

11 September 2023

<b>Committee</b>	Planning
<b>Date</b>	Tuesday, 19 September 2023
<b>Time of Meeting</b>	9:30 am
<b>Venue</b>	Tewkesbury Borough Council Offices, Severn Room

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

### **Agenda**

#### **1. ANNOUNCEMENTS**

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

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

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

To receive apologies for absence and advise of any substitutions.

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

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

	Item	Page(s)
4.	<b>MINUTES</b>	1 - 37
	To approve the Minutes of the meeting held on 15 August 2023.	
5.	<b>DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL</b>	
	<b>(a) 22/01104/FUL - Elms Farm, Main Road, Minsterworth</b>	38 - 70
	<b>PROPOSAL:</b> Residential development of 37 dwellings (Class C3); vehicular and pedestrian access; landscaping; drainage attenuation; and other associated works	
	<b>OFFICER RECOMMENDATION:</b> Delegated permit.	
	<b>(b) 22/01317/FUL - 3 Consell Green, Tewkesbury Road, Toddington</b>	71 - 90
	<b>PROPOSAL:</b> Construction of two dwellings.	
	<b>OFFICER RECOMMENDATION:</b> Delegated permit.	
	<b>(c) 22/01343/OUT - Land at Chestnut Tree Farm, Twigworth</b>	91 - 160
	<b>PROPOSAL:</b> Erection of up to 85 dwellings with public open space, landscaping and sustainable drainage system (SuDS); all matters reserved except for means of vehicular and pedestrian access from Sandhurst Lane and a pedestrian access onto the A38.	
	<b>OFFICER RECOMMENDATION:</b> Minded to refuse.	
	<b>(d) 23/00476/PIP - Hales Farm, Malleson Road, Gotherington</b>	161 - 173
	<b>PROPOSAL:</b> Permission in principle application for development of the site to provide between one and five dwellings.	
	<b>OFFICER RECOMMENDATION:</b> Permit.	
	<b>(e) 23/00212/FUL - Station House, 7 Newdawn Close, Bishops Cleeve</b>	174 - 183
	<b>PROPOSAL:</b> Raised ridge height and installation of rear roof dormer and front rooflights.	
	<b>OFFICER RECOMMENDATION:</b> Permit.	
	<b>(f) 23/00187/FUL - Barn at Cold Pool Lane, Badgeworth</b>	184 - 208
	<b>PROPOSAL:</b> Rebuild of barn and subsequent use in C3 residential along with associated infrastructure – resubmission of application 21/01263/FUL.	
	<b>OFFICER RECOMMENDATION:</b> Refuse.	

Item	Page(s)
<b>(g) 23/00477/FUL - Land to the South of Blacksmith Lane, East of Cyder Press Farmhouse, The Leigh</b>	209 - 233

**PROPOSAL:** Erection of a 1.5 storey, one bedroom, oak-framed dwelling.

**OFFICER RECOMMENDATION:** Refuse.

**6. CURRENT APPEALS AND APPEAL DECISIONS UPDATE** 234

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

**DATE OF NEXT MEETING**  
**TUESDAY, 17 OCTOBER 2023**  
**COUNCILLORS CONSTITUTING COMMITTEE**

Councillors: M Dimond-Brown, M A Gore, S Hands (Vice-Chair), 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, 15 August 2023 commencing at 9:30  
am**

**Present:**

Chair	Councillor P E Smith
Vice Chair	Councillor S Hands

**and Councillors:**

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

**also present:**

Councillor P D McLain

**PL.22 ANNOUNCEMENTS**

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

**PL.23 APPOINTMENT OF VICE-CHAIR**

- 23.1 It was proposed, seconded and  
**RESOLVED** That Councillor S Hands be appointed as Vice-Chair for the remainder of the Municipal Year.

**PL.24 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

- 24.1 Apologies for absence were received from Councillors M Dimond-Brown and G C Madle. Councillor Bowman would be a substitute for the meeting.

**PL.25 DECLARATIONS OF INTEREST**

- 25.1 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.



25.2 The following declarations were made:

<b>Councillor</b>	<b>Application No./Agenda Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
M A Gore	Item 6f – 22/01320/OUT – Parcel 5558, Road from Natton to Homedowns, Ashchurch.	Had met with local residents regarding the application but had not expressed an opinion.	Would speak and vote.
M A Gore	General declaration.	Had received correspondence in relation to various applications but had not expressed an opinion.	Would speak and vote.
M L Jordan	Item 6a – 22/01140/FUL – Elms Farm, Main Road, Minsterworth.	Had received correspondence in relation to the application but had not expressed an opinion.	Would speak and vote.
M L Jordan	Item 6i – 23/00524/FUL – 50 Goodmoor Crescent, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
R J G Smith	Item 6i – 23/00524/FUL – 50 Goodmoor Crescent, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
R J E Vines	Item 6g – 23/00015/FUL – Chargrove Paddock, Main Road, Shurdington.  Item 6h – 23/00522/FUL – Plemont, Shurdington Road, Shurdington.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.

I Yates	Item 6i – 23/00524/FUL – 50 Goodmoor Crescent, Churchdown.	Is a Member of Churchdown Parish Council and had taken part in the discussion and voting when this application was considered by the Parish Council, prior to him becoming a Member of Tewkesbury Borough Council's Planning Committee.	Would not speak or vote and would leave the room for consideration of this item.
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25.3 There were no further declarations made on this occasion.

## **PL.26 MINUTES**

26.1 The Minutes of the meeting held on 18 July 2023, copies of which had been circulated, were approved as a correct record and signed by the Chair.

## **PL.27 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**

27.1 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.

### **22/01104/FUL - Elms Farm, Main Road, Minsterworth**

27.2 This application was for residential development of 37 dwellings (Class C3); vehicular and pedestrian access; landscaping; drainage attenuation; and other associated works.

27.3 The Senior Planning Officer drew attention to the Additional Representations Sheet, attached at Appendix 1, which referenced an objection from a member of the public on the basis that the roadside plots were still too close to the main road, where noise would be an issue, and that too many dwellings would cause traffic issues; and a letter from an Associate Trustee from the Harvey Centre, which had been circulated separately in full along with a copy of the response from the applicant's agent. The crux of the representation was that the Harvey Centre was a community centre which operated on the adjoining site and, in the mind of the Trustees, the narrow access between the building and the boundary of the application site would preclude the expansion of the Centre, which planned to develop a nursery – with the lease agreement due to be signed later this week – and a community shop, and their view was that the development would prevent widening the access. The representation put forward three possible options for Members to consider in their determination of the application: including a stipulation in any planning decision issued for an improved access point to the Harvey Centre to be agreed with the Centre and the developer; to defer the application in order to explore options to safeguard future use of the Centre and to incorporate improved access for the Centre; and to consider any provision for lowering the speed limit on the A48. The response from the applicant's agent indicated that they supported the expansion of the Centre and the general principle of the development of a nursery and community shop and had advised that a meeting had taken place at a late stage

when the first set of plans had been produced so there had not been time to incorporate the requests from the Harvey Centre. The application site would not necessarily preclude the widening of the access, as Members would be able to see from the presentation slides, as it was public open space and not built development or a private garden. The applicant's agent had also mentioned there had been no objections from County Highways regarding the current speed limits.

- 27.4 Members were advised that the application site was bounded by existing development to the west and enclosed within the settlement boundary of Minsterworth to the east with the A48 to the north and Church Lane to the south. There were a number of Grade II listed buildings close to the site including Snowdrop Cottage and Street End Cottage to the southwest and Lower Moorcroft Farmhouse to the east. The left half of the site was grassland with the working part of the farm to the right containing a number of farm buildings. There were two accesses from the A48, one currently serving Elms Farmhouse and the other serving the northeast corner which was used for farm storage. The development now proposed 37 dwellings in total – reduced from 40 with Elms Farmhouse now also to be retained – with larger houses on the eastern side and 15 affordable dwellings spread throughout the site. The existing boundaries would be retained with the exception of the two accesses on the northern perimeter – the existing access to Elms Farmhouse was to be moved to create a spine road which wrapped around the application site. Very few trees were to be removed aside from a handful to the northwest which were generally poor quality. As the application site was within the existing settlement boundary, the development would comply with Policy RES2 of the Tewkesbury Borough Plan. In terms of landscape impacts, Officers considered that the development integrated within the pattern of development and boundaries. Overall landscape impacts and the disruption of views in the site were considered acceptable and were further mitigated by recommended conditions for landscaping, tree planting and boundary treatments. Housing density achieved an appropriate balance and the development was expected to achieve 55% biodiversity net gain. All built development and infrastructure would be at lowest risk of flooding, though public open space in the southeast corner encroached into the River Severn flood plain. A drainage solution had been agreed with the Lead Local Flood Authority and the Council's Land Drainage Engineer – as there was no mains drainage, a package treatment plant was proposed which would outfall to the nearest watercourse and, as an additional safeguard to preserve water quality, operation of the plant would be subject to an Environment Agency licence and Building Regulations approval. The applicant was keen to emphasise the development's ability to contribute to carbon emission reduction so, in terms of design and construction, air source heat pumps, vehicle charging points and bicycle storage would be provided for every dwelling. Although Officers could not currently insist on solar panels, the developer had committed to this; if they were installed, a condition would be included on any planning permission requiring those details to come forward for approval. There were no remaining technical consultee objections; however, in terms of community opinions, the Parish Council has raised concerns about housing density which Officers considered was appropriate. In terms of lighting, Members would be mindful that a balance must be struck between amenity and street safety and, in this instance, an indicative lighting plan had been prepared to meet Bat Conservation Trust Standards. Other community and neighbour concerns were set out at Pages No.37-38, Paragraph 5.1 of the Committee report, with significant concerns having been raised regarding the rural setting, loss of wildlife, drainage and highways. Officers considered these had been satisfactorily addressed in the Committee report or mitigated by conditions, as set out at the end of the Committee report. Finally, the Senior Planning Officer returned to the late representation from the Harvey Centre and explained that Officers understood the intention was to widen the access which could involve part of the land in the current application site; however, their view was: that access to the community centre was unrelated to the current scheme which

must be determined on its own merits; there had been no objections from County Highways regarding road layouts or speed limits; it would be unreasonable to impose a condition for unrelated development outside of the application site; this was a private matter between Harvey Centre and the applicant, or successors in title, with which the local planning authority was under no obligation to assist; and it would not be a justified ground to defer determination. On that basis, the Officer recommendation was to delegate authority to the Development Management Manager to permit the application, subject to conditions and the completion of a Section 106 Agreement.

- 27.5 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that the proposal represented a high-quality scheme from a well-respected independent, regional housebuilder with a proven track record of delivery. The site was incorporated into the settlement boundary as part the new Tewkesbury Borough Plan meaning that the principle of residential development was considered acceptable. The scheme was capable of being delivered without delay and therefore made a welcome contribution to the borough's shortfall in housing land supply. The scheme would deliver 15 affordable homes – a policy compliant 40% – made available for social rent and shared ownership, in a village which had limited affordable housing. The houses were designed to a very high specification, incorporating solar panels and air-source heat pumps. There was no energy or carbon reduction policy target in the borough, nevertheless, this scheme represented a vast improvement over and above Building Regulation requirements. The submitted energy assessment showed the scheme's energy demand to be 89% less than the national benchmark and carbon emissions would be reduced by 94%. The scheme was framed by a generous natural and public open space, including new planting to reinvigorate the existing orchard and walking loops to connect to the A48, Church Lane and the adjacent play area. This represented 55% biodiversity net gain – significantly above the mandatory 10% requirement from November 2023. The scheme proposed to demolish various unsightly and deteriorating agricultural structures made of breezeblock and corrugated sheet metal. The scheme had been amended post-submission to ensure that a brick barn, identified by the Conservation Officer as having heritage value, was retained. This barn remained within the application boundary but would be transferred back into the ownership of Elms Farmhouse so the buildings could maintain their collective use. The location of the site in the centre of Minsterworth was no longer appropriate for the commercial keeping of livestock and various complaints had been made in recent years regarding odour and noise nuisances arising, which was an inevitable tension when housing was built adjacent to existing agricultural operations. The farm was not large enough to run sustainably without undertaking contracting work which brought with it significant agricultural vehicular movements to and from the site. The applicant's agent hoped Members would feel able to conclude that this planning application was universally policy compliant with no technical objections, supported in principle by the Parish Council, and endorse the Officer recommendation for a delegated permit.
- 27.6 The Chair indicated that the Officer recommendation was to delegate authority to the Development Management Manager to permit the application, subject to conditions and the completion of a Section 106 Agreement, and he sought a motion from the floor. A Member questioned how the water treatment plant would be impacted if the watercourse flooded and was advised that the drainage scheme had been reviewed by the Lead Local Flood Authority and the Council's Land Drainage Engineer who raised no concerns. The Senior Planning Officer indicated that, as far as he was aware, the system would continue to operate as the attenuation pond had a large capacity and a hyrdobrake system which allowed it to discharge into the watercourse at the appropriate point. Clarification was provided that the attenuation pond was entirely outside of the flood zone. The representative from the Lead Local Flood Authority explained that the applicant had been asked to model a scenario

where the River Severn flooded and prove it would still drain effectively without putting properties at risk; he confirmed that scenario had been modelled and checked in terms of surface water drainage. The Member asked if the water treatment plant would continue to work if it was under water and the representative from the Lead Local Flood Authority advised that the Lead Local Flood Authority did not assess foul drainage; surface water and foul sewage were separate on the site with the foul sewage going through the water treatment plant. The Senior Planning Officer clarified that the package treatment plant was outside of the flood zone and would be capable of operating. The outfall drainage to the watercourse would be subject to Building Regulations which would need to be approved before installation and operation. The Member drew attention to the Environmental Health Officer's comment that there would be potential harm to amenity in relation to noise from traffic on the A48, and other representations which referenced noise, and asked what mitigation would take place to alleviate that, particularly for residents closest to the road. In response, the Senior Planning Officer advised that the Environmental Health Officer had concerns about noise and had recommended a condition requiring a ventilation strategy; this had been omitted from the recommended conditions included in the Committee report but could be included to ensure the strategy came forward. The Member noted that recommended condition 12 required an acoustic assessment to be submitted prior to the operation of any heat pumps which she understood was related to address the noise generated by the ventilation solution but she was particularly referring to traffic noise which she did not believe was being mitigated based on the Committee report. The Senior Planning Officer advised that the condition requiring submission of a noise strategy would include both the means for ensuring ventilation and insulation from the road and a requirement for the strategy to be assessed by the Environmental Health Officer.

- 27.7 Another Member shared the concerns raised regarding the treatment plant and was not convinced the proposals would result in a satisfactory outcome. She had taken on board what the Senior Planning Officer had said in relation to the development of the Harvey Centre but she was of the opinion that this proposal would impact upon its expansion. Policy RES5 of the Tewkesbury Borough Plan stated that proposals for new housing development should 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. Whilst she recognised the Harvey Centre was not a dwelling, she felt this development would preclude it from expanding and would like to see a formal agreement with the developers to be able to extend the northwest corner so it could secure the required access. The Harvey Centre would be signing the lease for the nursery on Friday and had firm plans to run a café and shop and, alongside this development of 37 houses, it would be a valuable asset. The residents of Minsterworth were happy with the design and understanding of the development on the whole but the potential preclusion of expansion of the Centre was a remaining issue and she asked if it was possible for the application to be deferred in order to establish a firm plan for the northwest corner of the site. In response, the Development Management Manager advised that, as set out in the Additional Representations Sheet and explained by the Senior Planning Officer, this issue had been raised relatively late in the day; however, the Harvey Centre's response had been summarised on the Additional Representations Sheet and circulated in full. Officers had previously visited the site and taken on board both the Harvey Centre's representation and the response from the applicant regarding existing use rights of the site and the highway access being set well-back. On that basis, there was nothing which suggested the proposed development would preclude the suggested enhancements to the Centre coming forward on the site and he urged Members to determine the proposal on its own merits based on the application before them today. Whilst it was within Members' gift, he strongly advised against a deferral.

- 27.8 A Member drew attention to Page No. 44, Paragraph 8.44 of the Committee report which set out that Policy SD9 of the adopted Joint Core Strategy stated that the biodiversity and geological resource of the Joint Core Strategy area would be protected and enhanced in order to establish and reinforce ecological networks that were resilient to current and future pressures, and that the adopted Tewkesbury Borough Plan Policy NAT1 set out that proposals would be required to deliver a biodiversity net gain across local and landscape scales including designing wildlife into development proposals, and he asked whether it was possible to negotiate with the developer to fit swift bricks within the walls of the new dwellings should Members be minded to delegate authority to permit the application. In response, the Senior Planning Officer advised that recommended conditions 4 and 5 required submission of a Construction and Ecological Management Plan and a Landscape and Ecological Management Plan and he could endeavour to secure additional swift nesting provision as part of that. Another Member noted that the dwellings would have bicycle storage and she asked if there was any provision for cycling on the A48. In response the County Highways representative advised that the A48 had a speed limit of 50mph and there were presently no designated cycling facilities along that route.
- 27.9 It was proposed and seconded that the application be deferred in order to obtain full information in relation to the drainage strategy for the site. The proposer of the motion indicated that the Parish Council felt that the sewage treatment plant capacity was insufficient and there was no mains foul drainage in Minsterworth. The information received regarding the water treatment plant was inadequate and she was not happy to determine the application without full information. A Member indicated that he would like a Planning Committee Site Visit as part of the deferral and the proposer and seconder of the motion confirmed they were happy that be included. The seconder of the proposal asked whether investigation into the northwest corner could also be included in the deferral to come up with a complete design for the development. In terms of the design, the Development Management Manager advised that the relevant technical consultees had been consulted on the proposal and the design was as presented to Members today – nothing had been suggested in terms of an alternative design proposal. The Legal Adviser explained that the representation from the Harvey Centre had been circulated and, whilst the concerns raised were recognised, unfortunately, these were based on aspirations of the Centre and were not materially relevant to determination of this application. There was no requirement to mitigate this impact as a result of this proposal. The Harvey Centre could consider applying for part of the Section 106 community contributions secured from the development to assist with the future development of the Harvey Centre. It was worth noting that the Harvey Centre was on a former school site with capacity for the traffic generated by the school, which was likely to be less than that generated by the Centre, and the access was suitable for that level of traffic. She had every sympathy with the Centre but the Committee was not able to force the developer to make any provisions for the Harvey Centre in this case. The seconder of the motion indicated that she knew the school very well and there had been no specific access for it, which had caused significant traffic issues – in her opinion, traffic had not been adequately catered for at that time and she continued to believe that traffic would become a real problem over the years. She indicated that the response from the applicant's agent stated that the layout and design of the scheme did not necessarily preclude the ability to form a vehicular access into the Harvey Centre site in the future across the shared boundary; she felt this demonstrated that this development was inextricably linked to the Harvey Centre and she would like to see that statement written into an agreement. The Legal Adviser understood the Member's point of view and advised that, if the application was deferred, Officers could potentially ask the developer if they would be willing to agree to that but it was not legally possible to impose a requirement of that nature. The seconder of the motion sought clarification regarding the application of Policy RES5, as she felt this development would cause unacceptable

harm to the amenity of the Harvey Centre, and the Development Management Manager advised that amenity in pure terms was not technically impacted. There had been positive comments from the Harvey Centre and the applicant in terms of community use of the adjacent site and that would not be precluded in terms of the existing access. It was unreasonable to include a formal agreement regarding future community use as part of the current proposal and that was the very clear advice being given by himself and the Legal Adviser.

27.10 Upon being taken to the vote, it was

**RESOLVED** That the application be **DEFERRED** in order to obtain full information in relation to the drainage strategy for the site and for a Planning Committee Site Visit.

### **22/01374/FUL - Land at Linton Court Farm, Highnam**

27.11 This application was for development of an energy reserve facility and ancillary infrastructure. The Planning Committee had visited the application site on Friday 11 August 2023.

27.12 The Senior Planning Officer drew attention to the Additional Representations Sheet, attached at Appendix 1, which related to a question raised by a Member on the Planning Committee Site Visit. The Environmental Health Officer had provided a late representation giving an update to clarify the position regarding noise. This stated that the submitted noise assessment was robust and represented the worst-case scenario so the actual noise impact should be less than the predictions. In addition, a condition was recommended to require a post-completion test to ensure noise levels were in line with predictions so that additional noise mitigation measures could be employed if necessary. Modelling predictions concluded that sound levels would not exceed the measured background sound level in the area, both during the day and night, and background noise from road traffic along the A48 would still be the dominant sound climate in the area. The application was for a Battery Energy Storage Site (BESS) of 99.99MW and Members had asked what that would look like in reality so he had included a slide within the presentation to show a 50MW site for illustrative purposes. He advised that 100MW was roughly equivalent to supplying energy to 300,000 houses for approximately two hours. Data from government research showed that 11 applications for sites of 90-99.9MW had been approved in England with a further nine to be determined. This was a large scheme but was by no means unique and there were larger ones. The BESS would connect to the Port Ham substation 1.5km to the east and the connection would be facilitated by the District Network Operator, which was the National Grid in this case, and that was separate from this scheme. There were six dwellings at Linton Court Farm which were on assured shorthold tenancies as well as residential properties at Crosshands and Popes Pool Cottages. With regard to site selection, the area was well-known for flooding and the existing field to the east of the application site was in Flood Zones 2 and 3; it had been very difficult to find a position for the site outside of a flood zone but the batteries themselves would be outside of the flood zone. The site was Grade 1 agricultural land and Natural England had been consulted on the application and raised no objection to its loss. Primary access would be at the far end of the track, adjoining the A40, with a railway line running to the south of the site. There was a risk of a small section of the track flooding, therefore, a second and third access had been negotiated – even without that, there was no technical objection to using the primary access. Linton Court Farm itself was at risk of flooding and could potentially restrict emergency vehicles accessing the site but the risk of all accesses being flooded simultaneously was extremely low and, in any event, would not necessarily prevent emergency service access. With regard to layout, there would be a linear arrangement of batteries, comprising 22 on the estate side, which would be 130m by 90m with each

container being 2.9m high. The compound would be enclosed by a 2.4m security fence and within a 2m landscape bund with a stock proof fence outside of that. In terms of noise impacts, this was an issue raised by Members during the Planning Committee Site Visit the previous week and the Senior Planning Officer drew attention to the inclusion of a 3.5m acoustic fence on the northern boundary in order to minimise noise disruption to neighbouring residents. He reiterated that the baseline situation comprised traffic noise from the A48. Network Rail had been consulted on the application and expressed concern that a glint and glare assessment had not been undertaken; however, Officers' recommendation was that was unnecessary in this instance. The compound at the top corner of the site would comprise the electrics and maintenance building and the building for the District Network Operator. The containers would be built on gravel extending around 1m above ground level. There was a drainage outfall from the south which would drain into the watercourse and assurance was provided that all built development would be within Flood Zone 1 and, whilst the access may flood on occasion, the batteries themselves were extremely unlikely to flood. Although the landscaping was still illustrative at this stage, a bund was to be created to the east and its slopes would be planted with Oak, Birch, Rowan and Maple which, in time, would develop into an effective screen with Linton Court Farm buildings behind it. In the Officers' view, the acoustic fence would not cause unacceptable visual harm given the context and, in any case, that was part of the modelling for the noise reduction scheme. In conclusion, it was acknowledged that this was a large BESS scheme though it was by no means unique. The development would bring some impact to the landscape, though this was mitigated by significant landscaping and ecological improvement measures. In terms of flooding and fire risk, Officers considered the risk of both occurring at the same time to be extremely low and, in any event, a condition was recommended whereby batteries could not be installed until a system for dealing with such a scenario for flooding and fire was approved in conjunction with the Environment Agency and Fire Service. To the extent that harm had been identified, that needed to be balanced with the overall objectives of the Council and the Government to address the effects of climate change. Energy storage was an important measure contributing to the delivery of renewable energy sources and the climate emergency was considered to outweigh the identified harm and any future risks. On that basis the Officer recommendation was to permit the application.

- 27.13 The Chair invited a local resident speaking in objection to the application to address the Committee. The local resident indicated that BESS were potentially a severe industrial hazard in the event of fire, as highlighted in the major fire that happened in Liverpool in September 2020. The hazard was not only from fire and explosions, but also from fumes and toxic run-off from firefighting which required vast quantities of water to cool over many hours. He questioned whether any thought had been given to the run-off produced if a fire should happen and how to stop the river being polluted. Some of the hazardous toxics released due to fire included Hydrogen Fluoride, Hydrogen Chloride and Carbon Monoxide as well as flammable gases including Hydrogen, Methane and Ethylene. The release of these toxic gases posed a significant threat to the health of people living and working nearby. Hydrogen Fluoride and Hydrogen Chloride were aggressive respiratory irritants and plumes of those gases may drift into the surrounding communities resulting in damage to human health. The proposed layout of the site, with areas in Flood Zones 2 and 3, was unacceptable due to flooding risk. The submitted flood risk report even admitted that part of the site fell into areas of medium or low-high for various flood risk sources. Lithium-ion batteries reacted violently when exposed to water and was a leading cause of fires. Furthermore, the proposed access road to the site fell into Flood Zone 3 in places, with larger parts into Flood Zone 2, so he questioned how a fire/explosion at the site would be handled if the access road was impassable due to flooding. Additionally, the A40 between his home, the site in question and The Dog at Over flooded. This flood water was not from the river but from the neighbouring land and would impede fire rescue teams from accessing the



site. In 2020 the main A40 had been closed in February and December for a minimum of 12 hours; Highways England was looking at this issue and he was waiting for an update and a full report. The noise produced by the proposed development would be a disturbance to his animals and the horses in the neighbouring land, as well as the owls and other wildlife that lived around them - the battery farm would have an effect on those animals. The A40 was the main road to and from Gloucester towards the Forest of Dean and Ross on Wye and building this battery farm would increase the volume of traffic especially during the construction period. He hoped Members would be able to take this into consideration and urged them not to grant the application.

- 27.14 The Chair invited the applicant's agent to address the Committee. The applicant's agent explained that, in order to meet the Government's carbon reduction targets under the Climate Change Act, the energy balance was becoming increasingly reliant on renewable energy sources such as wind and solar which could be intermittent and unpredictable. This, coupled with the phasing-out of fossil fuel power stations meant there was a growing need for new power solutions that could respond quickly to local spikes in demand and ensure a secure supply of energy for the local network. With record levels of renewable sources generating power - roughly 40% in 2022 - wind and solar generators were increasingly being required to turn off when the demand for the power was not required at the time it was being generated. Battery storage could help to make the most of this green energy, using it to manage the peaks and troughs in demand and operate as efficiently as possible. The proposed system would have the capacity to supply energy to somewhere in the region of 300,000 homes for up to two hours at a time during periods of peak demand. Facilities must be located close to an existing Grid Supply Point (GSP) with both import and export capacity. The Port Ham GSP was one of the last remaining National Grid GSP's with the required import/export capacity available when the applicant had secured its connection agreement and there were now no remaining National Grid GSP points offering this capacity. In order to minimise transmission losses and be economically viable, sites typically needed to be located within a kilometre of their connection. The only non-developed land within a kilometre of the Port Ham GSP fell within the designated flood plain. The site at Linton Court Farm lay approximately 1.5km away and offered the only land in the area considered suitable for the proposed development. The site had been selected due to its proximity to the substation, a willing landowner, limited ecological value and compatible adjacent land uses. It was also well screened by existing topography and vegetation and had a low probability of flood risk. Battery technology was a clean energy system and did not create emissions to air. Detailed assessments had been undertaken to support the application and in all cases had confirmed that the proposals would not result in any unacceptable impacts. This development would help to prevent local power interruptions and would therefore contribute to the local economy by means of electricity security whilst achieving a biodiversity net gain of over 24%. It would also support increased renewable energy generation, contributing towards 'net zero' and reducing energy wastage. As close as practical to the existing substation, capable of being substantially screened by existing and enhanced landscaping and able to achieve noise levels that did not exceed background at the closest houses, the land at Linton Farm provided a suitable site for this facility. Tewkesbury Borough Council had declared a Climate Emergency and was aiming for carbon neutrality by 2030 and the applicant's agent hoped that Members could follow the Officer recommendation and support this development which clearly aligned with those aims.
- 27.15 The Chair invited a local Ward Councillor for the area to address the Committee. The Ward Councillor indicated that Members would have seen the flooding challenges affecting the site and he had been asked by residents and the Parish Council to draw attention to the key issues around safety, noise, flooding and fire risk. The Senior Planning Officer had touched on loss of prime agricultural land, as

set out particularly in Pages No. 69-70, Paragraphs 8.20-8.27 of the Committee report. The impact of noise had been partly addressed in the Additional Representations Sheet and he was sure Members would wish to explore that further in their discussion, including the effectiveness of a proposed acoustic fence and the noise reduction scheme as well as the risk of pollution as outlined at Page No. 77, Paragraph 8.98 of the Committee report. If the Committee was minded to follow the Officer recommendation, he asked that Members review the proposed conditions carefully and consider whether there was a need to strengthen the requirements, including ongoing monitoring on a range of concerns. In his opinion, the core points of concern were as described at Page No. 67, Paragraph 8.1 of the report, specifically the area "beyond the bund". As highlighted by the Parish Council and the local resident in their address to the Committee, Members would be well aware of the concerns regarding hazard and fire risk from batteries and, being conscious of time constraints, he intended to focus on other areas. He requested that Members explore the connection to the battery site – particularly the receptor route during an emergency as well as for general maintenance. As set out in the report, the Committee would be well aware of the risk in abnormal and emergency situations; those risks from flooding were far from unusual and the proposed site often became an island. Being described as 'entirely outside' the flood zone did not reflect that it was on the edge of Flood Zone 2 and connections through primary, secondary and tertiary accesses would be underwater. Should the Committee wish to refuse the application, there were a range of grounds for refusal as identified in the report; if Members were minded to approve he asked that they review the conditions very carefully and consider if there was merit in strengthening proposed conditions 7, 8 and 9 and whether the risk scenarios as modelled adequately met concerns or if there was a need for further safeguards, ongoing monitoring and review.

- 27.16 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. With regard to the suitability of the site and the connection, a Member understood that each unit should be within one kilometre of the substation; this would be 1.5km away but it appeared this was the only site available. She asked for clarification of the impact of the additional 500m, for instance, would there be less input, and how that balanced with other risks. The Senior Planning Officer confirmed that ideally the units would be as close as possible to the substation and the recommended distance was around 1km but it was not possible to achieve that on this site due to significant constraints including flooding. His understanding was that it would reduce the effectivity of the connection and result in some transitional loss of energy but it was for the applicant to decide if this was a viable option and it should not have been put forward if it was not a viable option taking account of that loss. Another Member noted that a number of representations mentioned noise concerns and she asked for clarification as to what would cause noise and the type, for instance, would it be a constant hum. The Environmental Health Officer advised that it would be a constant noise; however, it had been assessed by an external noise consultant against the British Standards for industrial noise and background noise levels, and modelled based on the equipment which would be on site, and had been found to be acceptable. In this case the potential harm would be caused by units exceeding the predicted noise levels but a condition had been recommended to ensure testing was undertaken post-completion to ensure levels were in line with predictions and to employ additional mitigation should that not be the case. The Member asked if there was an expectation that noise levels would increase as the units aged and, given that the noise levels would not be above those caused by the A48, she questioned why a 3.5m acoustic fence was necessary. In response, the Environmental Health Officer advised that the acoustic fence would have been taken into account in the modelling so there would be no increase in background noise level due to that barrier being in place. There was always a possibility that noise would increase with age but with good maintenance it was not expected to be a significant problem and

the Environmental Protection Act legislation could be used to deal with any issues which did arise. A Member recognised that traffic noise was annoying; however, even the busiest road would have a quiet period and a lower intensity of noise, if constant, could be far more disturbing than intermittent noise – even though it may be less than the highway noise in the area, he asked if the constant nature had been taken into account in the modelling. In response, the Environmental Health Officer explained that part of the British Standards calculations involved measuring day and night periods so the extra noise levels, particularly at nighttime, would have been taken into account. There was an expectation that people would be inside their properties at night so this added further protection. A Member noted there would be 72 batteries here and the noise would be caused by cooling fans so she asked what would be done on a hot day without exceeding the noise limit. In her view the proposed facility was far too big for the area. The Environmental Health Officer advised that many industrial units were required to have fans for cooling and that was a custom practice; whilst there would be slight fluctuations on hotter days to achieve a constant temperature, the assessment would have been based on a worst-case scenario so she was comfortable that impact would be negligible.

- 27.17 A Member noted concerns regarding risk of pollution and she asked for clarification as to whether that would be from a fire on the site or if there was also a risk from pollutants running off the units during rainfall. The Senior Planning Officer confirmed the risk of pollution would be from the Fire Service having to attend and cool down the units which could result in contaminate leaking into the surrounding watercourses which was why it was necessary to understand exactly how that would be dealt with before the batteries were installed. Aside from this there was a negligible risk as the batteries would be entirely outside of the flood zone and built on approximately 1m of gravel. The Member raised concern there may be pollution of the land given that the base would be permeable, and the Senior Planning Officer advised that it would be clean water permeating through so there would ordinarily be no way of picking up contaminates. Another Member asked what type of land other sites of this nature were being built on elsewhere in the country, for instance, were they close to the flood plain or residential properties. The Senior Planning Officer advised that his limited research on other sites coming forward indicated a broad range; in reality, substations tended to be close to residential areas for efficient transfer of energy and the effect of that was that BESS needed to be fairly close by. Notwithstanding this, it was site dependent in terms of the constraints which existed for each site and how they could be overcome. A Member indicated that her main concern was for nearby residents and she asked if Officers had looked at research on the physical and/or mental health impact of living near BESS sites. The Senior Planning Officer indicated that he was not aware of any impacts; however, the technology was reasonably new and still evolving so he was unsure what data was available – there was research about living close to overhead pylons which could be an issue when they had been running for a long time but he did not believe this facility would result in anything over and above the remaining issues around the national energy grid and how it was delivered. The Development Management Manager advised that the main impact related to noise and that had been assessed and found to be appropriate subject to conditions as set out in the Committee report. In response to a query as to whether all cables would be underground, the Senior Planning Officer confirmed that it would be an underground connection to the substation. With regard to the tree planting along the bund line, a Member sought clarification that the top of the bund would be planted with trees in front of it and asked the likely height. The Senior Planning Officer advised that a cross-section had been provided to illustrate mitigation over time and the maximum height of the trees, once mature, was marked on the plan; this would be significantly higher than the bund and above the level of the containers.

- 27.18 A Member noted that National Highways had no objection to the proposal subject to conditions but the facility would be very close to a trunk road and he imagined there would be a risk of safe operation in the event of a fire due to the smoke produced. The Senior Planning Officer indicated that any development near a main road carried the risk of a fire taking place; in this case the risk of fire was low and would be manageable based on the proposed conditions. The Development Management Manager pointed out that a fire detection system was also proposed, the details of which would be provided before installation of the battery units, so there was appropriate management of risk. In response to a query as to why an Environmental Impact Assessment had not been requested, Members were advised that the environmental impact and effects of the proposed development did not require an Environmental Impact Assessment; that was not to say those effects had not been fully assessed as part of the application and he confirmed it had been assessed against the screening requirements in the regulation and the screening opinion stated that an Environmental Impact Assessment was not necessary to deal with the environmental impacts arising from the proposal.
- 27.19 In the absence of any further questions, the Chair again sought a motion from the floor. As no motions were forthcoming, he proposed that the application be permitted in accordance with the Officer recommendation. The motion did not receive a seconder. It was subsequently proposed that the application be refused on the grounds of health and safety as the fire risk had not been dealt with adequately. The Legal Adviser understood these concerns but explained that Officers had assessed the proposal in great detail, taking into consideration the potential impacts, and had imposed a condition which would ensure that details of a system for fire detection and suppression must be approved by the Council, Gloucestershire Fire and Rescue Service and the Environment Agency prior to the installation of the battery units. As such, a refusal reason on that basis would be insufficient to uphold at an appeal and she suggested Members debate some of the other issues relating to the site in order to come forward with a proposal. A Member indicated that he was not against this type of facility being built and recognised it was required for the future but he considered the site was inappropriate due to the proximity to residential properties and the harm that would be caused to the landscape. He also had concerns regarding noise and the loss of Grade 1 agricultural land which was needed for farming. Another Member pointed out there was very little Grade 1 agricultural land in Tewkesbury Borough and once lost it could not be replaced. He was not against the facility but agreed that the location needed to be right; the applicant's agent had stated this was the only available site in this area but there was more than one substation in the borough with land which may be of less agricultural value. There would undoubtedly be more applications of this nature and he expressed the view that the Council should have a policy in place to ensure that BESS facilities were not built on Grade 1 or 2 agricultural land – that land was needed to grow food which was only becoming more important due to the climate change and cost of living crises. The Development Management Manager advised that the Committee report clearly assessed all the relevant issues. In terms of noise, there had been various queries from Members, which were all understood, and a submission from the Environmental Health Officer. Noise and mitigation had been looked at very carefully and he cautioned against any reference to noise if Members were minded to refuse the application. He recognised the concern regarding loss of agricultural land and drew attention to Page No. 70, Paragraph 8.22 of the Committee report which set out that Policy SD14 of the adopted Joint Core Strategy stated that new development must take into account the quality and versatility of any agricultural land affected by proposals, recognising that the best agricultural land was a finite reserve; however, the Senior Planning Officer had pointed to the lack of objections from technical consultees in this regard. In terms of landscape, the site had been carefully assessed and appropriate mitigation was

proposed appropriate to the scale of development. As had been discussed, there were other facilities of this nature across the country but it was difficult to assess the proposal against them due to the variety of locations which all had their own individual impacts which needed to be assessed by the local planning authority – whilst Officers had sought to do this via the comprehensive Committee report, Members had also benefited from a site visit. The Landscape and Visual Impact Assessment submitted was required to set out the overall effect on the landscape character and, as set out at Page No. 71, Paragraph 8.40 of the Committee report, this had concluded that the overall effect on the landscape character would be negligible. Taking all this into account, he felt it would be difficult to justify a refusal on the basis of the areas that had been put forward.

- 27.20 A Member indicated that her research had identified that a similar site had been proposed in the Forest of Dean which had been refused by the Council but had subsequently been allowed on appeal with the Inspector stating that the benefits of the BESS would outweigh the impact on the landscape and residents were within 120m of that site. Another Member was aware of another similar application in Brockworth but pointed out that would feed into an overhead line as there was no substation and she questioned why this could not be done on other sites as there may be more suitable locations if the requirement to be within a certain distance from the substation was removed. In response, the Senior Planning Officer advised that the facility worked by taking energy from the grid at the time of least demand and delivering it back to the grid at times of peak demand. BESS were essential requirements of renewable energy production as they provided the necessary means to store energy and put it back on the grid when needed. The connection from this site to the substation was two way which was slightly different to a solar farm which was just delivering one way. The Member confirmed that the proposal in Brockworth was for a BESS rather than a solar farm and she understood it would be connected to the overhead line; if that was the case, there may be alternative locations for this facility that would be better than the one currently being proposed. The Development Management Manager drew attention to Page No. 69, Paragraph 8.17 of the Committee report which set out the key criteria in terms of site selection according to the submitted planning statement and included BESS facilities being located close to a large existing substation that had capacity both to import and export energy, and he reminded Members that the proposal must be assessed on its own merits.
- 27.21 The proposer of the motion to refuse the application indicated that, on the basis of the Officer advice, he wished to withdraw his original proposal for refusal and propose that the application be permitted in accordance with the Officer recommendation. These type of facilities were clearly necessary and, whilst it was not what Members would like in terms of location, it appeared this was the only way the facility could be built. He continued to have reservations about fire and security but, on reflection, the risks were outweighed by the benefits. Another Member indicated that she felt very conflicted due to the list of potential objections including landscape harm, impact on neighbouring amenity in terms of noise, possible contamination, flood risk and loss of agricultural land but these had all been discussed either in the report or during the debate today. She felt it was necessary to balance these concerns with the benefits of the facility and, although she did not feel it was the best site, it may be that there was no better site available within the borough. A Member questioned whether there would be any benefit in deferring the application for more information and another Member expressed the view that, whilst he too felt conflicted, there would be nothing to be gained from a deferral and he seconded the proposal to permit the application.
- 27.22 Upon being put to the vote, it was
- RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

**22/01367/PIP - Field North of Brook Lane, Ash Lane, Down Hatherley**

- 27.23 This was a permission in principle application for residential development of two dwellings.
- 27.24 The Senior Planning Officer advised that, as set out in the Committee report, consideration of applications seeking 'permission in principle' were limited to matters of location, amount, and use. In terms of location and use, Officers gave very significant weight to the site being within the boundary of Joint Core Strategy strategic allocation where there was a requirement of over 2,000 homes. Members would see from the presentation slide that nearly 1,000 homes had been approved within the area of the strategic allocation and immediately north and south of the application site. No objections had been received from County Highways in terms of access. With regard to amount, Officers considered there was potential for two dwellings, as illustrated, though it would be for the applicant to demonstrate at the technical matters stage that two dwellings could be successfully accommodated in accordance with policy and site constraints – in principle, residential use of the site was considered to be acceptable. Officers acknowledged there were considerable local concerns regarding drainage and foul water disposal arrangements in the area and discussion had taken place with drainage and flooding consultees, including Severn Trent Water, which had led to a suggestion that development could be approved subject to a condition that it would not be able to take place until such time as the public sewer had been upgraded; however, permission in principle approvals could not be conditioned. In any event, drainage details would be a technical matter left for later consideration. Whilst it was noted there were concerns in respect of surface water drainage and possible associated flood risk, such matters were not a detail for consideration at this time and fell within the scope of any subsequent technical details consent application. In the event a technical details consent application was submitted, the Council would have the ability to refuse planning permission if a satisfactory solution to drainage and other matters could not be secured. Further controls could be imposed at the technical details consent stage by way of conditions; other technical matters to be addressed at that stage would include - though were not limited to - design, highway safety, amenity and ecology and appropriate assessments and mitigation would be required at that stage. Given the application was limited in scope at this stage, Officers considered it complied with planning policies as set out in the Committee report and recommended permission in principle be granted.
- 27.25 The Chair invited the applicant's agent to address the Committee. The applicant's agent reiterated that the application sought permission in principle for two dwellings. Members would be aware that these types of applications dealt with the principle of development from a locational and land use perspective only, and technical details were reserved for later applications. Whilst the site may currently appear to be within open surroundings, the site formed part of the Joint Core Strategy strategic allocation for Twigworth. The main development of circa. 725 dwellings within the allocation had planning consent and it was material to note that another application of 74 dwellings also had consent within the allocation site and was currently being built out. This site would, therefore, be very much part of the urban area of Gloucester going forward. The principle of housing here was clearly acceptable, subject to the properties respecting the character and layout of the wider strategic allocation. Ultimately, this new dwelling would be set amongst the North Gloucester urban extension and fully complied with planning policy in principle. The applicant's agent noted that the Parish Council had raised some concerns and, whilst he sympathised with their views, their comments were not substantive matters that could lead to the refusal of the application, particularly in the context of the permissions for housing granted in the immediate vicinity, which were much more substantial than this. The Parish Council's suggestion that the site was contrary to the adopted Neighbourhood Development Plan was, as pointed out within the

Committee report, simply not the case – the site formed part of the Twigworth strategic allocation and there were no Neighbourhood Development Plan policies that precluded this type of development, therefore, the principle of housing here was clearly acceptable. The key consideration for this application was whether the new dwellings would fit in to the wider layout of the housing scheme without compromising the comprehensive delivery of the masterplan and the illustrative design fully met the design expectations of the Joint Core Strategy. The relationship with neighbouring plots would not result in amenity issues and County Highways confirmed there were no objections to the site access arrangements and that this was considered to be a sustainable location for housing. He was aware of the local concern over drainage but, as Officers had correctly identified, this was not a matter that could lead to a refusal of permission in principle in this case. Ultimately, there was a drainage solution for the site and that would need to be established and secured through the future technical details consent application; this was consistent with the advice and the outcomes in relation to all other applications that had been approved along Ash Lane and Brook Lane in the recent past. The applicant's agent concurred that the application accorded with the development plan overall and hoped Members would feel able to support it.

- 27.26 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member indicated that he was very uncomfortable with permitting the application due to the concerns regarding drainage and sewage; he noted the informative at Page No. 95 of the Committee report which stated that, should the application progress to technical approval, Severn Trent had requested the submission of drainage proposals for comment at the earliest opportunity – he felt that was very sensible and was surprised the application was still before Members for determination in the absence of those proposals. The Legal Adviser explained that the permission in principle process did not allow consideration of issues such as drainage at this stage; if it was considered acceptable based on location, amount and use, the applicant would need to come back with a technical details consent application which would include the necessary information to allow assessment of whether the drainage situation could be addressed - if it could not, the application could be refused at that stage. She appreciated Severn Trent had made a submission in relation to the permission in principle application, nevertheless, it could not be addressed until the technical details consent stage. The Member thanked the Legal Adviser for the explanation and indicated that he was aware of the limited scope within which permission in principle applications could be assessed; however, he continued to be uncomfortable with it.

- 27.27 Upon being put to the vote, it was

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

### **22/01316/PIP - Land at Ash Lane, Down Hatherley**

- 27.28 This was a permission in principle application for residential development of up to six dwellings.
- 27.29 The Senior Planning Officer advised that the application related to a parcel of land in Ash Lane which was an unadopted private road but had the feel of an adopted road and was lined on both sides by existing housing. The application was for a permission in principle, as provided for in the Town and Country Planning (Permission in Principle) Order 2017 and followed a recent successful application for permission in principle for up to four dwellings as part of the current application site and a previous full planning permission for two dwellings granted in April 2021 for the western part of the site. Since the extant permission in principle for up to

four dwellings had been granted there had been several changes which supported the current proposal for up to six dwellings on the site: the site area had 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; and the immediate site context had 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 had been completed which changed the relationship of the site with the existing built form of the area. In terms of the principle of development, the site had been removed from the designated Green Belt as part of the boundary review during the adoption of the Joint Core Strategy and now formed part of the wider 'safeguarded land' to be retained for strategic purposes. Criterion 7 (iv) of Policy SD5 of the Joint Core Strategy set out that safeguarded areas were 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, would only be granted if a future review of the Joint Core Strategy deemed the release of the land necessary and appropriate and proposed development - that review was currently underway. The National Planning Policy Framework allowed for limited infilling within the Green Belt and the planning history of the site indicated that the principle of development was already established on the site. The Neighbourhood Development Plan did not define a development boundary in Down Hatherley and that plan indicated there would be no allocations for housing in the Parish. 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 was considered acceptable and already established in terms of the National Planning Policy Framework and development policy, in particular, Policy SD10 of the Joint Core Strategy Criteria 4ii. The Tewkesbury Borough Plan did not include Down Hatherley within the settlement hierarchy; however, Policy RES4 set 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 would 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 these reasons it was considered that the proposal would relate reasonably well to existing buildings and would be proportionate to the size and function of the settlement. It was noted that concerns had been raised by Severn Trent Water, Down Hatherley Parish Council and the Council's Land Drainage Engineer with regard to drainage and flood risk, as set out at Paragraphs 8.18-8.26 of the Committee report. Within the scope of the permission in principle stage there was no objection to development of the site for residential purposes in terms of location and land use, access or amount of development. Nevertheless, the recommendation to permit the proposal would include an informative that set out the requirements for drainage to be considered for any subsequent technical approval.

- 27.30 The Chair invited the applicant's agent to address the Committee. The applicant's agent advised that this application also sought permission in principle, this time for six dwellings; however, as set out in the Committee report, it was important to note that permission already existed on this site for a total of four dwellings across the land. As such, for all intents and purposes, this application was for two additional dwellings on a site that already had consent to be developed. The Committee would be aware that several planning applications for new housing had been granted along this stretch of Ash Lane in recent times, including on the site immediately next door. This application was advanced on the same basis as the extant consent for housing on this site and the neighbouring approval, and under an identical policy context. It was also in very close proximity to the Twigworth Urban Extension. As set out in the Committee report, this development represented 'infilling' in the context of JCS Policy SD10 and Tewkesbury Borough Plan Policy RES4. The land in question had been removed from the Green Belt through the



Joint Core Strategy and, whilst it was still classed as 'safeguarded land' that did not prevent development in principle. Officers had correctly identified that the planning balance fell firmly in favour of the grant of permission, particularly in light of the fact that the site already had an extant permission. It had been established through previous assessments that the principle of housing was acceptable, subject to the properties respecting the character and layout of the wider area which was a matter for technical details consent. The Parish Council had suggested that the site was contrary to the adopted Neighbourhood Development Plan but the applicant's agent indicated that was not the case as there were no Neighbourhood Development Plan policies precluding development of this land, as had been confirmed by Officers. The key consideration was therefore the scale and layout of the development and whether it would fit in to the area. The illustrative layout showed a form of development that integrated nicely into the wider settlement pattern and fully met the design expectations of the Joint Core Strategy. The relationship with neighbouring plots would not result in amenity issues and County Highways had confirmed there was no objection to the site access arrangements and that it was a sustainable location for housing. As with the previous Agenda Item, the applicant's agent was aware of the local concern over drainage, but as Officers had correctly identified, that was not a matter that could lead to a refusal of permission in principle in this case. He concurred that the application accorded with the development plan overall, and hoped Members would feel able to support the application.

27.31 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member noted that Ash Lane had the appearance of an adopted road but was not one and she confirmed it was privately maintained, as such, she sought assurance that arrangements could be put in place for access for these properties at the appropriate point. The Senior Planning Officer confirmed that would be the case. A Member indicated that he did not wish to repeat the comments he had made in respect of the previous Agenda Item but they also applied in this case.

27.32 Upon being put to the vote, it was

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

### **22/01318/PIP - Land at Greenacre and Mount View, Ash Lane, Down Hatherley**

27.33 This was a permission in principle application for the erection of up to six dwellings.

27.34 The Senior Planning Officer advised that this was similar to the previous application and was for up to six dwellings on 'backland' development between two existing dwellings on Ash Lane. Access to the site was shown on the illustrative layout between the two existing dwellings and he confirmed there were no highway concerns and the site was a sufficient size to accommodate up to six dwellings. A smaller part of the site had been granted permission in principle for two infill dwellings in 2021 and technical details consent had been granted in 2022. The policy position was the same as the previous Agenda Item and the issues regarding drainage and flood risk which had been raised applied again in this case. Third party concerns had been raised relating to the illustrative layout of the site; however, along with detailed drainage matters these would have to be addressed at the technical details consent stage. He drew attention to the Additional Representations Sheet, attached at Appendix 1, which indicated that Page No.113, Paragraph 5.2 of the Committee report needed to be updated to reflect that 10 letters of support for the application had been received. It also set out that the applicant's agent had indicated that the comment by Severn Trent regarding a pumping station being close to the site was erroneous and the Senior Planning Officer confirmed that, whilst it was not as near as Severn Trent had thought, it was

in the vicinity of Ash Lane and the advice from Severn Trent regarding proximity to the pumping station was still applicable.

- 27.35 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that, as had been heard from Officers, Down Hatherley was a sustainable location for new housing in principle and had seen new small scale development in recent years. This site already had full planning permission, granted in 2022, to build two larger properties and the scheme before Members today would make a more efficient use of the land. Drawings had been provided to demonstrate six dwellings, which are envisaged to be bungalows, could easily be accommodated on the plot. Tewkesbury Borough Plan Policy RES4 set 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 such as this would be acceptable in principle. The proposed dwellings would be in character with the wider village which included development along Ash Lane set back from the main frontage. As such, the development was in accordance with the development plan and there was no policy conflict. Neighbouring residents and the Parish Council had commented on drainage due to occasional issues with the sewers in the vicinity when stormwater had entered the system; this issue was being dealt with on a wider basis by Severn Trent which had raised no objection to this application. Further details on foul and surface water drainage were being worked on and would be provided as part of the technical details consent. The Committee report confirmed that: the site was not Green Belt; the proposal would constitute infilling in Down Hatherley; Severn Trent had no objection; the Council's Land Drainage Engineer had no objection; Gloucestershire County Highways had no objection; and the Environmental Health Officer had no objection. National and local planning policy recognised that small scale housing development was vital to sustain villages such as Down Hatherley and the applicant's agent therefore asked that permission in principle be granted in line with the Officer recommendation and the decision on the previous two Agenda Items.
- 27.36 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member drew attention to Page No. 118, Paragraph 8.18 of the Committee report which set out that Severn Trent had indicated on 12 May 2023 that it had received and assessed the modelling report which showed a high risk of flooding, therefore it was unable to accept any new flows until upgrades had been delivered and he asked if there were any timescales for when the upgrades would be in place. In response the Senior Planning Officer advised that discussions with Severn Trent continued to take place. It had been recognised by Severn Trent that there were problems in the area but the upgrades were not within the current capital programme so there was no confirmed budget for that work. Another Member noted that County Highways had raised no objection to the application and she questioned how a vehicle would be able to turn into the site given that it was a single lane road, and how emergency vehicles in particular would access the site. In response, the County Highways representative explained that comments were limited to 'objection' or 'no objection' so that was a matter to be discussed at the technical details consent stage. A Member assumed that, given Severn Trent could not connect to the existing sewerage system, there would need to be an underground storage tank or something similar and he asked whether County Highways was confident that a tanker could access the site. The County Highways representative indicated that he was not able to comment on Severn Trent's statement. The Senior Planning Officer advised that, whilst he appreciated Members' concerns, a septic tank solution was not the only potential solution - there were other possible options such as a package sewage treatment plant but, at this stage, it was not known what would be feasible. Members were required to determine the application based on whether the site was suitable for the number of dwellings put forward by the applicant in terms of location,

amount and access and it would be necessary to wait for the technical details consent to come forward to see what the applicant was proposing and that would be the time to have a discussion as to whether it was acceptable and appropriate. The Development Management Manager provided assurance that the technical details consent stage would be subject to consultation so there would be a further opportunity for comments at that point. A Member queried what the density would be and the Senior Planning Officer indicated that he did not have that information. Another Member noted that Joint Core Strategy Policy SD10 discussed infilling outside of the Green Belt and, whilst he was aware there was no hard and fast definition, in his view, this development did not constitute infilling on the basis it was an expansion to the rear as opposed to between dwellings.

27.37 Upon being put to the vote, it was

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

### **22/01320/OUT - Parcel 5558, Road from Natton to Homedowns, Ashchurch**

27.38 This was an outline application for residential development of up to 120 dwellings, associated works including infrastructure, open space and landscaping; vehicular access from Fiddington Lane. The Planning Committee had visited the application site on Friday 11 August 2023.

27.39 The Senior Planning Officer advised that an email had been received that morning from Network Rail reiterating concerns regarding the proposal. As Members were aware, this application was being brought to the Planning Committee further to the appeal against non-determination of the application to the Secretary of State. The Council must therefore advise the Secretary of State of its views on the proposal, which was the purpose of this Agenda item. The application had been submitted in duplicate and that application would be brought to the Planning Committee next month. The appeal site was situated to the east of Fiddington Lane and comprised an area of some 6.96 hectares, comprising approximately 6.02 ha of land situated to the east of Fiddington Lane with a small inverted 'L' shape to the west which was the proposed site for a sewage pumping station. The remaining parts of the site area were proposed for a new cycleway to the north and pedestrian footway running to the immediate west of Fiddington Lane from the new roundabout to the junction with the main part of the site. Access was the sole non-reserved matter and was proposed from Fiddington Lane, just to the south of the existing crossroads. An illustrative master plan showing a potential disposition of the proposed dwellings together with a parameter plan had been submitted to demonstrate how the site could be developed and the application was accompanied by an Environmental Impact Assessment. The application site lay to the east of the Land at Fiddington, Ashchurch site, which had already been allowed at appeal, where a residential development of up to 850 dwellings was being constructed, along with a primary school, local centre, supporting infrastructure, utilities, ancillary facilities, open space, landscaping, play areas and recreational facilities. To the north of this was the consented retail outlet centre and garden centre, also part implemented. Approximately 600m to the west of the site was a further approval at appeal site for residential development of up to 460 dwellings which had been granted planning consent in March 2022 and was also under construction. The application site comprised agricultural land and was broadly rectangular in shape, with associated boundary hedgerows, scattered scrub and seasonally wet ditches. Adjacent to the eastern boundary was the Bristol to Birmingham main railway line running parallel with the length of the eastern boundary. The southern boundary was adjacent to an unnamed lane with Homedowns Business Park abutting the lane on its southern side - that site had recently been granted consent for significant redevelopment for employment use. At the south-east corner, the site abutted the unnamed lane and

an unmanned level crossing of the railway line which provided access to pedestrians, cyclists and some landowners. The western boundary was defined by a hedgerow and the northern boundary was adjacent to an unnamed lane with residential properties abutting part of the boundary. The site was almost entirely located in Flood Zone 1 which was considered at the lowest risk for flooding by the Environment Agency. The north-eastern corner of the site was recorded as being within Flood Zone 2 and 3. An assessment of the main material considerations could be found at Pages No. 124-152 of the Committee report where a number of key harms and benefits had been identified.

- 27.40 Turning to the principle of development in this location, Tewkesbury was identified as a top tiered settlement in the Joint Core Strategy settlement hierarchy and was recognised in Joint Core Strategy Policy SP2 as a location where dwellings would be provided to meet the identified housing needs of Tewkesbury Borough in line with its role as a market town. The application site formed part of the wider Tewkesbury Town area and was broadly consistent with the strategy set out in Policy SP2 to meet the housing and/or employment needs of the borough. Nonetheless, the site was not allocated for housing in the Joint Core Strategy and must be considered against Joint Core Strategy Policy SD10. Proposals for unallocated sites would only be permitted in certain circumstances, none of which applied in this case. The application therefore conflicted with Policy SD10 and the spatial strategy comprising Policy SP2 and SD10 read together with Policy RES3 of the Tewkesbury Borough Plan as the proposed development had not been allocated through the development plan for residential development. It was therefore necessary to consider whether there were any material considerations which indicated that a decision should be made other than in accordance with the development plan. The site lay within the Tewkesbury Garden Town area which advocated a comprehensive, planned development strategy for future housing, employment and infrastructure needs. The published Garden Town Concept Plan identified the appeal site as part of a strategic location for future business development. At the current time, the concept plan did not have any status as a planning document and the inclusion of the application site within it did not prejudice or prejudice the normal operation of the planning system. Nevertheless, the Garden Town status and Government support for growth, in the context of a comprehensive planned development strategy, was a material consideration. There would be some harm to the landscape by reason of encroachment into undeveloped agricultural land beyond the settlement boundary; however, this was localised and minor considering the presence of built development to three sides of the site. There was potential to further minimise harm through sensitive design, layout and landscaping at reserved matters stage, as such, it was not considered that the harm would be significant. After considerable discussion with the applicants, neither National Highways nor County Highways had raised objections to the proposal, subject to recommended conditions and the completion of a planning obligation. As the site was within 10m of the railway, Network Rail was a statutory consultee and had raised an objection to the proposal on the basis of a significant uplift on usage by pedestrians of the Hometown level crossing situated at the southeastern corner of the site. Discussions on this matter were ongoing between the applicant and Network Rail. All parties agreed there would be an impact; however, there was disagreement over the level of impact and what might be the appropriate mitigation to comply with the regulations relating to Section 106 obligations. The applicant had indicated that 'policy compliant' affordable housing and a range of other community facilities and infrastructure would be provided, including formal and informal open space and recreational facilities, together with financial obligations for the provision of library and waste services. It had been established through the application that limited harms would also arise in respect of the loss of Grade 3 agricultural land; however, subject to imposition of appropriate planning conditions and obligations, the development would not give rise to unacceptable impacts in relation to flood risk and drainage, accessibility and local highway safety, noise, vibration, contaminated

land, heritage, and minerals and waste. Officers had considered the proposals in terms of the planning balance, as set out at Pages No. 151-152 of the Committee report, and Paragraph 9.15 of the report stated that Officers considered that the proposal represented sustainable development and that the material considerations in this application indicated that they outweighed the weight to be given to the relevant policies of the development plan. In view of the matters set out in the Committee report, and in the context of the current appeal, Members were requested to consider a recommendation of minded to approve, subject to the resolution of the necessary mitigation, via a Section 106 Agreement obligation, occasioned by the increased use of the adjoining railway line crossing and provision of a Section 106 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.

- 27.41 The Chair invited the representative from Ashchurch Rural Parish Council to address the Committee. The Parish Council representative indicated that the application was not in accordance with current policies of the Joint Core Strategy, Tewkesbury Borough Plan or the Ashchurch Rural Neighbourhood Development Plan. Tewkesbury Borough Council considered it could demonstrate a five year housing land supply so this application should be refused. The Parish Council questioned how much of a benefit 120 dwellings would be in terms of meeting local housing needs given there were already 1,650 dwellings being built within a mile radius of this site. A short build timeframe had been offered but the developers acknowledged the build on current sites was slow due to market forces and a national shortage of construction workers raising the question of whether 120 houses would delay the current construction sites which, unlike this one, came with school, shops and community centre which were all relied upon to make a development sustainable. The Parish Council could see no economic benefit in bringing forward this site. In terms of suggested biodiversity gain, rather than ruining the ecology on a new greenfield site, surely it would be better to complete works on a site which had already been damaged and let it start to recover. There was a thriving equestrian community which were losing their ability to access the network of bridleways which represented a loss of amenity at a cost to the rural economy. The objection by Network Rail on safety grounds was yet to be resolved and the noise mitigation required could be oppressive. It was well acknowledged locally, and confirmed by transport consultants, that there was traffic chaos, not only on the A46 but also from the rat-run which it created in this and the neighbouring borough. The expansion of this site would lead to further speculative development and loss of amenity and quiet lanes, landscape harm, additional traffic, threat to road safety, harm from construction, flood risk, urbanisation, loss of identity and negative impact on the local rural economy which collectively caused great harm for existing communities. Members may recall terms such as ‘piecemeal’, ‘opportunist’ development from the recent Garden Town review; this site did not bring any infrastructure of community benefits and any benefits it did provide were outweighed by the considerable harm. Therefore, Ashchurch Rural Parish Council respectfully requested that Members be minded to refuse the application.
- 27.42 The Chair invited a local resident, speaking in objection to the application, to address the Committee. The local resident expressed the view that the site’s proximity to a very busy railway line must surely raise several questions, one being its suitability due to environmental and safety issues. A proportion of the houses would inevitably have gardens abutting the railway line, with all of the associated safety and environmental issues literally ending up on their doorstep. It stood to reason that these houses would fall into the “affordable” category, hence the subtle imposition of social engineering so that the ones who could not afford the best end were being discriminated against. He questioned why the less fortunate in society should be expected to accept lower environmental and safety protocol standards

than the rest and felt it was noteworthy that the Prime Minister had recently warned that we must not end up “concreting over the countryside” and that greater emphasis should be given to developing inner cities and towns. There were currently four small communities along Fiddington Lane with some 60 dwellings, housing around 140 residents, and 1,310 dwellings being built, all from piecemeal developments so he suggested it was time to take a break until plan-led development could be brought forward. These were real and pertinent questions surrounding the granting of planning on this piece of land but there were broader issues to consider as well, one being County Highways and the implications concerning the use of the roads and associated traffic volumes generated by another 120 dwellings, both in Fiddington Lane - currently regarded as a quiet lane - and on the A46 itself, yet many single dwelling planning applications had been refused due to objections from County Highways because of too many cars. The lanes were used by many vulnerable road users, walkers, runners and cyclists, families enjoying the countryside for leisure or commuters who were taking advantage of a quiet, less polluted route and that should be encouraged not hindered. There was also a wealth of off-road public rights of way in the area, including the Gloucestershire Way, and bridleways used by the many horseriders from the 20 livery stables and two equestrian centres which accessed Fiddington Lane. If traffic continued to rise it would become increasingly dangerous to connect to the off-road routes, inevitably resulting in the loss of much needed rural businesses and jobs and for the stables in Natton this development would, to all intents and purpose, make them totally superfluous; this surely presented another blow to the quality of the environment and to long suffering locals who were witnessing the steady demise of their rural existence. The local resident questioned whether this pocket of land which was squeezed between the railway line and Fiddington Lane really needed development and how necessary it was in terms of adding to the housing stock generally.

- 27.43 The Chair indicated that the Officer recommendation was minded to approve and he sought a motion from the floor. A Member noted that the sewage plant site was to be located in the dog leg to the west of the site and the Senior Planning Officer had stated there were a number of residential properties in that area; however, she wanted to clarify that was correct as she understood that planning permission had been approved for six homes next to the site and there would also be development on the site from Fiddington 1. In response, the Development Management Team Manager (Northwest) confirmed that what was proposed was correct; whilst six dwellings had been approved, albeit she could not recall the exact location, there would not necessarily be a conflict with those dwellings in terms of infrastructure. Fiddington 1 was being built out and this was shown on the plan. The Member raised concern that very little was included in the Committee report regarding the sewage plant and she asked how big the buildings would be and what levels of noise and odour would be generated as a result. The Senior Planning Officer advised that this was an outline application with all matters reserved; if the duplicate application was approved in due course there would be a number of reserved matters which needed to be dealt with at that stage. The Member noted that a local centre was planned as part of Fiddington 1 with routes for pedestrians and cycle links from this proposed site and to access the primary school and local centre and she asked what type of shops were proposed and whether they included a supermarket. The Development Management Team Manager (Northwest) confirmed that the square footage of commercial floorspace would include shopping floorspace for everyday goods. With regard to the crossing over the railway, the Member wanted to make the point that the pedestrian gate was not locked and did not prevent pedestrians from crossing. In response, the Development Management Manager clarified that the vehicular gate was locked and there was a latch on the pedestrian gate which could be lifted when seeking to cross from one side of the railway to the other. Another Member drew attention to Page No. 140, Paragraph 8.35 of the Committee report and asked for clarification on what was meant by

Network Rail being granted Rule 6 Party status and was advised that a Rule 6 Party was an interested person that was required to submit a statement of case at appeal. The Member asked when the appeal would be heard and was advised it was scheduled for late October/early November.

27.44

It was proposed and seconded that the Council be minded to refuse the application on the basis that the Council could demonstrate a five year housing land supply and the site was not allocated for residential development in any plan; there would be a negative impact on the health and wellbeing of residents due to the impact of noise from trains; it posed a real risk to life due to the increased use of the railway crossing; and it would not protect the intrinsic value of the countryside or integrate well with the existing community and therefore was contrary to Joint Core Strategy Policies SP2, SD10, INF1, SD4 and SD14; Tewkesbury Borough Plan Policies RES3 and ENV1, Ashchurch Rural Neighbourhood Development Plan Policies V1 and T1 and National Planning Policy Framework sections 8 and 12. The proposer of the motion indicated that those who attended the site visit on Friday would be aware that the application site was on a previously undeveloped parcel of land along Fiddington Lane. Developers would have them believe that, due to the new Fiddington 1 and developments which were across the road from this proposed site, this proposal for 120 homes would integrate well; however, she did not believe that to be the case. Natton and Homedowns were existing communities, defined as small hamlets within the Ashchurch Rural Neighbourhood Development Plan. Natton was on record as far back as 1087 and was believed to be one of the first settlements in the Parish, currently accommodating up to nine residential properties and five businesses. The whole area was a combination of small hamlets which had a thriving equestrian community and associated businesses. Fiddington Lane provided access to local bridleways and public rights of way and any increase in traffic on this quiet country lane would make access to those local bridleways extremely dangerous. Members would also have noted the railway line running the length of the side of the development and, to the top end of the site, the Gloucestershire Way which was a well-known walking route. Fiddington Lane gave a strong boundary between urbanisation of the Fiddington 1 and 2 sites and the rural setting of Natton and Homedowns and, in her opinion, the proposed site would represent unnecessary encroachment into an area with traditional rural character; the Council's own Landscape Adviser had stated that development of the site represented an intrusion into the countryside and she was in agreement. On the site visit Members had seen the railway crossing immediately adjacent to the proposed development at the bottom end and they were aware that Network Rail had strong objections to this development on the grounds of public safety. She pointed out the danger of unmanned unautomated crossings demonstrated by CCTV, published by Network Rail the previous day via various social media platforms and the ITV News, showing members of the public using unmanned crossings to take selfies and letting their children play between the gates as well as school children using the crossing as a playground. Members had seen the lane that went up to the crossing and the road that joined the other side; that road linked around the back of Natton and rejoined Fiddington Lane at the top end of the proposed site making it an ideal circular route for the new residents of the proposed housing to walk their dogs, run and cycle and for those wishing to use the Gloucestershire Way. Network Rail was very concerned that use of the crossing would be intensified by the building of these dwellings and she felt this fundamental objection could not be ignored due to the risk to public safety which was contrary to Joint Core Strategy Policy INF1. This was a major trainline on the national network and the impact of noise from the trains for homes that would be close to the railway track must be taken into consideration. The noise assessment noted there would need to be substantial mitigation measures to ensure an acceptable noise environment – a combination of earth bunds and acoustic fences. In her view, the Environmental Health Officer had set out some very real concerns over this issue, stating that the mitigation measures required could be detrimental and have an

oppressive impact on habitable rooms and outdoor space and she questioned whether that was acceptable given that it would be contrary to Joint Core Strategy Policies SD4 and SD14. As she had referenced earlier, existing residents also had some major concerns about the new sewage plant that was proposed within the application, specifically in close proximity to existing dwellings, and she believed the siting of the plant would be contrary to Tewkesbury Borough Plan Policy ENV1. She was also concerned that the developer was actively promoting this site within their proposals as a quick build out and questioned whether that meant the site would be delivered before Fiddington 1 and 2 came online i.e. before the schools were built and other infrastructure provided. If so, it could mean that the new residents of these 120 homes would not have access to schools, playing pitches or cycle routes and there would be no facilities with the proposed development. She considered that this development would not integrate well into the local community, was an intrusion into a rural settlement, would mean a huge loss of amenity for existing residents and would impact the safe use of Fiddington Lane for the existing residents and the equestrian community it served. The site was proposed on a piece of land that had not been allocated for housing development within the Joint Core Strategy nor the Tewkesbury Borough Plan. Page 135, Paragraph 8.10 of the Committee report confirmed that the Council could currently demonstrate a 6.68 year housing land supply which meant that the tilted balance was not engaged and the adopted strategic policies within the Joint Core Strategy were still considered to carry full weight. As such, Policy SP2 and SD10 were engaged and stated that housing development on sites not allocated within the Joint Core Strategy would only be permitted where it was previously developed land or met certain criteria, none of which applied to this particular application. Tewkesbury Borough Plan Policy RES3 also stated that, where applications were proposed outside of defined settlement boundaries, the principle of new residential development would only be considered acceptable where the application met certain exceptions - again, none of these exceptions applied to the proposed development. Policy RES4, a policy for small rural settlements such as Natton and Homedowns, restricted housing development to no more than 5% growth based on the number of existing dwellings in the settlement, which she believed was nine so far; the application far exceeded that amount with 1,650 homes being built in the immediate area. In respect of Ashchurch Rural Neighbourhood Development Plan, this site did not protect the intrinsic value of the countryside, did not integrate well with the existing communities of Natton and Homedowns and therefore was contrary to Policies V1 and T1. Taking all of this into account, she felt that, on balance, the harms outweighed the benefits, and Members should resolve minded to refuse on that basis.

- 27.45 The Development Management Team Manager (Northwest) advised that, in terms of the general character of the area, the application had been robustly reviewed with an urban landscape and visual impact assessment submitted. The Landscape Officer had assessed the proposal and found that, whilst there would clearly be some landscape harm as it was a greenfield site, given the construction and development in close proximity, this would only be minor in nature so that issue would be more difficult to defend at appeal. In terms of Network Rail's objection, this had been set out in the Committee report as a potential harm as it was currently unresolved and was subject to discussion between Network Rail and the applicant, as such, that would be an appropriate reason for refusal due to the risk to public safety. A lot of work had been done in relation to noise impact of the development on new occupiers of the site and the Environmental Health Officer had considered additional information submitted by the appellant, along with that communicated during the course of the application, and a potential form of mitigation had been proposed in the form of a bund and an acoustic fence which could be secured via condition, with the details to be provided as part of the reserved matters application. Whilst the parameter plan had identified the potential developable area of the site, there was still work to do at the reserved matters stage including the requirement for a noise assessment to establish that noise would be within British Standards, both



internally within the dwellings and externally in amenity spaces. As such, mitigation may mean the development was reduced from what could be seen in the plan currently – the application was for up to 120 dwellings but that did not mean that would be implemented if the assessment at the reserved matters stage indicated that was not the case. Officers were confident that the conditions proposed could adequately control the noise impact on residents going forward so that would be more difficult to defend. In terms of the sewage plant and its impact on future residents of this site and the one next door, those details would be discussed and examined at the reserved matters stage and if that gave rise to other issues such as noise or odour, a recommendation could be made at that stage. Looking at integration into the existing community and the impact on local residents and the equestrian community, a lot centred around the impact on use of the lanes and the value placed on that by the community which Officers fully appreciated. In terms of highway safety issues, County Highways had raised no objection and there were potentially measures, such as Traffic Regulation Orders, that could be put in place via County Highways to reduce the speed on Fiddington Lane which the appellant had indicated they would be willing to discuss; this was a separate matter which could not be required through a Section 106 Agreement but it was necessary to consider whether a reason for refusal could be defended on that basis. In terms of the five year housing supply, whilst the site was not included for development in the approved development plan and was contrary to the adopted development plan, it was considered to be a sustainable location for development and that was supported by the Inspector who had considered the Fiddington North and South applications so that had been taken into account as a material consideration when making the recommendation. The Development Management Manager clarified this was a proposal that had been carefully assessed; it was not supported by policy but had been analysed on the balance of benefits and harms. It would bring benefits in terms of meeting housing need and adjoining an existing and significant area of ongoing development. Various technical consultee responses had alluded to localised harms, for example, loss of agricultural land and reference to absence of self-build dwellings. Officers shared the concerns in relation to the harm identified by Network Rail unless that could be appropriately mitigated and he recommended that as an issue which needed a resolution going into the appeal process. Based on Officer advice, the Legal Officer recommended that, should Members be minded to refuse the application, it should be on the basis of the concern raised by Network Rail; she pointed out that was not to say the Inspector could not consider other matters put forward and they would be required to take into account the views of local residents. The Development Management Manager pointed out that there were a range of conditions that could be included to address the technical issues that had been raised in the discussion so far including those regarding drainage.

- 27.46 A Member indicated that the Committee was required to make a judgement on the application and the proposer of the motion had come up with a variety of reasons for being minded to refuse. In his view, it must be better to present more refusal reasons at appeal as it could be lost in the event there was a single reason which was not upheld. In response, the Development Management Manager explained that Officers had provided feedback on the reasons put forward and their advice was to focus on legitimate and reasonable concerns based on technical planning assessment. The Legal Adviser pointed out that if reasons were not supported with proper evidence and technical advice, the Inspector may suggest the local planning authority had acted unreasonably in objecting which could lead to an application for costs and was why Officers were advising that Members put their efforts into identifying the issues that could be properly justified and which could be sufficiently argued in the appeal process.

27.47 The seconder of the motion expressed the view that the Network Rail objection was the most robust refusal reason but she noted that they were working with the appellant to find a solution and she questioned whether it was possible that this may be found in advance of the appeal and what would happen in that event. In response, the Development Management Team Manager (Northwest) confirmed there could be a resolution prior to the appeal being heard and that would go forward as evidence for the Inspector to consider; in all probability they would still wish to examine all of the evidence as they would be the authority making the decision. The Inspector needed to be satisfied that the potential reason for refusal had been overcome and, in considering all of the consultation responses, could raise other issues for the parties to respond to. The Development Management Manager reiterated that the Officer recommendation was minded to approve, subject to the resolution of the necessary mitigation occasioned by the increased use of the adjoining railway line crossing and provision of a Section 106 Agreement to secure contributions for affordable housing etc. but there were also recommended conditions to secure relevant details of infrastructure and technical details at the reserved matters stage. The proposer of the motion indicated that she was in regular contact with residents and knew the impact that Fiddington 1 and 2 was having on them. This proposal was trying to shoehorn in 120 houses which were not needed as it stood and there would be significant loss of amenity to existing residents of Natton in terms of the equestrian facilities along Fiddington Lane which would be even more unsafe. The access was right on Natton junction and, even if an agreement was reached regarding use of the railway crossing, she would continue to have concerns about the amenity of residents due to noise which could have a negative impact on mental health. In her view she had given sound reasons for refusal and believed the objections would be supported by residents; there was no need for this development and the benefits did not outweigh the harm so she stood by her motion and hoped she would receive the support of the Committee. The Development Management Manager clarified that the only point Officers were comfortable with was in relation to the health and safety issue raised by Network Rail. The range of benefits of the proposal were set out in the Committee report and he referenced the provision of market and affordable housing, that it was adjacent to existing and ongoing development in a sustainable location with a range of services and there was proposed mitigation for the environmental health and general health concerns raised. His strong advice was to focus on what Officers considered to be reasonable concerns as raised by Network Rail.

27.48 Upon being put to the vote, it was

**RESOLVED**

That the Council be **MINDED TO REFUSE** the application on the basis that the Council could demonstrate a five year housing land supply and the site was not allocated for residential development in any plan; there would be a negative impact on the health and wellbeing of residents due to the impact of noise from trains; it posed a real risk to life due to the increased use of the railway crossing; and it would not protect the intrinsic value of the countryside or integrate well with the existing community and therefore was contrary to Joint Core Strategy Policies SP2, SD10, INF1, SD4 and SD14; Tewkesbury Borough Plan Policies RES3 and ENV1, Ashchurch Rural Neighbourhood Development Plan Policies V1 and T1 and National Planning Policy Framework sections 8 and 12.

**23/00015/FUL - Chargrove Paddock, Main Road, Shurdington**

- 27.49 This was a resubmission of planning application 22/00269/FUL for the construction of a single dwelling and associated infrastructure. The Planning Committee had visited the application site on Friday 11 August 2023.
- 27.50 The Planning Officer advised this was a full application for the erection of a single storey four to five bed dwelling. The application site comprised a grassed area located to the east of a residential bungalow. The site contained a number of derelict and overgrown timber structures on its north-east and south-east boundary. There was established vegetation on the boundaries of the application site and trees which were protected by a Tree Preservation Order on the north, west and east boundaries. The site was bounded by Shurdington Road to the southeast and there was an existing access from the northeast corner of the site onto the A46. The site did not fall within a recognised settlement boundary as defined in the Tewkesbury Borough Plan and was within designated Green Belt land. The new dwelling was single storey and positioned to face Shurdington Road, which was similar to the arrangement of the existing properties. The dwelling would be constructed from timber cladding, natural stone and render with a flat roof. The Officer recommendation was to refuse the application for the reasons as stated within the Committee report.
- 27.51 The Chair invited the applicant to address the Committee. The applicant explained that the original planning application was submitted in February 2022, but it was not validated until July 2022. That application was withdrawn to ensure all other matters such as design, Green Belt, drainage, ecology and energy efficiency were addressed. She advised that they had carefully considered the plans over a long time, particularly because the site was located in Green Belt and, whilst they were disappointed that the application was before the Committee today with a recommendation for refusal, Members would note that the reasons for refusal related to perceived impacts on the Green Belt and the perceived non-compliance with spatial plan policies - there were no technical reasons for refusal. Members would have seen from the site visit that the site lay amongst a collection of houses within Chargrove and was visually screened by those buildings and the mature trees along the garden boundary. The site did not protrude into the countryside and was wholly contained. Their brief to the architect had been to purposefully design a single storey, low profile building to ensure that it was visually unobtrusive. They had sought planning advice and a barrister's opinion on the relevant Green Belt matters and had been advised that the proposal may be considered acceptable because it was located on previously developed land, included the removal of existing buildings and had a low visual impact, and, due to the contained nature of the site, it did not have a negative impact on the openness of the Green Belt. The applicant's agent had circulated the legal advice they had received prior to the Committee so Members would have seen its conclusions that the assessment set out in the planning statement was reasonable and logical; she noted that the Council had not provided them with any contradictory legal advice. Officers had confirmed that the site was classed as previously developed land and it was claimed within the Committee report that the site was undeveloped which was clearly confusing and contradictory to the accepted status of the site. They understood that Tewkesbury Borough Plan Policy RES4 allowed new housing in small scale settlements, such as Chargrove, in order to support the vitality of rural communities and, where the rural communities were located in the Green Belt, that new housing was acceptable providing they complied with the Green Belt exceptions highlighted in the National Planning Policy Framework. For the reasons mentioned, they felt this proposal complied with these policy requirements and hoped Members could agree.

- 27.52 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted as it would not cause additional harm to the openness of the Green Belt. The proposer of the motion felt the site visit had been beneficial in putting the proposed development in the context of nearby buildings and the village landscape. Whilst he could not deny the site was not within Shurdington, the dwellings next to and behind it looked to Shurdington for the village's services including a church and a public house with a supermarket also in the vicinity. The plot of land was between a care home and a block of offices with a row of houses behind so this would constitute infilling in his opinion. The two existing structures were dilapidated and unappealing and the proposal would be a smaller footprint so he felt it would be an improvement to the area rather than a detriment.
- 27.53 A Member supported this view and whilst there was an argument in the Committee report that the site was not part of Shurdington village, it had always been part of it in his eyes and in historic censuses was defined as being in Chargrove. The Development Management Team Manager (Northwest) advised that Officers agreed that the proposal amounted to infilling, it was not considered that it was located within a village. As such, in terms of applying the relevant Green Belt policies, as Chargrove was not a defined settlement and was outside of a built-up area, it was considered that the application site was previously developed land, therefore, the policy requirement was whether the development would have a greater impact on the openness of the Green Belt than the existing development. Officers were of the view that, whilst there were structures on the site and the new dwelling would have a smaller footprint, they were dispersed around the edges of the site so, due to the siting of the new dwelling, the impact on the openness of the Green Belt would be greater. The Development Management Manager advised that these were not just the views of Officers but those of the Inspector who had determined the previous refusal and considered the site was not within a village location, and the Parish Council which had objected to the application on the basis that the site was located in the Green Belt and outside of Shurdington village development boundary. A Member queried whether there was a legal definition of openness and indicated that she did not feel the site contributed to the openness of the Green Belt so would be better used for something else in her view. In response, the Legal Adviser explained that it was not set out in statute or policy but case law had established it was the absence of built development on land; in practice it was a case of looking at visual impact, mass and the surrounding landscape. The seconder to the motion to permit the application expressed the view that the previous refusal was for three two storey dwellings which was not comparable in terms of what was being proposed here. The Development Management Manager reiterated the advice of One Legal that the impact on openness was the built development itself; that impact had been assessed against policy and remained a concern in principle given the characteristics and the location as set out in the Committee report. The proposer of the motion felt that removal of the existing sheds would contribute to the openness of the Green Belt and, in his view, the proposal would be a betterment of the site with the removal of the old sheds. A Member sought clarification that the existing sheds were to be removed and the Planning Officer confirmed that was the case as far as she was aware.
- 27.54 Upon being put to the vote, it was
- RESOLVED** That the application be **PERMITTED** as it would not cause additional harm to the openness of the Green Belt, subject to the inclusion of appropriate conditions delegated to Officers.

**23/00522/FUL - Plemont, Shurdington Road, Shurdington**

- 27.55 This application was for the erection of a single storey side/rear extension. The Planning Committee had visited the application site on Friday 11 August 2023.
- 27.56 The Planning Assistant advised that the application required a Committee determination at the request of Councillor Porter to assess the impact upon the Green Belt. The proposal was single storey, allowing for enlarged living space which would maintain the character and appearance of the existing dwelling given the proposed dimensions and finished external materials. Due to the positioning of the host dwelling and its relationship with neighbouring properties, limited harm to neighbouring residential amenity would arise as a result of the proposal. The application site was located within the Green Belt, therefore greater restrictions applied and Paragraph 147 of the National Planning Policy Framework stated that inappropriate development was, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the National Planning Policy Framework stated that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt unless the development consisted of the extension or alteration of a building if it did not result in disproportionate additions over and above the size of the original building. The existing dwelling was not original, having previously been extended with a front roof dormer and a single storey rear extension, both with planning consent. The internal floor area had already been increased by at least 50%, any further additions would therefore be considered as disproportionate which would represent inappropriate development within the Green Belt which was harmful to the Green Belt by definition; however, the applicant had forwarded two indicative drawings which could be achieved via permitted development through the submission of a larger home extension application as set out within the General Permitted Development Order 2015. The larger home extension scheme was not a planning application, but an assessment of the criteria listed within the General Permitted Development Order where Green Belt was not a consideration. The two indicative drawings represented extensions which had a greater footprint than the current proposal and a real prospect of being carried out, representing fallback positions which amounted to very special circumstances. As such, whilst it was noted that the current proposal was inappropriate development in Green Belt terms, the very special circumstances advanced by the applicant were sufficient to justify the development within the Green Belt, therefore, the Officer recommendation was to permit the application as set out in the Committee report.
- 27.57 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that the proposal was for householder extensions to a dwelling known as Plemont in the village of Shurdington, consisting of a single storey side/rear extension. As Members would have acknowledged on the site visit last week, the property has only benefitted from a modest single storey rear extension since it was originally constructed. The proposed extension would be entirely located to the side of the property, infilling a gap between the dwelling and boundary. There were no neighbours on the northern side of the property so there would be no impact on neighbouring amenity. Members would also have noted that the majority of the properties along this row of dwellings set back from Shurdington Road had been extended to varying degrees over the years. All of these neighbouring properties lay within the Green Belt and the two immediate properties to the south of the site had been extended in floor area by over 200% and 100% respectively over the years. It was in that context that the proposed extension to Plemont has been designed. As confirmed by Officers, it was also highly material to note there was a credible fallback position available to the applicant relating to significant side and rear extensions that could be constructed under permitted development, without the need for planning permission. Specific design options had been provided within the submission which demonstrated the alternatives available

to the occupier; not only would these permitted development extensions result in a substantially greater additional floorspace to that proposed under this application, they would also form a less cohesive design and would be detrimental to the character of the property and resulting Green Belt impact. Rather, the proposed extension would be vastly superior in design and have a much lesser impact. In his view, this fallback position would amount to clear very special circumstances in favour of the development and he was pleased to note this opinion was shared by Officers; there were plenty of other examples in the borough where this approach had been taken. There were no outstanding objections from technical statutory consultees in relation to the proposals and no wider policy conflict. In conclusion, the proposed extensions had been appropriately designed to respect the character of the host dwelling and the scale of the extensions would accord with other recent nearby examples, including the nearest neighbours. As a result, the openness of the Green Belt would be preserved. Notwithstanding this, a clear fallback position for less desirable permitted development extensions existed in this instance, which was a further material consideration in favour of this application. Ultimately, the proposals accorded with the development plan and he asked Members to support the application in line with the Officer recommendation.

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

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

### **23/00524/FUL - 50 Goodmoor Crescent, Churchdown**

- 27.59 This application was for 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.
- 27.60 The Planning Assistant advised that the application required a Committee determination due to an objection from the Parish Council on the grounds of overdevelopment and the proposal being out of character with the area. The proposal related to a two-storey semi-detached dwelling, located on a corner plot. The two-storey extension would infill the front section of the dwelling, having little harm upon its character. The single storey front extension would extend across most of the width of the front elevation, featuring a lean-to roof design. Both front extensions would feature facing brickwork to match the existing and parking provision for at least two cars would remain to the front of the property. The side extension would wrap around to the rear extension, joining to a pitched roof and the extensions would be finished with white coloured render and set back from the front elevation. The side extension would be set away from the boundary shared with No. 48 and feature low eaves and a lean-to roof sloping away from the boundary. Attention was drawn to the Additional Representations Sheet, attached at Appendix 1, which referred to a revised site plan which reduced the length of the garage slightly. The rear roof dormer would be level with the ridge but set back considerably from the eaves. The dormer could be viewed from Goodmoor Crescent, but those views would be limited to the southern cheek of the dormer and other private residential views would be provided from properties on Martindale Road to the rear. The dormer would provide elevated views to the rear of properties on Martindale Road; however, first floor views were already provided, and a larger rear roof dormer could be achieved without the need of planning consent through permitted development rights, where potentially increased design and amenity harm could arise. The site was large enough to accommodate the proposal whilst allowing for off road parking provision and acceptable levels of amenity space for the

occupiers of the site. Furthermore, the proposal would be of an appropriate size and design in keeping with the character and appearance of the property whilst representing limited harm to the residential amenity enjoyed by neighbouring occupants. As such, the proposal would not amount to overdevelopment and it was therefore recommended that the application be permitted in accordance with the Officer recommendation.

- 27.61 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.

## **PL.28 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

- 28.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Page No. 220. Members were asked to consider the current planning and enforcement appeals received and the Department for Levelling Up, Housing and Communities appeal decisions issued.

- 28.2 A Member asked whether the appeal in relation to 22/01230/OUT – Parcel 5558, Road from Natton to Homedowns, Ashchurch, would be held at the Council Offices or online and requested an invitation to attend. In response, the Development Management Team Manager advised that it was currently due to take place in person but if there was a request to stream from the Inspector that would normally be accommodated.

- 28.3 It was

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

The meeting closed at 2:40 pm

## Appendix 1

Date: 15 August 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.	
6a	<p><b>22/01104/FUL</b></p> <p><b>Elms Farm, Main Road, Minsterworth</b></p> <p><b><i>Member of Public:</i></b></p> <p>Roadside plots still too close to the main road where noise would still be an issue.</p> <p>Too many dwellings will cause traffic problems.</p> <p><b><i>Harvey Community Centre:</i></b></p> <p>Not opposed to development and welcome new homes and families.</p> <p>The Centre has ambitious plans to extend community services.</p> <p>Current access has poor visibility and width.</p> <p>Proposed housing will limit options to improve access.</p> <p>Concerns raised about design and layout and suggest amendment to land outside the curtilage of any proposed building to be utilised to improve access to centre.</p> <p>Three options suggested - an improved access point to the Harvey Centre as part of the planning consent; defer to allow safeguarding future use or incorporation of access to the Centre; lowering of speed limit.</p> <p><b><i>Applicant's Response to above:</i></b></p> <p>Supports the aims and objectives of the Harvey Centre to reinvigorate into a multi-purpose community facility.</p> <p>Co-existence of both proposed uses would be mutually beneficial and glad that the Centre supports the principle of residential development.</p> <p>Whilst a trustee of the Harvey Centre discussed some matters in May, the application was well advanced for any significant changes and submitted for 7 months at this point.</p> <p>There was a site meeting with representatives of the Harvey Centre at the point of submission in October 2022, principally to discuss boundary treatments between the two sites and no mention was regarding access across the boundary.</p> <p>The Highways consultant has reviewed the current Harvey Centre access onto the A48 and notes:</p> <ul style="list-style-type: none"> <li>- that the proposed community use of the site has a far lesser trip generation than the extant planning use of the site for a school;</li> </ul>



	<ul style="list-style-type: none"> <li>- the proposed vehicular access arrangements onto the A48 do not preclude or impinge on the current Harvey Centre access from the A48 being used for a community facility; and</li> <li>- the layout and design of our scheme does not preclude the ability to form a vehicular access into the Harvey Centre site in the future across the shared boundary.</li> </ul>
<b>6b</b>	<p><b>22/01374/FUL</b></p> <p><b>Land At Linton Court Farm, Highnam</b></p> <p>An updated consultation response has been received from the Environmental Health Officer who considers that the submitted noise assessment is robust and represents a worst case, and the actual noise impact should be less than the predictions.</p> <p>In addition, a post completion noise testing condition has been recommended to ensure that noise levels are in line with the predictions and, if not, additional noise mitigation could be employed if necessary. Noise from road traffic would still be dominate the sound climate in the area.</p>
<b>6e</b>	<p><b>22/01318/PIP</b></p> <p><b>Land At Greenacre And Mount View, Ash Lane, Down Hatherley</b></p> <p>An update to Paragraph 5.2 of the Committee report is required to confirm that 10 communications of support for the application were also received, as summarised below:</p> <ul style="list-style-type: none"> <li>- The development would provide homes with generous sized gardens and good parking.</li> <li>- The development would provide homes for local people.</li> <li>- Endorse the application which is similar to other developments in the area.</li> <li>- Provides local builders with opportunities to construct dwellings on smaller sites.</li> <li>- Adequate access can be provided.</li> <li>- Good quality homes beneficial for the area.</li> </ul> <p>In addition, the applicant's agent notes the comment by Severn Trent that there is a pumping station close to the site is erroneous. Nevertheless, Officers note the general requirement from Severn Trent to keep access clear to any pumping station is relevant. The agent has also submitted, at the client's request, images showing that the hedge opposite the site has become overgrown encroaching on the road, a matter referred to in communications from third parties objecting to the proposal.</p>
<b>6f</b>	<p><b>22/01320/OUT</b></p> <p><b>Parcel 5558, Road From Natton To Homedowns, Ashchurch</b></p> <p>HIGHWAY MATTERS</p> <p>Please note that there is an error in the Committee report at Paragraphs 8.32 and 8.78. The requirement for a Traffic Regulation Order to restrict parking on Fiddington Lane would not be the subject of a S106 legal agreement as this would be dealt with via a separate process under the Road Traffic Regulation Act 1984 (as amended).</p>

To address local concerns regarding traffic speeds on Fiddington Lane, the applicant has also recently confirmed in writing that they would be willing to consider funding a Traffic Regulation Order to this effect.

#### NETWORK RAIL

A further communication has been received from Network Rail clarifying the status of the railway crossing described at Paragraph 2.3 of the Committee report, which is summarised as follows.

Network Rail confirm that the level crossing provides access for pedestrians (not cyclists) and access for the vehicles of authorised users and does not specifically provide access to the 'Gloucestershire Way'. It states the level crossing forms part of the public rights of way network despite not being shown on the Definitive Map and Statement held by the County Council as a public right of way. Historically, papers dating back to 1836 indicate the level crossing formed part of a public road, but in 1967 (under the British Railways Act) the status was downgraded to its current status described above.

However, it should be noted (at Paragraphs 2.3 and 8.34 of the Committee report) that the Public Rights of Way Officer at Gloucestershire County Council has confirmed to Officers that the Gloucestershire Way immediately either side of the level crossing does not form part of the public rights of way network as defined on the Definitive Map. For clarity, the Definitive Map is the legal record of public rights of way in England and Wales.

#### HERITAGE ADVICE - Ridge and Furrow

As a result of a Member enquiry at the site visit regarding the occurrence of ridge and furrow earthworks present within the red line area of the site, the County Archaeologist and Heritage leader at Gloucestershire County Council has provided the following update:

They confirm they have examined the site and surrounding area on successive google earth images and DEFRA 1m Lidar composite data. They have some experience of the subject, having managed a review of the most significant ridge and furrow nationally for Historic England ten years ago. That project included 43 townships previously identified as having the best preserved ridge and furrow in central England (including some in Gloucestershire). They would generally advise preservation of ridge and furrow, wherever possible, which has been identified as being of national importance.

Although Ashchurch Rural civil parish does not include any of the townships identified as of national importance, it was included in an English Heritage National Mapping Programme Project (NMP) in 2007. That project recorded archaeological and historical features visible on all aerial photographs in national and Cambridge University collections, including the mapping of all ridge and furrow present. The photographs generally date from the 1940s onwards. The mapping produced indicated the directions of furrows, and also the extent of plots and any intervening headlands. It also indicates whether the ridge and furrow was extant or had been removed on the most recent photographs available in 2007. The vast majority of agricultural land in all directions (and for some distance from the site) was covered in ridge and furrow in the 1940s, with the main exception being the already existing army vehicle depot at Ashchurch. A visual estimate suggests that 50% of the ridge and furrow locally had been removed by the time that the last photograph available in 2007 was taken. Comparison of the 2007 mapping and very recent lidar imagery suggests that a further 50% the ridge and furrow extant in 2007 has been removed by modern agricultural activity.

	<p>The significance of ridge and furrow is generally assessed by the level of preservation and completeness of the field system. Their initial rapid assessment of the ridge and furrow present in the red line is that it is fairly well preserved but clearly the field system represented has mostly been removed. A combination of lidar and NMP mapping indicates that the individual blocks of ridge and furrow in this area are mostly very small and mostly in accordance with parliamentary enclosure field boundaries. Whilst some fields nearby have (or had) ridge and furrow suggestive of preserved medieval ridge and furrow, that within the area to be developed is remarkably short and straight and may well be the result of 19th century ploughing post-dating the enclosures.</p> <p>Finally, whilst this area of earthworks would be removed by development, it is equally vulnerable to modern farming, which has resulted in a loss of ridge and furrow many times greater than that lost to development.</p> <p>The County Archaeologist's advice concludes that it would be difficult to argue for any more than low local significance of the ridge and furrow present in the red line area. A decision to refuse on the basis of its preservation may be difficult to support at appeal.</p> <p><b>THIRD PARTY COMMUNICATIONS</b></p> <p>A third party communication from a local resident objects to houses at the application site, alleging the dwellings are unnecessary and loss of green field.</p>
6g	<p><b>23/00015/FUL</b></p> <p><b>Chargrove Paddock, Main Road, Shurdington</b></p> <p>The applicant has sought legal advice on the Council's assessment of the Green Belt.</p> <p>Officers generally agree with the application of the policies within the legal advice from the applicant, and the correct approach to the application of policy to this site is reflected in the Committee report.</p> <p>Officers do not agree with the planning judgement element regarding the impact of the proposals on the openness of the Green Belt.</p> <p>The legal advice provided by the applicant fails to address the specific issues of concern in this case, such as the question of whether the site falls within a village for the purposes of the application of policy. There is also no sufficiently reasoned or justified case regarding the impacts of the proposals on the openness of the Green Belt</p>
6i	<p><b>23/00524/FUL</b></p> <p><b>50 Goodmoor Crescent, Churchdown</b></p> <p>A revised site plan has been received reference 23-012-F-SP01 Rev A. This revised drawing details the front section of the existing garage is to be demolished to allow space for the proposed side and rear extensions. The remainder of the proposal on this plan remains unaltered. This plan was received on 02.08.2023, after the Committee report was finalised and is to be included as a late representation to supersede 23-012-F-SP01 (Proposed Site Plan).</p> <p>The recommendation remains the same subject to the revision of Condition 2 which reads as follows:</p>

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-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.

- Drawing number 23-012-F-SP01 Rev A (Proposed Site Plan) received by the Local Planning Authority on 02.08.2023.

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

## Planning Committee

<b>Date</b>	19 Sept 2023
<b>Case Officer</b>	Frank Whitley
<b>Application No.</b>	22/01104/FUL
<b>Site Location</b>	Elms Farm, Main Road, Minsterworth
<b>Proposal</b>	Residential development of 37 dwellings (Class C3); vehicular and pedestrian access; landscaping; drainage attenuation; and other associated works
<b>Ward</b>	Minsterworth
<b>Parish</b>	Highnam with Hawbridge
<b>Appendices</b>	Site Location Plan Site Layout Affordable Housing Layout Street Scenes Example housetype elevations x 3 (Monmouth, Mathern, Ogmore) Engineering layout Safeguarded land
<b>Reason for Referral to Committee</b>	Major planning application
<b>Recommendation</b>	Delegated Permit

### Site Location



## COMMITTEE UPDATE (for 19 September meeting)

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- 1 Members will recall that the application was deferred from the 15 August Committee meeting for further information on the drainage strategy and a Planning Committee Site Visit.

Cllr Jordan also requested further discussion between officers, the applicant and the trustee of the Harvey Community Centre, to accommodate where possible future expansion plans of the Harvey Community Centre.

### Drainage arrangements

- 2 Case Officer summary: The applicant has provided an explanation of operation of surface and foul water disposal arrangements to the satisfaction of the Council's Land Drainage Officer and the Lead Local Flood Authority of Gloucestershire County Council.
- 3 Drainage equipment would dispose of surface and foul water, as illustrated in the Engineering Layout Plan ref 2189\_100 RevG. The engineering layout plan has been added as an additional appendix to this report.
- 4 Regarding surface water, clarification has been sought from the Lead Local Flood Authority. Comments have been received as follows:

*The swale being in flood zones 2 or 3 won't impact the functioning of the surface water drainage. It's purpose is to take water from the pond to the watercourse while providing added water quality benefits at the same time (which wouldn't happen with a pipe). It's not used for storage and flood water won't back up into the attenuation pond from it because there will be a non-return valve on the outfall of the pond to prevent this. Finally, the applicant has modelled what will happen if it rains when the River Severn is flooded up to the depth of flood zone 3 and have shown that the site will still be able to unimpeded (see MicroDrainage; Date: 25/08/2022; File: Network Surcharged" and "Outfall Sketch Section").*

*Guidance on surface water drainage is based around the 1 in 30 year and 1 in 100 year events, the latter being the equivalent of the flood zone 3, which is why this has been modelled. If a flood zone 2 magnitude flood did happen it still wouldn't flood back into the pond because of the non-return valve. If it were to impact the drainage then surface water will fill the pond until it spilled over the southern edge, which is in accordance with the exceedance flow route strategy (which is what happens in events greater than the 1 in 100 year event). This is the lowest point of the site so it won't impact the rest of the drainage or properties.*

- 5 Regarding foul water disposal, an explanation has been received from the applicant, and checked by the Council's land drainage specialist.

6 *The applicant states:*

*In summary, what we have submitted to the planning application so far demonstrates that the PTP outfall would continue to operate as designed, even with the outfall to the swale being almost a metre below water (which is the level of the once in a century rainfall event previously discussed). There is also inherent emergency storage incorporated into the foul system, within the PTP and pipe network itself. In an absolute worst case scenario, where an elevated flood level persists and the emergency storage is used, then there would be management company contingency arrangements secured which would involve off-site tankering. The entire drainage system (foul and surface water) is designed in complete accordance with the relevant technical guidance and the NPPF.*

- *The outfall into the swale is fitted with a non-return valve. This will prevent water backing up into S12.*
- *Calculations provided showing a surcharged outfall, that is where the outfall to the swale is 920mm below flood water, shows the system is operational.*
- *The Hydrobrake chamber (vortex flow control) will prevent water flowing back into the basin.*
- *The PTP, upstream pipe network and manholes will provide 5m<sup>3</sup> emergency storage. During prolonged periods of extreme flooding, greater than 24 hours, tankering offsite will be required.*
- *Outfall from the PTP is from the top of the tank rather than base.*
- *Design and Construction Guidance for foul and surface water sewers offered for adoption under the Code for adoption agreements for water and sewerage companies operating wholly or mainly in England ("the Code") states that pumping stations, need to be located outside of any area at risk of flooding during a 1 in 30 year or greater.*
- *NPPF states that treatment plants are permitted in Flood Zone 2.*

7 *The Council's land drainage specialist has commented:*

*Having read through the additional notes provided by PHG planning I can now confirm the system design is sufficiently designed to BS standards and the entire drainage system (foul and surface water) is designed in complete accordance with the relevant technical guidance and the NPPF.*

*As we thought in our initial discussions the upstream system is protected against flooding from extreme flood events such as the 1 in 100-yr with the aid of the designed non-return valves.*

*The hydraulic modelling shows that when the swale when surcharged below almost a metre of water during the 1 in 100-yr event for instance then the PTP is still functional, and the design operation is not affected (i.e. not backing up). However, if the flood waters do not recede over a 24hour period then the system has capacity within the pipework to store up to 5m<sup>3</sup> of additional storage. However, for prolonged flood events the system will need to be emptied then and there would/should be management company contingency arrangements secured which would involve off-site tankering. Perhaps this could be requested as part of an emergency flood plan for flood events.*

*I am satisfied with the drainage system design and confident of its designed ability to operate even under the extreme rainfall/flood events.*

In response to the land drainage specialist's comments, the case officer recommends an additional condition (see Condition 22 below).

## **Harvey Community Centre**

### **8** Case Officer summary:

1. A meeting has taken place between representatives of the Harvey Community Centre and Edenstone Homes (the applicant). The applicant has agreed to safeguard a small section of land in the northwest corner of the application site for the purposes of enabling a wider access to the Harvey Centre should it be required in the future. These works would likely be subject to planning permission being granted. The applicant has proposed a condition to safeguard the land, which is included as an additional condition in the case officer's report (Condition 21).
2. Discussion has taken place between Edenstone, their agent, representatives of the Harvey Centre and County Council Highways with a view to improving access to the Harvey Centre from the A48. Although such improvements would be subject to a S278 agreement, the County Council has expressed no objection to indicative plans showing a hatched area removed from the A48. The filter lane created would enable eastbound traffic to turn into the Harvey Centre.

**9** Members will recall a late representation was received prior to the August committee, from a trustee of the Harvey Community Centre.

**10** The late representation confirms there are ambitious plans to extend community services, though the current access has poor visibility and width. The trustee believes proposed housing will limit options to improve access. There were three options suggested:

- Improved access point to Harvey Centre as part of the planning consent
- Defer decision of planning application to allow safeguarding of future use,
- incorporation of new housing estate access to the Harvey Centre and/or lowering of speed limit.

**11** In response to the late representation, the applicant's agent commented they support the aims and objectives of the Harvey Centre. The agent confirmed that some discussions took place in May 2023 with the Harvey Centre, though were too late to enable any significant changes to proposed development, which had already been with the Council since October 2022. The agent also stated the proposed community expansion would generate fewer trips than the former school, and that the proposed development layout would not preclude the Harvey Centre being used as a community facility, and would not preclude the ability to form a vehicle access across the shared boundary.

**12** Members were advised the request from the representative of the Harvey Centre was unrelated to the planning application and was instead a civil matter between respective landowners. Members resolved to defer a decision on the application to give time for the Harvey Centre request to be explored further.



- 13** Following the 15 August Committee meeting, representatives of the Harvey Community Centre and Edenstone Homes met to discuss potential solutions. It has been reported to the case officer that both parties recognise the mutual benefits of the proposed Elms Farm housing development and expansion of the Harvey Centre.
- 14** It has been agreed as follows between parties:
1. Edenstone Homes has agreed to safeguard a small section of land in the northwest corner of the application site for the purposes of enabling a wider access to the Harvey Centre should it be required in the future. These works would likely be subject to planning permission being granted. The applicant has proposed a condition to safeguard the land, which is included as an additional condition in the case officer's report (see Condition 21 below).
  2. Discussion has taken place between Edenstone Homes, their agent, representatives of the Harvey Centre and County Council Highways with a view to improving access to the Harvey Centre from the A48. Although such improvements would be subject to a S278 agreement, the County Council has expressed no objection to indicative plans showing a hatched area removed from the A48. The filter lane created by removal of the hatched area would enable eastbound traffic to turn safely into the Harvey Centre.
- 15** The safeguarded land appears to meet the requirements of the Harvey Community Centre, but does not carry an unreasonable burden on the developer. Officers should advise that whilst the developer has offered this land to be safeguarded, the Council cannot insist on any other form or words for the condition, or any other agreements being entered into, or that the developer provides or contributes to the costs of the adjoining access as that would go beyond the powers available to the Council.
- 16** Officers' opinion is that it would be unreasonable for the Council to insist on A48 improvements as they would represent a burden on the applicant, unrelated to the planning application, accepting though that the applicant appears willing to assist/engage with delivery.

## **1. The Proposal**

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- 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 \(tewkesbury.gov.uk\)](https://www.tewkesbury.gov.uk/22/01104/FUL)
- 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**

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- 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

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3.1 None pertaining to this application site.

### 4. Consultation Responses

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

4.1 **Minsterworth Parish Council (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**

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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**

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### **6.1 Statutory Duty**

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

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

### **6.2 National guidance**

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

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

Policy 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**

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

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### ***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**

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- 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**

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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**

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

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

2 The development hereby permitted shall 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

**Received 4 September 2023:**  
Safeguarded Land 001

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

- 21** No development shall take place on the area hatched blue referred to as 'Safeguarded Land' as shown on Drawing No. 001, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development of the proposal site would not unduly inhibit the capacity of the neighbouring Harvey Centre to, in the future, enable two cars to pass at their point of access onto the A48.


- 22** Prior to first occupation of the development, an emergency flood plan shall be submitted to and approved by the Local Planning Authority. The emergency flood plan shall include (though not limited to) arrangements for foul water disposal in the event of a flood event resulting in restricted operation of approved disposal arrangements. The emergency flood plan shall be followed as approved.

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

## **12. Informatives**

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

Site Location Plan Legend:  
 Application Boundary



Minsterworth



**Elms Farm, Minsterworth (37 Units)**

House Type	Open Market	22 Units	Nc Units
Chalet	1	1	0
Radcot	2	2	0
Dartford	2	2	0
Malvern	2	2	0
Wormmouth	2	2	0
Wormmouth Corner	2	2	0
		4B	4
		4B	4
			22

House Type	Open Market	66 Units	Nc Units
Mm	1	1B	2
Narrow GF	1	1B	2
Narrow FF	1	1B	2
Og	2	2B	5
Wye	2	2B	6
		3B	6
			15

Site Total 37

- Legend:**
- Application Boundary
  - P1 Plot Number
  - P2 Parking Number
  - P3 Denotes Part M(1/2) Parking Space
  - P4 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
  - Ttg Triple Garage
  - BCP Bin Collection Point





# 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
Other	Oa	2	2B
Wye	Wy	2	3B
Total			15

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

**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 drawing ref: 1, 106 - Parking Strategy Layout





Street Scene A-A

Street Scene B-B

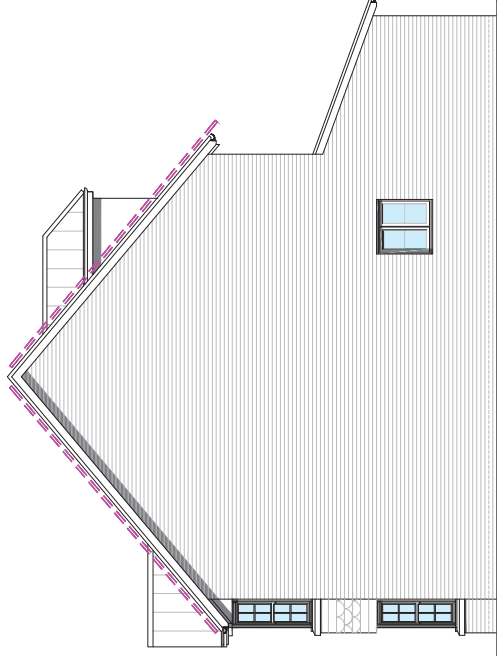
Street Scene C-C







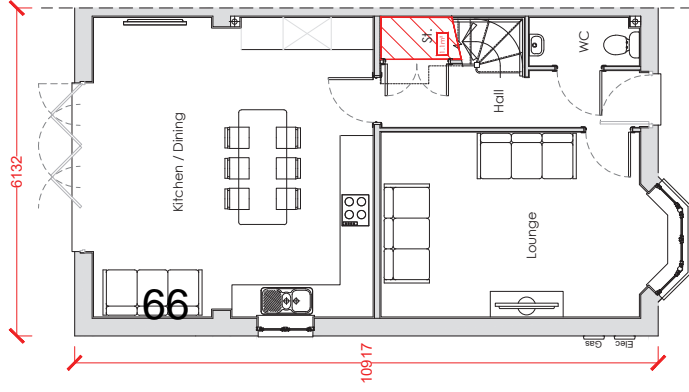
Front Elevation



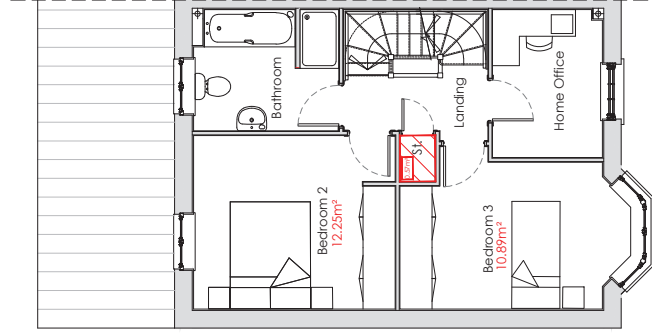
Side Elevation



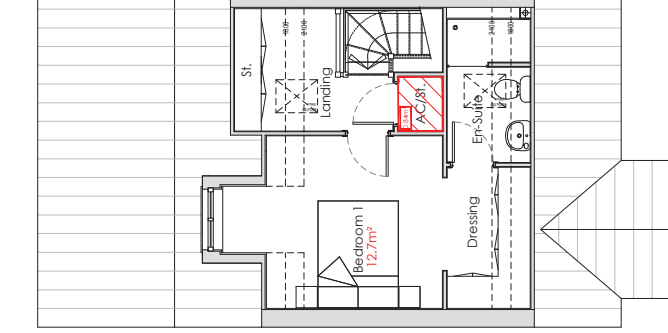
Rear Elevation



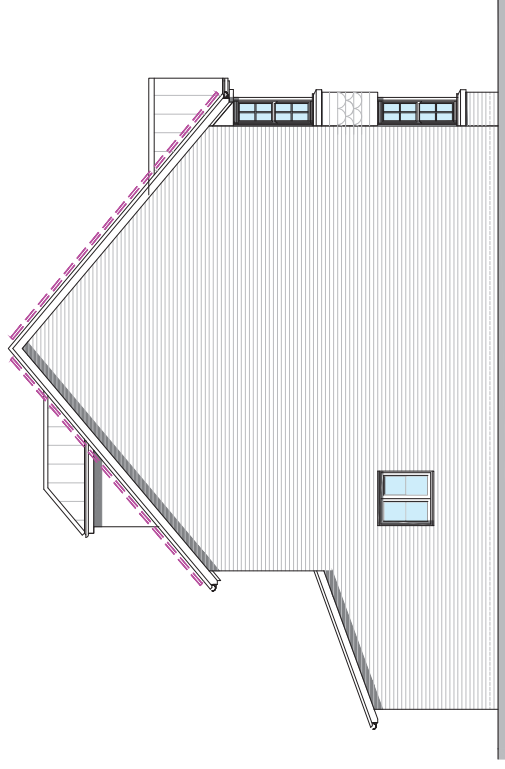
Ground Floor



First Floor



Second Floor



Side Elevation

Scale 1:100



Project: Elms Farm, Minsterworth  
 Drawing: House Type - Mathern  
 Floor Plans & Elevations  
 Status: Planning  
 Drawn By: DJ  
 Scale: 1:100 @ A3  
 Project No.: NP26 3DG  
 Drawing No.: 155  
 Checked By: [ ]  
 Date: Aug 2022  
 Revision: A

Rev	Date	By	Description
A	31.05.23	DA	Updated to revised submission

Note: Obscure Glazing To All Rooms With Sanitaryware  
 Plot numbers:  
 2, 3, 18, 19, 34, 35  
 Potential Area of PV Panels  
 (Exact Positioning to be agreed following Technical Design)

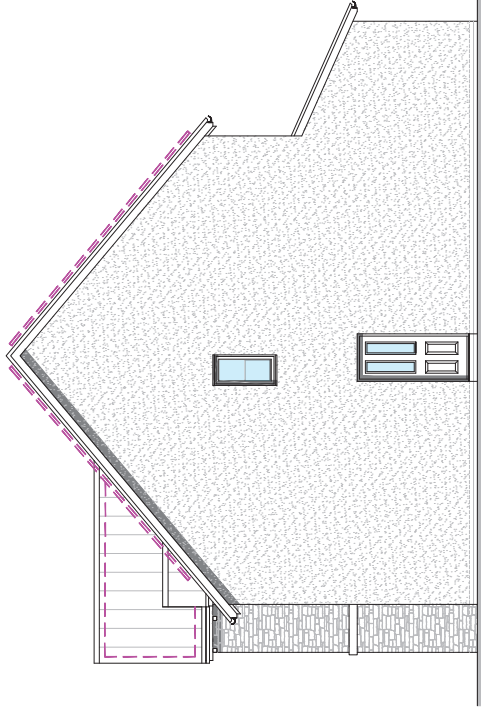
NDSS Requirement Notes:  
 House Type - Mathern 3B5P  
 Total Area - 132.8m<sup>2</sup> / 1429ft<sup>2</sup>  
 Required - 99m<sup>2</sup>  
 Total Storage - 2.51m<sup>2</sup>  
 Required - 2.5m<sup>2</sup>



EDENSTONE  
 HOMES



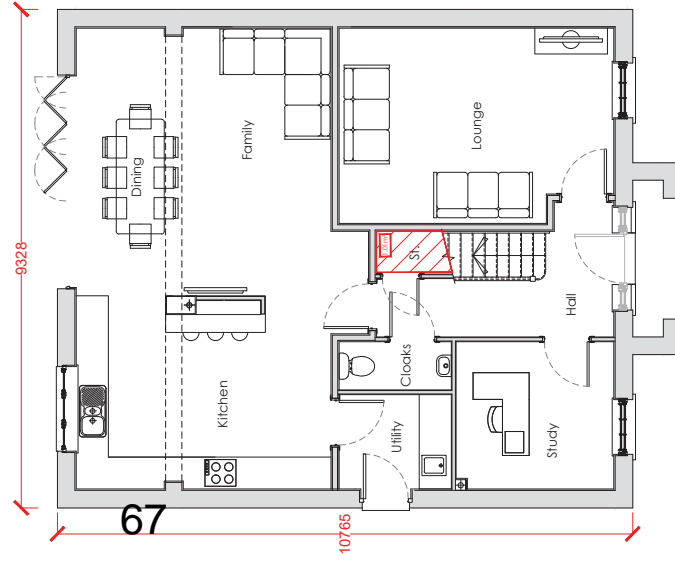
Front Elevation



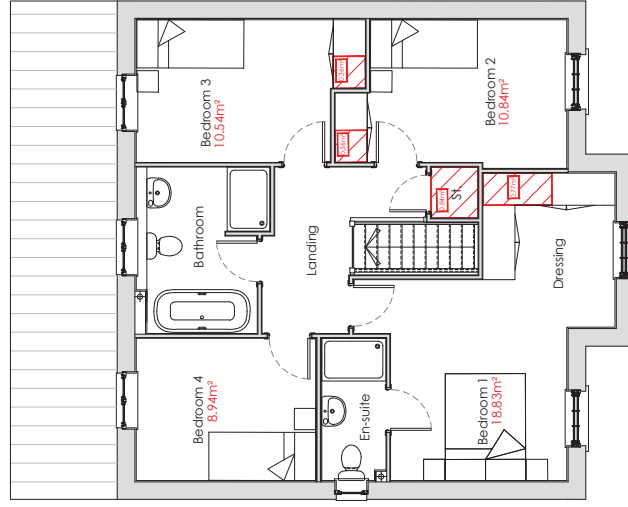
Side Elevation



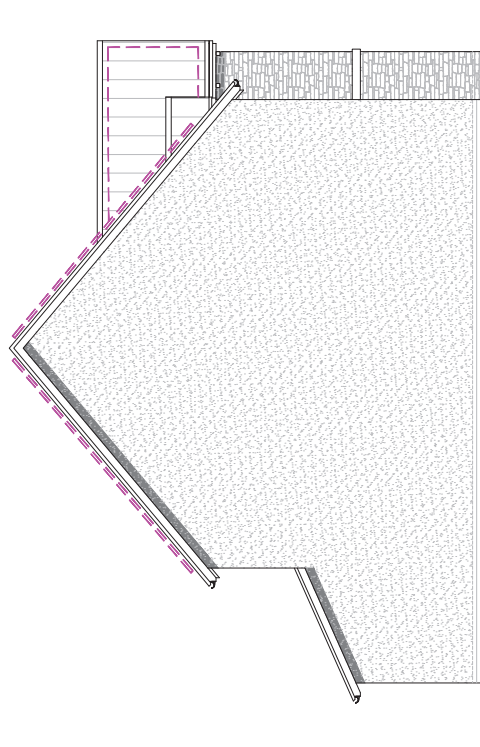
Rear Elevation



Ground Floor



First Floor



Side Elevation

Scale 1:100



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
Project No.	Magor NP26 3DG
Drawing No.	156
Drawn By	DJ
Checked By	
Scale	1:100 @ A3
Date	Aug 2022
Revision	A



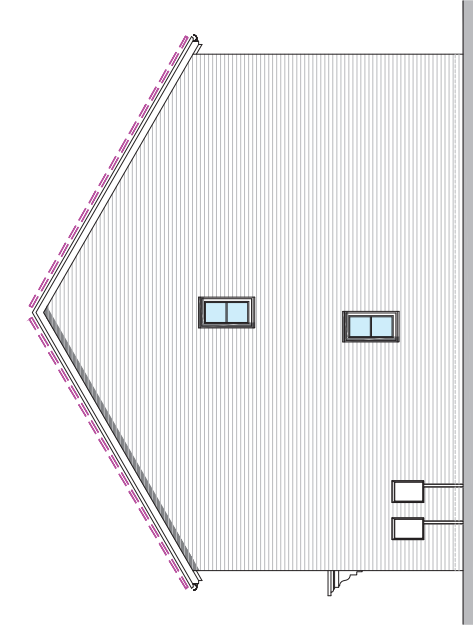
Note: Obscure Glazing To All Rooms With Sanitaryware  
 NDSS Requirement Notes:  
 House Type - Monmouth 4B5P  
 Total Area - 158.6m<sup>2</sup> / 1708ft<sup>2</sup>  
 Required - 97m<sup>2</sup>  
 Total Storage - 3.34m<sup>2</sup>  
 Required - 3.0m<sup>2</sup>

Plot numbers:  
 1, 32

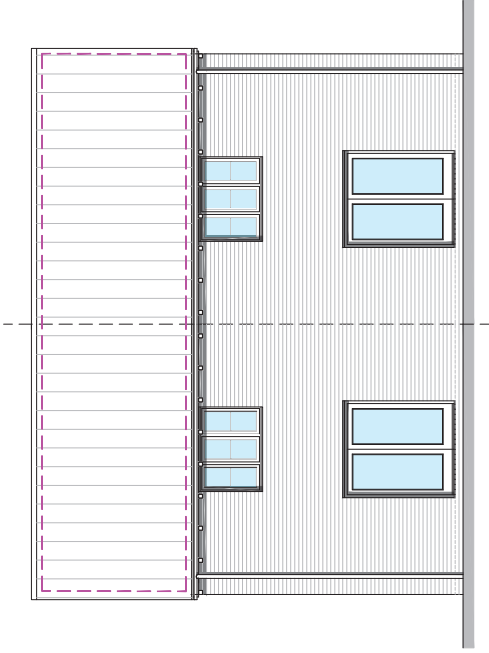
Potential Area of PV Panels  
 (Exact Positioning to be agreed following Technical Design)



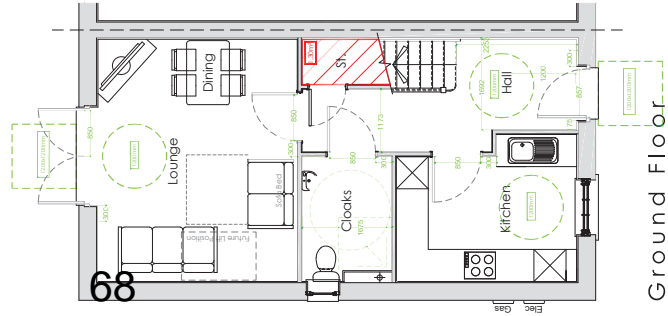
Front Elevation



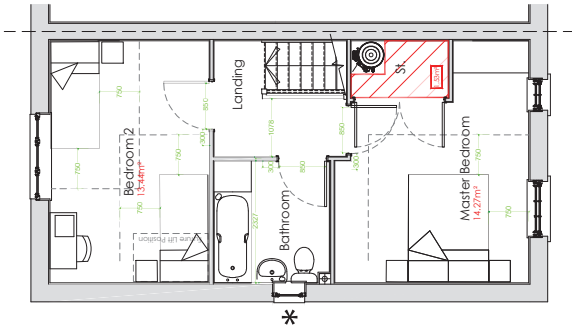
Side Elevation



Rear Elevation



Ground Floor



First Floor



1st Floor  
Building 1 02  
Wales 1 Business Park  
Magor  
NP26 3DG  
Tel - 01291 674800

Project	Elms Farm, Minsterworth
Drawing	House Type - Ogmore Floor Plans & Elevations
Status	Planning
Project No.	NP26 3DG
Drawing No.	160
Revision	A
Drawn By	DJ
Checked By	
Scale	1:100
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

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

M4 (2)

Green notes indicate  
M4(2) compliance

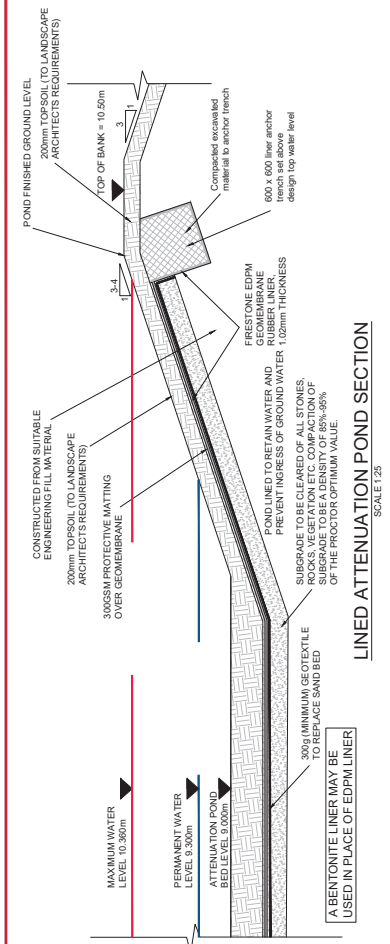
NDSS Requirement Notes:  
House Type - Ogmore 2B4P  
Total Area - 81.1m<sup>2</sup>/ 872ft<sup>2</sup>  
Required - 79m<sup>2</sup>  
Total Storage - 2.8m<sup>2</sup>  
Required - 2.0m<sup>2</sup>

Scale 1:100









## Planning Committee

<b>Date</b>	19 September 2023
<b>Case Officer</b>	Jonny Martin
<b>Application No.</b>	22/01317/FUL
<b>Site Location</b>	3 Consell Green, Tewkesbury Road, Toddington
<b>Proposal</b>	Construction of two dwellings
<b>Ward</b>	Isbourne
<b>Parish</b>	Toddington
<b>Appendices</b>	Site Location Plan received by the LPA on 5th December 2023 Site Layout Plan 1742/1/D Plot 1 Plans and Elevations 1742/2/B Plot 2 Plans and Elevations 1742/3 Plot 2 Garage 1742/4 Plot 1/No.3 Garage 1742/5
<b>Reason for Referral to Committee</b>	Cllr Gore has called the application to assess the impact on highways and on neighbouring properties.
<b>Recommendation</b>	Delegated Permit

### Site Location



## **Committee Update (for 19th September meeting)**

This application was deferred at July Committee 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. Members had been concerned that a desk based assessment by the Highways Officer was not appropriate when reviewing this application.

The Highways Officer undertook a site visit on 8 August 2023 and Cllr Gore was also in attendance. Following the site visit, the applicant submitted amended plans which repositioned the bin store to the west. The Highways Officer has now carried out a site visit, reviewed the amended plan and raises no objection to the proposed development. Further to the original recommendation from Highways on 28 February 2023 of no objection, the Highway Officer is satisfied that the formerly proposed conditions are still applicable and the original recommendation is suited.

### **Amended Drawings and Conditions**

As a result of the repositioning of the bin store, an updated site layout plan has been provided and will be available as part of the officer presentation. As a consequence, the proposed conditions reflect the new drawing number associated with the changes.

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## **1. The Proposal**

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Full application details are available to view online at:

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

- 1.1** Planning permission is sought for the erection of two new dwellings to the rear of 3 Consell Green with associated garages. The existing garage and greenhouse will be demolished to allow for access to the new dwellings.
- 1.2** Plot 1 would consist of a 1.5 storey detached dwelling with rooms in the roof space alongside 2no garages for use by the new dwelling and the occupants of 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 the dwellings would be accessed via a gravel surfaced private drive.
- 1.3** The proposed dwellings would have a contemporary appearance and the proposed materials would comprise a mix of render and timber boarding on the walls with natural slate roofs. The windows would be aluminium and the doors would be timber. It should be noted that samples of materials would be requested via a condition.

## Amendments

**1.4** Since the application was submitted, the following amendments have been made to the scheme:

- The roof profile of plot 1 has been amended to have a pitched roof following comments from the planning officer.
- An updated Site Plan has been provided detailing site levels and updated indicative boundary treatment following comments from the Landscape Officer.
- Drainage documentation has been provided following comments from the Council's Drainage Officer.

## **2. Site Description**

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**2.1** The application site comprises of an existing dwelling known as 3 Consell Green which fronts onto Tewkesbury Road. The existing dwelling is two storey in height and has a detached single storey garage. The property has a large rear garden which has been split into two sections within garden 1 being surrounded by a high hedge with a small gap that leads out to garden 2 which is more open and is bound with wire fencing.

**2.2** Access to the site is currently achieved via either of two simple dropped kerb crossovers which are separated by a low brick boundary wall. The Tewksbury Road is a classified highway.

**2.3** The site is located within the settlement boundary of New Town/Toddington. The application site is within a Special Landscape Area but is not located within the AONB.

## **3. Relevant Planning History**

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<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
49/00046/FUL	Proposed addition to form bathroom.	PER	21.10.1949
50/00161/FUL	Proposed access and sire for garage.	PER	19.04.1950
72/00127/FUL	Erection of a double garage.	PER	16.02.1972
72/00129/FUL	Erection of a double garage.	PER	21.06.1972
75/00073/FUL	Extension to house to provide a kitchen and enlarged lounge with a bathroom over. New vehicular access.	PER	29.08.1975



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

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

- 4.1 Toddington Parish Council** – Toddington Parish Council provided an objection comment relating to highway safety, impact on character and neighbouring amenity.
- 4.2 Building Control Officer** – no objection.
- 4.3 County Highways Officer** – no objection subject to conditions.
- 4.4 Environmental Health Officer** – no objection.
- 4.5 Landscape Officer** – No objections subject to conditions on landscaping and boundary treatment.
- 4.6 Flood Risk & Management Officer** – no objection subject to compliance conditions.
- 4.7 Severn Trent** - no objections

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

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

- 5.1** The application has been publicised through the posting of neighbour notification letters and a site notice for a period of 21 days and 6 letters of representation have been received objecting as follows:
  - The density, layout and design is not reflective of peripheral developments
  - Increased traffic and highway safety concerns
  - Impact the setting of the Landscape Area
  - The speed survey data is selective
  - Loss of light to neighbouring gardens
  - Impact on neighbouring amenity
  - Risk of flooding

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

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

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

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

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

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

- Policy SP1 (The Need for New Development)
- Policy SP2 (The Distribution of New Development)
- Policy SD4 (Design Requirements)
- Policy SD6 (Landscape)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD10 (Residential Development)
- Policy SD11 (Housing Mix and Standards)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk Management)
- Policy INF3 (Green Infrastructure)

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

- Policy RES 2 (Settlement Boundaries)
- Policy RES5 (New Housing Development)
- Policy RES13 (Housing Mix)
- Policy LAN1 (Special Landscape Areas)
- Policy LAN2 (Landscape Character)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy ENV2 (Flood Risk and Water Management)
- Policy TRAC9 (Parking Provision)
- Policy DES1 (Housing Space Standards)

**6.5** Neighbourhood Plan

None

## **7. Policy Context**

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

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

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

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

## **8. Evaluation**

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### **Principle of development**

- 8.1** Criterion 4 (ii) of Policy SD10 'Residential Development' of the JCS sets out that on sites that are neither allocated or previously-developed land, housing development will be permitted, except where otherwise restricted by policies within district plans, where it would represent infill within the existing built up areas of Tewkesbury Borough's towns and villages.
- 8.2** Policy RES2 of the TBLP states that within defined settlement boundaries of the Tewkesbury Town Area, the Rural Service Centres, the Service Villages and the Urban Fringe Settlements (which are shown on the policies map) the principle of residential development is acceptable subject to the application of all other policies in the Local Plan.
- 8.3** As shown on the adopted policy map, the application site is located within the settlement boundary of Toddington (which includes New Town). Therefore, the principle of residential development at this site is considered to be acceptable provided that the development can be satisfactorily integrated within the framework of the surrounding development, and subject to other local plan policies and material considerations.
- 8.4** However, whilst the principle of a new dwelling in this location may be acceptable there are other material planning considerations to be taken into account as set out below.

### **Design and Visual Amenity**

- 8.5** Policy JCS Policy SD4 provides that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and address 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.
- 8.6** 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.
- 8.7** Policy RES5 of the TBLP requires new housing to be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it.
- 8.8** The proposed dwellings would be located within the rear garden of 3 Consell Green. The existing garden is long and rectangular in shape with the rear gardens totalling a depth of approx. 63m. The site was historically used as two separate properties which explains why the application plot is wider than the neighbouring properties to the east along Tewkesbury Road. The width and depth of the existing rear garden allows the site to comfortably contain two new dwellings alongside amenity space and an access drive.

- 8.9** Whilst the prevailing character historically was for ribbon development, recent planning permissions have been granted which provide depth to the existing plots: the nearby Newlands development to the east of the site and the development to the west of the site which was granted planning permission for 4 dwellings under application 19/00376/FUL. The proposed site seeks to follow the pattern and layout of the development to the west of the site, albeit at a reduced scale. The development to the west comprises of four large detached two storey dwellings whereas the proposed development seeks 1 large two storey detached property (plot 2) and 1 smaller 1.5 storey detached property (Plot 1). Plot 1 has been sensitively designed to ensure that it would not be overbearing on the existing property and would not appear dominant.
- 8.10** Amended plans have been submitted to improve the design and scale of Plot 1 to be more in keeping with the surrounding properties. A flat roofed dwelling would have been out of character with the area. The new 1.5 storey dwelling at Plot 1 and the two-storey dwelling at Plot 2 with pitched roofs and dormers would be in keeping with the design and appearance of the recent adjacent schemes.
- 8.11** The proposed development is not considered to be overdevelopment or cramped as the garden sizes for Plot 1, Plot 2 and 3 Consell Green are considered to be acceptable. Front and rear gardens would still serve all 3 properties and the garden sizes are in keeping with the development to the west approved under permission 19/00376/FUL. It should be noted that a detailed landscaping and boundary treatment plan will be requested via a suitable condition.
- 8.12** In relation to materials, the proposed dwellings would have a contemporary appearance and the proposed materials would comprise a mix of render and timber boarding on the walls with natural slate roofs. The windows would be aluminium and the doors would be timber. The details outlined within the application form are similar or in keeping with those approved to the west of the site. It should be noted that samples of materials would be required via a condition.
- 8.13** In light of the recent developments in the area, the proposal is considered to be of a layout, scale, design and massing that would not be out of character for the area and would not lead to overdevelopment of the plot.

### **Impact on the Landscape and Landscaping**

- 8.14** Policy LAN1 relates to proposals within a Special Landscape area and states that development will be permitted providing that the proposal would not cause harm to those features of the landscape character which are of significance, the proposal maintains the quality of the natural and built environment and its visual attractiveness and all reasonable opportunities for the enhancement of landscape character and the local environment are sought.
- 8.15** The proposed site is located within a Special Landscape Area (SLA) as identified on the adopted policies map. The site is contained within an existing residential plot and the development would not encroach beyond this into the open countryside of the SLA beyond. As described above, the design of the development is considered appropriate to its specific context.

- 8.16** The proposal as originally submitted sought to erect 1.8m timber board fencing along the eastern and western boundaries. The Council's Landscape Adviser reviewed the proposal and requested that this be amended as the timber board fencing would not provide a positive visual outlook or landscape benefit.
- 8.17** The applicant subsequently submitted an amended plan which now provides for a 1.2m high timber post and rail fence with native hedge planting. This would be in keeping with the existing boundary treatment and would not result in harm to the SLA. The Landscape Adviser has reviewed the amended plans and has no objection to the development subject to conditions for more information in relation to landscaping and boundary treatment.
- 8.18** Overall, the proposed development would be set within the context of existing built development within the settlement boundary. The proposal is of an appropriate layout, design and scale and subject to compliance with conditions relating to landscaping, boundary treatment and external materials, would not adversely impact the character of the SLA.

### **Residential Amenity**

- 8.19** 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.
- 8.20** The proposal would provide a two bedroom dwelling at plot 1 with a total gross internal area of 112sqm. The second dwelling at plot 2 would provide a 3 bedroom dwelling with a total gross internal area of 141sqm. Both dwellings exceed the Nationally Described Space Standards requirement of 79/102sqm respectively. This ensures that the dwelling will provide acceptable living conditions for any future occupiers. Similarly, the proposal would benefit from a front and rear gardens that would be in keeping with recent developments and benefit future residents.
- 8.21** In terms of overlooking, Plot 1 only has 1 roof light on the front elevation over a stairwell which would ensure there would be no adverse impacts from overlooking into neighbouring private gardens. At the rear of plot 1, there are two dormer windows which would face the new properties to the west. A separation distance of 21m would be maintained which would ensure the new dormer windows would not lead to overlooking. Plot 2 has no side facing windows and therefore there would be no overlooking to neighbouring private amenity areas. Plot 1 and Plot 2 have been sensitively designed to ensure there is no overlooking between the properties as the front elevation of plot 2 only has rooflights at first floor level which minimises overlooking. Furthermore, boundary treatment would screen any potential overlooking between the properties at ground floor level.
- 8.22** Plot 1 is well separated from the existing dwelling at 3 Consell Green, there are no windows on the side elevation facing 3 Consell Green and the proposed garages would provide screening.
- 8.23** The proposed dwellings are set away from the neighbouring boundaries and as a result of their siting, design and scale would not be overbearing or result in adverse living conditions for the occupiers of neighbouring dwellings. Furthermore, the Council's Environmental Health Officer has raised no objection to the proposed development in terms of noise/nuisance.

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

### **Drainage and Flood Risk**

**8.25** Policy INF2, Flood Risk Management, of the JCS explains how development should minimise the risk of flooding, contribute to a reduction in existing flood risk, apply a sequential test for assessment of applications giving priority to land in Flood Zone 1, incorporate suitable Sustainable Drainage Systems (SuDS) where appropriate in the view of the local authority to manage surface water drainage: to avoid any increase in discharge into the public sewer system; to ensure that flood risk is not increased on-site or elsewhere; and to protect the quality of the receiving watercourse and groundwater.

**8.26** Policy ENV2, Flood Risk and Water Management, of the TBLP requires all proposals to incorporate sustainable drainage systems where appropriate and proportionate to the scale and nature of development proposed.

**8.27** As confirmed by the Environmental Agency's Flood Map for Planning, the site is located within Flood Zone 1 and therefore at the lowest risk of flooding and appropriate for new residential development.

**8.28** In relation to foul water drainage, the applicant is proposing to drain to the existing public Severn Trent sewer which passes through the site. This is subject to consent from Severn Trent who have responded to the application with no objection in principle. Therefore, a condition could be added to ensure foul water connection is achievable prior to the occupation of the dwellings.

**8.29** In relation to surface water, a surface water drainage system has been designed to accommodate the flows generated by a 1 in 100-year event, plus an allowance of 40% for climate change. Runoff from roof and driveway areas would be stored within a permeable gravel subbase and a cellular attenuation tank, from which it would be discharged to the nearby swale, to the south, and then into the ditch. A hydrobrake flow control chamber would limit flows to 0.4l/s, which is the Greenfield Q1 value. All parking bays are to be constructed using permeable gravel to increase the water quality. This is where oil spillage is most likely to occur and the open graded crushed rock in the subbase will break down hydrocarbons before they discharge to the swale. The surface water networks will remain private, to be maintained as per the SuDS Maintenance Guide (5371-CONS-ICS-XX-RP-C-07.002 - SUDS Maintenance Guide). The Council's Drainage Engineer has reviewed the submitted information and has raised no objection subject to conditions.

### **Ecology**

**8.30** 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.

- 8.31** The application site is an existing residential garden which has limited ecological value. Therefore, the proposal is considered to be acceptable in relation to ecology subject to a condition for information relating to the insertion of bird and bat boxes across the development site.

### **Access and Highway Safety**

- 8.32** Paragraph 103 of the NPPF sets out that opportunities to maximise sustainable transport solutions which will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Furthermore, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe.
- 8.33** Policy INF1 'Transport Network' states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.
- 8.34** Policy RES5 requires proposals to 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.
- 8.35** The proposal seeks to introduce 2 No. dwellings and garages to the plot of 3 Consell Green, Toddington with associated access and the demolition of the existing garage and greenhouse. The application site benefits from good walking and cycling connectivity with bus stops, places of employment, schools, and convenience stores all within 10 minutes' walking distance of the dwelling.
- 8.36** An access statement has been submitted in support of the application, which confirms that visibility splays measured against recorded speeds on the B4077 are achievable within public highway.
- 8.37** The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.
- 8.38** A condition could be added to ensure the provision of vehicular visibility splays.

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

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

## **9. Conclusion**

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- 9.1** 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 Given the principle of development is acceptable in this location, officers have considered the other material planning considerations. Amended plans were received which have now overcome concerns in respect of design of the proposed dwelling at plot 1, landscaping and drainage.

## 10. Recommendation

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

## 11. Conditions

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

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

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

- Site Location Plan received by the LPA on 5<sup>th</sup> December 2023
- Site Layout Plan 1742/1/C
- Plot 1 Plans and Elevations 1742/2/B
- Plot 2 Plans and Elevations 1742/3
- Plot 2 Garage 1742/4
- Plot 1/No.3 Garage 1742/5
- Drainage Design 0200 P01
- SuDS Maintenance Guide 5371-CONS-ICS-XX-RP-C-07.002
- Drainage Statement 5371-CONS-ICS-XX-RP-C-03.001
- Access Statement 2214TN01A

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

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

- 3 No work shall start on the construction of the buildings hereby approved until details of floor slab levels of each new building, relative to each existing building on the boundary of the application site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the new buildings shall be constructed at the approved floor slab levels.

Reason - To protect the amenity of neighbouring properties and to ensure that the proposed development does not have an adverse effect on the character and appearance of the area.



- 4 No work above floor plate level shall be carried out until samples of all external materials proposed to be used on facing materials, windows, doors, roof and architectural detailing have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- 5 No development shall commence until a detailed design of the swale as stated on approved drainage plan 0200 P01 has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be carried out as per the other details confirmed within Drainage Design 0200 P01, SUDS Maintenance Guide 5371-CONS-ICS-XX-RP-C-07.002 and Drainage Statement 5371-CONS-ICS-XX-RP-C-03.001. The scheme for the surface water drainage shall be implemented in accordance with the approved details and timetable and shall be fully operational before the development is first put into use/occupied.

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

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

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

- 7 No work above floor plate level shall be carried out until there has been submitted to and approved by the Local Planning Authority in writing, a comprehensive scheme of landscaping which shall include details of all hard-surfacing materials, proposed planting and proposed boundary treatments to secure the residential curtilage. The development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

- 8 All planting, seeding, or turfing in the approved details of landscaping for the residential development shall be carried out in the first planting and seeding season following the occupation of the respective building(s) or completion of the respective developments, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity.

- 9 Details of any new external lighting in connection with this development shall, prior to its installation, be first submitted to and approved in writing by the Local Planning Authority. The details shall be in the form of a Lighting Strategy Scheme, detailing the location and specification of the lighting supported by contouring plans demonstrating any light spill into adjacent habitats. This plan should be completed in conjunction with advice from the project ecologist. The development shall be implemented in accordance with the approved details.

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

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

Reason: To protect the amenity of adjacent properties.

- 11 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 120 metres to the west and 83.4 metres to the east 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.

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

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

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions/dormer windows shall be constructed without the express permission of the Local Planning Authority.

Reason: In the interests of visual amenity and neighbouring residential amenity

## **12. Informatives**

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

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

3 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

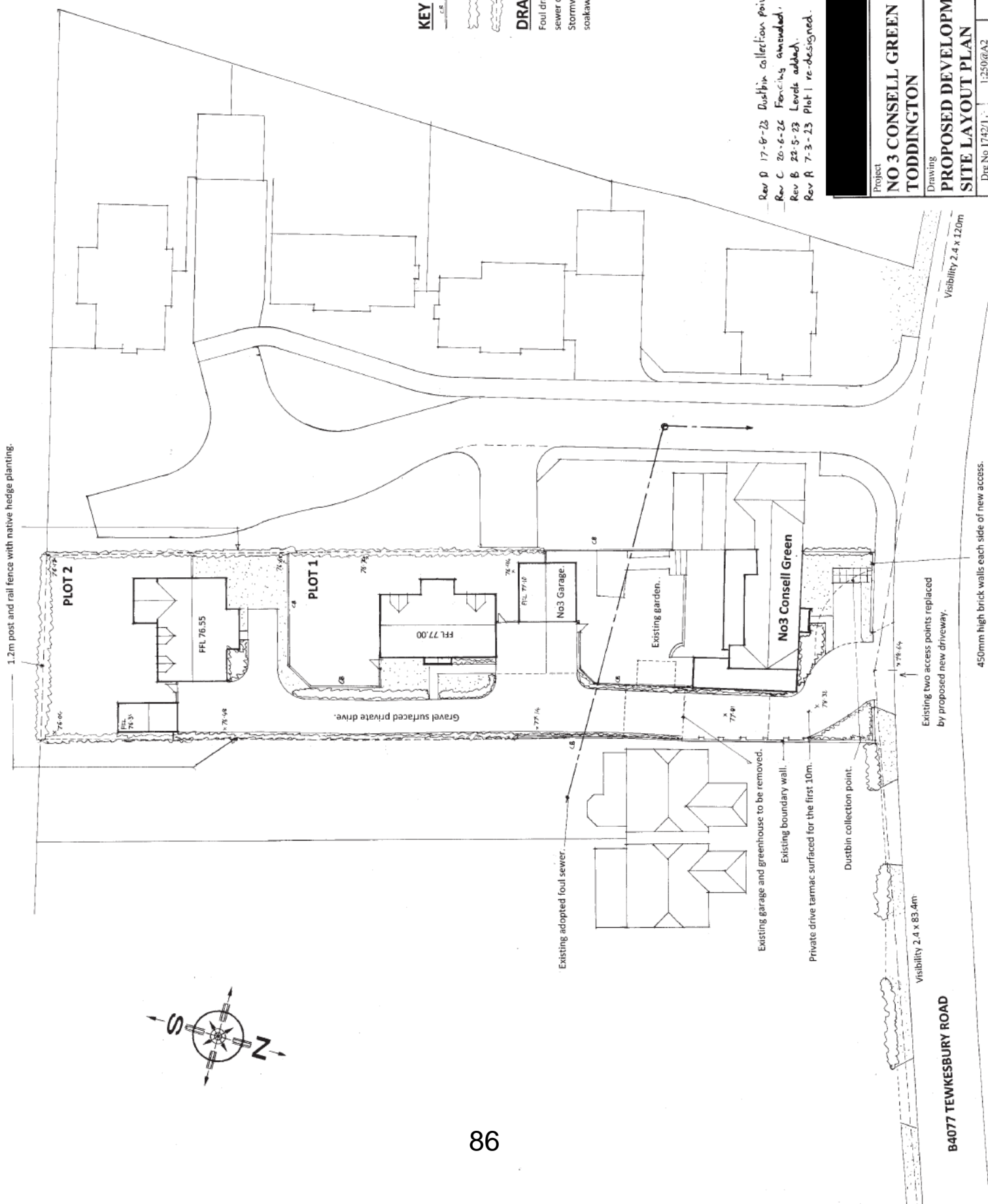
- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

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.

**NO. 3 CONSELL GREEN. LOCATION PLAN 1:1250**





**KEY**

- 1.8m high close boarded fence.
- Proposed shrub and hedge planting.
- 1.2m Timber post & rail fence with native hedge planting.

**DRAINAGE**

Foul drainage connected to existing adopted foul sewer crossing the site in location shown.  
 Stormwater drainage connected to individual soakways in rear gardens of each plot.

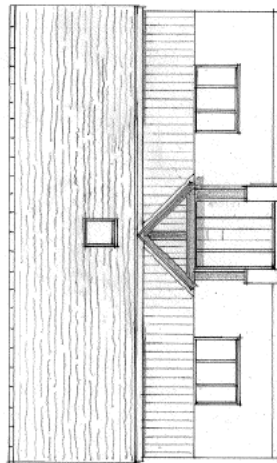
Rev D 17-6-23 Dustbin collection point moved.  
 Rev C 26-6-26 Fencing amendment.  
 Rev B 23-5-23 Levels added.  
 Rev A 7-3-23 Plot 1 re-designed.

SCALE BAR 1:250  
 0 2m 4m 8m 10m

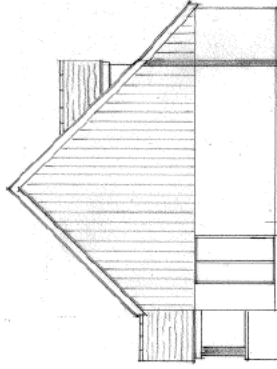
<b>Project</b>	
<b>NO 3 CONSELL GREEN TODDINGTON</b>	
<b>Drawing</b>	
<b>PROPOSED DEVELOPMENT SITE LAYOUT PLAN</b>	
Dwg No 1742/1	1:250@A2
	25-10-22

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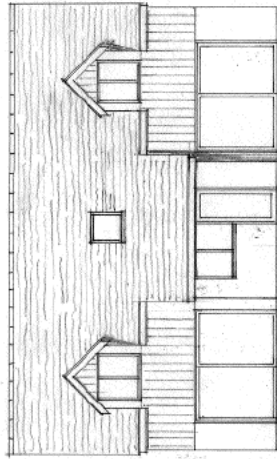




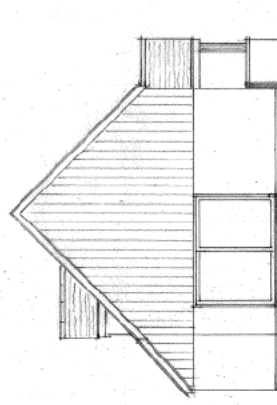
FRONT ELEVATION



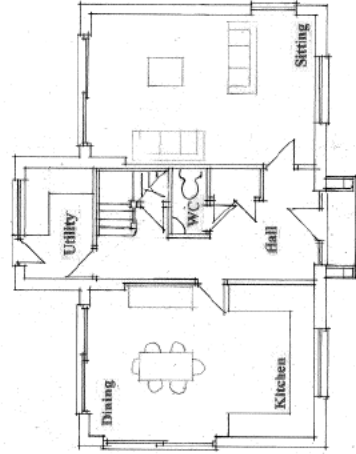
SIDE ELEVATION



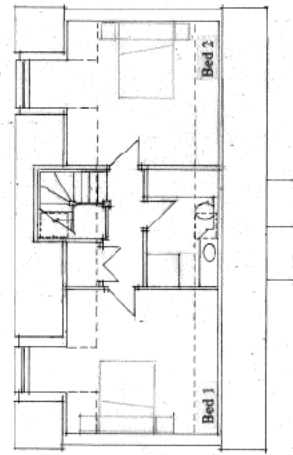
REAR ELEVATION



SIDE ELEVATION



GROUND FLOOR



FIRST FLOOR

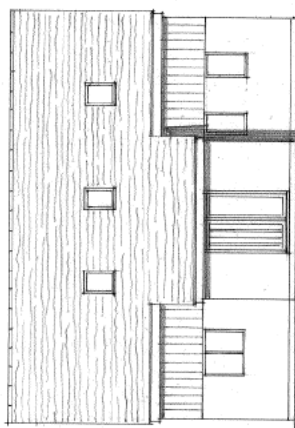
Rev B 18-3-23 House redesigned.  
 Rev A 7-3-23 House redesigned.

SCALE BAR 1:100  
 0 1m 2m 3m 4m

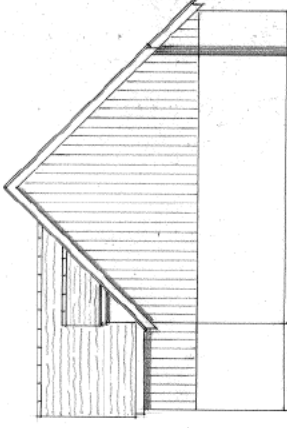
Project	
<b>NO 3 CONSELL GREEN TODDINGTON</b>	
Drawing	
<b>PROPOSED DEVELOPMENT PLOT 1 PLANS &amp; ELEVATIONS</b>	
Dwg No 17422 B	1:100/A2
	7-3-23

**ANDREW P JONES  
ASSOCIATES**  
 Development Consultants

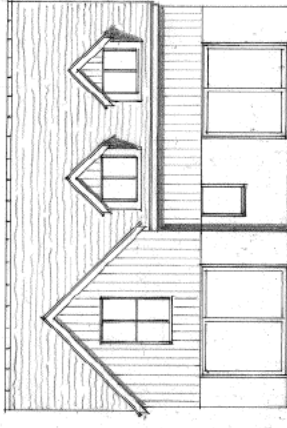
FLAXFIELD HOUSE, POST OFFICE LANE  
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 TELEPHONE/FAX 01452 676625  
 e-mail [aj@apjasociates.co.uk](mailto:aj@apjasociates.co.uk)



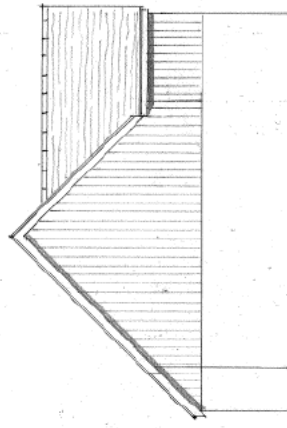
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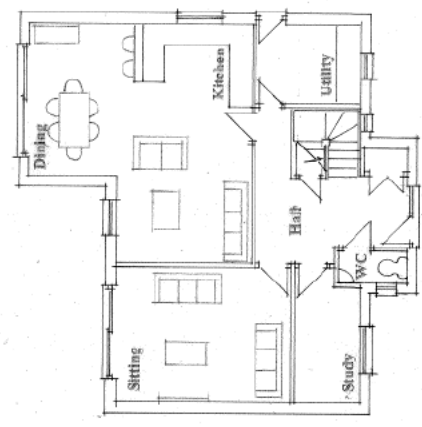
SIDE ELEVATION



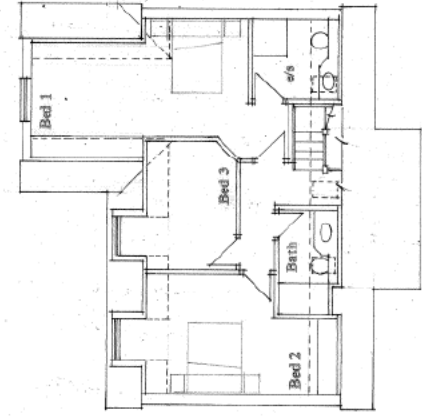
REAR ELEVATION



SIDE ELEVATION



GROUND FLOOR

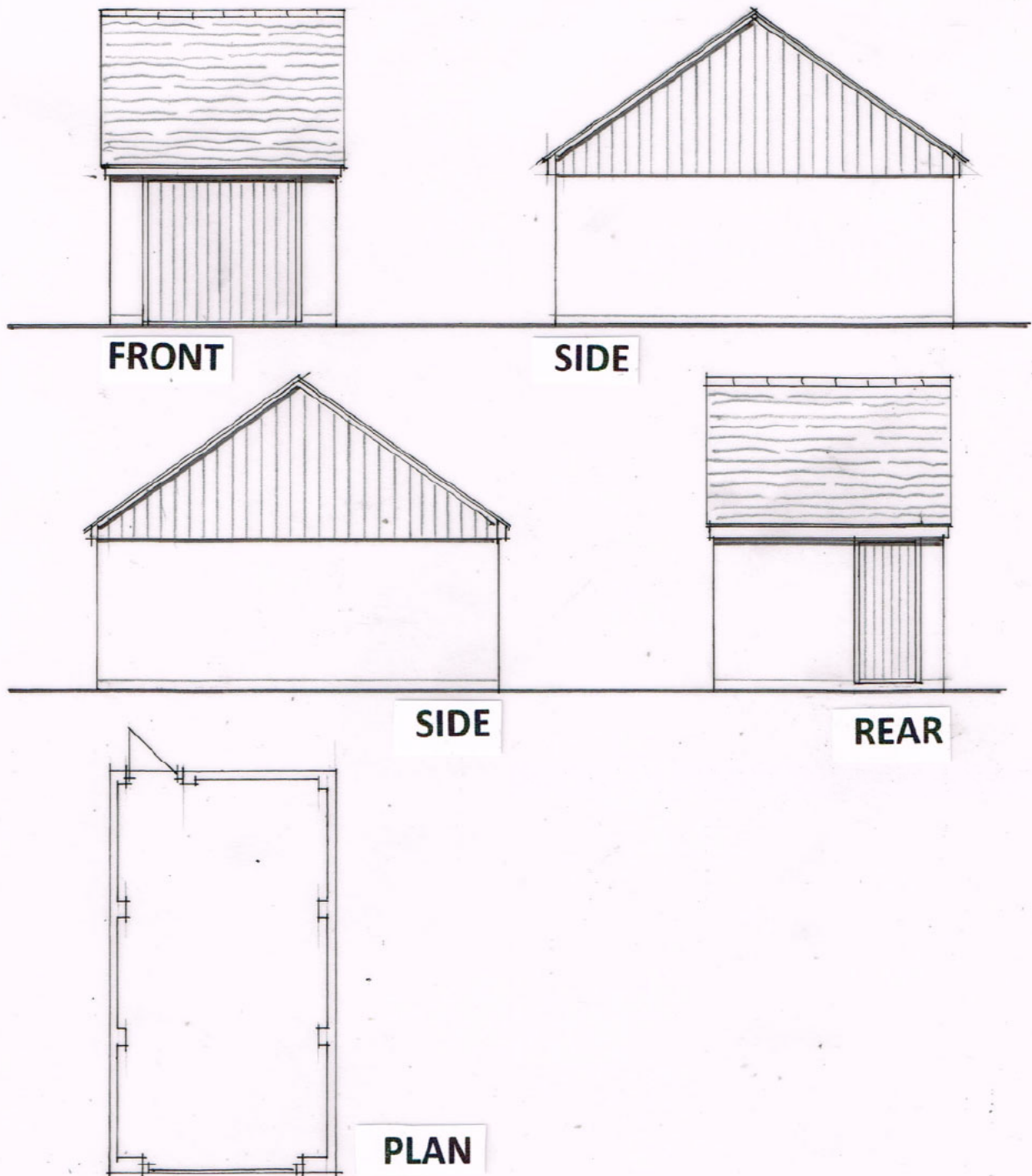


FIRST FLOOR

SCALE BAR 1:100  
 0 1m 2m 3m 4m

<b>ANDREW P JONES ASSOCIATES</b> Development Consultants FLAYFIELD HOUSE, POST OFFICE LANE CLEEVE HILL, CHELTENHAM, GLOSUCESTERSHIRE GL51 3PS TELEPHONE/FAX 01242 679025 e-mail <a href="mailto:aj@apjassociates.co.uk">aj@apjassociates.co.uk</a>		
Project <b>NO 3 CONSELL GREEN TODDINGTON</b>		
Drawing <b>PROPOSED DEVELOPMENT PLOT 2 PLANS &amp; ELEVATIONS</b>		
Dwg No 17423	1:100@A2	14-11-22





Project

**NO 3 CONSELL GREEN  
TODDINGTON**

Drawing

**PLOT 2 GARAGE**

89

Drg No 1742/4

1:100@A4

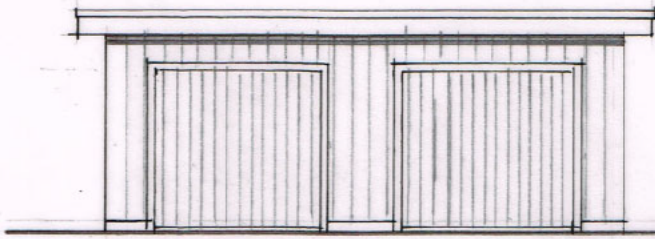
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**ANDREW P JONES  
ASSOCIATES**  
Development Consultants

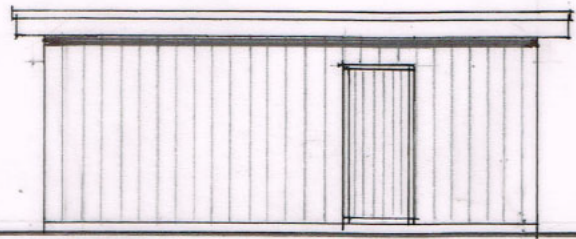
FLAXFIELD HOUSE, POST OFFICE LANE  
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**FRONT**



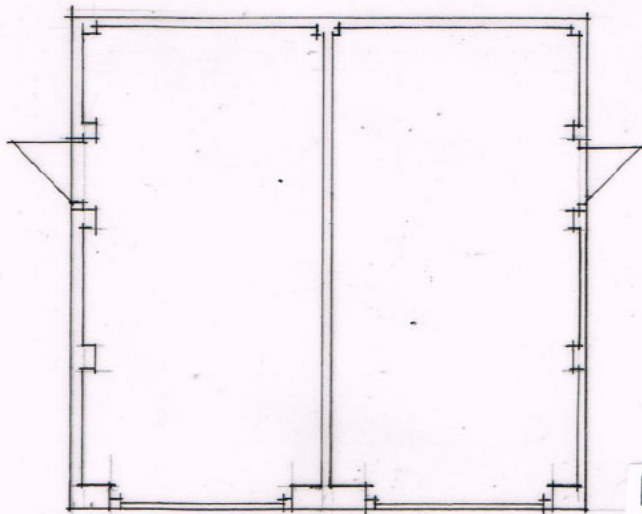
**SIDE**



**SIDE**



**REAR**



**PLAN**



Project

**NO 3 CONSELL GREEN  
TODDINGTON**

Drawing

**PLOT 1 / No. 3 GARAGE**

90

Drg No 1742/5

1:100@A4

28-11-22

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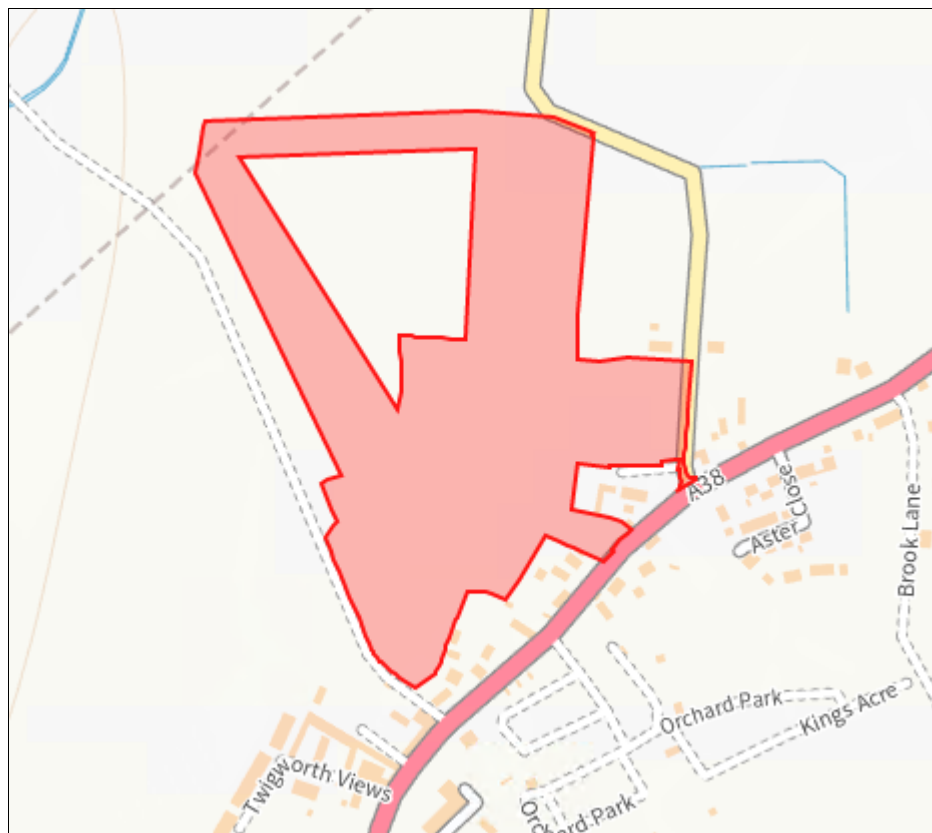
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## Planning Committee

<b>Date</b>	19 September 2023
<b>Case Officer</b>	David Lowin
<b>Application No.</b>	22/01343/OUT
<b>Site Location</b>	Land At Chestnut Tree Farm Twigworth
<b>Proposal</b>	Erection of up to 85 dwellings with public open space, landscaping and sustainable drainage system (SuDS); all matters reserved except for means of vehicular and pedestrian access from Sandhurst Lane and a pedestrian access onto the A38.
<b>Ward</b>	Innsworth
<b>Parish</b>	Twigworth
<b>Appendices</b>	Site boundary plan 22-045-200 Illustrative Landscape Master Plan 22-43-PL-201 Rev A Proposed Site Access 3504-SK-05-REV E Proposed Pedestrian Crossing and Footway 3504-SK 12-REV D Historic Delegated report
<b>Reason for Referral to Committee</b>	Outline applications for the erection of 10 or more residential units.
<b>Recommendation</b>	Minded to Refuse

### Site Location



## 1. The Proposal

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Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RMU780QDMSM00>

### *Purpose of Report*

- 1.1 The planning application was made to the Council on the 12 December 2022. Since that date Officers have engaged proactively with the applicants to assess the opportunities and impacts of the proposal. However, the applicants have subsequently registered an appeal by reason of non-determination on 24 July 2023. The council must therefore advise the Secretary of State of its views on the proposals should it have had the opportunity to determine this application to inform the non-determination appeal.

### *The Proposal*

- 1.2 The application seeks outline planning permission for the erection of up to 85 dwellings with public open space, landscaping, and sustainable drainage system (SuDS). All matters are reserved for future consideration except for means of access, comprising a vehicular and pedestrian access from Sandhurst Lane and a pedestrian access on to the A38. The application also proposes the provision of 40% affordable dwellings.

## 2. Site Description and Proposed Development

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- 2.1 The application site lies within the parish of Twigworth, which is located approximately 4km north of Gloucester City Centre. The settlement of Twigworth is similar to several along the A38, such as Longford and Norton, which generally comprise residential ribbon development with limited local facilities and business. These settlements have been the subject of recent development including the Innsworth & Twigworth strategic allocation on the southeastern side of the A38. The service provision of Twigworth has increased with the ongoing delivery of the JCS strategic allocation for 725 dwellings, including a new local centre which is fully operational and is accessed off a new roundabout junction in the south of the village.
- 2.2 The application site is located to the north and west of the A38 (Tewkesbury Road) and west of Sandhurst Lane. The application site is approximately 10.14ha in extent and is currently in use as agricultural land. The site comprises the 'core site' for development of 5.3ha and an area of land to the north of the main parcel to facilitate drainage. The eastern part of this main site includes a remnant orchard and an overgrown area containing an existing pond and mature trees adjacent to the A38 boundary.
- 2.3 Access to the site would be achieved via Sandhurst Lane leading to the A38. Existing residential properties on Tewkesbury Road (A38) and Sandhurst Lane border the main site to its southeastern boundary, while Orchard Park, a park homes development, is situated opposite the site on the other side of the A38.
- 2.4 The western boundary of the site is marked by a private access road leading to the 'Nature in Art' Gallery and Museum (which lies approximately 1km to the north). The site's northern boundary adjoins existing farmland beyond and to northeast corner of the site is an existing Telephone Exchange, with open countryside beyond.

- 2.5 The site does not fall within any national or local landscape designation. The site is not located within the Green Belt, nor within the AONB. The majority of the 'Main Site' is within Flood Zone 1 and so at the lowest risk of flooding. There is a small area at the southwest of the site which is within Flood Zone 2. No dwellings are proposed in this area. The northern linear tranches of land are included within the application redline area to accommodate surface water drainage outfall, but no buildings are shown on the illustrative Master Plan. This area is shown as 'land reserved for surface water drainage & Access Works,' along with the parts of Sandhurst Lane required to achieve site access. **(See Site Boundary Plan).**
- 2.6 A public right of way runs parallel and just beyond the northern boundary of the site, continuing across Sandhurst Lane in an easterly/south-easterly direction until it intersects with the A38.
- 2.7 A number of heritage assets lie in relatively close proximity to the site, among them Twigworth Court which lies to the western side of the Nature in Art access and the Manor House located towards the entrance to Sandhurst Lane on its eastern side.
- 2.8 Furthermore, several existing utilities either cross the site or are located in close proximity to it. A public sewer runs along the eastern site edge at the rear of the existing housing and a water main and low voltage cable run along the southern boundary to the 'Nature in Art' access/lane in addition, existing electricity and BT services run along the Sandhurst Lane frontage.
- 2.9 The 'core' area of the site proposed for development, some 5.3 ha, comprises 4.2 ha of the best and most versatile agricultural land. The agricultural classification of the development area comprises category Grade 2 for the Northern field, the southern field is a complex mixture of subgrades 3a and 3b with a small area of Grade 2. The land to the north (included in the application boundary to allow for drainage) would in the applicant's opinion be available for continued agricultural use once the drainage pipes are installed.
- 2.10 The submitted illustrative master plan together with the Design and Access statement show how residential blocks of development could be arranged in a loose grid separated by landscaped areas and a buffer of some 18m of 'landscape edge' wrapping around the application site's interface with the adjoining countryside. The Master Plan shows areas for a SUDS pond, locally equipped area of play (LEAP) together with an area for Orchard Trees and Allotments.
- 2.11 The application as summarised above comprises an indicative Master Plan, including the details of a new access from Sandhurst Lane. The applicant has also submitted the following documents in support of the proposal:
- Affordable housing statement
  - Air quality screening report
  - Landscape and Visual Impact Report
  - Agricultural land classification and considerations
  - Ecological Impact Assessment
  - Flood risk, drainage and water management
  - Arboricultural impact assessment
  - Archaeological desk based assessment.
  - Heritage Impact assessment
  - Statement of community involvement
  - Design and access and energy statement
  - Planning Statement

- Statement of community involvement
- Transport assessment
- Waste minimisation strategy
- Geophysical Survey Report

### 3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
16/00008/SCR	EIA Screening Opinion Request Under Reg 5	EIANR	22.07.2016
16/00904/OUT	Outline proposal for up to 100 dwellings, together with associated public open space and equipped children's play space, landscaping, access and associated infrastructure. All matters reserved except for access.	REFCON	22.07.2020
23/00001/SCR	Screening Opinion	EIANR	07.06.2023

The recent planning history of the site as set out above comprises application ref 16/00904/OUT. That application for up to 100 dwellings and associated works was refused in 2020 for the following reasons:

- 1. The proposed development conflicts with Policies SP2 and SP10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017) in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development of the scale proposed. Furthermore, the proposed development conflicts with Policy H2 of the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan, which seeks to ensure that sustainable growth should be delivered steadily over the Plan period, through a series of modest developments and not on a single, large site delivered in a short space of time.*
- 2. The overall quantum of development and its resulting layout, as indicated by the proposed indicative Masterplan, would result in an unduly harmful encroachment into the landscape and contribute to the loss of the defining linear settlement pattern and open, semi-rural nature, which is characteristic of this part of Twigworth village. The proposed development therefore, fails to accord with Policy H2 of the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan - 2011-2031 and Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS)(December 2017).*
- 3. The proposed development would result in the loss of Best and Most Versatile agricultural land and the loss of this valuable resource is not outweighed by economic or other benefits, contrary to paragraph 170 of the National Planning Policy Framework. (2019).*
- 4. In the absence of an appropriate planning obligation, the application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with*



*Policy SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS)(December 2017).*

*5. In the absence of an appropriate planning obligation, the application does not make provision for the delivery of recycling/waste bins, education contributions for pre-school, primary and secondary education provision and library provision. The proposed development is therefore, contrary to Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS)(December 2017).*

An EIA Screening opinion was requested by the applicant as set out above and resulted in a determination that whilst the development fell within Schedule 2 of the EIA Regulations, it did not fall to be considered as an EIA development.

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

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

##### **4.1 Longford Parish Council – Object to the proposal**

- Previous application was refused in 2020
- Refusal reasons are still valid and applicable to the current application
- Site is mainly in flood zone 1, but will impact to surface water drainage
- Surface water is intended to flow into Cox's Brook
- Horsbere Brook already annually floods onto Sandhurst Lane & homes
- Gloucester exit of Sandhurst Lane is even more severely flooded
- Traffic from the village will exit the Twigworth end rather than Gloucester end
- Area already very congested particularly at peak times
- Transport technical data collected for the previous application in 2016
- Updated information has not been provided.
- Technical dated 2019 noted Longford roundabout was near capacity
- Updated capacity information is required
- During peak hours, traffic queues through Longford from the roundabout up to Orchard Park at Twigworth

##### **4.2 Twigworth Parish Council – Object to the proposal**

- Development is outside the settlement boundary in NDP & TBP
- Contrary to Policy H2 (i) of the NDP
- Would be encroachment into the countryside
- Very little countryside remaining in the village
- Trial Pit Record concluded that the site is practically impervious
- Calculations show that SUDS will regularly surcharge and flood during winter
- Proposed pumping station would pump water into Cox's Brook, which feeds into Hatherley Brook and then into the River Severn.
- In times of river flooding, the gates at Hatherley Brook are closed, water backs up and causes the flooding of the fields which would be worsened
- Alternative proposed in the application is a gravity flow into a pond
- This would need to go under gas and oil pipelines
- Comes with huge risks to the environment and safety
- Environment Agency's surface water and fluvial flooding risk maps out of date
- Flood risk will only be exacerbated by additional housing
- Local drainage and sewer systems are unable to cope in times of flood

- Drains now also serve several new development
- Twigworth Green drainage overflowed during flood causing sewage spill
- Environmental impacts
- Transport Assessment is based on 2016 data
- Does not take into account current traffic flows or committed developments
- Rush hour traffic backs up from the Longford roundabout to Twigworth Green
- Residents at site will have difficulty exiting Sandhurst Lane
- Proposed widening of Sandhurst Lane will cause traffic disruption
- There are no local school places available or increase in doctors' surgeries

**4.3 Sandhurst Parish Council – Objection**

- The previous application was refused (16/00904/OUT) and the Council consider that those reasons for refusal still apply.

**4.4 Down Hatherley Parish Council – Objection**

- Endorse the views of Twigworth Parish Council

**4.5 Severn Trent Water – No Objection to foul waste being discharged to public foul network do would not support surface water discharge to the STW network**

**4.6 Lead Local Flood Authority – No Objection subject to recommended conditions**

**4.7 Local Highway Authority – No Objection subject to recommended conditions**

**4.8 Ecology advisor – No Objection subject to recommended conditions**

**4.9 County Archaeologist – No Objection subject to recommended condition.**

**4.10 Landscape Advisor – No Objection subject to conditions**

**4.11 Tree Officer – No Objection subject to conditions**

**4.12 Housing and Enabling Officer – No Objection**

- Proposal complies with the policy requirement of 40% affordable housing provision
- Specific mix not submitted or yet agreed.

**4.13 Health & Safety Executive - Do Not Advise Against the granting of planning permission in this case.**

**4.14 Conservation Officer – No objection**

**4.15 Natural England – No Objection**

**4.16 Historic England – No Objection**

- Application site sits at the northern periphery of the grounds historically associated with Wallsworth Hall a Grade II\* building
- Previous refusal did not include a heritage objection.
- Due to topography and distance from the hall impact is minimal.

**4.17 Environmental Health Officer – No Objection, subject to conditions.**

- 4.18 Police Architectural Liaison Officer – No Objections**
- Attention drawn to archived document 'Safer Places : The planning system and crime prevention, in particular the 7 attributes contained therein.
- 4.19 County Community Infrastructure Developments Contribution Officer – No objections**
- Contributions required via S.106 for Education and library provision
- 4.20 Landscape Advisor – No objections in principle**
- There appears to be more compliance, or potential to comply with applicable landscape planning policies than conflict with the same.

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

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

- 5.1** The application has been publicised through the posting of a site notice for a period of 30 days and a newspaper advertisement.
- 5.2** Some 62 public representations have been received of which all but two, commenting generally are objections.

The expressed concerns are summarised as follows:

- Additional Highway impact and Highway safety concerns.
- Pavements on A38 is narrow.
- Insufficient existing community services and infrastructure
- 2.5 storey dwellings detrimental to residential amenity
- Increased flood risk.
- Existing sewage system inadequate.
- Noise pollution.
- Detrimental to local wildlife.
- Loss of grade 2 and 3a farmland.
- Poor local bus services.
- Increased flood risk, building on flood plain.
- Potential danger to adjoining protected trees.
- Over development.
- Outside of recognised settlement boundaries of neighbourhood plan Policy H2.
- No change in circumstances since previous application refused.
- Piecemeal ribbon development.
- Detriment to residential privacy
- No measurable public benefit.



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

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### **6.1 Statutory Duty**

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

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

### **6.2 National guidance**

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

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

- Policy SP1 (The need for new development)
- Policy SP2(Distribution of new development)
- Policy SD3 (Sustainable Design and Construction)
- Policy SD4(Design Requirements)
- Policy SD6(Landscape)
- Policy SD8 (Historic Environment)
- Policy SD 9 (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 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 (TBP)**

- Policy RES3(New Housing Outside Settlement Boundaries)
- Policy RES4(New housing at other rural settlements)
- Policy RES5(New Housing Development)
- Policy RES12(Affordable Housing)
- Policy RES13(Housing Mix)
- Policy DES1(Housing Space Standards)
- Policy HER2(Listed Buildings)
- Policy LAN2(Landscape Character)
- Policy NAT1(Biodiversity, Geodiversity and important Natural Features)
- Policy NAT3(Green Infrastructure; Building with Nature)
- Policy ENV2(Flood Risk and Water Management)
- Policy HEA1(Healthy and Active Communities)
- Policy RCN1(Public Outdoor Space)
- Policy TRAC1(Pedestrian Accessibility)
- Policy TRAC2(Cycle Network and Infrastructure)
- Policy TRAC3(Parking provision)

## **6.5 Neighbourhood Plan**

Down Hatherley, Norton and Twigworth Neighbourhood Development Plan – 2011-2031 (DHNTNDP)

- Policy E2 (Landscape protection in open countryside)
- Policy E3 (Landscape and new development)
- Policy H2(New Housing in Twigworth)
- Policy FP1(Demonstrating Effectiveness of water holding techniques their maintenance in perpetuity and of sewage capacity)

## **7. Policy Context**

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- 7.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 7.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans of which the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan (2019) (DHNTNDP) is the relevant in this case.
- 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.
- 7.5** The relevant policies and guidance are set out in the appropriate sections of this report.

## **8. Evaluation**

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- 8.1** The key issues for consideration in relation to this application are, the principle of development; landscape and visual impact; scale and layout, affordable housing provision; highway issues; residential amenity; flood risk and drainage; Heritage; ecology; public open space and infrastructure requirements.

### **Principle of development**

- 8.2** 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.
- 8.3** 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. Twigworth does not fall within any of these designated settlements.

**8.4** In this case, JCS Policy SD10 is the relevant starting point in considering the principle of development. Policy SD10 of the JCS states that within the JCS area new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. Housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. On sites that are not allocated, housing development and conversions to dwellings will be permitted on previously developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within District plans. Policy SD10 follows that housing development on other sites will only be permitted where:

- i. It is for affordable housing on a rural exception site in accordance with Policy SD12, or;
- ii. It is infilling within the existing built-up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District plans, or;
- iii. It is brought forward through Community Right to Build Orders, or;
- iv. There are other specific exceptions / circumstances defined in district or neighbourhood plans.

**8.5** The application site is greenfield land that lies outside of the defined settlement boundary for Twigworth as defined in the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan (DHNTNDP) and is not allocated for housing development. The site does not represent previously developed land; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing Tewkesbury Borough Local Plan to 2031 which allow for the type of development proposed here. Moreover, additional housing need for Twigworth has not been established through the development plan. The proposal therefore conflicts with Policies SP2 and SD10 of the JCS

#### **Tewkesbury Borough Plan (TBP)**

**8.6** The site adjoins but falls outside of the defined settlement boundary to Twigworth as identified within the Tewkesbury Borough Plan 2011 – 2031. In respect of new housing development outside defined settlement boundaries, Policy RES3 (criterion 3) of the TBP states that outside of the defined settlement boundaries, the principle of new residential development would be considered acceptable where development being proposed consists of 'very small-scale development at rural settlements in accordance with Policy RES4. The accompanying reasoned justification advises that within the rural areas (i.e. those parts of the Borough located outside of defined settlement boundaries) a restrictive approach is required to new residential development consistent with the advice at Paragraph 79 of the NPPF and Policy SD10 of the JCS, so to not undermine the JCS spatial strategy and its distribution of development.

**8.7** Policy RES4 (New Housing at other Rural Settlements) of the TBP seeks to support the vitality of rural communities and the continued availability of services and facilities in the rural areas by supporting the principle of very small-scale residential development within and adjacent to the built-up area of other rural settlements (i.e. those not featured within the settlement hierarchy) providing, amongst other things:

- a) it is of a scale that is proportionate to the size and function of the settlement and maintains or enhances sustainable patterns of development;
- b) it does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the plan period; as a general indication no more than 5% growth will be allowed;
- c) it complements the form of the settlement and is well related to existing buildings within the settlement;
- d) the site of the proposed development is not of significant amenity value or makes a significant contribution to the character and setting of the settlement in its undeveloped state...

*In all cases development must comply with the relevant criteria set out at Policy RES5. Particular attention will be given to the effect of the development on the form, character and landscape setting of the settlement.*

- 8.8** The site lies outside of any defined settlement boundary. Furthermore, the proposed development of up to 85 dwellings would not constitute small scale development or any other exception for development in a rural location. The proposed development is therefore considered to be contrary to Policies RES3 and RES4 of the TBP.

### **Neighbourhood Development Plan**

- 8.9** The Down Hatherley, Norton and Twigworth Neighbourhood Plan (NDP) was ‘made’ on 28th May 2019 and, as such, comprises part of the Development Plan. Paragraph 47 of the NDP advises that the settlement boundary has been defined around the area of highest density with the intention of focusing future growth proposals to this part of Twigworth. The application site lies outside the settlement boundary although it does abut it at the southern and eastern extent of the site. Paragraph 47 further provides that, whilst some development can be accommodated within it, it is likely that some growth will be required alongside these boundaries.
- 8.10** However, Paragraph 50 of the NDP makes clear, the aspirations of the parish community over the plan period, in requiring steady delivery of new development ‘*through a series of modest developments and not on a single large site delivered in a short space of time*’. The NDP sets out clearly, that what is proposed is an organic approach to sustainable growth in Twigworth, in line with available infrastructure. Further, the Community Action Point (Design Statement) on page 21 of the NDP provides further evidence that the NDP only envisages small scale developments by referencing ‘*Developments of multiple dwellings should generally adopt a farmstead cluster form*’.
- 8.11** Based upon the above, NDP Policy H2 sets out a number of criteria for guiding new housing development within the village, including the requirement for development to be located within or immediately adjacent to the settlement boundary, forming a logical extension to settlement form without undue harmful encroachment into the countryside (criterion 1). Policy H2 also requires development to achieve a standard of design and appearance of an appropriate density, scale and layout, which is respectful of its surroundings, village vernacular and materials, topography and heritage assets.
- 8.12** In view of the Parish’s stated aspirations for moderate growth over the plan period, through a series of modest developments, it is considered that the proposed development of some 85 dwellings, delivered within a single, large housing estate site as opposed to the NDP approach of organic, small scale ‘farmstead clusters’ of development, would be contrary to the Policy H2 of the NDP.

**8.13** The proposal is therefore considered to be in conflict with Policy H2 of the NDP.

### **Conclusion on the Principle of Development**

**8.14** 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 Policy H2 of the NDP and the conflict with these adopted development plan policies are the starting point for decision making.

### **Five year Land Supply**

**8.15** 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.

**8.16** 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.

**8.17** 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.

- 8.18** A significant portion of the appellant's case for this proposal is predicated on the proposition that as the Council cannot demonstrate a five year supply of deliverable housing sites, or close to it, that the strategic policies of the JCS should be set aside in conformity to the requirements of Paragraph 11 of the NPPF and the 'tilted balance' engaged. Where the 'tilted balance' is engaged paragraph 11(d) of the NPPF, requires that proposals are approved unless, the policies in the NPPF provide a clear reason for refusal, or the adverse impacts of approving the scheme would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. However as set out above, it is considered that the Council can demonstrate a five-year supply of deliverable housing sites notwithstanding the conclusions in the two recent Appeal Decisions. It is also noted that Paragraph 14 of the NPPF is not engaged, as the Neighbourhood Plan became part of development plan more than two years ago, does not contain policies and allocations to meet any identified housing requirement, and does not conflict with any relevant policies of the Development Plan in the JCS and TBP.

### **Landscape and visual impact**

- 8.19** The NPPF sets out that planning decisions should contribute to and enhance the natural and local environment. JCS Policy SD6 states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental, and social well-being. Proposals should have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area.
- 8.20** Policy E2 of the NDP provides that development in the open countryside, outside settlements, should be in accordance with strategic development plan policies within the JCS relating to the protection of the visual amenities of the landscape. Furthermore, a number of vistas and landscape features have been identified for protection within the policy, from intrusive development, including the enclosed tree-lined drive to Wallsworth Hall, openness of sections of the A38 corridor and open green spaces between the built component of dispersed settlement pattern which help retain a sense of undeveloped and rural character.
- 8.21** Although, all matters except for access have been reserved for future consideration, the application has been accompanied by a suite of supporting information relating to landscape, which includes an indicative site layout, Design Statement, Design Statement Addendum and Landscape and Visual Impact Assessment (LVIA).
- 8.22** The LVIA notes that the site, as a single field, has a natural boundary defined by hedgerows and tree planting and that there are no hedgerows within the land parcel which could otherwise form a natural edge. The study further notes that there are no hedgerows proposed for removal to accommodate up to 85 homes except at required points of access. The scheme also proposes to set aside and retain the remnant orchard and an existing pond area as wildlife habitats which could be enhanced with managed accessibility for the wider community. The study concluded that:

*"This land assessment parcel is not prominent. It is well contained and screened from the local road network by vegetation and existing settlement. Neither is this land parcel conspicuous in long distance views."*

- 8.23** This assessment has found that the introduction of the proposed development would have no significant visual effects on views from the local landmark of Sandhurst Hill, and to visitors of the nearby Wallsworth Hall. The assessment found that the potential for significant effects is focused on the adjoining length of private lane leading up to Wallsworth Hall, and on users of the public footpath to the north and west of the site (footpaths ETW3 & ETW2 respectively).
- 8.24** In the short term, the effects on these two receptor groups is identified as ‘Substantial – Moderate adverse’ for the users of the lane and ‘Moderate adverse’ for the footpath alongside, and to the west of the site (ETW3). These significant adverse effects are not found in the viewpoints further away from the site as the coalescing, intervening vegetation continually and cumulatively filter and screens views to the site.
- 8.25** In consideration of the proposed housing areas’ visual and landscape interrelationship with the surrounding countryside, the development’s landscape strategy would provide a continuous 18 metre wide landscape edge around the site’s western and northern edges. This edge widens to approximately 45 metres for part of the development’s western edge with Wallsworth Hall Lane where the flood attenuation basin situated. The Illustrative Landscape Masterplan proposes that the 18 metre wide edge would comprise both screen/copse planting and gaps or ‘windows’ between the planting, so as to craft views into and out of the site. The ‘windows’ indicated have been positioned with the master planners to align with streets, buildings and their open spaces so residents can enjoy the village’s setting and views to Sandhurst Hill whilst at the same time providing an improved landscape-led edge and interface with the surrounding countryside.
- 8.26** The site forms in the main a large flat arable field to the rear of existing residential properties and within close proximity to the A38. The site and the surrounding landscape setting are not covered by any landscape designations although the character of the landscape is attractive with strong field boundaries and hedgerow trees.
- 8.27** The site provides an important undeveloped edge to the existing ‘ribbon’ character of the settlement and is in marked contrast to the land to the Eastern side of the A38 which is being developed for housing as part of the strategic residential site. While there are no formal landscape designations at the site or in the surrounding area the site is nevertheless an important part of the wider rural landscape despite not being considered a valued landscape under NPPF 174 a). However, this does not mean that the landscape of the site and its surroundings are without value and the good hedgerow set around the site is a positive, cohesive characteristic at odds with the significant and ongoing residential development of the East, beyond the A38.
- 8.28** Officers consider that whilst the proposal when considered in isolation is on balance acceptable in terms of landscape, the fact that the proposal is acceptable on that basis does not however overcome the in-principle objection to the location of the development in the open countryside, unrelated to the sporadic, ribbon character of development on this side of the A38.

- 8.29** Twigworth Parish Council have raised strong objections to the proposal on several grounds, including landscape harm. Their concerns on this matter relate to the suburbanisation of the village and resulting loss of its attractive, open nature. Down Hatherley Parish Council have raised similar concerns in respect of the potential loss of valued landscape character of this part of the vale. All the Parishes who have commented on the proposal have drawn attention to the relevant policies of the Neighbourhood Plan including that the site is situated beyond the settlement boundary and is development in the open countryside, is of an inappropriate design and scale and contrary to policy E2 of the NDP.
- 8.30** As set out above, JCS Policy SD6 requires development to seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental, and social well-being. Furthermore, Policy E2 (Landscape Protection in the Open Countryside) of the NDP notes the importance of retaining identified important vistas and landscape features. These include the Wallsworth Hall tree-lined drive which adjoins the south/south-west of the site and the built component of dispersed settlement pattern, which helps to retain a sense of the undeveloped and rural character of the area.
- 8.31** The Tewkesbury Borough Landscape and Visual Sensitivity Study (LVSS) of 2014 part of the evidence base for the JCS assessed the site as part of wider land parcel ('Twig – 01') and considered that there was potential to accommodate a level of residential development, should Twigworth have subsequently been taken forward as a Service Village within the JCS. However, the LVSS also advised that the visual sensitivity of this land assessment parcel, to new residential development, increases with distance from the settlement edge out onto the vale. Furthermore, the study noted the land parcel to be sensitive to the perception of sprawl, encroachment and to changes to the predominantly linear non ribbon development settlement form in the area west of the A38.
- 8.32** It is however considered that the overall quantum of residential development proposed within the current scheme, could not be satisfactorily integrated within the site without discernible visual encroachment into the rural landscape to the north. Furthermore, the quantum of units proposed would result in visual detriment to the existing dispersed settlement pattern of Twigworth village. The proposal is therefore, considered by Officers to be contrary to the landscape protection aims and objectives of Policy SD6 of the JCS and Policy E2 of the NDP. The suggestion from the applicant that the proposed development would provide an enhanced urban edge to the open countryside is not accepted. The A38 currently provides a strong and defensible boundary in accordance with the settlement boundary Policy for Twigworth.

#### **Best and Most Versatile Land (BMV)**

- 8.33** The application is accompanied by an agricultural land classification assessment and considerations report. The site as described comprises some 5ha of agricultural land proposed for the development with 0.3 ha for non-agricultural uses. The site's agricultural land classification comprises, a complex mix of Grade 2, Subgrade 3a, Subgrade 3b and non-agricultural land. Within the site approximately 4.2 ha is of "best and most versatile" agricultural land quality, being land of Grades 2 and 3a. The previous application determination on the site included a refusal reason relating to loss of agricultural land.



**8.34** The site has been in use for arable crop production for a considerable period as reported by the Council's landscape advisor. The applicants' agricultural advisors' case is that BMV land is not a rare resource, and that there is no research that seeks to analyse the economic effect of taking BMV land for development. The agricultural advisor notes that:

*'Paragraphs 170 and 171 (officer note now footnote to paragraph 175) of the NPPF consider whether poorer quality land is available, with the trigger for assessment being that the proposal involves "significant development of agricultural land". What is "significant development" is not defined in the NPPF'*

**8.35** The applicant's agricultural agent contends that the site's area is small and that the loss of BMV is not significant and its loss should not constrain non-agricultural development.

**8.36** However, footnote (58) of paragraph 175 the NPPF recognises the economic and other benefits of Best and Most Versatile Land (BMV) and advises that when considering development proposals, planning authorities should seek to use poorer quality land in Grades 3b, 4 and 5, in preference to higher quality land.

**8.37** The site itself falls within Grade 2, 3a and 3b agricultural land and as such, the development of this field parcel in Officers view would result in the loss of higher quality land, as set out within the NPPF. This weighs against the proposal in the overall planning balance.

#### **Highways and Access Matters**

**8.38** Paragraph 103 of the NPPF sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Furthermore, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe (paragraph 109).

**8.39** JCS Policy INF1 requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. Paragraph 110 of the National Planning Policy Framework states 'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.'
- b) Safe and suitable access to the site can be achieved for all users;

- 8.40** Paragraph 112 of the Framework states ‘Within this context, applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
  - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- 8.41** Whilst the application is in outline form, means of access has been included for consideration as part of the current scheme. The application proposes a single point of access to serve the development off the single-track Sandhurst Lane, within the eastern boundary of the site. This access would utilise the existing agricultural access point which currently serves the site. The application has been supported by a Transport Assessment (TA) which identifies the proposed access as the most suitable location to serve the development. The A38 is a class 1 principal highway with footways of varying widths and street lighting. The A38 is subject to a 40mph speed restriction and provides a link between Gloucester (approx. 3km to the south) and Tewkesbury (approx. 12km to the north). Sandhurst Lane is a class 3 highway with no street lighting or footways.
- 8.42** The vehicular access would be sited approximately 50m to the north of the existing A38 Tewkesbury Road/ Sandhurst Lane priority junction and would take the form of a simple priority ‘T’ junction. The Planning Statement advises that the principle of the proposed access has been agreed with Gloucestershire County Council’s (GCC) Highways Officer. To improve access to the site, the Planning Statement advises that it is also proposed to widen Sandhurst Lane to 6m and 6.3m between its junction with the A38 Tewkesbury Road and the proposed site access. The access has been designed in accordance with GCC’s Manual for Gloucestershire Streets document to include 2m footways along both sides, up to Sandhurst Lane, and a 5.5m carriageway width.
- 8.43** The proposals also include a new pedestrian access point from the southern boundary of the site. The development proposals extend the existing pedestrian footway along the northern side of the A38 by approximately 10m to link with a new pedestrian access point. Provision for cycle access is also incorporated, via the proposed vehicular access point off Sandhurst Lane and/ or via the proposed pedestrian access point from the A38. The applicants also propose provision of a new uncontrolled pedestrian crossing point (with dropped tactical paving) across the A38 Tewkesbury Road to the south of the site. This included localised widening of the existing footway referred to above on the northern side of the A38 Tewkesbury Road between the proposed new crossing and new pedestrian access point to the site, and an upgraded existing uncontrolled crossing, on the north-eastern arm of the recently constructed roundabout to the southwest of the site, to a signal-controlled crossing.
- 8.44** The TA advises that the proposal would not result in severe impacts on surrounding road networks and concludes that there are no highways or transportation reasons that would preclude the proposed development of up to 85 dwellings at this location. The application has also been supported by a Travel Plan which provides detail on how development at this location would help to encourage significant changes in the way people travel.

- 8.45** Local residents, Twigworth Parish Council and adjoining parish councils have raised highways concerns in respect of the proposal. Concerns relate to the potential for Sandhurst village to become a 'rat run' as new residents seek to avoid the A38, highway safety concerns and cumulative traffic impacts relating to volume of vehicles utilising the single point of access from Sandhurst Lane onto the A38.
- 8.46** The Local Highway Authority (LHA) having considered the applicant's proposals have raised no objection subject to consideration in respect of the provision of pedestrian and cycle linkages, improved footways, assessing the signalisation of an existing crossing over the A38 and financial obligation towards Home to school transport and Travel Plan monitoring. It is also noted that the consultation response from the LHA is similar to that set out in the previous application at this site and no highway objection was raised in respect of that larger proposal.
- 8.47** Officers note that whilst the LHA have some concerns relating to details of access to the site, the harms identified are not such that the application should be refused on the basis of highway danger or road safety for all users and it is considered that the concerns raised could be appropriately addressed through conditions recommended by the LHA and as a scheme (if permitted) evolves at the reserved matters stage. Officers therefore consider that the access arrangements put forward at this outline stage are acceptable in principle and would accord with relevant development plan policy.

### **Design and layout**

- 8.48** 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.
- 8.49** The National Design Guide (NDG) addresses the question of how we recognise well-designed places, by outlining and illustrating the government priorities for well-designed places in the form of ten characteristics; one of which is the context. The NDG provides that well-designed development should respond positively to the features of the site itself and the surrounding context beyond the site boundary and that well-designed new development needs to be integrated into its wider surroundings, physically, socially, and visually.
- 8.50** 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.

**8.51** Policy H2 of the NDP requires new development for housing within Twigworth settlement to achieve a standard of design and appearance of an appropriate density, scale and layout, which is respectful of its surroundings, the village vernacular and materials, local topography and any heritage assets.

**8.52** The applicants submitted Design and Access Statement seeks to respond to the second reason for refusal of the previously refused application at this site. That reason for refusal stated that:

*'The overall quantum of development and its resulting layout, as indicated by the proposed indicative Masterplan, would result in an unduly harmful encroachment into the landscape and contribute to the loss of the defining linear settlement pattern and open, semi-rural nature, which is characteristic of this part of Twigworth village. The proposed development therefore, fails to accord with Policy H2 of the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan - 2011-2031 and Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011- 2031 (JCS)(December 2017).'*

**8.53** The applicant's argument is that the proposals will be a carefully integrated extension of Twigworth, carrying forward the best aspects of the local character, designed to the highest standards and incorporating progressive principles of sustainable development.

**8.54** It is noteworthy that the consultation response of the Urban Design Officer (UDO) when commenting on the previous similar proposal noted that the quantum of development proposed for this site would result in loss of the feel and character of the existing rural settlement. Furthermore, the UDO considered that the site's location to the rear of existing properties would result in very limited frontage development or connections to the existing street hierarchy. There would be an awkward relationship between the rear of existing properties and the proposed development and due to the scale of the development.

**8.55** The UDO considers that there would be a negative impact on the character of Twigworth. These concerns are pertinent to the consideration of this application and Officers continue to support this analysis and the associated adverse impacts of the proposed development.

**8.56** The site currently under construction to the south-east is also of relevance here. The development of 725 new homes, together with its associated facilities and infrastructure, will undoubtedly alter the settlement character on the eastern side of the A38. The parish's aspirations in seeking to protect the remaining form and settlement pattern by seeking a series of organic, modest developments throughout the course of the plan period are expressed within Policy H2 of the Neighbourhood Development Plan. The proposed development would introduce a quantum and form of development which would erode the remaining linear form and historic character of the settlement.

**8.57** Paragraph 50 of the NDP sets out the following;

*'A matter of profound importance to Twigworth is that, whatever growth level is ultimately determined, it should be delivered steadily over the plan's period through a series of modest developments and not on a large site delivered in a short space of time. The NDP proposes an organic, piece by piece, approach to support sustainable growth in Twigworth in line with the available infrastructure.'*

- 8.58** Notwithstanding the applicant's attempts to argue that the submitted revised proposal overcomes the previous reason for refusal, as set out above, Officers consider that the quantum, non-linear character, layout and location of the development remain contrary to JCS Policy SD4, Policies RES3 and RES 4 of the TBP and Policy H2 of the Down Hatherley, Norton and Twigworth NDP with regard to the location and character of development in the area.

### **Residential Amenity Including Impact on Amenity of Existing Occupiers**

- 8.59** JCS Policy SD14 sets out that development should protect and seek to improve environmental quality and should not cause unacceptable harm to local amenity including the amenity of neighbouring occupants. Although the application has been submitted in outline form, with all matters relating to layout and design reserved for future consideration, an indicative layout has been submitted in support of the proposal.
- 8.60** The indicative layout illustrates that the development would largely sit behind the existing linear run of properties which front onto the A38. The indicative Masterplan demonstrates that a distance of some 11 metres would be maintained between the closest existing dwelling to the site and new dwellings. This is considered acceptable in view of the oblique angle and orientation of the two buildings, relative to one another, as indicated by the indicative scheme. Back-to-back distances of 20 metres or more, could be provided between the new dwellings and all other existing properties. Furthermore, a landscaped buffer would be provided between existing and new properties which would serve to further protect the residential amenity of both existing and proposed houses from overlooking, overbearing or loss of light. The specific relationships to these existing, adjoining dwellings and the relationships of new properties within the development itself, would be considered at the reserved matters stage, should the outline application be approved.
- 8.61** Officers consider that the indicative masterplan illustrates that a level of residential development could be accommodated within the site, without detriment to the residential amenity of existing adjoining occupiers within the village.

### **Housing Mix**

- 8.62** JCS Policy SD11 states that housing development will be required to provide an appropriate mix of dwelling sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Development should address the needs of the local area, including the needs of older people as set out in the local housing evidence base, including the most up to date Strategic Housing Market Assessment (SHMA). No precise housing mix has been put forward as part of this application, although the DAS advises that a development of up to 85 homes is sufficient in size to be able to offer a breadth of housing typologies, sizes and affordability for occupation, which would complement the existing older properties and the nearby over 50's park homes.
- 8.63** A condition could be required (should the proposal be considered acceptable) to secure an appropriate housing mix for consideration as part of any future reserved matters application in order that the development meets the needs of the Borough and as evidenced by the latest SHMA at the time of the reserved matters application.

## **Biodiversity**

- 8.64** The NPPF sets out 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.
- 8.65** The application has been supported by an Ecological Appraisal which is based upon standard Phase 1 methodology. The Appraisal also includes an appraisal of faunal species and recording of the potential presence of any rare, or notable species, with specific surveys undertaken in respect of bats, Badger, Great Crested Newt and reptiles.
- 8.66** The site itself is not subject to any statutory or non-statutory ecological designations. The closest designation to the site is Innsworth Meadow SSSI, located approximately 0.75km south of the site. The submitted appraisal notes that the site comprises an arable field, along with boundary hedgerows, tree lines, scrub, semi-improved grassland, an orchard, a pond and a small area of hardstanding.
- 8.67** The habitats within the site are noted within the appraisal to be largely of low ecological value at the local level, with the hedgerows, tree lines, trees and orchard considered to be of elevated value in the context of the site. These habitats are largely retained and enhanced under the proposals.
- 8.68** With regards to protected species, the report concludes that no statutory or non-statutory nature conservation designations are present within the site, whilst no significant adverse effects on any designations within the site surrounds are anticipated. The Phase 1 habitat survey concluded that the site is dominated by habitats of negligible to low ecological value and noted that the proposals have sought to retain the features of elevated value. Where it has not been practicable to avoid loss of habitats, new habitat creation has been proposed to compensate losses, in conjunction with the landscape proposals. The habitats within the site have been recorded to support a range of species, including Badger, a modest assemblage of bats, birds and single/small numbers of Grass Snake, whilst a number of trees have been assessed to be of potential for roosting bats (albeit no evidence for the presence of roosting bats was recorded). In addition, a single onsite pond and two offsite ponds were recorded to support a metapopulation (population of spatially separated populations of the same species which interact at some level) of Great Crested Newt.
- 8.69** In light of these findings, the report proposes a number of mitigation measures in order to minimise the risk of harm to these and any other notable species that could be present or colonise from the local area. The report further advises that the development would incorporate significant enhancements in the form of native tree and wildflower planting, creation of SuDS and swales and the provision of specific faunal enhancements, including bat, bird and insect boxes, hedgehog domes and hibernaculum/log piles for amphibians and reptiles. The report concludes that it is considered unlikely that the proposed development would result in significant harm to biodiversity and that the opportunity exists to provide several net gains for biodiversity as part of the proposals.

- 8.70** The Biodiversity net gain metric presented by the applicants shows a net gain of Habitat of some 89% and hedgerow of 57%. Both results being compliant with policy NAT1 of the TBP. Natural England has been consulted in respect of the current proposal and is satisfied that, subject to the development being carried out in strict accordance with the details of the application submitted, and the submission of a Habitat Regulations Assessment prior to determination of any reserved matter, there would be no damage or destruction to the interest features for which the Innsworth SSSI has been notified. NE confirm that the SSSI does not represent a constraint in determining this application.
- 8.71** The Council's Ecological Consultant (EC) has also been consulted in respect of the scheme and has raised no objections, subject to strict adherence to the mitigation and enhancement measures included within the submitted Ecological Appraisal, and where necessary submission, prior to approval of the first reserved matters application updated surveys where necessary. The EC has also advised that a License would be required from Natural England in light of the identified presence of great crested newts.
- 8.72** The applicants have submitted a shadow Habitat Regulations Assessment (HRA) that without mitigation recreational impacts on the Cotswolds Beechwoods Special Area of Conservation (SAC) are likely to result, contrary to TBP Policy NAT5. The applicants have proposed in their HRA that this matter be addressed via S106 obligation of some £193 per dwelling, via Strategic Access Management and Monitoring requirement (SAMM).
- 8.73** The EC has also recommended appropriate planning conditions relating to the proposed ecological enhancements, including suitable tree planting species within the new wildlife areas and orchard areas, maintenance of the semi-improved grassland, the erection of wildlife information boards to aid new residents appropriate creation and management of the new SuDS and swales in order to maximise their wildlife benefits. Having regard to the above, subject to the imposition of the identified planning conditions and the SAMM planning obligation officers consider that the proposal would accord with paragraph 175 of the NPPF and Policy SD9 of the JCS and Policy Nat 5 of the TBP.

### **Affordable housing**

- 8.74** JCS Policy SD12 sets out that on sites outside of strategic allocations, a minimum of 40% affordable housing will be sought, should be provided on site and should be seamlessly integrated and distributed throughout the development scheme. Paragraph 53 of the NDP reflects this requirement for new residential development to provide an appropriate quantum of affordable housing to meet objectively identified need.
- 8.75** The applicants affordable Housing statement submitted as a supporting document to the application confirms that of the maximum 85 dwellings it is proposed that 40% (34 dwellings) will be delivered as affordable units.
- 8.76** The Council's housing and enabling officer accepts that the proposal in terms of the percentage of affordable housing is compliant with relevant Policy. However, the Officer requires the tenure mix be determined at outline stage. The required tenure mix is set out below:

	Social rent	AHO	Total
1 bed	6	2	8
2 bed	8	5	13
3 bed	6	4	11
4+ bed	3	0	2
Totals	23	11	34

- 8.77** In terms of accessibility, 50% of the affordable units should be M4(2) and a minimum of 7no: units M4(3)b -Wheelchair ready for use. These matters are supported by the 2020 Local Housing Needs Assessment. (LHNA)
- 8.78** The Council requires that all 1 and 2 bed units should be double bed standard. Hence 1 bed 2 person, 2 bed 4 persons. 3 beds and 4 beds can be a mix of sizes but at least 50% should be double bed sizes to maximise the affordable housing opportunity.
- 8.79** Officers conclude that the proposals in terms of affordable housing are policy compliant in principle and that the detailed requirements in respect of housing type and mix could be secured via Section 106 obligation.

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

- 8.80** 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.
- 8.81** The application is supported by a Flood risk Assessment, Drainage Strategy and water management plan(FRA) submitted by the applicants. The site is situated primarily in Flood Zone 1 with part of the site situated in Zone 2 & 3. All the proposed built development is situated in Flood Zone 1.
- 8.82** An attenuation led conceptual surface water drainage strategy has been proposed to manage the surface water runoff from the site. Attenuation will be provided in detention basin, which would limit runoff to a heavily restricted greenfield rate before discharging into a nearby pond. The basin is likely to be supplemented with a series of filter drains, tree pits and area of permeable paving, but would be subject to more detailed design considerations once outline planning permission were to be approved. Foul water is proposed to be disposed to a Severn Trent Water foul network at the east boundary of the site.



- 8.83** The initial consultation response from Severn Trent Water (STW) expressed concern that there was currently a capacity issue with respect to the disposal of foul sewage to their system that warranted further investigation. Following modelling STW confirmed that foul flows from the development could be accommodated onto their system within which there is adequate capacity to serve the development and other currently planned developments in the area.
- 8.84** Considerable concerns from the Parishes and local residents have been expressed concerning flood risk. All sources of flood risk for the area proposed for built development have been identified to be low or very low, and specific flood risk mitigation measures are not required. Nevertheless, finished floor levels are proposed to be raised 150 mm above surrounding ground levels in accordance with building regulations. This will help to ensure protection against shallow ponding of water which may follow periods of heavy or prolonged rainfall.
- 8.85** The FRA prepared for the previous planning application (ref 16/00904/OUT) proposed a pumped outfall into the watercourse to the north, along with some watercourse improvements. An alternative option has also been identified by the applicants. Further west (i.e. downstream), the watercourse discharges into a small pond. The pond is located approximately 4m below that of the development area. This presents the opportunity to explore a gravity outfall solution from the development. However, the applicants are aware of two services crossing the field parcel that the gravity outfall would run across. The applicants consider that further detailed investigation needs to take place to understand the precise depths and specific locations of those services to understand if a gravity system can be designed to effectively drain to the pond. Whilst preliminary investigations have suggested that it will be possible to pass beneath these services, if this is later found to be incorrect, the drainage outfall solution would need to revert to the pumped solution that was proposed under the previous planning application.
- 8.86** The Lead Local Flood Authority in their consultation response have raised no objection to the principles of the proposals subject to conditions requiring at a reserved matter stage the submission and approval of detailed proposals for surface water disposal.
- 8.87** The Council's drainage advisor has raised no objections to the proposals as submitted at this outline stage and officers consider that the proposals accord with the principles set out in TBP policy ENV2.

### **Heritage Assets and Archaeology**

- 8.88** When determining planning applications, the Local Authority should pay particular attention to the Planning (Listed Buildings and Conservation Areas) Act 1990, section 66 (1) in which "the local authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
- 8.89** Paragraph 189 of the NPPF advises that, in determining planning applications, Local Planning Authorities should require applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. This advice is reflected within Policy SD8 (Historic Environment) of the JCS, which requires both designated and undesignated heritage assets and their settings to be conserved and enhanced, as appropriate to their significance.

- 8.90** The site lies in relatively close proximity to a number of Grade II and one Grade II\* listed buildings, including; Wallsworth Hall (Country House) (Grade II\*), the main access for which is the private road along the southern site boundary and the following Grade II properties; 'The Manor House'; Yew Tree Cottage; Twigworth Lawn; Twigworth Court and its associated stable block.
- 8.91** Historic England has also been consulted in view of the site's proximity to the Grade II\* Wallsworth Hall. Historic England note that the relationship between Wallsworth Hall and the wider settlement of Twigworth is still legible, in the form of the two main drives, associated lodge, and Twigworth Court Farm and Farmhouse (Grade II) immediately adjacent to the southern entrance. Historic England advises that, whilst the importance of preserving key views from Wallsworth Hall towards Gloucester and the significance that this open countryside affords the hall is highlighted, they consider this proposal unlikely to impact its historic setting.
- 8.92** Whilst Historic England do not object to this proposal, they stress the necessity to screen development along this drive to preserve this experience of the approach to Wallsworth hall and recommend a green buffer. The indicative Masterplan illustrates that an appropriate landscaped buffer could be incorporated within the scheme and would be a matter for detailed consideration at the reserved matters stage in order to conserve the significance of the asset, along the extent of the western boundary should outline permission be granted.
- 8.93** The applicant has submitted a Heritage assessment and an archaeological impact study together with a desk-based analysis of archaeological remains and a geophysical survey. Following careful consideration of the applicants submitted supporting statement together with reference to the previous application the Conservation Officer of this Council, together with Historic England and the County archaeologist raise no in principle objections to the submitted proposals subject to the imposition of conditions.
- 8.94** Officers having considered the consultation responses on heritage impact and the submitted representations of the applicants conclude that the proposal, subject to compliance with conditions would conserve the historic significance of nearby heritage assets and the proposal would comply with Policy SD8 of the JCS.

### **Section 106 obligations**

- 8.95** 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.
- 8.96** 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.

**8.97** JCS Policy INF6 relates directly to infrastructure delivery and states that any infrastructure requirements generated as a result of individual site proposals and/or having regard to the cumulative impacts, should be served and supported by adequate and appropriate on/off-site infrastructure and services. The Local Planning Authority will seek to secure appropriate infrastructure, which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Policy INF4 of the JCS requires appropriate social and community infrastructure to be delivered where development creates a need for it. JCS Policy INF7 states the arrangements for direct implementation or financial contributions towards the provision of infrastructure and services should be negotiated with developers before the grant of planning permission. Financial contributions will be sought through S106 and CIL mechanisms as appropriate. TBP policy NAT5 provides for protection of the Cotswold Beechwoods via appropriate mitigation.

**8.98** Requests have been made by consultees and the applicants submissions to secure the following contributions which could be secured via a S106 agreement obligations:

#### Local Highway Authority

- Specific Purpose – Home to School Transport Contribution  
Contribution - £161,703.43  
Trigger – Prior to First Occupation  
Retention Period – 10 years from first occupation.
- Specific Purpose – Travel Plan Contribution  
Contribution - £45,120.00  
Trigger – Prior to First Occupation  
Retention Period –5 years from first occupation.
- Specific Purpose – Travel Plan Monitoring  
Contribution - £5,000.00  
Trigger – Prior to First Occupation  
Retention Period – Non-refundable

#### Community facilities

##### Education

- Primary school place per dwelling £18,133
- Secondary school places (ages 11 to 16) per dwelling £23,775
- Secondary school places (ages 16 to 18) per dwelling £23,775

##### Library

- For improved access to services through refurbishment of the library building, improvements to stock, IT and digital technology, and increased services.  
£196 per dwelling.

##### Affordable Housing

- As set out above to provide for 40% the tenure and numbers to be agreed.

##### Amenity space

- Arrangements for the provision within the site for the laying out and future management of amenity space including play areas (LEAP) and equipment, including community orchard provision.

## Waste

- The provision of household waste collection £73 per dwelling to be used for refuse and re-cycling bins.

## Strategic Access management and monitoring (SAMM)

- The provision £193 per dwelling to protect the Cotswold Beechwoods

## **9. Conclusion**

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- 9.1** Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70(2) of the Act provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 9.2** The application site lies outside of the settlement boundary for Twigworth, as defined within Proposal Map M3 of the Down Hatherley, Norton and Twigworth NDP and is not allocated for housing development. The site does not represent previously developed land within the built up areas of the village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the adopted Tewkesbury Borough Local Plan to 2031 which allow for the type of development proposed. The proposal therefore conflicts with Policies SP2 and SD10 of the JCS Policies RES3 and RES 4 of the Borough Plan and Policy H2 of the NDP.
- 9.3** Furthermore, the Council can currently demonstrate a five year land supply of deliverable sites, even if the applicant's contention that this is not the case and a five year land supply is not demonstrated, the context of the site and the proposed development is such that the weight to be applied to the negative material planning factors in this case clearly outweigh any benefits in the assessment of the planning balance.

### ***Benefits***

- 9.4** The delivery of market and affordable housing would provide a considerable social benefit. Furthermore, there would be economic benefits both during and post construction through the creation of new jobs and the support to existing local services and the local economy. Overall, given the scale of development, these benefits would attract substantial weight in favour of granting permission.
- 9.5** The provision of public open space would be a social benefit which would serve the needs of the existing community as well as new residents. This is recognised as a very minimal limited benefit in support of development as this element would be required in any event, to mitigate the impacts of the development itself.

### ***Harms***

- 9.6** Harm arises from the conflict with development plan policies relating to housing, particularly JCS Policy SD10 and TBP policies RES3 and RES4 and Policy H2 of the DHNTNDP.

- 9.7 Harm would also arise to the landscape by virtue of the loss of a green field and the encroachment of built form into the open countryside. The quantum of development proposed would also result in very significant harm to the existing form and settlement pattern, evidenced within the western side of Twigworth and the resulting loss of its open, rural character and the creation of a non-defensible boundary which the A38 currently provides.
- 9.8 The loss of higher quality agricultural land, the best and most versatile, falling within Grades 2, 3a and 3b, because of the development, this issue would represent significant harm in contravention of national planning policy.

***Neutral***

- 9.9 Whilst the application is in outline with all matters reserved for future consideration, save for access, the supporting DAS and illustrative site layout does is unlikely to raise any residential amenity issues in terms of a loss of light, outlook and privacy. The development would not be at an unacceptable risk of flooding and appropriate drainage infrastructure could be provided. The proposal would not materially harm the setting of any designated heritage assets and there would be an acceptable impact in terms of archaeology.
- 9.10 Subject to compliance with conditions, the proposal could be served by a safe and suitable access and the residual cumulative impact on the highway network would not be severe. The proposal would also be acceptable in terms of its impact on biodiversity. Therefore, subject to compliance with recommended conditions, the proposal would result in neutral impact on residential amenity, flood risk and drainage, heritage assets, highways and ecology.

**Overall Conclusion**

- 9.11 The Council can currently demonstrate a five year supply of deliverable housing sites and the proposal falls to be considered in terms of relevant Development Plan policies which the development is contrary to as set out above.
- 9.12 However, the applicant's proposition within their appeal submission is that the Council cannot demonstrate a five year supply of deliverable housing sites and as such permission should be granted in accordance with the 'tilted balance' in paragraph 11 of the NPPF. The Council disagrees with this proposition. Nevertheless, if the Council cannot currently demonstrate a five-year supply of deliverable housing sites and as such, the settlement/housing policies in the Development Plan (JCS and TBP) are deemed to be out-of-date as per footnote 8 to paragraph 11 of the NPPF, then the Council consider that the adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Development Plan and the NPPF taken as a whole. The NDP is now in excess of two years old since becoming part of the Development Plan, but still carries some weight. Although the weight that can be afforded to the relevant Development Plan settlement/housing policies would be reduced if the 'tilted balance' is applied as they are considered to be out of date, this does not mean that they carry no weight. They remain relevant.

**9.13** Nevertheless, the weight of local community views and from the Parishes opposing the proposals together with the overriding conflict with policies in respect of the location of new development together with the conflict with other Development Plan policies mean that, in the event that the tilted balance applies, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the application, when considered against the Development Plan policies and the NPPF when read as a whole.

## **10. Recommendation**

**10.1** That the application be **REFUSED**.

## **11. Reasons for Refusal**

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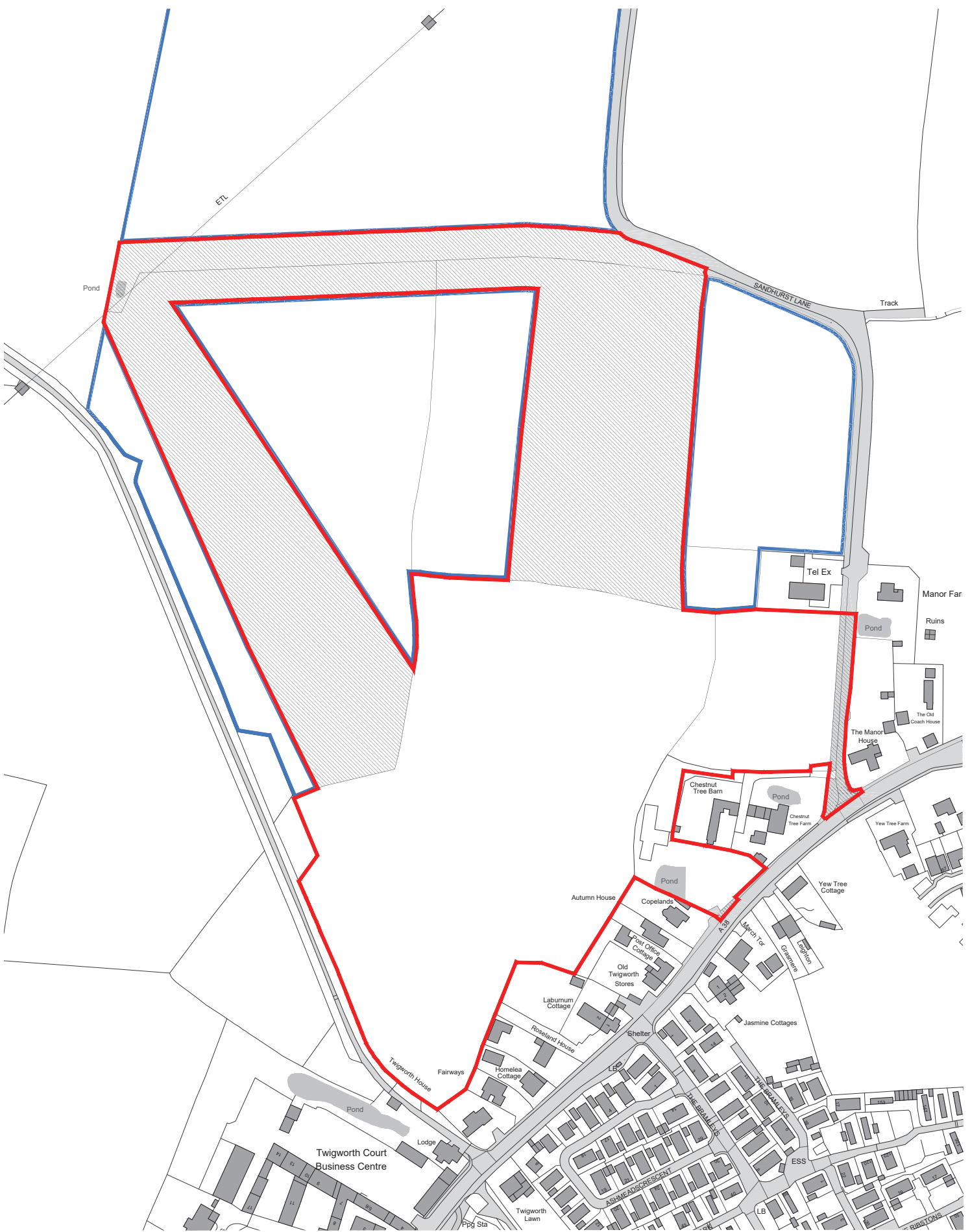
- 1** The proposed development conflicts with Policies SP2 and SP10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017) in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development of the scale proposed. The site lies outside of any settlement boundary as defined by the adopted Tewkesbury Borough Plan 2011 -2031 and is contrary to Policies RES 3 and RES 4 of that Plan. Furthermore, the proposed development conflicts with Policy H2 of the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan, which seeks to ensure that sustainable growth should be delivered steadily over the Plan period, through a series of modest developments and not on a single, large site delivered in a short space of time.
- 2** The overall quantum of development and its resulting layout, as indicated by the proposed indicative Masterplan, would result in an unduly harmful encroachment into the landscape and contribute to the loss of the defining linear settlement pattern and open, semi-rural nature, which is characteristic of this part of Twigworth village. The proposed development therefore, fails to accord with Policy H2 of the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan – 2011-2031, Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS)(December 2017) and Policies RES3 and RES 4 of the Tewkesbury Borough Plan 2011-20131.
- 3** The proposed development would result in the loss of Best and Most Versatile agricultural land, the loss of this valuable resource is not outweighed by economic or other benefits, contrary to paragraphs, 174 and 175 footnote 58 of the National Planning Policy Framework. (2019).
- 4** In the absence of an appropriate planning obligation, the application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with Policy SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS)(December 2017)and Policy RES12 of the Tewkesbury Borough Plan 2011-20131

- 5 In the absence of an appropriate planning obligation, the application does not make provision for the delivery of recycling/waste bins, education contributions for pre-school, primary and secondary education provision, library provision, public open space and SAC strategic access management and monitoring (SAMM) contribution. The application also makes no provision for the Home to school transport plan, Travel Plan or monitoring of that Plan. The proposed development is therefore, contrary to Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS)(December 2017) and NAT5 of the Tewkesbury Borough Plan 2011-2031(June 2022)

## **11. Informatives**

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1. In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to seek solutions to overcome planning objections and the conflict with Development Plan policy by seeking to negotiate with the applicant to address identified issues of concern and providing on the council's website details of consultation responses and representations received. However, negotiations have failed to achieve sustainable development that would improve the economic, social and environmental conditions of the area.



- Red Line Boundary - 10.14Ha
- Blue Line Boundary
- Land reserved for surface water drainage & Access Works

proj: 22-045    dwg: 200    date: 21/11/2022    rev: C

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**FINAL**

## Chestnut Tree Farm, Twigworth

# 124

## Site Boundary Plan

L&Q Estates Limited, Michael Smith, Adrian Wilcox and Julian Smith.

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Sketch proposals are for illustrative purposes only & as such are subject to detailed site investigation including ground conditions/contaminants, drainage, design & planning/density negotiations. Sketch proposals may be based upon enlargements of OS sheets & visual estimations of existing site features, accuracy will therefore need to be verified by survey.





Legend	Description
	Application Boundary
	Blue Line
	Proposed Development
	Proposed 2.5 Storey Dwelling
	Existing Trees Retained
	Proposed Copse/Woodland
	Proposed Incidental & Street Trees
	Proposed Orchard Trees & Allotment/Permaculture Growing Area
	Proposed SuDS Attenuation Area
	Proposed Hedgerow
	Proposed Species Rich Grassland
	Proposed LEAP (Locally Equipped Area for Play)

 the richards partnership 1 Agincourt Square, Monmouth, NP25 9BT T: +44(0)1600 772251	<b>Project:</b> Chestnut Tree Farm, Twigworth	<b>Title:</b> Illustrative Landscape Masterplan	<b>Revisions</b> Rev A: Drawing created - 24/11/2022 Rev 0: Drawing created - 14/11/2022	<b>Drawn by:</b> JG <b>Checked by:</b> PJR <b>Status:</b> Planning <b>Date:</b> 14/11/2022 <b>Drawing no:</b> 22-43-PL-201 <b>Rev:</b> A
	<b>Scale:</b> 1:1250 @A1 			



DO NOT SCALE

- KEY
-  SITE BOUNDARY
  -  HIGHWAY BOUNDARY
  -  VISIBILITY SPLAY 120M DMRB
  -  VISIBILITY SPLAY 90M DMRB

REV	DATE	BY	CHK	APP
E	03/11/2022	JK	UPDATED DRAWING FRAME	SD JIM
D	07/07/2016	JMM	UPDATED RED LINE BOUNDARY	JMM DB
C	06/06/2016	JMM	MINOR UPDATES TO PROPOSALS	JMM DB
B	01/06/2016	JMM	MINOR UPDATES TO PROPOSALS	JMM DB
A	30/03/2016	JMM	FIRST ISSUE	JMM DB

DRAWING STATUS: S2 - FOR INFORMATION



1 Capital Quarter, Tyndall St, Cardiff, CF10 4BZ, UK  
T+44 (0) 2922 076 9200  
wsp.com

CLIENT: LAQ Estates Ltd, Michael John Smith, Adrian John Wilcox and Julian Simon Smith

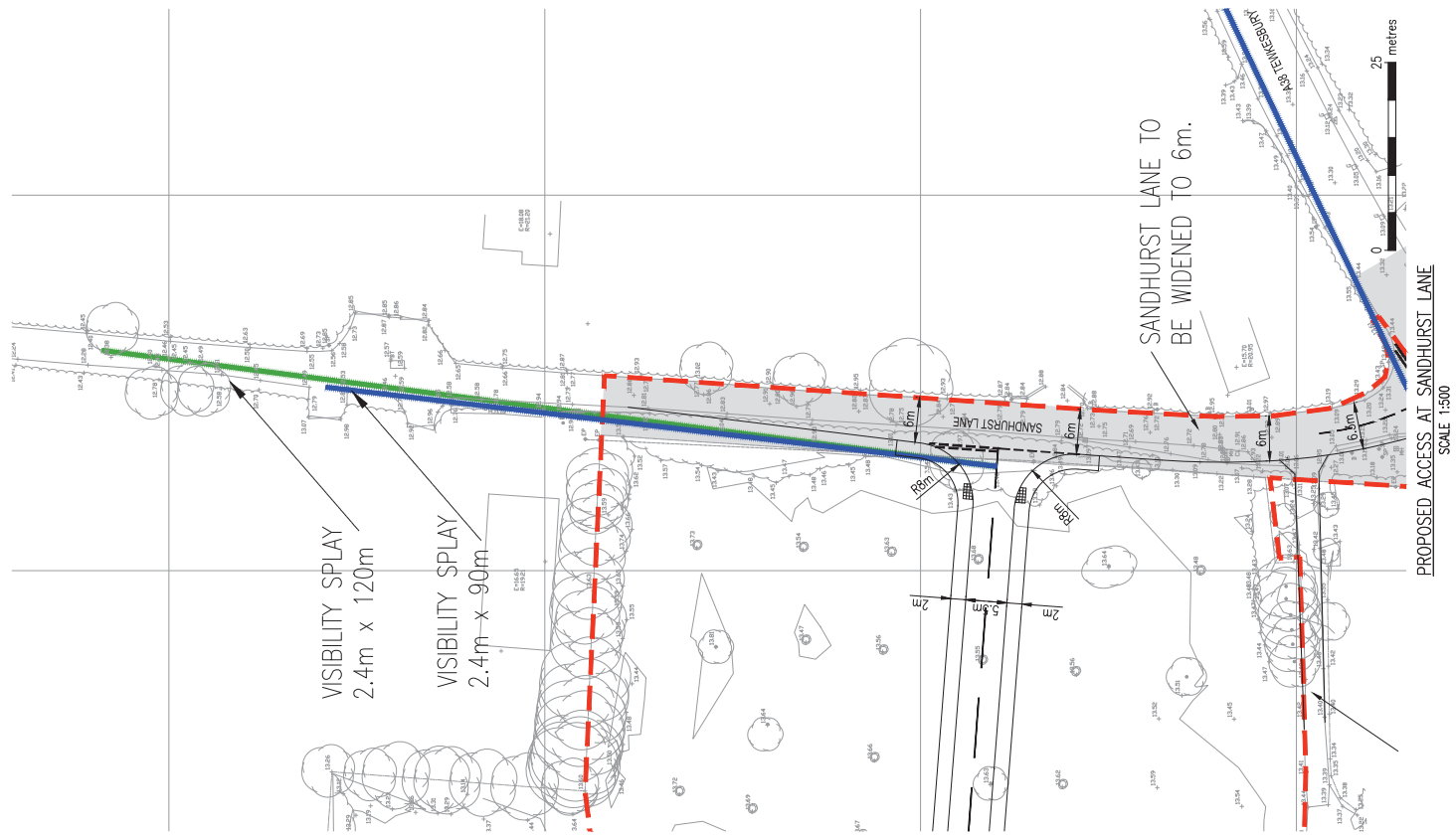
ARCHITECT: ORIGIN 3

PROJECT: SITE A  
TWIGWORTH

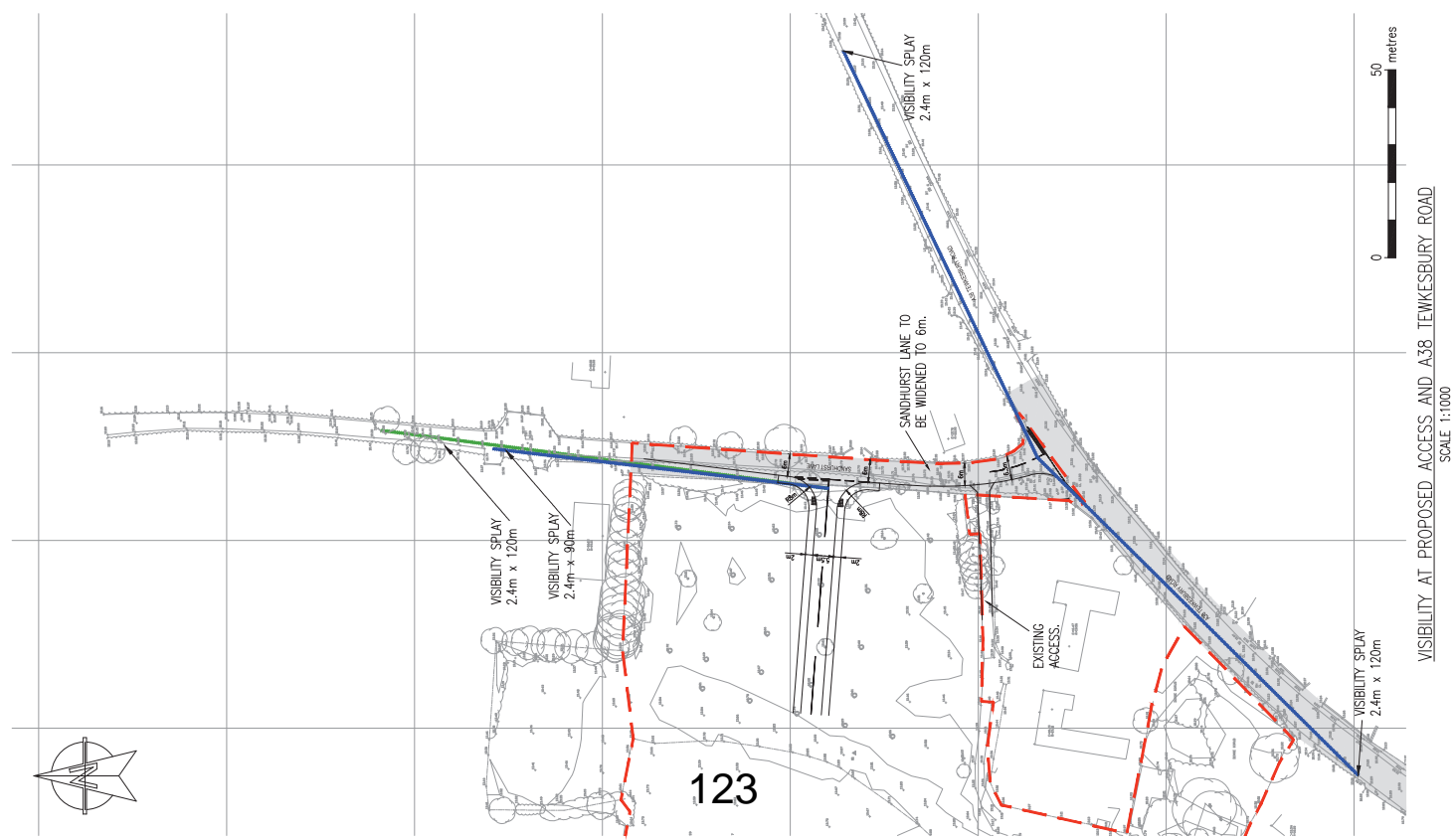
TITLE: PROPOSED SITE ACCESS  
SANDHURST LANE

SCALE @ A2:	CHECKED:	APPROVED:
AS SHOWN	JMM	JMM
DESIGNED:	DRAWN:	DATE:
AS SHOWN	AS SHOWN	JULY 2016
PROJECT No:	DRAWING No:	REV:
70101450	3504-SK-05	E

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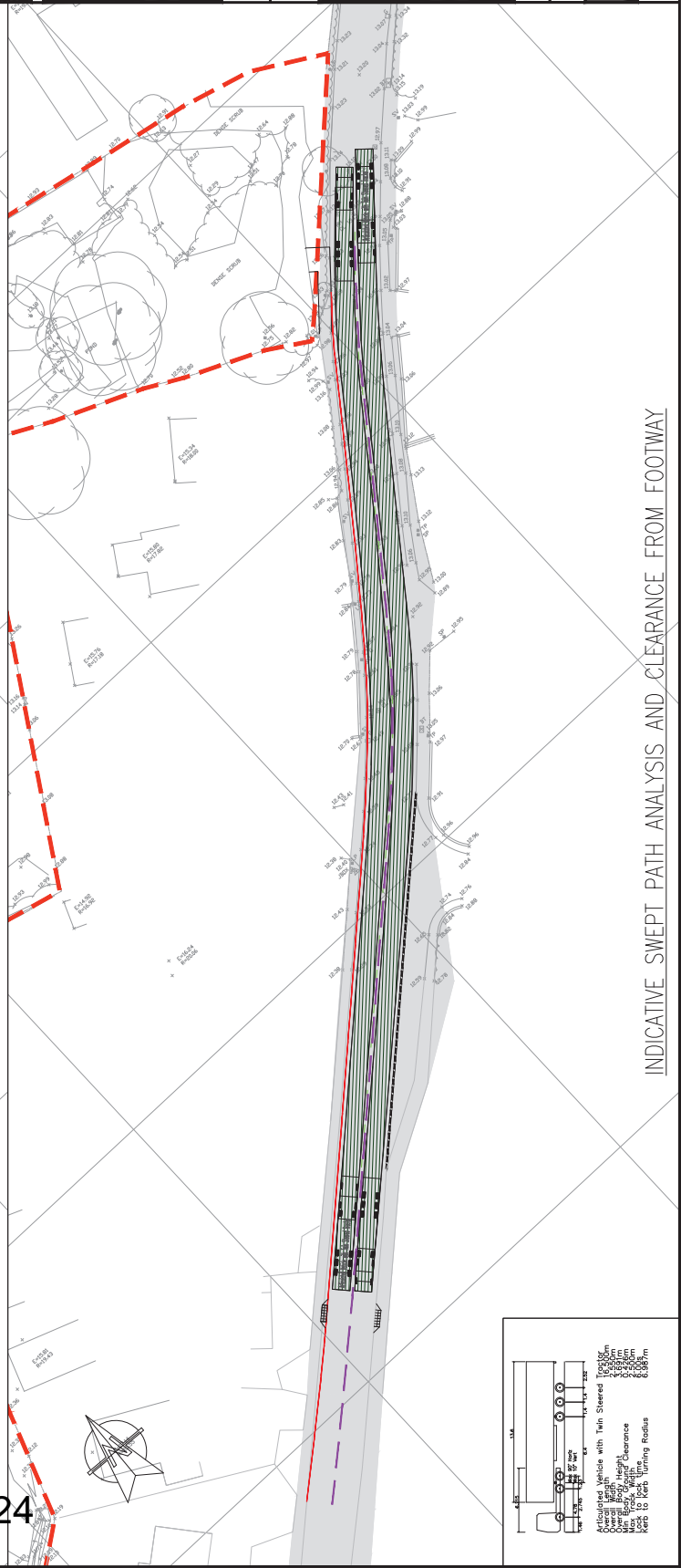
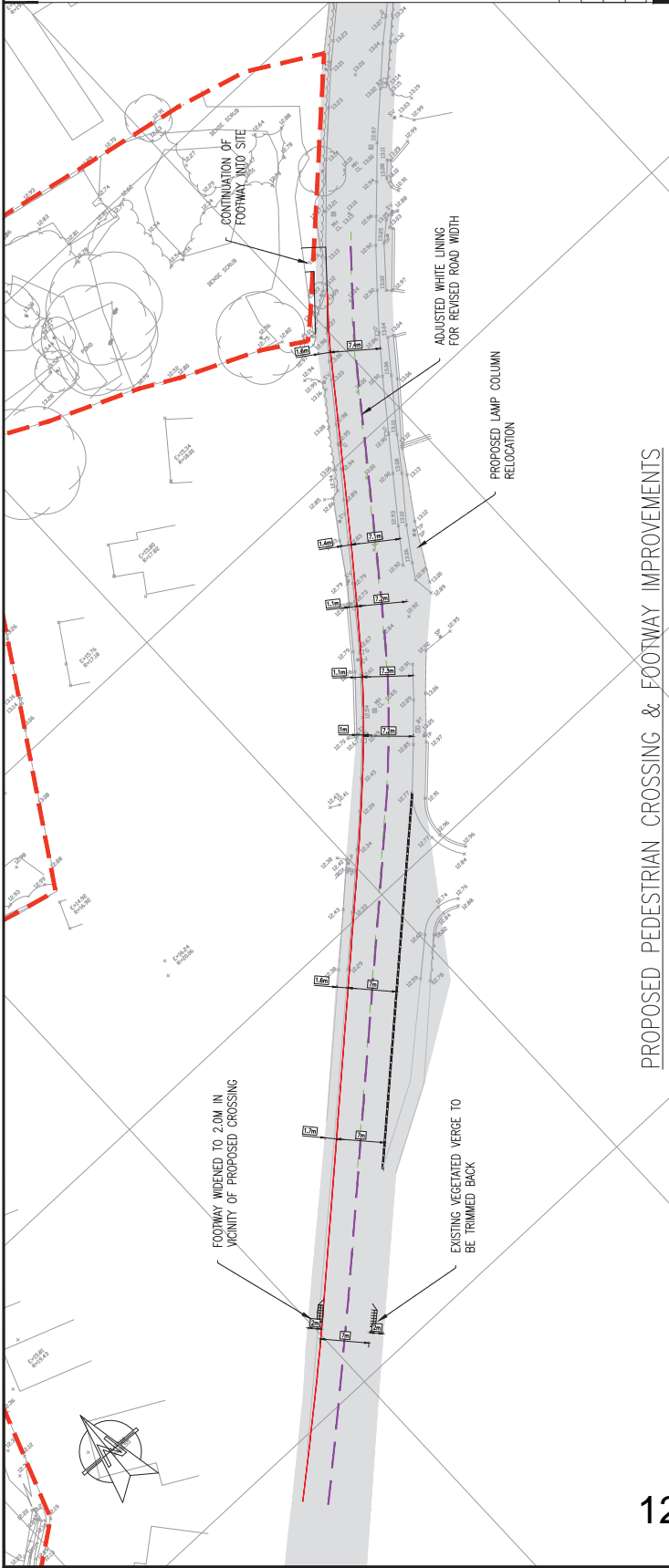


PROPOSED ACCESS AT SANDHURST LANE  
SCALE 1:500



VISIBILITY AT PROPOSED ACCESS AND A38 TEWKESBURY ROAD  
SCALE 1:1000

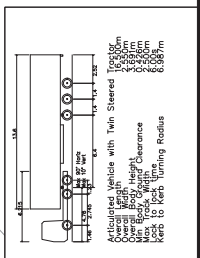
123



124

PROPOSED PEDESTRIAN CROSSING & FOOTWAY IMPROVEMENTS

INDICATIVE SWEEP PATH ANALYSIS AND CLEARANCE FROM FOOTWAY



**DO NOT SCALE**

**KEY**

- SITE BOUNDARY
- HIGHWAY BOUNDARY
- EXISTING CENTRELINE (APPROXIMATE)
- PROPOSED FOOTWAY WIDENING
- PROPOSED CENTRELINE REALIGNMENT

REV	DATE	BY	DESCRIPTION	CHK	APP
C	03/11/2022	JK	DRAWING FRAME UPDATED	JK	JK
B	23/03/2017	DWM	DRAWING UPDATE	JK	DP
A	08/02/2017	DWM	FIRST ISSUE	JK	DP

**DRAWING STATUS: S2 - FOR INFORMATION**

1 Capital Quarter, Tyndall St, Cardiff, CF10 4EZ, UK  
T+44 (0) 2922 076 9200  
wsp.com

**CLIENT:** LAQ Estates Ltd, Michael John Smith, Adrian John Wilcox and Julian Simon Smith

**ARCHITECT:** ORIGIN 3

**PROJECT:** CHESTNUT TREE FARM, TWIGWORTH

**TITLE:** PROPOSED PEDESTRIAN CROSSING AND FOOTWAY IMPROVEMENTS

SCALE @ A2:	CHECKED:	APPROVED:
1:500	JMM	DB
PROJECT No:	DESIGNED:	DRAWN:
7010/450	DWM	DWM
DRAWING No:	DATE:	REV:
3501-SK-12	February 2017	C

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## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

<b>Committee:</b>	Planning
<b>Date:</b>	21 July 2020
<b>Site Location:</b>	Land at Chestnut Tree Farm Twigworth GL2 9PN
<b>Application No:</b>	16/00904/OUT
<b>Ward:</b>	Innsworth
<b>Parish:</b>	Twigworth
<b>Proposal:</b>	Outline planning proposal for up to 100 dwellings together with associated public open space and equipped children’s play space, landscaping, access and associated infrastructure. All matters reserved except for access.
<b>Report by:</b>	Lisa Dixon
<b>Appendices:</b>	Site location plan Indicative Masterplan
<b>Recommendation:</b>	Refuse

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises a field, of approximately 5.3 hectares, located on the northern side the A38, Tewkesbury Road, Twigworth. Existing residential properties on Tewkesbury Road border the site along its southern/south-eastern boundaries. Sandhurst Lane bounds the site to the east and to the west, the site is bounded by the tree-lined, private access lane which leads to the ‘Nature in Art’ Gallery and Museum. Beyond the northern boundary lies open field/farmland. The site is noted within the supporting Design and Access Statement, to be currently in use as agricultural land.
- 1.2 The site does not fall within any national or local landscape designation. The south-western corner of the site and the adjoining land beyond to the west and the north lie within Flood Zone 2. Adjoining fields to the north and west also lie within Flood Zone 3. The village Settlement Boundary, as defined by the Adopted Neighbourhood Development Plan (NDP), runs along the southern and eastern boundaries of the site. As such, the site itself, with the exception of a small portion which lies in between existing built development fronting the A38, falls outside of the identified Settlement Boundary.
- 1.3 A public right of way runs parallel and just beyond, the northern boundary of the site, continuing across Sandhurst Lane in an easterly/south-easterly direction until it reaches the A38.
- 1.4 The Twigworth Strategic Allocation site, which has outline planning permission for 725 dwellings (planning reference: 15/01149/OUT), lies in close proximity to the south, on the opposite side of the A38.

- 1.5 A number of heritage assets lie in relatively close proximity to the site, among them, Twigworth Court which lies to the western side of the Nature in Art access and The Manor House, located towards the entrance to Sandhurst Lane on its eastern side.
- 1.6 Furthermore, a number of existing utilities either cross the site or are located in close proximity to it. A public sewer runs along the eastern site edge at the rear of the existing housing and a water main and low voltage cable run along the southern boundary to the 'Nature in Art' access/lane. In addition, existing electricity and BT services run along the Sandhurst Lane frontage.
- 1.7 The current application seeks outline planning permission for the erection of up to 100 dwellings, together with associated infrastructure, access and landscaping, including public open space and equipped children's play space. All matters except for means of access (Appearance, Landscaping, Layout and Scale) are reserved for future consideration (**See attached plans**).
- 1.8 An indicative masterplan has been submitted to accompany the application which proposes a single point of vehicular access off Sandhurst Lane. The accompanying DAS notes the presence of a remnant orchard within the south-eastern and eastern parts of the site adjoining the A38, containing a pond and mature trees. These areas are proposed for retention within the indicative masterplan as part of new 'wildlife areas' to serve the development. A new pedestrian link is proposed through to the site from the A38, together with a new footpath link to the north of the site to connect with the existing PROW. The indicative masterplan proposes a children's play area towards the centre of the site and informal area of public open space (POS) along the western boundary abutting the adjoining Nature in Art access.
- 1.9 A single point of vehicular access, including adjoining pedestrian footway, is proposed off Sandhurst Lane. The accompanying DAS notes that the residential parcels have been arranged around a loose grid of perimeter blocks in order to maximise permeability for pedestrians and cyclists. Proposed housing is predominantly designed around cul-de-sacs, although the accompanying DAS notes that whilst the roads do not physically connect, 'there is a visual alignment with the route to 'Nature in Art'.
- 1.10 The DAS advises that the current scheme would provide a number of benefits, the main ones being; provision of accessible public open space including new children's play area, which can be used by existing and new residents alike; creation of a considerate development which responds to existing neighbours; delivery of new houses, providing for a broad community mix with a variety of house sizes and tenures; fostering of a sense of place with well-connected public realm footpaths and links to existing PROW; improved access to public transport and protection of biodiversity and habitat through the retention of existing ponds, orchards, hedgerows and trees.

## 2.0 RELEVANT PLANNING HISTORY

Whilst there is no planning history directly relating to the site itself, the following allowed appeal, at the Strategic Allocation site to the south/south-east of the site, is considered relevant.

Application Number	Proposal	Decision	Decision Date
15/01149/OUT Appeal ref: APP/G1630/W/16 /3154464	Mixed use development comprising demolition of existing buildings; up to 725 dwellings and a local centre of 0.33 ha (A1, A2, A3, A4, A5, D1, D2 uses); primary school,	Appeal Allowed	21.12.2017

## 3.0 RELEVANT POLICY

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

### National guidance

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

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

3.3 Policies SP2 (Distribution of New Development); SD3 (Sustainable Design and Construction); SD4 (Design Requirements); SD6 (Landscape); SD8 (Historic Environment); SD9 (Biodiversity and Geodiversity); SD10 (Residential Development); SD11 (Housing Mix and Standards); SD12 (Affordable Housing); SD14 (Health and Environmental Quality); INF1 (Transport Network); INF2 (Flood Risk Management); INF3 (Green Infrastructure); INF4 (Social and Community Infrastructure); INF6 (Infrastructure Delivery); INF7 (Developer Contributions).

### Tewkesbury Borough Local Plan to 2011 - March 2006 (TBLP)

3.4 Policies: TPT6 (Cycle Parking); RCN1 (Outdoor Playing Space)

### Tewkesbury Borough Plan 2011-2031 Submission Version (May 2020)

3.5 Policies: RES3 (New Housing Outside Settlement Boundaries); RES4 (New Housing at other Rural Settlements) RES5 (New Housing Development), RES12 (Affordable Housing), RES13 (Housing Mix), DES1, HER3, NAT1, NAT3, ENV2, HEA1, RCN1, RCN2, TRAC1, TRAC2, TRAC3, TRAC4

### Down Hatherley, Norton and Twigworth Neighbourhood Development Plan – 2011 – 2031

3.6 Policies: E2, E3, H2, FP1

3.7 Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life); The First Protocol, Article 1 (Protection of Property)



## 4.0 CONSULTATIONS

- 4.1 **Twigworth Parish Council** - The Parish Council strongly objects to the current proposal on the following grounds; As set out within the provisions of the adopted Neighbourhood Development Plan (NDP), the site is not a suitable area for suburban expansion – the policies of the NDP should be adhered to; there are compelling physical and environmental reasons for retaining Twigworth's open, semi-rural character, namely the continued threat of pluvial flooding and serious traffic issues; virtually every rush hour brings tail-backs from the Longford roundabout to Orchard Park or beyond – the development would inevitably add to existing traffic congestion in this location; the rural lanes would become increasingly dangerous rat-runs – Sandhurst Lane would be unsurpassable and a safety hazard due to increased traffic, farm traffic and other users (cyclists, pedestrians and horse-riders etc); together with the Strategic Allocation, the development would comprise the start of the suburbanisation of Twigworth and the extinction of its attractive, open nature; the site lies within Flood Zones 2 and 3 – many of the existing properties on this side of the A38 have suffered significantly from pluvial and fluvial flooding; the infrastructure of the settlement cannot cope with the additional residential development proposed – the water pressure during the summer months is already extremely poor.
- 4.2 **Norton Parish Council** – Objection - Norton Parish raise objections to the proposal, citing highway safety concerns and traffic build-up resulting from vehicles to/from the development entering/emerging from the narrow Sandhurst Lane, to from the A38. The Parish raises additional concerns regarding the inability of existing infrastructure along this stretch of the A38 to cope with additional residential development. Concerns have also been expressed regarding impact on quality of life of existing residents.
- 4.3 **Sandhurst Parish Council** – Objection – Sandhurst Parish object to the scheme on the following grounds: The development would exacerbate pluvial and fluvial flooding; the Sandhurst Lane/A38 junction is inadequate to cater for the additional approximate 200 vehicles; Sandhurst Lane is a single lane with limited visibility and is already utilised as a rat run for traffic; Sandhurst Lane regularly floods during winter and is in exceptionally poor condition and unsuitable for the additional vehicles that would be generated by the development; there have been lots of unreported vehicular accidents in the immediate area and the development would increase highway safety concerns.
- 4.4 **Down Hatherley Parish Council** – Objection – Down Hatherley Parish Council raise concerns on the following grounds: the scale of the scheme fails to comply with criteria for new housing development, as set out within the adopted Neighbourhood Development Plan – Policy H2 clearly excludes development of this magnitude; Twigworth is already over-developed with the Strategic Allocation and Yew Tree Farm sites and has reached saturation point. As such, the proposal is totally unsustainable; there would be direct and cumulative traffic impacts – there is already severe traffic queues and rat-running along the lanes here; there is acknowledged pluvial and pluvial flooding in the locality and a further large development would add to the complexity of flood risk already present.
- 4.5 **County Highways Officer (CHO)** – The CHO requested additional information in order to fully assess the impacts of the development upon the highway network, including the cumulative impacts of existing developments/commitments. Following the submission of Junction capacity assessments in respect of the Sandhurst/A38 junction and Longford roundabout, the CHO has raised no objection on highways grounds, subject to appropriate planning conditions.

- 4.6 **County Council Lead Local Flood Authority (LLFA)** - Considers that the Flood Risk Addendum document adequately addresses the concerns relating to the location of infrastructure in flood zones 2 and 3 and advises that there would need to be legally binding agreement for access to the drainage structure for the lifetime of the development to enable the maintenance requirements. Legal documentation showing that the existence and access for maintenance of the ditch is required to be included in any submission for discharge of detailed drainage conditions related to this site. The LLFA raises no objection to the proposal provided the proposed works to the culvert are secured as part of any planning approval. Conditions are also required relating to surface water drainage details including a timetable for implementation and management and a maintenance plan.
- 4.7 **County Archaeologist (CA)** – The CA has no objection subject to conditions requiring the undertaking of an appropriate programme of work to excavate and record any significant archaeological remains, prior to the development, in order to mitigate the ground impacts of this scheme.
- 4.8 **Natural England (NE)** - Satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Innsworth Meadows SSSI has been notified.
- 4.9 **Severn Trent Water (STW)** – With regards to surface water disposal, STW have raised no objections to the proposed pumped solution for discharge to the ditch course to the north of the site which subsequently connects to Cox's Brook. STW also raise no concerns in respect of the proposed means of foul sewage discharge but require the submission of a plan illustrating the final proposals, to allow final approval.
- 4.10 **County Development Contribution Investment Officer (County Education)** – Advised that the scheme would generate the following pupil yields and required s106 contributions:- Preschool places – 31 (£452,730.00) towards Churchdown/Innsworth Primary Planning Area; Primary places – 41 (£618,731.00) towards Norton C of E Primary School; Secondary places – 31 (£642,932.00) towards Churchdown School Academy. The scheme would also generate additional need for library resources, requiring a contribution of £19,600, based on a formula of £196.00 per dwelling.
- 4.11 **CPRE** – No response received.
- 4.12 **Crime Prevention Design Advisor (CPDA)** – The CPDA requires the development to incorporate Secured by Design standards/principles, including the requirement for a lighting plan, designed to allow for seasonal variations, thereby removing areas of deep shadow.
- 4.13 **NHS England Estates Advisor** – No response received.
- 4.14 **Urban Design Officer (UDO)** - The site is located to the rear of existing properties with very limited frontage or connections to the existing street hierarchy. Due to the scale of this development the UDO considers that it would have a negative impact on the rural character of Twigworth settlement.
- 4.15 **Conservation Officer (CO)** – The CO considers the development's heritage impact upon the setting of nearby heritage assets to be largely neutral, and that the layout and landscaping design would enable any potential conflicts that might occur to be addressed.



- 4.16 **Strategic Housing and Enabling Officer (SHEO)** - The SHEO advises that requirement on this major development under JCS Policy SD12 is for a 40% Affordable Housing contribution (the scheme originally proposed 35% AH provision), as the site is not within a Strategic Allocation area. A tenure split of 70/30 social rented to shared ownership tenures would be sought. The SHEO provide an indicative scheme of Affordable Housing units based on a total 100 dwellings but noted that this would be open to further negotiation.
- 4.17 **Landscape Officer (LO)** - In landscape terms, the LO considers that the site has potential for some housing development, subject detailed to design, with a comprehensive scheme that should take account of a number of landscape issues, including appropriate balance between the proportion of green space, housing density and layout and housing design layout that takes a landscape led approach
- 4.18 **Tree Officer (TO)** – The TO has expressed concerns with regards to the lack of proposed street trees to be planted especially from the proposed new entrance from Sandhurst Lane into the site and the street that runs through north to south. The TO has also noted the opportunity to incorporate further planting within the gardens. Conditions have been recommended by the TO, relating to the submission of a planting specification, planting methods and tree protection measures. Details of how the orchard and wildlife area will be managed would also be required and the existing trees must be retained as they are important for biodiversity. The TO has also recommended the inclusion of an accessible walking route around the whole of the application site part of which could be a woodland walk with native trees to encourage a positive health/wellbeing.
- 4.19 **Ecology Consultant (EC)** – The EC advises that the submitted Ecological report provides a comprehensive review of ecological features within the site and the impact of development upon these features. The EC raises no objection to the scheme, subject to appropriate planning conditions relating to the application of a European Protected Species Mitigation Licence from NE in respect of great crested newts, lighting scheme details, Ecological Management Plan for a minimum duration of five years and securing of the mitigation and enhancement measures outlined within the Ecological Report.
- 4.20 **Environmental Health (EHO)** – No adverse comment in respect of air quality. The EHO advises that the site potentially contains contaminated land from metal forging and requires the imposition of a suitable planning condition relating to a contamination site investigation.
- 4.21 **Environment Agency (EA)** – The EA advised that the current proposal represented a lower risk planning consultation which, therefore, did not fall within their criteria for formal consultation.
- 4.22 **Highways England (HE)** – HE undertook a review of the submitted Transport Assessment (TA) and requested additional capacity assessment to be carried out for the A40 Longford Roundabout to determine whether it would provide sufficient capacity to accommodate the JCS Strategic Allocation and Local Plan allocations in addition to the proposed current development. HE initially issued a Holding Response to enable this capacity work to be carried out. Following a review of the capacity assessment, HE accepts that the proposal would have only limited impact on the operation of the A40 Longford roundabout, once the agreed/scheduled improvement scheme has been carried out. As such, HE raises no objection, subject to the imposition of a similar condition to that imposed on the Twigworth SA site (Condition 16 of 15/01149/OUT), relating to implementation of improvement works at the Longford roundabout.

## 5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 The application has been publicised through the posting of site notices for a period of 21 days and/or the neighbour notification scheme. 32 public representations have been received and all raise objections to the proposal.

5.2 The expressed concerns are summarised as follows:

Highways impacts – the narrow, inadequate Sandhurst Lane is a single track with limited passing points and completely unsuitable to cope with the additional traffic; the Sandhurst Lane/A38 junction is an accidents black-spot and the cumulative traffic impact of this development, together with the committed developments on the SA site and Yew Tree Farm, would only add to highways dangers; Sandhurst Lane is frequently used by large farm vehicles, cyclists, horse-riders and pedestrians and the additional traffic would potentially increase accidents; the proposed pedestrian crossing on the A38 would be located where the line of site is poor, thereby resulting in potential accidents;

Flood Risk and Drainage – the A38/Sandhurst Lane junction often floods; there would be an increased burden of surface water resulting from the loss of this greenfield site; increased flood risk could have a detrimental impact upon the six, grade II Listed Buildings within the immediate area; the existing ponds on or close to the site are 150 years old and the clay sub-soil is impervious to water; current sewage capacity is already at its limit within the area; the drainage strategy should be right at the heart of whether an application should be approved in the first place and not left for late approval via condition;

Ecological Impacts – the site is home to various protected species included newts, bats and adders – the development would have a detrimental impact upon these species;

Other Matters – it is illogical to allow development on the western side of Twigworth when all of the infrastructure investment is occurring on the eastern side; the open character of the locality would be spoilt, exacerbating the rapidly diminishing open spaces; the proposal conflicts with the NDP and is at odds with the detailed work of the local community regarding preparation/adoption of the NDP; a larger community would require church facilities and the existing building is in considerable need of repair/restoration; the development would result in light and noise pollution.

## 6.0 POLICY CONTEXT

- 6.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of The Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications 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 materials considerations.'
- 6.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the Council to have special regard to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest which they possess.
- 6.3 The development plan comprises the Joint Core Strategy (JCS) (2017), the saved policies in the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), The TBC Flood and Water Management SPD - March 2018 and a number of 'made' Neighbourhood Development Plans. In the case of the application site, the relevant NDP is the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan 2011 – 2031.

- 6.4 The Pre-Submission Tewkesbury Borough plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.5 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework.
- 6.6 The relevant policies and guidance are set out in the appropriate sections of this report.

## **7.0 ANALYSIS**

- 7.1 The key issues for consideration in relation to this application are considered to be; the principle of development; landscape and visual impact; scale and layout, affordable housing provision; highway and parking issues; residential amenity; flood risk and drainage; ecology; public open space and infrastructure requirements.

### **Principle of Development**

- 7.2 In this case, JCS Policy SD10 is the relevant starting point in considering the principle of development. Policy SD10 of the JCS states that within the JCS area new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. Housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. On sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within District plans. Policy SD10 follows that housing development on other sites will only be permitted where:
- i. It is for affordable housing on a rural exception site in accordance with Policy SD12, or;
  - ii. It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District plans, or;
  - iii. It is brought forward through Community Right to Build Orders, or;
  - iv. There are other specific exceptions / circumstances defined in district or neighbourhood plans.
- 7.3 The application site is greenfield land that lies outside of the defined settlement boundary for Twigworth as defined in the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan (DHNTNDP) and is not allocated for housing development. The site does not represent previously developed land within the built-up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing Tewkesbury Borough Local Plan to 2011 which allow for the type of development proposed here. Moreover, additional housing need for Twigworth has not been established through the development plan. The proposal therefore conflicts with Policies SP2 and SD10 of the JCS.

## **Neighbourhood Development Plan**

- 7.4 The Down Hatherley, Norton and Twigworth NDP was 'made' on 28th May 2019 and, as such, comprises part of the Development Plan. Paragraph 47 of the NDP advises that the settlement boundary has been defined around the area of highest density with the intention of focusing future growth proposals to this part of Twigworth. The application site lies outside the settlement boundary although does abut it at the southern and eastern extent of the site. Paragraph 47 further provides that, whilst some development can be accommodated within it, it is likely that some growth will be required alongside these boundaries.
- 7.5 However, paragraph 50 of the NDP makes clear, the aspirations of the parish community over the plan period, in requiring steady delivery of new development 'through a series of modest developments and not on a single large site delivered in a short space of time'. The NDP sets out clearly, that what is proposed is an organic, piece by piece approach to sustainable growth in Twigworth, in line with available infrastructure. Further, the Community Action Point (Design Statement) on page 21 of the NDP provides further evidence that the NDP only envisages small scale developments by saying "Developments of multiple dwellings should generally adopt a farmstead cluster form".
- 7.6 Based upon the above, NDP Policy H2 sets out a number of criteria for guiding new housing development within the village, including the requirement for development to be located within or immediately adjacent to the settlement boundary, forming a logical extension to settlement form without undue harmful encroachment into the countryside (criterion 1). Policy H2 also requires development to achieve a standard of design and appearance of an appropriate density, scale and layout, which is respectful of its surroundings, village vernacular and materials, topography and heritage assets.
- 7.7 In view of the Parish's stated aspirations for moderate growth over the plan period, through a series of modest developments, it is considered that the proposed development of 100nos. dwellings, delivered within a single, large site, would be contrary to the Policy H2 of the NDP.
- 7.8 The proposal is therefore, considered to be in conflict with JCS Policy SD10 of the JCS and Policy H2 of the NDP.

## **The Emerging Development Plan**

- 7.9 The site falls outside of the defined settlement boundaries proposed within the emerging Tewkesbury Borough Plan 2011 – 2031 Submission Version (May 2020). Policy RES3 (criterion 3) of the TBPSV states that outside of the defined settlement boundaries, the principle of new residential development would be considered acceptable where development being proposed consists of 'very small scale development at rural settlements in accordance with Policy RES4. The accompanying reasoned justification advises that within the rural areas (i.e. those parts of the Borough located outside of defined settlement boundaries) a restrictive approach is required to new residential development consistent with the advice at paragraph 79 of the NPPF and Policy SD10 of the JCS, and so to not undermine the JCS spatial strategy and its distribution of development.

7.10 Policy RES4 (New Housing at other Rural Settlements) of the emerging plan seeks to support the vitality of rural communities and the continued availability of services and facilities in the rural areas by supporting the principle of very small-scale residential development within and adjacent to the built up area of other rural settlements (i.e. those not featured within the settlement hierarchy) providing, amongst other things:

a) it is of a scale that is proportionate to the size and function of the settlement and maintains or enhances sustainable patterns of development;

b) it does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the plan period;

c) it complements the form of the settlement and is well related to existing buildings within the settlement;

d) the site of the proposed development is not of significant amenity value or makes a significant contribution to the character and setting of the settlement in its undeveloped state;

In all cases development must comply with the relevant criteria set out at Policy RES5. Particular attention will be given to the effect of the development on the form, character and landscape setting of the settlement.

7.11 In light of the above, the proposed development is therefore considered contrary to TBPSV Policies RES3 and RES4.

### **Council's 5 Year Housing Land Supply**

7.12 Whilst the proposal is contrary to Policies SP2 and SD10 of the JCS and Policy H2 of the of the NDP, it is also currently the case that the Council cannot demonstrate a 5-year supply of deliverable housing sites. It is the Council's current position that a 4.33 years supply of housing can be demonstrated. In this scenario, paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, permission should be granted unless: i. the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

7.13 The Framework clarifies that planning policies for housing will be judged out of date where, inter alia, the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites. Footnote 6 to paragraph 11 also clarifies which policies in the Framework provide a clear reason for refusing development and includes policies relating to heritage assets. As set out further in this report, it is considered that the proposed development would not harm the setting of any designated heritage assets and therefore that the presumption in favour of granting permission is engaged as per paragraph 11d of the Framework. This is also known as the 'tilted balance'.



- 7.14 Paragraph 14 of the Framework states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:
- the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
  - the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
  - the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
  - the local planning authority's housing delivery was at least 45% of that required over the previous three years.
- 7.15 The DHNTNDP was adopted as part of the development plan on the 28th May 2019, and as such, is less than two years old. However, the plan does not contain policies and allocations to meet its identified housing requirement. As such, paragraph 14 of the Framework is not engaged.
- 7.16 In light of the fact that the Council cannot demonstrate a 5 year supply of deliverable housing sites at the current time, Policy SD10 of the JCS and NDP policy H2 are considered to be out-of-date, having regard to paragraph 11 of the NPPF. In these circumstances, the presumption should be that planning permission is granted unless there are adverse impacts of doing so, which would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

### **Landscape and Visual Impact**

- 7.17 JCS Policy SD6 states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals should have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area.
- 7.18 Similarly, Policy E2 of the NDP provides that development in the open countryside, outside settlements, should be in accordance with strategic development plan policies within the JCS relating to the protection of the visual amenities of the landscape. Furthermore, a number of vistas and landscape features have been identified for protection within the policy, from intrusive development, including the enclosed tree-lined drive to Wallsworth Hall, openness of sections of the A38 corridor and open green spaces between the built component of dispersed settlement pattern which help retain a sense of undeveloped and rural character.
- 7.19 The site forms a large flat arable field to the rear of existing residential properties and within close proximity to the A38. The site and the surrounding landscape setting are not covered by any landscape designations although the character of the landscape is attractive with strong field boundaries and hedgerow trees.

- 7.20 Although, all matters except for access have been reserved for future consideration, the application has been supported by a suite of supporting information relating to landscape, which includes an indicative site layout, Design Statement, Design Statement Addendum and Landscape and Visual Impact Assessment (LVIA). The Addendum notes that the site, as a single field, has a natural boundary defined by hedgerows and tree planting and that there are no hedgerows within the land parcel which could otherwise form a natural edge. The Addendum further notes that there are no hedgerows proposed for removal to accommodate 100 homes except from at required points of access. The scheme also proposes to set aside and retain the remnant orchard and an existing pond area as wildlife habitats which could be enhanced with managed accessibility for the wider community. The Design Addendum concludes that the delivery of 100 homes here would not change the rural settlement character of Twigworth due to its location behind existing homes, the retained orchard and proposed open spaces. Along Sandhurst Lane and the route to the Nature in Art Museum, the visibility of the proposal would be contained and would allow only part of the development to be perceived in a single view.
- 7.21 The submitted LVIA notes that the site is generally well contained by a mature vegetation structure. Mature woodland belts can be found along the site's south west boundary extending down to the site's south corner where it meets the A38. An established network of field hedgerows and hedgerow trees that characterises the wider landscape setting exerts its influence over the site's north and north-western boundary, offering a high level of visual containment from these aspects. The LVIA concludes that, in visual terms, the proposal would have limited effect on both the immediate and wider settings. Furthermore, the longer distance views from the rising landscape of the Cotswolds AONB within the wider landscape setting, would not be adversely affected, and the special character and qualities of the designation would not be compromised.
- 7.22 In landscape terms, the LVIA notes that the proposals would introduce new built form into the currently open field which represents a noticeable change. However, the proposed layout had been informed by the existing urban grain and the established vegetation structure to ensure that the development could be accommodated within the less sensitive urban fringe landscape. The established vegetation within the wider setting and the existing built form found along the A38 road corridor, would ensure that the proposals are not readily perceived on approaches to the village from this busy transport route and can therefore be integrated without compromising the character of the settlement. Consequently, the LVIA advises that the proposals would have a moderate to moderate/minor significance of effect upon the localised and wider landscape character. Within the site itself, it is noted that there would initially be significance of effect of major/moderate to moderate on immediate landscape character. However, this would reduce to moderate following completion of the scheme and the successful establishment of the proposed landscaping, which is not considered significant in landscape terms. Overall, the LVIA concludes that the proposal would not result in significant harm to the landscape character of visual environment and could be integrated in this location and is supportable from a landscape and visual perspective.
- 7.23 The Tewkesbury Borough Landscape and Visual Sensitivity Study – November 2014 – Final Report, was undertaken by the Council as part of the Borough Plan site allocation work for the Rural Service Centres and Service Villages. Although Twigworth was not taken forward as an allocated Service Village within the adopted Joint Core Strategy (December 2017), the proposal site was initially assessed as part of wider parcel of land (Parcel Reference: Twig – 01), as part of the over-arching Rural Service Centre and Service Village landscape work.

- 7.24 The Landscape and Visual Sensitivity Study (LVSS), noted that Twigworth is a small wayside settlement and is heavily influenced to the south, by the existing caravan/mobile home residential park. The study further notes that there are opportunities to enhance the landscape surrounding the settlement. The landscape character summary for the wider parcel states that the land is clearly part of the wider vale that spreads out to the north and west. Typically, there are high hedges along lanes surrounding medium to large scale arable fields. This land assessment parcel is influenced by the existing settlement edge, although that influence diminishes rapidly out into the vale.
- 7.25 Parcel Twig-01 is noted to have Medium Landscape Character Sensitivity and Low Visual Sensitivity. The parcel is noted not to be prominent and also, well contained and screened from the local road network by vegetation and existing settlement. In addition, the study concludes that the parcel is not conspicuous in long distance views. The visual summary for Parcel Twig-01 concludes that it is locally well-contained by robust hedges and settlement and although visible from the A38, Sandhurst Lane and local footpaths, it is not prominent. Coalescing vegetation limits views of the site from the north and west and the parcel is inconspicuous from elevated ground at Sandhurst Lane. There are also noted to be a number of visual detractors, including the caravan park and equestrian activity. The visual sensitivity of this land assessment parcel, to new residential development, increases with distance from the settlement edge out onto the vale. It is also noted to be sensitive to the perception of sprawl, encroachment and to changes to the predominantly linear settlement form.
- 7.26 In landscape terms, the Landscape Officer assessed the current proposal and considered that the site had some potential to accommodate housing development, subject to detailed design and a comprehensive scheme that should take account of the following landscape issues:
- ‘Appropriate balance between the proportion of green space, housing density and layout; A housing design layout that takes a landscape led approach; Developing public access links through the development and into the surrounding countryside; Developing landscape and ecological corridors; Promoting green infrastructure opportunities; Conserving and enhancing boundary trees and hedges; Conserving and enhancing wildlife habitats and Creating an identity and sense of place within the development.’*
- 7.27 The Council's Tree Officer (TO) has been consulted in respect of the application. The TO notes that the site mainly consists of boundary trees and an orchard, as shown within the accompanying arboricultural impact assessment (AIA). The proposed new native tree planting and submitted tree retention/protection measures, are considered acceptable by the TO. Should Members be minded to permit the application, it is considered that the retention of the existing hedgerow could be secured via planning condition.
- 7.28 Twigworth Parish Council have raised strong objections to the proposal on a number of grounds, including landscape harm. Their concerns on this matter relate to the suburbanisation of the village and resulting loss of its attractive, open nature. Down Hatherley Parish Council have raised similar concerns in respect of the potential loss of valued landscape character of this part of the vale.



7.29 As set out above, JCS Policy SD6 requires development to seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Furthermore, Policy E2 (Landscape Protection in the Open Countryside) of the NDP notes the importance of retaining identified important vistas and landscape features. These include the Wallsworth Hall tree-lined drive which adjoins the south/south-west of the site and the built component of dispersed settlement pattern, which helps to retain a sense of the undeveloped and rural character of the area. As also referenced above, the Tewkesbury Borough Landscape and Visual Sensitivity Study assessed the site as part of wider land parcel 'Twig – 01' and considered that there was potential to accommodate a level of residential development, should Twigworth have subsequently been taken forward as a Service Village within the JCS. However, the LVSS also advised that the visual sensitivity of this land assessment parcel, to new residential development, increases with distance from the settlement edge out onto the vale. Furthermore, the study noted the land parcel to be sensitive to the perception of sprawl, encroachment and to changes to the predominantly linear settlement form. It is considered that the overall quantum of residential development proposed within the current scheme, could not be satisfactorily integrated within the site without discernible visual encroachment into the rural landscape to the north. Furthermore, the quantum of units proposed would result in visual detriment to the existing dispersed settlement pattern of Twigworth village. The proposal is therefore, considered contrary to the landscape protection aims and objectives of Policy SD6 of the JCS and Policy E2 of the NDP and this identified harm is considered to weigh against the proposal in the overall planning balance.

#### **Best and Most Versatile Land (BMV)**

7.30 Paragraph 170 of the NPPF recognises the economic and other benefits of Best and Most Versatile Land (BMV) and advises that when considering development proposals, LPA's should seek to use poorer quality land in Grades 3b, 4 and 5, in preference to higher quality land. The site itself falls within Grade 2, 3a and 3b agricultural land and as such, the development of this field parcel would result in the loss of higher quality land, as set out within the NPPF. This weighs against the proposal in the overall planning balance.

#### **Design and Layout**

7.31 The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. This is now reflected in the National Design Guide, which provides planning practice guidance for beautiful, enduring and successful places.

7.32 Policy SD4 of the JCS advises 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. Policy H2 of the NDP requires new development for housing within Twigworth settlement to achieve a standard of design and appearance of an appropriate density, scale and layout, which is respectful of its surroundings, the village vernacular and materials, local topography and any heritage assets.

- 7.33 The application has been submitted in outline form, with all matters (except for means of access) including layout, scale and appearance - reserved for future consideration. A detailed Design and Access Statement has been submitted in support of the application, together with an additional Design and Access Addendum. The DAS advises on the design process/architectural approach informing the scheme. The DAS notes that the site is unconstrained and could accommodate development of up to 100 homes, at a density of 33 dwellings per hectare and still have room for sufficient public open space and landscaping to make an attractive development with appropriate boundary treatments for surrounding land uses. The DAS further notes that to limit the housing numbers at less than 100 would be to create an edge to development which is artificially set and not informed by the assessment of the site's characteristics. This would not make best efficient use of the land, as the remainder land could not be effectively farmed, but would be lost from productivity for no gain of delivering much needed housing.
- 7.34 The DAS further notes that the scheme would also provide sufficient room to place the play area/POS within a location which would be readily accessible to the residents of the wider village as well as the new occupants. The scheme also proposes to set aside the remnant orchard and an existing pond area as wildlife habitats which can be enhanced with managed accessibility for the wider community. Surface water attenuation measures would also be integrated into informal landscaping areas, although the DAS notes that this would not impact upon usable public open space.
- 7.35 Direct pedestrian links to the A38 and local Public Right of Way are also proposed within the indicative masterplan and the DAS advises that this would enable an identified crossing point on the A38 to be built near existing bus stops. The DAS asserts that the position of the site behind existing properties avoids visually extending the village along the A38 towards Gloucester or Norton, thus preventing coalescence or suburbanisation. As such, the proposal for 100 homes would be as equally contained within the site as a smaller proposal and would not alter the perception of Twigworth as a linear settlement, when viewed from the A38.
- 7.36 No maximum and minimum scale parameters have been submitted as part of the outline proposal. However, the DAS notes a development of up to 100 homes would be sufficient in size to be able to offer a breadth of housing typologies, sizes and affordability for occupation, which would complement the existing older properties and the over 50's park home.
- 7.37 The DAS further notes that the new homes would cater for a range of household sizes, to allow a varied social community to develop - the scale of development within the site would allow for single person occupancy, young couples and families, older teenage families and retired occupants. The scope for this diversity is greater across 100 homes where there is room to build the different scale of properties without impacting on the amenity of the different occupants in a smaller site.
- 7.38 The Urban Design Officer (UDO) has been consulted on the current scheme and considers that quantum of development proposed for this site would result in loss of the feel and character of the existing rural settlement. Furthermore, the UDO considers that the site's location to the rear of existing properties would result in very limited frontage development or connections to the existing street hierarchy. There would be an awkward relationship between the rear of existing properties and the proposed development and due to the scale of the development, the UDO considers that there would be a negative impact on the character of Twigworth.

- 7.39 The allowed appeal site to the south-east is also of importance here. The development of 725 new homes, together with its associated facilities and infrastructure, will undoubtedly alter the settlement character on the eastern side of the A38. The parish aspirations in seeking to protect the remaining form and settlement pattern by seeking a series of organic, modest developments throughout the course of the plan period are expressed within Policy H2 of the NDP are therefore, clearly understood and enshrined within NDP Policy H2.
- 7.40 Paragraph 50 of the NDP sets out the following;
- 'A matter of profound importance to Twigworth is that, whatever growth level is ultimately determined, it should be delivered steadily over the plan's period through a series of modest developments and not on a large site delivered in a short space of time. The NDP proposes an organic, piece by piece, approach to support sustainable growth in Twigworth in line with the available infrastructure.'*
- 7.41 Members will be aware of the Oakridge, Higham appeal decision which is of importance with regard to the relevant weight to be attributed the Neighbourhood Development Plan in the light of the five-year supply shortfall. At paragraphs 29 and 30 of his decision letter the Secretary of State remarked:
- 29. 'Paragraph 12 of the Framework states that where a planning application conflicts with a Neighbourhood Plan that has been brought into force, planning permission should not normally be granted. Although the Neighbourhood Plan does not allocate sites, meaning that paragraph 14 of the Framework is not engaged, or set a settlement boundary, it represents an expression of how the community wishes to shape its local environment, and is relevant to the assessment whether the appeal proposal is acceptable or not.'*
- 30. The Secretary of State considers that there are no protective policies which provide a clear reason for refusing the development proposed. However, taking into account the material considerations set out above, including that there is conflict with a recently made Neighbourhood Plan, he considers that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. He considers that there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.'*
- 7.42 Following on from this overarching requirement, Policy H2 of the NDP advises that development should form a logical extension to the settlement form, without appearing as an unduly harmful encroachment into the countryside and achieves a standard of design and appearance of an appropriate density, scale and layout, which is respectful of its surroundings, the Twigworth village vernacular and materials.
- 7.43 The aspirations of Twigworth Parish to see steady, modest growth throughout the plan period, are clearly set out within their NDP. Furthermore, the Oakridge decision makes clear, that despite there being no protective policies which provided a clear reason for refusal within the Oakridge case, the wishes of the community on how they wished to shape their community, can be an important consideration in planning decisions. The weight to be applied to any material consideration is a matter for the decision maker.
- 7.44 In conclusion on this matter the proposal considered contrary to JCS Policy SD4 and Policy H2 of the Down Hatherley, Norton and Twigworth NDP with regard to design/layout and scale/quantum. This matter weighs heavily against the proposal in the overall planning balance.

## **Housing Mix**

- 7.45 JCS Policy SD11 states that housing development will be required to provide an appropriate mix of dwelling sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Development should address the needs of the local area, including the needs of older people as set out in the local housing evidence base, including the most up to date Strategic Housing Market Assessment (SHMA).
- 7.46 No precise housing mix has been put forward as part of this application, although the DAS advises that a development of up to 100 homes is sufficient in size to be able to offer a breadth of housing typologies, sizes and affordability for occupation, which would complement the existing older properties and the over 50's park homes. The DAS advises that a range of household sizes would be provided, to allow a varied social community to develop - catering for single person occupancy, young couples and families, older teenage families and retired occupants.
- 7.47 Should Members be minded to permit the application, a condition would be required to secure an appropriate housing mix for any future reserved matters application in order that the development meets the needs of the Borough and as evidenced by the latest SHMA at the time of the reserved matters application.

## **Residential amenity including impact on amenity of existing adjoining Occupiers**

- 7.48 JCS Policy SD14 sets out that development should protect and seek to improve environmental quality and should not cause unacceptable harm to local amenity including the amenity of neighbouring occupants.
- 7.49 Although the application has been submitted in outline form, with all matters relating to layout and design reserved for future consideration, an indicative layout has been submitted in support of the proposal. The indicative layout illustrates that the development would largely sit behind the existing linear run of properties which front onto the A38. The indicative Masterplan demonstrates that a distance of 11 metres would be maintained between the closest existing dwelling to the site and new dwellings. This is considered acceptable in view of the oblique angle and orientation of the two buildings, relative to one another, as indicated by the indicative scheme. Back to back distances of 20 metres or more, would be maintained between the new dwellings and all other existing properties. Furthermore, a landscaped buffer would be provided between existing and new properties which would serve to further protect the residential amenity of both existing and proposed houses from overlooking, overbearing or loss of light.
- 7.50 The specific relationships to these existing, adjoining dwellings and the relationships of new properties within the development itself, would be considered at the reserved matters stage, should the outline application be approved. However, it is considered that the indicative masterplan illustrates that a level of residential development could be accommodated within the site, without detriment to the residential amenity of existing adjoining occupiers within the village.

- 7.51 In addition, the application has been supported by an Air Quality Assessment. The development has the potential to cause air quality impacts and an Air Quality Assessment was therefore required to determine baseline conditions, consider location suitability for residential use and provide consideration of potential effects as a result of the proposals. Air quality impacts may include dust emissions from construction works and road vehicle exhaust emissions associated with traffic generated by the site during the operational phase. Additionally, the development has the potential to expose future users to any existing air quality issues. Assuming good practice dust control measures are implemented, the residual significance of potential air quality impacts from dust generated by earthworks and construction activities was predicted to be negligible, within the report. The requirement for submission and subsequent approval of a Construction Method Statement (CMS) via planning condition would secure good practice in this regard.
- 7.52 During the operational phase of the development there is potential for air quality impacts as a result of vehicle exhaust emissions from traffic. These were assessed within the submitted report and the overall significance of potential impacts was determined not to be significant, in accordance with required guidance. As such, it is considered that air quality would not represent a constraint to development on the site and the Environmental Health Officer has raised no adverse comment in this regard.

### **Biodiversity**

- 7.53 JCS Policy SD9 seeks the protection and enhancement of biodiversity and geological resources of the JCS area in order to establish and reinforce ecological networks that are resilient to current and future pressures. Improved community access will be encouraged so far as is compatible with the conservation of special features and interest.
- 7.54 The application has been supported by an Ecological Appraisal which is based upon standard Phase 1 methodology. The Appraisal also includes an appraisal of faunal species and recording of the potential presence of any rare, or notable species, with specific surveys undertaken in respect of bats, Badger, Great Crested Newt and reptiles.
- 7.55 The site itself is not subject to any statutory or non-statutory ecological designations. The closest designation to the site is Innsworth Meadow SSSI, located approximately 0.75km south of the site.
- 7.56 The submitted appraisal notes that the site comprises an arable field, along with boundary hedgerows, tree lines, scrub, semi-improved grassland, an orchard, a pond and a small area of hardstanding. The habitats within the site are noted within the appraisal to be largely considered to be of low ecological value at the local level, with the hedgerows, tree lines, trees and orchard considered to be of elevated value in the context of the site. These habitats are largely retained and enhanced under the proposals. With regards to protected species, the Report concludes that no statutory or non-statutory nature conservation designations are present within the site, whilst no significant adverse effects on any designations within the site surrounds are anticipated.
- 7.57 The Phase 1 habitat survey concluded that the site is dominated by habitats of negligible to low ecological value and noted that the proposals have sought to retain the features of elevated value. Where it has not been practicable to avoid loss of habitats, new habitat creation has been proposed to compensate losses, in conjunction with the landscape proposals.



- 7.58 The habitats within the site have been recorded to support a range of fauna, including Badger, a modest assemblage of bats, birds and single/small numbers of Grass Snake, whilst a number of trees have been assessed to be of potential for roosting bats (albeit no evidence for the presence of roosting bats was recorded). In addition, a single onsite pond and two offsite ponds were recorded to support a metapopulation (population of spatially separated populations of the same species which interact at some level) of Great Crested Newt.
- 7.59 In light of these findings, the report proposes a number of mitigation measures in order to minimise the risk of harm to these and any other notable species that could be present or colonise from the local area. The report further concludes that the development would incorporate significant enhancements in the form of native tree and wildflower planting, creation of SuDS and swales and the provision of specific faunal enhancements, including bat, bird and insect boxes, hedgehog domes and hibernaculum/log piles for amphibians and reptiles. The report concludes that it is considered unlikely that the proposed development would result in significant harm to biodiversity and that the opportunity actually exists to provide a number of net gains for biodiversity as part of the proposals.
- 7.60 Natural England has been consulted in respect of the current proposal and is satisfied that, subject to the development being carried out in strict accordance with the details of the application submitted, there would be no damage or destruction to the interest features for which the Innsworth SSSI has been notified. As such, NE confirm that the SSSI does not represent a constraint in determining this application.
- 7.61 The Council's Ecological Consultant (EC) has also been consulted in respect of the scheme and has raised no objections, subject to strict adherence to the mitigation and enhancement measures included within the submitted Ecological Appraisal. The EC has also advised that a License would be required from Natural England in light of the identified presence of great crested newts. Should the application be approved, conditions would be required in respect of proposed lighting details and the submission of an appropriate Ecological Management Plan of a minimum five-year duration. With regard to habitats, the EC has advised that all hedgerows, tree lines and trees to be retained within the proposed development should be protected during construction in line with standard arboricultural best practice (BS5837:2012). Furthermore, updated survey work should be carried out in respect of trees with the potential to support roosting bats, in order to confirm their continued absence. The EC has also recommended appropriate planning conditions relating to the proposed ecological enhancements, including suitable tree planting species within the new wildlife areas and orchard areas, maintenance of the semi-improved grassland, the erection of wildlife information boards to aid new residents appropriate creation and management of the new SuDS and swales in order to maximise their wildlife benefits.
- 7.62 Having regard to the above, subject to the imposition of the identified planning conditions, it is considered that the proposal would accord with paragraph 175 of the NPPF and Policy SD9 of the JCS.

### **Drainage and Flood Risk**

- 7.63 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.

- 7.64 The application has been supported by a Flood Risk Assessment (FRA) which advises that the closest surface water feature (with exception of the adjacent ponds) is an unnamed stream /drainage channel which is present approximately 135m north of the Site. This appears to be culverted to a degree and flows north-west / west towards the Cox's Brook located approximately 315m north-west of the Site. The Cox's Brook is understood to flow in a south to south-westerly direction towards the River Severn. Hatherley Brook which is classified as a main river runs in a westerly direction 700m south of the site and joins the River Severn 2.7km south-west of the site.
- 7.65 The FRA also notes that the site is located is predominantly within Flood Zone 1 which is therefore, at least at risk from flooding and is land assessed as having a less than 1 in 1000 annual probability of river or sea flooding (<0.1%). The report further provides that historical flood mapping provided by Gloucestershire County Council, showed that there were no records of flooding within the site boundary. The FRA advises that there are numerous anecdotal reports of flooding for the area, many of which are from periods of intense rainfall and associated flooding in the wider Severn catchment area. These historic local reports also include reports of flooding affecting roads in the vicinity of the site.
- 7.66 A small section on the south end of the site adjacent to the driveway leading to Wallsworth Court, is shown on the EA Flood Map for Planning to be located in Flood Zone 2. This is land assessed as having between a 1 in 1000 and 1 in 100 annual probability of river or sea flooding (between 0.1 and 1%). Correspondence from the Environment Agency, dated 13/04/2016, confirms this information and has been included with the accompanying appendices of the FRA. Based on the above, the FRA notes the risk of fluvial flooding to the site to be low. It should be noted that none of the land in flood zone 2 is proposed to house built form and would be part of the proposed landscape buffer.

#### Surface Water Flooding

- 7.67 With regard to surface water flooding, The Environment Agency's online Risk of Flooding from Surface Water mapping shows the majority of the site to be at very low risk of flooding from surface water, meaning an annual probability of surface water flooding of less than 1 in 1000 (<0.1%). As indicated in the Environment Agency's online Risk of Flooding from Surface Water map, there are small isolated depressions within the site that are shown to have a high risk of flooding from surface water, meaning an annual probability of flooding greater than 1 in 30 (>3.3%). This is confirmed by the LLFA within correspondence included within the FRA. The FRA advises that these isolated depressions are not believed to be of significant importance and any local pooling would be appropriately managed by the drainage system post-development. Based on the above, the risk of surface water flooding to the site is considered to be low.

#### Groundwater Flooding

- 7.68 The FRA advises that further ground investigation works would be required to progress detailed design including specific foundation advice and earthwork. These works should include a detailed assessment of the hydrogeological regime and potential impact and mitigation of shallow groundwater on the proposed development. However, based upon the carrying out of a Preliminary Infiltration Assessment Report, no groundwater was encountered during the excavation and the risk of groundwater flooding to the site is considered to be low - moderate.

### Outline Surface Water Drainage Strategy

- 7.69 The FRA recommends that an outline surface water drainage strategy should be undertaken which should demonstrate that the drainage network at the site will not flood at least during a 1 in 30 year event. It must also accommodate run-off during all events up to the 100 year plus climate change (as above) event to allow for increases in rainfall intensity due to climate change for the expected 100 year lifespan of the development. Building thresholds should be at least 150mm above the surrounding ground level to allow water to flow away from the buildings. Furthermore, if the surface water drainage system was to fail and surface water flooding was to occur on the site the layout of the buildings should be such that water is diverted away from them towards the local drainage network to eliminate the chance of a surface water pathway pooling against a building. The sustainable management of surface water runoff would be established during the detailed design of any development and is assumed to follow the principles discussed in this FRA and be adherent to any planning conditions attached to any permission.

### Surface Water Drainage Strategy

- 7.70 The site drainage, as proposed within the submitted FRA, would incorporate measures to slow, treat and store surface water. Where possible permeable surface structure such as block pavers and other porous surfaces would be installed. Attenuation storage in the form of sub-surface storage including gravel filled detention areas, storage at the pump location and a large detention basin on the west area of the site are also considered to be required. Attenuation storage would combine traditional hard engineered structures such as pipes and tanked storage (required for pumping station) with the preferable SuDS structures as the infiltration rates on site do not support a SuDS dominated strategy. Open surface conveyance and storage would be provided in onsite swales, as shown by soakaway testing the site is unsuitable for infiltration solutions and no assumption on infiltration from swales has been included within the drainage strategy. A detention basin would also form part of the design suitable to store and control large return period events. The discharge receptor for surface water discharge, is proposed to be the culverted watercourse located in the wider land holding (also within the applicant's ownership), to the north of the site, via a pumping station. As part of the surface water drainage strategy, it was proposed that surface water is pumped at greenfield rates, as estimated by the drainage consultants (24.2 l/s).
- 7.71 The Parish Council have raised strong concerns regarding the drainage strategy put forward in respect of the proposal and refer to the extent of the 2007 flooding and the resulting impact upon numerous homes within the village. The Parish remain unconvinced regarding the adequacy of the current data in respect of pluvial flooding. The Parish also refer to the site as being within Flood Zones 2 and 3 and note that water creeps along the fields from the River Severn through Sandhurst and into these fields, having a significant effect on the new and existing properties (which are already affected) as the water will have nowhere to flow. If surface water is channelled from this area further afield, the Parish advise that this would have a significant impact and devastating effects on already saturated land and other developmental areas that are already being planned which have not taken this application into consideration. Sandhurst Parish Council have similarly raised concerns with regard to recent flooding encroaching within the site itself and seasonal flooding experienced within the village. Down Hatherley Parish Council raises similar concerns in respect of the application and cite the inadequacy of flood risk modelling, particularly in relation to existing large-scale housing commitments within the village.



- 7.72 Both the Lead Local Flood Authority (LLFA) and the Council's Flood Risk Management Engineer (FRME), have been consulted in respect of the current proposal. The LLFA noted that the applicant's surface water drainage solution involves pumping water to a topographically higher location and into a watercourse which currently does not receive those flows. It would then enter a culvert outside the applicant's control, the condition and capacity of which are unknown. The LLFA's preferred option for this site, was to fully explore discharging the surface water west to the Cox's Brook which avoids the requirement to pump and is the surface water's more natural flow route. Here, there is a network of drainage ditches to the west of the site that appear to convey westwards towards Cox's Brook (further to the west) and the LLFA were originally of the view that whilst accepting other options may work, the westward route is the most sustainable solution and that to date it has not been demonstrated to be unviable. However, the applicant advised that the delivery of this strategy would involve crossing a private track and within land the applicant does not control. Discharge to an existing sewer would represent the last option in sustainable drainage terms.
- 7.73 Following queries raised by the LLFA and the Council's FRME, a Flood Risk Addendum was prepared which noted the watercourse to be culverted in short sections, which were in relatively poor condition. The drainage strategy proposes to improve the channel and restore sections to an open watercourse. The Addendum document was considered by the LLFA to adequately address their previous concerns relating to the location of supporting drainage infrastructure within flood zones 2 and 3. Subject to the imposition of appropriate conditions relating to securing an ongoing management regime for the surface water drainage scheme, including the opened culvert. The works to the culvert were considered by the LLFA to be critical to the success of the development. The applicant has provided subsequent reassurance that the culvert does in fact fall within their land ownership and as such, these works can be secured via planning condition.
- 7.74 Likewise, the FRME considered the 'FRA Addendum II' to satisfactorily address the concern of infrastructure being located in Flood Zones 2 and 3. The assurance to undertake the daylighting of culverts was also welcomed but the FRME also required reassurance that ongoing maintenance could also be practically secured in planning terms. Again, assurance that the watercourse falls within the applicant's ownership and therefore, maintenance can be secured via condition, has resulted in the FRME offering no objection to the application.
- 7.75 This surface water drainage strategy would be utilised in preparing the final detailed drainage design subject to the conditions of the Outline Application consent and adherent to the principle above.

#### Foul Water Drainage Strategy

- 7.76 The FRA notes that there is an existing foul water sewer network running to the east and west of the site and foul sewage arising from the development is proposed to discharge to this local foul water sewer system. The discharge would be on the eastern side of the site within the red line boundary. The northern section of the site would drain via gravity to the discharge point wherever possible. It is assumed due to the gradient of the site and location of the existing sewer infrastructure that a portion of the southern section of the site will require pumping to the discharge location to the existing network.
- 7.77 Severn Trent Water (STW) have been consulted in respect of the current scheme and have raised no objections. Having viewed the submitted FRA and FRA Addendum, STW have confirmed that they have no current concerns with the foul sewage proposals but advise that the discharge rate would need to be discussed/agreed with the LLFA and appropriate details submitted as part of the subsequent RM application.

- 7.78 In summary, the surface water strategy relies on greenfield discharges for surface water pumped from site with attenuation storage in the form of gravel filled detention areas, storage at the pump location and a large detention basin on the west area of the site. The foul water system would discharge to the local system through a combination of gravity fed and pumped discharge, related to the existing site levels with regard to the existing sewer infrastructure.
- 7.79 In accordance with the NPPF and PPG; flooding from all sources must be addressed and it should be ensured that flood risk is not increased elsewhere. Whilst the expressed concerns of the local communities are recognised and understood, following the submission of the Flood Risk Addendum and confirmation of ownership of the watercourse proposed to accommodate discharge of surface water arising from the development, both the LLFA and FRME are satisfied the scheme has demonstrated how flood risk would be satisfactorily managed over the lifetime of the development, in accordance with Section 14 of the Framework and Policy INF2 of the JCS.

### **Accessibility and Highway Safety**

- 7.80 Paragraph 103 of the NPPF sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Furthermore, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe (paragraph 109). JCS Policy INF1 requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.
- 7.81 Whilst the application is in outline form, means of access has been included for consideration as part of the current scheme. The application proposes a single point of access to serve the development off Sandhurst Lane, within the eastern boundary of the site. This access would utilise the existing agricultural access point which currently serves the site. The application has been supported by a Transport Assessment (TA) which identifies the proposed access as the most suitable location to serve the development. The A38 is a class 1 principle highway with footways of varying widths and street lighting. The A38 is subject to a 40mph speed restriction and provides a link between Gloucester (approx. 3km to the south) and Tewkesbury (approx 12km to the north). Sandhurst Lane is a class 3 highway with no street lighting or footways.

#### Accessibility

- 7.82 The vehicular access would be sited approximately 50m to the north of the existing A38 Tewkesbury Road/ Sandhurst Lane priority junction and would take the form of a simple priority junction. The Planning Statement advises that the principle of the proposed access has been agreed with Gloucestershire County Council's (GCC) Highways Officer, through scoping. In order to improve access to the site, the Planning Statement advises that it is also proposed to widen Sandhurst Lane to 6m between its junction with the A38 Tewkesbury Road and the proposed site access. The access has been designed in accordance with GCC's Manual for Gloucestershire Streets document to include 2m footways along both sides, up to Sandhurst Lane, and a 5.5m carriageway width.
- 7.83 The proposals also include a new pedestrian access point from the southern boundary of the site. The development proposals extend the existing pedestrian footway along the northern side of the A38 by approximately 10m to link with a new pedestrian access point. Provision for cycle access is also incorporated, via the proposed vehicular access point off Sandhurst Lane and/ or via the proposed pedestrian access point from the A38. Cycle parking would be agreed at the Reserved Matters stage in order to ensure that cycling is encouraged.

- 7.84 The TA advises that the proposal would not result in severe impacts on surrounding road networks and concludes that there are no highways or transportation reasons that would preclude the proposed development of up to 100 dwellings at this location. The application has also been supported by a Travel Plan which provides detail on how development at this location would help to encourage significant changes in the way people travel.
- 7.85 Local residents, Twigworth Parish Council and adjoining parish councils have raised highways concerns in respect of the proposal. Concerns relate to the potential for Sandhurst village to become an increased rat run as new residents seek to avoid the A38, highway safety concerns and cumulative traffic impacts relating to volume of vehicles utilising the single point of access from Sandhurst Lane onto the A38.
- 7.86 The County Highways Officer (CHO) has been consulted in respect of the current outline proposal and has noted that the development would provide access to the existing pedestrian footway facilities along the A38 and would also be accessible to local employment areas to the south (Twigworth Court Business Centre). The CHO further notes that the site would be in reasonable walking distance of north and south bound bus stops and that there are peak time bus services to Gloucester and Tewkesbury from Monday – Friday and Saturday, via the 71 service. The CHO concludes therefore, that the development would be within close proximity to a means of sustainable transport that is a viable alternative to the private motorcar.

#### Highway Safety

- 7.87 To the south, the A38 adjoins the A40 at the Longford Roundabout which allows access to the Strategic Road Network (SRN). The A38 has a variable speed limit between 40mph and 50mph, the posted speed limit at the Sandhurst Lane / A38 junction is 40mph. Footways are present on the southern side of the A38 with an intermittent footway of varying width present on the northern side. The carriageway is between 6.5m and 7m in width with double white centre lines which denote no overtaking at any time.
- 7.88 The CHO notes that the site's vehicle access is off the class 3 Sandhurst Lane which adjoins the A38 at a simple priority T-junction. Sandhurst lane does not feature footways or street lighting and has a varying width between 4m-5m. The CHO advises that there is scope to improve the section of Sandhurst Lane between the site access and the junction with the A38.
- 7.89 With regard to personal injury collision records, the CHO has advised that 7 personal injury collisions were recorded within the site study area on the stretch of A38 in proximity to the proposed development. Of those 7 incidents 4 were slight injury, 2 were serious injury and 1 was a fatality. Only 1 slight personal injury collision was recorded at the junction of Sandhurst Lane and the A38. This was as a result of a driver skidding on oil and causing a collision. This was considered to be an isolated incident for which no blame was attributed to highway layout.
- 7.90 The CHO advises that the proposed means of access via simple priority T-junction, would be an appropriate means of access for a site of this size, based on the annual average daily flow on the minor (site access road) and major highway (Sandhurst Lane). The site access would contain 8m radii's leading to a 5.5m carriageway with 2.0m footways extending into the site from Sandhurst Lane. A 5.5m carriageway can support two-way working on the straight alignment and complies with the local design guidance.
- 7.91 With regards to pedestrian access, the CHO has advised that the submitted drawings demonstrate appropriate off-site improvements to pedestrian facilities on the A38 to ensure access to and from the site to the northbound and southbound bus stops.

- 7.92 With regards to visibility, a speed survey has been undertaken on Sandhurst Lane and the required emerging visibility to the right has been demonstrated to be 35.8m and 36m to the left. Whilst no visibility splay has been demonstrated to the right on plan, the CHO considers that the required splay would be achievable within highway land or under applicant controlled land.
- 7.93 A total person trips TRICS analysis has been undertaken and submitted within the supporting Transport Assessment. With the mode split applied, the proposed development would generate 66 AM peak hour vehicle trips consisting of 13 arrivals and 53 departures onto the local highway network. The PM peak would see an additional 64 vehicle movements consisting of 42 arrivals and 22 departures onto the highway network. The percentage increase in vehicle movements along Sandhurst Lane and at the Sandhurst Lane/A38 junction, is noted by the CHO, to be high. However, the CHO concludes that the percentage increase appears substantial primarily as a result of the existing low traffic volumes recorded entering and egressing from Sandhurst Lane.
- 7.94 The Longford roundabout located south of the development site and is the main connection between the A40, A38 and routes towards Gloucester City Centre. In the AM peak, the junction is shown to exceed capacity for a '2021 base and committed development' scenario. However, the results have been assessed by the CHO, based on the A40 Longford Roundabout improvement scheme being in place by 2021 and providing additional capacity, especially during the more sensitive AM peak period. It is therefore accepted by the CHO, that that the proposals only have a limited impact on the operation of the junction.
- 7.95 The planned delivery of the A40 Longford Roundabout improvement, as required by condition in respect of the outline permission for the nearby Twigworth Strategic Allocation site, is currently progressing through the S278 Legal Process with Highways England and is supported by funding secured through Growth Deal 3 by the GFirst Local Enterprise Partnership (LEP).
- 7.96 It is also proposed by the applicant to improve Sandhurst Lane between its junction with the A38 and site access junction. It is proposed that the carriageway is widened to 6m in order to allow for two-way working and to support the access and egress of a refuse vehicle into the site.
- 7.97 The development would also make provision for improved pedestrian facilities on the A38 with a new uncontrolled dropped kerb tactile crossing located to the west and across the Orchard Park access in order to facility accessibility to the north and southbound bus stops. The CHO has advised that the required visibility for the pedestrian crossing could be satisfactorily achieved.
- 7.98 Furthermore, the CHO has advised that the proposal would constitute betterment over the existing footway facilities and would allow access to public transportation which accords with the principles set out in Section 9 of the NPPF. The Gloucestershire Road Safety Partnership were also consulted by the CHO as part of their overall highways assessment and raised no concerns in respect of the proposals. A Road Safety Audit has been undertaken and includes the footway improvements. The Road Safety Audit is noted by the CHO to be compliant with the local GCC Guidance note for the provision of Safety Audit. No comments/concerns were raised for the improvements to pedestrian facilities.
- 7.99 In light of the above, the CHO recommends that no highway objection be raised, subject to the imposition of appropriate conditions, which includes access, visibility, street lighting, pedestrian crossing facilities, parking and turning, electric charging points, cycle storage, estate roads. The CHO has also advised that the submitted Travel Plan would require updating as a result of the proposed changes to pedestrian facilities and these details could be secured by way of a planning condition, should Members be minded to approve the application.

- 7.100 Highways England (HE) has also been consulted in respect of the proposal, in order to assess potential highways impacts of the development upon the A40 Longford roundabout, which forms part of the strategic road network. HE has offered no objection to the proposal, subject to the imposition of planning conditions. HE advises that the capacity of the A40 Longford Roundabout must be tested, in light of the current proposal in order to determine if this scheme remains suitable for accommodating the traffic from its development in addition to the JCS and Local Plan allocations. If not, further mitigation, over and above that previously identified may be required. Consequently, HE undertook a review of the Transport Assessment (TA) dated July 2016, as prepared on behalf of the applicant by WSP. Following the review, WSP were requested to provide justification on the methodology used to identify proposed trip distribution and its assignment, considering the volume of development trips anticipated to travel through the A40 Longford Roundabout.
- 7.101 Following earlier concerns raised by HE the applicant provided the required capacity assessments for the A40 Longford Roundabout improvement scheme, which included predicted trip generation and distribution data, traffic flow and junction modelling. On the basis of the results of this modelling, HE accepts that the proposals would only have a limited impact on the operation of the improved junction and does not consider the traffic impacts would be significant or would result in unacceptable impact upon road safety, as defined by the NPPF. These results are based on the A40 roundabout improvement scheme being in place by 2021, providing additional capacity, especially during the more sensitive AM peak period.
- 7.102 HE recommends a planning condition, similar to that imposed on the Twigworth/Innsworth permissions, limiting occupation of the dwellings until such time as the A40 Longford improvement scheme is in place. This is required to safeguard the operation of the A40 Longford Roundabout from the cumulative impact of developments and the delivery of plan lead development, until the identified improvement scheme has been implemented.
- 7.103 Whilst the concerns of the local community and Parish Councils have been carefully noted, the advice from specialist consultees indicates that, subject to the imposition of appropriate planning conditions, as recommended by the CHO and HE, the scheme would be acceptable in highways terms, in accordance with paragraph 109 of the NPPF and JCS Policy INF1.

#### **Access to Local Services and Facilities**

- 7.104 The site lies on the northern side of the A38, in close proximity to the highway itself. The number 71 bus route provides regular direct transport links, from the existing village, towards Gloucester city centre in one direction and Tewkesbury town centre in the other. As such, the site benefits from direct access to the city's and town's wide range of services, facilities and schools, by alternative means to the private motor vehicle. The nearest primary school is Norton C of E Primary, which is located within Norton village itself, approximately 1.2 miles north of the application site. The nearest secondary schools are further afield at Churchdown and Innsworth. The settlement currently benefits from some limited facilities, including a small shop/post office, petrol station and rural business centre. Paragraph 103 of the NPPF advises that significant development should be focused at locations which are or can be made more sustainable, through limiting the need to travel and offering genuine choice of transport modes. In terms of considering the current proposal, it is therefore, necessary to assess whether the proposed housing development would be balanced alongside the size, function and accessibility of the settlement. It is acknowledged that the limited range of facilities at Twigworth would inevitably require new residents to travel in order to access a wider range of services. However, it must also be acknowledged that the settlement is well connected to both Gloucester city and Tewkesbury town, which can be readily accessed by public transport. In addition, it is also of note that Twigworth Strategic Allocation, located in close proximity to the site, on the eastern side of the



A38, will bring with it, a level of additional facilities which could be readily utilised by new residents of the development.

### **Impact upon Heritage Assets including Archaeology**

- 7.105 When determining planning applications, the local authority should pay particular attention to the Planning (Listed Buildings and Conservation Areas) Act 1990, section 66 (1) in which "the local authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
- 7.106 Paragraph 189 of the NPPF advises that, in determining planning applications, local planning authorities should require applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. This advice is reflected within Policy SD8 (Historic Environment) of the JCS, which requires both designated and undesignated heritage assets and their settings to be conserved and enhanced, as appropriate to their significance.
- 7.107 The site lies in relatively close proximity to a number of Grade II and one Grade II\* listed buildings, including; Wallsworth Hall (Country House) (Grade II\*), the main access for which is the private road along the southern site boundary and the following Grade II properties; 'The Manor House'; Yew Tree Cottage; Twigworth Lawn; Twigworth Court and its associated stable block.
- 7.108 The applicant has submitted a Heritage Statement (HS) in support of the scheme, together with an Archaeological Desk Based Assessment. In addition, a programme of archaeological field evaluation has been undertaken by the applicant on this site, and that the work has revealed archaeological remains relating to a Roman settlement (including associated Roman burials). The HS assesses the significance of built heritage assets within a 1km radius of the site boundary. The site itself contains no heritage assets but the Heritage Statement notes that there are eleven listed buildings within the wider study area. Both designated and non-designated heritage assets have been assessed in detail within the Statement, including their heritage significance and respective settings, with a further evaluation of any potential effects of development as shown on the accompanying Masterplan.
- 7.109 The HS concludes that the proposals to introduce a residential scheme at the Site would not have any direct effects upon the significance of any heritage assets. The principal consideration is whether the proposals cause harm to the significance of any heritage assets through harm to their respective settings.
- 7.110 The HS concludes that the Site does not contribute to the settings of the following listed buildings, nor would proposals have any effects on their heritage significance: Milestone (Grade II), Court Farm (Grade II), Barn immediately north east of Court Farm (Grade II) and Twigworth Lodge Hotel (Grade II).
- 7.111 The Conservation Officer (CO) has been consulted in respect of the proposal and advises that C18 Wallsworth Hall and early C19 Twigworth Court are higher status polite buildings, whose settings were self-consciously designed to contribute to their significance. By contrast, the other listed buildings in the vicinity of the site are mainly farmhouses or villas within the settlement of Twigworth and their settings are not extensive and their relationship with the wider landscape was a largely incidental one.

- 7.112 The CO further advises that given the separation distances involved and the screening effect of intervening development and/or vegetation, the presence of the proposed development is unlikely to have anything more than a neutral impact on the significance of any of the heritage assets cited above. Based on the above, the CO raises no objection to the scheme and concludes that the development's heritage impact is likely to be largely neutral, and that the layout and landscaping design would be able to satisfactorily address any potential conflicts that might occur.
- 7.113 Historic England has also been consulted in view of the site's proximity to the Grade II Star Wallsworth Hall. Historic England note that the relationship between Wallsworth Hall and the wider settlement of Twigworth is still legible, in the form of the two main drives, associated lodge, and Twigworth Court Farm and Farmhouse (Grade II) immediately adjacent to the southern entrance.
- 7.114 Historic England advises that, whilst the importance of preserving key views from Wallsworth Hall towards Gloucester and the significance that this open countryside affords the hall is highlighted, they consider this proposal unlikely to impact its historic setting. Whilst the topography and distance is such that visibility of development may be minimal from this asset, it will nevertheless affect the appreciation of the principal approach from the A38. Map regression indicates that this southerly drive is likely to be the original principal entrance: the survival of the entrance lodge (whilst a later building, nevertheless evidenced on historic maps), the distance from the main house (in order to emphasise the extent of land), and the approach leading directly to the small formal entrance court. Whilst Historic England do not object to this proposal, they stress the necessity to screen development along this drive to preserve this experience and recommend a scheme that pushes built form away from this western boundary in the form of a green buffer. The indicative Masterplan illustrates that an appropriate landscaped buffer could be incorporated within the scheme, along the extent of the western boundary.
- 7.115 With regard to the presence of archaeology within the site, the County Archaeologist (CA) has been consulted and has confirmed that the results of the field evaluation were positive and the northern part of the application site was found to contain numerous archaeological features indicative of the presence of a Roman settlement. However, the CA advises that the archaeology is not considered to be of the first order of preservation, since it has undergone erosion from later ploughing with the result that all surfaces formerly associated with the remains have been removed. For that reason it is the CA's view that the archaeology present on this site is not of the highest archaeological significance, so meriting preservation in situ. On that basis, the CA has confirmed that no objection is raised in respect of the development of this site, with the proviso that an appropriate programme of work to excavate and record any significant archaeological remains should be undertaken prior to the development in order to mitigate the ground impacts of this scheme. This could be secured via planning condition, should Members be minded to approve the application.
- 7.116 In light of the above, the scheme is considered to accord with Paragraph 189 of the NPPF and JCS Policy SD8 with regards to the requirement not to cause harm to the significance of any heritage assets through harm to their respective settings.

### **Affordable Housing**

- 7.117 JCS Policy SD12 sets out that on sites outside of strategic allocations, a minimum of 40% affordable housing will be sought, should be provided on site and should be seamlessly integrated and distributed throughout the development scheme. Paragraph 53 of the NDP reflects this requirement for new residential development to provide an appropriate quantum of affordable housing to meet objectively identified need.



7.118 The accompanying Planning Statement notes that the development proposes up to 100 homes comprising a mix of 2-5 bedroom homes with 35% of the total provision to be affordable housing.

7.119 The Housing and Enabling Officer (HEO) has re-iterated the requirement for 40%, rather than the originally proposed 35%. A tenure split of 70/30 social rented to shared ownership tenures would be sought. An indicative scheme of Affordable Housing units based on a total 100 dwellings has been provided by the HEO. However, the exact tenure could be open to further discussion at Reserved Matters stage, should Members be minded to approve the outline application.

	<b>Social rent</b>	<b>Shared ownership</b>	<b>Total</b>
1 bed apt/mais	8	0	8
1 bed bungalow	2	1	3
2 bed house	8	6	14
3 bed house	7	5	12
4 bed house	2	0	2
5 bed house	1	0	1
	28	12	40

7.120 However, following recent discussions with the agent, it has been confirmed that the applicant has given their agreement to provide 40% of the total housing provision as affordable housing. The affordable housing provision would be secured by way of a section 106 agreement.

### **Open Space, Outdoor Recreation and Sports Facilities**

7.121 The Framework sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. JCS Policy INF4 provides that where new residential development will create or add to, a need for community facilities, it will be fully met as on-site provision and/or as a contribution to facilities or services off-site. JCS Policies INF6 and INF7 support this requirement. Saved Local Plan Policy RCN1 requires the provision of easily accessible outdoor playing space at a standard of 2.43ha per 1000 population on sites of 10 dwellings or more. Assuming that the 100 dwellings would have an average of 2.4 occupants per dwelling, this would generate an additional population of 240 persons. As such, there would be a resulting requirement for provision of 0.3 ha.

7.122 As the application is outline form with all matters except for access, reserved for future consideration, the layout is not fixed at this stage. However, the indicative Masterplan illustrates that an area of informal public open space (POS) would be provided within the southern corner of the site and along the western boundary which also incorporates the proposed SuDS basin and landscaping buffer. A children's play area would be centrally located within the development and the existing pond and remnant orchard which adjoins the A38, would provide additional POS in the form of an enhanced wildlife area. The accompanying DAS advises that proposed open space would total 1.25 ha, the existing retained orchard wildlife area would provide 0.63 ha of space and the proposed children's area of play would provide 0.05 ha of space.

- 7.123 The DAS advises that the existing pond and surrounding vegetation would be designated as a wildlife area, through which would cross the footpath linking the site to the A38 pavement. The central landscape connection would link from the pond wildlife area through the western hedgerow boundary. This connection would provide a central public open space, enclosed by dwellings, incorporating a new children's play area. The open space along the southern boundary would be informal in character, with provision made for a SUDs attenuation basin. The DAS notes that this space could also include natural and informal seating and play opportunities (such as logs/rocks) to encourage natural play, relaxation and socialising.
- 7.124 Based upon the indicative Masterplan, it is considered that the required amount of public open space could be adequately and appropriately met within the site, in accordance with JSC Policy INF4 and Saved Policy RCN1 of the Local Plan.

### **Community Infrastructure**

- 7.125 The Community Infrastructure Levy (CIL) regulations allow local authorities to raise funds from developers undertaking new building projects in their area.
- 7.126 On-site requirements (whether they are delivered on or off site), and specific infrastructure requirements that can be robustly justified as necessary to make the development acceptable in planning terms (and otherwise the application would be refused without that infrastructure) will still be delivered via s106 obligations. The regulations stipulate that, where planning applications are capable of being charged the levy, they must comply with the tests set out in the CIL regulations. 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 reasonably related in scale and kind to the development.
- 7.127 The CIL Amendment Regulations 2019 came into force on 1 September 2019 and made a number of important changes to the operation of CIL and s106 obligations. Amongst other matters, Regulation 123 of the CIL regulations has been removed in its entirety which removes the restriction on pooling funds for a single infrastructure from more than five s106 obligations. It also allows both CIL and s106 contributions to be secured for the same infrastructure project although the aforesaid tests (Regulation 122) continue to apply.
- 7.128 The NPPF sets out that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of planning conditions or obligations. It makes clear that obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 7.129 JCS policies INF6 and INF7 combine to require infrastructure to be delivered to meet the infrastructure and services required as a consequence of development. Education and libraries. 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 cumulative impact, new development 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. 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.

- 7.130 Following consultation with the County Council, it has been advised that the proposed development would give rise to additional pupil yields and would require the following contributions to mitigate the impact. Section 106 contributions are required to be secured towards pre-school, primary and secondary education as well as library provision. The request towards education provision has been assessed as directly related to the development and is needed in order to mitigate the education needs arising from the proposal. Officers consider the requested contributions to meet the statutory tests and support the position taken by GCC. The agent has confirmed the developer is willing to enter into the s106 agreement in respect of education and library contributions.
- 7.131 In respect of library provision, GCC has confirmed that the scheme would generate additional need for library resources and a contribution of £19,600 (based on the formula of £196 per dwelling) is therefore required to make this application acceptable in planning terms.
- 7.132 Taking account of consultation responses, this application would result in the following infrastructure requirements to be secured by s106 obligations:
- Affordable Housing - 40%
  - LEAP
  - Education - Pre-school Pupil Yield – 30; £452,730.00 (Provision in the Churchdown/Innsworth Primary Planning Area);
  - Primary Pupil Yield – 41; £618,731.00 (Norton C of E Primary School);
  - Secondary Pupil Yield – 31; £642,932.00 (Churchdown School Academy).
  - Library contributions - A contribution of £19,600 (based on the formula of £196 per (dwelling)
  - Recycling & waste bins - £73 per dwelling
- 7.133 There is no signed agreement to provide the required community and education facilities contrary to the requirements of the NPPF, policies SD12, INF4, INF6 and INF7 of the emerging JCS. This weighs against the proposal. Nevertheless, these are matters which could be resolved by the signing of appropriate planning obligations.

## **8.0 Conclusion and Recommendation**

- 8.1 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.
- 8.2 The application site lies outside of the settlement boundary for Twigworth, as defined within Proposal Map M3 of the Down Hatherley, Norton and Twigworth NDP and is not allocated for housing development. The site does not represent previously developed land within the built up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing Tewkesbury Borough Local Plan to 2011 which allow for the type of development proposed here. The proposal therefore conflicts with Policies SP2 and SD10 of the JCS and Policy H2 of the NDP.

- 8.3 However, the Council cannot currently demonstrate a five year supply of deliverable housing sites and therefore the Council's policies for the supply of housing are out of date, in accordance with paragraph 11 of the Framework. There are also no policies in the Framework that protect assets of particular importance which provide a clear reason for refusing the development in this instance and the 'tilted balance' applies. On that basis the presumption is that permission should be granted unless there are adverse impacts of doing so which would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.

### **Benefits**

- 8.4 The delivery of market and affordable housing would provide a considerable social benefit; especially in the context of a housing supply shortfall. Furthermore, there would be economic benefits both during and post construction through the creation of new jobs and the support to existing local services and the local economy. Overall, given the scale of development, these benefits would attract substantial weight in favour of granting permission in light of the Council's housing land supply position.
- 8.5 The provision of public open space would be a social benefit which would serve the needs of the existing community as well as new residents. This is recognised as a limited benefit in support of development as this element may be required in any event, in order to mitigate the impacts of the development itself.

### **Harms**

- 8.6 Harm arises from the conflict with development plan policies relating to housing, particularly JCS Policy SD10 and Policy H2 of the DHNTNDP, although it is accepted that the Council's housing policies are currently out of date.
- 8.7 Harm would also arise to the landscape by virtue of the loss of a green field and the encroachment of built form within the open countryside. The quantum of development proposed would also result in harm to the existing form and settlement pattern, evidenced within the western side of Twigworth and the resulting loss of its open, rural character.
- 8.8 The loss of higher quality agricultural land, falling within Grades 2, 3a and 3b, as a result of the development, would also represent harm.
- 8.9 The absence of a signed section 106 agreement in respect of securing affordable housing and contributions for recycling/waste, pre-school, primary and secondary education, library and outdoor play area/equipment weighs against the proposal at this stage. However, it is recognised that these matters could be resolved through the completion of appropriate section 106 obligations.

### **Neutral**

- 8.10 Whilst the application is in outline with all matters reserved for future consideration, save for access, the supporting DAS and illustrative site layout does not raise any residential amenity issues in terms of a loss of light, outlook and privacy. The development would not be at an acceptable risk of flooding and appropriate drainage infrastructure can be provided. The proposal would not harm the setting of any designated heritage assets and there would be an acceptable impact in terms of archaeology. The proposal would be served by a safe and suitable access and the residual cumulative impact on the highway network would not be severe. The proposal would also be acceptable in terms of its impact on biodiversity. Therefore, subject to compliance with conditions, the proposal would result in neutral impact on residential amenity, flood risk and drainage, heritage assets, highways and ecology.

## Overall Conclusion

- 8.11 The Council cannot currently demonstrate a five year supply of deliverable housing sites and as such, the housing policies in the JCS are deemed to be out-of-date as per footnote 7 to paragraph 11 of the Framework. This also applies to the housing policies contained in the DHNTNDP. The weight that can be afforded to the relevant housing policies is therefore reduced.
- 8.12 As previously set out, paragraph 14 of the Framework states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. This is subject to certain criteria; one of which specifies that the neighbourhood plan must have become part of the development plan two years or less before the date on which the decision is made. This is the case in respect of the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan 2011-2031, which was 'made' on 28<sup>th</sup> May 2019, and as such is less than two years old.
- 8.13 Paragraph 50 of the DHNTNDP sets out the following;
- 'A matter of profound importance to Twigworth is that, whatever growth level is ultimately determined, it should be delivered steadily over the plan's period through a series of modest developments and not on a large site delivered in a short space of time. The NDP proposes an organic, piece by piece, approach to support sustainable growth in Twigworth in line with the available infrastructure.'*
- 8.14 As evidenced within the Oakridge, Highnam appeal decision, the Neighbourhood Plan *'represents an expression of how the community wishes to shape its local environment, and is relevant to the assessment whether the appeal proposal is acceptable or not.'* In this regard, it is clear that the current proposal runs completely contrary to the stated expression of how the Parish and its community wish to shape their future. This is also abundantly clear within the objections raised by the Parish in respect of the current proposal.
- 8.15 The Oakridge appeal decision further states;
- 'The Secretary of State considers that there are no protective policies which provide a clear reason for refusing the development proposed. However, taking into account the material considerations set out above, including that there is conflict with a recently made Neighbourhood Plan, he considers that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. He considers that there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.'*
- 8.16 The aspirations of Twigworth Parish to see steady, modest growth throughout the plan period, are clearly set out within their NDP. Furthermore, the Oakridge decision makes clear, that despite there being no protective policies which provided a clear reason for refusal within the Oakridge case, the wishes of the community regarding how they wished to shape their community, were of fundamental importance in the assessment of the case. The current planning proposal should be regarded no differently.
- 8.17 The potential benefits arising from the proposal are substantial. However, the identified harms above, and in particular, the overriding conflict with the Neighbourhood Development Plan, is considered to significantly and demonstrably outweigh the benefits in this case. For these reasons, it is recommended that the application is **Refused**.

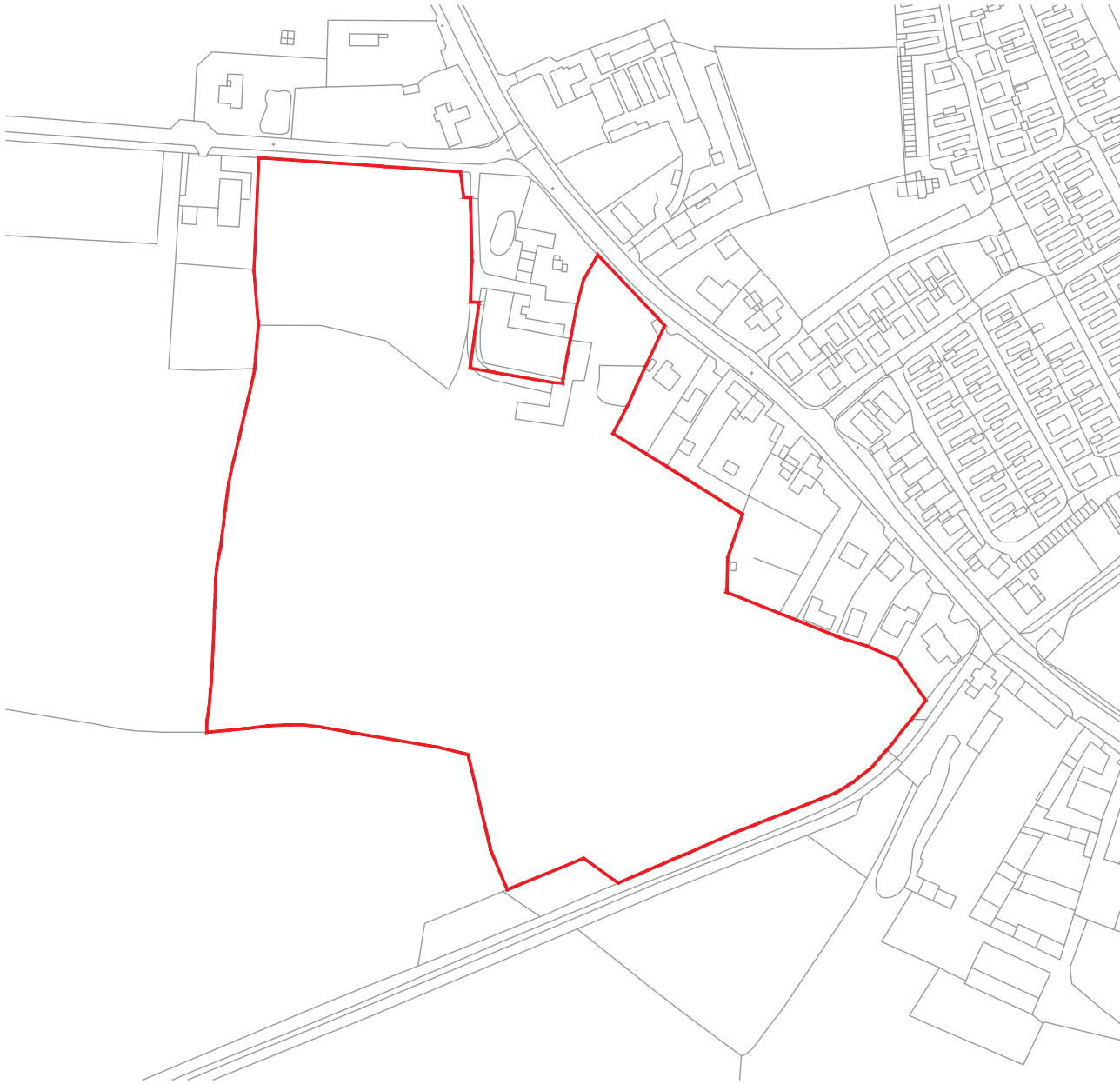


## REASONS:

1. The proposed development conflicts with Policies SP2 and SP10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017) in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development of the scale proposed. Furthermore, the proposed development conflicts with Policy H2 of the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan, which seeks to ensure that sustainable growth should be delivered steadily over the Plan period, through a series of modest developments and not on a single, large site delivered in a short space of time.
2. The overall quantum of development and its resulting layout, as indicated by the proposed indicative Masterplan, would result in an unduly harmful encroachment into the landscape and contribute to the loss of the defining linear settlement pattern and open, semi-rural nature, which is characteristic of this part of Twigworth village. The proposed development therefore, fails to accord with Policy H2 of the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan – 2011-2031 and Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS)(December 2017).
3. The proposed development would result in the loss of Best and Most Versatile agricultural land and the loss of this valuable resource is not outweighed by economic or other benefits, contrary to paragraph 170 of the National Planning Policy Framework. (2019).
4. In the absence of an appropriate planning obligation, the application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with Policy SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS)(December 2017).
5. In the absence of an appropriate planning obligation, the application does not make provision for the delivery of recycling/waste bins, education contributions for pre-school, primary and secondary education provision and library provision. The proposed development is therefore, contrary to Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS)(December 2017).

## INFORMATIVES:

1. In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to seek solutions to overcome planning objections and the conflict with Development Plan policy by seeking to negotiate with the applicant to address identified issues of concern and providing on the council's website details of consultation responses and representations received. However, negotiations have failed to achieve sustainable development that would improve the economic, social and environmental conditions of the area.



proj: 15-041    dsg: 200    date: 28/07/2016    rev: D

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**CHESTNUT TREE FARM, TWIGWORTH**  
**Redline Boundary**  
TAYLOR WIMPEY











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-  Proposed Development Site Boundary
-  Existing Pond & Trees retained in a Wildlife Area
-  Existing Trees and Hedgerows retained
-  New road & footway access from Sandhurst Lane
-  Existing Public Rights of Way locally
-  Indicative residential areas, houses and roads
-  New accessible Park & Children's Play Area
-  New trees and hedgerows planted to replace stretches removed for access
-  New footpath to A38 crossing point
-  Existing bus stops
-  Existing Orchard retained as Wildlife Areas, with new or replacement trees for missing / dead trees
-  New informal public open space for exercise and relaxation
-  New footpaths through site could link to Public Right of Way to the north

proj: 15-028 dpg: 500 date: 28/07/2016 rev: E

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# Chestnut Tree Farm, Twigworth

## 160 Masterplan

Taylor Wimpey

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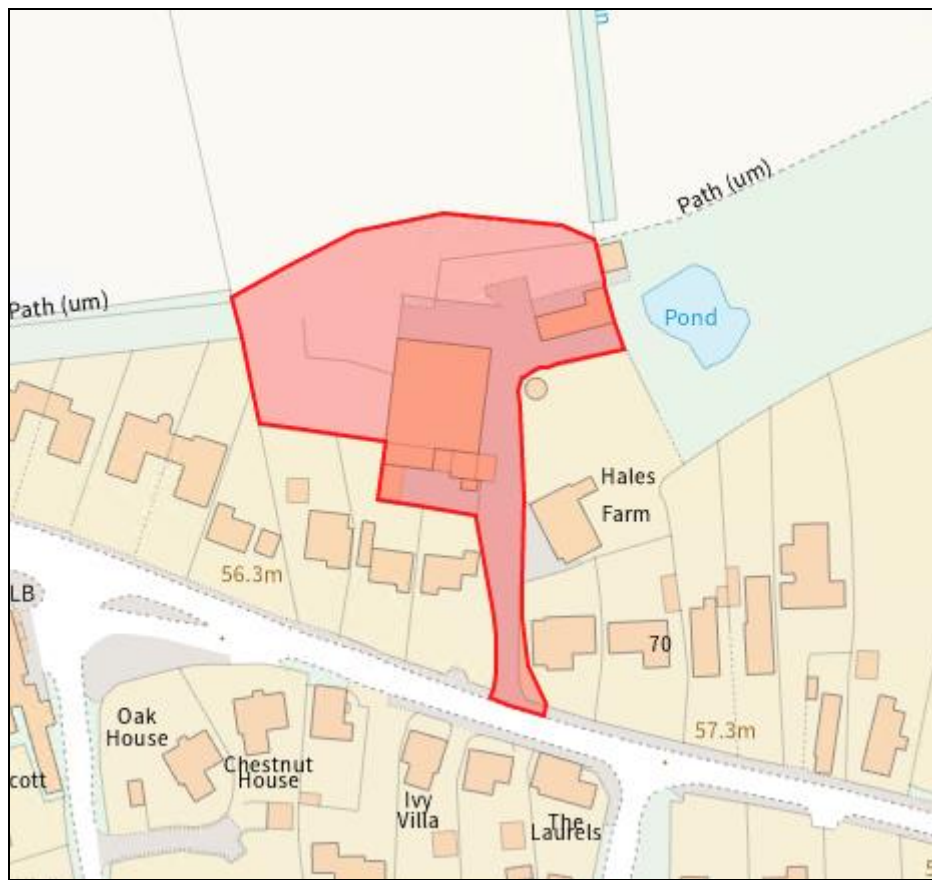
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## Planning Committee

<b>Date</b>	19 September 2023
<b>Case Officer</b>	Sarah Smith
<b>Application No.</b>	23/00476/PIP
<b>Site Location</b>	Hales Farm Malleson Road Gotherington
<b>Proposal</b>	Permission in principle application for development of the site to provide between 1 and 5 dwellings
<b>Ward</b>	Cleeve Hill
<b>Parish</b>	Gotherington
<b>Appendices</b>	Site location plan
<b>Reason for Referral to Committee</b>	Objection to the scheme from Gotherington Parish Council
<b>Recommendation</b>	Permit

### Site Location



## **1. The Proposal**

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Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RUP3D7QD0PB00>

- 1.1** The application is a permission in principle application for up to five dwellings. The application documents include a number of alternative illustrative plans which show, for one option, the retention and conversion of the older traditional buildings for one dwelling and four new detached units on the site, but also a mixture of options for five dwellings that include the demolition of the traditional buildings and the erection of a mix of five new detached or semi-detached dwellings. The more modern agricultural buildings on the site would also be demolished for all the different proposed layouts. The existing access to the property would be utilised for the proposed development.
- 1.2** Other than the access itself the site is largely outside the settlement boundary as defined on the Local Plan Map for Gotherington. Part of the site is also within the Special Landscape Area.
- 1.3** This application is for a Permission in Principle (PIP), as provided for in the Town and Country Planning (Permission in Principle) Order 2017. The current application is the first stage of the process and seeks solely to establish whether the site is suitable in principle for the provision of between one and five dwellings. The Government's guidance sets out that the scope of the first stage of permission in principle is 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.

## **2. Site Description**

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- 2.1** This application relates largely to a former farmyard adjacent to the farmhouse which currently appears to be being used as a builder's yard and storage associated with this use but also comprises part of an agricultural field. The site is therefore partly used as a builder's yard and associated storage. However part of the site extends into an agricultural field to the north and west (the western element behind the large modern storage building to be demolished).
- 2.2** The site is generally level and covers approximately 0.4 hectares with a number of buildings within the site and the open area consisting of mostly hardstanding with the exception of part of the field included within the proposed development site. There is no definable boundary to the north and the red line of the proposed site appears to have been determined by the actual trodden path of the PROW a little north of that defined on the map. The site is bounded by three residential properties and the existing access to Malleson Road to the south, agricultural land to the north and partly to the west, residential rear curtilages to the west and the applicant's dwelling and domestic curtilage to the south east. Land belonging to the applicant is situated to the east which appears to be in agricultural use for an orchard.

### 3. Relevant Planning History

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Application Number	Proposal	Decision	Decision Date
96/01296/OUT	Outline application for the demolition of existing farmhouse & the erection of 2 detached houses. Construction of new vehicular access.	PER	06.05.1997
97/00529/FUL	Erection of dwelling and alteration to access	PER	22.07.1997
99/00830/FUL	Change of use of agricultural land to residential curtilage. Formation of a swimming pool.	PER	12.10.1999
50/00083/FUL	Improvements to cowhouse and dairy farm.	PER	
12/00785/APP	Storage building.	REF	15.10.2012
13/00947/FUL	Proposed stable block with tack room and hay store	PER	22.11.2013

### 4. Consultation Responses

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

#### 4.1 Gotherington Parish Council – Object on the following grounds:-

- Quantum of development already exceeded in the village by a significant margin
- The proposed development does not maintain Gotherington's east-west linear form, or separation from Woolstone.
- The development would be clearly visible from the AONB and would constitute harm to these views to the east of the village
- Gotherington isn't a sustainable location.
- Village infrastructure cannot cope with further development.
- Loss of agricultural heritage and buildings.
- Poor access.
- Community should be allowed to integrate the new residents for the consented developments before further applications are consented.

#### 4.2 Environmental Health Officer – No objection subject to conditions on working hours during construction.

**4.3 County Highways Officer – No objection** on the following grounds:-

- The application site is approximately 500m to the west of the centre of the village.
- There are a number of day to day facilities within Gotherington, which includes a village store, post office and cafe. Furthermore, there is a primary school approximately 800 metres from the site.
- Manual for Streets states that walkable neighbourhoods should include a range of facilities within an 800 metre walking distance, which equates to an approximate 10 minute walking time. In this instance the site has a number of facilities which are within a comfortable walking distance of the site.
- The nearest bus stop is located immediately adjacent to the site access.
- Location of the site would allow for travel by non-car modes.
- No unacceptable impact on highway safety or a severe impact on congestion.
- No justifiable (highway) grounds on which an objection could be maintained.

**4.4 Public Rights of Way Officer – Comments** as follows:-

- There appears to be no mention of the legal definitive route of PRow AGO/9, as represented by the pink line on the attached first attached screen shot and would require a diversion undertaken by Tewkesbury LPA under s257 of the TCPA and included as part of the planning approval. The Area Rights of Way Officer should be consulted as part of this process.

**4.5 Council’s Ecological Advisor – Original Comments**:- No ecological information has been provided.

Revised Comments:- No ecological grounds for refusal at this stage.

- A Preliminary Ecological Appraisal has been submitted. Ecological surveys that would be required to determine the application at the technical detail stage (TDC) are as follows:- Bat surveys on the buildings identified as having potential to support bat roosts. Impacts from lighting and commuting/foraging routes should also be considered to avoid impacts on commuting and foraging bats. Reptile presence/likely absence surveys will be required. The Proposals should also seek to provide Biodiversity Net Gain.

**4.6 Conservation Officer – Original Comments**:- Object:

- Site contains traditional stone built agricultural buildings in the south west corner of the site.
- Buildings appear to represent the surviving remnants of the farm buildings associated with Hales Farm.
- Southern section of the historic yard was demolished to make way for No.74 and 76.
- Surviving buildings appear to consist of a one and half storey stone-built stables/granary/store with tallet steps and is attached to an L shaped range of open sided shelter sheds.
- The survival of these buildings and their form represents the last vestiges of the historic farmstead associated with Hales Farmhouse.
- These buildings would have some local heritage interest and are considered to be non-designated heritage assets
- The effect of the application on the significance of the non-designated heritage assets should be taken into account in determining the application.
- Indicative plan shows the heritage assets demolished in order to achieve this density.

- The scale of loss of the heritage assets would be absolute and the level of harm would therefore be high.
- Such proposal in principle would highly likely result in actions contrary to section 16 of the NPPF, Policy SD8 of the JCS and Policy HER5 of the Local Plan.

Revised Comments:-

- Amended indicative plans demonstrating the erection of 4 new dwellings
- Retention of the historic farm buildings (for conversion to residential use).
- If it is possible to secure the retention of the historic farm buildings then there would be no heritage objection to the construction of the new dwellings.

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

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

**5.1** The application has been publicised through the posting of a site notice for a period of 14 days in accordance with the requirements for a Permission in Principle application.

**5.2** 37 letters of objection have been received on some or all of the following grounds:-

- Not infilling
- Outside settlement boundary
- Partly in Special Landscape Area
- New housing in village already in excess of Neighbourhood Plan
- More housing does not protect village's stretched resources
- Does not maintain village's east-west linear form
- Does not protect identity of Gotherington preventing its coalescence with Woolstone
- Increased traffic levels
- Highway safety issues due to narrow access
- No need for housing delivery to be speeded up in Gotherington
- Does not provide visual improvements
- Mostly greenfield not brownfield development
- Would create more traffic movements not less
- Loss of countryside
- Does not provide increased amenity for residents
- Gotherington becoming sprawling housing estate with no community feel
- Will set a precedent
- No parking facilities in village
- Insufficient services to support the development
- Limited bus service
- Flooding will be exacerbated
- Build a new village elsewhere
- Will affect view to Crane Hill
- Increased in traffic noise and pollution
- Loss of important tranquil landscape
- Undermine property values
- Insufficient infrastructure
- Impact on mental health of loss of view
- Disruption caused by construction
- Impact on approach to AONB
- Impact on PROW towards Freeman's Fields
- PROW will require redirection

- Impact on landscape
- Impact on ecology
- Not enough community space in village
- Deciding to sell and move away due to developments
- Realise village must grow but not so it merges with other villages
- Would not harmonise with existing properties
- Village does not need large 4 bedroom dwellings
- Impact on orchard
- Impact on road quality
- Modern estate houses are in appropriate here
- Local views in NP not listened to
- Object to demolition of farm buildings which have heritage interest
- Existing buildings are not unkempt and dilapidated
- Young people might wish to stay in village but house prices outside their reach
- Impact on amenity of neighbouring dwellings
- A smaller proposal may be acceptable up to 2 dwellings if there was minimal damage to the heritage buildings and built form did not extend to Woolstone
- Welcome retention of barn on revised layouts

**5.3** 17 letters of support have been received on some or all of the following grounds:-

- Quality homes in centre of village more beneficial for everyone than unkempt, dilapidated farm buildings
- Less traffic movements with development
- Reduce future commercial use of site
- Good use of brownfield site
- Would help with housing shortage in District
- Development would be of premium quality
- Settlement boundary should include Hales Farm
- Comments re footpath and field to be built on are untrue
- Represents sustainable development
- Well placed for amenities
- More suitable use of land in this location
- Will enhance ecology on site
- Proposed houses do not extend physical village boundary
- Buildings no longer suitable for farming use
- Will support local business
- Ensures people have work locally
- Will help prevent spread of village
- More suitable than several sites that have received Planning Permission in village
- The layouts are only indicative
- Proposes wider access than exists at present

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

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### **6.1** Statutory Duty

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

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



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

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

- Policy SP1 (Need for New Development)
- Policy SP2 (Distribution of New Development)
- Policy SD4 (Design)
- Policy SD6 (Landscape)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD10 (Residential Development)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)

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

- Policy RES2 (Settlement Boundary)
- Policy RES3 (New Housing Outside Settlement Boundaries)
- Policy RES5 (New Housing Development)
- Policy RES7 (Re-use of Rural buildings for Residential Use)
- Policy LAN1 (Special Landscape Area)
- Policy HER5 (Non-designated Heritage Assets)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)

**6.5** Neighbourhood Plan

Gotherington Neighbourhood Development Plan – 2011-2031

- Policy GNDP01 (New Housing Development within Gotherington Service Village)
- Policy GNDP02 (Meeting Strategic Development Needs in Gotherington as a service Village)
- Policy GNDP03 (New housing Development in the Open Countryside)
- Policy GNDP04 (Securing a Suitable Mix of house Types and sizes in New Development)
- Policy GNDP07 (Gotherington Design Principles)
- Policy GNDP08 (Development Affecting Non-designated Heritage Assets)
- Policy GNDP09 (Protecting and Enhancing the Local Landscape)
- Policy GNDP11 (Development Outside of the Defined Settlement Boundary)
- Policy GNDP12 (Biodiversity)

## **7. Policy Context**

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**7.1** This application is for a Permission in Principle (PIP), as provided for in the Town and Country Planning (Permission in Principle) Order 2017.

**7.2** The PPG advises that this is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle from the technical detail. This consent route has two stages, the first stage establishes whether a site is suitable in principle, and the second stage, the technical details consent, is where the detailed development proposals are assessed.

- 7.3** The current application is the first stage of the process and seeks solely to establish whether the site is suitable in principle for the provision of between 1 and 5 dwellings.
- 7.4** The Government's guidance sets out that the scope of the first stage of permission in principle is 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.

## **8. Evaluation**

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- 8.1** The guidance (Paragraph 012 of the Planning Practice Guidance) for Permission in Principle states that the scope of the PIP is limited to:

- Location
- Land Use
- Amount

### **Location: Principle of Development**

- 8.2** The application site has not been allocated for housing in the JCS and therefore the criteria of Policy SD10 of the JCS would apply. This policy advises that housing on sites which are not allocated for housing in district and neighbourhood plans will be permitted if they meet certain conditions.
- 8.3** Of some relevance are Criteria 3 and 4 (ii) of Policy SD10. Criterion 3 states that on sites that are not allocated, housing development and conversions to dwellings will be permitted on previously developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within District plans. However only approximately half the area of the site is previously developed land as defined in the NPPF. 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. For the purposes of criterion 4(ii), the supporting text defines 'infill development' as "the development of an under-developed plot well related to existing built development." It is not considered that the site is a typically defined infill development in that it does not provide a direct frontage to the existing road yet it meets the definition set out in the JCS since the site is under-developed and relates well to the existing built form.
- 8.4** Policy RES3 of the Tewkesbury Local Plan is relevant. The site is for the most part outside the settlement boundary for Gotherington and extends to a degree outside the rear established built form into the field beyond and therefore does not comply with most of the criteria set out under Policy RES3 although some of the indicative layouts show the reuse of the traditional farm buildings within the site. Neighbourhood Plan Policy GNPD02 states in the event that the future development plan identifies an additional need for further strategic housing development in Gotherington (as a service village) beyond the allocations in this plan, then any proposals to meet this additional identified need will be managed to at, or about, that identified need and are encouraged to meet the following criteria: a) Adjoin the defined settlement boundary; b) Maintain the village's east-west linear form; c) Not have an adverse impact on the Area of Outstanding Natural Beauty; d) Maintain the separation of Gotherington village from Bishops Cleeve and Woolstone.

- 8.5** Gotherington has provided a more new housing than envisaged by the JCS and Local Plan but the amount is not limited directly in policy. Importantly, in this particular case, the proposed amount of housing envisaged on this site is small in number and half of the site is covered in buildings and hard standing and relates reasonably well to the built form of the village and therefore also relates well to the services and amenities that the village provides as an identified Service Village in the Local Plan. The development would also be read against the built form of the village from northern viewpoints.
- 8.6** As set out above in broad terms Policy SD10 of the JCS provides support for the proposed development although there are some tensions with the Local Plan and Neighbourhood Plan in providing support for the development. It is considered that the development would predominantly be seen within the context of existing built form and would not appear divorced from the settlement. Although finely balanced in this respect, the proposal is considered to be acceptable in principle.

**Location: Landscape impact**

- 8.7** Section 15 of the NPPF relates to "Conserving and Enhancing the Natural Environment" and, at paragraph 174, specifies that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside.
- 8.8** Policy LAN1 Special Landscape Areas of the TBLP is relevant. This states that new development will be permitted within SLAs subject to the following 3 criteria:-
- The proposal would not cause harm to those features of the landscape character which are of significance;
  - The proposal maintains the quality of the natural and built environment and its visual attractiveness;
  - All reasonable opportunities for the enhancement of landscape character and the local environment are sought.
- 8.9** Policy LAN2 of the TBLP states that development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting. In doing so, relevant landscape features and characteristics must be conserved and where possible enhanced, having regard to the Gloucestershire Landscape Character Assessment 2006 and the Cotswolds AONB Landscape Character Assessment 2003. Policy SD7 of the JCS sets out that all development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities.
- 8.10** 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.
- 8.11** In considering proposals for new housing development Policy RES5 of the TBLP requires proposals to consider the impact of any development on the form, character and landscape setting of the settlement which will be important considerations.

- 8.12** As noted earlier the proposal is relatively small in scale and in principle it is considered that the development would be read against the built form of the village from northern viewpoints. Nevertheless the east to west linear nature of Gotherington village is considered an important characteristic as defined in Policies within the Neighbourhood Plan and this proposal would extend the residential development to a degree northwards. Yet in this particular case this would only be to a small extent northwards taking into account the existing settlement boundary which extends further north itself immediately west of the site. The northern and part western elements of the site are within the SLA. Any impact will need to be weighed against the benefits of the proposed development and likely enhancement measures when the detailed layout is provided at technical details stage.

### **Land Use**

- 8.13** The guidance sets out that housing led development is the accepted land use for a PIP application.
- 8.14** As discussed above, it is considered that approximately half of the site consists of previously developed land, the site is also partly within and partly adjacent to the settlement boundary and the proposal relatively small scale and could be considered to comply with the definition of infilling set out in the JCS such that that on balance its use for housing led development is considered acceptable, subject to approval of technical details.

### **Amount**

- 8.15** The application seeks permission for between one and five dwellings on a site comprising 0.4 ha which would give rise to a maximum residential development density of circa 12 dwellings per hectare, which is a relatively low development density but appropriate in this location.
- 8.16** Policy SD10(6) of the JCS states that residential development should seek to achieve the maximum density which is compatible with good design and, inter alia, the character and quality of the local environment.
- 8.17** Whilst the layout is a consideration for Technical Matters stage, due to the sensitivities of the site which abuts the open countryside and the need to consider the conversion of the traditional buildings within the proposals, a lower density form of development with a high-quality landscaping scheme would be an appropriate form of development.
- 8.18** Therefore, as the characteristics of the site would likely give rise to a lower density form of development at Technical Matters stage it is considered that the principle of up to 5 dwellings for development on this site is acceptable having regard to the provisions of Policy SD10(6) of the JCS.

## Other Matters

- 8.19** It is not within the scope of this application to determine the details of site layout, design, access, landscaping or drainage. Permission in principle could only be refused on this basis if there were insurmountable reasons why the development as proposed would have unacceptable impacts regarding these specific details. Any proposal for the diversion of the PROW would need to be considered under separate legislation. Some of the matters raised by local residents are not matters that can be considered within the scope of the application and would be considered at the technical details stage. Any issues which may arise must be overcome through that part of the process and before development could proceed.
- 8.20** However the original indicative layout showed the demolition of the traditional farm buildings on the site to which the Conservation Officer raised an objection and recommended refusal. The applicant has responded with providing a number of indicative layouts which largely retain these buildings as a residential conversion and if the buildings are retained in any subsequent proposed layout on this basis the Conservation Officer is satisfied. Officers have discussed with the agent a slight change to the description of development to 'provide between 1 and 5 dwellings'. In addition a Preliminary Ecological Appraisal was carried out on the site and evidence of bat activity was found. The Council's Ecological Advisor has recommended that further assessment on ecological matters is carried out with the submission of Technical Details. The relevant consultees have not raised any insurmountable concerns and as such there are no reasons for refusal for the principle of residential development at this stage.

## 9. Conclusion and Recommendation

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- 9.1** This application for permission 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, Policy SD10 of the JCS and, while there are some tensions with Policy RES3 of the Tewkesbury Local Plan and Policy GNDP02 of the Gotherington Neighbourhood Plan, the proposal is acceptable. Therefore it is recommended that Permission in Principle is **PERMITTED**.

## 10. Informatives

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- 1.** The technical details application for the approval of matters must be made prior to commencement of development and no later than the expiration of three years from the date on this decision notice, after this period this planning permission in principle shall lapse.
- 2.** For the avoidance of any doubt the applicant is advised that any technical details consent should seek to retain the traditional buildings (non-designated heritage assets) on the site as part of the future layout.
- 3.** A diversion of PROW AGO/9 is required according to the PROW officer and would need to be secured prior to any approval of the Technical Details.

4. 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.
  
5. CIL: IMPORTANT INFORMATION Tewkesbury Borough Council is a charging authority for the Community Infrastructure Levy (CIL). It is your responsibility to ensure that the requirements of the CIL Regulations are met. The Council will make every effort to ensure that a Liability Notice providing details of the potential charge is dispatched as soon as possible after planning permission or consent is granted. If you do not receive a Liability Notice please contact the Council. If you have been granted a Permission in Principle you will be required to submit the CIL Planning Application Additional Information Requirement form along with your Technical Details application. IMPORTANT - All CIL requirements, including assuming liability to pay the charge, claiming any exemption or relief and notifying the Council of your intention to commence development, must be met before any works begin on site - including any demolition. Further information regarding CIL can be found on our website at <https://www.tewkesbury.gov.uk/planning> or you can contact us at [cil@tewkesbury.gov.uk](mailto:cil@tewkesbury.gov.uk).

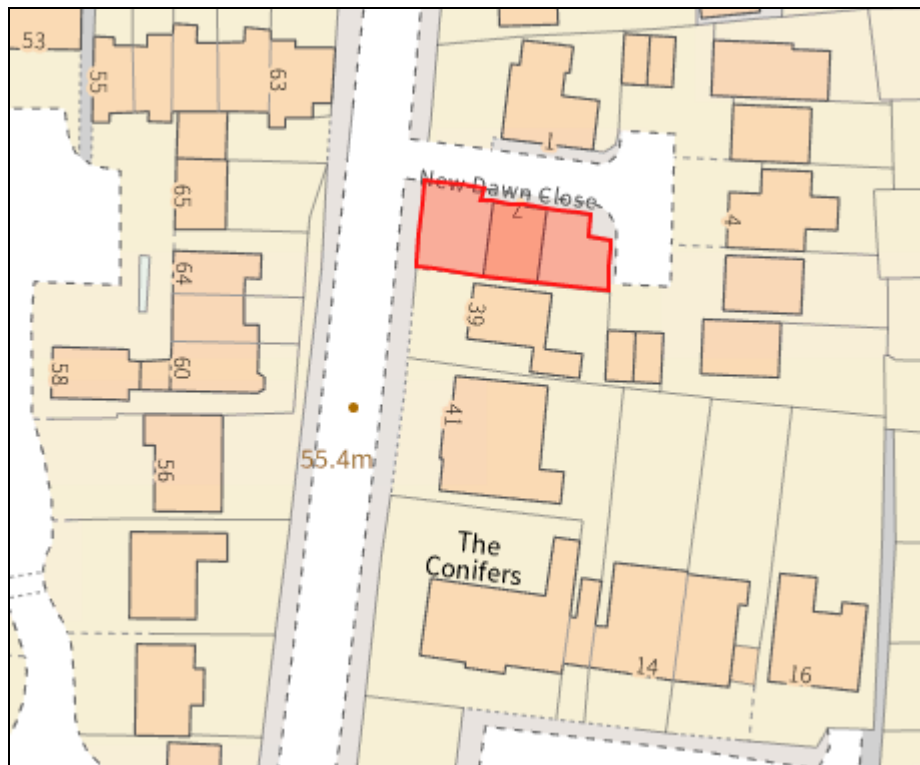




## Planning Committee

<b>Date</b>	19 September 2023
<b>Case Officer</b>	Joe Gibbons
<b>Application No.</b>	23/00212/FUL
<b>Site Location</b>	Station House, 7 Newdawn Close, Bishops Cleeve
<b>Proposal</b>	Raised ridge height and installation of rear roof dormer and front rooflights.
<b>Ward</b>	Cleeve West
<b>Parish</b>	Bishops Cleeve
<b>Appendices</b>	Site Location Plan (A1200P-640-04) Existing & Proposed Block Plan (A1200P-640-03A) Plans and Elevations as Existing (A1200P-640-01) Plans and Elevations as Proposed (A1200-640-02C)
<b>Reason for Referral to Committee</b>	Objection received from Bishops Cleeve Parish Council.
<b>Recommendation</b>	Permit.

### Site Location



## 1. The Proposal

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Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RQQ8TOQDG1K00>

- 1.1 The applications seeks planning permission for a roof alteration comprising the raising of the ridge height, the installation of a rear roof dormer and front rooflights.
- 1.2 The initial application did not include in the description, the proposal to raise the ridge height of the roof. The description of development was subsequently amended, and Neighbours and consultees re-notified on the revised description.

## 2. Site Description

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- 2.1 Station House is a two-storey detached property located within Bishops Cleeve. The dwelling was formally a redundant Police station building prior to its conversion following the grant of planning permission (ref 12/00616/FUL) which included 5 new dwellings which have since been constructed to the rear of the application property.

## 3. Relevant Planning History

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Application Number	Proposal	Decision	Decision Date
02/00109/OUT	Outline application for a replacement police station and three detached houses	PER	19.03.2002
T.1865	Erection of police station.	NOOBJE	15.06.1954
T.1865/A	Erection of Police Station and 2 houses. Construction of vehicular and 2 pedestrian accesses onto a lay-by.	PERMIT	28.02.1955
12/00616/FUL	Part demolition, conversion & extension of redundant Police Station buildings into 2 dwellings and the construction of 6 new dwellings. Associated garages, road and sewers.	PER	31.10.2012
13/00005/MINOR	Non-material minor amendment (12/00616/FUL)	GRANT	11.01.2013
13/00035/MINOR	Non material amendment to reduce the width of the garage serving Plot 8 to 2.8m external. (Amendment to application 12/00616/FUL).	GRANT	12.08.2013

## 4. Consultation Responses

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

#### **4.1 Bishops Cleeve Parish Council – Object,**

- Rear dormer is out of proportion to the size of the property,
- Intrusive and will negatively affect the amenity of their neighbours by invading their privacy.

#### **4.2 Building Control – No objection**

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

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

**5.1** The application has been publicised through the posting of neighbour notification letters for a period of 28 days.

**5.2** No representations have been received.

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

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#### **6.1 Statutory Duty**

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

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

#### **6.2 National guidance**

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

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

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

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

- Policy RES10 (Alteration and Extension of Existing Dwellings)

#### **6.5 Neighbourhood Plan**

None

### **7. Policy Context**

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

- 7.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), a number of 'made' Neighbourhood Development Plans.
- 7.3 The relevant policies are set out in the appropriate sections of this report.
- 7.4 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

## **8. Evaluation**

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

- 8.1 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 proposals is appropriate to the character and appearance of the existing dwelling and its surrounding area.
- 8.2 The existing dwelling forms one of two previous police buildings which have very similar frontages, both are finished in cream render with a central chimney stack. The properties are therefore relatively uniform with one another, however Gate House, No.1 Newdown Close, has been extended to the rear with a two-storey extension and features an attached garage.
- 8.3 This proposal would see the ridge-line of the host dwelling increased in height from 7.1m to 7.85m, an increase of approximately 0.75m. This increase would alter the pitch of the roof slope from 34 degrees to 41 degrees.
- 8.4 This change would alter the relationship between the host dwelling and the Gate House, however the chimney stack would be retained and the new concrete roof tiles would match the existing, softening the impact that the proposal would have upon the appearance of the host dwelling when viewed from the street.
- 8.5 The surrounding residential development differs in design and scale. To the south of the application site is a white rendered bungalow, to the east (behind) are redbrick two and two and a half storey dwellings and to the west are redbrick and mock Tudor two storey dwellings which all vary from one another in design height and scale.
- 8.6 There is an existing lack of unity and rhythm within the street scene. Whilst the roof height increase would result in a ridge which is above those of neighbouring dwellings, the increase is not considered to be significant or incongruous in the context of existing and surrounding development and it is therefore considered that the proposal would result in negligible harm to the character and appearance of the street scene.
- 8.7 Whilst the rear dormer would be large, the appearance would be softened due to the proposed hanging tiles which would match those of the existing roof, allowing the works to assimilate with the property.
- 8.8 The proposed works would provide two additional bedrooms and a bathroom, taking the total number of bedrooms to 5. The applicant has confirmed that 3 parking spaces are available for the property and is in-line with the advice set out within the Manual for Gloucestershire Streets (July 2020) Addendum - October 2021.

- 8.9 It is considered that the proposal would be of an appropriate size and design and would be in keeping with the character and appearance of the property and wider street scene. The proposal would therefore 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***

- 8.10 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 application property is set broadly in line with the adjoining properties at 'The Gate House' and 'Orchard House'. Given this relationship it is considered that the increased ridge height and proposed dormer would not result in any unacceptable overbearing impacts, loss of light or overlooking to these adjoining properties.
- 8.12 The properties to the rear, Nos. 2, 3, 4 & 5 Newdawn Close are set in a cul-de-sac which front towards the rear elevation of the application property.
- 8.13 The proposed dormer would be set approximately 20 metres from Nos. 4 & 5 New Dawn Close which are located directly to the rear of the application property. While the proposed dormer would result in two additional bedroom windows facing towards the front elevations of these properties, these windows would be no closer than those within the rear elevation of the existing property. Considering this relationship and separation, it is concluded that there would not be any demonstrable harm to the living conditions of the occupiers of properties at Newdawn Close from overlooking, loss of light or overbearing effects.
- 8.14 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 be of an acceptable design and scale which would not result in any demonstrable harm to the appearance of the existing dwelling or the surrounding area. Furthermore given the relationship to adjacent properties, the proposal would not result in an unacceptable loss of residential amenity to the occupiers of neighbouring dwellings.

## **10. Recommendation**

---

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

## **11. Conditions**

---

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

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

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

- Drawing number A1200P-640-04 (Location Plan as Existing) received by the Local Planning Authority on 27.02.2023
- Drawing numbers A1200P-640-03A (Site Plan & Block Plans As Existing & Proposed) and A1200P-640-02C (Plans and Elevations as Proposed) received by the Local Planning Authority on 05.09.2023.

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

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

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

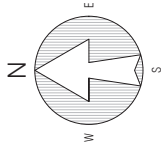
Reason: To ensure that the proposed development is in keeping with the exiting dwelling.

## **12. Informatives**

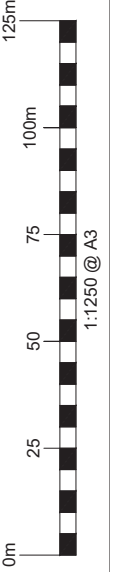
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- 1 In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing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

This drawing is copyright and the reproduction without permission is prohibited. It is not to be used for construction. The contractor is responsible for checking all information before any work is carried out. All drawings should be used in conjunction with the Structural Engineering report, which takes precedence over all other documents. All drawings are for the project only and are not to be used for any other purpose.



LOCATION PLAN 1:1250



Rev.	Date	First Issue	Revisions
A			

**PSK architect**  
*Partnership of Architects*  
 PSK Cheltenham Ltd  
 41 Bath Road  
 Cheltenham  
 Gloucestershire  
 GL52 8PR  
 Tel: 01242 204477



Station House 7  
 New Dawn Close  
 Bishops Cleeve  
 Cheltenham  
 GL52 8PR

DESCRIPTION
Loft Conversion
Location Plan As Existing

DATE	SCALE
22.02.23	1:1250 @ A3
DRAWN	CHECKED
ED	PSK

A1200P-640-04

**RIBA** | PSK Cheltenham Ltd is a chartered practice registered with RIBA.



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Rev.	Date	Revisions
A	05.09.23	First Issue

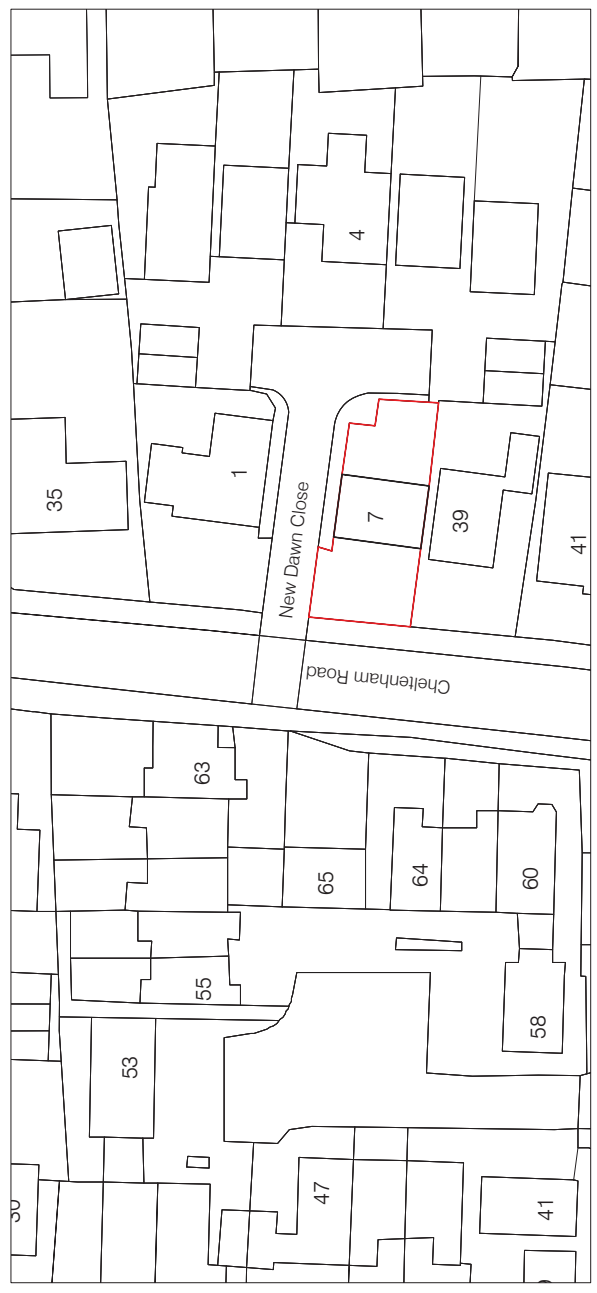
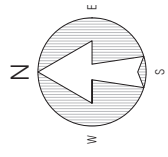
**PSK architect**  
*Space. Form. Function. Sustainability.*  
 PSK Cheltenham Ltd  
 41 Bath Road  
 Cheltenham  
 Gloucestershire  
 GL52 8PR  
 Tel: 01242 204477

TITLE  
**Station House 7**  
**New Dawn Close**  
**Bishops Cleeve**  
**Cheltenham**  
**GL52 8PR**

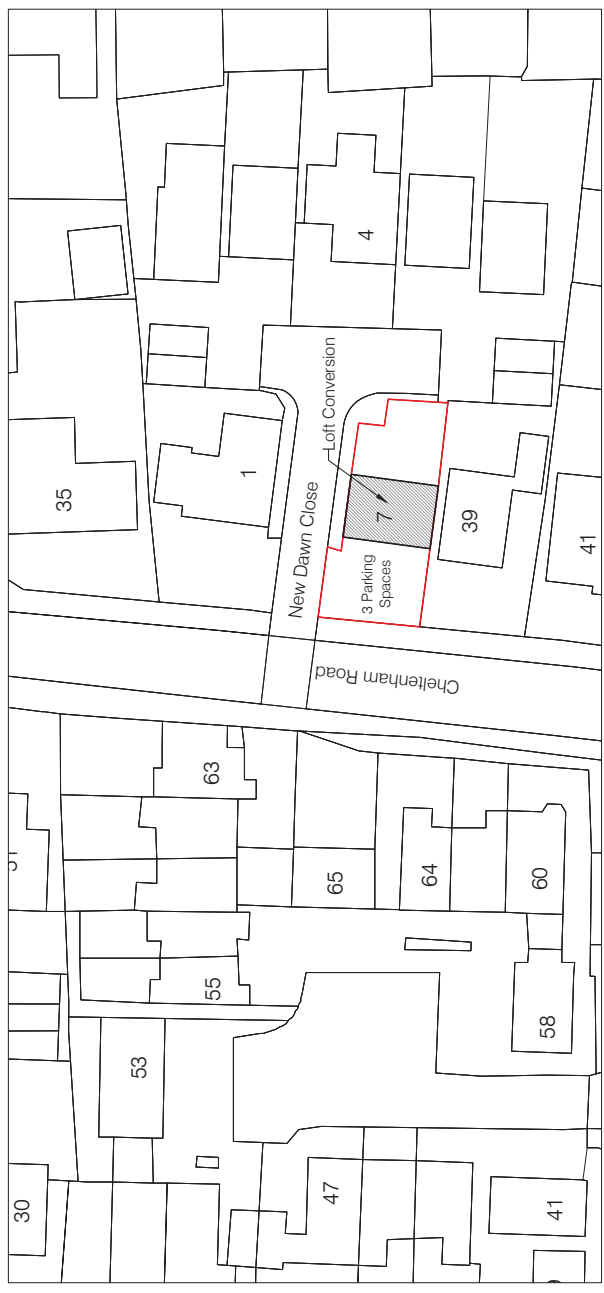
DESCRIPTION  
**Loft Conversion**  
**Site Plan & Block Plans**  
**As Existing & Proposed**

DATE	SCALE
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DRAWN	CHECKED
ED	PSK

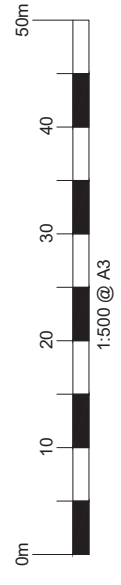
A1200P-640-03A



Existing - SITE PLAN (BLOCK PLAN) 1:500



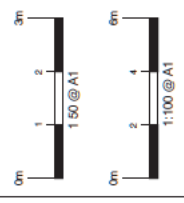
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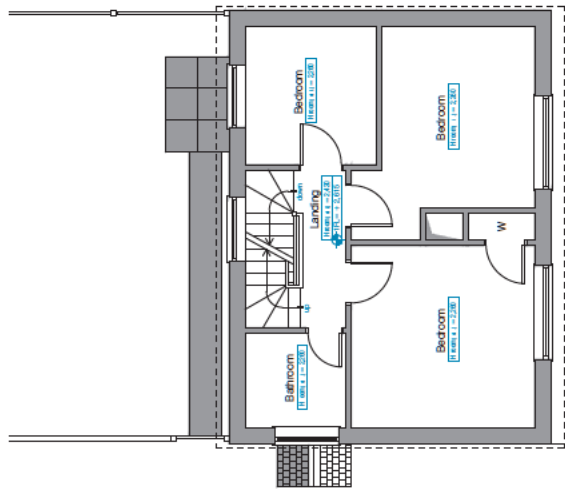
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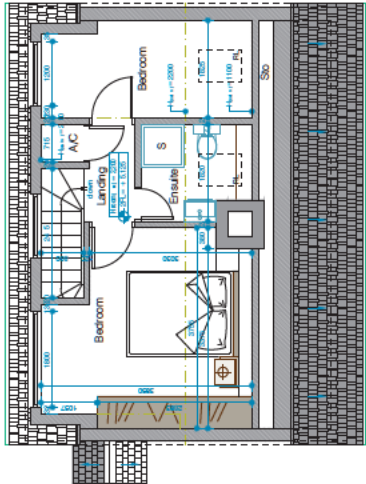
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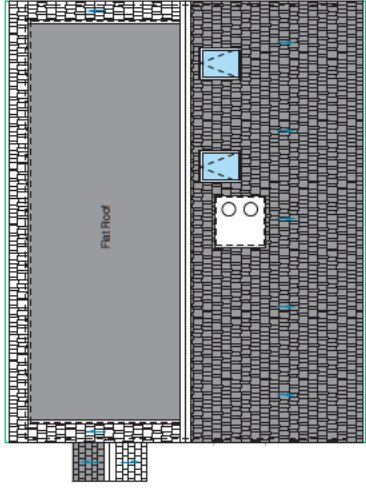
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- EA Flat Insulation
  - Charcolised
  - Hardwood Floor
  - Apron A: Boundary line
  - G/F Floor
  - G/F/1st Floor slab
  - G/F Floor
  - R/W
  - Downwater
  - Drain
  - Appr A:1 Valve



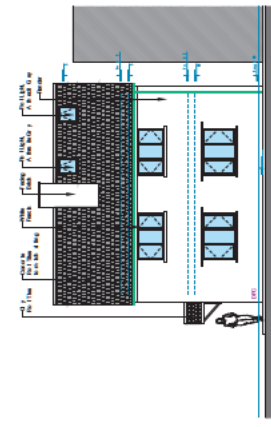
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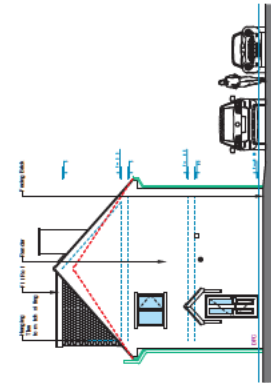
LOFT PLAN AS PROPOSED  
SCALE - 1:50 @ A1



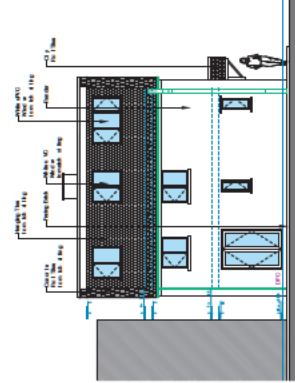
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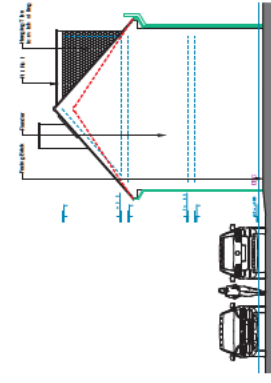
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SIDE ELEVATION AS PROPOSED  
SCALE - 1:100 @ A1



REAR ELEVATION AS PROPOSED  
SCALE - 1:100 @ A1



SIDE ELEVATION AS PROPOSED  
SCALE - 1:100 @ A1

C	19/09/23	Revised Revit file
B	18/07/23	Revised Revit file
A	19/02/23	Extended Drawing
Rev.	Date	Re: Notes

**PSK architect**  
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Cheltenham, Gloucestershire  
GL52 8PR  
t: 01235 331 77

TITLE  
**STRAIGHT HOUSE**  
New Dawn Close  
Bishops Cleeve  
Cheltenham  
GL52 8PR

DESCRIPTION  
Lot Conversion  
Plans and Elevations  
as Proposed

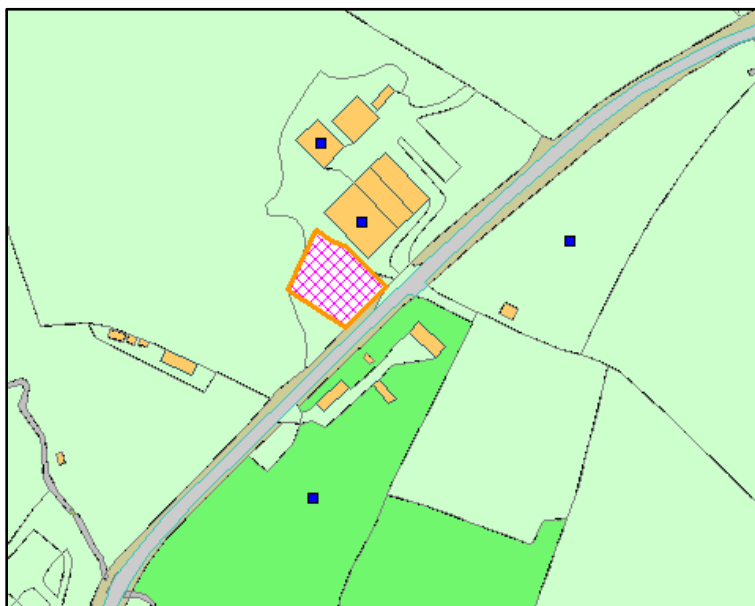
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DRAWN	ED	PSK

A1200P-640-02C

## Planning Committee

<b>Date</b>	19 September 2023
<b>Case Officer</b>	Chloe Buckingham
<b>Application No.</b>	23/00187/FUL
<b>Site Location</b>	Barn at Cold Pool Lane, Badgeworth
<b>Proposal</b>	Rebuild of barn and subsequent use in C3 residential along with associated infrastructure - resubmission of application 21/01263/FUL.
<b>Ward</b>	Badgeworth
<b>Parish</b>	Badgeworth
<b>Appendices</b>	Existing and Proposed Site Location Plan Location Plan Existing Plan, Elevations and Sections Proposed Plans and Elevations Details 1 Details 2 Details 3 Proposed Site Plan and Landscaping Window and Door Elevations
<b>Reason for Referral to Committee</b>	Cllr Vines has requested the application is determined by the Planning Committee as the site is in a Green Belt location.
<b>Recommendation</b>	Refuse

### Site Location



## 1. The Proposal

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

- 1.1 The application seeks full planning permission for a new dwellinghouse in place of a collapsed barn along with associated infrastructure.
- 1.2 This application is a resubmission of withdrawn planning application 21/01263/FUL for the same development.

## 2. Site Description

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- 2.1 The application relates to a parcel of land where an agricultural barn once stood and adjacent to a small complex of agricultural buildings at a working farm on the north-western side of Cold Pool Lane, Badgeworth.
- 2.2 The former barn comprised a rectangular shaped timber framed structure with lean-to projections to both side elevations, as well as a metal clad projection to the front. The site is presently clear with the exception of some hardstanding and reclaimed building materials.
- 2.3 The site is located outside of a designated settlement boundary, within the open countryside and in the Green Belt.

## 3. Relevant Planning History

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Application Number	Proposal	Decision	Decision Date
14/00868/PDAD	Change of use of existing agricultural barn to 3.no residential dwellings and building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses).	Withdrawn	29.10.2014
15/00343/PDAD	Conversion of agricultural buildings to 3x dwellings houses.	Refused	03.06.2015
17/00971/FUL	Conversion of an existing barn to a dwelling	Permit	15.12.2017
18/01005/PDAFU	Proposed change of use of agricultural barn to a flexible commercial use (specifically B8 storage and distribution)	Approve	26.11.2018
20/01086/PDAD	Prior approval for conversion of agricultural buildings into 3no. larger dwellinghouse (use class C3) and associated building operations.	Withdrawn	16.12.2020

21/01263/FUL	Replacement of Barn and construction of a dwelling and associated works.	Withdrawn	29.09.2022
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#### 4. Consultation Responses

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

- 4.1 **Cllr Vines** – ‘Given the Green Belt location of this application I feel it important that the planning application is determined by the planning committee’.
- 4.2 **Badgeworth Parish Council** – Objection - Does not comply with policy RES7 and is inappropriate development in the Green Belt.
- 4.3 **Highways** – **Objection** on sustainability grounds
- 4.4 **Ecology** – **No objection** subject to conditions.
- 4.5 **Drainage** – **No objection**.

#### 5. Third Party Comments/Observations

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

- 5.1 The application has been publicised through the posting of neighbour notification letters and consultation for a period of 21 days. One representation objection to the proposal has been received. The comments raised are summarised below:
  - Only reason planning was permitted originally on this site was as a barn conversion.
  - A new build would not have been allowed as the site is in the Green Belt
  - There are no special circumstances
  - Not within the built area of Badgeworth
  - Is ribbon development which should be discouraged
  - Note original barn "collapsed" during conversion
  - There was no scaffolding to give the barn support during building work
  - Wooden construction of the barn dismantled
  - Low retaining wall was removed and replaced with a flat concrete base
  - No visual evidence of the original barn footprint. Whilst any alleged building work was being done there was no building equipment in evidence.
  - Are any original oak timbers left for cladding the outside?
  - Original application stated native hedge planting would be used
  - Site and the site next door have been planted up with laurel hedging
  - Not native and highly poisonous

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

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### **6.1 Statutory Duty**

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

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

### **6.2 National guidance**

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

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

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

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

Policy RES2 (Settlement Boundaries)  
Policy RES3 (New Housing Outside Settlement Boundaries)  
Policy RES7 (Re-use of rural buildings for residential use)  
Policy DES1 (Housing Space Standards)  
Policy HER2 (Listed Buildings)  
Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)  
Policy ENV2 (Flood Risk and Water Management)  
Policy TRAC9 (Parking Provision)  
Policy GRB4 (Cheltenham-Gloucester Green Belt)

### **6.5 Neighbourhood Development Plan**

None



## **7. Policy Context**

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

## **8. Evaluation**

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

- 8.1** Policy SP2 of the JCS sets out the strategy for the distribution of new development across the JCS area, and JCS Policy SD10 ('Residential Development') specifies that, within the JCS area, new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. It sets out that housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans.
- 8.2** Policy SD10 of the JCS specifies that, on sites that are not allocated, housing development and conversions to dwellings will be permitted on previously developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within district plans. Housing development on other sites will only be permitted where it constitutes affordable housing; constitutes infilling within a town or village, is brought forward via a Community Right to Build Order; or is allowed for in district or neighbourhood plans. This strategy is consistent with the NPPF which (Paragraph 80 refers) seeks to avoid isolated new homes in the countryside.

- 8.3** Policy RES3 states that outside of the defined settlement boundaries (identified on the Policies Map) the principle of new residential development will be considered acceptable where development being proposed consists of:
1. The reuse of a redundant or disused permanent building (subject to Policy RES7)
  2. The sub-division of an existing dwelling into two or more self-contained residential units (subject to Policy RES8)
  3. Very small-scale development at rural settlements in accordance with Policy RES4
  4. A replacement dwelling (subject to Policy RES9)
  5. A rural exception site for affordable housing (subject to Policy RES6)
  6. Dwellings essential for rural workers to live permanently at or near their place of work in the countryside (subject to Policy AGR3)
  7. A site that has been allocated through the Development Plan or involves development through local initiatives including Community Right to Build Orders and Neighbourhood Development Orders.
- 8.4** Policy RES4 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 and providing it complements the form of the settlement and is well related to existing buildings within the settlement.
- 8.5** Planning permission was granted in 2017 for the conversion of a former barn at the site to a dwelling (17/00971/FUL) however, the conversion was not implemented, and the building has now collapsed and site cleared.
- 8.6** Attention is drawn to a comparable appeal case (APP/F0114/W/16/3163432) where the Inspector stated that; *'... There was a barn on site but it does not exist now. In this case the metal framework of what was the original barn has been raised in height...but the works required to provide a dwelling in this position could not by any stretch of the imagination be described as conversion works'*.
- 8.7** This approach is particularly pertinent to this application where the existing structure has been completely dismantled, site cleared and limited original building fabric retained in site. The previous permission at the site can therefore not be lawfully implemented as in effect there is no longer a building present to convert.
- 8.8** As such this application stands to be considered on the basis of a new-build dwelling as the previous permission can no longer be implemented. Furthermore, it is considered that this previous approval (conversion of an existing redundant building) cannot be considered a 'fall-back' as the prospect of those works taking place no longer exists.
- 8.9** This application therefore stands to be considered on the basis of a new dwelling within then open countryside. The proposal would not comply with any of the exceptions set out at Paragraph 4 of JCS Policy SD10 or criteria set out in policies RES3 and RES4 of the TBP in that the proposal lies outside of the built up area of the settlement and would not constitute infilling within the built up area of a town or village.

- 8.10** It should also be noted that while Policy RES7 of TBP relates to the re-use and conversion of redundant and dis-used buildings in rural areas (areas located outside of defined settlement boundaries) for residential use, this is provided that (amongst other criteria) ‘the building is of a substantial construction, is structurally sound and is capable of conversion without the need for significant new building works and/or extension’. This policy would not apply in this instance as the agricultural building at the site has collapsed and was clearly not of a sound construction and is questionable if the building was actually structurally sound in the first instance when planning permission 17/00971/FUL was granted.

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

- 8.11** 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.
- 8.12** 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.
- 8.13** 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, 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.

## ***Green Belt***

- 8.14** Paragraph 137 of the Nation Planning Policy Framework (NPPF) states that the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 8.15** Paragraph 138 of the NPPF states that the Green Belt serves 5 purposes:
- (a) to check the unrestricted sprawl of large built-up areas;
  - (b) to prevent neighbouring towns merging into one another;
  - (c) to assist in safeguarding the countryside from encroachment;
  - (d) to preserve the setting and special character of historic towns; and
  - (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 8.16** Paragraph 147 of the NPPF, Policy SD5 of the JCS and Policy GRB4 of the TBLP states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148, Policy SD5 of the JCS and Policy GRB4 of the TBLP states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 8.17** Local Plan Policy GRB4 and Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt subject to a number of exceptions set out at Paragraph 149, none of which would apply in this instance.
- 8.18** Local Plan Policy GRB4 and Paragraph 150 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. As the former barn at the site has collapsed none of the listed exceptions would apply.
- 8.19** It is therefore considered that the proposal for a new dwelling in this location would constitute inappropriate development in the Green Belt and that no very special circumstances exist which would outweigh the harm to the Green Belt by way of inappropriateness. The site is presently clear of development and the construction of a new dwelling would by its presence impact openness and the purposes of the Green Belt. The proposal is therefore contrary to section 13 of the NPPF, JCS Policy SD5 and Tewkesbury Local Plan Policy GRB4.

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

- 8.20** The appellant has referred to and appeal in support of their application where an Inspector in an appeal in Mid-Sussex placed weight on the appellants' personal circumstances, at paragraph 20 saying: *In the event of dismissal, I acknowledge that any potential subsequent enforcement action would risk grave financial and personal repercussions for the appellants. Whilst not determinative in itself, I am nonetheless mindful of this factor in reaching my decision.*
- 8.21** However, the appeal application is different because the dwelling in the approved appeal had already been built and as such the financial implications would have been far graver than in this current application, where the dwelling has not been built. Whilst it is appreciated the applicant has spent money on this site, as the Inspector also explained within the appeal, there is always a risk involved when buying such structures.
- 8.22** The applicant has explained that other very special circumstances are that a building of the form and scale that traditionally stood at the site and it's proposed rebuilding will continue the longstanding relationship between built development and the wider rural context, and that there will be no harm generated to the character and appearance of the area. The applicant has explained that previous planning permissions have also established a residential use at the site without generating undue harm in planning policy, environmental or other technical terms. The applicant has also explained that the new dwelling will strive to meet passivhaus standards and therefore adopts energy efficiency at the core of its construction and future use is a key benefit. The applicant has also suggested that the ability to improve on the building specification due to the structure being rebuilt rather than a conversion of an aged building, whilst making use of as much of the original materials as possible, will deliver greater energy efficiency benefits and allow the building respond better to climate change.
- 8.23** However, it is considered that these factors cannot be considered to be 'very special circumstances' as they could apply to a number of similar situations or any sound justification for a new dwelling in this location given the clear conflict with national and local policy.
- 8.24** The applicant also suggests that very special circumstances are present in that the previous permission will have contributed to the planning authority's housing supply and hence it's loss from the overall calculation will have a negative impact upon supply calculations. However, as explained above, the Council can demonstrate a 5-year housing supply and also, the loss of one dwelling which was yet to be delivered is considered to have a negligible impact on the Council's 5-year land supply, even if the Council could not prove there was a 5-year housing land supply.
- 8.25** The applicant has also stated that the provision of a self-build unit is also a very special circumstance. Whilst it is noted that the applicant has stated this is a self-build property, this is not considered to override the adopted policies in the Joint Core Strategy and the Local Plan. It is also noted that the applicant is not listed on the Council's self-build register. Furthermore any application for a self-build property would be required to comply with relevant development plan policies

- 8.26** For the reasons stated above, it is considered that very special circumstances have not been demonstrated and the proposal is in conflict with Policies SD5 and SD10 of the JCS and Policy GRB4 of the TBLP.

### ***Ecology***

- 8.27** Policy SD9 of the JCS seeks for the protection and enhancement of biodiversity and to establish and reinforce ecological networks. This includes ensuring that those European Species and Protected Species are protected in accordance with the law.
- 8.28** Policy NAT1 of the TBLP states that proposals, where applicable will be required to deliver biodiversity net gains. Policy NAT3 of the TBLP seeks for development to contribute towards the provision, protection and enhancement of the wider green infrastructure network.
- 8.29** The updated Preliminary Ecological Appraisal (PEA) report (Cotswold Environmental, July 2023) has been reviewed. The habitats on site in June 2023 comprised of hardstanding, bare earth, building materials, and tall ruderal vegetation. The report confirmed that there are no buildings on site following the collapsed and removal of a barn structure. The tall ruderal vegetation on site offered some sheltering and foraging habitat for reptiles and amphibians and the site offered some commuting/foraging habitat for bats (though no roosting opportunities). Consideration of the likely presence of great crested newt (GCN) was included in the PEA report, and a Natural England Rapid Risk Assessment was undertaken, indicating proposed works were 'highly unlikely' to result in an offence. The row of scrub at the south-east boundary of the site was assessed as offering nesting opportunities for birds. Appropriate mitigation measures were included within the PEA report to avoid potential harm to commuting/foraging bats, reptiles, and amphibians.
- 8.30** The mitigation measures outlined in the PEA report should be strictly adhered to and this would be conditioned if the scheme were acceptable in principle. The PEA report included recommendations to enhance the site for wildlife including native species hedgerow planting (including trees), installation of bat and bird boxes, and installation of hedgehog holes in any proposed fencing. Therefore, if the scheme were acceptable a plan detailing the location and specification of proposed ecological enhancement features would be required to be submitted to the Local Planning Authority prior to commencement, for review and approval. Should external lighting be proposed, details of proposed lighting should also be provided prior to commencement, and lighting should be designed carefully, to avoid potential negative impacts to commuting/foraging bats which may use the site. These conditions could be attached to any permission if the scheme were considered acceptable.

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

- 8.31** 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.

- 8.32** Criterion 6 of Policy SD10 'Residential Development' of the JCS states the residential development should seek to achieve maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.
- 8.33** Policy RES5 states that in considering proposals for new housing development regard will be had to the following principles. Proposals should (amongst other criteria):
- be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it;
  - be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity, unless otherwise directed by policies within the Development Plan;
  - where an edge of settlement site is proposed, respect the form of the settlement and its landscape setting, not appear as an unacceptable intrusion into the countryside and retain a sense of transition between the settlement and open countryside;
  - not cause the unacceptable reduction of any open space (including residential gardens) which is important to the character and amenity of the area;
  - incorporate into the development any natural or built features on the site that are worthy of retention;
- 8.34** The current proposal seeks permission for a new dwelling which would broadly replicate the size, dimensions, design and materials as approved in application under planning permission no.17/00971/FUL for the conversion of the former barn building to a dwelling. The proposal would comprise a mix of re-used timber, brick and original roof tiles, where possible.
- 8.35** The proposed design would be the same as that previously approved for the conversion of the former agricultural building and would result in a simple building with a linear form. While the design as previously is considered appropriate (subject to compliance with any conditions in respect of materials) this would not outweigh the harms identified above and conflict with policies in respect of the location of new residential development.

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

- 8.36** 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.
- 8.37** 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.



**8.38** 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;

**8.39** Due to the distances between the proposed dwelling and neighbouring dwellings, there are not considered to be any significant negative residential amenity impacts for neighbouring occupiers or future occupiers of the proposed dwelling.

**8.40** The room sizes in the proposed dwelling comply with the nationally described space standards and the proposed outdoor amenity space to serve the dwelling is considered acceptable.

### ***Highways***

**8.41** 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 accessible connections to the transport network should be provided to enable travel choice for residents and commuters.

**8.42** 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.

**8.43** 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;

**8.44** The application has been assessed by the Highway Authority who have advised that given the isolated rural location of the site which is outside of and some distance from the built-up area of any settlement. The proposal would be car dominated and would fail to address sustainable transport. The consultee comments have also explained that tools such as a travel plan cannot address the harm due to the lack of transport choices available to support the development and that there are no footways along Cold Pool Lane which could facilitate pedestrian access for facilities in the wider area. The proposal would therefore be contrary to JCS Policy INF1 which requires development to provide credible travel choice.

- 8.45** The site access would replicate that previously approved and the local highway where it was considered that appropriate visibility splays could be achieved subject to compliance with conditions. The Local Highway Authority has raised no highway safety objections to this proposal. Similarly, the proposal would provide an area of hardstanding to the front of the dwelling which is considered appropriate so serve the reasonable requirements of any future occupiers of the dwelling.

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

- 8.46** 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.
- 8.47** Policy ENV2 of the TBLP states that (inter alia) all proposals will be expected to incorporate sustainable drainage systems where appropriate and be proportionate to the scale and nature of development proposed. The policy goes on to explain that proposals must demonstrate that development is designed to use and manage water efficiently, including rainwater harvesting and greywater recycling where possible. Surface water drainage proposals should, where appropriate, achieve significant betterment on existing discharge rates for all corresponding storm events. Sustainable drainage systems should be designed to achieve multifunctional benefits. Priority should be given to green/soft solutions and the integration of sustainable drainage systems with green infrastructure and street networks.
- 8.48** The Council's drainage engineer has been consulted and has explained that there are no objections subject to a condition. Therefore, if the scheme were acceptable a condition could be attached to ensure that discharge would be to the existing ditch south of the application site, subject to a Land Drainage Consent. It is believed that the ditch will discharge into the Ham Brook. The drainage engineer has explained that it is possible that the ditch is a highway asset which will require written approval from the local highway department. This could be submitted as part of the land drainage application. Subject to compliance with this condition, the scheme would accord with Policy INF2 of the JCS and policy ENV2 of the TBLP.

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

- 8.49** The applicant has submitted the relevant CIL forms claiming self-build exemption from CIL. It is however, noted that the applicant is not listed on the self-build register at the time of writing this report.

## **9. Conclusion**

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### **Planning Balance & Conclusion**

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

### **Benefits**

- 9.2** It is agreed that the provision of one dwelling would result in some albeit very limited economic and social benefit.
- 9.3** The applicant has also explained that the new dwelling will strive to meet passivhaus standards and therefore adopts energy efficiency at the core of its construction and future use is a benefit. The applicant has also suggested that the ability to improve on the building specification due to the structure being rebuilt rather than a conversion of an aged building, whilst making use of as much of the original materials as possible, will deliver greater energy efficiency benefits and allow the building respond better to climate change. However, all new buildings would be required to comply with building regulations and meet appropriate energy efficiency measures.
- 9.4** The applicant also suggests that the previous permission will have contributed to the planning authority's housing supply and hence it's loss from the overall calculation will have a negative impact upon supply calculations. However, as explained previously, the Council can demonstrate a 5-year housing supply and also, the loss of one dwelling is considered to have a negligible impact on the Council's 5-year land supply, even if the Council could not prove there was a 5-year housing land supply. This benefit is very limited.

### **Harms**

- 9.5** The site is located within the Green Belt and the proposed development represents inappropriate development which is harmful by definition. The proposal would introduce 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. Furthermore, it is considered that no very special circumstances exist which would outweigh this harm.
- 9.6** The application site lies outside of the built-up area of any rural settlement and the proposal does not fit within any of the exceptions set out in Policy SD10 of the JCS and Policies RES3 and RES4 of the TBLP. This weighs heavily against the proposal.

## Neutral

- 9.7 The proposal is identified as providing a self-build property however it is noted that the applicant is not listed on the Council's self-build register.
- 9.8 Subject to compliance with conditions the proposal would have no adverse impacts in ecology or flood risk.

## Conclusion

- 9.9 It is concluded that the planning balance falls against the proposal. The proposal would be contrary to the provisions of the development plan taken as a whole and is not supported by the Framework. The previous approval of the barn conversion on site holds some weight, however, as this barn has since collapsed and the conversion was never implemented, it is considered that this weight would not outweigh the conflict with the Council's policies in respect of new dwellings and Green Belt policies.
- 9.10 Therefore, there are no material considerations which indicate that the determination of the application should be other than in accordance with the development plan.

## 10. Recommendation

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

## 11. Refusal Reasons

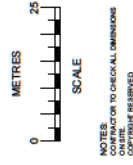
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- 1 The proposed development conflicts with Policies SP2 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and Policies RES3 and RES4 of the Tewkesbury Borough Local Plan 2011-2031 (2022) in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development.
- 2 The proposed development would represent an inappropriate form of development in the Green Belt, which is harmful by definition, and would compromise its open character, appearance and function. There are not considered to be any very special circumstances to outweigh the identified harm. Therefore, the scheme is contrary to the provisions of the NPPF, Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and Policies RES3, RES4 and GRB4 of the Tewkesbury Borough Local Plan 2011-2031 (2022).
- 3 The location of the proposed development results in no realistic transport choices other than the private vehicle to gain access to the site and to access local and community facilities. The scheme is therefore contrary to Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and would conflict with the sustainable transport aims of the NPPF.

## **12. Informatives**

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



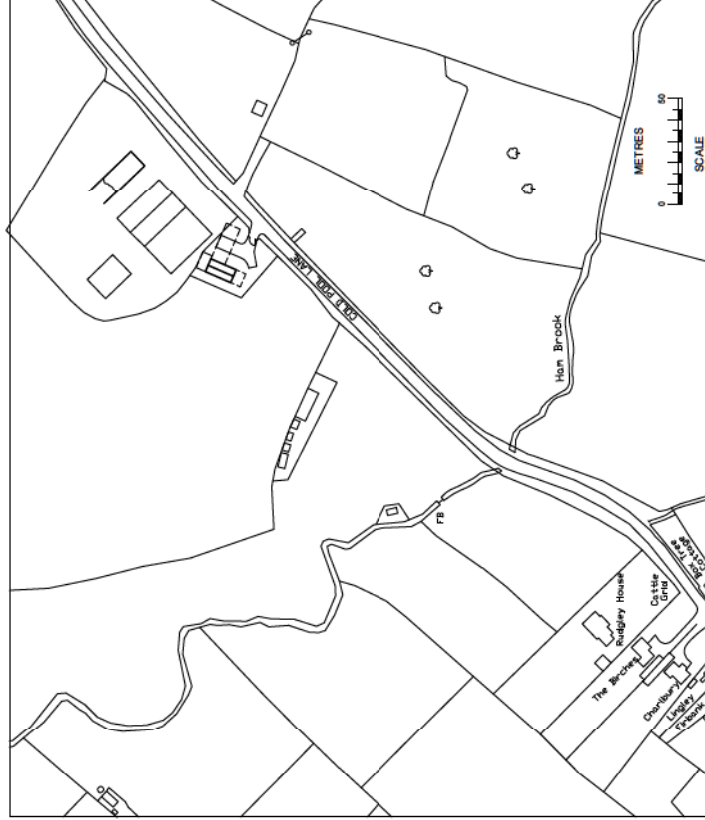
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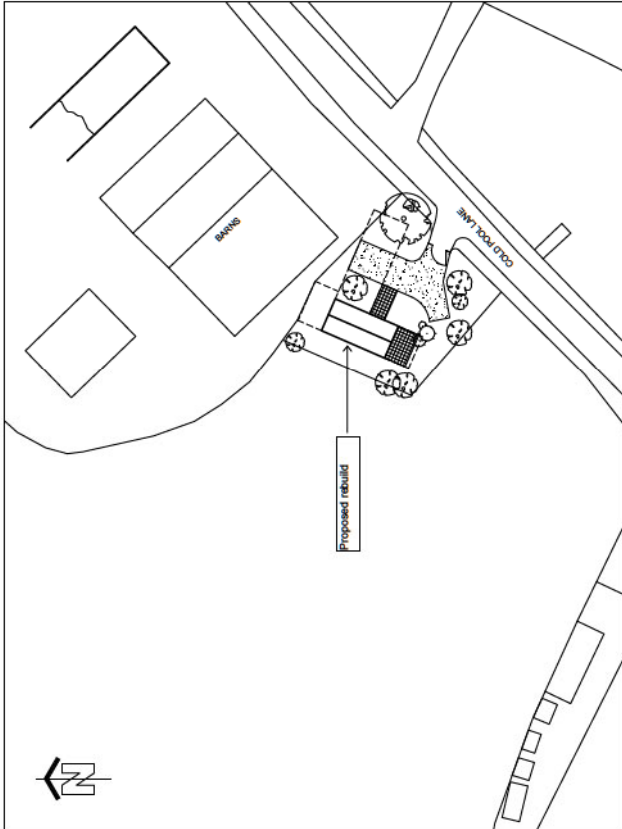
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CONVERSION  
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TITLE  
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DATE JULY 2011

PROJECT REF:	DWG No.
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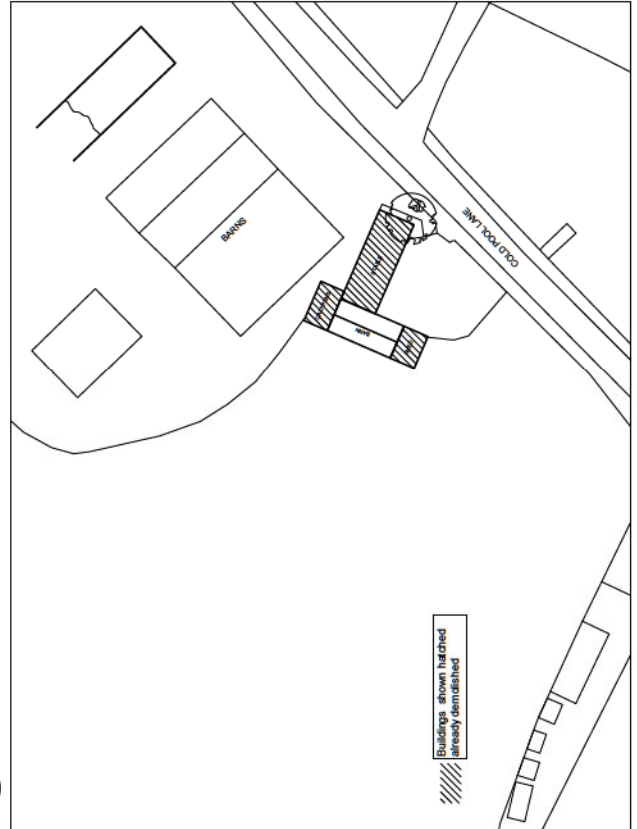


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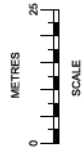


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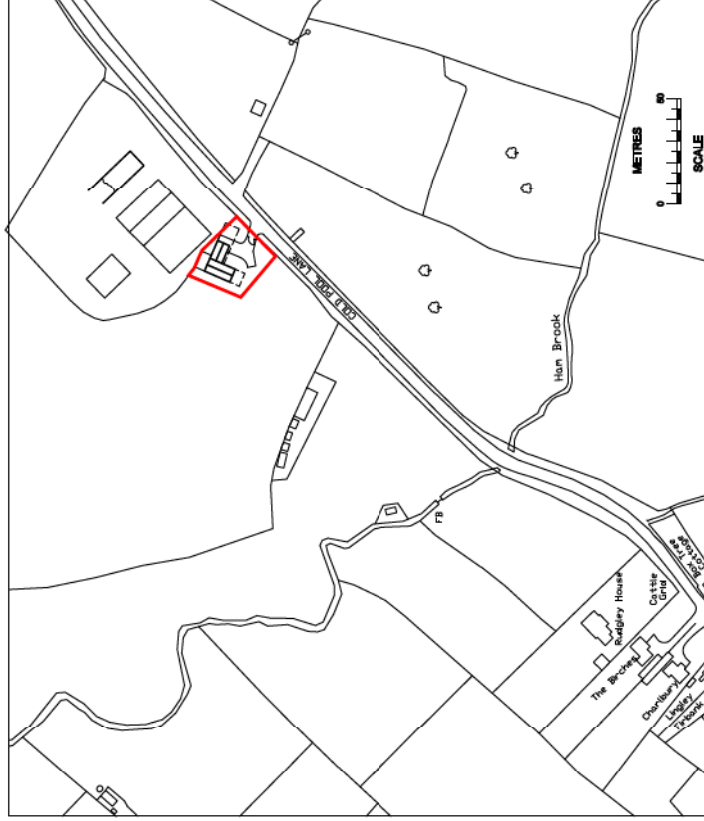
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PROJECT  
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CONVERSION  
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BAGSWORTH

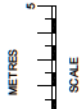
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DATE JULY 2011

PROJECT REF	DWG No.
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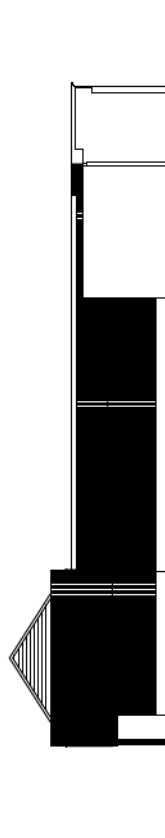
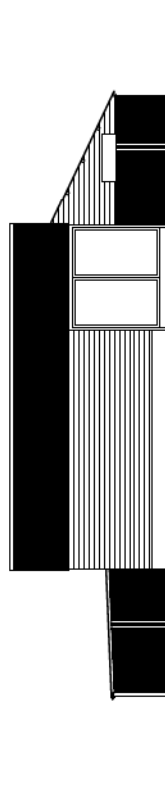
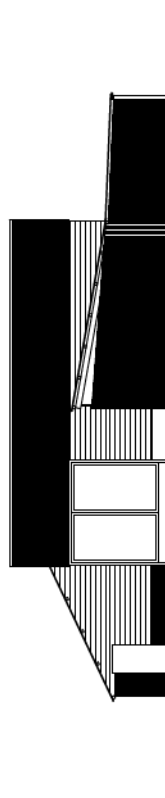
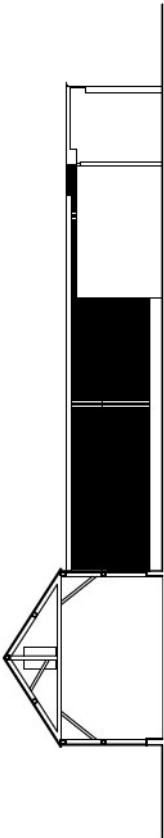
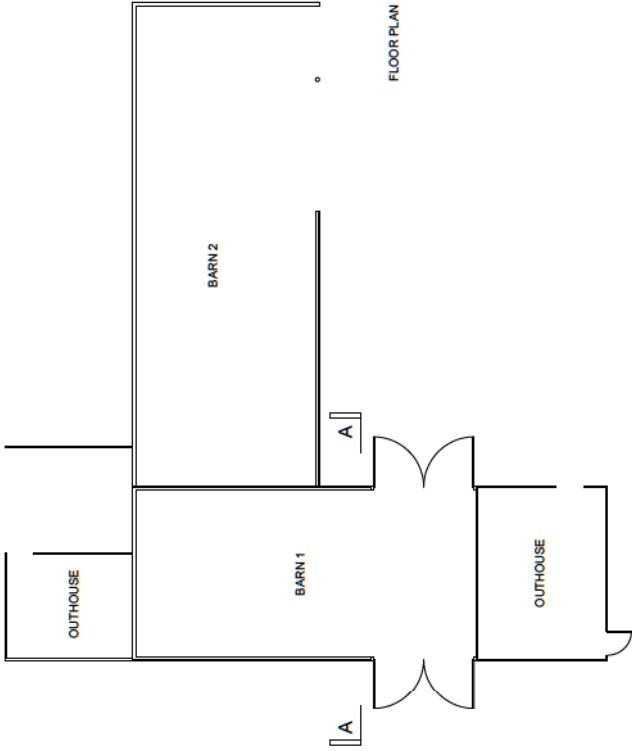
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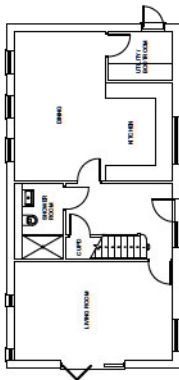
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BROOKWORTH

TITLE  
EXISTING PLAN  
ELEVATIONS & SECTION  
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DATE JUNE 2011

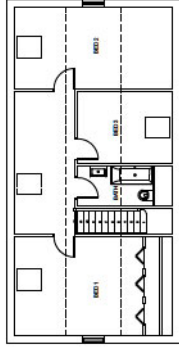
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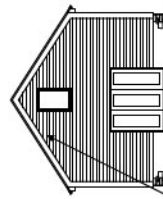




GROUND FLOOR PLAN



FIRST FLOOR PLAN



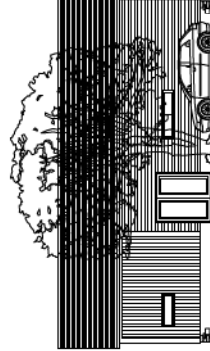
SOUTH-WEST ELEVATION

Schwegler Bat Shelter 2FE - To provide roosting habitat for crevice dwelling bat species. Installed as high as possible but away from the window to avoid internal lighting

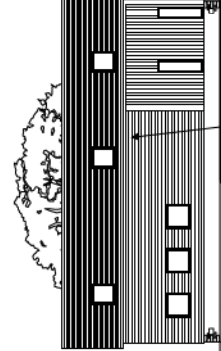


NORTH-EAST ELEVATION

Group of 3 x Schwegler IMR Bird Homes - To provide nesting habitat for House Sparrow and other small birds installed on the NE elevation to avoid prevailing weather and direct sunlight - Minimum height of 2m

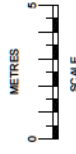


SOUTH-EAST ELEVATION



NORTH-WEST ELEVATION

Schwegler - Façade Nest No. 11 for House Martins



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PROJECT  
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CONVERSION  
COLD-POOL LANE  
BADBORTH

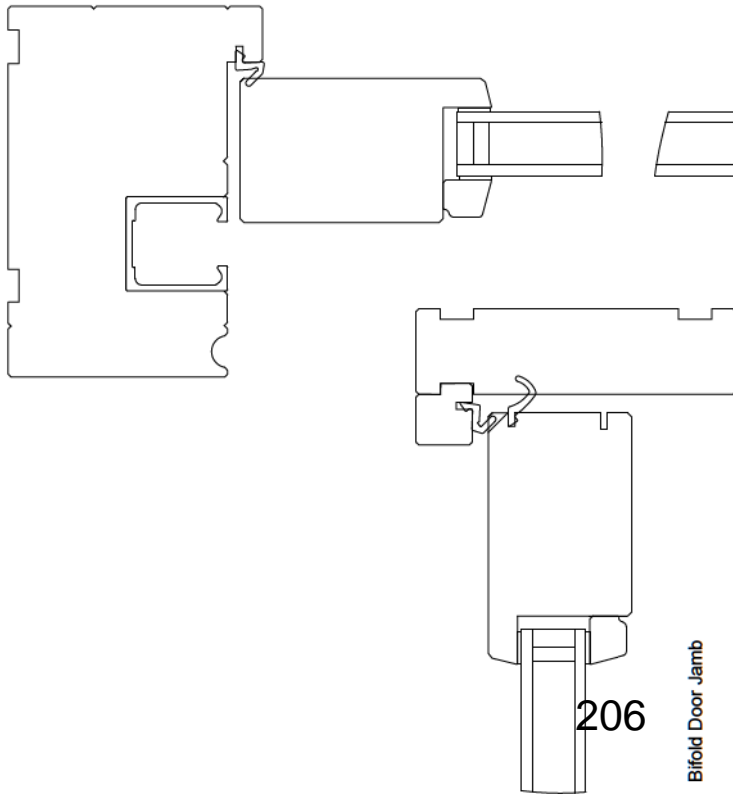
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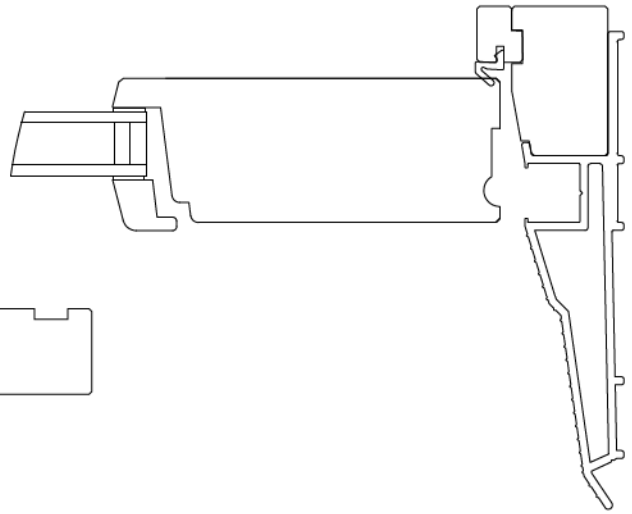


Bifold Door Head

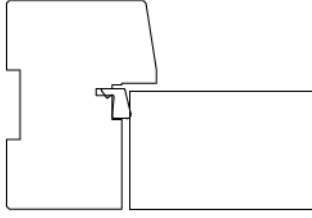


Bifold Door Jamb

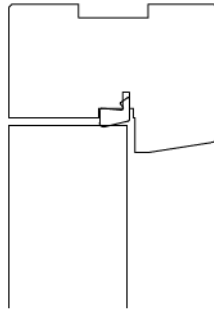
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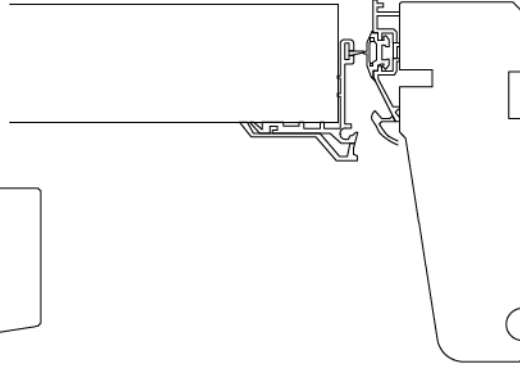
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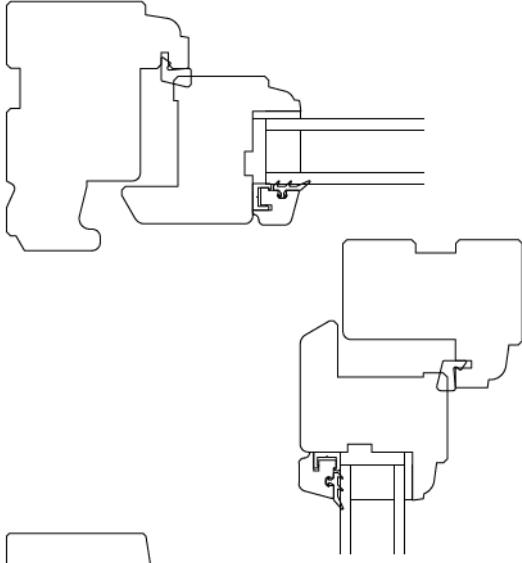
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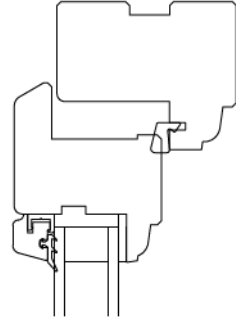
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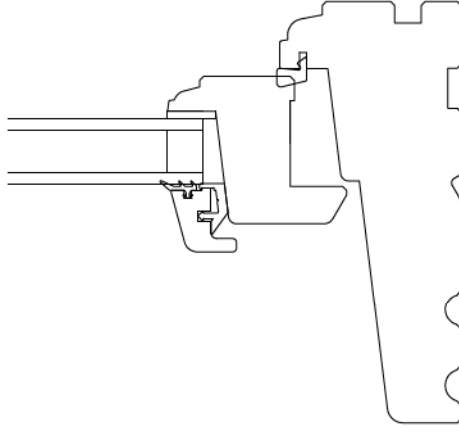
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Window Jamb



Window Cill



Proposed Building Conversion  
Cold Pool Lane  
Badsworth

Details 3

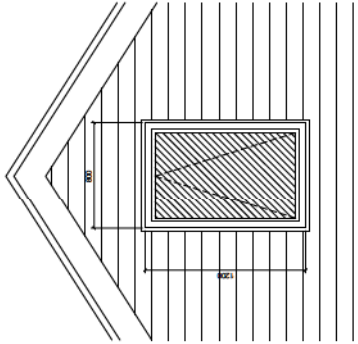
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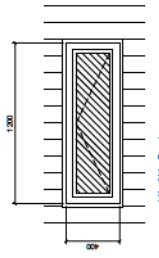
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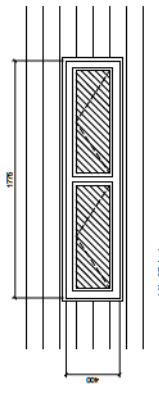




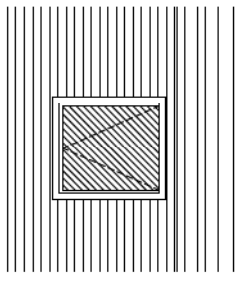
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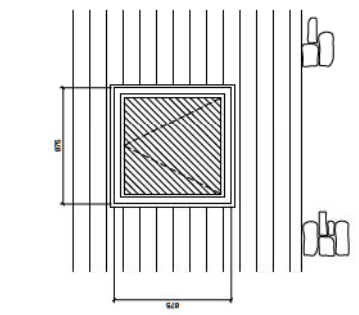
1 No. (Living Room)



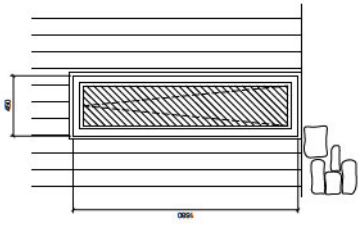
1 No. (Office)



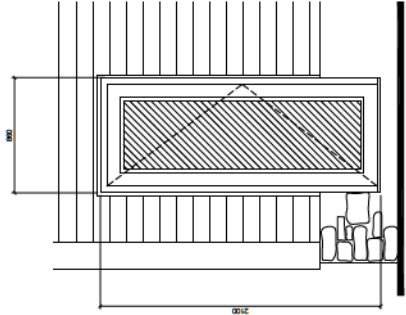
4 No. (Main Room) @ 700 x 700mm



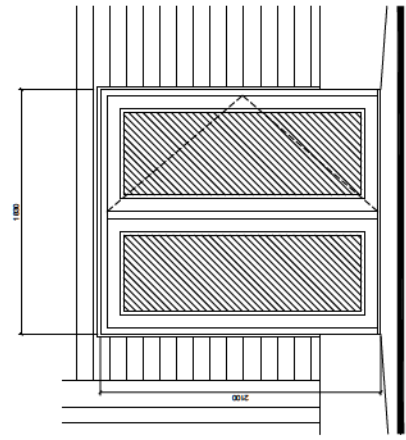
3 No. (Living Room)



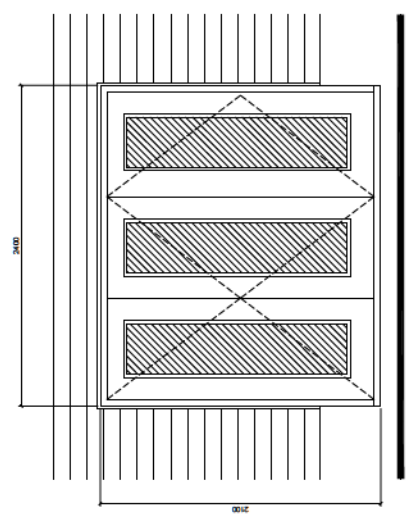
2 No. (Living Room)



1 No. (Living Room)



1 No. (Entrance Door and Side Screen)



1 No. (Main Door (Living Room))



Proposed Building Conversion  
Cold Pool Lane  
Bedworth

Window and Door Elevations

Scale 1:20 @ A1, 1:40 @ A3  
Date July 2016  
Dwg. No. 21127/13

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## Planning Committee

<b>Date</b>	19 September 2023
<b>Case Officer</b>	Chloe Buckingham
<b>Application No.</b>	23/00477/FUL
<b>Site Location</b>	Land To South of Blacksmith Lane, East of Cyder Press Farmhouse, The Leigh
<b>Proposal</b>	Erection of a 1.5 storey, one bedroom, oak-framed dwelling.
<b>Ward</b>	Severn Vale North
<b>Parish</b>	Leigh
<b>Appendices</b>	Location Plan Existing Block Plan (88494/02) Proposed Block Plan (88494/03) Proposed Plans and Elevations (88494/04)
<b>Reason for Referral to Committee</b>	Cllr Heather McLain call in request to Planning Committee.
<b>Recommendation</b>	Refuse

### Site Location



## 1. The Proposal

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

- 1.1 The application seeks full planning permission for the erection of a 1.5 Storey, One Bedroom, Oak Framed Dwelling.
- 1.2 This application is a resubmission of withdrawn planning application 22/00880/FUL for similar development.

## 2. Site Description

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- 2.1 The application site relates to a parcel of land to the South of Blacksmith Lane, The Leigh.
- 2.2 The land has an existing access from Blacksmith Lane to the northeast of the site, and the site features many established trees and boundary hedgerow, as identified within the submitted tree survey.
- 2.3 To the west lies Cyder Press Farmhouse, which is a Grade II Listed Building. The land is separated from the main building by Mary's Cottage, a detached annex building within the curtilage of the listed building.

## 3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
01/01285/FUL	Demolition of existing store. Erection of new store/garaging	REFUSED	20.11.2001
01/01286/LBC	Demolition of existing store - Grade II Listed Building Ref: 3/77	PLAN	31.10.2001
02/00486/FUL	Erection of garage/store to replace existing	PERMIT	18.03.2003
88/91432/OUT	Outline application for the erection of a dwelling. New access	REFUSED	13.05.1988
89/91451/OUT	Outline application for the erection of a dwelling. New vehicular and pedestrian access.	REFUSED	27.09.1989
97/00149/LBC	Internal and external alterations to dwelling (Grade II Listed Building Ref: 3/77)	CONSENT	24.04.1997

97/00482/FUL	Proposed animal field shelter	PERMIT	22.07.1997
72/00220/OUT	Outline application for one bungalow. Outline application for the erection of a dwelling.	REFUSED	22.11.1972
87/00282/FUL	Alteration of existing vehicular and pedestrian access.	REFUSED	30.09.1987
88/00141/FUL	Alterations and extension to existing dwelling to provide enlarged living accommodation. Installation of two dormer windows.	PERMIT	05.02.1988
88/00142/FUL	Alterations and extension to an existing building to provide accommodation for a dependant relative.	PERMIT	17.02.1988
88/00143/LBC	Alterations and extension to an existing building to provide accommodation for a dependant relative. (Grade II Listed Building ref: 3/77)	PERMIT	17.02.1988
88/00144/LBC	Alterations and extension to existing dwelling to provide enlarged living accommodation. Installation of two dormer windows. (Grade II Listed Building Ref: 3/77)	PERMIT	19.02.1988
68/00140/FUL	Stationing of caravan for residential purposes.	PERMIT	16.10.1968
72/00226/OUT	Outline application for erection of one detached dwelling.	REFUSED	20.12.1972
84/00240/OUT	Outline application for the erection of a dwelling. Alteration of an existing vehicular and pedestrian access.	REFUSED	08.06.1984
13/00463/FUL	Proposed barn for the storage of hay.	PERMIT	03.10.2013
16/00741/FUL	Remove part link building and form porch to both buildings. Construction of new timber post and rail fences and access gates throughout the site.	PERMIT	19.10.2016
16/00742/LBC	Remove part link building and form porch to both buildings. Construction of new timber post and rail fences and access gates throughout the site.	CONSENT	19.10.2016

#### 4. Consultation Responses

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

- 4.1 **Leigh Parish Council-** Comments received. These shall be addressed in the report.
- 4.2 **Ecology-** An updated PEA is required, subject to this being submitted and satisfactory there is no objection subject to 3 conditions.
- 4.3 **County Highways-** Objection.
- 4.4 **Tree Officer-** Further information required.
- 4.5 **Conservation Officer-** Objection.
- 4.6 **Drainage Engineer-** Further information required.
- 4.7 **Building Control-** The application will require Building Regulations approval.

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

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

- 5.1 Third Party Comments: The application has been publicised through the posting of a site notice and neighbour consultations for a period of 21 days and 3 objection comments have been received, 5 support comments and 1 comment from the applicant have been received. The main points being;

Support:

- Good design which will complement the surrounding dwellings and have no impact on the listed building.
- Little impact on surrounding area.
- Using existing access
- Good sized plot
- Trees and hedgerows shall be maintained.
- No light pollution issues
- No highway safety/access issues.
- Addressed issues previously raised- reduced the size of the dwelling.
- Infill plot
- Eco house.
- Provides for working from home which minimises car use.
- Low risk of flooding.

Objection:

- Unsustainable location- too far from public transport.
- The Leigh has seen a number of new builds and large developments at Coombe Hill- this is significantly more than the 5% increase allowed in policy RES4.
- Negative impact on the listed building, Landscape Protection Zone and setting of the village.
- Increased traffic and highway safety issues.
- A previous application was refused opposite at 'The Lodge' and the reasons

- apply to this application.
- Light and noise pollution
- Impact on trees and hedgerows and wildlife.
- Cyder Press Farm and Mary's Cottage are used as a holiday let.
- If approved pd rights should be restricted.
- Flooding issues and concern over drainage- there is no indication of where the soakaways would be positioned.
- Application reference 20/00539/OUT was refused due to impact on landscape- this decision should be applied to this application.
- Concern this would be used as a commercial holiday let.

1 comment submitted by the applicant. The main points being:

- This is infill.
- The proposed dwelling is set back from the road and will only be partially visible during the winter months.
- Design and materials are in-keeping.
- Access is proven to be safe.
- The height and bulk of the dwelling has been reduced since the previous submission.
- There is a hidden flat roof on the proposed dwelling.
- The proposed dwelling is a sustainable eco house.
- The construction of the dwelling can be managed to ensure limited impacts.

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

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### **6.1 Statutory Duty**

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

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

### **6.2 National guidance**

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

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

SP1 (The Need for New Development)  
 SP2 (The Distribution of New Development)  
 SD3 (Sustainable Design and Construction)  
 SD4 (Design Requirements)  
 SD6 (Landscape)  
 SD8 (Historic Environment)  
 SD9 (Biodiversity and Geodiversity)  
 SD10 (Residential Development)

SD11 (Housing mix and Standards)  
SD14 (Health and Environmental Quality)  
INF1 (Transport Network)  
INF3 (Green Infrastructure)

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

RES3 New Housing Outside Settlement Boundaries  
RES4 New Housing at Other Rural Settlements  
RES5 New Housing Development  
DES1 Housing Space Standards  
ENV2 Flood Risk and Water Management  
NAT1 Biodiversity, Geodiversity and Important Natural Features  
NAT3 Green Infrastructure: Building with Nature  
TRAC9 Parking Provision  
LAN2 Landscape Character  
COM4 Neighbourhood Development Plans  
HER2 Listed Buildings

#### **6.5 Neighbourhood Development Plan**

##### **The Leigh Parish Neighbourhood Development Plan 2020-2031**

Policy E1: Landscape and countryside  
Policy E2: Biodiversity  
Policy E3: Historic Environment  
Policy H1: Design for New Residential Development  
Policy F1: Flooding

### **7. Policy Context**

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

## **8. Evaluation**

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

- 8.1** In order to further sustainability objectives and in the interests of protecting the countryside Policy SP2 of the JCS sets out the distribution strategy for new housing across the Borough to 2031.
- 8.2** Criterion (vi) of Policy SP2 confirm that on sites that are not allocated within the plan for development, Policy SD10 will apply to proposals for residential development.
- 8.3** Criterion 3 of policy SD10 states that on sites that are not allocated, housing development and conversions to dwellings will be permitted on previously developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within District plans.
- 8.4** Criterion 4 (ii) of Policy SD10 'Residential Development' of the JCS sets out that on sites that are neither allocated or previously developed land, housing development will be permitted, except where otherwise restricted by policies within district plans, where it would represent infill within the existing built-up areas of Tewkesbury Borough's towns and villages.
- 8.5** There is no settlement boundary for The Leigh and Policy RES3 of the TBLP states that residential development will be considered acceptable outside defined settlement boundaries where it is in accordance with Policy RES4 and for very small-scale development at other rural settlements.
- 8.6** Policy RES4 states that such schemes will be acceptable in principle within and adjacent to the built-up area of other rural settlements. The supporting text states this could include minor infilling. Infill development is defined as development of an under-developed plot well related to existing built development. For the purposes of this policy and SD10 it states that the built-up area of the settlement is its continuous built form and excludes individual buildings or groups of dispersed buildings which are clearly detached from the continuous built-up area of the settlement.
- 8.7** The Leigh is not identified within the hierarchy of settlements, and as such it can be described as 'other rural settlements' as defined in policy RES4. It is noted that the Parish Council have explained that The Leigh Neighbourhood Development Plan supports some infill development within the village. However, The Inspector explained in appeal reference; APP/G1630/W/21/3267323, for the site just across the road, that The Leigh is a dispersed settlement with occasional pockets, clusters or rows of generally linear development separated by often large areas of undeveloped land and open fields. Whilst the site in question is similarly not physically distant from other properties, the site is considered to be one of these areas of undeveloped land and cannot be described as previously developed land.



- 8.8** It is also worth noting here, that the extent of (residential) 'curtilage' is a matter of fact and degree according to the facts of each case. Defining a curtilage is not an exact science, and various court cases have shed light on what constitutes a curtilage. In one such case (David McAlpine v SoS & Another 14/11/94), the High Court identified three relevant characteristics of a curtilage: (1) it was confined to a small area about a building; (2) an intimate association with land which was undoubtedly within the curtilage was required; and (3) it was not necessary for there to be physical enclosure of that land which was within the curtilage but the land in question needed to be regarded in law as part of one enclosure with the house. In terms of the parcel of land within which the proposed development would be constructed, it is acknowledged that planning permission was granted on 16th October 1968 for the stationing of a caravan for residential purposes here. However, this was subject to a condition that this use should cease, and the caravan removed from the site not later than 31st October 1970 (2 years). The reason for this condition was that the site was in a rural location where the stationing of a caravan on a permanent basis would be likely to detract from the amenities of the area.
- 8.9** Given the status of Cyder Press Farmhouse as 1 no. dwelling (plus authorised annexe), it is considered unlikely that the residential curtilage would have extended to this area. There is no evidence that this area of land forms the lawful residential garden area of Cyder Press Farmhouse, and there is no suggestion of an intimate relationship to the dwelling or that the land serves it in any useful function. It appears more likely that a smaller area of land would have been used intimately with the dwelling; most likely the land immediately to the north of Cyder Press Farmhouse and its associated annexe.
- 8.10** It is worth noting that the Inspector explained in appeal reference; APP/G1630/W/21/3267323, for the site just across the road *that the enclosing effect created by the narrow lane and tall vegetation results in the site appearing as part of the countryside, visually separate from any other dwellings and the settlement. While not physically distant from other properties, the site is visually separate and is not viewed as adjacent or well related to the built-up area of the settlement.* Furthermore, the Inspector in the appeal of the site just across the road also explained that... *even if I were to agree that the site formed part of the curtilage of The Lodge and was previously developed land, the site is not within or adjacent to the built-up area of the settlement and The Leigh is not a service village or rural service centre.*
- 8.11** It must also be highlighted that historic planning applications relating to development on this parcel of land all proposed the erection of 1 no. dwelling here (references T.5417/A, T.5417/B, 88T/5417/01/01, 89T/5417/02/01 and 89T/5417/01/01), with the site address identified on each application as "land adjacent Stonehouse Cottage". These planning applications for development on this parcel of land were all refused planning permission, with the exception of reference 89T/5417/01/01 which was withdrawn. The reasons for refusal for these applications were that the extension of hamlets and groups of dwellings which are located in rural areas of the Borough outside of recognised and established village settlements, would, if allowed to continue unchecked, result in the erosion of the open countryside, to the detriment of the environmental character of the area. These applications were further refused on the basis that the grant of planning permission would set a precedent for further development on land adjoining this site to the detriment of the existing rural character of the area, and also on the grounds that the road leading to the site was incapable of

accommodating safely the additional traffic which would result from the development by reason of its sub-standard access road, narrow width and poor alignment. Where appeals were made against these refusals of planning permission, these were dismissed (references T/APP/G1630/A/88/105727/P2 and T/APP/G.1630/A/89/141188/P4).

- 8.12** Therefore, the site is considered to be an undeveloped piece of land which is characteristic of the dispersed settlement pattern and as such the site cannot be considered to be within nor adjacent to the built-up area of the settlement and The Leigh is not a service village or rural service centre. Whilst there are dwellings to the east and southwest of the site, the site is a large green space containing vegetation and trees. Therefore, the proposal would not represent infilling in an existing built-up area and the proposal would conflict with JCS Policies SD10 and SP2 and policy RES4 of the TBLP.

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

- 8.13** 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.
- 8.14** 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.
- 8.15** 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.

**8.16** A significant portion of the applicants case for this proposal is predicated on the proposition that as the Council cannot demonstrate a five-year land supply, or close to it, that the strategic policies of the JCS should be set aside in conformity to the requirements of Paragraph 11 and the 'tilted balance' engaged. Where the 'tilted balance' is engaged paragraph 11(d) of the NPPF, requires that proposals are approved unless, the policies in the NPPF provide a clear reason for refusal, or the adverse impacts of approving the scheme would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. However as set out above, it is considered that the Council can demonstrate a five-year supply of deliverable housing sites notwithstanding the conclusions in the two recent Appeal Decisions.

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

**8.17** 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.

**8.18** 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.

**8.19** 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;

**8.20** Policy H1 of the Neighbourhood Plan states that housing development will take the following considerations into account:

- A. Generic urban design will not be supported. Design and Access Statements should demonstrate how the locally distinctive character of the area has been accounted for using the Positive Local Design Features identified in Table 1.
- B. Biodiversity net gain will be required in relevant development. Natural landscape features such as hedgerows, hedges, orchard and mature trees, wildflower areas and habitats, should be retained and protected wherever possible and where not possible, should be replaced onsite or offsite with a feature of equivalent or better quality.
- C. Proposals should relate to the adjacent and nearby local character in massing, scale and use of outdoor landscaping, particularly in the village. Developments of multiple dwellings other than on allocated development sites should generally adopt a farmstead cluster to reflect the local rural character. Proposals that would lead to the creation of linear formed development alongside roads will be resisted.
- D. Proposals will consider the local foot and cycle network and demonstrate that provision has been made to link the new development to the network in order to create attractive walking and cycling opportunities. Standards should conform to those in Local Transport Note 1/20.
- E. A range of housing types, including housing appropriate to the elderly, and small houses for younger people, will be supported.
- F. All development will be highly sustainable, including energy efficiency measures and energy generation. Adequate refuse and recycling storage that is not visible from the public sphere will be incorporated into all schemes. Superfast broadband will be provided for all developments.
- G. Lighting schemes will reflect local character and be restricted to that necessary for public safety. Light pollution into the countryside will be avoided.

**8.21** The dwelling shall be positioned within the orchard adjacent to the grade II listed Cyder Press Farmhouse. The site is considered to be an undeveloped piece of land which is characteristic of the dispersed settlement pattern. Therefore, the erection of a dwelling in this location is considered to be out of keeping with the character and pattern of development of the dispersed settlement.

**8.22** It is noted that the proposed dwelling is smaller in size than the previously withdrawn application. The structure is now a 1.5 storey dwelling measuring 5.8m to the ridge, 2.5m to the eaves, 5.8m in width and 10.8m in length with a flat roof element coming out from the eaves and projecting by 2m across the complete length of the Northwest elevation. The dwelling would have a bedroom and bathroom in the loft and would be constructed with an oak frame painted black with brick and weatherboard (painted black) walls, slate roof tiles and oak-framed windows and doors.

- 8.23** The building is in the form of a traditional timber weatherboarded building but with a flat roofed extension down one side. Officers agree that the main body of the building is generally acceptable albeit taller than expected, however, the flat roofed side addition is incongruous. The location of the building is at a diagonal angle across the orchard and officers agree that this configuration has no design relationship to the setting of the Listed Building as a farmstead and appears discordant. Officers also consider that the configuration of the driveway spur and parking area crosses the centre of the orchard and encroaches on the green space.
- 8.24** The design, scale and layout are prominent and dominant and do not assimilate sympathetically with the existing buildings.
- 8.25** Overall, the proposal, by virtue of its size, scale, layout and design is not in-keeping with the character and appearance of neighbouring properties and the wider streetscene. Therefore, the scheme is considered to be contrary to policies SD4 and SD10 of the JCS, policy RES5 of the TBLP, as well as policy H1 of the Neighbourhood Plan.

### ***Impact on Heritage Assets***

- 8.26** In accordance with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regards to the desirability of preserving the building or its setting or any features of special architectural historic interest which it possesses.
- 8.27** Paragraph 199 of the NPPF states that: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 of the NPPF states that: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 8.28** Policy SD8 seeks to ensure that designated heritage assets and their settings will be conserved and enhanced as appropriate to their significance.
- 8.29** Policy HER2 states that alterations, extensions or changes of use to Listed Buildings, or development within their settings, will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings. Any proposals which adversely affect such elements or result in the significant loss of historic fabric will not be permitted.
- 8.30** Policy E3 of the Neighbourhood Plan states that development will be supported where it will: A. Make provision for interpretation of and access to the historic environment to enable new residents to understand their historic context. Development at local plan housing allocation sites should provide interpretation of any historic context. B. Respect the historic features of neighbouring development as well as the wider character of the parish.

- 8.31** According to historic mapping (1884 - 1923) the main house was part of a complex which appeared to include a range of outbuildings forming a yard to the South which have now disappeared. This collection included an Icehouse marked on the 1884 map suggesting a dwelling of some status. The proposal site lies to the East of the listed house and a cottage known as The Barn (thought to be modern). This area of land is indicated as an extensive orchard until very recently. As such this land is not considered to be within the curtilage of the listed building. However, the development would be within the setting of the listed building.
- 8.32** The significance of Cyder Press Farmhouse is its age, form and historic features and fabric as an example of a 17th Century and later timber framed building. Also of significance is its purpose as a farmhouse in a rural setting representing the emergence of pre-mechanised agriculture from the medieval period to the agricultural revolution of the 18th Century. The farmhouse is surrounded on all sides by a buffer of undeveloped countryside, preserving a sense of the farmhouse being at the centre of the agricultural enterprise and former farmstead.
- 8.33** The proposal site lies to the East of the listed house and a cottage known as The Barn (thought to be modern). This area of land is indicated as an extensive orchard until very recently. As such this land is not considered to be within the curtilage of the listed building. However, the development would be within the setting of the listed building.
- 8.34** The building is in the form of a traditional timber weatherboarded building but with a flat roofed extension down one side. Officers consider that the main body of the building is generally acceptable albeit a bit tall, however, the flat roofed side addition is incongruous. The location of the building is at a diagonal angle across the orchard. Officers consider that this configuration has no design relationship to the setting of the Listed Building as a farmstead and appears discordant. Officers also consider that the configuration of the driveway spur and parking area crosses the centre of the orchard and encroaches on the green space.
- 8.35** The design, scale and layout is prominent and dominant and does not assimilate sympathetically with the existing buildings.
- 8.36** It is noted that the Parish Council have also explained that whilst they are sympathetic to the building materials proposed for this new dwelling, they agree that the design is not right for this location and agree with the Conservation Officers comments. The Parish Council also picked up that the plans show a first floor with a bedroom and washroom. Therefore, during the course of the application, the applicant changed the description to a 1.5 storey dwelling.
- 8.37** Overall, the proposal, by virtue of its size, scale, layout and design shall have a harmful impact on the setting of the listed building, contrary to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy SD8 of the JCS, Policy HER2 of the TBLP and policy E3 of the Neighbourhood Plan.

## ***Landscape***

- 8.38** Policy SD6 of the JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area.
- 8.39** Policy LAN2 of the TBLP states that development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting. In doing so, relevant landscape features and characteristics must be conserved and where possible enhanced, having regard to the Gloucestershire Landscape Character Assessment 2006 and the Cotswolds AONB Landscape Character Assessment 2003. All proposals which have potential for significant landscape and visual effects should be accompanied and informed by a Landscape and Visual Impact Assessment (LVIA) to identify the sensitivity of the landscape, and the magnitude and significance of landscape and visual effects resulting from the development, using a suitably robust methodology.
- 8.40** Neighbourhood Plan Policy E1 states that development in The Leigh Parish will be supported where it will:
- A. Have a positive impact on the ecology and visual amenity of the area. Development schemes will demonstrate that they have improved biodiversity on the site and have where possible linked these improvements to adjacent corridors or natural features.
  - B. Improve access to the valued landscapes and natural countryside features by ensuring that new development links to the existing public rights of way network where possible to promote better access to the countryside.
  - C. Protect, maintain and enhance those current public rights of way in the parish that are significantly affected by the development.
- 8.41** The site is considered to be an undeveloped piece of land which is characteristic of the dispersed settlement pattern. Therefore, the erection of a dwelling in this location is considered to be out of keeping with the character and pattern of development of the dispersed settlement. It is considered that the scheme would result in the erosion of the open, undeveloped green spaces separating the houses to the detriment of the environmental character and the wider landscape when looking into the settlement from wider views in the landscape.
- 8.42** The scheme would fail policy SD6 of the JCS, policy LAN2 of the TBLP and policy E1 of the Neighbourhood Plan.

## ***Residential Amenity***

- 8.43** 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.



**8.44** 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.

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

- 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;

**8.46** Due to the distances that the proposed dwelling is away from neighbouring dwellings and due to the orientation of windows and doors on the dwelling, there are not considered to be any significant negative residential amenity impacts for neighbouring occupiers nor any future occupiers of the proposed dwelling. The scheme also retains a sufficient amount of outdoor amenity space to serve the new dwelling, and the size of the rooms also accords with the Nationally Described Space Standards. The scheme is broadly compliant with policies SD4 and SD14 of the JCS and policies DES1 and RES5 of the TBLP in this respect.

### ***Highways***

**8.47** 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.

**8.48** 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.

**8.49** 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;

- 8.50** The Inspector explained in the previously dismissed appeal (APP/G1630/W/21/3267323) that there is generally a greater reliance on private cars in more rural areas. The Inspector also explained that the roads near the site comprise unlit rural lanes, with no pedestrian footway, in some instances where the shape and narrowness of the road limits forward visibility and parts with no natural surveillance. Although such lanes may be lightly trafficked, these circumstances do not lend themselves to safe use by pedestrians and would be unlikely to encourage cycling to services and facilities, in particular at times of darkness or adverse weather conditions.
- 8.51** It was also considered that whilst there were bus stops along the A38 which would provide services to other settlements with a range of services and facilities, occupiers would need to travel along the often narrow lanes to reach them which would not make buses an attractive or probable option. Furthermore, the Inspector explained that being for a single dwelling, there would be minimal contribution to the vitality or viability of any local services. As also explained in the previously dismissed appeal, the proposed development would not be in a suitable location for housing, having regard to the local development strategy for the area, accessibility to services and reliance on private motor vehicle.
- 8.52** Vehicular access to the site will be made via Blacksmith Lane which is subject to a sign posted limit of 30mph at the vicinity of the site. Manual for Streets recommends a minimum of 43m visibility splay either side the edge of the carriageway measured from a point 2.4m setback from the edge of the carriageway along the centre of the access. The information collected informs that this requirement is not achievable to the right of the access due to the presence of an existing building. The extent of available visibility appears to be some 23m, which would correspond to an 85th%ile recorded speed of 19mph. Based on the information submitted and collected, the Highway Authority is unable to determine whether this level of visibility would be appropriate for Blacksmith Lane. The concern in this instance is that in the absence of the appropriate visibility, there is a risk to road safety should a vehicle leave the site and not allow a vehicle on the main road adequate time to stop. The calculations of visibility within MFS have a direct correlation to the required sight stopping distances based on vehicle speeds on the main road.
- 8.53** Whilst the Parish Council have explained that the highways assessment seems very harsh as the site is only a lane and not a major highway, considering the comments from highways regarding the access, it is considered that the development fails to accord with Policy INF1 of the JCS, Policies 110(b) and 112(c) of the NPPF. The implications of the additional demands on the substandard access and junctions will have an unacceptable impact on highway safety which would also conflict with paragraph 111.
- 8.54** The proposal would fail to accord with the location strategy and accessibility elements of Policies INF1, SD10 and SP2 of the JCS and Policies TRAC1, RES3, RES4 and RES5 of the TBLP and Policy H1 of The Leigh Neighbourhood Development Plan (2020-2031).

### **Trees**

- 8.55** 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.
- 8.56** Policy NAT3 of the TBLP seeks for development to contribute towards the provision, protection and enhancement of the wider green infrastructure network.
- 8.57** A revised tree survey and an arboriculture impact assessment is required to be submitted. Whilst officers note that this was submitted in a previous application in 2022 the siting of the proposed dwelling and carparking area has been repositioned, and therefore an updated report will be required so an informed assessment with regards to the impact of the trees can be carried out by the Local Authority. At present there is insufficient information to fully assess the proposal under policy INF3 of the JCS and policy NAT3 of the TBLP.

### **Ecology**

- 8.58** Policy SD9 of the JCS seeks for the protection and enhancement of biodiversity and to establish and reinforce ecological networks. This includes ensuring that those European Species and Protected Species are protected in accordance with the law.
- 8.59** Policy NAT1 of the TBLP states that proposals, where applicable will be required to deliver biodiversity net gains.
- 8.60** Policy E2 of the Neighbourhood Plan states that development in The Leigh Parish will be supported where it will:
- A. Enhance local biodiversity or ecological networks on site, or where this is not possible, off-site. Suitable considerations for off-site improvements are to improve the SSSI, canal, local woodlands, trees and hedgerows, and improvements to grazing habitats.
  - B. Schemes that reinstate orchards or re-introduce orchard trees will be encouraged.
  - C. Significant loss of existing natural features such as habitats, woodland, hedgerows, remnant orchards and veteran trees will be resisted.
  - D. Where loss of natural features has occurred in the five years prior to the application, or unavoidably as a result of the proposal, appropriate compensatory replacements will be required. Replacement can either be on-site or as part of an improvement scheme off-site in accordance with A above where it may be necessary to provide a commuted sum.
- 8.61** An updated Preliminary Ecological Assessment (PEA) is required due to the length of time elapsed since the initial PEA survey date. Therefore, there is insufficient information to fully assess the scheme against policy SD9 of the JCS, policies NAT1 and NAT3 of the TBLP, and policy E2 of the Neighbourhood Plan.

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

- 8.62** 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.
- 8.63** Policy ENV2 of the TBLP states that (inter alia) all proposals will be expected to incorporate sustainable drainage systems where appropriate and proportionate to the scale and nature of development proposed. The policy goes on to explain that proposals must demonstrate that development is designed to use and manage water efficiently, including rainwater harvesting and greywater recycling where possible. Surface water drainage proposals should, where appropriate, achieve significant betterment on existing discharge rates for all corresponding storm events. Sustainable drainage systems should be designed to achieve multifunctional benefits. Priority should be given to green/soft solutions and the integration of sustainable drainage systems with green infrastructure and street networks.
- 8.64** Policy F1 of the Neighbourhood Plan explains that flooding proposals that require a Water Management Statement (WMS) should take the following into consideration: A. Early engagement with the Parish Council (but not excluding the Lead Local Flood Authority) is required to inform the WMS so that local flooding issues and experiences can be referenced in the design of schemes. B. Sustainable Drainage schemes should include a 'Service and Maintenance Plan' as part of the planning application. A 'Service and Maintenance Plan' would be expected to include: a. details of how the scheme will be professionally serviced in perpetuity; b. what resources will be required and how these will be provided to maintain flood defence infrastructure, water storage facilities, enhancements to the landscape, including space for appropriate wildlife habitats, and opportunities where appropriate, for people's safe access during a flooding incident; c. awareness raising so that emergency measures are well understood and can be implemented when an incident occurs.
- 8.65** Insufficient information has been submitted as drainage plans, including the point of discharge is required. However, if the scheme were acceptable a condition could be attached to ensure that a detailed drainage design is submitted prior to commencement of development. This condition is considered necessary to ensure compliance with policy INF1 of the JCS and policy ENV2 of the TBLP.

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

- 8.66** The applicants have submitted the relevant CIL forms claiming self-build exemption from CIL. It is however, noted that the applicant is not listed on the self-build register at the time of writing this report.

## **9. Conclusion**

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### **Conclusion and Planning Balance**

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

### **Benefits**

- 9.2** The provision of one dwelling would result in some economic and social benefit; however, these are considered minor benefits. The applicant has advised that the proposal would be a self-build project. However, it must be noted that the applicant is not listed on the self-build register. Even if the applicant were on the self-build register, this would not override all other policies.

### **Harms**

- 9.3** In terms of the harms, the proposal for a new dwelling in this location would conflict with national guidance and development plan housing policy. The site is considered to be an undeveloped piece of land which is characteristic of the dispersed settlement pattern and as such the site cannot be considered to be within nor adjacent to the built-up area of the settlement and The Leigh is not a service village or rural service centre. Whilst there are dwellings to the east and southwest of the site, the site is a large green space containing vegetation and trees. Therefore, the proposal would not be within or adjacent to the built-up settlement and would not represent infilling in an existing built-up area and the proposal would conflict with JCS Policies SD10 and SP2 and policy RES4 of the TBLP. The scheme would also fail to respect the undeveloped nature of the settlement, contrary to policy SD6 of the JCS, policy LAN2 of the TBLP and policy E1 of the Neighbourhood Plan.
- 9.4** The proposed dwelling, by virtue of its size, scale, layout and design, would be out of keeping with the character and appearance of the neighbouring dwellings. The scheme is considered to be contrary to policies SD4 and SD10 of the JCS, policy RES5 of the TBLP, as well as policy H1 of the Neighbourhood Plan.
- 9.5** The proposal, by virtue of its size, scale, layout and design shall have a harmful impact on the setting of the listed building, contrary to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy SD8 of the JCS, Policy HER2 of the TBLP and policy E3 of the Neighbourhood Plan. There are not considered to be any public benefits to overcome these issues.

- 9.6** The proposed access would have a substandard visibility splay which would have an unacceptable impact on highway safety, and the site would not be in a suitable location for housing, having regard to the local development strategy for the area, accessibility to services and reliance on private motor vehicle. It would fail to accord with the location strategy and accessibility elements of Policies INF1, SD10 and SP2 of the JCS and Policies TRAC1, RES3, RES4 and RES5 of the TBLP and Policy H1 of The Leigh Neighbourhood Development Plan (2020-2031).
- 9.7** There is insufficient information submitted regarding ecology and as such a full assessment against policy SD9 of the JCS, policy NAT1 of the TBLP and policy E2 of The NP cannot be made.
- 9.8** There is insufficient information submitted regarding trees and as such a full assessment against policy INF3 of the JCS, policy NAT3 of the TBLP cannot be made.

### **Neutral**

- 9.9** The impact upon residential amenity and flood risk/drainage are deemed to be acceptable, subject to conditions.

### **Conclusion**

- 9.10** It is concluded that the planning balance falls against the proposal. The proposal would be contrary to the provisions of the development plan taken as a whole and is not supported by the Framework. The proposal for a self-building dwelling holds moderate weight, however, it is considered that this weight is limited and would not outweigh the conflict with the Councils housing policies and the judged harm to the Listed Building. Therefore, there are no material considerations which indicate that the determination of the application should be other than in accordance with the development plan.

## **10. Recommendation**

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

## **11. Refusal Reasons**

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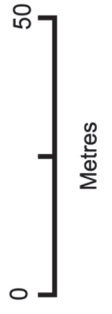
- 1.** The site does not lie within or adjacent to the built-up area of the settlement of The Leigh, and as such the proposal does not represent infilling within the existing built-up area of a town or village, does not meet any of the other criteria within Policy SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), and there are no other specific exceptions/circumstances defined in district or neighbourhood plans which indicate that permission should be granted. The proposed development therefore conflicts with policy RES4 of the Tewkesbury Borough Local Plan 2011-2031 (adopted June 2022), and policies SP2 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development.

2. The proposal, by virtue of its siting, size, scale, layout and design would have a harmful impact on the character and the setting of the listed building, contrary to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies SD4, SD8 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), Policies RES5 and HER2 of the Tewkesbury Borough Local Plan 2011-2031 (2022) and policies H1 and E3 of The Leigh Parish Neighbourhood Plan 2020-2031 (2022).
3. The scheme would result in the erosion of the open, undeveloped green spaces separating the dwellings to the detriment of the environmental character and the wider landscape when looking into the settlement from wider views. Therefore, the scheme is contrary to policy SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), policy LAN2 of the Tewkesbury Borough Local Plan 2011-2031 (2022) and policy E1 of The Leigh Parish Neighbourhood Plan 2020-2031 (2022).
4. The proposed access would have a substandard visibility splay which would have an unacceptable impact on highway safety, and the proposed development would not be in a suitable location for housing, having regard to the local development strategy for the area, accessibility to services and reliance on private motor vehicle. It would fail to accord with the location strategy and accessibility elements of Policies INF1, SD10 and SP2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and Policies TRAC1, RES3, RES4 and RES5 of the Tewkesbury Borough Local Plan 2011-2031 (2022) and Policy H1 of The Leigh Neighbourhood Development Plan 2020-2031 (2022).
5. The submitted Preliminary Ecological Assessment is considered out of date and therefore insufficient information has been submitted, an updated PEA is required in order to assess the impact of the development on protected species. Accordingly, the proposal is contrary to policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), policy NAT1 of the Tewkesbury Borough Local Plan 2011-2031 (2022) and policy E2 of The Leigh Neighbourhood Development Plan 2020-2031 (2022).
6. Insufficient information has been submitted with the application relating to the impact of the proposal upon the existing trees. A tree survey and an arboricultural impact assessment is required to demonstrate the impact of the proposal. Accordingly, the proposal is contrary to policy INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), and policy NAT3 of the Tewkesbury Borough Local Plan 2011-2031 (2022).

## **12. Informatives**

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





# Block Plan



Drawing No.: 284,94102

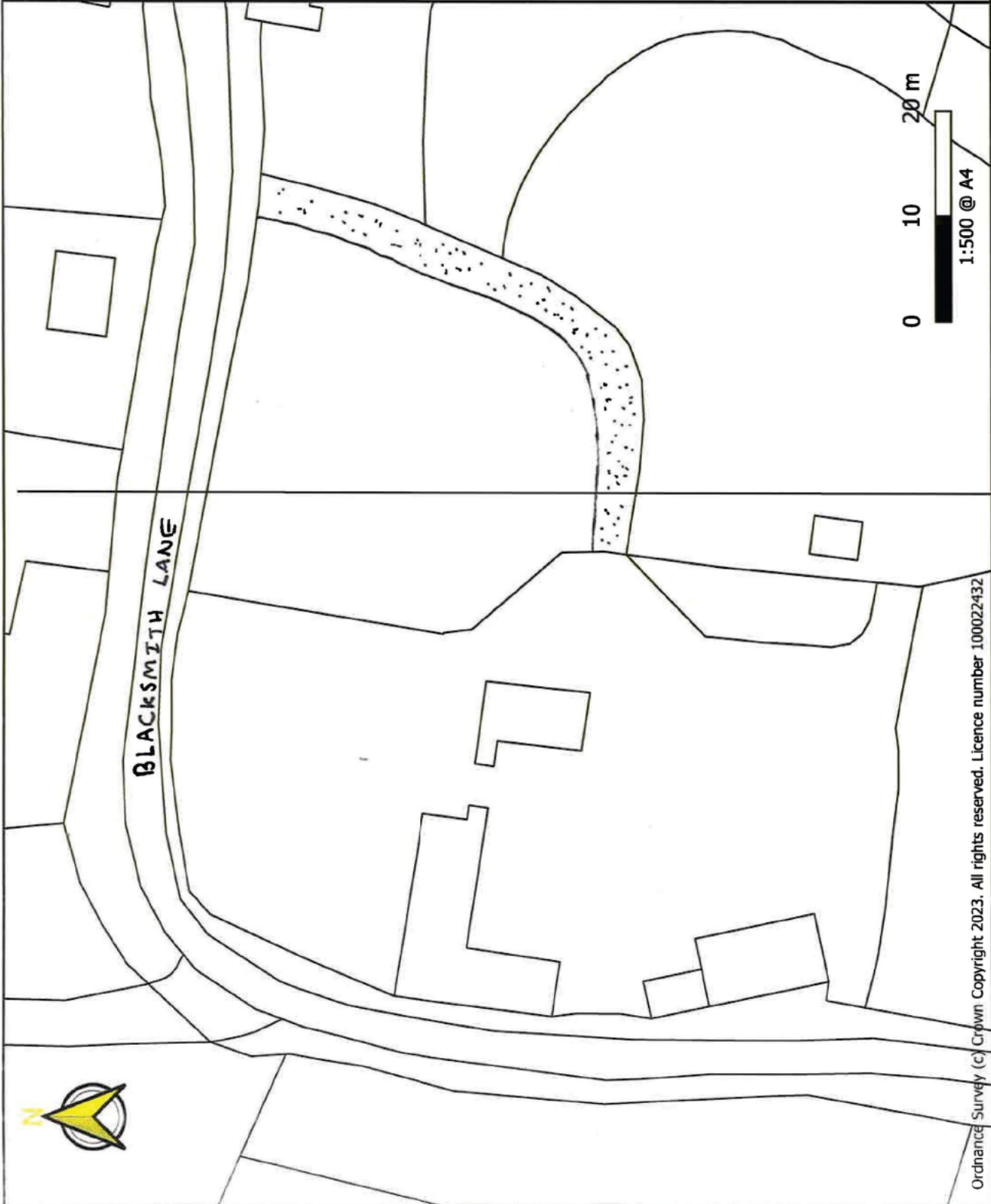
Date: 26.04.23

EXISTING BLOCK  
PLAN



01384296611

The Millworks,  
Heath Mill Road,  
Wombourne,  
South Staffordshire,  
VV5 8AP



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# Block Plan

Drawing No.: 88494/03

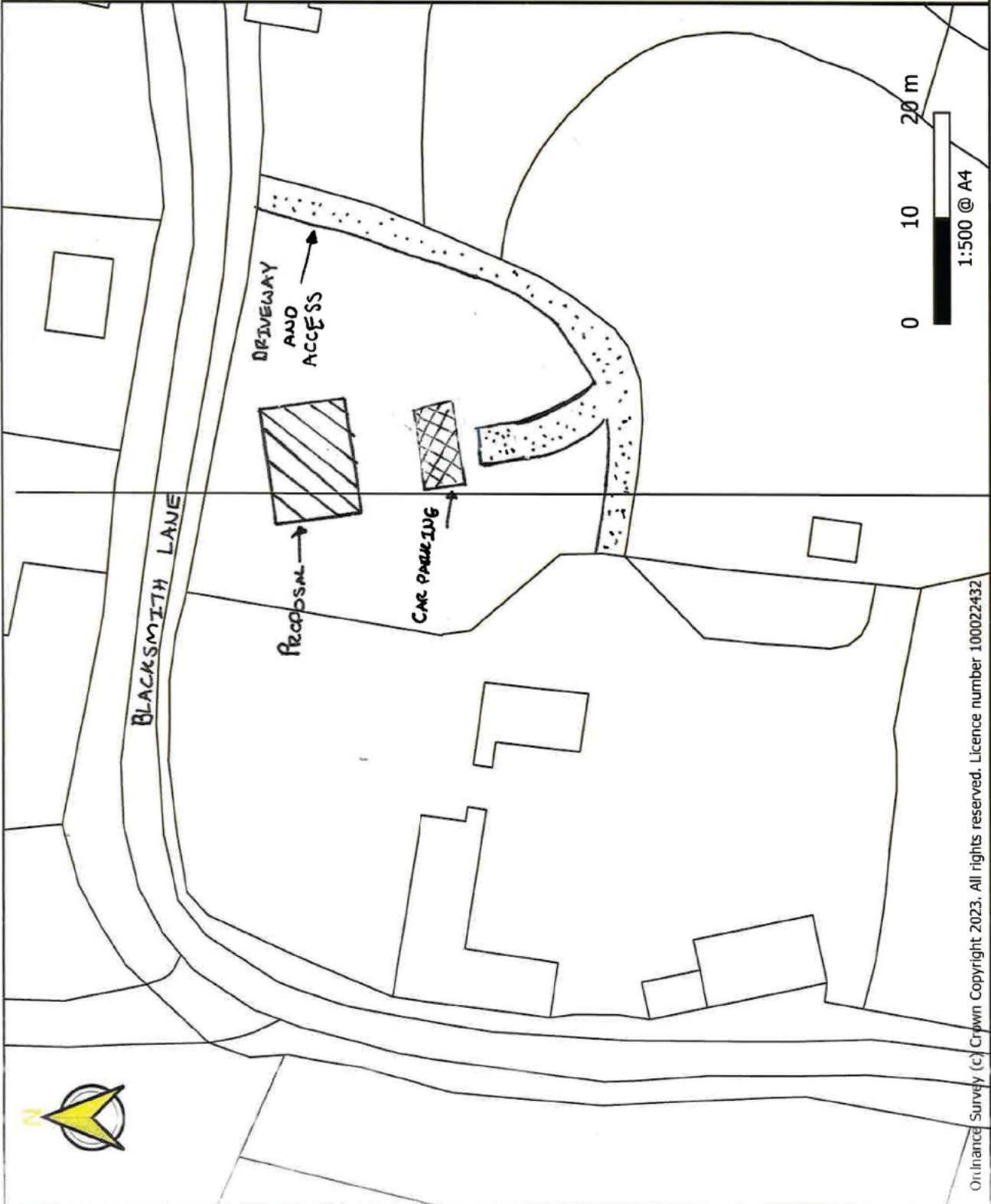
Date: 09.05.23

## PROPOSED BLOCK PLAN

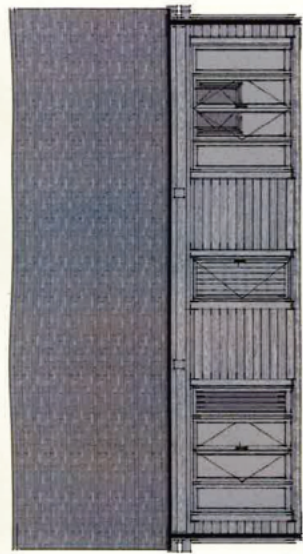


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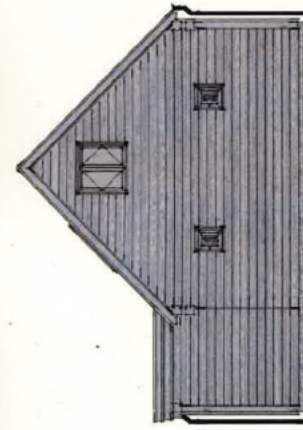
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South Staffordshire,  
WV5 8AP



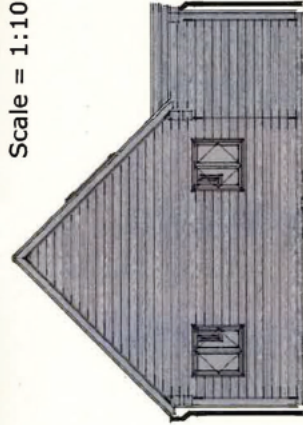
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SOUTH EAST FACING ELEVATION



SOUTH WEST FACING ELEVATION

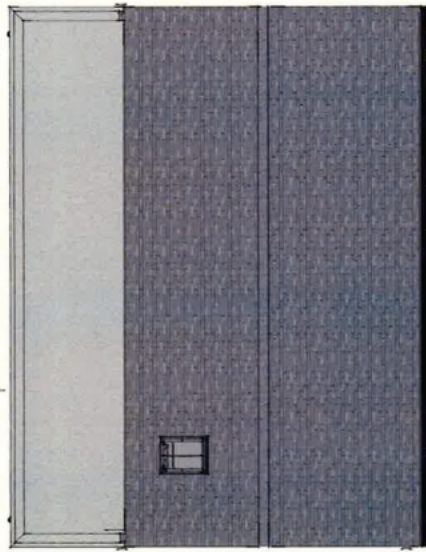


NORTH EAST FACING ELEVATION

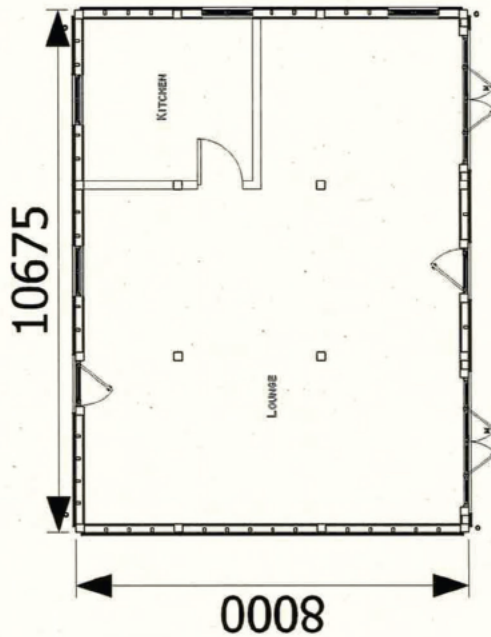
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NORTH WEST FACING ELEVATION



PROPOSED ROOF PLAN



PROPOSED FLOOR PLANS



Proposed

Drawing No. 88494104

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**PLANNING APPEALS RECEIVED (31/07/2023 – 01/09/2023)**

<b>Appeal Start Date</b>	<b>TBC Planning Number</b>	<b>Inspectorate Number</b>	<b>Proposal</b>	<b>Site Address</b>	<b>Appeal Procedure</b>
31-July-23	22/00534/FUL	APP/G1630/W/23/3321046	Creation of an adventure golf park, ancillary to Brickhampton Court Golf Complex.	Brickhampton Court Golf Club Cheltenham Road East Churchdown	Written Representation
7-Aug-23	22/00216/ENFB	APP/G1630/C/23/3327305	Enforcement appeal	Plot 19 Warren Fruit Farm Evesham Road	Written Representation
7-Aug-23	22/01343/OUT	APP/G1630/W/23/3326538	The erection of up to 85 dwellings with public open space, landscaping and sustainable drainage system (SuDS). All matters reserved except for means of vehicular and pedestrian access from Sandhurst Lane and a pedestrian access on to the A38.	Land At Chestnut Tree Farm Twigworth	Public Inquiry
22-Aug-23	22/01329/FUL	APP/G1630/W/23/3321785	Change of use of land for the stationing of a shepherds hut.	Lakeside Barn Churchdown Lane Churchdown	Written Representation
30-Aug-23	22/00134/FUL	APP/G1630/D/23/3322213	Erection of single storey rear extension to annex building (Retrospective).	Toddington Grange Burberry Hill Toddington	Fast Track Appeal

**PLANNING APPEALS DECIDED (31/07/2023 – 01/09/2023) - No Decisions received**