

11 December 2023

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

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

### **Agenda**

#### **1. ANNOUNCEMENTS**

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

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

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

To receive apologies for absence and advise of any substitutions.

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

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

	Item	Page(s)
4.	<b>MINUTES</b>	1 - 30
	To approve the Minutes of the meeting held on 21 November 2023.	
5.	<b>DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL</b>	
	<b>(a) 23/00661/FUL - Lunn Cottage, Aston Cross, Tewkesbury</b>	31 - 61
	<b>PROPOSAL:</b> Erection of 10 dwellings, garages, construction of internal estate road, formation of parking areas and gardens/amenity space.	
	<b>OFFICER RECOMMENDATION:</b> Delegated permit.	
	<b>(b) 22/00777/OUT - Garages to the Rear of Properties 68-74 Yew Tree Way, Churchdown</b>	62 - 77
	<b>PROPOSAL:</b> Demolition of 10 existing garages and erection of three residential dwellings including details of access with all other matters (layout, scale, appearance and landscaping) to be reserved for future consideration.	
	<b>OFFICER RECOMMENDATION:</b> Permit.	
	<b>(c) 22/00857/PIP - Land to the Rear Cleeve Road, Gretton Road, Gotherington</b>	78 - 89
	<b>PROPOSAL:</b> Erection of between one and six dwellings.	
	<b>OFFICER RECOMMENDATION:</b> Permit.	
	<b>(d) 23/00280/FUL - Bushcombe House Farm, Bushcombe Lane, Woodmancote</b>	90 - 111
	<b>PROPOSAL:</b> Demolition of three existing barns and construction of three new buildings for use as holiday lets and the conversion of an existing barn into a holiday let.	
	<b>OFFICER RECOMMENDATION:</b> Permit.	
	<b>(e) 23/00874/FUL - Part Parcel 8019, Chargrove Lane</b>	112 - 124
	<b>PROPOSAL:</b> Agricultural access onto Chargrove Lane – revision to application ref: 22/01375/FUL.	
	<b>OFFICER RECOMMENDATION:</b> Permit.	
	<b>(f) 23/00850/FUL - Pear Tree Cottage, Tumper View, Brockworth</b>	125 - 133
	<b>PROPOSAL:</b> Incorporation of buffer land into residential garden of Pear Tree Cottage, Tumper View, Brockworth (retrospective application).	
	<b>OFFICER RECOMMENDATION:</b> Permit.	

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

134 - 136

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

**DATE OF NEXT MEETING****TUESDAY, 23 JANUARY 2024****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, 21 November 2023 commencing at  
9:30 am**

**Present:**

Vice Chair in the Chair

Councillor S Hands

**and Councillors:**

M A Gore, S Hands, D J Harwood, M L Jordan, G C Madle, J R Mason, G M Porter,  
R J G Smith, R J E Vines, P N Workman and I Yates

**also present:**

Councillors N D Adcock and D W Gray

**PL.41 ANNOUNCEMENTS**

- 41.1 In the absence of the Chair, the Vice-Chair took the chair for the meeting.
- 41.2 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 41.3 The Chair gave a brief outline of the procedure for Planning Committee meetings, including public speaking.

**PL.42 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

- 42.1 Apologies for absence were received from Councillors E M Dimond-Brown and P E Smith (Chair). Councillor H J Bowman would be a substitute for the meeting.

**PL.43 DECLARATIONS OF INTEREST**

- 43.1 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.

43.2 The following declarations were made:

<b>Councillor</b>	<b>Application No./Agenda Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
M L Jordan	Item 5h – 22/00667/FUL – Land to the South of Cheltenham Road East, Churchdown	Is a Borough Councillor for the area.  Is a Member of Churchdown Parish Council but does not participate in planning matters.  Had received correspondence in relation to the application but had not expressed an opinion.	Would speak and vote.
G C Madle	Item 5b – 22/00998/FUL – Land Behind 62 to 74 Willow Bank Road, Alderton	Is a Borough Councillor for the area.  Had received correspondence in relation to the application but had not expressed an opinion.	Would speak and vote.
R J G Smith	Item 5h – 22/00667/FUL – Land to the South of Cheltenham Road East, Churchdown	Is a Member of Churchdown Parish Council but does not participate in planning matters.  Had received correspondence in relation to the application but had not expressed an opinion.	Would speak and vote.
G I Yates	Item 5h – 22/00667/FUL – Land to the South of Cheltenham Road East, Churchdown	Is a Member of Churchdown Parish Council but does not participate in planning matters.  Had received correspondence in relation to the application but had not expressed an opinion.	Would speak and vote.

43.3 There were no further declarations made on this occasion.

**PL.44 MINUTES**

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

**PL.45 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**

45.1 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.

**23/00641/FUL - Land East of Kayte Lane, Southam**

45.2 This application was for 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).

45.3 The Senior Planning Officer advised that the site was a parcel of formerly undeveloped agricultural land within the rural area of Southam. The site was within the Green Belt and beyond any recognised settlement boundary so was within the open countryside for the purposes of planning policy. The site was bound to the east by the Gloucestershire and Warwickshire Railway and to the west by Kayte Lane. The development comprised the change of use of agricultural land to a gypsy and traveller site with a total of 11 pitches, each with a static caravan, seven of which with additional touring caravans. The development also included the provision of internal roadways, parking areas and fencing. Works were ongoing at the site so planning permission was sought partially in retrospect. As set out within the Committee report, the development was by definition inappropriate development within the Green Belt and should not be approved except in very special circumstances. Policy set out that substantial weight must be given to any harm to the Green Belt and that very special circumstances will not exist unless the harm to the Green Belt, by reason of inappropriateness, as well as any additional harm, was clearly outweighed by other considerations. The report outlined that the 'other additional harms' were: intentional unauthorised development, harm to the character of the countryside, failure to provide safe and suitable access, potential adverse impacts to neighbouring amenity through noise and disturbance; and lack of information pertaining to biodiversity, drainage and trees. These harms, together with the overarching harm to the Green Belt, must be weighed against the benefits in relation to the unmet need for gypsy and traveller pitches and the personal circumstances of the occupiers. Although Officers accepted there was an unmet need which, together with the personal circumstances of the occupiers, weighed in favour of the development, Members were advised that this did not outweigh the overall harm. As such, very special circumstances which would outweigh the harm to the Green Belt did not exist meaning that the development should not be approved. Therefore, the Officer recommendation was to refuse the application. She clarified that, although there was an injunction on the land, this was a separate matter which should not be taken into consideration as part of the application or reasons for refusal.

45.4 The Chair invited a representative from Southam Parish Council to address the Committee. The Parish Council representative indicated that Southam Parish Council had objected to this application, as had the neighbouring Parish Councils of Bishop's Cleeve and Woodmancote whose parishioners were also impacted. The

level of interest and concern in this application has been extraordinary and whilst the Parish Council understood the need for new traveller sites in Tewkesbury Borough, this application was wrong on many levels and clearly conflicted with the National Planning Policy Framework, Joint Core Strategy, Tewkesbury Borough Plan and Planning Policy for Traveller Sites. The site lay within designated Green Belt which maintained a degree of separation between Bishop's Cleeve and Cheltenham. Its development substantially affected the character and appearance of the area, spoiling the open aspect of the views towards the Cotswold escarpment which was an Area of Outstanding Natural Beauty. The area was not allocated for development in either the Joint Core Strategy or the Tewkesbury Borough Plan and the National Planning Policy Framework stated that inappropriate development was harmful to the Green Belt and should not be approved, except in very special circumstances, and that personal circumstances and unmet need were unlikely to clearly outweigh harm to the Green Belt, or any other harm, so as to establish those very special circumstances. Traveller sites, whether temporary or permanent, were inappropriate development within the Green Belt and no very special circumstances had been put forward by the applicant or identified in the Committee report. Planning Policy for Traveller Sites stated that policies should avoid placing undue pressure on local infrastructure and services - the scale of this development placed an unacceptable burden on the highway structure in Kayte Lane, and on other services in the immediate locality which were already under pressure - and that, when assessing the suitability of sites, the scale of such sites should not dominate the nearest settled community. The amenity of the neighbouring properties was adversely impacted by the size and nature of the development, its high fencing, associated noise, light and traffic pollution and increase in population. Road safety was also a significant concern and the applicant has created unauthorised access to the site which opened onto a blind bend on an unlit lane where the speed limit was 40 mph. The lane was narrow and already supported more traffic than was originally intended. Visibility splays were not acceptable and County Highways had recommended refusal. There were no pedestrian footpaths for a substantial distance, making walking or cycling to nearest local amenities unsafe; the nearest bus stop was 700m away and services were infrequent. It was inevitable that the occupants would be reliant on vehicles, hence the site was unsustainable. A Public Right of Way running along the northern boundary had been fenced off, the path obstructed and the kissing gate onto Kayte Lane damaged. CCTV adjacent to the Public Right of Way made this unwelcome. The development spoilt the open, rural aspect of the area, which previously enjoyed uninterrupted views towards the Area of Outstanding Natural Beauty, and this represented a loss of amenity and vast reduction in the number of local residents using the Public Right of Way network. The site was subject of a High Court Injunction prohibiting the land from being occupied or developed without the benefit of planning permission and planning policy should count heavily against any retrospective planning application. The Parish Council was concerned that the applicant would continue to build and occupy the site, regardless of the planning process, and anything other than refusal would set a dreadful precedent. Finally, the Parish Council representative indicated that the impact on the health and wellbeing of neighbours and loss of privacy could not, and should not, be underestimated.

- 45.5 The Chair invited a local resident speaking in objection to the application to address the Committee. The local resident indicated that she was speaking on behalf of a group of local residents, some of whom lived immediately opposite the application site, who wished to support the Officer recommendation for refusal. The local resident wanted to impress upon Members the strength of local feeling about the applicants' deceitful disregard for planning and legal processes that all members of a community, as citizens of equal standing, were required to abide by in law. This was evident through the occupation of the land by the applicants in full knowledge of the High Court Injunction Order; the carrying out of deliberate unlawful works involving the ripping out of mature hedgerows and trees which formed valuable

wildlife habitats and corridors; the importation of many tonnes of hardcore for the laying of extensive hardstanding and roadways; and the erection of a highly visible and overtly urban boundary fence of excessive height. This once rural field which made a positive contribution to the character of the area was now enclosed and urbanised which jarred with its rural surroundings. Further intentional dishonesty was evident through the submission of this planning application that bore little resemblance to what had taken place on the ground – all of these observations had been made by the Planning Officer in the Committee report. Putting aside the deceitful intention of the applicant, which was a material planning consideration in this case, it was Members' job to determine this application on its planning merits. The adverse impacts and benefit from the provision of travellers' pitches had been comprehensively set out in the Committee report which was wholly supported by local residents. In addition to matters set out in the Committee report, she wished to draw attention to the fact that the site lay within the foreground of the Cotswold Area of Outstanding Natural Beauty and immediately adjacent to a locally designated Special Landscape Area; as such, she asked that Members strengthen proposed refusal reason 3 with the inclusion of Policy SD7 of the Joint Core Strategy and Policies LAN1 and LAN2 of the Tewkesbury Borough Plan - Policy SD7 stated that development close to, but outside of, the Area of Outstanding Natural Beauty boundary had the potential to have a detrimental impact on its setting through, for example, its impact upon key views, or its impact upon landscape character in and around the Area of Outstanding Natural Beauty boundary and that proposals likely to affect the setting of the Area of Outstanding Natural Beauty must fully consider any potential impacts. This site was highly visible from Cleeve Hill - one of the most popular and valued walking areas in the county. In addition, local residents asked that an additional reason for refusal be included in respect of the altered experience of the footpath user; this experience has been completely altered from one of open pastoral surroundings to an experience that was enclosed, narrowed, and urbanised.

- 45.6 The Chair invited a local Ward Member for the area to address the Committee. The local Ward Member indicated that access was on a bend and road usage was increasing in Bishop's Cleeve and Woodmancote as the area was affected by cuts to the local bus service. He agreed with the comments which had been made regarding the Area of Outstanding Natural Beauty – the site was highly visible within the Area of Outstanding Natural Beauty and was a popular walking spot within the county so he would support the strengthening of refusal reason 3. He noted the comments from the Public Right of Way Officer and indicated that he had received correspondence from residents who felt intimidated and so were not using the formerly well-used footpath. As Flood Warden for Woodmancote, he knew this area well and, whilst he appreciated it was not in Flood Zone 1, flood risk to this land was not the main concern, rather it was the increased risk to neighbouring areas. There were also questions concerning riparian rights and responsibilities. He failed to see how increasing impermeable surface area without mitigation could keep the area working as it did naturally in terms of infiltration. A resident had been keeping watch on traffic movements onto the site and had witnessed hardcore and other materials being taken on site, furthermore, he had concerns about the proposals to deal with foul water, which needed real investigation, as well as loss of trees and hedgerows. Planning Policy for Traveller Sites mentioned the need for environmental enhancements and that sites should not be enclosed as that would foster mistrust and division.
- 45.7 The Chair indicated that the Officer recommendation was to refuse the application and sought a motion from the floor. A Member noted the request from the public speaker regarding the inclusion of reference to Policy SD7 of the Joint Core Strategy in refusal reason 3 and asked whether the Landscape Officer had considered the application. The Senior Planning Officer explained that Policy SD7 related to the setting of the Area of Outstanding Natural Beauty - the test was



whether the development would conserve the intrinsic beauty of the Area of Outstanding Natural Beauty and Officers believed there was no technical conflict with that policy. With regard to the concerns in relation to the experience of the Public Right of Way, she had asked the Public Right of Way Officer to walk the footpath which they had done – she and the County Highways representative had also done the same – and whilst it was acknowledged that it was a transformed experience, this was not considered to substantiate a reason for refusal on the basis that the Public Right of Way was still available to users and was unobstructed.

- 45.8 It was proposed and seconded that the application be refused in accordance with the Officer recommendation, subject to an amendment to include Policy SD7 of the Joint Core Strategy within refusal reason 3. The Development Management Manager advised that there were seven robust refusal reasons proposed within the Committee report and Members should focus on the quality of reasons as opposed to quantity. He accepted the point about the impact on the Area of Outstanding Natural Beauty but that had been assessed by relevant Officers and it was felt that the proposed refusal reasons took account of the policy position. On that basis, the proposer and seconder of the motion confirmed they were happy to remove reference to Policy SD7 and revert to the Officer recommendation. Upon being taken to the vote, it was

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

Councillors D J Harwood and G M Porter arrived part way through this item and therefore did not take part in the debate or vote.

#### **22/00998/FUL - Land Behind 52 to 74 Willow Bank Road, Alderton**

- 45.9 This application was for the 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. The Planning Committee had visited the application site on Friday 17 November 2023.
- 45.10 The Senior Planning Officer advised that the application was submitted in full and proposed 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 and a secondary pedestrian access to the site was proposed via the existing vehicular track located between No. 56 and No. 54 Willow Bank Road. 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 Locally Equipped Area of Play (LEAP) and an orchard were also proposed as part of the application. Existing hedgerows bounding the site to the south, west and north were to be retained and a Sustainable Drainage System (SuDS) attenuation pond was proposed in the south west corner. The site itself extended to 2.62 hectares and was currently used for grazing horses. The site was located within the Special Landscape Area as defined within the Tewkesbury Borough Plan and was located outside of, but immediately adjacent to, the residential development boundary of Alderton as defined in the Tewkesbury Borough Plan and Alderton Neighbourhood Development Plan. In respect of the principle of development, the application lay outside of the defined settlement boundary of Alderton and in conflict with the spatial strategy of the development plan and Policies SP2 and SD10 of the Joint Core Strategy, Policy RES3 of the Tewkesbury Borough Plan and Policy H1 of the Alderton Neighbourhood Development Plan. This was the starting point for the determination of the application; however, the Council was in a situation where it could not demonstrate a five year supply of deliverable housing sites, therefore, in accordance with Paragraph 11d and footnote 8 of the National Planning Policy Framework, these

policies were treated as out-of-date and should not be afforded full weight in the decision-making process. Due to the absence of a five year supply of deliverable sites, planning permission should be granted unless 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. In the circumstances of this application, the appeal site was immediately adjacent to the settlement boundary of Alderton which was defined as a Service Village in the Joint Core Strategy. Taking account of the proximity of the site to the settlement boundary, and the quantum of dwellings proposed, Officers did not consider that the harms arising from the conflict with the spatial strategy amounted to an adverse impact that would significantly and demonstrably outweigh the benefits of the development. Officers also acknowledged there had been significant residential development in Alderton in recent years - should this planning permission be granted it would be an additional 193 dwellings so far in the plan period, amounting to a 69% increase in size of Alderton Village. Officers recognised in the Committee report there would be a moderate harmful impact on the social wellbeing and cohesion within Alderton arising from this proposed development; however, in recent years this matter had been dealt with at appeals and the Inspectors had frequently commented that it did not amount to significant harm. Notwithstanding this, Officers had negotiated a comprehensive package of planning obligations to enhance existing community infrastructure to accommodate the increased population which was considered would assist in mitigating the impact of the development with regard to community cohesion and social wellbeing. In terms of landscape impact harms, mitigation measures had been secured via the Section 106 obligations which included a contribution to allotments and playing pitches. The application site was relatively well screened by existing hedgerows and trees and Officers considered that the landscape harms were a matter which weighed moderately against the proposals in the planning balance. Overall, Officers concluded this was a case where the tilted balance was engaged through the provisions of the National Planning Policy Framework. The delivery of 48 market and affordable houses would provide a significant social benefit and there would also be associated economic benefits from the proposal. Officers considered that the harms arising from the proposed development would not significantly and demonstrably outweigh the benefits in the overall planning balance. It was noted that residents had objected based on the impact on Willow Bank Road and the Senior Planning Officer advised there was a separation distance of 2.5 metres between the rear elevations and the existing dwellings and hedgerow was proposed to be planted along the boundary to mitigate the impact.

- 45.11 The Chair invited a representative from Alderton Parish Council to address the Committee. The Parish Council representative indicated that the Parish Council understood that Tewkesbury Borough Council was unable to demonstrate a five year housing land supply and that there was a new Interim Housing Position Statement which sought to provide guidance on which types of locations and housing schemes would be acceptable; however, for a number of reasons, the Parish Council did not consider that this scheme/location was appropriate. This site had previously been refused planning permission after a similar tilted balance argument fell in favour of refusal due to the site location being an almost separate self-contained and introverted development with very little connection and integration to Alderton; this lack of integration remained and, as the identified harm to social wellbeing and community cohesion had attracted moderate weight – the village had since had a further two estates, another 75 units, allowed at appeal - the Parish Council considered the cumulative impact of such rapid expansion over the last seven years now attracted significant weight. The Interim Housing Position Statement sought to guide development to appropriate and sustainable locations and, whilst the village was identified as a Service Village, it had few and declining facilities. There were no secondary or further education facilities, no employment opportunities, no medical facilities, no meaningful retail or leisure facilities and all

facilities must be accessed by car which did not address carbon reduction or climate change objectives. The design and layout reflected a homogenous suburban estate which paid little regard to the interrelationship between urban form and countryside which currently consisted of bungalows abutting the countryside. This scheme was two storey which would cause significant visual intrusion into the open countryside. The mix of dwellings did not reflect local needs for smaller units; there was an abnormally high proportion of four or more bedroom executive style houses which did not respect the Council's housing needs assessment. The Parish Council understood that such schemes needed to be assessed on a case by case basis but with landscape harm, significant social harm due to cumulative impact, a backland introverted site with limited connection to the village, an inappropriate housing mix, failure to achieve meaningful Biodiversity Net Gain and failure to comply with the Council's spatial strategy for allocating housing close to existing sustainable centres of Tewkesbury, Cheltenham and Gloucester, the tilted balance argument should once again fall in favour of refusal.

- 45.12 The Chair invited a local resident speaking in objection to the application to address the Committee. The local resident indicated that he had been aware that planning permission had been refused when purchasing his property in 2019. The main reasons for refusal were car headlights to the front of 37 Willow Bank Road - that issue had now moved further down to 59 Willow Bank Road – and on the basis that it was a backland scheme, classed as a separate self-contained introverted development, with little connection and integration with Alderton, causing harm to social cohesion. From what he could see there had been no change aside from the proposed thoroughfare between 54 Willow Bank Road and 56 Willow Bank Road. He felt it was totally unacceptable for people to be able to walk back and forth, day and night, past his side ground floor bedroom windows causing disturbance and loss of privacy. He did not believe this was the right place to build yet more homes in Alderton and he could honestly say he had never in his wildest dreams visualised a four bedroom two storey house with the gable end only three metres from his west facing rear fence - it could not have been in a worse position for his property which had the shortest garden at under 20m and would cast an enormous shadow in the evening covering the majority of it. He was aware that the size of this property and the distance from his dwelling was within acceptable regulations but he asked for a compromise by reducing this single property to a two bedroom bungalow which would reduce the impact greatly. He recognised that housing was needed across the country and that it was common practice for social, affordable and private homes to be built on the same development but he felt there was a difference in choosing to buy a private property on these sites, where you accepted that neighbouring properties would be rented and part-owned, and having that decision made for you. Whilst he felt this was the wrong place to put another estate of houses, if the Committee was minded to permit the application he urged them to consider revisiting this plot to see if the developer could reduce the size of that particular property in order to have less of an impact. He welcomed any compromise that would improve this life changing decision Members were about to make on his behalf.
- 45.13 The Chair invited the applicant's agent to address the Committee. The applicant's agent firstly thanked Officers for their professionalism in dealing with this application. Being a Planning Officer was no easy job but they had been robust in ensuring the application before Members was as good as it could be which was reflected by there being no Officer or statutory consultee objections. Whilst Officers were strongly supportive, they understood that Alderton Parish Council and many local residents did not want more housing in the village, in this location in particular. This created a difficult situation but it was absolutely not their intention to be in conflict with the borough's communities; although there was clearly a need for more homes across the borough - not least affordable homes - that was not how all existing residents saw it. The applicant's agent felt that the best thing developers

could do was to minimise the impact on residents and ensure tangible and funded benefits actually reached the existing community and that was what they had tried to do. In previous applications in Alderton, they had been told the community did not feel like they had benefitted from the development process. As such, they had sought guidance from Officers who, in conjunction with the Parish Council, had drafted a list of things in the village that required funding. A contribution of £150,000 had been agreed via the Section 106 Agreement to directly fund a wide range of things the community valued, including money towards school bus services; sports facilities, including the village playing field; improvements to the village hall; compostable toilets at the allotments; and recycling bins. It was hoped that as many people as possible would benefit and that investment in community facilities would support social cohesion. In addition, a local lettings condition had been suggested so existing residents were considered first for the affordable homes. It was recognised that the location of the site within the settlement would impact those who lived closest and, in order to minimise that, the number of homes had been reduced from 56 to 48; the homes had been positioned to maximise the distance between new and existing properties; additional landscaping would strengthen the existing mature hedges; the access was located to minimise disruption to neighbouring properties and was positioned to avoid headlight glare into any homes opposite the site. The applicant's agent reiterated that they accepted the development would affect those who lived nearest but hoped Members would see they had tried to minimise the impact on existing residents whilst ensuring real benefits for this community. He indicated that the applicant was fully committed to delivering a zero carbon scheme of high-quality, low energy homes, with priority given to local people for the 19 much-needed affordable homes.

- 45.14 The Chair invited a local Ward Member for the area to address the Committee. The local Ward Member indicated that the principle reason for objecting to this application was around unsustainability and the specific location which was unacceptable for many reasons including landscape grounds. Alderton as a village had already had far too much development; it was a Service Village based on a single shop which opened far too infrequently. Whilst he recognised that applications for housing must be considered when they came forward, he took issue at the comment there was strong support for this scheme. At the heart of it was impact on the community and the village was being swamped bit by bit with the level of recently added new housing without the necessary infrastructure to support it - the main sewage line out of the village was suspended across the field due to inadequate infrastructure. This was an unsafe and inappropriate location for new housing and planning permission should be refused to give relief to the residents of Alderton.
- 45.15 The Chair indicated that the Officer recommendation was to delegate authority to the Development Management Manager to permit the application, subject to any additional or amended conditions and completion of a Section 106 Agreement, and sought a motion from the floor. A Member queried how many houses had been envisaged for Alderton when it had been included as a Service Village in the Joint Core Strategy and whether reliance on the private motor car was still an important factor when considering sustainability. In response, the Senior Planning Officer advised that none of the individual Service Villages in the Joint Core Strategy had been given a specific requirement for housing in the plan process but there was a general requirement for 850 dwellings across all Service Villages. From memory, the housing background papers which formed part of the Joint Core Strategy evidence base mentioned 56 houses for Alderton; however, 850 was now out of date due to the lack of a five year housing land supply and local housing need so the figure had increased from 56. It was certainly the case that the amount of development in Alderton was well beyond the evidence base initially identified in the Joint Core Strategy and the Council had highlighted this at a number of appeals and inquiries yet the figure of 56 was an indicative requirement, not quoted in planning

policy, and this needed to be considered in terms of how it played into the benefits and harms, i.e. what was the difference between 56 houses and 100 houses in terms of harm, and that was what Officers considered in the planning balance. With regard to sustainability, Service Villages had been allocated in the Joint Core Strategy on the basis of a minimum number of services in terms of shops, public houses and schools with some having more than others. Inevitably new residents of Alderton would be reliant on the private car to some extent but that in itself was not a reason to refuse the application. The Member indicated that he had been under the impression that numbers had been allocated to individual Service Villages and expressed the view that reliance on the private car may as well be removed as a factor when considering sustainability of housing developments. The Senior Planning Officer advised that Policy SP2 stated that, in Service Villages, lower levels of development would be allocated by the Tewkesbury Borough Plan and Neighbourhood Development Plans proportional to their size and function and reflecting their proximity and accessibility to Cheltenham and Gloucester, taking into account environmental, economic and social impacts. The allocations were informed by the housing background papers which had looked at the characteristics of Alderton and considered that somewhere in the order of 50 or 60 houses was appropriate. Policy SD2 was out of date due to the lack of a five year housing land supply and could not be given full weight in the plan-making process so the figure of 850 houses was no longer up to date and it was necessary to look at the planning merits of the case and tangible harm arising from an increased population. Reliance on the private car was a material consideration but this needed to be considered in the context of Tewkesbury Borough as a whole and the options in terms of sustainability, for instance, Alderton did have a bus service. The Development Management Manager advised that a lot of learning had gone on over the last 12 months in terms of the housing land supply position and specific appeal decisions in other villages as well as Alderton, as referenced within the Committee report - Page No. 65, Paragraph 8.20 of the Committee report set out that two planning permissions had been allowed at appeal despite Officers and Members being of the view that the cumulative growth in Alderton in such a short space of time would have a negative impact on social wellbeing and cohesion. Whilst Officers shared Members' concerns, the Committee report gave a thorough and up-to-date picture of the balance which had to be made between the benefits, harms and neutral aspects of the application; it was not a straightforward assessment based on housing numbers but was also about the impact and mitigations - the applicant had responded positively to some of these legitimate and reasonable concerns.

- 45.16 A Member noted the Parish Council had raised concern regarding the increased risk of off-site flooding and inadequate capacity in the gulley system off Willow Bank Road but the Lead Local Flood Authority had raised no objection to the application and he sought a comment on that. The Senior Planning Officer advised that the Lead Local Flood Authority had raised concern with the original application and a revised drainage strategy had been submitted in response to those comments. The revised strategy attenuated into a SuDS pond in the southwest corner of the site, run-off was at greenfield rate into the field to the south and Officers were satisfied with this revised scheme. Another Member noted comments made by the applicant's agent regarding working with the local community to mitigate impact but the comments made by the local resident today had resonated with her and she questioned whether this could be addressed as part of the delegation to Officers, should Members be minded to permit the application. In response, the Senior Planning Officer confirmed he had visited the resident's property and looked closely at the plans both before and after visiting. As set out in the Additional Representations Sheet, attached at Appendix 1, Officers had liaised with the applicant and agreed for the side facing bedroom window to be removed from Plot 13. In addition, discussions with the applicant suggested there may be scope to reduce the scale of that property and, if Members were minded to grant delegated

permission, that could be explored with the applicant; however, it should be borne in mind there would be some changes to the proximity of the affordable housing to accommodate that. The Development Management Manager advised that Officers looked at rear to rear distances which were expected to be 22 metres or more; where it was rear to gable that distance was expected to be reduced. A higher threshold would be achieved over and above what would ordinarily be asked for in terms of the rear to gable relationship but it was within the gift of the Committee to look at that if there was a strong desire to do so. The Member appreciated that the separation distances went beyond the usual expectations but she felt there was a human element to consider as well and if it was possible to address these concerns to satisfy the majority of people it would make for a better community.

- 45.17 A Member asked whether the Council had been able to demonstrate a five year housing land supply when the original application was refused and the appeal dismissed. She noted that 134 public objections had been received, which equated to roughly one fifth of the adult population of Alderton, and she questioned when that was classed as significant, rather than moderate, harm to a community. In addition, she sought clarification as to how the figures in the Section 106 obligations in relation to delivering school transport had been determined and how the developer would be held accountable for delivery. In response, the Senior Planning Officer advised that the Council did not have a five year housing land supply at the time the appeal scheme was dismissed but the overriding reason for the dismissal was the vehicular access arrangements; cars would have travelled through what was now the pedestrian access with residential dwellings on either side and headlights shining into the dwelling to the east. Other harms including social cohesion and landscape harm were seen to have a minor impact. The current arrangements were materially different to the dismissed appeal in terms of vehicular access. Whilst Officers fully understood the concerns of the community, the number of objections was not a determinative factor in itself, it was about what was raised in the objections which, in this case, was symptomatic of concerns regarding social cohesion and social impacts which Officers had worked with the applicant to try to mitigate. The County Highways representative explained that, over the course of the application process, the County Council's Education and Transport teams had been informed of the level of development and, whilst he did not know the detail of this particular case, the figure within the Section 106 was calculated using a specific formula. The Legal Adviser explained that the Section 106 Agreement was a legal obligation between the landowner/developer and Gloucestershire County Council which, as a public body, had to act reasonably and in the public interest. The Section 106 Agreement would specify exactly how the money would be spent within a certain timeframe and would usually include a clause to cover it not being spent within that time – the County Council was under a contractual obligation to use the money for the specified purposes.
- 45.18 A Member noted that the applicant's agent had stated that the homes would be zero carbon but she could not see any solar panels on the plans and asked how that would be achieved. In response, the Senior Planning Officer explained that the applicant had advised that the scheme would be zero carbon but that was a matter for the developer; Tewkesbury Borough Council did not have a planning policy to insist on the developer delivering such a scheme. Some units did have solar panels but this was a matter outside of the planning process. The County Highways representative advised that building regulations required all new build dwellings to have charging facilities for electric vehicles. A Member noted that condition 15, set out at Page No. 87 of the Committee report, required a residential welcome pack promoting sustainable forms of access to the development to be provided to each resident at the point of first occupation of the dwelling and she asked how this would be enforced. The County Highways representative advised that the contribution would be secured via the Section 106 Agreement and that condition 15 was a standard condition. A Member asked whether County Highways had looked solely

at the access out of the site or if the junction with the B4077 had also been considered as that was where the majority of residents left the village and the development would generate increased traffic onto that junction which was an accident hotspot, particularly the junction between Gretton Road and the Hobnails Inn where there had been a fatal accident along that stretch of fast road. The County Highways representative advised that the transport assessment forecast very few traffic movements as a result of the development with 29 and 27 two-way vehicle movements in the AM and PM peak hours respectively. Willow Bank Road had a traffic flow of less than 200 so there were no issues from a capacity point of view. The highways report showed there had been two personal injury accidents in the vicinity of the site within the last five years, on or near the junction between Willow Bank Road and the B4077, which were classified as serious but there was no pattern of highway safety deficiencies which indicated there was a problem with the road network.

- 45.19 In response to a request for a summary of the benefits of the scheme, the Senior Planning Officer advised that these were outlined at Page No. 81, Paragraphs 9.6-9.8 of the Committee report and included the delivery of market and affordable housing which had been given significant weight in the Officer report – some may have given greater weight to the affordable housing which had significant social benefits. There would also be economic benefits during and post construction through the creation of new jobs and supporting existing local services. Whilst the harm to social cohesion was recognised, there were also benefits of expanding the population of Alderton which currently had an older demographic and there would be benefits through the Section 106 Agreement contributions which were directly and reasonably related to the development itself and would bring wider community benefits in terms of enhanced facilities. The harms, as set out at Page No. 82, Paragraphs 9.9-9.12 of the Committee report, included harmful conflict with the planning process, social cohesion, landscape impact and some harm to residential amenity; however, this had to be considered in the context of the tilted balance and whether those harms significantly and demonstrably outweighed the benefits and Officers did not consider the harms to be unacceptable in this instance. A Member drew attention to Page No. 79, Paragraph 8.115 of the Committee report which set out that Gloucestershire County Council had sought transport contributions towards the secondary age establishments with spare capacity rather than increasing capacity at the closest school; however, a lot of parents would not be able to afford to use a bus service and she asked if it was possible to subsidise the cost via the Section 106 Agreement. In response, the County Highways representative understood that would be the case.
- 45.20 A Member indicated that he could not support this development; an application for housing on this site had already been dismissed at appeal at a time when the Council did not have a five year housing land supply and he felt this should be refused on the same grounds. The site would not be well screened, residents would be dependent on the private car as there was no reliable bus service and the offer in the shop was limited and opening hours were sporadic. The Development Management Manager advised that access was the main reason for the previous appeal dismissal and, as previously advised, this had been revised in the current application to address those concerns. Negotiations had taken place with the developer to mitigate the concerns in respect of social cohesion as set out in the Committee report. He reiterated there had been a lot of learning over the last 12 months in terms of how appeal decisions were approached on these types of schemes and the Officer recommendation was based on an assessment of a broad range of issues. Very clear reasons would be needed if Members were minded to refuse the application and he was not sure those had been put forward as yet. The Legal Adviser explained that Officers were suggesting that this scheme addressed the issues regarding the previous appeal decision and reliance on those points to justify a refusal in this instance could be grounds for unreasonable behaviour in the

event of an appeal. It was proposed and seconded that the application be refused on the basis that it was outside of the Alderton settlement boundary in an unsuitable location due to the lack of services and reliance on the private motor car, landscape impact, harmful cumulative impact of development including on the social cohesion, wellbeing and vitality of Alderton and the design and layout of the scheme regarding the amenity impact on No. 54 and No. 56 Willow Bank Road. The seconder of the motion indicated that the Inspector's appeal statement contained anecdotal comments about use of the shop and there was no evidence that people moving into the area would sustain the services; there was already pressure on medical facilities in Winchcombe and she did not feel Alderton could sustain this level of development.

- 45.21 A Member expressed the view that there must come a point where Alderton had too much development and continuing to allow applications for housing would destroy the community cohesion in the village. When she had first become a Borough Councillor eight years ago, Alderton had around 200 houses which had since increased by 69%. The only bus service which could be relied upon was the one which went to Winchcombe School and a contribution was being sought from Gloucestershire County Council towards diverting the existing bus service in the area to provide a transport solution for secondary school students. Elderly people could not shop locally due to the small range of goods stocked but there was no contribution towards a bus service to and from Winchcombe meaning people would have to rely on their cars to get around. She believed that enough was enough and it was not sustainable to allow further development in that area. The Inspector's appeal decision in 2015 indicated that substantial expansion was causing harm to social wellbeing and community cohesion and the vitality of Alderton itself which was contrary to Paragraphs 17 and 55 of the National Planning Policy Framework. Whilst there had been some amendments to the vehicular access to the site to reduce the burden on No. 54 and No. 56 Willow Bank Road, there was still a route between the two houses and impact at the bottom of the garden. As had been seen on the site visit, the majority of properties on Willow Bank Road were bungalows which would potentially be looking onto two storey homes. In her opinion, and that of the Campaign for the Protection of Rural England (CPRE) and the Parish Council, enough was enough and the application should be refused on the grounds given by the Inspector in 2015 i.e. unacceptable harm to social cohesion and the living conditions of the occupants of No. 54 and No. 56 Willow Bank Road. Furthermore, County Highways had not checked the junction onto the main road where there were recorded accidents. She was happy to support a refusal and considered that further development should not be allowed without the infrastructure or community facilities needed for this amount of homes.
- 45.22 Another Member indicated that he would like to support the motion to refuse the application in principle; however, on this occasion he did not feel able to. There had been significant residential development in Alderton with a number of planning applications having been allowed on appeal despite the case being made that there had been enough development in the village and he was concerned that, if this application was refused, it would go to appeal and the Inspector may consider the Council had behaved unreasonably. Another Member shared this view and indicated that no planning application, especially one of this size, was without its harms but, on balance, she felt it should be permitted. The reasons for the previous appeal being dismissed had been addressed and the impact on social cohesion had been mitigated as far as it could be. She pointed out that more people worked from home and were able to shop online which had not been taken into account when considering reliance on cars. A Member indicated that, once again, he found himself frustrated with the planning system. The 2015 appeal Inspector considered that a 36-37% increase in the size of the village was substantial and there was no suggestion that the 69% increase now faced was not substantial; the Inspector had also recognised the unacceptable harm to occupants of Willow Bank Road yet he



was in agreement with the previous speaker that an appeal would not go in the Council's favour. Impact on social cohesion had been rebutted in recent planning appeals so it appeared this no longer held the weight it once did and he would not wish for the Council to incur massive costs for no gain, therefore, he could not support the proposal to refuse the application. The Development Management Manager recognised the serious concerns the Committee had with the proposal but these had been explored in planning terms in the assessment and the balance was set out in the report. The social cohesion and health and wellbeing points had been well debated and there was some comfort in the Section 106 contributions being provided for a range of facilities including artificial grass pitches, indoor bowls, sports halls, swimming pools, community centre, playing pitches and allotments. Legitimate concerns had been raised regarding the impact on residential amenity for occupants of No. 54 Willow Bank Road and that could be addressed under delegated authority, should Members be minded to permit the application in accordance with the Officer recommendation.

45.23 A Member indicated that ideally the application would be refused on the basis there were significant harms and he also wanted to know when enough was enough; even the Inspector at some point must agree that time would come. The application was before Members due to the tilted balance being engaged so there was an assumption it would be permitted and he understood that the risk of appeal and costs being awarded against the Council weighed heavily. He personally felt there had been enough development in Alderton, which was losing its identity, and that villages ought to be protected. The Development Management Manager clarified that the Officer recommendation was not an assumption on the basis that the tilted balance was in play; the application had been carefully assessed on the difficult planning issues, taking into account the policy implications and the balance that must be struck in terms of learning from recent appeal decisions throughout the borough. Officers had taken a view on the relative impact of this scheme, for instance, the moderate impact of the harm to social cohesion – there may be other considerations on other sites which may be more significant and weigh more heavily in the planning balance.

45.24 Upon being put to the vote, the motion to refuse the application was lost. It was subsequently proposed and seconded that authority be delegated to the Development Management Manager to permit the application subject to any additional or amended conditions and completion of a Section 106 Agreement and further discussions with the developer to mitigate the impact on residential amenity of No. 54 Willow Bank Road. A Member asked if it was possible to strengthen the proposal by removing the end property from the design on the basis that it was too imposing on No. 54 Willow Bank Road. She drew attention to condition 12, set out at Page No, 86 of the Committee report, which required visibility splays to be permanently kept free of all obstructions and she asked whether double yellow lines would be used to stop parking and if that was enforceable. With regard to condition 14 she sought clarification as to what was meant by an uncontrolled pedestrian crossing on Willow Bank Road. In response, the County Highways representative advised that the uncontrolled crossing would be a dropped kerb with tactile paving. As correctly stated, visibility splays would be required to be kept clear of physical obstructions and whilst it was possible to consider double yellow lines if parking was blocking the splays, that was not something which was proposed at this stage. The Member raised concern that it would be unenforceable and asked how it was intended it would be monitored. The Legal Adviser indicated that if complaints were received the Planning Enforcement team would investigate and take appropriate steps otherwise it would be a breach of the planning conditions. The County Highways representative advised that traffic regulations could be enforced but this would be periodic which was no different to any other access with a condition for a visibility splay. In terms of the end property, the Development Management Manager advised that the separation distances were acceptable in planning terms

and it would not be reasonable to take away a property through the delegation as that would also impact on the housing mix on site; however, it was possible to look at the scale of the property.

45.25 Upon being put to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Management Manager to **PERMIT** the application in accordance with the Officer recommendation, subject to any additional or amended conditions and completion of a Section 106 Agreement and further discussions with the developer to mitigate the impact on residential amenity of No. 54 Willow Bank Road.

### **23/00086/APP - Land Off Aggs Lane, Gotherington**

45.26 This was a 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. The Planning Committee had visited the application site on Friday 17 November 2023.

45.27 The Senior Planning Officer advised that the application sought approval of reserved matters following an upheld appeal determined in 2021. The development would deliver 50 dwellings, comprising 40% affordable homes and 30 market homes, the make-up of which was set out in the Committee report. Vehicular access into the site was to be provided from Ashmead Drive as per the outline planning consent, albeit slightly realigned by a non-material amendment approved in January 2023. The proposal also incorporated 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, Sustainable Drainage System (SuDS) balancing ponds and landscaping throughout the site. There were no listed buildings located within the site. The Conservation Officer raised no objection to the proposal noting 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." Following considerable consultation activity, first by the developer with the local community before the application was submitted, and during the life of the application, including the Parish Council and the Community and Place Development Officer, the scheme had been significantly revised to make the internal footpaths more user friendly by reason of revising sharp changes of direction, making the LEAP more informal by having changes of level and seating and adding in play equipment. The MUGA has been changed to include a green coloured surface, not totally enclosed by fencing and unlit. The original proposal incorporated post and rail fence to boundaries which was now proposed to be metal estate fencing to reduce maintenance issues and improve visual appearance. To improve the visual appearance of the site, changes had been negotiated with developers to remove wooden appearance cladding from all house types and use reconstituted stone, introduce brick built garages to give greater variety to the visual appearance of the estate, amend the fenestration of an affordable one bed maisonette unit, and revise the design of a five bed detached unit to remove the dormer windows to ensure that the attached garage block was visually a subservient building and the visual amenity of the site as a whole was consistent. Considerable public concern has been raised to this proposal, the overwhelming issue being the MUGA with many residents objecting to its provision on the scheme; however, the MUGA was a requirement of the appeal

Inspector and was supported by Community Officers. The Additional Representations Sheet, attached at Appendix 1, set out responses to a number of questions raised by Members following the site visit. The Officer recommendation was for delegated approval subject to amended/additional conditions to reflect the revised plans.

- 45.28 The Chair invited the applicant to address the Committee. The applicant advised that a collaborative approach had been taken to this application having engaged with the local community on multiple occasions and worked closely with Officers to ensure the scheme was both high-quality and consistent with the outline consent. They had commissioned a local housing need report, which identified a specific need for bungalows in Gotherington; 13 bungalows had since been included and strategically sited. At local request, existing public footpaths had largely been retained in situ, informing the site's layout and land use distribution, with an additional eastern boundary footpath now included. The Lead Local Flood Authority had confirmed that the proposal accorded with the agreed outline drainage strategy, including a large SuDS pond to the south, upon the lowest part of the site, as supported by a comprehensive ground investigation. As identified in the Committee report, the outline planning permission required a MUGA, LEAP and Multi-Use Community Area to the north of the site. Officers had confirmed that to not provide any of these spaces, or to locate them elsewhere, would conflict unacceptably with the outline permission, given the extent to which the location and form of these spaces informed the principle of development being established; however, further to a specific public consultation event on this matter and discussion with several Officers, improvements had been made and deemed agreeable as reported. The MUGA and LEAP had been separated, allowing the MUGA to move southwards, with the Environmental Health Officer confirming that to move it any further would be to move it closer, not further away, from existing and future residents. The metal cage around the MUGA has been removed to address noise concerns and improve the visibility of the MUGA through natural surveillance. Additionally, whilst flood lights would assist the MUGA's useability during the autumn/winter, they were not proposed at local request. The LEAP design had been updated to include more informal play experiences, such as long grasses, mounds and boulders, rather than just physical equipment, at the Landscape Officer's request. Additionally, more informal landscape design features comprised the multi-use community space, including a new wildlife pond, viewing platform and casual seating. The home designs had been amended to better reflect the architectural character of the area, with enhanced arboricultural mitigation measures incorporated further to specific Officer requests. All homes would be fitted with air source heat pumps and electric vehicle charging units and there would Biodiversity Net Gain in excess of 10%. The applicant hoped he had demonstrated that they had worked pro-actively with key stakeholders to appropriately balance preferred design solutions with the requirements of the outline planning consent, such that the proposal was high-quality and capable of achieving Members' support today.
- 45.29 The Chair indicated that the Officer recommendation was to delegate authority to the Development Management Manager to approve the application, subject to amended/additional conditions to reflect the revised plans, and sought a motion from the floor. A Member indicated that an email from residents suggested that new plans dated 20 November 2023 had been uploaded to the planning portal and she asked if there had been any significant changes to those which were dated 7 August. On the site visit, Members had been told there was an electricity substation to the west of the site beyond the MUGA and the vehicular access to maintain that was from the footpath across the whole site so she questioned if bollards could be installed to prevent use by authorised vehicles. She sought clarification as to the treatment for each of the Public Rights of Way, if it was possible to offer the affordable housing to local people first, whether the dark wood had all been removed from the drawings on Page No. 130 of the Committee report and who the

Designing Out Crime Officer was as referenced at Page No. 109, Paragraph 4.15 of the Committee report. In response, the Senior Planning Officer advised that the drawings on the website dated 20 November 2023 would be the approved drawings, should Members be minded to approve the application in accordance with the Officer recommendation, and provided a footpath to the MUGA from the LEAP, amended internal footpaths and changed the materials used. In terms of the substation, as set out on the Additional Representations Sheet, it was proposed there would be a lockable gate on the entrance and the footpath surfaces would be bound gravel which was a reasonable non-slip surface appropriate to a semi-rural area. He saw no reason why nomination rights for local people in relation to the affordable housing could not be incorporated into the Section 106 Agreement for a limited time, should Members so wish. He confirmed that all dark wood had been removed and the Designing Out Crime Officer was part of an advisory body which the Council could consult on proposals as an employee of Gloucestershire Constabulary; they had been asked to look at this application due to the issues raised by the community mainly in connection with the placement of the MUGA and antisocial activities associated with them in other places.

45.30 A Member asked whether young people had been involved in the consultation with developers as the main users of the MUGA and LEAP. In response, the Senior Planning Officer advised that it would not be normal in terms of a development of this size to specifically seek to consult all areas of the community in terms of all age groups, Special Educational Needs, disabilities etc.; however, the Inspector had considered the MUGA to be appropriate for the site, it had been located so that it was accessible to both this and other developments and consideration had been given as to what would be suitable for this type of community. The Development Management Team Manager (Northwest) advised that play facilities had been designed having looked at the existing standards for play and the need the development would create. The Landscape Officer had a lot of experience with play areas and incorporating them into a landscape setting in a wider development and, following consultation, the playground had been increased within the scheme with additional informal play incorporated into the LEAP area as well as additional equipment, some of which was suitable for less able-bodied members of the community. The consultation may not have picked up everyone but the planning process would ensure the vision served the development and community as best it could. The Member did not disagree it would benefit the community but she was concerned there was no cage on the MUGA which hindered usability in terms of what could be played there and the fact there was no lighting also had an impact in that respect. The Senior Planning Officer advised the development had been discussed with the Community Development Officers who were aware of what communities were saying - not everyone would agree or disagree but it was important to consider all sectors of the community and that was what had happened.

45.31 A Member expressed the view that the LEAP provision was to be commended, particularly as it included features such as an accessible roundabout which were far easier to include at the outset than retrospectively. This highlighted the level of thought which had been put into the development. She was surprised to hear that nomination rights could be included at this point and the Development Management Team Manager (Northwest) advised that the Council's standard Section 106 Agreement for affordable housing included a clause which meant that units were allocated using a cascade mechanism starting with local people followed by those with a connection to the area before moving to those from adjoining areas and then further afield. Another Member shared the concerns raised regarding the consultation with young people as she felt there would have been a different response in terms of the need for lighting and caged sides had they been included.

The lights on the MUGA in Brockworth went off at 2100 hours and she felt that it was far better to be able to see a group playing football etc. than it being dark when antisocial behaviour was more likely to occur.

45.32 In response to a query as to who was responsible for maintenance, the Development Management Team Manager (Northwest) advised that the public open space was generally the responsibility of the management company. The Member asked whether it would ultimately be passed to the local authority and who would ensure the responsibility was transferred correctly. In response, the Legal Adviser explained that this would be set out in the Section 106 Agreement which usually had an obligation for it to be transferred to a management company which residents contributed towards and became shareholders of so they would have a say in how it moved forward. The Section 106 Agreement could require a certain set-up in perpetuity for the lifetime of the development.

45.33 It was proposed and seconded that authority be delegated to the Development Management Manager to approve the application in accordance with the Officer recommendation, subject to the inclusion of nomination rights for local people in the Section 106 Agreement and the restriction of vehicular access to the substation for members of the public. The proposer of the motion considered that Officers had done a lot of work regarding the design on what was a controversial site for Gotherington. She had an issue with the lack of bungalows in the area and felt it was important that nomination rights were given to local residents. She continued to have concerns regarding use of the road to the substation given that it was a route to the MUGA, LEAP and other public footpaths; she felt that bollards were necessary so the public could not access it. In terms of the MUGA, a Member indicated there were concerns regarding noise and the chance of balls hitting people's houses which may result from there being no lighting; there was a successful MUGA in Winchcombe which was lit to enable young people to use it in the evening and he felt that needed to be addressed here. The proposer of the motion explained that Gotherington had no street lighting whatsoever which was a different scenario to Brockworth and Winchcombe – the existing playing field had no external lighting and she would not wish this to be imposed on residents. The MUGA was a considerable distance away from any property so she felt it was unlikely that a ball would hit any properties.

45.34 Upon being put to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Management Manager to **APPROVE** the application, subject to amended/additional conditions to reflect the revised plans, the inclusion of nomination rights for local people in the Section 106 Agreement and the restriction of vehicular access to the substation for members of the public.

### **22/01083/FUL - Walnut Tree Farm, Norton**

45.35 This application was for erection of seven dwellings, including four market and three affordable discounted market sale dwellings and associated vehicular access.

45.36 The Senior Planning Officer advised that an updated response had been received from Norton Parish Council which was too late for inclusion within the Additional Representations Sheet, attached at Appendix 1; however, the response did not raise any new considerations from the original response as set out in the Committee report. He advised that the current application was a revised scheme to the one allowed at appeal in 2020 and had been submitted to avoid an easement for a high pressure gas main located to the south of the site which had 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. A relatively

informal, non-linear form of development was encouraged within the he Down Hatherley, Norton and Twigworth Neighbourhood Development Plan. To the immediate north of the site was a recently completed development of five dwellings at Walnut Gardens, arranged in a courtyard, which was permitted in 2019. To the south of the site was a single storey dwelling with caravan park behind known as Norton Lodge and the site was surrounded by open countryside to the west. The site was not subject to any formal or informal landscape designation and lay within Flood Zone 1. The design of the proposed dwellings was similar in character and form to the three dwellings to the north. The Parish Council made the point it was unlike that development due to the three storey element but he clarified the development to the north had residential development in the roof similar to these properties. Members would see from the Committee report the local residents' concerns regarding the proposal. Whilst the appeal was upheld, the present application departed from a linear form to more interesting informal groupings. The previous Section 106 Agreement was a unilateral undertaking only applicable to the approved appeal scheme and the applicant had put forward a new draft for approval, hence the recommendation for delegated permission. Since the publication of the Committee report, County Highways had advised that it was no longer seeking a contribution for a bus shelter, as such the recommendation had been amended to remove that element, as set out in the Additional Representations Sheet.

45.37 The Chair indicated that there were no public speakers for this item. The Officer recommendation was that authority be delegated to the Development Management Manager to permit the application subject to the conditions set out in the Committee report and completion of a unilateral undertaking to secure affordable housing, and sought a motion from the floor.

45.38 It was proposed and seconded that authority be delegated to the Development Management Manager to permit the application in accordance with the Officer recommendation and, upon being put to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Management Manager to **PERMIT** the application, subject to the conditions set out in the Committee report and completion of a unilateral undertaking to secure affordable housing, in accordance with the Officer recommendation.

### **23/00293/OUT - Land at Church Lane, Church Lane, The Leigh**

45.39 This was an outline application for the erection of two four-bedroom dwellings including details of access with all other matters reserved (appearance, scale, layout and landscaping as reserved matters).

45.40 The Planning Officer advised that the application required Committee determination due to an objection from the Parish Council that the development did not constitute infilling. Access would be off the A38 via Church Lane. It was noted that The Leigh was not a Service Village and therefore Policy RES2 was not applicable. The Leigh did not have a defined settlement boundary and was considered to be a dispersed rural settlement and Policy RES4 required residential development to be within and adjacent to the built up area of the rural settlement. The application site was separated from the main built up area of The Leigh by numerous fields which provided a clear and distinct break in built form. The site was visually separate and Officers considered the proposal to be contrary to Policy RES4 on that basis. Notwithstanding this, as the Council could not demonstrate a five year housing land supply, the application must be determined in accordance with Paragraph 11 of the National Planning Policy Framework, 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 National

Planning Policy Framework as a whole. In relation to design, it was considered that two 1.5 storey dwellings would be acceptable in this location. By way of landscaping, the site was bound by an existing hedge to the front which would be retained. The Landscape Officer and Tree Officer had made comments regarding the additional landscaping which would be addressed in the subsequent reserved matters scheme. In terms of highways, each dwelling would be accessed via existing field gates. The dwellings were located circa 200m from bus stops on the A38 which provided direct access to facilities and services including schools, places of employment and convenience stores. The County Highways Officer had reviewed the scheme and considered that residents of the new dwellings could use the existing grass verges to access the bus stops and raised no objections in relation to highway safety or sustainability. As set out in the Committee report, there were no conflicts or clear reasons to refuse the application aside from the conflict with Policy RES4. Given the Council's five year housing land supply position, the development would contribute towards the supply of housing to help meet the housing need which attracted significant weight in favour of granting permission. The scale of development and its relationship with the rural settlement was considered to be acceptable and, although modest in scale, in economic and social terms a number of benefits would flow from this development if permitted, including during the construction process and through spending on local services and facilities from future residents. The site was considered to be in a sustainable location given its proximity to the nearby bus services along the A38 and, in environmental terms, redevelopment of the site would allow the opportunity for new planting and biodiversity which would be a significant benefit. Taking account of all the material considerations and the weight to be attributed to each one, it was considered that the identified harms would not significantly and demonstrably outweigh the benefits in the overall planning balance and was therefore recommended that the application be permitted subject to conditions.

- 45.41 The Chair invited the applicant's agent to address the Committee. The applicant's agent advised that the proposal included two modestly sized dwellings along Church Lane of a traditional rural design, 1.5 storey in height, set back from the road, with associated landscape and ecological enhancements, and utilised existing access points onto the lane. The application site related well to existing residential development along the northern side of Church Lane which also provided access to the village church and Leigh Court, which historically was the court of the village and was always central to the community. The site lay adjacent to the former school/ village hall and the village allotments with a bus stop located 200m away on the corner of Church Lane and the A38 providing regular services to Cheltenham, Gloucester and Tewkesbury allowing future residents safe access to a wide range of services and employment opportunities without reliance on a car. This outline stage had fully addressed ecology, landscape, drainage and highway matters with no technical objections being raised. They had worked closely and constructively with Officers to arrive at a proposal which was now supported and recommended for permission. Despite this support, along with that lodged by members of the public, it was acknowledged there had also been some local objections which, through discussion with Officers, they had sought to address. Privacy matters and the relationship with properties along Deenes Road would be fully addressed by a future reserved matters application with careful consideration to design details. In respect of traffic concerns, the proposal was small scale, located close to the junction with the A38, with good access to public transport, and would have minimal impact, as recognised by County Highway Authority which raised no objection. Furthermore, in response to housing supply matters and that of infill development, the Council's current housing land deficit evidenced the need for additional housing within the borough. In conclusion, this proposal was small scale, in a sustainable location, related well to the adjoining built form, was appropriate to the function and accessibility of The Leigh and would be sensitively designed, deliver biodiversity enhancements, be technically deliverable and, importantly,

would help in addressing the housing shortfall in the borough. On that basis she hoped Members would feel able to support the Officer recommendation.

45.42 The Chair indicated that the Officer recommendation was to permit the application and sought a motion from the floor. A Member questioned whether there would be access to the field behind where Christmas trees were currently being grown; she appreciated this was an outline application but wanted to ensure there would be sufficient space for those accessing the field as well as people on their driveways. In response, the Planning Officer advised that existing access to the development had been adjusted with the red line amended so there was safe access to the Christmas trees. The hedge had been cut back to allow visibility so cars could pass safely without impeding the access; a visibility plan had been submitted and reviewed by County Highways with no objections raised.

45.43 It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being put to the vote, it was

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

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

45.44 This application was for the construction of two dwellings. The application had been deferred at the Planning Committee meeting on 19 September 2023 to allow Officers to assess further information in relation to highways, including clarification of land ownership to ensure the required visibility splays could be maintained in perpetuity and for accident records and speed measurements to be obtained. The Planning Committee had visited the application site on Friday 14 July 2023 and a site visit had been carried out by the County Highways Officer, Planning Officer and local Ward Member on 8 August 2023.

45.45 The Planning Officer advised that, following the site visit by the County Highways Officer, an amended plan had been provided which showed visibility splays of 2.4m x 90m and 2.4m x 120m could be achieved within the red line boundary. The County Highway Officer had reviewed the speed surveys produced by the applicant and taken his own speed readings of free flow traffic whilst on site. The County Highways Officer had concluded that the proposal for two dwellings with an access of 90m stopping sight distance would be acceptable and recommended a number of conditions including submission of a Construction Management Plan. Members were reminded that the application site was located within the settlement boundary of New Town, Toddington, therefore, the principle of residential development at this site was considered to be acceptable. No objections had been received from statutory consultees in relation to, highways, drainage, ecology, environmental health and landscaping and it was recommended that the application be permitted subject to conditions.

45.46 The Chair invited a local resident speaking in objection to the application to address the Committee. The local resident indicated that she objected on the grounds of loss of privacy and loss of light to her home and her submissions at previous Planning Committee meetings still stood. The development of two houses would devastate existing houses, affecting all those along the strip and opposite, and she asked for the request for bungalows to be addressed instead. With regard to the County Highways document dated 2 November 2023, the document stated that County Highways had no objection subject to certain conditions being achieved. She believed any conditions related to safety must be achieved before planning permission could even be considered. The Council had a duty of care to ensure that all safety requirements had been considered and adhered to; this would be the third time that the highway safety of this application had been questioned and the only way to ensure that the development would be safe was for the conditions to be



implemented prior to permission being granted or to refuse the proposal. It had been stated that a visibility splay of 2.4m by 90m had been submitted and confirmed achievable; however, this was untrue as Google Maps showed the line of sight of 90m cut through hedges and trees - a more accurate line of sight was 43m which would miss all real world obstructions. Google Maps streetview, from the westbound side, showed a clear line of sight at only 28m, not 90m. Her next point referred to the stopping site distance theoretical calculation. The County Highways report stated that a County Highways Officer had taken a small sample of speed readings and the 85th percentile was 44mph; if that was taken to be correct, the stopping sight distance for Heavy Goods Vehicles (HGVs) was calculated at 94m with a two second reaction time and cars calculated at 76m with a 1.5 second reaction time. The table taken from the applicant's original document showed that a reaction time of two seconds should be taken for all vehicles, therefore, the 94m should apply to both HGVs and cars. In a 10 day period, approximately 900 vehicles travelled over 50mph; it was unknown how many of those were lorries but, in any case, the data showed that the road saw speeds of an unusually high nature, and was not accurately reflected using the 85<sup>th</sup> percentile method where too many lower speeds removed an equal amount of very high speeds. The report also stated that no vegetation exceeding 600mm in height above the adjoining highway would be allowed to grow within the visibility splays and she questioned how that would be upheld and who was liable if an accident occurred on this 40mph road.

- 45.47 The Chair indicated that the Officer recommendation was to permit the application and sought a motion from the floor. A Member sought confirmation that County Highways was happy with the application and had no concerns. In response, the County Highways representative advised that, following the Committee meeting in July, he had visited the site with the applicant; the submitted plans showed a line of sight 2.4m back from the middle of the new access location and he had personally walked along the road and taken measurements which confirmed this was accurate. As such, he was satisfied that the scheme would have adequate visibility splays. The access, as amended, allowed plenty of visibility for approaching vehicles with visibility measured to the nearside of the kerb assuming some motorcyclists or cyclists may be travelling at 40mph on the inside kerb – if it was a car, the driver would be further out in the lane therefore having increased visibility. Drivers emerging from the access could see oncoming vehicles at 2.4m and any drivers on the main road would be able to see their bonnet which further reduced risk of a collision. Nevertheless, 90m visibility could be achieved and, having assessed the speed himself with a speed gun, he was satisfied it was acceptable.
- 45.48 A Member raised concern that the report stated that, ideally, the speed limit would be reduced to 35mph in the locality and she asked whether it was possible to include this as a condition. The Development Management Team Manager (Northwest) indicated that Officers considered that highway safety issues had been addressed and it would be unreasonable to impose another condition; however, there were mechanisms outside of planning to reduce speed limits and that could be picked up outside of the meeting. Another Member indicated that she had asked if a 30mph speed limit could be made a condition and had been advised it would need to go through a Traffic Regulation Order process; as a Ward Councillor for the area she had been working with the Parish Council to set up a community speed watch group in relation to the speed of the road – Toddington was crying out for a 30mph limit and she welcomed any comments from County Highways which would support that.
- 45.49 It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. The proposer of the motion indicated that she had previously expressed major concerns regarding speeding on the road and the location of the access point and she had not been willing to accept County Highways original response; it had clearly not been safe and a lot of work had subsequently been done to relocate the access into the site. Officers had given

assurance it was possible to maintain the require visibility splays which they were confident were achievable therefore she was able to make a proposal in line with the Officer recommendation. Upon being put to the vote, it was

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

### **23/00731/FUL - Cross House, Church Street, Tewkesbury**

- 45.50 This application was for change of use of the first and second floor of Cross House from Class E to Class C3.
- 45.51 The Planning Assistant advised that this was a full planning application for Cross House, Church Street, a Grade II\* Listed Building dating from the sixteenth century located in the centre of Tewkesbury. The proposal was to change the use of the first and second floors of the building from Class E to Class C3. A Committee determination was required as the applicant was a close relative of a Tewkesbury Borough Council employee. There have been no objections from the statutory consultees and no representations received following neighbour consultation. It was the Officer view that the proposal would be in accordance with the relevant policies as outlined in the Committee report and it was therefore recommendation that the application be permitted.
- 45.52 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and she sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being put to the vote, it was
- RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

### **22/00667/FUL - Land to the South of Cheltenham Road East, Churchdown**

- 45.53 This application was for construction of 145 residential dwellings with associated infrastructure.
- 45.54 The Development Management Team Manager (South) advised that the application site was between Cheltenham Road East, which formed the northern boundary of the site, and the A40 Golden Valley dual carriageway which formed the southern boundary, and comprised approximately eight hectares of land. The northeastern boundary of the site adjoined existing residential development which currently formed the edge of the built-up area of Churchdown. To the west of the site was the Gloucester North Community Fire Station. The current application sought full planning permission for a development comprising 145 dwellings, of which 35% would be affordable. The site extended to approximately 8.1 hectares, of which approximately 3.9 hectares would be public open space. The site would be accessed via a new junction from Cheltenham Road East towards the northeastern part of the site and would be offset from the junction with the Bellway site to the north. The proposal would provide pedestrian and cycle connections to existing development at Yew Tree Way and Oakhurst Close to the east along with routes throughout the site and public open space. It was considered that the proposal would provide an appropriate mix of housing and would be of an acceptable design and layout which would be in keeping with the varied character of Churchdown. The proposal would also have an acceptable impact upon the highway network, biodiversity, flood risk and amenity for existing and future residents. As an update to the affordable housing, the applicant had now agreed an affordable housing mix of 60% social rent and 40% shared ownership, as advised by the Council's Housing Enabling Officer, and was reflective of the evidence-based need in the area. The proposal would deliver a significant amount of on-site public open space along with

contributions towards highways education and off-site sports; these contributions had been agreed with respective consultees and were acceptable. National Highways was still considering details in respect of the bund adjacent to the A40 and noise attenuation. It was considered that those matters could be resolved in an appropriate manner which would allow the holding notice to be withdrawn. The recommendation remained delegated permit as set out in the Committee report.

45.55 The Chair invited the applicant to address the Committee. The applicant advised that their planning application for 145 homes on this allocated site had been submitted in July 2022 and, since that time, they had been working closely with Council Officers, consultees and stakeholders to refine the scheme, resulting in a positive recommendation from the Planning Officer. The design approach had carefully considered local area characteristics, the Churchdown and Innsworth Neighbourhood Development Plan and the Character Area Good Practice Assessment Guide. This had resulted in a scheme that would integrate well with the surrounding area and would be of high quality, providing good private and public amenity space. The designs had been tested against Building for a Healthy Life which was recognised within the National Planning Policy Framework as the benchmark for high quality design. Almost 50% of the site had been set aside as public open space, the largest area being located on the western part, providing a meandering play area, footpaths, meadow areas and woodland planting, along with the provision of an attenuation basin. The site frontage and eastern part of the site had generous landscape buffers, providing connecting footpaths, allotments and swales, and good separation to existing neighbours. A noise bund and acoustic fence was proposed along the boundary with the A40 ensuring high levels of private amenity for new and existing residents. These enhancements provided great ecology and wildlife benefits equating to a 34% Biodiversity Net Gain for habitats and 15% for hedgerows which was considerably more than emerging standards of 10%. Additional impact assessments and traffic modelling had been undertaken by National Highways which supported the application. All homes on the site would be zero carbon, achieved by providing air source heat pumps for heating and hot water and renewable energy derived from solar panels. This, and the high levels of fabric efficiency, meant the dwellings obtained an Energy Performance Certificate (EPC) rating at the top of A which was equal to an energy efficiency rating of 100+ and well in excess of the requirements in the building regulations, putting their homes in the top 2% energy performance of those built nationally. They were a climate considerate developer and the business had achieved carbon neutral status for a second year. This development would provide substantial Community Infrastructure Levy (CIL) contributions which would directly benefit the local community with 25% specifically set aside for the Parish Council. Contributions would be provided towards the local highways network, including the delivery of a new toucan crossing, local education provision, libraries, playing pitch provision and a local community centre. Plans showed the delivery of 145 homes would make a significant contribution to the Council's housing supply with 51 homes delivered as affordable housing and seven being self or custom build. It was intended to commence development on the site immediately, with completed homes expected this time next year.

45.56 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 conditions and completion of a Section 106 Agreement, and sought a motion from the floor. A Member noted that the proposal would provide pedestrian and cycle connections to existing development at Yew Tree Way and Oakhurst Close to the east, along with routes throughout the site and public open space, and raised concern there was no natural access through Oakhurst Close and her feedback suggested opening up the play area to make it accessible to the new development. With regard to Page No. 223, Paragraph 8.26 of the Committee report, she noted that County Highways had advised that a Section 106 contribution

towards the signalisation of the B4063 Cheltenham Road East arm of the Elmbridge Court roundabout was required and she asked for further detail in relation to that. The County Highways representative advised that this was required to improve queuing, particularly at the AM peak. National Highways was still considering the implications and the wider contribution could be used for any other access improvements in the local area or beyond; there was nothing specific in mind for that contribution in terms of an alternative to signalisation of the roundabout at this stage. With regard to Page No. 223, Paragraph 8.27 of the Committee report, the Member noted that National Highways had a holding recommendation that the application was not permitted until there had been further consideration of the site drainage and possible impacts upon the National Highways drainage asset at the A40 and she asked whether there was any update in relation to that. The Development Management Team Manager (South) advised this was still in the hands of National Highways but there was no reason to believe that the details submitted by the applicant would be unacceptable; however, the planning permission could not be released until National Highways was satisfied with that infrastructure. In terms of Page No. 226, Paragraph 8.51 of the Committee report, the Member asked whether the housing mix had been established and if nomination rights could be included on a strategic site and was informed that the housing mix had been agreed at the last minute with the applicant, and Officers were satisfied with that, and it was possible to include nomination rights.

45.57 A Member asked for an indication of the thinking behind the access onto the A40 and was advised that it was a policy requirement for the strategic allocation in Churchdown to make provision for a potential access onto the A40; this development in itself did not require that but it was on an area of land which could be safeguarded via a Section 106 Agreement to potentially provide a new roadway connection in the future, should it become necessary to ease traffic onto Elmbridge Court. Another Member recalled that, historically, concerns had been raised regarding education provision in this area and he sought confirmation there would be adequate spaces for children from the new development in local schools. The Development Management Team Manager (South) advised that the education situation had been assessed by Gloucestershire County Council which was satisfied that any impact could be successfully mitigated through the Section 106 contributions being sought. Further to a query regarding the figures for education contributions set out at Page No. 230, Paragraph 8.77 of the report, the Development Management Manager (South) advised that 'pre-school' should read 'primary', 'primary' should read 'secondary' and 'secondary' should read 'Post-16'. A Member questioned whether the housing would go towards Tewkesbury Borough Council's unmet housing need and was informed they would be going to Gloucester City; however, there was a duty to cooperate and deliver the housing policies in the Joint Core Strategy.

45.58 It was proposed and seconded that authority be delegated to the Development Management Manager to permit the application in accordance with the Officer recommendation. A Member expressed his dissatisfaction that the houses would be going towards Gloucester City Council's housing numbers. The proposer of the motion shared this disappointment but indicated that it had been agreed in the Joint Core Strategy so nothing could be done at this stage. She was still unclear how the access through Oakhurst Close would work but she was sure there must be plans. She raised concern that one cottage would now be completely surrounded by development and, having spoken to the residents, she asked that anything that could be done to mitigate the impact to them was done. Upon being put to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Management Team Manager (South) to **PERMIT** the application in accordance with the Officer recommendation.

**PL.46 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

46.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 251-253. Members were asked to consider the current planning and enforcement appeals received and the Department for Levelling Up, Housing and Communities appeal decisions issued.

46.2 A Member noted that none of the decisions listed at Page No. 253 of the report had been determined by the Planning Committee; the decision in relation to Alderton which had come to the Planning Committee was yet to be received but had been overturned as the Inspector had agreed with the Committee in relation to impact on landscape and public amenity. She pointed out this was an extension to existing properties at Alderton.

46.3 It was

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

The meeting closed at 1:30 pm

## Appendix 1

**ADDITIONAL REPRESENTATIONS SHEET**

Date: 21 November 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	
5b	<p><b>22/00998/FUL - Land Behind 52 To 74, Willow Bank Road, Alderton</b></p> <p><b>Additional Alderton Parish Objection</b></p> <p>Since the preparation of the Committee report, an additional objection from Alderton Parish Council has been received as follows:</p> <p><i>"Further to our previous communications - we note that further consultation responses have been received by the Council to ongoing changes to the layout, landscaping and materials pallet for the overall scheme.</i></p> <p><i>In terms of Landscaping we see that Stuart Ryder associates, whilst acknowledging some minor improvements still raises landscape concerns such as:-</i></p> <p><i>Landscape Effects (page 4) " I still consider the effect of the change on the land use and overall character of the Site itself is larger at Major/ Moderate, Negative and Permanent given the total change of character and land use."</i></p> <p><i>The proposals remain denser grained than would typically be expected on the edge of the village, which perhaps does not present a reasonable interface between the village and the countryside.</i></p> <p><i>That there is a lack of internal open space - which would be of concern for new residents.</i></p> <p><i>Visual Effects (page 5) " The visual sensitivity of the Ald-02 land parcel was deemed to be Medium in the Toby Jones study and I believe this still to be the case."</i></p> <p><i>The impact on the view from the Winchcombe Way is deemed moderate.</i></p> <p><i>There is an adverse landscape impact on a significant view from the allotments due to a strong building line - albeit with some minor breaking up which has taken place. This view is Identified as a significant view in the Neighbourhood Plan.</i></p> <p><i>He also considers the splitting of the site into west/south and east/north in terms of sensitivity is contrived.</i></p> <p><i>In terms of JCS Policy SD 6 he considers there is more conflict than compliance.</i></p> <p><i>He also points out that the scheme has to rely on off site credits to achieve the 10% Biodiversity net gain.</i></p> <p><i>Further he expresses concern over the lack of detail on future retention and management of soft landscape proposals.</i></p> <p><i>We also raised concerns previously with regards to the over reliance of hedge proposals which seem to be extensive and in the Local Landscape review of the</i></p>

	<p><i>drawings this issue is again raised - such extensive landscape hedges seems to be generally ubiquitous of modern estates and does not reflect the identity of the development itself and its character reflective of the neighbouring village. There is also concern that such hedging alongside every car parking driveway will be impacted upon by such parking and will inevitably be lost/damaged etc. And the hedges leave little space for other varied planting.</i></p> <p><i>Overall we believe there remains little connectivity to the village being back land in nature . The amount and uniformity of so much laurel hedging leads to a monotony of spaces and gardens.</i></p> <p><i>The scale, design, density, monotony and lack of integration to the edges of the village behind which its lies is shown in examples of similar estates being built by Blackhouse Housing in Moreton in Marsh - please see below the bland nature, and scale of a similar scheme currently being built there. This estate planning does not reflect the Cotswolds nature of Alderton - albeit we do acknowledge a removal of red brick and a slightly softer pallet of buff, yellow buff and white materials.</i></p> <p><i>As such, we as a Parish Council remain opposed to the overall scheme'</i></p> <p><b>Amendments to Plot 13</b></p> <p>Following discussions between Officers and the resident of No. 54 Willow Bank Road, Officers have liaised with the applicant and agreed for the side (east) facing bedroom window to be removed from Plot 13. The applicant will submit an amended plan showing these amendments and proposed condition 2 will be required to be amended to reflect these alterations.</p> <p><b>Minor Inconsistency in Plans</b></p> <p>Officers have identified a minor inconsistency in the floor plans and elevations for Plot 01 and an updated plan has been provided by the applicant to resolve the issue. Proposed condition 2 will be required to be amended to reflect these alterations.</p> <p><b>Condition 4</b></p> <p>Officers are discussing the locations of obscure glazing with the applicant and condition 4 will be amended as appropriate following completion of these discussions in the interests of residential amenity.</p>
5c	<p><b>23/00086/APP - Land Off, Aggs Lane, Gotherington</b></p> <p>Following the publication of the Committee report for this application, continued discussion with the applicant has taken place on some detailed design matters. Those discussions have resulted in the submission of revisions to the submitted drawings which are considered by Officers to have addressed the issues raised and are summarised as follows:</p> <ul style="list-style-type: none"> <li>• Amendment to the Multi-Use Games Area (MUGA) agreeing to the provision of a footpath from the adjacent Locally Equipped Area of Play (LEAP), the amendment of internal footpaths to soften the abrupt change of direction of path leading to MUGA, and the addition of a green coloured surface to the MUGA to assist its integration into the public open space.</li> <li>• Additional items of play equipment to be sited within the LEAP.</li> <li>• Revision to the LEAP layout to provide additional informal play areas to create variety and increase play value for different age groups.</li> </ul>

	<ul style="list-style-type: none"> <li>• Woolstone 5 bed house type - amendment to attached triple garage to ensure it is subservient in scale and appearance, including a reduction in height, change of materials to brick to accentuate its subsidiary nature and the replacement of dormer windows with roof lights.</li> <li>• One bed maisonette - elevations amended to provide more symmetry to the front elevation.</li> <li>• All detached garages on site - replacement of exterior timber cladding with brick to distinguish garages as subservient ancillary buildings and to introduce visual variety and longevity.</li> <li>• All 'fibre cement timber' cladding removed from the house types. Radley, Eaton, Keaton and Woolstone and replaced with dressed stone to match remaining house types, in the interests of the character and appearance of the development.</li> <li>• Revised landscape planting to introduce more native species.</li> <li>• Replacement of post and rail fencing with metal estate fencing in the interests of appearance and longevity.</li> <li>• Revisions to the palette of external facing materials to introduce variety to the tiles proposed. A reconstituted slate roof tile has been introduced to create variation and visual interest in the roofscape. All large format concrete tiles have been replaced with small format tiles.</li> </ul> <p>A selection of the submitted revised drawings will be shown as part of the Officers presentation at the meeting.</p> <p>Following the Planning Committee Site Visit on 17 November 2023, Members requested answers to matters pertaining to the site as follows:</p> <ul style="list-style-type: none"> <li>- Distance from MUGA to rear garden fences of adjoining dwellings, 30 - 50 meters</li> <li>- Confirmation the MUGA will not be lit.</li> <li>- Green surface finish to MUGA surface.</li> <li>- Lockable gate on the entrance to the substation.</li> <li>- Footpaths surfaces to be bound gravel.</li> </ul> <p><b>Recommendation:</b></p> <p>The Officer recommendation of Delegated Approve remains applicable to incorporate the changes set out above, which will necessitate minor revisions to the proposed conditions.</p>
5d	<p><b>22/01083/FUL - Walnut Farm, Tewkesbury Road, Norton</b></p> <p>Further to Paragraphs 8.23 and 8.48 of the Committee report and the recommendation at Paragraph 10.1, the Local Highway Authority has confirmed it is no longer seeking a contribution for a bus shelter. This element is to be omitted from the recommendation at Paragraph 10.1 of the report.</p> <p>Upon further consideration it has been found that the existing extant unilateral undertaking is specific to the previously approved scheme. Consequently, the recommendation to Members is revised to accept a new Unilateral Obligation (rather than a S.106 agreement), a draft of which has been completed by the applicant.</p> <p>In addition, a new communication has been received from the Parish Council expressing contentment with the recommended draft condition which requires obscured glazing to the third floor window of unit 1, but remains opposed to the</p>



	<p>scheme for the reasons set out in their consultation response as set out in the report.</p> <p>As a result of these matters the recommendation at Paragraph 10.1 is amended to read:</p> <p>It is recommended that authority be delegated to the Development Manager to permit the application subject to the completion of a Unilateral Undertaking to secure affordable housing and subject to the conditions set out in the report.</p>
5f	<p><b>22/01317/FUL - 3 Consell Green, Tewkesbury Road, Toddington,</b></p> <p><b>Additional Representations</b></p> <p>Since writing the Committee report, an additional letter of objection has been received from a member of the public. The letter raises concerns in relation to highways safety, visibility splays, loss of light and loss or privacy. The letter raises no new concerns that have not been addressed within the Committee report or dealt with via comments from the Highway Authority.</p>

## Planning Committee

<b>Date</b>	19 December 2023
<b>Case Officer</b>	Sarah Smith
<b>Application No.</b>	23/00661/FUL
<b>Site Location</b>	Lunn Cottage Aston Cross Tewkesbury
<b>Proposal</b>	Erection of 10 dwellings, garages, construction of internal estate road, formation of parking areas and gardens/amenity space.
<b>Ward</b>	Isbourne
<b>Parish</b>	Ashchurch Rural
<b>Appendices</b>	Site location plan Site layout plan House Type 1 Elevations House Type 2 Elevations House Type 3 Elevations House Type 4 Elevations Proposed Visualisation Plots 1-4 Proposed Visualisation Plots 5-10
<b>Reason for Referral to Committee</b>	Full or outline application for the erection of 10 or more residential units.
<b>Recommendation</b>	Delegated Permit

### Site Location



## 1. The Proposal

---

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RY17MDQDIX600>

- 1.1** Members may recall that an almost identical scheme was brought before Planning Committee in March 2023 -planning reference 21/01013/FUL where it was resolved to refuse Planning Permission in accordance with the Officer's recommendation. That application was refused 21<sup>st</sup> March 2023 and the decision has recently been taken to appeal by the applicant.
- 1.2** The previous planning application was refused for the following reasons:
1. The proposed development conflicts with policies SP1, SP2 and SD10 of the adopted Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and Policies RES1, RES2, RES3 and RES4 of adopted Tewkesbury Borough Plan 2011-2031 (June 2022) for reason the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development. The proposal does not meet the criteria for Housing in Rural Areas according to Policy H1 of the Ashchurch Rural Parish Neighbourhood Development Plan 2020-2031.
  2. The proposed development does not demonstrate how it would adequately provide for housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market contrary to Policy SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2031 (December 2017) and the National Planning Policy Framework.
  3. The proposed development does not demonstrate how it would adequately provide for education school places contrary to Policies INF4, INF6 and INF7 of the JCS of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and the National Planning Policy Framework.
- 1.3** The planning application seeks full permission for the construction of 10 no. dwellings, linked to the existing development to the west, via an extension of the approved estate road and footpath (Queen's Close). The development would include garages, formation of parking areas and gardens/amenity space. Existing boundary trees and hedgerow would be retained, and also existing trees within the area of public open space.
- 1.4** There would be:-  
2 x 2 bed semidetached(Plots 1&2)  
2 x 3 bed semidetached (Plots 3&4)  
6 x 4 bed link detached (Plots 5-10)
- 1.5** Plots 1 & 2 would have parking for one car each. The other plots would have dedicated parking for at least 2 cars.
- 1.6** Lunn Cottage would be retained although the access arrangements are to be altered. Currently, there is a domestic access from the A46 which is to be closed off. Instead it is proposed to use the extension to Queen's Head Close to form a rear access to Lunn Cottage.

1.7 It is proposed that 4 of the dwellings will be 'affordable dwellings' although a planning obligation would be required to secure this.

## 2. Site Description

---

2.1 The application site is situated immediately south of the A46 and to the east of the B4079 in Aston Cross, adjacent to residential development on Queens Head Close, the latter approved under ref 16/00665/FUL. The application site of 0.7 hectares extends as far as Tirl Brook to the south and into the associated flood zone 2/3, though only the area outside of the flood zone would be developed for housing. The flood zone area would be public open space or garden land.

2.2 Lunn Cottage and its small enclosed domestic curtilage is within the application site and is to be retained. The remainder of the site is currently rough pasture, partially wooded to the south and bounded by hedgerow.

## 3. Relevant Planning History

---

Application Number	Proposal	Decision	Decision Date
16/00665/FUL (Adjacent site)	Erection of 12 No. dwellinghouses, garages and internal estate road together with vehicular and pedestrian accesses; formation of parking areas and gardens/amenity space	PER	11.08.2017
21/01013/FUL	Erection of 10 no. dwellings, garages, construction of internal estate road, formation of parking areas and gardens/amenity space.	REF	19.04.2023

## 4. Consultation Responses

---

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

4.1 **Ashchurch Parish Council** – Object on the following grounds:-

- Traffic issues on A46
- Inadequate access through existing development
- Highway safety issues during construction
- Flood risk issues
- Conflicts with Policy H1 of the Neighbourhood Plan

4.2 **Gloucester County Council Highways**- no objection subject to conditions  
The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

4.3 **Severn Trent Water**- no objection subject to conditions

- 4.4 Gloucestershire County Lead Local Flood Authority-** no objection subject to conditions
- 4.5 Environmental Health-** no objections subject to conditions
- 4.6 Ecology-** no objections subject to conditions
- 4.7 Housing Enabling Officer-** no objection in principle  
The proposal for 4no. Affordable Housing units on this scheme is supported by Housing Services. The preference would be to deliver Social Rent tenures for these properties.
- 4.8 GCC Development contributions Investment Team-** no contributions requested  
The number of dwellings would be expected to generate an additional demand for 3.85 primary places but the County Council is not currently seeking a primary contribution from this development. There is currently surplus capacity for additional secondary school age pupils. The proposed number of dwellings falls below the number that constitutes a library requirement.
- 4.9 Minerals and Waste Policy Officer-** no objections
- 4.10 Gloucestershire Wildlife Trust-** need for the management of the orchard for biodiversity enhancement to be incorporated within any permission. The ecological survey work should be updated and if recommended for consent conditions should be imposed on a management plan for the orchard and a lighting strategy submitted.
- 4.11 Community Infrastructure-** Recommend that offsite POS/play contribution and community centre contributions should be sought.

## **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** Five objections have been received on the following grounds:
- Risk of flooding
  - Inadequate access and parking for construction vehicles
  - Queens Head Close is a private road and permission has not been granted to use it for access to the development.
  - Developer has not complied with conditions on the original Queens Head Close development in terms of maintenance of tree planting and provision of visitor parking spaces
  - Highway safety issues
  - Increased traffic
  - Impacts on wildlife
  - Impact on local character
  - Previously refused
  - Lack of amenities in the area
  - Bus stop not in use
  - Dangerous road to access railway station
  - Not compliant with Policy H1 of the Neighbourhood Plan
  - Sewers and drains designed for existing 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)  
Policy INF2 (Flood Risk Management)  
Policy INF3 (Green Infrastructure)

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

Policy RES1 (Housing Site Allocations)  
Policy RES2 (Settlement Boundaries)  
Policy RES3 (New Housing Outside Settlement Boundaries)  
Policy RES5 (New Housing Development)  
Policy LAN2 (Landscape Character)  
Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)  
Policy ENV2 (Flood Risk and Water Management)  
Policy TRAC9 (Parking Provision)  
Policy DES1 (Housing Space Standards)

### **6.5 Ashchurch Rural Parish Neighbourhood Development Plan 2020-2031 (2022)**

Policy H1: Housing in Rural Areas

## **7. Policy Context**

---

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

## **8. Evaluation**

---

### **Principle of development**

- 8.1** As set out in the NPPF planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 8.2** The NPPF at Chapter 5 seeks to deliver a sufficient supply of homes. Paras 78-80 deal with rural housing.
- 8.3** Policy SP1 (The Need for New Development) of the JCS states that provision will be made for 35,175 new homes, within existing urban areas through District Plans, existing commitments, urban extensions, and strategic allocations. Policy SP2 (Distribution of New Development) amongst other requirements, states that dwellings will be provided through existing commitments, development at Tewkesbury town, in line with its role as a market town, smaller scale development meeting local needs at Rural Service Centres and Service Villages. In the remainder of the rural area Policy SD10 (Residential Development) will apply for proposals for residential development.
- 8.4** Policy SD10 of the JCS states that new housing will be planned in order to deliver the scale and distribution of development set out in Policies SP1 and SP2. Para 4. of SD10 is relevant to this application where, since being in a rural area, housing development on other sites will only be permitted where:
- It is for affordable housing on a rural exception site in accordance with Policy SD12, or;
  - It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District plans, or;
  - It is brought forward through Community Right to Build Orders, or;
  - There are other specific exceptions / circumstances defined in district or neighbourhood.
- 8.5** In terms of JCS requirements, the proposed development does not meet any of the exception criteria of SD10 and is therefore also contrary to the requirements of policies SP1 and SP2.
- 8.6** Policy RES1 of the adopted TBP sets out allocated sites for residential (and mixed use) development.
- 8.7** Policies RES2 and RES3 set out policy requirements in relation to settlement boundaries. According to the proposals map of the TBP, the settlement boundary for Tewkesbury Town Area extends up to the western edge of B4079 in Aston Cross. The application site is to the east of the B4079, outside of the settlement boundary. However the existing development of Queen's Head Close which consists of 12 dwellings is situated immediately to the east of the B4079 and has been relatively recently constructed. Yet the application site does not fall within a Rural Service Centre, Service Village, or Urban Fringe Settlement. RES3 sets out where exceptions may apply to the presumption against development outside settlement boundaries:

- The reuse of a redundant or disused permanent building (subject to Policy RES7)
- The sub-division of an existing dwelling into two or more self-contained residential units (subject to Policy RES8)
- Very small-scale development at rural settlements in accordance with Policy RES4
- A replacement dwelling (subject to Policy RES9)
- A rural exception site for affordable housing (subject to Policy RES6)
- Dwellings essential for rural workers to live permanently at or near their place of work in the countryside (subject to Policy AGR3)
- A site that has been allocated through the Development Plan or involves development through local initiatives including Community Right to Build Orders and Neighbourhood Development Orders

**8.8** The application site is not allocated for development and does not meet the exception criteria for development outside of settlement boundaries. The location of the proposed development is therefore in principle contrary to policies SP1, SP2, SD10 of the adopted Joint Core Strategy, and policies RES1, RES2, and RES3 of the adopted Tewkesbury Borough Local Plan.

**8.9** The Ashchurch Rural Parish Neighbourhood Development Plan (Made version) 2020-2031 sets out its approach to Housing in Rural Areas. Policy H1, Paragraphs A and E are relevant to the proposal. Paragraph A states that new residential development in the countryside will be supported where it is infill, an extension/modification/conversion, or within the garden of an existing dwellinghouse. The proposal does not meet these requirements and therefore conflicts with Policy H1. Paragraph E states development will only be allowed where local infrastructure can meet the impact of the development. There is no evidence of conflict with Paragraph E.

#### Five Year Housing Land Supply

**8.10** 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.

**8.11** 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 Ashchurch Rural Parish Neighbourhood Development Plan 2020-2031 (2022) (ARNDP)

- 8.12** 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.
- 8.13** Whilst ARNDP was adopted within the last two years (27th 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, ARNP 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

- 8.14** 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.
- 8.15** The application conflicts with Policy SD10 of the JCS, Policies RES1, RES2 and RES3 of the TBP and Policy H1 of ARNDP, therefore the starting point is that the proposal should be refused in accordance with the development plan unless other material planning considerations indicate otherwise.
- 8.16** 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 the NPPF as a whole.

## Other Material Considerations

### **Character, Appearance and Visual Impact**

- 8.17** The NPPF at Chapter 12 seeks to achieve well-designed places and significant emphasis is placed on well-designed places through the National Design Guide and national Model Design Code. Policy SD4 of the JCS seeks to ensure design principles are incorporated into development, in terms of context, character, sense of place, legibility and identity. RES5 of the TBC seeks to ensure proposals are of a design and layout which respect the character, appearance and amenity of the surrounding area. Further, Policy DES1 of the TBP sets out the requirements of Housing Space Standards.
- 8.18** In terms of visual impact, the development as a whole is not considered to have significant impacts. Given the proximity of the existing development at Queens Head Close, the additional visual impact over and above that development would not be excessive. The development would be well screened from public view points, other than a short road frontage adjacent to the A46 on the northern boundary and the design of the dwellings in this location would have an agricultural styling.
- 8.19** Floor areas range from 110sqm for 2 bedroom units, up to 135sqm for 4 bedroom units. These figures exceed requirements according to the nationally described space standard, and according to TBP Policy DES1.
- 8.20** Visualisations of the proposed scheme have been provided with the application. Some concerns are raised with the design concept of dwellings, which could be perceived as 'box shaped'. However, the concept and general layout of similar development has been considered acceptable during determination of 16/00665/FUL. The Urban Design officer has not raised concerns in terms of the overall design approach. With respect to the proposed cladding materials the number has been simplified from the previous application to reflect the rural edge so that the white painted finish and vertical tiles previously used at Queen's Head Close have been removed. The applicant has agreed to use the Redland Mini Stone Wold tile in terracotta instead of the proposed vertical tiles that were used on the built scheme. Broadly it is considered that the opportunity can be taken to seek a betterment in the quality of materials through the discharge of conditions route.
- 8.21** Given that the materials are capable of resolution through condition it is not considered that this is a matter which would give grounds for a recommendation of refusal.

### **Ecology, trees, landscaping and open space**

- 8.22** Approximately half of the application site is proposed public open space within Flood Zones 2 and 3. Therefore this area may be flooded some of the time and therefore not accessible all year round. Although undesirable, the Flood Risk Management Engineer has previously confirmed that land at risk of flooding, where also used as public open space is acceptable.

- 8.23** Chapter 15 of the NPPF seeks to conserve and enhance the natural environment. Policy SD9 (Biodiversity and Geodiversity) of the adopted JCS states that biodiversity will be protected and enhanced in order to establish and reinforce ecological networks. Any development that has the potential to have a likely significant effect on an international site will be subject to a Habitats Regulations Assessment (HRA). TBP Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features), states that proposals that are likely to have a significant effect on a European or internationally designated habitats site (either alone or in combination with other plans or projects) will not be permitted unless a Habitats Regulations Assessment has concluded that the proposal will not adversely affect the integrity of the habitats site.
- 8.24** The southern half of the application site is currently unmanaged, though formerly was an orchard. According to the submitted ecology assessment, most of the apple trees have died, though some remain along with three pear trees.
- 8.25** A Shadow HRA has also been submitted and considered and the development would have no impact on the statutory designated Dixton Wood SAC and Bredon Hill SAC NNR. The site supports potentially suitable terrestrial habitat for amphibians and reptiles. However the southern part of the site falls within a flood zone and the site is mostly surrounded by arable land so that does limit its potential for reptiles.
- 8.26** A number of ecological enhancements are proposed in the PEA and the Design and Access Statement (DAS) as part of the development, including the installation of bird and bat boxes, at least two hedgehog houses, a reptile refuge / hibernaculum, habitat management of the orchard, new tree and hedge planting, enhancement of existing hedgerows, and landscaping around the new houses, including the creation of small areas of wildflower meadow.
- 8.27** A Biodiversity Net Gain (BNG) assessment has been provided which demonstrates how the development would achieve the required minimum 10% BNG (it shows a predicted BNG of 18%)
- 8.28** According to the submitted tree survey, none are proposed for removal although a *Leylandii* hedge has been removed since this 2021 Tree survey. There is one Category B fir tree which is to be retained. It is located between Plots 2 and 3 which are to be positioned outside of its root protection area.
- 8.29** Two Category C willow trees are on the eastern boundary and are described as previously reduced as part of the hedge. Plots 8 and 9 are positioned outside of their root protection areas. There is not considered to be any conflict with Chapter 15 of the NPPF, Policy SD9 of the adopted JCS and NAT1 of the adopted TBP.

### **Drainage and Flood Risk**

- 8.30** The NPPF at Chapter 14 (in part) seeks to meet the challenge of climate change and flooding. Policy INF1 of the adopted JCS and Policy NAT2 of the TBP seek to manage flood risk. The application is accompanied by a Flood Risk Assessment, and consultations have taken place with Gloucestershire County Council (as the Lead Local Flood Authority), and Severn Trent Water.

- 8.31** A number of local residents have raised concerns over the age of the hydraulic modelling information submitted and other flood risk matters. The agent has responded to the individual points and states that the FRA demonstrates that the proposed development will not be adversely affected by flooding and will not increase flood risk elsewhere. In terms of surface water, the LLFA has confirmed that the FRA is acceptable and there is no objection to the proposed means of surface water disposal. The development is proposed to connect to a mains foul water disposal connection to which no objection is raised by STW. However a number of flood risk/ drainage conditions are recommended by consultees.
- 8.32** There is therefore no conflict with the NPPF, Policies INF1 of the JCS, or NAT2 of the TBP.

### **Highways and Access**

- 8.33** The application as submitted was supported by a Transport Statement (TS) which concluded additional impacts over and above the existing Queens Head Close development were not significant.
- 8.34** County Highways note the application is similar to that which was previously assessed by the Highway Authority in February this year (in respect of application 21/01013) where many of the parameters for the site were explored and resolved as part of that former application. That recommendation was considered against the backdrop of other residential applications in Ashchurch which have received approval. The Transport Statement at that time addressed the previous concerns raised and these were therefore resolved and relate to this application. This application proposes the closure of the access to Lunn Cottage off the A46 which is considered a highway safety benefit. County Highways are satisfied there are a number of consented developments in Ashchurch within reasonable walking and cycling distances of everyday services and facilities. It is still acknowledged that local bus services are limited, though in their view, this shortfall is not sufficient to sustain an objection.
- 8.35** 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 and there are no justifiable grounds on which an objection could be maintained.
- 8.36** A number of conditions are proposed in the event planning permission is granted. Accordingly, there is no conflict with Policy INF1 of the adopted JCS.

### **Residential Amenity**

- 8.37** Officers have considered the relationship of the proposed dwellings with the existing dwellings at Queen's Head Close. In view of the separation distances with the proposed intervening open space and access it is not considered that there would be any adverse impact on the outlook and amenity of the existing residents.
- 8.38** Whilst the introduction of 10 new dwellings and a revised access to the rear for Lunn cottage will inevitably mean more vehicular trips through the existing development than currently experienced it is not considered that these would cause a highway safety issue as advised by the County Highways Officer or such an adverse loss in amenity for the existing properties that there would be grounds for recommending refusal on this matter.

- 8.39** The existing residents would have access to the orchard element of the site that is to be retained and managed as part of the managed orchard area for the wider site.

### **Affordable Housing and Other Planning Obligations**

- 8.40** The application proposes on site provision of four affordable homes, these being 2 x two bedroom and 2 x three bedroom dwellings and the Council's Housing Enabling Officer has stated a preference for social rent tenures for these properties although shared ownership for one of the properties is accepted. At the time of writing the applicant has offered a mix of shared ownership/ social rent which would need to be secured with a completed Section 106 Agreement.

- 8.41** 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 reasonable related in scale and kind to the development.

- 8.42** 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.

- 8.43** Previously with the application considered earlier this year the GCC Development Contributions investment team requested contributions to education school places provision. However based on the most up to date analysis this is no longer required.

- 8.44** Requests have been made by consultees to secure the following contributions:

The Community Infrastructure team have requested offsite POS/play contribution of £9,660 and community centre contribution of £4,547 be sought. This would have to be secured through the completion of a Section 106 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 proposal would be contrary to Policy SD10 of the JCS and Policies RES1, RES2 and RES3 of the TBP as it would not be acceptable in principle due to the application site not being within a settlement boundary or meet any relevant criteria of development outside a settlement boundary. 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 As set out in paragraphs 1.1 and 1.2 an almost identical application was refused Planning Permission by Planning Committee after considering the officer recommendation to refuse in March 2023. However, Members will be aware that the Council's position in relation to the 5 year housing land supply has changed and as detailed this must be considered in relation to the advice set out in the NPPF.
- 9.4 The Council cannot at this time demonstrate a five-year supply of deliverable housing land, and therefore 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.
- 9.5 As set out 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***

- 9.6 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.
- 9.7 The scale of development, its relationship with and proximity to the Tewkesbury Town area and the existing built-up area, is a benefit that, in the light of the Council's housing land supply position, would attract considerable weight in favour of granting permission.

- 9.8** In addition, 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.
- 9.9** As discussed in the highway section, the site is considered to be in a relatively sustainable location within reasonable cycling and walking distance of everyday services and facilities.
- 9.10** In addition the development would provide 4 affordable houses which are considered to be a considerable benefit of the scheme given the identified need within the Borough.
- 9.11** As detailed within the ecology section approximately half of the site would be left undeveloped with a number of ecological enhancements proposed in the PEA and the Design and Access Statement (DAS) as part of the development. A Biodiversity Net Gain (BNG) assessment has been provided which demonstrates how the development would achieve the required minimum 10% BNG (it shows a predicted BNG of 18%). 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***

- 9.12** 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 Policies RES1, RES2 and RES3 of the TBP, although it is accepted that the Council's housing policies must now be considered in the light of the tilted balance. Local bus services are limited.

### ***Neutral***

- 9.13** 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 conditions. 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**

- 9.14** 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.
- 9.15** Significant weight should be given to the provision of housing and this benefit would attract weight in favour of granting permission considering the Council's housing land supply position along with economic and environmental benefits of the scheme.
- 9.16** Taking account of 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 recommended that authority be delegated to the Associate Director to permit the application subject to the conditions set out in the report and satisfactory completion of a Section 106 Agreement to secure the affordable housing and community infrastructure with authority to amend the terms/wording of the conditions/S106 Agreement if appropriate to secure the necessary mitigation relevant to the development.'**

## 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.

### Drawings

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

- Site location plan
- Site layout plan
- House Type 1 Floor Plans
- House Type 2 Floor Plans
- House Type 3 Floor Plans
- House Type 3 (Plot 5) Floor Plans
- House Type 1 Elevations
- House Type 2 Elevations
- House Type 3 Elevations
- House Type 4 Elevations
- Car Port Plots 5,6,9 &10 Elevations
- Car Port Plot 7 Elevation
- Car Port Plot 8 Elevation
- Preliminary Ecological Elevation November 2023
- Technical Note October 2023
- Arboricultural Impact Assessment & Method Statement July 2021

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

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



### Slab Levels

- 3 Notwithstanding the submitted details, prior to commencement of the development hereby permitted precise details of proposed levels, including floor slab levels and ridge heights of proposed buildings and finished ground levels relative to existing levels on the site and on adjoining land, 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 residential amenity

### Hard and Soft Landscaping

- 4 Notwithstanding the submitted details, no development shall take place until a comprehensive scheme for hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The Landscaping Scheme shall include details 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 construction. The Landscaping Scheme shall also include details of all proposed planting, including species, density, and the height and spread of trees, and details of the design, position, height and materials of all the proposed boundary treatments including the acoustic fence.

Reason: To ensure that the new development will be visually attractive in the interests of amenity.

### Trees

- 5 If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place.

Reason: To ensure that the new development will be visually attractive in the interests of amenity.

### Material Samples

- 6 Notwithstanding the submitted plans, no construction works of the dwellings hereby permitted shall commence until samples of the proposed external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Thereafter all such materials used in the development shall conform to the approved samples.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area in the interests of visual amenity.

### Management and Maintenance of Streets

- 7 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been 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 conflict between traffic and cyclists and pedestrians.

### Fire Hydrants

- 8 No development shall commence on site until a scheme has been submitted to, and approved in writing by the Local Planning Authority, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the fire hydrant serving that property has been provided in accordance with the approved scheme.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

### Stopping up and Reinstatement of Verge for Redundant Access

- 9 The vehicular access hereby permitted shall not be brought into use until the existing vehicular access to the site (other than that intended to serve the development) has been permanently closed in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of highway safety.

### Cycle Parking

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

Reason: To promote sustainable travel and healthy communities.

### Residential Welcome Pack

- 11 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.

## Construction, Environmental and Ecological Management Plan (CEEMP)

- 12** 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;
  - Dust mitigation including method of preventing mud and dust being carried onto the highway;
  - Noise and Vibration Mitigation (Including whether piling or power floating is required. White noise sounders will be required for plant operating onsite to minimise noise when in operation/moving/ reversing);
  - Mitigation of the impacts of lighting proposed for the construction phase;
  - Measures for controlling leaks and spillages, managing silt and pollutants;
  - 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,
  - Arrangements for turning vehicles;
  - Arrangements to receive abnormal loads or unusually large vehicles;
  - Staff/contractor facilities and travel arrangements;
  - Highway Condition survey;
  - Ecological supervision by an Ecologist shall take place during initial site clearance activities.
  - Details of the protection of the orchard habitat to the south of the development site to be excluded from access during the development phase.
  - Methods of communicating the Construction and Environmental Management Plan to staff, visitors and neighbouring residents and businesses.

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, the protection of any wildlife and habitat during construction phase and 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.

### Construction Hours

- 13** 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.

#### Heat Pumps – Installation

- 14** Prior to installation, details and technical specifications of the heat pumps proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. The heat pumps shall be implemented in accordance with the approved details before the development is first brought into use.

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

#### Noise - Additional

- 15** The applicant shall implement all the recommended noise mitigation measures as detailed in the Noise Assessment by Walnut Acoustics dated 25th November 2021 prior to occupation of each dwelling.

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

#### Sustainable Drainage Strategy

- 16** No development shall commence on site until a detailed Sustainable Drainage System (SuDS) Strategy document has been submitted to and approved in writing by the Local Planning Authority. This should be in accordance with the proposal set out in the approved submission (Surface Water Drainage Strategy; DR-001-0528-B). The SuDS Strategy must include a detailed design, a timetable for implementation, and a full risk assessment for flooding during the groundworks and building phases with mitigation measures specified for identified flood risks. The SuDS Strategy must also demonstrate the technical feasibility/viability of the 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 life time of the development. The approved scheme for the surface water drainage shall be implemented in accordance with the approved details before the development is first occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing 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.

#### Sustainable Management and Maintenance Plan

- 17** No dwelling shall 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 agreed terms and conditions.

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

### Foul and Surface Water Flows

- 18** The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved 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: This is 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.

### Landscape and Ecology Management Plan (LEMP)

- 19** No development shall take place until a Landscape and Ecology Management Plan (LEMP) expanding upon the measures set out in Section 4.6 the Preliminary Ecological Appraisal dated 28th November 2023 has been submitted to and approved in writing by the Local Planning Authority. It should include the location and specification of ecological enhancement features and details of their implementation including a management strategy for the orchard. Photographs of the bat, bird boxes and hedgehog houses in situ shall be submitted to and approved by the Local Planning Authority prior to the occupation of each dwelling where the measures are provided.

Management should be applicable for a minimum period of five years, though in relation to BNG this should be for 30 years and include a monitoring regime to ensure habitats establish well and that wildlife features remain in good condition. The LEMP should include plans showing locations and extent of all habitats and wildlife features, and a timetable of activities. A Responsible Person / organisation needs to be stated and the method by which the protection of retained, enhanced and created habitats 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 should demonstrate that the BNG proposed in the BNG assessment would be achieved.

Reason: In the interests of biodiversity.

- 20** Notwithstanding the submitted details prior to the commencement of development, details of any external lighting should be submitted to and approved in writing by the Local Planning Authority. The details should clearly demonstrate that lighting would not cause excessive light pollution of the orchard and the boundary habitats.

The details should 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; and
- v) Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)).

- 21** All external lighting should be installed in accordance with the specifications and locations set out in the approved details. These should be maintained thereafter in accordance with these details. No additional external lighting shall be installed without the agreement in writing by the Local Planning Authority.

Reason: In the interests of biodiversity, residential amenity and the minimisation of light pollution.

## **12. Informatives**

---

- 1** In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
- 2** The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.
- 3** The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency
- 4** Severn Trent Water advise that there may be a public sewer located within the application site. Although their statutory sewer records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.
- 5** Please note that there is no guarantee that the developer will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that the developer will be able to undertake those works on a self-lay basis. Every approach to build near to or divert Severn Trent assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that the developer contacts Severn Trent at the earliest opportunity to discuss the implications of their assets crossing the site. Failure to do so could significantly affect the costs and timescales of the project if it transpires diversionary works need to be carried out by Severn Trent.

Severn Trent would not permit a surface water discharge into the public foul sewer, and recommend the developer seeks alternative arrangements.

## Works on the Public Highway

- 6** The development hereby approved includes the carrying out of work on the adopted highway. The developer is advised that before undertaking work on the adopted highway a highway agreement must be entered into 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](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. The developer will be required to pay fees to cover the Councils costs in undertaking the following actions:
- Drafting the Agreement, A Monitoring Fee, Approving the highway details, Inspecting the highway works. Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

## Private Road

- 7** The developer is advised that as a result of the proposed layout and construction of the internal access road, the internal access road will not be accepted for adoption by the Highway Authority under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980, unless and until you agree to exempt the access road. The exemption from adoption will be held as a Land Charge against all properties within the application boundary.

## Highway to be adopted

- 8** 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. The developer is advised that a highway agreement must be entered into 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](mailto:highwaylegalagreements@gloucestershire.gov.uk). The developer 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
- 9** The developer 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.

## Impact on the highway network during construction

- 10** 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). The developer is advised to contact the Highway Authorities Network Management Team at [Network&TrafficManagement@gloucestershire.gov.uk](mailto:Network&TrafficManagement@gloucestershire.gov.uk) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

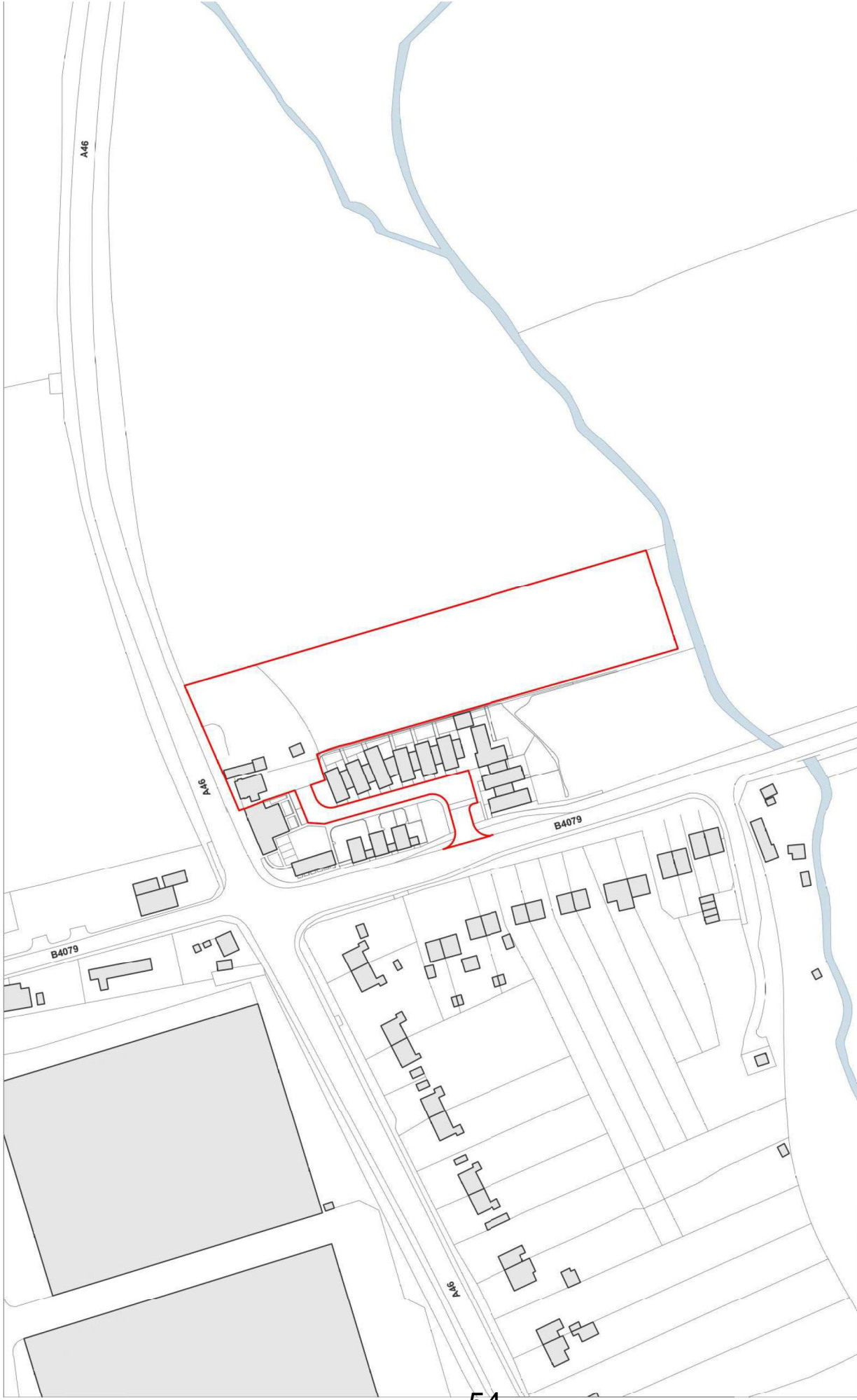
## Construction Environmental and Ecological Management Plan (CEEMP)

- 11** 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 CEEMP 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 Drainage to Discharge to Highway

- 12** Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.





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

This drawing has been produced for Astor Property, for the purposes of planning applications, and is not intended for use by any other person or for any other purpose.  
 Responsibility is not accepted for errors made by others in setting from this drawing. Dimensions are in millimetres unless otherwise stated. All construction information should be taken from figure dimensions only.  
 Copyright © 2008-2021 Hewitt Studios LLP All rights reserved.

Rev	Date	By	Check	Revisions
01	28/02/21	TS	JK	PLANNING APPLICATION
02	28/02/21	TS	JK	FOR PERMISSION APPLICATION

Rev: 01 Date: 28/02/21 By: TS Check: JK Revisions: PLANNING APPLICATION  
 Rev: 02 Date: 28/02/21 By: TS Check: JK Revisions: FOR PERMISSION APPLICATION

Project File: **Astor Cross Housing - Phase 2**  
 Drawing Title: **Site Location Plan**

Drawing Number: **HS340\_001**  
 Revision: **P02**  
 Scale: **1:1250 @ A3**

0 12.5 25 37.5 50M



**UNIT SCHEDULE**

PLOT 1	House Type 1 - 2 bed semi-detached
PLOT 2	House Type 1 - 2 bed semi-detached
PLOT 3	House Type 2 - 3 bed semi-detached
PLOT 4	House Type 2 - 3 bed semi-detached
PLOT 5	House Type 3 - 4 bed detached
PLOT 6	House Type 3 - 4 bed detached
PLOT 7	House Type 4 - 4 bed detached
PLOT 8	House Type 4 - 4 bed detached
PLOT 9	House Type 3-4 bed detached
PLOT 10	House Type 3 - 4 bed detached

**Project File**  
Aston Cross Housing - Phase 2

**Project Number**  
HS340\_020

**Revision**  
P15

**Scale**  
1:250 @ A3

**Drawing Title**  
Proposed Site Plan

0 2.5 5 7.5 10M

---

**Revisions**

Rev	Date	By	CR	CH	Revisions
P14.1	01.02.22	TS			DOCKT BUILT - 100% COMPLETE
P14.2	01.02.22	TS			DOCKT BUILT - 100% COMPLETE WITH PERMITS
P14.3	01.02.22	TS			DOCKT BUILT - 100% COMPLETE WITH PERMITS AND PLANNING APPLICATION
P15.1	02.02.22	TS			DOCKT BUILT - 100% COMPLETE WITH PERMITS AND PLANNING APPLICATION
P15	03.02.22	TS			PLANNING APPLICATION

**Key**

- Affordable units
- ⚡ Electric vehicle charging

---

This drawing has been produced for Aston Property, and is not intended for use by any other person or for any other purpose.

Responsibility is not accepted for errors made by others in setting from this drawing. Dimensions and inclusions unless otherwise stated. All construction information should be taken from figured dimensions only.

Copyright © 2008-2022 Hewitt Studios LLP. All rights reserved.

**Hewitt studios** LLP

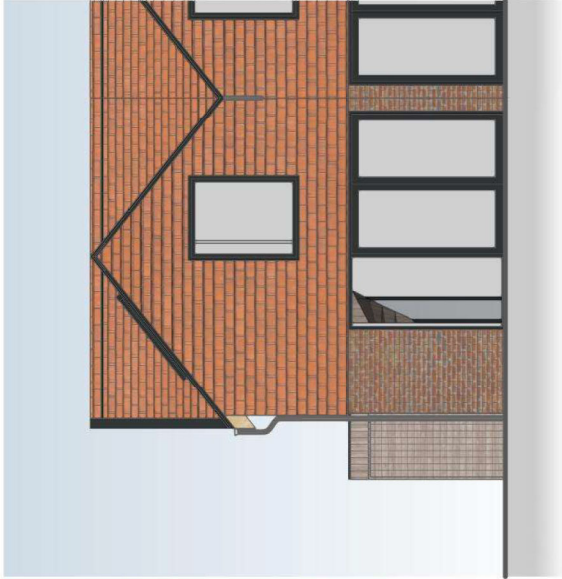
A 28 Merford Street, Bath, BA1 2RT

T 01225 461919

E mail@hewittstudios.co.uk

W www.hewittstudios.co.uk

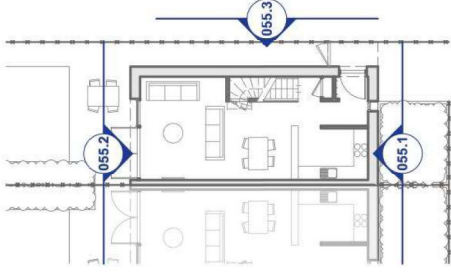
Electric vehicle charging



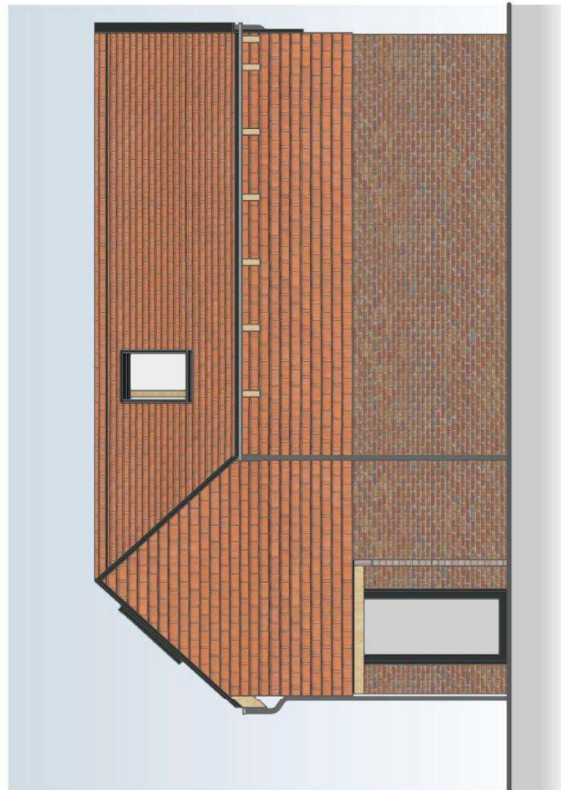
**055.1 HOUSE TYPE 1 - ELEVATION 1 (ROAD)**  
 2-BED SEMI DETACHED



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

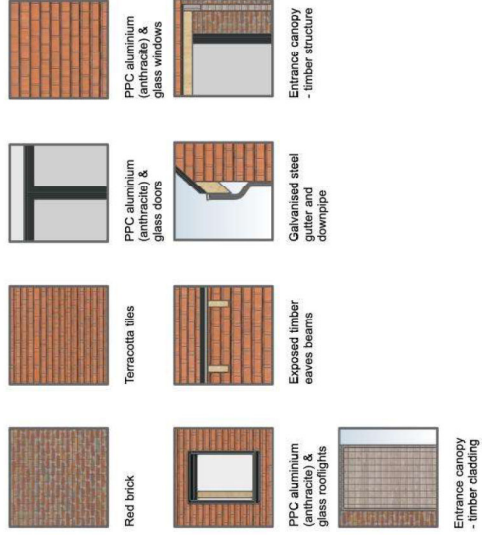


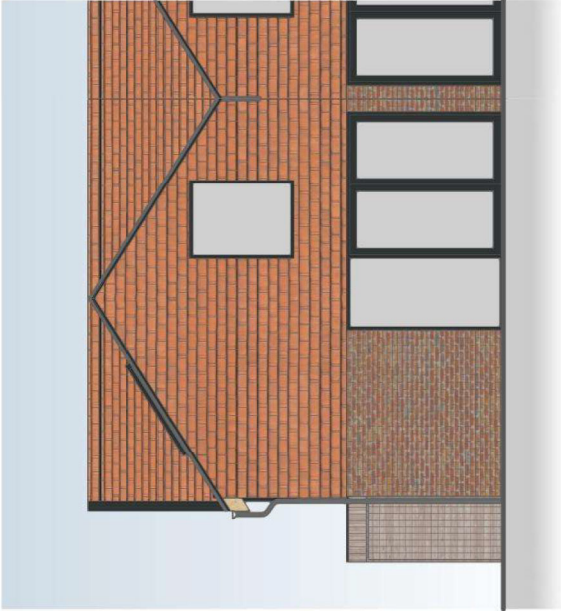
**055.4 ELEVATION KEY PLAN**



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

**Materials Key:**

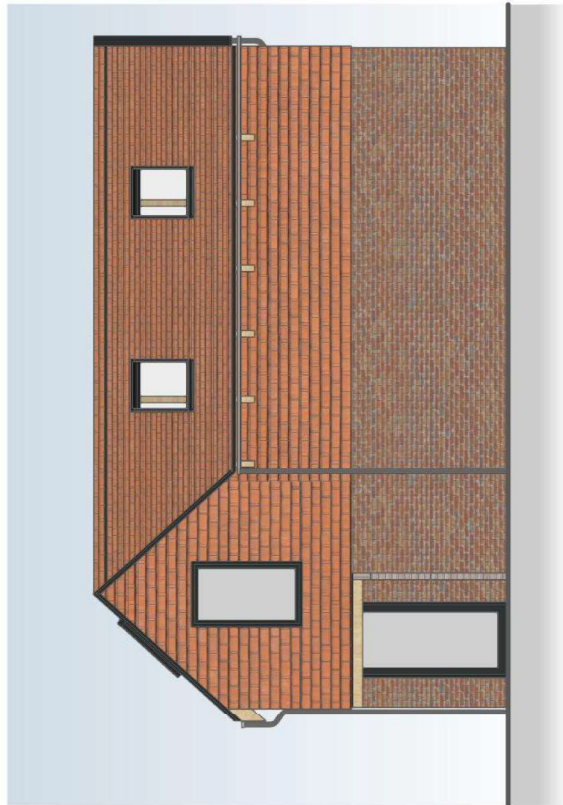




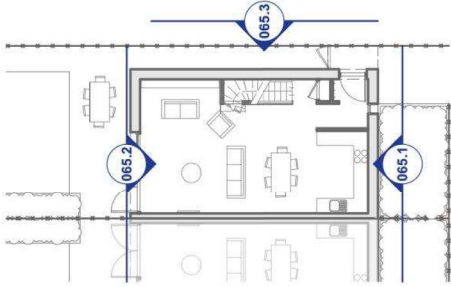
**065.2 HOUSE TYPE 2 - ELEVATION 3 (GARDEN)**  
 3-BED SEMI DETACHED



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

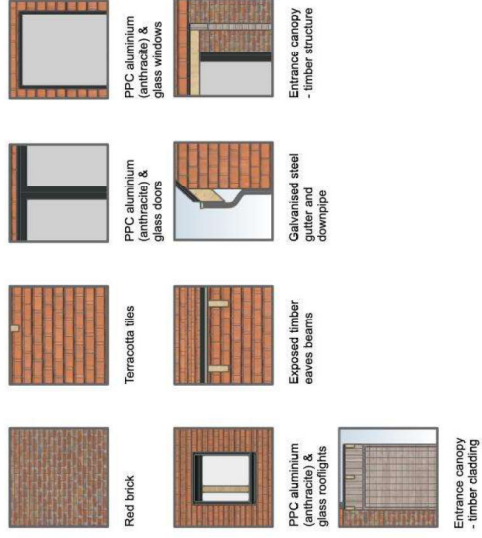


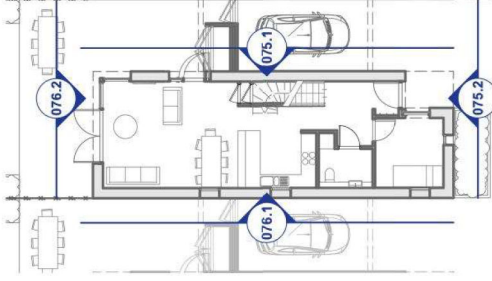
**065.2 HOUSE TYPE 2 - ELEVATION 2 (SIDE)**  
 3-BED SEMI DETACHED



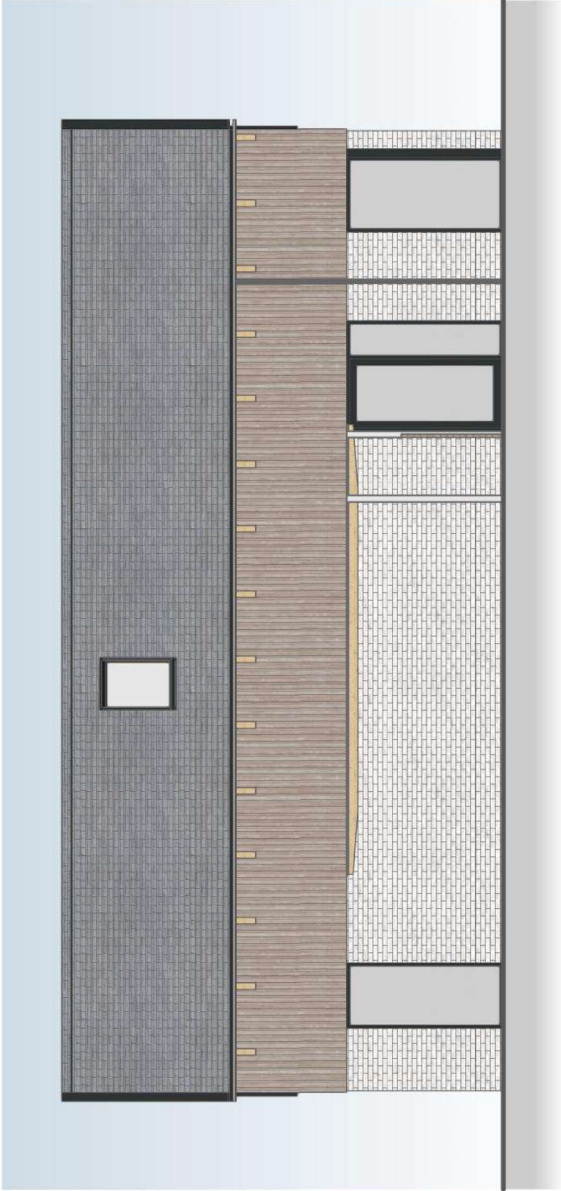
**065.4 ELEVATION KEY PLAN**

**Materials Key:**





**075.3 ELEVATION KEY PLAN**

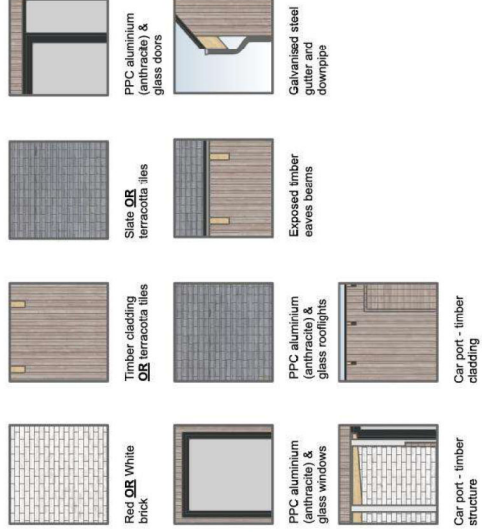


**075.1 HOUSE TYPE 3 - ELEVATION 1 (CAR PORT SIDE)  
 4-BED DETACHED**



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

**Materials Key:**



This drawing has been produced for Astor Peasey, for the purposes of HS340, Stage 4.2, and is not intended for use by any other person or for any other purpose.

Responsibility is not accepted for errors made by others in building from this drawing. Dimensions are to millimetre unless otherwise stated. All construction information should be taken from signed construction only.

Copyright © 2008-2021 Hewitt Studios, Ltd. All rights reserved.

Key

**NOTE:**  
 Materials vary based on plot - see HS340\_040 for details

MR Date 08/01/21 Revision  
 011 28/02/21 TS 01 DRAWING APPLICATION  
 P02 08/11/21 TS 04 MATERIALS  
 08/11/21

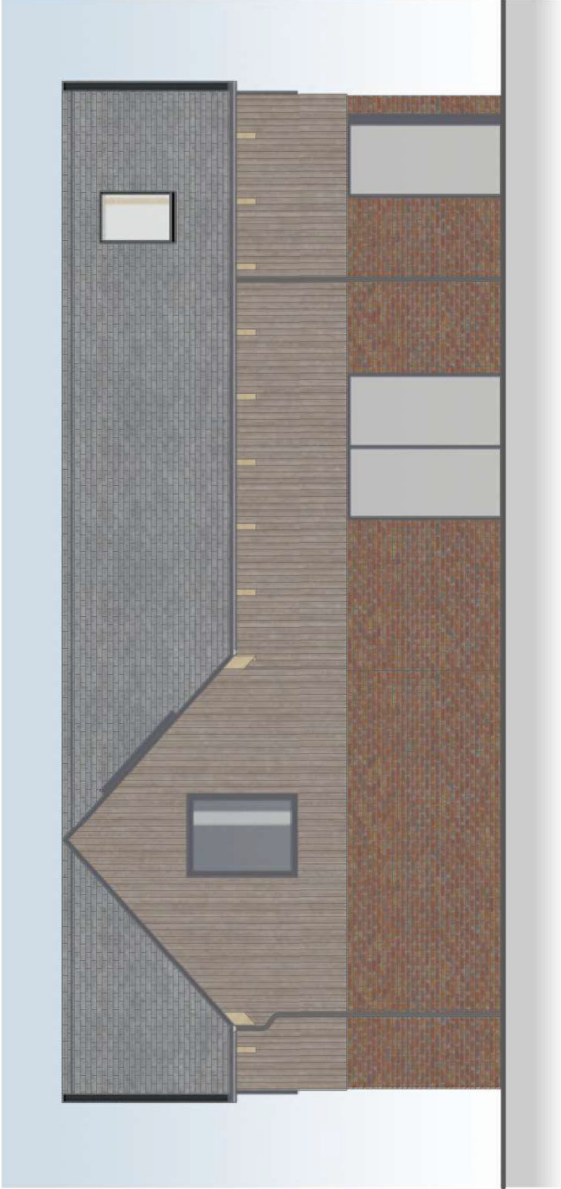
Project Title  
**Aston Cross Housing - Phase 2**

Drawing Title  
**House Type 4 - Elevations**

Drawing Number  
**HS340\_086**

Revision  
**P02**  
 Scale  
**1:75 @ A3**

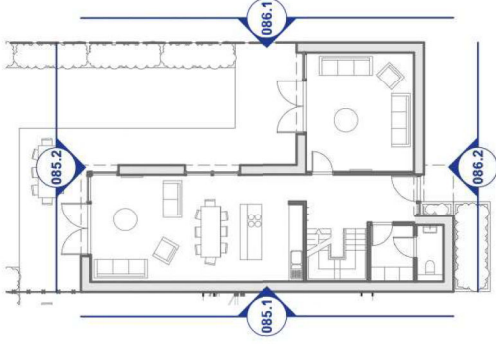
0 0.75 1.5 2.25 3M



**086.1 HOUSE TYPE 4 - ELEVATION 3 (GARDEN)**  
 4-BED DETACHED



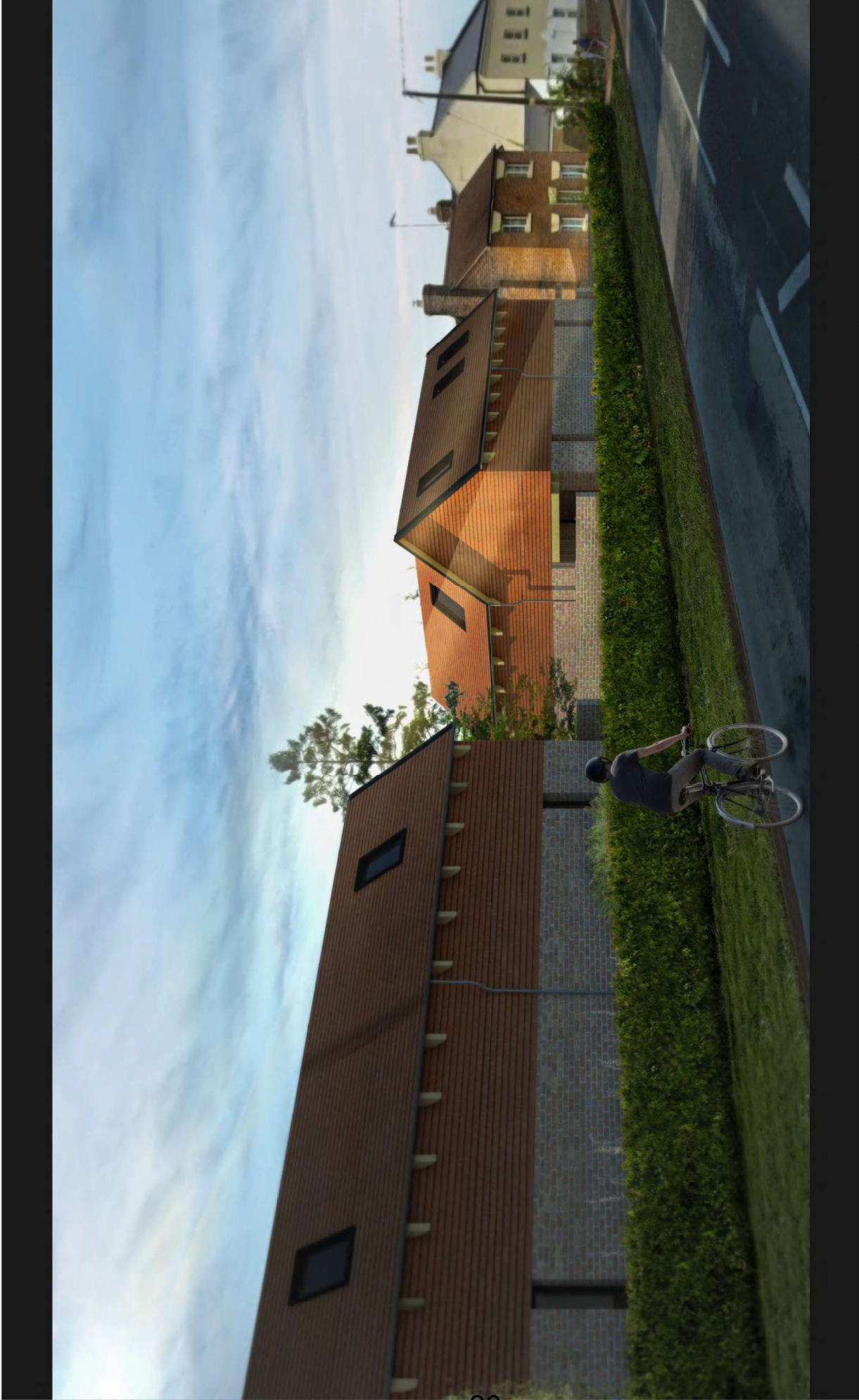
**086.2 HOUSE TYPE 4 - ELEVATION 4 (STREET)**  
 4-BED DETACHED



**086.3 ELEVATION KEY PLAN**

**Materials Key:**

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



**Hewitt studios** architectural

**A** 28 Merford Street, Bath, BA1 2RT  
**T** 01225 461919  
**E** mail@hewittstudios.co.uk  
**W** www.hewittstudios.co.uk

This drawing has been produced for Astor Property, and is not intended for use by any other person or for any other purpose.  
 Responsibility is not accepted for errors made by others in setting from this drawing. Dimensions and in-colourness unless otherwise stated. All construction information should be taken from figured dimensions only.  
 Copyright © 2018-2022 Hewitt Studios LLP All rights reserved.

Key

Rev	Date	By	Check	Reasons
01	01/02/21	TH	JH	PLANNING APPLICATION
02	01/02/21	TH	JH	REVISIONS

Rev: 01 Date: 01/02/21 By: TH Check: JH Reason: PLANNING APPLICATION

Rev: 02 Date: 01/02/21 By: TH Check: JH Reason: REVISIONS

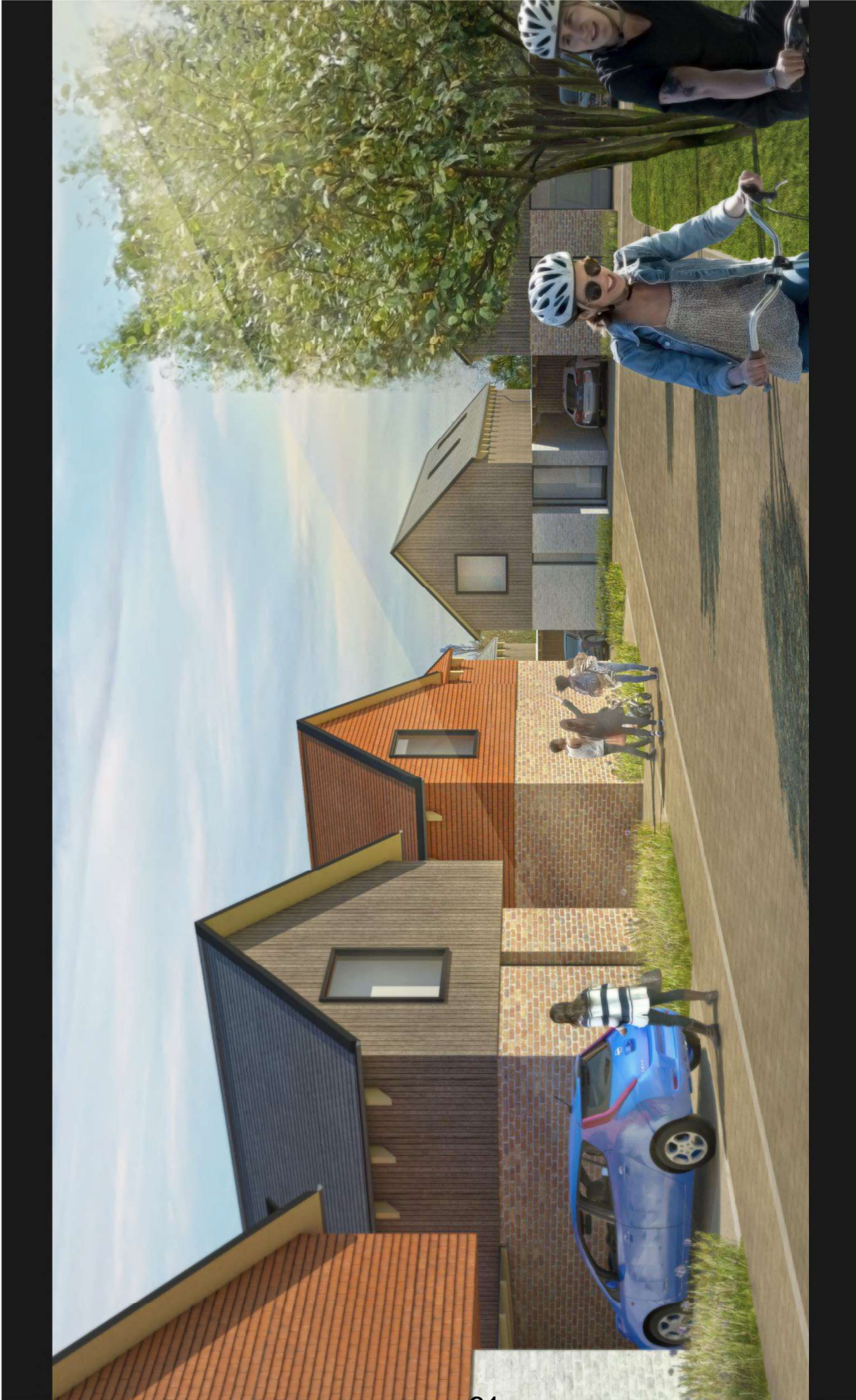
Project File: **Aston Cross Housing - Phase 2**

Drawing Title: **Proposed Visualisation - Plots 1-4**

Drawing Number: **HS340\_150**

Revision: **P02**

Scale: **N/A**



**Hewitt studios**  
 A 28 Merford Street, Bath, BA1 2RT  
 T 01225 461919  
 E mail@hewittstudios.co.uk  
 W www.hewittstudios.co.uk

This drawing has been produced for Astor Property, and is not intended for use by any other person or for any other purpose.  
 Responsibility is not accepted for errors made by others in setting from this drawing. Dimensions and in-colourness unless otherwise stated. All construction information should be taken from figured dimensions only.  
 Copyright © 2018-2022 Hewitt Studios LLP. All rights reserved.

Key

MK	Date	DR	CH	Revisions
P02	03 02 21	11	1	PLANNING APPLICATION (check comments)

MK	Date	DR	CH	Revisions

Project File  
**Aston Cross Housing - Phase 2**  
 Drawing Title  
**Proposed Visualisation - Plots 5-10**

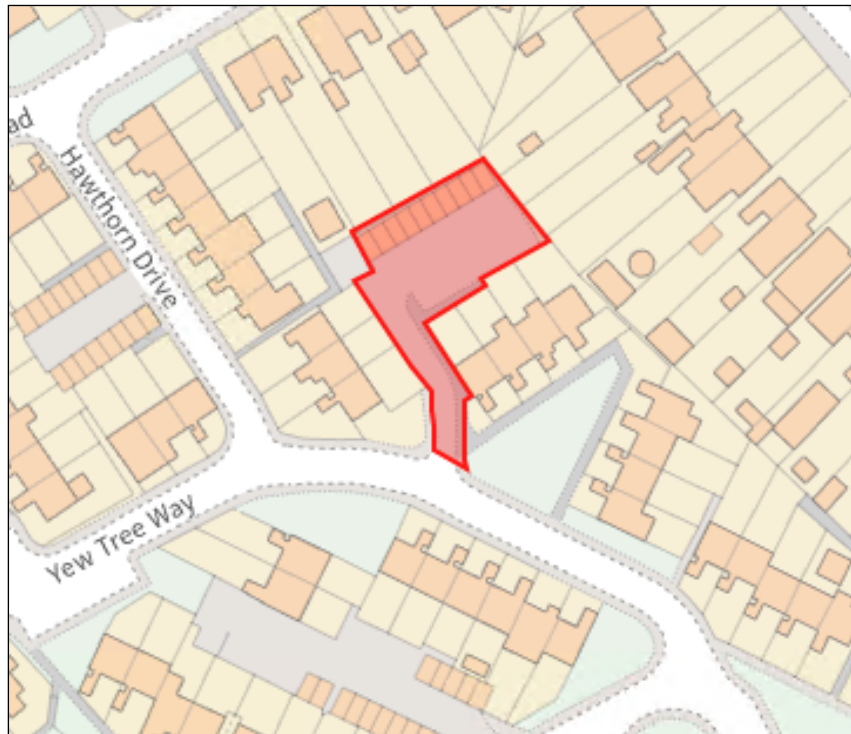
Drawing Number  
**HS340\_151**  
 Revision  
**P02**  
 Scale  
**N/A**



## Planning Committee

<b>Date</b>	19 December 2023
<b>Case Officer</b>	Alison Young
<b>Application No.</b>	22/00777/OUT
<b>Site Location</b>	Garages to the Rear of Properties 68-74 Yew Tree Way Churchdown Gloucester
<b>Proposal</b>	Demolition of 10 existing garages and erection of three residential dwellings including details of access with all other matters (layout, scale, appearance and landscaping) to be reserved for future consideration.
<b>Ward</b>	Churchdown St Johns
<b>Parish</b>	Churchdown
<b>Appendices</b>	Site location plan - 6726-F-001A Existing Site layout plan – 6726-P-110A Indicative Proposed Site layout plan – 6726-P-100B
<b>Reason for Referral to Committee</b>	Called in by Councillor Jordan to assess the highways impacts of the scheme from displaced parking.
<b>Recommendation</b>	Permit

### Site Location



## 1. The Proposal

---

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=REJZ8KQDKU200>

- 1.1 The application is an outline application for the demolition of ten existing garages and erection of three residential dwellings including details of access with all other matters (layout, scale, appearance and landscaping) to be reserved for future consideration.
- 1.2 The application proposes the re-use of the existing vehicular access to the garages which is located between 10 Hawthorn Drive, to the west, and 74 Yew Tree Way, to the east.
- 1.3 The indicative site layout plan submitted in support of the application proposes a terrace of three properties facing to the south-west, providing a hard surface area to the front with two parking spaces for each property, a vehicle turning area and refuse collection point within the site.

## 2. Site Description

---

- 2.1 The application site relates to an existing parcel of land comprising ten 'lock-up' garages to the north of Yew Tree Way, vehicular access to which, is between 10 Hawthorne Drive to the west and 74 Yew Tree Way to the east.
- 2.2 The site is approximately 0.08ha in area and is surrounded by residential properties. Properties 7 – 9 Hawthorne Drive are directly to the west of the site, 7 – 13 Grove Road to the north, 30 – 34 Pirton Lane to the east, and 68 – 74 Yew Tree Lane to the south.
- 2.3 The surrounding area is predominantly residential in character formed of two-storey residential dwellings of varying designs.
- 2.4 The application site is located within the settlement boundary of Churchdown and is not subject of any landscape or other constraints.

## 3. Relevant Planning History

---

- 3.1 No relevant planning history

## 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** – Comment - No objection save for concerns over the availability of parking for displaced parking
- 4.2 **County Highways Officer** – No Objection subject to conditions requiring details of parking and turning areas, a parking management plan and a construction management plan.

Observations made regarding turning of fire appliance, location of bin store and accessibility of parking spaces.

**4.3 Environmental Health Officer** – No Objection subject to a condition controlling hours of construction.

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

**4.5 Drainage Engineer** – No objections

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

---

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

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

**5.2** Seven letters of representation have been received in response. The comments are summarised as follows:

- Loss of parking including the garages, area around the garages and along the existing access road;
- Nos 68 to 74 Yew Tree Road would have no vehicular access;
- Displacement parking and pressure on on-street parking which is already an issue;
- Poor visibility resulting from the increase in use of the junction and existing parking along the roadside/ verge;
- Overlooking of the adjoining properties, loss of privacy, loss of light;
- Overdevelopment of a small site;
- Impact upon existing biodiversity. Enhancement recommendations should be adhered to.

## **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**

- SP1 (The Need for New Development)
- SP2 (Distribution of New Development)
- SD3 (Sustainable Design and Construction)
- SD4 (Design Requirements)
- SD6 (Landscape)
- SD10 (Residential Development)
- SD11 (Housing mix and Standards)
- SD14 (Health and Environmental Quality)
- INF1 (Transport Network)

- INF2 (Flood Risk Management)
- INF3 (Green Infrastructure)

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

- RES2 (Settlement Boundaries)
- RES5 (New Housing Development)
- DES1 (Housing Space Standards)
- ENV2 (Flood Risk and Water Management)
- TRAC9 (Parking Provision)

#### **6.5 Neighbourhood Plan**

Churchdown and Innsworth Neighbourhood Development Plan – 2011-2031

- Policy CHIN1: Parking To Support Residential Development
- Policy CHIN2: Layout And Appearance Of Residential Development
- Policy CHIN3: Environmental Considerations In The Design Of Residential Development
- Policy CHIN 11: Blue Infrastructure
- Policy CHIN12: Flood Mitigation

### **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 JCS sets out the key spatial policies for the JCS area over the period of 2011-2031 and the preferred strategy to help meet the identified level of need. Policy SP1 sets out the spatial strategy for meeting the Boroughs housing needs. The site is located within the residential development boundary for Churchdown defined by the Tewkesbury Borough Local Plan to 2011 – March 2006.
- 8.2** Policy SD10 of the JCS sets out that on sites that are not allocated, housing development and conversions to dwellings will be permitted on previously developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury Town, rural service centres and service villages except where otherwise restricted by policies within district plans.

- 8.3** Policy RES2 of the TBP indicates that proposed new housing development within the defined settlement boundaries is acceptable in principle.
- 8.4** The site lies within the defined settlement boundary of Churchdown and is surrounded by residential development. As the site currently comprises 10no residential lock up garages the site is also considered to constitute previously developed (brownfield) land.

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

- 8.5** 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.
- 8.6** The Council cannot currently demonstrate a five year supply of deliverable housing sites and on that basis, the Council's relevant 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 would therefore apply and permission should be granted unless there are any adverse impacts of doing so which would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

#### ***Conclusions on principle of development***

- 8.7** The site is located within Churchdown which is listed as an urban fringe settlement in the Tewkesbury Local Plan and is a settlement which is considered to be a sustainable location for new residential development with a good range of services and good accessibility.
- 8.8** The principle of the proposal is therefore 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.

#### ***Siting and Layout***

- 8.9** 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.
- 8.10** 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.
- 8.11** Policy CHIN2 of the adopted Churchdown and Innsworth Neighbourhood Development Plan 2018-2031 (NDP) concerns the layout and appearance of residential development and requires development to contribute to the local distinctiveness of Churchdown and Innsworth demonstrating high quality, sustainable and inclusive design and architecture.

- 8.12** The surrounding area is characterised by a mix of terraced and semi-detached, 20<sup>th</sup> century, two-storey residential development. The site is surrounded by residential development to all four sides and indicative site layout plan proposes a terrace of 3no two-storey properties with a similar, east/ west, orientation as the properties facing onto Hawthorn Drive. The proposal indicates that the properties would be 2 bed 4 person properties providing 79 square metres of internal floorspace in line with the Government's nationally described space standards.
- 8.13** As the site is located to the rear of existing properties, not highly visible from public vantage points, the extent of the visual impact of the scheme upon the existing character and appearance of the area would be limited. Where visible, the proposal would be viewed in context with the existing built-up development surrounding the site.
- 8.14** The indicative layout demonstrates that the site is capable of accommodating up to 3no. dwellings of an acceptable scale and layout that maintains the pattern and form of development characteristic to the surrounding area.
- 8.15** The subsequent reserved matters application would need to show that the scale, form and external materials of the proposed dwelling and its architectural appearance would be in-keeping with the local vernacular and would be of an appropriate quality taking account of the design of existing adjacent dwellings.
- 8.16** It is recommended that any approval of outline planning permission is subject to conditions requiring details of existing and proposed levels, including finished floor levels, a plan indicating the positions, design, materials and type of boundary treatments to be erected, precise details or samples of the external walling and roofing materials and hard surfacing materials proposed to be used, as well as a landscape scheme for the whole site to be submitted as part of the Reserved Matters application, in the interests of the visual amenity of the area.

### ***Residential Amenity***

- 8.17** Paragraph 127 of the NPPF specifies that planning decisions should ensure that developments create places that are safe, inclusive and accessible and 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. In this respect, policy RES5 of the TBLP is also relevant. The NDP does not contain specific guidance on residential amenity but requires new development to integrate positively and respond to local character.
- 8.18** The indicative layout positions the dwellings with an east/west orientation and indicates that there would be a minimum rear garden depth of approximately 7metres at Plot 3 to the adjoining boundary to the east of the site. The rear garden areas for the proposed dwellings would range from between 36 square metres and 47 square metres. These proposed garden areas are small and would provide a minimal level of outdoor amenity space for future occupiers however the gardens would provide sufficient space for sitting out and drying and are considered acceptable for the scale of dwellings proposed.

- 8.19** The indicative layout demonstrates that the proposed dwellings could maintain a distance of over 23 metres to the dwellings to the west of the site (which front onto Hawthorn Drive) and 13 metres to the dwellings to the south of the site. These separation distances between facing elevations are considered acceptable to ensure that the development does not unduly impact neighbouring residential amenity with regard to overlooking and loss of privacy.  
The site adjoins the long rear gardens of the dwellings to the north. The neighbouring dwellings to the east have long rear gardens of approximately 25 metres and so despite the relatively compact rear gardens proposed the dwellings would not result in any unacceptable window relationship or loss of privacy to the properties to the east or overbearing impacts to the properties to the north and south
- 8.20** Although the site is surrounded by existing residential development it is considered that careful design and orientation of windows would ensure that the development could be accommodated in an acceptable manner and these matters would be addressed through any subsequent reserved matters applications.
- 8.21** It is recommended that any approval of outline planning permission is subject to condition requiring details of existing and proposed levels, including finished floor levels, as well as a plan indicating the positions, design, materials and type of boundary treatments to be erected, to be submitted as part of the Reserved Matters application, in order to ensure the amenities of the occupiers of neighbouring properties would be protected.

#### ***Access and highway safety***

- 8.22** 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.
- 8.23** JCS Policy INF1 states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. All proposals are required to ensure safe and efficient access to the highway network.
- 8.24** Policy CHIN1 of the Churchdown and Innsworth Neighbourhood Plan sets out parking standards for the provision of off-road parking for new residential development, where possible; 1-bed dwellings should provide 1 off-road car parking space; 2-bed dwellings should provide 2 off-road car parking spaces. It also encourages the provision of off plot visitor parking at a ratio of 0.25 per dwelling.
- 8.25** The site is located within a sustainable location which benefits from a variety of local services and amenities, good pedestrian linkages and is well served by public transport.
- 8.26** The scheme proposes six parking spaces, two for each dwelling, along with an area of hardstanding allowing the vehicles to turn within the site. Whilst the Highway Authority has raised some concerns with regards to the accessibility of the parking spaces and access by a fire truck, they have however recommended conditions to address these concerns and the final layout would be subject to detailed consideration at the reserved matters stage.

- 8.27** Several objections and comments have been received which raise concern over the loss of parking and the subsequent impact of displaced parking within the wider area. The submitted Transport Technical Note considers the potential for displaced parking and a parking survey has also been undertaken on behalf of the Applicant as detailed below.
- 8.28** The parking survey of the existing streets was conducted on Saturday 21st October between 12:00 – 14:00, and on Monday 23rd October between 17:00 – 21:10 at 15 to 25 minute intervals. The number of on road spaces available within 200metres of the site was calculated to be 101 spaces. The results of the survey demonstrate that there are at least 19 free spaces (worst case scenario) which would be sufficient to accommodate the five vehicles that would be displaced as a result of the development proposals. Accordingly it is concluded that there would be no unacceptable impact on the operation of the highway of highway safety as a result of the loss of the existing parking provision.
- 8.29** It is noted that in addition to the garages to be demolished there are also informal parking spaces to the rear of dwellings fronting onto Yew Tree Road. These dwellings front onto a green space and have no parking or vehicular access to the front, the rear gardens to these properties open directly onto the site. It would appear that historically these dwellings have informally parked on hardstanding directly adjoining their rear gardens and accessing through the parking court. The site is also potentially used for parking by dwellings fronting onto Pirton Lane although these properties have parking to the front.
- 8.30** One occupier has a rear access gate into the site and has raised concern that this is the only means of accommodating deliveries of larger items into the rear garden as there is no side access around the dwelling.
- 8.31** It should be noted that while access to the rear of properties has occurred, these arrangements have been informal and take place over private land, access over which could be restricted at any time by the owner. Nevertheless, the Applicant has provided an amended indicative site plan demonstrating how a wider pedestrian access route around the edge of the site to access this existing gate could be provided.
- 8.32** Gloucestershire County Council, as Local Highway Authority (LHA) have assessed the proposed development in terms of location, access, highway impact and car parking the LHA conclude that, based on the analysis of the information submitted, 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.
- 8.33** Following the clarification by the Applicant that the development site is private and could be fenced off at anytime the LHA agreed that the displacement of parking from the site onto the Highway could occur regardless of any planning approval. Given this fall-back position, the Highway Authority considers that refusal on Highways grounds would be difficult to sustain therefore raises no objection to the application.
- 8.34** On the basis of the additional supporting information provided and the fact that the Highway Authority has not objected to the proposals the scheme is considered acceptable with regards to highway safety considerations and complies with Policy INF1 of the JCS and CHIN1 of the NDP.



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

- 8.35** Policy INF2 of the JCS seeks to minimise the risk of flooding from development and to provide resilience to flooding. ENV2 of the TBLP outlines a series of principles in order to avoid and manage the risk of flooding to and from new development. Policy CHIN1 of the NDP – Blue Infrastructure – states that new development should adopt a blue infrastructure approach to the design of water and flood management and Policy CHIN 12 states that proposals are expected to demonstrate that they will not worsen the existing risks to the drainage network.
- 8.36** Whilst the proposed development is located within Flood Zone 1 as defined by the most up-to-date Environment Agency flood risk maps, the proposed development could have surface water implications.
- 8.37** The applicant has submitted a full drainage survey and the Council’s Drainage Engineer has confirmed that there is no objection to the submitted drainage details. The submitted Drainage Strategy provides details of the existing site drainage and discharge rates. It concludes that the development of the site will result in a 42% reduction in off-site stormwater flow with run off from roof areas and hardstanding areas disposed of into the STW network with a flow control device, the entrance area to the site would also be finished in porous material and smaller areas such as paths having falls towards adjacent soft ground.
- 8.38** The foul drainage would link into the existing Severn Trent sewer adjoining the site. Accordingly it is considered that the proposed development would not exacerbate the risk of flooding within the site or elsewhere and would comply with the requirements of the policies detailed above.

### ***Biodiversity***

- 8.39** Paragraph 180 of the NPPF states if significant harm to biodiversity resulting from a development cannot be avoided through locating on an alternative site with less harmful impacts, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, inter alia, minimising impacts on and proving net gains to biodiversity.
- 8.40** The application is supported by an Ecological Assessment which advises that the site is of low ecological significance given that it is presently garages and hardstanding and that it is unlikely that there is the presence of bats given the type of building on site.
- 8.41** The Council’s Ecological Advisors have been consulted on the application and raise no objections subject to conditions to secure the enhancement measures set out in the ecological assessment and a lighting scheme.

## **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 principle of 3no dwellings in this location is considered acceptable and a sustainable form of development in accordance with the NPPF and the proposal accords with relevant policies of the development plan in so far as material to the consideration of this application as outlined above.

**9.3** There are no adverse impacts of the development proposed that would significantly outweigh the benefits and it is therefore recommended that planning permission is granted.

## **10. Recommendation**

---

**10.1** It is recommended that the application is **PERMITTED**, subject to the following conditions.

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

Reason: In order to define the permission

**5** 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.

6 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.

7 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.

8 The details to be submitted as part of the Reserved Matters application pursuant to Condition 1 shall be in accordance with the principles set out in the approved drainage strategy by Infrastructure Design Studio - Revision A.

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.

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

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

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

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

Reason: In the interests of visual amenity, to ensure the development contributes to a multifunctional network of green infrastructure, delivers ecosystem services for people and wildlife.

- 10** The detailed plans to be submitted as part of the Reserved Matters application in accordance with Condition 1 shall show the layout, vehicular access, parking and turning facilities and the dwellings hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and those facilities shall be maintained available for those purposes for the duration of the development.

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 is provided.

- 11** Prior to any above ground works, precise details of the surfacing treatments to be used on the approach road and the turning and parking areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- 12** The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Impact Assessment (Abricon, December 2022).

Reason: In order to protect ecology and biodiversity.

- 13** Prior to any above ground works, a plan detailing the specifications of ecological enhancements detailed within the Ecological Impact Assessment (Abricon, December 2022) shall be submitted to and approved in writing by Local Planning Authority. This should include, but not be limited to bat and bird boxes. The enhancement measures shall be installed in accordance with the approved details prior to the first occupation of ten development and shall be retained for the duration of then use.

Reason: To protect and enhance ecology and biodiversity

- 14** Prior to commencement, details of all proposed external lighting (including location and specification) shall be submitted to and agreed in writing by the Local Planning Authority. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the approved details.

Reason: To protect ecology and biodiversity

- 15** 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.

- 16** 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.

## **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](mailto:highways@gloucestershire.gov.uk) before commencing any works on the highway.
- 3** For avoidance of doubt the submitted Site Layout Plan has been treated as being for illustrative purposes only.
- 4** The applicant is advised that any subsequent reserved matters application would need to demonstrate that up to 3 dwellings could be accommodated within the curtilage of the application site in an appropriate and attractive manner which would respect the character and appearance of the area.

NOTES

This drawing is the copyright of Quattro Design Architects Ltd and should not be reproduced in whole or in part without written permission of Quattro Design Architects Ltd. Check all dimensions on site. Any discrepancies are to be reported to the architect as soon as possible.

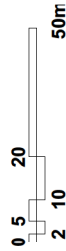
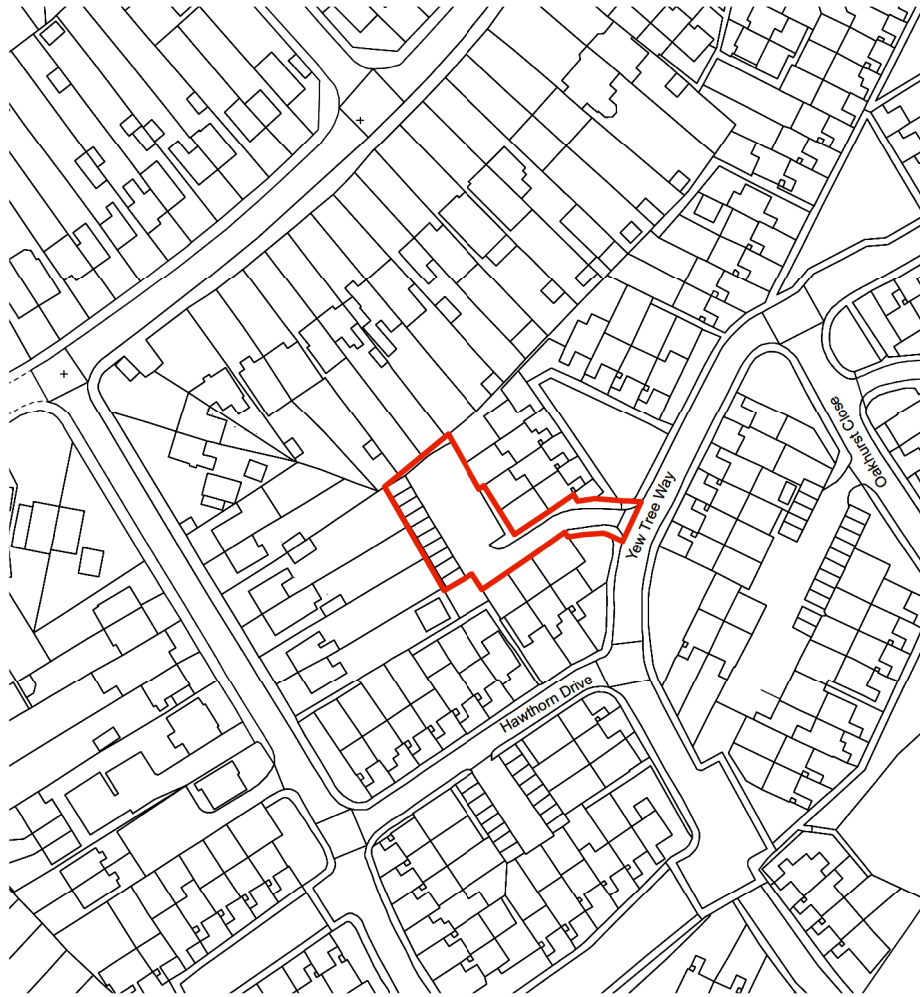
REVISIONS

REV. DATE. DRAWN - CHECKED: NOTES

-:30.06.22 - JTR:

A: 13.06.22 - JTR:

A: 13.06.22 - JTR - Road Names Indicated



**DRAWING TITLE**  
Site Location Plan

**PROJECT**  
Yew Tree Way, Churchdown

**CLIENT**  
Eromford

**SCALE** 1:1250@A3  
**DATE** June 2022



**DRAWING NO.** 6726-F-001  
**REV** A

Matthews Warehouse, High Orchard Street  
Gloucester Quays, GL2 5DY. T: (01452) 424234

Note:

Statutory services information plotted from OS Data, therefore no guarantee can be given to its true accuracy.



**NOTES**

The accuracy of the copyright of Quattro Design Architects Ltd and should not be reproduced in whole or in part without written permission of Quattro Design Architects Ltd. All drawings are to be checked and approved on site. Any discrepancies are to be reported to the Architect as soon as possible.

**REVISIONS**

REV DATE: DRAWN: CHECKED: NOTES  
 - : 09.05.22 - JTR - RJF:  
 Drawing created.  
 A: 20.09.23 - JTR - Drawing scale corrected

**DRAWING TITLE**  
 Existing Site Layout

**PROJECT**  
 Yew Tree Way, Churchdown

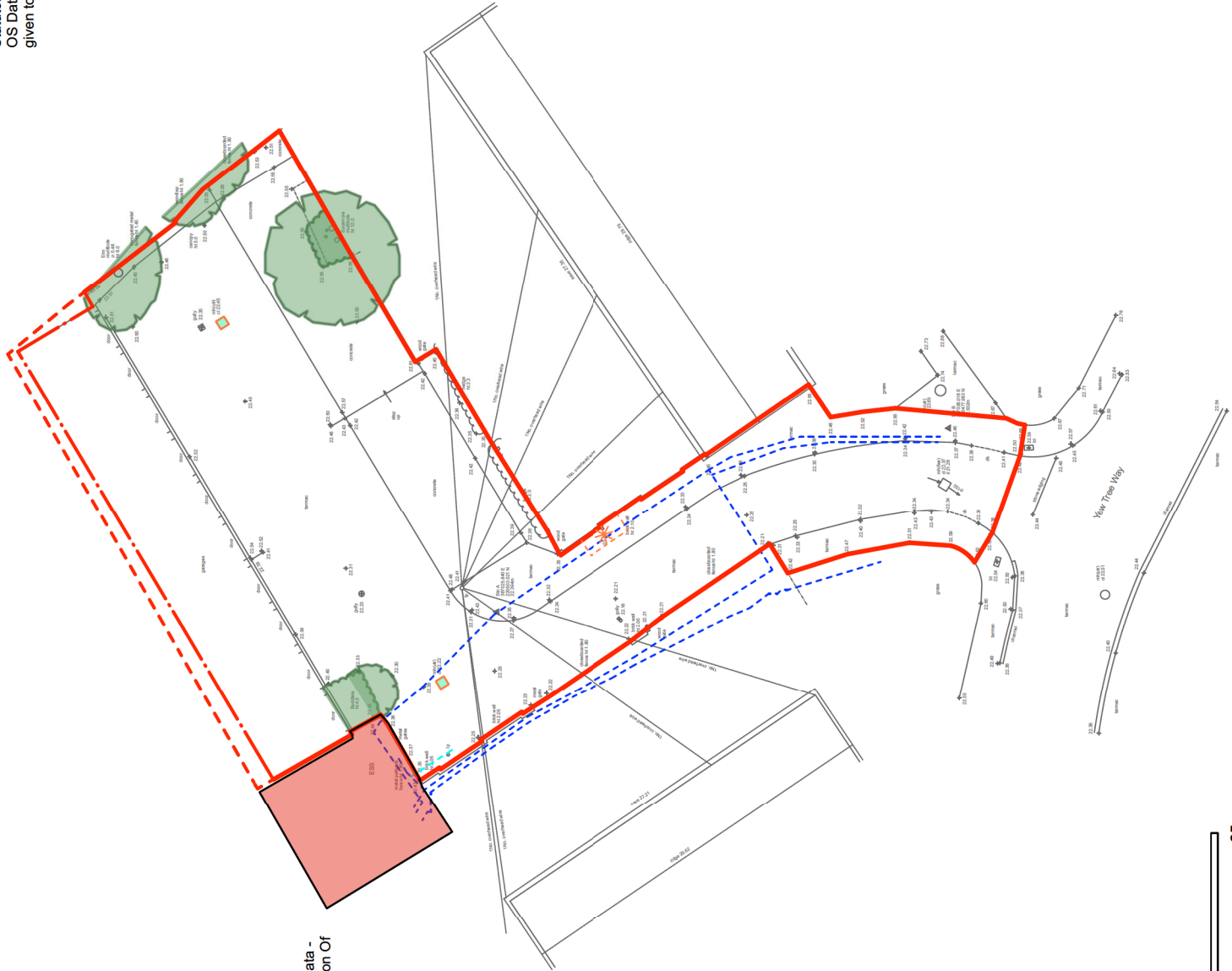
**CLIENT**  
 Bromford

**SCALE** 1:250@A3  
**DATE** May 2022

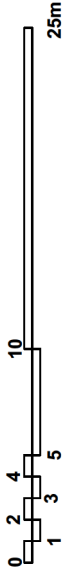
**DRAWING NO.** 6726-P-110  
**REV** A

**Quattro**  
 design architects

Registered Office: Gloucester | London | Cardiff  
 Matthew Wareham, High Church Street, Gloucester, G1 1PL  
 01452 42424



- Site Boundary
- - - Extent Of Surveyed Topo Features
- · - · - Assumed Boundary Extent Based Off Os Data - True Extent To Be Confirmed Post Demolition Of Garages
- - - Existing Manhole Hole Elec. Sub Station
- · · · · Underground LV Cable
- · · · · Underground Service Cable





Note:

Statutory services information plotted from OS Data, therefore no guarantee can be given to its true accuracy.

**NOTES**

The address is the copyright of Quattro Design Architects Ltd and should not be reproduced in whole or in part without written permission. All other information is the copyright of the Ordnance Survey. Check all dimensions on site. Any discrepancies are to be reported to the Architect as soon as possible.

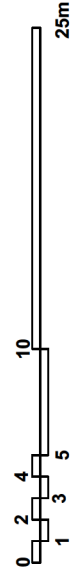
**REVISIONS**

REV. DATE: DRAWN - CHECKED: NOTES

- : 30.05.22 - JTR - RJF: Drawing created. Bin collection Point indicated.
- A: 20.09.23 - JTR - RJF: Neighbourly indicative path with amended.
- B: 20.09.23 - JTR: Drawing scale corrected

Accommodation Schedule				
Area (Sqft)	Area (m2)	House Type	Storey	Total no.
850.4	79	2B4P	2	3
2551.1	237			3
<b>Total</b>	<b>2551.1</b>			<b>6</b>
<b>Total Car Parking Spaces</b>				
				6
				237
				237
				Total Area (m2)

- Site Boundary
- Extent Of Surveyed Topo Features
- Assumed Boundary Extent Based Off Os Data - True Extent To Be Confirmed Post Demolition Of Garages
- Structure To Be Removed
- Existing Tree Canopy
- Tree/ Hedgerow To Require Removal
- Grass
- Indicative Low Level Planting/ Grass Features.
- Illustrative Tree Features
- 1.8m Timber Fencing
- Tarmac
- Shared Surface/ Parking
- Block Paving
- Existing Manhole Hole
- Elec. Sub Station
- Underground LV Cable
- Underground Service Cable
- Potential Location For Relocated Telegraph Pole
- Bin Collection Point



**DRAWING TITLE**  
Site Layout

**PROJECT**  
Yew Tree Way, Churchdown

**CLIENT**  
Bromford

**SCALE** 1:250@A3  
**DATE** May 2022

**DRAWING NO.** 6726-P-100  
**REV** B





## Planning Committee

<b>Date</b>	19 December 2023
<b>Case Officer</b>	Chloe Buckingham
<b>Application No.</b>	22/00857/PIP
<b>Site Location</b>	Land to the Rear of Cleeve Road, Gretton Road, Gotherington
<b>Proposal</b>	Erection of between 1 and 6 dwellings.
<b>Ward</b>	Cleeve Hill
<b>Parish</b>	Gotherington
<b>Appendices</b>	Site Location Plan (P21-0566-02-3 Rev_1)
<b>Reason for Referral to Committee</b>	Parish Objection
<b>Recommendation</b>	Permit

### Site Location



## 1. The Proposal

---

- 1.1 Full application details are available to view online at:  
<https://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RFOE1GQD0NI00>
- 1.2 The erection of between 1no. and 6no. dwellings.

## 2. Site Description

---

- 2.1 The application site is an L-shaped parcel of land to the rear of a row of existing dwellings on Cleeve Road. The site has vehicular access to the highway and shares its eastern boundary with the back gardens of the existing properties. The site lies just outside of the defined settlement boundary for the village.

## 3. Relevant Planning History

---

Application Number	Proposal	Decision	Decision Date
T.3504	Installation of two pumps and tanks for resale of petrol. (Outline application)	PERMIT	21.02.1961
T.3504/A	Outline application for the erection of a double garage and construction of a new vehicular access.	PERMIT	21.03.1973
T.3504/A/AP	Erection of a Marley Monaco double private garage and construction of a new vehicular access.	PERMIT	20.06.1973
92/00350/FUL	Erection of a detached house and garage. Alterations to access.	PERMIT	19.10.1992

## 4. Consultation Responses

---

- 4.1 Full copies of all the consultation responses are available online at  
<https://publicaccess.tewkesbury.gov.uk/online-applications/>.
- 4.2 Gothington Parish Council - Objection. The main points being:
- The dwellings are too tall compared to the existing properties.
  - The dwellings would not be in-keeping with the character and appearance of the street.

- 4.3 County Highways Officer – No objection
- 4.4 Drainage Engineer - No comments received at time of writing.
- 4.4 Tree Officer - No objection.

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

---

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

- 5.1 The application has been publicised through the posting of a site notice for a period of 21 days.
- 5.2 Third Party Comments: 12 objection comments received. The main points being:
- Outside of the settlement boundary- conflicts with policy RES3.
  - Adverse impact on gap of local importance and the Special Landscape Area.
  - No direct pedestrian access to the village- no footpaths.
  - Lack of visibility at the access- dangerous for traffic and pedestrians
  - Gotherington has already exceeded NDP requirement of 87 dwellings by 60 and there is no requirement for further housing.
  - Detrimental to social cohesion.
  - Coalescence with Bishops Cleeve.
  - Encroachment into countryside.
  - Lack of facilities and job opportunities.
  - Reliance on private car- insufficient public transport.
  - Loss of green space and farmland.
  - Impact on ecology.
  - Village school has no capacity.
  - Loss of outlook, light, privacy and an overbearing impact for existing dwellings.
  - Overdevelopment
  - Concerns regarding sewerage/drainage
  - Development would be highly visible.
  - There is a veteran oak tree on the western boundary.
  - Light pollution.
  - The Transport comment is now out-of-date. The recently opened cycle/footpath beside Cleeve Road, has lead to a big increase in pedestrians walking along the narrow road between The Lawns to the entrance of the new path. The addition of further vehicles would increase risk of accidents.

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

---

### 6.1 Statutory Duty

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

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

## **6.2** National guidance

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

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

SP2 (Distribution of New Development)  
SD3 (Sustainable Design and Construction)  
SD4 (Design Requirements)  
SD6 (Landscape)  
SD8 (Historic Environment)  
SD9 (Biodiversity and Geodiversity)  
SD10 (Residential Development)  
SD11 (Housing mix and Standards)  
SD14 (Health and Environmental Quality)  
INF1 (Transport Network)  
INF3 (Green Infrastructure)

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

Policy RES2 Settlement Boundaries  
Policy RES4 New housing at other rural settlements  
Policy RES5 New Housing Development  
Policy DES1 Housing Space Standards  
Policy ENV2 Flood Risk and Water Management  
Policy NAT1 Biodiversity, Geodiversity and Important Natural Features  
Policy TRAC9 Parking Provision  
Policy LAN1 Special Landscape Areas  
Policy LAN3 Gaps of Local Importance  
Policy COM4 Neighbourhood Development Plans

## **6.5** Gotherington Neighbourhood Plan 2011-2031

Policy GNDP03 (New Housing Development in the Open Countryside)  
Policy GNDP07 (Gotherington Design Principles)  
Policy GNDP09 (Protecting and Enhancing the Local landscape)  
Policy GNDP10 (Protecting Locally Significant Views)  
Policy GNDP11 (Development Outside of the Defined Settlement Boundary)

## **7. Policy Context**

---

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

- 7.2 The PPG advises that this is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle from the technical detail. This consent route has two stages, the first stage establishes whether a site is suitable in principle, and the second stage, the technical details consent, is where the detailed development proposals are assessed.
- 7.3 The current application is the first stage of the process and seeks solely to establish whether the site is suitable in principle for the provision of between 1 and 6 dwellings.
- 7.4 The Government's guidance sets out that the scope of the first stage of permission in principle is limited to the location, land use and amount of development. The site layout, design, access, landscaping, drainage and any other relevant technical matters would be considered at the 'technical details' stage.

## **8. Evaluation**

---

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

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

- 8.2 Whilst Gotherington is identified as a service village in the JCS, the application site lies outside but adjacent to the defined development boundary for Gotherington as identified in the TBLP Proposal Map. In order to further sustainability objectives and in the interests of protecting the countryside Policy SP2 of the JCS sets out the distribution strategy for new housing across the Borough to 2031.
- 8.3 Gotherington is identified as a service village within table SP2c for the purpose of the settlement hierarchy. Criterion (vi) of Policy SP2 confirms that on sites that are not allocated within the plan for development, Policy SD10 will apply to proposals for residential development. 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. Given the specific context of the site being to the rear of existing dwellings and not located between dwellings, the scheme cannot be considered to be infill development and the proposal is contrary to JCS Policy SD10.
- 8.4 Policy RES3 states that outside of the defined settlement boundaries (identified on the Policies Map) the principle of new residential development will be considered acceptable where development being proposed consists of: 1. The reuse of a redundant or disused permanent building (subject to Policy RES7) 2. The sub-division of an existing dwelling into two or more self-contained residential units (subject to Policy RES8) 3. Very small-scale development at rural settlements in accordance with Policy RES4 4. A replacement dwelling (subject to Policy RES9) 5. A rural exception site for affordable housing (subject to Policy RES6) 6. Dwellings essential for rural workers to live permanently at or near their place of work in the countryside (subject to Policy AGR3) 7. A site that has been allocated through the Development Plan or involves development through local initiatives including Community

## Right to Build Orders and Neighbourhood Development Orders.

- 8.5** Whilst the scheme is very small-scale development the site is located adjacent to the defined settlement boundary of Gotherington which is classified as a 'service village' and as such the scheme is not in accordance with policy RES4 as policy RES4 supports very small-scale residential development within and adjacent to the built-up area of other rural settlements (i.e. those not featured within the settlement hierarchy).
- 8.6** Policy GNPD03 of the adopted Gotherington Neighbourhood Plan states that for new housing development outside of the defined settlement boundary, and not on allocated sites, in the open countryside will only be permitted in the following limited circumstances: a) Retention, repair and refurbishment of existing dwellings; b) Replacement dwellings; c) Domestic extensions; d) Rural exception housing to meet an identified local need in accordance with Tewkesbury Borough Council policy; e) Agricultural and forestry dwellings; and f) Where evidenced need for additional housing in Gotherington has been established through the development plan and cannot be met within the defined settlement boundary. The scheme also does not fall under any of the exceptions listed within policy GNPD03.
- 8.7** Gotherington has provided more new housing than envisaged by the JCS and Local Plan, however, the amount is not limited directly in policy. Importantly, in this particular case, the proposed amount of housing envisaged on this site is small in number and the site relates reasonably well to the built form of the village and therefore also relates well to the services and amenities that the village provides as an identified Service Village in the Local Plan. The development would also be read against the built form of the village.
- 8.8** Notwithstanding the above there are some tensions with the Local Plan and Neighbourhood Plan policies in providing support for the development. It is considered that the development would predominantly be seen within the context of existing built form and would not appear divorced from the existing Service Village of Gotherington.

## Five Year Housing Supply

- 8.9** 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.
- 8.10** 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.

## **Location: Landscape impact**

- 8.11** Section 15 of the NPPF relates to "Conserving and Enhancing the Natural Environment" and, at paragraph 174, specifies that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside.
- 8.12** Policy SD6 of the JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being.
- 8.13** Policy LAN1 Special Landscape Areas of the TBLP is relevant. This states that new development will be permitted within SLAs subject to the following 3 criteria:-
- The proposal would not cause harm to those features of the landscape character which are of significance;
  - The proposal maintains the quality of the natural and built environment and its visual attractiveness;
  - All reasonable opportunities for the enhancement of landscape character and the local environment are sought.
- 8.14** Policy LAN2 of the TBLP states that development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting. In doing so, relevant landscape features and characteristics must be conserved and where possible enhanced, having regard to the Gloucestershire Landscape Character Assessment 2006 and the Cotswolds AONB Landscape Character Assessment 2003.
- 8.15** Policy LAN3 of the TBLP states that the council will protect the Gaps of local importance identified on the Policies Map to help retain the separate identity, character and/or landscape setting of settlements and prevent their coalescence. Development within Gaps of Local Importance as shown on the Policies Map will only be permitted where:
- the open or undeveloped character of the gap would not be significantly adversely affected;
  - the separate identity and character of the settlements would not be harmed; and
  - the landscape setting of the settlements would not be harmed.
- 8.16** The likely impact of the proposal in conjunction with any other developments with extant planning permission will be taken into account. Proposals in conflict with these requirements will only be permitted where the development is directly related to the essential needs of agriculture, forestry or other land-based industries.
- 8.17** Policy RES5 of the TBLP also requires proposals to consider the impact of any development on the form, character and landscape setting of the settlement which will be important considerations.
- 8.18** It is considered that the proposed development would have an impact upon the Special Landscape Area given that it is development upon currently undeveloped land. The proposal would result in a form of backland development, set behind a row of existing detached properties, and considering that the immediate character of development is that of a ribbon development fronting the road, the scheme is out-of-keeping with the local context in terms of siting.

- 8.19** The site is also allocated as a gap of local importance in the TBLP (Policy LAN3). As set out above the provision of any number of dwellings in this location would have an impact due to the current undeveloped state of the site. However, the development would be located to the west of existing development and would not extend further south. There is also a wooded area further west of the application site which creates a defined boundary and limits the open characteristics of the gap of local importance. The purpose of the gap of local importance between Bishops Cleeve and Gotherington is to restrict development that adversely effects the open character of the land and to stop the coalescence of settlements.
- 8.20** In terms of Policy LAN3, harm has been identified in that the site would lose its open characteristic if developed, however, given that it is at the edge of the existing settlement and the number of dwellings is between 1 – 6, an appropriately designed scheme could come forward to minimise the harms. This would be dealt with through the technical details stage and may include 1 or 1.5 storey buildings that are at an appropriate scale. In terms of the separate identity of settlements and coalescence with Bishops Cleeve, this site is located to the west of existing development and would not project further south towards Bishops Cleve. Whilst some of this open gap would be lost and the development does not represent the east to west nature of existing development in Gotherington, it is not considered to be of a scale that would adversely affect the purposes of Policy LAN3 in this instance and would be read between existing development and a mature wooded area.
- 8.21** It is noted that the oak to the rear has a TPO and the Tree Officer has explained that they have no objection in principle to the proposal providing the tree is a material consideration in the layout and no works take place in the root protection area. This is something that can be addressed during the submission of technical details stage.
- 8.22** Therefore, the scheme is considered to be broadly compliant with policy SD6 of the JCS and policies LAN1, LAN2, LAN3 and RES5 of the TBLP.

#### **Location: Conclusion**

- 8.23** 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.
- 8.24** The application conflicts with Policy SD10 of the JCS, Policies RES1, RES2, RES3 and RES34 of the TBP and Policy GNDP03 of the GNDP, therefore the starting point is that the proposal should be refused in accordance with the development plan unless other material planning considerations indicate otherwise.
- 8.25** 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 the NPPF as a whole.



## **Land Use**

- 8.26** The guidance sets out that housing led development is the accepted land use for a PIP application.
- 8.27** As discussed above, the site is also adjacent to the settlement boundary and the proposal is relatively small scale, therefore, on balance its use for housing led development is considered acceptable, subject to approval of technical details.

## **Amount**

- 8.28** During the application the maximum number of dwellings was reduced from 9 to 6 as it was considered that 9 dwellings on this site would be over-development. The application seeks permission for between one and six dwellings on a site comprising 0.49 ha which would give rise to a maximum residential development density of approx. 12 dwellings per hectare, which is a relatively low development density but appropriate in this location.
- 8.29** Policy SD10(6) of the JCS states that residential development should seek to achieve the maximum density, which is compatible with good design and, inter alia, the character and quality of the local environment.
- 8.30** Whilst the layout is a consideration for Technical Matters stage, due to the sensitivities of the site which abuts the open countryside and is located within a Special Landscape Area and a gap of local importance, a lower density form of development with a high-quality landscaping scheme would be an appropriate form of development.
- 8.31** Therefore, as the characteristics of the site would likely give rise to a lower density form of development at Technical Matters stage it is considered that the principle of up to 6 dwellings for development on this site is acceptable having regard to the provisions of Policy SD10(6) of the JCS.

## **Other Matters**

- 8.32** It is not within the scope of this application to determine the details of site layout, design, access, highways impact, landscaping or drainage. Permission in principle could only be refused on this basis if there were insurmountable reasons why the development as proposed would have unacceptable impacts regarding these specific details. Some of the matters raised by local residents are not matters that can be considered within the scope of the application and would be considered at the technical details stage. Any issues which may arise must be overcome through that part of the process and before development could proceed.
- 8.33** The relevant consultees have not raised any insurmountable concerns and as such there are no reasons for refusal for the principle of residential development at this stage.
- 8.34** Whilst an objection comment has said that no notices have gone up in the village, a site notice was displayed at the site for a period of 21 days and as such the Council have satisfied statutory duties.

## **9. Conclusion**

---

- 9.1** 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.
- 9.2** The application conflicts with policies SP2 and SD10 of the JCS, policy RES3 of the TBLP and Policy GNDP03 of the Gotherington Neighbourhood Development Plan and therefore the starting point is that the proposal should be refused in accordance with the development plan unless other material planning considerations indicate otherwise. 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.
- 9.3** 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. As there are no clear reasons for refusal arising from NPPF policies for the protection of areas or assets of particular importance in this case. 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**

- 9.4** 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.
- 9.5** The scale of development, its relationship with and proximity to Gotherington, a Service Village, is a benefit that, in the light of the Council's housing land supply position, would attract considerable weight in favour of granting permission.
- 9.6** In addition, 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.

### **Harms**

- 9.7** Harm arises from the conflict with development plan policies and the spatial strategy relating to housing, particularly policies SP2 and SD10 of the JCS, policy RES3 of the TBLP and Policy GNDP03 of the Gotherington Neighbourhood Development although it is accepted that the Council's housing policies are currently out of date.
- 9.8** There would be some harm to the landscape by reason of encroachment into the open countryside beyond the settlement boundary and to the gap of local importance. Officers consider this landscape harm could be localised, minor and adverse subject to sensitive design, layout and landscaping at Technical Matters stage. It is considered that the harm is capable of not being significant.

## **Overall conclusion**

- 9.9** 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.
- 9.10** Significant weight should be given to the provision of housing and this benefit would attract weight in favour of granting permission considering the Council's housing land supply position along with economic and environmental benefits of the scheme.
- 9.11** Taking account of 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** The proposal accords with relevant policies as outlined above, it is therefore recommended the application be **PERMITTED**.

## **11. Informatives**

---

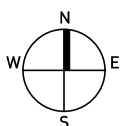
- 1** The technical details application for the approval of matters must be made prior to commencement of development and no later than the expiration of three years from the date on this decision notice, after this period this planning permission in principle shall lapse.
- 2** In accordance with the 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.
- 3** CIL: IMPORTANT INFORMATION Tewkesbury Borough Council is a charging authority for the Community Infrastructure Levy (CIL). It is your responsibility to ensure that the requirements of the CIL Regulations are met. The Council will make every effort to ensure that a Liability Notice providing details of the potential charge is dispatched as soon as possible after planning permission or consent is granted. If you do not receive a Liability Notice please contact the Council. If you have been granted a Permission in Principle you will be required to submit the CIL Planning Application Additional Information Requirement form along with your Technical Details application. IMPORTANT - All CIL requirements, including assuming liability to pay the charge, claiming any exemption or relief and notifying the Council of your intention to commence development, must be met before any works begin on site - including any demolition. Further information regarding CIL can be found on our website at <https://www.tewkesbury.gov.uk/planning> or you can contact us at [cil@tewkesbury.gov.uk](mailto:cil@tewkesbury.gov.uk).

Copyright Pegasus Planning Group Ltd. Crown copyright. All rights reserved. Ordnance Survey Copyright Licence number: 100042093. Promap Licence number: 100026448. EngageSite Licence number: 010001673. Standard OS licence rights conditions apply. Pegasus accepts no liability for any use of this document other than for its original purpose, or by the original client, or following Pegasus' express agreement to such use. 01285 44 171 www.pegasusgroup.co.uk



KEY

 SITE LOCATION



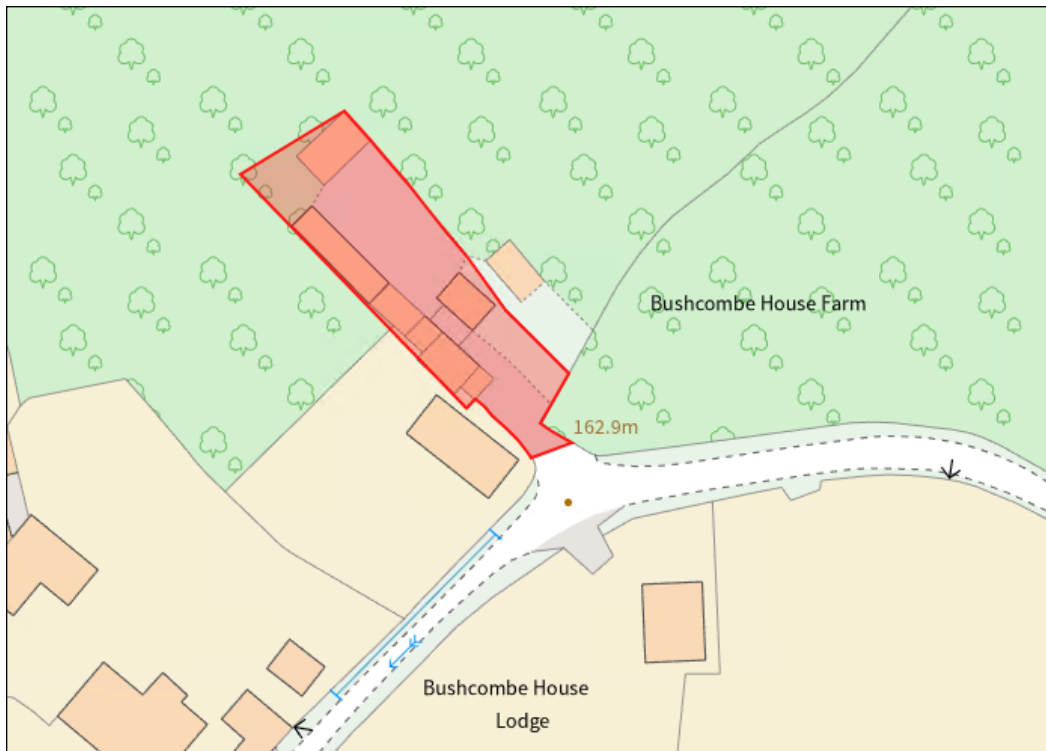
89 CLEEVE ROAD, GOTHERINGTON - SITE LOCATION PLAN



## Planning Committee

<b>Date</b>	19 December 2023
<b>Case Officer</b>	Mrs Emily McKenzie
<b>Application No.</b>	23/00280/FUL
<b>Site Location</b>	Bushcombe House Farm, Bushcombe Lane, Woodmancote
<b>Proposal</b>	Demolition of three existing barns and construction of three new buildings for use as holiday lets, and the conversion of an existing barn into a holiday let.
<b>Ward</b>	Cleeve Hill
<b>Parish</b>	Woodmancote
<b>Appendices</b>	Proposed Site Layout Plan Barn A Proposed Floor Plan Barn A Proposed Elevations Barn B Proposed Floor Plan and Elevations Barn C Proposed Floor Plan Barn C Proposed Elevations Barn D Proposed Floor Plan and Elevations
<b>Reason for Referral to Committee</b>	Objection from the Parish Council
<b>Recommendation</b>	Permit

### Site Location



## 1. The Proposal

---

- 1.1 Full application details are available to view online at:  
<https://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RRO9VFQDGE200>
- 1.2 The development as proposed pertains to four separate barns within the site which have been labelled barns A, B, C and D.
- 1.3 Barn A is a historic, stone barn which is the closest to the access in the centre of the site. The proposal seeks the retention, conversion and extension of this building.
- 1.4 Barns B, C and D are modern buildings of low architectural merit which are proposed be demolished and replaced. The development would be moved further into the hillside to the north-east which would enable the provision of an adjacent parking area to the west.
- 1.5 All barns have a lawful agricultural use (Sui Generis) and the use of the buildings as well as the surrounding land is proposed to be changed to comprise holiday lets (C3).

## 2. Site Description

---

- 2.1 This application relates to Bushcombe House Farm, a farmhouse in use as a holiday let which is set within grounds measuring approximately 0.08ha in total area. Within the grounds are several disused / vacant agricultural buildings which were associated with the sites former (historic) use as a farmstead. The dwelling is set on the hillside on the western carriageway of Bushcombe Lane which is a steep road with a 1:4 incline. The land within the site has been profiled / terraced in order that it is useful and practical outdoor space.
- 2.2 The site is currently accessed via a single means on Bushcombe Lane which is proposed to remain as existing as a result of the development. The access leads into a driveway which is proposed to be improved.
- 2.3 The site is located within an elevated position in the Cotswold National Landscape (formerly AONB) however is not affected by further restrictive constraints or landscape designations.
- 2.4 It is pertinent to note that the applicant owns the land surrounding the site to the to the easter, north and west as well as a further parcel across Bushcombe Lane to the south which contains a log cabin in current use as a holiday let.

## 3. Relevant Planning History

---

Application Number	Proposal	Decision	Decision Date
16/00242/FUL	Siting of a single log cabin holiday let unit.	Refused – and dismissed at appeal.	01.06.2016
16/00907/FUL	Siting of a single log cabin holiday let unit (revised scheme to application reference: 16/00242/FUL)	Refused.	07.10.2016
19/00863/FUL	Proposed siting of a single holiday log cabin unit (revised scheme to application reference: (16/00907/FUL)	Permitted.	29.10.2019

#### 4. Consultation Responses

---

- 4.1 Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.
- 4.2 Woodmancote Parish Council – Objection. Concerns are summarised below:
- The site is not within the settlement boundary
  - The site is not within close proximity to services
  - Only Barn A is being converted; Barns B, C and D do not meet with policy criteria
  - There would be no employment opportunities
  - No inclusive access due to steep hill
  - Issues locally with highway network
  - Parking would affect tranquillity of the AONB
  - There is already enough self-catering accommodation nearby
  - There is no evidence for the need of accommodation of this sort
  - No LVIA has been submitted
  - The Design and Access statement is biased
  - Impact on views
  - Excessive glazing
  - Health and safety risk of structurally unsound buildings
  - The accommodation would attract hen parties which would be noisy and affect tranquillity
  - This is not infill
  - The holiday lets are actually dwellings
  - There is no contribution towards housing need
  - There is no landscape-led approach
  - Cumulative impact with this and other developments is significantly adverse
  - Design is acceptable because of agricultural feel
  - No transport assessment has been submitted
  - Highways have not undertaken a robust assessment
  - Highway safety concerns
  - Parking is insufficient
- 4.3 County Highways Officer – No Objection.
- 4.4 Conservation Officer – No Objection, subject to conditions pertaining to facing materials.
- 4.5 Flood Risk & Management Officer – No objection subject to detailed drainage condition in accordance with Water Resources Statement.
- 4.6 Landscape Officer – No response received.
- 4.7 Environmental Health Officer – No response received.
- 4.8 Ecology Officer – No Objection. The application was originally accompanied by a PEA and PEA which indicated that further emergence surveys were required. There were undertaken during the course of the application and submitted for review. The Ecology Officer confirms that the level of surveying is acceptable and suggests conditions pertaining to adherence with mitigation measures, restriction of external lighting and submission of enhancement details – all of which are considered to be acceptable.
- 4.9 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**

---

- 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 a site notice allowing a period of 21 days and two letters of representation has been received. Comments are summarised below:
- The parking could overflow into the log cabin site: improvements should be made to highway safety
  - Additional hardstanding could exacerbate run-off
  - We should support local businesses to enable the area to thrive
  - The application should be subject to CIL

## **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)

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

SP1 (The Need for New Development)  
SP2 (The Distribution of New Development)  
SD3 (Sustainable Design and Construction)  
SD4 (Design Requirements)  
SD6 (Landscape)  
SD7 (AONB / National Landscape)  
SD9 (Biodiversity and Geodiversity)  
SD14 (Health and Environmental Quality)  
INF1 (Transport Network)  
INF2 (Flood Risk Management)  
INF3 (Green Infrastructure)

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

TOR1 (Tourism Related Development)  
TOR2 (Serviced/Self Catering Accommodation)  
ENV2 (Flood Risk and Water Management)

### **6.5 Woodmancote Neighbourhood Development Plan 2020-2031 – Adopted 20 June 2023**

Policy 1 (Cotswolds Area of Outstanding Natural Beauty)  
Policy 3 (Residential Development outside the Woodmancote Settlement Boundary)  
Policy 5 (Water Management Statements)  
Policy 6 (Design of SUDS)  
Policy 7 (Natural Flood Management)



## 6.6 Cotswold National Landscape Management Plan 2023-2025

### 7. Policy Context

---

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

### 8. Evaluation

---

#### Principle of the Development

- 8.1 Policy TOR1 (the General Policy for Tourism Related Development) sets out that: *“The Council will support proposals for tourism related development provided that: 1) Where possible the proposal should involve the appropriate conversion and re-use of existing buildings; 2) There is good inclusive access for all potential users; 3) The proposal supports the plan’s wider objectives, particularly in relation to conservation, transport, health, heritage conservation, recreation, economic development, the environment and nature conservation; 4) The siting, design and scale is in keeping with the built, natural and historic environment setting and wherever possible and practicable seeks to enhance it; 5) There is no unacceptable impact on the safety or satisfactory operation of the highway network; and 6) Where a proposal would attract substantial numbers of visitors it should be accessible by all modes of transport, including public transport as appropriate to scale of the proposal.”*
- 8.2 Policy TOR2 (Serviced / Self-Catering Accommodation) states that: *“The development of serviced and self-catering accommodation will be permitted on sites within existing defined settlement boundaries, as identified on the Policies Map, or **where the proposal results in the appropriate re-use of existing buildings or involves a proportionate extension to existing accommodation.** In all cases the proposal, including provision of car parking, must respect the character of the area in which it’s located.”*
- 8.3 Paragraph 84 states: *“Planning decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings; ... and c) sustainable rural tourism and leisure developments which respect the character of the countryside.”*

- 8.4** Paragraph 85 states: *“Planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. The use sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”*
- 8.5** Bushcombe House Farm is an existing holiday let farmhouse, with disused outbuildings within its curtilage.
- 8.6** The development seeks the conversion of one existing barn; as well as the demolition of three further barns to facilitate three new-build holiday lets in their place.
- 8.7** The site is not located within a settlement boundary however the development would result in the appropriate re-use of existing buildings (Barn A) and involves the proportionate extension to existing accommodation. As such, it is considered that the development would accord with Policy TOR2 in this regard.
- 8.8** Turning now to Policy TOR1 which is the general tourism policy, there are several stipulations which are assessed in detail below:

1) *Where possible the proposal should involve the appropriate conversion and re-use of existing buildings*

- 8.9** The application is accompanied by a Structural Condition Survey which identifies Barn A, and only Barn A, as worthy of retention and conversion. The remaining 3x barns on the site (B, C and D) are of modern construction and are of no architectural merit. Barns D and E are joined together, whilst Barn C is detached. Whilst Policy TOR1 makes clear that conversion of existing buildings would be preferable, the latter 3x barns are not considered worthy of conversion and thus their replacement, in this instance, is considered to be justified.

2) *There is good inclusive access for all potential users*

- 8.10** The Cotswold National Landscape Management Plan 2023-2025 states that: *“The natural beauty of the Cotswolds National Landscape is the foundation on which the tourism industry in the Cotswolds is based.”*
- 8.11** As referenced above, the local tourism industry relies heavily upon the rural area; with many visitors attracted to the area by its scenic beauty and opportunity to be within the true countryside, undertaking activities such as walking, cycling or simply enjoying views from the accommodation they are in.
- 8.12** A side-effect of this, is that often, tourism development in the Cotswold National Landscape (formerly the Cotswold AONB) must be within the countryside and beyond settlement boundaries. This is accented within Paragraph 85 of the Framework which states that: *“Decisions should recognise that sites to meet local business and community needs in rural areas may have to be found beyond existing settlements, and in locations that are not well served by public transport.”*
- 8.13** There is no definition of what ‘good inclusive access’ is. However, the Local Highway Authority have been consulted who have undertaken a robust assessment of the proposals, concluding a response of no objection, confirming that they consider that the location of the development is sustainable.

As such, it is considered that there would be good inclusive access for all potential users.

- 8.14** 3) *The proposal supports objectives in relation to conservation, transport, health, heritage conservation, recreation, economic development, the environment and nature conservation*

To save from repetition, matters pertaining to conservation, transport, heritage and the environment are set out within the sections below.

- 8.15** Furthermore, Holiday lets are supported in the Tewkesbury Borough Council Economic Development and Tourism Strategy 2017-2021; specifically point e) 'Encourage investment to improve the provision of visitor accommodation.'
- 8.16** The rural location of the site would also promote rural recreation such as walking and cycling, as well as indoor recreation served by the scenic beauty of the site (such as painting).

*4) The siting, design and scale is in keeping with the built, natural and historic environment setting and wherever possible and practicable seeks to enhance it*

- 8.17** Policy 9 of the NDP similarly states that: "*Design of new development, including extensions, outbuildings and renovations, will be expected to incorporate positive local design features identified in Boxes 8 and 9 of the WNDP and avoid the negative design features especially in prominent locations.*"
- 8.18** Barn A (that to be converted) currently comprises stone elevations with an L-shaped plan form, measuring some 62m<sup>2</sup> in total floor space (including an externally accessed store to the side). It is proposed to remove the store and replace with a single storey, dual pitched extension to the north which would not see the provision of any additional floor area or massing. The extension is considered to be well-related and proportionate to the existing building.
- 8.19** The replacement Barn B would comprise a single storey with two bedrooms and living space all on the ground floor. The living room would feature a double-height space which would be served by a highly glazed, western facing elevation.
- 8.20** The replacement Barn C would comprise two storeys with a single bedroom and bathroom at first floor level and the remaining living space on ground floor. Although the existing barn comprises a single storey, given the position of the building within the site and adjacent to the including hillside, it is considered that the scale of the building is appropriate.
- 8.21** The replacement barn D would replace two adjoining barns (D & E) and would comprise a single storey, similar in form and appearance to that which it would replace – albeit further to the west and closer to the hillside.
- 8.22** The existing development on site equates to 188m<sup>2</sup> and it is noteworthy that the development as proposed would equate to a total of 263m<sup>2</sup> and thereby the development as proposed would result in an increase in footprint by 28.5% over and above the existing development.
- 8.23** In addition to the above, the height, scale and massing of the elevations would remain similar to existing and it is therefore considered that the extensions to the existing buildings are proportionate.
- 8.24** As referenced above, it is considered that the siting, design and scale of the development would be in keeping with the built, natural and historic environment setting.

*5) There is no unacceptable impact on the safety or satisfactory operation of the highway network*

- 8.25** To save from repetition, matters pertaining to highways safety and operation are set out within the sections below.

*6) Where a proposal would attract substantial numbers of visitors it should be accessible by all modes of transport, including public transport as appropriate to scale of the proposal*

- 8.26** The development would see the creation of four new holiday lets which is not considered to generate a substantial number of visitors. As such, whilst there would be limited access to the site using public transport means placing high reliability upon use of a private vehicle, it is considered that this is appropriate to the scale of the proposal.
- 8.27** As referenced above, it is considered that both the conversion of an existing building, as well as the provision of new buildings would be well designed and proportionate in comparison with the existing development on site. It is also considered that the buildings are acceptable in relation to all further technical matters outlined within Policy TOR1 however to save from repetition, these are assessed in turn within the sections below.
- 8.28** As referenced above, it is considered that the principle of development is acceptable and accords with the requirements set out within Policies TOR1 and TOR2 as well as the remainder of the Framework.
- 8.29** Notwithstanding the above, the site is not considered to be suitable for housing development and as such, a planning condition will be imposed to ensure that the use will be for holiday purposes only.

### **Landscape Impact**

- 8.30** Paragraph 176 of the Framework states: *“Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.”*
- 8.31** 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, having regard to the local distinctiveness and historic character of the landscape.”*
- 8.32** SD7 states that: *“All development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan.”*
- 8.33** Policy 1 of the NDP states: *“All development proposals within the AONB area of the Woodmancote Neighbourhood Development Plan should demonstrate that they have fully addressed the Cotswolds AONB Conservation Board’s Landscape Character Assessment and Landscape Strategy and Guideline.”*
- 8.34** On 22 November 2023 the AONBs in England and Wales adopted a new name, ‘National Landscapes’, and are in the process of rebranding.
- 8.35** Bushcombe House Farm is set approximately halfway along Bushcombe Lane, and is set on the hillside of Nottingham Hill in a steeply elevated position. As such, the site benefits from views towards the Malvern Hills and by return, is obliquely visible from distances within the public realm when read against the backdrop of Nottingham Hill.
- 8.36** The site is located within the Cotswolds National Landscape (formerly AONB).
- 8.37** The existing site is occupied by the main former farmhouse, as well as a series of outbuildings/barns.
- 8.38** The barn to be retained and converted (Barn A), is the closest building to the main farmhouse and as such this relationship would be relatively unchanged as a result of the development (albeit subject to minor changes to the external design).

- 8.39** Two barns to be replaced (B and C) would remain in similar positions to the existing buildings, featuring similar scale and proportions.
- 8.40** The massing for Barn B would be increased as a result of the proposal; however this would remain at a single storey level. In addition to this, the West elevation would be finished with a high-level of glazing which would be visible from distances towards the hillside. However, given that the remaining elevations on the further buildings would be relatively discrete, it is not considered that this elevation would result in an unacceptable impact upon the surrounding landscape which would be harmful to its scenic beauty or tranquillity. As such, there would be a neutral impact upon the National Landscape resulting from the replacement of those two buildings.
- 8.41** The final barn to be replaced (D), would be moved further to the east of the site and set closer within the hillside. This action would reduce the impact of the buildings mass upon the surrounding landscape resulting in marginal betterment to the landscape for this building only by virtue of the reduction in appearance of overall bulk and massing.
- 8.42** The development would benefit from an internally accessed parking area which would be visible from distances and as such it is considered pertinent to secure suitable landscaping for this boundary in particular, with the purpose of obscuring /shielding the vehicles from distant vantage points and to prevent glint and glare from those vehicles.
- 8.43** As referenced above, subject to a suitably worded enhanced landscaping scheme as well as an additional condition to strictly control the external facing materials, it is considered that the development as proposed would appropriately preserve the special qualities of the National Landscape in accordance with Policies SD6, SD7 and 1.
- 8.44** Although no Landscape Visual Impact Assessment (LVIA) has been submitted, it is considered that this is consistent and proportionate to the application which seeks the sustainable expansion of an existing tourism use through conversion and replacement of existing buildings with well-designed new buildings and associated on site facilities.

### **Highway Matters**

- 8.45** Policy INF1 of the JCS sets out that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. It specifies that all proposals should ensure that connections are provided, where appropriate, to existing walking, cycling and passenger transport networks and should be designed to encourage maximum use.
- 8.46** The application site is located within a rural location and is considered to be relatively remote from the nearest amenities and facilities. The proposal would therefore place a high reliance on the use of the car for travel to work, shopping, leisure, community facilities and other usual travel destinations.
- 8.47** Notwithstanding the above, there is significant support for the conversion of rural buildings both within the development plan and Framework. Typically, rural buildings are located beyond settlement boundaries and away from services and as such it is not unusual for there to be a greater reliance upon a private vehicle as opposed to a dwelling within a settlement boundary, for example.
- 8.48** Although it is acknowledged that there would be a greater reliance upon the use of a private vehicle by virtue of the sites relatively isolated location in the countryside, given the purposes of the barn conversion policies which are echoed throughout the development plan and Framework, it is considered that this should attract limited weight within the decision-making process.

- 8.49** Furthermore, it is noteworthy that there is a lawful holiday let on the opposite side of the road which is also associated with Bushcombe House Farm (a log cabin). The issue of the site's location was considered by the Inspector (reference APP/G1630/W/17/3173283), and in the context of the intended Holiday Let use, the Inspector considered that tourists to the Cotswolds would be unlikely to be put off by the need to walk or cycle and that trips to shops and services made by car would be relatively infrequent and that the proposal therefore complied with Policy INF1.
- 8.50** Furthermore, the Local Highway Authority have been consulted who have undertaken a robust assessment of the proposals, concluding a response of no objection. This indicates that the impact upon the road network would not be severe and likewise the reuse of the existing access as well as the proposed parking provision is acceptable.

### **Biodiversity**

- 8.51** Policy SD9 states 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. This will be achieved by ensuring that European Protected Species and National Protected Species are safeguarded and by conserving and enhancing biodiversity."*
- 8.52** The application was originally supported by a Preliminary Ecological Appraisal with Preliminary Roost Assessment which was prepared by Focus Environmental Consultants in May 2021. The Council's Ecologists were consulted who confirmed that, given the findings of the initial reports, further bat dusk emergence/dawn re-entry surveys were required. Such surveys were undertaken and submitted during the course of the application. Given the findings of the report, the applicant also undertook EDNA surveys, and incorporated the provision of a bat loft within the development to mitigate the identified harm.
- 8.53** The updated proposals and supporting information have been reviewed by the Council's Ecologist who confirms that the measures are acceptable. A series of conditions have therefore been recommended to secure: 1) adherence with the submitted details; 2) the restriction of external lighting; and 3) the submission of additional enhancement measures – all of which are considered to be reasonable.
- 8.54** As demonstrated above, the development as proposed would result in an acceptable impact upon biodiversity (subject to conditions) and is therefore in accordance with Policy SD9.

### **Residential Amenity**

- 8.55** 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.
- 8.56** The closest residential neighbours to the site are 'Badgerbank', some 65m to the west and 'Upper Beaches', some 65m to the south-west.
- 8.57** By virtue of the distances proposed to the adjacent dwellings, as well as topography within and around the site, the additional massing would not result in overshadowing or a loss of light to any of the neighbouring properties or their gardens. Furthermore, by virtue of the scale and orientation of the plot, the increase in heights would also not result in an overbearing impact in terms of bulk, scale or massing.
- 8.58** Sufficient space would be around the buildings in order that functional and meaningful access to the curtilage via the driveway may be obtained for the purposes of bin storage if required. Furthermore, the holiday lets would be served by ample amenity space which is proportionate to the scale of the site.

- 8.59** There would be an increased opportunity for overlooking by virtue of the high level of glazing at first floor level to Barn B, however, it is pertinent to note this would be a double height space serving a living room at ground floor level only and as such, although the perception of overlooking would be increased, this would not in reality cause an unacceptable impact. Given the steeply inclining topography on site, distance to neighbouring properties, intervening boundary treatments including large, mature trees and hedgerows which line the existing public right of way, it is not considered that there would be an issue in terms of overlooking or loss of privacy.
- 8.60** As demonstrated above, it is considered that the development would result in an acceptable impact upon neighbouring amenity thus accords with Policies SD4 and SD14.

### **Impact upon the Historic Environment**

- 8.61** Policy SD8 (Historic Environment) concerns the historic environment, stating that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. The policy also states that: Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.
- 8.62** Policy HER5 (Non-Designated Heritage Assets) states that: Non-Designated Heritage Assets will be conserved having regard to the significance of the asset and its contribution to the historic character of the area. Proposals affecting a Non-Designated Heritage Asset and/or its setting will be expected to sustain or enhance the character, appearance, and significance of the asset.
- 8.63** The existing building 'Bushcombe House Barn', is not listed and neither is the site located within or adjacent to a Conservation Area. However, the Conservation Officer considers the building to be a non-designated heritage asset of moderate to low significance.
- 8.64** The NPPF defines a heritage asset (note: not specifically a non-designated heritage asset) as "*A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest*". Principles of selection for heritage assets and assessment of significance are set out in Historic England's publication 'Conservation Principles, Policies and Guidance' (2008) and 'British Standard BS 7913: Guide to the Conservation of Historic Buildings'.
- 8.65** The Council's Conservation Officer has been consulted who confirms that the development would sufficiently maintain the significance of the Non-Designated Heritage Asset, resulting in no harm. The development is therefore considered to comply with Policies SD8 and HER5 as well as the remainder of the Framework.
- 8.66** Notwithstanding the above, conditions will be necessary to secure details of external facing materials as well as window and door details.

### **Drainage**

- 8.67** Policy INF2 (Flood Risk Management) advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SuDS) where appropriate to manage surface water drainage. This is reflected in Policy ENV2 (Flood Risk and Water Management).

- 8.68** Policy 6 of the NDP states: “*All proposals will be required to incorporate Sustainable Urban Drainage Systems that are appropriate and proportionate to the scale and nature of the proposed development. Design of Sustainable Urban Drainage Systems should generally assume a minimum of 40% climate change allowance. All schemes for the inclusion of SuDS should demonstrate they have considered all four aspects of good SuDS design, quantity, quality, amenity and biodiversity, and the SuDS and development will fit into the existing landscape. The completed SuDS schemes should be accompanied by a maintenance schedule detailing maintenance boundaries, responsible parties and arrangements to ensure that the SuDS are maintained in perpetuity.*”
- 8.69** The Council’s Flood Risk Officer has been consulted on the application has indicated that the proposals are generally acceptable, subject to the submission of detailed drainage design which can be secured by virtue of a planning condition. This will need to account for the absence of public sewers and include reference to the Water Resources Statement.
- 8.70** As such, it is considered that the development can be made acceptable by virtue of planning conditions in accordance with Policies INF2, ENV2 and 6.

## **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** This report finds that the development would be acceptable in principle, and all further technical matters would be acceptable or could be made so by virtue of planning conditions.

## **10. Recommendation**

---

- 10.1** Given the above, the recommendation is to **PERMIT** the application subject to the below conditions.

## **11. Conditions**

---

### General

- 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:

- Proposed Site Layout Plan: 240.16 19, received 17<sup>th</sup> March 2023.
- Barn A Proposed Floor Plan: 240.16 22, received 17<sup>th</sup> March 2023.
- Barn A Proposed Elevations: 240.16 23, received 17<sup>th</sup> March 2023.
- Barn B Proposed Floor Plan and Elevations: 240.16 26, received 17<sup>th</sup> March 2023.
- Barn C Proposed Floor Plan: 240.16 30, received 17<sup>th</sup> March 2023.
- Barn C Proposed Elevations: 240.16 31, received 17<sup>th</sup> March 2023.
- Barn D Proposed Floor Plan and Elevations: 240.16 32, received 17<sup>th</sup> March 2023.

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

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



### Design

3. Notwithstanding the submitted information, prior to their installation, details of external facing materials pertaining to each individual building shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: It is important to protect and maintain the character and appearance of the area in which this development is located.

4. Notwithstanding the submitted information, prior to their installation, details of windows and external doors shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: It is important to protect and maintain the character and appearance of the area in which this development is located.

5. 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 within 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 ensure that the proposed development does not have an adverse effect on the character and appearance of the area.

### Ecology

6. Prior to first occupation, details of external lighting 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 sensor (PIR)).
- vi) All external lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details.

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

7. All mitigation measures as detailed within the Protected Species Report for Bats and Nesting Birds (Cotswold Environmental, November 2021) shall be strictly adhered to in the implementation of the development hereby approved. This includes but is not limited to obtaining a Natural England Bat License prior to the commencement of works on the building and compensatory bat roost on site.

Reason: To safeguard on site ecology.

8. Prior to the occupation of the development, a plan indicating the ecological enhancements specified within the Protected Species Report for Bats and Nesting Birds (Cotswold Environmental, November 2021) shall be submitted to and approved by the local planning authority. All works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard on site ecology.

### Landscape

9. Notwithstanding the submitted details, no above ground development shall take place until a full landscape strategy for the site has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The landscape strategy shall include, inter alia, proposed finished levels or contours; means of enclosure; hard surfacing materials; planting plans, specifications and schedules, and details of tree and hedgerow protection for existing planting, to be retained, in accordance with BS5837: 2012.

All approved tree and hedge protection measures shall be in place prior to the commencement of the development shall be retained thereafter until the development is complete. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

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

10. Prior to the occupation of the development, full details of proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and the development shall comply with those submitted details.

Reason: To preserve and enhance the visual amenities of the locality

### Highways

11. The development hereby permitted shall not be occupied until cycle storage facilities within a covered, enclosed secure store with direct level access for at least 2 bicycles has been made available for use and those facilities shall be maintained for the duration of the development.

Reason: To ensure the provision and availability of adequate cycle parking.

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

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

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

### Drainage

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

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

### Miscellaneous

14. The accommodation hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person or persons' sole, or main place of residence.

Reason: The proposed accommodation would be situated in the open countryside, outside any defined settlement boundary where new residential development will be strictly controlled. The proposed unit/accommodation is only acceptable as holiday let/ tourism development.

15. The owners/operators of the holiday lets hereby approved shall maintain an up-to-date register of the names of all owners/occupiers of the accommodation. This register shall be made available within 1 calendar month of a written request by the Local Planning Authority.

Reason: The proposed accommodation would be situated in the open countryside, outside any defined settlement boundary where new residential development will be strictly controlled. The proposed unit/accommodation is only acceptable as a holiday let/ tourism development.

16. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no alteration of the buildings or associated parking area hereby permitted shall be carried out, and no outbuildings, sheds, hardstanding, patios, gates, fences, walls, other means of enclosure or structures of any kind (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.

Reason: To preserve and enhance the visual amenities of the locality.

## **12. Informatives**

---

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

Job : **Bushcombe House Farm Bushcombe Lane Woodmancote Cheltenham Glos GL52 9QL**

Client : [REDACTED]

Drawing : **Details of Proposed Conversion of Barns  
Site Layout Plan : As Proposed**

Scale : 1:200 @ A3

Date : December 2020

Job No : 240.16

Drawing No : 19

**Ian Johnstone Associates  
Building Planning & Design**

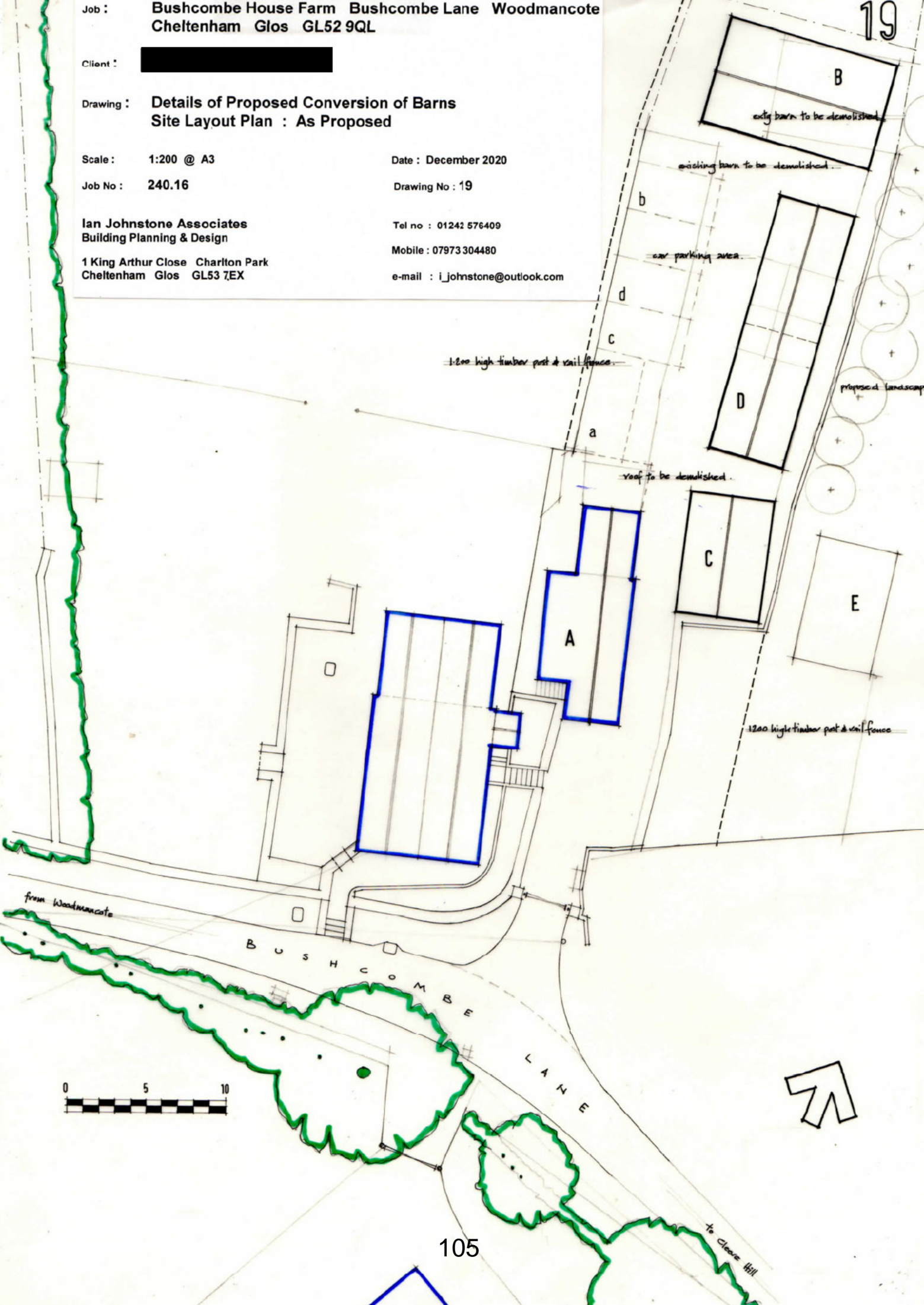
Tel no : 01242 576409

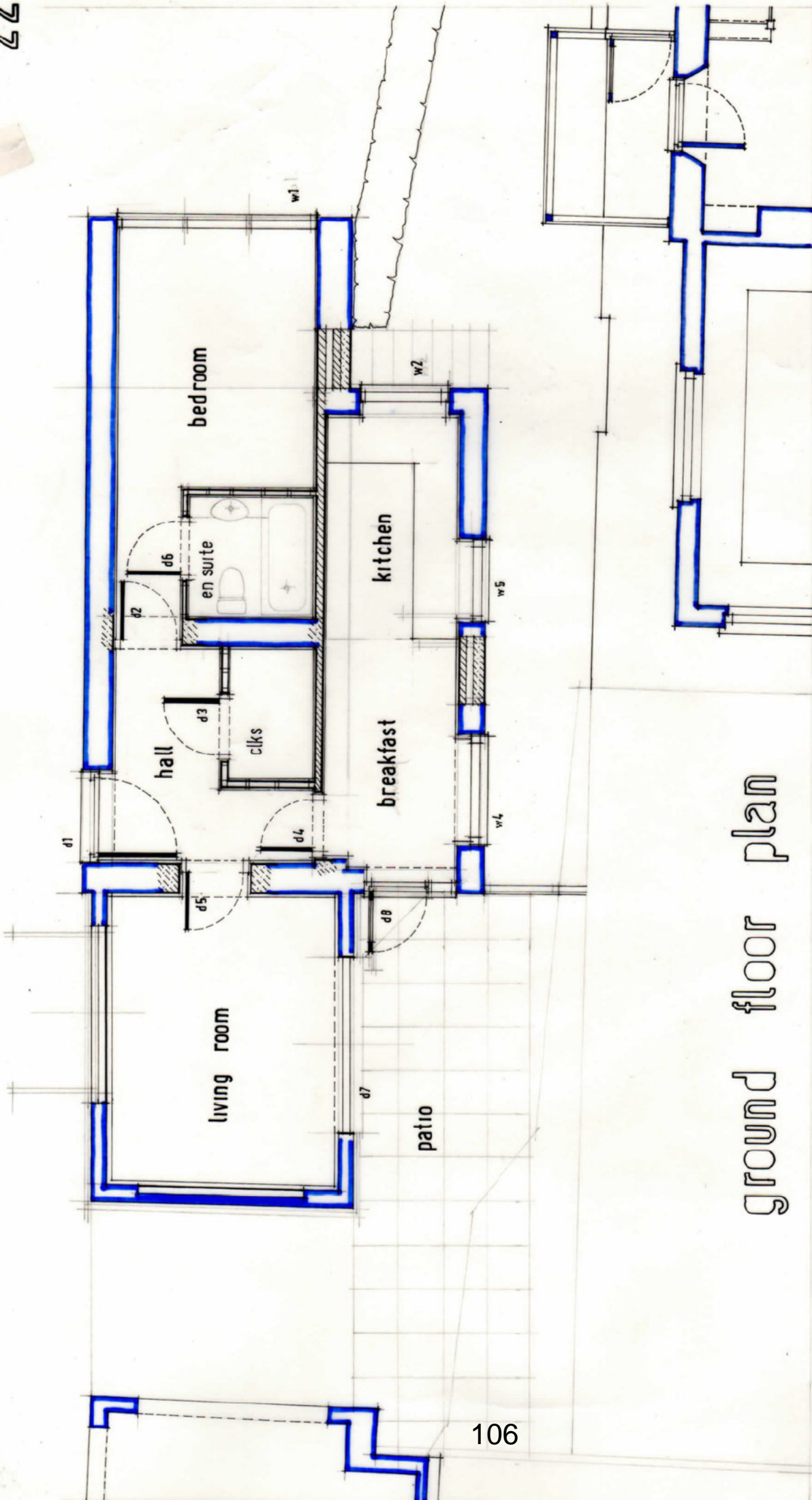
1 King Arthur Close Charlton Park  
Cheltenham Glos GL53 7EX

Mobile : 07973304480

e-mail : i\_johnstone@outlook.com

19





ground floor plan

Job : **Bushcombe House Farm Bushcombe Lane Woodmancote Cheltenham Glos GL52 9QL**

Client : [REDACTED]

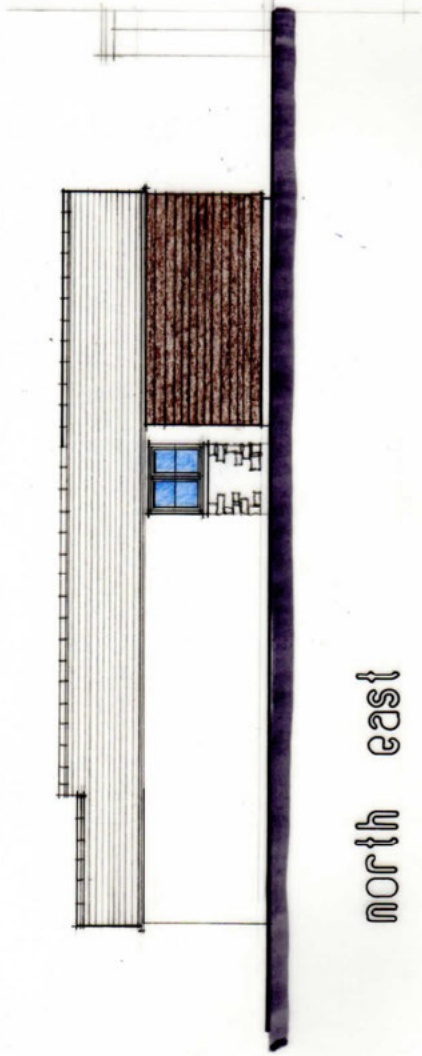
Drawing : **Details of Proposed Conversion of Barn A Ground Floor Plan : As Proposed**

Scale : **1:50 @ A3**  
 Job No : **240.16**

Ian Johnstone Associates  
 Building Planning & Design  
 1 King Arthur Close Charlton Park  
 Cheltenham Glos GL53 7EX

Date : **December 2020**  
 Drawing No : **22**

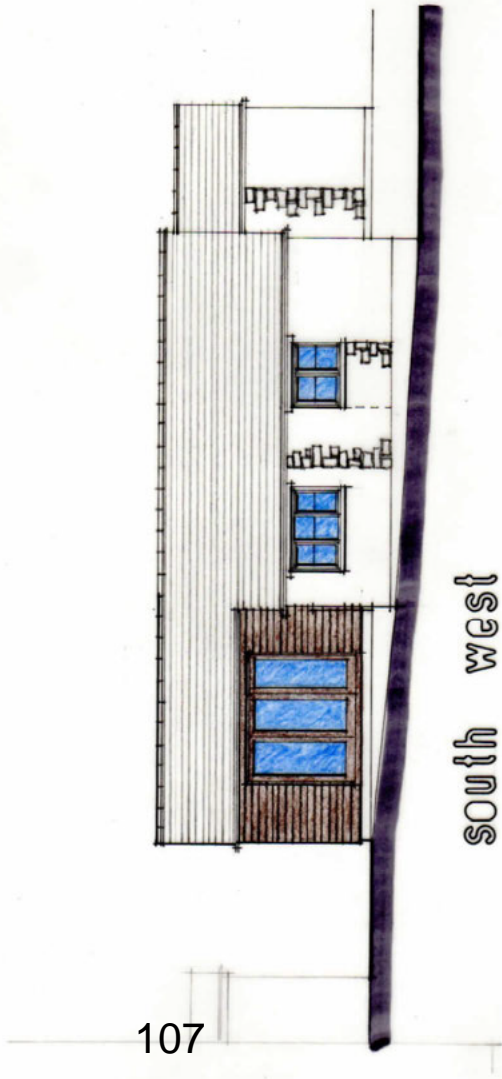
Tel no : **01242 576409**  
 Mobile : **07973 304480**  
 e-mail : **i.johnstone@outlook.com**



north east



north west



south west



south east



Job : **Bushcombe House Farm Bushcombe Lane Woodmancote  
Cheltenham Glos GL52 9QL**

Client : [REDACTED]

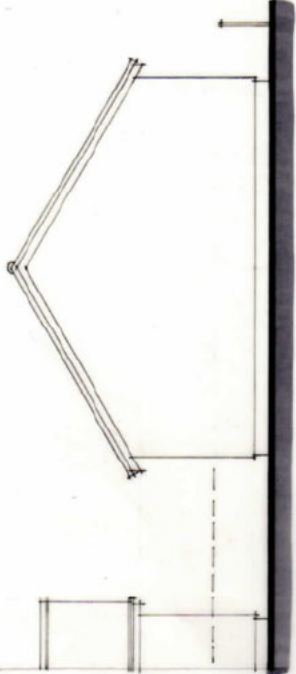
Drawing : **Details of Proposed Conversion of Barn A  
Elevations : As Proposed**

Scale : **1:100 @ A3**  
Job No : **240.16**

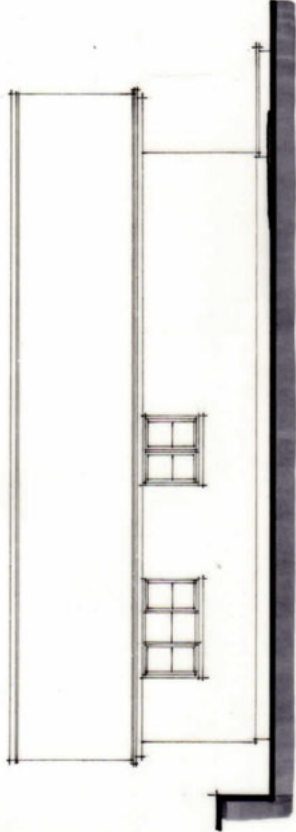
Date : **December 2020**  
Drawing No : **23**

**Ian Johnstone Associates**  
Building Planning & Design  
1 King Arthur Close Charlton Park  
Cheltenham Glos GL53 7EX

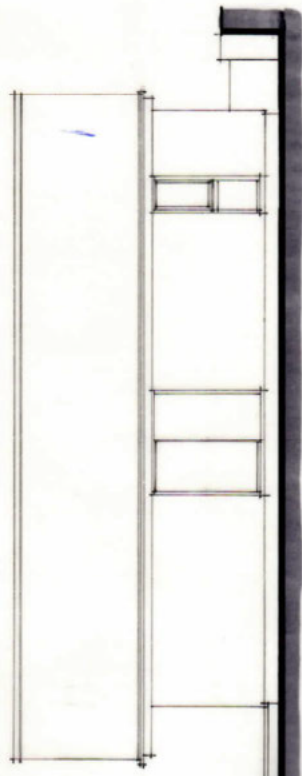
Tel no : **01242 576409**  
Mobile : **07973 304480**  
e-mail : **i\_johnstone@outlook.com**



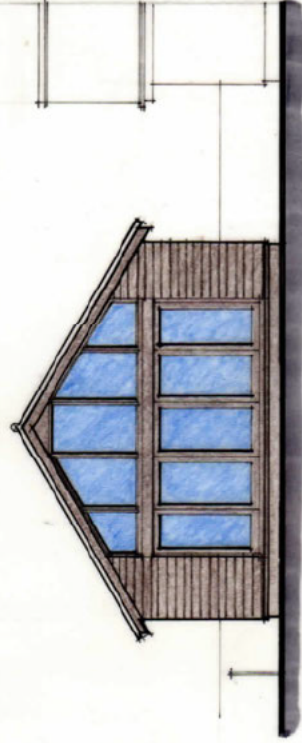
east



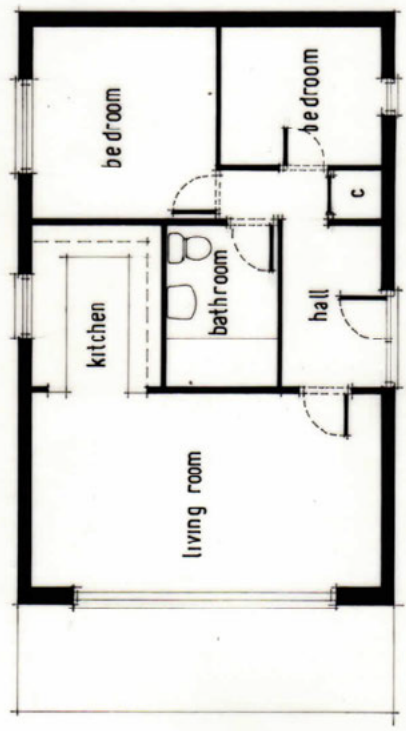
north



south



west



floor plan



Job : Bushcombe House Farm Bushcombe Lane Woodmancote  
Cheltenham Glos GL52 9QL

Client : [Redacted]

Drawing : Details of Proposed Replacement Building Barn B  
Floor plan & Elevations : As Proposed

Scale : 1:100 @ A3

Job No : 240.16

Ian Johnstone Associates  
Building Planning & Design

1 King Arthur Close Charlton Park  
Cheltenham Glos GL53 7EX

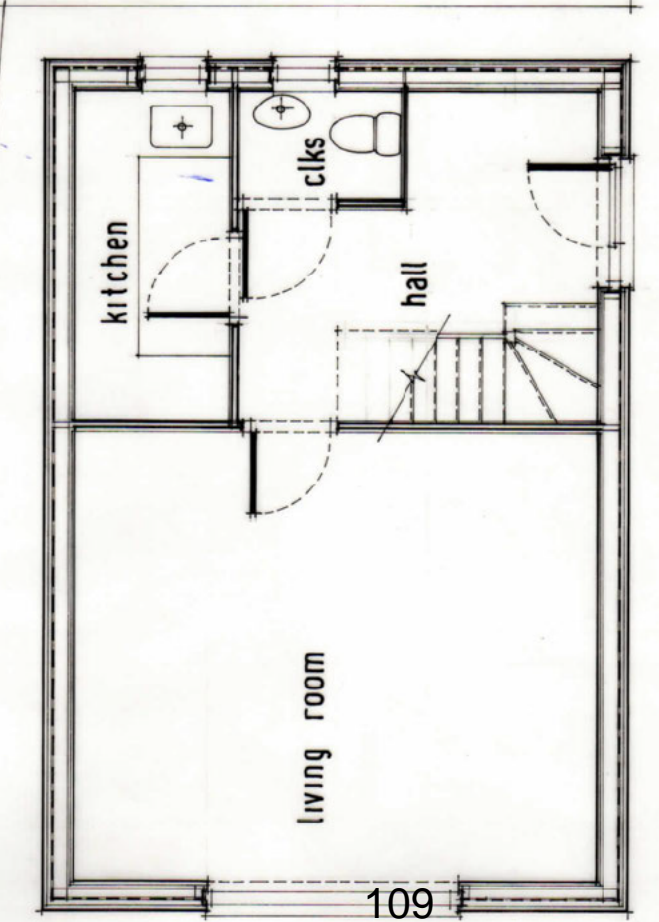
Date : May 2022

Drawing No : 26

Tel no : 01242 576409

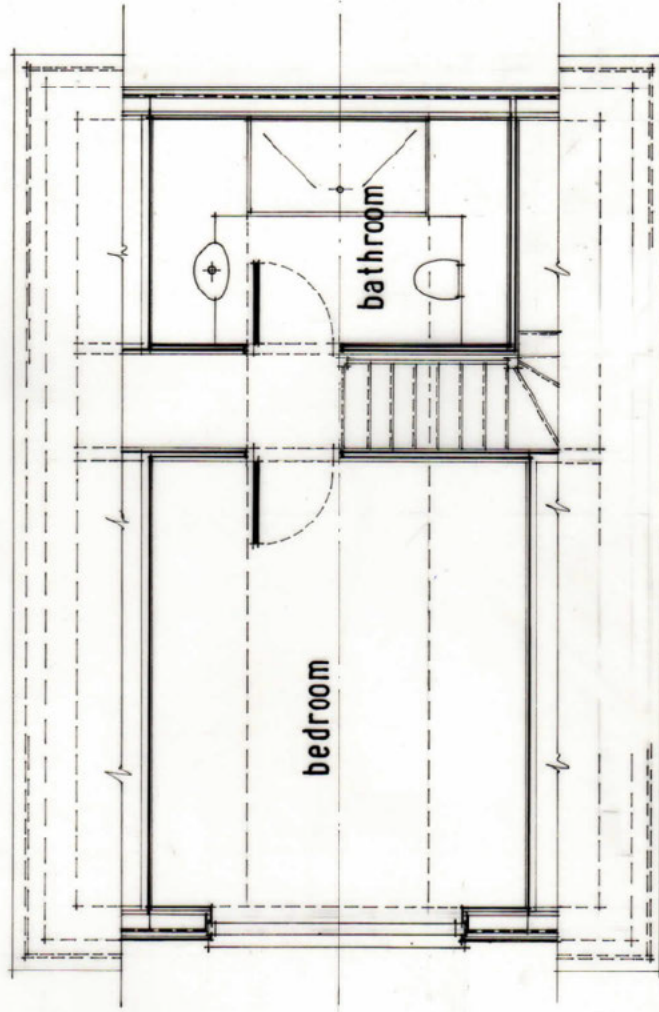
Mobile : 07973 304480

e-mail : i\_johnstone@outlook.com



109

ground floor



first floor



Job : Bushcombe House Farm Bushcombe Lane Woodmancote  
 Cheltenham Glos GL52 9QL

Client : [REDACTED]

Drawing : Details of Proposed Replacement Building Barn C  
 Floor plans : As Proposed

Scale : 1:50 @ A3

Job No : 240.16

Ian Johnstone Associates  
 Building Planning & Design  
 1 King Arthur Close Charlton Park  
 Cheltenham Glos GL53 7EX

Date : December 2020

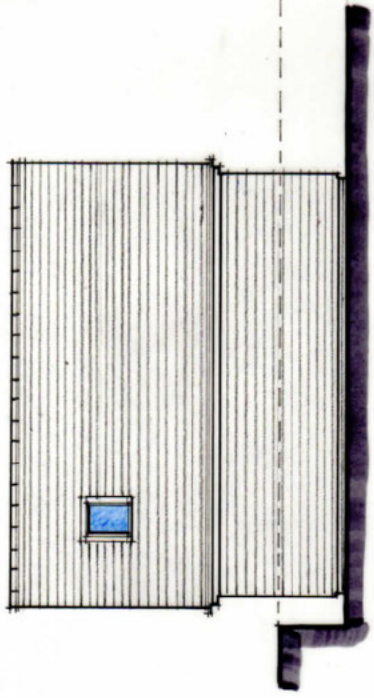
Drawing No : 30

Tel no : 01242 576409

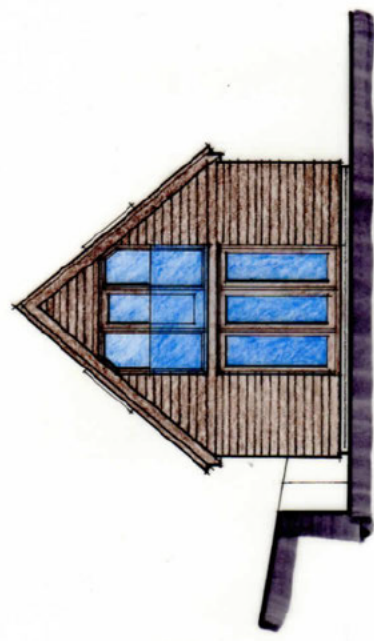
Mobile : 07973 304480

e-mail : i\_johnstone@outlook.com

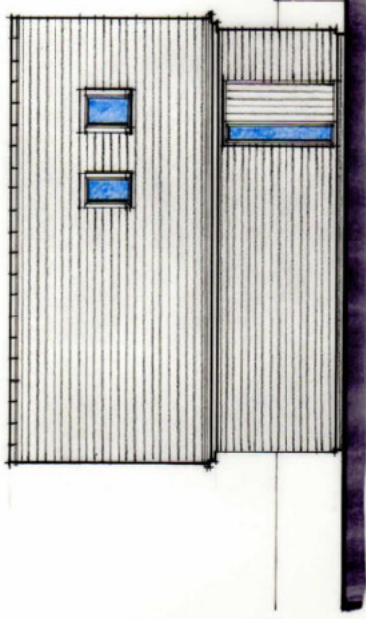




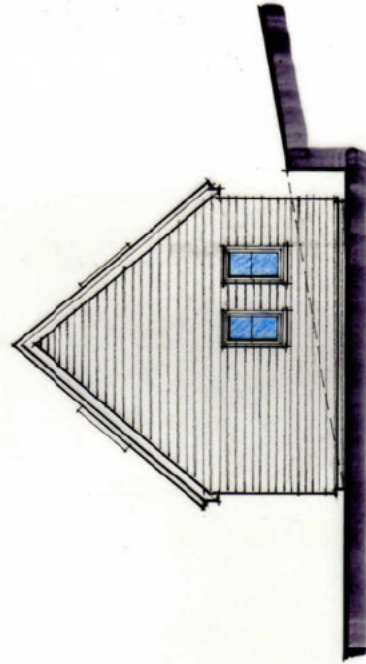
north east



north west



south west



south east



Job : **Bushcombe House Farm Bushcombe Lane Woodmancote  
Cheltenham Glos GL52 9QL**

Client : **[REDACTED]**

Drawing : **Details of Proposed Replacement Building Barn C  
Elevations : As Proposed**

Scale : **1:100 @ A3**

Job No : **240.16**

**Ian Johnstone Associates  
Building Planning & Design**

**1 King Arthur Close Charlton Park  
Cheltenham Glos GL53 7EX**

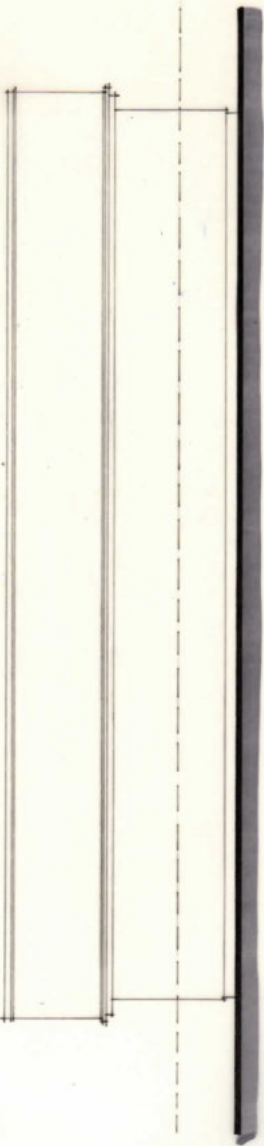
Date : **December 2020**

Drawing No : **31**

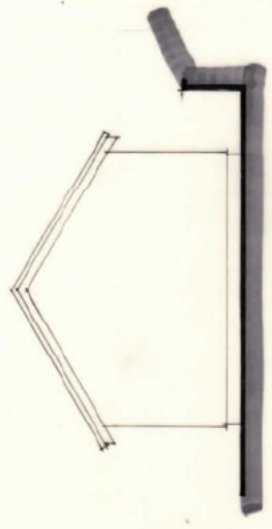
Tel no : **01242 576409**

Mobile : **07973 304480**

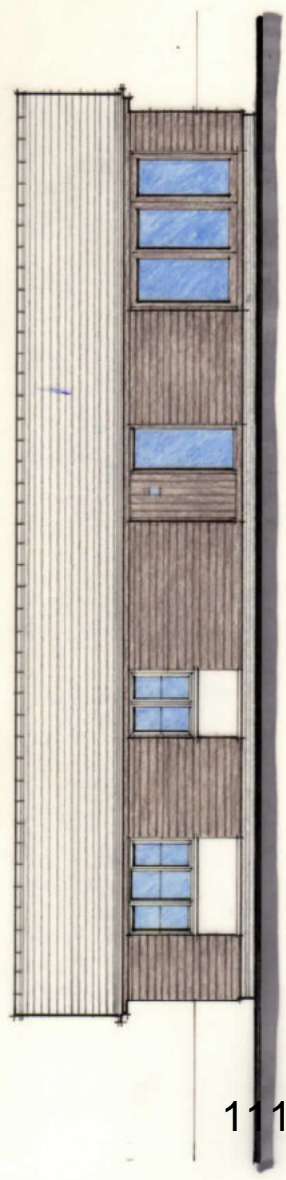
e-mail : **I\_Johnstone@outlook.com**



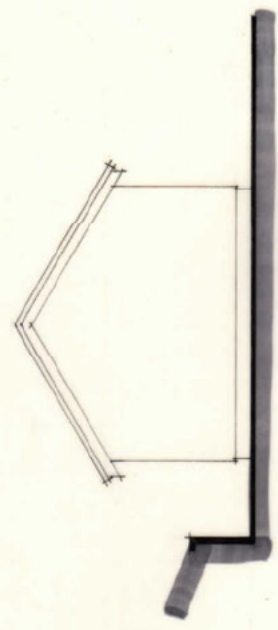
north east



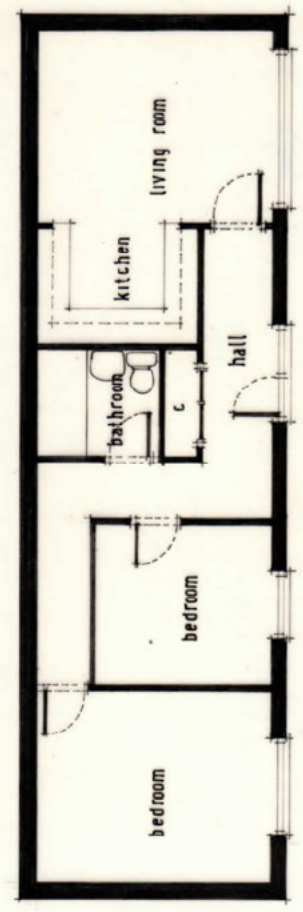
south east



south west



north west



floor plan

Job : Bushcombe House Farm Bushcombe Lane Woodmancote  
Cheltenham Glos GL52 9QL

Client : [Redacted]

Drawing : Details of Proposed Replacement Building Barn D  
Floor Plan & Elevations : As Proposed

Scale : 1:100 @ A3

Date : May 2022

Job No : 240.16

Drawing No : 32

Ian Johnstone Associates  
Building Planning & Design

Tel no : 01242 576409

Mobile : 07973 304480

1 King Arthur Close Charlton Park  
Cheltenham Glos GL53 7EX

e-mail : i\_johnstone@outlook.com

## Planning Committee

<b>Date</b>	19 December 2023
<b>Case Officer</b>	Frank Whitley
<b>Application No.</b>	23/00874/FUL
<b>Site Location</b>	Part Parcel 8019, Chargrove Lane
<b>Proposal</b>	Agricultural access onto Chargrove Lane - revision to application ref. 22/01375/FUL
<b>Ward</b>	Shurdington
<b>Parish</b>	Shurdington
<b>Appendices</b>	Site location plan Site layout Landscape proposals Swept path analysis
<b>Reason for Referral to Committee</b>	Parish Council objection
<b>Recommendation</b>	Permit subject to no highway objections being received.

### Site Location



## **1. The Proposal**

---

- 1.1** The application seeks planning permission for: Agricultural access onto Chargrove Lane, Up Hatherley. Revision to application ref. 22/01375/FUL (amended description)
- 1.2** Members will recall, the previous access proposal (22/01375/FUL) was deferred at May Planning Committee for a site visit and permission subsequently refused by the June Planning Committee.
- 1.3** This revised application proposes a smaller access to be used by tractor and trailer instead of articulated lorries as previously proposed.

## **2. Site Description**

---

- 2.1** The application site is located on the western side of Chargrove Lane and comprises a grass field, formerly associated with the farm at South Park immediately to the south. The group of buildings at South Park comprise a dwelling and former traditional farm buildings, now permitted for residential conversion to three dwellings under planning permission 21/01387/FUL.
- 2.2** Since there are now no agricultural buildings to serve the farm, the track leading to South Park has now become a drive solely for domestic purposes and the application field now forms part of a separately tenanted holding around South Park of @80 acres.
- 2.3** It is understood this grazing land, forms part of a wider agricultural holding dispersed across Gloucestershire. The applicant has advised that cattle are housed indoors during the winter near Woolstone, and between 30-40 animals would be turned out on the South Park land following a first cut of hay. Cattle would then be removed at the end of the summer months.
- 2.4** The proposal is to form a new opening in the roadside hedgerow between Chargrove Lane Nature Reserve (to the north) and the fork in the road which leads to South Park (to the south). Inside of the new opening, an entrance splay would be formed. The turning circle and drive which previously featured in application 22/01375/FUL has been dispensed with. The field would now only be accessed by tractor (and stock/hay trailer).
- 2.5** As before, the access would require the removal of 60m of the existing roadside hedgerow. However, the hedgerow would be replanted at a shallow angle, taking account of the smaller dimensions of the entrance splay, and the hedge would be significantly strengthened, along the remainder of Chargrove Lane. Furthermore, the applicant has agreed to re-align the existing traditional iron estate boundary fencing to the new hedgerow.
- 2.6** The application site is within the Green Belt, though not within any other designated land classification.

- 2.7 In summary, the current application comprises the following revisions to the previous
- There is to be no turning circle inside the access
  - The proposal features a smaller opening and smaller area of hardcore surface, to be used only by tractors (towing a stock/hay trailer)
  - The new roadside hedge would be replanted at a shallower angle to Chargrove Lane
  - The existing hedge on Chargrove Lane outside of the visibility splay would be improved and strengthened
  - The opening in the hedge on the far side of the field is no longer required.

### 3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
21/01387/FUL	Restoration of existing farmhouse and conversion of existing barns to provide three new dwellings and associated landscaping and infrastructure.	Permit	20 April 2022
22/01375/FUL	Agricultural access and hardstanding (amended description)	Refuse	20 June 2023

### 4. Consultation Responses

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

#### 4.1 Shurdington Parish Council - Object

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

#### 4.2 Up Hatherley Parish Council (Adjacent Parish) - Object

- There is no agricultural need
- There are no cattle in the field
- Access would be used so infrequently there can be no justification
- Would facilitate further development
- Ownership maps supplied are misleading

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

Case officer note: The consultation response incorrectly refers to 26m roadside hedgerow being removed. The actual distance is @60m. Notwithstanding, Officers do not consider that the opinion or proposed conditions would be any different.

#### 4.4 Highways Officer- Observations are awaited.

## 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 was publicised through the posting of a site notice for 21 days. In response, 15 objections have been received. The comments raised are summarised below:
- Poor siting and does not adequately address previous reasons for refusal
  - Access too small for hay trailers attached to tractors
  - Alternative access points exist to field
  - No agricultural requirement for access
  - Destruction of hedge in area of beauty, used for recreation in Green Belt
  - Use of chemicals to destroy vegetation
  - Harm to biodiversity
  - Traffic congestion
  - Existing public amenity value would be harmed
  - Loss of iron rail fence

## 6. Relevant Planning Policies and Considerations

---

### 6.1 Statutory Duty

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

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

### 6.2 National guidance

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

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

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

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

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

## 7. Policy Context

---

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

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

## 8.0 Evaluation

---

### **Main Issues**

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

### **Principle of Development**

- 8.1 This application is a resubmission following the refusal of planning application no. 22/01375/FUL for an agricultural access and hardstanding at the site. The reason for refusal is set out below:

*The proposed development is poorly sited in relation to existing buildings, access tracks, ancillary structures and landscape features and is therefore contrary to the provisions of the NPPF, Policy SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, and Policies EMP4, LAN2 and AGR1 of the Tewkesbury Borough Local Plan. For reasons of extensive loss of hedgerow and the significant area of hard surfacing needed to facilitate the turning of articulated HGVs, the development would cause unacceptable and unwarranted visual harm to the generally undeveloped rural landscape. Additional tree planting, copse creation and hedge restoration to parts of the Chargrove Lane fails to mitigate the identified harm and conflict with policy.*

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

### **Green Belt**

- 8.4 According to the NPPF, the aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Amongst other purposes, the Green Belt assists in safeguarding the countryside from encroachment. Inappropriate development is by definition harmful to the Green Belt. The NPPF states that buildings for agricultural development are not inappropriate as are engineering operations providing they preserve openness of the Green Belt.

- 8.5** In this case, no new buildings are proposed however the works would constitute an engineering operation. Accordingly, it is not considered that the proposed development would have any impact upon the openness of the Green Belt. Neither would there be any conflict with the adopted JCS, or the adopted TBP in as far as they are relevant to protecting the Green Belt.

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

- 8.6** Although not formally designated, the landscape within which the application site is situated, has an attractive character. Chargrove Lane passes through pasture land, enclosed by traditional field margins, hedgerow, trees and small pockets of woodland. Apart from there being glimpses of the built-up area of Cheltenham to the north, the immediate area appears undeveloped and rural. Policy SD6 (Landscape) of the adopted JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Further, proposals will have regard to the local distinctiveness and historic character of the different landscapes in the JCS area. All applications for development will consider the landscape and visual sensitivity of the area in which they are to be located.
- 8.7** The Joint Core Strategy Landscape Characterisation Assessment and Sensitivity Analysis (2013) is relevant. According to Compartment C3 (South Park) of the Assessment, the application site is in an area of medium sensitivity where the rural character has predominantly been maintained, and intimate, historic/traditional features have endured. Of particular note, C3 states that views of the built form (Cheltenham) are *softened by boundary trees, and the compartment provides amenity value for local residents - the public footpaths and Chargrove lane are well used by dog walkers and joggers*. Further, C3 makes specific reference to *sporadically treed meandering stream; large traditional orchard; parkland features at South Park (including landmark pines, traditional metal fencing, and buildings which lend time-depth to the zone); medium sized fields; and hedge boundaries of predominantly good condition*.
- 8.8** Policy LAN2 (Landscape Character) of the TBP states that all development must be appropriate to, and integrated into, their existing landscape setting.
- 8.9** The application site is within an attractive rural area of landscape value, even though not formally designated.
- 8.10** Policy SD14 (Health and Environmental Quality) seeks to ensure that high quality development protects and improves environmental quality. Further, SD14 states that new development must cause no unacceptable harm to local amenity. Based on the representations received, Chargrove Lane and its nearby network of paths are cherished by the local community for their combined amenity value.
- 8.11** Officers acknowledge this revised application would result in the removal of approximately 60m of roadside hedgerow in the same way as proposed before. The loss of the hedgerow contributed to the refusal of 22/01375/FUL. However, in this case the replanted hedge would be at a shallower angle to the edge of Chargrove Lane. Accordingly, the change would be less conspicuous. Furthermore, the turning circle, hardstanding and associated visual harm has been removed from the application altogether and the entrance splay itself is narrower and extends a shorter distance into the field. Cumulatively, the revisions reduce the harm significantly.



- 8.12** A further concern in the previous application was the loss of the traditional iron estate fencing which currently runs parallel and close to the side of Chargrove Lane. The estate fence is specifically referred to in the Landscape Character Assessment and Sensitivity Analysis as a feature of interest. The applicant has agreed to reinstate the estate iron fence along the new hedgerow to mitigate impacts of development. This agreement provides some weight in favour of development and can be secured by condition. The Conservation Officer strongly supports reinstatement of the estate fence.
- 8.13** The applicant has identified gaps in the hedge alongside Chargrove Lane, outside of the new visibility splay. As well as the planting of additional new trees the hedge line would be strengthened by targeted infilling of appropriate native species.
- 8.14** It is accepted there will still be a visual change to Chargrove Lane. However in terms of harm to the landscape character of Chargrove Lane, Officers consider the revisions adequately address the previous reason for refusal. On balance, it is considered the development complies with SD6 and SD14 of the adopted JCS and Policy LAN2 of the TBP.

### ***Agricultural Justification***

- 8.15** The supporting planning statement explains the proposed access is required for managing and gaining access to the existing agricultural land, and it would be used by farm vehicle and machinery. The enterprise comprises @80 acres of agricultural land.
- 8.16** The holding was formerly part of South Park Farm, which now has planning permission for residential development. There is no agricultural access through South Park Farm. As well as grazing 30-40 cattle on the land, the new access would be required to transport hay, on and off the land.
- 8.17** Officers note that concerns raised amongst the public objections, is reference to the availability of an alternative existing access. The existing field gate access is located adjacent to the entrance track to South Park Farm. The agent explains that the access is on a bend and faces in a direction where it is difficult to manoeuvre large vehicles. Furthermore, cars frequently park in the layby opposite, thereby limiting turning space. Officers consider there is sufficient merit in this explanation to justify creation of a new access.
- 8.18** There is some justification for the development in terms of its contribution to the agricultural business, as it was with 22/01375/FUL. The development would facilitate the efficient rotation of cattle on the land holding and contribute to rural employment. In principle, the development accords with Policy EMP4 (Rural Employment Development) of the adopted TBP where it states that proposals for new agricultural development will be supported. Compliance with EMP4 is also subject to consideration of Policy AGR1 of the adopted TBP.
- 8.19** Policy AGR1 (Agricultural Development) states that proposals for new agricultural development will be permitted provided that (amongst other things):

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

- 8.20 Taking account of the revisions, it is acknowledged the access position has not changed. However, the overall impact is considerably less to the extent that the access would in time, integrate into the landscape, subject to the establishment of hedgerow and tree planting.
- 8.21 Officers consider that where limited conflict remains with the requirements of AGR1, the harm is outweighed by the aims of EMP4, those being to support employment and the rural economy.

### ***Highways***

- 8.22 County Council Highways has not yet provided a consultation response, though Members should note there was no Highways objection to the previous scheme, which was to be used by articulated vehicles. The proposed use by tractors and trailers is not likely to cause any additional Highways risk. **An update will be provided at Committee.**

### ***Ecology and Trees***

- 8.23 There is no ecological objection to development. Landscaping proposals include the planting of 1 x oak, and 9 x field maple trees. All are fenced off and sufficiently set back from the access to avoid obstructing visibility. It is recommended that detailed landscaping measures are secured by condition, which would include a strategy and method statement for reinstatement of the estate fence.

## **9. Conclusion**

---

- 9.1 The agricultural access is no longer intended to be used by articulated lorries, and instead by tractor and trailer only. Officers consider the new access is justified, and its size has been reduced accordingly. Although the development would still result in visual change, the limited harm to the landscape and character of Chargrove Lane is outweighed by benefits to the rural economy, and further mitigated by additional hedge and tree planting.
- 9.2 On balance, the development is considered to comply with to the provisions of the NPPF, Policies SD6 (Landscape), SD14 (Health and Environmental Quality) of the adopted JCS, and Policies EMP4 (Rural Employment Development). The benefits of development and proposed mitigation outweigh limited conflict with Policies AGR1 (Agricultural Development) and Policy LAN2 (Landscape Character) of the TBP.

## **10. Recommendation**

---

- 10.1 The application is recommended for **permit**.

## **11. Conditions**

---

- 1 The development hereby permitted shall not be begun after the expiration of three years from the date of this consent.

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

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

Received 28 Sept 2023:

- Location Plan SK03 RevE
- Site layout SK04 Rev1

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

- 3 Development shall not commence until details of surfacing materials and finish, for the access hereby approved, have been submitted to and approved in writing by the Local Planning Authority. The access shall be surfaced as approved.

Reason: In the interests of visual amenity

- 4 Development shall not commence until details of the landscaping, include a strategy, method statement and timescales for the reinstatement of the historic iron estate fencing have been submitted to and approved in writing by the Local Planning Authority. Planting shall take place in accordance with the approved details no later than the first planting season following the development being brought into use. The landscaping shall thereafter be maintained for a period of 5 years. If during this time any trees, shrubs or other plants are removed, die, or are seriously diseased these shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason: In the interest of visual amenity and to maintain the character of Chargrove Lane.

## **11. Informatives**

---

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



**Notes:**

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

**Key:**

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

Rev	Date	Drawn	Checked
E	18.11.22	MG	MG
D	13.09.22	FA	MG
C	28.07.22	MG	MG
B	06.04.22	SE	MG
A	26.11.20	FA	MG

Updated Red Line Boundary  
Updated Red Line Boundary  
Updated Access Design  
Proposed Access area added  
Updated Client Land Ownership & Boundaries

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

CLIENT: [Redacted]

PROJECT:  
**South Park,  
Cheltenham**

TITLE:  
**Site Location Plan**

STATUS:  
**PLANNING**

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



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

**Key:**

- Application Site Boundary
- Client Land Ownership
- Highway Boundary (Transcribed Highway Boundary based on GCC plan)
- 2.4m x 26.1m Northern Visibility Splay (Based on a Recorded 85<sup>th</sup> Percentile Speed of 21mph)
- 2.4m x 33.7m Southern Visibility Splay (Based on a Recorded 85<sup>th</sup> Percentile Speed of 25mph)

Rev	Date	Drawn	Checked
1	26.09.23	FA	ES
H	22.09.23	FA	ES
G	14.09.23	MY	MG
F	13.09.23	FA	MG
E	26.07.23	FA	MG
D	08.04.23	SE	MG
C	24.03.23	MY	MG
B	02.02.22	FA	MG
A	26.11.20	FA	MG

**rappor**

infrastructure and environmental consultants

rappor.co.uk

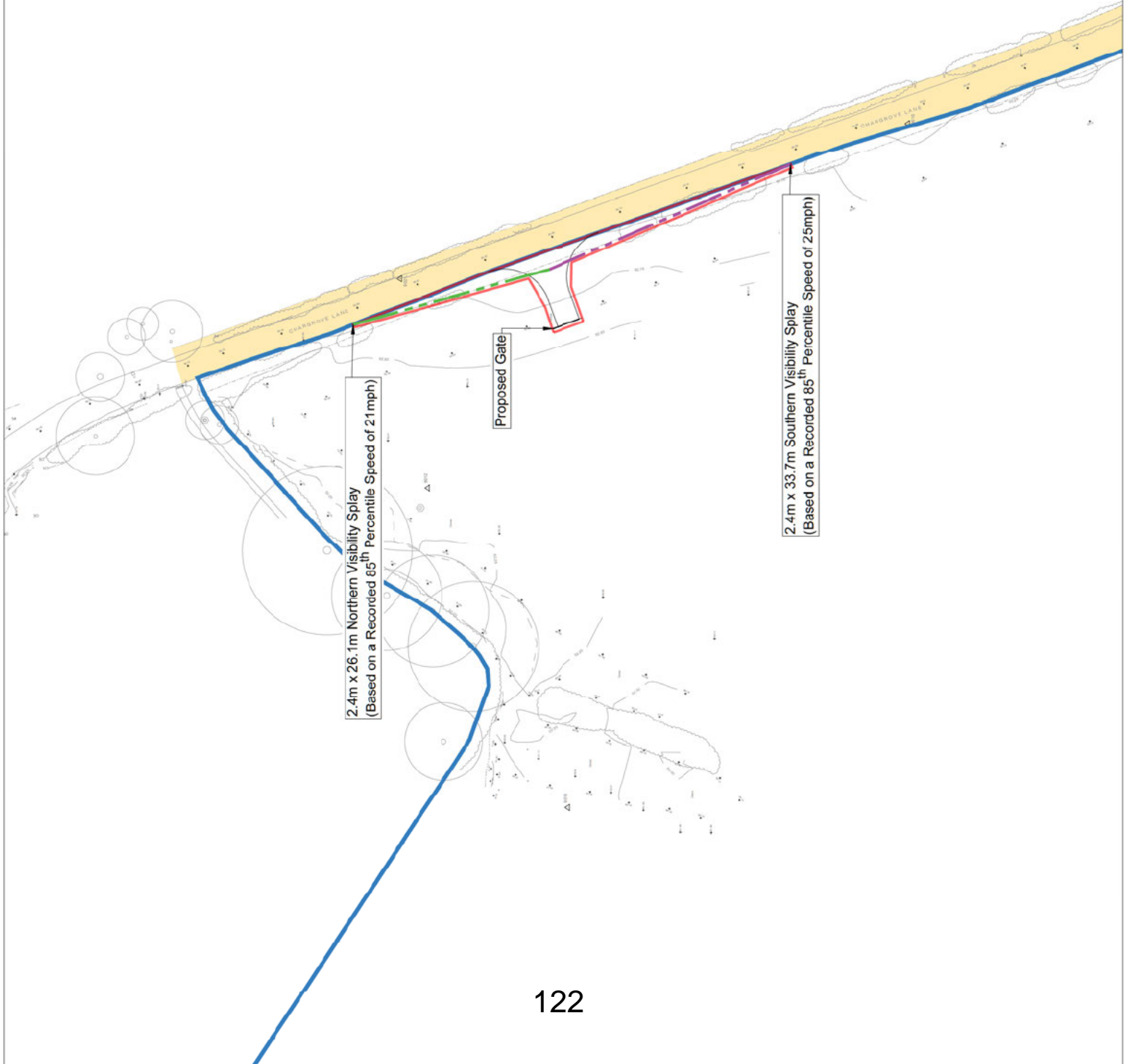
CLIENT: [REDACTED]

PROJECT: South Park, Cheltenham

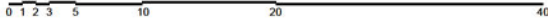
TITLE: Proposed Site Layout

STATUS: **PLANNING**

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



Scale



Notes

- 1) Do not scale directly from this drawing.
- 2) This drawing is to be read in conjunction with all other relevant MHP drawings and information supplied by other consultants.
- 3) Hatch patterns displayed on this drawing are indicative only and do not represent actual paving units or material sizes.
- 4) All tree planting in proximity to buildings to be checked by engineers to ensure foundation detailing is appropriate.

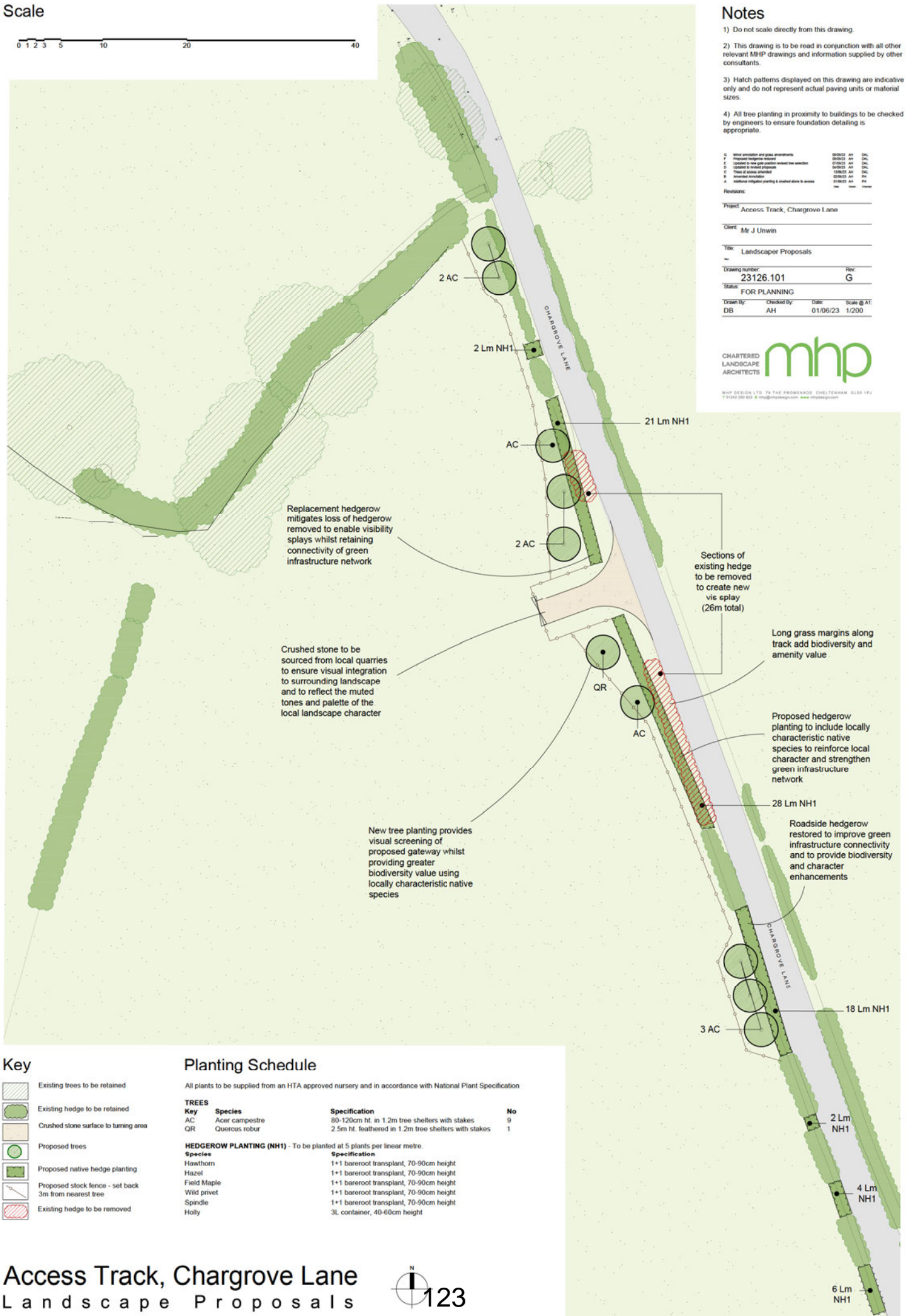
C	Minor amendment and glass amendments	01/06/23	AH	SAL
F	Proposed hedgerow removed	01/06/23	AH	SAL
E	Updates to new gate position and tree selection	01/06/23	AH	SAL
D	Updates to layout proposals	01/06/23	AH	SAL
C	Tree of access provided	01/06/23	AH	SAL
B	Amended specification	01/06/23	AH	SAL
A	Additional vegetation planting & crushed stone to access	01/06/23	AH	PH

Revisions:

Project:	Access Track, Chargrove Lane
Client:	Mr J Urwin
Title:	Landscape Proposals
Drawing number:	23126.101
Rev:	G
Status:	FOR PLANNING
Drawn By:	AH
Checked By:	AH
Date:	01/06/23
Scale @ A1:	1/200

CHARTERED LANDSCAPE ARCHITECTS

MHP DESIGN LTD 79 THE PROMENADE, CHELTENHAM, GLOS HP2 1JZ  
T 01292 50102 E info@mhpdesign.com W www.mhpdesign.com



Key

- Existing trees to be retained
- Existing hedge to be retained
- Crushed stone surface to turning area
- Proposed trees
- Proposed native hedge planting
- Proposed stock fence - set back 3m from nearest tree
- Existing hedge to be removed

Planting Schedule

All plants to be supplied from an HTA approved nursery and in accordance with National Plant Specification

TREES		Specification	No
Key	Species		
AC	Acer campestre	80-120cm ht. in 1.2m tree shelters with stakes	9
QR	Quercus robur	2.5m ht. feathered in 1.2m tree shelters with stakes	1

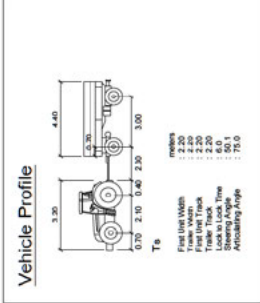
**HEDGEROW PLANTING (NH1)** - To be planted at 5 plants per linear metre.

Species	Specification
Hawthorn	1+1 bareroot transplant, 70-90cm height
Hazel	1+1 bareroot transplant, 70-90cm height
Field Maple	1+1 bareroot transplant, 70-90cm height
Wild privet	1+1 bareroot transplant, 70-90cm height
Spindle	1+1 bareroot transplant, 70-90cm height
Holly	3L container, 40-60cm height

Access Track, Chargrove Lane  
Landscape Proposals



- Notes:**
- Do not scale from this drawing. All dimensions are in metres, unless stated otherwise.
  - This topographical drawing was received by C/Cantor, drawing number (20-01-1), and drawing date (12.03.2020)
  - Ordnance Survey. (c) Crown Copyright 2020. All rights reserved. Licence number 100022432.



**Key:**

- Application Site Boundary
- Client Land Ownership

Rev	Date	Drawn	Checked
B	28.09.23	ES	FA
A	13.08.23	FA	MG

Updated Site Boundary  
Updated Land Use Boundary & Data

**rappor**



infrastructure and  
environmental consultants

irappor.co.uk

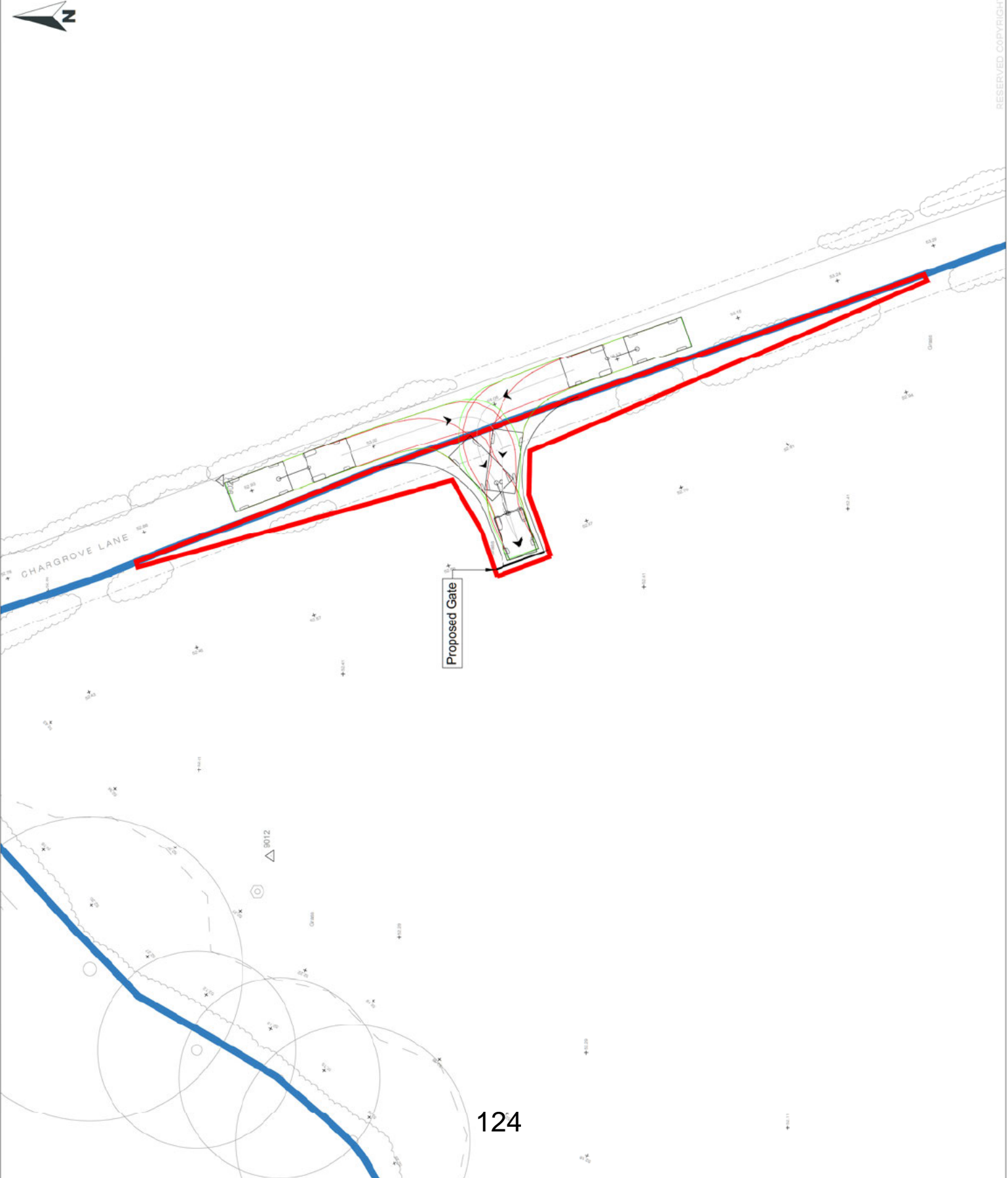
CLIENT

PROJECT:  
South Park,  
Cheltenham

TITLE:  
Swept Path Analysis -  
Tractor with Trailer

STATUS:  
**PLANNING**

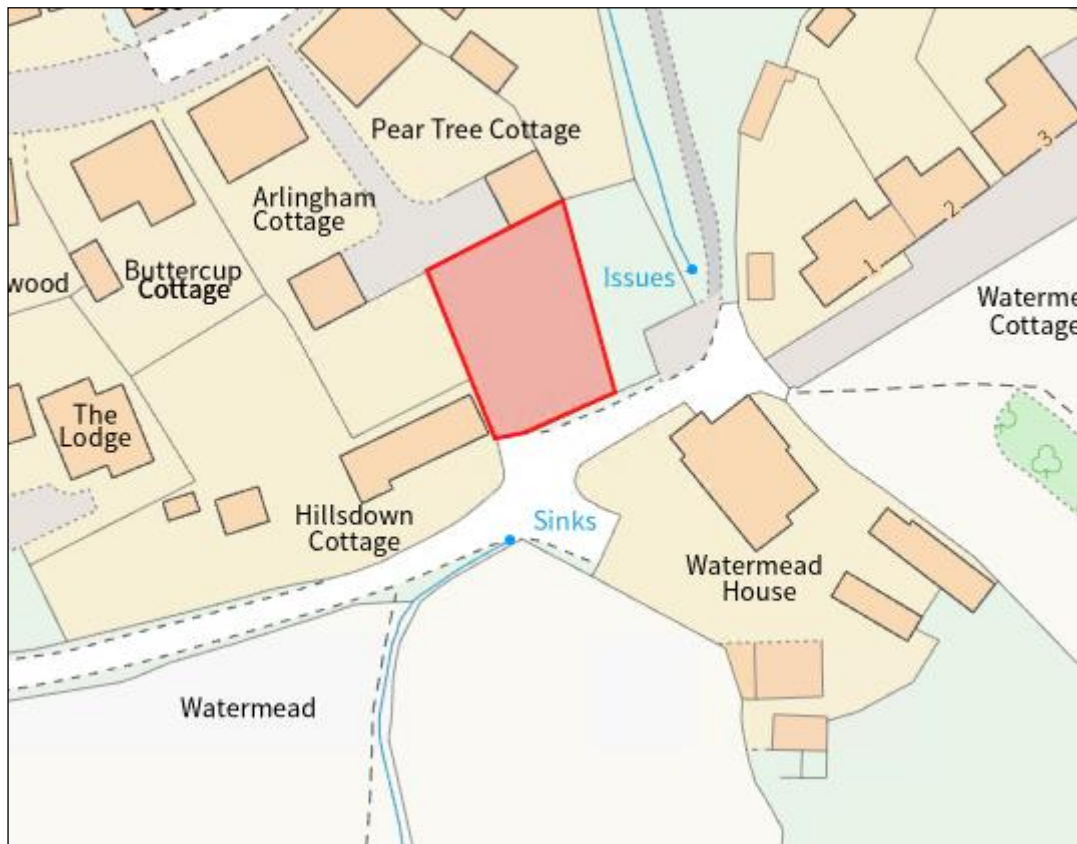
SCALE @ A3	DATE	DRAWN	CHECKED	APPROVED
1:250	26.07.23	FC	MG	MG
JOB NO	DRAWING NO	REVISION		
21-0468	SP05	B		



## Planning Committee

<b>Date</b>	19 December 2023
<b>Case Officer</b>	Joe Gibbons
<b>Application No.</b>	23/00850/FUL
<b>Site Location</b>	Pear Tree Cottage Tumper View Brockworth
<b>Proposal</b>	Incorporation of buffer land into residential garden of Pear Tree Cottage, Tumper View, Brockworth (retrospective application).
<b>Ward</b>	Brockworth West
<b>Parish</b>	Brockworth
<b>Appendices</b>	Site Location Plan Block Plan
<b>Reason for Referral to Committee</b>	Brockworth Parish Council objection on impact to setting of the Cotswold Area of Outstanding Natural Beauty.
<b>Recommendation</b>	Permit

### Site Location





## 1. The Proposal

---

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S1BTGWQDKIP00>

- 1.1 This application seeks retrospective planning permission for the change of use of an area of 'buffer land' to form an enlarged residential garden to Pear Tree Cottage.

## 2. Site Description

---

- 2.1 Pear Tree Cottage is a modern detached dwelling which was approved as part of a wider residential development of 80 dwellings in 2010 (08/01221/OUT). The area of land subject of this application is located to the south (rear) of the garden and parking area to Pear Tree Cottage, is presently maintained as grass and accommodates a number of lightweight chicken coops located against the southern fence line with a lane off Green Street.
- 2.2 The application site lies in Flood Zone 1 (lowest risk of flooding) and is not subject to any other constraints, however the site is in proximity to the edge of the Cotswolds National Landscape (formerly Area of Outstanding Natural Beauty).
- 2.3 The site comprises a number of moveable chicken coops which are considered to be lightweight, portable structures which could be moved around the site. The coops are not considered to amount to development as set out within Section 55 of the Town and County Planning Act 1990 and therefore are not within the scope of this application.
- 2.4 Condition 29 of 08/01221/OUT required the proposed public open space, landscape buffer area and Locally Equipped Play Area (LEAP) to be provided in the areas shown on plan TP Plan Ref:3675. This plan identified the application site as part of the a 'landscape buffer' area along the southern margin of the development. The condition was required to provide adequate provision of open space and to ensure that the development integrates harmoniously with its surroundings and does not adversely impact on the landscape, providing a sliver of green space along the lane.

## 3. Relevant Planning History

---

Application Number	Proposal	Decision	Decision Date
92/94020/FUL	Erection of 23 bungalows with garages. Construction of new vehicular accesses and footpaths	REF	07.04.1992
07/01395/FUL	Residential development comprising 81 units (1, 2, 3 and 4 Bed Houses and Flats) with associated access road, parking, landscaping and open space.	REF	26.02.2008
08/01221/OUT	Outline planning application for residential development for up to 80 dwellings including means of access.	PER	29.11.2010

11/00720/FUL	Removal of condition 7 attached to 08/01221/OUT (outline permission for up to 80 dwellings) which requires measures to be put in place to prevent through vehicular traffic to and from Green Street.	PER	17.10.2011
88/00319/OUT	Outline application for residential development (0.67 ha) Including construction of a new vehicular and pedestrian access.	REF	11.05.1988
22/00744/CLP	Erection of a single storey rear extension.	CLPCER	12.10.2022

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

---

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

- 4.1 Objection Parish Council – Objection due to impact on the setting of the Cotswold Area of Outstanding Natural Beauty.
- 4.2 Building Control – No comment
- 4.3 Environmental Health – No objections.
- 4.4 Gloucestershire Highways – 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 one letter of support and one letter of objection have been received.

The comments raised are summarised below:

##### Objection

- Land used by residents of Pear Tree Cottage since 2014.
- No right of way to Watermead Lane
- Buffer Zone should not be kept lawn but wild planting.
- Land should remain a landscape buffer.

##### Support

- Use established in 2014
- No negative impact as a garden
- No visual impact on the enjoyment of the environment
- There is a house adjacent to the garden, next to that there are two new houses with garden areas fronting the road
- Garden use is consistent with the immediate area
- No loss of privacy
- No impact on traffic, trees, landscape or the character of the area

## **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 SD6 (Landscape)
- Policy SD7 (Cotswold Area of Outstanding Natural Beauty)
- Policy INF1 (Transport Network)

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

- Policy RES11 (Change of use of agricultural land to domestic garden)
- Policy LAN2 (Landscape Character)

### **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** Policy RES11 of the TBLP states planning permission will be granted for the change of use of agricultural land to domestic garden providing that; there is no adverse environmental or visual impact on the form, character or setting of the settlement, there is no significant encroachment into the surrounding countryside, the form of the extension is not incongruous with the characteristic pattern of surrounding gardens, and the land-use change would not have a significant impact on local ecological networks identified in the Local Nature Recovery Strategy) or deliver a net loss of priority habitat.
- 8.2** The land is located to the south of Pear Tree Cottage and Arlingham Cottage to the north, Hillsdown Cottage to the west, Watermead Cottages to the east and Watermead House and Farm to the southeast on the opposite side Green Street. It comprises a rectangular parcel of land which is grassed and maintained in a manner comparable to a residential garden. The applicant advises that the land has been used (without planning consent) as an enlarged garden since 2014.
- 8.3** While the site, as a residual parcel of land was identified as part of a wider landscape buffer to the housing development to the north, it however comprises a small pocket of land which is surrounded by existing built development. It is considered that given this context, the change of use of this land to residential garden would be well related to existing development and would not result in any unacceptable encroachment into the wider landscape, furthermore, it would integrate with existing and adjoining garden land and would not adversely impact the visual amenity of the area.
- 8.4** For the reasons set out above, it is considered the proposed development would comply with Policy RES11 of the TBLP and the development is therefore acceptable in principle, subject to the relevant policies.

### ***Landscape impact***

- 8.5** Policy SD6 of the JCS states development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being.
- 8.6** Policy SD7 of the JCS states all development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape and scenic beauty.
- 8.7** Policy LAN2 of the TBLP states All development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting.
- 8.8** The site is located within, but on the southern edge, of the Brockworth settlement boundary. The site is not within the Cotswold National Landscape but is within its setting, with the boundary of the National Landscape falling immediately south of the site on the opposite side of Green Street.
- 8.9** As set out within this report, this application is for the change of use of the land to residential garden and no buildings are proposed. The site itself is of very limited landscape value being surrounded by residential development and being dominated by the backdrop of the Brockworth settlement when viewed from Coopers Hill.

- 8.10** Considering the setting of the site and its built-up context it is concluded that the proposed change of use would not result in any demonstrable erosion of the landscape character, significance or setting of the National Landscape. The proposed would therefore comply with Policies SD6 & SD7 of the JCS and Policy LAN2 of the TBLP.

#### ***Access and highway safety***

- 8.11** Policy INF1 requires safe and efficient access to the highway network is provided for all transport modes. The site can be accessed from Green Street to the south and via the private drive and parking spaces on the north boundary.
- 8.12** Both the southern and northern boundaries of the land include access gates. The proposed change of use of the land to residential garden would not result in any associated or additional trip generation and the proposal would not adversely impact the operation of the highway network or safety. The Local Highway authority and raised no objections to the proposal which would comply with Policy INF1 of the JCS.

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

- 8.13** Policy SD14 of the JCS requires development to cause no unacceptable harm to local amenity including the amenity of neighbouring occupants and Result in no unacceptable levels of air, noise, water, light or soil pollution or odour, either alone or cumulatively.
- 8.14** The site is between residential development on all 4 sides. The use of the land would be linked to the residential use of Pear Tree Cottage and used as outdoor amenity space for its residents.
- 8.15** It is considered that the proposed change of use would not result in any harm to neighbouring residential amenity and it is considered that the proposal would comply with Policy SD14 of the JCS.

### **9. Conclusion**

---

- 9.1** Considering all of the above, it is concluded that the proposal would be of an appropriate use, respecting the form, character and setting of the settlement and would result in no adverse impacts upon residential amenity or highway safety. Furthermore, the proposal would conserve the landscape character of the Cotswold National Landscape, representing acceptable development within its setting.

### **10. Recommendation**

---

- 10.1** It is considered that the proposal would accord with relevant policies as outlined above. Therefore, it is recommended that planning permission be granted subject to the following condition:

## **11. Conditions**

---

- 1 The development hereby permitted shall be carried out in accordance with the following documents:
  - Site Location Plan received by the Local Planning Authority on 21.09.2023.
  - Block Plan received by the Local Planning Authority on 21.09.2023.

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

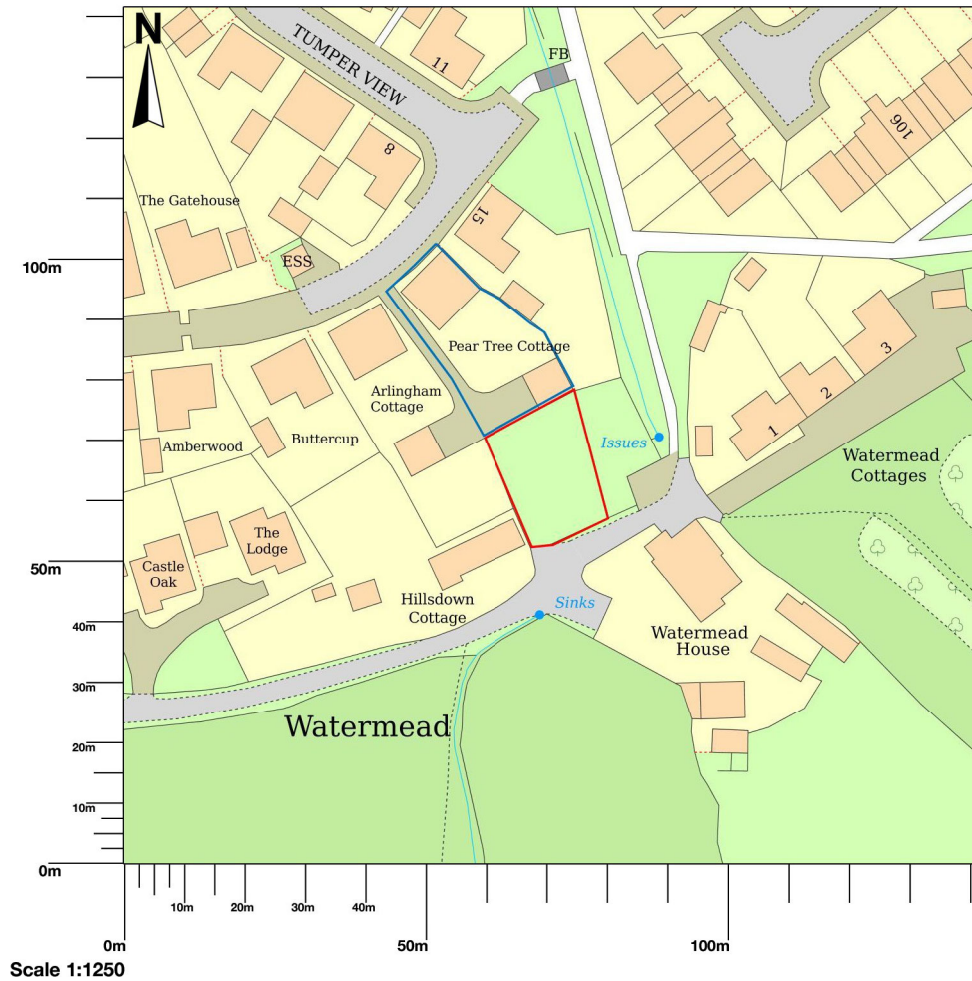
Reason: To ensure that the development is carried out in accordance with the approved plans.

## **12. Informatives**

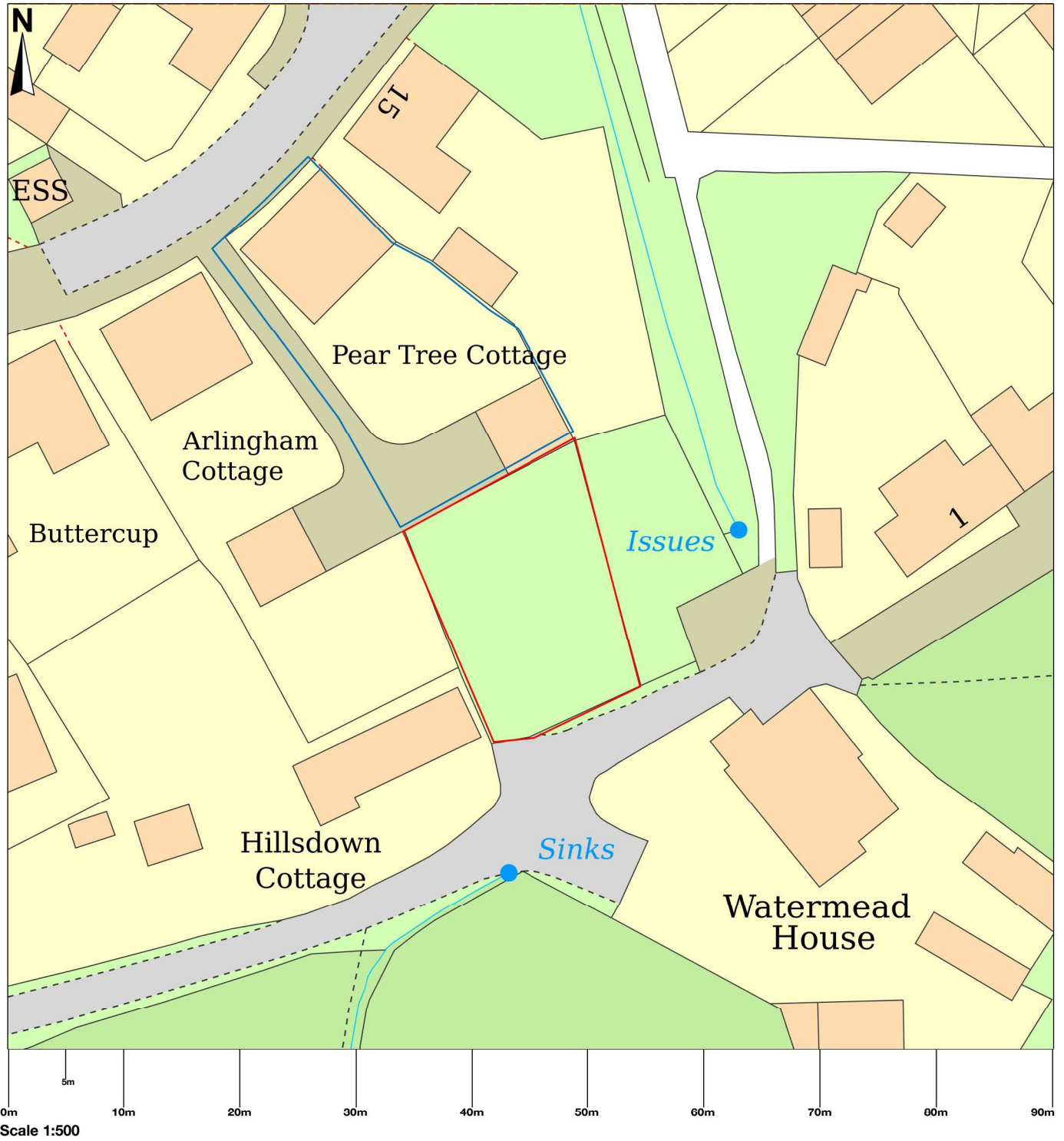
---

- 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.

## Pear Tree Cottage, Tumper View, Brockworth, Gloucester, GL3 4TJ



## Pear Tree Cottage, Tumper View, Brockworth, Gloucester, GL3 4TJ





**PLANNING APPEALS RECEIVED (03/11/2023 – 01/12/2023)**

<b>Appeal Start Date</b>	<b>TBC Planning Number</b>	<b>Inspectorate Number</b>	<b>Proposal</b>	<b>Site Address</b>	<b>Appeal Procedure</b>
06-Nov-23	19/00139/ECOU	APP/G1630/C/23/3330890	Enforcement appeal	Plot 7 Warren Fruit Farm Evesham Road Greet	Public Inquiry
06-Nov-23	19/00141/ECOU	APP/G1630/C/23/3330892	Enforcement appeal	Plot 8 Warren Fruit Farm Evesham Road Greet	Public Inquiry
06-Nov-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
06-Nov-23	23/00285/CLE	APP/G1630/X/23/3332492	Lawful residential use of an agricultural building for a period in excess of four years (amended description)	Plot 8 Warren Fruit Farm Evesham Road Greet	Public Inquiry
16-Nov-23	23/00333/FUL	APP/G1630/W/23/3326270	Erection of a new dwelling and associated works.	395 Innsworth Lane Innsworth	Written Representation
20-Nov-23	23/00460/FUL	APP/G1630/D/23/3332160	Erection of a fence at front of property (Retrospective)	3 Meadow Lea Bishops Cleeve	Fast Track Appeal

Appeal Start Date	TBC Planning Number	Inspectorate Number	Proposal	Site Address	Appeal Procedure
23-Nov-23	23/00717/FUL	APP/G1630/D/23/3330914	Single and first floor extensions	2 Knoll Cottages Gloucester Road Staverton	Fast Track Appeal
29-Nov-23	21/01013/FUL	APP/G1630/W/23/3329145	Erection of 10 no. dwellings, garages, construction of internal estate road, formation of parking areas and gardens/amenity space.	Lunn Cottage Aston Cross Tewkesbury	Written Representation
23-Nov-23	22/00692/FUL	APP/G1630/W/23/3323753	Replacement of agricultural dwelling, landscaping and other associated works at Cuckoo Farm.	Cuckoo Farm Southam Lane Southam	Written Representation

**PLANNING APPEALS DECIDED (03/11/2023 – 01/12/2023)**

<b>Appeal Decision Date</b>	<b>Appeal Decision</b>	<b>TBC Planning Number</b>	<b>Inspectorate Number</b>	<b>Proposal</b>	<b>Site Address</b>
06-Nov-23	Appeal Dismissed	23/00240/FUL	APP/G1630/D/23/3328529	Erection of a first floor rear extension and installation of a rear roof dormer	9B Beckford Road Alderton Tewkesbury
16-Nov-23	Appeal Dismissed	22/00685/OUT	APP/G1630/W/23/3315966	Construction of 1 no. dwelling (outline application with appearance, scale and landscaping as reserved matters)	35 Sandfield Road Churchdown
13 17-Nov-23	Appeal Dismissed	22/01329/FUL	APP/G1630/W/23/3321785	Change of use of land for the stationing of a shepherds hut.	Lakeside Barn Churchdown Lane Churchdown
17-Nov-23	Appeal Dismissed	22/00534/FUL	APP/G1630/W/23/3321046	Creation of an adventure golf park, ancillary to Brickhampton Court Golf Complex.	Brickhampton Court Golf Club Cheltenham Road East Churchdown
22-Nov-23	Dismissed and Notice upheld	17/00115/ENFC	APP/G1630/C/22/3309587	Unauthorised build - demolition of barn and erection of new building	Claydon House Farm Claydon