

13 November 2023

Committee	Planning
Date	Tuesday, 21 November 2023
Time of Meeting	9:30 am
Venue	Tewkesbury Borough Council Offices, Severn Room

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND

Agenda

1. ANNOUNCEMENTS

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

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

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.

3. DECLARATIONS OF INTEREST

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

	Item	Page(s)
4.	MINUTES	1 - 20
	To approve the Minutes of the meeting held on 17 October 2023.	
5.	DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL	
	(a) 23/00641/FUL - Land East of Kayte Lane, Southam	21 - 54
	PROPOSAL: Change of use of land to use as a gypsy/traveller site comprising 11 pitches. 11 static mobile homes for residential purposes shall be stationed alongside seven ancillary touring caravans; provision of internal roadways, parking areas and fencing (part retrospective).	
	OFFICER RECOMMENDATION: Refuse.	
	(b) 22/00998/FUL - Land Behind 52 to 74 Willow Bank Road, Alderton	55 - 104
	PROPOSAL: Erection of 48 dwellings with associated infrastructure and amenities along with demolition of an existing dwelling on land to the west of Willow Bank Road, Alderton.	
	OFFICER RECOMMENDATION: Delegated permit.	
	(c) 23/00086/APP - Land Off Aggs Lane, Gotherington	105 - 132
	PROPOSAL: Reserved matters application pursuant to application ref: 19/01071/OUT (outline planning application with means of access from Ashmead Drive (all other matters reserved for subsequent approval) for the erection of up to 50 dwellings (Class C3); earthworks; drainage works; structural landscaping; formal and informal open space; car parking; site remediation; and all other ancillary and enabling works) for 50 dwellings including appearance, landscape, scale and layout.	
	OFFICER RECOMMENDATION: Delegated approve.	
	(d) 22/01083/FUL - Walnut Tree Farm, Norton	133 - 158
	PROPOSAL: Erection of seven dwellings, including four market and three affordable discounted market sale dwellings and associated vehicular access.	
	OFFICER RECOMMENDATION: Delegated permit.	
	(e) 23/00293/OUT - Land at Church Lane, Church Lane, The Leigh	159 - 178
	PROPOSAL: Erection of two four-bedroom dwellings including details of access with all other matters reserved (appearance, scale, layout and landscaping as reserved matters).	
	OFFICER RECOMMENDATION: Permit.	

Item	Page(s)
<p>(f) 22/01317/FUL - 3 Consell Green, Tewkesbury Road, Toddington</p> <p>PROPOSAL: Construction of two dwellings.</p> <p>OFFICER RECOMMENDATION: Permit.</p>	179 - 201
<p>(g) 23/00731/FUL - Cross House, Church Street, Tewkesbury</p> <p>PROPOSAL: Change of use of first floor and second floor of Cross House from Class E to Class C3.</p> <p>OFFICER RECOMMENDATION: Permit.</p>	202 - 213
<p>(h) 22/00667/FUL - Land to the South of Cheltenham Road East, Churchdown</p> <p>PROPOSAL: Construction of 145 residential dwellings with associated infrastructure.</p> <p>OFFICER RECOMMENDATION: Delegated permit.</p>	214 - 250
<p>6. CURRENT APPEALS AND APPEAL DECISIONS UPDATE</p> <p>To consider current planning and enforcement appeals and Department for Levelling Up, Housing and Communities appeal decisions.</p>	251 - 253

DATE OF NEXT MEETING

TUESDAY, 19 DECEMBER 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, 17 October 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, R J E Vines, P N Workman and I Yates

also present:

Councillor P W Ockelton

PL.35 ANNOUNCEMENTS

- 35.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 35.2 The Chair gave a brief outline of the procedure for Planning Committee meetings, including public speaking.
- 35.3 The Chair advised that, in accordance with Procedure Rule 1.2 of the Council's Constitution, he had exercised his discretion to vary the order of business so that Agenda Item 6 – Appeals Report would be taken after Agenda Item 4 – Minutes.

PL.36 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 36.1 Apologies for absence were received from Councillors M Dimond-Brown, G C Madle, G M Porter and R J G Smith. Councillor H J Bowman would be a substitute for the meeting.

PL.37 DECLARATIONS OF INTEREST

- 37.1 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.

37.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
S Hands	Item 5c – 23/00044/OUT – Land at Horsbere Drive, Longford.	Is a Borough Councillor for the area. Had taken part in discussions with members of the public regarding the application.	Would not speak or vote and would retire to the public speaking area for this item.
J R Mason	Item 5b – 21/01496/FUL – Almsbury Farm, Vineyard Street, Winchcombe.	Is Chair of Winchcombe Town Council, which had discussed the application due to its size, but he had retired to the audience and taken no part in the debate. Winchcombe Town Council had attended a meeting with the applicant, at the applicant's request, which he had attended but had not expressed an opinion.	Would speak and vote.

37.3 There were no further declarations made on this occasion.

PL.38 MINUTES

38.1 The Minutes of the meeting held on 19 September 2023, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.39 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

39.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Page No. 163. Members were asked to consider the current planning and enforcement appeals received and the Department for Levelling Up, Housing and Communities appeal decisions issued.

39.2 The Development Management Manager explained that, at the last meeting of the Committee, Members had been provided with an update regarding the appeal decision in respect of Truman's Farm, Gotherington and its impact on the Council's five year housing land supply. Since that time, clear implications had been identified for the Council in terms of various appeal cases and urgent decisions had been taken in relation to three cases in Fiddington, Highnam and Bishops Cleeve. The updated annual position for the authority would be published today and would show that the Council could demonstrate a housing land supply of 3.23 years – the

Gotherington Inspector had determined this as 3.39 years at best. Members would be aware of the Agenda for today which included various housing proposals, and, with the tilted balance engaged, he highlighted the importance of taking into account the provisions of Paragraph 11 of the National Planning Policy Framework.

39.3 Accordingly, it was

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

PL.40 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

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

21/01307/FUL - Moat Farm, Malleson Road, Gotherington

40.2 This application was for erection of four dwellings following the demolition of existing agricultural buildings.

40.3 The Development Management Team Manager (East) advised that this was a full application for the demolition of a range of existing agricultural buildings and the erection of four dwellings and associated infrastructure. The application related to a parcel of land at Moat Farm located to the northern edge of the village of Gotherington. The site had previously been utilised for agricultural and equestrian uses and currently comprised a number of existing agricultural buildings, formed around a yard area, which were associated with the surrounding agricultural land that was also in the applicant's control. The site was currently accessed off Malleson Road via an existing domestic access and a farm track to the south-west. The north-western corner of the site was located within a designated Special Landscape Area, which provided the foreground setting for the Area of Outstanding Natural Beauty, to the north of Gotherington, and to the east of the site was a public footpath which linked to Malleson Road. The nearby Moat Farmhouse was considered to be a non-designated heritage asset. It was noted that the site was wholly located within Flood Zone 1. It was proposed that the site would be laid in a courtyard arrangement and the amenity space would project out from the dwellings, leading to a concentrated built form in the centre of the site. The buildings were designed to reflect the existing functional agricultural character of the site. The finished materials would include timber cladding, standing seam roofs and metal sheet cladding in order to maintain the functional appearance of the site. An assessment of the main material considerations was set out in the Committee report and identified a number of key harms and benefits. The application site was located adjacent to Gotherington which was identified as a Service Village in the Joint Core Strategy hierarchy and was recognised by Joint Core Strategy Policy SP2 as a location where dwellings would be provided to meet the identified housing needs of Tewkesbury Borough; however, the site was predominantly outside of the defined settlement boundary and was not allocated for housing through the development plan. It was therefore necessary to assess whether there were any material considerations which indicated whether a decision should be made other than in accordance with the development plan. The Committee report set out the impacts that the application was likely to have upon the landscape character of the area, amenity to existing and proposed residents, the highway network and the nearby heritage asset. No objections had been raised by any statutory consultees and whilst the site was located outside of the settlement boundary, it was considered to represent sustainable development on the edge of a Service Village. Given the current position regarding the Council's five year housing land supply, although there was some harm arising from the conflict with the spatial housing policies,

significant weight should be given to the provision of sustainable housing where none of the identified harms would significantly and demonstrably outweigh the benefits in the overall planning balance. It was therefore recommended that the application be permitted, subject to the conditions listed within the report. An outline application for 42 dwellings on the site had been refused by the Planning Committee in 2014 and an appeal dismissed by the Planning Inspector on the grounds of landscape impact and the setting of the heritage asset. Members were advised that a late representation had been received from the County Archaeologist after the publication of the Additional Representations Sheet, attached at Appendix 1, responding to the concerns raised by the Parish Council regarding the destruction of ridge and furrow and the medieval moat. The County Archaeologist had advised that the ridge and furrow was not of any particular merit and was not a scheduled ancient monument; however, the moat could be of some interest and recommended the inclusion of a pre-commencement condition to carry out mitigation on the site. The applicant had accepted this condition and was happy to move forward on that basis.

- 40.4 The Chair invited the applicant to address the Committee. The applicant explained that his family had lived and run businesses at Moat Farm for the past 60 years and had decided it would be a good opportunity to create a unique, individual, self-built development on the footprint of the existing agricultural buildings. The one house and three bungalows had been designed for their own occupation. It would mean a lot to them to be able to remain at Moat Farm, in the village where they had lived for most of their lives, and they intended to use local trades for the majority of the construction work.
- 40.5 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. A Member sought clarification as to whether the applicant was on the self-build register. In response, the Development Management Team Manager (East) advised that when an application was submitted, there was an opportunity to declare the proposal as self-build on the application form by ticking the relevant section; it was also expected that this would be included in the description of development. In this instance it had not been declared as self-build and the applicant was not on the self-build register; however, this did not preclude the applicant from self-building. In response to a Member query regarding how the farm would continue without the existing agricultural buildings, the Development Management Team Manager (East) explained that the applicant had advised that, once the existing farm buildings had been removed and residential development implemented, the remaining land would be rented by a nearby farmer who would not require any buildings.
- 40.6 It was proposed and seconded that the application be permitted in accordance with the Officer recommendation, subject to the inclusion of a standard pre-commencement archaeology condition to allow mitigation to take place regarding the moat, and, upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** in accordance with the Officer recommendation, subject to the inclusion of a standard pre-commencement archaeology condition to allow mitigation to take place regarding the moat.

21/01496/FUL - Almsbury Farm, Vineyard Street, Winchcombe

- 40.7 This application was for redevelopment and conversion of Almsbury Farm Barns to provide a mixed residential and commercial development comprising circa. 900sqm of Class E commercial floor space and 18 new residential units including demolition of non-historic portal framed barns and the provision of new car parking, landscaping and associated infrastructure.

- 40.8 The Development Management Team Manager (East) advised that the application site was located to the south of Vineyard Street, Winchcombe, wholly within the Winchcombe Conservation Area, and incorporated the Grade II listed Almsbury Farmhouse and the adjacent Grade II listed farm buildings, currently in a derelict condition. The site was also within the Cotswolds Area of Outstanding Natural Beauty. Adjoining, but not within the site, the land immediately to the north was within Flood Zone 3; however, the site itself was within Flood Zone 1. The site also adjoined and comprised a very small part at the extreme south of the application site - not proposed for development - which fell within the Sudeley Historic Park and Gardens. The application proposed the redevelopment and conversion of Almsbury Farm Barns to provide circa. 900 sqm of Class E commercial floor space and the provision of 18 residential units which involved the conversion of the listed buildings to four dwellings and the construction of 14 new build residential dwellings. An assessment of the main material considerations was set out within the Committee report and a number of key harms and benefits had been identified. In terms of the principle of residential development, the application site was located adjacent to Winchcombe, which was identified as a Rural Service Centre in the Joint Core Strategy hierarchy and was recognised by Joint Core Strategy Policy SP2 as a location where dwellings would be provided to meet the identified housing needs of Tewkesbury Borough; however, the site was located outside the existing built up area of Winchcombe and was not allocated for housing through the development plan or the Winchcombe and Sudeley Neighbourhood Development Plan. 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. In terms of the principle of commercial development, the Winchcombe and Sudeley Neighbourhood Development Plan allocated this site for new or expanded uses which included Class E use. The policy also referred to the use of this site as a mixed use to include residential to support the commercial proposals. Given the site constraints, Officers had worked collectively with the applicant over the past two years to negotiate a scheme that would have an acceptable impact upon its sensitivities. This included a re-design of the new buildings to have a more appropriate impact upon the historic buildings and their setting and the reduction of residential units. One of the main areas of concern was the intensification and impact upon the road network, given the existing traffic issues along Vineyard Street. This was the only objection raised by the Town Council and the applicants had worked closely with County Highways to ensure that the impacts would be limited by providing highways improvements along this road. No objections had been raised by any statutory consultees, other than Historic England, and whilst the site was located outside of the settlement boundary, it was considered to represent sustainable development on the edge of a rural Service Village and would deliver important commercial provisions to Winchcombe. With this in mind, and given the current position regarding the Council's five year housing land supply, although there was some harm arising from the conflict with the spatial housing policies, significant weight should be given to the provision of sustainable housing where none of the identified harms would significantly and demonstrably outweigh the benefits in the overall planning balance. It was therefore recommended that authority be delegated to the Development Management Manager to permit the application, subject to any additional/amended planning conditions; and the completion of Section 106 legal agreements.
- 40.9 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that those Members who had been on the Planning Committee for a long time would be well aware of the history of this site. Almsbury Farm Barns was an incredibly important site, located close to the main tourist entrance of Sudeley Castle and framing its important historic setting between the town and Sudeley. The site comprised a range of stunning Grade II listed Cotswold stone barns, which were of the highest standard of historic and architectural quality; however, they were now disused and a long-term viable use needed to be found to restore them to their

former glory. The site also included a number of modern portal framed barns that were in a poor state of repair and were harming the heritage value of the site and the setting of Sudeley's parkland – it was included within the Winchcombe and Sudeley Neighbourhood Development Plan as an allocation site for that reason, supporting its conversion for redevelopment. The Winchcombe and Sudeley Neighbourhood Development Plan designation envisaged support for commercial, care and residential type uses. This proposal comprised a mix of small-scale commercial and residential uses and therefore fitted squarely with the Winchcombe and Sudeley Neighbourhood Development Plan aspirations for the site. Winchcombe Town Council had stated its support, in principle, for the scheme on that basis. The conversion of the historic barns has been sensitively handled and the new build elements that replaced the non-historic barns amounted to a significant visual improvement. The new builds comprised a range of Almshouse type terraces and four separate family homes of Cotswold and barn-like design. The surfacing and building materials and finishing were truly of the highest quality and far exceeded that of standard schemes elsewhere. The applicant's agent indicated that they had worked positively with the Council's Planning and Conservation Officers to secure a scheme that everyone was happy with. The Conservation Officer recognised the importance of bringing this historic site back in to viable use and County Highways was happy with the access and parking arrangements for the site. A balanced approach had to be taken between maintaining highway standards and protecting the heritage value of the site. Winchcombe Town Council's existing concern over parking on Vineyard Street had also been resolved via the requirement for a traffic management scheme, the full detail of which was to be secured by condition. The Council's consultees were satisfied in terms of ecology, flood risk and drainage, landscape, arboriculture and amenity and the scheme would secure Biodiversity Net Gain well in excess of the future 10% requirement. The applicant's agent stated that, in over 20 years of dealing with planning applications on either side of the fence in Tewkesbury Borough, this was one of the most special and positive developments that he had the pleasure to be involved with. The opportunity to bring this gateway site back into viable use; restore its heritage barns; and replace buildings that were of no merit with Cotswold vernacular design was so important for the town. The community wanted a solution for this site once and for all, and this was certainly it.

- 40.10 The Chair indicated that the Officer recommendation was to delegate authority to the Development Management Manager to permit the application, subject to any additional/amended planning conditions and the completion of a Section 106 Agreement, and he sought a motion from the floor. A Member sought clarification as to whether Community Infrastructure Levy would be payable and confirmation was provided that it was. The Member indicated that the chevron parking in Vineyard Street was problematic and the gap had narrowed over time as vehicles had got larger; it was a particular issue for refuse vehicles which could get blocked in due to indiscriminate parking – this was something which was regularly discussed at Town Council meetings. He asked whether County Highways would be happy to address this by putting parallel parking down one side and retaining chevron parking along the other. In response, the County Highways representative confirmed that County Highways had considered the parking configuration and, as outlined on the Additional Representations Sheet, attached at Appendix 1, a condition had been included to require a traffic management scheme to restrict parking along Vineyard Street to allow two vehicles to pass to be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. He reiterated that no details had been agreed at this stage and County Highways wanted to have a further conversation with the Town Council in terms of what the final scheme would look like. In response to a query as to whether the trees had Tree Protection Orders (TPOs), the Development Management Team Manager (East) indicated that to his knowledge they did not but the site was within a Conservation Area which was protected in its own right and Officers had requested additional details in relation to

that. Another Member sought clarification as to what was covered by Class E use type and was informed that it could be a broad spectrum but, in this case, would be limited, by condition, to Class E9(g) – uses which can be carried out in a residential area without detriment to its amenity: i) an office to carry out any operational or administrative functions, ii) the research and development of products or processes, or iii) any industrial process – and E9(c) – for the provision of the following kinds of services principally to visiting members of the public: i) financial services, ii) professional services (other than health or medical services) or, iii) any other services which it is appropriate to provide in a commercial, business or service locality.

40.11 A Member expressed disappointment that there were no affordable units on site and she asked how the offsite contribution for affordable housing provision calculation of £99,000 had been reached. The Development Management Team Manager (East) advised that the calculation was based on information provided by the applicant's agent to the Housing team and the Legal Adviser confirmed that the Housing team applied a technical formula which calculated a sum equivalent to need on site. The money would go into the pot to be utilised for affordable housing within the administrative area of the Council. Another Member noted that the new dwellings had chimneys and asked if it was intended they would have working fireplaces, thereby producing pollution, or if they would be decorative. In response, the Development Management Team Manager (East) advised that he did not have a direct answer but he imagined they would be for woodburners and he clarified that any pollution would be dealt with by building control legislation.

40.12 It was proposed and seconded that authority be delegated to the Development Management Manager to permit the application in accordance with the Officer recommendation. The proposer of the motion indicated that the site had stood vacant as a farm for many years in a very beautiful area and it was necessary for something to be done to it. He was of the view that the proposal was a good design which would fit well with the local architecture and would be a welcome addition to the entrance to the town. The seconder of the motion shared this view and congratulated Officers on finding a solution for this particular site. A Member indicated that Vineyard Street was the starting point for several walks around the town and surrounding area but it was not pedestrian friendly; he noted that consideration had been given as to how the vehicular traffic might move but not to pedestrians and he was concerned that narrowing the access would increase the amount of traffic and impact negatively on pedestrians. The Development Management Team Manager (East) advised that, should Members be supportive of the Officer recommendation, a condition for improvement to verges for walking would be attached to the planning permission. The representative from County Highways advised that Vineyard Street currently had shared use by pedestrians and vehicles and, although undesirable, there was no record of any incidents in the area. There were footways either side of the street but the application proposed improvements to the verges between both access points so pedestrians could move away from the shared surface area. Double yellow lines being introduced along Vineyard Street would allow cars to pass and improve visibility in the event of pedestrians walking along the road.

40.13 Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Management Manager to **PERMIT** the application, subject to any additional/amended planning conditions and the completion of a Section 106 Agreement.

23/00044/OUT - Land at Horsbere Drive, Longford

- 40.14 This was an outline application for residential development of up to 21 apartments, associated infrastructure, ancillary facilities, open space and landscaping with all matters reserved (amended description). The Planning Committee had visited the application site on Friday 13 October 2023.
- 40.15 The Senior Planning Officer drew attention to the Additional Representations Sheet, attached at Appendix 1, which set out that the application site fell within Longford Parish rather than Innsworth Parish, as stated in the Committee report; this was due to a recent boundary change. Seven additional representations had been received from members of the public objecting to the proposal on the grounds that Longford had enough housing, there should be additional shop parking, the proposal was visually unattractive, the GP surgery was at capacity, the estate did not need more people and cars, risk of flooding, contribution to antisocial behaviour and the development being unwelcome next to the school. These aligned with the substantial number of objections that had been received and considered during the consultation period. Whilst the application was submitted in outline and was only seeking to establish the principle of delivering up to 21 apartments, quite a lot of information had been included – this was unusual but illustrated how the scheme might appear in future. If Members were minded to permit the application, it would be subject to a Section 106 Agreement to secure affordable housing and other contributions for environmental mitigation. Heads of terms had been agreed and the development would also be Community Infrastructure Levy (CIL) liable. Longford was deemed by Officers to be a sustainable site. A similar scheme had been refused at the start of last year for 24 apartments; however, as well as reducing the number of apartments, there had also been amendments to the articulation of the apartment blocks which the Urban Design Officer considered added architectural interest, as well as good use of materials and colour, albeit this was indicative at this stage. Members would be aware there was substantial opposition to the development, in part because there continued to be local expectation of the site being used for community purposes; this was based on the masterplan which followed the 2008 outline planning permission; however, delivery of the masterplan was dependent on subsequent reserved matters applications. He drew attention to Pages No. 113-114, Paragraph 3 of the Committee report, which outlined the relevant planning history, in particular 11/00385/FUL which had a decision date of 17 May 2013. That planning permission included a condition that all reserved matters were required within three years of that date i.e. by 17 May 2016; after that date the outline planning permission effectively lapsed so reserved matters applications could only be submitted before that date. A number of reserved matters applications had been made between 2013 and 2016 for infrastructure, a school and a Co-Op but there was no reserved matters application for the current application site, therefore, since 2016 there had been an opportunity for any development to be proposed on the site. The outline and reserved matters applications had now all lapsed and the masterplan had no relevance to how this application was considered. In terms of the relevance of the Churchdown and Innsworth Neighbourhood Development Plan, the Senior Planning Officer clarified that, notwithstanding that the site was now in Longford Parish, the boundaries of the Neighbourhood Development Plan were unchanged, therefore it remained a material consideration in determining the application. In conclusion, Longford was an urban fringe settlement of Gloucester, as named in the Tewkesbury Borough Plan, where the principle of new residential development was supported. Having regard to the indicative plans submitted and the Council's housing land supply situation, Officers considered there was sufficient likelihood of acceptable development coming forward at the reserved matters stage.

- 40.16 The Chair invited a representative from Longford Parish Council to address the Committee. The Parish Council representative indicated that this application for flats would create a blot on the landscape that would seriously detract from the character of the new place at Longford. It was in an area where residential development had been rejected twice and the vast majority of issues from the previous applications which had been refused on this site remained relevant. Whilst the previous outline planning permission had expired, the need for infrastructure still existed. The proposed development was squeezed in and would still fail to integrate and relate to its surroundings, or respect the character of the site, which was mainly two storey houses, and would fail to contribute positively to the wider Longford development. More importantly, with regard to the previous application, the Urban Design Officer had stated that its loss as a retail, employment or community use would be disappointing and would have a negative effect on the overall quality of the new place that had been created at Longford and, in the long-term, this area would see significant residential growth without the facilities to serve them, risking the creation of very unsustainable developments where people must drive to access facilities. The Parish Council felt that more dwellings without infrastructure was unsustainable. This application failed to adhere to the social objective within Paragraph 8b) of the National Planning Policy Framework which was to help support strong, vibrant and healthy communities, with accessible services that reflected current and future needs and supported communities. As highlighted by local residents, parking around the school caused issues, there was outdated flood risk evidence in the area, a lack of available school places and issues with foul water controls among other things. The development would also be contrary to Paragraph 130 of the National Planning Policy Framework and Policy CHIN2 and CHIN3 of the Churchdown and Innsworth Neighbourhood Development Plan. As Members would be aware, planning guidance was subjective so the application could be refused. The Parish Council felt the Committee needed to be very careful not to set a dangerous precedent that could potentially undermine the strength behind local plan policies as, if approved, the development could be used as justification for unsustainable development across Tewkesbury Borough. As such, the Parish Council urged Members to refuse the application.
- 40.17 The Chair invited a local resident speaking in objection to the application to address the Committee. The local resident indicated that the original planning for the development at Horsbere Mews designated the land in question for a commercial space with parking, opposite another which was built in the early stages of the development. The developer later proposed its first application for apartments, citing specifically that the existing commercial development had not been adopted – the residential development itself only half-complete. As of October 2023, the existing commercial development had been fully adopted and heavily used for over 24 months, with parked vehicles regularly overflowing onto Horsbere Drive itself. He pointed out that, for a significant period of time during the consultation period for the application, the online portal for objections had been unavailable meaning many residents were unable to register their objections - he was aware of significantly more public sentiment against this proposal than evidenced. In terms of the local residents' main concerns, the overall scale, bulk and massing of the apartments remained unsuitable for this development, as was the case when it was refused in July 2020 and February 2022. There were no existing apartment blocks on this development and their addition would contrast poorly against the small homes they would sit beside. The introduction of circa. 42 additional private vehicles to an area with demonstrably poor traffic management, only a few metres from a busy primary school and with an extant shortage of parking spaces, would be of significant detriment both to traffic management and highway safety. The proposed apartments would be built only a few metres west of several existing homes on Whitefield Crescent, significantly reducing the sunlight to the living spaces within. It would also expose bedrooms and indoor and outdoor living spaces to overlooking from the occupants of the proposed apartments. Since the residential part of this

development was completed 24 months ago, it has suffered from prolonged sewage leaks as the drainage system had been overwhelmed and it would be irresponsible to build further housing until sufficient drainage has been installed to sustain it. On behalf of his fellow residents, he asked that the Planning Committee recognise the continuing legitimacy of its previous judgements and the concerns of local residents and refuse the application.

- 40.18 The Chair invited a local Ward Member from the area to address the Committee. The local Ward Member reminded the Committee that the whole site was determined by a Planning Inspector and a part of that decision was for a local centre that would make the site viable for 550 new homes. The previous two applications in 2020 and 2022 had rightly been refused by the Planning Committee and aside from the total number of flats being reduced from 24 to 21, nothing else had changed. As was the case today and with both previous applications, Tewkesbury Borough Council could not demonstrate a five year housing land supply. Given the context of the site and its surroundings, the development as proposed, by virtue of the overall scale and the resulting bulk and massing, would not be of an appropriate scale, type and density and therefore would fail to respond positively to, and respect the character, appearance and visual amenity of the site and the surrounding area. It therefore followed that the development would fail to represent good design and this weighed heavily against the proposal. In terms of the policy justification for refusal, the development would be contrary to Paragraph 130 and guidance in section 12 of the National Planning Policy Framework, Policies INF4, INF6, INF7 and SD4 of the Joint Core Strategy, Policy RES5 of the Tewkesbury Borough Plan and Policy CHIN2 and CHIN3 of the Churchdown and Innsworth Neighbourhood Development Plan. With regard to the local centre, the loss as retail, employment or community use would be disappointing and would have a negative effect on the overall quality of the new community that had been created at Longford. Long term, this area had seen significant residential growth and, without the facilities to serve the dwellings, there was a risk of creating very unsustainable developments where people had to drive to access facilities. If this application was agreed, it would give the green light to developers to take more profit rather than deliver local centres, with badly designed cramped housing and limited or total lack of local facilities. The indicative plans provided were simply that and, once outline planning permission had been granted, the developer could come back with a scheme for even more apartments. He hoped Members would follow the same approach as the previous applications and refuse this application.
- 40.19 The Chair invited Councillor Hands, speaking as a local Ward Member, to address the Committee. She indicated that, in 2020 and 2022, applications for flats on this piece of land were refused by the Planning Committee and nothing has changed in terms of the site or surrounding areas; reducing the amount of flats from 24 to 21 did not make any difference to the previous refusal reasons. When the initial application was won on appeal, the Planning Inspector had stated that the piece of land in question was to be set aside for commercial/community use. Residents were sold homes and moved in good faith that where they were going to live would be adequately equipped for the growing community. Being close to Gloucester City did not justify the loss of community land. The school on site was oversubscribed, the current local centre on the opposite side of Horsbere Drive was full and the car park was too small for the current volume of traffic using the centre. Section 8, Paragraph 92 of the National Planning Policy Framework stated that decisions should aim to achieve healthy, inclusive and safe places. and she believed that applied here; the building of 21 flats on communal land would add to the current lack of community meeting places and the lack of school places. She noted that County Highways had no objection to the application; however, the developments to the left and right of Horsbere Drive had been complete for over six and four years respectively and, in that time, none of the roads have been handed over by the landowner/developers for adoption by County Highways. Currently, streets were full

of cars parked on the kerb or over driveways during the evenings and weekends with a substantial amount of cars parking dangerously at school drop off and pick up times. This dangerous parking put the safety of pedestrians, including a large number of primary school age children, at risk on a daily basis. The addition of a potential 42 or more cars, notwithstanding visitors, with 'up to' 35 parking spaces would only add to that and, as the roads were not adopted, Traffic Regulation Orders could not be obtained for double yellow lines nor could active enforcement take place to control the sheer volume of cars parking in the area on a daily basis. The potential, and only viable, access to the proposed flats was through a small estate road off a bend into what was currently a turning area - the objection from Waste Services had addressed this in terms of access for refuse lorries. She was speaking as a local Ward Member to represent residents who did not object to development of this piece of land in general - in fact, the way it had been left to become an unkempt unattractive entrance to their community was unacceptable to them – but did object to placing an inappropriate development in terms of bulk, design and amenity rather than providing community facilities which they had been led to believe would be built when purchasing and renting their properties. She asked Members to consider refusing this application in favour of a sustainable, well designed community area for the residents of Longford.

- 40.20 The Chair indicated that the Officer recommendation was to delegate authority to the Development Management Manager to permit the application, subject to completion of a Section 106 Agreement, and he sought a motion from the floor. A Member sought clarification as to whether the tree/landscaping objection and the urban design comments at Page No. 115, Paragraphs 4.2 and 4.3 respectively, were from Borough Council Officers and the Senior Planning Officer confirmed that the first response was from a tree and landscape consultant and the second from an urban design specialist. The Member noted that Innsworth Parish Council's objection did not appear to be listed in the consultation responses and the Senior Planning Officer advised that, as far as he was aware, no response had been received from Innsworth Parish Council. He noted that a substantial response had been received from Longford Parish Council setting out its concerns. The Member drew attention to Page No. 120, Paragraph 8.19 of the report which stated that no concerns had been raised by the urban design specialist regarding scale and massing yet Page No. 115, Paragraph 4.3 talked about lack of ground level amenity space. The Development Management Manager advised that this was addressed at Page No. 120, Paragraph 8.20 of the report. In terms of the comment made by the various public speakers that no changes had been made compared to the previous refusal, he advised that the original scheme was for 33 units whereas this was for 21 and there had been a change in the format of the application in terms of the design issues raised. One of the public speakers had alluded to the fact that, should the outline planning permission be granted, the developer could seek to increase the number of units on the site through the reserved matters applications and, whilst that was the case, it did not mean that would be considered favourably by the Committee; the proposal before Members today was for 21 units and that was what needed to be assessed. The indicative scheme sought to address concerns raised previously by adding more variety and articulation through height differentials and change of materials and, on balance, considering all the issues around the sustainable location, site history and the material considerations for an outline proposal, although there were unresolved concerns for certain consultees, these were capable of being addressed through submission of detailed reserved matters applications.
- 40.21 A Member noted that local residents were expecting the site to be developed for community use and she asked who would have been expected to build that and why it had not happened. The Senior Planning Officer explained that outline consent was granted in 2008 and included a Section 106 obligation for £544,000 of community funding albeit that had not been allocated for anything in particular. Delivery of the

masterplan approved as part of the outline consent could only happen within the lifetime of that planning permission which had now lapsed; notwithstanding this, the Section 106 had already generated the community funding. Another Member indicated that this was being referred to as an existing application and she asked why that was the case – she looked at it as a new application. The Senior Planning Officer confirmed it was a new application and any reference to the existing scheme was simply to identify it as the current scheme rather than either of the two previous schemes. The Member asked what weight the Inspector's appeal statement carried in terms of the land being retained for a community asset and was advised that the Inspector was obliged to consider the application within the remit of that specific application at the time and was therefore considering the community benefits of the scheme in terms of the wider application site which was considerably bigger than this. The community facility had not come forward during the lifetime of the planning permission therefore the relevance of the masterplan had fallen away. The Legal Adviser made the general point that whilst land may have been put forward for community use in one application, that did not necessarily prevent someone putting in an application for an alternative use – it did not matter that the previous consent allocated this site for community use as this did not preclude an application coming forward for residential development now. The Development Management Manager reminded Members that each case must be determined on its own merits; clearly the two previous proposals for residential units on the site had not been supported but perhaps more relevant was that the principal reason for the last refusal was design.

- 40.22 A Member asked if County Highways had visited the application site or carried out a desktop assessment and the County Highways representative confirmed that a site visit had been carried out. Another Member noted that Officers had given reassurance that the concerns raised by the urban design specialist and the tree and landscape consultant could be addressed through reserved matters applications; however, he failed to see how concerns about dominant parking, the views from the lower windows of Block B facing Longford Lane being straight into the sloping bank and lack of ground level amenity space could be addressed. He also questioned whether it was appropriate to have an apartment with a balcony overlooking the school which was the other side of the road. In response, the Senior Planning Officer advised that there was a substantial response from the urban design specialist and, whilst the concerns were outlined at Paragraph 4.3 of the report, in the round their comments had been very positive. Broadly speaking, the urban design specialist did not have an issue with the number of units provided and felt that their scale and height was appropriate to the surrounding context of the site. It was the Planning Officers' responsibility to weigh up all of the competing interests and consultation responses to come up with a balanced opinion. In terms of the sunlight issue, the windows were set back in Block B and, in any event, the south facing sunlight would not be limited for the south facing block to the degree mentioned in the consultation responses; Officers did not think it was a significant issue and not one which would warrant refusal. In terms of parking, it was considered that 35 parking spaces for the apartments with an additional five for visitors was sufficient; this would be assessed at the reserved matters stage and, if it was not policy compliant, either an amendment could be sought, or it could be refused. He appreciated the concern in respect of the school but it was at a distance where it would be very difficult to justify refusal from a privacy and overlooking perspective. The Development Management Manager (South) advised that there were existing dwellings at Horsbere Drive with a similar relationship and outlook to the school. In response to a query as to what use classes A1 to A5 represented in terms of the earlier applications, and how many interested parties had approached the planning authority with a view to developing the site for

commercial/community use, the Development Management Manager advised that former use classes A1 to A5 were retail use, e.g. shops, wine bars, takeaways etc. Information was not retained in relation to enquiries but no formal applications had been made.

40.23

It was proposed and seconded that authority be delegated to the Development Management Manager to permit the application in accordance with the Officer recommendation. The proposer of the motion recognised the concerns regarding the proposal but felt it would be very difficult to justify a refusal. The seconder of the motion noted that the landscape and tree consultant and the urban design specialist had both raised concern but Officers had stated they could be resolved at the reserved matters stage and that determination of this application was based on the principle of development only. Should the motion be carried, she expected all reserved matters applications relating to the site to be brought to the Planning Committee for determination. A Member pointed out that the site was bordered on three sides by very busy roads and all traffic accessing the estate used the main roundabout. The entrance to the development was through an established settlement which was not designated as a through road and she felt this would cause problems with access for existing and new residents as well as refuse collections. There were parking issues on the road serving the school as well as problems with speeding vehicles but County Highways had raised no objection to the proposals. If Members were minded to permit the application, she asked for further investigations into the suitability of the access. In terms of the windows from Block B facing onto a bank, she felt this would impact quality of life for those residents and she raised concern regarding the air quality given that the site was bordered on three sides by busy roads and asked for this to be looked at if the application was permitted. In terms of drainage and sewage, this was a serious issue which needed to be addressed for the whole area which suffered from a failing sewage system. With regard to aesthetics and design, she reiterated that, although supportive of the scheme overall and in terms of its scale and height, the urban design specialist felt there was insufficient provision for walking and cycling, lack of ground level amenity space, dominant parking and limited sunlight to ground floor apartments facing Longford Lane. The site itself was the entrance to the estate and set the tone for the area. There were currently no flats on the estate so the proposed apartments would be totally out of keeping with the general layout on a prominent corner and would conflict with the rest of the design. She found it bizarre that the indicative plans included roof gardens which highlighted the lack of outdoor space and she felt that the suggested extension of the balcony by 0.5 metres was little compensation. She went on to reference overlooking of Whitefield Crescent and the impaired view from the school area as well as the lack of social housing. If this application was permitted, the site would have a greater number of units than the original scheme and she felt that new development should be resisted at all costs. Local services were stretched and there would be increased pollution as a result of residents travelling to Cheltenham and Gloucester. She questioned whether the land had been actively marketed robustly for community assets, although she appreciated that was not up for discussion today. The Joint Core Strategy, Tewkesbury Borough Plan and Churchdown and Innsworth Neighbourhood Development Plan all set out that community uses were an essential part of sustainable communities and open spaces and green infrastructure should be prioritised. In response, the Development Management Manager noted these comments and concerns and indicated that a range of issues had been considered in bringing the application forward with the recommendation before Members today and the clear concerns of the community could be fully considered at the reserved matters stage. He reiterated that the urban design specialist was generally supportive and the concerns raised could be addressed through the detail of the scheme.

40.24 A Member expressed support for one and two bedroom apartments as this tenure type was lacking within the borough and they were much needed by those looking to downsize. This was a sustainable site on a bus route and next to a shop so there were some positives associated with the scheme. Another Member advised that, having listened to the arguments and relooked at the plans, the entire site would be taken up by the footprint of the flats and car parking which would result in indiscriminate parking by people dropping off and picking up children from school or popping to the shops, as had been seen on the Planning Committee Site Visit. Whilst he felt that the site needed something done to it, he did not see how it could be sustainable for residential development. The Development Management Manager reminded Members this was an indicative scheme for up to 21 units so that number could be reduced and the plans were indicative and did not show the final scheme. The concerns raised by the urban design specialist could be addressed by a change to the footprint and these were all matters to consider at the reserved matters stage. Whilst he understood Members' thoughts, he stressed that the plans were indicative both in terms of layout and facades. With regard to parking, there was no requirement for this application to deal with existing concerns and County Highways had provided comments in relation to parking provision for the development. There would be a benefit in terms of having more parking spaces than were set out in the Churchdown and Innsworth Neighbourhood Development Plan and there was adequate provision to deal with the requirements of the scheme. A Member continued to be of the view that the site was completely unsuitable for flats, regardless of their design, particularly as none would be affordable units. The Chair agreed this was a difficult decision but no other suitable scheme had been put forward for the site which was now available for any use and he reminded Members of the risk of losing an appeal if there were no defensible grounds for refusal.

40.25 Upon being put to the vote, there was an equal number of votes for and against. The Chair exercised his casting vote and it was

RESOLVED That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to a Section 106 Agreement.

22/01004/APP - Parcel 2988 Downfield Lane, Twyning

40.26 This was a reserved matters application for 47 zero carbon dwellings including layout, scale, appearance and landscaping pursuant to original outline application 19/01084/OUT granted at appeal.

40.27 The Principal Planning Officer advised that the principle of development on the site was established through outline consent reference 19/01084/OUT which was granted at appeal in April 2022; access to the site was approved at outline stage. The site was located to the north of Fleet Lane and to the west of Downfield Lane and the western boundary of the site adjoined the rear gardens of existing dwellings which fronted onto Goodiers Lane.

40.28 The site was currently open grazing land with mature hedges on the roadside boundaries. The appeal Inspector for the outline scheme concluded that the development would result in moderate harm to the character and appearance of the area through the introduction of built development on a greenfield site but that there would be scope through the reserved matters to retain the existing hedges and provide landscaping in order to soften the impact. The submitted scheme proposed retention and reinforcement of the existing boundary hedges as well as incorporating areas of open space to the corners of the site. Officers considered that helped to soften the impact of the development and provide a transition between the site and the adjoining open countryside. Overall, Officers felt that the proposed density of development, layout and design of the house types reflected the context of the site adjoining a rural settlement and was in keeping with existing residential development adjoining the site. The layout incorporated several areas of open

space and the proposed landscaping of the development was considered to be appropriate and acceptable. As set out in the Committee report, the application was recommended for approval.

40.29 The Chair invited the applicant to address the Committee. The applicant indicated that, rather than reiterate the robust Committee report which recommended approval, he would introduce the developer to those unfamiliar with the company. He indicated that it was a privately owned regional property developer based in Gloucestershire, specialising in bespoke residential developments, with sites in and around the south-east of England and a successful history of developments locally. It had built a solid reputation for developing carefully crafted, high quality homes and enhancing local communities. Good design was a defining element to this process and each project had a unique character suitable for twenty-first century living which responded sympathetically to the site and its surroundings. This approach was evident within the proposals and was noted within the Committee report. This had, in part, been enhanced further through engagement with the Parish Council and it had been a rewarding opportunity to evolve the designs with the Parish Council to ensure the proposals best responded to this important location. The aim with all sites was to enhance the communities in which they built and create homes that people wished to live in, now and for future generations to come; this site was no exception to that approach. The developer's high standards and track record for quality developments had been recognised numerous times and resulted in many awards over the years. One of the many construction advances, in addition to the high-quality and sustainable materials that formed part of this proposal, was the commitment to delivering 100% of the homes, both open market and affordable, as zero carbon making this site one of the first, if not the first, of its kind to be built in Tewkesbury, which would mark a significant milestone for the Council.

40.30 The Chair indicated that the Officer recommendation was to approve the application and he sought a motion from the floor. A Member drew attention to Page No. 143, Paragraph 4.13 of the Committee report, which stated that Severn Trent Water had no objection but drew attention to assets on the site, and asked what this referred to. In terms of Paragraph 4.15 which set out that Twyning Parish Council had no objection subject to the resolution of certain details, the Member asked who was responsible for this. With regard to Paragraph 5.1 of the report, a third party representative had noted that self/custom built had been mentioned in the application but not identified and he was unsure how this was relevant to the site in question. Furthermore, he noted the comment about controls being needed to prevent loss of hedgerow and asked what the controls would be. In response, the Principal Planning Officer explained that, with regard to the comment from Severn Trent Water, there was a drainage easement through the site so Severn Trent must have equipment on the site but she was unsure of its nature. She advised that two of the dwellings in the scheme were to be custom built as specified in the Section 106 Agreement at the outline stage. The landscape management plan was dealt with as part of the information included on the Additional Representations Sheet, attached at Appendix 1, which had been discussed with the Parish Council prior to the Committee. Hedgerow retention should be included within the landscape management plan and it would be part of the conditions of implementation for this to be retained during the course of the development. The Member acknowledged the intention for the hedgerow to be retained but similar promises had been made on other sites where hedges had subsequently been removed so he was seeking real assurance that the hedgerow would be retained in this instance. In terms of Severn Trent Water's assets, there was a large water main beneath the site and he believed the plans suggested that houses would be built on top of that, which was concerning. He asked if this had been looked into and sought assurance there would be no houses built above the water main. The Principal Planning Officer understood that the water main would run under the main road through the site. In terms of hedgerows, the Development Management Team Manager (East) pointed

out that the applicant was present at the meeting and had heard the concerns expressed. Removal of the hedgerow would represent a breach of the condition and the enforcement team would take action if required.

- 40.31 A Member indicated that she had been expecting something exceptional in terms of design and was sadly disappointed with its 'cut and paste' nature; nevertheless, the sustainability credentials were fantastic. She asked what the solar panels would look like, i.e. whether they would be tiles or large ones on top of each house, and where the air source heat pumps would be located for each property as she was aware they emitted a humming noise so wanted to ensure there would be no disturbance to neighbouring residents. The Principal Planning Officer advised that additional conditions could be included to address both of these issues. The Development Management Manager advised that the scheme had been designed with the assets in mind and the Development Management Team Manager (East) drew attention to Page No. 149, Paragraph 8.23 of the Committee report which referred to the landscape management plan and advised there would be a mix of new and old planting throughout the site – this had been written into the plan and a condition had been added to the reserved matters to secure that. A Member continued to raise concern regarding the potential placement of houses over the water main and the Development Management Team Manager (South) pointed out that the landscape plan at Page No. 157 of the Committee report appeared to show the easement and all dwellings were set outside of that.
- 40.32 A Member noted that the developer had aspirations to deliver a zero carbon development which exceeded the building regulation requirements and she asked if this could be included as a condition of the planning permission. The Legal Adviser explained that building regulation requirements were the minimum standard the developer would be required to provide and it would be unreasonable to replicate this as a condition in the planning permission. The documents submitted by the applicant demonstrated intentions to deliver dwellings over and above building regulation requirements and the plans were conditioned so there would be a requirement to comply with those.
- 40.33 It was proposed and seconded that the application be approved in accordance with the Officer recommendation, subject to the inclusion of additional conditions to stipulate the details of the solar panels and air source heat pumps. A Member indicated that he had voted against the outline application when it had been considered and refused by the Planning Committee, as such, he did not feel able to support the reserved matters application; however, he was in favour of the green credentials of the site and the developer had delivered another scheme in Twyning which was superb so he had every belief that this would be a very good site when finished.
- 40.34 Upon being put to the vote, it was
RESOLVED That the application be **APPROVED**, subject to additional conditions to stipulate the details of the solar panels and the air source heat pumps.

The meeting closed at 12:10 pm

Appendix 1

ADDITIONAL REPRESENTATIONS SHEET

Date: 17th October 2023

The following is a list of the additional representations received since the Planning Committee Agenda was published and includes background papers received up to and including the Monday before the meeting. A general indication of the content is given but it may be necessary to elaborate at the meeting.

Agenda Item No.	
5a	<p>21/01307/FUL</p> <p>Moat Farm, Malleson Road, Gotherington</p> <p>Report Correction</p> <p>Paragraph 8.1 refers to Gotherington being a Rural Service Centre within the settlement hierarchy of the Joint Core Strategy (JCS). This is incorrect and a typing error; Gotherington is a Service Village for the purposes of the settlement hierarchy of the JCS.</p> <p>Notwithstanding this typing error, the assessment set out within the Committee report is correct and the recommendation remains.</p> <p>Biodiversity Update</p> <p>Paragraph 8.64 of the Committee report references an update on ecological matters. The applicant had submitted updated surveys and additional information at the request of the Council's Ecologist. This information was not reviewed at the time of writing the report.</p> <p>The Council's Ecologist has now reviewed the submitted information and is satisfied with the findings. Conditions have been proposed by the Council's Ecologist to secure ecological mitigation. Additional conditions are proposed below.</p> <p>Additional Conditions</p> <p>1. No dwelling hereby permitted shall be occupied until a lighting plan has been submitted to, and agreed in writing by, the local planning authority. The lighting plan shall accord with, and expand upon where necessary, the measures outlined in section 5 the associated Ecological Impact Assessment of July 2023. The agreed lighting plan shall be implemented, adhered to, and maintained in accordance with the agreed details.</p> <p>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.</p> <p>2. The proposed Landscaping Plan detailed in condition 5 shall also include ecological mitigation and enhancement measures as outlined in section 5 of the Ecological Impact Assessment of July 2023. The Landscaping Plan shall include measures to detail location of GCN hibernacula, bird and bat boxes (incl. new night roost) and demonstrate that bat roosting features will not be illuminated.</p>

Reason: To protect and enhance the habitat of the site.

Additional Comments from Parish Council

Following the publication of the Committee report the Parish Council has submitted the following comments in relation to the application:

Dear Sir.

We refer to our comment made in November 2021 on this application and reiterate again, the land owner is farming this land with livestock and crops. If the current barns are to be removed as part of this application, they will probably need to be replaced thus adding to even more development on this very sensitive site on the north of Malleson Road.

Gotherington is a linear development to the north and this application is in contrast with that.

Also, at the time of the last application, there were some valuable ridge and furrow fields highlighted, which have since been destroyed by the landowner by ploughing to plant crops. Also the medieval moat is currently empty of water for the first time in living memory and residents are concerned that this is to facilitate easier access to the development and it might be lost forever. It is not mentioned at all in the conservation officers report.

The inordinately long time between application and determination might give the impression that the village might be in favour of this development but its impact on our valuable amenity space that is Freeman Field is unacceptable. We are being overrun with new developments currently and this one is not in keeping with the surrounding buildings. It is out of place and out of character.

Comments from Councillor Adcock

Councillor Adcock has raised the following comments:

Our objections are that this development should it go ahead would allow further encroachment into the SLA. It would be seen from the AONB. It would spoil the integrity of the northern village boundary. Moat Farm itself is a non-designated heritage asset and is surrounded by other listed buildings. A planning inspector stated that a previous proposal would be detrimental to the area by causing material harm. It was also stated that any building would outweigh the benefits to the village. TBC local plan excludes this site for development as other areas have been allocated for development.

Further this development is not in accordance with the Gotherington NDP which allows for redevelopment of Existing agricultural buildings. The proposed buildings for this site are of no architectural merit and will be viewed from Woolstone Hill. The farm buildings are currently in use and the land is farmed. By allowing for the removal of farm buildings on this site. The farm buildings will need to be built elsewhere on adjoining farmland and will add to the building mass.

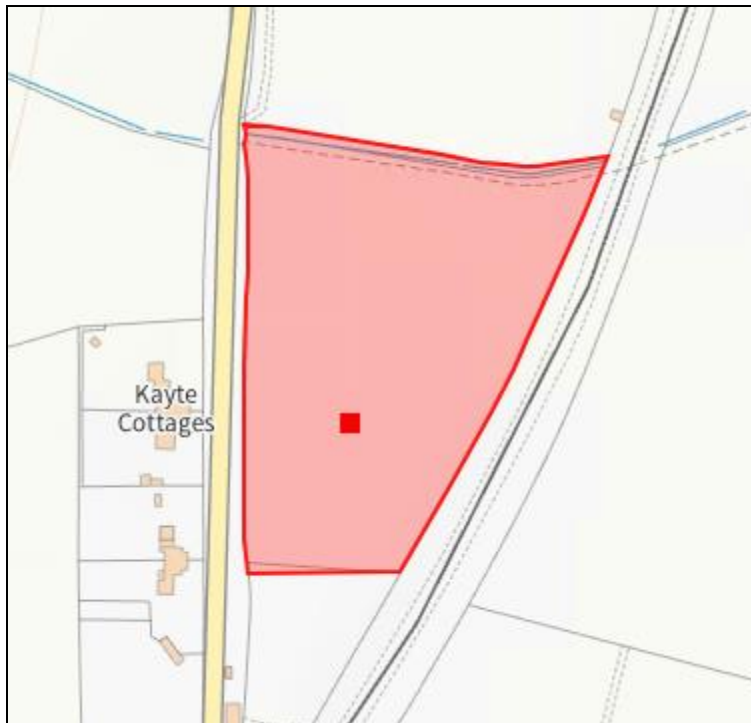
5b	<p>21/01496/FUL</p> <p>Almsbury Farm, Vineyard Street, Winchcombe</p> <p>Access and Highways Safety Update</p> <p>Paragraphs 8.32 - 8.36 of the Committee report set out the impact of the proposal upon the existing highways network. The proviso of a Traffic Regulation Order (TRO) is discussed and, following extensive talks with Gloucestershire County Council and the applicant, a condition has been suggested to secure the additional information and the implementation of the TRO. The condition would firstly require the applicant to outline the traffic management measures proposed and the timescales for doing so, the second element would require the agreed works to be implemented prior to any occupation or use of the site. Both the applicant and the County Council are content with the proposed condition and its requirement.</p> <p>Additional Conditions</p> <p>Following the review of the highways information and further discussions with Gloucestershire County Council and the applicant, the following conditions are recommended should permission be granted:</p> <p>1. Prior to the commencement of development a traffic management scheme to restrict parking along Vineyard Street to allow two vehicles to pass shall be submitted to and approved in writing by the Local Planning Authority. The traffic management measures hereby approved shall be completed prior to the first use or occupation of the permitted development.</p> <p>Reason: To ensure the safe and free flow of traffic onto the highway.</p> <p>2. The Development hereby approved shall not be brought into beneficial use until the site access works comprising verge surface treatment, as shown on drawing SK04, have been constructed and completed.</p> <p>Reason: To ensure the safe and free flow of traffic onto the highway.</p> <p>3. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The construction management plan shall include but not be restricted to:</p> <ul style="list-style-type: none"> • Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction); • Advisory routes for construction traffic; • Any temporary access to the site; • Locations for loading/unloading and storage of plant, waste and construction materials; • Method of preventing mud and dust being carried onto the highway; • Arrangements for turning vehicles; • Arrangements to receive abnormal loads or unusually large vehicles; • Highway Condition survey; • Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.
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	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.
5c	<p>23/00044/OUT</p> <p>Land At, Horsbere Drive, Longford</p> <p>The application site now falls within Longford Parish, following a recent boundary change. The Parish Council was notified of the application and has made representations as set out in the Committee report.</p> <p>Seven additional representations have been received from members of the public. The additional comments reflect those previously raised and are summarised below:</p> <ul style="list-style-type: none"> - Longford has enough housing already - Should be additional shop parking - Visually unattractive - GP surgery at capacity - The estate does not need more people and cars - Should be a communal area according to masterplan - Risk of flooding - Would contribute to antisocial behaviour and is unwelcome next to school <p>The recommendation remains a delegated permit as set out in the Committee report.</p>
5d	<p>22/01004/APP</p> <p>Parcel 2988, Downfield Lane, Twyning</p> <p>Paragraph 8.12 of the Committee report stated that amended boundary treatment details had been requested. An amended plan has now been submitted removing the proposed fencing where it would have been prominently visible in the public realm and replacing it with brick walling. Elevation details of the proposed boundary treatments to be used on the site have also been submitted and are considered acceptable.</p> <p>At Paragraph 8.23 the Committee report states that 67 individual trees are to be planted but the agent has confirmed that this should in fact have stated 89 individual trees.</p> <p>The recommendation is for approval as set out in the Committee report.</p>

Planning Committee

Date	21 November 2023
Case Officer	Emily McKenzie
Application No.	23/00641/FUL
Site Location	Land East of Kayte Lane, Southam
Proposal	Change of use of land to use as a gypsy/traveller site comprising 11 pitches. 11 static mobile homes for residential purposes shall be stationed alongside seven ancillary touring caravans; provision of internal roadways, parking areas and fencing. (Part retrospective).
Ward	Cleeve Hill
Parish	Southam
Appendices	Site location plan Proposed site plan Copy of 2007 Injunction
Reason for Referral to Committee	The application is for the use of land involving the stationing of five or more caravans for permanent residential use.
Recommendation	Refuse

Site Location



1. The Proposal

- 1.1 Full application details are available to view online at: tewkesbury-central.oncreate.app/w/webpage/apptracker?context_record_id=2805049&webpage_to_ken=5233c3723ce69149afeb5f09d21f2bb281a648f4a7d98e700cf0d3900e9e1814
- 1.2 This application seeks planning permission for the change of use of the land to use as a gypsy/traveller site which would comprise a total of 11 pitches. The pitches would each comprise a static mobile home to be used for residential purposes, and 7 of the pitches would also have an ancillary touring caravan.
- 1.3 The application also seeks the laying of hard surfaces to form internal roadways, parking areas and the erection of fencing to the external boundaries (close boarded) internal subdivision of plots (post and rail). It is noteworthy that the tracks are currently hardcore but the intention would be for the tracks to be laid to tarmac
- 1.4 Ancillary structures have also been erected including sheds and CCTV cameras. Each of the plots also has a portaloo (which for clarity, as temporary structures are not considered to comprise development in their own right).
- 1.5 The use, as well as some works, have already been undertaken and as such the development is sought partially in retrospect.
- 1.6 A site visit has been undertaken and it is evident that the development as sought in the submitted plans is different to that undertaken on the ground – for example, plots appear to have been subdivided, layouts are different and there are structures and generators on some of the plots. The public right of way has also been plotted incorrectly on the plans and runs south of the hedgerow as opposed to north of it. Notwithstanding this however, the matter to be assessed is the application as presented (ie and not that carried out on site).

2. Site Description

- 2.1 This application relates to 'Land East of Kayte Lane', a wedge-shaped parcel of land located within the rural village of Southam, which measures some 2.05ha in total area. As referenced by its namesake, the land is bordered by Kayte Lane which lies to the west, the Gloucestershire and Warwickshire Railway which lies to the east and a public right of way (Footpath ASM5) which lies to the north.
- 2.2 The site is located at the southern end of 'Kayte Lane' (which connects Southam with Bishops Cleeve), opposite and adjacent to a small series of residential dwellings, and in close proximity to a further unauthorised gypsy and traveller site known locally as 'Green Orchards Site'.
- 2.3 The site is accessed via a single means of access within it's north-western corner. Prior to the unauthorised development, the access comprised a simple 5-bar agricultural gate however the access now comprises a bell-mouth splay bordered on either side by close-boarded fencing.
- 2.4 Furthermore, prior to the unauthorised development, the site comprised an open agricultural field. It is apparent that the works have not ceased on site and thus the nature of its appearance is currently dynamic and changing. However, the appearance of the site has fundamentally changed by virtue of the engineering operations to create internal roadways and hardstanding areas. The land has also been enclosed with close boarded fencing and internal plots have been separated using post and rail fencing. Other ancillary facilities (including sheds and CCTV cameras) are also present on site, although not formally indicated on the submitted plans.

- 2.5** Whilst the land is predominantly open, the boundaries feature mature trees and hedgerows.
- 2.6** The site is located within the Green Belt and is likewise beyond any recognised residential settlement boundary and is therefore within the open countryside for the purposes of planning policy. The site is within Flood Zone 1 as identified by the Environment Agency indicating the lowest probability of risk for surface water flooding.

3. Relevant Planning History

- 3.1** It is noteworthy that the site forms part of a wider triangular parcel of land (entitled 'Parcel 3300') which has been the subject of enforcement action and planning applications over the course of its history. As such, whilst many of the below-described applications are not *directly* applicable to the land outlined in red on the plan (ie because they relate to the southern parcel now known as Green Orchard), they are noteworthy. This has been clarified below:

Application Number	Proposal	Decision	Decision Date
05/01103/FUL (wider site)	Open fronted timber field shelter	REF	03.11.2005
05/01349/FUL (wider site)	Alteration of existing vehicular and pedestrian access. Widen existing gate from 12ft to 14ft and set it back into field 5m so it is off the road boundary plus hard standing area to prevent mud on road plus for proposed field shelter to stand. Part retention of works already carried out.	REF	21.12.2005
55/00091/FUL (wider site)	Erection of bungalow. Construction of vehicular and pedestrian access.	REF	17.05.1955
56/00074/FUL (wider site)	Erection of bungalow in connection with 7 acre smallholding.	REF	15.05.1956
56/00075/FUL (wider site)	Proposed caravan site.	REF	20.11.1956
15/00969/FUL (Green Orchards Site)	Retrospective planning application for change of use of land to include stationing of caravans for residential occupation by Gypsy-Traveller family with associated hard standing, amendments to access, fencing, entrance gate, package treatment plant and utility block.	REF (Allowed at Appeal – temporary permission)	19.01.2016
18/00012/CONDIS (Green Orchards Site)	Application for approval of details subject to condition 4 (land restored to its condition), 8 (Schedule for its maintenance), 9 (relocation of the site vehicle entry) of planning application ref number 15/00969/FUL.	DISCHA	26.02.2018
19/00021/FUL (Green Orchards Site)	Variation of conditions 2, 5 and 9 of APP/G1630/W/16/3144176 to allow for an additional static caravan on the site, to retain the access as implemented and to regularise the boundary treatment.	REF	16.08.2019

19/00986/FUL (Green Orchards Site)	Change of use of land to use as residential gypsy caravan site, including the stationing of 4 caravan for residential purposes, of which no more than 2 shall be static caravans, retention and extension of hardstanding, retention of existing stable and utility buildings and boundary fencing.	REF	20.07.2020
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- 3.2** As well as the planning applications referenced above, the site has also been the subject of several enforcement investigations.
- 3.3** On 3rd April 2007, an Injunction Order was granted by the High Court on the wider parcel of land (of approximately 2.7ha), including the application site and 'Green Orchards' site to the south. The injunction prohibited the 'siting of caravans... and/or using Kayte Lane (Part Parcel 3300) for residential development... and undertaking any development on the Land'. The Injunction is included as an appendix to this report.
- 3.4** In May 2023 the Council was alerted prior to the unauthorised occupation of the land wherein locals stated that there was a rumour that the site was shortly due to be occupied by travellers and as such Officers attended site to clearly affix copies of the Injunction at the entrance.
- 3.5** Shortly after (less than a week later), the current parcel of land (Land East of Kayte Lane) was occupied during the late May Bank Holiday on Saturday 27th May 2023. Officers were alerted to the fact and attended the site on 30th May 2023 wherein they observed that engineering operations were underway and that the site had been occupied by static and touring caravans. Officers informed occupiers of the Injunction and provided copies to those on site, warning of the very serious implications of their continued works and remaining on site in contempt of the Injunction.
- 3.6** On 2nd August 2023, the Council determined to commence court proceedings for the occupation of the above land in breach of the 2007 High Court Injunction Order. The occupiers of the site were informed of the proceedings and have instructed a Solicitor.
- 3.7** As referenced above, the position is that the site is unauthorised and in contempt of an Injunction for which the Council is in active pursuit to remedy.
- 3.8** To clarify, although this site and the Green Orchard site are covered by the same 2007 Injunction, given that they have been subdivided and thus the wider site now seemingly comprises two separate planning units, formal enforcement action is being dealt with separately for each of the two sites.

4.0 Consultation Responses

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

4.1 Southam Parish Council – Objection on the following grounds:

- Inappropriate development in the Green Belt
- Harm to the AONB and surrounding landscape
- Overdevelopment resulting in pressure on local infrastructure
- Road safety concerns (traffic and pedestrians)
- Adverse impacts to biodiversity
- Obstruction of a public right of way
- Danger to public health by virtue of proximity to railway line
- Unsuitable location

- Light and noise pollution
- Contempt of an Injunction

4.2 Building Control – No comment.

4.3 County Highways – Objection on the following grounds:

- By virtue of the visibility splays present, the development cannot provide safe and suitable access for all users.

The Highways Officer also wishes to note that the PRow has not been plotted correctly on the submitted plans – highlighting that it runs along the south of the hedgerow as opposed to the north of the hedgerow.

4.4 Public Rights of Way Officer – No Objection. Notwithstanding public comments, the PRow Officer confirms (following a site visit) that the PRow has not been obstructed nor would/has it been impacted by the development.

4.5 Flood Risk & Drainage Officer – No objection to the proposals in principle however insufficient information has been submitted pertaining to the point of discharge specifically. Given that the application is made partially in retrospect, the drainage arrangements should have been installed and as such drainage plans should also have been submitted.

4.6 Tree Officer – Objection on the following grounds:

- No arboricultural impact assessment or tree survey have been submitted
- There are concerns that existing trees will impinge upon visibility splays and the removal of mature trees to achieve visibility is not acceptable
- Although planting has been vaguely indicated on the site plan, no details have been provided. Given the proximity to the railway line and given the lack of detail, it is unclear whether this arrangement is acceptable.

4.7 Ecology – Objection on the following grounds:

- No PEA has been submitted thus the application is lacking in sufficient information to make an appropriate assessment pertaining to ecology including impacts and mitigation.

4.8 Environmental Health – Objection on the following grounds:

- A Construction and Environmental Management Plan (“CEMP”) is required to control several variables during the construction phase – given that the application is made partially in retrospect, this has not been forthcoming. The works commenced without permission or a CEMP being in place and have resulted in the submission of various complaints pertaining to statutory noise nuisance (due to machinery, type of work undertaken and hours of work). The construction phase has resulted in an unacceptable impact upon neighbouring amenity.
- Given the proximity of the site to the railway, a Noise Impact Assessment is required to assess impacts of the railway line upon future occupants.
- No lighting assessment has been submitted and it is noted that floodlighting has already been erected.

The EHO states that, notwithstanding the above, if Officers were to recommend that permission be granted, a planning condition should be attached to prevent burning on the site.

4.9 Landscape Officer – Objection on the following grounds:

- No LVIA has been submitted
- The plans indicate that the PRoW would be restricted to a narrow, fenced off strip which is likely to lead to the path becoming muddy, overgrown and unusable. More detail is required to demonstrate that the PRoW would remain a safe, attractive and accessible route for users
- Arboricultural Impact Assessment and Tree Protection Plans are required
- There is no landscaping plan. This should have included a planting scheme, biodiversity improvements, strengthened site boundaries and internal tree and hedge planting
- Additional planting is required on the western boundary; as well as a strong structural perimeter of planting buffer created around the whole site
- There is no indication of surface water drainage methods which may result in an impact upon trees, vegetation and the watercourse
- There is no indication of utility routes which could impact on trees and vegetation
- The location of the development is in a disappointing setting – a semi-rural location within the green belt.

4.10 Gloucestershire and Warwickshire Railway – Objection. Concerns pertaining to potential encroachment of railway owned land.

4.11 The National Gypsy Council – No response received.

4.12 Housing Enabling Officer – No comments to be made.

4.13 Environment Agency – No response received.

4.14 LLFA – No objection.

4.15 Severn Trent Water – No objection.

4.16 Gloucestershire Fire and Rescue Service – No comments received.

4.17 The Campaign to Protect Rural England (Countryside Charity Gloucestershire) (CPRE) (not formally consulted) – Objection.

4.18 Bishops Cleeve Parish Council (not formally consulted) – Objection.

4.19 Woodmancote Parish Council (not formally consulted) – Objection.

5. Third Party Comments/Observations

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

5.2 The application has been publicised through the posting of site notices and via a neighbour notification letters allowing for a period of 21 days and 218 representations were received within the formal consultation period. The contents (all of objection, and none of support) are categorised and summarised below:

Principle

- Unsuitable for 11 houses - why should 11 pitches be treated any differently
- This is not a gypsy / traveller allocation
- There is no evidence to suggest an unmet need for this development

Green Belt

- Inappropriate development within the Green Belt

Landscape

- Obstruction of views toward AONB from PROW
- Out of character and keeping with surrounding area
- Visually intrusive within landscape
- Clear effect when viewed from Cleeve Hill
- Harm to landscape (viewed from Ratcliff Lawns)
- Removal of trees and hedgerows

Highways / Accessibility

- Unsuitable / unsafe access
- Unsuitable facilities (locally)
- No pavements
- Unsafe levels of visibility
- Bad for traffic flow
- No street lighting
- PROW is affected
- No public transport
- Mud on roads

Miscellaneous

- Concerns that this will exceed any agreed planning application due to high fences and difficulty of enforcement
- Trespass to the railway track
- Net carbon zero impacts
- Misleading plans in terms of vegetation and trees
- Concerns over businesses operating from the site including vehicle type and stored items
- Concerns over the declaration and ownership

Process

- No change since previous attempts to gain permission
- Retrospective approach is unacceptable
- Disregard of High Court Injunction

Design

- Unsuitable space / layout / overcrowding
- Overdevelopment
- Urbanisation

Biodiversity

- Detrimental effect to biodiversity

Drainage

- Impact upon flooding
- Concerns over waste disposal

Neighbouring Amenity

- Noise and disturbance
- Intimidation by occupiers
- Fear of crime
- Installation of CCTV cameras which overlook properties

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

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

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

6.2 National guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Planning Policy for Traveller Sites (PPTS)

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 SD7 (Cotswolds Area of Outstanding Natural Beauty)
Policy SD9 (Biodiversity and Geodiversity)
Policy SD10 (Residential Development)
Policy SD12 (Affordable Housing)
Policy SD13 (Gypsy, Travellers and Travelling Showpeople)
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 RES2 (Settlement Boundaries)
Policy RES3 (New Housing Outside Settlement Boundaries)
Policy RES4 (New Housing at Other Rural Settlements)
Policy RES5 (New Housing Development)
Policy GTTS1 (Site Allocations for Gypsies and Travellers)
Policy GRB4 (Cheltenham – Gloucester Green Belt)
Policy LAN2 (Landscape Character)
Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
Policy ENV2 (Flood Risk and Water Management)
Policy TRAC1 (Pedestrian Accessibility)
Policy TRAC9 (Parking Provision)

6.5 There is no neighbourhood development plan for the area of Southam.

6.6 Relevant Case Law

Lisa Smith v Secretary of State for Levelling UP, Housing & Communities [2022] EWCA Civ 1391. Full details of the judgement are available online at: [Microsoft Word - Smith judgment 31 October 2022.docx \(gypsy-traveller.org\)](#)

7. Policy Context

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

8. Evaluation

Principle of Development (including Green Belt)

- 8.1 Policy SD13 of the JCS states that: *“Proposals for new permanent and temporary, residential and transit Gypsy, Traveller and Travelling Showpeople sites will be assessed against the following criteria: i. Proposals on sites in areas of sensitive landscape will be considered in accordance with Policy SD6 (Landscape Policy) and Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty). In all other locations the proposal must not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and should be sensitively designed to mitigate any impact on its surroundings; ii. The site has safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network; iii. No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where other forms of housing would not be suitable; iv. The site is situated in a suitable location in terms of access to local amenities, services and facilities, including schools, shops, health services, libraries and other community facilities; v. The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal. The site should also be large enough to enable vehicle movements, parking and servicing to take place, having regard to the number of pitches / plots on site, as well as enabling access for service and emergency vehicles, including circulation space along with residential amenity and play areas.”*

Gypsy status

- 8.2 The legal definition of gypsies and travellers for the purposes of planning has recently changed. The former definition was set out within the PPTS however this definition has recently been found to be discriminatory by the 'Lisa Smith' Judgement. The judgement confirms that there are now three separate definitions for Gypsies and Travellers which is dependent on their lifestyles; 1) the ethnic identity; 2) the PPTS definition (which encompasses the needs of families who have not permanently ceased to travel); and 3) the travel to work (TTW) identity.

8.3 The applicant's supporting statement confirms that the occupiers of the site are collectively covered by gypsy status. Whilst names have been provided for the occupiers, their specific personal circumstances are unclear. The Council has no reason to doubt their gypsy status (notwithstanding the lack of information) and thus accept that the applicants meet the definition and are gypsies for the purposes of the determination of this application.

8.4 Notwithstanding the above, limited information has been submitted pertaining to the occupiers lifestyles and as such it is not possible to determine which of the definitions they comprise. The Gloucester Gypsy and Traveller Accommodation Assessment (GTAA) advises that in such scenarios, the 'default' definition should be the ethnic identity.

The principle of development / whether the proposal represents appropriate development in the green belt

8.5 Policy SD5 says that: *"To ensure the green belt continues to serve its key functions, it will be protected from harmful development. Within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless very special circumstances can be demonstrated."*

8.6 Paragraph 137 of the Framework says: *"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."*

8.7 Paragraph 138 says that: *"The green belt serves five purposes: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land."*

8.8 Paragraph 147 says: *"Inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances."*

8.9 Paragraph 148 says: *"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."*

8.10 Paragraph 149 says: *"A local planning authority should regard the construction of new buildings as inappropriate in the green belt. Exceptions to this are: a) buildings for agriculture and forestry; b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the green belt and do not conflict with the purposes of including land within it; c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; e) limited infilling in villages; f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority."*

- 8.11 Paragraph 150 says: *“Certain other forms of development are also not inappropriate in the green belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are: a) mineral extraction; b) engineering operations; c) local transport infrastructure which can demonstrate a requirement for a green belt location; d) the re-use of buildings provided that the buildings are of permanent and substantial construction; e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.”*
- 8.12 As set out above, the development as proposed does not fall within any of the exception criteria as set out within the NPPF and as such comprises inappropriate development within the green belt. The NPPF thus prescribes that development should not be approved except in very special circumstances.

Impact on openness

- 8.13 The proposed development primarily seeks a change of use of the land to comprise a gypsy and traveller site. The site would feature 11 pitches which would each have a static home permanently stationed; and 7 of the pitches would also have a touring caravan. Therefore, the proposal states that there would be a total of 18 caravans on the site. In addition to the caravans, each site would be equipped with its own private parking area and as such there are also likely to be at least 22 private vehicles on the site at any given time (on the proviso that each ‘household’ only has two cars as indicated on the submitted plan). The development also comprises the provision of hard surfaces to form internal roadways and parking areas, the erection of fencing and other ancillary facilities (including sheds and CCTV cameras).
- 8.14 Although not proposed, it is likely that the site will also, with time, feature miscellaneous residential paraphernalia such as outdoor seating, umbrellas, trampolines and the like.
- 8.15 The cumulative features of the development would result in a clear loss of openness to the green belt which would be in conflict of one of the fundamental aims of green belt policy.

Whether any VSC exist

- 8.16 Paragraph 147 says: *“Inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances.”*
- 8.17 Paragraph 148 says: *“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.”*

1. Personal circumstances (including best interests of the children)

- 8.18 The PPTS states that gypsy and traveller sites, whether temporary or permanent, represent inappropriate development within the green belt.
- 8.19 Policy E of the PPTS states that: *“Subject to the best interests of the child, personal circumstances and unmet need are unlikely to outweigh harm to the green belt and any other harm, so as to establish very special circumstances.”*

8.20 The applicant's supporting statement at page 17 provides some brief details pertaining to the occupants including their names, ages and family group status. Seemingly, there are at least 9 children and at least 7 adults living on the site. The statement does not provide in any detail the personal circumstances of any of the occupants, however. In view of this, no very special circumstances have been presented (in the context of Policy E of the PPTS) which would clearly outweigh the harm to the green belt.

2. Housing land supply

- 8.21** On 15th September 2023, the Council issued a statement confirming that, despite the proposal conflicting with the council's adopted local planning policies on where new housing developments should be built. Planning permission was granted on 11 September for 45 dwellings at Truman's Farm in Manor Lane, Gothington. Amongst other things, the appeal decision confirmed the Council's lack of 5-year housing land supply. As such, the tilted balance as set out within Paragraph 11 of the NPPF is now a consideration for applications *for housing*.
- 8.22** The site is located within the open countryside beyond any recognised residential settlement boundary. Policy SD10 of the JCS says that: *"Permission will be granted 1) in accordance with Policies SP1 and SP2; 2) at allocated sites; 3) on previously developed land within the existing built up areas, rural services centres and service villages; 4) (i) as a rural exception site; (ii) for infill development within the existing built up areas, rural services centres and service villages; (iii) as a community right to build order; or (iv) if there are other specific exemptions or circumstances defined in the district or neighbourhood plan; and 5) if it would involve the sensitive, adaptive re-use of vacant or redundant buildings or bring empty housing back into stock."*
- 8.23** The site is not affected by criteria 1, 2, 3, 4 (i), (ii), (iii) or 5 of the JCS and it is therefore necessary to explore criterion 4 (iv) in further detail.
- 8.24** Policy RES4 of the Local Plan says that: *"Very small-scale residential development will be acceptable in principle within and adjacent to the built-up area of other rural settlements – provided that (amongst 5 further criteria) the site is not located in the green belt."*
- 8.25** As referenced above, given its Green Belt location, should this site have come forward as conventional housing development, it would have been contrary to housing policy. As such the 'tilted balance' or 'presumption in favour of sustainable development' would have become a consideration.
- 8.26** Paragraph 11(d) of the NPPF states that: *"Where the policies which are most important for determining the application are out of date (ie where a Council lacks a 5 year housing land supply), granting permission unless (i) the application of Policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (including green belt land); or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole."*
- 8.27** As referenced above, there would be a clear reason for refusing the development given the conflict with green belt policy and as such in this instance, the tilted balance (or presumption in favour of sustainable development) is **not** engaged.

- 8.28** Paragraph 74 of the NPPF states that: *“Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should 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 (38) or against their local housing need where the strategic policies are more than five years old (39).”*
- 8.29** As referenced above, footnote 38 states that *“A five year supply of deliverable sites for travellers should be assessed separately in line with the policy in that document”*. Footnote 39 says that: *“Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance.”*
- 8.30** Given that the applicable strategic policy (ie Policy SD13 of the JCS) does not pertain to conventional housing, although it is more than five years old, it is not considered to be out of date for the purposes of the Framework. In any event, as set out within Paragraph 11, the tilted balance applies to the ‘most important policies for determining the application’. As such, given that the development is for a gypsy and traveller site and not for conventional housing, the tilted balance is not directly applicable. Therefore, although the Council cannot currently demonstrate a 5 year housing land supply, the absence of such a supply is not relevant to this application.
- 8.31** The above demonstrates that: a) even in the event that the proposal sought conventional housing, the tilted balance would not have been engaged due to green belt harm; and b) given that the most important policies for determining the application are not for conventional housing, they are not considered to be out of date for the purposes of the NPPF.

3. Need for pitches

- 8.32** Policy GTTS1 of the Local Plan provides site allocations for gypsies and travellers with a total of 38 pitches allocated until the end of the plan period in 2031. The policy was adopted based on the Gloucester Gypsy and Traveller Accommodation Assessment (GTAA) which was published at the end of 2017. This informed that an additional 2 pitches per annum through criteria-based Policy SD13 of the JCS would be required to meet the total need for travellers over the plan period, including those of ‘unknown’ status.
- 8.33** Since the adoption of the policy, the GTAA was updated in November 2022 which changes the projected need moving forwards. This assessment is different for two reasons: 1) the definition of Gypsy and Traveller has changed since the previous GTAA and thus the need is now assessed differently; and 2) based on the different definitions, the shortfalls have changed.
- 8.34** The ethnic definition provides a ‘worst case’ scenario; setting out a need for 29 additional pitches before the end of 2026; as well as an additional 21 between 2026-2031. The PPTS definition paints a slightly different picture: finding that a total of an additional 7 pitches would be required before the end of 2026 as well as a further 19 pitches between 2026 and 2031. Finally, the travel to work definition is also different stating that there would currently be an oversupply of 13 pitches with an additional 17 required 2026-2031.
- 8.35** The GTAA advises that where a definition is unclear given lack of information pertaining to personal circumstances or lifestyle, the ethnic definition should be used meaning that the shortfall seemingly stands at 29 pitches.

- 8.36** The GTAA is not policy itself however due to the shift in approach, this is likely to inform the current review of the JCS. Appeal decision reference APP/G1630/W/19/3241428 confirms that, by virtue of the lack of 5-year supply of gypsy and traveller sites in the plan period leading up to 2031, there is an unmet need (for gypsy and traveller pitches). Notwithstanding this, although the site *could* be considered as a windfall proposal (ie to contribute to the shortfall), Policy SD13 of the JCS requires compliance with other criteria which this site clearly cannot demonstrate which is assessed further below.
- 8.37** As such, although the Council accepts that there is an unmet need, this does not provide sufficient justification for the approval of the site given that the benefit of including the 11 pitches proposed as a windfall site would clearly be outweighed by other material considerations including, principally, a loss of openness to the green belt and thus the shortfall cannot exist as a very special circumstance as set out within the Framework.

Principle Summary

- 8.38** In summary, there are no very special circumstances which exist that would outweigh the harm to the green belt and as such the development as proposed would conflict with Policies SD5, SD10 and SD13 of the JCS and Policy GTTS1 of the Local Plan and the wider objectives of the NPPF.

Highways and Accessibility

Suitability of the site's rural location

- 8.39** The PPTS states that issues of sustainability should not be considered narrowly solely in terms of transport mode and distances from services.
- 8.40** Paragraph 105 of the NPPF states that: "*Significant development should be focused on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes.*"
- 8.41** Paragraph 25 the PPTS states that: "*Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.*"
- 8.42** Joint Core Strategy Policy SD13 seeks a suitable location in terms of access to local amenities, services and facilities, including schools. Bishops Cleeve's village centre is approximately 1.7km north and Cheltenham town centre approximately 3.5km south. Primary education is available within 1.6km with secondary education 700m north.
- 8.43** In dealing with the adjacent site known as 'Green Orchards', under appeal reference APP/G1630/W/16/3144176, the Inspector remarked that the site is not remote, and an appropriate level of public transport is available, with the option of walking or cycling. However, he acknowledged that such journeys would be more likely in good weather and daylight. He concluded that the proposal was acceptable in policy terms commensurate with the traveller lifestyle.
- 8.44** In light of the above appeal decision which confirmed that the adjacent site is not within an unsustainable location, and given the proximity of the sites to one another, it is considered necessary to take a consistent approach.

- 8.45 The Local Highway Authority (Gloucestershire Council County) have been consulted who have confirmed that, whilst they consider that the site is in technical conflict with the Gloucestershire Manual for Streets given that it is within a remote location, given the position taken by the previous Inspector on the adjacent site, it is accepted that this cannot form a reason for refusal in the interests of consistency.

Access

- 8.46 Paragraph 110 of the NPPF states that: *“In assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.”*
- 8.47 Paragraph 111 states that: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.”*
- 8.48 The Local Highways Authority have provided the following comments pertaining to access (verbatim): *“In terms of safe and suitable vehicular access to this site, the existing arrangements are unsatisfactory. The visibility splay out of the site in the southward direction is on the inside of a bend and which is also hampered by trees lining the boundary. No speed survey has been submitted to verify speeds of vehicles so it must be assumed that a splay of 2.4m x 60m would be appropriate, which is unachievable.”*
- 8.49 Although it would be within the applicant’s gift of to invite revisions via the submission of revised plans as well as the submission of a speed survey, the improvements to the access would give rise to the felling of substantial trees; with which the Tree Officer has raised concerns. As such, given the fundamental concerns pertaining to principle as well as harms that would result to the natural environment in response to ‘improving the access’, such revisions or supplementary documents have not been invited.

Public right of way (PRoW)

- 8.50 The Public Rights of Way Officer has been consulted and has confirmed that, following a site visit, the existing public right of way has not been obstructed as a result of the proposed development and neither is, or would its route be, affected by the development proposed. A fence has been erected around the perimeter of the site which separates the public right of way from the land, and likewise the kissing gate is still present but is now redundant due to the newly installed fence however the PRoW team are satisfied with the impacts of the proposals upon the PRoW.
- 8.51 In summary of Highways Matters, as referenced above, the development as proposed would result in unacceptable impact on the aims of Highway Safety and the development cannot provide safe and suitable access for all users and thus the proposal conflicts with policy TRAC1 of the Tewkesbury Borough Plan 2011-2031; INF1 and SD13 of the Joint Core Strategy 2011 to 2031, and the National Planning Policy Framework.

Landscape Impact

- 8.52 Policy SD13 of the JCS states, amongst other things, that: *“Proposals for new permanent and temporary, residential and transit Gypsy, Traveller and Travelling Showpeople sites will be assessed against the following criteria: i. Proposals on sites in areas of sensitive landscape will be considered in accordance with Policy SD6 (Landscape Policy) and Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty). In all other locations the proposal must not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and should be sensitively designed to mitigate any impact on its surroundings.”*

- 8.53** Section 15 of the NPPF relates to “Conserving and enhancing the natural environment” and, at paragraph 170, specifies that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and protecting and enhancing valued landscapes.
- 8.54** Policy SD6 (Landscape) specifies that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. It also states that all applications for development will consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect.
- 8.55** Policy C of the PPTS states that: “*When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.*”
- 8.56** Policy H of the PPTS states that: “*When considering applications, local planning authorities should attach weight to the following matters: a) effective use of previously developed (brownfield), untidy or derelict land b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.*”
- 8.57** The site is located within a rural location in green belt land north of Cheltenham and south of Bishops Cleeve. At the time immediately prior to its unlawful occupation and change of use (subject of this application), the land comprised an open and undeveloped agricultural field which was enclosed on all its borders by hedging and mature trees.
- 8.58** Since then, the site has been enclosed using close boarded fencing and engineering operations have been undertaken to facilitate the use including the creation of an access, laying of a track and parking areas.
- 8.59** Although the site is relatively flat, it is visible from within the wider landscape including from vantage points at Ratcliff Lawns, Cleeve Hill (both to the east) and Kayte Lane (to the west).
- 8.60** The development as proposed would result in significant encroachment into the green belt resulting in a distinct loss of openness. In addition to this, through the introduction of hard boundary and landscaped features, the development would result in an urbanising effect to the local area to the detriment of its rural character and appearance.
- 8.61** The immediate locality comprises a small cluster of dwellings as well as a further (unauthorised) gypsy and traveller site and as such, by virtue of its scale and layout, the development subject of this application would clearly dominate the settled community of Southam. By virtue of the enclosing boundary features (including the access), the development would be clearly isolated from the remainder of the community resulting in a segregated appearance.
- 8.62** Furthermore, the development would comprise 11 static homes, 7 touring caravans and (given that 2 car parking spaces are shown per plot), up to 22 private vehicles at any given time.
- 8.63** The caravans and vehicles cumulatively would comprise discordant and incongruous features within the countryside; which, together with the operational development, would be to the significant detriment to the attractive character and appearance of the local area.

- 8.64** The application as submitted is severely lacking in information: given the landscape setting Officers consider that a Landscape and Visual Impact Assessment (LVIA) would be required, as well as a landscaping scheme. No tree survey or arboricultural impact assessment has likewise been carried out and as such it is not possible to undertake an appropriate assessment pertaining to the impact upon existing trees nor the mitigation of the appearance of the proposals through suitable landscaping within the wider landscape setting.
- 8.65** As referenced above, it is considered that the development as proposed would result in an unacceptable level of encroachment into the open countryside resulting in a loss of openness to the green belt. The hard landscaping (including tarmac roadways, hardstanding and boundary treatments) would also result in a harmful urbanising effect to the detriment of the character and appearance of the surrounding area including the sensitive landscape setting, which would result in the segregation of the site from the wider community. Finally, by virtue of its scale and layout, the provision as proposed would dominate the nearest settled community of Southam to its significant detriment. As such it is considered that the development would fail to protect landscape character for its intrinsic beauty and for its benefit to economic, environmental and social well-being contrary to Policies SD5, SD6 and SD13 of the JCS as well as Policies C and H of the PPTS.

Residential Amenity

- 8.66** Policy SD14 states that: *“New development must: i. Cause no unacceptable harm to local amenity including the amenity of neighbouring occupants; ii. Result in no unacceptable levels of air, noise, water, light or soil pollution or odour, either alone or cumulatively.”*
- 8.67** Policy SD4 states that: *“New development should enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space, and the avoidance or mitigation of potential disturbances, including visual intrusion, noise, smell and pollution. New development should be designed to contribute to safe communities including reducing the risk of fire, conflicts between traffic and cyclists or pedestrians, and the likelihood and fear of crime.”*

Construction Phase

- 8.68** The closest residential neighbours to the site are no's 1-4 Kayte Cottages, across Kayte Lane to the west, as well as Newlands View and Green Orchard Site to the south.
- 8.69** The application has been made partially in retrospect and as such the works to date have been wholly unauthorised. The Councils Environmental Health Officer has been consulted who has confirmed that, due to the nature of the works and proximity of the site to nearby neighbours, a Construction Environmental Management Plan (“CEMP”) would have been a necessity to safeguard neighbours from the impacts of the development. Given that this was not forthcoming, reports to Officers confirm that works have led to a series of complaints pertaining to statutory nuisance including noise, dust and general disturbance. As such, the construction phase has resulted to an unacceptable impact upon neighbouring amenity and given that the works are sought partially in retrospect, this harm is unfortunately irreparable. If the application was acceptable in all other respects, a condition could have been attached to include requirement of a CEMP prior to the commencement of any further works.

Operational Phase

Overlooking and Loss of Privacy

- 8.70** The closest neighbours to the site are No's 3&4 Kayte Cottages, which are some 33m to the east. The distance between the closest static caravan and those neighbours is approximately 35 meters and the intervening space comprises the front gardens of those dwellings, Kayte Lane, a highways verge and a mature belt of vegetation. As such, there are no concerns pertaining to overlooking or loss of privacy from the proposed static homes towards the closest neighbours.

Noise and Disturbance

- 8.71** By virtue of its use as a gypsy and traveller site for 11 pitches, the development would give rise to significant trip generation from occupiers of the site. Whilst it is noted that the internal roadways are laid to gravel which would produce noise, this could be made acceptable through the use of a planning condition requiring the road to be surfaced in a different material.
- 8.72** Furthermore, it was noted during a site visit that several of the plots have been furnished with individual generators. Given the lack of information on the plans or within the supporting documentation, it is unclear whether every plot will have its generator however Officers were advised by one of the occupiers of the site during the site visit that it is commonplace for each individual plot to have its own generator.
- 8.73** No information was submitted pertaining to the generators and as such it is unclear precisely what their functional outputs are and thus, exactly what level of noise they are producing. As such, Officers consider that a Noise Impact Assessment is necessary to enable the adequate assessment of the application and thus, insufficient information has been provided in this regard.
- 8.74** In the absence of a Noise Impact Assessment, Officers have considered whether the use of a planning condition could overcome potential issues including the potential use of an acoustic fence on the eastern boundary. However, this was not invited because a) the extent of the harm in terms of noise and disturbance is not known and thus it is also unknown whether such a condition would be reasonable; and b) the erection of an acoustic fence would conflict with green belt and landscape policies and would give rise to additional harm. As such this is not a practicable solution.
- 8.75** It is also noteworthy that the site is located directly adjacent to the Gloucestershire and Warwickshire Railway Line, although this is not a commercial railway which would give rise to a large number of trips, the railway serves infrequent, recreational trips. Whilst, given the lack of a Noise Impact Assessment, it is unclear what the impacts of noise would be to the occupiers of the site themselves, given the nature of the railway it is not considered that this would result in an unacceptable impact to the occupiers of the site.
- 8.76** A number of the public representations alleged that flood lighting had been erected on site however a site visit confirmed that this was not the case. In any event, it is considered that a condition could have been imposed to ensure that no outdoor lighting is erected without express consent. Whilst the Environmental Health Officer has stated that a Lighting Assessment should have been submitted, it is considered that a condition could have ensured that lighting was kept to an acceptable level.
- 8.77** Finally, concerns have also been raised by residents and the Environmental Health Officer pertaining to burning on site and as such, in order to safeguard neighbouring amenity, a condition has been suggested to restrict such activities which is considered to be reasonable.

Fear of Crime

- 8.78** Policy SD4 states that: *“New development should be designed to contribute to safe communities including reducing the fear of crime.”*
- 8.79** Although comments submitted by some local residents pertaining to a fear of crime are noted, it is not considered that the overall design of the proposals contributes to this and thus there is no policy conflict in this regard.

Other Matters of Amenity

- 8.80** There are no concerns pertaining to loss of outlook, overshadowing, overbearing or loss of light.
- 8.81** In view of the above, insufficient information has been submitted to enable an appropriate assessment pertaining to noise and disturbance and thus the development is therefore contrary to Policies SD4, SD13 and SD14 in this regard.

Design and Layout

- 8.82** Policy SD13 of the JCS states, amongst other things, that: *“Proposals for new permanent and temporary, residential and transit Gypsy, Traveller and Travelling Showpeople sites will be assessed against the following criteria: i. Proposals on sites in areas of sensitive landscape will be considered in accordance with Policy SD6 (Landscape Policy) and Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty). In all other locations the proposal must not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and should be sensitively designed to mitigate any impact on its surroundings; and v. The site should be large enough to enable vehicle movements, parking and servicing to take place, having regard to the number of pitches / plots on site, as well as enabling access for service and emergency vehicles, including circulation space along with residential amenity and play areas.”*
- 8.83** As referenced within the earlier sections of this report, the fencing which has been installed around the perimeter of the site would give rise to landscape harm as well as a perception of segregation between the occupiers of the site and wider community. As such, the design of the development would fail to represent good design and thus would conflict with Policies SD4 and SD13.
- 8.84** Turning to the matter of layout. The layout comprises the provision of a centrally arranged track leading through the middle of the site (north to south). The track would feature 5 westward limbs and 6 eastward limbs; each leading to a separate respective plot. The plots would comprise two parking spaces and in 7 of the pitches, an additional touring caravan. The landscaping for each plot is not shown in any detail.
- 8.85** It is considered that the scale of the site is of sufficient proportions to accommodate the number of plots without resulting in a cramped or overdeveloped appearance. Sufficient distances would be available between the respective plots to enable independence whilst concurrently being close enough to maintain a sense of community within the site itself and maintain sufficiently sized roadways, garden areas and parking. As such, the overall layout within the site (notwithstanding the overarching concerns pertaining to landscape) would be acceptable.
- 8.86** Notwithstanding the acceptability of the layout as detailed above, by virtue of the engineered roadways and surrounding boundary treatments, the development would comprise unacceptable design contrary to Policies SD4 and SD13 of the JCS.

Impact upon the Natural Environment

Biodiversity

Survey Requirements

- 8.87** Section 15 of the NPPF seeks to, inter alia, protect and enhance, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan), and minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 8.88** Policy SD9 (Biodiversity and Geodiversity) states that the biodiversity resource of the area will be protected and enhanced in order to establish and reinforce resilient ecological networks, including the safeguarding of protected species in accordance with the law. This is reiterated in Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features), which also seeks proposals to deliver a biodiversity net gain.
- 8.89** Prior to the commencement of the unauthorised development, the land comprised an open field which was enclosed in all directions by mature vegetation and trees. No ecological surveys have accompanied the application and thus insufficient information has been submitted to detail the presence of ecology, impacts of the development upon ecology nor any mitigation measures.
- 8.90** Given the open nature of the site, it is anticipated that there would be a level of impact which would require mitigation and thus this will comprise a reason for refusal.

Biodiversity Net Gain

- 8.91** Biodiversity net gain (“BNG”) delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. Policies SD14 and NAT1 do not quantify or numerate the level of and are relatively broad in terms of their requirement.
- 8.92** However, The Environment Act gained royal ascent in 2021 and The Act is expected to become legally binding within the coming months via emerging legislation which will require all developments (within a specific threshold) to provide a biodiversity net gain of at least 10% which will be secured by condition, for at least 30 years and likely in perpetuity. Furthermore, it is noteworthy that the provision of BNG is a public benefit.
- 8.93** As referenced above, the application has not been accompanied by any ecological information. Given the provision of hardstanding (tarmac) tracks and loss of grassland, it is likely that the development will have resulted in a biodiversity net loss – however without supporting information it is impossible to confirm this. In any event, whilst it would have been preferable for the development to demonstrate on site gains, this will not form a reason for refusal.

Trees

- 8.94** Policy NAT1 relates to biodiversity, geodiversity and important natural features and provides that development likely to result in the loss, deterioration or harm to features of environmental quality will not be permitted unless the need/benefits for development outweigh the impact, the development cannot be located on a site with less harmful impacts and measures can avoid, mitigate or, as a last resort, compensate for the adverse effects.

- 8.95** Paragraph 131 of the Framework states that: *“Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.”*
- 8.96** Paragraph 180 (c) of the Framework states that: *“Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.”*
- 8.97** The site is bordered by several mature trees and as such, the Council’s Tree Officer has been consulted. The Tree Officer notes that the current access is lined by mature trees which are currently obstructing the visibility splay. Strong concerns have been expressed pertaining to the felling of these trees which would be to the detriment of the trees (whose loss would be irreparable) as well as overall character and appearance of the area.
- 8.98** Furthermore, the operational development works including the provision of hardstanding surfaces could result in the compaction of tree roots which could result in the trees to ultimately die which is unacceptable.
- 8.99** The application is not accompanied by a Tree Survey or Arboricultural Impact Assessment and therefore insufficient information has been submitted to detail the presence of trees, impacts of the development upon trees nor any mitigation measures. Given that the works are sought partially in retrospect, this irreparable harm could already have taken place and as such, as presented and in the absence of information to suggest otherwise, the scheme is contrary to Policy NAT1.

Drainage and Hydrology

- 8.100** Policy SD13 of the JCS states that: *“Proposals for new permanent and temporary, residential and transit Gypsy, Traveller and Travelling Showpeople sites will be assessed against the following criteria: No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where other forms of housing would not be suitable.”*
- 8.101** Policy ENV2 states that: *“In order to avoid and manage the risk of flooding to and from new development in the Borough, proposals should incorporate sustainable drainage systems where appropriate and proportionate to the scale of the development.”*
- 8.102** Paragraph 167 states that: *“When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment⁵⁵. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”*

Footnote 55 says: “*In Flood Zone 1, an assessment should accompany all proposals involving sites of 1 hectare or more.*”

- 8.103** As referenced above, given that the site is located within Flood Zone 1 and exceeds 1ha in total area, a flood risk assessment is required to support the development proposed. Given that this has not been submitted, it is considered that insufficient information has been presented in terms of flood risk and water management in conflict with Policy ENV2.
- 8.104** The submitted Foul Drainage Assessment form details that there are no feasible mains sewer connections to which the site can connect, given that the closest connection point to the public foul sewer less than the number of properties to be built on the site multiplied by 30m. The foul drainage is proposed to be discharged into a package treatment plant which would be partially discharged through a drainage field. No percolation tests have been submitted which would indicate that this is a viable option.
- 8.105** The supporting statement states that surface water drainage would freely drain into the ground given that the surfaces proposed would be permeable. Water harvesting facilities are also suggested but not included within the drawings.
- 8.106** The Council’s Flood Risk and Drainage Officer has been consulted in respect of the site-specific proposals who confirms that, whilst no objection is raised to the principle of the drainage principles, the information submitted is lacking in detail. Specifically, insufficient information has been submitted pertaining to the point of discharge. Given that the application is made partially in retrospect, the drainage arrangements should have been installed and as such drainage plans should also have been submitted.
- 8.107** As referenced above, given the lack of information, the development is currently contrary to Policy SD13 and ENV2.

Other Matters

- 8.108** Many of the comments raised by the general public and Parish Councils respectively have been addressed within this report. However the outstanding matters are addressed within the relevant subheadings below.

Process

Retrospective planning application

- 8.109** Although the planning system requires applicants to seek planning permission in advance of undertaking development, retrospective planning applications are a common tool used to regularise unauthorised development. Retrospective applications must be assessed without prejudice and on their own merits and as such, the fact that the application is made in retrospect is not a material planning consideration.

Intentional Unauthorised Development

- 8.110** On 31st August 2015, the Chief Planner for the Department for Communities and Local Government (Steve Quartermain CBE) issued a written ministerial statement introducing a new policy stating that: “*Intentional unauthorised development (within the Green Belt) is a material consideration that should be weighed in the determination of planning applications and appeals in order to strengthen the protection for the green belt*”.

- 8.111 It is clear from the actions which transpired on the site that the unauthorised occupation of the site was coordinated and undertaken purposefully and thus the Council's position is that the works comprised intentional unauthorised development which will be weighed within the planning balance.

Net Carbon Zero

- 8.112 There is no policy requirement for this development to comply with net carbon zero targets.

Service Vehicles

- 8.113 The internal layout of the site has been designed to enable waste disposal companies to collect bins within the site using a turning ring road within the south west corner of the site. The layout would similarly accommodate emergency vehicles. Although no drawings have been provided to detail swept path analysis, this is not disputed.

Railway

- 8.114 It is noted that there are concerns pertaining to potential trespass by the occupants of the site onto the adjacent railway. This is not a matter for planning consideration and would be a civil or criminal matter which would need to be enforced by other relevant authorities.

Extent of permission

- 8.115 It is noted that concerns have been expressed pertaining to the extent of the permission. This application has been assessed on its own merits; and based upon the information as submitted as well as from evidence gathered during site visits.
- 8.116 If permission were granted, it would be subject to planning conditions to restrict the use in the interests of safeguarding neighbouring amenity, landscape impact, design, highways safety and biodiversity impact amongst other variables.
- 8.117 Had Officers considered the development to be acceptable, a condition would have been proposed to restrict minor or sundry operations such as fencing and other means of enclosure. Likewise, another condition could have prevented any commercial activities (albeit this would not apply to ancillary commercial uses), as well as to limit outdoor storage of items or the type of vehicles being stored on the land.

Declaration and ownership

- 8.118 Although it is noted that concerns have been raised pertaining to the declaration stated on the application form and ownership of the land, at this stage the Council has no reason to call into question what has been stated.

Consultation process

- 8.119 The Council received requests from Bishops Cleeve Council and Woodmancote Parish Council seeking formal consultation upon the application.
- 8.120 The Town and Country Planning (Development Management Procedure)(England) Order 2015 ("DMPO") sets out due procedure for consultation during the course of a planning application.

- 8.121 It is a statutory requirement to consult with the Parish Council wherein the site is located, however not other surrounding Parish Councils. To consult surrounding Parish Councils such as Bishops Cleeve or Woodmancote would have been an act of prejudice and likewise failure to run a statutory consultation in accordance with legislation and as such, this request was not fulfilled and the only Parish Council to be consulted was Southam.

Article 8

- 8.122 The refusal of this application would undoubtedly result in the interference with the home and private life of the occupants of the site, especially since it would assist in the Council's enforcement proceedings that would seek to secure the clearing of the site. It is quite possible that the effect would be to render the occupiers of the site homeless. However, Article 8 is not an absolute right, and it is necessary to consider whether, given the harm caused by the development, the interference occasioned by the dismissal of the Appeal would be justified within the terms of A8(2) and proportionate.

Equalities Act

- 8.123 Section 149 of the Public Sector Equalities Duty (PSED) requires that in the exercise of their functions, those subject to the equality duty must have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; and to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not.
- 8.124 The Council has had due regard to its duties under Section 149 of the PSED which, as with the consideration with respect to Article 8 (above), must be balanced against the harm caused by the development.

Overall Balancing Exercise – permanent permission

- 8.125 In the interests of clarity, Paragraph 148 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.*"
- 8.126 The 'harm' to the green belt is the loss of openness.
- 8.127 The 'other harm' within Paragraph 148 includes: 1) intentional unauthorised development; 2) harm to the character of the countryside; 3) failure to provide safe and suitable access; 4) potential adverse impacts to the residential amenity of the neighbouring properties by virtue of noise and disturbance; 5) lack of information pertaining to the ecological value of the site; and, 6) lack of information pertaining to trees.
- 8.128 As referenced within appeal decision APP/G1630/W/19/3241428, the Council cannot demonstrate a five-year supply of traveller sites; and this lack of available sites available to the applicant (or 'unmet need') weighs in favour of the proposal. Furthermore, the refusal of planning permission would not be in the best interests of the children living on site.
- 8.129 Notwithstanding the above, importantly, the Government advises that unmet need and personal circumstances are unlikely to constitute very special circumstances that clearly outweigh the harm to the green belt.

- 8.130** As such, the harm to the green belt, coupled with the six 'other harms' listed above (which attract significant weight within the decision making process) are not clearly outweighed by the benefits that this proposal would bring either in the short (ie via a temporary permission) or long (ie via a permanent permission) term.
- 8.131** As such, given that the identified harms are not outweighed by the limited benefits, very special circumstances have not been demonstrated thereby the development is inappropriate development in the green belt.
- 8.132** It is accepted that the refusal of permission would constitute an interference with the home and private life of the occupiers of the site, however it is also considered that the actions are proportionate and justified given the importance of maintaining the open character of the green belt, public safety and the economic well-being of the country (which includes protection of the environment and the proper application of national planning policy).
- 8.133** Similarly, it is considered that none of the aims of Section 149 of the Public Sector Equalities Duty would be furthered by granting planning permission for development that is unacceptable in planning terms and would not advance equality of opportunity and would fail to foster good relations between the occupiers of the application site and the settled community.

Overall Balancing Exercise – temporary permission

- 8.134** The current application seeks a permanent permission; however the PPTS dictates that consideration should be given to a temporary permission. Case law has established that the nature of the planning balancing exercise can be altered in the consideration of temporary permissions.
- 8.135** It is the case that a temporary gypsy site in the green belt is inappropriate development.
- 8.136** The harms identified above (loss of openness to the green belt, intentional unauthorised development, harm to the character of the countryside, unsustainable location, failure to provide safe and suitable access, adverse impacts to the residential amenity of the neighbouring properties, lack of information pertaining to the ecological value of the site, lack of information pertaining to trees and lack of information pertaining to drainage) would be inflicted throughout the life of any temporary planning permission and it would be difficult to mitigate any of these in the short-term (for example by landscaping).
- 8.137** It is therefore concluded that the considerations in favour of the development would not clearly outweigh the harms which would be caused, even for a limited time, so as to amount to very special circumstances even on the basis of a temporary permission.

9. Conclusion

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

- 9.2 The development as proposed represents inappropriate development within the green belt. This, coupled with the cumulative further harms pertaining to, intentional unauthorised development, harm to the character of the countryside, unsustainable location, failure to provide safe and suitable access, adverse impacts to the residential amenity of the neighbouring properties, lack of information pertaining to the ecological value of the site, lack of information pertaining to trees and lack of information pertaining to drainage would not be outweighed by other considerations.
- 9.3 Whilst there are limited benefits to the proposals including the potential to contribute towards the unmet need for gypsy and traveller sites in the area, these are clearly outweighed by the significant harms.
- 9.4 As such, no very special circumstances exist which would outweigh the harm identified and thus the development is contrary to Policies SD4, SD5, SD6, SD9, SD13, SD14, INF1 and INF2 of the JCS, Policies ENV2, NAT1, TRAC1, GRB4 and LAN2 of the Local Plan, Section 13 of the Framework and the PPTS.

10. Recommendation

Given the above, the recommendation is to **REFUSE** the application for the below reasons.

11. Reasons

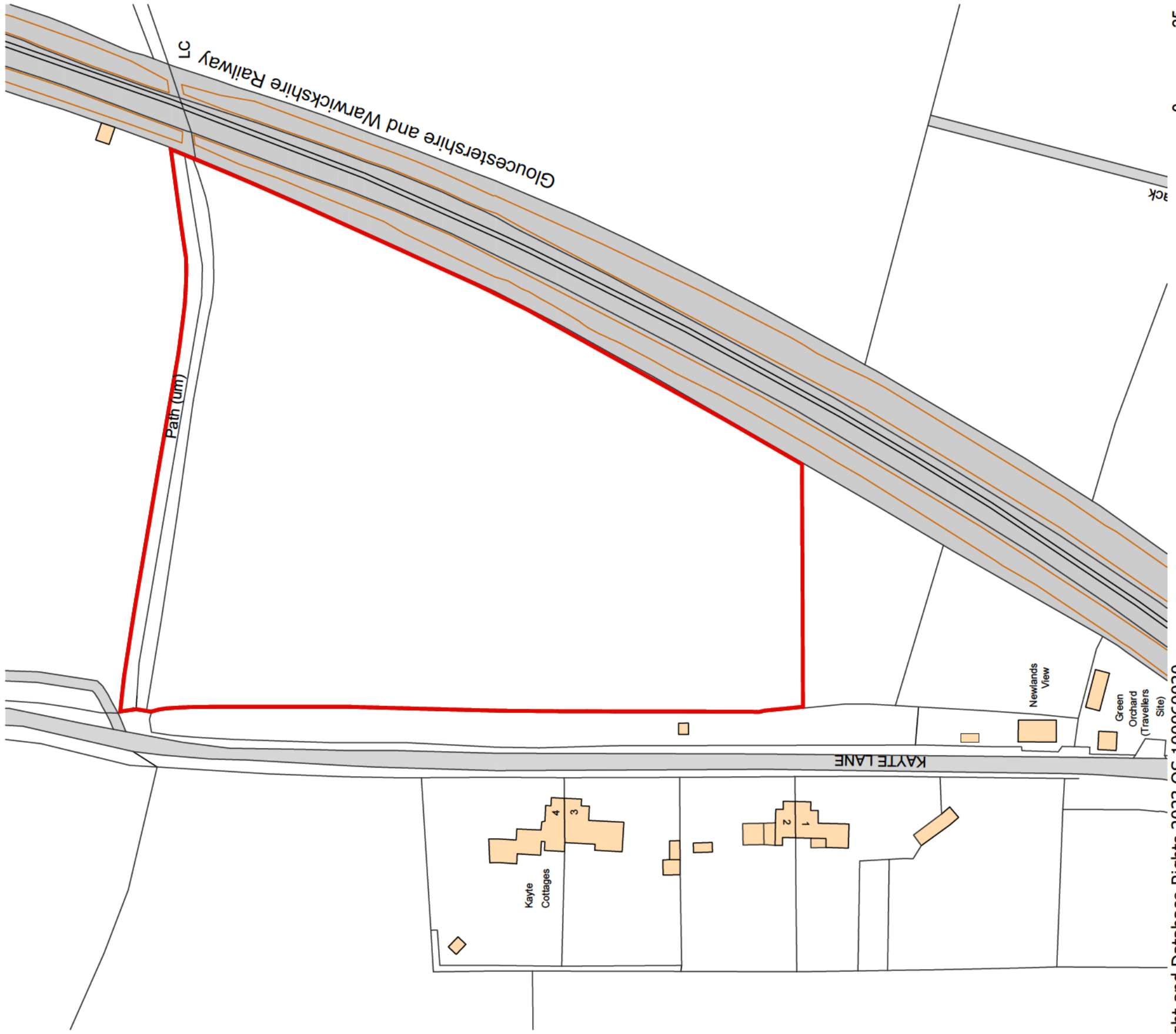
- 1 The proposed development, part of which was carried out intentionally, represents inappropriate development in the Green Belt which compromises its open character and purpose. The applicant has not demonstrated very special circumstances which clearly outweigh the harm to the Green Belt caused by the inappropriateness of the development and other harm. The development therefore conflicts with Policies SD5 and SD13 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2011 – 2031) (December 2017) and Policy GRB4 of the Tewkesbury Borough Local Plan (2011-2031), Paragraphs 147 and 148 of the NPPF, Paragraph 16 of Planning Policy for Traveller Sites (2015) and Written Ministerial Policy Statement dated 31 August 2015.
- 2 The proposed development cannot provide safe and suitable access for all users. The development therefore conflicts with Policy TRAC1 of the Tewkesbury Borough Plan (2011-2031); Policies INF1 and SD13 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2011 – 2031) (December 2017), and Paragraphs 110 and 112 of the National Planning Policy Framework.
- 3 The proposed development would form a visually intrusive and discordant feature in the surrounding rural area that would have a detrimental effect on the rural character and appearance of the landscape. The development would not, therefore, contribute to or enhance the natural and local environment by protecting or enhancing the intrinsic character of the landscape, contrary to Policies SD6 and SD13 of the Joint Core Strategy (December 2017), Section 15 of the National Planning Policy Framework (NPPF) and Paragraph 26 of the Planning Policy for Traveller Sites (2015).
- 4 Insufficient information has been provided to demonstrate that the proposal would not have a harmful impact on No's 1-4 Kayte Cottages, Newlands View and Green Orchard by virtue of noise and disturbance. The proposal is therefore contrary to Policies SD4, SD13 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2011 – 2031) (December 2017).

- 5 Insufficient information has been provided that demonstrates the proposal would not have a harmful effect on biodiversity or that any harm caused could be appropriately mitigated. Consequently, the development would be contrary to Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2011 – 2031) (December 2017) and the Framework and NAT1 of the Tewkesbury Borough Local Plan (2011-2031).
- 6 Insufficient information has been provided that demonstrates the proposal would not have a harmful effect on trees or that any harm caused could be appropriately mitigated. Consequently, the development would be contrary to Policy NAT1 of the Tewkesbury Borough Local Plan (2011-2031).
- 7 The site is larger than 1ha and the application has not been accompanied by a Flood Risk Assessment and as such, insufficient information has been presented in terms of flood risk and water management contrary to Policies INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2011 – 2031) (December 2017) and NAT2 of the Tewkesbury Borough Local Plan 2011 - 2031 as well as Paragraph 168 of the National Planning Policy Framework (2021).

12. Informatives

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

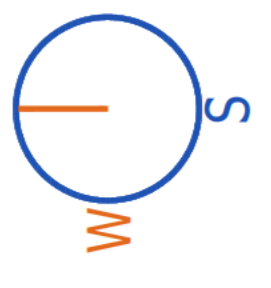
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Rev	Date	Description

WS PLANNING & ARCHITECTURE	
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Date	July 2023
Drawn By	AR
Scale	1:1250@A3
Checked	PB
Client	[Redacted]
Project	Parcel 3300, Kayte Lane, Bishops Cleeve, Southam, Cheltenham, GL52 3PD
Title	Site Location Plan
Drawing No.	J004529-DD-01
Rev.	

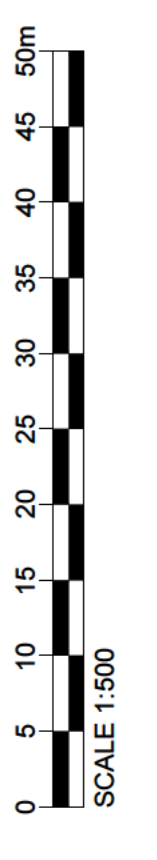
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Rev	Date	Description
1	07/07/2023	Issue for Planning
2	07/07/2023	Issue for Planning
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100	07/07/2023	Issue for Planning

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 W: www.wsplanning.co.uk

Project: Parcel 3300, Kayte Lane, Cheltenham, Gloucestershire, Gloucestershire, GL52 3PD
 Title: As Proposed Site Plan With Topo
 Drawing No: J004529-DD-15
 Date: 07/07/2023



As Proposed Site Plan with Topo

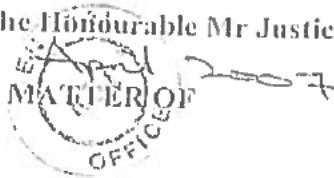
Claim No



IN THE HIGH COURT OF JUSTICE
QUEENS BENCH DIVISION

Before the Honourable Mr Justice Beatson

IN THE MATTER OF



TEWKESBURY BOROUGH COUNCIL
Applicant

VS

PERSONS UNKNOWN
Respondents

INJUNCTION ORDER

PENAL NOTICE

IF YOU THE WITHIN NAMED PERSONS UNKNOWN WITH INTENT TO UNDERTAKE DEVELOPMENT OF THE SITE DESCRIBED BELOW WITHOUT THE GRANT OF EXPRESS PLANNING PERMISSION DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND LIABLE TO IMPRISONMENT OR FINED OR YOUR ASSETS SEIZED

IMPORTANT

Notice to the Defendants

You should read the terms of this Order and the Guidance Notes very carefully. You are advised to consult a solicitor as soon as possible.

If you disobey this Order you may be found guilty of Contempt of Court and may be sent to prison or fined. In the case of a Corporate Defendant, it may be fined, its Directors may be sent to prison or fined or its assets may be seized.

Upon hearing Counsel for the Claimant and upon accepting the undertakings in Schedule A to this Order

IT IS ORDERED that until such time as authorised by an express grant of planning permission or until further Order of the Court:

(A) The Defendants Are Forbidden:

- (1) from using any part of the Land known as Parcel 3300, Kayle Lane, Bishop Cleeve as shown hatched black on the attached plan for the siting of caravans and/or using the Land for residential development including the storage of vehicles, caravans and residential paraphernalia
- (2) from undertaking any development on Land as defined in section 55 of the Town and Country Planning Act 1990 Act without the express grant of planning
- (3) service of this Order shall be by affixing a copy of this Order contained in a transparent waterproof envelope in a prominent position on the land no later than 5pm on Thursday 4 April 2007.
- (4) the Claimant be given permission to serve the intended claim by affixing an envelope marked urgent containing the claim form, particulars of claim, the notice of application, evidence in support and a copy of this Order in a prominent position on the land.

- (B) The Defendants may each of them (or anyone notified of this Order) apply to the Court at any time to vary or discharge this Order (or so much as it affects that person), but anyone wishing to do so must first inform the Claimant's legal representatives

GUIDANCE NOTES

Effect of this Order

- (1) A Defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
- (2) A Defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

Parties other than the Claimant and Defendants

1. Effect of this Order:-

It is a Contempt of Court for any person notified of this Order knowingly to assist in or permit a breach of this Order. Any person doing so may be sent to prison, fined or have his assets seized.

INTERPRETATION OF THIS ORDER

- (1) In this Order, where there is more than one Defendant (unless otherwise stated) references to "the Defendants" means each or all of them.
- (2) A requirement to serve on "the Defendants" means on each of them. However, the Order is effective against any Defendant on whom it is served.
- (3) An Order requiring "the Defendants" to do or not to do anything applies to all Defendants.

Communications with the Court

All communications to the Court about this Order should be sent to Room WG08, Royal Courts of Justice, Strand, London, WC2A 2LL (020 7947 6010). The offices are open between 10 am and 4.30 pm Monday to Friday.

Schedule A

Undertakings given to the Court by the Applicant

- (1) Anyone notified of this Order will be given a copy of it by the Applicant's legal representatives.

- (2) To issue and serve copies of the claim form, witness statement of Andrew David Winstone and the application notice by 5pm on Thursday 5 April 2007.

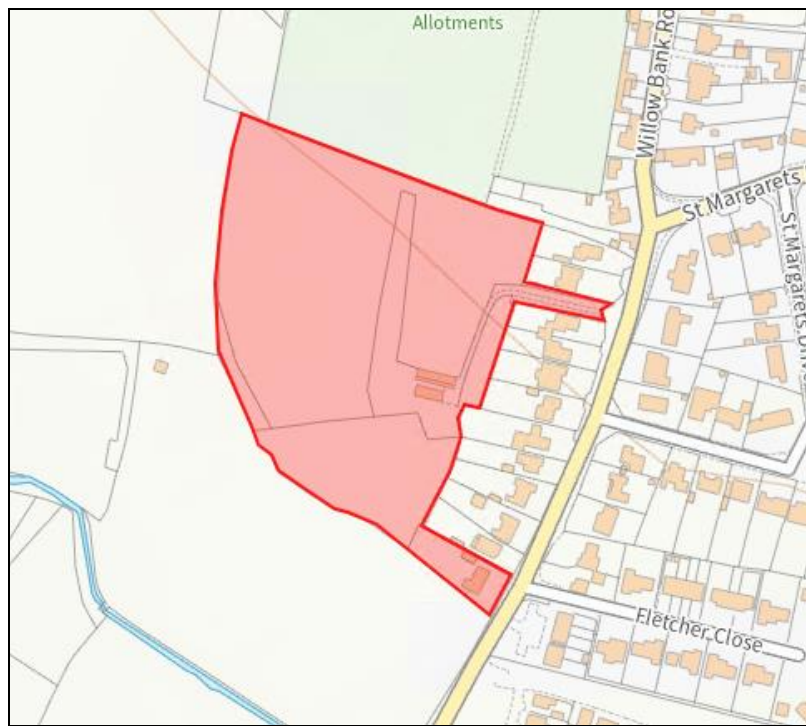
Name and Address of Claimant's Legal Representatives



Planning Committee

Date	21 November 2023
Case Officer	Paul Instone
Application No.	22/00998/FUL
Site Location	Land Behind 52 To 74 Willow Bank Road Alderton
Proposal	Erection of 48 dwellings with associated infrastructure and amenities along with demolition of an existing dwelling on land to the west of Willow Bank Road, Alderton
Ward	Winchcombe
Parish	Alderton Parish Council
Appendices	Site location plan Proposed Site layout plan Materials Strategy Plan Tenure Plan Floor Plans and Elevations x 8
Reason for Referral to Committee	Erection of 10 or more residential units
Recommendation	Delegated Permit subject to completion of S106 agreement

Site Location



1. The Proposal

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RI3R4EQDLNS00>

1.1 The application is submitted in full and has been revised during the determination of the application and the number of proposed dwellings has been reduced from 56 to 48. The application now proposes the erection of 48 dwellings, including 40% affordable housing provision. Vehicular access to the development would be achieved via a new vehicular access off Willow Bank Road following the demolition of no.74 Willow Bank Road A secondary pedestrian access to the site is proposed via the existing farm track located between no.56 and no.54 Willow Bank Road

1.2 The application proposes the following mix of dwellings:

29 open market dwellings

- 2 no. 2 bedroom dwellings
- 10 no. 3 bedroom dwellings
- 16 no. 4 bedroom dwellings
- 1 no. 5 bedroom dwelling

19 affordable dwellings

- 4 no. 1 bedroom dwelling
- 8 no. 2 bedroom dwellings
- 5 no. 3 bedroom dwellings
- 2 no 4 bedroom dwellings

1.3 The dwellings would be located throughout the site, with the majority of the existing vegetation belt running north/south within the northern part of the site being retained. A LEAP, a proposed orchard as well as informal open space is proposed either side of the retained vegetation creating a communal open space in the centre of the proposed development. Existing hedgerows bounding the site to the south, west and north are to be retained and enhanced and a SuDS attenuation pond is proposed in the south west corner of the site.

2. Site Description

2.1 The application site comprises two agricultural fields to the west of Willow Bank Road and to the south of Alderton Community Allotments. The site extends to 2.62 hectares and is currently used for grazing horses. Two farm/equestrian buildings are located centrally within the site, which are accessed via the existing farm track from Willow Bank Road. A belt of dense scrub runs through the centre of the northern part of the site in a north/south direction. Overhead power line also diagonally cross the site running from the southeast to the northwest. The site also includes the existing property and curtilage of No.74 Willow Bank Road which is proposed to be demolished.

2.2 The Site is bound to the north and west by existing hedgerow and to the south by a mixture of both hedgerow and trees. The eastern boundary is formed by the backs of residential gardens associated with properties along Willow Bank Road (Nos. 52-72 (evens)). The back gardens of these dwellings face onto the application site and the rear boundary treatments are relatively open and generally comprises a mixture of post and rail fencing and low level hedgerows. To the north lies the Alderton Community Allotments and to the west and south

lies open countryside.

- 2.3** The site is located within the Special Landscape Area (SLA) as designated within the Tewkesbury Borough Plan (TBLP). The site is located outside of, but immediately adjacent to, the Residential Development Boundary of Alderton as defined in the TBLP and ANDP.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
90/93294/FUL	Erection of 4 stables and tack room. New access.	PER	08.05.1990
93/00055/FUL	Retention of stables and tack room	PER	04.05.1993
14/00747/OUT	Outline application for the erection of up to 53 dwellings and associated works including means of access.	REFUSED AND DISMISSED AT APPEAL	10.12.2014 & 17.07.2015

4. Consultation Responses

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

- 4.1 Alderton Parish Council** – Object, at different consultation stages, summarised below:
- principle of development is not acceptable, with site located outside the settlement boundary and is not allocated in the TBLP or ANDP.
 - significant damage to the landscape in a Special Landscape Area.
 - affect the setting of the AONB to the north of the site.
 - negative effect on users of the Winchcombe Way.
 - significant adverse affect on the character of Alderton which is losing its identify and become a sprawling urban settlement.
 - cumulative impacts of recent housing developments have harmed social cohesion and this proposal will exacerbate these harms.
 - Alderton is not a sustainable location for another housing estate and lacks service infrastructure and public transport connections.
 - future residents would be reliant on cars which shouldn't be happening in a time of climate crisis.
 - ecological analysis lacks details, relies on old survey works and ignores the sighting of a Great Crested Newt close to the site.
 - pedestrian traffic along the track would impact on the residential amenity of occupiers of No 54 and 56 Willow Bank Road.
 - new vehicular access will impact on the residential amenity of occupiers of No.72 Willow Bank Road.
 - headlights from vehicles will impact on the amenity of No.s 59 and 51 Willow Bank Road.
 - increase risk of flooding off site and inadequate capacity in the gully system off Willow Bank Road.
 - will result in tree and hedgerow removal.
 - increase pressure on local services such as Winchcombe Surgery.

- no local employment opportunities for future residents and they would be reliant on cars.
- increase traffic and congestion in the village.
- proposed access is dangerous and the visibility splay is inadequate and falls below required standards.
- two storey dwellings backing onto bungalows will have an overbearing impact.
- highest buildings on the site are on the sensitive edges which would have a significant impact on landscape and character and these should be redesigned.
- materials, fenestration and elevational treatments are incongruous and do not accord with the character of the village against the backdrop of the AONB.
- dwellings are cramped and have inadequate private amenity areas.
- limited visitor parking on site.
- design of the proposal lacks natural surveillance.
- affordable housing is clustered together and isn't tenure blind.

4.2 Urban Design – The application provides a positive environment. The scheme has evolved further to a number of urban design comments including reducing the number of units from 56 to 48 and the revised proposals have made key improvements through amendments to the layout and design approach.

4.3 Landscape – The proposal has been amended in response to comments received from the Council's Landscape Advisor. The Advisor considers that the amended scheme has improved its relationship with the open countryside and how it is perceived in the immediate locality as well as offering up improvements within the development itself through the creation of additional open space in the centre of the site. The Advisor concludes that the proposal will result in a major/moderate, negative and permanent change of the land use and overall character of the site itself. The Advisor also identified that there will be moderate adverse visual effects from Winchcombe Way but these will be reduced once trees and mitigation boundary planting is established.

4.4 Historic England – No comments to make.

4.5 Natural England – No objection.

4.6 National Highways – No objection.

4.7 County Highways Authority – No objection subject to conditions and planning obligations.

4.8 County Archaeologist – No objection subject to conditions.

4.9 Conservation Officer – No objection.

4.10 Housing Enabling Officer – No objection - further to revisions to mix and clustering being secured.

4.11 Lead Local Flood Authority – No objection.

4.12 Severn Trent – No objection subject to conditions.

4.13 Communities Team – Planning obligations requested for community facilities.

4.14 Gloucestershire Development Contributions – No objection subject to planning obligations.

- 4.15 Ecology Advisors** – No objections subject to conditions.
- 4.16 Tree Officer** – No objection subject to conditions.
- 4.17 Public Rights of Way Officer** – No objection – the proposal doesn't directly affect any Public Rights of Way.
- 4.18 Environmental Health** – No objection subject to conditions.
- 4.19 Gloucestershire Minerals and Waste** – No objection subject to conditions.
- 4.20 CPRE-** Object – There is no justification for the development, the proposal will impact on community cohesion, cause harm to sensitive landscapes, and future residents would be reliant on private transport.
- 4.21 Laurence Robertson M.P.** – Object – the application is contrary to the development plan, outside the settlement boundary and will increase congestion

5. Third Party Comments/Observations

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

- 5.1** The application has been publicised through the posting of two site notices, two press notices and two neighbour notification letters for a period of 21 days (for the application as submitted and the revised scheme). 134 objections have been received to the proposals. The comments are summarised as follows:
- principle of development - not allocated in the TBLP or the ANDP and outside the settlement boundary
 - no need for housing in this location
 - not sustainable development
 - out of proportion to the village
 - Brownfield sites should be developed before the open countryside
 - Alderton NDP shouldn't be ignored
 - design of housing is poor and urban in character and will harm the rural character of Alderton and turn it into a sprawling suburban estate
 - cumulative impact of recent development/permissions have harmed social cohesion and social well-being and this proposal will exacerbate the situation
 - loss of agricultural land
 - roads in village cannot cope and increase in traffic will, cause congestion and be a safety risk for cyclists, horse riders, pedestrians and playing children
 - loss of habitat and native flora and fauna.
 - insufficient capacity at Winchcombe Surgery
 - inadequate amenities in the village
 - perfectly good dwellings shouldn't be destroyed to create the access
 - inadequate bus service in the village
 - impact on dark skies
 - visibility splay for the site access is inadequate and dangerous
 - access is too narrow and two cars will be unable to pass
 - harm to the landscape in a Special Landscape Area, and views from the B4077 and

- from the Winchcombe Way
- harm views from the AONB
- access road will diminish the character of the village as you enter
- impact on residential amenity through overlooking, overbearing impact and a loss of sunlight from residents to the west of Willow Bank Road
- construction phase will impact on the amenity and health of residents
- no employment opportunities in the village and this is an unsustainable location
- inadequate sewage capacity to accommodate additional development
- increase in the risk of flooding off site
- removal of overhead electricity cabling which will interrupt the supply of electricity to residents
- permission already been dismissed at appeal on this site and it should be again
- no self build or custom plots
- New housing is increasing crime in the village and this may contribute
- The village store, shop and school have limited support and are struggling and new developments have not been of benefit to existing service infrastructure
- Alderton is an inappropriate location for affordable housing and there are a lack of service and employment opportunities
- substantial removal of trees and vegetation and this will impact on biodiversity
- insufficient car parking and the road will be cluttered with parked vehicles
- design and use of materials is poor and isn't beautiful as advised by Government
- proposes heat pumps which are noisy and will impact on residential amenity
- housing mix of the development does not meet the needs of the village
- footpath will impact on the amenity of No. 54 & 56 Willow Bank Road and impact on privacy in ground floor bedrooms
- flats are out of character with Alderton
- archaeological remains which should be protected
- Vehicles accessing the site via a weak bridge which should be protected
- scale is excessive given that Willow Bank Road is characterised by bungalows and dormer bungalows

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The following planning guidance and policies are relevant to the consideration of this application:

6.2 National guidance

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

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

- Policy SP1 (The Need for New Development)
- Policy SP2 (Distribution of New Development)
- Policy SD3 (Sustainable Design and Construction)
- Policy SD4 (Design Requirements)
- Policy SD6 (Landscape)
- Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty)

- Policy SD8 (Historic Environment)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD10 (Housing Development)
- Policy SD11 (Housing Mix and Standards)
- Policy SD12 (Affordable Housing)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk Management)
- Policy INF3 (Green Infrastructure)
- Policy INF4 (Social Community Infrastructure)
- Policy INF6 (Infrastructure Delivery)
- Policy INF7 (Development Contributions)

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

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

6.5 Neighbourhood Plan

Alderton Neighbourhood Development Plan – 2011-2031 (ANDP)

- Policy H1 (New Housing on Infill and Windfall Sites within the Settlement Boundary of Alderton)
- Policy H3 (Affordable Homes)
- Policy H4 (Housing Mix)
- Policy LC1 (Promoting Local Distinctiveness in Built Form)
- Policy LC2 (Integrating Development into the Landscape)
- Policy LE1 (Biodiversity and Geodiversity)
- Policy LE2 (Protecting the Environment through Sustainable Design)
- Policy RP1 (Improving Opportunities for Healthy Lifestyles and Safer Roads)
- Policy RP2 (Parking Standards in New Developments)

7. Policy Context

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

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

8. Evaluation

Five Year Housing Supply

- 8.1 The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. Where local authorities cannot demonstrate a five year supply of deliverable housing sites, paragraph 11 of the NPPF sets out that housing policies contained within development plans should not be considered up-to-date.
- 8.2 Further to the recent Trumans Farm, Gotherington Appeal decision (ref. 22/00650/FUL), and subsequently published Tewkesbury Borough Five Year Housing Land Supply Statement October 2023, the Council's position is that it cannot at this time demonstrate a five year supply of deliverable housing land. The published position is that the Council's five year supply of deliverable housing sites is 3.24 years supply of housing land. Officers consider this shortfall is significant. The Council's policies for the provision of housing are therefore out of date in accordance with footnote 8 of the NPPF.
- 8.3 Paragraph 11(d) of the NPPF therefore applies and 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

Principle of development

- 8.4 Policy SD10 of the JCS states that within the JCS area new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. Housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. In the remainder of the rural area Policy SD10 will apply for proposals for residential development. With relevance to the application Policy SD10 follows that housing development on other sites will only be permitted where it is previously developed land in the existing built-up areas of Service Villages, or:
- 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** Policy RES3 of the TBLP also sets out the circumstances where new housing development will be considered acceptable in principle outside of settlement boundaries.
- 8.6** At the neighbourhood level, Policy H1 of the ANDP states that small infill development and windfall development in the settlement boundary is acceptable in principle and states that in the event that a future development plan identifies an additional need for further housing development in Alderton (as a service village), beyond what is being accommodated within the settlement boundary, then sites outside of the boundary will be considered in line with the other policies of the plan.
- 8.7** The application site is open countryside that lies outside of, but adjacent to the settlement boundary for Alderton as defined in the TBLP and ANDP and is not allocated for housing development. The site does not represent previously developed land within the built-up area 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 TBLP (including Policy RES3) or the ANDP which allow for the type of development proposed here.
- 8.8** In respect of the principle of development therefore, it is the case that the proposed development conflicts with Policies SP2 and SD10 of the JCS, Policy RES3 of the TBP and Policy H1 of the ANDP.
- 8.9** However, the application is being determined in a situation where the Council cannot demonstrate a five year supply of deliverable housing sites. It is the case that policies SP2, SD10, RES3 and H1 comprise some of the most important policies for determining the appeal proposal. Therefore in accordance with paragraph 11d and footnote 8 of the NPPF these policies are treated as out-of-date.
- 8.10** 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. 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.
- 8.11** It is a significant material consideration that the Council cannot demonstrate a five year supply of deliverable housing sites and that Policies SP2, SD10, RES3 and H1 are out-of-date. These spatial policies should therefore not be afforded full weight in the decision-making process.
- 8.12** In the circumstances of this application, the appeal site is immediately adjacent to Alderton settlement boundary which is defined as a Service Village in Table SP2c, page 26 of the JCS. Taking account of the proximity of the site to Alderton settlement boundary, and the quantum of dwellings proposed, the Council do not consider that the harms arising from the conflict with the spatial strategy amount to an adverse impact that would significantly and demonstrably outweigh the benefits of the development (considered further below), when assessed against the policies of the NPPF as a whole.

Scale of Development and Social Impacts

- 8.13** The NPPF recognises that sustainable development includes a social objective and how healthy communities can be supported. Paragraph 9 of the NPPF states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing development should be located where it will enhance or maintain local communities.
- 8.14** The ANDP explicitly refers to social cohesion in the village. The ANDP states that it is important that its policies seek to conserve the active, cohesive nature of the Parish community into the future by enabling sustainable growth that does not compromise existing social bonds or overwhelm the Parish's rural infrastructure. Furthermore, one of the objectives of the ANDP seeks to ensure that any development in Alderton Parish makes a positive contribution to enriching the vitality, health, wellbeing and social cohesion of its communities. The ANDP also points out that concerns over the potential loss of the Parish's rural character and the impact on social cohesion arising from rapid change in Alderton village are evident in all consultations undertaken for the Plan between 2013 and 2015.
- 8.15** It is clear from the Parish Council's consultation response and representations made that the level of residential permissions in Alderton and the issue of social well-being of Alderton and community cohesion remains a serious and ongoing local concern.
- 8.16** Paragraph 3.2.14 of the JCS identifies that there are a number of freestanding villages within Tewkesbury Borough which are considered suitable for some limited residential development. However, the level of residential development should be limited and the appropriate quantum of development within these Service Villages is a matter for the plan making process. Accordingly, Policy SP2(5) of the JCS states that in Service Villages lower levels of development will be allocated through the TBLP and Neighbourhood Plans, proportional to their size and function, and also reflecting their proximity and accessibility to Cheltenham and Gloucester, also taking into account environmental, economic and social impacts. Policy RES5 of the TBLP also states that new housing development should be an appropriate scale having regard to the size, function and accessibility of the settlement.
- 8.17** The Pre-submission Tewkesbury Borough Plan 2011-2031 Housing Background Paper October 2019 (HBP) identified a 'disaggregated housing requirement', taking account of the factors in Policy SP2(5), for 53 dwellings in Alderton in the plan period 2011-2031 above the 277 dwellings in the Village 'prior to commitments' i.e. the JCS baseline year; representing a 19% increase in the size of the settlement.
- 8.18** During the plan period to date, a number of notable residential planning permissions have been allowed at appeal as follows:
- 47 dwellings at Land to the South of Beckford Road, Alderton (ref:13/00114/FUL). Allowed at appeal and completed 2015.
 - 24 dwellings at Land East of Willow Bank Road, Alderton (ref: 14/00414/FUL). Allowed at appeal and completed 2017.
 - 28 dwellings at Land south of Fletchers Close, Alderton (ref: 19/00772/FUL). Allowed at appeal and development recently completed.
 - 47 dwellings (net increase), Land East of St Margarets Drive, Alderton (ref: 22/00624/OUT). Allowed at appeal in June 2023.

- 8.19** These planning permissions will (assuming 47 dwellings come forward in the reserved matters pursuant to planning permission 22/00624/OUT) amount to 146 dwellings being brought forward in Alderton in the plan period to date, representing a 53% increase in the size of the settlement during the plan period. Should this current planning permission be granted, an additional 47 dwellings (net) would have permission in Alderton which would amount to an additional 193 dwellings with permissions/being brought forward in the plan period to date. This would amount of a 69% increase in size of Alderton Village in that period.
- 8.20** Planning permissions 19/00772/FUL and 22/00624/OUT were both allowed at appeal, and in both cases Officers and Members were of the view that the cumulative growth in Alderton in such a relatively short period of time would have a negative impact on social wellbeing and social cohesion within Alderton, and the Local Planning Authority made the case that the appeals should be dismissed for this reason alongside other reason for refusals.
- 8.21** For the allowed planning appeal pursuant to application 19/00772/FUL in September 2021, Inspector Porter considered the submissions of Tewkesbury Borough Council and Alderton Parish Council on the harm arising from the cumulative impact of development on community cohesion and social well-being and concluded:

'31. I note the misgivings of some residents about whether an influx of new households could be successfully integrated into the village without harming this social well-being and community cohesion. It may well be that newer residential populations take longer to become socially active or engaged in community life compared with more well-established residents from the central core of the village. However, from the evidence I have read and heard, the close-knit community and active village life in Alderton continues to thrive. Ostensibly, the village offer has remained diverse in its range of social and community-led activities, and the strong local community spirit has been maintained despite the new residential populations from the Beckford Road and Fletchers Close estates. I also understand that at least some of these new residents walk their dogs in the village, have children in the local school, use the shop and have become involved in the local gardening club.

32. There may be a sense of disappointment that there has not been a greater take-up of village life by some residents. That is not to say, however, that there has been no interaction; nor that integration will not grow over time. Following its construction, I see no reason why the new residential population the appeal scheme would introduce should not eventually become established and absorbed into the village community.

34. There is no suggestion from the Council that the existing infrastructure or local services in Alderton could not accommodate the increase in the number of dwellings proposed. Rather, I heard evidence that the local shop is in want of additional custom, the local primary school is undersubscribed, and a variety of community clubs and social activities are encouraging new members. While the appeal site would be a discrete housing estate beyond Fletchers Close, to my mind nothing about its location or layout suggests that future social interactions might be hindered, or the vitality of the rural community not be maintained or enhanced.

35. Taking this all into account, and considered cumulatively with other development in Alderton, I do not find that the proposal would represent a disproportionate increase in the size of Alderton as a Service Village. With time, I believe that perceptions of negative social impacts associated with a new residential population at the village edge will dissipate. The proposed development would consequently not irreversibly undermine the social well-being and community cohesion of Alderton and conflict with policies SP2 of the JCS and H1 of the ANP does not arise.'

- 8.23** The matter of the cumulative impact of housing development and the impact on social well-being and community cohesion in Alderton was also considered by Inspector Dillon in June 2023 in allowing the planning appeal pursuant to planning application 22/00624/OUT. In respect to this matter, Inspector Dillon concluded:

'63. There is an insufficient evidential basis to persuade me that, as a consequence of the appeal proposal, the existing community would be overwhelmed and would not have a reasonable prospect of continuing to function as it has.'

65. Overall, the evidence leads me to conclude that any adverse impacts that do arise would not be of a nature or level which would constitute unacceptable harm to the vitality, cohesiveness, and well-being of the village community, having regard to the scale and location of this particular appeal proposal. My assessment is based on the existing baseline position and the evidence as presented and cross-examined. The facts and components of this particular scheme are good reasons to justify my departure from the Inspectors' findings for the previous appeals cited. However, in doing so I do attach limited weight to the apparent fear of the community that such harm would manifest.'

- 8.24** It is the case that historically the impact of cumulative development on social well-being and community cohesion has been a factor in the planning balance when appeals have been dismissed in Alderton. However, the more recent conclusions of Inspector Porter and Inspector Dillon are significant material considerations on this matter with regard to assessing the current proposal.

- 8.25** This current application is of course now considered in the context that the cumulative quantum of development is now higher than when the impact of additional housing numbers was considered in the previous appeals. As such, during the determination of this application officers have liaised with the Council's Communities Team and agreed a package of planning obligations to mitigate the impact of the development on community infrastructure. These planning obligations have been agreed in principle with the applicant and include contributions towards improving existing facilities at Alderton Community Centre, as well as improving existing facilities at Beckford Road Playing Fields, Alderton Community Allotments and Alderton Village Hall. The details of these contributions are set out in the S106 Obligations section of this report below.

- 8.26** Whilst these contributions are directly related to the anticipated increase in residential population from the proposed development and are necessary to make the development acceptable in planning terms, it is also the case that the wider community would benefit from the enhanced facilities arising from the secured planning obligations. The enhancement of the existing community infrastructure to accommodate the increased population would assist in mitigating the impact of the development with regard to community cohesion and social well-being.

8.27 In light of the above, and having regard to both the very recent conclusions drawn by independent Planning Inspectors considering the impact of major category housing proposal on the outskirts of the village on community cohesion and social well-being, and having carefully considered this issue in light of the significant local concerns raised by this application proposal, officers consider that there would be a moderate harmful impact on the social well-being and social cohesion within Alderton arising from this proposed development. This matter weighs against the proposal and must be considered in the overall planning balance.

Landscape impact

8.28 Paragraph 174a of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, recognising the intrinsic value and beauty countryside, and the wider benefits from natural capital and ecosystem services. Whilst the application site is located within a Special Landscape Area as defined in the TBLP Proposals Map, the Council's Landscape Advisor has advised that it is not considered that the site is a 'Valued Landscape' in terms of the NPPF and the provisions of paragraph 174b do not apply.

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

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

8.31 Policy RES5 bullet point 3 of the TBP states that new housing development should – where an edge of settlement location 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 the countryside.

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

- 8.33** Policy LAN1 of the TBP states that proposals within the SLA will be permitted providing that the proposal would not cause harm to those features of the landscape character which are of significance; and the proposal maintains the quality of the natural and built environment and its visual attractiveness; and all reasonable opportunities for the enhancement of landscape character and the local environment are sought. Policy LAN1 goes on to state that where a proposal would result in harm to the SLA having regard to the above criteria, this harm should be weighed against the need for, and benefits from, the proposed development. Proposals causing harm to the SLA will only be permitted where the benefits from the development would clearly and demonstrably outweigh the identified harm.
- 8.34** Policy LAN2 of the TBP states that all development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting.
- 8.35** In regard to the ANDP, Policy LC2 states that development proposals, other than for small infill or minor domestic extensions, will be required to show how design and siting have taken into consideration any adverse impacts on areas of landscape and visual sensitivity. Proposals are required to demonstrate how they will integrate into the SLA by submitting a Landscape and Visual Impact Assessment, ensuring attention is paid to significant views, and providing landscaping to enable new development to integrate into and enhance its surrounding.
- 8.36** The site is comprised of two fields set to the west side of Willow Bank Road and to the general west side of the wider village and it is the hedges and boundary trees to the south west that are the site's most significant landscape characteristic. There is currently no public access to the site itself.
- 8.37** The Council's Landscape and Visual Sensitivity Study of Rural Service Centres and Rural Villages, 2014 places this plot of land in the Ald-02 land parcel and rated it as having Medium landscape sensitivity.
- 8.38** The application is supported by a Landscape and Visual Impact Assessment (LVIA), which considers the impact of the proposed development on the landscape and has been reviewed by the Landscape Advisor. The LVIA identifies a number of potential viewpoints of the application site (which will be shown in the committee presentation), the most pertinent of which are summarised below:
- View from Willow Bank Road, South of Alderton looking north-west to the application site. The LVIA identifies a minor-negligible negative visual effect for vehicle users noting that most of the boundary vegetation as currently seen in this view would be retained.
 - View from B4077 near petrol station from vehicles looking north towards the site. The LVIA identifies a minor-negligible negative visual effect for vehicle users noting that the dwellings would be set back from the site boundary behind the retained boundary vegetation and would also be largely screened by intervening hedgerow.
 - View from B4077 by Alderton Nurseries and intersection with PRoW identified as Significant View in ANDP. The LVIA identifies a minor negative visual effect for walkers and noting the existing boundary vegetation and proposed enhanced boundary planting would filter the views. The LVIA also advises the proposals would not interrupt the view of the Cotswolds AONB hillside on the skyline.

- View from Alderton Community Allotments looking south. The LVIA identifies a minor-negligible visual effect in the short term which would be mitigated in the longer term. The LVIA noting that the site boundary to the north is screened by existing vegetation and enhanced boundary planting will further filter these views
- View from Winchcombe Way to the west of site. The LVIA identifies moderate-minor negative visual effects for walkers looking south east towards the site. It is noted that rooflines of new housing will be visible through existing vegetation, but the architectural approach and variation in rooflines will break up the built form which will also be screened by existing and proposed vegetation.
- Views from AONB from Alderton Hill to north and Dixton Hill to the south. The LVIA identifies minor visual effects for walkers from both of these viewpoints.

- 8.39** Taking all of the above into account the LVIA concludes that there would be moderately significant negative effects on the change in land use and rural character and perceptual connectivity with the countryside, in the short term, which would reduce to neutral in the long term as the proposed planting within the site and on the boundary of the site matures.
- 8.40** The Council's Landscape Advisor has reviewed the LVIA and agrees that the viewpoints are largely appropriate and concurs that the site is visually not prominent in views from the B4077 given intervening field boundary and riparian vegetation. The Advisor also considers that there would be negligible visual effects from the AONB because of the presence of the northern side of the village effectively screening the site and providing a built visual context to it. Overall, the Advisor considers that there will be little sense of encroachment given the limited viewing opportunities to see the site and judge it against the remainder of the village.
- 8.41** However, the Advisor does raise concerns that the applicant's LVIA places considerable reliance on the existing outgrown hedgerows to mitigate visual impacts and no indication is provided of their future management and maintenance to keep them as a sustainable and effective separating feature between the housing and countryside. The Advisor notes that agricultural hedgerows without regular management (including laying) deteriorate, become gappy and lose their landscape and visual value as well as effectiveness as a screen. Taking this detailed analysis into account, officers consider it would be necessary to impose a planning condition to secure the long term management arrangements of the retained hedgerows. This suggested approach would mitigate the visual impact of the development as set out in the LVIA.
- 8.42** Officers have carefully considered the comments from the Landscape Advisor and the content of the applicant's LVIA. There would be inevitable landscape harms from the development of the site itself and wider moderately significant negative effects on views from some localised vantage points.
- 8.43** Taking into account all of the above, by virtue of the landscape harms to the site itself and the wider localised visual harms, the application would result in a conflict with Policy SD6 of the JCS as the proposal would not protect landscape character for own its own intrinsic beauty. The proposal would also cause some harm to the landscape character of the SLA which is of local significance. These harms identified to SLA must be weighed against the need for, and benefits from, the proposed development as part of the overall planning balance to identify whether the proposal conflicts with Policy LAN1 of the TBP.

8.44 Overall officers consider that the landscape impact of the proposal is a matter which weighs moderately against the proposals in the overall planning balance.

Design and Layout

8.45 The NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development. This is now reflected in the National Design Guide, which provides planning practice guidance for beautiful, enduring and successful places.

8.46 JCS Policy SD4 provides that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. Criterion 6 of Policy SD10 of the JCS states that residential development should seek to achieve maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network. This is reflected in Policy LC1 of the ANDP, which seeks to promote local distinctiveness in built form and sets out a number of way this can be achieved.

8.47 Officers have liaised with the applicant and secured a number of design changes during the determination of the application which have responded positively to officer concerns and have resulted in a reduction in the number of dwellings numbers and the overall density of the site, to 18 dwellings per hectare, and has allowed for the creation of the central open space.

8.48 The proposed residential layout is relatively uniform with a block structure of back-to-back units allowing for a permeable and legible environment, as well as attractive spaces, served by active frontages, natural surveillance and streets/spaces framed by buildings. Officers consider that the layout engages positively with retained trees and hedgerows within the site. This results in the central retained hedgerow/vegetation, alongside the proposed orchard, providing a positive central focal point within the development, adding quality to the character of the development. The layout also includes open space to the south of the site providing a sense of transition between the built form and the rural edge.

8.49 The architecture of the proposal is considered strong. It takes a contemporary approach whilst ensuring that the elevations remain contextual to the built form of the wider area. It also offers strong and attractive architectural details such as generous windows, porches, and stone sills. During the determination process of the application, officers have engaged with the applicant to simplify the palette of materials proposed, removing red brick buildings. The application submissions now propose a mixture of buff brick, yellow brick and white brick dwellings. This is considered to respond positively to local vernacular and is considered acceptable.

8.50 In terms of scale, the dwellings would be primarily two storeys with a mix of roof types and gable features to break up the built form. In the north west corner of the site 1.5 storey dwellings are proposed in this relatively sensitive location.

8.51 Overall the layout and design approach is considered to be acceptable. The layout would provide for active frontages and good levels of natural surveillance. The development would provide good levels of amenity space and landscaping, whilst accommodating the necessary drainage infrastructure. In terms of the proposed house types, the proposed materials reflect that of the surrounding area, and are considered acceptable subject to conditions requiring the submission of materials and detailed design.

8.52 In light of the above, the design of the proposal is considered acceptable.

Residential Amenity

8.53 Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing and future users. JCS policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.

8.54 Policy RES5 of the TBP states that proposals for new housing development should, amongst other things, provide an acceptable level of amenity for future occupiers and cause no unacceptable harm to the amenity of existing dwellings.

8.55 To the east of the proposed development is a row of houses to the west of Willow Bank Road. A number of representations have been received from residents raising concerns that the proposals will impact on residential amenity by reason of overlooking, overbearing impact and loss of views.

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

8.57 Objections have also been raised to this application on the basis that the pedestrian access would impact on the residential amenity of No. 54 & 56 Willow Bank Road. Officers have carefully considered this relationship and it is the case that the existing vegetation and boundary treatments in front of the side-facing, habitable room windows are to be retained, and additional planting is proposed. On balance, officers consider that the proposals for retaining vegetation and the proposed planting will adequately screen these dwellings. It is also recommended that a condition is imposed to provide detailed plans of the boundary planting treatments in this location. Subject to the imposition of a condition to secure these planting details, it is considered that the application would not give rise to an unacceptable impact on the amenity of No's 54 & 56 Willow Bank Road. Given the separation distance between existing dwellings and the proposed vehicular access, it is also considered that the vehicle movements would not unacceptably impact on the amenity of existing residents through noise and headlights.

- 8.58** With regard to the residential amenity of future residents, the site layout has been carefully considered by officers to ensure that the development can achieve acceptable levels of amenity. The separation distance between rear facing habitable room windows is at least 20 metres in all instances, and in terms of external amenity space, each dwelling would be provided with adequate garden amenity area and the internal arrangements and room sizes provide adequate amenity. In respect of the arrangement of windows, the orientation and layout is such that there would be no unacceptable overlooking between the proposed dwellings, subject to the imposition of planning conditions where necessary requiring the installation in perpetuity of obscure glazing in non-habitable room windows to prevent overlooking.
- 8.59** Overall, and subject to the imposition of conditions, it is considered that the proposed development would result in acceptable levels of amenity for existing and future residents in accordance with JCS policies and the NPPF.

Access and highway safety

- 8.60** The NPPF confirms that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Furthermore, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe. JCS Policy INF1 requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.
- 8.61** Vehicular access to the site is proposed to the southeast in the position of No. 74 Willow Bank Road, which will be demolished as part of the development proposal. The junction is proposed with a 5.5 metre wide carriageway, with a 2 metre wide footway on the northern side, connecting to a new informal pedestrian crossing with dropped kerbs and tactile paving. The applicant has submitted a swept path analysis of an 11-metre-long refuse vehicle which confirms the suitability of the access design.
- 8.62** In respect of the vehicular access visibility splay, an ATC survey was carried out in the vicinity of the site, and the outputs demonstrate 7 day average 85th%ile recorded speeds of 33.8mph northeast bound and 36mph southwest bound. The resulting necessary visibility splays equate to 54 metres to the south and 60 metres to the north measured from a point 2.4 metres back the centre of the access. The County Highways Authority have advised that the necessary visibility can be achieved with a 0.6m offset from the edge of the carriageway.
- 8.63** Regarding vehicle movements, the application is supported by a Transport Assessment which uses the TRICS database to predict the trip generations of the proposed development. This is the industry recognised tool for predicting trip generations, and its use is accepted. The Highway Authority has reviewed the site selection criteria used in the assessment and are satisfied that a robust assessment has been completed. The outputs of the assessment forecast a likely 29 and 27 two-way vehicle movements in the AM and PM peak hours, respectively.

- 8.64** A further cumulative junction capacity assessment has also been carried out to ascertain the combined effects of the proposal with the recently approved application 22/00624/OUT for 48 dwellings. The assessments confirm all junctions will operate within capacity in all assessment scenarios during the AM and PM peak times. The Highway Authority has advised that the level of new trips (when considered individually and cumulatively) in terms of queue lengths or delays would not be noticeable to other road users, nor result in a severe impact on the local road network.
- 8.65** In terms of parking standards, the Highways Authority consider that the level of parking is sufficient and accords with the required standards are set out within the Manual for Gloucestershire streets and is acceptable.
- 8.66** The Highways Authority has requested a planning obligation contribution of £33,600 towards the diversion of an existing bus service in the area to provide an effective transport solution for secondary students travelling to Tewkesbury School (6.3 miles) and Cleeve School (6.8 miles). This is necessary as the nearest secondary schools are beyond the statutory walking and cycling distances and a contribution is required to manage the impact of the proposed housing development on the transport network.
- 8.67** The Highway Authority concludes that, subject to appropriate conditions and planning obligations, the application would not have an unacceptable impact on highway safety or a severe impact on congestion. It is also considered the proposal is the consistent with the accessibility-related provisions of the relevant transport policies. The proposal is therefore considered acceptable in regard to highway safety and accessibility.

Drainage and Flood Risk

- 8.68** JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SuDS) where appropriate to manage surface water drainage. This is reflected in Policy ENV2 of the TBLP and the NPPF.
- 8.69** The Environment Agency Flood Map shows the site to be located within Flood Zone 1 (lowest risk of flooding) and there are no watercourses close to the site with the closest unnamed watercourse being located approximately 100 metres to the south west.
- 8.70** The application is supported by a Flood Risk Assessment and Drainage Strategy and it is proposed that all surface water runoff will be collected by a traditional gravity fed drainage systems for the proposed dwellings and tarmacked carriageway / driveways. The surface water will go into an attenuation basin on the south west corner of the site and allowed to disperse via a filter drain across the fields to the south. The water flows from the attenuation basin will mimic the existing greenfield condition of the site.
- 8.71** In respect to foul water, there is an existing foul water sewer crossing the site access, to the south-eastern corner of the site. The proposed foul network will fall via gravity to the outfall and therefore a pumping station is not required. Any connection to the existing sewer is subject to approval from the local water authority and Severn Trent Water has been consulted on the application and raises no objection subject to the imposition of a planning condition requiring the submission of foul drainage details.

8.72 The LLFA have been consulted on the application and raise no objection and advises that the drainage strategy identifies surface water attenuation facilities to accommodate a suitable volume of surface water to control discharge from the site to acceptable, greenfield equivalent levels. Severn Trent

8.73 In light of this, the application is considered acceptable in regard to drainage and flood risk.

Housing Mix and Affordable Housing

8.74 JCS Policy SD11 states that housing development will be required to provide an appropriate mix of dwelling sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Development should address the needs of the local area, including the needs of older people as set out in the local housing evidence base, including the most up to date Strategic Housing Market Assessment (SHMA). This is further reflected in Policy H4 of the ANDP, which requires new housing in Alderton to include small and medium sized houses (with 1 to 3 bedrooms).

8.75 JCS Policy SD12 sets out that on sites outside of strategic allocations, a minimum of 40% affordable housing will be sought. It follows that they should be provided on-site and should be seamlessly integrated and distributed throughout the development scheme. Similarly, Policy H3 of the ANDP supports new affordable housing in new developments through the allocations set by the local planning authority.

8.76 In regard to affordable housing, the application proposes 19 (40%) affordable dwellings being:

11 no. social rent units (58% of 19 units)

- 2 no. 1 bed units (18.2% of 11 no. units)
- 4 no. 2 bed units (36.3% of 11 no. units)
- 3 no. 3 bed units (27.3% of 11 no. units)
- 2 no. 4 bed units (18.2% of 11 no. units)

8 no. Shared Ownership units (42% of 19 units)

- 2 no. 1 bed units (25% of 8 no. units)
- 4 no. 2 bed units (50% of 8 no. units)
- 2 no. 3 bed units (25% of 8 no. units)

8.77 At the request of officers, the distribution of the affordable dwellings across the development has been amended, such that they are now proposed to be located in groups of separate clusters, whereas as submitted the affordable housing was all concentrated in the northern part of the proposed development. The Council's Housing Enabling Officer has been consulted on the application and raises no objection.

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

- 4no. 1 bedroom dwelling (LHNA Requirement 7.6%) (Application scheme 8.8%)
- 10no. 2 bedroom dwelling (LHNA requirement 18.8%) (Application scheme 20.8%)
- 15no. 3 bedroom dwelling (LHNA requirement 49.1%) (Application scheme 31.3%)
- 19no. 4+ bedroom house (LHNA requirement 24.4%) (Application Scheme 39.5%)

8.79 On balance, whilst the mix does not accord entirely with the LHNA, and the scheme underprovides 3 bedroom houses and overprovides 4+ bedroom houses, given that the scheme complies with the mix requested by the Housing Enabling Officer, it is considered on balance that this mix is acceptable and this is a neutral factor in the planning balance.

8.80 The applicant has indicated that the affordable housing would be secured through a S106 Agreement.

Biodiversity

8.81 When determining planning applications, paragraph 180 of the NPPF states if significant harm to biodiversity resulting from a development cannot be avoided through locating on an alternative site with less harmful impacts, be adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

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

8.83 Policy NAT5 of the TBP states that development likely to result in the loss, deterioration or harm to features, habitats or species of importance to biodiversity, environmental quality or geological conservation, either directly or indirectly, will not be permitted unless: a) the need for, and benefits of the development clearly outweigh its likely impact on the local environment, or the nature conservation value or scientific interest of the site; b) it can be demonstrated that the development could not reasonably be located on an alternative site with less harmful impacts; and c) measures can be provided (and secured through planning conditions or legal agreements), that would avoid, mitigate against or, as a last resort, compensate for the adverse effects likely to result from development. The policy also states that proposals, where applicable, will be required to deliver a biodiversity net gain and the Reasoned Justification confirms that a minimum of 10% biodiversity net gain will be expected.

8.84 Policy LE1 of the ANDP requires development proposals to assess the impact of new development or changes in land use on internationally and nationally recognised biodiversity and geodiversity sites in the Parish. It also requires development proposals to provide a full ecological survey to accompany any planning applications that seek to change, remove or in any way affect Priority Habitats such as brooks, ponds, hedgerows, old woodland or orchards.

8.85 Regarding wider impacts, Natural England have been consulted on the application and consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

8.86 The application is supported by an Ecological Impact Assessment dated July 2023, a Phase 1 Habitat Survey and Building Inspection Survey undertaken in April 2022 and surveys for reptiles and bats were carried out between May and October 2022.

- 8.87** The Studies identify that the site comprises closely grazed horse paddocks along with a stable block and an agricultural barn surrounded by scrub and tall ruderals. Hedgerows and trees bound the site and an area of dense mixed scrub is present in the centre of the site. The surveys identify that the site was found to be used for foraging and commuting by at least eight bat species, including lesser horseshoe and barbastelle bats. Bat emergence surveys confirmed the likely absence of bat roosts within the site. The reptile survey recorded no reptiles, and they are considered likely absent from the site.
- 8.88** The site falls within an amber risk zone for great crested newt which means that suitable habitat to support great crested newts is present. A single great crested newt record was returned in 2021, 410 metres west of the site. A single pond is present within the site. However it is ruled out as being suitable to support great crested newts due to the steep concrete sides and the presence of fish. Natural England's rapid risk assessment confirms that an offence is highly unlikely. However it is recommended that a planning condition is imposed to require a method statement for precautionary site clearance, within a Construction Environment Management Plan, to ensure protection of protected species.
- 8.89** The Ecological Assessment identifies that the proposals will retain and protect key habitats for bats including the boundary hedgerows and central mixed scrub. The Assessment also identifies a mitigation strategy to protect biodiversity including ensuring that the retained trees and hedgerows on the boundary of the site are retained outside private ownership and covered under the site management regime to protect long term management. New planting on site will also include native, nectar-rich species to attract invertebrates and increase a feeding resource for bat populations to mitigate for the loss of grassland foraging habitat
- 8.90** Overall, the scheme will result in a 6.94% net gain in habitat units and a net gain of 48.95% in hedgerow units within the red line boundary. The original application submission identified a net loss of biodiversity. The biodiversity net gain has been negotiated and secured during the assessment and improvement of the application proposals. Although the development does not achieve a 10% net gain in habitat units, the Government advised in September 2023 that mandatory 10% biodiversity net gain will only apply to new applications for planning permission for major development made after January 2024 and under the transitional arrangements the requirement for 10% biodiversity net gain is not applied retrospectively to planning applications that have been submitted or have already been granted permission before the implementation date.
- 8.91** The Council's Ecological Advisors have been consulted on the application and raised no objection subject to conditions to secure a lighting design strategy for biodiversity, to protect foraging bats, as well as planning conditions to secure a Construction Environment Management Plan, a Landscape Ecological Management Plan and to secure the mitigation measures set out in the applicant's Ecological Appraisal.
- 8.92** Overall, and subject to the imposition of appropriate conditions, it is considered that the proposed development would be acceptable in terms of ecological and biodiversity matters and is in accordance with development plan policies and the NPPF.

Arboriculture

- 8.93** Paragraph 131 of the NPPF states that trees make an important contribution to the character and quality of urban environments and can also mitigate and adapt to climate change.

- 8.94** Policy INF3 of the JCS states that existing green infrastructure will be protected in a manner that reflects its contribution to ecosystem services including biodiversity, landscape/townscape quality and the connectivity of the green infrastructure network. Development proposals that will have an impact on hedges and trees need to include a justification for why this impact cannot be avoided and should incorporate measures acceptable to the Local Planning Authority to mitigate the loss.
- 8.95** Policy LE2 of the ANDP states that new development of all kinds should seek to minimise environmental harm and encourages tree and hedgerow planting to replace any such features lost through development.
- 8.96** The application is supported by an Arboricultural Impact Assessment which identifies that the site consists of mature well established boundary hedges. In the centre of the site is a dense hedge line that divides the site. Overall 19 trees, 8 groups of trees and 9 hedgerows were recorded in the survey. The majority of the trees are categorised as Category C (low quality) and B (moderate quality) following the BS5837:2012 categorisation process. There are no Category A trees or Tree Preservation Orders within the application site.
- 8.97** The application proposes the retention of all the Category B trees/tree groups, which are located on either the southern boundary or eastern boundary of the site. The existing hedgerow/shrub features running north/south in the northern part of the site are also to be retained.
- 8.98** The application proposes the removal of 12 trees and 2 tree groups to facilitate the development. All removals are classified as Category C (low quality). The Council's Tree Officer has confirmed that none of the trees are of significant amenity value. However, the officer notes that taken as a whole, this is a substantial amount of tree removal and mitigation for the loss should be agreed.
- 8.99** In terms of replacement planting, a total of 75 new trees are proposed to be planted across the site. This significant replacement planting includes street trees, boundary planting, and a new orchard to the east of the centrally retained hedgerow/scrub. Officers consider that this replacement planting will enhance the visual amenity of the development proposals and adequately mitigates the loss of trees, such loss being necessary to facilitate the development.
- 8.100** The Council's Tree Officer has raised some issues with regard to the proposed species planting and the diversity of new planting within the orchard. Similarly issues have also been raised about the proposed root protection measures for some of the retained trees. To address these issues, it is recommended that planning conditions are imposed requiring further details of species (notwithstanding the submitted details), and an Arboricultural Method Statement to control works within the root protection areas.
- 8.101** Subject to the imposition of appropriate conditions to protect retained trees and to secure mitigation planting, the application is considered acceptable with regard to arboricultural impacts.

Heritage Assets

- 8.102** Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the Council to have special regard to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest which they possess.

- 8.103** Paragraph 194 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 8.104** The Council's Conservation Officer has been consulted on the application and advises that there are no known heritage assets that would be affected by this proposal and raises no objection.
- 8.105** With regard to archaeology, the County Archaeologist has been consulted on the application and advises that the site was subject to an archaeological desk-based assessment, geophysical survey and trial trenching in 2014. The investigations identified a settlement enclosure of the later prehistoric period in one part of the site and post-settings indicate that archaeological remains relating to structures will be present. In addition, a pit was found of a type commonly associated with grain storage in the Iron Age. To the south of the enclosure a ditch of the Roman period may indicate activity of that date.
- 8.106** The County Archaeologist has advised that it is clear from the results of the evaluation that the archaeological remains present within the application site are not of the first order of preservation. The prehistoric and Roman archaeology has been subjected to later ploughing, with the result that all surfaces formerly associated with the remains have been destroyed. As such the County Archaeologist has no objection to the principle of development of this site, subject to the imposition of a condition requiring the implementation of an appropriate programme of work to excavate and record any significant archaeological remains prior to the commencement of development in order to mitigate the ground impacts of this scheme.
- 8.107** In light of this, the application is considered acceptable in regard to heritage assets and archaeology.

Open Space, Outdoor Recreation and Sports Facilities

- 8.108** The NPPF sets out that planning decisions should aim to achieve healthy inclusive and safe communities including promoting social interaction and creating healthy, inclusive communities. Planning decisions should enable and support healthy lifestyles including through the provision of safe and accessible green infrastructure and sports facilities.
- 8.109** JCS Policy INF4 provides where new residential will create or add to, a need for community facilities, it will be fully met as on site provision and/or as a contribution to facilities or services off-site. JCS Policies INF6 and INF7 support this requirement.
- 8.110** Policy RCN1 of the TBP requires that new development shall provide appropriate public open space, sports pitches and built sports facilities to meet the needs of local communities and that provision should be informed by the most up to date evidence base.

- 8.111** The proposed site layout incorporates approximately 0.55 hectares of formal and informal public outdoor space, excluding the SuDS pond. The specification of the LEAP can be secured by planning condition. The on-site formal and informal open space provision is considered acceptable.
- 8.112** In terms of off-site provision, the Council's Communities Team have requested the following contributions for outdoor sports and community facilities based on the most up to date evidence base.
- Artificial Grass Pitches Contribution - £3,354 (Winchcombe Sports Hub being the closest 3G pitch to this development).
 - Indoor Bowls Contribution - £877 (Alderton Village Hall).
 - Sports Halls Contribution - £22,136 (Alderton Village Hall towards resurfacing the flooring to play sports).
 - Swimming Pools Contribution - £24,568.
 - Community Centre Contribution - £21,826 (Alderton Village Hall improvements to reconfigure the village hall to enable more than one group/hirer to use the facility at the same time).
 - Playing Pitches and Associated Infrastructure Contribution - £20,619 (towards pitch maintenance at existing playing pitches due ongoing mole problem and creating parking).
 - Improvements to facilities at Alderton Community Allotments - £10,332 (towards compostable toilet and/or creation/sub-division of the plots).
- 8.113** The applicant has confirmed that they are agreeable to these planning obligations in principle and they are capable of being resolved and secured through the signing of an appropriate S106 legal agreement.

Education and Libraries

- 8.114** JCS Policy INF6 relates directly to infrastructure delivery and states that any infrastructure requirements generated as a result of individual site proposals and/or having regard to the cumulative impacts, should be served and supported by adequate and appropriate on/off-site infrastructure and services. The Local Planning Authority will seek to secure appropriate infrastructure, which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Policy INF4 of the JCS requires appropriate social and community infrastructure to be delivered where development creates a need for it. JCS Policy INF7 states the arrangements for direct implementation or financial contributions towards the provision of infrastructure and services should be negotiated with developers before the grant of planning permission. Financial contributions will be sought through S106 and CIL mechanisms as appropriate.
- 8.115** Gloucestershire County Council as Local Education Authority (LEA) has been consulted on the application and has not requested contributions to primary and secondary school places as there is adequate capacity in Oak Hill Primary School/Winchcombe Primary School and Cleeve/Tewkesbury Secondary Schools. However, as set out above, due to the distance of the schools from the application site, Gloucestershire County Council is seeking transport contributions towards the secondary age establishments with spare capacity rather than contributions towards providing additional places arising from this development at the closest school (Winchcombe).

- 8.116** In terms of libraries, Gloucestershire County Council has advised that the scheme would generate a need to improving customer access to services through refurbishment and upgrades, improvements to stock, IT and digital technology and increased services at Winchcombe Library. As such a contribution of £9,408 is required to make the application acceptable in planning terms.
- 8.117** The applicant has confirmed that these contributions are acceptable in principle and although there is currently no signed agreement to secure these contribution requests, they are capable of being resolved through the signing of an appropriate planning obligation.

Section 106 obligations

8.118 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.

8.119 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.

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

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

- 40% affordable housing
- £33,600 towards the diversion of an existing bus service in the area to provide an effective transport solution for secondary students
- £3,354 Artificial Grass Pitches Contribution
- £877 Indoor Bowls Contribution
- £22,136 Sports Halls Contribution
- £24,568 Swimming Pools Contribution
- £21,826 - Community Centre Contribution
- £20,619 - Playing Pitches and Associated Infrastructure Contribution
- £10,332 – towards improvements to facilities at Alderton Community Allotments (compostable toilet and/or creation/sub-division of the plots)
- £9,408 contribution to Winchcombe Library
- A contribution of £73 per dwelling, which equates to £3,504 towards recycling and waste bin facilities is also required.

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

9. Conclusion

- 9.1** Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70 (2) of the Act provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 9.2** The application site lies outside the defined settlement boundary for Alderton and is not allocated for housing development. The site does not represent previously developed land within the built-up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing TBLP which allow for the type of development proposed here. The proposal therefore conflicts with the spatial strategy and Policies SP2 and SD10 of the JCS, Policy RES3 of the TBLP and Policy H1 of the ANDP.
- 9.3** The proposed development does not meet the strategy for the distribution of new housing in Tewkesbury Borough and the scheme conflicts with the development plan when read as whole. This is the starting point for decision making.
- 9.4** However, on the basis that the Council cannot at this time demonstrate a five-year supply of deliverable housing sites, having a significant shortfall at 3.24 years of deliverable supply, the most important policies for determining the application are deemed to be out of date and less weight can be given to them. Paragraph 11(d) of the NPPF therefore applies.
- 9.5** Paragraph 11(d)(i) relating to protecting areas or assets of particular importance is not engaged in this case. On that basis, planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole.

Benefits

- 9.6** The delivery of 48 market and affordable housing would provide a significant social benefit. Furthermore, there would be economic benefits both during and post construction through the creation of new jobs and the support to existing local services and the local economy.
- 9.7** The applicant has also agreed to a planning condition which would allow for the delivery of housing within a short timeframe (commencement of development with two years rather than three years) which would mean that the proposal would deliver housing in the shorter term and contribute to a deliverable five-year housing land supply. This adds further positive weight in favour of the development.
- 9.8** There are also benefits arising directly from the proposals including the provision of a LEAP, publicly accessible open space and off-site planning obligations. Given that these benefits are directly related to the development, to make the proposal acceptable in planning terms, officers afford these benefits limited weight.

Harms

- 9.9** Harm arises from the conflict with development plan policies relating to the strategy for distribution of housing, namely policies SP2 and SD10 of the JCS, Policy RES3 of the TBLP and Policy H1 of the ANDP. However, it is recognised that these policies are deemed to be out of date as the Council cannot demonstrate a 5-year housing supply. However, Officers afford at least moderate weight to this harm and the conflict with the plan-led approach.
- 9.10** Harm also arises due to the impact of the proposal on the landscape within a designated Special Landscape Area. Overall, officers consider that the landscape impact of the proposal is a matter which weighs moderately against the proposals in the planning balance and the proposal conflicts with Policy SD6 of the JCS. As part of the separate balancing exercise, officers consider that the benefits of the development clearly and demonstrably outweigh the harm arising to the Special Landscape Area and the proposal does not give rise to a conflict with Policy LAN1 of the TBP.
- 9.11** Having regard to the conclusions of recent appeal decisions for residential development in Alderton and the detailed assessment of the issues raised by this proposal, officers consider that there would be a moderate harmful impact on social well-being and social cohesion within Alderton arising from this proposed development taking account of the cumulative impact of residential development.
- 9.12** The proposal would also result in loss of agricultural (grade 3)/equine land and this is a modest harm arising from the proposal.

Neutral

- 9.13** In design terms, the layout in itself is considered to be acceptable and the proposal also does not give rise to any unacceptable impacts on residential amenity. The development would not be at an unacceptable risk of flooding and appropriate drainage infrastructure can be provided. The proposal would not have an adverse impact on designated heritage assets, and archaeological remains would not be adversely affected by this development proposal subject to the imposition of appropriate conditions. The proposal is considered acceptable with regard to highway safety and accessibility. The proposal also provides an acceptable housing mix and does not have an unacceptable impact on trees or biodiversity once mitigation measures are secured and implemented.

Overall Conclusion

- 9.14** This is a case where the 'tilted balance' is engaged through the provisions of the NPPF. Having carefully considered all of the submitted comments and representations, and reviewed the relevant policy and material planning considerations, officers consider that whilst planning harms have been identified, as set out above, these harms, would not significantly and demonstrably outweigh the benefits of the proposed development in the overall planning balance.
- 9.15** For these reasons officers recommend that planning permission is granted subject to appropriate conditions and planning obligations.

10. Recommendation

10.1 This is a case where the 'tilted balance' set out in the NPPF is engaged. Officers consider that whilst planning harms are identified, these harms, would not significantly and demonstrably outweigh the benefits of the proposed development in the overall planning balance and assessment.

10.2 It is therefore recommended:

A. That the Associate Director of Planning is delegated authority to GRANT planning permission subject to the conditions set out below, and any additional or amended conditions, and subject to completion of S106 legal agreements securing the requirements specified in the S106 Obligations section of the report (subject to any amendments arising from ongoing discussions). Where the S106 agreements have not been concluded prior to the Committee, a period not exceeding twelve weeks after the date of the Committee shall be set for the completion of the obligations.

B. In the event that the agreement has not been concluded within the twelve-week period and where, in the opinion of the Associate Director of Planning, there are no extenuating circumstances which would justify a further extension of time, the Assistant Director of Planning is Delegated Authority to REFUSE planning permission for the following reason on the basis that the necessary criteria essential to make what would otherwise be unacceptable development acceptable have not been forthcoming:

1. The applicant has failed to agree to planning obligations to secure the necessary infrastructure contributions and required open space contrary to JCS Policies INF4, INF6 and INF 7 and TBLP Policy RCN1.

11. Conditions

1 The works hereby permitted shall be begun before the expiration of two 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 and in order to contribute to the Council's five year housing land supply

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

- 220609 L 02 01 - Proposed Site Layout Rev L
- 220609 L 02 02 - Boundary Treatments Rev G
- 220609 L 02 03 - House Types Rev H
- 220609 L 02 04 - Car Parking Layout Rev G
- 220609 L 02 05 - Bin and Bike Storage Rev H
- 220609 L 02 06 - EVCP Rev H
- 220609 L 02 07 - Materials Strategy Plan Rev F
- 220609 L 02 09 - Tenure Plan Rev G
- 220609 R 04 01 - Proposed Softworks Schedule Rev C
- 220609 SE 02 01 - Site Elevations
- 220609 GT 01 01 - Single Garage Attached Plans and Elevations
- 220609 GT 02 01 - Single Garage Detached Plans and Elevations
- 220609 GT 03 01 - Double Garage Plans and Elevations
- 220609 GT 01 01 - Twin Garage Plans and Elevations

- 220609 HT A AS 01 01 - HT A AS Floor Plans Rev C
- 220609 HT A AS 02 01 - HT A AS Elevations Rev B
- 220609 HT A OPP 01 01 - HT A OPP Floor Plans Rev A
- 220609 HT A AS 02 01 - HT A OPP Elevations Rev A
- 220609 HT B T1 01 01 - HT B T1 AS Floor Plans Rev B
- 220609 HT B T1 02 01 - HT B T1 AS Elevations Rev A
- 220609 HT B T2 01 01 - HT B T2 AS Floor Plans Rev B
- 220609 HT B T2 02 01 - HT B T2 AS Elevations Rev A
- 220609 HT B T2 01 02 - HT B T2 OPP Floor Plans Rev B
- 220609 HT B T2 02 02 - HT B T2 OPP Elevations Rev A
- 220609 HT C T1 01 01 - HT C T1 AS Floor Plans Rev C
- 220609 HT C T1 02 01 - HT C T1 AS Elevations Rev B
- 220609 HT C T2 01 01 - HT C T2 Floor Plans Rev C
- 220609 HT C T2 02 01 - HT C T2 Elevations Rev B
- 220609 HT D T1 01 01 - HT D T1 Floor Plans Rev B
- 220609 HT D T1 02 01 - HT D T1 Elevations Rev A
- 220609 HT D T2 01 02 - HT D T2 Floor Plans
- 220609 HT D T2 02 02 - HT D T2 Elevations
- 220609 HT E T1 01 01 - HT E T1 AS Floor Plans Rev B
- 220609 HT E T1 02 01 - HT E T1 AS Elevations Rev A
- 220609 HT E T2 01 02 - HT E T2 AS Floor Plans Rev B
- 220609 HT E T2 02 02 - HT E T2 AS Elevations Rev B
- 220609 HT E T2 01 03 - HT E T2 OPP Floor Plans Rev A
- 220609 HT E T2 02 03 - HT E T2 OPP Elevations Rev A
- 220609 HT F T1 01 01 - HT F T1 Floor Plans Rev D
- 220609 HT F T1 02 01 - HT F T1 Elevations Rev B
- 220609 HT F T2 01 01 - HT F T2 Floor Plans Rev A
- 220609 HT F T2 02 01 - HT F T2 Elevations Rev A
- 220609 HT G T1 01 01 - HT G T1 AS Floor Plans Rev D
- 220609 HT G T1 02 01 - HT G T1 AS Elevations Rev B
- 220609 HT G T1 01 02 - HT G T1 OPP Floor Plans Rev C
- 220609 HT G T1 02 02 - HT G T1 OPP Elevations 1 of 2 Rev C
- 220609 HT G T1 02 04 - HT G T1 OPP Elevations 2 of 2 Rev A
- 220609 HT G T2 01 03 - HT G T2 Floor Plans Rev B
- 220609 HT G T2 02 03 - HT G T2 Elevations Rev B
- 220609 HT M T1 01 01 - HT M T1 Floor Plans Rev C
- 220609 HT M T1 02 01 - HT M T1 Elevations Rev B
- 220609 HT M T2 01 01 - HT M T2 OPP Floor Plans Rev B
- 220609 HT M T2 02 01 - HT M T2 OPP Elevations Rev B
- 220609 HT R T1 01 01 - HT R T1 Floor Plans Rev E
- 220609 HT R T1 02 01 - HT R T1 Elevations Rev E
- 220609 HT T1 01 01 - HT T T1 Floor Plans Rev A
- 220609 HT T1 02 01 - HT T T1 Elevations Rev A
- 220609 HT T2 01 02 - HT T T2 Floor Plans Rev A
- 220609 HT T2 02 02 - HT T T2 Elevations Rev A
- 220609 HT V 01 01 - HT V T2 Floor Plans
- 220609 HT V 02 01 - HT V T2 Elevations
- P22-2013-PEG-XX-XX-DR-C-001-S2-P5 - Drainage Strategy

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 Prior to any works comprising the erection of a building drainage plans for the disposal of foul water flows shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of foul drainage.

- 4 The windows serving en-suites and bathrooms in all the dwellings hereby permitted shall, prior to occupation of the dwelling, be fitted with obscure glazing (minimum Pilkington Level 4 or equivalent). The windows shall thereafter be retained as such and not altered without the prior consent of the Local Planning Authority. **(Officer note: Officers are liaising with the applicant regarding this condition and an update will be provided at committee).**

Reason: In the interests of residential amenity

- 5 Notwithstanding the submitted details, no works above DPC level shall take place until precise details of proposed levels, including floor slab levels and ridge heights of proposed buildings, finished ground levels and details of any retaining walls, relative to existing levels on the site and floor levels and ridge levels on adjacent dwellings on Willow Bank Road, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the approved details.

Reason: In the interests of residential and visual amenity

- 6 Notwithstanding the submitted details, no works above DPC level shall take place until samples/details of all external building and boundary treatment materials, including walls, fencing and bollards to be used, have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the samples/details so approved.

Reason: In the interests of residential and visual amenity

- 7 Notwithstanding the submitted landscaping details, no works above DPC level shall take place until details of the size and species of planting have been submitted to and approved in writing by the Local Planning Authority. The submitted landscaping details shall include details of species adjacent to the proposed pedestrian access to provide screening and protect the residential amenity of existing residents.

The planting shall be carried out in accordance with a phasing plan/timescales which has been submitted to and approved in writing by the Local Planning Authority. Any trees or plants which, within a period of ten years from 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 residential and visual amenity.

8. Notwithstanding the submitted details, no works above DPC level shall take place until details of all external surface materials within both public and private amenity areas, including footpaths, have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the details so approved.

Reason: In the interests of visual amenity

9. Notwithstanding the submitted details, prior to the commencement of construction of the attenuation basin, precise details of the proposed engineering works, levels and geometry shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the approved details.

Reason: In the interests of visual amenity

10. Notwithstanding the submitted details, prior to the commencement of construction of the Local Equipped Area for Play, precise details of the proposed play equipment, materials, levels and boundary treatments and surface materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the approved details.

Reason: In the interests of visual and residential amenity

11. Notwithstanding the submitted details, prior to the installation of any street furniture including benches, precise details of the proposed street furniture shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the approved details.

Reason: In the interests of visual amenity

12. 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 54 metres to the south and 60 metres to the north measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the 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.

13. The Development hereby approved shall not be occupied until the access, parking and turning facilities that that individual building to the nearest public highway has been provided as shown on drawing 220609 L 02 01.

Reason: To ensure conformity with submitted details.

14. The development hereby approved shall not be occupied until the offsite works comprising:
- Uncontrolled pedestrian crossing on Willow Bank Road
Have been constructed and completed.

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

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

Reason: To reduce vehicle movements and promote sustainable access.

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

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

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

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

- 18.** Prior to the commencement of development, a Construction Environmental Management Plan to protect residential amenity shall be submitted to and approved in writing by the Local Planning Authority. The detailed Construction Environmental Management Plan to protect residential amenity shall set out the mitigation measures to be employed, during the construction phase, in order to minimise the impact of dust, noise, vibration and lighting on the nearest sensitive receptors. The development shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenity

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

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

- 20.** The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Impact Assessment (Clarkson&Woods, July 2023) and Ecological response letter (Clarkson & Woods, July 2023).

Reason: In the interests of biodiversity

- 21.** Prior to the installation of any external lighting for the development hereby permitted details of the lighting shall be submitted to and approved by the Local Planning Authority. This lighting scheme shall show contour plans highlighting lux levels, specifically when spilling onto adjacent/important habitats for wildlife.

The details shall include, but not be limited to, the following:

- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas;
- ii. Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
- iii. Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species;
- iv. Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate.;
- v. A description of the luminosity of lights and their light colour including a lux contour map;
- vi. A drawing(s) showing the location and where appropriate the elevation of the light fixings; and
- vii. Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)).

The development hereby permitted shall not be carried out otherwise than in accordance with the approved lighting details and the approved lighting details shall thereafter be retained for the lifetime of the development.

Reason: In the interests of biodiversity, dark skies and residential amenity

- 22.** Work shall not start on the development hereby permitted until a Construction Ecological Management Plan (CEMP Biodiversity) for Ecology has been submitted to and approved in writing by the Local Planning Authority. The CEMP Biodiversity shall expand on the mitigation measures and recommendations outlined in the Ecological Impact Assessment (Clarkson & Woods, July 2023) and Ecological response letter (Clarkson & Woods, July 2023). The CEMP (Biodiversity) shall be written in accordance with BS42020, and include mitigation measures for the protection of bats, birds, great crested newt, reptiles, hedgehog and badger, as well as any pollution prevention measures

A copy of the approved CEMP shall be given to the contractors on site to ensure that everyone involved is aware of the requirements to protect wildlife and habitats. The development shall be implemented fully in accordance with the approved CEMP.

Reason: To protect biodiversity.

- 23.** Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be written in accordance with BS42020 and shall expand on the mitigation measures and recommendations outlined in the Ecological Impact Assessment (Clarkson & Woods, July 2023) and Ecological response letter (Clarkson & Woods, July 2023). The LEMP should also detail persons responsible and timetable of implementation. The development shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity.

- 24.** Notwithstanding the submitted details, no works above DPC level shall take place until details of the long term management of the retained boundary hedgerows to the north, west and south of the site, as well as the hedgerow/vegetation to the east of the LEAP have been submitted to and approved in writing by the Local Planning Authority

Reason: In the interests of biodiversity and visual amenity

- 25.** Prior to the commencement of development, including all preparatory ground work, a scheme for the protection of the retained trees, as identified in the Arboricultural Impact Assessment prepared by Treework Environmental Practice dated September 2022, in accordance with BS 5837:2012, including a Tree Protection Plan(s) (TPP) and an Arboricultural Method Statement (AMS), shall be submitted to and approved in writing by the Local Planning Authority. The TPP and AMS should include details of the following:
- i. location and installation of services/ utilities/ drainage;
 - ii. details of construction within the root protection areas that may impact on the retained trees;
 - iii. a full specification for the installation of boundary treatment works;
 - iv. a specification for protective fencing to safeguard trees during construction phases and a plan indicating the alignment of the protective fencing;
 - v. a specification for scaffolding and ground protection within tree protection zones;
 - vi. tree protection during construction indicated on a TPP and construction plan and construction activities clearly identified as prohibited in this area; and,
 - vii. details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.

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

Reason: To protect retained trees

- 26.** No below or above ground development shall commence on any phase of development until a detailed Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The detailed Site waste management plan must identify: -
- the specific types and amount of waste materials forecast to be generated from the development during Site preparation & demolition and construction phases; and the specific measures that will be employed for dealing with this material so as to: -
 - minimise its creation, maximise the amount of re-use and recycling on-Site;
 - maximise the amount of off-Site recycling of any wastes that are unusable on-Site;
 - and reduce the overall amount of waste sent to landfill. In addition, the detailed Site waste management plan must also set out the proposed proportions of recycled content that will be used in construction materials.
 -
- The detailed Site waste management plan shall be fully implemented as approved.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures.

- 27.** No works above DPC level shall take place until full details of the provision made for facilitating the management and recycling of waste generated during occupation for that specific phase has been submitted to and approved in writing by the Local Planning Authority. This must include details of the appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy and not prejudice the local collection authority's ability to meet its waste management targets. All details shall be fully implemented as approved.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures.

12. Informatives

- 1** In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
- 2** The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

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

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

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

- 3** The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk. You will be required to pay fees to cover the Councils cost's in undertaking the following actions:

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

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

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

- 4** The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.
- 5** Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

- 6 It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says: Constructors should give utmost consideration to their impact on neighbours and the public
- Informing, respecting and showing courtesy to those affected by the work;
 - Minimising the impact of deliveries, parking and work on the public highway;
 - Contributing to and supporting the local community and economy; and
 - Working to create a positive and enduring impression, and promoting the Code.

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

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

- 7 Although forming part of the planning application, this Decision Notice does not approve the following plans:
- 220609 L 03 01 - Hardworks Plan Rev E
 - 220609 L 04 01 - Softworks Plan Rev F
 - 220609 L 04 02 - Softworks Plan Rev F
 - 220609 L 04 03 - Softworks Plan Rev F
 - 220609 L 04 04 - Softworks Plan Rev F
 - 220609 R 04 01 - Proposed Softworks Schedule Rev C

Details of surface treatment and paving materials as shown on the Hardworks Plan Rev E are various shades of grey which does not reflect the warmer buff colour of Cotswold stone. These details are unacceptable and details of surface treatments are required to be submitted in accordance with condition 8. The submitted softworks details are also not approved documents and in accordance with the requirements of condition 7 revised details of species, hedgerow and grass mixes are required to be submitted to and approved in writing by the Local Planning Authority.

NOTES

Application boundary



NO.	DATE	DATE
Alderton, Tewkesbury	IV / MC	
Location Plan		
22-05-09 L 01 01	11-20-09/0A1	AUG 22

CliftonEmerydesign

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DRAWING STATUS: PLANNING

NOTES

- Application boundary
- Affordable units



Maintenance corridor to related boundary polygons

Maintenance corridor to related boundary polygons

Enhanced and related boundary polygons are shown to western side edge

NAME: Q123
 DATE: L
 REV/MC: RV/MC
 AUG 22
 1500@A1

Planning Department
 10000 Main Street, Suite 200
 Alderton, Tewkesbury, Gloucestershire, GL20 0AA
 Tel: 01292 268888 | www.cliftonemerydesign.co.uk | info@cliftonemerydesign.co.uk

PROJECT: Alderton, Tewkesbury
 PROPOSED: Proposed Site Layout
 DATE: 22/08/09 L 02 01
 SCALE: 1:500@A1

CliftonEmerydesign
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 DRAWING NO: Q123 - PLANNING

NOTES

- Application boundary
- Buff Brick
- Yellow Buff Brick
- White Brick



NAME	DATE
F	F
REV	KW/MC
DATE	15/09/11
PROJECT	AUG 22

F
 Alderton, Tewkesbury
 Material Strategy Plan
 20099 L0207

CliftonEmerydesign

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 T: 01532 598866 W: www.cliftonemerydesign.co.uk M: 07828 888888
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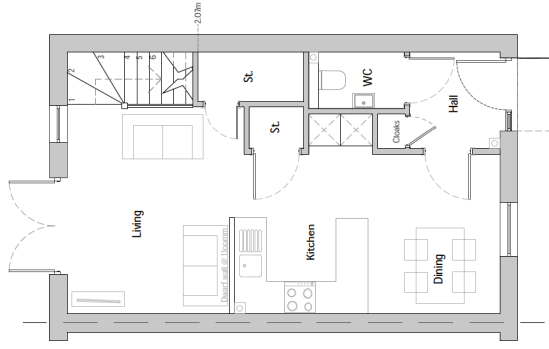
NOTES

- Application boundary
 - Affordable units
 - Affordable Home Ownership
 - Social Rent
 - Open Market
- 19 no. Affordable units in total - 40% of development
 11 no. Social rent units (88% of 19 no. units)
 - 2 no. 1 bed units (82% of 11 no. units)
 - 4 no. 2 bed units (272% of 11 no. units)
 - 2 no. 3 bed units (182% of 11 no. units)
 - 2 no. 4 bed units (182% of 11 no. units)
- 8 no. Shared Ownership units (42% of 19 no. units)
 - 2 no. 1 bed units (25% of 8 no. units)
 - 2 no. 2 bed units (50% of 8 no. units)

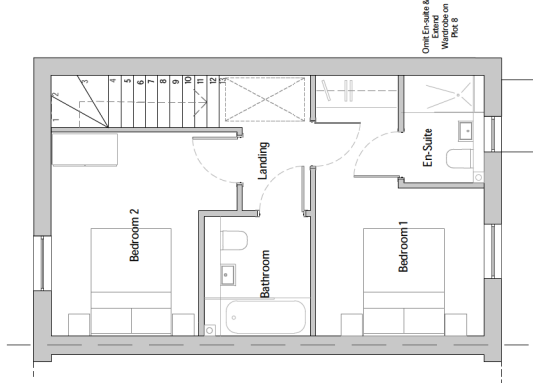


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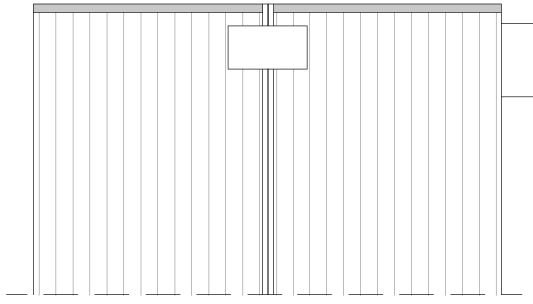
HT B (T2) OPP
 Area: 79 sqm
 850 sqft



Ground Floor Plan



First Floor Plan



Roof Plan
 Plot 6 & 8

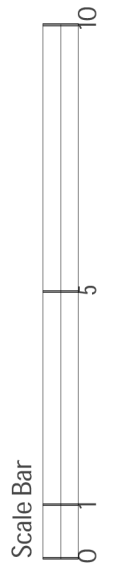
B	Planning resubmission. House Types amended to correlate to site layout revisions	TAUB	16.03.2023
REV.	NOTES	DATE	DATE
	WILLOW BANK ROAD, ALDERTON HT B (T2) OPP - FLOOR PLANS	B	TA/JB
	220609 HT B (T2) 01 02	1:100@A3	JULY 22

CliftonEmerydesign

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DRAWING STATUS: PLANNING REFERENCE: TO2 850

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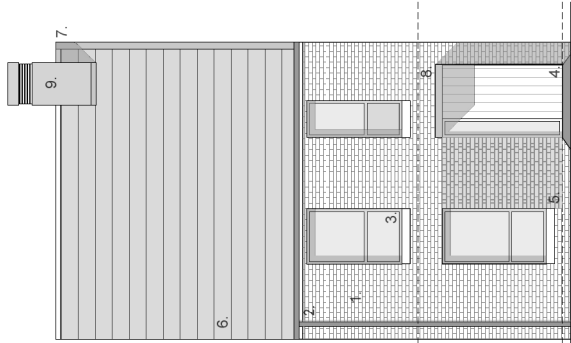


HT B (T2) OPP

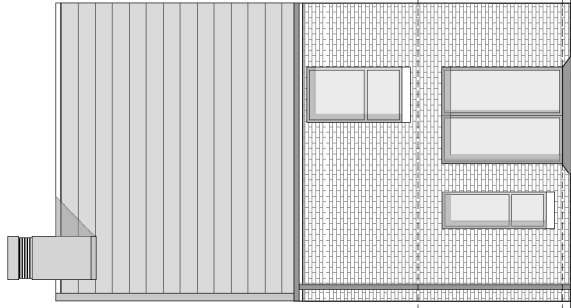
Area: 79 sqm
850 sqft

Materials key:

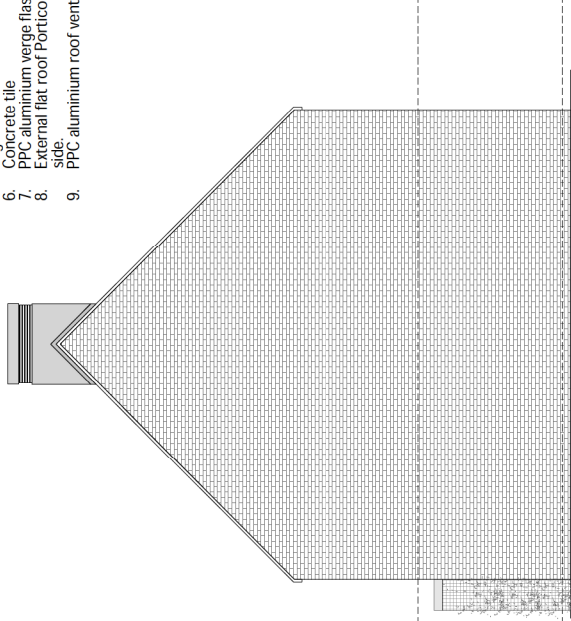
1. Stretcher bond brick (colour – refer to reference plan)
2. Metal rainwater goods
3. Slimline UPVC fish casement window with stone cill
4. Painted composite boarded door
5. English bond brick detailing
6. Concrete tile
7. PPC aluminium surge flashing
8. External flat roof Portico with PPC aluminium lattice to side
9. PPC aluminium roof vent cowl



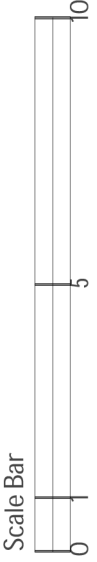
Front Elevation - Plots 6 & 8



Rear Elevation - Plots 6 & 8



Right Side Elevation - Plots 6 & 8



A		Planning resubmission. House Types amended to correlate to site layout revisions	TAUB	16.03.2023
REV	NOTES	DATE		
	WILLOW BANK ROAD, ALDBERTON HT B (T2) OPP - ELEVATIONS	A		
	220609 HT B (T2) 02 02	1:100@A3	TA/ JB	JULY 22

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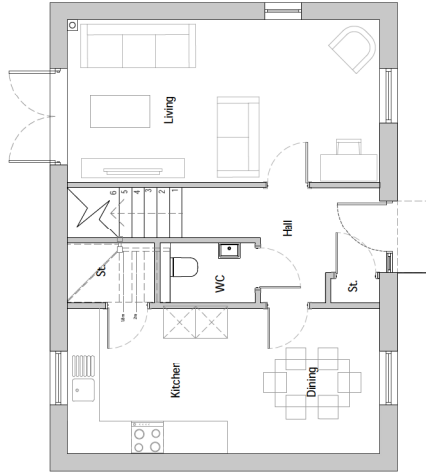
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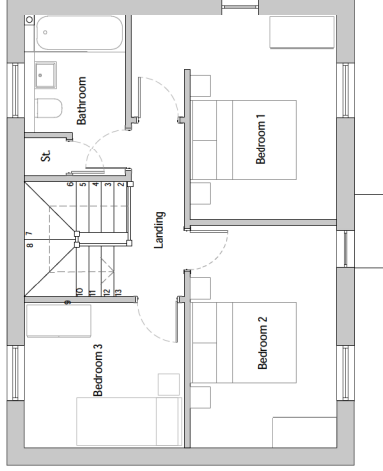
CONTRACTOR: PINK ALLIANCE PARTS. ON: 17.04.2023. DRAWING DATE: 17.04.2023. PLOT NO: 6 & 8. CONTRACTOR: PINK ALLIANCE PARTS.

HT C (T2)

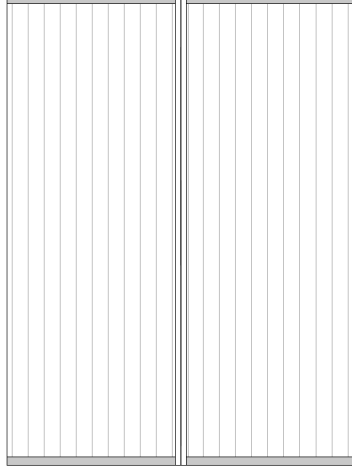
Area: 95.18 sqm
1025 sqft



Ground Floor Plan



First Floor Plan



Roof Plan

C Planning resubmission. House Types amended to correlate to site layout. REVISIONS

TA/JB 16.06.2023

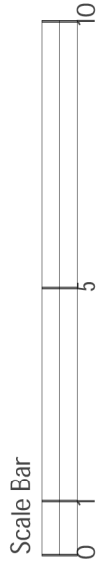
REV	NOTES	DATE
C	WILLOW BANK ROAD, ALBERTON HTC (T2) - FLOOR PLANS	
	AJ/MC	
	1:100@A3	AUG 2022

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DRAWING STATUS: Planning REFERENCE: T03 T025

CONTACT INFORMATION: ALL INFORMATION ON THIS DRAWING IS UNCLASSIFIED AND NOT FOR PUBLICATION

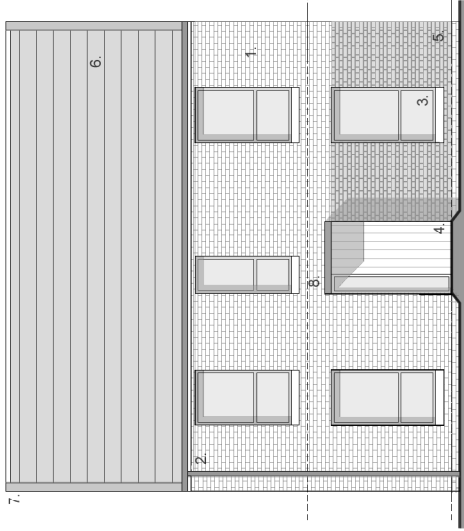


HT C (T2)

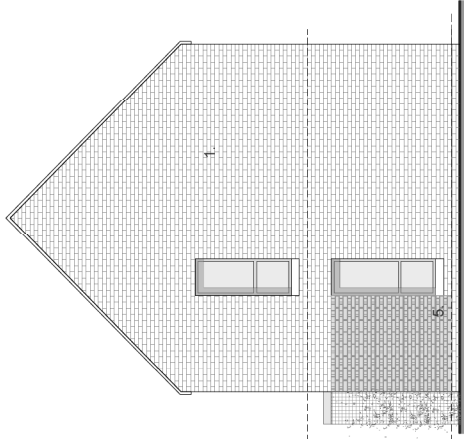
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1025 sqft

Materials key:

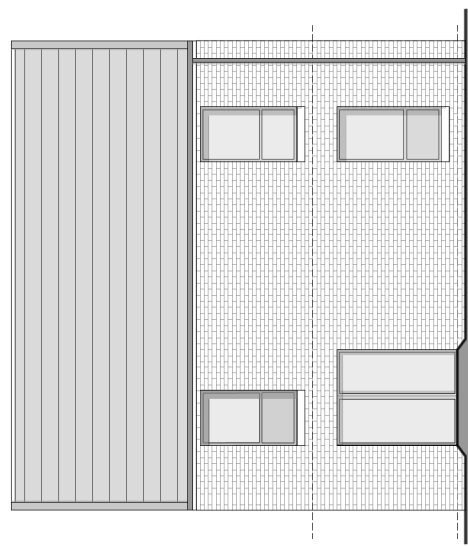
1. Stretcher bond brick (colour - refer to reference plan)
2. Metal rainwater goods
3. Slimline UPVC flush casement window with stone cill
4. Painted composite boarded door
5. English bond brick detailing
6. Concrete tile
7. PPC aluminium verge flashing
8. External flat roof canopy with PPC aluminium lattice to side.



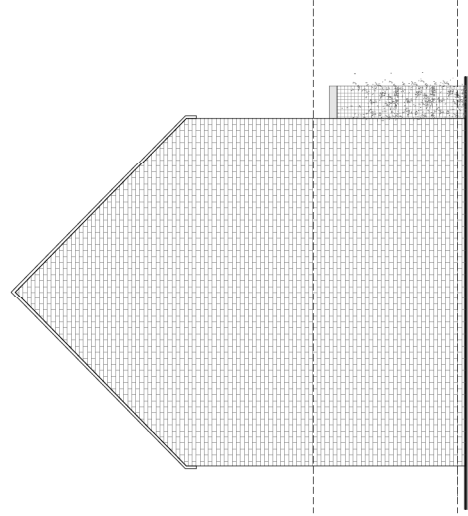
Front Elevation



Right Elevation



Rear Elevation



Left Elevation



B Planning resubmission. House Types amended to conform to site layout revisions

REV	NOTES	DATE
B	WILLOW BANK ROAD, ALDERTON HT C (T2) - ELEVATIONS	16.05.2023
	220609 HT C (T2) 02.01	11:00@A3
		AUG 2022

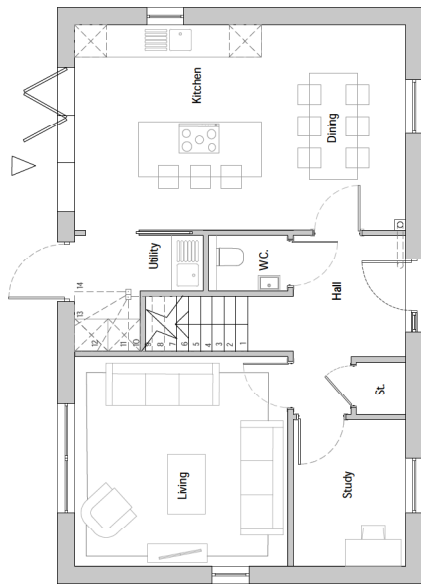
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DRAWING STATUS: Planning REFERENCE: T03 1025

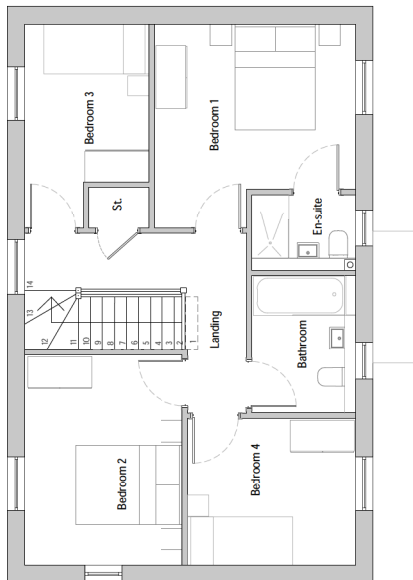
CONTRACT NUMBER: 220609 HT C (T2) 02.01.01. ON: 17/08/2022 10:00:00 AM. THIS DRAWING IS COPYRIGHT © 2022 CLIFTON EMERY DESIGN LTD.

HT M (T1)

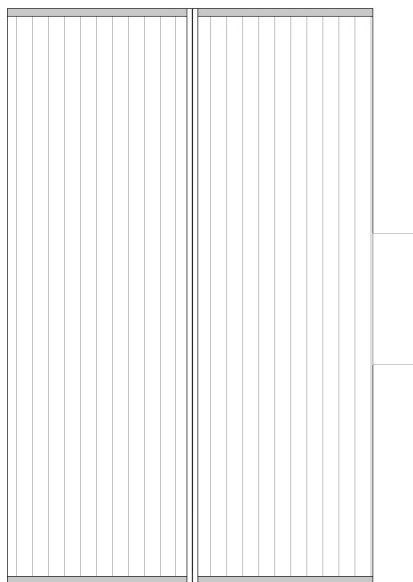
Area: 125.8 sqm
1354 sqft



Ground Floor Plan



First Floor Plan



Roof Plan

C Planning resubmission. House Types amended to correlate to site layout revisions

TAUB 16.06.2023

REV	NOTES	DATE
C	WILLOW BANK ROAD, ALDERTON HT M (T1) - FLOOR PLANS	JH/JB
	220609 HT M (T1) 01 01	1:100@A3
		AUG 22

CliftonEmerydesign

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DRAWING STATUS: PLANNING REFERENCE: T04 1354

CONTRACTOR MUST CHECK ALL DIMENSIONS ON SITE. ONLY FORMED DIMENSIONS ARE TO BE WORKED FROM. C: 1:100@A3

103

Scale Bar

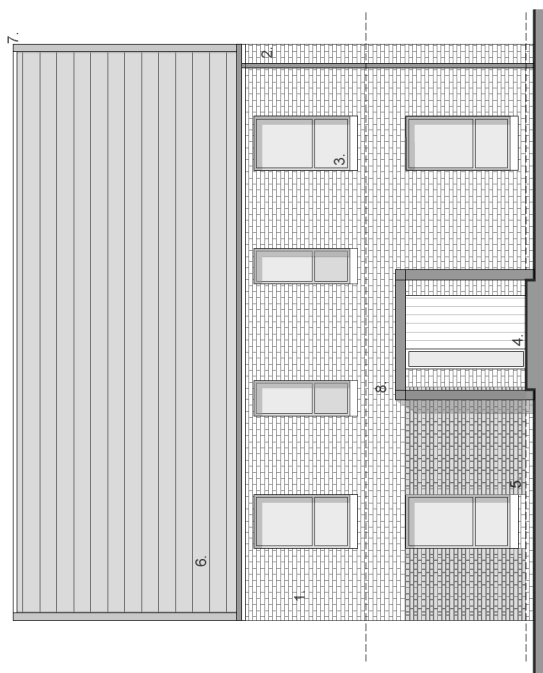


HT M (T1)

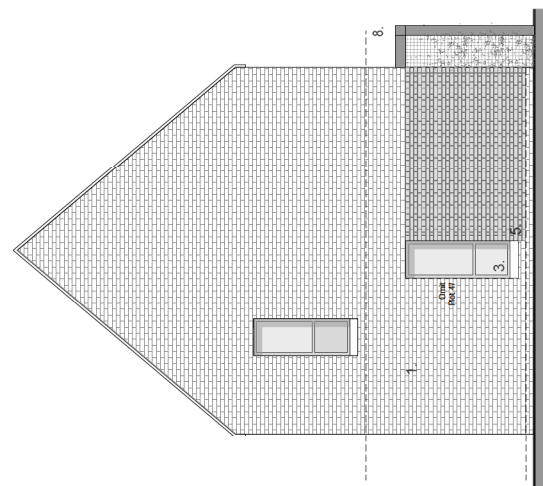
Area: 125.8 sqm
1354 sqft

Materials key:

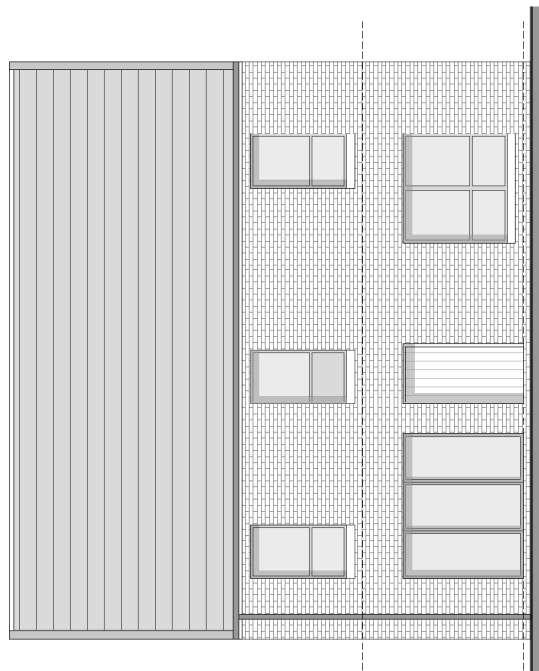
1. Stretcher bond brick (colour - refer to reference plan)
2. Metal rainwater goods
3. Slimline UPVC flush casement window with stone cill
4. Painted composite boarded door
5. English bond brick detailing
6. Concrete tile
7. PPC aluminium verge flashing
8. External flat roof Portico with PPC aluminium lattice to side.



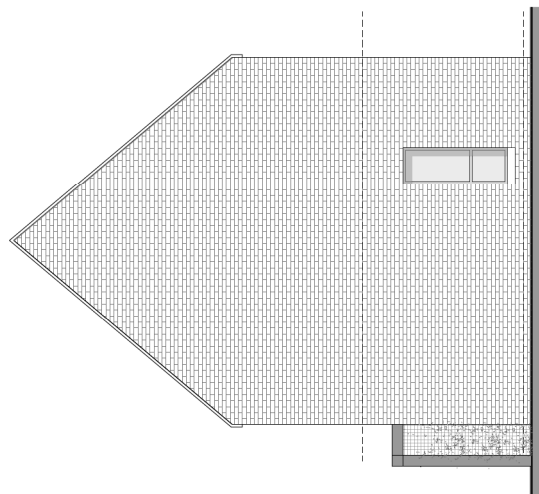
Front Elevation



Left Side Elevation



Rear Elevation



Right Side Elevation

Scale Bar



B Planning permission House Types amended to concrete to site layout
revisions

TAJ/B 16.06.2023

REV	NOTES	DATE
B	WILLOW BANK ROAD - ALDERTON	
	HT M (T1) - ELEVATIONS	PT / JB
	220609 HTM 02 01	1:100 @ A3 Jul 2022

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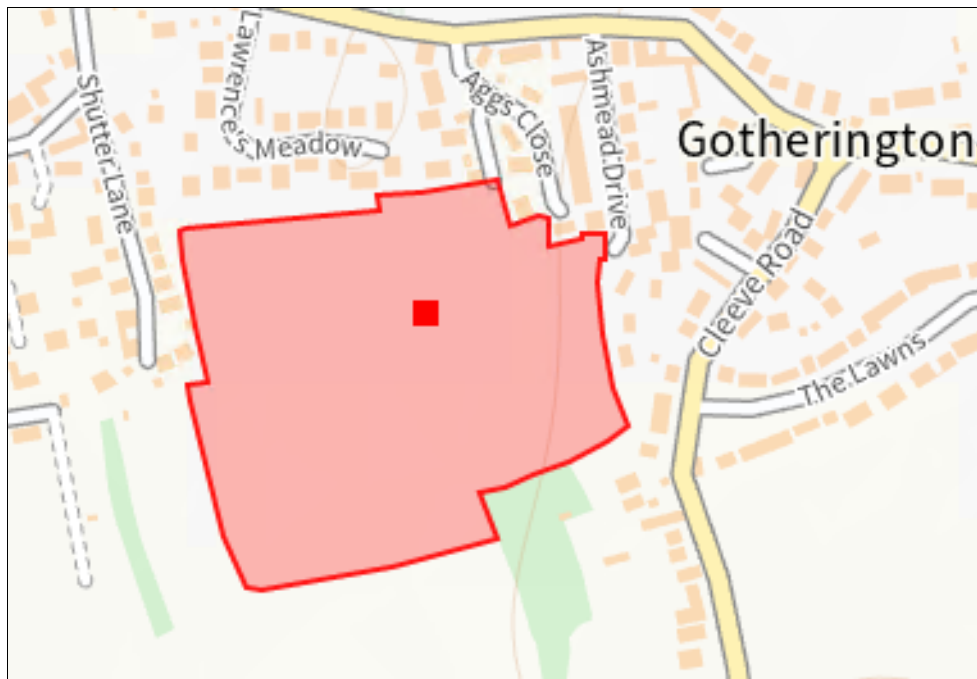
DRAWING - STATUS: **PLANNING** REFERENCE: **T04 1354**

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Planning Committee

Date	21 November 2023
Case Officer	David Lowin
Application No.	23/00086/APP
Site Location	Land Off Aggs Lane, Gotherington
Proposal	Reserved matters application pursuant application ref: 19/01071/OUT (outline planning application with means of access from Ashmead Drive (all other matters reserved for subsequent approval) for the erection of up to 50 dwellings (Class C3); earthworks; drainage works; structural landscaping; formal and informal open space; car parking; site remediation; and all other ancillary and enabling works) for 50 dwellings including appearance, landscape, scale and layout.
Ward	Cleeve Hill
Parish	Gotherington
Appendices	Site Location Plan (001 DE A 05) Site Layout Plan (P22 0634 001 DE AB 1) Streetscenes (P22-0634_004_DE_E_01) MUGA and LEAP Proposals (GL1868 06A) Public Right of Way Diversion Plan (P22 0634 001 DE G 04)
Reason for Referral to Committee	Reserved Matters application for the erection of more than 20 dwelling
Recommendation	Delegated Approve

Site Location



1. The Proposal

Full application details are available to view online at:

<https://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=ROZZ7XQDFJN00>

- 1.1** Outline planning permission (reference 19/01071/OUT) was granted by the Secretary of State for Communities and Local Government (as was) in January 2021. The description of development was as follows:

'The development proposed is an outline planning application with means of access from Ashmead Drive (all other matters reserved for subsequent approval), for the erection of up to 50 dwellings (Class C3); earthworks; drainage works; structural landscaping; formal and informal open space; car parking; site remediation; and all other ancillary and enabling works'
- 1.2** This application seeks approval of the remaining reserved matters, comprising appearance, layout, scale and landscaping pursuant to the outline planning permission.
- 1.3** The reserved matters proposal will deliver 50 dwellings, comprising 40% (20 no.) affordable homes (in accordance with the Section 106 agreement forming part of the outline planning consent), and 30 no. market homes comprising 10 x 2 bedroom dwellings, 5 x 3 bedroom dwellings and 15 x 4+ bedroom dwellings, including 10 bungalows.
- 1.4** The reserved matters proposal takes access from Ashmead Drive as per the outline planning consent, as slightly realigned and amended by a non-material amendment application (22/00815/NMA) approved in January 2023. The proposal also incorporates public open space inclusive of a Multi-Use Games Area (MUGA) and play area in the form of a Locally Equipped Area of Play (LEAP) to the north of the site, SUDS balancing ponds and landscaping throughout the site.

2. Site Description

- 2.1** The application relates to an agricultural field measuring 6.28 hectares, which is located adjacent to the southern edge of Gotherington. It has a gentle slope and is contained by mature hedgerow and tree planting along its boundaries (see attached site location plan).
- 2.2** The site is located within a Special Landscape Area (SLA), with the land to the north and east of Gotherington forming part of the Cotswold Areas of Outstanding Natural Beauty (AONB).
- 2.3** The field boundaries are a mixture of mature species-poor hedgerows, with scattered trees, and non-native and single species hedges bounding residential gardens. The northern, eastern and north-western edges of the site are bounded by residential houses and roads, whilst further arable fields lie beyond the site's southern and south-western boundaries. The wider landscape comprises large areas of arable farmland, with the settlements of Bishop's Cleeve and Cheltenham lying approximately 1.2km and 6km to the south respectively.
- 2.4** Vehicular access into site is to be provided from Ashmead Drive, in accordance with the already approved access details for the site, as set out earlier in this report. A number of public rights of way extend across the site (as shown on the appended Public Right of Way Diversion plan), one of which is proposed to be diverted (FP AGO20), whilst the majority are proposed to be retained in situ.

2.5 There are no Listed Buildings located within the Site. The Holt, a Grade II listed building immediately adjoins the site to the east. The Malt Shovel, Whites Farm, the Homestead and the Shady Nook are all located within 0.1km of the site and have been designated as Grade II Listed.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
73/00179/OUT	Outline application for residential development. Construction of a new vehicular access.	REF	17.01.1973
73/00180/OUT	Outline application for residential development. New estate roads.	REF	18.07.1973
80/00224/OUT	Outline application for residential development on 4.39ha of land. Construction of new estate roads.	WDN	27.02.1980
16/00901/OUT	Outline planning application with means of access from Ashmead Drive to be determined (all other matters reserved for subsequent approval), for the erection of up to 50 dwellings (Class C3); earthworks; drainage works; structural landscaping; formal and informal open space; car parking; site remediation; and all other ancillary and enabling works.	REF	21.02.2017
19/01071/OUT	Outline planning application with means of access from Ashmead Drive to be determined (all other matters reserved for subsequent approval), for the erection of up to 50 dwellings (Class C3); earthworks; drainage works; structural landscaping; formal and informal open space; car parking; site remediation; and all other ancillary and enabling works.	APPEAL ALLOWED	19.06.2020
22/00815/NMA	Non material amendment to planning application 19/01071/OUT to allow for the re-alignment of the access road, amending the approved access drawing number within Condition 4 and 9 of the planning permission.	GRANT	17.01.2023

4. Consultation Responses

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

- 4.1** Gotherington Parish Council – Comments received.
- Concerns about Multi-Use Games Area (MUGA) including:
 - The need and desire for it to be on-site.
 - It's location on site relative to existing residential dwellings and the potential impact this could have upon residential amenity.
 - The design of the MUGA and the age groups it will cater for.
 - Concerns about the potential impact upon footpath users and in particular the potential loss of the permissive footpath route along the site's eastern boundary.
 - Concern regarding some of the bull nose turning heads within the site and their ability to facilitate potential future points of connection.
 - Concern about the height of some homes relative to Cobblers Close.
 - Concerns about the pressure additional homes may put upon the existing exit of footpath AG018 onto Cleeve Road.
 - Concerns that the temporary construction haul road could become a permanent feature, which longer term would be undesirable within a strategic gap.
 - Concerns regarding the principle of development and the approved vehicular access into the site.
- 4.2** Housing – Support the quantum and tenure split which align with the S106 agreement.
- 4.3** Severn Trent Water - No objection subject to conditions.
- 4.4** Natural England - No objection.
- 4.5** Gloucestershire Lead Local Flood Authority - No objection. Comment that the proposed layout and drainage strategy complies with that agreed at the outline stage with the attenuation basin in the southeast corner allowing a surface water connection to the Dean Brook.
- 4.6** County Council Highways Officer - No objection subject to conditions. Comment made that the parking provision and waste servicing arrangements is acceptable, with any detailed design matters to be appropriately considered at the Section 38 technical approval stage. The response concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion and therefore, there are no justifiable grounds on which an objection could be maintained.
- 4.7** Environmental Health – No objection. Comments received – The Construction Environmental Management Plan appears adequate for the site relating to noise and dust control measures including site hours. Comments made that whilst MUGAs can cause disturbance as a result of perceived anti-social behaviour, they are commonly found on new developments to create positive play opportunities. It is acknowledged that the MUGA is centrally located within the public open space and that to relocate it would mean moving it closer to either new or existing residents. Recommendations are made for the MUGA to be constructed in accordance with good noise practice.
- 4.8** Ecology - No objection subject to the site demonstrating a Biodiversity Net Gain updating the material submitted at Outline stage to account for proposed landscaping in both habitat and hedgerow units.
- 4.9** Archaeology - No objection

- 4.10** Tree Officer – Detailed further information awaited from applicants to update and produce such material as to satisfy condition 17 on the outline consent to protect retained trees and an Arboricultural Method statement.
- 4.11** Minerals and Waste - No objection
- 4.12** Conservation Officer- No objection. It is noted that in the signed statement of common ground for the outline application planning appeal the Council accepted the following position regarding built heritage: "The appeal site has no impact upon the setting of The Holt, The Malt Shovel, Whites Farm, The Homestead nor the Shady Nook all of which are designated by Historic England as Grade II Listed buildings."
- 4.13** The reserved matters proposal is similar and therefore, there is no reason to consider that the same position is not relevant to this current proposal. As such no objection is raised on grounds of impact upon designated heritage assets.
- 4.14** Community and Place Development Officer – No objection in principle. Comments made as follows regarding the MUGA and LEAP:
- Need for compliance with the relevant British Standards and regulations.
 - Need to appropriately balance play opportunities for different age groups.
 - Need to ensure all planting is sufficiently distant from sport/play equipment to avoid encroachment and making the playing surfaces slippery.
 - Need to ensure planting within the open space does not unduly interfere with the natural surveillance of the play spaces.
 - Acknowledgement of the reasons why no fence is proposed around the MUGA in this location, but comment made that this could hinder the useability of the MUGA and impact upon footpath users.
 - A lack of floodlights is acceptable in principle in this location, but comment is made that this could hinder the useability of the MUGA in the autumn/winter months.
 - Bins should be provided as required.
- 4.15** Designing Out Crime Officer – Comments made. Concerns have been raised in relation to the potential for anti-social behaviour where footpaths relate to screen walls, a lack of defensible space to the front of some of the homes around the periphery of the development, the relationship between some lower levels and higher level walls (which people could then climb), the size and surveillance of some car parking spaces and the proximity of some of the affordable homes to the MUGA and LEAP.
- 4.16** Public Rights of Way – Standing advice provided regarding restrictions upon works to public rights of way prior to temporary and permanent footpath diversions being made as necessary.
- 4.17** Landscape Officer – No objection in principle, ongoing negotiations with respect to details of play equipment and other minor but detailed concerns.

5. Third Party Comments/Observations

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

5.1 The application has been publicised through the posting of a site notice for a period of 21 days. Thirty-three third party representations and a report from a Consultancy have been received and are summarised below:

- Highway safety concerns relating to the proposed access from Ashmead Drive, the junction of Ashmead Drive and Malleson Road, the propensity for parked vehicles along Malleson Road (and Lawrences Meadow), the lack of traffic calming proposed.
- Concerns relating to the MUGA with regard to the need for it (relative to existing local facilities), a preference for this to remain a green and open part of the site, its potential to give rise to noise pollution and anti-social behaviour, increased parking pressures, separation distances, the potential for it to be floodlit and its potential impact upon existing resident's quality of life.
- Concern regarding the negative impact the development will have upon the environment, the extent of landscape buffer to the east of the site and the omission of the permissive footpath along this boundary from the initial proposal.
- The development should not have streetlighting to reflect the character of Gotherington and to avoid potential light pollution issues.
- The ridge height and design of some of some of the 2-storey homes appears incongruous with an unnecessary number of larger homes proposed.
- The unsuitability of Ashmead Drive for construction traffic. The proposal that construction traffic accesses the site from the south is noted, with some suggesting that this should comprise the longer term permanent site access also. It is referenced that construction operating and delivery hours need to consider peak school times and local major events.
- Concern regarding some of the bull nose turning heads within the site and their ability to facilitate potential future points of connection.
- The affordable homes upon the site should be prioritised for the people of Gotherington, meet local needs and be further distributed around the site.
- The provision of bungalows is generally welcomed, but a restriction should be put upon them to stop them being converted into 2-storey homes in the future.
- No allowance for self and custom build homes has been made.
- The impact the development and the pumping station will have upon users of the existing footpath network.
- The proposed development has the capacity to overwhelm the existing sewer network.

- The village has already taken substantial new growth and this development will change the shape of the village and put additional strain on services and facilities.
- The development will spoil views from existing resident's properties adjacent the site and amenity will be compromised for those residents.
- Insufficient parking has been provided and the garages are too small for larger cars.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

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

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

6.2 National guidance

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

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

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

6.4 Tewkesbury Borough Local Plan to 2011-2031 (TBLP) – 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 Gotherington Neighbourhood Development Plan – 2011-2031 (Made 19th Sept 2017)

- 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 Country
- Policy GNDP04 – Securing a Suitable Mix of House Types and Sizes in New Development
- Policy GNDP05 – Protecting Existing and Development New Community Assets
- Policy GNDP06 – Protecting and Enhancing Local Green Space
- Policy GNDP07 – Gotherington Design Principles
- Policy GNDP08 – Development Affecting Non-Designated Heritage Assets
- Policy GNDP09 – Protecting and Enhancing the Local Landscape
- Policy GNDP10 – Protecting Locally Significant Views
- Policy GNDP11 – Development Outside of the Defined Settlement Boundary
- Policy GNDP12 – Biodiversity

Other relevant policies/legislation

6.6

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

7. Policy Context

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

8. Evaluation

Conditional Requirements

- 8.1** The outline permission included two conditions which required the submission of additional information as part of any reserved matters application and these conditions are summarised below:
- Condition 16 – Requires the submission of a housing mix statement setting out an appropriate mix of dwelling sizes, types and tenures to be provided on site that will contribute to a mixed and balanced housing market and which considers the needs of the local area and of older people. This information has been submitted as part of the reserved matters application.
 - Condition 17 – Requires the submission of an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) in accordance with the most up-to-date British Standards. This information has been submitted as part of the reserved matters application.
- 8.2** Information has also been submitted relating to the discharge of other conditions and whilst this information has been considered and found to be broadly acceptable, the applicant has been advised that these conditions cannot be discharged through the reserved matters and a separate condition discharge application will need to be made accordingly (Condition 5: Construction Ecological Management Plan and Condition 8: Construction Method Statement).
- 8.3** Condition 18 requires the reserved matters application to be for no more than 50 dwellings. The scheme submitted is for 50 dwellings.
- 8.4** The outline permission was also subject to Section 106 agreements with the Borough Council and Gloucestershire County Council. These matters also need to be taken into account when considering these reserved matters and are discussed where relevant in the following sections of this report.
- 8.5** The application is supported by a range of plans and technical documents including the following:
- Site Location Plan (001 DE A 05)
 - Site Layout Plan (P22 0634 001 DE AB 1)
 - MUGA and LEAP Proposals (GL1868 06B)
 - Public Right of Way Diversion Plan (P22 0634 001 DE G 04)
 - Enclosure Details (P22-0634_001_DE_B_09)
 - Building Heights Plan (P22-0634_001_DE_i_07)
 - Boundary Treatments Plan (P22-0634_001_DE_i_08)
 - Access, Movement & Parking Plan (P22-0634_001_DE_i_06)
 - Materials Plan (P22-0634_001_DE_J_02)
 - House Type Pack (P22 0634 003 DE M 1)
 - Drainage Layout Sheet 1 (27340_02_010_01.1-E)
 - Drainage Layout Sheet 2 (27340_02_010_01.2-C)
 - Levels & Retaining Measures (27340_02_010_02-C)
 - Viability Cut & Fill (27340_02_010_03-C)
 - Biodiversity Net Gain Assessment (ADG-BWB-ZZ-XX-RP-LE-0002_BNG P02)

-
- Arboricultural Method Statement and Tree Protection Plan (Met5365.Gotherington.Hayfield.AMS - AMS and TPP)
 - Soft Landscape Proposals Sheet 1 (GL1868 02C)
 - Soft Landscape Proposals Sheet 2 (GL1868 03C)
 - Soft Landscape Proposals Sheet 3 (GL1868 04C)
 - Soft Landscape Proposals Sheet (GL1868 05C)
 - Streetscenes (P22-0634_004_DE_E_01)
 - Refuse Vehicle Swept Path Layout (27340_08_020_01-D)
 - Design Statement (P22-0634_005_DE_i_01)
 - Construction Management Plan (06.09.22)
 - Housing Mix Report (RCA731c)

Principle of development

- 8.6** Outline planning permission (reference 19/01071/OUT) was granted by the Secretary of State for Communities and Local Government (as was) in January 2021. The description of development was as follows:
- 8.7** 'The development proposed is an outline planning application with means of access from Ashmead Drive (all other matters reserved for subsequent approval), for the erection of up to 50 dwellings (Class C3); earthworks; drainage works; structural landscaping; formal and informal open space; car parking; site remediation; and all other ancillary and enabling works)'
- 8.8** Therefore, the principle of residential development at the site has been established through the grant of outline planning permission. This application relates to the approval of the reserved matters in respect of layout, appearance, landscaping and the scale of the development.
- 8.9** The key issues in relation to this reserved matters application are considered to be:
- Layout, Appearance, Scale and Density;
 - Access, Turning, Parking and Highway Safety;
 - Trees, Landscaping and Open Space;
 - Multi-Use Games Area (MUGA) and Locally Equipped Area of Play (LEAP);
 - Residential Amenity;
 - Affordable Housing;
 - Housing Mix;
 - Drainage and Flood Risk;
 - Ecology and Biodiversity;
 - Public Rights of Way; and
 - Heritage Assets.

Layout, Appearance, Scale and Density

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

- 8.11** Policy SD4 of the JCS advises that new development should respond positively to and respect the character of the site and its surroundings, enhance local distinctiveness and the grain of the locality. Policy INF3 states that where green infrastructure assets are created, retained or replaced within a scheme they should be properly integrated into the design and contribute to local character and distinctiveness.
- 8.12** Policy RES5 of the TBLP states that proposals should be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being integrated within it.
- 8.13** Policy GNDP07 of the Gotherington Neighbourhood Plan establishes design principles that new development must preserve the setting and identity of the village, include appropriate boundary treatments for their surroundings, retain existing movement routes and footpath links where appropriate and reasonable, be of a suitable design (regarding materials, heights and layout) to enhance village character, minimise light pollution and provide off-road car parking.
- 8.14** Condition 15 of the outline approval requires that any reserved matters application for this site should be generally in accordance with the parameters described in the Design and Access Statement (December 2019) and the Illustrative Site Layout (BM-M-01 Revision A).
- 8.15** In allowing the appeal, the Inspector considered that both these documents provided an illustrative set of appropriate design parameters with regards to layout, appearance, landscaping and scale, such that a similarly design reserved matters proposal could come forward in conformity with the above identified relevant design policies.
- 8.16** It is Officers opinion that this reserved matters application has come forward in general accordance with the principles established at the outline planning application stage.
- 8.17** The layout of the site respects the established design parameters by concentrating the built form of the development within the centre of the site, inclusive of a central green area (albeit limited in scale), with the northern extent of development being controlled by the retention of footpath AG019 in situ. To the north of this a substantive area of open space is proposed, including a multi-use games area (MUGA) and locally-equipped area of play (LEAP), encapsulated within an amenity meadow area with interspersed native tree planting.
- 8.18** A new “wildlife pond” is to be created in the foreground of the development’s access from Ashmead Drive to create a positive entrance to the site, with this pond also including a ‘dipping platform’.
- 8.19** Whilst a substation is also located close to the site’s access, with a second substation being located to the north-west of the site and a pumping station (largely a below ground feature) close to footpath AG018, which will be visual detractors from users of the open space, the location of such infrastructure is guided by the technical constraints of the site and the infrastructure provider’s requirements and in this instance, alternative more subtle locations were not considered feasible. However, landscaping has been included nearby these pieces of infrastructure to help soften their appearance and limit their visual impact.
- 8.20** A sustainable urban drainage feature in the form of an above ground attenuation basin is proposed to the south-west of the site, which is proposed to be appropriately landscaped to provide a drainage and environmental function.

- 8.21** As per the appended Public Right of Way Diversion Plan (P22 0634 001 DE G 04), all footpaths are to be retained in situ aside from footpath AG020, which is proposed to be diverted as it not reasonably considered that this footpath could remain in situ without prohibiting the proposal from coming forward in an otherwise legible and mostly outward facing manner, as is preferable from an urban design perspective.
- 8.22** Therefore, footpath AG020 is proposed to be diverted through the south-eastern periphery of the site set within a wider landscape corridor, which will comprise a pleasant walking route around the development.
- 8.23** Further to local engagement the applicant has also updated the proposal to incorporate the existing permissive footpath along the eastern boundary of the site, which in conjunction with the proposed diversion of footpath AG020 will create a new loop walking route around the entire periphery of the site. Whilst the corridor dedicated to this eastern footpath is limited, its inclusion is considered a betterment to the proposal as originally submitted and in Officer's opinion, is acceptable in terms of the site's overall layout.
- 8.24** The dwellings, in the applicant's view, have been designed to seek to reflect the prevailing local architectural style and include a number of design features such as gables, parapet walls, stone heads and sills and varied canopies throughout to add visual interest. The proposal includes appropriate materials in the view of the applicants, comprising reconstituted stone, grey and brown roof tiles and timber boarding. The detailed palette of materials has not been agreed and a condition is therefore proposed. Means of enclosure in the public realm are also varied, ranging between high and low-level reconstituted stone walls, timber post and rail fencing, knee railing and soft landscaping.
- 8.25** With regards to scale, the proposal incorporates a mixture of one and two storey homes, with 13 bungalows included across both the market and affordable homes. The new homes sited to the west of Cobblers Close are all bungalows, to provide a suitable design response to this sensitive edge of existing homes. The proposed dwellings are also separated from the boundary with these existing homes by a landscape buffer to provide suitable separation. The scale and height of the 2-storey homes within the development is considered to be acceptable relative to the surrounding context.
- 8.26** With regards to density, the proposal is for 50 homes, in-keeping with the requirements of the outline planning consent and the distribution of homes does not interfere with the ability of the site to otherwise deliver meaningful areas of open space as envisaged at the outline application stage. Therefore, the density of the proposal is considered acceptable.
- 8.27** Overall officers consider that the scale, layout and appearance of the application is generally acceptable and in general accordance with the requirements of policies SD4, RES5 and GNDP07 as set out above. However, there remain some matters of detail to resolve, which at the time of writing, is actively being addressed by the applicant. The matters in hand relate to the detailed design of several house types to which amendments are sought. The proposed external materials are also being reviewed to seek replacement of the use of timber/fibre cement weather boarding, which is not considered characteristic of the locality, and its replacement with re-constituted stone and/ or red brick, to provide variety in the street scene. The replacement of post and rail fencing with metal estate fencing is also being considered in the interests of the long-term durability and appearance of the development. Members will be provided with an update on these issues at the meeting.

Access, Turning, Parking and Highway Safety

- 8.28** Policy INF1 of the JCS advises that proposals should ensure safe and efficient access to the highway network is provided for all transport modes and that the impact of development does not have a severe impact upon the highway network. Policy SD4 (vii) also requires development to be well integrated with the movement network within and beyond the development itself, ensuring links by other modes and to green infrastructure. Policy GNDP07 of the Gotherington Neighbourhood Plan identifies that new development must retain existing movement routes and footpath links where appropriate and reasonable, minimise light pollution and provide sufficient off-road car parking.
- 8.29** Vehicular and pedestrian access to the site via Ashmead Drive has already been considered and deemed acceptable at the outline planning application stage, as subsequently varied via application 22/00815/NMA, which permitted minor adjustments to the proposed new access road's carriageway alignment. Therefore, access is not a reserved matter to be considered as part of this reserved matters application.
- 8.30** The Highways Authority has assessed the scheme and commented that the parking provision and waste servicing arrangements is acceptable, meeting the requirements of Manual for Gloucestershire Streets. An adoption plan was requested by the Highway Authority, which the applicant provided to the satisfaction of the Highway Authority.
- 8.31** The Highway Authority also commented on a number of detailed design matters relating to route management systems, pedestrian links, future agricultural access and egress, and substation access, but the Highway Authority have confirmed that these are matters which can be suitably addressed at the Section 38 technical approval stage and therefore, do not require further consideration as part of this reserved matters application.
- 8.32** Officers consider that the road layout, block sizes and pedestrian links proposed generally accord with the parameters established at the outline planning application stage. All routes within the site are necessary and serve a specific function with natural surveillance promoted through a road pattern which enables outward facing development parcels.
- 8.33** A series of primary, secondary and tertiary streets and/or private drives are appropriately utilised throughout the development. Street trees have been provided along the primary movement route in accordance with the requirements of paragraph 131 of the NPPF, and this is considered acceptable. Grass verges are also evident and will enhance the quality of the street scene.
- 8.34** All properties are provided with a sufficient number of on-plot parking spaces, with many homes over-providing with regards to on-plot parking to reduce the need for on-street parking. Where this is the case, additional parking spaces are provided to the side of dwellings, rather than to the front, to ensure these spaces are accommodated in a manner which will not unduly compromise the street-scene.
- 8.35** The Highways Authority consider that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion and therefore, there are no justifiable grounds on which an objection could be maintained.
- 8.36** It is therefore considered that the access, internal road layout and car parking provision is acceptable and accords with Policies INF1 and SD4 of the JCS, Policy GNDP07 of the GNDP and the NPPF.

Trees, Landscaping and Open Space

- 8.37** JCS Policy SD6 seeks to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. All applications will consider the landscape and visual sensitivity of the area in which they are to be located and which they may affect. JCS Policy SD4 (iv) requires the design of open space and landscaped areas to be of a high quality design, providing a clear structure and constitute an integral and cohesive element of the design. JCS Policy INF3 states that existing green infrastructure will be protected in a manner which reflects its contribution to ecosystem services.
- 8.38** Policy GNDP09 identifies that to protect and enhance the landscape of the Gotherington Neighbourhood Plan Area, development proposals will have to demonstrate that they will not have a detrimental impact upon views to and from surrounding hills, the AONB and views from the Gloucester Vale. It is also noted that hedgerows and mature trees will be preserved, the sense of enclosure within Gotherington will be maintained and existing field and settlement patterns will be preserved. Policy GNDP10 identifies that identified 'special views' will be given special consideration when assessing planning applications. This includes views 11, 12 and 13 as identified in the GNDP.
- 8.39** When assessing the acceptability of the proposed landscape impact the development would have at the outline planning application appeal stage, the Inspector considered the impact of the proposed development upon the Special Landscape Area, the setting of the AONB with regards to views both to and from the AONB (and other relevant viewpoints including the relevant viewpoints identified in the GNDP), coalescence between Gotherington and Bishops Cleeve and the linear form of Gotherington.
- 8.40** In allowing the appeal the Inspector concluded that development of the site would not appear as a significant encroachment into the surrounding rural landscape that could be considered as harmful or disproportionate. The gap between villages would be maintained and the linear nature of Gotherington would not be adversely affected. Views towards the AONB from the site would change, but with the views that would become available from the open space, the effect would be acceptable.
- 8.41** However, the Inspector did conclude that there would inevitably be a permanent change to the landscape character of the area by the development of a greenfield site with housing and therefore, there would be some limited harm. There would be a moderately adverse effect from the viewpoint at Nottingham Hill. Furthermore, whilst the effect on the view from Cleeve Hill would be neutral, it would not enhance landscape and scenic beauty. Therefore, when looking at the overall effect, the Inspector concluded that the proposal would lead to some limited harm to landscape character and appearance of the area and the setting of the AONB and there would be overall moderate harm to views from the AONB, to which great weight was afforded.
- 8.42** Notwithstanding the above, the Inspector allowed the appeal as on balance, they deemed that the benefits of the proposal demonstrably outweighed these harms in accordance with the Framework.

- 8.43** As set out previously, condition 15 of the outline approval requires that any reserved matters application for this site should be generally in accordance with the parameters described in the Design and Access Statement (December 2019) and the Illustrative Site Layout (BM-M-01 Revision A). In allowing the appeal, the Inspector considered that both these documents provided an illustrative set of appropriate design parameters with regards to layout, appearance, landscaping and scale, such that a similarly designed reserved matters proposal could come forward in an acceptable manner having regard to the above identified relevant planning policies.
- 8.44** As set out earlier in this report, it is Officers opinion that this reserved matters application has come forward in general accordance with the principles established at the outline planning application stage.
- 8.45** The layout respects the land use parameters established, remains of between 1-2 storeys in scale, incorporates the public open space (including a MUGA and LEAP) to the north of the site, attenuation to the south-west of the site and landscape margins along the southern and eastern boundaries accordingly.
- 8.46** The applicant has incorporated street trees to soften the visual appearance of the site along the principle street. The open spaces upon the site comprise a blend of amenity grassland areas to generate useable open spaces, as well as meadow seed mix areas for biodiversity and ecological purposes. Trees have been included within the open spaces upon the site both intermittently to add visual interest in an informal manner, as well as in a more structured way along key movement routes and adjacent site boundaries, where enhanced screening could be provided without compromising natural surveillance. A number of homes have landscaped frontages of varying depths and sizes including native shrub and hedgerow planting, whilst the balancing pond will also be sewn with an appropriate SUDS meadow mix.
- 8.47** Therefore, it is Officer opinion that this reserved matters application has come forward in general conformity with the outline planning application approved parameters and as such, the application appropriately accords with policies SD6, SD4 and INF3 of the JCS and policies GNDP09 and GNDP10 of the GNDP. However, the consultation response of our landscape advisor's and tree officer, raise a number of detailed matters to be addressed, including revisions to the design of the LEAP, enclosure for the MUGA, choice of planting specimens and a tree protection plan, and an Arboricultural Method statement to discharge condition 17 of the extant outline consent, detailed routes of footpaths that are the subject of on going negotiations with officers. These matters are being actively addressed by the applicant and officers will provide an update to members on progress at the meeting.

MUGA and LEAP

- 8.48** Policy RES5 of the TBLP states that proposals should be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being integrated within it.

- 8.49** The section 106 agreement associated with the outline planning application requires the provision of a multi-use games area, with a general specification for it appended to the section 106 agreement, and the location of the MUGA being set within the northern area of formal public open space. It is the same for the provision of a locally-equipped area of play (LEAP). Therefore, the principle of both a MUGA and LEAP being provided, to broadly what specification and where upon the site, was established and agreed at the outline planning application stage. The delivery of the MUGA and LEAP in this location would also accord with the Illustrative Layout and Design Statement considered at the outline application stage, which this reserved matters application is required to be in broad accordance with.
- 8.50** In the original reserved matters application submission the MUGA and the LEAP were located together and the MUGA was proposed to be surrounded by a cage, as is common practice for MUGAs. However, as will have been noted earlier in this report, a significant proportion of local objection to the reserved matters proposal relates to the provision of the MUGA and its potential to be a source of noise, nuisance and anti-social behaviour.
- 8.51** Given that a MUGA and LEAP must be provided in the northern area of public open space to accord with the outline planning application as approved at appeal, discussions were held with the applicant, who also held a related public consultation in the village, to identify the most appropriate way of delivering the MUGA and LEAP in accordance with the outline planning application, but in a way which best alleviates the potential for noise and anti-social behaviour matters to the benefit of both existing and new residents.
- 8.52** Accordingly, the cage around the MUGA has been removed, as this part of the design was considered the most likely source of unwanted noise, whilst it could also potentially hinder the effective natural surveillance of the MUGA, which in turn was giving rise to potential anti-social behaviour concerns locally. This also aided the Environmental Health Officer's recommendation that the MUGA be designed in accordance with good noise practice principles. Whilst it is noted that this may be to the detriment of the complete useability of the MUGA, on balance this is considered acceptable in this instance to help alleviate concerns where possible.
- 8.53** Similarly, the LEAP and MUGA have been separated, which has allowed the MUGA to move further south, further away from existing residents to the north, whilst increasing separation distances further above the respective minimum standards.
- 8.54** Whilst requests were considered to remove the LEAP and MUGA altogether, or to site them elsewhere upon the site, this would not be possible whilst maintaining accordance with the outline planning approval. Therefore, it is considered that the location, design and provision of both the MUGA and the LEAP effectively balances the need to for the proposal to accord with the outline planning consent, the useability of each area for sport and/or play, whilst not giving rise to unacceptable levels of noise or unwanted anti-social behaviour

8.55 There is also a requirement in the section 106 agreement for a Multi-Use Community Area ('MCA'), from which existing and future residents can enjoy the views and wider setting of the site. Whilst more formal uses such as a bandstand and/or amphitheatre were considered as per the illustrative suggestions made at the outline planning application stage, the same concerns regarding the potential for such formal spaces to give rise to potential anti-social behaviour were raised by the local community. Therefore, the proposal still incorporates an MCA, but this is a more informal offering of an additional Wildlife Pond to that envisaged at the outline application stage, including a viewing area and dipping platform, as well as wider enhancements to the footpath network and landscaping within the northern open space area, to alleviate concerns to the extent possible whilst not undermining the requirements of the section 106 agreement for the site.

8.56 Officers therefore consider that the proposal is appropriate and acceptable in planning terms and is in accordance with Policy RES5 of the TBLP.

Residential amenity

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

8.58 As set out above, whilst the concerns of residents are noted regarding noise which may emanate from the use of the MUGA and the LEAP through their use, they have been sited and designed to minimise noise disturbance to the extent considered possible and reasonable, whilst maintaining their useability in accordance with the outline planning application requirements. Therefore, Officers are content that in this regard the proposal in will suitably preserve the residential amenity of existing and future residents in accordance with policies SD4 and SD14 of the JCS and Policy HEA1 of the TBP.

8.59 Policy DES1 (Housing Space Standards) requires new development to adopt nationally described space standards. The submitted plans for each home type confirm that all dwellings meet or exceed the government's space standards as required. Amendments to the scheme were made post-submission to allow a greater stand-off distance to the adjoining properties along the eastern boundary, with single storey homes also being proposed along this boundary to minimise potential impacts upon existing residents.

8.60 Overall, Officers consider the development provides sufficient space between dwellings and the private garden spaces for each home meet expectations. 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 the privacy of 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.

8.61 Officers therefore consider that the development complies with the requirements of Policies SD4, SD14 of the adopted JCS, and HEA1 and DES1 of the adopted TBP.

Affordable housing

- 8.62** 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 others affordability and tenure.
- 8.63** 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.
- 8.64** The affordable homes proposed comprise 40% of the development overall and in line with the requirements of the section 106 agreement the mix of the affordable homes is as set out below:

Property Type	Social Rent	Shared Ownership	Total
1 Bed Apartment or Maisonette	2	0	2
1 Bed Bungalow	1	0	1
2 Bed 4 Person Bungalow	1	1	2
2 Bed 4 Person House	5	3	8
3 Bed 5 Person House	4	2	6
4 Bed 7 Person House	1	0	1
Total	14	6	20

Officers are content that the homes have been designed to be in-keeping with the design of the market homes and that the affordable homes have been appropriately distributed within the development. The Housing Enabling Officer (HEO) has also been consulted and is satisfied with the affordable housing provision and it is therefore considered that this provision would accord with Policies SD11 and SD12 of the JCS.

Housing Mix

- 8.65** 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).
- 8.66** Condition 16 requires the submission of a housing mix statement setting out an appropriate mix of dwelling sizes, types and tenures to be provided on site that will contribute to a mixed and balanced housing market and which considers the needs of the local area and of older people.
- 8.67** As already set out the submitted housing mix statement clarifies that the affordable homes will be provided as per the section 106 agreement for the site, comprising fourteen social rent homes and six shared ownership homes, ranging from one to four bedrooms, and including maisonettes, bungalows and houses.

- 8.68** With regard to the open market housing mix, the report considers the relevant parts of the development plan relating to housing mix for the Borough and the Neighbourhood Plan area, along with the evidence that underpins it. The report also considers the broad split of house sizes and types within the existing owner-occupied stock of the Borough and local area (including through new permissions), with specific reference being made to the unmet need for bungalows and down-sizer homes within Gotherington specifically.
- 8.69** The report concludes that the proposed housing mix is appropriate and broadly aligned to the development plan, with the over-provision of 4+ bedroom homes against the extant SHMA preferred mix having been justified, particularly in the context of the provision of 10 x open market bungalows which cater for senior citizen market demand, which few new developments provide in such quantum due to interlinked efficient use of land and viability concerns, which the provision of slightly more 4+ bedroom homes in this instance has alleviated. Therefore, the proposed open market housing mix is 10 x 2-bedroom dwellings, 5 x 3 bedroom dwellings and 15 x 4+ bedroom dwellings, including 10 bungalows,
- 8.70** Whilst the housing mix diverges from the requirements of JCS Policy as set out above, on balance it is considered by Officers that the mix of housing proposed would be appropriate and cater for a house type (bungalows) for which there is considerable market demand and limited provision.

Drainage and flood risk

- 8.71** JCS Policy INF2 (2) (iv) requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. Policy INF6 also requires that the infrastructure requirements generated by a proposal are met, including by adequate on and off-site infrastructure. Policy GNDP07 of the NDP requires the use of SuDs in new developments.
- 8.72** Drainage plans have been submitted and the Gloucestershire Lead Local Flood Authority has been consulted. The principle of developing the site in a satisfactory manner with regard to foul and surface water drainage is already established by the outline consent and the LLFA consider that the submitted Drainage details submitted by the applicant are acceptable subject to a drainage condition which requiring details of the surface water drainage system to submitted and approved.
- 8.73** With regards to surface water the LLFA confirm that the proposed layout and drainage strategy complies with that agreed at the outline stage, with an attenuation basin being located in the southeast corner of the site, which allows the suitable storage of surface water and point of connection into the Dean Brook. Severn Trent also responded to the application with no objection subject to conditions which require drainage plans to be submitted.
- 8.74** Therefore, it is considered that the proposal accords with Policies INF2 and INF6 of the JCS and Policy GNDP07 of the GNDP.

Biodiversity and Ecology

- 8.75** Chapter 15 of the NPPF seeks to conserve and enhance the natural environment.

- 8.76** 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. This is also a requirement within Policy GNDP12 of the Neighbourhood Plan.
- 8.77** The Ecology Officer was consulted and raised no objection to the proposal subject to the site demonstrating a Biodiversity Net Gain in both habitat and hedgerow units prior to determination and the imposition of recommended conditions requiring a Construction environmental Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP), conditions for which are already attached to the outline planning consent.
- 8.78** The applicant has subsequently submitted a Biodiversity Net Gain report which shows the development will result in a net gain of 26.23% habitat units. The planting of native hedgerows within the final landscaping design will also result in a gain of 92.98% for linear habitat units.
- 8.79** Officers therefore consider that the application accords with the requirements of policies SD9 of the JCS, NAT1 of the TBP and GNDP12 of the GNDP.

Public Rights of Way (PRoW) and Footpaths

- 8.80** Policy INF 1 of the JCS requires developers to take opportunities to provide at (iii) where appropriate extend or modify existing walking and cycling routes. Policy SD4 requires new development to integrate with existing development by walking and cycling modes. Policy TRAC 1 of the Borough Plan protects existing pedestrian networks and seeks to extend and enhance them, with proposals that reduce pedestrian connectivity or fail to optimise them being resisted.
- 8.81** The applicant submitted Public Right of Way Diversion Plan (P22 0634 001 DE G 04) which shows all footpaths are to be retained in situ around the periphery of the development aside from footpath AG020, which is proposed to be diverted as it not reasonably considered that this footpath could remain in situ without prohibiting the proposal from coming forward in an otherwise legible manner and outward facing manner, as is preferable from an urban design perspective.
- 8.82** Therefore, footpath AG020 is proposed to be diverted through the south-eastern periphery of the site set within a wider landscape corridor, which will comprise a pleasant walking route around the development. During the application determination period revised landscape plans were also provided to increase the amount of tree planting along the routes of the retained public rights of way to enhance the experience of footpath users and to further assist in mitigating the impact of the wider development.
- 8.83** Further to local engagement the applicant has also updated the proposal to incorporate the existing permissive footpath along the eastern boundary of the site, which in conjunction with the proposed diversion of footpath AG020 will create a new loop walking route around the entire periphery of the site. Whilst the corridor dedicated to this eastern footpath is limited, its inclusion is considered a betterment to the proposal as originally submitted and in the Officer's opinion, is acceptable in terms of the site's overall layout.

8.84 The Public Rights of Way Officer was consulted and provided no objection subject to standing advice being followed regarding the relevant requirements for temporary and permanent footpath diversions. Therefore, the approach toward the public rights of way on site is considered appropriate and compliant with the relevant policies of the Development Plan.

Heritage Assets

8.85 Policy SD8 of the adopted JCS seeks to protect Heritage assets , similarly Policy HER2 of the Borough plan also seeks to ensure that new development will have no adverse impact on Listed buildings. Generally, these policies mirror the requirements of guidance in the NPPF.

8.86 As set out earlier in this report, the Conservation Officer was consulted and has raised no objection to the proposal. They note that in the signed statement of common ground for the outline application planning appeal the Council accepted the following position regarding built heritage: The appeal site has no impact upon the setting of The Holt, The Malt Shovel, Whites Farm, The Homestead nor the Shady Nook all of which are designated by Historic England as Grade II Listed buildings.

8.87 The Conservation Officer concludes that the reserved matters proposal is necessarily similar to the outline planning application defined parameters and therefore, there is no reason to consider that the same position is not relevant to this current proposal. As such no objection is raised on grounds of impact upon designated heritage assets and Officers agree with this position.

8.88 Therefore, the approach toward heritage assets is considered appropriate and compliant with the relevant policies of the Development Plan.

9. Conclusion

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

10. Recommendation

10.1 It is recommended that authority be **DELEGATED** to the Development Manager, to **APPROVE** the application, to conclude ongoing negotiations with the applicant with regard to detailed house design, boundary treatments, landscape, tree and planting details and that Officers be given delegated powers to determine the revised scheme including revisions to necessary conditions as set out below resulting from those discussions.

11. Conditions

1 The development hereby permitted shall be carried out in accordance with the following documents and plans and any submitted revised drawings and documents dealing with house type design, materials and boundary treatment emanating from the continuing negotiations with the applicants:

- P22-0634_001_DE_AB_1 – Layout
- P22-0634_001_DE_B_09 - Enclosure Details
- P22-0634_001_DE_i_07 - Building Heights Plan
- P22-0634_001_DE_i_08 - Boundary Treatments Plan
- P22-0634_001_DE_J_02 - Materials Plan
- P22-0634_003_DE_M_1 – House types –
- P22 0634 001 DE G 04 – Public Right of Way Diversion Plan
- 27340_02_010_01.1-E- Viability Drainage Layout Sheet 1 of 2
- 27340_02_010_01.2-C- Viability Drainage Layout Sheet 2 of 2
- 27340_02_010_02-C- Viability Levels & Retaining Measures
- 27340_02_010_03-C- Viability Cut & Fill
- CEMP V1
- ADG-BWB-ZZ-XX-RP-LE-0002_BNG Assessment-S2_P03
- 5365.Gotherington.Hayfield.AMS - AMS and TPP
- GL1868 02C Soft Landscape Proposals (Sheet 1 of 4)
- GL1868 03C Soft Landscape Proposals (Sheet 2 of 4)
- GL1868 04C Soft Landscape Proposals (Sheet 3 of 4)
- GL1868 05C Soft Landscape Proposals (Sheet 4 of 4)
- GL1868 06B Play Area Proposals

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

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

2 Notwithstanding the development hereby approved, prior to the commencement of development details and samples of all proposed external materials to be used (walls, roofs, hard landscaping) shall first be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved.

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

3 The Development hereby approved shall not be occupied until the access, parking and turning facilities to the nearest public highway has been provided as shown on drawing 22089-BGC-D / 100S38 C.

Reason: To ensure conformity with submitted details.

- 4 The development hereby permitted should not be completed above slab level for any individual dwelling until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage and to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

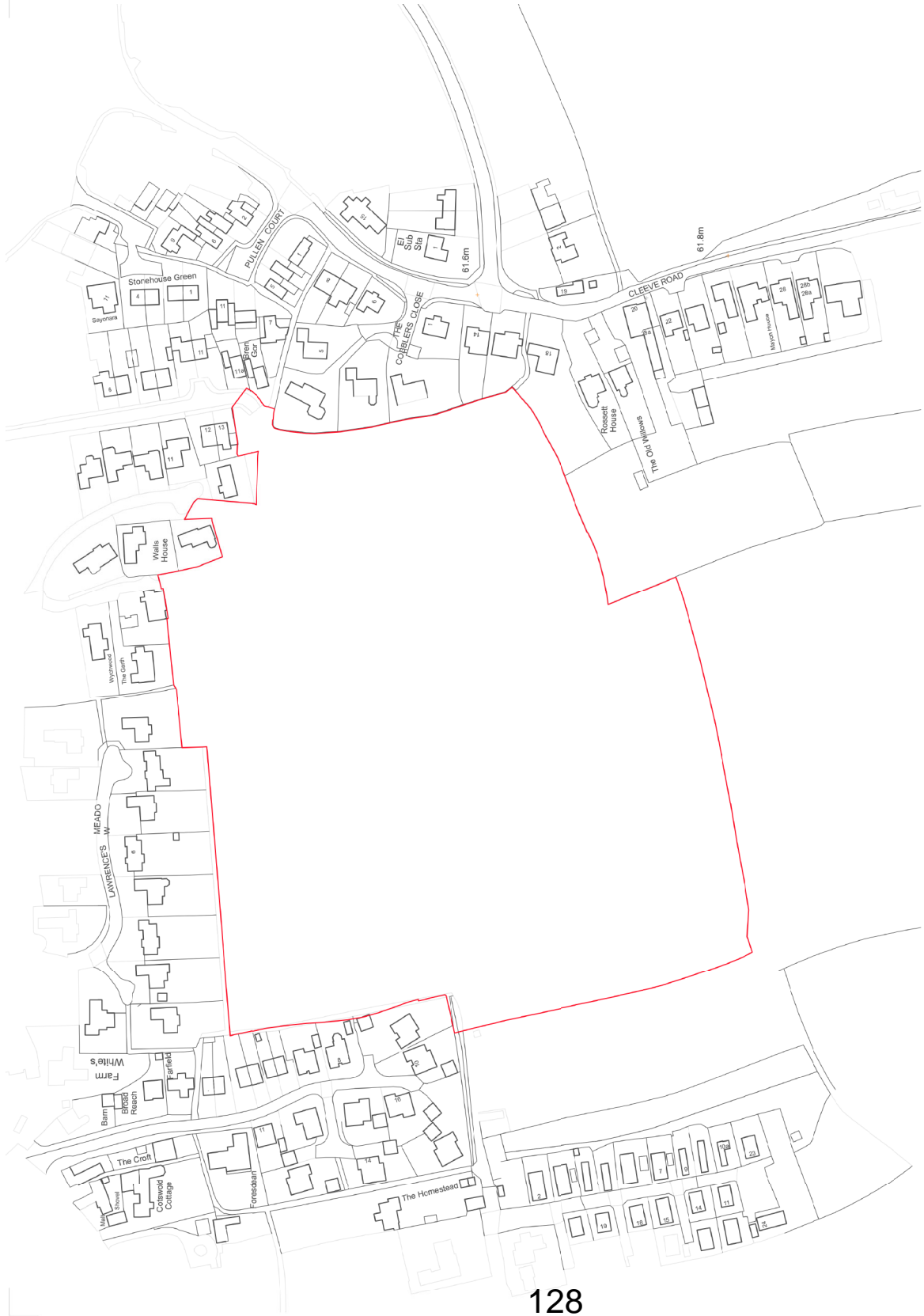
- 5 Prior to the commencement of development, a detailed and specific Biodiversity Enhancement Management Plan is required to be submitted to and approved by the planning authority to update the Ecology report and BNG assessment submitted as part of the extant outline permission. Any recommendations proposed by that report to ensure a positive Biodiversity Net gain in accordance with Policy NAT 1 of the adopted local plan shall be implemented prior to the development being brought into use.

Reason: to ensure that the requirements to add to the biodiversity of the site are assessed and undertaken.

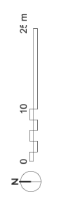
12. Informatives

- 1 In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
- 2 The decision is to be read in conjunction with planning permission 19/01071/OUT including the associated S106 legal agreements.
- 3 The developer is advised that all pre-commencement conditions on outline approval ref: 19/01071/OUT shall be submitted to the LPA and approved in writing, prior to commencement of the development hereby approved

SITE LOCATION



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DRAFT
LAND OFF ASHMEAD DRIVE, GOTHERINGTON - SITE LOCATION PLAN



| PEGASUSGROUP.CO.UK | TEAM/DRAWNBY: ET | APPROVED BY: ET | DATE: 06/07/2022 | SCALE: 1:1000@A1 | DRWG: P22-0634_DE_001_A_05 | CLIENT: HAYFIELD HOMES |

KEY

- ACCESS TO DWELLING
- DENOTES LOCATION OF AFFORDABLE RENTED DWELLING
- DENOTES LOCATION OF SHARED OWNERSHIP DWELLING
- 1.8M HIGH SCREEN WALL (REFER TO BOUNDARY TREATMENTS PLAN)
- 1.8M HIGH TIMBER FENCE (REFER TO BOUNDARY TREATMENTS PLAN)
- 0.6M HIGH RECON STONE WALL (REFER TO BOUNDARY TREATMENTS PLAN)
- TIMBER POST AND RAIL FENCE (REFER TO BOUNDARY TREATMENTS PLAN)
- GATE ACCESS
- INDICATIVE PROPOSED PLANTING (REFER TO DETAILED LANDSCAPING SCHEME)
- BLOCK PAVING
- GRASSCRETE
- BIN COLLECTION POINT
- VISITOR CAR PARKING LOCATION
- DENOTES LOCATION OF M4(D) DWELLING
- DENOTES LOCATION OF M4(B) DWELLING

NOTE:
 BINS TO BE STORED IN BACK GARDENS UNLESS OTHERWISE HARD STANDING TO BE BLACK TOP UNLESS SHOWN AS OTHERWISE.

12 13

14 18



House Type	Bedrooms	Open M2	No. of	Bed	Mix
LIVINGTON	2	1046	1	R	33%
ADDERBURY	2	1341	5	R	33%
SHOTLEY	2	1500	4	R	17%
HAWLEY CT	3	1797	4	R	17%
EATON CT	3	2602	4	R	50%
REATON CT	5	2602	1	R	50%
GOSWORTHY	5	3100	2	R	50%
WOODSLEY	5	3100	2	R	50%
Sub Total		27,676	30		
4 Affordable					
M4(B) CT	1	691	1	R	18%
M4(D) CT	1	700	1	R	18%
BE BUNGALOW (M4B)	2	782	2	R	50%
STANTON SPECIAL	3	1001	6	R	30%
AS+ NOSE	3	1001	6	R	30%
AA+ NOSE	4	1243	1	R	5%
Sub Total		17,622	26		
Grand Total		45,308	56		

Area and Quantities	
Area	15.52
Permeable Area	6.28
Redeem Area	11.516
Square feet per acre (Net)	7.7
Gate per acre (Net)	7.7

Area and Quantities
 Area 15.52
 Permeable Area 6.28
 Redeem Area 11.516
 Square feet per acre (Net) 7.7
 Gate per acre (Net) 7.7

LAND OFF ASHMEAD DRIVE, GOTHERINGTON – SITE LAYOUT

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STREETSCENE A - A

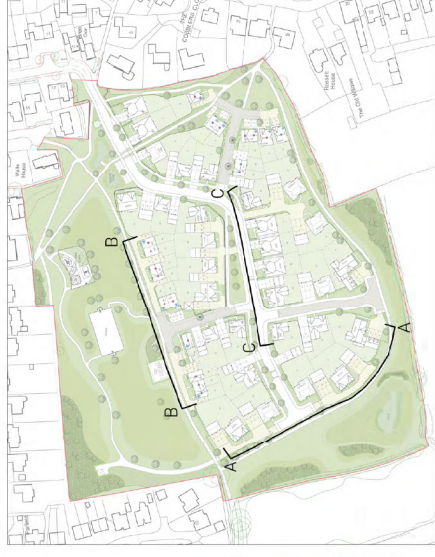
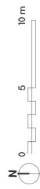
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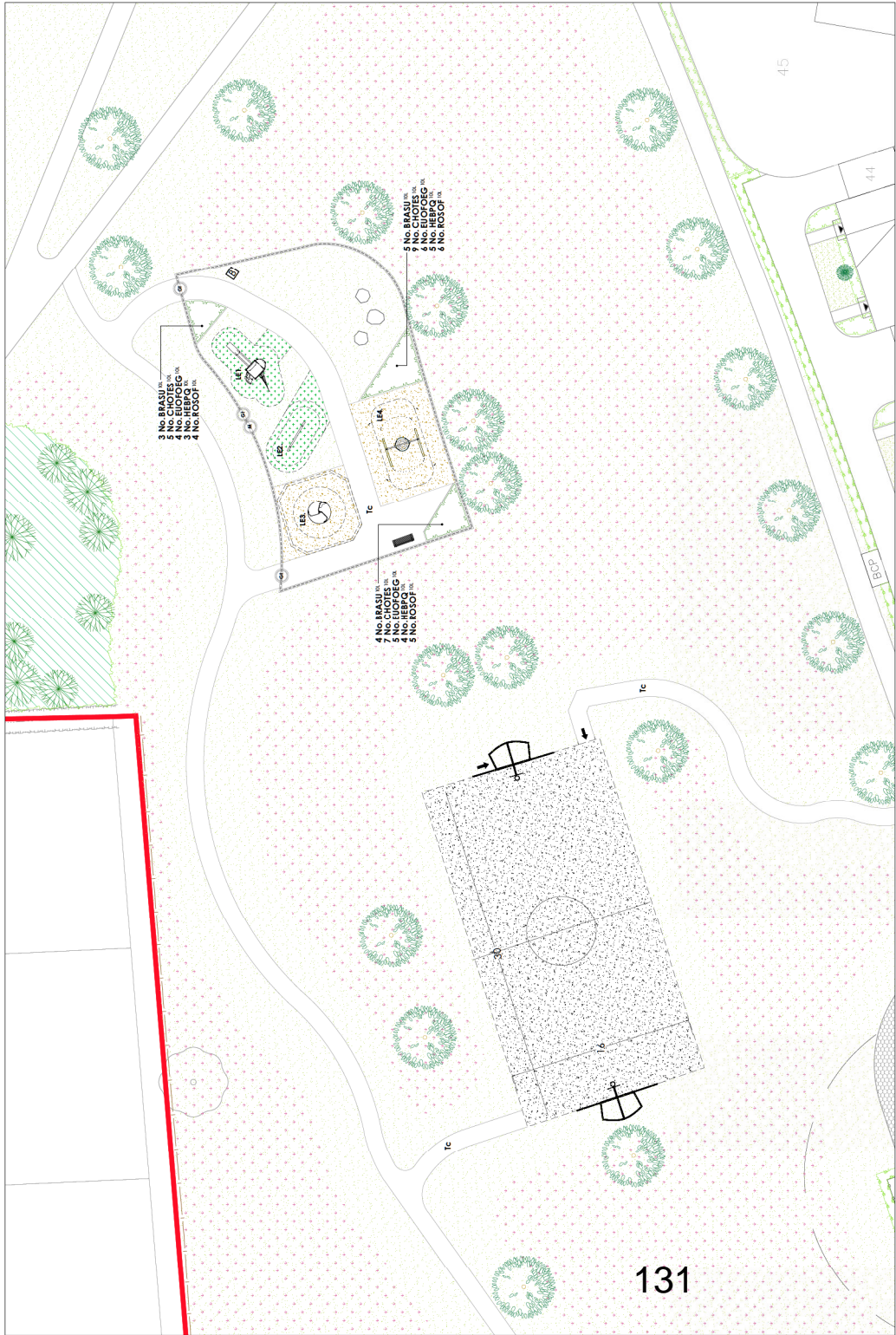


STREETSCENE B - B



STREETSCENE C - C





Play Area

Play Equipment Schedule

- LE1. Shimmy Plus (with roof, supplied in green) (Ref. JB /31W)
- LE2. Inclusive Crib (Ref: ICR8) - INC
- LE3. Timber Seesaw (Ref: 15AW)
- LE4. Timber Team Swing (Ref: 1T3)

All play equipment is supplied by PlaySafe, manufactured to BS EN 1176 and CE marked product from an approved manufacturer. All equipment is supplied with grass safety surfacing in accordance with the manufacturer's guidelines.

All play equipment and fixed structures to be specified in accordance with the requirements set out under BS EN 1176 and BS EN 12003. Following the agreement of play equipment and the general arrangement the selected manufacturer's details and accompanying certificate and details. Signs are to be supplied and erected that the play area is a Duty free zone and any other information required. Exact wording to be agreed with the Local Planning Authority.

Street Furniture & Boundary Treatments

Street Furniture (Ref: 01) is supplied by groups or similar approved.

Ultra Bin, Derby Westcum (Ref: BKA5 2550-3) steel litter bin as supplied by Recopac or similar approved.

1.0m high anti-trip low-top fencing finished in dark green colour. To be manufactured from galvanneal steel manufactured and installed in accordance with ROSFA guidelines and BS EN 1176.

1.0m high anti-trip low-top fencing finished in dark green colour. To be manufactured from galvanneal steel manufactured and installed in accordance with ROSFA guidelines and BS EN 1176.

Combined pedestrian and maintenance gate: 1.0m high, anti-trip low top pedestrian gate to be lockable and finished in dark green. ROSFA approved and to conform to BS EN 1176: play fence standard.

Boulders for climbing and seating. To be smooth with no sharp edges, to a maximum height of 0.4m above ground level and a minimum depth/width of 0.6m. Installed to play manufacturer details in accordance with EN 1176.

Tarmac surfacing with pcc edging.

Hard Surface Kickabout space - Black tarmacadam surface with pcc edging.

Sportswall - Multi sports goals 3m x 2m with overtopping basketball backboard and safety netting. To be supplied by PlaySafe (www.play-safe.co.uk) or similar approved.

Reinforced grass safety surfacing. Play manufacturer to detail in accordance with EN 1176.

Bonded rubber mat safety surfacing. To be EN 1176/77 compliant and to depths in accordance with play manufacturer details. To be supplied by Play Safe UK or similar approved.

Reinforced grass safety surfacing. Play manufacturer to detail in accordance with EN 1176.

PLANT SCHEDULE

Play Area Shrubs

Ref No	Height	Male	Female	Number
BRASU	40-60cm	Bulky	0.7CH	12
CHOTES	40-60cm	Bulky	0.7CH	21
ELOFOEG	30-40cm	Bulky	0.7CH	15
HEBU	30-40cm	Bulky	0.7CH	12
ROSOF	40-60cm	Bulky	0.7CH	15
				Total 75



LE1.

LE2.

LE3.

LE4.

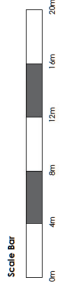


LE1.

LE2.

LE3.

LE4.



Ref: 0130-0008 | Email: info@golby+luck.co.uk | Web: www.golby+luck.co.uk
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Ref: 0130-0008 - Replacement to 0130-0007

Colwynington
 Play Area Proposals
 Hayfield Homes

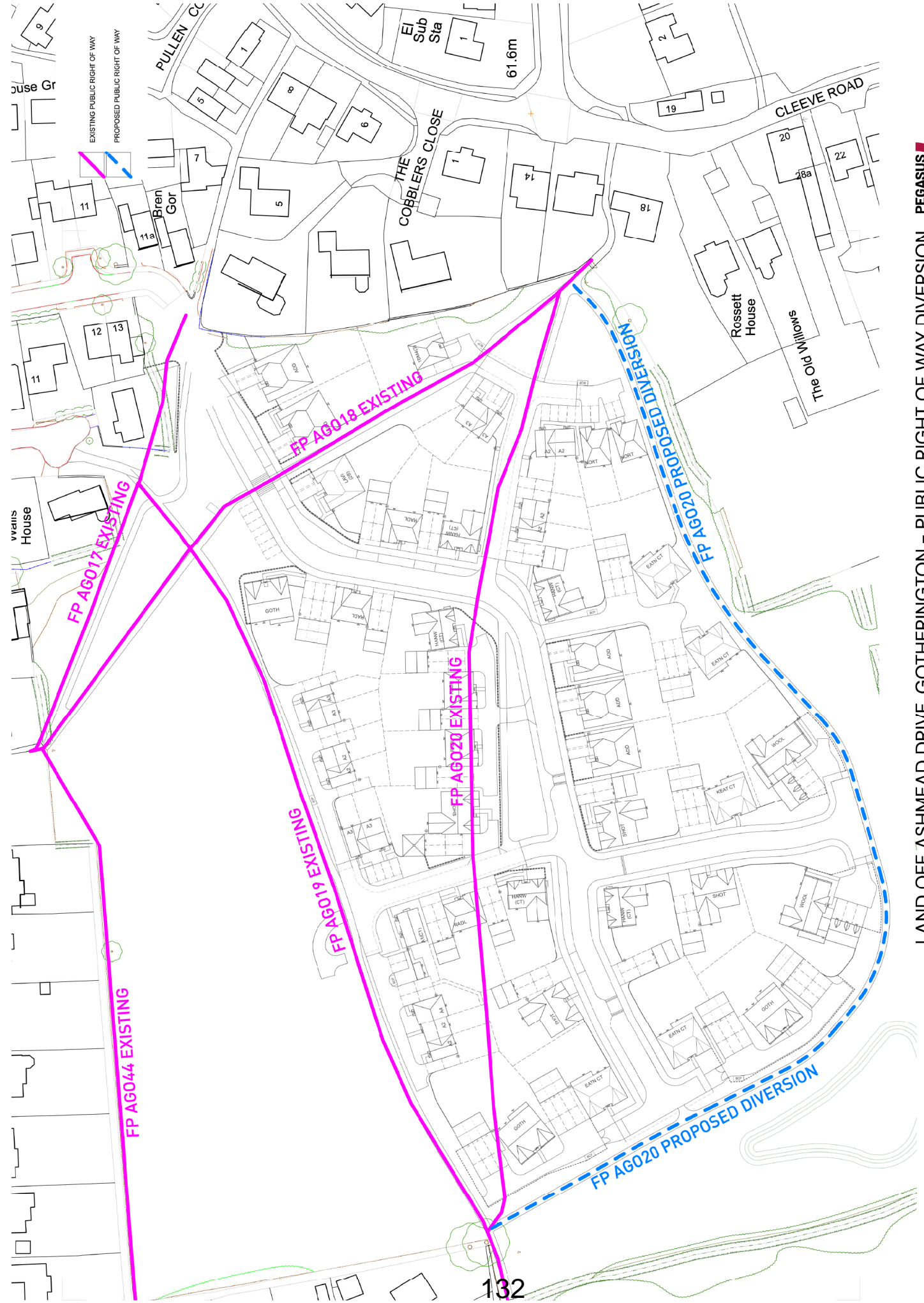
Ref	Date	Author
1200 BR A1	25	AD
12607/0022		
Issue No	1	26/07/2022
Revision No		
Revision Description		
Issue No	1	26/07/2022
Revision No		
Revision Description		



Location Plan



REGISTERED PLAY EQUIPMENT



Planning Committee

Date	21 November 2023
Case Officer	David Lowin
Application No.	22/01083/FUL
Site Location	Walnut Tree Farm, Norton
Proposal	Erection of 7 dwellings, including 4 market and 3 affordable discounted market sale dwellings and associated vehicular access.
Ward	Severn Vale South
Parish	Norton
Appendices	Proposed Site Plan – Drawing No. 21027 10 PL3 East and West Street Scenes – Drawing No. 21027 11 PL3 Units 1-2 – East and West Elevations – Drawing No. 21027 12 PL2 Units 1-3 – North and South Elevations – Drawing No. 21027 13 PL2 Units 3-5 – East and West Elevations – Drawing No. 21027 14 PL2 Units 4-6 – North and South Elevations – Drawing No. 21027 15 PL3 Units 5-7 – East and West Elevations – Drawing No. 21027 16 PL3
Reason for Referral to Committee	Unresolved Parish objection
Recommendation	Delegated permit subject to the concluding of a deed of variation

Site Location



1. The Proposal

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RJNB2AQDM0000>

- 1.1 The application seeks full planning permission for the erection of 7 dwellings, comprising 4 market and 3 affordable discounted market sale dwellings and associated vehicular access.
- 1.2 The current application is a revised scheme to one allowed at appeal in 2020 and has been submitted to avoid an easement for a high pressure gas main located to the South of the site which has necessitated revision to the site layout replacing a linear form of residential development fronting onto the access road with a more 'agricultural style' and courtyard layout.

2. Site Description

- 2.1 The site is currently a field laid to grass and was historically part of Walnut Tree Farm. The site extends to approximately 0.65 hectares and is situated immediately adjacent to the A38 on the southwestern edge of Norton. Access to the site is provided via the existing access off the A38 which serves the development to the north.
- 2.2 To the immediate north of the site is a recently completed development of 5 dwellings at Walnut Gardens which is arranged in a courtyard, which was permitted under permission reference 18/00073/FUL. To the south of the site is a single storey dwelling with caravan park behind known as Norton Lodge. To the west, the site is surrounded by open countryside.
- 2.3 The site is not subject to any formal or informal landscape designation and lies within Flood Zone 1 (lowest probability of flooding).

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
15/00870/OUT	Outline application for 7 new dwellings and associated works (considering access only)	WDN	14.12.2015
19/00367/FUL	The erection of seven dwellings	REFUSED	26.02.2020
	Appeal	ALLOWED	07.12.2020

- 3.1 In respect of the application site, permission was refused in February 2020 for 'the erection of 7 dwellings comprising 2, 3, 4 and 5 bedroom homes (including 4 market and 3 affordable discount market sale dwellings) and associated vehicular access' (Ref: 19/00367/FUL) as set out above.
- 3.2 This application was subsequently allowed on appeal on the 7th of December 2020 (PINS Ref APP/G1630/W/20/3257279) and that permission remains extant and represents a material fallback position.

- 3.3 Whilst not directly related to the site, planning permission was granted on the adjacent land to the North of the application site in 2018 for the demolition of the existing agricultural buildings at Walnut Farm and the erection of 5 dwellings and associated works (Ref: 18/00073/FUL). That permission has been implemented and now fully built out.
- 3.4 Permission in Principle has also been granted for up to 9 dwellings on land to the west of the application site (Ref: 22/00106/PIP).

4. Consultation Responses

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

- 4.1 Norton Parish Council – **Object**
- Accepts that the principle of housing development has been established at appeal
 - Concerns relating to the design of the dwellings
 - Impact on residential amenity of adjoining owners by reason of overlooking
 - Should be refused on design grounds
 - Unit 1 and unit 3 should be reduced from three storey to two storey properties
- 4.2 Highway Authority – **No Objection**
- 4.3 Housing & Enabling Officer - **No Objection** subject to a deed of variation to secure an appropriate affordable housing contribution.
- 4.4 Flood and Drainage Engineer- **No Objection** subject to recommended conditions
- 4.5 Ecology advisor- **No Objection** subject to recommended conditions
- 4.6 Environmental Health – **No Objection** subject to recommended conditions.
- 4.7 County Archaeology- **No Objection**, no significant archaeology known at this location. The site was subject to archaeological trial trenching in 2018, with negative results. In my view there is a low risk that archaeological remains will be adversely affected by this development proposal. Therefore, recommend that no archaeological investigation or recording need be undertaken in connection with this scheme.
- 4.8 Ecological Advisor – **No Objection** subject to recommended conditions.
- 4.9 Tree Officer – **No Objection** subject to recommended conditions.

5. Third Party Comments/Observations

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

- 5.1 The application has been publicised through the posting of a site notice for a period of 21 days and undertaking neighbour notifications.

5.2 Three representations have been received in response. The comments raised are summarised below:

- Concern about presence of high-pressure gas main on site
- Loss of privacy and amenity
- Concern about ground disturbance
- Overbearing and contrived design

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

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

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

6.2 National guidance

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

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

- SD3 (Sustainable Design and Construction)
- SD4 (Design Requirements)
- SD6 (Landscape)
- 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)
- INF7 (Developer Contributions)

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

- RES2 (Settlement Boundaries)
- RES3 (New Housing Outside Settlement Boundaries)
- RES5 (New Housing Development) RES12 (Affordable Housing)
- RES13 (Housing Mix)
- DES1 (Housing Space Standards)
- NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- ENV2 (Flood Risk and Water Management)
- RCN1 (Public Outdoor Space, Sports Pitch and Sports Facility Provision)
- TRAC1 (Pedestrian Accessibility)
- TRAC9 (Parking Provision)

- 6.5** Neighbourhood Plan
Down Hatherley, Norton and Twigworth Neighbourhood Development Plan –
2011-2031 (NDP)
Policy H1 (Housing Development in Norton Parish)

7. Policy Context

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

The main issues in the consideration of this application are:

- The principle of development
- Landscape Impact
- Access and highway safety
- Design, layout and residential amenity
- Housing mix
- Affordable housing
- Drainage and flood risk
- Biodiversity
- Section 106 obligations

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, new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2.
- 8.2** 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.
- 8.3** Policy H1 of the NDP states that housing development should contribute to a sense of village character, both in the buildings and spaces themselves and in the way in which they integrate with their surroundings.

- 8.4 The previous appeal which was upheld is relevant to the determination of this application. In assessing the appropriateness of the site and its location the inspector set out that:

Policy SP2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 (JCS) which controls the distribution of development in the area. Under the policy, the proposal is not within the settlement boundary of a rural service centre or service village and is subject to Policy SD10 of the JCS, which applies to residential development in other rural areas. Under Policy H1 of the Down Hatherley, Norton and Twigworth Neighbourhood Plan 2019 (NDP) proposals outside defined settlement boundaries are allowed as exceptions under policies in the JCS and in particular, Policy SD10 of the JCS. Accordingly, Part ii of Policy SD10 of the JCS allows development where it would comprise infilling within existing built-up areas of towns and villages. For the purposes of the policy, infill development means development of an underdeveloped plot well related to existing built development.

- 8.5 The Inspector found that the now completed residential site to the North set the context for the development of the application site. A matter re-enforced by the development of ribbon development along this stretch of the A38.

- 8.6 The application site is set between an existing built residential site to the North and existing development immediately to the South. The Inspector noted at Paragraph 12 of the appeal decision that Policy SD10 of the JCS does not require that the site has to be within the built-up area. Noting that:

'Therefore, given the site's close relationship with and position between development, it would seem reasonable that the proposal should be regarded as being within a built-up area, even if it is outside of the defined settlement boundary of Norton. Altogether, the proposal would comply with infill policy requirements under Part ii of Policy SD10 of the JCS'.

- 8.7 The Inspector found that the proposal for the development of the application site was in accordance with Policy SD10 and SP2 of the JCS, the proposal also meets the criteria under Policy H1 of the NDP.
- 8.8 Furthermore, Policy RES3 of the TBP allows very small-scale residential development in principle within and adjacent to the built up area in accordance with Policy RES 4 of the Plan which allows new development of a scale that is proportionate to the size and function of the settlement, and complements the form of the settlement.
- 8.9 It is noteworthy that the Parish Council do not object to the principle of the development of the site.

Five year Land Supply

- 8.10 The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. Where local authorities cannot demonstrate a five year supply of deliverable housing sites, paragraph 11 of the NPPF sets out that housing policies contained within development plans should not be considered up-to-date.

- 8.11** Further to the recent Trumans Farm, Gotherington Appeal decision (ref. 22/00650/FUL), and subsequently published Tewkesbury Borough Five Year Housing Land Supply Statement October 2023, the Council's position is that it cannot at this time demonstrate a five year supply of deliverable housing land. The published position is that the Council's five year supply of deliverable housing sites is, at best, 3.24 years supply of housing land and that this shortfall is significant. The Council's policies for the provision of housing should not therefore be considered up-to-date in accordance with footnote 8 of the NPPF.
- 8.12** Paragraph 11(d) of the NPPF therefore applies and 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.

Conclusion on the Principle of Development

- 8.13** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 8.14** The application site is not allocated for housing development however it is located in proximity to Norton which is defined as a Service Village in the JCS. Furthermore, in allowing the recent appeal at the site, the Inspectors concluded that the development of the site for residential purposes would constitute infill development which would accord with JCS Policy SD10. Furthermore, the proposal would broadly in accordance with Policy RES3 and RES4 of the TBP.
- 8.15** Furthermore, on the on that basis that the Council cannot at this time demonstrate a five year supply of deliverable housing land and therefore the most important policies for determining the application are deemed out of date, the application must be determined in accordance with paragraph 11(d)(ii) of the NPPF (the tilted balance), i.e. planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of NPPF as a whole.
- 8.16** Notwithstanding this and having considered the relevant policies, planning history (most notably the extant allowed appeal) and the now completed residential development to the North immediately adjoining the site, it is considered that the proposal is acceptable in principle particularly as the application is for the same quantum and nature of development as previously approved at appeal and that permission remains extant.

Landscape impact

- 8.17** Policy SD6 of the JCS states that applications for development will consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect. This is in accordance with the core planning principle of the NPPF which specifies that planning should take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside.

- 8.18** In assessing the Landscape impact of the site, it is once again relevant to consider the Inspector's views on the landscape impact. The Inspector's decision notes the ribbon development along this part of the A38, and comments that the development of the site would provide a change to the previously undeveloped nature but notes that:

However, given the prevailing context this change would not be harmful to the character and appearance of the area. Consequently, the proposal would accord with policies SD4, SD6, SD10 ... of the JCS and Policy H1 of the NDP.

- 8.19** Having considered the proposed development and the Inspector's view in assessing a similar residential development at the site officers have concluded that the impact of the development is acceptable in landscape terms and compliant with relevant Development Plan policy.

Access and highway safety

- 8.20** Section 4 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. Policy INF1 'Transport Network' of the JCS states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. Policy TRAC1 of the TBP states that development should prioritise pedestrian movement over motorised vehicles in a way that promotes pedestrian safety and convenience and that accessibility must include the consideration of all potential users, including those with disabilities, to ensure high standards of inclusivity are achieved to ensure that all members of society can travel safely and easily.
- 8.21** Access to the proposed development would, as in the appeal scheme be made via A38 Tewkesbury Road, a Class A road subject to a sign posted limit of 50mph via the drive which also provide access to the development to the north. The County Highways Authority have been consulted on the application and advise that the proposed access arrangements are acceptable in respect to highway safety and visibility. The County Highways Authority also advise that swept path analysis confirms that refuse vehicles can service the site and leave in a forward gear and the application is acceptable in this regard.
- 8.22** The proposal also provides adequate provision of car parking spaces, with each plot providing a minimum car of two parking spaces.

The specific parking provision is as follows:

- The two-bed properties have two car-port spaces each.
 - The two four-bed properties have one and two garage spaces respectively and two additional designated spaces each.
 - The five bed properties have two garage spaces and two additional designated spaces each.
 - There are eight visitor parking spaces
- 8.23** The extant S.106 agreement in respect of the approved development signed by GCC and the Council on 2nd November 2020 proposes secured a bus shelter contribution of £10,000 towards the provision of a shelter in the vicinity of the site. This contribution is still deemed necessary and would need to be secured via a deed of variation to the original agreement.

- 8.24** Subject to compliance with conditions and completion of a deed of variation it is considered that the proposal would not result in an adverse impact upon the operation of the highway network or safety.

Design, layout and residential amenity

- 8.25** The NPPF states 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. The NPPF also states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. 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. JCS Policy SD10 states that residential development should seek good design compatible with the quality of the local environment.
- 8.26** Policy H1 of the NDP states that housing development should achieve a standard of design and appearance of an appropriate density, scale and layout which is respectful of its surroundings. 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.
- 8.27** The application proposes seven dwellings with a shared access road to the east which also serves the dwellings which are to the north of the site. The revision to the scheme occasioned by the gas main easement has produced a proposal of seven dwellings arranged to make them akin to the completed development to the immediate North. This form is consistent with an agricultural style of building and when clustered together appear to mirror a courtyard farm complex form rather than the previously approved linear suburban form and appearance.
- 8.28** This alternative design proposes a variety of house types and styles including 2 storey semi's and 2½ storey detached properties with rooms in the roof space and variety of garages / car ports. The proposed scale of buildings and palette of materials reflects those of the development immediately to the north. Given that the palette of materials, the form of the development on the site and the mix of dwellings bears a clear relationship to the developed site to the adjoining site to the North, it is considered that the proposal would be acceptable in design and appearance terms and would read as a natural continuation of this existing development.
- 8.29** The Parish Council and adjoining residents have raised concerns in respect of detriment to adjoining occupiers by reason of overlooking of gardens and property, a matter also raised by third parties.

- 8.30** The distances from the two existing dwelling units to the immediate North of the relevant proposed units is as follows:

Proposed unit 1A's gable end to rear elevation of nearest dwelling some 14.3 metres.
Proposed unit 3A's rear elevation to nearest rear elevation of existing dwelling to the North is 31.2 metres.

Unit 1a is a two storey dwelling with bedrooms in the roof space, the 'overlooking' gable end window is proposed to be obscured glazed with the remaining bedroom area served by roof lights. Similarly, unit 3A has roof lights facing North.

- 8.31** Officers consider that the distances between the proposed units and the adjoining residential development to the North are satisfactory such that no material detriment will be occasioned by those occupiers in terms of overlooking or any adverse overbearing impacts. However it is considered that to prevent any possible loss of privacy, the gable end of unit 1A facing the adjoining development should be obscured glazed and this can be secured by an appropriately worded condition. Subject to compliance with conditions, Officers consider the proposals to accord with relevant design and amenity policies.

Housing mix

- 8.32** The current proposal comprises 4 market and three affordable discounted market for sale dwellings. The mix of housing comprises 3 five bed, 2 four bed and 2 two bed homes. Policy RES 13 of the TBP requires that new housing proposals are expected in accordance with SD11 of the JCS to provide an appropriate mix of dwellings, in size and tenure. It is noteworthy that the Inspector determining the application that sets a precedent for the residential development of this site noted at Paragraph 21 of the appeal decision that:

The new dwellings would share the appearance of neighbouring development currently being constructed in the north, comprising a similar height and scale whilst including timber cladding to maintain a consistent vernacular in line with Paragraph 130 of the Framework and pursuant to the farmstead aesthetic brought forward by that development. Consequently, even though both developments have come forward at different times, they would read as having a coherent relationship within the wider landscape and the proposal in and of itself would not present as piecemeal development.

- 8.33** The present proposals have amended that layout to depart from a linear form responding to the Planning Inspectors paragraph 22 of the appeal decision:

It is acknowledged that the NDP may encourage farmstead cluster layouts. However, the existing mature hedgerow would mitigate the appearance of linear development along the roadside frontage. Furthermore, the proposal's consistent vernacular with the existing cluster in the north means it would not appear as an isolated linear form of development, but a coherent and interesting part of the wider whole.

- 8.34** Whilst the appeal was upheld the present application departs from a linear form which is considered by officers to be acceptable and is consistent with the Inspectors assessment above. The proposed development is to re-configure the dwellings, to make them more akin to the properties to the north. The approach is to arrange the properties around a courtyard space, to make it more like a traditional complex of barns. The mix of housing comprises 3 five bed, 2 four bed and 2 two bed homes and is considered acceptable.

Affordable housing

- 8.35** The existing upheld appeal decision has an associated executed S106. That agreement remains extant but the current section 78 application will require a deed of variation so that the extant agreement applies to the currently submitted proposal should it be approved.
- 8.36** Policy SD12 of the JCS states that on sites of 10 dwellings or less, no contributions towards affordable housing will be sought. However, after changes to the NPPF Framework in respect of affordable housing following the adoption of the JCS, the Council sought affordable housing on sites in excess of 0.5ha. It was on that basis that an element of affordable housing was secured previously on the site at appeal. That requirement for affordable housing remains.
- 8.37** The changes to the Framework in respect of affordable housing are now reflected in policy RES12 of the Borough Plan. This application proposes that 3 of the dwellings will be affordable (43%), which represents a policy compliant scheme in that regard. In accordance with the Appeal application, it is proposed that the affordable dwellings will be discount market dwelling that would be sold at a discount of 20% below market value. That discount would be secured in perpetuity and meets the definition of affordable housing set out in the Framework.
- 8.38** The Borough's housing officer has offered no objection to the proposals subject to the applicants entering into a deed of variation to reflect the changes necessary to schedule 2 of the extant Section 106 to reflect the current proposal.

Drainage and flood risk

- 8.39** JCS Policy INF2 requires new development to incorporate sustainable drainage systems, manage surface water drainage, to avoid increase in discharge to the public sewer, ensure flood risk is not increased elsewhere and to protect the quality of the receiving watercourse and groundwater. Policy ENV2 of the TBP echoes these requirements.
- 8.40** The applicants have submitted a phase 2 flood risk assessment which details the proposed drainage strategy and flood mitigation measures. The site is located in Flood Zone 1, an area shown to be at low risk of river flooding. The Surface Water (Pluvial) Flood map of the Environment Agency indicate that the majority of the site is at very low risk with areas of medium to low risk along the southern boundary. These areas are not proposed for any development. The applicants submitted study as referenced above finds that the site is identified to be at negligible to low risk of all forms of flooding.
- 8.41** The applicant's surface water study envisages discharge surface water generated by the proposal to Cox's Brook. This is in view of the identified low potential for the use of soakaway drainage on adjacent land as part of the approved and constructed phase 1 development. It is proposed to provide a new gravity stormwater system with attenuation and a controlled discharge for up to a 1 in 100 year event plus 40% climate change allowance, which will reduce risk of flooding downstream. The overall discharge rate from site will be restricted to the QBAR rate (annual average) of 2.9 l/s for all return period storms.

- 8.42** The proposed strategy utilises a detention basin to accommodate the necessary storm water storage prior to discharge to the adjacent Cox's Brook. The final layout and design of the surface water drainage network could be controlled by planning condition. Foul water will be sent to a wastewater treatment plant, with treated foul being discharged to Cox's Brook bordering the southern boundary of the site.
- 8.43** The Council's Drainage Engineer has confirmed that no objection is raised subject to recommended conditions. Therefore, Officers consider that the drainage proposals are acceptable and comply with relevant policy.

Biodiversity

- 8.44** Policy SD9 of the JCS seeks to protect and enhance the biodiversity of the JCS area, Policy NAT 1 of the TBP seeks to protect habitat and produce biodiversity net gain. The application has been supported by a Preliminary Ecological Appraisal (PEA) and Ecological Impact Assessment (EclA) which has been assessed by the council's ecological advisors who have confirmed that the proposal is acceptable subject to the imposition of recommended planning conditions in respect of enhanced mitigation measures, implementation of badger mitigation measures and an external lighting strategy.
- 8.45** Subject to compliance with conditions it is considered that the proposal would have an acceptable impact on ecology and biodiversity.

Section 106 obligations

- 8.46** 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.

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

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

- £10,000 for a bus shelter in the vicinity of the site
- Provision of three affordable homes

These obligations could be secured by a deed of variation to the extant S106 agreement in respect of the permitted scheme at the site.

9. Conclusion

9.1 On the basis that the Council cannot at this time demonstrate a five year supply of deliverable housing sites, the Council's policies for the supply of housing are out of date. In accordance with Paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas of assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. There are no NPPF policies for the protection of areas or assets of particular importance which apply in this case and therefore, it is clear that the decision-making process for the determination of this application is to assess whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

9.2 Furthermore, the application benefits from an existing fallback provision gained at appeal where the Inspector considered that the site is an appropriate location for residential development and that permission remains extant.

Benefits

9.3 The benefit of the proposal arises from the delivery of four market dwellings and three discount market sale dwellings, although it is accepted that those benefits are limited by virtue of the small scale of the development proposed. In terms of economic benefits it is now widely accepted that new housing developments bring benefits during the construction phase through additional spending power in the local economy as a result of the increased population, although these economic benefits are similarly limited relative to the scale of the proposed development.

Harms

9.4 The development would have some landscape harm in that it would introduce buildings upon an existing field parcel, however, given the scale of the proposal and the existing extant consent for the use of the site for housing development these harms are very limited.

Neutral

9.5 Subject to compliance with conditions it is considered that the proposed development would have no undue impact in terms of design, residential amenity, ecology and flooding.

- 9.6 In the absence of a signed deed of variation obligation, the highways authority have advised that the application fails to provide sufficient measures to promote sustainable transport modes. Similarly in the absence of a signed planning obligation the application would fail to deliver affordable housing and would not meet the needs of groups with specific housing requirements. However, the applicant has indicated that they would enter into a planning obligation to secure these terms should planning permission be granted.

10. Recommendation

- 10.1 Taking into account all of the above, it is considered that the proposal when considered against relevant planning policy, read as a whole, and the identified benefits is acceptable. It is recommended that **authority be delegated to the Development Manager to permit the application subject to the completion of a deed of variation to secure a bus shelter contribution, affordable housing and subject to the conditions set out below:**

11. Conditions

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

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

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

- Proposed Site Plan – Drawing No. 21027 10 PL3
- East and West Street Scenes – Drawing No. 21027 11 PL3
- Units 1-2 – East and West Elevations – Drawing No. 21027 12 PL2
- Units 1-3 – North and South Elevations – Drawing No. 21027 13 PL2
- Units 3-5 – East and West Elevations – Drawing No. 21027 14 PL2
- Units 4-6 – North and South Elevations – Drawing No. 21027 15 PL3
- Units 5-7 – East and West Elevations – Drawing No. 21027 16 PL3
- Type A – Floor Plans – Drawing No. 21027 19 PL1
- Types B and C – Floor Plans – Drawing No. 21027 20 PL1
- Garage & Garden Room Elevations – Drawing No. 21027 21 PL2
- Proposed Levels – Drawing No. 21027 22 PL1
- Existing Levels – Drawing No. 21027 23 PL1
- Design & Access Statement – Sutton Cox Architects – June 2022
- Landscape Strategy – Drawing No. 21053.101 Rev C
- Preliminary Ecological Appraisal Report - WWE19029/PEA/REV_B
- Ecological Impact Assessment Report (Badger Survey) – WWE22010 ECIA Rev A
- Flood Risk Assessment – October 2022
- Water Management Statement – 27th September 2022
- Storm Sewer Design by Cotswold Transport Planning dated 30/03/2023

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

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

- 3** Notwithstanding the elevation of unit 1 as detailed on drawing number 2107-13PL2 the second-floor window of the northern gable elevation shall be obscured glazed and be similarly maintained thereafter.

Reason: To protect the amenity of adjoining occupiers.

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

1. 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).

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

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

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

- 5** Prior to commencement of any development within a Construction (and demolition) Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (but is not limited to):
- a. Site access/egress
 - b. Staff/contractor facilities and travel arrangements
 - c. Dust mitigation
 - d. Noise and vibration mitigation (Including whether piling or power floating is required and please note white noise sounders will be required for plant operating onsite to minimise noise when in operation/moving/ reversing)
 - e. Mitigation of the impacts of lighting proposed for the construction phase
 - f. Measures for controlling leaks and spillages, managing silt and pollutants
 - g. Plans for the disposal and recycling of waste Development shall take place only in accordance with the approved CEMP.

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

6 Prior to development a noise assessment shall be undertaken to ascertain any potential impact of the following.

- Road traffic noise from the A38
- Noise associated with Heat pumps if installed (Both individual and cumulative impact)

The noise should be assessed in accordance with BS 8233:2014, BS4142:2019 (or any amended or superseding standard) and any other relevant British Standards. The report shall include the following;

- A baseline noise survey
- An assessment of likely impact.
- Predicted modelled noise levels at the site.
- Where appropriate, mitigation measures to reduce the noise to within acceptable levels at the proposed development and/or existing properties.

The report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect proposed future occupiers from the impacts of medium and long-term exposure to noise

7 No dwelling hereby permitted shall be occupied until a scheme to protect the proposed development from traffic noise from the A38 has been implemented in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the indoor ambient noise levels in living rooms and bedrooms and external amenity areas meet the standards in BS 8233:2014 for the appropriate time period. The development shall be carried out in strict accordance with the details so approved.

Reason: To protect proposed future occupiers from the impacts of medium and long-term exposure to noise

8 No development shall take place until an Ecological Mitigation, Enhancement and Management Plan expanding on the measures details set out in the Ecological Impact Assessment and Preliminary Ecological Appraisal have been submitted to and approved in writing by the Local Planning Authority. This plan should also include precautionary mitigation for otters, amphibians and reptiles, and recommendations for. It should include the location and specification of ecological enhancement features and details of their implementation.

Reason: To safeguard wildlife.

9 No work above floor plate level shall be carried out until details or where appropriate samples of the facing and roofing materials, including timber cladding, windows, doors and their reveals 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.

- 10** No above ground works shall take place until a lighting strategy scheme covering both construction and occupation phases has been submitted to and approved in writing by the Local Planning Authority detailing location and specification of the lighting supported by contouring plans demonstrating any light spill into adjacent habitats. This plan shall be completed in conjunction with advice from the project ecologist. And works implemented and maintained in accordance with the approved details.

Reason: To mitigate the impacts of light pollution.

- 11** 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.

- 12** No development above damp course level shall take place until there has been submitted to and approved by the local planning authority in writing, a comprehensive scheme of hard and soft landscaping, including boundary fencing and hard surfacing materials, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

Reason: to create a high-quality environment in the interests of visual amenity and privacy

- 13** All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and 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

Reason: In the interests of visual amenity and privacy.

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

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

- 15** No above ground development shall start apart from site clearance until a detailed design, maintenance and management strategy and timetable of implementation for the surface water drainage strategy presented in the Flood Risk Assessment – October 2022 and Water Management Statement – 27th September 2022 has been submitted to and approved in writing by the Local Planning Authority. The submitted details must demonstrate the technical feasibility and viability of the proposed drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the lifetime of the development. The scheme for the surface water drainage shall be implemented in accordance with the approved details and timetable and shall be fully operational before the development is first put in to use/occupied.

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

- 16** No above ground development shall start apart from site clearance until the detailed design proposals for the attenuation basin have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include a safety risk assessment, levels, profile, sections, inlet and outlet structures and safety benches. The details shall include 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. The attenuation basin shall be constructed in accordance with the approved detailed design proposals before the development is first brought into use. The approved SuDS management and maintenance plan shall be implemented in full in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution. The details need to be submitted prior to the commencement of any works to ensure that the ability to implement a satisfactory drainage system is not compromised.

- 17** The development hereby permitted shall not be occupied until a SuDS management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SuDS maintenance plan shall be implemented in full in accordance with the approved details for the lifetime of the development.

Reason: To provide for the continued operation and maintenance of sustainable drainage features serving the site and to ensure that the development does not result in pollution or flooding, to improve water quality at point of discharge.

- 18** No building hereby permitted shall be occupied until details of the design, implementation, maintenance and management of foul water drainage works package sewage treatment plant 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.

- 19** No building hereby permitted shall be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no. PL19-290-14B, and those facilities shall be maintained available for those purposes thereafter.

Reason: In the interest of highway safety.

- 20** Prior to first occupation/use of the site, a report prepared by an appropriately qualified and experienced Ecological Clerk of Works demonstrating implementation of the badger mitigation/enhancement measures as set out in the Ecological Mitigation, Enhancement and Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard protected species.

12. Informatives

- 1** In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
- 2** The applicant is advised of the presence of a high-pressure gas main within the application site which is categorised as a Major Hazard Pipeline. The applicant is advised to contact the Health and Safety Executive prior to commencement of development on site to ensure that safety measures and put in place for site operatives, and nearby residence.

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Revision Schedule	
Rev No.	Description
PL1	Planning issue.
PL2	Layout & red line amended.
PL3	Bin areas added.



NOTE: AFFORDABLE UNITS SHADED YELLOW



Drawing Status:
PLANNING

Project Title:
Walnut Farm - Phase 2

Drawing Description:
Proposed Site Plan

Scale:
1 : 500

Sheet Size:
A2

Date:
09/08/21

Drawn By:
Author

Designed By:
Designer

Checked By:
Checker

Job No:
21027

Drawing No:
10

Revised:
PL3

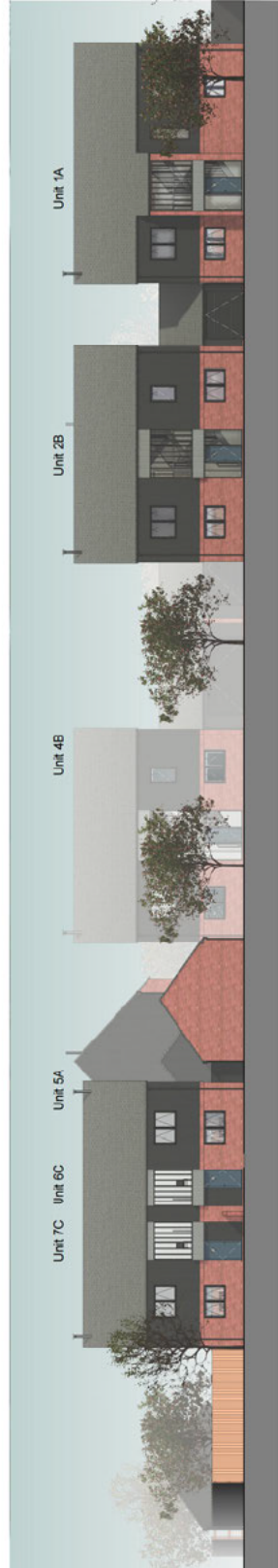
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Revision Schedule		
Rev.No.	Description	Date
PL1	Planning issue.	24.06.22
PL2	Elevations amended.	28.06.22
PL3	Elevations updated.	06.09.22



1 Street Scene East
1 : 200



2 Street Scene West
1 : 200

- MATERIALS:**
- Roof Finishing Bricks - Reclamation Olive Dried by Imperial Bricks
 - Timber Cladding - archcladding, stained black
 - Roofs - natural/buagrs slate
 - Doors & Windows - colour coated aluminium: RAL 7021 Black / Grey
 - Rainwater Goods - black UPVC

Drawing Status:
PLANNING

Project Title:
Walnut Farm - Phase 2

Drawing Description:
East and West Street Scenes

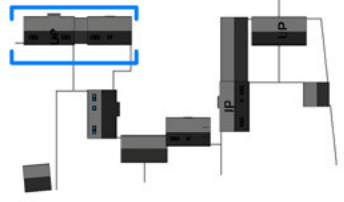
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1 : 200	A2	09/09/21
Drawn By:	Designed By:	Checked By:
Author	Designer	Checker
Job No.:	Drawing No.:	Revision:
21027	11	PL3

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Revision Schedule	
Rev No.	Date
PL1	24.06.22
PL2	28.06.22



1 Units 1 and 2 - East Elevation
1 : 100



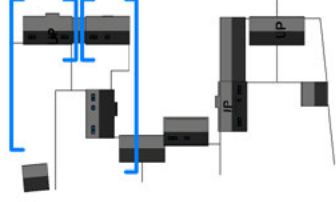
2 Units 1 and 2 - West Elevation
1 : 100

MATERIALS:
 Red Facing Bricks - Reclamation Shaw Blend by Imperial Bricks
 Timber Cladding - larch cladding, stained black
 Floors - natural chevron oak
 Doors & Windows - colour coated aluminium, RAL 7021 Black / Grey
 Rainwater Goods - black UPVC

Drawing Status: PLANNING		
Project Title: Walnut Farm - Phase 2		
Drawing Description: Units 1-2 - East and West Elevations		
Scale: As indicated	Sheet Size: A2	Date: 09/08/21
Drawn By: Author	Designed By: Designer	Checked By: Checker
Job No: 21027	Drawing No: 12	Revision: PL2
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Revision Schedule		
Rev.No.	Description	Date
PL1	Planning issue.	24.06.22
PL2	Elevations amended.	28.06.22



1 Units 1 and 3 - North Elevation
1 : 100



2 Units 2 and 3 - South Elevation
1 : 100



3 Unit 1 - South Elevation
1 : 100

4 Unit 2 - North Elevation
1 : 100

- MATERIALS:**
- Red Facing Bricks - Redation Stone Bed by Imperial Bricks
 - Timber Cladding - birch cladding, sanded back
 - Roofs - natural charred colour slats
 - Doors & Windows - colour coated aluminium, RAL 7021 Black / Grey
 - Rainwater Goods - black uPVC

Drawing Status:
PLANNING

Project Title:
Walnut Farm - Phase 2

Drawing Description:
Units 1 - 3 - North and South Elevations

Scale: As indicated
Sheet Size: A2
Date: 09/07/21

Drawn By: Author
Designed By: Designer
Checked By: Checker

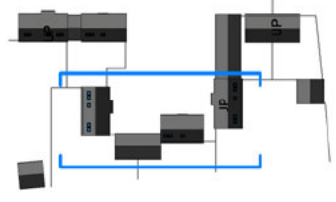
Job No: 21027
Drawing No: 13
Revision: PL2

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Revision Schedule		
Rev.No.	Description	Date
PL1	Planning issue.	24.06.22
PL2	Elevations amended.	28.06.22



1 Units 3, 4 and 5 - East Elevation
1 : 100



2 Units 3, 4 and 5 - West Elevation
1 : 100

MATERIALS:
 Roof Facing Bricks - Reclamation Shire Blend by Imperial Bricks
 Timber Cladding - ash cladding, stained black
 Floors - natural character oak solids
 Doors & Windows - colour coated aluminium, RAL 7021 Black, Grey
 Rainwater goods - black uPVC

Drawing Status:
PLANNING

Project Title:
 Walnut Farm - Phase 2

Drawing Description:
 Units 3-5 - East and West Elevations

Scale: AS indicated
 Sheet Size: A2
 Date: 09/07/21

Drawn By: Designer
 Author: Designer
 Checked By: Designer
 Checker: Designer

Job No: 21027
 Drawing No: 14
 Revision: PL2

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Revision Schedule		
Rev.No.	Description	Date
PL1	Planning issue.	24.06.22
PL2	Elevations amended.	28.06.22
PL3	Elevations updated.	06.09.22



Drawing Status:
PLANNING

Project Title:
Walnut Farm - Phase 2

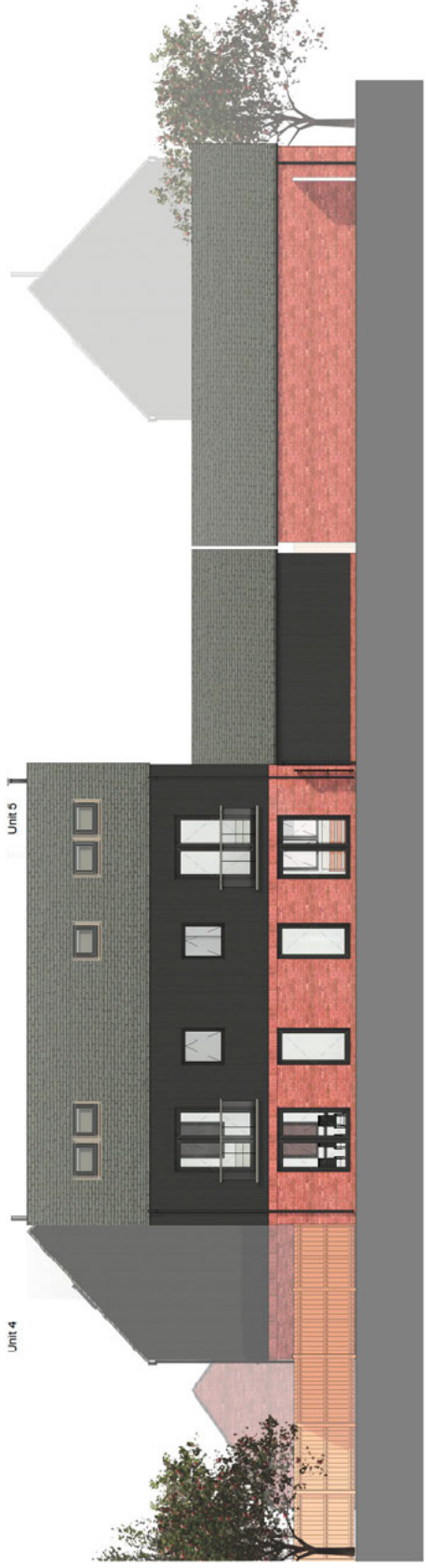
Drawing Description:
Units 4-6 - North and South Elevations

Scale:	As indicated	Sheet Size:	A2	Date:	09/07/21
Drawn By:	Author	Designed By:	Designer	Checked By:	Checker

Job No.:	21027	Drawing No.:	15	Revision:	PL3
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1 Unit 5 - South Elevation
1 : 100



MATERIALS:
 Red Facing Bricks - Reclamation Shire Blend by Imperial Bricks
 Timber Cladding - larch cladding, stained black
 Roofs - natural charred colour slate
 Doors & Windows - colour coated aluminum, RAL 7021 Black / Grey
 Rainwater Gutter - black uPVC

2 Unit 5 - North Elevation
1 : 100

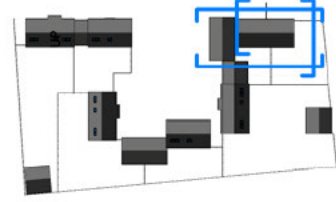


3 Unit 4 - North Elevation
1 : 100

4 Unit 4 - South Elevation
1 : 100

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Revision Schedule		
Rev.No.	Description	Date
PL1	Planning issue.	24.06.22
PL2	Elevations amended.	28.06.22
PL3	Elevations updated.	06.09.22



Drawing Status:
PLANNING

Project Title:
Walnut Farm - Phase 2

Drawing Description:
Units 5-7 - East and West Elevations

Scale:	As indicated	Sheet Size:	A2	Date:	09/07/21
Drawn By:	Author	Designed By:	Designer	Checked By:	Checker
Job No.:	21027	Drawing No.:	16	Revision:	PL3

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1 Units 5, 6 and 7 - East Elevation
1 : 100

- MATERIALS:**
- Roof Facing Tiles - Insulation Stone Dried by Imperial Tiles
 - Timber Cladding - larch cladding, stained black
 - Roofs - natural charcoal colour slate
 - Doors & Windows - colour coated aluminium, RAL 7021 Black / Grey
 - Rainwater Goods - black uPVC



2 Units 6 and 7 - West Elevation
1 : 100



3 Unit 6 - North Elevation
1 : 100

4 Unit 7 - South Elevation
1 : 100

Planning Committee

Date	21 November 2023
Case Officer	Jonny Martin
Application No.	23/00293/OUT
Site Location	Land At Church Lane, Church Lane, The Leigh
Proposal	Erection of two four-bedroom dwellings including details of access with all other matters reserved (appearance, scale, layout and landscaping as reserved matter).
Ward	Severn Vale North
Parish	Leigh
Appendices	Site Location Plan 22007-01-P1 Existing Block Plan 22007-02-P1 Proposed Site Plan 22007-03-P2
Reason for Referral to Committee	The application requires a Committee determination as the Parish Council has objected to the proposal.
Recommendation	Permit

Site Location



1. The Proposal

Full application details are available to view online at:

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

- 1.1 The application seeks outline planning permission for the erection of 2no. 4 bed dwellings including details of access with all other matters (appearance, scale, layout and landscaping as reserved matter) reserved.
- 1.2 An indicative layout has been provided which shows how two dwellings can be accommodated on site. The layout allows for each dwelling to have at least two car parking spaces, a garage, a private garden area and a separate access onto Church Lane. Each dwelling would be 1.5 storeys in height.
- 1.3 The development is designed to be accessed from two existing field entrance gates located on Church Lane. One access point will be provided for each dwelling. The site is located off the A38.

2. Site Description

- 2.1 The application site is a rectangular parcel of pasture land and is located off the A38 between Tewkesbury and Gloucester. There are a number of residential properties to the east of the site along Deenes Road, a field with Christmas trees planted to the north, allotments to the west and open fields to the south across Church Lane.
- 2.2 The site is located within Flood Zone 1 and is located within a Landscape Protection Zone. The application site benefits from two existing access points onto Church Lane.

3. Relevant Planning History

NONE.

4. Consultation Responses

Full copies of all the consultation responses are available online at

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

- 4.1 **Leigh Parish Council** – The Parish object as they do not consider the site to be infill development, contrary to the adopted The Leigh Parish Neighbourhood Development Plan (TLPNDP). The Parish also made comments about their dislike of outline planning applications.
- 4.2 **Building Control** – No objection – Building Regulations Approval required.
- 4.3 **County Highways** – No objection, subject to conditions.
- 4.4 **Flood Risk & Drainage Officer** –No comment received. Detailed drainage conditions will be applied to any permission.

- 4.5 Landscape Officer** – Additional information requested and received, no objections, subject to conditions.
- 4.6 Ecology** – No objection, subject to conditions.
- 4.7 Tree Officer** - No objection subject to detailed conditions.
- 4.8 Severn Trent** - No objection.
- 5. Third Party Comments/Observations**
-

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

- 5.1** The application has been publicised through the posting of a site notice for a period of 21 days and the distribution of neighbour notification letters. Five letters of objection have been received raising the following concerns (summarised):
- Loss of privacy
 - Increase in traffic
 - No requirement for more housing
 - Overbearing impact on properties along Deenes Road
 - Conflict with RES4
 - Not infill development
 - Additional traffic
- 5.2** Three letters of support have been received raising the following (summarised):
- Close to A38
 - Infill development

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

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

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

6.2 National guidance

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

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

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

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 RES5 (New Housing Development)
Policy LAN2 (Landscape Character)
Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
Policy TRAC9 (Parking Provision)
Policy DES1 (Housing Space Standards)
Policy COM4 (Neighbourhood Development Plans)

6.5 Neighbourhood Plan

The Leigh Parish Neighbourhood Development Plan – 2020-2031

Policy H1: Design for New Residential Development
Policy H4: Parking in New Residential Development

7. Policy Context

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

8. Evaluation

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, new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2.
- 8.2** 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.
- 8.3** In relation to Policy SD10, the application proposal is not on a site allocated for housing through the development plan, nor is it on previously developed land within the existing built-up area of Tewkesbury town, rural service centres or service villages. The application does not comprise a rural exception site for affordable housing and does not involve infilling within the existing built-up area of the Borough's towns and villages. Although there is residential development to the east of the site along Deenes Road, the site is bound to the south by open fields, a Christmas tree orchard to the north and allotments to the west. For these reasons, the site is not considered to be infill development and would be contrary to Policy SD10 of the JCS.
- 8.4** In relation to the Tewkesbury Borough Plan 2011-2031, the site is not located within a defined settlement boundary as shown on the adopted policies map. Policy RES3 relates to residential development outside settlement boundaries and states that the principle of new residential development will be considered acceptable where it meets one of the seven criteria listed and accompanying policy. The only applicable policy to the site is Policy RES 4 and the site is assessed against this policy below.

- 8.5** Policy RES 4 of the TBP states:

"To support the vitality of rural communities and the continued availability of services and facilities in the rural areas, very small-scale residential development will be acceptable in principle within and adjacent to the built up area of other rural settlements (i.e. those not featured within the settlement hierarchy) providing:

- a) it is of a scale that is proportionate to the size and function of the settlement and maintains or enhances sustainable patterns of development;*
- b) it does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the plan period; as a general indication no more than 5% growth will be allowed;*
- c) it complements the form of the settlement and is well related to existing buildings within the settlement;*
- d) the site of the proposed development is not of significant amenity value or makes a significant contribution to the character and setting of the settlement in its undeveloped state;*
- e) the proposal would not result in the coalescence of settlements*
- f) the site is not located in the Green Belt, unless the proposal would involve limited infilling in a village, limited affordable housing for local community needs (in accordance with Policy RES6) or any other exceptions explicitly stated within the National Planning Policy Framework.*

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

(Emphasis added)

- 8.6** In the first instance, it needs to be established if the site is located within and adjacent to the built-up area of The Leigh. The adopted policies map and the Neighbourhood Development Plan do not provide a settlement boundary for The Leigh. The Leigh itself is not a linear settlement. Within appeal decision 3267323, relating to Land at the Rea of The Lodge The Leigh, the inspector defined The Leigh as:

“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.”

- 8.7** The supporting text for Policy RES4 specifies that for the purpose of that policy and for the application of Policy SD10, the Council will consider the built-up area of a settlement to be its continuous built form...excluding individual buildings or groups of dispersed buildings which are clearly detached from the continuous built-up area of the settlement. The supporting text to Policy SD10 sets out that infill development means the development of an under-developed plot, well related to existing built development.

- 8.8** The applicant considers the site to be compliant with the policy and refers to the Councils' own Assessment of land availability 2018-2019. Reference LEI008 relates to the application site and in relation to likely development of the site, the assessment considers this and to be available, suitable and achievable. Within designation LEI008 the following character of the area description is given:

“The site is situated to the south east of The Leigh, a small village south of Tewkesbury and east of Cheltenham. The site is divided into 4 parcels of land.”

- 8.9** The applicant considers that the combination of the site being suitable, achievable and available alongside the character description confirms that the site is within The Leigh and therefore compliant with Policy RES4.

- 8.10** However, Officers consider that the character of the area description confirms that the site is outside of the built of area of The Leigh. The description states that the site is situated to the south east of The Leigh and that it goes on to state that The Leigh is a small village south of Tewkesbury and east of Cheltenham. This character description confirms that the village of The Leigh would be located to the north west of the site.

- 8.11** The application site is separated from the main built up area of The Leigh by numerous fields which provides a clear and distinct break in built form. 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.

- 8.12** Therefore, it is considered that the site is not within the existing built-up area of this rural settlement and would not be adjacent to it. The proposal would be contrary to Policy RES4 of the TBP as it would not be acceptable in principle due to the application site not being within and adjacent to the built-up area of The Leigh.

- 8.13** Part (b) of Policy RES4 seeks to ensure that new development 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. The applicant has provided evidence regarding the number of new dwellings since the plan period in 2011 and has provided evidence relating to an 8% growth figure.
- 8.14** Despite being higher than the 5% growth figure, the policy does state that 5% is only a general indication and not a fixed figure. In addition, the reasoned justification to the Policy at paragraph 3.29 states that some rural settlements have greater sustainability credentials than others and may have everyday facilities and/or good public transport access to neighbouring service/employment centres. The application site is circa 200m from bus stops on the A38 which provides bus routes to Tewkesbury, Cheltenham and Gloucester. Given the proposal is only for 2 dwellings and is located within 200m of bus stops, part (b) of Policy RES4 is not considered to be a refusal reason.

Five Year Housing Land Supply

- 8.15** The Council published an updated Five-Year Housing Land Supply Statement (October 2023) on 17th October 2023 which sets out the position on the five-year housing land supply for Tewkesbury Borough as of 31st March 2023 and covers the five-year period between 1st April 2023 and 31st March 2028. This demonstrates that, when set against local housing need plus a 5% buffer, Tewkesbury Borough Council can only demonstrate a 3.23 years' supply of housing land.
- 8.16** While the policies for the delivery of housing are out of date they nevertheless still remain part of the development plan albeit with reduced weight. Paragraph 11(d) of the NPPF therefore applies and 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.

Status of The Leigh Parish Neighbourhood Development Plan 2020-2031 (TLPNDP)

- 8.17** 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:
- i. the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
 - ii. the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
 - iii. 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
 - iv. the local planning authority's housing delivery was at least 45% of that required over the previous three years.

- 8.18** Whilst TLPNDP was adopted within two years (27 September 2022), the plan does not contain allocations to meet its identified housing requirement. Consequently, it does not benefit from the protection that would have been afforded by paragraph 14 of the Framework. However, TLPNDP remains an integral component of the adopted development plan and decision makers should continue to have full regard to it in determining planning applications.

Conclusion on Principle of Development

- 8.19** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 8.20** The application conflicts with Policy SD10 of the JCS, Policy RES4 of the TBP and Policy H1 of TLPNDP, therefore the starting point is that the proposal should be refused in accordance with the development plan unless other material planning considerations indicate otherwise.
- 8.21** However, as set out above, the Council cannot at this time demonstrate a five year supply of deliverable housing land and therefore the most important policies for determining the application are deemed out of date in accordance with footnote 8 of the NPPF. On that basis the application must be determined in accordance with paragraph 11(d)(ii) of the NPPF (the tilted balance), i.e. planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of NPPF as a whole.

Other Material Considerations

Design and Visual Amenity

- 8.22** 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.
- 8.23** 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.
- 8.24** Whilst all matters relating to design and layout are reserved for future consideration, the application is supported with an illustrative site layout plan. The layout plan shows that each dwelling would have a separate access via existing field gates. The layout plan shows that the dwellings will be located centrally within the overall site with front gardens, rear gardens, a garage and additional parking spaces provided to the side of each dwelling.

- 8.25** The applicant has provided a Design and Access Statement (DAS) which confirms that each dwelling would be 1.5 storey and would provide 4 bedrooms per dwelling. The proposed scale of these dwellings is considered acceptable in principle, but the applicant will need to provide detailed elevations at reserved matters stage to ensure that the building sizes are appropriate for the plots and would achieve a reasonable separation distance when viewed against the adjacent site.
- 8.26** The detailed plans would need to demonstrate how they are in keeping with Policy H1 of The Leigh Neighbourhood Plan which sets out a number of design criteria for new residential development.

Housing Standards & Mix

- 8.27** The proposed standard and mix of housing will be determined at reserved matters stage. However, it is clear that all units are capable of being designed in accordance with the Nationally Described Space Standards as per Policy DES1 of the TBLP.

Landscape and Trees

- 8.28** The NPPF sets out at paragraph 170 that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
- 8.29** JCS Policy SD6 states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area.
- 8.30** The existing landscape generally comprises open fields with boundary planting. The field behind the site currently has conifers growing in it. Whilst landscaping details will be assessed within a reserved matters application, an indicative landscape scheme has been shown which maintains the openness at the back of the site with a post and rail fence, whilst allowing for shrubs, fruit trees and meadow grassland to encourage wildlife within the development. A native hedge is shown on the west to give some privacy to the allotments to the west.
- 8.31** The indicative landscaping plan has been reviewed by the Council's Landscape and Tree Officers. They have provided comments as follows:
- a detailed landscape scheme should include a new native hedge around the full extent of the rear boundary, in addition to the post and rail fence shown. Currently native hedge planting is only proposed along the western boundary;
 - The existing tree on the front boundary looks like an ash tree, so some additional frontage tree planting may be sought to provide succession tree cover, should the ash become affected by ash dieback disease in future;
 - At the front of the site, limited meadow planting should be provided and more amenity grass should be provided.
 - Details will need to be provided on what impact trees will have on the overhead line which runs through the site.

- 8.32** Given the proposed dwellings would be 1.5 storey in height, would be set back from the road frontage, the extensive front boundary treatment, and the proximity of nearby dwellings, it is considered that the character of the wider area would not be significantly altered and the redevelopment of the site would not significantly interrupt views of the open countryside beyond.
- 8.33** Therefore, it is considered that the visual impact of redeveloping the site would not be so significant as to warrant a refusal of planning permission in this particular case. However, it is recommended that a condition is attached to any approval of planning permission requiring the submission of details relating to landscaping.

Impact on Amenity of Existing and Future Occupiers

- 8.34** Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing and future users. JCS policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 8.35** Policy RES5 states that proposals for new housing development should, inter alia, provide an acceptable level of amenity for the future occupiers of the proposed dwellings and cause no unacceptable harm to the amenity of existing dwellings.
- 8.36** The nearest residential dwellings are located to the east of the site along Deenes Road at Roseleigh and Hazeldene. It is considered that careful siting, design and orientation of the proposed dwellings and their fenestration would ensure that the development could be accommodated in an acceptable manner. These matters would be addressed through any subsequent reserved matters application. All side/rear facing windows on the new dwellings should ensure no loss of privacy to habitable rooms of neighbouring dwellings or to rear private amenity areas. Further details would also need to be provided to ensure that is no impact on amenity between the two proposed dwellings.

Access and Highway Safety

- 8.37** 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. Further, 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.
- 8.38** JCS Policy INF1 states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. Emerging Policy RES5 states that proposals for new housing development should, inter alia, make provision for appropriate parking and access arrangements and not result in the loss or reduction of existing parking areas to the detriment of highway safety. Policy TRAC9 states that proposals need to make provision for appropriate parking and access arrangements.
- 8.39** The existing access points to the site will be retained and adjusted to suit the new use to minimise the impact on the existing hedge. The access to the east will also allow access to the field behind, and a new access will be created to the allotments adjacent to the existing access to the west. Each dwelling will have a double garage with two parking spaces and a turning area.

- 8.40** Although the site is located in a rural setting, there are two bus stops located at the end of Church Lane on the A38 (circa 200m from application site) which provide direct access to facilities and services including schools, places of employment and convenience stores. There are no footpaths from the application site to the bus stops and pedestrians would have to use the existing grass verges to and from the bus stops. The Highways Officer is of the opinion that occupiers could walk to the bus stop but that ideally there should be a pedestrian footway in place. The highways officer has also confirmed that Church Lane is lightly trafficked. As such the use of the grass verges for accessing the bus stops is considered to be acceptable in this instance.
- 8.41** The Council recently refused an application (23/00477/FUL) at planning committee for one dwelling at Land to South of Blacksmith Lane, East of Cyder Press Farmhouse, The Leigh. One of the refusal reasons related to the reliance on the private car and accessibility to services. However, the key difference from this site and the application site is that the single dwelling would measure circa 900m from the nearest bus stop and as such occupiers would need to travel along the often narrow lanes to reach them which would not make buses an attractive or probable option.
- 8.42** The proposal has been assessed by the Highway Authority and following a review of the submitted information, the proposal is considered to meet the Manual for Gloucestershire Streets guidance in relation to turning facility, emergency access, access for service and delivery vehicles, parking and cycling provision, visibility splays and accessibility by public transport.
- 8.43** The Highway Authority has undertaken a robust assessment of the planning application and 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 therefore no justifiable grounds on which an objection could be maintained.

Drainage

- 8.44** JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SuDS) where appropriate to manage surface water drainage. This is reflected in Policy ENV2 of the TBP and the NPPF.
- 8.45** The site is located within Flood Zone 1 (low risk) as defined by the Environment Agency's most up-to-date flood risk maps. The development is therefore unlikely to be at risk of flooding or causing significant risk of flooding to third party property.
- 8.46** The application is at an outline stage and therefore full detailed drainage plans would be required with any reserved matters application. In relation to foul water, the applicant intends to use a treatment plant which has been indicatively shown on the proposed site plan.
- 8.47** It is therefore recommended that a condition is attached to any approval of planning permission requiring the submission of full drainage plans at the reserved matters stage, to ensure the most appropriate drainage solution be implemented.

Biodiversity

- 8.48** 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.
- 8.49** The application is accompanied by a PEA prepared by Betts Ecology dated September 2022. The ecological appraisal showed that the site is dominated with low value grassland and a conifer plantation. A native species poor hedgerow is present along the southern boundary, nonetheless this hedgerow is classified as a habitat of principle importance and should be retained where possible. Plans show that the existing access will be utilised as well as a small section of hedgerow to access the other proposed house. New native hedgerow planting is proposed along the western boundary and will compensate for the section of hedgerow removed. Enhancement of the hedgerow is welcomed.
- 8.50** The submitted PEA has been reviewed by the Council's Ecologist who have no objections subject to conditions. Conditions are proposed to ensure the development is carried out in accordance with the mitigation measures in the PEA, further details are provided in relation to bird/bat boxes and that no lighting should be installed unless a lighting scheme is submitted and approved by the Council.
- 8.51** Therefore, subject to the imposition of conditions the application is considered acceptable in regard to ecology.

9. Conclusion

- 9.1** Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70 (2) of the Act provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 9.2** The proposal would be contrary to Policy RES4 of the TBP as it would not be acceptable in principle due to the application site not being within and adjacent to the built-up area of The Leigh. The site is not previously developed land within the built up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing TBP which allow for the type of development proposed here. The proposal therefore conflicts with the spatial strategy and Policies SP2 and SD10 of the JCS, Policy RES3 and RES4 and Policy H1 of TLPNDP.

- 9.3** However, on the basis the Council cannot at this time demonstrate a five-year supply of deliverable housing land, the Council's policies for the supply of housing are out of date. In accordance with Paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas of assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.
- 9.4** As detailed throughout the analysis section of the report, there would be no clear reasons for refusal arising from NPPF policies for the protection of areas or assets of particular importance in this case and therefore, it is clear that the decision-making process for the determination of this application is to assess whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

Benefits

- 9.5** The development would contribute towards the supply of housing to help meet the housing need which attracts significant weight in favour of granting permission in light of the Council's housing land supply position.
- 9.6** The scale of development, its relationship with and proximity to a service village and the existing built-up area, is a benefit that, in light of the Council's housing land supply position, would attract fair weight in favour of granting permission.
- 9.7** Although the development is relatively modest in scale, in economic and social terms a number of benefits would flow from this development if permitted, including during the construction process. There would also be economic and social benefits arising from spend from future residents which would help sustain local services and facilities, which is considered a moderate benefit.
- 9.8** As discussed in the highway section, the site is considered to be in a sustainable location given its proximity to the nearby bus services along the A38. Although the proposal would rely on the use of private vehicles, given its rural location, a viable sustainable alternative is feasible from this site.
- 9.9** As detailed within the ecology section, the application site is considered to be low value grassland with limited ecological value. There are no trees on site identified as having Potential Roosting Features (PRFs) and the proposed works do not include the removal of areas of vegetation that would potentially cause the loss or fragmentation of suitable foraging sites. New native hedgerow will be planted and a condition will be added for further ecological enhancements as per the PEA. In environmental terms the redevelopment of the site would allow the opportunity for new planting and biodiversity net gain which would be a significant benefit.

Harms

- 9.10** Harm arises from the conflict with development plan policies and the spatial strategy relating to housing, particularly Policies SP2 and SD10 of the JCS and Policy RES4 of the TBP, although it is accepted that the Council's housing policies must now be considered in light of the tilted balance.

Neutral

- 9.11** In design terms, notwithstanding the final materials details, the design and layout are considered to be acceptable given the constraints of the site. The proposal also does not raise any residential amenity issues in terms of a loss of light, outlook and privacy. The development would not be at an unacceptable risk of flooding and appropriate drainage infrastructure can be provided via a condition. The proposal is considered acceptable in regard to highway safety and accessibility. The proposal could achieve an acceptable housing standard and ecological mitigation.

Overall conclusion

- 9.12** There would be some harm arising from the development, namely harm arising from conflict with development plan policies and the spatial strategy relating to housing.
- 9.13** Significant weight should be given to the provision of housing and this benefit would attract weight in favour of granting permission in light of the Council's housing land supply position along with economic and environmental benefits of the scheme.
- 9.14** Taking account all the material considerations and the weight to be attributed to each one, it is considered that the identified harms would not significantly and demonstrably outweigh the benefits in the overall planning balance.

10. Recommendation

- 10.1** In the absence of policies in the NPPF which would provide a clear reason for refusal, and it is not considered that the harms of the development would significantly and demonstrably outweigh the benefits set out above. **It is therefore recommended the application be permitted subject to the conditions listed below.**

11. Conditions

- 1** The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the appearance, landscaping, layout and scale (hereinafter referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.

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

- 2** Applications for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

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

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

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

- 4** The development hereby permitted shall be carried out within the parameters of proposed site plan 22007/03/P2.

Reason: In order to define the permission.

- 5** Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plan drawing 22007/03/P2 with any gates situated at least 5.0m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: To reduce potential highway safety impact by ensuring that a safe and suitable access is laid out and constructed that minimises the conflict between pedestrians, cyclists and vehicles.

- 6** The details to be submitted as part of the Reserved Matters application pursuant to Condition 1 shall include a plan indicating the positions, design, materials and type of boundary treatments to be erected to the boundaries of the proposed dwellings. The boundary treatments shall be completed in accordance with the approved plan/details before the dwellings are occupied.

Reason: In the interests of the visual amenity of the area and the amenities of the occupiers of neighbouring properties.

- 7** The details to be submitted as part of the Reserved Matters application pursuant to Condition 1 shall include precise details and/or samples of all walling and roofing materials to be used externally, and all surface materials within their curtilages, proposed to be used. Development shall be carried out in accordance with the approved details/samples.

Reason: To ensure that the materials and exterior building components harmonise with their surroundings.

- 8** The details to be submitted for the approval of Reserved Matters pursuant to Condition 1 shall include existing and proposed site sections and full details of finished floor and site levels. All development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and the amenities of the occupiers of neighbouring properties.

- 9** The details of landscaping to be submitted for the approval of Reserved Matters pursuant to Condition 1 shall include a landscape scheme for the whole site. The submitted design shall include the proposed new landscaping scheme on scaled drawings accompanied by a written specification clearly providing full details of proposed tree and hedgerow planting to include location, species, sizes, densities and planting numbers. Development shall be carried out in accordance with the approved details. The submitted drawings shall also include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and which are to be removed and how those to be retained are to be protected (a tree protection plan to BS5837:2012 or subsequent revisions). Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 10** All planting, seeding or turfing in the approval of reserved matters for landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and 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: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 11** Before the commencement of any building works precise details of the surfacing treatments to be used on all hard surfaced areas and the turning and parking areas shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure adequate off-street parking and access arrangements are provided.

- 12** The details to be submitted as part of the Reserved Matters application pursuant to Condition 1 shall include full drainage details relating to surface water drainage and foul water. Full details of the treatment plant shall be provided. The information submitted shall be in accordance with the principles set out in the approved drainage strategy. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

- 13** 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 noise climate and amenity of local residents.

- 14** Details to be submitted as part of the Reserved Matters application(s) in accordance with Condition 1 shall include maximum storey height of 1.5 storeys for each dwelling.

Reason: To define the terms of the permission.

- 15** Prior to the installation of external lighting full details shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites. The details shall include, but not be limited to, the following:

- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas.
- ii. Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate.
- 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 control (e.g. timer operation, passive infrared sen-sor (PIR)).

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

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

- 16** Prior to occupation of any of the dwellings, a detailed ecological enhancement plan shall be submitted to and approved in writing by the Local Planning Authority, expanding on the information submitted within the Preliminary Ecological Appraisal prepared by Betts Ecology and Estates dated September 2022. The enhancement plan shall be implemented in accordance with the approved details prior to the occupation of the dwellings.

Reason: To protect and enhance biodiversity.

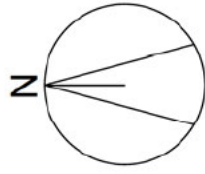
12. Informatives

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

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Revision Schedule
Rev | Description | Date

Rev	Description	Date



Drawing Status: **PLANNING**

Client: [REDACTED]

Project: LAND AT CHURCH LANE, LEIGH

Drawing Description: LOCATION PLAN

Scale: 1:1250
Sheet Size: A3
Date: NOV 22

Drawn By: INT
Designed By: INT
Checked By: INT

Job No: 22007
Drawing No: 01
Revision: P1

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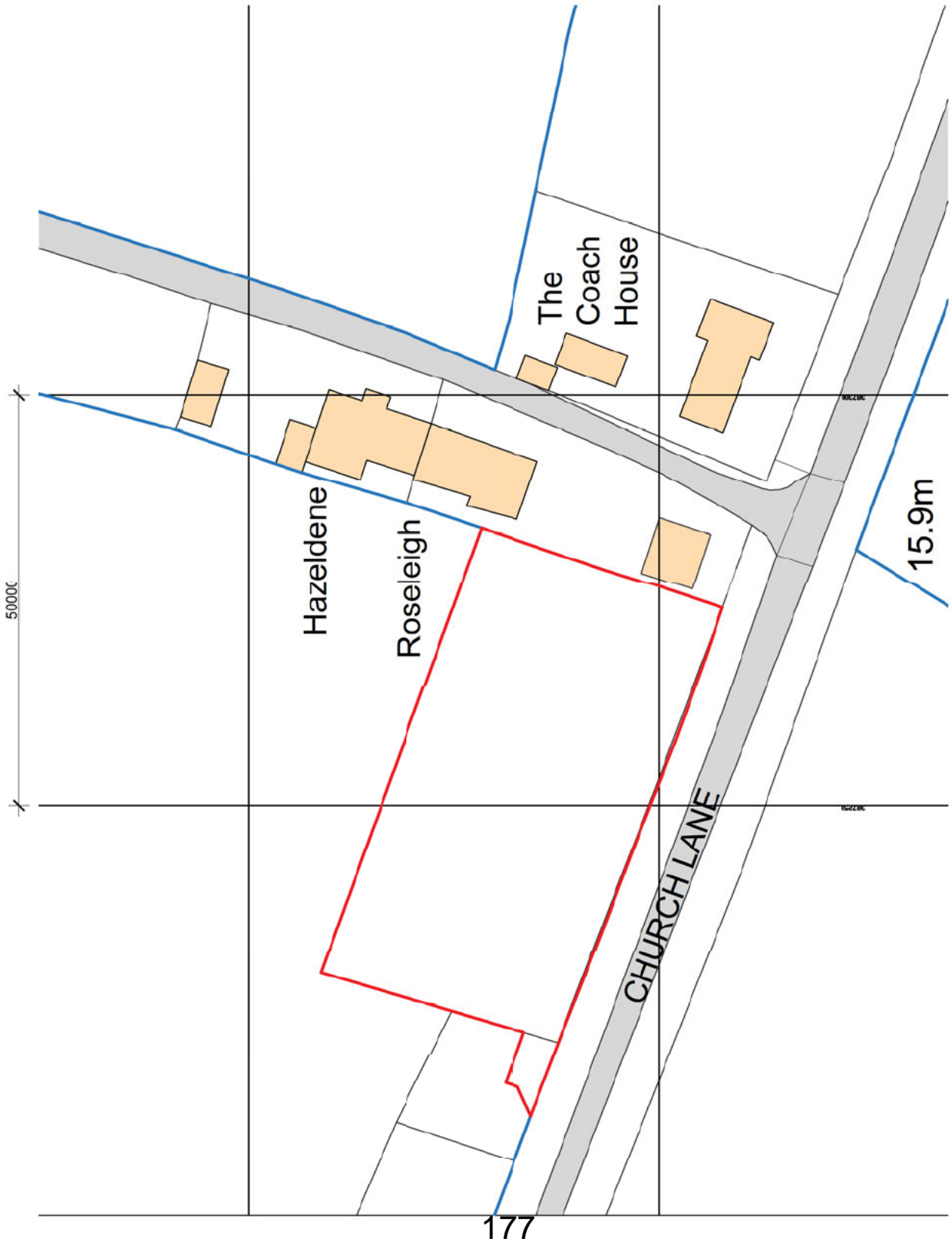
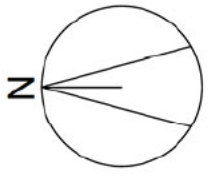
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Revision Schedule	
Rev	Date



Drawing Status:
PLANNING

Project:
[REDACTED]

Project:
LAND AT CHURCH LANE, LEIGH

Drawing Description:
EXISTING BLOCK PLAN

Scale:	Sheet Size:	Date:
1:500	A3	NOV 22

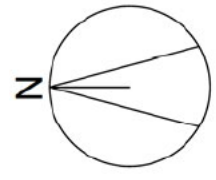
Drawn By:	Designed By:	Checked By:
INT	INT	INT

Job No:	Drawing No:	Revision:
22007	02	P1

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Revision Schedule	Rev	Description	Date











PLANNING

Project:		LAND AT CHURCH LANE, LEIGH	
Drawing Description:		PROPOSED SITE PLAN	
Scale:	Sheet Size:	Date:	
1:250	A3	NOV 22	
Drawn By:	Designed By:	Checked By:	
INT	INT	INT	
Job No:	Drawing No:	Revision:	
22007	03	P2	
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-  Fruit tree planting
-  Native hedge planting
-  Amenity grass
-  Planting bed with herbaceous plants and shrubs
-  Planting bed with fruiting shrubs for wildlife
-  Meadow grassland to be seeded with wildflower seed mix
-  Gravel
-  Paving slabs

Planning Committee

Date	21 November 2023
Case Officer	Jonny Martin
Application No.	22/01317/FUL
Site Location	3 Consell Green, Tewkesbury Road, Toddington
Proposal	Construction of two dwellings
Ward	Isbourne
Parish	Toddington
Appendices	Site Location Plan received by the LPA on 5th December 2023 Site Layout Plan 1742/1/F Proposed Visibility Splays 1742/7 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
Reason for Referral to Committee	Cllr Gore has called the application to assess the impact on highways and on neighbouring properties.
Recommendation	Permit

Site Location



Committee Update (for 21st November meeting)

The application was deferred at the September planning committee to allow the Highways Officer to visit the site and review the speed survey results submitted by the applicant and the counter evidence from objectors.

Following the site visit, an amended plan was provided which shows visibility splays of 2.4m x 90m and 2.4m x 120m can be achieved within the red line boundary. The Highway Officer reviewed the speed surveys produced by the applicant and when on site took his own speed readings of free flow traffic. The Highways Officer has concluded that the proposal for two dwellings with an access of 90m stopping sight distance would be acceptable. The Highways Officer has recommended a number of conditions to be attached to any permission which have been applied to the previous conditions list presented to Members.

Five Year Housing Land Supply

Since the September Planning Committee, the Council published an updated Five-Year Housing Land Supply Statement (October 2023) on 17th October 2023 which sets out the position on the five-year housing land supply for Tewkesbury Borough as of 31st March 2023 and covers the five-year period between 1st April 2023 and 31st March 2028. This demonstrates that, when set against local housing need plus a 5% buffer, Tewkesbury Borough Council can only demonstrate a 3.23 years' supply of housing land.

Paragraph 11(d) of the NPPF therefore applies and 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.

Notwithstanding the Council's position on the Five-Year Housing Land Supply, the principle of development is acceptable as the site would be located within the settlement boundary of Toddington (which includes New Town) as detailed on the policies map. The position remains as originally set out within the committee report and as detailed within Section 8.1 - 8.4 below.

Amended Drawings and Conditions

An updated site layout plan and a separate visibility plan has been submitted by the applicant to reflect the updated visibility splays. The conditions have been updated to reflect the new and updated drawings and to account for the additional conditions requested by the Highways Officer.

Updated Objection

A further objection comment has been received from a neighbour in relation to the Highways comments and the updated site plan showing visibility splays of 2.4m x 90m and 2.4m x 120m. The comments relate to incorrect detail on the plan, highway safety and construction traffic. The Case Officer can confirm that the updated visibility plan 1742/7 does state that splays of 2.4m x 90m can be achieved within the red line. The Council have reviewed the comments from the Highway Officer in relation to highway safety, visibility splays and stopping distances and are in agreement with those comments. In relation to HGV traffic during construction, a Construction Management Plan has been requested via a condition.

This document will detail HGV access and the condition detail is required prior to commencement of development.

Conclusion

Following the deferral by the planning committee in July and September 2023, an updated site layout plan has been provided which details visibility splays and the relocation of the bin stores. The Highway Authority have been to site to review the application and have no objection to the updated plan subject to conditions. The Council's position on the application remains as previously recommended, permit, subject to conditions.

Committee Update (for 19th September meeting)

This application was deferred at July Committee by request of the members to ask the Highways Officer to carry out a site visit to review the access point and visibility splays. Members were 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 8th 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 28th 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.

1. The Proposal

Full application details are available to view online at:

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

- 1.1 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

- 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 Tewkesbury 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

Application Number	Proposal	Decision	Decision Date
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

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

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

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

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

8. Evaluation

Principle of development

- 8.1** 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

- 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

- 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 the application be permitted subject to the conditions listed below.**

11. Conditions

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

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

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

- Site Location Plan received by the LPA on 5th December 2023
- Site Layout Plan 1742/1/F
- Proposed Visibility Splays 1742/7
- 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 90 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

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

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

- 15** No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the access into the site, including details of front boundary wall, together with parking and turning area have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the accesses into the site, together with parking and turning area within the site have been laid out in accordance with the approved details. These areas shall thereafter be retained and not be used for any other purpose for the life of the development.

Reason: To provide safe and suitable access for all users.

12. Informatives

- 1** In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
- 2** The 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 before commencing any works on the highway. Full Details can be found at www.gloucestershire.gov.uk .

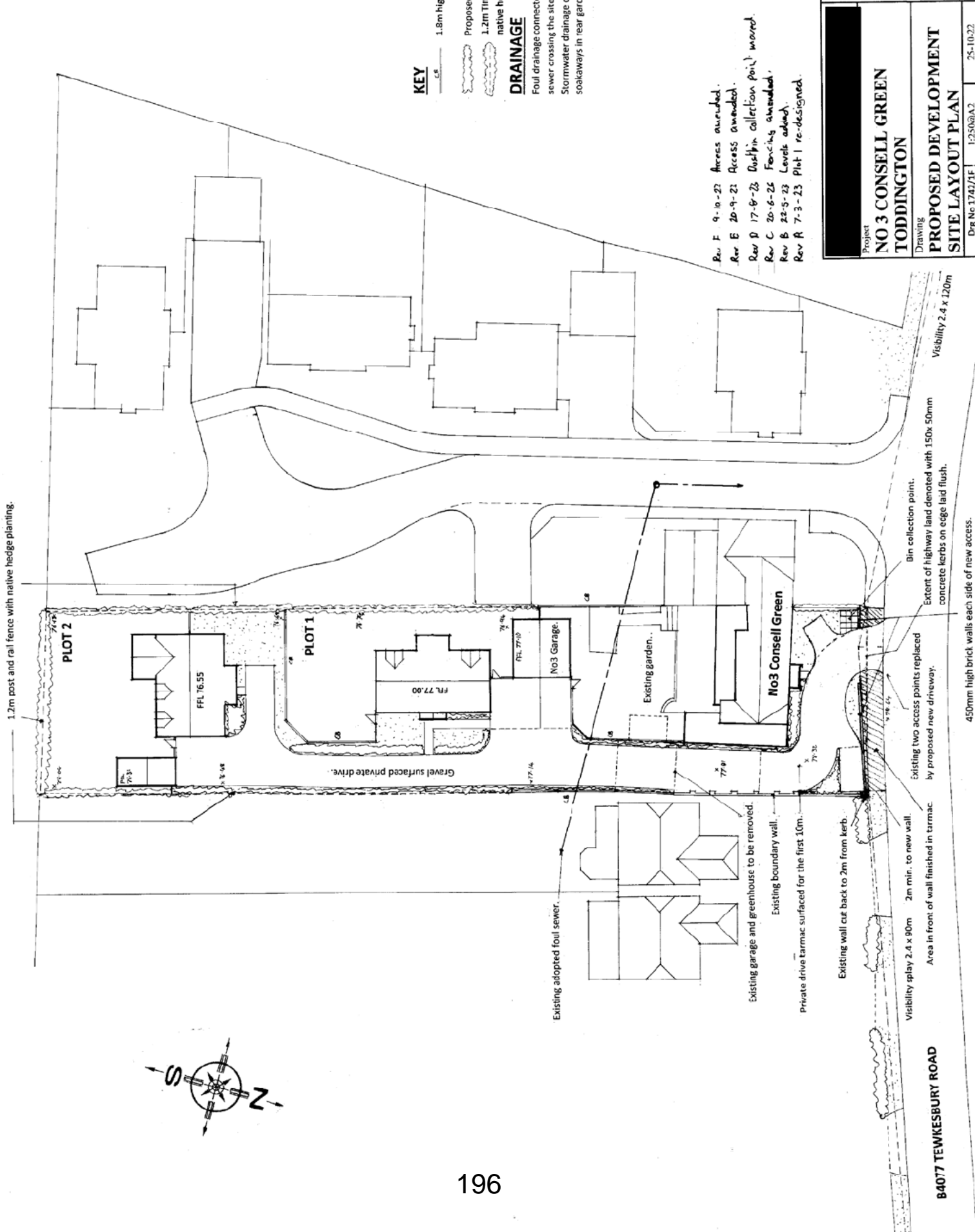
- 3** It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says:
Constructors should give utmost consideration to their impact on neighbours and the Public
- 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





1.2m post and rail fence with native hedge planting.

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 soakaway/s in rear gardens of each plot.

- Rev F 9-10-22 Areas amended.
- Rev E 20-9-22 Access amended.
- Rev D 17-8-23 Dustbin collection point moved.
- Rev C 20-6-26 Fencing amended.
- Rev B 22-5-23 Levels added.
- Rev A 7-3-23 Plot 1 re-designed.

SCALE BAR 1:250


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

B4077 TEWKESBURY ROAD

450mm high brick walls each side of new access.

Extent of highway land denoted with 150x 50mm concrete kerbs on edge laid flush.

Bin collection point.

Existing two access points replaced by proposed new driveway.

2m min. to new wall.

Existing wall cut back to 2m from kerb.

Private drive tarmac surfaced for the first 10m.

Existing garage and greenhouse to be removed.

Existing boundary wall.

Gravel surfaced private drive.

No 3 Consell Green

Existing garden.

Existing adopted foul sewer.

No 3 Garage

PLOT 1

PLOT 2



NOTES

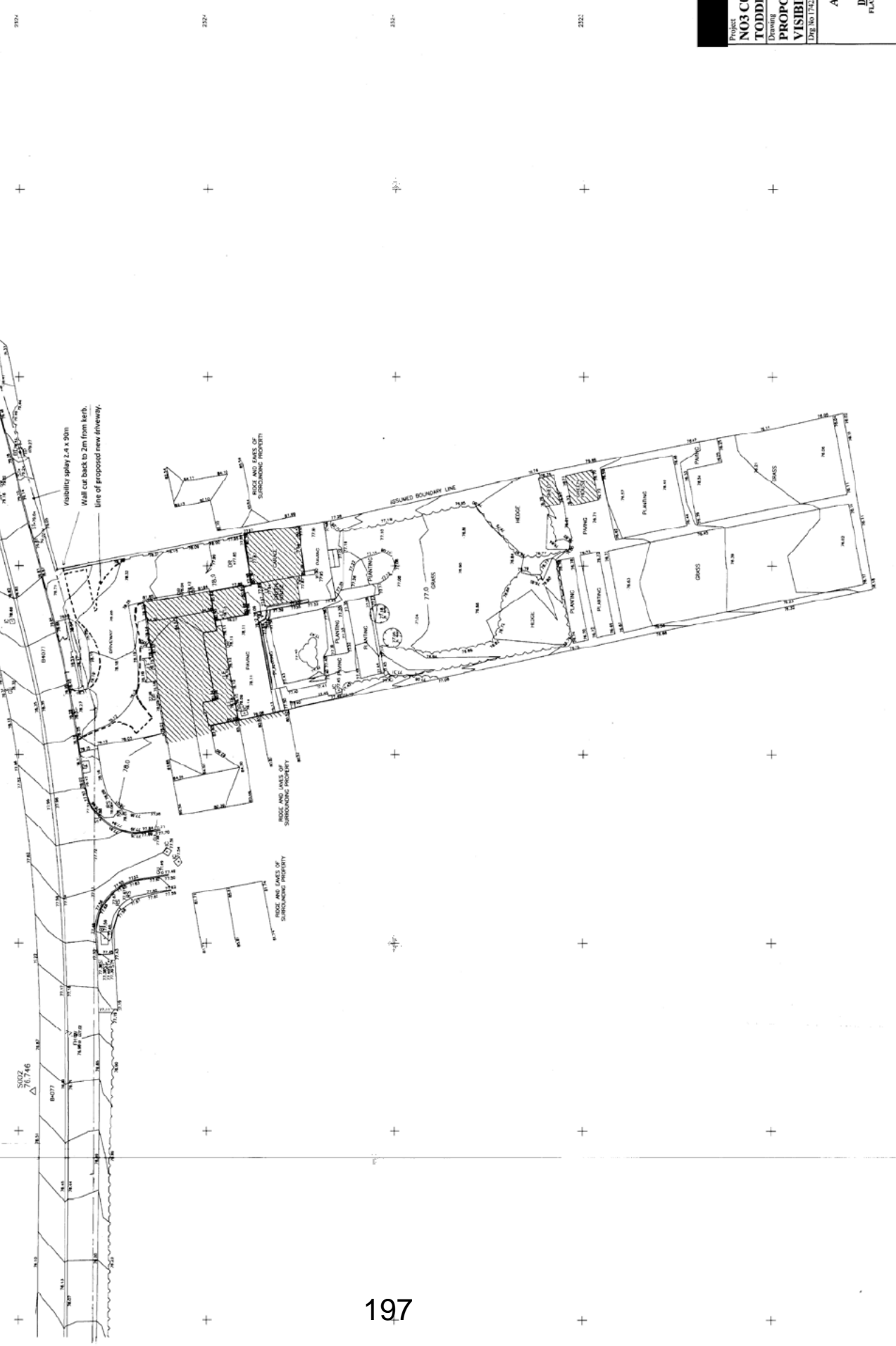
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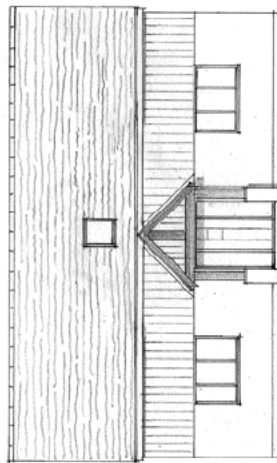
Project
NO3 CONSELL GREEN
TODDINGTON

Drawn by
PROPOSED DEVELOPMENT
VISIBILITY SPLAY DRG.

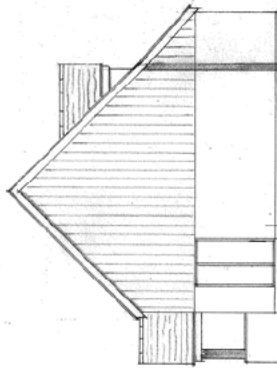
Dwg No 1742/7 1:200 (S.A.) 21-02-23

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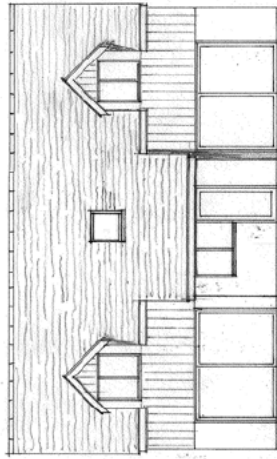




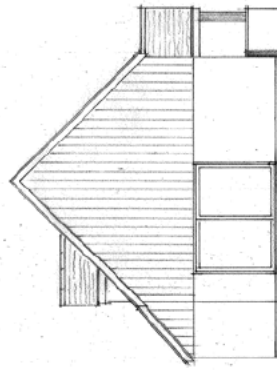
FRONT ELEVATION



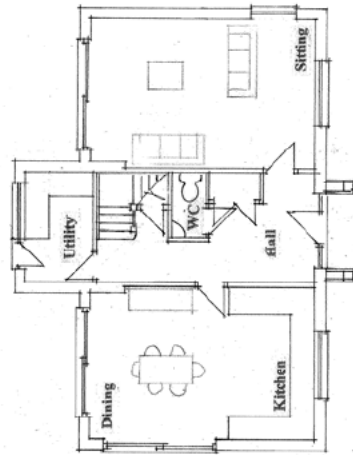
SIDE ELEVATION



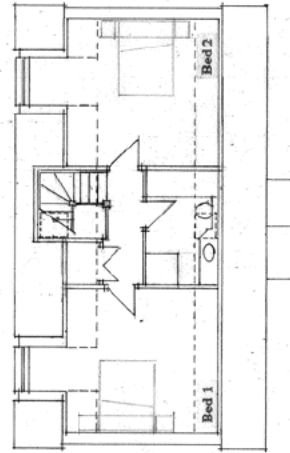
REAR ELEVATION



SIDE ELEVATION



GROUND FLOOR



FIRST FLOOR

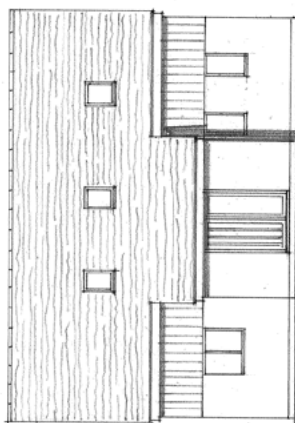
Rev B 18-3-23 House redesigned.
Rev A 7-3-23 House redesigned.

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

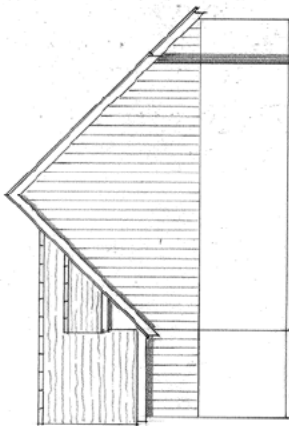
Project NO 3 CONSELL GREEN TODDINGTON		7-3-23 1:100@A2 Drg No 1742/2 B
Drawing PROPOSED DEVELOPMENT PLOT 1 PLANS & ELEVATIONS		

**ANDREW P JONES
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Development Consultants

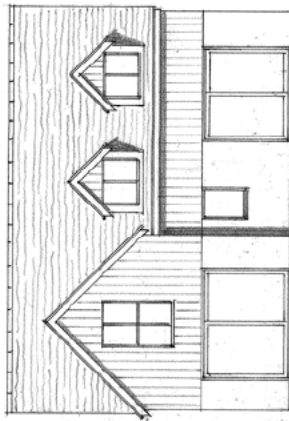
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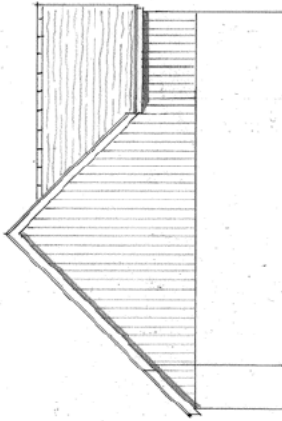
FRONT ELEVATION



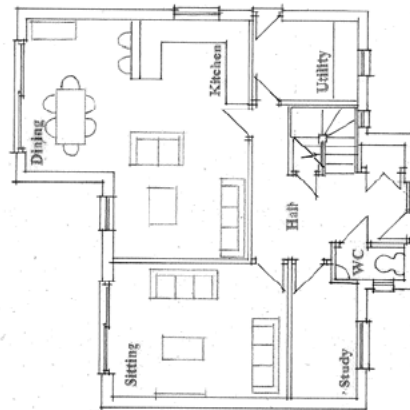
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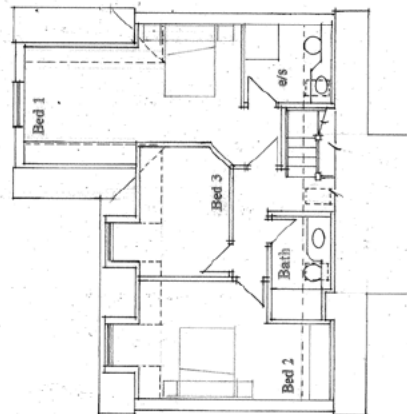
REAR ELEVATION



SIDE ELEVATION



GROUND FLOOR

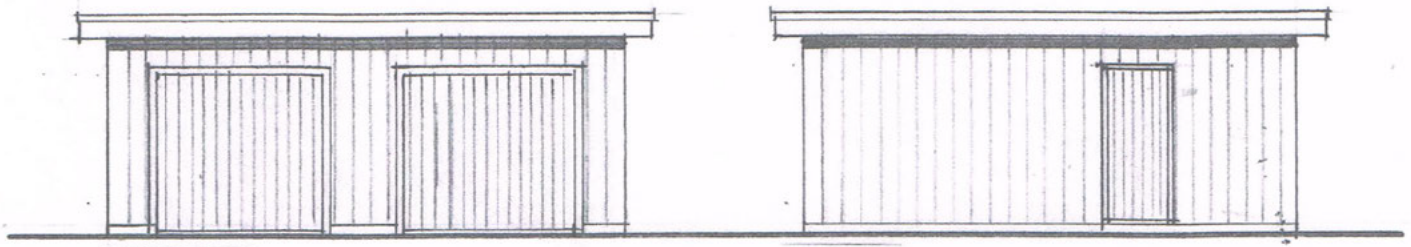


FIRST FLOOR

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

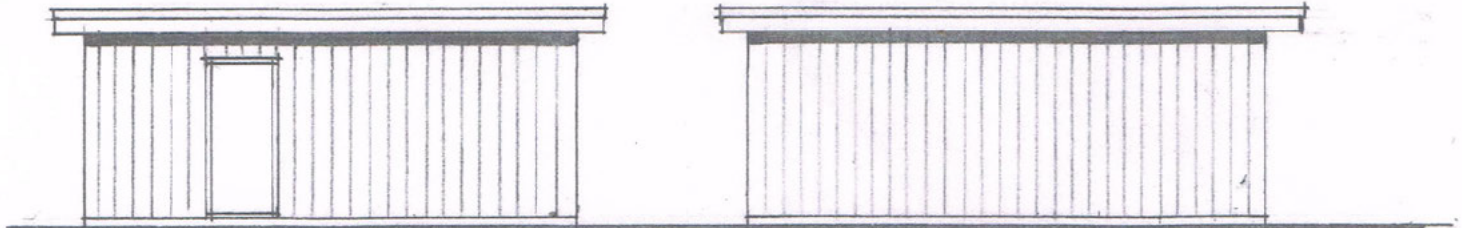
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Project
NO 3 CONSELL GREEN TODDINGTON
 Drawing
PROPOSED DEVELOPMENT PLOT 2 PLANS & ELEVATIONS
 Drg No 1742/3 1:100@A2 14-11-22



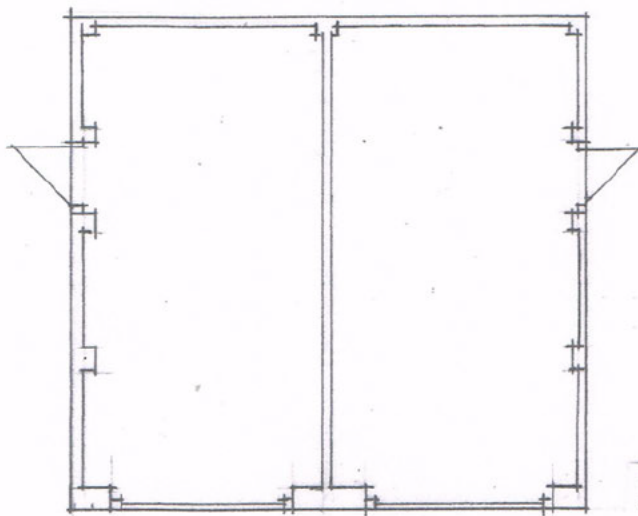
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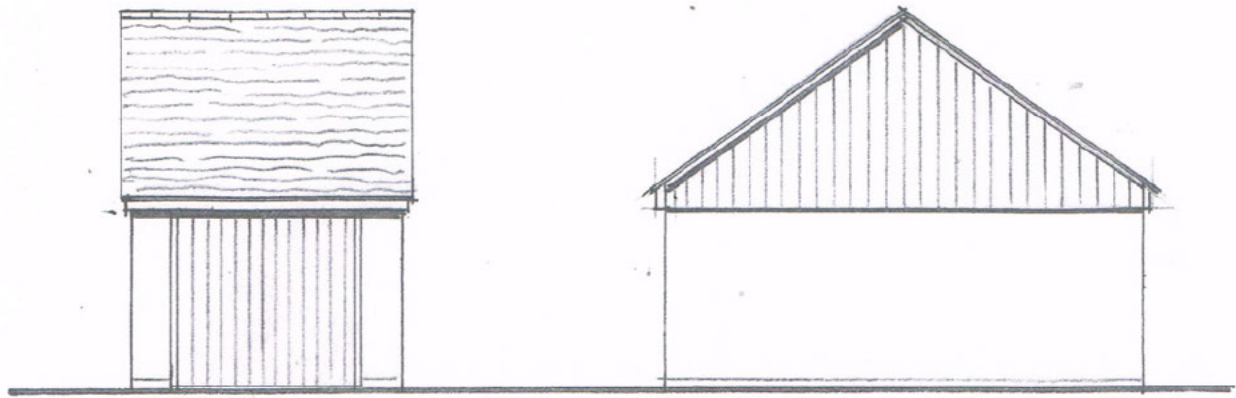
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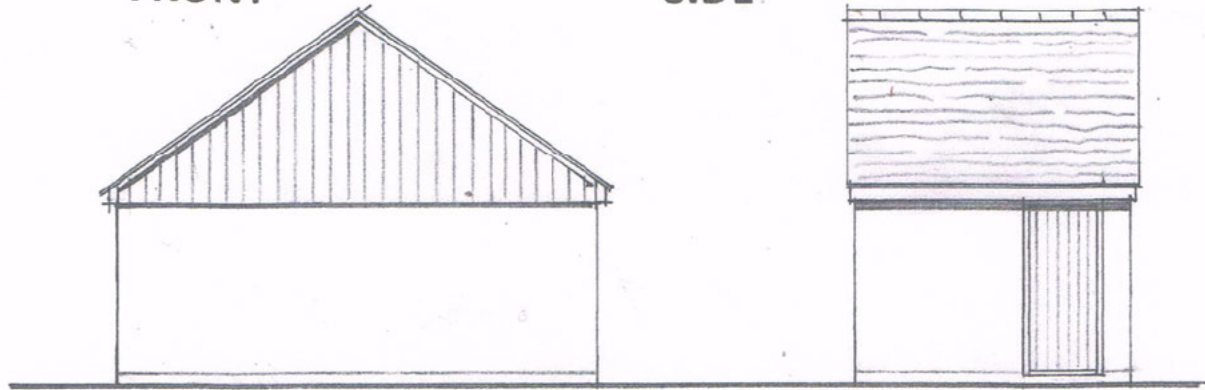
PLAN

			<p>ANDREW P JONES ASSOCIATES <u>Development Consultants</u></p> <p>FLAXFIELD HOUSE, POST OFFICE LANE CLEEVE HILL, CHELTENHAM, GLOUCESTERSHIRE. GL52 3PS TELEPHONE/FAX 01242 676025</p> <p>e-mail aj@apjassociates.co.uk</p>
Project			
<p>NO 3 CONSELL GREEN TODDINGTON</p>			
Drawing			
<p>PLOT 2 / NO. 3 GARAGE</p>			
200			
Drg No 1742/5	1:100@A4	28-11-22	



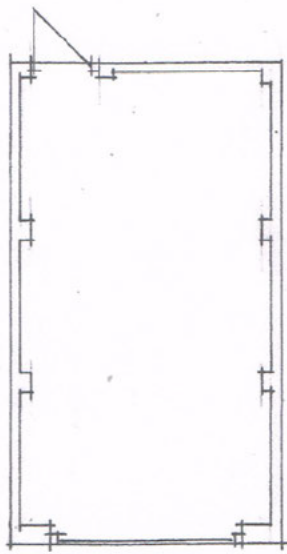
FRONT

SIDE



SIDE

REAR



PLAN

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Project

**NO 3 CONSELL GREEN
TODDINGTON**

Drawing

PLOT 1 GARAGE

201

Drg No 1742/4

1:100@A4

28-11-22

Planning Committee

Date	21 November 2023
Case Officer	James Stanley
Application No.	23/00731/FUL
Site Location	Cross House, Church Street, Tewkesbury
Proposal	Change of use of the first and second floor of Cross House from Class E to Class C3.
Ward	Tewkesbury Town South
Parish	Tewkesbury
Appendices	Site Location Plan Block Plan Ground Floor Plan First Floor Plan Second Floor Plan
Reason for Referral to Committee	The applicant is related to an employee of Tewkesbury Borough Council
Recommendation	Permit

Site Location



1. The Proposal

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RZ0BTLQJDW00>

- 1.1 This application seeks to change the use of the first and second floors from Use Class E to Use Class C3.

2. Site Description

2.1 This application relates to Cross House, Church Street, a four-storey, timber framed, Grade II* Listed Building. The building is situated within the Town Centre of Tewkesbury and is surrounded by buildings which vary in size, design, and uses. The building is situated within the Tewkesbury Conservation Area, within 50 metres of numerous Listed Buildings, and is subject to the Tewkesbury Article 4 Direction.

2.2 Although there is no Planning History to certify this, historically the building was constructed and used as a dwelling prior to the first and second floors being converted to a dental practice prior to 1992.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
02/00683/LBC	Erection of steel wires and netting for pigeon control - Grade II star listed building Ref: 859-1/6/155	CONSEN	06.09.2002
14/00563/LBC	Erection of a commemorative plaque to the external wall of building.	CONSEN	11.08.2014
18/00956/LBC	Re-glazing of existing ground floor level windows on side elevation, and interior alterations to include the removal of partition walls and the provision of stud partition walls - Grade II star listed building Ref: 859-1/6/155	CONSEN	18.12.2018
19/00487/LBC	Erection of a hanging sign on side elevation.	CONSEN	10.10.2019

4. Consultation Responses

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

- 4.1 Tewkesbury Town Council – No objection.
- 4.2 Conservation Officer – No objection.
- 4.3 Historic England – No comments.
- 4.4 County Highways – No objection.

- 4.5 Tewkesbury Civic Society – No objection.
- 4.6 Environmental Health – No objection subject to conditions.
- 4.7 Building Control - This application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

5. **Third Party Comments/Observations**

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

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

6. **Relevant Planning Policies and Considerations**

6.1 Statutory Duty

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

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

6.2 National guidance

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

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

- Policy SD8 (Historic Environment)
- Policy SD11 (Housing Mix and Standards)
- 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 RET1 (Maintaining the vitality and viability of the town, borough and local centres)
- Policy RET2 (Tewkesbury Town Centre and Primary Frontages)
- Policy DES1 (Housing Space Standards)
- Policy HER1 (Conservation Areas)
- Policy HER2 (Listed Buildings)

6.5 Neighbourhood Plan

None

7. Policy Context

- 7.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations. Sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that applications are to have regard to the desirability of preserving listed buildings and their features of special architectural or historic interest and their settings and to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 7.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 7.3** The relevant policies are set out in the appropriate sections of this report.
- 7.4** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

8. Evaluation

Principle of Development

- 8.1** Policy RET1 of the TBLP states that proposals for main town centre uses within the Tewkesbury Town Centre must ensure that they: are appropriate in location and scale; support the viability and vitality of their respective retail area; contribute to a safe, attractive and accessible environment; support any centre regeneration projects; and do not conflict with the requirements for the Primary Shopping Area at Policy RET2.
- 8.2** Policy RET2 of the TBLP states that proposals involving the change of use on upper floor levels within the Primary Shopping Area, proposals for residential use and main town centre uses will be supported.
- 8.3** The proposed change of use of the first and second floors will enable the full use of the building, supporting a mix of uses that will enhance the viability of the building and the Town Centre.
- 8.4** Therefore, in principle, the proposed change of use to residential would be acceptable subject to other policies being met.

Effect on the Heritage Assets (Conservation Area and Listed Building)

- 8.5** Cross House is located within Tewkesbury conservation area and is Grade II* Listed (both of which are designated heritage assets). In determining planning applications, Section 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require the Council to have regard to the desirability of preserving listed buildings and their features of special architectural or historic interest and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal must also be assessed against section 16 of the NPPF, JCS Policy SD8 and saved policies HER1 and HER2 of the Local Plan.
- 8.6** There are no proposed changes to the building either externally or internally. Bringing this historic building back into full use would help maintain and preserve this heritage asset.
- 8.7** Therefore, it is deemed that there would be no undue harm to the significance of the heritage assets present and complies with the requirements of JCS Policy SD8 and Policies HER1 and HER2 of the TBLP.

Residential Amenity

- 8.8** Policy SD14 of the JCS and Policy RET1 of the TBLP states that there should be no unacceptable harm to local amenity nor should it result in no unacceptable levels of air, noise, water, light or soil pollution.
- 8.9** Policy SD11 of the JCS and Policy DES1 of the TBLP ensures that new housing would meet the nationally described space standards.
- 8.10** Due to the siting of the proposal and the mixed use of the building, Environmental Health were consulted for their opinion to ensure there would be no harm to the living conditions. As the first floor of the proposal would be sited above a Jewellers and a Public House, to mitigate any noise pollution from below, a condition would be added to ensure that sound insulation works can be undertaken. These sound insulation works would likely require Listed Building Consent before they could be implemented.
- 8.11** This conversion back to residential use would meet the nationally described space standards whilst the use of these upper floors would enhance the viability of both the building and the Town Centre as a whole.
- 8.12** Therefore, it is deemed that there would be no undue harm to the residential amenity and the proposal would meet the requirements of Policies SD11 and SD14 of the JCS and Policies RET1 and DES1 of the TBLP.

Effect on the Highway

- 8.13** Policy INF1 of the JCS states that new development should not have an adverse impact upon the transport network.
- 8.14** Policy RET1 of the TBLP requires that the development should be easily accessible by public transport, walking and cycling.

- 8.15** Gloucestershire County Council Highways have been consulted as part of the application for their expert opinion. No objection has been raised following a full assessment as the proposal is located in a sustainable location and the proposed change of use is expected to result in a decrease in trips to and from the site.
- 8.16** There is storage space within the entrance hallway where bicycles could be stored, and the site is located on a regular bus route.
- 8.17** The waste storage and collection would be expected to be carried out on-street similar to existing dwellings and businesses within the immediate vicinity of the site.
- 8.18** Therefore, it is deemed that the proposed change of use would not have a severe impact upon the highway network and complies with the requirements of Policy INF1 of the JCS and Policy RET1 of the TBLP.

9. Conclusion

- 9.1** It is considered that the change of use is acceptable in principle in this town centre location, would not be unduly harmful to the appearance of the existing building nor the surrounding area and it would not result in an unacceptable loss of residential amenity to neighbouring dwellings. The proposal would also not cause any harm to the heritage assets present.

10. Recommendation

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

11. Conditions

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

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

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

- Site Location Plan and Proposed Layout Plan received by the Local Planning Authority on 07.08.2023.
- Drawing Number TQRQM23234182507520 (Block Plan) received by the Local Planning Authority on 23.08.2023.

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 Prior to first occupation, a scheme of sound insulation works to the floor structure between the commercial element and residential First Floor shall be implemented in accordance with details that shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the amenities of occupiers of the residential development are protected.

12. Informatives

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

Date Produced: 06-Aug-2023

Scale: 1:1250 @A4



Cross House



210



ReQuestaPlan

Plan Produced for: Change of use

Date Produced: 22 Aug 2023

Plan Reference Number: TQRQM23234182507520

Scale: 1:500 @ A4

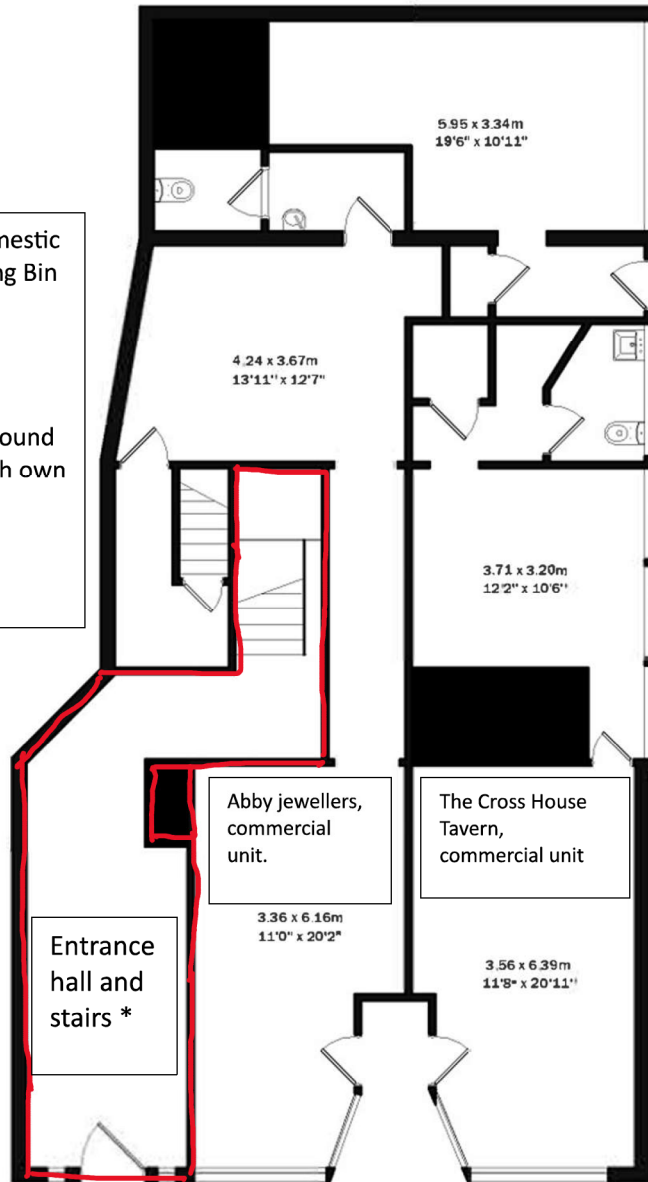
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Planned layout of Cross house Tewkesbury

Propose changes of commercial space to residential home.

Use of area of proposed changed outlined in red.

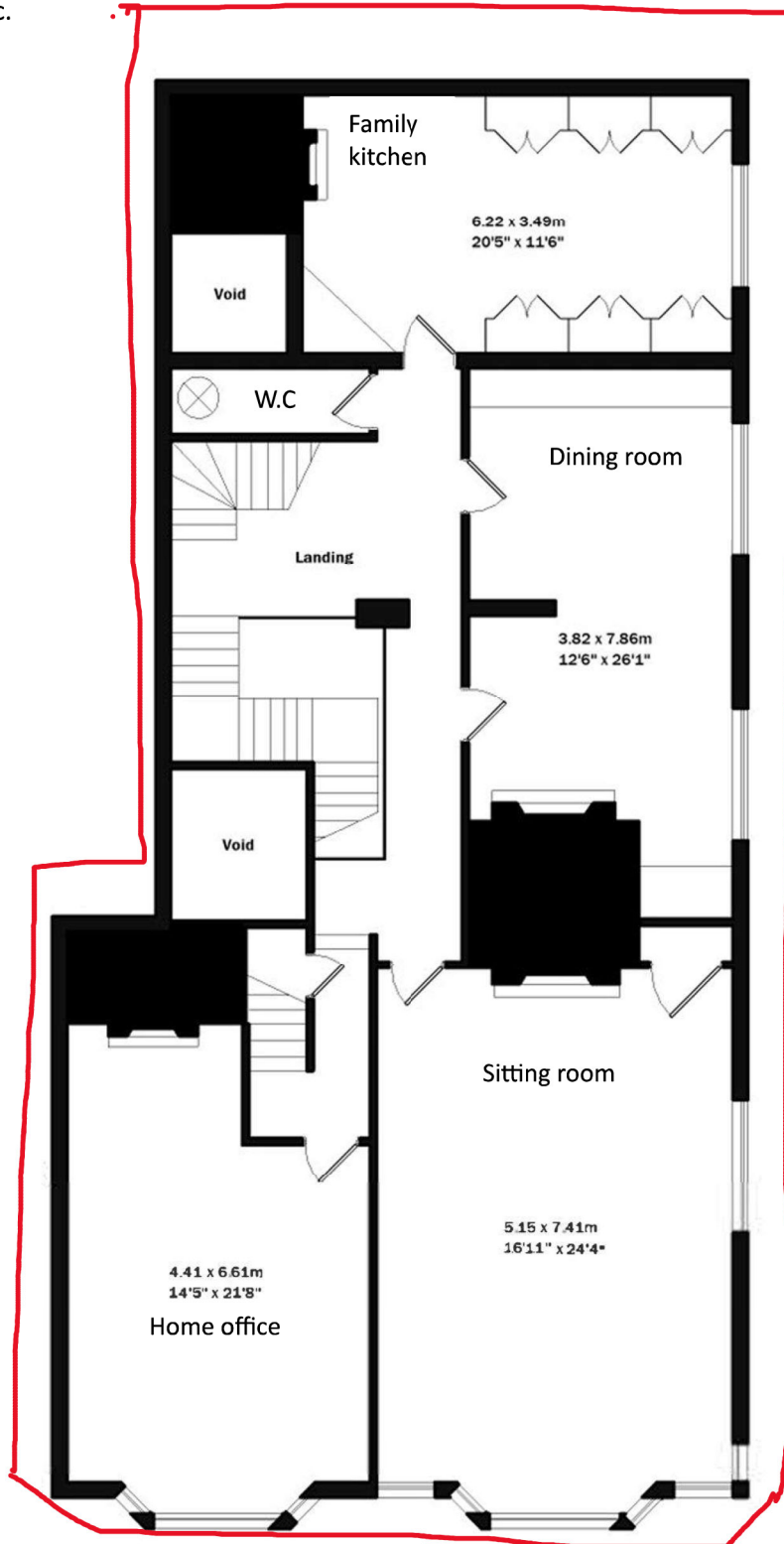
*Separate entrance to domestic area from street: containing Bin storage and utilities for proposed domestic area. Utilities for the proposed domestic area already separated from the two ground floor commercial units with own metres.



Ground Floor

Planned layout of Cross house Tewkesbury

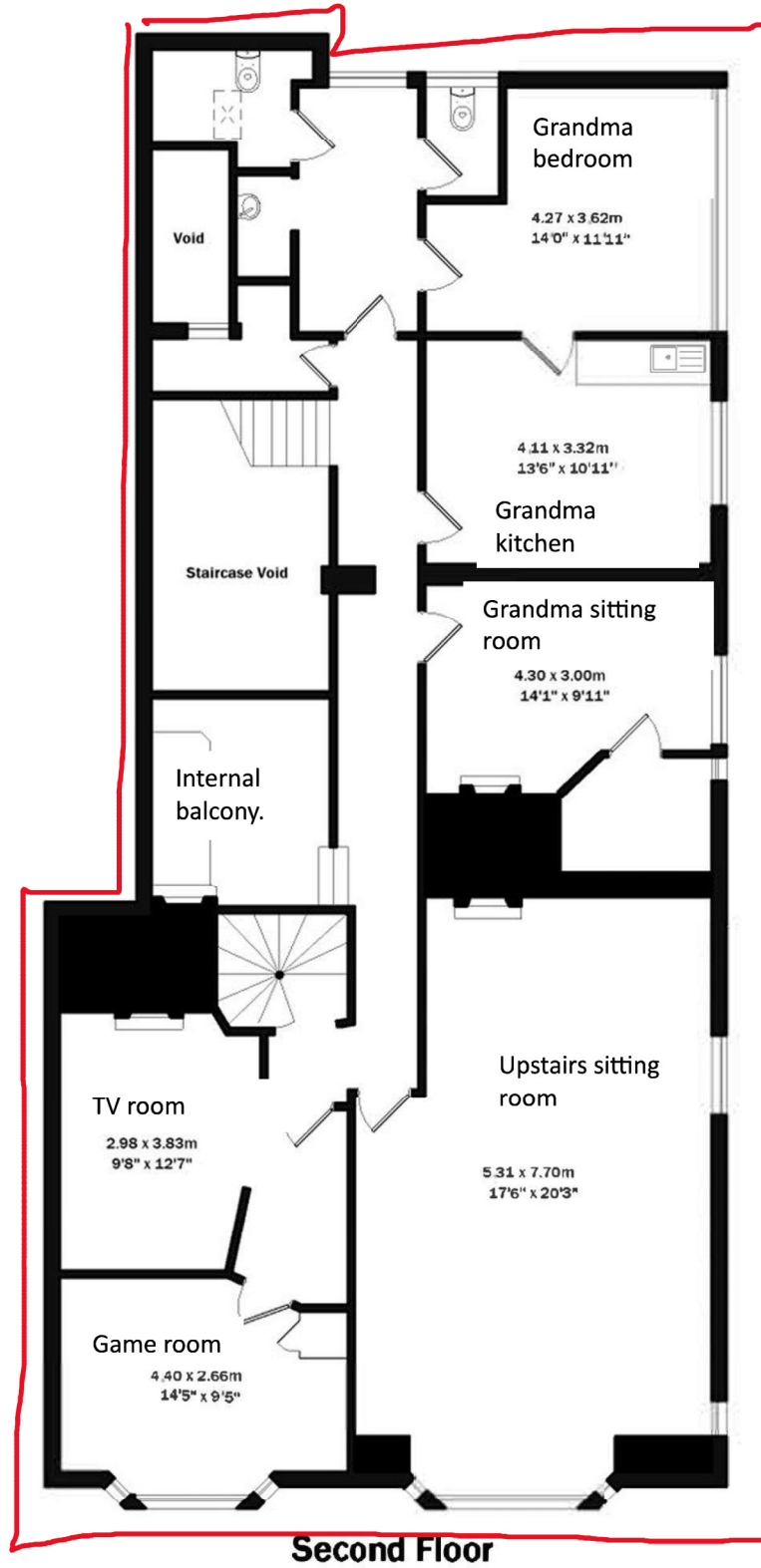
First floor, original use commercial unit used as a dentist vacant 3+ years, proposed changes to domestic.



First Floor

Planned layout of Cross house Tewkesbury

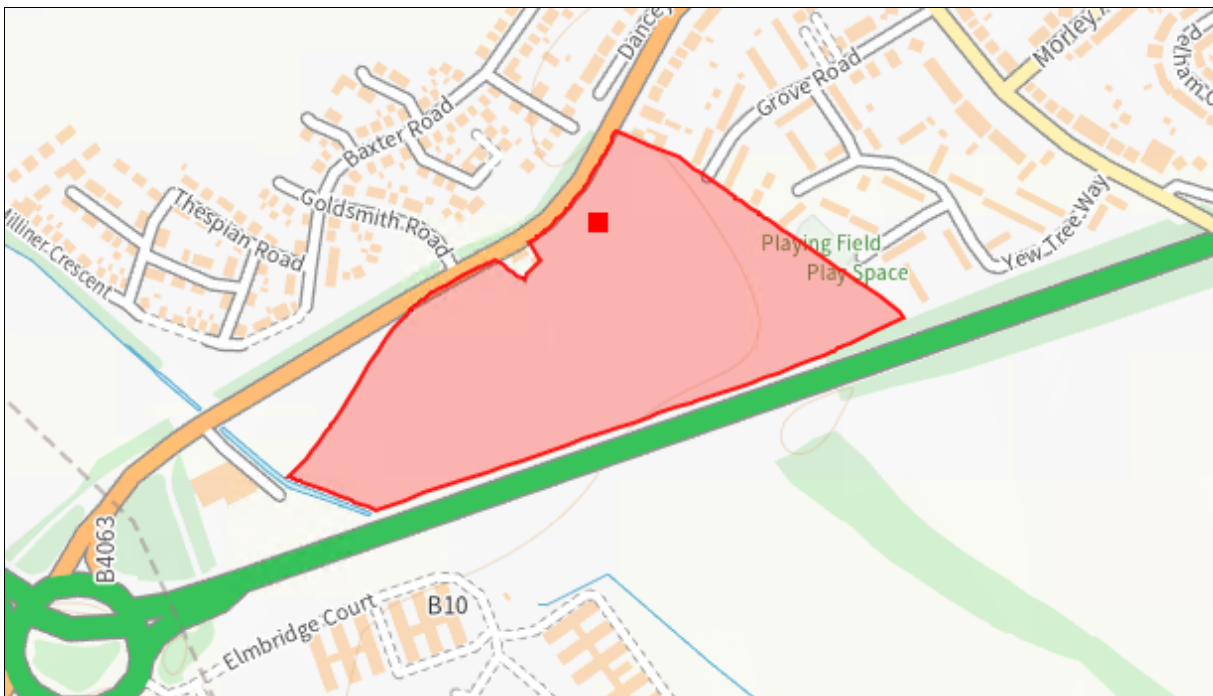
Second floor, original use commercial unit used as a dentist vacant 3+ years, proposed changes to domestic.



Planning Committee

Date	21 November 2023
Case Officer	Bob Ristic
Application No.	22/00667/FUL
Site Location	Land to the South of Cheltenham Road East, Churchdown
Proposal	Construction of 145 residential dwellings with associated infrastructure.
Ward	Churchdown St Johns
Parish	Churchdown
Appendices	Site location plan Site layout plan House type selection x 6 Street Scene x 3
Reason for Referral to Committee	Full or outline application for the erection of 10 or more residential units.
Recommendation	Delegated Permit subject to S106 agreement

Site Location



1. The Proposal

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RCQT37QD01A00>

- 1.1** The application seeks full planning permission for a development comprising 145 dwellings of which 35% would be affordable and associated infrastructure. The site extends to approximately 8.1 hectares of which approximately 3.9 hectares would be public open space (POS)
- 1.2** The site would be accessed via a new junction from Cheltenham Road East (the B4063) towards the northwestern corner of the site and the site laid out around a central spine road which would serve several closes and cul-de-sacs.
- 1.3** The western part of the site would be laid out as public open space and linkages from the existing residential development to the north provided via a footpath trail around the development.
- 1.4** In addition to the public open space the proposal would also provide an area of allotments to the eastern corner of the site.

2. Site Description

- 2.1** The application site is set between Cheltenham Road East (the B4063) which forms the northern boundary and the A40 Golden Valley dual carriageway which forms the southern boundary and comprises circa 8 hectares of land which is currently in agricultural use.
- 2.2** The northeastern boundary of the site adjoins existing residential development which currently forms the edge of the built-up area of Churchdown. To the west of the site and south of Cheltenham Road East (CRE) is a triangular-shaped parcel of land which is currently vacant and was last used as a service centre. Beyond that is the Gloucester North Community Fire Station, on the western side of Innsworth Ditch. The application site wraps around an existing dwelling, Two Mile Cottage, which is located on the southern side of Cheltenham Road East.
- 2.3** The site is relatively flat and is not subject to any landscape or heritage designations. While the land falls within Flood Zone 1 (lowest risk of flooding) as defined by the Environment Agency, the northwestern part of the site is at risk of surface water flooding.
- 2.4** The site comprises the central 'parcel' of a wider strategic allocation A2 - South Churchdown (SCUE) as allocated in the adopted Joint Core Strategy (JCS) and the land to the northern side of Cheltenham Road East (forming the northern parcel) is currently being built out by Bellway Homes.

3. Relevant Planning History

3.1 While there is no planning relevant planning history on the application site, the following applications on adjacent land are relevant.

Application Number	Proposal	Decision	Decision Date
	<u>Land to North of Cheltenham Road East</u>		
16/00738/OUT	Outline planning application for residential development comprising 465 (no) new family homes, public open space, landscaping, drainage and other facilities with associated vehicular and pedestrian access.	PER	12.12.2018
19/00738/APP	Approval of Reserved Matters (Access, Scale, Appearance, Landscaping) pursuant to Outline Planning Permission 16/00738/OUT for residential development comprising 465 (no) new family homes, public open space, landscaping, drainage and other facilities with associated vehicular and pedestrian access.	PER	05/03/2020
	<u>Land to west of the site</u>		
22/00679/FUL	Construction of 2 x takeaway drive thru units with associated restaurants, along with the construction of associated infrastructure, including sustainable drainage, new internal access road, lighting and landscape planting.	Pending	

4. Consultation Responses

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

4.1 Churchdown Parish Council

- Request evidence-based traffic assessment
- Cumulative effect of existing vehicles & recent development
- Consideration of CRE cycle lane
- Access visibility and potential for a filter lane

4.2 Natural England

- No objection subject to appropriate mitigation being secured to mitigate the likely significant impacts on the Cotswold Beechwoods Special Area of Conservation (SAC)

4.3 Ecological adviser – No objections subject to conditions and mitigation

4.4 Gloucestershire Highways – no objection subject to conditions & financial contribution.

- 4.5** National Highways – Recommend that the application is not granted
- Concerns in respect of landscaping, drainage, geotechnical and noise have been satisfied subject to condition.
 - Contributions towards mitigation should be secured
 - Opportunities to promote walking, cycling and public transport should be taken up
 - Concerns in respect of noise impact/mitigation remain
- 4.6** Environmental Health Officer
- No objections in principle
 - Further information required in respect of noise and mitigation
- 4.7** Campaign for the Protection of Rural England (CPRE)
- Proposal should adhere to the Policy A2 Allocation Plan
 - Area for housing is greater than that shown on the plan
 - Area of green Infrastructure considerably less
 - Contrary to Green Belt policy
 - No risk to 1,100 homes being delivered across the allocation
 - Many allocations yield more
 - No evidence total allocation will not be met
 - Contrary to the development plan and not outweighed by material considerations
- 4.8** Conservation Officer – No objections
- 4.9** County Archaeologist – No objections
- 4.10** County Minerals & Waste Officer – No objections subject to condition
- 4.11** Lead Local Flood Authority (LLFA) – No objections
- 4.12** Severn Trent Water – No objections subject to conditions
- A public 225mm foul sewer and a public 450mm combined sewer located within this site
- 4.13** Tree Warden
- Pleased to see extensive tree planting
 - More native hedgerow planting should be done
 - No reference to biodiversity policies in the NDP
 - Bird boxes & hedgehog friendly fencing should be installed
 - Bat friendly lighting
 - Good to see fruit trees planted
 - Access to Yew Tree Road unclear – trees there should be protected

5. Third Party Comments/Observations

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

- 5.1** The application has been publicised through the posting of a site notice and press notice for a period of 21 days.

5.2 Six representations have been received in response. The comments raised are summarised below:

- Should not be building on green fields
- Need to grow more food not less
- New housing estate has already destroyed a green field
- Bought house next to a field for that reason
- Little or no mention of NDP
- More traffic onto CRE
- Existing traffic congestion and delays
- Roundabout works have not improved the situation
- Will be difficult to enter roundabout at peak times
- Consideration should be given to signalisation
- Does not account for construction traffic
- Recent accident near site not recorded
- Speed survey seems inaccurate
- Peak movements likely to be 290 vehicles not 145
- Crossroad junction would be safer
- Impact on pedestrians/cyclists/cycle path
- In a flood zone
- Poor workmanship may affect sewer
- Larger development than JCS
- Noise and dust will be intolerable
- More stress on local services
- Object to footpath link outside of house
- Impact on safety and security
- Houses will impact views and overshadow garden
- What evidence is there for 5% custom/self-build housing
- No allowance for plots in housing mix table
- Biodiversity on site
- Impact on local facilities

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

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

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

6.2 National guidance

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

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

- Policy SA1 - Strategic Allocations Policy
- Policy A2 - South Churchdown
- Policy SD3 - Sustainable Design and Construction
- Policy SD4 - Design Requirements
- Policy SD5 - Green Belt
- Policy SD6 - Landscape
- Policy SD8 - Historic Environment
- Policy SD9 - Biodiversity and Geodiversity
- Policy SD15 - 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

- Policy RES2 – Settlement boundaries
- Policy RES5 – New housing development
- Policy RES12 – Affordable housing
- Policy RES13 – Housing mix
- Policy DES1 – Housing space standards
- Policy NAT1 – Biodiversity geodiversity and important natural features
- Policy NAT3 – Green Infrastructure
- Policy RCN1 – Public outdoor space, sports pitch and sports facility provision
- RCN3 – Allotments and community gardens
- TRAC1 – Pedestrian accessibility

6.5 Churchdown and Innsworth Neighbourhood Development Plan – 2011-2031

- Policy CHIN1 - Parking to support residential development
- Policy CHIN 3 - Environmental considerations in the design of residential development
- Policy CHIN5 – Provision of play facilities
- Policy CHIN 9 – Provision for wildlife in new development
- Policy CHIN 10 – Orchards, hedgerows and veteran trees
- Policy CHIN 11 – Blue infrastructure

7. Policy Context

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

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

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

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

8. Evaluation

Principle of development

- 8.1 The Application site forms part of the South Churchdown Strategic Allocation which comprises three parcels of land (in separate ownerships) divided by the B4063 Cheltenham Road (running along the southern boundary of the application site) and the A40 Golden Valley, separating the central parcel from the eastern part of the allocation at Elmbridge Court. This application relates to the 'central parcel'.
- 8.2 Policy SA1 sets out inter alia the general requirements for applications at strategic allocations and advises that development should enable a comprehensive scheme to be delivered across the developable area within each strategic allocation and that proposals are accompanied by a comprehensive masterplan for the strategic allocation.
- 8.3 The policy also confirms that the JCS authorities will be flexible in considering different approaches to achieving a comprehensive masterplan providing that proposals still take fully into account the development and infrastructure needs of the wider allocation and demonstrate that it would not prejudice the sustainable delivery of the entire allocation.
- 8.4 It is understood that the owners of the Elmbridge Court parcel are not in a position to bring that (3rd) part of the allocation forward at this time, as was the case with the previous application for the northern parcel, which is now being built out by Bellway Homes. This has prevented a single application being brought forward for the remainder of the allocation at this time.
- 8.5 However, as was the case of the application for the first parcel of land within the strategic allocation, it is considered that this current development proposal could be brought forward without prejudicing the delivery of the final parcel when that land is released. Furthermore, the consideration of this site in isolation will allow for much needed housing to be delivered in the short term.
- 8.6 Policy A2 sets out the specific requirements of this allocation which include: the delivery of approximately 1,100 new homes, 17 hectares of employment, facilities to meet the needs of the community, contributions towards education provision and the protection of green infrastructure, biodiversity and heritage assets, flood risk management, access from CRE, traffic mitigation, the exploration of a new access onto the A40, as well as public and sustainable transport enhancements.
- 8.7 By virtue of the site's allocation in the plan, and taking account of the above, it is considered that the principle of development is acceptable subject to compliance with policies A1 and A2 of the JCS and other policies within the plan which will be discussed below.

Landscape and visual impact

- 8.8** The NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services. 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 the 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.
- 8.9** JCS Policy A2 requires development to provide green infrastructure, a landscaped buffer along the route of the A40 and protection of views from Tinkers Hill/Churchdown Hill.
- 8.10** The application site is not subject to any formal landscape designations and is relatively flat and low lying. The application has been supported by Landscape and Visual Appraisal (LVA) which assesses the site within the local context. The report sets out that the site is characterised as Settled Unwooded Vale and that the character will change to a predominantly settled landscape with open space between the settlements of Churchdown and Gloucester.
- 8.11** The report advises that views into the site are likely to decrease as the allocated sites, located to the north and south of the current application site, are built out. The proposed open space to the western part of the site is identified as being important in retaining a visual link to Churchdown Hill.
- 8.12** The magnitude of change from the development (given the settled landscape context) has been assessed as medium low to low. In the local and longer distance views the magnitude of change is assessed as predominantly low and that the development as proposed would not conflict with the NPPF or local landscape policies.
- 8.13** The LVA concludes that the overall effect on the landscape character and the landscape receptors would be neutral. The report continues by setting out that the design of the layout has sought to provide a type of development which responds to its local environment and incorporates locally characteristic features. In respect of views and the visual environment, the report concludes that those people who will experience the largest change in view are located in the immediate surroundings of the site.
- 8.14** While there would be some landscape harm by virtue of the introduction of built development within an existing undeveloped field parcel, this harm is tempered by the site's allocation in the plan for built development and the significance of the harm of the proposal being limited. The harm will also be mitigated over time as the proposed planting, within landscape strategy for the site, matures.
- 8.15** It is noted that the developed area would extend further than the indicative site layouts included in the JCS. However this would not result in any significant or demonstrable harm such as to outweigh the benefits of the scheme. The westward extension of the developed part of the site would relate to the extent of development at the Bellway site, to the northern side of CRE, and would allow for the retention of a meaningful undeveloped parcel of POS land to the western part of the site. This approach would contribute toward maintaining an undeveloped belt of land between Churchdown and Gloucester.

Access and highway safety

- 8.16** Section 9 of the NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.17** Policy INF1 of the JCS requires developers to provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. All proposals should provide for safe and efficient access to the highway network for all transport modes; encourage maximum potential use of walking, cycling and passenger transport networks to ensure that credible travel choices are provided by sustainable modes. Planning permission will be granted only where the impact of development is not considered to be severe. NDP Policy CHIN1 requires appropriate parking levels to support residential development.
- 8.18** Policy A2 requires that the primary vehicle accesses are provided from B4063 Cheltenham Road East and Pirton Lane and the requirement to explore the potential for a new access junction to the site from the A40.
- 8.19** The application is supported by a Transport Statement (TS) which has been updated by subsequent technical notes and amendments to the scheme following advice from the Local Highway Authority and National Highways.
- 8.20** The site would have a single vehicular access from CRE which would be offset and located to the east of the access serving the northern parcel of the strategic allocation being built out by Bellway Homes. The principal access would serve a spine road from which several smaller estate roads and courts would extend and the internal roads have been designed to 'pedestrian prioritised street' standard. Further pedestrian and cycle connections would be provided to the existing built-up area of Churchdown.
- 8.21** The application has been assessed by the County Highway Authority which has advised that the site access would be of an appropriate design providing appropriate visibility and takes account of the recent alterations to CRE following the new segregated cycle route which has narrowed the highway. The proposed site access has also had a traffic impact assessment undertaken, which demonstrated no issues in terms of capacity, queuing, or delay at that point.
- 8.23** Furthermore, the County Highway Authority is satisfied that the internal layout of the development would be safe and suitable for all users and that swept path analysis has been undertaken to demonstrate that the site can be serviced appropriately by fire and refuse vehicles.
- 8.24** The County Highway Authority confirms that there are a number of recorded collisions within search area in the vicinity of the application site. However there are no recorded incidents in the vicinity of the application site or along the site frontage. It is concluded that there are no existing highway safety patterns or concerns which would need to be considered further as part of this application.

- 8.25** National Highways has concluded that in isolation the development is unlikely to result in an unacceptable impact on the safe operation of the A40 trunk road. However, on the basis that the proposal would result in an impact at the A40 Elmbridge Court roundabout, it is considered that the development should provide a proportionate contribution towards the infrastructure improvements deemed necessary to safely accommodate the cumulative impact of the development.
- 8.26** The Highway authority have advised that the following planning obligations will be required to mitigate the impacts of the development:
- Safeguarding a potential road link through the site to the A40 Park and Ride.
 - £243,310.00 contribution towards the JCS DS7 Package of Scheme Mitigation, Corridor 3 Scheme ref 20.
 - £60,496.00 – contribution towards the signalisation of the B4063 Cheltenham Road East arm of the Elmbridge Court Roundabout or an alternative scheme which mitigates traffic impact at this location
 - Developer Travel Plan deposit £43,955.00 and Monitoring fee £5,000 or Gloucestershire County Council led Travel Plan contribution of £52,746.00.
- 8.27** It is noted that National Highways have a holding recommendation that the application is not permitted until there has been further consideration of the site drainage and possible impacts upon National Highways drainage asset at the A40. They have also requested further details in respect of noise attenuation from the proposed bund, geotechnical details and landscaping.
- 8.28** Positive discussions between National Highways and the applicant are ongoing. These technical matters will need to be resolved prior to the granting of any planning consent.
- 8.29** While this application would not necessitate a direct vehicular access onto the A40 there is however a need to safeguard this option should this be required in future. The applicant has provided an indicative plan showing how a link from CRE to the A40 could be provided through the site, if required. This 'safeguarded land' would need to be secured through the S.106.
- 8.30** Subject to resolving the outstanding matters above, compliance with conditions and securing a legal agreement for the above contributions, it is considered that safe, sustainable and suitable access can be achieved and the proposal would have an acceptable impact upon the highway network.

Design and layout

- 8.31** 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.

- 8.32** JCS policy SD4 states 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.
- 8.33** Policy RES5 of the TBP states proposals for new housing development should, inter alia, be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it and be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity, unless otherwise directed by policies within the Development Plan.
- 8.34** NDP Policy CHIN2 requires new development to contribute to the local distinctiveness of Churchdown and Innsworth, be of a high quality, integrate with the area and provide natural features to define boundaries to the edge of the site.
- 8.35** The application site would be laid out with housing set to the eastern part of the site which would extend the existing western built-up edge to this part of Churchdown and would reflect the extent of the built area to the recent housing development to the northern side of CRE. The submitted Design and Access Statement has identified a considerable range of house ages, types and styles in the local area, reflecting the growth of Churchdown over the years.
- 8.36** The proposal has been reviewed by the Council's Urban Design adviser and various revisions and improvements have been made to the scheme during the application process. The application proposes a variety of house types and styles which would have a coherent appearance and complement the variety and designs in the wider area. While the forms would be traditional, the proposed units have been formulated in a contemporary manner as a result of window designs and proportions, and porch detailing. The main materials would be a mix of red and buff brick under slate and tiled roofs. A number of plots would include cladding detail to the first-floor elements.
- 8.37** The properties would benefit from appropriate garden sizes and the layout would provide appropriate amenity space and living conditions for future occupiers. The on-plot landscaping also includes frontage hedges and tree planting which would reflect the suburban character of Churchdown and provide a high quality setting to the development.
- 8.38** The proposal would also provide 3.9 hectares of public open space (POS). This would comprise a band around the northern eastern and southern boundaries of the site and include a defined footpath route. The southern boundary adjacent to the A40 would also include a noise bund which would be planted with a broad belt of woodland to screen the development.
- 8.39** The main public POS would be set to the western part of the site and would be laid out with a central area of short grass surrounded by Summer and Tussock meadow, interspersed with woodland planting. The eastern corner would also include an area for allotments and associated parking provision. The precise details of the planting and species are being reviewed by the council's Landscape adviser, and any outstanding details and future maintenance could be secured by condition.
- 8.40** On balance, and subject to appropriate planning conditions, it is considered that the proposal would result in a high-quality and acceptable development.

Residential amenity

- 8.41** In respect of the impact of the development upon residential amenity, paragraph 130 of the NPPF specifies that planning decisions should ensure development creates places with a high standard of amenity for existing and future users. This advice is reflected in JCS policies SD4 and SD14 which require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants. Policy RES5 of the TBP also sets out the proposals should provide an acceptable level of amenity for the future occupiers of the proposed dwellings and cause no unacceptable harm to the amenity of existing dwellings.
- 8.42** Policy SD11 of the JCS states that new housing should meet and where possible exceed appropriate minimum space standards. Policy DES1 (Housing Space Standards) of the TBP requires all new residential development to meet the Government's nationally described space standards as a minimum, to ensure that high quality homes are delivered that provide a sufficient amount of internal space appropriate for occupancy of the dwelling. The applicant has confirmed that all house types would achieve the nationally described space standards.
- 8.43** The proposed development would provide appropriate levels of private amenity for future occupiers. Concerns have been raised by existing occupiers in terms of potential impacts from the new development upon their properties. Having carefully reviewed and taken account of this issue, it is considered that, due to the proposed layout, separation distances and intervening landscaped buffer to the eastern boundary of the site, there would be no demonstrable harm to the living conditions of existing occupiers or future occupiers of the proposed development.
- 8.44** Concerns have been raised in respect of the impacts of traffic noise upon the proposed development from the A40. Revised details have since been received in respect of the bund and acoustic screen and these details are being reviewed. Any update will be reported to the Planning Committee meeting.
- 8.45** Subject to resolving outstanding noise concerns, the proposal would result in an acceptable environment for existing and future occupiers.

Housing mix

- 8.46** Policy SD11 of the JCS and RES13 of the TBP requires all new housing development to provide an appropriate mix of dwellings sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Housing mix should be based on the most up to date evidence of local housing need and market demand.
- 8.47** The Gloucestershire Local Housing Needs Assessment 2019 – Final Report and Summary (September 2020) (LHNA) provides the most up to date evidence based to inform the housing mix on residential applications. This report states that in Tewkesbury 3% of new market dwellings should be one-bedroom properties, with 13% having two bedrooms, 54% containing three bedrooms and 29% having four bedrooms or more.
- 8.48** The proposal would provide approximately 3% 1 bed units, 11% 2 bed units, 50% 3 bed units, 30% 4 bed units and 5 % 5 bed units. The proposed housing mix would therefore broadly accord with the borough needs and is considered acceptable.

Affordable housing

- 8.49** The NPPF sets out that Local Planning Authorities should set policies for meeting affordable housing need on development sites. Policy SD12 of the JCS requires a minimum of 35% affordable housing on site within Strategic Allocations.
- 8.50** A revised affordable housing layout plan has been received which sets out that the proposal would provide 51 affordable houses (35.2%) on site. Of this 70% would be social rent and 30% shared ownership.
- 8.51** While the amount of affordable housing is acceptable, the details of size, mix and type are being reviewed by the Council's Housing and Enabling Officer and would need to be agreed before the application could be permitted and the final details would need to be secured through a S.106 agreement.

Drainage and flood risk

- 8.52** The NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Policy INF2 of the JCS seeks to prevent development that would be at risk of flooding. 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. For sites of strategic scale, the cumulative impact of the proposed development on flood risk in relation to existing settlements, communities or allocated sites must be assessed and effectively mitigated. It also requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. This is reflected in Policy ENV2 of the TBP.
- 8.53** The application site is located entirely in Flood Zone 1, an area identified by the Environment Agency as being at a low probability of flooding from rivers and seas. However, as the site is over 1 hectare, in accordance with the requirements of the NPPF, the application is supported by a Site-specific Flood Risk Assessment (FRA) and Sustainable Drainage Strategy (SDS).
- 8.54** In terms of surface water drainage, the proposal would provide a range of swales and ponds, principally along the northern part of the site and within the public open space. Gloucestershire County Council as Lead Local Flood Authority (LLFA) have reviewed the FRA and Drainage Strategy and raise no objection to this proposal. The LLFA has confirmed that the residential dwellings are to be located outside the area identified as at risk from surface water flooding, with the area at risk being used as green amenity space and providing space for surface water attenuation from the developed area of the site.
- 8.55** The attenuation storage will ensure that surface water discharge, to the watercourse along the western boundary of the site, is restricted to the average greenfield runoff rate (QBAR) for all events. This means there will be some betterment in extreme events. Given the level of detail provided with this application the LLFA is satisfied that the proposal would not exacerbate the risk of flooding within the site or elsewhere.
- 8.56** In terms of foul water disposal, it is proposed to drain used water from the development to the existing foul sewer. Severn Trent Water has confirmed it has no objections to the proposals, subject to a condition securing detailed plans. It is also noted that the built development would be sited outside the easement for existing sewage infrastructure which runs through the site.

Biodiversity

- 8.57** 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.
- 8.58** The application has been supported by a suite of ecological assessments including an ecological desk study, two walkover survey reports, a Hedgerow Assessment, a Great Crested Newt eDNA Analysis (May 2022) and a Biodiversity Net Gain Preliminary Design Stage Report and Habitat Regulations Assessment.
- 8.59** The Council's ecological adviser had confirmed that the proposal would not adversely impact protected species and that protection and enhancements could appropriately be secured by condition.
- 8.60** The site lies within the impact risk zone for the Cotswolds Beechwoods Special Area of Conservation (SAC). Policy NAT1 of the TBP states that proposals that are likely to have a significant effect on an internationally designated habitats site (either alone or in combination with other plans or projects) will not be permitted unless a Habitats Regulations Assessment (HRA) has concluded that the proposal will not adversely affect the integrity of the habitats site.
- 8.61** The submitted Ecological Impact Assessment includes a shadow HRA, which considers the impact of the development in terms of recreational pressures on the nearby Cotswolds Beechwood SAC, as well as consideration to other sites of nature conservation concern. The shadow HRA sets out that the development is unlikely to generate significant numbers of recreational trips to the Cotswolds Beechwood SAC.
- 8.62** However, certainty can be provided through the provision of Homeowners Information Packs (HIP) to new residents, the details of which can be secured by way of planning condition should permission be granted.
- 8.63** In addition to the above, Policy NAT1 of the TBP states, inter alia, that proposals will, where applicable, be required to deliver a biodiversity net gain (BNG) across local and landscape scales, including designing wildlife into development proposals, the connection of sites and large-scale habitat restoration, enhancement and habitat re-creation. Locally defined ecological networks identified in Local Nature Recovery Strategies will be the primary focus for landscape scale net gain delivery. The reasoned justification sets out that the Council will expect all development to deliver a minimum net gain of 10% calculated using the DEFRA Biodiversity Metric (or any updated or replacement metric used as the industry stand
- 8.64** The Council's ecological adviser has reviewed the submitted details and advised that the Biodiversity Net Gain (BNG) calculation have demonstrated that the habitat mitigation and enhancements proposed would result in a net gain in biodiversity of approximately 34% for habitats and 15% for hedgerows. This gain is considered to be acceptable, exceeding the council's expectation of 10% and a benefit of the scheme.

Historic environment

- 8.65** Section 66 of the Listed Buildings and Conservation Area Act places a statutory duty on LPAs to have special regard to the desirability of preserving the setting of listed buildings. The NPPF sets out that heritage assets range from sites and buildings of local historic value to those of the highest significance and that these assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Policy SD8 of the JCS sets out that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.
- 8.66** There are two Grade II Listed buildings to the southeast of the site, separated by the A40. The impact of the development on these heritage assets has been assessed by the borough conservation officer who has advised that the development is distant from these buildings and separated by fields, trees and a busy main road. As such it is not considered that the proposal would cause harm to the heritage assets identified.

Open Space, Outdoor Recreation and Sports Facilities

- 8.67** The NPPF 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 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. Policy RCN1 of the TBP requires the provision of appropriate public outdoor space, sports pitches and built sports facilities to meet the needs of local communities.
- 8.68** The Council's Community and Place Development Officer has advised that the development of 145 dwellings would have a population yield of 336 persons. To mitigate and provide facilities for future occupiers of the development, the officer has set out the following requirements:
- 0.44 playing pitch requirement which equates to a contribution of £46,200
 - A LEAP or comparable play provision
 - £65,933 for local community centre provision
 - Waste bin provision & signage
 - Allotments
- 8.69** While other contributions have been sought such as for maintenance of repair of existing facilities, it is considered that these contributions sought would not meet the relevant tests. However it should be noted that the Parish Council would benefit from CIL receipts which could be used to fund such local projects in the future
- 8.70** These contributions and provisions would need to be secured through a S.106 agreement.

Education, library and community provision

- 8.71** 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.
- 8.72** Gloucestershire County Council as Local Education Authority (LEA) has requested the following contributions to mitigate the impact of the development
- Pre-school - £921,519.06** towards places at St Mary's Catholic primary School and/ or the Churchdown Primary Planning Area
Primary Education - £533,511 towards places at Churchdown and Chosen Hill schools and / or the Gloucester Secondary Planning area
Secondary education - £188,298 towards places at Post-16 provision at schools in the Gloucester Secondary Planning Area
- 8.73** In terms of libraries, Gloucestershire County Council have advised that the scheme would generate a need to improve the services at Churchdown and/or Longlevens Library. As such a contribution of **£28,420** is required to make the application acceptable in planning terms.

Section 106 obligations

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

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

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

- Affordable Housing - 35%
- Pre-school - £921,519.06
- Primary Education - £533,511
- Secondary education - £188,298
- Libraries - £28,420
- Playing pitch contribution of £46,200
- A LEAP or agreed play provision
- £65,933 for local community centre provision
- Safeguarding a potential road link
- £243,310.00 - contribution towards the JCS DS7 Package of Scheme Mitigation, Corridor 3 Scheme ref 20.
- £60,496.00 – contribution towards the signalisation of the B4063 Cheltenham Road East arm of the Elmbridge Court Roundabout or an alternative scheme which mitigates traffic impact at this location
- Developer Travel Plan deposit £43,955.00 and Monitoring fee £5,000 or
- Gloucestershire County Council led Travel Plan contribution £52,746.00
- Provision of household waste and recycling bins
- Dog waste bins & signs
- Allotment provision

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

9. Conclusion

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

9.2 The proposed development would broadly comply with Policies SA1 - Strategic Allocations and A2 - South Churchdown of the JCS and would allow for a further parcel of the allocation to be delivered in the short term. Furthermore, it has been demonstrated that the development of this site would not prejudice the wider allocation and final parcel being brought forward as a separate application in the future.

Benefits

- 9.3** Considerable weight is given to the social benefits of the development, namely the provision of new housing, including affordable housing which would contribute towards the housing needs identified within the JCS. The economic benefits that would arise from the proposal both during and post construction also be significant. Furthermore the proposal would also deliver additional benefits including the provision of public open space and the provision of SuDS facilities which would improve drainage conditions and provide ecological benefits.

Harms

- 9.4** The proposal would result in the loss of an open field and extends the urban boundary of Churchdown. Furthermore and in the short term the proposal would result in the loss of some vegetation. The weight given to these harms must however be reduced and is limited given the allocation of the site in the JCS and that adequate mitigation is proposed.

Neutral

- 9.5** Subject to resolution of the issues set out in section 8 above, there would be an acceptable impact in transport terms subject to s106 obligations and the imposition of suitable planning conditions. Similarly, subject to the views of the Community and Economic Development Manager, contributions towards sports, recreation and community facilities would mitigate impacts on existing social infrastructure.
- 9.6** The County Council is satisfied that subject to securing obligations relating to education and library contributions there is no objection to the proposals. In terms of ecology, there would be an acceptable impact on the Cotswolds Beechwood SAC subject to compliance with conditions and contributions. Furthermore, subject to resolving the outstanding matters detailed above, the proposal would not give rise to any unacceptable impacts in terms of noise, vibration, dust, odour and air quality to existing and future occupiers.

Conclusion

- 9.7** It is considered that the delivery of development within a Strategic Allocation comprising much needed housing, including affordable housing, associated infrastructure and public open space would clearly outweigh the limited harms identified.

10. Recommendation

10.1 It is therefore recommended, subject to resolving outstanding matters detailed above:

A. That the Associate Director of Planning is delegated authority to **GRANT** planning permission subject to the conditions set out below, and any additional or amended conditions, and subject to completion of S106 legal agreements securing the requirements specified in the S106 Obligations section of the report (subject to any amendments arising from ongoing discussions). Where the S106 agreements have not been concluded prior to the Committee, a period not exceeding twelve weeks after the date of the Committee shall be set for the completion of the obligations.

B. In the event that the agreement has not been concluded within the twelve-week period and where, in the opinion of the Associate Director of Planning, there are no extenuating circumstances which would justify a further extension of time, the Assistant Director of Planning is Delegated Authority to **REFUSE** planning permission for the following reason on the basis that the necessary criteria essential to make what would otherwise be unacceptable development acceptable have not been forthcoming:

1. The applicant has failed to agree to planning obligations to secure the necessary infrastructure contributions and required open space contrary to JCS Policies INF4, INF6 and INF 7 and TBLP Policy RCN1.

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 documents and drawings set out in the schedule received by the Local Planning Authority on 12th September 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.

Prior to Development

3 No development shall take place, including any site clearance works, until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the clearance and construction period. The plan shall provide for:

- 24-hour emergency contact number;
- Hours of operation;
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction

materials;

- Provision of wheel washing facilities and road sweeper;
- Measures to protect vulnerable road users (cyclists and pedestrians)
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

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

- 4** Prior to commencement of any development within a Construction (and demolition) Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (but is not limited to):
- a. Site access/egress
 - b. Staff/contractor facilities and travel arrangements
 - c. Dust mitigation
 - d. Noise and vibration mitigation (Including whether piling or power floating is required and please note white noise sounders will be required for plant operating onsite to minimise noise when in operation/moving/ reversing)
 - e. Mitigation of the impacts of lighting proposed for the construction phase
 - f. Measures for controlling leaks and spillages, managing silt and pollutants
 - g. Plans for the disposal and recycling of waste
 - h. Measures to protect the retained hedgerows and trees
 - i. Measures to avoid harm/disturbance to wildlife

The development shall take place only in accordance with the approved CEMP.

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

- 5** No development shall take place (with the exception of site clearance and preparation), until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

- 6** No development shall take place (with the exception of site clearance and preparation) until a detailed plan, showing the levels of the existing site, the proposed levels of the site, the proposed slab levels of the dwellings approved and a datum point outside of the site, have been submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

- 7 No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include a requirement to use locally sourced and native species for all planting, measures for hedgehogs incorporated into the development, and amphibian / reptile hibernacula, log piles and insect hotels. Additional mitigation / enhancements may be need to be included in the LEMP depending on the results of the desk study (and any further surveys, if required). The LEMP shall include plans showing locations and extent of all habitats and wildlife features, and a timetable of activities. A Responsible Person / organisation needs to be stated and the method by which the protection of retained, enhanced and created habitats and open spaces will be secured. The extent and location of removed, retained and newly created habitats presented in the LEMP should match that set out in the BNG assessment. The LEMP shall demonstrate that the BNG proposed in the BNG assessment will be achieved. The LEMP shall cover the first ten years of management following the commencement of construction and enabling works. Enhancement measures shall be included for existing natural habitats and created habitats, as well as those for protected species. All Ecological enhancements outlined in the LEMP shall be implemented as recommended in the LEMP and the number and location of ecological features to be installed shall be specified.

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

- 8 No above ground works shall take place until a lighting strategy scheme covering both construction and occupation phases has been submitted to and approved in writing by the Local Planning Authority detailing location and specification of the lighting supported by contouring plans demonstrating any light spill into adjacent habitats. This plan shall be completed in conjunction with advice from the project ecologist. And works implemented and maintained in accordance with the approved details.

Reason: To mitigate the impacts of light pollution.

DURING CONSTRUCTION

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

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

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

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

- 11** During the demolition and/or construction phase the developer shall maintain communication with local residents. A letter drop should be undertaken to all the likely impacted residents. The letter should provide the following details; brief overview of site works, times scales, brief overview of measures to protect residents, a phone number and email address that residents can contact should they need to raise any concerns. Letter drops should be undertaken as the development moves through phases or if any particularly impactful works are due to take place. A noticeboard shall be erected which is accessible to the public to inform local residents of ongoing developments and provide key contact details such as the telephone number and email address. This notice board should be updated at regular intervals.

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

- 12** No development above slab level shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment to each dwelling shall be completed before the building is. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

- 13** Notwithstanding the submitted details, no above ground development shall take place until precise details of the landscaping to development have been submitted to and approved in writing by the Local Planning Authority. The submitted design shall include scaled drawings and a written specification clearly describing the species, sizes, densities and planting numbers and a schedule for the implementation of the landscape scheme. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed. The landscaping shall thereafter be maintained for a period of 5 years. If during this time any trees, shrubs or other plants are removed, die, or are seriously diseased these shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason: Interest of the visual amenity of the area

- 14** No works above slab level shall take place until full engineering details of the proposed TOUCAN crossing on Cheltenham Road East (B4063) have been submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until the approved TOUCAN crossing has been constructed in its entirety.

Reason: To ensure that a safe, suitable, and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.

- 15** No works above slab level 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.

PRIOR TO OCCUPATION

- 16** No part of the development hereby approved shall be brought into use 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 in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the 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.

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

Reason: To ensure the effective implementation of waste minimisation and resource efficiency.

- 18** Prior to occupation the first occupation of the proposed development hereby permitted details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.

- 19** No dwelling hereby permitted shall be occupied until the vehicular parking and turning facilities to serve that dwelling have been provided in accordance with approved drawing no. 847-145A, and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable, and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.

- 20** No dwelling hereby permitted shall be occupied or be brought into use until the means of access for vehicles, pedestrians and cyclists to that dwelling have been constructed and completed as shown on drawing 847-05C – Planning Layout.

Reason: In the interest of highway safety.

DURING OCCUPATION

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

Reason: To reduce vehicle movements and promote sustainable access.

12. Informatives

- 1** In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
- 2** The Lead Local Flood Authority (LLFA) will consider how the proposed sustainable drainage system can incorporate measures to help protect water quality however pollution control is the responsibility of the Environment Agency.
- 3** Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.
- 4** Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.
- 5** The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

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

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

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

- 6** The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk. You will be required to pay fees to cover the Councils cost's in undertaking the following actions:

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

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

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

- 7** All new streets must be tree lines as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering, and ongoing management. Street trees are likely to be subject to a commuted sum.
- 8** The development hereby approved, and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.
- 9** The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.

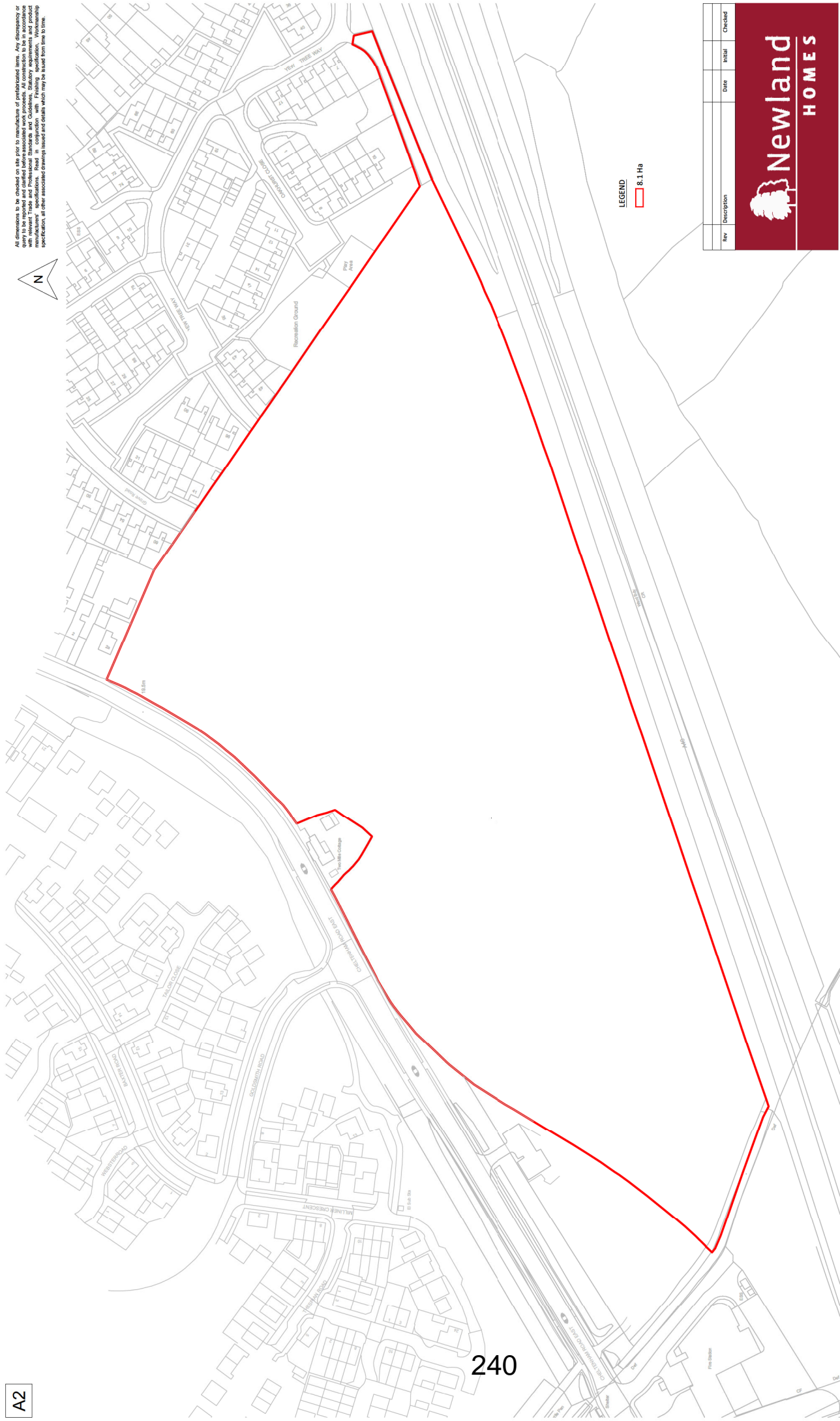
- 10** It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says:

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.

All dimensions to be checked on site prior to manufacture of prefabricated items. Any discrepancy or error in the drawings shall be the responsibility of the client. The contractor shall ensure that all materials and workmanship conform to the specifications and standards of the relevant Trade and Professional Standards and Guidelines. Stationing, dimensions and product manufacturers' specifications. Read in conjunction with: Finishing specification, Workmanship specification, all other associated drawings issued and details which may be issued from time to time.



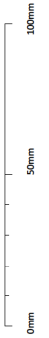
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Rev	Description	Date	Initial	Checked



Land off Cheltenham Rd East, Churchdown

Location Plan



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 Scale
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 Drawing No.

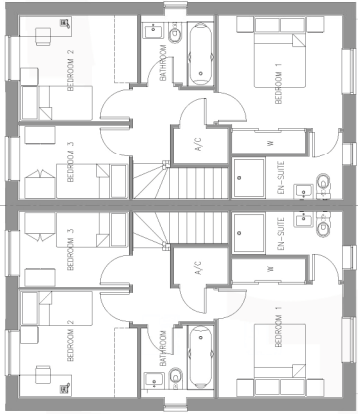
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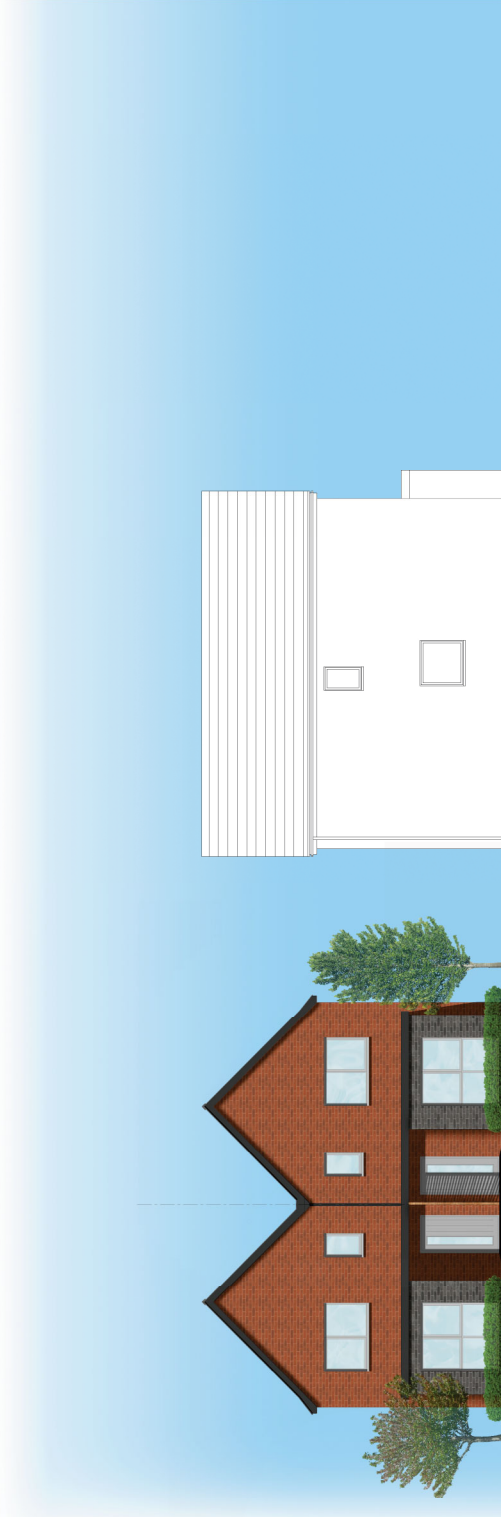
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All dimensions to be checked on site prior to manufacture of prefabricated items. Any discrepancy or error to be reported at once to the manufacturer. At the discretion of the manufacturer, the manufacturer may be required to make good or replace any defective items. The manufacturer and product manufacturer's specifications. Read in conjunction with Finishing Specification, Specification and other associated drawings issued and details which may be issued from time to time.

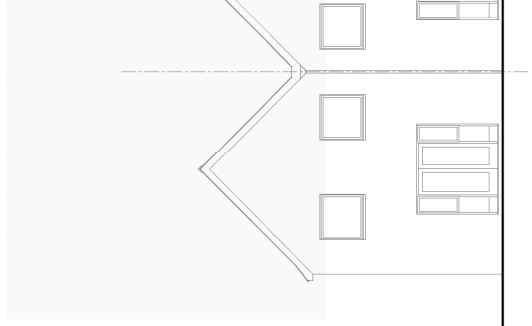


First Floor

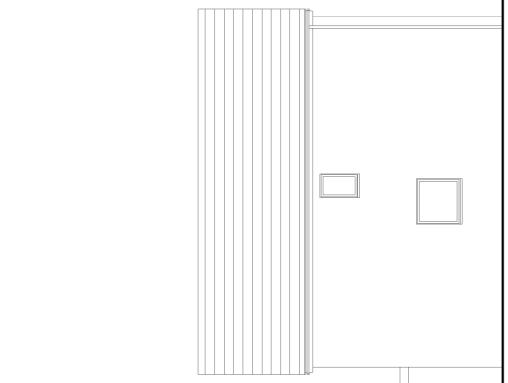


Front Elevation

Side Elevation



Rear Elevation



Side Elevation

Rev	Description	Date	Initial	Checked



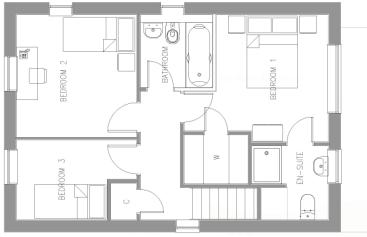
Cheltenham Rd East,
Churchdown
House Type CR3 & Elevations

HOUSE TYPE C R 3

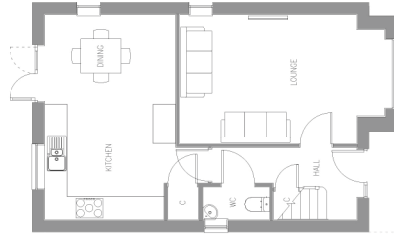


1:100@A2
Scale
847-38-01
Drawing No.

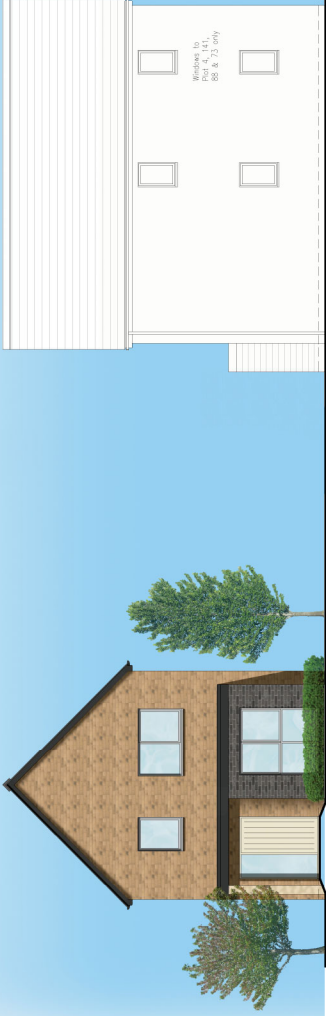
All dimensions to be checked on site prior to manufacture of prefabricated items. Any discrepancy or error to be reported at once to the manufacturer. All measurements to be taken to the face of the work unless otherwise stated. The manufacturer shall be responsible for ensuring that the work is carried out in accordance with the specifications and product manufacturers' specifications. Read in conjunction with Finishing Specification, Installation Specification and the associated drawings and details which may be issued from time to time.



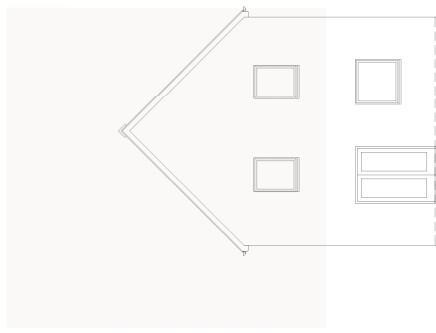
First Floor



Ground Floor Plan

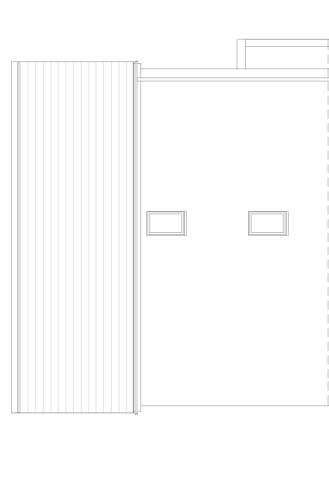


Front Elevation

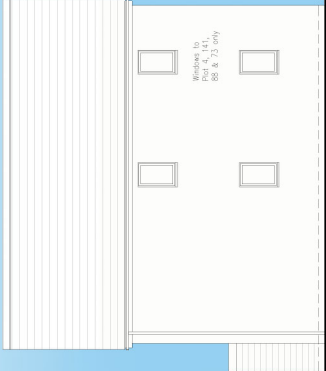


Rear Elevation

Side Elevation



Side Elevation



HOUSE TYPE H N 3

0mm 50mm 100mm

Rev	Description	Date	Initial	Checked

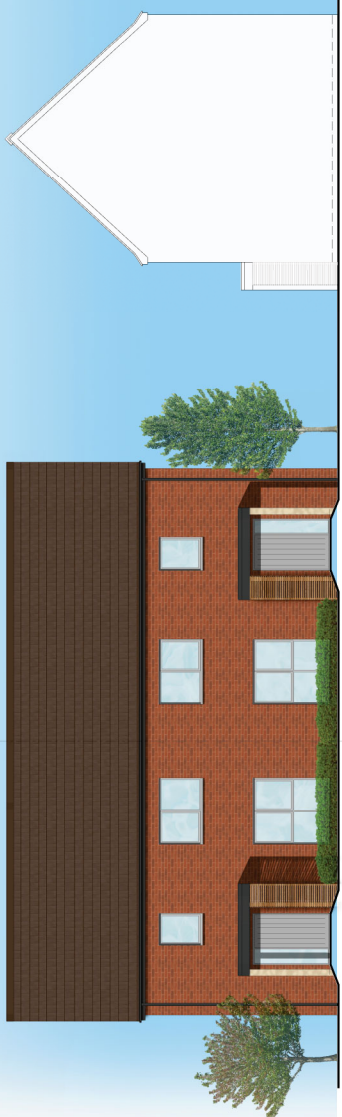


Cheltenham Rd East,
Churchdown
House Type HN3 Plan and Elevation

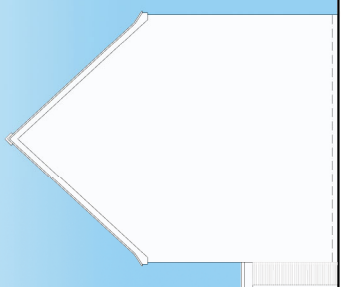
1:100@A2
Scale
847-41-02
Drawing No.

HS
05
2019
Jan 2022
1:100
Revision

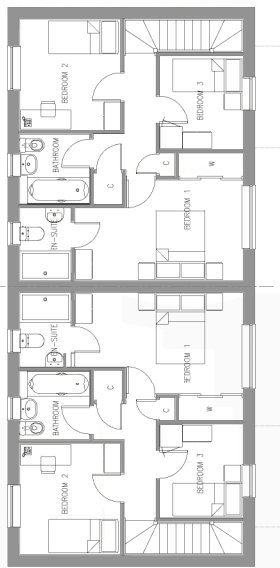
All dimensions to be checked on site prior to manufacture of prefabricated items. Any discrepancy or error to be reported at once to the manufacturer. All dimensions to be checked on site prior to manufacture of prefabricated items. Any discrepancy or error to be reported at once to the manufacturer. All dimensions to be checked on site prior to manufacture of prefabricated items. Any discrepancy or error to be reported at once to the manufacturer. All dimensions to be checked on site prior to manufacture of prefabricated items. Any discrepancy or error to be reported at once to the manufacturer.



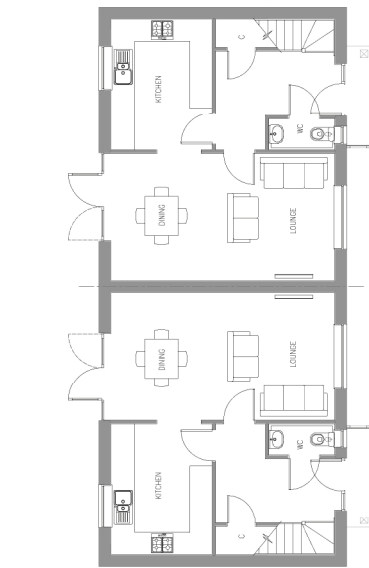
Front Elevation



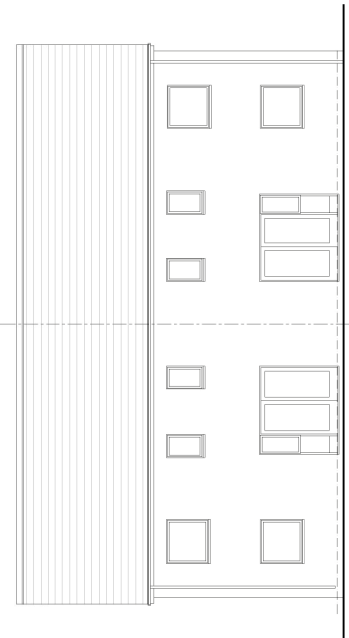
Side Elevation



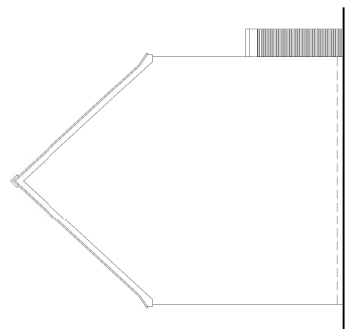
First Floor



Ground Floor Plan



Rear Elevation



Side Elevation

Rev	Description	Date	Initial	Checked



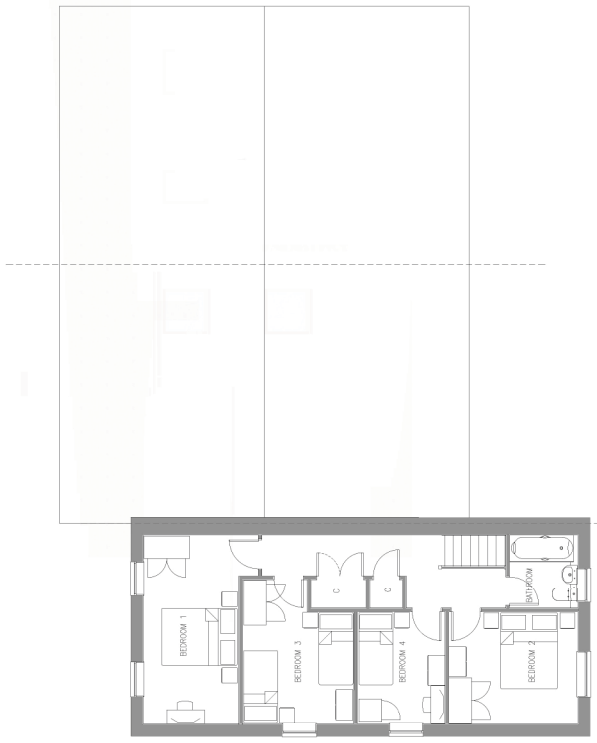
**Cheltenham Rd East,
Churchdown**
House Type TN3 Plan and Elevation

HOUSE TYPE T N 3

1:100@A2
Scale
847-42
Drawing No.

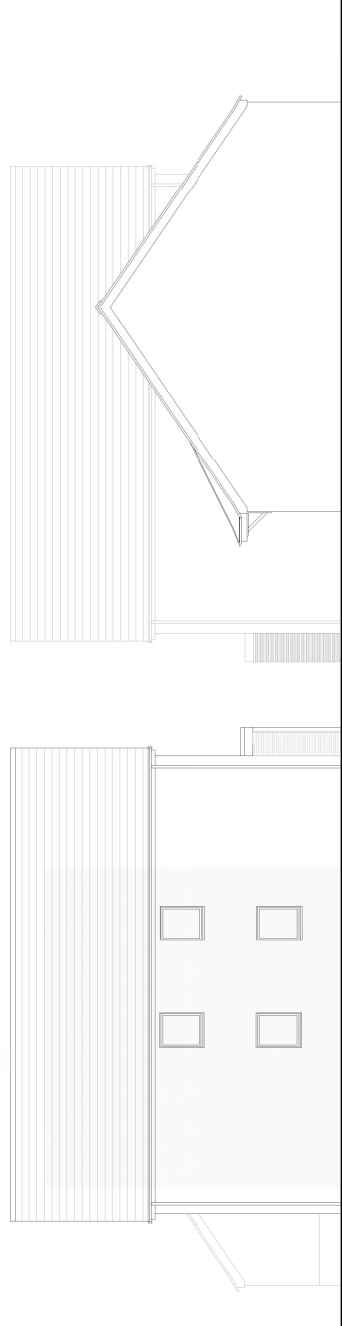


All dimensions to be checked on site prior to manufacture of prefabricated items. Any discrepancy or error is to be reported immediately to the manufacturer. The manufacturer is to be responsible for ensuring that all dimensions are correct and that all components are in accordance with the 'product manufacturers' specifications. Read in conjunction with finishing specification, structural specification and general specification. All other associated drawings issued and details which may be issued from time to time.



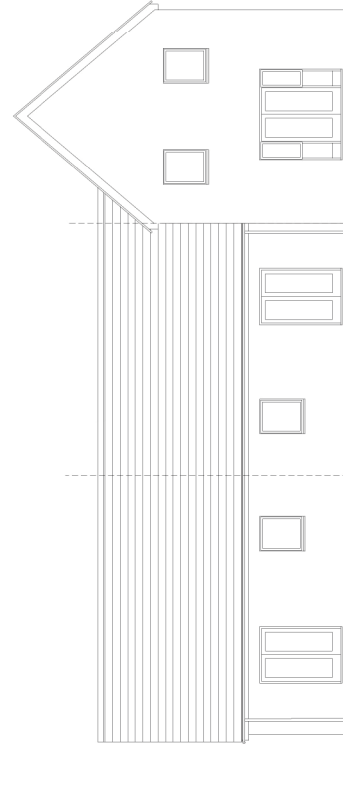
Front Elevation

First floor
245



Side Elevation

Side Elevation



Rear Elevation

Rev	Description	Date	Initial	Checked



Cheltenham Rd East,
Churchdown
House Type 4B7P & 1BB2P
Plan and Elevation

HOUSE TYPE 4 B 7 P & 1 B B 2 P

115 sqm 52 sqm

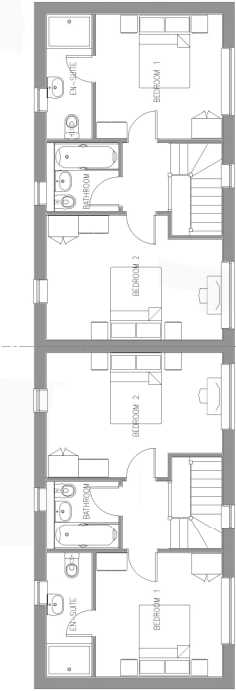
1:40@A2
Scale

847-47
Drawing No.

0mm 50mm 100mm



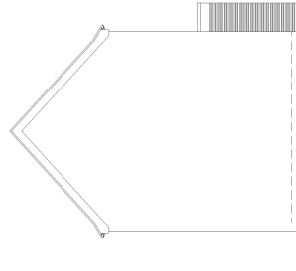
Front Elevation



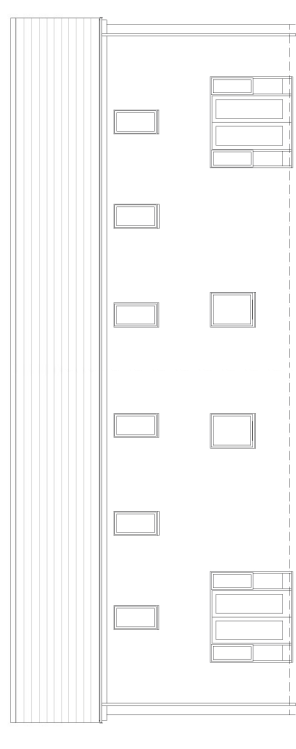
First Floor

246

Side Elevation

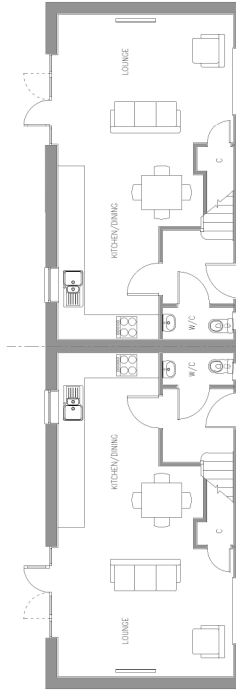


Side Elevation



Rear Elevation

Ground Floor Plan



HOUSE TYPE 2 B 4 P (B)

79 sqm

1:1,000@A2
Scale
847-51
Drawing No.

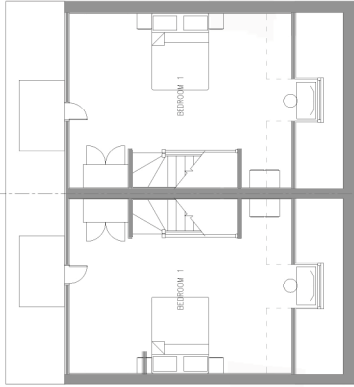
0mm 50mm 100mm

Rev	Description	Date	Initial	Checked

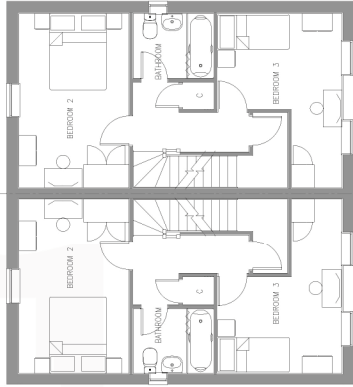


Cheltenham Rd East,
Churchdown
House Type 2B4P(B) Plan and Elevation

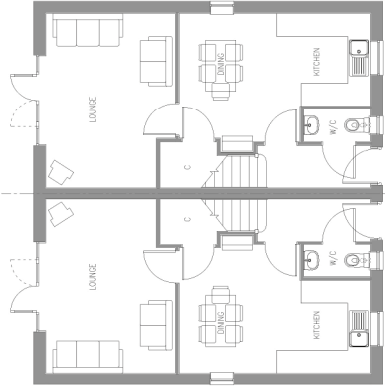
All dimensions to be checked on site prior to manufacture of prefabricated items. Any discrepancy or error to be reported at once to the manufacturer. All dimensions to be checked on site prior to manufacture of prefabricated items. Any discrepancy or error to be reported at once to the manufacturer. All dimensions to be checked on site prior to manufacture of prefabricated items. Any discrepancy or error to be reported at once to the manufacturer.



Second Floor



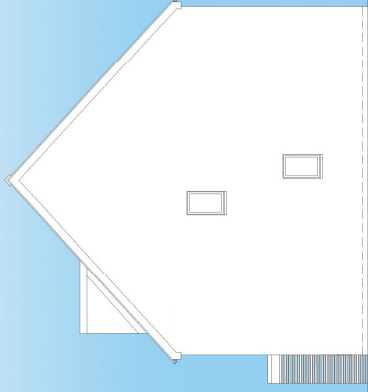
First Floor



Ground Floor Plan



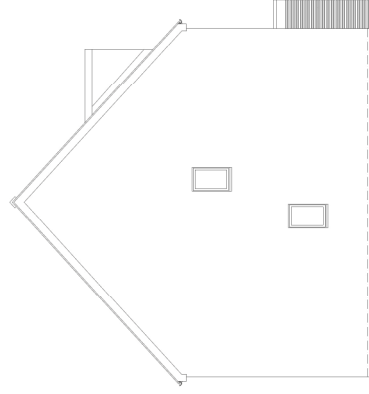
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

Rev	Description	Date	Initial	Checked

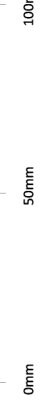


Cheltenham Rd East,
Churchdown
House Type 3B5P(B) Plan and Elevation

HOUSE TYPE 3 B 5 P (B)

102 sqm

1:100@A2
Scale
847-55
Drawing No.



A1

STREET SCENE D-D
Scale 1:200 @ A1

Site Boundary

Continuation Line

Fig 11.33 200P (R)
Fig 11.34 CD

STREET SCENE D-D
Scale 1:200 @ A1

STREET SCENE CONTINUATION D-D
Scale 1:200 @ A1

Site Boundary

Continuation Line

Fig 12.23 100P (C)
Fig 13.14 400P (R)
Fig 13.17 300P (R)
Fig 13.18 200P (R)
Fig 13.19 200P (R)
Fig 13.20 200P (R)
Fig 13.21 200P (R)
Fig 13.22 200P (R)
Fig 13.23 200P (R)
Fig 13.24 200P (R)
Fig 13.25 200P (R)
Fig 13.26 200P (R)
Fig 13.27 200P (R)
Fig 13.28 200P (R)
Fig 13.29 200P (R)
Fig 13.30 200P (R)

STREET SCENE CONTINUATION D-D
Scale 1:200 @ A1

STREET SCENE E-E
Scale 1:200 @ A1

Site Boundary

Continuation Line

Fig 14.4 CD
Fig 14.5 200P (R)
Fig 14.6 200P (R)
Fig 14.7 200P (R)
Fig 14.8 200P (R)
Fig 14.9 200P (R)
Fig 14.10 200P (R)
Fig 14.11 200P (R)
Fig 14.12 200P (R)
Fig 14.13 200P (R)
Fig 14.14 200P (R)
Fig 14.15 200P (R)
Fig 14.16 200P (R)
Fig 14.17 200P (R)
Fig 14.18 200P (R)
Fig 14.19 200P (R)
Fig 14.20 200P (R)
Fig 14.21 200P (R)
Fig 14.22 200P (R)
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Fig 14.27 200P (R)
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Fig 14.44 200P (R)
Fig 14.45 200P (R)
Fig 14.46 200P (R)
Fig 14.47 200P (R)
Fig 14.48 200P (R)
Fig 14.49 200P (R)
Fig 14.50 200P (R)
Fig 14.51 200P (R)
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Fig 14.69 200P (R)
Fig 14.70 200P (R)
Fig 14.71 200P (R)
Fig 14.72 200P (R)
Fig 14.73 200P (R)
Fig 14.74 200P (R)
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Fig 14.81 200P (R)
Fig 14.82 200P (R)
Fig 14.83 200P (R)
Fig 14.84 200P (R)
Fig 14.85 200P (R)
Fig 14.86 200P (R)
Fig 14.87 200P (R)
Fig 14.88 200P (R)
Fig 14.89 200P (R)
Fig 14.90 200P (R)
Fig 14.91 200P (R)
Fig 14.92 200P (R)
Fig 14.93 200P (R)
Fig 14.94 200P (R)
Fig 14.95 200P (R)
Fig 14.96 200P (R)
Fig 14.97 200P (R)
Fig 14.98 200P (R)
Fig 14.99 200P (R)
Fig 15.00 200P (R)

STREET SCENE E-E
Scale 1:200 @ A1

STREET SCENE CONTINUATION E-E
Scale 1:200 @ A1

Site Boundary

Continuation Line

Fig 15.01 200P (R)
Fig 15.02 200P (R)
Fig 15.03 200P (R)
Fig 15.04 200P (R)
Fig 15.05 200P (R)
Fig 15.06 200P (R)
Fig 15.07 200P (R)
Fig 15.08 200P (R)
Fig 15.09 200P (R)
Fig 15.10 200P (R)
Fig 15.11 200P (R)
Fig 15.12 200P (R)
Fig 15.13 200P (R)
Fig 15.14 200P (R)
Fig 15.15 200P (R)
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Fig 15.92 200P (R)
Fig 15.93 200P (R)
Fig 15.94 200P (R)
Fig 15.95 200P (R)
Fig 15.96 200P (R)
Fig 15.97 200P (R)
Fig 15.98 200P (R)
Fig 15.99 200P (R)
Fig 16.00 200P (R)

STREET SCENE CONTINUATION E-E
Scale 1:200 @ A1

KEY PLAN - Not to Scale

0m 25m 50m 100m

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Newland HOMES

Land off Cheltenham Rd East, Churchdown

Street Scenes

1:200 @ A1
Date: April 2023
Scale: 847-12-02

No.	Description	Date	Issue	Checked

SS
1:200 @ A1
April 2023
847-12-02
© 2023 Newland Homes, Ltd

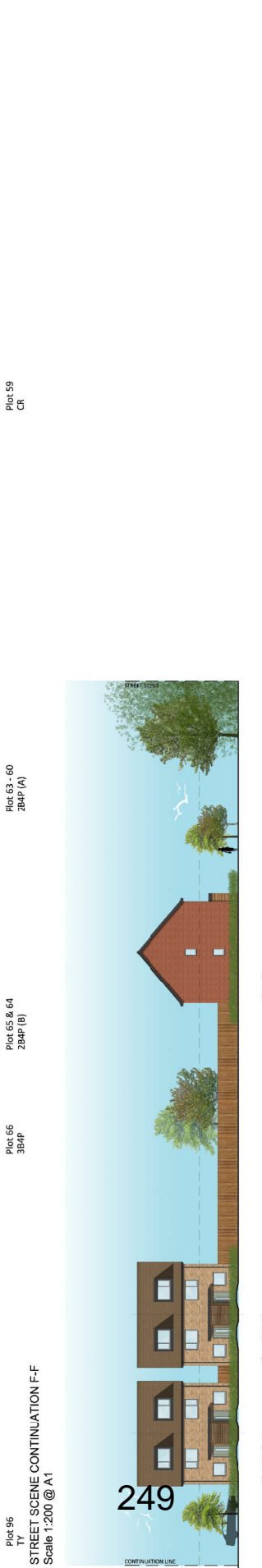
Plot 117 487P
Plot 116 & 115 1882P
Plot 114 & 113 385P (B)
Plot 112 385P (B) 182P
Plot 111/110 182P
Plot 101 FR
Plot 100 & 99 TN
Plot 98 & 97 CD
Plot 96 TN
Plot 66 384P



Plot 66 384P
Plot 96 TN
Plot 98 & 97 CD
Plot 100 & 99 TN
Plot 101 FR
Plot 111/110 182P
Plot 112 385P (B) 182P
Plot 114 & 113 385P (B)
Plot 116 & 115 1882P
Plot 117 487P



Plot 42 & 41 TE
Plot 44 & 43 TE
Plot 59 CN
Plot 63 - 60 284P (A)
Plot 65 & 64 284P (B)
Plot 66 384P
Plot 42 & 41 TE



Plot 44 & 43 TE
Plot 42 & 41 TE
Plot 40 588P



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1:200@A1
847-12-03
Date: April 2022
Prepared by: [Name]
Checked by: [Name]

Newland HOMES

Land off Cheltenham Rd East,
Churchdown
Street Scenes



KEY PLAN: Not to scale





Existing Property
STREET SCENE A-A
 Scale 1:200 @ A1

Plot 1 PW Plot 2 & 3 CT Plot 4 HT Plot 143 HT Plot 142 & 143 CT Plot 144 PW Plot 145 PW Existing Property



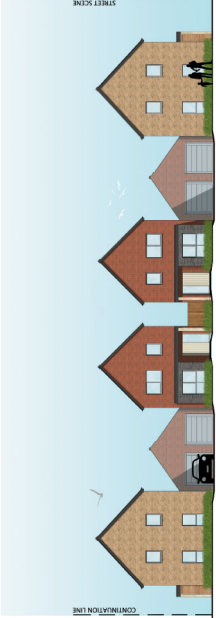
STREET SCENE B-B
 Scale 1:200 @ A1

Plot 126 HT Plot 127 PW Plot 131 SW Plot 132 SW Plot 133 HT Plot 134 SW Plot 135 PW Plot 136 PW Plot 137 HT Plot 138 PW Plot 139 PW



STREET SCENE C-C
 Scale 1:200 @ A1

Plot 25 SW Plot 24 SW Plot 75 HT Plot 80 PW Plot 80 SW Plot 89 SW Plot 90 HT Plot 90 HT Plot 88 HT Plot 87 HT Plot 107 PW Plot 107 PW Plot 121 HW Plot 121 HW



STREET SCENE CONTINUATION C-C
 Scale 1:200 @ A1

Plot 107 PW Plot 122 HW Plot 121 HW Plot 120 PW



KEY PLAN: Not to scale



**Land off Cheltenham Rd East,
 Churchdown**
 Street Scenes

SS
 1:200 @ A1
 April 2022
 Plot Name
847-12-01
 Drawing No.
A



PLANNING APPEALS RECEIVED (29/09/2023 – 03/11/2023)

Appeal Start Date	TBC Planning Number	Inspectorate Number	Proposal	Site Address	Appeal Procedure
3-Oct-23	23/00026/FUL	APP/B1605/D/23/3325742	Proposed studio/study above existing detached garage.	2 Denley Close Bishops Cleeve	Fast Track Appeal
11-Oct-23	23/00242/CLE	APP/G1630/W/23/3330942	Lawful Development Certificate application for the existing residential use of former agricultural building	Plot 19 Warren Fruit Farm Evesham Road	Written Representation
19-Oct-23	22/00869/FUL	APP/G1630/D/23/3327328	Two storey side extension extending to rear and a porch.	4 St Clair Cottages Staverton	Fast Track Appeal
251 19-Oct-23	22/01128/PIP	APP/G1630/W/23/3325294	Permission in principle for 1-5 dwellings.	Land Between Parton Court Road And Station Road Churchdown	Written Representation
20-Oct-23	22/01085/FUL	APP/G1630/W/23/3320446	Provision of an agricultural building with a reduced area of hardstanding and re-surfaced access track (including part retention of works); and removal of 2 no. small brick buildings, removal of all external lighting and CCTV equipment and removal of 2.2 metre close boarded fencing that encloses the existing yard, to be replaced with new 1.2m high post and rail fencing.	Oaklands Gloucester Road Staverton	Written Representation
20-Oct-23	22/01086/FUL	APP/G1630/W/23/3320447	Erection of walling, piers, gates, railings and fencing along the site frontage with the B4063, reduced from 2.2m to a height of 1.5 metres (1.2 metre walls and 0.3 metre railing above) (including part retention of works)	Oaklands Gloucester Road Staverton	Written Representation

Appeal Start Date	TBC Planning Number	Inspectorate Number	Proposal	Site Address	Appeal Procedure
20-Oct-23	22/01087/FUL	APP/G1630/W/23/3320448	Erection of brick walling, railings, close boarded fencing and gates around the perimeter edge of the residential property known as Oaklands, reduced from 2.2m to maximum height of 1.5m (1.2m walling and 0.3m railings) and removal of all external lighting within the residential curtilage of the property (including part retention of works).	Oaklands Gloucester Road Staverton	Written Representation
25-Oct-23	23/00165/PIP	APP/G1630/W/23/3325962	Permission in principle for the erection of a single dwelling with associated works	Blackhedge Farm Leckhampton Hill Leckhampton	Written Representation
26-Oct-23	19/00139/ECOU	APP/G1630/C/23/3330890	Unauthorised residential use of timber agricultural building	Plot 7 Warren Fruit Farm Evesham Road Greet	Public Inquiry
252 26-Oct-23	23/00329/CLE	APP/G1630/X/23/3331024	Lawful Residential use of an agricultural building for a period in excess of four years (amended description).	Plot 7 Warren Fruit Farm Evesham Road Greet	Public Inquiry
03-Nov-23	21/00291/ENFC	APP/G1630/C/23/3329176	Alleged unauthorised erection of outbuildings and extension to existing outbuilding.	Toddington Grange Burberry Hill Toddington	Written Representation

PLANNING APPEALS DECIDED (29/09/2023 – 03/11/2023)

Appeal Decision Date	Appeal Decision	TBC Planning Number	Inspectorate Number	Proposal	Site Address
12-Oct-23	Appeal Dismissed	22/01007/FUL	APP/G1630/W/23/3319158	Retrospective application for a farm diversification proposal involving the retention of 5 no. containers which are occupied by local businesses.	Manor Farm Southam Lane Southam
18-Oct-23 253	Appeal Dismissed	23/00372/ADV	APP/G1630/H/22/3307139	Freestanding digital advertising and information screen sign (internal LED lighting) for Cheltenham Rugby Club measuring 6m x 3m to replace the existing signage.	Newlands Park Southam Lane Southam
18-Oct-23	Appeal Dismissed	22/00071/ADV	APP/G1630/H/22/3299606	Installation of 2no. freestanding digital advertising and information screen signs.	Cheltenham Rugby Club Southam Lane Southam
26-Oct-23	Appeal Dismissed and Notice Upheld	19/00077/ECOU	APP/G1630/C/22/3312912	unauthorised wooden lodge for permanent residential use	Lower Shetcombe Farm Evesham Road Toddington