



APPENDIX A
Agenda Item No. 5A

TEWKESBURY BOROUGH COUNCIL

Schedule of Planning Applications for the consideration of the **PLANNING COMMITTEE** at its meeting on 9 June 2015

	(NORTH)	(SOUTH)
General Development Applications Applications for Permission/Consent	(1 – 33 & 41 - 49)	(34 - 40)

PLEASE NOTE:

1. In addition to the written report given with recommendations, where applicable, schedule of consultation replies and representations received after the Report was prepared will be available at the Meeting and further oral reports may be made as appropriate during the Meeting which may result in a change to the Development Manager stated recommendations.
2. Background papers referred to in compiling this report are the Standard Conditions Booklet, the planning application documents, any third party representations and any responses from the consultees listed under each application number. The Schedule of third party representations received after the Report was printed, and any reported orally at the Meeting, will also constitute background papers and be open for inspection.

CONTAINING PAGE NOS. (1 - 49)

Codes for Application Types

OUT	Outline Application
FUL	Full Application
APP	Application for Approval of Reserved Matters
LBC	Application for Listed Building Consent
ADV	Application for Advertisement Control
CAC	Application for Conservation Area Consent
LA3/LA4	Development by a Local Authority
TPO	Tree Preservation Order
TCA	Tree(s) in Conservation Area

National Planning Policy

National Planning Policy Framework (NPPF)

Technical Guidance to the National Planning Policy Framework

Planning Policy for Traveller Sites

Planning Policy Statement 10: Planning for Sustainable Waste Management

Planning Policy Statement 11: Regional Spatial Strategies

INDEX TO PLANNING SCHEDULE (RECOMMENDATIONS) 9th June 2015

Ashchurch Rural 14/00614/OUT	Queens Head Inn A46 Aston Cross Aston Cross Tewkesbury	Delegated Permit	5
Bishops Cleeve 15/00368/FUL	47 Kayte Lane Bishops Cleeve GL52 8AS	Permit	7
Churchdown 15/00362/FUL	77 Brookfield Lane Churchdown Gloucester Gloucestershire	Permit	6
Tewkesbury 14/00876/FUL	Ex Coach Station Car Park Oldbury Road Tewkesbury	Refuse	1
Tewkesbury 15/00307/FUL	9 Station Street Tewkesbury Gloucestershire GL20 5NJ	Permit	4
Twynning 14/01197/FUL	Land North Of Gubberhill Farm Brockeridge Common Ripple Tewkesbury	Refuse	8
Winchcombe 15/00249/FUL	Keepers Orchard Littleworth Winchcombe Cheltenham	Refuse	2
Winchcombe 15/00295/FUL	82 Gretton Road Winchcombe Cheltenham	Permit	3

14/00876/FUL
PP-03541596
Valid 09.10.2014

Ex Coach Station Car Park, Oldbury Road, Tewkesbury

1

Erection of Retirement Living Housing for the elderly (category II type accommodation), including communal facilities, landscaping and car parking.

Grid Ref 389505 233006

Parish Tewkesbury

Ward Tewkesbury Town With
Mitton

McCarthy & Stone Retirement Lifestyles Limited

Ross House
Binley Business Park
Harry Weston Road
Coventry
CV3 2TR

RECOMMENDATION Refuse

Policies and Constraints

NPPF

PPG

Tewkesbury Borough Local Plan to 2011 - March 2006 - TY3, HOU11, HOU13, TPT1, HEN2 and RCN1.
Joint Core Strategy (JCS) Submission Version November 2014 - Policies SP2, SD1, SD4, SD5, SD9, SD12,
INF1, INF2

Tewkesbury Town Centre Masterplan

Spring Gardens/Bishops Walk Design & Development Principles Document

Adjoining Conservation Area

Adjoining Grade II listed Building

Consultation buffer to SSSI

Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Town Council - Original Plans - Recommend Refusal on following grounds:

- the development is not in keeping with the conservation area, the proposed development is overpowering for the street scene
 - the proposed buildings are too tall. Four stories is not the norm for this neighbourhood
 - the size of the development will have an adverse impact on neighbours, blocking sunlight to properties
 - the boundary of the proposed building is too close to the road on Oldbury Road
 - the proposal to use UPVC and other finishes in the development is not in keeping with the conservation area
 - the Town Council needs reassurances that the oil tanks on the site will not constitute an environmental hazard
- Revised Plans** - Object. No significant change in size so still a detrimental impact on the neighbourhood. The site will be over developed. The site is a community asset that cannot be replaced. There are still significant parking implications that have not been resolved.

Environmental Health Officer - Recommends conditions in respect of land contamination and hours of construction.

County Highways - Request additional information to be submitted to enable full highway consideration of the application.

County Archaeological Officer - Ground works required for the construction of the proposed development may have a severely adverse impact on significant archaeological remains. Request that an archaeological desk-based assessment is submitted which describes the significance of any archaeological remains likely to be contained within the application site and how these would be affected by the proposed development, together with an outline proposal for the mitigation of impact.

Historic England - recommend that this application requires significant alteration in order to better reflect and enhance the character and setting of the Tewkesbury conservation area and the setting of the Grade II listed Sheep Market Office. At present the height of the development along Oldbury Road would dwarf the Grade II listed Sheep Market Office and interrupt views towards it from the east. The building as a whole should take inspiration from the lower scale, light industrial character of the wider conservation area rather than the modern buildings within closer proximity and therefore embracing an opportunity to enhance and better reveal the historic character of this part of the town.

Severn Trent Water - No objection subject to drainage condition.

Tewkesbury Civic Society - The proposed scheme shows a lack of imagination, relying instead on the use of cheap cosmetic tricks - large unrelieved areas of painted render and flat brickwork to provide some elevational interest. The use of upvc doors, window frames, fascias, barge boards and rainwater goods indicates the lack of quality materials and is inappropriate in or adjacent to the conservation area. The arrangement of the dormer windows - some apparently attached will create unfortunate detailing and a plethora of rainwater goods. What should be the most impressive feature of the development is at the junction of Oldbury Road and Station Street but instead is bland and lacks any style or presence. The scheme as presented is probably the cheapest design solution possible in order to achieve the cheapest build solution and is not good enough for one of the most important opportunities in the town centre.

The Oldbury Partnership - Object on following grounds:

- Fails to meet requirements of the Town Centre Masterplan and the Spring gardens/Bishops Walk Design and Development principles
- Question whether development is necessary to meet housing need in the near to medium future, given current statistics and current supply
- Too large for the site - One monolith
- Poor design which would have an overwhelming impact and would result in overlooking
- Fails to enhance the Tewkesbury townscape and the front gardens are out of character with the area
- Electricity sub-station will result in noise pollution and should be relocated to the front of the building
- Socially divisive as no affordable housing provided

239 letters have been received objecting to the original proposal on the following grounds:

- Contrary to local planning guidelines including Town Centre Masterplan
- Loss of amenity to neighbouring dwellings - Loss of light, overshadowing and overlooking
- Adverse impact on listed buildings and conservation area - overwhelms buildings and not in keeping with general style of the area
- Scale and appearance of buildings - Not a traditional form of building in an area where the traditional form has been for small, individually styled buildings close together but with break points. They do not feature large front gardens.
- Loss of parking spaces will have a serious effect on the visitors to the town centre, local businesses and residents using this facility
- Inappropriate site close to public house which is likely to result in noise complaints which would have a significant adverse effect on the viability of the pub business
- Inadequate parking provided for proposed development which will lead to highway safety problems
- Services will be unable to cope with more retirement properties
- Further retirement homes not needed
- Noise pollution from sub-station
- Drains and sewers will need a complete overhaul causing more disruption
- Construction traffic will exacerbate problems on The Albion Inn/Roses Theatre mini roundabout
- Site better suited for affordable housing
- Absence of mobility facilities
- Query the sustainability credentials of the scheme
- Would not be advantageous to Tewkesbury economy`
- Due to flooding in the town, this undeveloped land is a precious asset and should be retained
- Should await design concept being prepared
- Alternative sites should be developed
- Unsuitable site for retirement homes

A 4590 signature petition has also been submitted objecting to the proposed development.

- 14 Letters objecting to the **Revised Plans** on the following grounds:
- The scheme repeats the mistakes of past developments; the scale is over dominant, and its pallid generic architecture does not warrant the prominence the site would have - contrary to NPPF
- This design does not enhance or better reveal the significance of the Conservation Area, and is overpowering, dwarfing adjacent buildings, including the Grade II listed Sheep Market Office
- The scheme does not take account of the two-storey precedent of the Conservation area and bases its scale and mass on the local blight - the Bishops Walk development.
- Loss of light to neighbouring properties will be significant, No sunlight/daylight assessment undertaken.
- Newly proposed windows will allow residents to look down into Gravel Walk gardens, and the owner of a first-floor flat whose lounge will be directly visible will suffer a huge loss of privacy,
- Rather than adding any flavour of lost character, this design will be a significant detriment to the existing character of the Oldbury area with significant loss of amenities.
- Height and site Datum point details not provided
- Drawings cannot be measured accurately and perspectives are still misleading
- Location not practical for health servicing due to being cut off at times of flood
- Loss of parking will harm local economy and cause pollution problems
- Inadequate parking for proposed development
- Site slopes and would overshadow properties to greater extent than shown

3 letters has been received in support of the application on the following grounds:

- It will enhance the look of the area.
- Excellent use of a brownfield site
- Good location for such a use which will be in increasing demand

Planning Officers Comments: Miss J Desmond

1.0 Introduction

1.1 The site comprises an open pay and display public car park located within the town centre at the junction of Oldbury Road and Station Street. The boundary of the conservation area abuts the site to the east and west and the former sheep market office (now a tattoo parlour), a Grade II listed building, adjoins the site to the north west. Residential properties adjoin the site to the north (Gravel Walk) and to the east which front onto Station Street. Spring Gardens car park is located on the opposite side of the road. The site measures approximately 0.24 ha in area (**see attached location plan**).

2.0 History

2.1 The site was originally granted planning permission for use as a pay and display car park in 1994 and this permission has subsequently been extended.

2.2 The application has been subject to pre-application advice.

3.0 Current Application

3.1 The proposed development consists of 30 apartments for the elderly with a residents lounge, laundry room, internal refuse storage, mobility scooter charging points and guest suite. 20 car parking spaces are proposed to the rear of the site. The height of the building ranges from four storey to three storey with two landscaped gardens areas proposed fronting onto Station Street. The existing access off Station Street would be used and remodelled. A variety of building materials are proposed including two tones of red brick, rendered elements and a concrete roofing tile (**see attached plans. Plans will also be displayed at Committee**). The scheme has been revised from 32 to 30 apartments as a result in a reduction in the scale of the buildings (see section on design below).

4.0 Policy Context

4.1 At the heart of the NPPF is a presumption in favour of sustainable development, of which there are three dimensions: economic, social and environmental. The NPPF does not change the statutory status of the development plan as the starting point for decision making but emphasises the desirability of local planning authorities having an up-to-date plan. According to paragraph 215 of Annex 1 of the NPPF, due weight should be given to relevant policies in existing development plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given). The NPPF goes on to say that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless specific policies in the Framework indicate development should be restricted. In this case those policies relate to designated heritage assets.

4.2 Paragraph 216 of the NPPF also sets out that that from the day of publication decision-makers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan. The weight to be attributed to each policy will be affected by the extent to which there are unresolved objections to relevant policies with the emerging plan (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency of the emerging policies to the NPPF. The more advanced the preparation of a plan, the greater the weight that may be given.

4.3 The site comprises part of the Bishops Walk/Spring Gardens redevelopment site covered by Policy TY3 of the local plan. This policy states that proposals for the redevelopment of this area should provide a comprehensive approach to the improvement of the area's townscape in the context of the historic fabric of the town. Development should be guided by the following principles:

- The historic street pattern should be retained
- A1 uses will remain on the High Street frontage
- Provision be made for access by a choice of means of transport, with particular emphasis on improving access by public transport
- The inclusion of a mixture of uses including retail, residential, leisure and employment
- Development should enhance and improve existing community facilities

4.4 This redevelopment site is also known as 'Project Spring Gardens/Bishops Walk' in the Tewkesbury Town Centre Masterplan Strategic Framework Document. The Masterplan is a 15 year regeneration programme for Tewkesbury town centre and was adopted in July 2012. Also adopted as an Appendix to the main document is the Spring Gardens and Bishops Walk Design and Development Principles Document. The Development Principles are they similar to those above and this part of the site is indicated as having potential for a mix of uses including residential of up to 3 stories.

4.5 Policy SP2 of the JCS (Submission Version November 2014) recognises the role of Tewkesbury town as a market town where smaller scale development is supported and Policy SD5 seeks to encourage good design.

4.6 Policy HEN2 of the local plan seeks to preserve or enhance the character and appearance of a conservation area and its setting and Policy SP2 of the JCS (Submission Version November 2014) seeks to protect the historic environment.

4.7 Policy TPT1 of the local plan seeks to ensure that highway access can be provided to an appropriate standard which would not adversely affect the safety or satisfactory operation of the highway network, nor cause an unacceptable loss of amenity to users of adjacent land. Policies INF1 and INF2 of the JCS (Submission Version November 2014) seeks to provide choice in modes of travel and to protect the safety and efficiency of the transport network.

4.8 Policy NCN5 of the local plan and Policy SD10 of the JCS (Submission Version November 2014) seek to protect and, wherever possible enhance biodiversity, including wildlife and habitats.

4.9 The above local plan policies in respect of promoting sustainable development and conserving the historic environment are considered consistent with the NPPF and are therefore considered to have significant weight. Similarly the JCS (Submission Version November 2014), detailed above, would have some weight.

The Community Infrastructure Levy Regulations

4.10 The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. Whilst Tewkesbury Borough Council has not yet developed a levy the Regulations stipulate that, where planning applications are capable of being charged the levy, they must comply with the tests set out in the CIL regulations. These tests are as follows:

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

4.11 As a result of these regulations, local authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly related to the development'. As such, the Regulations restrict local authorities' ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above tests are met. Where planning obligations do not meet the above tests, it is 'unlawful' for those obligations to be taken into account when determining an application. The need for planning obligations is set out in relevant sections of the report.

4.12 From 6 April 2015 new rules have been introduced regarding the pooling of contributions secured by s106 agreements. The Planning Practice Guidance sets out that from that date, no more contributions may be collected in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy.

5.0 Analysis

5.1 The main issues are considered to be: the principle of development; the impact of the proposed development on heritage assets; its impact on highway safety and its impact on the amenity of neighbouring residential properties.

Principle of development

5.2 At the heart of the NPPF is a presumption in favour of sustainable development, of which there are three dimensions: economic, social and environmental. In this respect one of the core objectives is to actively manage patterns of growth to make fullest possible use of public transport, walking and cycling. Section 6 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development.

5.3 As detailed above the site forms part of a strategic re-development site in Tewkesbury town centre. The Tewkesbury Town Centre Masterplan Strategic Framework Document identifies the site as 'Project Spring Gardens' and guidance for the regeneration of this important town centre site is contained within the Spring Gardens and Bishops Walk Design and Development Principles Document. This document sets out the quality of development expected for this key regeneration site. It states, inter alia, that any proposals will have to demonstrate clearly how it will support and enhance the wider TBC parking strategy for Tewkesbury as well as providing a high quality design in respect of the urban and architectural character of the town centre.

5.4 In terms of the proposed residential use, this is considered to be acceptable in principle as it accords with Policy TY3 of the local plan and the adopted design principles for the area which supports a mix of uses including residential use. It is also recognised that the provision of retirement living housing, specifically aimed at the elderly, will meet the housing needs of Tewkesbury. It is necessary to consider however, whether the proposed scheme also accords with the other design principles set out in the Spring Gardens and Bishops Walk Design and Development Principles Document and whether it would have an acceptable impact on heritage assets, highway safety and on the amenity of neighbouring properties. These issues are dealt with in detail below.

Design and Impact on heritage assets /setting of listed building / conservation area /archaeology

5.5 The site adjoins the 'former sheep market office' on Oldbury Road, which is a Grade II listed building. Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 require authorities to have special regard to the desirability of preserving any listed building or its setting or any features of architectural or historic interest. This requirement is also set out at paragraphs 126 and 131 of the NPPF. The site lies adjacent to the Conservation Area and Section 72 of the above Act requires that special attention is paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of the Conservation Area. This requirement is reflected in Policy HEN2 of the local plan and Policy SP2 of the JCS (Submission Version) which seek to preserve or enhance the character or appearance of a conservation area and its setting.

5.6 The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It also advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

5.7 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

5.8 The Design and Access Statement (DAS) makes it clear that the design approach is led by a functional requirement relating to the ease of movement which requires a building of single mass and footprint. Concerns were raised during pre-application discussions regarding the massing and height of the proposed development. The DAS claims that the design responds appropriately to the urban context in which it is located. In terms of the Oldbury Road frontage the proposal is seeking to formalise a street frontage and mark the junction of Oldbury Road and Station Street and reinforce the established pedestrian route of Bishops Walk as sought by the adopted development brief. In terms of Station Street it proposes an improvement to the townscape by way of introducing visible green spaces to the public realm, definition to street pattern and passive surveillance over a space which is currently lacking in these areas. The architectural language would be sympathetic to the traditional character in Tewkesbury; it would deliver a varied roofscape, differing material choice and detailing to ensure variety and interest and the overall building mass would be reduced by separation of frontages into distinctly different elements. The primary pedestrian entrance would be from Oldbury Road/Station Street junction with a secondary entrance point from the rear car park. In terms of appearance it is stated that the facades would positively respond to local context by breaking down the massing through the use of a varying material palette, establishment of individual plot widths and reference to local architectural detailing.

5.9 Considerable concerns have been raised in respect of the proposed height and scale of the proposed development from various consultees including the Conservation Officer, Urban Design Officer and Historic England and significant objections to the scheme have been raised by the local community. It is recognised that Oldbury Road has suffered more harm to its urban fabric than any other part of Tewkesbury and there is now an opportunity to repair some of this damage and reinstate a townscape which complements and enhances its surroundings. The original scheme appears to have taken its cues from the larger scale modern buildings, and in particular the Malting's development to the south, rather than the pre-dominantly two storey historic character of this part of the town. Historic England considered that the proposed scheme would dwarf and overshadow these existing historic buildings and would be detrimental to revealing the site's earlier character and understanding its association with cottage industries and railway development. Despite these concerns being raised, the revised plans submitted do little to address them. Four storey and three storey development is still proposed. The proposed changes to the eastern range are minimal with reductions of between 200mm to 300mm to the height. The central four storey element has been reduced by just 300mm. The main change is to the western corner block at the Oldbury Road/Station Street junction where the four storey element has been replaced with three storey reducing the height from 14m to 12.3m. A poor quality roofing material (mini stonewold) is still being proposed.

5.10 The Conservation Officer (CO) has commented that although the revisions have eliminated the contrived stepped massing, with its emphasis on the corner of Station St and Oldbury Rd, and the western range is now a more rational expression of the accommodation it provides, the revisions do not mitigate the scheme's fundamental problems of over-dominance and pedestrian design and as such the CO still objects to the application. Comments from Historic England on the revised plans are still awaited.

Impact on setting of Listed Building

5.11 The proposed development would also have an adverse impact on the setting of the adjacent Grade II Listed Sheep Market Office. This diminutive building has a historic relationship with both the sheep market which would have been located nearby and the cattle market which was historically based on the application site. Views to and from this building are currently possible due to the open nature of the surrounding streetscape and any new development would need to interact harmoniously with this building which, for the reasons set out above, this scheme does not achieve. The proposed scheme therefore does not protect the setting of this heritage asset.

Archaeology

5.12 The County Archaeological Officer (CAO) has advised that the application site is archaeologically sensitive, since it is located within Tewkesbury's medieval settlement area and the Oldbury Road locality is known to contain widespread archaeological remains. The application site was the subject of a small-scale evaluation undertaken in 1992, which confirmed the presence of pits and an area of gravel surfacing dating to the Roman period. Whilst the 1992 investigation was perhaps too small in scale to indicate the full range and character of the archaeology likely to be present on this site, given the evidence from the nearby Roses Theatre site it may be assumed that widespread and complex multi-period archaeological remains would be present within the area now proposed for development. Against that background the CAO is concerned that ground works required for the construction of the proposed development may have a severely adverse impact on significant archaeological remains.

5.13 The CAO notes that the submitted Heritage Statement, while making a brief reference to the 1992 archaeological evaluation undertaken within the application site, contains no further information regarding the archaeological impact of this scheme. As such and in accordance with the NPPF, an archaeological desk-based assessment was requested to be submitted which describes the significance of any archaeological remains likely to be contained within the application site and how these would be affected by the proposed development, together with an outline proposal for the mitigation of impact. Despite numerous requests no such assessment has been submitted.

5.14 In conclusion, it is considered that the proposed development by reason of its poor design, scale and massing would be detrimental to the appearance and character of the Tewkesbury conservation area and setting of the adjoining listed building (former sheep market office) and as such would conflict with the NPPF and both local plan and emerging planning policies. The site is also archaeologically sensitive and no field evaluation has been undertaken together with an assessment of the impact of the proposed development on the significance of any heritage assets.

Transport/Parking Issues

5.15 Section 4 of the NPPF states that decisions should take account of whether safe and suitable highway access is provided and that development should only be prevented or refused on transport grounds where the residual cumulative impact of development are severe. It also advises that local authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure.

5.16 As detailed in the policy section above, this site forms part of a strategic re-development site in Tewkesbury town centre. The 'Spring Gardens and Bishops Walk Design and Development Principles Document' requires that any proposals will have to demonstrate clearly how it will support and enhance the wider Tewkesbury Borough Council parking strategy for Tewkesbury. Concerns have been raised by the local community regarding the loss of car parking in the Town Centre. Following a review of the Council's car parking strategy, the Car Parking Strategy 2015 was approved by Council in January of this year subject to statutory consultation. Following the review it was concluded that there is an underutilisation of current capacity supplied across Borough-owned car parks in Tewkesbury. In addition, the relocation of the leisure centre will further reduce the use of car parking facilities. As such, sufficient levels of car parking can be maintained in the town should the Oldbury Road Car Park close.

5.17 The County Highways Authority (CHA) has no objection in principle, to this form of residential development at this location but has requested additional information to be able to fully assess the highway implications of the application. Pre-application advice from highways also requested a non motorised users audit and this has not been provided. A non motorised user's audit would need to determine the likely walking and cycling routes to the site and whether any improvements are required. Details of visibility from the site access is also required. Despite numerous requested, this information has not been submitted.

5.18 In conclusion, inadequate information has been submitted with the application to ensure that the proposed development would be acceptable in highway safety and sustainable transport terms.

Impact on living conditions

5.19 One of the core planning principles of the NPPF is to ensure a good standard of amenity for all existing and future occupants of land and buildings. This advice is reflected in Policy SD15 of the JCS (Submission Version) which seeks to ensure that new development does not cause an unacceptable harm to local amenity including amenity of neighbouring occupants.

5.20 The site is presently open and this development proposes a building ranging from 3 stories up to four storeys in height. There is some discrepancy in the plans with maximum heights shown as 12.5m and 13.6m for the four storey element. These discrepancies have been pointed out to the applicant and accurate plans requested but so far these plans have not been submitted. Residential properties at Gravel Walk adjoin the site to the North. These properties have relatively small rear gardens (approx. 8 - 9m depth) and the new building would be approximately 12 m from the rear boundary. The back to back distances would be between approximately 20 - 21m. Four storey gable elements are proposed along this elevation which would measure approximately 13.6m (taking from the submitted north elevation facing these properties). It is considered that the scale and massing of the development would have an overbearing impact on these properties. Whilst a shadowing projections plan has been submitted, a full daylight/sunlight assessment was requested to assess any potential impact upon the current levels of sunlight/daylight enjoyed by adjoining properties. No such assessment has been submitted. Whilst the upper windows in the rear elevation would serve a corridor and are proposed to be obscure glazed, it is also considered that the neighbouring properties would still have a strong perception of being overlooked from these windows.

5.21 In conclusion, it is considered that the proposed development would have an adverse impact on the living conditions of adjoining residential properties at Gravel Walk.

Other Issues

S106 Contributions

5.22 The NPPF sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local Plan Policy GNL11 highlights that permission will not be provided for development unless the infrastructure and public services necessary to enable the development to take place are either available or can be provided. Local Plan Policy HOU13 provides that the Council will seek to negotiate with developers to provide affordable housing and is supported by an Affordable Housing Supplementary Planning Guidance (SPG) which was adopted by the Council in August 2005. Similarly Policies INF5, INF7 and SD13 of the JCS (Submission Version) seek to promote healthy and inclusive communities and provide affordable housing.

5.23 As this scheme is for an elderly care scheme it is important that any contributions should reflect the needs of this particular type of development and demography. The comments of the Community Development Officer are still awaited and Members will be updated at Committee. The County Council's Community Infrastructure Team has assessed the application and as it is for sheltered housing there is no requirement for an education contribution. A contribution to the local library infrastructure of £196 per unit would be required (total £5880).

5.24 The Housing and Enabling Officer has requested a commuted sum towards the provision of 12 affordable units. Based on the revised proposal for 30 units, a financial contribution of £1,094,400 would be required.

6.0 Conclusion

6.1 Whilst the principle of residential development on this town centre site is considered to be acceptable and the economic and social benefits of the proposed scheme are recognised, it is considered that the proposal is of poor design and would have a detrimental impact on the setting of the adjoining listed building and conservation area. The proposed development would also have an adverse impact on the living conditions of adjoining residential properties at Gravel Walk by reason of its overbearing impact and the likely strong perception of being overlooked from the rear upper floor windows. In addition, no adequate daylight/sunlight assessment has been submitted to demonstrate any potential adverse impact upon the current levels of sunlight/daylight enjoyed by adjoining properties and inadequate information has been submitted with the application to ensure that the proposed development would be acceptable in highway safety and sustainable transport terms. As such the proposed development fails to comprise sustainable development as defined in the NPPF.

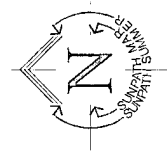
RECOMMENDATION Refuse

Reasons:

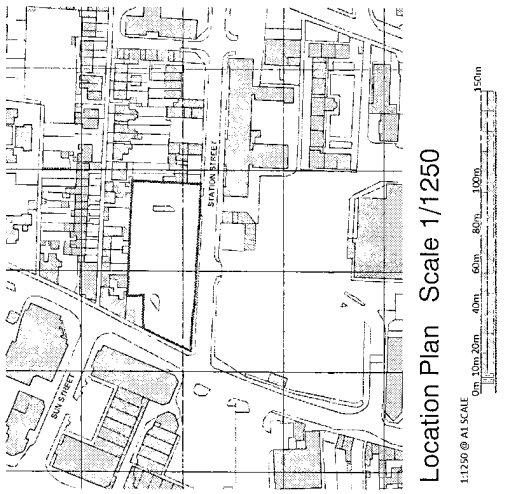
- 1 The proposed development by reason of its poor design, scale and massing would be harmful to the setting of the adjoining listed building (former sheep market office) and Tewkesbury conservation area and as such would be contrary to Policies TY3 and HEN2 of the Tewkesbury Borough Local Plan to 2011 - March 2006, Policy SD9 of the Joint Core Strategy (Submission Version November 2014), the Tewkesbury Town Centre Masterplan Strategic Framework Document and the NPPF.
- 2 The site is archaeologically sensitive and no field evaluation has been undertaken together with an assessment of the impact of the proposed development on the significance of any heritage assets in conflict with the requirements of the NPPF.
- 3 The proposed development would have an adverse impact on the living conditions of adjoining residential properties at Gravel Walk by reason of its overbearing impact and the likely strong perception of being overlooked from the rear upper floor windows. In addition, no adequate daylight/sunlight assessment has been submitted to demonstrate any potential adverse impact upon the current levels of sunlight/daylight enjoyed by adjoining properties. As such the proposed development would conflict with the NPPF and Policy SD15 of the Joint Core Strategy (Submission Version November 2014).
- 4 Inadequate information has been submitted with the application to ensure that the proposed development would be acceptable in highway safety and sustainable transport terms. As such the proposed development would conflict with Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006, Policies INF 1 and 2 of the Joint Core Strategy (Submission Version November 2014) and the NPPF.
- 5 The application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such the proposed development conflicts with Policy HOU13 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and policies SD12 and SD13 of the Joint Core strategy Submission Version November 2014.
- 6 The application does not make provision for the delivery of community infrastructure/facilities and library provision and therefore the proposed development is contrary to Policy GNL11 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and section 8 of the NPPF (Promoting healthy communities) and policies INF5 and INF7 of the Joint Core Strategy (Submission Version November 2014).

14/00876/FUL

REVISIONS

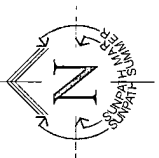


<p>P.A. CONSULTANTS GROUP LTD. 100, WILSON ROAD, WILSON INDUSTRIAL ESTATE, WILSON, CO. DUBLIN 12, IRELAND. TEL: 01 454 4000 FAX: 01 454 4001 WWW.PACONSULTANTS.COM</p>	<p>P.A. PLANNING CONSULTANTS LTD. 100, WILSON ROAD, WILSON INDUSTRIAL ESTATE, WILSON, CO. DUBLIN 12, IRELAND. TEL: 01 454 4000 FAX: 01 454 4001 WWW.PACONSULTANTS.COM</p>	<p>Client McCarthy & Stone Lars Hj. Olesen Ltd.</p>	<p>Project File Proposed Retirement Living Development Station Street Leixlip</p>	<p>Drawing File Location & Context Plan Planning</p>	<p>Scale 1:500 Drawing No. 1389-L_01</p>
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9/A

REVISIONS



INSTITUTIONAL PLANNING
 1000 WEST 10TH AVENUE, SUITE 100
 DENVER, COLORADO 80202
 TEL: 303.733.1111
 FAX: 303.733.1112
 WWW.IP-PLAN.COM

McCarthy & Stone
 InterLab Group US

Project Title:
 Proposed Retirement Living Development
 Station Street
 Tewksbury

Date: 12/15/11
 Drawing No.:
 19884_1_02



9/13

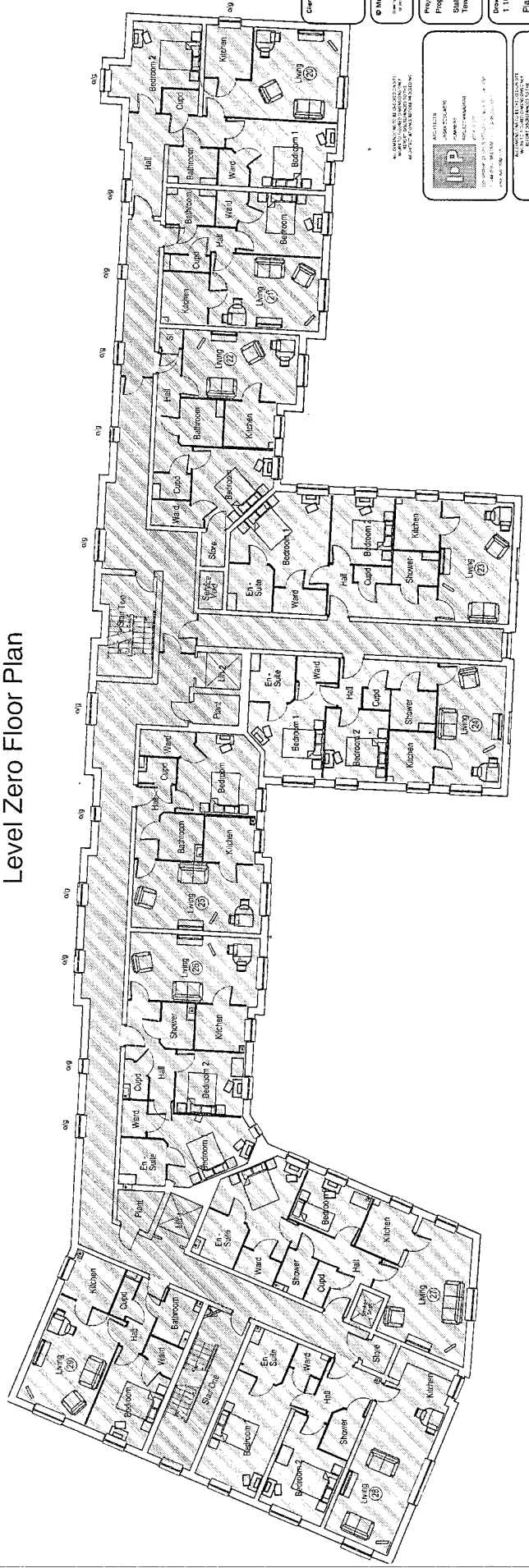
REVISIONS

Rev. Date By

A Drawing revised further to March 2015 AV
Contractor input



Level Zero Floor Plan



Level One Floor Plan

Client
McCarthy & Stone
Level 18, Tower 2/3

Project Title
Proposed Retirement Living Accommodation
Slings Street
Trinityburgary

Scale: 1:100 @ A1
Date: August 2014
Drawing No: 1001
Contract No: 1001

Sheet No: 1001
Total Sheets: 1001

1984 1_06

CDP 2014 1001
9/1/2014

McCarthy & Stone Retirement Living Accommodation
Level 18, Tower 2/3

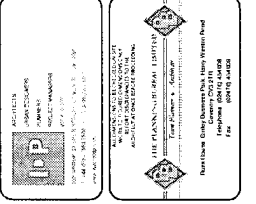
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Proposed Retirement Living Accommodation
Slings Street
Trinityburgary

Scale: 1:100 @ A1
Date: August 2014
Drawing No: 1001
Contract No: 1001

Sheet No: 1001
Total Sheets: 1001

1984 1_06

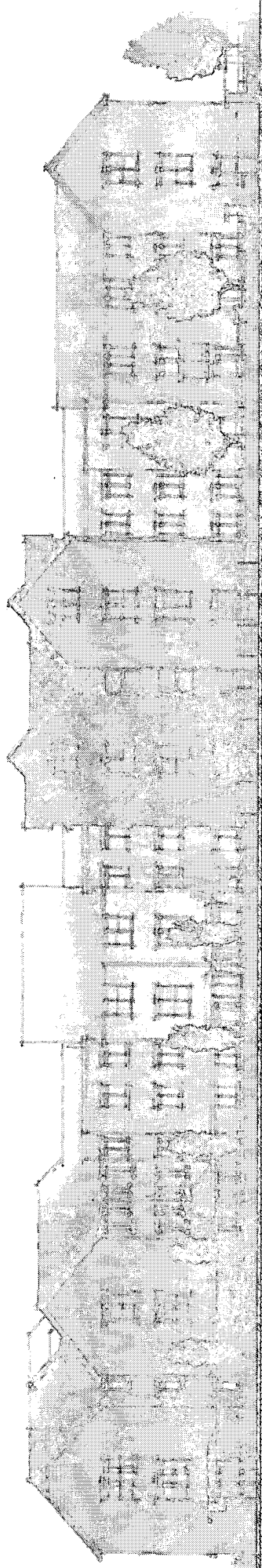
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9/1/2014



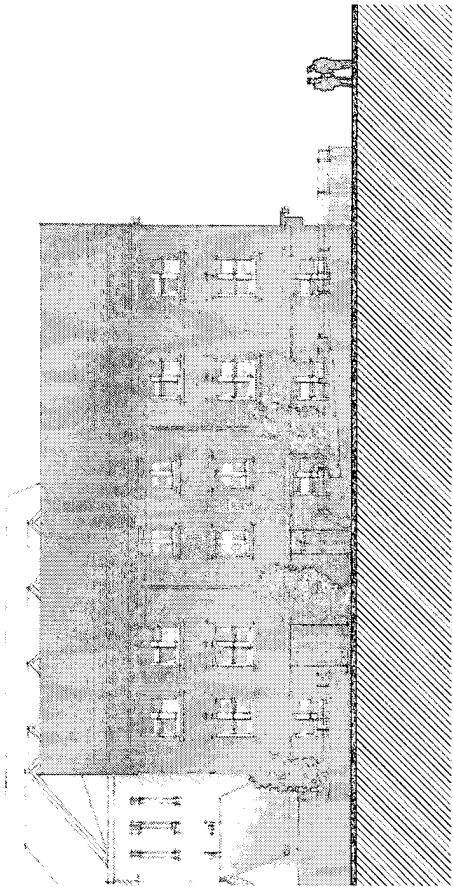
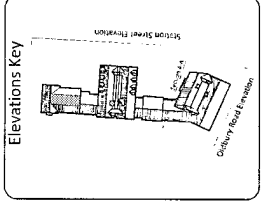
- Key
- Common Spaces
 - One Bedroom Apartments
 - Two Bedroom Apartments
 - Obstructed glazing

a/r

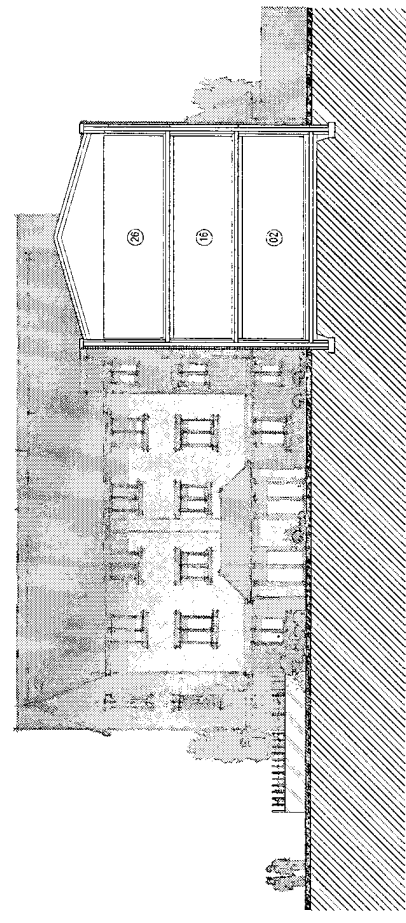
PLANNING
 No. 014
 A Drawing Revised/Updated Mark 2011 AV
 01/09/2011



Station Street Elevation



Oldbury Road Elevation



Section A-A

IPP
 PROJECT MANAGERS
 MARK DUNN
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 www.mccortneyandstone.com

McCauley & Stone Retirement Living Limited
 11000 10th Street, NW
 Seattle, WA 98149
 Phone: 206.461.1100
 Fax: 206.461.1101
 www.mccauleyandstone.com

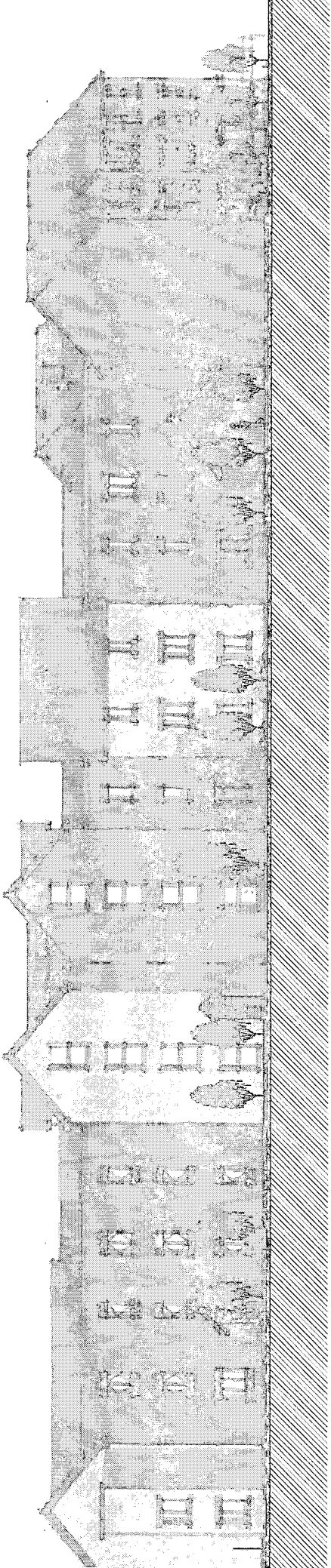
Project Title
 Proposed Retirement Living Development
Station Street
Twin Lakes

Scale: 1/8" = 1'-0"
1100 Elevations - Sheet One
 Planning

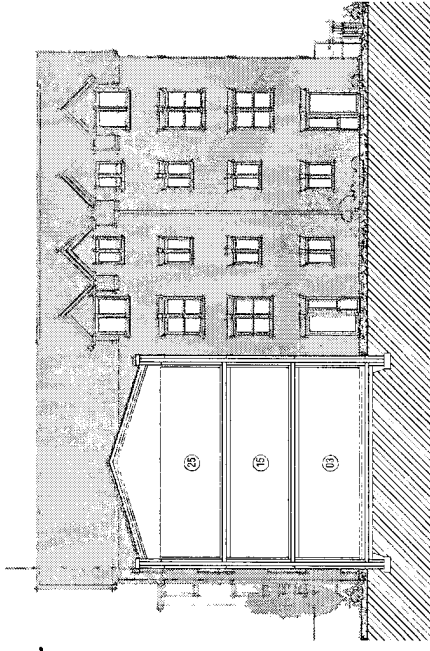
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 PROJECT NO.: 19894_J_09
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9/10

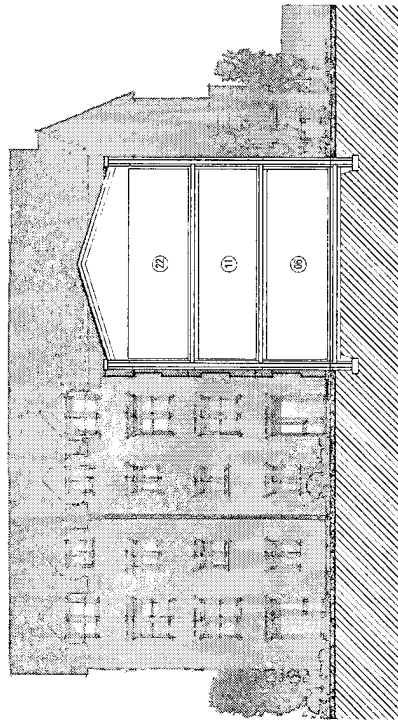
REVISED
 Date: 03/18/14
 By: A
 Description: Revised Elevation - March 2014, Rev
 Drawing Number: 1984_1_10



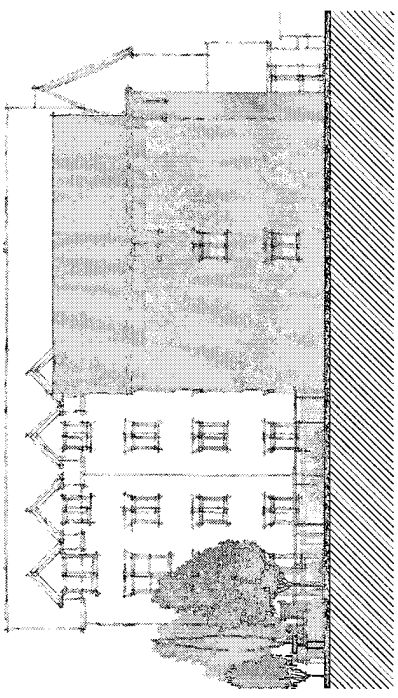
North Facing Elevation



Section B-B



Section C-C



East Facing Elevation

Elevations Key
 11-19 East Elevation
 20-22 North Elevation
 23-25 South Elevation
 26-28 West Elevation

McCarthy & Stone
 1000 10th Street, SE
 Atlanta, GA 30316
 Phone: 404.525.1100
 Fax: 404.525.1101
 www.mcsdesign.com

McCarthy & Stone Retirement Living Development
 Station Street
 Tewksbury

Project Title
 Proposed Retirement Living Development
 Tewksbury

Project No.
 1100 Elevations - Sheet Two
 Planning

Scale: 1/8" = 1'-0"
 Date: 03/18/14
 Drawing No.: 1984_1_10
 No. A

a/c

15/00249/FUL

Keepers Orchard, Littleworth, Winchcombe

2

Valid 02.03.2015

Demolish existing dwelling and erect replacement dwelling and garage building, reformed drive and parking area.

Grid Ref 402150 230348

Parish Winchcombe

Ward Winchcombe

Mr & Mrs Bennett
Keepers Orchard
Littleworth
Winchcombe
Cheltenham
Gloucestershire

RECOMMENDATION Refuse

Policies and Constraints

NPPF

Planning Practice Guidance

Joint Core Strategy (Gloucester Cheltenham Tewkesbury) Submission Version November 2014

Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU7, TPT1 and LND2

Special Landscape Area (SLA)

Consultations and Representations

Councillor Allen has requested that this application is considered by Planning Committee.

Winchcombe Town Council - objects on the grounds of over-development and the proposal will have an adverse impact on the Special Landscape Area.

Three letters of objection on the grounds that the proposals will overlook other residential sites; inappropriate size and style; impact on area of natural beauty; lack of building line; overlooking and loss of privacy; more pronounced development than if it was built on existing foot print; site large enough for temporary living accommodation during the build; no planning notice displayed.

Planning Officers Comments: Linda Vincent

1.0 Application Site

1.1 This application relates to the site of a detached bungalow on the Western edge of the hamlet known as Littleworth on the outskirts of Greet. Residential properties are situated to the north-east and east of the site and open fields are to the west and south. There is an established mature hedgerow to the front south boundary of the site and there are mature trees to the rear boundaries. The application site is situated within the Special Landscape Area (SLA)

2.0 Relevant Planning History

2.1 In 1955 (T.2165), planning permission was granted for the erection of a detached bungalow.

2.2 Two storey extension refused under reference 13/00982/FUL for the following reason -

The proposed development, by virtue of its size, scale, massing, height and detailed design, would fail to respect or complement the character, scale and proportions of the existing property and would result in an unacceptable impact on the Special Landscape Area. The development therefore conflicts with section 7 of the NPPF and Policies HOU8 and LND2 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

2.3 An application proposing identical proposals to the current application (reference 14/01104/FUL) was withdrawn on 16th February 2015.

3.0 Current Application

3.1 Demolish existing single storey dwelling of approximately 200 sq.m of floor space, including accommodation in the roof space and attached garage/log store, and erect a replacement dwelling and garage building, reformed drive and parking area.

3.2 The proposed two storey 4 bedroom dwelling would have an "L" shaped foot print and an approximate floor space of 350sq.m and would be positioned behind the existing bungalow, set back approximately 17m from the road frontage, behind a new driveway leading to the proposed detached garage building (65 sq.m) behind the new dwelling house.

3.3 It is stated in support of the application that it is not possible to build the proposed dwelling house in the position of the existing bungalow as the applicant wishes to continue living in the existing house whilst constructing the new house. On completion of the development it is the applicant's intention to demolish the existing bungalow. All existing boundary hedges, trees and shrubs would be retained for screening.

4.0 Policy Context

4.1 Policy HOU07 - "Replacement Dwellings" of the adopted Local Plan states that -

"The rebuilding and replacement of existing dwellings in locations where the construction of new houses would otherwise be unacceptable will be permitted provided that:-

- (a) the replacement dwelling is of similar size and scale to the existing dwelling*
- (b) the replacement dwelling respects the scale and character of existing characteristic property in the area and has no adverse impact on the landscape*
- (c) normal development control standards in relation to aspects such as design, materials, environmental impact, parking and relationship to adjoining uses are satisfied.*

Within the area of outstanding natural beauty and special landscape area strict design controls will be applied given the priority accorded to protection of the landscape, including the use of appropriate building materials, normally natural, traditional or reclaimed materials".

4.2 Policy HOU7, which is essentially a landscape protection policy, is considered to be consistent with the NPPF and as such should be given due weight according to paragraph 215 annex 1 of the Framework.

4.3 The site is also within the SLA; where special attention will be accorded to the protection and enhancement of the landscape character in accordance with Policy LND2 of the Local Plan. One of the Core Planning Principles of the NPPF within paragraph 17 is to preserve the intrinsic character and beauty of the countryside and Policy LND2 is therefore considered to be consistent with the NPPF in this regard.

5.0 Analysis

5.1 The main issues for consideration are the position, size and scale of the proposed development and its impact on the character and appearance of the surrounding area, residential amenity and the SLA.

Principle of Development

5.2 The proposals are in conflict with Policy HOU7 in that the new dwelling house would be significantly larger than the existing bungalow and would not therefore respect the character, scale and proportion of the existing dwelling. In addition, given the location of the new dwelling, set well behind the road frontage, the proposals do not respect the character and appearance of the surrounding development with dwellings positioned close to the road.

Design

5.3 The existing dwelling is a low key single storey property, with limited accommodation in the roof space, fronting Mill lane. Whilst most of the other residential properties in Littleworth are two storey they form a pattern of development which have shallow frontages to the road. The proposed development, set well back from the road, would be wholly inappropriate in terms of its size, scale and massing and would not respect the existing character, appearance and proportions of the surrounding area. Whilst it is noted that Hill View, a two storey dwelling immediately to the east, has been extended, at least this property has maintained its road frontage appearance.

Impact on the Special Landscape Area .

5.4 Although the application site is situated adjacent to the hamlet of Littleworth and there is some screening with existing hedgerows and trees, it is considered that the proposed development would be visible from a Public Right of Way which runs to the North of the application site. In addition, there would be views from higher ground to the West, particularly in winter months when vegetation is less dense. It is therefore considered that in light of the inappropriate siting, size, scale and design of the development, the large area of "hard standing" for the driveway and parking areas, the proposals would have a significantly more harmful impact on the landscape of the SLA than the existing, modest, bungalow. As such the proposed development would result in an unacceptable visual impact on the SLA, contrary to policy LND2 of the Local Plan.

Residential Amenity

5.5 Residential properties are situated to the east and to the north east of the site and although the proposed development would be positioned at least 20m (the proposed garage being nearer at 8m) from the nearest garden boundaries it is considered that there would be adverse impact on neighbours outlook and In this respect the proposals therefore conflict with Policy HOU7.

Highway Implications

5.6 The proposals would use the existing access to the road and create a long driveway with parking leading to the proposed garage building to the rear of the site. It is considered that there would be no highway safety implications for the proposals in line with Policy TPT1 of the Local Plan..

6.0 Overall Balancing Exercise and Conclusions

6.1 Whilst it is considered that there is some scope to replace the existing single storey dwelling with a new two storey dwelling house it should be in a similar position, fronting the road, and of a more appropriate scale and design, reflecting the characteristic property in this sensitive location.

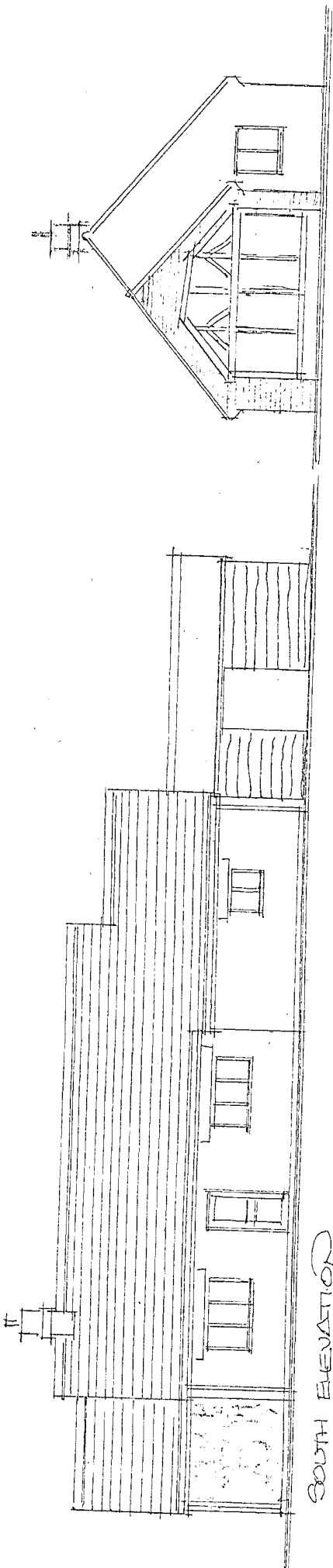
6.2 It is considered that the proposed development constitutes poor design by virtue of its siting, scale, massing and design, which would fail to respect the character and appearance of the surrounding area and would not respect the scale and character of existing characteristic property in the area. As a result the proposals would have a harmful visual impact on the Special Landscape Area. The proposed development would therefore conflict with Policies HOU7 and LND2 of the adopted Local Plan and the NPPF.

RECOMMENDATION Refuse

Reasons:

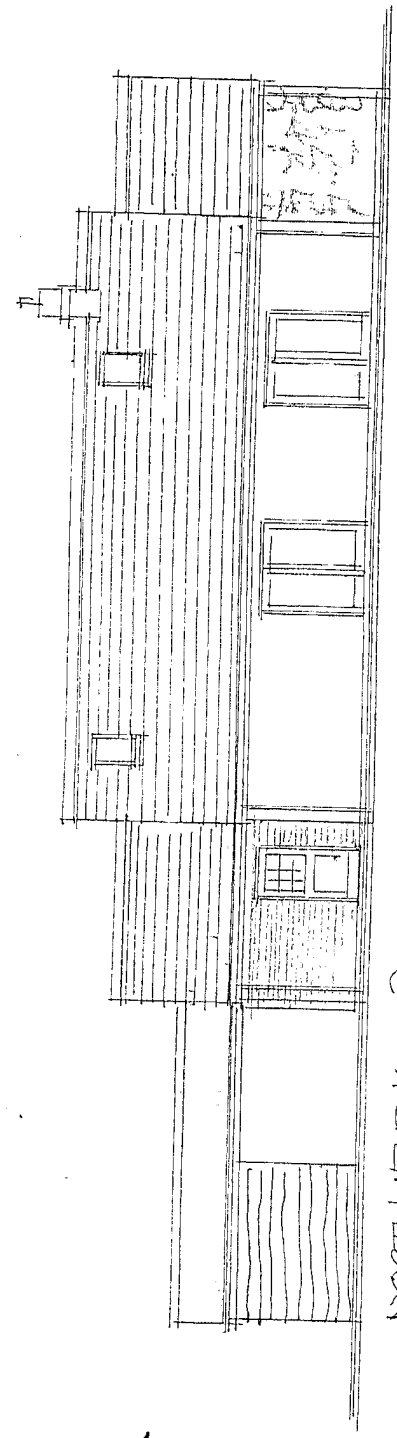
- 1 The proposed development constitutes poor design by virtue of its siting, scale, massing and design, which would fail to respect the character and appearance of the surrounding area and would not respect the scale and character of existing characteristic property in the area. As a result the proposals would have a harmful visual impact on the Special Landscape Area. The proposed development would therefore conflict with saved Policies HOU7 and LND2 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and the NPPF.

15/00249/FUL A

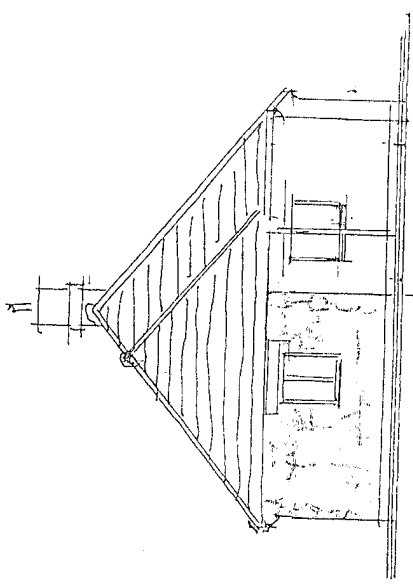


SOUTH ELEVATION

EAST ELEVATION



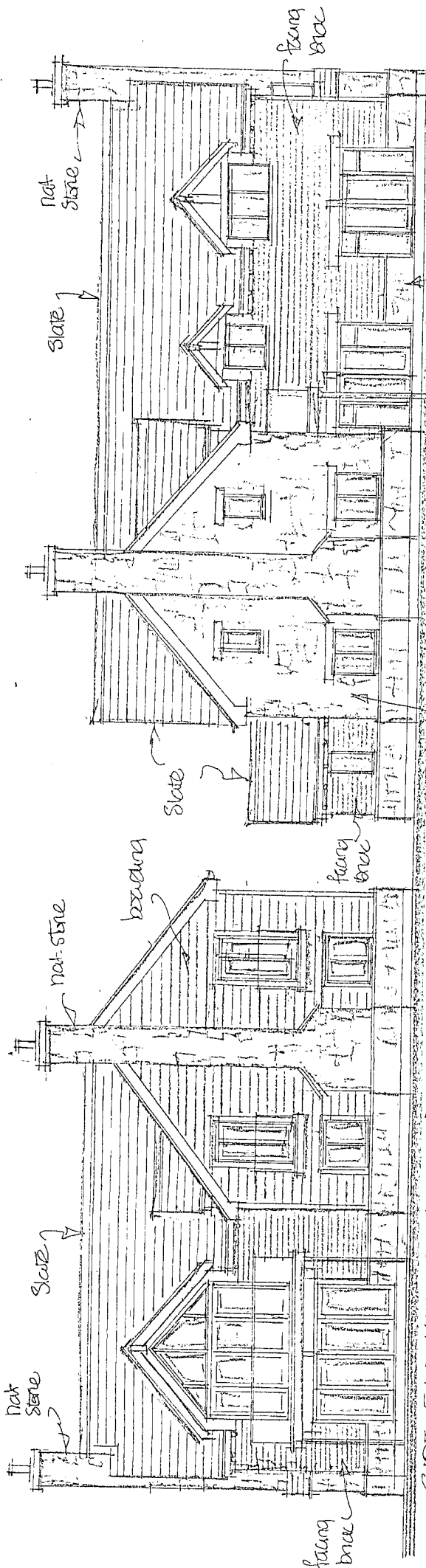
NORTH ELEVATION



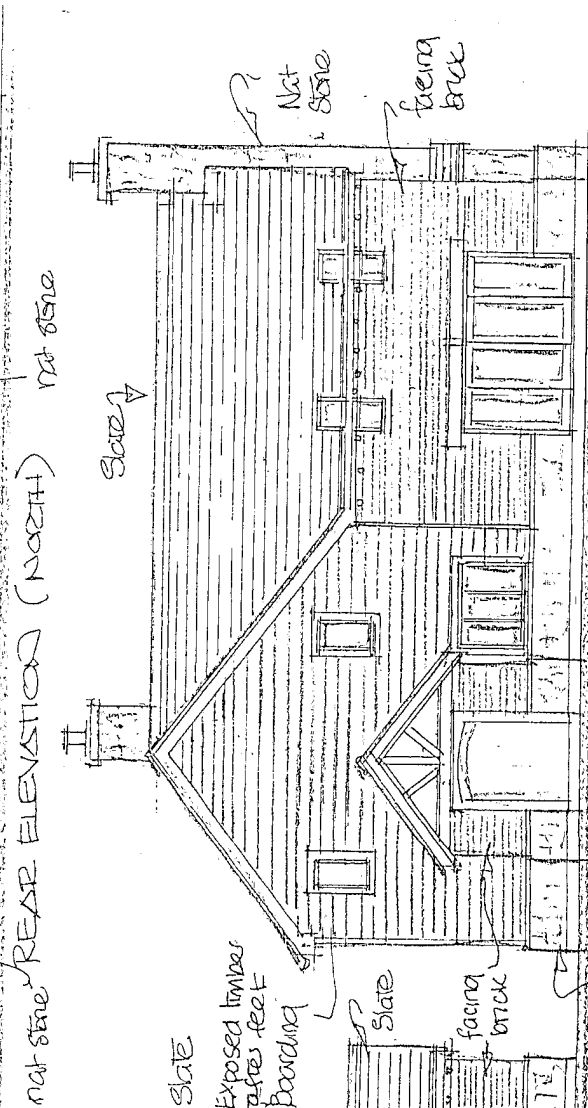
WEST ELEVATION

A12/A

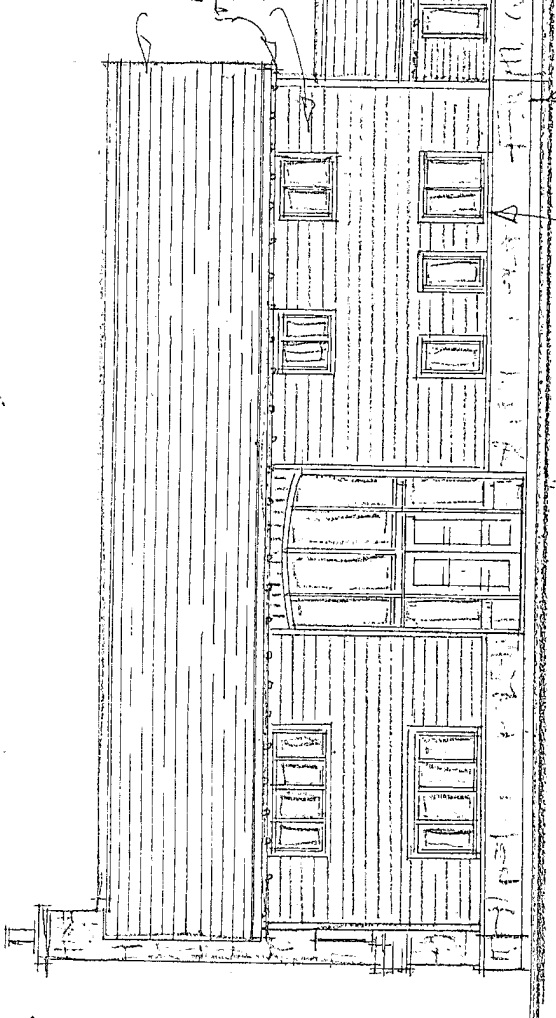
KEEPERS ORCHARD, LITTLEWOOTH,
WINCHCOMBE, GLOS. GL54 5BT.
DRAWING - ELEVATIONS AS EXISTING
1:100 OCTOBER 2014
14: 1726:04
DENNIS L Rayton Tel 01242 620818



SIDE ELEVATION (WEST)



REAR ELEVATION (NORTH)



SIDE ELEVATION (EAST)

FRONT ELEVATION (SOUTH)

Timber casement windows + sills

KEEPERS ORCHARD, LITTLEBOROETH, WINGHAMBE, GLOS. GL54 5BT.

PROPOSED DWELLING - ELEVATIONS.

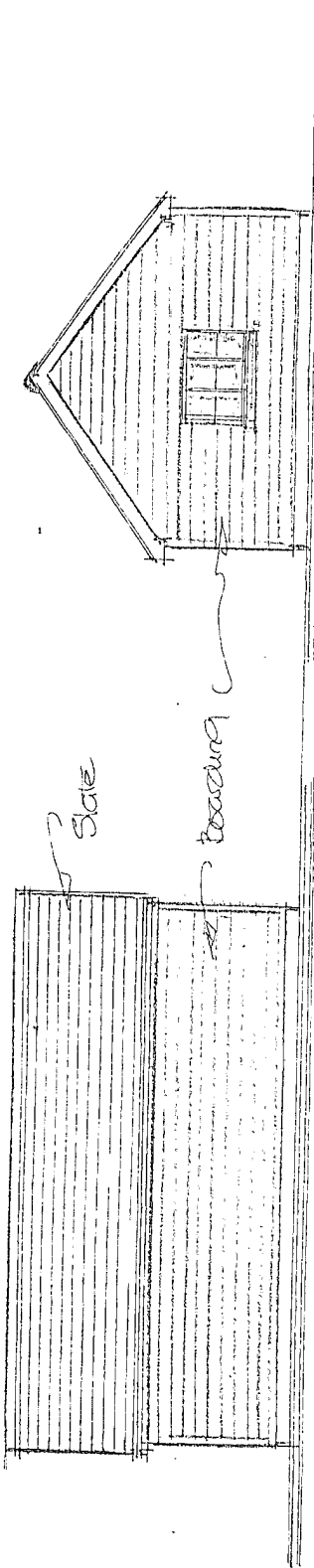
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14: 1726: 08

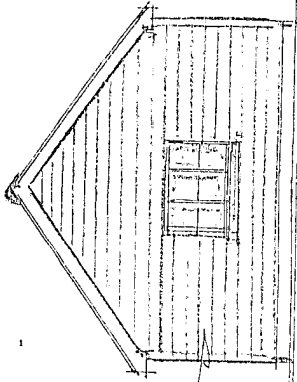
DORIS L RAYTON TA 01242 620818

'A'

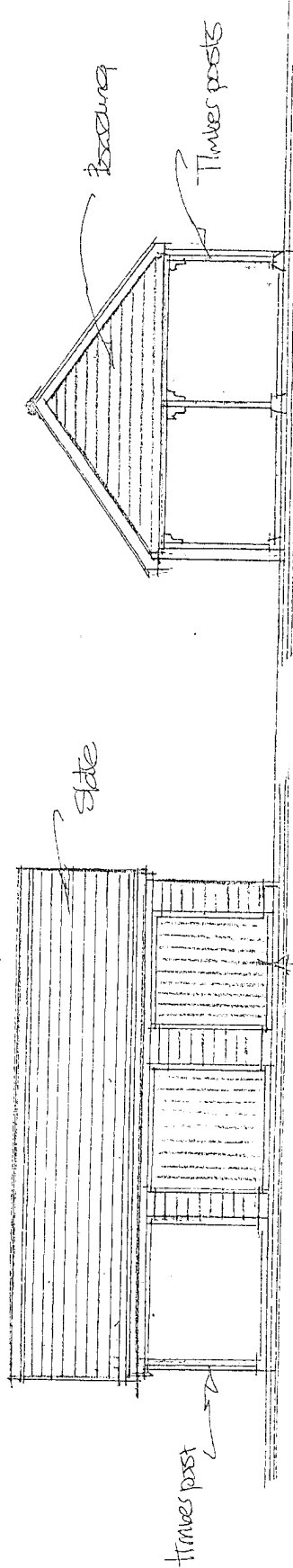
12/13



REAR ELEVATION.

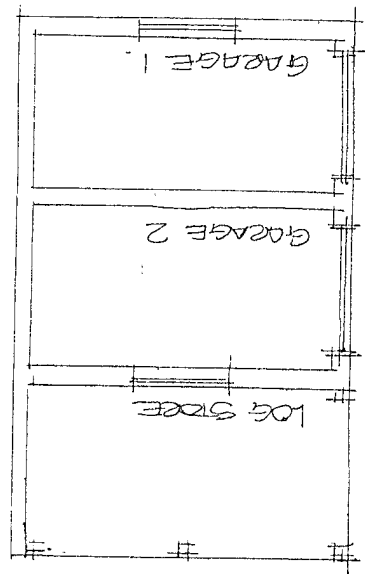


SIDE ELEVATION.



FRONT ELEVATION.

SIDE ELEVATION.

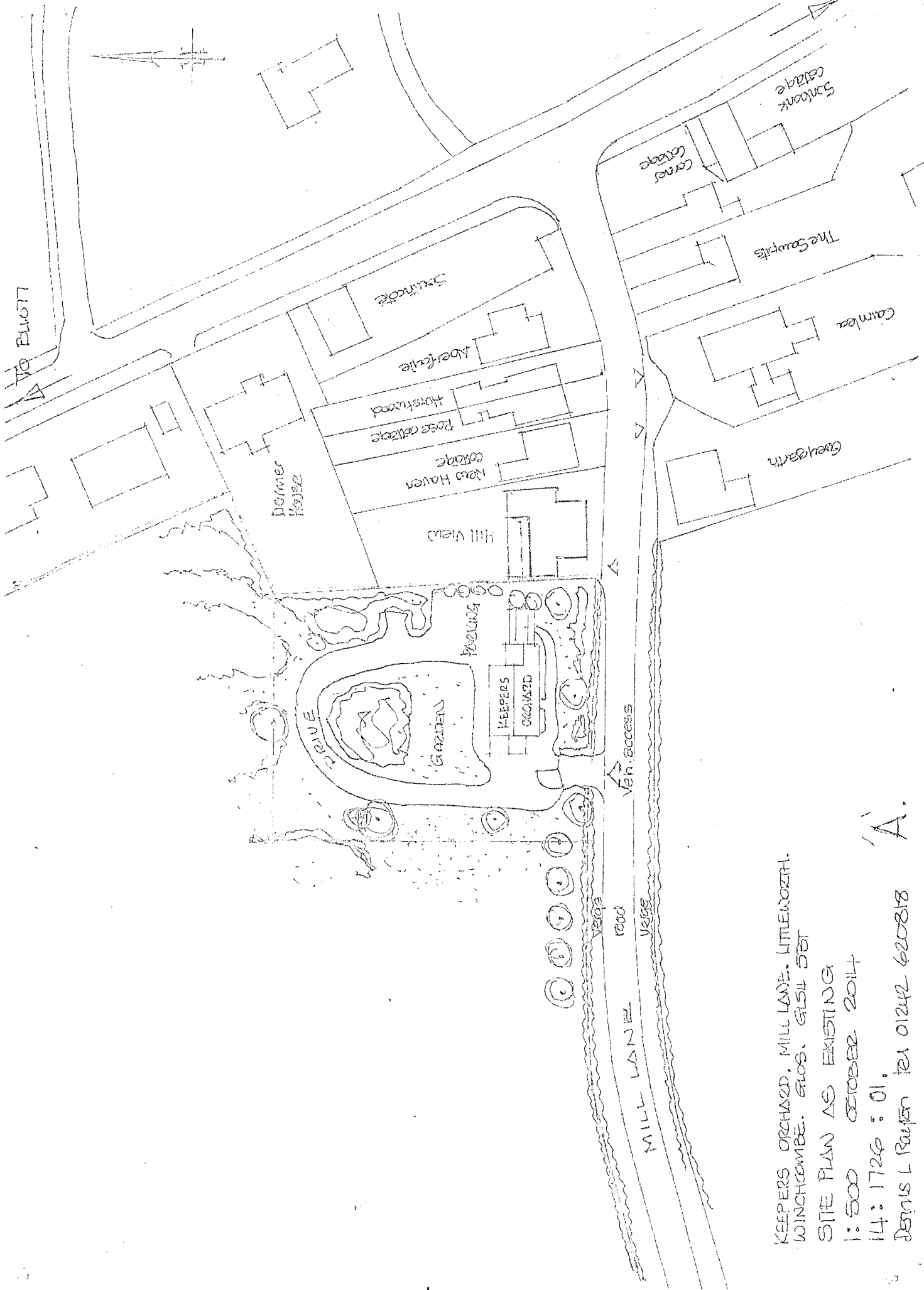


FLOOR PLAN.

KEEPERS ORCHARD, LITTLEWORTH,
 WINCHCOMBE, GLOS. GL54 5BT.
 PROPOSED GARAGE BUILDING.
 1:100 SEPTEMBER 2014.
 14:1726:09.
 Dennis L Rayton Tel 01242 620818

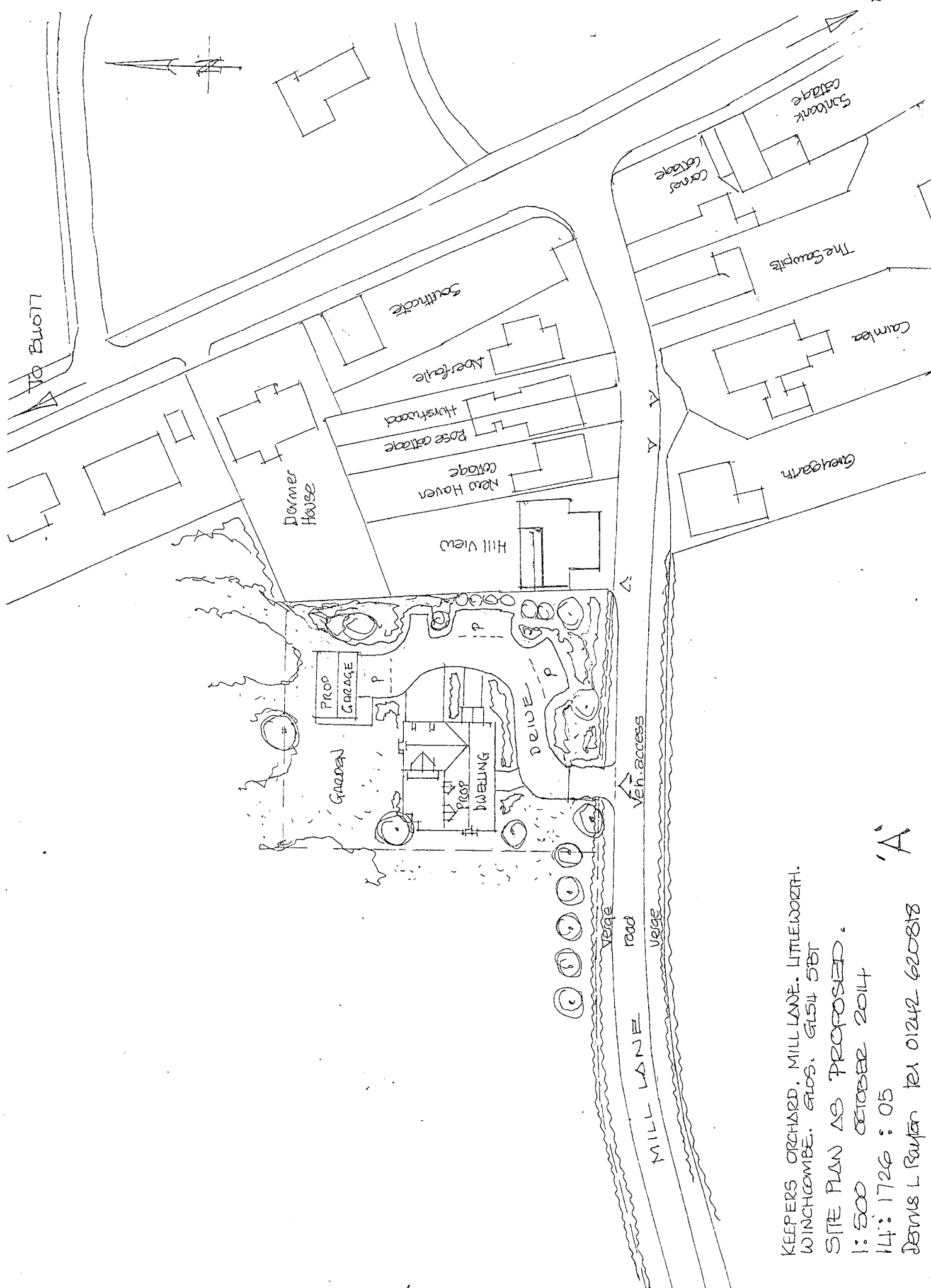
7/21

'A'



KEEPERS ORCHARD, MILL LANE, LITTLEBORO',
 WINCHESTER. SUS. G154 5BT
 SITE PLAN AS EXISTING
 1: 500 OCTOBER 2014
 14: 1726 : 01,
 DENNIS L RAUFER TEL 01242 620818

'A'



TO GREET & WINCHCOMBE

KEEPERS ORCHARD, MILL LANE, LITTLEWORTH.
 WINCHCOMBE, GLOS. GL54 5BT
 SITE PLAN AS PROPOSED.
 1: 500 OCTOBER 2014
 14: 1726 : 05
 DENNIS L RAYTON TEL 01242 620818

17/4

15/00295/FUL

82 Gretton Road, Winchcombe,

3

Valid 16.03.2015

Proposed new dwelling on land to the rear of Number 82 Gretton Road, Winchcombe

Grid Ref 402237 229228

Parish Winchcombe

Ward Winchcombe

Mr & Mrs Adam Lee
82 Gretton Road
Winchcombe
Cheltenham
Gloucestershire
GL54 5EL

RECOMMENDATION Permit

Policies and Constraints

NPPF

Planning Practice Guidance

The Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU2, HOU5, LND2, LND7, EVT5, EVT9, TPT1

Joint Core Strategy Submission Version November 2014 - SD1, SD4, SD5, SD7, SD8, SD11
Winchcombe Town Design Statement

Consultations and Representations

Winchcombe Town Council - Object to application due to its inappropriate design which would have an adverse impact on surrounding properties. It is also contrary to the Winchcombe Town Design Statement.

Severn Trent - No objection subject to a condition requiring the submission of foul and surface water drainage plans for LPA approval.

County Archaeologist - The application site has low potential to contain significant archaeological remains. No archaeological investigation or recording is therefore required

Local residents - 1 objection received. Concerns raised over the proposal not being in keeping with other properties in the area, resulting in a 'hemmed in' feeling at a nearby property and conflicting with open views across the rear gardens. There is also concern that the proposal will introduce noise and car emissions which would interfere with the peace and tranquillity of the back gardens.

Planning Officers Comments: Mr Matthew Tyas

1.0 Site

1.1 The application site relates to part of the rear garden to number 82 Gretton Road; a two storey detached property fronting the highway.

1.2 The site is surrounded by residential development. The rear garden to number 80 Gretton Road is located to the south of the site and is subject to planning permission for a two storey dwelling (ref. 13/00301/FUL). The site is adjoined to the east by the rear gardens to the bungalows along Godwin Road. The land to the north of the site is occupied by the Redrow Homes development site (planning permission ref. 12/00464/OUT and 13/00986/APP) that is currently under construction.

1.3 The application site benefits from an extant planning permission for 1 no. 5 bedroom dwelling and detached garage (ref. 12/01249/FUL).

1.4 The site is located within the Residential Development Boundary of Winchcombe as defined in the Tewkesbury Borough Local Plan to 2011 (TBLP). The site is also located within the Special Landscape Area (SLA) and adjacent to the Cotswolds AONB.

2.0 History

2.1 Permission was granted in 2013 (ref. 12/01249/FUL) for the proposed residential development of 1no. 5 bed house and double garage. This was a revised scheme following the granting of planning permission ref. 08/01165/FUL.

2.2 In February 2009 permission was granted for the proposed residential development of 1no. 4 bed house (ref. 08/01165/FUL)

3.0 Application

3.1 The application is a revised version of the dwelling previously approved by 12/01249/FUL. The scale and layout of the development is essentially the same as the permitted scheme but the current application proposes a contemporary style flat roofed dwelling involving a different mix of materials.

4.0 Planning Policy Context

4.1 The site is located within the Residential Development Boundary of Winchcombe as defined by the TBLP. Policy HOU2 of the TBLP states that new housing development within such areas is acceptable in principle provided that the development can be satisfactorily integrated within the framework of the surrounding development. Furthermore, Policy HOU5 of the TBLP requires new housing development to respect the existing form and character of the adjacent area; not result in unacceptable loss of amenity; be of high quality design and make provision for appropriate access and parking.

4.2 This advice reflects one of the NPPF's 'Core Principles', which is to ensure a good standard of amenity for all existing and future occupants of land and buildings. The advice of Policy HOU5 is also reflected in Section 7 of the NPPF which makes it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also makes it clearly that obviously poor designs should be refused.

4.3 Policies HOU2 and HOU5 of the TBLP are therefore considered to be consistent with the provisions of the NPPF and should therefore carry considerable weight in the determination of the application.

5.0 Analysis

5.1 The principle of the development has already been established by planning permission ref. 12/01249/FUL and it is not therefore necessary to revisit this matter in the assessment of this application.

5.2 The main issues for consideration are the revised design of the proposal, its impact on the visual amenity of the area and its integration with surrounding development. The impact of the proposal on the amenity of surrounding occupiers has also been considered.

Design/visual amenity/integration with surrounding development

5.3 The design of the revised proposal would clearly be different to the permitted scheme and the other properties in the vicinity. This should not however be viewed as inappropriate 'per se' and officers are mindful of the advice at paragraph 60 of the NPPF that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

5.4 In this instance it should be noted that the site occupies a discreet position behind the existing development on Gretton Road and the emerging Redrow development. The site is not readily visible from public vantage points and the proposed dwelling would not contribute to any street scene. It is considered that this provides an ideal opportunity for a more original design approach and some flexibility in relation to materials and finishes.

5.5 The proposed dwelling follows a contemporary design approach and utilises modern technologies and construction techniques. It is considered that the proposed dwelling would be interesting and inspiring and would positively contribute to the visual amenity of the area. The external finishes used in the development would involve an interesting mix of contemporary style materials including render, timber cladding and powder coated aluminium windows, and finishes of a more traditional, rustic appearance including Cotswold stone coloured hanging tile. It is considered that the resulting building would promote originality and modern design techniques whilst respecting local distinctiveness. The Winchcombe Town Design Statement recognises that modern design may be acceptable and it is considered in this case that the proposal meets the requirements of Design Statement 4 of the WTDS in that it would result in high quality contemporary design.

5.6 As noted above the principle of a two storey dwelling in this location is already established and the proposal occupies a backland location that would not be overtly visible from nearby public vantage points. It should also be noted that the revised proposal would be approximately 2 metres lower than the approved dwelling and, due to the ground level change, almost 5 metres lower than the adjoining Redrow development. This would further integrate the proposed building within the surrounding area and limit its visibility from nearby public land.

5.7 On the above basis it is considered that the visual effect of the proposal would be largely contained within the immediate confines of the site, the adjoining domestic gardens and to a minor extent the internal road within the Redrow development. The visual effect on public land is considered to be minor and in any event positive considering the high quality design and finish of the proposal.

Residential amenity impacts

5.8 The views of adjoining occupiers are noted and the proposal's impact on existing residential amenity has been carefully considered.

5.9 The windows in the front of the proposal are considered to be too far away from the rear elevations of numbers 80 and 82 Gretton Road (>35m) for any unacceptable overlooking and loss of privacy to occur. The revised proposal would also have no undue impact on the permitted dwelling within the adjoining garden to no. 80 Gretton Road. The effect of the development on the future occupiers of the Redrow development has also been considered but due to the significant level change between these two sites described above there would be no adverse impact.

6.0 Conclusion

6.1 The proposed dwelling would have a very limited visual effect on the adjacent area and would in any event involve a high quality design and finish that would positively contribute to its visual amenity. No adverse residential amenity impacts would result from the development and the proposal would have no other impacts over and above the previously permitted scheme that require detailed consideration. The proposed development is therefore found to be in accordance with policies HOU2 and HOU5 of the TBLP and consistent with the relevant advice within the NPPF. There are no other material considerations that would warrant the refusal of the application. It is therefore recommended that planning permission is granted.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following plans: Drawing Numbers 1271_310, 1271_315, 1271_316, 1271_318, 1271_319, 1271_317 (all received 14/03/15).
- 3 Building operations shall not be commenced until samples of the external materials proposed to be used for the new dwelling and garage building hereby approved have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.
- 4 The first floor windows in the north and south side elevations of the dwelling hereby approved, as shown on Drawing Number 1271_317, shall be fitted with obscure glazing and any opening parts shall be located more than 1.7 metres above the associated floor level. The said windows shall remain as such in perpetuity.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no first floor windows shall be installed on the side elevations of the dwelling hereby approved, other than those featured on Drawing Number 1271_317, without the prior written consent of the Local Planning Authority.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no extensions or additions shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.
- 7 Prior to the occupation of the proposed dwelling the vehicular access and driveway, and the car parking and turning facilities to serve the proposed dwelling, as shown on Drawing Number 1271_315, shall be completed in all respects in accordance with the submitted details and shall be similarly maintained thereafter for that purpose.
- 8 No siteworks shall commence until such time as a temporary car parking area for site operatives and construction traffic has been laid out and constructed within the site in accordance with details to be submitted to and agreed in writing with the Local Planning Authority and that area shall be retained available for that purpose for the duration of building operations.
- 9 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage 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.
- 10 No development shall take place until there has been submitted to and approved by the Local Planning Authority in writing, a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.
- 11 All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 12 Before works start, details of the proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The proposed boundary treatments shall be carried out in accordance with the approved details prior to the first occupation of the development and these boundary treatments shall be maintained as such thereafter.
- 13 The proposed dwelling shall be constructed in accordance with the proposed finished floor levels as shown on Drawing Number 1271_319, unless otherwise approved in writing by the Local Planning Authority.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 4 To protect the amenity of adjoining occupiers in accordance with Policy HOU5 of the Tewkesbury Borough Local Plan to 2011 and the Core Planning Principles of the National Planning Policy Framework 2012.
- 5 To protect the amenity of adjoining occupiers in accordance with Policy HOU5 of the Tewkesbury Borough Local Plan to 2011 and the Core Planning Principles of the National Planning Policy Framework 2012.
- 6 To control unplanned future developments that may conflict with the design of the dwelling and harm the visual amenity of the area.

- 7 To ensure a suitable access and an acceptable level of car parking and appropriate manoeuvring facilities are provided, in the interests of highway safety, in accordance with Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 8 To ensure that the access roads in the vicinity of the site are kept free from construction traffic in the interests of highway safety in accordance with Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 9 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with Policy EVT9 of the Tewkesbury Borough Local Plan to 2011 and the advice at sections 10 and 11 of the National Planning Policy Framework 2012
- 10 To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 11 To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006
- 12 To safeguard the amenity of residents in the locality in accordance with Policy HOU5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 13 To ensure that the development integrates harmoniously with its surroundings and does not adversely impact upon existing residential properties in accordance with Policies LND2 and HOU5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Note:

Statement of Positive and Proactive Engagement

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

15/00295/FUL

229400m
402100m
402200m
402300m
402400m

229300m
229200m
229100m



229400m
402100m
402200m
402300m
402400m



APPLICATION AREA OUTLINED IN RED
SITE AREA = 1370m² (0.137) HECTARES

9 Crown Copyright. All rights reserved. Licence no. 10001998

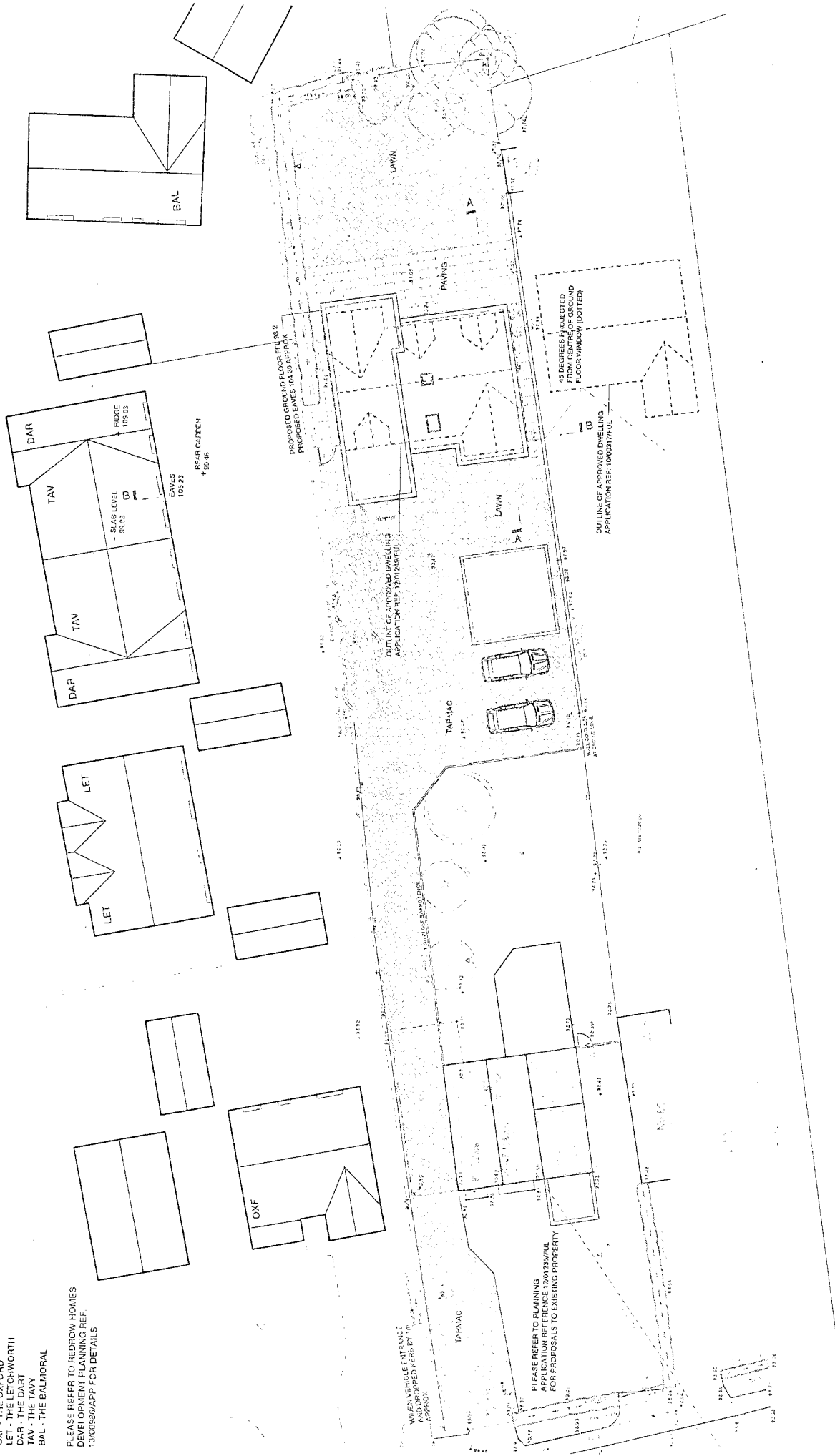
Edge Design Workshop Ltd Number of Royal Warrant Holders Chairman: GUY GLENDEN 0204 0124230/111 info@edge-design-workshop.com www.edge-design-workshop.com		PLANNING REVISED REV. NO. 1271_310 Edge Design Workshop	
LAND TO THE REAR OF 82 GRETTON ROAD, WINCHCOMBE, GUSFSEL PROPOSED NEW DWELLING SITE LOCATION PLAN	Date: 08.03.2015 Scale: 1:1250 @ A3	Checked by: SBS Drawn by: JDP	Date: 08.03.2015 Scale: 1:1250 @ A3
Date: 08.03.2015 Scale: 1:1250 @ A3	Date: 08.03.2015 Scale: 1:1250 @ A3	Date: 08.03.2015 Scale: 1:1250 @ A3	Date: 08.03.2015 Scale: 1:1250 @ A3

17/A

REDROW HOMES KEY:

- OXF - THE OXFORD
- LET - THE LETCHWORTH
- DAR - THE DART
- TAV - THE TAVY
- BAL - THE BALMORAL

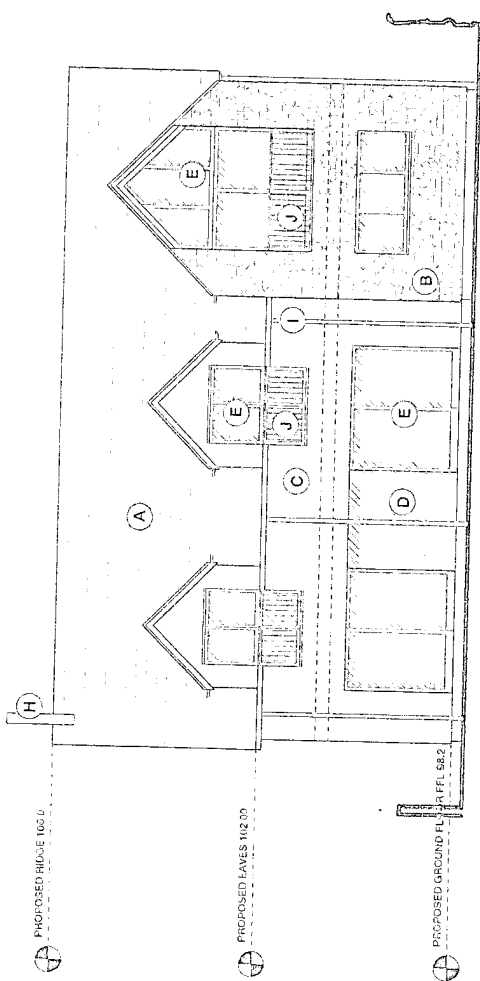
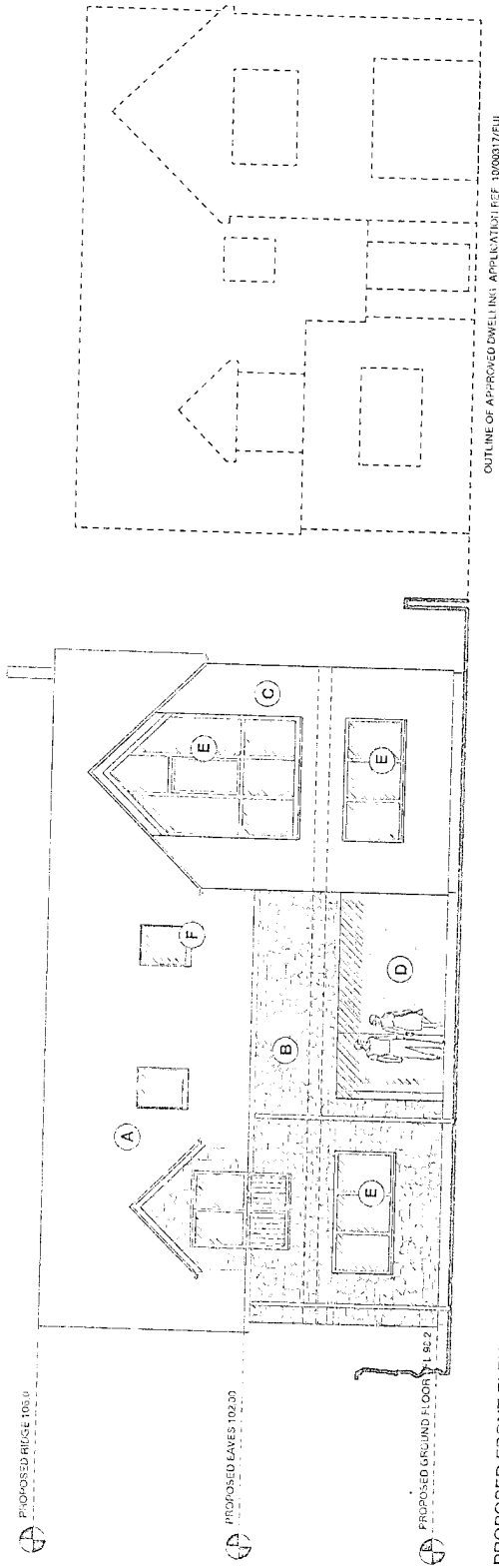
PLEASE REFER TO REDROW HOMES DEVELOPMENT PLANNING REF. 13/00686/APP FOR DETAILS



PLEASE REFER TO PLANNING APPLICATION REFERENCE 13/01033/W/FUL FOR PROPOSALS TO EXISTING PROPERTY

17/B

<p>LAND TO THE REAR OF 82 GRETTON ROAD, WINCHCOMBE, G15 5EL</p> <p>PROPOSED NEW DWELLING</p> <p>PROPOSED BLOCK PLAN</p> <p>DATE: 09/03/2015</p> <p>SCALE: 1:250 @ A3</p>		<p>STATUS: PLANNING</p> <p>APP NO: 1271_315</p> <p>EDGE Design / 001616100</p>
<p>Edge Design / Winch.com Ltd</p> <p>Number 07 Royal Walk Plaza</p> <p>Chalfont St Giles, Bucks, G15 5BN</p> <p>01494 601200 523 111</p> <p>info@edge-design.com / edge@edge.com</p> <p>www.edge-design.com</p>		<p>Drawn By: SSS</p> <p>Checked By: JDP</p>
<p>Project Name: []</p> <p>Client: []</p> <p>Location: []</p> <p>Site No: []</p> <p>Scale: []</p> <p>Date: []</p> <p>Drawn By: []</p> <p>Checked By: []</p> <p>Project Manager: []</p>	<p>Project Name: []</p> <p>Client: []</p> <p>Location: []</p> <p>Site No: []</p> <p>Scale: []</p> <p>Date: []</p> <p>Drawn By: []</p> <p>Checked By: []</p> <p>Project Manager: []</p>	<p>Project Name: []</p> <p>Client: []</p> <p>Location: []</p> <p>Site No: []</p> <p>Scale: []</p> <p>Date: []</p> <p>Drawn By: []</p> <p>Checked By: []</p> <p>Project Manager: []</p>

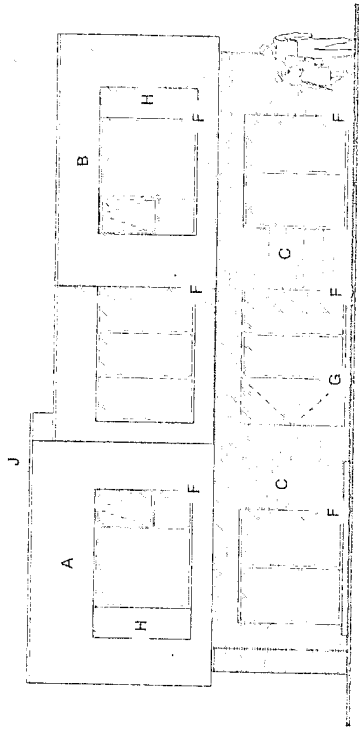


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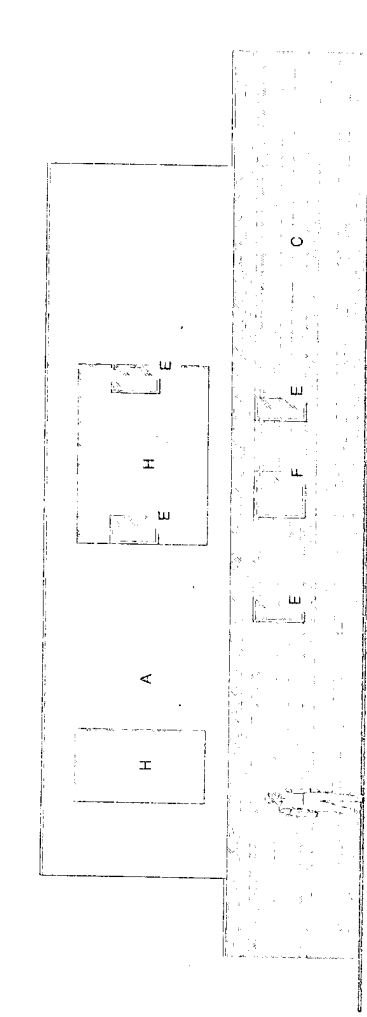
- (A) PROPOSED MARLEY ETERNIT CLAY ROOF TILE
- (B) PROPOSED COTSWOLD STONE
- (C) PROPOSED OFF WHITE THROUGH COLOURED RENDER
- (D) PROPOSED TIMBER CLADDING
- (E) PROPOSED POWDER COATED ALUMINIUM WINDOWS AND DOORS
- (F) PROPOSED ROOFLIGHT
- (G) PROPOSED VERTICAL COMBINATION ROOFLIGHT
- (H) PROPOSED STAINLESS STEEL FLUE
- (I) PROPOSED GALVANISED STEEL GUTTERS AND DOWNPIPES
- (J) PROPOSED GALVANISED STEEL BALUSTRADE

17/K

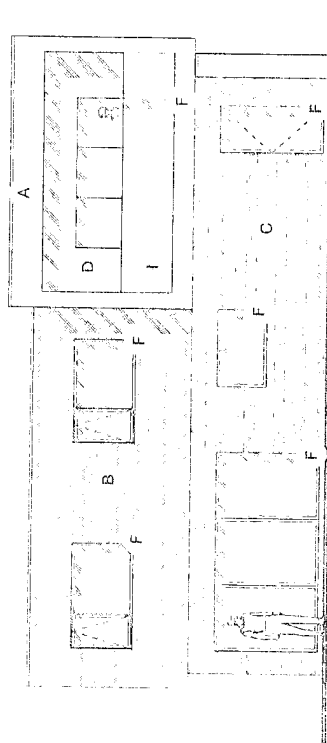
SITE NAME PLEASE REFER TO PLANNING REF: 12/01249/FUL FOR DETAILS		LAND TO THE REAR OF 82 GRETTON ROAD, WINCHCOMBE, GLOUCESTER PROPOSED NEW DWELLING CURRENT APPROVED DWELLING ELEVATIONS PAGE 1 09.03.2015	09.03.2015 1:100 @ A3	SSS JDP	Edge Design Architecture No. 5, 1st Floor, 15, The Quadrant, Gloucester, Gloucestershire, GL1 2JH T: 01452 366200 E: info@edge-design.co.uk www.edge-design.co.uk	1271_313 12/01249/FUL
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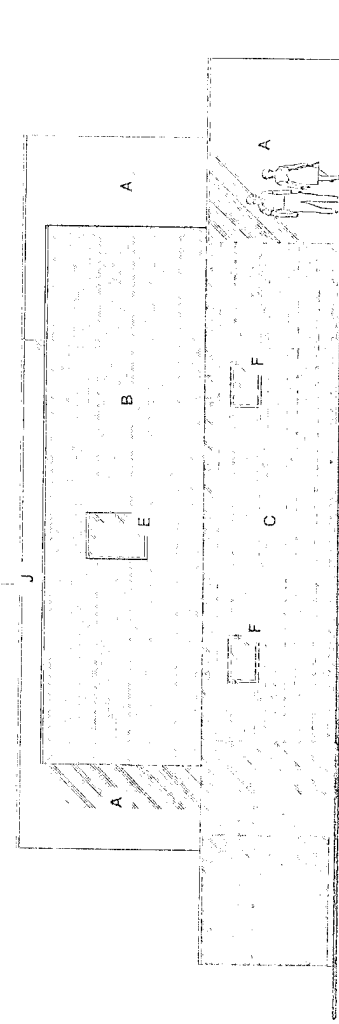
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PROPOSED DWELLING NORTH ELEVATION Scale 1:100



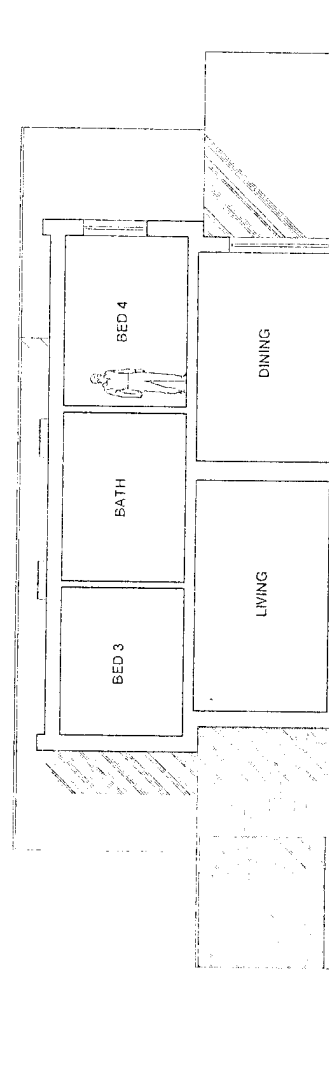
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PROPOSED DWELLING SOUTH ELEVATION Scale 1:100

KEY:

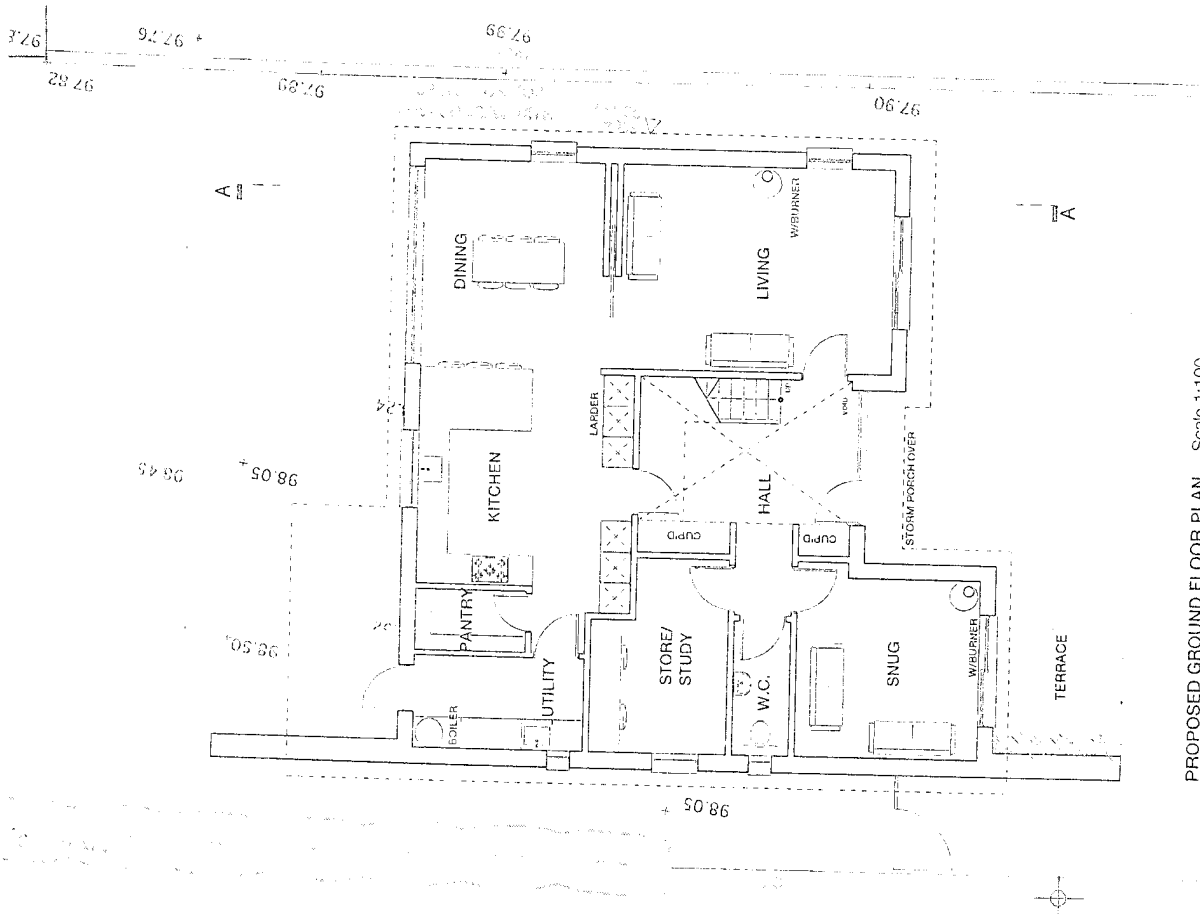
- A PROPOSED OFF WHITE RENDER
- B PROPOSED COTSWOLD STONE COLOURED HANGING TILE
- C PROPOSED GREY HANGING TILE
- D PROPOSED VERTICAL TIMBER CLADDING
- E PROPOSED OPAQUE POWDER COATED ALUMINIUM WINDOWS
- F PROPOSED CLEAR POWDER COATED ALUMINIUM WINDOWS AND DOORS
- G PROPOSED VERTICAL TIMBER ENTRANCE DOOR
- H PROPOSED TIMBER CLADDING PANEL
- I PROPOSED GLAZED BALCONY
- J PROPOSED STAINLESS STEEL FLUE



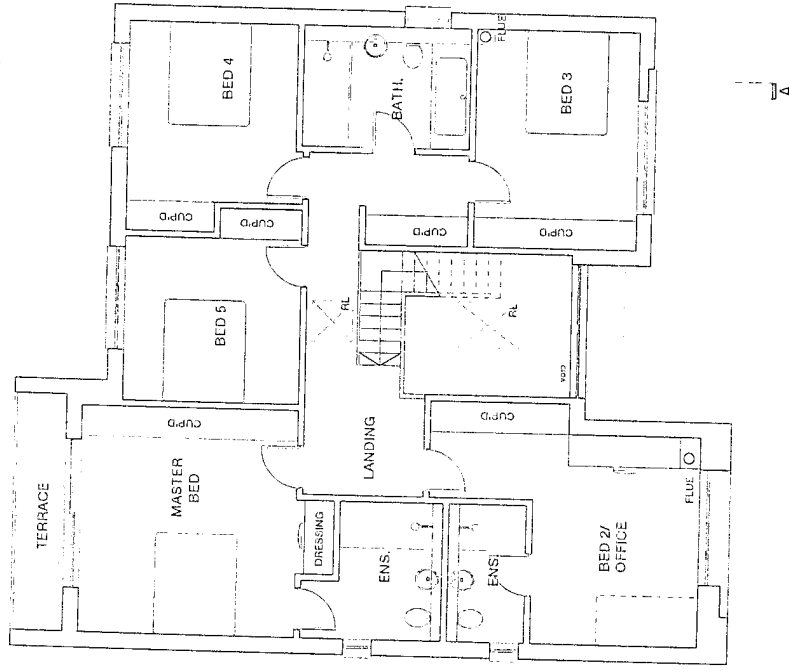
PROPOSED SECTION AA Scale 1:100

PROJECT: PROPOSED NEW DWELLING ELEVATIONS & SECTION AA DATE: 09.03.2015 SCALE: 1:100 @ A3		NUMBER: 100 SHEET: JDF	CLIENT: Edges Design Pty Ltd ADDRESS: 1271/317 CONTACT: GLEN PHONE: 04133 532 111 WWW.EdgesDesign.com.au	STATUS: PLANNING
LAND TO THE REAR OF 84 GRETTON ROAD, WINDHOLME GLEBE NSW PROPOSED NEW DWELLING		NUMBER: 100 SHEET: JDF	PROJECT: PROPOSED NEW DWELLING ELEVATIONS & SECTION AA DATE: 09.03.2015 SCALE: 1:100 @ A3	CLIENT: Edges Design Pty Ltd ADDRESS: 1271/317 CONTACT: GLEN PHONE: 04133 532 111 WWW.EdgesDesign.com.au

17/0



PROPOSED GROUND FLOOR PLAN Scale 1:100



PROPOSED FIRST FLOOR PLAN Scale 1:100

Room	Area (sqm)
GROSS INTERNAL FLOOR AREAS	108 sqm
GROUND FLOOR	113 sqm
FIRST FLOOR	222 sqm
TOTAL	335 sqm
GARAGE	34 sqm

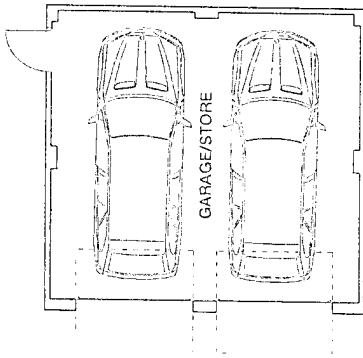
Room	Area (sqm)
LAND TO THE REAR OF 82 GRETTON ROAD, WHICH COMBE, GL14 5EL	PROPOSED NEW DWELLING
PROPOSED FLOOR PLANS	Scale 1:100 @ A3
Date	09 03 2015
Author	SBS
Checker	JDP

EDGE DESIGN ARCHITECTS LTD
 Edge Design Architects Ltd
 Registered Architectural Practice
 Companies No. 05573394
 VAT No. 271310539
 01146 212 323 111
 info@edgedesignarchitects.com
 www.edgedesignarchitects.com

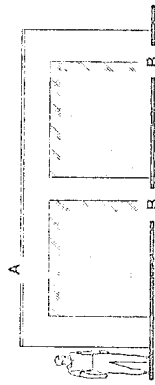
171E

KEY:

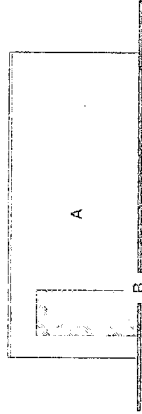
- A PROPOSED OFF-WHITE RENDER
- B PROPOSED HORIZONTAL TIMBER ENTRANCE AND GARAGE DOOR



PROPOSED GARAGE PLAN Scale 1:100



PROPOSED GARAGE NORTH ELEVATION Scale 1:100



PROPOSED GARAGE EAST ELEVATION Scale 1:100



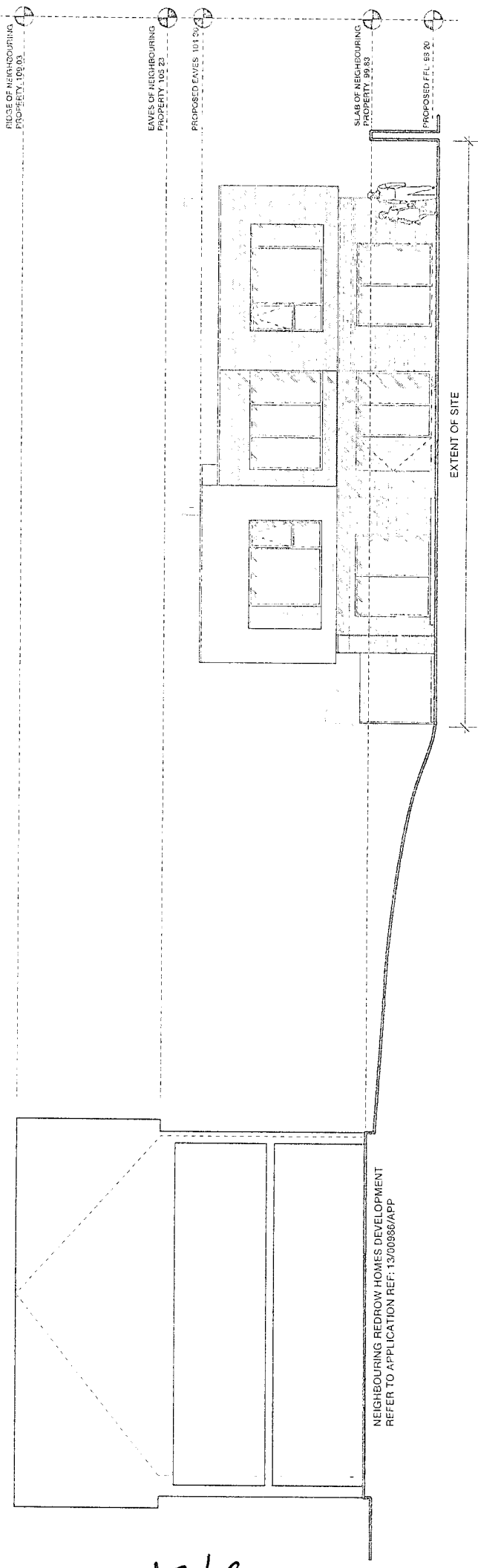
PROPOSED GARAGE SOUTH ELEVATION Scale 1:100



PROPOSED GARAGE WEST ELEVATION Scale 1:100

17/F

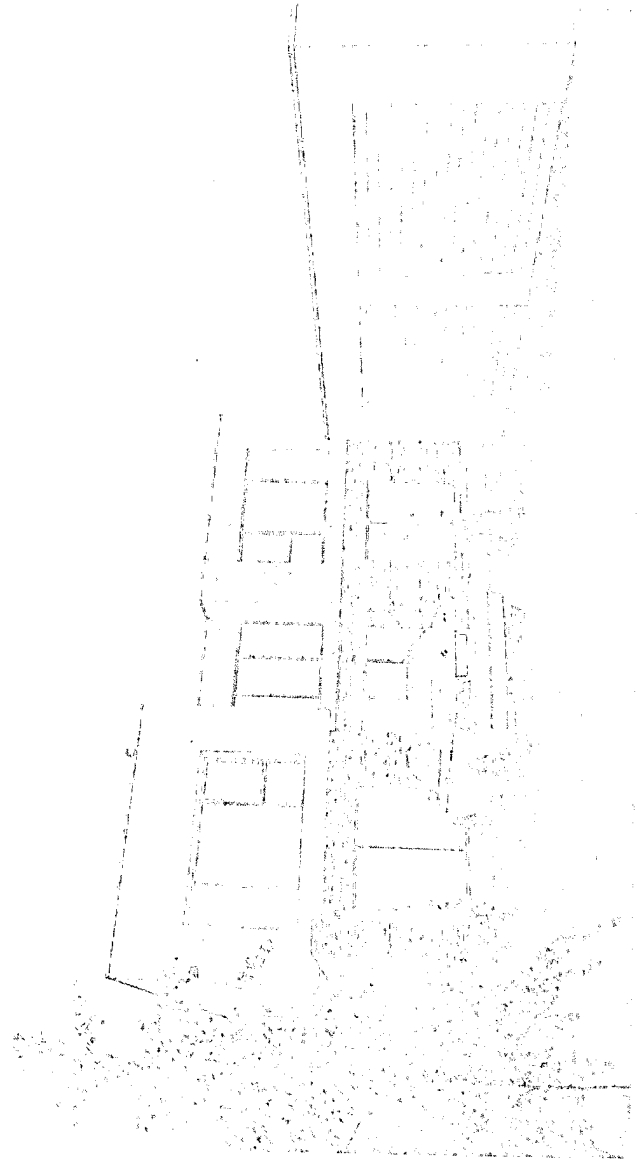
<p>Site Name: _____ Address: _____ Date: _____</p>	<p>Client Name: _____ Project Name: _____ Date: _____</p>	<p>Scale: 1:100 @ A3 Date: 09/03/2015 Author: SBS Checker: JDP</p>	<p>LAND TO THE REAR OF 82 GRETTON ROAD, WINCHOMBE, GL54 5EL PROPOSED NEW DWELLING PROPOSED GARAGE PLAN AND ELEVATIONS</p>	<p>PLANNING APPLICATION NO: 1271_318 Edge Design Workshop</p>
<p>Edge Design Workshop Ltd Number 10 Royal Mail Place Chalfont St Giles, Bucks, HP8 3JW 01494 601242 523 111 info@edgedesignworkshop.com www.edgedesignworkshop.com</p>				



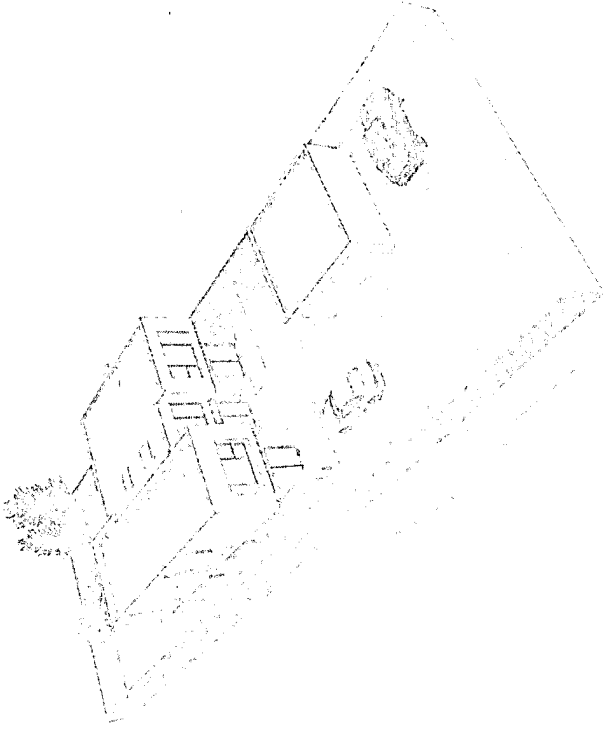
17/G

<p>NEIGHBOURING REDROW HOMES DEVELOPMENT REFER TO APPLICATION REF: T3/00988/APP</p>		<p>LAND TO THE REAR OF 82 ORETTON ROAD, WINCHONBE GL54 8EL PROPOSED NEW DWELLING</p>		<p>PLANNING</p>	
<p>09 03 2015</p>	<p>1:100 @ A3</p>	<p>09 03 2015</p>	<p>PROPOSED SITE CROSS SECTION BB</p>	<p>Edge Design Architects Ltd Number Of Plans 1/100 @ A3 City/Region: G69 7L5 G04 01242 523 111 mailto:info@edge-design.co.uk www.edge-design.co.uk</p>	<p>Job No 1271_319</p>
<p>09 03 2015</p>	<p>1:100 @ A3</p>	<p>09 03 2015</p>	<p>PROPOSED SITE CROSS SECTION BB</p>	<p>Edge Design Architects Ltd Number Of Plans 1/100 @ A3 City/Region: G69 7L5 G04 01242 523 111 mailto:info@edge-design.co.uk www.edge-design.co.uk</p>	<p>Job No 1271_319</p>
<p>09 03 2015</p>	<p>1:100 @ A3</p>	<p>09 03 2015</p>	<p>PROPOSED SITE CROSS SECTION BB</p>	<p>Edge Design Architects Ltd Number Of Plans 1/100 @ A3 City/Region: G69 7L5 G04 01242 523 111 mailto:info@edge-design.co.uk www.edge-design.co.uk</p>	<p>Job No 1271_319</p>
<p>09 03 2015</p>	<p>1:100 @ A3</p>	<p>09 03 2015</p>	<p>PROPOSED SITE CROSS SECTION BB</p>	<p>Edge Design Architects Ltd Number Of Plans 1/100 @ A3 City/Region: G69 7L5 G04 01242 523 111 mailto:info@edge-design.co.uk www.edge-design.co.uk</p>	<p>Job No 1271_319</p>

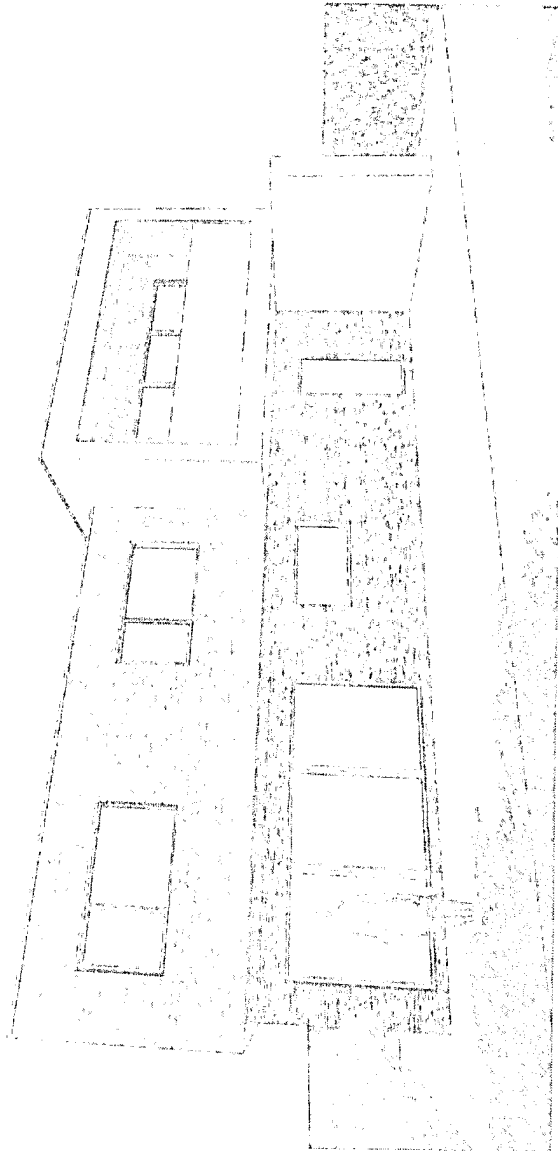
PROPOSED ARTIST IMPRESSION FROM DRIVEWAY



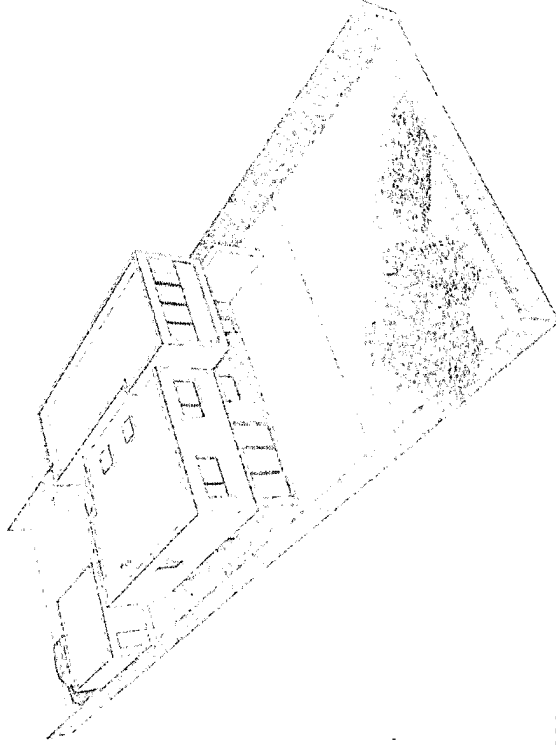
PROPOSED AERIAL VIEW [WESTERLY ASPECT]



PROPOSED ARTIST IMPRESSION FROM REAR GARDEN



PROPOSED AERIAL VIEW [EASTERLY ASPECT]



17/11

<p>Client: 11226 Project: 11226 Date: 09/08/2015 Scale: 1:1000</p>		<p>Project Name: Site: Location: Date: Scale:</p>		<p>Drawn By: Checked By: Date: Scale:</p>		<p>Drawn By: Checked By: Date: Scale:</p>		<p>Drawn By: Checked By: Date: Scale:</p>		<p>Drawn By: Checked By: Date: Scale:</p>			
<p>LAND TO THE REAR OF 82 GRETTON ROAD, WINDCOMBE, GL54 5EL PROPOSED NEW DWELLING</p>				<p>EdgeDesignWorkshop Ltd Number 07 Road Mill Piece Chalfont St Giles, GL50 3DN 0145 412242 333111 mail@edgedesignworkshop.com www.edgedesignworkshop.com</p>				<p>STATUS: PLANNING</p>		<p>Application No: 1271_320</p>		<p>EdgeDesignWorkshop</p>	
<p>PROPOSED ARTIST IMPRESSIONS</p>				<p>09/08/2015</p>				<p>NTS @ A3</p>		<p>JOP</p>			

15/00307/FUL
15/00307/FUL
Valid 26.03.2015
Grid Ref 389544 233008
Parish Tewkesbury
Ward Tewkesbury Town With
Mitton

9 Station Street, Tewkesbury,

Replace Front Windows

Mr & Mrs J Pickersgill

22 Delavale Road
Winchcombe
Gloucestershire
GL54 5HN

4

RECOMMENDATION Permit

Policies and Constraints

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
National Planning Policy Framework
Planning Practice Guidance
Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies HOU8 and HEN2
Joint Core Strategy (Submission Version) November 2014
Tewkesbury Conservation Area
Article 4 Direction Tewkesbury

Consultations and Representations

Tewkesbury Town Council - Objects to the uPVC replacements as not in keeping with the Conservation Area.

Conservation Officer - No objection on grounds that the design of the replacement windows is similar to what would have existed originally and although uPVC has historically been resisted in Tewkesbury, the improved design offers sufficient architectural enhancement to outweigh other reservations.

Public Representations - No letters of representations have been received.

Planning Officers Comments: Mrs Helen Stocks

1.0 Application Site

1.1 The application relates to 9 Station Street, Tewkesbury (**site location plan attached**). This brick built semi-detached property was formerly a railway cottage and is located in close proximity to the town centre and adjacent to a public car park. The property itself is not listed but is located within the boundary of Tewkesbury Conservation Area and covered by the Article 4 Direction.

2.0 Relevant Planning History

2.1 Planning permission was refused in October 2014 for the replacement of ground and first floor windows on the front elevation (ref: 14/00832/FUL). This application was refused for the following reason:

2.2 The design and material of the replacement windows are not considered to be sympathetic to the character of the building and fail to preserve or enhance the appearance of Tewkesbury Conservation Area. The proposed development would therefore conflict with Policy HEN2 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and Section 12 of the National Planning Policy Framework (NPPF).

3.0 Current Application

3.1 The current application is a resubmission of a previous scheme following the refusal of planning application 14/00832/FUL. It seeks planning permission for the replacement of existing timber and aluminium windows on the front elevation with uPVC vertical sliding sash windows (**plans attached**).

4.0 Policy Context

4.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

4.2 Section 12 of the National Planning Policy Framework (NPPF) relates to the conservation and enhancement of the historic environment and requires local planning authorities to conserve heritage assets in a manner appropriate to their significance. This is reflected in Policy HEN2 of the Tewkesbury Borough Local Plan to 2011 which states that particular attention should be paid to the preservation and, wherever possible, enhancement of the character, appearance and setting of conservation areas and listed buildings in terms of their scale, form, materials and quality. It specifies that particular attention should be attached to the retention of traditional materials in the repair and refurbishment of existing buildings.

4.3 Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 states that development must respect the character, scale and proportion of the existing dwelling and the surrounding development. The detailed design, materials and layout of buildings and structures must be appropriate to their setting and the character of the surrounding area.

5.0 Analysis

5.1 Windows have a significant impact on the character and appearance of a building, through their arrangement, size and detailing. They are an important element of the design of a building, giving information about its origins and development, and are of real importance to the character and appearance of buildings, particularly those that are within a conservation area.

5.2 The existing windows at 9 Station Street are top hung casements dating from the twentieth century. They are not original and are of no historic interest, with the Council's Conservation Officer commenting the existing windows are of an inappropriate design. The vertical sliding sash design of the replacement windows is considered to be more characteristic of the former railway cottage. This has been welcomed by the Council's Conservation Officer and overcomes those concerns regarding the design of the replacement units which resulted in the refusal of planning application 14/00832/FUL.

5.3 However, the replacement units would still consist of white woodgrain effect uPVC frames. This is a non-traditional material and the Town Council has objected to the installation of uPVC windows in Tewkesbury Conservation Area. Although the chosen material for the replacement window is regrettable, the Council's Conservation Officer considers the improved design offers sufficient architectural enhancements to the building to outweigh these reservations. For these reasons, it is not considered in this particular case that the use of uPVC would result in a significantly adverse impact on the Tewkesbury Conservation Area.

5.4 On balance, it is considered that the design and materials of the replacement windows would be appropriate in this setting. The replacement windows would be of a more appropriate design when compared to the existing situation and would enhance the character and appearance of the building and the Tewkesbury Conservation Area in accordance with Policies HOU8 and HEN2 of the Tewkesbury Borough Local Plan to 2011 - March 2006. The application is therefore recommend for **Permit**.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The replacement windows shall be installed in strict accordance with the details received by the Local Planning Authority on 17th March 2015 and 26th March 2015 as follows: Proposed New Window Design; Lower Sash Vertical Slider Profile dated Jan 2009; Lower Sash - Bottom Rail Profile dated Jan 2009.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that the appearance of the building(s) will be in harmony with the character of development in the area in accordance with the NPPF.

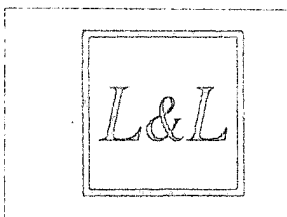
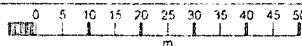
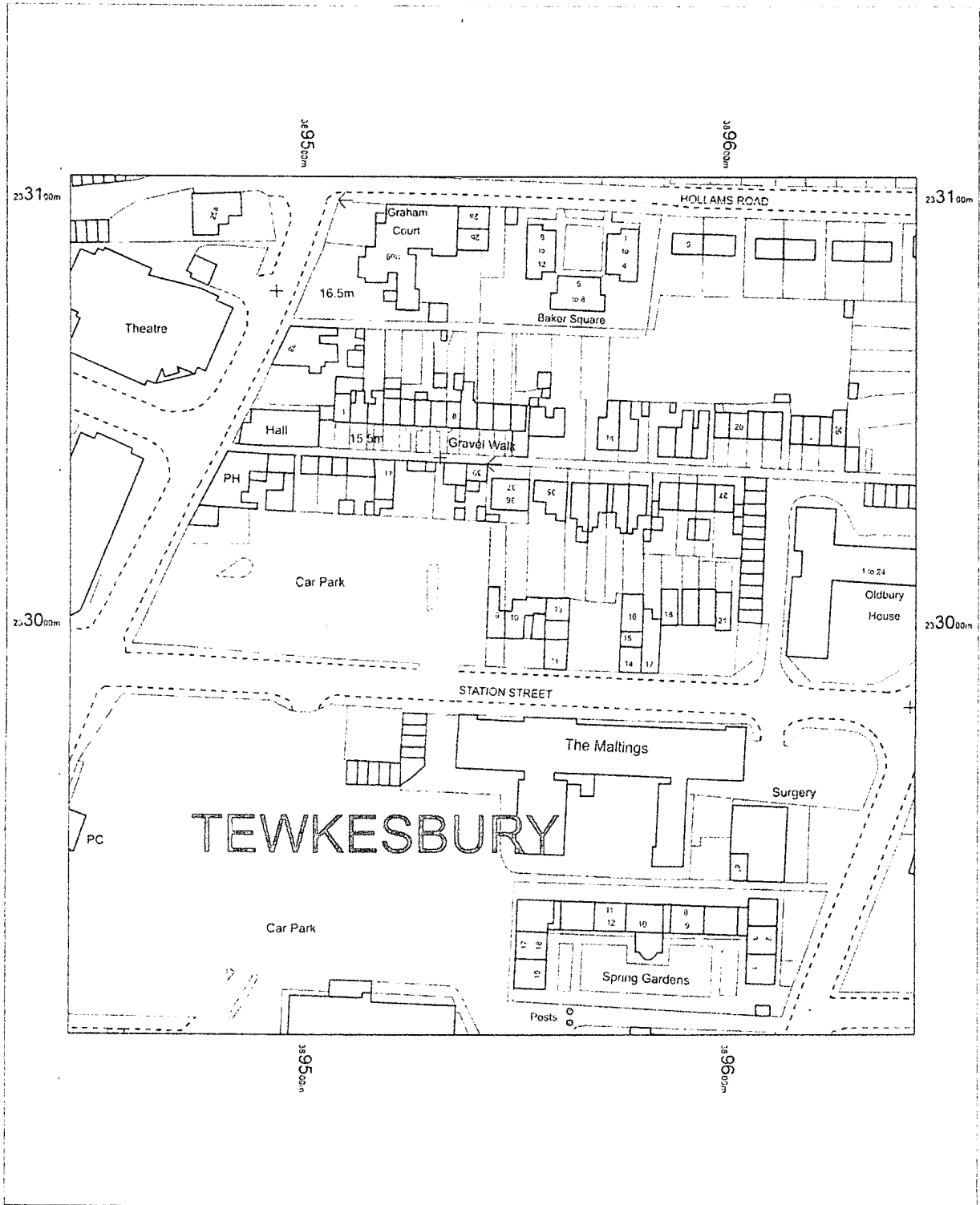
Notes:

1 **Statement of Positive and Proactive Engagement**

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published 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 This decision notice relates to the drawings and information received by the Local Planning Authority 17 March 2015 and 26 March 2015.

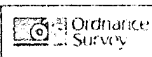
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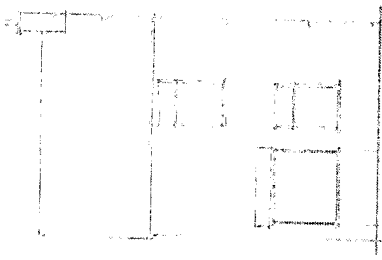
OS MasterMap 1250/2500/10000 scale
12 August 2014, ID CM-00351407
www.centremapslive.co.uk

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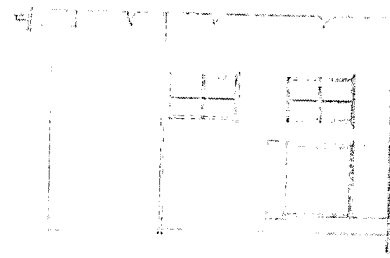
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20/A



EXISTING FRONT ELEVATION



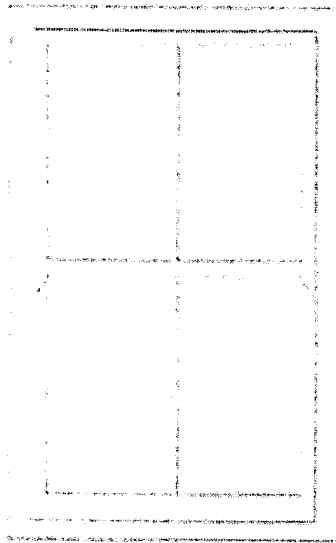
PROPOSED FRONT ELEVATION

ELEVATIONS
MRAMES PICKERSGILL
9 STATION STREET
TENKESBURY

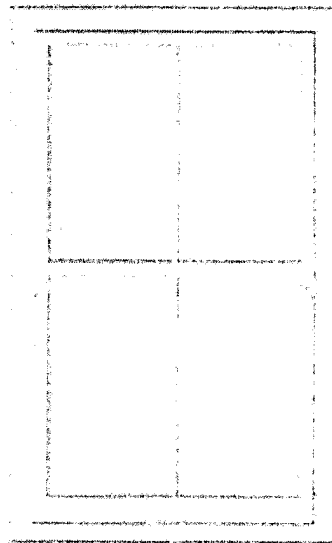
1:100 August 2014

Proposed new window design

1. Front bedroom



2. Lounge (front)



14/00614/OUT
PP-03470321
Valid 25.03.2015

Queens Head Inn, A46 Aston Cross, Aston Cross Tewkesbury

5

Outline application for the erection of 11No. dwellings together with formation of new vehicular and pedestrian accesses; formation of parking areas and gardens/amenity space.

Grid Ref 394221 233743
Parish Ashchurch Rural
Ward Ashchurch With Walton
Cardiff

Kingsdell Properties Ltd
C/o Agent

RECOMMENDATION Delegated Permit

Policies and Constraints

NPPF

Planning Practice Guidance

JCS (Submission Version) - SP1, SP2, SD1, SD4, SD5, SD7, SD10, SD11, SD13, SD15, INF1, INF2, INF4, INF5, INF7, INF8

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, GNL8, GNL11, HOU1, HOU4, HOU13, TPT1, TPT3, TPT6, TPT11, EVT2, EVT3, EVT5, EVT9, LND2, LND7, RCN1, RCN2, NCN5
SPG Affordable Housing

Flood and Water Management Supplementary Planning Document

Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)

The First Protocol, Article 1 (Protection of Property)

Flood Zone 2

Consultations and Representations

Parish Council - Object on following grounds:

- There is a huge concern regarding flooding. The Tirlbrook has and does flood this land.
- There is concern about the sewers - the current pumping station is not sufficient for current properties.
- The buildings are overbearing and not in keeping with local surroundings. The style and appearance is out of character.
- The access is very close to a very busy junction (Aston Cross)
- Fails to comply with planning policies which seeks to deliver high quality and inclusive design for all developments. To satisfy this requirement then the plans for this development would need to be amended.
- The material used in the construction of the property is not in harmony with the existing houses. Timber and slate are to be used on the eastern & southern sides of the site and some of the brickwork will also be painted. The concern is that Aston Cross could end up with a mixture of brightly coloured and timber-fronted houses as per a recent development in Northway. It is also worth noting that there are no other houses in Aston Cross that have timber / slate cladding. Cladding should be removed from the plans and the actual colour of the external paint stated and restricted to either white or cream. Concerned about the wooden facade due to the future nature of this architecture.
- The roof pitch and height of the proposed houses needs to be checked to ensure that they match the houses situated opposite the development.

Highways Agency - No highway objection.

Highways England - No objection subject to conditions.

Severn Trent Water - No objection subject to drainage conditions.

Police Crime Prevention Design Advisor - Recommend Secure by Design Principles and suggested improvements to improve security and reduce the fear of crime.

Local Residents - 5 letters objecting on the following grounds:

- Overlooking
- Dwellings to be built on Green Belt land (n.b. the site is not in Green Belt)
- Visually prominent from A46 and B4079
- Additional traffic will cause highway safety problems and increase congestion on the local highway network
- Will exacerbate flooding problems experienced in the area
- Will become a blight on landscape
- Out of keeping with local area and would detract from the rural surroundings
- Constitutes unwarranted urban sprawl
- Would set an undesirable precedent
- Over-development of land
- Would have a negative impact on the local community
- Harmful impact on local infrastructure

Local Residents - 1 letter raising the following concerns:

- Query need for low level bollard lighting
- Drainage strategy should include the use of non-infiltration swales or filter drains.
- Query extent of development on the site

Planning Officers Comments: Miss J Desmond

1.0 Introduction

1.1 The application site comprises a vacant public house (Queens Head Inn) and its associated garden/parking areas and an adjoining field to the south, which is located at the Aston Crossroads junction. The site measures approximately 0.48ha in area (**see location plan**). The original proposal was a hybrid application consisting of a detailed scheme for the conversion and extension of the public house into four flats and an outline application for the erection of 11 dwellings with all matters reserved apart from the means of access. The element relating to the conversion of the public house has been withdrawn and this application now relates solely to the outline element for the 11 new dwellings units.

2.0 Planning History

2.1 The planning history of the site relates to its use as a public house.

3.0 Current Application

3.1 The proposal seeks outline planning permission for 11 dwellings together with the formation of new vehicular and pedestrian accesses, formation of parking areas and gardens/amenity space. All matters are reserved for future consideration with the exception of access, details of which form part of the application. The application is supported by an illustrative layout plan which shows how the proposed 11 units would be accommodated on the site. Up to 40% affordable housing would be provided. Vehicular access to the site would be via the existing access which serves the public house and a new access off the B4079 further to the south. A mix of 2, 3 and 4 bedroom dwellings is proposed which would be linked by carports (**see attached plans. Plans will also be displayed at Committee**).

4.0 The Community Infrastructure Levy Regulations

4.1 The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. Whilst Tewkesbury Borough Council has not yet developed a levy the regulations stipulate that, where planning applications are capable of being charged the levy, they must comply with the new tests set out in the CIL regulations. These new tests are as follows:

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

4.2 As a result of these regulations, Local Authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly' related to the development'. As such, the Regulations restrict Local Authorities ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above tests are met. Where planning obligations do not meet the above tests, it is 'unlawful' for those obligations to be taken into account when determining an application. The need for planning obligations is set out in relevant sections of the report.

4.3 From 6 April 2015 new rules have been introduced regarding the pooling of contributions secured by s106 agreements. The Planning Practice Guidance sets out that from that date, no more contributions may be collected in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy.

5.0 Principle of Development

The Development Plan

5.1 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. The development plan comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Tewkesbury Borough Local Plan to 2011 - March 2006

5.2 The application site lies outside any recognised settlement boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Consequently, the application is subject to policy HOU4 which states that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry or the provision of affordable housing. However, HOU4 is based on the now revoked Structure Plan housing numbers and for that reason is considered out of date in the context of the NPPF in so far as it relates to restricting the supply of housing. The policy is also out of date because the Council cannot demonstrate a five year supply of deliverable housing sites.

5.3 Other relevant local plan policies are set out in the appropriate sections of this report.

Emerging Development Plan

5.4 The emerging development plan will comprise the Joint Core Strategy (JCS), Tewkesbury Borough Plan and any adopted neighbourhood plans. These are all currently at varying stages of development.

5.5 The JCS Submission Version November 2014 is the latest version of the document and sets out the preferred strategy over the period of 2011-2031. This document, inter alia, sets out the preferred strategy to help meet the identified level of need. Policy SP2 of the JCS Submission Version sets out the overall level of development and approach to its distribution.

5.6 Within the rural areas of Tewkesbury Borough, approximately 2,612 dwellings are proposed to be delivered in the plan period to 2031. Approximately two thirds of this rural development has already been committed through planning permissions already granted. The remainder of this requirement will be allocated at rural service centres and service villages through the Tewkesbury Borough Plan and neighbourhood plans.

5.7 Paragraph 216 of the NPPF sets out that decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given)

5.8 On 20 November 2014 the JCS was submitted for examination and the examination hearings have recently commenced and are due to take place over the next 3 months. Having been submitted the JCS has therefore reached a further advanced stage, but it is not yet formally part of the development plan for the area and the weight that can be attached to each of its policies will be subject to the criteria set out above, including the extent to which there are unresolved objections. Further comments on the weight to be attributed to any policies in the JCS relevant to this application are discussed in the appropriate sections of this report.

Other Material Considerations

5.9 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF also sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay. The NPPF goes on to say that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted. In this case, there are no specific policies which indicate that development should be restricted.

5.10 The NPPF requires applications to be considered in the context of sustainable development and sets out that there are three dimensions to sustainable development: economic, social and environmental. In essence, the economic role should contribute to building a strong, responsive and competitive economy; the social role should support strong, vibrant and healthy communities; and the environmental role should contribute to protecting and enhancing the natural, built and historic environment. These roles should not be undertaken in isolation, because they are mutually dependant.

5.11 The NPPF is supplemented by the Government's Planning Practice Guidance. Of relevance to this case is the section on rural housing which states that it is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. It follows that a thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.

5-Year Housing Land Supply and the implications of the NPPF

5.12 The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. Where there has been a persistent under-delivery of housing, a 20% buffer is applied, effectively making the requirement a six year supply. Where local authorities cannot demonstrate a five year supply of deliverable housing sites, paragraph 49 of the NPPF sets out that housing policies contained within development plans should not be considered up-to-date.

5.13 The Council cannot demonstrate a five-year supply of deliverable housing sites. On that basis, the Council's relevant policies for the supply of housing are out-of-date. In accordance with paragraph 49 of the NPPF, the proposals should be considered in the context of the presumption in favour of sustainable development and permission should be granted unless there are any adverse impacts of doing so which would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

Conclusions on the principle of residential development

5.14 In view of the above it is clear that the decision-making process for the determination of this application is therefore to assess whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits.

6.0 Landscape and Visual Impact

6.1 One of the core planning principles of the NPPF sets out that the planning system should recognise the intrinsic character and beauty of the countryside. Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, amongst other things, protecting and enhancing valued landscapes. Policy LND4 of the local plan provides that in rural areas regard will be given to the need to protect the character and appearance of the rural landscape and Policy SD7 in the JCS Submission Version November 2014 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.

6.2 Within the Gloucestershire Landscape Character Assessment the site falls within the 'Settled Unwooded Vale' Landscape Character Type and the Severn Vale Landscape Character Area 'Vale of Gloucester'. The Tirlie Brook, to the south of the site is also identified in the JCS Green Infrastructure Strategy and is covered by Policy INF4 which seeks to conserve and enhance this green infrastructure network. The proposed new housing scheme is proposed to be built on the southern end of the public house site (car parking area/garden) and an adjoining field bordered with hedgerow/trees. The character of the site is influenced by its location at the crossroads junction at Aston Cross with residential development on the

opposite side of the B4079 while to the south and east the site adjoins open field providing views of the Cotswold Hills in the distance. There is also the commercial influence of MOD Ashchurch and a van sales business at the Aston Cross crossroad junction. An arboricultural assessment has been submitted with the application which concludes that the removal of trees located within the site would have a minor negative impact upon local amenity. The loss of these trees is proposed to be offset by new landscape planting. Whilst landscaping is reserved for later consideration the Design and Access Statement (DAS) indicates that the landscape planting would comprise a mix of orchard trees, with a layout designed to tie into the orchard area adjoining the site to the east and new hedgerow planting would bolster existing and create new boundary features. The Landscape Officer has raised no objection to the removal of the majority of the trees which comprise a mix of those in poor structural condition or are of moderate quality. It is recommended however, that one Hazel tree is retained and the agent has confirmed that this should be possible.

6.3 In conclusion, it is considered that the scale and particular location of the proposal are such that its impact is likely to be limited to the immediate surroundings. Furthermore, the impact of the development could be further mitigated by appropriate landscaping. Nevertheless, the proposal would extend into open land and its replacement with housing, streets, lights and associated human activity would clearly have an adverse effect on the rural quality of the landscape. As such the proposal would result in landscape harm and this is a matter that must be put into the planning balance to weigh against the proposal.

7.0 Design and Layout

7.1 The NPPF sets out that the Government attaches great importance to the design of the built environment (paragraph 56). Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 57 the NPPF advises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Similarly Policy SD5 of the JCS (Submission Version November 2014) seeks to encourage good design and is consistent with the NPPF and so should be accorded considerable weight.

7.2 Most matters relating to design and layout are reserved for future consideration apart from the means of access. However, the application has been supported with an indicative layout which illustrates how the site could be developed and the application is also supported with a Design and Access Statement (DAS). The Urban Design Officer (UDO) raised initial concerns relating to the illustrative layout and following discussions with the applicant, an amended DAS and illustrative layout plan have been submitted.

7.3 The housing is arranged around two courtyards interspersed with areas of communal orchard landscape. The majority of the dwellings are orientated so as to present their front gable towards the B4079, adding rhythm and character to the streetscape. The DAS states that the development has consciously not adopted the 1930s style semi-detached arrangement on the opposite side of the road, as this arrangement is considered inappropriate for this development for the following reasons:

- Increased traffic load on adjacent roads: With the established predominance of the motor-car, the roads through Aston Cross have become established as a busy commuter route to Tewkesbury and Gloucester.
- Traffic & pedestrian safety: In rows of semi-detached housing, each dwelling requires its own access driveway, resulting in numerous small access points onto the main road. The size of these drives requires vehicles to reverse in or out, and some inevitably have poor visibility or are located dangerously close to a major junction.
- Outlook from nearby properties. A key concern identified at consultation with neighbours on the Western side of the B4079 was protection of the 'openness' of the view through the development site, becoming a major design driver. Linear semi-detached development along the road would create a 'wall' of development with a significant impact on the outlook of these existing houses.
- Lack of Community. Regimented rows of plots with no shared public spaces discourage community interaction and incidental meetings. This is exacerbated by the lack of local facilities within walking distance currently, resulting in a higher degree of isolation and fragmentation.
- In view of these problems with the prevalent development pattern, the proposals instead adopt a 'courtyard' arrangement reminiscent of several surrounding farming clusters on the boundaries of villages and hamlets. The DAS concludes that this semi-rural, courtyard vernacular, seeks inspiration from and contributes to local sense of place.

7.4 The amended illustrative layout seeks to address the Urban Design Officer's concerns relating to the form and layout being substantially unreflective of locally prevalent patterns of development. Of particular concern was the lack of an enlivened/enriched well designed activated frontage and that the form of development did not positively contribute to the street scene but was too inward looking and therefore appeared to be actively separating itself from its surroundings rather than seeking to integrate with them. The amended layout plan now shows properties which would actively front onto the main road.

7.5 In terms of design, the proposed houses adopt a 'one and a half' storey section, with the upper floor occupying the roof void. The DAS explains that this arrangement would help to reduce the scale and visual impact of the dwellings, whilst maintaining the steep 45 degree roof pitches characteristic of the local area, the ridge height being 6.9m. Such an approach together with the site layout and landscape design, would it is argued result in a development that has a semi-rural domestic atmosphere. The dwellings would be of contemporary design. A variety of indigenous materials sourced from local precedents are proposed for the houses. The materials would vary between the upper and lower floors, helping to visually reduce the scale of the dwellings. It is intended that the materials will primarily consist of the red-brown brick and terracotta peg tiles and to create variation between the dwellings, the brick would sometimes be painted and timber and slate would be introduced towards the eastern and southern sides of the site which have a more rural aspect. The carports would be constructed from timber giving them an agricultural appearance.

7.6 Notwithstanding the concerns raised by the Parish Council in respect of the design and materials, the UDO considers the simplicity of the architecture itself to be a relatively attractive and sensitive response to their context in regard to their qualities of scale, form and massing in that they are slightly reminiscent of barn like structures. The elevation treatments are also suggesting an approach that would achieve a good balance between uniformity and variety. Nevertheless, the application is in outline form only with matters such as appearance and scale reserved for later consideration.

8.0 Accessibility and Highway Safety

8.1 Section 4 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. It states at paragraph 29 that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that "opportunities to maximise sustainable transport solutions will vary from urban to rural areas". Paragraph 32 states that planning decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure. Furthermore, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

8.2 The NPPF also requires safe and suitable access to all development sites for all people. Policy TPT1 of the Local Plan requires that appropriate access be provided for pedestrians, cyclists and vehicles, and that appropriate public transport services and infrastructure is available or can be made available. It further requires that traffic generated by and/or attracted to the development should not impair that safety or satisfactory operation of the highway network and requires satisfactory highway access to be provided. Similarly policies INF1 and INF2 of the JCS (Submission Version) seek to provide choice in modes of travel and to protect the safety and efficiency of the transport network.

8.3 As detailed above, the application includes the proposed means of access which is to be via the existing access which serves the public house and a new access off the B4079 further to the south. The latter access point will require stopping up of the layby/bus stop and alterations to the kerb line. Initially no evidence was submitted with the application as to the suitability of the proposed new access but subsequently a plan has been submitted showing a visibility splay of 120m to the south and 120m to the north which is deemed by the County Highways Officer (CHO) to meet the requirements for a new access at this location. In terms of the existing highway lay-by which serves as a bus stop which is to be stopped off, the CHO considers that the bus stop is sufficiently distant from the A46 junction that buses stopping for short periods on the main carriageway at this location will not cause significant delays.

8.4 The CHO considers that the level of traffic generated by this development would have minimal impact of the level of traffic on the surrounding network. There would be opportunities for future residents to travel by sustainable means such as cycling to Ashchurch and Tewkesbury. In conclusion the CHO raises no highway objection to the proposed development subject to highway conditions. Highways England consider that the proposal are unlikely to adversely affect the free flow of traffic and safety on the Strategic Road Network (SRN), which in this case constitutes the M5 and A46, given the relatively small scale nature of the proposals and the limited impact of development traffic on the SRN.

9.0 Residential Amenity

9.1 One of the core planning principles of the NPPF is to ensure a good standard of amenity for all existing and future occupants of land and buildings. This advice is reflected in Policy SD15 of the JCS (Submission Version) which seeks to ensure that new development does not cause an unacceptable harm to local amenity including amenity of neighbouring occupants.

9.2 The nearest properties to this site are those on the opposite side of the B4079 and a property to the north, adjoining the public house. The latter property has raised concerns regarding overlooking and loss of privacy as the illustrative plan indicates properties backing onto the southern boundary. The illustrative layout plan indicates a landscape buffer along this boundary and layout details would in any case be dealt with at the reserved matters stage.

10.0 Affordable Housing

10.1 Local Plan Policy HOU13 provides that the Council will seek to negotiate with developers to provide affordable housing and is supported by an Affordable Housing Supplementary Planning Guidance (SPG) which was adopted by the Council in August 2005. The application proposes 5 affordable housing units (40%) for social rent.

10.2 The Council's Strategic Housing and Enabling Officer (HEO) recommends that the units are Intermediate Housing and not social rented given its location and access to major road networks to support local people in accessing employment opportunities. A preference of the house types for the affordable homes would be 2no. 2-beds and 3no. 3-beds in order to meet the need where 64% of the households registered with Help to Buy South (Gloucestershire's HomeBuy Agent) for the Tewkesbury area are seeking 2-bed houses and 24% registered for 3-bed houses. It is considered likely that shared ownership is appropriate for these homes. The number of proposed affordable housing is considered to be acceptable and the number/type of affordable housing could be secured through a Section 106 Agreement.

11.0 Flood Risk and Drainage

11.1 The NPPF states at paragraph 100 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

11.2 Policy EVT5 of the local plan and Policy INF3 of the JCS (Submission Version) seek to prevent development that would be at risk of flooding. Policy EVT5 requires that certain developments within Flood Zone 1 be accompanied by a flood risk assessment and that development should not exacerbate or cause flooding problems. Furthermore, Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable drainage systems (SUDS) criteria.

11.3 The adopted Flood and Water Management Supplementary Planning Document has the following key objectives: to ensure that new development does not increase the risk of flooding either on a site or cumulatively elsewhere and to seek betterment, where possible.; to require the inclusion of Sustainable Drainage Systems (SuDS) within new developments, which mimic natural drainage as closely as possible (e.g. permeable paving, planted roofs, filter drains, swales and ponds) and provision for their long-term maintenance, in order to mitigate the risk of flooding; to ensure that development incorporates appropriate water management techniques that maintain existing hydrological conditions and avoid adverse effects upon the natural water cycle and to encourage on-site storage capacity for surface water attenuation for storm events up to the 1% probability event (1 in 100 years) including allowance for climate change.

11.4 The application has been supported by a Flood Risk Assessment (FRA) which concludes that a review of the EA's flood map for the area has demonstrated that approximately a third of the site lies within Flood Zone 3 of the Tirlle Brook. A detailed hydraulic model of the Tirlle Brook was prepared to provide evidence in support of this site-specific FRA. This showed that the current extent of Flood Zone 3 is slightly less than the extent shown on the EA Flood Maps. All of the proposed dwellings are located within Flood Zone 1 and the EA are satisfied with the proposals; therefore, it is considered unnecessary to apply the Sequential Test in this instance. Finished Floor Levels (FFLs) of at least 20.8m AOD are proposed for the development and would ensure that all properties would remain safe from flooding for the lifetime of the development. This has been based on a worst-case flood level of 20.49m AOD for the 1 in 100 plus climate change return period with 95% blockage of the B4079 culvert. FFLs would also be above the worst-case 1000 year flood level. The site would be afforded safe access/egress for the lifetime of the development. The proposed conceptual drainage strategy is to collect and attenuate surface water from all hard surfaces in a porous sub-base beneath permeable block paving for the parking spaces and access road. This would discharge to the ditch along the eastern boundary. The conceptual drainage strategy is considered feasible and would ensure that there is no increase in runoff rates from the site for the lifetime of the development. The FRA concludes that it has demonstrated that the proposed development would be safe and that it would not increase flood risk elsewhere.

11.5 The EA concurs with the methodology and results produced by the hydraulic modelling undertaken to identify the extents of the flood zones and advises that no development should occur within Flood Zone 3 (High Risk) with no raising of ground levels (including building footprints) within the area defined by the modelled 1 in 100 year flood event including an allowance for climate change. This would ensure that the development would have no impact on the floodplain over its lifetime and the indicative layouts show that this is feasible. The EA also concurs with the greenfield run off rates which should be used to design an appropriate drainage system to serve the development that incorporates various Sustainable Drainage System (SuDS) techniques. In conclusion the EA raise no objection to the proposed development subject to any resultant permission being subject to a floor levels condition to protect the development from flooding. Foul drainage would be by discharged to nearby public foul sewers owned and operated by Severn Trent Water.

12.0 Open Space, Outdoor Recreation and Sports Facilities

12.1 The NPPF sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Furthermore, saved policy RCN1 of the Local Plan requires the provision of easily accessible outdoor playing space at a standard of 2.43ha per 1000 population.

12.2 In accordance with these policies, the proposal would generate a requirement for 0.084ha of open space of which 0.04ha should be playing pitches. The illustrative plan indicates orchard landscaped areas and a contribution would be required towards outdoor playing space. The Applicant is willing to enter into a section 106 obligation guaranteeing suitable payment. Alternatively the Applicant is willing to consider the provision of children's play space to the south of the planned houses. Although this area is at a higher risk of flooding the provision of a small children's play area, it is argued would not be inconsistent with this designation. Formal comments are still awaited from the Council's Community and Economic Development Manager and **Members will be updated at Committee on the required contributions.**

13.0 Community, Education and Library Provision

13.1 The NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Plan Policy GNL11 and Policy INF5 of the JCS Submission Version highlight that permission will not be provided for development unless the infrastructure and public services necessary to enable the development to take place are either available or can be provided. These policies are consistent with the NPPF.

13.2 Gloucestershire County Council has considered the impact upon, and necessary mitigation, for the provision of pre-school / early years, education and library services and in respect of this application has advised that no contributions are required for education or libraries infrastructure. In terms of the need for other community facilities, the Council's Community Planning and Partnerships Officer has been in consultation with the Parish Council. The contributions are still under negotiation and **an up-date will be provided at Committee.**

14.0 Ecology and Nature Conservation

14.1 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. Furthermore, planning permission should be refused for development resulting in the loss of deterioration of irreplaceable habitats. Policy NCN5 of the local plan and Policy SD10 of the JCS (Submission Version) seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats.

14.2 The site does not form part of a statutory designated site of nature conservation interest and there are no sites designated at the European or international level for nature conservation in close proximity to the site. The application has been supported with an Ecological Assessment which concluded that the development of the land is not considered likely to adversely affect any designated site. Habitats associated with the site are considered to be of local biodiversity value at most. Neglected improved grassland (including lawns) and formal planting beds closely associated with the former public house are of little biodiversity interest. Tree cover and waterbodies formed the focus of biodiversity interest and were considered to enrich the local area. The Ecological Assessment advised that the following issues should also be considered:

- Herpetofauna - Reptiles, particularly grass snakes may be present and a strategy to mitigate potential harm should be considered. A survey using artificial refugia would help to inform such a strategy. Even if present, reptiles are unlikely to form a significant constraint to development.
- Birds - Any site clearance activities would need to consider the seasonal constraint associated with nesting birds.
- Invertebrates - Opportunity exists to create deadwood habitat within the site by creation of log piles from material generated during site clearance activities. The planting of native fruit trees may also benefit invertebrates associated with orchards as they mature in future years.

14.3 In light of the above, there is no evidence to suggest that there are any overriding ecological constraints to the development of the site for residential purposes. The suggested measures above could be secured through appropriate planning conditions.

15.0 Overall Balancing Exercise

15.1 The site is located outside any recognised settlement where new housing development conflicts with Policy HOU4 of the Local Plan. For this reason, the proposed development is contrary to the Development Plan. This conflict with policy must be weighed against other material considerations in favour of the development. As set out previously, it is clear that whilst it has been decided that the local development requirements will be reviewed locally, Tewkesbury Borough is currently unable to demonstrate a 5-year supply of deliverable housing sites. The NPPF therefore requires that the Council considers applications for housing in the context of a presumption in favour of sustainable development as set out at paragraph 49 of the NPPF.

15.2 The NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental. It makes clear these roles are mutually dependent and should not be taken in isolation.

15.3 In terms of the economic dimension, it is recognised that housing development contributes to economic growth both directly and indirectly. New employment would be created during construction and businesses connected with the construction industry would also benefit, some of which would likely be local suppliers and trades; all of which would boost the local economy. Residents of the development would also spend some of their income locally and these are benefits which weigh in favour of the proposal.

15.4 With regards to the social dimension, it is considered that the proposal would achieve a good mix of housing and would deliver much needed affordable housing, all contributing, albeit in a limited way, to the Councils housing land supply. In addition, it is considered that the proposal would be of an acceptable design and would include provision of public open space.

15.5 In terms of accessibility, it is recognised that residents would be reliant upon the private car to access employment and other services due to its location outside any recognised settlement and this is a matter that weighs against the sustainability credentials of the proposal. However, the NPPF recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. In this respect the site is relatively well located in terms of public transport links with bus stops within walking distance on the A46 and cycling facilities linking to Ashchurch and Tewkesbury. Pedestrian/cycle crossing points are available at the signal controlled crossing with the A46 which provides access to bus stops and the generally off-carriageway cycle facilities which continue into Ashchurch, Northway and Tewkesbury.

15.6 With regards to the environmental dimension, it is considered that whilst the proposed development would intrude into open land, the scale and particular location of the proposal are such that its impact is likely to be limited to the immediate surroundings. Furthermore, the impact of the development could be further mitigated by appropriate landscaping. Nevertheless, there would be a landscape impact which would constitute harm in terms of the environmental sustainability of the proposal. The proposed development would not be at an unacceptable risk of flooding and would not exacerbate flooding problems for third party property. In terms of ecology and nature conservation, it has been demonstrated that the development would not have a detrimental impact upon biodiversity.

15.7 The NPPF sets out at paragraph 14 that in the context of the presumption in favour of sustainable development, proposed development that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of date, permission should be granted unless, inter alia, 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. As set out above, whilst there would be some impact upon the landscape it is considered that this harm would be outweighed by the benefits that would result from this development as set out above.

16.0 Conclusion

16.1 Whilst the proposed development conflicts with Local Plan Policy HOU4, the Council cannot at this time demonstrate a 5 year supply of deliverable housing sites. For the reasons set out above, it is considered that subject to securing the required contributions towards community facilities and outdoor recreation and sports facilities, the benefits of the proposal would not be outweighed significantly or demonstrably by the adverse impacts identified.

16.2 It is therefore recommended that **permission be delegated to the Development Manager subject to the completion of a Section 106 Agreement to secure the following planning obligations:**

- **Affordable Housing - 40% provision.**
- **Public Open Space/ Sports facilities - To be confirmed.**
- **Community facilities - To be confirmed**
- **Recycling - £50 per dwelling.**
- **Dog bins & signs**

RECOMMENDATION Delegated Permit

Conditions:

- 1 The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the layout, scale and external appearance of the buildings, and landscaping thereto (hereinafter referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.
- 2 The application for the approval of the reserved matters shall be made to the local planning authority before the expiration of 12 months from the date of this permission.
- 3 The development hereby permitted shall be begun before the expiration of 12 months from the date of approval of the last of the reserved matters to be approved.
- 4 No development shall take place until details of existing and proposed ground levels and ground floor slab levels of the buildings relative to Ordnance Datum Newlyn have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

- 5 No external construction works, deliveries, external running of plant and equipment or internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. There shall be no such working Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.
- 6 The tree works and Tree Protection measures shall accord with the submitted Arboricultural Assessment.
- 7 The reserved matters submitted pursuant to condition 1 shall be accompanied by full details of both hard and soft landscape proposals. These details shall include, as appropriate:
 (i) Positions, design, materials and type of boundary treatment to be erected;
 (ii) Hard surfacing materials;
- Soft landscape details shall include:
 a. Planting plans including positions for all tree, hedge and shrub planting;
 b. Written specifications (including cultivation and other operations associated with plant and grass establishment);
 c. Schedules of plants, noting species, planting sizes and proposed numbers;
 d. Densities where appropriate; and
 e. Implementation timetables including time of planting.
- 8 If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the LPA, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place.
- 9 No external lighting shall be erected on any part of the site without the prior express permission of the approval of the Local Planning Authority.
- 10 Development shall not start until comprehensive evidence based drainage details, including a SuDS/drainage management plan, have been submitted to and approved in writing by the Local Planning Authority fully in accordance with the commitments and strategy of the submitted FRA (Version 3, dated 28th November 2013). The drainage details shall fully incorporate the principles of sustainable drainage and improvement in water quality, along with a robust assessment of the hydrological influences of the detailed drainage plan, including allowances for climate change. Any infiltration structures must be designed to cope with the 1 in 100 year event, plus an allowance for climate change. The development shall only be implemented in accordance with the approved details and thereafter similarly maintained.
- 12 Floor levels should be set at least 300mm above the modelled 1 in 100 year flood level including an allowance for climate change and blockage scenario of 20.49 metres above Ordnance Datum.
- 13 No development shall take place until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The EMP shall be in accordance with the recommendations set out in the Ecological Assessment (dated February 2015). It shall include a timetable for implementation, details for monitoring and review and how the areas concerned will be maintained and managed. Development shall be in accordance with the approved details and timetable in the EMP.
- 14 No works shall commence on site until the proposed new site access, including footways, have been provided in accordance with the approved plan HS173/039 A (including visibility splays to a height of between 0.6 and 2.1m above the adjacent footway level), the first 20m of the access road from the B4079 shall be surfaced in a bound material, the access shall be retained and maintained in that form until and unless adopted as highway maintainable at public expense.
- 15 No dwelling on the development shall be occupied until the carriageways (including surface water drainage/disposal, vehicular turning heads and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footways to surface course level.

- 16 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
- (i) specify the type and number of vehicles;
 - (ii) provide for the parking of vehicles of site operatives and visitors;
 - (iii) provide for the loading and unloading of plant and materials;
 - (iv) provide for the storage of plant and materials used in constructing the development;
 - (v) provide for wheel washing facilities;
 - (vi) specify the intended hours of construction operations;
 - (vii) measures to control the emission of dust and dirt during construction
- 17 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reasons:

- 1 The application is in outline only and the reserved matters referred to in the foregoing condition will require further consideration.
- 2 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 3 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 4 In the interests of amenity to accord with the NPPF.
- 5 To ensure that the proposed construction work does not cause undue nuisance and disturbance to nearby properties at unreasonable hours.
- 6 To protect the existing trees on the site during the course of building work in the interests of amenity in accordance with the NPPF.
- 7 To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 8 To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 9 In the interests of amenity.
- 10 To ensure that the development is provided with a satisfactory means of drainage, as well as reducing the risk of flooding both on the site itself and the surrounding area, and to minimise the risk of pollution, all in accordance with Policies EVT5 and EVT9 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and the NPPF.
- 12 To protect the development from flooding to accord with Policies EVT5 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and the NPPF.
- 13 To ensure proper provision is made to safeguard protected species and their habitats, in accordance with the guidance set out in the NPPF and Policy NCN5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 14 To ensure there is a safe means of access to the site during construction works and thereafter, and to ensure that this access is maintained in that form, in the interests of highway safety and in accordance with TPT1 of the Tewkesbury Borough Local Plan to 2011 and the NPPF.

- 15 In the interest of highway safety; to ensure safe and suitable access has been provided for all people in accordance with TPT1 of the Tewkesbury Borough Local Plan to 2011 and to safeguard the visual amenities of the locality.
- 16 To reduce the potential impact on the public highway and in accordance with paragraph 35 of the NPPF.
- 17 In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

Notes:

- 1 In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating to ensure an improved layout and design and ensuring that ecology issues have been addressed
- 2 The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.
- 3 The implementation of this permission will require the stopping up of established highway rights by separate Order before works can commence and the Applicant/Developer is advised to instigate that process as soon as possible.

14/00614/OUT

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Rev	Description	Date
1	Issue	
2	Revisions	

Project title
 Aston Cross Housing

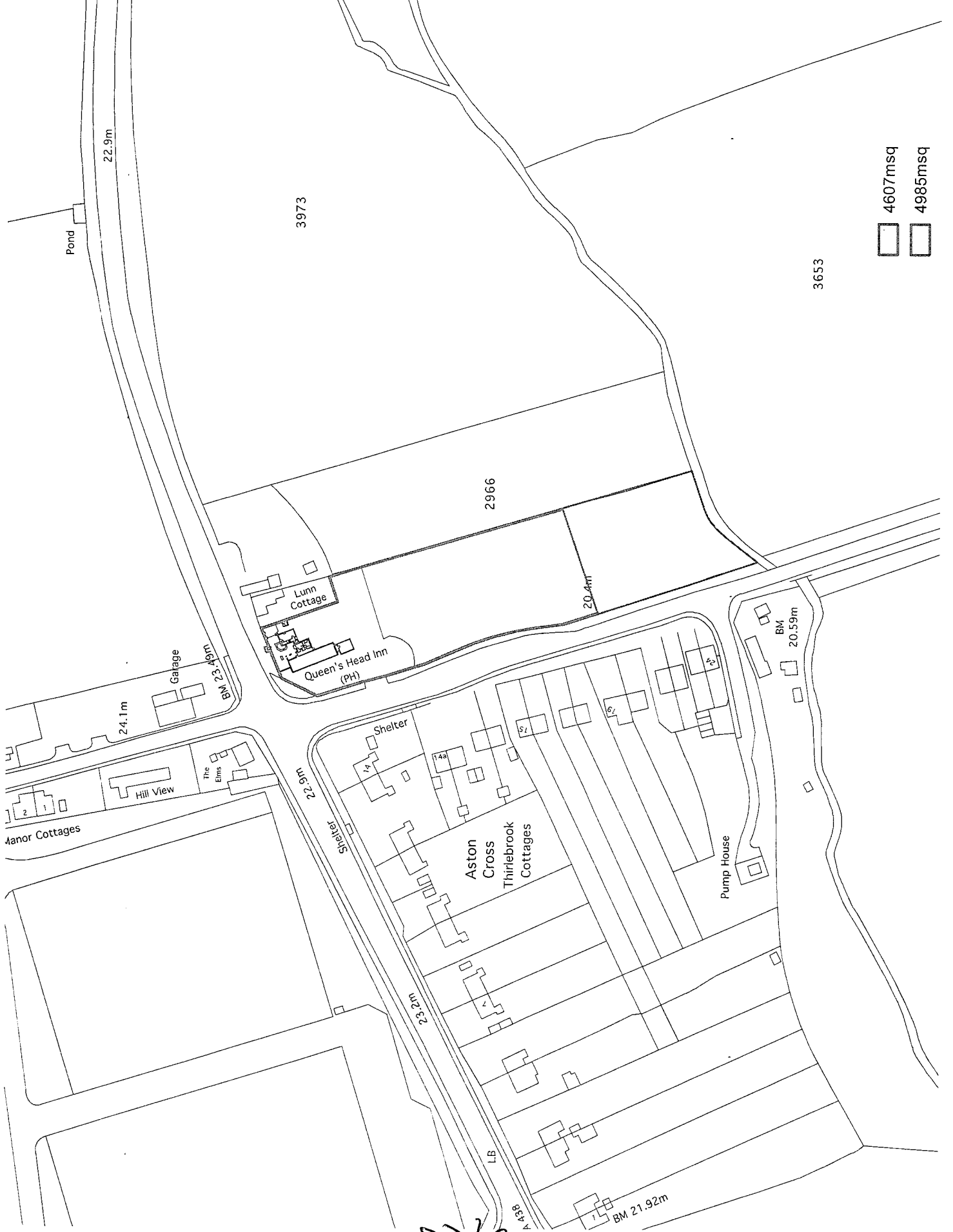
Drawing title
 Site Location Plan

Notes
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Drawing number
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Revision number
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33/A

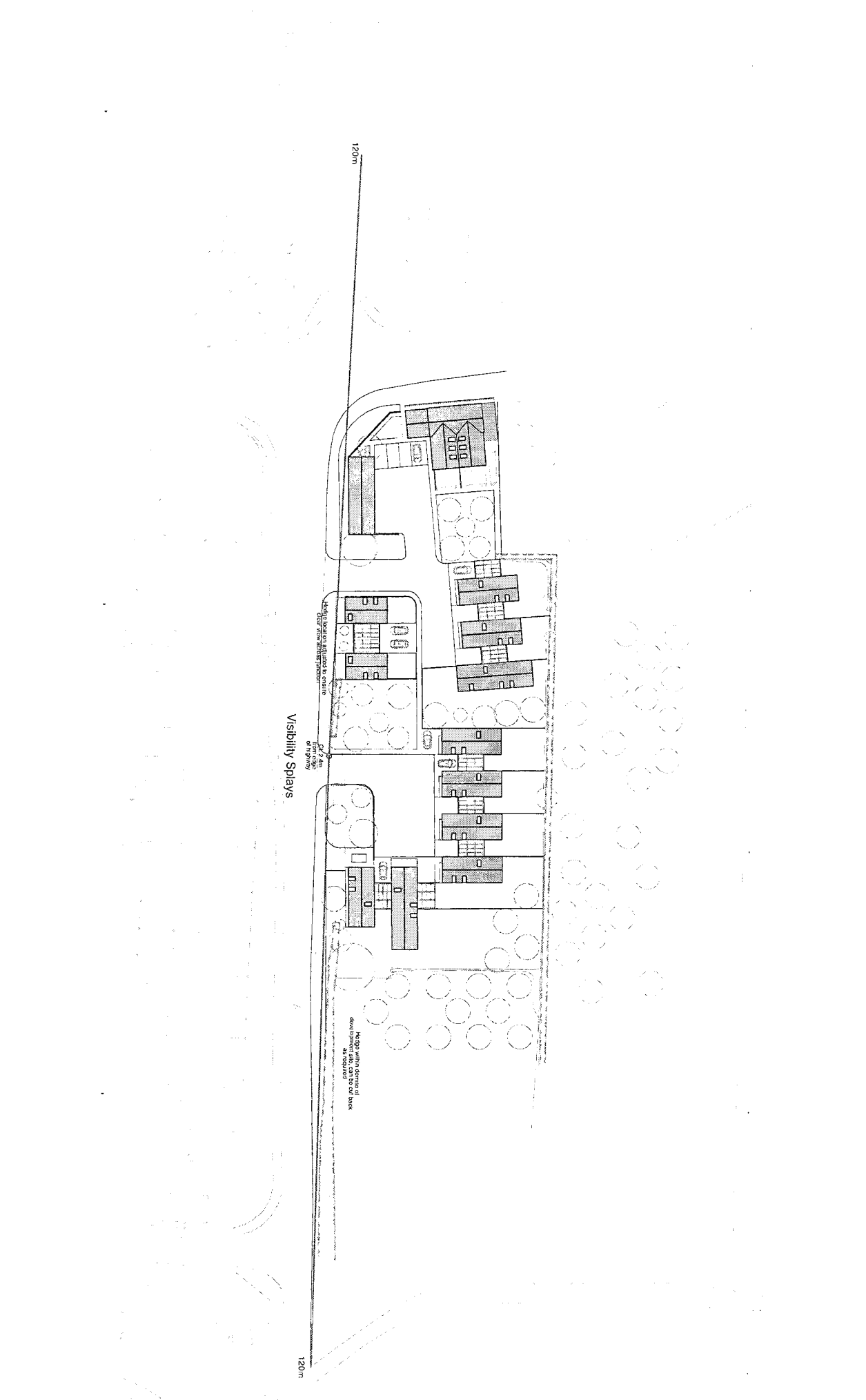
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 Drawing number: HS173 / 039
 Revision number: A

Project title: Aston Cross Housing
 Drawing title: Proposed Second Entrance Visibility Splays

MK	Revisions	OR	CH	Date
	First Issue	NL	JH	14/04/14
A	Visibility towards junction widened to 120m	NL	JH	14/04/14

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Public Driveway
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33/1

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 Scale: 1:200
 Date: 10/11/2014
 Project Name: Aston Cross Housing
 Project Location: Birmingham, UK

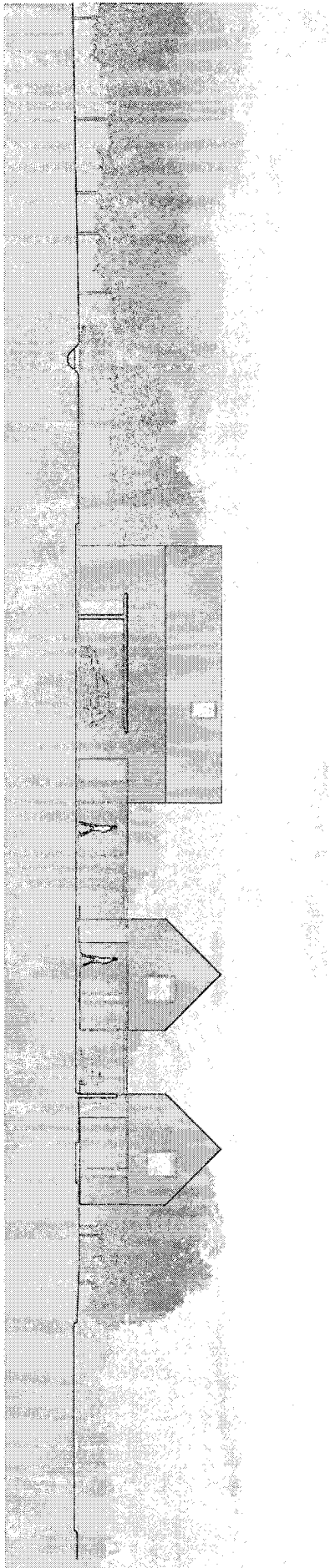
Proposed Site Plan

Scale: 1:200 @ A1

Drawing Number: HS1731010

Revision Number: A

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 2. All dimensions are in millimeters unless otherwise stated.
 3. All dimensions are to the center of the wall unless otherwise stated.
 4. All dimensions are to the center of the window unless otherwise stated.
 5. All dimensions are to the center of the door unless otherwise stated.
 6. All dimensions are to the center of the floor unless otherwise stated.
 7. All dimensions are to the center of the ceiling unless otherwise stated.
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 9. All dimensions are to the center of the ground unless otherwise stated.
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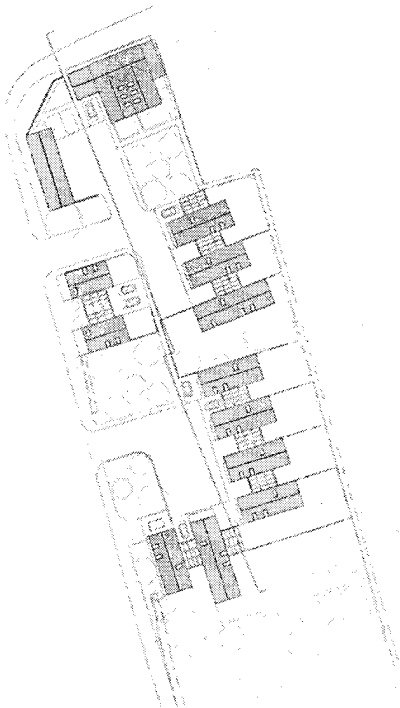
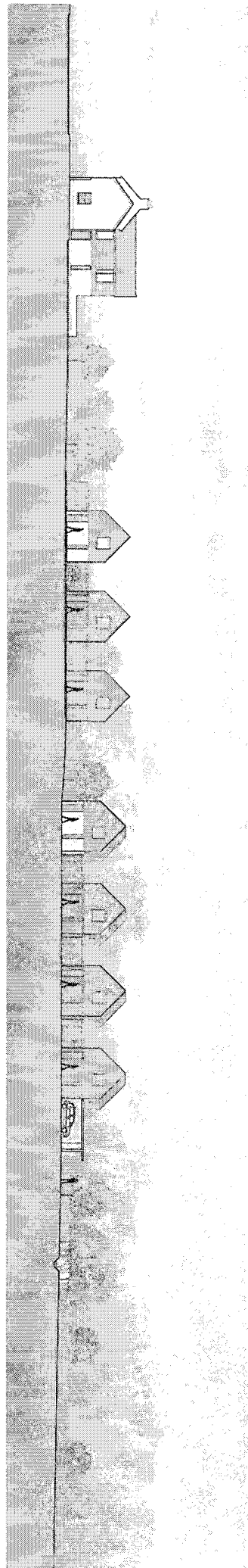
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Project No: **HS173/015**
Project Name: **Ashton Cross Housing**
Drawing Title: **Proposed Site Sections E-W**

Scale: **1:100 @ A1**
Drawing Number: **HS173/015**
Revision: **A**



23/E

Scale
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 1:200 @ A1

Drawing number
 HS173 / 016

Revision number
 A

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Project Name
 Aston Cross
 Housing

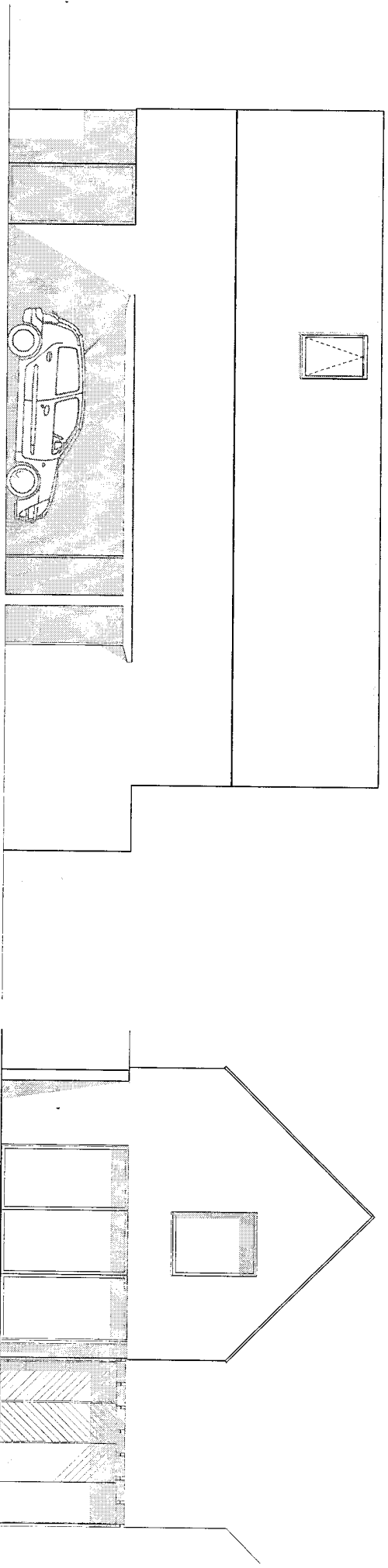
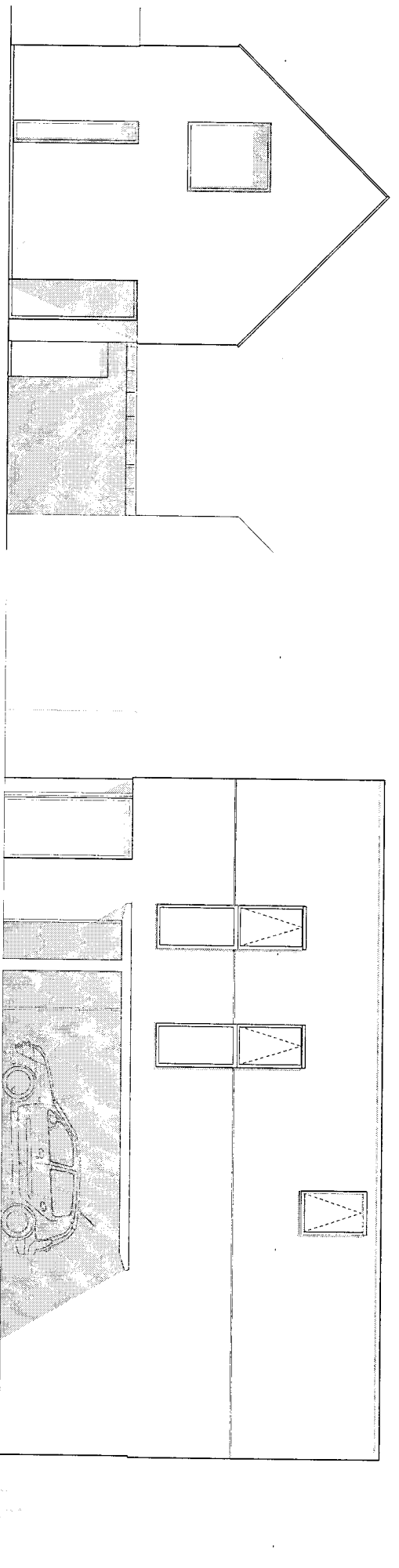
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 Proposed
 Site Section
 North - South

UK	Revisions	DR	CH	Date
	First Issue	HL	JH	05/02/14
A	Revised Planning Submission	HL	JH	04/02/15

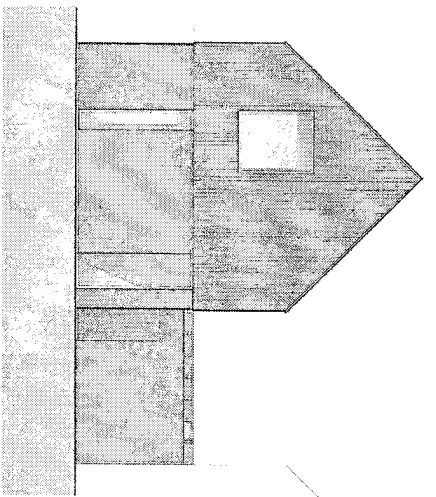
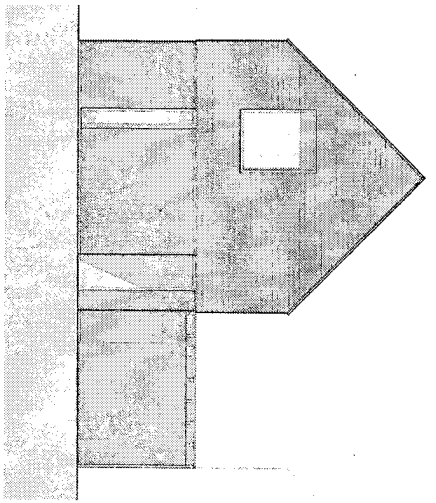
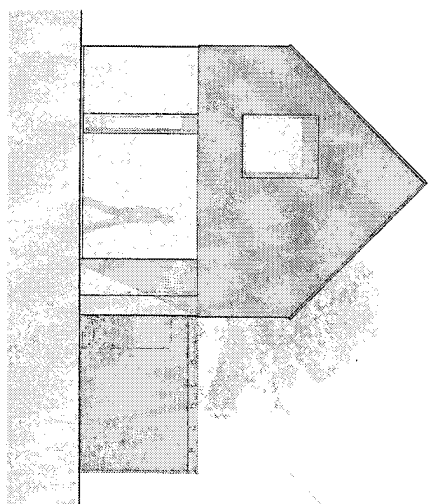
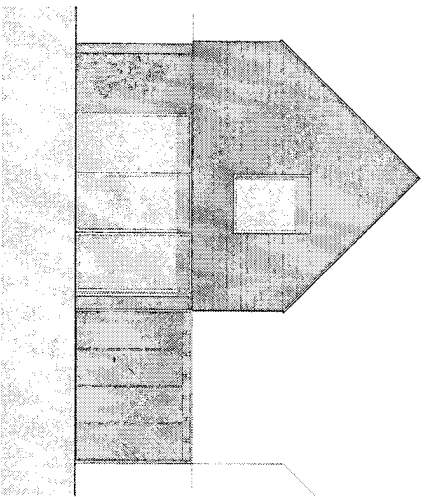
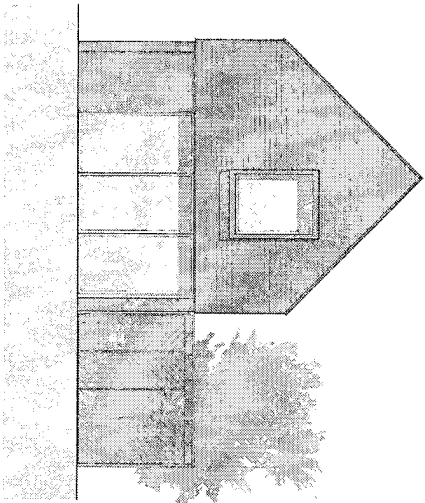
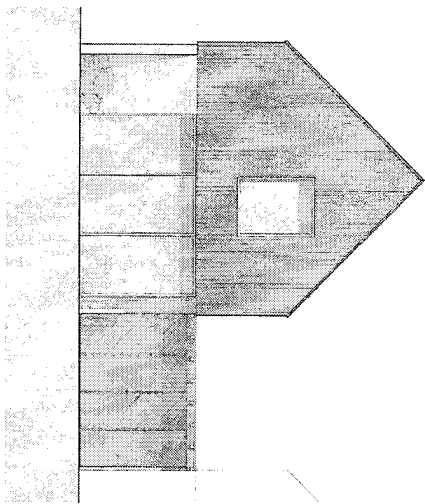
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Project title Aston Cross Housing		Drawing title Proposed Indicative 3-Bed Dwelling Elevations	
Revisions MK - First Issue		Date 22/06/14	
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 1:50 @ A1
 Drawing number
HS173 / 036
 Revision number
 -

Project title
Aston Cross Housing
 Drawing title
Proposed Illustrative Elevation Samples

Rev	Ch	Date
01	NI	11/11/11

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Valid 02.04.2015
 Grid Ref 389016 220326
 Parish Churchdown
 Ward Churchdown Brookfield

Single storey kitchen extension to front of dwelling house

Mr Gerald Crouch
 77 Brookfield Lane
 Churchdown
 Gloucester
 Gloucestershire
 GL3 2PR

RECOMMENDATION Permit

Policies and Constraints

NPPF
 Planning Practice Guidance
 Joint Core Strategy (Gloucester Cheltenham, Tewkesbury) Submission Version November 2014
 Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU8
 Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
 The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Parish Council - the proposed development is not in-keeping with the surrounding bungalows and is detrimental to the street scene.

Local residents - none

Planning Officers Comments: Mrs Sarah Barnes

1.0 Application Site

1.1 This application relates to 77 Brookfield Lane, a brick detached bungalow located in Churchdown (**site location plan attached**).

2.0 Current application

2.1 The current application is for a single storey front extension (**plan attached**). It would create a larger kitchen.

3.0 Policy Context

3.1 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment.

3.2 Policy HOU8 of the Local Plan sets out that extension to existing dwellings will be permitted provided they respect the character, scale and proportions of the existing dwelling and do not have an unacceptable impact on adjacent property and residential amenity. This policy is considered consistent with the framework and as such should be given due weight according to paragraph 215 of Annex 1 of the framework.

4.0 Analysis

Design, Size and Visual amenity

4.1 The Parish Council have objected on the grounds that the proposal would not be in-keeping with the surrounding bungalows and would be detrimental to the street scene.

4.2 The Parish Council's concerns are noted, however, the proposed extension would only be relatively modest (3.5 metres by 2.7 metres) and the bungalow has not been previously extended. The existing bungalow is also set well back from the road and is not overly prominent. The proposed front extension would be of a suitable design with a pitched roof and it would be constructed from matching materials. Whilst there are not any 'similar' extensions along this road, other nearby dwellings have, for examples, front porches and front dormer windows. The proposal is not therefore considered to be harmful or out of keeping with the existing street scene.

Residential amenity

4.3 The impact of the proposal upon neighbouring properties has carefully been assessed and it is considered that there would not be an undue impact upon their amenity in accordance with Policy HOU8.

5.0 Conclusion

5.1 Overall, it is considered that the proposed front extension would not be harmful to the appearance of the area, nor would it result in an unacceptable loss of residential amenity to neighbouring dwellings. It would also be of an acceptable size and design, and would therefore accord with Policy HOU8 of the Local Plan and the NPPF. The application is therefore recommended for **permission**.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The external materials of the proposed extension shall match as near as possible the materials of the existing dwelling.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that the extension is in keeping with the existing building in accordance with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Note:

Statement of Positive and Proactive Engagement

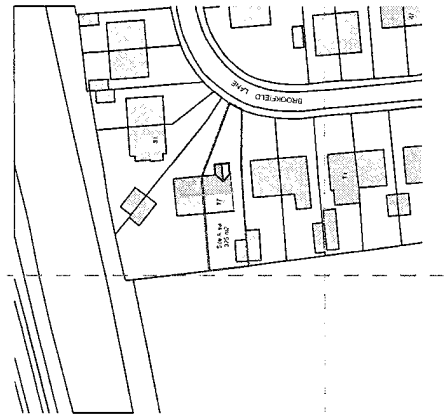
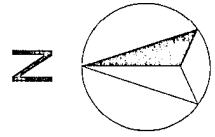
In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received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

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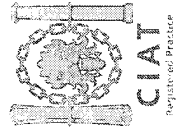


1 Block Plan 1:500



2 Site Location Plan 1:1250

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Rev	Description	Date

Scheme Design

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 Chartered Architectural Technologist
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 Tel/Fax: 01452 413310 Mobile: 07837 872603

Client
Mr Gerald Crouch

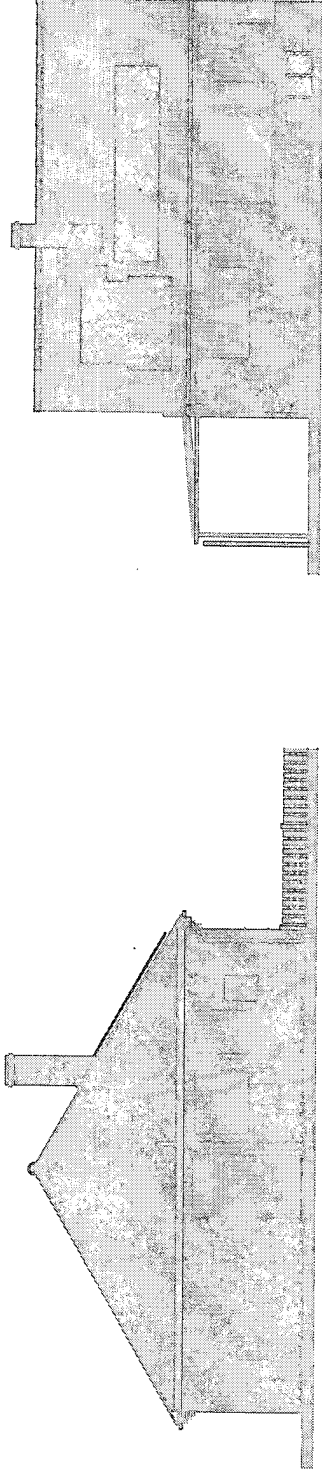
Project
**77 Brookfield Lane
 Churchdown, Gloucester
 GL3 2PR**

Title
Site Location Plan

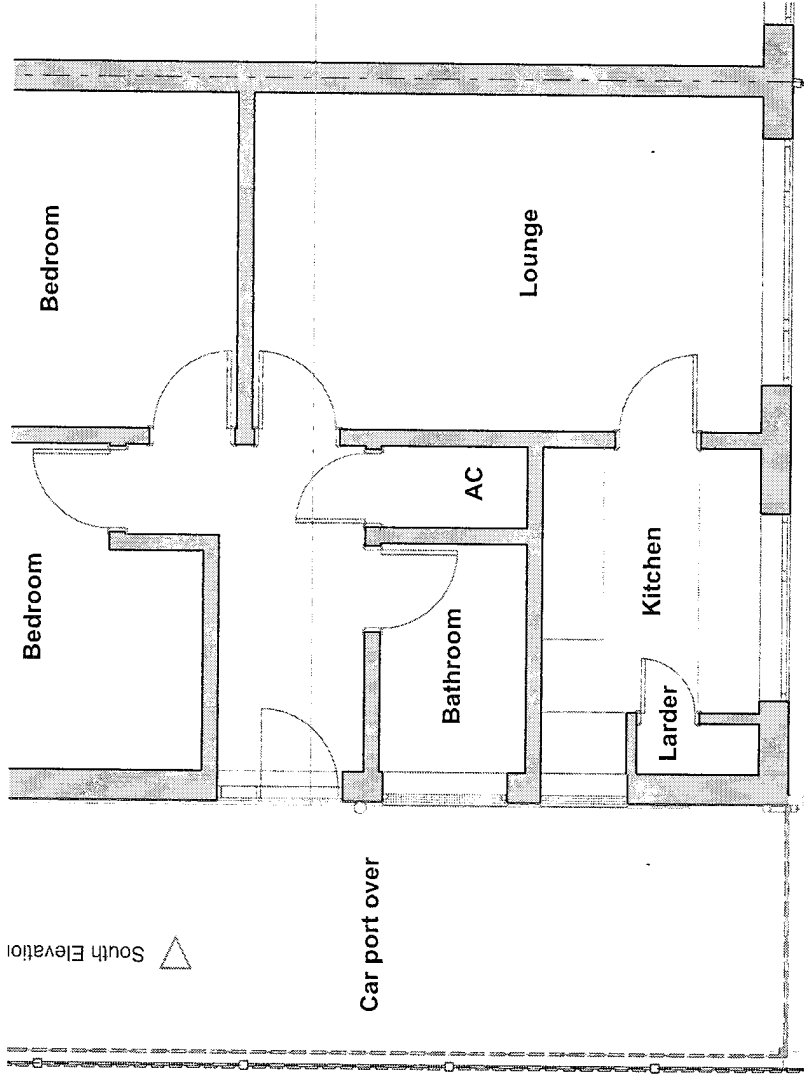
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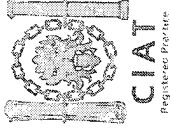
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0. Ground Floor Plan 1:50

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Rev	Description	Date

Scheme Design

A1 Architecture UK
 General Architectural Technologist
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 Churchdown, Gloucester
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 Tel/Fax: 01452 413310 Mobile: 07837 873803

Client
Mr Gerald Crouch

Project
**77 Brookfield Lane
 Churchdown, Gloucester
 GL3 2PR**

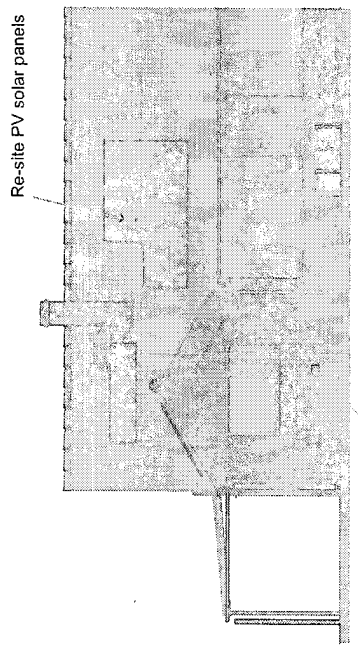
Title
Survey Plan & Elevations

Original Date	Client	Project	Revision
15.01.10	Mr S. Sparrow		
		20/02/2015	Rev 14/10
Drawing Number:			15-06-02

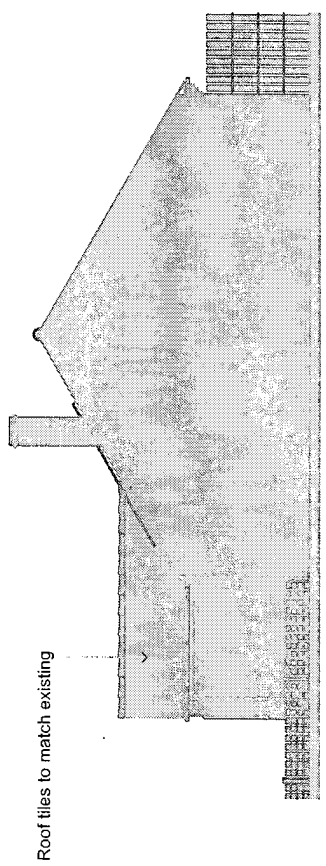
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35/B

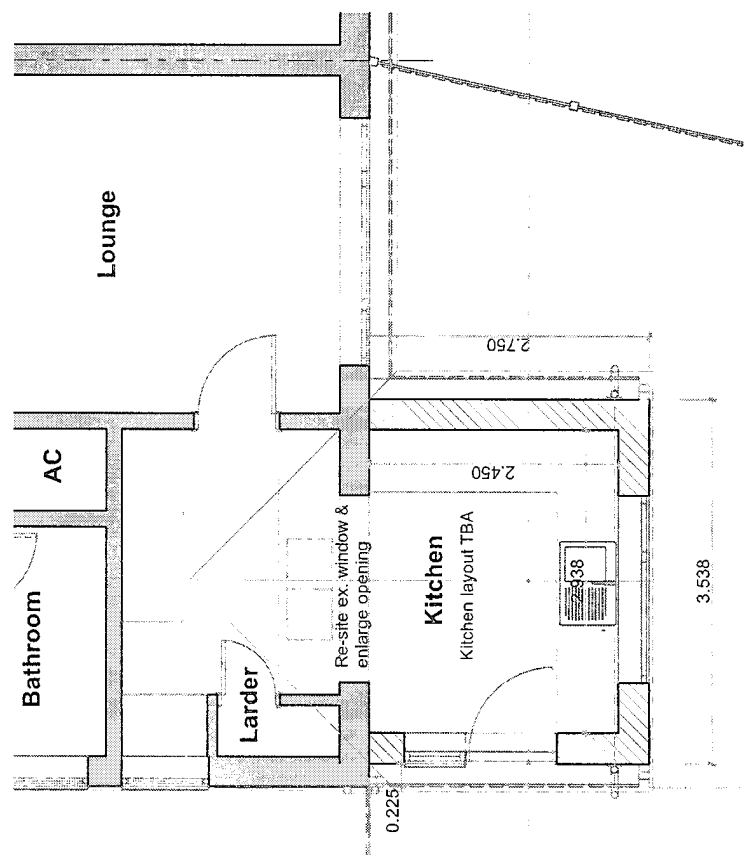
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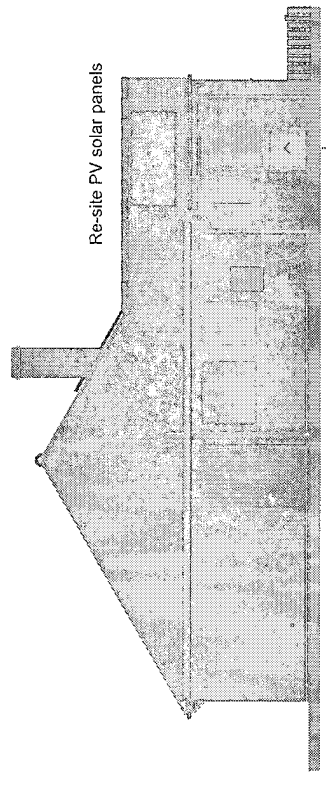
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North Elevation 1:100

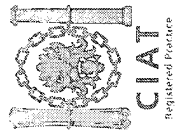


Ground Floor Plan 1:50



South Elevation 1:100

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Rev	Description	Date

Scheme Design

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Mr Gerald Crouch

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 77 Brookfield Lane
 Churchdown, Gloucester
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Title
 Scheme Design

Issue	Date	By	For
1	26/03/2015	M.S. Sparrow	14:10

Drawing Number: **15-06-04**

35/C

15/00368/FUL

47 Kayte Lane, Bishops Cleeve,

7

Valid 31.03.2015

The erection of a new single storey flat roof three bedroom dwelling in the rear garden of No47 using the existing access driveway and the creation of a new access driveway for the existing dwelling.

Grid Ref 396097 226867

Parish Bishops Cleeve

Ward Cleeve Grange

Mr David Jenkins
Carlton Coach Works
Hewlett Road
Cheltenham
Gloucestershire
GL52 8AS

RECOMMENDATION Permit

Policies and Constraints

NPPF

Planning Practice Guidance

The Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU2, HOU5, LND7, EVT9, TPT1
Joint Core Strategy Submission Version November 2014 - SD1, SD4, SD5, SD11

Consultations and Representations

Bishops Cleeve Parish Council - Object as it is felt this is overdevelopment of a small plot and the flat roof design is not appropriate for any future generations of housing occupation.

Severn Trent - No objection subject to a condition to secure surface and foul water drainage plans.

Local residents - 1 objection received. Concerns raised over flat roofed design being out of keeping with the area and being an eyesore. Concerns also raised over the development causing a loss of privacy and that any tree removal will cause a loss of wildlife habitat.

Members are advised that at the time of writing the publicity period for this application had not yet expired. Members will be updated at the meeting in relation to any further representations received.

Planning Officers Comments: Mr Matthew Tyas

1.0 Site

1.1 The application site relates to 47 Kayte Lane; a recently extended/refurbished dormer bungalow.

1.2 The site is adjoined by residential development to all of its non-road boundaries and is located within the Residential Development Boundary of Bishops Cleeve as defined in the Tewkesbury Borough Local Plan to 2011 (TBLP).

2.0 History

2.1 Planning permission was granted in February 2015 (14/01216/FUL) for a new single storey pitched roof rear extension providing larger living room.

3.0 Application

3.1 The application proposes to construct a contemporary style flat roof bungalow within the rear garden of the property.

3.2 The proposed bungalow would be for sale/rent on the open market.

4.0 Planning Policy Context

4.1 The site is located within the Residential Development Boundary of Bishops Cleeve as defined by the TBLP. Policy HOU2 of the TBLP states that new housing development within such areas is acceptable in principle provided that the development can be satisfactorily integrated within the framework of the surrounding development. Furthermore, Policy HOU5 of the TBLP requires new housing development to respect the existing form and character of the adjacent area; not result in unacceptable loss of amenity; be of high quality design and make provision for appropriate access and parking.

4.2 This advice reflects one of the NPPF's 'Core Principles', which is to ensure a good standard of amenity for all existing and future occupants of land and buildings. The advice of Policy HOU5 is also reflected in Section 7 of the NPPF which makes it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also makes it clearly that obviously poor designs should be refused.

4.3 Policies HOU2 and HOU5 of the TBLP are therefore considered to be consistent with the provisions of the NPPF and should therefore carry considerable weight in the determination of the application.

5.0 Analysis

5.1 Having regard to the policy framework set out above it is considered that the main issues are:

- The design and layout of the proposal, whether it respects the form and character of the adjacent area and whether it can be satisfactorily integrated within the framework of the surrounding development;
- The impact of the proposal on the residential amenity of the occupiers of existing dwellings;
- Parking, access and highway safety matters

Design/visual amenity/integration with surrounding development

5.2 This part of Bishops Cleeve has a very mixed, ad-hoc development pattern. There is a short building line created by numbers 35 - 53 Kayte Lane but otherwise there is significant variety in the arrangement of buildings on the surrounding roads. The development along Crown Drive and Gilder Road wraps around this short run of development to the north and west and breaks up any uniformity in the development pattern of Kayte Lane. Beyond the immediate vicinity of the site there is a very dense and irregular development pattern, particularly to the north of Crown Drive. It is considered that the layout resulting from the proposed development would assimilate well within this context.

5.3 The site occupies a discreet position behind the existing development on Kayte Lane and the proposed bungalow would be of a very low profile at just 3.4m high. The proposed bungalow would not therefore be a dominant feature and its intrusion into the sense of openness provided by the site would be limited.

5.4 The minimalist, flat roofed, contemporary design of the proposal would clearly be different to the other properties in the vicinity, but it is considered that the discreet position of the proposal provides a suitable opportunity for a more original design approach. Officers are also mindful of the advice at paragraph 60 of the NPPF that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

5.5 In this instance it is considered that the proposed dwelling would be of a sleek, modern appearance and would represent a sensitive approach to a site constrained by its location amidst adjoining residential gardens.

5.6 On the above basis the proposal is found to be of an acceptable design that would integrate well within the surrounding area and preserve its visual amenity.

Residential amenity impacts

5.7 It would appear that the proposed dwelling has been carefully designed so to avoid any amenity conflicts with surrounding properties. For example most of the main room windows to the dwelling face into the site rather than outwards to the surrounding properties. Those windows that do face outwards serve non main rooms (in the case of the hallway windows in the north side elevation and the lobby window in the front elevation), would be enclosed (in the case of the bathroom window) or would be set a sufficient distance in from the neighbouring boundary (in the case of the living and dining room windows). In any event given the single storey nature and low height of the dwelling overlooking is not considered to be an issue. Similarly, given the low height of the building it is not considered that any overbearing or light reducing impacts would result.

5.8 With regard to the amenity of the site itself, it is noted that a sufficient private garden would be provided to the rear and, due to the window arrangement, the proposed dwelling would not be subject to any overlooking from the existing dwelling on the site.

Parking/access/highway safety issues

5.9 The application proposes to utilise the existing vehicular access from Kayte Lane. This access is unsuitable to serve both the existing and proposed dwellings due to substandard visibility splays hence the inclusion of a new access to serve the existing dwelling. The new access has been considered in relation to the Highways Authority's Standing Advice. The applicant has commissioned a speed survey to examine actual speeds along this part of Kayte Lane. This indicates that average 85th percentile speeds are 24mph. The 'deemed to satisfy' visibility standard for a 20mph speed limit is 22 metres. The application demonstrates that a 27m visibility splay can be achieved looking north and 28m can be achieved looking south. It is considered that this would be generally compliant with the deemed to satisfy visibility standard.

5.10 Parking for two vehicles will be provided on site along with adequate manoeuvring space. For this reason and the reasons set out above no concerns are raised in relation to highway safety.

Other matters

5.11 The concerns raised by Bishops Cleeve Parish Council are noted but as demonstrated above it is not considered that the proposal would not involve overdevelopment. With regard to the concerns in relation to the flat roof design being unsustainable, Members are advised that modern construction technologies prevent the issues historically associated with flat roofs and officers raise no concerns in relation to this matter.

5.12 There are a number of mature trees located in and around the application site that may be affected by the development. The applicant has advised that tree T1 as shown on the proposed site plan would be removed as part of the development. This is a small willow tree on the boundary of the site but within the garden to the adjoining property no. 45 Kayte Lane. This tree is considered to make a limited contribution to the visual amenity of the area and it is understood that the adjoining occupier supports the applicant's plan for its removal. Tree T2 is a larger willow tree located within the site. Due to its proximity to Gilder Road this tree is considered to make a more notable contribution to the visual amenity of the area. The applicant has indicated that this tree would be retained as part of the development and it is recommended that a condition is attached to any planning permission securing the protection of this tree during construction. Similarly T3 (a larger willow tree) would be retained and protected during construction.

6.0 Conclusion

6.1 The proposal is found to be of an acceptable design that would integrate well within the surrounding area and preserve its visual amenity. The proposal would have no undue adverse impact on residential amenity and no unacceptable impact on highway safety. Accordingly the application is found to be consistent with policies HOU2 and HOU5 of the TBLP and associated advice within the NPPF. It is therefore recommended that planning permission is granted.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan at 1:1250, Proposed Block Plan at 1:500, Drawing Number 2014/28/03A, Drawing Number 2014/28/04 (all received 31/03/15).
- 3 Building operations shall not be commenced until samples of the external materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.
- 4 Prior to the commencement development in pursuance of the proposed dwelling hereby approved the vehicular access and driveway and the car parking and turning facilities to serve the existing dwelling on the site, as shown on Drawing Number 2014/28/03A, shall be completed in all respects in accordance with the submitted details and shall be similarly maintained thereafter for that purpose.
- 5 The access visibility splays for the new access to serve the existing dwelling shall be provided in accordance with those shown on Drawing no. 2014/28/04, and the area in front of the visibility spays reduced to a maximum height of 260 mm and maintained as such thereafter.
- 6 Prior to the occupation of the proposed dwelling the vehicular access and driveway, and the car parking and turning facilities to serve the proposed dwelling, as shown on Drawing Number 1271_315, shall be completed in all respects in accordance with the submitted details and shall be similarly maintained thereafter for that purpose.
- 7 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage 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.
- 8 Prior to the commencement of the development hereby approved details of the existing and proposed site levels and the proposed finished floor levels 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 unless otherwise approved in writing by the Local Planning Authority.
- 9 Prior to the commencement of development details of the proposed boundary treatments for the existing and proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. The proposed boundary treatments shall be carried out in accordance with the approved details prior to the first occupation of the proposed dwelling and these boundary treatments shall be maintained as such thereafter.
- 10 The existing trees on the site referred to as T2 and T3 on drawing number 2014/28/03A shall be protected during the course of construction in accordance with BS5837: 2012 - Trees in relation to design, demolition and construction.
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no extensions or additions shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interest of proper planning.

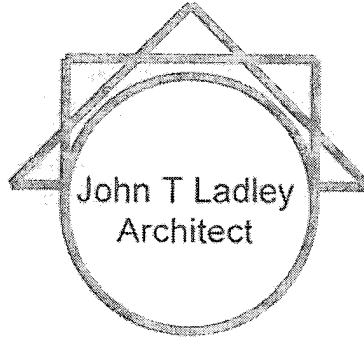
- 3 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 4 To ensure that a suitable access is available to serve the existing dwelling in the interests of highway safety in accordance with Policy TPT.1 of the Tewkesbury Borough Local Plan to 2011 (hereinafter referred to as the TBLP).
- 5 To ensure that a suitable access is available to serve the existing dwelling in the interests of highway safety in accordance with Policy TPT1 of the TBLP.
- 6 To ensure that adequate parking and manoeuvring space is available to serve the proposed dwelling in the interests of highway safety in accordance with Policy TPT1 of the TBLP.
- 7 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with Policy EVT9 of the TBLP and the advice at sections 10 and 11 of the National Planning Policy Framework 2012.
- 8 To ensure that the development integrates harmoniously with its surroundings and does not adversely impact upon existing residential properties in accordance with policies HOU2 and HOU5 of the TBLP.
- 9 To safeguard the amenity of residents in the locality in accordance with Policy HOU5 of the TBLP.
- 10 In order to protect trees which form an important part of the amenity of the site in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011.
- 11 To control unplanned future developments that may harm the amenity of adjoining occupiers.

Note:

Statement of Positive and Proactive Engagement

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

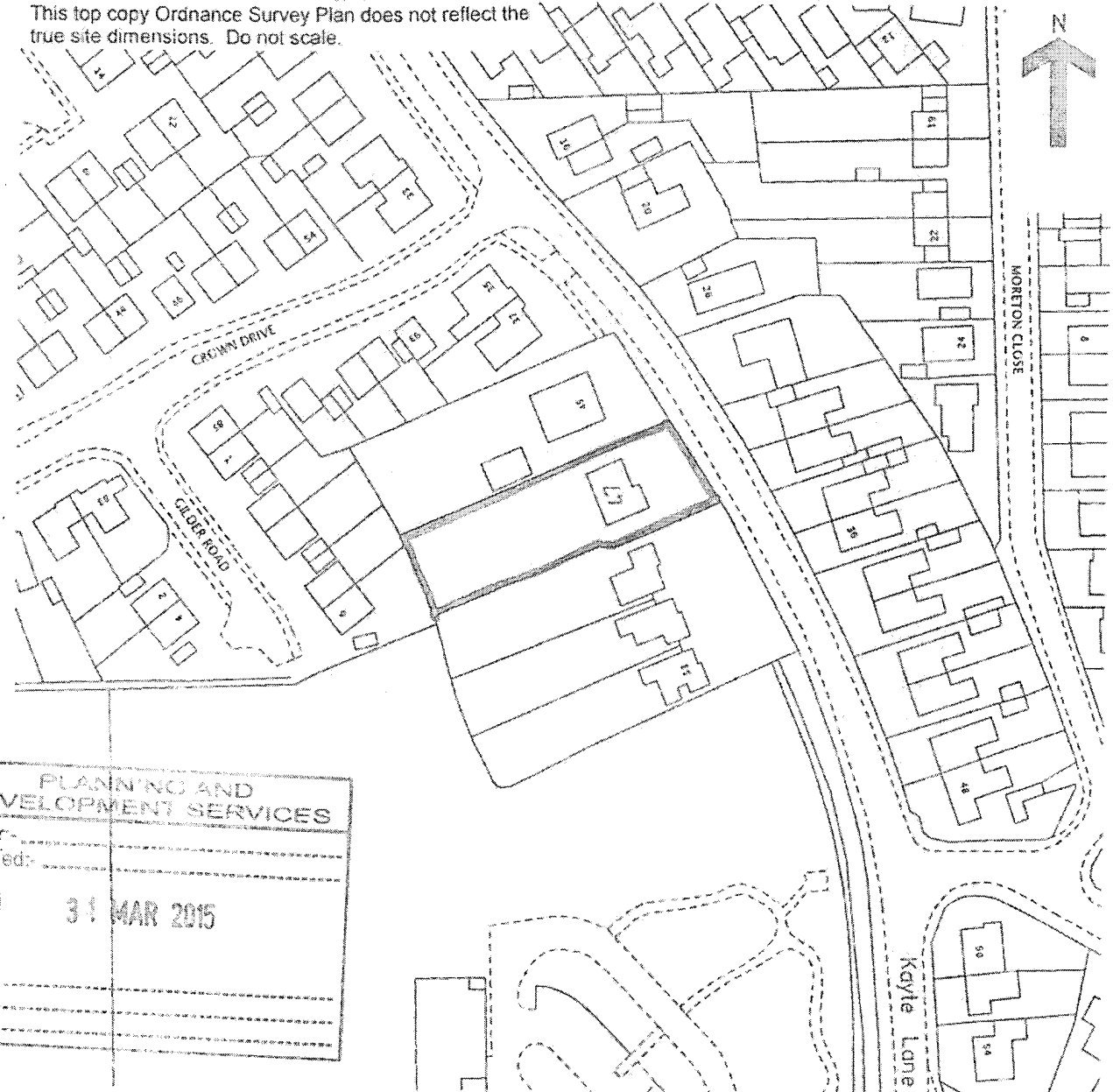
15/00368/FUL



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This top copy Ordnance Survey Plan does not reflect the true site dimensions. Do not scale.



PLANNING AND DEVELOPMENT SERVICES	
Officer:-	
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Rec'd	31 MAR 2015
Ack'd	
Ans'd	
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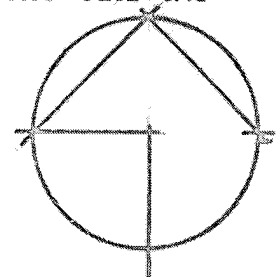
2014/28 : Development of 47 Kayte Lane, Bishops Cleeve, Cheltenham, Glos GL52 8AS

ORDNANCE SURVEY LOCATION PLAN

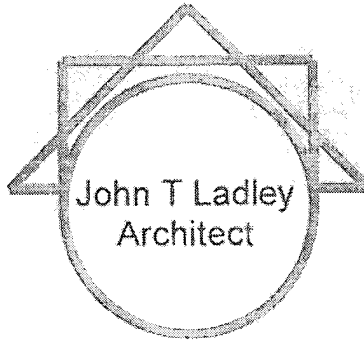
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John T. Ladley Chartered Architect/2014/28/47KayteLane/OSLocationPlan

John T. Ladley Chartered Architect Dip.Arch (Oxford) RIBA



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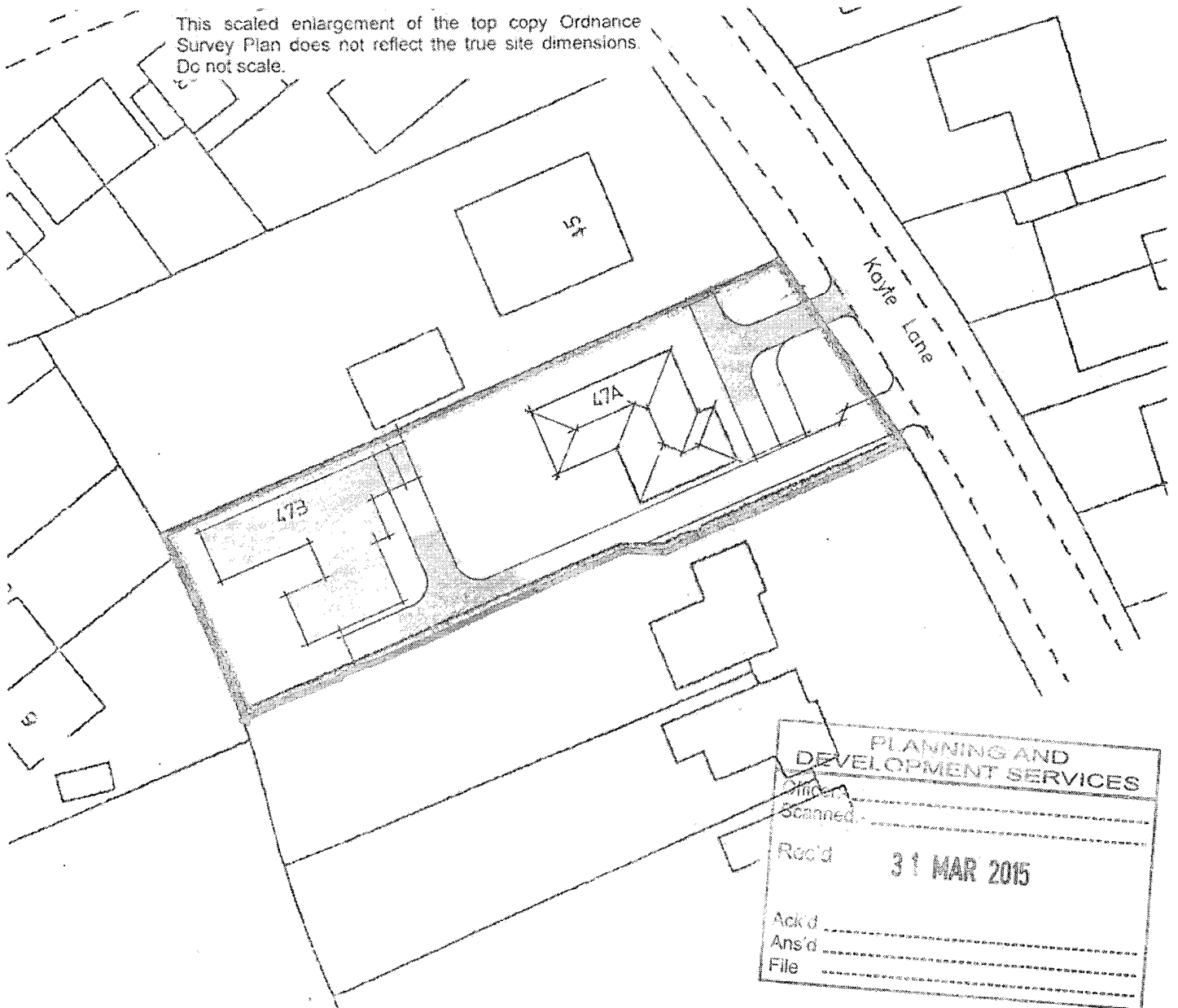


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Survey Plan does not reflect the true site dimensions.
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PLANNING AND DEVELOPMENT SERVICES	
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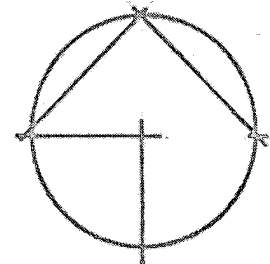
2014/28 : Development of 47 Kayte Lane, Bishops Cleeve, Cheltenham, Glos GL52 8AS

ORDNANCE SURVEY BLOCK PLAN

Scale 1:500 Ordnance Survey Copyright Number AR 10000 9612

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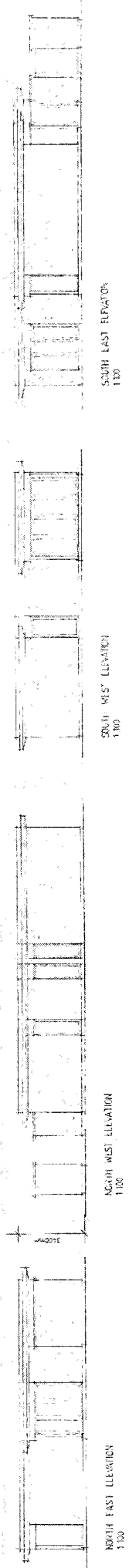
John T. Ladley Chartered Architect Dip.Arch (Oxford) RIBA



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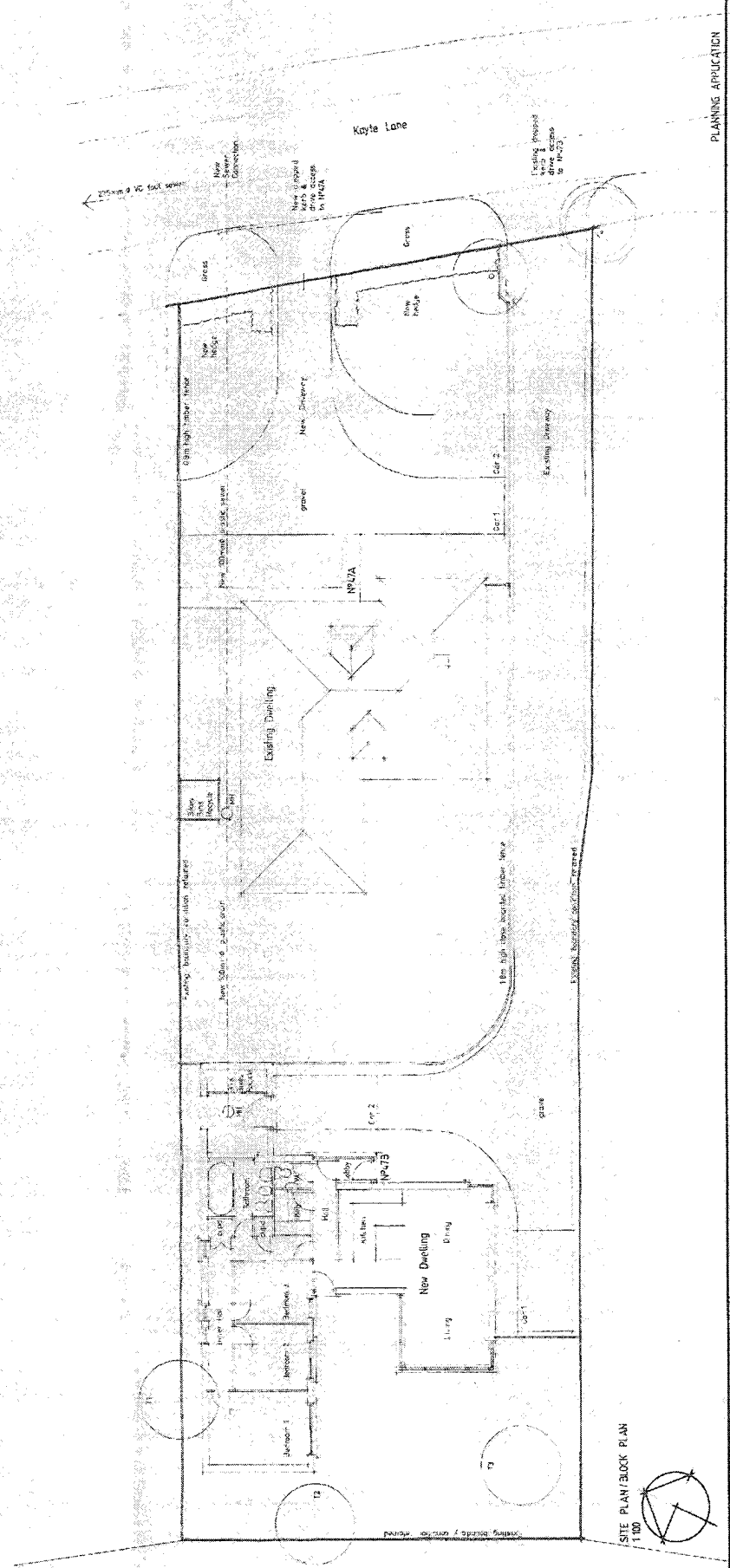
NOTES
 The accuracy of this drawing cannot be guaranteed and all critical dimensions must be taken on site

REVISIONS
 A Add new drive access to existing existing drive access to new dwelling
 27/04/15



PROPOSED EXTERNAL MATERIALS
 Flat Roof - Grey asphalt or roofing membrane with
 Root Protection/Pellets and Soffit - White uPVC
 Walls - White uPVC or rendered in situ with
 Windows and Doors - Grey uPVC, painted with
 Rainwater Goodwill
 31/08/15

PLANNING APPLICATION
 DEVELOPMENT OF 47 KAYE LANE, BISHOPS CLEEVE, CHELSEA, GLD 6L3Z 8AS
 DATE: 31/08/15



40/C

14/01197/FUL

Land North Of Gubberhill Farm, Brockridge Common, Ripple

8

Valid 30.01.2015

Change of use to residential caravan site for four gypsy families, each with two caravans and erection of two amenity buildings and laying of hardstanding.

Grid Ref 387814 237906

Parish Twyning

Ward Twyning

Mr Mark Southall
Land North Of
Gubberhill Farm
Brockridge Common
Ripple
Tewkesbury

RECOMMENDATION Refuse

Policies and Constraints

NPPF

Planning Practice Guidance

Joint Core Strategy (Gloucester Cheltenham Tewkesbury) Submission Version (November 2014)

Tewkesbury Borough Local Plan to 2011 - March 2006 - LND4, HOU4 and TPT1

Consultations and Representations

Twyning Parish Council and Ripple Parish Council both independently Object for the following reasons (summarised):

- The proposal is to site living accommodation within the curtilage of a known disused landfill tip, susceptible to ground contamination, consequent health concerns, gas escape, with the added potential that any ground works or movement may breach a gassing trench installed as a preventative measure to protect local residents. The application is not supported by an environmental impact report addressing these issues and should not be determined without one, but from information available, it would appear that due to the proximity of potential land hazards, this site is not suited to residential occupation.
- Presently at the site, there is external lighting which at dusk and throughout the evening causes light pollution to the adjacent properties.
- The site is not served by the mains sewerage system.
- Any pollution of this watercourse would have consequences to local residents as well as Ripple Brook which feeds downstream to Mythe Brook and the River Severn.
- Whilst the application form states that foul sewage for 8 caravans will be disposed of by means of a cesspit, there are no plans as to the position of the cesspit or how its outflow may be incorporated into the site.
- There should also be an assessment of the ground porosity to cater for surface water runoff from new hard standing.
- The existing settlement which is in Twyning Parish, not Ripple, consists of 3 residential properties on the opposite side of Ripple Lane with Towbury Farm set further back. Gubberhill Farmhouse and Towbury Farm Barn are Grade 2 Listed. The introduction of a further 8 residences within this cluster would be dominant and disproportionate, and have an unacceptable impact on the character and appearance of the landscape and the amenity of the neighbouring properties.
- The application does not include any environmental or visual impact statement on the village of Ripple itself.
- The site is situated outside of any development plan along the main Ripple and Uckinghall southern arterial route to the A38.

- This is a busy route serving both village settlements, but is essentially single track with limited passing points. Access to the site is on the brow of a hill and near a sharp limited visibility bend to the east. There are no amenity facilities, so the site is unsustainable other than by private transport.
- The proposed internal layout appears restricted in terms of large service/ emergency vehicle movements.
- A major consideration is that development and occupation of the access areas to the disused landfill tip may inhibit full access to the tip should any future environmental hazard develop on the site.

Environment Agency - The proposals comprise 'highly vulnerable' development on the fringes of Flood Zones 2 and 3. The application is not supported by a site specific Flood Risk Assessment (FRA); as set in the NPPF and NPPG.

Severn Trent Water - No objections

County Highway Authority - Requested further information.

Environmental Health Officer - objects to the proposed development as the applicant has failed to carry out a contaminated land survey.

Malvern Hills District Council - Comments: The application should be assessed against Paragraphs 22 - 26 of 'Planning Policy for Traveller Sites,' March 2012 and the National Planning Policy Framework. This should include the need to take into account the personal circumstances of the applicants. An assessment will need to be made over the need for further sites in the District over the plan period. Consideration will also be required on whether there are any personal circumstances advanced by the applicants in this case.

There is a need to consider whether the use of the site for four gypsy families would dominate the nearest settlement of Ripple within Malvern Hills District. Further, Ripple has few facilities consisting of a church, village hall and public house and a limited bus service. This would result in reliance on the private car to access the majority of facilities and services required for day to day living.

Flood risk associated with the development should be considered as part of the assessment of the application along with the sequential and exception tests if required. Further, the Council needs to satisfy themselves that the potential risk of pollution and land instability is taken into account.

Malvern Hills District Council note that works have already started on site. However, the impact of the development upon the landscape character of the area, residential amenity of nearby properties, protected species and highway safety needs to be assessed as part of the application. Any designated Public Right of Way needs to be indicated on the proposed site layout plan.

13 letters of neighbour representation received raising the following concerns.

The application has not been accompanied by a contaminated land investigation study to demonstrate that the potential hazards that might arise for the previous use of the site and surrounding land would not give rise to unacceptable pollution within the area or that the development itself would not be at risk from site emissions or pollution. The proposal is therefore considered to be contrary to Policy SD14 of the Joint Core Strategy.

The application site and adjacent land has a history of landfilling and therefore is considered to be contaminated land. No assessment has been carried out regarding the suitability of the development in this location.

The development would be located outside of the village building line within open countryside.

The submitted application documentation has a number of errors in.

The proposal would be detrimental to residential amenities.

The proposal would be detrimental to the landscape character of the area and views from the adjacent highway and public footpaths.

The proposed access would be sub-standard and the development would be detrimental to highway safety being accessed via a narrow lane.

Residential resale value would be affected.

Drainage solutions are not acceptable.

It should also be noted that a further 14 anonymous objections have been received raising similar concerns outlined above.

Planning Officers Comments: Mr Ciaran Power

1.0 Introduction

1.1 The application site relates to Land North of Gubberhill Farm, Brockeridge Common, Ripple. The lawful use of the land is for agriculture. The site was formally a landfill site and has been restored to agricultural land. The existing site comprises of an area of hard standing, an existing access and areas of rough grassed land. The site is located outside of a settlement boundary in open countryside. The application site also is located on the fringes of Floodzones 2 and 3. A public right of way crosses the site in a north easterly direction. The site is bounded by a mix of post and rail fencing, hedging and trees.

2.0 Planning History

2.1 There is significant planning and enforcement history to this site over the last 30 years in relation to various uses including use of land for residential occupation.

89/92656/OUT - Outline application for the erection of golf course complex, layout of golf course and formation of new access, permitted 1989.

91T/1816/01/01- Outline application for residential development including means of access, refused 1991 and subsequent appeal dismissed.

92/00165/FUL - Golf driving range & ancillary buildings, permitted 1993.

98/01238/FUL - Use of land for livery business, stables (16) and tack room, refused 1999.

06/00779/FUL - Proposed change of use of land from agricultural to residential and siting of mobile chalet home on existing hard standing, refused October 2006.

3.0 Current Application

3.1 The current proposal is a retrospective application for the continued use of the land for use as a residential caravan site for use by 4 gypsy families. The application would provide a total of 8 caravan pitches as well as two amenity buildings. 8 parking spaces would also be provided.

3.2 The application has been accompanied by a Design and Access Statement explaining that the application is made on the basis of the continuing unmet need for traveller and gypsy pitches within the Borough. It is suggested that in advance of an adopted Joint Core Strategy and Borough Plan the Council are unable to identify a 5 year supply for traveller sites and this weighs in favour of the application.

4.0 Planning Policy Context

4.1 The NPPF and Planning Policy for Traveller Sites - March 2012

4.1.1 In March 2012 the Department for the Communities and Local Government published the National Planning Policy Framework (NPPF) and the Planning Policy for Traveller Sites (PPTS), which replace the former Planning Policy Statements (PPS's) and the former guidance on gypsy and traveller sites in Circular 01/2006 respectively. The PPTS is to be read in conjunction with the NPPF.

4.1.2 For the purposes of planning policy the PPTS defines "gypsies and travellers" as:
"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such".

4.1.3 The PPTS sets out that the Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community. Paragraph 21 also highlights that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF, including landscape protection and highway safety considerations.

4.1.4 Paragraph 22 of the PPTS explains that local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- the existing level of local provision and need for sites
- the availability (or lack) of alternative accommodation for the applicants
- other personal circumstances of the applicant
- that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- that they should determine applications for sites from any travellers and not just those with local connections.

4.1.5 Paragraph 23 of the PPTS sets out that local planning authorities should strictly limit new traveller sites in open countryside that are away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

4.1.6 However, in establishing the local provision and need for travellers sites, Paragraph 25 of the PPTS sets out that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable traveller sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permissions.

4.2 Tewkesbury Borough Local Plan to 2011 - March 2006

4.2.1 Policy HOU4 seeks to restrict residential development in the open countryside except where it is essential for the efficient operation of agriculture or forestry, involves the acceptable conversion of existing buildings, or is for affordable housing in line with the Council's 'exceptions' policy. However, the NPPF at Paragraph 215 requires that due weight only be given to existing Development Plan policies according to their degree of consistency with the NPPF. As set out later in this report, Policy HOU4 is considered to be out-of-date in so far as it relates to the current application because the Council cannot presently demonstrate a five-year supply of deliverable gypsy and traveller sites to meet the identified need.

4.2.2 Local Plan Policy LND4 recognises that the countryside of the Borough is worthy of protection for its own sake and provides that in considering proposals for development in rural areas, regard will be given to the need to protect the character and appearance of the rural landscape. This policy is considered to be consistent with the NPPF in that it aims to protect the rural landscape. This policy should therefore be afforded significant weight.

4.2.3 Policy TPT1 of the Local Plan highlights that development will only be permitted where provision is made for safe and convenient access and where there is an appropriate level of public transport service and infrastructure available. The resulting development should also not adversely affect the traffic generation, safety and satisfactory operation of the highway network. This policy is considered to be consistent with the NPPF in that it seeks to prevent new isolated residential uses in remote locations. This policy should therefore be afforded significant weight.

4.3 Emerging Joint Core Strategy (JCS)

4.3.1 Paragraph 216 of the NPPF sets out that that decision-makers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan. The weight to be attributed to each policy will be affected by the extent to which there are unresolved objections to relevant policies with the emerging plan (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency of the emerging policies to the NPPF. The more advanced the preparation of a plan, the greater the weight that may be given

4.3.2 The Joint Core Strategy was submitted to the Secretary of State in November 2014 and the Examination in Public into the plan commenced in May this year. This document, inter alia, sets out the preferred strategy to help meet the identified level of need for gypsy and traveller provision. The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area. The policies within it can therefore only carry some weight.

4.3.3. Policies SD14 and SA1 of the JCS Submission Version (November 2014) sets out the overall level of gypsy provision and the approach to this distribution. The JCS Submission Version sets out that within the JCS area, there will be a requirement for provision of 151 permanent pitches for Gypsies and Travellers. Of these, 147 pitches relate to communities that currently reside in Tewkesbury Borough. Paragraph 4 of policy SA1 states that proposals for the strategic allocations will be required to demonstrate how the provision of new gypsy and traveller sites will be incorporated into development proposals for Strategic Allocations.

4.3.4 In addition, policy SD14 states that all proposals for new gypsy and traveller sites will be assessed against the following criteria:

- 1) There is a proven need for the development and/or the capacity of the site can be justified to meet needs for further gypsy, or extensions to existing sites.
- 2) Proposals on sites in areas of sensitive landscape will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings.

- 3) The site has safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network.
- 4) No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where other forms of housing would not be suitable.

5.0 Analysis

5.0.1 The primary issue to consider within this application is whether the continued unmet need for traveller accommodation within the Borough and/or any human rights considerations should be judged as overriding any adverse environmental impacts that may be caused by this development. In this regard, consideration is to be given to the impact of the development on the rural landscape, the accessibility of the site, highway safety matters and contaminated land issues.

5.1 The Applicant's Case

The need for gypsy and traveller sites

5.1.1 Paragraph 9 of the PPTS requires local planning authorities to assess the need, and plan for an appropriate supply of suitable traveller sites to address under-provision. The policy sets out that supply should comprise specific, deliverable sites for the first five years and developable sites or broad locations for later years. With respect to 'decision-taking' on specific applications, Paragraph 22 cites the existing level of provision among relevant matters for consideration in the determination process.

5.1.2 The most recently published countywide Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTTSAA) was carried out by Opinion Research Services in October 2013. The GTTSAA demonstrates a significant level of unmet need for traveller and gypsy pitches within Tewkesbury Borough. The GTTSAA indicates the need for 152 additional permanent gypsy and traveller pitches across the JCS area up to 2031, of which 147 pitches are required in Tewkesbury Borough. 64 of these pitches are targeted for delivery by 2017.

5.1.3 At the present time the Council is progressing with its Joint Core Strategy (JCS) and Borough Plan with a view to including general criteria for approving individual traveller site applications alongside provision made through the development of the Strategic Allocations identified in the JCS. However, the JCS and Borough Plan are not expected to be completed until Summer 2015 and Summer 2016 respectively. This unmet need, together with the lack of an up-to-date plan to provide such sites, has led the Council/Planning Inspector to grant a number of temporary planning permissions in order to meet some of the identified need in the short-term, whilst allowing the Council time to allocate suitable sites through the plan-making process. However, even with these temporary permissions the Council is still a long way off delivering its requirement.

5.1.4 It is therefore clear that there is a significant need for additional pitches for Gypsies and Travellers in Tewkesbury Borough to meet the shortfall identified. Furthermore, although work to identify additional pitches is progressing, the timescale towards actually delivering such sites is currently unclear. The identified shortfall in permanent pitches in the Borough therefore constitutes a significant material consideration which weighs in favour of the application.

5.2 Landscape Impact

5.2.1 Policy LND4 seeks to protect the character and appearance of the rural landscape. The reasoned justification expands stating that the countryside of the Borough is worthy of protection for its own sake and that in order to safeguard the existing environmental quality of the Borough development proposals affecting these rural areas should be designed to harmonise with their character or, if they are unacceptably intrusive, be refused. This reflects one of the 'Core Principles' of the NPPF, which is to recognise the intrinsic character and beauty of the countryside.

5.2.2 The site is located within open countryside setting, and is visible from a number of public vantage points, including the public highway which runs along the southern site boundary and a PROW which crosses part of the site. The presence of caravans, cars, the permanent amenity buildings, fencing and other associated paraphernalia collectively form incongruous features, which are harmful to the character and appearance of the existing rural environment.

5.2.3 Land levels on the site rise steeply to the north with the application site being located on the lower flatter part of the site. The sites southern boundary is characterised by a post and rail fence and intermittent hedge and tree planting which provide a reasonable level of screening, however there are a number of gaps in the boundary planting which afford clear views into the site. The site itself has relatively open northern, southern and western boundaries and there are clear views into the site from the public highway as well open elevated views from the PROW which cuts through the north western corner of the site rising up the further you following it in a north westerly direction. The proposal would represent a clear encroachment of development into open countryside and it is clear that the granting permission on the site would result in harm to the rural landscape. The proposal is therefore considered to conflict with Policy LND4 of the Local Plan, which weighs against the proposal in the overall planning balance.

5.3 Accessibility and Highway Safety

5.3.1 The PPTS sets out at paragraph 23 in stating that "Local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan". This is considered to represent a significant shift away from the previous government guidance and is more reflective of current Saved Policy TPT1 of the Local Plan, which indicates that development will only be permitted where there is an appropriate level of public transport services and infrastructure available.

5.3.2 Whilst there is a bus stop located within walking distance (approximately 0.3 miles away) of the site in the main Ripple Settlement, which offers a fairly regular service, and some limited local facilities nearby such as a church, village hall and public house, it is most likely that that the occupiers of the site would be reliant on the use of the private car to reach the majority of community facilities and other services. The fairly remote location of the site is therefore considered to be a significant disadvantage to the application, and is contrary to Policy TPT1 of the Development Plan and emerging policy SD14 of the Submission Version Joint Core Strategy (November 2014) in this regard. This is a factor that weighs against permission being granted.

5.3.3 The applicant points to an appeal decision (APP/J0405/C/13/1293582) and 2193601 from July 2013 in Buckinghamshire, where, in relation to access to sustainable transport, the inspector observed that local public transport was infrequent and inaccessible from the application site as well as use of bicycle being unrealistic give the distance involved. The inspected states, "...occupiers of the site would likely drive moderate distances most days - but this would only be one impact of the development and I am not persuaded that it is crucial. Gypsy sites may be permitted outside of villages and towns, and the Framework recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas". The inspector goes on to say, "The site is not unduly far from local services by rural standards and it is not unusual for country dwellers to rely upon the car". Whilst the conclusions of the inspector in the above case is noted, each application must be judged on its own merits weighing up the planning merits for each specific case.

5.3.4 In terms of highway safety, Policy TPT1 highlights that development will be permitted where provision is made for safe and convenient access. Paragraph 32 of the NPPF also requires safe and suitable access to be achieved but states that development should only be prevented or refused on transport grounds where the cumulative impacts of development are 'severe'.

5.3.5 The site would continue to be served via an existing access off a narrow country lane. The lawful speed limit along this section of road is 60 M.P.H and therefore the County Highway Authority requested a speed Survey to establish the appropriate visibility. This has now been provided by the applicant and whilst it is anticipated that this demonstrates that appropriate visibility can be provided, the County Highway Authority have not yet formally responded on the findings of the survey and an update will be provided at Committee.

5.4 Housing Policy

5.4.1 The site is located in the open countryside outside any recognised residential development and as such conflict s with Policy HOU4 of the Local Plan. However, as set out in paragraph 4.2.1 of this report, this policy is considered to be out-of-date in so far as it relates to this application given that the Council cannot currently demonstrate a five year supply of deliverable traveller sites.

5.4.2 Paragraph 12 of the PPTS also states that when assessing the suitability of sites in rural and semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. The proposed use would provide for 8 caravan pitched and it is not considered that the proposal would have such an impact on settled communities as to warrant a refusal of planning permission on this ground.

5.5 Residential Amenity

5.5.1 In terms of residential amenity the application site is located adjacent to a number of residential properties. The existing access is also located in close proximity to the adjacent residential dwelling. Whilst the proposed use would inevitably increase activity at the site it is not considered that its use by up to four families would have a significantly detrimental impact on the amenities enjoyed by nearby residential properties.

5.6 Contaminated Land

5.6.1 The application site is directly adjacent to and on land associated with a known area of landfilled ground. Previous planning application has also been refused and an appeal dismissal relating to residential, and later livery use development proposals. These refusals relate to contaminated land concerns.

5.6.2 The current ground conditions of the areas on and around the application site are not known in any detail, particularly relating to ground gas production and migration, and other ground contaminants potentially affecting that part of the site. A full understanding of the potential hazards to, and potentially caused by the proposed development is crucial if such permanent use can be permitted.

5.6.3 Until these hazards are fully identified and understood, there is substantial potential for the risks associated with the development to be unacceptable.

5.6.4 Having regard to the above the applicants have been requested to carry out a contaminated land investigation; however they are yet to provide the necessary details. Therefore it is considered that the applicant has failed to demonstrate that the potential hazards that might arise for the previous use of the site and surrounding land would not give rise to unacceptable pollution within the area or that the development itself would not be at risk from site emissions or pollution. The proposal is therefore considered to be contrary to Policy SD14 of the emerging Joint Core Strategy.

5.7 Flooding

5.7.1 The site is located in Flood Zone 2 and 3 as defined by the Environment Agency's most up-to-date flood maps. A basic Flood Risk Assessment was submitted with the application, however the Environment Agency advise that as the proposals comprise 'highly vulnerable' development on the fringes of Flood Zones 2 and 3. The application should be supported by a site specific Flood Risk Assessment (FRA); as set in the NPPF and NPPG.

5.7.2 Further information relating to flood risk has been requested from the applicant, however the necessary information has not been provided. Having regard to this it is considered that the applicant has failed to demonstrate that the proposed development would not result in unacceptable flood risk and would therefore be contrary to Policy EVT5 of the Local Plan, Policy SD14 of the Submission Version of the Joint Core Strategy and section 10 of the NPPF.

5.8 Personal Circumstances

5.8.1 The application does not make any arguments in relation to the personal circumstances of the applicants. Nevertheless regard must be had for Article 8 of the Human Rights Act 1998, which relates to the right to respect for private and family life. The site is already occupied and therefore refusal of permission would result in the current site occupiers having to vacate the site. This is a matter which should be weighed in the overall planning balance.

5.9 Overall Balance of Planning Considerations

5.9.1 It is concluded that the proposal would result in significant harm to the rural character and appearance of the landscape by virtue of its visual intrusion and encroachment into the surrounding countryside, which would conflict with the adopted landscape protection policies of the Development Plan. Furthermore, the site is located in an isolated countryside location where there would undoubtedly be substantial reliance on the use of the private car as the primary mode of transport. This would conflict with the fundamental purpose of the NPPF and the PPTS, which seek to encourage sustainable development. The applicant has also failed to demonstrate that the proposed development would not have unacceptable flooding impact nor have they carried out a contaminated land investigation to demonstrate the site is appropriate for residential use.

5.9.2 Clearly the degree of harm referred to above must be balanced against the demonstrated need for gypsy and traveller pitches in the Borough and the benefits associated with delivering a site here that would help to meet some of that need.

5.9.3 Overall it is considered that whilst there is clearly a need to provide gypsy and traveller pitches in the Borough the negative impacts relating to landscape and sustainable travel, as well as the potential flooding and contamination issues resulting from the scheme clearly outweigh the arguments in favour in the development.

5.9.4 This judgement is given greater weight by virtue of the fact that the process of identifying Gypsy and Traveller sites through the Joint Core Strategy has not been completed, meaning that it cannot be guaranteed that there are not more appropriate sites within the borough. It is therefore concluded that the proposed development would cause significant and demonstrable harm which would outweigh the benefits of the development. As such, the site is not appropriate for a permanent permission.

6.0 Consideration for a Temporary Permission

6.0.1 Paragraph 25 of the PPTS sets out that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable traveller sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permissions. However, Paragraph 28 makes it clear that this only applies to applications for temporary permissions made 12 months after this policy comes in to force. This represents a significant shift in planning policy from the previous Circular 1/2006 guidance which indicated that temporary permissions should be granted where there was an unmet need but no available alternative Gypsy site provision in an area, which was the basis upon why a temporary permission was granted for the adjacent transit site.

6.0.2 In this case it is considered that the adverse impacts of this proposal are so great that the lack of Gypsy and Traveller pitch supply and the personal circumstances of the applicant's family would not warrant the granting of a temporary planning permission. This judgement takes into account the significant harm identified by the previous appeal Inspector and the fact that the current proposal, which is for a larger scale of development, would be even more harmful than the previous appeal proposal.

7.0 Overall Conclusion and Recommendation

7.0.1 Refusal of permission would undoubtedly interfere with the Appellants home and family life. However this interference must be balanced against the public interest in pursuing the legitimate aims stated in Article 8 of the Human Rights Act, particularly the well-being of the country which includes the preservation of the environment. As set out above the development results in significant harms relating to landscape, sustainable travel, flood risk and contamination and it is not considered that these objections can be overcome by attaching conditions, or by granting a temporary permission. In this case it is considered that the public interest of preservation of the environment can only be safeguarded through refusal of permission.

7.0.2 In light of the above it is recommended that the application is refused.

RECOMMENDATION Refuse

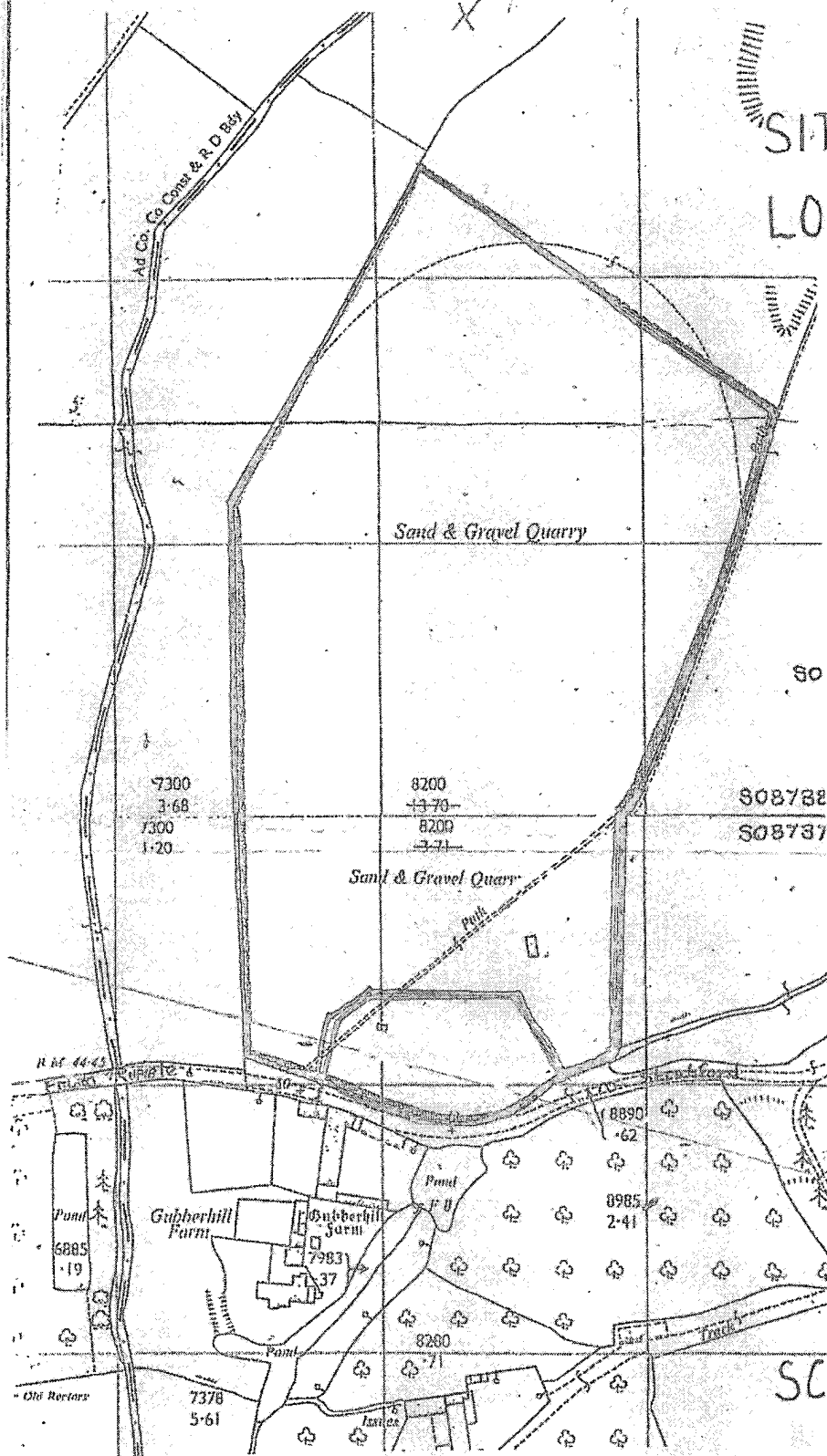
Reasons:

- 1 The proposed development forms a visually intrusive and discordant feature in the surrounding rural area which is harmful to the rural character and appearance of the Countryside in conflict with saved Policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 emerging policy SD7 of the Submission Version Joint Core Strategy (November 2014) and the provisions of the National Planning Policy Framework.
- 2 The site is in a remote location in the open countryside, outside any recognised settlement, in a location where new residential development is strictly controlled and where there are poor pedestrian, cycle and public transport links to the nearest facilities and amenities which means that occupiers of the site are likely to be heavily reliant on the use of the private motor vehicle. As such the proposed development is contrary to the sustainable development aims of the NPPF and the Planning Policy for Traveller Sites, Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging policies SD11 and SD14 of the Submission Version Joint Core Strategy (November 2014).

- 3 The application has not been accompanied by a site specific flood risk assessment to demonstrate that the development would not result in unacceptable flood risk and therefore is contrary to Policy EVT5 of the Local Plan, Policy SD14 of the Submission Version of the Joint Core Strategy and section 10 of the NPPF.
- 4 The application has not been accompanied by a contaminated land investigation study to demonstrate that the potential hazards that might arise for the previous use of the site and surrounding land would not give rise to unacceptable pollution within the area or that the development itself would not be at risk from site emissions or pollution. The proposal is therefore contrary to Policy SD14 of the Joint Core Strategy.

14/01197/FUL

SITE
LOCATION

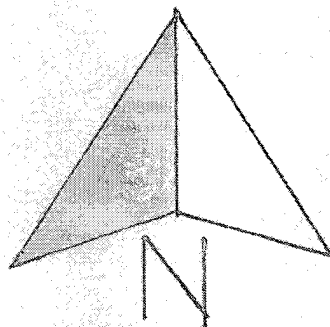


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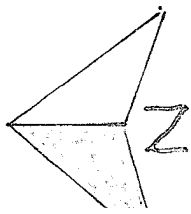
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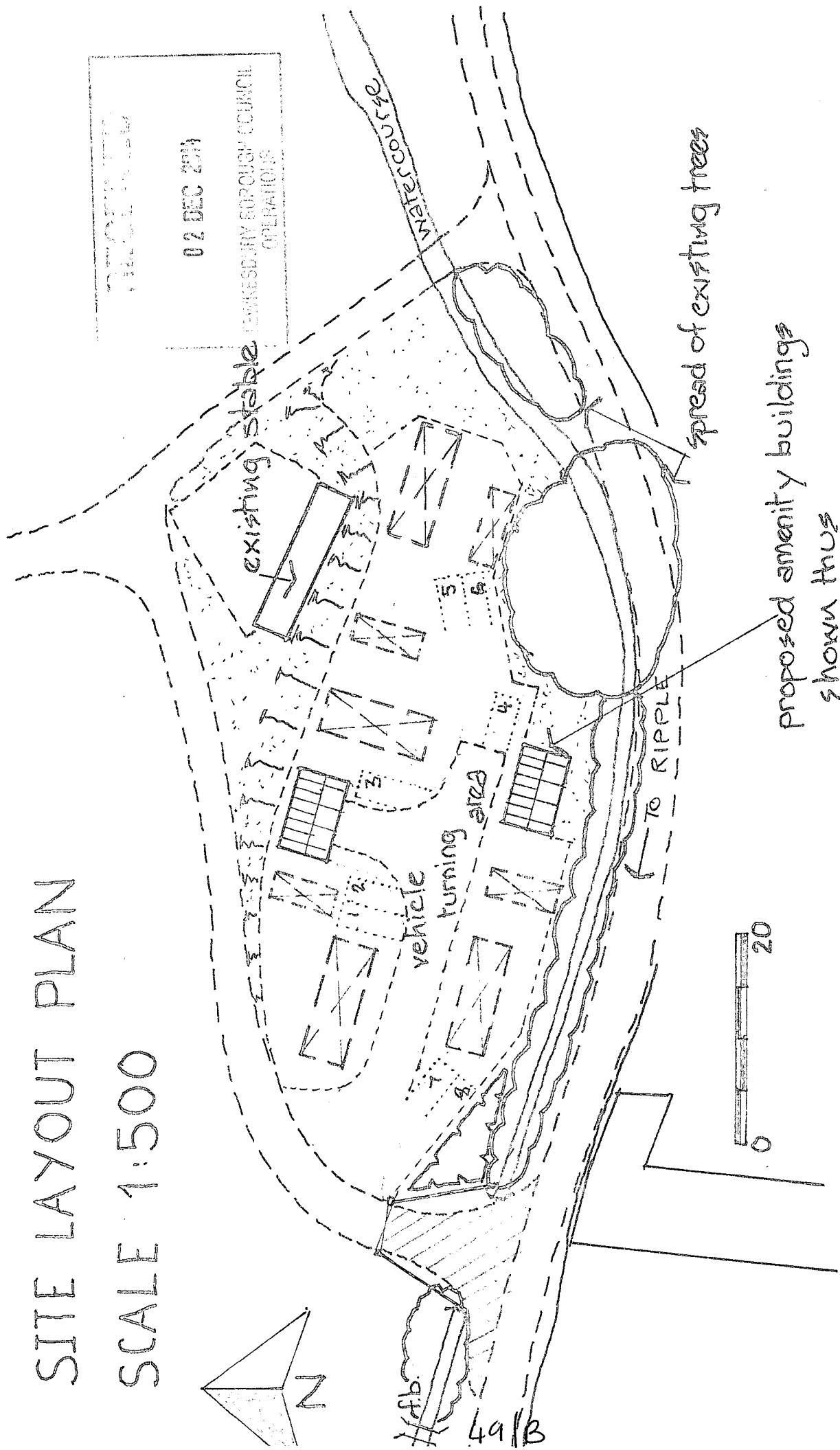
49/A

SITE LAYOUT PLAN

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APPROVED
02 DEC 2011
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BOROUGH COUNCILLORS FOR THE RESPECTIVE WARDS 2015-2019

Ward	Parishes or Wards of	Councillors	Ward	Parishes or Wards of	Councillors
Ashchurch with Walton Cardiff	Ashchurch Rural Wheatpieces	B C J Hesketh Mrs H C McLain	Hucclecote	Hucclecote	Mrs G F Blackwell
Badgeworth	Badgeworth Boddington Great Witcombe Staverton	R J E Vines	Innsworth with Down Hatherley	Down Hatherley Innsworth	G J Bocking
Brockworth	Glebe Ward Horsbere Ward Moorfield Ward Westfield Ward	R Furolo Mrs R M Hatton H A E Turbyfield	Isbourne	Buckland Dumbleton Snowhill Stanton Teddington Toddington	J H Evetts
Churchdown Brookfield	Brookfield Ward	R Bishop D T Foyle	Northway	Northway	Mrs P A Godwin Mrs E J MacTiernan
Churchdown St John's	St John's Ward	Mrs K J Berry A J Evans Mrs P E Stokes	Oxenton Hill	Gotherington Oxenton Stoke Orchard and Tredington	Mrs M A Gore
Cleeve Grange	Cleeve Grange	Mrs S E Hillier- Richardson	Shurdington	Shurdington	P D Surman
Cleeve Hill	Prescott Southam Woodmancote	M Dean Mrs A Hollaway	Tewkesbury Newtown	Tewkesbury Newtown	V D Smith
Cleeve St Michael's	Cleeve St Michael's	R D East A S Reece	Tewkesbury Prior's Park	Tewkesbury (Prior's Park) Ward	K J Cromwell Mrs J Greening
Cleeve West	Cleeve West	R A Bird R E Garnham	Tewkesbury Town with Mitton	Tewkesbury Town with Mitton Ward	M G Sztymiak P N Workman
Coombe Hill	Deerhurst Elmstone Hardwicke Leigh Longford Norton Sandhurst Twigworth Uckington	D J Waters M J Williams	Twyning	Tewkesbury (Mythe Ward) Twyning	T A Spencer
Highnam with Haw Bridge	Ashleworth Chaceley Forthampton Hasfield Highnam Maisemore Minsterworth Tirley	P W Awford D M M Davies	Winchcombe	Alderton Gretton Hawling Stanway Sudeley Winchcombe	R E Allen Mrs J E Day J R Mason

11 May 2015

Please destroy previous lists.