



**APPENDIX A  
Agenda Item No. 5A**

**TEWKESBURY BOROUGH COUNCIL**

Schedule of Planning Applications for the consideration of the **PLANNING COMMITTEE** at its meeting on 4 August 2015

	<b>(NORTH)</b>	<b>(SOUTH)</b>
General Development Applications Applications for Permission/Consent	(115 – 158)	(159 - 178)

**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. (115 - 178)**

### 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) 4th August 2015

Alderton 15/00512/FUL	25 -27 Willow Bank Road Alderton GL20 8NJ	Permit	8
Bishops Cleeve 15/00601/FUL	3 Tobyfield Road Bishops Cleeve GL52 8NS	Permit	13
Brockworth 15/00278/FUL	8 Ermin Street Brockworth GL3 4HJ	Permit	12
Brockworth 15/00609/FUL	9 Boverton Drive Brockworth GL3 4DB	Permit	14
Buckland 15/00534/FUL	Robin Hill Laverton Broadway Worcestershire	Permit	9
Churchdown 14/00993/FUL	Churchdown Village Infant School Station Road	Permit	10
Gretton 13/00985/FUL	Manor Farm Gretton Road Gretton GL54 5EP	Permit	5
Hucclecote 14/01267/FUL	Land At Stump Lane Hucclecote	Permit	11
Leigh 14/01224/FUL	Vine Tree Farm The Wharf Coombe Hill GL19 4AS	Refuse	1
Tewkesbury 15/00159/FUL	215 Queens Road Tewkesbury GL20 5EZ	Refuse	2
Winchcombe 15/00370/FUL	Land Adjoining Hillberry Becketts Lane Greet	Permit	6
Winchcombe 15/00384/FUL	Parrs Farm Broadway Road Winchcombe GL54 5JJ	Refuse	3
Winchcombe 15/00385/LBC	Parrs Farm Broadway Road Winchcombe GL54 5JJ	Refuse Consent	4
Winchcombe 15/00454/FUL	30 Barnmeadow Road Winchcombe Cheltenham	Permit	7

14/01224/FUL  
PP-03851465  
Valid 19.05.2015

**Vine Tree Farm, The Wharf, Coombe Hill**

1

Proposed replacement dwelling and detached double garage. Hard and soft landscaping. Provision of new access and driveway.

Grid Ref 388550 227043  
Parish Leigh  
Ward Coombe Hill

Mr John McCreadie  
20 Newland View  
Cheltenham  
Gloucestershire  
GL51 0RE

**DEFERRED AT LAST COMMITTEE FOR SITE VISIT (Item No 2, Page No 55)**

**RECOMMENDATION Refuse**

**Policies and Constraints**

NPPF  
Planning Practice Guidance  
Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.  
Joint Core Strategy Submission Version - Policies SD5, SD7, SD9, INF3  
Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies HOU7, EVT5, EVT2, LND3, TPT1  
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 - No response received at time of report writing with regard to the current, revised scheme  
Objected to the original scheme as follows:

- Size and location would not blend in with its surroundings;
- Size would over-shadow existing properties;
- The dwelling would be visible from the B4213;
- Dormer window on proposed east elevation would be in direct line with bedroom windows of Coombe Bank;
- Dwelling would not be in line with any existing properties;
- Elevated position with few trees to provide screening;
- Siting of proposed septic tank is very important due to lower lying houses, wildlife ponds;
- No justification as to why proposed access has to be sited so close to active badgers sett;
- Concern regarding construction traffic and access.

County Highways - No objection subject to appropriate planning conditions

Severn Trent Water Ltd - No objections subject to conditions

Environment Agency - No objection

Natural England - No Objection subject to appropriate conditions

Gloucestershire Wildlife Trust - No response

Conservation Officer - Original Scheme - Object on setting of a listed building grounds  
Current proposal - No reply received at time of report writing

Local Residents - Original Scheme: 15 letters of objection have been received from local residents. Their comments are summarised below:

- Harm to protected species including roosting bats and active badger sett;
- Oversized and wrongly positioned house;
- Proposal would exceed maximum scale parameters of outline permission;
- Sited further up the escarpment and therefore much more visible;
- Dwelling would be very prominent from Apperley/Tirley Road

- Dwelling would be seen from Coombe Bank and Waltham Lea;
- Proposed dormers would be in line with bedroom windows of Coombe Bank;
- Concern regarding highway safety due to new dwelling utilising existing narrow access onto A38;
- Dwelling of this size could contribute to flooding pattern locally;
- Potential contamination of the site.

Current Scheme - 1 letter of support has been received from the adjoining neighbour to the site.

**Councillor Waters has requested committee determination to assess the size and scale of the proposal**

**Planning Officers Comments:** Miss Lisa Dixon

## **1.0 Application Site**

1.1 This application relates to a detached property known as Vine Tree Farm, which is located at 'The Wharf', Coombe Hill. The dwelling is currently unoccupied and in a relatively poor state of repair.

1.2 The property lies remote from the nearby A38 highway, within a rural location and is currently accessed via a track from The Wharf at the head of the dis-used Coombe Hill Canal. The site, together with the adjoining Evington Lodge and the Grade II Listed, Evington House, forms a cluster of dwellings which lie behind (to the west) the linear development which lines this section of the A38. The topography of the site slopes markedly from east to west.

1.3 The site is situated within the Landscape Protection Zone (LPZ) and is within relatively close proximity to the Coombe Hill Canal, which is designated as a Key Wildlife Site. A Site of Special Scientific Interest (SSSI) is located over 100m away to the north-west of the site. A Public Right of Way (PRoW) crosses the site and extends north to south. The existing vehicular access to the property, together with the dwelling itself and western half of the site, is located within Flood Zone 3 (**See location plan**).

## **2.0 Planning History**

2.1 12/01216/OUT - Outline application for the erection of a replacement detached house, garage and extended driveway (all matters reserved) - Permitted at Committee on 02.05.2013. The existing dwelling lies within the lower portion of the site, to the western side of the public right of way and within Flood Zone 3. The extant permission agreed re-siting to the eastern side of the public footpath which crosses the site, thereby taking the dwelling out of the flood plain.

2.2 Although the outline permission reserved all matters for future consideration, Condition 8 restricted the maximum scale parameters (height, length and width) of the dwelling and associated garage in order to adhere to the size and scale of the existing dwelling and ancillary outbuilding on the site. Condition 13 removed permitted development rights for further extensions, structures or buildings within the site.

2.3 The outline permission remains extant at the current time.

## **3.0 Current Application**

3.1 This current full application seeks to erect a replacement dwelling and detached double garage. The proposed dwelling would differ from the indicative scheme of the outline permission with regards to positioning and building form/scale (see paragraph 5.2 below).

3.2 The current scheme also proposes a new access to serve the replacement dwelling, off the A38. The new dwelling would utilise the existing access off the A38 which serves both Evington House and Evington Lodge and falls within the ownership of Evington House, with an additional driveway extension proposed which would effectively link the site to the main entrance and the A38 beyond (**See attached plans**).

3.3 The scheme has been revised significantly since original submission. The original scheme sought to erect a substantial dwelling of Georgian design and proportions, with formal terracing, turning forecourt, enclosed swimming pool with garaging and gym/recreation area below. (**See attached plans**). This scheme was subsequently revised following officer concerns and further amended in May 2015 to its current incarnation.

3.4 The current proposal remains formal in design, with 'period' features such as full height sash windows and cornice and parapet detailing. The dwelling would be of stone construction with stone bonding course.

## 4.0 Policy Context

4.1 Policy HOU7 of the Local Plan states, inter alia, that the replacement of existing dwellings in locations where the construction of new houses would otherwise be unacceptable will be permitted providing that the replacement is of a similar size and scale, respects the scale and character of existing characteristic property in the area and is acceptable in terms of design, materials, environmental impact, parking and neighbouring amenity.

4.2 Policy HOU10 of the Local Plan states that the Borough Council will not permit the change of use of agricultural land to residential curtilage if there is an adverse environmental or visual impact on the form, character or setting of the settlement. There must also not be any significant encroachment into the surrounding countryside and the form of the extension must not be incongruous with the characteristic pattern of surrounding gardens.

4.3 Local Plan Policy TPT1 relates to access for developments and states that development will be permitted where, inter alia, it would not impair the safety or satisfactory operation of the highway network; and 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.

4.4 Policy LND3 sets out that within the Landscape Protection Zone (LPZ) the Borough Council will seek to protect or enhance the environment and where possible, provision will be made for improved public access. Important landscape features within the LPZ will be retained and where appropriate enhanced to ensure their long term retention. This guidance is echoed within Policy SD7 of the Submission Version of the Joint Core Strategy.

4.5 Policy INF3 of the JCS Submission Version presumes against development at direct risk from flooding and/or development that would increase the risk of flooding elsewhere. Similarly Local Plan Policy EVT5 sets out that development should not exacerbate or cause flooding problems.

4.6 The above guidance is reflected in the relevant Sections of the NPPF. The above Development Plan policies are therefore considered to be consistent with the NPPF and should carry significant weight in the determination of this application.

## 5.0 Analysis

5.1 The main planning issues to be considered in this application are size, scale and design, landscape impact, flood risk, access, ecology, setting of the nearby listed building and the impact on surrounding residential amenity.

### Size, Scale and Landscape Impact

5.2 The revised design and access statement in support of the current scheme notes that the scale parameters reflect those of the extant outline permission. However, the proposed height would be 9.3m (extant parameter maximum height - 8m); the length would be 17.4m (extant maximum length - 17m); and the proposed width is stated to be 7m (extant maximum width - 8m). However, the width of the main part of the dwelling (not the recessed drawing room/bedroom 2) is 7.6m and the dwelling proposes an L-shaped layout which actually results in a maximum width of 12.1m. The maximum dwelling footprint of the extant outline permission would be 136 square metres. However, the current scheme proposes a dwelling footprint in excess of 157 square metres. The proposed footprint of the house in addition to the detached garage would be 191 square metres, with a maximum garage height of 4m. This would be marginally smaller than the extant maximum footprint (192 square metres for dwelling and garage combined). As such, the garage element of the proposal is considered to reflect the scale parameters imposed by the extant outline permission on the site.

5.3 It is evident that the dwelling permitted by outline the application would appear more visually prominent than the existing building, due to its higher positioning, outside of the established residential curtilage of Vine Tree Farm. However, the encroachment into agricultural land within the lower portion of the site was agreed at outline stage as it was accepted that the replacement dwelling would be of a similar size and scale to the existing property and details such as landscaping and boundary treatment/layout could be adequately controlled at reserved matters stage, helping to ensure that the encroachment into agricultural land beyond driveway would not have an undue impact on the rural landscape. It was also considered that the proposed access was also re-sited at the request of Officers during the outline stage, to ensure that it would be parallel with the

proposed dwelling to minimise impact. The finished floor levels of the extant outline dwelling and garage would be some 2.1m higher than the existing property (proposed FFL: 14.00 m) and this was considered acceptable in landscape terms, in light of the above.

5.4 It is considered that the proposed footprint increase of the current scheme would result in detrimental impact upon the setting of the Landscape Protection Zone and that this would be further compounded by the proposed increased height of the building (9.3m). This would exceed the permitted maximum height by some 1.3m. Furthermore, the formal, period style and proportions of the proposed dwelling, together with its proposed re-siting much further up the slope of the site (extant dwelling sited 19m from public right of way; current proposal sited further to the south-east, some 49m from the public footpath) would increase the prominence of the dwelling within the rural landscape. Substantial engineering operations would be undertaken to create a plateau upon which to site the new dwelling and garage. The finished floor levels of the new dwelling would be 20.00m, significantly higher than the existing dwelling (12.368 FFL). The siting would be significantly further from the existing cluster of dwellings within the immediate locality (Evington Lodge and Evington House), and would also lie remote from the existing linear development fronting the A38. Whilst the extant outline does agree the principle of a replacement dwelling outside of the established curtilage of Vine Tree Farm, the permission relates to a smaller dwelling, more closely related in size, scale and positioning to the dwelling it seeks to replace.

5.5 Furthermore, the new driveway and formal turning area proposed to serve the dwelling would also result in additional discordant and urbanising features within the LPZ which fail to respect the existing built form and settlement pattern of the locality and also fail to respect the character of the existing Vine Tree Farm.

5.6 In light of the above, it is therefore considered that the current proposal would not be of an acceptable size, siting or design and would therefore result in the introduction of an urbanising and discordant addition within the rural character of the LPZ. The proposal is therefore considered contrary to Policies HOU7 and LND3 in this regard.

### **Flood Risk**

5.7 The existing dwelling and outbuildings lie almost entirely within Flood Zone 3 (high risk) according to the Environment Agency's flood risk maps. A Flood Risk Assessment (FRA) was submitted along with the extant outline scheme which concluded that the proposed replacement dwelling would be sited further to the south-east of the plot on land that is located within Flood Zone 1, and would therefore be at lower risk of flooding than the existing property. The EA concurred with the view that the replacement dwelling would be sited in Flood Zone 1 and therefore fully supported the proposal to relocate the new dwelling to this part of the site. As the current proposal seeks to locate the dwelling, driveway and pedestrian/vehicular access further up the slope and therefore, further away from Flood Zone 3, it is considered that the siting is acceptable with regards to flood risk, in accordance with the NPPF, Policy INF3 of the JCS Submission Version and Policy EVT5 of the Local Plan.

### **Highway Safety**

5.8 The County Highways Officer has been consulted on the application and does not object to the proposal in highway safety terms, subject to the imposition of appropriate conditions relating to the provision of a suitable layout which allows simultaneous vehicular access and egress and the provision of suitable visibility splays adjacent the A38.

5.9 The applicant would need to demonstrate that they have private vehicular rights in order to drive a motor vehicle over third party land falling within the ownership of Evington House, but this matter is addressed through separate legislation. The proposal is therefore considered to accord with Policy TPT1 of the Local Plan.

### **Ecology**

5.10 The application has been accompanied by an 'Extended Phase 1 Habitat Survey' which has been prepared by a qualified ecologist. The survey assesses the potential for protected habitats and species on the site. In its conclusion, the survey report states that no statutory or non-statutory wildlife sites, Biodiversity Action Plan Priority Habitats or other habitats of particular ecological interest or conservation concern would be adversely affected by the proposals. The report does however identify that roosting bats have been identified in the existing dwelling and it is therefore recommended that the bat mitigation strategy

accompanying the survey, be implemented in full. Furthermore, an active badger sett has been identified towards the Southern boundary of the site, adjacent to where the proposed new access/driveway would be located. In light of these findings, a badger mitigation strategy has been prepared as part of the ecological survey.

5.11 Several local letters of objection have been submitted with regards to the positioning of the proposed driveway in relation to an active badgers sett and also with regards to engineering works and tree removal that has recently occurred on the site within the vicinity of the sett itself. Interfering with a badger sett without an appropriate license is an offence under the Badger Act 1992 and responsibility for investigating possible offences lies with the police. The Local Wildlife Crime Officer for the area is aware of this issue and investigations are ongoing at the present time. nevertheless, the ecological report states that moving the proposed driveway to another location would be 'problematic' but provides no additional information as to why this is the case. As such, it is considered that, further information is required with regards to the potential impact of the development upon the active badgers sett in order to ensure that the proposal would not result in undue harm to wildlife, in accordance with Policy SD10 of the JCS Submission Version and Policy NCN5 of the Local Plan.

### **Residential Amenity**

5.12 The most immediate residential property to the application site is 'Evington Lodge' which is located to the west of the application site. The owners of Evington Lodge have written in support of the current proposal. Given the siting and orientation of the proposed dwelling and garage, it is not considered that the proposal would result in an adverse impact in terms of residential amenity.

5.13 The occupiers of the nearest property to the south-east of the site, Coombe Bank raised objections to the original, larger proposal on the grounds that it would constitute an oversized and wrongly positioned house which would be viewed by existing houses in the area, including their own and 'Waltham Lea'. The revised proposal, received on 19.05.2015 has been accompanied by a site section drawing, showing the proposed dwelling in relation to Coombe Bank. The site section indicates that due to the sloping topography of the site and the relative distance of the proposed dwelling from Coombe Bank, the new building would not be visible from Coombe Bank itself or from the A38.

5.14 It is considered that the proposed replacement dwelling would not result in loss of residential amenity to adjoining neighbours by reason of overbearing, loss of privacy or overlooking and therefore, accords with Policy HOU7 in this regard.

### **Setting of the Listed Building**

5.15 NPPF paragraph 17 states as one of the 12 core planning principles that planning should conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 131 requires local planning authorities in determining planning applications to take account of the desirability of sustaining and enhancing the significance of heritage assets. Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires Authorities to have special regard to the desirability of preserving any listed building or its setting or any features of architectural or historic interest which it processes.

5.16 The Grade II Listed 'Evington House' lies to the south-west of the site. The Conservation Officer has been consulted with regards to the impact of the proposal upon the setting of the heritage asset. The Conservation Officer raised objections in respect of the original scheme, on setting grounds, due to the relative distance of the proposal from Evington House and the scale, design and orientation of the proposal. As such, the original proposal was considered contrary to Section 12 of the NPPF, Policy SD9 and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990. The current scheme is not considered to fully address these concerns and as such, an objection on heritage asset harm grounds remains.

### **6.0 Conclusion**

6.1 In light of the above considerations, it is considered that the proposed development would result in a significant adverse impact on the rural landscape of the LPZ. The proposal would also result in harm to the setting of nearby heritage assets and would fail to respect the scale and character of the dwelling it seeks to replace. The application is therefore considered to be contrary to the aims of the NPPF and policies HOU7 and LND3 of the Local Plan. The application is therefore **recommended for refusal**.



## **RECOMMENDATION Refuse**

### **Reasons:**

- 1 The proposed development, by reason of size, scale, detailed design and positioning would result in a discordant and visually intrusive addition to the rural landscape setting of the Landscape Protection Zone, contrary to Section 11 of the NPPF and Policy LND3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 2 The proposed development fails to respect the size, scale or character of the existing dwelling on the site, or the character and settlement pattern of the locality, contrary to Policy HOU7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 3 The proposed development would result in discernible harm to the setting of the nearby heritage asset of the Grade II listed 'Evington House', contrary to Section 12 of the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Note:**

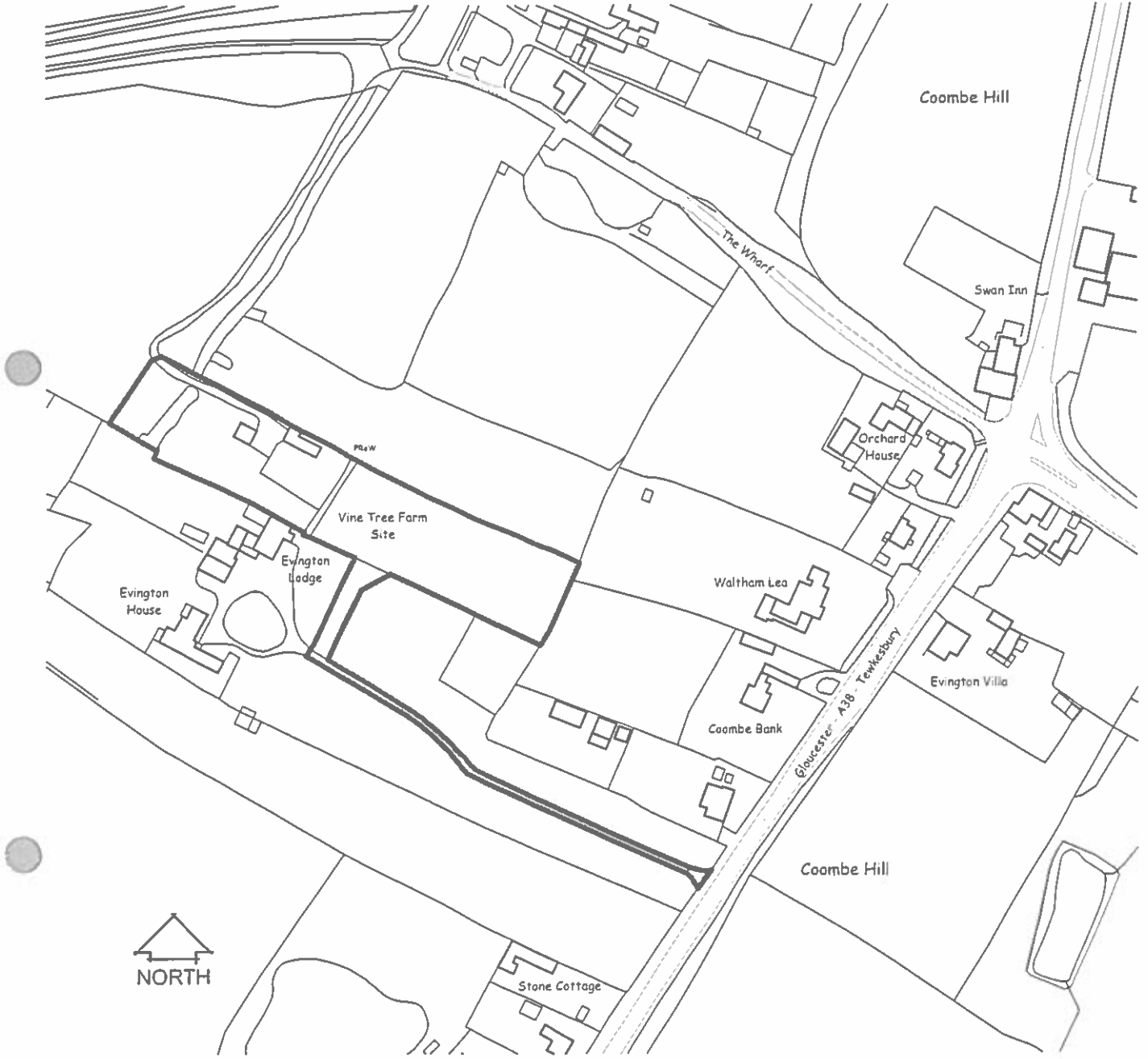
#### **Statement of Positive and Proactive Engagement**

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 seek solutions to overcome the planning objections and the conflict with Development Plan Policy by seeking to negotiate with the applicant to address identified issues of concern and providing on the council's website details of consultation responses and representations received. However, negotiations have failed to achieve sustainable development that would improve the economic, social and environmental conditions of the area.

14/01224/FUL  
SITE LOCATION PLAN -  
EXISTING DWELLING

**RIBA**  
Chartered Practice

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	Client: Mr & Mrs McCreadie	Scale: 1:2500 @ A4
	Drawn by: AH Checked: JE	Date: December 2014
	Job number: 14.10.019	Draw no: P001

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1201A

14/01224 / Full

EXTENT OUTLINE  
PERMISSION



Project: Vine Trees Farm, The Wharf Combe Hill, Nr Cheltenham	
Client: Mr & Mrs McCreadie	Scale: 1:500 @ A1
Drawn by: AH	Checked: JE
Job number: 14.10.019	Date: December 2014
	Draw no: P002

Drawing title: Existing Block Plan

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Preliminary  
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 Planning  
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 As Built

RO/B

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14/01224 / FULL  
ORIGINAL SCHEME

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120/c

Drawing title:	Proposed Site Layout	Project:	Vine Tree Farm, The Wharf Coombe Hill, Nr Cheltenham
Client:	Mr & Mrs McCreadie	Scale:	1:250 @ A1
Drawn by:	AH	Date:	December 2014
Checked:	JE	Drawn no:	P104.A
Job number:	14-10-019		

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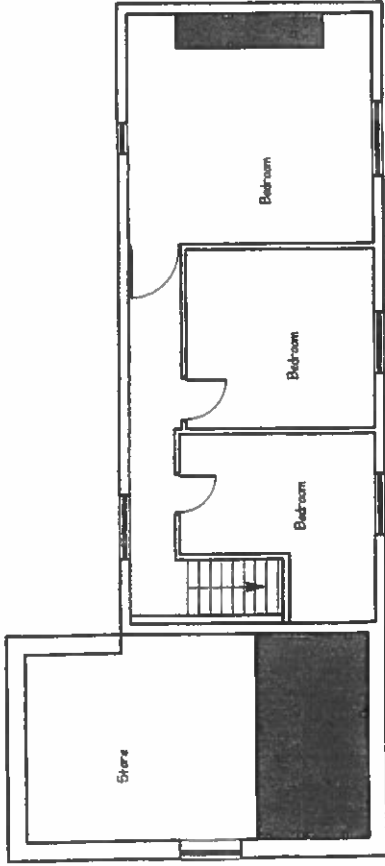
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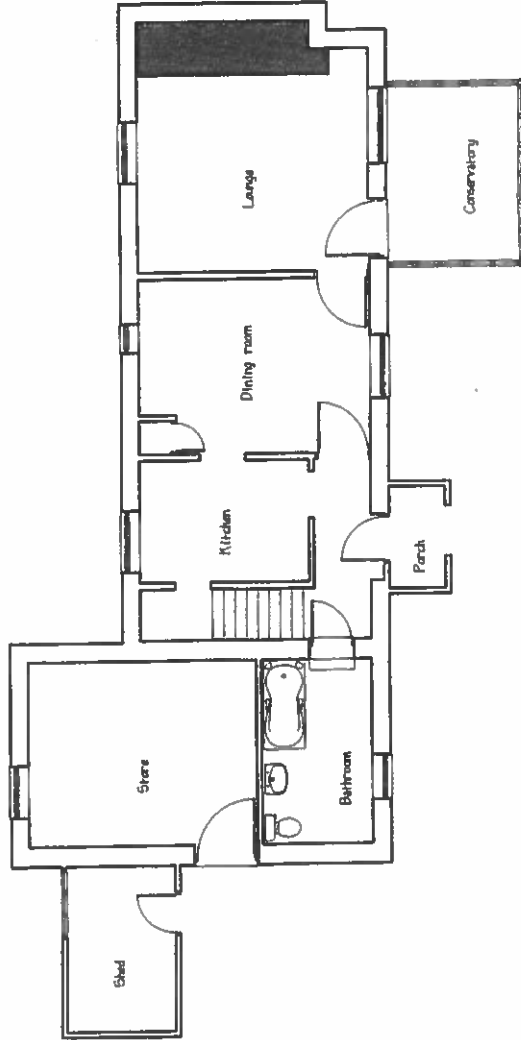
EXISTING DWELLING

### Existing Floor Plan



12016

### First Floor



### Ground Floor

#### NOTES:

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Specification and DRAWING SERVICES

Design: Alan S Wood  
 Scale: 1:100  
 Date: 11 DEC 2012

Scale Bar: 0m, 5m, 10m, 15m, 20m

1:46  
 3.0m x 1.50m  
 120m x 1200  
 75m x 12250

A	Date	Revisions

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Client: **Mr G Tovey**  
 Job Title: **Vine Tree Farm**  
**The Wharf**  
**Coombe Hill**  
 Drawing Title: **Existing Floor Plan**

Scale: **1/100**  
 Date: **Aug 12** Drawn by: **SAW**  
 Drg No.:

24/12/14

12016

14/10/2014 / FULL  
CURRENT SCHEME

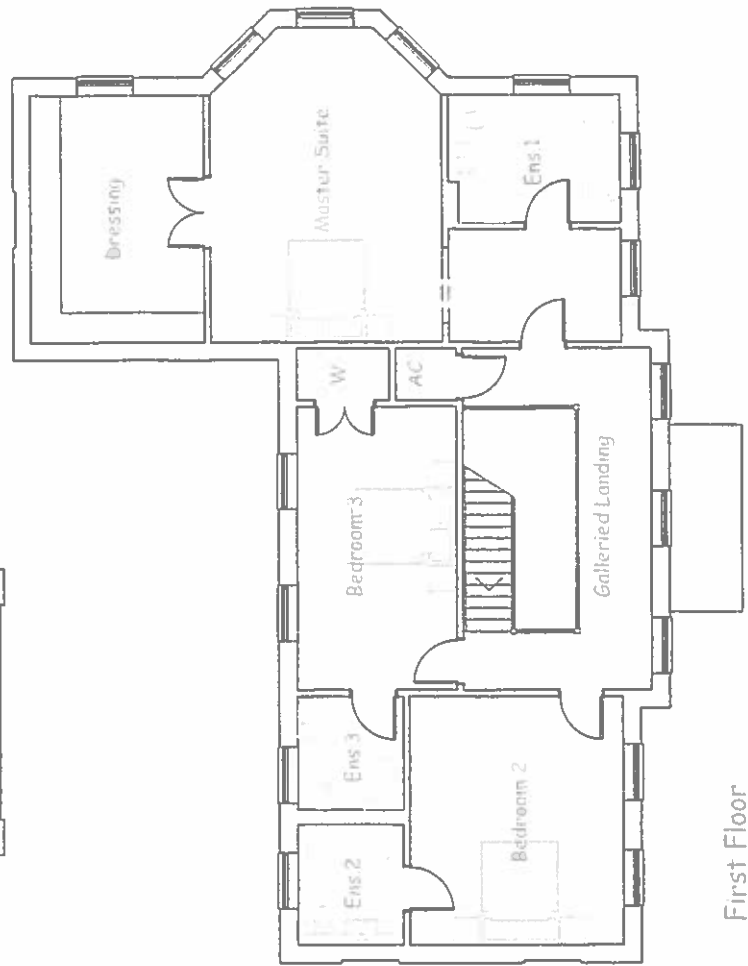
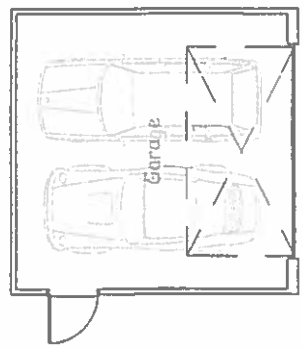


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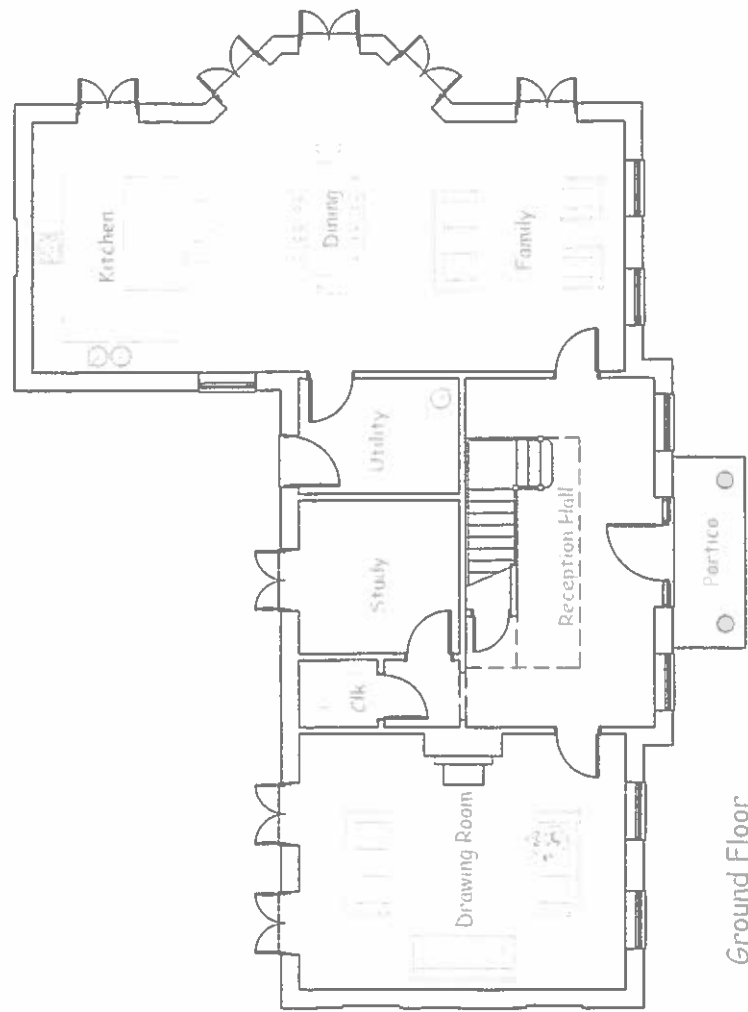
<p>coombes : eventit architects limited Unit No.1, The Old Dairy Rushley Lane Winchcombe Gloucestershire GL54 5JE t: 01242 807727 f: 01452 537533 e: info@co-architects.co.uk www.co-architects.co.uk</p>		<p>1 Preliminary <input type="checkbox"/> Feasibility <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Building Regulations <input type="checkbox"/> Tender <input type="checkbox"/> Construction Issue <input type="checkbox"/> As Built</p>		<p>1. This drawing and project is copyright © of coombes : eventit architects limited 2. All other drawings are the property of coombes : eventit architects limited and may not be reproduced without written permission</p> <p>RIBA Chartered Institute of Architects</p>		<p>REV B Drawing updated to LPA comment REV A Drawing updated to add client comments 18/07/15 18/07/15</p>		<p>Project: Vive Tree Farm, The Wharf Coombe Hill, Nr Cheltenham</p> <p>Drawing title: Proposed Block Plan</p> <p>Client: Mr &amp; Mrs McCreade</p> <p>Scale: 1:500 @ A1</p> <p>Drawn by: AH Checked: JE</p> <p>Date: December 2014</p> <p>Job number: 14.10.019</p> <p>Drawn by: P003 B</p>	
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14/01224 / FUL  
CURRENT SCHEME




First Floor

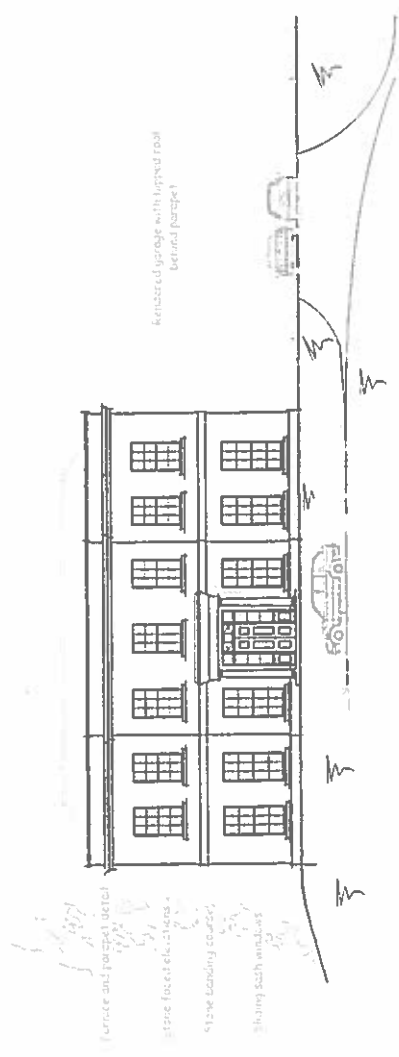


Ground Floor

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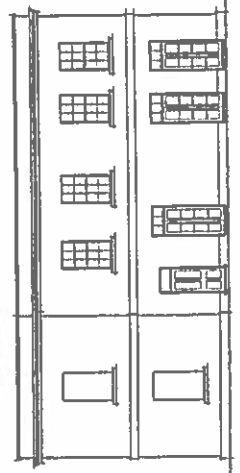
<p>coombes : everitt architects limited Unit No. 1, The Old Dairy Rushley Lane Winchcombe Gloucestershire GL64 5JE t. 01242 607727 f. 0845 575833 e. info@ce-architects.co.uk www.ce-architects.co.uk</p>		<p><b>RIBA</b> Chartered Practice </p>		<p>1. This drawing and content is copyright © of coombes : everitt architects limited 2. Do not scale drawing, all dimensions to be checked on site prior to construction and any discrepancies reported to contract administrator</p>		<p>REVA REV 8 Drawing updated to all client comments Drawing updated to LPA comment 100213 1402515</p>		<p>Project: Vine Tree Farm, The Wharf Coombe Hill, Nr Cheltenham Scale: 1:100 @ A3 Date: December 2014 Draw no: P005 B</p>	
<p><input type="checkbox"/> Preliminary <input type="checkbox"/> Feasibility <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Building Regulations <input type="checkbox"/> Tender <input type="checkbox"/> Construction Issue <input type="checkbox"/> As Built</p>		<p>Drawing title: Proposed Floor Plans Client: Mr &amp; Mrs McCreade Drawn by: AH Checked: JE Job number: 14.10.019</p>		<p>coombes : everitt architects</p>					

14/01224 / FULL  
CURRENT SCHEME - PROPOSED  
ELEVATIONS




Proposed Front / West Elevation

120/G



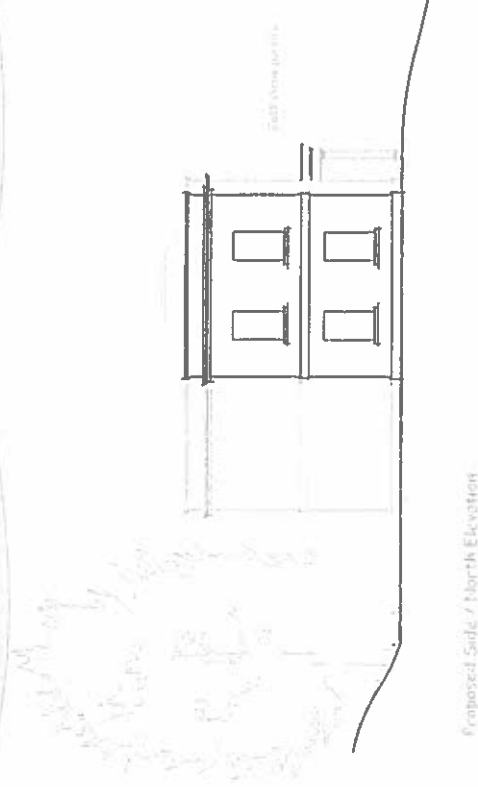
Proposed Rear / East Elevation

<p><b>coombes : eventit architects limited</b> Unit No.1, The Old Dairy Rushley Lane Winchcombe Gloucestershire GL54 5JE t: 01242 807727 f: 0845 5575833 e: info@ce-architects.co.uk www.ce-architects.co.uk</p>	<p><input type="checkbox"/> Preliminary <input type="checkbox"/> Feasibility <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Building Regulations <input type="checkbox"/> Tender <input type="checkbox"/> Construction issue <input type="checkbox"/> As Built</p>	<p><b>RIBA</b> Chartered Practice</p> 	<p>1. The drawing and content is copyright © of coombes : eventit architects limited 2. Do not scale drawing. All dimensions to be checked on site prior to construction and any discrepancies reported to contract administrator</p>	<p>REV A Drawing updated to suit client comments REV B Drawing updated to LPA comment</p> <p>10/02/15 18/05/15</p>	<p>Drawing title: Proposed Elevations</p> <p>Client: Mr &amp; Mrs McCreadie Drawn by: AH Checked: JE Job number: 14.10.019</p> <p>Project: Vine Tree Farm, The Wharf Coombe Hill, Nr Cheltenham</p> <p>Scale: 1:200 @ A3 Date: December 2014 Draw no: P006 B</p>
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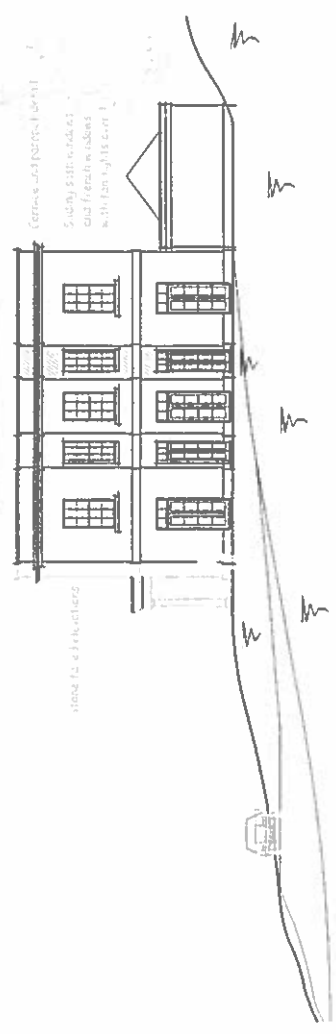
coombes : eventit architects



14/01224 / Full  
 CURRENT SCHEME - PROPOSED  
 ELEVATIONS




Proposed Side / North Elevation

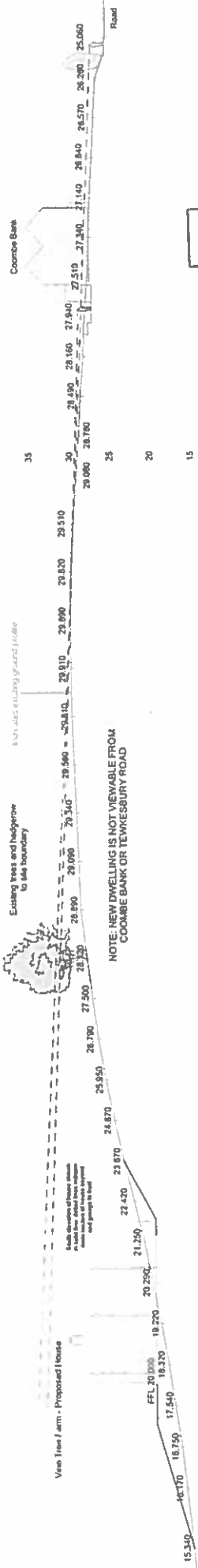


Proposed Side / South Elevation

H/021

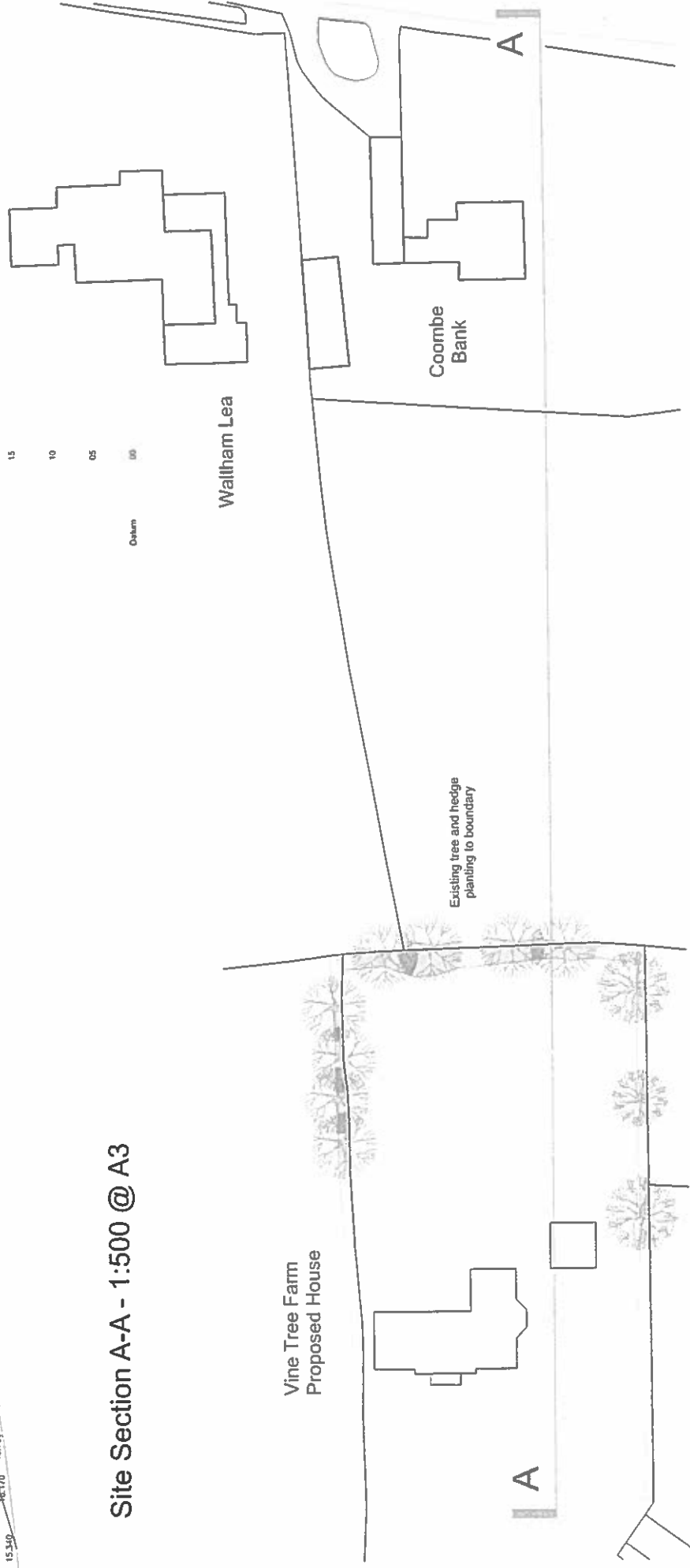
<p><b>coombes : everitt architects limited</b>          Unit No. 1, The Old Dairy          Rushley Lane          Winchcombe          Gloucestershire          GL54 5JE          t: 01242 807727 f: 0845 6575833          e: info@ce-architects.co.uk          www.ce-architects.co.uk</p>	<p><input type="checkbox"/> Preliminary  <input type="checkbox"/> Feasibility  <input checked="" type="checkbox"/> Planning  <input type="checkbox"/> Building Regulations  <input type="checkbox"/> Tender  <input type="checkbox"/> Construction Issue  <input type="checkbox"/> As Built</p>	<p><b>RIBA</b>          Chartered Practice</p> 	<p>1. This drawing and content is copyright © of coombes : everitt architects limited          2. Do not scale drawing, all dimensions to be checked on site prior to construction and any discrepancies reported to contract administrator</p>	<p>REV A Drawing updated to suit client comments          REV B Drawing updated to suit client comments</p>	<p><b>Drawing title:</b> Proposed Elevations  <b>Client:</b> Mr &amp; Mrs McCreadie  <b>Drawn by:</b> AH  <b>Checked:</b> JE  <b>Job number:</b> 14.10.019</p> <p><b>Project:</b> Vine Tree Farm, The Wharf          Coombe Hill, Nr Cheltenham  <b>Scale:</b> 1:200 @ A3  <b>Date:</b> December 2014  <b>Draw no:</b> P007 B</p>
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14/01224 / FULL  
CURRENT SCHEME



NOTE: NEW DWELLING IS NOT VIEWABLE FROM COOMBE BANK OR TENKESBURY ROAD

Site Section A-A - 1:500 @ A3



I/021

<p><b>coombes : eventit architects limited</b> Unit No.1, The Old Dairy Rushley Lane Winchcombe Gloucestershire GL54 5JE t: 01242 807727 f: 0845 5575833 e: info@ce-architects.co.uk www.ce-architects.co.uk</p>	<p><input type="checkbox"/> Preliminary <input type="checkbox"/> Feasibility <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Building Regulations <input type="checkbox"/> Tender <input type="checkbox"/> Construction Issue <input type="checkbox"/> As Built</p>	<p><b>RIBA</b> Chartered Practice</p> <p>1. This drawing and content is copyright © of coombes eventit architects limited 2. Do not scale drawing, all dimensions to be checked on site prior to construction and any discrepancies reported to contract administrator</p>	<p>REV A REV B</p> <p>Drawing updated to full client comments Drawing updated to full LPA comment</p> <p>1002/15 1802/15</p>	<p>Drawing title: Site Section - Tewkesbury Road to Proposed Replacement Dwelling Client: Mr &amp; Mrs McCreadie Drawn by: AH Checked: JE Job number: 14.10.019</p>	<p>Project: Vine Tree Farm, The Wharf Coombe Hill, Nr Cheltenham Scale: 1:500 @ A3 Date: January 2015 Draw no: P100 B</p>
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coombes - eventit architects

Valid 10.03.2015  
Grid Ref 389534 231626  
Parish Tewkesbury

Ward Tewkesbury Priors Park

Proposed erection a pair of semi-detached dwellings

Mr A Walker  
45 Stanton Road  
Mitton  
Tewkesbury  
Gloucestershire  
GL20 8AE

## RECOMMENDATION Refuse

### Policies and Constraints

#### NPPF

Planning Practice Guidance

JCS Submission Version - SP2, SD5

Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU2, HOU5, TPT1

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 - No objections

County Highways - No objections - standing advice

Severn Trent Water Ltd - No objections

Local Residents - 1 letter of support has been received, stating that the proposal would enhance the neighbourhood.

**Committee determination requested by Councillor Greening to assess the application in the light of the local need for high-density, low-cost housing**

**Planning Officers Comments:** Miss Lisa Dixon

### 1.0 Site

1.1 The application site relates to a neglected corner plot adjacent to Queens Road and Lancaster Road, within the residential area of Priors Park, Tewkesbury. The site currently forms part of the residential garden of no.215 Queens Road although the rear garden of the property has been enclosed from the remainder of the plot by way of a close boarded fence. Adjoining the site to the east is a public footpath and communal parking area serving Lancaster Road. The eastern side boundary is denoted by way of unattractive, 2m high, metal palisade fencing. The site is adjoined to the rear (south) and to the side, by existing residential development **see attached plans. A copy of the plans will also be displayed at Committee.**

1.2 The immediate locality is characterised by distinctive semi-detached pairs of hipped-roof, concrete-clad dwellings, although many dwellings have been modernised in recent years with the addition of brick-cladding or render.

### 2.0 History

2.1 There is no planning history relating to the site.

### 3.0 Application

3.1 The application seeks planning permission for the construction of a pair of 2 bedroom dwellings on the site. The dwellings would be some 4.5m wide and 9.6m deep and would comprise a kitchen/diner, lounge and wc at ground floor level and 2 bedrooms and family bathroom at first floor level. Each dwelling would be

provided with off-road parking for a single motor vehicle and 2m high brick piers with timber panel fencing would form the new eastern and western boundaries, together with the shared rear boundary between the two dwellings.

#### **4.0 Planning Policy Context**

##### **The National Planning Policy Framework 2012**

4.1 The National Planning Policy Framework (NPPF) advises that housing applications should be considered in the context of the presumption in favour of sustainable development. For decision taking this means that proposals that accord with the development plan should be approved without delay and, where the development plan is absent, silent or its relevant policies are out of date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

4.2 The design advice and Core Planning Principles of the NPPF are also of relevance, in particular the advice that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

##### **Tewkesbury Borough Local Plan to 2011 - March 2006**

4.3 Policies HOU2 and HOU5 of the Tewkesbury Borough Local Plan (TBLP) are the main Development Plan policies for consideration in this matter. In essence these policies provide that residential development proposals will be supported within the residential boundaries of defined settlements (including Priors Park, Tewkesbury) providing that they are of a high quality design, make appropriate provision for parking and access and do not have an adverse impact on residential or visual amenity. It is considered that these policies are broadly consistent with the relevant advice within the NPPF as summarised above.

#### **5.0 Analysis**

5.1 Having regard to the relevant policy framework set out above it is considered that the main issues for consideration are the design of the proposal and its impact on the visual amenity of the area; the impact of the proposal on the amenity of the occupiers of nearby properties and; the impact of the development on highway safety.

##### *Design/visual amenity issues*

5.2 As set out above, the immediate locality is comprised of distinctive pairs of semi-detached, half-hipped dwellings, although there is some variation in materials due to modernisation of these properties in recent years. The proposed dwellings are of mixed materials (brick at ground floor with render above and revised plans, received by the LPA on 29.05.2015, sought to revise the roofing design to a full hip from a gable, in order to reflect the half-hipped design of the existing dwelling within the plot.

5.3 The current scheme proposes a semi-detached pair, in line with the front elevation of the existing dwelling on the site (215 Queens Road). However, the relatively constrained nature of the site necessitates the dwellings being significantly deeper than no.215 (9.6m as opposed to 5.7m) and results in a large expanse of gable walling being sited within 0.4m of the public footpath serving Lancaster Road. This would be significantly at odds with the existing character of development in the area. Furthermore, the constrained plot size would also result in the provision of restricted rear garden space for each of the proposed dwellings (4.6m length by 4.5m wide and 5m wide respectively).

5.4 It is therefore considered, that the current scheme would result in overdevelopment of the plot, which, by virtue of scale, positioning and detailed design, would have a detrimental impact upon the visual amenity of the locality, contrary to the NPPF and Policy HOU5 of the Local Plan. Whilst it is acknowledged that the proposal should not necessarily seek to replicate the design of the existing dwellings in the row, it is considered that the detailed design, together with the overall depth of the proposed dwellings, would fail to maintain the rhythm of the street scene or allow its visual assimilation within the locality.

5.5 Officer concerns were raised with the agent with regards to the number of dwellings proposed within the plot and their detailed design and resulting impact upon the street scene and upon the residential amenity of adjoining neighbours. Officers considered that there was scope to construct a single dwelling on the site and

potentially overcome these planning concerns. Following these discussions, revised plans were submitted to the LPA in May 2015. However, these sought only to revise the roofing design of the dwellings from a gable to a hip and the proposal remains for the erection of two dwellings within the plot.

### Residential amenity impacts

5.6 The positioning of the dwellings within the plot would result in a 4m, two-storey projection to the rear of no.215 Queens Road. Furthermore, the gable of the adjacent new dwelling would be sited some 1.15m from the existing dwelling within the plot (no.215). Due to the orientation of the plot (to the east of no.215), it is considered that the proposal would result in discernible loss of sunlight to habitable rooms to the rear of the existing dwelling on the site. Furthermore, the positioning of the rear elevation of the new dwellings, relative to the adjacent dwelling to the rear (no.2 Lancaster Road), would result in a first floor habitable room, window to window distance of only 9m.

5.7 It is therefore considered that the relative depth of the proposed dwellings within the plot would result in undue adverse impact on the occupiers of no.215 Queens Road and no.2 Lancaster Road. The resulting spatial relationship would lead to unacceptable loss of daylight and sunlight to no.215 and an unacceptable relationship between first floor windows of no.2 Lancaster Road and the new dwellings, resulting in loss of privacy and overlooking to both.

### Highways impacts

5.8 The proposed development has been considered in relation to the Highways Authority's standing advice. In this instance each dwelling would provide off street parking for at least a single car. A new combined vehicular access would be provided to serve both dwellings. The proposed plans are unclear in setting out the proposed access arrangements and visibility splay and as such, it is considered that this element of the proposal cannot be fully assessed against Highway Authority Standing Advice, in the light of the currently submitted scheme.

## **6.0 Conclusion**

6.1 The principle of residential development on the site is acceptable in accordance with Policy HOU2 of the Local Plan. Whilst it is acknowledged that the proposed dwellings would provide additional lower-cost, 2-bed housing within the area, the current scheme proposes market housing and there is no requirement in planning terms to provide affordable housing on the site. The proposed development in this case would result in a cramped form of development which would result in discernible harm to the residential amenity of adjoining occupiers. Furthermore, the proposed detailed design and depth of the dwellings would fail to assimilate well within the street scene and would result in an imposing and discordant addition, particularly when viewed from Lancaster Road. Taking the above points into account, the proposal is found to be contrary to the relevant policies of the Development Plan and relevant advice within the NPPF. On this basis it is recommended that planning permission is **refused**.

## **RECOMMENDATION Refuse**

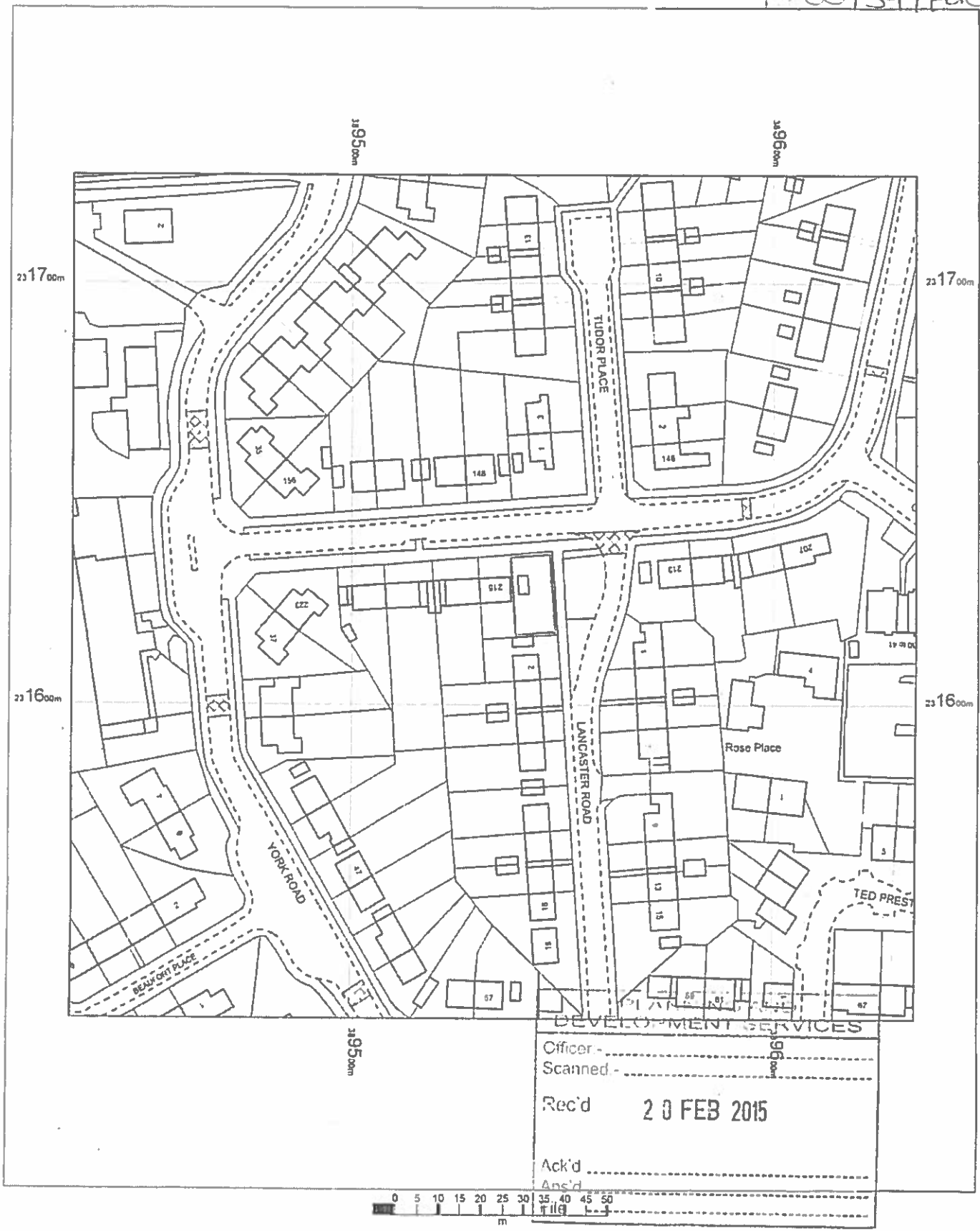
### Reasons:

- 1 The proposed development, by virtue of size, positioning and detailed design, would result in a cramped form of development which would fail to assimilate within the existing street scene, contrary to the NPPF and Policy HOU5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 2 The proposed development would result in discernible overlooking, loss of privacy and loss of light to the occupiers of adjoining properties, contrary to the NPPF and Policy 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 worked with the applicant in a positive and proactive manner in order to seek solutions to overcome the planning objections and the conflict with Development Plan Policy by seeking to negotiate with the applicant to address identified issues of concern and providing on the council's website details of consultation responses and representations received. However, negotiations have failed to achieve sustainable development that would improve the economic, social and environmental conditions of the area.



DEVELOPMENT SERVICES  
 Officer -  
 Scanned -  
 Rec'd 20 FEB 2015  
 Ack'd  
 Ans'd

215 QUEENS ROAD  
 TEWKESBURY  
 GL20 5EL

OS MasterMap 1250/2500/10000 scale  
 09 February 2015, ID: CM-00399462  
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15/00384/FUL  
15/00384/FUL  
Valid 03.04.2015  
Grid Ref 402721 228620  
Parish Winchcombe  
Ward Winchcombe

**Parrs Farm, Broadway Road, Winchcombe**

**3**

Erection of a detached dwelling

Mr S North  
Parrs Farm,  
Broadway Road  
Winchcombe

## **RECOMMENDATION Refuse**

### **Policies and Constraints**

#### **NPPF**

Planning Practice Guidance  
Submission Version JCS (November 2014)  
Tewkesbury Borough Local Plan to 2011 (March 2006) - HOU2, HOU5, HEN2, TPT1, EVT5  
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
The First Protocol, Article 1 (Protection of Property)  
Cotswold Area of Outstanding Natural Beauty  
Conservation Area.  
Grade II Listed Building

### **Consultations and Representations**

Winchcombe Parish Council - No objection

Conservation Officer - Objects

County Highway Authority - Refer to standing advice.

Five letters of neighbour representation received raising the following concerns:

- The proposed access is onto Kenulf Road which is a private road which the applicants have no access rights over.
- The proposed design is not in keeping with the area.
- The proposal would be detrimental to flood risk in the area.
- Would detract from the setting of the Grade II Listed Building.
- Requires the demolition of the listed barn which is part of the towns history and is visible within the streetscene.
- Would have a detrimental impact on protected species.
- Would impact on views from the PROW.
- The proposed development would have an adverse visual impact on the AONB and character and appearance of the area.

**Planning Officers Comments:** Mr Ciaran Power

### **1.0 Application Site**

1.1 This application relates to a site off the Broadway Road in Winchcombe. The site is within both the Winchcombe Conservation Area and Cotswold Area of Outstanding Natural Beauty (AONB). The application site is located within flood zone 2 and 3. The site forms part of the Curtilage of Parr's Farm, a Grade II Listed Building.

### **2.0 Planning History**

2.1 15/00385/LBC - Concurrent application for Listed Building Consent for demolition works associated with the proposed development.

### 3.0 Current Application

3.1 This application seeks planning permission for the demolition of the existing detached garage and erection of one detached 5 bedroom dwelling and attached double garage as well as associated access and parking. A private garden area would be provided to the rear. Access arrangements to the application site have been amended since the original submission and a new access is now proposed off of Broadway Road. The application also includes flood mitigation measures such as lowering land levels in the rear garden of the new dwelling to increase flood storage capacity in the area.

### 4.0 Policy Context

4.1 The National Planning Policy Framework (NPPF) promotes sustainable development, of which there are three dimensions: economic, social and environmental. It 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). Footnote 9 to paragraph 14 makes it clear that the presumption in favour of development does not apply where policies in the NPPF set out that policies should be restricted. In this case, this applies given the designated heritage asset and the fact that the site is at risk of flooding.

4.2 Policy HOU2 of the Local Plan supports the principle of residential development in settlements such as Winchcombe, provided that such development can be satisfactorily integrated with the framework of the settlement, subject to other material considerations. Policy SD11 of the JCS (submission version) reflects this and sets out that housing development will be permitted on previously developed land in existing built up areas, including Rural Service Centres (such as Winchcombe).

4.3 Section 7 of the NPPF and its PPG make 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. Furthermore, one of the defined 'Core Principles' of the NPPF is that a good standard of amenity for all existing and future occupants of land and buildings be achieved. Policy HOU5 seeks to ensure that new residential development respects the form and character of the adjacent area, an acceptable impact on residential amenity and is of high quality design.

4.4 The Planning (Listed Buildings & Conservation Areas) Act 1990 Section 66 (1) requires that Local Planning Authorities pay special regard to the desirability of preserving the [listed] building or its setting. Paragraph 131 of the NPPF restates this requirement and advises that "the character of historic buildings may suffer and they can be robbed of much of their interest, and of the contribution they make to townscape or countryside" by development which detracts from their setting. Furthermore, Policy HEN2 of the local plan and SD9 of the JCS (submission version) seeks to preserve or enhance the character and appearance of conservation areas. This is consistent with the advice at paragraph 131 of the NPPF and its Planning Practice Guidance.

4.5 Paragraph 115 of the NPPF states that 'great weight' should be given to conserving the landscape and scenic beauty of the AONB and this is reflected in Policy SD8 of the JCS (submission version).

4.6 Policy EVT5 of the Local Plan seeks for development to, amongst other things, direct development to areas at low risk of flooding. The National Planning Policy Framework (NPPF) requires local planning authorities to take account of the risk of flooding when preparing their local plans and in decision making. The NPPF sets out a sequential, risk based approach to the location of development to avoid where possible flood risk to people and property, and to manage any residual risk. It is expected that the impacts of climate change are taken into account when considering flood risk, as properties built now are expected to last at least 100 years. Policy INF 3 of the JCS (submission version) also seeks to avoid development in areas at risk of flooding in accordance with a risk based sequential approach.

4.7 The above local plan policies which seek to promote sustainable development and conserve the historic environment are considered to be consistent with the NPPF and are therefore considered to have significant weight.



## 5.0 Analysis

5.1 The main issues to be considered are the; principle of development, design, impact on the Conservation Area, Impact on Listed Building, Landscape impacts on AONB, impact on living conditions, highway safety, flood risk and drainage.

### *Principle of development*

5.2 As set out above the current and emerging development plans support the principle of new residential development in this location. On that basis, the principle of infill development on this site is acceptable provided that it can be satisfactorily integrated within the framework of the surrounding development and subject to other material considerations set out below.

### *Design and impact on streetscene/heritage assets/AONB*

5.3 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. Paragraph 134 of the NPPF sets out that where proposals would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In its guidance document 'The Setting of Heritage Assets', English Heritage defines setting as embracing all of the surroundings from which the asset can be experienced or that can be experienced from the asset.

5.4 The application site occupies a position within the curtilage of a Parr's Farm, a Grade II Listed Building. The proposed dwelling would, whilst incorporating dormers windows at first floor to reduce the overall height of the walling, appear more akin to a two storey dwelling due to the eaves height. This is emphasised by its height in relation to Parr's Farm which is a two storey dwelling with dormers in its roof space, but measuring only 1.62 metres more above ground level.

5.5 Land levels on the site slope downwards from west to east which helps to reduce the prominence of the dwelling from Broadway Road. There is also a substantial 1.8 metre (approx.) timber fence along the boundary of the site along the back edge of the highway which also partially screens the proposed development. There is also a good level of established natural screening along and adjacent to the sites eastern (rear) boundary which would limit the visual impact of the proposed development from the PROW which runs along the eastern side of the River Isbourne. Overall it is not considered that the proposed development would have a significantly detrimental impact on the landscape character of the AONB.

5.6 Parrs Farmhouse comprises a former farmhouse of 16th and 19th century, and for the majority of its time enjoyed the sort of open rural setting that would be expected of a farmhouse. Whilst the historic residential curtilage appears to have been comparatively small, the area that forms the subject of the current application, along with the area of the current bungalows further north, and many of the surrounding areas, comprised working orchards, and these are clearly marked as such on the 1884, 1902, and 1923 OS maps.

5.7 By the time of the 1977 OS map the adjacent bungalows had appeared, showing that at this date Winchcombe was spreading north, and the rural setting of Parrs Farm was gradually being eroded by a spread of suburbia; nevertheless, despite the current application site and the site of the bungalows having formed a single orchard, it was subdivided keeping the development to the north, but retaining an open area that forms a buffer to the south.

5.8 When viewed from Broadway Road, the effect of this buffer has been marginally but reversibly compromised by the erection of an urban and inappropriate close-boarded fence nevertheless the open, undeveloped nature of the application site allows the listed building to retain some resemblance of its original rural setting.

5.9 The current proposal would significantly compromise the retained setting of the listed building by erecting a dwelling within this buffer zone, further harmfully eroding the once rural setting of this listing building, thus harmfully and irreversibly eroding its significance. In addition the proposal includes the demolition of a curtilage listed building.

5.10 The Council's Conservation Officer Objects to the impact of the proposed development on the setting of Parr's Farm a Grade II Listed Building as well as the loss of the curtilage listed building for which there is no justified public benefit. Therefore the proposed development would conflict with Government guidance as laid out in Section 12 of the NPPF.

### *Impact on living conditions*

5.11 The proposed development has the potential to have a detrimental impact on residential amenity.

5.12 In regards to loss of light, the most affected residential property would be No. 1 Kenulf Road, located to the north of the application site. There is a conservatory located to the rear of no. 1 which would be affected by some loss of light as a result of the proposed development. However given the heavily transparent nature of the structure it is not considered that there would be any significant overshadowing or loss of light to warrant the refusal of planning permission. One large first floor window is located in the northern elevation of the rear projecting gable that would result in direct overlooking of No. 1 Kenulf Road. However should planning permission be granted it is considered that an appropriately worded condition could be imposed requiring this window to be obscurely glazed.

5.13 Overall it is not considered that the proposed development would have a significantly detrimental impact on the occupiers of nearby residential properties to warrant the refusal of planning permission.

### *Highway safety*

5.14 The application has been amended since its original submission to provide access directly onto Broadway Road. The County Highways Officer (CHO) has confirmed that this application should be considered under their standing advice. Having regard to this it is considered that the amended plans demonstrate that appropriate visibility could be achieved at the new access. Overall, subject to relevant highway conditions, no objections are raised on highway safety and the application is considered acceptable in this regard.

### *Flooding and Drainage*

5.15 The National Planning Policy Framework (NPPF) requires local planning authorities to take account of the risk of flooding when preparing their local plans and in decision making. The NPPF sets out a sequential, risk based approach to the location of development to avoid where possible flood risk to people and property, and to manage any residual risk. It is expected that the impacts of climate change are taken into account when considering flood risk, as properties built now are expected to last at least 100 years.

5.16 In order to direct development, where possible, away from areas at highest risk of flooding, the NPPF requires local planning authorities to carry out a 'sequential test' when preparing their local plans.

5.17 The aim of decision-makers should be to steer new development to Flood Zone 1. Where there are no reasonable available sites in Flood Zone 1, decision makers should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 and 2 should decision-makers consider the suitability of sites in Flood Zone 3, taking account the flood risk vulnerability of land uses and applying the Exception Test if required.

5.18 Within each flood zone, new development should be directed first to sites at the lowest probability of flooding and the flood vulnerability of the intended use matched to the flood risk of the site, i.e. higher vulnerability uses should be located on parts of the site at lowest probability of flooding.

5.19 It should be noted that the NPPF and the accompanying technical guidance does not intend to prevent all development on sites liable to flooding, accepting that some development may have to be located there. Nevertheless, due to the risks of developing on land liable to flooding, the intention is to minimise risks to people and property.

5.20 The submitted sequential test only assesses four similar infill sites within the Winchcombe Settlement Boundary. Winchcombe is a main settlement within Tewkesbury Borough and is defined as a Rural Service Village within the Joint Core Strategy Submission Document. The Rural Service Village status is an acknowledgment that such locations are considered capable of accommodating low levels of development, to be allocated through the Development Plan Process.

5.21 The submitted sequential assessment does not discuss the rationale behind selecting the search area or identify a specific need for the development that cannot be met elsewhere and therefore it is not considered that the local level search area defined is justified in this instance.

5.22 The Local Planning Authority considers there are reasonably available alternative sites within Flood Zone 1 which could be developed instead. These include sites within the SHLAA as well as those with extant planning permission. Whilst the applicant suggests other Planning Authorities take a more relaxed approach,

each Local Authority may need to deal with the sequential test differently in order to take account of other local factors for instance the need for regeneration, the provision of affordable housing or the availability of sites outside of high flood risk areas.

5.23 Whilst the proposed development does include within it flood mitigation measures including an increase in flood storage capacity by lowering land levels, which would contribute towards reducing the likelihood of flooding within the area, this does not overcome the requirement for the development to meet the sequential test for which it does not. The proposed development is therefore contrary to Policy EVT5 of the Local Plan, Policy INF3 of the Joint Core Strategy (Submission Version) and the aims and objective set out in the NPPF.

#### *Ecological Impacts*

5.24 The application includes the demolition of an existing garage and removal of some trees. The garage is located in close proximity to Broadway Road, near street lighting and within a residential area. The application would also see the removal of a small group of fruit trees, however these are again unlikely to provide significant foraging ground for protected species. Having regarded to this it is considered that there is a low potential for there to be protected species present here. Having regard to the above it is considered unlikely that the development would have a detrimental impact on protected species. Nevertheless, if at any point it becomes evident that any European Protected Species are present then a license from Natural England would be required.

### **6.0. Conclusion**

6.1 The site is located within the Residential Development Boundary and a Rural Service Centre of Winchcombe and the principle of residential development is acceptable. However the application site forms part of the curtilage of a listed building and the proposed sub division of the plot and the erection of a large detached dwelling is considered to significantly compromise the retained setting of the listed building, harmfully and irreversibly eroding its significance. In addition the site is located within flood zones 2 and 3 and it is not considered that the proposal meets the requirements of the sequential test which aims to direct development to areas of lowest flood risk. Whilst the proposed development would provide a residential dwelling to contribute towards the current housing shortfall and would include flood mitigation measures which would have wider benefits it is not considered that these would outweigh the demonstrable harm resulting from the development.

6.2 In light of the above, the proposed development is not considered to constitute sustainable development in context of the NPPF and it is **recommended that permission be refused.**

### **RECOMMENDATION Refuse**

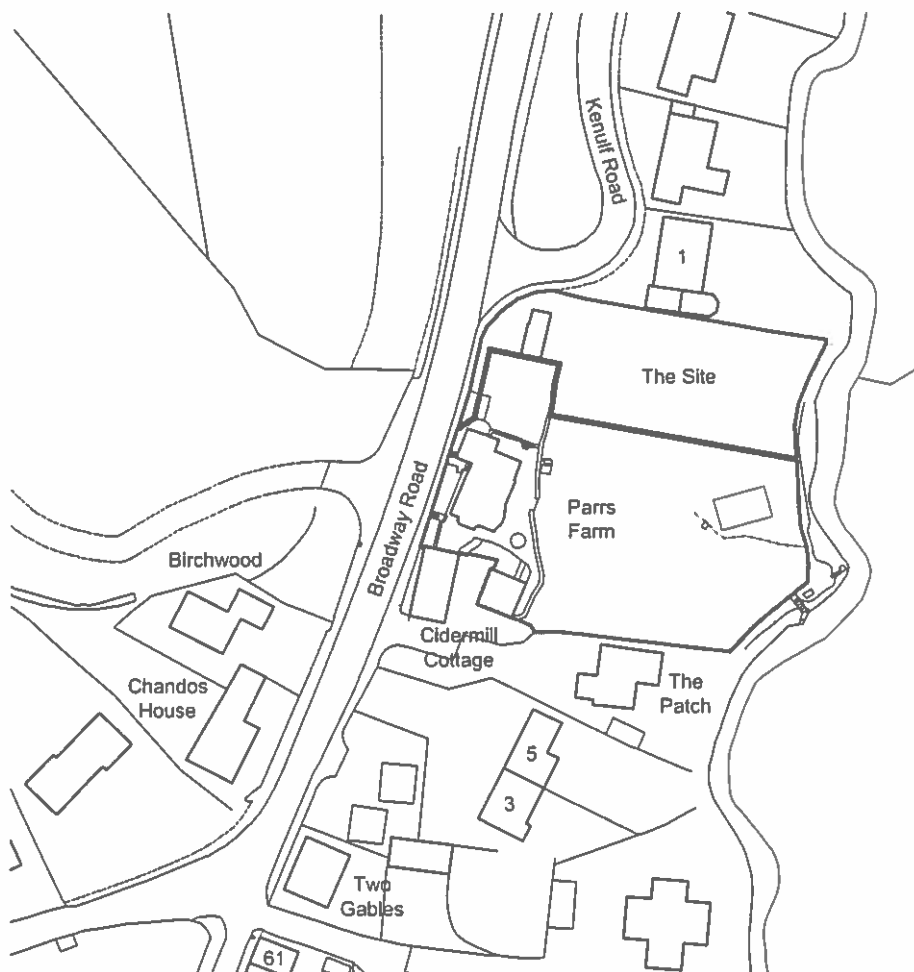
Reasons:

- 1 The Local Planning Authority considers insufficient evidence has been submitted to demonstrate under a sequential test that, given the application site's status under land designated as Flood Zone 2 and 3, alternative sites with a lower probability of flooding could accommodate the proposed residential development. The proposal therefore is contrary to Saved Policy EVT5 of the Tewkesbury Borough Local Plan to 2011, March 2006) and National Planning Policy Framework.
- 2 The proposed development would significantly compromise the retained setting of Parr's Farm, a Grade II Listed Building, further eroding its once rural setting and harmfully and irreversibly eroding its significance therefore the proposed development would conflict with Section 12 of the NPPF.

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. However, as a consequence of the clear conflict with Development Plan Policy no direct negotiation during the consideration of the application has taken place.

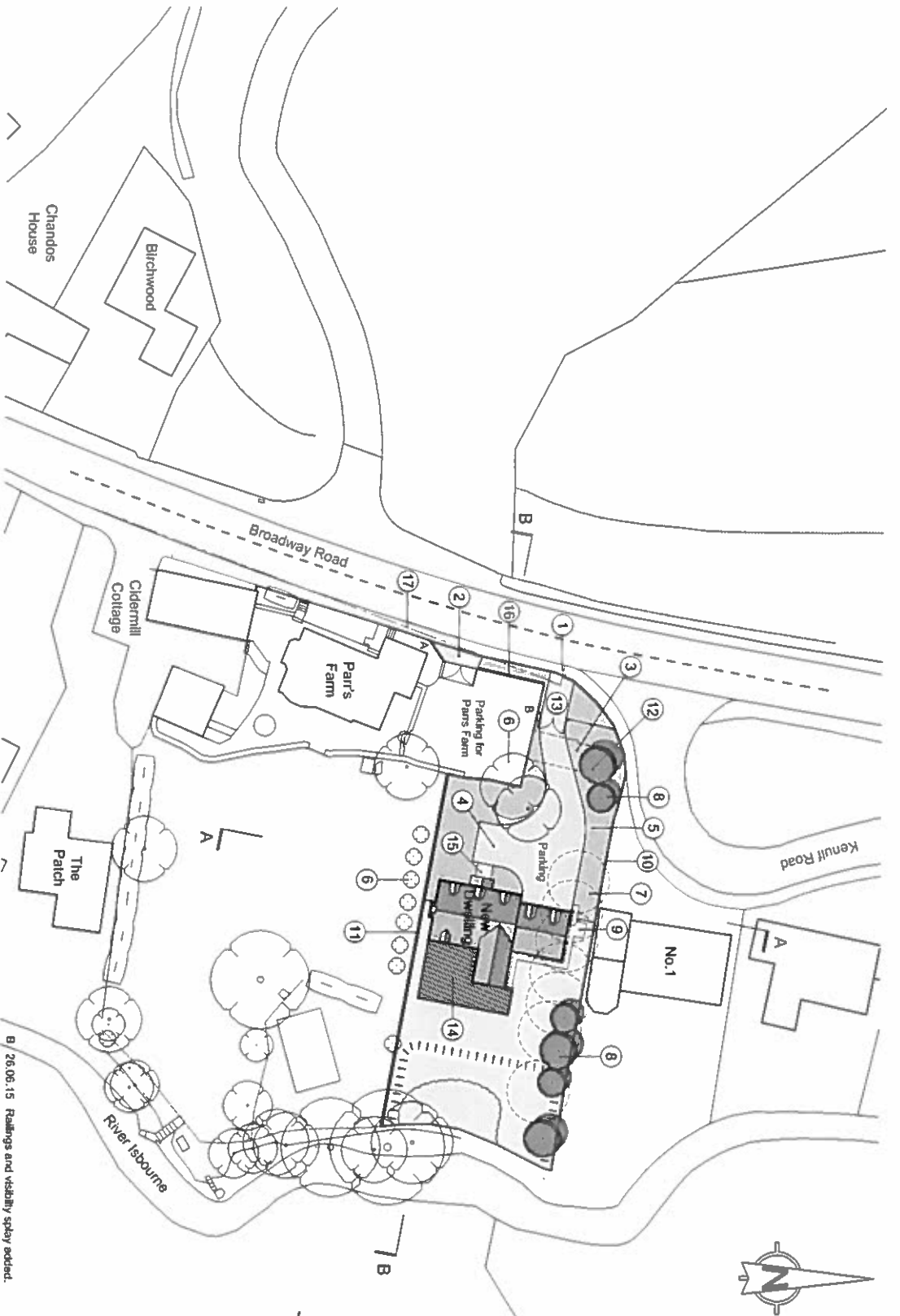


A 26.06.15 Redline boundary amended.

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Client <b>Mr S North</b>				 <b>URBAN ASPECTS</b> LAND · PLANNING · DESIGN		
Project <b>Parrs Farm, Broadway Road, Winchcombe</b>						
Drawing Title <b>Location Plan</b>						
Date <b>May 2014</b>	Scale <b>1:500 @ A4</b>	Drawn <b>GMP</b>	Status <b>PA</b>	Job No. <b>NTH13.01</b>	Org No. <b>01</b>	Rev. <b>A</b>

- 1 Vehicular access for new dwelling
- 2 Existing vehicular access for Parr's Farm
- 3 Existing garage to be demolished
- 4 New permeable loose gravel driveway
- 5 Areas of soft landscaping
- 6 Existing trees to be retained
- 7 Existing trees to be removed
- 8 Locally native trees of an appropriate size
- 9 Re-use storage area
- 10 1.8m high close boarded timber fence
- 11 2.0m high screen wall in coursed local stone
- 12 1.2m high timber post & rail fence
- 13 1.2m high timber 5 bar gates
- 14 Timber deck
- 15 Concrete paving slabs
- 16 New black metal railings and gates to be provided from point A to point B, height to match existing
- 17 2.4m x 60m visibility splay



128/B

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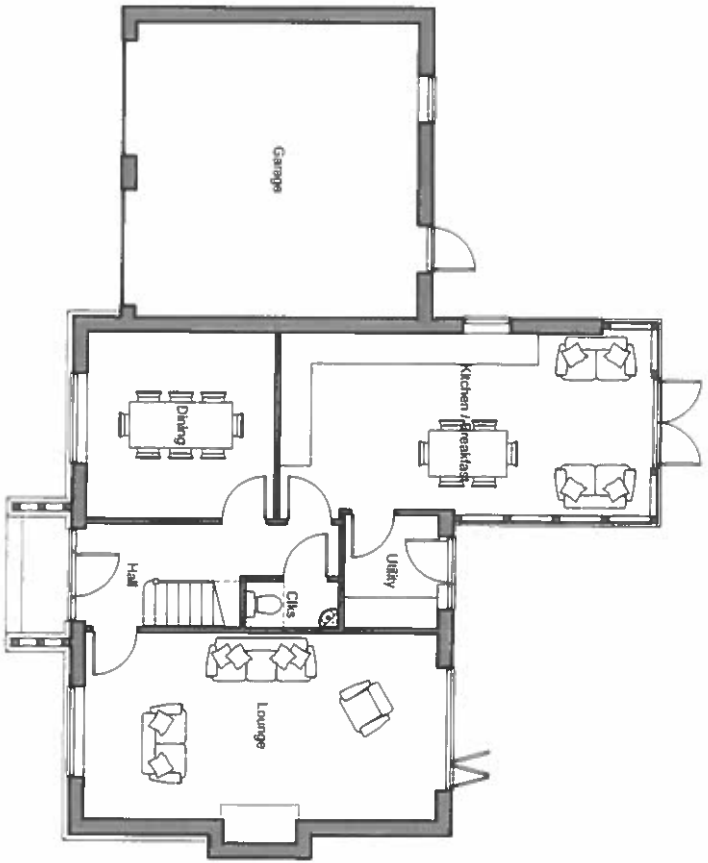
B/26.06.15 Railings and visibility splay added.  
 A/16.06.15 Site entrance and driveway amended.

Client	Mr S North			Job No.	NTH13.01	Dwg No.	02	Rev.	B
Project	Parr's Farm, Broadway Road, Winchcombe			Scale	PA				
Drawing Title	Site Layout			Scale	1:500 @ A3				
Date	May 2014	Scale	1:500 @ A3	Drawn	GMP	Scale	PA	Job No.	NTH13.01

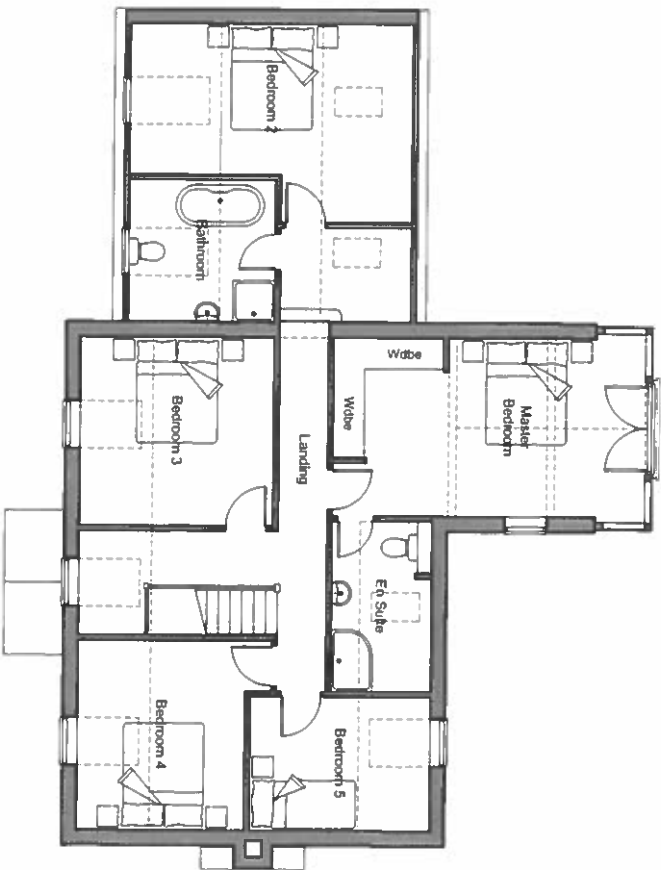


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Ground Floor



First Floor

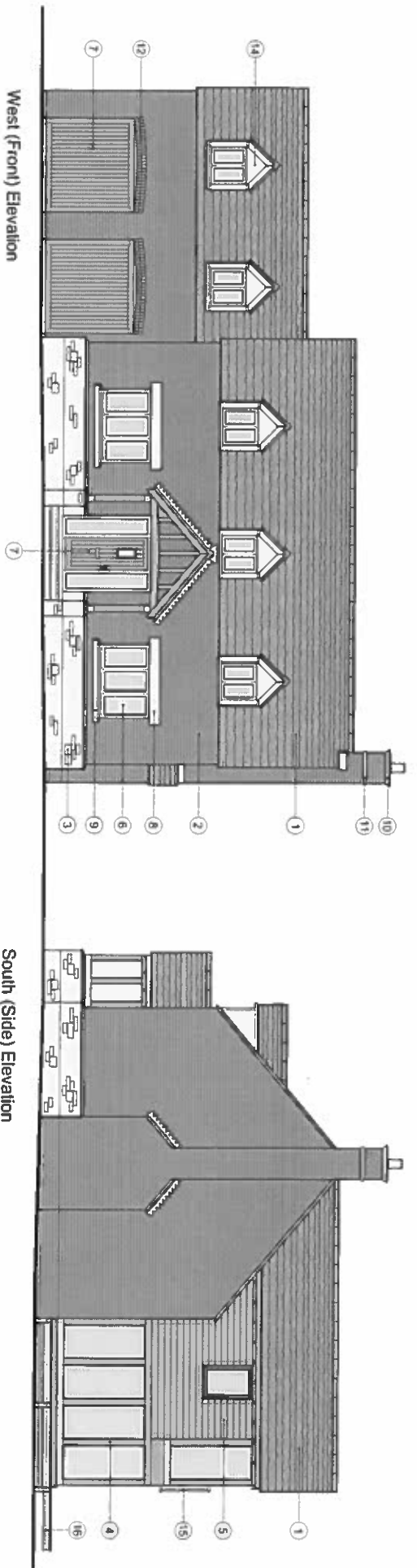
128/c

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Client		<b>Mr S North</b>		Job No.		NTH13.01		Date		05	
Project		<b>Parrs Farm, Broadway Road, Winchcombe</b>		Scale		1:100 @ A3		Drawn		GMP	
Drawing No.		<b>Floor Plans</b>		Status		PA		Date		May 2014	
URBAN ASPECTS LAND-PLANNING-DESIGN											

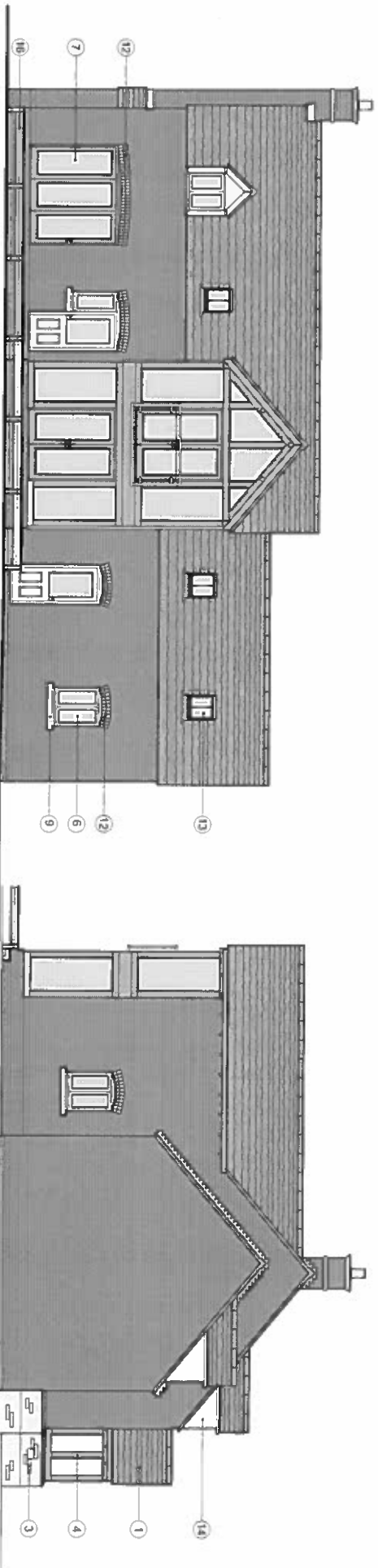
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[www.urbanaspects.co.uk](http://www.urbanaspects.co.uk)



West (Front) Elevation

South (Side) Elevation



East (Rear) Elevation

North (Side) Elevation

- Materials**
- 1 Bradstone 'Conservation' Slates
  - 2 Facing Brickwork to approved sample
  - 3 Coursed Local Stone to approved sample
  - 4 Oak Frame
  - 5 Timber Boarding
  - 6 Painted Flush Timber Casement Windows
  - 7 Stained Timber Doors
  - 8 Stone Lintels
  - 9 Stood Stone Sills
  - 10 Stone Chimney Capping
  - 11 Stone String Course
  - 12 Facing Brickwork Arches
  - 13 550 x 900mm Velux 'Conservation' Rooflights
  - 14 Rendered Dormer Cheeks and Gable
  - 15 Stainless Steel Juliet Balcony with Glass Infill Panels
  - 16 Timber Deck

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Client		Mr S North		Job No.		NTH13.01	
Project		Parrs Farm, Broadway Road, Winchcombe		Scale		PA	
Drawing Title		Elevations		Date		06	
Client	May 2014	Scale	1:100 @ A3	Drawn	GMP	Scale	PA
URBAN ASPECTS				L A R D / P L A N N I N G / A R C H I T E C T U R E			

128/D

15/00385/LBC  
15/00385/LBC  
Valid 03.04.2015

**Parrs Farm, Broadway Road, Winchcombe**

4

Proposed erection of a 5 bedroom detached dwelling, Associated access, garaging, car parking and landscaping (Listed Building Ref: 1340271)

Grid Ref 402721 228620  
Parish Winchcombe  
Ward Winchcombe

Mr S North  
Parrs Farm,  
Broadway Road  
Winchcombe

## **RECOMMENDATION Refuse Consent**

### **Policies and Constraints**

#### **NPPF**

Planning Practice Guidance  
Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990  
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
The First Protocol, Article 1 (Protection of Property)  
Cotswold Area of Outstanding Natural Beauty  
Conservation Area  
Adjacent Grade II listed building

### **Consultations and Representations**

5 letters of neighbour representation received raising the following concerns:

- The proposed development would result in the loss of a curtilage listed building which contributes to the Conservation area, street scene and Setting of the listed building.

A number of other material planning considerations have been raised regarding the proposed erection of one dwelling however these are not relevant to the determination of the Listed Building Consent and are considered in the Full Planning Application, ref 15/00384/FUL.

**Planning Officers Comments:** Mr Ciaran Power

#### **1.0 Application Site**

1.1 This application relates to a site off the Broadway Road in Winchcombe. The site is within both the Winchcombe Conservation Area and Cotswold Area of Outstanding Natural Beauty (AONB). The site forms part of the Curtilage of Parr's Farm, a Grade II Listed Building. (see attached location plan).

#### **2.0 History**

2.1 15/00384/FUL - Concurrent application for planning permission for the erection of a 5 bedroom detached dwelling, currently under consideration.

#### **3.0 Current Application**

3.1 This application seeks to demolish a single storey garage which is curtilage listed by reason of its location within the curtilage of Parr's Farm, a Grade II Listed building. The demolition of the garage would help to facilitate the development applied for under planning application reference number 15/00384/FUL.

#### **4.0 Policy Context**

4.1 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities, in considering whether to grant listed building consent, to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.



4.2 Within the NPPF paragraph 17 states as one of the 12 core planning principles that planning should conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 131 requires local planning authorities, when determining applications, to take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 132 states 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, the more important the asset the greater the weight should be. Significance can be harmed through alteration and such harm should be supported by clear and convincing justification. Paragraph 134 says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

## **5.0 Analysis**

### *Impact on the Listed Building*

5.1 The precise age of the garage cannot be established from map evidence, nevertheless it remains a positive feature whose scale, siting and characteristic local materials compliment the farmhouse. The demolition is proposed in order to facilitate the erection of a large dwelling within the Listed Buildings Curtilage. The proposed development submitted under Planning Application 15/00384/FUL is not considered to be acceptable by officers and it is recommended that the proposed scheme be refused for the reasons set out in that report. As the balance of consideration is against development of the site, there is little justification for accepting its loss in isolation. As such the Conservation Officer raises an objection to the application. The LBC application is thus recommended for refusal of consent.

### **RECOMMENDATION Refuse Consent**

#### **Reason:**

The proposed demolition of this curtilage listed building is not considered to be justified and would result in the loss of a building which whose scale, siting and characteristic local materials compliment the farmhouse and are considered to contribute to its setting. The proposed demolition would therefore be contrary to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 17 of the NPPF.

#### **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. However, as a consequence of the clear conflict with Development Plan Policy no direct negotiation during the consideration of the application has taken place.

Valid 19.03.2014

Retention of existing garage in amended design with one bay removed and rear wall reconstructed in brickwork (Revised scheme)

Grid Ref 401167 230400

Parish Gretton

Ward Winchcombe

Mr Martin Gilder

Manor Farm

Gretton Road

Gretton

**RECOMMENDATION Permit****Policies and Constraints****NPPF**

Planning Practice Guidance

JCS Submission Version - SD8, SD9

Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU8, HEN2

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

The First Protocol, Article 1 (Protection of Property)

Cotswolds Area of Outstanding Natural Beauty

Adjacent to Gretton Conservation Area

**Consultations and Representations**

Parish Council - No response received

Conservation Officer - No objections - proposed amendments to the building are considered to represent improvements.

Local Residents - 2 letters of objection have been received from the neighbour immediately adjoining the site to the east. Their comments are summarised as follows:-

- The replacement of the existing blockwork with brick would be acceptable and what is wanted. However, cladding the blockwork would not be acceptable and would result in encroachment into the neighbouring rear garden;
- The guttering on the garage currently overhangs the neighbouring garden and would need to be redesigned;
- There is a desire to see the building knocked down and the original boundary which consisted of a shallow red brick wall and hedge, should be re-instated;
- The fact that the building exists without the benefit of planning permission should be addressed before any discussions regarding acceptable design takes place.

**Committee determination requested by Councillor Allen to address the impact upon neighbouring properties****Planning Officers Comments:** Miss Lisa Dixon**1.0 Application Site**

1.1 This application relates to a large detached property in Gretton. The property is located on the main road that runs through the village and is of a traditional Cotswold vernacular design. A number of outbuildings run along the North boundary of the site and there is a garden area and field towards the East. The property is located within the Cotswold Area of Outstanding Natural Beauty (AONB) and is adjacent to the Gretton Conservation Area (CA), the boundary of which runs along the North boundary of the site. **(See attached location plan)**

**2.0 Planning History**

2.1 In 2011 (11/00069/FUL), planning permission was granted for the demolition of an existing lean-to extension and the erection of a replacement two-storey extension to the dwelling. This has been implemented.

2.2 In 2012 (12/00331/FUL), planning permission was refused, under delegated powers, for the retention of a new 3-bay garage block. The application was refused on the following grounds:

*"The garage, by virtue of its size, bulk, length and positioning, results in an adverse overbearing and imposing impact on the neighbouring property of no.1 Manor Fields. For these reasons, the structure is therefore considered to conflict with policies HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006."*

2.3 In 2013 (13/00019/FUL), planning permission was refused at Planning Committee, for a revised scheme for the retention of a garage, including changes to roof design on the north end bay, (**See previous refused plans attached**, for the same reasons as set out above.

2.4 In 2014 (14/00860/OUT), an application for the erection of five dwellings within the site was submitted and subsequently withdrawn on 03.04.2015.

### **3.0 Current Application**

3.1 The current scheme is a further revised proposal which seeks to remove the end (north-western) bay of the garage thereby retaining a two-bay garage building.

3.2 It is also proposed within the current scheme, to remove the rear wall of the structure, which faces the neighbouring property and consists of untreated blockwork, and re-construct the wall in brickwork in order to match the remainder of the garage and to help reduce the impact upon the adjoining neighbour. The re-built rear wall would be 3.3m in height and incorporate a revised, parapet design in order to direct the flow of surface water run-off towards guttering positioned on the gable. The positioning of the guttering would direct run-off water to land adjacent the garage building and within the site itself.

3.3 The altered structure would have an overall ridge height of 4.5m, when measured from the ground level at the front of the building. It would have an overall length of 7.7m and a total footprint of approximately 48.51m<sup>2</sup>. (**See current proposed plans attached.**)

### **4.0 Policy Context**

4.1 Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 sets out, inter alia, that extensions (including garages) should respect the character, scale and proportion of the existing dwelling. Garages should respect the character and appearance of surrounding development and should not result in an unacceptable impact on surrounding residential amenity in terms of bulk, massing, size and overlooking. These principles are also reflected at Section 7 (paragraph 64), of the NPPF.

4.2 Paragraph 115 of the NPPF states that 'great weight' should be given to conserving the landscape and scenic beauty of the AONBs, which have the highest status of protection in relation to landscape and scenic beauty.

4.3 Policy HEN2 (Conservation Areas) outlines the need to pay special attention to the desirability of preserving or, where possible, enhancement of the character, appearance and setting of Conservation Areas.

4.4 The above mentioned development plan policies are considered to be consistent with the NPPF and should carry significant weight in the determination of this application.

### **5.0 Analysis**

5.1 The main issues to be considered within this application are the impact of the garage on the AONB, the setting of the Conservation Area and the impact on the residential amenity of neighbouring properties.

#### **Residential amenity**

5.2 The occupiers of the neighbouring property have objected to the previously refused application (ref: 13/00019/FUL) as a result of the impact that the existing structure has upon the residential amenity of no. 1 Manor Field, which is a property located directly to the east of the garage. The structure, as built, runs along the South West boundary of no.1 and has an imposing impact on the North facing rear garden of this property, by virtue of its overall length and unattractive blockwork construction to the rear elevation. The 2012 application for the retention of the garage (12/00331/FUL) was refused planning permission for this reason as was the revised scheme incorporating proposed revisions to the roof of the building (13/00019/FUL).

5.3 This revised scheme proposes to remove the north-western end bay and to retain only the two-bay building. Furthermore, following discussions with officers, the applicant has agreed to remove the existing block-work, rear elevation adjoining no.1 Manor Field and to re-construct this in brick-work to match the rest of the building. The current scheme also proposes to remove the overhanging guttering from the rear elevation and to construct a parapet brick wall which would effectively channel surface-water run-off towards guttering on the positioned on the gable. The revised plans show the down-pipe being positioned and angled such that, water would discharge within the applicant's own land.

5.4 It is considered that the alterations to the building proposed within the current scheme, would significantly reduce the adverse effects currently endured by the owners of no.1 Manor Field. The extent of walling along the shared side boundary would be reduced by some 4 metres and the unsightly blockwork would be replaced with more suitable brick. Furthermore, the existing guttering to the rear elevation which currently overhangs the garden of no.1 Manor Field, would be replaced by parapet brick walling and appropriately placed down-pipes to discharge run-off away from the neighbouring property and within the site itself. It is therefore, considered that the previous reason for refusal within application ref: 13/00019/FUL has now been adequately addressed within the revised plans and thus, accords with Policy HOU8 of the Local Plan with regards to residential amenity. It is considered that a suitable time period for the completion of works to the garage should be ensured by way of a planning condition. It is considered that a period of six months from the date of the granting of permission for the completion of these works (removal of single bay, re-building of rear wall in brick with new parapet and guttering and down-pipes) would be a reasonable time period to impose. This imposed time frame would also hopefully provide some reassurance to the affected neighbours at no.1 Manor Farm, that there would be a satisfactory resolution to this long-standing issue.

#### **Impact on AONB and Conservation Area**

5.5 It should be noted that the previous application was not refused on design/landscape impact grounds. The principal elevation of the garage as proposed provides two openings and the front and gable end walls have been constructed using a traditional red facing brick with stone roof tiles. From the front, the structure relates well to the existing buildings within the site and it is not considered to result in a significant adverse impact on the wider settings of the Cotswold AONB or Conservation Area.

5.6 From the rear, the outer face of the garage has been left untreated with concrete block work facing the neighbouring garden at no.1 Manor Field. This is undoubtedly poor in visual terms and not appropriate in an AONB location or adjacent to a Conservation Area. However, the proposed removal of this block-work and rebuilding in a more appropriate material (brick), together with the removal of the third bay would improve the overall general appearance of the structure. The Conservation Officer has been consulted and has raised no objection on the grounds that the proposed revisions would represent improvements to the appearance of the garage building. The proposed alterations to the building are considered to have an appropriate impact on the AONB and Conservation Area, subject to a condition requiring the bricks used within the construction of the rear outer wall to match the existing within the front and gable elevations.

#### **6.0 Conclusion**

6.1 In conclusion, the garage, in its amended form, would result in an acceptable impact upon the residential amenity of adjoining neighbours and upon the special landscape qualities of the AONB setting and adjoining Gretton Conservation Area. The application is therefore **recommended for permission**.

#### **RECOMMENDATION Permit**

##### **Condition:**

Within 6 months from the date of this decision, the development hereby authorised shall be completed in all respects, in accordance with the approved plans (drawing no. EST12/02 H). The existing block-work to the rear (north-eastern) wall of the garage adjoining no.1 Manor Fields shall be removed in its entirety with all resultant materials removed from the site and re-built in brick to match the brick-work of the existing front and gable elevations.

##### **Reason:**

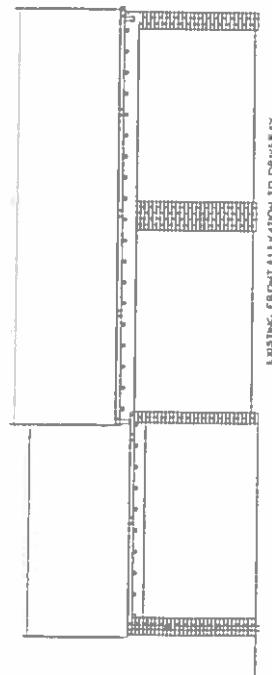
To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.

Notes:

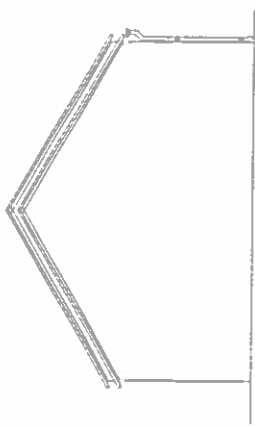
**1 Statement of Positive and Proactive Engagement**

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 appropriate materials.

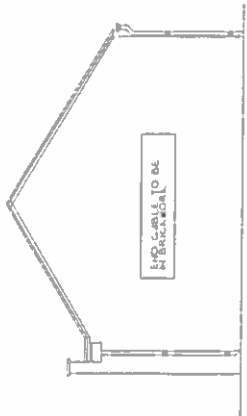
**2** This decision relates to the revised plans received by the Local Planning Authority on 12.06.2015 (drawing no.EST12/02 H).



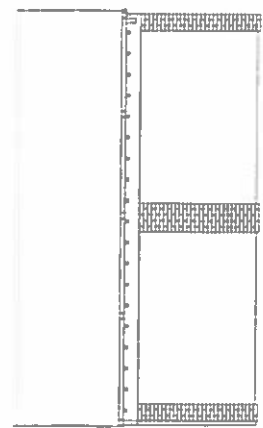
EXISTING FRONT ELEVATION TO DRIVEWAY



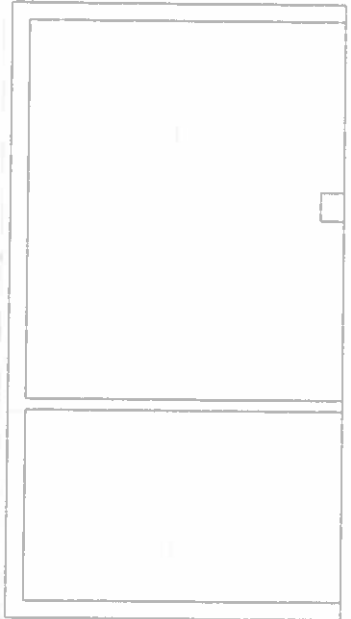
EXISTING END ELEVATION TO FIELD



PROPOSED END ELEVATION TO FIELD



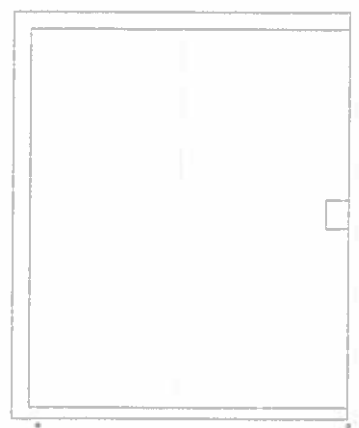
PROPOSED FRONT ELEVATION TO DRIVEWAY



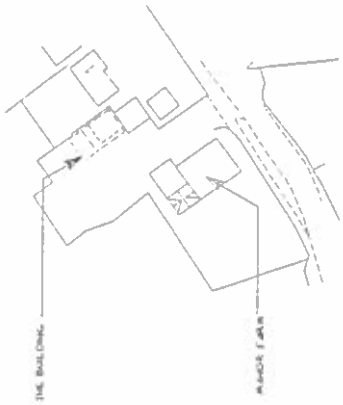
EXISTING PLAN



PROPOSED REAR ELEVATION TO BOUNDARY



PROPOSED PLAN



BLOCK PLAN 11/00



SITE PLAN 11/00

- 1. NOTES JUNE 2012
- 2. JUNE 2012
- 3. JUNE 2012
- 4. JUNE 2012
- 5. JUNE 2012
- 6. JUNE 2012
- 7. JUNE 2012
- 8. JUNE 2012
- 9. JUNE 2012
- 10. JUNE 2012

**Drinkwater**  
 Consulting Group  
 P.O. Box 11  
 Waco, TX 76788  
 Tel: 767-877-1111  
 Fax: 767-877-1112

DR. JIM PROPOSED ELEVATIONS (ALL FACES)	Scale: 1/16" = 1'-0"
DR. JIM MR. AND MRS. GARDNER	Date: June 2011 By: JPO AD
JM JB CITY OF WACO	Date: 6/21/2012 U

13/00019/FUL

THE BUILDING

MANOR FARM

BLOCK PLAN 1:500

Previous application ref  
13/00019/FUL -  
Refused 28.05.2013

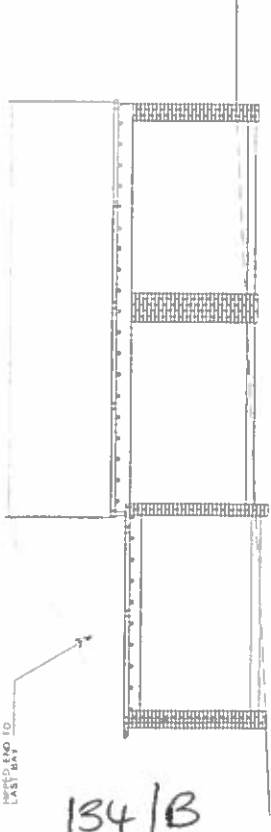
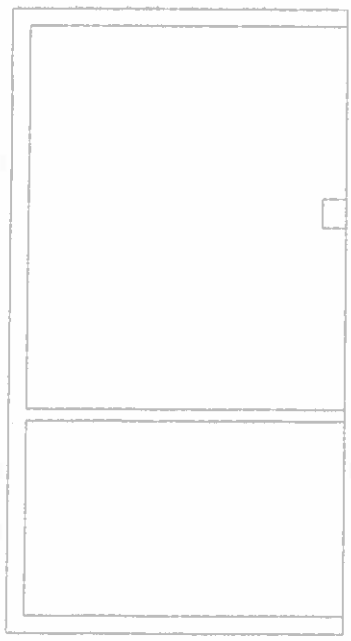
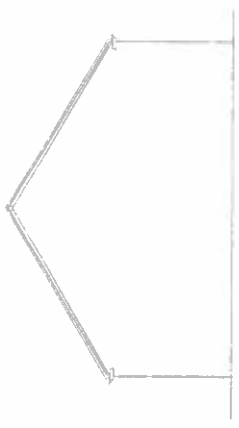
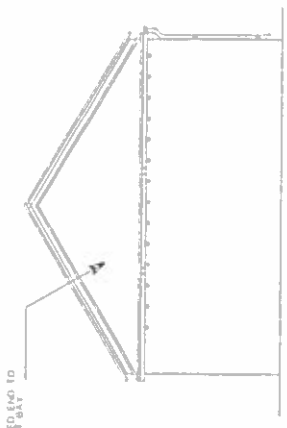
D END BAY IMPROVED FACED NOV 2012  
C LEVELS RECEIVED JUNE 2012  
B ADDITIONAL ELEVATIONS ADDED APRIL 2012  
A REVISIONS BY LDC WITH PLANNERS CONSULTANT ADVISE MAR 2012

**Drinkwater**  
Consulting Civil & Structural Engineers

P.O. Box 11  
Fitchingham  
Chichester, Chis. PO15 5SR  
Tel: 01243 831111

15 Hill Industrial Estate, PO15 5SR

By Name	MRS AND MRS GARDNER
Proposed Alterations (Elevations)	MANOR FARM CHICHESTER
Scale	1:100
Date	28th JAN 2013
By	JPD
Job No	ES1202
D	0



134/B



Valid 07.05.2015  
 Grid Ref 402814 229865  
 Parish Winchcombe  
 Ward Winchcombe

Proposed erection of six detached dwellings

Leckhampton Estates Investments  
 c/o agent

## RECOMMENDATION Permit

### Policies and Constraints

#### NPPF

#### Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies GNL1, GNL2, GNL3, GNL4, GNL5, GNL7, GNL8, GNL10, GNL11, GNL12, GNL16, TPT1, TPT2, TPT12, ENV2, ENV3, EVT9, LND2, LND7, LND8, and LND9. Housing supply policies are considered as out of date;

Emerging Joint Core Strategy (JCS) - Spatial Objectives 4, 5, 6, 7, 8 and 9 - Policies: SP1, SP2, SD1, SD4, SD5, SD7, SD8, SD10, SD11, SD12, SD15, INF1, INF2, INF3, INF4, INF5, INF6

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

The First Protocol, Article 1 (Protection of Property)

Special Landscape Area (SLA)

Adjacent to Cotswold Area of Outstanding Natural Beauty (within 400 metres)

### Consultations and Representations

Town Council - Objection. This application is contrary to established planning policy for this hamlet. It does not constitute sustainable development because of the dependency on car travel and lack of local services.

County Council Archaeologist - No objection

Country Highways Officer - No formal response at time of writing.

Natural England - No objection

Environmental Health - No objection - suggest conditions relating to hours of construction.

30 letters of objection have been received from local residents. In summary, these objections are made on the following bases:

- Previous refusal in 1984 - reasons for refusal remain valid
- More housing is not needed
- The proposal is contrary to the Local Tewkesbury Borough Plan and the Winchcombe and Sudeley Town Plan
- The application itself contains many inaccuracies and omissions and misleading information
- The site is not infill, it is active agricultural land in open countryside
- It is the only open space left on Becketts Lane
- It is further spoilage of a Special Landscape Area only 400 metres away from AONB land
- Loss of views to the AONB
- The local landscape review highlights the impact as moderate and adverse
- Impact on flooding
- The development is out of keeping with the area and destroys the current street frontage, roof line and building line and is higher than the existing properties
- The proposals are overbearing, obtrusive and out of character with the hamlet
- It involves loss of privacy, loss of light and reduction in residential and visual amenity
- The proposals would increase pollution
- It would set a precedent for further development in the field behind
- The development puts profit before the well-being of residents
- Loss of agricultural land
- Parking by visitors to this site on the narrowest part of Becketts Lane will cause a hazard
- Traffic impact will be dangerous - lack of pedestrian facilities
- Volume of traffic on Becketts Lane
- Noise from the development
- Proposals will result in the loss of the hedge and adverse impact on ecology
- Occupiers will be commuters and not work in the local area
- There is a strain on existing, limited infrastructure (e.g. schools and doctors)



1 letter of support stating that the design is in keeping with the area and that there is a need for family housing in the area.

**Planning Officers Comments:** Mr Andrew Thompson

## **1.0 Application Site**

1.1 The application site is part of a larger field on the northern side of Becketts Lane opposite modern developments, The Finches and Otters Field, and lying between bungalows of Hatherley and Hillberry. The application site is fronted with a relatively mature hedgerow and there is an existing field access to the site adjacent to Hatherley. The application site falls within the Special Landscape Area (SLA) and the boundary of the Cotswold AONB is located approximately 380m to the west (**see location plan attached**)

## **2.0 Planning History**

2.1 84/00227/OUT - Outline application for the erection of seven bungalows was refused 4 October 1984 on housing policy and visual amenity grounds.

## **3.0 Current Application**

3.1 The application proposes 6 detached 1.5 storey dwellings with elements of two storey gables on the front elevations. The proposals include two dormer windows in the front elevation and three in the rear. The proposed houses are identical except for the front gable being handed on alternate properties. The proposed access would be a single access point to a private drive off Becketts Lane. The proposals would retain the existing hedgerow except where removal is required to provide an access drive. The existing field access lies outside the application site and would be maintained.

3.2 The proposed properties are all four bedroom dwellings and include private driveways capable of accommodating at least 3 cars each.

3.3 Each property would measure 12m by 6m excluding the front gable and 9m including the front gable. The height of the properties would be approximately 4.25m to the eaves and 7.75m to the ridge. The proposals also include a chimney for plots 1, 3, 4 and 6 which would be 8.75 in height on the side elevation.

3.4 The application is supported by the following documents:

- A Design and Access Statement (DAS)
- Landscape and Visual Appraisal (LVA)
- Ecological Appraisal
- Heritage Assessment and
- Access Statement

## **4.0 Principle of Development**

### *The Development Plan*

4.1 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*

4.2 The application site lies outside of 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 in this context because the Council cannot at this time demonstrate a five year supply of deliverable housing sites.

### *Emerging Development Plan*

4.3 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.

4.4 The Submission Joint Core Strategy (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 Submission JCS sets out the overall level of development and approach to its distribution.

4.5 Within the rural areas of Tewkesbury Borough, 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. Greet has not been identified as a rural services centre or service village.

4.6 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).

4.7 The Submission version of the JCS was approved by the three JCS authorities in April 2014 for pre-submission publication. The JCS is now under examination in public.

### *National Policy/Guidance*

4.8 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.

4.9 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.

4.10 Paragraph 55 of the NPPF seeks to avoid isolated new dwellings in the countryside. In this case, the proposed development would be situated on the edge of an existing settlement. Greet is a small settlement near the town of Winchcombe. The settlement does have some limited access to local employment, for example at the Isbourne Industrial Estate, Park Farm Industrial Estate and Winchcombe Town Centre all of which are located within 1 mile from the application site. However the routes to these employment centres have either no defined pedestrian footpaths or are poor quality routes which would not be attractive to use, especially in the winter months. Nevertheless, it is acknowledged that these employment opportunities are located in close proximity to the application site and whilst it is likely they would be accessed via private car the NPPF accepts that transport solutions will vary from urban to rural locations.

4.11 In terms of primary service provision it is concluded that these are limited as employment is not readily accessible and there are some constraints in accessing the nearby school. However the site is located in close proximity to Winchcombe and there are secondary services including a public house, a garage and a children's play area within the settlement.

4.12 Access to Winchcombe and the surrounding villages is available via bus. The nearest bus stop is approximately 400 metres away from the site. The stop is served by the 606 which provides 5 services every weekday and three services every Saturday in each direction. The 656 also operates along this route at a

frequency of one every day in each direction. The accessibility to the main settlement by public transport is therefore served by an infrequent bus service located from a bus stop a reasonable walk from the proposed application site. There is also an opportunity to walk to Winchcombe and given the distance cycling is also a possibility.

4.13 In conclusion the proposal to upgrade highway signage would improve the sites connectivity with the settlement of Greet and Winchcombe. Whilst public transport opportunities exist these are limited however pedestrian or cycling opportunities also exist. Whilst Greet is not identified in the submission version of the JCS as a service village, it is not considered that the application site could be describes as isolated in the context of paragraph 55 of the NPPF.

4.14 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.

#### *Benefits of the development*

4.15 There would be some benefits arising from the proposal. The development would contribute towards housing need, would contribute towards the local economy and result in New Homes Bonus and would improve connectivity of the site and dwellings further along Evesham Road through improved safety signage. These contribute to the economic and social dimension of sustainability as defined in the NPPF and weigh in favour of the development and must be weighed against any identified harms.

### **5.0 The relationship of the proposed development to the landscape area**

5.1 The application site lies within a Special Landscape Area (SLA) which is defined as an area of high quality countryside of local significance. While these areas are of a quality worthy of protection in their own right, they also play a role in providing the foreground setting for adjacent AONB. The SLA, is defined where the topography is a continuation of the adjacent AONB and/or where the vegetation and associated features are characteristic of the AONB. The boundaries are identified by breaks of slope, or the inclusion of the foreground setting to a change of slope and will follow identifiable physical features including ditches, rivers and streams, hedgerows and field boundaries, woodland edges, roads, public rights of way and tracks, railway lines and settlement edges.

5.2 In assessing whether developments are appropriate it must be recognised that the Cotswold landscape is not uniform in character, and includes various forms of landscape type each with its own distinctive topography, vegetation and visual characteristics. Policy expects that landscaping schemes should reflect the character of the location.

5.3 In respect of National Policy in March 2015, the Planning Minister stated "*...one of the twelve core principles at paragraph 17 of the National Planning Policy Framework - that plans and decisions should take into account the different roles and character of different areas, and recognise the intrinsic character and beauty of the countryside - to ensure that development is suitable for the local context. While National Parks, the Broads, Areas of Outstanding Natural Beauty and Heritage Coasts quite rightly enjoy the highest degree of protection, outside of these designated areas the impact of development on the landscape can be an important material consideration.*"

5.4 The proposals are supported by a Landscape and Visual Assessment which concludes that the landscape and visual receptors are deemed to be able to accommodate up to six 1.5 storey dwellings situated in a single row within the study site location. Overall landscape sensitivity is considered to be low due to the limited number of character features affected, and the proposals conformity to the existing settlement pattern and scale. Whilst overall the visual receptors are considered to be high sensitivity, the highest sensitivity receptors experience the study site at distance and at a scale that barely perceptible within the wider expansive views seen in the context of existing built form.

5.5 The proposals would, from the north and the east be viewed against existing development of The Finches and Becketts Lane and therefore the landscape impact would be lessened by the relationship to the existing village and built form and with appropriate mitigation could be considered to be acceptable. The view to the west (as illustrated by Viewpoint 2 of the LVA) however is more sensitive and there is harm to the views and setting of the AONB.

5.6 Having regard to the setting of the area and the limited encroachment and limited impact on wider views, the proposals are not considered to cause significant harm beyond that of a local impact. There are landscape views of the AONB and SLA that would be altered and affected but there would be gaps in between the buildings and the set back from the road also reduces the impact when viewed from Becketts Lane.

5.7 It is also noted that the emerging Neighbourhood Plan is supported by a Landscape Assessment (LA). The LA considered the current application site as part of a larger site and concluded that *"predicted effects upon landscape character and upon landscape features and elements would be low and adverse. The character of the site itself would of course be transformed, however, the new settlement form would not be at odds with the existing village. Similarly, the influence that the new development might have on the surrounding landscape has precedent at the moment and would not be uncharacteristic in this location."*

5.8 The Neighbourhood Plan LA also concluded that *"there would be moderate adverse effects on views from Becketts Lane and from elevated vantages in the AONB to the east. In these views, the expansion of Greet would be noticeable, but not prominent. Further restraining the northern extent of new development on this site could reduce this effect"*. Therefore as this application reduces the level of development and considers a smaller site, and proposes additional planting the visual impact would be lower than the moderate adverse effects identified in the Neighbourhood Plan Landscape Assessment.

5.9 It is clear that the proposals will introduce new housing into an area which is currently free from development however there are no undue impacts on long distance views from and to the AONB and SLA. Whilst the impact of the proposed development on more localised views can be mitigated to a degree by its design, proposed landscaping and retention of the hedgerow along Becketts Lane, it would result in harm to the landscape which factor weighs against the proposal in the overall planning balance.

## **6.0 The impact of the proposals on the street scene**

6.1 The proposals include some features of local distinctiveness, including casement windows and materials that would be in keeping with the area. There are many different ages and styles of properties, ranging from single storey bungalows to two storey dwellings and contains examples of groups of similar styled properties. Having considered the area and the similar design of the proposals is not out of keeping with the street scene and character of the area. There are some concerns relating to the detailing of the proposed dwellings, for example the use of bargeboards (in an area where the vast majority of dwellings have none) and the use of brick (most dwellings in the area are natural or imitation stone). The agent has been made aware of these concerns and an update will be provided at Committee.

6.2 The proposals would maintain the hedge and include front gardens. The private drive to the properties would reduce the impact of the proposals further and present a green frontage to the proposals, creating a buffer of approximately 10m (Plot 5) to 15m (Plot 1). The proposals are set back further from the road frontage than the neighbouring property of Hatherley but this would reduce the impact on to Becketts Lane and would be in keeping with the area.

6.3 The scheme proposes 1.5storey properties and the scale of the properties are taller than immediate neighbours being approximately 4.25m to the eaves and 7.75m to the ridge as opposed to the neighbouring bungalows which are approximately 2.5m to the eaves and 5m to the ridge. The nearby properties on The Finches and Otters Field include full two-storey dwellings which are taller than those proposed. The footprint would be similar to neighbouring properties and the setting of the proposals in their own grounds, would be in keeping with properties on Becketts Lane and other nearby roads. The chimneys are also noted.

6.4 Considering all aspects of the proposals and the comments of neighbours in relation to the street scene and other similar development in the area, subject to amendments referred to above, the proposals are considered to be in keeping with the character of the area. An update will be provided at Committee.

## **7.0 The impact on the living conditions of residents**

7.1 The proposals have been considered in relation to the amenities of the neighbours to the west of the application site (e.g. Hatherley, Danebury and Minimax as the closest three properties), the neighbours to the southeast (e.g. Hillberry) and properties opposite on The Finches, Otters Field and The Chesils.

7.2 The proposals retain the existing farm access which runs between Hatherley and the application site and would be retained at approximately 3m in width. Plot 1 would be an additional 6m from the boundary. Plot 1 would have 3 side facing windows. On the ground floor these would be a utility room and window associated

with a door and on the first floor a bathroom. The ground floor windows would be below the height of existing boundary treatment and would not be visible whilst the first floor window would be obscure glazed (recommended condition 14 refers). Having regard to the separation distances, the design and layout of the proposals and the bulk and mass, it is considered that the proposals would not unduly impact on the amenities of neighbours by reason of overlooking, overbearing impact or loss of privacy and light.

7.3 The impact on Hillberry and properties to the south east, would also be considered not to be significant, having regard to the separation distances to the boundaries and the potential planting on the boundaries. Whilst there would be a change in levels it is not considered that the proposals would have an unduly adverse impact on the amenities on neighbours.

7.4 The proposed properties would be well set back from Becketts Lane by between 10-15m and having regard to the scale and size of the properties and the layout of the proposals which includes gaps between properties, it is not considered that the proposals would impact on the amenity of residents opposite.

## **8.0 Drainage and flooding**

8.1 The application site is in flood zone 1 and due to the scale of development the new sustainable drainage legislation is not relevant as the proposals are under the threshold of 10 dwellings. On that basis there is no objection to the principle of development. The Flood Risk Management Engineer has been consulted and an update will be provided at Committee.

## **9.0 Highway impact and parking**

9.1 The proposal includes a new access point adjacent to the existing field access and the proposals would be accessed off a private drive. The concerns of residents are noted with regard to parking however, each property would have sufficient car parking for at least 3 cars with further space also on the private drive. The proposals include sufficient space within the site to comfortably cater for their own needs.

9.2 At the time of writing the County Council have not formally commented to the application as they are awaiting further information relating to a Non-Motorised User Context Report and Audit Report; a Road Safety Audit; alongside detail in relation to the access road visibility splays and swept path analysis for refuse and emergency vehicles. County Council Officers have been working with the applicant's Transport Consultant and further information has been submitted to address the information requirements of the County Council. Based on discussions, the County agree that the proposals will not cause a severe impact to highway safety. An update on the County Council's formal position will be provided at Committee.

## **10.0 Ecology and wildlife**

10.1 The application is supported by an Ecological Assessment and seeks to retain the existing hedgerow. The proposals will also include new planting and seeks to enhance planting on the residential boundaries. The proposals are considered to be at worst a neutral impact on ecology with potential for positive additional planting. Concerns about the loss of the hedge at a later date are noted however conditions are added to retain the planting.

## **11.0 The planning balance**

11.1 Whilst the previous refusal in 1984 is noted there has been significant change in national and local planning policy since that time and furthermore there have been a number of other developments built in the immediate area. Policy HOU4 of the Local Plan is out of date and in accordance with paragraph 49 of the NPPF the proposal must be considered in the context of the presumption in favour of sustainable development. There are social and economic benefits to the proposal in that the proposal would contribute to the supply of housing and highway safety which would in turn create benefits for the local economy, both through construction and following occupation. This must be weighed against the identified landscape harm.

11.2 The NPPF sets out that in circumstances such as this development should only be refused where there are significant and demonstrable harms which outweigh the benefits of development. In this case it is not considered that the identified localised landscape harm would outweigh the benefits of the scheme. It is therefore considered that, subject to the design issues raised in the report, the proposal constitutes sustainable development in the context of the NPPF and the application is therefore recommended 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 Unless otherwise required by detail of conditions, the development hereby permitted shall be carried out in accordance with the submitted plans reference 15018.101, 15018.102, 21505-01 Rev E, 21505-02, 21505-03, 21505-04, 21505-04 Rev A++
- 3 Prior to the commencement of built development a detailed landscaping scheme and maintenance strategy for the development (including any necessary phasing of implementation and replacement strategy) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted on a plan to an appropriate scale and shall include, where applicable, details of:
  - i) existing and proposed ground levels
  - ii) site preparation
  - iii) topsoil depth of 450mm
  - iii) proposed tree and hedge planting
  - iv) plant species/densities; tree species/sizes and locations
  - v) protection and any enhancement measures to the hedge fronting Becketts Lane
  - vi) arrangements to be made for the disposal of surface water
  - vii) hard landscaping works
  - viii) garden shed, water butts and incidental outbuildings.

The approved scheme shall be implemented in accordance with the submitted details and retained thereafter.

- 4 Notwithstanding the submitted details, the external surfaces of the dwellings shall be completed in accordance with materials, samples of which shall first submitted to and approved in writing by the Local Planning Authority.
- 5 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 provide for:
  - i) The parking of vehicles of site operatives and visitors
  - ii) Loading and unloading of plant and materials
  - iii) Storage of plant and materials used in constructing the development
  - iv) The erection and maintenance of security hoarding
  - v) Wheel washing facilities
  - vi) Measures to control the emission of dust and dirt during construction
  - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works

The development shall be fully carried out in accordance with the agreed Construction Phase Method Statement and agreed details shall be retained throughout the construction period

- 6 No vehicles, equipment or materials may enter the site, and no construction work may commence on site until protective fencing has been erected around the trees and hedges to be retained on site. All existing trees and hedges shown on the plans hereby approved as being retained on site shall be protected by fencing in accordance with BS5837:1991 'Trees In Relation To Construction', in accordance with a scheme and specification which shall have been submitted to and approved in writing by the local planning authority.
- 7 No development shall commence until drainage plans for the disposal of surface water and foul sewage, including sustainable drainage systems and rainwater harvesting detail, shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details before the development is first occupied and thereafter retained and maintained.
- 8 Prior to their installation details of the proposed boundary treatment of the development , have been submitted for the approval of the Local Planning Authority. The development shall not be brought into use until the approved scheme has been fully implemented and completed. The approved scheme shall thereafter be retained.

- 9 Prior to the first occupation of the development, details of a scheme of decorative and functional external lighting for the development, shall have been submitted to and approved in writing by the Local Planning Authority. Any External lighting shall be directed away from residential properties and shall comply with the recommendations by the Institute of Lighting Engineers/Professionals for the reduction of light pollution. The development shall be fully implemented and completed in accordance with the approved details and retained and maintained thereafter
- 10 Prior to the first occupation of any dwelling to which this permission relates the accessways, turning areas and parking facilities shown on the approved plan shall have been properly consolidated, surfaced, drained, free of loose stone and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall be thereafter be retained and kept available for those uses at all times.
- 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 additional extensions, outbuildings, structures or means of enclosure (e.g. walls, gates, or fences) shall be erected without prior written approval of the Local Planning Authority.
- 12 The driveway and car spaces provided shall be kept available for the parking of motor vehicles at all times. The car parking spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.
- 13 During the construction process, within tree and hedge protected area(s) there shall not be carried out or permitted any building or other operations, including the parking or passage of vehicles, storage of building or other materials or any other object associated with construction.
- 14 All side facing first floor windows in the proposed development shall be obscure glazed.
- 15 At all times the 2.4m by 3.4m pedestrian visibility, shown on the approved plan, shall be kept free from obstruction of any structure/landscaping over 600mm in height and retained thereafter as such.
- 16 No site clearance, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday, and such works shall only take place between the hours of 08.00 to 18.00 weekdays and 08.00 to 14.00 Saturdays. No deliveries shall be received and any plant, machinery or equipment associated with such works shall not be started up or operational on the development site outside of these permitted hours.
- 17 All site clearance and building demolition shall take place outside the bird nesting season (the bird nesting season is March to September inclusive). Where this is unavoidable a breeding birds survey shall be undertaken by a suitably qualified and experienced ecologist prior to any works commencing and shall be submitted to and agreed in writing by the Local Planning Authority. If breeding birds are discovered site clearance and other operations should be delayed until young birds have fledged. All wild birds, their nests and eggs are protected by the Wildlife and Countryside Act 1981 and subsequent amending legislation. It is an offence to damage or destroy a nest of a wild bird. If nesting birds are discovered clearance works should be delayed and advice sought from the ecologist or Natural England.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To define the permission and to ensure satisfactory appearance of the site.
- 3 To ensure the satisfactory appearance of the development.
- 4 To enhance the character of the area and to ensure satisfactory appearance of the development.
- 5 In the interest of highway safety, and ensure the free flow of traffic using the adjoining highway and to ensure that arrangements to not affect neighbouring residents.

- 6 To ensure that the trees and hedges on the site are protected during construction works in the interests of local amenity.
- 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.
- 8 To safeguard the character of the area.
- 9 To ensure satisfactory functioning and appearance of the development and to preserve and enhance the character of the area and to safeguard the amenities of neighbouring and nearby residents.
- 10 In the interests of highway safety, and ensure the free flow of traffic using the adjoining Highway.
- 11 To ensure that the development retains the gaps between properties and any development can be assessed against the landscape value of the area.
- 12 In order to provide satisfactory access and parking provision
- 13 To ensure that the trees and hedges on the site are protected during construction works in the interests of local amenity.
- 14 To prevent overlooking and to ensure satisfactory relationship between future residential occupiers and existing neighbouring properties.
- 15 In the interest of highway and pedestrian safety
- 16 In the interests of neighbouring residential amenities.
- 17 To protect local bird populations

Notes:

**1 Statement of Positive and Proactive Engagement**

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 information and support to the scheme on landscape impact and impact in relation to neighbouring properties.

- 2 No work on the public highway should commence until any engineering detail of improvements to the public highway have been approved by the Highway Authority, and an agreement under S278 of the Highways Act 1980 entered into.
- 3 The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
- 4 Bank and Public holidays for the purpose of this permission shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday.
- 5 No drainage from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.



**Key**

- Proposed amenity grass
- Proposed meadow grass mix
- Proposed tree
- Proposed native hedge
- Proposed spring flowering bulb planting
- 1.8m Chestboard shadow fence

**Schedule**

All plants to be supplied from an MTA approved nursery and in accordance with National Plant Specification. All trees to be produced in accordance with BS 5454 (2014) Trees from Nursery to Independence.

Key	Species	Specification
AC	Acer campestre Streetwise	Heavy Standard, 12-14cm RB
AM	Amygdalus canadensis	1.8 - 2.0m ball, multi-stem, RB
OR	Quercus robur	Heavy standard, 12-14cm, RB
PA	Prunus avium	Heavy standard, 12-14cm, RB
MSY	Mulius sylvaticus	Heavy standard, 12-14cm, RB
PP	Prunus lauro-coccinea	Heavy standard, 12-14cm, RB

Key	Species	Size/Type
FS	Fragaria sylvatica	90-120cm, BR @350 or Double staggered row, 300mm apart

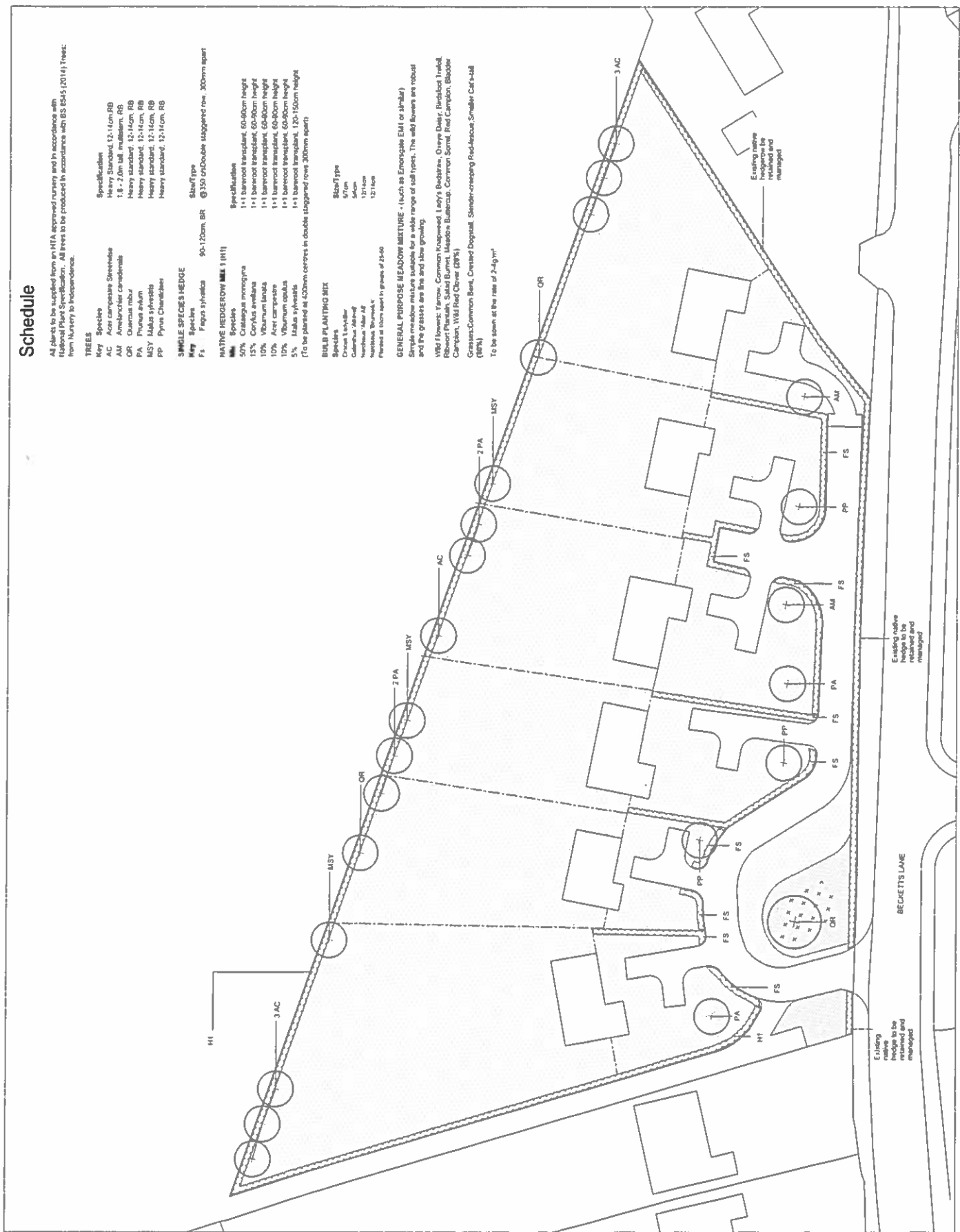
Key	Species	Specification
MSY	Mulius sylvaticus	1+1 bareroot transplant, 60-80cm height
AC	Acer campestre	1+1 bareroot transplant, 60-80cm height
OR	Quercus robur	1+1 bareroot transplant, 60-80cm height
PA	Prunus avium	1+1 bareroot transplant, 60-80cm height
PP	Prunus lauro-coccinea	1+1 bareroot transplant, 60-80cm height
MSY	Mulius sylvaticus	1+1 bareroot transplant, 120-150cm height

Key	Species	Size/Type
MSY	Mulius sylvaticus	60cm
AC	Acer campestre	60cm
OR	Quercus robur	12/1.0m
PA	Prunus avium	12/1.0m

**GENERAL PURPOSE MEADOW MIXTURE** (such as Emergence EMI1 or similar)  
 Similar mixture to be used for a wider range of tall types. The wild flowers are robust and the grasses are fine and slow growing.

**Wild Flowers:** Yarrow, Common Knipweed, Lady's Bedstraw, Oxyeye Daisy, Birdfoot Trefoil, Ribwort Thistle, Salad Burnet, Meadow Buttercup, Common Sorrel, Red Campion, Bladder Campion, Hill Field Clover (25%)  
 Grasses: Common Bent, Crested Dogtail, Slender-creeping Red-top, Smaller Cat's-tail (80%)  
 To be sown at the rate of 2-4g/m<sup>2</sup>

**BULB PLANTING MIX**  
 Species to include:  
 Galanthus nivalis  
 Narcissus 'Majesty'  
 Narcissus 'Thornpark'  
 Planted at 10cm apart in groups of 25-50

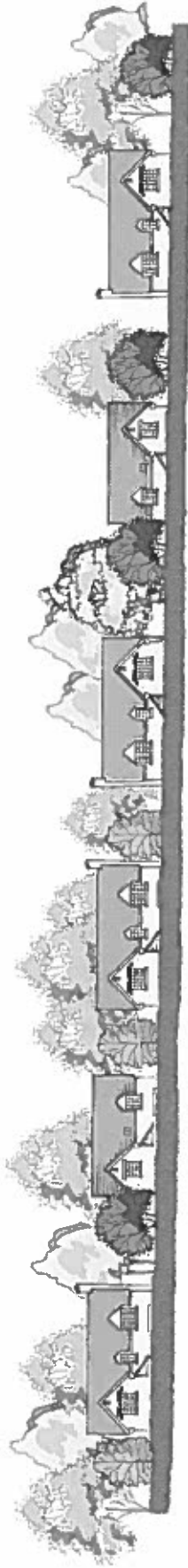


**IMPORTANT**  
 Where trees and hedgerows are to be planted, service margins, road barriers should be used as appropriate and foundation details should be checked (as indicated by a structural engineer).  
**FOR INFORMATION ON EXISTING TREES**  
 PLEASE REFER TO THE ABORIGINA LURAL REPORT



Client	Beckett's Lane, Creel
Team	External Properties
Site	Soft Landscape Proposal
Project Number	15016.101
Scale	FOR INFORMATION
Client Ref	Client Ref
AP	PH Date 06/05/15 1:250





143/B

Base map reproduced from © Esri/Mapbox



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Project Name

Beckett's Lane, Greet

ANP Reference

15018.001

Revision

1/1/1

Date

29/06/2015

15/00454/FUL

30 Barnmeadow Road, Winchcombe

7

Valid 26.05.2015  
Grid Ref 402197 228570  
Parish Winchcombe  
Ward Winchcombe

Change of use from extension to provide a separate dwelling.

Mr Conrad Nitka  
30 Barnmeadow Road  
Winchcombe  
GL54 5QA

## **RECOMMENDATION Permit**

### **Policies and Constraints**

#### **NPPF**

Planning Practice Guidance;  
Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies GNL1, GNL5, HOU5, HOU9, TPT1  
Winchcombe Town Design Statement

### **Consultations and Representations**

Winchcombe Town Council - Object - Creation of a sub-standard dwelling and not in accordance with Winchcombe Town Design Statement.

Site Notice posted. No comments received.

**Planning Officers Comments:** Mr Andrew Thompson

### **1.0 Application Site**

1.1 The application site is a semi-detached property with a linked two storey extension in a crescent of properties on the eastern side of Barnmeadow Road. In front of the property is a green space with a parking area incorporated. There is a small driveway at the front of the property capable of accommodating a single car comfortably. The site is narrow at the front and widens to the rear

### **2.0 Planning History**

2.1 Application site - 07/01213/FUL - Demolish single storey side/rear extensions, erect side/rear extensions and alterations. Granted 23.10.2007

2.2 24 Barnmeadow Road - 07/01634/FUL - Retention of first floor extension and conservatory. Change of use of first floor extension to a flat. Granted 20.02.08

### **3.0 Current Application**

3.1 The application proposes to convert an existing two storey extension to the side into an independent flat. The proposals would also remove the remaining front wall to create improved car parking provision. The applicant states that they also have access to the shared parking area at the front of the property.

3.2 The applicant states that the intention is to use the extension our parents as they grow older, our children should they not be in a position to find housing locally and the private rental sector, however the applicant does not wish the proposals to be restricted and wishes to maintain the ability to use the flat separately.

### **4.0 Analysis**

4.1 The principal determining issues are the impact of the proposals on the street scene and character of the area, the amenities of residents and the provision of parking and highway safety.

4.2 The extensions were constructed in 2007 there is certainly use as ancillary accommodation although anecdotal evidence (e.g. two post boxes and entrances) suggests that this is already being rented as separated accommodation. There does appear to be other properties in the area that have been subdivided or are houses in multiple occupation but the area remains principally of family housing with each property with their own different character due to the shape of the road and plots, in particular at the front of the property.

4.3 Assessing the site through visits, the parking availability in the area is an issue with the communal parking area well used with limited parking spaces available. Parking on the roadside was also noted in the area. Whilst there is limited parking on the front of the application site with potentially two spaces available, the removal of the wall at the front will improve the layout.

4.4 Having careful regard to the parking issues in the area and the availability of parking spaces it is considered that on balance an additional dwelling would not significantly alter parking situation on site and there would be parking provision available.

4.5 The scheme would allow for a reasonable amenity to be created through the provision of a garden area. Whilst the area is characterised by larger gardens and plot sizes, and the proposed garden would be smaller in size, it is not considered that this would significantly alter the character of the area that would justify a refusal.

4.6 On balance, having considered the proposals carefully and the comments of the Town Council, it is considered that the proposed change of use of the extensions would not have an adverse character on the area with car parking provided on the site.

### **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 details submitted to the Local Planning Authority on drawing references: 07:1504:12A, SK1, SK2 and the plan showing the Proposed Garden Area submitted to the Local Planning Authority on 28 June 2015.
- 3 The hard surface to provide the new parking area in the front garden shall be made of porous materials.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order) no extensions, outbuildings, gates, fences, walls, other means of enclosure, satellite dishes or structures of any kind (other than any hereby permitted) shall be erected or constructed to 30 Barnmeadow Road or the newly created dwelling.

#### **Reasons:**

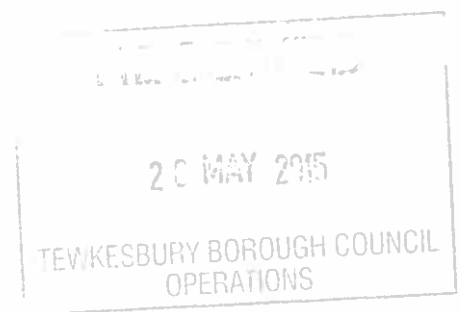
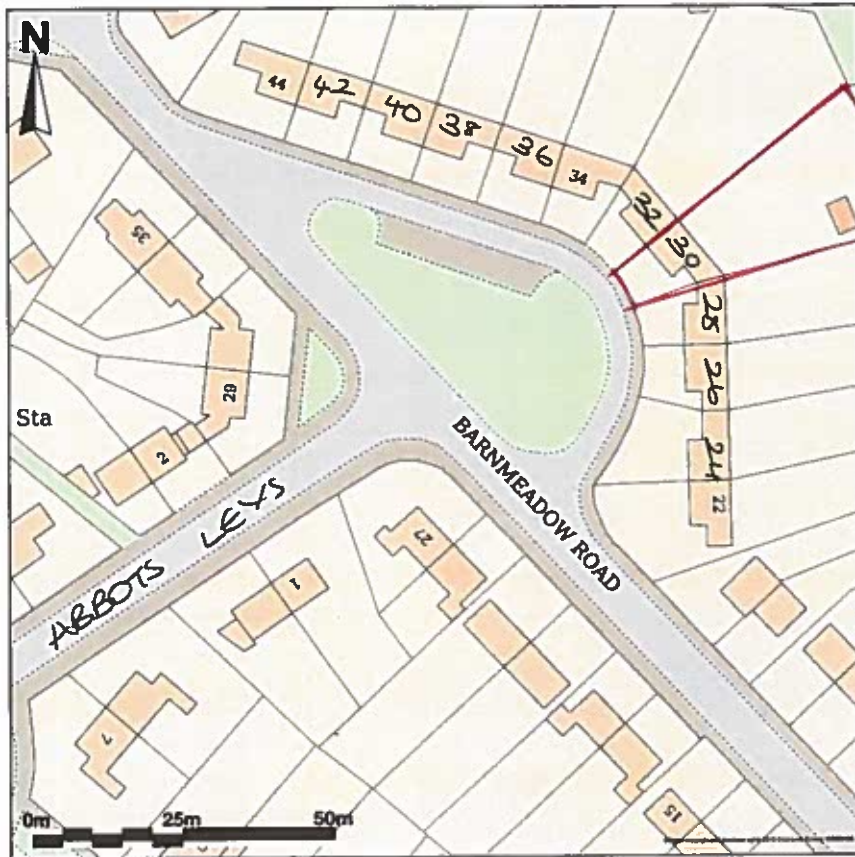
- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To define the permission
- 3 To ensure the provision of appropriate car parking, ensure satisfactory appearance of the site and to prevent localised flooding
- 4 Having regard to the reduced garden size of the existing and proposed properties.

#### **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.

## 30 Barnmeadow Road, Winchcombe, Cheltenham, GL54 5QA



Map shows area bounded by: 402085.28,228468.3,402226.72,228609.7 (at a scale of 1:1250) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

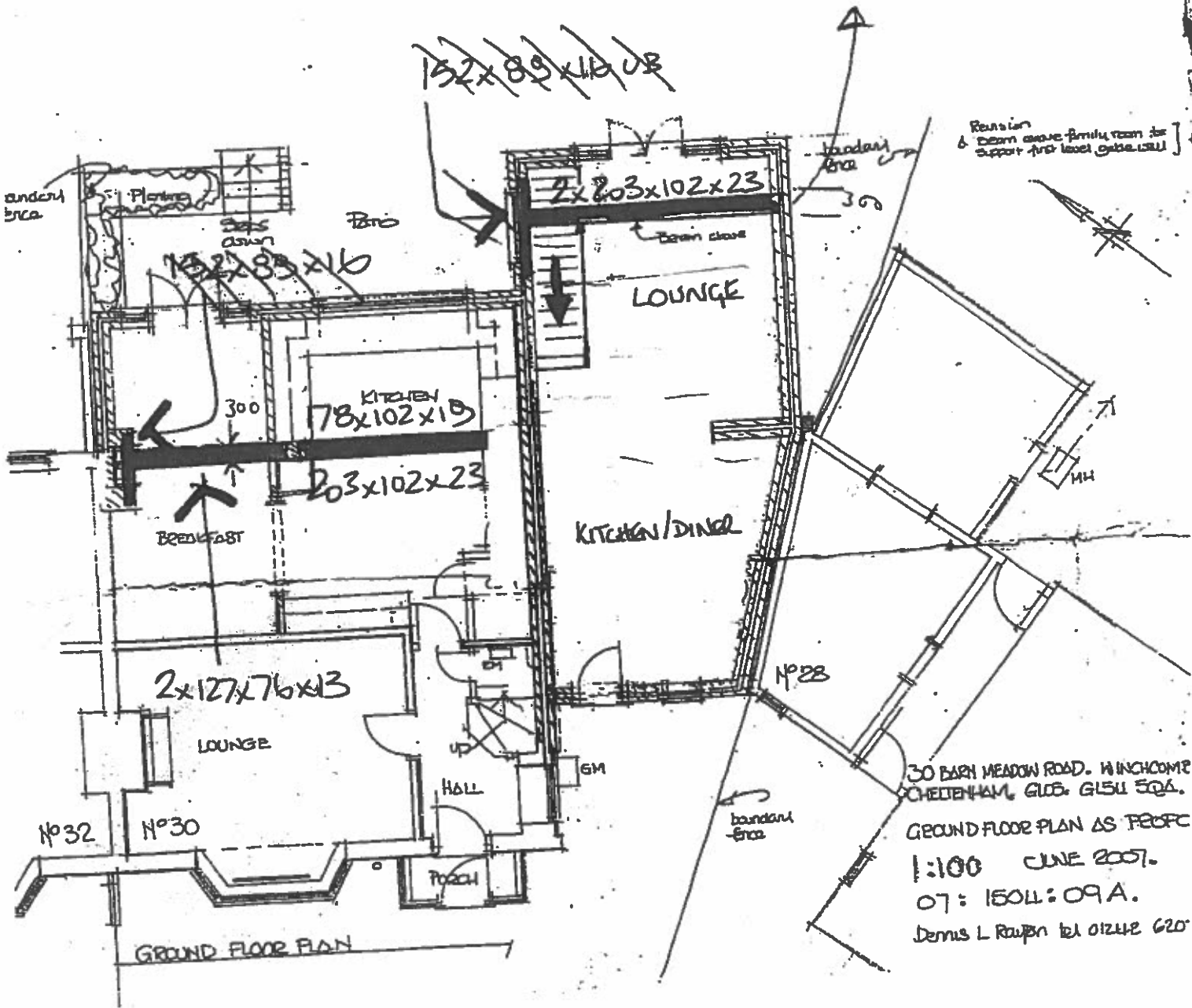
Produced on 24 April 2015 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2015. Supplied by UKPlanningMaps.com a licensed Ordnance Survey partner (100054135). Unique plan reference: p2/38907/54255

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145 / A

16.04.15  
PROPOSED

224-200.



20 MAY 2015

TEWKESBURY BOROUGH COUNCIL  
OPERATIONS

SKI

1451B

15/00512/FUL

25 - 27 Willow Bank Road, Alderton, GL20 8NJ

8

Valid 26.05.2015

Erection of 1 dwelling with associated garage, drive, parking and turning area.

Grid Ref 399955 233249

Parish Alderton

Ward Winchcombe

Mr & Mrs Davison  
27 Willow Bank Road  
Alderton  
Tewkesbury  
GL20 8NJ

## RECOMMENDATION Permit

### Policies and Constraints

#### NPPF

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies HOU2, HOU5, TPT1, LND2, LND7, EVT 5 and EVT9

JCS Submission Version November 2014.

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

The First Protocol, Article 1 (Protection of Property)

Special Landscape Area

### Consultations and Representations

**Alderton Parish Council** - Object to the planning application for the following reasons:

- Although the emerging Alderton Neighbourhood Development Plan allows for infill development within the village, the Parish Council considers this application to be over development of the site.
- The size of the proposed building also gives rise to a lack of privacy for the adjacent dwellings and their gardens.

**Environmental Health Officer** - No objection.

13 Letters of neighbour representations received raising the following concerns:

- Poor design out of keeping with character of the area.
- Size of the proposal should be reduced.
- Impact on trees and hedges should be considered.
- Gardens are of allotment style and were historically used for food production. They should be retained for such use.
- Not in keeping with building line.
- Loss of light.
- Over development of plot.
- Alderton has already accommodated its fair share of development.
- Loss of privacy.
- Would result in drainage issues.
- Information in relation to size levels insufficient.
- Detrimental to the enjoyment and tranquillity of rear gardens.
- Create precedent for similar development.

**Planning Officers Comments:** Mr Ciaran Power

### 1.0 Application Site

1.1 The site forms part of the original garden of No. 25 and 27 Willow Bank Road. The site is located within the Special Landscape Area (SLA) within the residential development boundary of Alderton. **(See location plan)**

### 2.0 Planning History

2.1 No relevant planning history found

### 3.0 Current Application

3.1 This application seeks planning permission for the erection of one detached residential property , detached garage and access road on land to the rear on No's. 25 and 27 Willow Bank Road.

3.2 Vehicle access would be provided off Willow Bank Road via an existing access between no's 25 and 27. Off street parking and residential amenity space would also be retained for the existing dwellings. (See attached plans)

### 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).

4.2 Paragraph 14 of the NPPF indicates that sustainable development should be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or where specific policies within the Framework indicate that development should be restricted. Paragraph 49 of the NPPF requires applications for housing to be considered in light of the presumption in favour of sustainable development.

4.3 The Development Plan comprises of the saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006). The application site lies within the residential development boundary of Alderton as defined by the Local Plan. Consequently, the application is subject to policy HOU3 which allows infilling that does not affect the character of the settlements. Furthermore, Policy HOU5 of the Local Plan 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.

4.4 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 reflects this advice by making 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.

4.5 Policies HOU3 and HOU5 of the Local Plan are therefore considered to be consistent with the provisions of the NPPF and should therefore carry considerable weight in the determination of the application.

4.6 Policy TPT1 of the Local Plan seeks to reduce the need to travel by car and promote alternative modes of transport and 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. This policy is considered to be consistent with the NPPF which also states that development should only be refused on safety grounds where the impacts of development are 'severe'.

4.7 Policies EVT5 and EVT9 aim to reduce flood risk in local areas. EVT9 states that development proposals must demonstrate that appropriate provision has been made in their design for the onsite attenuation and treatment of surface water run-off in accordance with sustainable urban drainage principles. These policies are considered to be consistent with the advice given at Section 10 of the NPPF.

4.8 Local Plan Policy LND2 requires special attention to be paid to the protection and enhancement of the special landscape character of the SLA, which is of local significance. The reasoned justification qualifies that whilst the quality of the landscape is worthy of protection in its own right it also plays a role in providing the foreground setting for the adjacent AONB. The Policy is criteria based and considered to be consistent with the Framework and therefore should be afforded significant weight. 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.



## 5.0 Analysis

5.1 The main planning issues to be considered in this application are the principle of new housing development on the site; landscape impact; the design and layout; impact on trees; flood risk; highway safety; impact on living conditions and ecology.

### *Principle of Development*

5.2 As set out above, the site lies within a recognised residential development boundary and thus Policy HOU3 of the Local Plan, is relevant. The principle of residential development on the site is acceptable provided that the development would not adversely affect the character of the settlement or compromise environmental quality and subject to other local plan policies and material considerations.

### *Landscape impact*

5.3 The site lies within the locally protected and designated Special Landscape Area (SLA) and the Cotswold Area of Outstanding Beauty (AONB) lies to the North of the Alderton settlement. The application site is located with a built up residential part of Alderton and would constitute what amounts to back land development. Having regard to this it is not considered that the proposal would have a detrimental impact on the landscape character of the area. The proposal would not be contrary to Policy LND2 of the Local Plan or SD7 of the submission version of the JCS.

### *Design and layout*

5.4 The proposed development would provide a detached property and detached garage. The dwelling whilst providing accommodation over two levels generally appears as a single storey dwelling which has been achieved by utilising the land levels on site as well as excavating the land in parts. The dwelling also incorporates a double ridged roof which has been designed to limit the height. Whilst the resulting design of the dwelling is not considered in keeping with the general design of the area and its general appearance is somewhat unusual, this is largely due to the desire to reduce the scale of the property to limit the impacts on residential amenity of adjacent properties. The dwelling would not be readily visible from outside of the application site or within the street scene and given the clear design rational to limit impacts on residential amenity, on balance it is not considered that the proposals would justify refusal on design grounds in this instance.

### *Impact on trees*

5.5 Paragraph 118 of the NPPF states; inter alia, that planning permission should be refused for development resulting in the loss of aged or veteran trees. From the officer site visit it was evident that a number of mature trees have been removed from the site. In addition there were trees on adjacent land which could be affected by the development. The nearest tree adjacent to the sites eastern boundary appear to be a beech hedge and laurel and this is located approximately 2.5 metres away from the proposed development. There are also larger trees in the rear gardens of the dwelling located east, however it is considered that there is appropriate separation between these and the proposed dwelling. Having regard to the above it is considered that the development would have an acceptable impact on the health and condition of the adjacent trees and hedges.

### *Flood Risk and drainage*

5.6 The application is located within Flood Zone 1 and therefore it is not considered that the proposed development would result in an increase in flood risk. The development is proposed to be connected to the mains sewer which is considered the most appropriate method of disposal here.

### *Highway safety*

5.7 The proposed development utilises an existing access and this is of an appropriate width and provides appropriate visibility. In addition the application site includes an area for parking of up to 3 vehicles (including the garage) as well as an area for manoeuvring. Off street parking would also be retained at the front of both No's 25 and 27 Willow Bank Road each with a minimum of 2 car parking spaces. Having regard to the above it is considered that the proposed development would not have a detrimental impact upon highway safety.

### *Impact on living conditions*

5.8 The proposed dwelling would be located at the bottom of the long gardens of No's 25 and 27 Willowbank Road in close proximity to the sites rear boundary and both side boundaries. In terms of the impact on the residents of those to the rear (east), the proposed dwelling would at some points, be located within a metre of this rear boundary. There is an existing rear boundary fence which would be replaced by a new fence and this screens part of the development. The gables in the eastern elevation would however be approximately 2.5 meters above the fence. Whilst the dwelling would be partially visible from the properties to the north there is established planting in their rear gardens which would help to soften the impact. In addition the site is located to the east and given this orientation and the relatively low height of the proposed dwelling it is not considered that the development would result in any undue overshadowing. There are a number of windows in the eastern elevation of the proposed development by these would mainly be obscured by the fence line, preventing any direct overlooking.

5.9 In terms of impacts on no. 23 Willowbank Road, the proposed dwelling would be located adjacent to the bottom of this garden. Its eaves would protrude above the fence by approximately 0.8 metres. The roof then slopes away from this boundary. Given the sites orientation there would be some overshadowing of this part of no. 23's garden, however the area of the garden is partially used for keeping chickens and given the low height of the dwelling as well and the long plot depth of No. 23 it is not considered that there would be a significantly detrimental impact on residential amenity of No. 23 to warrant refusal. In addition the proposal includes a detached garage adjacent to the common boundary with no. 23, however there is a large shed located in the garden of no. 23 adjacent to where the proposed garage would be sited. The garage would be a flat roofed single storey structure and it is not considered that this would unduly impact on the residential amenities on no. 23.

5.10 No. 29 is located to the south of the application site. The proposed dwelling would largely be set away from the common boundary with this neighbour with the exception of the proposed conservatory. The conservatory would be located adjacent to the very bottom on no. 20's garden and given its relatively low height and its orientation to the north of this garden area, it is not considered that the proposed development would have a detrimental impact on the occupiers on this residential property.

5.11 A number of concerns have been raised regarding the potential of overlooking and loss of privacy. Whilst the windows in the western elevation would face towards the rear windows of those properties which front onto Willowbank Road, the window to window distance would be a minimum of 28 metres. In addition the dwelling only incorporates windows at the equivalent of ground floor level and therefore the possibility of overlooking adjacent garden areas would be limited given existing and proposed boundary treatments.

### *Ecology*

5.12 Some local concerns have been raised on the grounds that the proposed development could adversely affect local ecology. The site is not located within a key wildlife site and the Councils' ecological records do not highlight that there are protected species on or near to the site. Consequently, although the site is within a rural setting, from the evidence available, it is not considered that the proposed development would result in an adverse impact on protected species or habitats.

## **6.0 Conclusion and Overall Balancing Exercise**

6.1 The site is located within a recognised Residential Development Boundary where the principle of new housing development is considered acceptable in accordance with Policy HOU3 of the Local Plan.

6.2 The NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental. The NPPF also requires applications to be considered in the context of the presumption in favour of sustainable development. In terms of the benefits of the current proposal, the provision of one new house would contribute, albeit in a very limited way, to the councils supply of deliverable housing sites and the local economy by way of employment during the construction of the development.

6.3 In terms of environmental considerations, whilst the design of the dwelling does not necessarily reflect that of the existing dwellings in the area, any harm resulting from it is considered to be limited given the lack of public views of the application site.

6.4 On balance therefore it is considered that the current proposal would represent sustainable development in the context of the NPPF. It is therefore **recommended that permission is approved.**

## **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 approved plans Drawing Numbers: 14:1728:SP10 A, 14:1728:SP12A, 14:1728:SP13A, 14:1728:SP14A, 14:1728:SP15A, 14:1728:SP16A unless otherwise agreed in writing with the Local Planning Authority.
- 3 The finished floor level of the dwelling to which this permission relates shall remain in accordance with Drawing Number 14:1728:SP13A dated 26th May 2015.
- 4 Prior to the first occupation of the proposed dwelling the car parking and manoeuvring facilities shall be completed in all respects in accordance with the submitted details and shall be similarly maintained thereafter for that purpose.
- 5 Notwithstanding the submitted details, no development shall take place until samples of all external facing and roofing materials has been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved samples.
- 6 Notwithstanding the provisions of Classes A, B and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development shall take place other than that expressly authorised by this permission.
- 7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.
- 8 The area of driveway within 5 metres of the carriageway edge of the public road shall be surfaced in bound material, and shall be maintained thereafter.

### **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 To define the extent of the permission for avoidance of doubt.
- 3 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
- 4 To enable vehicles to enter and leave the highway in forward gear in the interests of highway safety, in accordance with the provisions of the NPPF and Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 5 To ensure that the external appearance of the building is satisfactory.
- 6 In the interests of visual amenity and the character of the area.
- 7 To ensure that the appearance of the development is satisfactory.
- 8 In the interests of highway safety.

Note:

**Statement of Positive and Proactive Engagement**

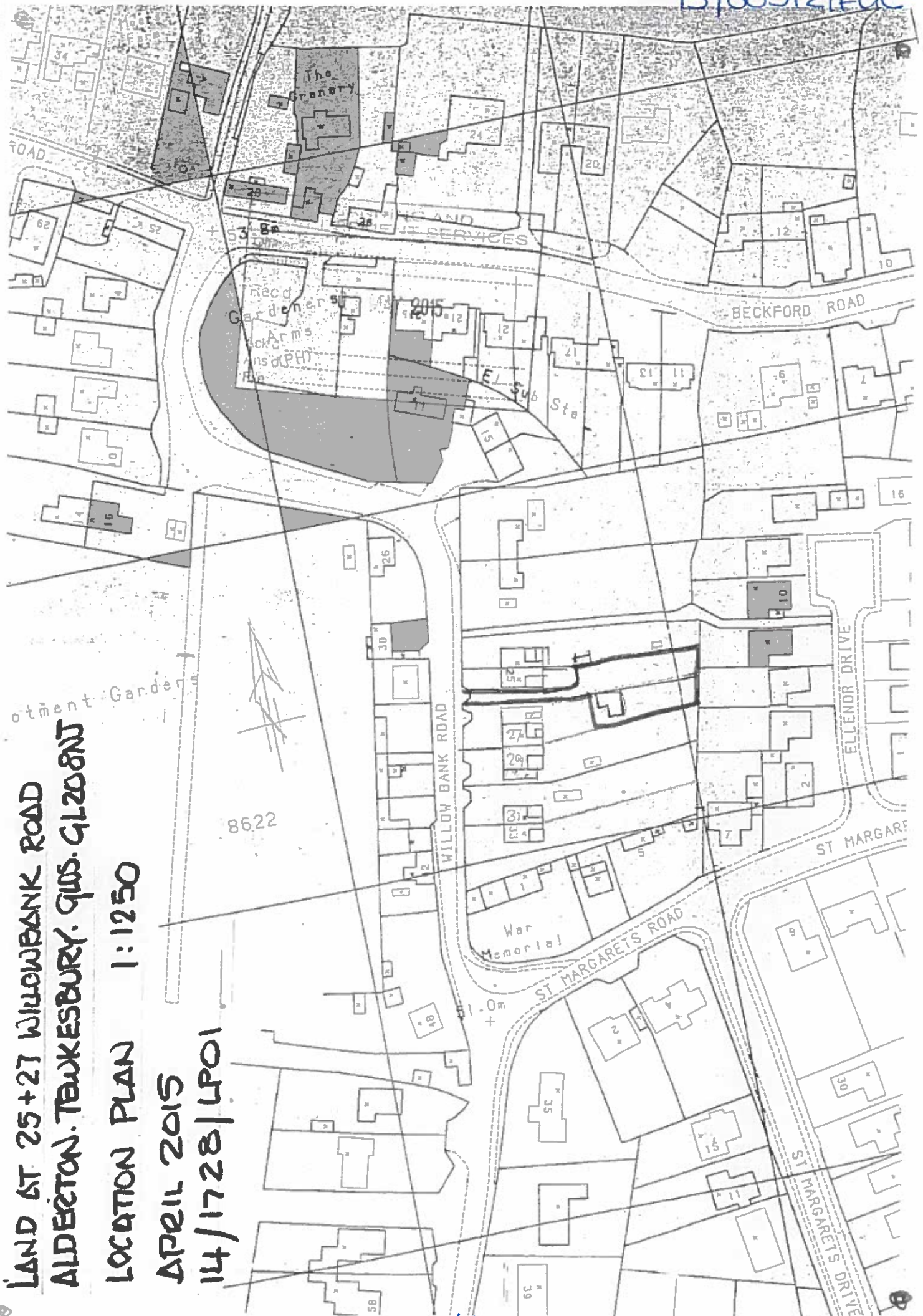
In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received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

15/00512/EUC

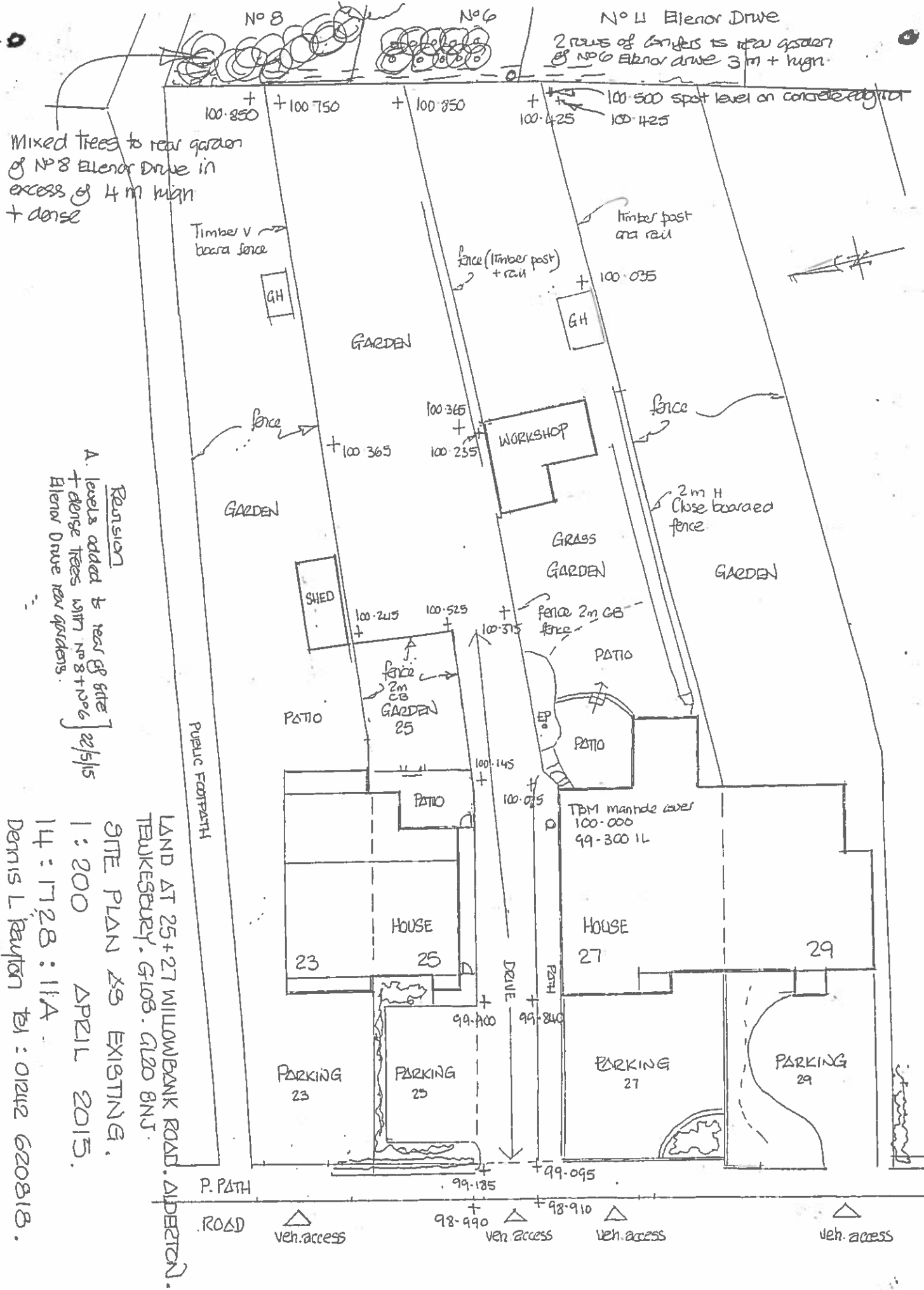
LAND AT 25+27 WILLOWBANK ROAD  
ALBERTON, TEWKESBURY, QWS. G1208NT

LOCATION PLAN 1:1250

APRIL 2015  
14/1728/UP01

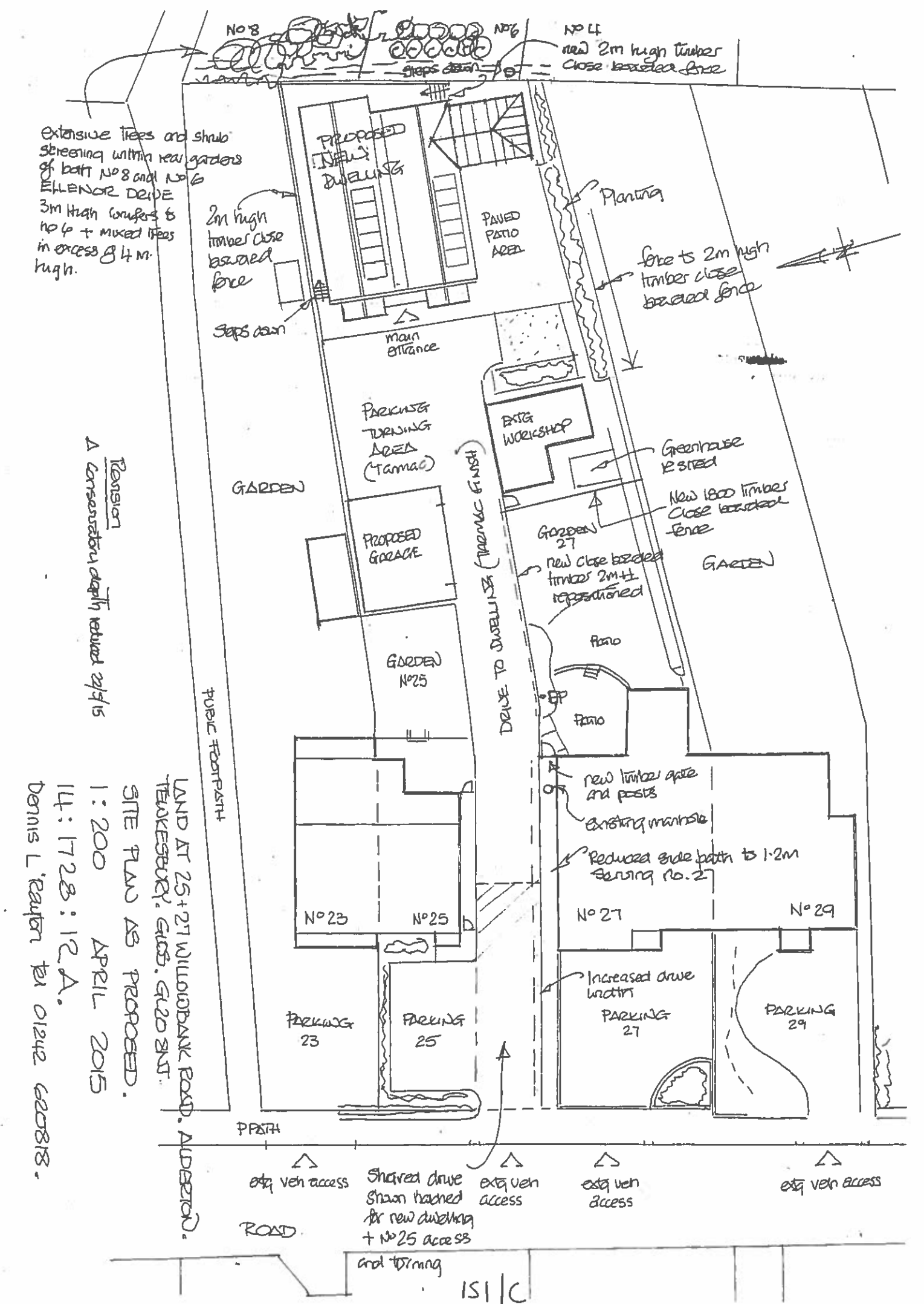


15/A



REVISION  
 A. levels added to rear of site + change trees with No 8 + No 6 Elenor Drive rear gardens. 22/5/15

LAND AT 25+27 WILLOWBANK ROAD, ALBERTON, TREKESBURY, G108, G120 BNT.  
 SITE PLAN 29 EXISTING.  
 1:200 APRIL 2015.  
 14:1728:11A  
 DENNIS L REAYTON TEL: 01412 620818.



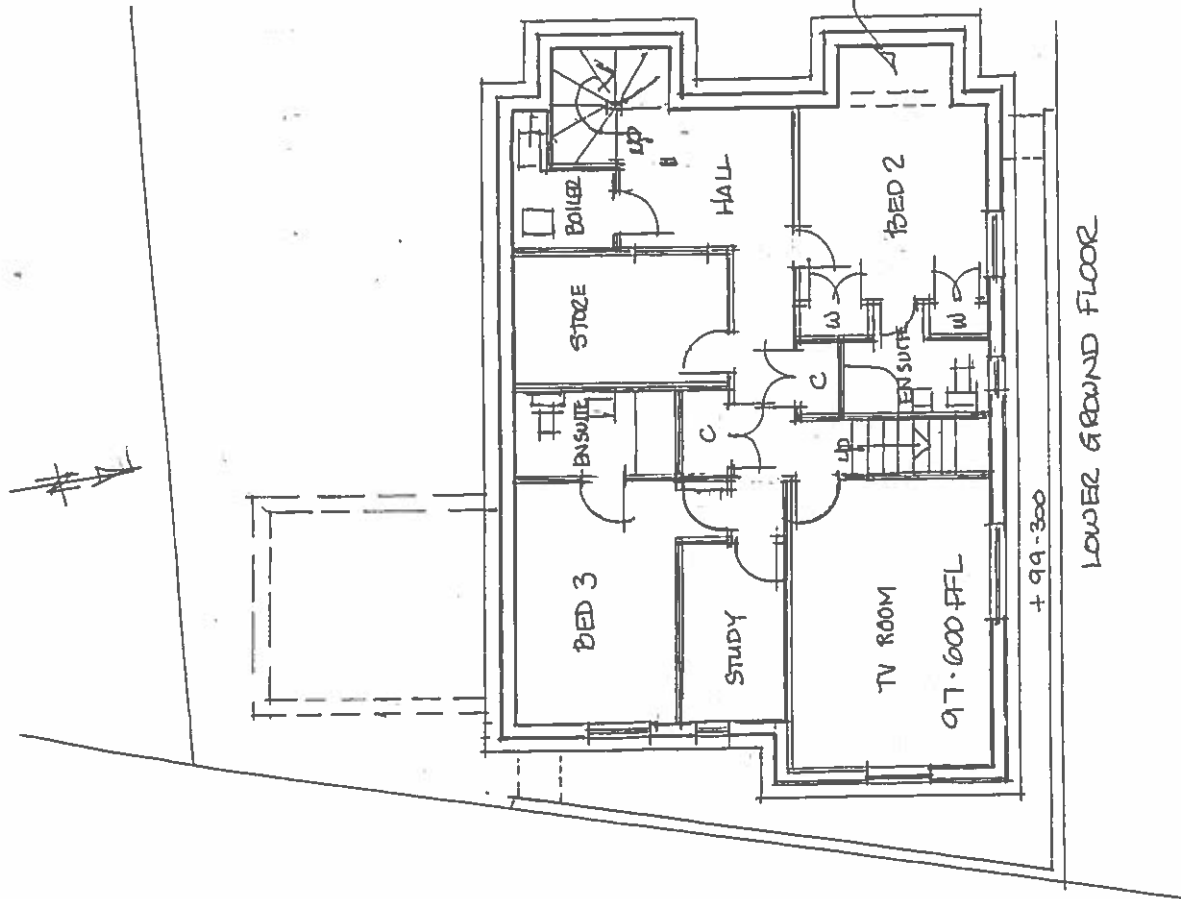
extensive trees and shrub screening within rear gardens of both No 8 and No 6 ELLENOR DRIVE 3m High Corufers to No 4 + mixed trees in excess of 4m high.

Retention  
 A conservation depth reduced 29/15

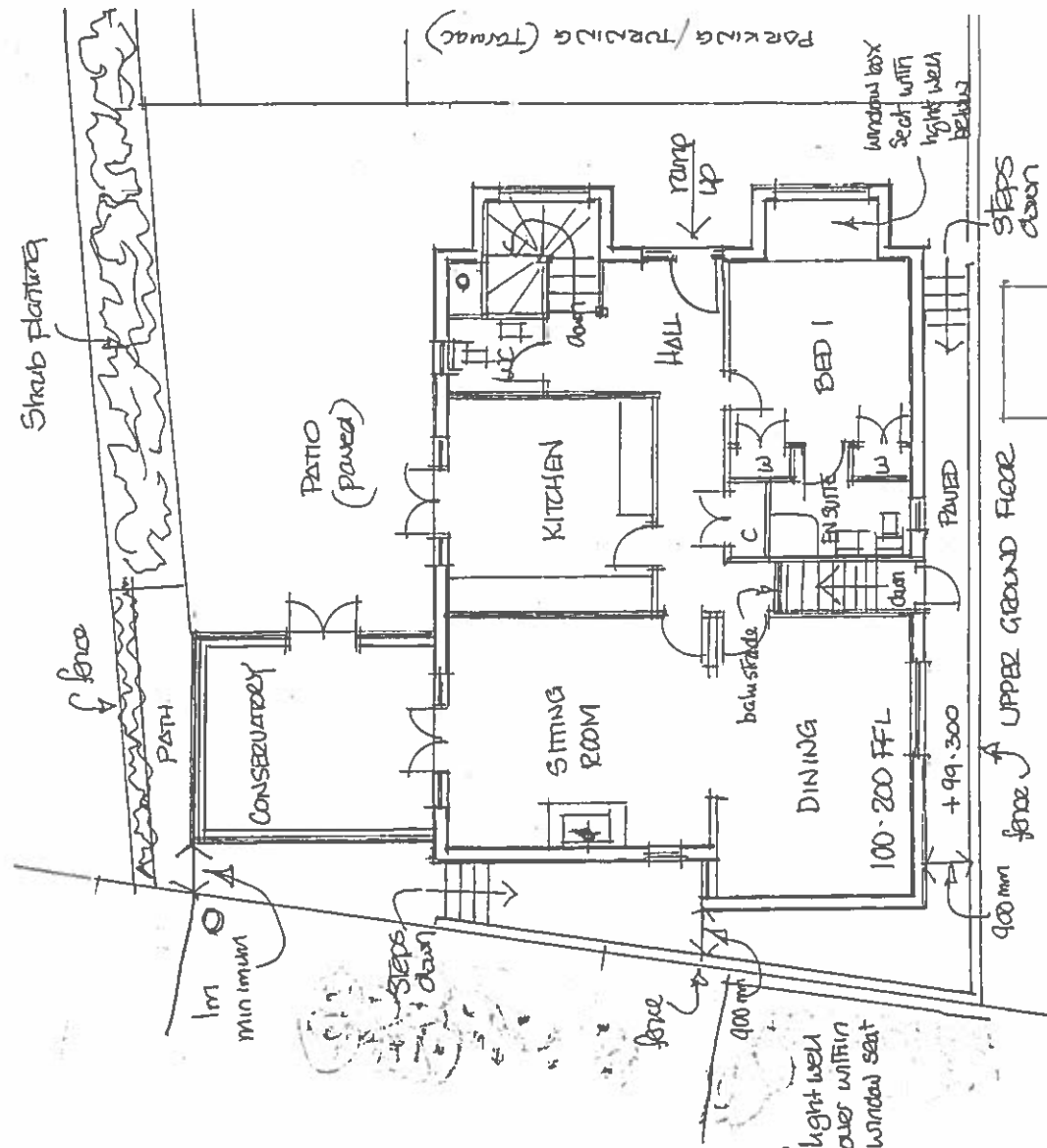
LAND AT 25+27 WILLOWBANK ROAD, AUDEBERTON, TANKSBURY, G105, G120 BNT.  
 SITE PLAN AS PROPOSED.  
 1: 200 APRIL 2015  
 14: 1728: 12 A.  
 Dennis L'raughton Tel 01242 620818.

ISI/C





LOWER GROUND FLOOR



UPPER GROUND FLOOR

REVISION  
 A Conservatory depth 22/5/15  
 reduced

LAND AT 25+27 WILLOWBANK ROAD, ALBERTON.  
 TEWKESBURY, GLOS. GL20 8NT.

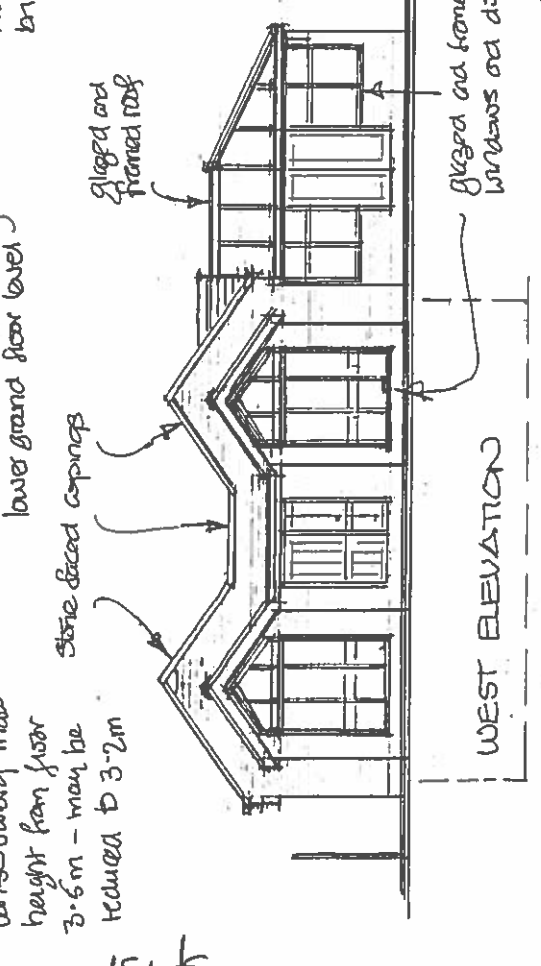
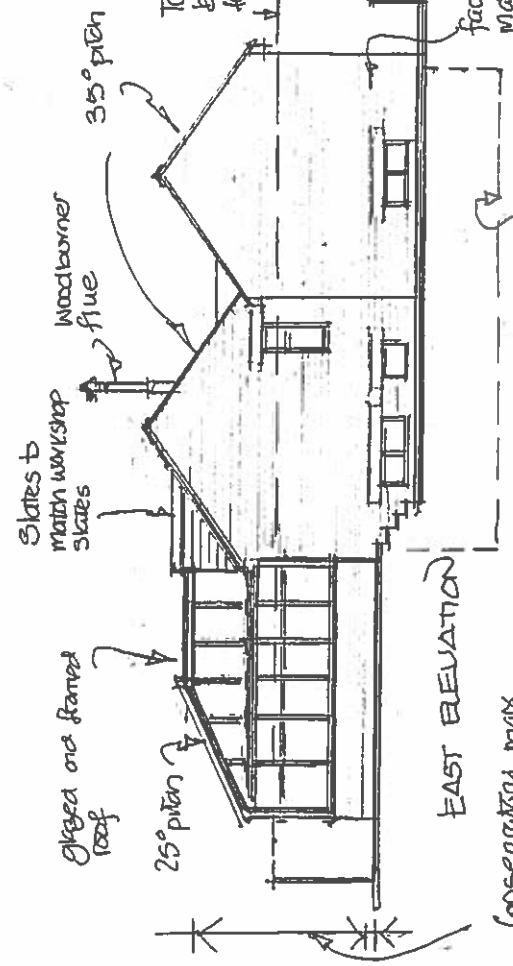
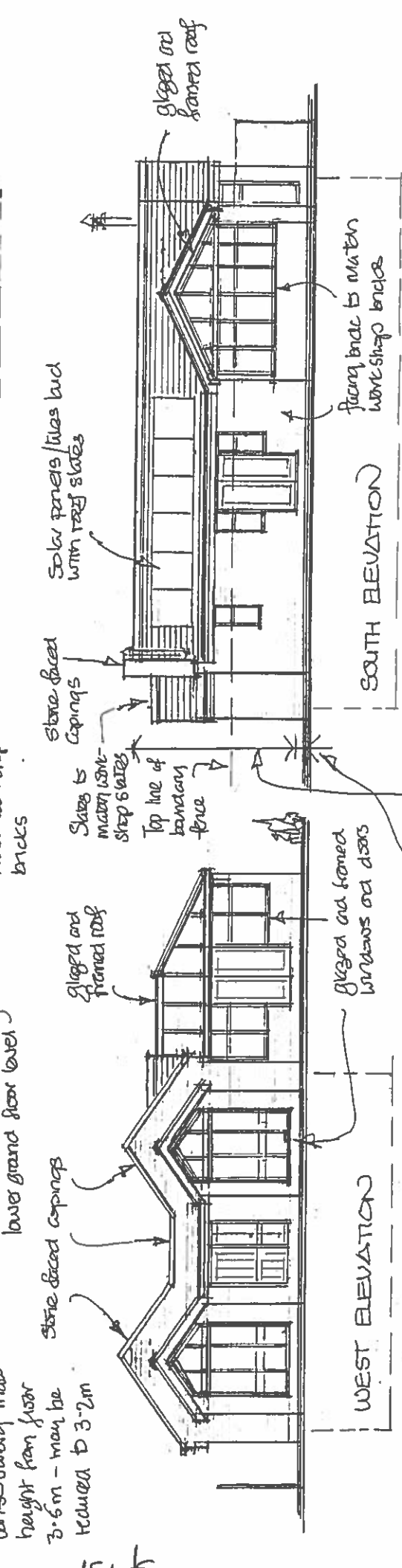
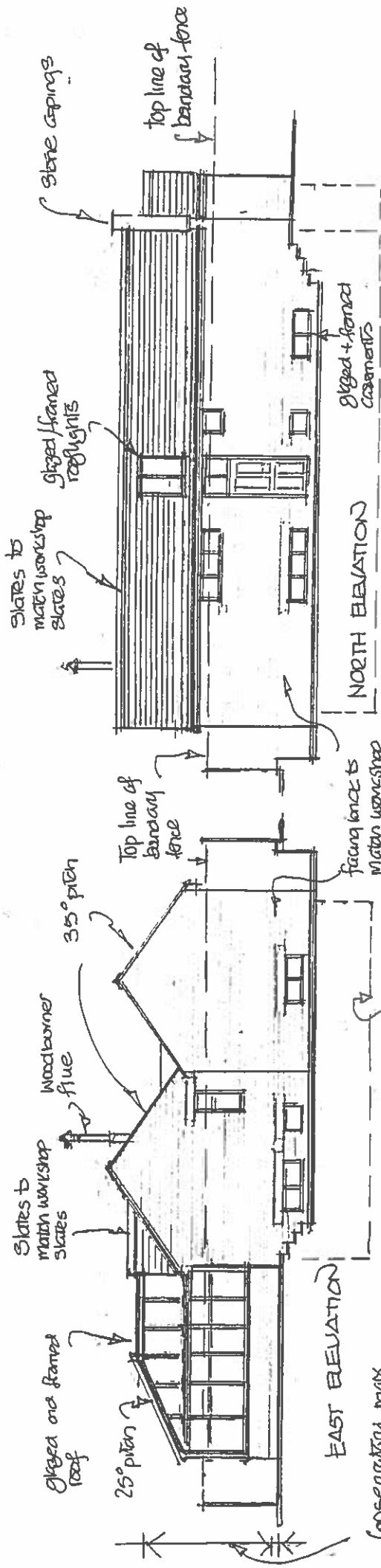
PROPOSED DWELLING PLANS.

1:100. APRIL 2015

14:1728:14A

DENNIS L RAYTON Tel 01242 620818





Conservatory max height from floor 3.6m - may be reduced to 3.2m

4250 mm floor to top main roof ridge  
1500 mm floor to ground level

LAND AT 25+27 WILLOWBANK ROAD, ADELTON, TRAVICKESBURY, GLOS. GL20 8NJ.

PROPOSED DWELLING ELEVATIONS.

1:100 APRIL 2015

14:1728:15A

Dennis L Rayton Tel 01242 620818

Revision  
A main roof lowered to start at opening heads. Conservatory roof pitch + walls changed + conservatory depth reduced 22/5/15



Valid 06.05.2015

Demolition of existing detached bungalow and erection of detached two storey dwellinghouse

Grid Ref 407334 235625

Parish Buckland

Ward Isbourne

Quarrystone Homes (Cotswold) Limited  
 2 Park Lane  
 Cirencester  
 GL7 2BS  
 FAO:Mr Russell Hancock

**RECOMMENDATION Permit****Policies and Constraints****NPPF**

Planning Practice Guidance

JCS (Submission Version) November 2014

Tewkesbury Borough Local Plan to 2011 (March 2006) - policies TPT1, HOU7, HEN2, LND7

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

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)

**Consultations and Representations**

**Buckland Parish Council** advises that their previous comments already logged still stand, and provides the following comments:

*It is still felt that it will be a very imposing building at the centre of the village. The use of render, stone, effect roof tiles, PV panels and incorporation of a Juliet balcony is felt not to be in keeping with the character of the area. If mature trees are to be felled it is felt that similar size mature trees should be used as replacements. Concerns are raised about the boundary wall to the property. It is important that a new boundary wall is no higher than existing, as a clear line of visibility at this junction is essential for vehicles. It is believed a water course runs under the existing property and this should be noted/provided for in building works, so that no future drainage problems are caused.*

**Conservation Officer no objection**

**Representations** - 6 letters of representation have been received, which are summarised as follows:

- The size of the dwelling would be totally out of keeping with the surrounding dwellings;
- The dwelling would dominate all the other houses and cottages around and alter the whole dynamic of the village;
- The proposals are very modern;
- The rear view will be very visible by the adjacent houses and from the road coming from the Southern end of the village;
- With only one garage for a house this size will not the next step be an application for a second?;
- The windows to the east and west are going to invade the neighbour's privacy
- The original permitted scheme did not have windows on the extension on the east elevation. The new proposal has large windows both on the ground floor and the first floor, which will impinge on the privacy of The Mullions. The overgrown hedge mitigates this problem in the summer, but there will be no privacy in Spring, Autumn and Winter (occupiers of The Mullions, Laverton);
- A Juliet balcony and use of render is not in keeping with the village architecture;
- Any increase of the front wall height would be a danger to oncoming traffic;
- Financial viability should not be the reason for a development to be allowed;
- Why should a small extension to the cottage opposite be refused and this large house be allowed;
- The proposals are a big improvement on the initial design. Pleased that the existing building line is to be maintained, and the roadside boundary walls are to remain at their existing height together with the existing gravelled entrance.

## **1.0 Introduction**

1.1 The application relates to Robin Hill, a detached, modern bradstone bungalow, located within the village of Laverton. The property occupies a prominent, central position within the heart of the village. The bungalow is fairly generous in size with three bedrooms and linked double garage. The existing plot is also of relatively generous size and well landscaped with substantial mature tree and shrub planting.

1.2 The site is bounded to the north and east by the highway which serves the village. The residential bungalow of 'Westfield' adjoins the site to the west. The rear (southern) garden within the curtilage of the application site which serves the existing bungalow measures approximately 38 metres in width and 22 metres in depth, backing onto the curtilage of 'Wendover Cottage'.

1.3 The existing property is set slightly higher than the adjoining highway and is set back approximately 16 metres from the frontage of the plot behind a gravel driveway, area of turf and dry stone boundary wall. At the closest point, the existing bungalow is set back approximately 10.5 metres from the site boundary shared with the adjoining highway.

1.4 The site lies within the Laverton Conservation Area and Article 4 Direction boundary. The site also lies within the Cotswolds Area of Outstanding Natural Beauty.

## **2.0 History**

2.1 There have been a number of applications for extensions/replacement dwellings since 1993. Most recently permission was granted (13/01236/FUL) for the renewal of a previous permission for a replacement dwelling (approved plans will be displayed at Committee) which was permitted by the Planning Committee following an SIP visit. This permission is still extant.

## **3.0 Current Application**

3.1 The current proposal would follow the general form of the previously permitted replacement dwelling. The most notable proposed changes to the previous approval would be on the rear elevation of the dwelling. The main changes would be:

- Incorporating the garage as part of the main house, to project 6.1 metres from the rear elevation of the principal dwelling with living accommodation above;
- Reducing the length of the previously approved two storey rear wing towards the eastern side of the rear elevation by 4.3 metres; installation of 1 no. ground floor level window and 1 no. set of fully glazed double doors with a painted metalwork Juliet balcony at first floor level on the rear elevation;
- Erection of a 3.6 metre deep single storey rear element, positioned between the 2 no. two storey rear wings, which would be designed with a zinc metal roof hidden behind a parapet and incorporating a linear rooflight;
- Replacing the previously approved rear dormers with conservation style rooflights;
- Roof-mounted PV panels positioned centrally on the rear elevation;
- Some alterations and additions are proposed to the fenestration as previously approved including, on the eastern side elevation of the principal element of the proposed dwelling, the installation of 1 no. ground floor level window to serve a 'snug' and 1 no. first floor level to serve a bedroom, and the replacement of 3 no. previously approved dormer windows with 2 no. slightly larger dormer windows.

## **4.0 Policy Context**

4.1 The Development Plan comprises of the saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006). Policy HOU7 of the Local Plan states that replacement dwellings are acceptable in principle providing that: (1) they are of a similar size and scale to the existing dwelling; (2) they respect the scale and character of existing characteristic property in the area and have no adverse impact on the landscape; and (3) normal development control standards in relation to aspects such as design, materials, environmental impact, parking and relationship to adjoining uses are satisfied. Policy HOU7 also states that, within the AONB, strict design controls will be applied given the priority accorded to the protection of the landscape, including the use of appropriate building materials, normally natural, traditional or reclaimed materials. It is considered the policy is consistent with the aims of the NPPF in terms of its core planning principle to conserve and enhance the natural environment, and is therefore considered to have weight.

4.2 Policy HEN2 of the Local Plan states that, in proposals for development within a conservation area, particular attention should be paid to the development's impact on the Conservation Area and its setting including any trees. Where new development or re-development is proposed within a Conservation Area, it must be of a high standard of design and preserve or enhance the character or the appearance of the conservation area in terms of scale, form, materials and quality. Policy HEN2 continues, by advising that proposals retaining traditional building lines within designated Conservation Areas will be favoured, and that special attention should be given to the protection and enhancement of historic features which contribute to the townscape and historic character. Particular attention will be attached to the retention of traditional materials in the repair and refurbishment of existing buildings and in the construction of new buildings and other works. It is considered the policy is consistent with the aims of the NPPF in terms of its core planning principle to conserve heritage assets in a manner appropriate to their significance, and is therefore considered to have weight.

4.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.

## 5.0 Analysis

### Principle of dwelling

5.1 The principle of a replacement dwelling has been established by the previous permissions on the site. The previously approved dwelling had a floor space of approximately 412 square metres (including garage) whilst the current proposal has a slightly lesser floor space of 397 square metres. It is noted that the dwelling only has a single garage, however any future garaging proposals would need to be considered on their merits. The key considerations with regard to the current proposal are therefore considered to be the changes to the previously approved scheme and their impact on the character and appearance of the Conservation Area and on the living conditions of neighbouring residential property.

### Design, Size, Scale, Landscape Impact and Conservation Area Impact

5.2 Buckland Parish Council raise concern that the proposed dwelling would be a very imposing building at the centre of the village, and that the proposed use of render and stone effect roof tiles, and the addition of PV panels and a Juliet balcony would not be in keeping with the character of the area.

5.3 As set out above, the development currently proposed would largely follow the overall form of the previously permitted scheme so there would be no material difference in terms of the scale of the building. In terms of the use of render, the principle of a mix of materials was accepted on the previous scheme with natural stone to the principle elevations and render on the rear wings.

5.4 Whilst the internal floor area of the proposed dwelling would be greater than the internal floor area of the existing bungalow by virtue of the proposed first floor level, the extent of ground covered by the proposed dwelling would be very similar to the footprint of the existing bungalow. The front elevation of the proposed dwellinghouse would follow the same building line as the existing bungalow and the previously approved replacement dwelling. Further, as noted above, the total floor space of the dwellinghouse currently proposed would be marginally less than the total floor space of the replacement dwelling previously approved under application references 10/01319/FUL and 13/01236/FUL. It is judged that the proposed reduced depth and massing of the previously approved two storey rear wing towards the eastern side of the rear elevation would reduce the apparent bulk of the dwelling when viewed from the east, thereby reducing the impact of the development on the surrounding area, and it is judged that the proposed dwelling would not appear overly prominent on this corner plot.

5.5 The other notable alterations to the previously approved scheme (namely the addition of a painted metalwork Juliet balcony at first floor level, the replacement of previously approved rear dormers with conservation style rooflights, the provision of roof-mounted PV panels, and the erection of a 1.8 metre deep single storey rear element positioned between the 2 no. two storey rear wings) would, in the context of the dwelling as previously approved, be relatively small additions/alterations. Further, the proposed single storey element, rooflights and PV panels would be positioned in the space between the 2 no. two storey wings on the rear elevation and would therefore not appear overly prominent. Further, there are a number of trees towards the rear of the site which are shown as being retained and which would provide some extent of screening. When visiting the site it was clear that the rear elevation of the existing bungalow was to some extent screened from view when stood on the adjoining highway by virtue of the wall and vegetation along the eastern side boundary of the application site. It is therefore judged that the rear elevation of the proposed

replacement dwelling would not appear prominent within the street scene, and the proposed alterations/additions to the rear elevation of the dwelling would not significantly adversely detract from the character and appearance of the street scene.

5.6 As a whole, it is considered that the proposed replacement dwelling would not result in a significant departure from the extant approval, and would not appear visually intrusive in the landscape, and would not adversely affect the visual attractiveness of the AONB. The Conservation Officer is satisfied that there would be no net change in the impact on the conservation area. By virtue of the scale, form and materials of the proposed dwelling, it is judged that this would appear more in-keeping with adjacent dwellings than the existing bungalow on site, and that the proposal would enhance the character and appearance of the Laverton Conservation Area.

5.7 The proposed repaired dry stone wall along the front site boundary would be slightly taller than the existing wall, although would match the existing wall along the eastern side boundary in terms of its height and profile. By virtue of its proposed height (0.9 metres) and the proposed materials, it is judged that this would not appear overly prominent, would not adversely affect the visual attractiveness of the AONB and would preserve the character and appearance of the conservation area. It is, however, considered necessary to have further detail with regard to these sorts of curtilage structures (including gate posts, garden walls etc.) to ensure there is a consistent architectural language throughout the scheme.

#### Residential Amenity:

5.8 The siting and aspect of the proposed dwelling would be very similar to that of the previously approved dwelling where the issues of overlooking and overbearing impact were considered to be acceptable.

5.9 The proposed dwelling would be positioned some distance away from its nearest neighbours at Westfield and Wendover Cottage, which are located to the west and south of the application site respectively. Indeed, the new dwelling would be located further away from Westfield than the existing bungalow and the previously approved replacement dwelling by virtue of the relocation of the garage. The proposed replacement dwelling house would be set in reasonably generous grounds which would further mitigate any adverse impact on residential amenity.

5.10 In terms of the proposed changes to fenestration from the previously approved scheme the proposed windows on the eastern elevation would be set back some 12.5 metres from 'Mullions', the adjacent dwelling on the eastern side of the highway and opposite the eastern boundary of the application site, and these proposed windows would not directly overlook the dwelling at this adjacent site. At the closest point the proposed windows on the rear elevation would be set back some 18 metres from the southern site boundary, adjacent to the curtilage of Wendover Cottage. Further, the existing trees on the site would provide some extent of screening. By virtue of the proximity of the proposed dwelling to adjacent dwellings and taking into account the extent of screening, it is judged that there would be no significant adverse effect on adjoining occupiers in terms of overlooking or loss of privacy.

#### Impact on Road Safety:

5.11 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.

5.12 The existing vehicular access would continue to be used, and an extended driveway and garage would be provided which could easily accommodate off-road parking (see layout plans). The application site is located on a wide sweeping corner, and the vehicular access point is at the point furthest away from this corner on the northern boundary. The proposed alterations to the existing boundary wall would result in this increasing to 0.9 metres in height. The existing wall and vegetation along this part of the boundary currently measures approximately 0.5 metres in height, and it is judged that the proposed increase in height would not significantly impact on visibility when accessing/exiting the site. The precedent for vehicular access to/from the application site has already been set, and it is judged that any residual impact on road safety would not be severe.

## 6.0 Conclusion and Recommendation:

6.1 In conclusion, and having specific regard to the extant permission, the proposal is considered to be of an appropriate size, design and materials and would have an acceptable impact upon the appearance of the area. The proposal would enhance the character and appearance of the Laverton Conservation Area and the wider setting of the Area of Outstanding Natural Beauty. The impact of the proposal upon neighbouring properties has been carefully assessed and it is considered that there would be no undue impact upon their residential amenity. The residual impact of the proposed development on road safety would not be severe. For these reasons the proposal is considered to accord with the NPPF and with Policies TPT1, HOU7, HEN2 and LND7 of the Tewkesbury Borough Local Plan to 2011 (March 2006).

### 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 details:
  - Details within the Design and Access Statement and within the application form received by the Local Planning Authority on 6th May 2015;
  - Approved drawing nos. PL01, PL02, PL03, PL04, PL05, PL10, PL11, PL12, PL13 and PL14 received by the Local Planning Authority on 6th May 2015;
  - Details within the email entitled "Re: 10125-OD01-150619-Robin Hill, Laverton, Broadway (planning application reference 15/00534/FUL)" dated 15th July 2015, confirming that the height of the front boundary wall would be approximately 900mm.
- 3 Notwithstanding the submitted plans and accompanying details, building operations shall not be commenced until samples of the proposed walling stone and roofing tiles have been submitted to the Local Planning Authority and approved in writing and all materials used shall conform to the samples so approved.
- 4 The proposed walling shall be constructed in strict accordance with details of coursing, jointing, texture relief and colour to be submitted to and approved in writing by the Local Planning Authority and such details to be demonstrated by the prior construction of a sample panel. The panel shall be retained on site until the completion of the walling.
- 5 The proposed render shall be constructed in strict accordance with details of texture, colour and finish to be submitted to and approved in writing by the Local Planning Authority and such details to be demonstrated by the prior construction of a sample panel. The panel shall be retained on site until the completion of the walling.
- 6 Notwithstanding the provisions of the Town and Country (General Permitted Development) Amendment Order 2008 (or any Order revoking and re-enacting that Order) no windows or rooflights (other than hereby permitted) shall be installed without the prior express permission of the Local Planning Authority.
- 7 All windows and doors shall be painted in a colour to be first approved in writing by the Local Planning Authority and shall thereafter be maintained in the approved colour unless an alternative is approved in writing by the Local Planning Authority.
- 8 No work shall start until detailed drawings of the proposed dormer windows, at a minimum scale of 1:10, with full size moulding profiles at a minimum scale of 1:5, have been submitted to and approved in writing by the Local Planning Authority and the dormers shall be constructed in accordance with the approved drawings.
- 9 All garage doors shall be of vertically boarded timber.

- 10 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, design, materials and type of boundary treatment to be erected to the western shared boundary between the site and the neighbouring property and to the northern and eastern boundaries between the site and the adjacent highway. The boundary treatments shall be completed before the dwelling is occupied, and shall be completed in all respects in accordance with the approved details and maintained as such thereafter.
- 11 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 the proposed new landscaping scheme on scaled drawings accompanied by a written specification clearly describing the species, sizes, densities and planting numbers. The submitted drawings shall also include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and which are to be removed and how those to be retained are to be protected during the course of development (a tree protection plan to BS5837:2005).
- 12 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.
- 13 No development shall take places until the precise details of the surfacing treatment(s) to be used on the approach road and the turning and parking areas have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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 preserve and enhance the character and appearance of the Conservation Area in which this development is located in accordance with policy HEN2 of the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 4 To preserve and enhance the character and appearance of the Conservation Area in which this development is located in accordance with policy HEN2 of the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 5 To preserve and enhance the character and appearance of the Conservation Area in which this development is located in accordance with policy HEN2 of the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 6 To safeguard the privacy of residents in the locality in accordance with policy HOU5 of the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 7 To preserve and enhance the character and appearance of the Conservation Area in which this development is located in accordance with policy HEN2 of the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 8 To preserve and enhance the character and appearance of the Conservation Area in which this development is located in accordance with policy HEN2 of the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 9 To preserve and enhance the character and appearance of the Conservation Area in which this development is located in accordance with policy HEN2 of the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 10 To safeguard the privacy of neighbouring residents in accordance with policy HOU5 of the Tewkesbury Borough Local Plan to 2011 (March 2006).



- 11 To ensure that the trees are protected from damage and to ensure the health and stability of the trees throughout the construction period in the interests of amenity in accordance with policy LND7 of the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 12 To ensure that an appropriate standard of visual amenity in the conservation area is maintained in accordance with policy HEN2 of the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 13 To preserve and enhance the character and appearance of the Conservation Area in which this development is located in accordance with policy HEN2 of the Tewkesbury Borough Local Plan to 2011 (March 2006).

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 permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
- 3 A fee is payable where written confirmation is required that one or more conditions imposed on this permission have been complied with. The fee is £97 per request. The fee must be paid when the request is made.



Ref	Rev	Date	Description
1	1	18.02.15	Issue for planning
2	1	18.02.15	Issue for planning
3	1	18.02.15	Issue for planning
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**Application site boundary**

**Outline of approved scheme (2010/2014)**

**Existing trees retained**

**New replacement trees**

**Existing levels**

**Proposed levels**

**Notes:**

- Existing trees boundary walls retained and repaired as necessary (see notes on drawings)
- Existing internal stone walls altered to suit new building layout.
- 2 no new trees planned to replace
- New trees to be loose gravel/stone - colour to be agreed.
- New (outpaths to be loose gravel.

**PLANNING ISSUE**

18 Dover Cliffe, Dover, Kent, DA1 1DB  
 01323 822222  
 www.fergusonmarm.com

**ferguson marm architects**

Robin Hill, Laverton  
 Quarrystone Homes(Cotswolds) Ltd  
 1-100 @ A1 | 18.02.15 | DB | RG  
 Proposed  
 Site Plan  
 10125 | PL 01



158/B









14/00993/FUL  
PP-03722447  
Valid 15.05.2015

Churchdown Village Infant School, Station Road, Churchdown 10

Two cubed canopy to act as an outside learning area as required by Ofsted for Early Years settings.

Grid Ref 388400 220032  
Parish Churchdown  
Ward Churchdown Brookfield

Churchdown Village Infant School  
Station Road  
Churchdown  
GL3 2NB  
F.A.O. Mrs Julie Guest

## RECOMMENDATION Permit

### Policies and Constraints

NPPF  
Planning Practice Guidance  
The Tewkesbury Borough Local Plan to 2011 - March 2006 - GNL15

### Consultations and Representations

Churchdown Parish Council - Objects as the colour and effect on street scene is not in keeping with the old school building. It also impacts on the neighbouring property.

Local residents - 3 objections received including a 9 signature petition from residents living on Far Sandfield. Concerns raised over the style and colour of the canopy and its impact on the visual amenity of neighbouring gardens.

**Planning Officers Comments:** Mr Matthew Tyas

#### 1.0 Site

1.1 The application site relates to Churchdown Village Infant School on Station Road in Churchdown.

#### 2.0 History

2.1 The site has an extensive planning history relating to the school; none of which is of any particular relevance to this application.

#### 3.0 Application

3.1 This is a retrospective application for the erection of a freestanding canopy structure to the north east side of the school building. The canopy provides a covered outside learning area and it is understood that this is a requirement of Ofsted for early years settings.

3.2 The existing canopy involves a metal frame and supports finished in navy blue and a blue and yellow coloured awning. However, in response to officer concerns the applicant has agreed to replace the existing awning with a different coloured one; Moss Green RAL 6005 has been agreed as it is considered that this would assimilate within the surrounding area. The framework and supports would also be finished in moss green. A colour swatch for RAL 6005 is available to view as part of the application documents and will also be displayed at the committee meeting.

3.3 Members are therefore requested to consider the application on the basis of the proposed finish rather than the existing colour scheme which would be removed and replaced following the granting of any planning permission.

#### 4.0 Planning Policy Context

4.1 Policy GNL15 of the Tewkesbury Borough Local Plan to 2011 (TBLP) is the main policy for consideration. This provides that proposals for new or extended community facilities should be located within or adjacent to settlements and should have no adverse impact on the amenity of surrounding areas in addition to being well sited in relation to adjacent buildings and sympathetic in scale.

## 5.0 Analysis

5.1 The school building is elevated above Station Road and is therefore fairly prominent within the street scene. The canopy structure, although set back within the site and located behind a pagoda, is visible from the street scene and its existing blue and yellow colouring is considered to be rather garish. Nonetheless it is considered that the pavilion style design of the canopy would not be out of place on the site considering the adjacent pagoda and the gable ends and roof top spire of the school buildings. It is considered that the form and general design of the canopy would not be inappropriate within the infant school context of the site.

5.2 It is proposed to finish the canopy in moss green which would be similar to the adjacent pagoda. It is considered that this would significantly reduce the visual prominence of the canopy in the street scene and allow it to blend in with the pagoda and adjacent boundary vegetation.

5.3 The concerns raised by the Parish Council are noted but it is considered that the revised colour scheme would address the impact of the canopy on the visual amenity of the area.

5.4 The objections received by local residents are noted and officers are mindful of the proximity of the canopy to the rear garden boundary of no. 2 Far Sandfield. The occupiers of this property have been consulted on the revised colour but have maintained their objection on the basis that the canopy is clearly visible from their garden and it considered to be imposing. In response, officers do recognise that the existing blue/yellow colour accentuates the physical presence of the canopy and may have an obtrusive, overbearing impact on this property. Officers are however of the view that this impact is not attributed to the scale or design of the canopy but to the bright colour scheme. The canopy is only 2.4m high to its eaves and 4.1m high to the roof tip and its effect is considered to be no different to a domestic outbuilding that would be commonplace in a residential area. Furthermore the canopy is viewed against the backdrop of the school building and is not considered to have an inherently obtrusive presence within the site. It is considered that the proposed dark green finish would significantly reduce the visual prominence of the canopy and prevent it from having a visually imposing or overbearing impact on the neighbouring property.

## 6.0 Conclusion

In conclusion it is considered that subject to the proposed new colour the canopy would have no adverse impact on the visual amenity of the street scene or the residential amenity of adjacent properties. On this basis the proposal is considered to be in accordance with Policy GNL15 of the TBLP and it is therefore recommended that planning permission is granted.

### RECOMMENDATION Permit

#### Conditions:

- 1 Within 2 months of the date of this permission the existing canopy on site shall be replaced with a canopy finished in Moss Green RAL 6005.
- 2 The development hereby permitted shall be carried out in accordance with Drawing Numbers 8022 PL001 and 8022 PL002 (both received 11/05/15). Notwithstanding the reference on Drawing Number 8022 PL001, the canopy and its supporting structure shall be finished in Moss Green RAL 6005.

#### Reasons:

- 1 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.
- 2 For the avoidance of doubt and in the interests of proper planning.



Notes:

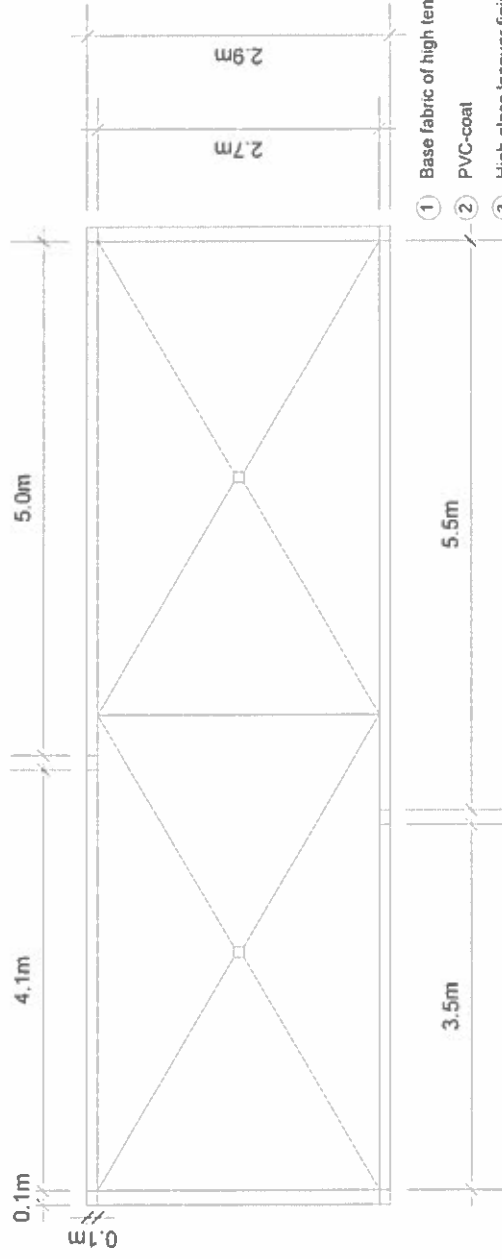
1 **Statement of Positive and Proactive Engagement**

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 improve the appearance of the canopy.

2 This decision relates to the revised information received by the Local Planning Authority on 17/07/15.

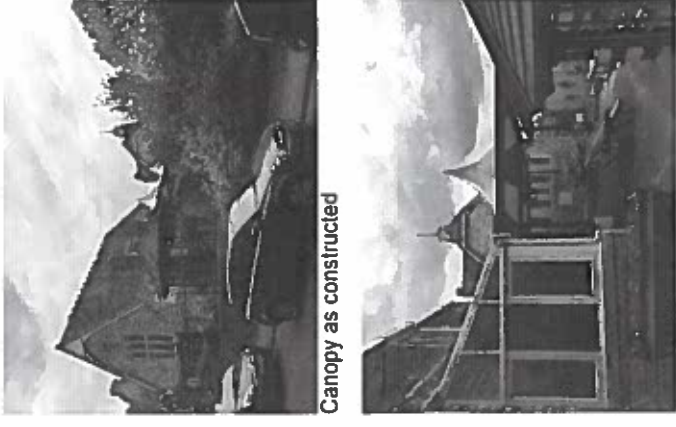
When printed correctly, at A3 this line will measure 75mm at full size

• CHECK PRINTED SIZE

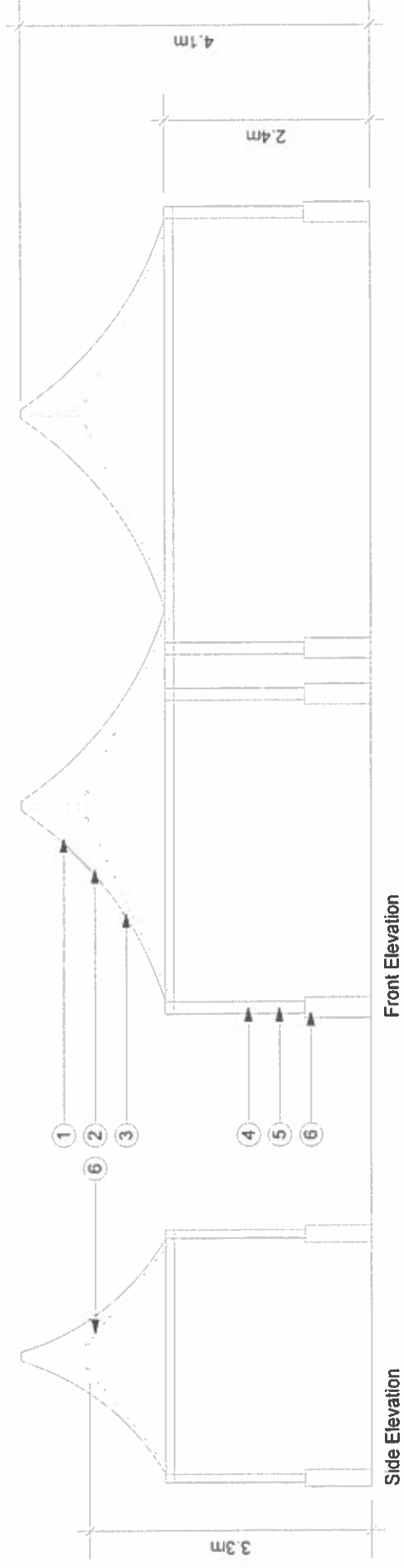


Roof Plan

- ① Base fabric of high tenacity polyester (blue/yellow)
- ② PVC-coat
- ③ High gloss lacquer finish
- ④ Aluminium frame - 6082T6 or similar grade
- ⑤ Powder-coat (blue)
- ⑥ Stainless steel or zinc coated steel connection pieces/footplates



Canopy as constructed



Front Elevation

Side Elevation

161/A

14/00993/FUL

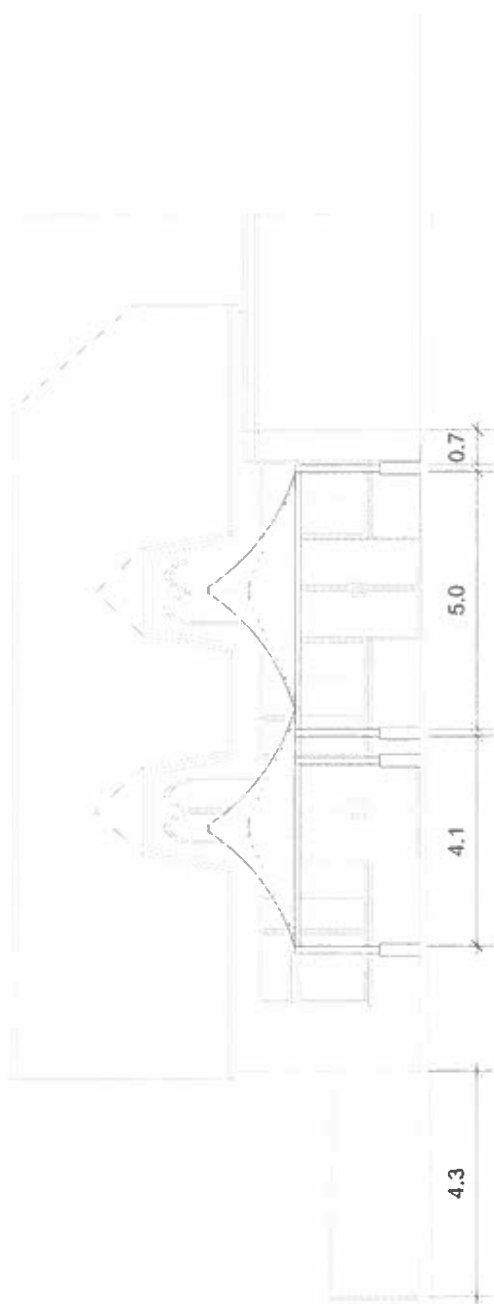
Churchdown Infant School Proposed Canopies

The Carriage Building, Bruton Way, Gloucester, GL1 1DG T 03333 405 500 E mat@robertslimbrick.com  
 This is a copy of the copyright of Roberts Limbrick Ltd and should not be reproduced or used in any manner whatsoever without their written permission.  
 Date: 29/04/15 Scale: 1:50 Draw No: 8022-PL001

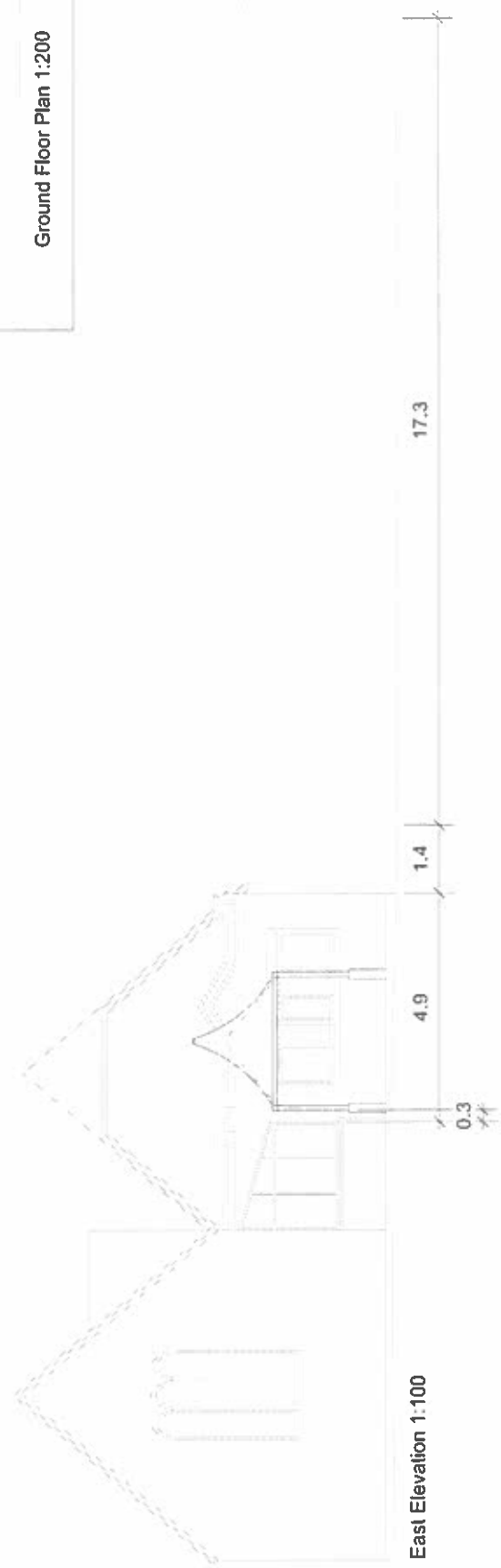
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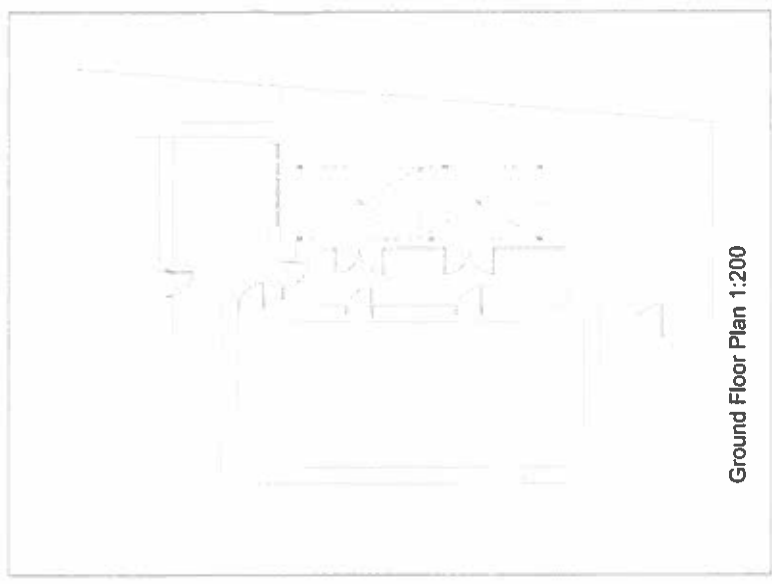
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North Elevation 1:100



East Elevation 1:100



Ground Floor Plan 1:200

161/B

14/01267/FUL  
PP-03841163  
Valid 05.06.2015

**Land at Stump Lane, Hucclecote**

11

Change of use of land for the keeping of horses and the erection of stables and associated works.

Grid Ref 387968 218674  
Parish Hucclecote  
Ward Hucclecote

Mr & Mrs N Chapman  
C/o Agent

**RECOMMENDATION Permit**

**Policies and Constraints**

**NPPF**

Planning Practice Guidance  
Tewkesbury Borough Local Plan to 2011 - March 2006 - RCN6, GRB1, LND2, TPT1, EVT2 and EVT3  
JCS Submission November 2014  
Green Belt  
Special Landscape Area

**Consultations and Representations**

**Hucclecote Parish Council - Object**, on the grounds that the benefit for the applicant to use this area for recreational use is outweighed by the impact it will have on the Green Belt, Special Landscape Area and access road. NPPF 80 states that Green Belt serves to assist in safe guarding the countryside from encroachment; the proposed development on this site extends the area currently used for farming and equine facilities onto land currently open for public enjoyment. Policy LND2 also states that any application should not adversely affect the quality of the natural and built environment, its visual attractiveness, wildlife and ecology or detract from the quiet enjoyment of the countryside. The amount of development on the Green Belt land is significant and may affect the wildlife and plants. The building themselves are overbearing and not sympathetic to the surroundings and there appears to be no plans for water or waste disposal. The access road is unsuitable for further development alongside and it's junction with Churchdown Lane and is therefore contrary to TPT1 and NPPF 32.

**Churchdown Parish Council - Object** due to Landscape and Green Belt Impacts, highway safety concerns and the need for an Environmental Impact assessment and a Waste Strategy.

**CPRE Gloucestershire - Object** - due to the highway safety concerns, design of the stable block, loss of trees, impact on ecology.

**Natural England - No objection.**

**County Highway Authority - No objection**, subject to conditions.

**Woodland Trust - Objects**, due to environmental impacts and the lack of arboriculture and ecology surveys. Also suggests and EIA should be carried out.

**Churchdown Hill Alliance - objects**, to the application for the following reasons:

- The application would result in inappropriate development in the Green Belt.
- The building is of inappropriate and unsympathetic design.
- The proposals would be detrimental to this Special Landscape Area.
- The site is in an inappropriate location for stables and would not accord with Policy RCN3.
- The development would be detrimental to highway safety.
- The proposals have a detrimental Environmental Impact and an environmental management plan/strategy is needed to ensure no more of the land is cleared and that the sensitive areas that remain are properly protected.

**Friends of Churchdown Hill - Object**, for the following reasons:

- The proposal would be detrimental on the ecological value of the site.
- The proposal would have a detrimental impact on PROW network
- There were inaccuracies in the application documentation.

19 Letters of objection received raising the following concerns:

- Building would be visible from Stump Lane, A417 and M5.
- No Very Special Circumstances to warrant development in the Green Belt.
- Construction of cross country course could result in unacceptable visual impact in the future.
- How would footpaths be retained in the future if land is used for horses?
- Would be detrimental to ecological value of the site.
- The application would result in a 4th Stable on Stump Lane all within a quarter mile of each other.
- Would result in highway safety issues.
- Excavation could result in subsidence of surrounding land.
- The applicant does not have access over private track.
- The proposal would set precedent for similar developments.
- What would happen to waste products.
- Where will water supply come from.

4 letters on support received making the following points:

- Prior to the applicant buying the land it was inaccessible for users of the PROW.
- The proposed amount of stabling is appropriate for the size of the land holding.
- No woodland would be lost.
- No protected species or their habitats would be detrimentally affected by the development.

**Planning Officers Comments: Mr Ciaran Power**

## **1.0 Introduction**

1.1 The application site relates to a field off Stump Lane, a narrow country track running up towards the Chosen Hill escarpment. Land associated with the development has been cleared in recent months. There is a field access into an existing part of the site and the construction of an additional access has been carried out. The site is located within the Gloucestershire Green Belt and within the Special Landscape Area as defined by Policy LND2 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

## **2.0 Relevant planning history**

2.1 There is no relevant planning history relating to the site.

## **3.0 Current application**

3.1 This current application seeks the change of use of land for the keeping of horses and the erection of stables and associated works. The proposed stables would be accessed via a gravel track from Sump Lane. The proposed stable block includes 3 individual stables, a corner box, tack room and hay barn. (see attached plans).

## **4.0 Policy context**

4.1 The NPPF (Section 9 - Protecting Green Belt land) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are, inter alia, the provision of appropriate facilities for outdoor sport and recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. This is reflected in policy GRB1 of the Local Plan.

4.2 Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes. It follows that great weight should be given to conserving the landscape and scenic beauty Areas of Outstanding Natural Beauty.

4.3 Policy RCN6 of the Local Plan provides that horse riding facilities must generally be well related to the existing bridleway network and must not have an adverse impact on the landscape, nor must they create local traffic problems.

4.4 Policy TPT1 of the Local Plan sets out that development will 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.

4.5 Policy LND2 of the Tewkesbury Borough Local Plan requires that development within the special landscape area must demonstrate within the special landscape area must demonstrate that they do not adversely affect the quality of the natural and built environment, its visual attractiveness or detract from the quiet enjoyment of the countryside.

4.6 The above local plan policies are considered to be consistent with the NPPF.

## 5.0 Analysis

### *Principle of the Use*

5.1 In terms of Green Belt impacts, it is generally accepted that the use of land for the keeping of horses preserves the openness of the Green Belt. In addition new buildings relating to outdoor sport and recreation need not represent inappropriate development as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Policy RCN6 of the Local Plan provides that horse riding facilities must generally be well related to the existing bridleway network and must not have an adverse impact on the landscape, nor must they create local traffic problems.

5.2 The application site has been amended since its original submission and now relates only to land that has been cleared of vegetation and the land where the proposed stables and new access would be. The land in the applicants control includes existing areas of woodland and scrub and these areas now fall outside of the application site.

5.3 It is noteworthy that the application site is currently Open Access Land as registered under The Countryside and Rights of Way Act 2000 (CROW Act). This effectively means that public have the right to access the land. Further, the landowner can also allow additional recreational activities to take place on their open access land by relaxing or removing one or more of the general restrictions, for example to allow people to ride horses. This can be done either through a permanent dedication, or by agreeing to a 'direction' that makes this change indefinitely or for a specified period of time. Having regard to the above the applicant, who is the landowner, could allow use of the land for riding horses under the CROW Act 2000. Therefore whilst the site has limited access to the bridleway network with the nearest being Churchdown Bridleway 25 the application site could be utilised under the CROW Act for riding of horses.

5.4 Having regard to the above it is considered that the proposed use and development is acceptable in principle and the main material planning consideration are considered to be landscape impacts, ecological impact and highway safety.

### *Landscape Impact*

5.5 Policy LND2 of the Tewkesbury Borough Local Plan requires that development within the special landscape area must demonstrate within the special landscape area must demonstrate that they do not adversely affect the quality of the natural and built environment, its visual attractiveness or detract from the quiet enjoyment of the countryside.

5.6 The proposed stable would be sited in a cleared area of woodland. It would require the felling of 3 Ash Trees and one Aspen Poplar all of which are considered of low value. The stables are sited in a slightly elevated position from Stump Lane, however the existing tree planting, surrounding the development would act as a buffer in reducing the visual impact of the proposed stable block from Stump Lane. Whilst the site entrance and stable block would be visible within the land given the level of screening opportunities to view the building would be limited and when visible it would appear as a timber stable building which one reasonably could expect to see in the countryside and given its size, would have an acceptable impact on the landscape. Land levels rise to across the site and to the north the land level change and existing vegetation would scene the stable block well.

5.7 The stable block is then linked to the main field area (land forming the western part of the application site) by an existing cleared track which is located between significant existing vegetation to the extent that it is not readily visible from outside of the application site. The main field area rises steeply south to north and the north-western part of the site is a particularly high and prominent point. Horse uses often have associated

with them jumps and other paraphernalia which could result in a cluttered appearance, however the land levels on the site somewhat limit the usable land for anything other than riding or grazing and if any jumps were erected it is likely that these would be on the lower slopes of the site which are relatively well contained. Nevertheless a condition is suggested to control the siting of jumps on the land. Although some views of the site are available from Stump Lane and from the public footpath and open access land it is not considered that these views are particularly significant nor would they be prominent within the wider landscape context. Overall the size, design, form and materials to be used for the stables are typical of this type of structure that you would expect in this countryside location. Similarly the use of the land is appropriate in this countryside setting. The proposal is therefore considered to have an acceptable visual impact on the Special Landscape Area and the proposal is therefore considered to accord with the principles set out in Policies LND2 and RCN6 of the Local Plan with regards to landscape impact.

### *Highway Safety*

5.8 Stump Lane is a single track, dead-end class 5 public highway becoming a private lane at the point of access to the site that also supports a restricted byway. Local concerns have been raised to the proposal relating to the increased use of the local highway network, access onto Stump Lane and the geometry of the junction of Stump Lane with Churchdown Lane. However; it is recognised that the riding of horses could currently take place given the open access designation of the land. The County Highway Authority considers that the stabling of horses on site could potentially reduce daily trips required. Associated trip generation information available from the National Equine Welfare Council for keeping livestock as 6 trips per day for feeding and mucking out, 1-2 trips per month for stable and pasture maintenance, 1 trip per month for consumables, 1 trip per 4-8 weeks for the farrier and 1 trip per year for the vet. Therefore on this basis it is considered that no significant increase in trips would be associated with the use of the land is anticipated after the construction phase has been completed.

5.9 The geometry of Stump Lane and its width at 2.8m will be an influence on reducing traffic speed. Therefore visibility splays of 15m west and 16m east from 2.4m back from centerline of the site access would be considered satisfactory based on Manual for Streets derived Stopping Sight Distances. In addition appropriate turning facilities would be provided on site. The County Highway Authority have considered that application and raise no objection subject to condition restricting the use of development to domestic use only.

### *Ecology*

5.10 The application site (as amended) has already been cleared to provide rough grazing area, a track linking the stables to the main field area as well as the area where the stable is proposed to be sited. Whilst the site is located adjacent to a nature reserve the clearing works undertaken did not require any planning permission. It would not overcome the applicant's responsibility under European Legislation which makes it a criminal offence to damage or destroy a breeding site or resting place of a European Protected Species of animal. It is unknown what species may have been present before the clearing work commenced, however the application site as currently defined is now likely to be of low ecological value.

5.11 The Ecological Survey submitted with the application concludes that there are no statutory designated sites within 1 km of the site the closest being Hucclecote Meadows SSSI 2.4 km to the south. Therefore no impacts to statutory designated sites are predicted. The survey also acknowledges that the site directly borders Chosen Hill Nature Reserve. However it is considered that no direct impacts to this site are likely to have occurred from the site clearance to date and, provided any future clearance is carried out without accessing this area, no future impacts are likely.

5.12 The ecology survey also concludes that there is no obvious roosting potential for bats on site; no evidence of past or present nesting by birds was noted; areas of scrub and tall ruderal vegetation in association with open areas for basking provide optimal habitat for reptiles; and there is significant badger activity on site. The Phase 1 report recommends that bat boxes and bird boxes are erected to improve the ecological opportunities for birds and bats. In addition a detailed survey for badgers was recommended and has been carried out which included 3 separate visits by a qualified ecologist.

5.13 Evidence of badger activity around the site is focussed in the central area of woodland where 17 holes were noted over the course of the surveys. Of these holes, four are considered to be in use and while there were a small number of obviously disused holes, the remaining holes are considered to be partially-used as only minimal clearance would be required before Badgers could use them again. The survey results indicate that the sett was in constant use over the course of the survey although this is limited to a small number of holes. A search was made of the surrounding area in an attempt to locate other Badger setts but none were

discovered.

5.14 The areas of scrub that have been cleared and the resulting bare ground are poor foraging habitat for Badgers but the new areas of grazing pasture will be considered to be optimal foraging habitat. The clearance of the site to date and any on-going clearance will result in an increase in the foraging habitat available to Badgers provided they are not excluded from any areas.

5.15 Overall the ecology report recommends a 10 m buffer of vegetation be allowed established around the central area of woodland, which is to be retained, in order to prevent horses potentially collapsing setts, which could result in disturbance of Badgers and risk of injury to the horses. No machinery or vehicles should be used within 20 m of the woodland edge and any clearance of vegetation in this area should be carried out using hand tools only. If any stock fencing is to be erected around the site then this must not be a barrier to Badger movement. Having regard to this it is considered that subject to a condition requiring the mitigation outlined in both ecological reports that the proposal would not be detrimental impact on protected species.

#### *Other Matters*

5.16 Some concern has been raised regarding how the management of waste on site will be carried out. No details are included in the application and therefore it is recommended that a condition be imposed requiring a scheme to be submitted to and agreed in writing. In terms of the proposed development setting a precedent for similar proposals, each application must be assessed on its own merits.

### **6.0 Conclusion**

6.1 The proposals are considered to represent appropriate facilities for outdoor sport and recreation which preserves the openness of the Green Belt. It is considered that the proposed stable would be of an acceptable size, scale and design and would have an acceptable impact upon the Special Landscape Area. The ecological investigations and the removal of large parts of wood and scrub land from the application site have demonstrated that the proposal would not be detrimental to protected species. Furthermore, it is considered that the proposals have an acceptable impact upon residential amenity. The application is therefore recommended 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 development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.
- 3 No lighting shall be installed in connection with the development hereby permitted other than in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.
- 4 There shall be no burning of any waste or other material on the site, unless otherwise agreed in writing by the Local Planning Authority.
- 5 No fences or jumps shall be erected on the site without the prior approval in writing of the Local Planning Authority.
- 6 Prior to the commencement of the development details for the storage of manure and soiled bedding (including the location of such storage) and its disposal from site (including frequency) shall be submitted to and approved in writing by the Local Planning Authority. Before the development is first brought into use, the works for such storage and disposal shall be completed in accordance with the approved details and shall subsequently be maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition.



- 7 There shall be no parking of horse boxes, caravans, trailers or other vehicles overnight on the site.
- 8 No portable buildings, van bodies, trailers, vehicles or other structures used for storage, shelter, rest or refreshment, shall be stationed on the site without the prior approval in writing of the Local Planning Authority.
- 9 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials; planting plans, specifications and schedules and details of tree and hedgerow protection for existing planting, to be retained, in accordance with BS 5837: Trees in relation to construction. All approved tree and hedge protection measures shall be in place prior to the commencement of the development shall be retained thereafter until the development is complete. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.
- 10 Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements of the Ecological Appraisal report and the submitted Badger Survey dated August 2014 and October 2014 respectively.
- 11 The proposed external timber shall not be stained or painted and shall be left to weather naturally, unless otherwise approved in writing by the Local Planning Authority.
- 12 The development hereby permitted shall be carried out in accordance with the approved plans Drawing: Elevations received 5th June 2014, site location Plan Dated 7th July 2015 and site clearance plan dated 9th July 2015 unless otherwise agreed in writing with the Local Planning Authority.
- 13 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m distance back along the centre of the access measured from the carriageway edge (the X point) to a point on the nearer carriageway edge 15m to the west and 16m to the east (the Y points). The area between those splays and the carriageway shall be reduced in level and vegetation removed and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.
- 14 No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 5m of the proposed access road, including the junction with the existing road and associated visibility splays, has been completed to at least binder course level.
- 15 Prior to the occupation of the development hereby permitted the vehicular access shall be laid out and constructed in accordance with the submitted plan [drawing no. 938] with gates hung so as not to open outwards towards existing carriageway.
- 16 Prior to beneficial use of the proposed development space shall be laid out within the site for at least two cars and one horsebox to park and to turn within the curtilage of the site and such provision shall be similarly maintained thereafter.

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 To ensure that no commercial business is established without the further consideration of the Local Planning Authority in the interests of highway safety.
- 3 To minimise light pollution in order to protect the openness of the Green Belt, the rural landscape and the residential amenities of nearby residential properties.
- 4 To protect adjoining residents from odour and fly nuisance.

- 5 In order to protect the openness of the Green Belt and the rural landscape.
- 6 In the interests of public health and safety, in order to protect the natural environment and prevent pollution
- 7 In order to protect the openness of the Green Belt and the rural landscape.
- 8 In order to protect the openness of the Green Belt and the rural landscape.
- 9 In the interest of the amenity of the area.
- 10 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.
- 11 In order to protect the visual amenity of the rural landscape.
- 12 To define the extent of the permission for avoidance of doubt.
- 13 To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with paragraph 32 National Planning Policy Framework.
- 14 To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 32 of the National Planning Policy Framework.
- 15 To reduce potential highway impact by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 32 of the National Planning Policy Framework.
- 16 To reduce potential highway impact by ensuring that vehicles do not have to reverse to or from the public highway and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with paragraph 32 of the National Planning Policy Framework.

Notes:

**1 Statement of Positive and Proactive Engagement**

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 additional information was submitted.

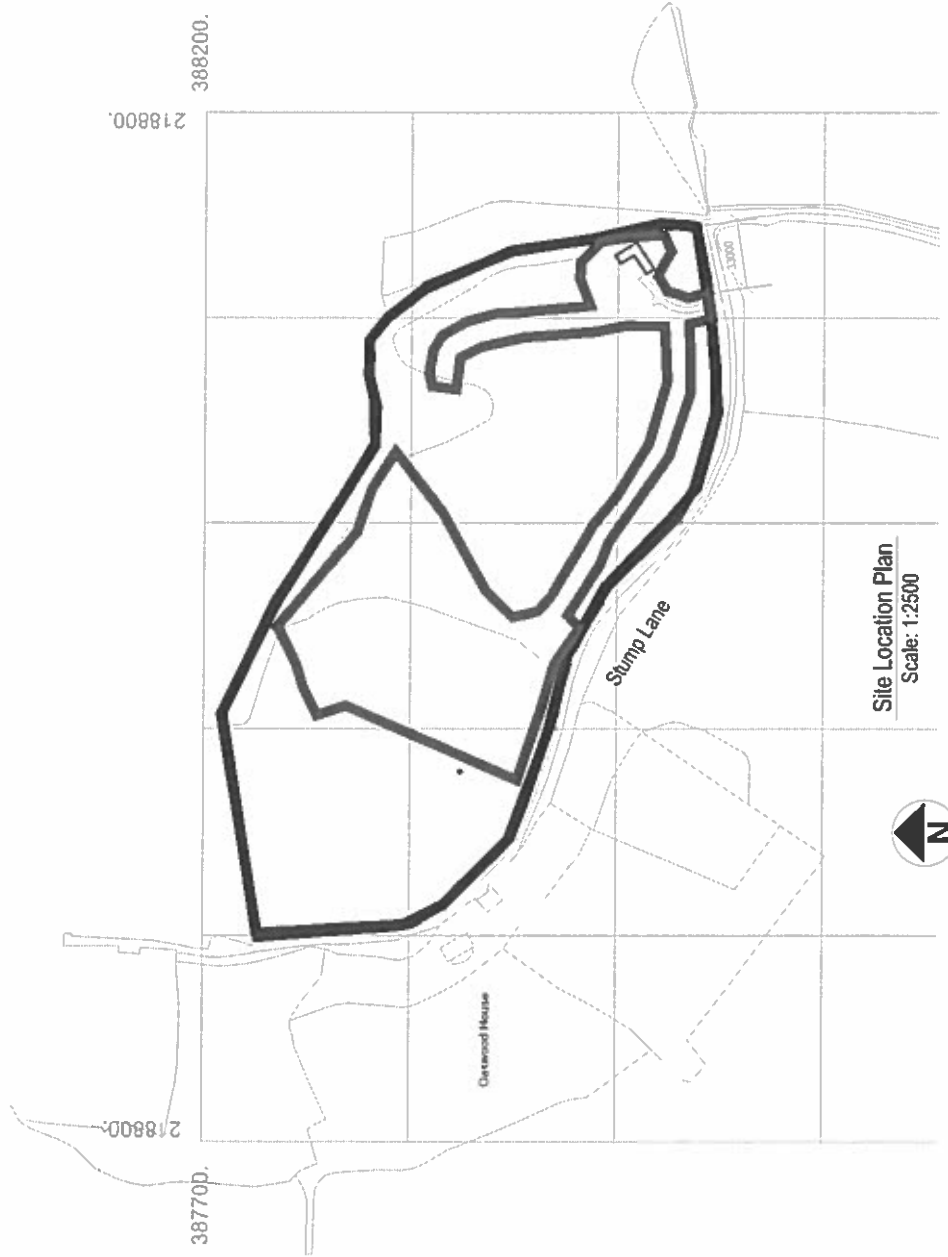
- 2** The development includes a retaining wall adjacent to the highway and the Applicant/Developer is required to have regard to Section 167 of the Highways Act 1980, which in some circumstances requires plans, sections and the specification of the retaining wall to be submitted to the County Council for its separate approval before works on the development can commence.

The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.

The proposed development will require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.

14/01267/AUL

Steve Mitchell Building Design  
43 Cantray Court,  
Cheltenham  
Gloucestershire GL50 1JX  
01242 261415 / 07973 606691  
email smb@mac.com






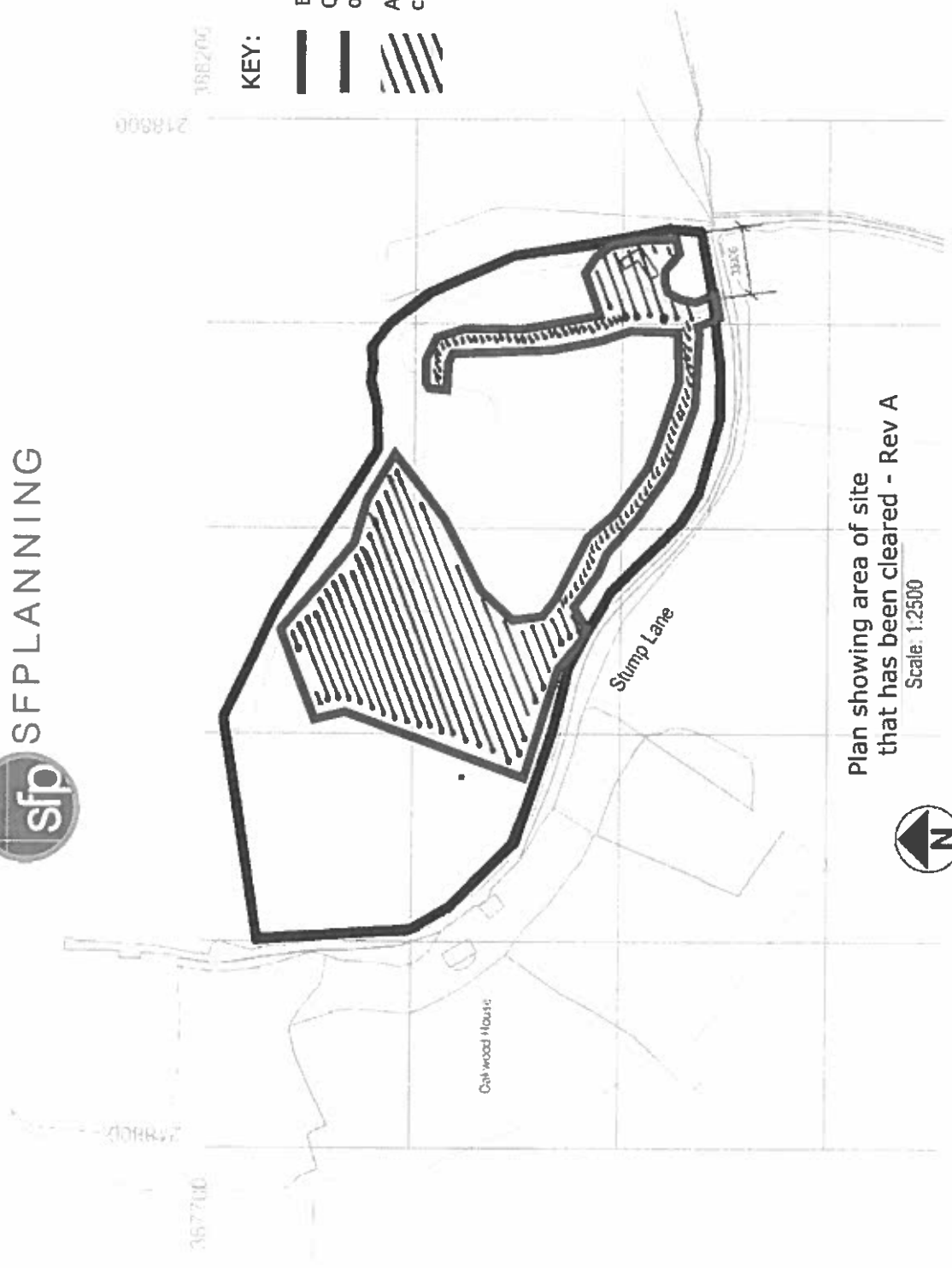
168 / A

218800

168200

**KEY:**

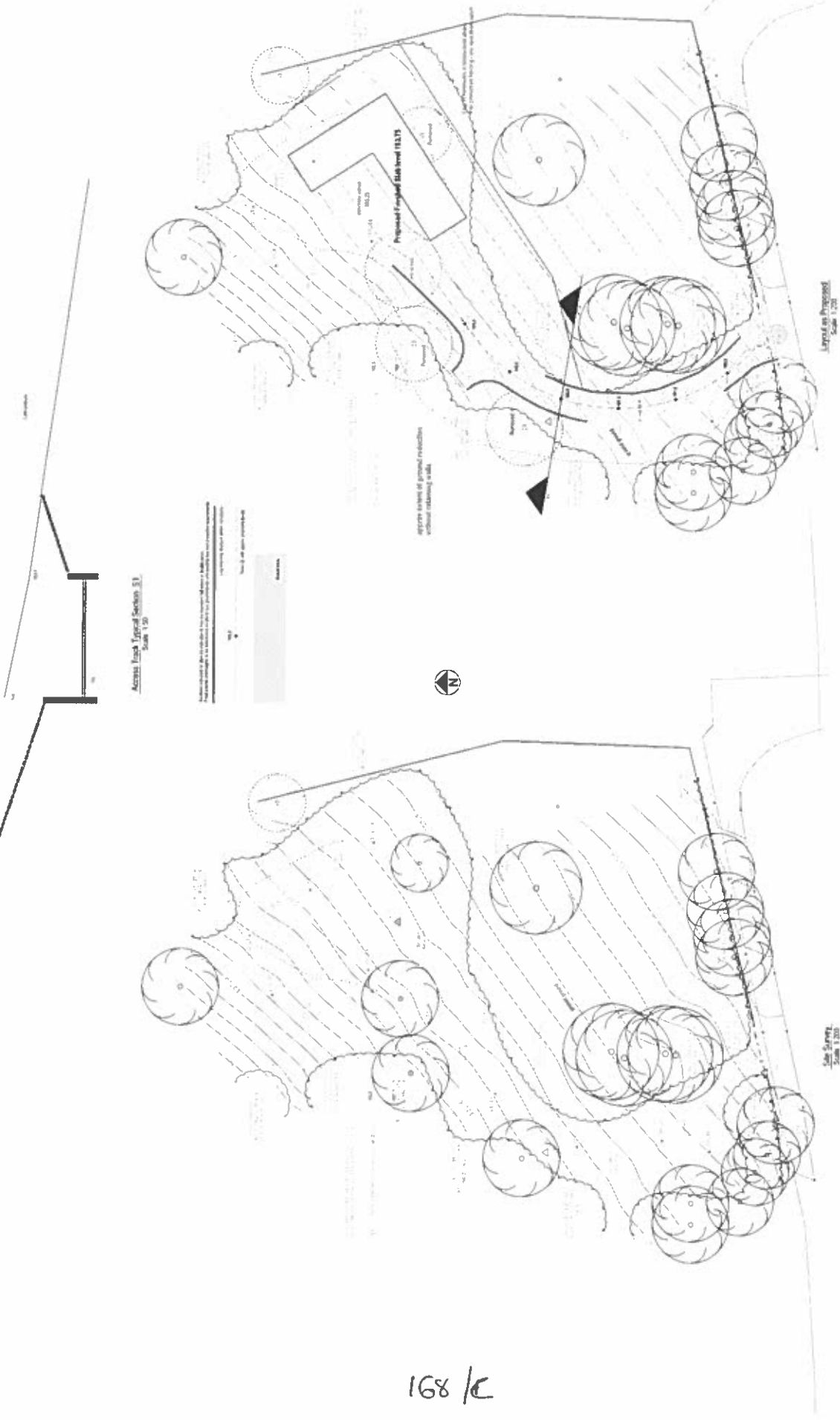
-  Extent of application site
-  Other land within ownership of applicants
-  Area of site that has been cleared



Plan showing area of site that has been cleared - Rev A  
Scale: 1:2500



assumed ground level (outside survey data)



Access Road Typical Section B1  
Scale: 1/20

Notes:

1. All dimensions are in meters unless otherwise stated.
2. All dimensions are to the centerline of the road.
3. All dimensions are to the centerline of the road.
4. All dimensions are to the centerline of the road.

**GENERAL NOTES**  
 1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE STATED.  
 2. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD.  
 3. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD.  
 4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD.

**CLIENT**  
 Mr. E. B. & J. Chapman

**PROJECT**  
 New Private Residence

**DRAWING TITLE**  
 Site Layout Plan

**DATE**  
 14/11/15

**SCALE**  
 1:200

**SCALE**  
 1:200

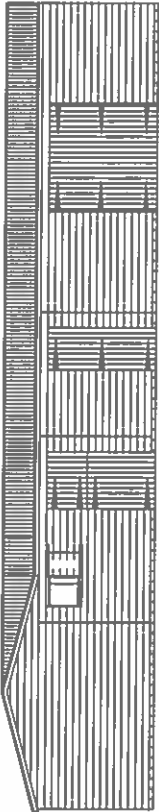
**DATE**  
 14/11/15

**DWG NO**  
 SML27A

168 / K

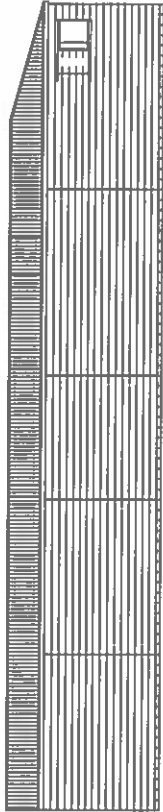
When Used in Drawing  
 1. All dimensions are in meters unless otherwise stated.  
 2. All dimensions are to the centerline of the road.  
 3. All dimensions are to the centerline of the road.  
 4. All dimensions are to the centerline of the road.

Elevations - Stables (Scale 1/100)

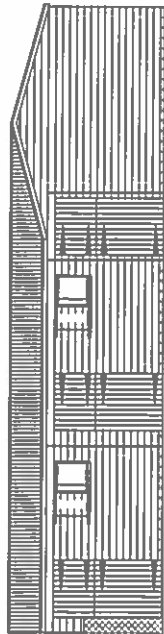


Front Elevation 1

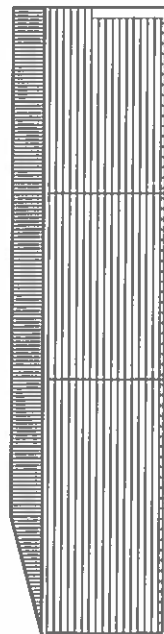
103.75



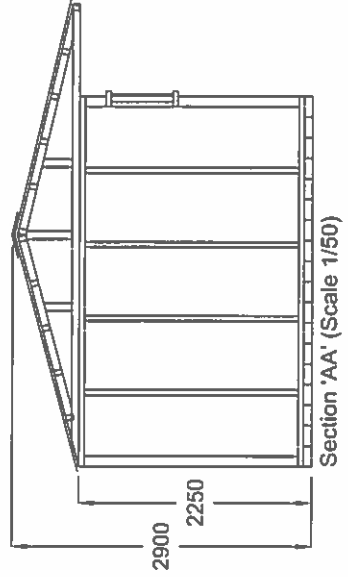
Rear Elevation 1



Front Elevation 2



Rear Elevation 2



Section 'AA' (Scale 1/50)

**SPECIFICATION NOTES**

**CONCRETE BASE**

Excavate to a depth to suite conditions. Concrete base on hardcore subfill by others. Single course of Class 1 brickwork by others on concrete base to perimeter and under partition walls.

**EXTERNAL WALLS**

150mm x 16mm stained softwood shiplap boarding to 75mm x 47mm studwork frame at maximum 750mm centres, with 75mm x 47mm head plate and base plate. Base plates fixed to concrete base with mild steel straps. Kick boarded to 1.2m high with exterior grade plywood.

**DIVIDING WALLS**

75mm x 47mm studwork at maximum 750mm centres with 75mm x 47mm head plate and base plate. Base plate fixed to concrete base with mild steel. Kick boarded to 1.2m high with exterior grade plywood.

**DOORS**

Stable door size 1.1m wide x 2.1 high. Doors are manufactured from 125mm x 25mm tongue, groove and v-jointed timber, ledged and braced. Fully lined top and bottom with exterior grade plywood to give an overall thickness of 50mm. Furnished with galvanised tee hinges, kick-over latch, breton both, cabin hooks and anti-chew strip.

**OPENING WINDOWS**

Sliding windows with projection bars fitted internally. Our standard windows are 630mm x 680mm.

**ROOF**

Onduline black corrugated fibre based roofing sheets with galvanised metal ridge capping on 75 x 47mm roof truss members with 100 x 47mm purlins as shown on section.

**RAINWATER DISPOSAL**

100mm half round black guttering with 50mm round down pipes to discharge to surface water drains (fitted by others in accordance with Local Regulations).

**PRIME STABLES LTD**

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NICK CHAPMAN	CLIENT:
FEBRUARY 2014	DATE:
REV NO. 1/100 - A3	SCALE
CHAPMAN, N FEB-14 (1)	DRAWING NO.
KIM JACKMAN	DRAWN BY:

**15/00278/FUL**  
Ermin Street Brockworth  
Valid 27.03.2015

**8 Ermin Street, Brockworth, GL3 4HJ**

**12**

Application to remove and vary conditions relating to application 14/00052/FUL. Remove Condition 1 to allow continued use of site for prayer and bible study and reading of Holy Scriptures and variation of condition 2 to allow up to 40 persons to attend the site at any one time.

Grid Ref 388613 216622  
Parish Brockworth  
Ward Brockworth

Carlton Gospel Hall  
214A Stroud Road  
Gloucester  
GL1 5LA

## **RECOMMENDATION Permit**

### **Policies and Constraints**

NPPF  
Planning Practice Guidance  
Submission JCS (November 2014)  
Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies EVT3, TPT1

### **Consultations and Representations**

Brockworth Parish Council - Object on the grounds of noise and disturbance and lack of parking provision.

Highways Officer - No objections.

Environmental Health - Raises some concerns regarding increase in numbers and suggests that consideration be given to a temporary permission in this instance.

Three Letters of support receive stating:

- The applicants are good neighbours and are respectful and well mannered.
- We have never suffered from disturbance since the applicants have occupied the site
- They are a community minded organisation and individuals.
- They are very considerate when parking and to minimise impacts of noise.

5.5 Three letters of Objection (2 from same resident) have been received. Their comments are summarised as follows:

- The premises are only sufficient in size and suitability to be used by the numbers already approved.
- The parking provision does not allow for increased capacity.
- Vehicles parked on the road would create a traffic hazard.
- The proposal would result in noise and disturbance.
- Some attendees are not local to the area.
- Just because no formal complaints are made does not mean local residents are happy about the existing situation.
- Adjoining neighbours have not been contacted by the Brethren as suggested in the application documentation

**Planning Officers Comments:** Mr Ciaran Power

### **1.0 Application Site**

1.1 The application relates to 8 Ermin Street which is a detached bungalow in a residential area of Brockworth. The property fronts onto a relatively busy main road and is bounded on either side by existing residential property. To the rear of the property is the Invista site.

### **2.0 Planning History**

2.1 In 2014 Planning permission was granted for a change of use of the property for prayer and bible study and reading of Holy Scriptures and additional parking provision (Ref: - 14/00052/FUL).

2.2 A subsequent application for the variation of condition 2 to allow no more than 25 persons to be accommodated at the premises at any one time was refused in May 2014 (Ref: - 14/00052/FUL t) for the following reason:

*"Permission for the use was granted on a temporary basis in order to monitor and assess any potential noise and disturbance arising from the use which could affect the amenity of neighbouring property. Furthermore, the occupation of the premises was restricted to no more than 17 persons at any one time as any increase in intensity would require further consideration of the impact on the amenities of local residents. In the absence of any meaningful evidence to indicate that the current level of use is acceptable, and without any restrictions on the hours of use, it is considered that the proposed increase in numbers from 17 to 25 would give rise to unacceptable noise and disturbance at unsociable hours which would be detrimental to the amenity of neighbouring property. The proposal therefore conflicts with Section 11 of the NPPF (Conserving and enhancing the natural environment) and Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 (March 2006)."*

### **3.0 Current Application**

3.1 This application proposes to remove and vary conditions relating to application 14/00052/FUL. It is proposed to remove Condition 1 to allow continued use of site for prayer and bible study and reading of Holy Scriptures and variation of condition 2 to allow up to 40 persons to attend the site at any one time.

### **4.0 Policy Context**

4.1 NPPF and policies EVT3 and TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

### **5.0 Analysis**

5.1 When the application was originally submitted to change the use of the property there was considerable confusion as to the likely number of people who would use the premises at any one time. Initially, it was suggested that the congregation would be up to 100. However, following further correspondence it was established that the congregation at the time was 17 and that this number would be likely rise to approximately 35-40 in the future.

5.2 Concerns were raised on the grounds of potential noise and disturbance; particularly if the congregation was at the higher end of the estimated numbers. Of particular concern was the anticipated 5.30am start on a Sunday morning given the close proximity to existing residential properties. Concerns were also raised regarding the proposed parking arrangements which were not considered adequate to cater for a large congregation.

5.3 It was originally suggested that a restriction on the hours of use could potentially address the Council's concerns over noise and disturbance during unsociable times. However, the applicants stated that the 5.30am start on a Sunday was for religious reasons and therefore a condition restricting hours of use would not be appropriate.

5.4 In order to seek a possible solution, it was suggested that a temporary permission with a restriction on the numbers may be a way forward. This would allow for continued monitoring over the permission period. This in turn would provide evidence to establish whether a permanent permission with higher number would be appropriate in the future. It was agreed that permission be granted for a 12 month period and the numbers restricted to 17 persons at any one time. On this basis, the highways officer considered that the level of parking on site would be acceptable. In addition, the environmental health officer was satisfied that this was also an acceptable approach. In coming to this view, the environment health officer consulted with his colleagues at Gloucester City Council who confirmed that similar uses in Gloucester by the same applicants had not raised any complaints.

5.5 As set out above, it is now proposed to allow permanent use of the site by the applicant (through removal of condition 1) and increase the numbers to 40 by varying condition 2 of planning permission 14/00052/FUL. It has been pointed out in the supporting statement that the use has been carried out for approximately 11 months and there have been no complaints, and this is confirmed by Environmental Health's records.

5.6 In terms of the continued use of the site it is considered that the attendance of the site by up to 17 persons on the site for use by their applicants only has not resulted in any noise complaints or significant issues that have been made known to the council. Having regard to this it is considered reasonable that the existing level of use would be acceptable on a permanent basis. However the proposed application also



includes for the increase in overall numbers from up to 17 to up to 40 and therefore has the potential for increased noise and disturbance as well as parking issues given the numbers of off street parking spaces available at the application site.

5.7 Under the previous planning permission, 12 car parking spaces were provided including 2 disabled spaces and this is not proposed not alter. On-street parking is available along Ermin Street and surrounding roads. However parking restrictions do apply along Ermin Street in the vicinity of the site; these times are restricted to No waiting/No loading Mon-Sat 8am to 9.15am and 4.30pm to 6pm with no restriction on Sundays. To the east of the site on the north side of Ermin Street, restrictions apply being; No waiting anytime with No loading Mon-Sat 8am to 9.15am and 4.30pm to 6pm.

5.8 Following initial concerns for the County Highway Authority regarding available off-street parking levels further information has been submitted. The applicant has submitted in support of the application data for the months June 2014 to the middle of March 2015 setting out the numbers of attendees and the mode of transport used to access the site for certain dates on Sundays and Mondays. Having reviewed the data the County Highway Authority have concluded that approximately 70% of attendees arrive by vehicle and that the average number of vehicles occupants for each vehicle is 3+ people with an average of 5 vehicles arriving at each session. The high proportion of car sharing is perhaps not that surprising as the use is likely to be attended by families. Therefore the proposed increase of up to 40 attendees is likely to see an increase of up to 5 additional vehicles arriving at each session. Having regard to the figures above it would appear that the existing parking provision within the site is sufficient to accommodate the increase in numbers. The County Highway Authority have assessed the application and raise no objection to it.

5.9 The Environmental Health Officer does raise some concerns in relation to the disturbance that would potentially be created by cars and people arriving which could have an impact on the amenity of persons living in this residential area. The congregation will be arriving in the early hours of the morning, and the average person is deemed to sleep between 11am and 7am so any disturbance between these hours would be of greater concern. The noise of the number of cars arriving could be disturbing to local residents. However it is also acknowledged that the original application was granted with reduced numbers and for a temporary permission, so that the situation could be assessed over a short period. No direct complaints have been received. In addition given the travel patterns outlined above it is likely that the existing parking would be above to accommodate the increased numbers.

5.10 Overall it is considered that the proposed use of the site on a permanent basis for up to 40 persons has the potential to result in some additional noise and disturbance. However the applicant's track record at the site over the past year has been good with no formal complaints received by Environmental Health. The original planning permission was granted for use by the applicant only which is still considered appropriate given that other organisations falling with the same use class could operate in a very different and intensive way. Given the applicants track record, the restriction of the use by the applicants only and the numbers car sharing it is considered that a permanent permission for use up to 17 persons could be supported however only a temporary permission for up to 40 could be supported in this instance in order to fully assess any potential impacts. The applicants indicated that a temporary arrangement would be acceptable to them.

## 6.0 Conclusion

6.1 Having regard to the above it is recommended that condition 1 be removed. Condition 2 should be varied to allow the use of the premises for up to 40 people for a period of 12 months from the date of the decision, after that date the maximum numbers of persons should not exceed 17. This will allow the applicants to fall back to their current numbers after 12 months or alternatively submit a further application to allow the continued use of the premises for up to 40 people and the acceptability of such an application would depend on the findings during the temporary period. Having regard to the above it is considered that subject to the imposition of appropriately worded conditions the proposal would accord Section 11 of the NPPF (Conserving and enhancing the natural environment), Policies EVT3 and TPT1 of the Tewkesbury Borough Local Plan to 2011 (March 2006).

## RECOMMENDATION Permit

### Conditions:

- 1 The premises shall accommodate no more than 40 persons at any one time for a period of 12 months from the date of this permission and after this date the maximum numbers of persons accommodated should not exceed 17.

- 2 The premises/land shall be used for the purposes of prayer and bible study and the reading of holy scriptures in association with the Plymouth Brethren Christian Church and for no other purpose; including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reasons:

- 1 Permission for up the upper numbers is granted on a temporary basis only in order to monitor and assess any potential noise and disturbance arising from the use which could affect the amenity of neighbouring property. Any permanent increase in the intensity of the site beyond the existing numbers will require further consideration of the impact on the amenities of local residents and on highway safety.
- 2 Planning permission is granted for use by the applicant only as other organisations falling with the same use class could operate in a very different and intensive way having a detrimental impact upon highway safety and residential amenity

Note:

**Statement of Positive and Proactive Engagement**

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 secure additional supporting information.



**Promap**  
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Valid 03.06.2015  
 Grid Ref 396077 227437  
 Parish Bishops Cleeve  
 Ward Cleeve St Michaels

Erection of detached garage

Mr Luke Fry  
 3 Tobyfield Road  
 Bishops Cleeve  
 GL52 8NS

## RECOMMENDATION Permit

### Policies and Constraints

National Planning Policy Framework  
 Planning Practice Guidance  
 Tewkesbury Borough Local Plan to 2011 - March 2006 - Policy HOU8  
 Joint Core Strategy Submission Version - November 2014  
 Flood and Water Management Supplementary Planning Document (SPD)  
 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

**Bishops Cleeve Parish Council** raises an objection for the following reasons:

- The proposed structure is forward of the dwelling house and it is felt ancillary buildings should be to the side or rear of the dwelling.
- The siting of the proposed garage would alter the character of a spacious and open residential area.
- The proposal may impact on flood water drainage.

No letters of representation have been received from local residents.

**Planning Officers Comments:** Mrs Helen Stocks

### 1.0 Application Site

1.1 The application relates to 3 Tobyfield Road, a semi-detached two storey dwelling located in Bishops Cleeve **see site location plan**. The property is set back from the highway and has a generous sized front garden which includes off-roading parking for two vehicles and an unused grassed area. The application site is accessed from a private drive off Tobyfield Close. There is a small drainage ditch along the northern boundary of the application site which discharges stormwater from Nos. 1 and 3 Tobyfield Road. The site is not subject to any landscape or heritage designations.

### 2.0 Planning History

2.1 There is no planning history relating to the application site.

### 3.0 Current Application

3.1 The current application seeks planning permission for the erection of a detached garage. The proposed garage would be located to the front of the main dwelling and sited on the unused grassed area which forms part of the property's front garden.

3.2 The proposed garage would measure 5 metres (width) by 6 metres (depth) and would have a dual pitched roof with a ridge height of 4 metres. It would have a rendered finish and tiled roof to match the main dwelling. The garage would have a wood effect metal roller door on the east elevation to make use of existing access arrangements **see attached floor and elevation plans**.

## 4.0 Policy Context

4.1 Section 7 of the National Planning Policy Framework (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 and is indivisible from good planning.

4.2 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.

4.3 Paragraph 215 of the NPPF states that 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 this framework, the greater the weight that may be given). Policy HOU8 of the Local Plan is considered consistent with the NPPF and should therefore be afforded significant weight.

## 5.0 Analysis

5.1 The main issues to be considered are the size, design and siting of the proposed garage and the impact on the residential amenity of neighbouring property.

### Size, Design and Siting

5.2 The Parish Council has objected to the current application on grounds that the proposed garage would be forward of the main dwelling and consider that ancillary buildings should be located to the side or rear of the main property. It is also suggested that the siting of the proposed garage would alter the character of a spacious and open residential area and could impact on flood water drainage.

5.3 The proposed garage would be located in the north-west corner of the application site and would project forward of the front building line of 3 Tobyfield Road by approximately 7.5 metres. Although its positioning and orientation within this corner of the plot would render it readily visible from Tobyfield Close, the proposed garage would be partially screened by existing vegetation and would be set back from the highway by approximately 9 metres. It would be finished in materials to match the existing dwelling and is considered to be of an acceptable size, scale and design. Furthermore, the proposed garage would be read against existing buildings on Tobyfield Road and with a maximum roof height of 4 metres, it would not appear overly large or inappropriate in the streetscene.

5.4 Although the concerns raised by the Parish Council have been noted, it is acknowledged in this particular case that it would not be feasible or desirable for the proposed garage to be sited to the rear or side of the existing dwelling. This is mainly due to the siting of the main dwelling in the centre of the plot, which prevents the garage building from being located anywhere other than the front garden in order to utilise existing access arrangements from Tobyfield Close.

### Residential Amenity

5.5 The proposed garage is not considered to result in any loss of amenity to neighbouring property in terms of loss of privacy, outlook or light and accords with Policy HOU8 of the Local Plan in this regard.

### Other Matters

5.6 The Parish Council also raised concerns that the siting of the proposed garage could impact on flood water drainage. The site itself is not located within Flood Zones 2 or 3; however, the Environment Agency flood maps indicate the site is at medium risk of flooding from surface water. At present, there is a small watercourse / drainage ditch to the front of the application site which collects and discharges storm water from Nos. 1 and 3 Tobyfield Road. This is maintained by the applicant and will not be affected by the current proposal which includes provision for two large water butts to collect rainwater. This should help reduce and manage surface water runoff and is in accordance with guidance contained in Tewkesbury Borough Council's Flood and Water Management Supplementary Planning Document (SPD).

## **6.0 Conclusion**

6.1 The proposed garage is considered to be of an acceptable size and design and would respect the character and appearance of the existing dwelling in accordance with Policy HOU8 of the Local Plan. It would not appear incongruous in the street scene and the proposed garage is considered to have an acceptable impact on the residential amenity of neighbouring property. The proposal is therefore recommended 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 development hereby permitted shall be carried out in accordance with the following approved plans: FRY-PA-001, 003 and 005.
- 3 The external materials of the proposed detached garage shall match as near as possible the materials of the existing dwelling.

#### **Reasons:**

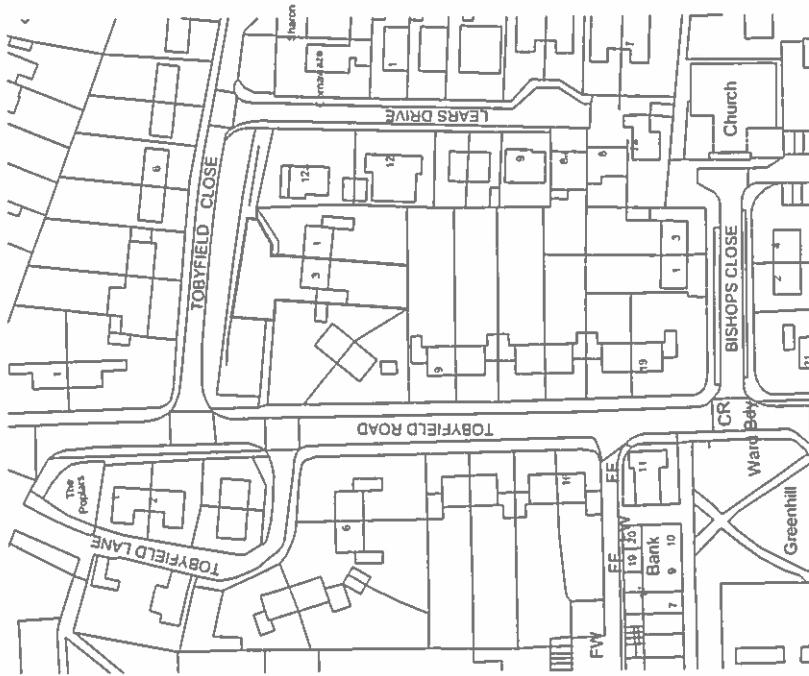
- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.

#### **Note:**

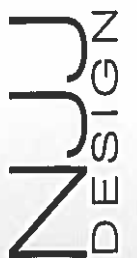
##### **Statement of Positive and Proactive Engagement**

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.

15/00601/FUL



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Client

MR LUKE FRY  
 3 TOBYFIELD ROAD  
 BISHOPS CLEEVE  
 CHELTENHAM  
 15/00601/FUL

Title

PROPOSED PLANNING  
 APPLICATION DRAWING  
 GARAGE  
 SITE LOCATION PLAN

Date

01.06.15

Scale

1:1250 @ A3

Drawing Number

FRY-PA-004

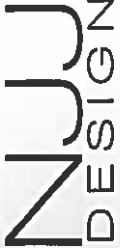
Revision

15/A

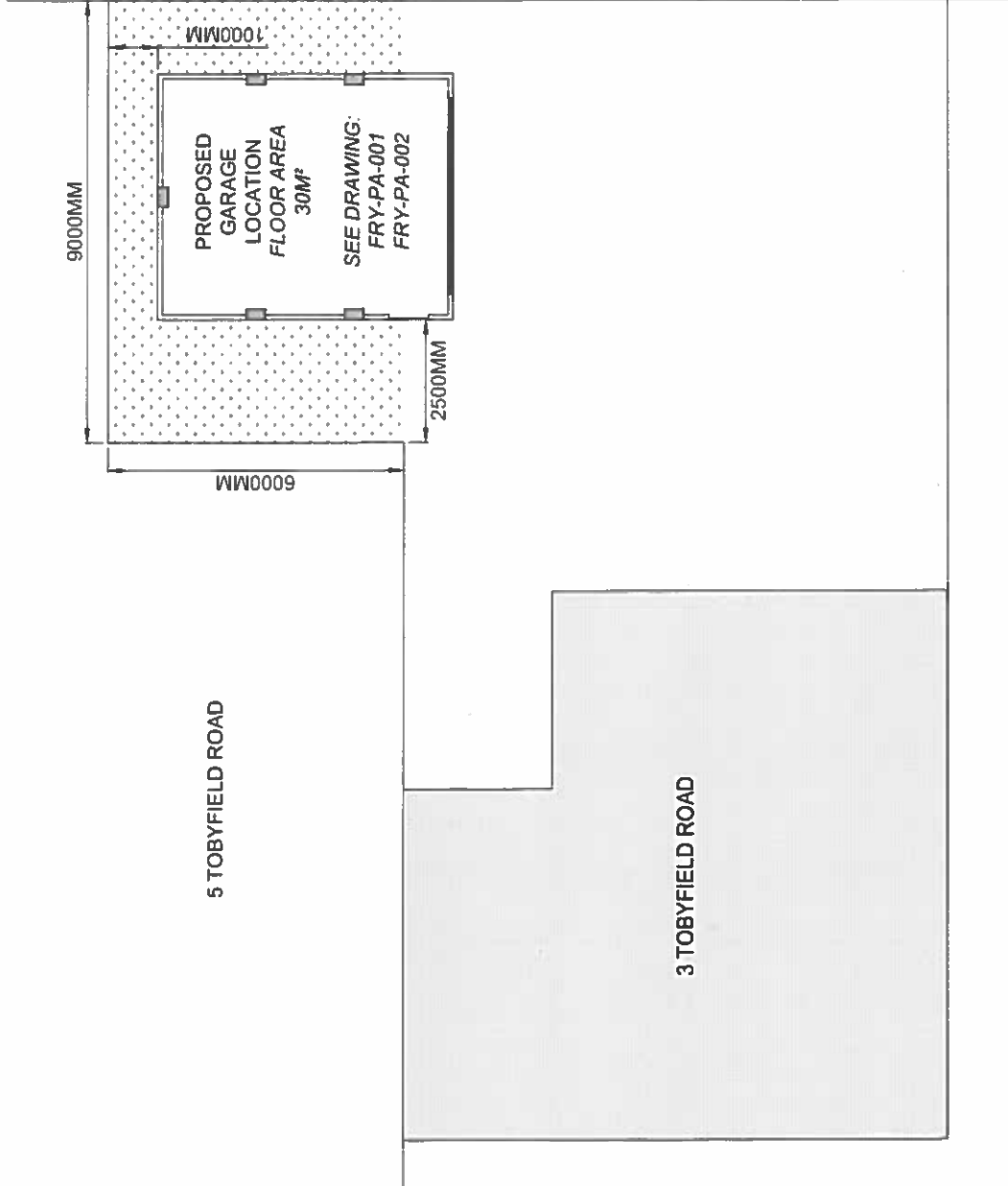


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175/B

	<p>Client</p> <p>MR LUKE FRY 3 TOBYFIELD ROAD BISHOPS CLEEVE CHELTENHAM 15/00601/FUL</p>	<p>Title</p> <p>PROPOSED PLANNING APPLICATION DRAWING GARAGE BLOCK PLAN</p>	<p>Date</p> <p>01.06.15</p> <p>Scale</p> <p>1:500 @ A3</p> <p>Drawing Number</p> <p>FRY-PA-005</p> <p>Revision</p>
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175/c

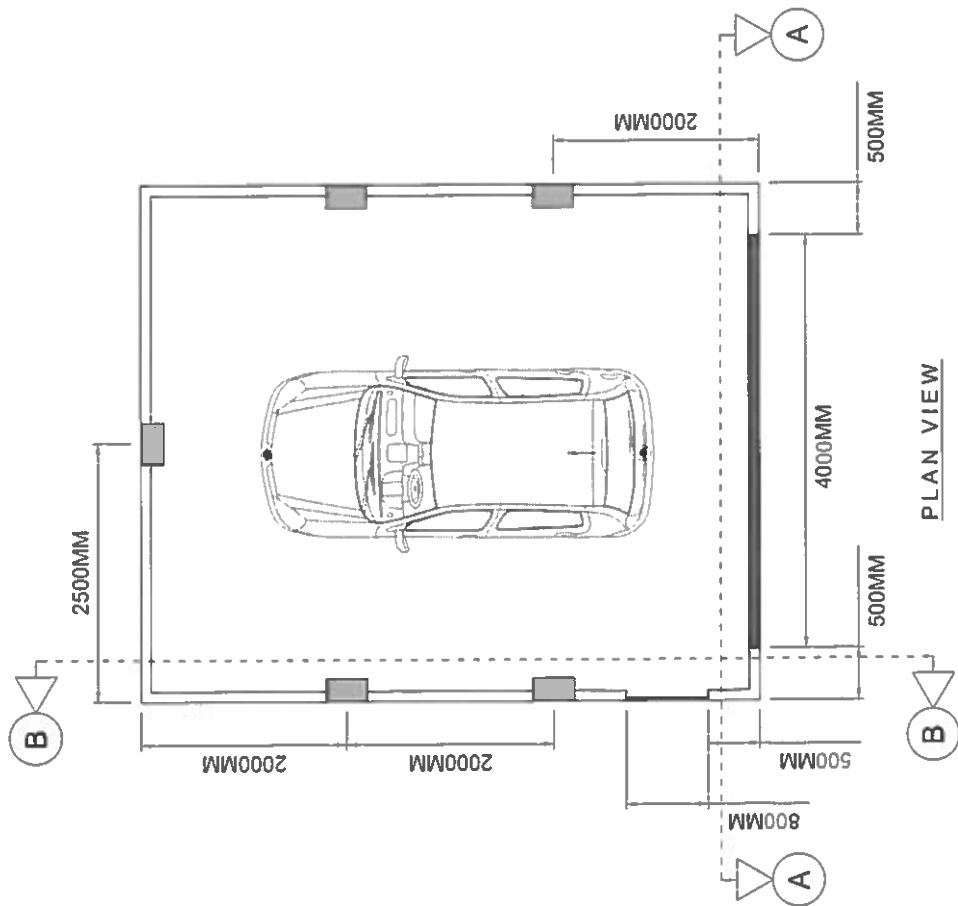
Date	24.05.15
Scale	1:100 @ A3
Drawing Number	FRY-PA-003
Revision	

PROPOSED PLANNING APPLICATION DRAWING GARAGE SITE PLAN

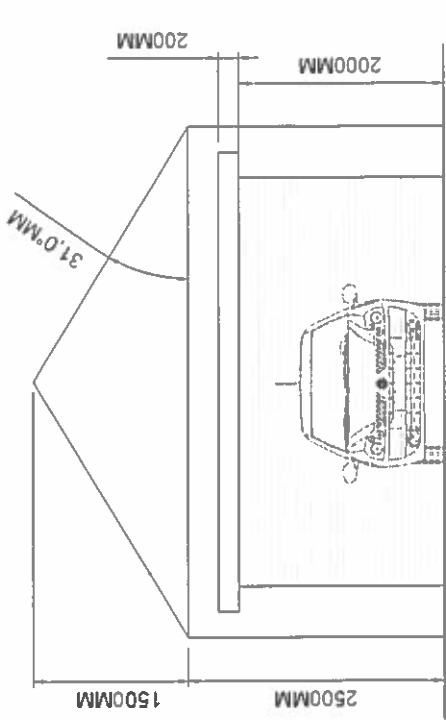
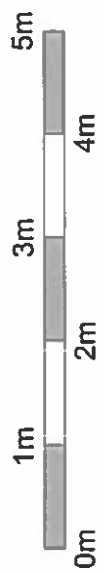
MR LUKE FRY  
3 TOBYFIELD ROAD  
BISHOP'S CLEEVE  
CHELTENHAM

Client

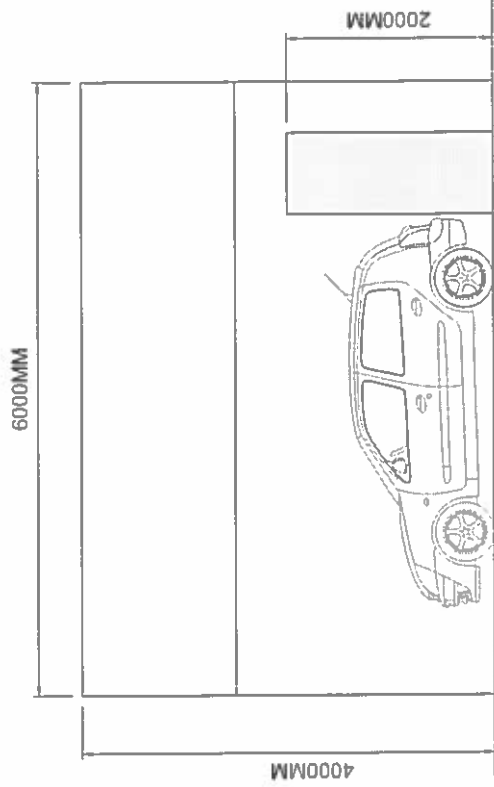
175/D



PLAN VIEW



SECTION A-A VIEW



SECTION B-B VIEW

<p>Rev A</p>	<p>Date 26.05.15</p>	<p>Comment Scale bar &amp; info updated</p>	<p>Client MR LUKE FRY 3 TOBYFIELD ROAD BISHOPS CLEEVE CHELTENHAM</p>	<p>Title PROPOSED PLANNING APPLICATION DRAWING GARAGE</p>	<p>Date 24.05.15</p>
	<p>Scale 1:50 @ A3</p>				<p>Revision A</p>
<p>Scale bar &amp; info updated</p>	<p>26.05.15</p>	<p>Scale bar &amp; info updated</p>	<p>MR LUKE FRY 3 TOBYFIELD ROAD BISHOPS CLEEVE CHELTENHAM</p>	<p>PROPOSED PLANNING APPLICATION DRAWING GARAGE</p>	<p>24.05.15</p>
<p>Scale bar &amp; info updated</p>	<p>26.05.15</p>	<p>Scale bar &amp; info updated</p>	<p>MR LUKE FRY 3 TOBYFIELD ROAD BISHOPS CLEEVE CHELTENHAM</p>	<p>PROPOSED PLANNING APPLICATION DRAWING GARAGE</p>	<p>24.05.15</p>
<p>Scale bar &amp; info updated</p>	<p>26.05.15</p>	<p>Scale bar &amp; info updated</p>	<p>MR LUKE FRY 3 TOBYFIELD ROAD BISHOPS CLEEVE CHELTENHAM</p>	<p>PROPOSED PLANNING APPLICATION DRAWING GARAGE</p>	<p>24.05.15</p>
<p>Scale bar &amp; info updated</p>	<p>26.05.15</p>	<p>Scale bar &amp; info updated</p>	<p>MR LUKE FRY 3 TOBYFIELD ROAD BISHOPS CLEEVE CHELTENHAM</p>	<p>PROPOSED PLANNING APPLICATION DRAWING GARAGE</p>	<p>24.05.15</p>

**ND**  
DESIGN

15/00609/FUL

9 Boverton Drive, Brockworth, GL3 4DB

14

Valid 27.05.2015

Proposed new attached three bedroomed dwelling to the side of 9 Boverton Drive, revised design with gable end and dormer to the rear

Grid Ref 388755 216814

Parish Brockworth

Ward Brockworth

Mr Roger Johnson  
Lake House  
Lake Lane  
Frampton On Severn  
GL2 7HG  
FAO: Mr Roger Johnson

## **RECOMMENDATION Permit**

### **Policies and Constraints**

NPPF

Planning Practice Guidance

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

### **Consultations and Representations**

Brockworth Parish Council - Object due to concerns over the development having an overpowering impact on the adjoining property and causing a loss of light and privacy.

Local residents - 4 objections received - concerns raised over the proposed gable end upsetting the symmetry of the terraced row and having an adverse impact on the visual amenity of the area. Concerns also raised over the proposal having an overbearing impact on the adjoining occupier and causing a loss of light and privacy to neighbours.

**Planning Officers Comments:** Mr Matthew Tyas

#### **1.0 Site**

1.1 The application site relates to 9 Boverton Drive; an end terrace dwelling located within the Residential Development Boundary of Brockworth.

#### **2.0 History**

2.1 There have been a number of recent applications at the site including a Certificate of Lawful Development for a loft conversion (14/00790/CLP), a Planning Application for a single storey rear extension (14/00791/FUL) and most recently an application for a new attached three bedroomed dwelling (14/00808/FUL - permitted 07.10.2014).

#### **3.0 Application**

3.1 This is a revised version of planning permission ref. 14/00808/FUL involving a gable end roof rather than a hipped roof as previously permitted, and a dormer window on the rear elevation of the building.

#### **4.0 Planning Policy Context**

4.1 The site is located within the Residential Development Boundary of Brockworth as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006 (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 site already benefits from planning permission for a proposed dwelling and it is not therefore necessary to revisit matters relating to the principle of the development. The assessment of this application should therefore focus only on the revised design of the proposal, its impact on the character of the area and its impact on the amenity of the adjoining occupiers.

5.2 It should be firstly noted that the proposed development benefits from a strong fallback position insofar as the proposed hip to gable roof enlargement and the proposed rear dormer window could be added to the permitted dwelling without the need for planning permission under Part 1, Class B of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. This means that the permitted dwelling could be constructed and then the additions proposed by this application could be added at a later date without the need for planning permission. This is a material consideration in the assessment of this application.

5.3 Members will note the objection of the Parish Council and the concerns raised by the adjoining occupiers in relation to the application proposal. The concerns raised in relation to the proposed gable end upsetting the symmetry of the terraced row are noted but it should be noted that a gable end could be added to the existing dwelling 9 Boverton Drive without the need for planning permission. Indeed a Certificate of Lawfulness (14/00790/CLP) has been granted by the Council confirming this position. The symmetry of the row could therefore be similarly affected notwithstanding the outcome of this planning application.

5.4 The concerns raised in relation to the impact of the proposal on the amenity of neighbours are noted. The 45 degree code has been used as a guideline for assessing whether the proposal would cause a loss of light or outlook from adjoining properties. With regard to the impact of the proposal on the adjoining property no. 7 Boverton Drive it should be noted that the footprint of this property as shown on the Block Plan submitted with the application is not up to date as its single storey rear extension is not shown on the drawing. The effect of this is that the main ground floor rear windows in the adjoining property are actually set further back than one would assume from the drawing. The proposed dwelling would cause no conflict with the 45 degree code applied from the main ground floor rear windows at no. 7. The first floor windows to the adjoining property are set much further into the site and would also not be affected. The proposal would conflict with the 45 degree code applied from the small ground floor window at the rear of the flat roofed side extension at no. 7. This window is however considered to be a small secondary window which is already enclosed to some extent by the boundary fence and existing rear extension to the property. It should also be noted that the effect of the revised proposal would not be materially greater than the permitted hipped roof dwelling. On the above basis it is considered that the revised proposal would not cause an unacceptable loss of light or overbearing impact on the adjoining property no. 7 Boverton Drive.

5.5 With regard to the proposed dormer window, it is acknowledged that this would, at an angle, face towards the rear garden of no. 7 Boverton Drive. Any overlooking from the proposed dormer would not however be materially different to that from the first floor windows in the rear elevation of the permitted dwelling or indeed from the adjacent dwelling no. 5 Boverton Drive.

5.6 The privacy related concerns raised by numbers 13 and 15 Boverton Drive are noted however these properties are considered to be too far away from the site to be adversely affected.

5.7 On the above basis it is not considered that the revised proposal would have an adverse impact on the amenity of the adjoining occupier in accordance with Policy HOU5 of the TBLP.

## 6.0 Conclusion

6.1 The revised proposal has been assessed having regard to its impact on the appearance of the street scene and the amenity of adjoining occupiers. It can be concluded that the revised proposal would not result in any additional harm in such respects that would be materially over and above the permitted scheme. On this basis the proposal would remain in accordance with policies HOU2 and HOU5 of the TBLP and associated guidance within the NPPF. Moreover, having regard to the permitted development fallback position there are other material considerations that would indicate the granting of planning permission. On the above basis it is 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 Drawing Numbers 8744/03/05 Rev B and 8744/03/06 Rev C (both received 27th May 2015).
- 3 The external materials of the proposed dwelling shall match as near as possible the materials of the existing dwelling 9 Boverton Drive.
- 4 Before the development hereby authorised is brought into use and any building occupied, the vehicle parking area to serve the existing dwelling 9 Boverton Drive shown on Drawing Number 8744/03/06 Rev C shall be surfaced as specified on that drawing and thereafter kept available at all times for such use.

#### 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 In the interests of highway safety in accordance with policies HOU5 and TPT1 of the Tewkesbury Borough Local Plan to 2011.

#### Note:

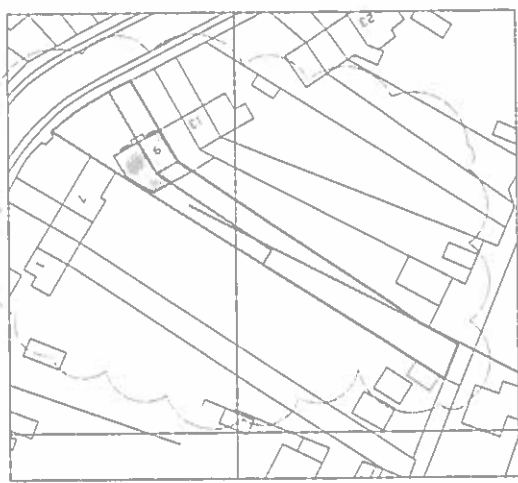
#### Statement of Positive and Proactive Engagement

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.





The Site Location Plan  
Scale 1:1250



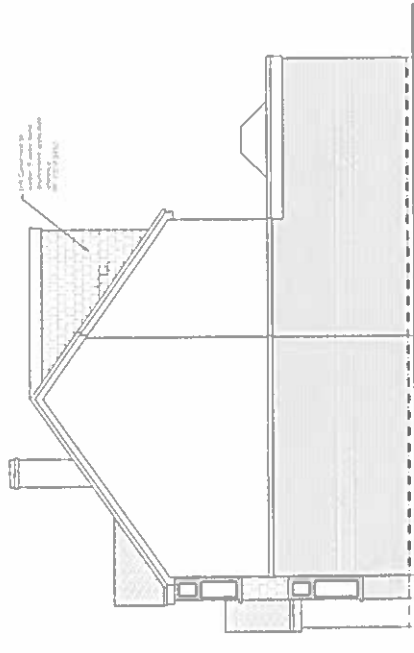
The Site Block Plan Scale 1:500

Rev B - Lot works to new dwelling added - April 2015  
Rev A - Site boundary for new dwelling clarified - Sept 2014

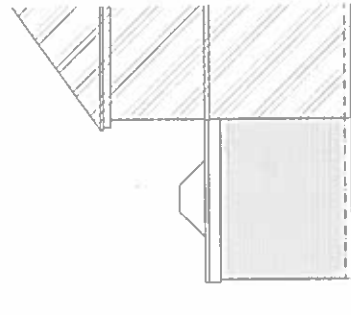
**D2B designs**

Proposed Additional Dwelling Alongside  
9 Boverton Drive,  
Brockworth, Gloucester GL3 4DB  
For Mr. and Mrs R. Johnson

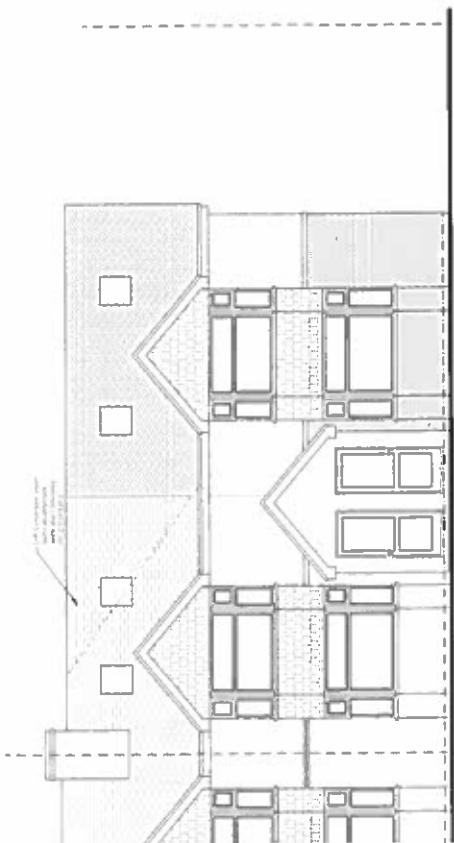
Scales 1:50, 1:500, 1:1250  
Drawing No. 074403005 Rev B



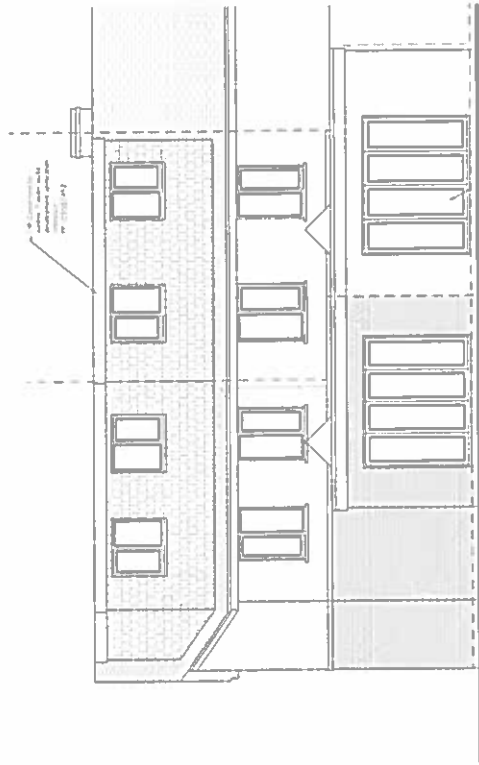
Proposed Side Elevation



Proposed Side Elevation



Proposed Side Elevation



Proposed Rear Elevation

178/B

## 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.