

6 June 2024

Committee	Planning
Date	Tuesday, 18 June 2024
Time of Meeting	9:30 am
Venue	Tewkesbury Borough Council Offices, Severn Room

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND

Agenda

1. ANNOUNCEMENTS

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

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

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.

3. DECLARATIONS OF INTEREST

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

	Item	Page(s)
4.	MINUTES	5 - 14
	To approve the Minutes of the meeting held on 23 May 2024.	
5.	DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL	
	(a) 22/01163/FUL - Uckington Farm, The Green, Uckington	15 - 60
	PROPOSAL: Demolition of agricultural buildings and erection of 16 dwellings, creation of access, landscaping and associated works.	
	OFFICER RECOMMENDATION: Delegated Permit.	
	(b) 22/01137/OUT - Land at Badgeworth Lane, Badgeworth	61 - 86
	PROPOSAL: A cross subsidy affordable/open market residential development comprising up to 50 dwellings (of which 50% will be affordable housing and a further 10% will be self/custom build), vehicular and pedestrian access, internal streets, drainage, landscaping and all other ancillary engineering works. All matters are reserved except for vehicular access onto Badgeworth Lane.	
	OFFICER RECOMMENDATION: Refuse	
	(c) 24/00323/FUL - Bickford House, Leckhampton Lane, Shurdington	87 - 106
	PROPOSAL: Part two-storey and part single-storey side extension following demolition of existing single storey detached double garage.	
	OFFICER RECOMMENDATION: Refuse.	
	(d) 24/00299/FUL - Chestnut Barn, Barrow, Boddington	107 - 118
	PROPOSAL: Erection of a new detached outbuilding for car parking and storage.	
	OFFICER RECOMMENDATION: Refuse.	
6.	CURRENT APPEALS AND APPEAL DECISIONS UPDATE	119 - 120
	To consider current planning and enforcement appeals and Department for Levelling Up, Housing and Communities appeal decisions.	

DATE OF NEXT MEETING

TUESDAY, 16 JULY 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 (Chair), P E Smith, 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 Thursday, 23 May 2024 commencing
at 9:30 am**

Present:

Chair

Councillor G M Porter

and Councillors:

M Dimond-Brown, M A Gore, M L Jordan, J R Mason, P E Smith, R J G Smith, M J Williams
(Substitute for M Dimond-Brown), P N Workman and I Yates

PL.3 ANNOUNCEMENTS

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

PL.4 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 4.1 Apologies for absence were received from Councillors S Hands (Vice-Chair), G C Madle and R J E Vines. Councillor M J Williams would be a substitute for the meeting.

PL.5 DECLARATIONS OF INTEREST

- 5.1 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.

5.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
P N Workman	Item 5c – 23/00954/FUL – Coach House, Woodend Farm, Woodend Lane, Shuthonger, Tewkesbury.	Is the owner of the property and his son is the applicant.	Would not speak or vote and would leave the room for consideration of these items.
	Item 5d – 23/0955/LBC - Coach House, Woodend Farm, Woodend Lane, Shuthonger, Tewkesbury.		

5.3 There were no further declarations made on this occasion.

PL.6 MINUTES

23 April 2024

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

15 May 2024

6.2 The Minutes of the meeting held on 15 May 2024, copies of which had been circulated separately, were approved as a correct record and signed by the Chair.

PL.7 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

7.1 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.

24/00109/FUL - Land to the South of Maidenhall, Maidenhall, Highnam

7.2 This was a retrospective application for the erection of a boundary fence.

7.3 The Planning Officer advised that this retrospective planning application sought to regularise the erection of a two metre, close boarded, timber fence fronting the corner of Maidenhall and Oakridge in Highnam. The fence enclosed a triangular parcel of land approximately 0.07 hectares in size, within which three trees were sited which were subject to a Tree Preservation Order. Approximately just over half of the site was designated as a Locally Important Open Space. The application had been brought before the Planning Committee due to the objection that had been received from the Parish Council. At the time of writing the Committee report, 99

letters of representation had been received from members of the public, 98 of which objected to the application. Since that time, a further comment had been received objecting to the application as set out in the Additional Representation Sheet, attached at Appendix 1. It was the opinion of Officers that the proposal would have a significant adverse effect on the open character and appearance of the designated Locally Important Open Space and would also harm the visual amenity of the site and the character and appearance of the wider residential area. Therefore, it was recommended that the application should be refused in line with the Officer recommendation.

- 7.4 The Chair invited a representative from Highnam Parish Council to address the Committee. The Parish Council representative indicated that, in eight years as a Parish Councillor, he had never encountered an issue which had aroused such concern, anger and opposition to the extent that a petition of 1,041 signatures – over half the adult population of the village – had been raised and 98 letters of objection formally submitted to Tewkesbury Borough Council. The fence was erected last November and six months later it was still there; he was most concerned at the lack of enforcement action taken by the Council despite the Planning Enforcement Officer acknowledging in his email of 30 November 2023 that a planning breach had occurred. For over 40 years the triangle of land now enclosed by the fence was mown and maintained by Tewkesbury Borough Council under the purported ownership of Gloucestershire County Council; indeed, in 2019, the Borough Council formally approved an application from the Parish Council to plant a pollinator patch on this site. This land formed an important green open space, one of a network of such spaces which characterised the beautiful and much cherished community. Such was the prospect of its loss that the Parish Council had applied to the County Council to formally designate the land as a Village Green and progress with that application continued. The reasons given by the applicant for the erection of the fence were entirely spurious – he claimed it would protect the land from dog fouling but there was a dog waste bin immediately adjacent to the site; he claimed it would prevent fly tipping but there were no known incidents of this around the main village in living memory. The Parish Council very much supported the Planning Officer's excellent report, in particular the reasons for refusal: that the fence would have a significant adverse effect on the open character and importance of this land as a designated Locally Important Open Space; and, that, by virtue of its size, design, and siting, it would have a significantly adverse impact on the open character of the site which would cause unacceptable harm to the visual amenity of the site. In conclusion, he strongly urged Members to refuse this application, not only on its own intrinsic grounds, but also to act as a deterrent to help protect other open spaces around the village. If Members were minded to refuse the application, he suggested they instruct Officers to take immediate enforcement action to secure the removal of the fence.
- 7.5 The Chair invited a local resident speaking in objection to the application to address the Committee. The local resident advised that he had lived in Highnam for over 20 years and was raising a family in the village. Like many others, they had moved to Highnam due to its semi-rural location, proximity to the countryside, relatively spacious housing plots and green landscape, not only around the village but within it. It merged old and new housing stock and brought people together into a real village community. Since the fence was erected in November 2023, he had been unable to access the land to maintain the north side of his beech hedgerow. The beech hedge had been growing for at least 40 years, was approximately 50m long and over 8ft tall and was home to nesting birds and a hedgehog route. His and the surrounding gardens, including this plot of land, were home to bats that could be seen hunting every evening. Until the 1970s, the hedge was used to border Maidenhall Farm where cows gathered in the yard – ground anchors for the gates could still be seen in the soil. His neighbour was now unable to use their gate access to maintain their boundary fence, or access the village post office and shop

as they had done since the housing was built in the late 1970s and the community had been unable to access the land for recreational activities including planting wildflowers, dog walking and for children to play. As Members may know, Gloucestershire Wildlife Trust and many others had reported the ever-dwindling variety of wildlife in countryside, towns and villages, indeed, there was a “Restore Nature Now” march in London next month with one of the aims being to deliver more space for nature. The local community group Wild Highnam had used this plot of land since 2019 to plant wild flowers – access to the wild flowers had now been completely cut-off and subsequently destroyed by the landowner. The community was gravely concerned for the future of three beautiful large trees, including an Oak tree, which had Tree Preservation Orders and, with a fence surrounding them, were clearly vulnerable. The Sycamore Gap tree incident was an example of taking these things for granted – once they were gone they are gone forever. The fence destroyed the streetscene from the surrounding areas of Maidenhall and Oakridge by blocking views of the land and trees and was not comparable to other garden fencing in the area. There was no doubt that this land had been boarded up to support the ultimate objective of building a property, or otherwise using this land for purposes other than that which it had been used for over 40 years. This was never commercial land – it had always been farmland and community open space. He and the overwhelming majority of the community supported the Parish Council in its application for Village Green status on this land to preserve it as a public open space and he requested that Members approve the Officer recommendation to refuse this retrospective application and seek immediate enforcement to remove the fence in order to deliver more space for nature.

- 7.6 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. A Member sought clarification as to why the application had been brought to the Committee given that the Officer recommendation was to refuse and was advised that, due to the level of objection, the Monitoring Officer had considered it would be in the public interest. The Member asked for confirmation as to who owned the land and the Legal Adviser explained that when the original development was built out, this was identified as an area of incidental green space and, rather than it being transferred to the local authority as expected, the area had been retained by the developer for a number of years. The developer had subsequently auctioned it off and it had been bought by an independent third party so was now privately owned. She clarified that it had never been publicly owned by a local authority. A Member asked if the owner of the land had erected the fence and confirmation was provided that Officers believed that was the case. In response to a query, the Planning Officer advised there were no permitted development rights to erect any fence on the site. A Member questioned what responsibilities the landowner had and was advised that the land had local policy protection under the Policy LAND4 of the Tewkesbury Borough Plan but that was not the same as a statutorily protected open space; anything the landowner wanted to do would be subject to assessment against the local policy protection. In response to a query as to why the land had been maintained by Gloucestershire County Council, the Legal Adviser indicated that it was believed that, because there were a number of adopted open spaces in the wider development site, it was mistakenly presumed this was one of those areas and had been maintained accordingly; however, she reiterated it was not owned by the County Council. A Member asked whether the public had a right to access if the fence was not there and noted the local resident had stated that the neighbour needed access. The Legal Adviser explained there may be separate private rights set out in a legal document, or they may have rights as a result of using it for a number of years – in any case, that was a private matter which should not be considered in relation to the planning application. A Member questioned whether the fence would be removed if the application was refused and the Development Management Team Manager (Northwest) confirmed it would be passed to the

Enforcement team to issue a notice requiring its removal.

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

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

23/00598/FUL - Land Off Wainlode Lane, Norton

- 7.8 This application was for demolition of an existing workshop building and store, erection of a detached single storey dwelling and garage.
- 7.9 The Development Management Team Manager (South) advised that the application sought full planning permission for a detached bungalow and garage following the demolition of a workshop building and store at the site. The dwelling would be accessed via an existing track from Wainlode Lane which served the existing buildings and a paddock area. The application site was set to the rear of Willow House, one of four dwellings permitted in 2015, and the site lay partially within and partially outside of the settlement boundary to Norton. Whilst the main body of the site was outside of the settlement boundary, it was considered the site was well-related to the settlement and existing built development. The re-siting of the dwelling during the application process had provided an improved design with a frontage towards the street which would allow the development to integrate better into Wainlode Lane and provide a visible and active elevation towards the street. The development was considered to be of an appropriate design and scale which would have no adverse impacts on the wider landscape or the living conditions of nearby occupiers, highway safety or ecology. Concerns had been raised in respect of drainage and flood risk but Severn Trent Water and the Council's Drainage Engineer had assessed the proposal and raised no objections, subject to conditions which would give controls to ensure that the proposal did not increase the risk of flooding within the site or elsewhere. As such, the Officer recommendation was to permit, subject to the conditions set out in the Committee report.
- 7.10 The Chair invited the applicant's agent to address the Committee. The applicant's agent advised that, as set out in the Committee report, this application sought permission for a two bed bungalow and garage on a plot of land which currently contained a workshop building and cowshed both of which had fallen into disrepair and were in a dilapidated condition. The application was the culmination of almost two years of close working with Planning Officers which began with a pre-application enquiry, following which, Officers confirmed they were able to support the principle of a new dwelling on this site. This close working had continued once the current application was submitted in June of last year and, following comments from Officers and consultees, a number of changes were made to address any concerns they had - the siting of the bungalow had been changed so it would be more visible from Wainlode Lane and would now continue the frontage development and be better related to the character and settlement pattern of the village. As set out in the Committee report, a number of additional reports had also been provided to address technical matters, including additional ecological reports and further information on surface water drainage. As a result, there were no objections to the proposal from any statutory or non-statutory consultees. The Parish Council objected on the grounds that the bungalow would lie outside of the settlement boundary as defined in the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan; however, as explained in the Committee report, the site was immediately adjacent to the settlement boundary and well-related to a number of dwellings either side. The proposal therefore constituted infilling within the village and was fully compliant with Policy SD10 of the Joint Core Strategy. In any event, in view of the current housing supply shortfall, the policies that were most important for determining this application were out-of-date. In such circumstances, the

National Planning Policy Framework made clear that planning permission should be granted unless the adverse impact would significantly and demonstrably outweigh the benefits. As he had stated, there were no objections from any consultees with regard to any technical matters; changes had been made to the layout and siting so that the bungalow would sit comfortably in the streetscene. The bungalow itself would exceed the Nationally Described Space Standards and would benefit from a more than adequate garden area. Therefore, not only was the proposal policy compliant, but there were clearly no harms that could be identified that would significantly and demonstrably outweigh the benefits of delivering housing to meet the shortfall. There was a recognised need for bungalows in the area and this would help to meet that. In closing, he stated that the applicants were local residents who lived in the neighbouring dwellings and were committed to building a very high-quality development to match the other dwellings they had built along Wainlode Lane which would complement the village's housing stock. The applicants wished to point out they had planted over 40 trees on land within the village. Given that Officers found the proposal to comply with the development plan policies, he hoped Members would similarly feel able to fully support this application today.

- 7.11 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. A Member raised concern that the access was unusual and questioned whether the dog-leg would cause an issue for longer vehicles. In response, the Development Management Team Manager (South) confirmed that the proposal had been assessed by the County Highways Officer who was satisfied with the proposed scheme and had recommended a condition in respect of visibility. A Member drew attention to Page No. 41, Paragraph 4.1 of the Committee report which outlined Norton Parish Council's objection to the proposal, notably that foul water often backed into properties on Cook Lane and Lime Grove. Whilst she could see that surface water drainage had been provided for in condition 4, she was concerned about foul water drainage and asked if this objection had been explored. She pointed out that problems with sewerage had been raised in relation to the surrounding area including Innsworth and Twigworth and she asked if anything could be added to condition 5 in order to strengthen the provision. In response, the Development Management Team Manager (South) advised that the application had been reviewed by Severn Trent Water in terms of operation of the foul drainage network and it was satisfied the application could connect to the network without issue.
- 7.12 It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member indicated that he wished to place on record his nervousness about the precedent this was setting in terms of development outside of the settlement boundary; however, he understood what the Officers had said in respect of existing buildings and recognised a refusal on that basis was unlikely to stand up at appeal. Although he acknowledged it would be dealt with under building regulations, it was disappointing there was no consideration for sustainable energy within the application. It was clear the area suffered from surface water flooding – and was flooded currently – and noted this would be addressed through condition 4 but asked Officers to ensure the surface water drainage scheme was as robust and comprehensive as possible to ensure the property did not add to the poor situation on Wainlode Lane. He felt there were not enough bungalows being built so welcomed this one. Another Member echoed the concerns about flooding which had also been raised by the Parish Council and, although he liked the application, he did have his reservations in that regard.
- 7.13 Upon being put to the vote, it was
- RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

23/00954/FUL - Coach House, Woodend Farm, Woodend Lane, Shuthonger, Tewkesbury

- 7.14 This application was for erection of a two storey rear extension. It was noted that Councillor P N Workman had left the room for the consideration of this item in accordance with Minute No. PL.5.2.
- 7.15 The Planning Officer advised that both this Agenda Item and Agenda Item 5d related to a two-storey rear extension on a curtilage listed property known as 'The Coach House' at Woodend Farm in Shuthonger. The main farmhouse, Woodend Farm, was a Grade II listed building adjacent to the application property. The Coach House was part of a complex of buildings historically known as Woodend Farm and was situated between the A38 and the River Avon, accessed via Woodend Lane, a no through road to the east of the A38. The two-storey rear extension was located in the same position as an existing single storey element and would create a larger kitchen/dining and living area on the ground floor and a master bedroom with ensuite and additional bathroom on the first floor. Revised plans had been submitted during the course of the application to show a change to a narrower pitched roof design which had been set in from the side elevation by 1.8m - 1m more than the original - and reduced in width by around 1m to 5.6m wide with the rear projection having been increased to 10m. The scheme now proposed brick instead of timber cladding, with matching rooftiles and black powder coated aluminium windows. The Officer recommendation was to permit the application, subject to the conditions included in the Committee report.
- 7.16 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. A Member sought clarification regarding Page No. 65, Paragraph 5.2 of the report, which stated that one objection comment had been received on the previous application. In response, the Planning Officer explained that the original application had been revised due to issues regarding the impact on the listed building and the comments set out at Paragraph 5.2 had been raised in respect of the first scheme. The Additional Representations Sheet, attached at Appendix 1, set out that a further objection had been received in relation to the revised plans with the main points being the same as those expressed previously. In response to a query, the Planning Officer confirmed that no comment had been made by the Parish Council in relation to the application.
- 7.17 It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being put to the vote, it was
RESOLVED That the application be **PERMITTED** in accordance with the Officer recommendation.

23/00955/LBC - Coach House, Woodend Farm, Woodend Lane, Shuthonger, Tewkesbury

- 7.18 This was a listed building consent application for erection of a two storey rear extension. It was noted that Councillor P N Workman had left the room for the consideration of this item in accordance with Minute No. PL.5.2.
- 7.19 The Planning Officer indicated that she had no additional points to make over and above those raised in respect of the previous Agenda Item 5c.
- 7.20 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to grant consent and he sought a motion from the floor. It was proposed and seconded that the application be granted consent in accordance with the Officer recommendation and, upon being put to the vote, it was

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

TPO 421 - Part Parcel 2352 and Land Adjacent Mythe Road, Tewkesbury

- 7.21 This was a Tree Preservation Order application (TPO 421).
- 7.22 The Development Management Team Manager (Northwest) advised that TPO 421 was being brought to Planning Committee with the recommendation that it be 'confirmed without modification' following receipt of an objection to the order from the landowner. She explained that local planning authorities could make a TPO if it appeared to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'. By not taking the recommended action, the Council risked the permanent loss of various significant trees and their wildlife habitat, therefore failing to deliver its commitment to the preservation of trees and biodiversity. The TPO was made to protect and safeguard trees identified at risk of development pressure following the submission of a planning application for a proposed development for 165 dwellings at the Mythe, which had recently been the subject of a Public Inquiry with a decision pending from the Planning Inspectorate. The TPO sought to protect two areas of woodland (W1 and W2), two individual trees (T1 and T2) and an area of trees (A1) adjacent to the classified A38 which was one of the main routes into Tewkesbury and the Town Conservation Area. A section of 'Area A1' was earmarked for removal in the vicinity of a proposed new entrance to serve the proposed residential development. The woodland, area and individual trees had been assessed using the Tree Evaluation Method for Tree Preservation Orders (TEMPO) and were considered worthy of a TPO by virtue of their present and future public amenity and habitat value. One objection had been received and was summarised in the Committee report together with the Tree Officer's response. The objection did not relate to the whole Order but was against the part of area A1 that ran adjacent to the highway in the vicinity of the proposed new site access. It was the Officer recommendation that the Order be confirmed without modification. In the event the planning application were to be successful if the appeal was allowed, the permission would override the TPO; however, the local authority could vary the Order to omit the trees that would be removed so the remaining trees would still be afforded the protection of the TPO.
- 7.23 The Chair indicated that the Officer recommendation was to confirm the TPO without modification and he sought a motion from the floor. A Member asked why a Committee determination was required and was advised that, historically, such applications had been determined by a Tree Panel but it had been decided some time ago that, for transparency reasons, where there was an objection to a TPO it would be brought to the Planning Committee. It was proposed and seconded that the TPO be confirmed without modification in accordance with the Officer recommendation and, upon being put to the vote, it was

RESOLVED That TPO 421 be **CONFIRMED WITHOUT MODIFICATION** in accordance with the Officer recommendation.

PL.8 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

- 8.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No.105-108. Members were asked to consider the appeal decisions issued.
- 8.2 A Member noted there had been a recent appeal decision in relation to Kayte Lane and she asked if the Planning Committee could be provided with the reasons why it had been allowed.

8.3

It was

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

The meeting closed at 10:30 am

Appendix 1

ADDITIONAL REPRESENTATIONS SHEET

Date: 23 May 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 day before the meeting.

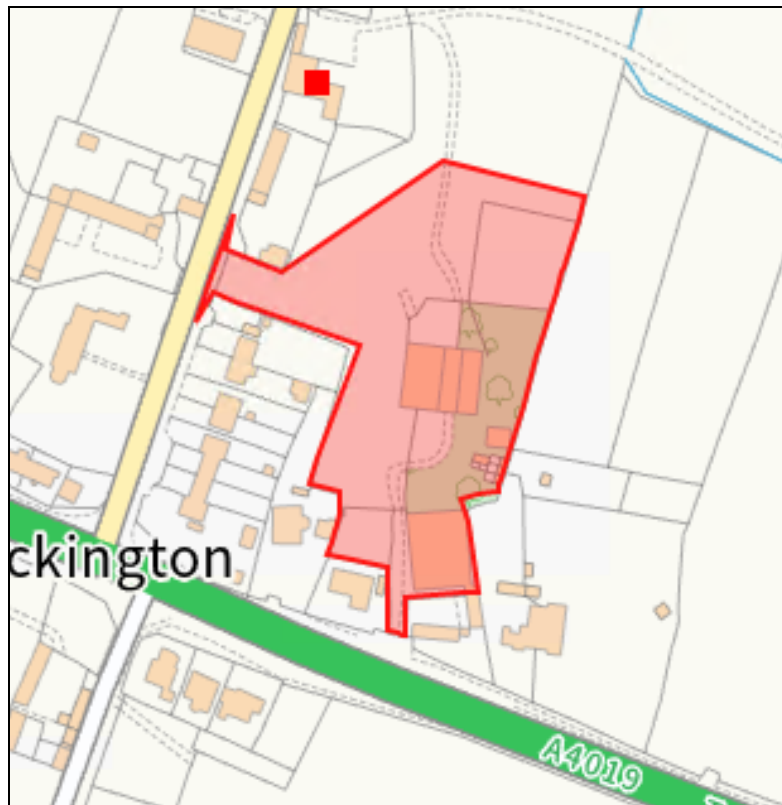
A general indication of the content is given but it may be necessary to elaborate at the meeting.

Agenda Item	
5a	<p>24/00109/FUL</p> <p>Land To The South Of Maidenhall, Maidenhall, Highnam</p> <p>Since the publication of the Committee report, one further representation has been received objecting to the application. It does not raise any new points of objection over and above those listed in the report and states agreement with the objection comment submitted by Highnam Parish Council.</p>
5c	<p>23/00954/FUL</p> <p>Coach House Woodend Farm, Woodend Lane, Shuthonger, Tewkesbury</p> <p>Committee Update</p> <p>A further neighbour objection has been received in relation to the revised plans. The main points are still very much the same as those expressed in the previous plans:</p> <ul style="list-style-type: none"> • Inappropriate design and visual appearance • Impact on listed building/Conservation Area • Loss of light and or overbearing effect • Overlooking, privacy • The updated proposal has a larger footprint than the original.

Planning Committee

Date	18 June 2024
Case Officer	Curtis McVeigh
Application No.	22/01163/FUL
Site Location	Uckington Farm, The Green, Uckington
Proposal	Demolition of agricultural buildings and erection of 16 no. dwellings, creation of access, landscaping and associated works.
Ward	Severn Vale South
Parish	Uckington
Appendices	Site layout plan Illustrative Streetscene Example housetype elevations (PB3, HT4, PL4, WH4, GT5, 12B2P M4(3)GF, 12B2P M4(1)FF, 2B4P M4(2), 3B5P M4(2)) Single and Double Garage Elevations
Reason for Referral to Committee	Full or outline application for the erection of 10 or more residential units
Recommendation	Delegated Permit

Site Location



1. The Proposal

- 1.1** Full application details are available to view online at:
- [22/01163/FUL | Demolition of agricultural buildings and erection of 16 no. dwellings, creation of access, landscaping and associated works. | Uckington Farm The Green Uckington Cheltenham Gloucestershire GL51 9SR \(tewkesbury.gov.uk\)](https://www.tewkesbury.gov.uk/22/01163/FUL%20|%20Demolition%20of%20agricultural%20buildings%20and%20erection%20of%2016%20no.%20dwellings,%20creation%20of%20access,%20landscaping%20and%20associated%20works.%20|%20Uckington%20Farm%20The%20Green%20Uckington%20Cheltenham%20Gloucestershire%20GL51%209SR)
- 1.2** The submitted application seeks full planning permission for the removal of existing agricultural buildings and the re-development of the site with 16 dwellings, 10 x detached properties, 2 x semi-detached bungalows and a terrace of 2 x two storey dwellings and 2 x apartments.
- 1.3** Vehicular access would be created onto 'The Green' with pedestrian access to the south of the site linking to the A4019.
- 1.4** An area of public open space would be located in the northeastern corner of the site consisting of orchard trees and wildflower meadows. A retained route of agricultural access is to be provided beyond the northern turning head, allowing agricultural vehicles through to the fields when required, as well as facilitating access to the open space areas for maintenance as required.
- 1.5** 16 dwellings are proposed, of which 6 (37.5%) would be affordable, of a range of tenures.
- 1.6** Open Market:
- 3 bedroom: 2 units
 - 4 bedroom: 7 units
 - 5 bedroom: 1 unit
- 1.7** Affordable:
- 1 bedroom: 2 units
 - 2 bedroom: 2 units
 - 3 bedroom: 2 units
- 1.8** All dwellings would have dedicated parking, 10 units would have garages.
- 1.9** The design of the individual house types and the proposed facing materials have been amended during the course of determination of the application. Some of the traditional design features within the area as identified in the submitted Design and Access statement have been incorporated within the dwellings such as dormers, brick arches, brick cills, dentil courses on the eaves and some chimneys.
- 1.10** The submitted materials contains an indication of the brick type to be used but does not include details of final proposed brick and tile types, these can be secured via condition.

2. Site Description

- 2.1** The application relates to a parcel of land at Uckington Farm (approximately 1 hectare in size) which is located on the eastern side of the village of Uckington, to the east of The Green, approximately 100 metres north of the junction of The Green and the A4019. The site has previously been utilised for agricultural use and currently comprises a number of agricultural buildings along with associated agricultural land. The site is generally flat and is currently accessed from the A road to the south but has no right-hand turn facility. The site also links to The Green between existing houses but there is currently no access at this point and a stone wall adjoins The Green.
- 2.2** The majority of the site is located within the defined Uckington settlement boundary. The scheme has been amended to ensure all built development proposed will be located within the village development boundary as set out in the Tewkesbury Borough Local Plan Proposals Map. The proposed open space would be located outside the defined boundary, the Neighbourhood Development Plan is not yet made but identifies the site as green space.
- 2.3** The site is not within a conservation area however, it is located within the setting of a number of listed and curtilage listed buildings including Uckington Farmhouse and associated buildings which are Grade II Listed.
- 2.4** Uckington is a small-scale settlement but is listed as an urban fringe settlement on the outskirts of Cheltenham within the Tewkesbury Borough Local Plan. The existing buildings on the site are modern agricultural buildings and the neighbouring dwellings adjoining the site are a mix of scale and styles and of a variety of ages ranging from traditional brick listed buildings and former traditional agricultural buildings to late 20th century brick and render properties. The existing dwellings within the vicinity of the site front onto The Green and the main A4019.
- 2.5** The site is located within Flood Zone 1 and therefore within an area at low risk of flooding.
- 2.6** The site lies within a Great Crested Newts red area.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
04/00652/FUL and 04/00653/LBC	Conversion of redundant dairy barn into one residential property and removal of redundant agricultural shed	Approved	04.05.2005
04/00654/FUL and 04/00655/LBC	Conversion of redundant agricultural barn into offices and B1 units	Approved	03.03.2005
05/01540/FUL and 05/01541/LBC	Conversion of redundant agricultural barn to 3 no. residential properties. Construction of vehicular access.	Approved	31.01.2006
07/01133/FUL and 07/01134/LBC	Conversion of redundant agricultural barn to 3 No. residential properties. Construction of vehicular access. (Part retention)	Approved	16.11.2007

4. Consultation Responses

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

4.1 Uckington Parish Council (Original comments December 2022) – Objection on the following grounds:

- Whilst acknowledging the need for more housing regrets the loss of more countryside
- Significant archaeological requirements are outstanding
- There is no land classification survey given that the land is identified as Grade 1 agricultural land.
- Consider whether the proposed development lies within the HSE consultation Zone for gas pipeline crossing the site
- Why is there an agricultural access being retained when it is stated that no farming activity is carried out at Uckington Farm.
- Flood Risk and Drainage Strategy states that the site is high risk of surface water flooding, It was noted that in 2007 the lane from the A4019 Tewkesbury Road to the Lee Brook was seriously flooded as to be impassable and that, the old dairy was flooded out.
- The Parish Council is of the view that the need for the affordable/social housing element. Is being addressed by the Elms Park proposals and that the site in the circumstances prevailing, is inappropriate for such housing.
- The Parish Council is unimpressed and disappointed as the overall presentation of the proposed housing unit as illustrated in the house type pack.
- The planning statement and heritage statement. Is clear as to the quality of housing required. It should be sympathetic. Design approach. With traditional palette found in the immediate locality with reference to Post Box Cottage Landing and Elton Lawn as non designated heritage assets. The design and access statement. States that the detailed design, housing layout and mitigation proposed. Would need to reflect the character of the historic environment in the settlement. It is regrettable that the requirement of these statements have not been met.
- Concerns have been raised of overlooking of the properties near and adjacent to the site.
- The Parish Council is at a loss to understand why 38 parking spaces should be required for 16 dwellings, which will only serve to encourage unacceptable car dependency.
- The parish council has been unable to identify any proposals as to the lighting and will be pleased to know if there are any and, if so, where they might be.
- The proposed access to the green should be considered in conjunction with a new access to be constructed from Pigeon House Farm close by on the other side of the lane.
- It is not clear from the plans which hedgerow boundaries are to be reinforced, and likewise the plans do not bear out the Ecological Impact Assessment that the existing traditional orchard should be retained.
- The Parish Council is firmly of the view that the proposed development and changes impact negatively, causing an unacceptable level of harm both on the Grade II listed Uckington farm and associated buildings and on the non-designated heritage assets.
- Parish Council supports the proposed demolition and removal of the unsightly agricultural barns and Tewksbury Road entrance and would consider more favourably a revised application which addresses the representations made in this response. These are intended to be constructive and it is hoped they are found to be

helpful.

4.2 Uckington Parish Council - (Further comments following amendments September 2023) – Objection on the following grounds:

- Significant part of the proposed development site lies outside the Uckington settlement boundary.
- The proposal fails to be of a design that respects the character, appearance and amenity of the surrounding area and is not capable of being well integrated within it (ref: TB Local Plan 2011-31 Policy RES5).
- To any extent that the proposal is within the settlement boundary, it is not of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity (ref: Policy RES5).
- To the extent that the proposal constitutes an edge of settlement site, it does not respect the form of the settlement and its landscape setting and is an unacceptable intrusion into the countryside failing to provide any sense of transition between the settlement and open countryside (ref: Policy RES5).
- The proposal causes an unnecessary and unacceptable intrusion into the countryside and further an unnecessary and unacceptable loss of open space which is important to the character and amenity of the immediate area (ref: Policy RES5).
- The proposal is not in keeping with the local traditional build style principally of brick and tile and therefore fails to complement, let alone enhance, the local area.
- The proposal represents a piecemeal encroachment into open countryside and the consequent erosion of the local rural character (ref: TB Local Plan 2011-31 para 3.29).
- The proposal will cause a negative impact on the form, character and landscape setting of the Uckington settlement; in particular, it would harm an open space that makes a positive contribution to the character of the settlement, including views and vistas (ref: para 3.30).
- The changes to the location and the increased heights of some of the units will serve to increase the negative impact on the Grade II Listed Buildings and possibly the non-designated heritage assets.
- As the site does not form part of the settlement hierarchy as identified in the Joint Core Strategy (JCS), a restrictive approach should be taken to a proposal of this nature. This proposal is contrary to the JCS approach to residential development (JCS policies SP2 and SD10) which generally seeks to direct new development to the main urban centres and restrict new development within the open countryside.
- It is noted that the position as to land supply and housing targets is set out in paras 3.22 (a) and (b) of the TB Local Plan. This states that within the five year period 2020/21 to 2024/25 the Council can demonstrate a 7.15 years supply with a surplus of 609 dwellings and that housing delivery is expected to exceed the cumulative requirements up until 2029/30. Only for the final two years of the plan period, as currently indicated, would there be a shortfall of 518 dwellings to be met via strategic allocations in the JCS review. In any event this is a small number and cannot justify approval of what the Parish Council considers to be an inappropriate development for the reasons set out. Further, it should be acknowledged that the Levelling Up and Regeneration Bill, when enacted, is likely to relieve Local Authorities of the need to meet mandatory housing targets and the five year land supply rule.
- The Parish Council has lodged with TBC a draft Neighbourhood Development Plan which states that the proposed site, together with other land, is designated as Local Green Space.
- The Parish Council repeats its representations made on 19th December 2022. It considers that these have not been addressed. For example, it is noted that

significant archaeological requirements remain outstanding. There is no Agricultural Land Classification Survey Report. Further, there is no improvement in the quality and presentation of the housing units as criticised at paras 8.1 and 8.2.

- It is clear that the level of harm from the proposal would substantially outweigh any benefit it could provide.

4.3 Uckington Parish Council - (Further comments following amendments May 2024) –

Objection on the following grounds:

- The Parish Council repeats its representations made on 19th December 2022 and 11th September 2023.
- FLOOD RISK ASSESSMENT and DRAINAGE SURVEY - 29th February 2024 - It is noted that there are several references (viz: paras 2.7.2, 3.2.5 and 6, 4.1.3, 5.4.2 and 5.6.1) to “ditch/stream to the North”. This is presumably the Leigh Brook which begins at the rear of the market gardens and joins up with the River Chelt which runs into the River Severn.
- AGRICULTURAL LAND ASSESSMENT - 25th March 2024 - It is noted that this is simply an assessment and not an Agricultural Land Classification Survey. Consequently, only minimal weight can be attached to it. Further the identity and qualifications of its author are not shown and it was undertaken in only one hour.
- The assessment confirms the site is classified on the Agricultural Land Classification maps for the South West as being Grade 1 best and most versatile agricultural land and described as excellent quality agricultural land.
- The presumption, therefore, is that the site is Grade 1. To demonstrate otherwise, it would be necessary for a site-specific Agricultural Land Classification survey to be carried out. This has not been done and, therefore, the presumption that the site is Grade 1 has not been rebutted and must stand.
- The assessment fails to give any recognition to the probability of the surface soil structures reverting to their natural condition on removal of the offending ground surfaces of muck heaps, scrub, hardcore, concrete etc: as described.
- In clause 12 there are references to intensive agricultural activities / intensive agricultural purposes / high productive agricultural practices / intensive agricultural production all as being a prerequisite for the functioning of Grade 1 agricultural land. With respect these references are, not only misconceived but, totally irrelevant to the functioning of agricultural land. One is not aware of any requirement in the NPPF or elsewhere of any provision that Grade 1 land should have intensive production potential. Indeed, entirely to the contrary, small areas of Grade 1 agricultural land can be extremely beneficial to local food production.
- An Agricultural Land Classification survey is an independent and objective exercise. This assessment, totally fails in this respect, firstly, because of its limitations as noted, and secondly, as is confirmed in the Introduction. It has been prepared in support of the subject application.
- In conclusion it is submitted, as mentioned in clause 3.1 above, the assessment carries, at best, little weight and realistically should be disregarded.
- The Parish Council do not consider the further amended details address the representations / comments previously submitted and that accordingly the application should be refused.

4.4 Lead Local Flood Authority – No objection subject to conditions

- 4.5 **Natural England** – No objection subject to mitigation being secured via condition or s106 agreement to ensure no adverse impact on the Beechwoods SAC
- 4.6 **Gloucester County Council Highways** – No objection subject to conditions
- 4.7 **Gloucester County Council Archaeology** – No objection
- 4.8 **Historic England** – No comment
- 4.9 **Conservation Officer** – No objection
- 4.10 **Severn Trent Water** – No objection subject to conditions
- 4.11 **Environmental Health** - No objections subject to conditions
- 4.12 **Ecology** – No objection subject to conditions
- 4.13 **Tree Officer** – No objection subject to conditions (most recent comments used 29/09/2023)
- 4.14 **Minerals and Waste** – No objection
- 4.15 **Housing Strategy and Enabling Officer** – No objection subject to contributions secured through S106 due to shortfall of at least 40% affordable homes provision (Jan 2023 comments)
- 4.16 **GCC Developer Contributions Investment Team** – No objection subject to contributions for education secured through S106 (Dec 2022 comments)

5. **Third Party Comments/Observations**

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

- 5.1 The application has been publicised through the posting of a site notice for a period of 21 days and 17 representations have been received. The contents of these are summarised below:

5.2 Objection

- Solution to achieve the required visibility splays makes the road more dangerous for through traffic
- Access substandard
- Exiting onto the Green is already very difficult due to traffic levels
- Creation of additional traffic
- Highway safety issues
- The development lies mostly outside the Uckington settlement boundary and would cause the loss of more green space in the parish
- Floodwater should be dealt with on site and not allowed on to The Green which already floods
- Drainage and flood issues
- Parking calculations and allocations are flawed
- Unallocated visitor parking spaces create visibility risks and are not located in convenient points

- The access to agricultural land on the Northern boundary is inappropriate and would endanger users of the open space, especially if agricultural use is redundant as stated
- Impact on the curtilage of the existing setting of listed buildings
- Housing density too high, much higher than surrounding development
- Plots 1 and 2 have been raised in height and will have a significant impact on neighbouring properties
- Loss of light and privacy to neighbouring occupiers
- Design, materials and layout of the buildings are not appropriate to the setting and the character of the surrounding area
- No local facilities
- Some areas of landscaping do not maintain the rural character of the site
- The site is still being used as agricultural land and is not 'redundant'
- Impact on wildlife
- Additional lighting introduced by the proposed development will impact the current residents and wildlife

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

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

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

6.2 National guidance

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

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

- Policy SP1 (The Need for New Development)
- Policy SP2 (The Distribution of New Development)
- Policy SD4 (Design Requirements)
- Policy SD6 (Landscape)
- Policy SD8 (Historic Environment)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD10 (Residential Development)
- Policy SD11 (Housing Mix and Standards)
- Policy SD12 (Affordable Housing)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk Management)
- Policy INF4 (Social & Community Infrastructure)
- Policy INF3 (Green Infrastructure)
- Policy INF6 (Infrastructure Delivery)
- Policy INF7 (Developer Contributions)

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

-
- Policy RES2 (Settlement Boundaries)
- Policy RES3 (New Housing Outside Settlement Boundaries)
- Policy RES5 (New Housing Development)
- Policy RES12 (Affordable Housing)
- Policy RES13 (Housing Mix)
- Policy LAN2 (Landscape Character)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy ENV2 (Flood Risk and Water Management)
- Policy TRAC9 (Parking Provision)
- Policy DES1 (Housing Space Standards)
- Policy HER2 (Listed Buildings)
- Policy HER5 (Locally Important Heritage Assets)
- Policy TRAC1 (Pedestrian Accessibility)
- Policy TRAC2 (Cycle Network and Infrastructure)
- Policy TRAC9 (Parking Provision)

6.5 Neighbourhood Plan

There is no Neighbourhood Development Plan relevant to the proposal.

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** Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. As such when determining planning applications this authority has a duty under sections 16(2), 66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the area and listed buildings and their settings.
- 7.3** Chapter 16 of the National Planning Policy Framework sets out the importance of protecting and enhancing the historic environment and conserving heritage assets in a manner appropriate to their significance. Paragraph 194 of the NPPF states that: In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 7.4** 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.
- 7.5** The relevant policies are set out in the appropriate sections of this report.
- 7.6** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

8. Evaluation

Five Year Housing Supply

- 8.1** The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites (or a four year supply if applicable). Where local authorities cannot demonstrate a five year supply of deliverable housing sites, paragraph 11 of the NPPF sets out that housing policies contained within development plans should not be considered up-to-date.
- 8.2** The published Tewkesbury Borough Five Year Housing Land Supply Statement, October 2023, confirms the Council's position 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 3.4 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.

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- 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** The NPPF states that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.5** The NPPF at Chapter 5 seeks to deliver a sufficient supply of homes.
- 8.6** Policy SP1 (The Need for New Development) of the JCS states that provision will be made for 35,175 new homes, within existing urban areas through District Plans, existing commitments, urban extensions, and strategic allocations.
- 8.7** Policy SP2 (Distribution of New Development) of the JCS amongst other things, states that dwellings will be provided through existing commitments, development at Tewkesbury town, in line with its role as a market town, smaller scale development meeting local needs at Rural Service Centres and Service Villages.
- 8.8** Uckington is identified as an ‘urban fringe settlement’ within the Tewkesbury Local Plan and has a defined settlement boundary on the adopted policies map. These settlements do not fit into the Borough’s settlement hierarchy as in strategic planning terms they are considered to form part of the urban fringe of Gloucester and Cheltenham. They do however represent sustainable settlements possessing a good range of services and good accessibility to Gloucester and Cheltenham. Policy RES2 states that within urban fringe settlements the principle of residential development is acceptable subject to the application of all other policies within the Local Plan and that development must comply with the relevant criteria set out at Policy RES5.
- 8.9** Policy RES5 sets out the general design and development management considerations that will normally be applicable to residential development proposal. The criteria set out in policy RES5 is applicable to the proposal which should:
- be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it;
 - be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity, unless otherwise directed by policies within the Development Plan;
 - where an edge of settlement site is proposed, respect the form of the settlement and its landscape setting, not appear as an unacceptable intrusion into the countryside and retain a sense of transition between the settlement and open countryside;
 - not cause the unacceptable reduction of any open space (including residential gardens) which is important to the character and amenity of the area;
 - provide an acceptable level of amenity for the future occupiers of the proposed dwelling(s) and cause no unacceptable harm to the amenity of existing dwellings;

- make provision for appropriate parking and access arrangements and not result in the loss or reduction of existing parking areas to the detriment of highway safety;
- incorporate into the development any natural or built features on the site that are worthy of retention;
- make provision for the delivery of efficient and effective high-quality household waste collection services that supports the implementation of the waste hierarchy and encourages the practice of resource efficiency and waste reduction;
- address any other environmental or material planning constraints relating to the site.

8.10 The proposal has been subject to several amendments to address concerns raised by consultees and, as the officer report outlines, the scheme is now considered to comply with the requirements of Policy RES5. It is noted that part of the site is located outside of the defined settlement boundary for Uckington as outlined on the adopted policies proposals map, however this part of the site would provide open space with no built development located within it. Therefore, subject to further determining criteria below, the development is supported, in principle, by national guidance, local development plan policies and associated guidance.

8.11 It should also be noted that the proposed development would create an additional 16 dwellings within the Borough. The Council cannot at this time demonstrate a five year supply of deliverable housing land and the five year supply of deliverable housing sites is, at best, 3.4 years, which is agreed to be a significant shortfall. The development would therefore contribute towards the supply of housing to help meet the housing need.

Loss of Agricultural Land

8.12 According to the Agricultural Land Classification Map for the South West, the application site forms part of a larger parcel of Grade 1 Land, extending to the west of the site and the to the east of the towards Cheltenham. This is a high level assessment and to confirm the continued classification of the site as Grade 1 a site-specific Agricultural Land Classification would be required.

8.13 Natural England describes Grade 1 agricultural land as excellent quality: Land with no or very minor limitations. A very wide range of agricultural and horticultural crops can be grown and commonly includes:

- Top fruit eg apples and pears
- Soft fruit eg raspberries and blackberries
- Salad crops
- Winter harvested vegetables

Yields are high and less variable than on lower land quality.

8.14 Paragraph 180 of the National Planning Policy Framework (NPPF) states the following; 'Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland'.

- 8.15** Annex 2 of the NPPF defines the best and most versatile agricultural land as ‘Land in grades 1, 2 and 3a of the Agricultural Land Classification’.
- 8.16** A note to paragraph 180 of the NPPF provides that ‘Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development’.
- 8.17** Policy SD14 (Health and Environmental Quality) of the adopted JCS amongst other things states that new development must take into account the quality and versatility of any agricultural land affected by proposals, recognising that the best agricultural land is a finite reserve.
- 8.18** Neither the NPPF nor the adopted JCS rule out development on Grade 1 agricultural land, though the benefits of development must plainly be considered in the planning balance against the loss of productive farmland. Natural England has also been consulted and has not objected to the development on Grade 1 land.
- 8.19** To confirm the over-arching land classification of the site, the applicant has undertaken a site-specific Agricultural Land Assessment in support of the proposed development. The assessment outlines that the site consists of a single soil type, which is described as being a freely draining soil type with moderate lime-rich fertility. A land assessment and inspection of the soil types and land covers has been conducted over 6 distinct areas within the site, categorised as orchard, pasture, scrub and buildings/yards/tracks. The results of the Desk Study and Ground Investigations found the soils to consist largely of slightly clayey sandy gravel. Topsoil depths were recorded as ranging from 0.10m to 0.40m and noted as including frequent rootlets. The report concludes that the site-specific assessment identifies only 16% of the site area (1600sqm or 0.4 acres) as having the capacity to be assigned as Grade 1 agricultural land, with the remaining land appearing to display characteristics of lower grades and not deemed as versatile land and therefore not protected under agricultural land policies of the NPPF or the TBP. Overall, the report concludes that the land fails to meet the classification of Grade 1 agricultural land and should generally be considered at best Grade 3b.
- 8.20** In addition to the information submitted by the applicant, it should be noted that the majority of the site is located within the established settlement boundary for Uckington, which is defined as an ‘urban fringe settlement’ whereby the principle of residential development is accepted. It is therefore considered by Officers that the principle of development is firmly established for the majority of the site in the context of the adopted development plan.
- 8.21** Officers acknowledge the land is outlined as high-quality farmland within the published Agricultural Land Classification Map and recognise that Grade 1 agricultural land in the Gloucestershire and beyond is a finite resource. However, based on the submitted Land Classification Assessment, the applicant has demonstrated that a large proportion of the site would not fall within a Grade 1 classification. The development would however result in the
- 8.22** loss of some Grade 1 land, albeit in this case by a relatively small amount. The loss of any Grade 1 agricultural land is a harm which falls to be considered in the planning balance.

Scale, character and design

- 8.23** The NPPF at Chapter 12 seeks to achieve well-designed places. Policy SD4 of the JCS seeks to ensure design principles are incorporated into development, in terms of context, character, sense of place, legibility and identity. These requirements closely align with the requirements of the National Design Guide. RES5 of the TBP seeks to ensure proposals are of a design and layout which respect the character, appearance and amenity of the surrounding area.
- 8.24** The proposal comprises 16 units which is considered to be compatible with the scale and function of the settlement, which currently comprises approximately 40 properties around the central core where The Green adjoins the Tewkesbury Road in the immediate vicinity of the site.
- 8.25** In terms of visual impact, the development as a whole is not considered to have significant impacts. Given the proximity of the existing development adjacent the site to the west at The Green and to the south along Tewkesbury Road, the additional visual impact over and above that development would not be excessive.
- 8.26** The proposed design and layout reflects the form of the settlement, which is characterised by a denser core comprising short terraces and semi-detached dwellings, extending to looser grained and generally set-back properties towards its edges. The scheme also reflects the mixture of scales and proportions in this location, comprising single storey, one and half storey and two-storey dwellings.
- 8.27** The development would comprise a mix of housing types of detached and semi-detached dwellings. All of the properties would have access to private gardens along with off street parking with the majority benefitting from a dedicated garage. Dwellings would be set back from the road behind small landscaped front gardens. The layout would provide an attractive frontage and good natural surveillance.
- 8.28** The surrounding character of the area displays a mixed palette of materials, with a predominance of brick. The proposed dwellings would be constructed in brick with some grey weatherboard detailing, and roofs would be finished in slate effect and plain tiles. Some of the traditional design features within the area as identified in the submitted Design and Access statement have been incorporated within the dwellings such as dormers, brick arches, brick cills, dentil courses on the eaves and some chimneys.
- 8.29** The materials plan contains an indication of the materials finishes to be used but does not include details of final proposed brick and tile types and this is proposed to be conditioned.
- 8.30** Overall, in terms of scale, character and design, the development is considered to accord with the requirements of JCS Policy SD4, and TBP Policy RES5.

Access and highway safety

- 8.31** Policy INF1 'Transport Network' states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. A Transport Statement has been submitted in support of the application; this outlines that access into the site would be taken from a new priority junction on to the Green. The access to the site would be approx. 5.5m in width. An ATC survey was undertaken between Wednesday 21st September and Tuesday 27th September 2022. The report concludes that the highways impact is materially insignificant; and that the proposals can be accessed and

egressed safely and sustainably, hence there is no reasonable cause for objection on traffic, transportation or highway grounds.

- 8.32** Throughout the course of the application, it is noted that a series of amendments have been made to the proposed access and highways arrangements at the site following initial concerns that were outlined by the Local Highway Authority (LHA) in respect of site access visibility, swept path tracking and layout.
- 8.33** The Local Highway Authority (LHA) have fully assessed the proposal and the amendments that have been submitted by the applicant in support of the application. The LHA have advised that the latest plans submitted for the proposed development illustrate suitable emerging visibility onto The Green from 2.4 metres inside the site access with a widening of the existing footway along The Green. This will subsequently deliver suitable visibility between emerging site vehicles and oncoming traffic based on recorded approach speeds. In addition, the footway widening aids pedestrian accessibility along The Green past the site which is currently an existing narrow footway.
- 8.34** The LHA have noted that there are a series of proposed works that may require alteration before being brought forward within any highway legal agreement application including the kerb line build out of the north side of the site, the proposed footway widening and site access crossover works and connecting the southern shared use path to the footway on the A4019 Tewkesbury Road.
- 8.35** Overall, subject to conditions the LHA have concluded that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. Therefore, there are no justifiable grounds on which an objection could be maintained.
- 8.36** Given the above it is considered that the proposal would not have a detrimental impact on highway safety or the capacity of the network. Access can be achieved and sufficient turning and parking provisions would be available. Overall, the development is considered to accord with the requirements of JCS Policy INF1 and TBP Policy RES5.

Residential amenity

- 8.37** Policy SD4 (Design Requirements) of the adopted JCS seeks to avoid visual intrusion, noise, smell, and pollution in development. Policy SD14 (Health and Environmental Quality) goes further to ensure that new development causes no unacceptable harm to local amenity including neighbouring occupants. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 8.38** The Environmental Health Officer has been consulted and has identified that potential harm to amenity may exist from noise and contamination unless appropriate conditions are imposed.
- 8.39** A contamination report has been submitted. The ground investigation element of the report quantifies potential contamination risks following an intrusive investigation at the site where shallow surface soils have been tested for contamination following the installation of 6 boreholes and the digging of 10 trial pits. The Environmental Health Officer has commented stating 'whilst the extent of site investigation across the more northern areas of the site is considered sufficient to characterise potential ground contamination risks, it is recommended that further intrusive investigation works are completed within the footprint and surrounding the farm buildings at the centre and south of the site to quantify contamination risks in these areas and update the conceptual site model. The submitted

information is considered acceptable to meet the requirements of a Phase I Desk Study for the site and can be approved. The Phase II Ground Investigation is not considered sufficient to quantify potential ground contamination risks for the entire site and would need to be updated pending further intrusive ground investigation works. This further site investigation work may be easier to complete after demolition of the existing building structures.' The requirements relating to the submission of additional information in relation to contamination can be appropriately conditioned to any approval.

- 8.40** Potential harm to amenity may also occur from noise, arising from air source heat pumps and from A4019 traffic. In order to safeguard amenity, the Environmental Health Officer has recommended an appropriate condition to secure a noise impact assessment prior to the commencement of development, including the implementation of mitigation measures in the event that the noise assessment identifies any exceedences.
- 8.41** Policy HEA 1 (Healthy and Active Communities) of the adopted TBP seeks to ensure that potential impacts to health and wellbeing are considered in new development. Further, Policy DES1 (Housing Space Standards) requires new development to adopt nationally described space standards. According to submitted plans for each house type, dwellings meet or exceed the government's space standards.
- 8.42** Overall, Officers consider the development provides sufficient space between dwellings, and sufficient private garden space for each. Dwellings are positioned set back from the site boundary, so that (to the extent it would be required), there would be no issue with overlooking or impacts on privacy on existing neighbouring dwellings, or unwelcome views into the development. The arrangement of individual plots raises no concerns regarding overlooking or privacy. Residential amenity is also enhanced by the provision of open space with natural surveillance and landscaping. Officers consider that, subject to appropriate conditions, the development complies with the requirements of Policies SD4 and SD14 of the adopted JCS, and Policies HEA1 and DES1 of the adopted TBP.

Ecology

- 8.43** Government Circular 06/05 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. When determining planning applications, Paragraph 180 of the NPPF states if significant harm to biodiversity resulting from a development cannot be avoided through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 8.44** Policy SD9 of the adopted JCS (Biodiversity and Geodiversity) states amongst other things that the biodiversity and geological resource of the JCS area will be protected and enhanced in order to establish and reinforce ecological networks that are resilient to current and future pressures. Similarly, the adopted TBP Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features) requires amongst other things that proposals will, where applicable, be required to deliver a biodiversity net gain across local and landscape scales, including designing wildlife into development proposals.
- 8.45** An ecological impact assessment has been submitted in support of the application. The report concludes that subject to the implementation of effective mitigation measures there will be no long term adverse ecological impacts on habitats or protected/notable species. Alongside the enhancement measures the proposal is expected to deliver a beneficial

ecological effect on the traditional orchard and on foraging/commuting hedgehog utilising the site.

- 8.46** A Biodiversity Net Gain (BNG) Assessment has also been provided which demonstrates how the development would achieve the required minimum 10% BNG. The BNG Assessment details the site is capable of achieving a net gain in habitat units of 18.02% and hedgerow units of 22.59%.
- 8.47** The council's ecologist has been consulted and has no objections to the proposal subject to conditions relating to the submission of a Construction and Ecological Enhancement management Plan (CEMP), a Landscape and Ecological Management Plan (LEMP) and a lighting design strategy for biodiversity, which can be conditioned.
- 8.48** Policy INF3 (Green Infrastructure) of the adopted TBP seeks to conserve and enhanced the green infrastructure network where of local and strategic importance. The Cotswolds Beechwoods SAC requires consideration under INF3. Specifically, Policy NAT5 (Cotswold Beechwoods SAC) of the adopted TBP requires that proposals have regard to any adverse impacts.
- 8.49** A Shadow Habitats Regulation Assessment has been submitted in relation to the potential impacts upon the Cotswolds Beechwoods SAC. Natural England has raised no objection, subject to a strategic mitigation contribution from the applicant to support the maintenance of the site and production of an access strategy in line with the Site Improvement Plan (SIP) for the Cotswold Beechwoods SAC. This would be secured through the S106 and is calculated at £673 per dwelling. Further, as recommended by the Council's ecologist, public information leaflets for new residence are to inform new occupiers of the recreational opportunities available to them and the sensitivities of local nature conservation sites.

Trees and Landscaping

- 8.50** The NPPF at Chapter 12 seeks to achieve well-designed places. Policy SD4 of the JCS seeks to ensure design principles are incorporated into development, in terms of context, character, sense of place, legibility and identity. These requirements closely align with the requirements of the National Design Guide. RES5 of the TBP seeks to ensure proposals are of a design and layout which respect the character, appearance and amenity of the surrounding area.
- 8.51** The site layout illustrates a landscaping layout comprising tree planting in garden areas alongside the access road and alongside site boundaries, small landscaped front gardens and an area of green open space in the north east part of the site laid out as an orchard. A detailed landscaping scheme for both hard and soft landscaping has been submitted setting out the proposed approach. The landscaping is considered to effectively assist in integrating the development into its edge of settlement location. It is considered acceptable in principle subject to the submission of planting schedules, hard landscaping and boundary materials, which can be confirmed through condition.
- 8.52** The submitted Arboricultural impact Assessment explains several trees and tree groups are to be removed to facilitate development, comprising of 2 moderate 'B' grade trees, 1 low quality 'C' grade tree and 3 poor quality 'U' grade trees and three groups of trees, consisting of two low quality 'C' grade groups and one poor quality 'U' grade group. The loss of these trees will be mitigated by extensive new tree planting within the proposed Landscape scheme.

- 8.53** The Council's Tree Officer has raised no objection to the proposals, subject to appropriate conditions including full details of new tree/hedgerow planting, all planting to be carried out in the first planting season, any removal of trees/scrub/hedgerows to be carried out between 1st March and 31st August inclusive in any year and measures to protect retained trees/hedgerows on and adjacent the site.
- 8.54** Officers consider the development demonstrates a satisfactory landscape layout that ensures the site would be well integrated into the edge of village location would not cause an unacceptable level of harm to the landscape or trees. It is considered to comply with the requirements of Policy SD4 of the JCS and RES5 of the TBP.

Affordable housing

- 8.55** Chapter 5 of the NPPF seeks to deliver a sufficient supply of homes, and that the needs of groups with specific housing requirements are addressed, in terms of amongst other affordability and tenure.
- 8.56** JCS Policy SD12 sets out that on sites outside of strategic allocations, a minimum of 40% affordable housing will be sought, which is mirrored in Policy RES12 of the TBP. It follows that they should be provided on site and should be seamlessly integrated and distributed throughout the development scheme.
- 8.57** Affordable units proposed are 37.5% of the development overall. This is noted as a shortfall of 2.5% to the overall required 40% as outlined within Policy SD12 of the JCS and Policy RES12 of the TBP. The Housing Strategy and Enabling Officer has commented on the application and stated the proposal for 16 dwellings generates a 40% minimum requirement of 6.4 houses. The applicant can either offer 7 units on site or offer 6 and pay a commuted sum for the outstanding balance of 0.4 units. This is calculated as £60K as a blended value for affordable housing values. This sum should be secured by way of the provisions of the S106 agreement. The applicant has agreed to provide 6 affordable homes on the site and make a contribution of £60K which can be secured through a S106 legal agreement. The agreed affordable housing tenure mix to be secured by a S106 is:

- 1 bedroom: 2 units comprising 1 x Social Rent and 1 x Shared Ownership
 - 2 bedroom: 2 units comprising 1 x Social Rent and 1 x Shared Ownership
 - 3 bedroom: 2 units comprising 1 x Social Rent and 1 x Shared Ownership
- It is therefore considered that scheme would comply with the affordable housing requirements set out in Policy SD12 of the JCS and Policy RES12 of the TBP.

Drainage and flood risk

- 8.58** 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.
- 8.59** The site is located within Flood Zone 1 and not therefore within an area at low risk of flooding.
- 8.60** The application has been accompanied by a Flood Risk Assessment and Drainage Strategy which advises that a SuDs system would be designed to discharge surface water by utilising

permeable paving and driveways within the site. No concerns have been raised by the Lead Local Flood Authority who have confirmed no objection subject to a condition relating to the submission of a SuDS Management and Maintenance Plan which would be added to any approval.

- 8.61** The existing sewer system would be utilised to dispose of foul water. Severn Trent Water have commented on the submitted application and confirmed no objection subject to conditions relating to the disposal of foul and surface water flows, which would be added to any approval.
- 8.62** The development is therefore considered to accord with the NPPF, Policy INF2 of the JCS and Policy ENV2 of the TBP.

Historic Environment

- 8.63** JCS Policy SD8 concerns the historic environment, stating that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.
- 8.64** Policy HER2 of the TBP requires that development which comprises the change of use of listed buildings or development within their settings will be expected to have no adverse impacts on the elements which contribute to their special architectural or historic interest including their settings. The materials to be used on building works should normally be undertaken using traditional materials and building techniques.
- 8.65** Policy HER5 (Locally Important Heritage Assets) of the TBP states that: Locally Important Heritage Assets will be conserved having regard to the significance of the asset and its contribution to the historic character of the area. Proposals affecting a Locally Important Heritage Asset and/or its setting will be expected to sustain or enhance the character, appearance, and significance of the asset. Proposals that seek the preservation and/or enhancement of these assets will be encouraged. Historically important groups of farm buildings will be protected from proposals for destructive development or demolition.
- 8.66** The proposal is to create 16 new dwellings on land currently occupied by agricultural/storage buildings. None of the buildings to be developed are of historic interest.
- 8.67** The site is not within a conservation area however, it is located within the setting of a number of listed and curtilage listed buildings including Uckington Farmhouse and associated buildings which are Grade II Listed.
- 8.68** As such when determining planning applications, the authority has a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have regard to the desirability of preserving listed buildings and their settings.
- 8.69** There are also three properties to the south of the site that are considered to be non-designated heritage assets (Box Cottage, Landean and Elton Lawn).
- 8.70** Despite some later less sympathetic development the historic character of this particular part of the settlement is distinctive, featuring single storey brick farm buildings running along the lane.
- 8.71** The Conservation Officer has been consulted on the submitted application offering the following comments in regard to the proposal. 'The proposal is to demolish a modern metal

clad farm buildings and create 16 new dwellings. The current buildings are of no historic merit and demolition is acceptable. 'The development would infill a gap between existing developments and could accommodate new buildings without detriment to the setting of the listed buildings and the historic character of the area. As such the principle of the construction of 16 dwellings on this plot is considered acceptable. The design of the houses are generally a modern housing estate type with front projecting gables and integral garages and takes little inspiration from the historic vernacular. However, the houses will be tucked away out of site and would not have a particularly negative impact upon the setting of the listed buildings.

- 8.72** An Archaeological Written Schem of Investigation has been submitted and the County Council Heritage Team has been consulted. No significant archaeology remains have been found. The County Archaeologist agrees there is a low risk of remains being adversely affected by development and no further investigations or recording are recommended.
- 8.73** Overall, the development is considered to comply with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, section 16 of the NPPF, JCS Policy SD8 and Policies HER2 and HER5 of the TBP.

Education Provision

- 8.74** Gloucestershire County Council as Local Education Authority (LEA) has been consulted on the application and has requested contributions to secondary school places in the area. The number of dwellings would be expected to generate an additional demand for 2.38 secondary (11-16) places; schools are forecast to be full. Therefore, Gloucestershire County Council is seeking a secondary (11-16) contribution of £56,584.50 towards the provision of those places.

Section 106 and CIL

- 8.75** 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.
- 8.76** These tests are as follows:
- necessary to make the development acceptable in planning terms.
 - directly related to the development; and
 - fairly and reasonable related in scale and kind to the development.
- 8.77** 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.

8.78 Requests have been made by consultees to secure the following contributions via S106 obligations:

- Affordable Housing: 6 Affordable Units (37.5% of overall provision)
- Offsite contribution for provision of affordable housing: £60,000
- Education: £56,584.50 for secondary schools
- Cotswolds Beechwoods SAC Strategic Mitigation Contribution: £10,768
- Refuse and Recycling: £1,168 (£73 per dwelling)

8.79 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. Final details of the S106 would be agreed and signed prior the decision being issued.

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 neither is it a defined Service Village. Uckington is however identified as an 'urban fringe settlement' within the Tewkesbury Local Plan and has a defined settlement boundary on the adopted policies map. Policy RES2 of the TBP states that within urban fringe settlements the principle of residential development is acceptable. The majority of the site is located within the established settlement boundary for Uckington but a small portion to the north east falls outside of it, which technically engages the tilted balance.

9.3 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** Securing biodiversity net gain, the provision of publicly accessible open space, education and other planning obligations are a benefit . However, given the planning obligation benefits are directly related to the development and required to make the proposal acceptable in planning terms, officers afford these benefits limited weight.

Harms

- 9.9** Whilst the larger part of the site is compliant with the development plan, harm arises insofar part of the site falls outside the Uckington settlement boundary, albeit this part of the site would be laid to the public open space serving the development. Whilst this technically engages the tilted balance, the harm arising is considered modest.
- 9.10** The proposal would also result in the loss of a proportion of Grade I agricultural land, which is considered a modest harm arising from the proposal.
- 9.11** At this stage there is no signed S106 Agreement to secure affordable housing; nor is there a signed Agreement to provide for financial contributions required towards education, off-site recycling facilities or ecological mitigation. These matters are capable of being resolved in terms of the planning balance.

Neutral

- 9.12** 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, drainage, residential amenity and archaeology.

Overall Conclusion

- 9.13** 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.
- 9.14** For these reasons officers recommend that authority be delegated to the Associate Director of 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 and affordable housing contrary to JCS Policies SD12, INF4, INF6 and INF7.

11. Conditions

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

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

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

Location Plan 829 - DRN - 01 Rev A
Topographical Survey 22980-200-01
Site Layout P21-0510DE_01 Rev G
Building Heights P21-0510DE_02 Rev D
Land Use Plan P21-0510DE_03 Rev C
Movement Plan P21-0510DE_04 Rev D
Adoption Plan P21-0510DE_05 Rev C
External Works P21-0510DE_06 Rev D
Refuse Strategy Plan 829 - 147 Rev C
Materials Plan P21-0510DE_09 Rev D
House Type Plan PB3 P21-0510_08 Rev B
House Type Plan HT4 P21-0510_08 Rev B
House Type PL4 Plan and Elevation 829 - 32 Rev A
House Type PL4 DA Plan and Elevation 829 - 33 - Rev A
House Type WH4 Plan and Elevation 829 - 31 Rev A
House Type Plan GT5 P21-0510_08 Rev B
House Type Plan 2B4P M4(2) P21-0510_08 Rev B
House Type Plan 1B2P/3B5P P21-0510_08 Rev B
Single Garage Plan P21-0510_08

Double Garage Plan P21-0510_08
Illustrative Street Scene P21-0510_10 Rev C
Highway Arrangement Plan 829 - 105 Rev F
Proposed Site Access - Junction Layout 829 - ED - 04 Rev D
Proposed Site Access - Junction Layout - With Tracking 829 - ED - 05 Rev C
Proposed Site Access - Junction Layout - With Junction Visibility 829 - ED - 06 Rev C
Drainage Layout 829 - 142 Rev E
Swept Path Analysis 829 - 144 - 1 Rev F
Swept Path Analysis 829 - 144 - 2 Rev C
Swept Path Plans 829 - 144 - 3 Rev A
Parking Allocation Plan 829 - 145 Rev C
Flood Routing Plan 829 - 146 Rev D
Refuse Strategy Plan 829 - 147 Rev C
Fire Appliance Strategy Plan 829 - 148 Rev B
Detailed Landscape Proposals 22/558/02 E

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

- 3** 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 to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for 43 metres southwest and 46 metres northeast according to plan 829 - ED - 06 Rev C. 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.

- 4.** The Development hereby approved shall not be occupied/brought into use until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway shall be provided on both sides of the access according to plan 829 - ED - 06 Rev C. 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.

- 5** Notwithstanding the submitted plans and details the shared footway from the south end of the site road to the A4019 Tewkesbury Road footway shall be at least 3 metres wide for shared pedestrian and cycle access with vehicle restraint features such as bollards, staggered railings or similar erected at each end.

Reason: To maximise accessibility for pedestrians and cyclists.

- 6** The Development hereby approved shall not be occupied until the highway improvements/offsite works/site access works comprising: Footway Widening generally as shown on drawing 829 - ED - 04 Rev D, have been constructed and completed.

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

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

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

- 8** Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan 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 photographic survey immediately before and after evidenced works start and finish dates ;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

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

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

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

- 10** No development shall commence on site until a detailed design, maintenance & management strategy and timetable of implementation for the surface water drainage strategy presented in the submitted Flood Risk Assessment/Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The detail must demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

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

- 11** No development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

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

- 12** The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

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

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

- 14** Prior to commencement of any development within the site a Construction (and demolition) Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (but is not limited to):

- A. Site access/egress
- B. Staff/contractor facilities and travel arrangements
- C. Dust mitigation
- D. Noise and vibration mitigation (Including whether piling or power floating is required and please note white noise sounders will be required for plant operating onsite to minimise noise when in operation/moving/ reversing)
- E. Mitigation of the impacts of lighting proposed for the construction phase
- F. Measures for controlling leaks and spillages, managing silt and pollutants
- G. Plans for the disposal and recycling of waste

- 15** Development shall take place only in accordance with the approved CEMP.

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

- 16** There shall be no burning of any waste or other materials on the site during the construction phase. All waste produced onsite shall be disposed of in an appropriate manner.

Reason: To protect the amenity of nearby residential properties.

- 17** Prior to the commencement of development a noise assessment shall be undertaken to ascertain any potential impact of the following;

- Road traffic noise from the A4019
- Noise associated with Heat pumps (Both individual and cumulative impact)

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

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

The report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and any identified mitigation measures shall be implemented prior to the occupation of the dwellings to which they relate.

Reason: To protect proposed and existing properties from the impacts of medium and long-term exposure to noise.

- 18** Prior to the commencement of any works on-site, a Construction and Ecological Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP will follow recommendations to protect wildlife during the construction phase made within the EclA report (Tyler Grange, October 2022). The CEMP should include:

- A bat sensitive lighting strategy that will ensure light spill around the boundary commuting features is minimal and will follow the lighting plan guidance set out within Lighting Report (Iain Macrae, September 2022, V.3);
- Details to outline demolition of the buildings and vegetation removal to occur outside the bird nesting season, that is outside the period March to August. Where this is not possible an Ecological Clerk of Works (EcOW) will be present to undertake a nesting bird check;
- Methods to protect mammals during the construction phase (including for hedgehogs and badgers);

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

- 19** Prior to commencement of any works on-site, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include ecological mitigation and enhancement details as outlined in the EclA report (Tyler Grange, October 2022) and identified on the Enhancement Plan Layout (Edenstone Homes, Sep 2022). The EclA identifies that a net gain in both habitats and hedgerows can be achieved on-site with the proposed scheme, however, it is noted that this is based on outline soft landscape proposals. Following the finalisation of the soft landscape proposals (to be included in the LEMP), the biodiversity metric will need to be updated and submitted to the local planning authority for review to ensure that positive net gain can still

be achieved.

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

- 20** Prior to commencement of development, a “lighting design strategy for biodiversity” for the boundary features and any native planting shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

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

- 21** Before the first use/occupation of the development hereby permitted, full details of proposed tree/hedgerow planting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, species and sizes, planting specifications, maintenance schedule, provision for guards or other protective measures. The details shall include the tree pit design and location, type and materials to be used for hard landscaping and boundary treatments, including specifications.

All planting shall be carried out in accordance with the approved details in the first planting season following the completion or first occupation/use of the development, whichever is the sooner. The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

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

- 23** 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.

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

Reason: To prevent damage to or loss of trees

- 25** Prior to first occupation, refuse bin storage facilities shall be provided in accordance with the approved plans. The approved facilities shall thereafter be maintained for the lifetime of the development.

Reason: To ensure adequate refuse storage facilities are incorporated in the development and to ensure high quality design.

- 26** Prior to the commencement of the development, other than that required to secure access and demolish buildings identified for removal, a further element of Phase 2 site investigation shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Land Contamination Risk Management (LCRM) procedures for managing land contamination. This is to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals in those areas of the site not investigated. This shall be submitted in writing and approved by the local planning authority. A Phase 3 remediation strategy, validation plan, and/or monitoring plan shall also be submitted to and approved by the local planning authority to ensure the site will be suitable for its proposed use.

Reason: To ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use.

- 27** The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved by the local planning authority.

Reason- To ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use.

- 28** Any contamination that is found during construction of the approved 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 any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use.

- 29** Prior to the commencement of development details of existing and proposed site sections and full details of finished floor and site levels relative to dwellings on the boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. 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.

12. Informatives

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

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the 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 The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.
- 4 You are advised that as a result of the proposed layout and construction of the internal access road, the internal access road will not be accepted for adoption by the Highway Authority under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980, unless and until you agree to exempt the access road. The exemption from adoption will be held as a Land Charge against all properties within the application boundary.
- 5 The Developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the Developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.
- 6 Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
- 7 The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.
- 8 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.
- 9 The development includes a retaining wall adjacent to the highway and the Applicant/Developer is required to have regard to Section 167 of the Highways Act 1980,

which in some circumstances requires plans, sections and the specification of the retaining wall to be submitted to the County Council for its separate approval before works on the development can commence.

- 10** 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.
- 11** 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

NEWLAND HOMES

Accommodation Schedule

OPEN MARKET				
Name	Beds	Pers	Nos	
3B	PB3	3	6	2
4B	HT4	4	7	1
	PL4	4	8	4
5B	WH4	4	8	2
	GT5	5	10	1
SUBTOTAL (Open Market) 10				
AFFORDABLE				
Name	Beds	Pers	Nos	
1B	1B2P M4(3)GF	1	2	1
	1B2P M4(1)FF	1	2	1
2B	2B4P M4(2)	2	4	2
3B	3B5P M4(2)	3	5	2
SUBTOTAL (Affordable) 6				
TOTAL 16				

House



KEY: SITE LAYOUT

APPLICATION BOUNDARY

SURFACE MATERIALS:

- GARDEN/POS/HIGHWAY VERGE (SEE DETAILED LANDSCAPE PROPOSALS)
- TARMACADAM/BLOCK PAVEDS

LANDSCAPING:

- PROPOSED GRAVEL (SEE DETAILED LANDSCAPE PROPOSALS)
- PROPOSED MOWN GRASS (SEE DETAILED LANDSCAPE PROPOSALS)
- PROPOSED WILDFLOWER (SEE DETAILED LANDSCAPE PROPOSALS)
- PROPOSED GARDEN SHRUBS (SEE DETAILED LANDSCAPE PROPOSALS)
- EASEMENT ELECTRICITY POLE (MAINTENANCE ACCESS/GOUNDED)
- LOW LEVEL HEDGEROW (SEE DETAILED LANDSCAPE PROPOSALS)
- INDICATIVE TREE PLANTING (SEE DETAILED LANDSCAPE PROPOSALS)
- INDICATIVE EXISTING VEGETATION
- RETAINED VEGETATION (SEE TREE RETENTION PLAN)
- RETAINED TREE (CATEGORY A)
- RETAINED TREE (CATEGORY B)
- ROOT PROTECTION ZONE
- TREE/VEGETATION REMOVED

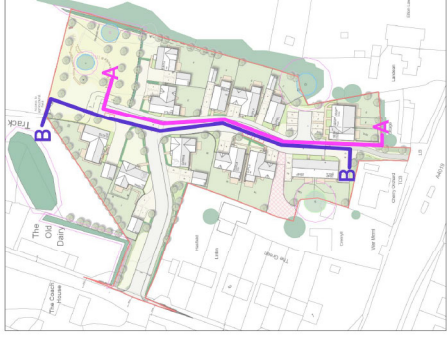
OTHER:

- GATE/PERSONNEL DOOR
- UNALLOCATED PARKING

REVISION NOTES: REV E-F-UPDATED TO ACCORD WITH GCC COMMENTS

UCKINGTON FARM, UCKINGTON, CHELTENHAM - SITE LAYOUT





SITE LAYOUT (NOT TO SCALE)



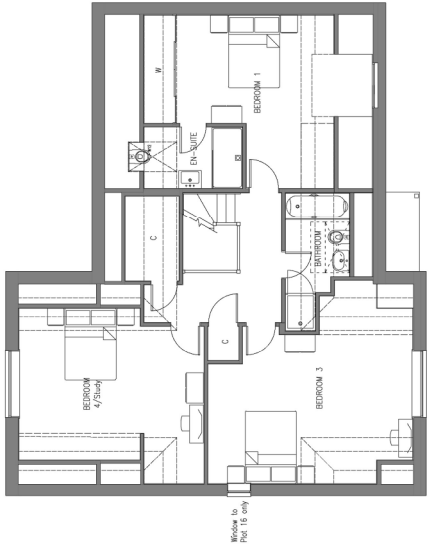
STREET SCENE A



STREET SCENE B



DO NOT SCALE FROM THIS DRAWING
 All dimensions to be checked on site prior to manufacture of prefabricated items. Any discrepancy or omission to be reported immediately to the project manager. All dimensions to be in accordance with relevant building regulations and product manufacturers' specifications. Read in conjunction with finishing specification, and other associated drawings issued and details which may be issued from time to time.



First Floor Plan

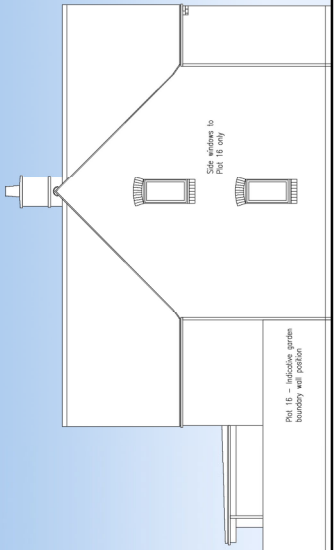
full height GF window



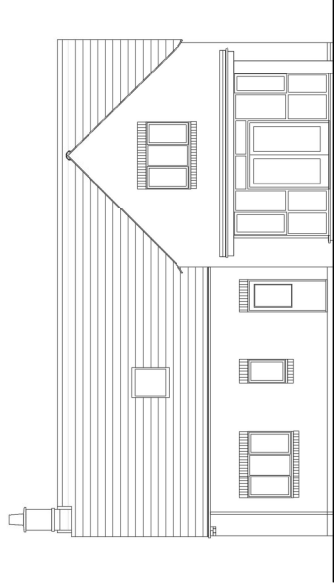
Front Elevation

panel detail beneath window

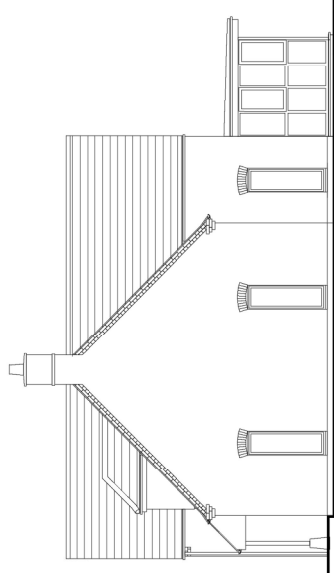
dark timber canopy joinery



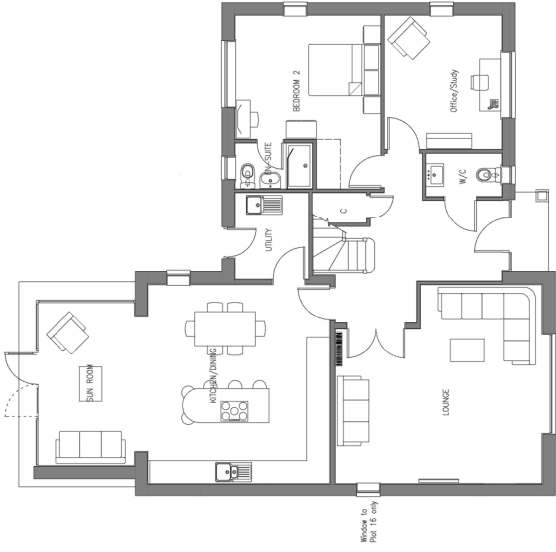
Side Elevation



Rear Elevation



Side Elevation



Ground Floor Plan

HOUSE TYPE W H 4



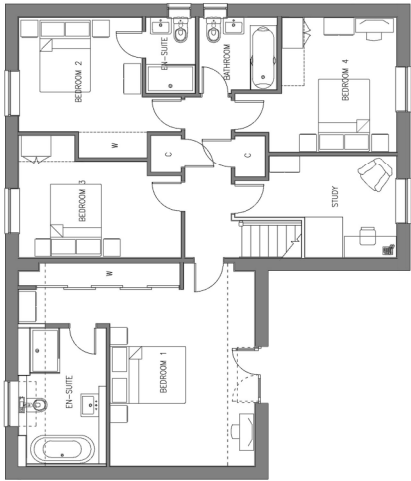
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 Scale
829-31
 Drawing No.

SS
 Draft
 Oct 2023
 E. P. H. A.
A
 Revision

**Uckington Farm,
 Uckington**
 House Type WH4 Plan and Elevation

Rev	Date	CG Initial	Checked
A	27.11.23		
Dormer reduced to two light window & width of dormer panels increased.			
Rev	Date	CG Initial	Checked

DO NOT SCALE FROM THIS DRAWING
 All dimensions to be checked on site prior to manufacture of prefabricated items. Any discrepancy or error to be reported and clarified before associated work proceeds. All construction to be in accordance with the specifications and product manufacturer's specifications. Read in conjunction with Finishing Specification, Specification, all other associated drawings issued and details which may be issued from time to time.



First Floor Plan

FF french door

mixed red brick facing material

dentil course under eaves

traditional contrasting arched brick heads & shallow brick gills



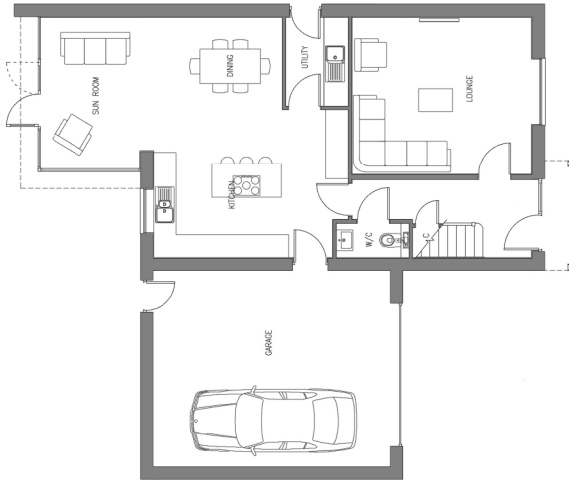
Front Elevation

full height GF window

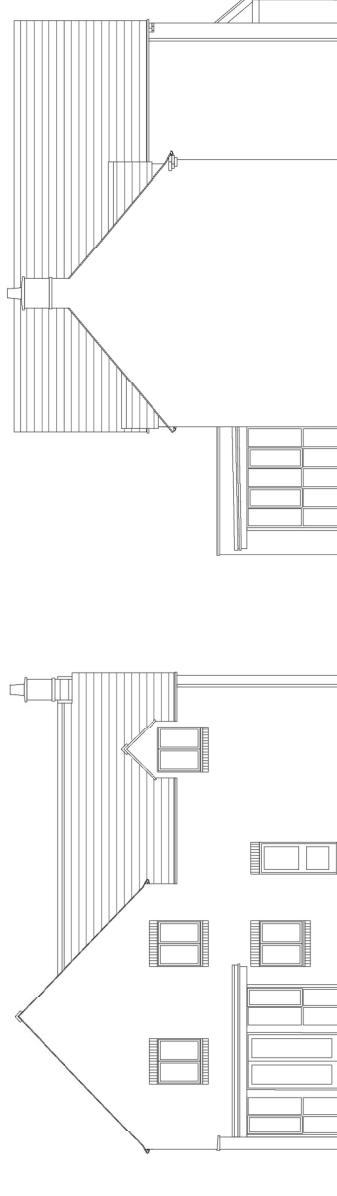
dark timber canopy joinery

contrasting plinth detail

Side Elevation



Ground Floor Plan



Rear Elevation

Side Elevation

A	Change floor width decreased	27.11.23	CS	Checked
Rev	Description	Date	Initial	



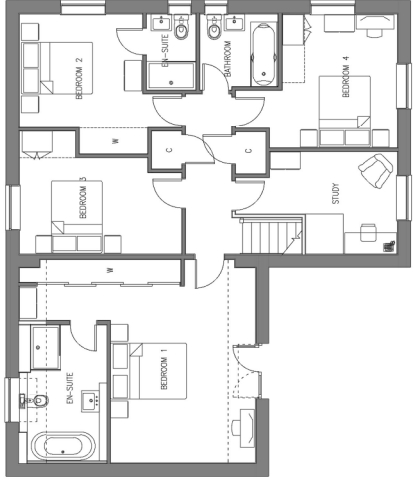
**Uckington Farm,
 Uckington**
 House Type PL4 Plan and Elevation

HOUSE TYPE P L 4

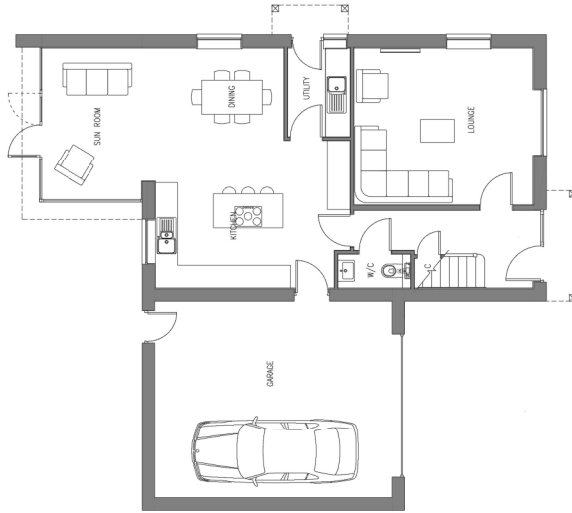
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 Scale
829-32
 Drawing No.

0mm 50mm 100mm

DO NOT SCALE FROM THIS DRAWING
 All dimensions to be checked on site prior to manufacture of prefabricated items. Any discrepancy or error to be reported and clarified before associated work proceeds. All construction to be in accordance with the Building Regulations, Building Control, Building Standards, Building Code of Practice and product manufacturer's specifications. Read in conjunction with Finishing Specification, Workmanship Specification, all other associated drawings issued and details which may be issued from time to time.



First Floor Plan



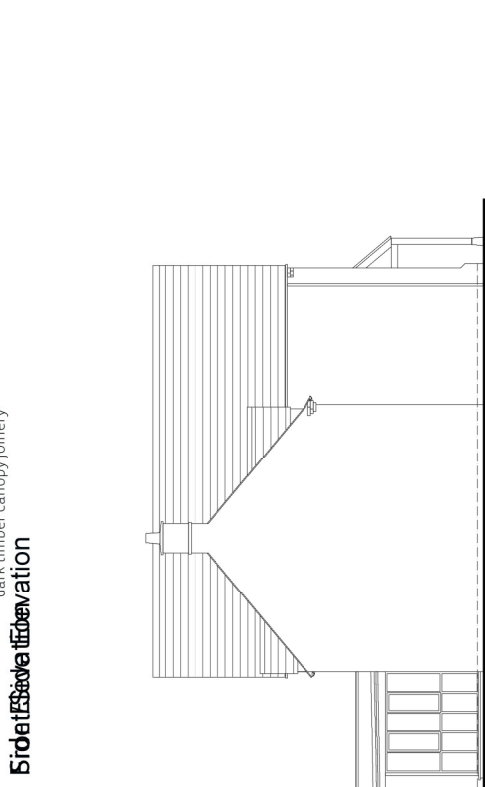
Ground Floor Plan

dentil course under eaves
 traditional contrasting arched brick heads & shallow brick cills

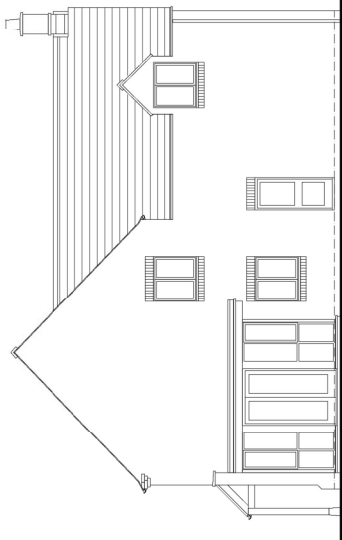


Front Elevation

dark timber canopy joinery
 contrasting plinth detail



Side Elevation



Rear Elevation

Rev	Description	27.11.23 DATE	GS Initial	Checked
A	Change floor width decreased.			



Uckington Farm,
 Uckington
 House Type PL4 DA Plan and Elevation

HOUSE TYPE P L 4 D A



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 Drawing No.

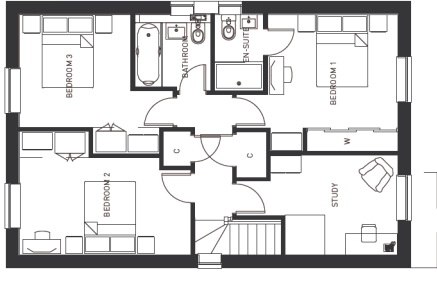
SS
 Oct 2023
 829-33
 A
 Revision

PLOTS: 5, 7(H)

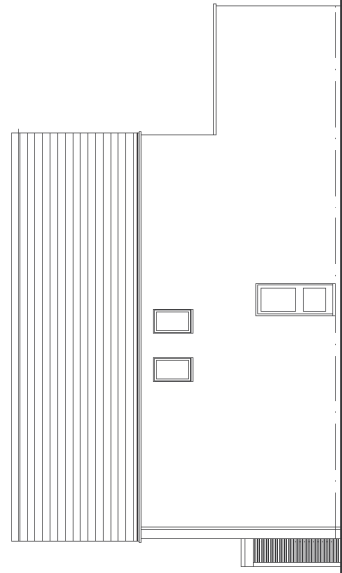
PLEASE REFER TO MATERIALS PLAN FOR DETAILED SPECIFICATION



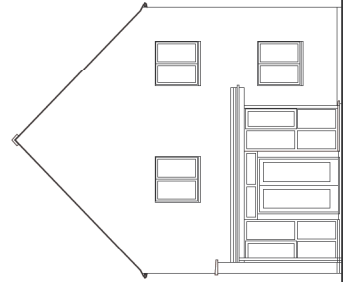
FRONT ELEVATION



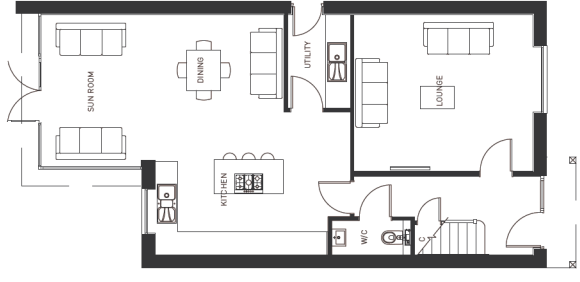
FIRST FLOOR



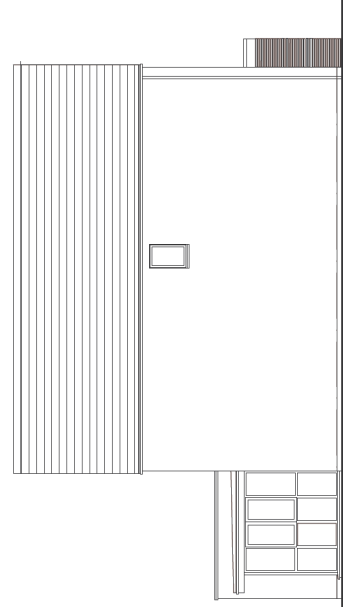
SIDE ELEVATION



REAR ELEVATION



GROUND FLOOR



SIDE ELEVATION

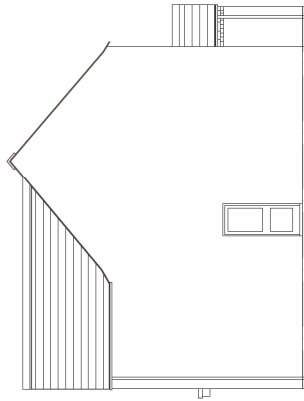


PLOTS: 4

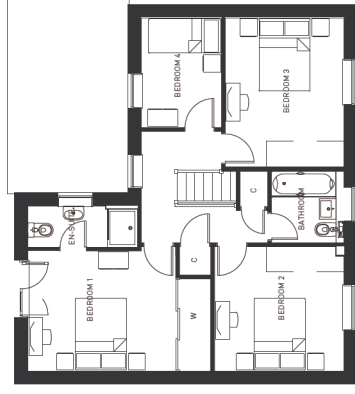
PLEASE REFER TO MATERIALS PLAN FOR DETAILED SPECIFICATION



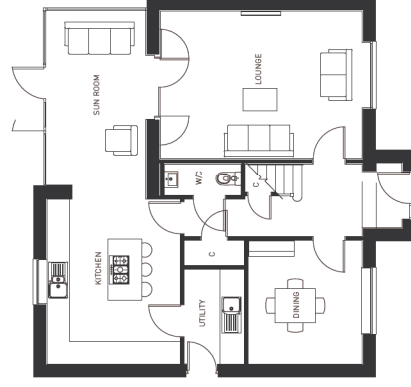
FRONT ELEVATION



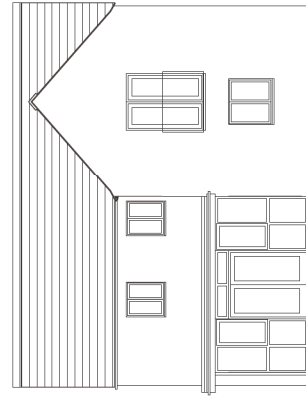
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FIRST FLOOR



GROUND FLOOR



REAR ELEVATION

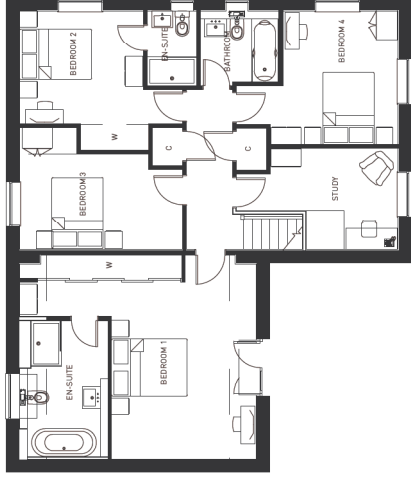


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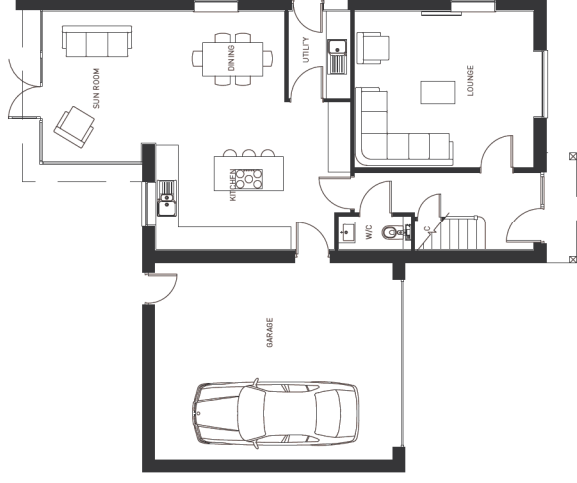


FRONT ELEVATION

SIDE ELEVATION



FIRST FLOOR



GROUND FLOOR



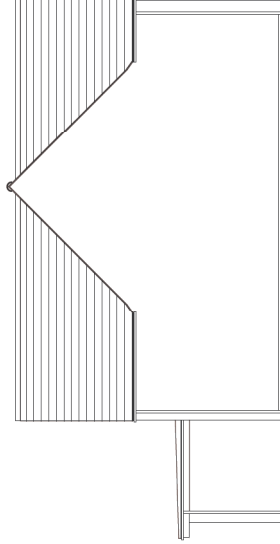
REAR ELEVATION

SIDE ELEVATION

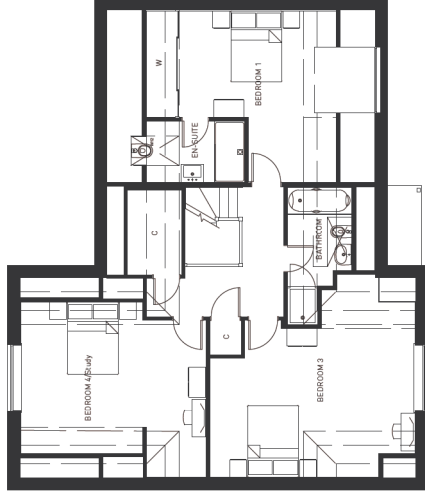




FRONT ELEVATION



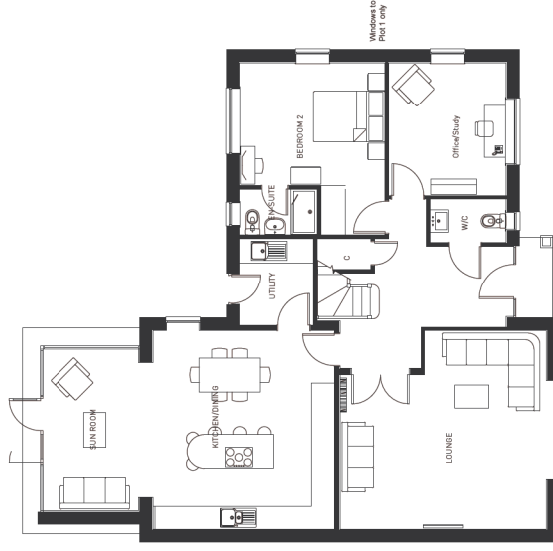
SIDE ELEVATION



FIRST FLOOR



REAR ELEVATION



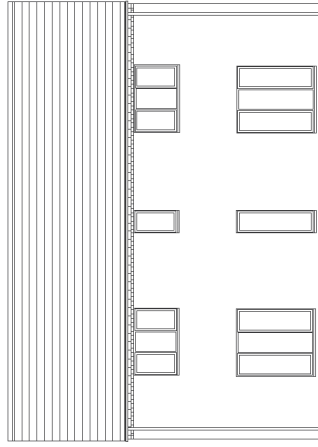
GROUND FLOOR

PLOTS: 2

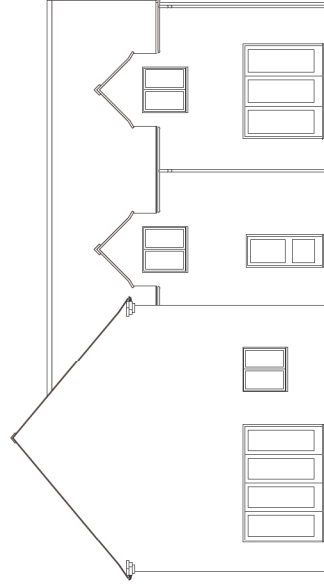
PLEASE REFER TO MATERIALS PLAN FOR DETAILED SPECIFICATION



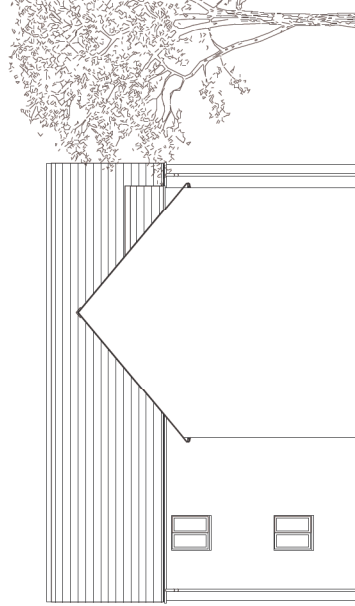
FRONT ELEVATION



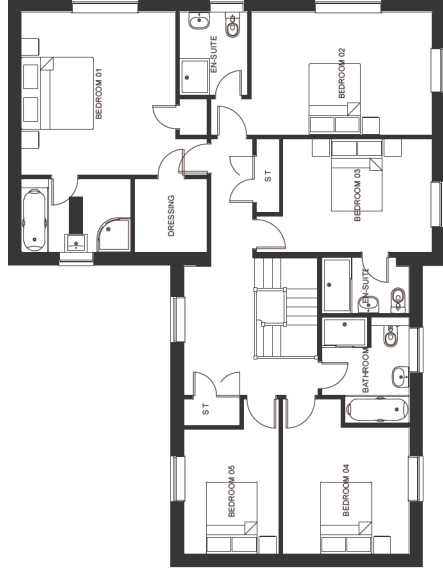
SIDE ELEVATION



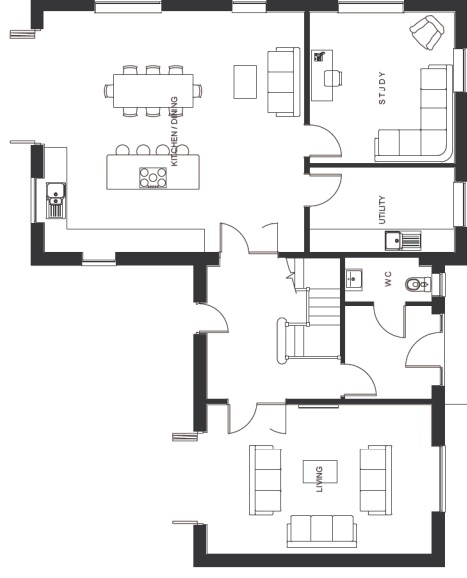
REAR ELEVATION



SIDE ELEVATION

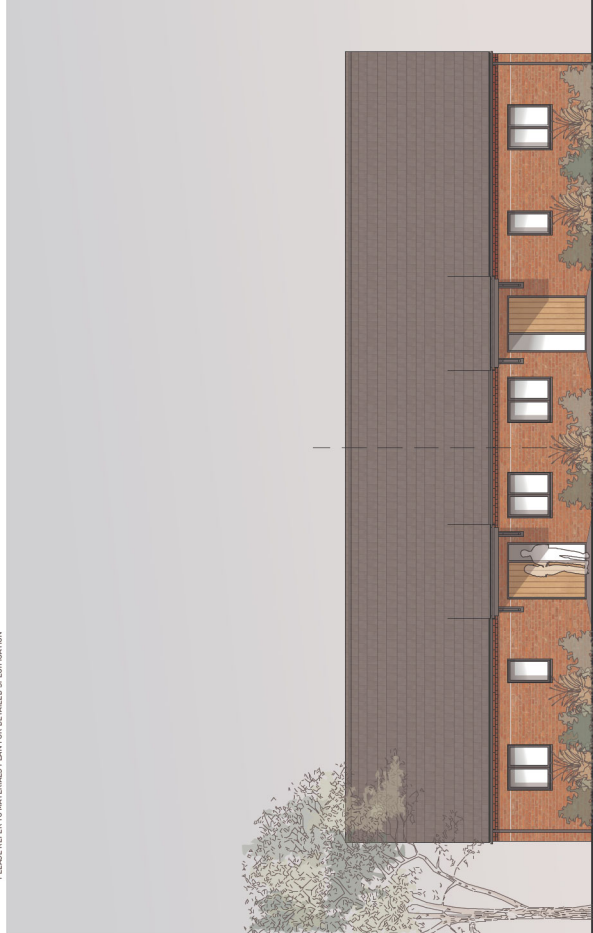


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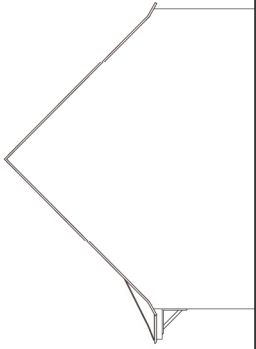


GROUND FLOOR

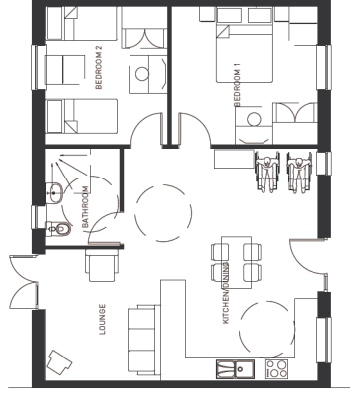




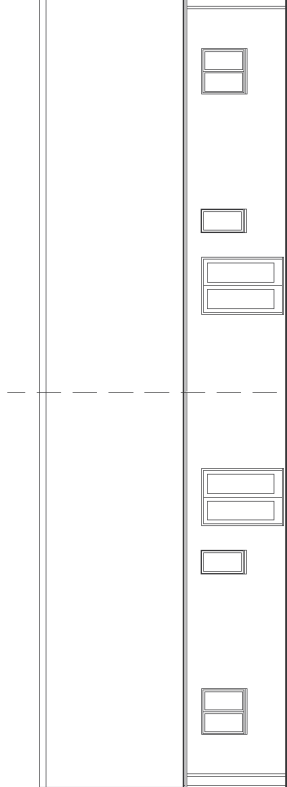
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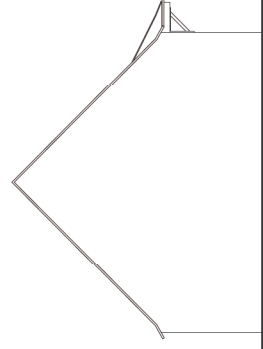
SIDE ELEVATION



GROUND FLOOR



REAR ELEVATION



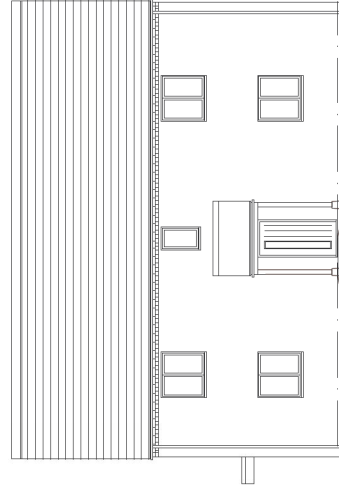
SIDE ELEVATION

PLOTS: 8, 9, 10/11 HANDED BLOCK

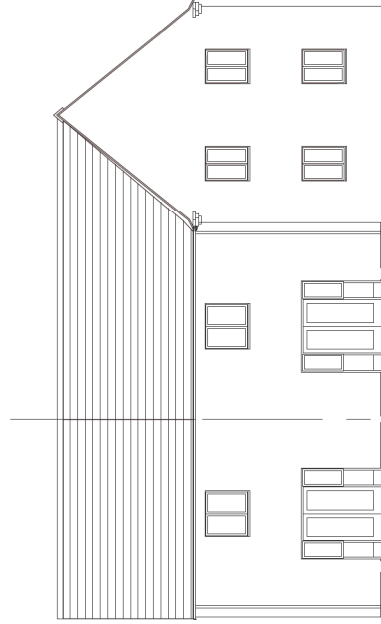
PLEASE REFER TO MATERIALS PLAN FOR DETAILED SPECIFICATION



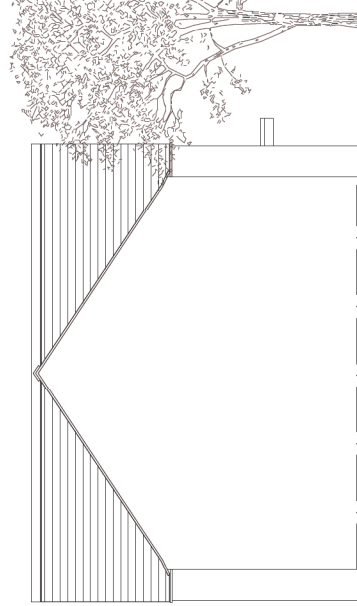
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



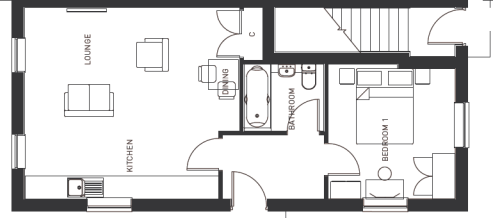
SIDE ELEVATION

1B2P M4(1)

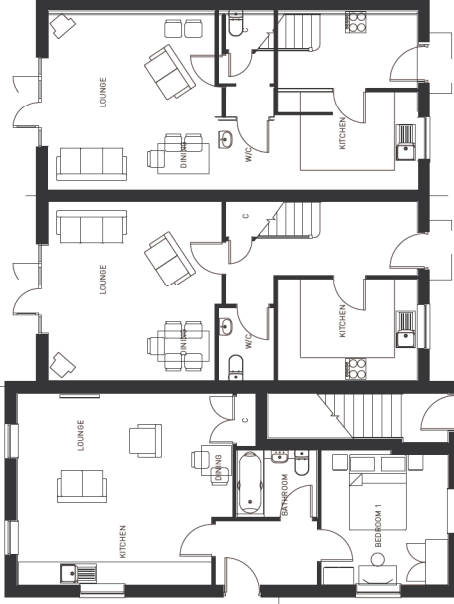


FIRST FLOOR

1B2P M4(3)



3BP M4(2)



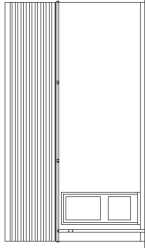
3B5P M4(2)

GROUND FLOOR

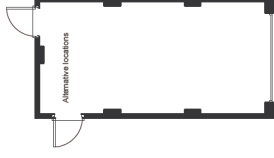




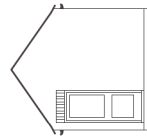
FRONT ELEVATION



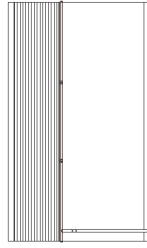
SIDE ELEVATION



GROUND FLOOR



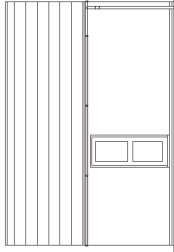
REAR ELEVATION



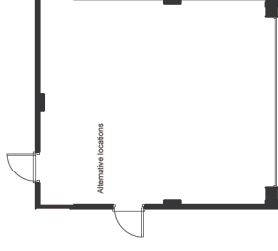
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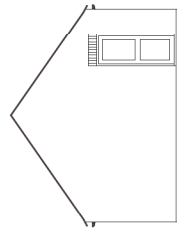
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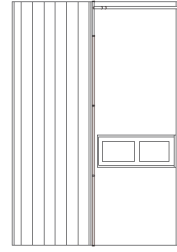
SIDE ELEVATION



GROUND FLOOR



REAR ELEVATION

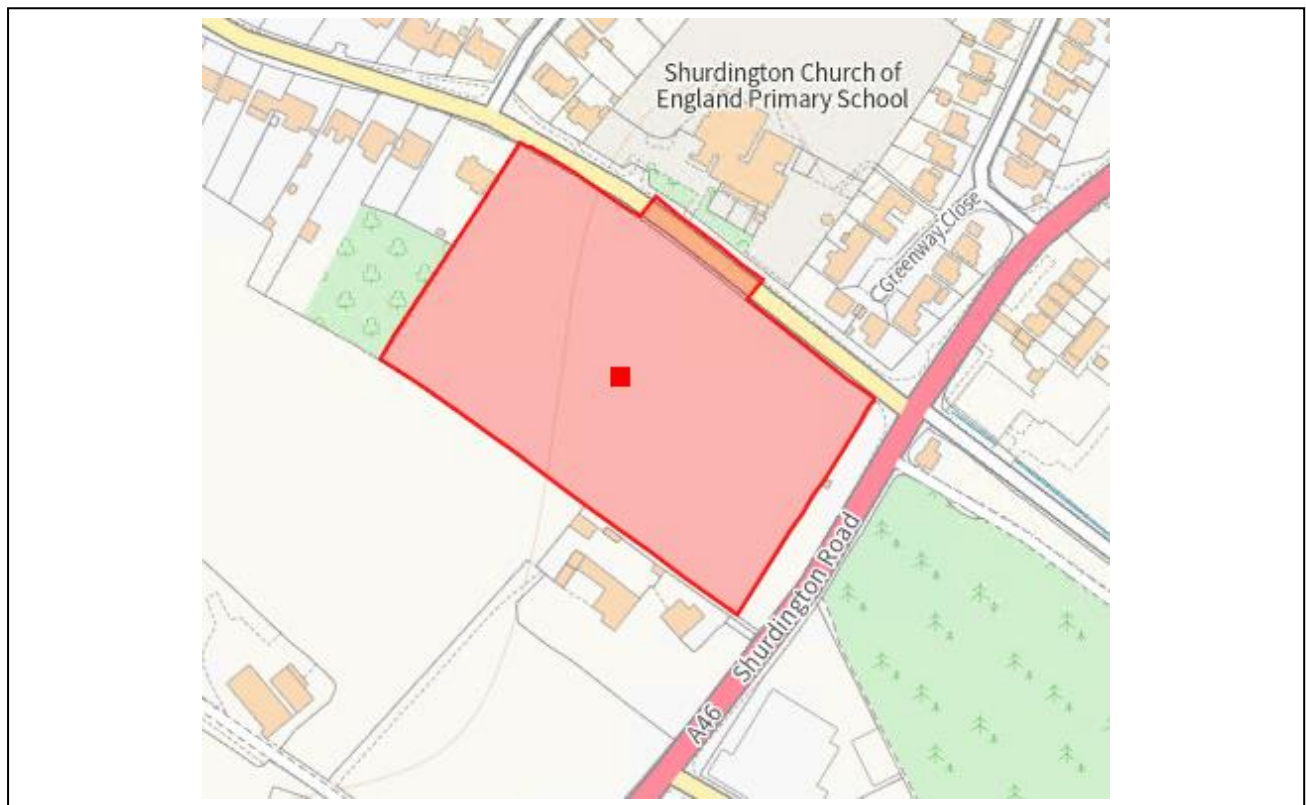


SIDE ELEVATION

Planning Committee

Date	18 June 2024
Case Officer	Curtis McVeigh
Application No.	22/01137/OUT
Site Location	Land At Badgeworth Lane, Badgeworth
Proposal	A cross subsidy affordable/open market residential development comprising up to 50 dwellings (of which 50% will be affordable housing and a further 10% will be self/custom build), vehicular and pedestrian access, internal streets, drainage, landscaping and all other ancillary engineering works. All matters are reserved except for vehicular access onto Badgeworth Lane.
Ward	Badgeworth
Parish	Badgeworth
Appendices	Site location plan 001 Illustrative Layout Plan 006 Rev.G
Reason for Referral to Committee	Full or outline application for the erection of 10 or more residential units
Recommendation	Refuse

Site Location



1. The Proposal

Full application details are available to view online at:

[22/01137/OUT | A cross subsidy affordable/open market residential development comprising up to 50 dwellings \(of which 50% will be affordable housing and a further 10% will be self/custom build\), vehicular and pedestrian access, internal streets, drainage, landscaping and all other ancillary engineering works. All matters are reserved except for vehicular access onto Badgeworth Lane. | Land At Badgeworth Lane Badgeworth Lane Badgeworth Cheltenham Gloucestershire \(tewkesbury.gov.uk\)](#)

- 1.1 This application is made in outline with all matters reserved for subsequent approval except access.
- 1.2 The proposed development seeks to provide up to 50 dwellings, associated vehicular access, public open space, landscaping and other associated works.
- 1.3 The proposed development would deliver a mix of open market and affordable housing, overall, 50% would be affordable housing. This equates to 25 dwellings being affordable. Further to this, 10% of the dwellings would be self-build units.
- 1.4 It is anticipated that buildings would generally be two storeys in height, with the potential use of a limited number of taller 2.5 storey dwellings appropriately located to add variety to the street scene and massing to landmark buildings. The development would provide a range of house sizes from one to four bedroom properties. Dwellings are likely to be detached, semi-detached and short terraced formats. The development density as shown on the Illustrative Layout would be 34 dwellings per hectare.
- 1.5 The proposed development would be served by a new vehicular and pedestrian access from Badgeworth Lane. Vehicular access takes the form of a new priority-controlled T- junction.
- 1.6 The Illustrative Layout Plan demonstrates the provision of 0.749 hectares of green open space, inclusive of a Locally Equipped Area of Play (LEAP), a surface water attenuation basin and the retained trees and hedgerows around the boundary of the site.
- 1.7 The application documents include an Illustrative Layout Plan which indicates how the quantum of development could be delivered and a Design and Access Statement (DAS) which sets out the rationale for the development.

2. Site Description

- 2.1 The submitted application relates to a parcel of land located off Badgeworth Lane at the south- western edge of the village of Shurdington. **(see attached Site Location Plan).**
- 2.2 The site is rectangular in shape, comprising a single parcel of agricultural land currently in use for pasture and extends to approximately 2.29 hectares. The land is currently enclosed by hedgerows and trees on three sides and metal estate-railings along Shurdington Road (A46).
- 2.3 The site is bound by Badgeworth Lane to the north, Shurdington Road to the east and existing residential properties to the west and south. Shurdington Church of England Primary School is directly opposite the site across Badgeworth Lane.
- 2.4 Topographically the land is flat, with only a very gentle fall in levels from a higher point against

Shurdington Road at the eastern edge of the site.

- 2.5** The site lies within the designated Green Belt and in close proximity to two Grade II listed buildings, The Greenway Hotel and its Lodge, to the east of the site. The Cotswolds Area of Outstanding Natural Beauty is situated on the opposite side of Shurdington Road.
- 2.6** The application site was identified in the Pre-Submission version of the Tewkesbury Borough Plan as a potential housing site allocation with an indicative capacity of 50 dwellings and its removal from the Green Belt, under Policy RES1 (Housing Site Allocations). However, the Inspector recommended the Green Belt should be reinstated and the allocation should be deleted in his post hearings Main Modification letter, which was received on 16 June 2021. As such in accordance with the Inspector's proposed modification, the site has been deleted as an allocation and the Green Belt has been reinstated in the Adopted Tewkesbury Borough Plan (TBP).
- 2.7** The site therefore comprises an unallocated site on an area of agricultural land which is within the Green Belt and outside of any designated settlement boundary.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
21/01286/OUT	Residential development comprising up to 50 dwellings (50% will be affordable housing, 10% self/custom build) and associated engineering works. All matters are reserved except for vehicular access.	Withdrawn	20.06.2022

4. Consultation Responses

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

4.1 Badgeworth Parish Council Parish Council (Original comments received January 2023) – Objection on the following grounds:

The application site, known as SHU1, is in the Green Belt and directly adjacent to the AONB. It lies within Badgeworth Parish and outside the Shurdington village settlement boundary.

The application is a resubmission of a previous application 21/01286/OUT submitted on the 26 October 2021 and was withdrawn in June 2022 when it was recommended for refusal at the June 2022 meeting of the Borough Planning Committee.

Immediately following the Local Plan Inquiry, the Parish Council had a preliminary and informal discussion with RPS Consulting, the developer's planning consultant. The discussion was undertaken on the 'assumption that there will be no proposed plan modifications which lead directly or indirectly to a change in the site allocations for Shurdington village'. However, modifications were in fact made by the Planning Inspector resulting in the removal of SHU1 as a site allocation. It will now remain in the Green Belt.

The Parish Council fully supports the findings and modifications proposed by the Planning

Inspector who reached sound and expert decisions following a lengthy and detailed examination in public. A whole day was devoted at the Inquiry to examining the position of Shurdington and housing development in this area. The Parish Council, for the reasons stated below, also considers that site SHU1 should remain undeveloped:

- a) The Planning Inspector fully recognised the unique position of Shurdington as being the only service village completely surrounded by the Green Belt and AONB. Paragraphs 7-10 of the Inspector's modifications letter to TBC dated 16 June 2021 spelt out the need to limit development in Shurdington. It is worth quoting, in particular, the Inspector's comments contained in paragraphs 9 and 10 of his modifications letter 'The undeveloped gap between Gloucester and Cheltenham is narrow and Shurdington lies astride the A46 between the two urban areas. The extent of the Green Belt has already been reduced by the JCS through strategic allocations and land safeguarded for longer term development and any further reduction, even limited in nature, requires strong justification. Whilst Shurdington has not grown like some other villages this is a consequence of its Green Belt location and there is no policy imperative for it to do so. Housing allocation SHU1 would significantly extend housing development along the A46, encroach into the countryside to the south of the village and breach the existing strong boundary formed by Badgeworth Lane. The LUC Green Belt Review underplays the rural character of the site and its contribution to the purposes of the Green Belt. As explained above, the JCS requirement to identify new housing in the TBP (Tewkesbury Borough Plan) and the service villages would be met without 50 houses on this site. Given this context the necessary exceptional circumstances to justify releasing the site from the Green Belt for housing purposes are not present'.
- b) However, the Planning Inspector supported the revised village settlement area for Shurdington which would allow some infill development e.g., the release of land along the eastern boundary of the A46 which could provide up to 35 homes over the plan period to 2031. Since the approval of the Local Plan, 5 homes have already been erected and a further planning application for 7 homes in Badgeworth Lane has recently been submitted and is waiting for a decision.
- c) Development sites SHU2 and SHU3 were not affected by the modifications made by the Inspector and will, therefore, allow the development of a further 40 dwellings (25 of which will be Affordable).
- d) There is now a realisation that the development of SHU1 would add to the significant and increasing traffic problems along the A46 and Badgeworth Lane. SHU1 is sited on the busy junction of these two roads and access to the development would be directly opposite the gates of Shurdington Primary School. Although the development may be welcomed by the School Governors on financial grounds etc. the Parish Council has to take a wider view on the impact of the development on matters such as the impact on the local and wider community, planning policy and the effect on the character and landscape of the surrounding Green Belt area. The proposed allocation of limited dedicated school parking spaces on the development site together with traffic signals at the junction of the A46 and Badgeworth Lane will not resolve the traffic and parking problems. In fact, the introduction of signals will cause congestion through extensive queuing, particularly at peak hours. Previous temporary lights for roadworks at the junction and along the A46 confirm that congestion will occur.
- e) The Parish Council does not consider that a case has been made that 'Very Special

Circumstances' exist (as required by the National Planning Policy Framework) for building 50 homes within the Green Belt. The Applicant has submitted 11 areas which are felt would support a 'Very Special Case' for developing SHU1. However, in the opinion of the Parish Council, none of the 11 areas submitted are compelling and some, such as financial contributions for local services, a school crossing, footpath improvements, an open space, funding traffic lights, dedicated parking, energy efficiency are matters which are required to achieve an appropriate development in terms of meeting planning policies and good housing development practice. They are features which one would expect whether the site was in the Green Belt or not.

- f) Local Plan and JCS policies require that 40% of the proposed 50 dwellings should be 'Affordable Housing' i.e., 20 homes. The Applicant has proposed 50% Affordable Housing i.e., 25 homes. We do not consider that the additional 5 affordable homes in itself supports or makes a 'Very Special Circumstances' case. These additional homes together with the other measures mentioned in paragraph e. above do not outweigh the harm and adverse impact which would occur if the Green Belt land of SHU1 was developed. It is critical that the strong and permanent Green Belt boundary of Badgeworth Lane is not broken and there is no consequential encroachment into the rural countryside (please see references made by the Planning Inspector to this effect in paragraph a) above).
- g) One of the 11 areas claimed to create a 'Very Special Circumstances' case related to affordable homes. It should be mentioned that the approved sites for development SHU2 and SHU3 will realise 25 affordable homes (the same number as SHU1) and the infill sites now created within the new Shurdington settlement area could result in further on/ off site affordable dwellings/ contributions. Also, in recent times, affordable homes have been built or managed through a housing association in areas such as Witcombe, Bentham Green, Badgeworth Nurseries and the large development in Cold Pool Lane - these are all within the adjoining Parish of Badgeworth but close to Shurdington In a document produced by TBC at the Local Plan Inquiry it was stated that Shurdington has 'contributed more than its fair share of rented affordable housing' compared with other settlements and that 'Shurdington is not an area that is disproportionately highly sought after'. We understand that Shurdington Parish Council is aware of sites within its settlement area which could be considered for the development of affordable homes through the involvement of a housing association. The Parish Council does not believe the affordable homes argument creates a strong 'Very Special Circumstances' case for development and one which would clearly outweigh the harm which would occur through building on the SHU1 Green Belt site. There really is no requirement, in the opinion of the Parish Council, to develop SHU1 for affordable homes when these can be built on alternative non-Green Belt land as mentioned in g) above.
- h) Finally, both the Applicant and TBC have confirmed that the hedgerow which runs along the edge of the site bordering Badgeworth Lane should be classified as 'Important' under the Hedgerow Regulations. However, some 9.5 metres (approx.) of this hedgerow will be lost through the need to create an entrance road to the development site. In addition, the Applicant has stated that the height of the hedging should be reduced. It is the fear of the Parish Council that the 'Important' status of the hedgerow will be lost if development takes place.

4.2 Badgeworth Parish Council Parish Council (Further comments January 2023) -

Further to the comments of Badgeworth Parish Council submitted 18th January 2023 In point h) of the response, Badgeworth Parish Council stated that there would be a loss of 9.5 metres of hedgerow to create an entrance into this site. The Applicants planning consultant has now confirmed to TBC that the loss of hedging will be 19 metres. This is a significance difference so please take this as an amendment to point h).

- 4.3 **Environmental Health** - No objection subject to conditions
- 4.4 **Gloucester County Council Highways** - No objection subject to conditions
- 4.5 **National Highways** - No objection
- 4.6 **Lead Local Flood Authority** - No objection subject to conditions
- 4.7 **GCC Developer Contributions Investment Team** - No objection subject to contributions for education secured through S106
- 4.8 **Natural England** - No objection subject to mitigation being secured via condition or s106 agreement to ensure no adverse impact on the Beechwoods SAC and Cotswolds
- 4.9 **Landscape Advisor** - No objection subject to suggested considerations to be submitted within subsequent reserved matters application
- 4.10 **Cotswolds National Landscape** - No objection
- 4.11 **Gloucester County Council Archaeology** – No objection subject to conditions
- 4.12 **Housing Strategy and Enabling Officer** – No objection subject to affordable housing provision being secured through S106
- 4.13 **Ecology** – No objections subject to conditions.
- 4.14 **County Minerals and Waste Planning Policy Officer** – No objection subject to conditions
- 4.15 **Building Control** - No objection
- 4.16 **Severn Trent Water** – No objections subject to conditions
- 4.17 **Conservation Officer** – No objection
- 4.18 **Tree Officer** – Objects to the removal and alterations including reduction in height of the ‘important’ hedgerow required to facilitate the new access.

5. **Third Party Comments/Observations**

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

- 5.1 The application has been publicised through the posting of a site notice for a period of 21 days and 27 representations have been received, 26 objecting and 1 supporting the proposed development. The contents of these are summarised below:
- 5.2 Objection

- Increased traffic and congestion within the area, increased danger to pedestrians and road users due to increase in vehicles
- No parking for school drop offs for the school located opposite the site
- Lack of parking available during school months and highway obstruction
- Removal of hedgerows will have adverse impacts on exiting wildlife
- Introduction of traffic lights will cause delays to travel times, especially during rush hour
- Site removed from TBP by Inspector and remains in the Green Belt
- Children of residents will have to attend small village school
- Shurdington has limited amenities
- The site is located opposite the AONB
- Adverse impacts on the amenities of the existing neighbouring dwellings
- The submitted Road Safety Audit was conducted over school holidays
- Exceptional Circumstances for development has not been met
- Impact on existing gas supplies and water pressure
- No material difference to previous application that was withdrawn
- Would remove existing farming land from an area of the AONB
- Unsympathetic design plan for the proposed houses
- Tree officer has stated hedgerows along Badgeworth Lane should not be altered
- Use of public transport will not be utilised, reliance on private vehicles
- The Inspector instructed that the land shall not be developed

5.3 Support

- Adequate drop off and collection provision should be made for the school opposite
- Existing settlement boundary should be moved to include the development within it

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

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

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

6.2 National guidance

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

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

Policy SP1 (The Need for New Development)
 Policy SP2 (The Distribution of New Development)
 Policy SD4 (Design Requirements)
 Policy SD6 (Landscape)
 Policy SD9 (Biodiversity and Geodiversity)
 Policy SD10 (Residential Development)
 Policy SD12 (Affordable Housing)
 Policy SD14 (Health and Environmental Quality)

Policy INF1 (Transport Network)
Policy INF2 (Flood Risk Management)
Policy INF3 (Green Infrastructure)

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

Policy RES1 (Housing Site Allocations)
Policy RES2 (Settlement Boundaries)
Policy RES3 (New Housing Outside Settlement Boundaries)
Policy RES5 (New Housing Development)
Policy LAN1 (Special Landscape Area)
Policy LAN2 (Landscape Character)
Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
Policy ENV2 (Flood Risk and Water Management)
Policy TRAC9 (Parking Provision)
Policy HER5 (Locally Important Heritage Assets)

6.5 Neighbourhood Plan

None

7. Policy Context

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

8. Evaluation

Principle of development

- 8.1** 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.
- 8.2** The JCS identifies a settlement hierarchy as the basis for the strategy for delivering growth targets. The JCS settlement hierarchy for Tewkesbury Borough includes Tewkesbury Town as the top tiered settlement followed by the two Rural Service Centres and then the twelve Service Villages. The Rural Service Centre and Service Village classification was informed by the JCS Settlement Audit.

- 8.3** Shurdington is defined as a Service Village in the JCS and is recognised as a settlement as having two or more primary services, two or more secondary services and benefitting from bus services and/or road access to a major employment area. JCS Policy SP2 sets out that Service Villages will accommodate lower levels of development to be allocated through the Borough Plan and Neighbourhood Development Plans (NDPs), proportional to their size and function, and also reflecting their proximity to Cheltenham and Gloucester and taking into account the environmental, economic and social impacts including existing levels of growth over the plan period.
- 8.4** The application site has not been allocated for housing in the JCS and therefore the criterion of Policy SD10 of the JCS applies. Policy SD10 sets out the Council's approach to housing development and sets out that proposals on unallocated sites will only be permitted under certain circumstances, none of which currently apply to the proposed development. The application is therefore in conflict with JCS Policy SD10.
- 8.5** As mentioned previously, the application site was identified in the Pre-Submission Tewkesbury Borough Plan 2011-2031 (2019) as a housing site allocation and to be removed from the Green Belt, under site specific policy SHU1 (Land at corner of Badgeworth Lane and A46, Shurdington). During the Examination in Public, a day was provided for discussion on the proposed allocations within/adjacent to the Shurdington settlement boundary. The Council provided a statement on the Green Belt release in its Housing Background Paper 2019 with regard to Shurdington, to evidence the exceptional circumstances for these allocations, and the associated land proposed to be removed from the Green Belt.
- 8.6** The Inspector's post-hearing Main Modifications letter in June 2021 set out that, inter alia, to make the Plan 'sound' housing site SHU1 should be deleted because the necessary exceptional circumstances to justify releasing the site from the Green Belt for housing purposes were not present.
- 8.7** As such, in accordance with the Inspector's proposed modifications, the site is has been deleted as a housing site allocation and the Green Belt reinstated in the adopted Tewkesbury Borough Plan (TBP).
- 8.8** Further, the application site is located outside of the defined settlement boundary for Shurdington in the Proposals Map of the TBP. Proposals on land outside the defined settlement boundaries will only be permitted under certain circumstances as outlined within Policy RES3 of the TBP. None of which apply for this proposal.
- 8.9** Given the above the proposal for residential development would not meet the strategy for the distribution of new housing and thus would be in clear conflict with the adopted development plan.

Green Belt

- 8.10** The site is located in the Green Belt therefore the significance of the impact of the development upon the Green Belt must also be considered in assessing whether the principle of the development would be acceptable.
- 8.11** The Government attaches great importance to Green Belts. The NPPF provides that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the NPPF sets out that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt.

'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

- 8.12** Policy SD5 of the JCS sets out 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 it can be demonstrated that very special circumstances exist to outweigh the harm automatically caused to the Green Belt by virtue of the development being inappropriate and any other harm actually caused.
- 8.13** In terms of the TBP, Policy GRB4 states, inter alia, that development on land designated as Green Belt will be severely restricted to ensure it continues to fulfil the five purposes of the Green Belt and that substantial weight will be given to any harm to the Green Belt when assessing planning applications and will, in all such cases, require the submission of clear evidence of very special circumstances before approving development.
- 8.14** To achieve the objectives of Green Belt designation, the NPPF advises that Local Planning Authorities should, subject to certain exceptions, regard the construction of new buildings in the Green Belt as inappropriate development. The proposal does not represent any of the exceptions contained in paragraphs 154 and 155 of the NPPF.
- 8.15** It therefore follows that the proposed development would represent inappropriate development in the Green Belt, which by definition, is harmful to the Green Belt and should not be approved except in very special circumstances.

Openness of Green Belt

- 8.16** Openness, as highlighted in the NPPF, is an essential characteristic of Green Belts which is a separate issue from the character and appearance of an area. It is a matter of its physical presence rather than its visual qualities. The Planning Practice Guidance (PPG) advises that openness is capable of having both spatial and visual aspects.
- 8.17** The application site comprises an open parcel of pasture with established trees and hedgerows along three boundaries. The undeveloped, agricultural nature of the site and the open land beyond contribute significantly to the openness and significance of the Green belt and rural setting of Shurdington. The Inspector, when considering this site as part of the Examination in Public, highlighted the importance of the rural character of the site and its contribution to the purposes of the Green Belt. The proposal would introduce residential development onto much of the site. Despite the proposed public open space and landscaping, the combined presence of the buildings, associated domestic paraphernalia, areas of hardstanding (roads and parking areas) and vehicles at the site would result in a considerable loss of openness. Moreover, given the rural character of the application site and its location beyond the edge of the village, the development would run counter to two of the five purposes of the Green Belt that is to check the unrestricted sprawl of large built-up areas and assist in safeguarding the countryside from encroachment.
- 8.18** Accordingly, the proposal would cause a permanent reduction in openness which, because of the site's location and appearance, coupled with the degree of built form, would have an adverse spatial and visual impact on the openness of the Green Belt. The degree of harm would be considerable.

Applicant's Very Special Circumstances

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

- 50% affordable housing of which 10% would be First Homes
- An additional 10% of the dwellings to be custom/self-build properties available for residents to build their own home
- Funding and delivery of Traffic Lights at the A46/Badgeworth Lane Junction
- Dedicated visitor school parking on site in perpetuity (16 spaces)
- Signalised crossing between the site and the primary school
- Footpath improvements along Badgeworth Lane and Bus Stop upgrades
- Financial contributions to the primary school and other local services
- Publicly accessible open space and net gain in biodiversity
- Enhanced energy efficiency proposals exceeding building regulation requirements
- Provision of family housing growth at Shurdington, without which very limited opportunities exist for the village to sustainably grow and support local services and facilities

Analysis of the Very Special Circumstances

8.20 There is no doubt the 'very special circumstances' advanced represent a range of benefits. The proposal offers a further 10% affordable housing above the policy requirement. It is recognised that there is a Borough wide need for affordable housing and therefore the proposed development would contribute to this need.

8.21 In terms of the proposed 10% Self-Build and Custom Housebuilding properties, according to the latest Tewkesbury Borough Council Self Build and Custom Housebuilding Report, May 2022, the Council believe it has, as required by section 2A of the 2015 Self and Custom Housebuilding Act (as amended by the Housing and Planning Act 2016) granted sufficient planning permissions for suitable serviced plots to meet the demand of 12 identified on Part 1 of the register for Base Period 1 (01/10/2015 - 30/10/2016) and demand of 15 identified on Part 1 of the register for Base Period 2 (31/10/16 – 30/10/2017) and therefore the duty is considered to have been met. That said there is no upper limit and therefore the provision of 10% Self and Custom Build properties would be a benefit.

8.22 The proposed development would also include highway infrastructure works, including to fully fund and deliver a signalised scheme at the A46 junction, which would benefit the wider community. The development would provide family housing growth in Shurdington, which has been advanced by the applicant as a 'very special circumstance'.

- 8.23** However, in relation to this the examining Inspector of the TBP set out that whilst Shurdington has not grown like some other villages this is a consequence of its Green Belt location and there is no policy imperative for it to do so.
- 8.24** Having considered the ‘very special circumstances’ case advanced, whilst appreciating there would be clear benefits to the proposed development, officers consider none of these are truly special such as to constitute Very Special Circumstances either individually or in combination.
- 8.25** Further to this the Inspector in the examination of the TBP made his thoughts very clear on developing this site. He concluded that *“housing on this site would significantly extend housing development along the A46, encroach into the countryside to the south of the village and breach the existing strong boundary formed by Badgeworth Lane”*. The Inspector continued by setting out the Council’s Green Belt Review underplayed the rural character of the site and its contribution to the purposes of the Green Belt and that as the *“JCS requirement to identify new housing in the TBP and the service villages would be met without 50 houses, given this context the necessary exceptional circumstances to justify releasing the site from the Green Belt for housing purposes are not present.”* As a consequence, the proposed housing allocation was removed from the TBP and the site remains in the Green Belt.

Conclusion of Green Belt Matters

- 8.26** The proposed development would cause harm by reason of inappropriateness, loss of openness and conflict with the Green Belt purposes. In line with the NPPF, this harm attracts significant weight.
- 8.27** In this particular case, the applicant has advanced a range of benefits as very special circumstances. The development would contribute to future housing land supply and affordable housing delivery, highway infrastructure improvements and economic impacts. These benefits are not underestimated. These are material considerations that weigh in favour of the development and must be weighed against the harms that would be caused by the development.
- 8.28** However, officers do not consider the case advanced by the applicant would amount to ‘very special circumstances’ and the recent comments from the examining Inspector of the TBP in relation to the contribution of this site to the Green Belt is a significant material consideration.
- 8.29** It will therefore be necessary to weigh all material considerations in the overall balance to decide whether very special circumstances exist which clearly outweigh the harm to the Green Belt.

Five Year Housing Land Supply

- 8.30** The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. Where local authorities cannot demonstrate a five year supply of deliverable housing sites, paragraph 11 of the NPPF sets out that housing policies contained within development plans should not be considered up-to-date.
- 8.31** 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 3.4 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.

- 8.32** 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.

Landscape and Visual Impact

- 8.33** Paragraph 180 of 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. 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. 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.
- 8.34** The application site is not under any formal landscape designations, either statutory/national or non-statutory/local. The Cotswolds Area of Outstanding Natural Beauty (AONB) lies to the eastern edge of Shurdington Road, opposite the site. JCS Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty) and the Cotswolds AONB Management Plan (2018-2023) seek to ensure that development proposals within the setting of the Cotswolds AONB will conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities.
- 8.35** A Landscape and Visual Appraisal (LVA) accompanies the application. The appraisal concluded that the overall effect on the landscape character and the landscape receptors would be neutral. The report continues by setting out that the design of the layout has sought to provide a type of development which responds to its local environment and incorporates locally characteristic features. In respect of views and the visual environment, the report concludes those people who will experience the largest change in the view are located to the immediate surroundings of the site. Generally, from the footpaths and publicly accessible land within the AONB escarpment, the site is visible in varying degrees nestled within the settlement of Shurdington. Neutral visual effects have been identified for all people, except for the local residents who will experience an adverse visual effect.
- 8.36** The Council's Landscape Advisor (LA) has reviewed the submitted LVA and has confirmed they are satisfied that it is an objective and unbiased appraisal and is appropriate and in proportion to the scale and nature of the proposed development. The LA accepts the conclusions of the LVA.
- 8.37** In terms of the impact of the proposed development upon the setting of the Cotswolds AONB, as part of the evidence base for the proposed housing allocations in the Tewkesbury

Borough Plan 2011-2031 an assessment was carried out in 2019 and evidenced in The Tewkesbury Borough Plan Assessment of Site Allocation Impacts on the Setting of the Cotswolds AONB. This report states that development at this site would have an imperceptible impact upon wide-open views across the Vale from elevated vantages in the AONB; that site accords with the established settlement pattern and is neither conspicuous nor prominent; that development on this site would not interrupt views to the Escarpment and roadside hedges currently prevent views from Badgeworth Lane access the site. The report concluded that development at this site would be consistent with the policies set out in the Cotswolds AONB Management Plan.

- 8.38** In respect of the impact upon the character and appearance of the site, the application comprises one rectangular shaped field in agricultural use, enclosed by hedgerows and trees on three sides. The site occupies a prominent corner junction location and Badgeworth Lane in this location provides a very clear and stark definition between the built-up area of Shrdington and the open countryside which this site is part of.
- 8.39** The application site is very much rural in nature. As such, the proposal would introduce built form into a location where currently there is none. As a result, the proposed development would encroach beyond the village edge, creating an urbanising effect which would not be in keeping with the character and appearance of the site and the village at the local scale.
- 8.40** The Inspector, in the Final Report on the Examination of the Tewkesbury Borough Plan, raised this concern. He set out that the proposed housing allocation '*would significantly extend housing development along the A46, encroach into the countryside to the south of the village and breach the existing strong boundary formed by Badgeworth Lane*' and that the LUC Green Belt Review '*underplays the rural character of the site*'.
- 8.41** In conclusion, the introduction of the proposed development in this location would not respond positively to and respect the character of the site and its surroundings and would fail to add to the overall quality of the area. As such the proposal would harm the character and appearance of the area. This weighs against the proposal.

Important Hedgerow

- 8.42** The proposed development would require the removal of a section of approximately 19 metres of hedgerow on the northern boundary adjacent Badgeworth Lane to facilitate the creation of the new vehicular and pedestrian access. A Hedgerow Survey was carried out which established that this hedgerow is classified as 'Important' under the Hedgerow Regulations, and thus, should be retained where practicable and protected to conform with the requirements of the Hedgerow Act 1997.
- 8.43** Policy NAT1 of the TBP states, inter alia, that development likely to result in the loss, deterioration or harm to features, habitats or species of importance to biodiversity, environmental quality or geological conservation, either directly or indirectly, will not be permitted unless:
- a) the need for, and benefits of the development clearly outweigh its likely impact on the local environment, or the nature conservation value or scientific interest of the site.
 - b) it can be demonstrated that the development could not reasonably be located on an alternative site with less harmful impacts; and
 - c) measures can be provided (and secured through planning conditions or legal agreements), that would avoid, mitigate against or, as a last resort, compensate for the adverse effects likely to result from development.

- 8.44** Policy NAT1 automatically applies to hedgerows that meet the 'Important' hedgerow criteria in the Hedgerow Regulations.
- 8.45** The loss of this protected hedgerow would have an unacceptable harm on the local environment and the council's Tree Officer has advised that not only will there be a 19 metre removal of the hedgerow, there will also be a reduction in height which has not been specified. Furthermore, there will be an impact from drainage being installed through sections of the hedge and also the construction of driveways and improvements of footways on the roadside of the hedgerow. Given the Inspector in the Examination of the Tewkesbury Borough Plan confirmed there is no need for the development on this site its loss would be contrary to criterion a) of Policy NAT1 for which there is no justification or necessity.

Access and highway safety

- 8.46** Section 9 of the NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Paragraph 115 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.47** Policy INF1 of the JCS requires developers to provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. All proposals should provide for safe and efficient access to the highway network for all transport modes; encourage maximum potential use of walking, cycling and passenger transport networks to ensure that credible travel choices are provided by sustainable modes. Planning permission will be granted only where the impact of development is not considered to be severe.
- 8.48** The application is supported by a Transport Statement (TS), a Travel Plan (TP) and a Stage 1 Road Safety Audit Report (RSAR). The TS establishes the suitability of proposed vehicular access to the site, which would be provided through a new priority-controlled T-junction with Badgeworth Lane. The assessment also considers the suitability of the existing highway network to accommodate the additional traffic generated by the development. The TS sets out that the application site is in a suitable location in transport terms, with local facilities within comfortable walking distance and suitable transport routes present. The site also benefits from being near bus stops, with the A46 served by a good level of bus service for the surrounding urban areas of Cheltenham and Gloucester. The TS concludes that the assessment work undertaken and detailed in the TS demonstrates that, in NPPF terms, the development would not have a severe impact on the operation of the local highway network, nor an unacceptable impact on highway safety.
- 8.49** The proposed development includes several mitigation/enhancement measures. The highway works include the signalisation of the Badgeworth Lane/Greenway Lane/A46 Shurdington Road crossroad junction and the provision of a traffic signal-controlled pedestrian crossing across Badgeworth Lane, improvements to the pedestrian infrastructure and the introduction of car parking restrictions along Badgeworth Lane. The proposed development would provide 16 additional visitor/community parking spaces within the site, to replace most on-street spaces lost due to the proposed parking restrictions. These mitigation/enhancement measures can be secured via a planning obligation and are only necessary as a consequence of development. The applicant has indicated a willingness to enter into a legal agreement to secure the above infrastructure works however at this stage there is no such agreement in place.

- 8.50** In terms of the impact on the Strategic Transport Network, National Highways have been consulted on the application and offer no objection to the proposals.
- 8.51** Gloucestershire County Council have been consulted as Local Highway Authority (LHA). The LHA concluded that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion.

Design and layout

- 8.52** 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.
- 8.53** The National Design Guide (NDG) addresses the question of how we recognise well-designed places, by outlining and illustrating the government priorities for well-design 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.
- 8.54** This advice is echoed in JCS policy SD4 which states new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.
- 8.55** 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.
- 8.56** All matters relating to the design and layout are reserved for future consideration. However, the application includes a detailed Illustrative Layout (IL), which indicates how the site could be developed. In addition, the submitted Design and Access Statement (DAS) sets out the development objectives. The purpose of the IL is to provide guidance for the detailed stage of future reserved matters applications. The DAS aims to detail how the proposal evolved, including an assessment of the site and its context, identification of the constraints and opportunities which lead to the key urban design principles for the development and an explanation of how the site is proposed to be developed in design terms.
- 8.57** The DAS provides an overview of the Illustrative Masterplan (IM). These include:
- 0.749 hectares of public open space is to be provided to the south and west, which provides a connection to the wider countryside beyond.
 - A Locally Equipped Area of Play (LEAP).

- The vast majority of existing boundary vegetation would be retained on site.
- Proposed development is shown that would front the A46, set behind a new landscaped boundary.
- The surface water attenuation basin would be located within the northwestern part of the site.
- Anticipated that buildings (other than garages) would be generally two storeys in height, with the potential use of a limited number of taller 2.5 storey dwellings located to add variety to the street scene and massing to landmark buildings. A limited number of bungalows could also be provided.
- Development would comprise a range of house sizes from one to four bedrooms, predominantly in detached, semi-detached and terraced layouts.
- The layout would define an internal “arrival” space, enhanced by the potential for a landmark building at the end of the street.
- Formation of a simple and legible movement framework within the site that promotes pedestrian and cycle priority and delivers safe traffic speeds (20mph design speeds).
- Pedestrian connection to Shurdington Road.

8.58 It is noted that the proposed surface water attenuation basin would be a dominant feature in the public open space so there would have to be careful consideration given to the design of this, to ensure that the open space has dual function, for both recreation as well as formal drainage.

8.59 However, officers consider the layout as shown demonstrates that up to 50 dwellings could be accommodated on the application site in accordance with local/national design policies. Although, as mentioned in the ‘Landscape and Visual Amenity’ section above, officers consider the development of this site would cause unacceptable harm upon the character and appearance of the area as a whole.

Residential amenity

8.60 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 TBP also sets out the proposals should provide an acceptable level of amenity for the future occupiers of the proposed dwellings and cause no unacceptable harm to the amenity of existing dwellings.

8.61 The application is in outline and seeks permission for up to 50 dwellings. The specific relationship between the proposed development and the surrounding built form on the site boundaries will need careful consideration as part of any future reserved matters application. As the proposals seeks consent for up to 50 dwellings this is a maximum value and could be reduced should it be necessary to achieve a satisfactory scheme in respect of the overall design and amenity.

8.62 Policy SD11 of the JCS states that new housing should meet and where possible exceed appropriate minimum space standards. Policy DES1 (Housing Space Standards) of the TBP requires all new residential development to meet the Government’s nationally described space standards as a minimum, to ensure that high quality homes are delivered that provide a sufficient amount of internal space appropriate for occupancy of the dwelling. The applicant has confirmed that all house types would achieve the nationally described space

standards.

Housing mix

- 8.63** Policy SD11 of the JCS and RES13 of the TBP requires all new housing development to provide an appropriate mix of dwellings sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Housing mix should be based on the most up to date evidence of local housing need and market demand.
- 8.64** The Gloucestershire Local Housing Needs Assessment 2019 – Final Report and Summary (September 2020) (LHNA) provides the most up to date evidence based to inform the housing mix on residential applications. This report states that in Tewkesbury 3% of new market dwellings should be one-bedroom properties, with 13% having two bedrooms, 54% containing three bedrooms and 29% having four bedrooms or more.
- 8.65** A Feasibility Layout plan has been submitted which sets out that the proposed housing would include a variety and range of dwelling types that includes 1 bed – 4 bed properties. Given the proposal is in outline, with design and layout reserved, it is considered that an acceptable mix could be secured at the reserved matters stage by condition should permission be granted. The housing mix would need to be in broad accordance with the most up to date evidence of the local housing need and market demand.

Affordable housing

- 8.66** The NPPF sets out that Local Planning Authorities should set policies for meeting affordable housing need on development sites. Policy SD12 of the JCS and Policy RES12 of the TBP requires a minimum of 40% affordable housing on site outside of the Strategic Allocations sites.
- 8.67** The development proposes 50% affordable housing on the site, this equates to 25 dwellings. The proposed quantum of provision exceeds the policy requirement, and the Council could only reasonably secure 40% of these by legal agreement as set out and in compliance in planning policy.
- 8.68** The applicant has also indicated that there would be a mixture of tenure types and unit sizes. The Council's Housing Strategy and Enabling Officer has confirmed the proposal would be acceptable in principle, subject to the precise number, size and mix of affordable dwellings which could be secured by way of a Section 106 Legal Agreement.

Drainage and flood risk

- 8.69** The NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Policy INF2 of the JCS seeks to prevent development that would be at risk of flooding. Proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. For sites of strategic scale, the cumulative impact of the proposed development on flood risk in relation to existing settlements, communities or allocated sites must be assessed and effectively mitigated. It also requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. This is reflected in Policy ENV2 of the TBP.
- 8.70** The application site is located entirely in Flood Zone 1, an area identified by the

Environment Agency at a low probability of flooding from rivers and seas. However, as the site is over 1 hectare, in accordance with the requirements of the NPPF, the application is supported by a Site-specific Flood Risk Assessment (FRA) and Sustainable Drainage Strategy (SDS).

- 8.71** In terms of surface water drainage, it is proposed that surface water will be captured by gullies, channel drains and downpipes before being conveyed by an underground pipe network towards the attenuation basin and swale feature where it will be stored prior to discharge via a vortex flow control to a new connection to the existing culverted watercourse under Badgeworth Lane.
- 8.72** Gloucestershire County Council as Lead Local Flood Authority (LLFA) have reviewed the FRA and Drainage Strategy and raise no objection to this proposal, subject to conditions requiring the detailed Sustainable Drainage System (SuDS) Strategy and a SuDS management and maintenance for the lifetime of the development to be submitted and approved by the LPA.
- 8.73** The LLFA outlined within their comments that they have no objections to the proposal to discharge into the culverted watercourse under Badgeworth Lane, however, it will require agreement from Highways. The Local Highways Authority have confirmed that they accept the proposal in principle, however as this culverted watercourse is maintained by the highway authority and also accepts highway surface water run-off, the highway authority will need robust evidence that the proposal would not cause any safety issues on the highway nor will exacerbate any existing issues (including flooding or ponding up or downstream) and improvement works to the drain may be required. This information would therefore be required within the submission of any subsequent Reserved Matters application if this application was subject to an approval.
- 8.74** In terms of foul water disposal, it is proposed to drain used water from the development to the existing foul sewer. Severn Trent Water have confirmed they have no objections to the proposals, subject to a condition securing detailed plans.

Biodiversity

- 8.75** The NPPF sets out, inter alia, that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, especially where this can secure measurable gains for biodiversity. Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. Policy NAT1 of the TBP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.
- 8.76** An Ecological Impact Assessment, which includes a hedgerow survey, informs this application. The report concluded that overall, the proposed development of the site would likely result in the direct loss of an area of species-poor grassland identified as low ecological value. The hedgerows around the site are considered to be of medium and high ecological value and it is therefore recommended that, where possible, these are retained during works. The report revealed that the hedgerow along the north boundary was 'Important', so the proposed access road along this feature should aim to retain as much of the hedgerow as is practical to maintain the functionality as a potential commuting route for bats and birds and provide replacement planting elsewhere on the site to compensate for any lengths removed. Additional, optional mitigation and enhancement measures have been suggested.

- 8.77** The applicant has submitted further documentation throughout the lifetime of the application in the form of a Hedgerow Offset Plan and Technical Note. A Biodiversity Net Gain (BNG) Assessment has also been provided which demonstrates how the development would achieve the required minimum 10% BNG. The BNG Assessment details the site is capable of achieving a net gain in habitat of 10.17% and net gains in hedgerows of 73.89%. The BNG would need to be updated for any subsequent reserved matters application to ensure the site remains capable of achieving a net gain in both habitat and hedgerow units at the reserved matters stage.
- 8.78** The Councils Ecological Advisor has reviewed all the reports and requested that further information in regards to bats is required to assess the importance of the surrounding hedgerows and trees at all boundaries of the site for foraging/commuting bats, to assess potential impacts as a result of the development, inform detailed scheme design, and to recommend mitigation measures. The results of the activity surveys would then need to be submitted in a report to the LPA for review. Following this the applicant submitted a Technical Note to address that the layout, at this stage, is indicative, and within discussions with the Councils Ecology Advisor it was agreed that, if the application was to be approved a suitably worded condition imposing a 10 metre buffer to any trees with bat potential would be added, the proposed buffer would ensure that any future layout brought forward that fails to meet those requirements would be subject to bat activity surveys as part of a reserved matters submission.
- 8.79** The site lies within the impact risk zone for the Cotswolds Beechwoods Special Area of Conservation (SAC). Policy NAT1 of the TBP states that proposals that are likely to have a significant effect on an internationally designated habitats site (either alone or in combination with other plans or projects) will not be permitted unless a Habitats Regulations Assessment (HRA) has concluded that the proposal will not adversely affect the integrity of the habitats site.
- 8.80** The submitted Ecological Impact Assessment includes a brief shadow HRA, which considers the impact of the development in terms of recreational pressures on the nearby Cotswolds Beechwood SAC as well as consideration to other sites of nature conservation concern. The shadow HRA sets out that the development is unlikely to generate significant numbers of recreational trips to the Cotswolds Beechwood SAC. Nonetheless, certainty can be provided by the applicant's willingness to provide Homeowners Information Packs (HIP) to new residents, the details of which can be secured by way of planning condition should permission be granted. Both Natural England and the Council's Ecological Advisor have reviewed the assessment and concur with the assessment conclusions.

Loss of Agricultural Land & Soils

- 8.81** The NPPF sets out that planning decisions should contribute to and enhance the natural environment by, inter alia, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land. This aims to protect the best and most versatile (BMV) agricultural land and soils in England from significant, inappropriate and unsustainable development proposals.
- 8.82** The Agricultural Land Classification (ALC) assesses the quality of farmland to enable informed choices to be made about its future use within the planning system. There are five grades of agricultural land, with Grade 3 subdivided into 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a.

8.83 Based on the ALC the application site is Grade 3, land with moderate limitations that affect choice of crops, timing and type of cultivation, harvesting or the level of yield. Given this, the agricultural land is not considered to be the best and most versatile and its loss would not be significant.

Heritage assets

8.84 Section 66 of the Listed Buildings and Conservation Area Act places a statutory duty on LPAs to have special regard to the desirability of preserving the setting of listed buildings. The NPPF sets out that heritage assets range from sites and buildings of local historic value to those of the highest significance and that these assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Policy SD8 of the JCS sets out that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.

8.85 In terms of built heritage, the Built Heritage Statement (BHS) identified The Greenway Hotel and its Lodge, both are Grade II Listed, as being sensitive to the proposed development. The BHS concluded that the site is considered to comprise a minor part of the setting of the Lodge and makes a slight contribution to its significance.

8.86 However, the heritage significance of the Lodge is principally vested in its built fabric and the elements of its setting that make the most important contribution to its significance will not be affected by the development. The proposed development of the site would result in a minor visual change within the wider setting of the Lodge and the loss of part of its remaining historic undeveloped setting will cause less than substantial harm to its significance. However, as the site has been established to provide only a slight contribution to the setting of the Lodge and the proposed approach to the layout and appearance of the development would incorporate a number of mitigation measures, the impact of the development on the significance of the Lodge would be negligible. The significance of The Greenway Hotel would not be harmed by the development of the site.

8.87 The Council's Conservation Officer agrees with the conclusions of this report and therefore raises no objection on built heritage grounds.

Section 106 obligations

8.88 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.

8.89 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.

8.90 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.

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

Affordable Housing: 40% of overall provision and policy compliant tenure and size mix

Education: £321,135.43 for primary schools and **£185,920.50** for secondary schools

Libraries: £9,800.50

Waste & recycling bins: £73 per dwelling

POS and Provision of a LEAP

8.92 Whilst the applicant has indicated a willingness to enter into a legal agreement to secure the planning obligations outlined currently there is no signed agreement in place. That said, this is a matter which could be resolved prior to the decision being issued, should permission be granted.

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 On the basis the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the supply of housing are out of date. In accordance with paragraph 11 of the NPPF, the presumption in favor of sustainable development indicates that permission should be granted unless policies for protecting areas of assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. In this case, and having regard to footnote 7 of paragraph 11, such a policy includes those concerning development in the Green Belt.

9.3 In this case applying the NPPF policies for the protection of areas or assets of particular importance would provide a clear reason for refusing the application.

Benefits

9.4 The development would contribute towards the supply of housing in the form of market, self-build and affordable housing to meet the objectively assessed need for housing in the Borough.

9.5 Economic benefits would also arise from the proposal both during and post construction,

including the economic benefits arising from additional residents supporting local businesses.

- 9.6 The development would provide highway infrastructure improvements which would benefit the wider community.

Harms

- 9.7 Harm would arise as a result of the direct conflict with the settlement strategy in the development plan, which is an important part of the delivery of sustainable development in the area.
- 9.8 The proposed development would represent inappropriate development in the Green Belt that is harmful by definition, would cause harm to the openness of the Green Belt and conflict with the purposes of the Green Belt. Furthermore, it is considered that there are no very special circumstances which would outweigh the harms to the Green Belt. This harm attracts substantial weight.
- 9.9 The proposed development would encroach beyond the village edge which would represent an incongruous and urbanising intrusion into the rural landscape and open countryside.
- 9.10 The proposal would require the removal of approximately 19.5 metres section of 'important' hedgerow which would result in an unacceptable harm to the local environment.
- 9.11 Whilst the applicant has indicated a willingness to enter into an agreement, there is currently no signed agreement in place to secure the planning obligations outlined in paragraph 8.91 of the committee report.

Neutral

- 9.12 It has been established through the submission documents that subject to securing satisfactory measures as part of any future reserved matters, the imposition of appropriate planning conditions and planning obligations, the development would not give rise to unacceptable impacts in relation to flood risk and drainage, design and layout, residential amenity, ecology and the historic environment. In addition, the development would provide an acceptable affordable housing tenure mix.

Overall Conclusion

- 9.13 The development would contribute towards the supply of housing in the form of market, self-build and affordable housing, would provide economic benefits and highway infrastructure improvements which would benefit the wider community. However, the proposed development would be inappropriate development in the Green Belt and would unacceptably reduce its openness and conflict with the purposes of the Green Belt. This harm carries significant weight against the proposal. In addition, the proposal would be contrary to the strategic housing policies in the development plan; would represent an urbanising intrusion into the rural landscape and would cause unacceptable harm to an 'Important' hedgerow. In light of this it is considered that the benefits of the proposal are not sufficient to outweigh the significant harms identified. This indicates a clear reason for refusing the application and it also means that the very special circumstances necessary to justify the proposal do not exist.

10. Recommendation

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

11. Reasons for Refusal

- 1** The proposed development does not accord with the strategy for the distribution of new housing development in Tewkesbury Borough as it conflicts with Policies SP2 and SP10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and Policy RES3 of the Tewkesbury Borough Plan 2011-2031 (June 2022).
- 2** The proposed development represents inappropriate development in the Green Belt and would unacceptably reduce its openness and conflict with the purposes of the Green Belt. Consequently, the development would be contrary to advice set out in the National Planning Policy Framework, Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and Policy GRB4 of the Tewkesbury Borough Plan 2011-2031 (June 2022).
- 3** The proposed development would encroach beyond the village edge and therefore would appear as an unacceptable urbanising intrusion into the rural landscape and open countryside. As such, the introduction of the proposed dwellings in this location would fail to respond positively to and respect the character of the site and its surroundings and would fail to add to the overall quality of the area. Accordingly, the proposed development is contrary to advice set out in the National Planning Policy Framework, Policy SD4 and SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and Policy RES5 and LAN2 of the Tewkesbury Borough Plan 2011-2031 (June 2022).
- 4** The proposed development would require the removal of a section of an 'Important' hedgerow, as classified under the Hedgerow Regulations, to facilitate the creation of the new vehicular and pedestrian access. The loss of this section of the hedgerow would have an unacceptable harmful impact on the local environment. As such, this would be contrary to advice set out in the National Planning Policy Framework, Policy SD6 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and Policy NAT1 of the Tewkesbury Borough Plan 2011-2031 (June 2022).
- 5** In the absence of a completed planning obligation, there are no arrangements for the direct implementation or financial contribution towards education and library, affordable housing, recycling and waste bin facilities and the provision of public open space and a LEAP on-site, all of which are required as a consequence of the proposed development. This is contrary to Policies SD12, IN4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and Policies RES12 and RCN1 of the Tewkesbury Borough Plan 2011- 2031 (June 2022).

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.

Key



Application site boundary
2.29ha (5.66 acres)

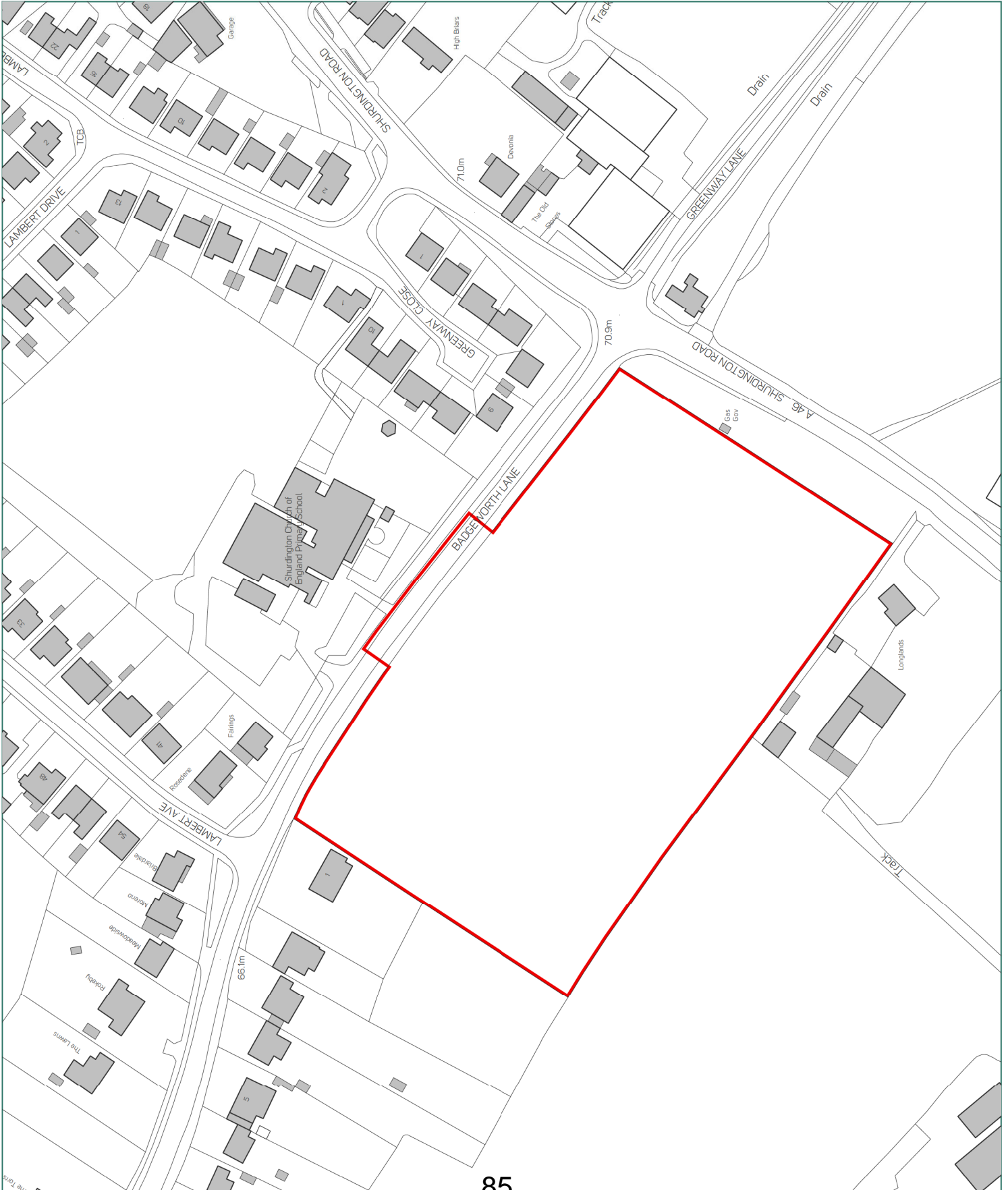


nineteen47
CHARTERED TOWN PLANNERS
& URBAN DESIGNERS

Project
Badgeworth Lane, Shurdington

Drawing Title
Location Plan

Project Code	Drawing Nr	Rev
n1618	001	B
Date	Drawing Scale	
03.11.2021	1:1,250 @ A3	



Key

- Application site boundary
- Existing retained trees & hedgerow
- Indicative proposed planting
- Proposed tree hedge removal
- Multi-functional publicly accessible open space (including playability, amenity, etc.)
- Indicative surface water attenuation basin
- Existing Public Right of Way (PROW)
- Scale Public Right of Way (PROW)
- Indicative buildings
- Potential locations of landmark buildings
- Existing bus stop

- Features of the Proposals**
- Grade II listed lodge building
 - Building line set back, with proposed new hedgerow to site boundary with Shurdington Road
 - Retention of existing trees toward Chiswell Escarpment
 - Retention and enhancement of existing hedgerow along Badgeworth Lane and services to amenity from it
 - Accommodate school stage-education requirements
 - Pedestrian crossing facility along Badgeworth Lane*
 - Proposed junction improvement (lay out) of provision of a dedicated left-turn lane
 - Pedestrian connection to Shurdington Road via a dedicated footway and provision of crossing facilities (subject to consultation) allowing links to PROW and bus stop*
 - Proposed widening of existing (existing) path ending bus stop on Shurdington Road*
- *Highways Department works on Badgeworth Lane and A46 Shurdington Road to be reviewed via Section 276 agreement (proposals ACP 3865)

Richborough Estates
 nineteen47
 CHARLETTON DEVELOPERS

Badgeworth Lane, Shurdington

Illustrative Layout

24.04.2023 15:00 @ A1



Planning Committee

Date	18 June 2024
Case Officer	Chloe Buckingham
Application No.	24/00323/FUL
Site Location	Bickford House, Leckhampton Lane, Shurdington
Proposal	Part two-storey and part single-storey side extension following demolition of existing single storey detached double garage
Ward	Shurdington
Parish	Shurdington
Appendices	Location Plan Existing Site Plan Existing Floor Plans Existing Elevations x2 Proposed Site Plan Proposed Floor Plans Proposed Elevations x2
Reason for Referral to Committee	Called in for a committee determination by Councillor Vines, to assess whether the proposal would result in proportionate additions to a residential property in the Green Belt and to assess the effect on its openness.
Recommendation	Refuse

Site Location



1. The Proposal

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SC2VTGQDJ1G00>

- 1.1 Part two-storey and part single-storey side extension following demolition of existing single storey detached double garage.

2. Site Description

- 2.1 The application is in relation to Bickford House which is a detached rendered dwelling located in a rural location in Shurdington. To the southwest of the site is a paddock and a range of outbuildings which under the ownership of the applicants. However, these are not within the residential curtilage of the application site. A range of trees and hedges are located along the front and side boundaries. A watercourse runs adjacent to the northeast boundary of the site and intersects the front garden. The site is located within the Cotswolds National Landscape, Green Belt.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
T.1710/D	Alterations and extension to existing dwelling to provide a porch with bedroom and landing over.	PERMIT	26.09.1983
97/00020/FUL	Two storey extension to provide additional living accommodation	PERMIT	16.04.1997
09/00610/FUL	Extension to provide enlarged hall, study and bathroom	PERMIT	19.08.2009

4. Consultation Responses

Full copies of all the consultation responses are available online at

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

- 4.1 **Shurdington Parish Council** – No representations received

- 4.2 **Building Control** - The application will require Building Regulations approval.

5. Third Party Comments/Observations

Full copies of all the representation responses are available online at

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

- 5.1 The application has been publicised through the posting of neighbour notifications and a consultation for a period of 21 days and no letters of representation have been received.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

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

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

6.2 National guidance

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

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

Policy SD4 (Design Requirements)
Policy SD5 (Green Belt)
Policy SD6 (Landscape)
Policy SD9 (Biodiversity and Geodiversity)
Policy SD10 (Residential Amenity)
Policy SD14 (Health and Environmental Quality)
Policy INF1 (Transport Network)
Policy INF2 (Flood Risk Management)

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

Policy RES10 (Alteration and Extension of Existing Dwellings)
Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
Policy ENV2 (Flood Risk and Water Management)
Policy LAN2 (Landscape Character)
Policy TRAC9 (Parking Provision)
Policy GRB4 (Cheltenham-Gloucester Green Belt)
Policy NAT5 (Cotswold Beechwoods Development)

6.5 Neighbourhood Plan

None

7. **Policy Context**

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

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

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

7.4 Other material policy considerations include national planning guidance contained within

8. Evaluation

Green Belt Impact

- 8.1** Paragraph 142 of the Nation Planning Policy Framework (NPPF) states that the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 8.2** Paragraph 143 of the NPPF states that the Green Belt serves 5 purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 8.3** Paragraph 152 of the NPPF, Policy SD5 of the JCS and Policy GRB4 of the TBLP states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 8.4** Paragraph 153 of the NPPF, Policy SD5 of the JCS and Policy GRB4 of the TBLP states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 8.5** Paragraph 154 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. One of the exceptions to this is:
- 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;
- 8.6** The NPPF defines '*original building*' to be '*a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.*'
- 8.7** In terms of proportionality, whilst there are no specific guidelines, a 50% increase in size is generally applied by officers at the Borough Council to determine what constitutes a proportionate addition to the original dwelling, with anything above this being considered disproportionate. Consequently, as the site is within the Green Belt, only limited extensions and additions are normally permitted.
- 8.8** It is noted that within the assessment for the 2009 application for a two-storey side extension, it was considered that the original floor area of the dwellinghouse was 155sqm, and the cumulative area of the dwellinghouse when combined with all previous extensions, as well as the proposed extension in 2009 was 73% over and above the original floor area. However, it was set out in the 2009 application that whilst this represented a cumulative

disproportionate addition to the original dwellinghouse, the proposed extension represented a relatively small addition. The previous officer explained that the extension would occupy the front corner of the existing dwelling and would be read against the front and side elevations. Therefore, the previous officer explained that consequently, the extension would not affect the openness of the Green Belt given the specific circumstances of the site, and it was in this instance that the extension was acceptable in Green Belt terms.

- 8.9** The applicant contends that as this application removes the existing detached garage, and the two-storey side extension would be built in a similar location on the northeastern side elevation, the floor area increase would therefore only be approx. 27sqm more than the existing. However, as a result of the proposal, the cumulative floor area would increase from 73% to 108% which is a 35% increase above the existing situation, and this is still a cumulative disproportionate increase of the original dwelling.
- 8.10** Furthermore, there are differences between the two applications, namely that the extension cannot be read against any other two-storey elements as was previously the case with the 2009 application, and as such the two-storey extension would be overly prominent and large. This is further compounded by the new proposed dormer windows being large and bulky in appearance and the size of the new garage door which would appear disproportionately large. It is considered that these elements would cumulatively appear awkward and bulky compared to the design and proportions of the existing dwelling.
- 8.11** It is therefore considered that the proposal would constitute disproportionate additions over and above the size of the original dwelling. As such it would not fall within the exceptions listed at para 149 of the Framework and would constitute inappropriate development in the Green Belt which is, by definition, harmful. In that regard the proposal would fail to accord with Policy SD5 of the JCS and the provisions of the Framework.

Effect on Openness

- 8.12** The Framework outlines that one of the essential characteristics of Green Belts is their openness. Openness has a spatial aspect as well as a visual aspect. Notwithstanding the presence of neighbouring residential properties, existing mature trees to the north and east of the site as well as the busy main road, the openness of the Green Belt is clearly evident around the property and the wider area.
- 8.13** The proposed two storey addition would result in an increase in the footprint of the dwelling, on part of the site which is largely contained by the existing built form and bound from the road by an existing tree belt. However, the proposal would result in the introduction of built form at first floor level into space where currently there is none and therefore, in spatial terms, the extension would reduce the openness of the Green Belt. Nonetheless, the reduction in the openness and subsequent harm to the Green Belt would be limited due to the net change when replacing the existing single storey garage.
- 8.14** Having regard to the visual aspect of openness, given the siting and orientation of the property within the street scene, the resulting height and massing to the flank elevation of the dwelling, as a consequence of the two-storey extension, would be apparent in gaps between the existing trees (potentially more prominent in the winter) on the side elevation of the property from Leckhampton Lane. However, due to the size and siting of the extension, which would be viewed within the context of the existing dwelling, it would have a limited effect on the Green Belt in visual terms.

8.15 For these reasons in both spatial and visual terms the proposed development would result in harm, albeit limited, to the openness of the Green Belt. In accordance with the Framework substantial weight is given to any harm to the Green Belt.

Very Special Circumstances

8.16 In this case, very special circumstances have been advanced. This is in the form of a permitted development fallback position. It has been proposed that under permitted development rights, the applicant could erect a single storey outbuilding to the rear of the site.

8.17 From the plans that have been put forward to justify a fallback position, it is likely that the outbuilding could be achieved under permitted development. Notwithstanding this, the proposed fallback would be single storey, which by its nature would be less visually intrusive when compared with the proposed two-storey extension.

8.18 The detached outbuilding proposed under permitted development would result in an additional 76 sqm, which would take the cumulative GIFA of the proposed dwelling, to be approximately 372 sqm, which represents an increase in GIFA of approx. 140%. This would be a difference of approx. 32% between the proposed scheme and the proposed fallback position.

8.19 Whilst the floor area would increase in the fall-back position, as the structure would be single storey, the impact upon the host building is considered to be less visually intrusive than the two-storey extension. Consequently, the very special circumstances that are necessary to justify the development do not exist.

8.20 The applicant has mentioned a previous application at a site called Plemont (23/00522/FUL) where the fallback position of a number of extensions was considered have a greater impact on the property than the proposed single storey side and rear extension. The case officer came to this conclusion as *it is smaller in scale and better grouped to the host dwelling with the side extension wrapping around to join the rear, extending beyond the rear elevation by less than 4.9m, in line with the existing rear extension*. Therefore, whilst the extension permitted was 150.9% greater in floor area than the original, as the fall-back position was assessed as having a greater impact on the Green Belt, the application was permitted.

8.21 However, this cannot be applied in the circumstances for this case, as the extension being proposed is a large two storey side extension. Furthermore, the fallback position is for a single storey outbuilding comprising a gym, study and workshop. Therefore, as the applicant is seeking a fifth bedroom on the second floor, it is considered that the proposed fall back is not exactly what the applicant wants to achieve in the application and given this the probability of the fallback position ever being implemented is very unlikely.

8.22 Furthermore, the design of the extensions in the application for Plemont was considered to integrate well and maintained the character of the dwelling and the cluster of dwellings located immediately next to the application site. However, considering the overly large side extension and bulky design of the dormer windows and the large roller shutter garage door in this application, as mentioned above, the design of the extension is also considered out-of-keeping with the host property.

Conclusion on Green Belt Matters

8.23 The proposed extension would represent inappropriate development in the Green Belt, which is harmful by definition. In addition, there would be an identified harm to the openness and the fallback VSC advanced by the applicant are limited. Given this, it is considered that the identified harm to the Green belt carries substantial weight against the proposal, and is contrary to the provisions of the NPPF, policy SD5 of the JCS and policy GRB4 of the TBLP.

Design and Visual Amenity

8.24 JCS Policy SD4 of the JCS 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 RES10 of the TBLP states that proposals for the extension and alteration of existing dwellings, and the erection of domestic outbuildings and annexes, will be permitted providing that (amongst other criteria):

1. The detailed design reflects or complements the design and materials of the existing dwelling
2. The scale of the proposal is appropriate to the character and appearance of the existing dwelling and its surrounding area
5. The proposal respects the character and appearance of surrounding development.

8.27 The proposed two storey side extension would have a hipped roof set lower than the ridge of the existing main dwelling which would protrude to the northeastern side elevation and encompass most of the area of the existing detached garage. Large, pitched roof dormer windows are proposed on either side of the roof slope and the scheme incorporates an integral garage with a large roller shutter door. The single storey element would be located to the rear of the proposed two storey side extension and would be stepped in slightly from the existing rear building line. The scheme proposes to use materials on the roof, walls, windows and doors to match the host property.

8.28 As discussed in the Green Belt section of this report, the two-storey side extension would result in a disproportionate addition to the side of the existing dwelling house. It is accepted that the design approach, using a general hipped roof and matching materials is appropriate and the design and proportions of the single storey element, are also deemed acceptable. However, the proposed scale of the two-storey extension, given its projection from the side elevation and wide proportions would appear as an overly bulky addition that would not respect the character and appearance of the existing dwelling. Given this it is considered that the two-storey extension would be out-of-keeping with the character and appearance of the host property, due to its size and scale, contrary to policies SD4 and SD10 of the JCS, and policy RES10 of the TBLP.

Cotswolds National Landscape

- 8.29** Section 15 of the NPPF relates to "Conserving and Enhancing the Natural Environment" and, at paragraph 174, specifies that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside.
- 8.30** As set out above, the application site is located within the Cotswolds AONB. Paragraph 176 of the NPPF sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which, along with National Parks and the Broads, have the highest status of protection in relation to these issues. Paragraph 176 further states that the scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on designated areas.
- 8.31** Policy SD7 of the JCS sets out that all development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities.
- 8.32** Policy SD6 of the JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being.
- 8.34** Policy LAN2 of the TBLP states that development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting. In doing so, relevant landscape features and characteristics must be conserved and where possible enhanced, having regard to the Gloucestershire Landscape Character Assessment 2006 and the Cotswolds AONB Landscape Character Assessment 2003.
- 8.35** Whilst the scale of the proposed extension is considered overly large and would not respect the original dwelling, the works would be limited in view from the wider area. The materials of the proposals could be controlled by way of an appropriate condition. Given this it is considered that the proposals as a whole would not negatively impact the wider Cotswolds National Landscape and is therefore compliant with policies SD6 and SD7 of the JCS and policy LAN2 of the TBLP in these terms.

Residential amenity

- 8.36** JCS policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 8.37** Policy RES10 of the TBLP states that proposals for the extension and alteration of existing dwellings, and the erection of domestic outbuildings and annexes, will be permitted providing that (amongst other criteria):
4. The proposal does not have an unacceptable impact on the amenity of neighbouring properties.
- 8.38** Considering the distances neighbouring properties are away from the site, as well as the positioning of the windows on elevations were there are already windows present serving rooms in the second storey, the scheme will not give rise to any significant negative residential amenity impacts for neighbouring occupiers nor future/existing occupiers of the host property.

It is also noted that there is a sufficient amount of private outdoor amenity space leftover for the host property. Overall, the scheme is compliant with policies SD4 and SD14 of the JCS and policy RES10 of the TBLP.

Highway Matters

8.39 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.

Policy TRAC9 of the TBLP states that proposals for new development that generate a demand for car parking space should be accompanied by appropriate evidence which demonstrates that the level of parking provided will be sufficient. The appropriate level of parking required should be considered on the basis of the following:

- 1) the accessibility of the development;
- 2) the type, mix and use of development;
- 3) the availability of and opportunities for public transport;
- 4) local car ownership levels;
- 5) an overall need to reduce the use of high emission vehicles; and
- 6) a comparison of the forecast trip generation and resultant accumulation with the proposed parking provision.

8.40 The existing access and parking situation shall stay the same and whilst there will be an increase from 4 to 5 bedrooms at the property, there is still considered to be sufficient parking and turning space for the property. The scheme will not give rise to any significant highways issues and overall, the scheme is compliant with policy INF1 of the JCS and policy TRAC9 of the TBLP.

9. Conclusion

9.1 Having carefully considered the application submissions, the latest planning policy context and relevant materials considerations, it is considered that the proposed extension would clearly amount to inappropriate development in the Green Belt. The development, by definition, would therefore be harmful to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. The proposal would also result in harm to the openness of the Green Belt. In addition, the proposal would harm the character and appearance of the host dwelling given its scale and massing.

9.2 Overall, it is concluded that any matters weighing in favour of the proposal, even in their collective totality, do not clearly outweigh the harm to the Green Belt that has been identified. Therefore, the substantial weight to be given to Green Belt harm is not clearly outweighed by the other considerations sufficient to demonstrate very special circumstances.

10. Recommendation

10.1 The proposal does not accord with relevant policies as outlined above; it is therefore recommended the application be **refused**.

11. Refusal

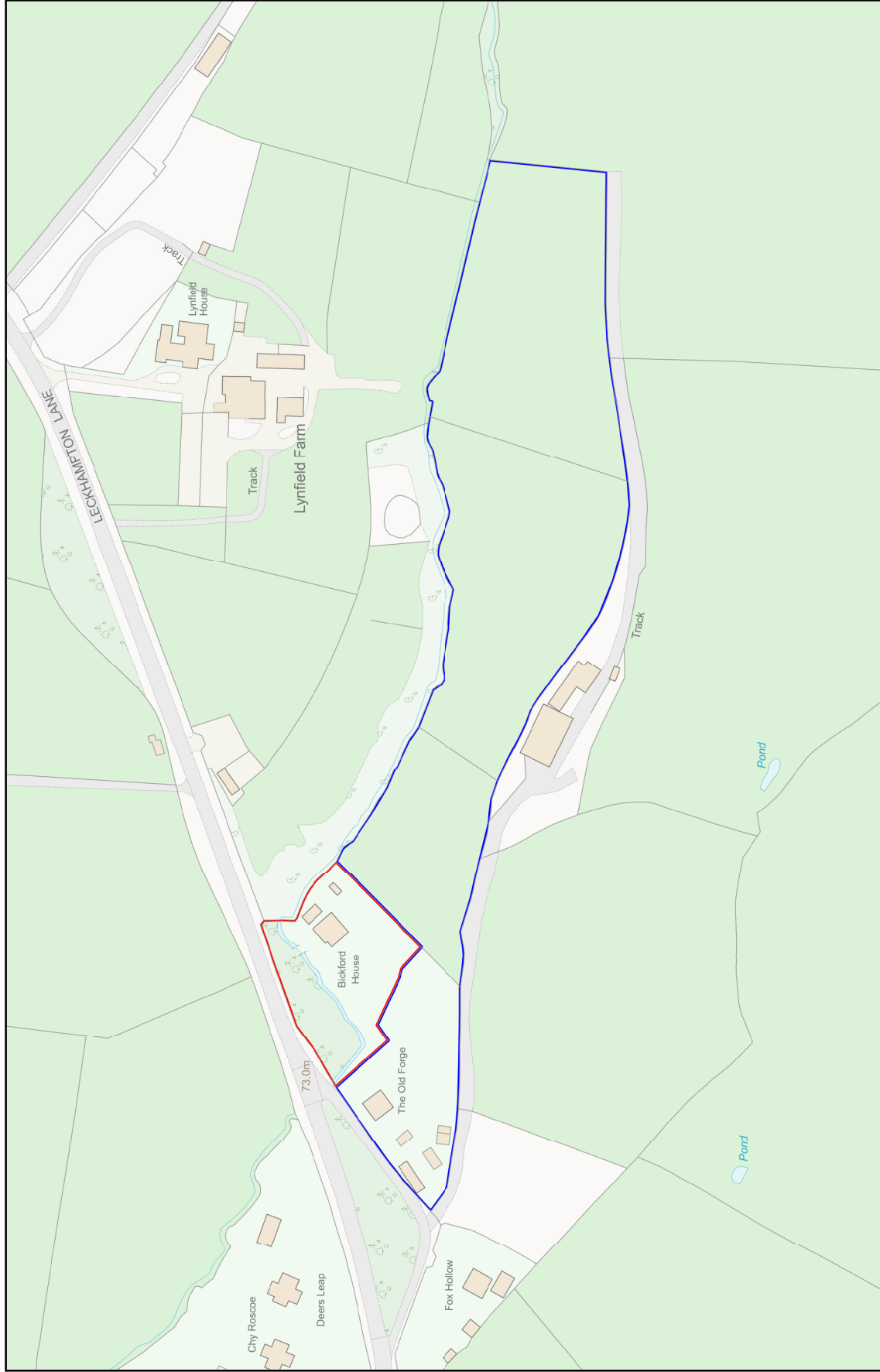
- 11.1** The proposed extensions would result in a disproportionate addition over and above the size of the original building and therefore the proposed development would amount to inappropriate development in the Green Belt. Accordingly, the proposed development would be contrary to Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), Policy GRB4 of the Tewkesbury Borough Local Plan to 2011-2031 (2022), and guidance set out in Section 13 of the National Planning Policy Framework.
- 11.2** The proposed first floor side extension, by reason of its size and scale, represents a disproportionate and unsympathetic addition that would have an unacceptable adverse impact upon the character of the appearance of the host dwelling. Therefore, the proposal would be in conflict with Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), Policy RES10 of the Tewkesbury Borough Local Plan 2011-2031 (2022) and the National Planning Policy Framework.

12. Informatives

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

Date Produced: 17-Apr-2024

Scale: 1:2500 @A4



Planning Portal Reference: PP-12929049v1



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Existing Garage:
GIFA = 52 sqm
Volume = 163 cbm

Proposal:
GIFA = 79 sqm
Volume = 265 cbm

Permitted Development:
GIFA = 76 sqm
Volume = 283 cbm

Site Location & Site Block	28/03/2024	PN	A
Plan address			
Preliminary Drawing Issue	07/03/2024	PN	P1
Revision Description	Date	Check	Rev



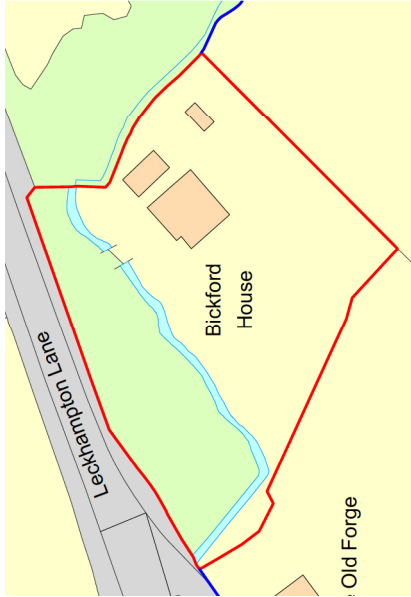
RRA Architects Ltd
14, Broad Street
Cheltenham
Gloucestershire
GL51 4JF
T 01242 299 374
E enquiries@rraarchitects.com
www.rraarchitects.com

Head Office
T 01452 279 707
Worcester
T 01954 519 477
Ludlow
T 01966 671 771

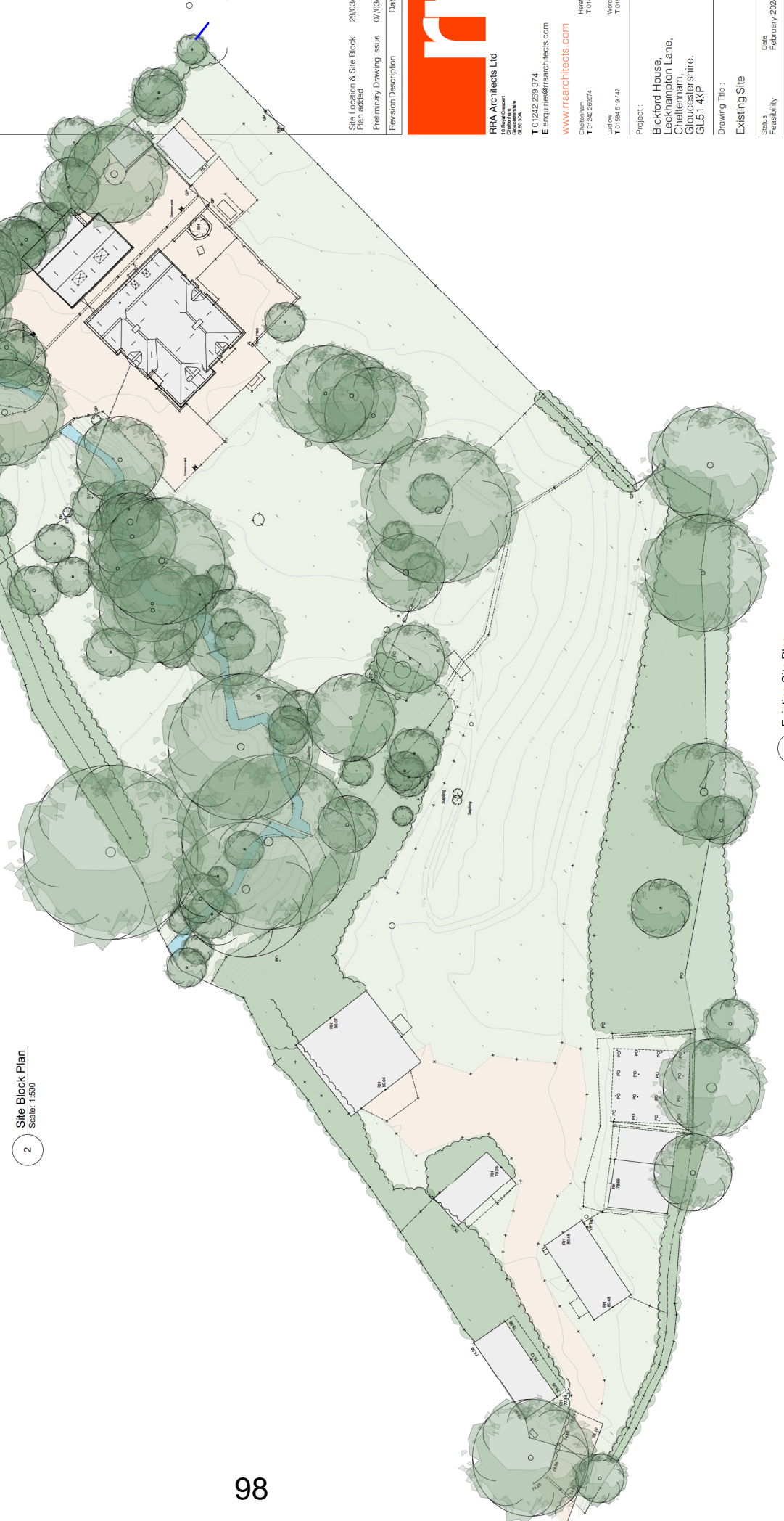
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Bickford House,
Lackhampton Lane,
Cheltenham,
Gloucestershire,
GL51 4JF

Drawing Title:
Existing Site

Status	Date	Drawn By
Feasibility	February 2024	PN
Drawing No.	Revision	Scale
4631 -J01	A	As Shown @ A1



1 Site Location Plan
Scale: 1:1250



2 Site Block Plan
Scale: 1:500

3 Existing Site Plan
Scale: 1:200



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Planning Issue	28/03/2024	PN	P2
Preliminary Drawing Issue	07/03/2024	PN	P1
Revision Description	Date	Check	Rev



T 01242 299 374
 enquiries@rraarchitects.com
 www.rraarchitects.com

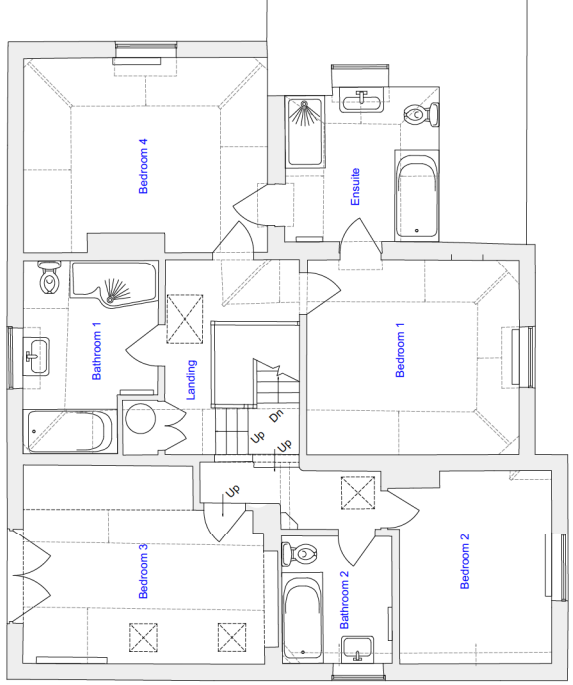
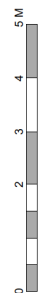
Charleston
 T 01242 299 374
 Ludlow
 T 01594 519 477

Project:
 Bickford House,
 Leckhampton Lane,
 Cheltenham,
 Gloucestershire,
 GL51 4KP

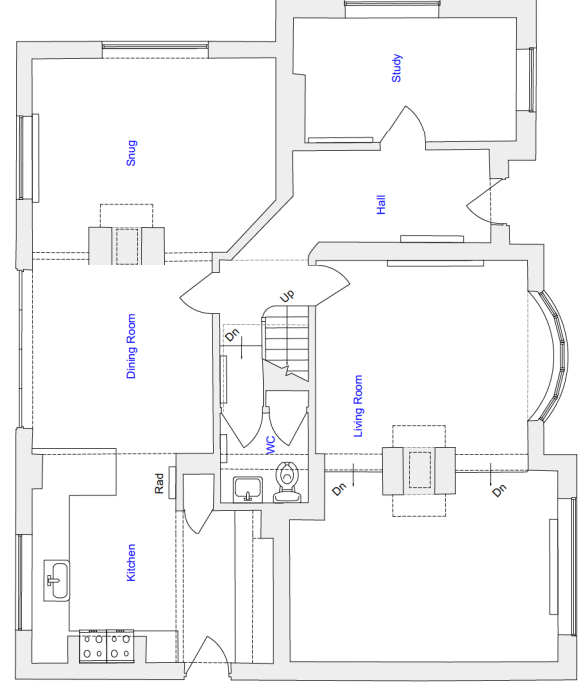
Drawing Title :
 Existing Plans

Status	Date	Drawn By
Feasibility	February 2024	PN
Drawing No.	Revision	Scale

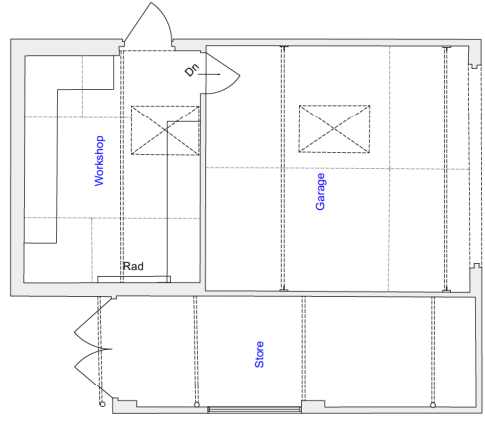
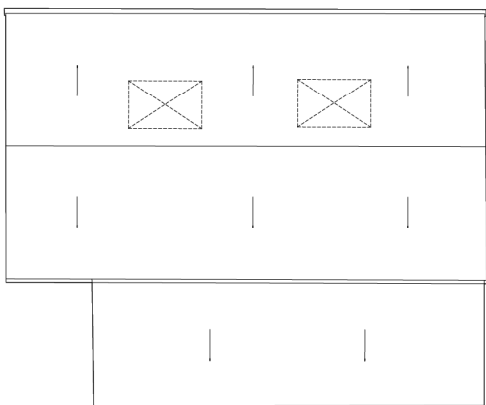
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 P2
 As Shown @ A1

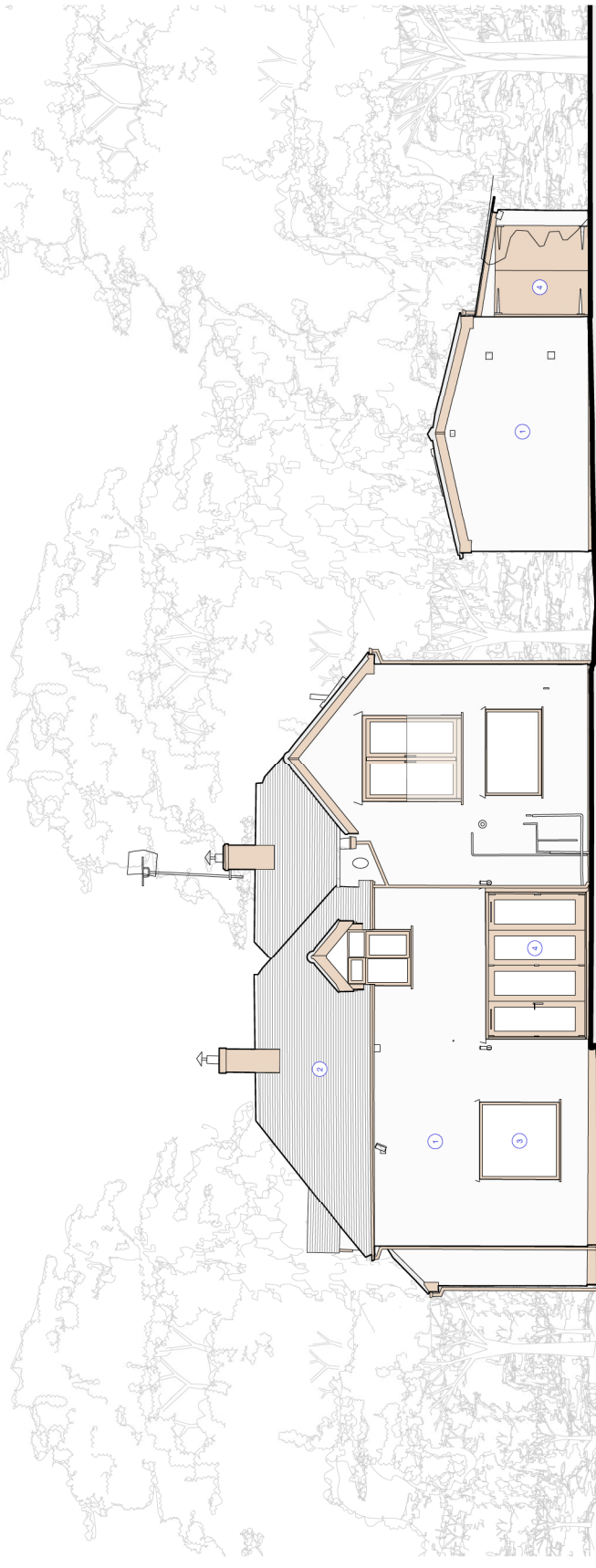


2 First Floor Plan
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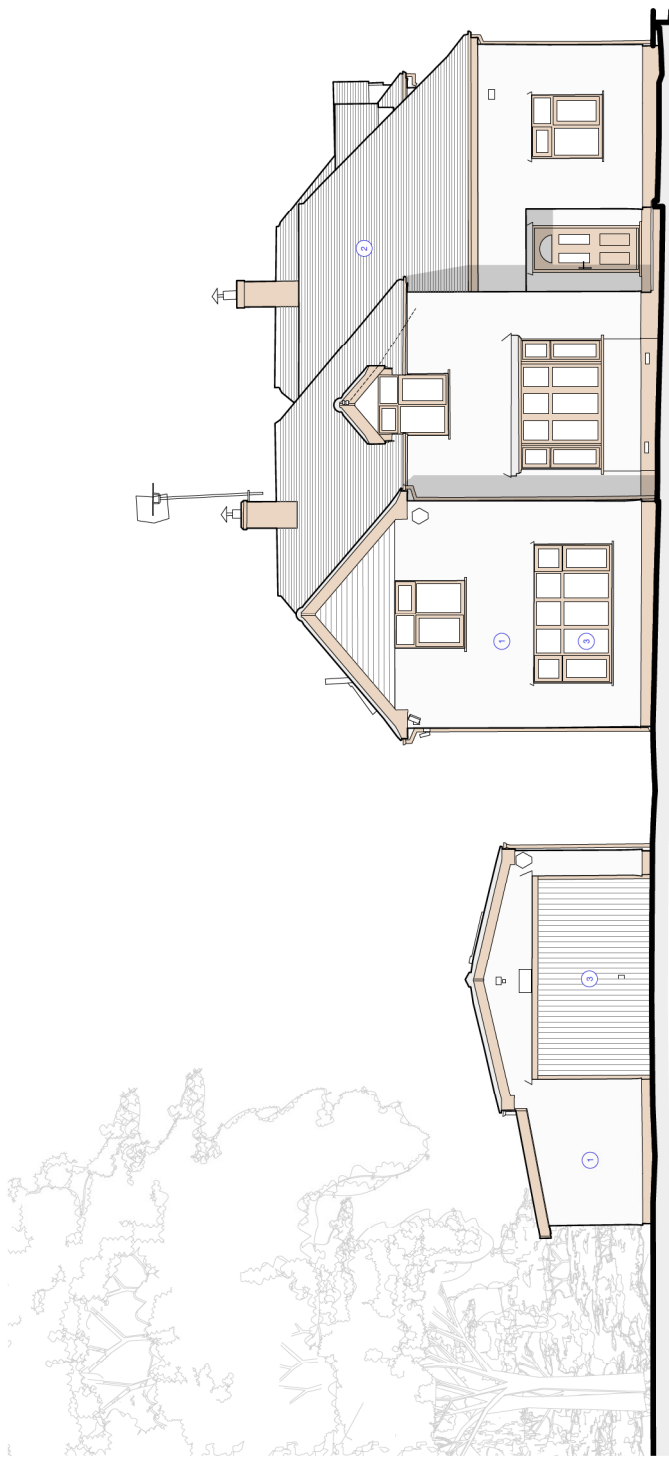


1 Ground Floor Plan
 Scale: 1:50





1 South East Elevation
Scale: 1:50



2 North West Elevation
Scale: 1:50

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Existing Garage:
GIFA = 52 sqm
Volume = 163 cbm

Proposal:
GIFA = 79 sqm
Volume = 265 cbm

Permitted Development:
GIFA = 76 sqm
Volume = 283 cbm

List of materials:

- 1 Render
- 2 Plain roof tiles
- 3 uPVC Windows & Doors
- 4 Timber Doors

Revision Description	Date	Check	Rev
Planning Issue	28/03/2024	PN	P2
Preliminary Drawing Issue	07/03/2024	PN	P1



RRA Architects Ltd
14 Royal Crescent
Bristol, Gloucestershire
GL1 1AA

T 01242 299 374
E enquiries@rarchitects.com
www.rraarchitects.com

Head Office
T 01582 278 707
Worcester
T 01954 519 477

Project:
Bickford House,
Leckhampton Lane,
Cheltenham,
Gloucestershire,
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Drawing Title:
Existing Elevations

Status	Date	Drawn By
Feasibility	February 2024	PN

Drawing No. 4631 -J03
Revision P2
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List of materials:

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- ③ uPVC Windows & Doors
- ④ Timber Doors

Planning Issue	28/03/2024	PN	P2
Preliminary Drawing Issue	07/03/2024	PN	P1
Revision Description	Date	Check	Rev



RRA Architects Ltd

14, River Court
 100, High Street
 Gloucestershire,
 GL51 4QP

T 01242 289 374
 E enquiries@rarchitects.com
 www.rraarchitects.com

Head Office
 T 01532 278 707

Ludlow
 T 01594 519 47

Worcester
 T 01905 671 771

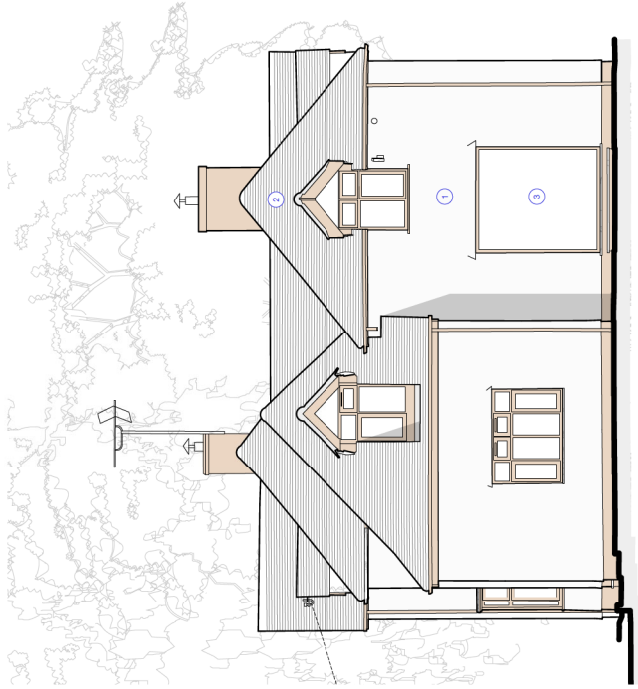
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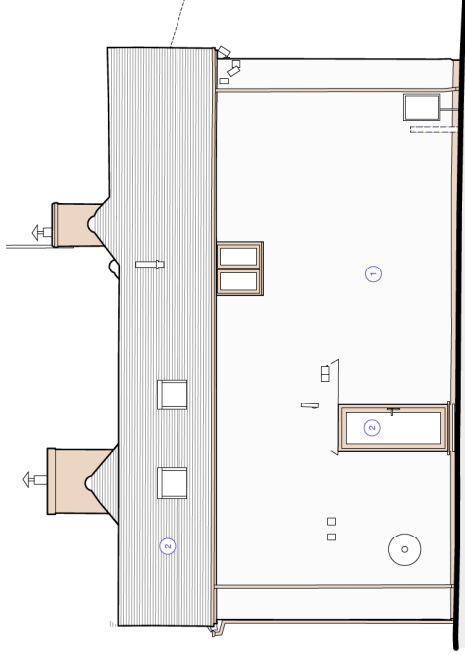
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Existing Elevations

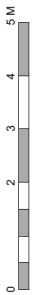
Status	Date	Drawn By
Feasibility	February 2024	PN
Drawing No.	Revision	Scale
4631 -J04	P2	As Shown @ A1



9 South West Elevation
 Scale: 1:50



10 North East Elevation
 Scale: 1:50



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Revision Description	Date	Check	Rev
Utility Room increased	28/03/2024	PN	A
Roof plan revised	14/03/2024	PN	P2
Preliminary Drawing Issue	07/03/2024	PN	P1



RRA Architects Ltd
 14, Royal Crescent
 Gloucester, Gloucestershire
 GL1 2AA

T 01242 289 374
 E enquiries@rrarchitects.com
 www.rrarchitects.com

Charleston
 T 01242 289 374
 Ludlow
 T 01594 519 47

Worcester
 T 01906 671 771
 Project:
 Bickford House,
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Drawing Title : **Proposed Site**

Status	Date	Drawn By
Feasibility	February 2024	PN

Drawing No.	Revision	Scale	As Shown @ A1
4631 -J05	A		

1 Proposed Site Plan
 Scale: 1:200



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Revision Description	Date	Check	Rev
Utility Room increased	20/03/2024	PN	A
Utility Room extension added	21/03/2024	PN	P4
Footprint increased, layout revised	20/03/2024	PN	P3
Extension foot print reduced, layout revised to suit, Bedroom 4 revised	14/03/2024	PN	P2
Preliminary Drawing Issue	07/03/2024	PN	P1



T 01242 299 374
 E enquiries@rrarchitects.com
 www.rrarchitects.com

Head Office
 T 01242 299 374

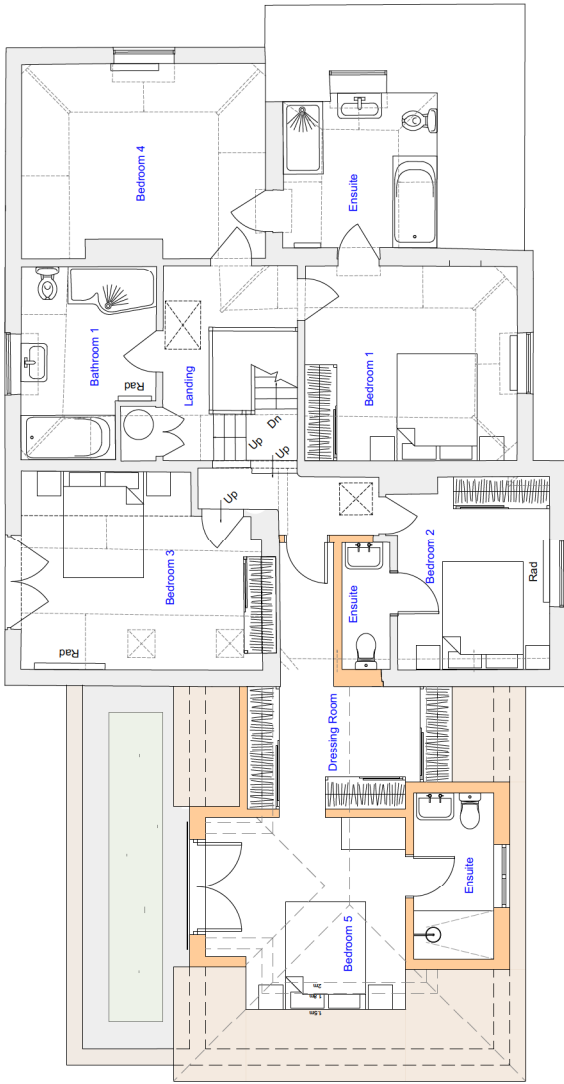
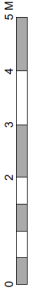
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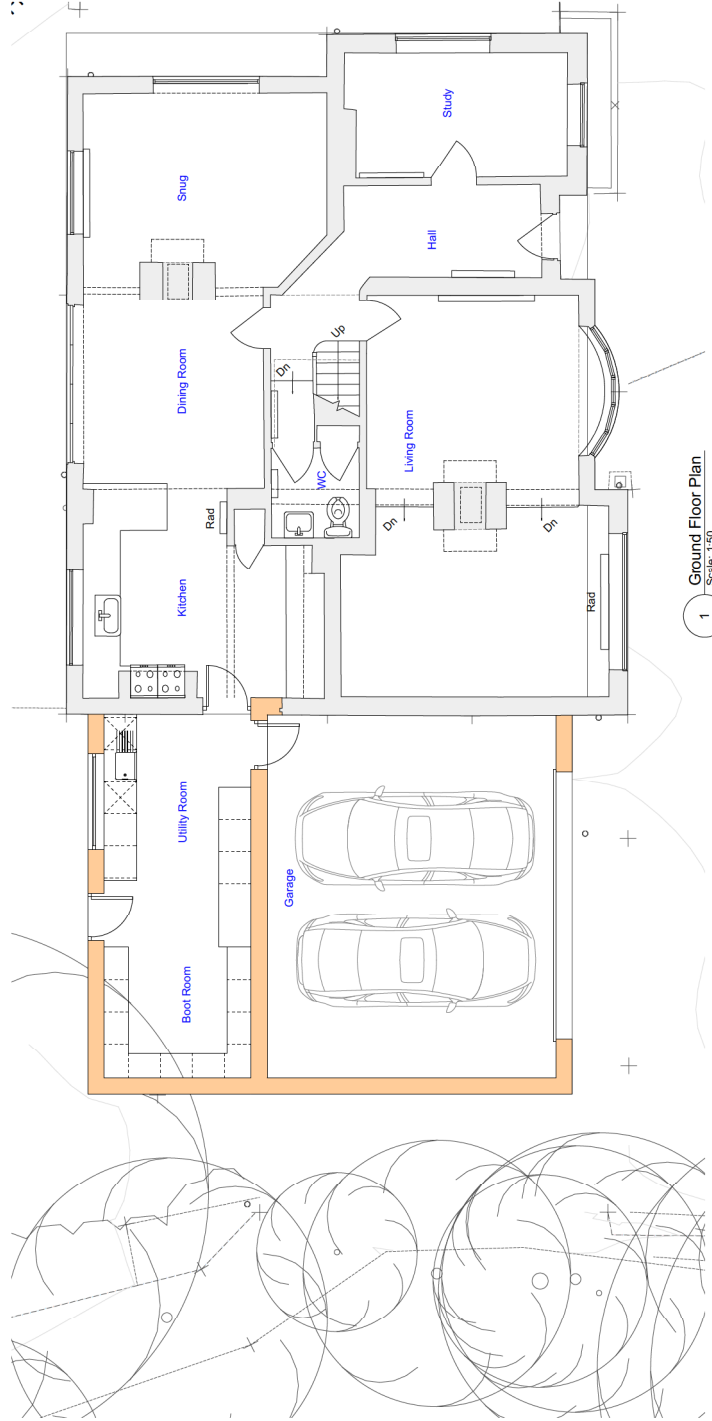
Drawing Title : **Proposed Plans**

Status	Date	Drawn By
Feasibility	February 2024	PN

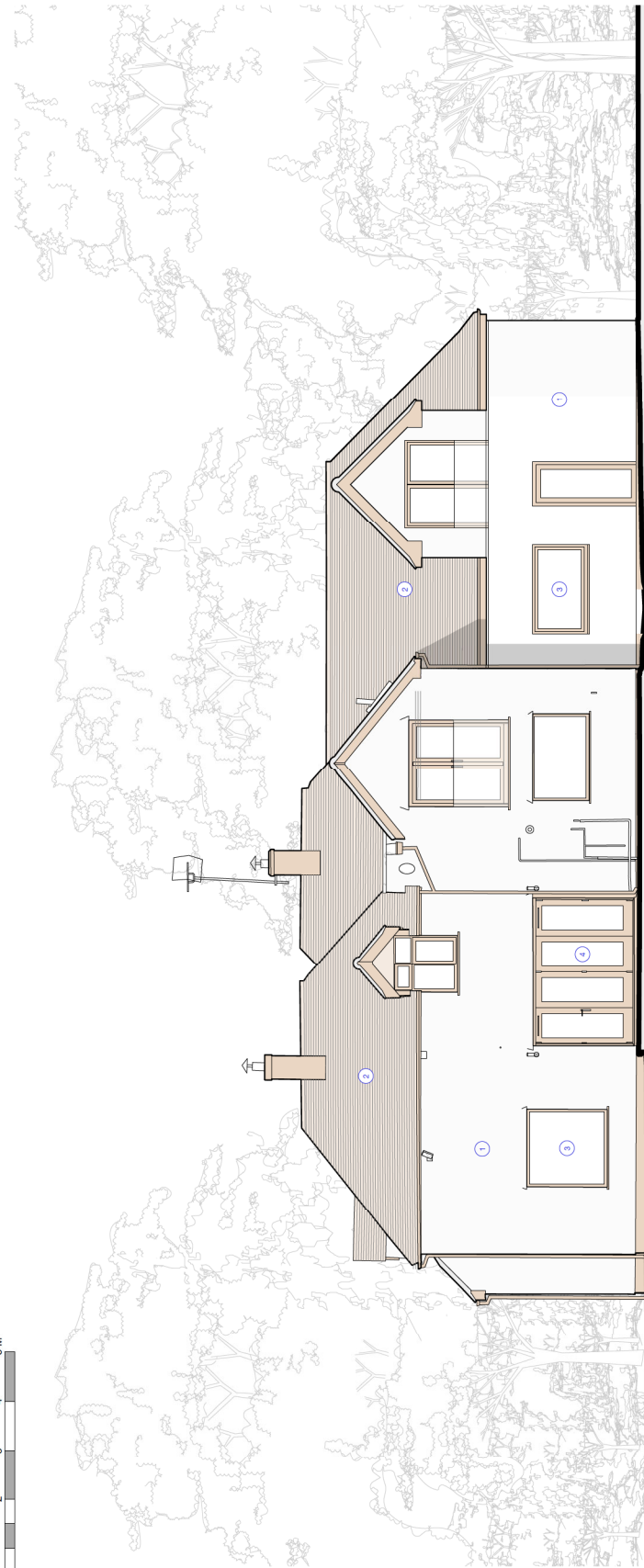
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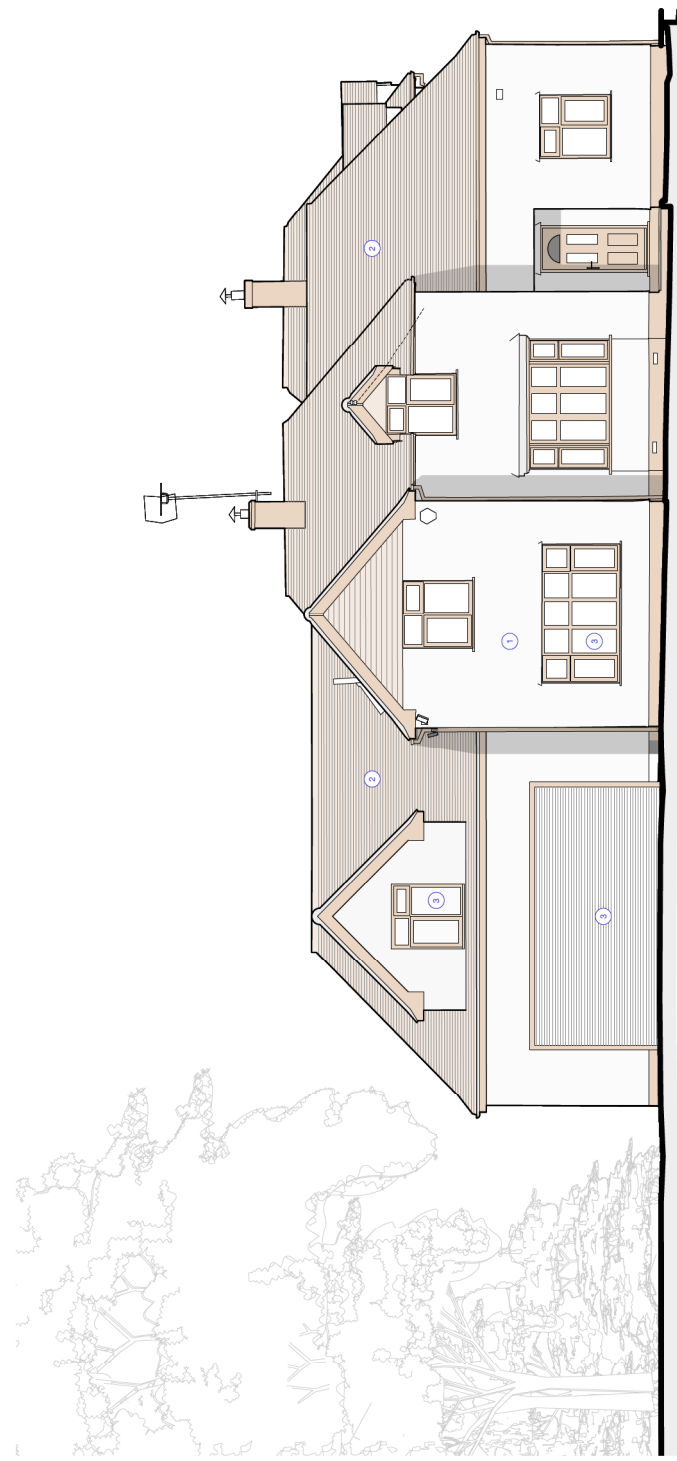
2 **First Floor Plan**
 Scale: 1:50



1 **Ground Floor Plan**
 Scale: 1:50



1 South East Elevation
Scale: 1:50



2 North West Elevation
Scale: 1:50

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Utility Room increased	28/03/2024	PN	A
Utility Room extension added	21/03/2024	PN	P4
Elevations revised to reflect latest layout	20/03/2024	PN	P3
Extension reduced, elevations revised to suit new layout	14/03/2024	PN	P2
Preliminary Drawing Issue	07/03/2024	PN	P1
Revision Description	Date	Check	Rev



RRA Architects Ltd
14 Wood Crescent
Buckford House,
Leckhampton Lane,
Cheltenham,
Gloucestershire,
GL51 4KP

T 01242 289 374
E enquiries@rraarchitects.com
www.rraarchitects.com

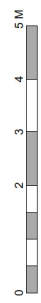
Cheltenham
T 01242 289 374

Worcester
T 01954 519 47

Project:
Bickford House,
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Gloucestershire,
GL51 4KP

Drawing Title:
Proposed Elevations

Status	Date	Drawn By
Feasibility	February 2024	PN
Drawing No.	Revision	Scale
4631 -J07	A	As Shown @ A1



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Utility Room increased added	28/03/2024	PN	A
Utility Room extension latest layout	21/03/2024	PN	P4
Elevators revised to reflect elevators revised to suit new layout	20/03/2024	PN	P3
Extension reduced, elevators revised to suit new layout	14/03/2024	PN	P2
Preliminary Drawing Issue	07/03/2024	PN	P1
Revision Description	Date	Check	Rev



RRA Architects Ltd
 14, Royal Crescent
 Gloucestershire
 GL1 2AA

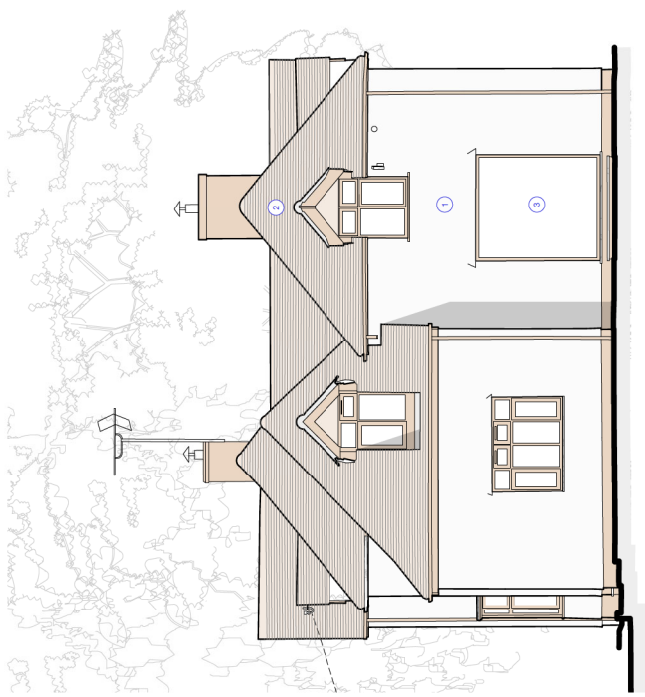
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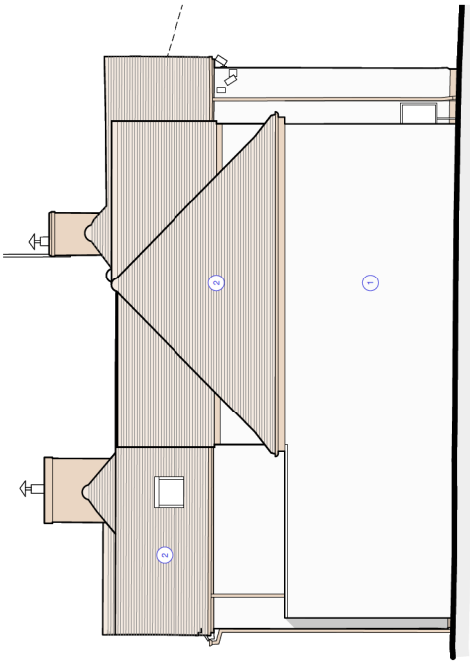
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Drawing Title:
 Proposed Elevations

Status	Date	Drawn By
Feasibility	February 2024	PN
Drawing No.	Revision	Scale
4631 -J08	A	As Shown @ A1



9 South West Elevation
 Scale: 1:50



10 North East Elevation
 Scale: 1:30

Planning Committee

Date	18 June 2024
Case Officer	Chloe Buckingham
Application No.	24/00299/FUL
Site Location	Chestnut Barn, Barrow, Boddington
Proposal	Erection of a new detached outbuilding for car parking and storage.
Ward	Severn Vale South
Parish	Boddington
Appendices	Location Plan Existing and Proposed Site Plan Proposed Floor Plan and Elevations
Reason for Referral to Committee	Called in for a committee determination by Councillor Williams, to assess whether the proposal would comply with Green Belt policy.
Recommendation	Refuse

Site Location



1. The Proposal

- 1.1 Full application details are available to view online at:
<https://publicaccess.tewkesbury.gov.uk/online-applications/>.
- 1.2 Erection of a new detached outbuilding for car parking and storage, comprising a single storey timber framed building with two open bays constructed on a brick plinth to match the existing dwelling, with timber oak cladding to the elevations and a plain tiled roof over.

2. Site Description

- 2.1 Chestnut Barn is a detached property set back from a single-track lane which serves a small number of properties in the immediate vicinity of the site. The barn has been converted for residential use. Although the barn is a non-designated heritage asset it has undergone previous extensions and alterations which have reduced the barn like character of the building.
- 2.2 Permitted development rights have been removed from the property and the site lies within the Green Belt.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
95/00823/FUL	Erection of a stable/tackroom	PERMIT	14.11.1995
03/00619/FUL	Conversion of barn to a dwelling	REFUSE	25.07.2003
03/01589/FUL	Conversion of barn to a dwelling (re-submission).	PERMIT	13.04.2004
10/00498/FUL	Retention of 'as built' residential barn conversion (including first floor accommodation and rooflights to rear elevation.	REFUSE	15.09.2010
10/00994/FUL	Retention of 'as built' residential barn conversion (Revised Scheme).	PERMIT	15.10.2010
11/00504/FUL	Erection of new stables, tackroom, concrete apron and trailer parking area.	PERMIT	03.08.2011
14/01287/FUL	Erection of garden room	PERMIT	24.02.2015
16/00463/FUL	Porch	PERMIT	08.06.2016
18/01123/FUL	Erection of a canopy to rear of existing garden room.	PERMIT	18.01.2019

21/00311/FUL	Erection of a single storey rear extension (re-submission)	PERMIT	01.07.2021
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4. Consultation Responses

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

- 4.1 **Boddington Parish Council** - Support.
- 4.2 **Building Control** - The application will require Building Regulations approval.

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 Third Party Comments: The application has been publicised through the posting of a site notice for a period of 21 days and no comments have been received.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

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

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

6.2 National guidance

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

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

Policy 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 SD8 (Historic Environment)
 Policy SD9 (Biodiversity and Geodiversity)
 Policy SD10 (Residential Amenity)
 Policy SD14 (Health and Environmental Quality)
 Policy INF1 (Transport Network)
 Policy INF2 (Flood Risk Management)

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

Policy RES2 (Settlement Boundaries)
Policy RES10 (Alteration and Extension of Existing Dwellings)
Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
Policy NAT5 (Cotswold Beechwoods Development)
Policy ENV2 (Flood Risk and Water Management)
Policy LAN2 (Landscape Character)
Policy TRAC9 (Parking Provision)
Policy HER5 (Non-Designated Heritage Assets)
Policy GRB4 (Cheltenham-Gloucester Green Belt)

6.5 Neighbourhood Plan

None

7. **Policy Context**

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

8. **Evaluation**

Green Belt Impact

- 8.1 Paragraph 142 of the National Planning Policy Framework (NPPF) states that the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 8.2 Paragraph 143 of the NPPF states that the Green Belt serves 5 purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 8.3** Paragraph 152 of the NPPF, Policy SD5 of the JCS and Policy GRB4 of the TBLP states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 8.4** Paragraph 153 of the NPPF, Policy SD5 of the JCS and Policy GRB4 of the TBLP states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 8.5** Paragraph 154 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. One of the exceptions to this is:
- 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;
- 8.6** Given the very close proximity of the proposed outbuilding to the existing dwelling it is considered that the proposal falls to be considered under this criterion.
- 8.7** It is noted that an application for a single storey rear extension at the same property (21/00311/FUL) was overturned and permitted by Planning Committee.
- 8.8** Within the previous application it was explained that *'the assessment of whether an extension is disproportionate to the original building is not always a judgement that can be made on a simple floorspace calculation as has been suggested by the applicant's agent. In some cases, it will also be relevant to look at the volumetric increase. This is particularly so in this case, as the original building is essentially single storey in form and accommodation has been introduced into the roof space. This approach has also been supported at appeal.'*
- 8.9** Within the previous application, it was explained that the floorspace of the existing building is 177 square metres and it is noted that this has been used on previous applications. However, the previous 2021 report explained that on closer inspection it was not understood how this calculation had been arrived at. The previous report also stated that *'the first-floor plan is shown to be identical in extent to that of the ground floor. However, given the location of the ground floor windows in relation to the eaves, and the slope of the roof within which the first floor sits, it does not appear possible that the usable first floor area can extend as far as the submitted plans suggest.'*
- 8.10** The 2021 report went on to explain that *'using the floorspace approach on the basis of the 'worst case scenario' of 177 square metres, there would be a 54% increase over and above the floor area of the original dwelling. As indicated above, this percentage increase may well be higher given the nature of the first floor. Taking the volumetric approach, which as explained above is considered to be more appropriate in this case, the combined volume of the permitted extensions plus the proposed extension would be around a 70% increase.'*
- 8.11** Therefore, the cumulative volume increase of the property is already above the 50% recommended as being proportionate. The volume of the detached garage is approx. 189m³ and this would equate to an approx. 130% cumulative volume increase.

- 8.12** In Green Belt terms therefore, it is considered that the proposal would result in disproportionate additions which would be harmful to the openness of the Green Belt. No very special circumstances case has been advanced by the applicant. The proposal is therefore considered to be inappropriate development in the Green Belt which would be harmful by definition and would harm the openness of the Green Belt. The scheme is therefore contrary to the provisions of Policy SD5 of the JCS and the NPPF.

Non-designated heritage asset

- 8.13** Policy SD8 states that: Development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. The policy also states that: designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.
- 8.14** Policy HER5 of the Local Plan states that: “Locally Important Heritage Assets will be conserved having regard to the significance of the asset and its contribution to the historic character of the area. Proposals affecting a Locally Important Heritage Asset and/or its setting will be expected to sustain or enhance the character, appearance and significance of the asset. Proposals that seek the preservation and/or enhancement of these assets will be encouraged. Historically important groups of farm buildings will be protected from proposals for destructive development or demolition.”
- 8.15** Although the barn is considered to be a non-designated heritage asset, officers agree that it has undergone previous extensions and alterations which have reduced the barn like character of the building, and therefore, the historic significance of the building has been diluted. Therefore, the impact of the detached garage on the non-designated heritage asset is considered to be minimal, considering all the previous extensions.
- 8.16** Therefore, the proposal would be broadly compliant with Section 16 of the NPPF, Policy SD8 of the JCS and HER5 of the TBLP.

Design and Visual Amenity

- 8.17** JCS Policy SD4 of the JCS provides that new development should respond positively to and respect the character of the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.
- 8.18** Criterion 6 of Policy SD10 'Residential Development' of the JCS states the residential development should seek to achieve maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.
- 8.19** Policy RES10 of the TBLP states that proposals for the extension and alteration of existing dwellings, and the erection of domestic outbuildings and annexes, will be permitted providing that (amongst other criteria):
1. The detailed design reflects or complements the design and materials of the existing dwelling

2. The scale of the proposal is appropriate to the character and appearance of the existing dwelling and its surrounding area

5. The proposal respects the character and appearance of surrounding development.

8.20 The garage would be positioned approx. 6.5m to the front of the property, and its dimensions are 7m wide, 10m in length, 4m to the pitch and 2.1m to the eaves, utilising a pitched roof. The garage would be constructed from plain rooftiles, a brick plinth to match the main house and oak cladding.

8.21 Overall, the design and proposed materials would be in-keeping with the character and appearance of the host property and wider area. Therefore, if the scheme were acceptable a materials sample condition would be attached to ensure the character and appearance of the scheme was in-keeping with the host property and wider area, in compliance with policies SD4 and SD10 of the JCS, and policy RES10 of the TBLP.

Ecology

8.22 Policy NAT5 of the TBLP states that Cotswold Beechwoods Development will not be permitted in the Cotswolds Beechwoods where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the Cotswold Beechwoods Special Area of Conservation (SAC) (alone or in combination), and the effects cannot be mitigated.

8.23 Considering the small-scale nature of the proposal, the scheme is unlikely to have any impact on the Cotswold Beechwoods SAC zone of influence. The scheme is compliant with policy NAT5 of the TBLP.

Residential amenity

8.24 JCS policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.

8.25 Policy RES10 of the TBLP states that proposals for the extension and alteration of existing dwellings, and the erection of domestic outbuildings and annexes, will be permitted providing that (amongst other criteria):

4. The proposal does not have an unacceptable impact on the amenity of neighbouring properties.

8.26 Considering the small-scale single storey nature of the garage and its position away from any direct views of neighbouring properties, the scheme would not give rise to any significant negative residential amenity impacts for neighbouring occupiers nor future/existing occupiers of the host property. The scheme is compliant with policies SD4 and SD14 of the JCS and policy RES10 of the TBLP.

Highway Matters

8.27 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.

8.28 Policy TRAC9 of the TBLP states that proposals for new development that generate a demand for car parking space should be accompanied by appropriate evidence which demonstrates that the level of parking provided will be sufficient. The appropriate level of parking required should be considered on the basis of the following:

- 1) the accessibility of the development;
- 2) the type, mix and use of development;
- 3) the availability of and opportunities for public transport;
- 4) local car ownership levels;
- 5) an overall need to reduce the use of high emission vehicles; and
- 6) a comparison of the forecast trip generation and resultant accumulation with the proposed parking provision.

8.29 The existing access and parking situation would remain the same and there would be no increase in the number of bedrooms at the property. The scheme would not give rise to any significant highways issues and overall, the scheme is compliant with policy INF1 of the JCS and policy TRAC9 of the TBLP.

9. Conclusion

9.1 Overall, it is considered that the proposal is inappropriate development in the Green Belt resulting in disproportionate additions to the original dwelling and there are no very special circumstances that outweigh the harm. The proposal is contrary to the NPPF and Policy SD5 of the JCS and therefore it is recommended that planning permission be refused.

10. Recommendation

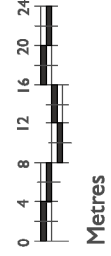
10.1 The proposal does not accord with relevant policies as outlined above; it is therefore recommended the application be **refused**.

11. Refusal Reason

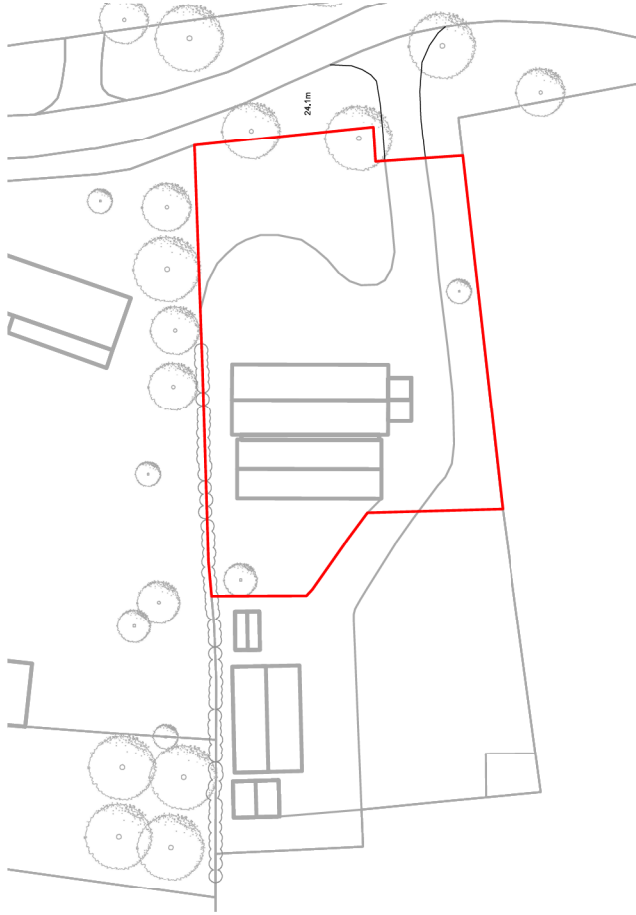
1. The proposed extension would result in disproportionate additions over and above the size of the original dwelling which would be harmful to the openness of the Green Belt. The proposal therefore represents inappropriate development in the Green Belt in conflict with Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and advice within the National Planning Policy Framework.

12. Informatives

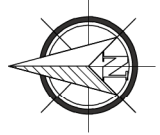
1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information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



General Notes:
Do not scale off drawings.
These drawings are concept only and are not for construction, all financial, structural and building control items are to be considered by additional specific professional advice



Location Plan
Scale: 1:500



Randall
Architectural Ltd
Phone Number: 01292 712945
Email: info@randallarchitectural.co.uk
Company number: 129846321
www.RandallArchitectural.co.uk

Revision	Description	By	Date
A	Issued for planning		

Location Plan

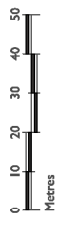
Drawing Name: **01292 - 001 (A)**

Project: 1:500 A3

Status: Planning 1:1250 A3

Project number: **01292 - 001**

Drawing number: **001 (A)**



Location Plan
Scale: 1:1250

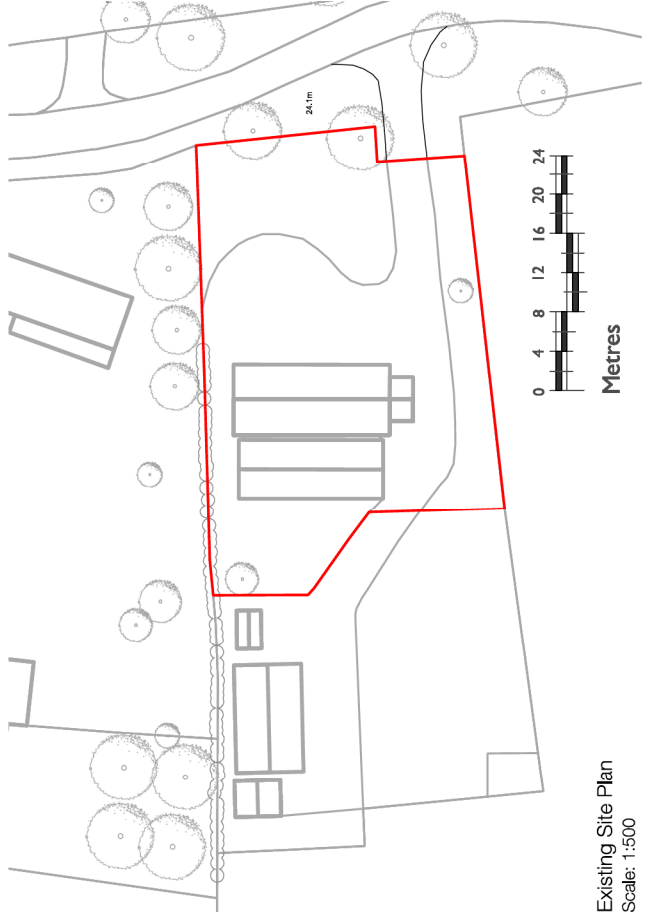
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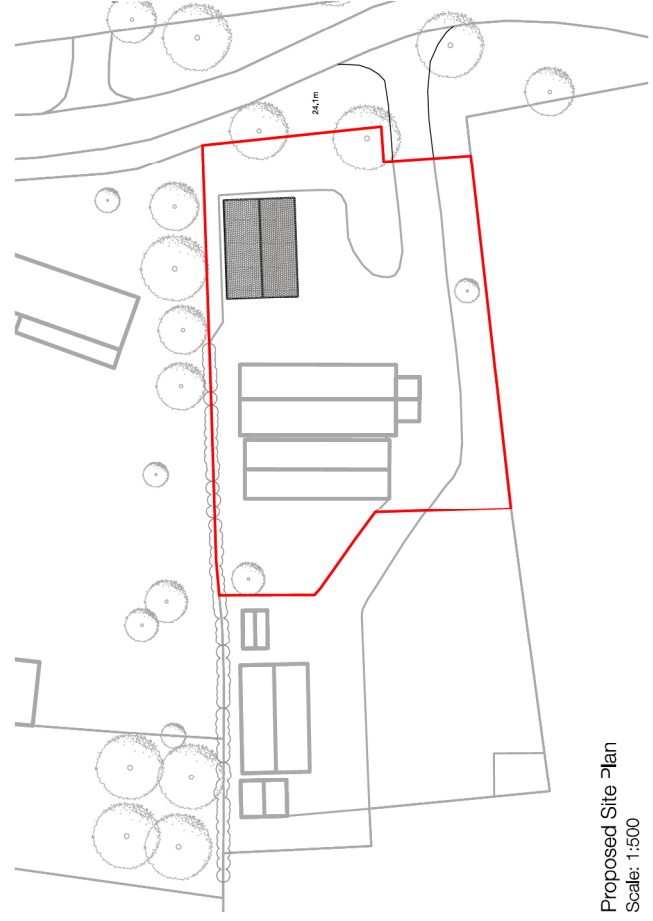
Proposed Site Plan
 Scale: 1:200

Phone Number: 075937 12945 Email: info@randallarchitectural.co.uk Company number: 119846321 www.randallarchitectural.co.uk		
Revision	Description	Date
C	During taking the records	24/03/20
B	Design review	24/03/20
A	Design review	24/03/20

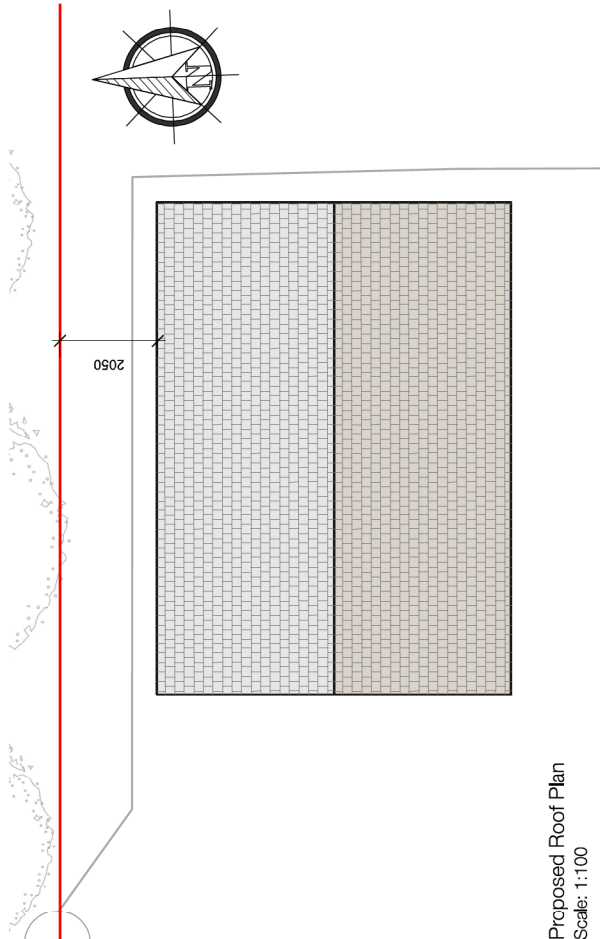
Existing and Proposed Site Plan Drawing Name	
Project	1:500
Planning	1:200
Status	A3
Scale	A3
Project number	01292 - 002 (C)
Drawing number	
Revision	



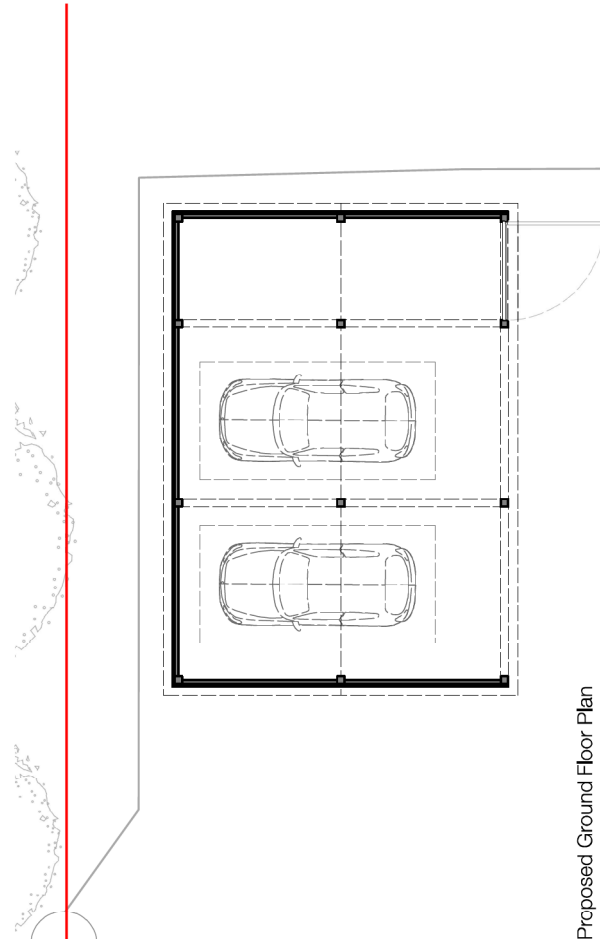
Existing Site Plan
 Scale: 1:500



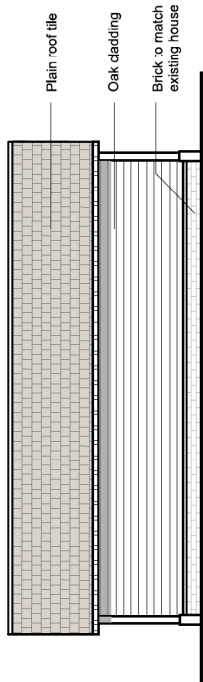
Proposed Site Plan
 Scale: 1:500



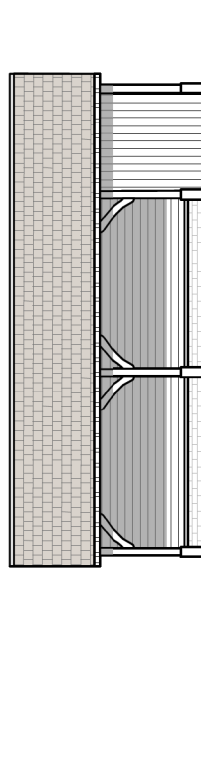
Proposed Roof Plan
Scale: 1:100



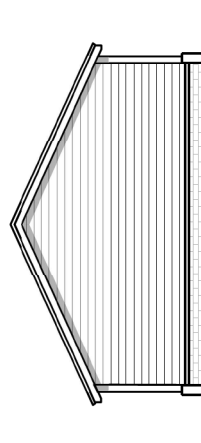
Proposed Ground Floor Plan
Scale: 1:100



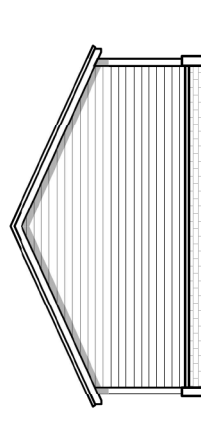
Proposed North Elevation
Scale: 1:100



Proposed South Elevation
Scale: 1:100



Proposed West Elevation
Scale: 1:100

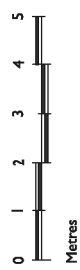


Proposed East Elevation
Scale: 1:100

		Phone Number: 075937 12945 Email: info@randallarchitectural.co.uk Company number: 12964321 www.randallarchitectural.co.uk	
Revision B A	Description 24.02.20 24.02.20	Date	Date

Proposed Floor Plan and Elevations
 Drawing Name
01292 - 003 (B)
 Project Number
 Drawing number
 Revision

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PLANNING APPEALS RECEIVED (03/05/2024 – 31/05/2024)

Appeal Start Date	TBC Planning Number	Inspectorate Number	Proposal	Site Address	Appeal Procedure
08-May-24	18/00023/BOCON	APP/G1630/C/24/3342909	Unauthorised change of use of the Land from agricultural use to use for the stationing of caravans	Green Orchard Kayte Lane Bishops Cleeve	Hearing
08-May-24	23/00532/PDAD	APP/G1630/W/24/3336811	Prior Approval of Proposed Change of Use of Agricultural Building to One residential Dwellinghouse(s) (Use Class C3) Class Q	The Black Barn Meadow Lane Laverton Meadows	Written Representations
17-May-24	23/00641/FUL	APP/G1630/W/24/3336834	Change of use of land to use as a Gypsy/Traveller site comprising No.11 pitches. No.11 static mobile homes for residential purposes shall be stationed alongside the stationing of No.7 ancillary touring caravans. Provision of internal roadways and fencing. (Part retrospective).	Land East Of Kayte Lane Southam	Hearing
21-May-24	23/01131/FUL	APP/G1630/D/24/3342791	First floor extension to provide two additional bedrooms	12 Beverley Gardens Woodmancote	Fast Track Appeal
22-May-24	23/00259/FUL	APP/G1630/W/24/3340723	Technical details for the erection of 7 dwellings and associated access, external works and landscaping (pursuant to 20/00081/PIP).	Land To The North-west Of A48 Minsterworth Village	Written Representations
23-May-24	23/00709/FUL	APP/G1630/W/24/3341151	Construction of a hay barn/machinery store to enable the land to be used for agricultural purposes.	Land At Part Parcel 8090 Bentham Lane Bentham	Written Representations

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Agenda Item 6

PLANNING APPEALS DECIDED (03/05/2024 – 31/05/2024)

Appeal Decision Date	Appeal Decision	TBC Planning Number	Inspectorate Number	Proposal	Site Address
16-May-2024	Appeal allowed planning permitted	23/00757/FUL	APP/G1630/W/23/3336130	Change of use of land to use as a residential caravan site for an extended gypsy/traveller family with two caravans, including up to 2 static caravans/mobile homes, together with retention of existing hardstanding and dayroom.	Green Orchard Kayte Lane
22-May-2024	Appeal Withdrawn	18/00023/BOCON	APP/G1630/C/24/3342909	Unauthorised change of use of the Land from agricultural use to use for the stationing of caravans	Green Orchard Kayte Lane