direct links to Gloucester. There are also regular services running nearby on the A38 to Tewkesbury.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
92/00018/FUL	Erection of a detached house incorporating existing dwelling.	PER	23.09.1992
20/00710/PIP	For the erection of 2no infill dwellings at Greenacres & Mount View	PER	23.10.2020
21/01028/FUL	Application for Technical Details Consent pursuant to Planning in Principle application ref. 20/00710/PIP for the erection of 2 dwellings.	PER	22.04.2022

4. Consultation Responses

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

- 4.1** Down Hatherley Parish Council – Objection. In summary the Parish Council raise objections as follows:
- Council does not accept that proposal infill development.
 - Proposal does not protect the Green Belt
 - Development Contrary to Neighbourhood Plan.
 - Drainage and Flooding concerns.
 - Over development of 'semi-rural' backwater
- 4.2** Severn Trent (final comment) – No objections subject to detailed drainage proposals submitted at technical approval stage and an informative to the applicant concerning drainage proposals.
- 4.3** County Highways – No Objection
- 4.4** Flood Risk Management Engineer – No Objection
- 4.5** Environmental Health – No Objection subject to planning conditions dealing with construction hours, provision of a Construction Management Plan and potential contaminated land to be imposed on any subsequent approval of technical matters.

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** Fourteen representations in total have been received with 14 objections. The comments raised are summarised below:
- Access too narrow
 - Site not infill, but back land development
 - Drainage and sewage issues
 - Detriment to character of Ash Lane as a 'country lane'
 - No need
 - Site not allocated for housing.
 - Contrary to Neighbourhood Plan
 - Detriment to residential amenity

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

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

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

6.2 National guidance

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

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

- Policy SP1(The Need for Development)
- Policy SP2 (Distribution of New Development)
- Policy SD5 (Green Belt)
- Policy SD10 (Residential Development)
- Policy INF1 (transport Network)
- Policy INF2 (Flood Risk Management)
- Policy A1 (Innsworth and Twigworth)

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

- Policy SP1(The Need for Development)
- Policy SP2 (Distribution of New Development)
- Policy SD5 (Green Belt)
- Policy SD10 (Residential Development)
- Policy INF1 (transport Network)
- Policy INF2 (Flood Risk Management)
- Policy A1 (Innsworth and Twigworth)

6.5 Neighbourhood Plan

Down Hatherley, Norton and Twigworth Neighbourhood Development Plan – 2011-2031 FP1 – (Demonstrating effectiveness of water holding techniques, their maintenance in perpetuity, and of sewerage capacity).

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 adopted Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and the made Down Hatherley, Norton and Twigworth Neighbourhood Development Plan – 2011-203.

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

- 7.4 Other material policy considerations include Town and Country Planning (Permission in Principle) Order 2017, 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 Planning guidance states that decisions for planning in principle must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise.
- 8.2 It should be noted however that only matters of location, amount of development and use are within the scope of consideration for a permission in principle application and the determination of this proposal.
- 8.3 The main issues in the consideration of this application are as follows:
- Location and Principle of Development
 - Land Use and Amount
 - Other Matters

Location and Principle of development

- 8.4 The NPPF at Chapter 5 seeks to deliver a sufficient supply of homes. Paragraphs 78-80 deal with rural housing. Under Paragraph 74 of the 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.
- 8.5 Policy SP1 (The Need for New Development) of the JCS states that provision will be made for 35,175 new homes, within existing urban areas through District Plans, existing commitments, urban extensions, and strategic allocations. Policy SP2 (Distribution of New Development) amongst other requirements, states that dwellings will be provided through existing commitments, development at Tewkesbury town, in line with its role as a market town, smaller scale development meeting local needs at Rural Service Centres and Service Villages, however the site lies outside such defined areas but is in proximity/adjacent to JCS Strategic Allocation A1 – Innsworth & Twigworth.
- 8.6 The application site was removed from the designated Green Belt as part of the boundary review during the adoption of the JCS and now forms part of the wider 'safeguarded land'. The new boundaries identified on the Green Belt map have taken into account longer-term need by identifying safeguarded land which may be required beyond the JCS plan period to ensure that the Green Belt does not need an early review. Criterion 7 (iv) of Policy SD5 of the JCS sets out that safeguarded areas are not allocated for development at the present time and planning permission for the permanent development of safeguarded land (except for uses that would not be deemed inappropriate within the Green Belt) will only be granted if a future review of the JCS deems the release of the land necessary and appropriate and proposes the development. That review is currently underway.

- 8.7** Given the above policy provision, it is necessary to first establish whether the development would not be deemed inappropriate within a Green Belt. Policy SD5 of the JCS sets out that, to ensure a Green Belt continues to serve its key functions, it will be protected from harmful development. Within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless it can be demonstrated that very special circumstances exist to outweigh the harm automatically caused to the Green Belt by virtue of the development being inappropriate and any other harm caused.
- 8.8** The NPPF provides that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF provides that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Paragraph 149 of the NPPF sets out that the construction of new buildings in the Green Belt is inappropriate other than for several exceptions. One such exception (e) listed is limited infilling in villages.
- 8.9** The NPPF does not provide a definition of either what constitutes a "village" or "limited infilling". Likewise, Policy SD5 of the JCS similarly does not provide a definition in this context therefore a degree of judgement is necessary. In terms of whether Down Hatherley is a village, previous decisions in the immediate vicinity of the site have established that the settlement is considered to constitute a village in this context, though without a village development boundary, but does not exclude the village from any new housing development as Paragraph 38 of the made Neighbourhood Plan makes clear.
- 8.10** In response to the Parish Council's concerns that the proposal would be contrary to the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan 2011-2031 (NDP), there are no direct policies that relate to the provision of new housing sites in Down Hatherley Parish. The NDP explains that no new housing growth is planned in Down Hatherley Parish and therefore no settlement boundaries are defined. It goes on to state that given the poor sustainability and the Green Belt designation over the majority of the Parish, it is not necessary for the NDP to replicate the national and Development Plan policies that preclude new housing development in the area. Accordingly, there are no housing specific policies for the Parish and instead it relies on the national and Development Plan policies. Consequently, there is not considered to be any direct policy conflict with the NDP at this first stage of the permission in principle.
- 8.11** In terms of 'limited infilling' whilst it is considered that the proposal would represent infilling in the context of Policy SD10, it does not necessarily follow that it represents infilling in a Green Belt context. Recent case law has established that it is necessary to consider whether, as a matter of fact on the ground, a site appears to be within a village and whether a site lies outside a village boundary as designated in a development plan should not be determinative of the point. In this case there is no designated village development boundary.
- 8.12** The planning history of the site as set out above shows the application site has been previously considered as infilling and has resulted in being considered acceptable for residential development and this remains the same with this current application notwithstanding the fact the application applies to a larger parcel of land.
- 8.13** Having regard to the planning history of the site and the nature of the proposal as essentially 'infilling' in an already built-up frontage to Ash Lane the principle of development is considered acceptable in terms of Policy SD10 of the JCS Criteria 4ii.

- 8.14** In terms of the Tewkesbury Borough Plan 2011-2031 (TBP) the application site has not been allocated for housing and Down Hatherley is not featured within the settlement hierarchy. However, Policy RES4 of the TBP sets out that to support the vitality of rural communities and the continued availability of services and facilities in the rural areas, very small-scale residential development will be acceptable in principle within and adjacent to the built-up area of other rural settlements, subject to the development complying with a number of criteria. For the reasons set out above, it is considered that the proposal would relate reasonably well to existing building and would be proportionate to the size and function of the settlement.

Land use

- 8.15** Planning guidance sets out that housing led development is an accepted land use for a permission in principle application. Whilst matters of detail remain a consideration for the Technical Matters stage it is noted that no fundamental objections have been raised in respect of the principle of development by the Local Highway Authority or Severn Trent Water in respect of the proposed land use and subject to further consideration at the technical details stage.

Amount

- 8.16** Illustrative drawings have been received and it is considered that up to six dwellings could physically be accommodated on the site, however it would be for the applicant to demonstrate at the technical details stage that any quantum dwellings (up to 6 dwellings) could be accommodated on the site in accordance with the relevant planning policy requirements and the constraints of the site.

Drainage and Flood Risk

- 8.17** The Council's Land Drainage Officer initially expressed significant concerns about the site's ability to dispose of surface and foul water, even though located in Flood Zone 1 (the lowest risk). However further information was submitted through the application process to demonstrate that surface water could discharge to a ditch to the rear of the site. This has resolved officers' initial concerns in relation to drainage principles however detailed drainage designs would need to accompany any future application for technical details consent and is a matter to be assessed at that time.
- 8.18** Officers have discussed the drainage and foul sewer arrangements extensively with Severn Trent Water (STW) where the issue relates to ground conditions in the area. STW has been consulted specifically on this application, and their final opinion has been sought where common issues relate to three undetermined 'PIP' applications in the Down Hatherley area, including this application and:

22/01367/PIP Field North off Brook Lane, Ash Lane, Down Hatherley, Gloucester
22/01318/PIP Land at, Greenacre And Mount View, Ash Lane, Down Hatherley

STW reported on 29 March 2023 as follows:

'...we do have concerns within the area, and due to this we are carrying out a modelling exercise to determine the effects this development (and others) will have on our existing assets, pump stations and treatment works.'

We anticipate the works will be carried out in due course (although I do not have an exact date for this) and would anticipate to provide further comment to the Local Planning Authority mid to late April 2023. Until this time we are unable to provide any further comment'

STW further reported on 12 May 2023:

'... we have now received and assessed the modelling report, which shows a high risk of flooding. Due to this, we are unable to accept any new flows until upgrades have been delivered.

I would please request a Grampian Condition is applied on this development to state that no dwelling is to connect to the public sewer (for foul sewage only) until upgrades have been carried out by STW. No Surface water is to be discharged into the public sewerage system, and alternative arrangements will need to be investigated'.

8.19 Officers share the concerns of STW about the ability of new dwellings to dispose of foul water and the availability of a suitable connection at this location and note Policy FP1 in respect of surface water storage.

8.20 The suggestion from STW was that a Grampian Condition could be imposed (such as that suggested above), which would prevent development taking place until upgrades to the sewerage system had taken place are noted. However, Officers have concluded that such a condition cannot lawfully be applied to the decision notice for a 'PIP' application as PIP proposals cannot be conditioned. For that reason, STW have reviewed their position and reported on 6 June 2023 as set out in the consultation responses reported above as follows:

'If this application progresses, we would request the submission of drainage proposals are provided for our comment at the earliest opportunity. It is important to note that we would not permit a surface water discharge into the public combined sewer or the public foul sewer, and recommend the applicant seeks alternative arrangements.

8.21 STW's latest position means that foul and surface water is no longer a locational issue which can reasonably be used to preclude 'planning permission in principle' being granted and is a matter for consideration at the technical Details Consent stage. The matters raised by Severn Trent can however be recorded as an informative attached to the decision.

8.22 While it is noted that there are concerns in respect of surface water drainage and possible associated flood risk, it should be noted that such matters (amongst others) are not a detail for consideration at this time and fall within the scope of any subsequent Technical Details Consent (TDC) application. In the event a TDC application is submitted, the LPA would have the ability to refuse planning permission if a satisfactory solution to drainage and other matters could not be secured.

8.23 It should also be noted that the site will not benefit from planning permission until (and if) the TDC application has been granted. Further controls could be imposed at the TDC stage by way of conditions. Other technical matters to be addressed at the planning application stage would include (though are not limited to) design, highway safety, amenity and ecology and appropriate assessments and mitigation will be required at that stage.

Other Matters

- 8.24** Third party concerns have been raised relating to the illustrative layout of the submitted proposal, however design and layout is a matter for consideration at the TDC stage. This application stands to be determined on the basis that the site is suitable for residential development in principle only. The disposition of dwellings on the site at this stage is not a matter to be considered.
- 8.25** It is nevertheless considered that the site is of an adequate size to accommodate the development sought. How that development comes forward in any subsequent application for approval of technical matters is to be determined at that time and that application would need to demonstrate that matters such as overlooking, noise, and access could be appropriately addressed before TDC could be permitted.

9. Conclusion

- 9.1** Within the scope of the permission in principle stage for determination, there is no objection to development for residential purposes in terms of location, amount of development and land use.
- 9.2** The drainage matters raised by Severn Trent Water and the Drainage Engineer will need to be addressed at TDC stage. In the meantime, an informative relating to these matters can be attached to a permission to inform any future TDC application.
- 9.3** The proposal complies with the NPPF, and relevant Development Plan policy as set out in this report. It is therefore recommended that Permission in Principle be granted.

10. Recommendation

- 10.1** The proposal accords with relevant policies of the development plan, as outlined above, it is therefore recommended the application be permitted. No conditions are recommended in accordance with the determination requirements of Planning in Principle proposals however it is recommended that the following informatives are attached.

11. 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** Should this application progress to technical approval, Severn Trent request the submission of drainage proposals are provided for their comment at the earliest opportunity. It is important to note that ST would not permit a surface water discharge into the public combined sewer or the public foul sewer, and recommend the applicant seeks alternative arrangements. Severn Trent Water advise that there is a public 1800mm combined sewer, and a public pressurised foul sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer

is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

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There is also a pumping station close to the site and any new development must not restrict Severn Trent's access to the Sewage Pumping Station (SPS). Severn Trent will require free access to the SPS at all times in order to complete any programmed routine maintenance tasks and also for any emergency reactive visits in case of failure. Please note that due to the close proximity of the proposed new development the occupant may experience noise and/or smell pollution. In order to minimise disruption to any future occupant(s), we would advise that all habitable buildings are constructed a minimum of 15metres from the curtilage of the SPS compound.

It is assumed that all work will be carried out by a competent contractor working, where appropriate, to an approved method statement



All dimensions given are to be verified on site by the responsible contractor. Do not scale dimensions from this drawing.

Notes:

- █ Application Site
- █ Within Applicant's Ownership



REV	DATE	CHECKED	SCALE
1	NOV 22		1:1250 @ A3



Chartered architects

01242 521808 - admin@clivepetcharchitects.co.uk

Mount View & Greenacre, Ash Lane, Down Heath

DRAWING NO. **22254 - PL01**

Location Plan

Mount View & Greenacre

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It is assumed that all work will be carried out by a competent contractor working, where appropriate, to an approved method statement

KEY:

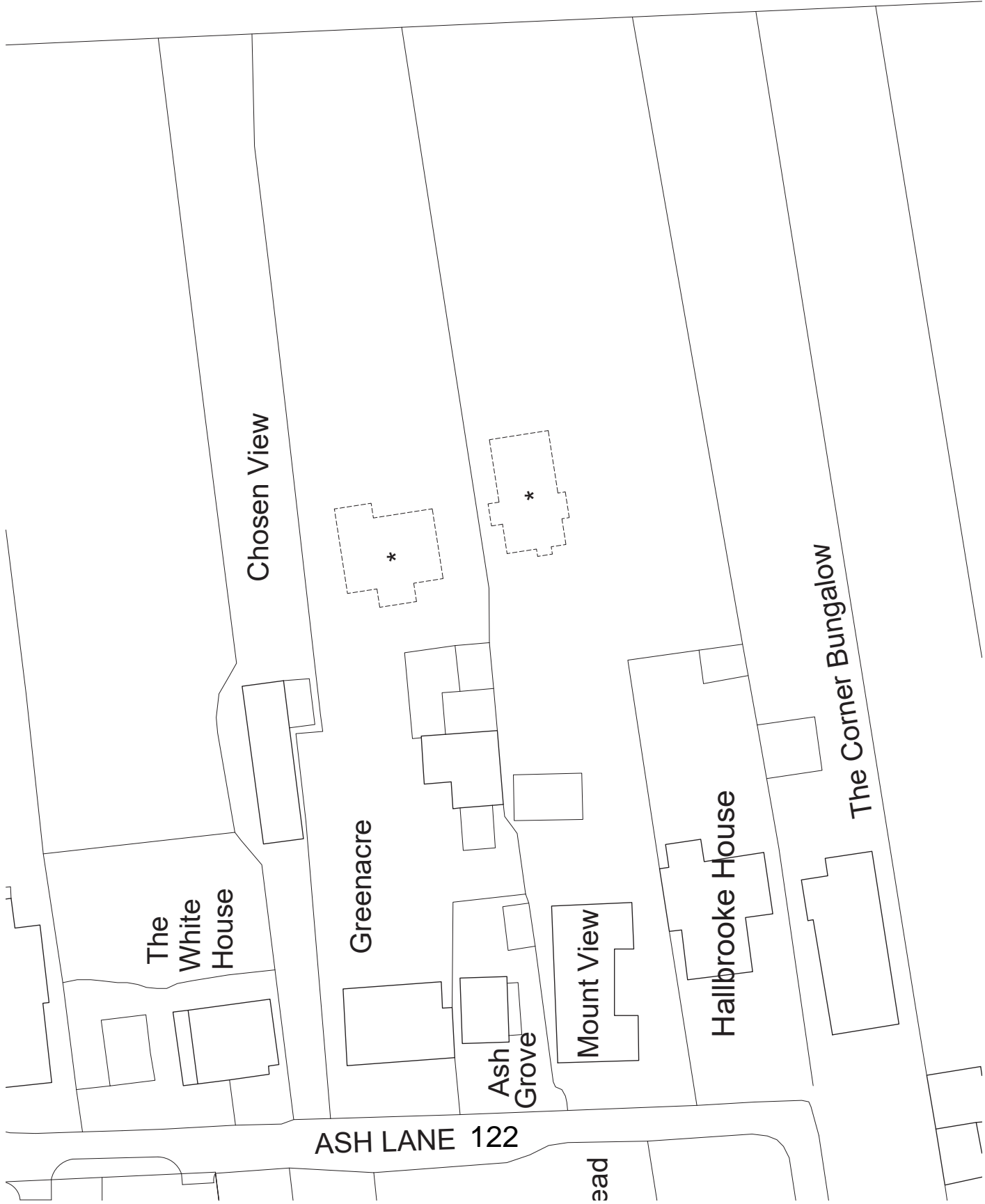


Existing planning permission for 2 houses (reference 21/01028/FUL)



All dimensions given are to be verified on site by the responsible contractor. Do not scale dimensions from this drawing.

Notes:



REV	DATE	CHECKED	SCALE
1			1:500 @ A3



Chartered architects

01242 521808 - admin@clivepetcharchitects.co.uk	DRAWING NO.
Mount View & Greenacre, Ash Lane, Down Heath	22254 - PL02
Existing Block Plan	REV
Mount View & Greenacre	DATE
	NOV 22

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It is assumed that all work will be carried out by a competent contractor working, where appropriate, to an approved method statement



All dimensions given are to be verified on site by the responsible contractor. Do not scale dimensions from this drawing.

Notes:



REV	DETAILS	DATE	CHECKED

Clive Petch ARCHITECTS
 Chartered architects
 01242 521908 - admin@clivepetcharchitects.co.uk
 Mount View & Greenacre, Ash Lane, Down Heath
22254 - PL03
Proposed Block Plan
 Mount View & Greenacre

REV	DATE	DRAWN	CHECKED	SCALE

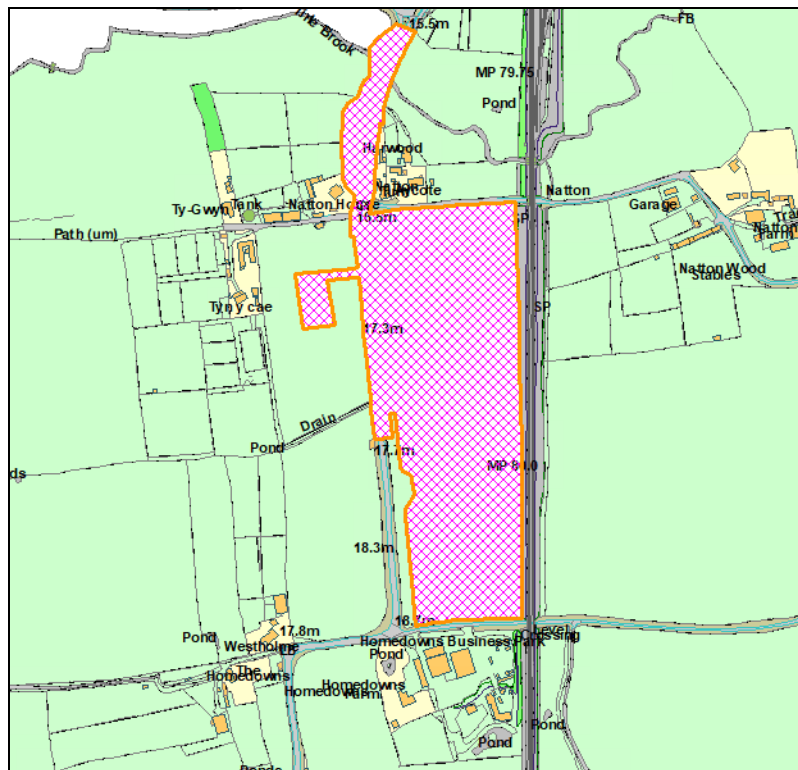
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 NOV 22

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Planning Committee

Date	15 August 2023
Case Officer	David Lowin
Application No.	22/01320/OUT
Site Location	Parcel 5558 Road From Natton To Homedowns Ashchurch
Proposal	Outline application for residential Development (up to 120 dwellings), associated works including infrastructure, open space and landscaping. Vehicular access from Fiddington Lane.
Ward	Isbourne
Parish	Ashchurch Rural
Appendices	Site location plan Parameter plan Illustrative Master plan Environmental designations plan Cumulative Sites plan
Reason for Referral to Committee	Outline application in excess of 20 dwellings
Recommendation	Minded to approve (Non-determination appeal)

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=RMH1YCQD0PB00>

- 1.1 The application was made to the Council on 6th December 2022. Since that date the Officers have engaged proactively with the applicants. A 'holding 'direction' in force following consultation with National Highways has recently been withdrawn at the end of June. A submission in June by the applicants contained revised Biodiversity Net Gain (BNG) calculations have now been positively considered by the ecology advisor. The application determination date was 14th April 2023. The applicants did not respond to a request to extend the expiry date, despite some consultation responses being outstanding at that time. A notice of intention to appeal was received by the Council 3rd May. A letter was sent by Officers in response expressing concern at this action in particular noting the key consultation responses outstanding, most notably those from National Highways and the Highway Authority and drawing attention to The Procedural Guide: Planning Appeals England version 26 April 2023 in particular section 3, 'Before making an appeal'. In particular, Paragraph 3.1.2 cautions that making an appeal should not be used as a bargaining tool but only as a last resort, and that a prospective appellant 'should be confident at the time they make their appeal that they are able to make their full case'. Nevertheless, an appeal was lodged for Non-Determination on 6th June 2023. It is noteworthy that a duplicate application was received on 22nd June. The Council must therefore advise the Secretary of State of its views on the proposals by 18th August to inform the non-determination appeal.

2. Site Description and Proposal

- 2.1 The total application site area including highway land and the land required for a sewer connection comprises some 6.96 Hectares(ha). That part of the application site where the new dwellings are proposed along with areas of open space and situated east of Fiddington lane totals some 6.02ha. A topographical survey of the site confirms that the site is currently ridge and furrow, with a general fall from west to east and from south to north. The land currently is in use as a horse pasture. The application is made in outline with all matters reserved for future consideration apart from access from Fiddington Lane.
- 2.2 The application site lies to the east of the approved 'Land at Fiddington Ashchurch' site (Application reference: 17/00520/OUT), where a residential development of up to 850 dwellings is to be constructed, along with a primary school, local centre, supporting infrastructure, utilities, ancillary facilities, open space, landscaping, play areas, recreational facilities was approved at appeal. To the north of this is the consented retail outlet centre and garden centre (17/01203/FUL). Approximately 600m to the west of the site is a further approval at appeal site for residential development of up to 460 dwellings granted planning consent in March 2022 (Application ref. 21/00451/OUT)
- 2.3 The Site comprises agricultural land and is broadly rectangular in shape, with associated boundary hedgerows, scattered scrub and seasonally wet ditches. Adjacent to the eastern boundary is the Bristol to Birmingham main railway line running parallel with the length of the eastern boundary. The southern boundary is adjacent to an unnamed lane with Homedowns Business Park abutting the lane on its southern side, that site has recently been granted consent for a significant re-development for employment use. The unnamed lane is part of long-distance recreational route, the Gloucestershire Way, a 151km a protected permissive long-distance footpath route linking Tewkesbury to Chepstow Castel,

Monmouthshire. At the Southeast corner the site abuts the unnamed lane and a level crossing of the railway line which provides access to pedestrians, cyclists and some landowners vehicles to the Gloucestershire Way, though the route over the level crossing itself does not form part of the public right of way network. The western boundary is defined by a hedgerow beyond which is Fiddington Lane. The northern boundary is adjacent to an unnamed lane with residential properties abutting part of the boundary. The Site is almost entirely located in Flood Zone 1 which is considered the lowest risk for flooding by the Environment Agency. The north-eastern corner of the site is recorded as being within Flood Zone 2 and 3.

- 2.4 The Site is located approximately 3km east of the centre of Tewkesbury and some 1km north of the hamlet of Fiddington. The centre of Cheltenham is located circa 10km south of the Site, and Gloucester city centre c.16km south-west of the Site.
- 2.5 No PROW (Public Right of Way) crosses the Site. Within the wider locality, a PROW network is present connecting the Site to Tewkesbury and surrounding villages. In addition, the site immediately adjoins, to the south, the Gloucestershire Way, described above..
- 2.6 The Site lies close to the main A46 Tewkesbury to Evesham Road and Junction 9 of the M5. Ashchurch railway station, located around 800m from the site to the north.
- 2.7 The Site is not in, or adjacent to, an environmentally sensitive area, as defined by Regulation 2(1) of the EIA Regulations (i.e. sites designated as Sites of Special Scientific Interest (SSSI), National Parks, World Heritage Sites, Scheduled Monuments, Area of Outstanding Natural Beauty, and sites covered by international conservation designations, and therefore is not considered to represent an environmentally sensitive location.
- 2.8 The Site sits within an SSSI Impact Risk Zone for the Severn Ham Tewkesbury SSSI (3.2 km to the West) and Old River Severn, Upper Lode SSSI (some 4km to the west). It also falls within the category of, "Residential Rural Residential- Any residential development of 100 or more houses outside existing settlement/urban areas" requires a consultation with Natural England. As the north-eastern and a section of the highway land is subject to Flood Zones 2 and 3 National Planning Policy requires all planning applications above certain thresholds to include a Flood Risk Assessment (FRA), including mitigation in the form of a drainage strategy which has been submitted with the application.

Appeal Proposal

- 2.9 The application is made in outline with all matters reserved for future consideration and comprises residential development for up to a maximum of 120 dwellings, associated works including infrastructure, open space, and landscaping with vehicle access from Fiddington Lane, via the same vehicular access points constructed in connection with the consented retail and residential development to the North. These highway works have been undertaken to deliver the access arrangements to facilitate the 'Ashchurch Garden Centre and Retail Outlet Centre' from Fiddington Lane/A46 to the north of the site. This involves the realignment of Fiddington Lane, a new roundabout serving the retail development and upgrading of the A46(T) / Fiddington Lane junction to a signal controlled junction. These works have recently been completed and include footway/cycleways, a new toucan crossing and bus stops on the realigned Fiddington Lane. There is also a proposed pedestrian and cycle link from the site lying parallel to the proposed access road corridor, which will be segregated from the highway to encourage sustainable modes of transport and.

- 2.10** Pre- application public consultation was undertaken by the applicant prior to the submission of the application and comprised the delivery of some 1,600 leaflets delivered to homes in the area. The 'leaflet drop' was the subject of notification to Members of the County, Borough, and Parish Councils. Details of this exercise are reported by the applicant in a submitted Statement of Community Engagement.
- 2.11** A screening opinion to determine the requirement for an Environmental Impact Assessment to accompany the application was submitted to the Council on 13th July 2021. The Screening Opinion confirmed, based on the information submitted at that time, that an Environmental Statement was required. The quantum of new dwellings proposed through this application is now less than that the subject of the Screening Opinion. However, an ES has nonetheless been submitted with this application which addresses the matters set out in the Screening Opinion. The application's accompanying Environmental Statement required as the proposed development constitutes EIA (Environmental Impact Assessment) development in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. The Environmental Statement (ES) assesses a range of social, environmental, and economic issues. The ES includes assessments in its appendices of: Biodiversity, Landscape & Visual Amenity, Cultural Heritage & Archaeology, Transport & Access, Air Quality, Noise & Vibration, Economics & Population, Flood Risk, Agricultural Land Quality, Energy, Climate Change & Waste, Flood Risk Assessment.
- 2.12** Whilst the application is submitted in outline an Illustrative Masterplan together with the necessary parameters plan on which the ES technical reports are based is provided to demonstrate how the site can deliver the scale of development proposed. The Illustrative Masterplan, shows how the development might be laid out to respond to identified constraints and opportunities on the site, including those identified in the technical reports submitted as part of the planning application and the supporting Environmental Statement.
- 2.13** The Illustrative Masterplan shows areas of amenity green space, incidental informal open space, landscaping, play areas, parking and estate roads located on the northern half of the site. An access corridor is proposed to be provided running northwards from the principal developed area of the site through the areas of open space to the site's vehicular access to join the consented infrastructure as described above situated to the North. To the southeast of this proposed corridor a pond for managing surface water is proposed. The technique proposed to control water is a mixture of attenuation ponds, outfalls, flood compensation storage and underground pipes.
- 2.14** The residential development would be mainly two storeys with an allowance to be 2.5 storey (10.5 and 11.5 metres above future ground level). The Master plan shows areas dedicated for biodiversity enhancements, amenity open space, play areas, footways /cycleways and surface drainage attenuation. These are proposed to be located around the residential areas to provide a buffer to adjacent land uses, principally Fiddington Lane and the railway line. Existing hedgerows are proposed to be retained to form the boundary treatment and green space within the site. The applicant has submitted a BNG (Biodiversity Net Gain) calculation demonstrating a 28% increase over the current baseline in habitat units and a 46% increase in hedgerow units. The applicant has very recently submitted a revised BNG based on the latest DEFRA metric 4.0 which shows that a net gain in biodiversity would be delivered as a result of the Proposed Development. Specifically, an increase in habitat units from approximately 12.89 units to 16.60 units (which equates to a 28.73% increase) and an increase in hedgerow units from approximately 3.01 units to 4.41 units (which equates to a 46.37% increase).

- 2.15** The relationship to the railway line that forms the Eastern boundary of the site is shown on two site sections submitted by the applicant as part of the Design and Access Statement. Where properties, as shown on the illustrative layout, *front onto* the railway line, which is on the top of a circa 2 to 3m embankment to the proposed finished ground floor level of those dwellings, provide a 20m buffer from the front facade of the proposed dwellings to the base of the railway embankment is proposed. Included within this buffer is frontage parking, an informal street and a landscaped bund of some 2.5 metres high which would be topped by a 1.5m high acoustic fence (i.e. 1.5m height above the railway line and 4.5m above the ground floor level of the proposed dwellings). Where properties *back onto* the railway line a minimum of 17m from the rear facades of the dwellings on this boundary to the base of the railway embankment is shown on the illustrative layout. This would comprise a 10m buffer from the back of property facades, plus a further 1m high bund of some 7 metres in width topped by a 2.5m acoustic fence.
- 2.16** The proposals as shown on the Illustrative Master Plan and parameters plan provide for a total area of some 2.09 ha of open space, comprising 0.49 ha for parks and gardens, 0.595ha for amenity green space and finally 1.0 ha of natural and semi natural open space. The composition and amount of provision of open space has been informed by the applicant's reference to Council's Social, Sport and Open Spaces Study and its associated Developer Contributions Toolkit and by the latest Fields in Trust standards for on-site provision. It is proposed that a Local Equipped Area of Play (LEAP) and Local Area of Play (LAP) would be provided on site.

3. Relevant Planning History

- 3.1** There is no relevant planning history relating specifically to the appeal site, however a duplicate application (planning ref. 23/0059/OUT) has been submitted and is currently under consideration.
- 3.2** The application site adjoins a larger scheme to the west known as 'Land at Fiddington', that has outline approval (planning ref: 17/00520/OUT) for 850 residential units along with a primary school, local centre, open space, landscaping, play areas, and recreational facilities. North of this approved residential scheme is a consented retail development (planning ref: 13/01003/OUT) comprising a garden centre (now built and operating) and retail outlet centre (under construction). To the southwest of the site is another residential development 'Land North West of Fiddington' with outline approval for 460 residential units (planning ref: 21/01348/OUT), along with a primary school, open space, play areas and recreation facilities. Vehicular access to both the approved residential schemes and consented retail development is from the A46(T) with cycle, emergency and bus access from Fiddington Lane for the residential schemes
- 3.3** The Secretary of State (SoS) considering the upheld appealed scheme for 850 dwellings, referenced above, is of relevance, who when considering the Inspectors decision found:

'The appeal scheme is in accordance with Policies SD4, SD6 and INF4 of the development plan. He has found the proposal to be in conflict with policies SP2(8), REV 1 and SD10 of the JCS, but given that the partial review of the JCS is at a very early stage at best, he considers that the weight to be attached to those conflicts must be reduced'

'The Secretary of State therefore considers that the scheme is in accordance with the development plan overall.'

3.4 To date the review of the JCS has yet to move materially forward. The SoS found at the time of decision in 2020 that the Council did not have a five-year housing land supply. The SoS in considering the planning balance of this scheme found that there was limited harm to the plan led approach, the loss of an area of countryside and harm to heritage assets were of very limited weight. The SoS found that the addition of new housing including affordable housing, together with significant economic benefit weighed in overall favour of the scheme, concluding that:

'there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan'.

3.5 The nearby site granted at appeal referenced above for 460 dwellings is also relevant (Ref 21/00451/OUT). The Inspectors decision notes that the proposal would be contrary to Policies SP2 and SD10 of the JCS. At that time in circumstance like the SoS decision referenced above the Council did not have a five-year housing land supply and as a result found these policies to be out of date. In terms of material circumstances the Inspector found that the identified benefits of the scheme, like those of the present case were such that attracted significant weight. In summary the Inspector found:

'Few adverse impacts have been identified beyond the harm arising from conflict with the development plan. There would be some landscape and visual harm, but this would be relatively modest and would reduce over time as mitigation matures. A modest amount of agricultural land would also be lost.'

Adding that:

'The site is located close to Tewkesbury, a market town and focus for development in the area, a location accepted to be sustainable in an accessibility sense and where Strategic Allocations were anticipated by the JCS. It is also an area where the Council has aspirations for a Garden Town that would see housing development in this general location'.

4. Consultation Responses

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

4.1 Ashchurch Rural Parish Council (ARPC) – **Object** on basis of traffic issues as set out in a submitted report from the Parish's transport consultant. ARPC also object on grounds that Natton Lane junction is not currently designed to enable a single entrance to the development and Natton Lane. ARPC believe this needs to be reprofiled. ARPC also object to this on grounds that the existing junction has restricted visibility to the south which poses a high risk to road users.

If permission were to be granted, ARPC would request S106 funds are apportioned to enforce traffic speed limits in the form of a Vehicle Activated Sign. ARPC also request S106 funds are allocated to improve pedestrian access and cycle provisions though the proposed development and ask they are designed in such a way as to link with the Gloucestershire Way at Homedowns. ARPC also request an S106 contribution is made to the planned Community Centre in the planned neighbouring housing estate to mitigate for the residents of the proposed development.

- 4.2 TBC Drainage Engineer - Defer to the LLFA as this is a major development.
- 4.3 National Highways - Initial response recommended deferral of the decision for three months. A follow up further response recommend that planning permission not be granted for a further period up to three months from 20th March 2023. A recent document submitted by National Highways consultants following discussions with and new data from the applicant's transport consultants notes that the development can be accommodated on the SRN (Strategic Road Network) without any further capacity improvements. This position has now been formally confirmed by National Highways who raise **No Objections** subject to a recommended Grampian Condition. The recommended condition requires that funded and ongoing works to Junction 9 of the M5 are completed prior to implementation of any consent. These works are currently on site and it is understood are substantially completed.
- 4.4 Gloucestershire Highway Authority – **No Objection** in principle but initially recommended that the determination of the application be deferred until the applicant has provided further information concerning technical matters contained in their submitted Transport Assessment and the completion of a S106 to provide a Travel Plan. A further response was received by the Council in late July that confirmed the HAs position and recommended conditions and financial obligations..
- 4.5 Gloucestershire Lead Local Flood Authority (LLFA)- **No Objection** subject to recommended condition.
- 4.6 Network Rail – **Objection** on the basis that the development proposals for 120 dwellings will cause additional risk to safety at Homedown Level Crossing.
- 4.7 Tree Officer – **No Objection** subject to conditions.
- 4.8 Gloucestershire County Council Waste and Minerals – **No Objection** subject to appropriate conditions and consultation response from EHO.
- 4.9 Severn Trent Water – **No Objection** subject to conditions.
- 4.10 Environment Agency – **No objections in principle** subject to recommended conditions dealing with fluvial flood risk, in particular the requirement to condition floor levels as a minimum 600mm above the Design Flood level of 16.04 m above Ordnance Datum and a restriction of storage of materials or soil as defined by a specific drawing in the applicant's flood risk assessment. In addition, the EA stress the importance of the foul drainage connection coming on board in a timely manner for the proposed development.
- 4.11 Natural England- The site falls outside the consultation arrangements for Natural England, Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not lead to the loss of over 20 ha 'best and most versatile' agricultural land. NA have therefore not made any detailed comments in relation to agricultural land quality and soils.

- 4.12 Housing Strategy and Enabling Officer- No Objection** but applicants submitted draft heads of terms that require amendment to provide 40% on-site affordable housing provision in accordance with JCS Policy SD12. This amounts to 48 No: affordable housing units. The required housing mix, standards and tenure is set out in detail in the consultee's response.. In summary, The affordable housing dwellings will be provided in a 60% Social Rent and 40% Affordable Home Ownership tenure split, based on 120no. dwellings this equates to 29no. Social Rent and 19no. Affordable Home Ownership. The affordable housing will be provided in clusters of 8no. clusters and 12no. flats, and 50% M4(2) Former lifetime homes standard and 4no. (being 8%) M4(3)b wheelchair access will be provided
- 4.13 Landscape Adviser**– Having reviewed the applicants submitted Landscape and visual amenity assessment TBC's appointed landscape advisor considered the scheme in the context of Development Policy. In summary the Landscape advisor considers that overall, there appears to be more compliance, or potential to comply with applicable landscape planning policies than conflict with the same.
- 4.14 Environmental Health** – **No Overall Objection** subject to recommended conditions.
- 4.15 County Archaeologist- No Objection**, low risk that archaeological remains will be adversely affected by this development proposal. Recommend that no archaeological investigation or recording need be undertaken in connection with this scheme.
- 4.16 Ecological Adviser**- The ecology advisors recommend that they raise **No Objections** but recommend appropriate conditions.
- 4.17 Gloucestershire Wildlife Trust** – **No Objection**, GWT recommends that the proposal is developed in line with the recognised Building with Nature Standards. This will ensure the green infrastructure is delivered to a high standard and we would propose getting this site Building with Nature Accredited. This will future proof the development in line with green infrastructure policy in the Joint Core Strategy.

5. Third Party Comments/Observations

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

- 5.1** The application has been publicised through the posting of a site notice and neighbour notifications for a period of 30 days.
- 5.2.** Eleven communications of objection have been received from residents together with a 15-page submission from a local organisation entitled 'Save our Lanes Association'. The objections including the Save our Lanes Community Association are summarised as follows:
- Not in accordance with, or identified in the Ashchurch Rural Neighbourhood Plan (ARNDP), Tewkesbury Borough Local Plan, and Joint Core Strategy(JCS) or Tewkesbury Garden Town Concept Masterplan
 - TBC are now able to demonstrate a 6.4-year housing land supply.
 - Completion of existing permitted development is likely to be post 2030.
 - Site not a suitable location
 - Accumulative development will create urbanisation and landscape harm.
 - Development has no local facilities.
 - Proximity to railway.
 - Not plan led, but opportunist infill.

- Harms outweigh the benefit.
- More than 1300 dwellings are to be built in the immediate area.
- Light pollution.
- Traffic Impact on Fiddington Lane and other locations.
- Loss of Amenity for Vulnerable Road users (Road safety) due to increase in traffic (Rat Running).
- Loss of quiet tranquillity, for existing community due to increase traffic.
- Loss of amenity for equestrian community.
- Accumulative Impact with other developments of increase in traffic on locations further afield.
- Road Safety issues.
- Concern for the vulnerable road users.
- Accumulative impact of vehicular, cycle and pedestrian access on to Fiddington Lane from this site, also with the development of the 850 + 460 dwellings to the west which includes pedestrian, cycle and bus access on to Fiddington Lane within 200m of this site access.
- Safety concerns for the length of Fiddington Lane.
- Flooding, residents' concerns of flooding have not been sufficiently addressed.
- No self-build or contract housing plots mentioned.

5.3 The Council has received a letter in July from the MP for Tewkesbury who objects to the submitted proposal, in particular:

- The current congestion on the A46 and the need for adequate improvements to be made prior to the development proceeding.
- Area prone to flooding and whilst the onsite mitigation may be sufficient for the development site the development of the land doesn't provide for, help or reassure the existing nearby properties.

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) and National Design Guide and National Model Design Code

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 SD3 (Sustainable Design and Construction)
- Policy SD4 (Design Requirements)
- Policy SD6 (Landscape)
- Policy SD7 (Cotswolds Area of Outstanding Natural Beauty)
- Policy SD8 (Historic Environment)
- Policy SD9 (Biodiversity and Geodiversity)

- Policy SD10 (Residential Development)
- Policy SD11 (Housing Mix and Standards)
- Policy SD12 (Affordable Housing)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk and Management)
- Policy INF3 (Green Infrastructure)
- Policy INF4 (Social and Community Infrastructure)
- Policy INF6 (Infrastructure Delivery)
- Policy INF7 (Developer Contributions)

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

- Policy RES 1 (Housing Site Allocations)
- Policy RES 5 (New Housing Development)
- Policy RES 12 (Affordable Housing)
- Policy RES 13 (Housing Mix)
- Policy DES 1 (Housing Space Standards)
- Policy LAN 1 (Special Landscape Areas)
- Policy LAN 2 (Landscape Character)
- Policy LAN 3 (Gaps of Local Importance)
- Policy LAN 4 (Locally important Open Spaces)
- Policy LAN 5 (Local Green Spaces)
- Policy HEA 1 (Healthy & Active Communities)
- Policy NAT 3 (Green Infrastructure; Building with Nature)
- Policy RCN 1 (Public Outdoor space, Sports Pitch and Sports Facility Provision)
- Policy TRAC 1 (Pedestrian Accessibility)
- Policy TRAC 2 (Cycle Network & Infrastructure)
- Policy TRAC 3 (Bus Infrastructure)

6.5 Minerals Local Plan for Gloucestershire (2018 – 2032) (March 2020)

Policy MS01 (Non-mineral developments within Mineral Safeguarding Areas)

6.6 Ashchurch Rural Parish Neighbourhood Development Plan 2020-2031(ARNP)

The plan by virtue of successful referendum became part of the Development Plan on 27th September 2022 following a resolution by the Council. The site is within the area of the ARNP but is not allocated for development. The Plan at Figure 7 shows the application site to the immediately East of the development area of Fiddington as allowed following the appeals referenced in this report. Table 3 of the Plan states that the ARNP will generally resist 'major development' except on allocated sites. Policy T1; (Modal shift for major development) of the ARNP supports proposals for major development where they can demonstrate measures to integrate the new community with existing communities.

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 Ashchurch Rural Neighbourhood Plan (ARNP)
- 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 the 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 the 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 some 200m metres outside of the settlement boundary of Tewkesbury, lying to the Northwest of the site to the east beyond the railway, and some 250 metres from an identified business site at Newton Farm, but additionally benefits from proximity to the existing service and community facilities within Tewkesbury town as well as proximity to community infrastructure within the adjacent land parcels which benefit from planning permission and are currently undergoing development.
- 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:
- 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 Government's objective of significantly boosting the supply of homes, the requirement to maintain a five year supply of deliverable housing sites, and the proximity and accessibility of the application site to community infrastructure. 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** As set out in the latest Tewkesbury Borough (TBC) Housing land supply statement in March 2023 the Council considers that the Borough can demonstrate a five-year land supply using the standard method. 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. 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. 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. On 7th March 2023, the Council's Interim Five-Year Housing Land Supply Statement was published which set 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. This is a position not accepted by the current applicants with respect to the subject site.
- 8.10** The Council's approach to calculating the five-year housing land supply under the standard method was considered by Inspectors appointed by the Secretary of State at two appeals earlier this year, Hill End Road, Twyning (January 2023) and St Margaret's Drive, Alderton (April 2023). In both appeals the Inspectors did not accept the Council's revised approach to calculating the five-year housing land supply following the introduction of the standard method. Consequently, in the opinions of the Inspectors, the Council could not demonstrate a five-year housing land supply. However, the Council maintained its approach to calculating its five-year housing land supply at the recent appeal at Trumans Farm, Gotherington where the Inspector's decision is awaited. The Council consider that currently a five-year land supply can be demonstrated, and the 'tilted balance' is not currently engaged, and as a result the adopted strategic policies of the JCS are still considered to carry full weight.

Tewkesbury Garden Town

- 8.11** The application site lies within an area which in 2019 was awarded Garden Town Status as part of the Garden Communities programme. The Garden Town will deliver circa 10,000 homes and 120 hectares of employment land to meet the requirements of the Garden Communities programme. That site is now the beneficiary in large part of the various appeal site approvals as set out in the planning history section of this report including retail and housing development. The status of the Garden Town has attracted considerable government investment including, in June 2021 £2.4m by the Ministry of Housing, Communities and Local Government's (MHCLG) (now LUHC) Garden Communities Programme to contribute to the operational costs of delivering its Garden Town Programme. MHCLG also awarded the Council funding through its New Development Corporation Competition to progress the exploration of an appropriate delivery vehicle to oversee the completion of the Garden Town.
- 8.12** Early thinking in terms of the vision for the development of the Ashchurch area was first consulted on through the issues and options consultation of the JCS. Separately, a Concept Masterplan was drawn up and noted by the TBC Executive Committee on 6th October 2021, allowing the document to be used in a public forum for engagement and consultation purposes. The Council acknowledge that at the current time the Concept Plan for the Garden Town does not have any status as a planning document and that the inclusion of the application site in it does not prejudice or prejudge the normal operation of the planning system.

Landscape, visual impact and design

- 8.13** The NPPF sets out that planning decisions should contribute to and enhance the natural and local environment. 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.
- 8.14** 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.
- 8.15** The National Design Guide (NDG) addresses the question of how we recognise well-designed places, by outlining and illustrating the government priorities for well-designed places in the form of ten characteristics; one of which is the context. The NDG provides that well-designed development should respond positively to the features of the site itself and the surrounding context beyond the site boundary and that well-designed new development needs to be integrated into its wider surroundings, physically, socially, and visually. 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.

- 8.16** The site does not fall under any statutory or non-statutory landscape designation. The Cotswold Area of Outstanding Natural Beauty (AONB) and Special Landscape Area are located some 3 km to the east of the site. There is one permissive and protected right of way (The Gloucestershire Way) located immediately adjoining the southern boundary of the site. Whilst this site contributes to the wider setting of the Cotswolds AONB, the site itself is of local value in terms of its level of importance.
- 8.17** The Landscape Adviser has reviewed the submitted Landscape and Visual Impact Assessment and their assessment against adopted development plan policies is summarised below:

Policy Ref / Title	Compliance / Conflict	Discussion
<i>Joint Core Strategy</i>		
SD4 Design	Compliance	There is the potential to comply with the part i) – context, character and sense of place and part iv) public realm and landscape subject to considerate and appropriate Reserved Matters applications.
SD6 Landscape – Part 1	Compliance	The proposals would not be in keeping with the current rural character of the area but will be with the wider development of Fiddington Garden Village.
SD6 Landscape – Part 2	Compliance	The significant landscape characteristics of the Site, namely its hedgerows can be retained and where removed replaced with similar stock.
SD6 Landscape – Part 3	Compliance	An LVIA has been submitted as part of the Application.
SD7 Cotswolds AONB	Not Applicable	The Site does not form part of, or setting to, the AONB so this policy is not considered applicable.
<i>Tewkesbury Borough Plan 2011-31</i>		
LAN1 Special Landscape Area	Not Applicable	Outside of any SLA.
LAN 2 Landscape Character	Potential Compliance	Put as potential compliance as it will depend on the character of the Reserved Matters application for both built form and external realm proposals.
LAN3 – Gaps of Local Importance	Not Applicable	Not part of a Gap of Local Importance.
LAN4 – Locally Important Open Space	Not Applicable	Not a defined Locally Important Open Space.
LAN5 – Local Green Space	Not Applicable	Not a defined Local Green Space.
NAT3 – Green Infrastructure: Building with Nature	Potential Compliance	Insufficient information as a major project the proposals needs to comply with Building with Nature and National Design Standards but there is not sufficient information to confirm if this is

		yet the case
RES5 – New Housing Development Bullet 3 – Settlement edge	Potential Conflict	Depending on the final form of the proposals and their arrangement with the neighbouring sites the field could appear as an intrusion into the countryside, whether it is ‘unacceptable’ depends on the successful landscape mitigation. The adjacent Midlands Railway line does act as a definable and perceived boundary.
RES5 – Bullet 5 – Residential amenity	Potential Compliance	Subject to the content of the Reserved Matters applications, particularly with regards to the railway line and acoustic impacts there is anticipated to be an acceptable level of residential amenity.
RES5 – Bullet 7 – Natural Features	Potential Compliance	Subject to the reasonable retention of existing hedgerows in public areas and replacement of hedgerows behind sightlines.
National Planning Policy Framework – NPPF July 2021		
Para 131	Potential Compliance	Inclusion of street trees in the proposals in sustainable locations and to create an ultimate large tree appears to be achievable.
Para 174 a)	Not applicable	Not a valued landscape.
Para 174 b)	Part Conflict	The intrinsic quality and characteristics of the Site would be lost but this should be judged in association with the planned change occurring in the contextual landscape area.

8.18 The Landscape Adviser considers that, overall, there appears to be more compliance, or potential to comply with applicable landscape planning policies than conflict with the same.

8.19 It is clear, by virtue of introducing new development into open agricultural fields, the proposed development would by definition create 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 and the Council’s Landscape Adviser has raised no in principal objection to the proposal having considered relevant Development Plan policy. It is considered that, with well-designed landscape and green infrastructure provisions secured at reserved matters stage, the level of harm could be minimised and is to be considered in the planning balance.

Highways and Access Matters

8.20 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.

8.21 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.

- 8.22** The applicant submitted a Transport Assessment as part of the Environmental Statement, a Residential Travel Plan and additional information has also been submitted in response to queries raised by the statutory consultees; the Local Highway Authority (HA) and National Highways (NH).
- *Accessibility*
- 8.23** Ashchurch Railway Station is the nearest railway station to the site and is located 850 meters to the North. The nearest bus stops from the site are located adjoining the A46 are some 820m distant, with the bus stops at Northway 500 meters. The proposed bus stop on Fiddington Lane will be 400m distant from the application site
- 8.24** The proposed development site is located within a sustainable location and within a 2000m radius of the proposed development site lies a considerable 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.
- 8.25** It is further considered that this site is a sustainable location for residential development and this matter weighs in favour of the development.
- *Pedestrian/cycle access*
- 8.26** The provision for cyclists and pedestrians would be via a new segregated 5.0m wide footway/cycleway on the west side of Fiddington Lane between the site and the roundabout is proposed as part of the access arrangements. Whilst there is no in principle objections, some concerns were raised by the HA about the direction of the suggested route. However, following further discussions between the applicant and the HA, the HA has confirmed that they are now satisfied that the submitted proposals are acceptable.
- *Highway safety*
- 8.27** Vehicular access to the site will be achieved through Fiddington Lane via a simple priority junction with a 5.5m access and 6m radii. Junction visibility splays of 2.4 x 63m are shown to both sides commensurate with a speed of 40 mph.
- 8.28** NH were consulted and following extensive discussions with the applicant confirmed that they raise no objection to the proposal's impact on the Strategic Highway Network. This is subject to a 'Grampian condition' to ensure that ongoing improvement works to Junction 9 of the M5 are completed prior to the commencement of work on the application site.
- 8.29** The HA have also assessed the impact of the development on the Local Highway Network. The submitted Transport Assessment provides details of trip generation and distribution of trips originating from the site. The HA has accepted that analysis.
- 8.30** The HA initially considered that the proposed route of the segregated footpath and cycleway should be re-considered, but this was overcome following further discussion with the applicant.

- 8.31** The HA also raised concerns about the main access off Fiddington Lane and the ability to achieve the visibility splays. The HA considered it was not clear from the submission whether visibility splays for the suggested access can be commensurate with the 85th percentile recorded speeds along Fiddington Lane. This has been resolved by confirmation from the applicant that they control the visibility splay. Maintenance of the visibility splay would be the subject of a condition which would need to be adhered to at the reserved matters application stage.
- 8.32** The HA also require several planning obligations, to be secured through a section 106 agreement. The first would relate to a Traffic Regulation Order to restrict parking on Fiddington Lane. The second would be the implementation and funding of the submitted Residential Travel Plan, of which the following two options were proposed, and the applicant has confirmed agreement to the option that provides the following:

£5000.00 monitoring fee + £49,680.00 contribution. Gloucestershire County Council would absorb all risk and be responsible for the implementation of the travel plan, incentives, the appointment of a travel plan coordinator etc. This option requires a non-refundable monitoring fee and a contribution, repayable only on expiry of planning permission with no building having started. The premium for GCC to deliver the travel plan is to cover the additional risk the organisation incurs and to plan for remedial measures. This option removes any responsibility from the developer for the implementation of the plan (other than hard measures such as walk/cycle links, cycle parking etc, which are spate to the travel plan).

- 8.33** Following discussions with the applicant and re-consultation on the additional information, the Highway Authority are now content with the traffic impacts of the development on the local highway network, subject to the imposition of recommended conditions and the completion of planning obligations.

Network Rail and the intensification of use of the Homedowns level crossing

- 8.34** Network Rail object to the proposed development on the basis that the use of the above crossing will be intensified by the building of dwellings nearby and consequently produce additional risk to users. The agents for the applicants have challenged the degree of intensification and presently there is no agreement between the applicant and Network Rail either on the level of increased usage, the level of risk, or mitigation to overcome that risk which emanates from the development. Officers consider this matter to be a serious concern in relation to public safety. The crossing, whilst not part of the definitive footpath network, links two parts of the Gloucestershire Way long distance permissive footpath which is interrupted by the crossing and a walking route leading to open countryside to the east of the railway.
- 8.35** Prior to the Planning Inspector's determination of this appeal Officers consider that Network Rail and the applicant should produce a solution which Network rail are content with, which would likely take the form of a planning obligation to upgrade the level crossing. Any solution would need to have regard to the tests for planning obligations in relation to: being proportionate, directly related to the development and necessary to make the development acceptable in planning terms. It is Officers current understanding that the applicant is actively seeking to resolve this matter with Network Rail. Network Rail have stated that in the absence of an agreed solution they maintain their concerns and have been granted Rule 6 Party status to the appeal to present their case.

8.36 Officers have concluded that in the absence of an agreed S106 obligation to address the matter, that the development conflicts with JCS Policy INF1 which at 3.ii requires developers to consider safety within the zone of influence of the development. The NPPF at section 8 paragraph 92 requires that planning decisions promote social interaction by way of safe and accessible usage of public areas namely the Gloucestershire Way an important component of the wider public right of way and permissive footpath network. In the absence on an appropriate solution being agreed to the satisfaction of Network Rail this is a matter which weighs against the proposed development but is potentially capable of resolution subject to Network Rail and the applicant reaching agreement on the matter.

Residential amenity

8.37 The submitted proposal in outline is for a maximum of 120 dwellings. The illustrative layout plan and the parameters plan demonstrates that the site is of a size commensurate with other already approved residential areas in the vicinity to allow 120 dwelling to be erected at a similar density.

8.38 The Council's Environmental Health officers having considered the material submitted by the applicant on air quality, the approach having been agreed with EHOs, found that the assessment showed that the effect of additional road traffic emissions on air quality at existing residential properties is 'not significant' and is therefore acceptable air quality for future residents. The Council's EHO's have raised no objection to this assessment and conclusion.

8.39 In terms of layout, 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 is, in principle, capable of being made acceptable.

8.40 In relation to noise, the Environmental Health Officer (EHO), on initial review of the submitted noise report, raised concerns regarding the noise impact of the adjacent railway on the amenity of future residential occupiers. Following the submission of additional information by the applicant, the Environmental Health Officer is now content that, with specific respect to acoustic matters, they have sufficient information to advise no objection to the application subject to the imposition of a condition setting internal noise levels in accordance with BS 8233:2014 Table 4 for internal noise levels and Noise levels measured from enclosed outdoor private amenity areas (gardens) should attain the 50dB(A) desirable criteria and not exceed the upper limit recommended within BS8233:2014 being 55dB(A)).

8.41 To verify the above requirements can be achieved in any future layout of the development, the reserved matters application would need to be accompanied by a noise survey to identify any dwellings that would be at risk of exceeding the noise levels. The noise survey would also need to identify those measures necessary to achieve this performance at the affected properties prior to any works commencing. The assessment has indicated that substantial mitigation measures would be required to ensure an acceptable noise environment internally (a combination of earth bunds and acoustic fences, and potentially acoustic glazing and mechanical ventilation). Therefore, the applicant would be required to clearly present the mitigation measures in detail for relevant properties and the site. Proposed mitigation measures would need to include predicted sound level modelling. The mitigation measures would need to be completed prior to any dwellings to which they relate being occupied.

- 8.42** Following the EHO's recommendation the applicant has submitted a technical note indicating that the suggested conditions can be met within the limits set out in the submitted parameters plan. However, Officers consider that this can only be confirmed by the submission of on the noise survey submitted at the reserved matters stage, as set out above. It is conceivable that pending the results of the noise survey the illustrative layout may be required to change at reserved matters stage to account for the impact of noise on both habitable rooms, particularly bedrooms, and private amenity space emanating from the adjoining main line railway to comply with the recommended noise conditions by the EHO and protect residents from intrusive noise impact. This may result in the reduction in the developable area of the site contrary to the approved parameters plan.
- 8.43** In addition, the mitigation measures to protect residents from intrusive noise may at reserved matters stage be considered potentially detrimental to the visual outlook of dwellings and oppressive to their habitable rooms and garden areas (i.e. physical noise bunds and fences in close proximity). This would need to be assessed at reserved matters stage and, if found to be harmful, could constitute a material reason to seek amendment to the development/site layout and an effective reduction of the developable area indicated on the parameters plan.
- 8.44** Given the concerns of Officers on the impact of noise from the railway on residential amenity the illustrative layout will potentially need to be refined prior to the determination of the first reserved matters application to ensure that an acceptable level of residential amenity is achieved. Whilst the applicant has suggested the noise conditions can be complied with within the ambit of the parameter plans, if that is not the case the quantum of development can be reduced at reserved matters stage. The quantum of development sought through this application is 'up to' 120 dwellings, which allows for a reduced number of dwellings to be delivered within the constraints of the site. Officers are therefore satisfied that an acceptable level of residential amenity can be achieved subject to the application of the proposed noise conditions.

Green Infrastructure and biodiversity

- 8.45** 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.
- 8.46** The submitted layout and parameter plans together with the submitted EA Ecology and Tree survey chapters show areas dedicated for use for biodiversity enhancements, open space, play areas, footways /cycleways and surface water drainage attenuation, Green spaces are proposed to be located around the residential area to provide a buffer to adjacent land uses, in particular Fiddington Lane and the railway line. The existing hedge row will be retained to form boundary treatments and green space within the site. The proposals incorporate within the Illustrative Master Plan a Local area for Play (LAP) and a Locally Equipped area for Play (LEAP), though the former is not shown on the submitted parameter plan, to serve the residents of the development.

- 8.47** The application is accompanied by a range of relevant habitats and species surveys which have been reviewed by the Ecological Adviser. The Adviser requests that prior to the submission of the reserved matters application, a walk over survey and species specific presence/likely absence surveys will be required to confirm/note any changes in habitats or identify any new ecological constraints, e.g. badger setts. The results of the survey, along with any additional proposed mitigation measures, would need to be submitted to the Local Planning Authority for approval in writing and taken account of in the design of the subsequent reserved matters application and the implementation of the development. This can be dealt with by the imposition of a condition which is proposed.
- 8.48** A newly submitted revised BNG analysis submitted by the applicants to satisfy TBP's Policy NAT1 demonstrates that the site will, within its boundaries, produce a BNG of more than 10%. The newly submitted analysis is considered acceptable by the Ecological Adviser. The higher BNG than required by Policy is a material factor of some weight in the determination of the application.

Affordable Housing and Housing Mix

- 8.49** JCS Policies SD11 and SD12, and TBLP Policies RES12 and RES13 require the delivery of affordable housing and an appropriate mix of housing, to meet local need, in new housing schemes.
- 8.50** The application confirmed the delivery of policy compliant affordable housing to provide 40% of the total. The Council's Housing Strategy Officer did not object to the principal of the proposal in principle but initially raised concerns about the mix of tenure and the dwelling size mix. The Housing Strategy Officer confirmed the minimum requirements of affordable housing and housing mix to satisfy Policy RES12 of the TBLP, as set out below. The applicant has since confirmed their agreement with these detailed requirements which will need to be secured in a S106 agreement.
- 40% of the total number of dwellings will be provided as affordable housing.
 - The affordable housing dwellings will be provided in a 60% Social Rent and 40% Affordable Home Ownership tenure split.
 - The affordable housing will be provided in clusters of 8no. clusters and 12no. flats.
 - 50% M4(2) Former lifetime homes standard and 4no. (being 8%) M4(3)b wheel chair access will be provided.
 - The dwelling mix will be provided unless otherwise agreed with the Council as part of the reserved matters application process.

Dwelling Type	Minimum NDSS size (sqm)	Social Rent	Affordable Home Ownership	Total
1-Bed 2-Person	50 (flat), 58 (house)	16%	6%	22%
2-Bed 4-Person	70 (flat), 79 (house)	21%	17%	38%
3-Bed 5-Person	93	7%	8%	30%
3-Bed 6-Person	102	8%	7%	
4-Bed 7-Person	115	3%	2%	8%
4-Bed 8-Person	124	3%	0%	
5-Bed 7-Person	119	1%	0%	2%
5-Bed 8-Person	128	1%	0%	
Total		60%	40%	100%

- 8.51** Officers initially considered that due to no provision being made within the submitted description of development to indicate that part of the site is proposed for self-build or contract build dwellings that the proposal would be contrary to TBP requirements under Policy RES13. The policy seeks up to 5% of this type of dwelling *where there is evidence of demand as identified on the Council's Self Build and Custom Build Register*.
- 8.52** Officers have raised the matter of the provision of self-build and custom build housing provision on the site with the applicant. The applicant has noted that the Policy rests upon evidence of appropriate demand. The applicants have interrogated the Council's self and Custom build register and found that the register does not evidence demand within the locality for self-build dwellings.
- 8.53** Officers have reviewed the applicant's evidence and consider that, whilst there is limited evidence of demand in the specific locality, there is evidence of demand for self-build dwellings across the Borough which must be considered. Recent self-build monitoring information (dated May 2022) indicates circa 217 individuals or groups entered on the self-build register and circa 194 permissions for self-build dwellings and for single dwelling serviced plots suitable for self-build. This indicates a healthy supply of self-build dwellings in relation to the demand. On that basis, whilst the absence of a proportion of self-build dwellings in this scheme is contrary to Policy RES13, it does not represent a significant harm and should be considered in the planning balance.

Drainage and flood risk

- 8.54** Policy INF2 of the JCS requires that development shall minimise the risk of flooding taking into account climate change, in addition Policy ENV 2 of the TBLP requires proposals including surface water drainage be designed to reduce the risk of flooding.
- 8.55** The Illustrative Master Plan together with the submitted parameter plan locates all built development within the area at the southern end of the site which is within Flood Zone 1 which is considered the lowest risk for flooding by the Environment Agency. However, the north-eastern and a section of the highway land is subject to Flood Zone 2 and 3. As such National Planning Policy requires all planning applications above certain thresholds to include a Flood Risk Assessment (FRA), including mitigation in the form of a drainage strategy.
- 8.56** The Council's drainage officer has not commented at outline stage as this is major application under the LLFA. The strategic LLFA have considered the Flood risk Assessment and drainage strategy submitted as part of the ES report and conclude that the proposals as submitted are acceptable, subject to recommended conditions, and accept the summarised conclusions of the submitted flood risk assessment material:
- Flood risk from all sources (sea, fluvial, pluvial, sewers, groundwater, and artificial) has been assessed and it has been demonstrated that the proposed development will not be at risk from flooding from these sources.
 - A surface water drainage strategy has been developed that incorporates a Sustainable Drainage System (SuDS).
 - The proposed SuDS will ensure that flood risk resulting from pluvial events (rainfall) will be managed on-site and that flood risk will not be increased elsewhere as a result of the development. The restricted surface water flows from attenuation pond will discharge to the adjacent watercourse (Tirle Brook) replicating the existing drainage patterns for the

site.

- To mitigate for the additional surface water run-off volume resulting from the proposed development the EA/Defra and Ciria guidance together with BS8582 recommends that extended attenuation Storage is provided and that surface water run-off is restricted to the existing Mean Annual Flood Flow (Qbar, 1:2.3 event) green-field rate for all events up to the 1:100 with allowance for climate change. This approach ensures that sufficient run-off is retained on site for extreme events to protect the receiving water course in times of flooding.
- A 40% allowance in accordance with EA guidance for climate change has been included in the SuDS assessment to take in to account the predicted increase in rainfall intensity over the 100 year design life of the development.
- Micro-drainage has been used for the preliminary design of the proposed attenuation pond. The attenuation volumes and discharge rates shown will be subject to detailed design and will be submitted for approval at the reserved matters stage to discharge conditions attached to the outline consent.
- The proposed SuDS will provide treatment to the surface water run-off from the development and follows the SuDS treatment train approach with all areas receiving significantly greater treatment than the recommended level in accordance with guidance provided in Ciria C753, 'The SuDS Manual'. The proposals will ensure that there is no adverse effect on the downstream watercourses.
- Flood routes have been provided for exceedance events or for local failure of the drainage system and will ensure that flood flows are directed safely through the development to the downstream attenuation features or into existing watercourses. Indicative flood routes have been shown, subject to development layout/levels. Full details provide at detail design stage.
- The proposed Sustainable Drainage System for the development will be managed and maintained to ensure that it will operate effectively for its lifetime.
- The nearest foul sewerage network, which is owned and managed by Severn Trent Water, is located approximately 1.5Km to the North in Ashchurch. Planning permission has been granted for a residential development of up to 850 dwellings, application reference: 17/00520/OUT, located immediately to the west of the application site. It is therefore proposed to connect the foul drainage from this site to the proposed foul drainage for the recently approved residential development. A contractual Robert Hitchins Limited Land off Fiddington Lane, Tewkesbury, Gloucestershire Flood Risk Assessment & Drainage Strategy agreement between Robert Hitchins and the developer is in place for foul drainage connections to be provided. Due to the topography of the site, a gravity system to connect to this system cannot be achieved for the whole application site and therefore the application site will drain to a pumping station with flows pumped up to and connected to the future residential development foul sewerage network to the west.
- The Flood Risk Assessment and Drainage Strategy demonstrates that the proposed development meets with all the national and regional policy requirements, in particular Joint Core policy INF2 and satisfies all the criteria of the Council, LLFA & Environment Agency.

- The Flood Risk Assessment concludes that the site can be safely developed without flood risk and without increasing flood risk elsewhere through the use of an appropriately designed Sustainable Drainage System.
- Surface Water run-off from the proposed development will be less than the Qbar greenfield run-off rate for all storm events up to and including the 1 in 100 year + 40% climate change event. The proposed development provides significant betterment over existing greenfield run-off rates.

8.57 Severn Trent have raised no objection to the proposals subject to recommended conditions. Similarly, the Environment Agency are satisfied with the submitted information subject to the imposition of conditions.

8.58 Having regard to the applicants submitted ESs flood and drainage study the consideration provided by the LLFA, the strategic flood authority, the EA, and STW Officers conclude that the arrangements to deal with potential flood risks and drainage are acceptable and compliant with Development Plan policy, in particular INF2 of the JCS

Heritage assets

8.59 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. 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. Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness, and sense of place. Consideration will also be given to the contribution made by heritage assets to supporting sustainable communities and the local economy.

8.60 The NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. It advises that the effect of an application on the significance of a non-designated heritage asset should be considered in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

8.61 The ES includes an assessment of the likely significant effects of the proposed development on heritage resources in the context of the application site and surrounding area. The built heritage statement is based upon an examination of relevant data sources supplemented by site inspections. These studies identified archaeological receptors that could be affected by the proposed development: evidence for Medieval ridge and furrow cultivation, and late Prehistoric/Romano-British occupation. This activity was evident in the geophysical survey data and trial trenches but is of negligible/low archaeological significance and has therefore been assessed to be of Low sensitivity. No archaeological resources situated beyond the application site were identified as having the potential to be affected by the proposed development. No designated or non-designated built heritage resources were identified within the application site.

- 8.62** The likely effects of the Proposed Development on all aspects of the historic environment, including buried archaeological remains, historic buildings and historic areas, have been assessed through desk-based assessments and archaeological fieldwork and the applicants have submitted the results as a chapter within the ES. The Site has also been subject to a phased programme of archaeological investigation in the form of geophysical survey followed by trial trenching. These studies identified one archaeological receptor that could be affected by the Proposed Development, a Medieval / Post Medieval ridge and furrow cultivation, within both existing agricultural fields. No archaeological resources situated beyond the Application Site were identified as having the potential to be affected by the Proposed Development. No designated or non-designated built heritage resources were identified within the Application Site. However, two built heritage receptors were identified beyond the Application Site with the potential to be affected by the Proposed Development because of change to their respective settings. These receptors comprise the Grade II* listed Church of St Nicholas in Ashchurch and Grade I listed Abbey Church of St Mary in Tewkesbury, which are assessed as highly sensitive.
- 8.63** The results of the applicants ES on this topic have been considered by the County Archaeologist and the Borough's Conservation Officer. The officers having considered the ES chapter advised having regard to the County Historic Environment Record and the on-site geophysical survey and trenching survey where no significant archaeology was identified that further work on archaeological investigation or recording was unnecessary. As a result, in terms of archaeology no objections to the proposals have been raised. Turning to the impact on built heritage assets the location of those Listed receptors is somewhat distant from the application site and having considered the matter Officers consider that the proposals will have no material impact on those receptors. Officers consider that the impact on Heritage assets due to distance and intervening features the development would not have a material appreciable visual impact upon the heritage assets identified.

Minerals and waste

- 8.64** One of the key sustainable development objectives of the NPPF is the prudent use of natural resources, including minimising waste and pollution. The NPPF also advises on the sustainable use of minerals and resources and states that policies as far as practicable should take account of the contribution that substitute or secondary and recycled materials and minerals would make to the supply of materials, before considering extraction of primary materials. It further confirms that locations of specific minerals resources of local and national significance should be safeguarded and development avoided in such areas. Policy SD3 of the JCS, Policy WCS2 of the Gloucestershire Waste Core Strategy (GWCS) and Policy MS01 of the Minerals Local Plan for Gloucestershire (MLPG) accord with these objectives.
- 8.65** The application is supported by a Waste Minimisation Statement (WMP) as part of the ES which has been reviewed by officers of Gloucestershire County Council Strategic Infrastructure (Minerals and Waste) Team in their capacity as Mineral and Waste Planning Authority (MWPA). The aim of the submitted Waste Minimisation and Management Plan (WMP) is to reduce waste generated in the first instance through good design and planning. Where the generation of waste is unavoidable, the WMP seeks to re-use and recycle materials where possible, with a view to reducing the amount of waste that is sent to landfill. The WMP sees waste disposal as a last resort, when options for waste prevention, re-use, recycling and energy recovery have been exhausted. The submitted Waste Minimisation and Management Plan has been prepared in accordance with the following documents:

- NPPF National Planning Policy

- Waste Management Plan for England 2013
- Gloucestershire Waste Core Strategy, Adopted 2012
- Waste Aware Construction

8.66 In respect of waste, the contents of the submitted Waste Minimisation Statement (WMS) have been considered. The MWPA advise that this demonstrates that the applicant has considered the issue of waste minimisation and has proposed measures that will assist in reducing the occurrence of waste.

8.67 In the event that waste is generated, appropriate management practices in line with the waste hierarchy also look to be included. Due to the outline nature of the proposal elements for dealing with waste cannot be dealt with at this time. Consequently, planning conditions are recommended to ensure the matter is afforded appropriate consideration at the reserved matters stage. In respect of a detailed site waste management plan, and full details of the provision made for facilitating the efficient and effective management and recycling of waste. In respect of minerals the MWPA confirm that the application is not covered by a designated Mineral Consultation Area (MCA).

8.68 In conclusion there is no objection to the application in respect of minerals and waste subject to the imposition of an appropriate planning condition as recommended by the MWPA.

Education, Library and Community and Open Space Provision

8.69 Policy INF4 of the JCS highlights that permission will not be provided for development unless the infrastructure and public services necessary to enable the development to take place are either available or can be provided. Policies INF6 and INF7 of the JCS support this requirement. The NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.

8.70 The applicants ES chapter on socio economics outlines the likely key socio-economic effects of the proposed development. The submitted chapter notes that the proposal lies to the west, as previously described of two development sites where local facilities are being provided including retail, a primary school, local centre, utilities, open space, landscaping, play areas and recreational facilities. The ES chapter considers whether the effects of the application coupled with existing approved development in the area will require effects which need to be mitigated.

8.71 The sites considered are:

- Land At Fiddington, Ashchurch- Outline planning approval granted under 17/00520/OUT (Approved on appeal January 2020), for a development comprising up to 850 dwellings, a primary school, local centre (comprising up to 2,000 sq m gross internal floor area (A1, A2, A3, A4, A5 and D1 uses), supporting infrastructure, utilities, ancillary facilities, open space, landscaping, play areas, recreational facilities (including changing facilities and parking) and new primary access points from the A46 and Fiddington Lane.
- Land South of the A46 and North of Tirl Brook Ashchurch_permission (17/01203/FUL) comprising of a proposed garden centre, retail outlet centre and ancillary facilities together with associated infrastructure works including access), car parking and landscaping. Site is under construction and would likely be developed concurrently with the Proposed Development at this Site.

- Land to the Northwest of Fiddington, Tewkesbury (21/00451/OUT) – outline planning permission for a residential development (up to 460 dwellings), a primary school, associated works, ancillary facilities and infrastructure, open space, recreation facilities and landscaping.

8.72 In summary the ES finds that the submitted proposals will not add need such that the demand for existing healthcare, community facilities or open space requires additional capacity to be provided aside from what is being provided on site by way of open space and play facilities on the site.

8.73 Initially the Gloucestershire County Council Developer Contributions Investment Officer had responded to the application in respect of Education and Library contributions, requiring contributions for education and library facilities. The requirement for funding for education was challenged by the applicant. Following consideration of the submitted evidence, the County agreed that education contributions were not required due to sufficient capacity within the local education system.

8.74 The County Council identified that the library most likely to be used by residents of the new development, is Tewkesbury Library. A contribution of £196 per dwelling is required which would be used at Tewkesbury Library to improve customer access to services through upgrades and refurbishment to the existing building, improvements to stock, IT and digital technology and increased services. This contribution was justified under the CIL regulations as being necessary, related to the development and proportional.

Section 106 obligations

8.75 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.

8.76 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.

8.77 JCS Policy INF6 relates directly to infrastructure delivery and states that any infrastructure requirements generated because 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.

- 8.78** Requests have been made by consultees to secure the following contributions via S106 obligations, as summarised below. The applicant has submitted a draft Heads of Terms which generally accords with the required obligations by consultees. The objective is to finalise the necessary S106 agreements prior to the Public Inquiry.
- A Scheme for such improvements as may be necessary, under CIL Reg 122, to improve the adjoining level crossing to address the increased use of the facility brought about by the development to ensure safe passage to users of that crossing.
 - Affordable housing to accord with current Council policy as detailed by the Housing Strategy and Enabling Officer.
 - Waste disposal contribution for household waste collection - £8760 (£73 per dwelling) to be used for the provision of refuse and recycling bins.
 - Travel Plan implementation, funding and monitoring contribution - £5000 monitoring fee and £49,680 contribution.
 - Traffic Regulation Order to restrict parking on Fiddington Lane.
 - Provision of and laying out of public open space and recreational open space, to include LAP and LEAP children’s play areas.
 - Management of public open space/ recreational open space.
 - Library contribution - £23,520 (£196 per dwelling) to be used toward additional library resources.

8.79 As set out in the preceding report, a planning obligation relating to the improvement of Network Rail’s level crossing is not yet agreed and remains the subject of ongoing dialogue between the applicant and Network Rail.

8.80 It is noted that Ashchurch Rural Parish Council have requested S106 planning obligations for several items of infrastructure but these have not been advanced through the application as they are not considered to meet the CIL tests, as set out below. Should they choose the Parish Council has the opportunity to pursue these obligations through the appeal.

- *S106 contribution to enforce traffic speed limits in the form of a Vehicle Activated Sign:* This has not been identified as a necessary requirement by the Highway Authority to make the development acceptable in planning terms.
- *S106 contribution to improve pedestrian access and cycle provisions through the proposed development including a link with the Gloucestershire Way at Homedowns:* The design of pedestrian and cycle links will be considered at reserved matters application stage. The Highway Authority has not identified as necessary the requirement for the development to contribute to wider improvements to the public rights of way or permissive access networks outside of the site to make the development acceptable in planning terms.
- *S106 contribution to the planned Community Centre in the planned neighbouring housing estate to mitigate for the residents of the proposed development:* The Parish Council has an adopted Neighbourhood Plan and would receive 25% of CIL receipts from this development, which could be allocated towards the improvement/ expansion of

community facilities within the Parish.

9. Conclusion and Recommendation

- 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 adjoining existing and significant ongoing development. The proposal would provide housing within a sustainable location with easy access to a range of services 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** Benefits also arise through the delivery of biodiversity net gain of more than 10%, which is above the current figure contained in guidance.

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 grade 3, which comprises good to moderate quality, identical to the same classification as the upheld appeal sites currently undergoing development to the west and north of the application site.

9.10 There would be some harm from the absence of self-build dwellings in the housing mix, but given the healthy supply of self-build permissions against the identified Borough-wide demand for self-build housing this is considered a minor harm.

9.11 Harm is also currently identified by Network Rail unless mitigated by an appropriate S106 obligation insofar as the use of the Homedowns level crossing will be intensified by the building of dwellings nearby and consequently produce additional risk to users.

Neutral

9.12 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, residential amenity, highway safety, ecology, waste, trees, noise, air quality, heritage, drainage, and flood risk.

Overall Balance

9.13 Discussion is ongoing between Network Rail and the applicant to mitigate additional risk to users of the Homedowns level crossing which would arise from the proposed development. Network Rail have been granted Rule 6 status at the planning inquiry and should matters not be resolved, Network Rail will provide details of those harms arising to the Inquiry and the Council will rely on the evidence of Network Rail.

9.14 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 benefits of the proposal - which amount to the timely delivery of housing in a sustainable location, the delivery of Biodiversity Net Gain and economic benefits - significantly and demonstrably outweigh the identified harms.

9.15 Subject to the resolution of the concerns of Network Rail in relation to the level crossing, 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 In view of the foregoing report and in the context of the current Appeal Members are requested to consider a recommendation of **Minded to Approve** which, along with this report, will be submitted to the Planning Inspectorate to inform the Appeal.

10.2 That recommendation is subject to:

- The resolution of the necessary mitigation via a S106 agreement obligation occasioned by the increased use of the adjoining railway crossing.
- The provision of an agreed S106 agreement dealing with affordable housing, library provision, household waste facilities, provision and management of open space and play facilities, travel plan implementation and monitoring, and associated Highway Authority requirements.

- The imposition of conditions.

11. Conditions

11.1 The Council and the applicant are in the process of agreeing the final list of recommended conditions which will be presented to the Appeal Inspector. Please note that the following draft conditions are therefore likely to be the subject of amendment during the appeal.

1. No part of the development hereby permitted shall be begun until details of the access, appearance, landscaping, layout, and scale (hereinafter called 'the reserved matters') have been submitted to and approved in writing by the local planning authority for that part of the development. The development shall be carried out as approved.

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 2 years from the date of this permission. The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years 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.

3. No more than 120 dwellings shall be constructed on the site pursuant to this planning permission.

Reason: For the avoidance of doubt.

4. The development shall proceed in strict accordance with the Mitigation Measures provided in Chapter 6 of the Environmental Statement relating to Biodiversity and the related Technical Appendix prepared by Ecology Solutions dated October 2022.

Reason: In the interests of biodiversity and protected species.

5. Prior to the submission of reserved matters, a walk over survey and species specific presence/likely absence surveys will be undertaken as required, in particular for great crested newt presence/likely absence surveys/eDNA surveys should be undertaken, to confirm/note any changes in habitats or identify any new ecological constraints. The results of the survey along with any additional proposed mitigation measures shall be submitted to the Local Planning Authority for approval in writing. The development shall be implemented in accordance with the approved details.

Reason: In the interests of biodiversity and protected species.

6. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The LEMP shall be written in accordance with BS42020. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met)

how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details. The LEMP is also to include ecological enhancement plan detailing location and specification of the ecological enhancements. The LEMP will include details of any updates to the BNG metric, what the condition of habitats (where applicable) will be and how they will be met and identify how the habitats will be managed for a term of 30 years.

Reason: To protect biodiversity and protected species.

7. Prior to any works comprising the erection of a building above slab level a “lighting design strategy for biodiversity” for the boundary features and any native planting shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior written consent from the local planning authority.

Reason: In the interests of biodiversity and amenity.

8. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be written in accordance with BS42020, including mitigation details on bats, badger, birds, great crested newt, reptiles and hedgehog, as well as any pollution prevention measures. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To protect biodiversity and protected species.

9. No development including demolition, site clearance, materials delivery or erection of site buildings, shall start on the site until measures to protect trees/hedgerows on and adjacent to the site have been installed in accordance with details that have been submitted to and approved in writing by the local planning authority. These measures shall include:
 - Temporary fencing for the protection of all retained trees/hedgerows on and adjacent to the site whose Root Protection Areas (RPA) fall within the site to be erected in accordance with BS 5837(2012) or subsequent revisions (Trees in Relation to Design, Demolition and Construction). Any alternative fencing type or position not

strictly in accordance with BS 5837 (2012) shall be agreed in writing by the local planning authority prior to the start of development. The RPA is defined in BS5837(2012).

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

The approved tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority.

Reason: For the protection of trees, hedgerows and amenity

10. The Development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 69 metres to the north and 60 metres to the south measured along the nearside edge of the adjoining carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

Reason: In the interests of highway safety.

11. The Development hereby approved shall not be occupied until the highway improvements works comprising:
 - Segregated footway/cycleway on west side of Fiddington Lane as shown on drawing H689/03 RevB
 - Pedestrian and cyclist crossing on Fiddington Lane as shown on drawing H689/03 Rev B
 - Traffic calming/speed reduction measures as shown on drawing H689/03 Rev B

Have been submitted to and approved in writing by the Local Planning Authority; and no building shall not be occupied until those works have been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the highway.

12. The details to be submitted for the approval of reserved matters pursuant to Condition 1 shall include vehicular parking and turning and loading/unloading facilities within that part of the development. Thereafter, no building hereby approved shall be occupied until those facilities and carriageways (including surface water drainage/disposal and street lighting) serving that building and providing access from the public highway to that building have been completed to at least binder course level and the footways to surface course level. The facilities shall be maintained available for those purposes for the duration of the development.

Reason: To secure amenity for occupiers of the development.

-
13. Vehicle and cycle parking shall be provided prior to first occupation of each dwelling in accordance with details to be contained within the approval of any reserved matters permission. Such details shall include a scheme for enabling charging of electric plug-in and other ultra-low emission vehicles. Parking and charging points shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities.

14. Prior to the commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - Advisory routes for construction traffic;
 - Any temporary access to the site;
 - Locations for loading/unloading and storage of plant, waste and construction materials;
 - Method of preventing mud and dust being carried onto the highway;
 - Arrangements for turning vehicles;
 - Arrangements to receive abnormal loads or unusually large vehicles;
 - Highway Condition survey;
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

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

15. The Residential Travel Plan hereby approved, dated September 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.

16. The first reserved matters application submitted pursuant to condition 1 shall be accompanied by a detailed Site Waste Management Plan (SWMP) (incorporating material resource efficiency measures) for approval in writing by the local planning authority. The SWMP must accord with the principles of the Waste Minimisation and Management Plan under reference: 345.WMP.01, dated February 2021. The SWMP must identify the type and amount of waste materials expected to be generated from the residential development during the construction phase and set out what 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 generated waste that is unusable

on-site; and Reduce the amount of all wastes send to landfill.

In addition, the SWMP must clearly set out the proportion of recycled content to be used in construction materials and how such a level will be secured. The reserved matters applications shall demonstrate compliance with the approved SWMP for that phase and the development shall be carried out in accordance with the approved details.

Reason: To ensure that residential amenity for the area is safeguarded.

17. The first reserved matters application submitted pursuant to condition 1 shall be accompanied by details of a recycling strategy for the site for approval in writing by the Local Planning Authority. The reserved matters applications shall include details of waste storage provision for that part of the development which shall be in general accordance with the approved recycling strategy and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the site is sustainable.

18. Any reserved matters application that includes buildings submitted pursuant to condition 1 shall include details of existing and proposed ground levels and ground floor slab levels relative to Ordnance Datum of the buildings within that part of the development. The development shall be carried out in accordance with the approved details.

Reason: To protect the amenity of future residents and the character of the area.

19. No building works hereby approved 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 shall be in accordance with the principles set out in the Flood Risk and Drainage Strategy prepared by Phoenix Design dated October 2022. The submitted details shall:

- provide information about the design storm period and intensity and ensure that the method employed to delay and control the surface water discharged from the site to and the measures taken to prevent pollution of the receiving groundwater and/or surface water; include details of the phasing for its implementation; and
- provide a full risk assessment for flooding during the groundworks and building phases with mitigation measures specified for identified flood risks; and
- provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for its 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 future and existing residents' amenity from flood risk is protected.

20. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: to ensure that the development is provided with a satisfactory means of drainage and to minimise the risk of pollution.

21. Floor levels should be set at least 600mm above the Design Flood Level of 16.04 metres above Ordnance Datum.

Reason: For the avoidance of doubt

22. There shall be no storage of any materials including soil or raising of ground levels within that part of the site liable to flood as defined by the purple dashed line on drawing No. 559-010 Rev A in Appendix E of the Flood Risk Assessment prepared by Phoenix Design dated October 2022.

Reason: For the avoidance of doubt.

23. Noise levels within the dwellings hereby approved shall not exceed those set out in BS8233:2014 "Sound Insulation and Noise Reduction for Buildings". Noise levels measured from enclosed outdoor private amenity areas (gardens) should attain the 50dB(A) desirable criteria and not exceed the upper limit recommended within BS8233:2014 being 55dB(A)). Internal ambient noise level should not exceed the guideline values in Table 4 of BS8233:2014.

Reason: In the interests of the residential amenity of future residents.

24. To verify the noise level requirements set out in Condition 23 of this permission the reserved matters application(s) shall be accompanied by a noise survey to identify any dwellings that would be at risk of exceeding the levels. The noise survey shall identify those measures necessary to achieve this performance at the affected properties, and such measures shall be approved in writing by the Local Planning Authority prior to any works. The mitigation measures so approved shall be completed prior to any dwellings to which they relate being first occupied.

Reason: In the interests of the residential amenity of future residents

25. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the local planning authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared, which shall be subject to the approval in writing of the local planning authority.

Reason: To ensure the protection of residential amenity.

26. Following completion of measures identified in the approved contamination remediation scheme a verification report shall be prepared, which shall be subject to the approval in writing of the local planning authority.

Reason: For the protection of future residents.

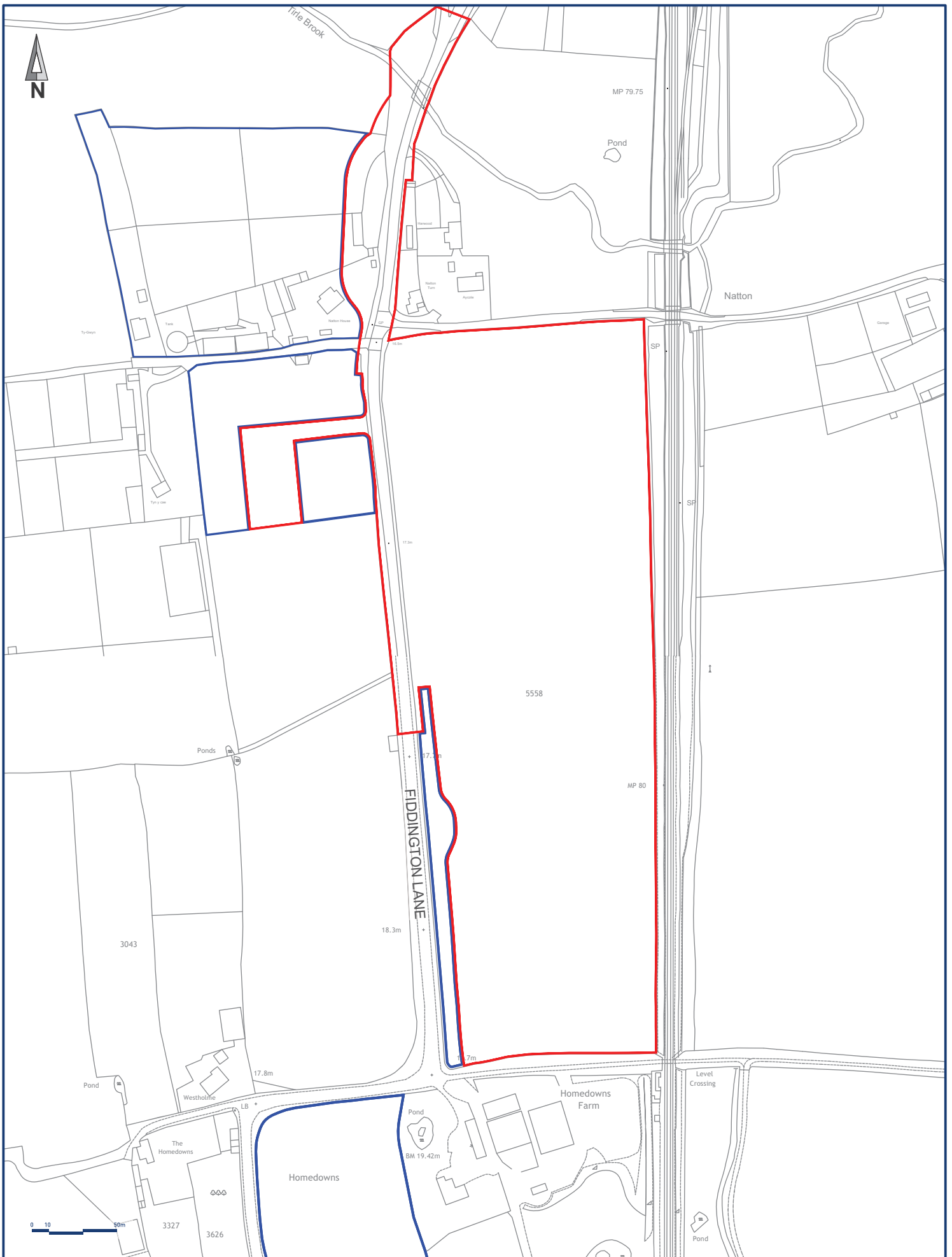
27. The first reserved matters application submitted pursuant to condition 1 shall include the submission of a Housing Mix Statement for the open market housing to the local planning authority for its written approval. It will set out, in respect of that phase, how an appropriate mix of dwelling sizes and types 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 of the relevant reserved matters. The development shall be implemented in


accordance with the approved Housing Mix Statement.

Reason: For the avoidance of doubt and to comply with relevant Policy.

















28. The development hereby permitted shall be carried out in accordance with the following approved plans unless other conditions in this planning permission specify otherwise:
Site Location Plan ref. 345.UD.05 REV.E and Parameter Plan ref. 345.UD.06 REV.R.

Reason: For the avoidance of doubt

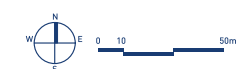


Site Name: LAND OFF FIDDINGTON LANE, ASHCHURCH, TEWKESBURY	Drawing Number: 345.UD.05	Revision: E	 Robert Hitchins The Complete Development Solution <small>The Manor, Boddington, Chettenham, Gloucestershire, GL51 0FJ Tel: 01242 880914 www.robert-hitchins.co.uk</small>	
Drawing Title: SITE LOCATION PLAN	Drawn By: 160	Checked By: GJ		Date: 02.09.2022



- KEY**
-  **ES STUDY AREA (6.978HA)**
 -  **PROPOSED VEHICULAR ACCESS**
APPROXIMATE LOCATION TO INCLUDE ASSOCIATED HEDGEROW REMOVAL ON FIDDINGTON LANE
 -  **RESIDENTIAL**
TO INCLUDE AMENITY GREEN SPACE, INCIDENTAL INFORMAL OPEN SPACE, A SHARED FOOTWAY/CYCLEWAY, SUSTAINABLE URBAN DRAINAGE SYSTEMS, ROADS, LANDSCAPING AND PLAY AREAS. PREDOMINANTLY 2 STOREY BUT WITH ALLOWANCE FOR UP TO 2.5 STOREY (MAXIMUM RIDGE HEIGHT UP TO 11.5M ABOVE PROPOSED GROUND LEVEL)
 -  **GREEN INFRASTRUCTURE**
TO INCLUDE SUSTAINABLE URBAN DRAINAGE, PUMPING STATION, INFORMAL FOOTWAYS, FOOTWAYS, CYCLEWAYS AND PLAY AREAS
 -  **FLEXIBILITY ZONE FOR UNDERGROUND SEWER CONNECTION**
TO INCLUDE REMOVAL OF HEDGEROW TO FIDDINGTON LANE
 -  **HIGHWAY ACCESS CORRIDOR FLEXIBILITY ZONE**
THIS ZONE ALLOWS FOR THE REVISION OF LAND PARCEL BOUNDARIES AND RELOCATION OF LAND USES WITHIN THE ZONE AND FOR A HEDGE BREAK TO ACCOMMODATE WIDTH OF ACCESS ROAD REQUIRED
 -  **FLEXIBILITY CORRIDOR FOR SEGREGATED FOOTPATH/CYCLE LINK**
EXISTING TREES/VEGETATION TO BE RETAINED WHERE POSSIBLE
 -  **NOISE MITIGATION**
ACOUSTIC FENCE AND BUND 1.5M ABOVE TRACK LEVEL BEING A MAXIMUM OF 5.5M IN HEIGHT
 -  **EXISTING VEGETATION TO BE RETAINED**
 -  **HEDGEROW TO BE REMOVED**
TO FACILITATE VISIBILITY SIGHT LINES
 -  **PROPOSED HEDGEROW**
SET BEHIND VISIBILITY SIGHT LINES
 -  **PROPOSED PUMPING STATION**
APPROXIMATE LOCATION
 -  **PROPOSED PEDESTRIAN/CYCLE ACCESS**
APPROXIMATE LOCATION CONNECTING TO OUTLINE APPLICATION (REF. 17/00520/OUT)
 -  **PROPOSED PLAY AREA**
APPROXIMATE LOCATION
 -  **SUDS POND**
APPROXIMATE LOCATION
 -  **PROPOSED SEGREGATED FOOTWAY/CYCLEWAY**
TO INCLUDE SOME LOSS OF VEGETATION WEST OF FIDDINGTON LANE

* FUTURE GROUND LEVEL ALLOWS FOR A MAXIMUM OF 1.5M ABOVE THE EXISTING GROUND LEVEL (THIS ESTABLISHES APPROPRIATE DRAINAGE, BALANCE CUT AND FILL AND ALIGN STREET AND BUILDINGS TO CONSISTENT LEVELS)





Robert Hitchins
The Complete Development Solution

Site Name:		SITE: LAND OFF FIDDINGTON LANE, ASHCHURCH	
Drawing Title:		TITLE: PARAMETER PLAN	
Drawing Number:	NUMBER: 345.UD.06	Revision:	REVISION: R
Drawn By:	LD	Checked By:	GRJ
Date:	02.09.2022	Scale:	1/5000 @ A2
The Manor, Boddington, Cheltenham, Gloucestershire, GL51 0TJ Tel: 01242 680694 www.robert-hitchins.co.uk			
CAD Ref: REFERENCE			



KEY




















-  APPLICATION SITE
-  PROPOSED VEHICULAR ACCESS INTO THE SITE
-  RESIDENTIAL DEVELOPMENT
-  INFORMAL OPENS SPACE WITH LANDSCAPE PLANTING
-  EXISTING VEGETATION
-  MAIN ROAD
-  INFORMAL ROADS
-  PRIVATE DRIVES /COURTYARDS
-  INDICATIVE CYCLEWAY
-  LEAP WITH 20M BUFFER
-  LAP WITH 10M BUFFER
-  INDICATIVE PED/CYCLE LINK
-  REPLACEMENT HEDGEROW PLANTED BEHIND VISIBILITY SIGHT LINES
-  INDICATIVE STREET TREE PLANTING
-  WATER MAIN AND EASEMENT
-  INDICATIVE LOCATION FOR ATTENUATION AREA
-  INDICATIVE LOCATION OF PUMPING STATION
-  NOISE MITIGATION - ACOUSTIC FENCE AND BUND
-  PROPOSED LANDSCAPING TO NATION HOUSE

FIGURE 4.1

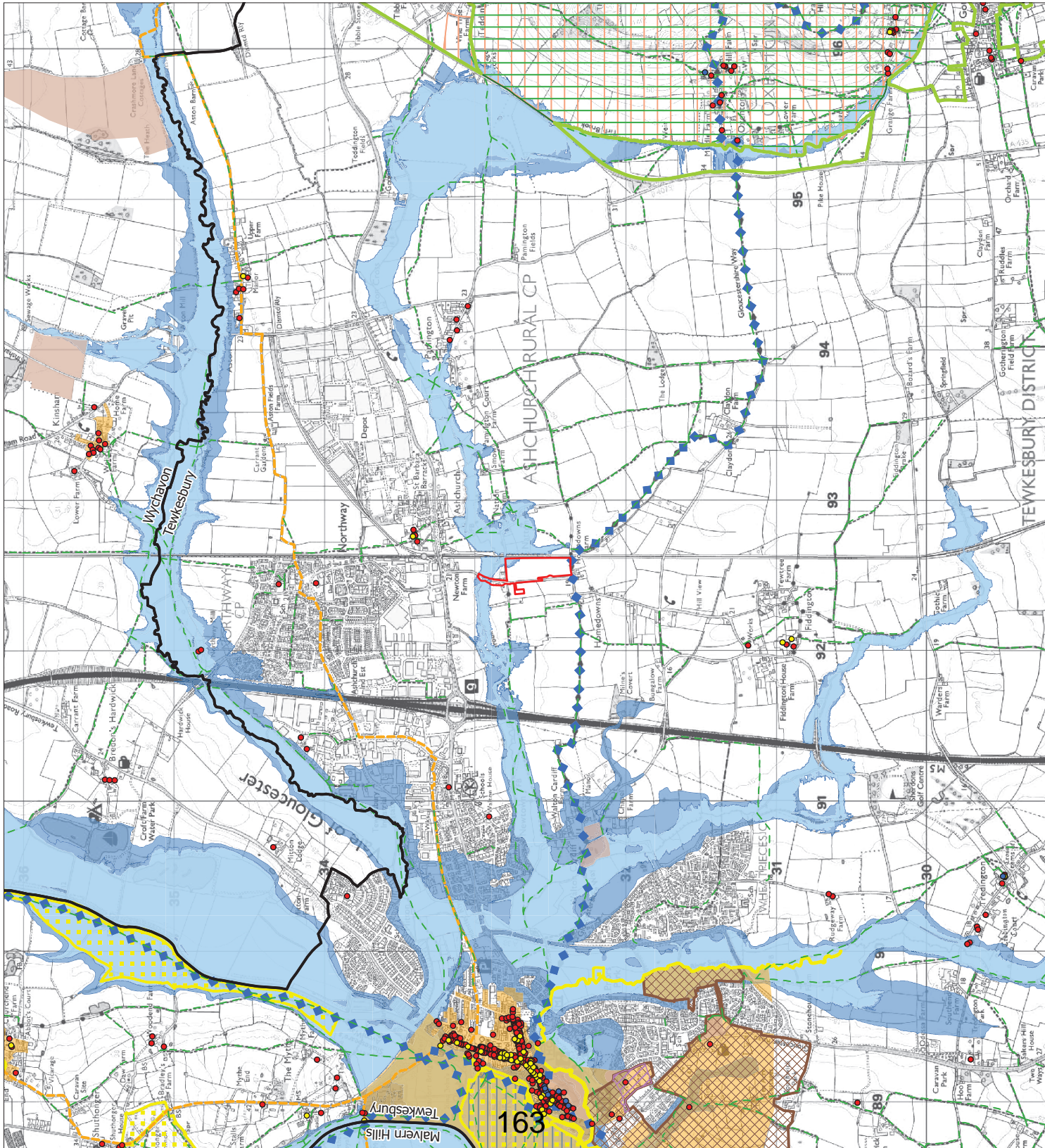
ILLUSTRATIVE MASTERPLAN

DRWG No: P21_2032_09A

Date: 12/10/2022

Scale: NTS @ A3





KEY

- Site Boundary
- District Boundary
- Listed Building – Grade
 - I
 - II*
 - II
- PROWs
- National Cycle Route
- CROW Access Land
- Areas of Outstanding Natural Beauty
- Registered Parks and Gardens
- Scheduled Monuments
- Battlegrounds
- Conservation Area
- Sites of Special Scientific Interest
- Environmentally Sensitive Areas
- EA Flood Zone 3
- EA Flood Zone 2
- Long Distance / Recreational Route
- Special Landscape Area

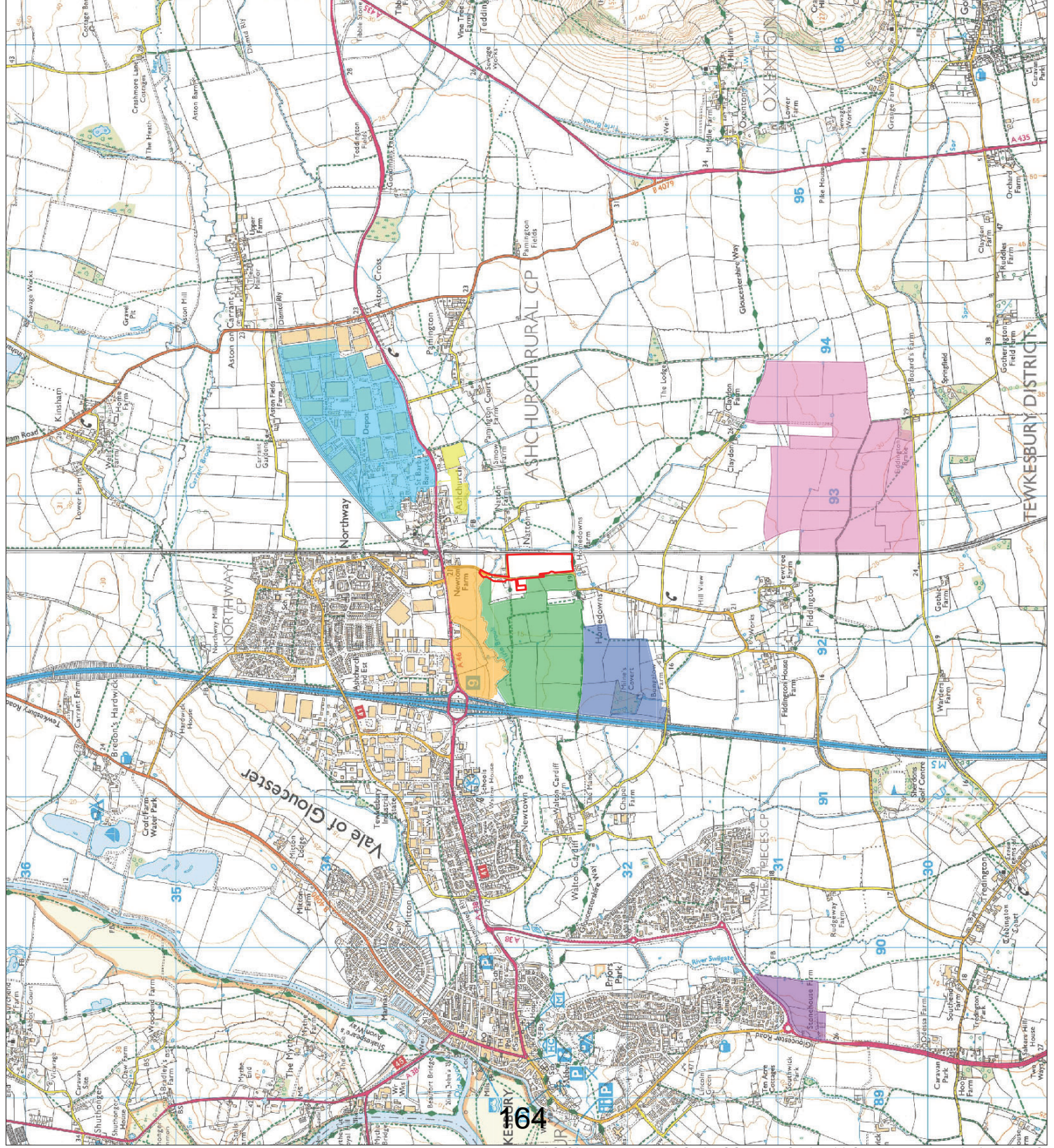
FIGURE 1.2

ENVIRONMENTAL DESIGNATIONS PLAN

DATE	SCALE
12/10/2022	1:25,000@A3
SHEET	REVISION
-	B
DRAWING NUMBER	
P21-2032_02	
North Arrow	
↑ N	0 1 km



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KEY

- Site Boundary
- Application Reference
- 17/01203/FUL – Land south of the A46 and north of the Title Brook
- 17/00520/OUT – Land at Fiddington, Tewkesbury
- 21/00451/OUT – Land to the Northwest of Fiddington, Tewkesbury
- 21/00259/FUL – Land at Claydon Farm, Claydon, Tewkesbury
- 21/00516/FUL – DSDC Ashchurch Camp, Ashchurch Road, Tewkesbury
- Adopted Housing Allocation Policy RES1- TEW1, Land at Odessa Farm
- 18/00043/OUT – Land at Fitzhamon Park, A46 Ashchurch Road, Ashchurch, Tewkesbury

FIGURE 2.1
CUMULATIVE SITES PLAN

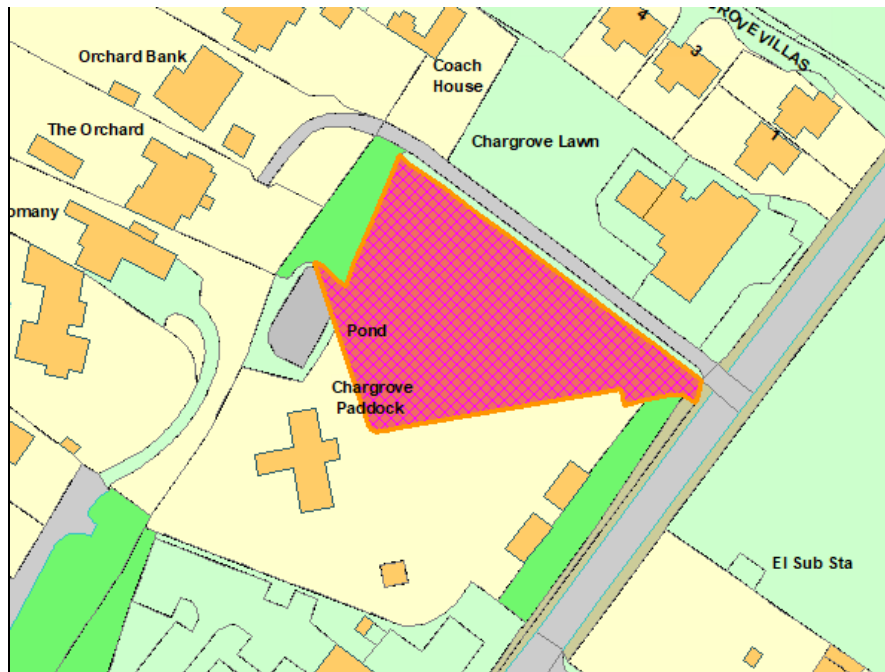
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-	B
DRAWING NUMBER	
P21-2032_04	
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Planning Committee

Date	15 August 2023
Case Officer	Chloe Buckingham
Application No.	23/00015/FUL
Site Location	Chargrove Paddock, Main Road, Shurdington
Proposal	Resubmission of planning application 22/00269/FUL for the construction of a single dwelling and associated infrastructure.
Ward	Shurdington
Parish	Shurdington
Appendices	Site Location Plan (5265-P-01 Rev A) Proposed Elevations (5265-P-700 Rev C) Proposed Floor Plan (5265-P-200 Rev C) Proposed Site Layout (5265-P-100 Rev G)
Reason for Referral to Committee	Cllr Surman called the application to assess the impact on the Green Belt.
Recommendation	Refuse

Site Location



1. The Proposal

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

- 1.1 This application seeks planning permission for the erection of a single dwelling and associated infrastructure. The proposal would involve the demolition of some existing buildings on site. The new dwelling would be single storey, constructed in a contemporary style with a flat roof design, providing 5 bedrooms. The proposed materials would be a mix, comprising of; grey stone, timber cladding, grey brick and render.
- 1.2 Access would be taken from the driveway the currently services an existing dwellinghouse, the access would be shared between the two properties.

2. Site Description

- 2.1 The application site comprises of a grassed area located to east of a vacant residential bungalow. The site extends to approximately 0.5 ha and is generally flat and contains a number of derelict timber structures on its northeast and southeast boundary. There is established vegetation on the boundaries of the application site there are trees which are protected by a Tree Preservation Order on the north, west and east boundaries of the application site.
- 2.2 The site is bounded by Shurdington Road (A46) to southeast and there is an existing access from the northeast corner of the site onto the A46. Beyond Shurdington Road to the southeast are residential properties and open fields. To the northeast the site is bounded by a residential care home and to the southwest the site is bounded by an office building. To the northwest beyond the existing vacant bungalow the site is bounded by residential properties which are accessed from a road which partially lies to the northwest of the site.
- 2.3 The site does not fall within a recognised settlement boundary as defined in the Tewkesbury Borough Local Plan (2022). The site is located in the Green Belt and is located in Flood Zone 1. The Cotswolds Area of Outstanding Natural Beauty (AONB) is located approximately 500 metres to the east of the site beyond fields.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
T.2407	Development of disused camp site for residential purposes. Use of existing entrance.	REFUSE	18.09.1956
T.2407/A	Erection of a bungalow. New vehicular access on to private drive serving Chargrove House or on to main road or private service road at the rear of the site.	REFUSE	17.12.1957
T.2407/B	Erection of two deep litter houses.	PERMIT	26.04.1960

T.2407/C	Outline application for a dwelling in connection with a poultry farm. Vehicular access.	REFUSE	19.05.1965
T.2407/D	Outline application for one dwelling in connection with poultry farm. Vehicular access to side lane.	REFUSE	24.02.1966
T.2407/E/AP	Bungalow to be attached to an established poultry farm. Vehicular access.	PERMIT	19.04.1967
T.2407/F	Extension to existing bungalow to provide a bedroom.	PERMIT	10.04.1978
T.2407/G	Alterations and extension to existing bungalow to provide a double private car garage and two enlarged bedrooms.	PERMIT	04.11.1983
92/00175/FUL	Alterations and two storey extension to provide enlarged living accommodation and erection of an attached garage.	PERMIT	01.07.1992
99/00483/OUT	Outline application for residential development	REFUSED	11.06.1999
17/00013/FUL	Erection of 3no. dwellings with associated landscaping and new vehicular/pedestrian access following closure of existing vehicular/pedestrian access and demolition of existing derelict buildings – DISMISSED AT APPEAL 2018	REFUSED	21.07.2017
22/00269/FUL	Construction of a single dwelling and associated infrastructure	WITHDRAWN	27.10.2022

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 for the following reason:

- On the basis that the site is located on the Northwest side of Shurdington Road (A46), within the Green Belt and is therefore outside of the Shurdington village development boundary.

4.2 **County Highways**- No objection subject to condition.

4.3 **Ecology**- No objection subject conditions.

4.4 **Building Control**- The application will require Building Regulations approval.

4.5 **Drainage Engineer**- No objection subject to conditions.

4.6 **Tree Officer**- No objection subject to conditions.

4.7 Environmental Health (Noise) - No objection.

5. Third Party Comments/Observations

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

5.1 The application has been publicised through the posting of neighbour notifications for a period of 21 days and one general comment and four support comments have been received. The main points being;

- Enhances the visual appearance of the site.
- Re-use of previously developed land for new houses instead of the large developments that seem favoured.
- Well-designed small-scale housing is much needed in this highly sustainable location.
- The benefits of redeveloping Chargrove Paddock is that it is far more sustainable and responsible to repurpose and reuse buildings and land that have previously been developed than building on undeveloped land or greenfield sites.
- The buildings on the site are visually unappealing and this development would deliver sustainable benefits and offers economic and social benefits to the community.
- This is not inappropriate development in the Green Belt as the replacement building is in the same use and not materially larger than what it is replacing.

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 Development

SD4 - Design Requirements

SD5 - Green Belt

SD6 - Landscape

SD7 - Cotswolds Area of Outstanding Natural Beauty

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

RES3 (New housing outside settlement boundaries)
RES4 (New housing at other rural settlements)
RES5 (New Housing Development)
RES13 (Housing Mix)
ENV2 (Flood Risk & Water Management)
DES1 (Housing Space Standards)
TRAC9 (Parking Provision)
GRB4 (Cheltenham-Gloucester Green Belt)

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 sets out the strategy for the distribution of new development across the JCS area and 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.

- 8.2** Policy SD10 of the JCS sets out 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 Borough's towns and villages except where otherwise restricted by policies within District plans. Policy SD10 follows that housing development on other sites will only be permitted where:
- i. It is for affordable housing on a rural exception site in accordance with Policy SD12, or;
 - ii. It is infilling within the existing built-up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District plans, or;
 - iii. It is brought forward through Community Right to Build Orders, or;
 - iv. There are other specific exceptions / circumstances defined in district or neighbourhood plans.
- 8.3** The village of Shurdington, in strategic planning terms has been identified as a Service village, the fourth tier in the settlement hierarchy and is considered to be a suitable location for some limited residential development. Service villages are assessed as having two or more primary services, two or more secondary services and benefitting from bus services and/or road access to a major employment area by the 2015 Rural Area Settlement Audit Refresh and updated by further evidence as available. There is no current settlement boundary identified within the JCS for Shurdington however the application site is located outside of the designated residential boundary for Shurdington as shown on the Housing Maps of the Tewkesbury Borough Plan.
- 8.4** The site is not allocated for development and forms part of the planning unit and domestic use of the retained bungalow. As such the proposal would not comply with criterion 2 or 3 of Policy SD10 of the JCS. Criterion 4(ii) states that development will only be permitted where it is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within district plans.
- 8.5** The policy's explanatory text further sets out 'For the purpose of this policy (4ii), infill development means the development of an under-developed plot well related to existing built development'. However, this would only be engaged within towns or villages identified within the JCS. Officers consider that the application site is located outside the village of Shurdington, and therefore the proposal would not accord with infill criteria. Consequently, the proposal would conflict with Policies SD2 and SD10 of the JCS, which seek amongst other things to direct residential development to the most sustainable locations.
- 8.6** Policy RES3 broadly supports the principle of very small-scale development at rural settlements as in this instance and subject to accordance with Policy RES4.
- 8.7** Policy RES4 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).

8.8 When assessing the previous dismissed appeal, the Inspector considered the location and whether it was located within Shurdington Village, commenting as follows:

8.9 “I have carefully considered the appellant’s representations in relation to the site’s proximity to services, Shurdington parish boundary, street signage and the linear nature of Shurdington. However, I consider that the appeal site is located within Chargrove, between Shurdington and Cheltenham, outside the Shurdington village development boundary, rather than within it. Furthermore, the appeal site and the agricultural land that separates it from the village are located within the Green Belt. This is materially different to Shurdington village which is excluded from the Green Belt. Therefore, in this site specific circumstance I conclude that the appeal site is not located within Shurdington Village.”

8.10 On the ground, it is evident that the site is adjacent to residential development on two sides. However, whilst it is considered to be adjacent to the built up area of a rural settlement, the site is located within the Green Belt and therefore criterion f) of policy RES4 applies in this instance. Criterion f) states the proposals for new residential development would be supported providing;

8.11 *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.*

8.12 As discussed above the previous Inspector found that the site was not located within a village location but more so an area between the village of Shurdington and the large built up fringes of Cheltenham. This immediate area of Chargrove, along the A46, is characterised by large, detached properties set back from the highway, in a scattered, sporadic, ribbon pattern with intervening parcels of agricultural land. Given this Officers do not consider the proposal to be limited infill development in a village and therefore conflicts with Policy RES4 of the TBLP.

8.13 Given the above it is considered that application site is not located within or adjacent to a village the proposal would fail to comply with policies SD10 of the JCS and RES4 of the TBLP.

Green Belt

8.14 Further to the above, as detailed previously the application site is wholly located in the designated Green Belt therefore the significance of the impact of the development upon the Green Belt must be considered in assessing whether the principle of housing development in this location is acceptable.

8.15 Policy SD5 of the JCS and Policy GRB4 of the TBLP sets out that, to ensure the Green Belt continues to serve its key functions, it will be protected from harmful development. Within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless it can be demonstrated that very special circumstances exist to outweigh the harm automatically caused to the Green Belt by virtue of the development being inappropriate and any other harm actually caused.

- 8.16** The NPPF provides that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF provides that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 8.17** Paragraph 149 of the NPPF sets out that the construction of new buildings in the Green Belt is inappropriate other than for a number of exceptions. One such exception (e) listed is limited infilling in villages.
- 8.18** The NPPF does not provide a definition of either what constitutes a "village" or "limited infilling". Likewise Policy SD5 of the JCS similarly does not provide a definition in this context therefore a degree of judgement is necessary.
- 8.19** The NPPF does not provide a definition of either what constitutes a "village" or "limited infilling". Likewise Policy SD5 of the JCS similarly does not provide a definition in this context therefore a degree of judgement is necessary. However an Inspector in a recent appeal decision for a pair of semi-detached properties in the Green Belt in Halifax, Appeal reference APP/A4710/W/19/3237366, set out that infilling is normally associated with the completion of an otherwise substantial built up frontage of several buildings or at the very least, the consolidation of a largely built-up area.
- 8.20** Further to the above, case law (Julian Wood v The Secretary of State for Communities and local Government and Gravesham Borough Council [2015]) has established that it is necessary to consider whether, as a matter of fact on the ground, a site appears to be within a village and whether or not a site lies outside a village boundary as designated in a development plan is not determinative of the point.
- 8.21** Given the above case law it seems necessary to consider whether the application site is within the village of Shurdington; and whether the proposal represents infilling in the accepted sense of that term.
- 8.22** As established in the previously refused application from 2017, whilst the proposal amounts to 'infill' development because the site is abutted by development and is a gap in an otherwise developed frontage onto the A46, it is not considered that the application site is located within a 'village' for the purposes of applying the relevant policies. As discussed in the principle sections above the site is located along the A46 and in an area of loosely grained, short ribbon of development, physically separated from the built main the village. The application site is located approximately 700 metres to the north east of the defined residential development boundary of Shurdington and is separated by agricultural fields. It is also the case that Chargrove was named as a separate settlement to Shurdington in the JCS Rural Areas Settlement Audit and was identified as a separate settlement during the preparation of the JCS. It is also the case that Shurdington is not located within the Green Belt whereas Chargrove and the intervening agricultural fields are located in the Green Belt.

- 8.23** Taking account of the above, it is considered that due to the distance of the application site from the defined residential development boundary of Shurdington and the presence of fields in the Green Belt between application site and Shurdington, it is not considered that the application site/Chargrove forms part, or appears part of, Shurdington Village.
- 8.24** Turning to whether Chargrove itself can be considered a 'village' for the purposes of paragraph of the NPPF, Chargrove isn't recognised as a village within any adopted plan. It isn't recognised as a settlement in the adopted Local Plan and it doesn't feature in the settlement hierarchy within the JCS.
- 8.25** For a settlement to be classified as a 'village' for the purposes of Green Belt policy it is considered reasonable that it would have certain characteristics such as services and a clear core. Chargrove lacks the typical 'village' facilities like a pub, shop, church, primary school and there is no 'core' and instead it is collection of buildings. It is accepted that there is an office building and residential care home but these are not of a scale commensurate with the size and scale of Chargrove and these facilities serve the wider population. It is also noted that whilst there is sports pitch, MUGA, kids play area and young peoples centre adjacent to Up Hatherley Way, these facilities are separated from the cluster of buildings in Chargrove by an agricultural field and situated within Cheltenham Borough administrative area. As such whilst these facilities would be accessible to future residents due to the physical separation of these services from the cluster of building adjoining the application site it is not considered that these facilities are part of Chargrove settlement. Notwithstanding this matter, even if the sports pitch, MUGA, kids play area and young peoples centre were considered to be part of Chargrove settlement then it is not considered that the facilities would be sufficient for Chargrove to be defined as a village in the context of the NPPF.
- 8.26** As such, whilst it is concluded that the proposal amounts to 'infill' development it is not considered that the application site is within a 'village'. The application therefore fails the exception to inappropriate development in the Green Belt.

Openness and Green Belt purposes

- 8.27** As set out in the NPPF, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open as set out in Paragraph 137. Openness, as highlighted in the NPPF, is an essential characteristic of Green Belts to which the Government attaches great importance and which is a separate issue from the character and appearance of an area. It is a matter of its physical presence rather than its visual qualities.
- 8.28** As set out above, the application site is abutted by development and is a gap in an otherwise developed frontage onto the A46. On this basis, it is considered that the proposed development would constitute 'infilling'.
- 8.29** In March 2017 the Court of Appeal in Dartford Borough Council v Secretary of State & Local Government (CO/4129/2015) held that residential garden land, outside 'built-up' areas is 'brownfield' land. Taking account of this case, and on the basis that Chargrove is not a defined settlement and is outside a built-up area it is considered that the application site is previously developed/brownfield land.

- 8.30** The policy requirement, therefore, in accordance with the NPPF is whether the proposal would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 8.31** The applicant's case is that the impact upon the openness of the Green Belt is minimal given that the development would be seen in the context of the surrounding dwellings and given that this does not involve isolated dwellings in the open countryside. The applicant also considers that the form, bulk and design of the scheme are in keeping with its surroundings and the proposal would result in the removal of a number of unsightly derelict buildings on the site.
- 8.32** The applicant has stated that the replacement with a building of a smaller footprint than the totality of the existing would deliver a benefit through reducing the amount of built development within the Green Belt. The applicant has stated that the proposal to keep the new dwelling at single storey level also means that the scale and massing of the development would not increase on site. The applicant has stated that through maintaining consistency of ridge height with the existing house, along with the reduction of built footprint and concentrating development in a single location at the centre of the site, as opposed to the location of the previously proposed buildings on the site perimeter. The applicant also maintains that the proposal would not have a greater impact on the openness of the Green Belt than what is presently at the application site and that the proposal would improve the site's contribution to the openness of the Green Belt.
- 8.33** The application has changed from the previously refused application in that the number of dwellings has been reduced from three to one and the dwelling is now a modern, flat roof single storey structure rather than a two-storey property. It is considered that this change goes some way to reduce the impact on the openness of the green belt than the previous scheme.
- 8.34** However, the application site is a prominent site on the A46 which contributes to the openness of the locality. It is still considered that the proposed dwelling, albeit now single storey would still change and remove this openness and adversely affect the character and appearance of the green belt. It is also still not considered that the removal of the derelict single storey structures on the site would mitigate against this harm to the openness. This is due to the fact that these structures are wooden and are largely covered by vegetation and as such are not visually prominent.
- 8.35** The existing structures are small wooden sheds which are small domestic structures that are low level and discretely located along the boundary of the site. The proposed development would be sited on a part of the site which is currently undeveloped and would erode the openness of it. The greater scale and mass of the building would have a significant impact on the Green Belt and even considered under paragraph 149 (g) of the NPPF, would have a greater impact on the openness of the Green Belt than the existing development. As such it is not considered that the exception in paragraph 149(g) applies in this case.
- 8.36** Having regard to the above, it is considered that the application would have a greater impact on the openness of the Green Belt than the existing development.

- 8.37** It is also considered that the proposal would impact on the purposes of the Green Belt as set out in paragraph 137 of the NPPF, insofar as to check the unrestricted sprawl of large urban areas and to prevent neighbouring towns merging into one another. The application site is located approximately 300 metres to the south of Cheltenham between Cheltenham and Shurdington. As noted in the previous application there is currently some ribbon development in the locality and it is considered that the introduction of urbanising development in this gap between Shurdington and Cheltenham administrative area, which would result in harm to the openness of the Green Belt, would be harmful to essential characteristics of the Green Belt and conflict with the fundamental aim of Green Belt policy to prevent urban sprawl.
- 8.38** As such it is considered that the application fails the exception to inappropriate development in the Green Belt.

Very special circumstances

- 8.39** The applicant's previous submission states that very special circumstances can be demonstrated through the development enabling necessary local improvements to gas and sewer infrastructure as well as the removal of the existing structures. The applicant states that this is because the development will enable an urgently needed upgrade of the sewer and gas infrastructure in the immediate locality of the site on land owned by the applicant, which would also benefit a significant number of properties locally. Nevertheless, it is still not understood how these purported benefits would be delivered through the planning process, or how they would meet the CIL tests. The applicant also states that the proposal would make a contribution towards housing supply in the area and that the proposed development is in a sustainable location.
- 8.40** It is not considered that the proposal offers significant benefits, and these factors are not considered to constitute very special circumstances that would clearly outweigh the harm to the Green Belt, as these benefits could be applied to many cases where a new dwelling was proposed in the Green Belt.

Conclusions in respect of Green belt policy

- 8.41** It is concluded that the proposed development is inappropriate development in the Green Belt and that there are no material considerations which comprise very special circumstances arising from the proposed development to justify inappropriate development in the Green Belt. It is also concluded that the form and nature of the proposed development would be harmful to openness of the Green Belt. It is also considered that the application conflicts with the purposes of the Green Belt. These matters weigh heavily against the proposal in the overall planning balance in light of the clear national and local policy guidance on inappropriate development in the Green Belt.

Housing Land Supply

- 8.42** As set out in the latest Tewkesbury Borough (TBC) Housing land supply statement in March 2023 the Council considers that the Borough can demonstrate a five-year land supply using the standard method. The NPPF states that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. 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. 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. 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. On 7th March 2023, the Council's Interim Five-Year Housing Land Supply Statement was published which set 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. This is a position not accepted by the current applicants with respect to the subject site. The Council's approach to calculating the five-year housing land supply under the standard method was considered by Inspectors appointed by the Secretary of State at two appeals earlier this year, Hill End Road, Twynning (January 2023) and St Margaret's Drive, Alderton (April 2023). In both appeals the Inspectors did not accept the Council's revised approach to calculating the five-year housing land supply following the introduction of the standard method. Consequently, they both opined that the Council could not demonstrate a five-year housing land supply. However, the Council maintained its approach to calculating its five-year housing land supply at the recent appeal at Trumans Farm, Gotherington where the Inspector's decision is awaited. The Council consider that currently a five-year land supply can be demonstrated, and the 'tilted balance' is not currently engaged, and as a result the adopted strategic policies of the JCS are still considered to carry full weight.

Design and Visual Amenity

- 8.43** Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 8.44** Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments (amongst other criteria):
- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 8.45** 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.

8.46 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.

8.47 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;

8.48 As explained in the previous application, by virtue of the access arrangement and landscaping screens to the west the proposed dwellings would be viewed in the context of adjacent development on the A46. In terms of character, in the vicinity of the application site on the A46, the prevailing form of development is large buildings set back from the main road with the principal elevation facing towards the road. The generous frontages contribute to an open sylvan character.

8.49 The new dwelling is positioned so as to face Shurdington Road which is similar to the arrangement of the existing properties. The layout includes front and rear outdoor amenity space and overall, the layout is considered to respect the character and appearance of streetscene. It is agreed that there is a mixture of designs and materials within the streetscene, and the modern design is generally considered acceptable. The timber cladding, natural stone and render is also considered acceptable and if the scheme were acceptable a condition regarding the submission of materials samples would be necessary.

Trees

8.50 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.

8.51 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.

- 8.52** Officers agree that there are some category U trees that are earmarked for removal and if the scheme were acceptable in principle these must be mitigated for with a sufficient tree and hedgerow planting scheme which would be conditioned.
- 8.53** The root protection area of the trees T3, T4 and T5 will be impacted by the installation of hard surfacing and therefore a tree protection plan and arboriculture method statement would be required and conditioned if the proposal were acceptable.
- 8.54** Details regarding the positioning of underground utilities will need to be provided in the arboriculture method statement, and this should avoid the root protection area of the existing trees wherever possible.

Ecology

- 8.55** Policy SD9 (Biodiversity and Geodiversity) specifies that the protection and enhancement of the biodiversity and geological resource of the JCS will be achieved by, inter alia, ensuring that European Protected Species and National Protected Species are safeguarded in accordance with the law, and by encouraging new development to contribute positively to biodiversity geodiversity whilst linking with wider networks of green infrastructure. In this respect, Policy NAT1 of the TBLP is also relevant and explains that proposals that will conserve, restore and enhance, biodiversity will be permitted. Proposals will, where applicable, be required to deliver a biodiversity net gain across local and landscape scales, including designing wildlife into development proposals, the connection of sites and large-scale habitat restoration, enhancement and habitat re-creation.
- 8.56** The application has been submitted with an Ecological Appraisal Report (Cotswold Environmental, October 2021) and Ecology Comments in October 2022. Since these Ecology comments were provided, we note the correspondence email from Cotswold Environmental, dated 7th December 2022, stating that the trees on site are all to be retained.
- 8.57** A Precautionary Working Method Statement (PWMS) for Great Crested Newts should be provided prior to determination to ensure any potential harm to GCN is avoided. An alternative to the above is for the applicant to apply to NatureSpace for a District GCN Licence. The LPA would require receipt of the District Licence certificate from NatureSpace prior to determination.
- 8.58** If the scheme were acceptable conditions would be attached to ensure that the recommendations included within the Ecological Appraisal Report (Cotswold Environmental, October 2021), and Precautionary Working Method Statement (PWMS) for Great Crested Newts (once reviewed and approved by the Local Planning Authority) should be strictly adhered to. Furthermore, a lighting strategy scheme should be submitted to the local authority detailing location and specification of the lighting supported by contouring plans demonstrating any light spill into adjacent habitats. A condition would also be required to ensure that a plan is provided indicating location of ecological enhancement features including, but not limited to, a minimum of two bat boxes and one bird box, which can be installed on the new building.

Residential Amenity

- 8.59** 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.
- 8.60** 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;
- 8.61** 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.
- 8.62** It is noted that the previous application explained that plot 2 had poor quality garden space and that it would be overshadowed by TPO trees on the north and east elevation. There were also issues regarding the layout of the garden so close to the A46 and the noise that this would generate. However, the scheme has now been reduced to one dwelling which is positioned in a layout similar to that of the existing dwellings, facing the main road. The private amenity space for the dwelling is considered acceptable and there would be no unacceptable overshadowing of the garden. It is noted that the existing bungalow would be positioned at an angle to the proposed dwelling but there are no direct views into the rear or side windows from either dwelling and sufficient boundary treatment is proposed between the dwellings in the form of a 1.8m close board fence.

Highways

- 8.63** 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.
- 8.64** 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.

8.65 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;

8.66 The proposed dwelling would be accessed from the existing access. Gloucestershire County Highways Authority (CHA) have assessed the proposal and following the submission of additional information the CHA have no highway objections to the proposal. It is noted that if the scheme were acceptable the highways officer has recommended a condition to ensure that sheltered, secure and accessible bicycle storage is provided. However, as there is adequate space and access for bicycle parking such a condition is not considered necessary in this instance.

Drainage and Flood Risk

8.67 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.

8.68 If the scheme were acceptable a condition would be attached to ensure that prior to the construction of the on-site drainage systems, a detailed surface water drainage scheme, including a maintenance plan should be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The proposed SUDS/ soakaway design shall be designed in accordance with building regulations and CIRIA 753. Percolation tests to be carried out in line with the building regulations and the BRE365. Once approved, the development would be completed, maintained and managed in accordance with the approved details. This condition is considered necessary to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

8.69 The drainage engineer has explained that Option 1 is the preferred solution but that this is heavily influenced by the soakaway tests. Confirmation has been given by the applicant that they would commit to option 1 if the scheme were acceptable and it is agreed that this could be detailed when discharging condition. However, the applicant should be minded that this is heavily influenced by the soakaway tests, as highlighted by the drainage engineer. It must also be noted that Option 2 indicates a connection to the highway drainage and DMRB clearly states no drainage from residential development are permitted to connect to the highway system. It is also noted that the proposed dwelling is reliant on the diversion of a Severn Trent Water (STW) sewer. This is a matter for STW to approve.

Impact on Area of Outstanding Natural Beauty

- 8.70** The Cotswolds Area of Outstanding Natural Beauty (AONB) is located approximately 500 metres to the east of the site. The NPPF states that great weight should be given to conserving landscape and scenic beauty in AONB's which have the highest status of protection in relation to landscape and scenic beauty. Policy SD7 of the JCS reflects this advice.
- 8.71** Due to the separation distance between the application site and the AONB it is considered that the proposal would not harm the AONB's landscape and scenic beauty.

Community Infrastructure Levy (CIL)

- 8.72** The applicants have submitted the relevant CIL forms claiming self-build exemption from CIL.

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.

Benefits

- 9.2** The benefit of the proposal arises from the delivery of market housing, although it is accepted that those benefits are limited by virtue of the small scale of the development proposed. In terms of economic benefits, it is now widely accepted that new housing developments bring benefits during the construction phase through additional spending power in the local economy as a result of the increased population, although these economic benefits are similarly limited relative to the scale of the proposed development. The applicant has stated this is a self-build property, however, it is noted that they are not in the self-build register. Even if the applicant were on the self-build register, this would not override all other policies.

Harms

- 9.3** It is considered that the application site cannot be considered to be within the existing built up area of the village. On the basis that the proposal does not fit within any of the exceptions set out in Policy SD10 of the JCS and RES4 of the TBLP and the proposal would be inconsistent with the spatial strategy of the development plan.
- 9.4** The site is located within the Green Belt and the proposed development represents inappropriate development which is harmful by definition. The proposal would increase the built form on the site and therefore the proposal would erode the openness of the Green Belt and conflict with the purposes of including land within it. This fact alone weighs considerably against the proposal.

Neutral

- 9.5** There would be no undue impact in terms of biodiversity, drainage nor the local highway network subject to conditions.

Conclusion

- 9.7** It is concluded that the proposed development subject to the current application is contrary to the provisions of the NPPF, policies SP2, SD5 and SD10 of the JCS and policies RES4 and GRB4 of the TBLP and the principle is therefore against the grant of planning permission unless other material planning considerations indicate otherwise. In this case it is not considered that the planning benefits of the proposal outweigh the conflict with the development plan and Green Belt harm, and there are no material planning circumstances which indicate that determination be made other than in accordance with the development plan.
- 9.8** For the reasons given above, it is concluded the proposal would not comprise sustainable development and the harms resulting from the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole and the application is therefore recommended for refusal.

10. Recommendation

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

11. Refusal Reasons

- 1.** The application site is located outside of the defined settlement boundary as shown on the Housing Proposals Map of the Tewkesbury Borough Plan and does not fall within the built up area of Shurdington. Furthermore, the site does not relate well to the existing built development in the village. Therefore the application site is not an appropriate location for new residential development. Consequently the development would be contrary to Policy SP2 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and Policy RES4 of the Tewkesbury Borough Plan.
- 2.** The proposal would represent inappropriate development in the Green Belt that is harmful by definition, would cause harm to the openness of the Green Belt and conflict with the purposes of the Green Belt to check the unrestricted sprawl of large built-up areas and preventing neighbouring towns from merging into one another, contrary to Policy GRB4 of the Tewkesbury Borough Local Plan to 2011- 2031 (June 2022), advice within the National Planning Policy Framework 2012 and Policy SD5 of the Joint Core Strategy (2017).

NOTES

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REVISIONS

REV DATE DESCRIPTION CHECKED BY
- 07/JAN/2022 KDCG
- 15/FEB/2022 KDCG
- 30/JUN/2022 KDCG
Red plan and client details updated



DRAWING TITLE

Site Location Plan

PROJECT

Chargrove Paddock
Shurdington

CLIENT

[Redacted]

SCALE

1:1250@A3

DATE

March 2022



DRAWING NO.

5265/P/01

REV

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1100 Oaklands
Pond 8541
T: 01429 42434

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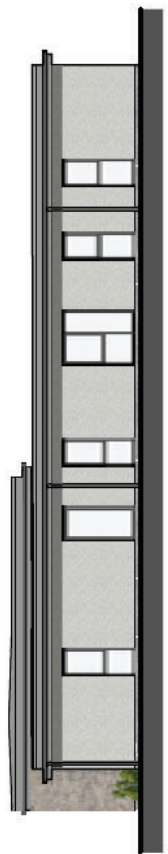
183

- Render (East Product TBC)
- Grey Brick (East Product TBC)
- Timber Cladding (East Product TBC)
- Grey Stone (East Product TBC)
- Grey Windows and Doors (East Product TBC)
- Grey Rainwater Goods (East Product TBC)

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REVISIONS
 REV DATE DRAWN CHECKED NOTES
 1 25/01/21 JLM HODGS
 2 12/01/21 JLM HODGS
 3 12/01/21 JLM HODGS
 4 12/01/21 JLM HODGS
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Scale shown in title to reflect 1:100 drawn elevations



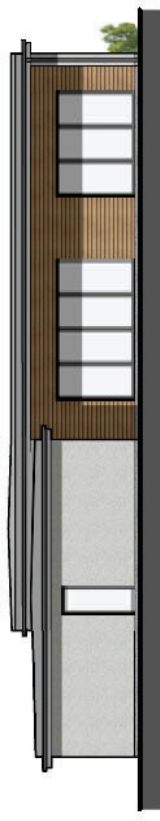
North-East Elevation

South-East Elevation

DRAWING TITLE
 Proposed Elevations

PROJECT
 Chargrove Paddock,
 Shurdlington

CLIENT
 [REDACTED]



South-West Elevation

North-West Elevation

SCALE
 1:200@A2

DATE
 Nov 2021

DRAWING NO.
 5265-P-700

REV
 C



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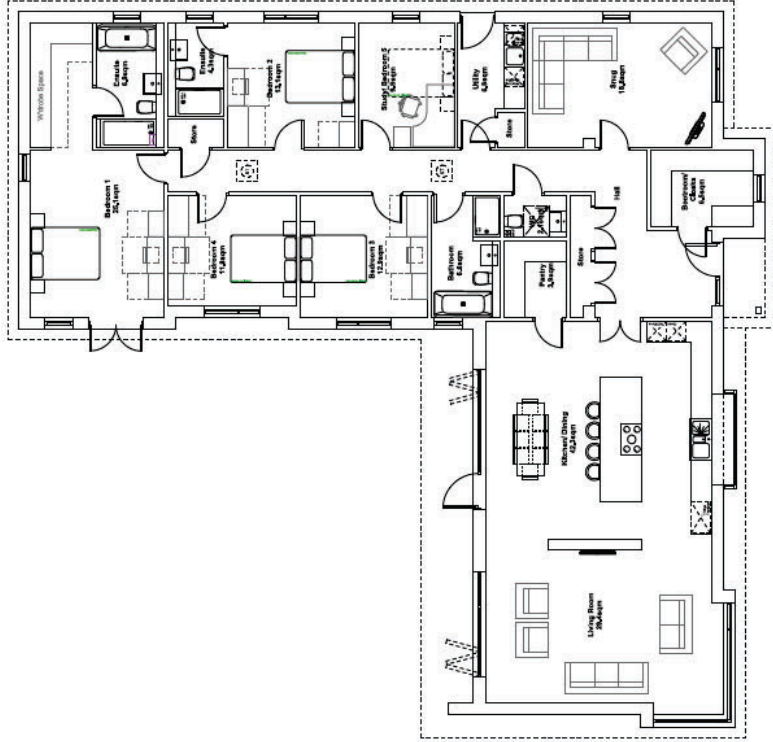
----- Extents of Roof Overhang

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REVISIONS - CHECKED NOTES

- 22.08.21 - LM - KDDC: Drawing created.
- A. 25.01.21 - JM - KDDC: Layout revised to match proposed elevations.
- B. 02.11.21 - LM - KDDC: Layout Revised to match proposed elevations.
- Client: L2022 KDDC; Client Details updated.



DRAWING TITLE

Proposed Floor Plan
@242,2sqm / 2607,7sqft

PROJECT

Chargrove Paddock,
Shurdlington

CLIENT

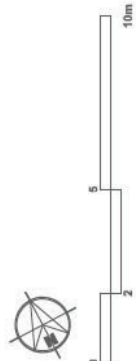


SCALE 1:100@A2
DATE Sept 2021



DRAWING NO. 5265-P-200
REV C

Northen Waterhouse, High Orchard Street
Boscobel Quays, GL2 5DZ T: 01452 461104



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REVISIONS

- 1. 28/04/21 - LM - KDCC - Checked notes
- 2. 28/04/21 - LM - KDCC - Drawing created, KDCC
- 3. 28/04/21 - LM - KDCC - Proposed layout amended following client comment and revised floor layout, KDCC
- 4. 13/05/21 - LM - KDCC - Revised floor layout amended according to client's comments, KDCC
- 5. 13/05/21 - LM - KDCC - Revised floor layout amended according to client's comments, KDCC
- 6. 13/05/21 - LM - KDCC - Revised floor layout amended according to client's comments, KDCC
- 7. 13/05/21 - LM - KDCC - Revised floor layout amended according to client's comments, KDCC
- 8. 13/05/21 - LM - KDCC - Revised floor layout amended according to client's comments, KDCC
- 9. 13/05/21 - LM - KDCC - Revised floor layout amended according to client's comments, KDCC
- 10. 13/05/21 - LM - KDCC - Revised floor layout amended according to client's comments, KDCC
- 11. 13/05/21 - LM - KDCC - Revised floor layout amended according to client's comments, KDCC
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- 13. 13/05/21 - LM - KDCC - Revised floor layout amended according to client's comments, KDCC
- 14. 13/05/21 - LM - KDCC - Revised floor layout amended according to client's comments, KDCC
- 15. 13/05/21 - LM - KDCC - Revised floor layout amended according to client's comments, KDCC
- 16. 13/05/21 - LM - KDCC - Revised floor layout amended according to client's comments, KDCC
- 17. 13/05/21 - LM - KDCC - Revised floor layout amended according to client's comments, KDCC
- 18. 13/05/21 - LM - KDCC - Revised floor layout amended according to client's comments, KDCC
- 19. 13/05/21 - LM - KDCC - Revised floor layout amended according to client's comments, KDCC
- 20. 13/05/21 - LM - KDCC - Revised floor layout amended according to client's comments, KDCC



DRAWING TITLE
Proposed Site Layout

PROJECT
Chargrove Paddock,
Shurdington

CLIENT
[Redacted]

SCALE
1:500@A3

DATE
Sept 2021

DRAWING NO.
5285-P-100

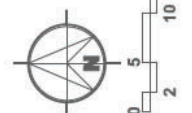
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Charleston | London | Cardiff
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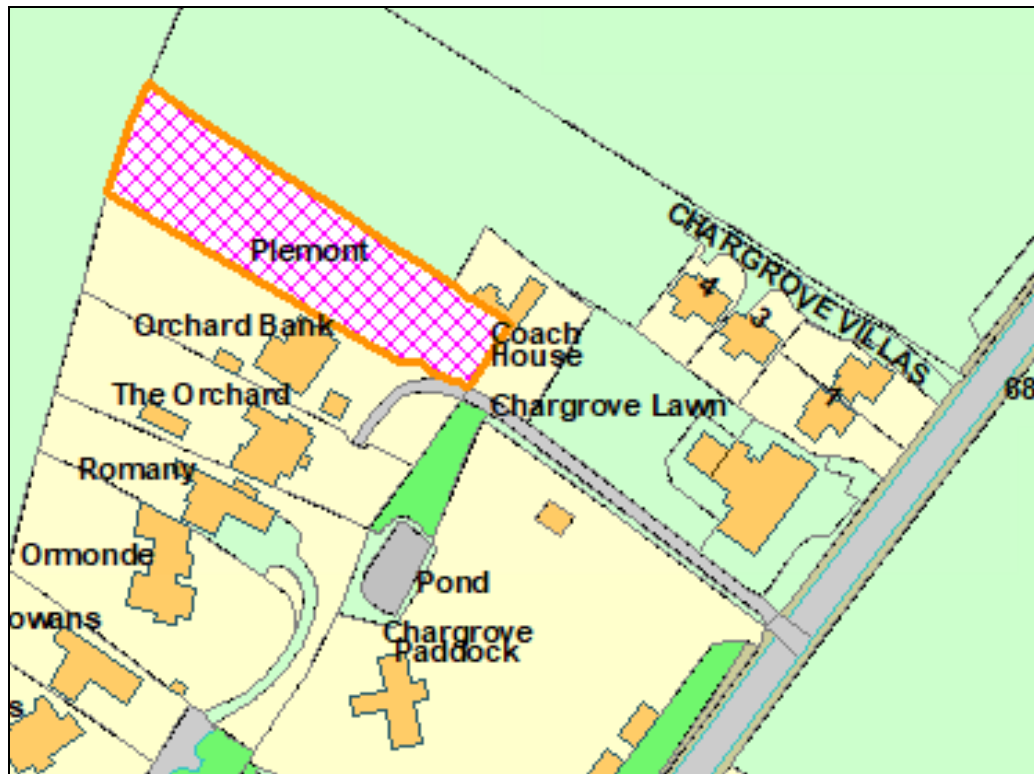
- [Blue line] Area in Client Ownership
- [Orange outline] Existing Dwelling (retained)
- [Blue outline] Proposed Dwelling @242.2sqm @2607.7sqft



Planning Committee

Date	15 August 2023
Case Officer	Joe Gibbons
Application No.	23/00522/FUL
Site Location	Plemont, Shurdington Road, Shurdington
Proposal	Erection of single storey side/rear extension
Ward	Shurdington
Parish	Shurdington
Appendices	Site location, Existing & Proposed Block Plan – PL001A Proposed Plans – PL004 Proposed Plans – PL005B Indicative Permitted Development Proposals – PL0011 & PL0012 Existing Elevations – PL002 Existing Plans – PL003
Reason for Referral to Committee	Called in for Committee determination by Councillor Porter to assess how the proposals impact on the Green Belt.
Recommendation	Permit

Site Location



1. The Proposal

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RVKXT2QDHXD00>

- 1.1 This application seeks planning permission for the erection of a single storey side and rear extension.

2. Site Description

- 2.1 This application property is a detached bungalow located west of the A46, located outside of the defined settlement boundary of Shurdington. The site is located in the Green Belt, in close proximity to a group of protected trees at Chargrove Paddock (TPO No.380).

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
T.1532	Proposed erection of houses. (Outline)	PERMIT	15.09.1953
T.1532/AP/3	Erection of bungalow. Use of existing drive at rear of Chargrove Lawn.	APPROV	20.03.1956
15/01207/FUL	Erection of single storey extensions to the side and rear elevations together with a pitched roof over existing dormer window at front elevation following demolition of existing flat roofed single storey extensions.	PER	22.01.2016
18/00165/FUL	Erection of a single storey rear extension and loft conversion including installation of dormer window and rooflights.	PER	10.04.2018

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 - opposed to any significant development within the Green Belt
- 4.2 **Building Control** - The application would require Building Regulations approval.

5. Third Party Comments/Observations

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

- 5.1 The application has been publicised through the posting of neighbour notification letters for a period of 28 days and a site notice for a period of 21 days.
- 5.2 No representations have been received.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

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

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

6.2 National guidance

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

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

- Policy SD4 (Design Requirements)
- Policy SD5 (Green Belt)
- Policy SD14 (Health and Environmental Quality)

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

- Policy RES10 (Alteration and extension of existing dwellings)
- Policy GRB4 (Cheltenham – Gloucester Green Belt)

6.5 Neighbourhood Plan

None

7. Policy Context

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

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

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

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

8. Evaluation

Green Belt Openness and Purpose

- 8.1** Plemont is located within the Green Belt. The National Planning Policy Framework (NPPF) sets out at paragraph 137 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that an essential characteristic of Green Belts is their openness and permanence.
- 8.2** Paragraph 147 of the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 8.3** Para 148 of the NPPF confirms that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 8.4** Paragraph 149 of the NPPF states a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt except where, amongst other matters, the development would involve 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.
- 8.5** Policy SD5 of the JCS provides further policy context relating to green belt development. It confirms that *Green Belt* will be protected from harmful development and that development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless very special circumstances can be demonstrated. This is also reinforced by Policy GRB4 of the TBLP.
- 8.6** As set out within the reasoned justification of Policy RES10, proposals for the extension of dwellings in the Green Belt will also be considered in relation to the advice within the NPPF requiring that the extension does not result in disproportionate additions over and above the size of the original building. The Council will treat the original building as either the dwelling as originally built, or the dwelling as it existed prior to 1st July 1948 (the date of the first modern planning act), whichever date is the latest.
- 8.7** Plemont was approved post 1948 and as such, the original building is considered to be as it was originally built.
- 8.8** For the purpose of Green Belt calculations, a proportionate addition in floor area over the original dwelling is generally considered to be up to 50%.
- 8.9** The original dwelling had a floor area of 116sqm. In 2018, planning permission was granted for the erection of a single storey rear extension and loft conversion including installation of dormer window and roof lights. This permission has been implemented. This consent led to an increase in the floor area of the dwelling by 59.7sqm, a 51% increase in floor area over the original dwelling.
- 8.10** The current proposal would see an additional increase in floor area to a total of 250sqm. This is an increase of 115.5% over the original floor area of 116sqm. This increase is significantly above the 50% limit which would result in the proposal representing a disproportionate addition within the Green Belt which is harmful to the openness of the Green Belt by definition and should not be approved except in very special circumstances.

8.11 However the applicant has provided two different examples of enlargements that could be carried out to the property by first applying to determine if prior approval is required. It is therefore a matter to consider whether there is a real prospect of one of the examples being implemented and whether if greater harm would arise to the Green Belt through building of one of the indicative drawings, than would arise from the development sought through this application, representing very special circumstances.

Very Special Circumstances

8.12 The ability of a landowner to carry out development without the need to obtain a further express planning permission is a material consideration that can be taken into account by the local planning authority as a fallback position.

8.13 The matter for the decision-maker is whether there is a real prospect of a fallback development being carried out should planning permission for the proposed development be refused.

8.14 There is no rule of law that, in every case, the "real prospect" will depend, for example, on whether planning permission has been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the permitted development system. In some cases, that degree of clarity and commitment may be necessary, in others, not. This will always be a matter for the decision-maker's planning judgment in the particular circumstances of the case being considered.

8.15 Paragraph 147 of the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The applicant has provided two examples of extensions that could be constructed through permitted development rights and therefore without the need of planning permission.

8.16 The first example, details a large single storey side extension with a total length of 16.88m with a footprint of 98.75sqm. This would result in a total floor area increase of 136.6% (inclusive of the existing rear extension) over the original dwelling. This extension would provide for a new bedroom, en-suite and dressing room which the current proposal seeks to achieve, in addition to a large lounge area.

8.17 The second example would require the existing rear extension, approved in 2018, to be demolished. This scheme would again allow for the bedroom, en-suite and dressing room and larger family room and a snug. This example would lead to an increase of floor area by 145.95sqm, representing an increase of 150.9% (including retention of existing rooms in the roof) over the size of the original dwelling. This would result in a higher footprint than either the earlier example or the proposed scheme.

8.18 Both of these extensions would achieve the internal space sought through this application, but in a different functional layout. These extensions could be achieved using permitted development rights.

- 8.19** The two indicative permitted development drawings would extend beyond the rear wall of the original dwellinghouse by at least 8 metres. As such, if these were to be implemented, before beginning the development, the developer must provide the relevant information to the LPA as part of the larger home extension scheme to establish if the prior approval of the LPA is required.
- 8.20** While these two indicative examples could be built via permitted development, the developer must first apply to the LPA to establish whether or not the prior approval of the LPA is required and ultimately, it is possible that prior approval may be required and refused. As such, the amount of weight these two indicative drawings carry is limited with regards to demonstrating very special circumstances which are required to outweigh the harm caused by development sought through this application.

Impact on Openness

- 8.21** The first example (Drawing PL0012) is a large singular side extension which would measure a total of 16.88m in length and 5.85m in width with a ridge to match that of the existing pitched roof, extending from front elevation of the host dwelling. This extension would sit on the northeastern side of the dwelling and create a visual gap to the rear, between the existing single storey extension and the lounge of this potential fallback proposal. Whilst this extension would be lower in height than that sought through this planning application, it would be substantially longer.
- 8.22** The second example (Drawing PL0011) would see the demolition of the existing rear extension in place of a much larger 8m extension, in addition to a side extension which is wider than the current proposal. Both extensions would substantially increase the built form of the dwelling, extending out toward the fields to the northwest rather than continuing the linear design of the host and neighbouring properties.
- 8.23** Both examples would result in floor areas greater than the current proposal and would have a materially greater impact upon the spatial openness of the Green Belt. However, it is important to consider that the two indicative examples cannot be built without first applying to the local planning authority. Notwithstanding this, there is still the possibility that prior approval may not be required, or, if it was required, that the authority may not raise any objections due to the siting of the host dwelling in relation of the neighbouring properties, together with the proposed proportions of the indicative extensions. It would therefore appear that there is a real prospect of implementing one of the two fallback positions.
- 8.24** The proposed development sought through this application would appear favourable in design and green belt terms compared to the two indicative drawings, as it is smaller in scale and better grouped to the host dwelling with the side extension wrapping around to join the rear, extending beyond the rear elevation by less than 4.9m, in line with the existing rear extension. The proposal will be finished externally in white render to match the existing and which will soften the appearance of the extension, integrating well and maintaining the character of the dwelling and the cluster of dwellings located immediately next to the application site.

Conclusions in respect of Green Belt policy

- 8.25** It is concluded that the proposed development is inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances.

- 8.26** Officers have carefully considered the scheme and, as set out above, in the particular circumstances of this case consider that there are realistic fall back positions which are capable of amounting to the very special circumstances required to clearly outweigh the harm to the Green Belt by reason of inappropriateness.
- 8.27** The development that could be achieved through permitted development, via the larger home extension procedure, is substantially larger and would result in a greater floor area and footprint than the current proposal, together with a less unified and linear appearance. It is therefore considered that very special circumstances have been demonstrated in this case and the proposal would meet the policy requirements contained in section 13 of the NPPF, Policy SD5 of the JCS and Policy GRB4 of the TBLP.

Design and Visual Amenity

- 8.28** JCS Policy SD4 of the Joint Core Strategy sets out requirements for high quality design while Policy RES10 of the TBP requires that the scale of the proposal is appropriate to the character and appearance of the existing dwelling and its surrounding area.
- 8.29** The existing dwelling consists of a hipped roof bungalow on its main section with single storey pitched roof extension to the rear, joining to an area of raised decking. A detached garage is located forward of the principle elevation, together with the drive and turning area, leading from the A46.
- 8.30** The proposal includes a single storey side extension allowing for an additional bedroom, a dressing room and en-suite. This element extends from the existing northeast elevation, maintaining the design and height of the host dwelling.
- 8.31** The rear extension would join to the proposed side extension, providing additional living space. The extension would have a flat roof with bi-folding doors and a sky lantern located centrally within its roof.
- 8.32** Plemont is located in a plot that benefits from a significant residential garden areas to the front and rear. As such, the plot can comfortably accommodate the proposed development without resulting in a cramped appearance, preventing overdevelopment of the plot.
- 8.33** The host dwelling is finished with smooth white rendered walls and grey roof tiles. This would be replicated by the proposed extension. Due to the design, scale and siting of the proposed enlargements, together with the proposed external finish and the scale of the plot in which Plemont is located, the proposed enlargements would respect the character and appearance of the host dwelling and due to the location of the plot, at the end of a row of dwellings, there would be no material harm to the character of the area.
- 8.34** 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 TBP and Policy SD4 of the JCS.

Effect on the Living Conditions of Neighbouring Dwellings

- 8.35** Policy SD14 of the JCS requires that new development must cause no unacceptable harm to local amenity including the amenity of neighboring occupants. Policy RES10 of the TBP provides that extensions to existing dwellings should not have an unacceptable impact on the amenity of neighbouring properties.
- 8.36** Plemont is the last of a row of dwellings which are set in a linear pattern, with the Coach House, located east of Plemont, being an exception. The occupants of the dwellings to the south would not be unduly impacted by the proposal as the southwestern elevation of Plemont is to remain as existing with no external alterations or enlargements proposed. As such, there would be no material harm to the residential amenity enjoyed by the occupants of these properties.
- 8.37** The Coach House is located east of the host dwelling with the detached garage of Plemont located between the two. Whilst the side extension would extend toward the northeastern boundary, it would not extend toward the Coach House. In any case, the two properties are at a distance where the proposal would result in limited harm to the neighbouring occupants. The proposal is single storey with no additional upper floor windows. Together with the distance and detached garage between the two, the proposal would not result in any overbearing impacts or harm to residential amenity through overlooking.
- 8.38** 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 TBP and Policy SD14 of the JCS.

9. Conclusion

- 9.1** It is considered that the proposal would not be unduly harmful to the appearance of the existing dwelling nor the surrounding area and it would not result in an unacceptable loss of residential amenity to neighbouring dwellings. The proposal would also be of an acceptable size and design. Furthermore, whilst the proposal would amount to inappropriate development in Green Belt terms, the very special circumstances put forward are sufficient to justify the development proposed.

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 PL001A (Site Location Plan, Existing & Proposed Block Plans) Local Planning Authority on 01.06.2023
- Drawing number PL005B (Proposed Plans) received by the Local Planning Authority on 01.06.2023
- Drawing number PL004 (PL004A) received by the Local Planning Authority on 01.06.2023.

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.

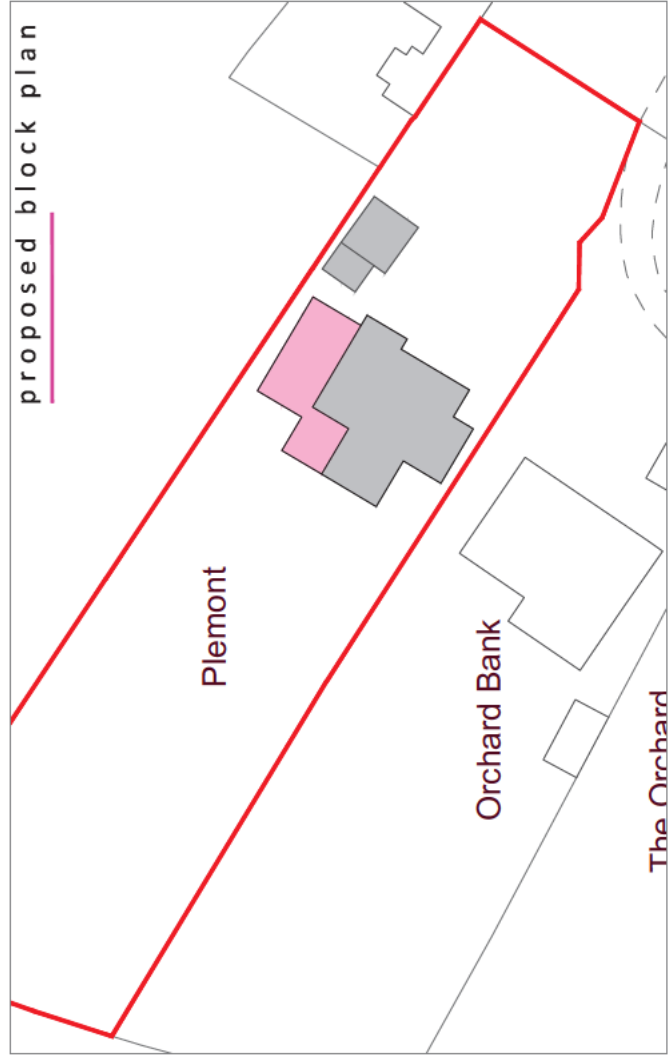
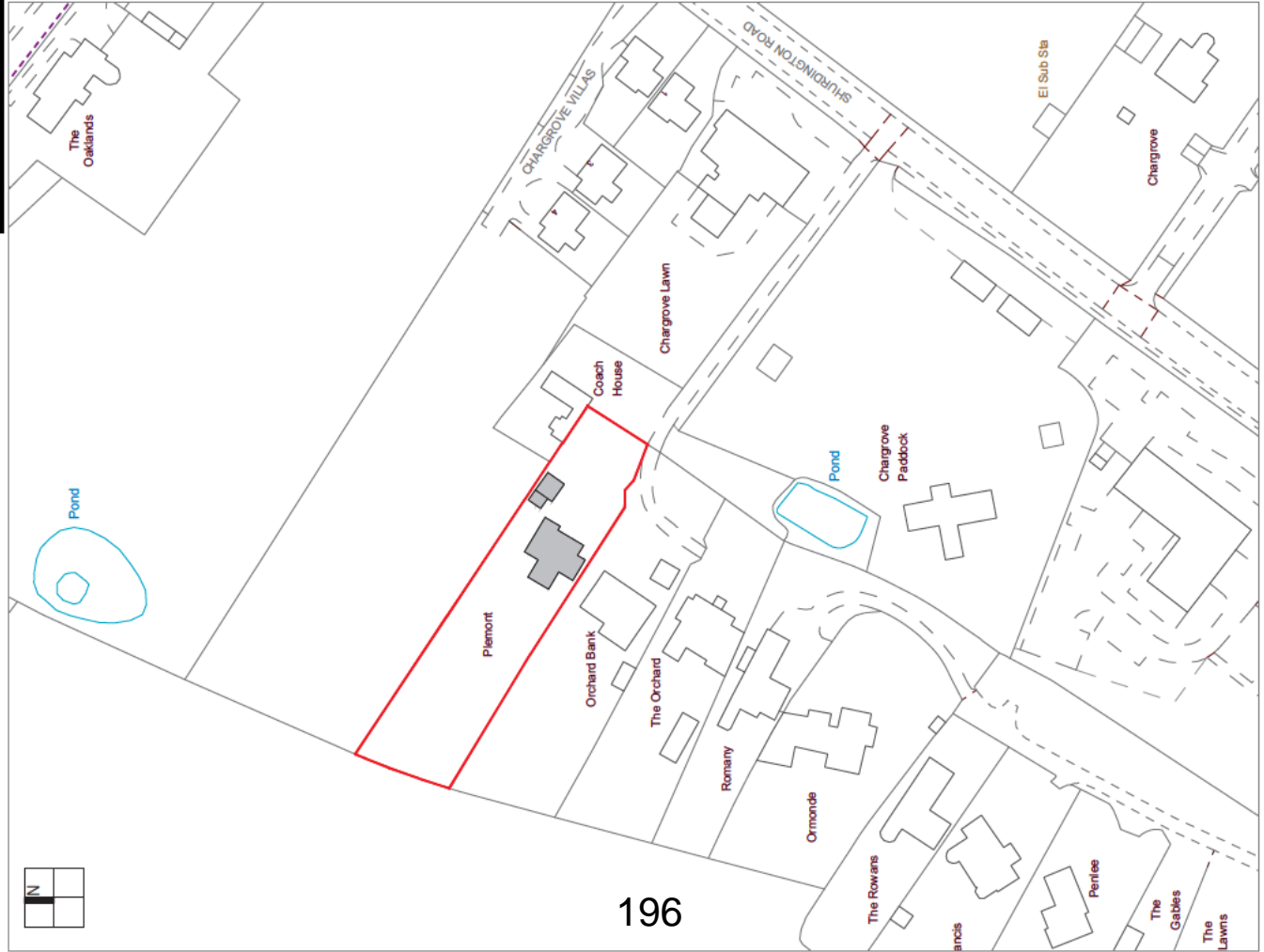
3 The materials to be used in the construction of the external surfaces of the proposed development shall match those used in the existing dwelling.

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.

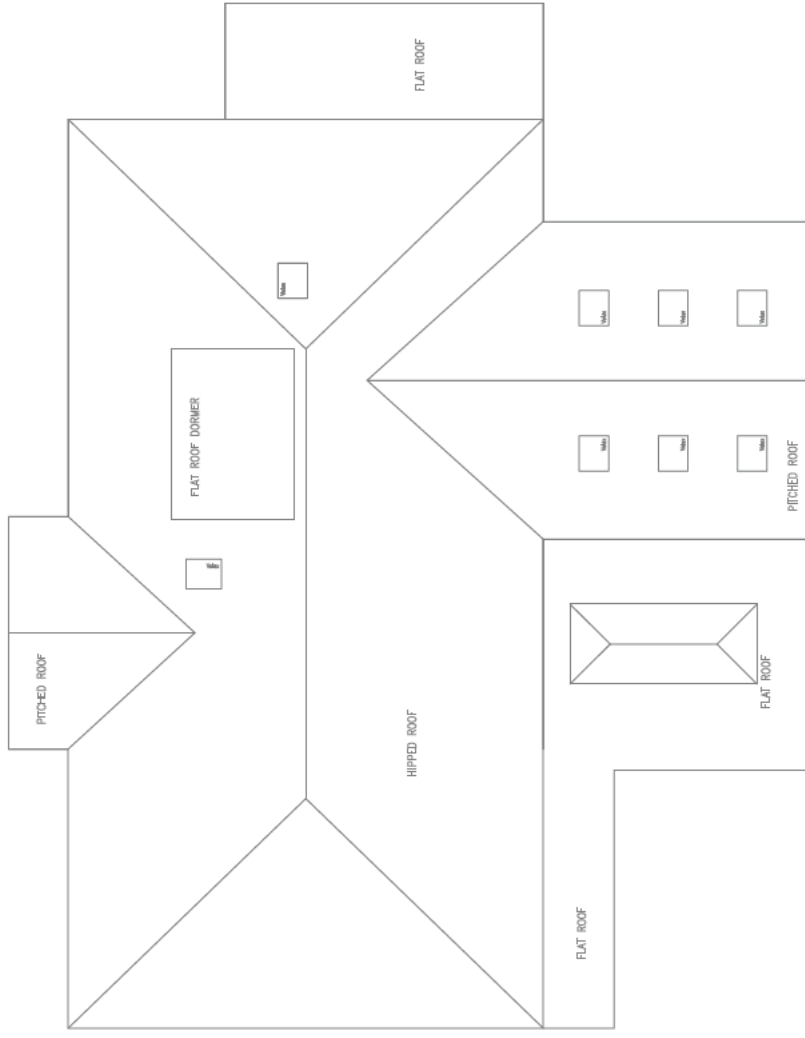
2 The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

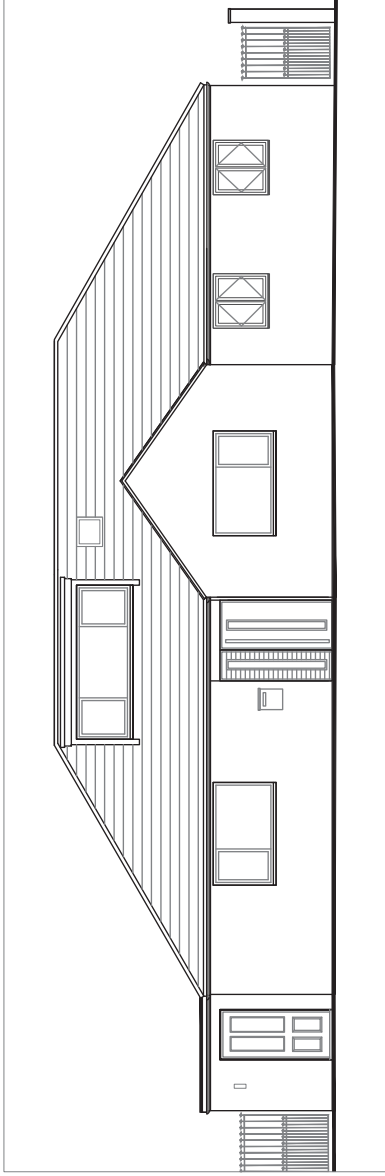


ground floor plan

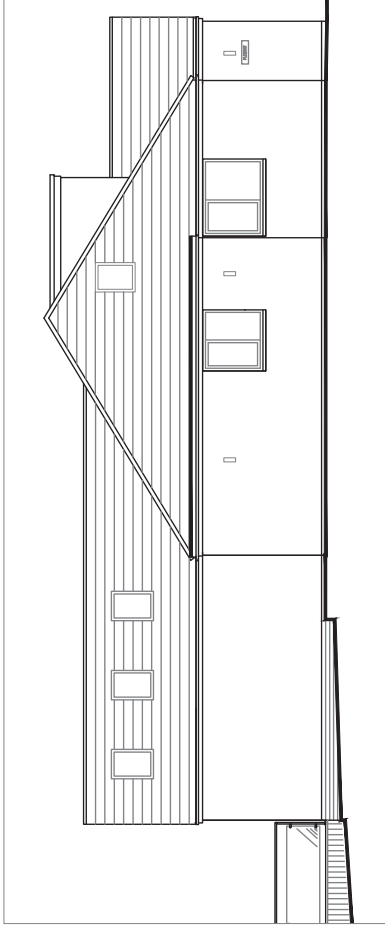


Roof plan

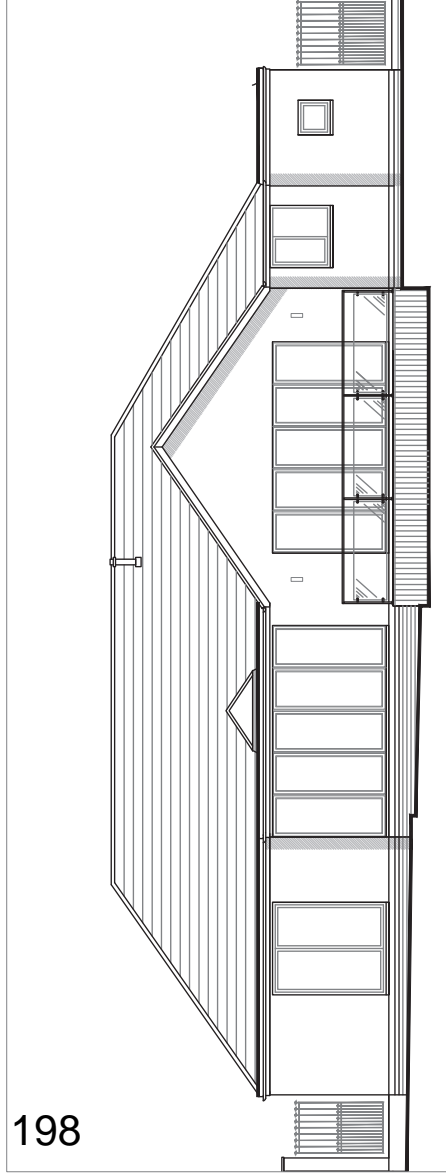




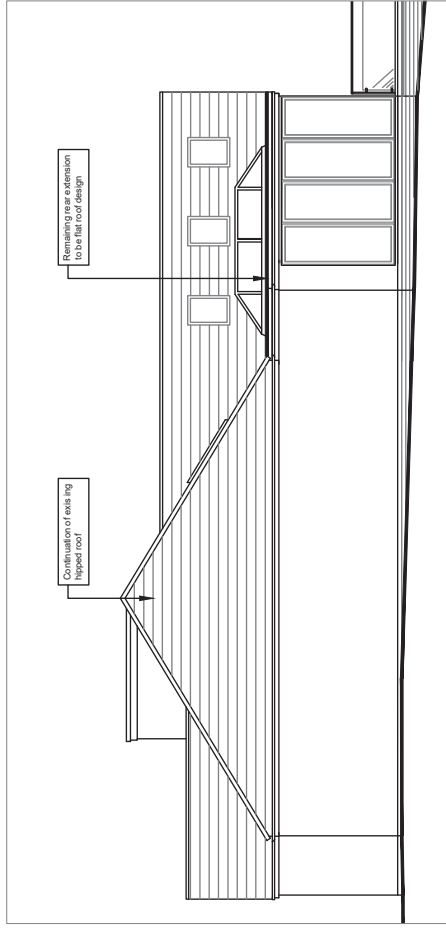
Front elevation



Side elevation

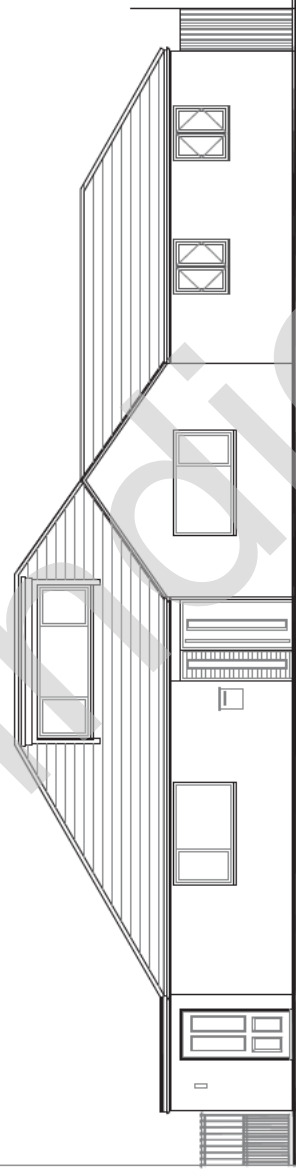


Rear elevation

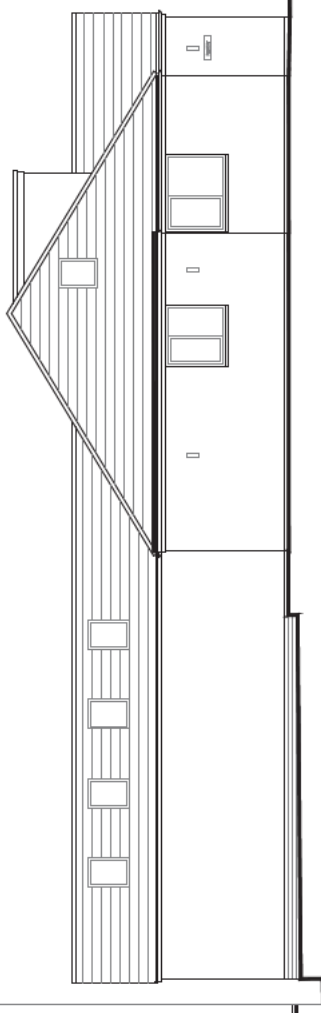


Side elevation

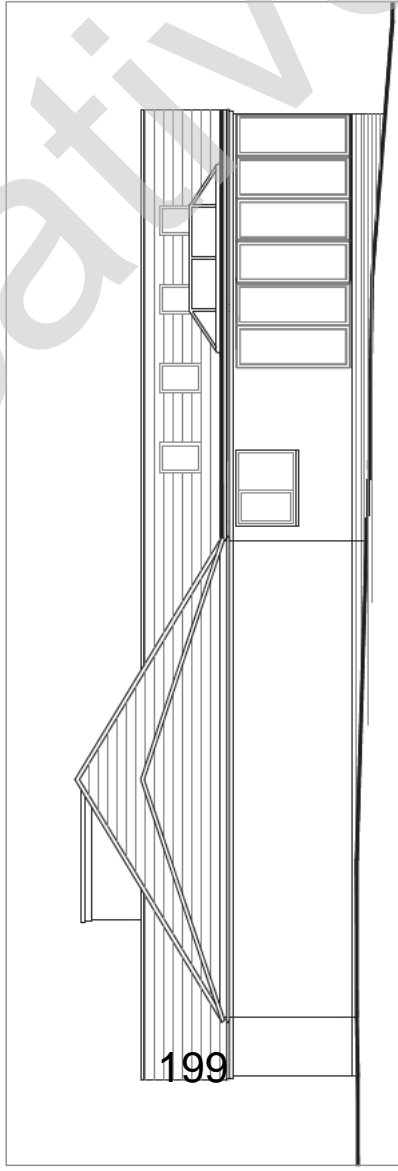
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0 2 3



Front elevation

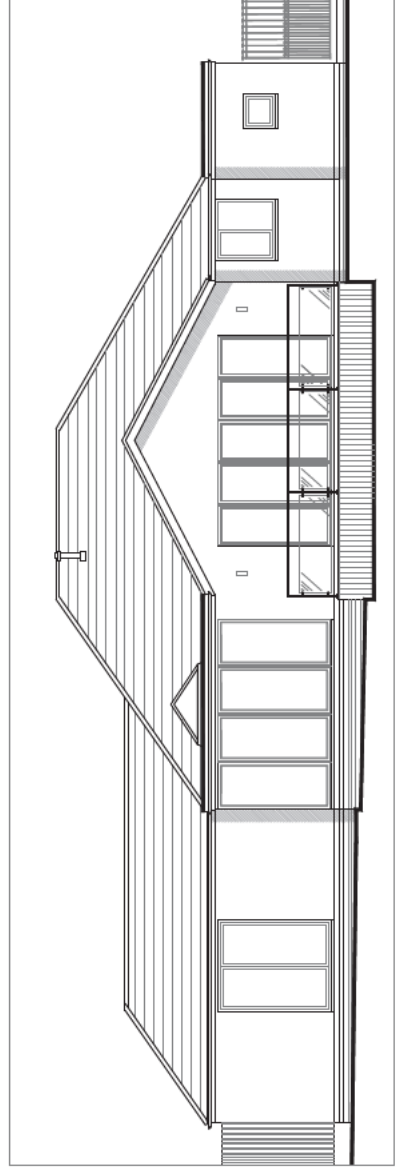


Side elevation

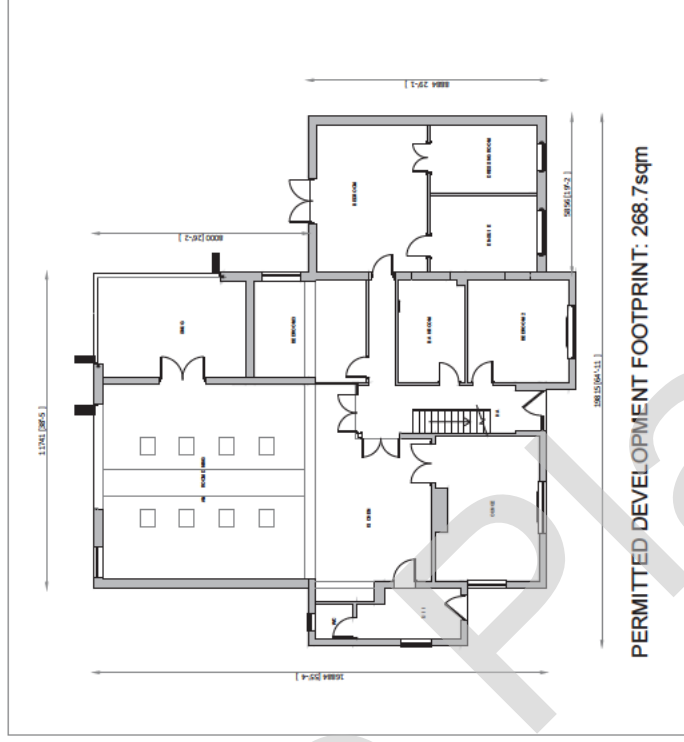


199

Side elevation



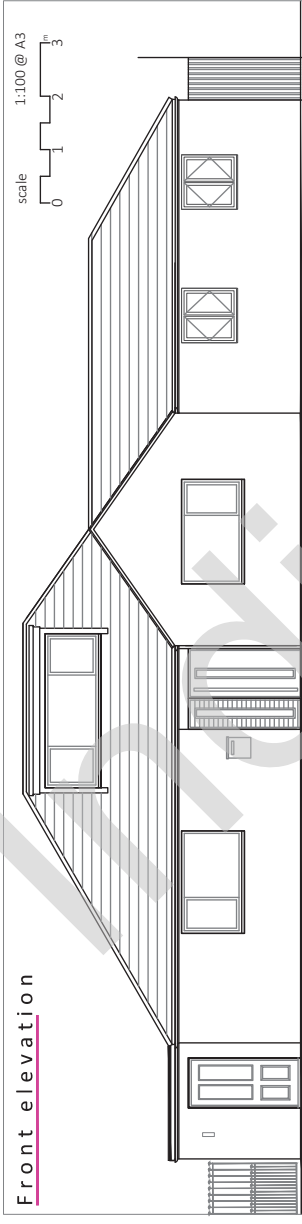
Rear elevation



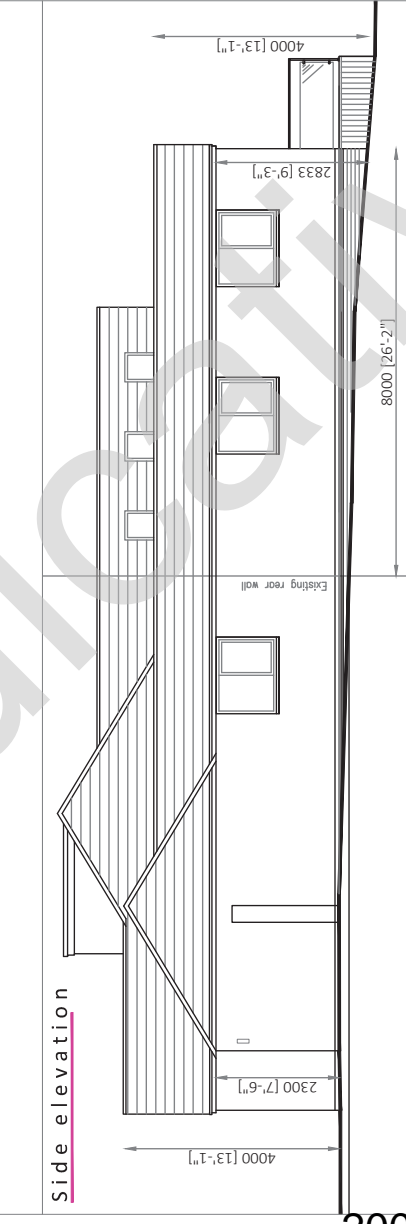
PERMITTED DEVELOPMENT FOOTPRINT: 268.7sqm

scale 1:200 @ A3
0 2 4 6

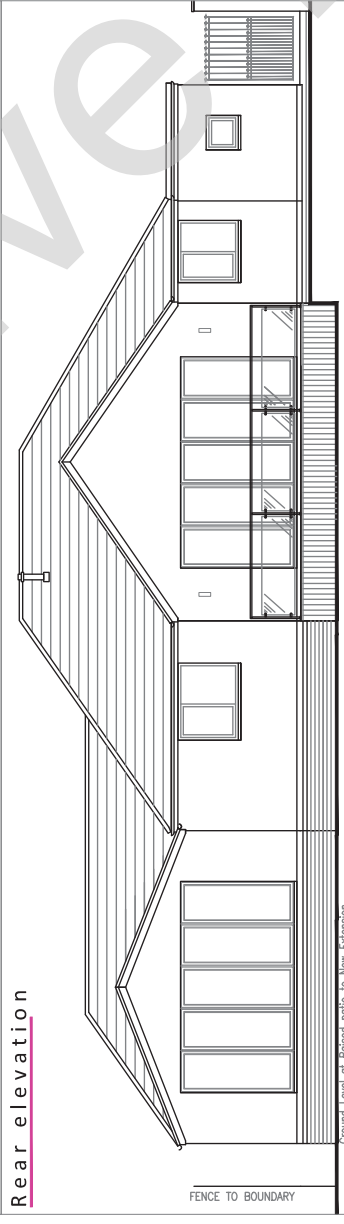
Indicative floor plan



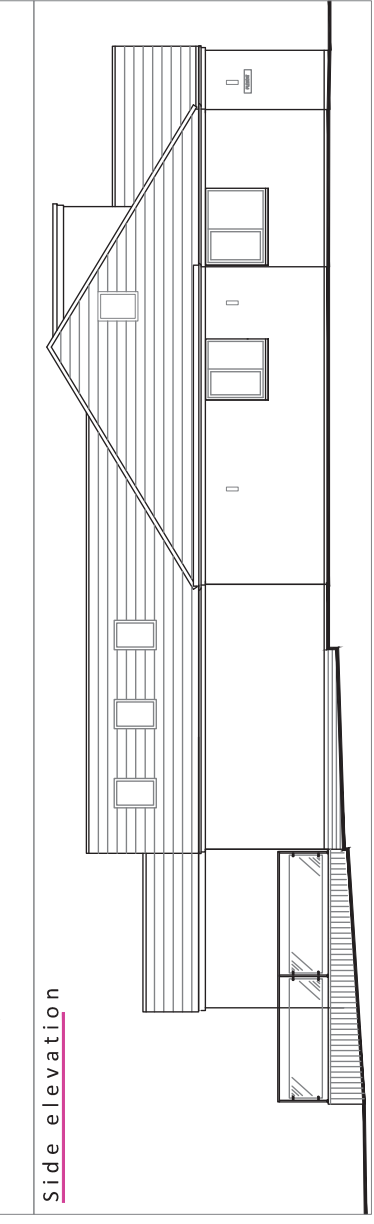
Front elevation



Side elevation



Rear elevation

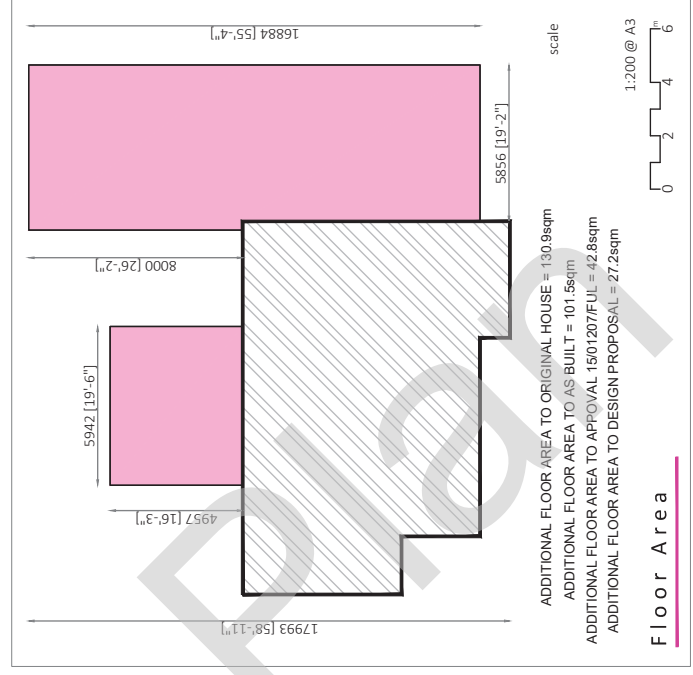


Side elevation



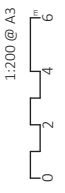
PERMITTED DEVELOPMENT FOOTPRINT: 253.3sqm

Indicative floorplan

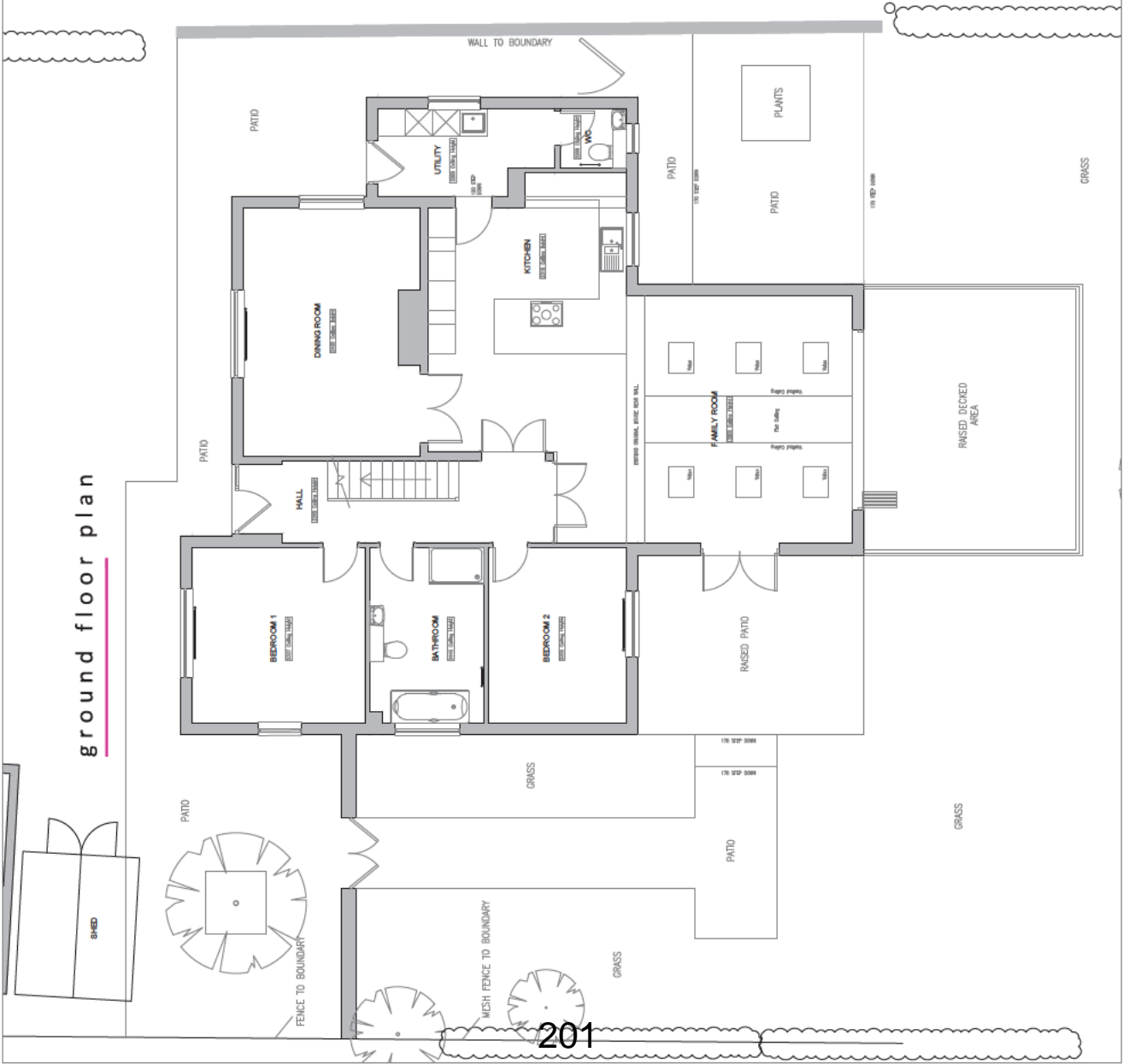


scale
 ADDITIONAL FLOOR AREA TO ORIGINAL HOUSE = 130.9sqm
 ADDITIONAL FLOOR AREA TO AS BUILT = 101.5sqm
 ADDITIONAL FLOOR AREA TO APPROVAL 15/01/2017/FUL = 42.8sqm
 ADDITIONAL FLOOR AREA TO DESIGN PROPOSAL = 27.2sqm

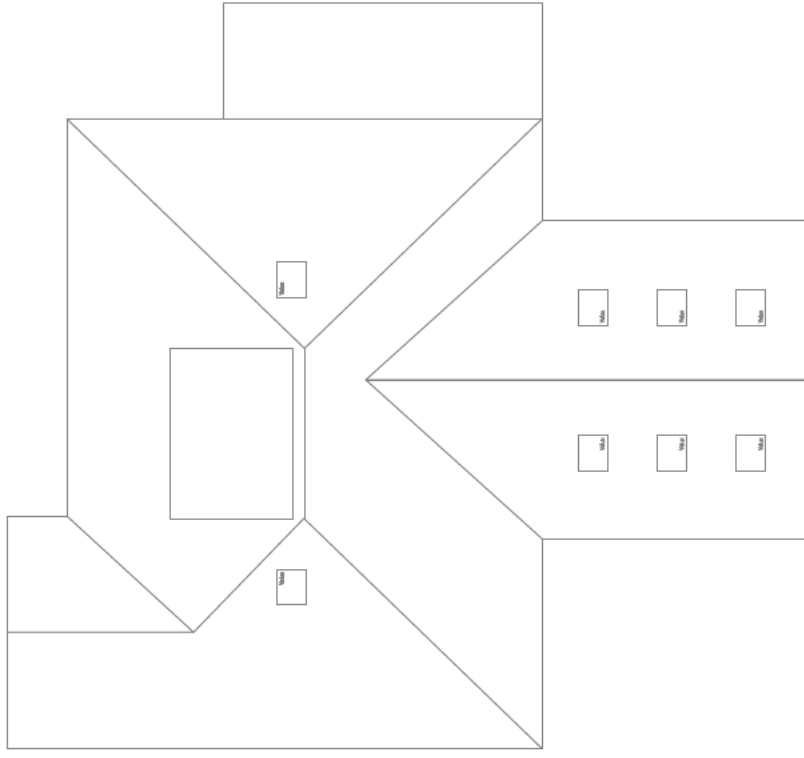
Floor Area

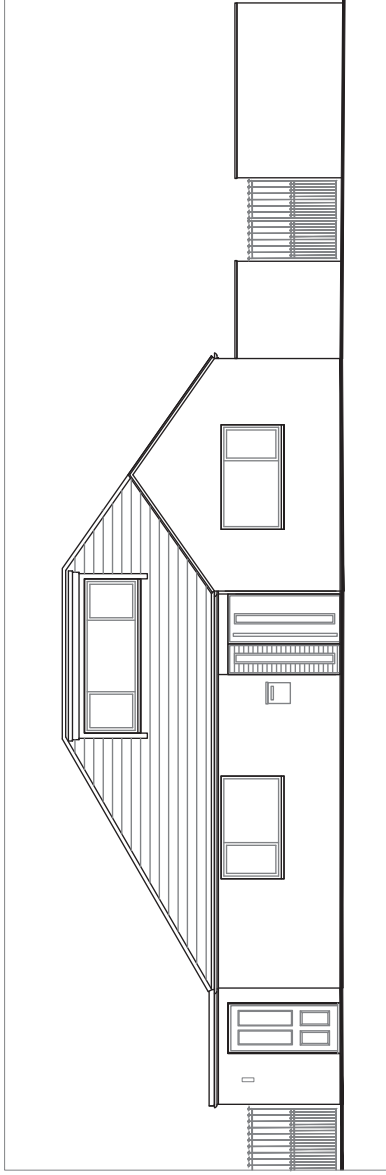


ground floor plan

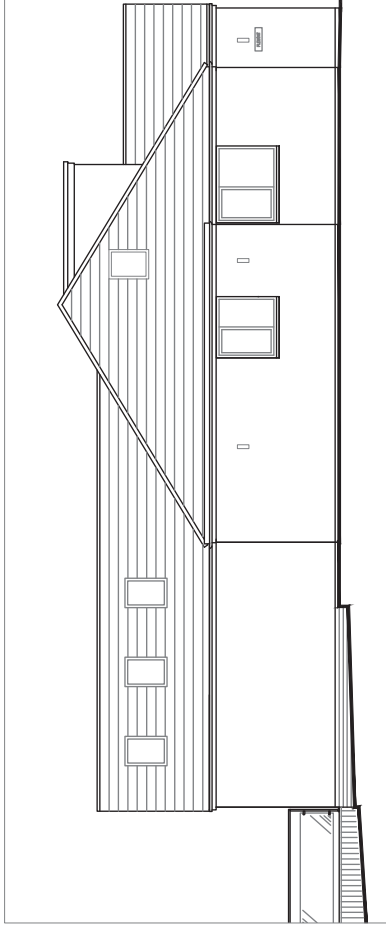


Roof plan

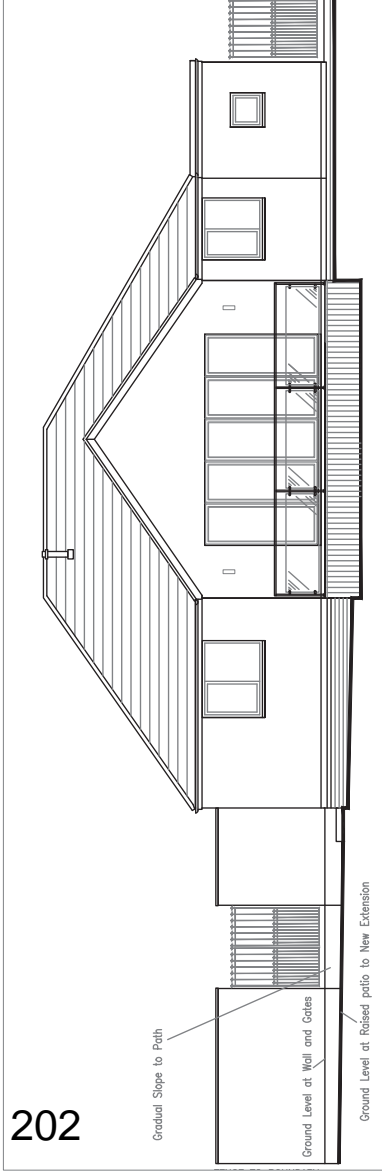




Front elevation

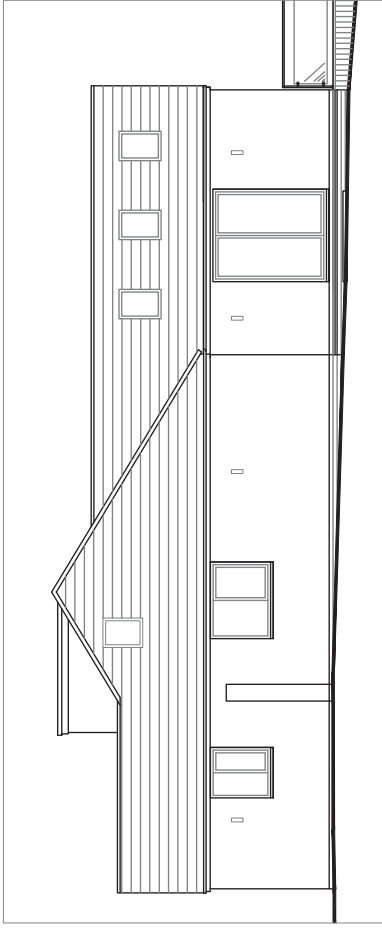


Side elevation



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Rear elevation

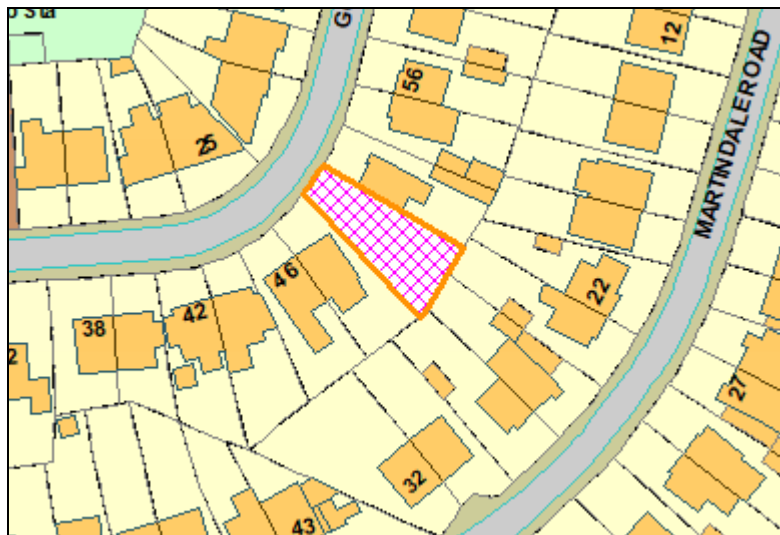


Side elevation

Planning Committee

Date	15 August 2023
Case Officer	Joe Gibbons
Application No.	23/00524/FUL
Site Location	50 Goodmoor Crescent, Churchdown
Proposal	Erection of a two storey front extension, single storey front extension, single storey side extension, single storey rear extension and loft conversion with rear-facing dormer roof.
Ward	Churchdown St Johns
Parish	Churchdown
Appendices	23-012-E-SLP01 (Site Location Plan) 23-012-F-SP01 (Proposed Site Plan) 23-012-P-GF01 (Proposed Ground Floor Plan) 23-012-P-FF-01 (Proposed First Floor Plan) 23-012-P-SF01 (Proposed Second Floor Plan) 23-012-P-E01 Rev A(Proposed Elevations) 23-012-E-SP01 (Existing Site Plan) 23-012-E-E01 (Existing Elevations) 23-012-E-GF01 (Existing Ground Floor Plan) 23-012-E-FF01 (Existing First Floor Plan)
Reason for Referral to Committee	Churchdown Parish Council objection regarding overdevelopment and out of character for the area.
Recommendation	Permit

Site Location



1. The Proposal

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RVM3E4QDHXR00>

- 1.1 This application seeks planning permission for erection of a two storey front extension, single storey front extension, single storey side extension, single storey rear extension, loft conversion with rear-facing dormer roof.

2. Site Description

- 2.1 This application concerns 50 Goodmoor Crescent, a semi-detached two storey dwelling located within Churchdown. The property has not been extended and also has a detached garage.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
61/02485/FUL	Rev. scheme for dev. of a residential est. previously approved, providing for erection of diff. house types and variations to the est. layout and road construction. The work to be carried out in accord. with the applic. plan dated 9.10.1961.	PER	19.10.1961
58/00021/FUL	Development of a residential estate approximately 19.25 acres in area by the erection of detached and semi detached houses and two blocks of flats or maisonettes.	PER	17.04.1958
58/00022/FUL	Erection of 220 dwellings and 7 shops on a site of approx. 19.25 acres.	PER	21.10.1958

4. Consultation Responses

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

- 4.1 **Churchdown Parish Council** – Objection – Overdevelopment and out of character for the area.
- 4.2 **Building Control** - The application would require Building Regulations approval

5. Third Party Comments/Observations

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

- 5.1 The application has been publicised through the posting of neighbour notification letters for a period of 28 days. One letter of objection has been received;
- Rear facing dormer - loss of privacy and not in keeping with any existing buildings.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

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

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

6.2 National guidance

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

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

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

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

- Policy RES10 (Alteration and extension of existing dwellings)

6.5 Neighbourhood Plan

Churchdown and Innsworth Neighbourhood Development Plan – 2011-2031

Policy CHIN2 (Layout and Appearance of Residential 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), 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

Design and Visual Amenity

- 8.1** JCS Policy SD4 of the Joint Core Strategy sets out requirements for high quality design while Policy RES10 of the TBP requires that the scale of the proposal is appropriate to the character and appearance of the existing dwelling and its surrounding area.
- 8.2** The existing dwelling is finished externally with red brick, located on a corner plot along Goodmoor Crecent. The proposed two storey front extension would infill a section of the dwelling which is recessed within the existing elevations, allowing for a larger hallway and enlarged bathroom at first floor level. The part of the proposal would squaring off the plan form of the existing property and would be finished in matching brick.
- 8.3** This element of the extension is considered to be minor in scale and would not represent a disproportionate addition, respecting the character of the dwelling, preventing the development unbalancing the pair of semi-detached properties that includes the host dwelling and the adjoining property.
- 8.4** The single storey front extension is proposed to have a lean-to roof, providing a porch and snug. The fenestration of this extension would share the appearance of existing windows on the front elevation. The extension would extend across most the width of the front elevation with a slight set back on the boundary with the adjoining dwelling at No. 52. The extension would be narrow, measuring approximately 1m beyond front elevation of the host dwelling.
- 8.5** The proposed side extension would be set back from the front elevation, with a lean-to roof. This extension would wrap around to the rear elevation, joining to a pitched roof. The single storey side and rear extensions are to be finished in coloured render which, whilst being of a different finish and colour to that of the host dwelling, are small in scale and set back from the principal elevation, and are considered acceptable, having limited impact on the appearance of the dwelling and street scene.
- 8.6** The dormer is located on the rear elevation, level with the ridge but set away from the eaves of the dwelling and in from the roof edges. It is proposed to clad the dormer with PVCu cladding and white windows to match the existing. The dormer could be viewed from Goodmoor Crescent but views would be extremely limited with only the southern cheek visible. The main views would be present from dwellings on Martindale Road, located to the east. There are existing dormers on Goodmoor Crescent, both to the front and rear of properties, as well as dormers on other neighbour streets. As such, whilst the dormer would change the appearance of the rear elevation, due to the scale and design of the dormer and the varying design of properties within the immediate locality, the dormer would not result in unacceptable harm to character of the host dwelling or the street scene.
- 8.7** It is noted that a section of the detached garage may need to be demolished to implement the proposed single storey extensions. Clarification on this will be provided through the update to planning committee, it would only involve the partial demolition of the existing garage, reducing the amount of development on site. Off-street parking would not be unacceptably impacted as a result of this alteration.

- 8.8** It is noted the Parish have objected on grounds of overdevelopment. The application site is located on a corner plot along Goodmoor Crecent. This results in the plot which features a garden to the front, side and rear elevations of the dwelling. Off-street parking space for two cars would still be available. Furthermore, the remaining outdoor amenity space is considered acceptable, preventing amenity harm to current and future owners of the site. The side extension is single storey and set back from the front elevation with limited views provided to the rear extension, preventing the plot from appearing cramped.
- 8.9** Having taken account of the above, the proposed extensions 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, Policy SD4 of the JCS and Policy CHIN2 of the Churchdown and Innsworth Neighbourhood Development Plan – 2011-2031.

Effect on the Living Conditions of Neighbouring Dwellings

- 8.10** Policy SD14 of the JCS requires that new development must cause no unacceptable harm to local amenity including the amenity of neighboring occupants. Policy RES10 of the TBP provides that extensions to existing dwellings should not have an unacceptable impact on the amenity of neighbouring properties.
- 8.11** The proposed side extension would bring the built development of No.50 nearer to No.48 to the south. The side extension features low eaves and a lean-to roof which slopes away from No.48. Northern facing windows do exist on No.48 at ground floor levels, however a gap of over 2m would exist. The two properties are also orientated away from one another. As such the gap between the two properties widens further into the site.
- 8.12** No.52 would be on the boundary of the rear extension which would extend 3m from the rear wall of the host dwelling. This extension would also feature a pitched roof which slopes away from the neighbouring plot with eaves of approximately 2.6m. Whilst the proposal is directly on the boundary with No.52, the nearest window opening includes french doors to a lounge which is also served by a secondary source of light on the front elevation.
- 8.13** A single storey extension at No.52 serves a garden room which leads to the kitchen. This extension features more than one glazed elevation, providing secondary sources of light to the room. As such, although one of the windows would face the development, due to the scale of the development and the secondary light sources for both the garden room and the lounge, the proposed rear extension is not considered to result in undue harm to the residential amenity enjoyed by neighbouring occupants.
- 8.14** The rear dormer would provide raised views to the rear gardens of adjoining dwellings and toward the rear of dwellings located along Martindale Road. The rear of dwellings on Martindale Road are located in excess of 21m from the windows of the rear dormer and rear wall of the host dwelling.
- 8.15** The host dwelling was approved via planning consent in 1961 which did not restrict permitted development rights. As such, a rear roof dormer could be implemented without the benefit of planning permission through permitted development rights.
- 8.16** Notwithstanding this, the roof dormer is considered to be at a distance from the properties to the rear which, whilst providing further rear facing upper floor windows, are not considered to result in unacceptable harm to neighbour residential amenity through overlooking.

8.17 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 the amenity of neighbouring occupiers in accordance with Policy RES10 of the TBP and Policy SD14 of the JCS.

9. Conclusion

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

10. Recommendation

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

11. Conditions

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

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

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

- Drawing numbers 23-012-E-SLP01 (Site Location Plan), 23-012-F-SP01 (Proposed Site Plan), 23-012-P-GF01 (Proposed Ground Floor Plan), 23-012-P-FF-01 (Proposed First Floor Plan) and 23-012-P-SF01 (Proposed Second Floor Plan) received by the Local Planning Authority on 02.06.2023.
- Drawing number 23-012-P-E01 Rev A (Proposed Elevations) received by the Local Planning Authority on 28.07.2023.

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.

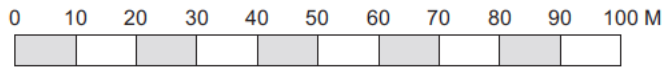
3 The materials to be used in the construction of the external surfaces of the proposed development shall match those used in the existing dwelling unless stated on the hereby approved drawings.

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

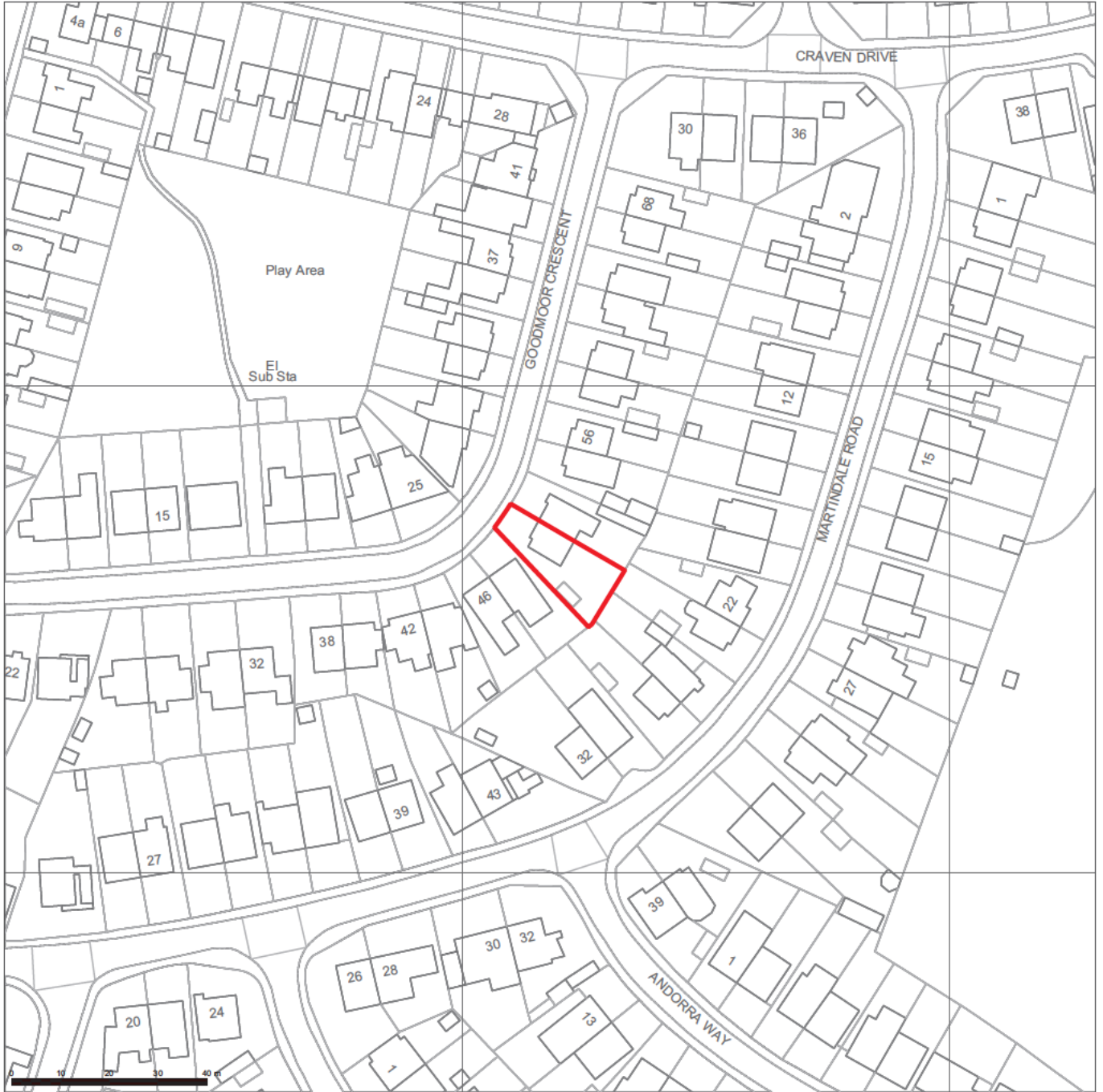
12. Informatives

- 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.

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



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TITLE:

Site Location Plan

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PROJECT:

Proposed Loft Conversion and Extensions:
 50 Goodmoor Crescent
 Churchdown
 Gloucester
 GL3 2DL

210

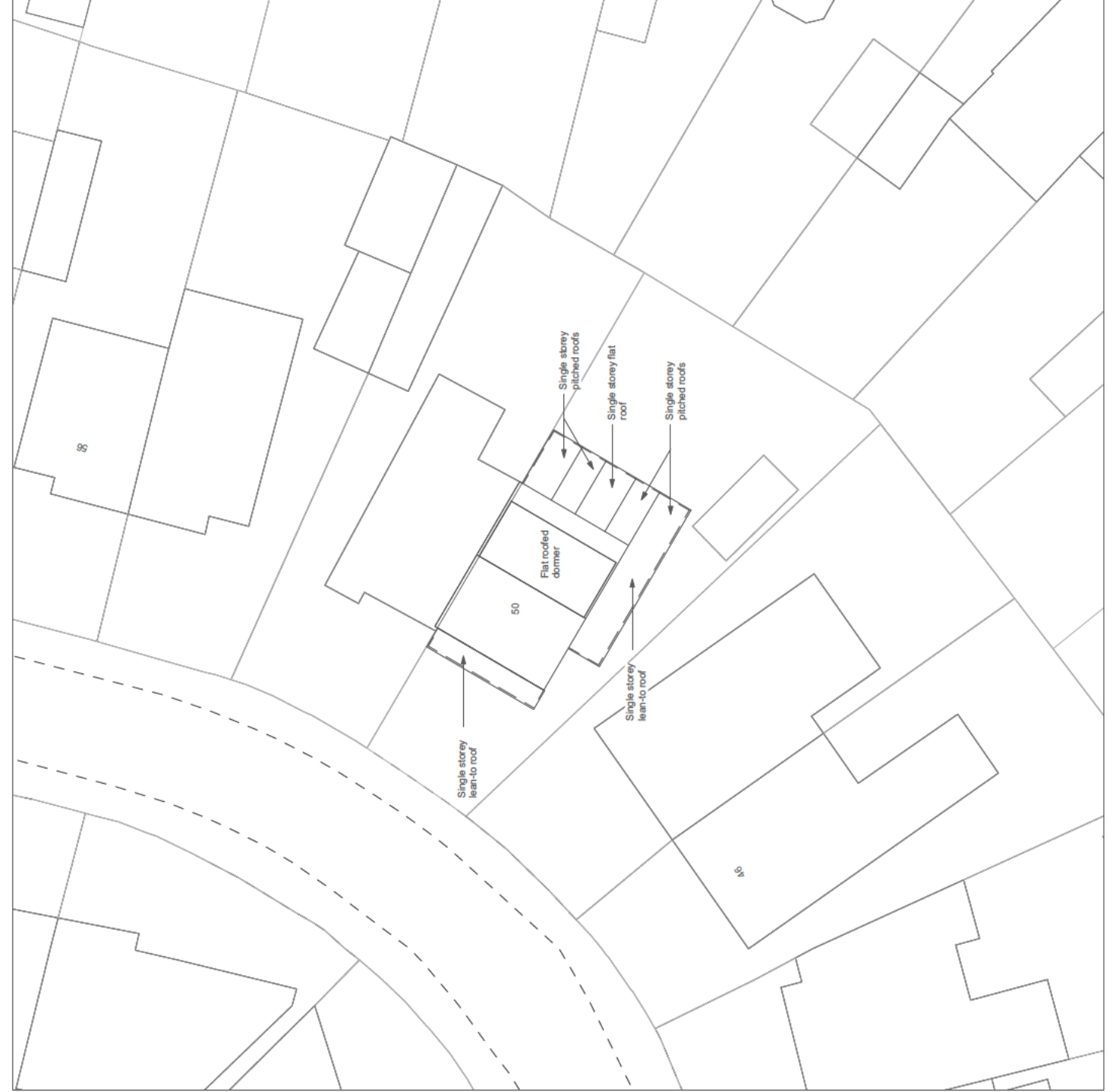
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23-012-E-SLP01	.

SCALE:
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DATE:
 May 2023

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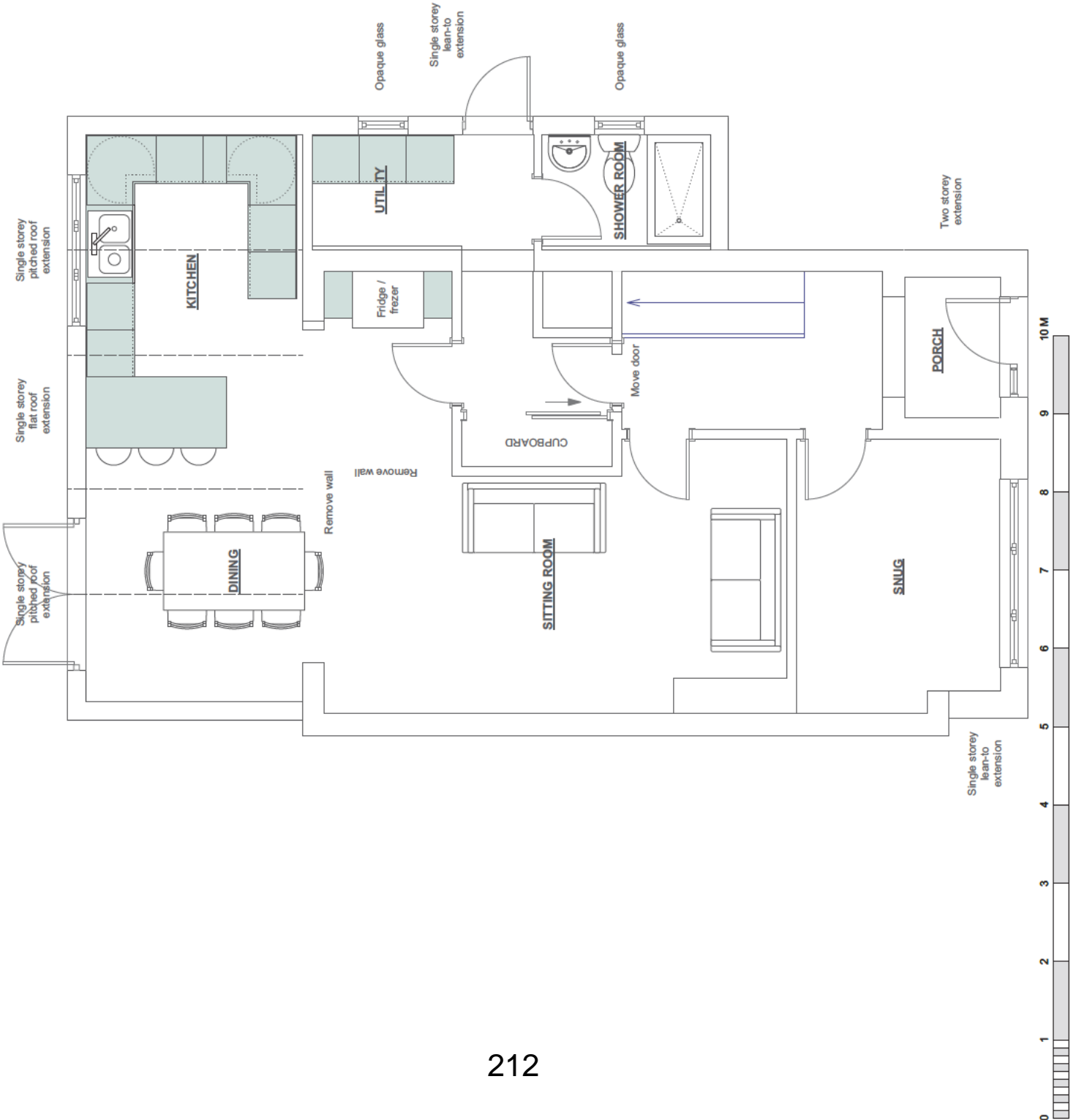
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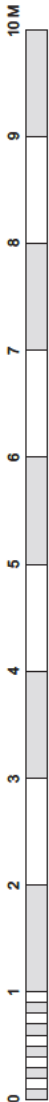
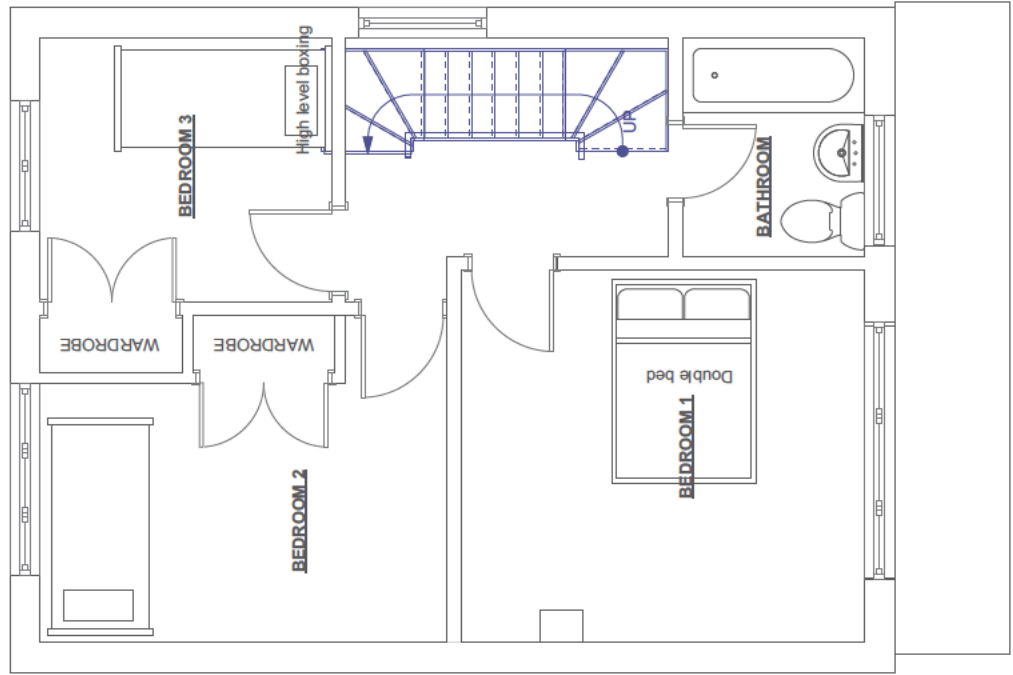
TITLE
Proposed Ground Floor Plan

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23-012-P-GF01	.

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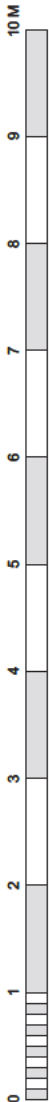
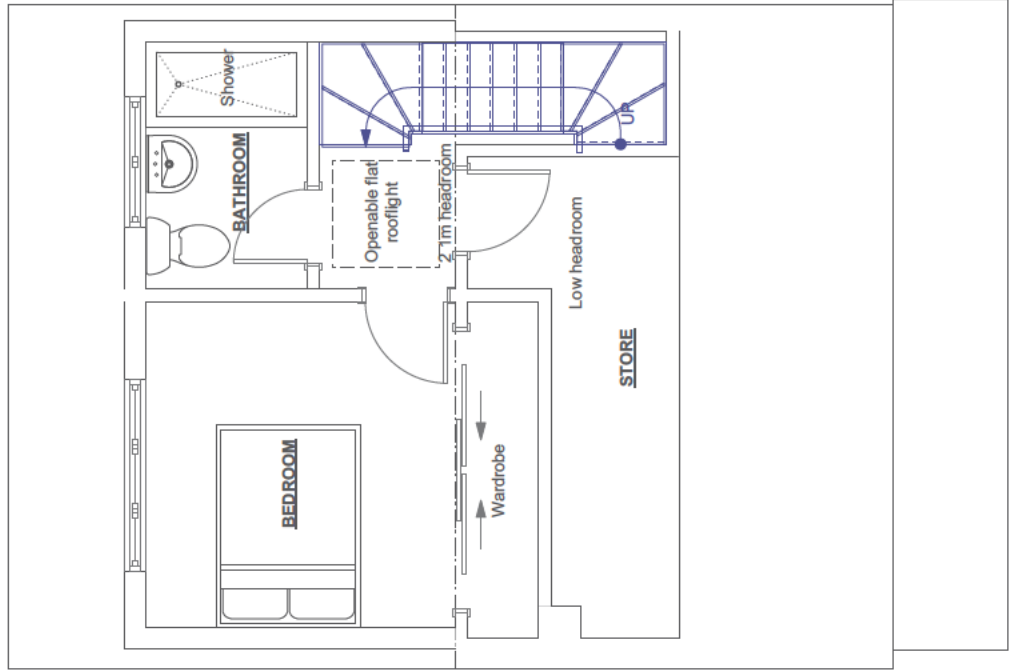
TITLE

Proposed First Floor Plan

DRAWING NO	REV
23-012-P-FF01	.

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PROJECT

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TITLE

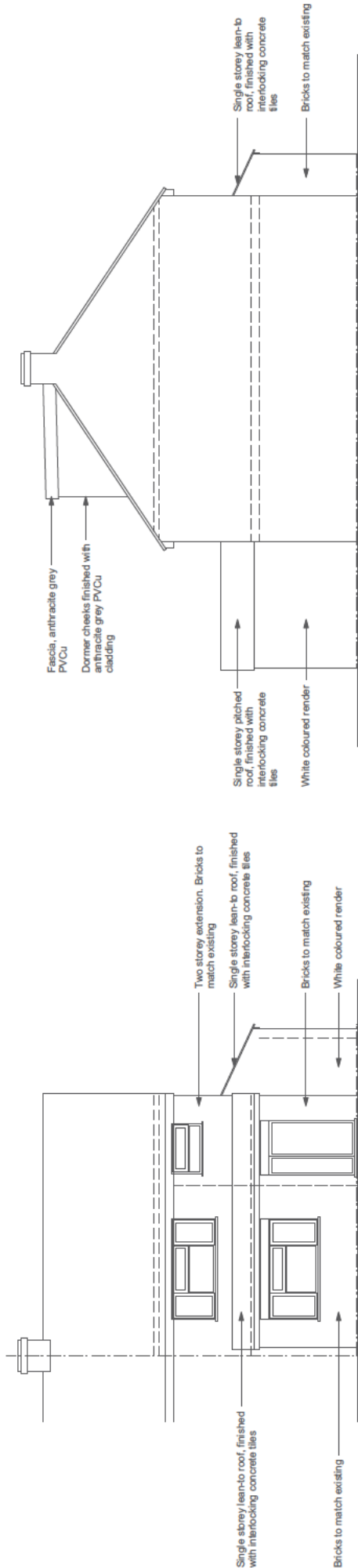
Proposed Second Floor Plan

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23-012-P-SF01	.

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NORTH WEST ELEVATION STREET FACADE

NORTH EAST SECTION

SOUTH EAST ELEVATION

SOUTH WEST ELEVATION

215

A. 28.07.23 - Render colour added, Window and door colour added, Dormer cladding colour added, Dotted line on South West elevation omitted

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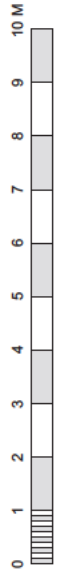
PROJECT
Proposed Loft Conversion and Extensions:
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TILE
Proposed Elevations

DRAWING NO	REV
23-012-P-E01	A

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PROJECT

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 50 Goodmoor Crescent

Churchdown
 Gloucester
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TITLE

Existing Site Plan

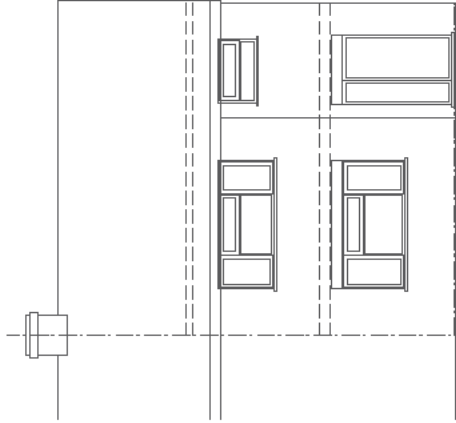
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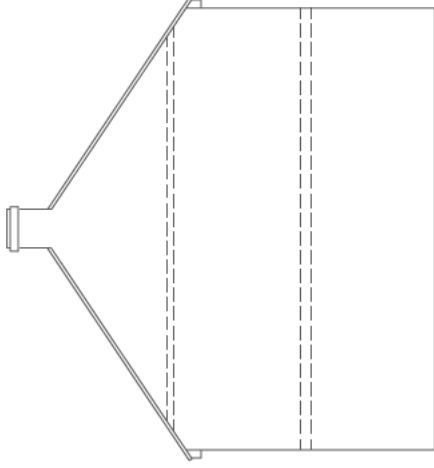
DATE
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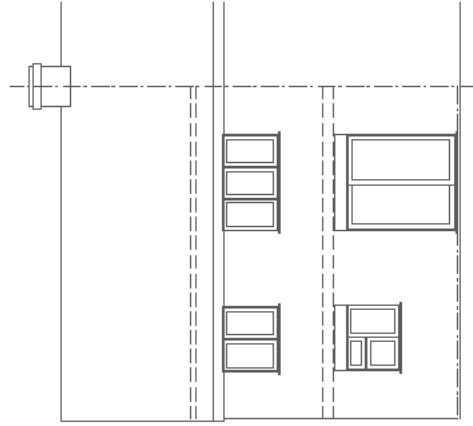
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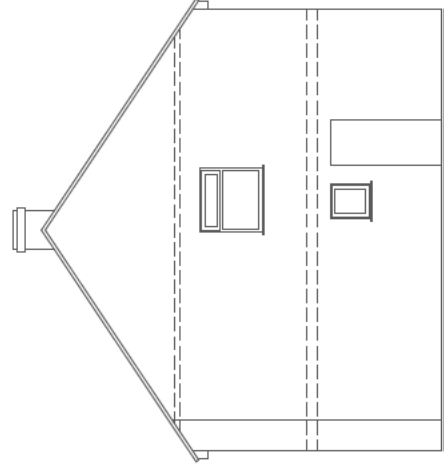
**NORTH WEST ELEVATION
STREET FACADE**



NORTH EAST SECTION



SOUTH EAST ELEVATION



SOUTH WEST ELEVATION

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TITLE

Existing Elevations

DRAWING NO

23-012-E-E01

REV

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SCALE

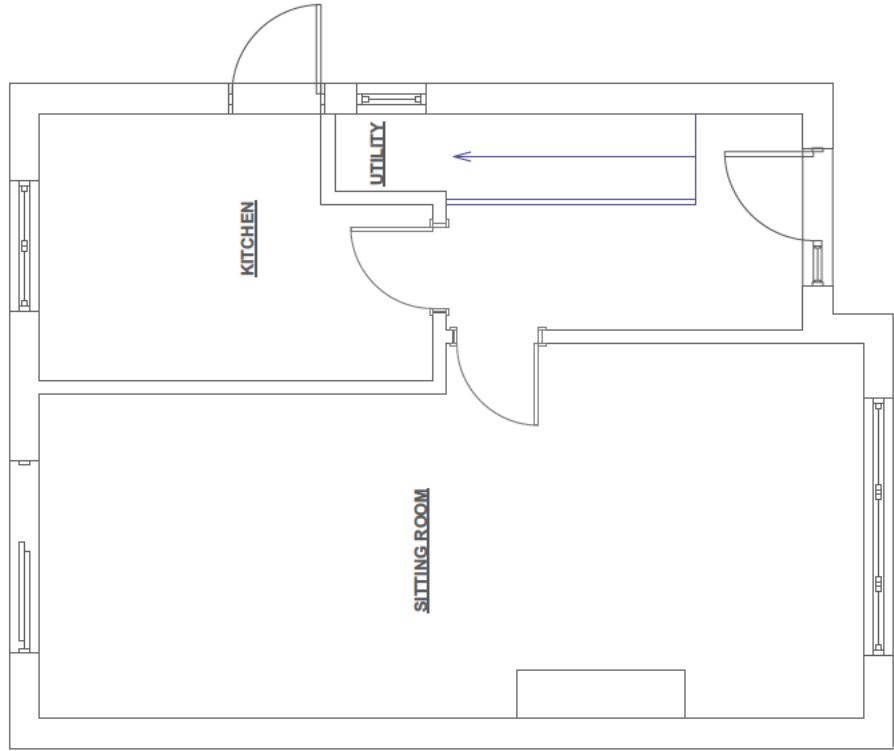
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TITLE

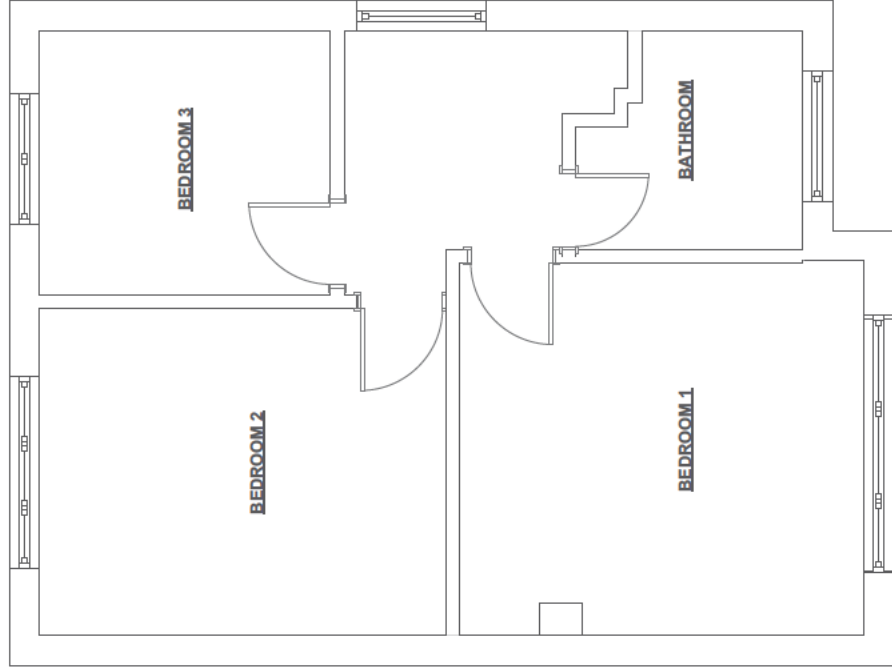
Existing Ground Floor Plan

DRAWING NO	REV
23-012-E-GF01	.

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TITLE

Existing First Floor Plan

DRAWING NO

23-012-E-FF01

REV

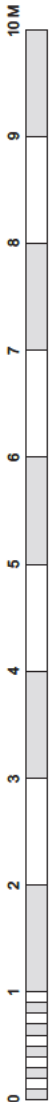
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DATE

May 2023



PLANNING APPEALS RECEIVED (03/07/2023 – 28/07/2023)

Appeal Start Date	TBC Planning Number	Inspectorate Number	Proposal	Site Address	Appeal Procedure
07-June-23	22/01007/FUL	APP/G1630/W/23/3319158	Retrospective application for a farm diversification proposal involving the retention of 5 no. containers which are occupied by local businesses.	Manor Farm Southam Lane Southam	Written Representation
11-June-23	22/01320/OUT	APP/G1630/W/23/3324253	Residential Development (up to 120 dwellings), associated works including infrastructure, open space and landscaping. Vehicular access from Fiddington Lane.	Parcel 5558 Road From Natton To Homedowns Ashchurch	Public Inquiry
19-June-23	21/01173/FUL	APP/G1630/W/23/3325421	Residential development to erect 22 units with associated car parking (100% affordable).	Land Off Ruby Avenue Bishops Cleeve	Hearing
220 29-June-23	22/01029/FUL	APP/G1630/W/23/3319454	Application for the siting of 3 shepherd huts for short-term holiday accommodation. (Revised Application)	Parcel 0400 And Part Parcel 4025 Postlip Winchcombe	Written Representation

PLANNING APPEALS DECIDED (03/07/2023 – 28/07/2023)

Appeal Decision Date	Appeal Decision	TBC Planning Number	Inspectorate Number	Proposal	Site Address
19-June-23	Appeal Dismissed	22/00586/FUL	APP/G1630/D/23/3315397	Two storey side and front extensions, rear dormer extensions and alterations to existing roof.	10 Crifty Craft Lane Churchdown