

11 March 2024

Committee	Planning
Date	Tuesday, 19 March 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. ELECTION OF CHAIR

To elect a Chair for the remainder of the Municipal Year.

2. 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.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.

Item	Page(s)
4. DECLARATIONS OF INTEREST	
<p>Pursuant to the adoption by the Council on 24 January 2023 of the Tewkesbury Borough Council Code of Conduct, effective from 1 February 2023, as set out in Minute No. CL.72, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.</p>	
5. MINUTES	5 - 32
<p>To approve the Minutes of the meeting held on 20 February 2024.</p>	
6. DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL	
(a) 23/00930/OUT - Part Parcel 4256, Homedowns, Tewkesbury	33 - 62
<p>PROPOSAL: Residential development of up to 30 residential dwellings, associated works (including demolition), open space, infrastructure and landscaping with vehicular access from the A46(T).</p> <p>OFFICER RECOMMENDATION: Delegated permit.</p>	
(b) 23/00964/FUL - Land Adjacent Shurdington House Stables, Main Road, Shurdington	63 - 102
<p>PROPOSAL: Erection of five detached dwellings with associated infrastructure including detached single storey garages, landscaping and construction of two new accesses from Shurdington Road.</p> <p>OFFICER RECOMMENDATION: Permit.</p>	
(c) 22/01220/FUL - Land Off Old Gloucester Road and South Part Parcel 5800, Old Gloucester Road, Boddington	103 - 122
<p>PROPOSAL: Change of use of land to private Gypsy/Traveller site.</p> <p>OFFICER RECOMMENDATION: Permit.</p>	
(d) 23/01132/FUL - 12A Beverley Gardens , Woodmancote	123 - 136
<p>PROPOSAL: First floor extension and single storey rear and side extension.</p> <p>OFFICER RECOMMENDATION: Permit.</p>	
7. CURRENT APPEALS AND APPEAL DECISIONS UPDATE	137 - 138
<p>To consider current planning and enforcement appeals and Department for Levelling Up, Housing and Communities appeal decisions.</p>	

DATE OF NEXT MEETING**TUESDAY, 23 APRIL 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, 20 February 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 G Smith, R J E Vines, P N Workman and I Yates

PL.59 ANNOUNCEMENTS

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

PL.60 DECLARATIONS OF INTEREST

- 60.1 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.
- 60.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
M A Gore	Item 5b – 22/00898/OUT – Retained Land at Brickhampton Court, Greenfields, Churchdown.	Had received letters and emails and had direct contact with the applicant in relation to the application but had not expressed an opinion.	Would speak and vote.
S Hands	Item 5b – 22/00898/OUT – Retained Land at Brickhampton Court, Greenfields, Churchdown.	Had received correspondence from the applicant in relation to the application but had not expressed an opinion.	Would speak and vote.

D J Harwood	Item 5c – 23/00275/APP – Plots 3 & 4 Gloucester Business Park.	Is a Member of Brockworth Parish Council but does not participate in planning matters.	Would speak and vote.
M L Jordan	Item 5b – 22/00898/OUT – Retained Land at Brickhampton Court, Greenfields, Churchdown.	Is a Borough Councillor for the area. Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
G C Madle	Item 5b – 22/00898/OUT – Retained Land at Brickhampton Court, Greenfields, Churchdown.	Had received correspondence from the applicant in relation to the application but had not expressed an opinion.	Would speak and vote.
J R Mason	Item 5b – 22/00898/OUT – Retained Land at Brickhampton Court, Greenfields, Churchdown.	Had received correspondence from the applicant in relation to the application but had not expressed an opinion.	Would speak and vote.
P D Smith	Item 5b – 22/00898/OUT – Retained Land at Brickhampton Court, Greenfields, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
P D Smith	Item 5c - 23/00275/APP – Plots 3 & 4 Gloucester Business Park.	Is a Member of Hucclecote Parish Council but does not participate in planning matters.	Would speak and vote.
R J G Smith	Item 5b – 22/00898/OUT – Retained Land at Brickhampton Court, Greenfields, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
R J E Vines	Item 5c – 23/00275/APP – Plots 3 & 4 Gloucester Business Park.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.

P N Workman	Item 5b – 22/00898/OUT – Retained Land at Brickhampton Court, Greenfields, Churchdown.	Had received correspondence from the applicant in relation to the application but had not expressed an opinion.	Would speak and vote.
I Yates	Item 5b – 22/00898/OUT – Retained Land at Brickhampton Court, Greenfields, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
I Yates	Item 5c – 23/00275/APP – Plots 3 & 4 Gloucester Business Park.	Is a Borough Councillor for the area.	Would speak and vote.

60.3 There were no further declarations made on this occasion.

PL.61 MINUTES

61.1 The Minutes of the meeting held on 23 January 2024, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.62 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

62.1 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.

22/01337/OUT - Land off Lawn Road, Ashleworth

62.3 This was an outline application for the erection of up to 11 dwellings and associated works, with all other matters reserved for future determination except access (amended description).

62.4 The Senior Planning Officer advised that the Additional Representations Sheet, attached at Appendix 1, set out that Severn Trent Water had not confirmed its acceptance of a surface water connection to the drain on Sawyers Rise, therefore, the recommendation had been amended to seek delegated authority to impose any conditions pertinent to the connection. He explained that Ashleworth was not designated as a Rural Service Centre or a designated Service Village in the Tewkesbury Borough Plan and was not within the development boundary; however, given the backdrop of the five year housing land supply position, the application was recommended for permission. In terms of the site itself, the northern boundary was to the edge of Lawn Road with Grade II listed buildings of Lynchgate Cottage, St Michael's and Nupend House on the north side immediately opposite and the Conservation Officer had objected to the proposal. Land to the east of the site had been approved for four dwellings as set out in the Committee report and, beyond that to the east was a development of 35 dwellings which had been built-out. Immediately to the south was land approved for development of 42 dwellings. Due

to the development surrounding the site, the existing services within the village and the proximity to settlements for additional services, it was considered by Officers to be a sustainable location for development. It was an unusual application in terms of Biodiversity Net Gain (BNG) as grassland was classified as an urban meadow and was high value, requiring additional mitigation not all of which could be provided on site, therefore, the application included an off-site mitigation proposal in order to provide 10% BNG which would be secured via a Section 106 Agreement. As set out within the Committee report, Severn Trent Water had not confirmed the development could connect to the surface water drain – the original proposal was for surface water to be disposed via the highway drain and then into the Severn Trent surface water drain on Sawyer's Rise; however, the Lead Local Flood Authority had not been satisfied with that proposal and a revised proposal had been put forward to install a separate pipeline which bypassed the highways drain and formed a new connection to the same Severn Trent surface water drain - it was that new connection which Severn Trent had not yet agreed to. Officers were requesting a delegated permission, subject to agreement being reached with Severn Trent to dispose of foul water. The Senior Planning Officer went on to explain that, late the previous evening, it had transpired there was a footpath connection to Ashleworth which only extended as far as the top right of the application site and it was proposed to install a footpath directly into Ashleworth which would take up the highway verge but would not encroach on any private land. County Highways had no objection to the condition already in the report which required details of the footpath to be submitted to and approved by the Local Planning Authority prior to commencement of development. This had not been covered in the Committee report but it would provide a betterment as previously pedestrians had to walk down the road. Whilst the Conservation Officer had objected to the proposal, as explained in the Committee report, the harm was less than substantial and these comments were not sufficient to outweigh the benefits of the proposal. In summary, given the five year housing land supply position, Ashleworth was considered by Officers to be a sustainable settlement and, where the harms of development were considered against the benefits of new housing, with on and offsite mitigation and contributions, Officers believed the tilted balance lay in favour of development.

- 62.5 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that this application had been pending determination for over 12 months, during which time they had worked hard with their consultant team, client and Officers to address the initial concerns raised which had ultimately resulted in reducing the scheme from 17 to 11 new homes to provide a scheme deemed acceptable and policy compliant. Ashleworth was a suitable location for a development of this scale with public transport accessibility to Gloucester and Tewkesbury and a good range of services and facilities for meeting day to day needs including a primary school, general store, cafe and community centre. Delivering a range of small sites such as this would assist the Council with demonstrating a rolling five year housing land supply and would ultimately help to ensure the vitality of the borough's rural communities. The site was not subject to any designations, was well-related to the built-up area of the village and contained within the landscape because of the strong landscaped boundary to the southwest of the site. It would represent a natural 'rounding off' of the village and an ideal location for its sustainable growth. The new homes provided would include four much needed affordable homes. As correctly noted within the Committee report, the development would not result in any harms that would warrant refusal. The applicant's agent recognised that some concerns had been expressed by the Parish Council and local residents, although none were received from residents following the reduction of the scheme by six units. Some concerns related to highway safety and those had been thoroughly assessed by County Highways with no objections raised subject to conditions. In terms of drainage, the proposal had been designed thoroughly by the consultant team and the Lead Local Flood Authority had no objection. Severn Trent Water had previously raised no objection in connection to

its assets as part of the proposals and the current proposals did not change that. They had worked closely with both their ecologist and the Council's Ecological Adviser as well as Enviro Bank - a company that supported the provision of off-site biodiversity enhancement measures - and, whilst there would be some habitat loss on site, a bespoke mitigation and BNG strategy was proposed resulting in the delivery of some off-site provision in the form of new lowland meadow creation within BNG trading rules and regulations. Overall, as the Committee report set out, the development would result in more than 10% BNG which was over and above what presently existed on site. The heritage assessment was correct in their view and any limited harm would be outweighed by the benefits which involved 11 new dwellings, including affordable homes and off-site affordable contributions; 10% BNG; education contributions towards primary school provision; Community Infrastructure Levy (CIL) payments, 25% of which would go to the Parish; and provision of publicly accessible open space. On that basis, the applicant's agent hoped that Members would support the Officer recommendation for a delegated permission.

- 62.6 The Chair indicated that the Officer recommendation was to delegate authority to the Associate Director: Planning to permit the application, subject to completion of a Section 106 Agreement with the obligations set out in the Committee report and Severn Trent Water confirming that a connection to its surface water drain was acceptable, and he sought a motion from the floor. A Member questioned the assertion this was a truly sustainable development given that, if agreed, there would be an increase of 90 houses to a village of approximately 200 properties since 2017 and the new properties would be largely reliant on cars due to the limited bus service. In response, the Senior Planning Officer confirmed that Ashleworth was not designated in the settlement hierarchy but the National Planning Policy Framework stated that, without a five year housing land supply, the titled balance must be considered, therefore, Officers were required to weigh up the harms of the development against the benefits. Ashleworth did have a number of local services which added weight to the application and other proposals for residential development had recently been approved at appeal establishing the principle of Ashleworth being able to accommodate additional development. The harm in terms of heritage assets would be less than substantial and insufficient to warrant refusal. He appreciated the highway concerns but those applied to many of this type of scheme, Lawn Road was lightly trafficked and the development was considered sustainable in terms of the tilted balance. The County Highways representative explained that, by nature, a village was not as sustainable as a city location but the sustainability of Ashleworth had been tested on appeal. There was a school, a coffee shop and a Memorial Hall within the village and a bus service operating between Gloucester and Tewkesbury ran every two hours so public transport was available, albeit limited. In terms of traffic flow, it was a narrow lane but was extremely lightly trafficked with 600 vehicles in a two way flow over a whole day period and less than one vehicle per minute even during peak hours; traffic generation from this site would be five to six vehicles in peak hours. The Member indicated that he genuinely did not believe the cumulative effect of development in the village had been thought through – the bus service was extremely limited with no evening service at all so there would inevitably be an increase in car usage as a result of this development. Another Member asked if accident statistics were available for the A417 as the representations received alluded to it being notorious for serious accidents. In terms of sustainability, she pointed out the village shops were often not economical to use and she asked if there was any way to improve the facilities within the village via the Section 106 Agreement. In response, the County Highways representative advised there were no reported accidents in the last five years within the village itself which accorded with the low speed of the road. In terms of the A417, there had been two accidents at the junction with Lawn Road, one involving a fatality due to a driver error, and three accidents at the junction with the B4211. The County Council Road Safety Team was looking at mitigation

measures for the A417; however, that was a separate issue and, in terms of this development which would generate an additional five vehicles in the peak hours, it would be difficult to say there would be a further negative impact in terms of accidents. In respect of the Section 106 Agreement, the Senior Planning Officer's view was that any additional dwellings in Ashleworth that could support the village shop would be a positive thing; that said, due to the scale of the development, the Council could not reasonably insist on a Section 106 contribution to support local services and this had not been requested by the Parish Council.

62.7 A Member asked what would happen if Severn Trent Water deemed the connection to its surface water drain unacceptable. She pointed out that the issue of drainage was a major concern for Ashleworth Parish Council and no improvements had been made since new developments had come online so she asked why this would be any different. In response, the Senior Planning Officer explained that, if there was no solution for the surface water drainage the application would be brought back to the Committee with a recommendation for refusal. A Member noted that the Committee report stated that the Head of Service: Housing was yet to confirm that the tenure mix was acceptable and an update would be provided at Committee. The Senior Planning Officer advised that the Housing team had been consulted and no response had been received, therefore, the tenure mix set out in the report was deemed to be acceptable. In response to a query regarding the Tree Preservation Order, Members were informed this was a group of TPOs along the frontage of the houses on the north side of Lawn Road and not within the application site itself.

62.8 It was proposed and seconded that authority be delegated to the Associate Director: Planning to permit the application in accordance with the Officer recommendation and, upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Associate Director: Planning to **PERMIT** subject to completion of a Section 106 Agreement with the obligations set out in the Committee report and to Severn Trent Water confirming that a connection to its surface water drain was acceptable, in accordance with the Officer recommendation.

22/00898/OUT - Retained Land at Brickhampton Court, Greenfields, Churchdown

62.9 This was a hybrid planning application seeking full permission for the use of land as public amenity space (including community woodland, pedestrian access, play space and biodiversity enhancements); outline planning permission for seven affordable (discounted market) dwellings with all matters reserved for future consideration; and outline planning permission for eight market dwellings with all matters reserved for future consideration. The Planning Committee had visited the application site on Friday 16 February 2024.

62.10 The Principal Planner advised that the application site comprised 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, eight new houses were built on the original footprint of the farmhouse and buildings at Greenfields and Fairways Drive. The site was not located within the settlement boundary of Churchdown and Innsworth but the settlement boundary ran along the southern boundary of the site, Highgrove Estate. To the west, the site was bound by the Nato Allied Force Base and the majority of the site was 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. The application site was physically separated from Highgrove Estate by a small watercourse and a strong line of trees and hedges which provided a high degree of physical separation between the site and the settlement boundary. In relation to site designations, the site was located within the Green Belt

and a Public Right of Way ran along the eastern boundary. In terms of consultees, there were objections from Churchdown Parish Council due to Green Belt policy and highway safety, and from the Housing Strategy and Enabling Officer due to physical separation of the affordable units from the market sale units and the proposed tenure type not meeting the identified need for the borough. Having assessed the scheme, Officers believed the application should be refused as it was not an appropriate location for new residential development; the proposal would result in harmful encroachment into open countryside and would appear as an unacceptable intrusion, diminishing the existing sense of transition between the settlement and the open countryside; it would be inappropriate development in the Green Belt and would unacceptably reduce its openness and conflict with the purposes of the Green Belt; the applicant had failed to demonstrate how the affordable housing would be provided in a seamless and integrated manner and the proposed tenure type did not meet the identified need for the borough; the applicant had failed to demonstrate that the pedestrian connections shown on the illustrative masterplan could be achieved; and, in the absence of a completed planning obligation, the proposed development did not adequately provide for education and affordable housing contributions or refuse and recycling facilities.

- 62.11 The Chair invited a local resident speaking in objection to the application to address the Committee. The local resident advised that he was speaking on behalf of residents who had set out clear and significant policy-based conflicts in their written submissions dated from November 2022 to September 2023; they endorsed the Officer's recommended reasons for refusal. The main issue in the determination of this application was the Green Belt and the proposal was, without any doubt or question, inappropriate development in the Green Belt. It did not constitute any of the permissible exceptions for allowing development in the Green Belt. It would seriously and significantly reduce openness and conflict with the purposes of the designated land. Moreover, this harm would occur in a segment of the Green Belt where the expert evidence assessed land to be of the highest value in terms of its contribution to Green Belt purposes. As a result, the proposal would cause very significant harm to the Green Belt. The applicant had singularly failed to demonstrate any credible evidence that very special circumstances existed that would outweigh that considerable harm. The current absence of a five year housing land supply did not trigger the tilted balance in this case and Green Belt protection prevailed. The Council would undoubtedly need to approve greenfield developments on unallocated sites in the coming years but they did not need to do so on Green Belt land, and doing so would drive a coach and horses through national and local planning policies. Local residents had pointed out in 2022 that the claimed affordable housing content was an illusion and provided no sound basis for allowing this application - the scheme did not include any affordable housing by any meaningful definition. They had also set out that, irrespective of the Green Belt designation, this was an unsustainable location for new housing. The nearest shop was the Tesco store at Churchdown, which was a walked route of 1.75 kilometres - the notion of walking a round trip of 3.5 kilometres for basic provisions was unrealistic. Overall, the proposal was in serious conflict with national policy and clearly not in accordance with the development plan. There were no material considerations that would direct a determination other than in accordance with the plan. The local resident urged Members to make a sound planning decision and refuse this unacceptable development and protect the Green Belt which national and local policy said was of 'great importance'.
- 62.12 The Chair invited the applicant to address the Committee. The applicant explained that he was born in Churchdown and had been involved in the development of the golf course and its residential houses since 1969. He was not a property developer but, as with the golf course and houses, had looked to ensure the retained land was developed in a sustainable manner with a balanced mix of community assets, affordable and market houses for local residents and their families. The application

had been with the Council for 18 months and appeared before the Planning Committee today with a recommendation to refuse based on a few key points which Members were not obliged to follow. He intended to set out how and why Members could make their own decision to grant planning permission in a way that would respect the integrity of the development plan policies and not weaken its protection over other land in the borough. Firstly, the site was in the Green Belt but a perfectly legitimate conclusion could be reached that the housing element of the site was infill to the neighbouring developed areas of the golf centre, the residential houses, the Highgrove Estate, Nato base and Churchdown. Officers had recommended against this because of the existing trees and hedges bordering the site but had not provided any landscape advice for making such an objection or that infill would significantly harm the openness of the remaining Green Belt. They also omitted to mention the Council's 2017 Green Belt Report on the site which said that its removal from the Green Belt was unlikely to constitute a significant loss of the physical or perceptual gap between areas of urban development and would have minimal impact. Those arguments were reassurance that, although it was Green Belt, it was land that would not fundamentally weaken that protection and should be considered for housing given that the Council could not demonstrate a five year housing land supply and due to the urgent need for more affordable housing which this site would deliver. If there was a real concern regarding the type of affordable housing being offered, that could be negotiated as part of the Section 106 terms and should not be a reason for refusal. The need for affordable housing in Churchdown and Innsworth was supported by Gloucester Homes and the Council's own data stated that 471 local residents were actively looking for this type of accommodation. In terms of footpath connection, nobody was arguing pedestrian connection was inadequate to allow development to take place and they were offering to improve the quality of that provision through cooperation with adjoining landowners. Finally, Officers stated that the application's potential harms to the Green Belt outweighed its many positive benefits, and the principle of very special circumstances could not be made for approving it, but then offered no balanced explanation for that. Members could make a decision today to approve the application to help Tewkesbury Borough get back on track with its housing shortfall and help local people in Churchdown and Innsworth who needed homes and he urged them to take it.

- 62.13 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. A Member advised that he had walked home from the Planning Committee Site Visit along the access road to the golf club which was the sole means of access to the site from the main road and had found it very difficult with it being necessary to duck, or move out of the way whilst a vehicle passed, due to the height of the land. He questioned whether the safety of that access had been assessed. In response, the County Highways representative advised that no objection had been raised by County Highways on safety grounds but he did take this point – the access was narrow and not an ideal surface. Whilst it was necessary for pedestrians to move out of the way if a vehicle approached, there were passing places; however, the road was neither ideal or convenient for walkers, especially people with disabilities. In terms of accidents, there had been two near the site in the last five years, one of which was now outside of the five year period. The junction itself had a good accident record and, in terms of sustainability, it was possible to walk from Cheltenham Road East to the site until reaching this particular road. The Principal Planner confirmed there was one pedestrian route with the possibility of the Public Right of Way for those residents who chose to be car-free. A Member noted that the applicant had referenced the removal of the site from the Green Belt in the Council's Green Belt Report in 2017 and he asked why this was perceived differently now. In response, the Principal Planner clarified that, as set out in the Additional Representations Sheet attached at Appendix 1, the quotation in relation to the Green Belt Review related to purpose two of the Green Belt which sought to prevent the merging of neighbouring towns and the Council's

view was that it continued to conflict with purposes one and three in relation to checking the unrestricted sprawl of large built-up areas and safeguarding the countryside from encroachment – the Green Belt Report had stated that it conflicted with those two purposes and there had been no change from that position. Another Member questioned whether all three aspects of this proposal should be determined together and confirmation was provided that it was essentially three applications in one; Officers had assessed them individually and cumulatively and, in the event the application was refused and went to appeal, the Inspector would consider all three parts.

- 62.14 It was proposed and seconded that the application be refused in accordance with the Officer recommendation. The proposer of the motion expressed the view it was a comprehensive Committee report and nothing had changed in terms of the Green Belt position. The seconder of the motion felt there were numerous reasons to refuse the application, all of which were set out in the Committee report. A Member agreed that the application must be refused on the basis it was in the Green Belt but, if that was not the case, the proposal would provide sustainable housing in the area with connectivity to Cheltenham and Gloucester for businesses and amenities, therefore, it was far more sustainable than the previous Agenda Item which had been permitted and was a good proposal. Sadly, the application must be determined within the constraints of the Green Belt assessment and she could see no very special circumstances which would allow Members to permit the application. There may be a case for removing the site from the Green Belt via the Strategic and Local Plan but Green Belt outweighed all other considerations in her view, therefore, she supported the motion to refuse the application. The seconder of the motion indicated that she agreed to a certain extent and could see no way the application could be approved, particularly in light of the previous application on the golf course site which had been refused for the same reasons. She felt there were issues with some of the elements put forward as benefits, for instance, she did not see the community woodland and play area being a significant benefit to the community given other facilities in the vicinity and the tenure mix being proposed would result in two distinct areas of private and affordable housing which went against planning policy. She questioned how affordable three to four bedroom houses on a golf course in the Green Belt would actually be. Another Member shared this view and noted the applicant had referenced over 400 people on the housing register looking for this type of housing; however, they were actually looking for social housing, not very expensive houses reduced by 20%. The applicant had also suggested there could be a link to Imjin Barracks and she felt there were several reasons why this would not be an option, not least security. She did not feel that such “benefits” could be taken into account as they were not realistic options.
- 62.15 A Member expressed the view that very special circumstances existed as outlined at Page No. 49, Paragraph 8.19 of the Committee report which set out exceptions to the construction of new buildings in the Green Belt including limited infilling in villages. Whilst Page No. 52, Paragraph 8.35 of the Committee report stated that Officers did not consider the site to be infill development, the Member pointed out that decision lay with the Planning Committee as decision-makers. Page No. 52, Paragraph 8.37 of the Committee report set out that points 1, 2, 3 and 4 as outlined at the top of Page No. 52 were considered by Officers to be benefits which had the potential to amount to very special circumstances and the proposal would provide affordable housing and contribute to housing land supply. Case law established that very special circumstances did not have to be unique or unusual and a number of elements could combine to give a cumulative and positive set of circumstances. In his view, there would be very little potential harm to the Green Belt which would be outweighed by very special circumstances and he would not like to see the application be refused and go to appeal given that the Inspector had previously approved 1,500 houses on Green Belt land at Brockworth; he pointed out that the Council had also recently approved 49 dwellings at Badgeworth which was in both

the Green Belt and Cotswold Area of Outstanding Natural Beauty. Another Member shared this view given that the site was surrounded by housing, the golf course and the Ministry of Defence site so he felt housing would sit well in that location. Green Belt was a very strong issue but a common sense approach was needed and, in this case, he felt any harm would be limited. The seconder of the motion expressed the view that the Green Belt was very important and needed to be preserved; permitting the application would set a dangerous precedent. Officers clearly considered that no very special circumstances had been advanced by the applicant and, based on the evidence before them, she was inclined to agree. The proposer of the motion indicated that, whilst on the Planning Committee Site Visit, he had reflected on the view that the proposal constituted infilling and agreed with Planning Officers who had identified there was a strong boundary between the site and the Highgrove Estate with outlying dwellings around the golf course – infilling was a red herring in his opinion. In terms of the public open space constituting a community woodland and play area, he pointed out there was a recreation ground not a significant distance from the site and he did not think an additional playground would be used except by the residents of the affordable housing and the separation of tenure types was contrary to policy. In terms of the bigger picture, this was a major section of land preventing the sprawl of Gloucester and should be treated as sacrosanct. Consideration had been given to removing the land from the Green Belt in 2017 but the fact was that it remained and to put any stock in the arguments for taking it out when they were not substantiated at the time would be foolhardy. As such, he remained of the opinion the application should be refused.

62.16 In response to a Member query, the Principal Planner advised that very special circumstances were not required if the proposal was considered to be limited infilling; however, Officers believed it was inappropriate development as set out in Paragraph 152 of the National Planning Policy Framework and should not be approved except in very special circumstances. A Member asked whether it was acceptable for the play area and attenuation pond to be in such close proximity and was advised it was not unheard of and, should the application be permitted, there would be a requirement for additional detailed information regarding the attenuation basin. The Development Management Team Manager (South) advised that attenuation basins were designed with safety aspects, such as ledges, in mind.

62.17 The Development Management Team Manager (East) advised that affordable housing provision had been omitted from proposed refusal reason 6 within the Committee report and the proposer and seconder of the motion to refuse the application indicated they would be happy to amend the motion to include that. Upon being put to the vote, it was

RESOLVED That the application be **REFUSED** in accordance with the Officer recommendation, subject to an amendment to refusal reason 6 to refer to affordable housing provision in relation to the absence of a completed planning obligation.

23/00275/APP - Plots 3 & 4 Gloucester Business Park

62.18 This was a 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.

62.19 The Principal Planner advised that outline consent had been granted for the business park in March 1992 and the permission had been renewed in 2001 to allow a further 10 years for the submission of the reserved matters. In 2012, a further permission was granted for the reserved matters for the remainder of the

plots to be submitted by 2026 and the current application was for the reserved matters for plots 3 and 4 on the outskirts of the business park adjacent to residential properties and required a Committee determination due to objections from the Parish Councils and local residents. The original approval had no set parameters in terms of the size or height of the units with heights across the business park ranging from 16m to 24m; the elevations for this application had a proposed overall height of 15.5m. The applicant had confirmed that the units would be BREEAM Excellent. Comments were still awaited from the Land Drainage Officer in relation to drainage condition 8 and the Lead Local Flood Authority had no comment given that it had not been established when the original application was approved and County Highways had requested an additional condition. It was therefore recommended that authority be delegated to the Associate Director: Planning to approve the application, subject to no adverse observations from County Highways and the Land Drainage Officer and any additional or amended conditions.

62.20 The Chair invited a local resident speaking in objection to the application to address the Committee. The local resident explained that the application had received over 30 objections from the public giving a wide range of valid points to consider. The Statement of Community Involvement run by Gloucester Business Park sampled 75 responses with 50% answering no to “Does the scale of development feel appropriate for Plots 3 and 4?”; however, she and her partner had run a separate poll on Facebook via Cooper’s Edge Noticeboard Community Group, attracting 315 votes, with only 4% agreeing with the warehouse use. Remaining votes were for uses such as affordable housing, small retail or other non-imposing structures which could bring employment to the area and also enhance the business park as well as Cooper’s Edge. Housing on plots 3 and 4 had previously been considered and the poll marked it as a more favoured solution by the community so she encouraged the Council to think of the benefits of more housing in the area during the current housing crisis. Given the location of the plots so close to Cooper’s Edge, local residents had significant objection to the scale, aesthetic and location within the plot and the use of the proposed units. There would be no transition within the current proposal from the residential area to the business park and they felt the design should be closer in style to residential areas with use of traditional brick and render and an appropriate height, not 15m which was visually imposing and would greatly detract from the beauty of Cooper’s Edge. Other commercial units bordering the residential areas, such as Benefact and Javelin House, were much better examples and were significantly smaller in size with more green buffer space. Approving the disproportionately large warehouse units at plots 3 and 4 would increase Heavy Goods Vehicle (HGV) traffic in an area very close to residential properties and a busy primary school. This caused significant pedestrian safety concerns within Cooper’s Edge and leaving Cooper’s Edge for Whittle Square; particular safety concerns should be considered due to the extensive use of bikes in the area by commuters and families. The added traffic would further increase pollution in an area which already became congested at peak times, as well as causing considerable noise with traffic leaving the site at all hours of the night. For those reasons, the application was not suitable and a more favoured use of the plots would be houses or added amenities to enhance existing residential areas. This could help meet the Council’s targets and provide long term employment to Cooper’s Edge residents whilst also benefiting Gloucester Business Park.

62.21 The Chair invited the applicant’s agent to address the Committee. The applicant’s agent advised that Gloucester Business Park was a successful employment destination in a high quality location, acting as a driver for employment opportunities and economic benefit to the area. The reserved matters application for these plots was part of the final pieces of the jigsaw to complete the Business Park and provided a high level of alternative retail and leisure uses which were complementary to the existing and planned employment uses which benefited the wider community. They considered the proposed employment uses were the right

ones and in the right location for Tewkesbury Borough and Gloucestershire. They had listened to residents and stakeholders throughout the development process and had provided a comprehensive range of surveys to support the planning application. Those surveys had confirmed the proposed development was compatible with the location and resulted in no demonstrable impact upon neighbours. The buildings had been designed to complement the existing buildings within the park and provided a transition between the employment and residential area. They were of a scale and height that was suited and attractive to a modern occupier, making an efficient use of land. The relationship between the proposed buildings and the adjacent residential area had been a key consideration throughout the design process. Sustainability at the Business Park was important for the applicant and the proposed buildings had all been designed to achieved BREEAM Excellent demonstrating a commitment to delivering high quality sustainable buildings. They had consulted widely with the community and stakeholders prior to the application being submitted and one of the key asks from the community was improved transport links. They had engaged with Stagecoach and, shortly after, a new and improved bus service to the Business Park had been introduced with the intention it would help reduce individual car journeys. They had been made aware there were local concerns regarding traffic, in particular HGVs leaving the Business Park via Lobleys Drive. Whilst no objection had been raised by County Highways, the applicant had noted the importance of resolving the HGV issue and, as a priority, additional signage had been put up at key locations to direct HGV drivers as soon as they left service yards to exit the Business Park via Hurricane Road or Pioneer Avenue and that would also be applied for the new development plots. To reiterate, the applicant's agent advised that the development of these final employment plots would contribute to the economic growth of the area and was considered to be the right use in the right location. The applicant had listened to the community and stakeholders as they developed the final employment plots and continued to manage the success of the Business Park. As a final point, it was important to note that the proposed development was deliverable and the applicant was already in advanced discussions with potential occupiers and ready to begin delivering further jobs for Tewkesbury Borough and Gloucestershire.

- 62.22 The Chair indicated that the Officer recommendation was to delegate authority to the Associate Director: Planning to approve the application, subject to no adverse observations from County Highways and the Land Drainage Officer and any additional or amended conditions, and he sought a motion from the floor. A Member drew attention to Page No. 82, Paragraph 8.5 of the Committee report which set out that Policy EMP5 of the Tewkesbury Borough Plan stated that development must respect the character, scale and proportion of the proposal and the surrounding development's character and she asked whether the proposal met that requirement in terms of the opposite side of the road which was residential. In response, the Principal Planner confirmed that the buildings were slightly smaller than the existing buildings on the Business Park and there was a landscape buffer which acted as a transition between the existing warehouse employment use and residential dwellings. Another Member expressed the view that it was a shame the site could not be used for housing but he understood the reasons why not. He asked if it was possible to apply a condition to reflect the findings of the external lighting report, as set out at Page No. 85, Paragraph 8.25 of the Committee report, in order to address residential amenity concerns and ensure nighttime pollution was kept to an absolute minimum. In response, the Principle Planner confirmed there was a condition proposed in relation to ecology and biodiversity but there was no reason why an additional condition could not be added in relation to the lighting being switched off at nighttime. In response to a query, Members were informed the distance between the warehouses and residential properties was approximately 40m. A Member asked if the proposal would include secure cycle storage with facilities for cyclists to shower and the County Highways representative advised that County Highways had requested additional conditions, which had not reached the Officer prior to the

meeting, which required secure cycle storage and staff shower facilities. A travel plan had been approved for the overall site as part of the outline application and a further condition was suggested asking for details. Whilst electric vehicle charging points were shown on the plans, County Highways had also requested a further condition requiring up to 10% of the total provision to be electric vehicle charging points.

- 62.23 A Member expressed the view that it was difficult to visualise the buildings in the context of the existing Business Park and therefore the impact it would have on neighbouring residents. Another Member indicated that she was very concerned about the height of the units. The Development Management Team Manager (South) advised that Officers were satisfied that the development would have an acceptable impact in terms of its scale and relationship to nearby dwellings. It was proposed and seconded that the application be deferred for a Planning Committee Site Visit to assess to size and scale of the proposal and the impact on residential amenity. The proposer of the motion acknowledged that a site visit could have been requested prior to the meeting but she continued to have concerns about the size and scale and felt it was important to take a look at the site to put this into perspective. A Member asked if it was possible to negotiate a reduction in the height of the units and the Development Management Team Manager (South) advised that he suspected these modern industrial units needed to be a particular size to accommodate machinery but he could ask the question of the applicant. Another Member indicated that he would support a site visit as, although the size may be in line with the norm for industrial units, it was their proximity to housing which was the concern in this case. Whilst he understood the reasons for requesting a site visit, another Member indicated that he did not believe he had heard anything new today which had not been set out in the Committee report.

- 62.24 Upon being put to the vote, it was

RESOLVED That the application be **DEFERRED** for a Planning Committee Site Visit to assess the size and scale of the proposal and the impact on residential amenity.

PL.63 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

- 63.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 101-102. Members were asked to consider the current planning and enforcement appeals received and the Department for Levelling Up, Housing and Communities appeal decisions issued.
- 63.2 A Member expressed the view that it was disappointing for both the Council and local residents to lose the appeal in relation to Land Off Ruby Land, Bishop's Cleeve which suggested that the Inspector favoured residential development over much needed infrastructure.
- 63.3 It was
- RESOLVED** That the current appeals and appeal decisions update be **NOTED**.

The meeting closed at 11:35 am

Appendix 1

ADDITIONAL REPRESENTATIONS SHEET

Date: 20 February 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>22/01337/OUT</p> <p>Land Off Lawn Road, Ashleworth</p> <p>Since the Committee report was published, Severn Trent Water has not confirmed acceptance of a surface water connection to the drain on Sawyers Rise.</p> <p>The recommendation at Paragraph 11.1 of the Committee report should be changed to:</p> <p>It is recommended that authority be DELEGATED to the Associate Director: Planning, to PERMIT the application, subject to the completion of a Section 106 legal agreement with obligations as set out above, and subject to Severn Trent Water confirmation that a connection to its surface water drain is acceptable.</p>
5b	<p>22/00898/OUT</p> <p>The Retained Land At Brickhampton Court , Greenfields, Churchdown</p> <p>Additional Representations</p> <p>Since writing the Committee report, it has been brought to the attention of the Case Officer that a letter of support from Gloucester City Homes (uploaded to Council website 1 February 2023) was not included within Section 5.4 of the Committee report.</p> <p>Furthermore, an additional letter of support (attached) has been received from a Parish Councillor on Churchdown Parish Council. The Councillor believes the proposal would contribute to the five year housing land supply shortage, the shortfall in open market affordable homes and the new footbridge would provide immediate and safe access to residents living at the Innsworth end of Churchdown. It should be noted these are the Councillor's own personal views and not those of the Parish Council which objected to the application.</p> <p>The points raised by the additional letter of support are addressed throughout the Committee report therefore no further comments are made in this regard.</p> <p>Additional Comments from the Applicant to a Member of the Planning Committee</p> <p>Since writing the Committee report, the applicant has provided representations to a local Ward Councillor ahead of the Committee Site Visit. This email contains eight key points which the applicant asked the Councillor to take into consideration. Full details are in the attachment and the Council has commented on each point as detailed below:</p>

1. The Council has assessed the existing infrastructure on the site and within the wider site context. Details are set out within the Committee report.
2. A full assessment of the site's context is provided in the Committee report.
3. The Council's assessment of the scheme's connectivity is set out in detail within the Committee report.
4. It should be noted that the Council's Strategic Housing and Enabling Officer objects to the affordable housing contribution as detailed within the Committee report and as shown by refusal reason 4.
5. The Council acknowledges the potential benefits of the scheme and has assessed the benefits against the harms as detailed throughout the Committee report and, in particular, within the conclusions under Section 9.
6. A Section 106 Heads of Terms has been provided by the applicant but this has not been progressed any further due to the Council recommending the application be refused - see Refusal Reason 6.
7. Whilst letters of support have been received, petitions and letters of objection have also been received including from members of Brickhampton Golf Club and seven properties within Greenfields and Fairfields as detailed within Section 5 of the Committee report.
8. As per point 5 above, the Council has assessed the proposal in relation to the Green Belt as detailed within the Committee report. In relation to the quotation from the Green Belt Review, this quote relates to Purpose 2 which seeks to prevent the merging of neighbouring towns. This Council considers the proposal to be in conflict with Purpose 1, Checking the unrestricted sprawl of large built up areas, and Purpose 3, Safeguarding the countryside from encroachment as detailed at Paragraph 8.28 of the Committee report. Despite the comments within the Green Belt Review, the site was not released from the Green Belt and remains part of the Green Belt. This factor should be given considerable weight over comments on the Green Belt Review.

Additional Comments from the Agent related to Affordable Housing

The agent sent a copy of an appeal decision to the Case Officer in relation to Land at Ruby Avenue, Bishops Cleeve (21/01173/FUL and appeal ref 3325421) which has been **attached**. Case Officers have reviewed the comments from the agent and have responded explaining that the sites are not comparable as the appeal decision was for a site within a wider site context of circa 600 homes. Furthermore, refusal reason four for Brickhampton also relates to the mix of dwellings being provided as the tenure type does not meet the identified need for the borough.

Agenda Item No. 5b – 22/00898/OUT - The Retained Land At Brickhampton Court, Greenfields, Churchdown

[REDACTED]

13th February 2024

Outline Application: (22/00898/OUT): Tewkesbury Borough Council Planning Committee: Confirmed Date: Tuesday 20 February 2024:

[REDACTED] I am a Parish Councillor on Churchdown Parish Council and live at [REDACTED], Churchdown very close to where the application is located at Brickhampton.

I wish to support this application as I, and many others, believe it is well balanced and has much to offer the future residential, environmental and lifestyle needs of local residents and their families in Churchdown and Innsworth. While also making an immediate contribution to the Council's lack of a Five-Year Housing Land Supply and current shortfall of open market and affordable houses across the Borough.

The affordable housing element is an essential requirement for those not yet on the housing ladder to have the opportunity to stay in their own locality. We know from the council's Housing Officer that there are over 472 local people in Churchdown and Innsworth actively looking for this type of accommodation.

As a local resident myself, I regularly use the foot-paths that criss-cross the golf course connecting to the local foot-paths leading to Down Hatherley, Twigworth, Staverton and Norton. As an active member of the local walking groups, I am aware that the Churchdown Medical Centre, through its Social Prescriber, advise and recommend that patients join local walking groups to enhance both their physical and mental well-being. I'm aware that these groups have expanded since the end of Covid restrictions through these recommendations.

The new footbridge proposed on the southern part of the site connecting it to the Highgrove Estate provides immediate and safe access for those residents living at the Innsworth end of Churchdown. Their families will then be able to take full advantage of the application's "green benefits" created by the New Community Woodland, its Public Open Spaces and Outdoor Play Area. At present people would have to walk along Innsworth Lane and Cheltenham Road East to access these walks which isn't ideal for the elderly and young families.

When you take into account the application's overall mix of housing, public open spaces, and connectivity I hope you will agree that the benefits far outweigh any concerns regarding extra properties in this location.

Thank you.

[REDACTED]

Jonny Martin

From: Jonny Martin
Sent: 16 February 2024 12:13
To: Jonny Martin
Subject: FW: Hybrid Outline Application 22/00898/OUT: Retained Land: Brickhampton Court, Cheltenham Road East, Churchdown, Gloucester (Applicants: J Evans & S. Price): Number 5b:
Attachments: 22.00898.OUT - Plans.pdf

From: Jeremy Evans
Sent: Thursday, February 15, 2024 2:54:58 PM
To: Councillor Gore <councillor.gore@tewkesbury.gov.uk>
Subject: Hybrid Outline Application 22/00898/OUT: Retained Land: Brickhampton Court, Cheltenham Road East, Churchdown, Gloucester (Applicants: J Evans & S. Price): Number 5b:

CAUTION: This message originated outside of Tewkesbury Borough Council's network.
THINK TWICE before clicking links or attachments.

Good afternoon, Councillor Gore

Hybrid Outline Application 22/00898/OUT: Retained Land: Brickhampton Court, Cheltenham Road East, Churchdown, Gloucester (Applicants: J Evans & S. Price): Number 5b:

I trust you are and your colleagues on the Planning Committee are keeping well.

Further to the above information about the application that was delivered to you on Sunday 4th February 2024 relating to the Committee's Site Visit to Brickhampton on Friday 16th February and appearance before the Committee on Tuesday 20th February.

Please find attached a file containing three plans to assist with your Site Visit tomorrow.

The first one shows the application's red line boundaries of its 2.4 hectares (five acres). The second plan shows the design and layout of the application's three component parts, featuring the community woodland and public open spaces, the 7 affordable houses and the 8 open market houses. The third plan shows their different colour schemes, green, yellow, blue.

Set out below is a summary of the application's key points that you might like to consider when visiting it tomorrow.

1. Its 35-year planning history (1987/2022) and built infrastructure incorporating the golf centre, club house, car parks, floodlit driving range, greenkeepers maintenance store, established road access (B4063), the 8 residential houses (Fairways/Greenfields) and their private roads.
2. Its enclosed location featuring all the above infrastructure plus the Highgrove Estate to the south and the NATO Forces Base (Innsworth) to the west.
3. Its accessibility and connectivity to local transport and community services featuring the new cycleway, and bus stops on the B4063, existing and proposed new footpaths and bridges connecting to the Highgrove Estate to the south.
4. Its balanced mix of 7 Affordable Houses (35% Market Discount) and 8 Open Market Houses to offset Tewkesbury not having a Five-Year Housing Land Supply and its Settlement Boundaries for Housing development being out of date.

5. Its Environmental, Ecological and Recreational benefits for local residents and schools in Churchdown and Innsworth featuring the new Community Woodland, Public Open Space, New Footpaths & Bridges, Outdoor Play Area, culminating in a Biodiversity Net Gain of 15%.

6. Its submitted Section 106 Agreements for the Community Woodland, Public Open Spaces, New Footpaths & Bridges, Outdoor Play Area, PROW, Education and Library Services.

7. Its level of support from local residents in Churchdown and Innsworth (12 Letters), the Highgrove Estate (60 residents), Gloucester City Homes and local Parish Councillor.

8. Its balanced package of housing, environmental and recreational "benefits" for Churchdown and Innsworth and how they outweigh any potential harms to its "moderate" Green Belt status.

This important point was noted in Tewkesbury's 2017 Green Belt Report on the Site (PO2) which said, "*its removal from the Green Belt was unlikely to constitute a significant loss of the physical or perceptual gap between areas of urban development!*"

Kind regards

Jeremy Evans (Joint Applicant/Owner Retained Land)

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Appeal Decision

Site visit made on 2 November 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

Appeal Ref: APP/G1630/W/23/3325421
Land off Ruby Avenue, Bishops Cleeve GL52 7ZN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Rooftop Housing Association Ltd against the decision of Tewkesbury Borough Council.
 - The application Ref 21/01173/FUL, dated 25 September 2021, was refused by notice dated 21 March 2023.
 - The development proposed is proposed residential development to erect 22 units with associated car parking; development 100% affordable
-

Decision

1. The appeal is allowed and planning permission is granted for the proposed residential development to erect 22 units with associated car parking; development 100% affordable at Land off Ruby Avenue, Bishops Cleeve GL52 7ZN in accordance with application Ref 21/01173/FUL, dated 25 September 2021 subject to the conditions set out in Schedule 1 of this decision.

Application for Costs

2. An application for costs was made by Rooftop Housing Association Ltd against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. The appeal was originally to be determined via a hearing. However, during the course of the appeal and having considered representations from the main parties, I deemed the written representations procedure to be appropriate for this case.
4. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. The main parties have been given the opportunity to provide comments on the updated Framework, which have been taken into account in preparing this decision.

Background and Main Issues

5. The main issues are whether the proposal would:
 - comply with paragraph 97 of the Framework regarding services and facilities;
 - provide affordable housing in a seamless and integrated manner in accordance with Policy SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (the JCS); and

<https://www.gov.uk/planning-inspectorate>

- make adequate provision for education, affordable housing and waste and recycling facilities through a planning obligation.

Reasons

Provision of Facilities and Services

6. The site is a parcel of open land off Ruby Avenue. The surrounding area is primarily residential in nature, with a range of commercial uses and services also present, such as a medical practice, a shop and a gym. The proposal seeks planning permission for the erection of 22 residential units of affordable housing.
7. Paragraph 97 of the Framework states that in order to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should, among other things, plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities; guard against the unnecessary loss of valued facilities and services; ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services. The proposal would make provision for 22 affordable housing units, but would not provide additional facilities or services.
8. The appeal site forms part of the wider mixed-use Cleavelands development, for which outline planning permission was granted in July 2012 for up to 550 dwellings with associated facilities, to include a high street, community facility and open space¹. The masterplan for this development designated the appeal site as part of 'High Street' being an area of retail and employment class uses, including 16 live/work units, and comments from interested parties indicate a strong local preference for such a use at the site. However, no reserved matters application was submitted in respect of this outline planning permission within the required timeframe. Accordingly, the site does not benefit from any such designation at the time of this appeal either within local policy or as a result of this permission.
9. Planning permission was later granted in February 2020 for the erection of a pub and restaurant with ancillary accommodation, community amenity areas and associated access, parking and landscaping at the site². Based on the evidence before me and my observations on site, this planning permission remains implementable but the development has not yet come forward. In granting permission for the scheme before me, it is therefore reasonable to conclude that the permitted pub and restaurant use would not be developed.
10. However, it remains that this use has not commenced such that no existing or established service or facility would be lost. The main parties also agree that the original applicant has no intention to implement the permission believing that there is no sufficient demand for the use in this location and following a 6 month marketing exercise in 2019 that resulted in no bids. A later marketing exercise in 2020 similarly resulted in no bids. While concerns have been raised that these marketing exercises were not long enough, given that the proposal does not involve the change of use of an existing public house, there is no policy requirement setting out how long the marketing periods should have been, and I note that the Officer's Report did not find issue with these periods. On this basis, notwithstanding that the

¹ 10/01216/OUT

² 18/01031/FUL

permission for the pub and restaurant use could still be lawfully implemented at present, the existence of this fallback position carries little weight.

11. The site is located within the residential development boundary of Bishops Cleeve, defined as a Rural Service Centre within the JCS and recognised as a settlement that contains a higher range of services and facilities. In addition, I noted on my visit that the immediate area comprises a range of facilities to serve the local community, including a shop, a medical centre, and a gym. There is nothing substantive before me to suggest that the facilities both local and within the wider area would be unable to continue to effectively serve the needs of the community if the proposal were to be granted planning permission.
12. As such, while the proposal would not provide for any services and facilities, it would not result in the loss of existing services and facilities or prevent established services and facilities from further modernising or developing. Future occupiers of the development would have the opportunity to make use of the existing services located in close proximity as part of their daily routines and in meeting their day to day needs, ensuring an integrated approach in the proposed location of this housing proposal and the nearby community facilities and services.
13. For the reasons given, the proposal would comply with paragraph 97 of the Framework insofar as it relates to the provision of services and facilities.

Affordable Housing

14. Policy SD12 of the JCS outlines the approach to the provision of affordable housing in new development. In particular, it states that, where possible, affordable housing should be provided on site and should be seamlessly integrated and distributed throughout the development scheme. The proposal relates to the provision of 22 affordable housing units. The Council raises no objection to the provision of a 100% affordable housing scheme, but has expressed concerns that the proposal would result in a cluster of affordable housing at the site, rather than the affordable housing provision being integrated and sitting among market dwellings. I note that interested parties have expressed similar concerns.
15. I have been provided with the planning layout of the wider Cleavelands development, within which the appeal site is located. This demonstrates that, although clusters of affordable housing are provided as part of that wider scheme, in each phase of development these clusters are spread among and alongside the market dwellings. The Council contends that this complies with the definition of Affordable Dwellings within the section 106 agreement relating to that development, which refers to such dwellings 'to be built across the whole site', and lists clustering requirements for each phase of affordable housing provision, with limits of clusters of 8, 12 and 16 dwellings depending on the housing type and mix to be provided.
16. Nevertheless, this section 106 agreement is not directly applicable to the scheme that I have before me, and the relevant part of Policy SD12 is not an absolute requirement, but is to be followed 'where possible'. Given that the proposal relates wholly to affordable units, such distribution among the completed market housing of the Cleavelands development is not possible in this instance. I note a reserved matters approval for the erection of 30 dwellings, all of which are affordable units at a site directly to the north of the appeal site, resulting in a combined 52 affordable units in close proximity. However, I do not consider that this would prevent the proposal from being integrated within the wider residential setting.

17. The proposal would introduce residential development that would sit among the housing of the wider Cleavelands development scheme, which the main parties agree would be of a sympathetic scale and complementary design. Set back from Sapphire Road and facing the commercial development that serves the immediate community, it would create an avenue style approach to the wider residential area to the north, visible from and alongside multiple elements of the Cleavelands scheme. Even acknowledging that it would be immediately to the south of other affordable units and not dispersed among market dwellings, it remains that the proposal would be experienced as part of the overall residential use and setting of the immediate vicinity.
18. For the reasons given, the proposal would provide affordable housing in a seamless and integrated manner in accordance with Policy SD12 of the JCS.

Planning obligation

19. The Council's reasons for refusal stated that the proposal would fail to secure a planning obligation in relation to education contributions as requested by the County Council pursuant to policies INF6 and INF7 of the JCS. However, having updated its independent planning viability report concerning the impact of the education contributions on the viability of the proposal, the Council has withdrawn this reason for refusal as set out in the submitted Statement of Common Ground.
20. Furthermore, the Council is clear that its reason for refusal relating to the absence of a completed planning obligation to secure a minimum of 40% affordable housing or provide for recycling/waste bin facilities could be overcome by the provision of a suitably worded section 106 agreement in this respect. The main parties have supplied a completed planning agreement during the course of the appeal. Among other things, this secures the delivery of 100% affordable housing units on the site, being 22 units in total, and the payment of a refuse and recycling contribution to Council prior to first occupation of any dwelling.
21. For the reasons given, the proposal would make adequate provision for education, affordable housing and waste and recycling facilities through the completed planning obligation. In this regard, it would comply with Policies INF6, INF7 and SD12 of the JCS insofar as they seek to ensure new development delivers affordable housing, is served and supported by adequate and appropriate infrastructure and services, and that financial contribution towards the provision of infrastructure and services are sought through a planning obligation.

Other Matters

22. I note concerns from interested parties on a number of issues, namely: parking provision, highway safety, flood risk, living conditions, over supply of housing, character and appearance through the loss of open space, emergency vehicle access and sanitation.
23. With regard to highways and parking, the proposal would increase the amount of vehicular traffic in the vicinity. However, it would provide ample parking spaces prior to occupation of the dwellings. It would also utilise an existing junction off Ruby Avenue that based on my observations would provide good visibility. Taken together with the existing speed limits in the area, even acknowledging the additional traffic movements I do not consider that concerns regarding highway safety or parking provision would arise. There is also nothing substantive before me to suggest that emergency vehicles would be unable to access the site.

24. The precise positioning, layout and separation of the proposed dwellings in relation to both the surrounding commercial and residential uses, and the other dwellings proposed as part of the scheme, is such that the living conditions of both future and existing residents would not be compromised. The largely residential nature of the surrounds would also ensure the increase level of activity and movements associated with further dwellings would not create undue noise and disturbance.
25. While the proposal would result in the loss of an open area of space, it has been sensitively designed with a range of landscaping measures and planting that would ensure an effective visual integration within the immediate area. Although it would result in additional housing, combined with the other surrounding residential uses, it would not appear out of place or create undue visual harm and, as discussed below, would assist the Council in meeting its required housing land supply.
26. With regard to concerns regarding flooding and sanitation, the proposal is located in Flood Risk Zone 1 and has been accompanied by a flood risk assessment and drainage strategy that the Council deemed acceptable in its Officer's Report. Based on my observations, I have no reason to disagree. A condition would also ensure that the surface water and foul water drainage scheme is to be completed prior to occupation of the dwellings.

Planning Balance

27. Paragraph 11(d) of the Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable) of deliverable housing sites (with a buffer, if applicable) and does not benefit from the provisions of paragraph 76 of the Framework.
28. The main parties agree that the Council cannot demonstrate the required supply of housing. There is nothing substantive in the evidence before me to suggest that the provisions of paragraphs 76 or 77 of the Framework alter this position in this instance. The Statement of Common Ground sets out that the main parties agree that there are no adverse impacts of granting permission for the proposal that would significantly and demonstrably outweigh the benefits.
29. On the basis of my observations, I have no reason to disagree. The proposal would provide for 22 affordable housing units, a clear benefit of the scheme that carries significant weight. I have also found that the proposal would not cause harm in respect of any of the main issues. I have also addressed the other matters raised by interested parties above and, while I recognise the fallback position of the extant pub use permission at the site, for the reasons given above I have attributed this limited weight.
30. Accordingly, I find that there are no adverse impacts of granting permission for the proposal that would significantly and demonstrably outweigh the benefits, and that planning permission should therefore be granted subject to the imposition of suitably worded conditions.

Conditions

31. I have had regard to the conditions suggested by the Council, and have provided the appellant with an opportunity to provide comments on these, including those which are pre-commencement conditions.
32. I have attached the standard timeframe condition, as well as a condition specifying the relevant plans in accordance with which the development is to be carried out in the interests of certainty and proper planning. As the plans condition contains reference to Site Layout Plan D20 RevN, a separate condition that the development be carried out in accordance with the site levels noted thereon is not necessary. A condition that the development be in accordance with the agreed waste strategy is also necessary to ensure effective implementation of waste minimisation.
33. A condition that no development shall take place until a Construction Method Statement has been submitted to, and approved in writing is necessary in the interests of highway safety. A further pre-commencement condition is also necessary in the interests of protection for existing trees. A condition that no development above plate level shall take place prior to approval of external materials has been attached in the interests of the surrounding character and appearance.
34. I have attached various conditions that are to be discharged prior to first occupation. These relate to: drainage scheme completion; installation of bird boxes and hedgehog fencing; submission of a noise assessment relating to the pumping station; layout of access, parking and turning; and provision of a dropped kerb. These are necessary in the interests of: flood risk; ecology; living conditions of occupiers; highway safety and parking provision, respectively. I further attach a condition relating to the approval of a residential welcome pack in the interests of promoting sustainable transport.
35. I have attached a condition that 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, in the interests of surrounding character and appearance. A condition restricting the hours of demolition and construction works is necessary in the interests of the living conditions of surrounding residents. I have also attached a condition outlining the approach should contamination be found during the course of construction of the development to ensure there are no unacceptable impacts with regard to land contamination. Finally, a condition that no external lighting is to be installed without approval is required in the interests of character and appearance and the living conditions of surrounding residents.

Conclusion

36. For the reasons given, the appeal should be allowed subject to the conditions at Schedule 1.

C Rafferty

INSPECTOR

SCHEDULE 1 - CONDITIONS

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - Site Location Plan D100 Rev A;
 - Site Layout Plan D20 Rev N;
 - Floor Plans and Elevations House Types C Plots 1-2, 21-22 D14 Rev A;
 - Floor Plans and Elevations House Types B/D Plots 3-4 D12 Rev B;
 - Floor Plans and Elevations House Types B/D Plots 5-6 D11 Rev B;
 - Floor Plans and Elevations House Types A1 Plots 7-12 D10 Rev A;
 - Floor Plans and Elevations House Types F/F1 Plots 13-16 D16 Rev B;
 - Floor Plans and Elevations House Types E Plots 17-18 D15 Rev A;
 - Floor Plans and Elevations House Types C Plots 19-20 D13 Rev A;
 - Detail Planting Plan D900 Rev B;
 - Bin Strategy Plan D95;
 - Amenity Areas and POS figures D20;
 - Wastewater Plan 506148-2;
 - Clean water plan 506148-1;
 - Gas Plan 21306639 dated 15 February 2021;
 - Landscape and Habitat Management and Maintenance plan dated August 2021;
 - Storm Water Calculations dated 30 November 2022;
 - Drainage Strategy 21-063/502a DS;
 - Drainage Catchment Plan 21-063/523;
 - Tree Survey and AIA dated February 2021;
 - Lighting Assessment prepared by Dwd dated 15 June 2021;
 - Flood Risk Assessment dated August 2021;
 - Parking Court and Open Space Management Plan;
 - Transport Statement dated 2021; and
 - Energy Statement dated 22nd October 2021
3. The development hereby approved shall be implemented in accordance with the waste strategy, Bin Collection Strategy and the SWMP document as received by the local planning authority on 2 February 2023.
4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - 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; and
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

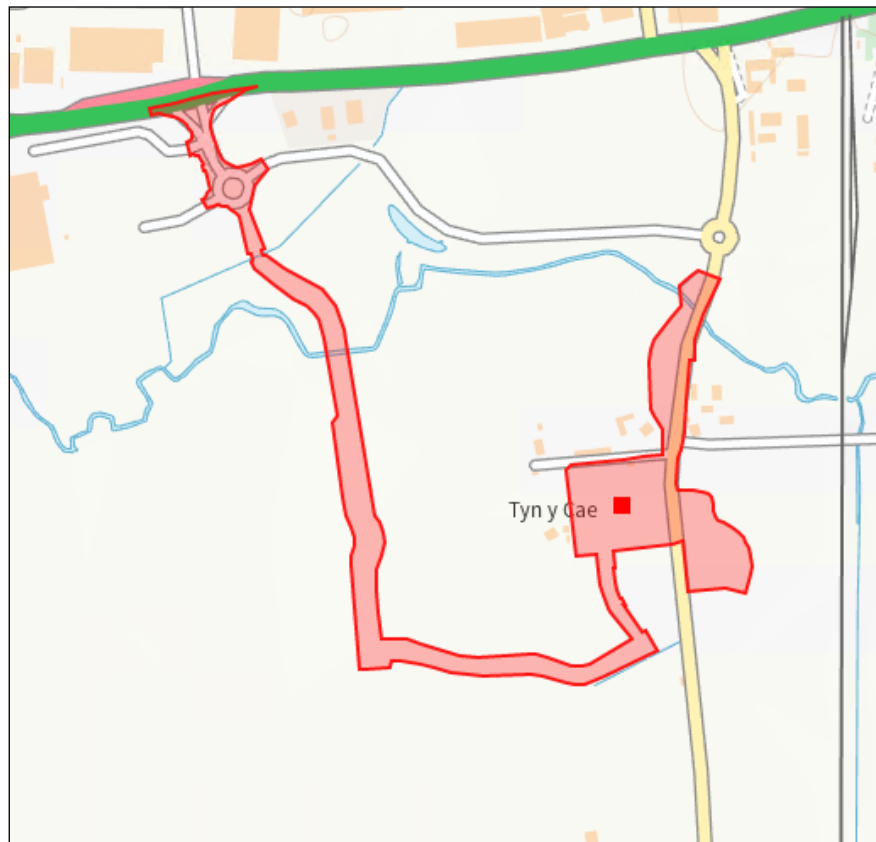
5. No development shall take place, including any works of demolition, site clearance, materials delivery or erection of site buildings, until the erection of tree protection measures of any retained tree are undertaken in accordance with the approved details specified in the tree protection plan Drawing No D17270- before any development. 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. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within any area fenced, unless agreed in writing with the local planning authority.
6. No development above floor plate level shall take place until samples or a precise specification of all external facing materials, including hard landscaping, have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
7. No dwelling hereby permitted shall be occupied until the surface water and foul water drainage scheme for the site shall have been completed in accordance with the submitted details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
8. No dwelling hereby permitted shall be occupied until bird nesting sites/boxes and hedgehog fencing has been installed in accordance with details, including a plan showing locations, height and orientation of the boxes and fencing, that have been submitted to and approved by the local planning authority in writing.
9. No dwelling hereby permitted shall be occupied until a noise assessment report relating to any potential noise arising from the adjacent pumping station has been submitted to and approved in writing by the local planning authority. The report shall include any required noise attenuation measures and a timetable for their implementation. All measurements shall be made in accordance with the methodology of BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound.
- 10.No dwelling hereby permitted shall be occupied until the access, parking and turning facilities have been implemented as detailed on approved drawing Site Layout Plan D20 Rev N. These areas as detailed on the approved drawing Site Layout Plan D20 Rev N, shall thereafter be kept available at all times for the access, parking and turning of vehicles.
- 11.No dwelling hereby permitted shall be occupied until a dropped kerb tactile crossing has been provided at the site access junction and made available for public use.

- 12.No dwelling hereby permitted shall be occupied until a residential welcome pack promoting sustainable forms of access to the development has been submitted to and approved in writing by the local planning authority. The approved pack shall be provided to each resident at the point of the first occupation of their dwelling.
- 13.Demolition or construction works, including the receipt or despatching of deliveries during the construction or demolition phase, shall take place only between 0800 hours and 1800 hours on Monday – Friday inclusive, 0800 hours and 1300 hours on Saturday, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 14.Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 15.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; and 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 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.
- 16.No external lighting/floodlighting is to be installed on the site prior to details having been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Planning Committee

Date	19 March 2024
Case Officer	Sarah Smith
Application No.	23/00930/OUT
Site Location	Part Parcel 4256, Homedowns, Tewkesbury
Proposal	Residential development of up to 30 residential dwellings, associated works (including demolition), open space, infrastructure and landscaping with vehicular access from the A46(T).
Ward	Isbourne
Parish	Ashchurch Rural
Appendices	Site location plan Illustrative Masterplan
Reason for Referral to Committee	Outline application for the erection of 10 or more residential units
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=S2OGLRQDL8U00>

- 1.1 The application proposes the development of up to 30 dwellings and associated works, open space infrastructure and landscaping with vehicular access proposed from the A46(T). The red line location plan shows access would be taken through the adjoining residential development to the south and then north westwards to the A46 through the proposed estate road. The application is made in Outline with all matters reserved.

2. Site Description

- 2.1 The site lies mainly to the west of Fiddington Lane and includes land through the adjacent consented residential mixed use development (17/00520/OUT) and the retail development to the north of this (17/01203/FUL), both of which are under construction, in order to achieve access from the public highway (A46T) as noted above. Additionally the site includes land to the east of Fiddington Lane required for surface water drainage and also as stated in the Planning Statement submitted by the applicant 'land running northward on the west side of Fiddington Lane should a pedestrian/cycle link be required'.
- 2.2 The part of the overall site on which the residential development is proposed comprises some 1.0ha of agricultural land. The proposed residential site is currently used for the grazing of horses and is bounded by hedgerows with an access lane along the northern boundary and consented residential sites to the south and west, Fiddington Lane to the east (although with the area for the SUDs basin on the eastern side of the lane). Outline consent has also been granted on appeal in December 2023 for a larger residential development for up to 120 dwellings on the eastern, opposite side of Fiddington Lane to this application site (22/01320/OUT). This latter site also includes the large SUDs basin proposed with this current application.

3. Relevant Planning History

None on site itself

Application Number	Proposal	Decision	Decision Date
22/00439/APP	Reserved matters application for Parcel H2 for appearance, landscaping, layout and scale for the erection of 209 no. Dwellings and associated works and infrastructure pursuant to outline permission 17/00520/OUT. (Adjacent site to south)	APPROV	09.05.2023

4. Consultation Responses

Full copies of all the consultation responses are available online at

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

- 4.1 Ashchurch Rural Parish Council** – Object on the following grounds:-
- Not in accordance with ARPNDP Policy V1 - Protection of intrinsic value of the countryside due to loss of open countryside, negative impact on PROW AAS8 and cycle access to the north of site will conflict with vehicles entering / exiting the permitted development at Tyn y Cae.
 - Increased use of pedestrian level crossing over railway line at Homedowns and associated dangers
- 4.2 Sustainable Drainage Engineer (LLFA)** – No objections subject to condition.
- 4.3 County Highways Officer** – No objections subject to conditions.
- 4.4 Housing Enabling Officer**- No representations received at the time of writing.
- 4.5 Public Rights of Way (Gloucestershire)** – Recommend Informatives.
- 4.6 Ecologist**- No objections following revision to Ecological Assessment and clarification over BNG extent. Recommend prior to commencement conditions in relation to CEMP, LEMP and external lighting.
- 4.7 Environmental Health Officer**- Further detailed assessment in respect of noise levels would be required with a Reserved Matters application and recommend conditions with regard to hours of construction, CEMP and potential contaminated land.
- 4.8 County Archaeologist**- There is no significant archaeology known at this location and low risk that archaeological remains would be adversely affected.
- 4.9 Conservation Officer**- No objections.
- 4.10 County Education S106 Infrastructure Team**- Financial contributions required to make the development acceptable in relation to Primary Education and Libraries. An update on this position will be provided verbally to Members at Planning Committee.
- 4.11 Community Infrastructure Team**- Need for contributions towards Ashchurch village hall improvements and off site open space contributions.
- 4.12 Building Control**- Will require Building Regulations approval.
- 4.13 Network Rail**- Object on the basis that an increase in residential development within the Homedown area will cause an increase in use of the nearby railway level crossing to a level that is considered unacceptable in terms of highway safety. Despite evidence being submitted to respond to this objection Network Rail remain concerned about the cumulative impact of developments within walking distance of the Homedowns level crossing and note that such developments will increase risk at the crossing due to the increase in use of the crossing and the introduction of vulnerable users where currently there are none.

- 4.14 Minerals and Waste** – Further information should be provided relating to waste minimisation and the development’s build phase and also for waste minimisation during the development’s occupation phase. Conditions recommended in respect of waste generated during site preparation/demolition/construction and for occupation waste and recycling management. The application has also not demonstrated that consideration has been given to alternative secondary and/or recycled aggregate use in the proposed development’s construction and recommend that further information should be submitted prior to determination.
- 4.15 Cleeve Ramblers**- The Design and Access Statement is incorrect to state that there are no PROW routing through the site- AAS8 crosses through the western North-South corridor of the redlined area and passes through the southern East-West Corridor. Continuity of the PROWS across the wider development must be maintained.

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** One letter of objection on the following grounds:-
- Overdevelopment
 - The existing Community value
 - What green space can be retained considering the land to the west is being developed with 850 houses
 - Landscape harm when viewed in conjunction with other permitted development creating an urbanisation
 - Visual harm from PROW AAS8
 - The harm of losing this green space will outweigh the benefit of 30 houses considering the permitted 1650 houses
 - The deliverability of this site should be questioned and whether it will delay existing builds
 - SOL (Save Our Lanes) do appreciate that this development does not access Fiddington Lane with motorised vehicles. However, SOL consider the route to the A46 from this site via the permitted development will become extremely congested, including the A46 itself with the additional traffic light activations.
- 5.3** One letter of objection in respect of the lack of reference to self build and custom houses in the proposal.

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 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)
- Policy REV1 (Gloucester and Tewkesbury Housing Supply Review)

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 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 RCN1 (Public Outdoor Space, Sports Pitch and Sports Facility Provision)
- 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 Plan

Ashchurch Rural Parish Neighbourhood Development Plan 2020-2031

- Policy T1 (Modal Shift for Major Development Proposals)
- Policy T2 (Road Safety For Walking and Cycling)
- Policy C1 (Community Infrastructure)
- Policy C2 (Broadband)
- Policy W1 (Water Management)
- Policy V1 (Protection of the Intrinsic Value of the Countryside)
- Policy H1 (Housing in Rural Areas)
- Policy H2 (Design of housing in the countryside and Fiddington, Pamington and Walton Cardiff)

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)

7. **Policy Context**

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 7.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), policies of the 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** Tewkesbury is identified as a Market town in the JCS and Policy SP2 sets out that to meet the needs of Tewkesbury Borough, none of which is being met by the urban extensions to Gloucester and Cheltenham, the JCS will make provision for at least 9,899 new homes. At least 7,445 dwellings will be provided through existing commitments, development at Tewkesbury town in line with its role as a market town, smaller-scale development meeting local needs at Rural Service Centres and Service Villages.
- 8.6** The application site is located outside of the defined settlement boundary for Tewkesbury as defined in TBLP Proposals Map. The Site Location Plan shows that the proposed housing would be located less than 0.3km of the defined settlement boundary and is separated from the existing built up area of Tewkesbury by some individual established residential curtilages, the flood plain of the Tirl Brook and the retail outlet development currently under construction. However as noted earlier it is material that the site is largely surrounded by approved and partly under construction residential development sites.
- 8.7** Policy SD10 confirms that housing development on other sites will only be permitted where it is previously developed land in the existing built-up areas of Tewkesbury town, service centres and service villages, or :
- i. It is for affordable housing on a rural exception site in accordance with Policy SD12, or;
 - ii. It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District plans, or;
 - iii. It is brought forward through Community Right to Build Orders, or;
 - iv. There are other specific exceptions / circumstances defined in district or neighbourhood plans.
- 8.8** 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.

- 8.9** 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 are the starting point for decision making. 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. It is also notable that the site is immediately adjacent to sites on 3 sides having the benefit of planning permission for residential development (to the west, south and across Fiddington Lane to the east). The site would also be accessed by the main estate road running through the wider development area to the south and west.
- 8.10** The correct course of the NPPF to be followed is clear as Paragraph 11d 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.

Landscape impact

- 8.11** Paragraph 180a of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing Valued Landscapes in a manner commensurate with their statutory status or identified quality in the Development Plan. The Council considers that the site cannot be classified as a 'Valued Landscape' although it is recognised for passers by using the lane for informal recreation which allows views into the site, albeit limited due to existing hedgerows, it may be considered important locally.
- 8.12** JCS Policy SD4(i) states that new development should respond positively to, and respect the character of, the site and its surroundings. Policy SD4(iv) states that new development should ensure that the design of landscaped areas, open space and public realm are of high quality, provide a clear structure and constitute an integral and cohesive element within the design.
- 8.13** JCS Policy SD6 states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area.

- 8.14** Policy LAN2 of the TBP states that all development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting.
- 8.15** The landscape here will change if the site is developed but it is considered by officers that a suitable landscaping scheme is capable of being provided which is attractive for the potential occupiers and allows the development site to be integrated into the nearby proposed residential development and therefore it will be seen as part of the wider development approved in this area. In this context it is concluded that the development would be acceptable in principle with regard to its impact on landscape.

Highway Matters

- 8.16** The site red line includes vehicular access from the land to the south, then west and northwest from and to the A46 through land within other development sites for housing and mixed-use development. The indicative masterplan illustrates this would provide the site vehicular access to the A46. The vehicular access route is accepted in principle by the Highways Officer but would require details at reserved matters stage of suitable two-way swept paths allowing for service vehicles, cars and emergency vehicles with suitable visibility. This access would also require suitable footway connections to the approved bus route from the C87 / Fiddington Lane south past the site using the vehicular access route west and northwest back to the A46 towards Tewkesbury. This access would need to include suitable footways and cycle connections to the approved pedestrian/cycle route from the C87 and through the development land south and west to access amenities as approved and back along the vehicular route northwest to the A46.
- 8.17** The trip rates estimated for the proposed 30 dwellings in the Transport Assessment are considered reasonable by the Highways Officer and although will add to existing traffic congestion on the local and trunk road network around the A46 it is not considered that, with suitable sustainable travel links, the proposed development would be detrimental to highway movements.
- 8.18** The red line of the application site extends north along the west side of the C87 / Fiddington lane from the residential site itself up to the recently constructed roundabout south of the A46 where the nearest off-road shared cycle/pedestrian paths end. A pedestrian and cycle link has been recommended by condition for the adjacent residential site (22/01320/OUT allowed on appeal APP/G1630/W/23/332453). A suitably designed LTN 1/20 compliant pedestrian and cycle link through the application site from alongside the existing C87 lane through the application site north to the A46 would be sought via condition.
- 8.19** There is an existing public right of way footpath AAS8, connecting the class 5 lane west towards the M5 across the under-construction estate road to the A46 within the red line. This path would need to be safeguarded and improved with suitable crossings. The indicatively proposed vehicle access route also crosses public right of way footpath AAS7 extending from footpath AAS8 south crossing the vehicle access route which would also need to be safeguarded and improved with suitable crossings. The public rights of way officer has commented on the public footpaths affected by the site red line area and would need to be consulted to agree any changes to the existing footpaths.
- 8.20** The illustrative masterplan does not illustrate direct pedestrian and cycle links via the northeast corner of the site onto the pedestrian and cycle route approved on the west side of the existing lane north to the A46, included in the neighbouring site with approval 22/01320/OUT. This would be sought to establish a suitable connection north of the

application site.

- 8.21** The illustrative masterplan does illustrate a pedestrian / cycle link in the northwest corner of the site onto the class 5 lane (road number 500268) which runs along the northern boundary of the site. This would provide a useful link to public footpath AAS8 west from the lane onto the under-construction road through the neighbouring development sites. However, this link would require suitable emerging visibility splays commensurate with recorded speeds. Safe and suitable pedestrian and cycle separation from traffic along the narrow class 5 lane to the northwest site corner with visibility has been requested by the Highways Officer although the applicant considers this unnecessary given the likely limited use of the lane by vehicular traffic. The pedestrian / cycle link between the site and the 500268 lane appears as a narrow footway which should be widened for use by pedestrians and cyclists according to LTN 1/20 guidance and provide safe entrance features onto the class 5 lane to the north. The Highways Officer also states that a pedestrian and cycle link should be made from the southeast corner of the site via the residential roads south of the site to provide for direct links to the bus stops proposed within the proposed housing to the south from the class 3 Fiddington Lane.
- 8.22** The inclusion of street trees on the illustrative masterplan is welcomed and supported by the Highways Officer subject to suitable location, species and siting to ensure safe and suitable access with management provision and a commuted sum to would be required by the County Council for any trees within highway space proposed for adoption – this provided through technical approval with the County Council.

- 8.23** In summary the Highways Officer has no objections subject to Conditions.

Pedestrian safety in relation to the railway crossing

- 8.24** For those pedestrians leaving the proposed site who wish to travel east the closest means of traversing the railway line to the east is to take the lane which goes under the railway line to Natton. However, Network Rail have raised concern about the increased risk of occupiers of this site using the Homedown Level Crossing to the southeast in order to access public rights of way and countryside to the east.
- 8.25** The Homedown level crossing is situated some distance from the site southeast of Fiddington Lane. It comprises of a 'User Worked Crossing with Telephones (UWCT) but also a 'Footpath with Wicket gates (FPW). It is understood that the UWCT can only be used by a known list of authorised users who have a private right to use the crossing with vehicles.' Both vehicular gates are padlocked with access requiring a key and permission to cross. However, the pedestrian wicket gates are unlocked and provide 24 hours access over the crossing. The lane either side of the level crossing forms part of a public right of way and the Gloucestershire Way.
- 8.26** A recent appeal decision for an outline application for 120 dwellings opposite the application site which is immediately adjacent to the railway line and close to the pedestrian crossing discussed in some detail the issue of pedestrian risk in relation to the railway line (APP/G1630/W/23/3324253 planning application 22/01320/OUT). Whilst not objecting to the principle of development in that case Network Rail sought a Grampian condition to prevent the occupation of the dwellings until the Homedown level crossing is closed. The Appeal Inspector considered the evidence submitted in that case and considered that the context of both the proposed development and the level crossing needed to be given due consideration in determining whether there would be any impacts on safety and risk. In his view the crossing had excellent visibility but also the

development the subject of the appeal would provide a pedestrian link northward to the lane to encourage use of the alternative Natton Lane underpass route. The Inspector considered that this route would be an attractive route for development on the opposite side of Fiddington Lane too.

- 8.27** The issue of potential flooding of the Natton lane route was raised at the Inquiry but it was considered that there was insufficient evidence to demonstrate that this was so significant that it would prevent use of the route on a regular basis. The Inspector concluded that the Natton Lane underpass provided an alternative route to access the PROW and countryside to the east without needing to cross the railway line. In addition, there would be little reason for future residents of the scheme to use the level crossing to access everyday local services as these are/will be located to the north and west. In the Inspector's view the appeal scheme would be unlikely to result in a significant increase in the FPW from residents of the appeal scheme and concluded that the proposal would not result in unacceptable harm to the public safety of the level crossing. The appeal decision is a material consideration.
- 8.28** The proposed development, the subject of this report, is further away from the level crossing and is of a smaller scale than the appeal site and, in addition, well located in terms of the proposed pedestrian/cycle link being provided to the north and close to the quiet lane (Natton Lane) which leads under the railway line to the countryside in the east. The distance from the northern boundary of the application site to the subway under the railway is 280 metres. If future residents were to alternatively route south through the consented scheme, along Fiddington Lane (without footpaths) then east past the Homedown Business Park to cross the level crossing this would be a journey of over 630 metres. The applicant has provided a rebuttal to the comments of Network Rail and notes that pedestrian movement in that particular direction is unlikely in any event since there are no key trip attractors east of the railway - although officers consider that it may be attractive for dog walkers and hikers for example. However, based on 'just walking' trips alone the applicant considers the figure of 2 trips daily is likely but also that these trips would be mostly made by people using the lane to Natton to traverse the railway rather than the level crossing route. Taking into account the appeal Inspector's views officers consider that an objection on highway safety grounds in respect of increased use and therefore risk of the level crossing by pedestrians cannot be sustained.

Design and layout

- 8.29** 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.

- 8.30** The National Design Guide (NDG) addresses the question of how we recognise well-designed places, by outlining and illustrating the government priorities for well-designed places in the form of ten characteristics; one of which is the context. The NDG provides that well-designed development should respond positively to the features of the site itself and the surrounding context beyond the site boundary and that well-designed new development needs to be integrated into its wider surroundings, physically, socially, and visually.
- 8.31** JCS Policy SD4 provides that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density, and materials appropriate to the site and its setting. Criterion 6 of Policy SD10 of the JCS states that residential development should seek to achieve maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.
- 8.32** The applicant has submitted an illustrative masterplan with the application that demonstrates how a layout could be achieved around the proposed access point. However, all matters relating to design and layout are reserved for future consideration.

Residential amenity

- 8.33** 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.
- 8.34** Policy RES5 of the TBLP also sets out that 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.
- 8.35** Policy DES1 of the TBLP 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.
- 8.36** The application is in outline and therefore the specific internal relationship of the dwellings, as well as the relationship of the proposed development with any surrounding built form on the site boundaries will need careful consideration as part of any future reserved matters application. However, officers consider that, subject to the approval of details at reserved matters stage, the residential amenity of existing and future occupiers is capable of being achieved.

Housing mix

- 8.37** Policy SD11 of the JCS and RES13 of the TBLP requires all new housing development to provide an appropriate mix of dwelling sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Housing mix should be based on the most up to date evidence of local housing need and market demand.
- 8.38** The Gloucestershire Local Housing Needs Assessment 2019 – Final Report and Summary (September 2020) (LHNA) provides the most up to date evidence base 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.
- 8.39** The DAS sets out the proposals allow for a range of dwellings across the site with varying sizes and tenures to accommodate a variety of household types. It is proposed that there would be differing densities across the site including higher densities in the centre and lower densities at the edges of the scheme, particularly that fronting Fiddington Lane. 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 any reserved matters application for the development is submitted.
- 8.40** A representation has been received in respect of the lack of self build/custom land within the proposal. This has been drawn to the attention of the applicant and an update will be verbally provided to Members at Planning Committee.

Affordable housing

- 8.41** 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.
- 8.42**
- 8.43** Policy SD12 of the JCS and Policy RES12 of the TBLP requires 40% of the proposed houses to be secured as affordable housing.
- The Design and Access Statement within the application states that a policy compliant level of affordable housing will be provided. The precise mix of unit types, sizes and details of tenure arrangements would be subject to consultation and agreement with the LPA and would be set out in the Section 106 Agreement. Detailed design information regarding affordable housing provision would be required at the Reserved Matters Stage.

8.44 Surface Water Drainage and flood risk

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

- 8.45** The application site is located in Flood Zone 1 and has a low probability of fluvial flooding.
- 8.46** The application proposes an attenuation basin on the other side of Fiddington Lane which would provide an area for surface water from severe storms to be accommodated and released at a controlled rate. The attenuation basin is larger than required by this development since it would also provide attenuation for a larger residential development scheme for 120 dwellings on the east side of Fiddington Lane recently allowed on appeal. The Sustainable Drainage Officer (LLFA) has no objections to the proposal subject to condition.

Foul Drainage

- 8.47** The nearest foul sewerage network, which is owned and managed by Severn Trent Water, is located approximately 1.5Km to the north in Ashchurch.
- 8.48** Planning permission has been granted for a residential development of up to 850 dwellings and is under construction located immediately to the south and west of the application site. It is proposed to connect the foul drainage from the application site to the proposed foul drainage for this approved residential development. It is understood that a contractual agreement between the applicant and the developer is in place for foul drainage connections to be provided. Due to the topography of the site, in order to drain the application site by gravity to point U, the raising of ground levels is proposed between 15 and 90 centimetres in parts of the site.
- 8.49** The proposed foul drainage for this application site has also been designed to cater for the pumped flows from the proposed residential development for 120 dwellings east of Fiddington Lane as allowed on appeal (22/01320/OUT).

Biodiversity and Trees

- 8.50** 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.
- 8.51** A desk study was carried out along with various ecological surveys by the applicant in 2020, 2021 and 2023. The main part of site where the 30 dwellings are proposed comprises the northern part of a field of species-poor semi-improved grassland bordered by hedgerows with trees to the east and west.
- 8.52** The field to the east where the sustainable drainage system (SuDS) basin is proposed comprises species-poor semi-improved grassland with a hedgerow along the western boundary. The area to the north where a cycle / pedestrian link will be implemented through this proposal (or provided under application 23/1320/OUT) comprises a woodland belt, species-rich grassland, and a group of horse chestnut trees. There is a hedgerow along the eastern boundary.

- 8.53** The Council's Ecologist notes that there is potential for nesting and foraging birds in the hedgerows, trees, scrub and buildings. The development would result in the loss of the majority of the species-poor grassland in the main site to housing. A small area of species-poor grassland in the eastern field would be affected by construction of the SuDS basin although this has been considered previously under the allowed appeal scheme. All of the existing hedgerows and trees in the main site and eastern site would be retained.
- 8.54** The mitigation set out in the Ecological Assessment, as amended, is considered acceptable by the Council's Ecologist. These include the provision of Public Open Space with wildflower meadow; new native and locally sourced tree, shrub and hedgerow planting; planting up gaps in retained hedgerows; a sensitive operational phase lighting scheme to minimise impacts on bats; installation of bat and bird boxes on trees; provision of log piles for invertebrates; and long-term favourable management of all habitats on site. Bat roosting and bird nesting features are also proposed to be incorporated into the new dwellings and measures for hedgehogs incorporated into the development including gaps at the base of permanent fencing and the provision of hedgehog houses and insect houses.
- 8.55** The Biodiversity Net Gain (BNG) calculation shows that the habitat mitigation and enhancements proposed would result in a net gain in biodiversity of approximately 13% for habitats and 40% for hedgerows. The development as indicated in the Illustrative Masterplan would therefore meet the BNG requirements. The BNG assessment only covers the main site, and not the areas to the east (SuDS basin) or north (cycle / pedestrian link) but this would be potential 'double counting' since these areas are considered with the allowed appeal scheme to the east. The BNG assessment would need to be revised when more detailed landscape plans are developed at future planning stages.

Archaeology

- 8.56** 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. Policy SD8 of the adopted JCS seeks to protect Heritage Assets and Policy HER4 of the TBLP also seek to ensure that new development will have no adverse impact on archaeological remains of interest.
- 8.57** The County Archaeologist has advised that a Geophysical Survey and Trench Evaluation has previously been undertaken at the site and identified no significant archaeological remains. Therefore, there is a very low risk that archaeological remains would be adversely affected by the development proposal. As a consequence, the County Archaeologist recommends that no archaeological or recording needs to be undertaken in connection with the scheme.

Open Space

- 8.58** The NPPF sets out that planning decisions should aim to achieve healthy, inclusive and safe communities including promoting social interaction. Planning decisions should enable and support healthy lifestyles including through the provision of safe and accessible green infrastructure and sports facilities.

- 8.59** JCS Policy INF4 states that where new residential development will create or add to, a need for community facilities, it will be fully met as on-site provision and/or as a contribution to facilities or services off-site. JCS Policies INF6 and INF7 support this requirement.
- 8.60** Policy RCN1 of the TBP requires that new development shall provide appropriate public open space, sports pitches and built sports facilities to meet the needs of local communities and that provision should be informed by the most up to date evidence base.
- 8.61** The application proposes a Local Area of Play (LAP) within the site as part of the provided open space on the site of .22ha. Given the relatively small scale of the site contributions to off-site open space provision will be sought through the completion of a S106 Agreement. There are a number of identified improvements to existing public sports and recreation facilities in the Tewkesbury area that could benefit. No agreement on the details of this has been reached with the applicant at this stage. A verbal update will be provided to Members at Planning Committee.

Education, Libraries and Community Provision

- 8.62** Gloucestershire County Council as Local Education Authority (LEA) has been consulted on the application and originally requested contributions to primary school places in the area but following further information being provided by the applicant has now not sought to require such a contribution. The County Council has requested a Library contribution of 5,880 (£196 pre dwelling) in order to mitigate the impact of increasing library users arising from the development. This would be utilised for improvements to Tewkesbury library. The applicant has agreed this planning obligation.
- 8.63** The Communities team have noted that the development would generate a need for 9 square metres of community hall provision at a cost of £14,551 and Ashchurch Village Hall have identified plans in order to extend their facility. However, the applicant contends this as they consider that the proposal aligns with the community provision already identified within the adjacent development. A verbal update will be provided to Members on this aspect at Planning Committee.

Section 106 obligations

- 8.64** 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.
- 8.65** These tests are as follows:
- a) necessary to make the development acceptable in planning terms.
 - b) directly related to the development; and
 - c) fairly and reasonable related in scale and kind to the development.

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

8.67 Requests have been made by consultees to secure the following obligations/ contributions:

Affordable Housing (policy compliant)	
Libraries:-	£5,800
Community Centre Contribution:-	£14,551
Off site Open Space	£69,539
Refuse and Recycling	£2,190 (£73 per dwelling)

8.68 There is currently no signed agreement to secure these contribution requests, but they are capable of being resolved through the signing of an appropriate planning obligation and legal agreement. A verbal update on progress to resolve the outstanding matters will be provided to Members at Planning Committee.

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.

Benefits

- 9.5 The application would give rise to a number of benefits.
- 9.6 The development would contribute towards the supply of housing, both market and affordable housing to help meet the need for housing in the Borough. The provision of affordable housing is considered to be a significant benefit of the proposals to be weighed in the planning balance.
- 9.7 Further economic benefits that would arise from the proposal both during and post construction, including the economic benefits arising from additional residents, supporting local businesses.
- 9.8 The provision of a new cycle route and pedestrian access to the north is also a benefit of the proposal as well as securing biodiversity net gain and the proposed tree planting although the proposed cycle/pedestrian link is to be provided by the nearby development too if that Permission were to be implemented.
- 9.9 There are also benefits arising directly from the proposals including the provision of publicly accessible open space and off-site planning obligations. Given that these benefits are directly related to the development, to make the proposal acceptable in planning terms, officers afford these benefits limited weight.

Harms

- 9.10 Harm arises from the conflict with development plan policies and the spatial strategy relating to housing, particularly Policies SP2 and SD10 of the JCS and Policy RES3 of the TBLP.
- 9.11 The proposal would also result in the loss of agricultural land/equine land and this is considered a modest harm arising from the proposal.
- 9.12 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 libraries, off-site recreational facilities, recycling facilities, or community facilities. Albeit these matters are capable of being resolved in terms of the planning balance.

Neutral

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

Overall Conclusion

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

- 9.15** For these reasons officers recommend that authority be delegated to the Associate Director: Planning to **PERMIT** the application subject to appropriate conditions and planning obligations.

10. Recommendation

- 10.1** It is therefore recommended:

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

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

1. The applicant has failed to agree to planning obligations to secure the necessary infrastructure contributions, affordable housing and required on site open space contrary to JCS Policies INF4, INF6 and INF7 and TBLP Policy RCN1.

11. Conditions

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

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

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

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

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

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

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

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

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

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

6. The details to be submitted for the approval of Reserved Matters pursuant to Condition 1 shall include the layout and internal access roads within the site, and the development shall be carried out in accordance with the approved plans. No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal and vehicular turning head(s)) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians.

7. The details to be submitted for the approval of Reserved Matters pursuant to Condition 1 shall include vehicular parking and turning facilities within the site, and the dwellings shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be maintained available for those purposes for the duration of the development.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided.

8. Prior to commencement of the development hereby permitted details of a Construction (and demolition) Environmental Management Plan (CEMP) 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 vehicles 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/exit to the site.
- Staff/contractor facilities and travel arrangements.
- Dust mitigation.
- Noise and vibration mitigation (Including whether piling or power floating is required. White noise sounders will be required for plant operating onsite to minimise noise when in

operation/moving/ reversing).

- Mitigation of the impacts of lighting proposed for the construction phase.
- Measures for controlling leaks and spillages, managing silt and pollutants.
- Plans for the disposal and recycling of waste.
- 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 CEMP to staff, visitors and neighbouring residents and businesses.

The mitigation measures set out in the updated Ecological Assessment that apply to the site clearance and construction phase of the development shall also be included in the CEMP with detailed Method Statements.

Reason: To protect existing and proposed properties from the impacts of short-term exposure to noise, vibration, light and dust nuisance, the protection of wildlife and in the interests of safe operation of the adopted highway.

- 9.** The Development hereby approved shall not commence until detailed drawings of highway improvements works comprising:
- An active travel corridor for pedestrians and cyclists shall be provided from the site to the A46 via the C87/Fiddington Lane.
- has been submitted to and approved in writing by the Local Planning Authority; and no dwelling shall 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.** Vehicle and cycle parking shall be provided prior to first occupation of each dwelling in accordance with details to be contained within the approval of any reserved matters permission. The approved details shall be maintained for this purpose thereafter.
- Reason: To promote sustainable travel and healthy communities.

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

Reason: To reduce vehicle movements and promote sustainable access.

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

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

13. No building works hereby permitted shall be commenced until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The information submitted shall be in accordance with the principles set out in the approved drainage strategy. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i. include a timetable for its implementation; and
 - ii. Provide a full risk assessment for flooding during the groundworks and building phases with mitigation measures specified for identified flood risks; and
 - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

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

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

15. The details to be submitted for the approval of Reserved Matters pursuant to Condition 1 shall include the location of the storage space for waste and recycling facilities associated with each dwelling and a refuse and recycling bin collection management plan. The approved scheme shall be implemented in accordance with the approved details prior to the first occupation of the development and thereafter maintained for the life of the development.

Reason: To ensure a satisfactory form of development in the interests of the visual amenities of the built environment.

16. The details to be submitted for the approval of Reserved Matters pursuant to Condition 1 shall include details of noise levels within the dwellings hereby permitted, to demonstrate that these shall not exceed those set out in BS8233:2014 “Sound Insulation and Noise Reduction for Buildings”, and details of noise levels measured from enclosed outdoor private amenity areas (gardens) to demonstrate that these shall attain the 50dB(A) desirable criteria (Considered to be the LOAEL) and not exceed the upper limit recommended within BS8233:2014 being 55dB(A) (Considered to be the SOAEL).

Reason: To protect the residential amenity of future occupiers.

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

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

18. The details to be submitted for the approval of Reserved Matters pursuant to Condition 1 shall include a Housing Mix Statement setting out how an appropriate mix of dwelling sizes, types and tenures will be provided in order to contribute to a mixed and balanced housing market to address the needs of the local area, including the needs of older people, as set out in the local housing evidence base, including the most up-to-date Strategic Housing Market Assessment for the area at the time of the submission of the reserved matters. The development shall be implemented in accordance with the approved Housing Mix Statement.

Reason: To ensure the delivery of a mix of dwelling sizes to meet existing need and the creation of a mixed and balanced community.

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

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

20. The details of landscaping to be submitted for the approval of Reserved Matters pursuant to Condition 1 shall include full details regarding adequate measures to protect trees and hedgerows. This shall include:

A. Fencing. Protective fencing must be installed around trees and hedgerows to be retained on site. The protective fencing design must be to specifications provided in BS5837:2012 or subsequent revisions, unless agreed in writing with the local planning authority. A scale plan must be submitted and approved in writing by the local planning authority accurately indicating the position of protective fencing. No development shall be commenced on site or machinery or material brought onto site until the approved protective fencing has been installed in the approved positions and this has been

inspected on site and approved in writing by the local planning authority. Such fencing shall be maintained during the course of development,

B. Tree Protection Zone (TPZ) The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the TPZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, citing of site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the TPZ, unless agreed in writing with the local planning authority. The TPZ shall be maintained during the course of development.

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

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

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

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

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

- 23.** 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.

- 24.** Any contamination that is found during the course of construction of the development that was not previously identified shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

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.

25. The enhancement measures outlined in the updated Ecological Assessment should be further expanded on in a Landscape and Ecology Management Plan (LEMP). Management should be applicable for a minimum period of five years, though in relation to BNG this should be for 30 years and include a monitoring regime to ensure habitats establish well and that wildlife features remain in good condition. The LEMP should include plans showing locations and extent of all habitats and wildlife features, and a timetable of activities. A Responsible Person / organisation should be stated and the method by which the protection of retained, enhanced and created habitats would be secured. The extent and location of removed, retained and newly created habitats presented in the LEMP should match that set out in the BNG assessment. The LEMP should demonstrate that the BNG proposed in the BNG assessment would be achieved. It should be submitted to and approved in writing by the LPA prior to commencement. Details of the mitigation measures in situ shall be provided to the Local Planning Authority prior to the occupation of each dwelling for approval in writing.

Reason: In the interests of biodiversity.

26. Prior to commencement of development, details of external lighting should be submitted to and approved in writing by the Council. The details should clearly demonstrate that lighting will not cause excessive light pollution of the boundary habitats and areas of open space. The details should include, but not be limited to, the following:
- i) A drawing showing sensitive areas and/or dark corridor safeguarding areas;
 - ii) Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
 - iii) A description of the luminosity of lights and their light colour including a lux contour map;
 - iv) A drawing(s) showing the location and where appropriate the elevation of the light fixings; and
 - v) Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)).

All external lighting should be installed in accordance with the specifications and locations set out in the approved details. These should be maintained thereafter in accordance with these details. No additional external lighting shall be installed unless agreed in writing by the LPA.

Reason: In the interests of biodiversity.

12. **Informatives**

- 1 In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
- 2 Works on the Public Highway
The development hereby approved includes the carrying out of work on the adopted highway. The developer is advised that before undertaking work on the adopted highway they 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. Fees are required to cover the Councils costs in undertaking the following actions:

Drafting the Agreement

A Monitoring Fee

Approving the highway details

Inspecting the highway works

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

3 Highway to be adopted

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

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

- Drafting the Agreement

- Set up costs

- Approving the highway details

- Inspecting the highway works

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

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

4 Street Trees

All new streets must be tree lined 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.

5 Public Right of Way Impacted

There is a public right of way running through the site, the applicant will be required to contact the PROW team to arrange for an official diversion, if the applicant cannot guarantee the safety of the path users during the construction phase then they must apply to the PROW department on 08000 514514 or highways@gloucestershire.gov.uk to arrange a temporary closure of the right of way for the duration of any works. We advise you to seek your own independent legal advice on the use of the public right of way for vehicular traffic.

The site is traversed by a public right of way and this permission does not authorise

additional use by motor vehicles, or obstruction, or diversion.

6 Impact on the highway network during construction

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.

7 Construction Environmental Management Plan (CEMP)

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:

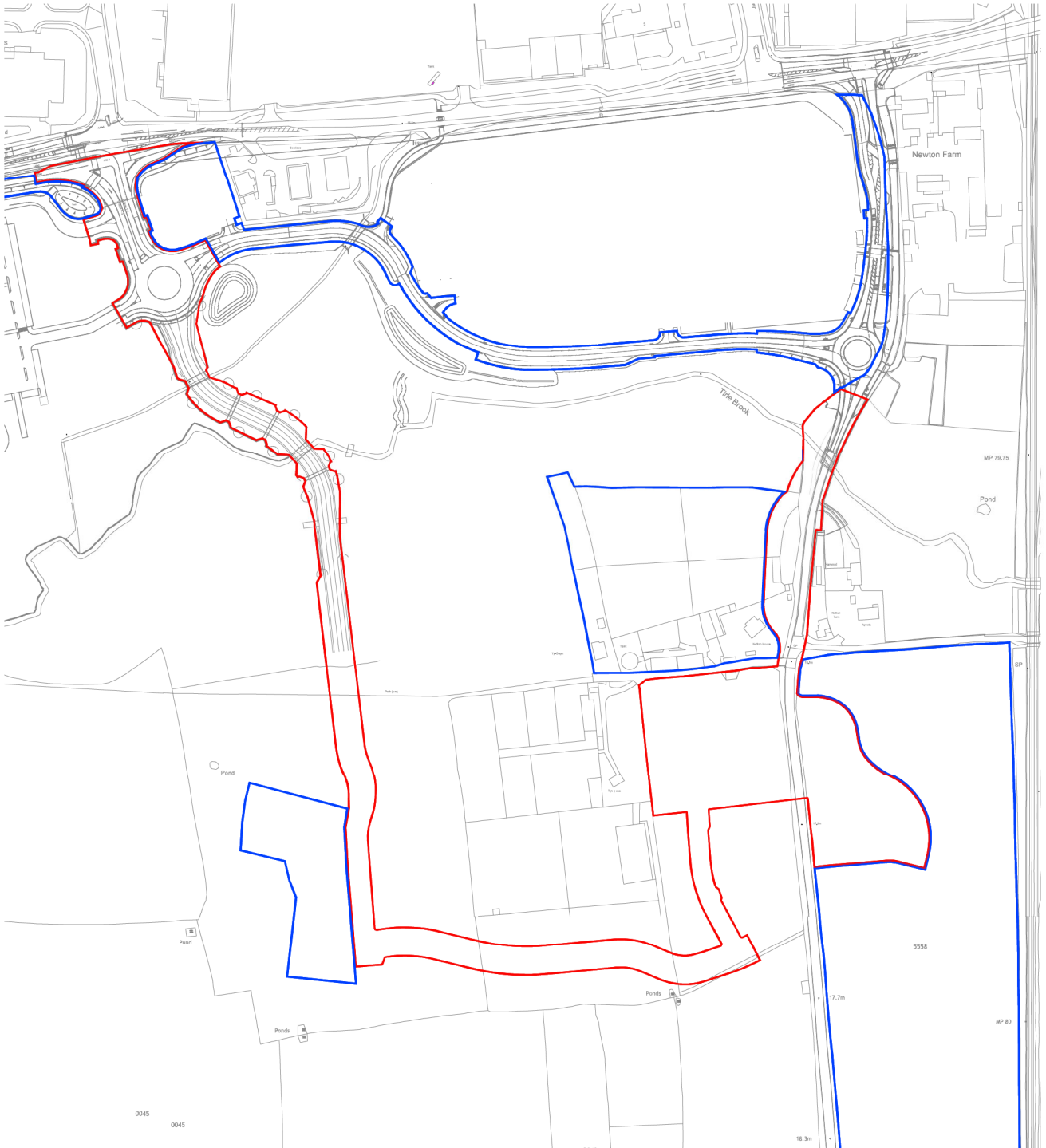
Constructors should give utmost consideration to their impact on neighbours and the public

- 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.











8 The Lead Local Flood Authority (LLFA) will consider 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.



 Robert Hitchins The Complete Development Solution			
Site Name: SITE: DUDFIELD LAND, FIDDINGTON			
Drawing Title: TITLE: SITE LOCATION PLAN			
Drawing Number: NUMBER: 346.UD.04		Revision: REVISION: L	
Drawn By: LD	Checked By: GRJ	Date: 28.02.2023	Scale: 1/500 @ A2
The Manor, Boddington, Cheltenham, Gloucestershire, GL51 0TJ 161: 07.242 0308944 www.robert-hitchins.co.uk			
CAD Ref: REFERENCE			



KEY

-  PROPOSED VEHICULAR ACCESS INTO THE SITE
-  RESIDENTIAL UNITS (UP TO 30 UNITS)
-  INFORMAL OPEN SPACE WITH LANDSCAPE PLANTING
-  EXISTING VEGETATION TO BE RETAINED
-  INDICATIVE TREE PLANTING
-  INFORMAL ROAD
-  PRIVATE DRIVES
-  INDICATIVE PED/CYCLE LINK
-  LAP WITH 10M BUFFER
-  INDICATIVE NEW HEDGEROW
-  INDICATIVE SUDS BASIN

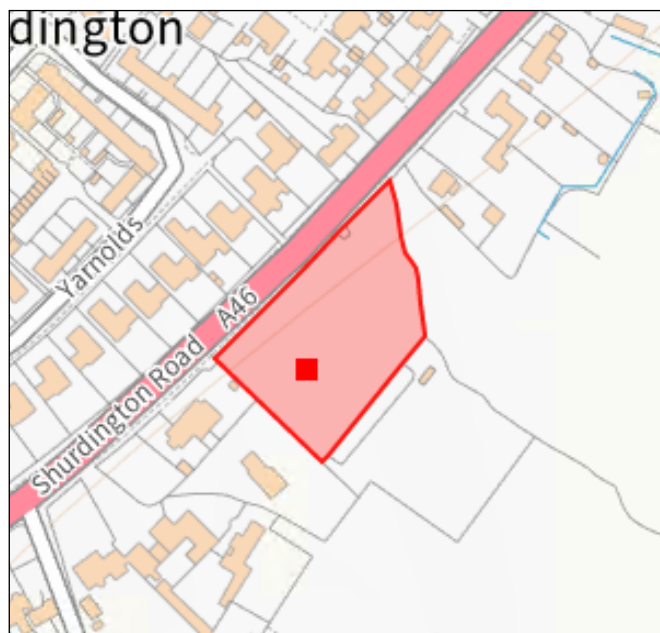


Robert Hitchins The Complete Development Solution	
SITE: LAND WEST OF FIDDINGTON LANE	
TITLE: ILLUSTRATIVE MASTERPLAN	
NUMBER: 346.LD.01	REVISION: G
DATE: 17.07.2023	SCALE: 1/500 @ A2
LD GRU	
<small>The Manor, Biddington, Cheshire, Gloucestershire, GL1 0TJ www.robert-hitchins.co.uk</small>	
<small>JOB REF: WAT0202</small>	

Planning Committee

Date	19 March 2024
Case Officer	Jonny Martin
Application No.	23/00964/FUL
Site Location	Land Adjacent Shurdington House Stables, Main Road, Shurdington
Proposal	Erection of five detached dwellings with associated infrastructure including detached single storey garages, landscaping and construction of two new accesses from Shurdington Road.
Ward	Shurdington
Parish	Shurdington
Appendices	<ul style="list-style-type: none"> - Site Location Plan 100 - Proposed Site Plan Layout 300 Rev G - Plot 1 Plans and Elevations 301 Rev C - Plot 2 Plans and Elevations 302 Rev D - Plot 3 Plans and Elevations 303 Rev C - Plot 4 Plans and Elevations 304 Rev F - Plot 5 Plans and Elevations 305 Rev C - Proposed Site Sections & Perspective Views 306 Rev B - Garage Plot 2&3 308 - Garage Plot 4 307 Rev B - Soft Landscape Proposals ZES1356-11
Reason for Referral to Committee	Objection from Parish
Recommendation	Permit

Site Location



1. The Proposal

Full application details are available to view online at:

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

- 1.1** The application seeks full planning permission for the erection of 5 No. detached dwellings with associated infrastructure including detached single storey garages, landscaping and construction of two new accesses from Shurdington Road.
- 1.2** The five dwellings are two storey with dual pitched roofs and single storey with green, flat roofed elements. Solar panels are also proposed to each dwelling. Plots 2,3 and 4 have access to a garage each and all plots have off street parking for two vehicles and private rear gardens.

Plot one would provide a 3 bedroom dwelling with a Gross Internal Area (GIA) of 157.8sqm.
- 1.3** The other four plots would each have 4 bedrooms and they range in size from 207.7sqm – 221.6sqm (GIA).
- 1.4** The existing field access will be closed off and two new vehicular accesses would be created, one to serve Plots 1 and 2 and the second to serve the remaining plots. The proposal would provide access and sufficient turning and manoeuvring space to allow for vehicles to enter and exit in a forward gear and would also accommodate larger vehicles such as delivery vehicles.

2. Site Description

- 2.1** The application site is located off the Shurdington Road and is currently an undeveloped plot between Woodbine Cottage to the north east and Shurdington House Stables and 1 Malvern View to the south west. The site contains unmaintained grassland enclosed by mature hedgerows and trees.
- 2.2** The site is located within the Cotswold National Landscape (Formerly AONB) and is also located within the Green Belt. The site forms a gap within the village of Shurdington with residential development either side of the site in an otherwise built-up frontage. Immediately north-east is a narrow field entrance which continues onto open countryside to the east of the site. There is a public footpath known as Shurdington Footpath 14 adjacent to the field entrance. Beyond this is a continuous row of detached cottages addressing Shurdington Road. To the south-west is a more informal layout of residential development. On the opposite side of the road, to the north west is the main built-up core of Shurdington.
- 2.3** The site is shown on the Environment Agency Flood Map for Planning to be located within Flood Zone 1 and is at lowest risk of flooding. There are no heritage or other planning designations affecting the site.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
89/91711/FUL	Erection of a greenhouse for storage & cultivation. New Access.	PER	27.10.1989
97/00129/OUT	Outline application for residential development	REF	06.05.1997
00/00461/OUT	Outline application for residential development	REF	24.05.2000

- 3.1 Two previous applications for residential development at the site were refused in 1997 and 2000. However, it is important to note that both national and local policy has changed since their determination.
- 3.2 It should be noted that there has been significant change in policy (particularly in respect of green belt development) since that time and this application therefore stands to be determined upon its own merits and in accordance with current local and national planning policy.

4. Consultation Responses

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

Shurdington Parish Council – Objection:

The last two applications for development in 1997 and 2000 were rejected because it was within the green belt, conflicted with the previous Local Plan and is within the Cotswolds AONB.

Continue to object to development on the Green Belt, AONB

Possible Local Plan conflict as these do not appear to have changed since the previous applications.

Building Control – No objections.

Severn Trent – No objection subject to further details on the disposal of foul water which can be secured via condition.

Drainage Officer – No objection subject to a detailed drainage condition.

Tree Officer – No objection to the proposal subject to conditions relating to tree protection, landscape and boundary treatment.

Landscape Officer - No objection to the proposal subject to conditions relating to tree protection, landscape and boundary treatment.

Ecology – No objection to submitted documentation subject to conditions.

Newt Officer – No objection subject to conditions.

County Highways – No objection subject to conditions relating to vehicular visibility splays, pedestrian visibility splays, access gates, highway improvements and Construction Management Plan (CMP).

Cotswold National Landscape Board – No objections subject to landscaping and lighting conditions.

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

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 an initial period of 21 days. A further consultation period was undertaken following the receipt of amended plans. 12 objection letters have been received in response.
- 5.3** The objection comments are summarised as follows:
- Impact on the Cotswold National Landscape;
 - Pressure on existing services and community facilities;
 - Impact on traffic congestion and highway safety along Shurdington Road;
 - The proposed dwellings are very modern in appearance and are out of keeping with the rest of the village;
 - Plot 5 would impact on neighbouring trees;
 - Substantial fencing needed;
 - Flood risk to adjacent properties;
 - Harm to wildlife;
 - Risk to utilities crossing the application site;
 - The development should not be seen as infill development;
 - No benefit to local wildlife;
 - Overshadowing to neighbouring properties;
- 5.4** The comments and concerns raised by the neighbours will be addressed throughout the officer report.

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)
- SD7 (AONB)
- 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)

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)
- RES13 (Housing Mix)
- GRB4 (Green Belt)
- DES1 (Housing Space Standards)
- LAN2 (Landscape Character)
- NAT1 (Biodiversity)
- ENV2 (Flood Risk and Water Management)
- TRAC9 (Parking Provision)

6.5 Neighbourhood Plan

- None.

7. Policy Context

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

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

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

7.4 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 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** Policy SD10 of the JCS states that new housing will be planned in order to deliver the scale and distribution of development set out in Policies SP1 and SP2. Para 4. of SD10 is relevant to this application where, since being in a rural area, housing development on other sites will only be permitted where:
- It is for affordable housing on a rural exception site in accordance with Policy SD12, or;
 - It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District plans, or;
 - It is brought forward through Community Right to Build Orders, or;
 - There are other specific exceptions / circumstances defined in district or neighbourhood.
- 8.6** Policy RES2 of the TBP states that within the defined settlement boundaries of the Tewkesbury Town Area, the Rural Service Centres, the Service Villages and the Urban Fringe Settlements (which are shown on the policies map) the principle of residential development is acceptable subject to the application of all other policies in the Local Plan.

- 8.7** The application site is located outside the defined settlement boundary of Shurdington as identified on the policies map. However, the settlement boundary runs along the front boundary of the site along Shurdington Road and along the southern western boundary of the site. Shurdington is identified as a Service Village and paragraph 5.4 of the TBP states that Shurdington is one of the Borough's largest and most sustainable service villages.
- 8.8** Turning to Policy SD10 of the JCS, part 4(ii) allows housing development where it is considered to be infill within the existing built up areas. Paragraph 4.11.5 of the JCS defines infill development as *"the development of an under-developed plot well related to existing built development."*
- 8.9** Within the submitted planning statement, the applicant has drawn the Council's attention to a Supreme Court decision, Julian Wood v Secretary of State for Communities and Local Government and Gravesham Borough Council (February 2015), which provides helpful clarification of what constitutes a village. Paragraph 12 of the Judgement states:

"...while a village boundary as defined in a Local Plan would be a relevant consideration, it would not necessarily be determinative, particularly in circumstances where the boundary as defined did not accord with the inspector's assessment of the extent of the village on the ground."

- 8.10** This decision identified that village boundary limits should not definitively follow the settlement boundaries set by the Local Plan and should instead be assessed by what is on the ground, considering the physical and functional relationship of the site to the village as a whole.
- 8.11** The applicant has also drawn attention to an appeal decision (APP/G1630/W/22/3291784) within Shurdington on Land adjacent to Blenheim Way (21/01312/PIP). The Council consider this appeal scheme to be relevant in this instance given the PIP site was on the edge of the settlement boundary of Shurdington as per the application site. The Inspector made the following assessment in respect of interpreting the concept of infilling at paragraphs 8-10 of the decision notice:

"Much of the appeal site is located between two existing residential dwellings, being Blenheim Way to the south, and Phoenix Meadow to the north. Blenheim Way comprises part of a ribbon of houses which runs along the western side of School Lane. Phoenix Meadow is the final house on the western side of the lane, but is sited further back than the main ribbon of houses, owing to a bend at the northern end of the lane. Residential housing also runs along the opposite side of the lane. The lane is therefore distinctly residential in character, with a built-up frontage running along the substantive part of each side.

Given this location, the proposed dwelling would be flanked on either side by existing dwellings and would also face houses on the opposite side of the road. As a result, it would relate well to the existing pattern of development along the road, assimilating effectively with the wider street scene. When viewed from the more open fields to the west, the proposal would also be read within the context of surrounding residential development, which would again allow it to integrate effectively within the existing built fabric of the village. Given this surrounding context, I consider that the proposed development would constitute infill development, as envisioned by the Framework.

Whilst part of the appeal site does extend into the agricultural field to the west of the lane, the plot would broadly align with the curtilage of the neighbouring dwelling, Phoenix

Meadow. In turn, an additional dwelling in this location would help form an effective transition between Phoenix Meadow and the ribbon of houses to the south. Given that the appeal site would front on to School Lane (which is within Shurdington), the new dwelling would also be perceived as part of the built-up fabric of the village, irrespective of any defined settlement boundaries (much like Phoenix Meadow)."

- 8.12** The application site is bound by Shurdington House Stables and 1 Malvern View to the south west, 21-27 Yarnolds are located opposite the site and Woodbine Cottage is located to the north east of the site. The site would be flanked by residential development and would also face onto dwellings on the opposite side of the road. This section of Shurdington Road is distinctly residential in nature.
- 8.13** Despite the application site not being located within a defined settlement boundary, the proposal is considered to be infill within Shurdington as per part 4(ii) of Policy SD10 of the JCS. The site has a clear physical and functional relationship to the Service Village and is well related to the existing built up frontage along the A46 such that the proposal is considered acceptable in principle and subject to assessment of other material planning considerations set out below.

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 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 As detailed within the principal section above, the proposal is considered to be infilling within the village of Shurdington. The exception in Green Belt terms relates to 'limited' infilling. Shurdington is a service village well supported by services and facilities, including shops, hotels, public houses with transport links to adjoining villages as well as Gloucester and Cheltenham. In this instance the construction of five new dwellings would be considered limited in the wider context of Shurdington Village.

8.21 Therefore, it is considered that the construction of five new houses on this site would meet exception 154 (e) for limited infilling in villages and would be considered as appropriate development in the Green Belt.

8.22 With respect to openness and the purposes of the Green Belt, given that the proposal would amount to limited infilling within a village, and is not therefore inappropriate development in the Green Belt, the proposal would, by definition, not have an adverse impact on the openness of the Green Belt or the purposes of including land within it. Furthermore, given that the proposal would not constitute inappropriate development the tilted balance remains engaged.

Design and Layout

8.23 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.

- 8.24** 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.
- 8.25** 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.
- 8.26** 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.
- 8.27** The proposed contemporary styled dwellings are two storey with dual pitched roofs and single storey with green, flat roofed elements. The dwellings would face onto Shurdington Road, with Plots 1 and 2 sharing the northerly vehicular access and Plots 3, 4 and 5 sharing the southerly vehicular access from Shurdington Road.
- 8.28** Following a site visit, it is clear that there is no distinct design or character for residential development within this section of Shurdington Road. There is a mixture of detached and semi-detached properties, there is no uniform building line for dwellings on the eastern side of Shurdington Road and there is a mixture of roof types with half hipped roofs, gable ends and bungalow style dwellings with front dormers.
- 8.29** The new dwellings will be set back from the road frontage with plots 2,3 and 4 being set further back into the site compared within plots 1 and 5. This will ensure that the new dwellings are not unduly prominent within the streetscene. Furthermore, the staggered building line of the 5 dwellings would create visual interest and would reflect the organic and varied character to the existing streetscene. Each dwelling would have a large rear garden and there is good spacing between each dwelling to ensure an appropriate spacious appearance to the development.
- 8.30** Officers raised concerns with the original submission due to the prominence of the garages being in an uncharacteristic and prominent location on the front boundary. Amended plans have since been received which reduced the number of garages from 5 detached garages to two garage blocks which are now in line with the building line of plots 1 and 5. Plot 2 and 3 share a garage and plot 4 has its own garage.
- 8.31** At present, the site is well screened by mature trees and established vegetation along its front and rear boundaries. While the proposed development of the site is not considered to appear out of character, the vegetation on site, which will be managed and enhanced as part of this proposal, will allow for screening to the development and provide a transition to the open countryside beyond. This will be discussed further in the Landscape section below.

- 8.32** The properties would be finished in brick to the ground floor and metal standing seam cladding to the first floor and roof, with framed vertical timber cladding to the front and rear elevations, providing contemporary use of traditional building materials.
- 8.33** Given the varied character of development in the area it is considered that the contemporary design of the dwellings is considered to be acceptable for this location and the site layout is in keeping with the scale and informal layout of neighbouring development in the local area. As such, it is considered that the proposed development is of an appropriate high-quality design, which respects the semi-rural character of its immediate context and is therefore compliant with JCS Policy SD4, TBP Policy RES5 and the provisions of the NPPF for achieving a well-designed place.

Landscape and Visual Amenity

- 8.34** 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.
- 8.35** 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.
- 8.36** Policy SD7 states that all development proposals within the setting of the Cotswolds AONB (now Cotswold National Landscape) will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities.
- 8.37** 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.
- 8.38** 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 into the countryside and retain a sense of transition between the settlement and the countryside.
- 8.39** The site is located within the Green Belt and the Cotswold National Landscape. The site lies within the Settled Woodland Vale character type (LCT 18). The Board's Landscape Strategy and Guidelines (LS&G) identifies well maintained hedgerows forming a strong landscape pattern and major transport corridors as two key features of this character area. The applicant has submitted a Landscape and Visual Appraisal ('LVA', LVIA Ltd., July 2023) to provide an assessment of the potential landscape and visual effects of a proposed development upon the receiving landscape.

- 8.40** The Cotswold National Landscape Board (CNLB) have reviewed the submitted information and are of the opinion that due to the current suburban fringe setting the site is considered to be medium resulting in an overall high landscape sensitivity. However, due to the existing local area, the proposed scheme would not be out of character with its surroundings when considered as part of the local landscape with development of a similar nature in close proximity to the site to the north, south and west. They concur that the magnitude of change is small, therefore resulting in a level of landscape effect of moderate/minor (i.e. not a material change).
- 8.41** Six representative viewpoints have been assessed, including from public rights of way ASH14 and ASH15 within the National Landscape where receptors would be of high sensitivity. These demonstrate that views of the site are quite limited and the site is only clearly visible from the A46 and footpath ASH14 where it travels past the site's northern boundary (viewpoint 3). Whilst the proposal development would substantially alter the views towards the National Landscape, including the Cotswold escarpment, when travelling past the site on the A46, this would principally be experienced by motorists in transient views and only over a short distance. The CNLB agree that this would result in a moderate/minor visual effect on views of the National Landscape from the A46.
- 8.42** The CNLB believe that the significance of visual effect from most viewpoints on nearby public rights of way within the National Landscape would be no more than minor, except for where footpath ASH14 passes the site's northern boundary (viewpoint 3) where the development would result in a noticeable change in the view that would be clearly visible to an observer. The CNLB agree that this would constitute a material change (at least moderate adverse significance) without mitigation. However, the proposed mitigation (section 7 of the LVA) should help to reduce the visual impact of the proposal to result in a less than moderate adverse visual effect and this could be secured via planning condition in the interests of the conservation and enhancement of the landscape and scenic beauty of the National Landscape.
- 8.43** In summary, the CNLB agree with the conclusions of the Landscape and Visual Appraisal that although development would encroach into the National Landscape, it would be viewed in the context of the adjacent built development and the significant local influence of the A46. The site is well contained and the addition of five dwellings and associated landscape mitigation would comprise a minor element in the more elevated views from the east. They conclude that the proposal would be consistent with the requirements of JCS Policy SD7 and Cotswolds Management Plan Policy CE1.
- 8.44** Taking the above into account and subject to compliance with conditions, it is considered that the proposals would conserve the scenic beauty and special qualities of the Cotswold National Landscape and would protect its landscape character, in accordance with Policies SD6 and SD7 of the JCS, Policy LAN2 of the TBP and relevant provisions of the NPPF.

Residential Amenity

- 8.45** 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.
- 8.46** 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. The proposed dwellings exceed the space requirements under Policy DES1 and therefore appropriate internal space will be provided for future occupants.
- 8.47** Each dwelling would have a large rear garden which provides suitable private amenity space for future occupants. In relation to intervisibility and overlooking between the proposed dwellings, all first floor side facing windows will be obscurely glazed as annotated on the proposed elevations. This will be secured via condition.
- 8.48** In relation to the existing neighbouring dwellings, Plot 5 would be set off the boundary with 1 Malvern View and Shurdington House Stables by circa 6 metres. Furthermore, there is an existing outbuilding within the rear garden of 1 Malvern View which is located on this site boundary. The separation distance would ensure there is no adverse impact by way of loss of light/over shadowing or overbearing impacts and the obscure glazing of side facing windows will ensure there is no loss of privacy.
- 8.49** With regards to Woodbine Cottage, the dwelling at Plot 1 would be separated by the PROW and the narrow field entrance which continues onto the open countryside to the east of the site. The separation distance will ensure there is no adverse impact by way of loss of light/over shadowing and the obscure glazing of side facing windows will ensure there is no loss of privacy.
- 8.50** The Environmental Health Officer (EHO) has reviewed the scheme and has no objections subject to conditions. These conditions include a noise assessment to ensure there are no unacceptable noise levels for future occupants of the five dwellings. Further conditions will provide information relating to construction hours and a Construction Environment Management Plan (CEMP) to protect the amenity of existing neighbouring residents.

Trees and Landscaping

- 8.51** 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.

- 8.52** 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.
- 8.53** The application site is not within a conservation area and there are no Tree Preservation Orders within the site or on its boundaries. However, there are mature trees located in the neighbouring properties one of which is an A grade Yew tree situated at Malvern View which overhangs the application site and a group of trees that are within the ownership of Shurdington House Stables on the southern boundary of the site. The mature sycamore tree within the hedgerow adjacent to the road is also shown to be retained.
- 8.54** The application is accompanied by an Arboricultural Impact Assessment (AIA). It is shown within the Arboricultural Impacts Plan 194 SHU-DRW-AIP the trees and part of the hedgerow proposed to be removed. The scheme would also entail tree pruning/crown lifting works that are also justified in report.
- 8.55** The Council's Tree Officer has reviewed the AIA and has advised that the main impact from the development will be to the boundary/neighbouring trees where they overhang and where the rooting environment encroaches into the application site. The Arboricultural Impact Assessment and preliminary Arboricultural Method Statement clearly states the measures that are required to protect the retained trees throughout the construction of the development which the tree officer is satisfied and this can be controlled by condition.
- 8.56** Amended plans have been submitted to address initial concerns raised by the tree officer and the soakaway to plot 5 has been re-sited further away from the retained trees and the garage to plot 5 has been removed to ensure the existing hedgerow can be retained.
- 8.57** The applicant has submitted a Soft Landscape Proposals plan ZES1356-11 dated October 2023 which is considered to be acceptable in principle subject to a detailed landscaping condition. Following further discussions with the Tree Officer and the Landscape Officer, these details will be secured via condition in relation to tree protection, landscape and boundary treatments. Subject to compliance with conditions the application is considered acceptable in relation to trees and landscaping.

Access and highway safety

- 8.58** 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.
- 8.59** 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.

- 8.60** Shurdington is considered to be a sustainable location and the application site is situated within 180 metres walking distance to the nearest bus stops on Shurdington Road with frequent services to Gloucester and Cheltenham. In addition, there are amenities in the village including a primary school, nursery, local shop and post office as well as several public houses within reasonable walking distance according to Manual for Streets. This reduces reliance on private vehicle trips according Local Plan Core Strategy policy INF1, Local Transport Plan policies PD 0.1 and 0.4 as well as National Planning Policy Framework paragraph 110 and 112.
- 8.61** In terms of the proposal, the existing access will be closed off and two new vehicular accesses would be created, one to serve Plots 1 and 2 and the second to serve the remaining plots. The County Highways Officer has reviewed this element and has no objection to the two accesses, which while increasing possible conflict would not warrant a refusal of planning permission.
- 8.62** The proposed vehicle visibility splays have been provided which are considered to be acceptable. However, the pedestrian visibility splays are presently inappropriate and this would need to be secured by way of a condition. A condition is also sought for the existing footway width to be widened to the standard 2 metres with planting cut back with 100mm clearance from the footway.
- 8.63** In conclusion, the Highway Authority have advised that they have undertaken a robust assessment of the Application and based on the analysis of the information submitted, conclude that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion subject to compliance with conditions.

Drainage and flood risk

- 8.64** 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.
- 8.65** 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 Drainage Statement and indicative surface water and foul water proposals are shown on the site plan.
- 8.66** In relation to surface water, the site shows that surface water will be dealt with via soakaways in the rear garden of each plot. Furthermore, it is intended that water will be collected from roofs via water butts, which will be used to water the site in general. The drainage officer has reviewed the proposals and has no objection subject to a drainage condition.
- 8.67** By way of foul drainage, the proposal seeks to connect to the existing foul water connection on the main road. Severn Trent have reviewed the proposal and have no objection subject to condition.

8.68 In light of the above, and subject to compliance with conditions it is considered that the site is at a low risk of flooding and the development would not increase the risk of flooding within the site or elsewhere.

Biodiversity

8.69 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.

8.70 The application was originally supported with a Preliminary Ecological Assessment (PEA) (Ecology By Design September 2022). Following discussions with the Council's Ecologist an Ecological Impact Assessment was submitted. This report identified the potential ecological impacts, mitigation, compensation, and enhancement measures for a proposed development. Surveys of the site were conducted from August 2022 to October 2023 including an extended UK habitat survey, daytime tree assessments for bats and badger monitoring. The report identified the following:

- A tree with low potential to support roosting bats within the north of the site;
- Opportunities for foraging and commuting habitat for bats within the site;
- Opportunities for nesting birds within the hedges and trees;
- Suitable habitat for reptiles within the rough grassland/ hedge margins;
- An outlier badger sett within the site;
- Suitable foraging and resting habitat for hedgehogs and common toad; and
- Negligible opportunities for other protected or priority species.

8.71 The report identified the following measures to avoid and/or reduce impacts:

- Acquire a licence for closure of the badger sett under an agreed mitigation strategy;
- Habitat creation to improve the biodiversity value of the site;
- Implementation of a sensitive lighting scheme to avoid disturbing bats;
- Vegetation clearance undertaken outside of the nesting bird season (March to August inclusive) or be preceded by a check from a suitably experienced ecologist;
- Phased and directional vegetation clearance to avoid killing or injuring reptiles; and
- Implementation of appropriate site management practices.

8.72 The Council's Ecologist has reviewed this report in full and has no objections to its findings subject to further information being provided within a Landscape and Ecological Management Plan (LEMP) and a Construction Ecological Management Plan (CEMP) via condition.

- 8.73** The Cotswolds Beechwoods SAC lies within 5km of the site and therefore a shadow Habitat Regulations Assessment was submitted to consider whether the development will significantly impact on the SAC. The Council's Ecologist has reviewed the sHRA and agrees with the conclusions that there are unlikely to be any significant effects from the proposed development on the Cotswold Beechwoods SAC. However, due to the proximity of the SAC to the site (i.e. 3.7km) it is recommended that a Homeowner information Pack (HIP) is distributed to new residents and this should detail locations of local greenspaces (that are of low nature conservation value, i.e. not designated sites) and highlight foot/cycle-trails and public transport links to these greenspaces. Details for the HIP will be secured via condition.
- 8.74** In relation to impact on Great Crested Newts (GCN), a District Licence report and Impact Plan have been submitted following discussions with NatureSpace Partnership. The Gloucestershire District Licencing Officer has confirmed that should permission be granted there are mandatory conditions that should be attached to ensure compliance and afford appropriate protection to newts.
- 8.75** The Council's Ecologist have reviewed the scheme, 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).
- 8.76** 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.

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 fall within a defined settlement boundary as required by Policy RES 2 of the TBP. However, as set out above, the application site is considered to be infill development in accordance with part 4(ii) of Policy SD10 of the JCS. There is no conflict with the adopted development plan policies in relation to principle which is the starting point for decision making.
- 9.3** Furthermore, 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 Conclusion

- 9.6 The proposed development is considered to meet exception ‘limited infilling in villages’ under paragraph 154 (e) of the NPPF 2023 and as such the proposal is not considered to be inappropriate development in the Green Belt.
- 9.7 In light of this, there is no clear reason to refuse the application in accordance with paragraph 11d and footnote 7 of the NPPF. The tilted balance is **therefore engaged**.

Benefits

- 9.8 The public benefits of the proposal relate to, amongst others, the delivery of 5 dwellings houses in a highly sustainable location, new construction jobs, increased economically active population, and the associated social and economic benefits through construction and tree planting through the soft landscaping proposals.
- 9.9 Given that these benefits are directly related to the development, to make the proposal acceptable in planning terms, officers afford these benefits limited weight and the deliverery of housing is afforded moderate weight.

Harms

- 9.10 The only harm arising from the proposal is the loss of a small parcel of undeveloped agricultural land and the conflict with RES 2 of the TBP in that the site is not located within the defined settlement boundary. However, as set out above, the application site is considered to be infill development in accordance with part 4(ii) of Policy SD10 of the JCS and this harm is limited.

Neutral

- 9.11 It has been established through the submission documents that subject to the imposition of appropriate planning conditions, the development would not give rise to unacceptable impacts in terms of design, highway safety, ecology and residential amenity

Overall Conclusion

- 9.12 The proposal is considered to be in accordance with the development plan and there are no clear reasons for refusal in accordance with paragraph 11di and footnote 7 of the NPPF. The proposed development is considered to be infill development in relation to Policy SD10 of the JCS and would meet exception 154(e) of the NPPF 2023 which regards the constructions of buildings in this instance to be appropriate development in the Green Belt. The proposal is located in a highly sustainable location and would contribute to the Council’s 5YHLS position. The benefits of the scheme would therefore clearly outweigh the harms identified.

10. Recommendation

- 10.1 It is recommended that the application should be **PERMITTED** subject to conditions.

11. Conditions

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

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

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

- Site Location Plan 100
- Proposed Access Arrangement & Visibility Assessment (Plots 1-2) 3200 Rev P02
- Proposed Access Arrangement & Visibility Assessment (Plots 3-5) 3201 Rev P02
- Proposed Site Plan Layout 300 Rev G
- Plot 1 Plans and Elevations 301 Rev C
- Plot 2 Plans and Elevations 302 Rev D
- Plot 3 Plans and Elevations 303 Rev C
- Plot 4 Plans and Elevations 304 Rev F
- Plot 5 Plans and Elevations 305 Rev C
- Proposed Site Sections & Perspective Views 306 Rev B
- Garage Plot 4 307 Rev B
- Garage Plot 2&3 308
- Soft Landscape Proposals ZES1356-11
- Arboricultural Impact Assessment prepared by Tree Frontiers 10th October 2023
- Preliminary Ecological Appraisal prepared by ecologybydesign September 2022
- Landscape Visual Assessment prepared by LVIA Ltd July 2023
- Drainage Statement prepared by Zesta Planning October 2023
- Shadow Habitats Regulations Assessment prepared by ecologybydesign January 2024
- Ecological Impact Assessment (Non EIA) prepared by ecologybydesign November 2023

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

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

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

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

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

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

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

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

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

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

- 7 Notwithstanding the submitted Soft Landscape Proposals Plan (ZES1356-11), no work above floor plate level shall be carried out until there has been submitted to and approved by the Local Planning Authority in writing, a comprehensive scheme of landscaping which shall include details of all hard-surfacing materials, proposed planting and proposed boundary treatments to secure the residential curtilage. The development shall be implemented in accordance with the approved details.

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 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: In the interests of visual amenity and to protect the Cotswold National Landscape.

- 8** 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.

- 9** No removal of trees/scrub/hedgerows shall be carried out on site between 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the nature conservation interest of the site is protected.

- 10** The Project Arboriculturist shall provide advice and undertake a watching brief onsite during construction as detailed within the Arboricultural Method Statement contained within the Arboricultural Impact Assessment dated 10th October 2023.

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees

- 11** No development shall take place until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to the following:

- Risk assessment of potentially damaging construction activities including provisions for protected species,
- Identification of 'biodiversity protection zones' including (but not exclusively) hedgerows and mature trees,
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements),

- The locations and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour after sunset),
- The times during construction when ecological or environmental specialists need to be present on site to oversee works,
- Responsible persons and lines of communication,
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person,
- Use of protective fences, exclusion barriers and warning signs; and
- Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

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

- 12** No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall cover the first ten years of management following the commencement of construction and enabling works. Enhancement measures shall be included for existing natural habitats and created habitats, as well as those for protected species. All Ecological enhancements outlined in the LEMP shall be implemented as recommended in the LEMP and the number and location of ecological features to be installed shall be specified.

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

- 13** Prior to the first use/occupation of the development hereby approved, full details of the biodiversity enhancements as set out within Section 5.5. of the Ecological Impact Assessment (non EIA) prepared by Ecology by Design (November 2023) shall be submitted to the Local Planning Authority for approval. The approved details shall be installed prior to the occupation of the dwellings and shall be retained thereafter.

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

- 14** Prior to installation, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites. The details shall include, but not be limited to, the following:
- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas.
 - ii. Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate.
 - iii. A description of the luminosity of lights and their light colour including a lux contour map.
 - iv. A drawing(s) showing the location and where appropriate the elevation of the light fixings.
 - v. Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)).

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

Reason: To ensure proper provision is made to safeguard protected species and their habitats and ensure there is no undue impact on the dark skies of the Cotswold National Landscape.

- 15** No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR138, or a 'Further Licence') and with the proposals detailed on plan Land Adjacent to Shurdington Road: Impact Plan for great crested newt District Licensing (Version 1) Dated: 19th February 2024.

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-OR138, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

- 16** No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR138, 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.

- 17** Prior to first occupation, a Homeowner Information Pack (HIP) setting out the location and sensitivities of the Cotswold Beechwoods SAC shall be submitted to and approved in writing by the local planning authority. The HIP shall include reference to the sensitivities of the sites, messages to help the new occupiers and their families enjoy informal recreation at the site and how to avoid negatively affecting it, alternative locations for recreational activities and off-road cycling and recommendations to dog owners for times of year dogs should be kept on lead when using the site (i.e. to avoid disturbance to livestock). Two copies of the HIP shall be provided to all future residents prior to occupation of each dwelling.

Reason: In the interests of biodiversity.

- 18** The development hereby approved shall not be occupied/brought into use until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access(es) to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 58.3 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above

carriageway level.

Reason: In the interests of highway safety.

- 19** Notwithstanding the submitted plans Proposed Access Arrangement & Visibility Assessment (Plots 1-2) 3200 Rev P02, Proposed Access Arrangement & Visibility Assessment (Plots 3-5) 3201 Rev P02, the Development hereby approved shall not be occupied until details of the pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway shall be submitted to and approved in writing by the Local Planning Authority. The pedestrian splays shall be provided on both sides of the access. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above the adjoining ground level.

Reason: To ensure motorists have clear and unrestricted views of approaching pedestrians when pulling out onto the adopted highway, in the interest of highway safety.

- 20** The Development hereby approved shall not be occupied until the proposed access gates have been set back as shown on submitted plans from the adjoining carriageway edge and made to open inwards only with any subsequent gates subject to the same requirements.

Reason: In the interests of highway safety according to INF1 of the Local Plan Core Strategy, PD 0.1 and 0.4 of the Local Transport Plan.

- 21** The Development hereby approved shall not be occupied or use commenced until highway improvements comprising: Widening of footway across the site frontage to 2 metres have been carried out.

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

- 22** Prior to commencement of the development hereby permitted a construction management statement shall be submitted and approved by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The 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;
- Dust mitigation
- Noise and vibration mitigation (Including whether piling or power floating is required. White noise sounders will be required for plant operating onsite to minimise noise when in operation/moving/ reversing)
- Mitigation of the impacts of lighting proposed for the construction phase

- Measures for controlling leaks and spillages, managing silt and pollutants
- Plans for the disposal and recycling of waste

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.

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

Reason: To protect the amenity of adjacent properties.

- 24** Prior to the installation of solar panels on any of the dwellings hereby approved, full specification details 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 protect the noise climate and amenity of local residents.

- 25** No dwelling shall be occupied until any necessary noise attenuation measures have been installed to protect the living conditions of future occupiers which shall be in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. These measures shall be informed by a Noise Impact Assessment (NIA). The NIA. The noise should be assessed in accordance with relevant standards.

The NIA should include the following:

- A baseline noise survey to assess the existing noise levels at proposed receptors.
- An assessment of likely impact.
- Predicted internal noise levels on each floor.
- Modelled sound map
- Where appropriate, mitigation measures to reduce the noise to within acceptable levels at the proposed development.

Road traffic noise from the A46 will need to be considered on the proposed development.

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

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

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

- 27** All side facing windows at first floor level on each dwelling shall be obscure glazing as stated on approved plans Plot 1 Plans and Elevations 301 Rev C, Plot 2 Plans and Elevations 302 Rev D, Plot 3 Plans and Elevations 303 Rev C, Plot 4 Plans and Elevations 304 Rev F, Plot 5 Plans and Elevations 305 Rev C. The obscure glazing shall be installed prior to the occupation of each dwelling hereby approved.

Reason: To protect the privacy of adjacent properties.

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 Trees in neighbouring properties

There are tree(s) in the neighbouring properties. Although it is your right to remove parts of the tree overhanging your property any cuttings should be returned to your neighbour if they so wish and consent must be gained regarding access to their property. You have a legal duty to exercise reasonable care in carrying out any works to the overhanging trees. In the interest of good neighbour relationships, it would be helpful to consult with your neighbour on the proposed works if you have not already done so. Further information is available on Guide-to-Trees-and-the-Law

Wildlife

1. 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.
2. 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

It is recommended that the NatureSpace Best Practice Principles are considered and implemented where possible and appropriate.

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.

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-OR138, 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.

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.

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.

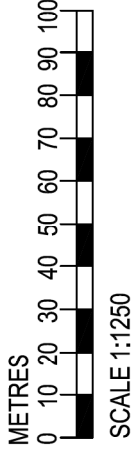
The CMS should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said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

All dimensions to be checked or after by contractor prior to preparation of shop drawings and commencement of work on site.
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1:1250 Location Plan



Oak House, Avburton, Gloucestershire, GL15 6ST 01594 516161
 Wyastone Business Park, Monmouth, NP25 3SR 01600 800101
 The Site, 24, Chosen View Rd., Cheltenham, GL51 9LT 01242 650 980

Client: Twigworth Developments

Project: Land at Shurdington Road
 Shurdington
 Cheltenham

Title: Location Plan

Job No.	Drawing No.	Revision
CH122sr	100	N/A
Scale	Issue	Date
1:1250@A3	COMMENT	06.01.23

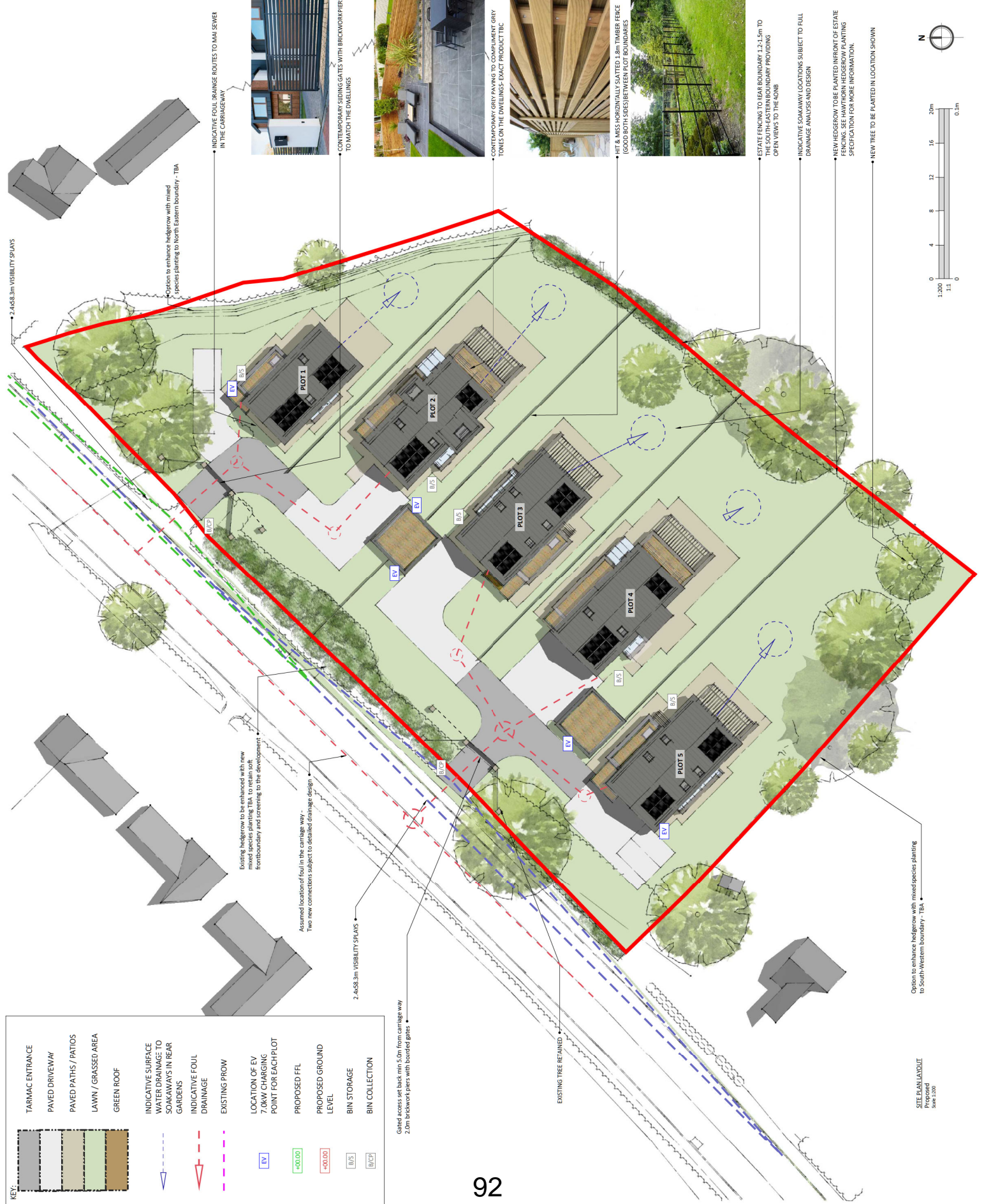
www.apexarchitectureltd.com enquire@apexarchitectureltd.com

All decisions to be checked on site contracts prior to preparation of final drawings and communication of work on site.
 All work to be carried out in accordance with the relevant standards and specifications.
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HAWTHORN HEDGEROW PLANTING.
 All hedgerow planting should be carried out in accordance with BS4328:1989. Code of practice for general landscape operations. Hedgerow plants should either be notch planted or planted in rows. Hedgerow plants should be planted at a minimum depth of 400mm and width of 600mm with the plants put into the ground at the same depth at which they had been previously grown in the nursery. All plants need to be well heeled in after planting and watered in during dry weather. It is important to make sure the roots do not dry out. It is advisable to keep them under a moist cloth or in a bucket of water during planting. Hedgerows should only be planted between November and March, while plants are still dormant. Avoid planting in very cold or wet weather.
 Where hedgerow trees are to be included, these should be spaced at least 30m apart to prevent them overhanging the hedge. To establish trees, they can be planted in the line of the hedge. To establish trees, they can be planted in the line of the hedge to allow their identification during maintenance.
PLANTING SPECIFICATION
 Hedgerow to be planted in two, staggered rows at a density of not less than 10 plants per 100m. Hedgerow plants should be 450mm between rows. The interplant whips/transplants should be planted within this pattern in groups of 2-3.
PROTECTION
 New hedge to be protected from wild grazing animals. Where double fence applicable, the fences must be a minimum width of 2 meters apart. Etec: fence using treated wooden posts with galvanised stock netting and wire, to a height of 1.1m project from the ground. Etec: fence using treated wooden posts with rabbit netting, which can be removed once the plants are well established (approx 3-5 years).
WEED CONTROL
 Control weeds across line of hedge of all vegetation in line with the new hedge. Provide a Mulch layer of composted bark or chippings over cleared area in order to suppress weed growth, mulch layer must be at least 100mm deep.
HEDGE TRIMMING
 Hedges to be trimmed in January or February to avoid the destruction of bird's nests, and allow any berry crop to be used by wintering birds. Trim on a two or three year rotation, rather than annually.

Item No.	Date	Description / Revision	Drawn by	Checked by
A	15.07.2023	Developed boundary lines	JAW	JRW
B	16.08.2023	Plot layout revised	JAW	JRW
C	20.08.2023	Plot layout revised	JAW	JRW
D	03.10.2023	Plot layout revised	JAW	JRW
E	04.07.2024	Plot layout revised, new drainage lines, new hedgerow planting	JAW	JRW
F	06.07.2024	Plot layout revised, new drainage lines, new hedgerow planting	JAW	JRW
G	10.07.2024	Final layout shown to part 5.	JAW	JRW

APEX ARCHITECTURE
 01849 510187
 01800 800101
 01828 000101
 Unit 10, The Old Mill, Cheltenham, GL51 4ST
 Client: Newent Developments Ltd.
 Project: Land at Shurrlington Road, Shurrlington, Cheltenham, GL51 4ST
 Title: Proposed Site Plan Layout
 Job No: CH1223r
 Drawing No: 300
 Revision: G
 Scale: 1:1,200
 Issue: COMMENT
 Date: JUNE 2023
 www.apexarchitects.com
 enquiry@apexarchitects.com



All decisions to be made or made by architect prior to preparation of study drawings and construction of work on site.
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 The drawings are to be used for the purpose of the contract and shall not be used for any other purpose without the written consent of the architect.

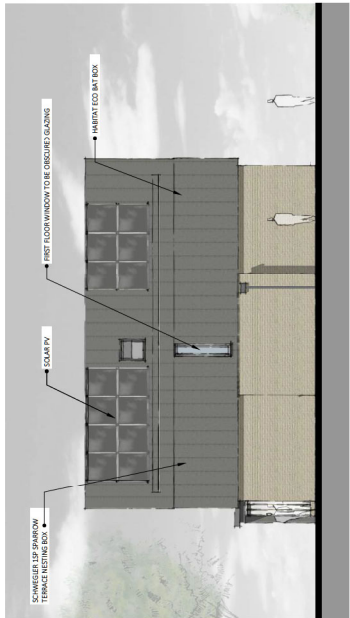


SIDE (NORTH-EAST) ELEVATION
 Proposed
 Scale 1:100

- ROOF:** metal standing seam
- WALL:** linear brick
- WALL:** Vertical timber cladding & metal standing seam
- JOINERY:** grey aluminium
- RW GOODS:** grey metal & hidden profiles



REAR (SOUTH-EAST) ELEVATION
 Proposed
 Scale 1:100



SIDE (SOUTH-WEST) ELEVATION
 Proposed
 Scale 1:100



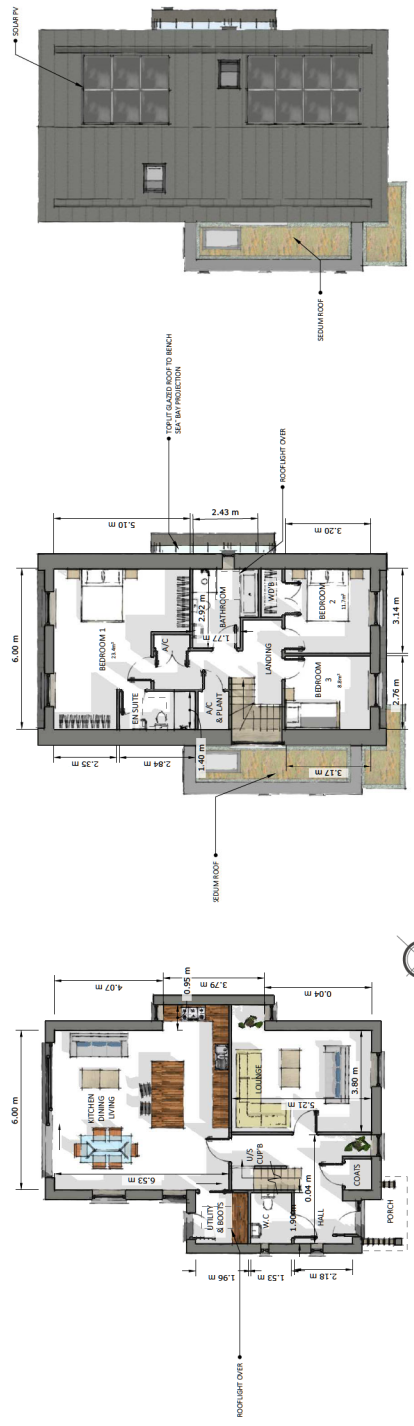
FRONT (NORTH-WEST) ELEVATION
 Proposed
 Scale 1:100



INDICATIVE REAR VISUAL
 Proposed
 N.T.S.



INDICATIVE FRONT VISUAL
 Proposed
 N.T.S.

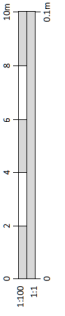


GROUND FLOOR PLAN
 Proposed
 Scale 1:100

FIRST FLOOR PLAN
 Proposed
 Scale 1:100

Gross Internal Floor Areas (GIA)
 (for nationally described space standard)
 Plot 1 157 Sm² 3 Bed 5 person

ROOF PLAN
 Proposed
 Scale 1:100



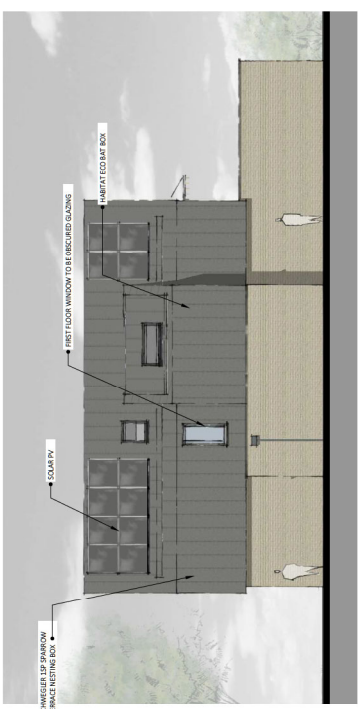
Amended	Date	Description	Drawn by	Checked by
A	19.07.2023	Client provided planning consent	JAW	JBW
B	06.01.2024	Client provided planning consent	JAW	JBW
C	06.01.2024	FP window placement	JAW	JBW

APEX ARCHITECTURE
 One House, Ardenway, Gloucestershire, GL11 6ST
 Wyvern Business Park, Monmouth, NP25 3SE
 01864 910191
 01860 800101
 175, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 211, 213, 215, 217, 219, 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 249, 251, 253, 255, 257, 259, 261, 263, 265, 267, 269, 271, 273, 275, 277, 279, 281, 283, 285, 287, 289, 291, 293, 295, 297, 299, 301, 303, 305, 307, 309, 311, 313, 315, 317, 319, 321, 323, 325, 327, 329, 331, 333, 335, 337, 339, 341, 343, 345, 347, 349, 351, 353, 355, 357, 359, 361, 363, 365, 367, 369, 371, 373, 375, 377, 379, 381, 383, 385, 387, 389, 391, 393, 395, 397, 399, 401, 403, 405, 407, 409, 411, 413, 415, 417, 419, 421, 423, 425, 427, 429, 431, 433, 435, 437, 439, 441, 443, 445, 447, 449, 451, 453, 455, 457, 459, 461, 463, 465, 467, 469, 471, 473, 475, 477, 479, 481, 483, 485, 487, 489, 491, 493, 495, 497, 499, 501, 503, 505, 507, 509, 511, 513, 515, 517, 519, 521, 523, 525, 527, 529, 531, 533, 535, 537, 539, 541, 543, 545, 547, 549, 551, 553, 555, 557, 559, 561, 563, 565, 567, 569, 571, 573, 575, 577, 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All dimensions to be checked on site by contractor prior to preparation of any drawings and construction of work on site.
 Responsibility is not accepted for errors which may be shown in drawings resulting from this drawing and the contractor shall ensure that the drawings are checked and approved by the architect and the contractor prior to construction and that the contractor is responsible for any errors which may be shown in drawings and the contractor shall ensure that the drawings are checked and approved by the architect and the contractor prior to construction and that the contractor is responsible for any errors which may be shown in drawings and the contractor shall ensure that the drawings are checked and approved by the architect and the contractor prior to construction.



REAR (SOUTH-EAST) ELEVATION
 Proposed
 Scale: 1:100



REAR (SOUTH-WEST) ELEVATION
 Proposed
 Scale: 1:100



FRONT (NORTH-WEST) ELEVATION
 Proposed
 Scale: 1:100



INDICATIVE FRONT VISUAL
 Proposed
 N:15



INDICATIVE REAR VISUAL
 Proposed
 N:15

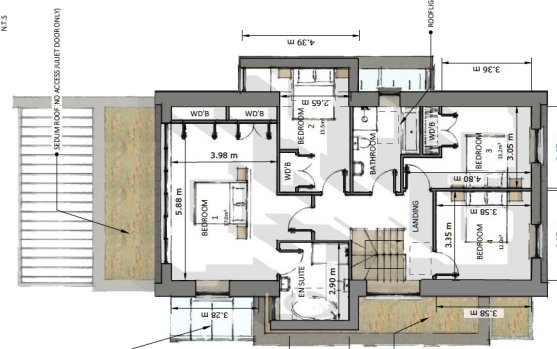


INDICATIVE REAR VISUAL
 Proposed
 N:15

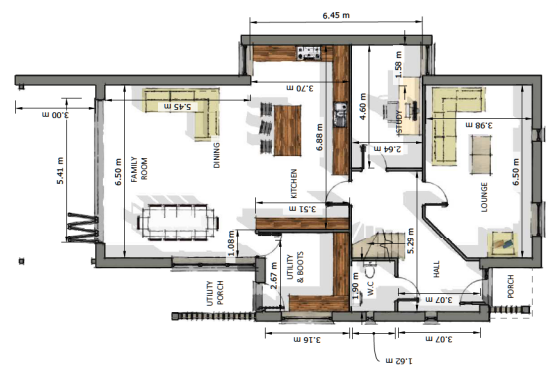
- ROOF: metal standing seam
- WALL: linear brick
- WALL: vertical timber cladding & metal standing seam
- JOINERY: grey aluminium
- RW GOODS: grey metal & hidden profiles



ROOF PLAN
 Proposed
 Scale: 1:100

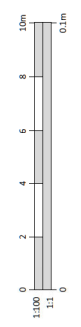


FIRST FLOOR PLAN
 Proposed
 Scale: 1:100



GROUND FLOOR PLAN
 Proposed
 Scale: 1:100

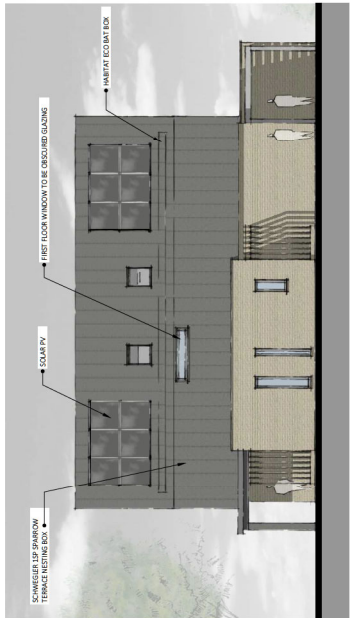
Client: Newent Developments Ltd.
 Project: Land at Shurington Road, Shurington, Cheltenham, GL51 4SJ
 Title: Plot 2 - Plans & Elevations
 Job No: CH1223r
 Drawing No: 302
 Revision: D
 Scale: 1:100
 Date: MAY 2023
 Comment: COMMENT
 www.apexarchitects.com
 enquiry@apexarchitects.com



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FRONT (NORTH-WEST) ELEVATION
 Proposed
 Scale: 1:100



SIDE (SOUTH-WEST) ELEVATION
 Proposed
 Scale: 1:100



REAR (SOUTH-EAST) ELEVATION
 Proposed
 Scale: 1:100



SIDE (NORTH-EAST) ELEVATION
 Proposed
 Scale: 1:100

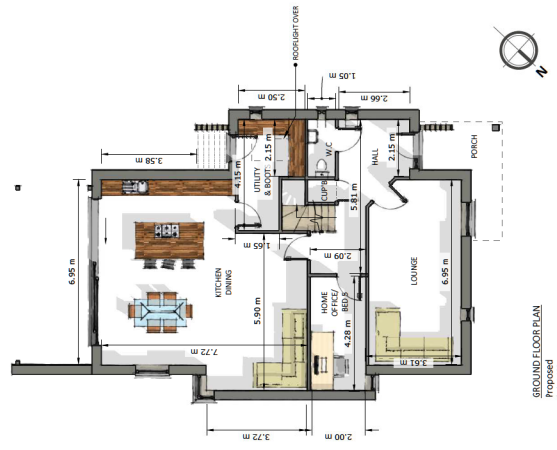


INDICATIVE FRONT VISUAL
 Proposed
 N.T.S.

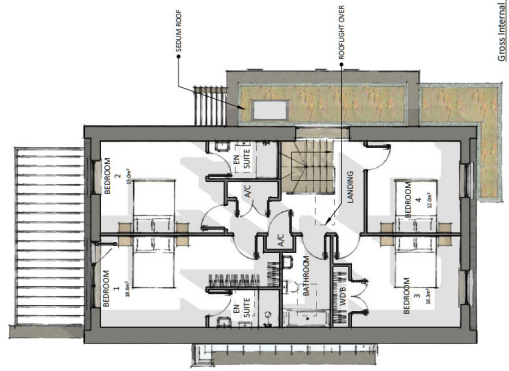


INDICATIVE REAR VISUAL
 Proposed
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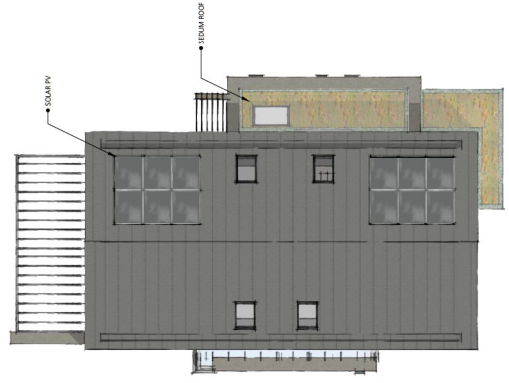
ROOF: metal standing seam
WALL: linear brick
WALL: vertical timber cladding & metal standing seam
JOINERY: grey aluminium
RW GOODS: grey metal & hidden profiles



GROUND FLOOR PLAN
 Proposed
 Scale: 1:100

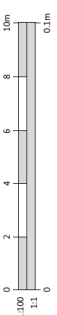


FIRST FLOOR PLAN
 Proposed
 Scale: 1:100



ROOF PLAN
 Proposed
 Scale: 1:100

GLA (to nationally described space standard)
 Plot 3: 207.7m² (4 bed 8 person)



Revision	Date	Drawn	Checked	Drawn by	Checked by
A	19.07.2023	AP	JAW	JAW	JAW
B	01.10.2023	AP	JAW	JAW	JAW
C	09.01.2024	AP	JAW	JAW	JAW

APEX ARCHITECTURE
 One House, Arden, Gloucestershire, GL11 6ST
 Wynton Business Park, Monmouth, NP25 3SE
 175-181, St. Dunstons Street, Gloucester, GL1 1AT
 01594 510161
 01600 800101
 01242 600360

Client: Newent Developments Ltd.
 Project: Land at Shurington Road, Shurington, Cheltenham, GL51 4SJ

Title: Plot 3 - Plans & Elevations
 Job No.: CH1223r
 Drawing No.: 303
 Revision: C
 Scale: 1:100
 Date: MAY 2023
 Comment: Issue
 www.apexarchitects.com
 enquiry@apexarchitects.com

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REAR (SOUTH-EAST) ELEVATION
Proposed
Scale: 1:100



SIDE (SOUTH-WEST) ELEVATION
Proposed
Scale: 1:100



FRONT (NORTH-WEST) ELEVATION
Proposed
Scale: 1:100



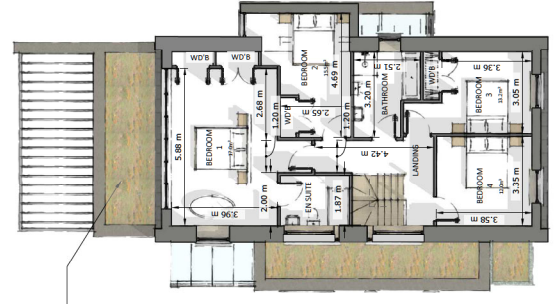
SIDE (NORTH-EAST) ELEVATION
Proposed
Scale: 1:100



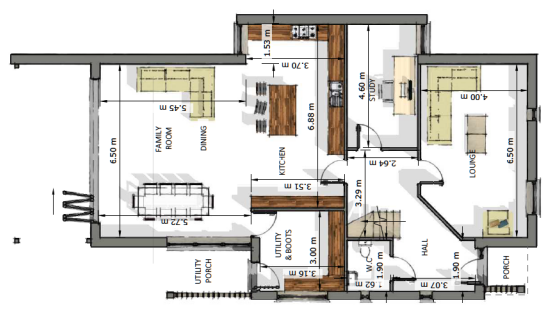
INDICATIVE FRONT VISUAL
Proposed
N.T.S.



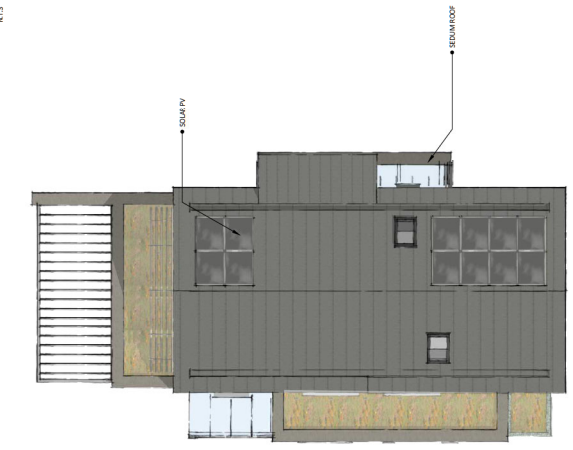
INDICATIVE REAR VISUAL
Proposed
N.T.S.



FIRST FLOOR PLAN
Proposed
Scale: 1:100



GROUND FLOOR PLAN
Proposed
Scale: 1:100



ROOF PLAN
Proposed
Scale: 1:100

ROOF: metal standing seam
WALL: linear brick
WALL: vertical timber cladding & metal standing seam
JOINERY: grey aluminium
RV GOODS: grey metal & hidden profiles

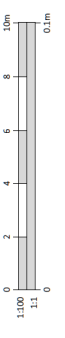
Iteration	Date	Description	Checked by	Checked by
A	19.07.2023	Conceptual design notes	JAW	BW
B	30.08.2023	Design notes	JAW	BW
C	25.09.2023	Design notes	JAW	BW
D	03.10.2023	Accessories to front elevation	JAW	BW
E	05.11.2024	HPV heat metal sheet	JAW	BW
F	09.01.2024	Final design notes	JAW	BW



One House Architects, Gloucestershire, GL15 6ST
 Wycombe Business Park, Monmouth, NP25 3SE
 175-181, St. Stephen Street, Gloucester, GL1 1ST
 01604 510161
 01604 510162
 01604 510163

Client: Newent Developments Ltd.
 Project: Land at Shurington Road, Shurington, Cheltenham, GL51 4SJ

Title: Plot 4 - Plans & Elevations
 Job No: CH2232r
 Drawing No: 304
 Revision: F
 Scale: 1:100
 Issue: COMMENT
 Date: MAY 2023
 www.apexarchitects.com
 enquiry@apexarchitects.com



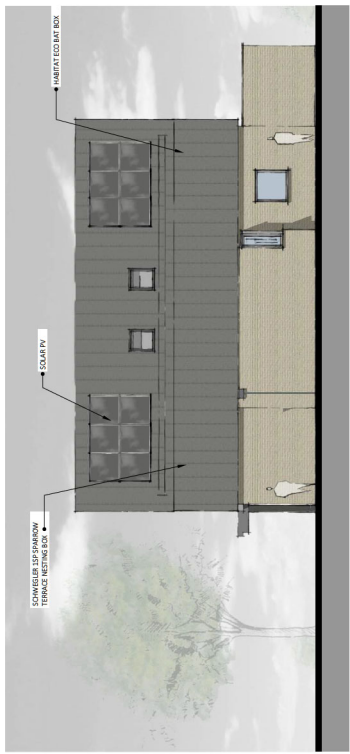
Shows Internal Floor Areas (GGA) for approximately described space (contingent)
 Plot 4.2.0.1.mf.4_Bed 8 person



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FRONT NORTH-WEST ELEVATION
 Proposed
 Scale 1:100



SIDE SOUTH-WEST ELEVATION
 Proposed
 Scale 1:100



REAR SOUTH-EAST ELEVATION
 Proposed
 Scale 1:100



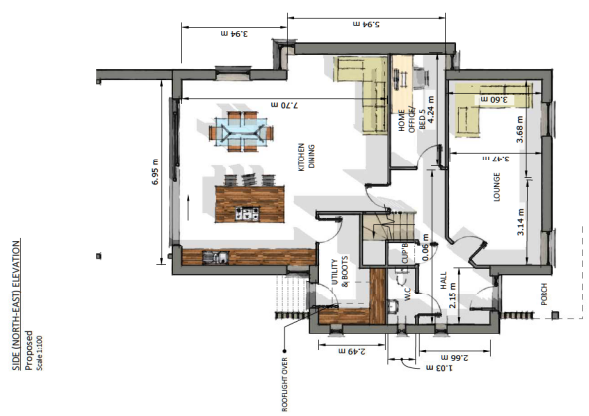
SIDE NORTH-EAST ELEVATION
 Proposed
 Scale 1:100



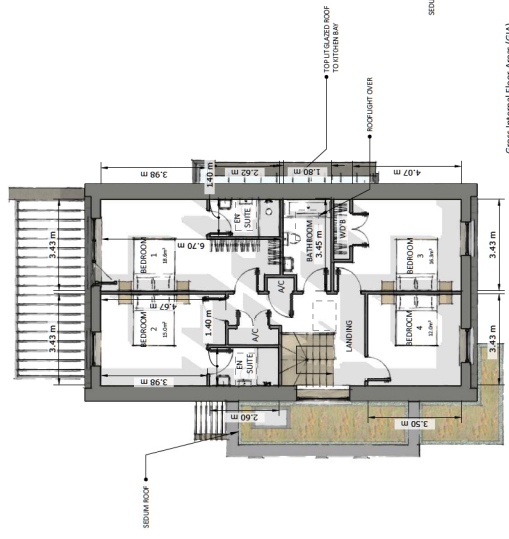
INDICATIVE FRONT VISUAL
 Proposed
 N15



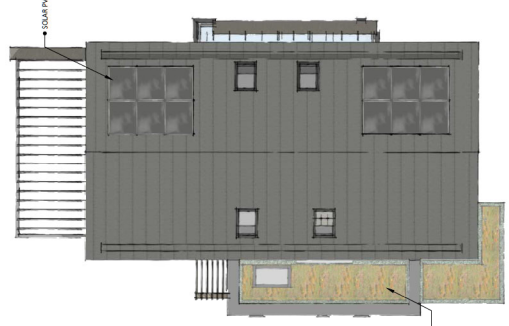
INDICATIVE REAR VISUAL
 Proposed
 N15



GROUND FLOOR PLAN
 Proposed
 Scale 1:100



FIRST FLOOR PLAN
 Proposed
 Scale 1:100



ROOF PLAN
 Proposed
 Scale 1:100

Grids, Internal Floor Levels (GLs)
 (to naturally described space
 standing)

Plot 5 2077m² 4 Bed 8 person

- ROOF:** metal standing seam
- WALL:** linear brick
- WALL:** vertical timber cladding & metal standing seam
- JOINERY:** grey aluminium
- RW GOODS:** grey metal & hidden profiles

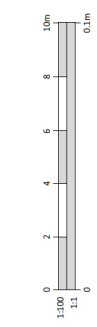
Revision	Date	Description	Drawn by	Checked by
A	10.07.2023	Design presented following client comments	JAW	JRW
B	06.01.2024	High level resolution shown for materials	JAW	JRW
C	08.01.2024	Final design presented	JAW	JRW



Old House Architects, Gloucestershire, GL15 6ST
 Wynton Business Park, Monmouth, NP25 3SE
 01864 510161
 01864 600101
 175 Old, St. Stephen Street, Gloucestershire, GL1 1AT
 01452 689360

Client: Newent Developments Ltd.
Project: Land at Shurington Road, Shurington, Cheltenham, GL51 4SJ

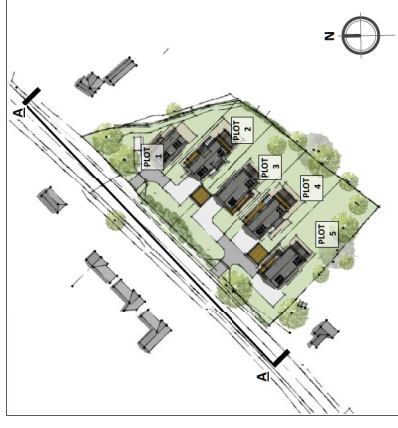
Job No.	Drawing No.	Revision	Date
CH1223r	305	C	MAY 2023



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 comments.



STREET SCENE ELEVATION AA
 Proposed
 N15
 Scale: 1:200



SITE PLAN LAYOUT KEY
 Proposed
 Scale: 1:1000



INDICATIVE PERSPECTIVE VIEW 1
 Proposed
 N15



INDICATIVE PERSPECTIVE VIEW 2
 Proposed
 N15



INDICATIVE PERSPECTIVE VIEW 3
 Proposed
 N15

Revised	Date	Description	Drawn by	Checked by
A	03.10.2023	Initial design and site plan	JAW	JBW
B	08.01.2024	Design revised to reflect client requirements	JAW	JBW

APEX
 ARCHITECTURE

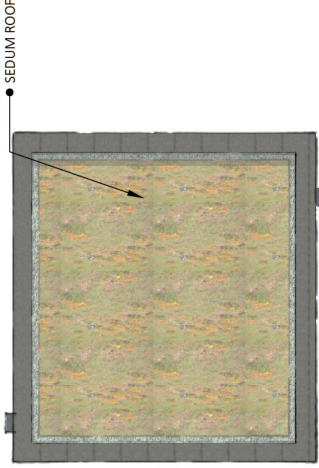
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 01800 001016
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Client: Newent Developments Ltd.
 Project: Land at Shurrlington Road, Shurrlington, Cheltenham, GL51 4JF

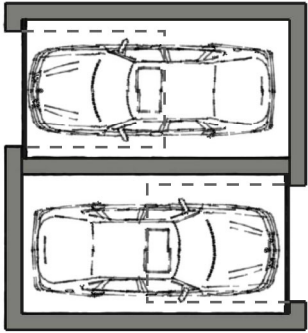
Tb	Proposed Site Sections & Perspective Views
Job No:	CH2223r
Drawing No:	316
Revision:	B
Scale(s):	1:200 & 1:1000
Issue:	COMMENT
Date:	MAY 2023

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 enquiry@apexarchitects.com

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ROOF PLAN
Proposed
Scale 1:100



GROUND FLOOR PLAN
Proposed
Scale 1:100

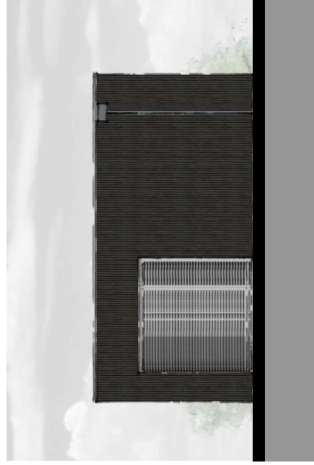
ROOF:	sedum
WALL:	black vertical timber cladding
JOINERY:	grey aluminium
RW GOODS:	grey metal



FRONT ELEVATION
Proposed
Scale 1:100



SIDE (R) ELEVATION
Proposed
Scale 1:100



REAR ELEVATION
Proposed
Scale 1:100



SIDE (R) ELEVATION
Proposed
Scale 1:100

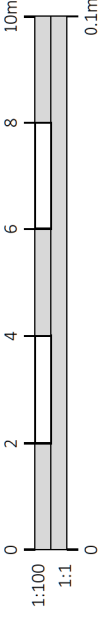


INDICATIVE PERSPECTIVE VIEW
Proposed
N.T.S

Revision	Date	Description	Drawn by	Checked by
A	10.01.2024	Drawing renamed.	JAW	JBW

Gross Internal Floor Areas (GIA)
(to nationally described space standard)

Garage 27.5m²



Oak House, Aylburton, Gloucestershire, GL15 6ST
01600 800101
Wystone Business Park, Monmouth, NP25 5SR
The Site, 24 Chosen View Rd, Cheltenham, GL51 9LT
01242 850 960

Client **Newent Developments Ltd.**

Project **Land at Shurdington Road,
Shurdington, Cheltenham,
GL51 4SJ**

Title **Garage - Plot 2 & 3**

Job No.	Drawing No.	Revision
CH122sr	308	N/A
Scale @A3	Issue	Date
1:100	DISCUSSION	03.05.23

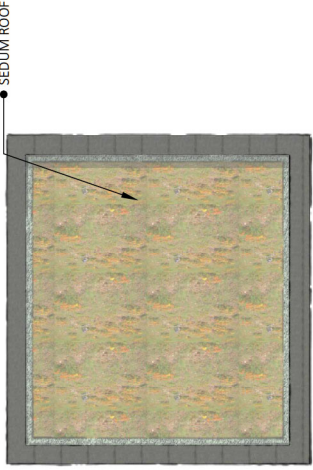
www.apexarchitecture.co.uk
enquire@apexarchitecture.co.uk

All dimensions to be checked on site by contractor prior to preparation of shop drawings and commencement of work on site.

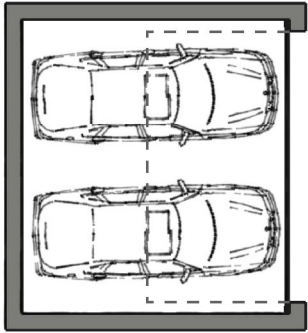
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ROOF PLAN
Proposed
Scale 1:100

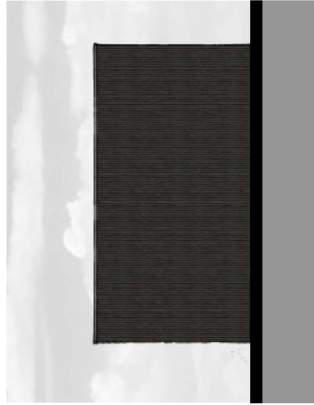


GROUND FLOOR PLAN
Proposed
Scale 1:100

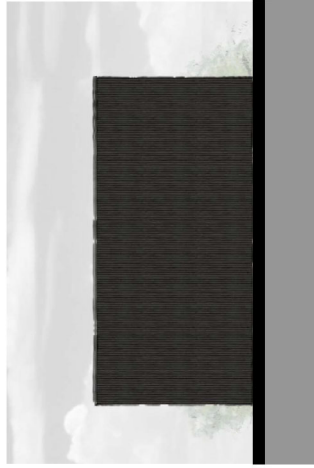
ROOF:	sedum
WALL:	black vertical timber cladding
JOINERY:	grey aluminium
RW GOODS:	grey metal



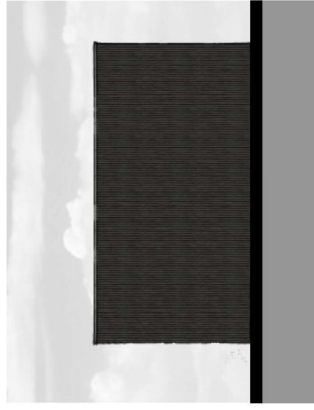
FRONT ELEVATION
Proposed
Scale 1:100



SIDE (R) ELEVATION
Proposed
Scale 1:100



REAR ELEVATION
Proposed
Scale 1:100



SIDE (R) ELEVATION
Proposed
Scale 1:100

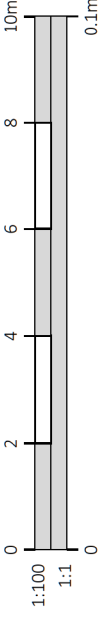


INDICATIVE PERSPECTIVE VIEW
Proposed
N.T.S

Revision	Date	Description	Drawn by	Checked by
A	03.01.2024	Drawing title changed.	JAW	JBW
B	10.01.2024	Drawing renamed.	JAW	JBW

Gross Internal Floor Areas (GIA)
(to nationally described space standard)

Garage 27.5m²



Oak House, Aylburton, Gloucestershire, GL15 6ST
Wynstone Business Park, Mornmouth, NP23 5SR
The Site, 24 Chosen View Rd, Cheltenham, GL51 9LT

Client **Newent Developments Ltd.**

Project **Land at Shurdington Road,
Shurdington, Cheltenham,
GL51 4SJ**

Title **Garage - Plot 4**

Job No.	Drawing No.	Revision
CH122sr	307	B
Scale @A3	Issue	Date
1:100	DISCUSSION	03.05.23

www.apexarchitecture.co.uk
enquire@apexarchitecture.co.uk

Legend

Existing trees and vegetation to be retained and protected during construction

Proposed tree planting within soft landscape. See detail

Proposed decorative hedge planting to be planted as specified
 Proposed mixed native hedging. Species to be planted in groups of 5-7 at percentages specified. All whips to be staked and tied with expandable rubber tree ties and covered with 60cm tall spiral tree guards
 Proposed mixed shrub planting area receive 75mm bark mulch after planting operations. Species to be planted in groups of 5-7
 Proposed shrub planting to receive 75mm bark mulch after planting operations

Proposed grass areas to receive good quality amenity grass turves laid in line with good horticultural practices

Proposed grassland areas, to be seeded with A4 Low Maintenance Areas grass seed mix as supplied by Geminal or similar

Proposed area to be seeded with WFG8 Hedgerows and Shaded Areas mix as supplied by Geminal or similar

Rear garden area

N.B. To be read alongside engineering and ecology plans



NOTES

1. All works to comply with the relevant Soft Landscape Specification.

2. All works to comply with the relevant Soft Landscape Specification.

3. All works to comply with the relevant Soft Landscape Specification.

4. All works to comply with the relevant Soft Landscape Specification.

5. All works to comply with the relevant Soft Landscape Specification.

6. All works to comply with the relevant Soft Landscape Specification.

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13. All works to comply with the relevant Soft Landscape Specification.

14. All works to comply with the relevant Soft Landscape Specification.

15. All works to comply with the relevant Soft Landscape Specification.

16. All works to comply with the relevant Soft Landscape Specification.

17. All works to comply with the relevant Soft Landscape Specification.

18. All works to comply with the relevant Soft Landscape Specification.

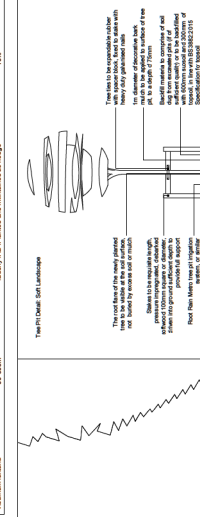
19. All works to comply with the relevant Soft Landscape Specification.

20. All works to comply with the relevant Soft Landscape Specification.

Species Name	Grth	Height	Quantity	Specification	No.
Amorpha canescens	10-15cm	200-250cm	Counted	Standard Clear Stem 125-150cm RB	3
Betula pubescens	10-15cm	200-250cm	Counted	Standard Clear Stem 125-150cm RB	3
Salix alba	10-15cm	200-250cm	Counted	Standard Clear Stem 125-150cm RB	3
Salix caprea	10-15cm	200-250cm	Counted	Standard Clear Stem 125-150cm RB	3
Salix virens	10-15cm	200-250cm	Counted	Standard Clear Stem 125-150cm RB	3

Species Name	Height	Pvt Size	Specification	Quantity	Percentage
Amorpha canescens	10-15cm	5	Sturdy C: Planted and maintained as hedge	150	5%
Betula pubescens	10-15cm	5	Sturdy C: Planted and maintained as hedge	150	5%
Salix alba	10-15cm	5	Sturdy C: Planted and maintained as hedge	150	5%
Salix caprea	10-15cm	5	Sturdy C: Planted and maintained as hedge	150	5%
Salix virens	10-15cm	5	Sturdy C: Planted and maintained as hedge	150	5%

Species Name	Height	Quantity	Percentage
Amorpha canescens	10-15cm	150	5%
Betula pubescens	10-15cm	150	5%
Salix alba	10-15cm	150	5%
Salix caprea	10-15cm	150	5%
Salix virens	10-15cm	150	5%



The tree to be established within the hedge should be planted with a 75mm diameter stake and spiral tree guard. The tree should be planted in a hole that is 100mm wider than the root ball and 100mm deeper. The hole should be filled with a 50:50 mix of topsoil and compost. The tree should be watered regularly during the first year of its life. The tree should be pruned annually to maintain its shape and size. The tree should be protected from frost and other weather conditions. The tree should be inspected regularly for signs of disease and pest infestation. The tree should be removed if it becomes diseased or damaged beyond repair.



Planning Committee

Date	19 March 2024
Case Officer	Erica Buchanan
Application No.	22/01220/FUL
Site Location	Land Off Old Gloucester Road and South Part Parcel 5800, Old Gloucester Road, Boddington
Proposal	Change of use of land to private Gypsy/Traveller site.
Ward	Badgeworth
Parish	Staverton
Appendices	TDA.2807.01 Site Location Plan TDA.2807.02 Existing site plan TDA.2807.03 Proposed site layout and landscaping TDA.2807.04 Proposed dayroom
Reason for Referral to Committee	Parish Council objection
Recommendation	Permit

Site Location



1. The Proposal

- 1.1 Full application details are available to view online at:
[tewkesbury-central.oncreate.app/w/webpage/apptracker?context_record_id=2805049&webpage_token=5233c3723ce69149afeb5f09d21f2bb281a648f4a7d98e700cf0d3900e9e1814](http://central.oncreate.app/w/webpage/apptracker?context_record_id=2805049&webpage_token=5233c3723ce69149afeb5f09d21f2bb281a648f4a7d98e700cf0d3900e9e1814)
- 1.2 The application proposes the change of use of equestrian stables and associated land to create a pitch for a single family in order to site a mobile home, a touring caravan and on which to construct a day room. The family is made up of Romany gypsy parents and their three sons.
- 1.3 The site layout plan shows that the existing buildings on the site would be removed and the rear of the proposed mobile home would be sited parallel to the road and the proposed day room would be constructed at right angles to the mobile home and facing onto the proposed driveway and parking area. The layout would incorporate lawned garden areas adjoining the access track and native tree and hedgerow planting is proposed on the boundaries of the site and to separate it from the adjoining paddock land.

2. Site Description

- 2.1 The site is a roughly rectangular parcel of land which is located directly to the south east of the B4634. The site adjoins a larger triangular shaped field, traditionally used for grazing that adjoins the M5 motorway to the east. The field is bound by trees and hedges and there is a mature and substantial hedge on the boundary with the B4634 so that the site is only visible in glimpsed views.
- 2.2 The site is located within the open countryside and Green Belt. There is an existing field access in the southwestern corner of the field with an internal access road leading to two existing stable buildings. The site has been used for equestrian use for at least 30 years.
- 2.3 The nearest neighbouring dwelling is located approximately 150 metres to the southwest of the site. The site is within Flood Zone 1 as identified by the Environment Agency indicating the lowest probability of risk for surface water flooding.

3. Relevant Planning History

- 3.1 There is no recorded planning history for the access into the site however it is apparent that the site and buildings have been in use for a significant number of years.

4. Consultation Responses

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

- 4.1 County Highway Authority – Object
- The proposed access arrangements would provide safe and suitable vehicular access
 - The impact on highway network is also accepted and considered negligible.
 - Site is not in a sustainable location
 - Services are not readily accessible other than by private car.
 - B4634 is a 50mph highway with no street lighting and footways are of poor condition.
 - There are bus stops within an acceptable distance of the application site.
 - Poor environment connecting the application site will likely discourage walking or cycling
 - Increased dependency on private vehicle
- 4.2 Housing Strategy and Enabling Officer – Supports the application.

- 4.3** Staverton Parish Council – Object
- Inappropriate development in the Green Belt
 - This section of the B4634 has 4 fields in a line occupied by travellers including a newly developed Showpersons site
 - Issues at other sites with removal of vegetation and closure of footpaths
 - Cumulative impacts on Parish from this and other sites of which 7 are listed
 - The area floods and the form inaccurately states that it does not
 - Dangerous access
 - Visible from M5
- 4.4** Environmental Health – Concerns about noise from M5 however proposes a condition for the acoustic fencing details to be submitted and approved prior to occupation.
- 4.5** Drainage Officer – Further details need to be submitted relating to surface water run-off and foul water drainage.

5. Third Party Comments/Observations

- 5.1** Full copies of all the representation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.
- 5.2** The application has been publicised through the posting of site notices and via a neighbour notification letter allowing for a period of 21 days and 19 representations were received. The contents are summarised below:
- Inappropriate development within the Green Belt.
 - Not allocated for this use.
 - Very Special Circumstances not demonstrated
 - Not a sustainable location
 - Impact on agricultural/ rural character
 - Impact on wildlife
 - Site prominently visible from road and visible from M5
 - Cumulative impact on area when considered along with other gypsy/ traveller sites which are located in close proximity
 - The village of Staverton has already accommodated significant development and more is proposed, including a large Cheltenham expansion and Cyber Park with associated traffic levels and disturbance
 - Lack of detail provided for proposed sewerage treatment plant
 - Accessibility of site to education, healthcare and employment in accordance with PPTS
 - Highway safety at access onto busy main road with other accesses/ junctions in vicinity
 - Precedent for development of rest of field and erosion of the Green Belt
 - Site is closer to Staverton village than stated
 - Although the council has a responsibility to house all communities, there is a disproportionately high amount of static caravan sites and gypsy sites in the immediate vicinity.
 - Increase in noise and light pollution

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

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

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

6.2 National guidance

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

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

Policy SP1 (The Need for New Development)
Policy SP2 (The Distribution of New Development)
Policy SD4 (Design Requirements)
Policy SD5 (Green Belt)
Policy SD6 (Landscape)
Policy SD9 (Biodiversity and Geodiversity)
Policy SD10 (Residential Development)
Policy SD12 (Affordable Housing)
Policy SD13 (Gypsy, Travellers and Travelling Showpeople)
Policy SD14 (Health and Environmental Quality)
Policy INF1 (Transport Network)
Policy INF2 (Flood Risk Management)
Policy INF3 (Green Infrastructure)

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

Policy RES2 (Settlement Boundaries)
Policy RES3 (New Housing Outside Settlement Boundaries)
Policy RES4 (New Housing at Other Rural Settlements)
Policy RES5 (New Housing Development)
Policy GTTS1 (Site Allocations for Gypsies and Travellers)
Policy GRB4 (Cheltenham – Gloucester Green Belt)
Policy LAN2 (Landscape Character)
Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
Policy ENV2 (Flood Risk and Water Management)
Policy TRAC1 (Pedestrian Accessibility)
Policy TRAC9 (Parking Provision)

6.5 Relevant Case Law

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

7. Policy Context

- 7.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 7.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), the Tewkesbury Borough Local Plan 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 Planning Policy for Traveller Sites (PPTS), the National Design Guide (NDG) and National Model Design Code.

8. Evaluation

Principle of Development (including Green Belt)

- 8.1** Policy SD13 of the JCS states that:

“Proposals for new permanent and temporary, residential and transit Gypsy, Traveller and Travelling Showpeople sites will be assessed against the following criteria:

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

Gypsy status

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

- 8.3** The applicant's supporting statement confirms that the proposed occupiers of the site are Romany Gypsies. The Council has no reason to doubt their gypsy status and thus accept that the applicants meet the definition and are gypsies for the purposes of the determination of this application.
- 8.4** The principle of development / whether the proposal represents appropriate development in the Green Belt
- 8.5** Policy SD5 states that: "To ensure the green belt continues to serve its key functions, it will be protected from harmful development. Within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless very special circumstances can be demonstrated."
- 8.6** Paragraph 142 of the Framework says: "The Government attaches great importance to Green Belts. The fundamental aim of green belt policy is to prevent urban sprawl by keeping land permanently open."
- 8.7** Paragraph 143 says that: "The green belt serves five purposes:
a) to check the unrestricted sprawl of large built-up areas;
b) to prevent neighbouring towns merging into one another;
c) to assist in safeguarding the countryside from encroachment;
d) to preserve the setting and special character of historic towns; and
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land."
- 8.8** Paragraph 152 says: "Inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances."
- 8.9** Paragraph 153 says: "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."
- 8.10** In relation to the application site, as it has been used for equestrian purposes and the existing buildings are associated stables, the site is considered to constitute previously developed land.
- 8.11** Paragraphs 154 of the NPPF list several forms of development which are not inappropriate within the Green Belt. Of relevance to this application is development comprising:

(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".
- 8.12** Whilst traveller sites either temporary or permanent in the Green Belt are typically inappropriate development the proposal in this instance would result in the re-development of previously developed land and is not therefore inappropriate development and the principle of development is acceptable subject to other material planning considerations set out below.

Impact on openness

- 8.13** The proposed development seeks a change of use of land to comprise a single pitch for a gypsy family. The pitch would accommodate a static home, a day room and a touring caravan. There would also be parking and likely other paraphernalia associated with the residential use.
- 8.14** The proposed pitch and associated caravans and dayroom would be set to the southwestern part of the site and would occupy a smaller area than the existing stable yard at present. The caravan and dayroom would replace two substantial stable buildings at the site and would not have a greater impact on openness than the existing use.
- 8.15** The site is relatively enclosed by trees and hedges along the B4634 and further planting is also proposed along the eastern boundary of the site to provide screening. The site comprises only part of an existing open field and it contributes only modestly to the network of fields that surround the wider area which prevent the merging of Cheltenham and Gloucester.
- 8.16** The proposal would introduce low lying structures and associated development which would be partially screened from the roadside by existing vegetation and would replace existing equestrian buildings. As stated above as the site is previous developed land it falls within the exceptions set out in Paragraph 154 (g) and it is considered that the associated development and use of the land would not have a greater impact on the openness of the Green belt than development already present on the site.

Housing land supply

- 8.17** 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.
- 8.18** Furthermore, Footnote 41 to Paragraph 77 of the NPPF states that 'for the avoidance of doubt, a five year supply of deliverable sites for travellers as defined in Annex 1 of the PPTS – should be assessed separately, in line with the policy in that document. Therefore, although the Council cannot currently demonstrate a 5 year housing land supply, the absence of such a supply is not relevant to this application and the need for pitches in the District is outlined below.

Need for pitches

- 8.19** Policy GTTS1 of the Local Plan provides site allocations for gypsies and travellers with a total of 38 pitches allocated until the end of the plan period in 2031. The policy was adopted based on the Gloucester Gypsy and Traveller Accommodation Assessment (GTAA) which was published at the end of 2017. This informed that an additional 2 pitches per annum through criteria-based Policy SD13 of the JCS would be required to meet the total need for travellers over the plan period, including those of 'unknown' status.

- 8.20** Since the adoption of the policy, the GTAA was updated in November 2022 which changes the projected need moving forwards. This assessment is different for two reasons: 1) the definition of Gypsy and Traveller has changed since the previous GTAA and thus the need is now assessed differently; and 2) based on the different definitions, the shortfalls have changed.
- 8.21** Tewkesbury Borough has an identified need for an additional 96 Gypsy, Roma and Traveller pitches, over the GTAA (November 2022) period up until 2041. 29 of those pitches are to be delivered within the period 2021 – 2026, as well as an additional 21 between 2026-2031.
Paragraph 27 of the PPTS states that ‘If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).’
- 8.22** There is therefore, a significant identified shortfall of pitches and this should be afforded significant weight. It should also be noted that while Green Belt sites would not typically be appropriate for such development, as the current site comprises previously developed land, the proposed use would therefore not be inappropriate development as the proposal would comprise the complete redevelopment of previously developed land and is an identified exception.

Other considerations

- 8.23** The Human Rights Act establishes a right to respect for private and family life and the Public Sector Equality Duty requires that a public authority must foster good relations between persons who share a relevant protected characteristic and those who do not. The United Nations Convention on the Rights of the Child, under Article 3, requires a child’s best interests to be a primary consideration, and no other consideration must be regarded as more important or given greater weight than the best interests of any child.
- 8.24** In this context, the implications of Article 3 of the UNCRC in planning decisions is addressed in *Stevens v Secretary of State* [2013] EWHC 792 concerns the implications of Article 3 of the UNCRC in planning decisions. Hickinbottom J said at paragraph 69: ‘From these authorities, in respect of the approach of a planning decision-maker, the following propositions can be derived.’
- 8.25** Given the scope of planning decisions and the nature of the right to respect for family and private life, planning decision-making will often engage article 8. In those circumstances, relevant article 8 rights will be a material consideration which the decision-maker must take into account. Where the article 8 rights are those of children, they must be seen in the context of article 3 of the UNCRC, which requires a child’s best interests to be a primary consideration.
- 8.26** This requires the decision-maker, first, to identify what the child’s best interests are. In planning context, they are likely to be consistent with those of his parent or other carer who is involved in the planning decision-making process; and, unless circumstances indicate to the contrary, the decision-maker can assume that that carer will properly represent the child’s best interests, and properly represent and evidence the potential adverse impact of any decision upon that child’s best interests.

- 8.27** Once identified, although a primary consideration, the best interests of the child are not determinative of the planning issue. Nor does respect for the best interests of a relevant child mean that the planning exercise necessarily involves merely assessing whether the public interest in ensuring planning controls is maintained outweighs the best interests of the child. Most planning cases will have too many competing rights and interests, and will be too factually complex, to allow such an exercise.
- 8.28** However, no other consideration must be regarded as more important or given greater weight than the best interests of any child, merely by virtue of its inherent nature apart from the context of the individual case. Further, the best interests of any child must be kept at the forefront of the decision-maker's mind as he examines all material considerations and performs the exercise of planning judgment on the basis of them; and, when considering any decision he might make (and, of course, the eventual decision he does make), he needs to assess whether the adverse impact of such a decision on the interests of the child is proportionate.
- 8.29** Whether the decision-maker has properly performed this exercise is a question of substance, not form. However, if an inspector on an appeal sets out his reasoning with regard to any child's interests in play, even briefly, that will be helpful not only to those involved in the application but also to the court in any later challenge, in understanding how the decision-maker reached the decision that the adverse impact to the interests of the child to which the decision gives rise is proportionate. It will be particularly helpful if the reasoning shows that the inspector has brought his mind to bear upon the adverse impact of the decision he has reached on the best interests of the child, and has concluded that that impact is in all the circumstances proportionate ...'
- 8.30** The application sets out that family are Romany Gypsies and the parents formerly travelled but then travelling became limited to school holidays due to the educational needs of their children. The family now no longer travel due to the health needs of their youngest child. The family currently reside on an extended family site with their relatives in Twynning; however, the pitch is too small for the family and not appropriate for their specific care needs.
- 8.31** The youngest son of the family has healthcare needs and will require full time care throughout his lifetime including safe and suitable outdoor space. The supporting information advises that this cannot be provided effectively on the family's current site due to the scale of the site and the vehicle movements associated with other occupiers. These circumstances and needs are corroborated in several documents provided by appropriate professionals associated with the child's welfare.
- 8.32** It is considered that the submitted healthcare and specialist education needs make a compelling case that providing a settled home on the application site would be in the best interests of the child. As detailed above the rights of a child are a primary consideration and great weight should be given to the best interests of any child in accordance with the provisions of the Human Rights Act and UN Convention on the Rights of the Child.
- 8.33** While the application site lies outside of a defined settlement, within the green belt and away from local services, the proposal would allow the family to be located closer to support services than their present site and would allow for the specific needs of the family. The principle of the use of the site is considered acceptable on balance and subject to other considerations set out below.

Highways and Accessibility

Suitability of the site's rural location

- 8.34** The PPTS states that issues of sustainability should not be considered narrowly solely in terms of transport mode and distances from services.
- 8.35** Paragraph 109 of the NPPF states that: "Significant development should be focused on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes."
- 8.36** Paragraph 25 of the PPTS states that: "Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure."
- 8.37** Concerns have been raised by the local community that the cumulative impact of the proposal when considered along with other gypsy and traveller sites within the Parish and immediate vicinity of the site would dominate the community. However, the application is for a single pitch for a single family and the proposed pitch would not be located within immediate proximity to any neighbouring dwellings and separated from the settlement of Staverton by the B4634 and open fields.
- 8.38** Joint Core Strategy Policy SD13 seeks a suitable location in terms of access to local amenities, services and facilities, including schools.
- 8.39** The Local Highway Authority (Gloucestershire Council County) has objected to the proposed location of the development based on the fact that services and facilities are not readily accessible from the site other than access via private car.
- 8.40** The site is located along the Old Gloucester Road (B4634), which is a busy road that connects Staverton and west Cheltenham as well as providing links to the M5 motorway. The site is not well served by footways and street lighting and it is therefore likely that the occupiers of the site would be reliant on the use of the private motor vehicle to reach the majority of community facilities and other services. The fairly remote location of the site is therefore considered to be a disadvantage to the application.
- 8.41** However, the site is significantly closer to the special school attended by the youngest son than where the family currently resides in Twyning and given the nature of the case that has been submitted the private car would have to be used for all trips for the youngest child to school and medical appointments regardless of the location of the family's pitch. The site is located in relatively close proximity to Cheltenham and all facilities required by the family would be only a short journey away.
- 8.42** A cycleway linking Cheltenham and Gloucester has recently been created along the B4063 which is under half a mile from the application site and there is also a regular bus service running along the B4063 although pedestrian access from the site to the B4063 is not ideal with no footways or street lighting.
- 8.43** In conclusion, the location of the site is considered suitable for the siting of a new Gypsy and Traveller pitch given the particular circumstances that have been outlined within the application.

Access

- 8.44** Paragraph 114 of the NPPF states that: “In assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.”
- 8.45** Paragraph 115 states that: “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.”
- 8.46** The Local Highways Authority have stated ‘In terms of safe and suitable vehicular access to this site, the proposed arrangements are deemed acceptable and the impact on highway network is also accepted and considered negligible.’ It is therefore considered that the proposed access is acceptable in terms of highway safety.

Landscape Impact

- 8.47** Policy SD13 of the JCS states, amongst other things, that: “Proposals for new permanent and temporary, residential and transit Gypsy, Traveller and Travelling Showpeople sites will be assessed against the following criteria: i. Proposals on sites in areas of sensitive landscape will be considered in accordance with Policy SD6 (Landscape Policy) and Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty). In all other locations the
- 8.48** proposal must not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and should be sensitively designed to mitigate any impact on its surroundings.”
- 8.49** Section 15 of the NPPF relates to “Conserving and enhancing the natural environment” and, at paragraph 184, specifies that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and protecting and enhancing valued landscapes.
- 8.50** Policy SD6 (Landscape) specifies that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. It also states that all applications for development will consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect.
- 8.51** Policy C of the PPTS states that: “When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.”
- 8.52** Policy H of the PPTS states that: “When considering applications, local planning authorities should attach weight to the following matters: a) effective use of previously developed (brownfield), untidy or derelict land b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.”

- 8.53** A Landscape Design document has been submitted with the application which proposes:
- The removal of existing surfacing and the re-instatement of the paddock area to the north east of the site to improve the amenity value of the land.
 - The introduction of 8 no. native trees, in-keeping in character with those already present, to provide landscape structure/screening and enhance the arboricultural fabric and value of the site.
 - The introduction of 63 linear metres of new native hedgerows to provide landscape structure, define the proposed pitch and improve the sites landscape fabric and bio-diversity value.
 - The introduction and careful positioning of 77 square metres of new native understorey planting to improve screening provided by existing peripheral vegetation and further filter views of the development from Old Gloucester Road
 - The utilisation of post and rail fences and gates sensitive to the setting of the site and in-keeping in character with those already present in the locality, to define the proposed residential area.
 - The creation of new lawn areas for general amenity and the development of a sensory garden between the mobile home and day room for use by an autistic child resident at the site.

8.54 The site is located within a rural location in green belt land west of Cheltenham and the land currently comprises an open field surrounded by trees and hedging and with two buildings to the northern end of the site. The proposed caravans and day room would be positioned to the north of the site adjoining the boundary hedging alongside the B4634 and would replace the existing buildings. The site is not currently prominently visible from the road due to the existing boundary treatment and as outlined above additional native planting and landscaping is proposed to define and screen the site from the M5.

8.55 Whilst the proposal will result in some harm to the rural landscape, it is not considered that the proposed pitch would result in significant landscape impact such that would warrant a refusal of planning permission. Furthermore the provision of additional soft landscaping as proposed is appropriate with regards to Policy H of the PPTS as detailed above and would enhance the site over time.

Residential Amenity

8.56 Policy SD14 states that: “New development must: i. Cause no unacceptable harm to local amenity including the amenity of neighbouring occupants; ii. Result in no unacceptable levels of air, noise, water, light or soil pollution or odour, either alone or cumulatively.”

8.57 Policy SD4 states that: “New development should enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space, and the avoidance or mitigation of potential disturbances, including visual intrusion, noise, smell and pollution. New development should be designed to contribute to safe communities including reducing the risk of fire, conflicts between traffic and cyclists or pedestrians, and the likelihood and fear of crime.”

8.58 The nearest neighbouring dwelling is located over 150 metres from the site and the proposed development will not result in any harm to the amenity of neighbouring occupiers by virtue of loss of privacy or light.

8.59 The proposed scale of the pitch is considered sufficient to ensure a good standard of amenity for future occupiers and the layout of the pitch would provide an appropriately sized outside amenity space. However, the site is located in close proximity to both the B4634 and the M5 which could result in noise disturbance for future occupiers. Environmental Health have been consulted and have raised a concern regarding the noise from both the M5 and the B4634 and have noted that the applicant is proposing an acoustic fence along the boundary however more details are needed and have recommended a condition for the details to be submitted.

8.60 In addition to the above Environmental Health have raised concerns relating to potential contamination from the historic agricultural uses however this can be addressed by a suitably worded condition to deal with any potential contamination from the use of the buildings as stables.

Design and Layout

8.61 Policy SD4 of the JCS requires that new development should respond positively to, and respect the character of, the site and its surroundings including through its layout, mass and form.

8.62 As stated above the proposed layout is considered acceptable given the replacement of existing equestrian buildings and the existing screening of the site which is to be enhanced with additional native planting. The development is for a single pitch and the scale and form of the development is considered acceptable with regards to the provisions of Policy SD4 of the JCS.

Drainage and Hydrology

8.63 Policy SD13 of the JCS states that: "Proposals for new permanent and temporary, residential and transit Gypsy, Traveller and Travelling Showpeople sites will be assessed against the following criteria: No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where other forms of housing would not be suitable."

8.64 Policy ENV2 states that: "In order to avoid and manage the risk of flooding to and from new development in the Borough, proposals should incorporate sustainable drainage systems where appropriate and proportionate to the scale of the development."

8.65 The scheme proposes surface water drainage to soakaway and installation of a package treatment plant for foul drainage. Following consultation with the Council's Land Drainage Officer, it is advised that the applicant needs to submit a plan showing how the surface water runoff from the proposed site will be drained and clearly showing the location of outfall.

8.66 Additionally, details will need to be submitted for foul water drainage as the applicant is proposing to use a non-mains drainage (Package treatment plant) and a drainage field, the package treatment plant will discharge into the drainage field, and therefore the following information needs to be provided:

- A plan with dimensions showing the location and position of the key elements, package treatment plant and drainage field.
- A scaled map showing the nearest public sewer connection point to the site.
- An environmental permit may be required depending on the distance from the site to the public sewer connection point.
- Applicant is proposing a drainage field which is a system of infiltration pipe placed

in trenches and arranged so that effluent can be discharged into the ground. Ground percolation tests to BRE365 is required to ensure that ground conditions are suitable for infiltration.

- A written explanation of why it is not feasible to connect into the public foul sewer.

These details can be secured by condition.

Planning Balance

- 8.67** The site lies within the open countryside and within the green belt where such development would be considered inappropriate. However, the council can not presently demonstrate an up to date 5 year supply of sites and this weighs heavily in favour of the development as does the personal circumstances of the applicant. The green belt location is considered acceptable as the proposal would constitute appropriate development as defined in Paragraph 154(g) of the NPPF in that it would entail the redevelopment of previously developed land and would not have a greater impact on the openness of the green belt than the existing development.
- 8.68** There would be some landscape harm from the proposed development and associated domestication of the site however this would be localised and the harm would reduce over time as the proposed landscaping establishes.
- 8.69** Matters in respect of drainage, contamination and noise would have a neutral impact as they can be adequately addressed by condition.

9. Overall 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 Council cannot demonstrate a five-year supply of gypsy and traveller sites; and this lack of available sites weighs in favour of the proposal. Furthermore, the proposal constitutes a green belt exception category under Paragraph 154 (g) and would meet the specific needs of a child. These benefits clearly outweigh any harms identified.

10. Recommendation

- 10.1** Given the above, the recommendation is to PERMIT the application subject to the following conditions:

11. Conditions

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved documents: -
TDA.2807.01 Site Location Plan
TDA.2807.02 Existing site plan
TDA.2807.03 Proposed site layout and landscaping
TDA.2807.04 Proposed dayroom

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

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

3. There shall be no more than one pitch on the site and no more than two caravans (of which no more than one shall be a static caravan), as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the pitch at any time.

Reason: To protect the character of the area and openness of the Green Belt.

4. Prior to the commencement of the development hereby permitted, a scheme (hereafter referred to as the Site Development Scheme) shall be submitted to, and approved in writing by, the local planning authority, which shall include:

- a) details of external lighting within the site;
- b) a hard and soft landscaping scheme. Hard landscaping shall include means of enclosure and surfacing materials. Soft landscaping (to be broadly in accordance with details shown on TDA.2807.03) shall include identification of all trees, shrubs, and hedges to be planted and retained showing their species, spread and maturity; new tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities; and a schedule of landscape maintenance for a period of 5 years following initial planting;

The development shall be carried out in accordance with the Site Development Scheme which shall be implemented in full prior to the occupation of the pitch hereby permitted. Following implementation of the approved Site Development Scheme, that scheme shall thereafter be maintained.

No lighting, hardstandings or means of enclosure other than those forming part of the approved scheme shall at any time be constructed or erected on the site.

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

5. All planting, seeding or turfing in the approved details of landscaping within the Site Development Scheme, the subject of condition 4 shall be carried out in the first planting and seeding season following the first occupation of the site or completion of the development, whichever is the sooner, and if any trees or plants which within a period of four years from the completion of the development die, are removed or become seriously damaged or diseased they shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity.

6. Prior to first use of the site, an acoustic fence shall be constructed in accordance with details which shall first be submitted to and approved in writing by the local planning authority. The details of the fence shall be outlined on a map and should enclose the site and outdoor living area.

Reasons: to protect the living conditions of future occupiers.

7. Prior to commencement of works, details shall be submitted and approved in writing showing how the surface water runoff from the proposed site will be drained and clearly showing the location of outfall. Details will need to be submitted for foul water drainage as the proposed use is for a non-mains drainage (Package treatment plant) and a drainage field.



The following will need to be included in the details:-

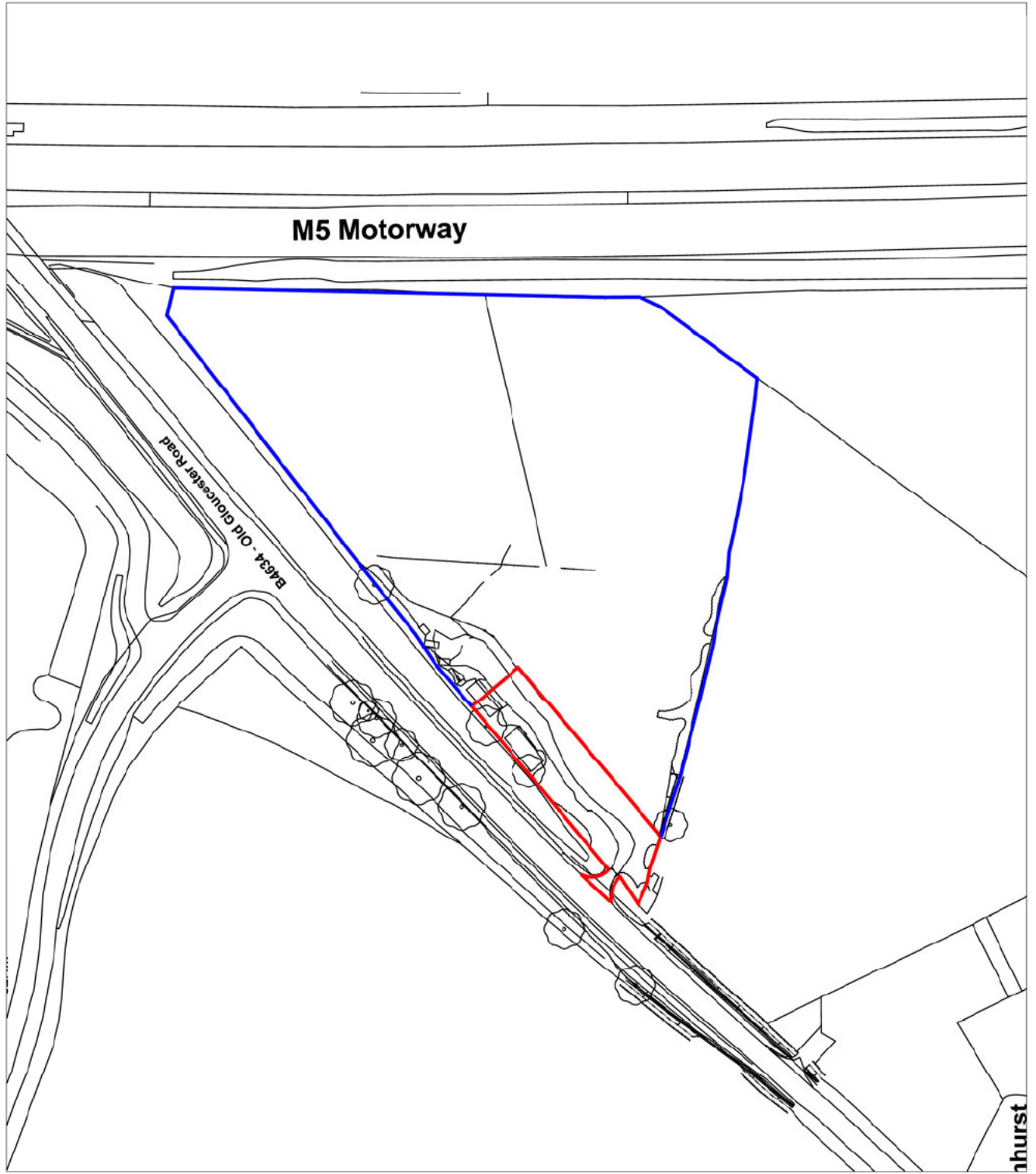
- A plan with dimensions showing the location and position of the key elements, package treatment plant and drainage field.
- A scaled map showing the nearest public sewer connection point to the site.
- An environmental permit may be required depending on the distance from the site to the public sewer connection point.
- Ground percolation tests to BRE365 is required to ensure that ground conditions are suitable for infiltration.
- A written explanation of why it is not feasible to connect into the public foul sewer.


Reason: To ensure a satisfactory form of drainage

12. **Informatives**

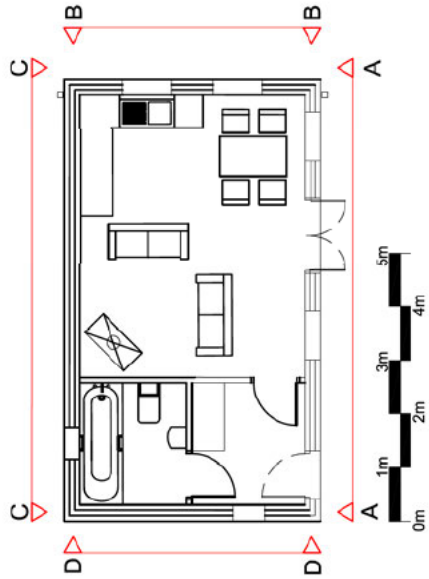
- 1 In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating amendments and additional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

- KEY:
-  Application Boundary
 -  Other Land within Client Ownership



REV.	NOTE.	BY.	DATE.
 TDA Environment Landscape Design			
TDA THE GRANARY NEWLAND FARM LLANGAN CHRIS SDW TEL: 01463 766007			
CLIENT		[REDACTED]	
DRAWING NUMBER	SCALE	DATE	
TDA2807.01	1:1250@A3	NOVEMBER 2022	
DRAWN	RIC		
PROJECT			
PROPOSED GYPSY & TRAVELLERS SITE ON LAND OFF OLD GLOUCESTER ROAD, STAVERTON			
DRAWING TITLE			
SITE LOCATION PLAN			

Proposed Floor Plan



1:100 @ A3

Material Details

WALLS:

Cavity walls consisting of fair faced blocks internally and timber cladding externally.

ROOF:

Cement fibre slates

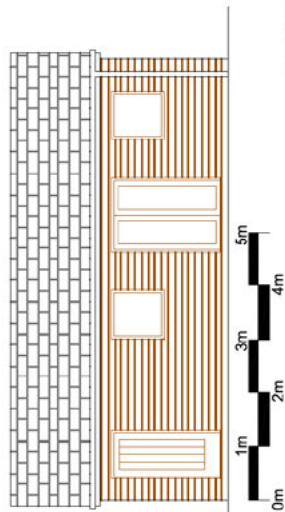
WINDOWS & DOORS:

Dark brown UPVC triple glazed windows and patio doors
Dark brown solid timber doors

Note:

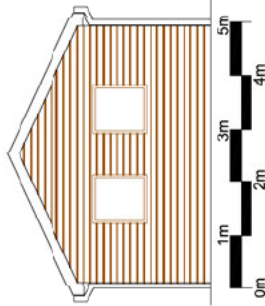
All dimensions shown in millimetres unless stated otherwise

Elevation A-A



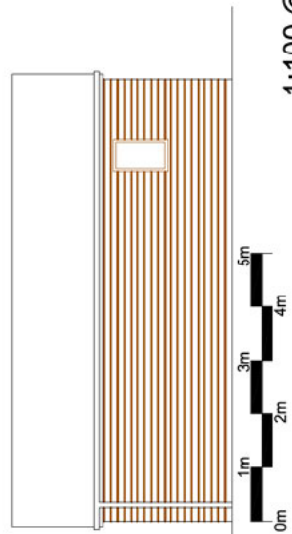
1:100 @ A3

Elevation B-B



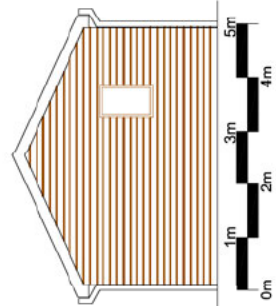
1:100 @ A3

Elevation C-C



1:100 @ A3

Elevation D-D



1:100 @ A3

REV	NOTES	BY	DATE
			
TDA THE GRANARY NEWLAND FAVR FARM LLANGAN CHRIS SDM TEL: 01466 771250			
CLIENT		[REDACTED]	
DRAWING NUMBER	SCALE	1:100 @ A3	
TDA2807.04	DATE	NOVEMBER 2022	
DRAWN	RHC		
PROJECT			
PROPOSED GYPSY & TRAVELLERS SITE ON LAND OFF OLD GLOUCESTER ROAD, STAVERTON			
DRAWING TITLE			
PROPOSED DAY ROOM (PLAN & ELEVATIONS)			

Planning Committee

Date	19 March 2024
Case Officer	Mrs Emily McKenzie
Application No.	23/01132/FUL
Site Location	12A Beverley Gardens, Woodmancote
Proposal	First floor extension and single storey rear and side extension.
Ward	Cleeve Hill
Parish	Woodmancote
Appendices	Existing and proposed site plan Existing floor plans Proposed floor plans Existing elevations and roof plan Proposed elevations and roof plan
Reason for Referral to Committee	Objection from the Parish Council
Recommendation	Permit

Site Location



1. The Proposal

- 1.1 Full application details are available to view online at:
<https://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S58PIZQDMTR00>
- 1.2 The development subject of this application seeks two elements as follows:
1. First storey extension to the north-eastern part of the dwelling comprising two parts; a connecting flat roofed element adjacent to the existing first storey protrusion, and a further mono pitched roof mimicking the style of the existing dwelling. Both of which would be finished in timber cladding (walls) and metal sheeting (roof) to match existing; and
 2. Single storey mono pitched extension to the north-eastern part of the dwelling which would be finished in brick colour matched to the Cotswold stone façade.
- 1.3 Seemingly, no changes are proposed to the boundary treatments and as such the eastern boundary would remain as a post and rail, and close boarded fence.

2. Site Description

- 2.1 This application relates to 12A Beverley Gardens, a recently constructed dwelling finished in a contemporary style. To facilitate its construction, the curtilage of No.12 was subdivided and No.12A occupies the eastern segment of that land. Both No.12 and No.12A share the same access via Beverley Gardens.
- 2.2 The dwelling is bordered to the east by open agricultural fields and in all other directions by residential neighbours.
- 2.3 The site itself is located within the residential settlement boundary however is not directly affected by any further constraints or designations. Notwithstanding this, it is noteworthy that the eastern border forms a boundary with the Cotswolds National Landscape, and just beyond the southern border lies the Woodmancote Conservation Area.
- 2.4 The site is located within Flood Zone 1 as defined by the Environment Agency, indicating the lowest probability of risk for surface water flooding.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
15/00981/FUL	Demolition of ancillary buildings and erection of a new two storey dwelling in the subdivided existing curtilage. Minor alterations to the existing bungalow to be retained and associated external works.	PERMIT	25.11.2015
16/00363/FUL	Erection of a new two storey dwelling within existing curtilage and minor alterations to the existing bungalow (amendment to previously approval - 15/00981/FUL).	PERMIT	06.07.2016

4. Consultation Responses

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

4.2 Woodmancote Parish Council – Objection on the following grounds:

- The original house is incongruous
- The cladding and balcony of the original house do not assimilate well with the surrounds
- The original house is unwarranted suburban design
- The scheme is contrary to RES5
- The roof line of the original house is out of keeping with existing bungalows in the area
- Adding to the design of the original house would make the house look even more out of place
- The WNDP says that 2 storey dwellings are out of character in this area
- Large windows and glazed balconies are contrary to RES5 and would be visible from the footpath
- Further alterations would erode the character of the area even further
- This would set a precedent
- Unacceptable intrusion into the countryside contrary to Policy RES5
- More accommodation will result in a need for more parking which is already overstretched in this area
- The boundary treatment of a close boarded fence would be replaced with a wall which should be Cotswold stone
- The scheme is contrary to Policy 1 of the WNDP because it does not conserve or enhance the AONB

4.3 Conservation Officer – No objection.

4.4 Highways Officer – 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/>.

5.2 The application has been publicised through the neighbour notification letters and two letters of representation have been received (one in support and one in objection) Comments are summarised below:

- The development would encourage on street parking, on an already busy road
- The roof extension is out of keeping with other properties in the area
- The extension would overshadow and result in a loss of light to the gardens of No's 14 and 16

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

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

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

6.2 National guidance

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

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

Policy SD4 (Design Requirements)
Policy SD7 (AONB)
Policy SD8 (Historic Environment)
Policy SD14 (Health and Environmental Quality)
Policy INF1 (Transport Network)

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

Policy RES10 (Extensions and Alterations to Existing Dwellings)
Policy LAN2 (Landscape Character)
Policy ENV2 (Flood Risk and Water Management)
Policy TRAC9 (Parking Provision)
Policy HER1 (Conservation Areas)

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

Policy 1 (Cotswolds Areas of Outstanding Natural Beauty)
Policy 5 (Water Management Statements)
Policy 6 (Design of SUDS)
Policy 7 (Natural Flood Management)
Policy 8 (Flooding on roads in the AONB)
Policy 9 (Design)

6.6 Cotswold National Landscape Management Plan 2023-2025

7. Policy Context

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

8. Evaluation

Design and Visual Amenity

- 8.1** JCS Policy SD4 of the Joint Core Strategy sets out requirements for high quality design while Local Plan Policy RES10 provides that development must respect the character, scale and proportion of the existing dwelling and the surrounding development. Policy 9 of the WNDP echoes the same requirements.
- 8.2** The existing dwelling is of a contemporary design, which is generally a departure from the character and appearance of dwellings within the local area which typically features bungalows and other traditional-style homes.
- 8.3** The ground floor extension would assimilate well with the layout and design of the dwelling, marginally increasing the internal floor space and creating a utility room, as well as changing the covered parking area into a formal garage. The extension is proposed to be stepped in from the boundary and thus the eastern boundary fence would remain intact, and the elevations are proposed to be finished in a buff coloured brick. Whilst this is a departure from the materials exhibited on the remainder of the dwelling, given the position of the extension which would be concealed from views by virtue of its scale, orientation and boundary treatments, this is considered to be acceptable.
- 8.4** Turning to the first storey extension, this would be constructed in two main parts; a flat roofed connecting feature which would be a landing, and a mono-pitched addition – both of which would be constructed within the envelope of the existing building. The extension would be in keeping with the style and form of the existing dwelling, and its proportions would create sufficient balance and dimension which would respect the character and appearance of the existing dwelling. Furthermore, the use of materials would match that of the existing dwelling and thus the extension would assimilate well within this context.
- 8.5** As referenced above, the extensions would be in keeping with the existing dwelling and would thus accord with Policies SD4, RES10 and Policy 9 of the NDP in this regard.

Impact on the Cotswold National Landscape

- 8.6** JCS Policy SD7 of the Joint Core Strategy sets out that developments are required to conserve and, where appropriate, enhance the landscape, scenic beauty, cultural heritage and other special qualities in an AONB.
- 8.7** Whilst the site is not located within the Cotswold National Landscape, the eastern boundary directly abuts its extents and thus the development has the potential to affect its setting. In any event, when viewed within the context of the existing dwelling it is considered that the extensions would appropriately conserve the special qualities of the National Landscape in accordance with Policy SD7 and Policy 1 of the NDP.

Impact on Heritage Assets (Listed Building and Conservation Area)

- 8.8** Whilst the site is not located within Woodmancote Conservation Area, it is in close proximity to it. In determining planning applications, Section 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require the Council to have regard to the desirability of preserving listed buildings and their features of special architectural or historic interest and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal must also be assessed against section 16 of the NPPF, JCS Policy SD8 and Policy HER1 of the Local Plan.

- 8.9** When viewed within the context of the existing modern dwelling, it is not considered that the extensions would result in any harm to the setting of the nearby Conservation Area thereby safeguarding its historic significance in accordance with Policies SD8 and HER1 The Councils Conservation Officer has been consulted and raises no objection to the proposals.

Residential Amenity

- 8.10** Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Local Plan Policy RES10 provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity.
- 8.11** The site is surrounded to the south, west and north by residential neighbours and as such the impact of the development upon their amenity has been carefully considered. By virtue of the scale of the single storey extension, it is not considered that this would result in any adverse impact to any nearby neighbours.
- 8.12** Likewise, the first storey extension which would be built within the envelope of the existing building would not overshadow nor result in a loss of light to neighbouring properties or their gardens and neither would there be any further concerns in terms of bulk, scale, massing (overbearing), loss of privacy or overlooking.
- 8.13** As referenced above, it is considered that the development would appropriately safeguard the amenities of nearby neighbours in accordance with Policies SD14 and RES10.

Highways Impact

- 8.14** Policy INF1 of the JCS sets out that permission shall only be granted where the impact of development is not considered to be severe. It further states that safe and efficient access to the highway network should be provided for all transport means.
- 8.15** Whilst the development would result in the reconfiguration of the existing parking arrangement, by changing the covered parking area into a formal garage, there would still be sufficient space for the applicant to park vehicles within their property.
- 8.16** Furthermore, although the extension would result in the creation of an additional ensuite bedroom resulting in a 4-bedroom dwelling, it is not considered that the use would intensify to such a degree to warrant justification for additional parking. The Local Highway Authority have been consulted who raise no objection to the development as proposed; and likewise, no conditions have been proposed.
- 8.17** As referenced above, it is considered that the impact of the development upon the highway network would not be severe in accordance with Policy INF1.

9. Conclusion

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

10. Recommendation

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

11. Conditions

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

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

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

- Existing and proposed site plan: 813-05, received 6th December 2023
 - Proposed floor plans: A668P-813-03, received 6th December 2023
 - Proposed elevations and roof plan: A668P-813-04, received 6th December 2023
- ;except where these may be modified by any other conditions attached to this permission.

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

- 3.** The materials to be used in the construction of the external surfaces of the first floor extension shall match those used in the existing dwelling.

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

- 4.** The brick colour to be used in the external elevations of the ground floor extension shall match in colour to the stones used in the façade of the main dwelling.

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

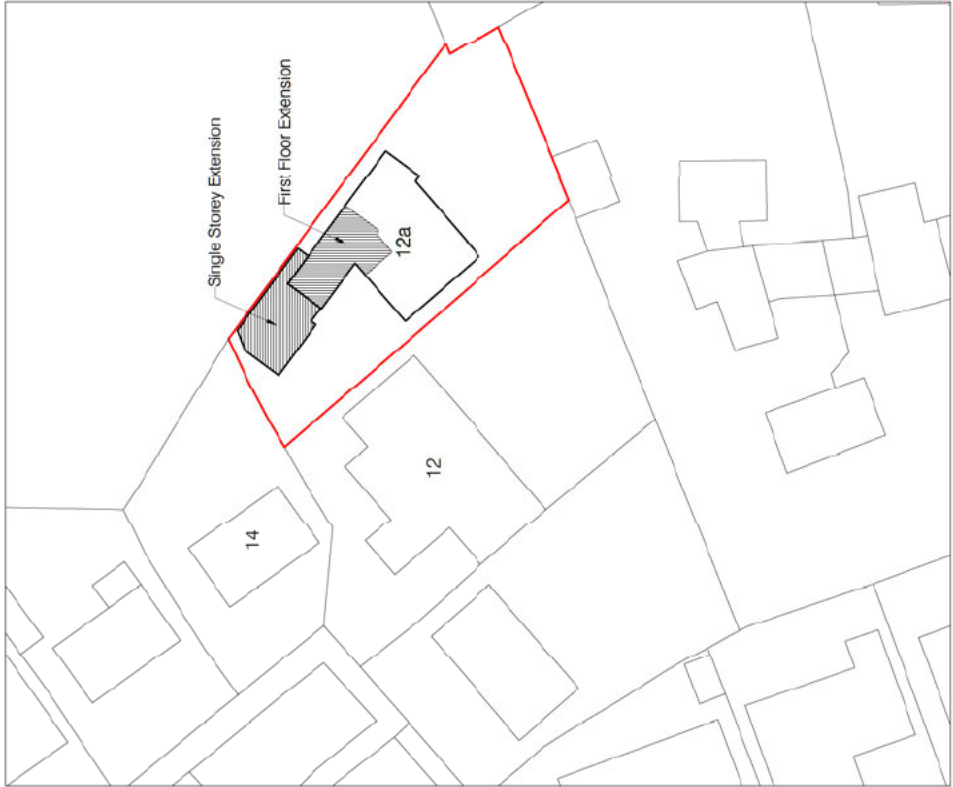
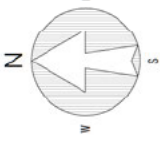
- 5.** The first floor ensuite window on the eastern elevation shall be fitted with, and retained in, obscure glazing (Pilkington Level 4 or equivalent).

Reason: To protect the privacy of host dwelling.

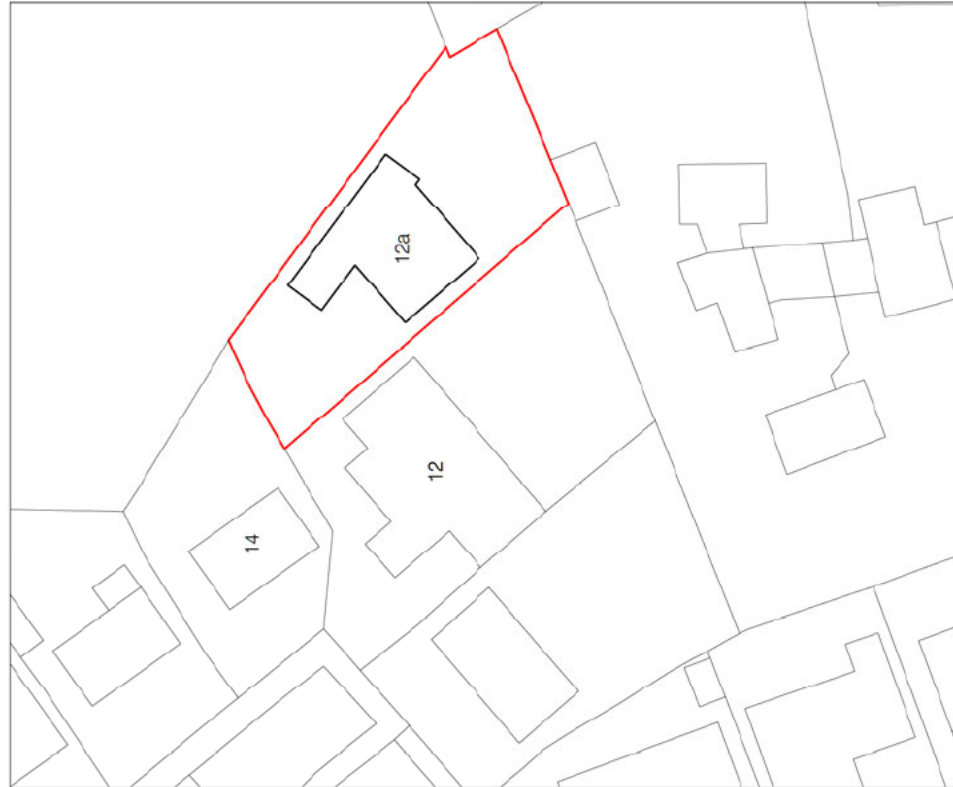
12. Informatives

- 1** In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing 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.

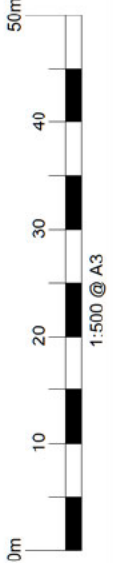
The drawings are complete and shall not be reproduced without permission. Do not reuse for drawing for construction. The contractor is responsible for checking all information before any works. All drawings to be used in connection with Structural Engineering report. All responsibilities over any specifications. All contractor responsible for accuracy.



Proposed - SITE PLAN (BLOCK PLAN) 1:500



Existing - SITE PLAN (BLOCK PLAN) 1:500



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

Rev.	Date	First Issue	Revisions
18-10-23			

PSK
architect
Open Plan Extension Specialist
PSK Cheltenham Ltd
41 Bath Road
Cheltenham
GL53 7JH
Tel: 01242 204477

TITLE
12A Beverley Gardens
Woodmancote
Cheltenham
GL52 9QD

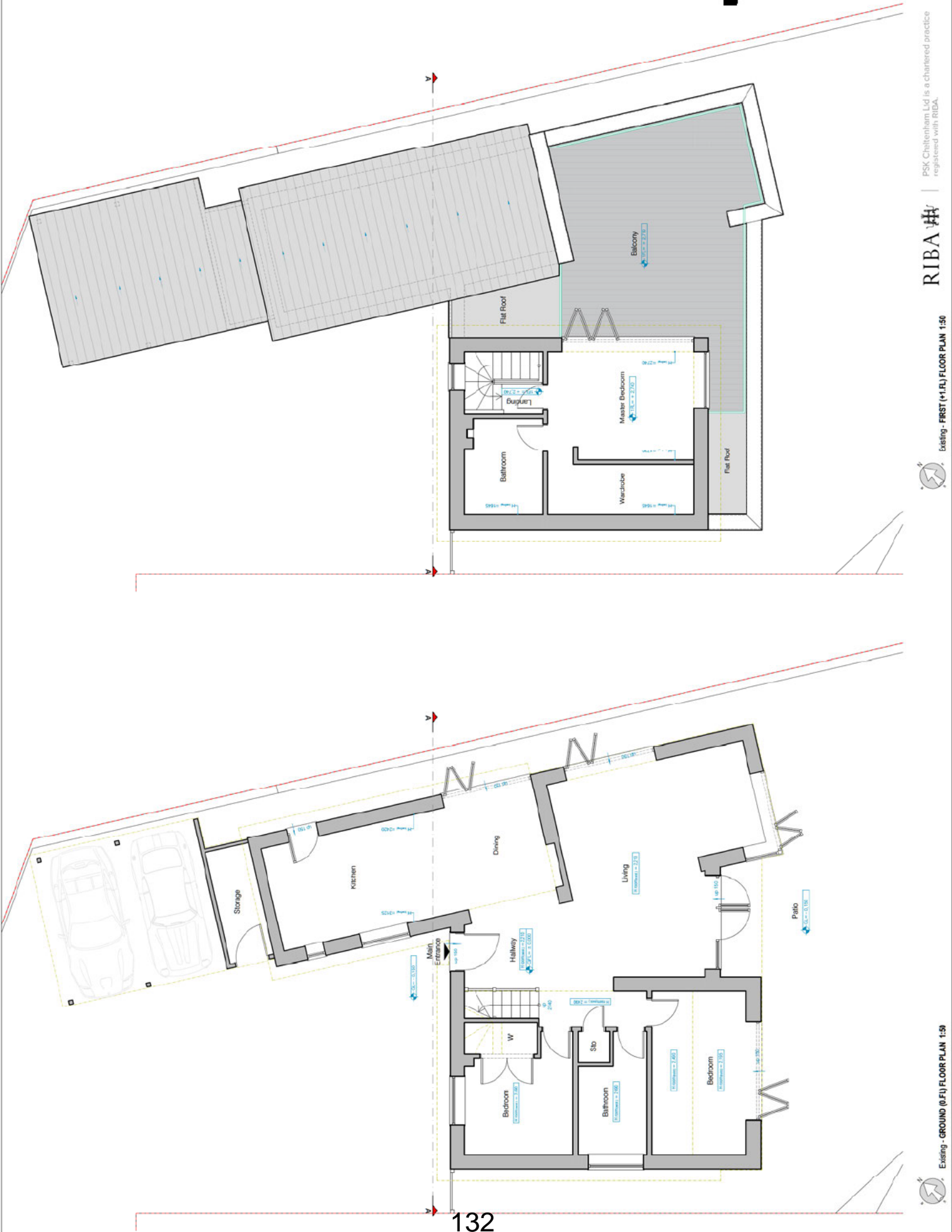
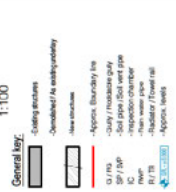
DESCRIPTION
Proposed Extension
and Internal Alterations
Site & Block Plans
As Existing And Proposed

DATE	SCALE
18. 10. 23	1:500 @ A3

DRAWN	CHECKED
EM	PSK

813-05

The client is responsible for providing all necessary information and data for the design of the project. The architect is not responsible for the accuracy of the information provided. The architect is not responsible for the accuracy of the information provided. The architect is not responsible for the accuracy of the information provided.



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Rev.	Date	Revisions

PSK architect PSK Cheltenham Ltd The Old Rectory Cheltenham Gloucestershire GL52 9DD Tel: 01242 756477	
TITLE 12A Beverley Gardens Woodmancote Cheltenham GL52 9DD	
DESCRIPTION Propose extension and internal alterations PLANNING as EXISTING	
DATE Sep 2023	FORMAT @ A1
DRAWN VH	CHECKED PSK
A668P-813-01	

The drawings are made for the proposed extension and alterations to the existing building. The drawings are not to be used for any other purpose without the written consent of the architect. The drawings are not to be used for any other purpose without the written consent of the architect. The drawings are not to be used for any other purpose without the written consent of the architect.



- General Note:**
- Cladding structure
 - Cladding/As waterproofing
 - New structure
 - Approx. Boundary line
 - G / M.S. - Gully / manhole only
 - SP / JAP - Soil pipe / Soil vent pipe
 - R - Rainwater
 - R / T - Radiator / Towel rail
 - A - Appoint, voids

Rev.	Date	Revisions
-	-	-
-	-	-

PSK architect
 PSK Chartered Architects Ltd
 12A Beverley Gardens
 Woodmancote
 Cheltenham
 GL52 9QD
 Tel: 01232 756477

TITLE
 [REDACTED]

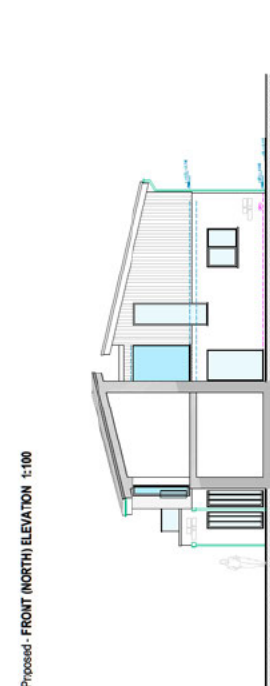
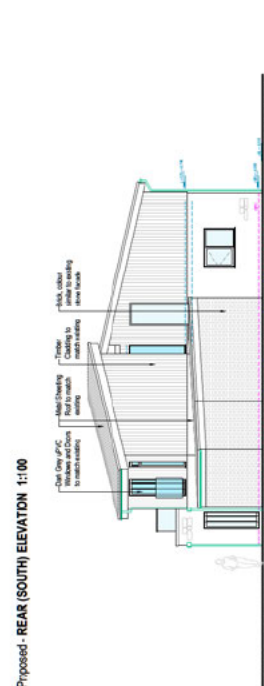
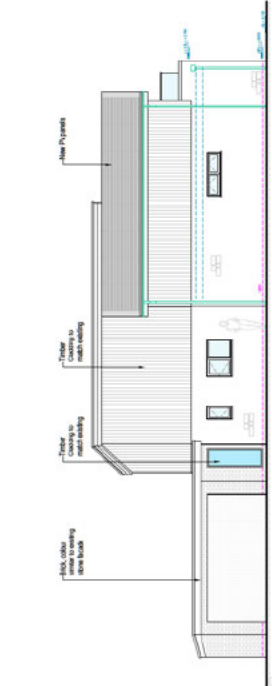
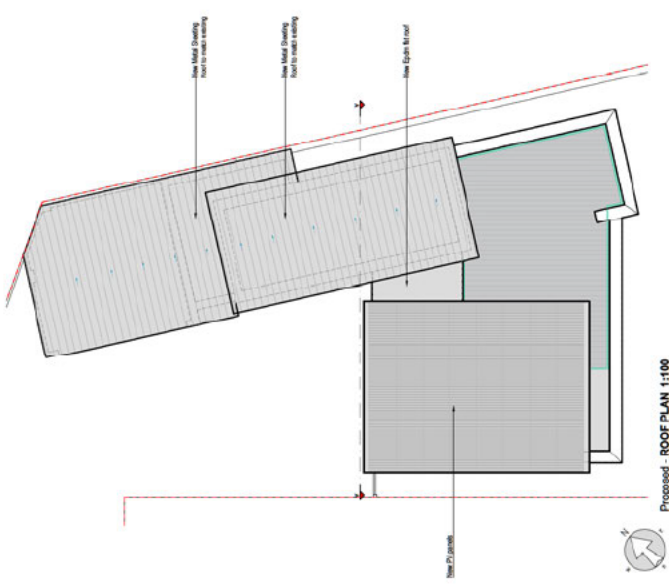
12A Beverley Gardens
 Woodmancote
 Cheltenham
 GL52 9QD

DESCRIPTION
 Propose extension
 and internal alterations
 PLANNING

as **PROPOSED**

DATE Sep 2023 **FORMAT** @ A1
DRAWN VH **CHECKED** PSK

A668P-813 - 04



PLANNING APPEALS RECEIVED (05/02/2024 – 01/03/2024)

Appeal Start Date	TBC Planning Number	Inspectorate Number	Proposal	Site Address	Appeal Procedure
13-Feb-24	22/01217/FUL	APP/G1630/W/23/3330019	Retention of the change of use of existing paddock to residential curtilage. Erection of a carport with home office above.	Paddock Cottage Church Lane The Leigh	Written Representations
13-Feb-24	23/00212/ENFC	APP/G1630/C/23/3334967	Unauthorised change of use of land from agricultural use to residential garden.	Paddock Cottage Church Lane The Leigh	Written Representations
16-Feb-24	22/01108/FUL	APP/G1630/W/23/3330525	Erection of self-build bungalow	Land Adjoining 21 Wenlock Road Tewkesbury	Written Representations
19-Feb-24	22/00378/FUL	APP/G1630/W/23/3330110	Erection of storage building on land associated with The Cottage	The Cottage Buckland Broadway	Written Representations

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PLANNING APPEALS DECIDED (05/02/2024 – 01/03/2024)

Appeal Decision Date	Appeal Decision	TBC Planning Number	Inspectorate Number	Proposal	Site Address
21-Feb-24	Appeal Allowed planning permitted	22/01343/OUT	APP/G1630/W/23/3326538	The erection of up to 85 dwellings with public open space, landscaping and sustainable drainage system (SuDS). All matters reserved except for means of vehicular and pedestrian access from Sandhurst Lane and a pedestrian access on to the A38.	Land At Chestnut Tree Farm Twigworth
26-Feb-24	Appeal Withdrawn	19/00141/ECOU	APP/G1630/C/23/3330892	Unauthorised residential use of timber agricultural building - s191 CLE application in progress	Plot 8 Warren Fruit Farm Evesham Road Greet
26-Feb-24	Appeal Withdrawn	19/00139/ECOU	APP/G1630/C/23/3330890	Unauthorised residential use of timber agricultural building - s191 CLE application in progress	Plot 7 Warren Fruit Farm Evesham Road Greet
26-Feb-24	Appeal Withdrawn	23/00329/CLE	APP/G1630/X/23/3331024	Lawful Residential use of an agricultural building for a period in excess of four years (amended description).	Plot 7 Warren Fruit Farm Evesham Road Greet
26-Feb-24	Appeal Withdrawn	23/00285/CLE	APP/G1630/X/23/3332492	Lawful Residential use of an agricultural building for a period in excess of four years (amended description).	Plot 8 Warren Fruit Farm Evesham Road Greet

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