

12 February 2024

Committee	Planning
Date	Tuesday, 20 February 2024
Time of Meeting	9:30 am
Venue	Tewkesbury Borough Council Offices, Severn Room

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND

Agenda

1. ANNOUNCEMENTS

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

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

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.

3. DECLARATIONS OF INTEREST

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

	Item	Page(s)
4.	MINUTES	5 - 12
	To approve the Minutes of the meeting held on 23 January 2024.	
5.	DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL	
	(a) 22/01337/OUT - Land off Lawn Road, Ashleworth	13 - 40
	PROPOSAL: Outline planning application for the erection of up to 11 dwellings and associated works, with all other matters reserved for future determination except access (amended description).	
	OFFICER RECOMMENDATION: Delegated Permit.	
	(b) 22/00898/OUT - Retained Land at Brickhampton Court, Greenfields, Churchdown	41 - 74
	PROPOSAL: Hybrid planning application seeking:	
	A. Full permission for the use of land as public amenity space (Including community woodland, pedestrian access, play space and biodiversity enhancements).	
	B. Outline planning permission for seven affordable (discounted market) dwellings with all matters reserved for future consideration.	
	C. Outline planning permission for eight market dwellings with all matters reserved for future consideration.	
	OFFICER RECOMMENDATION: Refuse.	
	(c) 23/00275/APP - Plots 3 & 4 Gloucester Business Park	75 - 100
	PROPOSAL: Reserved matters application in relation to Plots 3 and 4 for the erection of employment development of 16,481sqm (GIA), access arrangements, servicing, parking including cycle provisions, electric vehicle charging and landscape provision comprising of Class B2 and B8 development with ancillary offices, alongside discharge of pre-commencement conditions 8 and 11 to planning permission reference 11/01155/FUL.	
	OFFICER RECOMMENDATION: Delegated Permit.	
6.	CURRENT APPEALS AND APPEAL DECISIONS UPDATE	101 - 102
	To consider current planning and enforcement appeals and Department for Levelling Up, Housing and Communities appeal decisions.	

DATE OF NEXT MEETING
TUESDAY, 19 MARCH 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, 23 January 2024 commencing
at 9:30 am**

Present:

Chair
Vice Chair

Councillor P E Smith
Councillor S Hands

and Councillors:

M Dimond-Brown, M A Gore, D J Harwood, M L Jordan, G C Madle, J R Mason, G M Porter,
R J E Vines, P N Workman and I Yates

also present:

Councillor M G Sztymiak

PL.53 ANNOUNCEMENTS

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

PL.54 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 54.1 Apologies for absence were received from Councillor R J G Smith. There were no substitutes for the meeting.

PL.55 DECLARATIONS OF INTEREST

- 55.1 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.
55.2 There were no declarations of interest made on this occasion.

PL.56 MINUTES

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

PL.57 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

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

22/00610/OUT - Part Parcel 2352, Mythe Road, Tewkesbury

- 57.2 This was an outline application for residential development (up to 165 dwellings), associated works including infrastructure, open space, landscaping and pumping station; construction of a new vehicular access from Mythe Road and demolition of existing structures.
- 57.3 The Senior Planning Officer advised that this application was subject to a non-determination appeal which was due to be heard by way of Inquiry in April. The Council must therefore advise the Secretary of State of its views on the proposals which would be submitted to the Planning Inspectorate to inform the appeal. The application was in outline and sought planning permission for residential development of up to 165 dwellings, public open space, vehicular and pedestrian access from Mythe Road (A38), a pumping station and associated infrastructure. All other matters relating to access, appearance, landscaping, layout and scale were reserved for subsequent approval. The application site was located at The Mythe, approximately 1.2km north of Tewkesbury Town Centre via the A38, and would be located approximately 1km to the north-west of the defined settlement boundary of Tewkesbury as the crow flies, as defined in the proposals map to the Tewkesbury Borough Plan. The site extended to 11.75 ha of predominantly agricultural land, interspersed with some woodland subject to a Tree Preservation Order. The site sat on an elevated spur of land which lay between the river valleys of the Avon and Severn and Officers considered the site itself to be a 'valued landscape'. The site was also partially located within the setting of a number of designated heritage assets – most notably Grade II listed The Mythe and its associated Coach House; Grade II listed Uplands; and Tewkesbury Conservation Area to the south. The principle components of the development were: provision of up to 165 dwellings, of which, 40% would be affordable dwellings; removal of the existing farm track access to Mythe Business Park to create a new vehicular and pedestrian access to the south; retention of existing woodland; new woodland planting, particularly around the northern, eastern and southern boundaries; creation of a communal green area to the north of the retained woodland which would also contain a Locally Equipped Area of Play; Sustainable Drainage System (SuDS) and a pumping station; and, widening of the footway to provide a combined walking and cycling route along the A38. In terms of the principle of development, the application site was not allocated for housing development and was located outside of the settlement boundary of Tewkesbury. The application therefore conflicted with Policy SP2 and SD10 of the Joint Core Strategy and Policy RES3 of the Tewkesbury Borough Plan and the conflict with those adopted development plan policies was the starting point for decision making. As set out in the Committee Report, the Conservation Officer identified that the proposal would give rise to a high degree of less than substantial harm to the setting of The Mythe and Uplands; the Coach House to The Mythe would experience a moderate degree of less than substantial harm to its setting. The views into and out of Tewkesbury Town Conservation Area and the approach to the town would also experience a moderate degree of less than substantial harm. Whilst the site was not designated in the development plan, a Specialist Landscape Consultant had assessed the proposal and considered there were special characteristics in that it was on a spur of the Rivers Avon and Severn with aesthetic value to Tewkesbury and was considered valued landscape, therefore, the proposal would cause substantial harm to the landscape character. It was also noted that the planning obligations had not been signed. As set out in the Committee report, Officers did not consider that the public benefits of the proposal outweighed these identified harms to designated heritage assets. This was considered a clear reason to refuse the application in accordance with Paragraph 11(d)(i) and footnote 7 of the National Planning Policy Framework; therefore, whilst the Council could not currently demonstrate a five year supply of deliverable housing sites, the tilted balance in Paragraph 11 of the National Planning Policy Framework was not

engaged. As set out in the Additional Representation Sheet, attached at Appendix 1, Severn Trent Water was also objecting to the application as the applicant had failed to demonstrate that the proposed development could provide adequate foul drainage and therefore had failed to ensure that any risk of flooding and pollution from the development was appropriately mitigated. Although there would be benefits of the proposal through the provision of housing, economic benefits and the provision of a new pedestrian cycle route along the A38, overall, Officers considered that the proposal would not accord with the development plan when considered as a whole and, and having regard to all material considerations including the National Planning Policy Framework, there were clear reasons for refusing the proposed development. Members were therefore requested to consider a recommendation of minded to refuse.

- 57.4 The Chair invited a local Ward Councillor for the area to address the Committee. The local Ward Councillor indicated that he wished to support the Officer recommendation of minded to refuse. The location had a history of failed attempts to gain planning permission and merely reducing the number of dwellings from 250 to 165 could not overcome the main objections. At 1.2km from Tewkesbury, the development would be incongruous with open countryside and the existing settlement and Active Travel England concluded that it did not offer a credible sustainable transport alternative to the private motor car being some 20 minutes walking distance from any meaningful services, not having a regular or frequent bus service and not providing a safe and attractive route for cyclists. It was set on top of a valued landscape and the Council's Landscape Adviser had concluded that, despite mitigation measures, the application would result in a significant and harmful change to the landscape and character of the area far beyond the boundary of the site. The Council's Conservation Officer believed there would also be a high degree of harm to heritage assets such as The Mythe, Uplands and the Coach House as well as Mythe Farm, Mythe End and Tewkesbury Town Conservation Area. There would be loss of sand and gravel, a named safeguarded mineral resource, which the applicant had blatantly disregarded and there was an objection from Severn Trent Water that the application had failed to demonstrate how the development could provide adequate foul drainage and ensure that flooding and pollution would be prevented from entering the River Avon. Overall, whilst the Council was unable to demonstrate a five year housing land supply, he believed it was still necessary to protect the borough from the damage caused by speculative applications and that this application should be refused on the basis that the harm outweighed the benefits.
- 57.5 The Chair indicated that the Officer recommendation was minded to refuse and he sought a motion from the floor. A Member drew attention to Page No. 57, Paragraph 10.19 of the report, which stated that the Officers were seeking to clarify the categorisation of the agricultural land that would be lost and he asked if there was any update in relation to that. The Senior Planning Officer advised that Officers had received information from the applicant about a month ago but there had been no further enhancement to that; it was known that the land was Grade 3 but it was unclear whether it was category a) or b) – he imagined it was a lower category based on a visual assessment but was unable to confirm that. Should Members be minded to refuse the application in accordance with the Officer recommendation, it would be identified as a harm at the forthcoming appeal and clarification would be sought at that point.
- 57.6 It was proposed and seconded that the Council be minded to refuse the application in accordance with the Officer recommendation. The proposer of the motion indicated that, as advised by the Senior Planning Officer, there were many conflicts with planning policy and he thanked Officers for their comprehensive report. An application for residential development on the site had first been refused by the Planning Committee in July 2017 for similar reasons to those put forward today and there was very little difference aside from a reduction in the number of dwellings.

The site was not allocated for housing in the Joint Core Strategy and did not meet any policy exceptions so the proposal was purely speculative. This was an attractive area of The Mythe, as could be seen when viewed from Bredon Road, and the footpath along the River Avon was used by locals and tourists alike. The harm that would be caused by the development was duly recognised in the Committee report and included harm to several listed buildings. Due to the separation from Tewkesbury Town, all journeys would need to be made by car making it unsustainable - even the nearest school was too far for many. It was unusual for Severn Trent Water to object to a planning application as they had done here on the basis of flooding and drainage and he reiterated that there was no foul drainage on this site with existing properties using septic tanks. In his view, this was speculative and unsustainable development and building in this location would be a travesty. The Development Management Team Manager (Northwest) confirmed that Severn Trent Water had objected to the application and would be a Rule 6 party at the appeal so, as set out in the Additional Representations Sheet, this would be an additional refusal reason Officers would be minded to offer in addition to those set out in the Committee report.

- 57.7 A Member expressed the view that he was minded to support the motion; however, he sought clarification as to how the tilted balance applied in this instance and whether the Council would be able to defend an appeal given its inability to demonstrate a five year housing land supply. In response, the Senior Planning Officer clarified that a non-determination appeal had been submitted so the Council was required to submit a statement of case outlining its views in terms of whether it agreed with the development. The Officer recommendation was minded to refuse for the reasons set out in the Committee report. In terms of the tilted balance, if the Inspector agreed there was clear reason to refuse the application on the basis of harm to the designated heritage assets, the tilted balance would not apply and the proposal would be assessed in a normal planning balance scenario, as such, this was a key issue for the appeal. Setting that aside, Officers considered there were other obvious harms arising from the proposal in terms of landscape impact and the objection from Severn Trent Water. It was noted that there would be significant and substantial public benefit from the development in terms of provision of housing even without the tilted balance being engaged due to the shortage of housing in Tewkesbury Borough and the Inspector would afford that weight accordingly.
- 57.8 A Member indicated that she was happy to support the minded to refuse motion; however, she felt the issue of isolation as defined in the National Planning Policy Framework also needed to be considered. She was concerned that this proposal would potentially result in a community being totally isolated given there was no bus provision and not even a village shop on site so all services would need to be accessed by car. This conflicted with Paragraph 84 of the National Planning Policy Framework as none of the circumstances which allowed development of isolated homes in the countryside applied in this case. In response, the Senior Planning Officer confirmed that Officers had considered isolation and sustainability relative to Tewkesbury Borough and its Service Villages etc. and the Officer view was that the site was in proximity to the services of Tewkesbury Town albeit there would be a reliance on cars to some extent for future residents. Ultimately, it was a matter of planning judgement but Officer opinion was that Tewkesbury was the principal setting in the borough and, at 1.2km from its services, the development would not be isolated. Active Travel England had raised some concerns on this matter and, whilst it was not a reason for refusal put forward by Officers, it would be considered at the inquiry as part of the Council's evidence. The Member expressed the view that Service Villages had shops, schools and village halls whereas this development would have none. In her view social isolation was a major issue and she felt it should be included as a refusal reason. Another Member indicated that he also supported the motion but wished to put on record his disappointment in relation to the case put forward by Officers around sustainability. He felt this was very clearly

an isolated location where highway safety was far from satisfactory and the potential creation of a community which was ultimately dependent on the car was, to his mind, astonishing. He did not understand why County Highways and Highways England had raised no objection to the proposal and would like to know the rationale behind that. The County Highways representative sympathised with the comments made by Active Travel England as there were several pinch points, especially alongside Mythe Cottage. County Highways formulated an opinion based on industry standard practice that walking distances of up to 2km were considered reasonable for future occupiers to access day to day services. The development did not start until some way in from Mythe Road itself so the furthest dwelling to the north of the site may be on the cusp, or in excess of 2km. The site was 1.4km to the nearest bus stop which exceeded the 400m ideal but was within what was considered reasonable. The Local Education Authority deemed there to be sufficient places in the local schools and had not requested any additional places and there was an all-weather walking surface route to nearby schools, with the closest primary school being 1.8km away, so no home-to-school contributions were being sought. County Highways had raised the issue of connectivity at an early stage of the application and the applicant's Transport Consultant had produced an indicative scheme of works along the A38 which involved widening of the footway to provide a 3m wide combined walking and cycling route. A Member recognised the importance of sustainability, however, she reminded Members that, based on previous experience of appeals, it was better to have a smaller number of strong, defensible refusal reasons and pointed out that the Council had been called unreasonable for submitting numerous refusal reasons in relation to other applications. Another Member echoed these sentiments and, whilst she felt the active travel plan was flawed, she considered that the refusal reasons included within the Committee report were strong and valid, particularly alongside the objection from Severn Trent Water. A Member understood this advice but was uncomfortable with 2km being set as a satisfactory walking distance, particularly without an adequate footpath. A Member sought clarification as to whether it was 2km as the crow flies and was informed it was actual walking distance. Another Member expressed the view that Members should be trained on industry standards if those were the rules the Committee must abide by and the Chair undertook to ensure this was incorporated into training or a briefing note.

57.9 Upon being put to the vote, it was

RESOLVED That the Council be **MINDED TO REFUSE** the application in accordance with the Officer recommendation.

PL.58 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

58.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 63-64. Members were asked to consider the current planning and enforcement appeals received and the Department for Levelling Up, Housing and Communities appeal decisions issued.

58.2 It was

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

The meeting closed at 10:15 am

ADDITIONAL REPRESENTATIONS SHEET

Date: 23 January 2024

The following is a list of the additional representations received since the Planning Committee Agenda was published and includes background papers received up to and including the Monday before the meeting.

A general indication of the content is given but it may be necessary to elaborate at the meeting.

Agenda Item No	
5a	<p>22/00610/OUT</p> <p>Part Parcel 2352, Mythe Road, Tewkesbury</p> <p>Update on Non-Determination Appeal</p> <p>The non-determination appeal has been validated, is to be heard by way of Inquiry, and is scheduled to open on 16 April 2024.</p> <p>Additional Representation from Residents on Surface Water Drainage</p> <p>Since the preparation of the Committee report, one additional representation has been received from a local resident.</p> <p>The objection raised concerns about existing flooding and the potential for increase in run off from the site, into drainage outlets on the A38 which it is advised cannot cope with existing waterflows. As such, concerns were raised that the proposed development will increase the risk of flooding in properties downhill from, in the vicinity of, the application site on the A38.</p> <p>Officers sent these comments to the Lead Local Flood Authority which advised that:</p> <p><i>'Bearing in mind I haven't seen the flooding in person but the information I have suggests only a relatively small portion of the northwest corner of the site is draining to the watercourse that crosses the A38 by Bradley Farm. It makes up (again based on the information I have) only about 4% of the total area draining to the point where the flooding is so anything that happens on the site will have a very minor impact on this existing issue.</i></p> <p><i>On top of that, the development should not have a negative impact on it at all and may well improve things (albeit only a small amount considering the above). The masterplan shows that a reasonable portion of that corner will remain public open space so will drain in the same way it does currently. The houses that will be built in this corner will drain to the attenuation basin in the northeast corner so will no longer contribute to the water collecting at the A38.</i></p> <p><i>As for the impact the development will have on the Avon, the SuDS being used will mean there will not be an increase in the rate of water leaving the site and entering the Avon. In fact, they will be limiting the discharge rate to that of a 1 in 2 year storm so for extreme events (i.e. up to a 1 in 100 year storm), the rate of surface water leaving the site will be lower that it currently is. The SuDS will also accommodate increases in rainfall predicted with climate change so there won't be an impact in the future.</i></p>

We don't have any objections to the surface water drainage strategy subject to conditions we've recommended in our response. We don't comment on the foul drainage so will not comment on STWs objections.'

Officers have considered the additional representation from the local resident, and having regard to the additional information and clarifications from the Lead Local Flood Authority remain of the view that the site is at a low risk of flooding and would not increase the risk of flooding to third parties.

Foul Drainage and Severn Trent

Further to the preparation of the Committee report, Officers have continued to liaise with Severn Trent regarding its objection to the planning application. Severn Trent has confirmed that it continues to object to the application. Following discussions, Severn Trent has advised that, as consultee, it considers that the following additional putative reason for refusal should be submitted to the Planning Inspectorate to inform the appeal:

The applicant has failed to demonstrate that the proposed development can provide adequate foul drainage and as such failed to ensure that any risk of flooding and pollution from the development proposals is appropriately mitigated and that the natural environment, including Severn Ham Site of Special Scientific Interest, is protected. As such the proposed development conflicts with Policies INF2 and SD9 of the Joint Core Strategy 2011-2031 (December 2017) and the National Planning Policy Framework.

Historic England Consultation Response

Further to the receipt of the Verified Visual Images an additional consultation response has been received from Historic England. This states:

'I have reviewed our previous advice and the only outstanding assessment that we were waiting for is the LVIA impacts on the setting of the Abbey, given that we agreed with the (Councils' Conservation Officer's) assessment of impact on the other Grade 2 buildings within setting of the application site. Given that no further significant impacts have been identified to the setting of the Abbey, we would not wish to make any further detailed comments. There would be some intervisibility from the Abbey tower, as identified in the LVIA, and although this would diminish the rural outlook and setting of the Abbey to the north, the degree of harm would be at the lower end of less than substantial.'*

Following receipt of this additional consultation response, no additional heritage concerns are identified on Grade 1 and 2* designated heritage assets and Officers consider that there should be no alterations to putative reason for refusal 2 as set out in the Committee report.

Proposed Access and Potential Impact on Trees subject to Tree Preservation Order 421

Officers have met on site with the applicant's highways engineers and arboricultural consultants. It has been agreed that the applicant will clearly identify all trees and hedgerows that would be lost in order to create the proposed vehicular access and associated visibility splays.

Following receipt of this information, Officers will need to consider the harm caused by the loss of individual specimens with the group of trees protected by the Tree Preservation Order and whether this gives rise to a putative reason for refusal, and the extent that this harm will cause a harmful impact on the character and appearance of the area.

Officers therefore seek delegated authority to add an additional putative reason for refusal, if considered necessary, due to the potential impact on trees protected by a Tree Preservation Order, and/or amend putative reason for refusal 3 to reflect the outcomes of these discussions.

Contested Planning Obligations

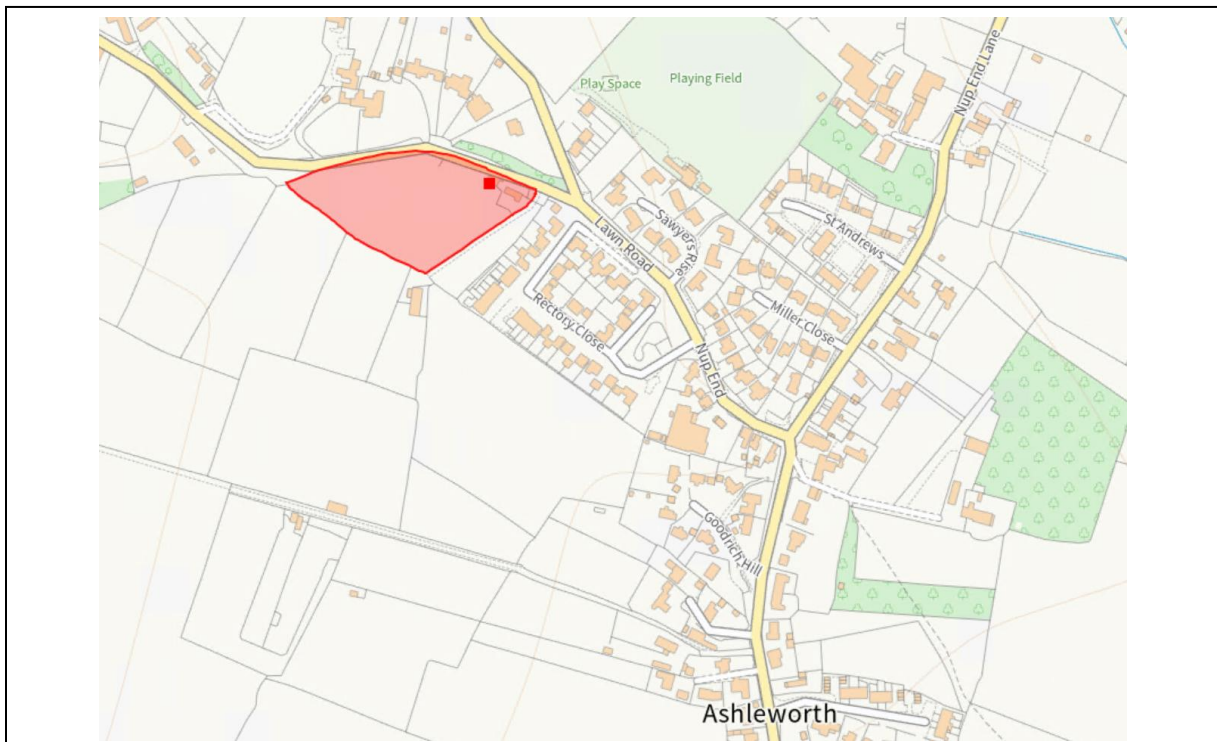
The applicant has advised that they do not consider that the evidence provided in the consultation response from the Council's Communities team shows that the contributions sought in Paragraph 9.147 of the Committee report would either be necessary or would be directly or fairly related to the development.

Officers have sought additional information from the Communities team on these requests and will continue to liaise with the applicant and, dependent on the outcome of these ongoing discussions, will either maintain or amend these planning obligation requests at the Inquiry.

Planning Committee

Date	20 February 2024
Case Officer	Frank Whitley
Application No.	22/01337/OUT
Site Location	Land off Lawn Road, Ashleworth
Proposal	Outline planning application for the erection of up to 11 dwellings and associated works, with all other matters reserved for future determination except access (amended description).
Ward	Highnam with Haw Bridge
Parish	Ashleworth
Appendices	Site location plan Existing Site Plan Masterplan Landscape Strategy
Reason for Referral to Committee	The Constitution requires applications of ten or more dwellings to be determined by Planning Committee.
Recommendation	Delegated Permit

Site Location



1. The Proposal

Full application details are available to view online at:

[22/01337/OUT | Outline planning application for the erection of up to 11 dwellings and associated works, with all other matters reserved for future determination except access \(amended description\) | Land Off Lawn Road Ashleworth Gloucester \(tewkesbury.gov.uk\)](https://www.tewkesbury.gov.uk/22/01337/OUT)

- 1.1 The application seeks planning permission in outline for the erection of up to 11 dwellings and associated works, with all other matters reserved for future determination except access (amended description).
- 1.2 As first submitted, the application sought planning permission in outline for up to 17 dwellings. The number of dwellings has been reduced to 11 at least in part to accommodate Biodiversity Net Gain (BNG) requirements.
- 1.3 The application seeks to establish the principle of development of up to 11 dwellings, and to create a new access onto Lawn Road. A masterplan has been provided for illustrative purposes as to how the development may be laid out. The development is likely to comprise a mix of 2,3, and 4 bedroom units and covers approximately one third of the application site, the remainder being left as grassland.
- 1.4 The development would comprise 40% affordable housing. Two units would be social rented and two would be affordable home ownership tenure. The balance of 0.4 units would be delivered as a commuted financial sum secured amongst other obligations, through a Section 106 agreement. Heads of Terms have been agreed.
- 1.5 A footpath would be installed on the eastern side of the estate road, which would connect to Lawn Road, and then continue east to the end of the application site frontage.
- 1.6 A surface water attenuation pond would be installed in the northeastern corner of the site, inside of the highway footpath.

2. Site Description

- 2.1 The application site is triangular in shape, covering an area of approximately one hectare of grassland on the edge of Lawn Road, on the northeastern side of Ashleworth. The eastern side of the site would share its boundary with land approved for the development of four dwellings in November 2021 (at appeal under reference 21/00009/FUL). Immediately beyond to the east is a completed development of 35 dwellings, approved in December 2017 (at appeal under 15/00965/OUT and 17/00783/APP). Immediately to the south of this development is land approved for a development of 42 dwellings in September 2022 (under 19/01227/OUT and 22/00416/APP). The southern boundary of the application site is the edge of the existing field, defined by a mature hedge and line of trees. The northern boundary is the edge of Lawn Road, defined by a hedge, which joins a small copse of woodland towards the north-east corner. Here, there are two poor quality buildings which appear to have last been used for equestrian purposes.
- 2.2 There are existing dwellings on the north side of Lawn Road immediately opposite. Lychgate Cottage, St Michael's, and Nupend House are Grade II Listed.

- 2.3 The application site is in a countryside location, though is not subject to any landscape, heritage or ecological designations. The whole site is within Flood Zone 1 according to the Environment Agency Flood Map. Ashleworth has a designated Conservation Area approximately 0.5km to the south east. Meerend Thicket Nature Reserve is 1.5km to the east which forms part of the larger Ashleworth Ham SSSI.
- 2.4 The nearest public right of way crosses fields approximately 200m to the south.
- 2.5 There are no protected trees in the application site, though a group of trees is subject to an Area Tree Preservation Order along the entire frontage of 'The Haye' (on the north side of Lawn Road).
- 2.6 The land is graded as 'good' to 'moderate' according to Agricultural Land Classification Maps

3. Relevant Planning History

- 3.1 There is no planning history directly relating to the site, however, as described in section 2.1 above there have been a number of recent planning applications adjoining the application site.

4. Consultation Responses

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

4.1 Ashleworth Parish Council - objection

In summary:

- The proposed access is close to a blind bend which narrows to single track and has no public footpath. It is not clear how pedestrian access would be achieved. This needs further clarity,
- Foul and surface water disposal has been made worse by the Rectory Close development, therefore capacity issue. Severn Trent Water is provided with photos each time the drains overflow. This issue does not appear to have been taken into account.
- Insufficient local amenities to cope with development even before the new development of 40 houses goes ahead (case officer note: 22/00416/APP)
- Wildlife concerns including deer and bats
- 11 dwellings not in keeping with the village

4.2 Ecology - no objection subject to conditions

4.3 Environmental Health - no objection subject to conditions

4.4 GCC Highways - no objection subject to conditions

4.5 Severn Trent Water – An update will be provided by case officer at Committee

4.6 Local Lead Flood Authority - no objection subject to conditions

4.7 Conservation Officer - objection

4.8 Archaeology - no objection

- 4.9 **Housing Enabling** - no comments received
- 4.10 **County Planning Section S106 Monitoring Officer** - no objection subject to contribution to primary school education places
- 4.11 **Council for the Protection of Rural England** - objection
- 4.12 **Community Team** - no objection

5. **Third Party Comments/Observations**

- 5.1 Full copies of all the representation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.
<https://publicaccess.tewkesbury.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>
- 5.2 Approximately 17 representations have been received. All public objections relate to the scheme as originally submitted for 17 dwellings. No further representations have been received since the scheme was reduced to 11. In summary:

Highways

- Lawn Road is a busy throughfare, and too narrow for speed of traffic. Steep banks in places either side make this a hazard for pedestrians, especially the elderly
- Need to use road to reach bus stop
- Lawn Road is potholed
- New access is to be on a blind bend, and on a hill which limits visibility
- Flooding on road which turns to ice in winter
- Road also used by walkers, cyclists and horse riders- unsafe for more traffic
- Junction Lawn Road and A417 notorious for serious accidents
- Lack of public transport eg bus service limited
- Congestion arising from completion of recent new developments, not enough passing places

Wildlife

- Impact to wildlife, birds, flora and fauna and habitats
- Harm to protected trees opposite development

Drainage

- Sewerage system overloaded
- Comments from Drainage engineers need to be taken on board and assessed.
- Insufficient gravity gradient to dispose of foul and surface water
- Flood Risk Assessment too vague in content
- Water run off onto road and neighbouring properties

Heritage

- Harm to historic assets on north side of Lawn Road

Impact to Ashleworth

- Too many new houses in Ashleworth already
- Low water pressure in summer from too many houses
- Lack of housing need
- Outside of development boundary and greenfield land, not an exception site and not infilling

- Within Council's Landscape Protection Zone
- Harm to neighbouring residential amenity and privacy
- Site in environmentally sensitive area
- Poor broadband from too many houses in Ashleworth
- Poor infrastructure in Ashleworth and not classed as a 'service village'
- Development only for profit to developers
- Disproportionate increase in number of dwellings in Ashleworth as a result of new developments resulting in unacceptable change in rural character
- Loss of agricultural land
- Additional lighting in rural location
- Design and materials concern, particularly in relation to nearby heritage assets
- If development does ahead, mitigation must be rigorously monitored and enforced

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

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

- Policy RES2 (Settlement Boundaries)
- Policy RES3 (New Housing Outside Settlement Boundaries)
- Policy RES5 (New Housing Developments)
- Policy RES12 (Affordable Housing)
- Policy RES13 (Housing Mix)
- Policy DES1 (Housing Space Standards)
- Policy HER1 (Conservation Areas)
- Policy HER2 (Listed Buildings)
- Policy LAN2 (Landscape Character)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy NAT3 (Green Infrastructure: Building with Nature)
- Policy NAT5 (Cotswold Beechwoods)
- Policy ENV2 (Flood Risk and Water Management)
- Policy HEA1 (Healthy and Active Communities)
- Policy COM2 (Broadband Provision)
- Policy TRAC1 (Pedestrian Accessibility)
- Policy TRAC2 (Cycle Network and Infrastructure)
- Policy TRAC3 (Bus Infrastructure)
- Policy TRAC9 (Parking Provision)
-

6.5 Neighbourhood Development Plan

None

6.6 Other relevant policies/legislation

Human Rights Act 1998
Article 8 (Right to Respect for Private and Family Life)
The First Protocol – Article 1 (Protection of Property)
Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

7. Policy Context

- 7.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 7.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBP). There is not a Neighbourhood Development Plan relevant to the application site.
- 7.3** The relevant policies are set out in the appropriate sections of this report.
- 7.4** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

8. Evaluation

Five Year Housing Supply

- 8.1 The NPPF requires local planning authorities to demonstrate an up-to-date five-year supply of deliverable housing sites (or a four-year supply if applicable). Where local authorities cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11 of the NPPF sets out that housing policies contained within development plans should not be considered up to date.
- 8.2 Further to the recent Trumans Farm, Gotherington Appeal decision (ref. 22/00650/FUL), and subsequently published Tewkesbury Borough Five Year Housing Land Supply Statement October 2023, the Council's position is that it cannot at this time demonstrate a five-year supply of deliverable housing land. The published position is that the Council's five-year supply of deliverable housing sites is 3.24 year's supply of housing land. Officers consider this shortfall is significant. The Council's policies for the provision of housing are therefore out of date in accordance with footnote 8 of the NPPF.
- 8.3 Paragraph 11(d) of the NPPF therefore applies and states that where policies which are most important for determining the application are out of date, permission should be granted unless: i) the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Principle of Development

- 8.4 In order to further sustainability objectives and in the interests of protecting the countryside, the housing policies of the JCS set out a development strategy for the Borough. Strategic Policies SP1 and SP2 of the JCS set out the scale and distribution of development to be delivered across the JCS area in the period to 2031.
- 8.5 Policy SP2 (Distribution of New Development) of the JCS amongst other things, states that dwellings will be provided through existing commitments, development at Tewkesbury town, in line with its role as a market town, smaller scale development meeting local needs at Rural Service Centres and Service Villages. In the remainder of the rural area Policy SD10 (Residential Development) will apply. Ashleworth is not identified as either a Rural Service Centre, or a Service Village, though has a village shop in the community hub, deli, café, post office, primary school and church.
- 8.6 Policy SD10 of the JCS guides residential development to the most sustainable and accessible locations. The Policy 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 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.

- 8.7** Ashleworth does not have a defined settlement boundary and therefore does not have a defined settlement limit in the development plan. The site is not allocated for housing and would not fall within any of the exceptions set out by the development plan to enable new development in the countryside.
- 8.8** Therefore, due to location of the application site being outside of any defined settlement limits, the proposal would conflict with SD10.
- 8.9** Policy RES4 of the adopted TBP states that to support the vitality of rural communities and the continued availability of services and facilities in the rural areas, very small-scale residential development will be acceptable in principle within and adjacent to the built up area of other rural settlements (i.e. those not featured within the settlement hierarchy).
- 8.10** The proposed development exceeds the scope of RES4 where only limited small scale appropriate housing may be supported in the interests of supporting the community. The development is therefore considered inconsistent with Policy RES4 of the TBP.
- 8.11** The proposal is therefore unacceptable in principle due to its location outside of any defined settlement boundaries on undeveloped land. However, it is also the case that a 5-year supply of deliverable housing sites cannot currently be demonstrated. The NPPF states at paragraph 11 and footnote 8, that if a local authority cannot demonstrate that a 5-year housing land supply exists, then the policies which are most important for determining the application are deemed out of date.
- 8.12** Consequently, paragraph 11d of the NPPF sets out that in circumstances where the most important policies for determining an application are out of date (and this includes circumstances where the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites, as is the case here) there is a presumption that planning permission be granted unless:
1. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 2. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.13** Therefore, as a starting point, the tilted balance and paragraph 11d of the NPPF would be engaged and the conflict with policies SP2, SD10 and RES4 must be weighed in the planning balance.
- 8.14** It is still necessary for the decision maker to have regard to all other relevant considerations which must be weighed in the overall planning balance.

Indicative Scale and Layout

- 8.15** The NPPF at Chapter 12 seeks to achieve well-designed places. Policy SD4 of the JCS seeks to ensure design principles are incorporated into development, in terms of context, character, sense of place, legibility and identity.

- 8.16** These requirements closely align with the requirements of the National Design Guide. Policy RES5 of the TBP seeks to ensure proposals are of a design and layout which respect the character, appearance and amenity of the surrounding area.
- 8.17** The submitted masterplan indicates how 11 dwellings might be accommodated. They are set out in a linear pattern along the eastern boundary, with rear gardens backing on to the development of four houses approved in 2021. Three appear to be detached, the remainder are semi-detached. Five have dedicated garages. All appear to be two storey in height.
- 8.18** In as far as the masterplan suggests the development complies with Policies SD4 and RES5. Matters of design, scale, layout and appearance would be considered at the Reserved Matters stage.

Landscape

- 8.19** The application includes a Landscape and Visual Impact Assessment which was prepared for the 17 dwelling scheme as first submitted and has not been revised for the 11 dwelling scheme. It follows there would be less landscape and visual harm for the amended scheme.
- 8.20** The application site falls within National Character Area 106 Severn and Avon Vales, which in summary has the following characteristics:
- Diverse range of flat and gently undulating landscapes
 - Sparse woodland, though frequent hedgerow trees, parkland and surviving orchards
 - Small pasture fields and commons
 - Pasture and stock rearing, arable, market gardens
 - Strongly influenced by Roman settlements and field systems
 - Highly varied use of traditional building materials
- 8.21** At the local level, the application site falls within Landscape Character Area SV 5B, Ashleworth, Tirley and Forthampton Vale which has the following characteristics:
- Gently undulating, comprising a patchwork of medium to large scale arable and pastoral fields.
 - A network of low, well maintained hedgerows which define field patterns
 - The linear village of Ashleworth has developed on the lower slopes of the Vale, overlooking floodplain and is noted for its range of dwelling and materials types
- 8.22** The local character area is assessed to be medium in susceptibility, with the same level of sensitivity.
- 8.23** The LVIA explains that hedgerows and agricultural use of the land contribute to the wider rural landscape character, though they are not locally distinctive or rare. Further, the site is influenced by its proximity to Lawn Road and the settlement edge.
- 8.24** The LVIA summarises:

The study site is located on the existing settlement edge where established settlement features partly inform the landscape character of the site. The rural features of the site make a contribution to the wider rural landscape but overall, this is a settled and active landscape that has a closer correlation to the village than of the wider agricultural landscape.

- 8.25** Policy SD6 (Landscape) of the adopted JCS requires development to protect landscape character for its own intrinsic beauty, and for its benefit to well-being. Further, Policy LAN2 of the adopted TBP requires that development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting.
- 8.26** Officers acknowledge the application site encroaches further into the countryside on the edge of the Ashleworth settlement. However, Officers concur with the conclusion of the LVIA that the site is semi-rural in its character. The site is bounded by existing or approved development to the north and east. Views into the site from the south are limited due to established vegetation on the south boundary. There are no longer range views from the south due to intervening vegetation.
- 8.27** Officers consider the development would not cause an unacceptable level of harm to the landscape and is considered to comply with the requirements of Policies SD6 of the adopted JCS and LAN2 of the adopted TBP.

Access and Highway Safety

- 8.28** The NPPF at Chapter 9 seeks to promote sustainable transport, and acknowledges that that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making.
- 8.29** Policy INF 1 (Transport Network) requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. Chapter 10 of the adopted TBP states that an efficient and safe transport system is critical to the success of the Borough and the quality of life of its residents and visitors.
- 8.30** Section 10 of the adopted TBC (Transport and Accessibility) sets out policies for pedestrians (TRAC1), cycle network (TRAC2) and bus infrastructure (TRAC3).
- 8.31** The proposed development would install a new Lawn Road access, approximately 50m west of the access approved to serve the development of four dwellings approved in November 2021 (at appeal under reference 21/00009/FUL).
- 8.32** The Highways Officer notes that visibility splays have been considered against Manual for Streets guidance. The highways survey demonstrates a requirement to provide for approximately 42m to the west and 43m to the east, from a point 2.4 m set back from the highway. The footpath would be 1.5m wide adjacent to the site, and later cross over to the northern side towards Ashleworth.
- 8.33** Officers note that several representations have been received which cumulatively raise concerns about the suitability of Lawn Road, and Ashleworth as a settlement to accommodate new residential development.
- 8.34** Whilst Ashleworth is not designated as a rural service village in the adopted JCS, it does however benefit from a reasonable level of services and facilities, relative to its size and function, as noted in the 'Principle of Development' section above. Further, Ashleworth currently has a bus service to Gloucester (4.1 miles) and Tewkesbury (6.6 miles), where a wider range of services can be accessed so is well connected to larger settlements.

- 8.35** Officers acknowledge there is no footpath for a distance of approximately 150m up to Sawyers Rise. From this point, there is a footpath to the centre of the village, some 200m further. However Officers refer to the appeal decision letter relating to four dwelling scheme adjacent (21/00009/FUL), where the Inspector raised no concerns about pedestrian access to the centre of Ashleworth.
- 8.36** The current proposal seeks to install a footpath to the north east corner of the application site. The Highways Officer has raised no concern about pedestrian access to Ashleworth and there is no evidence that existing services and facilities would be unable to cope with up to 11 additional dwellings proposed.
- 8.37** Officers consider that details submitted are sufficient to approve matters of access, accepting that details of highway improvements and the footpath would be subject to a pre-commencement condition. Further, occupation of the development would not be permitted until visibility splays of dimensions as agreed are laid out.

Ecology and Trees

- 8.38** Chapter 15 of the NPPF seeks to conserve and enhance the natural environment.
- 8.39** Policy SD9 of the adopted JCS (Biodiversity and Geodiversity) states amongst other things that the biodiversity and geological resource of the JCS area will be protected and enhanced in order to establish and reinforce ecological networks that are resilient to current and future pressures. Similarly, the adopted TBP Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features) requires amongst other things that proposals will, where applicable, be required to deliver a biodiversity net gain across local and landscape scales, including designing wildlife into development proposals.
- 8.40** From 12 February 2024, The Environment Act 2021 requires all major development (subject to specific exceptions) to provide at least 10% Biodiversity Net Gain (BNG). This legislation strengthens existing requirements of Policy NAT1 of the adopted TBP.
- 8.41** To support delivery of BNG, an Ecological Mitigation and Enhancement Strategy (EMES) has been submitted. The Strategy is designed to minimise the long-term impact of the development and includes details of the creation of new habitats and long term management of new and existing habitats. The BNG Plan runs for the operational lifetime of development and includes a timetable for review and monitoring to ensure targeted habitat retention measures are maintained. Off site mitigation and enhancements would be secured as part of the S106 agreement. Implementation would begin once development is commenced.
- 8.42** The ecology survey has established that baseline biodiversity habitats comprise lowland meadow, neutral grassland, mixed scrub, trees and hedgerow.
- 8.43** Approximately 60% of the lowland meadow in the application site would be retained and managed to maintain its quality and to provide open space access for residents.
- 8.44** The remaining 40% would be maintained as an equivalent area in an off-site location, provided by the Environment Bank in accordance with BNG trading rules.

- 8.45** Proposals include additional hedgerow and tree planting. Two mature sycamore trees of moderate quality are proposed to be felled to facilitate the installation of a footpath on the edge of Lawn Road. The Council's Tree Officer has no objection and has raised no concerns about the proximity to protected trees on the north side of Lawn Road. Replacement of the trees would be secured through a landscaping plan (to be secured by condition). The loss and replacement of these trees in terms of habitat value is also incorporated into the BNG Plan.
- 8.46** The Council's ecological consultant has reviewed the submitted Ecological Impact Assessment, Biodiversity Net Gain Assessment, and the Ecological Mitigation and Enhancement Strategy. Mitigation and enhancement details have been confirmed acceptable, and it is expected overall the development can achieve 10.05% net gain in habitat units.
- 8.47** A Habitats Regulation Assessment has been submitted in relation to potential impacts upon the Cotswolds Beechwoods SAC and has been assessed by the Council's consultant ecologists. They conclude the development would not have any measurable adverse effects on the integrity of the Cotswolds Beechwoods SAC either alone or in combination with other projects, subject to provision of appropriate mitigation as proposed. Notwithstanding, the applicant has agreed to provide mandatory Strategic Access Management and Monitoring (SAMM) measures and the provision of Suitable Alternative Natural Greenspace (SANG) financial contributions through the s106 agreement.

Drainage and Flooding

- 8.48** 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 Tewkesbury Borough Council's drainage officer.
- 8.49** The submitted Flood Risk Assessment confirms the application site is in Flood Zone 1 (lowest risk of flooding). Surface water disposal is to be to an attenuation basin from where a hydro brake system would control discharge. It was originally intended to drain surface water to the existing highways drain, and then to the Severn Trent Water (STW) surface water drain at the lower end of Sawyers Rise. Although STW raised no concerns GCC Highways objected. Instead, it is now proposed to bypass the highways drain and construct a surface water drain directly to the STW drain. STW are yet to confirm this arrangement is satisfactory. **An update will be provided to Members at Planning Committee.**
- 8.50** There is no objection from STW to the disposal of foul water to their drain located north of Sawyers Rise.

Affordable Housing

- 8.51** Chapter 5 of the NPPF seeks to deliver a sufficient supply of homes, and that the needs of groups with specific housing requirements are addressed, in terms of amongst other affordability and tenure.
- 8.52** Policy SD12 of the JCS sets out that outside of the Strategic Allocations a minimum requirement of 40% affordable housing will be sought on developments. Affordable housing must also have regard to the requirements of Policy SD11 concerning type, mix, size and tenure.

8.53 The proposal is to provide four affordable units on site. Two would be social rented and two would be affordable ownership/discounted market. Affordable units, and the 0.4 balance of 40% would be secured through the s106 agreement.

8.54 The Council's Head of Housing Service is yet to confirm tenure mix is acceptable. It is hoped an update will be provided at Planning Committee. Notwithstanding, tenure mix can be finalised prior to agreement of the s106.

Residential Amenity

8.55 Policy DES1 (Housing Space Standards) of the TBP confirms the adoption of the Government's nationally described space standards. Minimum floor areas for each of the apartments proposed are 39sqm for one bed roomed, and 50sqm for two bed roomed respectively. All apartments are intended to exceed minimum space standards.

8.56 Policy SD10 states that *residential development should seek to achieve the maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment.*

8.57 In as far as it is possible to ascertain at the outline stage, the masterplan suggests an acceptable standard to amenity can be maintained in the development. The issue can be assessed further at the reserved matters stage.

Built Heritage and Archaeology

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

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

8.60 The NPPF states at Para 205:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

8.61 Para 208 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 8.62** A Heritage Impact Appraisal (HIA) has been submitted in relation to the previous 17 dwelling scheme, prior to reduction to 11. The HIA concludes that the application site can be overlooked from the south facing views of the listed buildings on the north side of Lawn Road. The views make a small contribution to the significance of the assets. The degree of harm is deemed in the HIA at the lower end of less than substantial. In terms of archaeology, the HIA states there are no heritage assets recorded within the site and there is very low potential for buried archaeological remains.
- 8.63** Policy SD8 (Historic Environment) of the adopted JCS states that designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.
- 8.64** Policy HER2 (Listed Buildings) of the adopted TBP states that development within the setting of listed buildings will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest., including their settings.
- 8.65** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to have regard to the desirability of preserving listed buildings and their settings.
- 8.66** The County Council Archaeologist has also reviewed the proposal and HIA, and has confirmed no further investigations or recording is necessary.
- 8.67** The Council's Conservation Officer has reviewed the application and HIA, in relation to the amended 11 dwelling scheme. He has concluded the development would result in a small degree of harm, at the lower end of less than substantial to the Grade 2 listed buildings. Further assessment would be required at the reserved matters stage.
- 8.68** The Conservation Officer has recommended the application is refused, unless heritage harm is outweighed by public benefits. In accordance with the balancing exercise required under Para 208 of the NPPF, it is noted the proposals would harm to a small degree, the setting of the listed buildings, though not their fabric. According to the submitted masterplan, the nearest part of the development would be approximately 100m from St Michael's, the nearest listed building. In the intervening space, is Lawn Road and its hedgerow boundary, and a significant area of undeveloped grassland in the foreground view from the listed buildings. Officers consider this grassland buffer is considered sufficient to mitigate the urbanising effect of development upon the rural setting of the listed buildings as noted by the Conservation Officer.
- 8.69** In terms of public benefit, Officers note the development would contribute 11 homes to the Borough's housing need, according to Policy SP1 of the adopted JCS. The development would also contribute four affordable homes, contributing to meeting the aims of Policy SD12 of the adopted JCS. There would be some public benefit in terms of employment during the construction period, both for the housebuilder and other local businesses. The development would therefore provide social benefits of housing, and some economic benefits. It is not considered that heritage harm is significant enough to warrant refusing the application when weighed against the public benefits. As the Conservation Officer has noted, the Council would still be able to limit heritage harm at the reserved matters stage once proposed matters of layout, scale, appearance and landscaping are known.

8.70 Officers consider the proposal complies with the provisions of Chapter 16 of the NPPF and there is no conflict with Policies SD8 of the adopted JCS, HER2 of the adopted TBP, and s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

Section 106 and CIL

8.71 JCS Policy INF6 relates directly to infrastructure delivery and states that any infrastructure requirements generated as a result of individual site proposals and/or having regard to the cumulative impacts, should be served and supported by adequate and appropriate on/off-site infrastructure and services. The Local Planning Authority will seek to secure appropriate infrastructure, which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Policy INF4 of the JCS requires appropriate social and community infrastructure to be delivered where development creates a need for it. JCS Policy INF7 states the arrangements for direct implementation or financial contributions towards the provision of infrastructure and services should be negotiated with developers before the grant of planning permission. Policy SA1 sets out that infrastructure should be provided comprehensively across the site taking into account the needs of the whole Strategic Allocation. Financial contributions will be sought through S106 and CIL mechanisms as appropriate.

8.72 The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. Whilst the Council does have a CIL in place, infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 legal agreement. The CIL regulations stipulate that, where planning obligations do not meet the tests, it is 'unlawful' for those obligations to be taken into account when determining an application.

8.73 The Council's Community and Place Development Officer has confirmed that the Parish would receive up to 25% of CIL receipts which can be used for community infrastructure.

8.74 The following Heads of Terms have been agreed with the applicant

- **Affordable Housing:** 4.4 units equating to 4 affordable units and a commuted sum for the balance of 0.4
- **Public Open Space:** Specification to be agreed prior to reserved matters application being made
- **Strategic Access Management and Monitoring (SAMM)**
- **Suitable Alternative Natural Greenspace (SANG)**
- **Refuse and Recycling**
- **County Council Education Contribution £69,993.38 towards 3.86 places**

9.0 Evaluation

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 settlement of Ashleworth is not a service village or rural service centre according to Policy SP2 of the adopted JCS. The settlement is in a rural area for the purposes of SD10. The proposed development does not fall into any of the exceptions of SD10 where new residential development may otherwise be supported. The proposed development conflicts with SP1, SP2, SD10, of the adopted JCS and Policies RES1-4 of the adopted TBP.
- 9.3 However, the Council cannot currently demonstrate a five-year supply of deliverable housing sites and therefore the Council's policies for the supply of housing are out of date, according to Paragraph 11 of the NPPF.

Heritage Harm

- 9.4 Paragraph 11 of the NPPF states there is a presumption in favour of sustainable development which means that (amongst other things), planning permission should be granted where the most important policies for determination are out of date (Footnote 8). One of the exceptions where the presumption does not apply is set out in Paragraph 11(d)(i) where there is a 'clear reason for refusing the development' according to policies of the NPPF relating to designated heritage assets (Footnote 7). Put simply in this case, if there is clear heritage harm, then the presumption of sustainable development and the 'tilted balance' is not engaged.
- 9.5 Officers acknowledge the Conservation Officer has objected to development. However, the objection states the proposal would result in a 'small degree of harm at the lower end of less than substantial'. Officers do not consider this level of harm provides a clear reason for refusal. Further, the Conservation Officer acknowledges the need to weigh the public benefit of development against the level of harm.
- 9.6 Accordingly, Officers consider the 'tilted balance' of sustainable development is engaged.

Benefits

- 9.7 The delivery of market and affordable housing would provide an important social benefit, especially in the context of a housing supply shortfall. Further, there would be economic benefits both during and post construction through the creation of new jobs, the support to existing local services and the support to the local economy. Overall, those benefits would attract substantial weight in favour of granting planning permission in light of the Council's housing land supply position.

Harms

- 9.8 Harm arises from conflict with development plan policies relating to housing strategy, in particular the adopted JCS Policy SD10 and RES4 of the adopted TBP. There would be some degree of landscape, due to development of a greenfield site on the edge of Ashleworth. The proposed development would result in the loss of two mature sycamore trees, and result in some heritage harm, albeit at the lower end of less than substantial.

Neutral

9.9 Whilst the application has been made in outline with only matters of access included at this stage, the indicative site layout demonstrates that the proposed development can be accommodated. The proposed development raises no residential amenity issues, there is no risk of flooding and subject to confirmation from Sever Trent Water, appropriate drainage infrastructure can be provided. The proposal would be served by a safe access and the cumulative impact on the highway network would not be severe. Subject to agreement of the s106 to secure in excess of 10% biodiversity net gain, the proposal also accords with the 2021 Environment Act in as far as it applies.

10. Conclusion

10.1 Where the tilted balance is applied in this instance, it is considered the benefits of development significantly and demonstrably outweigh the harms.

11. Recommendation

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

12. Conditions

Standard Conditions

1. Details of appearance, landscaping, layout and scale (hereinafter called “the Reserved Matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced and the development shall be carried out in accordance with the approved details.

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

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

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

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

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

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

Indicative Masterplan 21225.101 RevB dated 3.10.23
Indicative Landscape Strategy 21225.102 RevA dated 29.9.23

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

5. The development hereby permitted shall provide no more than 11 dwellings.

Reason: To define the scope of the permission

Pre-commencement Conditions

6. Prior to the commencement of development, a detailed site waste management plan shall be submitted to and approved in writing by the local planning authority. The site waste management plan must identify the type and amount of waste materials expected to be generated from the development during site preparation and construction phases and set out what site specific measures will be employed for dealing with this material so as to; - minimise its creation, maximise the amount of re-use and recycling on-site; maximise the amount of off-site recycling of any wastes that are unusable on-site; and reduce the amount of waste sent to landfill. In addition, the site waste management plan must also clearly set out the proportion of recycled content from all sources that will be used in construction materials. The detailed site waste management plan shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

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

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

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

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

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

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

- 8.** Where excavations or surface treatments are proposed within the root protection areas (RPA) of retained trees and hedgerows, full details shall be submitted to and approved in writing by the local planning authority before any development starts. The RPA is defined in BS5837:2012. Details shall include the proposed locations of excavations and/or surface treatments, proposed methods & specifications of excavations and/or surface treatments and any post excavation remedial works. All excavations or surface treatments shall be carried out in accordance with the approved details.

Reason: To prevent damage to or loss of trees

- 9.** The Development hereby approved shall not commence until drawings of the highway improvements works comprising:

New footway connection on Lawn Road that links to Nup End Have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until those works have been constructed in accordance with the approved details.

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

- 10.** Prior to commencement of any development a Construction (and demolition) Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (but is not limited to):
- a. Site access/egress
 - b. Staff/contractor facilities, parking and travel arrangements
 - c. Dust mitigation
 - d. Noise and vibration mitigation (Including whether piling or power floating is required and please note white noise sounders will be required for plant operating onsite to minimise noise when in operation/moving/ reversing)
 - e. Mitigation of the impacts of lighting proposed for the construction phase
 - f. Measures for controlling leaks and spillages, managing silt and pollutants
 - g. Plans for the disposal and recycling of waste
 - h. Locations for loading/unloading and storage of plant, waste and construction materials;
 - i. Method of preventing mud being carried onto the highway;
 - j. Arrangements for turning vehicles;
 - k. Arrangements to receive abnormal loads or unusually large vehicles;
 - l. Highway Condition survey
- Development shall not take place other than 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.

11. 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 (Drainage Strategy Sheet 1 of 2; 22-0586-C002-B and Drainage Strategy Sheet 2 of 2; 22-0586-C003-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 put in to use/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.

Prior to Occupation Conditions

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

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

13. Prior to first occupation of the development, a "lighting design strategy for biodiversity" for the boundary features and any native planting shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

Reason: In the interests of ecological mitigation and enhancements.

14. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to first occupation of the development.

The LEMP shall be written in accordance with BS42020. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out details of the Biodiversity Net Gain assessment (Update calculations and metric including offsite measures must be submitted) and detail how condition criteria are being met and where the results from monitoring show that conservation aims and objectives are not being met, how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details. The LEMP is also to include ecological enhancement plan detailing location and specification of the ecological enhancements.

Reason: In the interests of ecological mitigation and enhancements.

15. The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 42.1 metres to the west and 43.5 metres to the east measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

Reason: In the interests of highway safety.

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

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

Additional Conditions

17. The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Impact Assessment (Focus Environmental Consultants, January 2024), Biodiversity Net gain Assessment (Focus Environmental Consultants, January 2024) and Ecological Mitigation and Enhancement Strategy (Focus Environmental Consultants, January 2024).

Reason: In the interests of ecological mitigation and enhancements.

- 18.** If the development plans to install any type of Heat Pumps careful consideration should be given to the acoustic characteristics and location of the heat pumps. The individual and cumulative noise impact of any heat pumps should be assessed in accordance with BS 4142:2014+A1:2019. Specification of any heat pumps to be installed shall be submitted to and approved in writing by the location planning authority. Installation shall take place as approved.

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

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

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

- 20.** 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

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

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

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

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

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

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

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

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

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

Informatives

1. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out. Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions: Drafting the Agreement A Monitoring Fee Approving the highway details Inspecting the highway works

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

2. All new streets must be tree lines as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.
3. The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

4. The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.
5. It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says: Constructors should give utmost consideration to their impact on neighbours and the public
 - Informing, respecting and showing courtesy to those affected by the work;
 - Minimising the impact of deliveries, parking and work on the public highway;
 - Contributing to and supporting the local community and economy; and
 - Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues. Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

6. If at any time nesting birds are observed on site then certain works which might affect them should cease and advice sought from a suitably qualified ecological consultant or Natural England. This is to comply with the Wildlife & Countryside Act 1981 (as amended) and avoid possible prosecution. You are additionally advised that tree or shrub removal works should not take place between 1st March and 31st August inclusive unless a survey to assess nesting bird activity during this period is undertaken. If it is decided on the basis of such a survey to carry out tree or shrub removal works then they should be supervised and controlled by a suitably qualified ecological consultant. This advice note should be passed on to any persons/contractors carrying out the development.
7. The Wildlife and Countryside Act 1981 (as amended) makes it an offence to kill, injure or take any wild bird, and to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built. It is also an offence to take or destroy any wild bird eggs. In addition the Act states that it is an offence to intentionally or recklessly disturb any wild bird listed in Schedule 1 while it is nest building, or at (or near) a nest containing eggs or young, or disturb the dependent young of such a bird. This advice note should be passed on to any persons/contractors carrying out the development.





Revisions: _____ Date: _____ Drawn: _____ Checked: _____

Project: Land Off Lawn Road Ashleworth

Client: Cotswold Oak - Lanitar Developments

Title: Existing Site Plan

Drawing number: 21225.202 Rev: _____

Status: _____

Drawn By: NG Checked By: AT Date: 29.11.22 Scale @ A2: 1:500



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Project Name:
Land off Lawn Road, Ashleworth

MHP Reference:
21225.101

Revision:
B

Status:
FINAL

Date:
03/10/2023





Attenuation pond to contain permanent standing water for wildlife enhancement and biodiversity gain

Existing sycamore tree to be removed along with adjoining scrub

Proposed hedges to comprise of a native mix and include hawthorn, dogwood and guelderrose

Enrichment EMB or similar wetland Meadow Mixture

Building materials to reflect those found in the local vicinity drawing on desirable local character

Existing fragments of interplant hawthorn, field maple and ash hedge to be gapped up with new hedge planting. New species to include Hawthorn, dogwood, spindle and field maple

Small fruit tree planting in back gardens

Landscape planting to include scented/night scented species

Street trees to medium sized fastigate trees.

Section of new mixed native hedge to be planted as tall instant hedging. To comprise species such as hawthorn, elm, field maple, holly and yew

Post and wire stock proof fence to contain meadow.

Proposed tree planting within new site frontage hedge

Existing hedge comprising blackthorn, elm, sycamore, dogwood, ash, field maple and hawthorn. Category B3 - refer to arboricultural survey

Maintenance access via field gate

Meadow management to include a late summer hay cut (using tractor/hay) and aftermath grazing.

Interpretation board and bench

Bat mitigation structure for night time roosting

Simple 1m wide informal mown circular path

Existing hedgerow comprising hawthorn, ash, field maple, dogwood, blackthorn and spindle

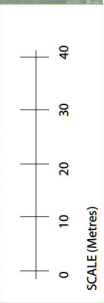
Boundary treatments to include elements such as low stone walls and clipped hedging to reflect elements of desirable local character

Existing MG4 Lowland Meadow



KEY

- Existing Hedge
- Proposed Hedge



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Project Name: Land off Lawn Road, Ashleworth

MHP Reference: 21225_102

Revision: A

Status: FINAL

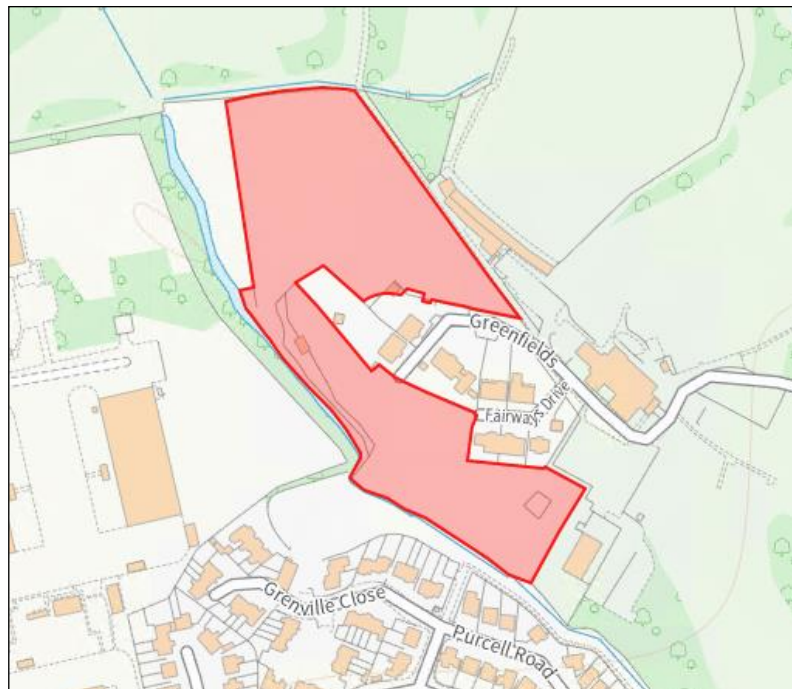
Date: 29/09/2023



Planning Committee

Date	20 February 2024
Case Officer	Jonny Martin
Application No.	22/00898/OUT
Site Location	Retained Land At Brickhampton Court, Greenfields, Churchdown
Proposal	Hybrid planning application seeking; A. Full permission for the use of land as public amenity space (Including community woodland, pedestrian access, play space and biodiversity enhancements). B. Outline planning permission for seven affordable (discounted market) dwellings with all matters reserved for future consideration. C. Outline planning permission for eight market dwellings with all matters reserved for future consideration.
Ward	Churchdown St Johns
Parish	Churchdown
Appendices	Site Location Plan received by the LPA on 8 th August 2022 Proposed Site Plan 4171-001 Rev L Proposed Arrangement Plan 003 Rev C
Reason for Referral to Committee	Full or outline application for the erection of 10 or more dwellings in accordance with the TBC Scheme of Delegation. Parish objection.
Recommendation	Refuse

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 a Hybrid planning application seeking;

*A. **Full permission** for the use of land as public amenity space (Including community woodland, pedestrian access, play space and biodiversity enhancements).*

*B. **Outline planning permission** for 7 affordable (discounted market) dwellings with all matters reserved for future consideration.*

*C. **Outline planning permission** for 8 market dwellings with all matters reserved for future consideration.*

1.2 The applicant has provided an arrangement plan (003 Rev C) which defines the parts of the site as follows:

- Part A Public amenity space - shown with a green wash;
- Part B Affordable housing - shown with a yellow wash;
- Part C Market housing - shown with a blue wash.

1.3 In relation to access it is envisaged that vehicular access to the site will be provided from Greenways pertaining to Parts B and C relating to the dwellings. For Part A, the public amenity space, the Site Plan (Drawing 4171-001 Rev L) (herein referred to as concept plan) shows new pedestrian connectivity through links between the existing PROW ECN to the north east and east.

1.4 The concept plan shows the 8 market dwellings being located in the southern portion of the site, footpaths linked these houses to the public open space along the western boundary, the majority of the public open space with the play area and attenuation pond being located in the northern portion of the site and the 7 Affordable Housing (AH) units being located on the eastern portion of the site adjacent to the driving range associated with Brickhampton Golf Club.

1.5 The proposals are for 8 market homes and 7 affordable homes achieving 47% as affordable units. Although all matters of detail are reserved for subsequent approval (and therefore under the LPA's control), an indicative layout has been prepared to demonstrate the general form and layout that is envisaged. It is envisaged that the dwellings will not exceed 2 storeys in height and all units would be detached dwellings.

2. Site Description

2.1 The application site comprises 2.4 hectares of land retained by the applicants after the farm was developed into Brickhampton Golf Club, club house and driving range in 1990. In 1994, 8 new houses were built on the original footprint of the farm house and buildings at Greenfields and Fairways Drive. A stable block and field shelter for equine use form the bulk of the remaining built structures on the site's 2.4 hectares.

- 2.2** The site is not located within the settlement boundary of Churchdown and Innsworth but the settlement boundary runs along the southern boundary of the site. To the west, the site is bound by the Nato Allied Force Base. The majority of the site is bound to the north and east by Brickhampton Golf Club with the middle portion of the site bound by the residential development at Greenfields and Fairways Drive.
- 2.3** The site is located within the Green Belt, a Public Right of Way (PROW) runs along the eastern boundary and is located within Flood Zone 1. There are no other environmental or landscape constraints relating to the site.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
87/00161/OUT	Outline application for residential development on 2.63ha of land. Alteration of existing vehicular and pedestrian access.	REF	25.11.1987
89/90847/OUT	Outline application for golf course, including clubhouse with hotel accommodation (32 bedrooms) small swimming pool & fitness centre	REF	14.03.1990
90/94176/OUT	Extension to permitted area of golf course, clubhouse with hotel (26 beds), leisure facilities, parking & improved access	PER	30.08.1990
94/01231/OUT	Outline application for alterations to two existing farm buildings to form three dwellings and alterations to existing farmhouse to form two dwellings. Erection of three detached dwellings.	PER	13.12.1994
95/00841/OUT	Outline application for the erection of eight dwellings.	REF	14.11.1995
98/00275/APP	Erection of 8 dwellings (Approval of reserved matters).	APPROV	26.05.1998
98/00911/APP	Erection of 8 dwellings (approval of reserved matters landscaping).	APPROV	06.11.1998

4. Consultation Responses

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

Churchdown Parish Council – Objection: The development is on Green Belt land and there are concerns over highways safety due to proposed access along the existing narrow private road.

Ecology – No objection subject to conditions.

Archaeology – No objection subject to conditions.

County Highways – No objection subject to conditions.

S106 – The applicant is agreeable to paying planning obligations via a S106 Agreement

if the application is permitted.

Tree Officer – No objection to principle but full details required via condition/reserved matters.

Tree Warden – neither objects or supports but welcomes the biodiversity enhancements.

Landscape Officer – No comment received but full landscaping details would be provided via condition/reserved matters.

Lead Local Flood Authority – No objection subject to compliance condition.

Severn Trent – No objection subject to condition.

Environmental Health Officer – No objection subject to conditions relating to contaminated land, noise assessment, CEMP and construction hours.

Economic Development – No comment received.

Minerals and Waste – No objection subject to conditions.

Wildlife Trust – Welcomes the proposal but request further information through a LEMP.

Campaign to Protect Rural England (CPRE) – Objection as the development does not provide very special circumstances to outweigh the harm to the Green Belt.

Affordable Housing Officer – Objection due to the physical separation of the affordable units from the market sale units and the proposed tenure type does not meet the identified need for the borough.

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** The application has also been publicised through the posting of neighbour notifications for a period of 21 days and 16 letters of objection, including a signed petition from 12 members of Brockhampton Golf Club and an objection letter from PJS Development Solutions on behalf of 7 properties at Greenfields and Fairfields have been received. 12 letters of support, including a signed letter from 60 residents from Highgrove Estate, have also been received.
- 5.3** The objection comments are summarised as follows:
- The development would impinge on existing wildlife on the green fields;
 - Impact on traffic congestion;
 - Inappropriate development for the Green Belt;
 - Increase in noise and disturbance to existing residents;
 - Impact on flooding;
 - No parking facilities for the play area and amenity space;

- Impact on highway safety due to increase in cars using narrow lanes;
- Play park not in a sustainable location;
- Conflict with Neighbourhood Plan in relation to public amenity space provision;
- The development as a whole is not located within a sustainable location;

5.4 The support comments are summarised as follows:

- The woodland, play area and improved public access complements the existing golf infrastructure;
- Highgrove Estate Residents – 52 residential homes and 60 residents living adjacent to the application support the scheme;
- Provision of facilities for young children;
- Provision of affordable and market homes;

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)
- SD5 (Green Belt)
- SD6 (Landscape)
- SD9 (Biodiversity)
- SD10 (Residential Development)
- SD11 (Housing mix and Standards)
- SD14 (Health and Environmental Quality)
- INF1 (Transport Network)
- INF2 (Flood Risk Management)
- INF3 (Green Infrastructure)
- INF4 (Social and Community Infrastructure)
- INF6 (Infrastructure Delivery)
- INF7 (Developer Contributions)

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

- RES2 (Settlement Boundaries)
- RES3 (New Housing Outside Settlement Boundaries)
- RES5 (New Housing Development)
- RES12 (Affordable Housing)
- RES13 (Housing Mix)
- GRB4 (Green Belt)
- DES1 (Housing Space Standards)
- LAN2 (Landscape Character)
- NAT1 (Biodiversity)
- RCN1 (Public Outdoor Space)
- 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 CHIN5: Provision of Play Facilities
- Policy CHIN 11: Blue Infrastructure
- Policy CHIN12: Flood Mitigation
- Policy CHIN14: Pedestrian and Cycle Movement Routes

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 2023 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

8. Evaluation

Five Year Housing Supply

- 8.1** The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites (or a four year supply if applicable). Where local authorities cannot demonstrate a five year supply of deliverable housing sites, paragraph 11 of the NPPF sets out that housing policies contained within development plans should not be considered up-to-date.
- 8.2** Further to the recent Trumans Farm, Gotherington Appeal decision (ref. 22/00650/FUL), and subsequently published Tewkesbury Borough Five Year Housing Land Supply Statement October 2023, the Council's position is that it cannot at this time demonstrate a five year supply of deliverable housing land. The published position is that the Council's five year supply of deliverable housing sites is 3.24 years supply of housing land. Officers consider this shortfall is significant. The Council's policies for the provision of housing are therefore out of date in accordance with footnote 8 of the NPPF.
- 8.3** Paragraph 11(d) of the NPPF therefore applies and states that where policies which are most important for determining the application are out of date, permission should be granted unless: i) the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole

Principle of development

- 8.4** In order to further sustainability objectives and in the interests of protecting the countryside, the housing policies of the JCS set out a development strategy for the Borough. Strategic Policies SP1 and SP2 of the JCS set out the scale and distribution of development to be delivered across the JCS area in the period to 2031.
- 8.5** The application site is located outside of any defined settlement boundary as identified on the Tewkesbury Borough Local Plan (TBLP) adopted policies map. The site is located on land adjacent, to the north, of the settlement boundary relating to Churchdown. The proposed site plan shows how there are 8 existing properties located in the middle of the application site and that the 7 AH units would be located to the north of these properties and the 8 market units would be located to the south. However, it remains that the site is not located within any defined settlement boundary.
- 8.6** TBLP Policy RES3 states that outside of the defined settlement boundaries, the principle of new residential development will only be considered acceptable where development being proposed consists of one of the exceptions. None of the exceptions apply to the proposed development.

8.7 Policy SD10 of the JCS confirms that housing development on other sites will only be permitted where it is previously developed land in the existing built-up areas of Tewkesbury town, service centres and service villages, or it is:

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

8.8 The application site is not allocated for housing development and does not meet any of the exceptions of Policy SD10 of the JCS or Policy RES3 of the TBLP. The site is separated from the settlement boundary on the adopted plans and policies map but it is also physically separated from the settlement boundary by a small water course which runs along the southern boundary. Coupled with the existing hedgerows and tree planting to the southern boundary, the site is not considered to be infill development. The application therefore conflicts with Policy SP2 and SD10 of the JCS and Policy RES3 of the TBLP and the conflict with these adopted development plan policies are the starting point for decision making.

8.9 The proposal is therefore unacceptable in principle due to its location outside of any defined settlement boundaries on undeveloped land. However, it is also the case that a 5-year supply of deliverable housing sites cannot currently be demonstrated. The NPPF states at paragraph 11 and footnote 8, that if a local authority cannot demonstrate that a 5-year housing land supply exists, then the policies which are most important for determining the application are deemed out of date.

8.10 Consequently, paragraph 11d of the NPPF sets out that in circumstances where the most important policies for determining an application are out of date (and this includes circumstances where the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites, as is the case here) there is a presumption that planning permission be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

8.11 The protected areas or assets of particular importance referred to at (i) above are defined in footnote 7 of the NPPF and include ‘land designated as Green Belt’

8.12 Therefore, as a starting point, the tilted balance and paragraph 11d of the NPPF would be engaged and the conflict with policies SP2, SD10 and RES3 must be weighed in the planning balance. However, careful consideration must also be given to whether the ‘tilted balance’ is disapplied insofar as paragraph 11di of the NPPF is engaged.

8.13 It is still necessary for the decision maker to have regard to all other relevant considerations which must be weighed in the overall planning balance.

Green Belt Assessment

8.14

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

8.15

Paragraph 142 of the NPPF 2023 states: *“The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”*

8.16

Paragraph 143 of the NPPF 2023 explains that the Green Belt serves five purposes which are:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

8.17

Paragraph 152 of the NPPF 2023 states: *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*

8.18

Paragraph 153 of the NPPF 2023 states: *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*

8.19

Paragraph 154 of the NPPF 2023 provides a number of exceptions to the construction of new buildings in the Green Belt as stated below:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority

- 8.20** Given this application is a hybrid application with parts, A, B and C, the Council will need to make an assessment on each element individually in relation to the exemptions set out under Paragraph 154 of the NPPF 2023 and then on all parts combined cumulatively.

Assessment on Part A – Public Open Space

- 8.21** Part A of the proposal seeks full planning permission for the change of use of existing paddock land to Public Open Space (POS) for community and educational use for local residents of Churchdown and Innsworth. The POS would comprise a community woodland, pedestrian access, play space and biodiversity enhancements. However, within the proposal for Part A, an attenuation pond would be constructed but this attenuation ponds primary use would be to serve the 15 dwellings proposed within Parts B and C. The attenuation pond would not primarily serve outdoor recreation or the change of use of the land but would primarily serve the residential dwellings which are not considered to be an exception to Green Belt policy under paragraph 154(b) of the NPPF 2023. Therefore, given the attenuation pond is central to Part A of the development, Part A as a whole would not meet the exception under paragraph 154 (b) of the NPPF 2023 for outdoor recreation.
- 8.22** Furthermore, while the principle of a play park is likely to meet exception 154(b) an assessment would need to be made on the facilities, in particular the size and scale of the playpark, to ensure the play provision preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

Assessment on Part B – 7 Affordable Units

- 8.23** Part B seeks outline planning permission for the erection of 7 AH units. An exception under paragraph 154 (f) does not consider affordable housing as inappropriate development provided that the affordable housing is for local community needs under policies set out in the development plan including policies for rural exception sites. The proposal would not be compliant with local policy RES6 Rural Exception Sites of the TBLP and therefore the proposal would not meet exception (f) and this element of the proposal is considered to be inappropriate development in the Green Belt.

Assessment on Part C – 8 Market Units

- 8.24** Part C seeks outline planning permission for the erection of 8 market dwellings. The applicant, as set out within the Planning Statement, believes that this element of the scheme meets exception 154 (e) is that it would be limited infilling in villages. The Council do not consider this element to be limited infilling in a village given the proposal would not be located within a defined settlement boundary, it conflicts with policy RES3 of the TBLP and Policy SD10 of the JCS. This parcel of land is physically separated from the existing settlement of Churchdown by a strong line of trees and hedges which provides a high degree of visual separation between the application site and the settlement boundary. Furthermore, the application site is separated from the settlement to the south by a small watercourse. PROW ECN runs along the eastern boundary of the site and then runs parallel to the watercourse until the PROW meets Cheltenham Road East (B4063). Despite the proposal seeking footpath connections to the existing PROW, the PROW does not connect into the settlement boundary at Grenville Close or Purcel Road and therefore there is no connection to the settlement boundary. Given the physical separation by mature

hedgerows, trees and small watercourse the site cannot be considered to be infill development. The proposed development would represent inappropriate development in the Green Belt, which by definition, is harmful to the Green Belt and should not be approved except in very special circumstances.

Cumulative Assessment on Exceptions

- 8.25** This application before the Council has been submitted as a Hybrid application with 3 elements, 1 seeking full planning permission and the other 2 elements seeking outline consent. When assessing the scheme as a whole, it would not meet the exceptions set out under Paragraph 154 of the NPPF 2023 and therefore the development is considered to be inappropriate development and should not be approved except in very special circumstances.

Openness of the Green Belt

- 8.26** Openness, as highlighted in the NPPF, is an essential characteristic of Green Belts which is a separate issue from the character and appearance of an area. It is a matter of its physical presence rather than its visual qualities. The Planning Practice Guidance (PPG) advises that openness is capable of having both spatial and visual aspects.
- 8.27** The application site comprises open pasture land contained by hedgerows and lines of trees. The undeveloped and agricultural nature of the site contributes significantly to the openness.
- 8.28** Despite the proposed public open space and landscaping, the combined presence of the buildings erected as part of Part B and C, associated domestic paraphernalia, areas of hardstanding (roads and parking areas) and vehicles at the site would result in a considerable loss of openness. Moreover, given the open character of the application site and its location beyond the edge of the settlement, the development would run counter to two of the five purposes of the Green Belt that is to check the unrestricted sprawl of large built-up areas and assist in safeguarding the countryside from encroachment.
- 8.29** In relation to Part A, the applicant has provided no details on the type and size of play facilities to be used. This element of the proposal is for full planning permission and therefore without the details of the play facilities the Council cannot assess the impact this element of the proposal would have on the openness of the Green Belt. Due to the lack of information provided, Part A of the proposal would not be acceptable.
- 8.30** Accordingly, the proposal would cause a permanent reduction in openness which, because of the site's location and appearance, coupled with the degree of built form, would have an adverse spatial and visual impact on the openness of the Green Belt. The degree of harm would be significant. The cumulative features of the development would result in a clear loss of openness to the Green Belt which would be in conflict with the fundamental aims of green belt policy.

Applicant's Very Special Circumstances

- 8.31** As set out above, planning policy provides that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The applicant has advanced several considerations they believe constitute very special circumstances which would clearly outweigh the harm to the Green Belt. These are summarised below (see the submitted

Planning Statement for full details):

1. Provision of housing where there is a lack of local housing supply in Tewkesbury;
2. Provision of affordable housing above the recognised 40% standard figure (at 47% for the Proposed Scheme);
3. Provision of community woodland;
4. Provision of a play area;
5. Provision of new footpaths and improved connectivity;
6. Provision of landscaping and screening;
7. Consideration of the development as infilling of existing development;
8. Previous consideration of the site for removal from the Green Belt; and
9. Meeting specific identified local housing need.

Analysis of Very Special Circumstances

- 8.32** The Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework also indicates that substantial weight should be given to any harm identified to the Green Belt.
- 8.33** The applicant has put forward a number of benefits which they consider to amount to very special circumstances. The Council do not consider a number of the arguments put forward to amount to benefits but see them as policy compliant matters. Points 1 and 9 are a duplication of each other in relation to contributing to the local housing need and therefore the number of benefits are reduced to 8.
- 8.34** Point 6 relates to the provision of landscaping and screening which the Council believe is a requirement of policy for any type of development to be acceptable and therefore the Council do not consider this to be a benefit.
- 8.35** Point 7 relates to the consideration of the development as infilling and as set out in the section above, the local policy directs housing development to the settlement boundaries first and then considers infill development. The Council do not consider the site to be infill development and therefore this is not a benefit.
- 8.36** Point 8 relates to the site being previously considered for removal from the Green Belt. This infers to the Tewkesbury Green Belt Review which was undertaken in July 2017. This document reviewed areas within the Borough against the five nationally defined purposes of the Green Belt as set out in the NPPF. The Conclusion on this parcel of land was "*The principal harm resulting from release of the parcel would be the perceived sprawl of Churchdown into an area of Green Belt land, with the formation of a less coherent and uneven settlement edge. Its release would lead to a slight weakening of the existing Green Belt boundary, defined by a stream along the inset settlement edge, and would mean the neighbouring parcel P01 being more vulnerable to urban sprawl.*" The Council do not consider this point to be a benefit just because the site has previously been considered for Green Belt release.
- 8.37** Therefore, the Council only consider points 1,2,3,4 and 5 to be benefits which have the potential to amount to very special circumstances. The scheme will provide 7% over the policy requirement of 40% for affordable units as part of housing schemes. It is recognised that there is a Borough wide need for affordable housing and therefore the proposed development would contribute to this need. It would also contribute to the lack of local housing supply within Tewkesbury.

- 8.38** The provision of a community woodland, play area and new footpaths and connectivity to the wider area are considered to be benefits for the local community and biodiversity enhancements would be provided.
- 8.39** Having considered the ‘very special circumstances’ case advanced, whilst appreciating there would be clear benefits to the proposed development, the very special circumstances necessary to justify the proposal as inappropriate development in the Green Belt do not exist.

Conclusion on Green Belt Matters

- 8.40** The proposed development would cause harm by reason of inappropriateness, loss of openness and conflict with the Green Belt purposes. In line with the NPPF, this harm attracts significant weight.
- 8.41** In this particular case, the applicant has advanced a range of benefits as very special circumstances. The development would contribute to future housing land supply and affordable housing delivery, provide a community woodland, play area, these benefits are not underestimated. These are material considerations that weigh in favour of the development and must be weighed against the harms that would be caused by the development.
- 8.42** However, officers do not consider the ‘very special circumstances’ case advanced by the applicant would amount to ‘very special circumstances.’
- 8.43** In summary, there are no very special circumstances which exist that would outweigh the harm to the Green Belt and as such the proposed development represents inappropriate development in the Green Belt and would unacceptably reduce its openness and conflict with the purposes of the Green Belt. Consequently, the development would be contrary to advice set out in the National Planning Policy Framework, Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and Policy GRB4 of the Tewkesbury Borough Plan 2011-2031 (June 2022).
- 8.44** It will be necessary to weigh all material considerations in the overall balance to decide whether very special circumstances exist which clearly outweigh the harm to the Green Belt.

Design and Layout

- 8.45** Section 12 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It continues by stating that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning decisions should, amongst other things, ensure that developments will function well and add to the overall quality of the area and should be sympathetic to the local character, including the surrounding built environment. Paragraph 139 of the NPPF makes it clear that planning permission should be refused for development of poor design that fails to reflect local design policies and government guidance on design contained in the National Design Guide and National Model Design Code.

- 8.46** JCS Policy SD4 provides that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.
- 8.47** 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.
- 8.48** Policy RES5 of the TBP states proposals for new housing development should, inter alia, be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it and be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity, unless otherwise directed by policies within the Development Plan.
- 8.49** 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.
- 8.50** Part A of the scheme seeks full permission for POS which will include a community woodland, play area and improved connectivity. Further assessment on the woodland and public open space will be assessed in the Ecology and Landscape sections below but in relation to design and layout, the details are considered to be acceptable.
- 8.51** The concept plan shows a play area will be provided in the northern section of the site to serve the development and existing housing on the adjacent Highgrove estate at Innsworth. The play space is to be equipped to the required standards, according to policy and best practice. Limited details on the play provision have been provided but the applicant is willing to provide further details via condition. The play area would not be considered harmful to the character and appearance of the area and would create a better place in which to live and work and helps make development acceptable to communities. However, questions remain around the connectivity of this proposed POS to the wider community as there is no guarantee that public footpaths could be re-directed over the water course to allow access. Further analysis on the proposed footpaths is set out in a footpath section below.
- 8.52** In relation to the housing provision under Parts B and C all matters relating to the design and layout are reserved for future consideration. However, the application includes a concept plan which indicates how the site could be developed. In addition, the submitted Design and Access Statement (DAS) sets out the development objectives. The purpose of the concept plan is to provide guidance for the detailed stage of future reserved matters applications. The DAS aims to detail how the proposal evolved, including an assessment of the site and its context, identification of the constraints and opportunities which lead to the key urban design principles for the development and an explanation of how the site is proposed to be developed in design terms. The following design principles are set out within the DAS:

- It is envisaged that the dwellings will not exceed 2 storeys in height, and could, as necessary incorporate elements at single storey or one and half storey;
- Detached dwellings are proposed to reflect the local character of Greenfields and Fairways Drive;
- The new homes will be designed to both reflect and respect the traditional character of Churchdown and the character of important individual buildings, styles and features, as guided by the CHINDP;
- traditional materials are intended to be used, and the overall flavour of the development is expected to be traditional, the approach is not at the expense of good design and the design can incorporate elements appropriate to 21st century needs, (mindful of climate change), without adverse impact.

8.53 The surrounding area is characterised by a mix of semi-detached and detached two-storey residential development. 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.

8.54 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.

8.55 Following a review of the submitted reports and concept plan, the dwellings at two storeys in height, being detached with good levels of private amenity space could be accommodated on the application site in accordance with local/national design policies. Whilst the proposed dwellings may be of good design, the scheme has the potential to cause unacceptable harm upon the character and appearance of the existing rural setting. Further analysis on this will be discussed in the Landscape and Visual Amenity Section below.

Landscape and Visual Amenity

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

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

8.58 Policy LAN2 of the TBP sets out that all development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting.

- 8.59** Policy RES5 bullet point 3 of the TBLP states that new housing development should – where an edge of settlement is proposed – respect the form of the settlement and its landscape setting, not appear as unacceptable intrusion in to the countryside and retain a sense of transition between the settlement and the countryside.
- 8.60** The site is located within the Green Belt but it is not located within a Special Landscape Area or a National Landscape Area (formerly AONB). The site currently forms part of a field in pastoral use that is bound by large mature trees and understorey vegetation. The site is private land with no public access through it, but it is next to an established Public Rights of Way network running north to south through the golf course, the club house, driving range and car parking areas. The applicant seeks to open up the land to for public access and the concept plan shows new pedestrian connectivity through links between the existing PROWs ECN and ECN2 to the north east and east, and with the Highgrove Estate to the south west, providing enhanced public access to the footpath network and to the extensive public parts of the site. The introduction of new footpaths and footbridges will be discussed in a separate section below but the Council have fundamental concerns with some of the proposed footpaths as they are for development outside the red line and cannot be relied upon.
- 8.61** A Landscape and Visual Assessment (LVA) prepared by LVIA Ltd accompanies the application. The appraisal concluded that the proposed development would have a minor effect on the landscape sensitivity. This conclusion has been reached by the applicant due in most part to the residential dwellings at Fairways Drive and Greenfields and mature vegetation that sits between the viewer and site, the topography in the area and the similar setting of the proposed scheme. The viewpoints assessed showed that the site is at least partly visible from three of the five assessed. The majority of receptors in the local area can be considered of a high or medium sensitivity (users of PROW and road users). The visual impact of the development on the open countryside has been assessed, at worst case scenario, as moderate (i.e. not a material change) from viewpoint 1 that sits close to the sites southern boundary.
- 8.62** The LVA contains a number of mitigation measures including native tree and hedgerow planning around the site boundary, ornamental planting within residential frontages, heights of built form reflecting that of its surroundings and the use of materials for the external envelope of the buildings which minimise potential visual intrusion and follow the local vernacular to aid visual blending. With these mitigation measure, the LVA concludes that the development will have a minor visual impact and minor/negligible landscape impact.
- 8.63** In respect of the impact upon the character and appearance of the site, the application comprises pasture land in agricultural use, enclosed by hedgerows and trees on all sides. The parcel is located on the eastern settlement edge of Churchdown, however a degree of visual separation is provided by strong hedgerows and a shelter belt of trees which run along a small stream forming the western boundary. The parcel forms a small part of the settlement gap between Churchdown and Cheltenham. It also forms part of the gap between Churchdown, the Golf Club and the Nato Base. Furthermore, the application site is separated from the settlement to the south by a small watercourse. PROW ECN runs along the eastern boundary of the site and then runs parallel to the watercourse until the PROW meets Cheltenham Road East (B4063). Despite the proposal seeking footpath connections to the existing PROW, the PROW does not connect into the settlement boundary at Grenville Close or Purcel Road and therefore there is no connection to the settlement boundary.

- 8.64** The Council acknowledges that the site is split in the middle by 8 residential dwellings. However, the introduction of 15 residential dwellings to this location would significantly increase the built form in the open countryside and as a result, the proposed development would encroach beyond the village edge, creating an urbanising effect which would not be in keeping with the character and appearance of the site.
- 8.65** The existing site provides a sense of transition beyond the settlement boundary and the Golf Club and the development would appear as a visual intrusion into the countryside. Furthermore, the development would fail to respond to its rural landscape context and the delivery of 15 dwellings in this location, however well designed, would considerably change the rural character of the area.
- 8.66** In conclusion, the introduction of the proposed development in this location would not respond positively to and respect the character of the site and its surroundings and would fail to add to the overall quality of the area. As such the proposal would harm the character and appearance of the area. This counts against the proposal.

Housing Mix

- 8.67** Policy SD11 of the JCS and RES13 of the TBLP requires all new housing development to provide an appropriate mix of dwellings sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Housing mix should be based on the most up to date evidence of local housing need and market demand.
- 8.68** The Gloucestershire Local Housing Needs Assessment 2019 – Final Report and Summary (September 2020) (LHNA) provides the most up to date evidence based to inform the housing mix on residential applications. This report states that in Tewkesbury 3% of new market dwellings should be one bedroom properties, with 13% having two bedrooms, 54% containing three bedrooms and 29% having four bedrooms or more.
- 8.69** The Planning Statement explains that detailed dwelling size within the market scheme will be subject to the further detail to be agreed with the LPA via reserved matters. Given the proposal is in outline, should planning permission be granted, a condition is recommended to secure the market housing mix so that the schedule of accommodation would be in broad accordance with the most up to date evidence of the local housing market need and market demand at the time the first reserved matters application for the residential development is submitted.

Affordable Housing

- 8.70** Paragraph 8 of the NPPF states that the planning system needs to perform a number of roles, including a social role in supporting strong, vibrant and healthy communities, by providing a supply of housing required to meet the needs of present and future generations.
- 8.71** Policy SD12 of the JCS and Policy RES12 of the TBLP requires 40% of the proposed houses to be secured as affordable housing. Policy SD12 of the JCS requires affordable housing to be provided on site and to be seamlessly integrated and distributed throughout the development scheme.

- 8.72** The proposal would provide 7 AH units to north east portion of the site and then 8 market dwellings would be provided in the southern portion of the site. This is confirmed on the concept plan which shows the physical separation of AH units from market sale units. The description of development states that the AH units would be for discounted sale as the tenure type.
- 8.73** JCS Policy SD12 aims to integrate housing of all tenures to such a degree that it ensures that affordable housing tenants are part of an inclusive community, thereby promoting a strong sense of belonging amongst all residents. Affordable housing to be located fairly in terms of access and proximity to on-site community facilities and amenities. Affordable Housing developers will be expected to disperse affordable units evenly across and throughout the development scheme amongst open market homes to encourage the formation of mixed, balanced and sustainable communities. Developers should also avoid creating clusters of affordable homes that are likely to undermine community sustainability and the sense of belonging.
- 8.74** The Council's Housing Enabling Officers has reviewed the proposed AH provision and confirmed that the proposal does not meet the policy requirements as Policy SD 11 together with the LHNA identifies Social rent as a priority housing need for the Borough and Discount Sale Homes do not meet this need. Therefore, the Housing Enabling Officers object to the scheme and do not consider it to be acceptable in its current format.
- 8.75** The proposed development does not demonstrate how it would result in affordable housing being provided in a seamless and integrated manner, due to its uneven distribution contrary to Policy SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017). The proposed tenure type do not meet the identified need for the borough and as such the proposal is contrary to Policy SD11 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017).

Archaeology

- 8.76** Paragraph 200 of the NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 8.77** The application is accompanied by an Outline Written Scheme of Investigation (WSI) for Archaeological Evaluation (Wessex Archaeology, July 2023). This report confirms the presence of archaeological features in the northern part of the site, likely to be related to the known medieval settlement. The southern half of the site was subject to significant magnetic disturbance which prevented the survey from being successful. The County Archaeologist has been in discussion with the applicant's archaeological advisors at Wessex Archaeology and has agreed that the submitted WSI outlines an appropriate sequence of works to fully identify the nature and extent of archaeological remains in the northern part of the site and a process by which subsequent details can be agreed in respect of the southern part of the site. These further evaluations should be followed by appropriate mitigation excavation or agreements to preserve archaeological remains in situ through the avoidance of ground disturbance in defined areas. The applicant has requested that detailed WSIs shall be submitted and agreed for each phase of the development.

- 8.78** The County Archaeologist has no objection in principle to the proposed development. However, it is recommended that a programme of investigation is undertaken to identify and record any archaeological remains which may be adversely affected by ground works required for the construction of this scheme. This work will be secured prior to the commencement of any development relating to any phase of the development.
- 8.79** In light of this, the application is considered acceptable in regard to archaeology.

Residential Amenity

- 8.80** In respect of the impact of the development upon residential amenity, paragraph 135 of the NPPF specifies that planning decisions should ensure development creates places with a high standard of amenity for existing and future users. This advice is reflected in JCS policies SD4 and SD14 which require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants. Policy RES5 of the TBLP also sets out the proposals should provide an acceptable level of amenity for the future occupiers of the proposed dwellings and cause no unacceptable harm to the amenity of existing dwellings.
- 8.81** The NDP does not contain specific guidance on residential amenity but requires new development to integrate positively and respond to local character. Whilst limited details have been provided on the play equipment, the position of the play area is considered acceptable to residential amenity as it would be positioned far enough from the AH units to ensure there would be no adverse noise impacts but it is also located close enough to allow for natural surveillance of the play park.
- 8.82** Policy DES1 (Housing Space Standards) of the TBP requires all new residential development to meet the Government's national space standards as a minimum, to ensure that high quality homes are delivered that provide a sufficient amount of internal space appropriate for occupancy of the dwelling. These space standards will be secured as part of any future reserved matters application.
- 8.83** In relation to the proposed dwellings the proposal is an outline application and therefore the specific internal relationship of the dwellings, as well as the relationship of the proposed development with the surrounding built form will need careful consideration as part of any future reserved matters application.
- 8.84** The Environmental Health Officer (EHO) has reviewed the scheme and has no objections to the development but would require a number of prior to commencement conditions to provide further information to ensure the development would be acceptable. Firstly, the proposed site has been identified to be within 250 meters of historic gassing landfill. A condition would be required to ensure that no development would start until a site investigation of the nature and extent of contamination has been carried out. Secondly, further information would be required prior to the commencement of the development to allow a noise assessment to be undertaken to ascertain any potential impact in relation to noise from the adjacent barracks and noise associated with nearby businesses. Finally a Construction (and demolition) Environmental Management Plan (CEMP) would be required.

8.85 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.

Arboricultural Impacts

8.86 Paragraph 136 of the NPPF states that trees make an important contribution to the character and quality of urban environment and can also mitigate and adapt to climate change.

8.87 Policy INF3 of the JCS states that existing green infrastructure will be protected in a manner that reflects its contribution to ecosystem services including biodiversity, landscape/townscape quality and the connectivity of the green infrastructure network. Development proposals that will have an impact on hedges and trees need to include a justification for why this impact cannot be avoided and should incorporate measures acceptable to the Local Planning Authority to mitigate the loss.

8.88 As detailed within the ecology section, the proposal has been designed to provide sufficient compensation for the loss of semi-improved grassland. The loss of the semi-improved grassland will be compensated by planting of a new green open space with wildflower areas using native species which will create species rich wildflower areas. In addition, a community woodland area will be created using native trees & shrubs & the ground will be sown with a shade tolerant Emorsgate mix to create a diverse ground flora beneath the developing woods which will provide both landscape & wildlife enhancements.

8.89 The application has been accompanied by a Preliminary Arboricultural Report prepared by Arboricultural Association (August 2021). This report has been reviewed by the Council's Tree Officer who has no objections to its findings.

8.90 While the POS element of the scheme seeks full planning permission, limited details have been provided for the detailed tree planting bar the details shown on the concept plan. The Tree Officer is content with the indicative plans and has requested a number of documents be provided via condition. The Tree Officer would also like to see more of a woodland walk feeling to be created throughout the site.

8.91 In light of this, the application is considered acceptable in relation to trees subject to conditions.

Footpaths

8.92 Paragraph 104 of the NPPF 2023 requires planning decisions to protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks. Paragraph 108 and 110 of the NPPF 2023 encourages development proposals to promote walking and provide for attractive and well-designed walking networks.

8.93 Policy INF1 of the JCS requires developers to provide connections to existing walking networks and where appropriate to extend and/or modify existing walking networks.

- 8.94** Policy SD4 of the JCS requires new development to be designated to integrate with the movement network within and beyond the development itself and provide safe and legible connections to the existing walking networks.
- 8.95** Policy TRAC1 of the TBP explains that proposals that reduce pedestrian connectivity, or fail to optimise it, will be resisted. Pedestrian connectivity should be a fundamental consideration in a design-led process for new major development and proposals will be expected to demonstrate this proportionate to the scale of development, including through any Design and Access Statements. New development should, through its design and layout, encourage walking by providing good quality permeable and legible routes both through the development, to local services and to the surrounding area.
- 8.96** As detailed above, a PROW runs along the eastern boundary of the site, Churchdown Footpath ECN. The PROW runs along the narrow access path adjacent to the driving range down to the clubhouse. The PROW that heads south towards the green keepers store until it meets the small watercourse. From this watercourse the PROW heads eastwards down to the Cheltenham Road East (B4063). It should be made clear that the PROW provides no direct access to the streets within the settlement boundary such as Purcell Road and Grenville Close.
- 8.97** As shown on the concept plan, the proposal seeks to provide the following footpath connections:
1. A new footpath link at the most northern section of the site. This link would connect the site to the existing PROW and all work would be within the red line boundary;
 2. A new footpath link would be installed in the northern section of the site, just north of the proposed AH units. This link would connect the site to the existing PROW and all work would be within the red line boundary;
 3. A new footpath link would be installed in the south eastern corner of the site, adjacent to the green keepers store. The PROW does not abut the red line as per the two footpath links above and therefore works to make a connection to the PROW would not be within the red line boundary.
 4. A new footpath link will be created via a new bridge from the application site to the rear of the properties along Purcell Drive. The details for this bridge have not been provided and the bridge would be located outside the red line boundary.
 5. The final footpath link would be to the west of the site and would also require a bridge and gate to be created. The details for this bridge have not been provided and the bridge would be located outside the red line boundary.
- 8.98** The Council have reviewed the proposed footpath connections and have no objections to the footpaths described in points 1 and 2 above as they connect to the existing PROW and provide safe and legible connections to the existing walking networks. These footpath links would allow residents to use the PROW to walk to the bus stops on Cheltenham Road East.

- 8.99** The Council have concerns about the third footpath link and have fundamental concerns about the footpath links that require bridges. The third footpath link requires additional work outside the red line plan in order to connect the site to the PROW. The applicant has stated that a "Grampian" style condition, or alternatively a S106 obligation could be secured in order to provide the details required for this footpath link.
- 8.100** The Council are of the opinion that the two footpath links that require bridges are of no benefit to the connectivity of the site to the wider development. It is proposed that the southern footbridge be installed to provide access to Purcell Drive. This footpath link does not connect to an existing PROW like the first three footpath links, the bridge is outside the red line plan and no details have been provided on how this bridge would be installed or built.
- 8.101** The footpath bridge link on the western boundary seeks access to the Nato Allied Force Base, which is the Council's opinion would provide very little benefit to the connectivity of the area. Likewise, this footpath link does not connect to an existing PROW like the first three footpath links, the bridge is outside the red line plan and no details have been provided on how this bridge would be installed or built.
- 8.102** The Council have fundamental concerns over the footpath bridges given the bridges would require construction over a watercourse and no details have been provided on what impact this would have on the watercourse and the wildlife that live in and around the watercourse. Furthermore, the footpath links and bridges are associated with Part A of the development which seeks full planning permission. Insufficient information has been provided by the applicant for the Council to determine this element of the proposal
- 8.103** The applicant has failed to provide sufficient information in relation to development outside the red line boundary and what impact the potential development would have on the watercourse and local wildlife environment. In light of this the proposed development would not provide a well-designed walking network and the proposal would not integrate with the movement network within and beyond the development itself and provide safe and legible connections to the existing walking networks. Accordingly, the proposal is contrary to Paragraphs 104, 108 and 110 of the NPPF 2023, Policy INF 1 and SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and Policy TRAC1 of the Tewkesbury Borough Local Plan 2011-2031 (2022).

Access and highway safety

- 8.104** 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.
- 8.105** 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 required to ensure safe and efficient access to the highway network.
- 8.106** 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.

Sustainability

- 8.107** Manual for Streets (MfS) states that walkable neighbourhoods are characterised by having a range of facilities within 10 minutes' walk, which is approximately 800 metres. However, this is not an upper limit and industry practice considers that 2km is a maximum walking distance door to door. Whilst it is recognised that the nearest bus stops are located in excess of the otherwise desirable 400 metres distance, as per the guidance set out in 'Planning for Walking' by the Chartered Institution of Highways and Transportation, the application site is situated within the 2km catchment area set out above to numerous services and facilities such as superstore, nursery, primary school, community centre, etc. and as such, it is considered that a number of trips could be made within Churchdown without resorting to a private vehicle.

Access

- 8.108** Vehicular access to the site will be made via the existing B4063 Cheltenham Road East priority junction. There are 2no. Personal Injury Collisions (PIC's) recorded in the most recent 5no. years within a 500m radius from the priority junction, one serious and one slight in severity, occurred in January and November 2017, respectively. Thus, it is safe to conclude that there are no existing patterns indicative of problems in relation to the operation and safety of the local highways.
- 8.109** The vehicular access through the golf complex, whilst narrow, does provide for considerable levels of forward visibility and several passing places which allow for the free flow of traffic. It is however recognised that the narrowness of the access will present challenges at construction stage, and as a result, a condition for a Construction Management Plan is recommended in order to ascertain and mitigate the impacts of construction.

Traffic generation and Impact

- 8.110** The applicant has carried out a TRICS assessment to ascertain the likely number of trips rising from this development, and its use is accepted. The outputs of the appraisal demonstrate that the proposal is forecast to generate some 6 and 7 two-way vehicle movements in the AM and PM Peak times, respectively.
- 8.111** The NPPF is clear that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
- 8.112** Whilst no appraisal of the current traffic demands of the golf complex has been carried out, it is clear that a considerable number of daily movements occur, and as a result, the impact of this development would not be considered severe.
- 8.113** In relation to waste collection, discussions have been ongoing with the Council's Waste Services Department and Highways. The Applicant has agreed to an indemnity to allow TBC and its waste collection team to enter and operate within the private access road for the Retained Land at Brickhampton Court in order to access the properties adjoining the road to collect residents waste and recycling containers. These details would be secured through the signing of a S106 Agreement.

- 8.114** Gloucestershire County Council, as Local Highway Authority (LHA) have assessed the proposed development in terms of location, access, highway impact and 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.
- 8.115** The Highway Authority has not objected to the proposals and as such 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

- 8.116** 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.
- 8.117** The proposed development is located within Flood Zone 1 as defined by the most up-to-date Environment Agency flood risk maps. The application is accompanied by a Flood Risk Assessment (FRA) and surface water drainage strategy prepared by Cole Easdon dated May 2022.
- 8.118** In order to mitigate flood risk posed by post development runoff, adequate control measures will be provided within the site. This will ensure that flood risk is not increased elsewhere as a result of the development. On site storage will be provided within a pond, to be located within the northern portion of the site outside of the 1:100 year + climate change flood extent. Preliminary calculations indicate that a volume of 324m³ will be required to accommodate runoff from the proposed development, at the proposed discharge rate. The pond has been designed to accommodate the extreme 1 in 100 year + 40% storm event, with an additional 0.5m depth surplus freeboard, therefore design exceedance is unlikely to occur. If design exceedance were to occur, flows would follow the existing site topography and enter Watercourse 2. The pond and associated drainage network will be maintained privately, by a management company, as part of the site's overall management programme.
- 8.119** The surface water details have been reviewed by the Lead Local Flood Authority (LLFA) who confirm that the drainage strategy will ensure the development is safe from flood risk and that no increased flood risk will occur elsewhere as a result of the development. The LLFA has no objections to the proposal and do not require any further details via condition.
- 8.120** In relation to foul water, the submitted FRA shows all foul sewage is proposed to discharge to the existing PDaS foul sewer. Severn Trent have reviewed this proposal and do not have any objection to the details provided.
- 8.121** In light of the above, it is considered that the site is at a low risk of flooding and would not increase the risk of flooding to third parties. A compliance condition will be added to ensure the development is carried out in accordance with the approved details.

Biodiversity

- 8.122** The NPPF sets out, inter alia, that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, especially where this can secure measurable gains for biodiversity. Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. Policy NAT1 of the TBLP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.
- 8.123** The application was originally submitted with a Preliminary Ecological Assessment (PEA) (Willder Ecology, July 2022). Following discussions with the Council's Ecologist and updated PEA has been provided which is supported by a desk study of local species records from the local record centre.
- 8.124** The site contains existing stables and a field shelter which are proposed to be removed to facilitate the development. Further information has been provided to confirm that the stable building has been relocated off-site and the shed building was assessed as having negligible potential to support roosting bats.
- 8.125** Further information was requested in relation to Great Crested Newts (GCN) as there are ponds which do not have significant dispersal barriers that could support GCN, one is 210m south-east of the site and another is 165m north-west from the site. The site is also adjacent to a drain which has not been detailed within the report and a full assessment is to be submitted detailing potential for protected species supported by appropriate survey effort and suitable avoidance measures / mitigation. Further information was submitted and the Ecologist has confirmed that the proposal would not have a harmful impact on GCN.
- 8.126** The Biodiversity Net Gain (BNG) calculation identifies that there would be a 14.91% increase in total biodiversity change which is considered to be acceptable.
- 8.127** The Council's Ecologist have reviewed the scheme and the submitted reports and has no objection to the proposal subject to conditions relating to a Construction Environmental Management Plan (CEMP), ecological enhancements plan and a Landscape and Ecological Management Plan (LEMP).
- 8.128** Overall, and subject to the imposition of conditions to secure ecological mitigation strategies, it is considered that the proposed development is acceptable in terms of ecological and biodiversity matters and is in accordance with development plan policies and the NPPF.

Minerals and Waste

- 8.129** One of the key sustainable development objectives of the NPPF is the prudent use of natural resources, including minimising waste and pollution. The NPPF also advises on the sustainable use of minerals and resources and states that policies as far as practicable should take account of the contribution that substitute or secondary and recycled materials and minerals would make to the supply of materials, before considering extraction of primary materials. It further confirms that locations of specific minerals resources of local and national significance should be safeguarded, and development avoided in such areas. Policy SD3 of the JCS, Policy WCS2 of the Gloucestershire Waste

Core Strategy (GWCS) and Policy MS01 of the Minerals Local Plan for Gloucestershire (MLPG) accord with these objectives.

- 8.130** The application is supported by a Waste Minimisation Statement (WMS). The application is supported by a Waste Minimisation Statement which has been reviewed by officers of Gloucestershire County Council Strategic Infrastructure (Minerals and Waste) Team in their capacity as Mineral and Waste Planning Authority (MWPA). The MWPA acknowledged the details submitted and notes it does not raise any fundamental issues that demand an immediate response prior to a decision being made. Consequently, planning conditions are recommended to ensure the matter is afforded appropriate consideration at the reserved matters stage.

Section 106 obligations

- 8.131** 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:

- necessary to make the development acceptable in planning terms.
- directly related to the development; and
- fairly and reasonable related in scale and kind to the development.

- 8.132** 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.

Education, Library and Community Provision

- 8.133** Gloucestershire County Council as Local Education Authority (LEA) has been consulted on the application and advise that the proposal would equate to 15 'qualifying' dwellings that would be expected to generate an additional demand for 0 primary places, 2.55 secondary places (11-16 years) and 0.90 secondary (16-18 years). GCC is therefore requesting the following contributions:

- Primary - £0.00
- Secondary (11-16) - £60,626.25
- Secondary (16-18) - £21,397.50

- 8.134** These contributions are based on an updated assessment that was provided by the LEA on 1st February 2024 and they supersede the previous figures provided in December 2022.

Tewkesbury Borough Council Contributions

- 8.135 The applicant has agreed a contribution of £73 per dwelling, which equates to £1,095 based on 15 dwellings, towards recycling and waste bin facilities.
- 8.136 The application proposes 7 AH units which equates to a 47% Affordable Housing Contribution which would be secured through a signed S106 Agreement.
- 8.137 The applicant has advised that they accept these contributions.
- 8.138 There is currently no signed agreement to secure these contribution requests, but they are capable of being resolved through the signing of appropriate planning obligations.

9. Conclusion

- 9.1 Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70(2) of the Act provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 9.2 The application site is not allocated for housing development and does not meet any of the exceptions of Policy SD10 of the JCS or Policy RES3 of the TBLP. The application therefore conflicts with Policy SP2 and SD10 of the JCS and Policy RES3 of the TBLP and the conflict with these adopted development plan policies is the starting point for decision making.
- 9.3 However, on the basis that the Council cannot at this time demonstrate a five-year supply of deliverable housing sites, having a significant shortfall at 3.24 years of deliverable supply, the most important policies for determining the application are deemed to be out of date and less weight can be given to them. Paragraph 11(d) of the NPPF therefore applies.
- 9.4 Paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas or 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 Footnote 7 of the NPPF confirms that policies in the Framework that protect areas or assets of particular importance includes land designated as Green Belt.

Green Belt

- 9.6 The proposed development is considered to inappropriate development in the Green Belt and would result in the loss of openness and conflict with the Green Belt purposes. In line with the NPPF, this harm attracts significant weight.

9.7 In this particular case, the applicant has advanced a range of benefits as very special circumstances. However, officers do not consider the 'very special circumstances' case advanced by the applicant would amount to 'very special circumstances.'

9.8 This is considered a clear reason to refuse the application in accordance with paragraph 11di and footnote 7 of the NPPF. The tilted balance is therefore not engaged.

Benefits

9.9 The public benefits of the proposal relate to, amongst others, the delivery of up to 15 dwellings houses, new pedestrian and cycle links, new public open space, new construction jobs, increased economically active population, and the associated social and economic benefits, bio-diversity net gain and tree planting.

9.10 Given that these benefits are directly related to the development, to make the proposal acceptable in planning terms, officers afford these benefits limited weight.

Harms

9.11 Harm arises from the conflict with development plan policies and the spatial strategy relating to housing, particularly Policies SP2 and SD10 of the JCS and Policy RES3 of the TBLP.

9.12 The proposed development represents inappropriate development in the Green Belt and would unacceptably reduce its openness and conflict with the purposes of the Green Belt. Consequently, the development would be contrary to advice set out in the National Planning Policy Framework, Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and Policy GRB4 of the Tewkesbury Borough Plan 2011-2031 (June 2022).

9.13 The proposed development does not demonstrate how it would result in affordable housing being provided in a seamless and integrated manner, due to its uneven distribution contrary to Policy SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017). The proposed tenure type does not meet the identified need for the borough and as such the proposal is contrary to Policy SD11 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017).

9.14 At this stage there is no signed S106 Agreement to secure affordable housing; nor is there a signed Agreement to provide for financial contributions required towards education or recycling facilities. Albeit these matters are capable of being resolved in terms of the planning balance.

Neutral

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

Overall Conclusion

- 9.16** As the Council cannot demonstrate a 5-year housing land supply as such the approach to decision making, the ‘tilted balance’ set out in paragraph 11 of the Framework would be engaged as a starting point. However, this is a case where the policies of the Framework relating to land designated as Green Belt provide clear reasons for refusing the proposal. It would therefore follow that paragraph 11 of the Framework would not weigh in favour of the proposal.
- 9.17** Having regard to paragraph 11(d)(i) of the NPPF and having applied the policies in the NPPF that protect areas or assets of particular importance, there is a clear reason for refusing the development. The ‘tilted balance’ is not therefore engaged. However, even if paragraph 11(d)(i) was considered not to apply in this instance, it has been demonstrated that the adverse impacts of granting planning permission would significantly outweigh the benefits, in accordance with paragraph 11(d)(ii).
- 9.18** For the above reasons, the proposal would not accord with the development plan when considered as a whole and, having regard to all material considerations including the NPPF, there are clear reasons for refusing the development proposed, and as such it would not constitute sustainable development and is therefore recommended for refusal.

10. Recommendation

- 10.1** It is recommended that the application should be **REFUSED**.

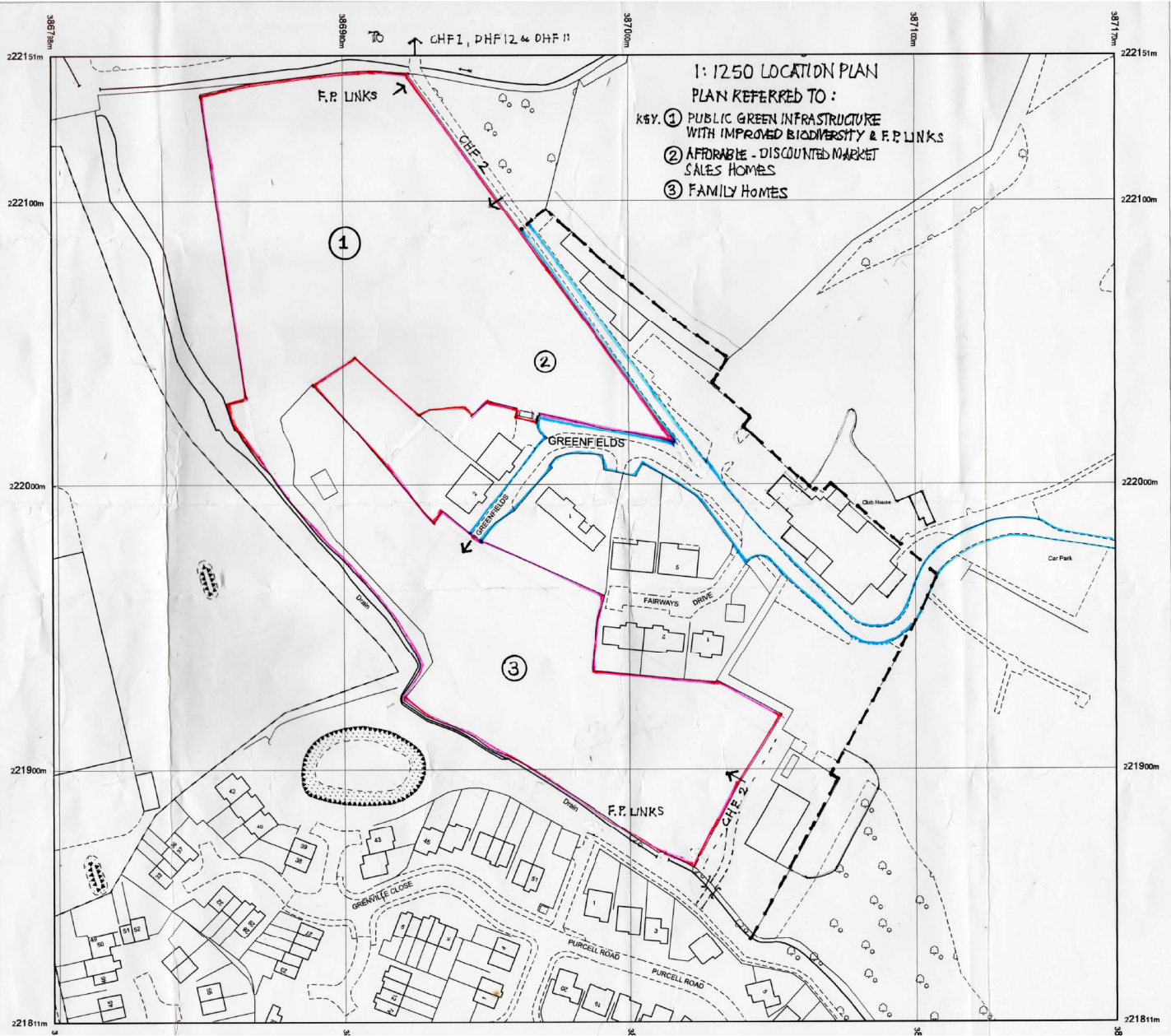
11. Reasons for Refusal

- 1** The proposed development conflicts with Policies SP2 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 and Policy RES3 of the Tewkesbury Borough Plan 2011-2031 in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development.
- 2** Whilst all matters relating to design, layout and landscaping are reserved for future consideration, the proposal would result in harmful encroachment into open countryside and would appear as an unacceptable intrusion into the countryside diminishing the existing sense of transition between the settlement and the open countryside. As such, the proposal conflicts with Policies SD4 and SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031, policies RES5 and LAN2 of the Tewkesbury Borough Plan 2011-2031 and the National Planning Policy Framework.
- 3** The proposed development represents inappropriate development in the Green Belt and would unacceptably reduce its openness and conflict with the purposes of the Green Belt. Consequently, the development would be contrary to advice set out in the National Planning Policy Framework, Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and Policy GRB4 of the Tewkesbury Borough Plan 2011-2031 (June 2022).

- 4 The applicant has failed to demonstrate how the affordable housing would be provided in a seamless and integrated manner, due to its uneven distribution contrary to Policy SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017). The proposed tenure type does not meet the identified need for the borough and as such the proposal is contrary to Policy SD11 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017).
- 5 The applicant has failed to demonstrate that the pedestrian connections shown on the illustrative masterplan could be achieved due to topography and land ownerships. As a result it has not been demonstrated that the proposed development would provide good quality permeable walking and cycling routes to local services and the surrounding area and connections into the existing networks. Accordingly, the proposal is contrary to Paragraphs 104, 108 and 110 of the NPPF 2023, Policy INF 1 and SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and Policy TRAC1 of the Tewkesbury Borough Local Plan 2011-2031 (2022).
- 6 In the absence of a completed planning obligation the proposed development does not adequately provide for Education Contributions and refuse and recycling facilities and conflicts with Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 and the National Planning Policy Framework.

12. Informatives

- 1 In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
- 2 For avoidance of doubt the submitted Site Plan has been treated as being for illustrative purposes only.



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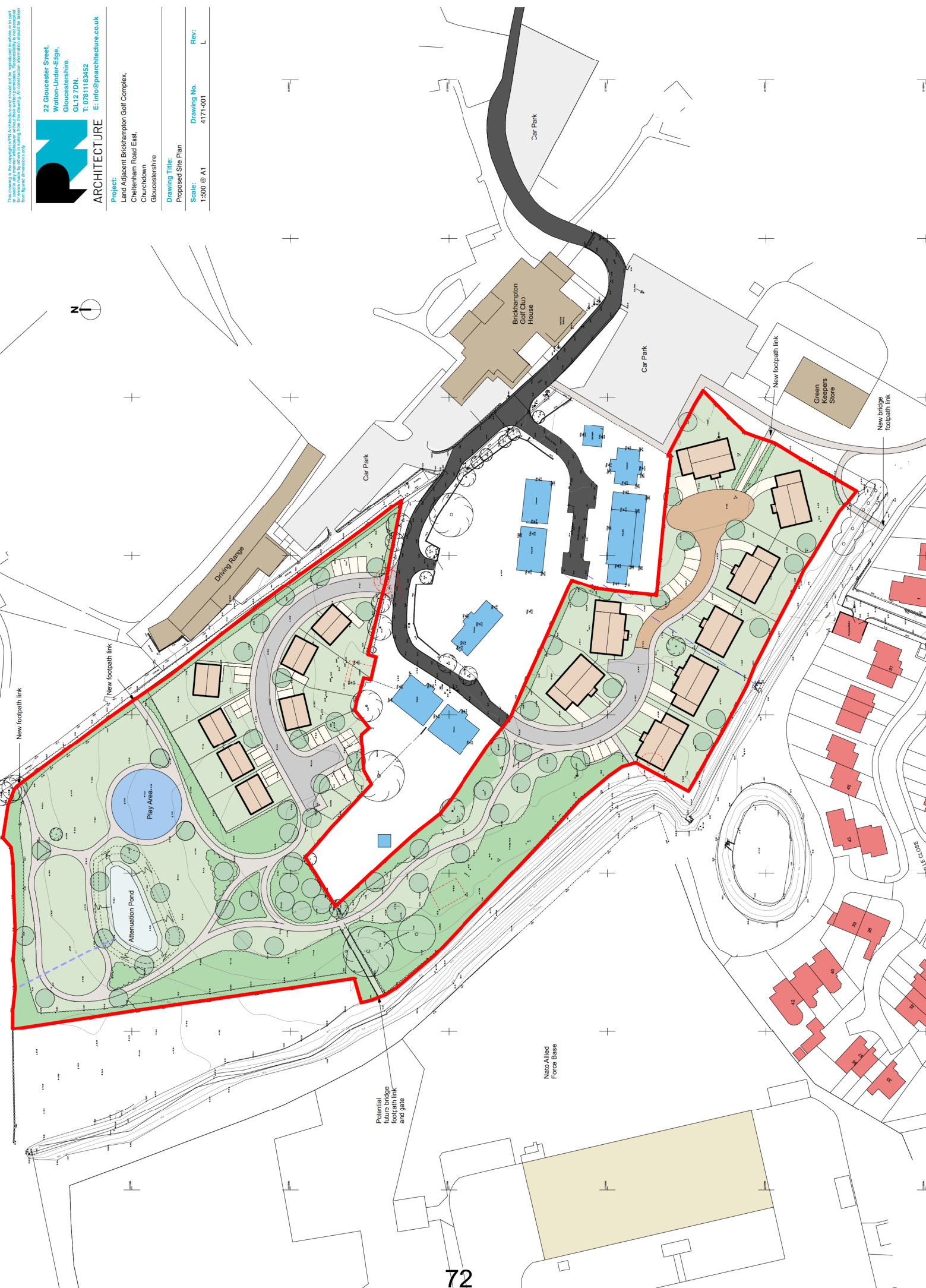
Project:
Land Adjacent Bickhampton Golf Complex,
Cheltenham Road East,
Churchdown
Gloucestershire

Drawing Title:
Proposed Site Plan

Scale:
1:500 @ A1

Drawing No.:
4171-001

Rev.:
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Potential
future bridge
footpath link
and gate

Nato Allied
Force Base

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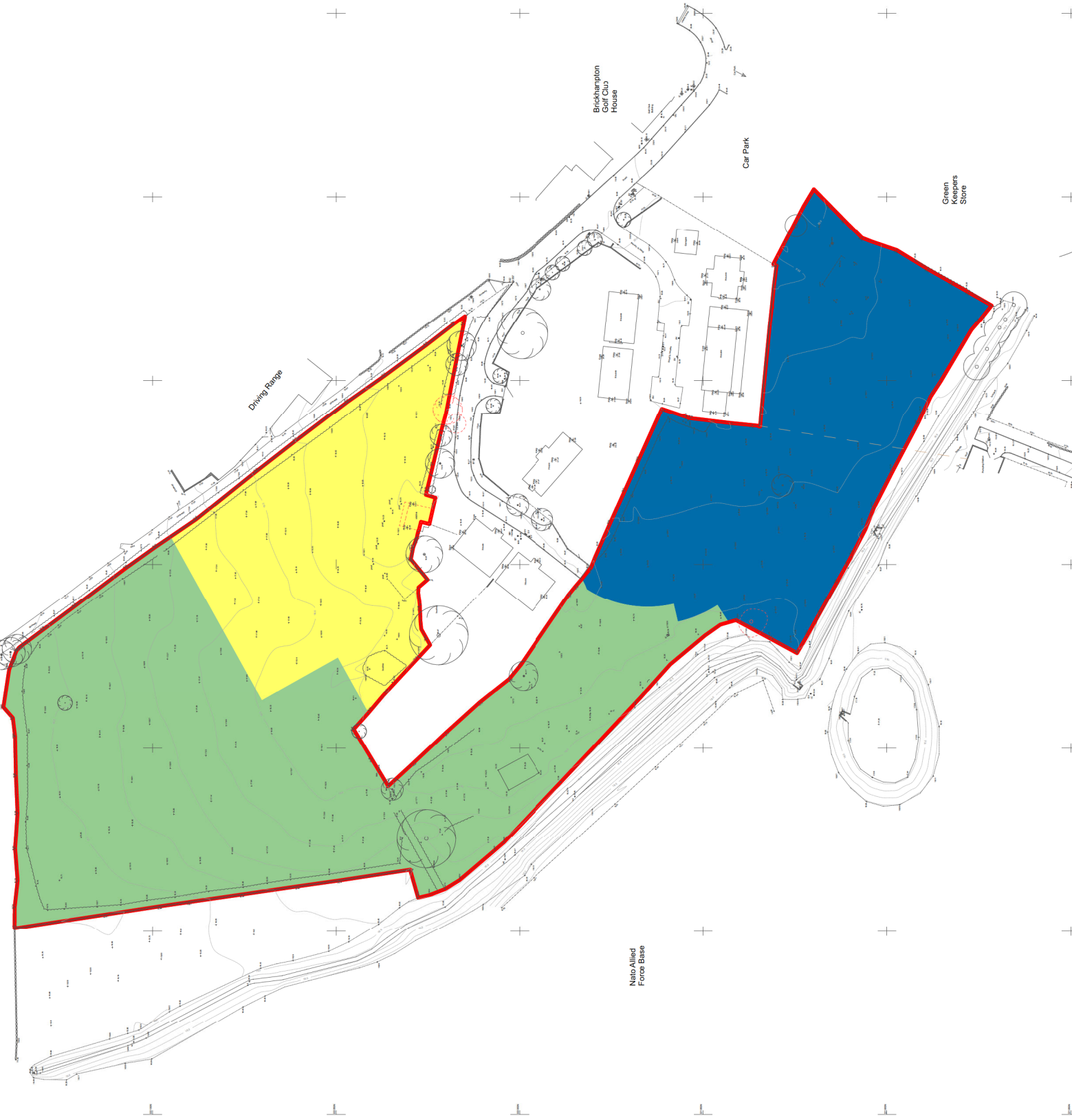
ARCHITECTURE

Project:
Land Adjacent Brickhampton Golf Complex,
Cheltenham Road East,
Churchdown
Gloucestershire

Drawing Title:
Proposed Arrangement Plan

Scale: 1:500 @ A1
Drawing No.: 4171-003
Rev: C

-  Public Open Space
-  Affordable Housing
-  Open Market Housing



Planning Committee

Date	20 February 2024
Case Officer	Erica Buchanan
Application No.	23/00275/APP
Site Location	Plots 3 & 4 Gloucester Business Park
Proposal	Reserved matters application in relation to Plots 3 and 4 for the erection of employment development of 16,481sqm (GIA), access arrangements, servicing, parking including cycle provisions, electric vehicle charging and landscape provision comprising of Class B2 and B8 development with ancillary offices, alongside discharge of pre-commencement conditions 8 and 11 to planning permission reference 11/011155/FUL.
Ward	Brockworth West
Parish	Brockworth
Appendices	11537_PL_003A Plots 3 and 4 Site Location Plan 11537_PL_030A Plot 3 Site Plan 11537_PL_040B Plot 4 Site Plan 033 Unit 3 Elevations 045 Unit 4.1 Elevations 046 Unit 4.2 Elevations
Reason for Referral to Committee	Parish Council objection.
Recommendation	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=RRMFA9QDGCV00>

- 1.1** The application is for the approval of Reserved Matters (in relation to Plots 3 and 4) for the Erection of Employment Development of 16,481sqm (GIA), access arrangements, servicing, parking including cycle provisions, electric vehicle charging and landscape provision comprising of Class B2 (general industrial) and B8 (Storage and distribution) Development with ancillary offices. The reserved matters being considered relate to scale, appearance, layout, access and landscaping.
- 1.2** In addition to seeking approval of reserved matters, there is a requirement to submit details pursuant to Conditions 8 and 11 of the relevant consent ref 11/01155/FUL relating to drainage and landscaping as part of the reserved matters application. The relevant conditions state:
- 8. The reserved matters submitted pursuant to Condition 1 shall be accompanied by a sustainable drainage scheme for the relevant part of the development. The drainage scheme shall be in accordance with the approved Surface Water Drainage Strategy for the whole site (Ref: JLWi/28049/02 Enc by Mouchel Parkman dated 3rd October 2005). The approved scheme shall be completed in accordance with the approved details prior to the first occupation of that part of the development and the scheme shall be managed and maintained thereafter in accordance with the approved details.*
- 11. The details of landscaping required to be submitted to and approved by the Local Planning Authority in accordance with Condition 1 above shall include indications of all existing trees and hedgerows on that part of the development and details of any to be retained together with measures for their protection during the course of development.*
- 1.3** Details in respect of these two conditions have been submitted with this application.
- 1.4** The proposal is for the erection 3 warehouses totalling approximately 17,010m² GEA of modern flexible employment floor space. The respective floor areas for each unit are Unit 3 - 4,287 square metres, unit 4.1 – 895 square metres and unit 4.2 - 7,828 square metres. For each unit, around 93% of the total area will be at ground level consisting mainly of open space suitable for a variety of employment uses, and circa 7% of the floor area will be at first floor which is proposed for ancillary office accommodation.
- 1.5** The building on Plot 3 is on a site of circa 1.1ha, which represents a site density of 42% and the buildings on Plot 4 are on a site of circa 2.9ha, which represents a site density of 43%.
- 1.6** Provision has been made for 39 car parking spaces (including 4 EV charging spaces) and 14 cycle spaces for the Unit on Plot 3.

- 1.7** Plot 4 would provide a total of 129 car parking spaces and 40 cycle spaces. This provision is split by providing 50 car parking spaces (including 6 EV charging spaces) and 16 cycle spaces for Unit 4.1, and 79 car parking spaces (including 8 EV charging spaces) and 24 cycle spaces for Unit 4.2. These car parking spaces include accessible and car share spaces proportionate to the units and the cycle spaces will be provided in a covered cycle shelter near the building main entrance, in compliance with LPA requirements.
- 1.8** The service yard areas are self-contained and sized to reflect the requirements of each building floorspace, incorporating the required number of level access loading and dock levellers and the necessary operational manoeuvring into the design, with 40 metre deep service yards.
- 1.9** Plot 4's two separate units are accessed from individual accesses for each unit formed at either end of the site from Lobleys Drive. There are two additional accesses to be formed from Gambet Road and Buccaneer Avenue to give an additional access to pedestrians, cyclists, and the employee/visitor car park to each of the units. Plot 3's service yard and non-HGV parking is located on the site's frontage to Hurricane Road with a secondary access to be formed for employees/visitors, cyclists and pedestrians from Buccaneer Avenue.
- 1.10** The proposed buildings are overall up to 15.5 metres in height to ridge level and have a footprints of circa 4,287 square metres for Unit 3, circa 4,895 square metres for Unit 4.1 and 7,828 square metres for Unit 4.2. The scale of these proposed buildings is comparable but smaller than nearby developments in Gloucester Business Park. The buildings scale, footprint and height are significantly less than those in the immediate vicinity, the footprint of the largest Unit 4.1 being approximately 2.5 times smaller than the neighbouring Laithwaite's warehouse by comparison. Each warehouse element has a parapet height of circa 14.5 metres and lower than the ridge to reduce the perceived height and building mass along the site boundaries.

2. Site Description

- 2.1** The site forms part of the Gloucester Business Park (GBP), which was granted outline planning permission for B1, B2 and B8 development in March 1992 (ref: 88T/7689/01/01). The permission was subsequently renewed in January 2001 to allow a further 10 years for the submission of reserved matters for the remaining commercial developments on the site (ref: 01/7689/0095/FUL). In 2012 a further extension of time was granted for the submission of reserved matters applications for the remaining commercial plots up to March 2026 (ref: 11/01155/FUL). Gloucester Business Park is a strategic employment site in the region covering over 275 acres of land with a variety of uses comprising a mix of office, industrial, retail and leisure. The site was formerly the factory and test airfield for the Gloster Aircraft Company until 1965 and has been established as a business park since Arlington began developing it in the 1990s.
- 2.2** The application site consists of undeveloped land known as Plots 3 and 4 situated immediately south of Lobleys Drive and east of Gambet Road, defining the southern boundary of the business park. Each plot consists of levelled vacant development land, its northern and southern boundaries feature existing landscape buffers with established trees and hedge planting. Currently there are no existing access point to either of the plots. There are existing residential properties to the rear of both plots. There are no Listed Buildings within or close to the site and the site is not located within a Conservation Area. There are no Tree Preservation Orders affecting the site. The site falls within Flood Zone 1 which is the zone at the lowest risk of flooding.

2.3 Plot 3 is located to the southern side of Gloucester Business Park (GBP) and comprises a 1hectare parcel of land. It is bound to the south by a footpath serving existing residential properties located off Rodmarton Close and Martlet Way. To the east the site is bounded by an existing industrial/ warehouse unit, Elite Extrusion Die Ltd, to the west is Buccaneer Avenue which leads to the north to GBP and to the south to the existing residential area. The northern boundary of the site is formed by Hurricane Road. Plot 4 is located adjacent to plot 3 on the southern side of GBP and comprises of a site of approximately 2.9hectares. The site is bound to its northern, eastern and western sides by existing roads, namely Lobleys Drive, Buccaneer Avenue and Gambet Road.

2.4 Plot 3 site is dominated by species poor semi improved neutral grassland. There is a tree line boundary to the north and south. Plot 4 site is also dominated by species poor semi improved neutral grassland. There is a tree line boundary to the north. A wet woodland fringe along the Wotton Brook tributary runs along the south of both plots.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
88T/7689/01/01	Outline application for Class B1, B2 and B8 Business/industrial use and residential development on 107ha. Construction of new access roads.	Permit	10.03.1992
01/7689/0095/FUL	Variation of condition 2 of planning permission 88T/7689/01/01.	Permit	25.10.2001
11/01155/FUL	Proposed Class B1, B2 and B8 Business/industrial use (Extension to time limit for the submission of reserved matters applications for planning permission ref: 01/7689/0095/FUL as originally permitted by application ref: 88T/7689/01/01)	Permit	09.10.2012
23/00276/APP	Reserved Matters Application in relation to Plot 5 for the Erection of Employment Development of 6,773 sqm (GIA), access arrangements, servicing, parking including cycle provisions, electric vehicle charging and landscape provision comprising of Class B2 and B8 Development with ancillary offices, alongside discharge of pre-commencement conditions 5, 6, 8, 9 and 11 to planning permission reference 11/01155/FUL.	Pending	
15/01378/OUT	Development of up to 106 dwellings with associated access, public open space, landscaping and other infrastructure.	Not proceed with.	

4. Consultation Responses

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

- 4.1 Hucclecote Parish Council – Objection.**
 - Concern about the visual impact, size and height of the units
 - Overshadowing on adjoining residential development.
 - Concern expressed about additional vehicle movements and congestion at peak times.
 - Wish to see photo voltaic cells on entire roofs and buildings constructed to BREEAM excellent standard.
- 4.2 Brockworth Parish Council – Objection.**
 - Concern over height of buildings and proximity to residential development, causing overshadowing.
 - Concern over traffic impact.
 - Parish would wish to see more PV's installed as part of proposals.
- 4.3 Environmental Health – No objection subject to the applicants submitted lighting report being implemented.**
 - The applicants submitted noise report is considered satisfactory subject to the recommendations being implemented.
- 4.4 Tree Officer – No objection subject to implementation of applicants submitted landscape and tree planting scheme.**
- 4.5 Ecology Advisor – No objection subject to conditions.**
- 4.7 Highway Authority- No objections in principle - further comments awaited.**
- 4.8 Drainage Officer - Comments awaited.**
- 4.9 Lead Local Flood Authority – No comment.**
- 4.10 Archaeology - No comments received.**
- 4.11 NatureSpace – No objection subject to conditions.**

5. Third Party Comments/Observations

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

- 5.1** The application has been publicised through the posting of a site notice for a period of 21 days, neighbour notification letters and the publication of a press notice.
- 5.2** 30 representations have been received objecting to the scheme and raising the following concerns:-

- Increase of traffic on Lobleys Drive
- No need for the proposals, vacant warehouses on GBP.
- Proximity to residential occupiers detrimental by reason of loss of light and overbearing
- Detrimental by reason of scale and style
- Insufficient buffer for wildlife
- Noise & pollution
- Increase use of weight limited bridge over motorway using Lobley's Drive
- Loss of outlook

Insufficient drainage in times of heavy rainfall
Small number of PV's
Neglect to explore alternative uses
Effect on house prices/sales
Negative effect on light to residential properties
Inconsistent with existing area by reason of materials and size
Detriment to wildlife
Detriment to existing townscape

5.3 1 letter of support from the Local Economic Partnership stating

The development proposals will provide for a good mix of much needed high quality commercial/employment space for the county in a well-established and well-connected location.
New jobs being created in close proximity to a large residential district providing opportunities for sustainable/active travel to work for local residents.
Commend the attention to the green / landscaped features.

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 SD1(Employment -except Retail Development)
- Policy SD3 (Sustainable Design and Construction)
- Policy SD4(Design Requirements)
- Policy SD6 (Landscape)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD14(Health 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 EMP 1(Major Employment sites)
- Policy EMP 5(New employment development) (General)
- Policy ENV2 (Flood risk and Water management)
- Policy TRAC1(Pedestrian Accessibility)
- Policy TRAC 2(Cycle Network& Infrastructure)
- Policy TRAC 3 (Bus Infrastructure)
- Policy TRAC 9 (Parking Provision)
- Policy NAT1 (Biodiversity, geodiversity and Important Natural Features)
- Policy RES 1(Housing Site Allocations)

6.5 Neighbourhood Plan

None

7. Policy Context

- 7.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 7.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 7.3** The relevant policies are set out in the appropriate sections of this report.
- 7.4** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2023 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

8. Evaluation

Principle of development

- 8.1** The application site lies comprises an undeveloped parcel of land within Gloucester Business Park. The site benefits from outline planning permission for class B1, B2 and B8 business/industrial use and therefore the principle of development has already been established.
- 8.2** Gloucester Business Park is identified as a Major Employment site within Policy EMP1 of the TBLP and Policy SD1 of the JCS supports employment related development. As the site forms part of a Strategic employment site with an extant consent for development matters for consideration of the application is restricted to the specific reserved matters concerning these plots, which are details of scale, layout, appearance, access, and landscaping.
- 8.3** As well as being part of the Strategic Employment site the plots have also been identified under Policy RES1 of the TBLP as site BRO2 Nerva Meadows and allocated for residential development for 106 dwellings. Both plots were the subject of an outline application in 2015 for residential development (application no.15/01378/OUT). However, the S106 was not completed and as a result the decision was not issued.
- 8.4** Whilst the site does not benefit from any planning permissions for residential use and notwithstanding it's status as an allocated site, it should be noted that the extant outline consent of the Strategic Employment has precedence over its allocation in the plan as a potential residential site. Furthermore, it is understood that the current owners of the business park have no commercial interest in housing development and the land is not available for residential use.

Scale

- 8.5** Policy SD4 of the JCS sets out requirements for scale and high-quality design to new development and Policy EMP 5 of the TBLP states that development must respect the character, scale and proportion of the proposal and the surrounding development's character. The proposed buildings comprise three units, one of which is detached (unit 3 on Plot 3) whilst the other two being in close proximity to each other (units 4.1 and 4.2 on Plot 4).
- 8.6** The heights of the existing employment buildings throughout the Business Park range between circa 16 metres to 24 metres. The proposed buildings are overall up to 15.5 metres in height to ridge level and have footprints of circa 4,287m² for Unit 3, circa 4,895m² for Unit 4.1 and 7,828m² for Unit 4.2. The proposed units are of a smaller scale to those immediately to the north, in order to respond to the specific plot locations on the edge of Gloucester Business Park. It is considered that the scheme will provide an acceptable transition between the larger scale buildings and the residential areas to the south.
- 8.7** It is therefore considered that due to the height, width and depth of the buildings they are of an appropriate scale to the Business Park and due to the location on the peripheral of the Business Park form a suitable transition from the employment site to the nearby residential properties.

Layout and Appearance

- 8.8** The layout of the proposed buildings is lengthways (east/west) across the sites and would serve to provide acoustic screening from any noise created by the employment use of the sites for the nearby residential properties situated to the south of the sites. This includes the service yards of all the buildings which are located to the front (north) of the buildings with vehicular access on to Lobleys Drive.
- 8.9** The proposed scheme comprises employment style buildings consistent with the overall design of existing employment buildings on GBP. The elevations would comprise of horizontal profile metal cladding of contrasting colours. The prominent street facing end and corners to the building would include areas of glazing and the overall finish would result in buildings of an appropriately high quality and visual interest.
- 8.10** There is a varied palette of materials across the Business Park, ranging from brickwork, render, coloured composite panels and various forms of cladding. There is no prevailing character as such it is considered that the proposed materials and colour of the buildings is consistent with other buildings on the Business Park and is considered to be in accordance with Policy EMP5 of the TBLP and Policy SD4 of the JCS which requires new buildings on existing employment sites amongst other things to be of a scale and design to be compatible with the character of the existing location and its setting.

Landscape and Visual Impact

- 8.11** Paragraph 135 of the NPPF highlights the importance of appropriate and effective landscaping in achieving well-designed places. This advice is reiterated in JCS Policy SD6 which requires new development proposals to ensure that the design of landscaped areas, open space and public realm are of high quality. Policy SD4 (iv) of the JCS requires that new development should ensure that the design of landscaped area, open space and public realm are of a high quality and Policy LAN2 of the TBLP requires new development amongst other things for landscaping to be appropriate to and integrated into their existing landscape

setting.

- 8.12** The applicants landscape strategy in the submitted design and access statement seeks to deliver long-term landscape, biodiversity and sustainability benefits within an established employment estate. It is proposed that soft landscaping in the form of upright trees and shrub planting is provided within the site. Planting will be incorporated either side of the new service road and between car parking areas and service yards. This would provide visual interest and separation, increasing legibility for users and soften the external areas ensuring there are no large expanses of hard surfacing.
- 8.13** The Landscape strategy states that planting will be carefully selected to ensure that native species are incorporated where possible and that slow growing, low maintenance species are used. This is to enhance the biodiversity of the site and to ensure safety for pedestrian and vehicle users by avoiding planting affecting visibility in circulation areas. The existing landscape buffer on the southern boundary of the site is to be retained and enhanced to ensure compliance with wildlife legislation and provide adequate protection of habitats and species.
- 8.14** The Councils tree officer has raised no objections to the scheme subject to a standard condition to secure the implementation and maintenance of the proposed landscaping strategy. It is therefore considered that the proposed landscaping scheme which includes integrating planting into the existing landscape and the proposed new planting is of an acceptable and high quality and would be in accordance with policies SD6 and SD 4 of the JCS, policy LAN2 of the TBLP and the NPPF.

Access and highway safety

- 8.15** The NPPF at Paragraph 115 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, Paragraph 114 of the NPPF states:
- “In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.16** JCS Policy INF1 requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. Policies TRAC1 and TRAC2 of the TBLP seek to protect and enhance pedestrian and cycle access. Policies TRAC3 and TRAC9 provide guidance on bus connectivity and parking provision.

- 8.17** As this is a reserved matters application, the highway impact is limited to the suitability of the site accesses and the internal layout as the principle of the employment land use has already been established by the granting of the outline consent. As part of the proposal the applicants are providing EV charging points, cycle stores and separate pedestrian access to encourage convenient and sustainable modes of transport.
- 8.18** The County Highways Authority has been consulted on the application and having regard to the Transport Statement and subsequent submitted technical note in June 2023 and consider that the proposal is acceptable in principle, however the Highway Authority has recommended that a condition with respect to vision splays on the non-main accesses to both plots be imposed.
- 8.19** The proposal includes separate vehicular accesses for emergency use only. The precise details of these access are being reviewed by the Local Highway Authority and the applicant to ensure they are satisfactory, and a condition is also recommended to ensure that the access is for emergency use only. **An update will be provided at committee.**

Residential amenity

- 8.20** Policy SD14 of the JCS requires that new development should not cause harm to local amenity including the amenity of neighboring occupants. Policy EMP5 of the TBLP states that development should not have an unacceptable impact on adjacent property and residential amenity.
- 8.21** As a result of concerns raised by local residents and Parish Councils the applicant submitted a daylight and sunlight report. The assessment was based on the various numerical tests laid down in the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice, 3rd Edition' by P J Littlefair 2022. The aim of the assessment is to consider the impact of the development on the light receivable by the neighbouring properties.
- 8.22** This report was subsequently assessed by an independent specialist on behalf of the council, who have confirmed that the Daylight and Sunlight Report (Neighbouring Properties) dated 14th December 2024 adequately addresses concerns and that the assessment results indicate that there will be no significant daylight and sunlight effects on adjoining residential properties that would warrant a refusal of the planning application.
- 8.23** The applicant has submitted a noise impact assessment together with an external lighting assessment and a ground conditions contamination assessment.
- 8.24** The noise assessment states that Predicted Rating Levels from the operation of the three proposed industrial units at Plots 3 and 4 (and Plot 5 subject of a separate application) under 'typical busiest' scenarios including general site-related activities, fixed plant and indoor activity do not exceed the existing Background Sound Levels either during the daytime or night-time. The potential noise impact from the use of the premises is therefore considered to be low at the nearby noise sensitive receptors (NSR). Accordingly, the use of the proposed development without any restrictions on hours of operation would not give rise to a significant risk of disturbance for nearby residents.

- 8.25** The supporting external lighting report produced by Cudd Bentley dated 16th November 2023 notes that a combination of photocells & timeclocks could be installed to control all external lighting. The time clocks will act as a master control and be set to switch off at times when the development is not in operation. Outside of these hours photocells will control the site external lighting according to daylight levels. This would prevent nighttime lighting pollution and to comply with POL 04/L2A. Localised security lighting to the rear of units bordering with ecological amenity areas shall utilise integrated local motion control sensors to minimize the potential for un-necessary illumination of the local vegetation habitat.
- 8.26** It is therefore considered that the proposal would not harm residential amenity in terms of loss of light, overshadowing or noise and complies with the requirements of Policy SD14 of the JCS and Policy EMP5 of the TBP.

Drainage and flood risk

- 8.27** JCS Policy INF2 states development proposals must avoid areas at risk of flooding, in accordance with a risk-based sequential approach that requires new development to incorporate suitable Sustainable Drainage Systems (SuDS) where appropriate to manage surface water drainage.
- 8.28** It was established during the consideration of the outline application that the site is at low risk of fluvial flooding (Flood Zone 1) and that any surface water drainage issues could be adequately addressed through an effective SUDS scheme. Planning conditions were imposed requiring a SUDS scheme for the business park as a whole, including maintenance and management details. This was conditioned with the renewed consent to be submitted as part of the reserved matters applications. (Condition 8).
- 8.29** The development is classed as 'less vulnerable' usage and the proposed development is in Flood Zone 1 and therefore a low risk of flooding and meets the Sequential Test. Therefore, the Exception test is not required.
- 8.30** The current site is classed as greenfield for the purpose of calculating drainage rates. The proposed Plot 3 development would have an impermeable area of 0.775 hectares and a permeable area of 0.250 hectares. Levels will be set where possible to follow the contours of the existing site so as to minimise the requirement for any retaining walls and adhere to best practice and building regulation design standards.
- 8.31** The total attenuation required for the site is approximately 603 cubic metres which would be provided via proposed cellular storage crates. The use of SuDS features has been considered and can be incorporated within the design.
- 8.32** The strategy is to discharge the surface water into the existing watercourse located southwest of the site. A Qbar discharge rate of 3.4 l/s has been proposed to meet LLFA requirements. A model simulation has been carried out to ensure that the site meets the proposed discharge rates on the return periods of 1, 30 and 100 year plus a 40% climate change. The site does not pose any increased flood risk to the site itself or adjacent developments and is not susceptible to flooding by other means.
- 8.33** The proposed Plot 4 development will have an impermeable area of 2.405 hectares and a permeable area of 0.420 hectares. The levels will be set to follow the contours of the existing site to minimise any surface water flooding from the new development to the drainage network and ensure that should any flooding occur, it is controlled and kept within the new development boundaries and does not affect neighbouring properties or highway land.

- 8.34** Storm water on site will be discharged into existing private sewers outside of the site boundary. Surface water will be designed to cater for storm events up to 1 in 100 Year plus 40% climate change. Foul water will also discharge into the existing highway foul sewers.
- 8.35** The total attenuation required for the site is approximately 1,624 cubic metres, it is provided via proposed cellular storage crates. The use of SuDS features has been considered and can be incorporated within the design. The strategy is to discharge the surface water into the existing watercourse located southwest of the site. A Qbar discharge rate of 9.4l/s has been proposed to meet LLFA requirements. A model simulation has been carried out to ensure that the site meets the proposed discharge rates on the return periods of 1, 30 and 100 year plus a 40% climate change. The site does not pose any increased flood risk to the site itself or adjacent developments and is not susceptible to flooding by other means.
- 8.36** While the LLFA have been consulted they have declined to comment on the application as the outline was permitted prior to their inception. The proposed drainage details are therefore being reviewed by the council's drainage engineer. **An update will be provided at committee.**

Biodiversity

- 8.37** The NPPF sets out, inter alia, that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, especially where this can secure measurable gains for biodiversity. Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. Policy NAT1 of the TBLP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.
- 8.38** Plot 3 has a boundary hedgerow along the eastern edge which was assessed as meeting the criteria of a habitat of principal importance under the NERC Act 2006. The wet woodland on Plot 3 and Plot 4 was also assessed as meeting the criteria as a habitat of principal importance under the NERC Act 2006. The submitted Preliminary Ecological Assessment (PEA) stated that the wet woodland habitats are due to be retained however initially the hedgerow was to be removed.
- 8.39** A Hedgerow Regulations Assessment report (Focus Environmental Consultants, June 2023) was submitted and the report concluded that the hedgerow along the eastern site boundary of Plot 3 did not meet the criteria to be considered an 'Important' hedgerow under the regulations. The submitted report has also stated that notwithstanding this, the hedgerow is now to be retained under proposed amended plans.
- 8.40** Two Bat Transect Survey Reports have been submitted for Plot 3 (Focus Environmental Consultants, September 2023) and Plot 4 (Focus Environmental Consultants, September 2023) which provides the results of bat transect and static detector surveys undertaken in April, July, and September 2023. Bat species recorded during the surveys at both Plot 3 and Plot 4 included common pipistrelle, soprano pipistrelle, a Myotis species and noctule. The most commonly recorded species at both plots were common pipistrelle bats, and activity levels were considered to be low. At Plot 3, four lesser horseshoe passes were also recorded (this species was not recorded at Plot 4). At Plot 3 and Plot 4, bat activity levels were higher at the southern site boundaries, and the Bat Transect Survey reports recommended retaining a dark corridor along the south site boundaries at both Plots, and retaining, protecting, and buffering trees along southern boundaries.

- 8.41** As such a revised External Impact Lighting Assessment (Cudd Bentley Consulting Ltd, November 2023) was submitted. The revisions removed external lighting along the south elevations of the buildings on Plot 3, thereby ensuring a dark corridor is retained along the south boundary which was found to be used by lesser horseshoe bats, and ensuring the proposed bat boxes would not be illuminated. External lighting has also been removed from the south elevation of the buildings on Plot 4, ensuring the wet woodland habitat to the south will not be illuminated.
- 8.42** In addition to the revised lighting assessment a Revised Ecology Mitigation and Enhancement Strategy (EMES) report (Focus Environmental Consultants, November 2023) has been submitted and the proposed bat box locations have been altered to ensure these features are not illuminated, with four tree-mounted bat boxes proposed along the south elevation of Plot 4. The council's ecological adviser has confirmed that the proposed locations are now suitable. These works can be secured by condition.
- 8.43** Two Great Crested Newt Survey Report reports have been submitted – one for Plot 3 and one for Plot 4 (Focus Environmental Consultants, May 2023). The reports included the results of eDNA surveys undertaken on three waterbodies (Ponds 2, 3 and 4) within 500m of the site and a positive result was returned for Ponds 3 and 4, with Pond 4 being adjacent to the Plot 4.
- 8.44** A Natural England Rapid Risk Assessment was undertaken for Plot 3 and Plot 4 and the results indicated an offence was 'Likely' for Plot 3 and 'Highly Likely' for Plot 4. The GCN Survey Report stated a Natural England Mitigation licence or inclusion within the District Licensing Scheme is required for the proposed development.
- 8.45** The applicant has opted for the District Licensing route administered by NatureSpace who have confirmed that they have received appropriate information from the applicant and have recommended necessary conditions to allow for the scheme to be permitted and appropriate licence to be secured.
- 8.46** No biodiversity net gain (BNG) data has been submitted as the original outline consent was submitted prior to the introduction of national legislation and policy in the development plan and therefore does not form part of the consideration for the reserved matters application.
- 8.47** It was note that the application site could impact on the Cotswold Beechwoods Special Area of Conservation and as such a Habitat Regulations Assessment Screening Opinion report (Focus Environmental Consultants, July 2023) was submitted. The HRA assessment concluded that the proposed development is not considered to give rise to a 'likely significant effect' on the Cotswold Beechwoods SAC and the Council's ecological adviser has confirmed that an Appropriate Assessment is not required.
- 8.48** Subject to compliance with conditions it is considered that the application would have an acceptable impact on biodiversity.

Energy and Sustainability

- 8.49** The NPPF at section 14 deals with meeting the challenge of climate change, flooding and Coastal change seeking development which increases the use and supply of renewable and low carbon energy. Policy INF5 of the JCS supports proposals where they are designed to produce net energy savings. JCS policy SD3 requires development proposals to demonstrate how development contributes to sustainability by energy efficiency and adaptable for climate change.
- 8.50** The applicants have submitted an energy and sustainability report in compliance with Policy SD3 of the JCS, explains that the recommended sustainability features for the development, which from a dynamic energy model, would allow for an 19.86% energy saving from a base (Building Regulations) Part L (2021) compliant build, and a 12.53% reduction in carbon emission is anticipated through the incorporation of Air Source Heat Pumps and passive energy efficiency measures. This exceeds the local planning requirement set out by policy and complies with Policy SD3 (Sustainable design and construction).
- 8.51** The energy and carbon savings are to be achieved through passive design, energy efficient measures incorporating design features such as energy efficient lighting, submetering of relevant areas, upgrading of 'U' values and occupancy sensing in relative areas, as well as the incorporation of Air Source Heat Pumps and 111 kW of Photovoltaic Array.
- 8.52** To reduce the energy demand of the development as well as help to conserve water resources within the local area, it is proposed that the fit-out works will provide for sanitary fittings which will be water efficient through measures such as dual flush toilets and low flow taps. The design of the proposed development will take a holistic approach to the integration of sustainable design from inception with commitment to achieve a BREEAM rating of 'Very Good' as a minimum, with the aspiration for the scheme to achieve 'Excellent' and EPC B rating. Constructed to modern standards and to provide adaptable and flexible workspace suitable for future needs, the proposal also targets reduction in carbon emissions from Building Regulation standards.
- 8.53** The development is located within Brockworth, and as such is in proximity to public transport nodes, existing bus routes as well as a range of primary local amenities such as a postal service, cash points and food outlets. These features allow for the reduction of car-based travel and transport related pollution.
- 8.54** The incorporation of these sustainability measures along with the provision of EV charging points and cycle stores allow for the proposed development to be deemed sustainable whilst targeting compliance with local and national policy.

9. Conclusion

- 9.1** The application site benefits from an extant planning permission for employment use and the principle of development is already established. This application therefore stands to be determined on the reserved matters thereto. It is considered that the submitted details, (subject to no objections being raised by the Local Highway Authority or drainage officer) are acceptable, would accord with the parameters of the extant outline planning permission and relevant policies as outlined above.

Benefits

- 9.2** The benefits of the scheme would be to provide 16,481sqm GIA across the 3 buildings contributing to the provision of appropriately sized buildings for occupiers seeking larger premises to support business growth with 70-126 FTE jobs at plot 3 and a further 211-378 FTE jobs across the 2 buildings on plot 4.
- 9.3** The location of the buildings is close to existing residential properties and would provide jobs in the local area enabling people to work and live in the area and in sustainable manner.

Harms

- 9.4** The development of the site for employment would result in a reduction of allocated housing land, however this is tempered by the fact that the land is not available for residential development, and it does not benefit from a planning permission for such use which would indicate that this was a likely prospect. This harm is therefore very limited.

Neutral

- 9.5** The site lies within the existing business park and the proposed buildings would be compatible with the area. Furthermore the proposal would have no adverse impacts on the living conditions of adjoining residents of the natural environment.

10. Recommendation

- 10.1** It is recommended that authority be **DELEGATED** to the Development Management Team Manager to **APPROVE** the application subject to no adverse observations from the Local Highway Authority and Drainage Officer and any additional or amended Conditions.

11. Conditions

- 1** The development hereby permitted shall be carried out in accordance with the following documents:
- Drawing Number 11537_PL_003A Plots 3 and 4 Site Location Plan
 - Drawing Number 11537_PL030A Plot 3 Site Location Plan
 - Drawing number 11537_PL040B Plot 4 Site Plan
 - Drawing number 11537_PL_031 Unit 3 Ground Floor Plan
 - Drawing Number 11537_PL_032 Unit 3.1 First Floor Plan
 - Drawing Number 11537_PL_033 Unit 3.1 Elevations and Section
 - Drawing Number 11537_PL_034 Unit 3.1 Roof Plan
 - Drawing Number 11537_PL_041 Unit 4.1 Ground Floor Plan
 - Drawing Number 11537_PL_042 Unit 4.1 First Floor Plan
 - Drawing Number 11537_PL_043 Unit 4.2 Ground Floor Plan
 - Drawing Number 11537_PL_044 Unit 4.2 First Floor Plan
 - Drawing Number 11537_PL_045 Unit 4.1 Elevations and Section
 - Drawing Number 11537_PL_046 Unit 4.2 Elevations and Section
 - Drawing Number 11537_PL_047 Unit 4.1 Roof Plan
 - Drawing Number 11537_PL_048 Unit 4.2 Roof Plan
 - Drawing Number 11537_PL_130 Plot 3 Landscape GA sheet 1 of 2
 - Drawing Number 11537_PL_131 Plot 3 Landscape GA sheet 2 of 2
 - Drawing Number 11537_PL_140 Plot 4 Landscape GA sheet 1 of 3

Drawing Number 11537_PL_141 Plot 4 Landscape GA sheet 2 of 3
Drawing Number 11537_PL_142 Plot 4 Landscape GA sheet 3 of 3
Drawing Number 2663-P-12 Plot 3 Tree Protection Plan
Drawing Number 2664-P-12 Plot 4 Tree Protection Plan

Energy and Sustainability Statement by Cudd Bentley Consulting Ltd March 2023
External Impact Lighting assessment, Document Ref: 6365-CBC-OR-RP-E-003 Revision
PO3 dated 16/11/2023 by Cudd Bentley.

Noise Impact Assessment by Spectrum Plots 3 and 4 ref DP834/22259/Rev. 2 dated
09/02/2023

Ecological Mitigation and Enhancement Strategy (EMES) report (Focus Environmental
Consultants, November 2023)

Flood Risk Assessment and Drainage Strategy Report ref R300 First Issue February 2023
By Baynham Meikle Partnership Ltd

-Preliminary Ecological Appraisal report (Focus Environmental Consultants, February 2023)

Ecological Impact assessment by Focus Environmental Consultants July 2023)

Habitat Regulations Assessment Screening Opinion report (Focus Environmental
Consultants, July 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 and documents

- 2** No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR112, or a 'Further Licence') and with the proposals detailed on plan "Plots 3&4, Gloucester Business Park: Impact Plan for great crested newt District Licensing (Version 1)", dated 12th September 2023.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML[1]OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

- 3** No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence. The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

- 4 No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence WML-OR112 (or a 'Further Licence') and in addition in compliance with the following: - Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians. - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development). - Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

- 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 on the boundary of the application site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the new buildings shall be constructed at the approved floor slab levels.

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

- 6 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.

- 7 All planting comprised in the approved details of tree/hedgerow planting shall be carried out in the first planting season following the occupation of any building or the completion of the development, whichever is the sooner. If any trees or hedgerows, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, these shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any trees or hedgerows fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year period.

Reason: To ensure adequate provision for trees/hedgerows, in the interests of visual amenity and the character and appearance of the area.

- 8 The development hereby approved shall not be brought into use until visibility splays are provided from a point 0.6 metres above carriageway level at the centre of the accesses including emergency accesses to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6 metres in height above carriageway level.

Reason: In the interests of highway safety.

- 9 No building hereby approved shall be brought into use until the access, parking and turning facilities (to serve that building) to the nearest public highway has been provided as shown on the approved drawings.

Reason: To ensure that a safe and convenient means of emergency access can be provided in the interests of highway safety.

- 10 The use shall not commence until details of a scheme to prevent access (by way of retractable bollards, gates or other means), by motor vehicles through the emergency access have been submitted to and agreed in writing by the Local Planning Authority. The retractable bollards, gates or other means shall then be constructed in accordance with the approved plan and remain locked permanently thereafter unless otherwise required in an emergency.

Reason: In the interest of highway safety

12. Informatives

- 1 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
- 2 Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.
- 3 Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

- 4 It is recommended that the Nature Space Best Practice Principles are considered and implemented where possible and appropriate.
- 5 It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.
- 6 It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-OR112, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newts are thereby committed then criminal investigation and prosecution by the police may follow.
- 7 It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mi ga on principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mi ga on Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).
- 8 The development hereby approved may include the carrying out of work on the public highway. You are advised that before undertaking work on the public highway checking the highway ownership and management arrangement that you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out if adopted highway.
- 9 Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:
 Drafting the Agreement
 A Monitoring Fee
 Approving the highway details
 Inspecting the highway works
- 10 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.

- 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:

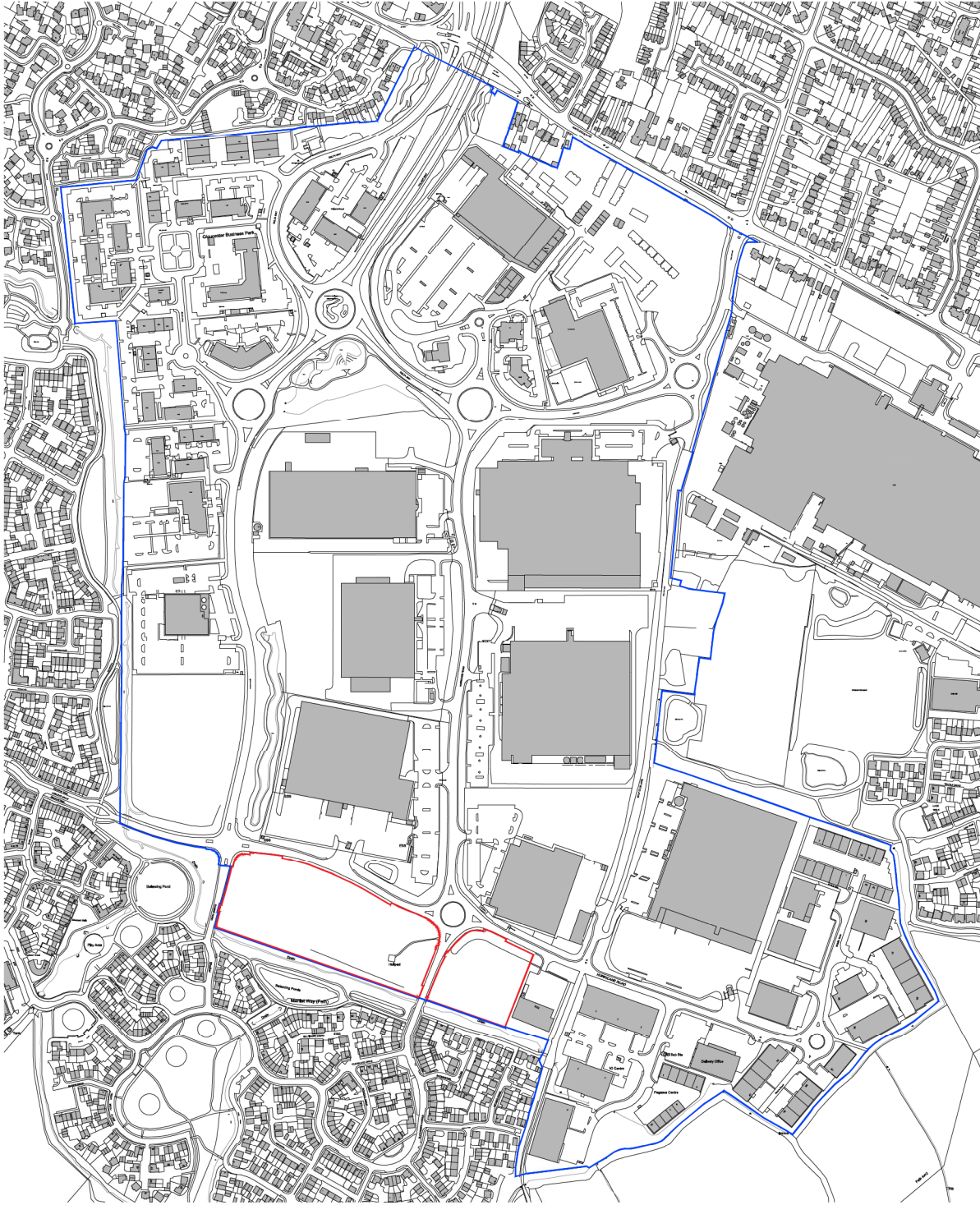
Constructors should give utmost consideration to their impact on neighbours and the public

- 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 CMP 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.

- 12** 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.



Offices
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Architecture
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 Master Planning
 Urban Design
 Landscape

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 Milton Keynes,
 MK12 8NW
 01908 305 246
 info@prcgroup.com
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Revisions:
 A. Red line amended to new secondary vehicle access location update

Drawn/Chd: ASC Date: NOV 23

Client: ARA EUROPE, NORTHLAND
 Project: GLOUCESTER BUSINESS PARK
 Drawing Title: PLOT 3 & 4 SITE LOCATION PLAN

Scale @ A3: 1:500
 Job No: 11537
 Checked by: ME
 Stage: PL
 Date: JAN 23
 Drawing No: 003
 Rev: A

Construction Approval
 Preliminary Tender
 Information



PRC Architecture & Planning

© Plotted dimensions only are to be used. All dimensions to be checked on site. Differences between drawings and between drawings and between drawings and specifications or bills of materials to be resolved to the PRC Group. The copyright of the drawings and designs contained herein remains vested in the PRC Group.

Final drawings will only be issued, all drawings to be checked, revised, approved and stamped by the architect, and the client to be approved and stamped by the client. The copyright of the drawings and designs remains the property of the PRC Group.

Revisions: Drawn: D.L.A.
 A Secondary vehicle access driveway. ASC - NOV 23
 to LPA comments

- KEY:**
- APPROPRIATE TREES
 - PROPOSED NEW TREES
 - EXISTING TREES REMOVED
 - EXISTING TREES RETAINED
 - EV CHARGING POINT
 - DRIVEWAYS (FOR FOOT)
 - NEW FOOTPATH
 - ACCESSIBLE PARKING SPACE
 - CYCLE SHED
 - PRINCIPAL ACCESS DRIVE
 - DRIVEWAYS WITH FACILE PAVING
 - 24HR RPT BLACK PAVED DRIVEWAY
 - ROADS WITH UNPAVED SHOULDERS
 - ASPHALT PAVEMENT TO FOOTPATH
 - ASPHALT PAVEMENT TO FOOTPATH
 - IMPROVED CONCRETE SERVICE
 - WALL CONCRETED/RAISED
 - RPT LANDSCAPE

PRC

CLIENT: AME EUROPE NORTHLAND

PROJECT: G. GLOUCESTER BUSINESS PARK

12 Watney Road, Milton Keynes, MK11 2 3L 6
 01235 335 146
 www.prcgroup.com

Architecture Planning Master Planning
 1:500 ME JAN 23
 1:537 PL PL 030 A

DATE: 11/01/23

Scale: 1:500

0 10 20 30 40 50m

Scale 1:500

OFFICE: Milton Keynes
 Approval
 Review
 Issue

PRC Architecture & Planning

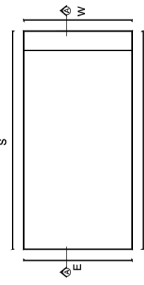


Final dimensions will vary by site. All dimensions to be checked onsite. Dimensions to be measured to the face of the cladding and glazing unless otherwise stated. The availability of the materials and design of the entrance is subject to approval by the client.

Drawn: D.H. 1/18/18

MATERIALS KEY

- 1 HORIZONTAL PROFILED CLADDING (SLATE GREY)
- 2 HORIZONTAL PROFILE CLADDING (SILVER GREY)
- 3 HORIZONTAL PROFILE CLADDING (ANTHRACITE GREY)
- 4 ALUMINIUM FRAMED WINDOWS (ANTHRACITE GREY)
- 5 ALUMINIUM FRAMED ENTRANCE DOORS AND GLAZING (ANTHRACITE GREY)
- 6 MAIN ENTRANCE FEATURE (SILVER AND GREEN)
- 7 STEEL ENTRANCE LEVEL DOORS (ANTHRACITE GREY)
- 8 GLAZING SAND COSS (ANTHRACITE GREY)
- 9 STEEL BOLLARD (YELLOW)
- 10 DOCK LEVELLER (ANTHRACITE GREY)
- 11 COMPOSITE CLADDING (SLATE GREY)
- 12 PROFILED ROOF CLADDING (SILVER AND GREEN)
- 13 GLAZED ENTRANCE CANOPY
- 14 OBTURED GLASS PANEL
- 15 BACKLIT UNIT NUMERAL (SILVER)
- 16 HORIZONTAL PROFILED CLADDING (MOORLAND GREEN)



REFERENCE PLAN

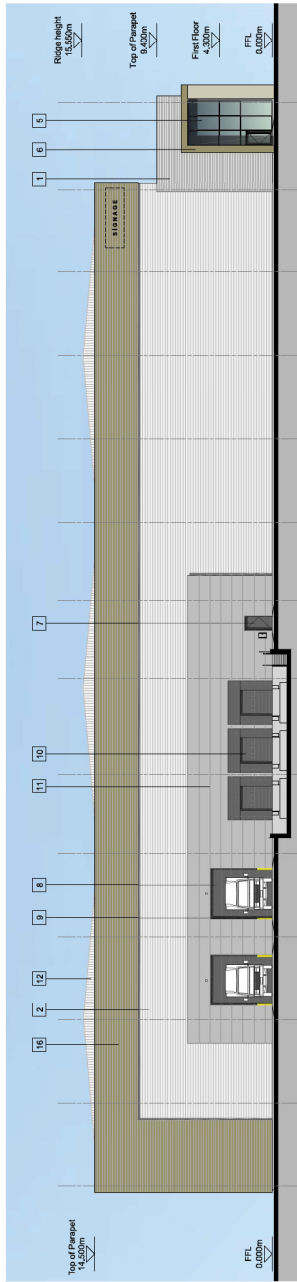
PRC
 CLIENT: AME EUROPE NORTHLAND

PROJECT: G. CAUDESTER BUSINESS PARK

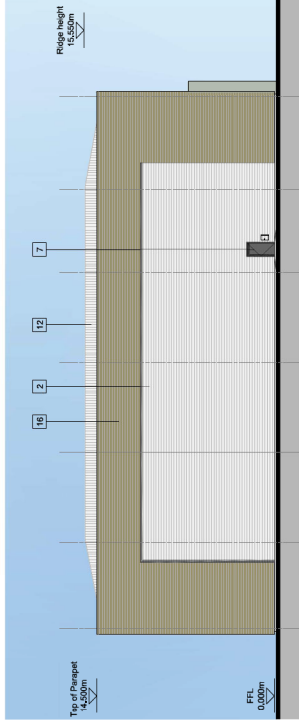
DATE: JAN 23
 DRAWN BY: ME

ARCHITECTURE: PROPOSED ELEVATIONS AND SECTION

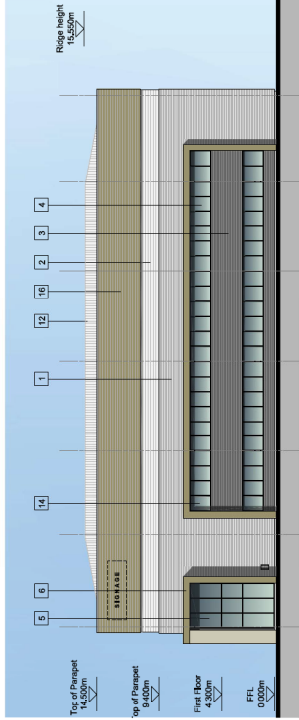
OFFICE: PRC ARCHITECTURE & PLANNING



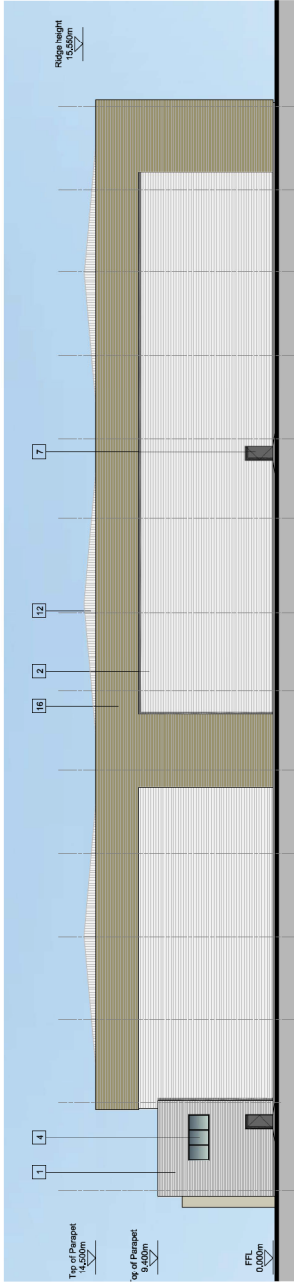
NORTH ELEVATION



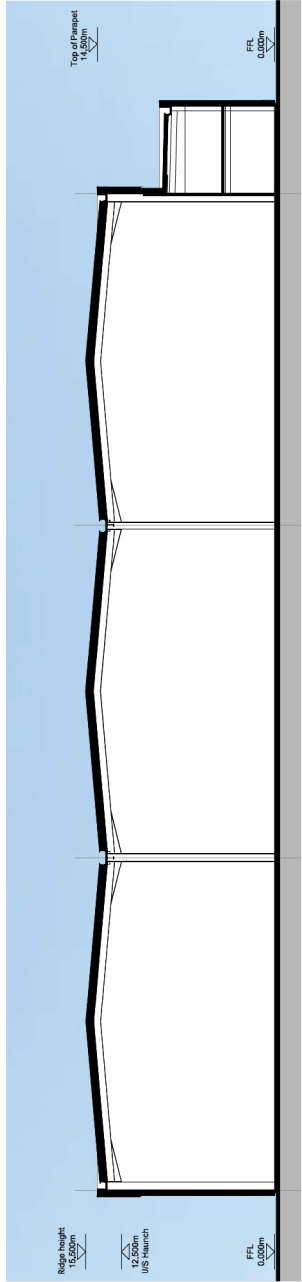
EAST ELEVATION



WEST ELEVATION



SOUTH ELEVATION

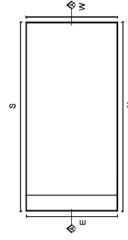


TYPICAL LONG SECTION

Final elevations shall be based on the final approved drawings. All dimensions to be indicated on the drawings shall be taken from the final approved drawings. The client shall be responsible for the accuracy of the information provided in this document. The client shall be responsible for the accuracy of the information provided in this document.

Drawn: CHD, Date: 11/11/2021

- MATERIALS KEY**
- 1 HORIZONTAL PROFILED CLADDING (SLATE GREY)
 - 2 HORIZONTAL PROFILED CLADDING (SILVER GREY)
 - 3 HORIZONTAL PROFILED CLADDING (ANTHRACITE GREY)
 - 4 ALUMINUM FRAMED WINDOWS (ANTHRACITE GREY)
 - 5 ALUMINUM FRAMED ENTRANCE DOORS AND GLAZING (ANTHRACITE GREY)
 - 6 MAIN ENTRANCE FEATURE (MOORLAND GREEN)
 - 7 STEEL PERSONNEL DOORS (ANTHRACITE GREY)
 - 8 GLAZED ENTRANCE CANOPY (ANTHRACITE GREY)
 - 9 STEEL BOLAND (YELLOW)
 - 10 DOCK LEVELLER (ANTHRACITE GREY)
 - 11 COMPOSITE CLADDING (SLATE GREY)
 - 12 PROFILED ROOF CLADDING (SILVER GREY)
 - 13 GLAZED ENTRANCE CANOPY
 - 14 OBSCURED GLASS PANEL
 - 15 BACKLIT UNIT NUMERAL (SILVER)
 - 16 HORIZONTAL PROFILED CLADDING (MOORLAND GREEN)



Client:
AMA EUROPE
NORTHLAND

Project:
G. CAUCESTER BUSINESS PARK

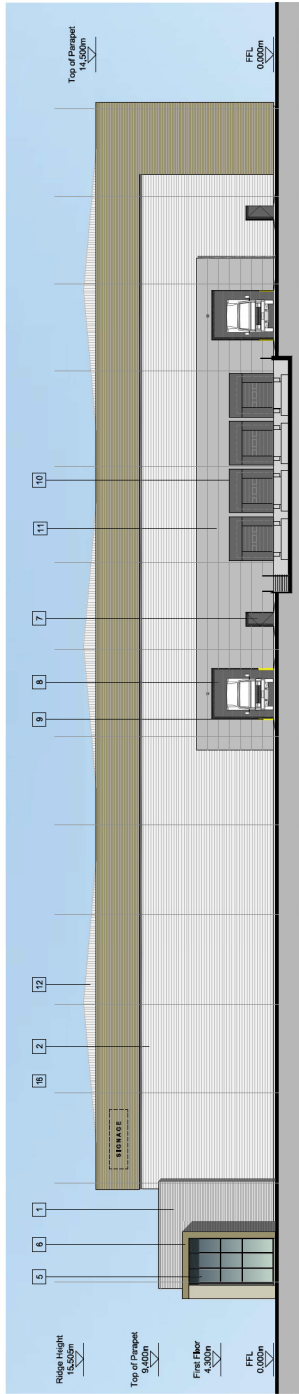
Drawing Title:
UNIT 4.4

PROPOSED ELEVATIONS & SECTION

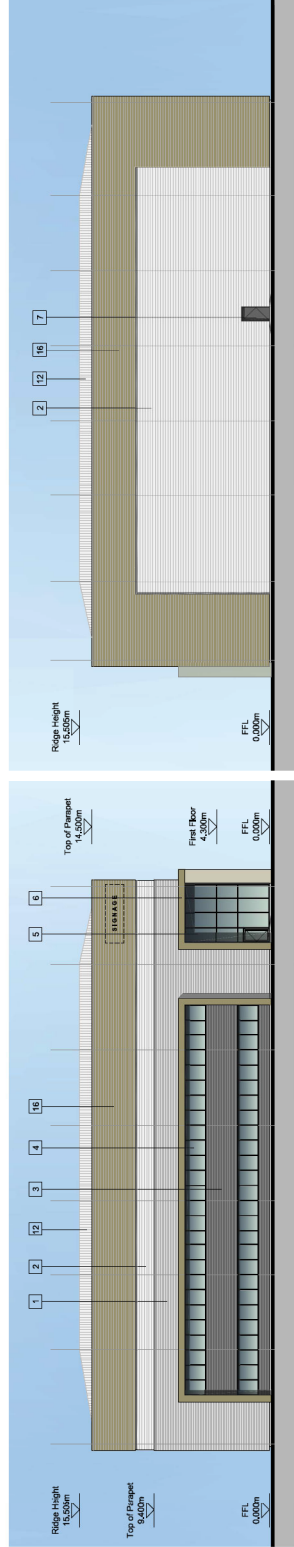
Architect:
PRC
1200 ME
1537 PL 005

Office:
London
Approval

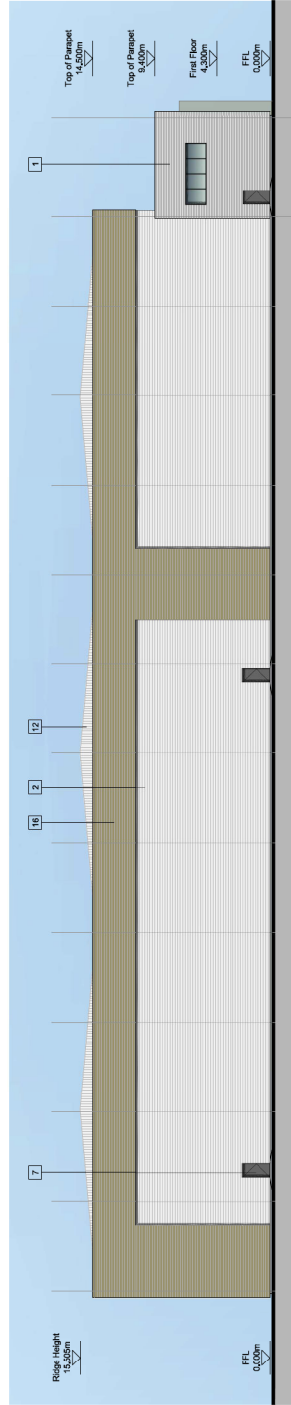
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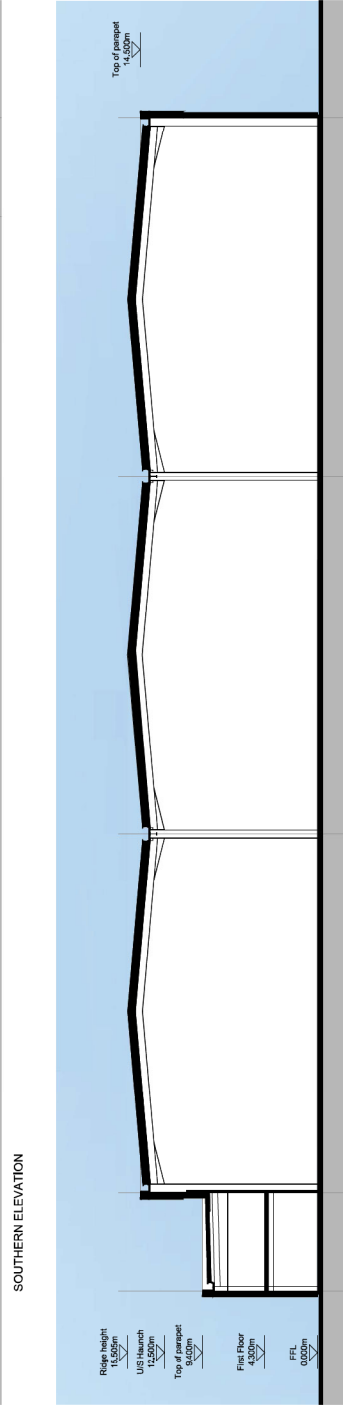
NORTHERN ELEVATION



EASTERN ELEVATION



WESTERN ELEVATION



SOUTHERN ELEVATION

TYPICAL LONG SECTION



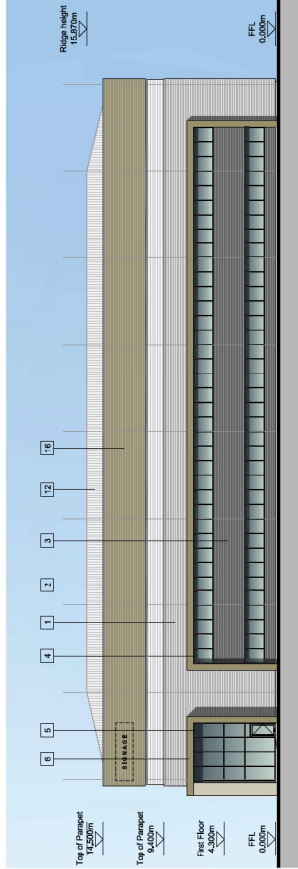
Final elevations shall be based on the final approved drawings. All dimensions to be indicated on the drawings shall be taken from the final approved drawings. The client shall be responsible for the accuracy of the information provided in this document. The client shall be responsible for the accuracy of the information provided in this document.

Drawn: CHD Date: 11/11/2011

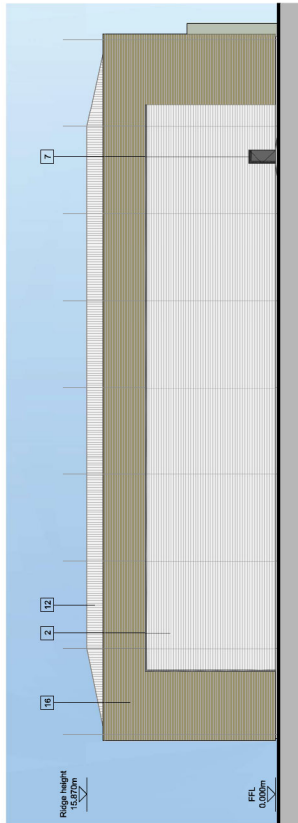
- MATERIALS KEY:**
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 - 2 HORIZONTAL PROFILED GLASSING (SLATE GREY)
 - 3 HORIZONTAL PROFILED GLASSING (ANTRACITE GREY)
 - 4 ALUMINUM FRAMED WINDOWS (ANTRACITE GREY)
 - 5 ALUMINUM FRAMED ENTRANCE DOORS AND GLAZING (ANTRACITE GREY)
 - 6 MAIN ENTRANCE FEATURE (MOORLAND GREEN)
 - 7 STEEL PERSONNEL DOORS (ANTRACITE GREY)
 - 8 GLAZED ENTRANCE CANOPY (ANTRACITE GREY)
 - 9 STEEL BOLLARD (YELLOW)
 - 10 DOOR LEVELLER (ANTRACITE GREY)
 - 11 HORIZONTAL PROFILED GLASSING (SLATE GREY)
 - 12 PROFILED ROOF GLAZING (GOOSEWING GREY)
 - 13 GLAZED ENTRANCE CANOPY
 - 14 OBSCURED GLASS PANEL
 - 15 BACK LIGHT UNIT NUMERAL (SILVER)
 - 16 HORIZONTAL PROFILED GLASSING (MOORLAND GREEN)



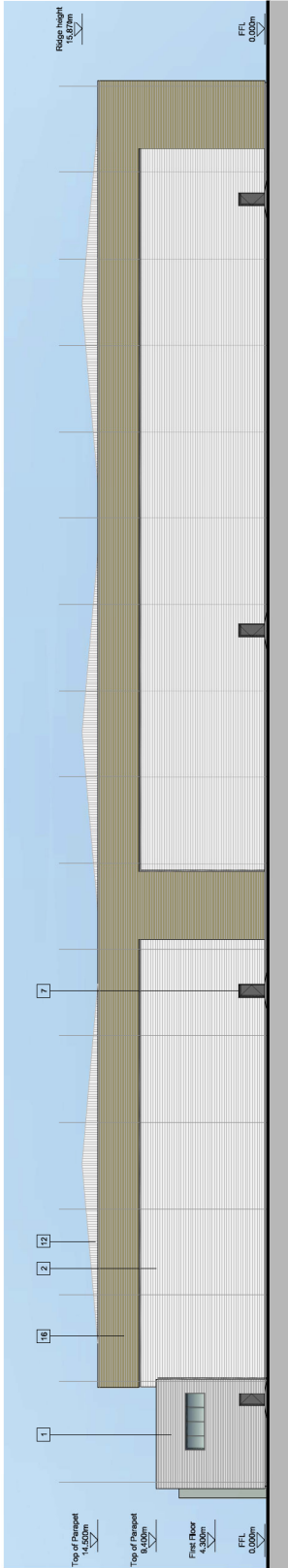
NORTHERN ELEVATION



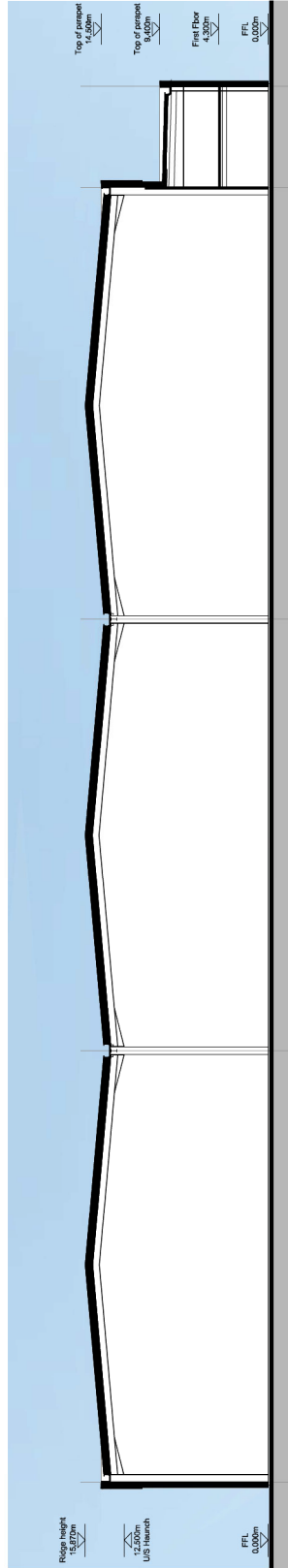
WESTERN ELEVATION



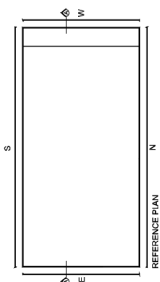
EASTERN ELEVATION



SOUTHERN ELEVATION



TYPICAL LONG SECTION



REFERENCE PLAN

PRC

CLIENT: ABA EUROPE NORTHLAND

PROJECT: G. CAUDESTER BUSINESS PARK

22 Watney Way, Milton Keynes, MK11 3JL, UK
0114 335 1144
info@prcgroup.com
www.prcgroup.com

DATE: 11/11/2011

UNIT: 1/2

PROPOSED ELEVATIONS & SECTION

Architect: PRC
 Planning: []
 Master Planning: []
 Structure: []
 Landscape: []

Scale: 1:200
 Created by: ME
 Date: JUN 23

Sheet No: PL_046

Issue Status:
 Preparation: []
 Approval: []
 Issued: []
 Revisions: []

Office: Milton Keynes
 London
 Worcester

PRC Architecture & Planning

PLANNING APPEALS RECEIVED (08/01/2024 – 02/02/2024)

Appeal Start Date	TBC Planning Number	Inspectorate Number	Proposal	Site Address	Appeal Procedure
16-Jan-24	22/00610/OUT	APP/G1630/W/23/3335833	Residential Development (up to 165 dwellings), associated works, including infrastructure, open space, landscaping and pumping station. Construction of a new vehicular access from Mythe Road and demolition of existing structures.	Part Parcel 2352 Mythe Road Tewkesbury	Public Inquiry
19-Jan-24	23/00149/ENFD	APP/G1630/C/23/3332417	Erection of unauthorised outbuilding	4 Clifford Avenue Walton Cardiff Tewkesbury	Written Representation
01-Feb-24	23/00757/FUL	APP/G1630/W/23/3336130	Change of use of land to use as a residential caravan site for an extended gypsy/traveller family with two caravans, including up to 2 static caravans/mobile homes, together with retention of existing hardstanding and dayroom.	Green Orchard Kayte Lane Southam	Hearing

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PLANNING APPEALS DECIDED (08/01/2024 – 02/02/2024)

Appeal Decision Date	Appeal Decision	TBC Planning Number	Inspectorate Number	Proposal	Site Address
09-Jan-24	Appeal Dismissed	22/01029/FUL	APP/G1630/W/23/3319454	Application for the siting of 3 shepherd huts for short-term holiday accommodation. (Revised Application)	Parcel 0400 And Part Parcel 4025 Postlip Winchcombe
18-Jan-24	Appeal Dismissed	21/00301/FUL	APP/G1630/W/23/3322288	Erection of a self-build dwelling.	Mountross Cleeve Hill Southam
31-Jan-24	Appeal Allowed Planning Permitted	21/01173/FUL	APP/G1630/W/23/3325421	Residential development to erect 22 units with associated car parking (100% affordable).	Land Off Ruby Avenue Bishops Cleeve
31-Jan-24	Appeal Dismissed	23/00165/PIP	APP/G1630/W/23/3325962	Permission in principle for the erection of a single dwelling with associated works	Blackhedge Farm Leckhampton Hill Leckhampton
31-Jan-24	Appeal Allowed Planning Permitted	23/00333/FUL	APP/G1630/W/23/3326270	Erection of a new dwelling and associated works.	395 Innsworth Lane Innsworth

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